

CITY OF OCEANSIDE COMPREHENSIVE ZONING ORDINANCE

Article 12 D Downtown District

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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 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 as part of mixed-use development projects.

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.

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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.

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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 residential 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.

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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-severing 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	-	-	-	-	-	-
Single Family	-	-	-		P	-	P	P	-	-	-	P	-	-	-	-	-	-	-	-	-	-

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Public/Semi - Public

Land Use	1	1A	2	3	4A	4B	5	5A	6A	6B	6C	7A	7B	8A	8B	9	10	11	12	13	14	15	
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																							

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	-	-	

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Land Use	1	1A	2	3	4A	4B	5	5A	6A	6B	6C	7A	7B	8A	8B	9	10	11	12	13	14	15		
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	P	-	V
Bank / Savings & Loan	P	P	P	P	-	-	-	-	P	P	P	-	P	-	-	P	-	P	P	P	P	P	-	
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	-	-	-	-	-	
Cannabis Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Catering Service	A	A	A	-	-	-	-	-	-	-	-	-	-	-	-	A	-	-	-	-	-	-	-	
Commercial Recreation & Entertainment	A	-	A	A	-	-	-	-	P	P	A	-	P	-	-	A	A	A	A	A	A	P	-	V
Craft Breweries																								
Tier 1	A	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	U	-	V
Craft Wineries																								
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	U	-	V
Liquor Stores	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	

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Land Use	1	1A	2	3	4A	4B	5	5A	6A	6B	6C	7A	7B	8A	8B	9	10	11	12	13	14	15		
Research and Development	P	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	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	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	P	V
Restaurants Fast food	P	P	P	P	P	U	-	-	P	P	A	-	P	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	P	-	
Convenience Market	U	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	A	-	V

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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	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
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	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
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

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Land Use	1	1A	2	3	4A	4B	5	5A	6A	6B	6C	7A	7B	8A	8B	9	10	11	12	13	14	15		
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	
Wine and Beer Tasting	A	A	A	A	A	-	-	-	P	A	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

Land Use	1	1A	2	3	4A	4B	5	5A	6A	6B	6C	7A	7B	8A	8B	9	10	11	12	13	14	15	
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

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Land Use	1	1A	2	3	4A	4B	5	5A	6A	6B	6C	7A	7B	8A	8B	9	10	11	12	13	14	15	
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.

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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.

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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)

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		

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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)
Vehicular Access: Maximum Driveway Width (ft.)	24	(X)(Y)
Private Outdoor Living Space	Minimum 48 sq. ft. required with minimum dimension 6 feet	(FF)
Courts Required		(EE)
Required Facade Modulation	25% of front and side street Elevation horizontal and/or vertical must be set back at least 5 feet from setback line	(T)(U)
Parking	See Article 31	(W)
Fences and Walls (ft.)	Maximum height of 6	(Z)(AA)(BB)
Refuse Storage Areas	See Section 3022	
Underground Utilities	See Section 3023	
Nonconforming Structures	See Article 35	

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)
	12-13	

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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	

**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

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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.
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.

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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-foot 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:
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.

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- (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

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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

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exceptions to height limitations provided by Section 3018 shall not apply to any development within this area.

2. Additional height may be approved with a Conditional Use Permit on a case-by-case basis for:
 - (a) All nonresidential uses except as otherwise noted in this section.
 - (b) Master plan mixed use projects located within Subdistricts 1 and 12, if the Commission finds superior design results incorporating the following design standards and regulations:
 - i Site coverage requirement - Maximum coverage of 60% based on entire gross acreage of Master Site Plan.
 - ii Additional setbacks at the corners of the center block (bounded by Pacific, Mission, Myers and Third Streets) shall be required to create plazas. A minimum dimension of 15 feet shall be required. Minimum encroachments may include landscaping, outdoor seating, street furniture, and art displays.
 - iii A pedestrian promenade shall be required adjacent to development on Pacific Street.
 - iv Public Space Amenity - A minimum of 30% of the entire Master Site Plan area shall be for public or semi-public uses for recreational purposes. Such space shall have minimum dimensions of 15 feet. Paved areas devoted to streets, driveways and parking areas may not be counted toward this requirement. A maximum of 15 % may be enclosed recreation space such as gyms, health clubs, handball/racquetball courts, cultural institutions, meeting/conference facilities or similar facilities. A fee may be imposed for the use of such facilities.
 - v View Corridor Preservation - View corridors shall be preserved through staggered building envelopes or breezeway requirements. Cross block consolidations shall be required to preserve view corridors by permitting only minimal encroachments into existing right-of-ways. Permitted encroachments may include but not be limited to landscaping, food/ sundries kiosks and street furniture.
 - vi Maximum Density/Intensity - The maximum intensity of development shall be regulated by Floor Area Ratio (FAR) for Subdistrict 12. The FAR shall apply to the entire Master Site Plan area. FAR shall be calculated on gross acreage of the entire Master Site Plan area. The maximum FAR for Subdistrict 12 shall be 4.0.
 - vii Maximum Height - 140 feet. Mid-rise towers shall be oriented with their long axis parallel to the ocean sight line and the east-west streets may only permit minimal encroachments so as to open up and maximize the view corridors. Upper floors of towers shall be of varying heights and stepped back or architecturally fenestrated

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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

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Agreement, Owner Participation Agreement, Development Agreement or Conditional Use Permit (CUP). In such case, each such Agreement or CUP shall require a site plan and design criteria approval by the CDC.

vi No structure within 50' of the 100 Year Flood-plain boundary shall exceed 45' in height.

