ITEM NO. 19

STAFF REPORT

CITY OF OCEANSIDE

DATE: December 13, 2006

TO: Honorable Mayor and City Councilmembers,
Chairman and Members Community Development Commission

FROM: Economic Development and Redevelopment Department

SUBJECT: **DOWNTOWN "D" DISTRICT AD HOC COMMITTEE-PROPOSED ZONE AMENDMENTS AND LOCAL COASTAL PLAN AMENDMENTS TO ARTICLES 4, 12 AND 41 OF THE CITY ZONING ORDINANCE AND REDEVELOPMENT PROJECT AREA ZONING ORDINANCE**

SYNOPSIS

Staff recommends that the City Council and the Community Development Commission approve the recommendations of the Downtown "D" District Ad Hoc Committee and direct staff to conduct a public hearing to discuss the proposed changes to Articles 4, 12 and 41 of the City Zoning Ordinance and Redevelopment Project Area Zoning Ordinance.

BACKGROUND

On August 24, 2005, the Community Development Commission directed staff to work with an ad hoc committee to evaluate the allowable land uses in the Redevelopment Project Area and to clean up the Land Use Matrix within the Redevelopment Project Area Zoning Ordinance, Article 12. Attached are the ad hoc committee's recommended changes to Articles 4, 12 and 41 of the City Zoning Ordinance and Redevelopment Project Area Zoning Ordinance.

The ad hoc committee consisted of: City staff Kathy Baker, Jane McVey, and Jerry Hittleman; Councilmembers Mackin and Chavez; Burt Johnson, representative from the Redevelopment Advisory Committee; Dick Bartlett, representative from the Redevelopment Project Area Committee; Kim Heim, MainStreet representative; Jerry Salyer, Chamber of Commerce Chairman; Larry Herrman, representative of residents east of I-5; and Georgio Kerpani, representative of residents west of I-5. In 1991, several uses were eliminated from the Redevelopment Project Area. The goal of the ad hoc committee was to re-evaluate the allowable uses and determine whether some of the uses previously not allowed in the Redevelopment Project Area should be reconsidered based upon the current direction, market trends and current development of the downtown area.

The ad hoc committee met on four separate occasions and evaluated all of the uses within the downtown area and reviewed several other coastal cities' zoning ordinances. The committee is proposing several changes to Articles 4, 12 and 41 of the City Zoning Ordinance and Redevelopment Project Area Zoning Ordinance.

Article 12 of the Redevelopment Project Area Zoning Ordinance concerns the "Downtown District" land use and development regulations. The most recently adopted version was approved in 1995. Numerous amendments have been processed over the years, but they have not been incorporated into the document. Therefore, several of the changes to Article 12 were to incorporate some of these amendments and cleanup items (attachment 1).

In general, Section 1210 Specific Purposes did not change. Section 1220 changed as a result of changing Schedule D-1, to be more user- and business-friendly. Previously Schedule D-1 was very confusing due to the numerous "L" designations, so it was difficult to read and interpret. Several changes were made to Schedule D-1 to include some new or newly defined uses in Article 4 of the Redevelopment Project Area Zoning Ordinance (attachment 2).

New or amended definitions to Article 4 include commercial recreation and entertainment, eating and drinking establishment, restaurant, espresso stand, grocery/neighborhood market and specialty market, live/work lofts, office, personal improvement services, day spa, personal services, laundromat/café, retail sales, and several new visitor-accommodations definitions (attachment 3).

The changes made to visitor accommodations included new definitions for a resort, an integrated resort, and fractional time share and condo hotel units. Since our ordinance was previously silent on fractional time share and condo hotel units it was difficult to implement projects proposing these types of projects. Due to the growing market demand for these types of units, it was determined that we should identify and address this issue both Citywide and in the Redevelopment Project Area, by amending Article 4 of both Zoning Ordinances (attachments 4 and 5).

Also, it was decided by the committee that there should be an Administrative Use Permit process, which could still give staff the ability to place conditions on a particular business, but in a more expeditious manner. The Administrative Use Permit would be reviewed by staff and approved by the Economic & Redevelopment Director. These decisions could be appealed to the Redevelopment Advisory Committee for a recommendation to the Community Development Commission. Attached are the changes to article 41 of the Zoning Ordinance (attachments 6 and 7).

Section 1230 Development Regulations did not change, other than cleanup items such as the current street names and typos.

If the City Council and the Community Development Commission agree with the proposed changes, staff would schedule a public hearing to discuss the proposed Zoning Amendment and Local Coastal Plan Amendment to Article 4, 12 and 41 of both the City Zoning Ordinance and Redevelopment Project Area Zoning Ordinance.

FISCAL IMPACT

None.

CITY ATTORNEY ANALYSIS

The referenced documents have been reviewed by the City Attorney and approved as to form.

RECOMMENDATION

Staff recommends that the City Council and the Community Development Commission approve the recommendations of the Downtown "D" District Ad Hoc Committee and direct staff to conduct a public hearing to discuss the proposed changes to Articles 4, 12 and 41 of the City Zoning Ordinance and Redevelopment Project Area Zoning Ordinance.

PREPARED BY:

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Redevelopment Manager

SUBMITTED BY:

Barry E. Martin
Interim City Manager/Executive Director

REVIEWED BY:

Michelle Skaggs Lawrence, Assistant to the City Manager
Mike Blessing, Deputy City Manager/Community Development
Jane McVey, Economic Development and Redevelopment Director
Jerry Hittleman, Acting City Planner

ATTACHMENTS/EXHIBITS:

Exhibit 1 - Current Redevelopment Zoning Ordinance Article 12
Exhibit 2 - Proposed Redevelopment Zoning Ordinance Article 12
Exhibit 3 - Current Redevelopment Zoning Ordinance Article 4
Exhibit 4 - Proposed Redevelopment Zoning Ordinance Article 4
Exhibit 5 - Proposed City Zoning Ordinance Article 4
Exhibit 6 - Proposed Redevelopment Zoning Ordinance Article 41

EXHIBIT 1

CURRENT

Article 12 D Downtown District

Sections:

1210	Specific Purposes
1220	Land Use Regulations by Subdistrict
1230	Development Regulations
1240	Review of Plans
1250	Amendments

1210 Specific Purposes

In addition to the general purposes listed in Article 1, the specific purposes of the D Downtown District are to:

A. To promote the long-term viability of and rejuvenation of the Redevelopment Project Area and to protect and enhance primarily boating and water-dependent activities; and secondarily other public-oriented recreation uses in the Oceanside Small Craft Harbor

B. Maintain and enhance an appropriate mix of uses; and

C. Provide land-use controls and development criteria consistent with the General Plan, the Redevelopment Plan, and the Local Coastal Program.

Consistent with these purposes, it is the intent of the D District to establish special land-use subdistricts with individual objectives as described below.

Subdistrict 1: To provide a commercial/retail and office complex offering a wide variety of goods and services to both the community at large and to tourists and visitors. Residential uses are encouraged when and where appropriate.

Subdistrict 1(A) : To provide a commercial/retail and office complex promoting the conservation, preservation, protection, and enhancement of the historic district and to stimulate the economic health and visual quality of the community to tourists and visitors. Residential uses are encouraged when and where appropriate.

Subdistrict 2: To provide sites for a financial center, supported by professional offices. ***Residential Uses are permitted when and where appropriate as part of a Mixed-Use Development.***

Subdistrict 3: To provide for a mix of office development, interspersed with residential development, in response to market demands.

