

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370



W26b

Addendum

March 1, 2017

To: Commissioners and Interested Persons

From: California Coastal Commission
San Diego Staff

Subject: Addendum to **Item W26b**, City of Oceanside Local Coastal Program Amendment No. LCP-6-OCN-16-0072-3 (Zoning Ordinance Update – Overlay Districts), for the Commission Meeting of March 8, 2017

The purpose of this addendum is to make minor corrections to the staff report. Staff recommends the following changes be made to the above-referenced staff report. Additions shall be underlined:

1. On Pages 1 and 2 of the staff report, the LCPA number shall be corrected to state LCP-6-OCN-16-0072-3.
2. On Page 1 of the staff report, the first sentence of the synopsis shall be corrected to state:

The subject LCP implementation plan amendment was submitted on December 29, 2016 and filed as complete on January 17, 2017...

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370



February 16, 2017

W26b

TO: COMMISSIONERS AND INTERESTED PERSONS

**FROM: KARL SCHWING, DEPUTY DIRECTOR, SD COAST DISTRICT
GABRIEL BUHR, COASTAL PROGRAM MANAGER, SD COAST DISTRICT
ERIC STEVENS COASTAL PROGRAM ANALYST, SD COAST DISTRICT**

SUBJECT: STAFF RECOMMENDATION ON CITY OF OCEANSIDE LOCAL COASTAL PROGRAM AMENDMENT NO. LCP-6-OCN-17-0072-3 (Zoning Ordinance Update - Overlay Districts) for Commission Meeting of March 8-10, 2017

SYNOPSIS

The subject Local Coastal Program (LCP) implementation plan amendment was submitted and filed as complete on January 17, 2017. The date by which the Commission must take action, absent an extension of the time limits by the Commission, is March 18, 2017. 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 (LUP) or Coastal Act consistency concerns. The Commission initially certified the changes that could be found to be minor in nature in December of 2015. A second City of Oceanside LCP amendment was approved by the Commission at the January 2017 hearing that continued this approach to merge the two zoning ordinances, and primarily focused on a number of items that were not likely to impact coastal resources, such as repealing unused zoning designations or repealing older designations and replacing them with comparable designations from the more recent zoning ordinance. A third LCP amendment scheduled for this March 2017 hearing included changes primarily focused to protect first amendment uses. The subject amendment now represents the fourth 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 certification of new 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. This LCP amendment request contains no substantive revisions that would impact coastal resources. However, during initial review of the proposed LCP Amendment in the fall 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 more 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 LCP 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 and certification of several articles. The request includes three articles proposed for repeal and eight new articles proposed for certification. The City is requesting the repeal of three articles including Article 2 (Definitions); Article 15.1 (Temporary and Minor Use Permits); and Article 27 (Off-Street Parking).

The City is also proposing certification of new eight new articles to include the following: Article 3 (Definitions (Citywide)), Article 21 (H Historic Overlay District (Citywide)); Article 23 (NC Neighborhood Conservation Overlay District (Citywide)); Article 24 (PBD Planned Block Development Overlay District (Citywide)); Article 25 (IS Interim Study Overlay District (Citywide)); Article 29 (Senior Mobile home Park Overlay District (Citywide)); Article 31 (Off-street Parking and Loading Regulations (Citywide)); and Article 45 (Amendments (Citywide)).

The initial LCP Amendment request (and attached ordinance approving the subject amendment request) contained additional articles proposed for revision. Specifically, the amendment originally included request for the certification of Articles 26 (Equestrian Overlay District (Inland)) and 28 (Master Plan Overlay District (Inland)). However, these articles would not have applicability within the Coastal Zone and are not a part of this LCP Amendment.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending the Commission approve LCP Amendment No. LCPA-6-OCN-17-0072-3 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. The revisions recommended by staff included the following:

- A revision to Article 21(H Historic Overlay District (Citywide)) to clarify that any historic conservation plan in the Coastal Zone must be consistent with the City's LUP
- A revision to Article 23 (NC Neighborhood Conservation Overlay District (Citywide)) to clarify that any proposed development in the Coastal Zone must be consistent with the City's LUP
- Two revisions to Article 24 (PBD Planned Block Development Overlay District (Citywide)) to clarify that any proposed development in the Coastal Zone must be consistent with the City's LUP and to recommend that building area, not Floor Area Ratio, may be transferred between lots within the same zoning district
- A revision to Article 25 (IS Interim Study Overlay District (Citywide)) to clarify that any proposed development in the Coastal Zone must be consistent with the City's LUP
- A revision to Article 31 (Off-street Parking and Loading Regulations (Citywide)) to incorporate standards for joint use parking within the Coastal Zone

In addition to the specific revisions discussed above, staff raised more substantive concerns in regards to the repeal and certification of various articles. The proposed repeal of Article 15.1 (Temporary and Minor Use Permits) would result in the elimination of any regulations in the City's LCP related to Temporary Use Permits with no substituting language. The City has indicated that they intend to use an established "Special Events Permit" process to review and approve temporary events. This process is not currently a part of the City's certified LCP and will need to be certified by the Commission if the City intends to implement this process in the Coastal Zone. Thus, until such time that the Commission approves a replacement ordinance, the staff will defer to the Commission's "Guidelines for the Exclusion of Temporary Events from Coastal Commission Permit Requirements – Adopted 5/12/93" (Exhibit 5) when reviewing temporary event proposals in areas where the Commission retains jurisdiction and for review of City actions on temporary events in the Coastal Zone. Coastal staff also identified concerns regarding the proposed repeal of Article 2 (Definitions) and certification of Article 3 (Definitions (Citywide)) and the proposed repeal of Article 27 (Off-Street Parking) and the certification of Article 31 (Off-street Parking and Loading Regulations (Citywide)). However, City staff has requested these articles be allowed to proceed, so that they are administratively updated now, with substantive changes to be made later, during the more comprehensive portion of the City's LCP update. As such, Coastal staff agrees to include these articles at this time, with the acknowledgement that Coastal staff has a number of suggested changes that will need to be addressed by the City as a part of that upcoming LCP update process.

Specific revisions requested by Commission staff were incorporated into the amendment prior to Council action and have therefore already been included in the subject amendment request, and no further suggested modifications have been identified by Commission staff at this time. 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-16-0071-2 may be obtained from Eric Stevens, Coastal Planner, at (619) 767-2370.

EXHIBITS

Exhibit 1 – Resolution LCPA 15-00005

Exhibit 2 – Ordinance 16-ORO805-1 & 16-ORO806-3

Exhibit 3 – Articles Proposed for Repeal (Shown in Strike-Out)

Exhibit 4 – Articles Proposed for Certification (Includes all Text in Underline and Not in Underline)

Exhibit 5 – Temporary Event Guidelines

PART I. OVERVIEW

A. LCP HISTORY

The City of Oceanside first submitted its LCP 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 LCP 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 LUP. 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 September 26, 2016 and November 16, 2016 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-16-0072-3 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 the repeal of three existing articles and certification of eight new articles.

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) and Subsection No. 2 (Articles Proposed for Certification) 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:
- Article 2 (Definitions): Includes definitions of terms contained within the City’s LCP and other planning documents.
 - Article 15.1 (Temporary and Minor Use Permits): Details the requirements to obtain Temporary Use Permit and a Minor Use Permit. Uses subject to a Temporary Use Permit are limited to carnivals, circuses, religious meetings, rodeos, air shows, and temporary establishment of trailer parks or camp sites. Development subject to a Minor Use Permit is limited to produce stands.
 - Article 27 (Off-Street Parking): Details the parking requirements for new development.
- b) Major Provisions of the Ordinance. The articles proposed for repeal include definitions for terms, procedures to receive Temporary and Minor Use Permits, procedures to determine the parking requirements for new development, and procedures to process amendment to the Local Coastal Program. Article 2 (Definitions) and Article 27 (Off-Street Parking) are both proposed to be replaced with updated ordinances in order to consolidate development standards and procedures both within the Coastal Zone and outside of the Coastal Zone in the City. Article 15.1 (Temporary and Minor Use Permits) is not proposed to be replaced.
- c) Adequacy of the Ordinance to Implement the Certified LUP Segments. As proposed, the three articles proposed for repeal do have the potential to raise LUP consistency concerns. Article 15.1 (Temporary and Minor Use Permits) is not proposed to be replaced. Instead, the City has indicated that they intend to use an established “Special Events Permit” process to review and approve temporary events. This process is not currently a part of the City’s certified LCP and will need to be certified by the Commission if the City intends to implement this process in the Coastal Zone. Thus, until such time that the Commission approves a replacement ordinance, the staff will defer to Commission’s “Guidelines for the Exclusion of Temporary Events from Coastal Commission Permit Requirements – Adopted 5/12/93” (Exhibit 5) when issuing CDPs for temporary events. The proposed repeal of Article 2 (Definitions) and certification of Article 3 (Definitions (Citywide)) and the proposed repeal of Article 27 (Off-Street Parking) and the certification of Article 31 (Off-street Parking and Loading Regulations (Citywide)) have the potential to raise LUP consistency concerns.

These concerns are further detailed below in the following Subsection 2: Articles Proposed for Certification.

2. Articles Proposed for Certification

- a) Purpose and Intent of the Ordinance. The subject LCP amendment includes a number of articles proposed for certification, and the purpose and intent of each article is briefly described below:
- Article 3 (Definitions (Citywide)): Includes definitions of terms contained within the City's LCP and other planning documents
 - Article 21 (H Historic Overlay District (Citywide)): Creates an overlay district to deter demolition and to promote conservation of historic or architecturally significant buildings
 - Article 23 (NC Neighborhood Conservation Overlay District (Citywide)): Creates an overly district for property owners to implement programs to revitalize or conserve older areas or districts possessing distinctive features to facilitate maintenance and upgrading of the neighborhood
 - Article 24 (PBD Planned Block Development Overlay District (Citywide)): Creates an overlay district to permit flexibility in land-use regulations and site development standards for large sites to enhance urban design
 - Article 25 (IS Interim Study Overlay District (Citywide)): Creates an overlay district to allow discretionary review of development proposals in areas where changes in zoning regulations are contemplated or under study
 - Article 29 (Senior Mobile home Park Overlay District (Citywide)): Creates an overlay district to provide development and preservation incentives to develop and maintain senior mobile home parks
 - Article 31 (Off-street Parking and Loading Regulations (Citywide)): Details the parking requirements for new development.
 - Article 45 (Amendments (City-wide)): Details procedures for processing amendments to the zoning regulations, zoning map, and the Local Coastal Program.
- b) Major Provisions of the Ordinance. The subject LCP amendment includes the certification of eight new articles. Three have been included as replacements for articles proposed for repeal, and five are entirely new articles. The articles proposed for certification include five new overlay districts, definitions for terms, procedures to receive Minor Use Permits, procedures to determine the parking

requirements for new development, and procedures to process amendments to the Local Coastal Program. Article 3 (Definitions (Citywide)) is proposed to replace Article 2 (Definitions) and Article 31 (Off-street Parking and Loading Regulations (Citywide)) is proposed to replace Article 27 (Off-Street Parking) in order to consolidate development standards and procedures both within the Coastal Zone and outside of the Coastal Zone in the City. Article 45 (Amendments (City-wide)) is proposed to replace Article 20 (Zoning Ordinance Amendments and Zone Reclassifications), which is a part of LCPA-OCN-16-0071-2.

- c) Adequacy of the Ordinance to Implement the Certified LUP Segments. Certification of Article 3 (Definitions (Citywide)) and Article 31 (Off-street Parking and Loading Regulations (Citywide)) has the potential to raise LUP consistency concerns. However, City staff has requested these articles be allowed to proceed, so that they are administratively updated now, with substantive changes to be made later, during a more comprehensive portion of the City's general Local Coastal Program update. As such, the Commission agrees to include these articles at this time, with the acknowledgement that a number of modifications will need to be addressed by the City at a later date in the context of more comprehensive and substantive update to the City's LCP in regards to residential and commercial development standards. Therefore, the Commission will reserve making *substantive* revisions to Article 3 (Definitions (Citywide)) and Article (Off-street Parking and Loading Regulations (Citywide)), and will address the articles with a later update to the City's Implementation Plan.

Regarding the removal and replacement of articles addressing off-street parking, The Commission has identified that the City of Oceanside has a unique development pattern where bungalow style residential structures are redeveloped with large homes with nine or ten bedrooms. While larger-sized homes are not unique to Oceanside, these homes are primarily used as vacation rentals and are often occupied by a large number of people, many of which have separate vehicles. While vacation rentals provide a public access and recreation amenity consistent with the City's LCP and the Coastal Act, the size and nature of these vacation rentals results in public beach parking being taken by the vacation rental occupants. As such, how to address parking requirements for homes with a large number of bedrooms will need to be included in the City's future LCP update.

The five new overlay district articles currently only apply to areas outside the Coastal Zone. As proposed, the overlay districts will now apply to the portion of the City within the Coastal Zone and include language that identifies that any future implementation of any of the subject overlays must be consistent with the policies of the City's LCP. The overlay district articles therefore do not raise any LCP consistency concerns.

The proposed certification of Article 45 (Amendments (City-wide)) is administrative in nature and is not expected to impact coastal resources.

Commission staff has reviewed the above articles and have determined that the repeal and replacement of these specific articles would not raise any LUP consistency concerns.

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 LCP. 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).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

RESOLUTION NO. 16-R0761-1 and 16-R0762-3

A RESOLUTION OF THE CITY COUNCIL AND COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF OCEANSIDE AMENDING THE LOCAL COASTAL PROGRAM BY REPEALING ARTICLES 2, 15.1, AND 27 OF THE 1986 ZONING ORDINANCE AMENDING ARTICLES 3, 21, 23, 24, 25, 29, 31, 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

(City of Oceanside –Applicant)

(LCPA15-00005)

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

EXHIBIT NO. 1

Resolution LCPA 15-00005



Oceanside LCP-6-OCN-16-0072-3

California Coastal Commission

1 WHEREAS, the Planning Division has prepared recommendations for text amendments to
2 consolidate inland and coastal zone definitions, parking standards; apply certain overlay zoning
3 districts and zoning amendment procedures citywide; and update references to decision-making
4 bodies, City departments and management staff titles to reflect the City's current organization
5 (ZA15-00010); and

6 WHEREAS, on September 26, 2016, the Planning Commission conducted a duly-noticed
7 public hearing as prescribed by law and recommended City Council approval of said zoning
8 ordinance text amendment and Local Coastal Program amendment by unanimous vote; and

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

13 WHEREAS, the City Council and Community Development Commission conducted a
14 joint duly-noticed public hearing on November 16, 2016, to consider Zone Amendment (ZA15-
15 00010) and Local Coastal Program Amendment (LCPA15-00005), and the recommendation of
16 the Planning Commission thereon, and heard and considered written and oral testimony
17 regarding the proposed amendments; and

18 WHEREAS, based upon such evidence, testimony and staff reports, this Council finds
19 that the Local Coastal Program Amendment (LCPA15-00005) conforms with and is adequate to
20 carry out the land use plan of the Local Coastal Program.

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

- 23
- 24 1. Pursuant to Public Resources Code §30510(a), the Oceanside City Council hereby
25 certifies that the Local Coastal Program Amendment (LCPA15-00005) 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 16th day of November, 2016, by the following vote:

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

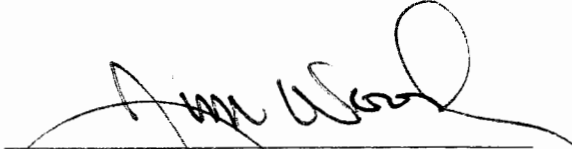
8 NAYS: NONE

9 ABSENT: NONE

10 ABSTAIN: NONE

11
12
13 ATTEST:

14 
15 _____
16 City Clerk/ CDC Secretary

17 
18 _____
19 Mayor/CDC Chair of the City of Oceanside

20 APPROVED AS TO FORM:

21 
22 _____
23 City Attorney/ CDC General Counsel
24
25
26
27
28

**Subject LCPA Does Not Affect Articles 26 or 28,
Which are Outside the Coastal Zone**

ORDINANCE NO. 16-OR0805-1 & 16-OR0806-3

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE REPEALING ARTICLES 2, 15.1 AND 27 OF THE 1986 ZONING ORDINANCE, AMENDING ARTICLES 3, 21, 23, 24, 25, 26, 28, 29, 31 AND 45 OF THE 1992 ZONING ORDINANCE AND ESTABLISHING THE AMENDED TEXT OF ARTICLES 3, 21, 23, 24, 25, 29, 31 AND 45 AS PART OF THE IMPLEMENTATION PLAN 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 (ZA15-00010) to consolidate inland and coastal zone definitions, parking standards; apply certain overlay zoning districts and zoning amendment procedures citywide; and update references to decision-making bodies, City departments and management staff titles to reflect the City's current organization; and

WHEREAS, on September 26, 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 November 16, 2016, to consider Zone Amendment ZA15-00010, 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 ZA15-00010 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:

SECTION 1. Zone Amendment (ZA15-00010), repealing Articles 2, 15.1 and 27 of the 1986 Zoning Ordinance, amending Articles 3, 21, 23, 24, 25, 26, 28, 29, 31 and 45 of the

EXHIBIT NO. 2

Ordinance 16-ORO805-1 & 16-ORO806-3



Oceanside LCP-6-OCN-16-0072-3

California Coastal Commission

1 1992 Zoning Ordinance and introducing the revised text of Articles 3, 21, 23, 24, 25, 29, 31 and
2 45 of the Oceanside Zoning Ordinance as part of the implementing plan of the City's Local
3 Coastal Program, as specified in Exhibit A, is hereby adopted.

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

8 **SECTION 3. Severability.**

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

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

17 **SECTION 5.** For properties within the Coastal Zone, this ordinance shall be effective
18 upon certification of Local Coastal Plan Amendment (LCPA15-00005) by the California
19 Coastal Commission. For properties outside of the Coastal Zone, this ordinance shall be
20 effective 30 days after its adoption.

21 INTRODUCED at a regular meeting of the City Council of the City of Oceanside,
22 California, held on the 16th day of November, 2016, and, thereafter,

23 ///

24 ///

25 ///

26 ///

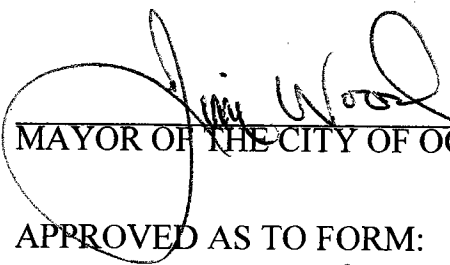
27 ///

28 ///

///

1 PASSED AND ADOPTED at a regular meeting of the City Council of the City of
2 Oceanside, California, held on the 7th day of December, 2016, by the following vote:

- 3 AYES: WOOD, FELLER, KERN, LOWERY, SANCHEZ
- 4 NAYS: NONE
- 5 ABSENT: NONE
- 6 ABSTAIN: NONE

7 
8 MAYOR OF THE CITY OF OCEANSIDE
9 APPROVED AS TO FORM:

10 ATTEST:
11 
12 CITY CLERK

13 
14 CITY ATTORNEY

15
16
17
18
19
20
21
22
23
24
25
26
27
28
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE REPEALING ARTICLES 2,
15.1 AND 27 OF THE 1986 ZONING ORDINANCE, AMENDING ARTICLES 3, 21, 23, 24, 25, 26, 28, 29,
31 AND 45 OF THE 1992 ZONING ORDINANCE AND ESTABLISHING THE AMENDED TEXT OF
ARTICLES 3, 21, 23, 24, 25, 29, 31 AND 45 AS PART OF THE IMPLEMENTATION PLAN OF THE
LOCAL COASTAL PROGRAM

Articles Proposed for Repeal

ARTICLE 2

DEFINITIONS

~~Section 200: USE OF DEFINITIONS. Unless the provision or context otherwise requires, the definitions in this Article shall govern the construction of this ordinance.~~

~~Section 200.1: ABATEMENT. Abatement means complete removal or alteration to conform to the provisions of the Comprehensive Zoning Ordinance.~~

~~Section 201: ACCESSORY BUILDING OR USE. "Accessory building or use" means a building, part of a building or structure, or use which is subordinate and incidental to that of the main building, structure or use on the same lot. If an accessory building is attached to the main building by at least a four-foot common wall, such accessory building shall be considered a part of the main building.~~

~~Section 202: ALLEY. "Alley" means a public thoroughfare or way having a width of not more than thirty feet which affords only a secondary means of access to abutting property.~~

~~Section 202.1: AMUSEMENT PARK. Any permanent establishment offering a variety of unique or "thrill" attractions or exhibits for the purpose of recreation and entertainment, either in a carnival or "theme" atmosphere which charges admission to the public either for entrance to the park or for entrance to the individual attractions or exhibits. Such uses conducted on a temporary basis shall be defined as a carnival, circus, rodeo or air show.~~

~~Section 203: APARTMENT. "Apartment" means a room, or suite of two or more rooms in a multiple dwelling, occupied or suitable for occupancy as a residence for one family.~~

~~Section 204: APARTMENT HOUSE. "Apartment House" means a building or a portion of a building, designed for occupancy by three or more families living independently of each other, and containing three or more dwelling units.~~

~~Section 204.1: ARCADE. Any place having five or more coin-operated, slug-operated, or any type of amusement or entertainment machines for which payment is necessary for operation. These include pinball or other type of game or entertainment machines, but do not include merchandise vending machines.~~



~~Section 204.2: AUTOMATIC CAR WASH. A building or site, or portion thereof, designed and intended for washing motor vehicles; containing mechanical equipment, conveyors, blowers; and washing, rinsing or drying facilities and the like, for such purposes; whether designed as a principal or an accessory use, and attended or unattended.~~

~~Section 205: AUTOMOBILE REPAIR. "Automobile repair" means mechanical repair of passenger cars and trucks not exceeding one and one-half tons capacity. Incidental body and fender repair shall be construed as being a part of automobile repair only when it is clearly established that the body-fender repair is a minor part of the total operation.~~

~~Section 206: AUTOMOBILE WRECKING. "Automobile wrecking" means the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts.~~

~~Section 206.1: BAR - COCKTAIL LOUNGE. Any premise designed, used or intended to be used for the selling or serving of alcoholic beverages to the public for consumption on the premises, and in which for is not sold or served to the public as in a bona fide restaurant.~~

~~Section 207: BASEMENT. "Basement" means that portion of a building between floor and ceiling which is partly below and partly above ground but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.~~

~~Section 207.1: BATHHOUSE. Any premise where, for a fee, charge or other like consideration, the patron has the opportunity to bathe in communal, private, sauna, Jacuzzi, or other therapeutic bath.~~

