

**Article 30 Site Regulations (Citywide)**

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**3001 Specific Purposes and Applicability**

This chapter contains land use and development regulations, other than parking, loading, and sign regulations, that are applicable to sites in all or several districts. These regulations shall be applied as specified in Part II: Base District Regulations, Part III: Overlay District Regulations, and as presented in this article.

**3002 Relocated Buildings**

In addition to the requirements of Chapter 6, Section 6.27 of the City Code (Moving of Buildings), a use permit for relocation of a building shall be required. This permit, to be issued by the City Planner, shall establish conditions necessary to ensure that the relocated building will be compatible with its surroundings in terms of architectural character, height and bulk, and quality of exterior appearance. If the property is located within the Coastal Zone, any relocation of a building will require the issuance of a Coastal development permit unless otherwise exempt.

**3003 Exterior Materials in Residential Districts**

In all residential districts, the exterior walls of all structures, other than accessory structures, shall have a nonmetallic finish, with the exception of aluminum siding, which may be allowed on approval by the City Planner. If located in the Coastal Zone, residential structures shall be subordinate to the natural environment and exterior materials shall be restricted to colors compatible with the surrounding environment (earth tones) such as shades of green, brown, and grey, with no white or light shades and no bright tones except as minor accents to the maximum extent practicable.

**3004 Religious Assembly Yard Requirements**

Yards, height and bulk, and buffering requirements shall be as specified by a use permit, provided that if the structure is located in or adjacent to a residential district the minimum interior side yard shall be 15 feet and the minimum rear yard shall be 25 feet. Yards adjoining street property lines shall not be less than required for a permitted use.

**3005 Nonresidential Accessory Structures**

A. In Commercial, Downtown, and Residential Districts.

1. Timing. Nonresidential accessory structures shall not be established or constructed prior to the start of construction of a principal structure on a site, except that construction trailers may be permitted as outlined in the Oceanside Traffic Code.

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2. Location. Except as provided in this subsection, nonresidential accessory structures shall not occupy a required front or corner side yard or court, or project beyond the front building line of the principal structure on a site. No accessory uses shall be permitted off-site.
3. Maximum Height. The maximum height of a nonresidential accessory structure shall be 12 feet, subject to the provisions of this subsection, provided that pitched roofs shall not exceed a height of 15 feet.
4. Relation to Property Lines.
  - a. A nonresidential accessory structure shall be located a minimum of 10 feet from a rear property line and shall meet the front yard, corner side yard, and side yard setback requirements of the zoning district in which it is located.
  - b. Detached nonresidential accessory structures with a projected roof area less than or equal to 120 square feet that are used as tool and storage sheds, playhouses, or similar uses may occupy a required side or rear yard area. Such structures may not exceed eight feet in height and shall meet the front yard and corner side yard setback requirements of the zoning district in which they are located.
  - c. Patio Covers, Patio Enclosures, Balconies, and Gazebos: These structures shall be located a minimum of 10 feet from a rear property line and shall meet the front yard, corner side yard, and side yard setback requirements of the zoning district in which it is located.
  - d. Swimming Pools: An unenclosed swimming pool and related equipment may occupy a required rear or side yard but shall be located a minimum of five feet from a property line and shall meet the front yard and corner side yard setback requirements of the zoning district in which it is located (See Section 3008).
  - e. Uncovered patios and porches, terraces, platforms, decks, and other similar structures less than 30 inches in height: These structures may occupy a required front, corner side, side, or rear yard, but must be located a minimum of 3 feet from a side or rear property line and may only project 6 feet into a front yard or corner side yard for a length of 15 feet parallel to the adjoining property line (See Section 3015).
  - f. Garages: Any garage taking access from a corner side yard or the secondary street frontage on a double frontage lot shall be setback a minimum of 20 feet, as measured from the front of the garage to the property line, back of sidewalk, or back of curb, which ever is most restrictive. Garages taking access off of an alley shall meet the general requirements of this ordinance.

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5. RE, R-1/CZ and RS Districts. In an RS, R-1/CZ or RE district, the total gross floor area of accessory structures more than 30 inches in height shall not exceed 800 square feet or 6 percent of lot area, whichever is more, provided that the lot coverage standards of the underlying zoning district are not exceeded.
  6. Districts 5, 5A & 7A. In these districts, the total gross floor area of accessory structures more than 48 inches in height shall not exceed 800 square feet or 6 percent of lot area, whichever is more.
  7. Districts 10, 14, & 15. Accessory structures shall comply with all regulations applicable to the principal structure on a site. Off-site accessory uses shall be allowed only with a use permit issued by the City Planner.
- B. In I, OS and PS Districts. Nonresidential accessory structures shall comply with all regulations applicable to the principal structure on a site.
- C. In PD District. The location of nonresidential accessory structures shall comply with the adopted PD or Specific Plan for a PD district.
- D. In All Other Districts. The location of nonresidential accessory structures shall comply with the regulations applicable to the principal structure on a site.
- E. In the Coastal Zone. Nonresidential accessory structures within the Coastal Zone shall not be located within geologic setback areas, habitat buffers, public accessways or scenic view corridors.

### **3006 Accessory Dwelling Units**

The purpose of this section is to provide regulations for the establishment of accessory dwelling units (ADU) and junior accessory dwelling units (JADU) in areas zoned to allow single-family or multifamily use pursuant to Government Code Section 65852.2 et seq. and the goals and policies of the City's Housing Element. ADUs provide an important source of affordable housing in existing residential neighborhoods where adequate public facilities and services are available.

Consistent with state law, an ADU or JADU which conforms to the requirements of this subsection shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use which is consistent with the existing general plan and zoning designations for the lot. An ADU or JADU shall not be considered development for the purposes of the imposition of development impact fees.

A. Permitted Unit Type and Definition.

1. Accessory Dwelling Unit (ADU): An attached or detached residential dwelling unit which

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provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation and shall be located on the same parcel as the primary dwelling or multi-family development. An ADU also includes an efficiency unit and manufactured home. An ADU may serve as a rental unit **but only** for more than 30 days or be occupied by a person or persons including, but not limited to family members, guests, or caretakers.

2. Junior Accessory Dwelling Unit(JADU): A residential dwelling unit, as defined in Government Code Section 65852.22, that is no more than 500 square feet in size and contained entirely within an existing or proposed single-family **residence**. A JADU shall include an efficiency kitchen, and may include separate sanitation facilities or share sanitation facilities with the existing dwelling. A JADU may serve as a rental unit for more than 30 days. Owner-occupancy of either primary dwelling or JADU is required by state law.
3. Efficiency Unit: An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code may be permitted for occupancy by no more than two persons. The efficiency unit shall have a minimum floor area of 150 square-feet and shall have a bathroom facility and a partial kitchen.
4. Manufactured Home: A manufactured home, as defined in Section 18007 of the Health and Safety Code, means a structure that was constructed on or after June 15, 1976, is transportable in one or more sections, is eight body feet or more in width, or 40 body feet or more in length, in the travelling mode, or, when erected on site, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. The unit shall comply with the standards established under the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C., Sec. 5401).
5. Prohibited Units: Mobile homes, as defined in Section 18008 of the Health and Safety Code, recreational vehicles, trailers, or similar units, shall not be allowed as ADUs.

### B. Where Permitted.

1. ADUs are permitted in all zone districts allowing single-family or multifamily use on lots developed with existing or proposed dwellings. **ADUs and JADUs shall not be permitted in conjunction with dwelling units constructed in accordance with both Government Code Section 65852.21 and Section 66411.7 (Senate Bill No. 9).**
2. An ADU may be established in the following methods:
  - a. Attached to, or located within, an existing or proposed primary dwelling.

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- b. A new detached structure, or located within or attached to an accessory structure, including detached garages or similar structures.
  - c. Conversion of existing attached or detached accessory structures, including garages, storage areas, or similar structures.
  - d. Reconstruction of an existing structure or living area that is proposed to be converted to an ADU, or a portion thereof, in the same location and to the same dimensions and setbacks as the existing structure.
  - e. **The existing unit may be considered the ADU, and a new primary dwelling unit built, if all applicable zoning requirements are met.**
  - f. **Only one ADU or JADU shall be permitted on a parcel developed with an existing or proposed single-family residence unless constructed as a JADU and ADU combination in accordance with Section 3006.B.4. The maximum number of ADUs on multifamily properties shall be as prescribed in Section 3006.B.5**
3. A Junior ADU (JADU) may be established within the space of the primary dwelling, including an attached garage or accessory structure.
4. **JADU and ADU Combination:** A JADU may be established within the space of the primary dwelling in combination with the construction **of one ADU as follows:**
- a. **An ADU within the walls of the primary dwelling.**
  - b. **An ADU within an existing accessory structure.**
  - c. **An attached or detached, new construction ADU subject to the Statewide Exemption ADU provisions as prescribed in Section 3006.D.1.d.**
5. ADUs shall be permitted on lots developed with existing multi-family dwellings subject to the following provisions:
- a. The property shall be developed with an existing, **legally established** multi-family structure(s).
  - b. A minimum of one ADU may be constructed, or up to 25 percent of the existing unit count, within non-livable space, including, but not limited to, storage rooms, passageways, attics, basements, or closets.
  - c. The construction of two detached ADUs with a maximum size of 850 square
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feet, or 1,000 square feet with more than one bedroom, shall be permitted in addition to ADUs created within non-livable space, subject to a maximum height of 16 feet, and four-foot side and rear setbacks.

- d. Existing livable space of multi-family dwelling units shall not be converted to ADUs.
- e. **Detached ADUs may be constructed above existing detached accessory structures, including garages or similar structures, subject to maximum height and setback requirements of the underlying zoning district.**

C. Permit Requirements:

1. The City shall ministerially review and act on a building permit application for an ADU or JADU within 60 days after receiving the application. An ADU or JADU proposed with a permit application for a new primary dwelling shall not be approved until the primary dwelling receives approval. A certificate of occupancy for an ADU or JADU shall not be issued before occupancy is granted for the primary dwelling.
2. ADUs and JADUs shall comply with all applicable Building Code requirements.
3. The City shall not require the correction of nonconforming zoning conditions as a condition for ministerial approval.
4. ADUs and JADUs within the coastal zone shall be subject to applicable requirements of the Local Coastal Program except for that no public hearing shall be required.
5. **ADUs shall not be required to provide fire sprinklers if they are not required for the primary dwelling.**
6. **Newly constructed, non-manufactured, detached ADUs are subject to the Energy Code requirement to provide solar panels.**
7. **ADUs shall have independent exterior access from the primary dwelling. No passageway to the primary dwelling shall be required.**
8. **The use of dual-cylinder deadbolt locks and/or other types of locks that lock a door from both sides shall be prohibited within all dwelling units.**

D. Development Standards.

1. ADU Type, Location & Size.
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- a. Attached Unit: An ADU attached to an existing primary dwelling shall have a minimum size of 150 square feet and shall not exceed 50 percent of the total existing or proposed living area of the primary dwelling, except as provided by the **Statewide Exemption ADU provisions** in Section 3006.D.1.d.
- b. Detached Unit: An ADU structurally independent and detached from the existing **or proposed** primary dwelling shall have a minimum size of 150 square feet and shall not exceed 1,200 square feet.
- c. Conversion of Existing Structure: An ADU constructed within the footprint of an existing dwelling attached or detached structure, **or non-livable space** shall not be subject to a maximum square-footage of living area. **An existing structure may be expanded up to 150 square feet to accommodate ingress and egress, but shall conform to setbacks sufficient for fire and safety.**
- d. **Statewide Exemption ADU** : An attached or detached ADU with a maximum size of 850 square-feet or 1,000 square-foot with more than one bedroom shall be permitted in any circumstance subject to a maximum height of 16 feet, four foot side and rear setbacks, and compliance with all building codes. No minimum lot size or lot coverage requirement shall apply.

## 2. JADU Location and Size.

- a. A JADU shall be constructed entirely within an existing or proposed primary dwelling and shall not exceed 500 square-feet.
- b. JADUs shall have an independent exterior entrance from the primary dwelling, but may also include shared access between the two units.

## 3. Required Setbacks.

- a. An attached or detached ADU not exceeding 850 square feet or 1,000 square feet with more than one bedroom, and a height no greater than 16 feet shall provide a setback of no more than four feet from the side and rear property lines. ADUs exceeding the maximum square footage or height specified in this provision shall be subject to compliance with setbacks of the underlying zoning district.
- b. Cornices and eaves may project into the required yards by no more than one foot.
- c. All ADUs shall meet the front yard setback.

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- d. When an ADU is created within an existing structure, the side and rear setbacks must be sufficient for fire safety as determined by the Fire Department.
- e. No setback shall be required for an existing garage or accessory structure converted, or portion thereof, to an ADU and no setback shall be required for a new structure constructed in the same location and same dimensions as an existing structure.
- f. An ADU constructed above an existing garage or dwelling unit, exceeding 16-feet in height, shall meet the side and rear setbacks of the underlying zoning district.
- g. Roof top decks shall be permitted in accordance with Article 30, Section 3018.
- h. Staircases serving an ADU shall provide a setback of no less than four feet from the side and rear property lines subject to approval by the Fire Department.
- i. Within the coastal zone, an existing garage or accessory structure converted to an ADU unit or an ADU above a garage shall be consistent with all habitat preserve buffers and geological stability setbacks in the certified Local Coastal Program.

#### 4. Height and Maximum Lot Coverage.

- a. ADUs exceeding 850 square feet or 1,000 square feet with more than one bedroom, and/or a height of 16 feet shall comply with the height and maximum lot coverage of the underlying zoning district.

#### 5. Parking.

- a. One additional off-street parking space shall be required per unit; with exceptions per Section 3006.D.5.g.
- b. No parking space shall be required for an ADU or JADU established within an existing or proposed structure.
- c. Parking spaces shall be a minimum dimension of 9 foot by 18 foot except as specified below.
- d. Parking spaces may be located in any configuration on the same lot as the ADU, including, but not limited to, as covered spaces, uncovered spaces, tandem spaces, or by the use of mechanical automobile parking lifts.
- e. Required off-street parking shall be permitted in front, side, and rear setback areas subject to the following:

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- i. Parking may be located on an existing driveway but shall not block sidewalk access or encroach into the public right-of-way.
  - ii. Parking spaces within a side yard must have a minimum clear space width of 10-feet. Vehicles shall not block exterior windows or doors of a dwelling or access to utility boxes or meters.
  - iii. Vehicles must be parked on an acceptable surface of concrete, asphalt, gravel, brick, permeable paver or other stable, dust-free surface.
  - iv. No more than 50% of a front yard shall be dedicated to vehicle parking.
  - v. No parking shall be allowed in front yard landscaping areas.
  - vi. Access to on-site parking spaces shall be provided via an approved driveway location only.
- f. When a garage, carport, or covered parking structure that provides the required spaces for the primary dwelling is demolished or converted in conjunction with the construction of an ADU, no replacement parking shall be required.
- g. Parking Exemption: A parking space for an ADU shall not be required in any of the following instances:
- i. The ADU is located within one-half mile walking distance of public transit.
  - ii. The ADU is located within an architecturally and historically significant historic district.
  - iii. The ADU is part of the existing or proposed primary **dwelling** or an existing accessory structure.
  - iv. When on-street parking permits are required but not offered to the occupant of the ADU.
  - v. When there is a car share vehicle located within one block of the ADU.
5. Design. ADUs shall be architecturally compatible with the primary dwelling in terms of design, building and roofing materials, colors, and exterior finishes. The ADU may have a flat or pitched roof.

### 6. Impact Fees & Utilities.

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- a. The City shall not impose any impact fees upon the development of an ADU or JADU.
- b. ADUs and JADUs shall comply with water and sewer requirements as determined by the Water Utilities Department. ADUs shall not be considered a new residential use for the purposes of calculating new utility connection fees or capacity charges for water and sewer service.
- c. The City shall not require a new or separate utility connection or impose a related connection fee or capacity charge for ADUs or JADUs that are contained within an existing residence or accessory structure.
- d. For new attached and detached ADUs, the City may require a new or separate utility connection. The fee must be proportionate to the burden of the unit upon the water or sewer system and shall not exceed the reasonable cost of providing the service.
- e. Where a private sewage disposal system is being used by the ADU, approval by the local health officer may be required.

E. Conditions.

1. **Except as otherwise provided in Government Code Section 65852.26, an ADU/JADU shall not be sold or otherwise conveyed separate from the primary dwelling.**
2. An ADU/JADU may serve as a rental unit or be occupied by family members, guests, or in-home health care providers, and others at no cost.
3. Neither the ADU/JADU nor the primary dwelling unit shall be rented for a term of less than 31 days. ADUs on multi-family properties shall be subject to this provision, except the restriction shall not apply to existing multi-family units.
4. **All JADUs are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property, in either the primary dwelling or JADU, as the person's legal domicile and permanent residence.**
4. The property owner shall record a covenant, approved as to form by the City Attorney, declaring compliance with each and every condition referenced in this section.

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**3007 Home Occupations**

- A. Permit Required. A home occupation in an A, O, MHP or **residential R** district, inclusive of Downtown Districts **5, 5A and 7**, shall require a business license, obtained by filing a completed application form with the Business License Office. A permit shall be issued upon determining that the proposed home occupation complies with the requirements of this section.
- B. Contents of Application. An application for a home occupation license shall contain:
1. The names, address, **email address if available**, and telephone number of the applicant;
  2. A complete description of the proposed home occupation, including **a site plan indicating the** amount and location of floor space occupied, provisions for storage of materials, number and type of vehicles used, ~~and~~ **provisions for parking and loading, proposed number of employees, estimated number of visitors the business will, and proposed times visitors will be allowed on-site.**
- C. Required Conditions. Home occupations shall comply with the following regulations:
1. A home occupation shall be conducted entirely within a building (with the exception of a Horticulture, Limited use **and Sporting Lessons**) and the combination of office/workspace shall occupy no more than **400 square feet of floor area (with the storage space not to exceed 200 square feet of floor area) 20% of the gross floor area of all on-site structures.** No outdoor storage **shall be allowed, or storage in required garage parking areas shall be permitted** **Storage of necessary supplies or equipment used in the home occupation may be permitted in a garage if the storage does not diminish the usable parking space in the required garage parking area.** The amount and type of flammable, hazardous or toxic materials stored on-site in conjunction with a home occupation shall not be in excess of the amount normally found in the district.
  2. The existence of a home occupation shall not be apparent beyond the boundaries of the site. **The structure or appearance of the exterior of the dwelling shall not be altered or remodeled for home occupation purposes by color, materials, construction, lighting, or in any other way.** No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or other hazard or nuisance to any greater or more frequent extent than that usually experienced in a district under circumstances where no home occupation exists. All noise shall comply with the City's Noise Control Ordinance (Chapter 38 of the Code of the City of Oceanside).

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3. No signage shall be permitted.
4. ~~No one other than a resident of the dwelling shall be employed on-site or report to work at the site in the conduct of a home occupation. This prohibition also applies to independent contractors. No more than one customer may come to the site at any time from 7:00 a.m. to 7:00 p.m. Monday-Saturday by appointment only. Home occupations shall not be open to visitors without prior appointments. One customer shall be defined as one individual or a single transaction/service.~~ **Only the residents of the dwelling unit and one additional employee may engage in the home occupation at any time. This prohibition also applies to independent contractors. No more than one customer may come to the site at any time from 7:00 a.m. to 7:00 p.m. Monday-Saturday by appointment only. Home occupations shall not be open to visitors without prior appointments. One customer shall be defined as one individual or a single transaction/service.**
5. No kilns exceeding 10 cubic feet in size shall be permitted, and a home occupation shall comply with the performance standards prescribed by Section 3026.
6. Not more than one truck with a maximum capacity ~~of one ton~~ **as allowed on residential property and** incidental to a home occupation shall be kept on the site ~~per City Code Article X. No signage identifying the existence of the home occupation shall be permitted on the vehicle.~~
7. The number of parking spaces available to a dwelling unit housing a home occupation shall not be reduced to less than two. **Existing non-conforming parking shall be maintained.** At the minimum, a two-car garage with minimum dimensions of 20 feet by 19 feet shall be provided for the parking of vehicles (Two 10 foot by 19 foot parking spaces). ~~Materials and goods shall not be stored and no permanent work area, workbench, or structures shall be built within the required garage parking area. and permanent work area, workbench, or structures may be built within the required garage if this does not diminish the usable parking space in the required garage parking area.~~
8. A home occupation shall not create pedestrian, automobile, or truck traffic in excess of the normal amount in the district.
9. The delivery of materials, goods, or products to and from the location of a home occupation shall be limited to the hours of 7:00 a.m. to 7:00 p.m., ~~with the exception of newspaper deliveries.~~
10. The size of delivery vehicles used in conjunction with the delivery of materials, goods, or products to and from the location of a home occupation shall ~~be limited to a single unit truck with a maximum of 28-foot length and a maximum gross vehicle weight of 24,000 pounds~~ **be in compliance with the traffic regulations based on street classification per Oceanside Traffic Code Section 12.3.**

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11. No motor vehicle repair, **small motor repair or other uses that produce loud noise or noxious fumes** ~~beauty shop, or barbershop, or retail sales~~ shall be permitted, ~~and a home occupation shall not include an office, a sales room, or any other space open to any business visitors, customers, or clients,~~
12. ~~and t~~ There shall be no **on-site** advertising of ~~the address of~~ the home occupation, ~~that results in attracting persons to the premises.~~
13. The license for a home occupation that is not operated in compliance with these regulations shall be revoked by the Business License Inspector, with the concurrence of the Building Official and the City Manager after 30 days written notice unless the home occupation is altered to comply.

D. Appeals. All appeals of the City's decision shall be processed in accordance with the Code of the City of Oceanside.

### **3008 Swimming Pools and Hot Tubs**

Swimming pools and hot tubs shall be fenced, as required by Section 6.29 of the City Code. Additional fencing, separation, or fixed windows shall be required where, in the judgment of the Building Official, such features are needed for safety.

An unenclosed swimming pool, hot tub (spa), and related equipment shall be set back a minimum of 5 feet from a rear or side property line. Pools and hot tubs (spa) shall not be allowed within the front yard or corner side yard setback area, or within any required geologic setback area.

### **3009 RESERVED**

### **3010 Live Entertainment**

The following regulations shall apply to any use offering scheduled live entertainment, as defined, three or more times per calendar year:

- A. Exits shall not be opposite a residential district adjoining the site, unless limited to emergency use only.
- B. A use permit shall establish conditions ensuring that no litter problem will exist.
- C. A use permit for live entertainment shall apply only to the type of entertainment approved, and a different type of entertainment shall require approval of a new use permit.

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**3011 Service Stations and Automobile Washing**

The following supplementary development regulations shall apply to the Service Stations and Automobile Washing use classifications.

- A. Minimum Separation. Minimum separation between site boundaries shall be 500 feet, except that one such use may be located at each corner of a street intersection.
- B. Site Layout. Conditions of approval of a use permit may require buffering, screening, planting areas, or hours of operation necessary to avoid adverse impacts on properties in the surrounding area.
- C. Planting Areas. Perimeter planting areas shall be as required for parking lots by Article 31, except where a building adjoins an interior property line. Required interior planting areas may adjoin perimeter-planting areas.
- D. Storage of Materials and Equipment. The provisions of Section 3020 Outdoor Facilities shall apply, except that a display rack for automobile products no more than 4 feet wide may be maintained at each pump island of a service station. If display racks are not located on pump islands, they shall be placed within 3 feet of the principal building, and shall be limited to one per street frontage. Storage of inoperative vehicles is prohibited. The location of display racks and vending machines shall be specified by the use permit.