Subdistrict 4(A): To provide a mix of transient and permanent residential uses along the South Strand between Tyson and Wisconsin streets.

Subdistrict 4(B): To provide transient and permanent residential uses (hotels and motels) in close proximity to the beach and recreational facilities.

Subdistrict 5: To provide a high-density residential neighborhood in an urban setting in close proximity to shopping, employment, transportation and recreational facilities.

Subdistrict 5(A): To provide a medium-density residential neighborhood at South Pacific Street with an urban setting in close proximity to shopping, employment, transportation and recreational facilities.

Subdistrict 6(A): To provide sites for highway business and tourist/visitor uses related to the harbor and the Interstate 5 freeway, primarily oriented to visitor-serving commercial establishments.

Subdistrict 6(B): To provide sites for highway business and tourist/visitor uses related to the harbor and the Interstate 5 freeway, primarily oriented to recreational commercial facilities. Residential uses are allowed as part of a mixed use project.

Subdistrict 6(C): To provide sites for uses supporting the Oceanside Small Craft Harbor, consistent with the Harbor Precise Plan.

Subdistrict 6(D): To provide a recreational facility for the purpose of boating-oriented and park-oriented passive and active recreation, and appropriate ancillary commercial and residential uses consistent with the Harbor Precise Plan.

Subdistrict 7(A): To provide sites for a high-density residential environment in an urban setting in close proximity to shopping, employment, transportation and recreational facilities.

Subdistrict 7(B): To provide for a mix of recreational and commercial uses conveniently located near recreational and residential areas. Residential uses are allowed as part of a mixed use project.

Subdistrict 8(A): To provide a mix of hospital and medical uses.

Subdistrict 8(B): To provide a mix of hospital and medical uses, office development, interspersed with residential development in response to market demand.

Subdistrict 9: To provide opportunities for commercial uses supporting other land uses within the downtown and serving the entire community. Residential uses are encouraged where appropriate.

Subdistrict 10: To provide a joint open space and recreational area within the floodplain of the San Luis Rey riverbed.

Subdistrict 11: To provide sites for commercial uses serving the adjacent residential neighborhood.

Subdistrict 12: To provide a special tourist/visitor oriented subdistrict that relates to the pier, ocean, beach, marina and freeway.

Subdistrict 13: To provide for a mix of visitor/commercial and office uses. Residential uses are allowed as part of a mixed use project.

Subdistrict 14: To provide for public transportation and railway uses.

Subdistrict 15: To provide for public facilities, public parks, open spaces, and other public oriented uses.

1220 Land Use Regulations by Subdistrict

~~In Schedule D-1, the letter "P" designates use classifications permitted in the D Downtown District. The letter "L" designates use classifications subject to certain limitations prescribed by the "Additional Use Regulations" that follow. Any use that falls within a use category that has an "L" designator is specifically prohibited unless stated otherwise by the prescribed limitation. The letter "U" designates use classifications permitted on approval of a Conditional Use Permit. The letter "C" designates use classifications permitted on approval by the Community Development Commission. The letters "P/U" designate use classifications permitted on the site of a permitted use, but requiring a use permit on the site of a conditional use. Letters in parentheses in the "Additional Regulations" column reference regulations following the schedule, or located elsewhere in this Title. Where letters in parentheses are opposite a use classification heading, referenced regulations shall apply to all use classifications under the heading.~~

In Schedule D-1, the letter "P" designates use classifications permitted in the D Downtown District. The letter "U" designates use classifications permitted on approval of a Conditional Use Permit upon approval by the Community Development Commission. The letter "C" designates use classifications permitted upon approval of an administrative Use Permit upon recommendation of the Redevelopment Advisory Committee. The letter "V"

designates uses that are considered to be visitor severing uses. The "*" designates use classifications that are not permitted.

~~D District Additional Use Regulations~~

~~L-1 On-site storage limited to five rental cars.~~

~~L-2 Permitted as an accessory use in a hotel with Community Development Commission approval. Eating and Drinking Establishments and Cocktail Lounges not as an accessory use to a hotel require a Conditional Use Permit.~~

~~L-3 Permitted in the air rights above the ground floor with approval by the Community Development Commission.~~

~~L-4 Only pharmacies occupying less than 50 percent of the gross floor area on the floor on which they are located are permitted as an accessory use in a medical office building or a hospital.~~

~~L-5 Only coffee shops occupying less than 50 percent of the gross floor area on the floor on which they are located are permitted as an accessory use within a medical office building or a hospital.~~

~~L-6 Only tennis/racquetball courts, health/fitness clubs as part of hotels, motels and timeshares or as part of a mixed-use development are allowed with approval by the Community Development Commission.~~

~~L-7 Only in licensed restaurants with approval by the Community Development Commission.~~

~~L-8 Only "limited" facilities, as defined in Article 4: Use Classifications, and golf, roller skating rinks and ice skating rinks, are allowed with Commission approval. "Drive through" facilities (restaurants) requires approval of a Conditional Use Permit.~~

~~L-9 Bakeries permitted in subdistrict 9; Community Development Commission review required for all other uses for compatibility with the objective of the subdistrict, as prescribed in Section 1210. A Conditional Use Permit is required for establishments (including bakeries) occupying more than 1,500 square feet.~~

~~L-10 Private noncommercial facilities, including swim clubs and tennis clubs, allowed only with a Conditional Use Permit as an accessory use to hotels, motels and timeshares or as part of a mixed-use project.~~

~~L-11 Delicatessens and grocery stores permitted. Convenience food stores require a Conditional Use Permit.~~

~~L-12 Permitted as part of a mixed-use development.~~

~~L-13 "Limited Custom Retail" allowed with Commission approval. Limited Custom Retail shall be defined as follows:~~

~~Establishments primarily engaged in on-site production of goods by hand manufacturing involving the use of hand tools and small-scale mechanical equipment not exceeding two (2) horsepower or a single kiln not exceeding eight (8) kilowatts; and the direct sale to consumers of those goods produced on-site. Products made incident to a permitted use may be sold at retail on the premises, and not more than three (3) people shall be employed in the production process. Typical uses include but are not limited to ceramic studios, candle-making shops, and custom jewelry production.~~

~~L-14 "Limited Custom Retail" allowed with Commission approval. Limited Custom Retail shall be defined as follows:~~

~~Establishments primarily engaged in on-site production of goods by hand manufacturing involving the use of hand tools and small-scale mechanical equipment not exceeding two (2) horsepower or a single kiln not exceeding eight (8) kilowatts; and the direct sale to consumers of those goods produced on-site. Products made incident to a permitted use may be sold at retail on the premises, and not more than three (3) people shall be employed in the production process. Typical uses include but are not limited to ceramic studios, candle-making shops, and custom jewelry production.~~

~~L-15 Permitted as part of a public park or recreational facility. Private Commercial and Recreational uses are limited to tennis, racquetball, and volleyball courts upon approval of a Conditional Use Permit.~~

~~L-16 Hotels and motels allowed with a Conditional Use Permit. Timeshares may be allowed with a Conditional Use Permit if a substantial number of units are permanently reserved for transient overnight accommodations during the summer season (June 1 through Labor Day weekend).~~

~~L-17 Food and beverage sales, artist studios and retail sales allowed with Community Development Commission approval in the area on the northwest quadrant of Sixth and Cleveland Streets, in an area extending 150 feet north along Cleveland Street and 100 feet west along Sixth Street.~~

