

**CALIFORNIA COASTAL COMMISSION**

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



# Th17b

**LCP-6-OCN-17-0039-1 (PART B)**  
**(CRAFT BREWERIES AND WINERIES)**

**JULY 2017**

## **EXHIBITS**

### **Table of Contents**

Exhibit 1 – Resolution LCPA 16-00001

Exhibit 2 – Ordinance 17-ORO122-1

Exhibit 3 – Articles Proposed for Revision (Shown in Strike-Out/Double-Underline)



1 WHEREAS, the Planning Division has prepared recommendations for text amendments to  
2 the 1986, Downtown, and Citywide Zoning Ordinances to allow and regulate craft breweries and  
3 wineries in the C-2 zoning district and certain sub-districts in the downtown area; and

4 WHEREAS, the City Council did, on the 15<sup>th</sup> day of February, 2017, conduct a duly-  
5 advertised public workshop as prescribed by law to consider said recommendations for text  
6 amendments to the 1986, Downtown, and Citywide Zoning Ordinances; and

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

11 WHEREAS, the City Council/Community Development Commission finds that the  
12 Local Coastal Program Amendment (LCPA16-00001) conforms with and is adequate to carry  
13 out the land use plan of the Local Coastal Program.

14 NOW, THEREFORE, the Oceanside City Council and Community Development  
15 Commission of the City of Oceanside DO RESOLVE as follows:

- 16
- 17 1. Pursuant to Public Resources Code §30510(a), the Oceanside City Council/Community  
18 Development Commission hereby certifies that the Local Coastal Program Amendment  
19 (LCPA16-00001) is intended to be carried out in a manner fully in conformity with the  
20 Coastal Act and said LCPA is hereby adopted.
  - 21 2. Pursuant to the California Environmental Quality Act of 1970, and the State Guidelines  
22 thereto amended to date, a Notice of Exemption has been issued for the project by the  
23 Resource Officer for the City of Oceanside.
  - 24 3. Pursuant to Coastal Commission Local Coastal Program Regulations §13551(b), this  
25 amendment shall take effect upon Coastal Commission approval.
  - 26 4. Notice is hereby given that the time within which judicial review must be sought on the  
27 decision is governed by Public Resources Code §30801.
- 28

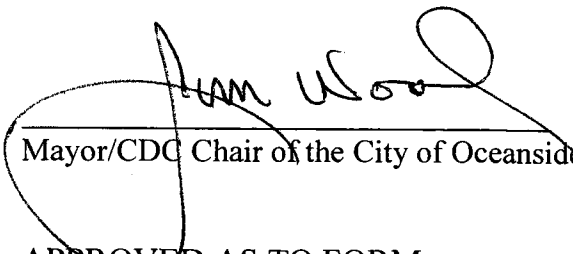
1 PASSED AND ADOPTED by the Oceanside City Council/Community Development  
2 Commission this 15<sup>th</sup> day of February, 2017, by the following vote:

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

4 NAYS: NONE

5 ABSENT: NONE

6 ABSTAIN: NONE

7  
8   
9 Mayor/CDC Chair of the City of Oceanside

10 ATTEST:

11 APPROVED AS TO FORM:

12   
13 City Clerk/CDC Secretary

14   
15 City Attorney/CDC General Counsel

RECEIVED

MAY 04 2017

ORDINANCE NO.17-OR0122-1

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE TO AMEND ARTICLE 12 OF THE 1986 OCEANSIDE ZONING ORDINANCE AND ARTICLES 4(a), 12, 31, AND 41C OF THE COMPREHENSIVE ZONING ORDINANCE TO ALLOW AND REGULATE CRAFT BREWERIES AND WINERIES IN THE C-2 ZONING DISTRICT AND CERTAIN SUB-DISTRICTS IN THE DOWNTOWN AREA

(ZA16-00002)

WHEREAS, on February 15, 2017, the City Council conducted a public workshop to consider introduction of an ordinance changing the City's 1986, Downtown, and Citywide Zoning Ordinances to allow and regulate craft breweries and wineries in the C-2 zoning district and certain sub-districts in the downtown area; and

WHEREAS, said changes require amendment of the implementing document of the City's Local Coastal Program, which must be certified by the California Coastal Commission prior to becoming effective; 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 (ZA16-00002) establishing the revised text of the 1986, Downtown, and Consolidated Zoning Ordinances, as established in Exhibit A, is hereby adopted.

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

**SECTION 3.** Severability.

If any section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

EXHIBIT NO. 2

Ordinance 17-OR0122-1

LCP-6-OCN-17-0039-1 (Part B)

California Coastal Commission

1 shall not affect the validity of the remaining portions of this Ordinance. The City Council  
2 hereby declares that it would have passed this Ordinance and adopted this Ordinance and each  
3 section, sentence, clause or phrase thereof, irrespective of the fact that any one or more  
4 sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

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

7 **SECTION 5.** This ordinance shall be effective 30 days after its adoption, except for  
8 those areas situated in the Coastal Zone. For those areas in the Coastal Zone, this Ordinance  
9 shall be effective upon certification of LCPA16-00001 by the Coastal Commission.

10 INTRODUCED at a regular meeting of the City Council of the City of Oceanside,  
11 California, held on the 15<sup>th</sup> day of February, 2017 and, thereafter,

12 PASSED AND ADOPTED at a regular meeting of the City Council of the City of  
13 Oceanside, California, held on the 15<sup>th</sup> day of March, 2017, by the following vote:

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

15 NAYS: NONE

16 ABSENT: NONE

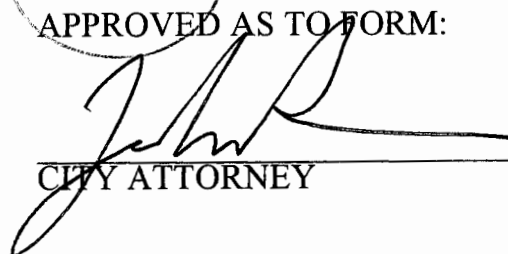
17 ABSTAIN: NONE

18   
19 MAYOR OF THE CITY OF OCEANSIDE

20 ATTEST:

21 APPROVED AS TO FORM:

22   
23 CITY CLERK

24   
25 CITY ATTORNEY

**Article 4 Use Classifications (Inland & Coastal Districts – Exclusive of Downtown)**

**Sections:**

- 410 Purpose and Applicability
- 411 Uses Not Classified
- 412 Residential Use Classifications
- 413 Public and Semipublic Use Classifications
- 414 Commercial Use Classifications
- 415 Industrial Use Classifications
- 416 Agricultural and Extractive Use Classifications
- 417 Accessory Use Classifications
- 418 Temporary Use Classifications

**410 Purpose and Applicability**

Use classifications describe one or more uses having similar characteristics, but do not list every use or activity that may appropriately be within the classification. The City Planner shall determine whether a specific use shall be deemed to be within one or more use classifications or not within any classification in this Title. The City Planner may determine that a specific use shall not be deemed to be within a classification, whether or not named within the classification, if its characteristics are substantially incompatible with those typical of uses named within the classification. The City Planner's decision may be appealed to the Planning Commission.

**411 Uses Not Classified**

Any new use, or any use that cannot be clearly determined to be in an existing use classification is prohibited. Provided, however, that any new use may be incorporated into the zoning regulations by a Zoning Ordinance text amendment, as provided in Article 45.

**412 Residential Use Classifications**

- A. Day Care, Limited. Non-medical care and supervision of up to and including fourteen persons on a less than 24-hour basis within a licensee's home for children and adults.
- B. Group Residential. Shared living quarters without separate kitchen or bathroom facilities for each room or unit. This classification includes roominghouse/boardingshouse, dormitories, fraternities, sororities, and private residential clubs, but excludes residential hotels (see Single-Room Occupancy (SRO) Residential Hotels).
- C. Live/Work Quarters. An area comprising one or more rooms in a building originally designed for industrial or commercial occupancy that includes cooking space, sanitary facilities, and working space for artists, artisans and s



Industry uses as defined herein.

- D. Multifamily Residential. Two or more dwelling units on a site. This classification includes mobile home and factory-built housing.
- E. Residential Care, Limited. Twenty-four-hour non-medical care for six or fewer persons in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living.
- F. Single-Family Residential. Buildings containing one dwelling unit located on a single lot. This classification includes mobile home and factory-built housing.
- G. RV Parks. A facility renting or leasing space on a short-term or long-term basis to owners or users of recreational vehicles, not for permanent residence.

#### **413 Public and Semipublic Use Classifications**

- A. Airport. Runways and related facilities for airplane landing and take-off.
- B. Cemetery. Land used or intended to be used for the burial of human remains and dedicated for cemetery purposes. Cemetery purposes include columbariums, crematoriums, mausoleums, and mortuaries operated in conjunction with the cemetery.
- C. Child Care. Non-medical care and supervision on a less than 24-hour basis in any care facility of any capacity, and not within a licensee's home for persons under the age of 18.
- D. Clubs and Lodges. Meeting, recreational, or social facilities of a private or nonprofit organization primarily for use by members or guests. This classification includes union halls, social clubs, youth, and senior centers.
  - 1. Small scale. Establishments occupying no more than 5,000 square feet.
- E. Convalescent Facilities. Establishments providing care on a 24-hour basis for persons requiring regular medical attention, but excluding facilities providing surgical or emergency medical services.
- F. Cultural Institutions. Nonprofit institutions displaying or preserving objects of interest in one or more of the arts or sciences. This classification includes libraries, museums, and art galleries.
  - 1. Small-scale. Establishments occupying no more than 5,000 square feet.
- G. Day Care, General. Non-medical care and supervision on a less than 24-hour basis in any care facility of any capacity, and not within a licensee's home for persons over the age of 18.



- H. Detention Facilities. Publicly owned and operated facilities providing housing, care, and supervision for persons confined by law.
- I. Emergency Health Care. Facilities providing emergency medical service with no provision for continuing care on an inpatient basis.
- J. Emergency Shelter. Overnight sleeping accommodations intended to provide temporary housing to homeless families and/or individuals. Such accommodations may include basic supportive services such as food, shower and rest room facilities, laundry room, storage areas, and limited administrative or intake offices.
- K. Government Offices. Administrative, clerical, or public contact offices of a government agency, including postal facilities, together with incidental storage and maintenance of vehicles.
  - 1. Small-scale. Establishments occupying no more than 5,000 square feet.
- L. Heliports. Pads and facilities enabling takeoffs and landings by helicopters.
- M. Hospitals. Facilities providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons, primarily on an inpatient basis. This classification includes incidental facilities for outpatient treatment, as well as training, research, and administrative services for patients and employees.
- N. Maintenance and Service Facilities. Facilities providing maintenance and repair services for vehicles and equipment, and materials storage areas. This classification includes corporation yards, equipment service centers, and similar facilities.
- O. Marinas. A boat basis with docks, mooring facilities, supplies and equipment for boats.
- P. Park and Recreation Facilities. Noncommercial parks, playgrounds, recreation facilities, and open spaces.
- Q. Public Safety Facilities. Facilities for public safety and emergency services, including police and fire protection.
  - 1. Small-scale. Establishments occupying no more than 5,000 square feet.
- R. Religious Assembly. Facilities for religious worship and incidental religious education and other religious facility related supportive and social services. This use classification specifically excludes private schools as defined in this section.
  - 1. Small-scale. Establishments occupying no more than 5,000 square feet.
- S. Residential Care, General. Twenty-four hour non-medical care for seven or more

persons, including wards of the juvenile court, in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living.

- T. Resource Centers. Neighborhood facilities that are City-sponsored or under the control of the City and are used for neighborhood safety, enhancement, education, health care, and other similar neighborhood programs.
- U. Schools, Public or Private. Educational institutions having a curriculum comparable to that required in the public schools of the State of California.
- V. Transitional Housing. Transitional housing encompasses both housing and appropriate supportive services for homeless persons designed to enable them to move to independent living within a 24-month period.
- W. Utilities, Major. Generating plants, electrical substations, aboveground electrical transmission lines, lone switching buildings, refuse collection, transfer, recycling or disposal facilities, water reservoirs, flood control or drainage facilities, water or waste water treatment plants, transportation or communications utilities, and similar facilities of public agencies or public utilities. A structure that may have a significant effect on surrounding uses shall be regulated under this classification.
- X. Utilities, Minor. Utility facilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution lines, underground water and sewer lines, and recycling centers within convenience zones, as defined by the California Beverage Container Recycling and Litter Reduction Act.

#### **414 Commercial Use Classifications**

- A. Adult Business. An Adult Business is any business, where employees, independent contractors, or patrons expose "specified anatomical areas" or engage in "specified sexual activities," or any business which offers to its patrons services or entertainment characterized by an emphasis on matter depicting, exposing, describing, discussing or relating to "specified sexual activities or "specified anatomical areas".

A use which has a majority of its conduct of activities, floor area, stock-in-trade, or revenue derived from, material characterized by an emphasis on matter depicting, exposing, describing, discussing or relating to "specified sexual activities" or "specified anatomical areas", shall be considered to be an Adult Business.

Adult Businesses do not include bona fide medical establishments operated by properly licensed and registered medical personnel with appropriate medical credentials for the treatment of patients.

Adult Businesses include, but are not limited to the following:

1. Adult Bookstore/Novelty Store/Video Store. An establishment which has: (1) a substantial or significant portion of its gross revenues or of its stock in trade, books, magazines, and other periodicals or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas"; or (2) a substantial or significant portion of its stock in trade, instruments, devices or paraphernalia designed for use in connection with "Specified Sexual Activities".
2. Adult Entertainment Business. Any establishment that (1) is customarily only open to adults and excludes minors by reason of age, and (2) devotes a substantial or significant portion of its stock in trade to the sale or display of instruments, devices, or paraphernalia which are designed for use in connection with "Specified Sexual Activities".
3. Adult Cabaret. A nightclub, bar, restaurant, or similar commercial establishment which regularly features: (1) persons who appear in a state of nudity; or (2) live performances which are characterized by the exposure of "Specified Anatomical Areas" or by "Specified Sexual Activities"; or (3) films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "Specified Sexual Activities" or "Specified Anatomical Areas".
4. Adult Motel. A motel or similar establishment offering public accommodations for any consideration, which provides patrons with material distinguished or characterized by an emphasis on depiction or description of "Specified Sexual Activities" or "Specified Anatomical Areas".
5. Adult Motion Picture Theater. An enclosed building used for presenting motion picture films, video cassettes, cable television, or any other such visual media, distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" for observation by patrons therein.
6. Adult Theater. A theater, concert hall, auditorium, or other similar establishment, either indoor or outdoor in nature, which regularly features live performances which are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons.
7. Figure Studio. Any premises on which the business of furnishing nude models who pose for the purpose of being photographed, sketched, painted, drawn or observed by persons who pay a fee, or other consideration or compensation, or a gratuity, for the right or opportunity to depict or observe the model, or for admission to, or for permission to remain upon, or as a condition for remaining upon, the premises.

The term model shall include: Any person, male or female, who poses nude to be

photographed, sketched, painted, drawn or observed.

The term nude shall include: Completely without clothing; or with any pubic area exposed; or with the pubic area covered in such a manner that the private parts are visible or the form thereof discernible; or with the breasts exposed by female so that the nipples thereof are exposed.

"Figure studio" does not include any studio or classroom which is operated by any public agency, or any private post secondary educational institution authorized by California state law to issue and confer a diploma or degree.

8. Peep-Show Establishment. Peep-Show Establishment as defined in the Oceanside City Code.

B. Ambulance Services. Provision of emergency medical care or transportation, including incidental storage and maintenance of vehicles.

C. Animal Sales and Services.

1. Animal Boarding. Provision of shelter and care for animals on a commercial basis. This classification includes activities such as feeding, exercising, grooming, and incidental medical care.
2. Animal Grooming. Provision of bathing and trimming services for animals on a commercial basis. This classification includes boarding of domestic animals for a maximum period of 48 hours.
3. Animal Hospitals. Establishments where animals receive medical and surgical treatment. This classification includes only facilities that are entirely enclosed, soundproofed, and air-conditioned. Grooming and temporary (30 days) boarding of animals is included if incidental to the hospital use.
4. Animals: Retail Sales. Retail sales and boarding of animals provided such activities take place within an entirely enclosed building. This classification includes grooming if incidental to the retail use, and boarding of animals not offered for sale for a maximum period of 48 hours.

D. Artists Studios. Work and display space for artists and artisans, including individuals practicing one of the fine arts or performing arts, or skilled in an applied art or craft.

1. Small-scale. Establishments occupying no more than 5,000 square feet.

E. Banks and Savings and Loans. Financial institutions that provide retail banking services to individuals and businesses. This classification is limited to institutions engaged in the on-site circulation of cash money including businesses offering check-cashing facilities.

1. Drive-through/Drive-up Service. Institutions providing self-service banking facilities

that are not associated with a primary banking or savings and loan building located on the same site.

2. Self-service Facilities (ATM's). Institutions providing self-service banking facilities that are not associated with a primary banking or savings and loan building located on the same site.

F. Bars and Cocktail Lounges. Any premises 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 food is not sold or served to the public as in a bona fide restaurant. **Ancillary tasting facilities associated with craft breweries and craft wineries shall not be considered to constitute bars or cocktail lounges as here defined.**

G. Bath Houses. Any establishment or business which has as its primary activity or service the provision of communal or private bathing in a sauna, jacuzzi or other therapeutic bath, save and except for bathing conducted as part of a hydrotherapy treatment practiced by or under the supervision of a medical practitioner who is formally associated therewith.

H. Brewery, Craft. A small-scale beer manufacturing facility that includes designated floor area (comprising no less than 20 percent and no more than 40 percent of the total floor area) for product sampling and/or retail sales of beer conforming to state requirements. Retail sales of craft brewery merchandise including mugs, pint glasses, growlers, tap handles, coasters, apparel, signs, bottle openers, and books are also permitted. A craft brewery shall produce a minimum of 250 barrels annually and not exceed a maximum output of 15,000 barrels annually (with a barrel of beer being equal to 31 U.S. gallons). Facilities housing a craft brewery shall not exceed 15,000 square feet of floor area. The category of a craft brewery (based upon floor area and scale of operation) shall determine the appropriate review and approval process, as specified below. Such facilities shall be subject to the following limitations:

1. Other than business name and/or logo, such uses shall not display exterior signage (including advertising directed to the exterior from interior spaces) that promotes the availability of alcoholic beverages.
2. There shall be no amusement or video machines maintained on the premises.
3. There shall be no "happy hour" or regular periods of reduced-priced alcoholic beverages.
4. Amplified live entertainment shall require issuance of an Administrative Use Permit.
5. Ancillary food service involving outdoor equipment (e.g., food trucks) shall require issuance of an Outdoor Facilities Permit.
6. Delivery/distribution activities involving Class 4 or higher vehicles shall not occur between the hours of 10 p.m. and 7 a.m.

7. Hours of operations shall not extend beyond 10 p.m., unless extended hours of operation are approved through a Conditional Use Permit.

Craft breweries shall be regulated under the following tiered review and approval process:

1. Tier 1: Produces at least 250 and no more than 10,000 barrels annually and does not exceed 10,000 square feet of floor area. Tier 1 facilities are subject to approval of an Administrative Conditional Use Permit (ACUP) when not abutting residential zoning districts, schools, and/or churches. Tier 1 facilities abutting residential zoning districts, schools, and/or churches are subject to approval of a Conditional Use Permit (CUP).
  2. Tier 2: Produces at least 750 and no more than 15,000 barrels annually and does not exceed 15,000 square feet of floor area. Tier 2 facilities are subject to approval of a Conditional Use Permit (CUP).
- I. Building Materials and Services. Retailing, wholesaling, or rental of building supplies or equipment. This classification includes lumber yards, tool and equipment sales or rental establishments, and building contractors' yards, but excludes establishments devoted exclusively to retail sales of paint and hardware, and activities classified under Vehicle/Equipment Sales and Services, including vehicle towing services.
- J. Catering Services. Preparation and delivery of food and beverages for off-site consumption with provision for on-site pickup or consumption not to exceed 1,000 square feet. (See also Eating and Drinking Establishments.)
- K. Commercial Recreation and Entertainment. Provision of participant or spectator recreation or entertainment. This classification includes theaters, sports stadiums and arenas, amusement parks, bowling alleys, billiard parlors, pool rooms, dance halls, ice/roller skating rinks, golf courses, miniature golf courses, scale-model courses, shooting galleries, tennis/racquetball courts, arcades and games centers having five or more coin-operated game machines and card rooms.
1. Dance Establishment. Any premises wherein a public dance, as defined in the Oceanside City Code, is held.
  2. Pool Rooms, Billiard Rooms, and Shooting Galleries. Pool rooms, billiard rooms, and shooting galleries as defined in the Oceanside City Code.
  3. Arcades and Game Centers. 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, but are not limited to pinball machines and video games, but do not include merchandise vending machines or mini-jukeboxes (See Section 3027, Arcades and Game Centers).

4. Limited. Indoor movie theaters and performing arts theaters.
  5. Small-scale. Establishments occupying no more than 5,000 square feet.
- L. Communications Facilities. Broadcasting, recording, and other communication services accomplished through electronic or telephonic mechanisms, but excluding Utilities (Major). This classification includes radio, television, or recording studios; telephone switching centers; and telegraph offices.
- M. 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.
- N. Food and Beverage Sales. Retail sales of food and beverages for off-site preparation and consumption. Typical uses include groceries, liquor stores, or delicatessens. Establishments at which 20 percent or more of the transactions are sales of prepared food for on-site or take-out consumption shall be classified as Catering Services or Eating and Drinking Establishments.
1. Convenience Markets. Retail sales of food, beverage and small convenience items typically found in establishments with long or late hours of operation. This definition excludes delicatessens and other specialty food shops having a sizeable assortment of fresh fruits and vegetables, and fresh-cut meat or fish.
  2. 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 percent or more of the shelf area of a business.
- O. Funeral and Interment Services. Establishments primarily engaged in the provision of services involving the care, preparation or disposition of human dead other than in cemeteries. Typical uses include crematories, columbariums, mausoleums or mortuaries.
- P. Home Improvement. Retailing or wholesaling of goods to be used for home improvements or the furnishing of homes. This classification is limited to specialty businesses in which the primary inventory of the business includes one of the following merchandise; furniture, carpet and other floor coverings, window coverings, wall coverings, bed and bath products, kitchen remodels, doors and windows, garage doors, glass, paint, mattresses, cabinets and shelves, fireplaces, patios, lighting materials, pool and spas, and similar uses. This use classification does not include a comprehensive home improvement store.
- Q. Horticulture, Limited. The raising of fruits, vegetables, flowers, ornamental trees and shrubs on sites of 2.5 acres or less, as a wholesale commercial enterprise, provided that nursery equipment or materials necessary for the operation shall be stores on-site within



structures. Wholesale commercial horticulture accessory to a dwelling unit shall be regulated as a home occupation. On-site Agricultural Sales Stands may be allowed subject to the location and development standards of Section 3038.

