

**CALIFORNIA COASTAL COMMISSION**

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



# Th17a

## LCP-6-OCN-17-0039-1 (PART A)

### (OPEN SPACE ZONING ORDINANCE UPDATE)

**JULY 2017**

## **EXHIBITS**

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- Exhibit 1 – Resolution LCPA 16-RO845-1 & 16-RO846-3
- Exhibit 2 – Ordinance 17-ORO018-1 & 17-ORO019-3
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- Exhibit 4 – Articles Proposed for Certification (Includes all Text)
- Exhibit 5 – CCC Temporary Event Guidelines

RESOLUTION NO. 16-R0845-1 & 16-R0846-3

A RESOLUTION OF THE CITY COUNCIL AND COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF OCEANSIDE AMENDING THE LOCAL COASTAL PROGRAM BY REPEALING ARTICLES 14.4, 35 AND 36 OF THE 1986 ZONING ORDINANCE AMENDING ARTICLES 15, 16 AND ADDING ARTICLE 20 TO THE 1992 ZONING ORDINANCE AND ESTABLISHING THE AMENDED TEXT AND MUNICIPAL CODE CHAPTER 30A AS PART OF THE IMPLEMENTATION PLAN OF THE COASTAL PROGRAM AND REQUESTING CALIFORNIA COASTAL COMMISSION CERTIFICATION OF SAID AMENDMENT

RECEIVED

(City of Oceanside -Applicant)

MAY 04 2017

(LCPA16-00003)

WHEREAS, the California Coastal Act (Public Resources Code §30000 "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;

CALIFORNIA COASTAL COMMISSION DISTRICT

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

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EXHIBIT NO. 1
Resolution 16-R0845-1 & 16-R0845-3
LCP-6-OCN-17-0039-1 (Part A) California Coastal Commission

1           WHEREAS, the Planning Division has prepared recommendations for text amendments in  
2 order to consolidate the 1986 Zoning Ordinance provisions for Open Space, Public Utility and  
3 Transportation Zone and Harbor Zone within the City's updated Zoning Ordinance; certify the  
4 amended Zoning Ordinance Articles 15, 16C and 20 - and the Municipal Code Chapter 30A as  
5 part of the Implementation Plan of the LCP; and update references to decision-making bodies,  
6 City departments and management staff titles to reflect the City's current organization (ZA16-  
7 00006, LCPA16-00003); and  
8

9           WHEREAS, on November 21, 2016, the Planning Commission conducted a duly-noticed  
10 public hearing as prescribed by law and recommended City Council approval of said zoning  
11 ordinance text amendment and Local Coastal Program amendment by unanimous vote; and

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

16           WHEREAS, the City Council and Community Development Commission conducted a  
17 joint duly-noticed public hearing on December 21, 2016, to consider Zone Amendment (ZA16-  
18 00006) and Local Coastal Program Amendment (LCPA16-00003), and the recommendation of  
19 the Planning Commission thereon, and heard and considered written and oral testimony  
20 regarding the proposed amendments; and

21           WHEREAS, based upon such evidence, testimony and staff reports, this Council finds  
22 that the Local Coastal Program Amendment (LCPA16-00003) conforms with and is adequate to  
23 carry out the land use plan of the Local Coastal Program.  
24

25           NOW, THEREFORE, the City Council of the City of Oceanside DOES RESOLVE as  
26 follows:

- 27 1. Pursuant to Public Resources Code §30510(a), the Oceanside City Council hereby  
28 certifies that the Local Coastal Program Amendment (LCPA16-00003) is intended to be  
✓ carried out in a manner fully in conformity with the Coastal Act, and is hereby adopted.
2. Pursuant to the California Environmental Quality Act of 1970, and the State Guidelines

1 thereto amended to date, a Notice of Exemption has been issued for the project by the  
2 Resource Officer for the City of Oceanside.

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

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

7 PASSED AND ADOPTED by the Oceanside City Council/Community Development  
8 Commission this 21st day of December, 2016, by the following vote:

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

10 NAYS: NONE

11 ABSENT: NONE

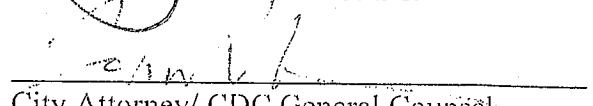
12 ABSTAIN: NONE

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Mayor/CDC Chair of the City of Oceanside

15 ATTEST:

16 APPROVED AS TO FORM:

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18 City Clerk/ CDC Secretary

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City Attorney/ CDC General Counsel

RECEIVED

MAY 04 2017

CALIFORNIA COASTAL COMMISSION SAN DIEGO COAST DISTRICT

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE REPEALING ARTICLES 14.4, 35 AND 36 OF THE 1986 ZONING ORDINANCE AMENDING ARTICLES 15, 16 AND ADDING ARTICLE 20 TO THE 1992 ZONING ORDINANCE AND ESTABLISHING THE AMENDED TEXT AND MUNICIPAL CODE CHAPTER 30A 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 (ZA16-00006) to consolidate the 1986 Zoning Ordinance provisions for Open Space, Public Utility and Transportation Zone and Harbor Zone within the City's updated Zoning Ordinance; and update references to decision-making bodies, City departments and management staff titles to reflect the City's current organization; and