~~L-18 A Conditional Use Permit is required for generating plants, electric substations, lone switching buildings, refuse collection, recycling or disposal facilities, water reservoirs, water or wastewater treatment plants, transportation or communication utilities, and similar facilities of public agencies or public utilities. Above-ground electrical transmission lines are not permitted unless determined to be consistent with a utility corridor plan approved by the Planning Commission. Flood-control or drainage facilities are permitted if they are consistent with approved master-drainage and/or flood-control plans.~~

~~L-19 Permitted if determined that the use is consistent with the Harbor Precise Plan and approved by the Harbor District Board of Directors.~~

~~**D District Additional Use Regulations**~~

~~L-20 Only Harbor administration, maintenance and patrol facilities, Coast Guard and other related governmental offices and facilities are permitted upon approval of the Harbor District Board of Directors.~~

~~L-21 Within Subdistrict 9, lots fronting on Tremont Street and Freeman Street, and totaling a minimum contiguous area of 30,000 square feet, in single or multiple ownership, shall be permitted to develop single family units upon approval of the Community Development Commission.~~

~~L-22 Allowed with a Conditional Use Permit; lots fronting on Hill Street residential uses allowed in the air rights above the ground floor as part of a mixed-use development with a use permit, no ground floor residential use is permitted on Hill Street.~~

~~L-23 Sidewalk cafes (including tables and chairs) and outdoor food service accessory to an eating and drinking establishment is permitted subject to the City's Outdoor Eating Area Guidelines. However, no outdoor preparation of food or beverages will be permitted.~~

~~L-24 Permitted, however, it is limited to one primary dwelling unit and one accessory dwelling unit per site, subject to the requirements of Section 3006: Accessory Dwelling Units.~~

~~L-25 Publicly-owned parking lots are permitted upon approval of the Community Development Commission.~~

~~L-26 Allowed on The Strand, or adjacent to Subdistrict 11, upon approval of a Conditional Use Permit.~~

~~L-27 Medical and Dental Offices are permitted. All other uses in this category require Community Development Commission review for compatibility with the objectives of the subdistrict.~~

~~L-28 Eating and Drinking Establishments (with or without Alcoholic Beverage Service and with or without Take-out Service) on the pier or east of The Strand are allowed with Community Development Commission Approval.~~

~~L-29 Only Retail Sales and Food & Beverage Sales related to the operation of a pier bait shop and kiosks allowed upon Community Development Commission approval. All other uses in these categories are prohibited.~~

~~L-30 Excludes check cashing businesses and loan companies not associated with bank or savings and loan associations.~~

~~**D District Additional Use Regulations**~~

~~L-31 The definition of an Eating and Drinking Establishment shall be as follows:~~

~~A place which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation and which has an adequate seating area for the consumption of meals and suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for ordinary meals. As used in this definition, the word "meals" means the usual assortment of foods commonly ordered at various hours of the day; the services of only such foods as sandwiches or salads shall not be deemed in compliance with this requirement. As used in this definition, the words "suitable kitchen facilities" shall include cooking equipment (such as deep fryers, stoves or ovens) requiring hood fans, an operable dishwashing machine, and a central freezing and refrigeration area. The percentage of alcohol sales in monetary terms shall not exceed that of food sales and still comply with this definition.~~

~~Potential Eating and Drinking Establishments, which do not meet this definition shall only be allowed upon approval by the Community Development Commission.~~

~~L-32 Institutional Services or facilities for photography, fine arts, crafts, dance or music facilities, driving schools, business or trade schools, diet centers, reducing salons, and fitness studios (including health studios or spas) are allowed upon approval of the Community Development Commission. The "Personal Improvement Services" described above for Subdistricts 6A, 6B, 6C, 7B and 12 are only allowed as an accessory use to a hotel, motel and timeshares or in a mixed use project.~~

~~L-33 Only Neighborhood and Specialty Markets (as defined below), which do not exceed 8,000 square feet of gross floor area, are allowed with Community Development Commission approval. Such markets, which exceed 8,000 square feet of gross floor area, shall require a Conditional Use Permit. Convenience markets are not allowed.~~

~~**NEIGHBORHOOD MARKET:**~~

~~Retail sales of food and beverages for off-site preparation and consumption. Principally engaging in the retail sale of staple foodstuffs, household supplies and a sizeable assortment of fresh produce, fresh-cut meats, fish and dairy products. A minimum of 60% of net floor area (excluding storage, aisle ways, check out and customer service areas) shall be dedicated to the sale of staple foodstuffs and fresh items such as produce, meats, fish, and dairy products.~~

~~**SPECIALTY MARKET:**~~

~~Retail sales of food and beverages for off-site preparation and consumption. Principally engaging and specializing in the retail sales of one predominate product line such as produce, meat, fish, etc. Such markets may include the incidental sales of other merchandise directly related to the principal product line.~~

~~**D District Additional Use Regulations**~~

~~L-34 Permitted within the Oceanside Transit Center only, with Community Development Commission approval.~~

~~L-35 New multi-family residential development shall be prohibited. Business and professional offices shall be limited to uses ancillary to Coastal Dependent uses.~~

~~L-36 Permitted uses within the 100 year floodplain shall be limited to open space, passive recreational uses, public parks, limited horticulture, floriculture, uses permitted within sensitive habitat areas pursuant to the City's certified "Standards for the Identification and Protection of Sensitive Habitats" and private commercial recreational uses. Provided soil placement does not exceed a maximum level of 3~~

~~Feet existing grade and that such placement does not adversely impact the flood-plain hydrology of the San Luis Rey River as defined and evaluated by the Army Corps of Engineers, the following development may be permitted in the 100 year flood-plain:~~

~~Bicycle and pedestrian paths, landscape, fencing, hardscape, waterscape, pools, tennis courts, putting greens, volleyball courts, basketball courts, driving range, shuffle board courts, horse shoes, lawn bowling, gazebos and arbors.~~

~~Within the first 50 feet of the required 100 foot wetland buffer zone only transitional upland vegetation shall be permitted. Within the second 50 feet of said buffer zone only landscape, hardscape, fencing and pathways for bicycles/pedestrians may be permitted.~~

~~All floodplain development shall be capable of withstanding periodic flooding without the construction of flood-protective work. Existing environmentally sensitive habitat area will not be adversely affected. There will be no increase in the peak runoff rate from the developed site as compared to the discharge that would be expected once every ten (10) years during a six (6) hour period. There will be no significant adverse water quality impacts and no downstream bank erosion or sedimentation may result from site improvements. All development shall be reviewed for conformance with the policies and standards of the certified San Luis Rey River Specific Plan.~~

~~L-37 Food and Beverage sales with alcohol shall require a Conditional Use Permit.~~

~~L-38 Video arcades, game centers are allowed with a Conditional Use Permit, subject to Article 36 (regulated uses) of the "D" Downtown District Zoning Ordinance. Adult entertainment uses adult peep-show devices, pool tables and billiard tables are not allowed.~~

~~L-39 Beer and wine services are permitted as an accessory service to an eating and drinking establishment.~~

~~D District Additional Use Regulations~~

~~L-40 Small scale live entertainment is permitted and is limited to 3 or fewer performers, with not dance floor and limited to typical lunch and dinner hours (11:00 a.m. to 11:00 p.m.)~~

~~L-41 Church offices, counseling centers, clinics and other similar outreach and service uses require Community Development Commission review and approval to determine compatibility with the objectives of the subdistrict.~~

~~L-42 Billiard parlors are allowed with a Conditional Use Permit, subject to Article 36 (regulated uses) of the "D" Downtown District Zoning Ordinance. All billiard tables must be of regulation size.~~