**3012 Maximum Dwelling Unit Occupancy**

To ensure consistency with the density policies of the General Plan and with the rights of individuals living as a household but not related by blood or marriage, occupancy by persons living as a single household in a dwelling unit shall be limited as follows:

- A. A dwelling unit shall have 150 square feet of gross floor area for each of the first 10 occupants and 300 square feet for each additional occupant to a maximum of 20. In no case shall a dwelling unit be occupied by more than 20 persons.
- B. A Residential High Occupancy Permit to be renewed on an annual basis and, approved by the City Planner, shall be required for occupancy of a dwelling unit by more than 6 persons 18 years or older. The City Planner shall not issue a Residential High Occupancy Permit unless evidence is presented that all vehicles (one space per adult) will be stored on the site in conformance with the provisions of this ordinance.

**3013 Development on Substandard Lots**

A legally created lot having a width or area less than required for the base district in which

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it is located may be occupied by a permitted or conditional use if it meets the following requirements or exceptions:

- A. The substandard lot shall be subject to the lot merger provisions of the Subdivision Ordinance of the City of Oceanside, Article XI, Parcel Mergers and Unmergers.
- B. No demolition permit shall be issued to remove a structure other than an accessory structure that is on a substandard lot and also partially sited on a contiguous lot in the same ownership unless a lot is created conforming to the minimum width and area requirements of the district in which it is located.
- C. A substandard lot shall be subject to the same yard and density requirements as a standard lot, provided that in residential district, one dwelling unit may be located on a substandard lot that meets the requirements of this section.
- D. An existing legal lot comprising a minimum size of 5,000 square feet or greater and a minimum width of 50 feet or greater shall not be considered substandard for purposes of this section.

### **3014 Projects Divided by District Boundaries**

This section shall apply to any project of one or more lots, which are divided by one or more zoning districts.

Except as provided herein, each lot or portion of a lot is subject to all regulations applicable to the zoning district in which it is located.

Notwithstanding the rule set forth in the preceding paragraph, parking serving a principal use on a site shall be permitted in either of the following situations:

- 1. All zoning districts in the project are within the same zoning classification.
- 2. A Conditional Use Permit is approved permitting parking in a project subject to different zoning classifications. The Planning Commission or Community Development Commission, as the case may be, may approve a Conditional Use Permit authorizing such parking if it finds the following:
  - a. The site on which the parking is to be located is contiguous to the site on which the principal use is located and is not separated by any public right-of-way, including but not limited to an alley.
  - b. All property is under the same ownership.
  - c. The parking area will be buffered from any adjacent residential uses or districts by

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the use of a 6-foot high decorative wall and sufficient landscaping including trees for screening.

- d. Lighting of the parking area will be properly shielded so as to prevent glare on any adjacent property.
- e. The allowance for parking on the site will not be detrimental to the public health, safety and general welfare of persons residing or working in or adjacent to the neighborhood of such use.
- f. In residential districts, the area of the site used for parking for a use not permitted within a residential district is not more than 0.5 acres.
- g. In all non-residential districts, the site used for parking for a use not permitted within the district is not more than 20% of the principal site.

### **3015 Building Projections into Yards and Courts**

#### **A. Inland and Downtown Zoning Districts**

Projections into required yards and courts shall be permitted as follows:

Cornices, Eaves, Mechanical Equipment, Fireplaces and Ornamental Features: 2 feet.

Uncovered Patios and Porches, Terraces, Platforms, Decks, and other Similar Structures not more than 30 inches in height: These structures may occupy a required front, corner side, side, or rear yard, but must be located a minimum of 3 feet from a side or rear property line, and may only project 6 feet into a front or corner side yard for a length of 15 feet parallel to the adjoining property line.

Bay Windows, Awnings, and Canopies: 2 feet provided that a minimum side yard setback of 3 feet must be maintained.

#### **B. Coastal Areas exclusive of Downtown District**

The following intrusions may project into any required yard, but in no case shall such intrusion extend more than two (2) feet into such required yards nor closer than thirty (30) inches from the lot line, whichever is more restrictive.

- (a) Cornices, eaves, belt courses, sills, buttresses or other similar architectural features.
- (b) Fireplace structures not wider than eight (8) feet measured in the general

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direction of the wall of which it is a part.

- (c) Open stairways, balconies, and fire escapes.
- (d) Uncovered porches and platforms which do not extend above the floor level of the first floor, provided that they may extend six (6) feet into the front yard.
- (e) Planting boxes or masonry planters not exceeding forth-two (42) inches in height.
- (f) Guard railings for safety protection around ramps.

On lots with side or rear yards adjoining alleys, the rear and side yard requirements shall not be applicable to apartments and dwellings constructed so as to constitute a second story over garages, provided that only those yards which are immediately adjacent to the alley are affected by this section.

### **3016 Front Yards in Residential Districts**

#### **A. Inland and Downtown Zoning Districts**

Where lots comprising 40 percent of the frontage on a blockface in residential district are improved with buildings, the required front yard shall be the average of the front yard depths for structures on each developed site in the same district on the blockface. In computing the average, the actual depth shall be used up to a maximum depth 10 feet greater than the normally required front yard for any site having a yard depth exceeding the minimum requirement.

#### **B. Coastal Areas exclusive of Downtown District**

The depth of required front yards may be modified on lots located between lots having nonconforming front yards. A nonconforming front yard shall mean an area between the front lot line and the closest part of the main building having a depth less than the required front yard.

The rear line representing the depth of a modified front yard on any lot shall be established in the following manner:

1. A point shall be established on each improved or unimproved lot having a nonconforming or conforming front yard between which are located lots needing adjustment, and such point shall be located at the intersection of the rear line of such front yard with a line that constitutes the depth of the lot.
2. A straight line shall be drawn from such point across any intervening unimproved lot or lots, to a point similarly established on the next lot in either direction on which a main building exists which establishes a conforming or nonconforming front yard.

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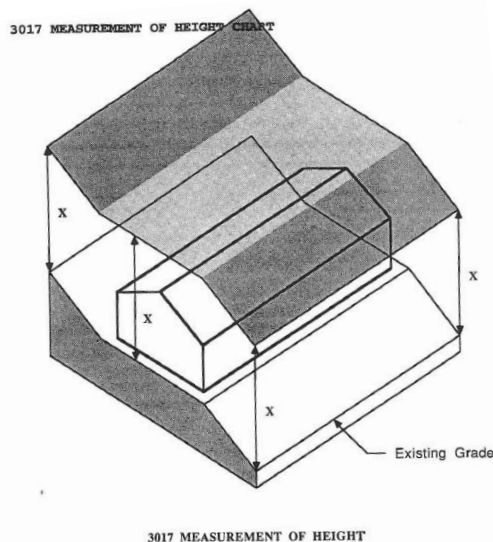
3. Where the elevation of the ground at a point twenty-five (25) feet from the front property line and midway between the side property lines differs more than five (5) feet from the average grade elevations of the street level, or when the slope (measured in the general direction of the side lot lines) is twenty (20) percent or more on at least one-fourth of the depth of the lot, the front yard may be reduced one (1) foot for each foot of difference in elevation, provided the total reduction shall not exceed fifty (50) percent of the required depth. These modifications do not apply where over seventy-five (75) percent of the difference in elevation occurs within five (5) feet of the front line.

### **3017 Measurement of Height**

#### **A. Inland and Downtown Zoning Districts**

Height shall be measured from existing grade (the grade existing prior to the initial development/grading of the site) at all points on the site to a warped plane an equal height above all points on the site (See Diagram 3017), with the following exception:

Where a finished grade elevation, different than the existing grade elevation, is approved as part of a discretionary application such as a Tentative Map, Development Plan, Use Permit, Variance, or Coastal Permit, height shall be measured from the approved finished grade elevation at all points on the site to a warped plan an equal height above all points on the site. In approving a finished grade elevation that is different than the existing grade elevation, compatibility with the existing elevation of adjacent and surrounding properties shall be considered.



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B. Coastal Areas exclusive of Downtown District

No building or structures shall be erected or enlarged unless such building or structure complies with the height regulations for the zone in which the building or structure is located or proposed to be located. For purposes of determining the height of a building or structure, the average finished grade of the parcel on which the building or structure is located shall be used.

**3018 Exceptions to Height Limits**

A. Single family dwellings subject to ministerial review:\*\*

The following structures may be allowed to exceed applicable base zoning district limits\* by no more than ten feet, if determined to be in compliance with 3018 A. provisions.

1. Elevator and stairway enclosures. Dimensions shall be limited to minimum building code requirements and shall not include any accessory living or storage area. Usable rooftop decks shall be setback 5 feet (min) from the building perimeter – not including any roofline projections.
2. Chimneys, antennae and roof vents. Size shall be minimized to accommodate the intended use of the structure.

B. Structures subject to discretionary review:

The following structures may be allowed to exceed applicable base zoning district limits\* by no more than ten feet, if determined to be in compliance with 3018 B. provisions. Exceptions to height limits greater than ten feet may be granted, subject to approval of a conditional use permit.

1. Elevator and stairway enclosures. Dimensions shall be based on minimum building code requirements and architectural compatibility should be considered. Enclosures shall not include any accessory living or storage areas.
2. Chimneys, antennae, roof vents and utility structures required to operate or maintain the building. Size shall be minimized to accommodate the intended use of the structure.
3. HVAC and similar mechanical equipment. Equipment shall be screened from public view and the screening enclosure height shall not exceed minimum equipment manufacture's specifications for airflow clearance(s).

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4. Spires, false fronts, campanulates and similar building design elements that provide architectural articulation. Such structures shall not include any living area or accessible rooftop deck space that can be occupied.
5. The total coverage of any/all structures shall not exceed 10 percent of the roof area upon which they are situated.

\* The Strand: The Strand is subject to the height limitations of Proposition A, passed April 13, 1982.

\*\*Parapet Walls: Parapet walls required by building codes for safety purposes shall comply with applicable building height limits and shall not be allowed any height exceptions

### **3019 Landscaping, Irrigation, and Hydroseeding**

A. General Requirement. Minimum site landscaping and required planting areas shall be installed in accord with the standards and requirements of this section, which shall apply to all projects, except single-family residences (See the City of Oceanside Specifications and Guidelines for Landscape Development).

1. Landscape plans shall be prepared by a licensed landscape architect. No significant or substantive changes to approved landscaping or irrigation plans shall be made without prior written approval by the City Planner, City Engineer, and the landscape architect. Substantial changes shall require approval of the Planning Commission or Community Development Commission, as the case may be.
2. Completion of required landscaping and irrigation improvements shall be required prior to the issuance of an occupancy permit for new construction.

B. Standards.

1. Required planting areas shall be permanently maintained. As used in this section, "maintained" includes: watering, weeding, pruning, insect, disease, and other types of pest control, and replacement of plant materials and irrigation equipment as needed to preserve the health and appearance of plant materials. Failure to adequately maintain required landscaping may result in prosecution or revocation of development approvals.
2. Landscape materials shall not be located such that, at maturity:
  - a. They interfere with safe sight distances for vehicular, bicycle or pedestrian traffic;

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- b. They conflict with overhead utility lines, overhead lights, or walkway lights; or
  - c. They block pedestrian or bicycle ways.
- C. Landscaping Plans Required. Applications for development plan approval for projects subject to this section shall include plans and written material showing how any applicable site landscaping or planting area requirements are to be met. The degree of specificity of such plans and written material shall relate to the type of permit or request for approval being sought.
- D. Materials. Landscape/Irrigation design shall comply with Xeriscape Principles set forth by Article V, Chapter 37 of the Oceanside City Code. Landscape plans shall demonstrate a recognizable pattern or theme for the overall development by choice and location of materials. To accomplish this, landscape plans shall conform to the following:
1. Plant materials shall be selected for: energy efficiency and drought tolerance; adaptability and relationship to Oceanside environment; color, form and pattern; ability to provide shade; soil retention, fire restrictiveness, etc. The overall landscape plan shall be integrated with all elements of the project, such as buildings, parking lots and streets, to achieve desirable microclimate and minimize energy demand.
  2. Plant materials shall be sized and spaced to achieve immediate effect and shall normally not be less than a 15-gallon container for trees, 5-gallon container for shrubs, and a 1-gallon container for mass planting. The City Planner may approve smaller containers for fast-growing plants (e.g. crib wall planting).
  3. The use of crushed rock or gravel for large area coverage shall be avoided (except for walks and equestrian paths).
  4. Non turf areas, such as shrub beds, shall be top-dressed with a bark chip mulch or approved alternative.
  5. Where shrubs or low-level vegetation are used, vegetative matter at maturity shall cover at least 75 percent of actual planted area.
  6. Trees and other vegetation shall be utilized to soften ridgelines created by subdivisions.
  7. The use of landscape materials shall be designed to minimize sun exposure of paved surfaces and structures.

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E. Design Standards.

1. Parking lots shall have perimeter planting areas as prescribed by the following schedule and, in addition, shall have 5 percent of the area within the perimeter planting strips devoted to planting areas distributed throughout the parking lot.

<b>Parking Lot Dimension Adjoining Property Line</b>	<b>Width of Perimeter Planting Strip (ft.)</b>		
	Adjoining Street Property Line	Adjoining Residential District	Adjoining Other Districts
Up to 100 feet	3	3	3
More than 100 feet	10	5	5

2. A parking structure in a commercial or industrial district having at-grade parking adjoining a street shall have a 10-foot planting area adjoining the street property line.
3. Where landscaped areas are provided, they shall be a minimum of 3 feet in width, except window planter boxes. Landscaped areas containing trees shall be a minimum of 4 feet in its narrowest dimension.
4. The end of each row of parking stalls shall be separated from driveways and drive aisles by a landscaped planter, sidewalk, or other means.
5. For every six contiguous parking stalls within a parking lot area, a minimum of one tree shall be provided within a landscaped planter to breakup the expanse of pavement. Where a row of parking stalls contains twelve or less contiguous parking stalls, a minimum of one tree shall be provided within a landscaped planter at each end of the row of parking stalls.
6. Where autos will extend over landscaping, the required planting area shall be increased 2 feet in depth by decreasing the length of the parking stall by 2 feet. Where autos will overhang into both sides of an interior landscaped strip or well, the minimum inside curb-to-curb interior planter dimension shall be 7 feet.
7. Landscaping shall be provided on the upper levels of parking structures where these structures are visible from public streets, pedestrian pathways, or adjacent buildings.

F. Irrigation Plans. Irrigation plans shall be submitted with working documents (plans).

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Irrigation systems shall be designed to comply with the Water Conservation Ordinance and Xeriscape Requirements. The landscape plans shall contain all construction details for an automatic system including, but not limited to, the following:

1. Location, type and size of lines;
2. Location, type and gallonage output of heads;
3. Location and sizes of valves;
4. Location and type of controller;
5. Installation details;
6. Location and type of backflow prevention device (as per Health Code);
7. Available water pressure and water meter outlet size;
8. Irrigation application schedule and flow rates.
9. Approved moisture sensors and/or rain check devices (where applicable).
10. Approved Flow sensors (where applicable).

G. Hydroseeding. Plans indicating location and type of hydroseeding shall be submitted with development plans when such planting is to be utilized for permanent landscape treatment or for natural area restoration. Hydroseeding plans shall contain installation specifications including, but not limited, to:

1. Seed mix and application rate and slurry components and application rates. A native seed mix containing a minimum of 10 percent shrub and perennial seeds shall be utilized in areas where permanent landscape restoration is required. Species selected shall include plant materials native to the area.
2. Fertilizer, mulch materials, soil preparation and watering specifications.

H. In addition to the above regulations, if a property is located within the Coastal Zone, the following additional regulations shall apply:

1. All coastal permit applications for new development shall be required to provide a landscape Plan that emphasizes the use of fire-resistant, native, non-ensvasive, drought tolerant and salt-tolerant species, and shall include the following:

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Development within a viewshed area shall be subject to design review as part of any discretionary review, and shall be based on the following criteria:

- a. Landscaping shall not, at maturity, obstruct views; and
  - b. Landscaping shall be located to screen adjacent undesirable views (such as parking lot areas, mechanical equipment, bulky or tall structures, cell phone towers, electrical lines).
2. Development within the Coastal Zone shall conform to the following Wild Urban Interface (WUI) requirements:
- a. Within the WUI, which includes those areas that provide a transition between wild land (undeveloped land) and human development, the person owning or occupying a building or structure shall maintain a fuel modification zone within 100 feet of any and all habitable buildings or structures. The area within 100 feet of a habitable structure is divided in two zones as follows. Zone 1 is located 0-50 feet from the residence and Zone 2 located from 50-100 feet from the residence. Required fuel modification that may take place in both zones is defined as follows: In zone 1, vegetation that is not fire-resistant shall be removed and re-planted with fire resistant plants. In Zone 2, all dead and dying vegetation shall be removed. Native vegetation may remain in this area provided that the vegetation is modified so that combustible vegetation does not occupy more than 50% of the square footage of the area. Weeds and annual grasses shall be maintained at a height not to exceed 6 inches. Root systems and stumps will be left in place to minimize soil disturbance and soil erosion. All fuel modification work shall be done only by hand crews. The Fire Marshal retains the discretion to reduce or expand the fire Zones 1 and 2 on a case-by-case basis, with specific findings due to factors that may include, but are not limited to, building materials, topography, vegetation load and type.
  - b. All coastal permit applications for projects located in wild/urban interface area shall be required to provide a Landscape Plan, which shall be reviewed by the Fire Marshal to determine if any thinning or clearing of native vegetation is required. The Fire Marshal may reduce the 100-foot fuel management requirement for existing development, when equivalent methods of wildfire risk abatement are included in project design. Equivalent methods of fire risk reduction shall be determined on a case by case basis by the Fire Marshal and may include the following, or a combination of the following:
    - i. Installation of masonry or other non-combustible fire-

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- resistant wall up to 6 feet in height;
  - ii. Boxed eaves;
  - iii. Other alternative construction to avoid the need for vegetation thinning, pruning, or vegetation removal.
- c. New development, including but not limited to , subdivisions and lot line adjustments, shall be sited and designed so that no brush management or the 100-foot fuel modification zone encroaches into Environmentally Sensitive Habitat Areas (ESHA ). Where a new addition to a principal structure would encroach closer than 100 feet to an ESHA, the Fire Marshal shall review the project for fuel modification requirements. If a 100-foot modification zone would encroach into ESHA, the addition shall not be permitted unless the addition would not encroach any closer to ESHA than existing principal structures on either side of the development.

### **3020 Outdoor Facilities**

The specific purposes of the Outdoor Facilities provisions are to maintain consistent development standards for the entire City while providing for an exceptional visual environment; provide for a quality working and business environment at the same time as enhancing the community's appearance; and provide a streamline approach to achieving compliance with specific design criteria.

#### **A. Where Permitted And Development Standards.**

##### **1. Outdoor Storage of Merchandise, Materials or Equipment:**

Outdoor storage of merchandise, materials or equipment shall be permitted within the CN, CC, CG, CL, CR, CS-HO, CS-L, CV, IL, IG, PS, C-1/CZ, C-2/CZ, M-1/CZ, PUT/CZ Districts and the Commercial Subdistricts within the D District if the following standards are met:

- a. Storage area shall be less than 35% of site area.
- b. Storage area shall meet the screening requirements of Section 3020(D) and applicable standards of Section 3040.
- c. Storage area shall be located to the side or rear of the main building on the site.
- d. Merchandise, materials and equipment shall not be stored in required parking areas, driveways, fire lanes, setback areas, landscape areas or on sidewalks or walkways.
- e. Storage area shall not directly abut a residential district (Separation by a street or alley will be considered as not directly abutting).

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- f. Storage area shall be limited to materials, products or equipment used, produced, sold or manufactured on the site of a legally conforming business.
- g. Storage area does not remove native plant habitat and is in compliance with all local, state and federal environmental protection laws.
- h. Storage area shall meet all federal, state, regional and City requirements for discharge and drainage including, but not limited to requirements of Regional Water Quality Control Board (RWQCB) and National Pollution Discharge Elimination System (NPDES).
- i. There are no hazardous materials stored within the storage area.
- j. Storage area is visually buffered from all residential districts, public parks, scenic open space areas, Interstate 5, Highway 78 and Expressway 76. Buffering shall be consistent with the screening of outdoor facilities requirements set forth in Section 3020(D).
- k. The storage area and the stored materials are maintained in a clean and orderly manner.

**ALTERNATIVE PROCESS:** An outdoor storage area not meeting the above standards within these districts is prohibited unless supported by environmental review and the issuance of an Alternate Outdoor Storage Permit by the City Planner. A Permit shall not be issued for storage of materials within a public right-of-way. An Alternate Outdoor Storage Permit shall be administratively issued if all of the following findings are made:

Findings:

- I. The proposed use is in accord with the objectives of the ordinance and the purposes of the district where the site is located.
- II. The proposed use is reasonably necessary to the operation of the business at the site.
- III. All environmental impacts can be mitigated in accordance with the California Environmental Quality Act.
- IV. The proposed use will not be detrimental to the public health, safety or welfare or persons residing or working in or adjacent to the neighborhood of such use and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City.

- V. The proposed alternative is tasteful and assists in creating a quality public environment.

2. Outdoor Display of Merchandise, Materials or Equipment

Outdoor merchandise display of retail merchandise is permitted in commercial, industrial and Downtown (D) districts subject to the following development standards:

- a. An application is not required if the proposed Outdoor Merchandise Display is consistent with the standards listed below. An application is required for an Alternative Outdoor Display. See below for additional information on processing an Alternative Outdoor Display application.
- b. The outdoor display area shall not exceed 50% of the building frontage length. If a store fronts on more than one street, only one frontage may be used to display the items. Displayed items shall be identical to items sold within the building onsite. Displays shall be temporary and removed at the end of each business day. Displayed items shall be located within 5 feet of the front building wall.
- c. Parking lot circulation and required parking spaces shall remain unobstructed at all times. Private sidewalks, courtyards, or entries shall provide a minimum four foot wide pedestrian area clear and unobstructed. Additionally, all fire, building and disabled access requirements shall be met.
- d. Displayed merchandise shall not impede sight distance requirements.
- e. Display of merchandise is permitted only by the tenant/owner of an existing business on the site. Display of merchandise on vacant property is prohibited.
- f. No display of merchandise from cars, trucks, or other vehicles is permitted.
- g. Signs associated with the display of merchandise are not permitted.
- h. All displays shall be located within hardscape areas. Displays are not permitted on landscaped or areas not hard-surfaced.
- i. Displayed merchandise shall not obscure or interfere with any official notice, public safety sign or device.
- j. All merchandise displayed shall be maintained in a state of order, security, safety and repair. No damaged merchandise shall be displayed.
- k. No single item taller than 12 feet is permitted. No more than two items may be

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stacked. Stacking of items above 6 feet is prohibited.

- l. Items shall not be displayed in bins, boxes or on racks.
- m. Food and beverage sales are prohibited.
- n. Lighting of outdoor merchandise displays is prohibited. No electricity shall be utilized by an outdoor merchandise display.
- o. No noise shall be generated by an outdoor merchandise display.
- p. The tenant shall maintain the sidewalk and parkway area adjacent to the building in good order and repair and shall keep the area clean.
- q. Outdoor merchandise displays may be allowed on public property subject to the above standards and the following specific requirements:
  - i. Display of merchandise within the public right-of-way is permissible only after approval of an encroachment permit issued by the City Engineer.
  - ii. Displayed merchandise shall only be allowed within the four feet of public right-of-way nearest the property line and parallel to the curb in front of the business to which it relates.
  - iii. A minimum four-foot wide sidewalk area, clear of any obstructions and in conformance with all fire, building and disabled access requirements, shall be maintained in front of the displayed merchandise.

**ALTERNATIVE PROCESS:** Alternatives to the above restrictions may be proposed. Applications for Alternative Outdoor Display shall be submitted on forms provided by the City. The proposed Alternative Outdoor Display is subject to the review and approval of the Building Official and City Planner. The alternative shall be renewed at time of business license renewal or issuance. The following findings must be made by the Building Official and City Planner, to approve the proposed alternative:

Findings:

- I. There is reasonable justification for the alternative proposed.
- II. The public health, safety and general welfare are not compromised by the proposed alternative.
- III. The alternative is tasteful and assists in creating a top quality-shopping

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environment.