WHEREAS, on November 21, 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 December 21, 2016, to consider Zone Amendment ZA16-00006, 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 ZA16-00006 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 (ZA16-00006), repealing Articles 14.4, 35 and 36 of the 1986 Zoning Ordinance, amending Articles 15, 16 and adding Article 20 to the 1992

EXHIBIT NO. 2
Ordinance 17-OR0018-1 & 17-OR0019-3
LCP-6-OCN-17-0039-1 (Part A)
California Coastal Commission

1 Zoning Ordinance and establishing the amended text of Articles 15, 16C, 20 and Municipal  
2 Code Chapter 30A as part of the Implementation Plan of the City's Local Coastal Program, as  
3 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 (LCPA16-00003) 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 21st day of December, 2016, and, thereafter,

23 ///  
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///

1 PASSED AND ADOPTED at a regular meeting of the City Council of the City of  
2 Oceanside, California, held on the 4th day of January, 2017 by the following vote:

3 AYES: FELLER, KERN, LOWERY, SANCHEZ

4 NAYS: NONE

5 ABSENT: WOOD

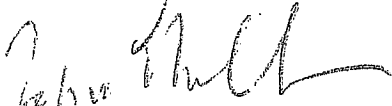
6 ABSTAIN: NONE

7   
8 MAYOR OF THE CITY OF OCEANSIDE

9 ATTEST:

APPROVED AS TO FORM:

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11 CITY CLERK

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13 CITY ATTORNEY

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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE REPEALING  
ARTICLES 14.4, 35 AND 36 OF THE 1986 ZONING ORDINANCE AMENDING ARTICLES 15, 16 AND  
ADDING ARTICLE 20 TO THE 1992 ZONING ORDINANCE AND ESTABLISHING THE AMENDED  
TEXT AND MUNICIPAL CODE CHAPTER 30A AS PART OF THE IMPLEMENTATION PLAN OF THE  
LOCAL COASTAL PROGRAM

ARTICLE 14.4"O" OPEN SPACE ZONE

~~Section 1401.40: INTENT OF "O" ZONE. The City Council of the City of Oceanside recognizes that these areas which possess natural and/or aesthetic attributes of open space and have the amenity of openness as part of their site character shall be zoned O Open Space Zone.~~

~~Section 1401.41: PERMITTED USES. The uses permitted in the O Zone shall consist of:~~

- ~~(1) Parks, public and private.~~
- ~~(2) Playgrounds or playing fields, public and private.~~
- ~~(3) Schools with playgrounds and playing fields.~~
- ~~(4) Golf courses, public and private.~~
- ~~(5) Reservoirs.~~
- ~~(6) Cemeteries.~~
- ~~(7) Missions, Monasteries or religious retreats with a minimum of one acre landscaping, excluding parking areas.~~
- ~~(8) Those areas of natural or open condition which are deemed desirable and necessary to be preserved in that condition in the interests of public health, safety, or welfare.~~

~~Section 1401.42: BUILDINGS. Areas within the O Zone are to be protected from extensive building encroachment. Necessary amenities or appurtenant structures, i.e., picnic shelters, mausoleums, club houses may be allowed in those areas where such facilities are warranted or necessary providing approval is granted under appropriate provisions of the Zoning Ordinance.~~



ARTICLE 35PUT ZONE(Public Utility and Transportation Zone)

~~Section 3500: PURPOSE AND INTENT. The Public Utility Transportation Zone is intended to be applied to those lands in which major transportation corridors or public utility facilities are existing or proposed. Past practices of applying traditional zoning classifications to these parcels have not shown the true use of any given parcel. Secondary uses that are compatible to the primary uses and uses abutting properties in a PUT Zone will permit the full utilization of land that may otherwise be non-productive.~~

~~Section 3501: PRIMARY USES. The following primary uses are allowed in this zone:~~

- ~~(1) Utility stations and substations (in excess of 5,000 square feet).~~
- ~~(2) Sewage plants.~~
- ~~(3) Water reservoirs and filtration plants.~~
- ~~(4) Bus storage.~~
- ~~(5) Maintenance yards for public agencies.~~
- ~~(6) Railroad Tracks and accessory uses.~~
- ~~(7) Transit stations and yards.~~
- ~~(8) Public parking lots.~~
- ~~(9) Alternative energy facilities.~~
- ~~(10) Public recycling centers.~~
- ~~(11) Passive park facilities.~~

~~Section 3502: SECONDARY USES. Property within a PUT Zone may be utilized by a multiple of uses. The nature of such secondary uses shall be such that the secondary use will be compatible to the primary use and the uses on abutting property. Examples of secondary uses would include residential structures built along or above the existing railroad tracks, commercial development along or above the railroad tracks when adjacent~~

~~development is also commercial, and other type uses that could co-exist with primary uses.~~

