ITEM NO. 14

STAFF REPORT

CITY OF OCEANSIDE

DATE: July 1, 2009

TO: Honorable Mayor and City Councilmembers
Community Development Commission

FROM: Development Services Department/Planning Division

SUBJECT: CONSIDERATION OF ZONE AMENDMENT AND LOCAL COASTAL PROGRAM AMENDMENT AMENDING SECTIONS OF THE ZONING ORDINANCE REGULATING HIGH-DENSITY RESIDENTIAL OCCUPANCIES "MINI-DORMS" WITHIN SINGLE-FAMILY NEIGHBORHOODS – HIGH-DENSITY RESIDENTIAL OCCUPANCY REGULATIONS – APPLICANT: CITY OF OCEANSIDE

SYNOPSIS

Staff recommends that the City Council introduce an Ordinance for Zone Amendment (ZA-1-09) amending the Zoning Ordinance Article 3 Section 330 definitions to add Rooming Houses, Articles 4 and 4(a) Section 420 regarding uses not classified, Article 10 footnote (c) regarding "Single-family" residential uses being permitted within all residential zone districts, Article 30, Section 3012 (B.) regarding maximum dwelling unit occupancies for implementation Citywide, including the Redevelopment Area; and, adopt a resolution approving a Local Coastal Program Amendment (LCPA-1-09) establishing the above-referenced Articles and Sections as zoning regulations to be applied within the Coastal Zone.

BACKGROUND

On December 10, 2008, the City Council reviewed a staff report on "Mini-Dorms" prepared in response to concerns expressed by Council of the negative effects of high-density residential occupancies. After due consideration the City Council, in a 5-0 vote directed staff to conduct public workshops, and initiate a Zone Amendment and Local Coastal Program Amendment to modify the Zoning Ordinance in a manner that regulates "Mini-Dorms" within single-family neighborhoods.

In conjunction with the City Attorney's office and the Code Enforcement and Building Divisions, the Planning Division has coordinated review of similar code provisions established by other jurisdictions, and have conducted two public outreach meetings in order to obtain input on issues to consider when modifying the current high-density residential occupancy regulations.

The two public outreach meetings were held on Wednesday, February 25, 2009, at 6:30 p.m. in the Community Rooms and Friday, February 27, 2009, at 6:00 p.m. at Melba Bishop Recreation Center on North River Road. Both public meetings had

approximately 12 members of the public in attendance, with some individuals attending both meetings. During the public meetings, staff met with supporters and opponents of the proposed ordinance changes, considered comments both for and against modifying the current codes in place, and determined that the overall consensus from the public was that certain areas are heavily impacted by excessive high-density residential occupancies within single-family dwelling units. Based upon staff's research of the way in which other jurisdictions deal with the subject issue, and realization that the impacts to neighborhoods where high-density residential occupancies are occurring remains a critical issue, staff determined that the Zoning Ordinance was in need of some minor text revisions. Staff has drafted the necessary text amendments and an administrative use permit that together will ensure that the residents of Oceanside are protected from the harmful effects of excessive noise, population density, and traffic congestion typically associated with "Mini-Dorms".

ANALYSIS

STAFF RESEARCH

"Mini-Dorms" are single-family dwelling units occupied by multiple adults, which through unconventional development patterns and a variety of disturbance issues are adversely affecting local single-family neighborhoods. In order to address the ever increasing use of single-family dwelling units for high-density residential occupancies, staff has determined that regulation through implementation of an administrative use permit and adding a definition of "Rooming House/Boarding House" to the Zoning Ordinance would provide adequate oversight of single-family dwelling units while not prohibiting property owners from renting their properties. Enforcement of violations of the existing and proposed amendments would be conducted through the Neighborhood Services Department's Code Enforcement Division upon receipt of a complaint basis.

Staff has researched four jurisdictions that implement similar regulations to ensure that the characteristics and context of single-family neighborhoods are not eroded through the creation of higher density occupancies. Compiled below is information from the jurisdictions researched, along with the details of the various methods implemented to regulate high-density residential occupancies.

(1) The City of Orange:

Currently the City of Orange regulates high residential occupancy by simply defining "boarding house" as: three or more rooms rented under three or more separate rental agreements. "Boarding House" uses are permitted within all but two residential zone districts. The two districts that allow "Boarding House" uses are for multifamily neighborhoods and require the approval of a conditional use permit. If a code enforcement case is activated based upon a complaint that a given residential structure is being utilized as a "Boarding House", an investigation and site visit is conducted to obtain evidence and apply appropriate corrective measures if determined that a "Boarding House" exists. Enforcement based upon the public records for the City of Orange concludes that enforcing occupancy restrictions in a single dwelling unit is

difficult at best. It should be noted that there have been no legal challenges to this code requirement which was last updated in 1995.

(2) The City of Lompoc:

The City of Lompoc follows a similar regulatory framework as the City of Orange by simply redefining "Rooming House". Lompoc's Zoning Ordinance defines this as follows:

> "Rooming House" — *Rooming house means a residence or dwelling, other than a hotel, wherein three or more rooms, with or without individual or group cooking facilities, are rented to individuals under separate oral or written rental agreements or leases, whether or not an owner, agent, or property manager is in residence. Rooming house includes boarding house and lodging house."*

The State Attorney General's office has found this provision to be sound. On March 19, 2003, Attorney General Bill Lockyer concluded that a city may prohibit, limit, or regulate the operation of a boarding house or rooming house business in a single-family home located in a low-density residential (R-1) zone in order to preserve the residential character of the neighborhood. It was further concluded that constitutional issues of the right to privacy or right of association could not be raised by any member of the public because the ordinance would be directed at the commercial use of the property that is inconsistent with the residential character of the neighborhood and which is unrelated to the identity of the users.

(3) The City of San Diego:

The City of San Diego, on the other hand, has amended their Land Development Code through Ordinance and created a specific "Rooming House Ordinance", as well as a "Residential High Occupancy Permit Ordinance". Both ordinances together were developed to ensure that commercial overuse of dwelling units in single-family residential zone districts does not occur. The amended code also calls for aggressive enforcement and regulatory oversight of high occupancies in an overlay area referred to as the College Impact Area. Both ordinances combined provide for cost-recovery for implementation through annual permit requirements and allows for fee waivers for certain financial hardships. Both Ordinances have been attached for review.

(4) The City of San Marcos:

The City of San Marcos enacted a Rooming House Ordinance and Rooming House Permit similar to the City of San Diego, which mirrored Lompoc's Rooming House definition. The San Marcos Municipal Code was amended in a manner that defined what a Rooming House is, established professional property management requirements for such, and added the use to a list of uses requiring a major use permit.

STAFF DISCUSSION AND RECOMMENDATION

Based upon the review of the above four jurisdictions that implement some form of regulatory oversight of high-density residential occupancies within single-family dwelling

units, staff provides the following recommendations along with a summary of each proposed Zoning Ordinance (ZO) text amendment:

OZO Article 10 footnote (c):

Staff recommends: that the language of this section be edited to remove the reference to a housekeeping unit, changing rooms to bedrooms, removing the number of bedrooms that may be rented, and modifying the number of persons that may rent bedrooms in a dwelling unit from four to six. This will remove ambiguity for enforcement purposes and create consistent terminology and numerical values within the Zoning Ordinance.