~~L-43 Alcoholic Beverage Service is permitted for theatres or live entertainment uses that contain over 350 seats with a Conditional Use Permit.~~

~~L-44 Childcare Facilities – A Childcare Facility Permit issued by the Planning Director is subject to the City's Childcare Guidelines: If a new development (construction) is proposed for a Childcare Facility a Development Plan and Coastal Development Permit review is required. A Development Plan and Coastal Development Permit review may be conducted independently or concurrent with the Planning Department Childcare Facility Permit review.~~

~~L-45 "Wine Tasting Establishments" permitted upon approval of a Conditional Use Permit by the Community Development Commission. Wine Tasting Establishments shall be defined as follows: Retail establishments for the sale of bottled wine and which offer wine tasting and the sale of wine for on-site consumption in connection with the marketing of wines offered for sale on the premises. With the exception of wine and featured micro-brews, no beverages or items containing alcohol shall be offered for sale or consumed on the premises. Non-alcoholic retail items associated with wine drinking such as wine glasses, decanters, ice buckets, toppers, serving implements, snack foods and non alcoholic beverages may also be offered for sale. Wine tasting shall only occur in an enclosed area not accessible for persons under the age of 21.~~

1230 Development Regulations

The following schedule prescribes development regulations and standards for the D District. The first column establishes the basic requirements for permitted and conditional uses in each subdistrict within the D District. Letters in parentheses in the "Additional Regulations" column refer to regulations following the schedule or located elsewhere in the zoning ordinance.

Where literal interpretation and enforcement of the development regulations and standards result in undue hardship, practical difficulties or consequences inconsistent with the purposes of these regulations and the Redevelopment Plan, the Community Development Commission may grant a variation. A variation shall not be granted which will change the land uses of the Redevelopment Plan for allow any increase in the maximum height set

forth in Additional Development Regulations sub-section (N). Any variation granted with respect to density or intensity of land use, or any variation granted which permits a greater than a 10% reduction in parking requirements above the base development regulations of Article 12 "D" Downtown District shall require a Local Coastal Program Amendment. The Community Development Commission may approve an application for a variation as it was applied for or in modified form as required by the Community Development Commission if, on the basis of the application, plans, materials, and testimony submitted, the Community Development Commission finds:

1) The application of certain regulations and/or standards would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Redevelopment Plan.

2) There are exceptional circumstances or conditions applicable to the property or to the intended development of the property that do not apply generally to other properties having the same requirements, limits, restrictions, and controls.

3) Permitting a variation will not be materially detrimental to the public welfare or injurious to property or improvements in the area.

4) Permitting a variation will not be contrary to the objectives of the Redevelopment Plan.

In permitting any such variation the Community Development Commission shall impose such conditions as are necessary to protect the public health, safety, or welfare, and to assure compliance with the purposes of the Redevelopment Plan.

1231 **Transit Oriented Development**

The downtown core commercial area is designated a Transit Overlay District (TOD) . The location, design, configuration, and mix of uses in the TOD provides an alternative to traditional development by emphasizing a pedestrian-oriented environment and reinforcing the use of public transportation. The TOD's mixed-use clustering of land uses within a pedestrian-friendly area connected to transit, provides for growth with minimum environmental costs.

The core Downtown's underlying commercial use designation and proximity to the Oceanside Transit Center provide a unique opportunity to create a pedestrian-oriented environment. The establishment of such an area is to encourage a mix of commercial retail, professional office and residential uses which will encourage an efficient pattern of development that supports alternative modes of travel.

Mixed-use projects within the TOD require a Mixed-Use Development Plan. TODs represent a land use strategy, which seeks to strike a balance between resolving today's critical transportation issues and allowing freedom of movement and choice of travel mode. Although focused on reinforcing transit, the mixed-use and walkable neighborhoods developed should equally support carpools, bus, biking, walking, and more efficient auto use.

Quality of design will be evaluated upon the basis of the projects ability to incorporate specific amenities that encourage alternate travel modes (i.e. bike lockers/racks. employee locker rooms/showers, preferred car/van pool parking). Parking reductions will be considered for those mixed-use projects which can demonstrate a varied peak parking demand for each use by time of day and/or day of the week (see Section (W) 4 and 5.

DOWNTOWN DISTRICT
PROPERTY DEVELOPMENT REGULATIONS

	Basic Requirements	**Additional Regulations**
Residential Development		(II)(JJ)(KK)
Base Density:		(C)(D)
Site Area Per Unit (sq. ft.)	1,500	
Maximum Potential Density:		(C)(D)
Site Area Per Unit (sq. ft.)	1,000	
Minimum Lot Area (sq. ft.)	5,000	(A)(B)(E)
Minimum Lot Width (ft.)	50	(E)
Minimum Setbacks:		(E)(G)(L)
Front (ft.)	10	(H)(K)
Side (ft.)	3' for lots 75' wide or less except where courts are required; 10' from one side-lot line for lots greater than 75' wide or as required for courts.	
Corner Side (ft.)	10	(H)(J)(K)
Rear (ft.)	5; and as required for courts	(I)(K)
Maximum Height of Structures (ft.)	35	(M)(N)(O)
Signs	See Article 33	(GG)
Public Access to the Beach		(HH)
Minimum Site		

Landscaping	25%	(P)(Q)
Vehicular Access:	(R)(S)	
Maximum Driveway Width (ft.)	24	(X)(Y)
Private Outdoor Living Space	Minimum 48 sq. ft. required with minimum dimension 6 feet	(FF)
Courts Required		(EE)
Required Facade Modulation	25% of front and side street elevation horizontal and/or vertical must be set back at least 5 feet from setback line	(T)(U)
Parking	See Article 31	(W)
Fences and Walls (ft.)	Maximum height of 6'	(Z)(AA)(BB)
Refuse Storage Areas	See Section 3022	
Underground Utilities	See Section 3023	
Nonconforming Structures	See Article 35	

D District Property Development Regulations (continued)

	Basic Requirements	Additional Regulations
Nonresidential Development		(II)(KK)
Minimum Lot Area (sq. ft.)	5,000	(A)(B)
Minimum Lot Width (ft.)	50	
Minimum Setbacks:		
Front (ft.)	10	(H)
Side (ft.)	0	(H)(I)
Corner Side (ft.)	10	(H)(J)
Rear (ft.)	0	(H)(I)
Maximum Height (ft.) of Structures	45	(M)(N)(O)
Maximum Floor Area Ratio	2	(F)
Minimum Site Landscaping	15%	(P)(Q)(S)
Fences and Walls (ft.)	8'	(Z)(AA)(BB)
Public Access to the Beach		(HH)
Off-Street Parking and Loading		(V)
Signs	See Article 33	(GG)
Outdoor Facilities	See Section 3020	(CC)
Employee Eating Areas		(DD)
Screening of Mechanical Equipment	See Section 3021	
Refuse Storage Areas	See Section 3022	
Underground Utilities	See Section 3023	
Performance Standards	See Section 3024	
Nonconforming Structures	See Article 35	

D DOWNTOWN DISTRICT:
Additional Development Regulations

(A) The provisions of Section 3013: Development on Substandard Lots shall apply except that in the D District mergers of lots under common ownership shall not be required for purposes of compliance with this ordinance.

(B) See Section 3014: Uncertainty of Boundaries.

(C) The maximum density for Subdistrict 5A is one dwelling unit per 1,500 square feet of site area.