~~Section 208: BLOCK. "Block" means all property fronting upon one side of a street between intersecting and intercepting streets, or between a street and a railroad right-of-way, waterway, terminus, or dead end street, or City boundary. Any intercepting street shall determine only the boundary of the block on the side of the street which it intercepts.~~

~~Section 209: BOARDING HOUSE. "Boarding house" means a building where lodging and meals are provided for compensation for not more than five persons, in any combination thereof, but shall not include rest homes or convalescent homes.~~

~~Section 209.1: BODY STUDIO. A body studio is any premises, other than a massage parlor, reducing salon, or public bathhouse upon which is furnished for a fee, a charge, or other like consideration the opportunity to paint, massage, feel, handle, or touch the unclothed body or an unclothed portion of the body of another person, or to be so painted, massaged, felt, handled or touch by another person or to observe, view or photograph any such activity; and includes any such premises which is advertised or represented in any manner whatsoever as a "body painting studio", "model studio", "sensitivity awareness studio", or any other expression or characterization which conveys the same or similar meaning and which leads to the reasonable belief that there will be furnished on such premises the above-described activities. Examples of such body studios include but are not limited to the following: rap parlors, escort services, schools of sexual techniques, nudist colonies, bottomless, topless floor shows, burlesque shows.~~

~~Section 210: BUILDING. "Building" means any structure having a roof, but excluding all forms of vehicles even though immobilized. Where this ordinance requires, or where special authority granted pursuant to this ordinance requires that a use shall be entirely enclosed within a building, this definition shall be qualified by adding "and enclosed on all sides".~~

~~Section 211: BUILDING HEIGHT. "Building height" means the vertical distance measured from the average level of the highest and lowest point of that portion of the building site covered by the building to the ceiling of the uppermost story.~~

~~Section 212: BUILDING, MAIN. "Main building" means the principal building on a lot or building site designed or used to accommodate the primary use to which the premises are devoted; where a permissible use involves more than one structure designed or used for the primary purpose, as in the case of group houses, each such permissible building on one lot as defined by this ordinance shall be constructed as comprising a main building.~~

~~Section 213: BUILDING SITE. "Building site" means (a) the ground area of one lot, or (b) the ground area of two or more lots when used in combination for a building or group of buildings, together with all open spaces as required by this ordinance.~~

~~Section 214: BUNGALOW COURT. "Bungalow court" shall mean a group of three or more detached one-story, one-family or two-~~

~~family dwelling located upon a single lot, together with all open spaces required by this ordinance.~~

~~Section 215: BUSINESS OR COMMERCE. "Business" or "commerce" means the purchase, sale or other transaction involving the handling or disposition of any article, service, substance or commodity for livelihood or profit; or the management of office building, offices, recreational or amusement enterprises; or the maintenance and use of offices, structures and premises by professions and trades rendering service.~~

~~Section 215.1: CARDROOM. Any space, room or enclosure furnished or equipped with a table or tables, used or intended to be used as a card table or card tables, for the playing of cards and similar games and the use of which is available to the public or any portion of the public, except any bona fide nonprofit society, club, fraternal or other organization.~~

~~Section 216: CARPORT. See definition contained in Article 27.~~

~~Section 217: CELLAR. "Cellar" means that portion of a building between floor and ceiling which is wholly or partly below grade and so located that the vertical distance between the ceiling and the average adjoining ground level is equal to or greater than the vertical distance from grade to ceiling.~~

~~Section 218: CLUBS, MEETING PLACES, LODGES. Any building, structure, room, enclosure or space used as a gathering place for members of a political, service, religious, fraternal, social, or other type of nonprofit organization including "community centers" generally available as service and meeting centers for members of a particular neighborhood. This does not include clubhouses or meeting rooms for the exclusive use of residents of a bona fide apartment complex, Planned Residential or Planned Community Development.~~

~~Section 219: CLUSTER DEVELOPMENT. See definition and examples contained in Article 3, Section 313.~~

~~Section 219.1: COMMERCIAL HORSE STABLE. Shall mean any parcel where five or more equines are boarded, maintained, kept, housed, lodged, fed, trained, sold, bred or where instruction is offered as a commercial activity.~~

~~Section 220: COMMISSION. "Commission" shall mean the Planning Commission of the City of Oceanside, California.~~

~~Section 220.1: CONVENIENCE FOOD STORE. Shall mean a mini-grocery store generally containing less than 5,000 square feet, designed to serve residential neighborhoods and is generally open 24 hours.~~

~~Section 221: COURT. "Court" means any portion of the interior of a lot or building site which is wholly or partially surrounded by buildings, and which is not a required front, side or rear yard.~~

~~Section 222: DAIRY. "Dairy" means any premises where three or more cows, three or more goats, or any combination thereof, are kept, milked or maintained.~~

~~Section 223: DAY CARE FACILITY. Any type of group child care program involving seven (7) or more children, including nurseries for children under minimum age for education in public schools, parent cooperative nursery schools, play groups for pre-school children, and programs covering after school care for school children.~~

~~Section 224: DRIVE-IN FACILITIES. Any place of business, excluding gasoline service stations, which transact any part or all of its business directly with customers within a vehicle.~~

~~Section 225: DUMP. "Dump" means an area devoted to the disposal of refuse, including incineration, reduction, or dumping of ashes, garbage, combustible or non-combustible refuse offal or dead animals.~~

~~Section 226: DWELLING. "Dwelling" means a building or portion thereof designed exclusively for residential purposes, including single-family, two-family, and multiple dwellings, but not including hotels.~~

~~Section 227: DWELLING UNIT. "Dwelling unit" means one or more rooms in a dwelling or apartment house and designed for occupancy by one family for living or sleeping purposes, and having only one kitchen.~~

~~Section 228: DWELLING, SINGLE FAMILY. "Single family dwelling" means a building designed exclusively for occupancy by one family and containing one dwelling unit.~~

~~Section 229: DWELLING, TWO-FAMILY. "Two family dwelling" means a building designed exclusively for occupancy by two families living independently of each other, and containing two dwelling units.~~

Section 230: ~~DWELLING, MULTIPLE.~~ "Multiple dwelling" means a building, or portion thereof, designed for occupancy by three or more families living independently of each other, and containing three or more dwelling units.

Section 231: ~~EDUCATIONAL INSTITUTION.~~ "Educational institution" means elementary, junior high, high schools, colleges, or universities or other schools giving general academic instruction in the several branches of learning and study required to be taught by the Education Code of the State of California.

Section 232: ~~EXPANDABLE HOME.~~ An expandable home is a home in which as part of the initial development one or more rooms are not completely finished; however, the home is so designed that it would be possible to live in that portion of the house which is completed. The unfinished portion is designed to be completed by the homeowner at some future time.

Section 233: ~~FAMILY.~~ "Family" means an individual, or two or more persons related by blood or marriage, or a group of not more than five persons, excluding servants, living together as a single housekeeping unit in a dwelling unit.

Section 234: ~~FOOD AND BEVERAGE KIOSK.~~ An establishment that provides walk-up and/or drive-thru food and beverage services only through a kiosk window for off-site consumption. The sale and consumption of alcoholic beverages is prohibited.

Section 235: ~~FREIGHTING OR TRUCKING YARD OR TERMINAL.~~ Any building, structure, enclosure or area used primarily as a shipping, received or distribution point for freight of any type being moved by truck including dispatching and repair of vehicles, temporary storage and warehousing and overnight parking of vehicles.

Section 236: ~~GARAGE, PRIVATE.~~ "Private garage" means an accessory building or an accessory portion of the main building, enclosed on all sides and designed or used primarily for the shelter or storage by the occupants of the main building.

Section 237: ~~GARAGE, PUBLIC.~~ "Public garage" means a building other than a private garage used for the care, repair or equipping of automobiles, or where such vehicles are kept for rental, lease, hire or sale.

Section 238: ~~GRADE.~~ "Grade" means the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a

~~sidewalk, the above-ground level shall be measured at the sidewalks.~~

~~Section 239: GREENHOUSE. "Greenhouse" means a building or structure constructed chiefly of glass, glass-like, translucent material, cloth or lath, which is devoted to the protection or cultivation of flowers, or other tender plants.~~

~~Section 240: GROUP HOUSES. "Group houses" means two or more separate buildings, each containing one or more dwelling units, and including row houses.~~

~~Section 241: GUEST HOUSE OR ACCESSORY LIVING QUARTERS. "Guest house or accessory living quarters" means living quarters within an accessory building for the use of persons employed on the premises, or for temporary use by guests of the occupants of premises. Such quarters shall have no kitchen facilities and shall not be rented or otherwise used as a separate dwelling unit.~~

~~Section 242: HOSPITAL. "Hospital" means an institution specializing in giving clinical, temporary and emergency services of a medical or surgical nature to human patients and injured persons, and licensed by the State of California to provide facilities and services in surgery, obstetrics and general medical practice as distinguished from treatment of mental and nervous disorders, but not excluding surgical and post-surgical treatment of mental cases.~~

~~Section 243: HOSPITAL, MENTAL. "Mental hospital" means an institution licensed by the State of California to offer facilities, care and treatment for cases of mental and nervous disorders but not licensed to provide facilities and services in surgery, obstetrics, and general medical practice. Establishments limiting services to juveniles below the age of five years, and establishments housing and caring for cases of cerebral palsy are specifically excluded from this definition.~~

~~Section 244: HOSPITAL, SMALL ANIMAL. "Small animal hospital" means an establishment in which veterinary services, clipping, bathing, boarding and other services are rendered to dogs, cats and other small animals and domestic pets.~~

~~Section 245: HOTEL. "Hotel" means a building or group of buildings in which there are six or more guest rooms where lodging with or without meals is provided for compensation. A hotel may provide space for shops or stores within its confines for commercial uses as are otherwise permitted in the zone in which it is located. Dining facilities are recognized as a~~

~~normal appurtenant use in hotels in any zone in which hotels are permitted. The term "hotel" shall not include jails, hospitals, asylums, sanatoriums, rest homes, orphanages, prisons, detention homes, or similar buildings where human beings are housed and detained under legal restraint.~~

~~Section 246: INSTITUTION. "Institution" means an establishment maintained and operated by a society, corporation, individual, foundation or public agency for the purpose of providing charitable, social, educational or similar services to the public, groups, or individuals.~~

~~Section 247: KENNEL. "Kennel" means a place where four or more adult dogs or cats are kept, whether by owners of the dogs and cats or by persons providing facilities and care, whether or not for compensation. An adult dog or cat is an animal of either sex, altered or unaltered, that has reached the age of four months.~~

~~Section 248: KITCHEN. "Kitchen" means any room, or portion of a room, used or intended or designed to be used for cooking or the presentation of food.~~

~~Section 249: LIGHT EQUIPMENT RENTAL YARD. Any outdoor enclosure or area used for storage, pickup and delivery of light equipment. Light equipment shall mean general maintenance and construction equipment generally capable of being used by the average homeowner or businessman and transported by passenger vehicle or pickup truck.~~

~~Section 250: LIQUOR STORE. A place or business engaged in the primary business of off-sale alcoholic beverages. For the purposes of this ordinance, primary business shall mean 25% or more of the shelf area of a business.~~

~~Section 251: LOCKER CLUB CHECKROOM. A room, space or enclosure in which personal property may be deposited for temporary safekeeping and for which deposit a check, ticket, key, certificate or token is issued in order that such goods may be identified and redeemed.~~

~~Section 252: LODGING HOUSE. "Lodging house" means the same as boarding house, but no meals shall be provided.~~

~~Section 253: LOT. "Lot" means land occupied or to be occupied, by a building, group of buildings or uses, and accessory buildings, together with such yards and lot area as is required by this ordinance, and having its frontage upon a street.~~

~~Section 254: LOT AREA. "Lot area" means the total horizontal area within the boundary lines of a lot.~~

~~Section 255: LOT, CORNER. "Corner lot" means a lot situated at the intersection of two or more streets, which streets have an angle of intersection of not more than one hundred thirty five degrees.~~

~~Section 256: LOT DEPTH. "Lot depth" means the horizontal length of a straight line drawn from the midpoint of the front lot line and at right angles to such line, connecting with a line intersecting the midpoint of the rear lot line and parallel to the front lot line. In the case of a front lot line, for purposes of this section, shall be deemed to be line tangent to the curve and parallel to a straight line connecting the points of intersection of the side lot lines of the lot with the front lot line.~~

~~Section 257: LOT, INTERIOR. "Interior lot" means a lot other than a corner lot or reversed corner lot.~~

~~Section 258: LOT, KEY. "Key lot" means the first lot to the rear of a reversed corner lot, whether or not separated by an alley.~~

~~Section 259: LOT LINE, FRONT. "Front lot line" means in the case of an interior lot, a line separating the lot from the street. In the case of a corner lot, the front lot line shall be the line separating the narrowest street frontage of the lot from the street.~~

~~Section 260: LOT LINE, REAR. "Rear lot line" means a lot line which is opposite and most distant from the front lot line. For the purpose of establishing the rear lot line of a triangular or trapezoidal lot, or of a lot the rear line of which is formed by two or more lines, the following shall apply:~~

~~(a) For a triangular or gore shaped lot, a line ten feet in length within the lot and farthest removed from the front lot line and at right angles to the line comprising the depth of such lot shall be used as the rear lot line;~~

~~(b) In the case of a trapezoidal lot the rear line of which is not parallel to the front lot line, the rear lot line shall be deemed to be a line at right angles to the line comprising the depth of such lot and drawn through a point bisecting the recorded rear lot line; or~~

~~(c) In the case of pentagonal lot the rear boundary of which includes an angle formed by two lines, such an angle shall~~

~~be employed for determining the rear lot line in the same manner as prescribed for a triangular lot.~~

~~In no case shall the application of the above be interpreted as permitting a main building to locate closer than five feet to any property line.~~

~~Section 261: LOT LINE, SIDE. "Side lot line" means any lot boundary line not a front lot line or a rear lot line.~~

~~Section 262: LOT, REVERSED CORNER. "Reversed corner lot" means a corner lot, the side street line of which is substantially a continuation of the front lot line of the lot upon which the rear of said corner lot abuts.~~

~~Section 263: LOT, THROUGH. "Through lot" means a lot having frontage on two parallel or approximately parallel streets.~~

~~Section 264: LOT WIDTH. "Lot width" means the horizontal distance between the side lot lines measured at right angles to the line comprising the depth of the lot at a point midway between the front and rear lot lines, provided that the length of the line constituting the rear line of the required front yard shall never be less than the required lot width established in each zone.~~

~~Section 265: MANUFACTURED HOME. A "manufactured home" for purposes of this ordinance, means a mobilehome.~~

~~Section 265.1: MANUFACTURED HOME PARK. A "manufactured home park" for purposes of this ordinance, means a mobilehome park.~~

~~Section 266: MASSAGE PARLOR. Any establishment wherein a principal function is such that massage is given, engaged in or carried on or permitted to be given, engaged in or carried out.~~

~~Section 267: MOBILEHOME. Any structure transportable in one or more sections, designed and equipped to contain not more than two dwelling units to be used with or without a foundation system. Mobilehome does not include a recreational vehicle, commercial coach, or factory built housing as defined in Health and Safety Code Section 19971.~~

~~Section 267.1: MOBILEHOME PARK. Any area or tract of land designed or used to accommodate mobilehomes used for human habitation and appurtenant uses such as recreation facilities. A mobilehome park includes a subdivision, cooperative, or~~

~~condominium for mobilehomes as well as an area or tract of land where mobilehome sites are rented, or held out for rent.~~

~~Section 268: MOTEL OR TOURIST COURT. "Motel" and "tourist court" means a group of attached or detached buildings containing individual sleeping or living units where a majority of such units open individually and directly to the outside, and where a garage is attached or a parking space is conveniently located to each unit, all for the temporary use by automobile tourist or transients, and such words shall include auto courts and motor lodges. An establishment shall be considered a motel when it is required by the Health and Safety Code of the State of California to obtain the name and address of the guests, the make, year and license number of the vehicle and the State in which it was issued.~~

~~Section 269: NONCONFORMING STRUCTURE. "Nonconforming structure" means any structure legally contracted or established which fails to conform to the regulations of this ordinance, other than use regulations, for the district in which it is located by reason of the adoption of this ordinance or any amendment hereto or by reason of annexation of territory to the City. Structures not legally established, which fail to conform to the provisions of this ordinance, shall be deemed to be illegal structures.~~

~~Section 270: NONCONFORMING USE. "Nonconforming use" shall mean a use legally established and existing which fails to conform with the use regulations of the district in which located by reason of the adoption of this ordinance, or any amendment thereto, or by reason of annexation of territory to the City. Uses not legally established, which fail to conform to the provisions of this ordinance, shall be deemed to be illegal uses.~~

~~Section 271: NONCONFORMING LOT. "Nonconforming lot" means a lot or position thereof which was legally subdivided, but which because of changes to the Subdivision or Zoning Ordinances does not conform to lot width, depth or area requirements of the zone in which it is located.~~

~~Section 272: NURSERY. Day Care Center.~~

~~Section 273: (Deleted by Ordinance No. 84-05)~~

~~Section 274: (Deleted by Ordinance No. 84-05)~~

~~Section 275: RECREATIONAL FACILITY (COMMERCIAL). Shall mean any recreational facilities operated as a business and open to the general public for a fee.~~

~~Section 276: PAWNSHOP. Any establishment conducted, managed, or otherwise operated for the business of loaning money, either for the proprietor or for any other person, upon any personal property, personal security or by purchasing personal property and reselling such articles to the vendor or other assignee at prices previously agreed upon.~~

~~Section 277: POOL HALL or BILLIARD PARLOR. A place where billiards or pool is played for charge, consisting of two or more pool or billiard tables, provided, however that this term shall not apply to any nonprofit society, fraternal club, labor or other organization having adopted bylaws and duly elected directors and members having exclusive use of the playing facilities for which use no charge is made.~~

~~Section 278: (Deleted by Ordinance No. 84-05)~~

~~Section 279: RECREATIONAL VEHICLE. "Recreational vehicle" means a vehicle designed for pleasure uses; example: campers, motor homes, trailers.~~

~~Section 279.1: RECREATIONAL VEHICLE PARK. "Recreational vehicle park" means an area established for the overnight parking on a temporary basis of recreational vehicles. Any or all of the following amenities could be provided: electricity, water and waste disposal connections, public restrooms and baths, snack bar, commercial facilities for convenience items, picnic area. Development of such parks shall be to the standards as established by the Zoning Ordinance.~~

~~Section 280: REST HOME, CONVALESCENT HOME or GUEST HOMES. "Rest home", "convalescent home" or "guest home" means a home operated as a boarding house, and in which nursing, dietary and other personal services are furnished to convalescents, invalids and aged persons; but in which are kept no persons suffering from a mental sickness, disease, disorder or ailment or from a contagious or communicable disease, and in which are performed no surgery, maternity or other primary treatment such as are customarily provided in sanitariums or hospitals or in which no persons are kept or served who normally would be admitted to mental hospitals.~~

~~Section 281: RESTAURANTS, FAST FOOD. A bona fide restaurant establishment where the principal business is the sale of prepared or rapidly prepared food and beverages to~~

~~guests via counter, walk up, or window service for consumption on or off the premises. The sale beer and wine for on-site consumption is permitted. As used in this definition, a "bona fide" restaurant shall have suitable kitchen facilities for cooking and/or preparation of meals. The word "meals" means the assortment of foods commonly ordered at various hours of the day.~~

- ~~(a) Restaurants, Fast Food with Drive-thru or Drive-up. A restaurant establishment providing service from a building to patrons in vehicles through an outdoor service window (Drive-thru) or delivery service to vehicles parked in designated parking spaces (Drive-up). The sale and consumption of alcoholic beverages at a restaurant with a Drive-thru or Drive-up window is prohibited.~~

~~Section 282: Restaurants Full Service. A bona fide restaurant establishment where the principal business is the sale of food and beverages to guests via table service for consumption on the premises. The sale of beer and wine for on-site consumption shall be considered incidental to the full service restaurant. Delivery service to vehicles parked in designated parking spaces (i.e. drive-up) is allowed as an ancillary service to the Restaurant Full Service. As used in this definition, a "bona fide" full service restaurant shall have suitable kitchen facilities for cooking of complete meals. The word "meals" means the assortment of foods commonly ordered at various hours of the day; the service of only such foods as sandwiches or salads does not meet the bona fide restaurant definition.~~

- ~~(a) Restaurants, Full Service with Full Alcohol. A bona fide restaurant establishment authorized to sell distilled spirits for consumption on licensed premises. The sale of liquor is included as an appurtenant use to full service restaurants having table seating and service for more than 50 guests.~~
- ~~(b) Restaurants, Full Service with Live Entertainment (small scale). Restaurant establishments providing live entertainment to patrons with 5 or fewer performers at restaurant facilities with no dance floor during typical lunch and dinner hours (11:00 a.m. - 11:00 p.m.) and having 75 percent food sales compared to alcohol sales.~~

Section 283: SANITARIUM. "Sanitarium" means a health station or retreat or other place where resident patients are kept, and which specializes in giving clinical, temporary and emergency services of a medical or surgical nature to patients and injured persons and licensed by the State of California to provide facilities and services in surgery, obstetrics and general medical practice as distinguished from treatment of mental and nervous disorders, but not excluding surgical treatment of mental cases.

Section 284: SECONDHAND STORE. Any establishment operating in the business of buying and selling used jewelry, watches, diamonds, clothing, musical instruments, luggage, sporting goods, furniture and junk.

Section 285: SERVICE STATION. Any building, structure, premise or other place for this retail, wholesale or other dispensation of motor fuels, lubricants and motor vehicle accessories and the rendering of minor services and repairs to such vehicles but not including painting or body and fender repair.

Section 286: (Deleted by Ordinance No. 84-05)

Section 287: STABLE, PRIVATE. "Private stable" means a detached accessory building in which horses owned by the occupants of the premises are kept, and in which no horses are kept for hire or sale.

Section 287.1: STABLE, PUBLIC. "Public stable" means a stable other than a private stable.

Section 288: STAND. "Stand" means a structure for the display and sale of products with no space for customers within the structure itself.

Section 289: STORAGE FACILITY, PERSONAL. Indoor storage service primarily for individuals to store personal effects and for businesses to store material for operation of a commercial enterprise located elsewhere. Outdoor storage is not permitted under any circumstances. Access to all individual storage spaces must be from within the building or buildings via a central aisle or lobby. May include a living apartment for 24 hour security.