Existing Ordinance	Proposed Changes
(C) "Rooms in a dwelling unit may be rented for occupancy by not more than four persons who are not members of a single housekeeping unit, provided that not more than two bedrooms shall be rented in each unit."	(C) "~~Rooms~~ **Bedrooms** in a dwelling unit may be rented for occupancy by not more than ~~**four**~~ **six** persons ~~who are not members of a single housekeeping unit, provided that not more than two bedrooms shall be rented in each unit.~~"

OZO Article 30 Section 3012 B. Maximum Dwelling Unit Occupancy:

Staff recommends: that the threshold requirement for the Use Permit be modified requiring a Use Permit when more than 6 adults reside in a single dwelling unit, and that a specific off-street parking requirement of one space per adult be added. The reduction to 6 adults corresponds to the group home allowance regulated by state law within single-family residential zones. The Use Permit will be referenced as a *Residential High Occupancy Permit (Exhibit B)* to be renewed on an annual basis.

Existing Ordinance	Proposed Change
B. A Use Permit, approved by the Planning Director, shall be required for occupancy of a dwelling unit by more than 10 persons 18 years or older. The City Planner shall not issue a Use Permit unless evidence is presented that all vehicles used by occupants will be stored on the site in conformance with the provisions of this ordinance.	B. ***A Residential High Occupancy Permit* to be renewed on an annual basis and** ~~a Use Permit~~, approved by the City Planner, shall be required for occupancy of a dwelling unit by more than **6** ~~**10**~~ persons 18 years or older. The City Planner shall not issue a ***Residential High Occupancy Permit*** ~~Use Permit~~ unless evidence is presented that all vehicles **(one space per adult)** ~~used by occupants~~ will be stored on the site in conformance with the provisions of this ordinance.

OZO Article 3 Section 330 Definitions:

Staff recommends: adding a specific definition for Rooming Houses/ Boarding Houses, to the Zoning Ordinance.

Existing Ordinance	Proposed Change
No Definition for Rooming/Boarding House	**Add Definition:** **Rooming Houses/ Boarding Houses:** **A dwelling unit that is rented, leased, let, or hired under three or more separate oral or written leases, subleases, or any other contractual agreement designed to effectuate the same result, with or without meals, for compensation, as permanent guests pursuant to an arrangement for compensation for definite periods, by the month or greater term.**

OZO Articles 4 & 4(a) Section 420 Uses Not Classified:

Staff recommends: modifying the Zoning Ordinance Section 420 in a manner that will provide more clarity for overall enforcement purposes.

Existing Ordinance	Proposed Change
Any new use, or any use that cannot be clearly determined to be in an existing use classification, may be incorporated into the zoning regulations by a Zoning Ordinance text amendment, as provided in Article 45.	Any new use or any use that cannot be clearly determined to be in an existing use classification **is prohibited. Provided, however, that any new use** may be incorporated into the zoning regulations by a Zoning Ordinance text amendment, as provided in Article 45.

OZO Articles 4 & 4(a) Section 430 B. Residential Use Classifications:

Staff recommends: modifying the Zoning Ordinance Section 430 in a manner that adds roominghouse/boardinghouse within this use classification, because adding roominghouse to boardinghouse would maintain consistency with the definition being added to Section 330, and would prohibit rooming houses/boardinghouses within single-family residential neighborhoods.

Existing Ordinance	Proposed Change
B. Group Residential: Shared living quarters without separate kitchen or bathroom facilities for each room or unit. This classification includes boardinghouse, dormitories, fraternities, sororities, and private residential clubs, but excludes residential hotels (see Single-Room Occupancy (SRO) Residential Hotels).	B. Group Residential: Shared living quarters without separate kitchen or bathroom facilities for each room or unit. This classification includes **roominghouse**/boardinghouse, dormitories, fraternities, sororities, and private residential clubs, but excludes residential hotels (see Single-Room Occupancy (SRO) Residential Hotels)

FISCAL IMPACT

There would be minor fiscal impacts with this action based upon allocation of staff time to process the subject use permit. It is anticipated that approximately 4 hours of staff time will be required to process a High-Density Residential Occupancy Use Permit from initial intake to final approval. In order to recover cost associated with implementation of an administrative use permit for persons desiring to establish high-density residential occupancies beyond 6 persons 18 years of age or older within a single dwelling unit, staff recommends establishing a nominal application fee of $300 to cover the cost of staff's time to review, field verify, and approve the subject permit, and a $300 fee for each required annual renewal. The revenue received from this process will be credited to the Development Services Department, Planning Division current use permit account 101.264310.4501.00009.

COMMISSION/COMMITTEE REVIEW

On May 18, 2009, the Planning Commission reviewed the subject requested Zoning Ordinance text amendments regarding high-density residential occupancies within single-family neighborhoods, and on a 6-1 vote, adopted Planning Commission Resolution 2009-P28 recommending approval of ZA-1-09 and LCPA-1-09,subject to the addition of a requirement to obtain a business license associated with a High-Density Residential Occupancy Permit and deletion of the text: *provided no more than two bedrooms shall be rented in each unit,* of Article 10 footnote (c), to the City Council for final action. Several community members also provided comment that the proposed changes would be good for the community, and one additional written comment was received during the course of the meeting.

Staff has conducted further research into the recommendation from the Planning Commission to require a business license for property owners who apply for a High-Density Residential Occupancy Permit for occupancy of a dwelling unit by more than 6 persons 18 years or older, and have determined that the Planning Commission combined the two issues (1) High-Density Residential Occupancies in Single-Family Dwelling Units and (2) The Definition for Rooming House/Boarding House in a manner that would require a business license for anyone wanting to rent two or fewer bedrooms out of a single dwelling unit. Staff suggest that the City Council determine that a business license shall not be required for property owners who apply for a High-Density Residential Occupancy Permit for occupancy of a dwelling unit by more than 6 persons 18 years or older.

On May 18, 2009, the Housing Commission reviewed the subject requested Zoning Ordinance text amendments regarding high-density residential occupancies within single-family neighborhoods, and upon due consideration took action on a 6-2 vote to forward a recommendation of approval to the City Council for final action. There were no public comments received, or public attendance for this item.

On June 10, 2009, the Redevelopment Advisory Committee reviewed the subject requested Zoning Ordinance text amendments regarding high-density residential occupancies within single-family neighborhoods, and upon due consideration took action on a 7-0 vote to forward a recommendation of approval to the City Council for final action. There were two public comments received, both in favor of the proposed Ordinance changes.

CITY ATTORNEY'S ANALYSIS

Pursuant to Zoning Ordinance Article 4506, the City Council is authorized to hold a public hearing on the proposed Zone Amendment and Local Coastal Program Amendment. Consideration of the zoning code amendments should be based on the recommendation of the Planning Commission, the record of the Planning Commission public hearing, public input, and any other evidence introduced at the public hearing on this matter. Consideration of the Local Coastal Program Amendment should be based on evidence introduced at the public hearing including public input.

After conducting the public hearing, the Council shall affirm, modify, or reject the Planning Commission's recommendation with regard to the Zone Amendment. After conducting the public hearing the Council shall approve, modify or reject the proposed Local Coastal Program Amendment. A modification not previously considered by the Commission shall be referred to the Commission for review and report prior to adoption of the proposed Zone Amendment.

ENVIRONMENTAL DETERMINATION

The proposed zone text amendment and local coastal program amendment is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15308 "Actions by Regulatory Agencies for Protection of the Environment", as a Class 8 exemption.

RECOMMENDATION

Staff recommends that the City Council introduce an Ordinance for Zone Amendment (ZA-1-09) amending the Zoning Ordinance Article 3 Section 330 definitions to add Rooming Houses, Articles 4 and 4(a) Section 420 regarding uses not classified, Article 10 footnote (c) regarding "Single-family residential uses being permitted within all residential zone districts, Article 30, Section 3012 (B.) regarding maximum dwelling unit occupancies for implementation Citywide, including the Redevelopment Area; and, adopt a resolution approving a Local Coastal Program Amendment (LCPA-1-09) establishing the above-referenced Articles and Sections as zoning regulations to be applied within the Coastal Zone.