3. Sidewalk Cafes and Outdoor Food Service Accessory to an Eating and Drinking Establishment

Sidewalk cafes or outdoor food service accessory to an Eating and Drinking Establishment shall be permitted within the CN, CC, CL, CG, CR, CS, CV, IL, IP, C-1/CZ, C-2/CZ, M-1/CZ, and D Districts subject to the review and the approval of an Outdoor Eating Permit issued by the City Planner if the following standards are met:

- a. The outdoor eating area is less than 500 square feet.
- b. Existing parking spaces or landscape areas are not removed unless the new parking or landscape areas are shown to comply with the regulations of this Zoning Ordinance.
- c. The outdoor eating area does not directly abut a residential district or a sensitive habitat area (Separation by a street or alley will be considered as not directly abutting).
- d. The serving of alcoholic beverages is subject to the approval of the State of California Department of Alcohol Beverage Control (ABC), and the City of Oceanside's Police Chief and City Planner.
- e. No outdoor preparation of food or beverages is permitted, except as permitted for outdoor barbecues pursuant to California Health and Safety Code, Article 9, Section 27641.
- f. Live entertainment is prohibited within the outdoor eating area.
- g. The outdoor eating area is not located within any setback area or public right-of-way, with the exception of sites west of Interstate 5 and sites within the Mission Historic Core area. Outdoor eating areas in these areas may be located within public right-of-ways or front or corner side-yard setback areas.

An outdoor eating area in the public right-of-way shall require an encroachment permit issued by the City Engineer.

An outdoor eating area within a public right-of-way or a front or corner side-yard setback area may require additional landscaping, decorative paving and/or fencing subject to the satisfaction of the City Planner.

- h. All outdoor eating areas shall meet the established "Outdoor Eating Area
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Guidelines", including the fencing requirements, as confirmed by the City Planner.

- i. If a Sidewalk Café or Food Service is proposed within the C-1/CZ, C-2/CZ or any portion of the D District located within the Coastal Zone, such proposal will require the issuance of a Coastal Development Permit and will be subject to the applicable requirements of the certified Local Coastal Program including, but not limited to, parking standards, public access requirements and protection of scenic resources.

ALTERNATIVE PROCESS: Outdoor Eating and Drinking Establishments not meeting all of the above standards are prohibited unless supported by an Administrative Use Permit issued by the City Planner or approval of the Community Development Commission for projects within the D District. Permit applications shall be reviewed based on the standards set forth in items (a) through (h) above, the Outdoor Eating Area Guidelines and the findings required for approval of a conditional use permit.

4. Outdoor Storage Containers

For the purposes of this section an Outdoor Storage Container is defined as a metal container previously used as a shipping container, truck trailer or other similar use and not exceeding 8' in width by 40' in length or a total enclosed area of 320 square feet.

Outdoor storage containers may be used for storage purposes in the CN, CC, CG, CL, IL, IG, A PS, C-1/CZ, C-2/CZ, M-1/CZ and PUT/CZ Districts if the following standards are met:

- a. Outdoor storage containers within the CN, CC, C-1/CZ, CG, C-2/CZ and CL districts shall be limited to two containers per business. Outdoor storage containers within the IL, IG, A, M-1/CZ, PUT/CZ and PS Districts shall not be limited in quantity as long as they meet the following standards.  
Storage containers shall be allowed for existing development. New development or major modifications (greater than 20% increase in existing square footage) to existing development shall require the incorporation of the storage needs of the site into a permanent facility.
- b. Containers shall not be located in any required setback or yard area, including setbacks required for geologic stability, biological buffers, or required fire modification zones, required landscape area, required drive aisle, driveway, or parking area. Maximum height of a storage container shall be 12 feet from the ground.

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- c. Containers shall be located to the rear 50% of the site and shall not be visible from an adjoining property or from a public or private street. Storage containers not so located may be placed on a site if the containers are adequately screened and buffered in accordance with (d) below.
- d. Screening shall be provided so that the outdoor storage container is not visible or is buffered from surrounding properties or public or private streets or the container shall be architecturally compatible with the primary buildings and the nature of the business. Enhanced fencing, landscaping, buffering, and/or architectural treatments shall be required for visible containers. Buffering may include the use of decorative design features including painting, murals, etc. if approved by the City Planner.

Exception: Outdoor storage containers, located within IL, M-1/CZ and IG districts, that are surrounded by other industrial uses and are not visible from a major arterial may be allowed to extend beyond the height of a fence or wall without providing additional buffering and/or screening.

- e. Containers are not permitted on vacant property.
- f. The containers and their screening and landscaping shall be maintained in good repair. Any dilapidated, dangerous, or unsightly containers shall be repaired or removed. Graffiti shall be removed in accordance with the City's Graffiti Ordinance.
- g. Containers shall be used for storage purposes only. Storage is limited to materials, products or equipment used, produced, sold or manufactured on the site of a legally conforming business.
- h. Outdoor storage containers meeting the requirements of Section 3020.4 shall not require a building permit but must be in compliance with all building code requirements. Containers with adequate structural strength may be placed directly on concrete or asphalt paving in lieu of a designed foundation or other foundation as approved by the Building Official. There shall be no plumbing or electricity connected to the container and all wheels (except for small, non-inflatable rollers) shall be removed.

ALTERNATIVE PROCESS: Outdoor storage containers not meeting all of the above standards within these districts require the approval of an Administrative Conditional Use Permit issued by the City Planner. The standards set forth in items (a) through (h) above and the required findings for Administrative Conditional Use Permits shall be used in reviewing permit applications.

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EXEMPTION: Outdoor storage containers used for storage on active construction sites shall be exempt from the above standards except that the absence of construction activity for a period of 3 months shall require the removal of the outdoor storage container.

5. "Coffee" and Food Carts

Coffee and food carts are permitted in commercial, industrial, public and semipublic, public utility and transportation and D Districts subject to the current "Coffee Cart Guidelines" of the City of Oceanside and require the submittal of an application and approval of a Permit issued by the City Planner.

6. Working Outdoors in Commercial and Industrial Districts

All work shall be done within an enclosed building in all Commercial and Industrial Districts unless outside work was previously approved through a discretionary action, it complies with the Outdoor Work Guidelines for the City of Oceanside or is conducted pursuant to an Outdoor Work Permit issued by the City Planner.

- a. Outdoor Work Permit: An outdoor work area not complying with the Outdoor Work Guidelines requires an environmental review and approval of an outdoor work permit issued by the City Planner. A permit shall not be issued for outdoor work within a public right-of-way. Permit applications shall be reviewed with reference to the Guidelines and no permit shall be issued without compliance with the following findings:

Findings:

- I. The proposed use is in accord with the objectives of the ordinance and the purposes of the district where the site is located.
- II. The proposed work is reasonably necessary to the operation of the business at the site.
- III. All environmental impacts can be mitigated in accordance with the California Environmental Quality Act.
- IV. The proposed work will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the neighborhood of such work and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City.

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7. Temporary Outdoor sales/Activities within Commercial Districts

Temporary Outdoor Sales/Activities shall be defined as outdoor sales, events or promotions of a limited duration or frequency, including but not limited to, parking lot sales, tent sales and seasonal or promotional sales or events.

a. Sales Events/ Activities for Onsite Commercial Businesses and/or Small-scale Sales Events/Activities of Non-profit Organizations.

Outdoor Sales Events or Activities of onsite commercial businesses within C Districts shall meet the following standards unless alternate standards are approved as part of a Development Plan or Conditional Use Permit for the site:

- i. Sales events and activities directly outside an individual storefront or within a parking lot area shall be limited to a total of 1 per month for each center or for each business if not located within a center. Each event shall be limited to 3 days.
- ii. The sales event or activity shall meet the standards of 7(b) below.
- iii. Sales events not meeting the above requirements may apply for an Outdoor Sale Event/Activity Permit issued by the City Planner. The standards in 7(b) along with the following required findings shall be used in evaluating and making decisions on Permit applications.

Findings:

- I. The proposed use is in accord with the objectives of the ordinance and the purposes of the district where the site is located.
- II. There is reasonable justification for the alternative proposed.
- II. The proposed use will not be detrimental to the public health, safety or welfare or persons residing or working in or adjacent to the neighborhood of such use and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City.
- IV. The proposed alternative is tasteful and assists in creating a quality commercial and public environment.

b. Outdoor Sales Events and Activities Standards.

The following standards apply to outdoor sales events and activities as listed

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within (a) above and within the C Districts:

1. Sales or promotional commercial activities of on-site businesses shall be directly related to existing uses within the center.
2. Location of each event shall be restricted to private property and shall not adversely impact parking lot circulation. A maximum of 25% of the required parking spaces for the sponsoring business or 25% of the spaces within a commercial center containing multiple tenants may be utilized for the display and sale of merchandise. No handicapped spaces shall be used for the event. No encroachment into the public right-of-way shall be permitted.
3. All merchandise shall be setback a minimum of 5 feet from a public right-of-way.
4. A sidewalk/pedestrian clearance of 4 feet shall be provided at all times on all sidewalk/pedestrian areas and at the entrance to all stores.
5. Any structure used in conjunction with a sales event or activity shall be subject to all building and fire department requirements.
6. All exterior lighting utilized in conjunction with a temporary sales event or activity shall conform to the requirements of the Outdoor Lighting Ordinance.
7. All food sales shall be conducted in compliance with health department regulations.
8. All businesses participating in a temporary outdoor sales event or activity must have a valid business license to conduct business at the site of the event.
9. Non-profit groups participating in a temporary outdoor sales event or activity in front of a store must have approval from the business where the event is to be located. Non-profit groups participating in a parking lot sales event or activity must have written approval from the owner of the commercial center.
10. All noise/sound generated by a temporary outdoor sales event or activity shall conform to the noise level limits established by the noise ordinance for commercial districts. If the event is located next to a residential district, all noise generated shall conform to the noise level limits of the affected residential district.

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11. Signage shall meet the standards of the Sign Ordinance for temporary signs.

12. Items for sale shall be displayed in a clean and orderly manner.

c. Outdoor Sales Events and Activities not Related to Onsite Businesses in C Districts or Large-scale events of Non-profit Organizations

These events may require review and permitting under the Special Events Permit Ordinance of the Oceanside City Code (Chapter 30A).

B. Outdoor Facilities Permit Conditions: Grounds For Denial.

A permit for approval of outdoor facilities or working outdoors may require yards, screening, or planting areas necessary to prevent adverse impacts on surrounding properties, travel or pedestrian corridors, sensitive habitat areas or on the visual character of scenic areas as identified in the General Plan. If such impacts cannot be prevented, the City Planner shall deny the permit application.

C. Outdoor Facilities Exceptions.

Notwithstanding the provisions of subsections "A" and "B" above, outdoor storage and outdoor display shall be permitted in conjunction with the following use classifications in districts where they are permitted or conditionally permitted:

1. Nurseries: provided outdoor storage and display is limited to plants only.
2. Vehicle/Equipment Sales and Rentals: provided outdoor storage and display shall be limited to vehicles or equipment offered for retail sale and rental only.

D. Screening Of Outdoor Facilities.

Outdoor storage areas and outdoor work areas shall be screened from surrounding properties, public right-of-ways, parks and scenic open space areas as follows:

1. Screening shall be by a solid, uniform fence or wall with a maximum height as specified in the Ordinance. Solid fencing or walls shall be constructed of wood, brick, block, stone or frame-stucco.
  - a. Solid fencing may include the use of chain link with slats or mesh screening if it is determined by the City Planner to be an appropriate screening alternative for the site.

- b. Where a solid fence or wall is not practical and or advantageous, or complete screening cannot be achieved, the business owner may submit and receive approval of a landscape plan under an Alternate Outdoor Storage Permit or Outdoor Work Permit for the screening of the use. The landscape plan shall demonstrate that appropriate screening or buffering of the use can be achieved by the proposed plant materials within a two year time period and that the appropriate irrigation shall be installed and maintained to keep the landscaping in a viable state.
  - c. Enhanced design treatments and/or landscaping may be required by the City Planner or as a condition of approval for a discretionary action for new or expanded uses or development.
2. Screening shall not be unsightly, shall be reasonably straight and shall be maintained in good repair. Any dilapidated, dangerous, or unsightly fences or walls shall be repaired or removed. Graffiti shall be removed in accordance with the City's Graffiti Ordinance.
  3. The height of merchandise, materials and equipment displayed, stored onsite or used for outdoor work shall not exceed the height of the screening wall or fence.
    - a. Exception: Outdoor storage or work areas within the IL, M-1/CZ and IG districts that are surrounded by other industrial uses and are not visible from major a arterial may exceed the height of a fence or wall.

In addition, storage or work areas may require special treatments for the walls or fencing, or additional landscaping and/or screening to alleviate visual impacts from travel and pedestrian corridors and residential, public park and scenic open space areas and for public health and safety to the satisfaction of the City Planner.

- E. Appeals. Decisions of the City Planner may be appealed by the applicant to the Planning Commission in accord with Article 46 or to the Community Development Commission.

### **3021 Screening of Mechanical Equipment**

- A. General Requirement. Except as provided in subsection (B) below, all exterior mechanical equipment, except solar collectors and operating mechanical equipment in an IG District located more than 100 feet from a C, D, R, PS, PD, or OS district boundary, shall be screened from view on all sides. Equipment to be screened includes, but is not limited to, heating, air conditioning, refrigeration equipment, plumbing lines, duct work, and transformers. Screening of the top of equipment may be required by the City Planner, if necessary to protect views from residential district.

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- B. Utility Meters. Utility meters shall be screened from view from public rights-of-way, but need not be screened on top or when located on the interior side of a single-family dwelling. Meters, in a required front yard or in a corner side yard adjoining a street, shall be enclosed in subsurface vaults.
- C. Screening Specifications. Screening materials may have evenly distributed openings or perforations averaging 50 percent of the surface area and shall effectively screen mechanical equipment so that it is not visible from a street or adjoining lot.

### **3022 Solid Waste/Recyclable Material Storage Areas**

Solid waste/recyclable material storage areas shall be provided prior to occupancy for all commercial, industrial, and public/semipublic uses, and for multiple family residential developments of four or more units. Locations, horizontal dimensions, materials, and general design parameters, of solid waste/recyclable material storage areas shall be as prescribed by the City Planner and City Engineer.

### **3023 Underground Utilities**

All existing and new electrical, telephone, CATV and similar distribution lines providing direct service to a development site shall be installed underground within the site and along the site's frontage in the public right-of-way if frontage improvements are required to develop the site. The underground utilities provisions of the City of Oceanside Subdivision Ordinance shall apply to all projects requiring development plan approval.

If a site is located within the Coastal Zone, development of underground utilities shall be consistent with the certified Local Coastal Program, including but not limited to, requirements for protection of Environmentally Sensitive Habitat Areas (ESHA), biological buffers, and geologic setbacks.

### **3024 Performance Standards**

The following performance standards shall apply to all use classifications in all zoning districts:

- A. Noise. All uses and activities shall comply with the provisions of the Oceanside Noise Regulations (City Code).
- B. Vibration. No use, activity, or process shall produce vibrations that are perceptible without instruments by a reasonable person at the property lines of a site.
- C. Dust and Odors. No use, process, or activity shall produce objectionable dust or odors that are perceptible without instruments by a reasonable person at the property lines of a site.

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D. Glare.

1. From Glass. Mirror or highly reflective glass shall not cover more than 20 percent of a building surface visible from a street unless an applicant submits information demonstrating to the satisfaction of the City Planner that use of such glass would not significantly increase glare visible from adjacent streets or pose a hazard for moving vehicles.
2. For properties located within the shorefront, or along Buena Vista Lagoon or San Luis Rey River, only non-reflective glass that is specially treated to reduce glare shall be permitted.
3. From Outdoor Lighting. Parking lot lighting shall comply with Article 31. Security lighting in any district may be indirect or diffused, or shall be shielded or directed away from residential district within 100 feet. Lighting for outdoor court or field games within 300 feet of residential district shall require approval of a use permit, unless included as part of an approved Master Plan.
4. For properties located in the Coastal Zone, in addition to the above, glare from outdoor lighting shall be limited to the lowest light intensity (i.e. luminance, measured in lux) necessary for safety; light wavelengths (i.e. frequency, measured in nanometers) that avoid, to the greatest extent feasible, white and blue wavelengths; and Kelvin light temperatures in excess of 3,000K. All lighting fixtures shall incorporate, to the greatest extent feasible, the best visor and light direction technology to reduce light spillover, skyglow, and glare.

E. Combustibles and Explosives. The use, handling, storage, and transportation of combustibles and explosives shall comply with the provisions of the Oceanside Fire Prevention Code (City Code) and any other applicable laws.

F. Radioactive Materials. The use, handling, storage, and transportation of radioactive materials shall comply with the provisions of the California Radiation Control Regulations (California Administrative Code, Title 17), the Oceanside Fire Prevention Code (City Code), and any other applicable laws.

G. Hazardous and Extremely Hazardous Materials. The use, handling, storage, and transportation of hazardous and extremely hazardous materials shall comply with the provisions of the California Hazardous Materials Regulations (California Administrative Code, Title 22, Division 4), Section 3026: Hazardous Materials of this ordinance, and any other applicable laws.

H. Heat and Humidity. Uses, activities, and processes shall not produce any unreasonable,

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disturbing, or unnecessary emissions of heat or humidity, at the property line of the site on which they are situated, that cause material distress, discomfort, or injury to a reasonable person.

- I. Electromagnetic Interference. Uses, activities, and processes shall not cause electromagnetic interference with normal radio or television reception in residential districts, or with the function of other electronic equipment beyond the property line of the site on which they are situated.
- J. Evidence of Compliance. The City Planner shall require such evidence of ability to comply with performance standards as he deems necessary prior to issuance of a zoning certificate.

### **3025 Standards For Zero Lot Development (Including Patio and “Twin” homes)**

#### **(Coastal Areas exclusive of Downtown District)**

The purpose of this section is to provide a housing alternative to the conventional single family home and condominium project for retirement-oriented communities. Provisions of small lot units throughout the City in areas already containing the full range of urban services will provide this alternative at an affordable price and with the necessary outdoor living space for this segment of the housing market.

1. **Front Yard:** No front yard setback shall be less than ten (10) feet. In all cases where the garage is designed so that the entrance is straight in from the street, the minimum setback for the garage shall be twenty feet.
2. **Side Yard:** No side yard requirements shall be required provided that at least ten feet are left between structures. On corner lots the side street setback shall be at least ten feet.
3. **Rear Yard:** A rear yard setback of at least fifteen feet shall be provided except that an open patio awning will be permitted to be constructed to within ten feet of the rear property line.
4. **Lot Size:** No lot shall contain less than 3,500 square feet. On hilly terrain the area may be reduced to 3,200 square feet, however, no lot shall contain less than 3,000 square feet of level pad area.
5. **Lot Width:** No lot shall contain less than forty feet of lot frontage. On cul-de-sac lots, the forty feet width must be achieved at a distance within the front yard setback.

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6. Lot Coverage: The maximum lot coverage on any lot shall not exceed 50 percent.
7. Lot Depth: The minimum lot depth shall not be less than eighty (80) feet.
8. Density: The maximum density permitted shall not exceed the density as indicated on the Land Use Element of the General Plan.
9. Location: Projects established under this section shall generally be located in areas already experiencing urban development. The location must be served by the full range of public and urban facilities (transit, police and fire protection, water and sewer facilities, shopping, etc.). Sites located in undeveloped areas will be discouraged. Such projects located in the immediate area of other such projects developed under this section will also be discouraged in order to maintain a reasonable intensity of development and alternate housing choices in any given area.
10. Off-Street Parking Requirements: A one-car garage with a minimum interior area of 240 square feet.
11. Elevations: All developments using this section shall provide elevations of substantial variations to include a mixture of roof lines and exterior material.
12. Park Land Development: Each development shall be required to provide and improve park land or pay in-lieu fees to the City at 1.25 times the standards established in the Subdivision Ordinance. The option of paying in-lieu fees shall be solely at the discretion of the Planning Commission. All units built under this section shall be defined as single family units for the purpose of computing this requirement. Improvement of the park land shall be approved by the Parks and Recreation Commission. Complete landscaping and irrigation will be required. Minimum improvements must be no less in value than the corresponding in-lieu fees. An estimate of costs must be submitted with the development plan.
13. Park Land Maintenance: Park land shall either be owned and maintained by a homeowners' association or dedicated and maintained by the City through a park maintenance district. Such district must be formed prior to the sale of any units in the development.
14. Conditions, Covenants and Restrictions: Any project developed under this section shall be required to submit C.C. &R's to the Planning Commission for review and the City Attorney for approval. Such C.C.&R's shall address exterior maintenance, protection of views, construction and material of accessory structures, age limits of occupants, number of occupants per building and other matters as deemed necessary by the developer and/or Planning Commission. Provision shall be made for a homeowners' association to enforce such C.C. &R's.

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15. Procedures: Subdividers choosing to use this section shall be required to file a development plan in accordance with Article 43 of the Zoning Ordinance.

The development plan herein acquired shall be submitted and processed in accordance with provisions of Article 43 of the Zoning Ordinance. The approval of such development plan does not exempt a development from any provision of the Subdivision Ordinance of the City of Oceanside, nor does such a plan become a substitute for either a tentative or final map of a subdivision.

The provisions of this section are to offer an alternate procedure by which zoning standards, other than usage, may be made applicable to new subdivisions. The acceptance of a plan following the procedures and standards incorporated herein shall be discretionary with the Planning Commission.

### **3026 Hazardous Materials Storage**

A. Purpose. The following supplemental regulations are intended to ensure that the use, handling, storage and transport of hazardous substances comply with all applicable requirements of the California Health and Safety Code and that the City is notified of emergency response plans, unauthorized releases of hazardous substances, and any substantial changes in facilities or operations that could affect the public health, safety or welfare. It is not the intent of these regulations to impose additional restrictions on the management of hazardous wastes, which would be contrary to state law, but only to require reporting of information to the City that must be provided to other public agencies.

B. Definitions. For purposes of this section, "hazardous substances" shall include all substances on the comprehensive master list of hazardous substances compiled and maintained by the California Department of Health Services pursuant to Section 25282 of the California Health and Safety Code.

C. Permit Required. A use permit shall be required for any new commercial, industrial, or institutional use or accessory use, or major addition or alteration to an existing use, that involves the manufacture, storage, handling, or processing of hazardous substances in the following quantities and would require permits as hazardous chemicals under the Uniform Fire Code adopted by the City:

1. 120 Gallons or more of corrosive liquids;
2. 1000 pounds or more of oxidizing materials;
3. 500 pounds or 500 gallons or more of Nitromethane;
4. 1 ton or more of Ammonia Nitrate or Ammonia Nitrate Fertilizer; and,

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5. Any amounts of Acutely Toxic, Highly Toxic, or Pyrophoric materials. The City Planner, in consultation with the Fire Chief, may grant an exception to the use permit requirement for uses utilizing insignificant or minor amounts of Acutely Toxic, Highly Toxic, or Pyrophoric materials.
  6. Any amount of underground storage of bulk flammable and combustible liquids, subject to provisions of Section 3026 (E).
- D. Hazardous Materials Release Response Plans. All businesses located in the city and required by Chapter 6.95 of the California Health and Safety Code to prepare hazardous materials release response plans shall submit copies of all such plans, including any corrected plans or revised plans, to the Fire Chief at the same time these plans are submitted to the public agency administering these provisions of the California Health and Safety Code. These submittal requirements shall be a condition of approval of a development plan, use permit, or building permit for (1) new development where space may be occupied by such a business, and (2) any alteration or addition to an existing building or structure occupied by a business subject to these provisions of the California Health and Safety Code.
- E. Underground Storage Tanks. Underground storage of hazardous substances shall comply with all applicable requirements of Chapter 6.7 of the California Health and Safety Code and Article 79 of the Uniform Fire Code. Any business located in the city that uses underground storage tanks shall:
1. Notify the Fire Chief of any unauthorized release of hazardous substances within 24 hours after the release has been detected and the steps taken to control the release; and
  2. Notify the Fire Chief and the City Planner of any proposed abandoning, closing or ceasing operation of an underground storage tank and the actions to be taken to dispose of any hazardous substances. These notification requirements shall be a condition of approval of a development plan, use permit, or building permit for (1) new development that involves installation of underground tanks, and (2) any alteration or addition to an existing building or structure on a site where underground storage tanks exist.
- F. Above-Ground Storage Tanks. Aboveground storage tanks (500 gallons or less) for any flammable liquids shall be allowed with the approval of the Fire Chief. A use permit shall be required for above-ground storage tanks over 500 gallons in size, with the exception that farming operations and remote construction sites shall be exempt from the use permit requirement, but must, in all cases, obtain approval of the Fire Chief.