Section 290: STORY. "Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it. If there is not floor above it, then the space between such floor and the ceiling next above

~~it shall be considered a story. If the finished floor level directly above the basement or cellar is more than six feet above grade, such basement or cellar shall be considered a story.~~

~~Section 291: STREET. "Street" means a public or recorded private thoroughfare which affords primary means of access to abutting property.~~

~~Section 291.1: STREET LINE. "Street line" means the boundary line between a street and the abutting property.~~

~~Section 291.2: STREET, SECONDARY. "Secondary street" means a collector street other than a single family collector street as defined in the Major Street Plan, having a pavement width of not less than 56 feet.~~

~~Section 291.3: STREET, SIDE. "Side street" means a street which is adjacent to a corner lot and which extends in the general direction of the line determining the depth of the lot.~~

~~Section 292: STRUCTURE. "Structure" means anything constructed or erected which requires location on the ground or attached to something having a location on the ground, but not including fences or walls less than six feet in height.~~

~~Section 292.1: STRUCTURAL, ALTERATIONS. "Structural alternations" means any change in the supporting members of a building such as foundations, bearing walls, columns, beams, floor or roof joints, girders or rafters, or changes in roof or exterior lines.~~

~~Section 293: SWAP LOTS. Any building, structure, enclosure, lot or other area into which persons are admitted to display, exchange, barter, buy, sell or bargain for new or used merchandise. This includes but is not limited to any such areas established primarily as a swap lot, as well as areas planned to be used on a regular, although secondary, basis as a swap lot, such as drive-in theaters and parking lots.~~

~~Section 294: THEATER. "Theater" means a place, building, or portion of a building so arranged that a body of spectators can have an unobstructed view of a stage or screen on which live or filmed entertainments are given and for which an admission fee is received; it shall also mean, within the context of this ordinance, the operation of any commercial establishment wherein motion pictures are shown either as the principal business, an appurtenant business, or added attraction in connection with other business.~~

~~Section 295: TIME SHARE RESORT PROJECT. A "time share resort project" is one in which a purchaser receives the right in perpetuity, for life, or for a term in years, to the recurrent, exclusive lodging use or occupancy of a lot, parcel, unit, or segment of real property, annually or on some other periodic basis, for a period of time that has been or will be allotted from the use or occupancy periods into which project has been divided. A time share resort project may be coupled with an estate in real property or may entail a license or contract and/or membership right of occupancy not coupled with an estate in the real property.~~

~~Section 295.1: TIME SHARE RESORT UNIT. A time share resort unit is the actual physical unit or segment of real property of a time share resort project utilized for lodging.~~

~~Section 296: TO PLACE. The verb, "to place" and any of its variants as applied to advertising displays and outdoor advertising structures, including maintaining, erecting, constructing, posting, painting, printing, nailing, gluing or otherwise fastening, affixing or making visible in any manner whatsoever.~~

~~Section 297: TRADE SCHOOL or SPECIALTY SCHOOL. Is a school with classes of two or more pupils of which a particular skilled trade or specialty is taught. Examples include but are not limited to beauty and barber schools, secretarial, models, business schools, dance, martial arts, massage schools, etc.~~

~~Section 298: TRAILER, AUTOMOBILE. "Automobile trailer" means a vehicle without motor power, designed to be drawn by a motor vehicle and to be used for human habitation or for carrying persons and property.~~

~~Section 298.1: TRAILER PARK, TRAILER COURT AND PUBLIC CAMP. "Trailer park", "trailer court", and "public camp" means any area or tract of land used or designed to accommodate one or more automobile trailers, and including trailers in dead storage.~~

~~Section 299: USE. "Use" means the purpose for which land or building is arranged, designed or intended, or for which either is or may be occupied or maintained.~~

~~Section 300: WAREHOUSE, MINI OR SELF SERVICE. Storage or warehousing service primarily for individuals to store personal effects and for businesses to store material for operation of an industrial or commercial enterprise located elsewhere. Outdoor storage of vehicles may be permitted as determined by the~~

~~Planning Commission. Generally, characterized by a building or group of buildings in which the individual storage spaces open directly to the outside, with access from adjacent driveways or parking areas. May include living apartment for 24 hour security.~~

~~Section 301: YARD. "Yard" means an open space other than a court on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this ordinance.~~

~~Section 301.1: YARD, FRONT. "Front yard" means an area extending across the full width of the lot and lying between the front lot line and a line parallel thereto, and having a distance between them equal to the required front yard depth as prescribed in each zone. Front yards shall be measured by a line at right angles to the front lot line, or by the radial line in the case of a curved front lot line. When a lot lies partially within a planned street indicated on a precise plan for such a street, and where such planned street is of the type that will afford legal access to such lot, the depth of the front yard shall be measured from the contiguous edge of such planned street in the manner prescribed in this definition.~~

~~Section 301.2: YARD, REAR LINE OF REQUIRED FRONT. "Rear line of the required front yard" means a line parallel to the front lot line and at a distance therefrom equal to the depth of the required front yard and extending across the full width of the lot.~~

~~Section 301.3: YARD, SIDE. "Side yard" means a yard between the main building and the side lot lines extending from the rear line of the required front yard, or the front lot line where no front yard is required, to the rear line of the main building, or the rear line of the rear-most building if there is more than one, the width of which side yard shall be measured horizontally from, and at right angles to, the nearest point of a side lot line towards the nearest part of a main building.~~

ARTICLE 15.1

TEMPORARY AND MINOR USE PERMITS

~~Section 1500.10: TEMPORARY USES APPROVED BY ACTION OF THE CITY COUNCIL. It is recognized that certain uses of a temporary nature involving large assemblies of people or automobiles are of primary legislative interest, and shall be governed by the issuance of temporary use permits by the City Council. Temporary Use Permits may be issued for the following uses within the specified zone provided that the operations permitted therein shall be for no more than eight (8) days:~~

- ~~(a) Carnivals or circuses.~~
- ~~(b) Religious revival meetings.~~
- ~~(c) Rodeos with no permanent structures involved.~~
- ~~(d) Air shows, including sky-diving performances.~~
- ~~(e) The temporary establishment of trailer parks or camp sites for the use of trailer or camper clubs or caravans traveling together as a group provided that such group is organized in such a manner that an individual or board is empowered to assume responsibility for and enforce the conditions of said permit by the members of the group.~~

~~Section 1500.11: APPLICATION TO BE MADE TO CITY MANAGER. Applications for such permits shall be made to the office of the City Manager at least 14 days prior to the Council meeting at which the request is to be heard, and shall contain all the pertinent information including a map showing the area on which the permit is requested, the names of the organization and principals within the organization making the request, and the general nature of the use for which the request is made. No notice or publication shall be required prior to the Council hearing the request, and the granting, granting with conditions, or denial of such requests shall be discretionary with the Council.~~

~~Section 1500.12: MINOR USE PERMITS PROCEDURES.~~

- ~~(a) All applications for Minor Use Permits shall be filed with the Planning Division on the appropriate application form.~~

~~(b) The City Planer, or his designated representative shall review and act on all Minor Use Permits according to the following procedure:~~

~~(1) The City Planner shall approve, conditionally approve, or deny a Minor Use Permit within thirty (30) days of the filing of a complete application.~~

~~(2) Prior to approval of the Minor Use Permit, the City Planner shall notify all property owners within 300 feet of the parcel of the Minor Use Permit application, the City Council, and the Planning Commission of the nature of the application. Said notice shall include the conditions under which the application will be approved.~~

~~(3) In case the City Planner finds reasons to deny the application, he shall place the application on the agenda of the Planning Commission for public hearing.~~

~~(4) Within ten (10) days from the date of the notice, the applicant, a member of the City Council or the Planning Commission, or any property owner within 300 feet of the parcel of the Minor Use Permit may appeal the action of the City Planner to the Planning Commission. Any fee for this appeal shall be paid by the applicant.~~

~~(5) The procedures following the filing of a valid appeal shall be according to Article 21 of the Zoning Ordinance.~~

~~Section 1500.13: USES SUBJECT TO MINOR USE PERMITS. The following uses together with any development standards will be subject to the approval of a Minor Use Permit:~~

~~(a) Produce Stands - Produce stands meeting the following locational and development standards may be approved within any zoning district.~~

~~(1) The property on which a produce stand is located must be devoted to the growing of agricultural crops and have its own water meter or well.~~

~~(2) Sales at the stand shall be limited to produce. No other merchandise shall be offered.~~

- ~~(3) All produce sold at the site must be grown by the operator either on the site or within San Diego County. The operator shall be required to file a list with the Planning Division of the produce to be sold and where the produce was grown. This list shall be posted at the stand.~~
- ~~(4) The stand shall not exceed an area of 120 square feet and a height of 10 feet.~~
- ~~(5) Off street parking shall be provided to accommodate a minimum of five (5) cars. The parking lot area shall be kept in a dust free condition at all times the stand is in operation.~~
- ~~(6) Trash, boxes and other by products of the operation shall be removed from the site daily.~~
- ~~(7) If the site is located along a street it must be found to be safe by the City of Oceanside with curbs and gutters all driveways approved by the Engineering Division (or Caltrans, if applicable).~~
- ~~(8) The hours of operation shall be between sunrise and sunset.~~
- ~~(9) Signs shall be limited to a total of four with each one 8 square feet or smaller placed flat against the produce stand not extending above the top of any wall, or for the case of a tent structure, a cloth sign suspended between the support structure. No freestanding or temporary portable signs shall be permitted.~~
- ~~(10) A produce stand does not include the selling of products from a vehicle of any kind.~~
- ~~(11) There will be no electricity and no refrigeration allowed within the stand.~~

ARTICLE 27

OFF-STREET PARKING

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

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

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

USE

PARKING SPACES REQUIRED

Banks, business or professional offices

1 for each 400 sq.ft. of gross floor area.

~~Bowling Alleys~~

~~7 for each lane.~~

~~Churches and Accessory Uses~~

~~1 for each 4 seats, or if there are no fixed seats, then 1 for each 40 sq.ft. of floor space used assembly purposes.~~

USE

PARKING SPACES REQUIRED

Commercial Uses

~~Retail centers having less than 5,000 sq.ft. of gross floor area~~

~~1 for each 300 sq.ft. of gross floor area.~~

~~Retail centers having more than 5,000 and less than 20,000 sq.ft. of gross floor area~~

~~1 for each 250 sq.ft. of gross floor area.~~

~~Retail centers having more than 20,000 sq.ft. of gross floor area~~

~~1 for each 200 sq.ft. of gross floor area.~~

~~Bars or Cocktail Lounges~~

~~1 space for each 2 seats or 1 space for each 30 sq.ft. of area used for consumption of beverages (not less than 15 spaces shall be provided).~~

~~Furniture and appliance stores, hardware stores, household equipment, service shops, clothing or shoe repair or personal service shops~~

~~1 for each 600 sq.ft. of gross floor area.~~

~~Food and Beverage Kiosk~~

~~1 per 100 sq.ft. gross area; plus queue 5 cars for drive-up service measured from the menu board~~

~~Hospitals~~

~~1 for each bed.~~

~~Hotels~~

~~1 for each licensed unit.~~

~~Libraries~~

~~1 for each 250 sq.ft. of gross floor area.~~

Motels	1 for each licensed unit.
Manufacturing uses, research and testing laboratories, creameries, bottling establishments, bakeries, canneries, printing and engraving shops	Not less than 1 for each 800 sq.ft. of gross floor area.

USE

PARKING SPACES REQUIRED

Medical or dental clinics and medical professional offices	1 for each 200 sq.ft. of gross floor area.
Mortuaries	1 for each 50 sq.ft. of floor area of assembly rooms used for service.
Motor vehicle, machinery sales or wholesale stores	1 for each 1,000 sq.ft. of gross floor area.
Offices not providing customer service on the premises	1 for each 400 sq.ft. of gross floor area.
<u>Residential Uses</u>	
Single family dwellings	2 car garage per dwelling unit; minimum inside area of 400 sq.ft.; minimum inside width of 18 ft.

Apartments, Duplexes, and Condominiums

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

USE

PARKING SPACES REQUIRED

Condominiums in PRD or PCD zones	2 spaces per unit, 1 garage, 1 space open. Each garage
---	---

shall have a minimum inside dimension of 10' X 20'.
Each open space shall a minimum dimension of 9' X 20'.

Exceptions

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

~~1 and 2 bedroom units~~

~~1 enclosed or covered space per family unit.~~

~~3 bedrooms and more~~

~~1-1/2 space for each unit, at least 1 of which is covered or enclosed.~~

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

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

~~(a) One (1.0) parking space per market-rate studio and one bedroom unit;~~

~~(b) 1.5 parking spaces per market-rate unit exceeding one bedroom;~~

~~(c) 0.5 parking space per reserved studio unit;~~

~~(d) One (1.0) parking space per reserved one bedroom unit;~~

~~(e) 1.25 parking spaces per reserved two bedroom unit;~~

~~(f) 1.5 parking spaces per reserved unit exceeding two bedrooms.~~

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

<u>USE</u>	<u>PARKING SPACES REQUIRED</u>
Restaurants Fast Food	1 space for each 3 seats or 1 space for each 45 sq.ft. of area used for consumption of floor or beverages (not less than 15 spaces shall be provided); plus queue spaces for 5 cars for drive-up service measured from menu board.
Restaurants Full Service	1 space for each 3 seats or 1 space for each 45 sq.ft. of area used for consumption of floor or beverages (not less than 15 spaces shall be provided).
Rooming houses, lodging houses, clubs and fraternity houses having sleeping rooms	1 for each 2 sleeping rooms.
Sanitariums, children's homes, homes for aged, asylums, nursing homes	1 for each 3 beds.
Schools	1 for each one employee.
Schools (business and vocational)	1 for each 40 sq.ft. of classroom area.
Stadiums, sports arenas, auditoriums, (including school auditoriums) and other places or public assembly, and clubs and lodges having no sleeping quarters	1 for each 4 seats and/or 1 for each 40 sq.ft. of gross floor area used for assembly and not containing fixed seats.
Theaters	1 for each 4 seats, up to 800

~~seats plus 1 for each 8
seats over 800 seats,
provided, however, that the
issuance of a Conditional
Use Permit for the
operation of a theater
may be conditioned upon
providing a greater number
of spaces where it is
determined that, due to
location factors such
additional parking is
necessary.~~

USE

PARKING SPACES REQUIRED

~~Transportation terminal
facilities, warehouses
and storage buildings~~

~~Adequate number as determined
by the Planning Commission.~~

~~Section 2703: PARKING REQUIREMENTS FOR USES NOT SPECIFIED. Where the parking requirements for a use are not specifically defined herein, the parking requirements for such use shall be determined by the Planning Department; such determination shall be based upon the requirements for the most comparable use specified herein. All such departmental determinations may be subject to review by or appeal to the Planning Commission.~~

~~Section 2704: PARKING PROVISIONS MAY BE WAIVED BY CITY COUNCIL. The City Council may, by resolution, waive or modify the provisions as herein set forth establishing required parking areas for uses such as electrical power generating plants, electrical transformer stations, utility or corporation storage yards or other uses of a similar or like nature requiring a very limited number of persons.~~

~~Section 2705: MIXED OCCUPANCIES IN A BUILDING. In the case of mixed uses in a building or on a lot, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use except as hereinafter specified for joint use.~~

~~Section 2706: JOINT USE. The Planning Commission may, upon application of a Conditional Use Permit by the owner or~~

~~lessee of any property, authorize the joint use of parking facilities by the following uses or activities under the conditions specified herein:~~

~~(a) Up to fifty (50) percent of the parking facilities required by this Article for a use considered to be primarily a daytime use may be provided by the parking facilities of a use considered to be primarily a nighttime use; up to fifty (50) percent of the parking facilities required by this Article for a use considered to be primarily a nighttime use may be provided by the parking facilities of a use considered to be primarily a daytime use, provided such reciprocal parking areas shall be subject to conditions set forth in paragraph (c) below.~~

~~(b) The following uses are typical daytime uses; banks, business offices, retail stores, personal service shops, clothing or shoe repair or service shops, manufacturing or wholesale buildings and similar uses. The following uses are typical nighttime and/or Sunday uses; auditoriums incidental to a public or parochial school, churches, dance halls, theaters and bars.~~

~~(c) Conditions required for joint use:~~

~~(1) The building or use for which application is being made for authority to utilize the existing off-street parking facilities provided by another building or use, shall be located within three hundred (300) feet of such parking facility.~~

~~(2) The applicant shall show that there is no substantial conflict in the principal operating hours of the building or uses for which the joint use of off-street parking facilities is proposed.~~

~~(3) Parties concerned in the joint use of off-street parking facilities shall evidence agreement for such joint use by a proper legal instrument approved by the City Attorney as to form and content. Such instrument, when approved as conforming to the provisions of this Ordinance, shall be recorded in the office of the County Recorder and copies thereof filed with the Building Department and the Planning Department.~~

~~Section 2707: COMMON FACILITIES. Common parking facilities may be provided in lieu of the individual~~

~~requirements contained herein, but such facilities shall be approved by the Planning Commission as to size, shape and relationship to business sites to be served, provided the total of such off-street parking spaces, when used together, shall not be less than the sum of the various uses computed separately. When any such common facility is to occupy a site of five thousand (5,000) square feet or more, then the parking requirement as specified herein for each of two or more participating buildings or uses may be reduced not more than fifteen (15) percent upon approval of development plans by the Planning Commission in the manner prescribed for a Conditional Use Permit as set forth in Article 21.~~

~~Section 2708: COMPREHENSIVE PLANNED FACILITIES - PARKING DISTRICTS. Areas may be exempted from the parking requirements as otherwise set up in this Article, provided:~~

- ~~(a) Such area shall be accurately defined by the Planning Commission after processing in the same manner required for an amendment to the Zoning Ordinance.~~
- ~~(b) Before such defined district shall be exempt as provided in this Section, active proceedings under any applicable legislative authority shall be instituted to assure that the exempted area shall be provided with comprehensive parking facilities which will reasonably serve the entire district.~~

~~Section 2709: COMMERCIAL PARKING AREAS IN R-3 OR R-P ZONES. Every parking area in an R-3 or R-P zone shall be governed by the following provisions in addition to those required in Sections 2710 and 2711:~~

- ~~(a) No parking lot to be used in conjunction with commercial uses shall be established in an R-3 zone unless it abuts upon a lot for commercial or industrial use.~~
- ~~(b) Such parking lot shall be used solely for the parking of private passenger vehicles.~~
- ~~(c) No sign of any kind, other than one designating entrances, exits or conditions of use, shall be maintained on such parking lot. Any such sign shall not exceed eight square feet in area.~~

~~Section 2710: GENERAL REQUIREMENTS - DESIGN STANDARDS. The following requirements shall apply:~~

- ~~(1) Size and Access~~

- ~~(a) Each parking space shall be provided with adequate ingress and egress. Adequate ingress and egress shall mean a driveway having a minimum width of ten (10) feet (one way), surfaced with asphaltic concrete or cement concrete paving, properly drained, no part of which shall be included in the required area of a parking space. Such drives shall be kept free and clear of any intrusions for a height of at least seven (7) feet.~~
- ~~(b) The standard off-street parking space shall be twenty (20) feet long and nine (9) feet wide.~~
- ~~(1) In any parking area in which ten (10) or more parking spaces are required, twenty five (25) percent of the required spaces may be small car spaces. When fifty (50) or more parking spaces are required the allowable percentage of small car spaces may be forty (40) percent. The small car provisions shall not apply to parking spaces with pre-assigned parking.~~
- ~~(2) A small car space shall be seven and one-half (7-1/2) feet wide and fifteen (15) feet long, and shall be clearly marked as a small (compact) car space.~~
- ~~(c) When the required parking space for a one or two family structure (not including hotels or motels) in any "R" zone is to be provided in a covered garage, each such required car space shall be not less than two hundred (200) square feet in area and shall be so located and/or constructed not to encroach on any required yard setback. When parking compounds are provided in multiple family development, the required parking space shall not be less than one hundred eighty (180) square feet in area.~~
- ~~(d) Where a garage faces a public street in the R-1 and R-2 zones, a twenty (20) foot setback shall be required between the garage and the property line.~~
- ~~(2) Surfacing - Off-street parking areas shall be surfaced with an asphaltic concrete or cement concrete paving~~

~~and shall be so graded and drained as to dispose of all surface water with no water running over sidewalk.~~

~~(3) Walls~~

~~(a) Every parking area which abuts a street shall be screened from public view through the use of landscaping to be provided in a five (5) foot setback area or through any combination of a thirty (30) inch high decorative block wall and planter areas provided, however, that the location of the planter areas shall be an integral part of the design. Such design shall be subject to approval of the City Planner.~~

~~(b) Every parking area which abuts property located in one of the "R" zones shall be separated from such property by a solid masonry, rock, concrete, or stucco wall six (6) feet in height measured from the grade of the finished surface of such parking lot closest to the contiguous "R" zoned property, provided that along the required front yard the wall shall not exceed forty two (42) inches in height. No such wall need be provided where the elevation of that portion of the parking area immediately adjacent to an "R" zone is six (6) feet or more below the elevation of such "R" zoned property along the common property line.~~

~~(4) Lighting - Any lights provided to illuminate any public parking area, semi-public parking area or used car sales area permitted by this ordinance shall be so arranged as to reflect the light away from any residentially zoned lot.~~

~~(5) Entrances and Exits - The location and design of all entrances and exits shall be subject to the approval of the City Engineer.~~

~~(6) Wheel Stops - Each parking space adjacent to buildings, walls and sidewalks less than six (6) feet wide or sidewalks at the same grade as the parking space shall be provided with a concrete curb or bumper at least six (6) inches in height at or within two (2) feet of the front of such space. This provision shall not be applicable to parallel parking spaces.~~

~~(7) Striping~~

~~(a) All parking spaces unless located in a garage or carport, shall be clearly marked on the parking surface, and shall conform to the plan of such parking area as approved by the City Planner.~~

~~(b) In addition to the clear marking of all spaces, directional arrows shall be clearly drawn on the paved surface of access areas wherever such directions are necessary to provided for a safe pattern of traffic movement.~~

~~(8) Approval of Plans - The plan of the proposed parking area shall be submitted to and approved by the City Planner at the time of the application for the building permit for the building to which the parking area is accessory. The plans shall clearly indicated the proposed development, including location, size, shape, design, curb cuts, lighting, landscaping and other features and appurtenances of the proposed parking lot.~~

~~All parking areas shall be subject to the same restrictions governing accessory buildings as defined in the zone in which said parking area is located.~~

~~Section 2711: HANDICAPPED PARKING IN MOBILE HOME PARK RECREATION CENTERS. Recreation facilities in Mobile Home Parks and Mobile Home Subdivisions shall designated within their parking areas handicapped spaces at a ratio of one handicapped space for every ten standard spaces provided. Handicapped spaces shall conform to the specifications for size, location and access of Title 24, Part 2, of the California Administrative Code and the Uniform Building Code.~~

Articles Proposed for Certification – Includes all Text in Underline and Not in Underline

00010

Article 3 Definitions (Citywide)

Sections:

- 310 Purpose and Applicability
- 320 Rules for Construction of Language
- 330 Definitions

310 Purpose and Applicability

The purpose of this article is to ensure precision in interpretation of the zoning regulations. The meaning and construction of words and phrases defined in this article shall apply throughout the ~~commercial and industrial~~ zoning regulations, except where the context clearly indicates a different meaning or construction. **Definitions specifically applicable to properties within the Coastal Zone (CZ) beyond the Downtown (D-District) limits are identified by a "CZ" designation.**

320 Rules for Construction of Language

In addition to the General Provisions of the City Code, the following rules of construction shall apply:

- A. The particular shall control the general.
- B. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:
 - 1. "And" indicates that all connected words or provisions shall apply.
 - 2. "Or" indicates that the connected words or provisions may apply singly or in any combination.
 - 3. "Either ... or" indicates that the connected word or provisions shall apply singly but not in combination.
- C. In case of conflict between the text and a diagram, the text shall control.
- D. All references to departments, commissions, boards, or other public agencies are to those of the City of Oceanside, unless otherwise indicated.
- E. All references to public officials are to those of the City of Oceanside, and include designated deputies of such officials, unless otherwise indicated.
- F. All references to days are to calendar days unless it falls on a weekend or holiday, it shall be extended to the next business day.

