

CALIFORNIA COASTAL COMMISSION

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LCP-6-OCN-21-0066-1 (Cannabis Regulations II)

February 10, 2022

EXHIBITS

Table of Contents

EXHIBIT 1: Ordinance No. OR0476-1

ORDINANCE NO. 21-OR0476-1

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE, CALIFORNIA AMENDING OCEANSIDE ZONING ORDINANCE ARTICLES 4, 4A, 12, 13 AND 36 AND CHAPTER 7 OF THE OCEANSIDE CITY CODE BY THE AMENDMENT OF ARTICLE XIII REGARDING CANNABIS FACILITIES AND

WHEREAS, the City of Oceanside, pursuant to its police power, may adopt regulations to protect the health, safety and welfare of the public, Cal. Const. art. XI, § 7, Cal. Govt. Code § 37100, and thereby is authorized to declare what use or condition constitutes a public nuisance; and

WHEREAS, Section 38771 of the California Government Code authorizes the City through its legislative body to declare actions and activities that constitute a public nuisance; and

WHEREAS, in 1970, Congress enacted the Controlled Substances Act (21 U.S.C. Section 801 et seq.) which, among other things, makes it illegal to import, manufacture, distribute, possess, or use marijuana ("cannabis") for any purpose in the United States and further provides criminal penalties for cannabis possession, cultivation and distribution; and

WHEREAS, the People of the State of California have enacted Proposition 215, the Compassionate Use Act of 1996 (codified at Health and Safety Code Section 11362.5 et seq.) (the "CUA"), which exempts qualified patients and their primary caregivers from criminal prosecution under enumerated Health and Safety Code sections for use of cannabis for medical purposes; and

WHEREAS, the California Legislature enacted Senate Bill 420 in 2003, the Medical Marijuana Program Act (codified at Health and Safety Code Section 11362.7 et seq.) ("MMPA"), as amended, which created a state-wide identification card scheme for qualified patients and primary caregivers; and

WHEREAS, on October 11, 2015, the Governor signed into law Senate Bill 643, Assembly Bill 266, and Assembly Bill 243, collectively referred to as the Medical Marijuana Regulation and Safety Act ("MMRSA"), effective January 1, 2016, which establishes a state licensing system for medical cannabis cultivation, manufacturing, delivery, and dispensing, regulating these activities with licensing requirements and regulations that are only applicable if cities and counties also permit cannabis cultivation, manufacturing, dispensing, and delivery



1 within their jurisdictions. Under the MMRSA, cities and counties may continue to ban medical
2 cannabis cultivation, manufacturing, dispensing, and/or delivery, in which case the new law
3 would not allow or permit these activities within the cities and counties; and

4 WHEREAS, marijuana remains a schedule I substance pursuant to federal law, 21 U.S.C.
5 § 812, Schedule 1 (c)(10), and federal law does not provide for any medical use defense or
6 exception (*Gonzales v. Raich*, 545 U.S. 1 (2005); *United States v. Oakland Cannabis Buyers'*
7 *Coop.*, 532 U.S. 483 (2001)); and

8 WHEREAS, in *City of Riverside v. Inland Empire Patients Health and Wellness Center,*
9 *Inc.*, 56 Cal. 4th 729 (2013), the California Supreme Court held that neither the CUA nor the
10 MMPA preempt local regulation; and

11 WHEREAS, the MMRSA expressly allows cities and counties to ban cannabis businesses
12 consistent with current state law, including *City of Riverside v. Inland Empire Patients Health*
13 *and Wellness Center, Inc.*, 56 Cal. 4th 729 (2013);

14 WHEREAS, the City Council added Chapter 7, Article XIII to the Oceanside City Code
15 on January 20, 2016 to prohibit cannabis cultivation and delivery activities within the City of
16 Oceanside for the express and specific purpose of preserving the City's authority to ban and/or
17 adopt future regulations pertaining to cannabis cultivation and delivery as is required by
18 California Health and Safety Code section 11372.777(c)(4), effective January 1, 2016, added by
19 the MMRSA; and

20 WHEREAS, on March 16, 2016, the Oceanside City Council added section 7.113 to
21 Chapter 7, Article XIII of the Oceanside City Code to permit and regulate medical cannabis
22 delivery services that originate from licensed dispensaries in other jurisdictions; and

23 WHEREAS, in adopting Ordinances [16-OR0041-1](#), and [16-OR0156-1](#), the City Council of
24 the City of Oceanside made findings regarding the impacts associated with commercial cannabis
25 activities and these findings are incorporated herein by reference and ratified; and

26 WHEREAS, Proposition 64 was adopted by the electorate on November 8, 2016 and
27 authorizes the personal cultivation of up to six cannabis plants in a private residence for non-
28 medical purposes; and

1 WHEREAS, Proposition 64 allows cities to enact reasonable regulations for the
2 cultivation of non-medical cannabis that occurs inside a residence or accessory structure and may
3 completely prohibit outdoor non-medical cultivation until such time as the California Attorney
4 General determines that the non-medical use of cannabis is lawful in California under federal
5 law. No such determination has yet been made; and

6 WHEREAS, Proposition 64 regulates the commercial activity of non-medical cannabis
7 enterprises and assigns certain state agencies with regulatory tasks regarding commercial non-
8 medical cannabis. Proposition 64 authorizes specified state agencies to issue licenses for
9 commercial non-medical cannabis businesses; and

10 WHEREAS, Proposition 64 includes Business and Professions Code section 26200 which
11 recognizes that a city may regulate or completely prohibit within its jurisdiction the establishment
12 or operation of one or more types of non-medical cannabis businesses licensed by the state; and

13 WHEREAS, at the time Proposition 64 was adopted, the City of Oceanside's permissive
14 Zoning Code does not list commercial cannabis activities as permitted uses in any zoning district
15 in the City and, therefore, such uses were not allowed anywhere in the City; and

16 WHEREAS, the City Council adopted Ordinance 17-OR0234-1 on April 19, 2017
17 prohibiting all commercial non-medical cannabis businesses; and

18 WHEREAS, the California State Legislature adopted SB 94 in June 2017. The budget
19 trailer bill took effect immediately and repeals the Medical Cannabis Regulation and Safety Act
20 ("MCRSA"), passed in 2015, and incorporates many of MCRSA's provisions into Prop 64. The
21 new comprehensive regulatory system, intended to regulate all commercial cannabis uses, is
22 called the Medicinal and Adult-Use Cannabis Regulation and Safety Act ("MAUCRSA"). SB
23 94 clarifies that cities and counties retain full land use authority as to cannabis businesses; cities
24 and counties may prohibit such businesses entirely, allow only some, or allow them with locally
25 developed regulations that fit local needs. SB 94 also establishes that local jurisdictions retain
26 the authority to regulate cannabis businesses, may take enforcement action concerning Fire and
27 Building Codes, conduct inspections, and implement audits.

1 WHEREAS, under SB 94, the state is now required to notify a local jurisdiction when it
2 receives an application for commercial cannabis activity in that jurisdiction. The city or county
3 then has 60 business days to notify the state whether the applicant is in compliance with local
4 regulations. Although proof of authorization from a city or county is not required, an applicant
5 may voluntarily include this information with its state application. The state is also prohibited
6 from issuing a cannabis license if issuance would violate any local ordinance; and

7 WHEREAS, on April 11, 2018, the City Council adopted Ordinance 18-OR0199-1 to
8 allow, subject to certain requirements and limitations, commercial medical cannabis businesses,
9 (excluding dispensaries) in specified industrial and agricultural zoning districts, subject to a
10 conditional use permit and the issuance of a Local License pursuant to Chapter 7, Article XIII of
11 the Oceanside City Code; and

12 WHEREAS, after a duly noticed public hearing conducted on June 20, 2018, the City
13 Council introduced an ordinance to amend articles 4, 14 and 36 of the Oceanside Zoning
14 Ordinance to: 1. allow commercial cultivation in the Agricultural zone subject to a Local License
15 and CUP, without a 1000 foot buffer otherwise required in Article 36 on the condition that
16 cultivation does not exceed 20 percent lot coverage; 2. to permit waivers of the 1000 foot
17 separation requirement for commercial cannabis businesses in the Industrial zone on a case by
18 case basis; and 3. clarify that the existing law does not allow cultivation in the Industrial zone.

19 WHEREAS, on June 20, 2018, the City Council also directed staff to draft amendments
20 to the Oceanside City Code and Zoning Ordinance to permit no more than two medical cannabis
21 delivery establishments (M-Type 9) located in Oceanside; and

22 WHEREAS, on August 8, 2018, the City Council adopted Ordinance No. 18-OR0399-1:
23 1. eliminating zoning ordinance text limiting medical cannabis cultivation and nursery facilities
24 to 22,000 square feet per legal lot but retaining the twenty percent lot coverage cap; 2. eliminating
25 the 1,000 foot buffer between all medical cannabis cultivation and nursery facilities; and 3.
26 allowing the waiver of locational requirements for medical cannabis facilities pursuant to Section
27 3605 of the Article 36 of the Zoning Ordinance; and 4. clarifying that the land use classification
28 definition for medical cannabis manufacturing excludes propagation of medical cannabis; and

1 WHEREAS, on September 5, 2018, the City Council adopted OR0449-1 amending
2 Chapter 7 of the Oceanside City Code and applicable provisions of the Oceanside Zoning Ordinance to
3 allow the City to issue no more than two Local Licenses and conditional use permits for medical cannabis
4 non-storefront delivery establishments (M-Type 9 Non-Storefront Retailer); and

5 WHEREAS, on August 21, 2019, the City Council adopted a resolution capping the number of
6 Local Licenses for cultivation to no more than the twelve identified at that council meeting and directed
7 staff to prepare appropriate amendments to the Oceanside City Code and Zoning Ordinance to allow the
8 twelve cultivators with Local Licenses and conditional use permits to engage in cannabis cultivation for
9 adult use; and

10 WHEREAS, on June 24, 2020, the City Council adopted Ordinance 20-OR0463-1 to allow adult
11 cannabis cultivation in certain districts.

