

# AGENDA NO. 5

**PLANNING COMMISSION**



**STAFF REPORT**

DATE: July 26, 2010

TO: Chairperson and Members of the Planning Commission

FROM: Community Development Department/Planning Division

SUBJECT: **CONSIDERATION OF ZONE AMENDMENT (ZA09-00001) AND LOCAL COASTAL PLAN AMENDMENT (LCPA10-00002) TO MODIFY BUILDING HEIGHT STANDARDS IN THE 1986 AND 1992 ZONING ORDINANCES. – BUILDING HEIGHT STANDARDS – APPLICANT: CITY OF OCEANSIDE**

## **RECOMMENDATION**

Staff recommends that the Planning Commission by motion:

1. Confirm issuance of a General Exemption per Section 15061(b)(3) of the California Environmental Quality Act; and
2. Adopt Planning Commission Resolution No 2010-P24 recommending approval of Zoning Amendment (ZA09-00001) and Local Coastal Plan Amendment (LCPA10-00002) with findings of approval attached herein.

## **PROJECT DESCRIPTION AND BACKGROUND**

In 1992, as part of a comprehensive zoning ordinance update, the City of Oceanside reduced allowable building height on residential properties from 35 to 27 feet in most portions of the Coastal Zone outside of the Downtown Redevelopment Area (RDA). This residential building height limit remained in effect until December of 2008, when the California Coastal Commission (CCC) formally acknowledged that the 1992 Zoning Ordinance had never received CCC certification. With this acknowledgement, CCC staff indicated that projects within those portions of the Coastal Zone outside of the RDA would forthwith be evaluated by the CCC under the provisions of the previously-applicable (and CCC-certified) 1986 Zoning Ordinance. Subsequently, in May of 2009,

the City determined that it, too, was legally compelled to apply the 1986 Ordinance to projects within these boundaries. Consequently, 35 feet was re-established as the maximum allowable building height limit for residential properties within those portions of the Coastal Zone located outside of the RDA.

In response to community concern over the eight-foot increase in allowable building height occasioned by the reinstatement of the 1986 Zoning Ordinance, the Planning Commission held a public workshop on May 10, 2010 to discuss residential building height standards in those portions of the Coastal Zone located outside of the Downtown Redevelopment Area. At this public workshop, Planning Division staff outlined several alternatives to current building height standards and highlighted a variety of design strategies that could be applied on a case-by-case basis to mitigate the potentially adverse visual impacts of building height. Additionally, as a basis for comparison, staff provided a matrix (now posted on the City's website) that depicts how nearby coastal jurisdictions address the issue of building height. This matrix shows building height limits, methods of height measurement, submittal requirements, basement definitions and parameters for allowable height projections currently in place in all coastal cities between Dana Point and San Diego.

Public testimony at the May 10<sup>th</sup> workshop indicated that Coastal Zone stakeholders are almost evenly divided on the question of whether the residential building height limit should be reduced from, or maintained at, the currently applicable 35 feet. However, irrespective of their opinions regarding appropriate building height limits, the majority of speakers at the workshop encouraged the City to clarify existing ambiguities in the Zoning Ordinance related to building height standards. Specifically, speakers at the workshop, along with other community members who have recently engaged Planning Division staff on the subject of building height standards, have asked that the City clarify the following:

- the maximum allowable height for residential buildings in the Coastal Zone;
- the basis (i.e. grade) from which building height is measured;
- the means by which building height is documented and verified (i.e. application submittal requirements and field assessment methods);
- how building stories and basements are defined;
- what constitutes an allowable building height projection.