~~Section 3503: GENERAL PLAN CONSISTENCY. A PUT Zone may be applied to any land use classification as contained in the Land Use Element of the General Plan provided that after public hearings the legislative body can make the finding that the proposed use would not be detrimental to other properties and uses in the area. Secondary uses not under control or ownership of a public agency or a public utility company must be consistent with the underlying General Plan Land Use Designation.~~

~~Section 3504: APPLICATION PROCEDURE. Before any new use can be established in any PUT Zone a Conditional Use Permit shall be filed. The Planning Commission shall conduct a public hearing in accordance with the provisions of Article 21 of the Zoning Ordinance. The Planning Commission shall make a recommendation to the legislative body in which the project is located. The legislative body shall conduct at least one public hearing before a final decision on the project is made.~~

~~Section 3505: DEVELOPMENT STANDARDS. Due to the unique character of the types of uses that would be permitted in a PUT Zone it is not practical to establish fixed development standards. Through the Conditional Use Permit process each project will be evaluated to ascertain proper setbacks, landscaping, screening, parking and architectural treatment as the use relates to surrounding properties and uses.~~

ARTICLE 36HARBOR ZONE (H-ZONE)

~~Section 3600: PURPOSE AND INTENT. The Harbor Zone classification is a multi-use zone for those land and water areas owned and governed by the Oceanside Small Craft Harbor District.~~

~~Section 3601: ALLOWABLE USES. The following uses are allowed within the Harbor:~~

Primary Uses

- ~~(1) Boat slips, docks, moorings, launching ramps, hoists, dry storage and appurtenant facilities.~~
- ~~(2) Commercial fishing and sportfishing operations.~~
- ~~(3) Boat sales, rentals, and repairs.~~
- ~~(4) Boating related supplies and equipment sales.~~
- ~~(5) Diving, fishing, surfing and related water sports facilities, sales, and services.~~
- ~~(6) Harbor Administration and Coast Guard Office and patrol facilities.~~
- ~~(7) Public recreation and open space.~~
- ~~(8) Other related harbor and water dependent uses.~~

Secondary Uses:

- ~~(1) Restaurants full service with full alcohol and live entertainment and fast food restaurants.~~
- ~~(2) Gift specialty retail shops.~~
- ~~(3) Delicatessens and convenience markets.~~
- ~~(4) Hotel, motel, visitor-oriented residential uses, and accessory uses.~~
- ~~(5) Commercial recreation sales and services.~~
- ~~(6) Other Coastal related uses subject to the issuance of a Conditional Use Permit.~~

~~Section 3602: HARBOR PRECISE PLAN. Site specific land uses within the Harbor shall be established in the Harbor Precise Plan, adopted by resolution of the Oceanside Small Craft Harbor District.~~

~~Section 3603: DEVELOPMENT STANDARDS. Development standards for land and water areas within this classification shall be as established in the Harbor Design Standards adopted by resolution of the Oceanside Small Craft Harbor District Board of Directors.~~

~~Section 3604: HARBOR DEVELOPMENT PERMIT. All developments in the Harbor shall be reviewed by the Planning Commission and require a Harbor Development Permit from the Oceanside Small Craft Harbor Board of Directors. In granting a permit, priority shall be given to primary harbor uses.~~

**Article 15 OS Open Space Districts (Citywide)**

**Sections:**

- 1510 Specific Purposes
- 1520 Land Use Regulations
- 1530 Development Regulations
- 1540 Review of Plans

**1510 Specific Purposes**

In addition to the general purposes listed in Article 1, the specific purposes of the **OS open space districts** are to:

- A. Provide a suitable classification for large public or private sites permanently designated for park or open space use.
- B. Protect public health and safety by limiting lands subject to flooding, slides, or other hazards to open space use.
- C. Allow the Planning Commission and City Council to consider the most appropriate use of a site following discontinuance of a large public or private open space use without the encumbrance of a base zoning district that may or may not provide appropriate regulations for development of the site.
- D. Provide a suitable classification that allows the Planning Commission and the City Council to designate lands considered undevelopable within a proposed land development or use as open space.

**1520 Land Use Regulations**

In the following schedule, the letter "P" designates use classifications permitted in open space OS districts; **OS (inland areas) and O/CZ (coastal zone areas except D-Downtown District)**. The letter "L" designates use classifications subject to certain limitations prescribed by the "Additional Use Regulations" which follow. The letter "U" designates use classifications permitted on approval of a use permit, as provided in Article 41. The letters "P/U" designate use classifications permitted on the site of a permitted use, but requiring a use permit on the site of a conditional use. Letters in parentheses in the "Additional Regulations" column refer to "Additional Use Regulations" following the schedule.