12 WHEREAS, on August 5, 2020, the City Council approved placing a Cannabis Business tax on
13 the November 2020 General Municipal Election.

14 WHEREAS, on November 3, 2021, Measure M Cannabis Business Tax was approved by the
15 voters.

16 WHEREAS, on December 16, 2020, the City Council approved Resolution 20-R0707-1
17 establishing the initial Cannabis Business Tax rates pursuant voter approved Measure M.

18 WHEREAS, on March 24, 2021, the City Council approved Resolution 21-R0203-1 to add
19 language to the City Code pertaining to odor control and local license status

20 WHEREAS, pursuant to the provisions of the California Environmental Quality Act
21 (hereinafter "CEQA") (California Public Resources Code Sections 21000 et seq.) and State
22 CEQA guidelines (Sections 15000 et seq.), the City has determined that this Ordinance is exempt
23 pursuant to Section 15061(b)(3) of Title 14 the California Code of Regulations;

24 NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF OCEANSIDE DOES
25 ORDAIN AS FOLLOWS:

26 SECTION 1: The City Council finds that all the facts, findings, and conclusions set forth
27 above in this Ordinance are true and correct.
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1 SECTION 2: Amendments to Chapter 7, Article XIII, of the Oceanside City Code as
2 specified in Exhibit A are adopted.

3 SECTION 3: Zone Amendment (ZA21-00002) amending Articles 4, 4A, 12, 13 and 36 of
4 the Zoning Ordinance in Exhibit B are adopted.

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

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

14 SECTION 6. The amendments to the City Code shall be effective 30 days after adoption
15 for those areas outside of the Coastal Zone. Although this ordinance does not identify any zones
16 within the Coastal Zone where any commercial cannabis businesses may be established, the
17 amendments to Chapter 7 apply citywide. Therefore, the text amendments shall not be effective
18 within the Coastal Zone until the City Council adopts a resolution approving a local coastal
19 program amendment to amend these sections and said amendment is unconditionally certified by
20 the Coastal Commission.

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1 INTRODUCED at a regular meeting of the City Council of the City of Oceanside, California,
2 held on the 2nd day of June 2021, and, thereafter,

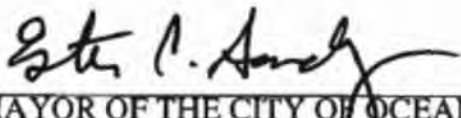
3 PASSED AND ADOPTED at a regular meeting of the City Council of the City of Oceanside,
4 California, held on the 16th day of June 2021 by the following vote: 4-1

5 AYES: KEIM, JENSEN, RODRIGUEZ, WEISS

6 NAYS: SANCHEZ

7 ABSENT: NONE

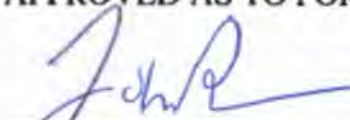
8 ABSTAIN: NONE

9 
10 MAYOR OF THE CITY OF OCEANSIDE

11 ATTEST:

12 APPROVED AS TO FORM:

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14 CITY CLERK

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16 CITY ATTORNEY
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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 rooming house/boardhouse, 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.
- 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.
- H. Transitional Housing. Buildings configured as rental housing developments but operated under program requirements that call for the termination of assistance and recirculation of assisted units to other eligible program recipients at some predetermined future point in time, which shall be no less than six months and no more than 24 months from initial occupancy. Transitional housing offers either on or off-site access to social services, counseling, and other programs to assist formerly homeless residents in the transition to permanent housing. This classification does not include facilities licensed for residential care by the State of California or homeless shelters.
- I. Supportive Housing. Rental housing developments receiving assistance under the Multifamily Housing Program regulated through California Code of Regulations, Title 25, Article 7, Section 4. Such housing is occupied by a target population, as defined by Health and safety Code Section 53260(d), and linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing has no limit on length of stay.

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.

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- 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. Housing with minimal supportive services for homeless persons that is limited to occupancy of 120 days or less in a 365-day period. No individual or household may be denied emergency shelter because of an inability to pay. 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.

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- 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. 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.
- W. 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 merchandises; 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.
- X. 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. This classification excludes Cannabis Nurseries.
- 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. This classification excludes Cannabis ~~Medical~~-Testing Laboratories.
- 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.
3. ~~Medical~~ Cannabis Delivery (~~M~~-Type 9 Non-Storefront Retailer). A ~~M~~-Type 9 licensed non-storefront retailer conducting retail ~~medical~~-cannabis sales exclusively by

delivery as defined in Business and Professions Code section 26001(p) and applicable state regulations. For the purpose of licensing, a ~~medical~~-cannabis delivery non-storefront shall not be considered a ~~medical~~ marijuana dispensary.

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 registered guests. A Bed and Breakfast may only serve breakfast, or similar early morning meals to its registered guests per Restricted Food Service Facility Regulations Section 113893 of the California Retail Food Code. The price of food must be included in the price of the overnight transient occupancy accommodation. Bed and breakfasts may include incidental amenities for registered guests including spa facilities or swimming pools.
 - (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. Cannabis Distribution Site. A location where cannabis obtained from a licensed cannabis cultivator or cannabis products from a licensed cannabis manufacturer is temporarily stored, prior to delivery to a licensed cannabis dispensary and as part of performing a cannabis distributor’s duties under state law. A cannabis distributor is a person engaged in the procurement, sale, and transport of cannabis and cannabis products between licensees.

B. Cannabis Manufacturing. The production, preparation and compounding of cannabis and cannabis products, without the use of a volatile solvent. Nonvolatile cannabis manufacturing includes and is not limited to the extraction of a substance from a cannabis plant with nonvolatile solvents, the infusion or mixture of cannabis into another substance, the preparation of an edible item that includes cannabis, and the packaging and labeling of cannabis or cannabis products. Nonvolatile cannabis manufacturing does not include cannabis cultivation.

C. Cannabis Testing Laboratory. Laboratory, facility, or entity that offers or performs tests of cannabis or cannabis products and that is both of the following: **(1) Accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity in the state. (2) Licensed by the state of California to perform cannabis testing consistent with Business and Professions Code section 26001.**

D. ~~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.

E. ~~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.

F. ~~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.

*Bold/underlined/italicized or stricken 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

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.

G. 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.

H. 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.

I. 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.

~~G. Medical Cannabis Distribution Site. A location where cannabis obtained from a licensed medical cannabis cultivator or medical cannabis products from a licensed medical cannabis manufacturer is temporarily stored, prior to delivery to a licensed medical cannabis dispensary and as part of performing a medical cannabis distributor's duties under state law. A medical cannabis distributor is a person engaged in the procurement, sale, and transport of medical cannabis and medical cannabis products between licensees.~~

~~H. Medical Cannabis Manufacturing. The production, preparation and compounding of cannabis and cannabis products, without the use of a volatile solvent. Nonvolatile cannabis manufacturing includes and is not limited to the extraction of a substance from a cannabis plant with nonvolatile solvents, the infusion or mixture of cannabis into another substance, the preparation of an edible item that includes cannabis, and the packaging and labeling of cannabis or cannabis products. Nonvolatile cannabis manufacturing does not include medical cannabis cultivation.~~

~~I. Medical Cannabis Testing Laboratory. Laboratory, facility, or entity that offers or performs tests of medical cannabis or medical cannabis products and that is both of the following: (1) Accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity in the state. (2) Licensed by the state of California to perform medical cannabis testing consistent with Business and Professions Code section 26001.~~

416 Agricultural and Extractive Use Classifications

- A. Agricultural Accessory Structure. Structures that are incidental to the principal permitted or conditionally permitted agricultural use or structure on a site and are customarily on the same site. This classification includes shade structures, hay barns, animal enclosures such as corrals or pens, and agricultural related accessory structures, but excludes horse stables and greenhouses.
- B. Agricultural Food and Product Processing, Limited. Agricultural establishments primarily engaged in the manufacturing or processing and packaging of food or non-alcoholic beverages for human consumption and distribution or agricultural materials, non-food crops, commodities, or bi-products into products, including craft or artisan goods, for retail sale or distribution. The facility shall be accessory to a farm or ranch where the food or product processing involves a primary or signature ingredient produced on the premises or within southern California. Additional ingredients shall be sourced locally or regionally when available. Tours, tastings, sampling and retail sales may be permitted as an accessory use only. Tasting rooms shall not exceed 25% of the square-footage of the facility or 2,500 square-feet, whichever is less. This classification excludes Cannabis Cultivation Facilities.
- C. Agricultural Home Stay. Overnight visitor accommodations located on a farm or ranch that produces agricultural products as its primary source of income. A Home Stay facility shall have six or fewer guestrooms and is restricted to a maximum of 15 guests. The homestay may serve meals and light foods or snacks to its registered guests at any time per Restricted Food Service Facility Regulations Section 113893 of the California Retail Food Code. A home stay established within an existing house or detached structure(s) shall be permitted. Home Stays may include incidental amenities for registered guests including spa facilities or swimming pools.
- D. Agricultural Sales Stand. A 500 square-foot or less sales stand accessory to a property devoted to the growing of agricultural crops that are offered for sale on the premises. Sales

shall be limited to agricultural products. No other merchandise shall be offered. All agricultural products sold at the site must be grown by the operator either on the site, or within the region.