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**3027 Arcades and Game Centers**

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The following supplemental regulations shall apply to the operation of arcades and game centers, as defined in Article 36, including mechanical or electronic games or any other similar machine or device (See Article 36, Separation of Regulated Uses).

- A. Purpose. The intent of these regulations is to control the location and hours of operation of arcades and game centers to prevent truancy and discourage minors from congregating in areas close to commercial establishments that sell alcoholic beverages.
- B. Adult Manager. At least one adult manager shall be on the premises during the time an arcade or game center is open to the public.
- C. Hours of Operation for Minors under 18 Years of Age. No arcade or game center owners, manager or employees shall allow a minor under 18 years of age to play a mechanical or electronic game machine during the hours the public schools of the district in which the arcade or game center is located are in session, or after 9 p.m. on nights preceding school days, or after 10 p.m. on any night. It is the responsibility of the owner or manager of the arcade or game center to obtain a current schedule of school days and hours.
- D. Restrictions. The Planning Commission may impose reasonable restrictions on the physical design, location, and operation of an arcade or game center in order to minimize the effects of noise, congregation, parking, and other nuisance factors that may be detrimental to the public health, safety and welfare of the surrounding community.

**3028 Employee Eating Areas**

The following supplemental development regulations shall apply to outdoor eating facilities.

- A. Outdoor eating facilities shall be provided for each building or development based on the following schedule:

<u>Building Area</u>	<u>Required Outdoor Eating Area</u>
Less than 10,000 sq.ft.	0
10,000 to 25,000 sq.ft.	300 sq.ft.
25,000 to 50,000 sq.ft.	500 sq.ft.
50,000 to 100,000 sq.ft.	1000 sq.ft.
Greater than 100,000 sq.ft.	2000 sq.ft.

- B. The area shall be easily accessible to employees and shall be located to offer a sense of

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separateness. In development complexes with multiple buildings, the amount of square footage required for each building shall be consolidated and provided for in centrally located, common areas accessible to the employees of the complex.

- C. The area shall be landscaped and provided with attractive outdoor furniture, i.e., metal, wood, or concrete picnic tables, benches/chairs and trash receptacles.
- D. The size and location of landscaping and furniture required above shall be reviewed as part of the required discretionary action necessary for the proposed development. If no discretionary action is required, a site plan showing the location, landscaping and facilities required above shall be submitted to the City Planner for approval prior to the issuance of any building permits.
- E. Exceptions. This section shall not apply to industrial and office buildings that are located within 1,000 feet of an approved mini-park or a city park which is accessible by walking as determined by the City Planner.

### **3029 Recreational Vehicle Parks**

The following supplemental development regulations shall apply to Recreational Vehicle (RV) Parks.

- A. Definitions. For purposes of this section, “recreational vehicle” means a camp car, motor home, travel trailer or tent trailer, with or without motive power, or other motorized or non-motorized vehicle used for camping or recreational activities.
- B. Limitations on Use.
  - 1. Recreational vehicle sites in RV parks shall be occupied only by recreational vehicles rented on a daily or weekly basis, except that one space, a minimum of 3,600 square feet in size, may be designated as a permanent mobile home site for the residence of the park manager. No permanent external appurtenances such as carports, cabanas or decks may be attached to any recreational vehicle parked in an RV park, and the removal of wheels and placement of a recreational vehicle on a foundation is prohibited. Neither recreational vehicles nor the occupants of such space shall remain in an RV park more than a total of 21 days during a 30-day period. Park occupancy records shall be maintained and, upon request, be made available to the City.
  - 2. An RV park manager or owner shall not sell, lease or rent recreational vehicles or hold out for sale, rent or lease any recreational vehicle located within the park.
  - 3. Accessory uses, including recreational facilities, coin-operated laundry facilities and

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office space for park management are permitted.

C. Site Area. Minimum: 2.5 acres; Maximum: 5 acres. Upon Planning Commission approval, the maximum site area may be increased to 25 acres within the CV or VC/CZ District if found to be necessary to implement Local Coastal Program policies.

D. Minimum Lot Site. 1,250 square feet.

E. Maximum Density. 15 RV sites per acre.

F. Minimum Vehicle Setbacks.

From an interior street: 5 feet.

From any required screening wall or earth berm: 5 feet.

From a common utilities area or recreational area: 6 feet.

From a residential district: 34 feet.

Between vehicles: 10 feet.

G. Maximum Height: 15 feet, except for recreation facilities which may be 30 feet high.

H. Screening.

1. Abutting Public Streets. A 6-foot-high solid wall, or earth berm shall be installed and maintained along the entire front setback area except for the areas required for vehicular access in which case the wall or berm must be sufficiently lowered for a long enough distance to assure adequate sight distance for the expected speed of traffic.

Walls exceeding 150 feet in length shall include a break: a recess or offset of 5 feet for a distance of 10 feet every 50 feet.

Encroachments within the setback area shall be permitted to accommodate the required break.

2. Interior Property Lines. A 6-foot-high solid wall shall be installed and maintained on interior property lines.

I. Landscaping. At least 35 percent of the site area shall be landscaped. A landscape plan shall be prepared (see Section 3019).

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- J. Recreation Area Required. At least 90 square feet of recreation area shall be provided for each RV space. Such recreation area shall include:
1. Outdoor Recreation Space: Areas for games and activities such as shuffleboard, horseshoes, putting greens and swimming pools.
  2. Clubhouse Space: Areas for indoor activities such as reading and games, rest rooms, show facilities, and cooking facilities.
- K. Outdoor Facilities. Central trash collection and storage areas shall be provided.
- L. Internal Circulation. Internal street widths shall be:
- 25 feet if no parking is permitted;  
33 feet if parallel parking on one side is permitted; or  
40 feet if parallel parking on two sides is permitted.

Each RV park shall have a main access point with a minimum traveled-way width of 40 feet, and at least one secondary or emergency access approved by the Police Chief and Fire Chief if only one main access is provided. The main access shall be located on a collector or higher rated roadway as identified in the City Master Street Plan and shall conform to City standards for allowable access spacing.

Pedestrian access into the park shall be separated from vehicular access.

### **3030 Time-Share Resorts**

Time-share resort projects shall be subject to the following supplemental regulations:

- A. Vehicle Access. Primary automobile access shall be located on a collector or higher-rated roadway as identified in the City Master Street Plan and shall conform to City Standards for allowable access spacing. For purposes of this section, The Strand shall be considered a collector roadway.
- B. Parking. Parking shall be provided per Article 31 standards.
- C. Application Requirements. A time-share resort project application shall be accompanied by the following documents which shall be subject to approval of the City Planner:
1. Sales Plan: A Sales Plan shall address the times, areas and methods that will be used to sell the time-share resort estates or uses. Factors to be defined in the plan shall include, but not be limited to: the location, length, and marketing methods that

will be used, distinguishing on-site and off-site marketing and signage; and an estimate of the potential numbers of individuals and automobiles expected during various stages of the sales effort. The plan also shall describe measures that will be implemented to reduce traffic during peak hours.

2. Management Plan: A Management Plan shall describe the methods employed by the applicant to guarantee the future adequacy, stability, and continuity of a satisfactory level of management and maintenance of a time-share resort project. For projects in the Coastal Zone, the Management Plan also shall demonstrate how at least 25 percent of the units shall be reserved for transient occupancy, as required by the Local Coastal Program.
3. Contingency Plan: A Contingency Plan shall address the actions to be taken by the applicant if the time-share resort project is an economic failure or fails to sell 50 percent of the time-share resort estates or uses within two years of receiving a permit to occupy the first unit.
4. Conversion Plan: If a time-share resort project application involves conversion of existing residential dwellings, a Conversion Plan approved by the City Planner shall be required. For purposes of Article 32, Residential Condominium and Stock Cooperative Conversions, a time-share resort unit shall be considered a condominium or dwelling unit. Conversions to time-share resort projects shall be exempt from Section 3209(C): Tenant's Right to Purchase, but shall be subject to all other requirements of Article 32.

### **3031 Bed and Breakfast Inns**

The following regulations shall apply to bed and breakfast inns.

- A. Where Permitted. Bed and breakfast inns are permitted in Downtown districts 4A, 4B, 5, 5A, 6A, 6B, 6C, 12, 13, any other commercial or agricultural district, and in the RM, RH, R-3/CZ, RT/CZ, and RT districts; and in an RE, R-1/CZ or RS district only in owner-occupied historic sites designated under the provisions of Article 21.
- B. Use Permit Required. A use permit issued by the Community Development Commission shall be required for bed and breakfast inns located within the Downtown District. Bed and breakfast inns located in the Agricultural districts with more than two guestrooms shall require an administrative permit. An administrative use permit shall be required for bed and breakfast inns in other residential and commercial districts. Applications shall be submitted to the Planning Division accompanied by: the required fee; plans and elevations showing any proposed modifications to the existing exterior of the structure, descriptions of landscaping, exterior finishes, signs, and parking to be provided; and any other information required by the Division to determine whether the

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proposed bed and breakfast inn conforms to all the requirements of this ordinance. The Planning Commission or Community Development Commission, as the case may be, (for use permits) or the City Planner (for administrative use permits) shall approve a bed and breakfast inn upon finding that:

1. In agricultural and residential districts the bed and breakfast inn will be operated by a property owner living on the premises;
2. The bed and breakfast inn conforms to the design and development standards of Subsection (C) of this section and is compatible with adjacent buildings in terms of building materials, colors and exterior finishes;
3. Public and utility services including emergency access are adequate to serve the bed and breakfast inn.

C. Design and Development Standards.

1. Number of Guest Rooms. No more than six rooms shall be rented for lodging, provided that this restriction may be waived for bed and breakfast inns on a historical site designated under the provisions of Article 21. No more than twelve rooms shall be rented for lodging in the agricultural district.
2. Parking. A minimum of one independently accessible, off-street parking space shall be provided for each guestroom plus one for the resident owner. This requirement may be reduced to one space for each two rooms for a bed and breakfast inn on a designated historical site provided that the Planning Commission, Community Development Commission or the City Planner, as the case may be finds that on-street parking in the vicinity is not subject to time restrictions that would interfere with the hours normally required for guest parking.
3. Signs. No identifying sign shall be displayed other than a sign no larger than 6 square feet identifying the name of the establishment. The face of the sign may be indirectly illuminated by an exterior light source entirely shielded from view, but no internal illumination from an interior light source shall be permitted.

D. Appeals. Decisions of the Planning Commission shall be subject to appeal to the City Council. Decisions of the City Planner shall be subject to appeal to the Planning Commission.

**3032 Affordable Housing Density Bonus**

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- A. Purpose. This section establishes policies which facilitate the development of affordable housing to serve a variety of needs within the City. To encourage provision of moderate, low and very low income housing, senior housing, and ancillary child care facilities, the City shall provide developers/property owners meeting the requirements of this section a density bonus and additional incentives or concessions. The regulations set forth in this section shall apply citywide.
- B. Definitions. As used in this section, the following terms shall have the following meanings:
1. “Density Bonus” means either: ~~(a)~~ a density increase over the maximum allowable residential density allowance under applicable zoning and Land Use Element of the General Plan as of the date of application. The provisions of this Ordinance shall apply only to residential development of five or more units. The number of housing units to be reserved for very low, low or moderate income households or senior housing does not include the density bonus units.
  2. “Concession” or “incentive” shall have the meaning set forth in Government Code section 655915(k).
  3. “Equivalent Financial Value” concerns a condominium conversion project seeking a density bonus and refers to the cost to the developer/property owner based on the land cost per dwelling unit. The land cost per dwelling unit is determined by the difference in the value of the land with and without the density bonus.
  4. “Low Income Households” as currently defined in section 50079.5 of the Health and Safety Code and any subsequent amendments or revisions.
  5. “Very Low Income Households” as currently defined in section 50105 of the Health and Safety Code and any subsequent amendments or revisions.
  6. “Moderate Income Households” as currently defined in section 50093 of the Health and Safety Code and any subsequent amendments or revisions.
  7. “Senior Citizen Housing Development” as currently defined by Sections 51.3 and 51.12 of the Civil Code and any subsequent amendments or revisions.
  8. “Common Interest Development” as currently defined in Section 1351 of the Civil Code and any subsequent amendments or revisions.
  9. “Child Care Facility” means a child day care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care

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facilities, and school-age child care center, as defined by Government Code Section 65915.

10. “Transitional Foster Youth”, as defined in Section 66025.9 of the Education Code, means a person in California whose dependency was established or continued by the court on or after the youth’s 16<sup>th</sup> birthday and who is no older than 25 years of age at the commencement of the academic year.
11. “Disabled Veteran”, as defined in in Government Code Section 18541, means any veteran as who is currently declared by the United States Veterans Administration to be 10 percent or more disabled as a result of service in the armed forces. Proof of such disability shall be deemed conclusive if it is of record in the United States Veterans Administration.
12. “Homeless Persons” as defined in the federal McKinney-Vento Homeless Assistance Act (42U.S.C. Section 11302).
13. “Major Transit Stop”, as defined in Public Resources Code Section 21155, means a site containing an existing rail **or bus rapid** transit station or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute hours as defined in Public Resources Code Section 21064.3. It also includes major transit stops that are included in the applicable regional transportation plan.
14. “Specific Adverse Impact”, as defined in Government Code Section 65589.5(d)(2), means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Inconsistency with zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact on public health or safety.
15. “Housing Development”, as defined in Government Code Section 65915(i), means a development project for five or more residential units, including mixed-use developments. Housing Development also includes a subdivision or common interest development, as defined in Section 4100 of the Civil Code, consists of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, as defined in subdivision (d) of Section 65863.4, where the result of the rehabilitation would be a net increase in available residential units. For the purpose of calculating a density bonus, the residential units shall be on contiguous sites that are the subject of one development application, but do not have to be based upon individual subdivision maps or parcels. The density bonus shall be permitted in geographic

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areas of the housing development other than the areas where the units for the lower income households are located.

16. “Equivalent Size”, as defined by Government Code Section 65915(c)(3)(D), means that the replacement units contain at least the same total number of bedrooms as the units being replaced.
17. “Commercial Development” means a development for non-residential uses.
- ~~18. “Commercial Development Bonus” means a modification of development standards mutually agreed upon by the city and a commercial developer and provided to a commercial development eligible for such a bonus pursuant to Section 3032(N). Examples of commercial development bonus include an increase in floor area ratio, increased building height, or reduced parking.~~
- ~~19. “Agreement for Partnered Housing” means an agreement approved by the city between a commercial developer and a housing developer identifying how the commercial development will provide housing available at affordable ownership cost or affordable rent consistent with Section 3032(N)(2). An agreement partnered housing may consist of the formation of a partnership, limited liability company, corporation, or other entity recognized by the state in which the commercial developer and the housing developer are each partners, members, shareholders, or other participants, or a contract between the commercial developer and the housing developer for the development of both the commercial development and the housing development.~~
20. “Unobstructed Access”, as defined in Government Code Section 65915(p)(2), means if a resident is able to access a major transit stop without encountering natural or constructed impediments.
21. **“Located within one-half mile of a major transit stop”, as defined by Government Code Section 65915(o)(2), means that any point on a proposed development is within one-half mile of any point on the property on which a major transit stop is located, including any parking lot owned by the transit authority or other local agency operating the major transit stop.**

C. Implementation. The City shall grant a density bonus, in the amount specified in subsection D below, to an applicant who proposes a housing development consisting of five or more dwelling units and meeting at least one of the following criteria:

1. At least ten percent (10%) of the total units of the housing development are designated for low income households; or

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2. At least five percent (5%) of the total units of the housing development are designated for very low income households; or
3. A senior citizen housing development, as defined in Sections 51.3 and 51.12 of the Civil Code, or mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.
4. Ten percent (10%) of the total dwelling units in a ~~common interest~~ development as provided in Section 1351 of the Civil Code ~~for~~ **are sold to** persons and families of moderate income, provided that all units in the development are offered to the public for purchase.
5. Ten percent (10%) of the total units of a housing development for transitional foster youth, disabled veterans, or homeless persons. The units described in this subparagraph shall be subject to a recorded affordability restriction of 55 years and shall be provided at the same affordability level as very low income units.
6. Twenty percent (20%) of the total units for lower income students in a student housing development that meets the following requirements:
  - a. All units in the student housing development will be used exclusively for undergraduate, graduate, or professional students enrolled full time at an institution of higher education accredited by the Western Association of Schools and Colleges or the Accrediting Commission for Community and Junior Colleges. In order to be eligible under this subclause, the developer shall, as a condition of receiving a certificate of occupancy, provide evidence to the city, county, or city or county that the developer has entered into an operating agreement or master lease with one or more institutions of higher education for the institution or institutions to occupy all units of the student housing development with students from that institution or institutions. An operating agreement or master lease entered into pursuant to this subclause is not violated or breached if, in any subsequent year, there are not sufficient students enrolled in an institution of higher education to fill all units in the student housing development.
  - b. The applicable 20-percent units will be used for lower income students. For purposes of this clause, “lower income students” means students who have a household income and asset level that does not exceed the level for Cal Grant A or Cal Grant B award recipients as set forth in paragraph (1) of subdivision (k) of Section 69432.7 of the Education Code. The eligibility of a student under this clause shall be verified by an affidavit, award letter, or letter of eligibility provided by the institution of higher education that the student is enrolled in, as described in subclause (a), or by the California Student Aid

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Commission that the student receives or is eligible for financial aid, including an institutional grant or fee waiver, from the college or university, the California Student Aid Commission, or the federal government shall be sufficient to satisfy this subclause.

- c. The rent provided in the applicable units of the development for lower income students shall be calculated at 30 percent of 65 percent of the area median income for a single-room occupancy unit type.
  - d. The development will provide priority for the applicable affordable units for lower income students experiencing homelessness. A homeless service provider, as defined in paragraph (3) of subdivision (d) of Section 103577 of the Health and Safety Code, or institution of higher education that has knowledge of a person's homeless status may verify a person's status as homeless for purposes of this subclause.
  - e. For purposes of calculating a density bonus granted pursuant to this subparagraph, the term "unit" as used in this section means one rental bed and its pro rata share of associated common area facilities. The units described in this subparagraph shall be subject to a recorded affordability restriction of 55 years.
7. **One hundred percent (100%) of all units in the development, including total units and density bonus units, but exclusive of a manager's unit or units, are for lower income households, except that up to 20 percent (20%) of the units in the development, including total units and density bonus units, may be for moderate-income households.**
  8. Any density bonus, concessions, incentives, waivers or reductions of development standards, and parking ratios to which the applicant is entitled under this section shall be permitted in a manner that is consistent with Government Code 65915 and Division 20 (commencing with Section 30000) of the Public Resources Code.
  9. Circumstances may arise in which the public interest would be served by allowing some or all of the designated affordable units associated with a density bonus project to be produced and operated at an alternative development site. Where the City and applicant form such an agreement, both the market-rate and affordable components of the project shall be considered a single housing development for the purposes of this chapter, and the applicant shall be subject to the same requirements of this chapter pertinent to the designated affordable units to be provided on the alternative site.

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D. Amount of Density Bonus. The amount of density bonus granted to a qualifying project shall be based on the category and percentage of affordable units proposed, as reflected in the following matrices.

1. For housing developments meeting the criteria of Section C(1) above, the density bonus shall be calculated as follows:

**TABLE 1 - Density Bonus for Low Income Units**

Percentage Low Income Units	Percentage Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
16	29
17	30.5
18	32
19	33.5
20	35
<b><u>21</u></b>	<b><u>38.75</u></b>
<b><u>22</u></b>	<b><u>42.5</u></b>
<b><u>23</u></b>	<b><u>46.25</u></b>
<b><u>24</u></b>	<b><u>50</u></b>

2. For housing developments meeting the criteria of Section C(2) above, the density bonus shall be calculated as follows:

**TABLE 2 - Density Bonus for Very Low Income Units**

Percentage Very Low Income Units	Percentage Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35
<b><u>12</u></b>	<b><u>38.75</u></b>
<b><u>13</u></b>	<b><u>42.5</u></b>
<b><u>14</u></b>	<b><u>46.25</u></b>
<b><u>15</u></b>	<b><u>50</u></b>

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3. For housing development meeting the criteria of Section C (3) above, the density bonus shall be 20 percent (20%).
4. For housing developments meeting the criteria of Section C(5) above, the density bonus shall be 20 percent of the number of the type of units giving rise to a density bonus under that subparagraph.
5. For housing developments meeting the criteria of Section C(6) above, the density bonus shall be 35 percent of the student housing units.
6. **For housing developments meeting the criteria of Section C(7) above, the following shall apply:**
  - a. **Except as otherwise noted below in subparagraph (b), the density bonus shall be 80% of the number of units for lower income households.**
  - b. **If the housing development is located within one-half mile of a major transit stop, the city shall not impose any maximum controls on density.**
7. For housing development meeting the criteria of Section C(4) above, the density bonus shall be calculated as follows:

**TABLE 3 - Density Bonus for Moderate Income Units**

Percentage Moderate Income Units	Percentage Density Bonus
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19

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Percentage Moderate Income Units	Percentage Density Bonus
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35
<b><u>41</u></b>	<b><u>38.75</u></b>
<b><u>42</u></b>	<b><u>42.5</u></b>
<b><u>43</u></b>	<b><u>46.25</u></b>
<b><u>44</u></b>	<b><u>50</u></b>

8. All density calculations resulting in fractional units shall be rounded up to the next whole number, unless otherwise indicated.
9. The granting of a density bonus shall not be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval, including the otherwise required conditional use permit necessary to exceed the base density of a given General Plan Land Use designation category or zoning district.
10. An applicant may elect to accept a lesser percentage of density bonus.
11. The calculations are in accordance with Government Code Section 65915 and are subject to any subsequent amendments or revisions thereto.
12. Each housing development is entitled to only one density bonus. If a housing development qualifies for a density bonus under more than one income category or additionally as senior housing or as housing intended to serve transitional foster youth, disabled veterans, or homeless persons, the applicant shall select the category under which the density bonus is granted. Density bonuses from more than one category may not be combined.

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E. Land Donation. When an applicant donates land to the City to satisfy the affordable housing obligation established under this Ordinance, the applicant shall be entitled to a density bonus as follows:

**TABLE 4 - Density Bonus for Land Donation**

Percentage Very Low Income	Percentage Density Bonus	<del>Percentage Low Income</del>	<del>Percentage Density Bonus</del>
10	15	<del>10</del>	<del>7.5</del>
11	16	<del>11</del>	<del>8</del>
12	17	<del>12</del>	<del>8.5</del>
13	18	<del>13</del>	<del>9</del>
14	19	<del>14</del>	<del>9.5</del>
15	20	<del>15</del>	<del>10</del>
16	21	<del>16</del>	<del>10.5</del>
17	22	<del>17</del>	<del>11</del>
18	23	<del>18</del>	<del>11.5</del>
19	24	<del>19</del>	<del>12</del>
20	25	<del>20</del>	<del>12.5</del>
21	26	<del>21</del>	<del>13</del>
22	27	<del>22</del>	<del>13.5</del>
23	28	<del>23</del>	<del>14</del>
24	29	<del>24</del>	<del>14.5</del>
25	30	<del>25</del>	<del>15</del>
26	31	<del>26</del>	<del>15.5</del>
27	32	<del>27</del>	<del>16</del>
28	33	<del>28</del>	<del>16.5</del>
29	34	<del>29</del>	<del>17</del>
30	35	<del>30</del>	<del>17.5</del>

Density bonus calculations are in accordance with Section 65915 of the Government Code and are subject to any amendments or revisions thereto. Applicants seeking density bonus for both the provision of affordable units and the donation of land shall be limited to a maximum combined density bonus of thirty-five percent (35%). In order to qualify for the above density bonus, the land donation must meet the following conditions:

1. The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application if no subdivision map is proposed.
2. The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low or low income

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households in an amount not less than 10 percent (10%) of the total units of the housing development.