EXHIBIT NO. 4

Articles Proposed for Certification



Oceanside LCP-6-OCN-16-0072-3
California Coastal Commission

- G. Article and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of any section hereof.
- H. The present tense includes the future, and the future the present.
- I. The singular number includes the plural, and the plural the singular.
- J. References in the masculine and feminine genders are interchangeable.
- K. The words "activities" and "facilities" include any part thereof.

330 **Definitions:**

Abatement: The complete removal or alteration to conform to the provisions of the Comprehensive Zoning Ordinance.

Abutting or adjoining: Having district boundaries or lot lines in common.

Accessory Building or Use: A building, part of a building or structure, or use which is subordinate and incidental to that of the main building, structure or use on the same lot. If an accessory building is attached to the main building by at least a four-foot common wall, such accessory building shall be considered a part of the main building.

Acre, Gross: A measure of land area. For purposes of calculating residential density or intensity of development, a "gross developable acre" shall exclude undevelopable land, as defined by the General Plan Land Use Element, and existing, dedicated rights-of-way.

Alley: A public way permanently reserved primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

Alter: To make a change in the exterior appearance or the supporting members of a structure, such as bearing walls, columns, beams, or girders, that will prolong the life of the structure.

Animal, Domestic: Small animals of the type generally accepted as pets, including dogs, cats, rabbits, hens, fish and the like, but not including roosters, ducks, geese, pea fowl, goats, sheep, hogs or the like.

Animal, Exotic: Any wild animal not customarily confined or cultivated by man for domestic or commercial purposes but kept as a pet or for display.

Animal, Large: An animal larger than the largest breed of dogs. This term includes horses, cows, and other mammals customarily kept in corrals or stables.

Animal, Small: An animal no larger than the largest breed of dogs. This term includes fish, birds, and mammals customarily kept in kennels.

Apartment: A room, or suite of two or more rooms in a multiple dwelling, occupied or

suitable for occupancy as a residence for one family.

Apartment House: A building or a portion of a building, designed for occupancy by three or more families living independently of each other, and containing three or more dwelling units.

Area, (Lot, Parcel, or Site): The horizontal area within the property lines excluding public-access corridors, vehicular access easements, easements for major overhead electrical transmission lines, permanently maintained open space easements or lots, and areas to be included in future street rights-of-way as established by easement, dedication, or ordinance.

Areas, Specified Anatomical: Human genitals (pubic region), buttocks, or female breasts below a point immediately above the areola when less than completely and opaquely covered; or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Balcony: A platform that projects from the wall of a building, typically above the first level, and is surrounded by a rail balustrade or parapet.

Basement: The portion of a building between floor and ceiling which is partly below and partly above ground but so located that the vertical distance from grade to the floor below is more than the vertical distance from grade to ceiling.

Block: All property fronting upon one side of a street between intersecting and intercepting streets, or between a street and a railroad right-of-way, waterway, terminus, or dead end street, or City boundary. Any intercepting street shall determine only the boundary of the block on the side of the street which it intercepts.

Blockface: The properties abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad right-of-way, unsubdivided land, water-course, or city boundary.

Building: Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, chattels, or property of any kind.

Building, Main: The principal building on a lot or building-site designed or used to accommodate the primary use to which the premises are devoted; where a permissible use involves more than one structure designed or used for the primary purpose, as in the case of group houses, each such permissible building on one lot as defined by this ordinance shall be constructed as comprising a main building.

Building-Site: The ground area of one lot, or (b) the ground area of two or more lots when used in combination for a building or group of buildings, together with all open spaces as required by this ordinance.

Bungalow Court: A group of three or more detached one-story, one-family or two-family dwelling located upon a single lot, together with all open spaces required by this ordinance.

California Environmental Quality Act (CEQA): California Public Resources Code, Section 2100 et seq.

Canopy: An ornamental roof like structure attached to a building and projecting over a window, doorway or pedestrian walkway.

Caretaker's Quarters: A dwelling unit on the site of a commercial, industrial, public, or semipublic use, occupied by a guard or caretaker.

City: The City of Oceanside.

City Code: The Code of the City of Oceanside, as amended.

Coastal Zone: A geographic zone adjacent to the shoreline, the boundaries of which are determined by the California Coastal Act of 1976, as amended.

Collection Buildings: Buildings with a gross floor area of 225square feet or less used for the deposit and storage of household articles or recyclables donated to a nonprofit organization.

Commercial Horse Stable: Any parcel where five or more equines are boarded, maintained, kept, housed, lodged, fed, trained, sold, bred or where instruction is offered as a commercial activity.

Conditionally Permitted: Permitted subject to approval of a conditional use permit or temporary conditional use permit.

Convenience Market: Retail sales of food, beverages and small convenience items-primarily for off-premises consumption and typically found in establishments with long or late hours of operation and a relatively small building. This definition excludes delicatessens and other specialty food shops and establishments having a sizeable assortment of fresh fruits and vegetables, and fresh cut meat or fish.

Court: An open space of prescribed dimensions opposite a required window of a habitable room in a multifamily dwelling that is unoccupied and unobstructed by structures from the ground upward to the sky, except as otherwise provided in this ordinance.

Coverage, Lot or Site: The percentage of a site covered by **solid or open frame** roofs, soffits, or overhangs and by decks more than 30 inches in height.

Covered Parking: A structure having a roof and housing a single parking space or multiple parking spaces which are enclosed on at least three sides. In the case of a structure housing multiple parking spaces only the rear and end walls need to be enclosed.

Dairy: Any premises where three or more cows, three or more goats, or any combination thereof, are kept, milked or maintained.

Daylight Plane: An inclined plane, beginning at a stated height above grade at a side or rear

property line, and extending into the site at a stated upward angle to the horizontal, which may limit the height or horizontal extent of structures at any specific point on the site where the daylight plane is more restrictive than the height limit or the minimum yard applicable at such point on the site (See diagram 3.1).

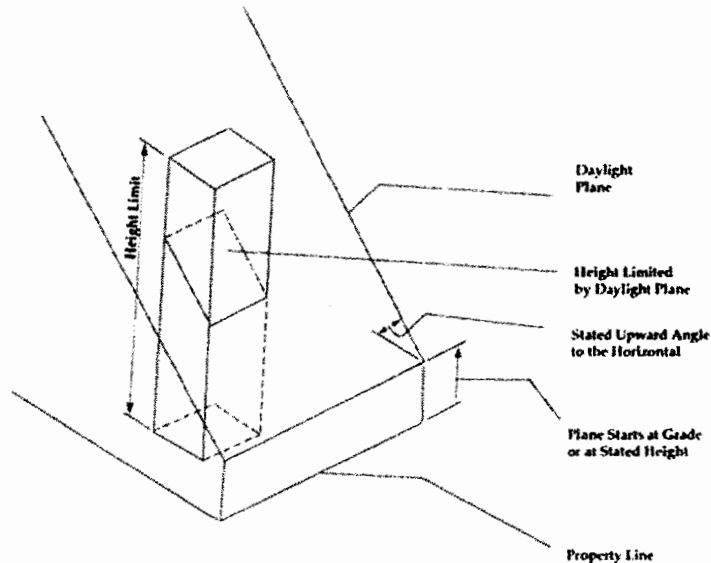


Diagram 3.1 DAYLIGHT PLANE (DIAGRAM IS ILLUSTRATIVE)

Deck: A platform, either freestanding or attached to a building, that is supported by pillars or posts (see also: Balcony).

Density: The average number of residential dwelling units per gross developable acre of land expressed as "units per acre". Density is calculated by dividing the number of residential dwelling units by the total number of gross developable acres of land. Lands considered undevelopable per Section 1.25 or the Land Use Element of the General Plan shall not be included in density calculations.

Distribution Line: An electric power line bringing power from a distribution substation to consumers.

District: A portion of the city within which the use of land and structures and the location, height, and bulk of structures are governed by this ordinance.

Drive-in Facilities: Any place of business, excluding gasoline service stations, which transact any part or all of its business directly with customers within a vehicle.

Dwelling: A building or portion thereof designed exclusively for residential purposes, including single-family, two-family, and multiple dwellings, but not including hotels.

Dwelling, Multifamily: A building containing two or more dwelling units.

Dwelling, Multiple (CZ): A building, or portion thereof, designed for occupancy by

three or more families living independently of each other, and containing three or more dwelling units.

Dwelling, Single-Family: A building containing one dwelling unit.

Dwelling, Two-Family (CZ): A building designed exclusively for occupancy by two families living independently of each other, and containing two dwelling units.

Dwelling Unit: Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, as required by this Ordinance, for not more than one family.

Dwelling Unit, Accessory: An attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation and be located on the same parcel as a single-family dwelling is situated.

Entertainment, Live: Regulations pertaining to live entertainment in this ordinance apply to the following activities where they occur on a scheduled basis three or more days during a calendar year on the site of a use other than a Public or Semipublic use:

- A. A musical, theatrical, dance recital, cabaret, or comedy act performed by one or more persons, regardless of whether performers are compensated;
- B. Any form of dancing by patrons or guests at a business establishment;
- C. A fashion show, except when conducted within an enclosed building used primarily for the manufacture or sale of clothing.

Environmental Impact Report (EIR): A detailed report describing and analyzing the potentially significant environmental effects of a project and discussing ways to mitigate or avoid the effects in compliance with the requirements of the California Environmental Quality Act (CEQA) and its implementing guidelines.

Exemption, Categorical: An exception from the requirements of the California Environmental Quality Act (CEQA) for a class of projects, based on a finding by the California Secretary for Resources that the class of projects does not have a significant effect on the environment.

Floor Area, Gross: The total enclosed area of all floors of a building measured to the outside face of the structural members in exterior walls, and including halls, stairways, elevator shafts at each floor level, service and mechanical equipment rooms, and basement or attic areas having a height of more than 7 feet, but excluding area used exclusively for vehicle parking or loading and, in industrial areas, storage sheds with less than 150 square feet of space, bunkers, electrical substations, smoking shelters, instrument shelters and similar enclosures.

Floor Area Ratio (FAR): The gross floor area of a building or buildings on a lot divided by the lot area or site area (See diagram 3.2).

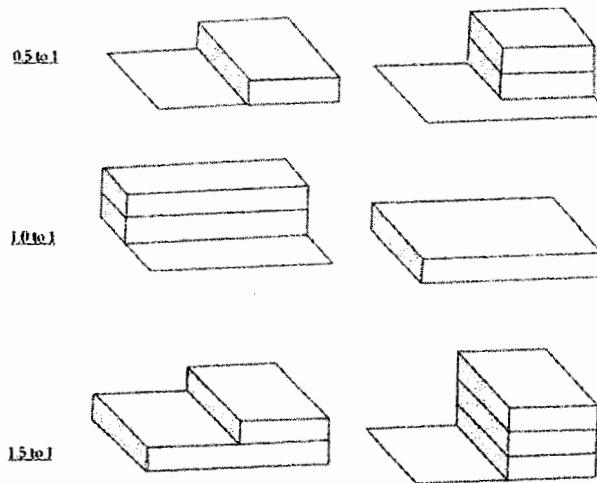


Diagram 3.2 FLOOR AREA RATIO DIAGRAM

Garage, Private: An accessory building or an accessory portion of the main building, enclosed on all sides and designed or used primarily for the shelter or storage by the occupants of the main building.

Garage, Public: A building other than a private garage used for the care, repair or equipping of automobiles, or where such vehicles are kept for rental, lease, hire or sale.

General Plan: The City of Oceanside General Plan, as amended.

Grade (CZ): The average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, the above-ground level shall be measured at the sidewalks.

Grade, Existing: The surface of the ground or pavement at a stated location as it exists prior to disturbance in preparation for a project regulated by this ordinance.

Grade, Street: The top of the curb, or the top of the edge of the pavement or traveled way where no curb exists.

Greenhouse: A building or structure constructed chiefly of glass, glass-like, translucent material, cloth or lath, which is devoted to the protection or cultivation of flowers, or other tender plants.

Group Houses (CZ): Two or more separate buildings, each containing one or more dwelling units, and including row houses.

Height: A vertical dimension measured from existing grade to the uppermost point of a structure, unless otherwise specified.

Height, Building (CZ): The vertical distance measured from the average level of the highest and lowest point of that portion of the building-site covered by the building to the ceiling of the uppermost story.

Home Occupation: Occupations conducted in a dwelling unit, garage, or accessory building in a residential district that are incidental to the principal residential use of a lot or site.

Illumination, Direct: Illumination by means of light that travels directly from its source to the viewer's eye.

Illumination, Indirect: Illumination by means only of light cast upon an opaque surface from a concealed source.

Kennel: A place where four or more adult dogs or cats are kept, whether by owners of the dogs and cats or by persons providing facilities and care, whether or not for compensation. An adult dog or cat is an animal of either sex, altered or unaltered, that has reached the age of four months.

Kitchen: Any room or portion of a room designed, intended or used for cooking or the preparation of food.

Landscaping: An area devoted to or developed and maintained with native or exotic plantings, lawn, ground cover, gardens, trees, shrubs, and other plant materials, decorative outdoor landscape elements, pools, fountains, water features, paved or decorated surfaces of rock, stone, brick, block, or similar material (excluding driveways, parking, loading, or storage areas), and sculptural elements. Plants on rooftops, porches or in boxes attached to buildings is not considered landscaping.

Landscaping, Interior: A landscaped area or areas within the shortest circumferential line defining the perimeter or exterior boundary of the parking or loading area, or similar paved area, excluding driveways or walkways providing access to the facility(as applied to parking and loading facilities or to similar paved areas).

Landscaping, Perimeter: A landscaped area adjoining and outside the shortest circumferential line defining the exterior boundary of a parking or loading area, or similar paved area, excluding driveways or walkways providing access to the facility (as applied to parking and loading facilities or to similar paved areas).

Light Equipment Rental Yard: Any outdoor enclosure or area used for storage, pickup and delivery of light equipment. Light equipment shall mean general maintenance and construction equipment generally capable of being used by the average homeowner or businessman and transported by passenger vehicle or pickup truck.

Lot: A site or parcel of land under one ownership that has been legally subdivided, resubdivided, or combined.

Lot, Corner: A site bounded by two or more adjacent street lines that have an angle of intersection of not more than 135 degrees. The front yard of a corner lot shall adjoin the shortest street property line, provided that where street property lines are substantially the same length, the **City Planner** ~~Planning Director~~ shall determine the location of the front yard.

Lot Depth: The horizontal distance from the midpoint of the front-lot line to the midpoint of the rear-lot line, or to the rear most point of the lot where there is no rear-lot line. (See Diagram 3.3 – Lot Depth and Lot Width and Lot or Property Line, Front and Lot or Property Line, Rear definitions).

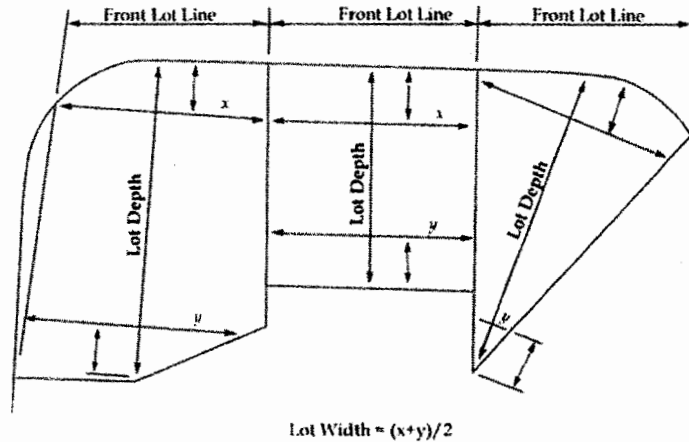


Diagram 3.3 LOT DEPTH AND LOT WIDTH DIAGRAM

Lot, Double-Frontage: An interior lot having frontage on more than one street or a corner lot having frontage on more than two streets. Each street frontage of an interior lot and the two shortest street frontages of a corner lot shall be deemed a front lot line and front yard setback requirements of the underlying district shall be met on both street frontages.

Lot or Property Line, Front: On an interior lot, a lot line separating the lot from the street. On a corner lot, the shortest lot line abutting a street, provided that where the two lot lines abutting a street are substantially the same length, the Planning Director shall determine the location of the front lot line. (See Lot, Corner and Lot, Double-Frontage definitions, above)

Lot, Key: The first lot to the rear of a reversed corner lot, whether or not separated by an alley.

Lot or Property Line, Rear: A lot line, not a front lot line, that is most parallel or approximately parallel to the front lot line. Where no lot line is within 45 degrees of being parallel to the front lot line, the rearmost point of the lot shall be used for the purpose of measuring lot depth and a line 10 feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, shall be deemed the rear lot line for the purpose of measuring the rear yard setback.

Lot or Property Line, Interior: A lot line not abutting a street or alley.

Lot or Property Line, Side: Any lot line that is not a front lot line or a rear lot line.

Lot or Property Line, Street: A lot line abutting a street.

Lot, Reversed Corner: A corner lot, the side street line of which is substantially a

continuation of the front lot line of the lot upon which the rear of said corner lot abuts.

Lot, Through: A lot having frontage on two parallel or approximately parallel streets.

Lot Width: The mean of the horizontal distance between the side lot lines measured at right angles to the lot depth at points 20feet from the front lot line and 20 feet from the rear lot line, or from the rearmost point of the lot depth in cases where there is no rear lot line (See Diagram 3.3 - Lot Depth and Lot Width).

Master Plan: An overall plan for development, consistent with the requirements of Section 2606.

Municipal Code: The Municipal Code of the City of Oceanside, as amended.

Negative Declaration: A written statement by the Lead Agency describing the reasons that a proposed project will not have a significant effect on the environment and does not require the preparation of an Environmental Impact Report (EIR).

Nonconforming Sign: A sign, outdoor advertising structure, or display of any character that was lawfully erected or displayed, but which does not conform with standards for location, size or illumination for the district in which it is located by reason of adoption or amendment of this ordinance, or by reason of annexation of territory to the city.

Nonconforming Lot: A lot or position thereof which was legally subdivided, but which because of changes to the Subdivision or Zoning Ordinances does not conform to lot width, depth or area requirements of the zone in which it is located.

Nonconforming Structure: A structure that was lawfully erected but which does not conform with the property development regulations prescribed in the regulations for the district in which the structure is located by reason of adoption or amendment of this ordinance or by reason of annexation of territory to the city.

Nonconforming Use: A use of a structure of land that was lawfully established and maintained, but which does not conform with the use regulations or required conditions for the district in which it is located by reason of adoption or amendment of this ordinance or by reason of annexation of territory to the city.

Off-Street Loading Facilities: A site or portion of a site devoted to the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives, and landscaped areas.

Off-Street Parking Facilities: A site or portion of a site devoted to the off-street parking of motor vehicles, including parking spaces, aisles, access drives, and landscaped areas.

Open Space, Private: A usable open space adjoining and directly accessible to a dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests.

Open Space, Common/Shared: A usable open space within a residential development reserved for the exclusive use of all residents of the development and their guests.

Open Space, Total: The sum of private usable open space and common usable open space.

Open Space, Usable: Outdoor or unenclosed area on the ground, or on a roof, balcony, deck, porch or terrace designed and accessible for outdoor living and recreation, but excluding parking facilities, driveways, utility or service areas, required front or street side yards, any landscaped area not usable for outdoor living or recreation, or areas with slopes greater than 5 percent. The area and dimensional requirements of the underlying district shall be met.

Opposite: Walls, windows, signs, districts, or property lines shall be deemed opposite if a line perpendicular to a vertical plane through one element and having its widest horizontal dimension would intersect a similar vertical plane through another element.

Outdoor Living Area: (See Open Space, Usable)

Patio Cover: A solid or open roof structure not exceeding 12 feet in height and covering a patio, platform or deck area. Patio covers may be detached or attached to another structure. Patio covers may be enclosed, but shall only be used for recreational, outdoor living purposes and not as carports, garages, storage rooms or habitable rooms.

Permitted: Permitted without a requirement for approval of a use permit.

Porch: A covered platform, usually having a separate roof, at an entrance to a dwelling, or an open or enclosed gallery or room, which is not heated or cooled, that is attached to the outside of a building.

Pre-existing: In existence prior to the effective date of this ordinance.

Project: Any proposal for new or changed use, or for new construction, alteration, or enlargement of any structure, that is subject to the provisions of this ordinance.

Regulated Use: Any use listed in Article 36, Section 3602.

Room, Habitable: A room meeting the requirements of the Housing Code (Chapter 6, Article 5 of the City Code) for sleeping, living, cooking, or dining purposes, excluding such enclosed places as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfinished attics, foyers, storage spaces, cellars, utility rooms, garages, and similar spaces.

Rooming Houses/Boarding Houses: A dwelling unit that is rented, leased, let, or hired under three or more separate oral or written leases, subleases, or any other contractual agreement designed to effectuate the same result, with or without meals, for compensation, as permanent guests pursuant to an arrangement for compensation for definite periods, by the month or greater term.