EXHIBIT NO. 4	
<b>Articles Proposed for Certification</b>	
	LCP-6-OCN-17-0039-1 (Part A) California Coastal Commission

**OS DISTRICT: LAND USE REGULATIONS**

P - Permitted  
 U - Use Permit  
 L - Limited, (See Additional Use Regulations)  
 -- Not Permitted

	OS	<u>O/CZ</u>	<b>Additional Regulations</b>
<b>Residential Uses</b>			
Day Care, Limited	P		
Single-family Residential	P		(A)
<b>Public and Semipublic</b>			
Cemetery	U	<u>U</u>	
Child Care	L-87	<u>L-7</u>	
Park & Recreation Facilities	L-5	<u>L-5</u>	
Public Safety Facilities	U	<u>U</u>	
Resource Centers	L-6		
Utilities, Major	L-4	<u>L-4</u>	
Utilities, Minor	P	<u>P</u>	(E)
<b>Commercial Uses</b>			
Commercial Recreation and Entertainment	L-1	<u>L-1</u>	
Food & Beverage Kiosk:	L-1		
Restaurants Full Service	L-1		
Restaurants Fast Food	L-1		
Horticulture, Limited	P		(F)(G)
<b>Agricultural and Extractive Uses</b>			
Animal Husbandry	L-3		(B)
Crop Production	P		(F)(G)
Mining and Processing	U	<u>U</u>	
Accessory Uses	P/U	<u>P/U</u>	(C)(G)
Nonconforming Uses			(D)

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**OS District: Additional Use Regulations**

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- L-1 Permitted as part of a public park or public recreational facility with a use permit. Public and semi-public golf courses are allowed as part of an approved residential Master Plan with a use permit.
- L-2 Only "limited" facilities allowed by use permit.
- L-3 Use permit required; conditions may be imposed limiting herd size and restricting grazing to designated areas to protect water resources from agricultural runoff.
- L-4 A use permit is required for generating plants, electrical substations, lone switching buildings, refuse collection, transfer, recycling or disposal facilities, water reservoirs, water or wastewater treatment plants, transportation or communication utilities, and similar facilities of public agencies or public utilities. Aboveground electrical transmission lines are not permitted unless determined to be consistent with a utility corridor plan approved by the Planning Commission. Flood control or drainage facilities are permitted if they are consistent with approved master drainage and/or flood-control plans.
- L-5 Public parks allowed without a use permit if included as part of an approved Master Plan. All other uses require a use permit.
- L-6 Allowed with an Administrative Use Permit issued by the City Planner Planning Director.
- L-7 See Article 30: Section 3041, Child Care Facility. Allowed within the RE, RS, RM, RH, RT, CN, CC, CG, CL, CR, CV, CS, CS-HO, CS-L, CP, IL, IG, IP, A, OS, O/CZ, PS and the D Districts subject to obtaining a Child Care Facility Permit issued by the City Planner Planning Director and subject to the City's adopted Child Care Guidelines. If new development (construction) is proposed for a child care facility, a Development Plan Review is required. A Development Plan Review may be conducted independently or concurrently with the Child Care Facility Permit review.
- ~~L-8 See Article 30: Section 3041, Child Care Facility. Allowed within the RE, RS, RM, RH, RT, CN, CC, CG, CL, CR, CV, CS, CS-HO, CS-L, CP, IL, IG, IP, A, OS, PS and the D Districts subject to obtaining a Child Care Facility Permit issued by the Planner Planning Director and subject to the City's adopted Child Care Guidelines. If new development (construction) is proposed for a child care facility, a Development Plan Review is required. A Development Plan Review may be conducted independently or concurrently with the Child Care Facility Permit review.~~

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**OS District: Additional Use Regulations (continued)**

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- (A) Limited to one primary dwelling unit and one accessory dwelling unit per site, subject to the requirements of Section 3006: Accessory Dwelling Units.
- (B) See Chapter 4 of the Municipal Code and Article 30, Section 3034.
- (C) Limited to facilities incidental to an open space use.
- (D) See Article 35: Nonconforming Uses and Structures.
- (E) See Section 3025: Antennas and Microwave Equipment.
- (F) Any Horticulture, Limited or Crop Production use must conform to the City's Grading Ordinance including the requirement that the grading and/or agricultural operation will not cause significant damage to any environmentally sensitive areas nor cause elimination of any significant wildlife habitat or riparian area. Sufficient buffering of the operation should be provided from adjacent residential uses.
- (G) Agricultural Sales Stands, in conjunction with a Horticulture, Limited or Crop Production use, shall be permitted subject to the locational and development standards of Section 3038.

**1530 Development Regulations**

Development regulations shall be as specified by the use permit, provided that, if the use permit fails to regulate an element regulated by an abutting base district, the regulations of the abutting base district shall apply to each portion of an open space OS district.

**Areas within the O/CZ zoning district shall be protected from extensive building encroachment. Necessary amenities or appurtenant structures, i.e., picnic shelters, mausoleums, club houses may be allowed in those areas where such facilities are warranted or necessary providing approval is granted under appropriate provisions of the Zoning Ordinance.**

**1540 Review of Plans**

All projects shall require development plan review as per Article 43.