## **ANALYSIS**

## **DISCUSSION**

In response to comments and questions from the Planning Commission and other stakeholders, Planning Division staff has formulated the following recommendations on the subject of residential building height:

- Maintain 35 feet as the maximum residential building height in those areas now governed by the 1986 Zoning Ordinance;
- Amend the 1986 Ordinance to require that building height be measured from the lowest existing grade beneath the building footprint, rather than from the average finished grade;
- Amend the 1986 Ordinance to require that building height be measured to the top of the uppermost roof element, rather than to the ceiling of the uppermost story;
- Amend the 1986 Ordinance to resolve the conflict between the existing definitions of “basement” and “story” therein;
- Amend the 1986 Ordinance to require a 45-degree daylight plane beginning 27 feet above the front, interior-side and street-side yard setback lines;
- Amend the 1992 Zoning Ordinance to establish that measurement of building height from a finished grade elevation (as currently provided for in Section 3017) is subject to a Conditional Use Permit;
- Amend the 1986 Ordinance so as to apply the restrictions on roof projections now articulated in the 1992 Ordinance;
- Amend both the 1986 and 1992 Ordinances to limit roof projections to no more than 10 feet in width.

Staff analysis of these recommendations is attached to this staff report as Exhibit A. Also attached to this staff report as Exhibit B are schematic illustrations intended to show the allowable building envelope occasioned by the recommended zoning text amendments.

One alternative to the recommendations enumerated above would be the wholesale adoption of the previously-applicable residential building height standards of the 1992 Zoning Ordinance, which limit residential building height to two stories or 27 feet, whichever is less, on lots within the Townsite Neighborhood Planning Area southerly of the Downtown Redevelopment Area and all of the South Oceanside Neighborhood Planning Area. In all other residential zones within the City governed by the 1992 Zoning Ordinance, including Eastside Capistrano, the maximum building height is 36 feet (with no specified story limits). In all instances, building height under the 1992 Zoning Ordinance is measured from existing grade at all points beneath the building footprint.

It is staff’s position that, relative to the wholesale adoption of the building height standards of the 1992 Zoning Ordinance, the recommendations outlined above are more closely tailored to conditions within the study area, and, moreover, more attuned to the public input received on the issue of building height. More specifically, staff finds that the recommended zoning text amendments:

- Strike a reasonable balance between the currently-applicable 35-foot height limit and the previously-applicable 27-foot height limit;
- Promote equity in terms of the development potential of lots of similar dimension, regardless of their topographic features;

- Provide for a simpler means of measuring and verifying building height, thereby reducing the potential for error and misrepresentation;
- Encourage variable building height, thereby creating visual variety and mitigating “wall” or “canyon” effects.

## **ENVIRONMENTAL DETERMINATION**

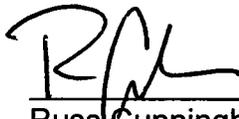
In accordance with the provisions of the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3), the proposed project does not have the potential for causing a significant effect on the environment and therefore is not subject to CEQA review.

## **SUMMARY**

Staff recommends that the Planning Commission:

- Adopt Planning Commission Resolution No 2010-P24 recommending approval of Zoning Amendment (ZA09-00001) and Local Coastal Plan Amendment (LCPA10-00002) with findings of approval attached herein.

PREPARED BY:



Russ Cunningham  
Senior Planner

SUBMITTED BY:



Jerry Hittleman  
City Planner

JH/RC/fil

Attachments:

1. Planning Commission Resolution No. 2010-P24
2. Exhibit “A” - Recommended Zoning Text Amendments
3. Exhibit “B” - Schematic Illustrations

1 PLANNING COMMISSION  
2 RESOLUTION NO. 2010-P24

3 A RESOLUTION OF THE PLANNING COMMISSION OF THE  
4 CITY OF OCEANSIDE, CALIFORNIA RECOMMENDING  
5 APPROVAL OF AMENDMENTS TO THE 1986 AND 1992  
6 ZONING ORDINANCES TO MODIFY BUILDING HEIGHT  
7 STANDARDS

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8 APPLICATION NO: ZA09-00001/LCPA10-00002  
9 APPLICANT: City of Oceanside  
10 LOCATION: Citywide