- E. Agricultural Sales Store. A store or stand larger than 500 square-feet for the retail sale of agricultural products primarily produced on the premises of a farm or ranch, within southern California. Retail sales of merchandise that is produced by or affiliated with the agricultural operation or has an agricultural theme, including artisan goods, may be permitted as an accessory use only.
- F. Agricultural Supply Services. Retail sale of products supporting agricultural uses including, but not limited to , tack, feed and hay, seed, soil and mulch, hardware, farm equipment, machinery, irrigation supplies, and similar support services for farming operations.
- G. Animal Boarding. Provision of shelter and care for domestic farm animals or domestic animals on a commercial basis. This classification includes activities such as feeding, exercising, grooming, and incidental medical care.
- H. 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.
- I. 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, and dairy farming. For purposes of this section, domestic farm animals includes horses, donkeys, llamas, alpacas, mules, cows, sheep, goats, hogs. Similar animals shall be permitted subject to review and approval by the City Planner. Domestic animals and Exotic animals as defined in Article 3 of the Zoning Ordinance are excluded from this section.
- J. 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.
- K. Aquaculture. Facility dedicated to the propagation, cultivation, maintenance, and harvesting of fish, shellfish and plants in marine, brackish, and fresh water. This classification includes aquaponics defined as the symbiotic cultivation of plants and aquatic animals in a balanced recirculating environment. Aquaculture is subject to registration and approval by the California Department of Fish and Wildlife.
- L. Aviculture. The breeding and keeping of domestic birds including chicken, turkey, ostriches, goose, fowl, pheasant, quail, pigeons, and similar birds. This classification excludes exotic animals.
- M. Bee Keeping. The keeping of bees shall be permitted pursuant to Section 29000 of the

California Food and Agriculture Code. An apiary is defined as a managed honey bee colony(s) or hive(s) that are kept in a structure(s) intentionally provided for honey bee housing, shall be located a minimum of 50-feet from roads and 100 feet from neighboring dwelling units. An apiary with more than 20 colonies shall be located 100 feet from roads and 300 feet from neighboring dwellings. Beekeepers shall register the apiary with the San Diego County Agricultural Commissioner within 30 days of establishing the apiary. Beekeepers shall follow best management practices prescribed by the Agricultural Commissioner.

- N. Campgrounds. An area of an agricultural property dedicated for short term camping as either day use or overnight use. Campsites may include tents, temporary shelters, or permanent structures such as cabins. Restroom facilities shall be provided on the premises. Trailer and RV sites may be provided, but shall not exceed 25% of the designated camp sites. For the purposes of this section, “short term camping” shall mean occupancy of a campground by the same persons, equipment, or vehicles for a maximum time limit of 7 consecutive days, not to exceed a total of 30 days in any calendar year. No campground shall be located closer than one thousand, five hundred (1,500) feet from any other campground as measured in a straight line from the defined boundary of each campground.
- O. Commercial Recreation, Outdoor. The use of agricultural properties for outdoor recreational activities including, but not limited to hiking, biking, axe throwing, archery, zip lines, and similar uses.
- P. Composting. A facility where agricultural material or green material is decomposed in a controlled environment into compost, soil amendment, or other products. “Agricultural Material” means waste material of plant or animal origin, which results directly from the conduct of agriculture, animal husbandry, horticulture, aquaculture, vermiculture, viticulture and similar activities undertaken for the production of food or fiber for human or animal consumption or use, which is separated at the point of generation, and which contains no other solid waste. Material that is defined as “food material” or “vegetative food material” is not agricultural material. Agricultural material includes, but is not limited to, manures, orchard and vineyard prunings, grape pomace, and crop residues. “Green Material” means any plant material except food material and vegetative food material that is separated at the point of generation, contains no greater than 1.0 of percent physical contaminants by dry weight. Green material includes, but is not limited to, tree and yard trimmings, untreated wood wastes, natural fiber products, wood waste from silviculture and manufacturing, and construction and demolition wood waste. Green material does not include food material, vegetative food material, biosolids, mixed material, material separated from commingled solid waste collection or processing, wood containing lead-based paint or wood preservative, or mixed construction and demolition debris. Agricultural material that meets this definition of “green material” may be handled as either agricultural material or green material. Additional materials not specifically listed may be considered as part of a use permit.
- Q. 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. Cannabis Cultivation Facilities are excluded from the definition of Crop Production.

- R. 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.
- S. Educational Programs. An educational program or facility accessory to a farm or ranch dedicated to teaching students about agriculture, food, natural resources, as well as research and development. Programs are typically affiliated with schools or organizations or operated by the proprietor of the farm or ranch. This classification excludes intermittent field trips or visits to a farm or ranch by schools or organizations unless the field trips are considered part of an enterprise.
- T. Farm Brewery. A small-scale craft beer manufacturing facility that includes floor area for product sampling and retail sales of beer primarily produced on the premises. The facility shall be accessory to a farm or ranch where a primary or signature ingredient is produced on the premises or within southern California. Additional ingredients shall be sourced locally or regionally when available. A farm brewery shall produce a minimum output of 2,000 barrels annually and shall not exceed a maximum output of 16,000 barrels annually (with a barrel of beer equal to 31 U.S. gallons). A craft brewery shall not occupy more than 15,000 square feet of floor area. Tours, tastings and retail sales may be permitted as an accessory use only. A craft brewery must contain an ancillary tasting and/or retail component that comprises no less than 20 percent and no more than 40 percent of the facility’s total floor area.
- U. Farm Distillery. A small-scale craft distilled spirits manufacturing facility that includes floor area for product sampling and retail sales of distilled spirits primarily produced on the premises. The facility shall be accessory to a farm or ranch where a primary or signature ingredient is produced on the premises or within southern California. Additional ingredients shall be sourced locally or regionally when available. A farm distillery shall produce no more than 120,000 750 ml bottles per year or 100,000 gallons, whichever is less. A craft farm distillery shall not occupy more than 15,000 square feet of floor area. Tours, tastings and retail sales may be permitted as an accessory use only. A farm distillery must contain an ancillary tasting and/or retail component that comprises no less than 20 percent and no more than 40 percent of the facility’s total floor area. Direct sales of bottles shall be limited to no more than 2.25 liters per day per customer who has attended an instructional tasting conducted by the craft licensee.
- V. Farm Tours. An agricultural operation that allows the general public to tour farm or ranch facilities for recreational or educational purposes. Farm tours are generally guided group tours conducted by a representative of the farming operation. The sale of agricultural products or related merchandise shall be subject to the provisions for Agricultural Sales Stands or Agricultural Sale Stores. Farm tour operations shall be subject to the performance standards outlined in Article 14 of the Zoning Ordinance. A designated parking area shall be provided on the property.

- W. Farmworker Housing. Farmworker housing, as defined in Section 17008(a) of the California Health and Safety Code, may be provided by the employer and maintained in connection with the work or place where work is being performed and must comply with all provisions of Section 17000 of the California Health and Safety Code. Farmworker housing not maintained in connection with any workplace and provided by someone other than an agricultural employer must comply with all provisions of Section 17008(b) of the California Health and Safety Code.
- X. Cannabis Cultivation Facility means a facility wherein cannabis is propagated, planted, grown, harvested, dried, cured, graded, labeled, tagged for tracking or trimmed, or that does all or any combination of those activities. This definition excludes the cultivation of no more than six cannabis plants by a person twenty-one years of age or older for personal use in a private residence provided the cultivation is in a fully enclosed structure that is secure, not visible from a public space and otherwise exempt from state licensing requirements.
- Y. Cannabis Nursery means a facility that produces only clones, immature plants, seeds, and other agricultural products used specifically for the propagation and cultivation of cannabis.
- Z. 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.
- AA. Petting Zoo. A zoo accessory to a farm or ranch where visitors may handle and feed domestic farm animals in a controlled environment.
- BB. Research & Development Agricultural Products. Research, development, and controlled production of agricultural products or commodities for sale ancillary to a farm or ranch. This classification may include affiliated office, laboratory, and support facilities and a showroom and retail sales area when clearly secondary and associated with the farm or ranch. This classification excludes Cannabis Cultivation Facilities and Cannabis Nurseries per Section 1420.
- CC. Restaurants and Cafes, Farm. A restaurant or café located accessory to a farm or ranch where farm products and value-added farm products are the primary food offerings. Food prepared in the eating establishment shall be sourced on site or within the region to the extent possible. Facilities may include either indoor or outdoor eating areas. The sale of beer and wine for consumption on the premises shall be considered incidental. The sale of distilled spirits for consumption on the premises shall be permitted incidental to a bona fide eating establishment subject to approval of a Conditional Use Permit.