PREPARED BY:

Richard Greenbauer
Senior Planner

SUBMITTED BY:

Peter A. Weiss
City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager
George Buell, Development Services Director
Jerry Hittleman, City Planner

ATTACHMENTS/EXHIBITS:

1. Exhibit "A" - Zoning Ordinance Text Amendment
2. Ordinance Amending Article 3, 4, 4a, 10, and 30 of the Zoning Ordinance
3. City Council Resolution Amending the Local Coastal Program
4. Planning Commission Resolution No. 2009-P28
5. Planning Commission Staff Report dated May 18, 2009
6. Exhibit "B" - High Density Residential Occupancy Use Permit
7. Exhibit "C" - Written Communications Received to Date
8. Oceanside Housing Commission Report

EXHIBIT A

City of Oceanside

Zoning Ordinance
Suggested Text Changes

Article 10 States, "Single-family residential uses are permitted within all Residential Zone Districts as follows:

Current: *(C) "Rooms in a dwelling unit may be rented for occupancy by not more than four persons who are not members of a single housekeeping unit, provided that not more than two bedrooms shall be rented in each unit."*

Proposed: (C) "~~Rooms~~ **Bedrooms** in a dwelling unit may be rented for occupancy by not more than ~~**four**~~ **six** persons ~~who are not members of a single housekeeping unit, provided that not more than two bedrooms shall be rented in each unit.~~"

The Oceanside Zoning Ordinance (Article 30 Section 3012 Maximum Dwelling Unit Occupancy) also establishes the following land use regulation dealing with occupancies:

Current: ***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 Use Permit, approved by the Planning Director, shall be required for occupancy of a dwelling unit by more than 10 persons 18 years or older. The City Planner shall not issue a Use Permit unless evidence is presented that all vehicles used by occupants will be stored on the site in conformance with the provisions of this ordinance.*

Proposed: **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** ~~a Use Permit~~, approved by the City Planner, shall be required for occupancy of a dwelling unit by more than **6** ~~**10**~~ persons 18 years or older. The City Planner shall not issue a ***Residential High Occupancy Permit*** ~~Use Permit~~ unless evidence is presented that all vehicles **(one space per adult)** ~~used by occupants~~ will be stored on the site in conformance with the provisions of this ordinance.

The Oceanside Zoning Ordinance (Article 3 Section 330 Definitions) defines Family for the purpose of dealing with occupancies as:

Current: *Family: Two or more persons living together as a single housekeeping unit in a dwelling unit, provided that this shall not exclude the renting of rooms in a dwelling unit as permitted by district regulations.*

Proposed: **Rooming Houses/ Boarding Houses: A dwelling unit that is rented, leased, let, or hired under three or more separate oral or written leases, subleases, or any other contractual agreement designed to effectuate the same result, with or without meals, for compensation, as permanent guests pursuant to an arrangement for compensation for definite periods, by the month or greater term.**

The Oceanside Zoning Ordinance (Article 4 Section 420 and Redevelopment Areas Article 4(a) Section 420 Uses Not Classified) currently identifies existing uses not classified as follows:

Current: *Any new use, or any use that cannot be clearly determined to be in an existing use classification, may be incorporated into the zoning regulations by a Zoning Ordinance text amendment, as provided in Article 45.*

Proposed: Any new use, or any use that cannot be clearly determined to be in an existing use classification **is prohibited. Provided, however, that any new use** may be incorporated into the zoning regulations by a Zoning Ordinance text amendment, as provided in Article 45.

The Oceanside Zoning Ordinance (Article 4 Section 430 and Redevelopment Areas Article 4(a) Section 430 Residential Use Classifications) currently defines "Group Residential" as follows:

Current: *B. Group Residential: Shared living quarters without separate kitchen or bathroom facilities for each room or unit. This classification includes boardinghouse, dormitories, fraternities, sororities, and private residential clubs, but excludes residential hotels (see Single-Room Occupancy (SRO) Residential Hotels).*

Proposed: B. Group Residential: Shared living quarters without separate kitchen or bathroom facilities for each room or unit. This classification includes **roominghouse/**boardinghouse, dormitories, fraternities, sororities, and private residential clubs, but excludes residential hotels (see Single-Room Occupancy (SRO) Residential Hotels).

ATTACHMENT 2

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE FOR ZONE AMENDMENT (ZA-1-09) TO MODIFY SECTIONS OF THE OCEANSIDE ZONING ORDINANCE REGULATING HIGH DENSITY RESIDENTIAL OCCUPANCIES "MINI-DORMS" WITHIN SINGLE-FAMILY NEIGHBORHOODS

(City of Oceanside – Applicant)

WHEREAS, Article 3 Section 330 definitions, Articles 4 and 4(a) Section 420 regarding uses not classified, Article 10 footnote (c) regarding "Single-family residential uses being permitted within all residential zone districts, Article 30, Section 3012 (B.) regarding maximum dwelling unit occupancies of the Zoning Ordinance, contains language that together regulates high density residential occupancies within single-family neighborhoods;

WHEREAS, the City has determined that the zoning regulations contained within these Articles should be modified in order to ensure that the residents of Oceanside are protected from the harmful effects of excessive noise, population density, and traffic congestion typically associated with "Mini-Dorms";

WHEREAS, on May 18, 2009, the Planning Commission of the City of Oceanside, after holding a duly advertised public hearing as required by law, adopted Resolution No. 2009-P28 recommending approval of Zone Amendment ZA-1-09, subject to the addition of a requirement to obtain a business license associated with a High Density Residential Occupancy Permit and deletion of the text: *provided no more than two bedrooms shall be rented in each unit,* of Article 10 footnote (c), to the City Council for final action;

WHEREAS, on May 18, 2009 the Housing Commission of the City of Oceanside reviewed the subject requested Zoning Ordinance text amendments regarding high density residential occupancies within single-family neighborhoods, and upon due consideration took action on a 6-2 vote to forward a recommendation of approval to the City Council for final

action;

WHEREAS, on July 1, 2009, the City Council of the City of Oceanside held a duly advertised public hearing to consider said Zone Amendment application and the recommendation of the Planning Commission thereon and heard and considered written evidence and oral testimony by all persons regarding the proposed Zone Amendment;

WHEREAS, the City Council determined that it is appropriate to amend the zoning regulations to regulate high density residential occupancies within single-family neighborhoods in order to ensure that the residents of Oceanside are protected from the harmful effects of excessive noise, population density, and traffic congestion typically associated with "Mini-Dorms";

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 amended to date; and

WHEREAS, based upon such evidence, testimony and staff reports, this Council finds as follows:

1. The Zoning Amendment conforms to the General Plan and Local Coastal Program of the City of Oceanside.

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

1. That Zone Amendment Application ZA-1-09, amending the text of the Zoning Ordinance No. _____ as specified in Exhibit "A" is hereby approved and the City Planner is hereby directed to amend the Zoning Ordinance text as specified by this Ordinance.

2. Interlineated provisions of Exhibit "A", as incorporated, have been included for informational purposes and reflect the amended sections of the Zoning Ordinance No. ___ which have been stricken, removed or otherwise modified by the enactment of this Ordinance.

3. Notice is hereby given that the time within which judicial review must be sought on this decision is governed by CCP Section 1094.6.