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

13 WHEREAS, on December 8, 2008, the California Coastal Commission (CCC)  
14 established with the City of Oceanside that development proposals in those portions of the  
15 Coastal Zone located outside of the Downtown Redevelopment Area would be reviewed for  
16 consistency under the standards of the City's 1986 Zoning Ordinance, in light of the fact that the  
17 previously applicable 1992 Zoning Ordinance had never received CCC certification; and

18 WHEREAS, on May 11, 2009, the City acknowledged in correspondence to the CCC a  
19 legal obligation to use the 1986 Zoning Ordinance as the standard for review of development  
20 proposals within those portions of the Coastal Zone located outside of the Downtown  
21 Redevelopment Area; and

22 WHEREAS, on May 10, 2010, the Planning Commission conducted a public workshop to  
23 solicit community input on the subject of building height standards within those portions of the  
24 Coastal Zone located outside of the Downtown Redevelopment Area; and

WHEREAS, in response to input received from both the Planning Commission and the  
community at-large, the Planning Division prepared recommendations for text amendments to both  
the 1986 and the 1992 Zoning Ordinances ; and

WHEREAS, the Planning Commission did, on the 26th day of July, 2010, conduct a duly  
advertised public hearing as prescribed by law to consider said recommendations; and

WHEREAS, in accordance with the provisions of the California Environmental Quality  
Act (CEQA) Guidelines Section 15061 (b) (3), the proposed project does not have the potential  
for causing a significant effect on the environment and therefore is not subject to CEQA review;  
and

1           WHEREAS, studies and investigations made by this Commission and on its behalf reveal  
2 the following facts pertaining to the proposed Zoning Text Amendments and Local Coastal Plan  
3 Amendments:

- 4       1.       The Zoning Text Amendments and Local Coastal Plan Amendments, as proposed, conform  
5 to the General Plan of the City.
- 6       2.       That the granting of the Zoning Text Amendments and Local Coastal Plan Amendments  
7 is consistent with the purposes of both the 1986 and 1992 Zoning Ordinances, as these  
8 amendments will help to preserve the existing character of the City's neighborhoods and  
9 mitigate the potentially adverse impacts of excessive building height.

10           NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby  
11 recommend approval of Zone Amendment (ZA09-00001) and Local Coastal Plan Amendment  
12 (LCPA10-00002), as represented in the attached Exhibit "A".

13           PASSED AND ADOPTED Resolution No. 2010-P24 on July 26, 2010 by the  
14 following vote, to wit:

15 AYES:

16 NAYS:

17 ABSENT:

18 ABSTAIN:

19 \_\_\_\_\_  
20 Bob Neal, Chairperson  
21 Oceanside Planning Commission

22 ATTEST:

23 \_\_\_\_\_  
24 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. 2010-P24.

Dated: July 26, 2010

## **Proposed Text Amendments to the 1986 and 1992 Zoning Ordinances Pertinent to Building Height Standards**

### **1986 Zoning Ordinance**

Section 207: BASEMENT. “Basement” means ~~that any portion of a building between floor and ceiling which is partly below and partly above ground but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling with at least fifty percent of its perimeter lying no more than six feet above the adjacent grade plane,~~ as measured to the finished surface of the floor next above it.

Section 211: BUILDING HEIGHT. “Building height” means the vertical distance measured from the ~~average level of the highest and lowest point of that portion of the building site covered by the building to the ceiling of the uppermost story~~ lowest existing grade beneath the building footprint to the peak of the uppermost roof element.

Section 234: GRADE. “Grade” means ~~the average of the finished ground level at the center of all walls of a building. In case[s] [where] walls are parallel to and within five feet of a sidewalk, the above-ground level shall be measured at the sidewalks.~~ For purposes of building height measurement, “grade” means the existing surface level of the building site prior to any disturbance for the purpose of development. When ambiguity exists as to what constitutes existing grade, the City Planner shall determine existing grade on the basis of available topographic exhibits and/or field assessments.

Section 234.1: GRADE PLANE. “Grade plane” means the average of finished ground level adjoining the building at exterior walls. Grade plane shall be used for purposes of determining whether a building floor constitutes a “basement” or a “story”, as defined by this Ordinance. Grade plan shall not be used as the basis from which to measure building height, nor shall the finished ground level adjoining the building at exterior walls be higher than existing grade on adjacent properties.