- R. Laboratories. Establishments providing medical or dental laboratory services; or establishments with less than 2,000 square feet providing photographic, analytical, or testing services. Other laboratories are classified as Limited Industry.
- S. Maintenance and Repair Services. Establishments providing appliance repair, office machine repair, or building maintenance services. This classification excludes maintenance and repair of vehicles or boats and ships (see Vehicle/Equipment Repair and Marine Sales and Services).
- T. Marine Sales, Rentals, and Services. Establishments providing supplies and equipment for shipping or related services, or pleasure boating and recreation. Typical uses include chandleries, yacht brokerage, sales, boat yards, boat docks, and sail-making lofts.
- U. Nurseries. Wholesale or retail establishments for the selling of plants, shrubs, trees and related products in which all merchandise other than plants is kept within an enclosed building or a fully screened enclosure, and fertilizer or chemicals of any type are stored and sold in package form only. Nurseries may include the growing and propagation of plants as part of the operation.
- V. Offices, Business and Professional. Offices of firms or organizations providing professional, executive, management, or administrative services, such as architectural, engineering, real estate, insurance, investment, legal, and medical/dental offices. This classification includes medical/dental laboratories incidental to an office use, but excludes banks and savings and loan associations.
- W. Payday Loan/Paycheck Advance Establishment. A person or entity that for compensation, engages in whole or in part, in the business of lending limited amounts of funds for a short-term, against the borrower's future paychecks. The aforementioned definition excludes State or federally chartered banks, savings associations, credit unions, or industrial loan companies offering direct deposit advance service to their customer that is incidental to their main purpose or business.
- X. Pawn Shops. Establishments engaged in the buying or selling of new or secondhand merchandise and offering loans secured by personal property and subject to Chapter 22 of the Municipal Code.
- Y. Personal Improvement Services. Provision of instructional services or facilities, including: photography, fine arts, crafts, dance or music studios; driving, business or trade schools; diet centers, or reducing salons; and health/fitness studios, spas or clubs.
  - 1. Health/Fitness Studios, Spas or Clubs. Establishments with equipment for exercise and physical conditioning.

2. Massage Establishments. Establishments providing massage service.

3. Small Scale. Establishments occupying no more than 5,000 square feet.

Z. Personal Services. Provision of services of a personal nature. This classification includes: tattooing establishments, body piercing establishment, escort services, barber and beauty shops, seamstresses, tailors, shoe repair shops, laundry and dry cleaning agencies (excluding large-sale plants - see Section 15.C.1), photo-copying, word processing, packaging, postal and office supply support facilities, and self-service laundries.

1. Tattooing Establishment. Any establishment or business engaged in "tattooing" as defined in the Oceanside City Code, excluding "micropigmentation" or "permanent cosmetic makeup" typically provided at beauty salon or day spas.

2. Body Piercing Establishment. Any establishment or business engaged in "body piercing". Body piercing means the creation of an opening in the body of a human being for the purpose of inserting jewelry or other decoration. This includes, but is not limited to, piercing of an ear, lip, tongue, nose, eyebrow, naval, male genitals, female breasts or female genitals. "Body piercing" does not include piercing an ear with a disposable, single-use stud or solid needle that is applied using a mechanical device to force the needle or stud through the ear.

3. Escort Services. Any premises where patrons can purchase the social company or companionship of another person.

4. Limited. Excludes laundry and dry cleaning agencies and self-service laundries.

5. Small-scale. Establishments occupying no more than 2,500 square feet.

AA. Research and Development Services. Establishments primarily engaged in industrial or scientific research, including limited product testing. This classification includes electronic research firms, pharmaceutical research laboratories, and medical testing and analysis, but excludes manufacturing, except of prototypes.

BB. 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 food commonly ordered at various hours of the day.

1. 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.

CC. Restaurant 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.

1. Restaurants 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.
2. 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.

DD. Retail Sales. The retail sale of merchandise not specifically listed under another use classification. This classification includes department stores, clothing stores, comprehensive home improvement stores, furniture stores, and businesses retailing the following goods: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies (including limited processing), electronic equipment, records, sporting goods, kitchen utensils, hardware, appliances, antiques, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, and new automotive parts and accessories (excluding service and installation).

1. Limited. Excludes comprehensive home improvement stores, furniture, hardware, paint and wallpaper, carpeting and floor covering, and new automotive parts and accessories.
2. Pharmacies and Medical Supplies. Establishments primarily selling prescription drugs, and medical supplies and equipment.

EE. Secondhand Furniture, Appliance, "Collectible" and Clothing Sales. The retail sale of used furniture, appliances, "collectibles" and clothing, and secondhand dealers who are subject to Chapter 22 of the Municipal Code. This classification excludes antique shops primarily engaged in the sale of antique furniture and accessories.

1. Small-scale. Establishments occupying no more than 5,000 square feet.
- FF. Sex Supermarket/Sex Mini-Mall. The establishment or operation within the same building of more than one of any of the following Adult Businesses: adult bookstore or adult video store, adult cabaret, adult entertainment business, adult motion picture theater, adult theater, or peep-show establishment.
- GG. Swap Meets, Recurring. Retail sale or exchange of handcrafted or secondhand merchandise for a maximum period of 48 hours, conducted by a sponsor on a more than twice yearly basis.
- HH. Tobacco and Drug Paraphernalia Establishment. Any tobacco and drug paraphernalia establishment, as defined in the Oceanside City Code.
- II. Travel Services. Establishments providing travel information and reservations to individuals and businesses. This classification excludes car rental agencies.
- JJ. Vehicle/Equipment Sales and Services.
  1. Automobile Washing. Washing, waxing, or cleaning of automobiles or similar light vehicles.
  2. Commercial Parking Facility. Lots offering short-term or long-term parking to the public for a fee.
  3. Service Stations. Establishments engaged in the retail sale of gas, diesel fuel, lubricants, parts, and accessories. This classification includes incidental maintenance and repair of automobiles and light trucks, but excludes body and fender work or repair of heavy trucks or vehicles.
  4. Vehicle/Equipment Repair. Repair of automobiles, trucks, motorcycles, mobile homes, recreational vehicles, or boats, including the sale, installation, and servicing of related equipment and parts. This classification includes auto repair shops, body and fender shops, wheel and brake shops, and tire sales and installation, but excludes vehicle dismantling or salvage and tire retreading or recapping.
    - (a) Limited. Excludes body and fender shops.
  5. Vehicle/Equipment Sales and Rentals. Sale or rental of automobiles, motorcycles, trucks, tractors, construction or agricultural equipment, mobile homes, and similar equipment, including storage and incidental maintenance.
  6. Vehicle Storage. Storage of operative or inoperative vehicles. This classification includes storage of parking tow-aways, impound yards, and storage lots for automobiles, trucks, buses and recreational vehicles, but does not include vehicle

dismantling.

- (a) Limited. Storage of operable passenger automobiles, standard and small vans and motorcycles.

KK. Visitor Accommodations.

1. Bed and Breakfast Inns. Establishments offering lodging on a less than weekly basis in a converted single-family or multi-family dwelling, with incidental eating and drinking service for lodgers only provided from a single kitchen.
  - (a) Small-scale. Establishments renting four or fewer rooms.
2. Hotels, Motels, and Time-Share Facilities. Establishments offering commercial lodging on a less than monthly basis. This classification includes incidental eating, drinking, and banquet services intended for the convenience of guests.
3. Single-Room Occupancy (SRO) Residential Hotels. Buildings with six or more guest rooms without kitchen facilities in individual rooms, or kitchen facilities for the exclusive use of guests, and which are also the primary residences of the hotel guests.
4. Vacation Club. Prepaid point or credit based establishments offering lodging on a less than weekly basis and having kitchens. This classification includes eating, drinking and banquet services.

LL. Warehousing and Storage, Limited. Provision of storage space for household or commercial goods within an enclosed building. Access to individual storage units shall be via an interior access way. Exterior entry to individual storage units shall not be permitted. This classification includes facilities with a maximum of 5,000 square feet of gross floor area, but excludes Wholesale, Distribution and Storage, and Vehicle Storage. "Limited" vehicle storage as part of a Warehousing and Storage, Limited, facility is permitted subject to the approval of a Conditional Use Permit.

MM. Winery, Craft. A small-scale winemaking facility that includes designated floor area (comprising no less than 20 percent and no more than 40 percent of the total floor area) for product sampling and/or retail sales of wine conforming to state requirements. Retail sales of craft winery merchandise including wine glasses, wine bottles, decanters, corkscrews, home décor, apparel, signs, books, and other wine paraphernalia are also permitted. A craft winery shall produce a minimum of 300 cases annually and not exceed a maximum output of 10,000 standard cases annually (with a standard case of wine containing twelve 750 ml bottles or nine liters of wine). Facilities housing a craft winery shall not exceed 15,000 square feet of floor area. The category of a craft winery (based upon floor area and scale of operation) shall determine the appropriate review and approval process, as specified below. Such facilities shall be subject to the following limitations:

1. Other than business name and/or logo, such uses shall not display exterior signage (including advertising directed to the exterior from interior spaces) that promotes the availability of alcoholic beverages.
2. There shall be no amusement or video machines maintained on the premises.
3. There shall be no "happy hour" or regular periods of reduced-priced alcoholic beverages.
4. Amplified live entertainment shall require issuance of an Administrative Use Permit (ACUP).
5. Ancillary food service involving outdoor equipment (e.g., food trucks) shall require issuance of an Outdoor Facilities Permit.
6. Delivery/distribution activities involving Class 4 or higher vehicles shall not occur between the hours of 10 p.m. and 7 a.m.
7. Hours of operations shall not extend beyond 10 p.m., unless extended hours of operation are approved through a Conditional Use Permit.

Craft wineries shall be regulated under the following tiered review and approval process:

1. Tier 1: Produces at least 300 and no more than 7,000 standard cases annually and does not exceed 10,000 square feet of floor area. Tier 1 facilities are subject to approval of an Administrative Conditional Use Permit (ACUP) when not abutting residential zoning districts, schools, and/or churches. Tier 1 facilities abutting residential zoning districts, schools, and/or churches are subject to a Conditional Use Permit (CUP).
2. Tier 2: Produces at least 900 and no more than 10,000 standard cases annually and does not exceed 15,000 square feet of floor area. Tier 2 facilities shall be subject to approval of a Conditional Use Permit (CUP).

#### **415 Industrial Use Classifications**

- A. Food Processing. Establishments primarily engaged in the manufacturing or processing and packaging of food or beverages for human consumption and wholesale distribution.
  1. Limited. Establishments of less than 2500 square feet of floor area.
- B. Industry, Custom. Establishments primarily engaged in on-site production of goods by hand manufacturing involving the use of hand tools and small-scale equipment. This use may include affiliated office and support facilities and limited showroom and a retail sales area when clearly secondary and associated with the primary business.

1. Limited. Includes mechanical equipment not exceeding two horsepower or a single kiln not exceeding eight kilowatts and the incidental direct sale to consumers of only those goods produced on-site. Typical uses include ceramic studios, candle-making shops, and custom jewelry manufacture.
- C. Industry, General. Manufacturing of products, primarily from extracted or raw materials, or bulk storage and handling of such products and materials. Uses in this classification typically involve a high incidence of truck or rail traffic, and/or outdoor storage of products, materials, equipment, or bulk fuel. This classification includes chemical manufacture or processing, large scale laundry and dry cleaning plants, auto dismantling within an enclosed building, oil and gas refining, stonework and concrete products manufacture, small animal production and processing within an enclosed building and power generation.
1. Large Scale Laundry and Dry Cleaning Plants. A laundry or dry cleaning facility having any of the following or similar type equipment:
    - (a) Boiler(s) exceeding a total of 15 horsepower;
    - (b) Dry cleaning machine(s) exceeding 60 pounds total capacity;
    - (c) Dryer(s) exceeding 50 pounds total capacity;
    - (d) Wet cleaning washer(s) exceeding 50 pounds total capacity.
- D. Industry, Limited. Manufacturing of finished parts or products, primarily from previously prepared materials; and provision of industrial services; both within an enclosed building. This classification includes processing, fabrication, assembly, treatment, and packaging, but excludes basic industrial processing from raw materials, and Vehicle/Equipment Services. This classification may include affiliated office and support facilities and a limited showroom and retail sales area when clearly secondary and associated with the primary business.
1. Small-Scale. Limited to a maximum gross floor area of 5,000 square feet.
- E. Industry, Research and Development. Establishments primarily engaged in the research, development, and controlled production of high-technology electronic, industrial or scientific products or commodities for sale. Uses include biotechnology, films, and non-toxic computer component manufacturers, specifically excluding uses which produce offensive odors, dust, and/or noise. This classification may include affiliated office and support facilities and a limited showroom and retail sales area when clearly secondary and associated with the primary business.
- F. Wholesaling, Distribution and Storage. Storage and distribution facilities. This classification may include affiliated office and support facilities and a limited showroom and retail sales area when clearly secondary and associated with the primary business.



1. Trucking Terminals. Storage and distribution facilities having more than six heavy trucks on the premises at one time, but excluding trucking accessory to a Limited or General Industry classification.
2. Small-Scale. Wholesaling, distribution and storage having a maximum gross floor area of 5,000 square feet and having no more than two docks or service bays.

#### **416 Agricultural and Extractive Use Classifications**

- A. Animal Husbandry. Raising of animals or production of animal products, such as eggs or dairy products, on an agricultural or wholesale commercial basis. Typical uses include grazing, ranching, animal breeding, dairy farming, and poultry farming.
- B. Crop Production. Raising and harvesting of tree crops, row crops, greenhouse crops or field crops on sites of greater than 2.5 acres on an agricultural or wholesale commercial basis, including packing and processing.
- C. Animal, Horse and Dog Training and Shows. Animal training, holistic natural animal health care, and dog shows with 50 dogs or less. Shows with greater than 50 dogs shall require a special events permit.
- D. Mining and Processing. Places or plants primarily devoted to surface or subsurface mining of metallic and nonmetallic minerals, oil or gas, together with essential on-site processing and production of only nonmetallic mineral products. Typical places are borrow pits, quarries, oil and gas drilling rigs, or concrete batch plants. This classification specifically excludes any activities that are directly or indirectly associated with off-shore oil and gas exploration, production, or processing.
- E. Wineries. An agricultural processing facility used for the fermenting and processing of fruit juice into wine; or the refermenting of still wine into sparkling wine. Tours, tastings and retail sales may be permitted as an accessory use only.
- F. Assembly, ceremonies, and weddings. An activity involving assembly or the intention of attracting people for ceremonial, educational, and celebratory purposes at one specific location. Such assembly includes, but is not limited to: receptions, weddings, recitals, exhibits, private parties, and social gatherings.

#### **417 Accessory Use Classifications**

- A. Accessory Uses and Structures. Uses and structures that are incidental to the principal permitted or conditionally permitted use or structure on a site and are customarily found on the same site. This classification includes accessory dwelling units ("second units") and home occupations.

#### **418 Temporary Use Classifications**

- A. Agricultural Specialty Sales, Seasonal. Retail sale of seasonal specialty items for a period not to exceed 45 days (e.g. Christmas Tree Sales, Pumpkin Sales).
- B. Yard/Garage Sales. A sales event advertised by any means at a residential location where members of the public may purchase identifiable or tangible items of personal property; provided however, it shall not mean any event which constitutes a sales activity, wholesale or retail, by any business which has a current business license issued by the City. Items sold shall be limited to personal property owned by the occupant of the property and/or surrounding neighbors.

## **Article 4(a) Redevelopment Project Area (D-Downtown District) Use Classifications**

### **Sections:**

- 419 Purpose and Applicability
- 420 Uses Not Classified
- 421 Residential Use Classifications
- 422 Public and Semipublic Use Classifications
- 423 Commercial Use Classifications
- 424 Accessory Use Classifications
- 425 Temporary Use Classifications

### **419 Purpose and Applicability**

The uses classifications described herein are only applicable within the Redevelopment Project Area (aka D-Downtown District). The uses describe one or more uses having similar characteristics, but do not list every use or activity that may appropriately be within the classification. The City Planner shall determine whether a specific use shall be deemed to be within one or more use classifications or not within any classification in this Title. The City Planner may determine that a specific use shall not be deemed to be within a classification, whether or not named within the classification, if its characteristics are substantially incompatible with those typical of uses named within the classification. The City Planner's decision may be appealed to the Community Development Commission.

### **420 Uses Not Classified**

Any new use, or any use that cannot be clearly determined to be in an existing use classification is prohibited. Provided, however, that any new use may be incorporated into the zoning regulations by a Zoning Ordinance text amendment, as provided in Article 45.

### **421 Residential Use Classifications**

- A. Day Care, Limited. Non-medical care and supervision of up to and including fourteen persons on a less than 24-hour basis within a licensee's home for children and adults.
- B. Group Residential. Shared living quarters without separate kitchen or bathroom facilities for each room or unit. This classification includes roominghouse/boardinghouse, dormitories, fraternities, sororities, and private residential clubs, but excludes residential hotels (see Single-Room Occupancy (SRO) Residential Hotels).

- C. Live/Work Quarters. An area comprising one or more rooms in a building originally designed for industrial or commercial occupancy that includes cooking space, sanitary facilities, and working space for artists, artisans and similarly activities and Custom Industry uses as defined herein.
- D. Multifamily Residential. Two or more dwelling units on a site. This classification includes mobile home and factory-built housing.
- E. Residential Care, Limited. Twenty-four-hour non-medical care for six or fewer persons in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living.
- F. Single-Family Residential. Buildings containing one dwelling unit located on a single lot. This classification includes mobile home and factory-built housing.

#### **422 Public and Semipublic Use Classifications**

- A. Child Care. Non-medical care and supervision on a less than 24-hour basis in any care facility of any capacity and not within a licensee's home for persons under the age of 18.
- B. Clubs and Lodges. Meeting, recreational, or social facilities of a private or nonprofit organization primarily for use by members or guests. This classification includes union halls, social clubs, youth, and senior centers.
- C. Convalescent Facilities. Establishments providing care on a 24-hour basis for persons requiring regular medical attention, but excluding facilities providing surgical or emergency medical services.
- D. Cultural Institutions. Non-profit institutions displaying or preserving objects of interest in one or more of the arts or sciences. This classification includes libraries, museums, and art galleries.
- E. Day Care, General. Non-medical care and supervision on a less than 24-hour basis in any care facility of any capacity and not within a licensee's home for persons over the age of 18.
- F. Emergency Health Care. Facilities providing emergency medical service with no provision for continuing care on an inpatient basis.
- G. Government Offices. Administrative, clerical, or public contact offices of a government agency, including postal facilities, together with incidental storage and maintenance of vehicles.

- H. Hospitals. Facilities providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons, primarily on an inpatient basis. This classification includes incidental facilities for outpatient treatment, as well as training, research, and administrative services for patients and employees.
- I. Park and Recreation Facilities. Noncommercial parks, playgrounds, recreation facilities, and open spaces.
- J. Public Safety Facilities. Facilities for public safety and emergency services, including police and fire protection.
- K. Religious Assembly. Facilities for religious worship and incidental religious education and other religious facility related supportive and social services. This use classification specifically excludes private schools as defined in this section. Only Small-scale establishments occupying no more than 5,000 square feet.
- L. Residential Care, General. Twenty-four hour non-medical care for seven or more persons, including wards of the juvenile court, in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living.
- M. Resource Centers. Neighborhood facilities that are City-sponsored or under the control of the City and are used for neighborhood safety, enhancement, education, health care, and other similar neighborhood programs.
- N. Schools, Public or Private. Educational institutions having a curriculum comparable to that required in the public schools of the State of California.
- O. Transitional Housing. Transitional housing encompasses both housing and appropriate supportive services for homeless persons designed to enable them to move to independent living within a 24-month period.
- P. Utilities, Major. Generating plants, electrical substations, aboveground electrical transmission lines, lone switching buildings, refuse collection, transfer, recycling or disposal facilities, water reservoirs, flood control or drainage facilities, water or waste water treatment plants, transportation or communications utilities, and similar facilities of public agencies or public utilities. A structure that may have a significant effect on surrounding uses shall be regulated under this classification.
- Q. Utilities, Minor. Utility facilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution lines, underground water and sewer lines, and recycling centers within convenience zones, as defined by the California Beverage Container Recycling and Litter Reduction Act.

## 423 Commercial Use Classifications

- A. Adult Business. An Adult Business is any business, where employees, independent contractors, or patrons expose "specified anatomical areas" or engage in "specified sexual activities," or any business which offers to its patrons services or entertainment characterized by an emphasis on matter depicting, exposing, describing, discussing or relating to "specified sexual activities or "specified anatomical areas".

A use which has a majority of its conduct of activities, floor area, stock-in-trade, or revenue derived from, material characterized by an emphasis on matter depicting, exposing, describing, discussing or relating to "specified sexual activities" or "specified anatomical areas", shall be considered to be an Adult Business.

Adult Businesses do not include bona fide medical establishments operated by properly licensed and registered medical personnel with appropriate medical credentials for the treatment of patients.

Adult Businesses include, but are not limited to the following:

1. Adult Bookstore/Novelty Store/Video Store. An establishment which has: (1) a substantial or significant portion of its gross revenues or of its stock in trade, books, magazines, and other periodicals or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas"; or (2) a substantial or significant portion of its stock in trade, instruments, devices or paraphernalia designed for use in connection with "Specified Sexual Activities".
2. Adult Entertainment Business. Any establishment that (1) is customarily only open to adults and excludes minors by reason of age, and (2) devotes a substantial or significant portion of its stock in trade to the sale or display of instruments, devices, or paraphernalia which are designed for use in connection with "Specified Sexual Activities".
3. Adult Cabaret. A nightclub, bar, restaurant, or similar commercial establishment which regularly features: (1) persons who appear in a state of nudity; or (2) live performances which are characterized by the exposure of "Specified Anatomical Areas" or by "Specified Sexual Activities"; or (3) films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "Specified Sexual Activities" or "Specified Anatomical Areas".
4. Adult Motel. A motel or similar establishment offering public accommodations for

any consideration, which provides patrons with material distinguished or characterized by an emphasis on depiction or description of "Specified Sexual Activities" or "Specified Anatomical Areas".

5. Adult Motion Picture Theater. An enclosed building used for presenting motion picture films, video cassettes, cable television, or any other such visual media, distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" for observation by patrons therein.
6. Adult Theater. A theater, concert hall, auditorium, or other similar establishment, either indoor or outdoor in nature, which regularly features live performances which are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons.
7. Figure Studio. Any premises on which the business of furnishing nude models who pose for the purpose of being photographed, sketched, painted, drawn or observed by persons who pay a fee, or other consideration or compensation, or a gratuity, for the right or opportunity to depict or observe the model, or for admission to, or for permission to remain upon, or as a condition for remaining upon, the premises.

The term model shall include: Any person, male or female, who poses nude to be photographed, sketched, painted, drawn or observed.

The term nude shall include: Completely without clothing; or with any pubic area exposed; or with the pubic area covered in such a manner that the private parts are visible or the form thereof discernible; or with the breasts exposed by female so that the nipples thereof are exposed.

"Figure studio" does not include any studio or classroom which is operated by any public agency, or any private post secondary educational institution authorized by California state law to issue and confer a diploma or degree.

8. Peep-Show Establishment. Peep-Show Establishment as defined in the Oceanside City Code.
- B. Ambulance Services. Provision of emergency medical care or transportation, including incidental storage and maintenance of vehicles.
- C. Animal Sales and Services.
1. Animal Grooming. Provision of bathing and trimming services for animals on a commercial basis. This classification includes boarding of domestic animals for a



maximum period of 48 hours.