Setback Line: A line within a lot parallel to a corresponding lot line, which is the boundary of any specified front, side or rear yard, or the boundary of any public right-of-way whether acquired in fee, easement or otherwise, or a line otherwise established to govern the location of buildings, structures or uses. Where no minimum front, side or rear yards are specified, the setback line shall be coterminous with the corresponding lot line.

Sexual Activities, Specified: Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, oral copulation, or sodomy; fondling or other erotic touching of human genitals (pubic region), buttocks, or female breasts.

Single Ownership: Holding record title, possession under a contract to purchase, or possession under a lease, by a person, firm, corporation, or partnership, individually, jointly, in common, or in any other manner where the property is or will be under unitary or unified control.

Site: A lot, or group of contiguous lots not divided by an alley, street, other right-of-way, or city limit, that is proposed for development in accord with the provisions of this ordinance, and is in a single ownership or has multiple owners, all of whom join in an application for development.

Slope: An inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance. Property boundaries shall not be used to establish slope or hillside limits.

Slope, Measurement of: Slopes shall be measured between successive 10-foot contour intervals and between successive 40-foot contour intervals. If the horizontal distance between successive 10 foot contour intervals is less than or equal to 25 feet, the slope shall be considered to be a 40 percent slope (2.5:1 slope). Similarly, if the horizontal distance between any 40 foot contour interval is less than or equal to 100 feet, the slope shall be considered to be a 40 percent slope (2.5:1 slope).

Story: The portion of a building included between the surface of any floor and the surface of the floor next above it. If there is not floor above it, then the space between such floor and the ceiling next above it shall be considered a story. If the finished floor level directly above the basement or cellar is more than six feet above grade, such basement or cellar shall be considered a story.

Street: A public or recorded private thoroughfare which affords primary means of access to abutting property.

Street Line: The boundary line between a street and the abutting property.

Specific Plan: A plan for a defined area that is consistent with the General Plan and with the provisions of the California Government Code, Section 65450 et seq. (Specific Plans).

Street, Secondary: A collector street other than a single family collector street as defined in the Major Street Plan, having a pavement width of not less than 56 feet.

Street, Side: A street which is adjacent to a corner lot and which extends in the general direction of the line determining the depth of the lot.

Structural Alterations: Any change in the supporting members of a building such as foundations, bearing walls, columns, beams, floor or roof joints, girders or rafters, or changes in roof or exterior lines.

Structure: Any edifice constructed or erected over 30 inches above the ground, including a building or a swimming pool, but not including a fence or a wall that does not exceed 6 feet in height.

Subdivision Ordinance: The Subdivision Ordinance of the City of Oceanside, as amended.

Swimming Pools and Hot Tubs: A swimming pool or hot tub is any confined body of water, located either above or below the existing finished grade of the site which exceeds (2) feet in depth and is designed, used, or intended to be used for swimming or bathing purposes.

Transmission Line: An electric power line bringing power to a receiving or distribution substation.

Tree, Mature: Any tree with a diameter of 10 inches or more, measured 24 inches above existing grade.

Use, Accessory: A use that is appropriate, subordinate, and customarily incidental to the main use of the site and which is located on the same site as the main use.

Used: This term includes the following meanings: arranged, designed, constructed, altered, rented, leased, sold, occupied, and intended to be occupied.

Visible: Likely to be noticed by a person of average height walking on a street or sidewalk two years after installation of any planting intended to screen a view.

Window, Required: An exterior opening in a habitable room meeting the area requirements of the Housing Code (Chapter 6, Article V of the City Code).

Yard: An open space on the same site as a structure, unoccupied and unobstructed by structures from the ground upward except as otherwise provided in this ordinance, including a front yard, side yard, or rear yard.

Yard, Front: A yard extending across the full width of a site, the depth of which is the minimum horizontal distance between the front property line and a line parallel thereto on the site.

Yard, Rear: A yard extending across the full width of a site, the depth of which is the minimum horizontal distance between the rear property line and a line parallel thereto on the site, except that on a corner lot the rear yard shall extend only to the side yard abutting the street.

Yard, Side: A yard extending from the rear line of the required front yard, or the front property line of the site where no front yard is required, to the front line of the required rear yard, or the rear property line of the site where no rear yard is required, the width of which is the horizontal distance between the side property line and a line parallel thereto on the site, except that the side yard on the street side of a corner lot shall extend to the rear lot line.

Zoning Ordinance: The Zoning Ordinance of the City of Oceanside, as amended.

Article 21 H Historic Overlay District (Citywide)

Sections:

- 2101 Specific Purposes
- 2102 Definitions
- 2103 Applicability and Zoning Map Designator
- 2104 Land Use and Development Regulations
- 2105 Criteria for Establishment of H District
- 2106 Criteria for Designating Historical Sites
- 2107 Conservation Plan Required
- 2108 Application Requirements
- 2109 Review and Approval
- 2110 Establishment of H Districts and Historical Site Designation
- 2111 Demolition and Design Review Procedures
- 2112 Existing Improvements
- 2113 Maintenance of Structures and Premises

2101 Specific Purposes

The specific purposes of the H Historic Overlay District are to:

- A. Implement the City's General Plan and Chapter 14-A of the Oceanside City Code.
- B. Deter demolition, destruction, alteration, misuse, or neglect of historic or architecturally significant buildings that form an important link to Oceanside's past.
- C. Promote the conservation, preservation, protection, and enhancement of each historic district.
- D. Stimulate the economic health and visual quality of the community and stabilize and enhance the value of property.
- E. Encourage development tailored to the character and significance of each historic district through a Conservation Plan that includes goals, objectives, and design guidelines and development criteria.
- F. Provide a mechanism to resolve conflicts in an orderly fashion between goals of historic preservation and alternative land uses.

2102 Definitions

In this Article, unless the context indicates otherwise, the following words shall have the meanings set out in this section:

- A. "Alteration" means any change or modification, through public or private actions, of any historical site or of any property located within a historic district including, but not limited to, changes to or modification of structure, architectural details or visual characteristics such as paint color and surface texture, grading, surface paving, new structures, cutting or removal of trees and other landscape features, disturbance of archaeological sites or areas, and the placement or removal of any objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings and landscape features affecting the visual qualities of the property.
- B. "Architectural feature" means the architectural elements embodying style, design, proportions, general arrangement and components of all surfaces of an improvement, including but not limited to, the kind, color or texture of the building materials and the type and style of all windows, doors, lights, signs and other fixtures appurtenant to such improvement.
- C. "Improvement" means any building, structure, place, work of art or other object constituting a physical betterment of real property or any part of such betterment.
- D. "Landscape feature" means any grade, body of water, stream, rock, plant, shrub, tree, path, walkway, road, plaza, fountain, sculpture or other form of natural or artificial landscaping.
- E. "Object" means a material thing of functional, aesthetic, cultural, symbolic or scientific value, usually by design or nature moveable.
- F. "Ordinary repairs and maintenance" means any:
 - 1. Work done on any improvement or landscape feature for which a permit is not needed pursuant to this Article.
 - 2. Replacement of any part of an improvement or landscape feature; for which a permit issued by the Building ~~Division~~ Department is not required by law or by this Article where the purpose and effect of such work or replacement is to correct any deterioration or decay of or damage to such improvement or landscape feature or any part thereof and to restore the same, as nearly as may be practicable, to its condition prior to the occurrence of such deterioration, decay or damage.
- G. "Preservation" means the identification, study, protection, restoration, rehabilitation or

enhancement of historical areas and sites.

2103 Applicability and Zoning Map Designator

The H Historic Overlay District may be combined with any zoning district. Each H Overlay District shall be shown on the zoning map by adding a "-H" designator to the base district designation followed by the number of the district based on the order of adoption.

2104 Land Use and Development Regulations

The land-use and development regulations applicable in an H district shall be as prescribed for the base district with which it is combined unless modified by another overlay district, provided that the requirements of the district Conservation Plan shall govern where conflicts arise.

A. Exceptions for Historic and Architecturally Significant Structures

The **City Planner** ~~Planning Director~~ may grant a use permit for an exception to the land use regulations of the base district when an H district is combined when such an exception is necessary to permit the preservation or restoration of a historic or architecturally significant building, structure or site.

Applications for such use permits shall be filed with the ~~Planning Director~~ on a form provided. The **City Planner** ~~Planning Director~~ shall refer all applications for an exception under this section to the Historic Preservation Advisory Commission for a report and recommendation. In making a decision, the **City Planner** ~~Planning Director~~ shall make a written finding that shall specify the facts relied upon in rendering his decision. A copy of this written finding, together with all evidence presented to the **City Planner** ~~Planning Director~~, shall be filed in the ~~Planning Division~~ department. The written finding and decision shall be mailed to the applicant and shall be subject to appeal to the Planning Commission. Decision-making authority on such use permits may be deferred to the Planning Commission or Community Development Commission, as the case may be, at the option of the **City Planner** ~~Planning Director~~. ~~Upon their decision in such instances, a~~ An appeal of the Planning Commission's decision may be made to the City Council.

2105 Criteria for Establishment of H District

A portion of a base district shall be eligible for inclusion in an H district if one or more of the following criteria, rigorously applied and supported by findings of historical significance, are met:

- A. The area possesses character, interest, or value as part of the heritage of the city.
- B. The area is the location of a significant historical event.
- C. The area is identified with a person or group that contributed significantly to the culture and development of the city.
- D. Structures within the area exemplify a particular architectural style or way of life important to the city or are the best remaining examples of an architectural style in a neighborhood.
- E. The area or its structures are identified as the work of a person or group whose work has influenced the heritage of the city, the state or the United States.
- F. The area is related to a designated historic building or district in such a way that its preservation is essential to the integrity of the building or district.
- G. The area has potential for yielding information of archaeological interest.

Portions of a base zoning district that do not meet the above criteria may be included in an H district if inclusion is found to be essential to the integrity of the district.

2106 Criteria for Designating Historical Sites

Individual buildings and sites may be designated as historic or architecturally significant landmarks if one or more of the criteria set forth in Section 2105 are met. A historical site so designated shall be eligible for the same review procedures as buildings and structures within an H district.

2107 Conservation Plan Required

Prior to filing an application for an H district, the applicant shall prepare a Historic District Conservation Plan with the assistance of the Planning Division department. Each Conservation Plan shall contain:

- A. A map and description of the proposed district, including boundaries; the age, setting, and character of structures; urban design elements and streetscapes; major public improvements; and proposed objectives to be achieved.
- B. A statement of the architectural or historical significance of the proposed district.
- C. A list of specific alterations that should be subject to design review in order to protect the architectural or historical character of the proposed district.
- D. A set of specific performance guidelines for new construction and alterations necessary to preserve the character of the proposed district.

E. Proposed rules and regulations for design review.

2108 Application Requirements

A. Filing of Petition. An application for an H district or historical site designation may be initiated by the Historic Preservation Advisory Commission, the Planning Commission, or City Council, or by filing a petition requesting establishment of the district with the City Planner ~~Planning Director~~. If initiated by petition, the application shall include:

1. The proposed Conservation Plan for the district as prescribed by subsection (B) above; and
2. A form bearing the signatures of the owners of 51 percent of the land area within the proposed district.

B. Application Contents. An application for a historical site designation shall contain:

1. A map showing the location of the building or structure and building plans or photographs of the building exterior;
2. A statement of the architectural or historical significance of the proposed building and description of the particular features that should be preserved; and
3. The consent of the owner or authorized agent to the proposed designation. For purposes of this section, each condominium owners' association shall be deemed the property owner of common areas. Prior to accepting the application as complete, the City Planner ~~Planning Director~~ may request additional information, plans or materials deemed necessary to support the application. A Planning Commission public hearing on the petition shall be held within 90 days of the date the petition is accepted as complete.

2109 Review and Approval

A. Preliminary Review. The Historical Preservation Advisory Commission shall conduct a study of the proposed designation and make a preliminary determination based on such documentation as it may require, as to its appropriateness for consideration. If the Commission makes a favorable determination, it shall conduct a neighborhood workshop in the proposed district to explain the proposal and the amendment process to neighborhood residents. Notice of the workshop shall be given in the same manner prescribed for zoning map amendments by Section 4504. After the workshop, the Commission shall forward a report containing its findings and recommendations to the Planning Commission.

B. Notice and Public Hearing. After the Historic Preservation Advisory Commission has

recommended adopting an H district, the proposed district shall be the subject of public hearings before the Planning Commission and the City Council. The hearings shall be set, noticed, and conducted as prescribed by Article 45.

- C. Contents of Public Notice. In addition to the information prescribed by Article 45, notice of a public hearing for the establishment of an H district or designation of a landmark shall include a statement that original petitioners have the right to withdraw their support of the district at any time prior to the hearing, and that property owners who have not signed the petition have the right to do so prior to the date of the hearing.
- D. Effect on Projects Initiated Prior to Effective Date. No provision of this Article shall apply to projects initiated prior to the effective date of an ordinance establishing an H district or designating a historical site. Such projects shall be considered nonconforming uses, subject to the provisions of Article 35. For the purposes of this subsection, a project shall be deemed initiated if an application, plans, and materials for concept or development plan review have been filed and accepted as complete.

2110 Establishment of H Districts and Historical Site Designation

- A. Required Findings. In addition to the findings required by Article 45, the Planning Commission and City Council shall find that the proposed district or historical site has a significant architectural or historical character that can be preserved and enhanced through appropriate controls on new development and alterations to existing buildings and landscaping.
- B. Adoption of Conservation Plan. An ordinance establishing an H district shall include a Historic District Conservation Plan, in the form submitted or as revised by the Historic Preservation Advisory Commission, the Planning Commission or City Council. The Plan's performance guidelines may modify the land-use and development regulations of the base-zoning district, but shall not significantly alter the regulations. **In addition, for any conservation plans located in the Coastal Zone, such modifications must be found consistent with all applicable policies of the certified Land Use Plan.** A performance guideline shall be found to be a significant alteration of base district regulations if it substantially prevents property from being used in accord with the provisions of the base district, or creates a substantial number of nonconforming uses or structures.
- C. Amendments to Adopted Conservation Plans. Procedures for an amendment to an adopted Conservation Plan shall be initiated in the same manner as an application for a zoning map amendment (Article 45).

2111 Demolition and Design Review Procedures

- A. In General. Except as modified by an adopted Conservation Plan, development plan

review in an H district or of a proposed alteration, enlargement or demolition of a designated historical site shall be conducted as prescribed by Article 43.

The Building Official shall not issue a permit for construction, alteration, enlargement, or demolition of a building or structure located in an H district or of a designated historical site without the prior approval of the Historic Preservation Advisory Commission. Prior approval of the Historic Preservation Advisory Commission is not required for permit applications of an emergency nature to rehabilitate an unsafe building or to demolish the structure for the same reasons or for ordinary repairs and maintenance.

- B. Criteria. In addition to the requirements of Article 43, the Historic Preservation Advisory Commission shall consider the proposed demolition, new construction, or alteration in the context of the adopted Conservation Plan and the architectural or historical value and significance of the site and structure in relation to the overlay district. These considerations shall include the visual relationship of proposed architectural design elements to the surrounding area, including scale, height, rhythm of spacing, pattern of windows and doorways, building siting and relationship to landscaping, roof pitch, architectural style, and structural details, materials, colors, and textures.
- C. Required Findings. No demolition permit shall be issued for demolition of any structure within an H district or for demolition of a designated historical site without prior review and approval by the Historic Preservation Advisory Commission. To assist in this evaluation, the City Planner ~~Planning Director~~ shall submit a report and recommendation to the Commission.

1. For Demolitions.

- a. If, after review of the request for a demolition permit, the Historic Preservation Advisory Commission determines that the structure itself has historical, architectural or cultural interest or value, the Commission may withhold approval for demolition for 180 days (from the date of Commission action) or until environmental review is completed, whichever occurs later.

During the 180 days, the Commission may direct the Planning ~~Division~~ Department to consult with recognized historic preservation organizations and other civic groups, public agencies and interested citizens, make recommendations for acquisition of property by public or private bodies or agencies, explore the possibility of moving one or more structures or other features, and take any other reasonable measures.

At the end of the 180-day period, the demolition permit shall be issued if environmental review determines there will not be a significant impact on

the environment and all requirements of the zoning ordinance are met or, if there may be substantial environmental damages, that specific economic, social or other considerations make infeasible the mitigation measures or alternatives identified during environmental review.

- b. If, after review of the request for a demolition permit, the Historic Preservation Advisory Commission determines that the building or structure has no substantial historical, architectural, or cultural interest or value, a building permit for demolition may be issued.
2. For New Construction or Alterations. The Historic Preservation Advisory Commission shall not grant design approval for new construction or alterations unless it finds that the proposed new construction or alteration will be compatible with and help achieve the purposes of the H district.
 3. For Removal or Alteration of Certain Landscape Materials. The **City Planner Director's** or Commission's approval shall be required for removal or alteration of landscape materials identified as significant resources by the Historic District Conservation Plan. Removal or alteration of such landscape materials shall require a finding that the proposed removal or alteration will not affect the character of the H district, or that the safety of persons or property requires the removal or alteration. No provision of this subsection shall be construed as restricting routine maintenance of landscape materials.
- D. Economic Hardship Waiver. If an applicant for design approval presents evidence or inability to meet the cost of complying with a condition of approval, the Historic Preservation Advisory Commission may grant the approval with the requirement that all conditions be met within a period of up to five years. If such conditions are not met within five years, the property owner shall be subject to the enforcement provisions of Article 47.
- E. Effective Date; Appeals. Decisions of the Historic Preservation Advisory Commission shall be final on the tenth day after the date of the decision, unless appealed in accord with Article 46. Appeals of decisions on demolition permits shall be heard by the City Council.

2112 Existing Improvements

All repairs, alterations, reconstructions, restorations or changes in use of existing improvements shall conform to the requirements of the California Historical Building Code.

2113 Maintenance of Structures and Premises

All property owners in H districts and owners of designated historical sites shall have the obligation to maintain structures and premises in good repair. Structures and premises in

good repair shall present no material variance in apparent condition from surrounding structures in compliance with the provisions of this chapter. Good repair includes and is defined as the level of maintenance that ensures the continued availability of the structure and premises for a lawfully permitted use, and prevents deterioration, dilapidation, and decay of the exterior portions of the structure and premises.

Article 23 NC Neighborhood Conservation Overlay District (Citywide)

Sections:

- 2301 Specific Purposes
- 2302 Area Requirements
- 2303 Status of NC Neighborhood Conservation Overlay District and Approved Plan
- 2304 Allowable Modifications to Use Regulations and Development Standards
- 2305 Application for Designation
- 2306 Adoption of NC Overlay District and Neighborhood Conservation Plan
- 2307 Zoning Map Designator
- 2308 Building Permits

2301 Specific Purposes

The NC Neighborhood Conservation Overlay District is intended for property owners to initiate and implement programs for the revitalization or conservation of older areas or districts possessing distinctive features, identity, or character worthy of retention and enhancement. The NC district takes effect through adoption of a plan and a set of regulations that will facilitate maintenance and upgrading of the neighborhood and development of vacant or underused lots while reducing or eliminating incompatible mixes of uses.

2302 Area Requirements

Each NC Overlay District shall include a minimum contiguous area of four acres, including intervening streets and alleys, and shall contain at least three separate parcels.

2303 Status of NC Neighborhood Conservation Overlay District and Approved Plan

Adoption of an NC Overlay District proposal shall be by amendment to the Zoning Map, but the zoning map amendment shall not alter the use regulations or development standards of the underlying subdistrict. A Development Plan approving a Neighborhood Conservation Plan shall be adopted by the City Council at the same time as the zoning map amendment and shall establish standards and conditions for development consistent with the purposes of the plan.

All development shall be in accordance with the Conservation Plan permit, which may be amended as provided in the conditions of approval. The Planning Commission shall recommend, and the City Council shall approve, amendments to the Conservation Plan permit to allow development in accordance with the underlying zoning regulations rather than as specified by the Conservation Plan if each finds that the Conservation Plan as approved is unlikely to be implemented for the site in question and if limitations on development of the site have not been recorded as a condition of approval of development

elsewhere within the Conservation Plan.

2304 Allowable Modifications to Use Regulations and Development Standards

After a duly noticed public hearing, the following changes in use regulations and development standards may be approved as part of a Neighborhood Conservation Plan:

- A. Regulations for specific use classifications may be modified by the Neighborhood Conservation Plan text to accommodate unique or mixed uses serving the neighborhood, consistent with the General Plan.
- B. Site development standards, may be modified by the Neighborhood Conservation Plan or text map, consistent with the General Plan.
- C. For properties located in the Coastal Zone, the proposed development must also be found consistent with all applicable policies of the certified Land Use Plan.**

2305 Application for Designation

- A. Owners of 51 percent or more of the land in an area meeting the area requirements of Section 2302 and one or more of the criteria of Section 2306(C) may file an application with the City for the designation of the area as an NC Neighborhood Conservation Overlay District. The application may include lots within one or more base zoning districts. The City may also initiate a Neighborhood Conservation Overlay District as prescribed in Article 45.
- B. The application shall include the following:
 - 1. A statement of purpose and explanation of how the criteria of Section 2306(C) are met.
 - 2. A map indicating the boundaries of all lots in the proposed NC Neighborhood Conservation Overlay District and the base district(s) contained within the proposed NC district.
 - 3. A Neighborhood Conservation Plan consisting of a map and such other textual and graphic material as may be necessary, indicating land uses, building types and designs, site development requirements, signing, circulation, off-street parking, and modifications in base district regulations.

2306 Adoption of NC Overlay District and Neighborhood Conservation Plan

- A. The Planning Commission shall hold a duly noticed public hearing on the application in

accord with the provisions of Article 45. Following the hearing, the Commission may recommend approval of the Neighborhood Conservation Overlay District and the Neighborhood Conservation Plan if it implements the purposes for which designation of the NC District is proposed and is consistent with the General Plan, and shall transmit the application to the Council.

- B. The City Council shall hold a hearing as provided by Section 4507 on any application and plan transmitted to it by the Planning Commission.
- C. Following the hearing, the City Council may adopt an NC Neighborhood Conservation Overlay District and Neighborhood Conservation Plan for the area described in the application if the area meets one or more of the following criteria:
 - 1. Distinctive building features, such as period of construction, style, size, scale, rhythm, mass, color, and material;
 - 2. Distinctive features or articles associated with the streetscape, such as light fixtures and devices, signs, benches, curb markers, kiosks, and bollards;
 - 3. Distinctive site planning and natural features, such as lot platting, street layout, setbacks, alleyways, sidewalks, creek beds, parks, and gardens;
 - 4. Distinctive land uses or land use patterns, such as mixed or unique uses or activities, not permitted by base district regulations without modification.
- D. The City Council shall adopt each Neighborhood Conservation Overlay District by ordinance pursuant to Article 45. The adopting ordinance shall include a reference to the approved Neighborhood Conservation Plan for the district, a statement of purposes, and a list of the modifications to the base district regulations.

