

CALIFORNIA COASTAL COMMISSION

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F19a

LCP-6-OCN-20-0048-1 (Article 41 Revisions)

October 9, 2020

EXHIBITS

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RESOLUTION NO. 18-R0395-1

A RESOLUTION OF THE CITY COUNCIL AND COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF OCEANSIDE AMENDING THE LOCAL COASTAL PROGRAM BY REPEALING ARTICLES 5, 7, 8, 10, 11, 12, 14, 14.5, 17, 32, 34, 40 AND 41 OF THE 1986 ZONING ORDINANCE AMENDING ARTICLES 10, 11, 13, 30 AND 41 OF THE COMPREHENSIVE ZONING ORDINANCE AND REQUESTING CALIFORNIA COASTAL COMMISSION CERTIFICATION OF ARTICLES 10C, 11C, 13C, 30 AND 41 AS PART OF THE LOCAL COASTAL PROGRAM

(City of Oceanside --Applicant)

(LCPA16-00005)

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

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

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

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

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

WHEREAS, the Planning Division has prepared recommendations for text amendments in order to consolidate applicable 1986 Zoning Ordinance standards for

EXHIBIT NO. 1
Resolution No. 18-R0395-1
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1 industrial base zoning districts as well as administrative procedures within the City's updated
2 Zoning Ordinance and establish Zoning Ordinance Articles 10C, 11C, 13C, 30 and 41 as part of
3 the Implementation Plan of the LCP; (ZA16-00008, LCPA16-00005); and

4
5 WHEREAS, on May 21, 2018 and June 11, 2018, the Planning Commission conducted
6 duly-noticed public hearings as prescribed by law and recommended City Council approval of
7 said zoning ordinance text amendment and Local Coastal Program amendment by unanimous
8 vote; and

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

13 WHEREAS, the City Council and Community Development Commission conducted a
14 joint duly-noticed public hearing on August 8, 2018, to consider Zone Amendment (ZA16-
15 00008) and Local Coastal Program Amendment (LCPA16-00005), and the recommendation of
16 the Planning Commission thereon, and heard and considered written and oral testimony
17 regarding the proposed amendments; and

18 WHEREAS, based upon such evidence, testimony and staff reports, this Council finds
19 that the Local Coastal Program Amendment (LCPA16-00005) conforms with and is adequate to
20 carry out the land use plan of the Local Coastal Program.

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

- 23 1. Pursuant to Public Resources Code §30510(a), the Oceanside City Council hereby
24 certifies that the Local Coastal Program Amendment (LCPA16-00005) is intended to be
25 carried out in a manner fully in conformity with the Coastal Act, and is hereby adopted.
- 26 2. Pursuant to the California Environmental Quality Act of 1970, and the State Guidelines
27 thereto amended to date, a Notice of Exemption has been issued for the project by the
28 Resource Officer for the City of Oceanside.
- 29 3. Pursuant to Coastal Commission Local Coastal Program Regulations §13551(b), this

Local Coastal Plan Amendment shall take effect upon Coastal Commission approval.

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

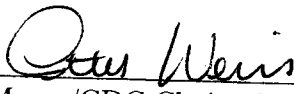
PASSED AND ADOPTED by the Oceanside City Council/Community Development Commission this 8 day of August, 2018, by the following vote:

AYES: Weiss, Feller, Kern, Lowery

NAYS: Sanchez

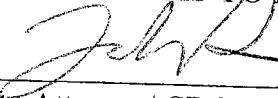
ABSENT: None

ABSTAIN: None



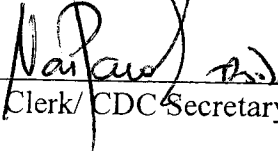
Mayor/CDC Chair of the City of Oceanside

APPROVED AS TO FORM:



City Attorney/ CDC General Counsel

ATTEST:



City Clerk/ CDC Secretary

RECEIVED
SEP 11 2018
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

ORDINANCE NO. 18-OR0424-1

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE REPEALING ARTICLES 5, 7, 8, 10, 11, 12, 14, 14.5, 17, 32, 34, 40, 41 OF THE 1986 ZONING ORDINANCE AND AMENDING ARTICLES 10, 11, 13, 30 AND 41 AND ADDING ARTICLES 10C, 11C, 13C TO THE COMPREHENSIVE ZONING ORDINANCE

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

WHEREAS, the Planning Division has prepared recommendations for text amendments to the 1992 Oceanside Zoning Ordinance (ZA16-00008) in order to consolidate applicable 1986 Zoning Ordinance standards for residential, commercial and industrial base zoning districts as well as administrative procedures within the City's updated Zoning Ordinance and establish Zoning Ordinance Articles 10C, 11C, 13C, 30 and 41 as part of the Implementation Plan of the Local Coastal Program (LCP) upon certification of (LCPA16-00005) by the California Coastal Commission; and

WHEREAS, on May 21, 2018 and June 11, 2018, the Planning Commission conducted duly-noticed public hearings as prescribed by law and recommended City Council approval of said zoning ordinance text amendments by unanimous vote; and

WHEREAS, the City Council conducted a duly-noticed public hearing on August 8, 2018, to consider Zone Amendment ZA16-00008, and the recommendation of the Planning Commission thereon, and heard and considered written and oral testimony regarding the proposed Zone Amendment; and

WHEREAS, based upon such evidence, testimony and staff reports, this Council finds that Zone Amendment ZA16-00008 conforms to the General Plan and Local Coastal Program of the City of Oceanside; and

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

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

EXHIBIT NO. 2
Ordinance No. 18-ORO424-1
 LCP-6-OCN-20-0048-1 California Coastal Commission

1 **SECTION 1.** Zone Amendment (ZA16-00008), repealing articles 5, 7, 8, 10, 11, 12,
2 14, 14.5, 17, 32, 34, 40 and 41 of the 1986 Zoning Ordinance and amending Articles 10, 11, 13,
3 30 and 41 of the Comprehensive Zoning Ordinance in order to establish Articles 10C, 11C, 13C
4 and 41 as part of the Implementation Plan of the City's Local Coastal Program, as specified in
5 Exhibit A and B, is hereby adopted.

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

9 **SECTION 3.** Severability.

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

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

8 **SECTION 5.** For properties within the Coastal Zone, this ordinance shall be effective
9 upon certification of Local Coastal Plan Amendment (LCPA16-00005) by the California Coastal
0 Commission. Development proposals "in the pipeline" with complete application submittals
1 shall not be subject to the amended zoning regulations unless re-filed as new project applications
2 after the effective date of the ordinance. For properties outside of the Coastal Zone, this
3 ordinance shall be effective 30 days after its adoption.

4 INTRODUCED at a regular meeting of the City Council of the City of Oceanside,
5 California, held on the 8 day of August , 2018, and, thereafter,

6 ///
7 ///
8 ///
9 ///

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

(Bold/underlined/italicized or striken text indicates City Council adopted revision)
California Coastal Commission acceptance of a LCPA for coastal zone pro

EXHIBIT NO. 3
Proposed Changes
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CITY OF OCEANSIDE COMPREHENSIVE ZONING ORDINANCE

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~~ proposals involving conditional use(s) or variance(s) to the Planning Commission or Community Development Commission, as the case may be, 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:

(Bold/underlined/italicized or striken text indicates City Council adopted revisions, in effect in inland areas only. California Coastal Commission acceptance of a LCPA for coastal zone properties is currently pending)

CITY OF OCEANSIDE COMPREHENSIVE ZONING ORDINANCE

- 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.

CITY OF OCEANSIDE COMPREHENSIVE ZONING ORDINANCE

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. *Use permits and variances run with the land.* The validity of a use permit or a variance shall not be affected by changes in ownership.

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- D. Discontinuance. ~~A use permit or~~ ***and*** variances ***do not expire automatically*** 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.