2. Animal Product Sales. Retail products associated with domestic animals (dogs, cats, birds, snakes, and small rodents).
- D. Artists Studios. Work and display space for artists and artisans, including individuals practicing one of the fine arts or performing arts, or skilled in an applied art or craft. Only small-scale establishments occupying no more than 5,000 square feet.
- E. Banks and Savings and Loans. Financial institutions that provide retail banking services to individuals and businesses. This classification is limited to institutions engaged in the on-site circulation of cash money including businesses offering check-cashing facilities. This excludes check cashing businesses and loan companies not associated with a bank, credit unions or savings and loan.
1. Drive-through/Drive-up Service. Institutions providing self-service banking facilities that are not associated with a primary banking or savings and loan building located on the same site.
  2. Self-service Facilities (ATM's). Institutions providing self-service banking facilities that are not associated with a primary banking or savings and loan building located on the same site.
- F. Brewery, Craft. A small-scale beer manufacturing facility that includes designated floor area (comprising no less than 20 percent and no more than 40 percent of the total floor area) for product sampling and/or retail sales of beer conforming to state requirements. Retail sales of craft brewery merchandise including mugs, pint glasses, growlers, tap handles, coasters, apparel, signs, bottle openers, and books are also permitted. A craft brewery shall produce a minimum of 250 barrels annually and not exceed a maximum output of 15,000 barrels annually (with a barrel of beer being equal to 31 U.S. gallons). Facilities housing a craft brewery shall not exceed 15,000 square feet of floor area. The category of a craft brewery (based upon floor area and scale of operation) shall determine the appropriate review and approval process, as specified below. Such facilities shall be subject to the following limitations:
1. Other than business name and/or logo, such uses shall not display exterior signage (including advertising directed to the exterior from interior spaces) that promotes the availability of alcoholic beverages.
  2. There shall be no amusement or video machines maintained on the premises.
  3. There shall be no "happy hour" or regular periods of reduced-priced alcoholic beverages.

4. Amplified live entertainment shall require issuance of an Administrative Use Permit.
5. Ancillary food service involving outdoor equipment (e.g., food trucks) shall require issuance of an Outdoor Facilities Permit.
6. Delivery/distribution activities involving Class 4 or higher vehicles shall not occur between the hours of 10 p.m. and 7 a.m.
7. Hours of operations shall not extend beyond 10 p.m., unless extended hours of operation are approved through a Conditional Use Permit.

Craft breweries shall be regulated under the following tiered review and approval process:

1. Tier 1: Produces at least 250 and no more than 10,000 barrels annually and does not exceed 10,000 square feet of floor area. Tier 1 facilities are subject to approval of an Administrative Conditional Use Permit (ACUP) when not abutting residential zoning districts, schools, and/or churches. Tier 1 facilities abutting residential zoning districts, schools, and/or churches are subject to approval of a Conditional Use Permit (CUP).
2. Tier 2: Produces at least 750 and no more than 15,000 barrels annually and does not exceed 15,000 square feet of floor area. Tier 2 facilities are subject to approval of a Conditional Use Permit (CUP).

G. Catering Services. Preparation and delivery of food and beverages for off-site consumption with provision for on-site pickup or consumption not to exceed 1,000 square feet. (See also Eating and Drinking Establishments.)

H. Commercial Recreation and Entertainment. Provision of participant or spectator recreation or entertainment. This classification includes theaters, sports stadiums and arenas, amusement parks, bowling alleys, billiard parlors, pool rooms, dance halls, ice/roller skating rinks, golf courses, miniature golf courses, scale-model courses, shooting galleries, tennis/racquetball courts, arcades and games centers having five or more coin-operated game machines and card rooms.

I. Communications Facilities. Broadcasting, recording, and other communication services accomplished through electronic or telephonic mechanisms, but excluding Utilities (Major). This classification includes radio, television, or recording studios; telephone switching centers; and telegraph offices.

J. 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.

K. Food and Beverage Sales. Retail sales of food and beverages for off-site preparation and consumption. Typical uses include groceries, liquor stores, or delicatessens. Establishments at which 20 percent or more of the transactions are sales of prepared food for on-site or take-out consumption shall be classified as Catering Services or Eating and Drinking Establishments.

1. Convenience Markets. Retail sales of food, beverage and small convenience items typically found in establishments with long or late hours of operation. This classification also includes mini-marts which allows fuel pumps to provide fuel for vehicles.

2. Grocery/Neighborhood Market. Retail sales of food and beverages for off-site preparation and consumption. Principally engaging in the retail sale of staple foodstuffs, household supplies and a sizeable assortment of fresh produce, meats, fish and dairy products. A minimum of 60% of net floor area (excluding storage, aisle ways, check out and customer service areas) shall be dedicated to the sale of staple foodstuffs and fresh items such as produce, meats, fish, and dairy products.

(Net Floor Area - The total floor area within the walls of all buildings on a lot or building site, except for the spaces therein devoted to vents, shafts, and lighting courts, and except for the area devoted exclusively to loading and unloading facilities or parking of motor vehicles).

3. Specialty Market. Retail sales of food and beverages for off-site preparation and consumption. Principally engaging and specializing in the retail sales of one specific product line such as produce, meat, fish, etc. Such markets may include the incidental sales of other merchandise directly related to the principal product line.

4. Drive-thru/Drive-up. Service from a building to persons in vehicles through an outdoor service window (Drive-thru) or delivery service to vehicles parked in designated parking spaces (Drive-up).

L. Home Occupation. A limited-scale service or fabrication activity, which occurs in a dwelling unit or accessory building and is subordinate to the primary use of the premises for residential purposes, with limitations as set forth within the City of Oceanside business license department.

M. Live work lofts. May include "professional services" that do not require client visits, electronics research and development, computer software development, internet based business and the like are permitted. In addition to paper based and/or home based occupations such as engineers, architects, consultants, computer specialists, interior designers, lawyers, and real estate professionals

N. Marine Sales, Rentals, and Services. Establishments providing supplies and equipment for shipping or related services, or pleasure boating and recreation. Typical uses include chandleries, yacht brokerage, sales, boat yards, boat docks, and sail-making lofts.

O. Offices, Business and Professional. Offices of firms or organizations providing professional, executive, management, or administrative services.

1. Administrative/Business. Establishments providing direct services to clients, including insurance agencies, real estate offices, post offices (not including bulk mailing distribution centers).
2. Production. Office-type facilities occupied by businesses engaged in the production of intellectual property. These uses include: advertising agencies, architectural, engineering, planning and surveying services, computer software production and programming services, educational, scientific and research organizations, media postproduction services, photography and commercial art studios, writers and artist's offices.
3. Professional. Professional or government offices including: Accounting, auditing and bookkeeping services, attorneys, counseling services, court reporting services, data processing services, detective agencies and similar services, employment, stenographic, secretarial and word processing services, government offices, literary and talent agencies, management and public relations services
4. Temporary. A mobile home, recreational vehicle or modular unit used as temporary office facility. Temporary Offices may include: construction supervision offices on a construction site or off-site construction yard; a temporary on-site, which is converted to residential use at the conclusion of its office use.
5. Temporary Real Estate. The temporary use of a dwelling unit within a residential development project as a sales office for the units on the same site, which is converted to residential or commercial use at the conclusion of its office use.

P. Pawn Shops. Establishments engaged in the buying or selling of new or secondhand merchandise and offering loans secured by personal property and subject to Chapter 22 of the Municipal Code. This definition does not include Junk as defined as old or scrap

copper, brass, rope, rags, batteries, paper, trash, rubber debris, wastes, machinery, scrap wood, or junked, dismantled or wrecked automobiles, or parts thereof; iron, steel, and other old or scrap ferrous or nonferrous material. Includes any other definitions of junk established in City ordinances.

Q. Personal Improvement Services. Provision of instructional services or facilities, including: photography, fine arts, crafts, dance or music studios; driving, business or trade schools; diet centers, or reducing salons; and health/fitness studios, spas or clubs.

1. Health/Club/Studio/Spa. Establishments with equipment for exercise and physical conditioning. Facilities offering the use of exercise equipment for public use, and services such as, expertise and instruction for fitness training, weight loss, yoga and aerobics classes. Does not include massage or other medically related services.

2. Day Spa. A day or full service spa must provide at least four different types of services and all services must be provided on the premises during regular business hours and include some type of instructional service. These services may include any of the following: facial therapies, body treatments, hair removal, nail care, salon care, makeup application, permanent cosmetic makeup, skin care treatments, therapeutic massage, aromatherapy, hydrotherapy, and instructional services such as; nutritional counseling, weight management, stress management, medical evaluations, and fitness activities such as; private or personal fitness training, yoga, meditation, and retail products such as; skin and body care products, work out or spa clothing, juice bar, spa or health food cuisine, health food products.

All services shall be administer by licensed cosmetologists, estheticians or similar professionals and should offer a vast array of the highest quality skin, body, health care, and fitness services. At a minimum spas establishment must be: clean, and safe environment; have private treatment rooms for clients receiving a personal service; business licenses; professional, licensed estheticians and therapists; professional spa products for which estheticians and therapists have received training in their use; and have showering and changing facilities for women and men (when necessary).

3. Accessory Massage. Massage only permitted as an incidental use to a primary use listed above, with a use permit and must abide by all other City Ordinances and Codes.

R. Personal Services. This classification includes: photo-copying, word processing, packaging, postal and office supply support facilities and tattooing establishments.

1. Laundromat/Cafe. A commercial establishment offering self-serve and assisted laundry facilities for public use in conjunction with some type of food or beverage service.
  2. General Repair. The repair of small appliances, stereo equipment, electronic pieces and computers. This term does not include the repair of motor vehicles, motorcycles, lawnmowers or garden equipment.
  3. Tattooing Establishment. Any establishment or business engaged in "tattooing" as defined in the Oceanside City Code, excluding "micropigmentation" or "permanent cosmetic makeup" typically provided at beauty salon or day spas.
- S. 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.
1. Restaurant 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.
- T. 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.
1. 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.

2. 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.

U. Retail (General) Sales. The retail sale of merchandise not specifically listed under another use classification. This classification includes artist supplies, bakeries, bicycles, books, cameras and photographic supplies, clothing and accessories, department stores, drug stores, dry goods, fabrics and sewing supplies, florist and houseplants, hobby material, jewelry, luggage and leather goods, home improvement stores, furniture stores, handcrafted items, jewelry, cameras, photographic supplies (including limited processing), electronic equipment, records, sporting goods, kitchen utensils, hardware, appliances, art supplies and services, paint and wallpaper, carpeting floor covering, office supplies, bicycles, and musical instruments, parts and accessories, specialty shops, religious goods, sporting goods and equipment, stationery, toys and games and variety stores.

1. Antiques, Antique Shop. Any article which, because of age, rarity or historical significance, has a monetary value greater than the original value, or which has an age recognized by the United States Government as entitling the article to an import duty less than that prescribed for contemporary merchandise. A store or shop selling only such articles or offering them for sale shall be considered as an antique shop or store, and not considered as a dealership handling used or secondhand merchandise.
2. Custom Retail. Establishments primarily engaged in on-site production of goods by hand manufacturing involving the use of hand tools and small-scale mechanical equipment not exceeding two (2) horsepower or a single kiln not exceeding eight (8) kilowatts; and the direct sale to consumers of those goods produced on-site. Products made incident to a permitted use may be sold at retail on the premises, and not more than three (3) people shall be employed in the production process. Typical uses include but are not limited to ceramic studios, candle-making shops, and custom jewelry production.
3. Secondhand Furniture, Appliance, "Collectible" and Clothing Sales. The retail sale of used furniture, appliances, "collectibles" and clothing, and secondhand dealers who are subject to Chapter 22 of the Municipal Code. This classification excludes antique shops primarily engaged in the sale of antique furniture and accessories. Only small establishments occupying no more than 5,000 square feet.
4. Wine Tasting. Retail establishments for the sale of bottled wine and which offer



wine tasting and the sale of wine for on-site consumption in connection with the marketing of wines offered for sale on the premises. With the exception of wine and featured micro-brews, no beverages or items containing alcohol shall be offered for sale or consumed on the premises. Non-alcoholic retail items associated with wine drinking such as wine glasses, decanters, ice buckets, toppers, serving implements, snack foods and non alcoholic beverages may also be offered for sale. Wine tasting shall only occur in an enclosed area not accessible for persons under the age of 21.

V. Sex Supermarket/Sex Mini-Mall. The establishment or operation within the same building of more than one of any of the following Adult Businesses: adult bookstore or adult video store, adult cabaret, adult entertainment business, adult motion picture theater, adult theater, or peep-show establishment.

W. Travel Services. Establishments providing travel information and reservations to individuals and businesses. This classification excludes car rental agencies.

X. Automotive Rental (small scale). Rental of vehicles; limited to five rental cars.

Y. Visitor Accommodations

1. Bed and Breakfast Inns. Establishments offering lodging on a less than weekly basis in a converted single-family or multi-family dwelling, with incidental eating and drinking service for lodgers only provided from a single kitchen.
2. Hotels and Motels. Establishments offering commercial lodging on a less than monthly basis. This classification includes incidental eating, drinking, and banquet services intended for the convenience of guests.
3. Timeshare. A facility or arrangement, plan, or similar program, other than an exchange program, whereby a purchaser receives ownership rights in or the right to use accommodations for a period of time less than a full year during any given year, on a recurring basis for more than one year, but not necessarily for consecutive years.
4. Fractional Ownership Hotel. A facility providing overnight visitor accommodations where at least some of the guestrooms are owned separately by multiple owners on a fractional time basis. A fractional time basis means that an owner receives exclusive right to use of the individual unit for a certain quantity of days per year and each unit available for fractional ownership will have multiple owners. When a fractional ownership unit is not occupied by one of its owners, that unit shall be made available to the general public through the hotel operator. If a Fractional Ownership Hotel includes traditional hotel units, the facility may use those rooms alone or in combination with its fractional units to

satisfy any requirement that a substantial portion of its units be permanently reserved for transient overnight accommodations in the summer season, which is Memorial weekend through Labor Day.

5. Condominium Hotel. Condominium Hotel – Any Facility providing overnight visitor accommodations where ownership of at least some of the individual guestrooms (units) within the larger building or complex is in the form of separate condominium ownership interests, as defined in California Civil Code section 1351(f). The primary function of the Condominium Hotel is to provide overnight transient visitor accommodations within every unit that is available to the general public on a daily basis year-round, while providing both general public availability and limited owner occupancy of those units that are in the form of separate condominium ownership interests.
6. Resort. A resort is defined as a full service hotel of greater than 200 rooms with pool, spa, or similar amenities and full service restaurant.
7. Limited Use Overnight Visitor Accommodation: A facility providing overnight visitor accommodations that includes both traditional hotel lodging and some combination of fractional interests, time shares, or condo-hotel units. Limited Use Overnight Visitor accommodations shall only be allowed in the Downtown “D” District, if no more than 25% of the total rooms in such facility consist of some combination of fractional timeshare or condo-hotel units; however, no more than 15% of the total rooms in a Limited Use Overnight Visitor Accommodation may be Fractional Interest units. A Limited Use Overnight Visitor Accommodation is exempt from any requirement that a substantial portion of its units be permanently reserved for transient overnight accommodations in the summer season, which is Memorial weekend through Labor Day.

Z. Visitor Accommodations-Special requirements

1. Hotel Owner/Operator – For a Limited Use Overnight Visitor Accommodation, as defined below, a Hotel Owner/Operator is defined as the entity that owns and operates a hotel. If the hotel operator is separate from the hotel owner, each shall be severally responsible for complying with the requirements described in the Local Coastal Plan and/or recorded against the property, as well as severally liable for violations of said requirements and restrictions. The owner/operator shall manage all guestrooms/units as part of the hotel inventory, which management shall include the booking of reservations, mandatory front desk check-in and check-out, maintenance, cleaning services and preparing units for use by guest and owners. The owner/operator shall retain control of all land, structures, recreational amenities, meeting spaces, restaurants, “back of house” and other guestroom facilities.

2. Hotel Conversion - Any hotel rooms for which a Certificate of Occupancy has been issued at the effective date of adoption of this section shall not be converted to a Limited Use Overnight Visitor Accommodation.
3. New Limited Use Overnight Visitor Accommodation projects will be required to prepare Covenants, Conditions, and Restrictions (CC&Rs) that shall be recorded concurrently with the recordation of all tract maps against all individual property titles reflecting the use restrictions and will conform to the restrictions outlined below.
4. Limited Occupancy. An owner of a timeshare interest, fractional interest or a condo hotel unit (or, if there are multiple owners of a condo hotel unit, all owners of that unit combined), and their guests, may occupy their unit no more than 90 days per calendar year with a maximum of 29 days of use during any 60 day period.
5. Condominium Hotels. Such development is subject to the following conditions/restrictions:
  - a) Any overnight visitor accommodations for which a certificate of occupancy has been issued prior to or on the effective date of adoption of this Section shall not be permitted to be converted to a Limited Use Overnight Visitor Accommodation. Nothing in the preceding sentence shall prohibit, on and after the effective date of adoption of this Section, the conversion of hotel rooms in an approved Limited Use Overnight Visitor Accommodation to timeshare, fractional or condominium-hotel units; provided that after any such conversion, the ratio of timeshare, fractional and condominium-hotel units does not exceed that required under the definition of "Limited Use Visitor Overnight Accommodations" in effect as of the date of approval of the project, with an approved amendment to the coastal development permit for the project.
  - b) A maximum of 25% of the total number of guestrooms/units in the total project as a whole may be subdivided into condominium hotel units and sold for individual ownership.
  - c) The hotel owner/operator shall retain control through ownership, lease, easements, or other legal means, of all structural elements, recreational amenities, meeting space, restaurants, "back of house" and other non-guest unit facilities. The hotel operator must be the same entity for both the traditional hotel guestroom/units and the condo hotel units.

- d) The Condominium Hotel facility shall have an on-site hotel operator to manage booking of all guestrooms/units (both traditional and condo hotel guestrooms/units). Whenever any individually owned hotel unit is not occupied by its owner(s), that unit shall be available for use by the general public, either through the operator or a rental agent other than the operator, on the same basis as a traditional hotel room.
- e) As used in this Section 5, the term "to book" or "booking" shall mean the confirmation of a reservation request for use of a Condominium-Hotel unit by either the owner of the unit, the owner's permitted user or by a member of the public, and the entry of such confirmation in the operator's reservation data base. Each owner of a Condominium-Hotel unit shall have the right, in its sole discretion, to engage either the operator or a rental agent of his or her choice to serve as the rental agent for their unit, but any engagement of a rental agent other than the operator shall be on a non-exclusive basis. The operator shall have the right and obligation to offer for public rental all time periods not reserved by a Condominium-Hotel unit owner for his or her personal use, or for the use of an owner's permitted user, or reserved for use by a public renter procured by an owner's rental agent who is not the operator. Whether or not the hotel operator is selected as an owner's exclusive rental agent, the operator shall manage the booking and the reservation of all units in the Condominium-Hotel. All Condominium-Hotel unit owners, and their rental agents, must comply with the following restrictions:
1. Condominium-Hotel unit owners shall not discourage rental of their units or create disincentives meant to discourage rental of their units;
  2. As more fully described in Section 5(t), below, Condominium- Hotel unit owners shall report and certify the rental rate and terms of any rental of the owner's unit made independently of the operator, and the operator shall book all unit reservations in the operator's reservation database, a service for which the operator may charge the Condominium-Hotel unit owner a reasonable fee;
  3. Based on its own rentals and also those certified by those owners who have reported rentals made by them directly or by another rental agent they have selected, pursuant to Section 5(t) below, the operator shall maintain records of usage for all units and the rental terms of such usage, and shall be responsible for reporting Transient Occupancy Taxes for all units, services for which the operator may charge the Condominium-Hotel unit owner a reasonable fee.
- f) The hotel operator shall market all rooms to the general public. Owners of

individually owned hotel units may also independently market their units, but all booking of reservations shall be made by and through the hotel operator.

- g) The hotel operator shall manage all guestrooms/units as part of the hotel inventory of the Condominium Hotel, which management will include the booking of reservations, mandatory front desk check-in and check-out, maintenance, cleaning services and preparing guestrooms/units for use by guests/owners, a service for which the operator may charge the unit owner a reasonable fee.
- h) If the hotel operator is not serving as the exclusive rental agent for an individually owned unit, then the hotel operator shall nevertheless have the right, working through the individually owned units' owners or their designated agents, to book any unoccupied room to fulfill public demand. The owner or an owner's rental agent may not withhold units from use unless they have already been reserved for use by the owner, consistent with the owner's maximum use right, as set forth in Section 5(l), below. In all circumstances, the hotel operator shall have full access to the unit's reservation and booking schedule so that the operator can fulfill its booking and management obligations hereunder.
- i) All guestrooms/unit keys shall be electronic and created by the hotel operator upon each new occupancy to control the use of the individually owned units.
- j) All individually owned hotel units shall be rented at a rate similar to that charged for the traditional hotel rooms of a similar class or amenity level in the California coastal zone.
- k) The hotel operator shall maintain records of usage by owners and guests and rates charged for all guestrooms/units and shall be responsible for reporting Transient Occupancy Taxes for all units, services for which the operator may charge the Condominium-Hotel unit owner a reasonable fee.
- l) Each individually owned hotel unit shall be used by its owner(s) (no matter how many owners there are) or their guests for not more than 90 days per calendar year with a maximum of 29 consecutive days of use during any 60 day period.
- m) The occupancy limitations identified in Section 5(k) above, shall be unaffected by multiple owners of an individually owned hotel unit or the sale of a unit to a new owner during the calendar year, meaning that all such owners of any given unit shall be collectively subject to the occupancy restriction as if they were a single continuous owner.

- n) No portion of the Condominium Hotel may be converted to full-time occupancy of a condominium or any other type of Limited Use Overnight Visitor Accommodations or other project that differs from the approved Condominium-Hotel, other than as provided for in Section 5(a), above.
- o) Prior to issuance of a building permit and in conjunction with approval of a coastal development permit for a Condominium Hotel within the Downtown "D" District, the landowner(s) of the property upon which the traditional guestrooms/units (i.e. transient hotel rooms) are developed shall execute and record a deed restriction(s), subject to the review and approval of the City Planner and the Executive Director of the Coastal Commission, which prohibits the conversion of those traditional hotel guestrooms/units to any other type of ownership (e.g. timeshares or condo-hotel units, except as provided in Section 5(a) above) without an approved coastal development permit. The deed restriction shall be submitted for review and approval of the City Planner and the Executive Director of the Coastal Commission prior to issuance of the coastal development permit. The deed restriction shall run with the land, shall be executed and consented to, through recordation of a lease restriction, by any existing lessee(s) of the affected property(ies) and shall be binding on the landowner(s) and any lessee(s), and on all successors and assigns of the landowner(s) and any lessee(s), including without limitation any future lien holders. This deed restriction(s) shall not be removed or changed without approval of an amendment to the underlying coastal development permit and approval of an amendment to the LCP by the Coastal Commission. However, minor changes that do not conflict with Sections 5(a) through (n) above may be processed as an amendment to the coastal development permit, unless it is determined by the City Planner and the Executive Director of the Coastal Commission that such an amendment is not legally required.
- p) The hotel owner shall be required to submit, prior to issuance of a coastal development permit, for the review and approval of the City Planner for review and approval and to the Executive Director of the Coastal Commission for review and comment, a Declaration of Restrictions or CC&Rs (Covenants, Conditions & Restrictions) which shall include:
1. All the specific restrictions listed in Sections 5(a) through (n) above;
  2. Acknowledgement that these same restrictions are independently imposed as condition requirements of the coastal development permit;
  3. A statement that provisions of the CC&Rs (Declaration of Restrictions) that reflect the requirements of Sections 5(a) through (n) above, cannot be

changed without approval of an LCP amendment by the Coastal Commission and subsequent coastal development permit amendment. However, minor changes that do not conflict with Sections 5(a) through (n) above may be processed as an amendment to the coastal development permit, unless it is determined by the City Planner that an amendment is not legally required. If there is a section of the CC&Rs (Declaration of Restrictions) related to amendments, and the statement provided pursuant to this paragraph is not in that section, then the section on amendments shall cross-reference this statement and clearly indicate that it controls over any contradictory statements in the section of the CC&Rs (Declaration of Restrictions) on amendments.