4. This Ordinance shall not be codified.

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

INTRODUCED at a regular meeting of the City Council of the City of Oceanside, California, held on the 1st day of July, 2009, and, thereafter,

PASSED AND ADOPTED by the City Council of the City of Oceanside, California, this _____ the day of _____ , 2009 by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____
Mayor of the City of Oceanside

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

City of Oceanside

Zoning Ordinance
Suggested Text Changes

Article 10 States, "Single-family residential uses are permitted within all Residential Zone Districts as follows:

Current: *(C) "Rooms in a dwelling unit may be rented for occupancy by not more than four persons who are not members of a single housekeeping unit, provided that not more than two bedrooms shall be rented in each unit."*

Proposed: (C) "~~Rooms~~ **Bedrooms** in a dwelling unit may be rented for occupancy by not more than ~~**four**~~ **six** persons ~~who are not members of a single housekeeping unit, provided that not more than two bedrooms shall be rented in each unit.~~"

The Oceanside Zoning Ordinance (Article 30 Section 3012 Maximum Dwelling Unit Occupancy) also establishes the following land use regulation dealing with occupancies:

Current: ***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 Use Permit, approved by the Planning Director, shall be required for occupancy of a dwelling unit by more than 10 persons 18 years or older. The City Planner shall not issue a Use Permit unless evidence is presented that all vehicles used by occupants will be stored on the site in conformance with the provisions of this ordinance.*

Proposed: **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** ~~a Use Permit~~, approved by the City Planner, shall be required for occupancy of a dwelling unit by more than **6** ~~**10**~~ persons 18 years or older. The City Planner shall not issue a ***Residential High Occupancy Permit*** ~~Use Permit~~ unless evidence is presented that all vehicles **(one space per adult)** ~~used by occupants~~ will be stored on the site in conformance with the provisions of this ordinance.

The Oceanside Zoning Ordinance (Article 3 Section 330 Definitions) defines Family for the purpose of dealing with occupancies as:

Current: *Family: Two or more persons living together as a single housekeeping unit in a dwelling unit, provided that this shall not exclude the renting of rooms in a dwelling unit as permitted by district regulations.*

Proposed: **Rooming Houses/ Boarding Houses: A dwelling unit that is rented, leased, let, or hired under three or more separate oral or written leases, subleases, or any other contractual agreement designed to effectuate the same result, with or without meals, for compensation, as permanent guests pursuant to an arrangement for compensation for definite periods, by the month or greater term.**

The Oceanside Zoning Ordinance (Article 4 Section 420 and Redevelopment Areas Article 4(a) Section 420 Uses Not Classified) currently identifies existing uses not classified as follows:

Current: *Any new use, or any use that cannot be clearly determined to be in an existing use classification, may be incorporated into the zoning regulations by a Zoning Ordinance text amendment, as provided in Article 45.*

Proposed: Any new use, or any use that cannot be clearly determined to be in an existing use classification **is prohibited. Provided, however, that any new use** may be incorporated into the zoning regulations by a Zoning Ordinance text amendment, as provided in Article 45.

The Oceanside Zoning Ordinance (Article 4 Section 430 and Redevelopment Areas Article 4(a) Section 430 Residential Use Classifications) currently defines "Group Residential" as follows:

Current: *B. Group Residential: Shared living quarters without separate kitchen or bathroom facilities for each room or unit. This classification includes boardinghouse, dormitories, fraternities, sororities, and private residential clubs, but excludes residential hotels (see Single-Room Occupancy (SRO) Residential Hotels).*

Proposed: B. Group Residential: Shared living quarters without separate kitchen or bathroom facilities for each room or unit. This classification includes **roominghouse/**boardinghouse, dormitories, fraternities, sororities, and private residential clubs, but excludes residential hotels (see Single-Room Occupancy (SRO) Residential Hotels).

ATTACHMENT 3

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE MODIFYING THE LOCAL COASTAL PROGRAM WITH AMENDMENTS TO VARIOUS SECTIONS OF THE OCEANSIDE ZONING ORDINANCE TO REGULATE HIGH DENSITY RESIDENTIAL OCCUPANCIES WITHIN SINGLE-FAMILY NEIGHBORHOODS AND REQUESTING CALIFORNIA COASTAL COMMISSION CERTIFICATION OF SAID AMENDMENT

(City of Oceanside –Applicant)
(LCPA-1-09)

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

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

WHEREAS, On May 18, 2009, the Planning Commission conducted a duly advertised public hearing as prescribed by law to consider said application; and

WHEREAS, on July 1, 2009, the City Council conducted a duly noticed public hearing as prescribed by law to amend the Local Coastal Program (LCPA-1-09) through the adoption of zoning amendments applicable to the Zoning Ordinance, as specified within Exhibit "A", and as 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 and hereby approved by the Planning Commission in conjunction with its recommendations on the application; and

WHEREAS, the City Council finds that the Local Coastal Program Amendment (LCPA-1-09) conforms with and is adequate to carry out the land use plan of the Local Coastal

Program.

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

1. Pursuant to Public Resources Code §30510(a), the Oceanside City Council hereby certifies that the Local Coastal Program Amendment (LCPA-1-09) is intended to be carried out in a manner fully in conformity with the Coastal Act.

2. Pursuant to the California Environmental Quality Act of 1970, and the State Guidelines thereto amended to date, a Notice of Exemption has been issued for the project by the Resource Officer for the City of Oceanside.

3. Pursuant to Coastal Commission Local Coastal Program Regulations §13551(b), this amendment shall take effect upon Coastal Commission approval.

4. Notice is hereby given that the time within which judicial review must be sought on the decision is governed by Govt.C. Section 65860(b).

PASSED AND ADOPTED by the Oceanside City Council this _____day of _____, 2009, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

City of Oceanside

Zoning Ordinance
Suggested Text Changes

Article 10 States, "Single-family residential uses are permitted within all Residential Zone Districts as follows:

Current: *(C) "Rooms in a dwelling unit may be rented for occupancy by not more than four persons who are not members of a single housekeeping unit, provided that not more than two bedrooms shall be rented in each unit."*

Proposed: (C) "~~Rooms~~ **Bedrooms** in a dwelling unit may be rented for occupancy by not more than ~~four~~ **six** persons ~~who are not members of a single housekeeping unit, provided that not more than two bedrooms shall be rented in each unit.~~"

The Oceanside Zoning Ordinance (Article 30 Section 3012 Maximum Dwelling Unit Occupancy) also establishes the following land use regulation dealing with occupancies:

Current: ***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 Use Permit, approved by the Planning Director, shall be required for occupancy of a dwelling unit by more than 10 persons 18 years or older. The City Planner shall not issue a Use Permit unless evidence is presented that all vehicles used by occupants will be stored on the site in conformance with the provisions of this ordinance.*

Proposed: **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** ~~a Use Permit~~, approved by the City Planner, shall be required for occupancy of a dwelling unit by more than **6** ~~10~~ persons 18 years or older. The City Planner shall not issue a ***Residential High Occupancy Permit*** ~~Use Permit~~ unless evidence is presented that all vehicles **(one space per adult)** ~~used by occupants~~ will be stored on the site in conformance with the provisions of this ordinance.

