

ORDINANCE NO. 2006-

AN ORDINANCE OF THE CITY OF OCEANSIDE AMENDING THE TEXT OF ARTICLE 12 ("D" DOWNTOWN DISTRICT) OF THE ZONING ORDINANCE TO REDUCE THE BUILDING HEIGHT FROM 35 FEET TO 27 FEET OR TWO STORIES WHICHEVER IS LESS WITHIN SUBDISTRICT 5 FOR THE AREA LOCATED ON THE WEST SIDE OF NORTH PACIFIC STREET BETWEEN SURFRIDER WAY AND BREAKWATER WAY (ZA-200-06 & LCPA-200-06)

(City of Oceanside –Applicant)
(ZA-200-06 & LCPA-200-06)

WHEREAS, Article 12 ("D" Downtown District) of the Zoning Ordinance regulates development standards within the Redevelopment Area;

WHEREAS, it is in the public interest to amend the zoning regulations pertaining to these development standards;

WHEREAS, the proposed amended sections of Article 12 of the Zoning Ordinance are more particularly described in Exhibit "A", attached hereto and incorporated herein by reference;

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

WHEREAS, based upon such evidence, testimony and staff reports, this Council finds the proposed amendments to Article 12 conform to the City's Redevelopment Plan and General Plan;

NOW, THEREFORE, the City Council of the City of Oceanside DOES ORDAIN as follows:

1. That Zone Amendment Application ZA-200-06 and LCPA-200-06 amending the text of Article 12 ("D" Downtown District) of Zoning Ordinance No. 095-006 as specified in Exhibit "A" is hereby approved and the Interim City Planner is hereby directed to amend the Zoning Ordinance text as specified by this Exhibit.

2. Provisions of Exhibit "A", as incorporated, have been included for informational

1 purposes only and reflect the amended sections of the Zoning Ordinance No. 095-006 which have
2 been stricken, removed or otherwise modified by the enactment of this Ordinance.

3 3. Notice is hereby given that the time within which judicial review must be sought on
4 this decision is governed by California Government Code Section 65860 (b).

5 4. The Ordinance shall not be codified.

6 5. The City Clerk of the City of Oceanside is hereby directed to publish the title of this
7 Ordinance and a summary of Exhibit "A" once within fifteen (15) days after its passage in the
8 North County Times, a newspaper of general circulation published in the City of Oceanside. This
9 Ordinance shall take effect and be in force on the thirtieth (30) day from and after its final passage.

10 INTRODUCED at a regular meeting of the City Council of the City of Oceanside,
11 California, held on the 17th day of May, 2006, and, thereafter,

12 PASSED AND ADOPTED by the Oceanside City Council on this 7th day of June, 2006, by
13 the following vote:

14 AYES:

15 NAYS:

16 ABSENT:

17 ABSTAIN:

18 _____
19 Mayor of the City of Oceanside

20 ATTEST:

21 APPROVED AS TO FORM:

22 _____
23 City Clerk

24 *Robert Hamilton*, ASSISTANT
25 _____
26 City Attorney
27
28

EXHIBIT "A"
"D" Downtown District Ordinance
Zoning Text Amendment
ZA-200-06 & LCPA-200-06

* Proposed Changes are Bolded

D District Property Development Regulations

- (N) (1) Additional limitations on heights shall apply as follows:
- (a) The Strand: No building shall exceed the present elevation of Pacific Street as defined at the time of passage of Proposition A, passed on April 13, 1982, and set forth in the Proposition A Strand Survey dated May 9, 1986.
 - (b) Subdistrict 4B: Nonresidential structures along Pacific Street shall be the lesser of three stories or 35 feet.
 - (c) Within Subdistrict 5A residential structures above 27 feet, but below 35 feet in height, are allowed upon approval of a Conditional Use Permit.
 - (d) Within Subdistrict 2 mixed use structures above 65-feet, up to 90-feet in height, are allowed upon approval of a Conditional Use Permit.
 - (e) **“Within Subdistrict 5 the area located on the west side of North Pacific Street between Surfrider Way and Breakwater Way the maximum height shall be limited to two-stories or 27-feet whichever is less. The exceptions to height limitations provided by Section 3018 shall not apply to any development within this area.**