(D) 1. The Land Use Plan would allow for a maximum of 29 to 43 units per acre. The base of 29 units per acre shall be considered the appropriate density for development within each residential land use designation. The base density may be increased from 29 units per acre to 33 units per acre if an underground parking structure that is 50% or more below grade is used in a residential project to provide all of the required parking. All residential projects that do not have an underground parking structure shall have a maximum density of 29 units per acre.

2. Residential projects located within Subdistrict 8B may request a waiver, through the conditional use permit process, to the requirement that all required parking be contained in an underground parking structure. Such projects within Subdistrict 8B may achieve density up to 43 dwelling units per acre provided the project possesses the excellence of design criteria and characteristics described in Section B below. Residential projects with density below the base densities shall be considered to be consistent with the land use designation.

3. Residential projects using an underground parking structure which is 50% or more below finish grade to provide 75% of the required parking, and which possess an excellence of design features, shall be granted the ability to achieve densities above the base density of 29 or 33 units per acre if underground garage is provided, up to the maximum density of 43 units per acre upon approval of a Conditional Use Permit.

(a) Residential projects on lots 5,000 square feet or smaller may achieve densities above 29 units per acre without providing an underground parking structure, upon approval of a Conditional Use Permit.

(b) Projects located on The Strand may achieve densities above 29 units per acre without providing an underground parking structure upon approval of a Conditional Use Permit.

4. Project characteristics that exceed standards established by City policy and those established by existing or approved developments in the surrounding area will be favorably considered in the review of acceptable density within the range. Such characteristics include, but are not limited to the following:

   a) Infrastructure improvements beyond what is necessary to serve the project and its population.

   b) Lot standards (i.e. lot area, width depth, etc.) which exceed the minimum standards established by City policy.

   c) Development standards (i.e. parking, setbacks, lot coverage, etc.) which exceed the standards established by City policy.

   d) Superior architectural design and materials.

   e) Superior landscape/hardscape design and materials.

   f) Superior recreation facilities or other amenities.

   g) Superior private and/or semi-private open space areas.

   h) Floor areas that exceed the norm established by existing or approved development in the surrounding area.

   i) Consolidation of existing legal lots to provide unified site design.

   j) Initiation of residential development in areas where nonconforming commercial or industrial uses are still predominant.

   k) Participation in the City's Redevelopment, Housing or Historical Preservation programs.

   l) Innovative design and/or construction methods, which further the goals of the General Plan.

   The effectiveness of such design features and characteristics in contributing to the overall quality of a project shall be used to establish the density above base density. No one factor shall be considered sufficient to permit a project to achieve the maximum potential density of a residential land use designation.

(E) Lots within Subdistricts 5 may be subdivided upon the approval of the Community Development Commission (pursuant to the Subdivision Map Act and the Subdivision Ordinance), provided that each lot thus created is 2,500 square feet or more in area and 25 feet or more in width, and has vehicular access to a public or private alley. Lots within Subdistrict 9 which front on Tremont or Freeman Streets and total 30,000 square feet or more of contiguous area, in a single or multiple ownership, may also be subdivided upon the approval of the Commission with the same provisions as within Subdistrict 5.

One dwelling unit may be located on each subdivided lot provided that each lot meets the yard, density and occupancy requirements of a standard lot with the following exceptions:

(1) Vehicular access to enclosed garages shall be provided from the public or private alley.

(2) Courts shall be provided opposite one interior property line which shall be a minimum depth of 8 feet from a window of a habitable room and a minimum width of 16 feet and shall be open to the sky, except for balconies 3 ft. in width and less, provided that eaves may project 2 feet into a court.

(F) The floor area ratio for sites 30,000 square feet up to 175,000 of gross site area shall not exceed 3.0 The floor area ratio for sites greater than 175,000 square feet of gross site area shall not exceed 4.0. The floor area ratio may be distributed over the gross area of the entire site. Any residential portion shall not exceed 43 dwelling units per acre (du.ac).

(G) The provisions of Section 3015: Building Projections into Required Yards and Courts apply except that in the D District, covered porches and stairs may project only 3 feet into the front or rear yard and 2 feet into the side yard.

(H) Along Mission Avenue and North Coast Highway, setbacks shall be as follows:

(1) Lots fronting Mission Avenue: 50 feet from street centerline;

(2) Lots fronting North Coast Highway Street: 45 feet from street centerline.

(3) Front yard setbacks on commercial projects within Subdistrict 1, 1A and 2 alternate setbacks are allowed upon Community Development Commission approval.

(I) A 5-foot side or rear yard setback shall be provided along all alleys. A 10-foot side or rear yard shall adjoin any residential area, and structures shall not intercept a 1:1 or 45-degree daylight plane inclined inward from a height of 12 feet above existing grade at the R district boundary line.

(1) Projects located on The Strand shall be allowed to encroach into the side yard setback, as long as a minimum 3-foot setback is maintained, with Community Development Commission approval.

(J) The corner side yard setback may be reduced to 5 feet provided that the landscaping or structures within the setback do not exceed a height of 30 inches and conforms to sight distance requirements on a case by case basis upon approval by the Community Development Commission.

(K) Parking structures shall not encroach upon setback areas unless it is entirely underground.

(L) Proposals for front yard, side yard or rear yard setbacks will be judged on the merits of each individual proposal and the architectural compatibility of all proposed structures with existing or proposed structures on adjoining parcels. Functional site layout with special attention to design of recreational, parking and landscaped areas may produce an acceptable proposal with minimum or no setbacks. However, all projects seaward of or fronting on Pacific Street shall retain a minimum 5-foot front yard setback. Owners of abutting property shall be provided written notice of proposals for no setback on side and rear yards at least 10 days prior to Community Development Commission approval.

Buildings along The Strand shall be designed so that when viewed from the beach, the visual impact of the bulk of the structure is minimized to the maximum extent possible.

The Community Development Commission shall approve or conditionally approve such proposals upon finding that:

1. Allowing reduced or no setbacks is compatible with surrounding development;

2. Granting reduced setbacks or eliminating setbacks entirely will enhance the potential for superior urban design in comparison with development , which complies with the setback requirements;

3. The granting of reduced or no setbacks is justified by compensating benefits of the project plan; and

4. The plan containing reduced or no setbacks includes adequate provisions for utilities, services, and emergency-vehicle access; and public service demands will not exceed the capacity of existing and planned systems.

(M) Height is to be measured from the existing grade, unless otherwise specified.

a) Existing Grade: The surface of the ground or pavement at a stated location as it exists prior to disturbance in preparation for a project as regulated by Section 1240.

b) Street Grade: The top of the curb, or the top of the edge of the pavement or traveled way where no curb exists.

(N) (1) Additional limitations on heights shall apply as follows:

(a) The Strand: No building shall exceed the present elevation of Pacific Street as defined at the time of passage of Proposition A, passed on April 13, 1982, and set forth in the Proposition A Strand Survey dated May 9, 1986.

(b) Subdistrict 4B: Nonresidential structures along Pacific Street shall be the lesser of three stories or 35 feet.

(c) Within Subdistrict 5A residential structures above 27 feet, but below 35 feet in height, are allowed upon approval of a Conditional Use Permit.

(d) Within Subdistrict 2 mixed use structures above 65-feet, up to 90-feet in height, are allowed upon approval of a Conditional Use Permit.

(2) Additional height may be approved with a Conditional Use Permit on a case-by-case basis for:

(a) All nonresidential uses except as otherwise noted in this section.