Section 1709: HEIGHT. No buildings 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~~ the lowest existing grade beneath the building or structure footprint shall be used.

The maximum permitted height of any building or structure shall be as follows:

- (a) No building or structure located in the R-A, R-1, R-2, PRD or SP zone shall exceed a height of 35 feet or two stories, whichever is less.
- (b) No building or structure used for residential purposes in the R-3, O-P, R-T, R-C, PRD, or SP zones shall exceed a height of 35 feet or three stories, whichever is less.
- (c) No building or structure in the R-C, O-P, C-1, C-2, M-1, M-2, or PC zones shall exceed a height of 45 feet or four stories, whichever is less.

No building in R-1, R-2, R-3 and R-T zones shall intercept a 45-degree daylight plane inclined inward from a height of 27 feet above the front, interior-side and street-side setback lines. Buildings on lots of substandard width shall only be required to maintain this 45-degree daylight plane on the front and street-side elevations.

Penthouses or roof structures for the housing of elevators, stairways, ventilator fans, air conditioning or similar equipment required to operate and maintain the building, fire or parapet walls, skylights, towers, church steeples, flag poles, chimneys, antennas and similar structures may be erected above the height limits prescribed hereinabove provided the same may be safely erected and maintained at such height, in view of the surrounding conditions and circumstances, but no penthouses or roof structures or any space above the height limit shall be allowed for the purpose of providing additional floor space. Additionally, such roof projections shall be limited in area to no more than 10 percent of the ground level footprint of the building and shall be no more than 10 feet in height. Enclosed roof projections shall be no more than ten feet in width in any direction.

## **1992 Zoning Ordinance**

### **3017 Measurement of Height**

Height shall be measured from existing grade 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:

- A. ~~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[e] an equal height above all points on the site. In approving a finished grade elevation, compatibility with the existing elevation of adjacent and~~

~~surrounding properties shall be considered.~~ Through a Conditional Use Permit, a finished grade elevation different from the existing grade elevation may be approved as the basis from which height is measured, in accordance with the following findings:

1. The proposed finished grade elevation is compatible with the existing grade elevations of adjacent and surrounding properties.
2. Relative to the existing grade elevation, the proposed finished grade elevation better facilitates development that is consistent with neighborhood character.
3. Relative to the existing grade elevation, the proposed finished grade elevation results in improved drainage patterns and stormwater treatment options.