- DD. Retail Nursery. A nursery operation that grows and/or imports plants and trees for direct sale to consumers. This classification excludes Cannabis Nursery per Section 1420.
- EE. Seasonal Attractions. Activities or events occurring on a temporary basis during various growing seasons or holiday periods. Attractions include, but are not limited to, Christmas tree farms, pumpkin patches, and harvest events. A Special Event Permit shall be required. Agricultural crops that are exclusively produced on the premises of a farm or ranch and are offered for sale on the premises shall not be considered a seasonal attraction and can be conducted through and agricultural sales stand, agricultural sales store, or u-pick operation.
- FF. U-Pick. Farming operation that allows the general public to directly harvest and purchase produce or other products from a farm or ranch. U-pick operations shall be subject to the performance standards outlined in Article 14 of the Zoning Ordinance.
- GG. 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.

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.
- G. Transitional Housing. Buildings configured as rental housing developments but operated under program requirements that call for the termination of assistance and recirculation of assisted units to other eligible program recipients at some predetermined future point in time, which shall be no less than six months and no more than 24 months from initial occupancy. Transitional housing offers either on or off-site access to social services, counseling, and other programs to assist formerly homeless residents in the transition to permanent housing. This classification does not include facilities licensed for residential care by the State of California or homeless shelters.
- H. Supportive Housing. Rental housing developments receiving assistance under the Multifamily Housing Program regulated through California Code of Regulations, Title 25, Article 7, Section 4. Such housing is occupied by a target population, as defined by Health and safety Code Section 53260(d), and linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing has no limit on length of stay.

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.

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- 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. 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.

- P. 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).
 3. Animal Boarding. Provision of shelter and care for animals on a commercial basis. This classification
 4. 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.
- 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. 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. 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 10:00 p.m. and 7:00 a.m.
7. Hours of operations shall not extend beyond 10:00 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).

H. Cannabis Distribution Site. A location where cannabis obtained from a licensed cannabis cultivator or cannabis products from a licensed manufacturer is temporarily stored, prior to delivery to a licensed cannabis dispensary and as part of performing a

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cannabis distributor's duties under state law. A cannabis distributor is a person engaged in the procurement, sale, and transport of cannabis and cannabis products between licensees.

I. Cannabis Manufacturing. The production, preparation and compounding of cannabis and cannabis products, without the use of a volatile solvent. Nonvolatile cannabis manufacturing includes and is not limited to the extraction of a substance from a cannabis plant with nonvolatile solvents, the infusion or mixture of cannabis into another substance, the preparation of an edible item that includes cannabis, and the packaging and labeling of cannabis or cannabis products. Nonvolatile cannabis manufacturing does not include cannabis cultivation.

J. Cannabis Testing Laboratory. Laboratory, facility, or entity that offers or performs tests of cannabis or cannabis products and that is both of the following: (1) Accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity in the state. (2) Licensed by the state of California to preform cannabis testing consistent with Business and Professions Code section 26001.

K. ~~H.~~ 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.)

L. ~~I.~~ 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.

M. ~~J.~~ 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.

N. ~~K.~~ 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.

O. ~~L.~~ 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).

P. M. General Repair. The repair of small appliances, stereo equipment, electronic pieces and computer. This term does not include the repair of motor vehicles, motor cycles, lawnmowers or garden equipment.

Q. N. 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.

R. O. 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

S. P. 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. Q. 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.

~~R. Medical Cannabis Distribution Site. A location where cannabis obtained from a licensed medical cannabis cultivator or medical cannabis products from a licensed medical manufacturer is temporarily stored, prior to delivery to a licensed medical cannabis dispensary and as part of performing a medical cannabis distributor's duties under state law. A medical cannabis distributor is a person engaged in the procurement, sale, and transport of medical cannabis and medical cannabis products between licensees.~~

~~S. Medical Cannabis Manufacturing. The production, preparation and compounding of cannabis and cannabis products, without the use of a volatile solvent. Nonvolatile cannabis manufacturing includes and is not limited to the extraction of a substance from a cannabis plant with nonvolatile solvents, the infusion or mixture of cannabis into another substance, the preparation of an edible item that includes cannabis, and the packaging and labeling of cannabis or cannabis products. Nonvolatile cannabis manufacturing does not include medical cannabis cultivation.~~

~~T. Medical Cannabis Testing Laboratory. Laboratory, facility, or entity that offers or performs tests of medical cannabis or medical cannabis products and that is both of the following: (1) Accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity in the state. (2) Licensed by the state of California to preform medical cannabis testing consistent with Business and Professions Code section 26001.~~

U. 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.

V. 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.

W. 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.

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- a. 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.
- b. 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.
- i. All services shall be administered 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 spa's 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).
- c. 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.
- d. Small Scale. Establishments occupying no more than 5,000 square feet.
- X. Personal Services**. Provision of services of a personal nature. This classification includes: tattooing establishments, body piercing establishment, escort services, barber and beauty shops, bathhouses, 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.

Y. 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. This classification excludes **Medical Cannabis Testing Laboratories**.

Z. 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.

AA. 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.

BB. 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 and Beer Tasting. Retail establishments for the sale of bottled wine and/or beer which offer tasting and the sale for on-site consumption in connection with the

marketing of wines and beers offered for sale on the premises. With the exception the establishment produced of wine and beer, 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. Tasting shall only occur in an enclosed area not accessible for persons under the age of 21.

CC. 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.

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

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

FF. 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.
5. **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. 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.

GG. 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.

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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
 - 2. 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 1/26th 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 x (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:
- (i) All the specific restrictions listed in Sections 6(b) through (l) above;
 - (ii) Acknowledgement that these same restrictions are independently imposed as condition requirements of the coastal development permit;
 - (iii) 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 ensure 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). 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.

HH. 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 Conditional 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 10:00 p.m. and 7:00 a.m.
7. Hours of operations shall not extend beyond 10:00 p.m., unless extended hours of operation are approved through a Conditional Use Permit (CUP).

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 D Downtown District**Sections:**

- 1210 **District Boundaries and Specific Purposes**
- 1220 Land Use Regulations by Subdistrict
- 1230 Development Regulations
- 1231 Transit Oriented Development
- 1232 Downtown District Property Development Regulations
- 1233 Reserved
- 1234 Reserved
- 1235 Nonconforming Commercial Structures
- 1240 Review of Plans
- 1250 Amendments

1210 District Boundaries and Specific Purposes

The Downtown District boundaries are defined by the legal description included in the Redevelopment Plan, as amended thereon, for the Downtown Redevelopment Project, incorporated hereby by reference.

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 Downtown District (formerly known as 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 where appropriate.

Many uses defined and allowed under zoning standards for areas outside of the Downtown area are considered typical general commercial land uses that are non-controversial and require limited to no administrative review. The proposed zone text amendments will mirror many of the allowances for commercial uses in areas outside of the Downtown area.

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 where appropriate, as part of mixed use–development projects.

Subdistrict 2: To provide sites for a financial center supported by professional offices. Residential uses are permitted, where appropriate, as part of mixed-use development projects.

Subdistrict 3: To provide sites for office development, interspersed with residential stand-alone and/or mixed-use development, in response to market demands.

Subdistrict 4(A): To provide sites for transient and permanent stand-alone residential uses along the South Strand between Tyson and Wisconsin streets.

Subdistrict 4(B): To provide sites for transient (hotels and motels) and permanent stand-alone residential uses 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 oriented commercial businesses and visitor serving uses related to the harbor and the Interstate 5 freeway-

Subdistrict 6(B): To provide sites for highway oriented, commercial recreational businesses and visitor serving uses related to the harbor and the Interstate 5 freeway. Residential uses are allowed as part of mixed-use development projects.

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 development projects.

Subdistrict 8(A): To provide sites, primarily, for hospital and medical uses.

Subdistrict 8(B): To provide sites for hospital and medical uses, office development, interspersed with stand-alone residential development.

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, as stand-alone (except for row home development on lots fronting Coast Highway) and/or as part of mixed-use development projects.

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, primarily, for commercial uses serving the adjacent residential neighborhood. Residential uses are encouraged where appropriate, as stand-alone and/or as part of mixed-use development projects.

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, office, and uses. Residential uses are allowed as stand-alone and/or as part of a mixed-use development projects.

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 the following schedule, the letter "P" designates use classifications permitted in the D Downtown District. The letter "L" designates use classifications subject to certain limitations prescribed by the "Additional Use Regulations" that follow. The letter "U" designates use classifications permitted on approval of a Conditional Use Permit upon approval by the Community Development Commission. The letter “A” 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 visitor-serving uses. The “*” designates use classifications that are not permitted.