(b) Master plan mixed use projects located within Subdistricts 1 and 12, if the Commission finds superior design results incorporating the following design standards and regulations:

i Site coverage requirement - Maximum coverage of 60% based on entire gross acreage of Master Site Plan.

ii Additional setbacks at the corners of the center block (bounded by Pacific, Mission, Myers and Third Streets) shall be required to create plazas. A minimum dimension of 15 feet shall be required. Minimum encroachments may include landscaping, outdoor seating, street furniture, and art displays.

iii A pedestrian promenade shall be required adjacent to development on Pacific Street.

iv Public Space Amenity - A minimum of 30% of the entire Master Site Plan area shall be for public or semi-public uses for recreational purposes. Such space shall have minimum dimensions of 15 feet. Paved areas devoted to streets, driveways and parking areas may not be counted toward this requirement. A maximum of 15 % may be enclosed recreation space such as gyms, health clubs, handball/racquetball courts, cultural institutions, meeting/conference facilities or similar facilities. A fee may be imposed for the use of such facilities.

v View Corridor Preservation - View corridors shall be preserved through staggered building envelopes or breezeway requirements. Cross block consolidations shall be required to preserve view corridors by permitting only minimal encroachments into existing right-of-ways. Permitted encroachments may include

but not be limited to landscaping, food/ sundries kiosks and street furniture.

vi Maximum Density/Intensity - The maximum intensity of development shall be regulated by Floor Area Ratio (FAR) for Subdistrict 12. The FAR shall apply to the entire Master Site Plan area. FAR shall be calculated on gross acreage of the entire Master Site Plan area. The maximum FAR for Subdistrict 12 shall be 4.0.

vii Maximum Height - 140 feet. Mid-rise towers shall be oriented with their long axis parallel to the ocean sight line and the east-west streets may only permit minimal encroachments so as to open up and maximize the view corridors. Upper floors of towers shall be of varying heights and stepped back or architecturally fenestrated creating plane breaks in the roof or parapet treatment to add interest to the skyline profile.

viii Mid-rise tower facades shall feature multifaceted plane breaks and horizontal cornice and frieze elements, which will diminish the perception of mass and create interesting daytime shadow play and nocturnal lighting effects. Towers shall rise from a horizontally articulated building base to bring human scale to the street level pedestrian activity. Additional human scale elements shall include but not be limited to protruding balconies, colorful awnings, fenestration, iron railings, etc..

ix Only those uses which are transient residential/visitor serving accommodations in nature shall be permitted to achieve the maximum height of 140 feet and only 30% of the Master Site Plan may achieve this maximum height.

x All other uses permitted within these subdistricts may not exceed a maximum height of 90 feet, and only 30% of the Master Site Plan may achieve the mid-height of 90 feet.

xi All other structures in these subdistricts (the remaining 40% of the Master Site Plan) may not exceed a height of 45 feet.

(c) In Sub Districts 7A and 7B, the maximum height limit shall be 45', except that a height limit of up to 65' may be permitted within an approved master plan where the total building floor coverage (footprint) of the development does not exceed more that 35% of the total developable area of the master plan, and the following criteria are met:

i The architectural elevations shall vary in height along any road or street, especially along Hill Street.

ii Roof lines shall be pitched with flat roof lines allowed only for intermittent visual relief in character.

iii The maximum achievable elevation shall not extend for the entire roof line of the given building. (The use of jogs, offsets, height differentiations and other architectural features shall be used to reduce the appearance of a constant roof height.)

iv The use of a full roof, not flat, with appropriate pitch, shall be used whenever possible. (A full roof aids in the reducing any environmental noise pollution by providing proper sound attenuation.)

v In no case shall a building elevation exceed 45 feet in height unless developed under the auspices of a Disposition and Development Agreement, Owner Participation Agreement, Development Agreement or Conditional Use Permit (CUP). In such case, each such Agreement or CUP shall require a site plan and design criteria approval by the CDC.

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

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

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

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

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

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

(P) Planting Areas. All visible portions of a required setback area adjoining a street shall be planting area or hardscape that includes driveways, walks, parking areas, as well as areas covered by ornamental gravel, crushed rock, or similar materials. However, the front yard setback may not be entirely paved out or composed of hardscape material.

(Q) See Section 3019: Landscaping, Irrigation and Hydroseeding.

(R) The minimum site landscaping shall be provided on the lot surface; plantings on roofs, porches or in planting boxes which are above the lot surface shall not qualify as landscaping, except for landscaping located directly above underground parking which is 50% or more below grade. Hardscape does not qualify as landscaping except that, areas devoted to common patios, pools and other recreational facilities may be included in determining compliance with the landscaping requirement. In

addition, for projects of four or fewer units, private outdoor living space can be used to satisfy up to 10 percent of the minimum site landscaping requirement. Residential projects located on The Strand may count 30% of the required landscaping on roof tops toward their landscaping requirement, providing such landscaping or appurtenances or other architectural features (such as guard rails) do not exceed the present elevation of Pacific Street as defined at the time of passage of Proposition A, passed April 13, 1982, and set forth in the Proposition A Strand Survey dated May 9, 1986.

(S) Landscaping Requirements:

(1) For residential projects only located on The Strand is 20%.

(2) Within Subdistricts 1, 2, 9, and 12 landscaping may be reduced (for commercial development only) provided that the developer contributes a fee to provide art work for the proposed project upon approval by the Community Development Commission. The percentage of landscaping to be reduced as well as the amount of the fee will be determined by the Community Development Commission.

(T) The parking structures that are 50% or more below grade, the required facade modulation shall only be applicable to the facade area above the parking structure.

(U) Buildings 50' wide or smaller in width may reduce the amount of facade modulation per Community Development Commission approval. For buildings located on The Strand, alternative facade modulations, either reduced amounts or horizontal modulation may be provided with Community Development Commission approval.

(V) See Article 31: Off-Street Parking and Loading Regulations.

(W) The following parking standards and regulations apply specifically to the D District. If there is a conflict with Article 31, the following parking standards shall apply:

1. All parking shall be in an enclosed garage. Up to 25 percent may be in a semi-enclosure with Community Development Commission approval.

2. Tandem Parking:

(a) Tandem Parking may be allowed with a Conditional Use Permit for property located on The Strand.

(b) For projects located outside of The Strand area but within the Redevelopment Project Area, tandem parking shall be allowed for parcels 33 feet wide or less with a Conditional Use Permit.

(c) When tandem parking is permitted, parking spaces are assigned to a single unit. Each parking space shall be numbered/lettered. Each unit shall be assigned a specific space or spaces. Each unit whose

unit number/letter appears on the corresponding space(s) shall have an exclusive easement for parking purposes over that designated parking space.

3. Visitor parking spaces are required in projects with 25 or more units at a ratio of one additional space per five units above 25 units.

4. Within the Transit Overlay District the number of on-street parking spaces available on the contiguous street frontage of the site may be counted toward the total number of parking spaces required for a non-residential Mixed Use Development Plan.

5. Non-residential Mixed Use Development Plans within the Transit Overlay District may receive a mixed-use parking requirement reduction of up to 25% based upon all of the following criteria: a) proximity to the Oceanside Transit Center, b) demonstrated varied peak demand for parking, and c) project amenities which encourage alternate travel modes.

(X) Any vehicular access over 24 feet in width requires Community Development Commission approval.

(Y) On corner lots or lots with double frontages, vehicular access shall be provided from the secondary street or alley.

(Z) Fences within front yard setback areas are limited to 42 inches in height. Residential fences over 6 feet in height require a variation or a variance. Nonresidential fences over 8 feet in height require a variation or a variance (See Section 3040).