3. The transferred land is **at least one acre in size or** of sufficient size to permit development ~~of the minimum number of units required by the prior paragraph (2)~~ **of at least 40 units**, has the appropriate general plan and zoning designations, is appropriately zoned with appropriate development standards for development at the appropriate density, and is or will be served by adequate public facilities and infrastructure.
4. No later than the date of approval of the final subdivision map, parcel map, or residential development application for the first density bonus market-rate unit, the transferred land shall have all City required discretionary permits and approvals, other than building permits, necessary for the development of the very low or low income units on the transferred land, except the City may subject the proposed development to subsequent design review if the design is not otherwise reviewed by the City prior to the time of transfer.
5. The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with Government Code Section 65915, which shall be recorded on the property at the time of the transfer.
6. The land is transferred to the City or to a housing developer approved by the City. The City may require the applicant to identify and transfer the land to the developer.
7. The transferred land shall be within the boundary of the proposed development or, if the City agrees, within one-quarter mile of the boundary of the proposed development.
8. In the event the transferred land is not within the boundary of the proposed development or within one-quarter mile of the boundary thereof, the transferred land must be situated within a transit-oriented area of the City, as identified on the regional Smart Growth Concept Map, prepared by the San Diego Association of Governments, or within one-quarter mile of high-frequency bus service (i.e., providing 15-minute headways).
9. A financing plan for funding the affordable units shall be identified no later than the date of the approval of the final subdivision map, parcel map or residential development application for the market-rate component of the density bonus project.

### F. Child Care Facility.

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1. When an applicant proposes to construct a housing development that conforms to the requirements of this section and includes a child care facility that will be located on the premises of, as a part of, or adjacent to, the project, the City shall grant either:
    - a. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility; or
    - b. An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.
  2. In order to qualify for the additional density bonus or incentive, the child care facility must meet the following criteria:
    - a. The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable.
    - b. Of the children who attend the child care facility, the children of very low income households, low income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, low income households, or families of moderate income.
- G. Condominium Conversions. When an applicant for approval to convert apartments to a condominium project agrees to provide at least thirty-three percent (33%) of the total units of the proposed condominium to persons and families of low or moderate income, or fifteen percent (15%) of the total units of the proposed condominium project to very low income households, and agrees to pay for the reasonably necessary administrative costs incurred by the City pursuant to this subsection, the City shall grant either:
1. A density bonus of twenty-five percent (25%) over the number of existing rental apartments, to be provided within the existing structure or structures proposed for conversion; or
  2. An incentive of equivalent financial value.

The City may place such reasonable conditions on the granting of a density bonus or other incentives of equivalent financial value as it finds appropriate, including, but not limited to, conditions which assure continued affordability of units to subsequent purchasers who are persons and families of very low, low or moderate income

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households. The City shall enforce an equity sharing agreement, as set forth by Section 65915 of the Government Code, for these units.

H. Density Bonus Agreement. To be eligible for a density bonus, the applicant must submit an Affordable Housing Plan and, prior to securing any discretionary permits or approvals for the market-rate units, sign a binding agreement with the City which sets forth the conditions and guidelines to be met in the implementation of this Ordinance. The agreement will also establish specific compliance standards and remedies upon failure by the applicant to make the affordable units available to intended residents. As the means of ensuring compliance, the agreement shall require the recordation of a deed restriction against both the market-rate and affordable components of the density bonus project. The deed restriction shall remain in place and preclude issuance of the certificate of occupancy for the market-rate units until such time as the affordable units have been constructed or other security acceptable to the City is provided in lieu of the deed restriction. If the applicant proposes to phase development of the market-rate units, deed restrictions shall be recorded and implemented on a phase by phase basis.

I. Density Bonus Application.

1. Application for density bonus shall be made concurrent with submittals required for the processing of associated discretionary permits (e.g. development plans). The request for density bonus shall be articulated as part of the description and justification for the development project, in accordance with the City's Development Processing Guide. The request for density bonus shall specify the percentage of density bonus sought, per Subsections D(1),D(6) or N(2) of this Ordinance, and indicate how the affordable housing obligations of this Ordinance will be met.
2. An applicant requesting a density bonus and any incentive(s), waiver(s), or parking reductions, ~~or commercial development bonus~~ provided by State Density Bonus Law shall submit a density bonus addendum as described below concurrently with the filing of the planning application for the first discretionary permit required for the housing ~~or commercial~~ development. The requests contained in the density bonus report shall be processed concurrently with the planning application. The applicant shall be informed whether the application is complete consistent with Government Code Section 65943.
3. The density bonus addendum shall include the following minimum information:
  - a. Requested Density Bonus for a Housing Development.
    - (i) A summary table showing the maximum number of dwelling units permitted by the zoning and general plan excluding any density

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bonus units, proposed affordable units by income level, proposed bonus percentage, number of density bonus units proposed, total number of dwelling units proposed on the site, and resulting density in units per acre.

- (ii) A tentative map and/or preliminary development plan, drawn to scale, showing the number and location of all proposed units, designating the location of proposed affordable units and density bonus units.
  - (iii) The general plan and zoning designations and assessor's parcel number(s) of the housing development site.
  - (iv) Calculation of the maximum number of dwelling units permitted by the City's zoning regulations and general plan for the housing development, excluding any density bonus units.
  - (v) A description of all dwelling units existing on the site in the five-year period preceding the date of submittal of the application and identification of any units rented in the five-year period. If dwelling units on the site are currently rented, income and household size of all residents of currently occupied units, if known. If any dwelling units on the site were rented in the five-year period but are not currently rented, the income and household size of residents occupying dwelling units when the site contained the maximum number of dwelling units, if known.
  - (vi) Description of any recorded covenant, ordinance, or law applicable to the site that restricted rents to levels affordable to very low or lower income households in the five-year period preceding the date of submittal of the application.
  - (vii) If a density bonus is requested for a land donation, the location of the land to be dedicated, proof of site control, and reasonable documentation that each of the requirements included in Government Code Section 65915(g) can be met.
- (b) Requested Incentive(s) for a Housing Development. In the event an application proposes incentives for a housing development pursuant to State Density Bonus Law, the density bonus addendum shall include the following minimum information for each incentive requested, shown on a site plan if appropriate:

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- (i) The City's usual development standard and the requested development standard or regulatory incentive.
  - (ii) Except where mixed-use zoning is proposed as an incentive, reasonable documentation to show that any requested incentive will result in identifiable and actual cost reductions to provide for affordable housing costs or rents.
  - (iii) If approval of mixed use zoning is proposed, reasonable documentation that nonresidential land uses will reduce the cost of the housing development, that the nonresidential land uses are compatible with the housing development and the existing or planned development in the area where the proposed housing development will be located, and that mixed use zoning will provide for affordable housing costs or rents.
- (c) Requested Waiver(s) for a Housing Development. In the event an application proposes waivers of development standards for a housing development pursuant to State Density Bonus Law, the density bonus addendum shall include the following minimum information for each waiver requested on each lot, shown on a site plan if appropriate:
  - (i) The City's usual development standard and the requested development standard.
  - (ii) Reasonable documentation that the development standards for which a waiver is requested will have the effect of physically precluding the construction of a development at the densities or with the concessions or incentives permitted by Government Code Section 65915.
- (d) Requested Parking Reduction for a Housing Development. In the event an application proposes a parking reduction for a housing development pursuant to Government Code Section 65915(p), a table showing parking required by the zoning regulations, parking proposed under Section 65915(p), and reasonable documentation that the project is eligible for the requested parking reduction.
- (e) Child Care Facility for a Housing Development. If a density bonus or incentive is requested for a child care facility in a housing development, reasonable documentation that all of the requirements included in Government Code Section 65915(h) can be met.

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(f) Condominium Conversion. If a density bonus or incentive is requested for a condominium conversion, reasonable documentation that all of the requirements included in Government Code Section 65915.5 can be met.

~~(g) Commercial Development Bonus. If a commercial development bonus is requested for a commercial development, the application shall include the proposed agreement for partnered housing and the proposed commercial development bonus, as defined in Section 3032(B), and reasonable documentation that each of the standards included in Section 3032(N) has been met.~~

4. The review process for a density bonus project shall be the same as that required for associated discretionary permits. Discretionary actions on density bonus projects shall be subject to the same appeal process applied to associated discretionary permits.
5. The application and approval of a density bonus and any associated incentives or concessions shall not require a separate permit or approval process from that otherwise required for the same project without a density bonus request.
6. The granting of a density bonus shall not, in and of itself, require a general plan amendment, local coastal plan amendment, zone change, or other discretionary action, including the otherwise required conditional use permit necessary to exceed the base density of a given General Plan Land Use designation category or zoning district.

J. Concessions and Incentives.

1. In addition to the applicable density bonus, qualifying projects shall receive the following number of incentives or concessions:
  - a. One incentive or concession for projects that propose at least ten percent (10%) of the total units for lower income households, at least five percent (5%) for very low income households, or at least ten percent (10%) for persons and families of moderate income in a ~~common interest development~~ **development in which the units are for sale.**
  - b. Two incentives or concessions for projects that propose at least ~~twenty~~ **seventeen** percent ~~(20%)~~ **(17%)** of the total units for lower income households, at least ten percent (10%) for very low income households, or at least twenty percent (20%) for persons and families of moderate income in a ~~common interest development~~ **development in which the units are for sale.**

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- c. Three incentives or concessions for projects that propose at least ~~thirty~~ **twenty-four** percent (~~30%~~) **(24%)** of the total units for lower income households, at least fifteen percent (15%) for very low income households, or at least thirty percent (30%) for persons and families of moderate income in a ~~common interest development~~ **development in which the units are for sale.**
  - d. **Four incentives or concessions for projects meeting the criteria of Section 3032(C)(7). If the project is located within one-half mile of a major transit stop, the applicant shall also receive a height increase of up to three additional stories, or 33 feet.**
  - e. **One incentive or concession for projects that include at least 20 percent (20%) of the total units for lower income students in a student housing development.**
  - f. Proposals seeking concessions or incentives deemed necessary to exceed the base density allowance would not be subject to the otherwise required conditional use permit necessary to exceed the base density of a given General Plan Land Use designation category or zoning district.
2. For purposes of this Ordinance, concessions or incentives shall include, without limitation:
    - a. A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, financially sufficient, and actual cost reductions.
    - b. Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.
    - c. Other regulatory incentives or concessions proposed by the developer or the City that result in identifiable, financially sufficient, and actual cost reductions.
  3. This section does not limit or require the City to provide direct financial incentives, including the provision of publicly owned land, or the waiver of fees

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or dedication requirements. However, the City will consider deferral of application processing fees on a case-by-case basis.

4. The City shall grant the concession or incentive requested by the applicant unless the City makes a written finding, based upon substantial evidence, of any of the following:
  - a. The concession or incentive does not result in identifiable and actual cost savings to provide for affordable housing costs as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified.
  - b. The concession or incentive would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety ~~or the physical environment~~ or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, without rendering the development unaffordable to low or moderate income households.
  - c. The concession or incentive would be contrary to state or federal law.

**K. Waiver or Reduction of Development Standards.**

1. An applicant may submit to the City a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted under this section, and may request a meeting with the City. Nothing in this subdivision shall be interpreted to require a local government to waive or reduce development standards if the waiver or reduction would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Nothing in this subdivision shall be interpreted to require a local government to waive or reduce development standards that would have an adverse impact on any real property that is listed in the California Register of Historical Resources, or to grant any waiver or reduction that would be contrary to state or federal law.
2. A proposal for the waiver or reduction of development standards pursuant to this subdivision shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to subdivision (L) of this Ordinance.

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3. **A housing development that receives a waiver from any maximum controls on density pursuant to Section 3032(D)(6)(c) shall only be eligible for a waiver or reduction of development standards as provided in Section 3032(J)(1)(d).**

L. Vehicular Parking Ratio.

- (1) Except as provided in paragraphs (2) and (3) below upon request of the developer, the following maximum parking ratio, inclusive of handicapped and guest parking, shall apply, pursuant to Section 65915(p)(1) of the Government Code:
- a. Zero to one bedroom: one on-site parking space.
  - b. Two to three bedrooms: ~~two~~ **one and a half** on-site parking spaces.
  - c. Four or more bedrooms: two and one-half parking spaces.
- (2) Notwithstanding paragraph (1), if a development includes ~~the maximum percentage of~~ **at least 20 percent** low-income or **at least 11 percent** very low income units provided for in paragraphs (1) and (2) of Section 3032(C) and is located within one-half mile of a major transit stop, as defined in Section 3032(B), and there is unobstructed access to the major transit stop from the development, then, upon the request of the developer, the city shall not impose a vehicular parking ratio, inclusive of handicapped and guest parking, that exceeds 0.5 spaces per bedroom ~~unit.~~ **Notwithstanding paragraph (1), if a development includes at least 40 percent moderate-income units for housing developments meeting the criteria of Section 3032(C)(4), is located within one-half mile of a major transit stop, and the residents of the development have unobstructed access to the major transit stop from the development then, upon request of the developer, the city shall not impose a vehicular parking ratio, inclusive of handicapped and guest parking, that exceeds 0.5 spaces per bedroom.** For purposes of this section, a development shall have unobstructed access to a major transit stop if a resident is able to access the major transit stop without encountering natural or constructed impediments.
- (3) Notwithstanding paragraph (1), if a development consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower income families, as provided in Section 50052.5 of the Health and Safety Code, then, upon the request of the developer, the city shall not impose a vehicular parking ratio, ~~inclusive of handicapped and guest parking, that exceeds the following ratios~~ **if the development meets either of the following criteria:**
- (a) If the development is located within one-half mile of a major transit stop, as defined in Section 3032(B), and there is unobstructed access to the

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major transit stop from the development ~~the ratio shall not exceed 0.5 spaces per unit.~~

- (b) If the development is a for-rent housing development for individuals who are 62 years of age or older that complies with Sections 51.2 and 51.3 of the Civil Code, ~~the ratio shall not exceed 0.5 spaces per unit.~~ The development shall have either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.
  - (c) If the development is a special needs housing development, as defined in Section 51312 of the Health and Safety Code, ~~the ratio shall not exceed 0.3 spaces per unit.~~ The development shall have either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.
- (4) If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. A development may provide on-site parking through tandem parking or uncovered parking, but not through on street parking. The applicant may also request a concession or an incentive pursuant to subsection L hereof to further lower the vehicle parking ratios from those described herein.
- (5) Notwithstanding paragraphs (2) and (3), if the city or an independent consultant has conducted an area wide or jurisdiction wide parking study in the last seven years, then the city may impose a higher vehicular parking ratio not to exceed the ratio described in paragraph (1), based upon substantial evidence found in the parking study, that includes, but is not limited to, an analysis of parking availability, differing levels of transit access, walkability access to transit services, the potential for shared parking, the effect of parking requirements on the cost of market-rate and subsidized developments, and the lower rates of car ownership for low-income and very low income individuals, including seniors and special needs individuals. The city shall pay the costs of any new study. The city shall make findings, based on a parking study completed in conformity with this paragraph, supporting the need for the higher parking ratio.
- (6) A request pursuant to Section 3032(L) hereof shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to Section 3032(J).**

M. Requirements for Participation. In order for a developer/property owner to be eligible for density bonus or other incentives, the following requirements must be met:

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1. A unit will be counted toward meeting the affordable housing requirement if it is occupied by a very low, low, or moderate income tenant, as applicable, a Senior Citizen (if density bonus was based on a housing development consistent with Section 3032(C)(3)), transitional foster youth, homeless person, or disabled veteran (if density bonus was based on a housing development consistent with Section 3032(C)(5)), or low income student (if density bonus was based on a housing development consistent with Section 3032(C)(6)).
2. The affordable units must be proportional to the overall project in terms of unit mix, floor plan, square footage, and exterior design. For the purposes of this Section, the project's income restricted units would be considered proportional to square footage if they are at least eighty percent (80%) of the average square footage of all market rate units in the development with the same bedroom count. Further, the range of affordable units must be reasonably dispersed throughout the development.
3. The time period of availability to the intended population shall be for at least 30 55 years. A longer period of availability may be required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.
4. The maximum allowable rents to comply with the law are determined by a formula designated by the State Department of Housing and Community Development based on the area median income. This formula is indicated in Section 65915(c) of the Government Code.
5. **For housing developments meeting the criteria of subparagraph C subsection 7, rents for all units in the development, including both base density and density bonus units, shall be as follows:**
  - a. **The rent for at least 20 percent of the units in the development shall be set at an affordable rent, as defined in Section 50053 of the Health and Safety Code.**
  - b. **The rent for the remaining units in the development shall be set at an amount consistent with the maximum rent levels for a housing development that receives an allocation of state or federal low-income housing tax credits from the California Tax Credit Allocation Committee.**
6. **An applicant shall agree to ensure, and the city shall ensure, that a for-sale unit that qualified the applicant for the award of the density bonus meets either of the following conditions:**

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- a. **The unit is initially occupied by a person or family of very low, low, or moderate income, as required, and it is offered at an affordable housing cost, as that cost is defined in Section 50052.5 of the Health and Safety Code and is subject to an equity sharing agreement.**
  - b. **The unit is purchased by a qualified nonprofit housing corporation pursuant to a recorded contract that satisfies all of the requirements specified in paragraph 10 of subdivision a of Section 402.1 of the Revenue and Taxation Code and that includes all of the following:**
    - (i) **A repurchase option that requires a subsequent purchaser of the property that desires to resell or convey the property to offer the qualified nonprofit corporation the right to repurchase the property prior to selling or conveying that property to any other purchaser.**
    - (ii) **An equity sharing agreement.**
    - (iii) **Affordability restrictions on the sale and conveyance of the property that ensure that the property will be preserved for lower income housing for at least 45 years for owner-occupied housing units and will be sold or resold only to persons or families of very low, low, or moderate income, as defined in Section 50052.5 of the Health and Safety Code.**
7. Owner-occupied units shall be available at affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code.
  8. For-sale affordable units may be subject to an equity sharing agreement, in the event that public subsidies are involved in the construction and/or purchase of said units.
  9. The owner of the affordable units for which a density bonus was granted must provide to the Neighborhood Services Department a yearly accounting of the total units occupied, the total units vacant, the total units occupied by lower or very low-income households, the total number of units occupied by Senior Citizens and the total units required to be set aside under all applicable affordability covenants.
  10. An applicant is not eligible for a density bonus, or any other incentives or concessions under this Section, for a proposed housing development involving a property containing existing affordable housing unless:

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- a. The proposed housing development provides replacement units of equivalent size for the existing affordable housing units; and
- b. Either:
  - (i) The proposed housing development, inclusive of the replacement units, contains affordable units at the percentages set forth in Section 3032(C); or
  - (ii) Each unit in the development, exclusive of the manager's unit, is affordable to, and occupied by, by either a lower or very low income household.

**11. All units proposed as a part of Density Bonus applications, including both market rate and income-restricted units, shall be rented for no less than 31 days.**

~~N. Commercial Developer Partnership Provisions~~

- ~~1. Eligibility. When an applicant for a commercial development has entered into an agreement for partnered housing to contribute to affordable housing through a joint project or two separate projects encompassing affordable housing, the City will grant the commercial developer a development bonus as described in Section 3032(N)(5).~~
- ~~2. Agreement for partnered housing. The commercial developer must enter into an agreement for partnered housing between a commercial developer and a housing developer that is reviewed and approved by the City, and identifies how the commercial developer will contribute affordable housing within the City. The commercial developer must partner with a housing developer partner that provides no less than either 30% of the total units for low income households or 15% of the total units for very low income household.~~
- ~~3. Contribution of affordable housing. The commercial developer may contribute affordable housing by directly building the affordable housing units, donating property to the affordable housing developer as a site for affordable housing, making a cash payment to the affordable housing developer for use towards the cost of constructing the affordable housing project.~~
- ~~4. Affordable housing site requirements. Housing must be constructed on the site of the commercial development or on a site that meets all of the following:
  - a. Within the boundaries of the City;~~

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- ~~b. Within close proximity to public amenities, including schools and employment centers; and~~
  - ~~e. Within one half mile of a major transit stop.~~
- (5) ~~Commercial Development Bonus. The development bonus granted to the commercial developer means incentives, mutually agreed upon by the developer and the city, including any of the following:~~
- ~~(a) Up to a 20% increase in the maximum allowable intensity in the General Plan.~~
  - ~~(b) Up to a 20% increase in the maximum allowable floor area ratio.~~
  - ~~(c) Up to a 20% increase in maximum height requirements.~~
  - ~~(d) Up to a 20% reduction in minimum parking requirements.~~
  - ~~(e) Use of a limited use/limited application elevator for upper floor accessibility.~~
  - ~~(f) An exception to a zoning ordinance or other land use regulation.~~
- (6) ~~Withholding of certificate of occupancy. If construction of the affordable units do not commence within the timelines specified by the agreement for partnered housing, then the city may withhold certificates of occupancy for the commercial development until the construction of the affordable housing units are complete.~~

### **3033 Mobile Homes**

- A. Purpose. Mobile homes are part of the housing stock of the City of Oceanside. It is the intent of the City to provide opportunities for the placement of mobile homes in A and R districts and in mobile home parks within MHP districts, and to insure that such mobile homes are designed and located so as to be harmonious within the context of the surrounding houses and neighborhood.
- B. General Requirements. Mobile homes may be used for residential purposes as follows:
1. If such mobile homes are located in an approved mobile home park in conformity with the conditions imposed upon development and use of the mobile home park; or
  2. If such mobile homes are located in an R district; or
  3. If such mobile homes have been approved by the City Planner for a location in an A district as a primary residence or as caretaker housing, or in an I district as caretaker

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housing.

All mobile home parks shall have a minimum lot area of 2 acres and may be allowed only through approval of an MHP District under the provisions of Article 19.

C. Location and Design Criteria.

A mobile home within a mobile home park shall meet the design standards as required by the Mobile Home Park (MHP) Development Plan or in accordance with Section 1904 of this ordinance where no MHP Development Plan is existing.

A mobile home may be located in any A district or in any R district where a conventional single-family detached dwelling, is permitted subject to the same restrictions on density and to the same property development regulations, provided that such mobile home meets the design and locational criteria of this subsection.

More specifically, the location and design of mobile homes shall comply with the following criteria in order to protect neighborhood integrity, provide for harmonious relationship between mobile homes and surrounding uses, and minimize problems that could occur as a result of locating mobile homes on residential lots.