**Article 16C PUT/CZ Public Utility and Transportation (Coastal Zone except D - District)**

**Sections:**

- 1650 Specific Purposes**
- 1660 Land Use Regulations**
- 1670 Development Regulations**
- 1680 Review of Plans**

**1650 Specific Purpose and Intent**

**The Pubic Utility Transportation zoning district designation is intended to be applied to those lands in which major transportation corridors or public utility facilities are existing or proposed. Past practices of applying traditional zoning classifications to these parcels have not shown the true use of any given parcel. Secondary uses that are compatible to the primary uses and uses abutting properties in a PUT Zone will permit the full utilization of land that may otherwise be non-productive.**

**A PUT Zone may be applied to any land use classification as contained in the Land Use Element of the General Plan provided that after public hearings the legislative body can make the finding that the proposed use would not be detrimental to other properties and uses in the area. Secondary uses not under control or ownership of a public agency or a public utility company must be consistent with the underlying General Plan Land Use Designation.**

**1660 Land Use Regulations**

**Primary Uses: The following primary uses are allowed in this zone:**

- (1) Utility stations and substations (in excess of 5,000 square feet).**
- (2) Sewage plants.**
- (3) Water reservoirs and filtration plants.**
- (4) Bus storage.**
- (5) Maintenance yards for public agencies.**
- (6) Railroad Tracks and accessory uses.**
- (7) Transit stations and yards.**
- (8) Public parking lots.**
- (9) Alternative energy facilities.**
- (10) Public recycling centers.**
- (11) Passive park facilities.**

Secondary Uses: Properties within a PUT/CZ zoning district may be utilized by a multiple of uses. The nature of such secondary uses shall be such that the secondary use will be compatible to the primary use and the uses on abutting property. Examples of secondary uses would include residential structures built along or above the existing railroad tracks, commercial development along or above the railroad tracks when adjacent development is also commercial, and other type uses that could co-exist with primary uses.

**1670 Development Regulations**

Due to the unique character of the types of uses that would be permitted in a PUT/CZ zoning district it is not practical to establish fixed development standards. Through the Conditional Use Permit process each project will be evaluated to ascertain proper setbacks, landscaping, screening, parking and architectural treatment as the use relates to surrounding properties and uses.

**1680 Review of Plans**

Before any new use can be established in any PUT/CZ zoning district a Conditional Use Permit shall be filed. The Planning Commission shall conduct a public hearing in accordance with the provisions of Article 41 of the Zoning Ordinance. The Planning Commission shall make a recommendation to the legislative body in which the project is located. The legislative body shall conduct at least one public hearing before a final decision on the project is made.

**Article 20 H -Harbor District**

**Sections:**

- 2010 Specific Purpose**
- 2020 Land Use Regulations**
- 2030 Harbor Precise Plan**
- 2040 Development Standards**
- 2050 Harbor Development Permit**

**2010 Specific Purpose**

**The Harbor District is a multi-use zoning district designation applicable to those land and water areas owned and governed by the Oceanside Small Craft Harbor District.**

**2020 Land Use Regulations**

**The following uses are allowed within the Harbor District:**

**Primary Uses**

- 1. Boat slips, docks, moorings, launching ramps, hoists, dry storage and appurtenant facilities.**
- 2. Commercial fishing and sportfishing operations.**
- 3. Boat sales, rentals, and repairs.**
- 4. Boating related supplies and equipment sales.**
- 5. Diving, fishing, surfing and related water sports facilities, sales, and services.**
- 6. Harbor Administration and Coast Guard Office and patrol facilities.**
- 7. Public recreation and open space.**
- 8. Other related harbor – and water-dependent uses.**

**Secondary Uses**

- 1. Restaurants full service with full alcohol and live entertainment and fast food restaurants.**
- 2. Gift specialty retail shops.**
- 3. Delicatessens and convenience markets.**
- 4. Hotel, motel, visitor-oriented residential uses, and accessory uses.**
- 5. Commercial recreation sales and services.**
- 6. Other Coastal-related uses subject to the issuance of a Conditional Use Permit.**

**2030 Harbor Precise Plan**

**Site specific land uses within the Harbor shall be established in the Harbor Precise Plan, adopted by resolution of the Oceanside Small Craft Harbor District.**

**2040 Development Standards**

**Development standards for land and water areas within this classification shall be as established by the adopted Harbor Design Standards.**

**2050 Harbor Development Permit**

**All developments in the Harbor shall be reviewed by the Planning Commission and require a Harbor Development Permit from the Oceanside Small Craft Harbor Board of Directors. In granting a permit, priority shall be given to primary harbor uses.**

## Chapter 30A - SPECIAL EVENT PERMITS<sup>[1]</sup>

### Footnotes:

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Editor's note— Ord. No. 90-12, § 1, adopted March 14, 1990, repealed Ch. 30A, §§ 30A.1—30A.23, 30A.30—30A.40, which pertained to special event permits and derived from Ord. No. 23-13, § 2, adopted April 27, 1983. Section 2 of said Ord. No. 90-12, enacted provisions designated as a new Ch. 30A, §§ 30A.1—30A.21 to read as herein set out.