The Oceanside Zoning Ordinance (Article 3 Section 330 Definitions) defines Family for the purpose of dealing with occupancies as:

Current: *Family: Two or more persons living together as a single housekeeping unit in a dwelling unit, provided that this shall not exclude the renting of rooms in a dwelling unit as permitted by district regulations.*

Proposed: **Rooming Houses/ Boarding Houses: A dwelling unit that is rented, leased, let, or hired under three or more separate oral or written leases, subleases, or any other contractual agreement designed to effectuate the same result, with or without meals, for compensation, as permanent guests pursuant to an arrangement for compensation for definite periods, by the month or greater term.**

The Oceanside Zoning Ordinance (Article 4 Section 420 and Redevelopment Areas Article 4(a) Section 420 Uses Not Classified) currently identifies existing uses not classified as follows:

Current: *Any new use, or any use that cannot be clearly determined to be in an existing use classification, may be incorporated into the zoning regulations by a Zoning Ordinance text amendment, as provided in Article 45.*

Proposed: Any new use, or any use that cannot be clearly determined to be in an existing use classification **is prohibited. Provided, however, that any new use** may be incorporated into the zoning regulations by a Zoning Ordinance text amendment, as provided in Article 45.

The Oceanside Zoning Ordinance (Article 4 Section 430 and Redevelopment Areas Article 4(a) Section 430 Residential Use Classifications) currently defines "Group Residential" as follows:

Current: *B. Group Residential: Shared living quarters without separate kitchen or bathroom facilities for each room or unit. This classification includes boardinghouse, dormitories, fraternities, sororities, and private residential clubs, but excludes residential hotels (see Single-Room Occupancy (SRO) Residential Hotels).*

Proposed: B. Group Residential: Shared living quarters without separate kitchen or bathroom facilities for each room or unit. This classification includes **roominghouse/**boardinghouse, dormitories, fraternities, sororities, and private residential clubs, but excludes residential hotels (see Single-Room Occupancy (SRO) Residential Hotels).

ATTACHMENT 4

PLANNING COMMISSION
RESOLUTION NO. 2009-P28

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA RECOMMENDING APPROVAL OF A ZONE AMENDMENT AND LOCAL COASTAL PROGRAM AMENDMENT

APPLICATION NO: ZA-1-09, LCPA-1-09
APPLICANT: City of Oceanside
LOCATION: Citywide

THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA DOES RESOLVE AS FOLLOWS:

WHEREAS, there was filed with this Commission a verified petition on the forms prescribed by the Commission requesting a Zone Amendment and Local Coastal Program Amendment under the provisions of Article 45 of the Zoning Ordinance of the City of Oceanside to permit the following:

Zoning Ordinance text amendment as shown in the attached Exhibit "A";

WHEREAS, the Planning Commission, after giving the required notice, did on the 18th day of May, 2009, conduct a duly advertised public hearing as prescribed by law to consider said application; and

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State Guidelines thereto; the amendment was found to be a Class 8, Categorical Exemption "Action by Regulatory Agencies for Protection of the Environment" per Section 15308 of the California Environmental Quality Act; and

WHEREAS, studies and investigations made by this Commission and in its behalf reveal the following facts:

For the Zone Amendment and Local Coastal Program Amendment:

1. The Zone Text Amendment, as proposed, conforms to the General Plan of the City.
2. That the granting of the Zoning Amendment is consistent with the purposes of the Zoning Ordinance because the creation of more stringent occupancy requirements within in single dwelling units will further protect residents from the harmful effects of excessive noise, population density, and traffic congestion typically associated with higher densities .

3. Pursuant to Public Resources Code §30510(a), the Planning Commission hereby certifies that the Local Coastal Program Amendment (LCPA-1-09) is intended to be carried out in a manner fully in conformity with the Coastal Act of 1976.

4. Pursuant to Coastal Commission Local Coastal Program Regulations §13551(b), this amendment shall take effect upon Coastal Commission approval.

5. The Zone Amendment conforms to the Local Coastal Program, including the policies of the plan.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby recommend approval of Zone Amendment (ZA-1-09) and Local Coastal Program Amendment (LCPA-1-09), subject to modification of the use permit to include a provision requiring a business license be obtained and deletion of the text: *provided no more than two bedrooms shall be rented in each unit,* of Article 10 footnote (c), and as represented in the attached Exhibit "A".

PASSED AND ADOPTED Resolution No. 2009-P28 on May 18, 2009 by the following vote, to wit:

AYES:	Troisi, Balma, Martinek, Neal, Rosales and Scrivener
NAYS:	Bertheaud
ABSENT:	None
ABSTAIN:	None

Claudia Troisi, Chairperson
Oceanside Planning Commission

ATTEST:

Jerry Hittleman, Secretary

I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that this is a true and correct copy of Resolution No. 2009-P28.

Dated: May 18, 2009

ATTACHMENT 5

PLANNING COMMISSION *STAFF REPORT*

DATE: May 18, 2009

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF ZONE AMENDMENT (ZA-1-09) AND LOCAL COASTAL PROGRAM AMENDMENT (LCPA-1-09) AMENDING SECTIONS OF THE OCEANSIDE ZONING ORDINANCE REGULATING HIGH DENSITY RESIDENTIAL OCCUPANCIES "MINI-DORMS" WITHIN SINGLE-FAMILY NEIGHBORHOODS. – HIGH DENSITY RESIDENTIAL OCCUPANCY REGULATIONS – APPLICANT: CITY OF OCEANSIDE**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

1. Confirm issuance of a Class 8, Categorical Exemption "Action by Regulatory Agencies for Protection of the Environment" per Section 15308 of the California Environmental Quality Act; and

2. Adopt Planning Commission Resolution No 2009-P28 recommending approval of Zone Amendment (ZA-1-09) and Local Coastal Program Amendment (LCPA-1-09) with findings of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

On December 10, 2008, the City Council reviewed a staff report on "Mini-Dorms" prepared in response to concerns expressed by Council of the negative effects of high density residential occupancies also known as "Mini-Dorms" in our community. After due consideration the City Council, in a 5-0 vote directed staff to conduct public workshops, and initiate a Zone Amendment and Local Coastal Program Amendment to modify the Zoning Ordinance in a manner that regulates "Mini-Dorms" within single-family neighborhoods.

In conjunction with the City Attorney's office and the Code Enforcement and Building Divisions, the Planning Division has coordinated review of similar code provisions established by other jurisdictions, and have conducted two public out reach meetings in order to obtain input on areas to consider when modifying the current high density residential occupancy regulations.

The two public outreach meetings were held on Wednesday, February 25, 2009 at 6:30 p.m. in the Community Rooms and Friday, February 27, 2009 at 6:00 p.m. at Melba Bishop Recreation Center on North River Road. Both public meetings had approximately 12 members of the public in attendance, with some individuals attending both meetings. During the public meetings, staff met with supporters and opponents of the proposed ordinance changes, considered their comments both for an against modifying the current codes in place, and determined that the overall consensus from the public was that certain areas are heavily impacted by excessive high density residential occupancies within single-family dwelling units. Based upon staff's research of how other jurisdictions deal with the subject issue, and realization that the impacts to neighborhoods where high density residential occupancies are occurring remains a critical issue, staff determined that the zoning ordinance was in need of revisions. Staff has drafted up the necessary text amendments and an administrative use permit that together will ensure that the residents of Oceanside are protected from the harmful effects of excessive noise, population density, and traffic congestion typically associated with "Mini-Dorms".

ANALYSIS

"Mini-Dorms" are single-family dwelling units occupied by multiple adults, which through unconventional development patterns and a variety of disturbance issues are adversely affecting local single-family dwelling unit neighborhoods. In order to address the ever increasing use of single-family dwelling units for high-density residential occupancies, staff has determined that regulation through implementation of an administrative use permit and adding a definition of "Rooming House/Boarding House" to the Zoning Ordinance would provide adequate oversight of single-family dwelling units while not outright prohibiting property owners from renting out their properties. Enforcement of violations of the existing and proposed zone amendments would be conducted through the Neighborhood Services Department Code Enforcement Division upon receipt of a complaint, and on a case-by-case basis.