2307 Zoning Map Designator

Each NC Neighborhood Conservation Overlay District shall be shown on the zoning map by a "-NC" designator applied to the base district designations, numbered and identified sequentially by order of enactment and referenced to the enacting ordinance.

2308 Building Permits

Proposed structures or alterations must be consistent with the adopted NC District Conservation Overlay District and the approved Neighborhood Conservation Plan for the issuance of building permits.

Article 24 PBD Planned Block Development Overlay District (Citywide)

Sections:

- 2401 Purpose
- 2402 Area Requirements
- 2403 Status of PBD Overlay District and Approved Plan
- 2404 Allowable Modifications to Use Regulations and Development Standards of the Underlying Zoning District
- 2405 Application for Designation
- 2406 Adoption of PBD Overlay District and Development Plan
- 2407 Effective Date; Lapse of Approvals; Time Extensions; Changed Plans
- 2408 Zoning Map Designator
- 2409 Building Permits

2401 Purpose

The PBD Planned Block Development Overlay District is intended to permit flexibility in land-use regulations and site development standards under control of the Planning Commission and City Council where flexibility or coordinated planning for a large site or a site under multiple ownership will enhance the potential for superior urban design.

2402 Area Requirements

Each PBD Overlay District shall include a minimum contiguous area of 60,000 square feet.

2403 Status of PBD Planned Block Development Overlay District and Approved Plan

Adoption of a PBD district proposal shall be by amendment to the zoning map, but the zoning map amendment shall not alter the use regulations or development standards of the underlying subdistrict. A Development Plan approving a Planned Block Development Plan and Text shall be adopted by the City Council at the same time as the zoning map amendment for the purpose of including conditions relating to the timing of development, transfer of FAR, design, modification and restriction of uses, modifications to site development standards, and other appropriate matters.

All development shall be in accord with the Planned Block Development Plan and Text, which may be amended as provided in the conditions of approval. The Planning Commission shall recommend, and the City Council shall approve, amendments to the Planned Block Development Plan and Text.

2404 Allowable Modifications to Use Regulations and Development Standards of the Underlying Zoning District

After a duly noticed public hearing, the following changes in use regulations and development standards may be approved as part of a Planned Block Development Plan and Text:

- A. Allowable **building floor area** FAR may be transferred between lots within the same zoning district in a Development Plan, provided that an instrument satisfactory to the City Attorney shall be recorded limiting **building floor area** FAR on parcels from which **building floor area** FAR is transferred.
- B. Regulations for specific use classifications may be modified by the Development Plan Text to accommodate appropriately sized accessory uses.
- C. Site development standards (not including maximum FAR, residential unit type regulations, and parking spaces required) of the base district or other overlay district with which a PBD district is combined may be modified by the Block Development Plan or Text.
- D. The Planned Block permit may restrict uses allowed in the underlying base district, but it can not allow additional uses that would not normally be permitted within the underlying base district in which the Planned Block permit is located.
- E. For properties located in the Coastal Zone, the proposed development must also be found consistent with all applicable policies of the certified Land Use Plan**

2405 Application for Designation

- A. A proposed amendment to create a PBD Overlay District may be initiated by the Planning Commission, the City Council, or by 100 percent of the owners of the land area within the boundaries of the proposed Planned Block Development as prescribed by Article 45 and Article 43.
- B. An application initiated by property owners shall include:
 1. A map indicating the proposed boundaries for the PBD Overlay District; the property of participating owners; and the zoning district designations.
 2. A Development Plan and Text consisting of a map and textual material as may be necessary to delineate land uses and locations, existing and projected building types and designs, height and FAR, including any proposals for transfer of FAR, site development requirements, existing and proposed open space, circulation, on-site and off-site parking, and any other pertinent information as prescribed by Article 43.
 3. A comparison between underlying district regulations and standards and any proposed modifications to these regulations and standards, together with resulting impacts on traffic-carrying capacity of affected streets.

4. A statement of the reasons for any requested modifications to regulations or standards and a description of proposed means of mitigating any adverse effects.
5. Any other informational items deemed necessary by the City Planner ~~Planning Director~~ in order to fully analyze and review the proposed development.

2406 Adoption of PBD Overlay District and Development Plan

- A. The Planning Commission shall hold a duly noticed public hearing on the application in accord with the provisions of Article 45 and Article 43. Following the hearing, the Commission may recommend approval of the Zoning Map Amendment and the Development Plan and Text if they implement the purposes for which designation of the PBD Overlay District is proposed, and shall transmit the application to the Council.
- B. The City Council shall hold a hearing as provided by Section 4506 on any application and plan transmitted to it by the Planning Commission.
- C. Following the hearing, the City Council may adopt a PBD Planned Block Development Overlay District for the area described in the application and a Planned Block Development Plan and Text only after making the following findings:
 1. That the Development Plan and Text will enhance the potential for superior urban design in comparison with development under the regulations that would exist if the Development Plan and Text were not approved;
 2. That the Development Plan and Text is consistent with the adopted Land Use Element of the General Plan and other applicable policies, and that it is compatible with development in the area it will directly affect;
 3. That the Development Plan and Text includes adequate provisions for utilities, services, and emergency vehicle access, and public service demands will not exceed the capacity of existing systems;
 4. That traffic expected to be generated by development in accord with the Development Plan and Text will not exceed the capacity of affected streets; and
 5. That the Development Plan and Text will not significantly increase shading of adjacent land in comparison with shading from development under the regulations that would exist if the Planned Block Development Plan and Text were not approved.
- D. The City Council shall adopt each Planned Block Development District by ordinance pursuant to Article 45. The adopting ordinance shall include a reference to the approved Development Plan and Text for the district, a statement of purposes, and a list of the modifications to the base district regulations.

2407 Effective Date; Lapse of Approvals; Time Extensions; Changed Plans

- A. Effective Date. A Planned Block Development Plan and Text shall become effective on the same date the ordinance adopting the Planned Block Development District becomes effective.
- B. Lapse of Approvals. A Planned Block Development Plan and Text 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 Planned Block Development Plan is approved concurrently with a Tentative Map and a Final Map or Parcel Map is recorded, the Planned Block Development Plan shall be effective for an additional 24 months from the date of recordation of the Final Map or Parcel Map.
- C. Time Extension. Upon application by the project applicant filed prior to the expiration of an approved or conditionally approved development plan and text, the time at which the development plan and text expires may be extended by the Planning Commission or 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 City Planner ~~Planning Director~~ 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 and text, or a change to the development plan and text that would affect a condition of approval shall be treated as a new application. The City Planner ~~Planning Director~~ may waive the requirement for a new application if the changes requested are minor, do not involve substantial alterations or addition to the development plan and text or the conditions of approval, and are consistent with the intent of the approval or otherwise found to be in substantial conformance.

2408 Zoning Map Designator

Each PBD Planned Block Development Overlay District shall be shown on the zoning map by a "-PBD" designator applied to the base district designations, numbered and identified sequentially by order of enactment and referenced to the enacting ordinance.

2409 Building Permits

Proposed structures or alterations must be consistent with the adopted Planned Block Development Plan and Text for the issuance of building permits.

Article 25 IS Interim Study Overlay District (Citywide)

Sections:

- 2501 Specific Purpose and Applicability
- 2502 Zoning Map Designator
- 2503 Land Use Regulations
- 2504 Development Regulations
- 2505 Expiration of IS District Ordinance; Renewal
- 2506 Resubmittal of Development Proposals

2501 Specific Purpose and Applicability

In addition to the general purposes listed in Article 1, the specific purpose of the IS Interim Study Overlay District is to allow discretionary review of development proposals in areas where changes in zoning regulations are contemplated or under study.

2502 Zoning Map Designator

It may be initiated as prescribed by Article 45. Prior to approving an amendment reclassifying land to an IS district, the Planning Commission and City Council shall approve a study plan that identifies regulatory problems and states land use and development issues to be resolved for the area proposed for reclassification. The IS district may be combined with any base district. Each IS district shall be shown on the zoning map with an "-IS" designator, numbered and identified sequentially by order of enactment and reference to the enacting ordinance.

2503 Land Use Regulations

- A. Use Permit Required. Approval of a use permit shall be required for establishment of a new or expanded use in an IS district if the use is not one that is contemplated within the study plan for the IS District, and may be approved for any use classification permitted or conditionally permitted in the base district with which the IS district is combined.
- B. Required Findings. In addition to the findings required for use permits by Article 41, and additional findings that may be required for specific use classifications, approval of a use permit in the IS district shall require a finding that the proposed use will not conflict with the land use and development policies established for the area at the time the IS district was adopted. **In addition, for properties within the Coastal Zone the proposed use must also be found consistent with all applicable policies of the certified Land Use Plan.**

2504 Development Regulations

Development regulations for the IS district shall be specified by a use permit or shall be those of the base district with which the IS district is combined.

2505 Expiration of IS District Ordinance; Renewal

An ordinance establishing an IS district shall contain a provision terminating the IS designation one or two years from its effective date. An ordinance establishing an IS district may be amended, reenacted, or superseded by a zoning map amendment adopted as prescribed by Article 45.

2506 Resubmittal of Development Proposals

Notwithstanding the provisions of Article 41, a use permit application that has been denied, or approved subject to conditions unacceptable to the applicant, may be resubmitted on or after the effective date of a zoning map and/or text amendment superseding an IS district designation.

Article 29 Senior Mobile Home Park Overlay District (Citywide)

Sections:

- 2901 Specific Purposes
- 2902 Definitions
- 2903 Zoning Map Designator
- 2904 Qualification for Inclusion of Properties within the Senior Mobile Home Overlay District
- 2905 Land Use Regulations
- 2906 Development Regulations and Incentives
- 2907 Project Review
- 2908 Limitations on Rentals
- 2909 Applicability
- 2910 Violations
- 2911 Severability

2901 Specific Purposes

The specific purposes of the Senior Mobile Home Park Overlay District are to:

- A. Provide various development and preservation incentives to make the development and maintenance of senior mobile home parks attractive to mobile home park owners and developers while, at the same time, providing assurances that existing senior mobile home parks within the overlay district remain available to seniors.
- B. Provide for land use, development, and regulatory standards for mobile home parks that are designed or operated for occupancy by seniors.

2902 Definitions

“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 799.4, or a commercial coach, as defined in Health and Safety Code Section 18218. For the purposes of this Ordinance, the term “Mobile Home” includes “Manufactured Home.”

“Mobile Home Park” is an area of land where two or more mobile home or manufactured 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. Mobile Home Park shall also include a mobile home subdivision, condominium or stock cooperative in which specific ownership rights are acquired by the space occupants within the mobile home park.

“Senior Mobile Home Park” is a mobile home park in which at least 80 percent of the spaces are occupied by or intended for occupancy by at least one person who is 55 years

of age or older or in which 100% of the spaces are occupied or intended for occupancy by persons 62 years of age or older.

2903 Zoning Map Designator

Adoption of a Senior Mobile Home Park Overlay District shall be by amendment of the Zoning Map. The Senior Mobile Home Park Overlay District may be combined with the RM - A Medium-Density Residential District, the RM - AH Medium Density Residential District, Historic Overlay, the RH - U High-Density Residential District, the R-3/CZ Medium Density Residential Zone, the Downtown Mixed Use District, and the MHP Mobile Home Park District. The Senior Mobile Home Park Overlay District shall be shown on the Zoning Map by adding the designator "SMH" to the base map designation.

2904 Qualification for Inclusion of Properties within the Senior Mobile Home Park Overlay District

Properties that are designated to be within the Senior Mobile Home Park Overlay District shall be those properties operated as or developed or proposed to be developed as a senior mobile home park in which at least one occupant of each mobile home is 55 years or older.

2905 Land Use Regulations

At least 80 percent of the spaces in mobile home parks in the Senior Mobile Home Park Overlay District shall be occupied by at least one person 55 years or older. If an existing mobile home park met this qualification on January 5, 2005 and fell below the 80 percent requirement between that date and the effective date of this Ordinance, the Senior Mobile Home Park Overlay District shall be applied to that mobile home park and that park shall be required to operate as a senior mobile home park by renting spaces and mobile homes only when at least one occupant of the mobile home is 55 years or older. The signage, advertising, park rules and regulations, and leases for spaces in mobile home parks in the Senior Mobile Home Park Overlay District shall state the park is a senior park. Mobile home parks in the Senior Mobile Home Park Overlay District constructed after the adoption of this Ordinance shall also be subject to the following standards and requirements:

- A. Senior Mobile Home Park Development Plan (SMHP Development Plan) shall be required for the development or expansion of a mobile home park in the senior mobile home park (SMHP) overlay district. The following development regulations shall apply.
 - 1. Minimum Area. The minimum area of a MHP district shall be 2 acres. A SMHP district may be subdivided into lots smaller than 2 acres provided a Tentative Map is approved concurrent with a MHP Development Plan and the minimum lot size is in accordance with the requirements of this section.

2. Density. The total number of mobile home units in a SMHP Development Plan shall not exceed the maximum permitted by the General Plan density for the total area of parcels designated for residential use and open space; provided however that a density bonus may be available pursuant to Section 2906 B of this Article.
3. Compatibility with Adjacent Land Uses. The mobile 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 the residents from adverse surrounding influences, as well as the protection of the surrounding area from potentially adverse influences within the development. A mobile home park shall relate harmoniously to the topography of the site, make suitable provisions for the preservation of water course and wooded areas, and shall otherwise be so designed as to use such natural features and amenities to the best advantage.
4. Setbacks: Perimeter. Mobile home units and buildings within the mobile home park shall maintain the following setbacks:
 - (a) A setback of at least 20 feet from the nearest edge of the street right-of-way of any street along the exterior boundary of the mobile home park.
 - (b) A side-yard and rear-yard of at least 15 feet from the exterior boundary of the mobile home park.
5. Setbacks: Recreational Use Area. A recreational use area or facility shall be centrally located within the park. Where permanent intervening open space, a minimum of 100 feet in width, exists on adjacent property, this restriction may be modified on approval of the Planning Commission or Community Development Commission, as the case may be, through the SMHP Development Plan.
6. Common Usable Open Space and Recreation Facilities. A minimum of one substantial area of common usable open space shall be provided that meets the following standards:
 - (a) A minimum of 250 square feet of common usable open space or recreational facility per dwelling unit shall be provided.
 - (b) The common usable open space and recreational facility shall be designed, so that a horizontal rectangle inscribed within it has no dimension less than 50 feet, shall be open to the sky, and shall not include driveways or parking areas, or area required for front or street side-yards. The common usable open space shall be landscaped, improved and maintained.

- (c) The common usable open space areas and recreational facilities shall be designed to be accessible and suitable for persons 55 years and older. The facilities provided shall reflect the occupant's needs within the park.
 - (d) Completely enclosed indoor recreation facilities may be provided and shall consist of not less than 10 square feet for each dwelling unit and may be included as part of the 250 square feet per dwelling unit required for the common usable open space.
7. Building Height. The maximum height of any structure within the mobile home park (excluding the mobile home unit) shall be limited to 30 feet.
 8. Access Drives and Streets. A mobile home park shall have direct vehicular access from a publicly maintained street. This requirement does not apply to the expansion of an existing mobile home park when adequate access is obtained through an existing portion of the mobile home park. All mobile home spaces/lots and recreation facilities shall have access only from an interior access drive or street. Interior private access drives and streets shall meet the requirements of Article 31 of this ordinance and the standards within the Engineering Manual for driveways and private streets.
 9. Sewer and Water. Each mobile home space/lot in a mobile home park shall have water and sewer connections in accordance with Title 25 of the California Code of Regulations and with applicable City codes, ordinances and standards.
 10. Refuse Storage Areas. Refuse storage areas shall comply with Section 3022 of this ordinance.
 11. Undergrounding of Utilities. The undergrounding of utilities shall be in accordance with Section 3023 of this ordinance.
 12. Fire Protection. On- and off-site fire hydrants and other fire protection facilities shall be installed as specified by the MHP Development Plan for the project and shall be in accordance with Title 25 of the California Code of Regulations and with applicable City codes, ordinances and standards.
 13. Night Lighting. Lighting shall be provided and maintained for all walks, driveways, parking areas, common areas and other facilities as specified by Title 25 of the California Code of Regulations, and in accordance with Section 3117 of this Ordinance to assure safe and convenient nighttime use. Street lighting shall be provided on all interior access drives and streets and shall be designed to meet public street design standards as specified in the City's Standard Engineering Specifications.
 14. Signs. All signs shall be in conformance with Article 33 of this ordinance.

15. Guest Parking. The amount of visitor or guest parking shall not be less than one parking space for each six mobile home spaces in the senior mobile home park, with any fraction of spaces rounded down to the nearest whole number.
16. Handicapped Parking. Handicapped parking shall be provided in accordance with Section 3107 of this ordinance.

B. For the Individual Mobile Home Spaces/Lots

1. Space or Lot Size. A minimum size of 3,500 square feet (excluding interior access drives) shall be provided for each space/lot. Smaller lot sizes may be approved under a Planned Block Development Plan (PBD) in accordance with Article 24 of this Ordinance; provided however that in the event of any conflict with the Mobilehome Parks Act, California Health and Safety Code Section 18200, *et seq.*, the Mobilehome Parks Act shall control.
2. Space or Lot Width. Every space/lot shall have a minimum width of forty (40) feet. Smaller lot dimensions may be approved under a Planned Block Development Plan (PBD) in accordance with Article 24 of this Ordinance; provided however that in the event of any conflict with the Mobilehome Parks Act, California Health & Safety Code Section 18200, *et seq.* the Mobilehome Parks Act shall control.
3. Space or Lot Coverage. Not more than seventy-five (75) percent of the area of a mobile home space/lot shall be covered by the mobile home and its accessory structures.
4. Setbacks and Separation Requirements. Each mobile home space/lot shall maintain the following minimum setbacks and separations for mobile homes; provided however that in the event of any conflict with the Mobilehome Parks Act, Health and Safety Code Section 18200, *et seq.*, the Mobilehome Parks Act shall control.
 - (a) Front-Yard Setback: Each mobile home space/lot shall have a front yard setback of not less than five (5) feet extending the entire width of the mobile home space/lot. A front-yard shall be measured from the nearest element of the mobile home, garage, carport or any mobile home accessory structure to the property line, back of sidewalk, or back of curb, whichever is the most restrictive.
 - (b) Side-Yard Setback: Each mobile home space/lot shall have a side-yard setback of not less than three (3) feet in width along the entire length of the mobile home space/lot.
 - (c) Corner Side-Yard: A corner side-yard setback shall be not less than five (5) feet.
 - (d) Rear-Yard Setback: Each mobile home space/lot shall have a rear-yard setback of not less than three (3) feet in width across the entire length of the mobile home space/lot.

- (e) Accessory Structures: Setbacks for any accessory structure shall be in accordance with Title 25 of the California Code of Regulations.
 - (f) Separation of Structures: The minimum separation between mobile homes or between mobile homes and buildings or accessory structures shall be in accordance with Title 25 of the California Code of Regulations.
5. Mobile Home Design. All mobile home units shall comply with the following design standards unless an alternate design is approved by the Planning Commission under a SMHP Development Plan:
- (a) Each mobile home shall be at least 16 feet wide;
 - (b) It shall be built on a foundation as required by Title 25 of the California Code of Regulations and approved by the Building Official;
 - (c) It shall have been constructed after June 15, 1976, and shall be certified under the National Manufactured Home Construction and Safety Standards Act of 1974;
 - (d) The unit's skirting shall extend to the finished grade;
 - (e) Exterior siding and materials shall be compatible with adjacent residential projects;
 - (f) The roof shall have a pitch of not fewer than 3 inches vertical rise per 12 inches horizontal distance;
 - (g) The roof covering shall be clay or concrete tile, composition shingle, wood shake or shingle complying with the most recent edition of the Uniform Building Code as amended by local ordinances;
 - (h) The roof shall have eaves or overhangs of not less than 1 foot; and
 - (i) Required covered parking shall be compatible with the mobile home design.
6. Building Height. Building height of individual mobile home units shall be limited to 1 story or 18 feet, whichever is less, unless additional height is approved through a SMHP Development Plan.
7. Parking. Two parking spaces shall be provided for each mobile home unit. At least one of the spaces shall be provided within a garage or a carport. Tandem parking is allowed provided that any required parking space shall not be located within any required setback area.

C. Development Restrictions

1. Any commercial operation within a mobile home must conform to Section 3007 of this ordinance.
2. No public oriented recreational activities for profit shall be permitted within the park.
3. No permanent buildings other than recreational buildings, laundry facilities and manager's quarters shall be constructed within the park except those approved by the Planning Commission within the context of a SMHP Development Plan.

2906 Development Regulations and Incentives

Notwithstanding any other provisions of the Oceanside Zoning Ordinance, the following regulations and incentives shall apply in the Senior Mobile Home Park Overlay District:

- A. Guest Parking. The amount of visitor or guest parking shall not be less than one parking space for each six mobile home spaces in the senior mobile home park, with any fraction of spaces rounded down to the nearest whole number.
- B. Dwelling Unit Density Bonus. In order to maximize net yield per acre, the City will consider increasing the allowable project density by granting a density bonus to the project site's existing density category pursuant to Government Code Section 65915 provided the minimum pad and setback requirements imposed by the Mobilehome Parks Act (Health and Safety Code Section 18200, *et seq.*) are maintained. Development incentives granted by the City pursuant to Government Code Section 65915 shall be contained in a Density Bonus Agreement to ensure that the mobile home park remains a senior mobile home park.
- C. Exemption from Abatement of Nonconforming Uses. Notwithstanding the provisions of Article 35 of the Oceanside Zoning Ordinance, senior mobile home parks that have become non-conforming as to the underlying zoning shall be deemed to be legal and conforming uses.
- D. Expansion of Existing Senior Mobile Home Parks. Notwithstanding the provisions of Section 3509 of the Oceanside Zoning Ordinance, the expansion of an existing senior mobile home park shall not terminate the legal and conforming status of any previously existing structures or uses in the mobile home park.

2907 Project Review

All development projects within the Senior Mobile Home Park Overlay District requiring approval of the City Planner ~~Planning Director~~ or the Planning Commission shall be reviewed for compliance with the land use and development regulations of this Article. Prior to the issuance of a building permit for any use or structure within the Senior

Mobile Home Park Overlay District, the City Planner ~~Planning Director~~ shall determine whether the use or structure conforms to the requirements of this Article.