1. Location Criteria: Mobile homes, outside of a mobile home park, shall not be allowed:
  - a. On substandard lots that do not meet the dimensional standards of Article 10;
  - b. As a second or additional unit on an already developed lot;
  - c. As an accessory building or use on an already developed lot, except for a caretaker's quarters in an I or A district;
  - d. On lots with an average slope of more than 10 percent, or on any portion of a lot where the slope exceeds 15 percent; or
  - e. On a designated historical building site.
2. Design Criteria: Mobile homes shall be compatible in design and appearance with residential structures in the vicinity and shall meet the following standards:
  - a. Each mobile home must be at least 16 feet wide;
  - b. It must be built on a permanent foundation approved by the Building Official;

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- c. It must have been constructed after June 15, 1976, and must be certified under the National Manufactured Home Construction and Safety Standards Act of 1974;
  - d. The unit's skirting must extend to the finished grade;
  - e. Exterior siding must be compatible with adjacent residential structures, and shiny or metallic finishes are prohibited;
  - f. The roof must have a pitch of not fewer than 3 inches vertical rise per 12 inches horizontal distance;
  - g. The roof covering must be clay or concrete tile, composition shingles, or wood shakes or shingles complying with the most recent edition of the Uniform Building Code as amended by local ordinances;
  - h. The roof must have eaves or overhangs of not less than 1 foot;
  - i. The floor must be no higher than 20 inches above the exterior finished grade; and
  - j. Required covered parking shall be compatible with the mobile home design and with other buildings in the area.
- D. Cancellation of State Registration. Whenever a mobile home is installed on a permanent foundation, any registration of said mobile home with the State of California shall be canceled, pursuant to state laws and regulations. Before any occupancy certificate may be issued for use of such a mobile home, the owner shall provide to the Building Official satisfactory evidence showing: that the state registration of the mobile home has been or will, with certainty, be canceled; if the mobile home is new and has never been registered with the state, the owner shall provide the Building Official with a statement to that effect from the dealer selling the home.

### **3034 Animals**

- A. Purpose. Supplemental regulations governing the care and keeping of animals are intended to provide for the compatibility between such animals and neighboring land uses. These are in addition to the general requirements governing animals established by the Oceanside City Code.
- B. Domestic and Exotic Animals. In a residential district, or in conjunction with any residential uses in any other district, not more than six domestic or three exotic animals

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as defined by this ordinance and the City Code -- not more than three of which may be dogs -- may be kept on a lot, subject to the following requirements:

1. Such animals, except cats, shall not be permitted to run at large, but shall be, at all times, confined within a suitable enclosure or otherwise be under the control of the owner on the property;
2. Any enclosure shall be located in an interior side or rear yard and set back at least five feet from the property line; and
3. Newborn and baby animals up to the age of three months shall not be counted in determining compliance with the numerical limits of this subsection.

### C. Other Animals.

1. In an R district, one horse, may be kept for each 10,000 square feet of lot area, up to a maximum of four horses, provided that customary provisions are made for practical care and maintenance of them. A use permit, issued by the City Planner, shall be required for more than four horses.

All enclosures shall be located a minimum of thirty-five feet from any building used as a dwelling other than that of the owner of such animals and shall be located a minimum of twenty-five feet from a front property line. Additionally, all structures shall comply with the setback requirements of the base-zoning district.

2. In an open space and agricultural district, domestic farm animals, domestic animals and exotic animals may be kept on a lot 20,000 square feet or more in area, subject to the following requirements:
  - a. The number of domestic or exotic animals shall not exceed six;
  - b. Individual parcels of 2.5 acres or larger in the agricultural district shall be permitted ten domestic farm animals. One additional adult animal shall be permitted for every quarter acre of the property over 2.5 acres;
  - c. Such animals shall not be permitted to run at large, but shall be confined, at all times, within a suitable enclosure; and
  - d. Any enclosure shall be set back at least 25 feet from the property line and shall be located a minimum of thirty-five feet from any building used as a dwelling other than that of the owner of such animals.

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**3035 Live/Work Quarters**

This section establishes regulations governing the adaptation of space in existing commercial buildings for joint live/work quarters for artists and artisans, including individuals practicing one of the fine arts or performing arts, or skilled in an applied art or craft, or the operation of a Custom Industry business activity.

- A. Definitions. For purposes of this section, "live/work quarters" is an area comprising one or more rooms in a building originally designed for industrial or commercial occupancy that includes cooking space and sanitary facilities and working space for artists, artisans and similarly situated individuals, or Custom Industry business activities as defined in Section 460 of this Ordinance.
- B. Permit Required. An Administrative Conditional Use Permit and/or Administrative Development Plan for live/work quarters, issued by the City Planner to the owner or owners of the property, shall be required. Applications shall be submitted to the Planning Division accompanied by: the required fee; plans showing all proposed improvements; a description of existing and planned uses within the building where the proposed live/work quarters will be located; and any other information required to determine compliance with this ordinance. The City Planner may approve a live/work quarters application upon finding that:
1. The live/work quarters conform to the design and development standards of subsection (C) of this section; and
  2. The property owner or owners agree to the conditions of approval of subsection (D) of this section to which the application shall be subject.
- C. Design and Development Standards.
1. Each live/work quarters shall be separated from other live/work quarters or other uses in the building, and access to live/work quarters shall be provided only from common access areas, halls or corridors.
  2. Each live/work quarters shall have a separate access from other live/work quarters and other uses in the building.
  3. The minimum floor area of a live/work quarters shall be 750 square feet, and not more than 33 percent of the floor area shall be used or arranged for residential purposes.
  4. If the site is located within the V-C/CZ zone, the first floor of any structure shall be reserved for commercial use.

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D. Conditions of Approval.

1. For proper security, all exterior doors providing access to live/work quarters shall remain locked at all times.
2. Access to each live/work quarters shall be clearly identified in order to provide for emergency services.
3. No one other than a resident of the live/work quarters and a maximum of three (3) additional resident or non-resident employees shall be employed on site or be permitted to work in the live/work quarters.
4. Live/work quarters shall not be used for classroom instruction, welding or any open flame work.
5. Live/Work space devoted to any affiliated office area or similar support facility, limited showroom, or a retail sales area shall only be secondary and incidental in nature to the primary business activity.
6. The approval of a live/work facility is subject to the establishment of an abatement period for any such activity that is non-conforming with the underlying land use and/or zoning designation affecting the property.

E. Appeals. Decisions of the City Planner may be appealed to the Planning Commission or Community Development Commission, as the case may be, in accordance with the provisions of Article 46.

**3036 Helicopter Takeoff and Landing Areas**

A. Purpose. These regulations establish locational criteria and development standards for helicopter takeoff and landing areas to protect the public health, safety and welfare, and to minimize land-use conflicts, noise impacts, and operational hazards.

B. Definitions.

1. "Approach-Departure Path" shall mean the flight track of the helicopter as it approaches or departs from a designated takeoff and landing area, including a heliport, helipad, or helistop.
2. "Heliport" shall mean an area, either at ground level or elevated on a structure, that

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is used or intended to be used for the takeoff and landing of helicopters, and includes some or all the various facilities useful to helicopter operations, including helicopter parking, waiting room, fueling and maintenance equipment.

3. "Helipad" or "Helistop" shall mean a heliport without auxiliary facilities such as waiting room, helicopter parking, fueling and maintenance equipment.
  4. "Takeoff and Landing Area" shall mean that area of the helicopter facility where the helicopter actually lands and takes off, and includes the touchdown area.
- C. Permit Required. A use permit may be issued by the Planning Commission, for the construction and operation of a heliport, helipad, or helistop upon finding that:
1. The helipad, heliport, or helistop conforms to the locational criteria and standards established in Subsections (D) and (E) of this section, and the requirements of the California Department of Transportation, Division of Aeronautics;
  2. The heliport, helipad, or helistop is compatible with the surrounding environment;
  3. The proposed operation of the helicopter facility does not pose a threat to public health, safety or welfare; and
  4. The heliport, helipad, or helistop will not be used to serve offshore oil drilling or related exploration activities.

The Commission may impose conditions on approval of the use permit to prevent adverse impacts on surrounding properties; if such impacts can not be mitigated to an acceptable level, the use permit application shall be denied.

### D. Locational Criteria.

1. Relation to Transportation System. The heliport, helipad, or helistop shall be located within one-half mile of a freeway, prime arterial or major arterial, as designated on the City's Master Street Plan.
2. Minimum Separation. Minimum separation between heliports, helipads, and helistops shall be 1.5 miles, except for facilities specifically intended for emergency use, such as medical evacuation, and temporary landing sites.
3. Protected Areas. No heliport, helipad, or helistop shall be located within 1,000 feet of an R district or the site of a public or private school provided that helipads or helistops specifically intended for emergency use may be within 500 feet of an R

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district, or a public or private school. Temporary landing sites within 1,000 feet of a public or private school may be allowed with a temporary use permit subject to approval of: (a) the local school district within whose boundaries the site will be located; and (b) the California Department of Transportation.

E. Site Development Standards.

1. Approach and departure paths 65 feet wide shall be obstruction free for a minimum distance of 400 feet.
2. Setbacks from property lines shall be as follows:
  - a. Takeoff and landing area - 50 feet;
  - b. Helicopter maintenance facilities - 25 feet;
  - c. Administrative or operations building - 15 feet.
3. Any lighting used for nighttime operations shall be directed away from adjacent properties and public rights-of-way.
4. A telephone shall be provided on or adjacent to the heliport, helipad or helistop.
5. Helipads or helistops intended for emergency use shall have a landing pad with a standard landing area designated and the words "Emergency Only". The initial direction of the departure routes shall be indicated on the takeoff and landing area.

F. Application Requirements. The following additional information shall be submitted with a use permit application:

1. An area map, at a scale of 1" = 800' showing existing land use within a two-mile radius of the facility site and the proposed flight paths.
2. A plot plan of the site and vicinity, including all land within a 400-foot radius of the takeoff and landing area, that shows clearly the height of the takeoff and landing area; the height of existing, approved and proposed structures, and trees within 50 feet of the approach and takeoff flight paths; and the maximum allowable building height under existing zoning.
3. A description of the proposed operations, including the type of use, names and descriptions of helicopters expected to use the facility, and anticipated number and timing of daily flights.

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4. A helicopter noise study including a map of the approach and departure flight paths at a scale of 1" = 800' showing existing day/night average noise levels in decibels (LDN noise contours), future day/night average noise levels with the proposed facility and anticipated flight operations, and single-event maximum sound levels associated with the types of helicopters expected to use the facility.

### **3037 Recycling Facilities**

This section establishes regulations governing recycling, consistent with the requirements of Government Code Section 66787.6 and the California Beverage Container Recycling and Litter Reduction Act of 1986, as amended.

#### A. Definitions.

1. "Recyclable Material" is reusable material including, but not limited to metals, glass, plastic and paper which are intended for reuse, remanufacture, or reconstitution for the purpose of using the altered form. Recyclable material does not include refuse or hazardous materials, but may include used motor oil collected and transported in accordance with Section 25250.11 and 25143.2(b)(4) of the California Health and Safety Code.
2. "Recycling Facility" is a center for the collection and/or processing of recyclable materials. A certified recycling facility or certified processor means a recycling facility certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986. On-site storage containers or processing facilities used solely for the recycling of material generated by residential property, business or manufacturers are not recycling centers for the purposes of this section.
  - a. "Collection Facility" is a center for the acceptance by donation, redemption, or purchase of recyclable materials from the public.
    - (1) Small collection facilities occupy less than 500 square feet and may include:
      - (a) A mobile unit;
      - (b) Bulk reverse vending machines or a grouping of reverse vending machines occupying more than 50 square feet;
      - (c) Kiosk-type units that may include permanent structures; or
      - (d) Unattended containers placed for the donation of recyclable

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materials.

- (2) Large collection facilities occupy more than 500 square feet and may include permanent structures as well as mobile units, bulk reverse vending machines, Kiosk-type units.
- b. "Processing Facility" is a building or enclosed space used for the collection and processing of recyclable materials. Processing means the preparation of material for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and re-manufacturing.
  - (1) A light-processing facility occupies less than 45,000 square feet and includes equipment for baling, briquetting, crushing, compacting, grinding, shredding and sorting of source-separated recyclable materials, except ferrous metals other than food and beverage containers, and repairing of reusable materials.
  - (2) A heavy-processing facility is any processing facility other than a light-processing facility.
- 3. "Reverse Vending Machine(s)" is an automated mechanical device that accepts at least one or more types of empty beverage containers including aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip. A reverse vending machine may sort and process containers mechanically, provided that the entire process is enclosed within the machine.
  - a. A single-feed revenue vending machine is designed to accept individual containers one at a time.
  - b. A bulk reverse vending machine is designed to accept more than one container at a time and to compute the refund or credit due on the basis of weight.
- 4. "Mobile Recycling Unit" means an automobile, truck, trailer, or van and appurtenant bins, boxes or containers used for the collection of recyclable materials.

**B. Permits Required.**

No person shall permit the placement, construction, or operation of any recycling facility without first obtaining a permit as follows:

<b>Type of Facility</b>	<b>Districts Permitted</b>	<b>Permit Required</b>
Single-Feed Reverse Vending Machine(s)	All commercial, industrial and D	None

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Bulk Reverse Vending Vending Machine and Small Collection	CN, C-1/CZ, CC, CL, CG, C-2/CZ, CP, I and D	Use Permit Issued by City Planner
Large Collection	CG, C-2/CZ, IG, and IL	Use Permit
Light Processing	IG	Use Permit
Heavy Processing	IG	Use Permit

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C. Permits for Multiple Sites.

1. The City Planner may grant a single use permit to allow more than one reverse vending machine(s) or small collection facility located on different sites under the following conditions:
  - a. The operator of each of the proposed facilities is the same;
  - b. The proposed facilities are determined by the City Planner to be similar in nature, size and intensity of activity; and
  - c. All the applicable criteria and standards set forth in Section 3038(D) are met for each such proposed facility.

D. Design Criteria and Standards.

1. Reverse Vending Machine(s).
  - a. Each machine shall be located within 30 feet of the entrance to the primary commercial use on the site and shall not obstruct pedestrian or vehicular circulation.
  - b. No required parking space shall be occupied.
  - c. Each machine shall occupy no more than 50 square feet of space, including any protective enclosure, and shall not exceed 8 feet in height.
  - d. Each machine shall be clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative.

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- e. The maximum sign area is 4 square feet per machine, exclusive of operating instructions of subsection (d).
  - f. Adequate nighttime lighting shall be provided, if warranted.
  - f. No machine located within 300 feet of a residential district shall be visible from residences or public right-of-way located in a residential district.
2. Small Collection Facilities.
- a. Small collection facilities shall be no larger than 500 square feet, shall be set back at least 10 feet from a front or side property line, and shall not obstruct pedestrian or vehicular circulation.
  - b. No power-driven processing equipment shall be used except for reverse vending machines.
  - c. All containers shall be constructed and maintained with durable waterproof and rustproof material, covered when the site is not attended, secured from authorized entry or removal of material, and of a capacity sufficient to accommodate materials collected.
  - d. All recyclable material shall be stored in containers or in a mobile unit vehicle.
  - e. Attended facilities located within 100 feet of the boundary of an R district shall operate only between 9 a.m. and 7 p.m.
  - f. Containers for the 24-hour donation of materials shall be at least 30 feet from the boundary of an R district unless there is a recognized service corridor and acoustical shielding between the containers and residential use;
  - g. Containers shall be clearly marked to identify the type of material that may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and display a notice stating that no material shall be left outside the recycling enclosure or containers.
  - h. The maximum sign area shall be 16 square feet exclusive of informational requirements and operational instruction of subsection (g) above. Directional signs bearing no advertising message may be installed with the approval of the City Planner if necessary to facilitate traffic circulation, or if the facility is not visible from the public right-of-way.

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- i. No additional parking spaces will be required for customers of a small collection facility located at the established parking lot of a host use. One space will be provided for the attendant, if needed.
  - j. Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present.
  - k. No required parking spaces shall be occupied by the facility.
3. Large Collection Facilities.
- a. A large collection facility shall be located at least 250 feet from a residential district.
  - b. Each facility shall be in an enclosed building or within an area enclosed by an opaque fence at least 6 feet in height with landscaping.
  - c. Six parking spaces shall be for customers and one parking space shall be provided for each commercial vehicle operated by the recycling facility.
  - d. Power-driven processing, including aluminum foil and can compacting, baling, plastic shredding, or other light-processing activities necessary for efficient temporary storage and shipment of material may be allowed if noise and other conditions are met.
4. Processing Facilities.
- a. Processors will operate in a wholly enclosed building except for incidental storage, or within an area enclosed on all sides by an opaque fence or wall not less than 8 feet in height and landscaped on all street frontages located at least 150 feet from a residential district.
  - b. Power-driven processing shall be permitted provided all noise-level requirements are met. Light-processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting of source-separated recyclable materials and repairing of reusable materials.
  - c. If the facility is open to the public, space will be provided for a minimum of 10 customers or the peak load, whichever is higher, except where the City Planner determines that allowing over-flow traffic is compatible with surrounding businesses and public safety.
  - d. One parking space will be provided for each commercial vehicle operated by the
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processing center.

5. All Collection and Processing Facilities.

- a. No facility shall occupy a required front or corner side yard, and all regulations applicable to the principal structure on the site shall apply to collection and processing facilities except as provided in this section.
- b. Facilities shall be designed to be compatible with the architectural character of adjacent structures. Shiny or metallic finishes may be prohibited as a condition of approval of a use permit.
- c. A large collector or processing facility may accept used motor oil for recycling from the generator in accordance with Section 25250.11 of the California Health and Safety Code.
- d. All exterior storage of material shall be in sturdy containers or enclosures that are covered, secured, and maintained in good condition. Storage containers for flammable material shall be constructed of non-flammable material. No storage, excluding truck trailers and overseas containers, will be visible above the height of the fencing.
- e. Noise levels shall not exceed 60 dBA as measured at the property line of an R district or otherwise shall not exceed 70 dBA.
- f. All facilities shall be administered by on-site personnel during hours the facility is open. If a large collection or processing facility is located within 500 feet of an R district, it shall not be in operation between 7 p.m. and 7 a.m.
- g. Any containers provided for after-hours donation of recyclable materials shall be of sturdy, rustproof construction; shall have sufficient capacity to accommodate materials collected; and shall be secure from authorized entry or removal of materials.
- h. The site of the facility shall be kept free of litter and any other undesirable material. Containers shall be clearly marked to identify the type of material that may be deposited. Facility shall display a notice stating that no material shall be left outside the recycling containers.
- i. Sign requirements shall be those provided for the zoning district in which the facility is located. In addition, each facility shall be clearly marked with the name and phone number of the facility operator and the hours of operation.

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- j. No dust, fumes, smoke vibration or odor above ambient level may be detectable on neighboring properties.

**3038 Agricultural Sales Stands**

Agricultural sales stands meeting the following locational and development standards may be allowed within an A, R, C, I, PS or OS district.

A. Agricultural Sales Stands.

1. A business license shall be required to operate an agricultural sales stand and shall only be permitted in conjunction with a Horticulture, Limited or Crop Production use on sites of 0.5 acres or greater.
2. The property on which an agricultural sales stand is located must be devoted to the growing of agricultural crops that are offered for sale on the premises and have its own water meter or well.
3. Sales at the stand shall be limited to agricultural products. No other merchandise shall be offered.
4. All agricultural products sold at the site must be grown by the operator either on the site, or within San Diego County. The operator shall be required to file a list with the business license of the agricultural products to be sold and where the agricultural products were grown. This list shall be posted at the stand.
5. The stand shall not exceed an area of 500 square feet and a height of 12 feet, provided that pitched roofs shall not exceed a height of 15 feet.
6. Off-street parking shall be provided to accommodate a minimum of five cars. The parking lot area shall be kept in a dust-free condition at all times the stand is in operation.
7. Trash, boxes and other by-products of the operation shall be removed from the site daily.
8. If the site is located along a public or private street, the stand shall be located a minimum of 10-feet from the edge of the right-of-way or easement and is subject to approval of the City Engineer.
9. The hours of operation shall be between sunrise and sunset.
10. Signs shall be limited to a total of four with each one being eight square feet or

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smaller. Signs shall be placed flat against the agricultural stand and shall not extend above the top of any wall. If a tent structure is used, a cloth sign suspended between the support structures is acceptable. No freestanding or temporary portable signs shall be permitted.

11. No sales of agricultural products from a vehicle of any kind shall be permitted.

12. No electricity and no refrigeration shall be allowed within the stand.

### **3039 Hillside Development Provisions**

#### **A. Specific Purposes**

The specific purposes of the Hillside Development Provisions are to:

1. Maintain an environmental equilibrium consistent with existing vegetation, soils, geology, slopes, and drainage patterns, and to preserve the natural topography, including swales, canyons, knolls, ridgelines, and rock outcrops, wherever feasible.
2. Avoid development that would result in unacceptable fire, flood, slide, or other safety hazards.
3. Avoid unwarranted, high maintenance costs for public facilities.
4. Provide a mechanism for flexible design of residential development projects in hillside areas so that development may be concentrated in those areas with the greatest environmental carrying capacity and areas with low environmental carrying capacity developed at very low density or reserved as permanent open space.
5. Avoid residential densities that would generate traffic requiring extensive grading to provide an adequate street system.
6. Preserve the natural appearance of hillsides by assuring that development density and intensity relates to the slope of the land, and is compatible with hillside preservation.
7. Assure proper design is utilized in grading, landscaping, and in the development of structures and roadways to preserve the natural appearance of hillsides.
8. Encourage creatively designed hillside development requiring a minimal amount of grading.

#### **B. Definitions**

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For purposes of this section, the following words shall have the meanings set out in this section:

1. "Encroachment" shall be defined as any area of greater than 40 percent slope (2.5:1 slope) with a minimum elevation differential of 25 feet in which the natural landform is altered by grading or any other form of construction or development, or is rendered incapable of supporting native vegetation due to the displacement required for the proposed development.
2. "Hillside" means a part of a hill between the summit and the foot.
3. "Ridge" means an elongated crest or series of crests of a hill.
4. "Slope" shall be defined as an inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance. Property boundaries shall not be used to establish slope or hillside limits.

Slopes shall be measured between successive 10-foot contour intervals and between successive 40-foot contour intervals. If the horizontal distance between successive 10 foot contour intervals is less than or equal to 25 feet, the slope shall be considered to be a 40 percent slope (2.5:1 slope). Similarly, if the horizontal distance between any 40 foot contour interval is less than or equal to 100 feet, the slope shall be considered to be a 40 percent slope (2.5:1 slope).

5. "Undevelopable land" includes land with a slope in excess of 40 percent with a minimum elevation differential of 25 feet and riparian corridors and/or associated vegetated areas of rivers, intermittent streams, perennial streams, or lakes. Such lands shall not be included in density calculations, which establish the development potential of a site.
6. "Lands considered to possess significant natural topographical features" include natural slopes of 20 percent or more with a minimum elevation differential of 50 feet, major canyons and/or water courses, significant rock outcroppings, trees, and native vegetation.
7. "Visible" means capable of being seen by a person standing within 300 feet of a proposed structure on any existing public street or street on a recorded subdivision map that provides access to three or more dwelling or building sites. The visible area of a structure, including the roof, shall not include portions that will be shielded from view by landscaping within a five-year period, as determined by the Planning Commission at the time of development plan review.

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C. Applicability

The Hillside Development Provisions shall be applied to all residential development proposals on property, portions of which have a natural gradient in excess of 20 percent (20 feet of vertical distance for each 100 feet of horizontal distance) with a minimum elevation differential of 25 feet. A Hillside Development Plan shall be required for all residential development, consistent with the provisions of this Section and Article 43.

Lands designated for public and semipublic, commercial, or industrial development may require significant landform alteration and grading to ensure their viability. While it is desirable to have such developments design to the spirit and intent of this section, it is recognized that the ability of such developments to meet the provisions and standards of this section will be limited.

D. Land Use Regulations

Land use regulations shall be those of the base district in which the property lies.

E. Development Regulations

Development regulations shall be those of the base district in which the property lies, unless modified by another overlay district, provided that the requirements in the following schedule shall be in addition to those of the base district, and shall apply to all development proposed on slopes in excess of 20 percent with a minimum elevation differential of 25 feet, and shall govern where conflicts arise. The first column of the schedule prescribes basic requirements for permitted and conditional uses. Letters in parentheses in the "Additional Regulations" column refer to "Additional Development Regulations" following the schedule.