**1, 1A, 2, 3, 4A, 4B, 5, 5A, 6A,
6B, 6C, 7A, 7B, 8A, 8B, 9, 10, 11,
12, 13, 14, & 15 DISTRICTS
LAND USE REGULATIONS:**

P Permitted
U Use Permit
L Limited, (See Additional Use Regulations)
= Not Permitted
A Administrative Conditional Use Permit
AR Administrative Regulated Use Permit

Land Use	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	U	U	U	U	-	U	-	-	A	A	U	-	U	U	U	U	-	A	A	A	-	A	
Group Residential	-	-	-	-	-	-	-	-	-	-	-	-	-	U	-	-	-	-	-	-	-	-	
Live/work	U	U	U	U	-	U	-	-	A	A	-U	-	U	-	-	U	-	U	-	U	-	=	-
Multi - Family	-	-	-	U	P	U	P	P	-	-	-	P	-	P	U	U	-	U	-	U	-	-	
Residential Care	-	-	-	U	-	-	-	-	-	-	-	U	-	U	U	U	-	-	-	-	-	-	

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Exhibit "B"

ZA21-00002

Land Use	1	1A	2	3	4A	4B	5	5A	6A	6B	6C	7A	7B	8A	8B	9	10	11	12	13	14	15	
Single Family	-	-	-	-	P	-	P	P	-	-	-	P	-	-	-	-	-	-	-	-	-	-	
Public/Semi - Public																							
Club / Lodge	A	A	C	C	-	-	-	-	A	-	A	-	A	-	-	A	-	-	-	-	-	-	V
Cultural Institution	P	P	P	P	-	-	-	-	P	-	-	-	A	A	A	A	-	-	P	A	-	-	V
Day Care - General	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	-	P	P	P	P	P	
Emergency Health Care	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	U	-	-	-	-	-	-	
Government Offices	P	P	P	P	-	-	-	-	P	-	P	-	-	-	-	P	-	-	U	U	P	P	
Hospital	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	
Parks & Recreation Facility	U	U	-	U	U	-	U	U	P	P	P	U	U	U	U	U	U	-	U	U	P	P	V
Public Safety Facility	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	P	P	
Religious Assembly	-	-	U	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Residential Care - General	-	-	-	-	-	-	-	-	-	-	-	-	-	U	U	-	-	-	-	-	-	-	
Utilities - Major	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Wireless Communications Facilities - per Article 39																							

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Commercial

Land Use	1	1A	2	3	4A	4B	5	5A	6A	6B	6C	7A	7B	8A	8B	9	10	11	12	13	14	15	
Adult Businesses	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Ambulance Service	-	-	-	-	-	-	-	-	-	-	-	-	-	U	U	-	-	-	-	-	-	-	
Animal Boarding	A	A	A	A	-	-	-	-	A	A	A	A	A	A	A	A	-	A	A	A	-	-	
Animal Grooming	P	P	P	P	-	-	-	-	P	P	P	-	P	P	P	P	-	P	P	P	-	-	
Animal Hospitals	P	P	P	P	-	-	-	-	P	P	P	-	-	-	-	P	-	-	-	A	-	-	
Animal Product sales	P	P	-	P	-	-	P	-	P	P	P	-	P	P	P	P	-	P	P	P	-	-	
Artist Studio	P	P	P	P	-	P	-	-	P	P	P	-	P	-	-	P	-	P	P	P	P	-	V
Bank / Savings & Loan	P	P	P	P	-	-	-	-	P	P	P	-	P	-	-	P	-	P	P	P	P	-	
<u>Cannabis Facility</u>	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	
Drive-through/drive up	A	A	A	A	-	-	-	-	A	A	-	-	A	-	-	A	-	-	-	A	-	-	V
Self-service ATM	P	P	P	-	-	-	-	-	-	-	-	-	P	-	-	P	-	-	-	-	-	-	V
Bars and Cocktail Lounges	U	-	U	-	-	-	-	-	U	U	U	-	U	-	-	-	-	U	-	-	-	-	
Catering Service	A	A	A	-	-	-	-	-	-	-	-	-	-	-	-	A	-	-	-	-	-	-	
Commercial Recreation & Entertainment	A	-	A	A	-	-	-	-	P	P	A	-	P	-	-	A	A	A	A	A	P	-	V

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Exhibit “B”

ZA21-00002

Land Use	1	1A	2	3	4A	4B	5	5A	6A	6B	6C	7A	7B	8A	8B	9	10	11	12	13	14	15	
Craft Breweries																							
Tier 1	A	A	A	A	-	-	-	-	A	A	A	-	A	-	-	A	-	A	A	A	A	-	V
Tier 2	U	U	U	U	-	-	-	-	U	U	-	-	U	-	-	U	-	U	U	U	U	-	V
Craft Wineries																							
Tier 1	A	A	A	A	-	-	-	-	A	A	-	-	A	-	-	A	-	A	A	A	A	-	V
Tier 2	U	U	U	U	-	-	-	-	U	U	-	-	U	-	-	U	-	U	U	U	U	-	V
Liquor Stores	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Research and Development	P	P	P	P	-	-	-	-	P	P	P	-	P	P	P	P	-	P	P	P	P	-	
Restaurants Full Service	P	P	P	P	P	U	-	-	P	P	P	-	P	P	P	P	-	P	P	P	P	P	V
Restaurant Full Service with Full Alcohol	P	P	P	P	P	-U	-	-	P	P	A	-	P	A	A	P	-	P	P	P	P	P	V
Restaurants Full Service with Live Entertainment	P	P	P	P	P	U	-	-	P	P	P	-	P	P	-	P	-	P	P	P	P	P	V
Restaurants Fast food	P	P	P	P	P	U	-	-	P	P	A	-	P	P	P	P	P	P	P	P	P	P	V
Restaurants Fast Food with Drive-thru or Drive-up	-	-	-	-	-	-	-	-	U	U	U	-	U	-	-	-	-	-	-	U	-	-	
Food and Beverage Kiosk	-	-	-	-	-	-	-	-	P	P	A	-	P	-	-	-	-	-	-	A	P	P	
Food & Beverage Sales	P	P	P	P	P	-	-	-	P	P	A	-	P	A	A	P	-	P	P	P	P	-	

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Exhibit “B”

ZA21-00002

Land Use	1	1A	2	3	4A	4B	5	5A	6A	6B	6C	7A	7B	8A	8B	9	10	11	12	13	14	15	
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.	A	A	A	-A	A	-	A	-	A	A	A	-	A	-	-	-	-	C	A	A	A	-	V
Grocery/Neighborhood Market store less than 8,000 sq. ft.	P	P	P	-	€	-	P	-	P	P	P	-	P	-	-	-	-	P	P	P	P	-	V
Specialty Market	P	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	-	P	-	P	
Massage Establishments	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Medical Cannabis Facility	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	
Maintenance & Repair	-	-	-	-	-	-	-	-	P	P	A	-	A	-	-	-	-	-	-	-	-	-	
Marine Sales, Rentals, and Services	-	-	-	-	-	-	-	-	P	P	A	-	A	-	-	-	-	-	-	-	-	-	
Mixed Uses	U	U	U	U	-	-	-	-	U	U	U	-	U	-	-	U	-	U	U	U	U	-	
Pawn Shops	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Payday Loans/Paycheck Advance Establishment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	

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Exhibit “B”

ZA21-00002

Land Use	1	1A	2	3	4A	4B	5	5A	6A	6B	6C	7A	7B	8A	8B	9	10	11	12	13	14	15	
Offices	P	P	P	P	-	P	-	-	P	P	P	-	P	A	A	P	-	P	P	P	P	-	
Personal Improvement Services	P L1	P L1	P L1	P L1	-	P L1	-	-	P L1	P L1	P L1	-	P L1	P L1	P L1	P L1	-	P L1	P L1	P L1	-P L1	-	
Health/Club/Studio/Spa	P	P	P	P	-	P	-	-	P	P	P	-	P	P	P	P	-	P	P	P	P	A	
Day Spa	P	P	P	P	-	P	-	-	P	P	P	-	P	P	P	P	-	P	P	P	P	A	V
Accessory Massage	P	P	P	P	-	-	-	-	P	P	P	-	P	-	-	-	-	P	P	P	-	-	V
Personal Services	P L2	P L2	P L2	P L2	-	P L2	-	-	P L2	P L2	P L2	-	P L2	P L2	P L2	P L2	-	P L2	P L2	P L2	-	-	
General Repair	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-	
Tattooing Establishments	AR	-	AR	-	-	-	-	-	- AR	- AR	- AR	-	- AR	-	-	-	-	- AR	-	- AR	-	-	
Tobacco and Drug Paraphernalia Establishment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Retail Sales	P	P	P	P	-	P	-	-	P	P	P	-	P	P	P	P	-	P	P	P	P	A	V
Antiques, Antique Shop	P	P	P	-	P	-	-	-	P	C	P	-	P	C	C	P	-	P	C	C	P	-	V
Custom Retail	P	P	P	P	P	P-	-	-	P	P	P	-	P	-	-	P	-	P	P	P	P	-	V
Secondhand Collectibles and Clothing Sales	P	P	P	P	P	P	-	-	P	P	P	-	P	P	P	P	-	P	P	P	P	-	V

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Exhibit “B”

ZA21-00002

Land Use	1	1A	2	3	4A	4B	5	5A	6A	6B	6C	7A	7B	8A	8B	9	10	11	12	13	14	15	
Wine and Beer Tasting	A	A	A	A	A	-	-	-	P	A	A	-	A	-	-	A	A	A	A	A	A	-	V
Travel Services	P	P	P	P	-	P	-	-	P	P	P	-	P	-	A	P	-	A	P	P	P	P	V
Automotive Rental (small scale)	-	-	-	-	-	-	-	-	A	A	-	-	A	-	-	A	-	A	A	A	A	A	V

Visitor Accommodations

Bed & Breakfast	-	-	-	-	U	A	A	A	A	A	A	-	-	-	-	-	-	-	A	A	-	-	V
Hotel / Motel / Timeshare	U	U	U	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	U	U	U	-	V
Fractional Ownership Hotel	U	U	U	U	U	U	-	-	U	U	U	-	U	-	-	U	-	U	U	U	U	-	V
Condominium Hotel	U	U	U	U	U	U	-	-	U	U	U	-	U	-	-	U	-	U	U	U	U	-	V
Limited Use Overnight Visitor Accommodation	U	U	U	U	U	U	-	-	U	U	U	-	U	-	-	U	-	U	U	U	U	-	V

L1 - “Small-scale” facilities occupying no more than 5,000 square feet are allowed. All others require an Administrative Conditional Use Permit and Regulated uses are subject to compliance with Article 36.