2908 Limitations on Rentals

Spaces and mobile homes in a mobile home park in the Senior Mobile Home Overlay District shall be rented only to occupants who meet the age requirement set forth in Section 2905, provided, however, that if the occupants of a space or mobile home who do not meet this requirement rented the space or mobile home before the adoption of this Article, they shall be allowed to remain, and provided further that when such occupants cease to occupy a space or mobile home, the home and space cannot thereafter be rented except to occupants who meet that age requirement.

2909 Applicability

The requirements of Sections 2905 through 2908 shall not be applicable to a Senior Mobile Home Park that has closed or converted to another use in accordance with Article 34 of the Zoning Ordinance and all applicable state statutory requirements.

2910 Violations

Any violation of this Article is a misdemeanor and the City shall have the right to use all generally available legal remedies to enforce this Article.

2911 Severability

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part hereof is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining portions of this Ordinance or any part hereof. The City Council of the City of Oceanside hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared invalid.

Article 31 Off-Street Parking and Loading Regulations (Citywide)

Sections:

- 3101 Specific Purposes
- 3102 Basic Requirements for Off-Street Parking and Loading
- 3103 Off-Street Parking and Loading Spaces Required
- 3104 Collective Provision of Parking
- 3105 Reduced Parking for Other Uses
- 3106 Parking In-Lieu Payments
- 3107 Parking Spaces for the Handicapped
- 3108 Bicycle Parking
- 3109 Parking Space Dimensions
- 3110 Application of Dimensional Requirements
- 3111 Aisle Dimensions
- 3112 Specific Parking Area Design
- 3113 Parking Access from Street
- 3114 Driveway Widths and Clearances
- 3115 Driveways; Visibility
- 3116 Parking Area Screening: Walls and Fences
- 3117 Lighting
- 3118 Parking Lot Landscaping
- 3119 Driveways and Covered Parking Structure Design and Location in **R Residential** Districts
- 3120 Additional Design Standards for Parking Lots and Structures
- 3121 Location and Design of Off-Street Loading Spaces
- 3122 Bus Turnouts and Shelters

3101 Specific Purposes

In addition to the general purposes listed in Article 1, the specific purposes of the off-street parking and loading regulations are to:

- A. Ensure that off-street parking and loading facilities are provided for new land uses and for major alterations and enlargements of existing uses in proportion to the need for such facilities created by each use.
- B. Establish parking standards for commercial uses consistent with need and with the feasibility of providing parking on specific commercial sites.
- C. Ensure that off-street parking and loading facilities are designed in a manner that will ensure efficiency, protect the public safety, and, where appropriate, insulate surrounding land uses from adverse impacts.

3102 Basic Requirements for Off-Street Parking and Loading

A. When Required. Inland and Downtown D –District: At the time of initial occupancy of a site, construction of a new structure, or major alteration or enlargement of an existing site or structure, off-street parking facilities and off-street loading facilities shall be provided in accord with the regulations prescribed in this article. For the purposes of these requirements, "major alteration or enlargement" shall mean a change of use, a change of occupancy, an alteration, or an addition that would increase the number of parking spaces or loading berths required by more than 25 percent of the total number required prior to the major alteration or enlargement. The following exceptions shall apply to residential properties:

1. Alterations or additions up to five hundred (500) square feet or fifty (50%) percent, whichever is greater, of existing floor area of single family homes shall be allowed without providing additional off-street parking. Additions over five hundred (500) square feet or fifty (50%) percent, whichever is greater, and not over a total (existing and proposed) square footage of 2,000 square feet shall provide for a minimum of two enclosed, open or any combination of, off-street parking spaces.
2. Duplex and multi-family dwellings that are conforming in terms of density and land use shall be allowed additional square footage of up to twenty (20%) percent of each unit's existing square footage without providing additional off-street parking, provided that the addition would not increase the number of parking spaces required prior to the addition. In all cases an Administrative Development Plan is required. If the project is located within the coastal zone, an Administrative Coastal Permit is also required.

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

- B. Nonconforming Parking or Loading. No existing use of land or structure shall be deemed to be nonconforming solely because of the lack of off-street parking or loading facilities required by this article, provided that facilities being used for off-street parking and loading as of the date of adoption of this article shall not be reduced in number to less than that required by the provisions of this article.
- C. Spaces Required for Multiple Uses. If more than one use is located on a site, the number of off-street parking spaces and loading berths to be provided shall be equal to

the sum of the requirements prescribed for each use. If the gross floor area of individual uses on the same site is less than that for which a loading berth would be required by Schedule B of Section 3103, but the aggregate gross floor area of all uses is greater than the minimum for which loading berths would be required, the aggregate gross floor area shall be used in determining the required number of loading berths.

D. Joint Use. Off-street parking and loading facilities required by this chapter for any use shall not be considered as providing parking spaces or loading berths for any other use except where the provisions of Section 3104: Collective Provision of Parking apply or a joint facility exists. Such a facility shall contain not less than the total number of spaces or berths as determined individually, unless provided for in the provisions of subsection (G) below, or fewer spaces may be permitted where adjoining uses on the same site have different hours of operation and the same parking spaces or loading berths can serve both without conflict. A determination of the extent, if any, to which joint use will achieve the purposes of this chapter shall be made by the ~~Planning Director~~ **City Planner**, who may require submission of survey data necessary to reach a decision.

E. Location and Ownership. Parking required to serve a nonresidential use may be on the same or a different site under the same or different ownership as the use served, provided that parking shall be within the following distances of the use served, measured from the near corner of the parking facility to the public entrance of the use served via the shortest pedestrian route:

Customer/Visitor Spaces
2300 ft.

Employee Spaces
400 ft.

F. Life of Facility. Facilities for off-site parking shall be restricted to that use by a recorded deed, lease, or agreement for the life of the project or use for which the parking is intended to serve, provided that the ~~Planning Director~~ **City Planner** may lift the restriction upon finding that substitute parking facilities meeting the requirements of this chapter are provided. No use shall be continued if the parking is removed unless substitute parking facilities are provided.

G. Common Loading Facilities. The off-street loading facilities requirements of this chapter may be satisfied by the permanent allocation of the prescribed number of berths for each use in a common truck loading facility, provided that the total number of berths shall not be less than the sum of the individual requirements unless the ~~Planning Director~~ **City Planner** determines that a reduced number of berths can reasonably serve the proposed uses. As a requirement of approval, an attested copy of a contract between the parties concerned setting forth an agreement to joint use of the common truck loading facility shall be filed with the application for development approval.

H. Computation of Spaces Required. If, in the application of the requirements of this chapter, a fractional number is obtained, one parking space or loading berth shall be required for a fraction of one-half or more, and no space or berth shall be required for a

fraction of less than one-half.

3103 Off-Street Parking and Loading Spaces Required

Off-street parking and loading spaces shall be provided in accord with the following schedules. For off-street loading, references are to Schedule B which sets space requirements and standards for different groups of use classifications and sizes of buildings. References to spaces per square foot are to be computed on the basis of gross floor area unless otherwise specified, and shall include allocations of shared restroom, halls and lobby area, but shall exclude area for vertical circulation, stairs or elevators.

Where the use is undetermined, the ~~Planning Director~~ **City Planner** shall determine the probable use and the number of parking and loading spaces required. In order to make this determination, the ~~Planning Director~~ **City Planner** may require the submission of survey data from the applicant or collected at the applicant's expense.

OFF STREET PARKING AND LOADING SPACES REQUIRED
COASTAL ZONE (EXCEPT FOR D-DISTRICT)

Use Classification

Off Street Parking Spaces:
Schedule A

Single Family Residential area

2 car garage per dwelling unit; minimum interior 400 sq. ft.; minimum interior width 18 ft.

Multiple Family Residential*

1.5 spaces (1 covered, 1/2 space open) for 1 bdrm
2 spaces (1 covered; 1 open) for 2 bdrm or greater

Condominiums in PRD or PCD*

2 spaces (1 garage, 1 open)

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

1 and 2 bedroom units
3 bedrooms or greater

1 enclosed or covered space per DU
1.5 space per DU; 1 covered or enclosed (min)

Banks, business or professional offices

1 per 400 sq. ft. of gross floor area

Bowling Alleys

7 per lane

OFF STREET PARKING AND LOADING SPACES REQUIRED
COASTAL ZONE (EXCEPT FOR D-DISTRICT)

<u>Use Classification</u>	<u>Off Street Parking Spaces:</u> <u>Schedule A</u>
<u>Churches and accessory uses</u>	<u>1 per 4 fixed seats, or 1 space per 40 sq. ft. of assembly floor area</u>
<u>Retail centers with less than 5,000 sq. ft. of gross floor area</u>	<u>1 per 300 sq. ft. of gross floor area</u>
<u>Retail centers greater than 5,000 sq. ft. but less than 20,000 sq. ft. of gross floor area</u>	<u>1 per 250 sq. ft. of gross floor area</u>
<u>Retail centers greater than 20,000 sq. ft. of gross floor area</u>	<u>1 per 200 sq. ft. of gross floor area</u>
<u>Bars and Cocktail Lounges</u>	<u>1 per 2 seats or 1 space per 30 sq. ft. of area used for consumption of beverages (15 spaces min.)</u>
<u>Food and beverage Kiosk</u>	<u>1 per 100 sq. ft. gross area; plus queue for 5 cars for drive-up service measured from menu board</u>
<u>Furniture and appliance stores, hardware stores, household equipment, service shops, clothing or shoe repair or personal service shops</u>	<u>1 per 600 sq. ft. of gross floor area</u>
<u>Hospitals</u>	<u>1 per bed</u>
<u>Hotels</u>	<u>1 per licensed unit</u>
<u>Libraries</u>	<u>1 per 250 sq. ft. of gross floor area</u>
<u>Motels</u>	<u>1 per licensed unit</u>

OFF STREET PARKING AND LOADING SPACES REQUIRED
COASTAL ZONE (EXCEPT FOR D-DISTRICT)

Use Classification

Off Street Parking Spaces:
Schedule A

<u>Manufacturing uses, research and testing laboratories, creameries, bottling establishments, bakeries, canneries, printing and engraving shops</u>	<u>1 per 800 sq. ft. of gross floor area</u>
<u>Medical and dental clinics and medical-professional offices</u>	<u>1 200 sq. ft. of gross floor area</u>
<u>Mortuaries</u> <u>Motor vehicle, machinery sales or wholesale stores</u>	<u>1 per 50 sq. ft. of assembly service areas</u>
<u>Offices not providing customer service on the premises</u>	<u>1 space per 1,000 sq. ft. of gross floor area</u>
<u>Restaurants Fast Food</u>	<u>1 space per 400 sq. ft. of gross floor area</u>
<u>Restaurants Full Service</u>	<u>1 per 3 seats or 1 space per 45 sq. ft. of floor area used for food or beverages consumption (15 min.); plus queue spaces for 5 cars for drive up service measured from menu board</u>
<u>Rooming houses, lodging houses, clubs and fraternity houses with sleeping quarters</u>	<u>1 per 3 seats or 1 space per 45 sq. ft. of floor area used for food or beverages consumption (15 min.)</u>
<u>Sanitariums, children's homes, homes for aged, asylums, nursing homes</u>	<u>1 per 2 sleeping rooms</u>
<u>Schools</u>	<u>1per 3 beds</u>
<u>Schools (business and vocational)</u>	<u>1 per each employee</u>
	<u>1 per 40 sq. ft. of classroom area</u>

OFF STREET PARKING AND LOADING SPACES REQUIRED
COASTAL ZONE (EXCEPT FOR D-DISTRICT)

Use Classification

Off Street Parking Spaces:
Schedule A

Stadiums, sports arenas, auditoriums
(including school auditoriums) and
other places of public assembly, and clubs
and lodges having no sleeping quarters

1 per 4 fixed seats and/or 1 per 40 sq. ft. of
gross floor area used for assembly

Theaters

1 space per 4 fixed seats, up to 800 seats
plus 1 space per 8 seats over 800 seats. A
greater number of spaces may be required
based on land use location factors, to
satisfy parking demand

Transportation terminal facilities,
warehouse and storage building

As determined to meet parking demand by
the Planning Commission

**OFF-STREET PARKING AND LOADING SPACES REQUIRED
INLAND & DOWNTOWN D-DISTRICT**

Use Classification	Off-Street Parking Spaces: Schedule A	Off-Street Loading Spaces: Schedule B Group Number
Residential		
Group Residential	1 per 2 beds; plus 1 per 100 sq. ft. used for assembly purposes.	1
Multifamily Residential	1.5/unit including 1 covered for studios and one-bedroom units: 2/unit including 1 covered for units with two bedrooms or more.	
Guest Parking	4-10 units: 1 space More than 10 units: 1 space plus 20% total number of units.	
Residential Care, Limited	1 per 3 beds.	
Single-Family Residential	2 enclosed spaces/unit. A 20 foot wide by 19 foot deep 2-car garage is required in all districts not subject to an overlay district, except on designated historic sites.	
	Garage space for 3 cars is required for all new single family residential units in excess of 2,500 sq. ft. Garage spaces must be a minimum size of 10 feet wide by 19 feet deep and shall meet the provisions of Section 3110. <u>The 3rd garage space may be provided in a tandem configuration.</u>	
Public and Semipublic		
Airports	As specified by use permit.	
Cemeteries	As specified by use permit.	

**OFF STREET PARKING AND LOADING SPACES REQUIRED
INLAND & DOWNTOWN D-DISTRICT (continued)**

Use Classification	Off-Street Parking Spaces: Schedule A	Off-Street Loading Spaces: Schedule B Group Number
Clubs and Lodges	1 per 100 sq. ft. used for assembly purposes.	3
Cultural Facilities	1 per 300 sq. ft. gross floor area.	3
Day Care, General	1 per 7 persons based on maximum occupancy load.	
Government Offices	1 per 300 sq. ft. gross floor area.	2
Heliports	As specified by use permit.	
Hospitals	1 per 1 bed.	3
Maintenance and Service Facilities	1 per 500 sq. ft.	1
Park and Recreation Facilities	As specified by master plan or use permit.	
Public Safety Facilities	As specified by use permit.	3
Religious Assembly	1 per each 4 seats or 1 per each 40 sq. ft. of non-fixed seating area. Ancillary uses, such as office, daycare, and schools/ study areas, must provide additional parking based on sq. ft.	3
Residential Care, General	1 per 3 beds; plus additional specified by use permit.	3
Schools, Public or Public	As specified by use permit.	1
Utilities, Major	As specified by use permit.	1

**OFF STREET PARKING AND LOADING SPACES REQUIRED
INLAND & DOWNTOWN D-DISTRICT (continued)**

Use Classification	Off-Street Parking Spaces: Schedule A	Off-Street Loading Spaces: Schedule B Group
Commercial		
Adult Businesses	1 per 250 sq. ft.	1
Ambulance Services	1 per 500 sq. ft.; plus 2 storage spaces.	1
Animal Sales and Services:		
Animal Boarding	1 per 400 sq. ft.	1
Animal Grooming	1 per 400 sq. ft.	1
Animal Hospitals	1 per 400 sq. ft.	1
Animals, Retail Sales	1 per 250 sq. ft.	1
Artists' Studios	1 per 1,000 sq. ft.	
Banks and Savings & Loans:	1 per 250 sq. ft.	2
With Drive-Up Service	Queue space for 5 cars per teller	
Building Materials and Services	1 per 1,000 sq. ft. of lot area of lot area.	1
Catering Services	1 per 400 sq. ft.	1
Commercial Recreation and Entertainment:		
Bowling Alleys	3 per alley, plus 1 per 250 sq. ft. of public assembly and retail areas.	1

**OFF STREET PARKING AND LOADING SPACES REQUIRED
INLAND & DOWNTOWN D-DISTRICT (continued)**

Use Classification	Off-Street Parking Spaces: Schedule A	Off-Street Loading Spaces: Schedule B Group Number
Card Rooms	1 space per chair, plus additional spaces for ancillary uses, as required by this article.	1
Arcades and Game Centers	1 per 400 sq. ft.	
Skating Rinks	1 per 5 fixed seats, or 1 per 35 sq. ft. seating area if there are no fixed seats; plus 1 per 250 sq. ft. floor area not used for seating.	1
Tennis and Racquetball Clubs	4 per court.	1
Theaters	1 per 4 fixed seats, or 1 per 35 sq. ft. seating area if there are no fixed seats.	1
Other Commercial Recreation and Entertainment	As specified by the <u>City Planner Planning Director</u> .	
Communications Facilities	1 per 500 sq. ft.	2
Food and Beverage Kiosk	1 per 100 sq. ft. of gross area; plus queue space for 5 cars for drive-up service measured from menu board.	
Food and Beverage Sales	1 per 200 sq. ft.	1
Funeral and Interment Services	1 per 35 sq. ft. of seating area.	1

**OFF STREET PARKING AND LOADING SPACES REQUIRED
INLAND & DOWNTOWN D-DISTRICT (continued)**

Use Classification	Off-Street Parking Spaces: Schedule A	Off-Street Loading Spaces: Schedule B Group Number
Horticulture, Limited	1 per 2 acres.	
Laboratories	1 per 500 sq. ft.	1
Maintenance and Repair Services	1 per 500 sq. ft.	1
Marinas	0.8 per berth.	1
Marine Sales and Service	1 per 350 sq. ft.	
Nurseries	1 per 1,000 sq. ft. lot area for first 10,000 sq. ft.; 1 per 5,000 sq. ft. thereafter, plus 1 per 250 sq. ft. gross floor area.	
Offices, Business and Professional	1 per 300 sq. ft.	2
Offices, Medical and Dental	1 per 200 sq. ft.	2
Pawn Shops	1 per 250 sq. ft.	1
Personal Improvement Services:	1 per 250 sq. ft.	
Dance or Music Studio	1 per 600 sq. ft.	
Personal Services	1 per 250 sq. ft.	1
Research and Development Services	1 per 400 sq. ft.	

**OFF STREET PARKING AND LOADING SPACES REQUIRED
INLAND & DOWNTOWN D-DISTRICT (continued)**

Use Classification	Off-Street Parking Spaces: Schedule A	Off-Street Loading Spaces: Schedule B Group Number
Dance or Music Studio	1 per 600 sq. ft.	
Personal Services	1 per 250 sq. ft.	1
Research and Development Services	1 per 400 sq. ft.	
Restaurants Full Service	1 per 50 sq. ft. of seating area	
With Live Entertainment	1 per 35 sq. ft. seating area; plus 1 per 35 sq. ft. of dance floor.	1
Restaurant Fast Food	1 per 50 sq. ft. of seating area.	
Restaurants with Drive-thru or Drive-up	1 per 100 sq. ft. gross area; plus queue for 5 cars for drive-up service measured from Menu board.	
Retail Sales Not Listed Under Another Use Classification	1 per 200 sq. ft. for less than 5,000 sq. ft.; 1 per 250 sq. ft. over 5,000 sq. ft.	1
Vehicle/Equipment Sales and Services:		
Automobile Washing	1 per 200 sq. ft. of sales, office, or lounge area; plus queue for 5 cars per washing station.	
Service Stations	1 per 2,500 sq. ft. lot area; plus 1 per 600 sq. ft. of service bay and storage area.	

**OFF STREET PARKING AND LOADING SPACES REQUIRED
INLAND & DOWNTOWN D-DISTRICT (continued)**

Use Classification	Off Street Parking Spaces: Schedule A	Off Street Loading Spaces: Schedule B Group Number
Vehicle/Equipment Repair	1 per 300 sq. ft.	1
Vehicle/Equipment Sales and Rentals	1 per 1,000 sq. ft. lot area.	1
Vehicle Storage	1 per 500 sq. ft.	
Visitor Accommodations:		
Bed and Breakfast Inns	1 per guest room; plus 2 spaces.	
Hotels, Motels and Time Share Facilities	1.2 per guest room; plus 1 per 50 sq. ft. banquet seating area.	1
SRO Hotels	0.2 per room.	1
Warehousing and Storage, Limited	1 per 2,000 sq. ft.	
Industrial		
Industry, Custom and General	1 per 1,000 sq. ft.	1
Industry, Limited	1 per 750 sq. ft.	1
Industry, Research and Development	1 per 500 sq. ft.	1
Wholesaling, Distribution and Storage	1 per 1,500 sq. ft.	1

SCHEDULE B: LOADING SPACES REQUIRED

Gross Floor Area (sq. ft.)	Number of Spaces Required	
	10' x 20' x 10' Vert. Clearance	12' x 35' x 14' Vert. Clearance
<u>Use Classification Group 1</u>		
0 to 3,000		
3,001 to 15,000		1
15,001 to 50,000		2
50,001 and over		3
<u>Use Classification Group 2</u>		
0 to 10,000	1	
10,001 to 20,000		1
20,001 and over	1	1
<u>Use Classification Group 3</u>		
0 to 30,000		1
30,001 to 100,000		2
100,000 and over		3

3104 Collective Provision of Parking

Notwithstanding the provisions of Section 3102 (E), a use permit may be approved for collective provision of parking serving more than one use or site and located in a district in which parking for the uses served is a permitted or conditional use. A use permit for collective off-street parking may reduce the total number of spaces required by this article if the following findings are made:

- A. The spaces to be provided will be available as long as the uses requiring the spaces are in operation; and
- B. The adequacy of the quantity and efficiency of parking provided will equal or exceed the level that can be expected if collective parking is not provided.

The maximum allowable reduction in the number of spaces to be provided shall not exceed 20 percent of the sum of the number required for each use served.

An applicant for a use permit for collective parking may be required to submit survey data

substantiating a request for reduced parking requirements. A use permit for collective parking shall describe the limits of any area subject to reduced parking requirements and the reduction applicable to each use.

Within the Coastal Zone, the Planning Commission may, upon application of a Conditional Use Permit by the owner or lessee of any property, authorize the joint use of parking facilities by the following uses or activities under the conditions specified herein:

(a) Up to fifty (50) percent of the parking facilities required by this Article for a use considered to be primarily a daytime use may be provided by the parking facilities of a use considered to be primarily a nighttime use and vice versa, provided such reciprocal parking areas shall be subject to conditions set forth in paragraph (b) below.

Typical daytime uses include but are not limited to the following: banks, business offices, retail stores, personal service shops, clothing, repair or service shops, manufacturing or wholesale buildings and similar uses. Typical nighttime and/or Sunday uses include but are not limited to the following: auditoriums incidental to a public or parochial school, churches, dance halls, theaters and bars.

(b) Conditions required for joint use:

(1) The building or use for which application is being made to utilize the existing off-street parking facilities provided by another building or use, shall be located within three hundred (300) feet of such parking facility.