- q) The CC&Rs (Declaration of Restrictions) described above shall be recorded against all individual property titles simultaneously with the recordation of the subdivision map for the Condominium Hotel.
- r) The provisions of the CC&Rs (Declaration of Restrictions) described above shall not be changed without approval of an amendment to the LCP by the Coastal Commission. However minor changes that do not conflict with Sections 5(a) through (n), above, may be processed as an amendment to the coastal development permit, unless it is determined by the City Planner, after a copy of the proposed amendments have been submitted to the Executive Director of the Coastal Commission for comment, that an amendment is not legally required.
- s) The hotel owner/operator or any successor-in-interest shall be responsible for ensuring that through no act or omission will it assist, enable or in any other manner facilitate any other party subject to these restrictions in violating any of these terms and conditions. Each owner of an individual guestroom/unit is severally liable for any and all violations of the terms and conditions imposed by the special conditions of the coastal development permit with respect to the use of that owner's unit. Violations of the coastal development permit can result in penalties pursuant to Public Resources Code Section 30820.
- t) All documents related to the marketing and sale of the condominium interests, including marketing materials, sales contracts, deeds, CC&Rs and similar documents, shall notify buyers of the following:
  - 1. Each owner of any individual Condominium Hotel unit is severally liable for any violations of the terms and conditions of the coastal development permit with respect to the use of that owner's unit; and
  - 2. The occupancy of a Condominium Hotel unit by its owner(s) and their

guests is restricted to 90 days per calendar year with a maximum of 29 consecutive days of use during any 60 day period, and when not in use by the owner, the unit shall be made available for rental by the hotel operator to the general public pursuant to the terms of the coastal development permit and that the coastal development permit contains additional restrictions on use and occupancy; and

3. Each owner of a Condominium Hotel unit who does not retain the operator of the hotel as his or her rental agent shall be obligated by the governing documents of the Condominium Hotel to truthfully report to the operator (and to certify each such report) each effort, if any, he or she has made to rent his or her unit to a member of the public, and the terms and conditions of any such offer, and the terms and conditions of each rental offer which has been accepted by a member of the public.
- u) The hotel owner/operator and any successor-in-interest hotel owner or operator, and each future individual unit owner shall obtain, prior to sale of individual units, a written acknowledgement from the buyer that occupancy by the owner is limited to 90 days per calendar year with a maximum of 29 consecutive days of use during any 60 day period that the unit must be available for rental by the hotel operator to the general public when not occupied by the owner, and that there are further restrictions on use and occupancy in the coastal development permit and the CC&Rs (Declaration of Restrictions).
  - v) The hotel owner/operator and any successor-in-interest hotel owner or operator shall monitor and record hotel occupancy and use by the general public and the owners of individual hotel guestrooms/units throughout each year. The monitoring and record keeping shall include specific accounting of owner usage for each individual Condominium Hotel guestroom/unit. The records shall be sufficient to demonstrate compliance with the restrictions set forth in Sections 5(a) through (n) above. The hotel owner/operator shall also maintain documentation of rates paid for hotel occupancy and of advertising and marketing efforts. All such records shall be maintained for ten years and shall be made available to the City Planner and the Executive Director of the Coastal Commission upon request and to any auditor required by Section 5(w) below. Within 30 days of commencing hotel operations, the hotel owner/operator shall submit notice to the City Planner and to the Executive Director of the Coastal Commission of commencement of hotel operations.
  - w) Within 120 days of the end of the first calendar year of hotel operations, the hotel operator shall retain an independent auditing company, approved by the City Planner, to perform an audit to evaluate compliance with the special conditions of the coastal development permit which are required by this



Section regarding occupancy restrictions, notice, recordkeeping, and monitoring by the hotel owner/operator. The hotel operator shall instruct the auditor to prepare a report identifying the auditor's findings, conclusions and the evidence relied upon, and such report shall be submitted to the City Planner, for review and approval, and shall be available to the Executive Director of the Coastal Commission upon request, within six months after the conclusion of the first year of hotel operations. Within 120 days of the end of each succeeding calendar year, the hotel operator shall submit a report regarding compliance with the special conditions of the coastal development permit which are required by this Section regarding occupancy restrictions, notice, recordkeeping, and monitoring of the Condominium Hotel to the City Planner and the Executive Director of the Coastal Commission. The audit required after the first year of operations and all subsequent reports shall evaluate compliance by the hotel operator and owners of individual Condominium Hotel guestrooms/units during the prior one-year period. After the initial five calendar years, the one-year reporting period may be extended to two years upon written approval of the City Planner. The City Planner may grant such approval if each of the previous reports revealed compliance with all restrictions imposed above. The City Planner or the Executive Director of the Coastal Commission may, by written notice to the operator, require a third party audit regarding the subject matter of the reports required in this section for the prior three (3) or fewer calendar years if he or she reasonably believes that the foregoing submitted reports are materially inaccurate. The governing documents for the Condominium Hotel shall require the operator and each owner of a condominium to fully cooperate with and to promptly produce any existing documents and records which the auditor may reasonably request. The expense of any such audit shall be payable by the owner's association for the Condominium Hotel project.

- x) The hotel owner/operator, or any successor-in-interest, shall be responsible for complying with the terms and conditions stated above at all times in perpetuity and shall be liable for violating these terms and conditions. If the hotel owner and the hotel operator are or at any point become separate entities, the hotel owner and the hotel operator shall each be severally responsible for complying with the requirements identified above, and for reporting material non-compliance to the City Planner. If the hotel owner and hotel operator are or become separate entities, they shall be severally liable for violations of the terms and conditions (restrictions) identified above.
- y) A coastal development permit application for a Condominium Hotel shall include a plan specifying how the requirements outlined in Article 4(a) Section 450 "T" of the Zoning Ordinance will be implemented. The plan must include, at a minimum, the form of the sale, deed and CC&Rs (Declaration of

Restrictions) that will be used to satisfy the requirements and the form of the rental program agreement to be entered into between the individual unit owners and the hotel owner/operator. The plan must demonstrate that the applicant will establish mechanisms that provide the hotel operator and any successor-in-interest hotel operator adequate legal authority to implement the requirements of Article 4(a) Section 450 "T" of the Zoning Ordinance above. An acceptable plan meeting these requirements shall be incorporated into the special conditions of approval of any coastal development permit for a Condominium Hotel. Any proposed changes to the approved plan and subsequent documents pertaining to compliance with and enforcement of the terms and conditions required by Section Article 4(a) Section 450 "T" of the Zoning Ordinance and this section including deed restrictions and CC&Rs (Declaration of Restrictions) shall not occur without an amendment to the coastal development permit, unless it is determined by the City Planner, after a copy has been delivered to the Executive Director of the Coastal Commission for review and comment, that an amendment is not legally required.

6. The Fractional Ownership Hotel and the Traditional Hotel which together comprise a Limited Use Overnight Visitor Accommodations are subject to the following conditions/restrictions:

a) As used in Section 6, the following terms are defined as:

- (i) "booking" or "to book" shall mean the confirmation of a reservation request for use of a Fractional Ownership Hotel unit by either the owner of a Fractional Interest, his permitted user, an Exchange User or by a member of the public, and the entry of such confirmation in the operator's reservation data base.
- (ii) "Exchange Program" means the use of a unit in a Fractional Ownership Hotel by a member who is the owner of occupancy rights in a unit of a fractional project other than the Fractional Ownership Hotel, or in the Fractional Ownership Hotel during time periods other than the particular time period for which a unit in the Fractional Ownership Hotel has been reserved for exchange, pursuant to a program:
  - (a) in which the owners of fractional interests in fractional interest projects other than the Fractional Ownership Hotel is operated and/or managed by the operator of the Fractional Interest Hotel or by another entity, or
  - (b) which is operated by an entity that specializes in interval exchanges, where such member has exchanged their occupancy

rights for the use of a Fractional Ownership Hotel unit during the particular time period for which a unit in the Fractional Ownership Hotel has been reserved for exchange.

- (iii) "Exchange Use" means the use of a unit in the Fractional Ownership Hotel pursuant to an Exchange Program.
  - (iv) "Exchange User" means a person who is occupying a Fractional Ownership Hotel unit for Exchange Use.
  - (v) "Fractional Interest" means a Timeshare in a Fractional Ownership Hotel where the undivided interest in a condominium conveyed to an owner is greater than a  $1/26^{\text{th}}$  undivided interest, or, if the Fractional Ownership Hotel is not subdivided into condominiums, in which the undivided interest conveyed to an owner is greater than a  $1/26 \times$  (the number of units in the Fractional Ownership Hotel) undivided interest in the legal parcel comprising the Fractional Ownership Hotel.
  - (vi) "Fractional Ownership Hotel" means the portion of a Limited Use Overnight Visitor Accommodation in which ownership of individual units is comprised of Fractional Interests.
  - (vii) "Traditional Hotel" means the portion of a Limited Use Overnight Visitor Accommodation that is operated as a traditional hotel (i.e. the guestrooms are not owned or operated as timeshares or fractional units).
- b) Any overnight visitor accommodations for which a certificate of occupancy has been issued prior to or on the effective date of adoption of this Section shall not be permitted to be converted to a Limited Use Visitor Overnight Accommodation. Nothing in the proceeding sentence shall prohibit, on and after the effective date of adoption of this Section, the conversion of units in a Fractional Interest project or Condominium Hotel to Fractional Interest or Condominium Hotel units; provided that after any such conversion, the ratio of Fractional Interest and Condominium Hotel units does not exceed that required under the definition of "Limited Use Visitor Overnight Accommodations" in effect as of the date of approval of the project.
  - c) A maximum of 15% of the total number of guestrooms/units in the project as a whole may be subdivided into Fractional Interests.
  - d) Either the owner/operator of the Traditional Hotel or the owner or operator

of the Fractional Ownership Hotel shall retain control through ownership, lease, easements, or other legal means, of all structural elements, recreational amenities, meeting space, restaurants, "back of house" and other non-guest unit facilities for both the Traditional Hotel and the Fractional Ownership Hotel.

- e) The Fractional Ownership Hotel facility shall have an on-site hotel operator to manage rental/booking of all guestrooms/units in the Fractional Ownership Hotel. The on-site hotel operator for the Fractional-Ownership Hotel may be a different entity from the on-site hotel operator for the Traditional Hotel in the Limited Use Overnight Visitor Accommodation of which the Fractional Ownership Hotel is a part. Each Fractional Interest owner shall have the right, in its sole discretion, to engage a rental agent of his or her choice, other than the operator, to serve as the rental agent for their Fractional Interest, but any engagement of a rental agent other than the operator shall be on a non-exclusive basis commencing sixty (60) days in advance of a time period the owner has a right to reserve and use under the governing documents for the Fractional Ownership Hotel. The operator of the Fractional Ownership Hotel shall have the right and obligation to offer for public rental all time periods not reserved by a Fractional Interest owner for his or her personal use, for "Exchange Use" or for use by an owner's permitted user sixty (60) days in advance of any such occupancy period. On and within this sixty (60) day window, members of the public shall have reservation rights equal to those for owners, their permitted users and Exchange Users. The Fractional Ownership Hotel operator shall manage the booking of the reservation of all guestrooms/units in the Fractional Ownership Hotel. All Fractional Interest owners, and their rental agents, must comply with the following restrictions:

- (i) except for their personal use, or use by an owner's permitted users or an Exchange User, Fractional Interest owners shall not discourage rental of their units or create disincentives meant to discourage rental of their units during their fractional time periods;

- (ii) Fractional Interest owners shall certify the rental rate and terms of any rental of the owner's occupancy periods made independently of the operator, and the hotel operator shall book all unit reservations in the operator's reservation database, a service for which the operator may charge the Fractional Interest owner a reasonable fee;

- (iii) The Fractional Ownership Hotel operator shall maintain records of usage for all units and the rental terms of such usage, and shall be responsible for reporting Transient Occupancy Taxes for all units, services

for which the operator may charge the Fractional Interest owner a reasonable fee.

- f) The operator shall market the rental of available units in the Fractional Ownership Hotel to the general public and shall have a right to charge each Fractional Interest owner a reasonable fee for such marketing.
- g) Subject to the requirements of the California Business and Professions Code pertaining to management agreements for Timeshare plans, including, without limitation, restrictions on the term of such management agreements, the operator shall manage all units in a Fractional Ownership Hotel, which management will include the booking of reservations, mandatory front desk check-in and check-out, maintenance, cleaning services and preparing units for use by guests/owners, a service for which the hotel operator may charge the unit owner a reasonable fee.
- h) The operator, as the non-exclusive rental agent for the owner of a Fractional Interest entitled to an occupancy period, shall offer for rent to the public any guestroom/unit which has not been reserved by its owner, his or her permitted user or an Exchange User commencing sixty (60) days in advance of such occupancy period. No Fractional Interest owner or such owner's rental agent may withhold units which have not been reserved by the owner or such owner's permitted users or an Exchange User sixty (60) days or less prior to the commencement of an occupancy period from rental to the public. Nothing in the preceding sentence shall mean that an owner of a Fractional Interest, or such owner's permitted users or an Exchange User, may not elect to reserve a unit in a Fractional Ownership Hotel at any time after the commencement of such sixty (60) day period, provided that the operator or the owner's rental agent has not then rented the unit to a member of the general public. In all circumstances, the Fractional Ownership Hotel operator shall have full access to the guestroom/unit's reservation and booking schedule so that the operator can fulfill its booking and management obligations hereunder.
- i) All guestrooms/unit keys shall be electronic and created by the operator upon each new occupancy to control the use of the individually owned Fractional Ownership Hotel units.
- j) All individually owned Fractional Ownership Hotel units shall be rented at a rate similar to that charged for traditional hotel rooms of a similar class or amenity level in the California coastal zone.
- k) Each individually owned Fractional Interest shall be used by its owner(s) or

their guests to occupy a unit in a Fractional Ownership Hotel for not more than 90 days per calendar year with a maximum of 29 consecutive days of use during any 60 day period.

- l) The use period limitations identified in Section 6(k) above, shall be unaffected by multiple owners of a Fractional Interest or the sale of a Fractional Interest to a new owner during the calendar year, meaning that all such owners of any given Fractional Interest shall be collectively subject to the use restriction in this Section 6 as if they were a single, continuous owner. No portion of a Fractional Ownership Hotel may be converted to a full-time occupancy condominium or to any other type of a Limited Use Overnight Visitor Accommodation other than as provided for in Section 6(b) above.
- m) Prior to issuance of a building permit and in conjunction with approval of a coastal development permit for the Limited Use Overnight Visitor Accommodation of which the Fractional Ownership Hotel is a part, the landowner(s) of the property(ies) within the Downtown "D" District upon which the associated Traditional Hotel is developed shall execute and record a deed restriction(s), subject to the review and approval of the City Planner after delivery to the Executive Director of the Coastal Commission for review and comment, which prohibits the conversion of those traditional hotel guestrooms/units to any other type of ownership, except as permitted in Section 6(b) above. The deed restriction shall be submitted for review and approval of the City Planner after delivery to the Executive Director of the Coastal Commission for review and comment, prior to issuance of the coastal development permit. The deed restriction shall run with the land, shall be executed and consented to by any existing lessee(s) of the affected property(ies), through recordation of a lease restriction, and shall be binding on the landowner(s) and lessee(s), and on all successors and assigns of the landowner(s) and lessee(s), including without limitation any future lien holders. This deed restriction(s) shall not be removed or changed without approval of an amendment to the underlying coastal development permit and approval of an amendment to the LCP by the Coastal Commission. However minor changes that do not conflict with Sections 6(a) through (l) above may be processed as an amendment to the coastal development permit, unless it is determined by the City Planner, after delivery to the Executive Director of the Coastal Commission for review and comment, that such an amendment is not legally required.
- n) The hotel owner/operator shall be required to submit, prior to issuance of a coastal development permit, for the review and approval of the City

Planner and review and comment by the Executive Director of the Coastal Commission, a Declaration of Restrictions or CC&Rs (Covenants, Conditions & Restrictions) which shall include:

1. All the specific restrictions listed in Sections 6(b) through (l) above;
  2. Acknowledgement that these same restrictions are independently imposed as condition requirements of the coastal development permit;
  3. A statement that provisions of the CC&Rs (Declaration of Restrictions) that reflect the requirements of Sections 6(b) through (l) above cannot be changed without approval of an LCP amendment by the Coastal Commission and subsequent coastal development permit amendment. However, minor changes that do not conflict with Sections (b) through (l) above may be processed as an amendment to the coastal development permit, unless it is determined by the City Planner, after delivery to the Executive Director of the Coastal Commission for review and comment, that an amendment is not legally required. If there is a section of the CC&Rs (Declaration of Restrictions) related to amendments, and the statement provided pursuant to this paragraph is not in that section, then the section on amendments shall cross-reference this statement and clearly indicate that it controls over any contradictory statements in the section of the CC&Rs on amendments.
- o) The CC&Rs (Declaration of Restrictions) described above shall be recorded against all individual property titles simultaneously with the recordation of the subdivision map for the Fractional Ownership Hotel.
- p) The provisions of the CC&Rs (Declaration of Restrictions) described above shall not be changed without approval of an amendment to the LCP by the Coastal Commission. However, minor changes that do not conflict with Sections 6(b) through (l) above may be processed as an amendment to the coastal development permit, unless it is determined by the City Planner, after delivery to the Executive Director of the Coastal Commission for review and comment, that an amendment is not legally required.
- q) The Fractional Ownership Hotel owner/operator or any successor-in-interest shall be responsible for ensuring that through no act or omission will it assist, enable, or in any other manner facilitate any other party subject to these restrictions in violating any of these terms and conditions. Each owner of an individual guestroom/unit is severally liable for any and all violations of the terms and conditions imposed by the special conditions of the coastal development permit with respect to the use of

that owner's Fractional Interest. Violations of the coastal development permit can result in penalties pursuant to Public Resources Code Section 30820.

- r) All documents related to the marketing and sale of the Fractional Interests, including marketing materials, sales contracts, deeds, CC&Rs and similar documents, shall notify buyers of the following:
  - 1. Each owner of a Fractional Interest is severally liable for any violations of the terms and conditions of the coastal development permit with respect to the use of that owner's Fractional Interest;
  - 2. The occupancy of a Fractional Ownership Hotel unit by the owner of a Fractional Interest is restricted to 90 days per calendar year with a maximum of 29 consecutive days of use during any 60 day period, and when not reserved or in use by the owner, the owner's permitted user or an Exchange User, the owner's time shall be made available for rental by the operator and by the owner's own rental agent to the general public sixty (60) days in advance of an occupancy period pursuant to the terms of the coastal development permit and that the coastal development permit contains additional restrictions on use and occupancy; and
  - 3. Each owner of a Fractional Interest who does not retain the operator as his or her exclusive rental agent is obligated by the governing documents of the Fractional Ownership Hotel to truthfully report to the operator (and to certify each such report) each effort, if any, he or she has made to rent his or her unit to a member of the public, and the terms and conditions of any such offer, and the terms and conditions of each rental offer which has been accepted by a member of the public.
- s) The initial owner of a Fractional Interest and any successor-in-interest owner of a Fractional Interest, and each future individual unit owner shall obtain, prior to sale of a Fractional Interest, a written acknowledgement from the buyer of that Fractional Interest that occupancy of a unit by the owner is limited to 90 days per calendar year with a maximum of 29 consecutive days of use during any 60 day period, that the unit must be available for rental by the operator and/or the buyer's rental agent to the general public at least sixty (60) days in advance of an occupancy period, and that there are further restrictions on use and occupancy in the coastal development permit and the CC&Rs (Declaration of Restrictions).
- t) The operator and any successor-in-interest to the operator shall monitor and



record the occupancy and use of the Fractional Ownership Hotel by the general public and the owners of individual Fractional Interests throughout each year. The monitoring and record keeping shall include specific accounting of all owner usage of each individual guestroom/unit in the Fractional Ownership Hotel. The records shall be sufficient to demonstrate compliance with the restrictions set forth in Sections 6(a) through (l) above. The owner/operator shall also maintain documentation of rates paid for hotel occupancy and of marketing efforts by the operator, and by the rental agents of owners other than the operator. All such records shall be maintained for ten years and shall be made available to the City Planner and the Executive Director of the Coastal Commission upon request and to any auditor required by Section 6(u) below. Within 30 days of commencing hotel operations, the operator of the Fractional Ownership Hotel shall submit notice to the City Planner and to the Executive Director of the Coastal Commission of commencement of hotel operations.

- u) Within 120 days of the end of the first calendar year of hotel operations, the Fractional Ownership Hotel operator shall retain an independent auditing company, approved by the City Planner, to perform an audit to evaluate compliance with the special conditions of the coastal development permit which are required by this Section regarding occupancy restrictions, notice, recordkeeping, and monitoring of the hotel owner/operator. The hotel owner/operator shall instruct the auditor to prepare a report identifying the auditor's findings, conclusions and the evidence relied upon, and such report shall be submitted to the City Planner, for review and approval, and shall be available to the Executive Director of the Coastal Commission upon request, within six months after the conclusion of the first year of hotel operations. Within 120 days of the end of each succeeding calendar year, the hotel operator shall submit a report to the City Planner and the Executive Director of the Coastal Commission, regarding compliance with the special conditions of the coastal development permit which are required by this Section regarding occupancy restrictions, notice, recordkeeping, and monitoring of the Fractional Ownership Hotel. The audit required after one year of operations and all subsequent reports shall evaluate compliance by the Fractional Ownership Hotel operator and owners of individual Fractional Interests during the prior one-year period. After the initial five calendar years, the one-year reporting period may be extended to two years upon written approval of the City Planner. The City Planner may grant such approval if each of the previous reports revealed compliance with all restrictions imposed above. The City Planner or the Executive Director of the Coastal Commission may, by written notice to the operator, require a third party audit regarding the subject matter of the reports required in this

section for the prior three (3) or fewer calendar years if he or she reasonably believes that the foregoing submitted reports are materially inaccurate. The governing documents for the Fractional Ownership Hotel shall require the operator and each owner of a Fractional Interest to fully cooperate with and to promptly produce any existing documents and records which the auditor may reasonably request. The expense of any such audit shall be payable by the owner's association for the Fractional Ownership Hotel.