Staff has researched four jurisdictions that implement similar regulations necessary to ensure that the characteristics and context of the single-family dwelling unit is not eroded through the creation of higher density occupancies. Compiled below is information from four jurisdictions researched, along with the details of the various methods implemented to regulate high density residential occupancies.

(1) The City of Orange:

Currently the City of Orange regulates high residential occupancy by simply defining "boarding house" as: three or more rooms rented under three or more separate rental agreements. "Boarding House" uses are permitted within all but two residential zone districts. The two districts that allow "Boarding House" uses are for multi-family neighborhoods and require the approval of a conditional use permit. If a code enforcement case is activated based upon a complaint that a given residential structure is being utilized as a "Boarding House", an investigation and site visit is conducted to obtain evidence and apply appropriate corrective measures if determined that a "Boarding House" exists. Enforcement based upon the public records for the City of Orange concludes that enforcing occupancy restrictions in a single dwelling unit is difficult at best. It should be noted that there have been no legal challenges to this code requirement which was last updated in 1995.

(2) The City of Lompoc:

The City of Lompoc follows a similar regulatory framework as the City of Orange by simply redefining "Rooming House". Lompoc's Zoning Ordinance defines this as follows:

> "Rooming House" — *Rooming house means a residence or dwelling, other than a hotel, wherein three or more rooms, with or without individual or group cooking facilities, are rented to individuals under separate oral or written rental agreements or leases, whether or not an owner, agent, or property manager is in residence. Rooming house includes boarding house and lodging house."*

The State Attorney General's office has found this provision to be sound. On March 19, 2003, Attorney General Bill Lockyer concluded that a city may prohibit, limit, or regulate the operation of a boarding house or rooming house business in a single-family home located in a low-density residential (R-1) zone in order to preserve the residential character of the neighborhood. It was further concluded that constitutional issues of the right to privacy or right of association could not be raised by any member of the public because the ordinance would be directed at the commercial use of the property that is inconsistent with the residential character of the neighborhood and which is unrelated to the identity of the users.

(3) The City of San Diego:

The City of San Diego, on the other hand, has amended their Land Development Code through Ordinance and created a specific "Rooming House Ordinance", as well as a "Residential High Occupancy Permit Ordinance". Both ordinances together were developed to ensure that commercial overuse of dwelling units in single-family residential zone districts does not occur. The amended code also calls for aggressive enforcement and regulatory oversight of high occupancies in an overlay area referred to as the College Impact Area. Both ordinances combined provide for cost-recovery for

implementation through annual permit requirements and allows for fee waivers for certain financial hardships. Both Ordinances have been attached for review.

(4) The City of San Marcos:

The City of San Marcos enacted a Rooming House Ordinance and Rooming House Permit similar to the City of San Diego, which mirrored Lompoc's Rooming House definition. The San Marcos Municipal Code was amended in a manner that defined what a Rooming House is, established professional property management requirements for such, and added the use to a list of uses requiring a major use permit.

Based upon the review of the above four jurisdictions that implement some form of regulatory oversight of high density residential occupancies within single-family dwelling units, staff recommends that the current zoning ordinance be modified as follows and attached as (Exhibit A):

The Oceanside Zoning Ordinance Article 10 Residential Districts currently establishes land use regulations for the RE (Residential Estate), RS (Single-Family Residential), RM (Medium Density Residential), RH (High Density Residential), and RT (Residential Tourist) zone districts, and identifies the specific purposes of residential districts as follows:

> *B. Ensure adequate light, air, privacy, and open space for each dwelling, and protect residents from the harmful effects of excessive noise, population density, traffic congestion, and other adverse environmental effects.*

Single-family residential uses are permitted within all Residential Zone Districts noted in Article 10 as follows:

> *(C) "Rooms in a dwelling unit may be rented for occupancy by not more than four persons who are not members of a single housekeeping unit, provided that not more than two bedrooms shall be rented in each unit."*

1) Staff recommends: that the language of this section be edited to remove the reference to a housekeeping unit, changing rooms to bedrooms, and modify the number of persons that may rent bedrooms in a dwelling unit from four to six. This will remove ambiguity for enforcement purposes and create consistent terminology and numerical values within the Zoning Ordinance. A bolded strikeout revision to the ordinance is provided as follows:

> (C) "~~Rooms~~ **Bedrooms** in a dwelling unit may be rented for occupancy by not more than ~~**four**~~ **six** persons ~~who are not members of a single housekeeping unit~~, provided that not more than two bedrooms shall be rented in each unit."

The Oceanside Zoning Ordinance (Article 30 Section 3012 Maximum Dwelling Unit Occupancy) also establishes the following land use regulation dealing with occupancies:

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 Use Permit, approved by the Planning Director, shall be required for occupancy of a dwelling unit by more than 10 persons 18 years or older. The City Planner shall not issue a Use Permit unless evidence is presented that all vehicles used by occupants will be stored on the site in conformance with the provisions of this ordinance.

2) Staff recommends: that the threshold requirement for the Use Permit be modified requiring a Use Permit when more than six adults reside in a single dwelling unit, and that a specific off-street parking requirement of one space per adult be added. The reduction to six adults corresponds to the group home allowance regulated by state law within single-family residential zones. The Use Permit will be referenced as a *Residential High Occupancy Permit (Exhibit B)* to be renewed on an annual basis. A bolded strikeout revision to the ordinance is provided as follows:

B. **a *Residential High Occupancy Permit* to be renewed on an annual basis and** ~~a Use Permit~~, approved by the City Planner, shall be required for occupancy of a dwelling unit by more than **6** ~~10~~ persons 18 years or older. The City Planner shall not issue a ***Residential High Occupancy Permit*** ~~Use Permit~~ unless evidence is presented that all vehicles **(one space per adult)** ~~used by occupants~~ will be stored on the site in conformance with the provisions of this ordinance.

The Oceanside Zoning Ordinance (Article 3 Section 330 Definitions) defines Family for the purpose of dealing with occupancies as:

Family: Two or more persons living together as a single housekeeping unit in a dwelling unit, provided that this shall not exclude the renting of rooms in a dwelling unit as permitted by district regulations.

2) Staff recommends: adding a specific definition for Boarding Houses/Rooming Houses, to the Zoning Ordinance as follows:

Rooming Houses/ Boarding Houses:

A dwelling unit that is rented, leased, let, or hired under three or more separate oral or written leases, subleases, or any other contractual agreement designed to effectuate the same result, with or without meals, for compensation, as permanent guests pursuant to an arrangement for compensation for definite periods, by the month or greater term.

The Oceanside Zoning Ordinance (Article 4 Section 420 and Redevelopment Areas Article 4(a) Section 420 Uses Not Classified) currently identifies existing uses not classified as follows:

Any new use, or any use that cannot be clearly determined to be in an existing use classification, may be incorporated into the zoning regulations by a Zoning Ordinance text amendment, as provided in Article 45.

3) Staff recommends modifying the Zoning Ordinance section 420 in a manner that will provide more clarity for overall enforcement purposes. A bolded revision to the ordinance is provided as follows:

Any new use or any use that cannot be clearly determined to be in an existing use classification **is prohibited. Provided, however, that any new use** may be incorporated into the zoning regulations by a Zoning Ordinance text amendment, as provided in Article 45.