(2) The applicant shall show that there is no substantial conflict in the principal operating hours of the building or uses for which the joint use of off-street parking facilities is proposed.

(3) Parties concerned in the joint use of off-street parking facilities shall evidence agreement for such joint use by a proper legal instrument approved by the City Attorney as to form and content. Such instrument, when approved as conforming to the provisions of this Ordinance, shall be recorded in the office of the County Recorder and copies thereof filed with the City Clerk and Planning Division.

3105 Reduced Parking for Other Uses

A use permit may be approved reducing the number of spaces to less than the number specified in the schedules in Section 3103, provided that the following findings are made:

A. The parking demand will be less than the requirement in Schedule A or B; and

- B. The probable long-term occupancy of the building or structure, based on its design, will not generate additional parking demand.

In reaching a decision, the Planning Commission or Community Development Commission, as the case may be, shall consider survey data submitted by an applicant or collected at the applicant's request and expense.

Projects exceeding base density allowances that reserve units for low and moderate-income households in accordance with Municipal Code Chapter 14C.7 are eligible for the following concessions to the parking standards specified in the scheduled in Section 3103:

- One (1.0) parking space per market-rate studio and one-bedroom unit;
- 1.5 parking spaces per market-rate unit exceeding one bedroom;
- 0.5 parking space per inclusionary studio unit;
- One (1.0) parking space per inclusionary one-bedroom unit;
- 1.25 parking spaces per inclusionary two-bedroom unit;
- 1.5 parking spaces per inclusionary unit exceeding two bedrooms.

3106 Parking In-Lieu Payments

Within the D District and designated parking districts established by the City Council and shown on the zoning map, a parking requirement serving nonresidential uses on a site may be met by a cash in-lieu payment to the City prior to issuance of a building permit or a certificate of occupancy if no permit is required. The fee shall be to provide public off-street parking in the vicinity of the use. The City shall not be obligated to provide more than 20 spaces, and then only with the express approval of the City Council.

In establishing such parking districts, the City may set limitations on the number of spaces or the maximum percentage of parking spaces required for which an in-lieu fee may be tendered.

3107 Parking Spaces for the Handicapped

All parking facilities shall comply with the requirements of the California Administrative Code (Title 24, Part 2, Chapter 2-71) and with the sign requirements of the California Vehicle Code, Section 22507.8.

Recreation facilities in Mobile Home Parks and Mobile Home Subdivisions shall designate within their parking areas handicapped spaces at a ratio of one handicapped space for every 10 standard spaces provided.

3108 Bicycle Parking

- A. Where Required. Bicycle parking spaces shall be provided as required by this section; the provisions of Section 3102 shall apply.
- B. Number Required.
 - 1. Public and Semipublic Use Classifications: as specified by use permit.
 - 2. Commercial and Industrial Use Classifications: 5 percent of the requirement for automobile parking spaces, except for the following classifications, which are exempt:
 - a. Ambulance Services;
 - b. Animal Boarding;
 - c. Animal Grooming;
 - d. Catering Services;
 - e. Commercial Filming;
 - f. Horticulture, Limited;
 - g. Funeral and Internment Services;
 - h. Swap Meets, Recurring;
 - i. Vehicle/Equipment Sales and Services (all classifications).
- C. Design Requirements. For each bicycle parking space required, a stationary object shall be provided to which a user can secure both wheels and the frame of a bicycle with a user-provided 6-foot cable and lock. The stationary object may be either a freestanding bicycle rack or a wall-mounted bracket.

3109 Parking Space Dimensions

Required parking spaces shall have the following minimum interior dimensions:

<u>Use</u>	<u>Type of Space</u>	<u>Large Car (ft.)</u>	<u>Small Car (ft.)</u>
Residential	In separate garage or covered parking structure housing 6 or fewer cars, or with door at rear of each space	9.0x19 deep	9.0x19 deep
Residential	In garage or covered parking Structure housing more than 6 cars with access via aisle	8.5x18 deep	7.5x15 deep

Nonresidential	Angle spaces	8.5x18 deep	7.5x15 deep
All	Parallel spaces	8.0x22 deep	8.0x22 deep

3110 Application of Dimensional Requirements

- A. In General. All required spaces shall be large-car spaces. However, spaces provided in addition to the number required may be small-car spaces.
- B. Relation to Aisles.
 - 1. Each parking space adjoining a wall, column, or other obstruction higher than 0.5 feet shall be increased by 1 foot on each obstructed side.
 - 2. At the end of a parking bay, an aisle providing access to a parking space perpendicular to the aisle shall extend 2 feet beyond the required width of the parking space.
- C. Vertical Clearance. Vertical clearance for parking spaces shall be 7 feet, except that an entrance may be 6.67 feet and the front 5 feet of a parking space serving a residential use may be 4.5 feet.
- D. Wheel Stops. All spaces shall have wheel stops 2.5 feet from a fence, wall, or walkway. When a parking space abuts a landscaped planter, the front two feet of the required length for a parking space may overhang the planter if the planter area is increased in depth by 2 feet (See Section 3019.E.6).

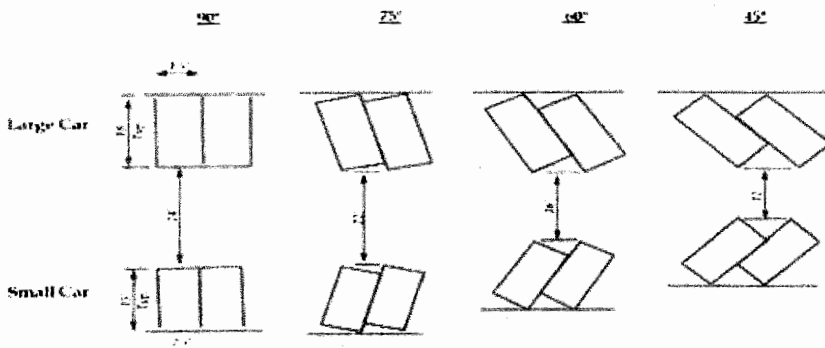
3111 Aisle Dimensions

Aisle widths adjoining parking spaces shall be as follows (See Diagram 3111):

Minimum One-way Aisle Width for Specified Parking Angle (ft.)

Angle	90°	75°	60°	45° or less
Aisle Width (ft.)	24	23	16	12

The minimum two-way aisle width shall be 24 feet in all cases.



3112 Specific Parking Area Design

Where an applicant can demonstrate to the satisfaction of the ~~Planning Director~~ **City Planner** that variations on the dimensions otherwise required by this article, a specific parking area design may be approved under the following limitations:

- A. The area affected by the specific design shall be for parking by persons employed on the site only. Visitor parking stalls shall meet the dimensions required.
- B. The surface area available for parking shall not be less than would be required to accommodate the minimum required number of stalls for large and small cars.

3113 Parking Access from Street

Access to parking spaces shall not require backing across a property line or into the public right-of-way. An alley may be used as maneuvering space for access to off-street parking.

Residential development proposals on lots or parcels with alley access shall be designed such that all on-site parking shall be accessed by way of the abutting alley. Residential development proposals on lots or parcels with multiple street frontages shall be designed such that all on-site parking shall be accessed by way of the minor street frontage. No more than one driveway shall be permitted for any residential lot or parcel unless otherwise approved by the Planning Commission, or Community Development Commission, as the case may be or City Council.

All spaces in a parking facility shall be made accessible without re-entering a public right-of-way unless it is physically impossible to provide for such access.

3114 Driveway Widths and Clearances

Driveways shall have the following minimum widths at the property line, plus a minimum of 1-foot additional clearance on each side of a vertical obstruction exceeding 0.5 foot in height.

- A. Serving a residential use 1 dwelling unit or 2 dwelling 8 ft. 1-way

Units within 150 ft. of street	16 ft. 2-way
3 dwelling units or 2 dwelling Units more than 150 ft. of street	12 ft. 1-way 20 ft. 2-way
More than 3 dwelling units Up to 9 dwelling units	12 ft. 1-way 24 ft. 2-way
More than 9 dwelling units	Private Street

B. Serving a nonresidential use: 14 ft. 1-way
27 ft. 2-way

The ~~Planning Director~~ **City Planner** and the City Engineer may require driveways in excess of the above widths where unusual traffic, grade or site conditions prevail. The ~~Planning Director~~ **City Planner** and the City Engineer also may require driveways to be constructed with full curb returns and handicapped ramps as opposed to simple curb depression.

3115 Driveways; Visibility

Visibility of a driveway crossing a street property line shall meet the design standards established in the City of Oceanside Engineers Design and Processing Manual.

Driveways or drive-aisles adjacent to buildings in a **C commercial** or **I industrial** district shall be setback from a building a minimum of five (5) feet to provide site distance at the corners of the building.

3116 Parking Area Screening: Walls and Fences

A parking area serving a nonresidential use shall be screened from an adjoining **R residential** district or a ground-floor residential use by a solid decorative concrete or masonry wall with a minimum height of 6 feet, and a maximum as specified in Section 3040. The height of the wall adjoining a required front yard in an **R residential** district shall be 42 inches. A covered parking structure or open parking area serving a residential use shall be screened from an adjoining lot in an **R residential** district or a ground-floor residential use by a solid decorative concrete or masonry wall 6 feet in height, except that the height of a wall adjoining a required front yard in an **R residential** district shall be 42 inches.

3117 Lighting

Outdoor parking area lighting shall not employ a light source higher than 25 feet. Building plans submitted for building permit shall include provisions indicating that lighting is properly shielded and directed so as to prevent glare on surrounding properties or onto an

adjacent street. Lighting shall comply with all City codes and ordinances in effect at the time of building permit issuance including any light pollution control measures.

3118 Parking Lot Landscaping

Parking lot landscaping shall be as prescribed by Section 3019.

3119 Driveways and Covered Parking Structure Design and Location in Residential Districts

The following provisions shall apply to driveways, garages, and carports in ~~R~~ residential districts, whether they are accessory structures or part of a principal structure:

- A. Driveways. Driveways shall be paved and shall have widths and clearances prescribed by Section 3114, subject to the visibility requirements of Section 3115.
- B. Covered Parking Structures. Covered Parking Structures shall be designed and located so that parked vehicles are not visible from a street or adjacent property. Covered parking structures shall have at the minimum a roof and be enclosed on three sides. The architectural design, roofline, and materials of covered parking structures shall be substantially the same as and compatible with the primary structures.

3120 Additional Design Standards for Parking Lots and Structures

Parking lots shall have paving, drainage, wheel stops, lighting, space marking, directional signs, ramp grades, litter collection containers, fire equipment, and queuing space for drive-in facilities or ticket dispensing booths or machines, which shall be subject to approval of the ~~Planning Director~~ City Planner.

3121 Location and Design of Off-Street Loading Spaces

Required spaces shall not be within a building, but shall be on the site of the use served. On a site adjoining an alley, a required loading space shall be accessible from the alley unless alternative access is approved by the ~~Planning Director~~ City Planner and City Engineer. A required loading space shall be accessible without backing a truck across a property line or street right-of-way unless the ~~Planning Director~~ City Planner and City Engineer determines that provision of turn-around space is infeasible and approves alternative access. An occupied loading space shall not prevent access to a required off-street parking space. A loading area shall not be located in a required yard.

A loading area visible from a street or adjacent property shall be screened on three sides by a fence, wall, or hedge at least 6 feet in height.

3122 Bus Turnouts and Shelters

Bus turnouts and shelters shall be provided in residential, commercial, and industrial developments on secondary arterial streets and above, where and when appropriate, as determined by the ~~Planning Director~~ **City Planner** and the City Engineer.

Article 45 Amendments (City-wide)

Sections:

- 4501 Applicability
- 4502 Initiation of Amendments
- 4503 Required Application Materials for Amendments Initiated by Property Owners, Residents, or Business Owners
- 4504 Public Hearing Scope and Notice
- 4505 Duties of Planning Commission
- 4506 Duties of City Council
- 4507 Revisions of Proposed Amendments
- 4508 Resubmittal of Application
- 4509 Local Coastal Plan Amendments**

4501 Applicability

This ordinance may be amended by changing the zoning map or the regulations.

4502 Initiation of Amendments

- A. Zoning Regulations. Amendments to the zoning regulations shall be initiated by motion of the City Council or the Planning Commission, or by petition of any resident, property owner or business owner in the city.
- B. Zoning Map. Amendments to the zoning map shall be initiated by motion of the City Council or Planning Commission or by application of the owner or authorized agent of property for which the change is sought. If property that is the subject of an application is in more than one ownership, all the owners or their authorized agents shall join in filing the application.

4503 Required Application Materials for Amendments Initiated by Property Owners, Residents or Business Owners

A property owner shall initiate a zoning map amendment by filing the following with the ~~Planning Director~~ City Planner:

- A. A completed application form;
- 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. The required fee.

A property owner, resident or business owner shall initiate a zoning text amendment by submitting a description of the amendment accompanied by the items described above.

4504 Public Hearing Scope and Notice

- A. Scope. The ~~Planning Director~~ **City Planner** shall set a date, time, and place for the public hearing and prepare a report to the Planning Commission on an application of a property owner for a zoning map amendment or a petition for a zoning regulation amendment describing the area to be considered for change and, if warranted, proposing alternative amendments.
- B. Notice of Hearing.
 - 1. Normal Procedure. Notice shall be given in accord with Government Code Sections 65090 and 65091.
 - 2. Zoning Map Amendments: 1000 or More Lots. If a proposed zoning map amendment includes 1,000 or more lots, notice may be given in accord with Government Code Section 65091(a) (3).
- C. Contents of Notice. Notices required by this section shall contain:
 - 1. A description of the amendment;
 - 2. A statement of the date, time, and place of the hearing;
 - 3. Reference to the Council or Commission motion or application and other materials on file with the ~~Planning Director~~ **City Planner** for detailed information;
 - 4. A statement that any interested party or agent may appear and be heard.

4505 Duties of Planning Commission

- A. Public Hearing. At the time and place set for the public hearing, the Planning Commission shall consider a report of the ~~Planning Director~~ **City Planner** and shall hear evidence for and against the proposed amendment. The Planning Commission may continue a public hearing to a definite date and time without additional notice.
- B. Recommendation to City Council. Following the public hearing, the Commission shall make specific findings as to whether the proposed zoning regulation or zoning

map amendment is consistent with the policies of the General Plan and the purposes of this ordinance, and shall recommend approval, conditional approval, or disapproval of the proposal as submitted or in modified form.

4506 Duties of City Council

- A. Hearing Date and Notice. Upon receipt of a Planning Commission recommendation for approval or conditional approval of an amendment to the zoning regulations or map, the Council, shall set a date and time for a public hearing on the proposed amendment. The hearing shall be held within 60 days of the date of filing of the Commission recommendation. The City Clerk shall give notice of such hearing, as required by Section 4504.
- B. Public Hearing. At the time and place set for the public hearing, the Council shall hear evidence for and against the proposed amendment. The Council may continue a public hearing to a definite date and time without additional notice.
- C. Council Decision. After the public hearing, the Council, shall approve, modify, or reject the Commission recommendation, provided that a modification not previously considered by the Commission shall be referred to the Commission for a report prior to adoption of an ordinance amending the zoning regulations or map. Failure of the Planning Commission to report within 40 days after referral or such longer period as may be designated by the Council shall be deemed approval of the proposed modification. Prior to adoption of an ordinance the Council shall make findings that the proposed regulation or map amendment is consistent with the policies of the General Plan and the notice and hearing provisions of this ordinance.

4507 Revisions of Proposed Amendments

- A. Revisions. At or after a public hearing, the Commission or the Council may determine that the public interest would be served by:
 - 1. Revising the boundaries of an area proposed for a zoning map amendment;
 - 2. Considering zoning map designations not originally presented in a motion, application, or Commission recommendation;
 - 3. Considering zoning regulation amendments not originally presented in a motion, petition, or Commission recommendation.
- B. Supplemental Notice. Notice shall be given prior to a hearing on a revised amendment, unless the Commission, or Council, finds that the revised amendment will not have impacts greater than those that would result from the amendment in its original form.

4508 Resubmittal of Application

Following denial of an application or petition for an amendment to the zoning regulations or the zoning map by the Commission or Council, no new application or petition for the same, or substantially the same, amendment shall be accepted within one year of the date of denial, unless denial is made without prejudice.

4509 Local Coastal Program Amendments

Amendments to the certified Local Coastal Program are subject to additional public noticing and processing requirements, pursuant to Coastal Act and Coastal Commission Regulations.

All amendments to the Local Coastal Program shall be processed pursuant to the following:

A. At a minimum, all notices for public review sessions, availability of review drafts, studies, or other relevant documents or actions pertaining to the preparation of the LCP shall be mailed to:

- 1. any member of the public who has so requested;**
- 2. each local government contiguous with the area that is the subject of the LCP;**
- 3. local governments, special districts, or port or harbor districts that could be directly affected by or whose development plans should be considered in the LCP;**
- 4. all of the state and federal agencies listed in Appendix A of the California Coastal Commission's Local Coastal Program Manual;**
- 5. local libraries and media; and**
- 6. other regional or federal agencies that may have an interest in or be affected by the LCP.**

Any reference in this subchapter to "interested parties" or "public agency" shall include the aforementioned persons or groups.

B. Proposed LCP documents including review drafts shall be made available at no cost to relevant state agencies and to other interested persons and agencies upon request.

C. Notice of the availability of review drafts of LCP materials and transmittal of said documents pursuant to paragraphs (a) and (b) shall be made as soon as

such drafts are available, but at a minimum at least six (6) weeks prior to any final action on the documents by City. Review drafts shall also be made readily available for public perusal in local libraries, in the administrative offices of the City and at the Coastal Commission offices.

- D. Notice of the City's hearings on the LCP documents shall be given general publication and shall be transmitted to all interested persons and public agencies not less than ten (10) working days before the hearing. Where the City determines that it is legal, practical, and would increase public participation, the hearing should be held in the coastal zone or in a place easily accessible to residents of the coastal zone.

CALIFORNIA COASTAL COMMISSION

FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
TELEPHONE AND TDD (415) 904-5200



TO: Local Governments and Interested Persons

FROM: Coastal Commission Staff

SUBJECT: Guidelines For the Exclusion of Temporary Events from
Coastal Commission Permit Requirements - Adopted 5/12/93

I. Purpose and Authority.

The purpose of these guidelines is to identify the standards the Coastal Commission staff, under the direction of the Executive Director, will use in determining whether a temporary event is excluded from coastal development permit requirements pursuant to Public Resources Code Section 30610 (i) (as amended by SB 1578, Ch. 1088, Stats. 1992). The guidelines are for use in areas where the Coastal Commission retains coastal development permit authority. These guidelines may be utilized by local governments for reference in developing Local Coastal Programs or in processing LCP amendments, if required, to address coastal development permit jurisdiction over temporary events.

II. Criteria for Exclusion from Permit Requirements.

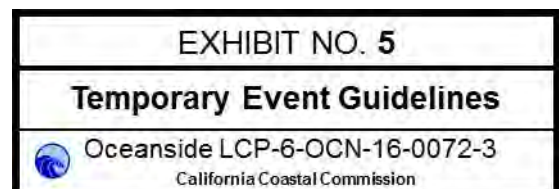
Except as provided in Section III. below, the Executive Director shall exclude from coastal development permit requirements all temporary events except those which meet all of the following criteria:

- a) Are held between Memorial Day weekend and Labor Day; and,
- b) Occupy all or a portion of a sandy beach area; and,
- c) Involve a charge for general public admission or seating where no fee is currently charged for use of the same area (not including booth or entry fees).

Only temporary events meeting all of the above criteria shall require coastal development permit review, however,

The Executive Director may also exclude from permit requirements temporary events meeting all of the above criteria when:

- d) The fee is for preferred seating only and more than 75% of the provided seating capacity is available free of charge for general public use; or,



e) The event is held on sandy beach area in a remote location with minimal demand for public use, and there is no potential for adverse effect on sensitive coastal resources; or,

f) The event is less than one day in duration; or,

g) The event has previously received a coastal development permit and will be held in the same location, at a similar season, and for the same duration, with operating and environmental conditions substantially the same as those associated with the previously-approved event.

III. Executive Director or Commission Discretion to Require a Permit.

The Executive Director, or the Commission through direction to the Executive Director, may determine that a temporary event shall be subject to Commission coastal development permit review, even if the criteria in Section II. are not met, if the Executive Director or the Commission determines that unique or changing circumstances exist relative to a particular temporary event that have the potential for significant adverse impacts on coastal resources. Such circumstances may include the following:

a) The event, either individually or together with other temporary events scheduled before or after the particular event, precludes the general public from use of a public recreational area for a significant period of time;

b) The event and its associated activities or access requirements will either directly or indirectly impact environmentally sensitive habitat areas, rare or endangered species, significant scenic resources, or other coastal resources as defined in Section V. of these guidelines;

c) The event is scheduled between Memorial Day weekend and Labor Day and would restrict public use of roadways or parking areas or otherwise significantly impact public use or access to coastal waters;

d) The event has historically required a coastal development permit to address and monitor associated impacts to coastal resources.

IV. Modifications to Guidelines by the Commission.

The Commission may amend these guidelines at any time if it is determined such modification is necessary to more effectively implement Section 30610(i) of the Coastal Act, and provide Coastal Commission coastal development permit review of any category of temporary events having the potential for significant impacts to coastal resources; or, eliminate such review of any category of temporary events having no such potential.

V. Definitions.

For purposes of these guidelines, the following definitions shall apply:

a) "Temporary event(s)" means an activity or use that constitutes development as defined in Section 30106 of the Coastal Act; and is an activity or function of limited duration; and involves the placement of non-permanent structures; and/or involves exclusive use of a sandy beach, parkland, filled tidelands, water, streets or parking area which is otherwise open and available for general public use;

b) "Limited duration" means a period of time which does not exceed a two week period on a continual basis, or does not exceed a consecutive four month period on an intermittent basis;

c) "Non-permanent structures" include, but are not limited to, bleachers, perimeter fencing, vendor tents/canopies, judging stands, trailers, portable toilets, sound/video equipment, stages, platforms, movie/film sets, etc., which do not involve grading or landform alteration for installation.

d) "Exclusive use" means a use that precludes use in the area of the event for public recreation, beach access or access to coastal waters other than for or through the event itself.

e) "Coastal resources" include, but are not limited to, public access opportunities, visitor and recreational facilities, water-oriented activities, marine resources, biological resources, environmentally sensitive habitat areas, agricultural lands, and archaeological or paleontological resources.

f) "Sandy beach area" includes publicly owned and privately owned sandy areas fronting on coastal waters, regardless of the existence of potential prescriptive rights or a public trust interest.

(8499A)