(d) Residential projects east of the AT&SF railroad right-of-way.

(e) In addition to the FAR standard required for commercial and mixed use development, the following shall be the maximum height limit per district:

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

(f) In Subdistrict 6A and 6B provisions i - vi of herein above Section 6(2)(c) shall apply.

(O) See Section 3018: Exceptions to Height Limits. All height exceptions, omitting those allowed under Section 3018, require approval by the Community Development Commission.

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- (P) Planting Areas. All visible portions of a required setback area adjoining a street shall be planting area or hardscape that includes driveways, walks, parking areas, as well as areas covered by ornamental gravel, crushed rock, or similar materials. However, the front yard setback may not be entirely paved out or composed of hardscape material.
- (Q) See Section 3019: Landscaping, Irrigation and Hydroseeding.
- (R) The minimum site landscaping shall be provided on the lot surface; plantings on roofs, porches or in planting boxes which are above the lot surface shall not qualify as landscaping, except for landscaping located directly above underground parking which is 50% or more below grade. Hardscape does not qualify as landscaping except that, areas devoted to common patios, pools and other recreational facilities may be included in determining compliance with the landscaping requirement. In addition, for projects of four or fewer units, private outdoor living space can be used to satisfy up to 10 percent of the minimum site landscaping requirement. Residential projects located on The Strand may count 30% of the required landscaping on roof tops toward their landscaping requirement, providing such landscaping or appurtenances or other architectural features (such as guard rails) do not exceed the present elevation of Pacific Street as defined at the time of passage of Proposition A, passed April 13, 1982, and set forth in the Proposition A Strand Survey dated May 9, 1986.
- (S) Landscaping Requirements:
1. For residential projects only located on The Strand is 20%.
 2. Within Subdistricts 1, 2, 9, and 12 landscaping may be reduced (for commercial development only) provided that the developer contributes a fee to provide art work for the proposed project upon approval by the Community Development Commission. The percentage of landscaping to be reduced as well as the amount of the fee will be determined by the Community Development Commission.
- (T) The parking structures that are 50% or more below grade, the required facade modulation shall only be applicable to the facade area above the parking structure.
- (U) Buildings 50' wide or smaller in width may reduce the amount of facade modulation per Community Development Commission approval. For buildings located on The Strand, alternative facade modulations, either reduced amounts or horizontal modulation may be provided with Community Development Commission approval.
- (V) See Article 31: Off-Street Parking and Loading Regulations.
- (W) The following parking standards and regulations apply specifically to the D District.
- If there is a conflict with Article 31, the following parking standards shall apply:

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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 east of the railway corridor 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 east of the railway corridor 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.
 6. If any public parking spaces are removed within the Transit Overlay District west of the railway corridor, including those provided in municipal parking lots, each space shall be replaced at a 1:1 ratio and all replacement parking shall also be located within the Transit Overlay District west of the railway corridor.
- (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

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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

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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.

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While the maximum density is not specified, density will be limited through the application of height, setbacks, open space, and parking requirements. In order to ensure that the higher-density allowance does not adversely impact traffic circulation, the City shall develop and implement a D Downtown District Traffic Monitoring and Mitigation Plan that includes the following:

- a. Identify specific intersections within the Downtown District's Coastal Zone to monitor to maintain public access to the coast, including east-west oriented roadways that provide access across the railway corridor to the ocean.
- b. List specific traffic mitigation measures to be provided once a certain threshold is met for the identified intersections. A decrease in LOS to a grade of D or lower shall be one of the identified thresholds for implementation of traffic mitigation measures.
- c. Identify a funding mechanism to implement the identified mitigation measures (e.g., fair-share contribution for any development proposed within the Downtown District). The collected fees shall be deposited in a specific account that can only be used for traffic mitigation measures and other measures to mitigate public access impacts (e.g., to fund a community shuttle) in the Downtown District.

Traffic monitoring shall be completed on an annual basis at minimum and must include peak summer season (Memorial Day weekend to Labor Day) weekend traffic counts, identify changes to the number of units developed within the Downtown District, traffic impacts identified, traffic impact fees collected, traffic mitigation projects identified, and traffic mitigation projects implemented. A comprehensive report shall be provided to the Executive Director on by November 1 of each year, starting in 2022, that summarizes all development activities within the Downtown District with a report on any measurable changes in the overall traffic and parking conditions in the area which will be subject to the review and approval of the Executive Director.

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

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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.

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- (LL) Craft breweries and wineries shall only be allowed on those properties in Subdistrict 9 that front upon Coast Highway.

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 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

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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.