**HILLSIDE DEVELOPMENT REGULATIONS**

	<b>Additional Regulations</b>
Lands Not to be Developed	(A)
Lands Considered to Possess Significant Natural Topographical Features	(R)
Minimum Lot Area	(B)
Minimum Site Area Per Unit (sq. ft.)	(B)

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Minimum Yards:

Front (ft.)	15	(C)(D)
Side (ft.)	15% of width; 10 ft. min. 20 ft. max.	(D)(E)
Corner Side (ft.)	10% of width; 10 ft. min. 15 ft. max.	(D)
Rear (ft.)	25% of depth	(D)
Maximum Height (ft.)	30	(F)(G)(H)(I)
Grading Limitations		(J)(Q)
Special Streets		(K)
Building Design		(L)
Visible Bulk		(L)(M)
Screening of Mechanical Equipment		(N)
Exterior Structural Supports		(O)
Driveways and Off-Street Parking		(P)

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**Additional Hillside Development Regulations**

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- (A) Undevelopable lands, as defined in this section, shall be preserved in their natural state and such land shall not be included in density calculations which establish the development potential of a site. The Planning Commission may approve a Hillside Development Plan application which proposes encroachment into slopes in excess of 40 percent (2.5:1 slope) with a minimum elevation differential of 25 feet, for the following purposes:

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1. Public roadways identified in the Circulation Element of the City's General Plan.
2. Required public utility systems and system components.
3. Where no other access exists and where it is determined that no less environmentally damaging alternative exists, local public or private streets and driveways which are necessary for access to the more developable portions of a site on slopes equal to or less than 40 percent grade (2.5:1 slope).
4. In order to remediate any adverse geologic conditions as determined by the City Engineer, in consultation with the Planning Director, provided that no development is allowed in the area of encroachment and such land is not included in the density calculations which establish the development potential of the site.

Neither the classification of land as 'undevelopable' nor any density calculation made pursuant to this ordinance shall be construed so as to prohibit the development or redevelopment of one single-family residential dwelling on any existing residentially zoned lot, provided the structure complies with the minimum requirements established for the development of single-family residential structures in this ordinance other than density or lot size requirements.

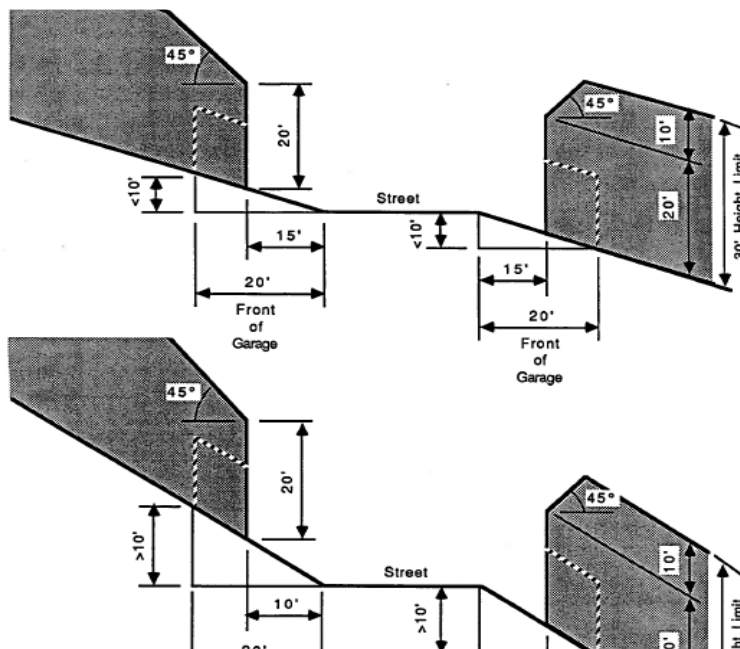
- (B) As determined by applicable base district regulations.
- (C) If the existing lot elevation at the rear of the normally required front yard (20 feet) at its centerline is 10 feet above or below the elevation of the adjoining street, the minimum front yard shall be 10 feet. In all cases the garage shall be set back at least 20 feet, as measured from the front of the garage to the front property line, back of sidewalk, or back of curb, whichever is most restrictive (See Diagram C and G).
- (D) See Section 3015: Building Projections into Yards and Courts.
- (E) Single-family detached units may be clustered, provided that the minimum side yard is 7.5 feet and the average of the units two side yards is at least 15 percent of the lot width.
- Exceptions. The minimum side yard for a lot created prior to the effective date of this ordinance shall not be required to exceed 10 percent of the lot width.
- (F) See Section 3017: Measurement of Height.
- (G) Structures within 20 feet of the front property line shall not intercept a 1:1 daylight plane inclined inward from a height 20 feet above existing grade at the front setback line (See Diagram C and G).

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- (H) Where structures are proposed on or near the top of hilltops and ridges and no other feasible or practical siting can be achieved within the property lines of the lot and yard requirements of this section, the building pad shall be excavated or sufficiently bermed so that the structure maintains a low-profile appearance, and the character of the ridgeline or hilltop is not substantially altered. In order to achieve this appearance, the Planning Commission may limit the height of structures to 12.5 feet above a ridge that does not have dense tree cover.
- (I) See Section 3018: Exceptions to Height Limits.
- (J) Alterations of existing natural or artificial contours of land shall be minimized. No manufactured slope shall exceed 30 feet in height, nor shall it exceed 400 feet in length unless the Planning Commission determines that no feasible alternative exists. Any natural contour altered by grading shall be rounded and shaped to simulate natural terrain, unless on an individual site this would diminish open space or significant natural features of the site. Grading shall follow the natural topographic contours as much as possible, and standard prepared pads requiring extensive cut-and-fill grading shall not be allowed.



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- (K) Special streets, such as one way streets, split level streets, and dead end streets, shall be acceptable when their use is justified by detailed engineering and traffic circulation studies submitted by the applicant and supported by the City Planner in consultation with the City Engineer and the approval of the HD Plan by the Planning Commission includes a finding that such streets are necessary to achieve the purposes of this section.
- (L) The following standards are intended to ensure that building designs on slopes of greater than or equal to 20 percent slope with a minimum elevation differential of 25 feet conform to the natural landform and enhance the character of the site.
1. Conventional flatland building styles should be avoided on portions of any site with slopes of 20 percent or greater unless approved by the Planning Commission in conjunction with a HD plan. Alternative building styles are encouraged and may include, but not be limited to, pier foundations, stilt construction, small pads for structures only, and split-level construction.
  2. The dominant roof slope(s) shall substantially follow the slope of the natural grade. Flat roofs should be avoided.
  3. Second-story setbacks of uphill structures facing streets are required so that the appearance of vertical mass and the visual impact on the surrounding area are reduced.
- (M) The following standards are intended to reduce the apparent visible bulk of a building located on slopes of greater than or equal to 20 percent slope with a minimum elevation differential of 25 feet, as defined in this article:
1. No visible portion of a structure shall exceed 40 feet in length measured parallel to the surface of the structure, unless there is an off-set of 4 feet or more in depth and 6 feet or more in width. The off-set area shall be unoccupied and unobstructed by structures

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## CITY OF OCEANSIDE COMPREHENSIVE ZONING ORDINANCE

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from the ground upward to the sky, provided that roof eaves may project two feet into the off-set area.

2. No roof plane shall exceed 600 square feet in area, measured parallel to the roof plane, and a change in pitch of 3 in 12 or greater, or a vertical offset of 2 feet or more shall separate each roof plane. The area of an offset roof plane or change in pitch satisfying this standard for a change in roof plane shall not be less than 150 square feet.
  3. Exceptions. The Planning Commission, or the City Planner for projects of two units or less, may grant exceptions to regulations M(1) and M(2) above, upon finding that the proposed design and landscape plan minimize bulk visible from public streets, and the structure is in reasonable harmony with the character of the area.
- (N) See Section 3021: Screening of Mechanical Equipment.
- (O) Exterior structural supports and undersides of floors and decks not enclosed by walls and more than 15 feet high may be approved only if the Planning Commission finds that no alternative type of construction is feasible, and fire-safety and design considerations have been adequately addressed.
- (P) Driveways, which serve three or more houses and are not entirely visible from both ends, shall have passing turnouts. All driveways shall comply with minimum widths and maximum grades prescribed by the City Code and the City of Oceanside Engineers Design and Processing Manual. A dwelling unit adjoining a street having parking prohibited on both sides shall provide a minimum of two independently accessible off-street parking places for guests. Required parking for guests may be in a required front yard if the existing lot elevation is 10 feet above or below street elevation at the rear of the normally required front yard. Required parking for guests may also be provided for in centralized off-street parking areas that are located within 100 feet of every dwelling unit they are intended to serve.
- (Q) The volume of earth moved for cuts and fills shall be minimized. The larger amount of the total cut or total fill volumes divided by the total area in acres that is cut and filled (that is graded) shall equal the amount of hillside grading for the purposes of this section and the amount of hillside grading shall be limited to 7,500 cubic yards per acre or less. A reduced amount of grading shall be encouraged wherever possible.

The Planning Commission may approve a Hillside Development Plan application which proposes hillside grading in an amount greater than 7,500 cubic yards per acre provided one or more of the following findings can be made:

1. The site possesses adverse geologic conditions that necessitate remedial work that may require significant amounts of grading.

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2. The site requires extensive grading to accommodate required public utility systems and system components.
  3. The site requires extensive grading to accommodate a public roadway identified in the Circulation Element of the City's General Plan.
- (R) Lands considered to possess significant natural topographical features, as defined by this Section and Section 1.24 of the Land Use Element, shall be preserved and integrated into project designs.

F. Initiation

An application to approve an HD Hillside Development Plan shall be initiated by a property owner or authorized agent. If the property is not under a single ownership, all owners shall join the application, and a map showing the extent of ownership shall be submitted with the application.

G. Required Plans and Materials

A Hillside Development Plan application shall include the materials required for a development plan by Article 43 and any or all of the following items deemed necessary by the City Planner to determine compliance with the purposes of this article:

1. An existing conditions map of the HD plan area showing the location and identifications of all significant trees or clusters of trees, shrubs, vegetation, rock outcroppings, all ridges and hilltops, drainage courses, lakes, ponds and other significant natural features. Drainage course identification shall conform to perennial and intermittent streams as shown on USGS maps.
2. A slope map with minimum 2-foot contour lines at a scale of 1 inch = 100 feet clearly depicting areas under 20 percent slope, areas greater than to 20 percent slope with a 50 foot elevation differential, areas greater than or equal to 20 percent slope and less than or equal to 40 percent slope (2.5:1 slope) with less than a 25 foot elevation differential, areas greater than or equal to 20 percent slope and less than or equal to 40 percent slope (2.5:1 slope) with a minimum elevation differential of 25 feet, areas over 40 percent slope (2.5:1 slope) with less than a 25 foot elevation differential, and areas over 40 percent slope (2.5:1 slope) with a minimum elevation differential of 25 feet. Tabulations of gross site area and area within each slope range shall be shown on the map. The slope map shall be drawn at the same scale as, and indexed or keyed to, the existing conditions map, the grading plan, and the project site map, and shall show both existing and proposed topography, lot lines, structures, and infrastructures. The slope map shall be stamped and signed by either a registered civil engineer or land surveyor attesting to the fact that the slope analysis has

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been accurately calculated and identified consistent with this section and shall indicate the datum, source, and scale of topographic data used in the slope analysis.

3. A soils engineering report including, but not limited to, data regarding the nature, distribution, and strengths of existing soils; conclusions and recommendations for grading procedures; design criteria for any identified corrective measures; and opinions and recommendations covering the adequacy of sites to be developed. The investigation shall be compiled by a California-registered soils or geotechnical engineer.
4. A geology report including, but not limited to, the surface and subsurface geology of the site; degree of seismic hazard; conclusions and recommendations regarding the effect of geologic conditions on the proposed development; opinions and recommendations covering the adequacy of sites to be developed; and design criteria to mitigate any identified geologic hazards. The investigation and report shall be compiled by a California-registered geologist or engineering geologist.
5. A hydrology report including, but not limited to, the hydrologic conditions on the site; possible flood inundation with existing development and with future development under the General Plan and the HD Plan; downstream flood hazards, including cumulative impacts of development in the drainage basin; natural drainage courses; conclusions and recommendations regarding the effect of hydrologic conditions on the proposed development; opinions and recommendations covering the adequacy of the site to be developed; and design criteria to mitigate any identified hydrologic hazards, including cumulative impacts consistent with these regulations. This report shall account for all runoff and debris from tributary areas and shall provide consideration for each lot or dwelling unit site in a proposed hillside development project. The investigation and report shall be compiled by a California-registered civil engineer experienced in hydrology and hydrologic investigation.
6. A three-dimensional scale model of the project site of a scale sufficient to evaluate the project as prescribed by the City Planner. The City Planner may waive this requirement if circumstances warrant.
7. A landscape plan consistent with the provisions of Article 30, Section 3019.
8. Any other informational items deemed necessary by the City Planner in order to fully analyze and review the proposed development.

### H. Approval of a Hillside Development Plan

1. General Procedures. An application for approval of an HD Hillside Development Plan shall be processed as a Development Plan application in accord with the

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## CITY OF OCEANSIDE COMPREHENSIVE ZONING ORDINANCE

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provisions of Article 43.

2. Approval Authority. A HD Plan shall be approved, approved with conditions, or disapproved by the Planning Commission, with the Commission's decision appealable to the City Council, as provided for in Article 46.
  3. Required Findings. The Planning Commission shall approve or conditionally approve a proposed Hillside Development Plan upon finding that the Hillside Development Plan meets the required findings for a Development Plan as outlined in Article 43 and finding that it:
    - I. Conforms to the General Plan;
    - II. Complies with the land-use and development regulations of the base zoning district, the Hillside Development Provisions of this Section, and any other overlay districts applied to the property; and
    - III. Can be adequately, reasonably and conveniently served by public services, utilities and public facilities.
- I. Effective Date; Lapse of Approval; ~~Time Extensions~~; Changed Plans
1. Effective Date. Hillside Development Plans approved by the Planning Commission shall become effective on the date of adoption of the Planning Commission resolution, unless appealed, as provided for in Article 46.
  2. Lapse of Approvals. Hillside Development Plan approvals shall lapse ~~two~~ **three** years after the effective date of approval or conditional approval or at an alternate time specified as a condition of approval unless:
    - a. A grading permit has been issued and grading has been substantially completed and/or a building permit has been issued, and construction diligently pursued; or
    - b. An occupancy permit has been issued;
    - c. The approval is extended **pursuant to the provisions of Article 1, Section 150 (Time Extensions of Discretionary Applications)**; or
    - d. In cases where the Hillside Development Plan is approved concurrently with a Tentative Map and a Final Map or Parcel Map is recorded, the Hillside Development Plan shall be effective for an additional 24 months from the date of recordation of the Final Map or Parcel Map.

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~~3. **Time Extension.** Upon application by the project applicant filed prior to the expiration of an approved or conditionally approved Hillside Development Plan, the time at which the Hillside Development Plan expires may be extended by the Planning Commission for a period or periods not to exceed a total of three years. Application for renewal shall be made in writing to the City Planner no less than 30 days or more than 90 days prior to expiration.~~

~~4-3. Changed Plans.~~ A request for changes in conditions of approval of a Hillside Development Plan, or a change to the Hillside Development Plan that would affect a condition of approval shall be treated as a new application. The City Planner may waive the requirement for a new application if the changes requested are minor, do not involve substantial alterations or addition to the plan or the conditions of approval, and are consistent with the intent of the project's approval or otherwise found to be in substantial conformance.

J. Building Permits and Grading Permits

Proposed structures, alterations, and grading plans must be consistent with an approved Hillside Development Plan for issuance of building and grading permits.

**3040 Fences and Walls**

A. Specific Purposes

The specific purposes of the Fences and Walls provisions are to:

1. Maintain consistent development standards for the entire city while preserving a quality streetscape.
2. Allow adequate means to secure property when appropriate and based on a demonstrated need.
3. Provide screening requirements to mitigate impacts to adjoining properties.
4. Provide development standards along street right-of-ways requiring minimum sight requirements to preserve the public safety and general welfare.

B. Applicability

This section shall apply to all properties within the City.

C. Property Development Standards

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**FENCE AND WALL DEVELOPMENT STANDARDS**

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<u>District</u>	<u>Maximum Permitted Height</u>	<u>Add. Req.</u>
1. <i>All Districts</i>		
- Temporary construction fences	8'	(a)
- Property management fences on undeveloped or vacant property		(b)
2. <i>Commercial</i>		
- Within front yard setback area abutting a street	3.5'	
- Within other yard setback areas	6'	
- Retaining wall	3.5'/6' - 3.5' in front yard/ 6' in other yard areas	(d)
- Abutting a residential district	8' - Solid, decorative masonry wall	(c)
- Outdoor storage/ work area	8'	(e)
3. <i>Industrial</i>		
- Within front yard setback area abutting a street	3.5'	
- Within other yard setback areas	8'	
- Retaining wall	3.5'/8' - 3.5' in front yard/ 8' in other yard areas	(d)
- Abutting a residential or commercial district	8' - Solid, decorative masonry wall	(c)
- Outdoor storage/work area	8'	(e)
4. <u>A, O, PS, PUT/CZ, PD and MHP Districts</u>		(f)

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**Additional Fence and Wall Development Standards**

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## CITY OF OCEANSIDE COMPREHENSIVE ZONING ORDINANCE

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- (a) At a minimum, all temporary construction fences shall meet the following standards:
1. Fences shall be allowed to remain on the site only as long as construction is actively occurring under an authorized grading, demolition or building permit. If construction activity lapses for a period of 3 months, the fence shall be removed or approval under the property management fence standards shall be obtained.
  2. All fences shall be maintained in a reasonably straight and plumb alignment, and in good shape, quality and repair.
  3. Fences may be located within any required yard area.
  4. The maximum height of a fence shall be limited to 8 feet.
  5. Fences may require special treatments and/or screening to mitigate visual impacts or for public health and safety.
- (b) Property management fences may be allowed on undeveloped property or vacated sites (i.e. sites with vacant buildings or structures) if determined to be justified by the City. Justification for property management fences may include, but not be limited to, documented continued unauthorized use of property or the continued unauthorized dumping of materials or the unauthorized parking of vehicles.

An application is required and shall include a justification letter, site plan and property management plan. The property management plan shall include management details and maintenance responsibilities for repairs, weed control, landscaping, graffiti, signage, etc. on the site.

A permit from the Building Division is required prior to construction. Fences shall meet the following standards unless alternate standards are required under the permit process:

1. Fences shall be allowed to remain on the site only as long as the property is undeveloped or vacant.
2. Fences shall be of a permanent nature with permanent footings. Chainlink fences shall have a minimum of 2" O.D. vertical post and 1 1/4" O.D. top rails. Fencing shall be securely attached to the post and rails.
3. Fences shall not be unsightly and shall be maintained in reasonably straight and plumb alignment, and in good shape, quality and repair.
4. Fences on undeveloped property may be located within a required yard area.

Fences on vacated sites shall meet the setbacks of the underlying zoning district

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unless alternate setbacks are approved under the permit process.

5. Fences on undeveloped property shall be limited to a maximum height of 5 feet unless and alternate height is approved under the permit process.

Fences on vacated sites shall meet the height regulations of the underlying zoning district unless an alternate height is approved under the permit process.

6. Fences may require special heights, treatments, landscaping and/or screening to mitigate visual impacts and for public health and safety.
- (c) A solid, decorative, masonry wall, with a minimum height of 6 feet and a maximum height as specified under each zoning district, is required along areas of the following:
    1. Commercial and other non-residential projects abutting residential districts.
    2. Industrial projects abutting commercial or residential districts.
  - (d) Any retaining wall over 4 feet in height and visible from a residential district, public right-of-way, park or open space area shall be an irrigated, plantable wall subject to the review and approval of the City. The height of a retaining wall shall be included in calculating the maximum height limit of a wall or fence.
  - (e) Outdoor storage and outdoor work areas are subject to the standards and screening requirements of Section 3020 (Outdoor Facilities) of this Zoning Ordinance.
  - (f) Development standards for fences and walls are as specified within corresponding Articles of this Ordinance.
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### D. Corner Clear Zone

Visibility at street corners shall meet the design standards established in the City of Oceanside Engineer's Design and Processing Manual.

### E. Prohibited Fence Materials

Prohibited Materials: The use of barbed wire, electrified fence or razor wire fence in conjunction with any fence, wall, roof or by itself within any land use district, is prohibited unless required by any law or regulation of the City, the State of California, the Federal Government, a public utilities company, or agency thereof, or when requested by the City during permit review. The following exceptions shall apply:

1. Barbed and razor wire may be allowed in commercial and Industrial districts if it is not visible from a public street or adjacent to a public park or residential
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district. Alternative materials, which do not negatively impact the visual environment, may be considered. The height of the wire shall be used in calculating the maximum height of the wall or fence.

2. In the Agricultural district, barbed and razor wire may be allowed. Electrified fencing may be allowed for animal enclosures if it meets all State and Federal regulations.

#### F. Wall Design Standards

Perimeter walls shall be designed to provide visual variation and to alleviate monotony through the use of articulated planes, landscaped recessions, pilasters or various textures and materials.

If pilasters are used, they shall be provided at a minimum of every change in direction, every 5-foot difference in elevation and every 70 feet of wall length.

#### G. Fence/Wall Treatments, Materials and Maintenance

The following standards are applicable to all fences and walls.

1. Tubular steel and wrought iron fencing shall be treated in accordance with the requirements of the current City of Oceanside Standard Details.
2. All fences and walls shall be treated, as appropriate, with anti-graffiti material and/or otherwise must comply with the City Code on graffiti, including the prompt removal of any graffiti.
3. Fence materials shall be limited to materials generally used in the fencing industry. Unless otherwise regulated by this ordinance or requested by the City through permit review, acceptable materials may include wood, block, stucco, wrought iron, steel, chainlink, "tennis" mesh and slats. Examples of non-standard, unacceptable materials include, but are not limited to, wooden pallets, opaque plastic sheeting, broken concrete or asphalt, and tires.
4. All fences shall be maintained in a reasonable straight and plumb alignment, and in good shape, quality and repair.

#### H. Permit Requirements

Fences and walls may require City permit approval in accordance with this Section or a building permit in accordance with the Uniform Building Code.

**3041 Child Care Facility**

- A. Permit Required. A child care facility shall be permitted subject to the review and approval or conditional approval of a Child Care Facility Permit upon determining that the proposed facility complies with the requirements of the adopted Child Care Guidelines and applicable regulations of the Zoning Ordinance.

If new development (construction) is proposed for a Child Care facility, a Development Plan, meeting the regulations of Article 43 is required. A Development Plan may be conducted independently or concurrently with the Child Care Facility Permit.

- B. Where Permitted and Development Standards. A child care facility is permitted in the RE, RS, R-1/CZ, RM, RH, R-3/CZ, RT, R-T/CZ, CN, CC, C-1/CZ, CG, C-2/CZ, CL, CR, CV, VC-CZ, CS, CS-HO, CS-L, CP, IL, IG, IP, A, OS, PS and the D Districts if it conforms to the standards of the adopted Child Care Guidelines and other applicable standards of the Zoning Ordinance.

**3042 Mixed-use Plans**

- A. Any mixed-use development with commercial and residential land uses combined on one site requires the submission of a “Mixed-Use Development Plan” and Conditional Use Permit. Base District Regulations and Property Development Regulations for Residential Districts and Commercial Districts shall serve as the guideline for a mixed-use development. Any deviations from the development regulations shall be evaluated based upon the merits of the development plan. In addition, the “Mixed-Use Development Plan” is subject to the following requirements.