L2 - “Small-scale” Establishments occupying no more than 2,500 square feet allowed by right, all others require the approval of an Administrative Conditional Use Permit.

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 allow any increase in the maximum height set forth in Additional Development Regulations subsection (N). 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 area within ½ mile from the property boundaries of the Oceanside Transit Center is designated a Transit Overlay District (TOD). The location, design, configuration, and mix of uses in the TOD is intended to provide 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 Downtown's underlying land use designations 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.

1232 D District Property Development Regulations

	Basic Requirements	Additional Regulations
Residential Development		(II)(JJ)(KK)
Base Density: Site Area Per Unit (sq. ft.)	1,500	(C)(D)
<u>Maximum Potential Density:</u> Site Area Per Unit (sq. ft.)	1,000	(C)(D)
Minimum Lot Area (sq. ft.)	5,000	(A)(B)(E)
Minimum Lot Width (ft.)	50	(E)
<u>Minimum Setbacks:</u> Front (ft.)	10	(E)(G)(L) (H)(K)

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D District Property Development Regulations (continued)

	Basic Requirements	Additional Regulations
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)
Signs	See Article 33	(GG)
Public Access to the Beach		(HH)
Minimum Site Landscaping	25%	(P)(Q)(R)(S)(<u>OO</u>)
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)(<u>NN</u>)
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)

	Basic Requirements	Additional Regulations
Nonresidential Development		(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	
Renewable Energy Facilities	See Section 3047	(MM)
Electric Vehicle Parking and Charging Facilities	See Section 3048	(NN)
Urban Forestry	See Section 3049	(OO)
Transportation Demand Management	See Section 3050	(PP)

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**D District:
Additional Development Regulations**

- (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 residential development within Subdistrict 5A is one dwelling unit per 1,500 square feet of site area.
- (D)
 - 1. Residential stand-alone and mixed-use development projects shall comply with the City’s inclusionary housing regulations, as outlined in Chapter 14C of the Oceanside Municipal Code.
 - 2. Residential stand-alone projects may achieve a density of 29 to 43 units per acre. The base density 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(s) situated 50% or more below grade is/are used in a residential project to provide all of the required parking. There is no density limit for residential mixed use developments.
 - 3. 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(s) exhibit excellence in design as described in Section 5 below. Residential projects with density below the base densities shall be considered to be consistent with the land use designation.
 - 4. Residential stand-alone projects that exhibit excellence in design and provide 75% of the required parking within an underground parking structure(s) situated 50% or more below finish grade, may be able to achieve a density up to 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.

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5. Residential stand-alone and mixed-use development proposal(s) that feature design characteristics which positively contribute to the aesthetic value and functionality of the surrounding area will be favorably considered in evaluating the project. Such characteristics include, but are not limited to the following:
- a High-quality architectural design and materials that mitigate the potentially adverse impacts of higher density and greater building height.
 - b High quality landscape/hardscape design and materials that soften the appearance of associated buildings and contribute to an attractive and pedestrian-friendly streetscape.
 - c Functional and appealing common open space areas.
 - d Consolidation of existing legal lots to provide unified site design.
 - e Initiation of residential development in appropriate commercial zones.
 - f Participation in the City's Conservation, Public Safety and/ or Historic Preservation programs.
 - g Innovative design and/or construction methods, which further the goals of the General Plan.
6. Property Development Regulations for Residential and Nonresidential uses shall serve as guidelines for mixed-use development proposals. Maximum density limits and floor-area ratio regulations are not applicable to the residential component of a mixed-use development. Deviations from development standards shall be evaluated and may be granted in accordance with additional regulation 1232 (KK) and 1232 D.5.
- (E) Lots within Subdistricts 5 and 9, which do not front upon North Coast Highway 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 which front North Coast Highway are not permitted for residential rowhome development.

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:

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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 and shall not be applied to any portion of a structure not intended for human occupancy (e.g. storage and equipment rooms, utility closets etc.) and/or parking garages. Mixed-use development proposals shall not be subject to maximum density restrictions.
- (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 does 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 floodplain 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.

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- 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 Coast Highway.
 - 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.

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- (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.

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- (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 for residential uses and designated employee parking areas

- (b) 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. Mixed-Use Development Plans within the Transit Overlay District may receive a 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 Downtown District requires Planning Division approval prior to installation. The Planning Division's decision may be appealed to the Community Development Commission.
- (CC) See Article 39 (A, B, C) 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 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 Breakwater Way 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 Breakwater Way 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(B) and 6(C) shall be subject to the Harbor Design Standards. Multi-family residential developments within Subdistrict 13 are limited to areas along Freeman Street and Neptune Way. Multi-family development is prohibited along parcels fronting or abutting Coast Highway and Highway 76.

(JJ) The Property Development Regulations (Section 1232) for residential uses shall apply to all exclusively residential projects within commercially oriented subdistricts.

(KK) Mixed-use is defined as the inclusion of multiple land use functions within the same building or project site through vertical mixed use buildings or horizontal mixed use sites. The purpose and intent of mixed-use development regulations is to allow increased density and flexibility, while maintaining ground floor pedestrian orientation, connectivity and activation through design rather than use.

A Mixed-Use Development Plan shall be required for any mixed-use development combining multiple nonresidential land uses or nonresidential and residential land uses on a project site, to set forth site specific property development regulations. Article 12, Section 1232 - Property Development Regulations for Residential and Nonresidential uses - shall serve as a general guide for mixed-use development standards. Project deviations from development standards shall be established, evaluated and may be granted in accordance with this subsection (KK) and 1232 D.5., based upon the merit of the mixed-use development plan. Height shall be regulated by the maximum height allowed in the Subdistrict as set forth in Additional Development Regulations sub-section (N). Floor-area ratio and maximum density limits are not applicable to the residential component of a mixed-use development.

Purpose:

The Mixed-Use Development Plan is intended to provide flexibility in land use regulations and site development standards under control of 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 43. Following the hearing, the Commission may approve the Development Plan with conditions if it implements the purpose of the Mixed-Use Plan. The following findings shall be made by the Community Development Commission:

1. That the total number of dwelling units in the Downtown District shall not exceed 5,500 (or any future limit established by the City’s General Plan).
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.
 7. That the benefits derived from the Mixed-Use Development Plan include but are not limited to traffic capture and pedestrian activity, by way of “active” street frontages and provision of flexible nonresidential use spaces at street level, where appropriate.
- (LL) Craft breweries and wineries shall only be allowed on those properties in Subdistrict 9 that front upon Coast Highway.
- (MM) Certain types of development are required to implement renewable energy facilities, in accordance with ZO Section 3047.
- (NN) Certain types of development are required to implement electric vehicle parking and charging facilities, in accordance with ZO Section 3048.
- (OO) Certain types of development are required to implement urban forestry measures, in accordance with ZO Section 3049.
- (PP) Certain types of development are required to prepare and implement transportation demand management (TDM) plans, in accordance with ZO Section 3050.

1233 RESERVED

1234 RESERVED

1235 Nonconforming Commercial Structures

Notwithstanding the provisions of Article 35, a nonconforming commercial building located in a commercial zoning district within the Downtown District 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

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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

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 Downtown District.

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 City Planner 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 require certification by the California Coastal Commission.

Article 12 D Downtown District**Sections:**

- 1210 **District Boundaries and Specific Purposes**
- 1220 Land Use Regulations by Subdistrict
- 1230 Development Regulations
- 1231 Transit Oriented Development
- 1232 Downtown District Property Development Regulations
- 1233 Reserved
- 1234 Reserved
- 1235 Nonconforming Commercial Structures
- 1240 Review of Plans
- 1250 Amendments

1210 District Boundaries and Specific Purposes

The Downtown District boundaries are defined by the legal description included in the Redevelopment Plan, as amended thereon, for the Downtown Redevelopment Project, incorporated hereby by reference.

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 Downtown District (formerly known as 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 where appropriate.

Many uses defined and allowed under zoning standards for areas outside of the Downtown area are considered typical general commercial land uses that are non-controversial and require limited to no administrative review. The proposed zone text amendments will mirror many of the allowances for commercial uses in areas outside of the Downtown area.

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 where appropriate, as part of mixed use–development projects.

Subdistrict 2: To provide sites for a financial center supported by professional offices. Residential uses are permitted, where appropriate, as part of mixed-use development projects.

Subdistrict 3: To provide sites for office development, interspersed with residential stand-alone and/or mixed-use development, in response to market demands.

Subdistrict 4(A): To provide sites for transient and permanent stand-alone residential uses along the South Strand between Tyson and Wisconsin streets.

Subdistrict 4(B): To provide sites for transient (hotels and motels) and permanent stand-alone residential uses 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 oriented commercial businesses and visitor serving uses related to the harbor and the Interstate 5 freeway-

Subdistrict 6(B): To provide sites for highway oriented, commercial recreational businesses and visitor serving uses related to the harbor and the Interstate 5 freeway. Residential uses are allowed as part of mixed-use development projects.

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 development projects.

Subdistrict 8(A): To provide sites, primarily, for hospital and medical uses.