- v) The Fractional Ownership Hotel owner/operator and any successor-in-interest, shall be responsible for complying with the terms and conditions stated above at all times in perpetuity and shall be liable for violating these terms and conditions. If the Fractional Ownership Hotel owner and the Fractional Ownership operator at any point become separate entities, the Fractional Ownership Hotel owner and the Fractional Ownership Hotel operator shall each be severally responsible for complying with the requirements identified above. If the Fractional Ownership Hotel owner and Fractional Ownership Hotel operator become separate entities, they shall be severally liable for violations of the terms and conditions (restrictions) identified above.
- w) Prior to the issuance of a coastal development permit for a Fractional Ownership Hotel, an applicant shall submit a plan for approval specifying how the requirements outlined in Article 4(a) Section 450 "T" of the Zoning Ordinance will be implemented. The plan must include, at a minimum, the form of the sale, deed and CC&Rs (Declaration of Restrictions) that will be used to satisfy the requirements and the form of the rental program agreement that will be offered to the Fractional Interest owners by the Fractional Ownership Hotel operator. The plan must demonstrate that the applicant will establish mechanisms that provide the Fractional Ownership Hotel operator and any successor-in-interest Fractional Ownership Hotel operator adequate legal authority to implement the requirements of Article 4(a) Section 450 "T" of the Zoning Ordinance above. An acceptable plan meeting these requirements shall be incorporated into the special conditions of approval of any coastal development permit for a Fractional Ownership Hotel. Any proposed changes to the approved plan and subsequent documents pertaining to compliance with and enforcement of the terms and conditions required by Article 4(a) Section 450 "T" of the Zoning Ordinance and this section including deed restrictions and CC&Rs (Declaration of Restrictions) shall not occur without an amendment to the coastal development permit, unless it is determined by the City Planner, after delivery to the Executive Director of the Coastal Commission for review and comment, that an

amendment is not legally required.

7. Protection of Existing Overnight Visitor Accommodations - Any overnight visitor accommodations for which a Certificate of Occupancy has been issued prior to or on the effective date of adoption of this section shall not be converted to a Limited Use Overnight Visitor Accommodation. Demolition of existing lower cost overnight visitor accommodations shall be discouraged. If demolition of existing lower cost units is authorized, mitigation shall be provided as specified below:

- a) Monitoring of Lower Cost Units in the Coastal Zone

The City shall monitor a LUP requirement to insure that a minimum of 400 lower cost units shall be maintained in the Coastal Zone by reporting the status of the current number of lower cost units within the Coastal Zone within all staff reports containing visitor serving accommodations. This information shall be forwarded to the Coastal Commission prior to the issuance of the Coastal Permit.

- b) Assistance to Existing Lower Cost units in the Coastal Zone

At such time as the inventory of lower cost units would be at 405, the City would pursue outreach to the existing property owners in an attempt to assure their short and long term survival. Resources that can be brought to bear to assist them could include the City's Façade Enhancement Program, in which matching funds can be made available for painting, awnings, signage and landscaping.

- c) Restrictions to Protect Lower Cost Units in the Coastal Zone

Any project that is required to provide lower cost units shall be required to record a deed restriction against the property that requires the protection of the lower cost units, such that the demolition and re-build of lower cost units would not result in the total number of lower cost units to be less than a total of 400 units in the Coastal Zone.

- d) When referring to overnight accommodations, lower cost shall be defined by a certain percentage of the statewide average room rate as calculated by the Smith Travel Research website ([www.visitcalifornia.com](http://www.visitcalifornia.com)). A suitable methodology would base the percentage on market conditions in San Diego County for the months of July and August and include the average cost of motels/hotels within 5 miles of the coast that charge less than the Statewide average or 82%. High cost would be room rates that are 20%

higher than the Statewide average, and moderate cost room rates would be between high and low cost. The range of affordability of new and/or replacement hotel/motel development shall be determined as part of the coastal development permit process and monitored as part of the City's inventory of visitor overnight accommodations.

AA. Winery, Craft. A small-scale winemaking facility that includes designated floor area (comprising no less than 20 percent and no more than 40 percent of the total floor area) for product sampling and/or retail sales of wine conforming to state requirements. Retail sales of craft winery merchandise including wine glasses, wine bottles, decanters, corkscrews, home décor, apparel, signs, books, and other wine paraphernalia are also permitted. A craft winery shall produce a minimum of 300 cases annually and not exceed a maximum output of 10,000 standard cases annually (with a standard case of wine containing twelve 750 ml bottles or nine liters of wine). Facilities housing a craft winery shall not exceed 15,000 square feet of floor area. The category of a craft winery (based upon floor area and scale of operation) shall determine the appropriate review and approval process, as specified below. Such facilities shall be subject to the following limitations:

1. Other than business name and/or logo, such uses shall not display exterior signage (including advertising directed to the exterior from interior spaces) that promotes the availability of alcoholic beverages.
2. There shall be no amusement or video machines maintained on the premises.
3. There shall be no "happy hour" or regular periods of reduced-priced alcoholic beverages.
4. Amplified live entertainment shall require issuance of an Administrative Use Permit (ACUP).
5. Ancillary food service involving outdoor equipment (e.g., food trucks) shall require issuance of an Outdoor Facilities Permit.
6. Delivery/distribution activities involving Class 4 or higher vehicles shall not occur between the hours of 10 p.m. and 7 a.m.
7. Hours of operations shall not extend beyond 10 p.m., unless extended hours of operation are approved through a Conditional Use Permit.

Craft wineries shall be regulated under the following tiered review and approval process:

1. Tier 1: Produces at least 300 and no more than 7,000 standard cases annually and does not exceed 10,000 square feet of floor area. Tier 1

facilities are subject to approval of an Administrative Conditional Use Permit (ACUP) when not abutting residential zoning districts, schools, and/or churches. Tier 1 facilities abutting residential zoning districts, schools, and/or churches are subject to a Conditional Use Permit (CUP).

2. Tier 2: Produces at least 900 and no more than 10,000 standard cases annually and does not exceed 15,000 square feet of floor area. Tier 2 facilities shall be subject to approval of a Conditional Use Permit (CUP).

#### **424 Accessory Use Classifications**

- A. Accessory Uses and Structures. Uses and structures that are incidental to the principal permitted or conditionally permitted use or structure on a site and are customarily found on the same site. This classification includes accessory dwelling units ("second units") and home occupations.

#### **425 Temporary Use Classifications**

- A. Agricultural Specialty Sales, Seasonal. Retail sale of seasonal specialty items for a period not to exceed 45 days (e.g. Christmas Tree Sales, Pumpkin Sales).
- B. Yard/Garage Sales. A sales event advertised by any means at a residential location where members of the public may purchase identifiable or tangible items of personal property; provided however, it shall not mean any event which constitutes a sales activity, wholesale or retail, by any business which has a current business license issued by the City. Items sold shall be limited to personal property owned by the occupant of the property and/or surrounding neighbors.

## ARTICLE 12

### LIGHT INDUSTRIAL ZONE - (M-1 ZONE)

Section 1200: PURPOSE. It is the purpose of the Light Industrial Zone to allow a wide diversity of industrial uses under minimum development and operational controls in areas where such uses will not have an adverse effect upon adjacent residential areas. The uses permitted are those generally regarded as "Light Industry", conducted primarily indoors, but which may require limited outdoor storage or assembly areas.

Section 1201: GENERAL CRITERIA. The following general criteria are hereby established for use in the classification or reclassification of land to the M-1 zone.

- (a) General Plan - Compliance with the General Plan shall be established in accordance with Article 3, Section 313 of this ordinance.
- (b) Location - Manufacturing areas shall be located with primary access to a major or secondary street as shown on the Major Street Plan.
- (c) Utilities - The existing utility system (water, sewer, drainage, electrical, gas and communications facilities) must be adequate or new systems shall be constructed to adequately serve the proposed development.
- (d) Development Plans - Before development of any M-1 zoned land, a development plan shall be filed with and approved by the Planning Commission pursuant to provisions of Article 16, Section 1611 governing development plans.

Section 1202: PERMITTED USES. Subject to the development standards of this Article and the provisions of Article 27 governing off-street parking requirements, industrial uses conducted primarily within a building may be permitted. Such uses include but are not limited to the following:

- (1) Any use permitted in the I-P zone.
- (2) Automobile painting. All painting, sanding and baking shall be conducted wholly within a building.
- (3) Auction houses or stores.

- (4) Bakeries.
- (5) Body and fender works, including painting. All painting, sanding and baking shall be conducted wholly within a building.
- (6) Bottling plants.
- (7) Breweries
- (8) Breweries, Craft
- (9) Cabinet shops.
- (10) Carpet cleaning plants.
- (11) Cleaning and dyeing plants.
- (12) Electric or neon sign manufacture.
- (13) Electrical appliance assembly such as:
  - (a) Electronic instruments and devices.
  - (b) Radios and phonographs, including manufacture of small parts such as coils.
- (14) Frozen food lockers.
- (15) Fruit and vegetable canning preserving and freezing.
- (16) Food products manufacture, storage and process of, except lard, pickle, sauerkraut, sausage or vinegar.
- (17) Fruit packing houses.
- (18) Furniture manufacturers.
- (19) Garment manufacturers.
- (20) Glass studios, staining, beveling, and silvering in connection with sale of mirrors and glass for decorating purposes.
- (21) Laboratories, experimental, motion picture, testing.
- (22) Laundries.
- (23) Lumber yards (retail-no planing mills or burners).
- (24) Machine shops.
- (25) Nurseries (retail).

- (26) Parcel service delivery.
- (27) Plastics, fabrication from.
- (28) Plumbing shops, supply yards.
- (29) Public scales.
- (30) Rubber, fabrication of products made from finished rubber (having 15 employees or less).
- (31) Sheet metal shops.
- (32) Shoe manufacture.
- (33) Soap manufacture (cold mix only).
- (34) Textile manufacture.
- (35) Veterinarians-small animal hospitals.
- (36) Wholesale businesses, warehouses, storage buildings or enterprises.
- (37) Wineries
- (38) Wineries, Craft
- (39) Equipment rental yards.
- (40) Other uses may be permitted as contained in Article 15 subject to the issuance of a conditional use permit.

Section 1203: ACCESSORY USES. The following accessory uses are permitted only where they are integrated with and clearly incidental to a primary permitted use. All uses shall be conducted primarily within a building.

- (a) Administrative, professional, educational offices and financial institutions.
- (b) Development of prototypes required in research and development laboratories.
- (c) Employee cafeterias, auditoriums, coffee shops, or restaurants.
- (d) Exhibition of products produced on the premises or available for wholesale distribution.
- (e) Gasoline pumps to serve only the owner's own vehicles.
- (f) Outdoor off-street parking or parking structures.



Section 1204: FRONT YARDS. See Section 1701 (f).

Section 1205: SIDE YARDS. See Section 1702 (e).

Section 1206: REAR YARDS. See Section 1703 (c).

Section 1207: YARD REQUIREMENTS WHEN ABUTTING RESIDENTIAL ZONES.

- (a) M-1 zones separated from R zones by public rights-of-way. Any M-1 zoned property which is separated from a R zone by a public right-of-way (except railroad rights-of-way) shall maintain a minimum 15 feet deep landscaped setback, with the exception of driveway areas. Landscaping shall be provided as required under the provisions of Section 1731 of this ordinance.
- (b) M-1 zones abutting R zones. Any M-1 zoned property which abuts a R zoned property shall in addition to the walls required in Section 1721 (e) provide a 10 feet deep landscaped buffer area. Landscaping so required shall consist of a combination of trees, shrubs and ground cover to provide a noise barrier and plant materials and sizes shall be subject to approval of the City Planner and City Landscape Architect and all other provisions of Section 1731 of this ordinance.

Section 1208: LOT WIDTH. See Section 1706 (h).

Section 1209: HEIGHT. See Section 1709 (c).

Section 1210: OFF-STREET PARKING. See Article 27.

Section 1211: REQUIRED WALLS. See Section 1721 (e).

Section 1212: LANDSCAPING. See Section 1731.

Section 1213: LANDSCAPING MAINTENANCE. See Section 1732.

Section 1214: SCREENING.

- (a) Screening of outdoor storage and assembly areas - Those uses which require outside storage areas, except those uses which are customarily conducted in the open, such as nurseries, equipment rental yards, etc. shall be enclosed on all sides with a solid concrete, masonry, or decorative block wall at least six feet in height. Materials stored therein shall not be stacked to exceed the height of such wall or fence. A view

obscuring fence not to exceed eight (8) feet in height, made of materials such as woven wire, welded wire, chain link or wrought iron may be allowed to within ten (10) feet of the side street side property line. The area between this fence and the property line shall be landscaped in accordance with provisions of Article 17, Section 1731.

- (b) Screening of mechanical equipment - Provisions of Article 17, Section 1729 shall apply.
- (c) Refuse storage - Provisions of Article 17, Section 1730 shall apply.

Section 1215: PERFORMANCE STANDARDS. All uses permitted in the M-1 district shall be subject to the following limitations:

- (1) Noise or vibration created by or resulting from any industrial machinery or process shall not be audible beyond the limits of the industrial zoned area and shall conform to the standards adopted in the Noise Element of the General Plan.
- (2) Odors, glare, heat or lighting created by or resulting directly from any use shall not be perceptible at any point beyond the industrial area.
- (3) Discharge into the atmosphere of air contaminants shall be subject to all requirements of the San Diego Air Quality and Air Pollution Control Board.
- (4) Water supply, drainage, rubbish and waste disposal systems and practices shall conform with all applicable codes and standards.
- (5) Industrial activities shall be of such nature as not to cause damage or nuisance to the health, safety, peace or general welfare of persons residing or working in the vicinity of the industrial park.

## **Article 12 D Downtown District**

### Sections:

- 1210 Specific Purposes
- 1220 Land Use Regulations by Subdistrict
- 1230 Development Regulations
- 1231 Transit Oriented Development
- 1232 Downtown District Property Development Regulations
- 1234 Reception Antennas and Co-User Facilities
- 1235 Nonconforming Commercial Structures
- 1240 Review of Plans
- 1250 Amendments

### **1210 Specific Purposes**

In addition to the general purposes listed in Article 1, the specific purposes of the D Downtown District are to:

- A. To promote the long-term viability of and rejuvenation of the Redevelopment Project Area and to protect and enhance primarily boating and water-dependent activities; and secondarily other public-oriented recreation uses in the Oceanside Small Craft Harbor
- B. Maintain and enhance an appropriate mix of uses; and
- C. Provide land-use controls and development criteria consistent with the General Plan, the Redevelopment Plan, and the Local Coastal Program.

Consistent with these purposes, it is the intent of the D District to establish special land-use subdistricts with individual objectives as described below.

Subdistrict 1: To provide a commercial/retail and office complex offering a wide variety of goods and services to both the community at large and to tourists and visitors. Residential uses are encouraged when and where appropriate.

Subdistrict 1(A): To provide a commercial/retail and office complex promoting the conservation, preservation, protection, and enhancement of the historic district and to stimulate the economic health and visual quality of the community to tourists and visitors. Residential uses are encouraged when and where appropriate.

Subdistrict 2: To provide sites for a financial center supported by professional offices. Residential Uses are permitted when and where appropriate as part of a Mixed-Use Development.

Subdistrict 3: To provide for a mix of office development, interspersed with residential development, in response to market demands.

Subdistrict 4(A): To provide a mix of transient and permanent residential uses along the South Strand between Tyson and Wisconsin streets.

Subdistrict 4(B): To provide transient and permanent residential uses (hotels and motels) in close proximity to the beach and recreational facilities.

Subdistrict 5: To provide a high-density residential neighborhood in an urban setting in close proximity to shopping, employment, transportation and recreational facilities.

Subdistrict 5(A): To provide a medium-density residential neighborhood at South Pacific Street with an urban setting in close proximity to shopping, employment, transportation and recreational facilities.

Subdistrict 6(A): To provide sites for highway business and tourist/visitor uses related to the harbor and the Interstate 5 freeway, primarily oriented to visitor-serving commercial establishments.

Subdistrict 6(B): To provide sites for highway business and tourist/visitor uses related to the harbor and the Interstate 5 freeway, primarily oriented to recreational commercial facilities. Residential uses are allowed as part of a mixed use project.

Subdistrict 6(C): To provide sites for uses supporting the Oceanside Small Craft Harbor, consistent with the Harbor Precise Plan.

Subdistrict 6(D): To provide a recreational facility for the purpose of boating-oriented and park-oriented passive and active recreation, and appropriate ancillary commercial and residential uses consistent with the Harbor Precise Plan.

Subdistrict 7(A): To provide sites for a high-density residential environment in an urban setting in close proximity to shopping, employment, transportation and recreational facilities.

Subdistrict 7(B): To provide for a mix of recreational and commercial uses conveniently located near recreational and residential areas. Residential uses are allowed as part of a mixed use project.

Subdistrict 8(A): To provide a mix of hospital and medical uses.

Subdistrict 8(B): To provide a mix of hospital and medical uses, office development, interspersed with residential development in response to market demand.

Subdistrict 9: To provide opportunities for commercial uses supporting other land uses within the downtown and serving the entire community. Residential uses are encouraged where appropriate.

Subdistrict 10: To provide a joint open space and recreational area within the floodplain of the San Luis Rey riverbed.

Subdistrict 11: To provide sites for commercial uses serving the adjacent residential neighborhood.

Subdistrict 12: To provide a special tourist/visitor oriented subdistrict that relates to the pier, ocean, beach, marina and freeway.

Subdistrict 13: To provide for a mix of visitor/commercial and office uses. Residential uses are allowed as part of a mixed use project.

Subdistrict 14: To provide for public transportation and railway uses.

Subdistrict 15: To provide for public facilities, public parks, open spaces, and other public oriented uses.

## **1220 Land Use Regulations by Subdistrict**

In Schedule D-1, the letter "P" designates use classifications permitted in the D Downtown District. The letter "U" designates use classifications permitted on approval of a Conditional Use Permit upon approval by the Community Development Commission. The letter "C" designates use classifications permitted upon approval of an administrative Use Permit upon recommendation of the Downtown Advisory Committee. The Letter "AR" designates Regulated Use classifications permitted upon approval of an Administrative Regulated Use Permit issued by the City Planner, pursuant to Article 36 Section 3606. The letter "V" designates uses that are considered to be visitor severing uses. The "\*" designates use classifications that are not permitted.









## **1230 Development Regulations**

The following schedule prescribes development regulations and standards for the D District. Where literal interpretation and enforcement of the development regulations and standards result in undue hardship, practical difficulties or consequences inconsistent with the purposes of these regulations and the Redevelopment Plan, the Community Development Commission may grant a variation. A variation shall not be granted which will change the land uses of the Redevelopment Plan to allow any increase in the maximum height set forth in Additional Development Regulations sub-section (N). Any variation granted with respect to density or intensity of land use, or any variation granted which permits a greater than a 10% reduction in parking requirements above the base development regulations of Article 12 "D" Downtown District shall require a Local Coastal Program Amendment. The Community Development Commission may approve an application for a variation as it was applied for or in modified form as required by the Community Development Commission if, on the basis of the application, plans, materials, and testimony submitted, the Community Development Commission finds:

- 1) The application of certain regulations and/or standards would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Redevelopment Plan.
- 2) There are exceptional circumstances or conditions applicable to the property or to the intended development of the property that do not apply generally to other properties having the same requirements, limits, restrictions, and controls.
- 3) Permitting a variation will not be materially detrimental to the public welfare or injurious to property or improvements in the area.
- 4) Permitting a variation will not be contrary to the objectives of the Redevelopment Plan.

In permitting any such variation the Community Development Commission shall impose such conditions as are necessary to protect the public health, safety, or welfare, and to assure compliance with the purposes of the Redevelopment Plan.

## **1231 Transit Oriented Development**

The downtown core commercial area is designated a Transit Overlay District (TOD) . The location, design, configuration, and mix of uses in the TOD provides an alternative to traditional development by emphasizing a pedestrian-oriented environment and reinforcing the use of public transportation. The TOD's mixed-use clustering of land uses within a pedestrian-friendly area connected to transit, provides for growth with minimum environmental costs.

The core Downtown's underlying commercial use designation and proximity to the Oceanside Transit Center provide a unique opportunity to create a pedestrian-oriented environment. The establishment of such an area is to encourage a mix of commercial retail, professional office and residential uses which will encourage an efficient pattern of development that supports alternative modes of travel.

Mixed-use projects within the TOD require a Mixed-Use Development Plan. TODs represent a land use strategy, which seeks to strike a balance between resolving today's critical transportation issues and allowing freedom of movement and choice of travel mode. Although focused on reinforcing transit, the mixed-use and walkable neighborhoods developed should equally support carpools, bus, biking, walking, and more efficient auto use.

Quality of design will be evaluated upon the basis of the projects ability to incorporate specific amenities that encourage alternate travel modes (i.e. bike lockers/racks. employee locker rooms/showers, preferred car/van pool parking). Parking reductions will be considered for those mixed-use projects which can demonstrate a varied peak parking demand for each use by time of day and/or day of the week (see Section (W) 4 and 5.