**Specific Purposes**

The specific purposes of the Mixed-Use Plan are to:

- A. Establish a procedure for the development of parcels as a mixed-use development.
- B. Ensure orderly and thorough planning and review procedures that will result in quality urban design.
- C. Encourage variety and avoid monotony in developments by allowing greater freedom in selecting the means to provide access, light, open space, and amenities.
- D. Provide a mechanism whereby the City may authorize desirable developments consistent with the General Plan without inviting speculative rezoning applications, which, if granted, often could deprive other owners of development opportunities

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without resulting in construction of the proposed facilities.

- E. Encourage the preservation of serviceable existing structures of historic value or artistic merit by providing the opportunity to use them imaginatively for purposes other than that for which they were originally intended.
- F. Encourage the assembly of properties that might otherwise be developed in unrelated increments to the detriment of surrounding neighborhoods.

### **Land Use Regulations**

No use, other than a use existing at the time of establishment of a Mixed-Use Plan, shall be permitted in a Mixed-Use Plan except in accord with a Mixed-use Plan. Any permitted or conditional use authorized by this ordinance may be included in an approved Mixed-Use Plan, consistent with the underlying General Plan land use designation(s).

### **Development Regulations**

- A. Minimum Area. The area of a Mixed-Use Plan shall be 1-acre. However, smaller sites may be approved if found to meet the intent and purposes of a Mixed-Use Plan.
- B. Residential Unit Density. Residential unit types included in a Mixed-Use Plan shall not exceed 29 dwelling units per acre for the total area of parcels designated for mixed-use.
- C. Performance Standards. The performance standards prescribed by Section 3024 shall apply.
- D. Design. The Mixed-Use Plan shall be an integrated plan. Uses shall be placed as to share parking, traffic circulation, open space etc.
- E. Other Development Regulations. Other development regulations shall be as prescribed by the Mixed-Use Plan. The development standards of an existing overlay district may be modified by the Mixed-Use Plan if demonstrated to promote superior design.

### **Initiation**

A Mixed-Use Plan shall be initiated by a property owner or authorized agent. If the property is not under a single ownership, all owners shall join in the application, and a map showing the extent of ownerships shall be submitted with concept plans and materials.

### **Required Plans and Materials**

An application for a Mixed-Use Plan shall include a Mixed Use Development Plan

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incorporating the materials required for design review by Article 43. The City Planner also may require one or more of the following items, based on the type, location, and potential impacts of proposed development:

- A. A map showing proposed plan boundaries and the relationship of the district to uses and structures within a 300-foot radius of the district boundaries.
- B. A map or aerial photo of the proposed plan and 100 feet beyond its boundary showing sufficient topographic data to indicate clearly the character of the terrain; the type, location, and condition of mature trees and other natural vegetation; and the location of existing development.
- C. The proposed pattern of land use, with acreage and residential density computations.
- D. The proposed street and lot pattern.
- E. Any other informational items deemed necessary by the City Planner in order to fully analyze and review the proposed development.

**Planning Commission Action**

The Planning Commission shall consider an application for Mixed-Use Plan and Mixed-Use Development Plan accompanying the application. The Planning Commission may approve, approve with conditions or deny a proposed Mixed-Use Development Plan.

- A. Required Findings. The Planning Commission may approve or conditionally approve a Mixed-Use Plan and a Mixed-Use Development Plan, upon finding that:
  - 1. The Mixed-Use Development Plan is consistent with the adopted Land Use Element of the General Plan and other applicable policies and is compatible with surrounding development. If the property is located within the V-C/CZ Zone, the Mixed-Use plan shall prioritize visitor-serving commercial uses;
  - 2. The Mixed-Use Development Plan will enhance the potential for superior urban design in comparison with the development under the base district regulations that would apply if they were not approved;
  - 3. Deviations from the base district regulations that otherwise would apply are justified by compensating benefits of the Mixed-Use Development Plan; and
  - 4. The Mixed-Use Plan and Mixed-Use Development Plan includes adequate provisions for utilities, services, and emergency vehicle access; and public service demands will not exceed the capacity of existing and planned systems.

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**Status of Mixed-Use Plan and Mixed-Use Development Plan**

- A. Effective Date. A Mixed-Use Plan and Mixed-Use Development Plan shall be effective on the date of their approval.
- B. Lapse of Approvals. A Mixed-Use Plan and Mixed-Use Development Plan shall expire two years after the effective date of approval or conditional approval unless:
1. A grading permit has been issued and grading has been substantially completed and/or a building permit has been issued and construction diligently pursued; or
  2. An occupancy permit has been issued; or
  3. The approval is extended; or
  4. In cases where a Mixed-Use Plan and Mixed-Use Development Plan is approved concurrently with a Tentative Map, and a Final Map or Parcel Map is recorded, the Mixed-use Plan and Mixed-Use Development Plan shall be effective for an additional 24 months from the date of recordation of the Final Map or Parcel Map.

An approved Mixed-Use Plan and Mixed-Use Development Plan may specify a development staging program exceeding two years, provided the development staging program is reviewed and approved by the Planning Commission as a part of the Mixed-Use Plan and Mixed-Use Development Plan.

~~C. Time Extension. The Commission may extend a Mixed-Use Plan and Mixed-Use Development Plan for a period or periods not to exceed a total of three years, if it finds the time extension is consistent with the purposes of this Article. Application for a time extension shall be made in writing to the City Planner not less than 30 days or more than 90 days prior to expiration. Denial of a request for time extension of a Mixed-Use Plan and Mixed-Use Development Plan may be appealed using the procedures as prescribed in Article 46.~~

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

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of a Mixed-Use Plan and Mixed-Use Development Plan shall be considered by the Planning Commission at a public hearing with notice given as prescribed for a Development Plan in Article 43.

### **Building Permits**

Proposed structures or alterations must be consistent with the adopted Mixed-Use Plan and the Mixed-Use Development Plan for the issuance of building permits.

### **3043 Reasonable Accommodations**

#### **A. Specific Purposes**

The specific purposes of the Reasonable Accommodation provisions outlined in this section are to:

1. Provide a procedure to request reasonable accommodation, through the application of zoning and land use regulations, policies and procedures, for disabled persons seeking an equal opportunity to use and enjoy a dwelling unit under the federal Fair Housing Act and the California Fair Employment and Housing Act.
2. Define “reasonable accommodation” as a modification or exception to the regulations, policies and procedures for the siting, development and use of housing or housing-related facilities that would eliminate or reduce regulatory barriers and thereby provide a disabled person with equal opportunity to housing of their choice.
3. Establish eligibility for reasonable accommodation for persons (1) with a physical or mental impairment that substantially limits one or more major life activities; (2) who are regarded as having such an impairment; and (3) who have a record of such an impairment.
4. Recognize “physical or mental impairment” as including, but not being limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus infection, mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance) and alcoholism.

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5. Stipulate that reasonable accommodations shall be granted to individual residents and shall not run with the land unless it is determined that (1) the modification is physically integrated into the dwelling unit(s) and cannot readily be removed or altered to comply with applicable codes; or (2) the accommodation will be utilized by another disabled person.

B. Applicability

1. A request for reasonable accommodation may be made by any individual with a disability, his or her representative, or a developer or provider of housing for individuals with disabilities, when the application of a land use or zoning provision, regulation or policy acts as a barrier to fair housing opportunities.
2. A request for reasonable accommodation may include a modification or exception to the rules, standards, development and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability with equal opportunity to housing of their choice.
3. Nothing in this ordinance shall require the City to waive or reduce application processing fees associated with a reasonable accommodation request.

C. Review Authority and Procedure

1. Requests for reasonable accommodation associated with administrative review of land use and/or development proposals shall be considered by the City Planner or designee. Modification or exception to applicable regulations, policies and procedures shall not, in and of itself, necessitate discretionary review and approval (e.g. Variance or Use Permit). Written determination from the City Planner on administrative requests shall be provided within 45 days of the submittal of a complete application.
2. Requests for reasonable accommodation associated with discretionary review of land use and/or development proposals shall be considered by the authority charged with such review under other provisions of this ordinance. Discretionary review of requests for reasonable accommodation shall only be required when such requests coincide with land use and/or development proposals subject to discretionary review. Procedures for discretionary review of requests for reasonable accommodation – including public notification, public hearings, appeals and time extensions – shall be those set forth in this ordinance for those entitlements concurrently under review.
3. Adverse decisions regarding reasonable accommodation rendered by the City Planner or designee may be appealed to the Planning Commission by the

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applicant. Adverse decisions regarding reasonable accommodation rendered by the Planning Commission may be appealed to the City Council by the applicant. Appeals of decisions regarding reasonable accommodation shall follow procedures established in Article 46 of the 1992 Zoning Ordinance.

D. Findings and Decision

1. Findings. Written determination to grant or deny a request for reasonable accommodation shall be consistent with applicable federal and state law and based on consideration of the following:
  - a. The housing which is the subject of the request will be inhabited by the person(s) considered disabled in accordance with federal and state law.
  - b. The requested accommodation is reasonable and necessary to make the housing available to the disabled person(s).
  - c. The requested accommodation would not result in adverse impacts on surrounding properties and land uses.
  - d. The requested accommodation would not impose an undue financial or administrative burden on the City.
  - e. The requested reasonable accommodation would not require a fundamental alteration of a City program or law, including but not limited to land use and zoning regulations, and the City's Local Coastal Program.
2. Alternatives. In evaluating the reasonableness of a requested accommodation, the review authority may consider whether there are reasonable alternatives that would provide an equivalent level of benefit to the disabled individual or group of individuals.
3. Conditions. In granting a request for reasonable accommodation, the reviewing authority may impose conditions of approval to ensure that the above findings can be met. Conditions may include, but are not limited to, ensuring that any removable structures or physical design features constructed or installed in association with a reasonable accommodation be removed once they are not needed to provide access to the dwelling unit for current occupants.

E. Application Requirements

1. Requests for reasonable accommodation shall be submitted on an application form provided by the Planning Division. Applications for reasonable accommodation shall include the following information:
  - a. The applicant's name, address and telephone number.

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- b. The street address and assessor's parcel number of the property for which the request is being made.
  - c. The current actual use of the subject property.
  - d. The basis for the claim that the individual or group of individuals is considered disabled under the federal Fair Housing Act and the California Fair Employment and Housing Act.
  - e. The zoning provision, regulation or policy from which reasonable accommodation is being requested.
  - f. Explanation of why of the requested reasonable accommodation is necessary to make the specific property accessible to the disabled individual.
  - g. Credible documentation shall be provided to allow the City to fully evaluate the factual basis of the request. Application materials shall be provided in a manner that allows the City to independently assess its merits.
- F. Expiration. Any reasonable accommodation approved in accordance with the terms of this article shall expire within twenty-four (24) months from the effective date of approval or at an alternative time specified as a condition of approval unless:
- 1. A building permit has been issued and construction has commenced;
  - 2. A certificate of occupancy has been issued; or
  - 3. A time extension has been granted.
- G. Time Extension. The City Planner or other approving authority may approve a single one-year time extension for a reasonable accommodation. An application for a time extension shall be made in writing to the approving authority no less than thirty (30) days prior to the expiration date.
- G. Revocation. Any reasonable accommodation approved in accordance with the terms of this article may be revoked if any of the conditions or terms of such reasonable accommodation are violated, or if any law or ordinance is violated in connection therewith.

### **3044 Emergency Shelters**

The purpose of this section is to ensure that emergency shelters do not adversely impact adjacent properties and land uses. Emergency shelters, as defined in Section 330, shall be permitted without discretionary review in Light Industrial (IL) zoning districts, subject to the following standards:

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- A. Compliance with IL Zoning Standards. Facilities shall comply with all development standards applicable to properties within Light Industrial (IL) zoning districts.
- B. Maximum Number of Beds. Facilities may provide up to 50 beds for the same number of clients per night.
- C. Hours of Operation. Facilities shall operate on a first come, first served basis, with clients only permitted on the premises between 4:00PM and 9:00AM. Clients must vacate the premises by 9:00AM and shall have no guaranteed bed for subsequent nights.
- D. Maximum Stay: Occupancy for any individual or family shall not exceed 120 days in a 365-day period. No individual or family shall reside in an emergency shelter for more than 30 consecutive days.
- E. Maximum Concentration: No facility shall be sited within 300 feet of another emergency shelter, as measured from the property boundaries.
- F. Minimum Separation from Residential Zoning Districts. Facilities sited within 300 feet of a residential zoning district, as measured from the building footprint of the facility to the nearest residentially zoned property, shall require a Conditional Use Permit.
- G. Minimum Staffing: At least one staff member per 10 beds shall be awake and on duty during operational hours. Facilities providing segregated quarters for men, women, families, etc. shall provide at least one staff member for each segregated sleeping area.
- H. Minimum Parking. Facilities shall provide one parking space per staff member and 0.35 spaces per bed. Facilities shall also provide secure bicycle parking facilities.
- I. Minimum Reception and Intake Area. Facilities shall provide at least 15 square feet of enclosed reception and intake area per bed.
- J. Lighting. Adequate exterior lighting shall be provided for security purposes. Lighting shall be shielded and directed downward to avoid glare on adjacent properties and the public right-of-way. Inoperable lighting shall be rendered operable within 72 hours.
- K. Sanitation Facilities. Facilities shall provide at least one toilet and one sink for every eight beds per gender, one shower for every eight beds per gender, and a private shower and toilet facility for each area designated for families with children.

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- L. Ancillary Amenities and Services. Facilities may include the following ancillary amenities and services:
1. Cooking/food preparation facilities (in compliance with the relevant standards of the San Diego County Environmental Health Department);
  2. Dining area;
  3. Laundry facilities;
  4. Recreation and/or meeting area;
  5. Outdoor recreation spaces (within a building courtyard or enclosed by a building, fencing, landscaping, or some combination thereof);
  6. Support services (e.g. counseling, job training and/or placement; health care);
  7. Animal boarding and veterinary services;
  8. Child care facilities for current clients.
- M. Safety and Security Plan. Facilities shall prepare and submit a safety and security plan for review and approval by the Oceanside Police Department. The safety and security plan shall address the following:
1. Criteria for admittance;
  2. Protocol for addressing the immediate shelter needs of individuals and/or families that cannot be accommodated;
  3. Admittance and discharge procedures;
  4. Staff screening and training procedures;
  5. On-site security personnel;
  6. Specific measures designed to minimize the congregation of clients in the vicinity of the facility during those hours when clients are not permitted on-site;
  7. Noise control measures;
  8. Litter control measures;

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9. Fire and earthquake safety procedures, including an evacuation plan;
  10. Description of the means by which the personal effects of clients will be secured;
  11. Protocol for chronicling any and all incidences of violence, theft, vandalism, or other criminal and/or disruptive behavior;
  12. Protocol for contacting law enforcement and other emergency services as circumstances warrant;
  13. Protocol for responding to client grievances;
  14. Protocol for responding to community concerns;
  15. Description of potential ancillary services (e.g. counseling, health care, job training and/or placement);
- N. State Laws and Regulations. Facilities shall comply with all applicable state laws and regulations.

**3045 Public Access Requirements**

Permanent facilities shall be provided for pedestrian access from the nearest public street on the bluff top to the public beach. Between Breakwater and Wisconsin Avenue, such access will be provided on the average every eight hundred (800) feet, but in no event will there be fewer than seven (7) such pedestrian access routes.

**3046 Flood Plain Requirements for Coastal Zone properties**

This section establishes regulations governing development located within the floodway or the floodplain and includes the following provisions:

- A. Permitted Use. In any area determined by FEMA to be located within a floodway or an associated floodplain, no building shall be erected, reconstructed, or structurally altered nor shall any building be used for any purpose except as hereafter provided and allowed by this Article.

The properties located within the floodway or floodplain shall be limited only to the following uses regardless of the other applicable zoning classifications:

1. Agricultural uses; or

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2. Other uses not involving buildings designed or occupied for living purposes, public assembly or both, or for manufacture or storage of products and materials except those incidental and necessary to the permitted uses, unless such properties comply with the following additional requirements over the above those set forth in the Article governing the basic zoning classification:
  - a. Foundation walls, footings and type of construction shall be such as will prevent damage to the structure during flood conditions.
  - b. The floor levels of the main floor of any dwelling in the various areas enumerated as flood plane shall not be lower than the elevation designated as being the part below which such areas are subject to flood.

This section does not permit the excavation or quarrying of any rock, sand, gravel or other material in any such areas declared as hazardous for such use, nor does it permit any operation which will, by its nature or structure or materials used in connection therewith, impede or tend to impede, retard or change the direction of the flow water in any river, stream, wash or arroyo, or that will catch or collect debris carried by water flowing in such areas, unless such areas are so used in conformity with any rules and regulations established by the City Council.

### **3047 Renewable Energy Facilities**

**Certain types of new development shall install and maintain renewable energy facilities (e.g. solar photovoltaic systems). Additions to existing development meeting the threshold established in Subsection B shall render such development “solar ready” per the current versions of the California Energy Code and California Green Building Standards Code. In the event that state requirements for renewable energy facilities and solar ready design exceed those outlined in this section, state requirements shall prevail.**

- A. **As specified below, the following types of development shall install and maintain renewable energy facilities that supply at least 50 percent of forecasted electricity demand:**
  - **Residential projects that include 25 or more units**
  - **Industrial projects larger than 25,000 square feet**
  - **Commercial and institutional projects larger than 12,500 square feet**
  - **Mixed-use development (consisting of residential and commercial uses) larger than 12,500 square feet**

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- In the event that installing a renewable energy facility is not feasible, applicants can purchase an energy portfolio comprising at least 75% renewable, emissions-free energy.
- B. Additions to all existing development over 1,500 square feet shall be rendered “solar ready,” as defined above.

**3048 Electric Vehicle Parking and Charging Facilities**

Multi-family residential and non-residential development of a certain scale is required to provide preferential parking and charging facilities for electric vehicles. The standards for preferential parking and electric vehicle charging facilities outlined in this section are intended to exceed those established by state law. In the event state standards exceed those outlined in this section, state standards shall apply.

Electric vehicle charging facilities installed in accordance with this section shall comply with Article 625 of the California Electrical Code and subsequent iterations thereof.

Single-family residential developments are subject to the Cal Green Building Code requirements and therefore exempt from the standards outlined in this section.

As specified in Tables 1 and 2, new multi-family residential and nonresidential developments that include five or more parking spaces shall reserve 15 percent of parking spaces for zero-emission vehicles and equip 50 percent of these reserved spaces with Level 2 electric vehicle charging facilities.

The standards outlined in Table 1 shall apply to multi-family residential development featuring common parking facilities, with “common parking facilities” defined as those where parking spaces are not separated from one another by walls or doors but rather assembled in open and shared spaces. Multi-family residential development with non-common parking facilities (e.g., private garages) shall provide at least one 240-volt/16-ampere electrical outlet in each compartmentalized parking area to accommodate “Level 2” electric vehicle charging.

Multi-family development that includes dedicated visitor parking shall provide at least one visitor-serving electric vehicle parking space equipped with charging facilities.

**Table 1  
Multi-Family Residential Electric Vehicle (EV)  
Parking Space and Charging Facility Requirements**

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<b>Total Required Parking Spaces</b>	<b>Required Reserved EV Spaces*</b>	<b>Required Charger Equipped Facilities</b>
5-9	1	0
10-19	2	1
20-29	3	1
30-46	4-6	2-3
47-79	7-11	3-5
80-106	12-15	6-7
107-153	16-22	8-11
154-200	23-30	12-15
201+	15% of Total Required Parking Spaces*	50% of Required EV Parking Spaces

\*The minimum number of required EV parking spaces and charging facilities shall be rounded down to the next whole number.

**Table 2  
Non-Residential Electric Vehicle (EV)  
Parking and Charging Facility Requirements**

<b>Required Parking Spaces</b>	<b>Required Reserved EV Spaces*</b>	<b>Required Charger Equipped Facilities</b>
5-13	1	0
14-19	2	1
20-33	3-4	2
34-46	5-6	2-3
47-66	7-9	3-4
67-86	10-12	5-6
87-119	13-17	6-8
120+	15% of Total Required Parking Spaces*	50% of Required EV Parking Spaces

\*The minimum number of required EV parking spaces and charging facilities shall be rounded down to the next whole number.

**3049 Urban Forestry Program**

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**All new development that requires administrative or discretionary review shall comply with the urban forestry standards outlined in Table 1.**

**Table 1**  
**Minimum Tree Canopy and Permeable Surface Area Requirements**

<b>Project Site Area</b>	<b>Minimum Tree Canopy Area</b>	<b>Minimum Permeable Surface Area</b>
1 acre or more	12%	22%
1/3 acre to 1 acre	9%	16%
Less than 1/3 acre	7%	10%

**Permeable surfaces should allow water to pass through it, with pores or openings, and may include gravel, pervious concrete, porous asphalt, paving stone, or similar materials.**

**Tree canopy area shall be measured using the projected maximum growth of selected tree species, based on planting location.**

**Projects must also provide a Landscape and Tree Canopy Management Plan (LTCMP). The LTCMP shall include information regarding regular, seasonal, and emergency maintenance, trash abatement, irrigation, tree/plant care, tree replacement, insect and disease infestation prevention, integrated pest management, and appropriate response process etc. Projects that do not maintain landscape in a manner consistent with the approved LTCMP shall be subject to code enforcement action.**

**In the event a project site cannot feasibly accommodate the minimum permeable surface area required, additional tree canopy, in excess of the minimum requirement, can be credited to meet the minimum permeable surface area requirement.**

**In the event a project site cannot feasibly accommodate the minimum tree canopy area, the project may plant in the public right-of-way (e.g., parkway) adjacent to the project site or on an alternative site within the City, as approved by the Director of the Public Works Department. Should the City establish a Tree Fund or similar in-lieu fee program, projects that cannot meet minimum requirements may contribute to said program as an alternative means of compliance.**

**3050 Transportation Demand Management (TDM)**

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**New non-residential development and additions to existing non-residential development that generate more than 50 daily employee trips must prepare and implement a transportation demand management (TDM) plan that results in a minimum alternative employee commute share of 20 percent. The alternative employee commute share shall include all commute trips not involving combustion engine single-occupancy vehicles (SOVs). Alternative employee commute modes include ridesharing, public transit, active transportation, telecommuting, and zero-emission vehicles.**

**TDM plans shall include the following:**

- A. **Designation of a Transportation Coordinator responsible for ensuring compliance with TDM plan requirements;**
- B. **Site-specific analysis of opportunities for, and constraints upon, alternative commute modes (e.g., active transportation, transit, ridesharing);**
- C. **Marketing and outreach strategies that educate employees about sustainable travel choices;**
- D. **Customized travel plans for employees (upon request);**
- E. **Description and justification of selected TDM measures;**
- F. **Calculation of the estimated commute mode shift associated with selected TDM measures; and**
- G. **A monitoring and reporting program, including provisions for addressing changes in tenancy.**

**To calculate the estimated alternative employee commute mode share achieved by selected TDM measures, applicants may utilize resources provided by transportation agencies and other government entities (e.g., SANDAG's Mobility Management Toolbox) or commission a qualified transportation planning and/or engineering consultant to prepare customized calculations based on best available information and industry-standard methodologies. The format of a TDM plan, as well as the methodology employed to calculate commute mode shift, shall be subject to review and approval by the City Planner.**

**Projects shall initiate monitoring of the employee commute mode share through employee surveys within six months of reaching 75 percent occupancy or within 12 months of initial occupancy, whichever occurs first. TDM plans shall be**

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**implemented within 12 months of full occupancy. The minimum 20 percent alternative employee commute mode share shall be documented within three (3) years of project completion (i.e., issuance of final building permits or certificates of occupancy). Should the minimum alternative employee commute mode share not be achieved within three (3) years, the TDM plan shall be revised within six months to introduce additional and/or modified TDM measures. Projects that do not achieve the minimum alternative employee commute mode share within three (3) years of completion shall report commute mode share information to the City on an annual basis. Projects that achieve the minimum 20 percent alternative employee commute mode share shall report employee commute mode share information to the City every three (3) years.**

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