### Sec. 30A.1. - Definitions.

#### (a) *Special event.*

- (1) The temporary use of public property, including but not limited to streets, sidewalks, beaches, parks, and harbor for the purpose of conducting a parade or any other special enterprise or event which significantly impacts or substantially restricts the public's normal, typical, or customary use, level or use, or ability to use such property; or
- (2) The temporary use of private property for the purpose of any of the following activities:
  - a. Animal shows. Exhibitions of domestic or large animals for a maximum of seven (7) days.
  - b. Circuses and carnivals. Provision of games, eating and drinking facilities, live entertainment, animal exhibitions, or similar activities in tent or other temporary structure for a maximum of seven (7) days. This classification excludes events conducted in a permanent entertainment facility.
  - c. Religious assembly. Religious services conducted on a site that is not permanently occupied by a religious assembly use, for a period of not more than thirty (30) days.
  - d. Open air fairs. Provision of games, eating and drinking facilities, live entertainment, or similar activities not requiring the use of roofed structures.
  - e. Any other activity conducted on nonresidential property which substantially interrupts the safe and orderly movement of traffic or timely access by emergency vehicles. Such activities can include, but are not limited to, sporting events, concerts, rallies and festivals.

- (b) *Sound-amplifying system.* Any system, apparatus, equipment, device, instrument, or machine designed for or intended to be used for the purpose of amplifying the sound or increasing the volume of human voice, musical tone, vibration, or sound wave.

(Ord. No. 90-12, § 2, 3-14-90; Ord. No. 93-01, § 2, 1-6-93)

### Sec. 30A.2. - Permit required.

No person shall organize, produce, direct, conduct, manage, institute or carry on any special event without having obtained a permit from the city pursuant to this chapter.

(Ord. No. 90-12, § 2, 3-14-90)

### Sec. 30A.3. - Interference with special event.

No person shall knowingly join or participate in any special event in violation of any of the terms, conditions, or regulations of the permit issued therefor, or in any manner knowingly interfere with the orderly conduct of such event.

(Ord. No. 90-12, § 2, 3-14-90)

**Sec. 30A.4. - Special events committee established.**

There is hereby established a special events committee composed of the chief of police, fire chief, recreation director, public services director, risk manager, harbor chief executive officer, and the aquatic superintendent, or their designated representative. The recreation director, or his designated representative, shall be the chairperson of the committee.

(Ord. No. 90-12, § 2, 3-14-90)

**Sec. 30A.5. - Permit application for special events; dance permits.**

- (a) An application for a permit for a special event shall be filed with the recreation director not less than sixty (60) nor more than three hundred sixty-five (365) days before the date proposed for holding a special event. Such application shall be signed by the applicant or the applicant's authorized agent and shall be accompanied by a non-refundable processing fee payment to the City of Oceanside in an amount established by resolution of the city council.
- (b) The recreation director, in his discretion, may accept for filing an application submitted less than sixty (60) days before the proposed special event and may waive the processing fee.
- (c) The applicant also shall be required to obtain a separate "public dance" permit if this permit is required by Chapter 10 of this Code.

(Ord. No. 90-12, § 2, 3-14-90; Ord. No. 93-01, § 3, 1-6-93)

**Sec. 30A.6. - Contents of application.**

Application for a permit to hold a special event shall be made on forms provided by the city and approved by the special events committee. The application shall include a detailed description of the proposed special event, including but not limited to the following:

- (1) The name and address of the applicant, and if the same be a corporation, the names of its principal officers, or if the same be a partnership, association, organization or fictitious company, the names of the partners or persons comprising the association, organization or company with the address and telephone number of each;
- (2) The number of persons anticipated to be participating in the event;
- (3) Purpose of the event;
- (4) The date, hours, and precise location where the event is to be held;
- (5) The amount of any spectator, participant, entry, or other fee, if any, to be charged in connection with the event;
- (6) Type and nature of any vehicles, equipment, or other apparatus to be used in connection with the event;
- (7) The number and amplifying range of any sound amplifying systems to be used in connection with the event;

- (8) Type of goods, wares, merchandise, food, or beverages to be sold or otherwise provided to persons at the event;
- (9) The name and business address of any vendors who will be participating in the event.

The application shall be signed by the applicant under penalty of perjury and shall contain an agreement whereby the applicant agrees to fully compensate the city for any damage to public property, as well as to clean and otherwise restore any public event site or other impacted public property to the condition in which it was found prior to the conduct of the event.

(Ord. No. 90-12, § 2, 3-14-90; Ord. No. 93-01, § 4, 1-6-93)

**Sec. 30A.7. - Procedure for processing special event permit applications.**

The recreation director shall promptly forward all properly filed special event applications to the members of the special events committee. Such members shall review the application and conduct any inquiry or investigation, as appropriate, into persons involved with the proposed event and other facts, circumstances, and information relating to such event.

The chairperson of the committee shall convene a meeting to consider any properly filed application for a special event permit. The application shall be denied unless all committee members in attendance vote to approve the permit. Approval or denial of the application shall be made by the committee within thirty (30) days after its filing with the recreation director.