The Oceanside Zoning Ordinance (Article 4 Section 430 and Redevelopment Areas Article 4(a) Section 430 Residential Use Classifications) currently defines "Group Residential" as follows:

B. Group Residential: Shared living quarters without separate kitchen or bathroom facilities for each room or unit. This classification includes boardinghouse, dormitories, fraternities, sororities, and private residential clubs, but excludes residential hotels (see Single-Room Occupancy (SRO) Residential Hotels).

4) Staff recommends modifying the Zoning Ordinance section 430 in a manner that deletes boardinghouse from this use classification, because a definition is being added to section 330, and would conflict with the intent to allow roominghouses/boardinghouses within single family residential neighborhoods in accordance with state law for group homes. A strikeout revision to the ordinance is provided as follows:

B. Group Residential: Shared living quarters without separate kitchen or bathroom facilities for each room or unit. This classification includes ~~boardinghouse~~, dormitories, fraternities, sororities, and private residential clubs, but excludes residential hotels (see Single-Room Occupancy (SRO) Residential Hotels).

It is anticipated that approximately four hours of staff time will be required to process a high density residential occupancy use permit from initial intake to final approval. In order to recover cost associated with implementation of an administrative use permit for persons desiring to establish high density residential occupancies beyond six persons 18 years of age or older within a single dwelling unit, staff suggests establishing a nominal application fee of $200.00 to cover the cost of staff's time to review, field verify, and approve the subject permit.

ENVIRONMENTAL DETERMINATION

The proposed zone text amendment and local coastal plan amendment is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15308 "Actions by Regulatory Agencies for Protection of the Environment", as a Class 8 exemption.

SUMMARY

Approval and implementation of Zone Amendment (ZA-1-09) and Local Coastal Program Amendment (LCPA-1-09) will ensure that high density residential occupancies within single-family dwelling units are regulated in a manner that will protect residents from the harmful effects of excessive noise, population density, and traffic congestion. As such, staff recommends that the Planning Commission:

-- Adopt Planning Commission Resolution No 2009-P28 recommending approval of Zoning Amendment (ZA-1-09) and Local Coastal Program Amendment (LCPA-1-09) to the City Council with findings of approval attached herein.

PREPARED BY:

Richard Greenbauer
Senior Planner

SUBMITTED BY:

Jerry Hittleman
City Planner

RG/fil

Attachments:
1. Planning Commission Resolution No. 2009-P28
2. Exhibit "A" - Zoning Ordinance Text Amendments
3. Exhibit "B" - High Density Residential Occupancy Use Permit
4. Exhibit "C" - Written Communications Received to Date

CITY OF OCEANSIDE

High Density Residential Occupancy Use Permit (HDUP)

APPLICANT INFORMATION **USE PERMIT NO.**

This application is required for a single dwelling unit where more than six persons 18 years of age or older are residing for 30 or more consecutive days in accordance with O.Z.O Section 3012

Last Name First M.I. Date

Site Address A.P.N.

City State ZIP

Phone E-mail Address

Property Owner: Signature: Date:

Address: Phone Number:

Is there a Home Owners Association YES ☐ NO ☐

H.O.A. Approval: YES ☐ NO ☐ Signature: Date:

ALL OCCUPANTS 18 YEARS AND OLDER THAT RESIDE ON PREMISES 30 OR MORE DAYS AND REGISTERED VEHICLES

Tenant	D.L. #	Vehicle Make and Model:
Tenant	D.L. #	Vehicle Make and Model:
Tenant	D.L. #	Vehicle Make and Model:
Tenant	D.L. #	Vehicle Make and Model:
Tenant	D.L. #	Vehicle Make and Model:
Tenant	D.L. #	Vehicle Make and Model:
Tenant	D.L. #	Vehicle Make and Model:
Tenant	D.L. #	Vehicle Make and Model:
Tenant	D.L. #	Vehicle Make and Model:
Tenant	D.L. #	Vehicle Make and Model:
Tenant	D.L. #	Vehicle Make and Model:
Tenant	D.L. #	Vehicle Make and Model:
Tenant	D.L. #	Vehicle Make and Model:

EXHIBIT B

SITE PLAN AND VICINITY MAP ***(To Scale and Dimensioned)*** **** Required as an Attachment***

YES ☐ NO ☐

PARKING REQUIREMENT

***One Off-Street Parking Space Per Occupant 18 Years of Age And Older Shall Be Provided On Site And In Accordance With the Provisions of Article 31 of the Oceanside Zoning Ordinance**

(*All Required Parking Spaces Shall be Denoted on the Required Site Plan*)

YES ☐
NO ☐ Parking Reduction Requested (Please Provide a Written Justification for the Request)Number of Spaces Proposed _____

Owner Declaration: *I _____ certify, under penalty of perjury under the laws of the State of California, that there are____ occupants 18 years of age or older residing on the premises, and that there are ____ vehicles associated with the premises.*

Signature: Date:

FEE WAIVER FOR ECONOMIC HARDSHIP

YES ☐ NO ☐ Fee Waiver Requested ***(Please Provide a Written Justification for the Request)***

If yes, please attach income tax forms for each property owner to demonstrate that the total annual income is less than 80% of the Area Median Income for the San Diego Standard Metropolitan Statistical Area as published by the United States Department of Housing and Urban Development.

- Additional financial disclosures required to be submitted as part of this application submittal.
- YES ☐ NO ☐ List Here:

CODE COMPLIANCE

YES ☐ NO ☐ Code Enforcement Action Related to High Density Residential Occupancies Pending on Property

YES ☐ NO ☐ Other Code Enforcement Actions Pending on Property.

Please List Here:

DISCLAIMER AND SIGNATURE

I certify that my answers are true and complete to the best of my knowledge.

I understand that false or misleading information in my application may result in a criminal violation and may result in the subject use permit being revoked.

Signature: Date:

-FOR CITY USE ONLY -

YES ☐ **NO** ☐ **Lease Agreements Provided**

YES ☐ **NO** ☐ **Parking Reduction Granted**

YES ☐ **NO** ☐ **Fee Waiver Granted**

YES ☐ **NO** ☐ **City Business License Issued**

City Planner findings to approve a Parking Reduction Request and/or Fee Waiver:

_____

_____

_____

_____

City Planner Signature:_____ Date:_____

USE PERMIT NO. _____HDUP-_____APPROVED ☐ **DENIED** ☐

Richard Greenbauer

From: Dea Froggatt [jfroggatt@cox.net]
Sent: Saturday, March 21, 2009 4:29 PM
To: Richard Greenbauer
Subject: Scheduled Meetings & Forums Regarding Proposed Zoning

Dear Richard, I and a large number of residents in the Arrowood Community, Oceanside, are very interested in receiving notice of any scheduled dates for community forums or council meetings regarding the proposed zoning changes with emphasis on the high-density occupancy mini-dorms in single family communities.

Our community is located just outside of the Camp Pendleton South Gate off Vandergrift Blvd. I am a retired Military Medical Service Corps Officer, Vietnam Veteran, and as many members of this community have nothing but respect for our Military and the sacrifices they have and continue to make for our country and Democracy around the world.

We are vehemently opposed to is the turning of our homes in the Arrowood Community in to billeting areas for the military, or in this case, the marines. In the civilian community they call this the turning single family homes into "Dorms". What I, and certainly active or retired military, would consider this is the turning of homes into Billeting for the military from Camp Pendleton.

We have in our community more than a few of homes that now house on the order of 10 to 12 marines at any given week or month. This of course also implies that they have all the accoutrements that young marines bring with them. Each has a car, truck or motorcycle (in some cases both). All these vehicles are parked around the house they are "billeting" in and cause extreme parking congestion for the home and all of the neighbors nearby.