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## **DOWNTOWN DISTRICT PROPERTY DEVELOPMENT REGULATIONS 1232**

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	<b>Basic Requirements</b>	<b>Additional Regulations</b>
<b>Residential Development</b>		(II)(JJ)(KK)
Base Density:		(C)(D)
Site Area Per Unit (sq. ft.)	1,500	
<u>Maximum Potential Density:</u>		(C)(D)
Site Area Per Unit (sq. ft.)	1,000	
Minimum Lot Area (sq. ft.)	5,000	(A)(B)(E)
Minimum Lot Width (ft.)	50	(E)
<u>Minimum Setbacks:</u>		(E)(G)(L)
Front (ft.)	10	(H)(K)
Side (ft.)	3' for lots 75' wide or less except where courts are required; 10' from one side-lot line for lots greater than 75' wide or as required for courts.	
Corner Side (ft.)	10	(H)(J)(K)
Rear (ft.)	5; and as required for courts	(I)(K)
Maximum Height of Structures (ft.)	35	(M)(N)(O)

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**D District Property Development Regulations (continued)**

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	<b>Basic Requirements</b>	<b>Additional Regulations</b>
Signs	See Article 33	(GG)
Public Access to the Beach		(HH)
Minimum Site Landscaping	25%	(P)(Q) (R)(S)
Vehicular Access:		
Maximum Driveway Width (ft.)	24	(X)(Y)
Private Outdoor Living Space	Minimum 48 sq. ft. required with minimum dimension 6 feet	(FF)
Courts Required		(EE)
Required Facade Modulation	25% of front and side street elevation horizontal and/or vertical must be set back at least 5 feet from setback line	(T)(U)
Parking	See Article 31	(W)
Fences and Walls (ft.)	Maximum height of 6'	(Z)(AA)(BB)
Refuse Storage Areas	See Section 3022	
Underground Utilities	See Section 3023	
Nonconforming Structures	See Article 35	

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**D District Property Development Regulations (continued)**

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	<b>Basic Requirements</b>	<b>Additional Regulations</b>
<b>Nonresidential Development</b>		(II)(KK)
Minimum Lot Area (sq. ft.)	5,000	(A)(B)
Minimum Lot Width (ft.)	50	
Minimum Setbacks:		
Front (ft.)	10	(H)
Side (ft.)	0	(H)(I)
Corner Side (ft.)	10	(H)(J)
Rear (ft.)	0	(H)(I)
Maximum Height (ft.) of Structures	45	(M)(N)(O)
Maximum Floor Area Ratio	2	(F)
Minimum Site Landscaping	15%	(P)(Q)(S)
Fences and Walls (ft.)	8'	(Z)(AA)(BB)
Public Access to the Beach		(HH)
Off-Street Parking and Loading		(V)
Signs	See Article 33	(GG)
Outdoor Facilities	See Section 3020	(CC)
Employee Eating Areas		(DD)
Screening of Mechanical Equipment	See Section 3021	
Refuse Storage Areas	See Section 3022	
Underground Utilities	See Section 3023	
Performance Standards	See Section 3024	
Nonconforming Structures	See Article 35	

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## **D DOWNTOWN DISTRICT: Additional Development Regulations**

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- (A) The provisions of Section 3013: Development on Substandard Lots shall apply except that in the D District mergers of lots under common ownership shall not be required for purposes of compliance with this ordinance.
- (B) See Section 3014: Uncertainty of Boundaries.
- (C) The maximum density for Subdistrict 5A is one dwelling unit per 1,500 square feet of site area.
- (D)
  - 1. The Land Use Plan would allow for a maximum of 29 to 43 units per acre. The base of 29 units per acre shall be considered the appropriate density for development within each residential land use designation. The base density may be increased from 29 units per acre to 33 units per acre if an underground parking structure that is 50% or more below grade is used in a residential project to provide all of the required parking. All residential projects that do not have an underground parking structure shall have a maximum density of 29 units per acre.
  - 2. Residential projects located within Subdistrict 8B may request a waiver, through the conditional use permit process, to the requirement that all required parking be contained in an underground parking structure. Such projects within Subdistrict 8B may achieve density up to 43 dwelling units per acre provided the project possesses the excellence of design criteria and characteristics described in Section B below. Residential projects with density below the base densities shall be considered to be consistent with the land use designation.
  - 3. Residential projects using an underground parking structure which is 50% or more below finish grade to provide 75% of the required parking, and which possess an excellence of design features, shall be granted the ability to achieve densities above the base density of 29 or 33 units per acre if underground garage is provided, up to the maximum density of 43 units per acre upon approval of a Conditional Use Permit.
    - (a) Residential projects on lots 5,000 square feet or smaller may achieve densities above 29 units per acre without providing an underground parking structure, upon approval of a Conditional Use Permit.
    - (b) Projects located on The Strand may achieve densities above 29 units per acre without providing an underground parking structure upon approval of a Conditional Use Permit.
  - 4. Project characteristics that exceed standards established by City policy and those established by existing or approved developments in the surrounding area will be favorably considered in the review of acceptable density within the range. Such characteristics include, but are not limited to the following:

- a) Infrastructure improvements beyond what is necessary to serve the project and its population.
- b) Lot standards (i.e. lot area, width depth, etc.) which exceed the minimum standards established by City policy.
- c) Development standards (i.e. parking, setbacks, lot coverage, etc.) which exceed the standards established by City policy.
- d) Superior architectural design and materials.
- e) Superior landscape/hardscape design and materials.
- f) Superior recreation facilities or other amenities.
- g) Superior private and/or semi-private open space areas.
- h) Floor areas that exceed the norm established by existing or approved development in the surrounding area.
- i) Consolidation of existing legal lots to provide unified site design.
- j) Initiation of residential development in areas where nonconforming commercial or industrial uses are still predominant.
- k) Participation in the City's Redevelopment, Housing or Historical Preservation programs.
- l) Innovative design and/or construction methods, which further the goals of the General Plan.

The effectiveness of such design features and characteristics in contributing to the overall quality of a project shall be used to establish the density above base density. No one factor shall be considered sufficient to permit a project to achieve the maximum potential density of a residential land use designation.

- (E) Lots within Subdistricts 5 may be subdivided upon the approval of the Community Development Commission (pursuant to the Subdivision Map Act and the Subdivision Ordinance), provided that each lot thus created is 2,500 square feet or more in area and 25 feet or more in width, and has vehicular access to a public or private alley. Lots within Subdistrict 9 which front on Tremont or Freeman Streets and total 30,000 square feet or more of contiguous area, in a single or multiple ownership, may also be subdivided upon the approval of the Commission with the same provisions as within Subdistrict 5.

One dwelling unit may be located on each subdivided lot provided that each lot meets the yard, density and occupancy requirements of a standard lot with the following exceptions:

- (1) Vehicular access to enclosed garages shall be provided from the public or private alley.
- (2) Courts shall be provided opposite one interior property line which shall be a minimum depth of 8 feet from a window of a habitable room and a minimum width

of 16 feet and shall be open to the sky, except for balconies 3 ft. in width and less, provided that eaves may project 2 feet into a court.

- (F) The floor area ratio for sites 30,000 square feet up to 175,000 of gross site area shall not exceed 3.0. The floor area ratio for sites greater than 175,000 square feet of gross site area shall not exceed 4.0. The floor area ratio may be distributed over the gross area of the entire site. Any residential portion shall not exceed 43 dwelling units per acre (du.ac).
- (G) The provisions of Section 3015: Building Projections into Required Yards and Courts apply except that in the D District, covered porches and stairs may project only 3 feet into the front or rear yard and 2 feet into the side yard.
- (H) Along Mission Avenue and North Coast Highway, setbacks shall be as follows:
  - (1) Lots fronting Mission Avenue: 50 feet from street centerline;
  - (2) Lots fronting North Coast Highway Street: 45 feet from street centerline.
  - (3) Front yard setbacks on commercial projects within Subdistrict 1, 1A and 2 alternate setbacks are allowed upon Community Development Commission approval.
- (I) A 5-foot side or rear yard setback shall be provided along all alleys. A 10-foot side or rear yard shall adjoin any residential area, and structures shall not intercept a 1:1 or 45-degree daylight plane inclined inward from a height of 12 feet above existing grade at the R district boundary line.
  - (1) Projects located on The Strand shall be allowed to encroach into the side yard setback, as long as a minimum 3-foot setback is maintained, with Community Development Commission approval.
- (J) The corner side yard setback may be reduced to 5 feet provided that the landscaping or structures within the setback do not exceed a height of 30 inches and conforms to sight distance requirements on a case by case basis upon approval by the Community Development Commission.
- (K) Parking structures shall not encroach upon setback areas unless it is entirely underground.
- (L) Proposals for front yard, side yard or rear yard setbacks will be judged on the merits of each individual proposal and the architectural compatibility of all proposed structures with existing or proposed structures on adjoining parcels. Functional site layout with special attention to design of recreational, parking and landscaped areas may produce an acceptable proposal with minimum or no setbacks. However, all projects seaward of or fronting on Pacific Street shall retain a minimum 5-foot front yard setback. Owners of abutting property shall be provided written notice of proposals for no setback on side and rear yards at least 10 days prior to Community Development Commission approval.

Buildings along The Strand shall be designed so that when viewed from the beach, the visual impact of the bulk of the structure is minimized to the maximum extent possible.

The Community Development Commission shall approve or conditionally approve such proposals upon finding that:

1. Allowing reduced or no setbacks is compatible with surrounding development;
2. Granting reduced setbacks or eliminating setbacks entirely will enhance the potential for superior urban design in comparison with development, which complies with the setback requirements;
3. The granting of reduced or no setbacks is justified by compensating benefits of the project plan; and
4. The plan containing reduced or no setbacks includes adequate provisions for utilities, services, and emergency-vehicle access; and public service demands will not exceed the capacity of existing and planned systems.

Permitted uses within the 100 year floodplain shall be limited to open space, passive recreational uses, public parks, limited horticulture, floriculture, uses permitted within sensitive habitat areas pursuant to the City's certified "Standards for the Identification and Protection of Sensitive Habitats" and private commercial recreational uses. Provided soil placement does not exceed a maximum level of 3

Feet existing grade and that such placement does not adversely impact the flood-plain hydrology of the San Luis Rey River as defined and evaluated by the Army Corps of Engineers, the following development may be permitted in the 100 year flood-plain:

Bicycle and pedestrian paths, landscape, fencing, hardscape, waterscape, pools, tennis courts, putting greens, volleyball courts, basketball courts, driving range, shuffle board courts, horse shoes, lawn bowling, gazebos and arbors.

Within the first 50 feet of the required 100 foot wetland buffer zone only transitional upland non-invasive vegetation shall be permitted. Within the second 50 feet of said buffer zone only landscape, hardscape, fencing and pathways for bicycles/pedestrians may be permitted.

All floodplain development shall be capable of withstanding periodic flooding without the construction of flood-protective work. Existing environmentally sensitive habitat area will not be adversely affected. There will be no increase in the peak runoff rate from the developed site as compared to the discharge that would be expected once every ten (10) years during a six (6) hour period. There will be no significant adverse water quality impacts and no downstream bank erosion or sedimentation may result from site improvements. All development shall be reviewed for conformance with the policies and standards of the certified San Luis Rey River Specific Plan.

(M) Height is to be measured from the existing grade, unless otherwise specified.

a) Existing Grade: The surface of the ground or pavement at a stated location as it exists prior to disturbance in preparation for a project as regulated by Section 1240.

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

(N) (1) Additional limitations on heights shall apply as follows:



- (a) The Strand: No building shall exceed the present elevation of Pacific Street as defined at the time of passage of Proposition A, passed on April 13, 1982, and set forth in the Proposition A Strand Survey dated May 9, 1986.
  - (b) Subdistrict 4B: Nonresidential structures along Pacific Street shall be the lesser of three stories or 35 feet.
  - (c) Within Subdistrict 5A residential structures above 27 feet, but below 35 feet in height, are allowed upon approval of a Conditional Use Permit.
  - (d) Within Subdistrict 2 mixed use structures above 65-feet, up to 90-feet in height, are allowed upon approval of a Conditional Use Permit.
  - (e) "Within Subdistrict 5 the area located on the west side of North Pacific Street between Surfrider Way and Breakwater Way the maximum height shall be limited to two-stories or 27-feet whichever is less. The exceptions to height limitations provided by Section 3018 shall not apply to any development within this area.
- (2) Additional height may be approved with a Conditional Use Permit on a case-by-case basis for:
- (a) All nonresidential uses except as otherwise noted in this section.
  - (b) Master plan mixed use projects located within Subdistricts 1 and 12, if the Commission finds superior design results incorporating the following design standards and regulations:
    - i Site coverage requirement - Maximum coverage of 60% based on entire gross acreage of Master Site Plan.
    - ii Additional setbacks at the corners of the center block (bounded by Pacific, Mission, Myers and Third Streets) shall be required to create plazas. A minimum dimension of 15 feet shall be required. Minimum encroachments may include landscaping, outdoor seating, street furniture, and art displays.
    - iii A pedestrian promenade shall be required adjacent to development on Pacific Street.
    - iv Public Space Amenity - A minimum of 30% of the entire Master Site Plan area shall be for public or semi-public uses for recreational purposes. Such space shall have minimum dimensions of 15 feet. Paved areas devoted to streets, driveways and parking areas may not be counted toward this requirement. A maximum of 15 % may be enclosed recreation space such as gyms, health clubs, handball/racquetball courts, cultural institutions, meeting/conference

facilities or similar facilities. A fee may be imposed for the use of such facilities.

- v View Corridor Preservation - View corridors shall be preserved through staggered building envelopes or breezeway requirements. Cross block consolidations shall be required to preserve view corridors by permitting only minimal encroachments into existing right-of-ways. Permitted encroachments may include but not be limited to landscaping, food/ sundries kiosks and street furniture.
- vi Maximum Density/Intensity - The maximum intensity of development shall be regulated by Floor Area Ratio (FAR) for Subdistrict 12. The FAR shall apply to the entire Master Site Plan area. FAR shall be calculated on gross acreage of the entire Master Site Plan area. The maximum FAR for Subdistrict 12 shall be 4.0.
- vii Maximum Height - 140 feet. Mid-rise towers shall be oriented with their long axis parallel to the ocean sight line and the east-west streets may only permit minimal encroachments so as to open up and maximize the view corridors. Upper floors of towers shall be of varying heights and stepped back or architecturally fenestrated creating plane breaks in the roof or parapet treatment to add interest to the skyline profile.
- viii Mid-rise tower facades shall feature multifaceted plane breaks and horizontal cornice and frieze elements, which will diminish the perception of mass and create interesting daytime shadow play and nocturnal lighting effects. Towers shall rise from a horizontally articulated building base to bring human scale to the street level pedestrian activity. Additional human scale elements shall include but not be limited to protruding balconies, colorful awnings, fenestration, iron railings, etc..
- ix Only those uses which are transient residential/visitor serving accommodations in nature shall be permitted to achieve the maximum height of 140 feet and only 30% of the Master Site Plan may achieve this maximum height.
- x All other uses permitted within these subdistricts may not exceed a maximum height of 90 feet, and only 30% of the Master Site Plan may achieve the mid-height of 90 feet.

- xi All other structures in these subdistricts (the remaining 40% of the Master Site Plan) may not exceed a height of 45 feet.
- (c) In Sub Districts 7A and 7B, the maximum height limit shall be 45', except that a height limit of up to 65' may be permitted within an approved master plan where the total building floor coverage (footprint) of the development does not exceed more than 35% of the total developable area of the master plan, and the following criteria are met:
  - i The architectural elevations shall vary in height along any road or street, especially along Hill Street.
  - ii Roof lines shall be pitched with flat roof lines allowed only for intermittent visual relief in character.
  - iii The maximum achievable elevation shall not extend for the entire roof line of the given building. (The use of jogs, offsets, height differentiations and other architectural features shall be used to reduce the appearance of a constant roof height.)
  - iv The use of a full roof, not flat, with appropriate pitch, shall be used whenever possible. (A full roof aids in the reducing any environmental noise pollution by providing proper sound attenuation.)
  - v In no case shall a building elevation exceed 45 feet in height unless developed under the auspices of a Disposition and Development Agreement, Owner Participation Agreement, Development Agreement or Conditional Use Permit (CUP). In such case, each such Agreement or CUP shall require a site plan and design criteria approval by the CDC.
  - vi No structure within 50' of the 100 Year Flood-plain boundary shall exceed 45' in height.
- (d) Residential projects east of the AT&SF railroad right-of-way.
- (e) In addition to the FAR standard required for commercial and mixed use development, the following shall be the maximum height limit per district:

<u>Subdistrict</u>	<u>Maximum Height</u>
1	140 feet
1A	45 feet
2	65 feet
3	65 feet
4A	Restricted by bluff height
4B	35 feet
5	35 feet west of AT&SF 45 feet east of AT&SF
5A	27 feet
6A	65 feet
6B	65 feet
6C & 6D	Pursuant to Harbor Precise Plan
7A	65 feet
7B	65 feet
8A	65 feet
8B	65 feet
9	45 feet
10	San Luis Rey River/Not Applicable
11	35 feet
12	140 feet
13	90 feet
14	45 feet
15	Beach/Strand Park/Restricted by bluff height"

- (f) In Subdistrict 6A and 6B provisions i - vi of herein above Section 6(2)(c) shall apply.
- (O) See Section 3018: Exceptions to Height Limits. All height exceptions, omitting those allowed under Section 3018, require approval by the Community Development Commission.
- (P) Planting Areas. All visible portions of a required setback area adjoining a street shall be planting area or hardscape that includes driveways, walks, parking areas, as well as areas covered by ornamental gravel, crushed rock, or similar materials. However, the front yard setback may not be entirely paved out or composed of hardscape material.
- (Q) See Section 3019: Landscaping, Irrigation and Hydroseeding.
- (R) The minimum site landscaping shall be provided on the lot surface; plantings on roofs, porches or in planting boxes which are above the lot surface shall not qualify as landscaping, except for landscaping located directly above underground parking which is 50% or more below grade. Hardscape does not qualify as landscaping except that, areas devoted to common patios, pools and other recreational facilities may be included in determining compliance with the landscaping requirement. In addition, for projects of four or fewer units, private outdoor living space can be used to satisfy up to 10 percent of the minimum site landscaping requirement. Residential projects located on The Strand may count 30% of

the required landscaping on roof tops toward their landscaping requirement, providing such landscaping or appurtenances or other architectural features (such as guard rails) do not exceed the present elevation of Pacific Street as defined at the time of passage of Proposition A, passed April 13, 1982, and set forth in the Proposition A Strand Survey dated May 9, 1986.

(S) Landscaping Requirements:

- (1) For residential projects only located on The Strand is 20%.
- (2) Within Subdistricts 1, 2, 9, and 12 landscaping may be reduced (for commercial development only) provided that the developer contributes a fee to provide art work for the proposed project upon approval by the Community Development Commission. The percentage of landscaping to be reduced as well as the amount of the fee will be determined by the Community Development Commission.

(T) The parking structures that are 50% or more below grade, the required facade modulation shall only be applicable to the facade area above the parking structure.

(U) Buildings 50' wide or smaller in width may reduce the amount of facade modulation per Community Development Commission approval. For buildings located on The Strand, alternative facade modulations, either reduced amounts or horizontal modulation may be provided with Community Development Commission approval.

(V) See Article 31: Off-Street Parking and Loading Regulations.

(W) The following parking standards and regulations apply specifically to the D District. If there is a conflict with Article 31, the following parking standards shall apply:

1. All parking shall be in an enclosed garage. Up to 25 percent may be in a semi-enclosure with Community Development Commission approval.
2. Tandem Parking:
  - (a) Tandem Parking may be allowed with—a Conditional Use Permit for property located on The Strand.
  - (b) For projects located outside of The Strand area but within the Redevelopment Project Area, tandem parking shall be allowed for parcels 33 feet wide or less with a Conditional Use Permit.
  - (c) When tandem parking is permitted, parking spaces are assigned to a single unit. Each parking space shall be numbered/lettered. Each unit shall be assigned a specific space or spaces. Each unit whose unit number/letter appears on the corresponding space(s) shall have an exclusive easement for parking purposes over that designated parking space.

3. Visitor parking spaces are required in projects with 25 or more units at a ratio of one additional space per five units above 25 units.
  4. Within the Transit Overlay District the number of on-street parking spaces available on the contiguous street frontage of the site may be counted toward the total number of parking spaces required for a non-residential Mixed Use Development Plan.
  5. Non-residential Mixed Use Development Plans within the Transit Overlay District may receive a mixed-use parking requirement reduction of up to 25% based upon all of the following criteria: a) proximity to the Oceanside Transit Center, b) demonstrated varied peak demand for parking, and c) project amenities which encourage alternate travel modes.
- (X) Any vehicular access over 24 feet in width requires Community Development Commission approval.
- (Y) On corner lots or lots with double frontages, vehicular access shall be provided from the secondary street or alley.
- (Z) Fences within front yard setback areas are limited to 42 inches in height. Residential fences over 6 feet in height require a variation or a variance. Nonresidential fences over 8 feet in height require a variation or a variance (See Section 3040).
- (AA) A 6-foot solid masonry or concrete wall shall adjoin the property line of the site of a new ground-floor residential use abutting an existing nonresidential use or the property line of a new nonresidential use abutting the site of an existing ground-floor residential use. However, no wall shall be required where the portion of the site within 10 feet of the property line is occupied by planting area or by a building having no openings except openings opposite a street property line.
- (BB) All fences, walls and fencing attachments (such as, but not limited to, barbed wire or razor wire) within the Redevelopment Project Area requires Planning Division approval prior to installation. The Planning Division's decision may be appealed to the Community Development Commission.
- (CC) See Section 3025: Antennas and Microwave Equipment and Section 3027: Recycling facilities.
- (DD) Outdoor eating facilities for employees shall be provided for all office buildings that contain more than 20,000 square feet if no public park is within 1,000 feet. See Section 3028: Employee Eating Areas.
- (EE) Courts Opposite Windows, Multifamily Units.

Courts shall be provided for all multifamily development as follows:

- (1) Courts Opposite Walls on the Same Site: The minimum depth shall be one-half the height of the opposite wall but not less than 16 feet opposite a living room and 10 feet opposite a required window of any habitable room.

- (2) Courts Opposite Interior Property Line: The minimum depth of a court for a required window of a habitable room shall be 6 feet, measured from the property line.
- (3) Court Dimensions: Courts shall be a minimum of 16 feet wide and shall be open to sky except for balconies 3 ft. in width and less, provided that eaves may project 2 feet into a court.

(FF) Open Space.

- (1) Basic Requirement. Total open space on a site having three or more dwelling units shall be at least 200 square feet per dwelling unit.
- (2) Private Outdoor Living Space. Private outdoor living space shall be on patios or balconies within which a horizontal rectangle has no dimension less than 6 feet.
- (3) Shared Open Space. Shared open space, provided by non-street side yards, patios and terraces, shall be designed so that a horizontal rectangle inscribed within it has no dimension less than 10 feet, shall be open to the sky, and shall not include driveways or parking areas, or area required for front or street side yards.
- (4) Parkland Dedication. All multifamily housing projects shall be subject to the parkland dedication requirements of Chapter 32, Subdivisions, of the City Code because apartments contribute to increased demand for community and neighborhood parks in the same manner as condominiums, cooperatives, and single-family housing. The applicant shall dedicate land or pay a fee, or a combination of dedication and fee as provided by Chapter 32, Article IV of the City Code, and the credit for improvement and private open space under Section 32.50 of the City Code shall apply, if warranted. The fees shall be calculated according to a schedule adopted by the City Council by resolution and shall be payable at the time a building permit is issued.

(GG) The Sign Standards for the Downtown Oceanside Redevelopment Project Area adopted by the Oceanside Community Development Commission and the Harbor Design Standards adopted by the Oceanside Harbor Board of Directors pertaining to signs shall apply where they are more restrictive than Article 33 of the Oceanside Zoning Ordinance.

(HH) In Subdistricts 4A and 15, permanent facilities shall be provided for pedestrian access from the nearest public streets on the bluff top to the public beach. Between Ninth Street and Wisconsin Avenue, such access shall be provided on the average of every 800 feet, but in no event will there be fewer than seven such pedestrian routes. Between Ninth Street and Wisconsin Avenue, no fewer than four permanent facilities shall be provided for vehicular access from the nearest public street on the bluff top to the beach.

(II) Development within Subdistricts 6(C) and 6(D) shall be subject to the Harbor Design Standards.

- (JJ) The Property Development Regulations (Section 1230) for residential uses shall apply to all exclusively residential projects within commercially oriented subdistricts.
- (KK) Any mixed-use development with commercial and residential land uses combined requires a Mixed-Use Development Plan approved in accordance to the following requirements, to establish the property development regulations for the project. Base District Regulations and Property Development Regulations for Residential and Nonresidential land uses shall serve as the guideline for a mixed-use project. Height shall be regulated by the maximum height allowed in the Subdistrict as set forth in Additional Development Regulations sub-section (N). In no case shall these maximum heights be exceeded. Any deviations from the development regulations shall be evaluated based upon the merits of the development plan. Any deviation granted which permits a greater than 10% reduction in parking requirements above the base development regulations of Article 12 "D" Downtown District shall also require a Local Coastal Program Amendment.
- (LL) Craft breweries and wineries shall only be allowed on those properties in Subdistrict 9 that front upon Coast Highway.

Purpose:

The Mixed-Use Development Plan is intended to provide flexibility in land use regulations and site development standards under control of the Planning Commission and the Community Development Commission where flexibility will enhance the potential for superior urban design.

Initiation:

A mixed-use development may be initiated by filing an application for a Mixed Use Development Plan that complies with the requirements of this subsection (KK).

Required plans and materials:

1. A Mixed-Use Development Plan consisting of a map and textual materials as may be necessary to delineate land uses and locations, existing and projected building types and schematic 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.
2. 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.