The applicant shall be promptly notified in writing of the decision of the committee.

(Ord. No. 90-12, § 2, 3-14-90)

**Sec. 30A.8. - Reconsideration of an application.**

The decision of the special events committee on any permit application shall be final unless reconsideration of the decision is requested within seven (7) days from the date of the mailing of the committee's written notice of its decision. Reconsideration can be made at the written request of the applicant or potentially ten (10) or more persons aggrieved by the issuance of the permit. Failure to file a written request for reconsideration within such seven-day period shall constitute a waiver of further review of the application except that the committee chairman or designee, in his discretion, may accept for review an otherwise untimely request for reconsideration.

Within five (5) days of the filing of a request for reconsideration, the city manager or designee shall conduct such inquiry, investigation, or review as he, in his discretion, deems appropriate and proper under the circumstances and shall affirm, reverse, or modify the committee's decision.

(Ord. No. 90-12, § 2, 3-14-90)

**Sec. 30A.9. - Surety and insurance.**

Prior to the issuance of a permit, the special events committee shall require the following:

- (1) The execution of an agreement to compensate the city for any loss or damage to public property or the deposit of a surety bond or cash in an amount sufficient to guarantee the cleaning and restoration of any event site on public property and removal of any debris left from the event on any public property; and
- (2) Proof of public liability and property damage insurance, including products liability coverage, written by an insurance company acceptable to the city in the minimum limits as set by resolution of the city council, naming the city and the small craft harbor district, if applicable, as additional insureds; in the alternative, the committee may require execution of a hold harmless

agreement, indemnifying the city and small craft harbor district, if applicable, for any personal injury or property damage arising from such special event.

The special event committee, in its discretion, may waive or modify by unanimous consent the insurance requirements set forth in this section. Consideration of this matter shall be based upon the risk of injury to persons, risk of damage to property, and the financial hardship, if any, to the applicant in securing insurance.

(Ord. No. 90-12, § 2, 3-14-90; Ord. No. 93-01, § 5, 1-6-93)

**Sec. 30A.10. - Conditions for issuing permit.**

- (a) As a condition to issuing a permit, the special events committee may impose reasonable terms and regulations concerning the time and place of such event; the area and manner of conducting such event; the maximum number of persons participating therein; the regulation of traffic, if required, including the number and type of vehicles, the number and type of signs and barricades to be provided by the applicant, if any, together with a plan of their disposition following the event; permissible decibel levels; and such other requirements as it may find reasonable and necessary for the protection of persons and property.
- (b) The special events committee may require the applicant to compensate the city or small craft harbor district for any incidental costs associated with the event, including but not limited to utility charges, and any necessary or appropriate fire, police, lifeguard, paramedic, or parking enforcement, or other services connected to or made necessary by the event. The permittee, as condition to issuing the permit, may be required to bear some or all of such costs as well as to deposit a surety bond or cash in an amount sufficient to pay the cost of providing these services.
- (c) Issuance of any special events permit shall be conditioned on and subject to the right of the city to summarily cancel, restrict, or modify such permit in order to facilitate or accommodate any other duly approved or permitted special event, celebration, or activity. The chairman of the special events committee shall mail to the applicant a notice of such cancellation, restriction, or modification no later than thirty (30) days prior to the special event and shall take reasonable and appropriate actions to reduce, minimize, or eliminate any inconvenience, hardship, or burden as may result from the city's action.

(Ord. No. 90-12, § 2, 3-14-90)

**Sec. 30A.11. - Termination or restriction of a special event.**

- (a) The city manager or designee may immediately terminate or restrict the conduct of any special event if he determines that the public health or safety is in imminent danger because of real or threatened disaster, public calamity, riot or other emergency.
- (b) If any special event is conducted in whole or in part within the small craft harbor district, the harbor district chief executive officer or designee also have the authority referenced in subsection (a).

(Ord. No. 90-12, § 2, 3-14-90)

**Sec. 30A.12. - Grounds for denial of permit.**

An application for a special events permit may be denied on any of the following grounds:

- (1) The applicant has failed or refused to provide the committee with the information referenced in section 30A.6 or any other information requested by the committee which is reasonably related to the conduct of the proposed event;



- (2) The applicant has knowingly made any false, misleading or fraudulent statement of material fact in the application for a permit;
- (3) The building, structure, equipment or location of such special event does not comply with or fails to meet applicable healthy, zoning, fire or safety requirements imposed by law;
- (4) The activity or location of the activity is such as unreasonably limit, obstruct, or curtail the free flow of traffic on any public street or sidewalk;
- (5) The applicant has failed to comply with any of the conditions imposed pursuant to section 30A.9;
- (6) The conduct of the special event or any proposed activity which may be part of the event is prohibited by this Code except as those sections which are expressly waived for the purpose and duration of the event;
- (7) The conduct of the special event will unreasonably interfere with the public peace, health, safety or welfare;
- (8) The applicant refuses to agree to or abide or comply with all conditions and regulations attendant to issuance of the permit;
- (9) The proposed event will unreasonably interfere with or obstruct another scheduled event or with the public's ability to use public property for activities unrelated to the event.