### **3018 Exceptions to Height Limits**

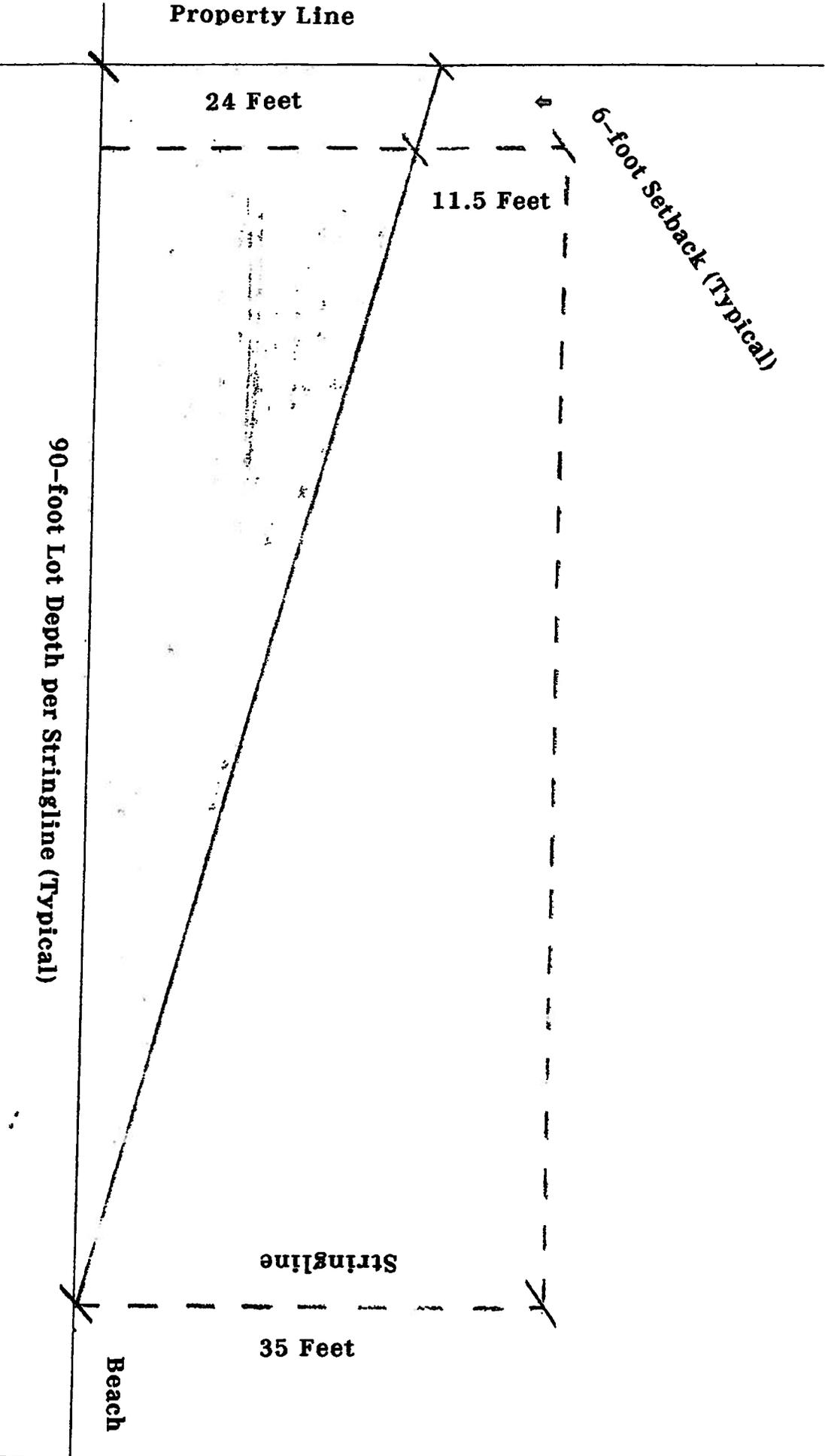
Towers, spires, cupolas, chimneys, elevator penthouses, water tanks, flagpoles, monuments, theater scenery lofts, radio and television antennas, transmission towers, fire towers, and similar structures and necessary mechanical appurtenances covering not more than 10 percent of the ground area covered by the structure to which they are accessory may exceed the maximum permitted height in the district in which the site is located. Such exceptions shall be subject to the following regulations:

- A. A structure may exceed the district height limit by 10 feet and a use permit may be approved for features extending more than 10 feet above the base district height limit. An enclosed structure may extend no more than 10 feet in width in any direction. Living area shall not be permitted in that portion of a structure which exceeds the height limit of the base district.
- B. The Strand is subject to the height limitations of Proposition A, passed April 13, 1982, and no exceptions are permitted.