3. A statement of the reasons for any requested modifications to regulations or standards and a description of proposed means of mitigating any adverse effects.

#### Adoption of Mixed-Use Development Plans:

The Community Development 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 Development Plan with conditions if it implements the purpose of the Mixed-Use Development Plan. The following findings shall be made by the Community Development Commission:

1. For the residential portion of the project, the total number of dwelling units in the Mixed-Use Development Plan does not exceed the maximum number permitted by the General Plan density of 43 dwelling units per acre. Any plan that would exceed the base density of 29 dwelling units per acre may be approved only if the Community Development Commission finds that the plan conforms to the provisions of Section 1230 of this Ordinance (in particular, Additional Regulation "CC").
2. That the Mixed-Use Development Plan will enhance the potential for superior urban design in comparison with development under the regulations that exist if the Development Plan were not approved;
3. That the Mixed-Use Development Plan is consistent with the adopted Land Use Element of the Redevelopment Plan and other applicable policies, and that it is compatible with development in the area it will directly affect;
4. That the Mixed-Use Development Plan includes adequate provisions for utilities, services, and emergency access, and public service demands will not exceed the capacity of existing systems;
5. That the traffic expected to be generated by development in accord with the Mixed-Use Development Plan will not exceed the capacity of affected streets; and
6. That the Mixed-Use Development Plan will not significantly increase shading of adjacent land in comparison with shading from development under regulations that would exist if the Mixed-Use Development Plan were not approved.

#### **1234 Reception Antennas and Co-User Facilities: Purpose and Siting Criteria**

A. Purposes. This section is intended to promote and provide for the following:

1. To establish a zoning permit and land use review process consistent with the City's Telecommunication Policies and which accommodate the public's ability to access

communication, broadcast and subscription services which are transmitted through the global atmospheric radio-frequency spectrum.

2. To maintain certain aesthetic values and land use compatibility through a land use review process for certain types of these facilities that may have potential impact upon public welfare.
3. To regulate the siting of telecommunications facilities so as to comply with the limitations, constraints and policies set forth in relevant federal and state telecommunications law.

B. Reception Antennas: Siting Criteria. A reception antenna is permitted on any structure if it complies with each of the following criteria:

1. Maximum Number. The maximum number of reception antennas is limited two per structure.
2. Minimum Setbacks.
  - (a) Interior side and rear property line – 10 feet.
  - (b) Corner-side property line – zoning district standard.
  - (c) Reception antennas may not be installed within the front yard setback area of the underlying zoning district.
3. Maximum Size.
  - (a) Roof-mounted antenna – 4 feet diameter for dish type and 60 cubic feet for skeletal-type.
  - (b) Ground-mounted – 5 feet diameter for dish type and 60 cubic feet for skeletal-type.
4. Maximum Height.
  - (a) Roof-mounted –
    1. Skeletal-type antennas -1- feet above the district height limit.
    2. Dish mounted – no higher than the principal or predominant roof-line of the structure.
  - (b) Ground Mounted – 12 feet above grade.

Additional height may be authorized through an administrative conditional use permit by the Redevelopment Director in accordance with the provisions of Article 41.

5. Surface Materials and Finishes. Reflective surfaces are prohibited.
6. Screening: The structural base of a ground-mounted antenna, including all bracing and appurtenances, but excluding the antenna itself, shall be screened from the views from neighboring properties by walls, fences, buildings, landscape or combinations thereof not less than 5 feet high.
7. Cable Undergrounding: All wires and cables necessary for operation of the antenna and its reception shall be placed underground, except for wires or cables attached to the exterior surface of a structure.

C. Communication Facilities. Siting Criteria. Communication facilities may be installed and operated within any zoning district subject to the following categorical standards and processes:

1. Minor Co-User Communication Facilities. Co-User facilities consisting of a limited number of whip or pole antennas and monitoring antennas shall be allowed subject to the following limitations:

(a) Antenna Type. Permitted antennas are limited to pole and monitoring antennas.

(b) Maximum Number.

1. Pole Antennas – one per 1,000 square feet of roof area up to a maximum of 5 antennas.
2. Monitoring Antennas - one per every permitted communication facility.

(c) Maximum Height.

1. Pole Antennas 10 feet above height of a building or co-user facility.
2. Monitoring Antennas- 1- foot above height of co-user facility.

(d) Maximum Antenna Size.

1. Pole Antenna – 4 inches in diameter.
2. Monitoring Antenna – 1 cubic foot.

Appearance: Antennas must be colored or painted to blend with the predominant background features (e.g., building, landscape, sky).

Administrative Conditional Use Permit Requirement: Major Co-User Communication Facilities and within the coastal zone, Minor Co-User Facilities.

In accordance with the requirements specified within Article 41 of the Ordinance, the City Planner may approve the siting, development and operation of a Major or Minor Co-User Communication Facility through an administrative process. The City Planner's decision may be appealed to the Community Development Commission. A permit issued pursuant to this section shall be subject to the requirements set forth in Subsection 3 (A-F) below:

Standard Conditions of Approval. The following standard conditions of approval shall apply to all Minor and Major Co-User Communication Facilities:

- (a) The Conditional Use Permit shall be limited to a term of 5 years. However, the CUP may be renewed in accordance with the provisions of the Zoning Ordinance.
- (b) Upon one year of facility operation, and upon any change-out of facility equipment, the permittee(s) shall provide to the Redevelopment Director a statement of radio-frequency radiation output and output compliance with the limitation of governing licensing authorities.
- (c) The permittee(s) shall exercise a good-faith effort to incorporate the best available equipment technology to effect a reduction in the visual presence of the approved antenna and facility equipment. The change-out and retro-fit of equipment shall be conducted by the permittee(s) after such equipment becomes available and exhibits common use at similar facilities. Upon the City's request and discretion, the permittee (s) shall be required to provide an independently prepared technical analysis demonstrating compliance with this condition. The permittee (s) inability to demonstrate the use of current technologies may be grounds for the revocation of the CUP.
- (d) The permittee (s) shall exercise a good-faith effort to cooperate with other communication providers and services in the operation of a co-user facility provided such shared usage does not impair the operation of the approved use. Upon the City's request and discretion, the permittee (s) shall provide an independently prepared technical analysis to substantiate the existence of any practical technical prohibitions against the operation of a co-use facility. The permittee(s) non-compliance with this requirement may be grounds for the revocation of the CUP.
- (e) The approved communication facility shall be subject to, and governed by, any and all licensing authority by any governmental agency having jurisdiction. The City's local approval of a communication facility shall not exempt the permittee(s) from any such pre-emptive regulations.
- (f) The approved facility shall address the appearance of the entire site and shall upgrade or repair physical features as a means of minimizing view impacts to the community. Such techniques shall include, but shall not be limited to, site

landscaping, architectural treatments, painting, and other methods to minimize visual impacts to the public streetscape.

#### **1235 Nonconforming Commercial Structures**

Notwithstanding the provisions of Article 35, a nonconforming commercial building located in a commercial zoning district within the Redevelopment Project Area, which is destroyed to an extent of more than fifty percent (50%) of its replacement value at the time of its destruction by fire, explosion, or other casualty or Act of God, or the public enemy, may be restored to its original density, height, or configuration subject to all other provisions of this Article, provided that such nonconformities are not increased in intensity, and that there is no reduction in the amount of off-street parking which had existed on site prior to such destruction. The use of the rebuilt structure shall be subject to all current zoning use regulations in existence at the time of destruction. Existing uses operating under a conditional use permit, which is in compliance with the existing zoning regulations at the time of destruction, shall not be required to obtain a new use permit. Exterior appearance and facade plans for the rebuilding of nonconforming commercial structures shall be subject to review by the Downtown Design Review Committee and approval by the Community Development Commission. (For Residential Nonconforming Buildings See Article 35 Section 3510)

#### **1240 Review of Plans**

Certain projects shall require concept plan review in accordance with Article 42 of this Ordinance. All new development projects with the exception of single family residences shall require development plan review in accordance with Article 43. All development plans shall be reviewed by the Redevelopment Staff and by any other City department or division or governmental agency designated by the City Planner.

Alterations of existing structures, not within Subdistrict 1A or in a Historic Overlay District, are exempt from development plan review unless the alteration adds the following:

- a) 10% or more of additional square footage to an existing structure or;
- b) adds more than 500 square feet to an existing structure.

Such alterations shall be considered to be major alterations and require development plan review. The Community Development Commission shall approve, conditionally approve, or disapprove development plans for all projects within the designated Redevelopment Project Area.

Development plans for projects in Subdistrict 1A or in an HD Historic Overlay District shall be reviewed by the Historical Preservation Advisory Commission (OHPAC). The proposed demolition of a designated historical site shall also be reviewed by OHPAC and approved, conditionally approved, or denied by the Community Development Commission.

In regards to the Development Plans within the Oceanside Small-Craft Harbor, Planning Commission recommendations shall be made to the Harbor Chief Executive Officer for processing and action in accordance with Article 43.

All discretionary actions within the Downtown District shall require Community Development Commission review, unless otherwise specified in this Ordinance. The Planning Director or Planning Commission shall recommend to the Harbor Chief Executive Officer, approval, conditional approval, or denial of discretionary requests.

The Community Development Commission's, or the Harbor Board of Director's, consideration of discretionary actions shall be through a noticed public hearing if the action requested requires such a public hearing. Where a noticed public hearing is required, the Community Development Commission's review of the discretionary action shall also be through a public hearing. All decisions made by the Community Development Commission and Harbor Board of Directors shall be final.

#### **1250 Amendments**

Any amendments to Article 12 of this Ordinance that affect properties within the established California Coastal Zone shall be approved by the California Coastal Commission.

**Schedule D - 1**  
**Land Use Regulations**  
**"D" Downtown District**

P - Permitted    U - CUP    C - Admin CUP    AR - Admin Regulated Use Permit    \* - Not Permitted  
V - Visitor Serving Uses

Subdistrict	1	1A	2	3	4A	4B	5	5A	6A	6B	6C	7A	7B	8A	8B	9	10	11	12	13	14	15
Residential																						
Day Care - Ltd	C	C	C	C	*	*	*	*	*	*	*	*	C	C	C	C	*	*	*	*	*	*
Group Residential	*	*	*	*	*	*	*	*	*	*	*	*	*	U	*	*	*	*	*	*	*	*
Live/work	C	C	*	*	*	*	*	*	*	*	*	*	*	*	*	C	*	C	*	*	*	*
Multi - Family	U	U	*	U	P	U	P	P	*	U	*	P	U	U	U	U	*	U	*	U	*	*
Residential Care	*	*	*	U	*	*	*	*	*	*	*	U	*	U	U	U	*	*	*	*	*	*
Single - Family	*	*	*	U	P	*	P	P	*	*	*	P	U	U	U	U	*	*	*	*	*	*
Public/ Semi - Public																						
Club / Lodge	U	U	U	U	*	*	*	*	U	*	U	*	U	*	*	U	*	*	*	*	*	V
Cultural Institution	C	C	C	C	*	*	*	*	C	*	*	*	U	U	U	U	*	*	C	U	*	V
Day Care - General	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	*	C	C	C	C	C
Emergency Health Care	*	*	*	*	*	*	*	*	*	*	*	*	*	P	P	U	*	*	*	*	*	*
Government Offices	P	P	P	P	*	*	*	*	P	*	U	*	*	*	*	P	*	*	U	U	U	P
Hospital	*	*	*	*	*	*	*	*	*	*	*	*	*	P	P	*	*	*	*	*	*	*
Parks & Recreation Facility	U	U	*	U	U	*	U	U	P	P	P	U	U	U	U	U	U	*	U	U	C	V
Public Safety Facility	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	P
Religious Assembly	*	*	U	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Residential Care - General	*	*	*	*	*	*	*	*	*	*	*	*	*	U	U	*	*	*	*	*	*	*
Utilities - Major	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U
Utilities - Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Commercial																						
Adult Businesses	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Ambulance Service	*	*	*	*	*	*	*	*	*	*	*	*	*	U	*	*	*	*	*	*	*	*
Animal product sales	C	C	*	C	*	*	C	*	*	*	C	*	C	*	*	C	*	*	*	*	*	*
Artist Studio	C	C	*	*	*	*	*	*	*	*	*	*	*	*	*	C	*	C	*	*	*	V
Bank / Savings & Loan	P	P	P	P	*	*	*	*	*	*	*	*	U	*	*	P	*	*	*	*	*	*
Drive-through/drive up	U	U	U	U	*	*	*	*	*	*	*	*	U	*	*	U	*	*	*	*	*	V
Self-service ATM	C	C	C	C	*	*	*	*	*	*	*	*	C	*	*	C	*	*	*	*	*	V
Catering Service	C	C	C	*	*	*	*	*	*	*	*	*	*	*	*	C	*	*	*	*	*	*
Commercial Recreation & Entertainment	U	*	U	*	*	*	*	*	U	U	U	*	U	*	*	U	U	*	U	*	*	V
Communication Facility	U	U	U	*	*	*	*	*	*	*	*	*	*	*	*	U	*	*	*	U	*	*
Major Co-User	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U
Minor Co-User	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U
Craft Breweries																						
Tier 1	C	C	C	*	*	*	*	*	*	*	*	*	C	*	*	C	*	*	C	*	*	V
Tier 2	U	U	U	*	*	*	*	*	*	*	*	*	U	*	*	U	*	*	U	*	*	V

**P - Permitted    U - CUP    C - Admin CUP    AR - Admin Regulated Use Permit    \* - Not Permitted**  
**V - Visitor Serving Uses**

Craft Wineries																									
Tier 1	C	C	C	*	*	*	*	*	*	*	*	*	C	*	*	C	*	*	C	*	*	C	*	*	V
Tier 2	U	U	U	*	*	*	*	*	*	*	*	*	U	*	*	U	*	*	U	*	*	U	*	*	V
Reception Antennas	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Restaurants Full Service	P	P	P	*	P	*	*	*	P	P	P	*	P	P	*	P	P	P	P	P	P	P	P	P	V
Restaurant Full Service with Full Alcohol	P	P	P	*	P	*	*	*	P	P	P	*	P	P	*	P	P	P	P	P	P	P	P	P	V
Subdistrict	1	1A	2	3	4A	4B	5	5A	6A	6B	6C	7A	7B	8A	8B	9	10	11	12	13	14	15			
Restaurants Full Service with Live Entertainment	P	P	P	*	P	*	*	*	P	P	P		P	P	*	P	P	P	P	P	P	P	P	V	
Restaurants Fast food	P	P	P	*	P	*	*	*	P	P	P	*	P	P	*	P	P	P	P	P	P	P	P	V	
Restaurants Fast Food with Drive-thru or Drive-up	*	*	*	*	*	*	*	*	P	*	*	*	*	*	*	*	*	*	*	*	*	*	*		
Food and Beverage Kiosk	*	*	*	*	*	*	*	*	P	*	*	*	*	*	*	*	*	*	*	*	*	*	*		
Food & Beverage Sales	C	C	C	*	C	*	C	*	C	C	C	*	C	*	*	*	*	C	C	C	C	C			
Convenience Market	U	U	U	*	U	*	U	*	U	U	U	*	U	*	*	*	*	U	U	U	U				
Grocery/Neighborhood Market store greater than 8,000 sq. ft.	U	U	U	*	U	*	U	*	U	U	U	*	U	*	*	*	*	U	U	U	U	*	V		
Grocery/Neighborhood Market store less than 8,000 sq. ft.	C	C	C	*	C	*	C	*	C	C	C	*	C	*	*	*	*	C	C	C	C	*	V		
Specialty Market	P	P	P	*	P	*	P	*	P	P	P	*	P	*	*	*	*	P	P	P	P	*	V		
Home Occupation	P	P	*	P	P	P	P	P	*	P	*	P	P	*	P	P	*	P	*	P	*	*			
Marine Sales, Rentals, and Services	*	*	*	*	*	*	*	*	P	P	P	*	U	*	*	*	*	*	*	*	*	*			
Offices	P	P	P	P	*	*	*	*	U	U	*	*	P	U	U	P	*	P	C	P	P	*			
Administrative/Business	P	P	P	P	*	*	*	*	U	U	*	*	P	U	U	P	*	P	C	P	P	*			
Production	P	P	P	P	*	*	*	*	U	U	*	*	P	U	U	P	*	P	C	P	P	*			
Professional	P	P	P	P	*	*	*	*	U	U	*	*	P	U	U	P	*	P	C	P	P	*			
Temporary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	*			
Temporary Real Estate	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	*			
Pawns shops	C	C	C	*	C	*	*	*	*	C	*	*	*	*	*	*	*	*	*	C	C	*			
Personal Improvement Services	C	C	C	*	*	*	*	*	C	C	C	*	C	*	*	*	*	C	C	C	*	*			
Health/Club/Studio/Spa	C	C	C	C	*	*	*	*	C	C	C	*	C	*	*	*	*	C	C	C	*	*			
Day Spa	P	P	P	P	*	*	*	*	P	P	P	*	P	*	*	*	*	P	P	P	*	*	V		
Accessory Massage	U	U	U	U	*	*	*	*	U	U	U	*	U	*	*	*	*	U	U	U	*	*	V		



**Schedule D - 1**  
**Land Use Regulations**  
**"D" Downtown District**

P - Permitted    U - CUP    C - Admin CUP    AR - Admin Regulated Use Permit    \* - Not Permitted  
V - Visitor Serving Uses

Personal Services	C	C	C	C	*	*	*	*	C	C	C	*	C	*	*	*	*	C	C	C	*	*	
Laundromat/Café	U	U	U	U	*	*	*	*	*	*	*	*	*	*	*	U	*	U	*	*	*	*	V
General Repair	P	P	P	P	*	*	*	*	*	*	*	*	*	*	*	P	*	P	*	*	*	*	
Tattooing Establishments	AR	*	AR	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
Retail Sales	P	P	P	*	P	*	*	*	P	C	P	*	P	C	C	P	*	P	C	C	P	C	V
Antiques, Antique Shop	P	P	P	*	P	*	*	*	P	C	P	*	P	C	C	P	*	P	C	C	P	*	V
Custom Retail	C	C	C	*	C	*	*	*	P	C	*	*	*	*	*	*	*	*	*	C	C	*	V
Secondhand Collectibles and Clothing Sales	P	P	P	*	P	*	*	*	P	C	P	*	P	C	C	P	*	P	C	C	P	*	V
Wine Tasting	U	U	U	*	U	*	*	*	P	U	U	*	U	*	*	U	U	U	U	U	U	*	V
Travel Services	P	P	P	P	*	*	*	*	P	P	*	*	P	*	U	P	*	U	P	C	C	*	V
Automotive Rental (small scale)	*	*	*	*	*	*	*	*	C	C	*	*	C	*	*	C	*	*	C	C	*	*	V
Subdistrict	1	1A	2	3	4A	4B	5	5A	6A	6B	6C	7A	7B	8A	8B	9	10	11	12	13	14	15	
Visitor Accommodations																							
Bed & Breakfast	*	*	*	*	U	U	U	U	U	U	U	*	*	*	*	*	*	*	U	U	*	*	V
Hotel / Motel / Timeshare	U	U	U	*	U	U	U	*	U	U	U	*	U	*	*	U	*	*	U	U	*	*	V
Resort	U	U	U	*	U	U	U	*	U	U	U	*	U	*	*	U	*	*	U	U	*	*	V
Fractional Ownership Hotel	U	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	U	*	*	*	V
Condominium Hotel	U	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	U	*	*	*	V
Limited Use Overnight Visitor Accommodation	U	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	U	*	*	*	V

## **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 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 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:
- |                                |                        |
|--------------------------------|------------------------|
| <u>Customer/Visitor Spaces</u> | <u>Employee Spaces</u> |
| 300 ft.                        | 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 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 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 City Planner shall determine the probable use and the number of parking and loading spaces required. In order to make this determination, the 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)

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##### Use Classification

##### Off Street Parking Spaces: Schedule A

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Single Family Residential	2 car garage per dwelling unit; minimum interior area 400 sq. ft.; minimum interior width 18 ft.
Multiple Family Residential*	1.5 spaces (1 covered, ½ 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	1 enclosed or covered space per DU
3 bedrooms or greater	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)**

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

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

Use Classification	Off Street Parking Spaces: Schedule A
Manufacturing uses, research and testing laboratories, creameries, bottling establishments, bakeries, canneries, printing and engraving shops	1 per 800 sq. ft. of gross floor area
Medical and dental clinics and medical-professional offices	1 200 sq. ft. of gross floor area
Mortuaries Motor vehicle, machinery sales or wholesale stores	1 per 50 sq. ft. of assembly service areas 1 space per 1,000 sq. ft. of gross floor area
Offices not providing customer service on the premises	1 space per 400 sq. ft. of gross floor area
Restaurants Fast Food	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
Restaurants Full Service	1 per 3 seats or 1 space per 45 sq. ft. of floor area used for food or beverages consumption (15 min.)
Rooming houses, lodging houses, clubs and fraternity houses with sleeping quarters	1 per 2 sleeping rooms
Sanitariums, children's homes, homes for aged, asylums, nursing homes	1 per 3 beds
Schools	1 per each employee
Schools (business and vocational)	1 per 40 sq. ft. of classroom area

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

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**Use Classification**

**Off Street Parking Spaces:  
Schedule A**

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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
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. The 3rd garage space may be provided in a tandem configuration.	
Airports	As specified by use permit.	
Cemeteries	As specified by use permit.	

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

<b>Use Classification</b>	<b>Off-Street Parking Spaces: Schedule A</b>	<b>Off-Street Loading Spaces: Schedule B Group Number</b>
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)**

<b>Use Classification</b>	<b>Off-Street Parking Spaces: Schedule A</b>	<b>Off-Street Loading Spaces: Schedule B Group</b>
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
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)**

<b>Use Classification</b>	<b>Off-Street Parking Spaces: Schedule A</b>	<b>Off-Street Loading Spaces: Schedule B Group Number</b>
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 City Planner	
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.	
<b><u>Craft Breweries/Wineries</u></b>	<b><u>1 space for each 800 sq. ft. of gross floor area devoted to production activities and 1 space for each 125 sq. ft. of tasting/retail area</u></b>	
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
<b><u>Vehicle/Equipment Sales and Services:</u></b>		
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)**

<b>Use Classification</b>	<b>Off Street Parking Spaces: Schedule A</b>	<b>Off Street Loading Spaces: Schedule B Group Number</b>
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.	
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

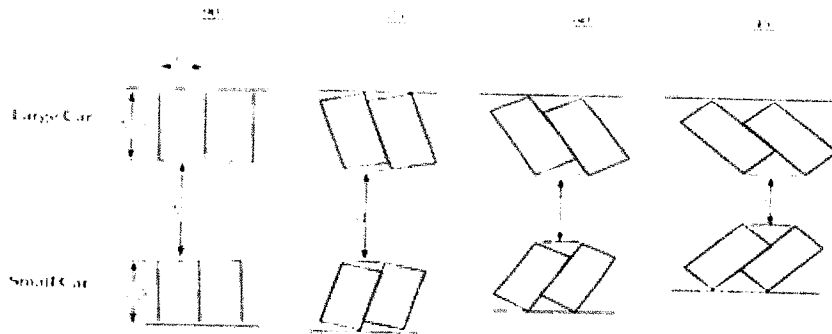
- A. In General. All required spaces shall be large-car spaces. However, spaces provided in addition to the number required may be small-car spaces.
- B. Relation to Aisles.
1. Each parking space adjoining a wall, column, or other obstruction higher than 0.5 feet shall be increased by 1 foot on each 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):

<u>Minimum One-way Aisle Width for Specified Parking Angle (ft.)</u>				
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 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	12 ft. 1-way
Units more than 150 ft. of street	20 ft. 2-way
More than 3 dwelling units	12 ft. 1-way
Up to 9 dwelling units	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 City Planner and the City Engineer may require driveways in excess of the above widths where unusual traffic, grade or site conditions prevail. The 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 commercial or 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 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 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 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 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 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 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 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 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 City Planner and the City Engineer.