(AA) A 6-foot solid masonry or concrete wall shall adjoin the property line of the site of a new ground-floor residential use abutting an existing nonresidential use or the property line of a new nonresidential use abutting the site of an existing ground-floor residential use. However, no wall shall be required where the portion of the site within 10 feet of the property line is occupied by planting area or by a building having no openings except openings opposite a street property line.

(BB) All fences, walls and fencing attachments (such as, but not limited to, barbed wire or razor wire) within the Redevelopment Project Area requires Redevelopment Department approval prior to installation. The Redevelopment Department's decision may be appealed to the Community Development Commission.

(CC) See Section 3025: Antennas and Microwave Equipment and Section 3027: Recycling facilities.

(DD) Outdoor eating facilities for employees shall be provided for all office buildings that contain more than 20,000 square feet if no public park is within 1,000 feet. See Section 3028: Employee Eating Areas.

(EE) Courts Opposite Windows, Multifamily Units.

Courts shall be provided for all multifamily development as follows:

(1) Courts Opposite Walls on the Same Site: The minimum depth shall be one-half the height of the opposite wall but not less than 16 feet opposite a living room and 10 feet opposite a required window of any habitable room.

(2) Courts Opposite Interior Property Line: The minimum depth of a court for a required window of a habitable room shall be 6 feet, measured from the property line.

(3) Court Dimensions: Courts shall be a minimum of 16 feet wide and shall be open to sky except for balconies 3 ft. in width and less, provided that eaves may project 2 feet into a court.

(FF) Open Space.

(1) Basic Requirement. Total open space on a site having three or more dwelling units shall be at least 200 square feet per dwelling unit.

(2) Private Outdoor Living Space. Private outdoor living space shall be on patios or balconies within which a horizontal rectangle has no dimension less than 6 feet.

(3) Shared Open Space. Shared open space, provided by non-street side yards, patios and terraces, shall be designed so that a horizontal rectangle inscribed within it has no dimension less than 10 feet, shall be open to the sky, and shall not include driveways or parking areas, or area required for front or street side yards.

(4) Parkland Dedication. All multifamily housing projects shall be subject to the parkland dedication requirements of Chapter 32, Subdivisions, of the City Code because apartments contribute to increased demand for community and neighborhood parks in the same manner as condominiums, cooperatives, and single-family housing. The applicant shall dedicate land or pay a fee, or a combination of dedication and fee as provided by Chapter 32, Article IV of the City Code, and the credit for improvement and private open space under Section 32.50 of the City Code shall apply, if warranted. The fees shall be calculated according to a schedule adopted by the City Council by resolution and shall be payable at the time a building permit is issued.

(GG) The Sign Standards for the Downtown Oceanside Redevelopment Project Area adopted by the Oceanside Community Development Commission and the Harbor Design Standards adopted by the Oceanside Harbor Board of Directors pertaining to signs shall apply where they are more restrictive than Article 33 of the Oceanside Zoning Ordinance.

(HH) In Subdistricts 4A and 15, permanent facilities shall be provided for pedestrian access from the nearest public streets on the bluff top to the public beach. Between Ninth Street and Wisconsin Avenue, such access shall be provided on the average of every 800 feet, but in no event will there be fewer than seven such pedestrian routes. Between Ninth Street and Wisconsin Avenue, no fewer than four permanent facilities shall be provided for vehicular access from the nearest public street on the bluff top to the beach.

(II) Development within Subdistricts 6(C) and 6(D) shall be subject to the Harbor Design Standards.

(JJ) The Property Development Regulations (Section 1230) for residential uses shall apply to all exclusively residential projects within commercially oriented subdistricts.

(KK) Any mixed-use development with commercial and residential land uses combined requires a Mixed-Use Development Plan approved in accordance to the following requirements, to establish the property development regulations for the project. Base District Regulations and Property Development Regulations for Residential and Nonresidential land uses shall serve as the guideline for a mixed-use project. Height shall be regulated by the maximum height allowed in the Subdistrict as set forth in Additional Development Regulations sub-section (N). In no case shall these maximum heights be exceeded. Any deviations from the development regulations shall be evaluated based upon the merits of the development plan. Any deviation granted which permits a greater than 10% reduction in parking requirements above the base development regulations of Article 12 "D" Downtown District shall also require a Local Coastal Program Amendment.

Purpose:

The Mixed-Use Development Plan is intended to provide flexibility in land use regulations and site development standards under control of the Planning Commission and the Community Development Commission where flexibility will enhance the potential for superior urban design.

Initiation:

A mixed-use development may be initiated by filing an application for a Mixed Use Development Plan that complies with the requirements of this subsection (KK).

Required plans and materials:

1. A Mixed-Use Development Plan consisting of a map and textual materials as may be necessary to delineate land uses and locations, existing and projected building types and schematic designs, height and FAR including any proposals for transfer of FAR, site development requirements, existing and proposed open space, circulation, on-site and off-site parking, and any other pertinent information.

2. A comparison between underlying district regulations and standards and any proposed modifications to these regulations and standards, together with resulting impacts on traffic-carrying capacity of affected streets.

3. A statement of the reasons for any requested modifications to regulations or standards and a description of proposed means of mitigating any adverse effects.

Adoption of Mixed-Use Development Plans:

The Community Development Commission shall hold a duly noticed public hearing on the application in accord with the provisions of Article 45. Following the hearing, the Commission may recommend approval of the Development Plan with conditions if it implements the purpose of the Mixed-Use Development Plan. The following findings shall be made by the Community Development Commission:

1. For the residential portion of the project, the total number of dwelling units in the Mixed-Use Development Plan does not exceed the maximum number permitted by the General Plan density of 43 dwelling units per acre. Any plan that would exceed the base density of 29 dwelling units per acre may be approved only if the Community Development Commission finds that the plan conforms to the provisions of Section 1230 of this Ordinance (in particular, Additional Regulation "CC").

2. That the Mixed-Use Development Plan will enhance the potential for superior urban design in comparison with development under the regulations that exist if the Development Plan were not approved;

3. That the Mixed-Use Development Plan is consistent with the adopted Land Use Element of the Redevelopment Plan and other applicable policies, and that it is compatible with development in the area it will directly affect;

4. That the Mixed-Use Development Plan includes adequate provisions for utilities, services, and emergency access, and public service demands will not exceed the capacity of existing systems;

5. That the traffic expected to be generated by development in accord with the Mixed-Use Development Plan will not exceed the capacity of affected streets; and

6. That the Mixed-Use Development Plan will not significantly increase shading of adjacent land in comparison with shading from development under regulations that would exist if the Mixed-Use Development Plan were not approved.

1235 Nonconforming Commercial Structures

Notwithstanding the provisions of Article 35, a nonconforming commercial building located in a commercial zoning district within the Redevelopment Project Area, which is destroyed to an extent of more than fifty percent (50%) of its replacement value at the time of its destruction by fire, explosion, or other casualty or Act of God, or the public enemy, may be restored to its original density, height, or configuration subject to all other provisions of this Article, provided that such nonconformities are not increased in intensity, and that there is no reduction in the amount of off-street parking which had existed on site prior to such destruction. The use of the rebuilt structure shall be subject to all current zoning use regulations in existence at the time of destruction. Existing uses operating under a conditional use permit, which is in compliance with the existing zoning regulations at the time of destruction, shall not be required to obtain a new use permit. Exterior appearance and facade plans for the rebuilding of nonconforming commercial structures shall be subject to review by the Redevelopment Design Review Committee and approval by the Community Development Commission. (For Residential Nonconforming Buildings See Article 35 Section 3510)

1240 Review of Plans

Certain projects shall require concept plan review in accordance with Article 42 of this Ordinance. All new development projects with the exception of single family residences shall require development plan review in accordance with Article 43. All development plans shall be reviewed by the Redevelopment Staff and by any other City department or division or governmental agency designated by the Redevelopment Director.