Now, having marines around is not typically annoying for those of us who chose freely to live in close proximity of Camp Pendleton. However, having the 10 or more marines with their girlfriends (sometime living with them in the house(s) and friends .. all having constant parties and etc. does cause a considerable amount of noise and community issues. Not to mention the effect it is having on our younger children in observance of these parties.

I clearly understand the economics of this situation. Ten, eleven, twelve, etc. marines can board in one of our community homes and when they split the cost ... it is relatively inexpensive for them to live "Off-Post". I would imagine this would allow them to draw their quarter's allowance, which they can only do if they give an off base living address. They pay their percentage of the rent ... and have lots of money left over for parties and toys! This drawing of their quarters allowance amounts to a "Pay Raise" to each marine.
Now, once this word gets around in the young military community that this is "Acceptable", and they realize the monetary gain. Our community in Arrowood, Oceanside and of course Oceanside in general, could easily turn in to the largest "billeting" opportunity for all young marines!!!

It is not acceptable to our community and we feel it should be addressed quickly and appropriately under the zoning proposal as you have outlined to minimize the "Dorm" situation in all of Oceanside communities.

Let's stop this "Dorming" or as we call it "billeting" in our single family communities accept in authorized facilities established and properly zoned for that purpose!!

Regards,

Dea (James) Froggatt
USA, Retired
5010 Medalist Court
Oceanside, CA 92057
Tel: (760) 730-5926

EXHIBIT C

SDCAA
San Diego County Apartment Association®
Since 1919

March 16, 2009

Richard Greenbauer, Planning Division
City of Oceanside
300 North Coast Highway
Oceanside, CA 92054

Re: Proposed Mini-Dorm Rules

Mr. Greenbauer:

Thank you for the opportunity to comment on the recommendations presented to City Council regarding mini-dorms. In general, the San Diego County Apartment Association (SDCAA) opposes regulations that limit an owner's ability to rent their property. Based on our experience researching the regulating of single-family homes that are being rented out by the room (a.k.a. Mini-dorms) and working with jurisdictions around the region and with counterparts throughout the country, we would like to bring to your attention an issue that may leave rental owners in a lose-lose situation as well as a common concern that has been raised regarding disabled homeowners.

With regard to the High Occupancy Permit, although other jurisdictions have taken this route in order to better balance on and off-street parking, it was brought to the SDCAA's attention that these types of rules can create disparate impacts. A disparate impact is created when the city's regulations impacts certain groups of occupants differently than others. This could trigger State Fair Housing violations. We ask the city to examine this remedy carefully. Rental owners are seeking assurance from the city that they will not be put into a lose-lose situation where city regulations conflict with state and federal fair housing law.

We would also like to bring to your attention concerns with regard to disabled homeowners. Through our work on this issue, we have come to understand that many disabled persons rely on the ability to rent-out extra rooms in their homes to assist them with living expenses. Many of these individuals have limited incomes and have been able to purchase their own homes and fulfill their dreams of homeownership via these types of rental arrangements. These individuals should be taken into consideration as the city moves forward.

Again, thank you for the opportunity to comment on this issue. If you should have any questions, please feel free to contact me at 858-751-2213 or apentico@sdcaa.com

Sincerely,

Alan Pentico, Director of Public Affairs

cc: City Council Members

"Mini-Dorm" Regulation Update Comment Card

Instructions: Please use this comment card to provide suggestions and/or comments on revisions to the City Zoni Ordinance regarding regulating of "Mini-Dorms" within single dwelling units. You may provide contact informatic below if you wish to be notified of all public hearings related to "Mini-Dorms". Thank you for your time and interest this project.

Recommendation #1:

Limit the number of cars

Recommendation #2:

Limit the number of adults (categories - ~~families tie~~ family ties, # per bedroom allowed).

What about penalties for ~~xxx~~ number of times cops are called out to residence?

Require signed rental contracts.

Contact Information (optional)

Name:

Address:

City: **State:** **Zip:** **Phone:** **E-mail:**

Richard Green Dauer

"Mini-Dorm" Regulation Update
Comment Card

Instructions: Please use this comment card to provide suggestions and/or comments on revisions to the City Zoning Ordinance regarding regulating of "Mini-Dorms" within single dwelling units. You may provide contact information below if you wish to be notified of all public hearings related to "Mini-Dorms". Thank you for your time and interest in this project.

Recommendation #1:

All car should be parked on designated Driveways - Atleast one tire should be on a concrete/Asphalt driveway. No parking on Lawns - Broken down car must be remove 45 days - RV's should be behind a fence. Inspections should be at night - Weekends

Recommendation #2:

Non Relative family member living at Resident that are paying rent needs to tell City and get a business license. No breaks for Military - Unmarried. Non Americ Residents here illegally should be notified to the City and ICE. Noise and Garage Sales need to be handle by the Police.

Contact Information (optional)

Name: LARRY BARRY

Address: 3973 Brown St

City: O State: CA Zip: 92056 Phone: 945-5789 E-mail: LBarryIndustries@cox.net

MAY 20 2009
Planning Division

I've watched more brown asses run across road after I blew whistle than you will believe.

Up to 21 people living in 3 bdrm 1½ bath dbl car garage (50 yr old house).

Constant moving in and out - one of owners permanent.

She gave birth several times in 2 yrs - of course, different fathers.

Monthly garage sale (on drive way in front of garage).

Up to 6 cars - one in front of my house.

House foreclosed 2008 - house left in bad condition - sold soon for low price.

Sex outside more private than in house. ++ over

Used as stop for aliens - would sit in front of garage door waiting for pick up to next location.

Girly men in neighborhood - afraid to confront. Years ago Col Marines, Lt Comdr Navy owned property - Led law and order. Now loud parties, trash, broken beer bottles on our drive way.

In my 8th decade - served country - private audience Pope, met pres. of other countries, husband played on beach John Kennedy, children educated thru PHD.

I have to blow whistle and risk even death.

You pols do nothing!

But I love my country USA and would die for it,

Start enforcing laws on book!

++ my front yard (at night - they think dark enough and no one sees),

PS Many of us who have been around think your city officials afraid of them too.

ATTACHMENT 8

OCEANSIDE HOUSING COMMISSION REPORT

TO: CITY COUNCIL
FROM: HOUSING COMMISSION
RE: ZONE AMENDMENT – RESIDENTIAL OCCUPANCY
DATE: MAY 18, 2009

THE HOUSING COMMISSION RECOMMENDS THAT THE CITY COUNCIL APPROVE ZONE AMENDMENT (ZA-1-09) AND LOCAL COASTAL PROGRAM AMENDMENT (LCPA-1-09) AMENDING SECTIONS OF OCEANSIDE ZONING ORDINANCE REGULATING HIGH DENSITY RESIDENTIAL OCCUPANCIES WITHIN SINGLE-FAMILY NEIGHBORHOODS. VOTE 6 YES: 2 NO

CAMP	YES	
CHRISTY	NO	Philosophically opposed.
COOPER	YES	
DAVIS	YES	
FARMER	YES	
HUSKEY	NO	
PARKER	YES	
SORENSEN	ABSENT	
ALTERNATE		
SAIZ	YES	

To the Chair of the Housing Commission and the City Council

Opposition vote on "mini-dorm" issue

I believe it is ill-advised to limit housing options for people at this time of economic crisis. Due to job losses, house foreclosures and other economic crises, people are finding it necessary to share homes.

I also oppose both the use of and format of the High Density Residential Occupancy Use Permit. To require an occupant of a house in Oceanside to have his or her driver's license number on file with the city in order to live in the house has not been done before and should not be done now.

Kathy Christy
Housing Commission