Subdistrict 8(B): To provide sites for hospital and medical uses, office development, interspersed with stand-alone residential development.

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, as stand-alone (except for row home development on lots fronting Coast Highway) and/or as part of mixed-use development projects.

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, primarily, for commercial uses serving the adjacent residential neighborhood. Residential uses are encouraged where appropriate, as stand-alone and/or as part of mixed-use development projects.

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, office, and uses. Residential uses are allowed as stand-alone and/or as part of a mixed-use development projects.

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 the following schedule, the letter "P" designates use classifications permitted in the D Downtown District. The letter "L" designates use classifications subject to certain limitations prescribed by the "Additional Use Regulations" that follow. The letter "U" designates use classifications permitted on approval of a Conditional Use Permit upon approval by the Community Development Commission. The letter “A” 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 visitor-serving uses. The “*” designates use classifications that are not permitted.

**1, 1A, 2, 3, 4A, 4B, 5, 5A, 6A,
6B, 6C, 7A, 7B, 8A, 8B, 9, 10, 11,
12, 13, 14, & 15 DISTRICTS
LAND USE REGULATIONS:**

P Permitted
U Use Permit
L Limited, (See Additional Use Regulations)
= Not Permitted
A Administrative Conditional Use Permit
AR Administrative Regulated Use Permit

Land Use	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	U	U	U	U	-	U	-	-	A	A	U	-	U	U	U	U	-	A	A	A	-	A	
Group Residential	-	-	-	-	-	-	-	-	-	-	-	-	-	U	-	-	-	-	-	-	-	-	
Live/work	U	U	U	U	-	U	-	-	A	A	-U	-	U	-	-	U	-	U	-	U	-	=	-
Multi - Family	-	-	-	U	P	U	P	P	-	-	-	P	-	P	U	U	-	U	-	U	-	-	
Residential Care	-	-	-	U	-	-	-	-	-	-	-	U	-	U	U	U	-	-	-	-	-	-	

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Exhibit "B"

ZA21-00002

Land Use	1	1A	2	3	4A	4B	5	5A	6A	6B	6C	7A	7B	8A	8B	9	10	11	12	13	14	15	
Single Family	-	-	-	-	P	-	P	P	-	-	-	P	-	-	-	-	-	-	-	-	-	-	
Public/Semi - Public																							
Club / Lodge	A	A	C	C	-	-	-	-	A	-	A	-	A	-	-	A	-	-	-	-	-	-	V
Cultural Institution	P	P	P	P	-	-	-	-	P	-	-	-	A	A	A	A	-	-	P	A	-	-	V
Day Care - General	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	-	P	P	P	P	P	
Emergency Health Care	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	U	-	-	-	-	-	-	
Government Offices	P	P	P	P	-	-	-	-	P	-	P	-	-	-	-	P	-	-	U	U	P	P	
Hospital	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	
Parks & Recreation Facility	U	U	-	U	U	-	U	U	P	P	P	U	U	U	U	U	U	-	U	U	P	P	V
Public Safety Facility	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	P	P	
Religious Assembly	-	-	U	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Residential Care - General	-	-	-	-	-	-	-	-	-	-	-	-	-	U	U	-	-	-	-	-	-	-	
Utilities - Major	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Wireless Communications Facilities - per Article 39																							

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Commercial

Land Use	1	1A	2	3	4A	4B	5	5A	6A	6B	6C	7A	7B	8A	8B	9	10	11	12	13	14	15	
Adult Businesses	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Ambulance Service	-	-	-	-	-	-	-	-	-	-	-	-	-	U	U	-	-	-	-	-	-	-	
Animal Boarding	A	A	A	A	-	-	-	-	A	A	A	A	A	A	A	A	-	A	A	A	-	-	
Animal Grooming	P	P	P	P	-	-	-	-	P	P	P	-	P	P	P	P	-	P	P	P	-	-	
Animal Hospitals	P	P	P	P	-	-	-	-	P	P	P	-	-	-	-	P	-	-	-	A	-	-	
Animal Product sales	P	P	-	P	-	-	P	-	P	P	P	-	P	P	P	P	-	P	P	P	-	-	
Artist Studio	P	P	P	P	-	P	-	-	P	P	P	-	P	-	-	P	-	P	P	P	P	-	V
Bank / Savings & Loan	P	P	P	P	-	-	-	-	P	P	P	-	P	-	-	P	-	P	P	P	P	-	
<u>Cannabis Facility</u>	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	
Drive-through/drive up	A	A	A	A	-	-	-	-	A	A	-	-	A	-	-	A	-	-	-	A	-	-	V
Self-service ATM	P	P	P	-	-	-	-	-	-	-	-	-	P	-	-	P	-	-	-	-	-	-	V
Bars and Cocktail Lounges	U	-	U	-	-	-	-	-	U	U	U	-	U	-	-	-	-	U	-	-	-	-	
Catering Service	A	A	A	-	-	-	-	-	-	-	-	-	-	-	-	A	-	-	-	-	-	-	
Commercial Recreation & Entertainment	A	-	A	A	-	-	-	-	P	P	A	-	P	-	-	A	A	A	A	A	P	-	V

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Exhibit “B”

ZA21-00002

Land Use	1	1A	2	3	4A	4B	5	5A	6A	6B	6C	7A	7B	8A	8B	9	10	11	12	13	14	15	
Craft Breweries																							
Tier 1	A	A	A	A	-	-	-	-	A	A	A	-	A	-	-	A	-	A	A	A	A	-	V
Tier 2	U	U	U	U	-	-	-	-	U	U	-	-	U	-	-	U	-	U	U	U	U	-	V
Craft Wineries																							
Tier 1	A	A	A	A	-	-	-	-	A	A	-	-	A	-	-	A	-	A	A	A	A	-	V
Tier 2	U	U	U	U	-	-	-	-	U	U	-	-	U	-	-	U	-	U	U	U	U	-	V
Liquor Stores	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Research and Development	P	P	P	P	-	-	-	-	P	P	P	-	P	P	P	P	-	P	P	P	P	-	
Restaurants Full Service	P	P	P	P	P	U	-	-	P	P	P	-	P	P	P	P	-	P	P	P	P	P	V
Restaurant Full Service with Full Alcohol	P	P	P	P	P	-U	-	-	P	P	A	-	P	A	A	P	-	P	P	P	P	P	V
Restaurants Full Service with Live Entertainment	P	P	P	P	P	U	-	-	P	P	P	-	P	P	-	P	-	P	P	P	P	P	V
Restaurants Fast food	P	P	P	P	P	U	-	-	P	P	A	-	P	P	P	P	P	P	P	P	P	P	V
Restaurants Fast Food with Drive-thru or Drive-up	-	-	-	-	-	-	-	-	U	U	U	-	U	-	-	-	-	-	-	U	-	-	
Food and Beverage Kiosk	-	-	-	-	-	-	-	-	P	P	A	-	P	-	-	-	-	-	-	A	P	P	
Food & Beverage Sales	P	P	P	P	P	-	-	-	P	P	A	-	P	A	A	P	-	P	P	P	P	-	

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Exhibit “B”

ZA21-00002

Land Use	1	1A	2	3	4A	4B	5	5A	6A	6B	6C	7A	7B	8A	8B	9	10	11	12	13	14	15	
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.	A	A	A	-A	A	-	A	-	A	A	A	-	A	-	-	-	-	C	A	A	A	-	V
Grocery/Neighborhood Market store less than 8,000 sq. ft.	P	P	P	-	€	-	P	-	P	P	P	-	P	-	-	-	-	P	P	P	P	-	V
Specialty Market	P	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	-	P	-	P	
Massage Establishments	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Medical Cannabis Facility	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	
Maintenance & Repair	-	-	-	-	-	-	-	-	P	P	A	-	A	-	-	-	-	-	-	-	-	-	
Marine Sales, Rentals, and Services	-	-	-	-	-	-	-	-	P	P	A	-	A	-	-	-	-	-	-	-	-	-	
Mixed Uses	U	U	U	U	-	-	-	-	U	U	U	-	U	-	-	U	-	U	U	U	U	-	
Pawn Shops	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Payday Loans/Paycheck Advance Establishment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	

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Exhibit “B”

ZA21-00002

Land Use	1	1A	2	3	4A	4B	5	5A	6A	6B	6C	7A	7B	8A	8B	9	10	11	12	13	14	15	
Offices	P	P	P	P	-	P	-	-	P	P	P	-	P	A	A	P	-	P	P	P	P	-	
Personal Improvement Services	P L1	P L1	P L1	P L1	-	P L1	-	-	P L1	P L1	P L1	-	P L1	P L1	P L1	P L1	-	P L1	P L1	P L1	-P L1	-	
Health/Club/Studio/Spa	P	P	P	P	-	P	-	-	P	P	P	-	P	P	P	P	-	P	P	P	P	A	
Day Spa	P	P	P	P	-	P	-	-	P	P	P	-	P	P	P	P	-	P	P	P	P	A	V
Accessory Massage	P	P	P	P	-	-	-	-	P	P	P	-	P	-	-	-	-	P	P	P	-	-	V
Personal Services	P L2	P L2	P L2	P L2	-	P L2	-	-	P L2	P L2	P L2	-	P L2	P L2	P L2	P L2	-	P L2	P L2	P L2	-	-	
General Repair	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-	
Tattooing Establishments	AR	-	AR	-	-	-	-	-	- AR	- AR	- AR	-	- AR	-	-	-	-	- AR	-	- AR	-	-	
Tobacco and Drug Paraphernalia Establishment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Retail Sales	P	P	P	P	-	P	-	-	P	P	P	-	P	P	P	P	-	P	P	P	P	A	V
Antiques, Antique Shop	P	P	P	-	P	-	-	-	P	C	P	-	P	C	C	P	-	P	C	C	P	-	V
Custom Retail	P	P	P	P	P	P-	-	-	P	P	P	-	P	-	-	P	-	P	P	P	P	-	V
Secondhand Collectibles and Clothing Sales	P	P	P	P	P	P	-	-	P	P	P	-	P	P	P	P	-	P	P	P	P	-	V