## **Article 41 Use Permits and Variances (City-wide)**

### **Sections:**

- 4101 Purposes
- 4102 Authority of the City Planner, Planning Commission, Harbor Board of Directors, Community Development Commission and City Council
- 4103 Application for Use Permit or Variance
- 4104 Notice, Administrative Decision, and Public Hearing
- 4105 Required Findings
- 4106 Conditions of Approval
- 4107 Effective Date
- 4108 Lapse of Approval; Time Extension; Transferability; Discontinuance; Revocation
- 4109 Changed Plans
- 4110 Appeals

### **4101 Purposes**

This article provides the flexibility in application of land use and development regulations necessary to achieve the purposes of this ordinance by establishing procedures for approval, conditional approval, or disapproval of use-permit and variance applications. Use permits are required for use classifications typically having unusual site development features or operating characteristics requiring special consideration so that they may be designed, located, and operated compatibly with uses on adjoining properties and in the surrounding area.

Variances are intended to resolve practical difficulties or unnecessary physical hardships that may result from the size, shape, or dimensions of a site or the location of existing structures thereon; from geographic, topographic, or other physical conditions on the site or in the immediate vicinity; or from street locations or traffic conditions in the immediate vicinity of the site. Cost to the applicant of strict compliance with a regulation shall not be the sole reason for granting a variance.

Variances may be granted with respect to fences, walls, landscaping, screening, site area, site dimensions, yards, height of structures, courts, distances between structures, open space, signs, off-street parking and off-street loading, frontage, locational requirements and performance standards.

Authorization to grant variances does not extend to use regulations because the flexibility necessary to avoid results inconsistent with the land use objectives of this ordinance is provided by the use permit process for specified uses and by the authority of the Planning Commission, Harbor Board of Directors or Community Development Commission to determine whether a specific use belongs within one or more of the use classifications listed in Article 4.

**4102 Authority of the City Planner, Planning Commission, Harbor Board of Directors, Community Development Commission and City Council**

The Planning Commission shall approve, conditionally approve, or disapprove applications for use permits or variances which are consistent with the General Plan subject to the general purposes of this ordinance, the specific purposes of the base or overlay zoning district in which a development site is located, and the provisions of this article, unless authority for a decision on a use permit is specifically assigned to the City Planner in the individual articles of this ordinance.

Within designated redevelopment areas, the City Planner shall recommend approval, conditional approval, or denial of applications for use permits or variances to the Community Development Commission (acting as the Planning Commission for the designated redevelopment area), which shall have final decision-making authority over such applications under this article.

The City Planner may refer development plans for any project to the Planning Commission for review and approval if he finds that the project may conflict with the purposes and standards of the base district and any overlay districts applicable to the project or with the purposes of this article, or if public services and facilities serving the project may be inadequate. Such projects shall be the subject of a public hearing, as provided by Section 4305.

Within the Oceanside Small Craft Harbor, recommendations shall be made by the Harbor Chief Executive Officer for processing and action by the Harbor Board of Directors, which shall have final decision-making authority, except for projects that are also within a redevelopment area, in which case the Community Development Commission shall have final authority.

For use permits involving condominium conversions of five units or more, mobile home park conversions, and regulated uses not within a redevelopment area or the Harbor, the City Council shall have final decision-making authority (see Articles 32, 34 and 36 respectively)

**4103 Application for Use Permit or Variance**

Applications for use permits and variances shall be initiated by submitting the following materials to the Planning Division:

- A. A completed application form, signed by the property owner or authorized agent, accompanied by the required fee, plans and mapping documentation in the form prescribed by the City Planner;
- B. A map showing the location and street address of the development site and all lots within 300 feet of the boundaries of the site; and

- C. A list, drawn from the last equalized property tax assessment roll, showing the names and addresses of the owners of record of each lot within 300 feet of the boundaries of the site. This list shall be keyed to the map required in subsection (B) above.

**4104 Notice, Administrative Decision, and Public Hearing**

- A. Administrative Decision. For use permit applications that only require the consideration of the City Planner, the City Planner shall administratively approve, conditionally approve, or disapprove the use permit application.
- B. Public Hearing Required. For use permit and variance applications that require the consideration of the Planning Commission, Community Development Commission or Harbor Board of Directors, a public hearing of the Planning Commission, Community Development Commission, or Harbor Board of Directors shall be held to approve, conditionally approve, or disapprove the use permit or variance application.
- C. Time of Administrative Decision or Public Hearing. Within 10 working days after acceptance of a complete application, the City Planner shall set a time and place for an administrative decision or a public hearing to be held within 60 days.
- D. Notice. Notice of the administrative decision or public hearing shall be given in the following manner:
1. Published Notice. Notice shall be published in at least one newspaper of general circulation within the City at least 10 days prior to the administrative decision or public hearing on the project.
  2. Mailed or Delivered Notice. At least 10 days prior to the administrative decision or public hearing, notice shall be mailed to the applicant and all owners of property within 300 feet of the boundaries of the site, as shown on the last equalized property tax assessment role.
- E. Contents of Notice. The notice of the administrative decision or public hearing shall contain:
1. A description of the location of the development site and the purpose of the application;
  2. A statement of the time, place, and purpose of the administrative decision or public hearing;
  3. A reference to application materials on file for detailed information; and
  4. A statement that any interested person or an authorized agent may comment or appear and be heard.

- F. Multiple Applications. When applications for multiple use permits or variances on a single site are filed at the same time, the City Planner shall schedule a combined administrative decision or public hearing.

#### **4105 Required Findings**

The Planning Commission, Community Development Commission, Harbor Board of Directors or the City Planner as the case may be, may approve an application for a use permit or variance as it was applied for or in modified form as required by the City Planner, Community Development Commission, Harbor Board of Directors or Planning Commission if, on the basis of the application, plans, materials, and testimony submitted, the Planning Commission, Community Development Commission, Harbor Board of Directors or the City Planner finds:

A. For Use Permits.

1. That the proposed location of the use is in accord with the objectives of this ordinance and the purposes of the district in which the site is located.
2. That the proposed location of the conditional use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the city.
3. That the proposed conditional use will comply with the provisions of this ordinance, including any specific condition required for the proposed conditional use in the district in which it would be located.
4. For properties located within the coastal zone: That the proposed conditional use will be consistent with all applicable policies of the certified Land Use Plan.

B. For Variances.

1. That because of special circumstances or conditions applicable to the development site including size, shape, topography, location or surroundings strict application of the requirements of this ordinance deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning classification;
2. That granting the application will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety or general welfare; and
3. That granting the application is consistent with the purposes of this ordinance and will not constitute a grant of special privilege inconsistent with limitations on

other properties in the vicinity and in the same zoning district; and, if applicable,

4. For properties located within the OS District: That granting the application is consistent with the requirements of Section 65911 of the Government Code and will not conflict with General Plan policies governing orderly growth and development and the preservation and conservation of open-space lands.
5. For properties located within the coastal zone: That granting the application is consistent with all applicable policies of the certified Land Use Plan.

#### **4106 Conditions of Approval**

In approving a use permit or variance, the Planning Commission, Community Development Commission, Harbor Board of Directors or the City Planner as the case may be, may impose reasonable conditions necessary to:

- A. Achieve the general purposes of this ordinance or the specific purposes of the zoning district in which the site is located, or to make it consistent with the General Plan;
- B. Protect the public health, safety, and general welfare; and
- C. Ensure operation and maintenance of the use in a manner compatible with existing and potential uses on adjoining properties or in the surrounding area.

Limits on Conditions of Approval. No conditions of approval of a use permit shall include use, height, bulk, density, open space, parking, loading, or sign requirements that are less restrictive than those prescribed by applicable district regulations.

#### **4107 Effective Date**

Effective Date. Use permits administratively approved by the City Planner shall become effective on the date of the City Planner's administrative decision, unless appealed to the Planning Commission, or Community Development Commission, as provided for in this article. Use permits and variances approved by the Planning Commission Community Development Commission or Harbor Board of Directors shall become effective on the date of adoption of the Planning Commission, Community Development Commission or Harbor Board of Directors resolution, unless appealed, as provided for in Article 46.

#### **4108 Lapse of Approvals; Time Extension; Transferability; Discontinuance; Revocation**

- A. Lapse of Approvals. A use permit or variance shall lapse two years after the effective date of approval or conditional approval or at an alternative 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. A certificate of occupancy has been issued; or
  3. The use is established; or
  4. The use permit or variance is extended.
  5. In cases where a use permit or variance is approved concurrently with a Tentative Map and a Final Map or Parcel Map is recorded, the use permit or variance shall be effective for an additional 24 months from the date of recordation of the Final Map or Parcel Map.
- B. Time Extension. Upon application by the project applicant filed prior to the expiration of an approved or conditionally approved use permit or variance, the time at which the use permit or variance expires may be extended by the City Planner, or the Planning Commission, Community Development Commission, or Harbor Board of Directors, 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 no less than 30 days or more than 90 days prior to expiration. Decisions on Time Extensions may be appealed, as prescribed in Article 46.
- C. Transferability. The validity of a use permit or a variance shall not be affected by changes in ownership.
- D. Discontinuance. A use permit or variance shall lapse if the exercise of rights granted by it is discontinued for six consecutive months.
- E. Revocation. A use permit or variance that is exercised in violation of a condition of approval or a provision of this ordinance may be revoked, as provided in Section 4704.

#### **4109 Changed Plans**

- A. Changed Plans. A request for changes in conditions of approval of a use permit or variance, or a change to the approved plans that would affect a condition of approval, shall be treated as a new application. The City Planner may waive the requirement for a new application if the changes requested are minor, do not involve substantial alterations or addition to the plan or the conditions of approval, and are consistent with the intent of the project's approval or otherwise found to be in substantial conformance.

#### **4110 Appeals**

- A. Rights of Appeal and Review. Use permit decisions of the City Planner may be appealed by any interested party to the Planning Commission, or Community

Development Commission, as the case may be. Use permit and variance decisions of the Planning Commission may be appealed by any interested party to the City Council.

- B. Procedures; Public Hearings. Procedures for appeals shall be as prescribed by Article 46.

## **Article 41 C Use Permits (Coastal Zone – Exclusive of Downtown)**

### **Sections:**

- 4111 Purpose
- 4112 Uses Requiring Conditional Use Permit
- 4113 Trailers or Equipment Vans
- 4114 High Rise Structures
- 4115 Expandable Homes
- 4116 Residential Uses in Commercial Zones
- 4117 Office and Commercial Uses in Industrial Zones
- 4118 Travel Trailer Parks
- 4119 Churches in Industrial Zones
- 4120 Time Share Resorts

#### **4111 Purpose**

The following uses, and all matters directly related to such uses, are declared to be possessing such unique and special characteristics as to make it impractical for them to be automatically included within some or any of the zoning districts defined in this ordinance. The location and operation of any of these uses within the Coastal Zone - exclusive of the Downtown District - shall be subject to the review and issuance of either an Administrative Conditional Use Permit or a Conditional Use Permit (CUP), pursuant to Article 41.

#### **4112 Uses Requiring Conditional Use permit**

The following uses require conditional use permits within the zones indicated. Such permits shall be issued in accordance with the provisions of this Ordinance.

- (1) Allowed within zone by right.
- (X) Allowed within the zone after granting of CUP.
- (A) Allowed within the zone after granting of ACUP.
- (no mark) Not allowed within zone.



	F	O	R1	R3	RT	OP	C1	C2	M1	VC	H
Airports, heliports, landing fields					X	X	X	X	X		
Ambulance services						X		X			
Amusement parks					X		X			X	
Apartments – 20 units +				X	X	X	X	X			
Apartments – less than 20 units (per R-3)				1	1	X	X	X			
Arcades								X			
Automobile service stations							X	X	X	X	
Bars and cocktail lounges (not associated with restaurant)								X		X	
Bathhouses								X			
Boat building, indoor construction only, outside rigging areas permitted									X		
<u>Breweries, Craft</u>											
<u>Tier 1</u>								A			
<u>Tier 2 and/or abutting residential zones, churches, or schools</u>								X			
Campgrounds and recreation vehicle parks		X						X			
Car washes								X			
Card rooms								X			
Cemeteries		1									
Churches and accessory uses			X	X	X	X	X	X	X		
Clubs, lodges etc.											
(a) Nonprofit –neighborhood;			X	X	X	X	X	X			
(b) Nonprofit regional; (c) Profit					X	X	X	X			
Columbariums, crematories, mausoleums, mortuaries		X			X	X	X	X			
Convenience food stores							X	X		X	
Dance halls/ Dance establishments								X			
Day Care Facilities		X	X	X	X	X	X	X	X		
Drive-in facilities					X		X	X		X	
Escort services – include “out-call”					X			X			
Expandable home			X	X	X						
Food and Beverage Kiosk					X		X	X		X	
Miniature golf courses, driving ranges (separate from standard golf course)					X		X	X			
Golf course (public or private)		1	X	X	X	X	X	X			
Greenhouses (no retail sales in R-1)								X			
Gun shops								X			
High-rise structures (subject to provisions of Section 4113)			X	X	X	X	X	X	X	X	
Hospitals			X	X	X	X	X	X			
Hotels and motels					X		X	X		X	
Industrial uses not listed in M1 Zone									X		

	F	O	R1	R3	RT	OP	C1	C2	M1	VC	H
Kennels								1	1		
Light equipment rental yards						X		X	1		
Liquor Stores							X	X		X	
Locker clubs								X			
Massage establishments								X			
Mini storage/ self storage facilities								X	X		
Mobile home parks			X	X							
Motor vehicle rental/sales (automobile, motor bike/cycle rentals, truck, trailer, camper, motorcycle, new or used sales, rentals or swap lots)								X	X		
Natural mineral resources development	X	X	X	X	X	X	X	X	X		
Parking lots or structures (commercial)					X	X	X	X	X	X	
Pawnshops								X			
Poolrooms, billiard rooms, shooting galleries								X			
Private security agency						X	X				
Public buildings or lands owned and/or operated by Federal, State, County or City	X	X	X	X	X	X	X	1	1	X	
Public utility stations, yards, wells and other similar facilities; electrical receiving and/or transforming stations	X	X	X	X	X	X	X	X	X	X	
Race tracks (animal or auto), rodeos, fairground and similar facilities								X	X		
Radio and television transmitters – commercial								X	X		
Recreation facilities (private commercial)		1					X	X	X	X	
Residential Care, General			X	X							
Restaurant Fast Food					X		X	X		X	
Riding and/or boarding stables, riding schools and related uses (min. site area 2 ac)			X								
Sanitary land fills	X	X	X	X	X	X	X	X	X		
Schools and Colleges		1	X	X	X	X	X	X			
Secondhand stores							X	X			
Self-service Laundromats							X	X			
Sewage disposal plants			X	X	X	X	X	X	X	X	
Shooting gallery								X			
Signs over 35 feet			X	X	X	X	X	X	X		
Swap lots								X			
Theaters – open air, drive-ins						X		X			
Theaters								X			
Temporary trailer or equipment vans (See Section 4113)			X	X	X	X	X	X	X		
Time-share resort projects					X					X	X
Trade, specialty schools						X	X	X	X		
Warehouses – self-storage									X		

	F	O	R1	R3	RT	OP	C1	C2	M1	VC	H
Wineries, Craft											
<u>Tier 1</u>								<u>A</u>			
<u>Tier 2 and/or abutting residential zones,</u> <u>churches, or schools</u>								<u>X</u>			
Worm farms			X								

#### 4113 Trailers or Equipment Vans

- (1) Temporary trailer or equipment vans will only be allowed for use by financial institutions, industrial plants, public agencies or public utilities.
- (2) Prior to the filing of a conditional use permit application, the applicant shall first obtain on the application the endorsement of the Building Official, that the use would be proper within the requirements of the Building Code of the City of Oceanside.
- (3) Approval of this use shall be given on a one-year basis and a six-month extension may be granted by the Planning Commission if it is necessary to complete arrangements for construction of a permanent structure to house the use.
- (4) All utility services shall be connected in conformity to the City Building Code requirements.
- (5) Sanitation facilities shall be connected to sewer or shall utilize a self-enclosed independent system unless toilet facilities are available to the applicant on the premises or the person by whom the work is performed.
- (6) No living quarters will be allowed in the trailers or vans.

#### 4114 High Rise Structures

- (1) The Planning Commission shall determine from the evidence presented at the hearing that all of the following facts exist:
  - (a) The proposed building or structure at the particular location and under the proposed conditions of development has complied with good planning practices, including provisions for height, building bulk, yards, open space, lot coverage, grading and related public health, safety and convenience features, and will provide for the preservation of the general welfare of the community as if developed to the height limits imposed by the provisions of the appropriate zone.
  - (b) The proposed building or structure will comply with the regulations and conditions specified in the Building Code for such structures.

- (c) The granting of an exception will not adversely affect any adopted plan of any governmental agency.
- (2) The Planning Commission may modify or further restrict setback requirements, maximum height, off-street parking, and landscaping requirements upon a specified finding being made that it is necessary to provide for a more aesthetically pleasing project or necessary for the preservation of health, safety, peace or general welfare of persons living in or near the project.

#### **4115 Expandable Homes**

Expandable homes may be permitted subject to meeting the following criteria:

- (1) This provision shall apply only to subdivisions of five or more lots.
- (2) All exterior walls shall be completed as part of the initial construction.
- (3) All necessary building and electrical permits will be required prior to the finishing of any unfinished room(s).
- (4) All unfinished rooms shall be sealed off until completed.
- (5) All plumbing shall be capped off.
- (6) All electrical circuits shall be cut off at the panel.
- (7) The Planning Commission may add additional requirements to insure adequate safety and compatibility to the existing neighborhood.

#### **4116 Residential Uses in Commercial Zones**

Residential dwelling units may be permitted in the C-2 and C-1 zones subject to the following criteria:

- (1) The residential use is a secondary use to an office or commercial use.
- (2) The residential unit shall be located above or on the same lot as the primary commercial use.
- (3) The total number of units shall not exceed the formula of one dwelling unit per 1,000 square feet of lot area.
- (4) For new construction off-street parking shall be provided at a ratio of one space for each dwelling unit. Twenty-five percent (25%) of the parking spaces required by the office or commercial use may be included within the parking spaces provided by the residential units.

- (5) For existing structures no additional parking need be provided when the Planning Commission finds that adequate off-site parking is provided elsewhere in close proximity to the property.

#### **4117 Office and Commercial Uses in Industrial Zones**

Office and commercial uses not specifically listed within any of the industrial zones may be permitted in any industrial zone subject to the approval of a Conditional Use Permit and under the following criteria:

- (1) The amount of square footage to be used for office and commercial uses shall not exceed 25% of the gross floor area of any development as shown on a development plan or 25% of any freestanding building not part of a development plan.
- (2) Off-street parking shall be in accordance with applicable parking ordinance provisions.
- (3) The uses shall not interfere with the primary industrial uses located in the area.
- (4) An applicant may request that the Planning Commission waive the maximum square footage requirement if it can clearly be shown that the proposed use would comply with the spirit and intent of this section.
- (5) As part of the application package the names and addresses of all owners and tenants within 300 feet of the proposed use shall be submitted.
- (6) The above requirement will not be required if, as part of an approved master development plan, office and commercial uses have been clearly delineated as approved uses.

#### **4118 Travel Trailer Parks**

Travel Trailer Parks may be established, after issuance of a Conditional Use Permit, under the following criteria:

- (1) The General Plan designation must be High Density Residential.
- (2) Zoning must be R-3.
- (3) The number of spaces in any one park may not exceed twenty-five (25) trailers. When located within an existing mobile home park, the number of travel trailers shall not exceed twenty-five (25) or twenty-five percent (25%) of the total number of mobile home spaces in the park whichever is less.
- (4) All units must meet applicable health and safety codes.
- (5) Restroom and shower facilities must be provided within a reasonable distance from the travel trailers.

- (6) Off-street parking at a ratio of one space per unit shall be provided.
- (7) Landscaping shall be provided on a ratio of thirty-five percent (35%) of the lot area.
- (8) A six-foot masonry wall surrounding a travel trailer park shall be provided.
- (9) A waiver to the development standards identified above shall be considered if the park is created as a result of the displacement by a governmental agency of low and moderate income units located within the City of Oceanside.

#### **4119 Churches in Industrial Zones**

Churches may be established in the M-1 after issuance of a Conditional Use Permit, under the following criteria:

- (1) The location proposed is not in an area considered "prime" for immediate industrial development.
- (2) Parking must be provided as required by the parking regulations for churches, except that the parking may be shared with other industrial users in the vicinity if it can be shown that the uses will not be occurring simultaneously.
- (3) Buildings shall meet the requirements of the Uniform Building Code for church occupancies.
- (4) The church activities must not interfere with the primary industrial uses in the area.

#### **4120 Time Share Resorts**

Time-share resort projects may be permitted under the zoning standards of the respective zone and other applicable City policies with the issuance of a Conditional Use Permit provided the following requirements are met:

- (1) A time-share resort project shall comply with the adopted plans, goals, objectives, policies and regulations of the City of Oceanside.
- (2) A time-share resort project shall file a Tentative Map and comply with Sections all other relevant sections of the Comprehensive Zoning Ordinance and Subdivision Ordinance.
- (3) Time-share resort projects shall have primary automobile access on a collector or higher rated roadway as identified on the City Master Street Plan. For purposes of this section, The Strand shall be considered a collector roadway.

- (4) Parking for time-share resort projects. Parking spaces shall be provided at a ratio of one space per bedroom. Guest parking for time-share resort projects shall be provided at a ratio of one space for the first one to five time-share units; and thereafter, at a ratio of one space per five time-share resort units.
- (5) A time-share resort project application shall submit the following plans to address and mitigate the unique land use impacts of time-share resort projects.
  - (a) Sales Plan – A Sales Plan shall address the times, areas and methods that will be used to sell the time-share resort estates or uses. Factors to the defined in the plan shall include, but are not limited to: the location, length, and marketing methods that will be utilized to include definitions as to on-site and off-site marketing and signage; and a discussion as to the potential numbers of individuals and automobiles expected during various stages of the sales effort and mitigation measures.
  - (b) Management Plan – A Management Plan shall describe the methods employed by the applicant or his/her assignee to guarantee the future adequacy, stability, and continuity of a satisfactory level of management and maintenance of a time-share resort project. Means by which the City can service the project to protect the public health, safety, and general welfare shall be defined.
  - (c) Contingency Plan – A Contingency Plan shall address the actions to be taken by the applicant or his/her assignee if the time-share resort project is an economic failure, or fails to sell 50% of the time-share resort estates or uses within two (2) years of receiving a permit to occupy the first unit.
  - (d) Conversion Plan – If a time-share resort project application involves conversion of existing residential dwellings, a Conversion Plan shall be required consistent with City Policy.