The special events committee shall notify the applicant in writing as to the reasons for denial of any application for a permit.

(Ord. No. 90-12, § 2, 3-14-90)

Sec. 30A.13. - Contents and display of permit.

A special event permit shall contain the following:

- (1) The name of the person or organization to whom issued;
- (2) The type of activity for which the permit has been issued;
- (3) The date, hour and location for the event;
- (4) Expiration date and hour of the event;
- (5) Any conditions imposed on the holding of such special event; and
- (6) Signature of the recreation director or designated representative authorizing the event.

All permittees shall have the permit in their immediate possession or clearly visible at all times during the special event and shall display such permit upon demand of any representative authorizing the event.

(Ord. No. 90-12, § 2, 3-14-90)

Sec. 30A.14. - Notice to city departments of issuance of permit.

Upon approval of the permit application, the recreation director shall so notify the following:

- (1) Police department;
- (2) Fire department;
- (3) Public services department;
- (4) Small craft harbor district;
- (5) Public information officer;

- (6) Risk manager;
- (7) City manager;
- (8) Lifeguard service.

(Ord. No. 90-12, § 2, 3-14-90)

**Sec. 30A.15. - Suspension or revocation of permit.**

A permit for any event issued hereunder may be summarily suspended or revoked by the chairman of special events committee at any time when he has reason to believe that:

- (1) Any of the grounds exist for which the original permit application could have been denied; or
- (2) The health, safety, or welfare of persons or property would be endangered because of real or threatened disaster, public calamity, riot or other emergency; or
- (3) The event is or will significantly or materially deviate from the terms of the proposed event as described in the permittee's application or in supplemental information provided to the committee; or
- (4) The permittee is or will be unable to satisfy any condition of the permit.

Notice of such suspension or revocation shall be made in writing to the permittee.

(Ord. No. 90-12, § 2, 3-14-90)

**Sec. 30A.16. - Appeal of decision on permit to city council.**

Any decision made pursuant to section 30A.8 may be appealed to the city council upon payment of an appeal processing fee in an amount established by resolution of the city council. The appeal may be made by the applicant or by ten (10) or more persons potentially aggrieved by the issuance of the permit. Such appeal shall be filed with the city clerk no less than fifteen (15) days before the proposed commencement date of the special event. The city clerk shall forward copies of the appeal to the city council and members of the special events committee, which shall submit to the city council a report on the case appealed.

(Ord. No. 90-12, § 2, 3-14-90)

**Sec. 30A.17. - Council action on appeal.**

- (a) The city council shall consider the appeal at a regular meeting or special meeting. Written notice of the time and place the council will consider the appeal shall be mailed by the city clerk to the person or persons who filed the appeal at least ten (10) days before the date set for hearing unless the applicant shall waive notice in writing.
- (b) In any appeal, the city council shall consider the application, the report of the case submitted by the special events committee and other pertinent information presented, and may deny or grant the permit subject to the conditions, terms and regulations set forth in this chapter. The decision of the council shall be final.
- (c) The city clerk shall, within three (3) days after decision of the city council, notify the applicant in writing of the decision of the council.

(Ord. No. 90-12, § 2, 3-14-90)

Sec. 30A.18. - Exceptions.

No permit shall be required under this chapter for any event sponsored or cosponsored by the City of Oceanside or the Oceanside Small Craft Harbor District.

(Ord. No. 90-12, § 2, 3-14-90)

Sec. 30A.19. - Penalty for violation.

Any person violating any provision of this chapter or knowingly and willfully violating any condition of the permit shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment in the county jail for a period not to exceed six (6) months, or by both such fine and imprisonment; and each such person shall be guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued or permitted.

(Ord. No. 90-12, § 2, 3-14-90)

Sec. 30A.20. - Severability.

If any section, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The city council hereby declares it would have passed this ordinance [chapter] and adopted this chapter and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

(Ord. No. 90-12, § 2, 3-14-90)

Sec. 30A.21. - Waivers and exceptions.

The city council or special events committee may waive or set aside any prohibition of Chapter 18 or 19 or section 20.40 of the City Code for the duration of any special event.

(Ord. No. 90-12, § 2, 3-14-90)

Sec. 30A.22. - Fee waivers.

The special events committee may waive, modify, or reduce any fee or other charge for any non-profit corporation, association, or organization in connection with a special events permit. The total amount of waivers for any particular event shall not exceed five thousand dollars (\$5,000.00), unless approved by the city council. The committee's decision shall be final unless appealed by the permit applicant, the city manager, or any member of the city council to the city council.

(Ord. No. 94-12, § 1, 5-4-94)

Sec. 30A.23. - Street closure.

The special events committee may temporarily close any portion of any street for a special event when, in the committee's opinion, the closing is necessary for the safety and protection of persons who are to use that portion of the street during the temporary closing.

(Ord. No. 94-12, § 2, 5-4-94)

## CALIFORNIA COASTAL COMMISSION

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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.

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