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Exhibit “B”

ZA21-00002

Land Use	1	1A	2	3	4A	4B	5	5A	6A	6B	6C	7A	7B	8A	8B	9	10	11	12	13	14	15	
Wine and Beer Tasting	A	A	A	A	A	-	-	-	P	A	A	-	A	-	-	A	A	A	A	A	A	-	V
Travel Services	P	P	P	P	-	P	-	-	P	P	P	-	P	-	A	P	-	A	P	P	P	P	V
Automotive Rental (small scale)	-	-	-	-	-	-	-	-	A	A	-	-	A	-	-	A	-	A	A	A	A	A	V

Visitor Accommodations

Bed & Breakfast	-	-	-	-	U	A	A	A	A	A	A	-	-	-	-	-	-	-	A	A	-	-	V
Hotel / Motel / Timeshare	U	U	U	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	U	U	U	-	V
Fractional Ownership Hotel	U	U	U	U	U	U	-	-	U	U	U	-	U	-	-	U	-	U	U	U	U	-	V
Condominium Hotel	U	U	U	U	U	U	-	-	U	U	U	-	U	-	-	U	-	U	U	U	U	-	V
Limited Use Overnight Visitor Accommodation	U	U	U	U	U	U	-	-	U	U	U	-	U	-	-	U	-	U	U	U	U	-	V

L1 - “Small-scale” facilities occupying no more than 5,000 square feet are allowed. All others require an Administrative Conditional Use Permit and Regulated uses are subject to compliance with Article 36.

L2 - “Small-scale” Establishments occupying no more than 2,500 square feet allowed by right, all others require the approval of an Administrative Conditional Use Permit.

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 allow any increase in the maximum height set forth in Additional Development Regulations subsection (N). 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 area within ½ mile from the property boundaries of the Oceanside Transit Center is designated a Transit Overlay District (TOD). The location, design, configuration, and mix of uses in the TOD is intended to 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 Downtown's underlying land use designations 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.

1232 D District Property Development Regulations

	Basic Requirements	Additional Regulations
Residential Development		(II)(JJ)(KK)
Base Density: Site Area Per Unit (sq. ft.)	1,500	(C)(D)
<u>Maximum Potential Density:</u> Site Area Per Unit (sq. ft.)	1,000	(C)(D)
Minimum Lot Area (sq. ft.)	5,000	(A)(B)(E)
Minimum Lot Width (ft.)	50	(E)
<u>Minimum Setbacks:</u> Front (ft.)	10	(E)(G)(L) (H)(K)

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D District Property Development Regulations (continued)

	Basic Requirements	Additional Regulations
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)
Signs	See Article 33	(GG)
Public Access to the Beach		(HH)
Minimum Site Landscaping	25%	(P)(Q)(R)(S)(<u>OO</u>)
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)(<u>NN</u>)
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)

	Basic Requirements	Additional Regulations
Nonresidential Development		(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	
Renewable Energy Facilities	See Section 3047	(MM)
Electric Vehicle Parking and Charging Facilities	See Section 3048	(NN)
Urban Forestry	See Section 3049	(OO)
Transportation Demand Management	See Section 3050	(PP)

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**D District:
Additional Development Regulations**

- (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 residential development within Subdistrict 5A is one dwelling unit per 1,500 square feet of site area.
- (D)
 - 1. Residential stand-alone and mixed-use development projects shall comply with the City’s inclusionary housing regulations, as outlined in Chapter 14C of the Oceanside Municipal Code.
 - 2. Residential stand-alone projects may achieve a density of 29 to 43 units per acre. The base density 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(s) situated 50% or more below grade is/are used in a residential project to provide all of the required parking. There is no density limit for residential mixed use developments.
 - 3. 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(s) exhibit excellence in design as described in Section 5 below. Residential projects with density below the base densities shall be considered to be consistent with the land use designation.
 - 4. Residential stand-alone projects that exhibit excellence in design and provide 75% of the required parking within an underground parking structure(s) situated 50% or more below finish grade, may be able to achieve a density up to 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.

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5. Residential stand-alone and mixed-use development proposal(s) that feature design characteristics which positively contribute to the aesthetic value and functionality of the surrounding area will be favorably considered in evaluating the project. Such characteristics include, but are not limited to the following:
- a High-quality architectural design and materials that mitigate the potentially adverse impacts of higher density and greater building height.
 - b High quality landscape/hardscape design and materials that soften the appearance of associated buildings and contribute to an attractive and pedestrian-friendly streetscape.
 - c Functional and appealing common open space areas.
 - d Consolidation of existing legal lots to provide unified site design.
 - e Initiation of residential development in appropriate commercial zones.
 - f Participation in the City's Conservation, Public Safety and/ or Historic Preservation programs.
 - g Innovative design and/or construction methods, which further the goals of the General Plan.
6. Property Development Regulations for Residential and Nonresidential uses shall serve as guidelines for mixed-use development proposals. Maximum density limits and floor-area ratio regulations are not applicable to the residential component of a mixed-use development. Deviations from development standards shall be evaluated and may be granted in accordance with additional regulation 1232 (KK) and 1232 D.5.
- (E) Lots within Subdistricts 5 and 9, which do not front upon North Coast Highway 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 which front North Coast Highway are not permitted for residential rowhome development.

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:

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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 and shall not be applied to any portion of a structure not intended for human occupancy (e.g. storage and equipment rooms, utility closets etc.) and/or parking garages. Mixed-use development proposals shall not be subject to maximum density restrictions.
- (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 does 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 floodplain 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.

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- 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 Coast Highway.
 - 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.

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- (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.

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- (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 for residential uses and designated employee parking areas

- (b) 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. Mixed-Use Development Plans within the Transit Overlay District may receive a 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 Downtown District requires Planning Division approval prior to installation. The Planning Division's decision may be appealed to the Community Development Commission.
- (CC) See Article 39 (A, B, C) 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 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 Breakwater Way 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 Breakwater Way 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(B) and 6(C) shall be subject to the Harbor Design Standards. Multi-family residential developments within Subdistrict 13 are limited to areas along Freeman Street and Neptune Way. Multi-family development is prohibited along parcels fronting or abutting Coast Highway and Highway 76.

(JJ) The Property Development Regulations (Section 1232) for residential uses shall apply to all exclusively residential projects within commercially oriented subdistricts.

(KK) Mixed-use is defined as the inclusion of multiple land use functions within the same building or project site through vertical mixed use buildings or horizontal mixed use sites. The purpose and intent of mixed-use development regulations is to allow increased density and flexibility, while maintaining ground floor pedestrian orientation, connectivity and activation through design rather than use.

A Mixed-Use Development Plan shall be required for any mixed-use development combining multiple nonresidential land uses or nonresidential and residential land uses on a project site, to set forth site specific property development regulations. Article 12, Section 1232 - Property Development Regulations for Residential and Nonresidential uses - shall serve as a general guide for mixed-use development standards. Project deviations from development standards shall be established, evaluated and may be granted in accordance with this subsection (KK) and 1232 D.5., based upon the merit of the mixed-use development plan. Height shall be regulated by the maximum height allowed in the Subdistrict as set forth in Additional Development Regulations sub-section (N). Floor-area ratio and maximum density limits are not applicable to the residential component of a mixed-use development.

Purpose:

The Mixed-Use Development Plan is intended to provide flexibility in land use regulations and site development standards under control of 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 43. Following the hearing, the Commission may approve the Development Plan with conditions if it implements the purpose of the Mixed-Use Plan. The following findings shall be made by the Community Development Commission:

1. That the total number of dwelling units in the Downtown District shall not exceed 5,500 (or any future limit established by the City’s General Plan).
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;

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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.
 7. That the benefits derived from the Mixed-Use Development Plan include but are not limited to traffic capture and pedestrian activity, by way of “active” street frontages and provision of flexible nonresidential use spaces at street level, where appropriate.
- (LL) Craft breweries and wineries shall only be allowed on those properties in Subdistrict 9 that front upon Coast Highway.
- (MM) Certain types of development are required to implement renewable energy facilities, in accordance with ZO Section 3047.
- (NN) Certain types of development are required to implement electric vehicle parking and charging facilities, in accordance with ZO Section 3048.
- (OO) Certain types of development are required to implement urban forestry measures, in accordance with ZO Section 3049.
- (PP) Certain types of development are required to prepare and implement transportation demand management (TDM) plans, in accordance with ZO Section 3050.

1233 RESERVED

1234 RESERVED

1235 Nonconforming Commercial Structures

Notwithstanding the provisions of Article 35, a nonconforming commercial building located in a commercial zoning district within the Downtown District 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

Bold/underlined/italicized or stricken 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

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

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 Downtown District.

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 City Planner 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 require certification by the California Coastal Commission.