**Building Envelope for Properties with Variable Slopes  
under Proposed Building Height Measurement Methodology**

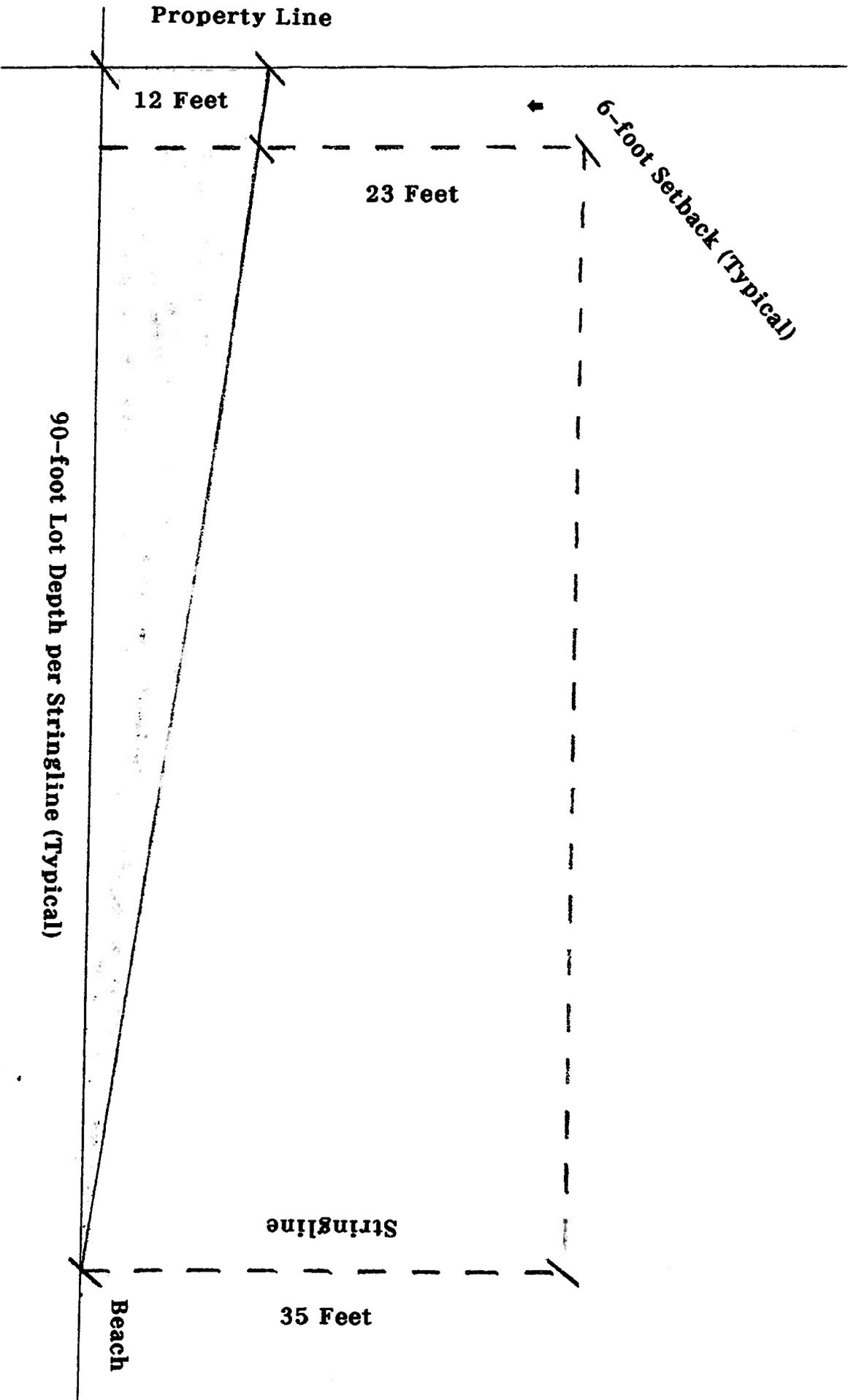
(35 Feet Maximum as Measured from Lowest Existing Grade beneath the Building Footprint)

**Scenario #1: Extreme Slope (24 Vertical Feet)**



**Building Envelope for Properties with Variable Slopes  
under Proposed Building Height Measurement Methodology**  
(35 Feet Maximum as Measured from Lowest Existing Grade beneath the Building Footprint)

**Scenario #2: Moderate Slope (12 Vertical Feet)**



**Building Envelope for Properties with Variable Slopes  
under Proposed Building Height Measurement Methodology**  
(35 Feet Maximum as Measured from Lowest Existing Grade beneath the Building Footprint)

**Scenario #3: No Slope**