Alterations of existing structures, not within Subdistrict 1A or in an Historic Overlay District, are exempt from development plan review unless the alteration adds the following:

a) 10% or more of additional square footage to an existing structure or;

b) adds more than 500 square feet to an existing structure.

Such alterations shall be considered to be major alterations and require development plan review. The Community Development Commission shall approve, conditionally approve, or disapprove development plans for all projects within the designated Redevelopment Project Area.

Development plans for projects in Subdistrict 1A or in an HD Historic Overlay District shall be reviewed by the Historical Preservation Advisory Commission (OHPAC). The proposed demolition of a designated historical site shall also be reviewed by OHPAC and approved, conditionally approved, or denied by the Community Development Commission.

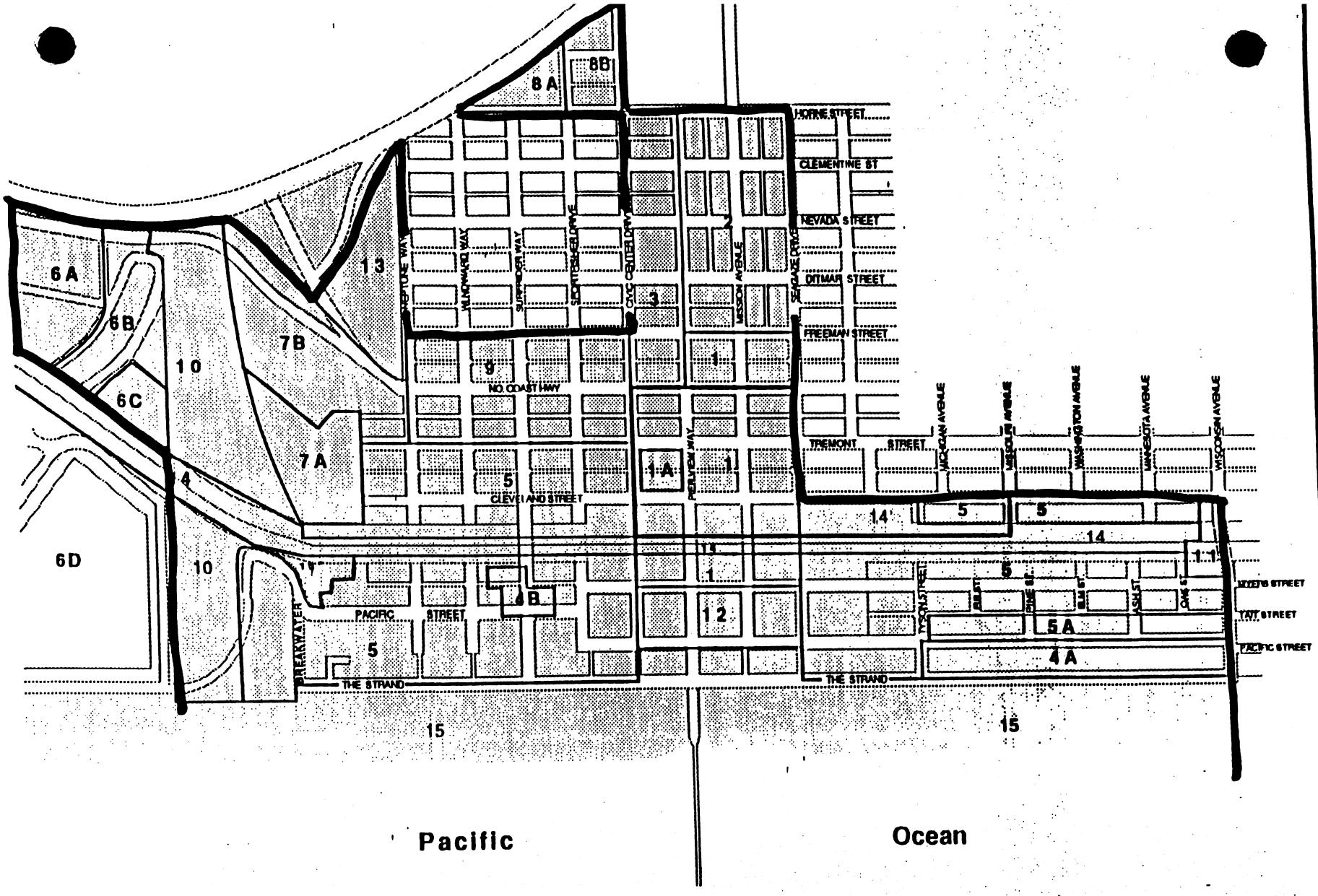
In regards to the Development Plans within the Oceanside Small-Craft Harbor, Planning Commission recommendations shall be made to the Harbor Chief Executive Officer for processing and action in accordance with Article 43.

All discretionary actions within the Downtown District shall require Community Development Commission review, unless otherwise specified in this Ordinance. The Planning Director or Planning Commission shall recommend to the Harbor Chief Executive Officer, approval, conditional approval, or denial of discretionary requests.

The Community Development Commission's, or the Harbor Board of Director's, consideration of discretionary actions shall be through a noticed public hearing if the action requested requires such a public hearing. Where a noticed public hearing is required, the Community Development Commission's review of the discretionary action shall also be through a public hearing. All decisions made by the Community Development Commission and Harbor Board of Directors shall be final.

1250 Amendments

Any amendments to Article 12 of this Ordinance that affect properties within the established California Coastal Zone shall be approved by the California Coastal Commission.



Downtown District

1 Subdistricts (See Article 12 section 12-10 for use classifications and development regulations.

Transit District Overlay Zone

Redevelopment Project Area

3-1-88

RESOLUTION NO. 99 C-50

RESOLUTION OF THE COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF OCEANSIDE TO AMEND THE LOCAL COASTAL PROGRAM WITH CERTAIN ZONING AMENDMENTS TO THE DOWNTOWN "D" DISTRICT ZONING ORDINANCE AND TO REQUEST CALIFORNIA COASTAL COMMISSION CERTIFICATION OF SAID AMENDMENT

(City of Oceanside –Applicant)
(LCPA-200-99)

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 state goals specified in Public Resources Code §30001.5;

WHEREAS, on August 18, 1999, the Community Development Commission conducted a duly noticed public hearing as prescribed by law to amend the Local Coastal Program (LCPA-200-99) through the adoption of zoning amendments applicable to the Downtown "D" District 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 Community Development Commission finds that the amendment to Local Coastal Program Amendment (LCPA-200-99) conforms with and is adequate to carry out the land use plan of the Local Coastal Program.

NOW, THEREFORE, the Oceanside Community Development Commission of the City of Oceanside DOES RESOLVE as follows:

1. Pursuant to Public Resources Code §30510(a), the Oceanside Community Development Commission hereby certifies that the Local Coastal Program Amendment (LCPA-200-99) 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 CCP Section 1094.6.

PASSED AND ADOPTED by the Oceanside Community Development Commission this 18th day of August, 1999, by the following vote:

AYES: LYON, O'HARRA, HARDING, JOHNSON, McCAULEY

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Chairman

ATTEST:

Secretary

APPROVED AS TO FORM:

General Counsel

EXHIBIT A
Local Coastal Program
Local Coastal Program Amendment
(LCPA-200-99)

1. **Amend the following provisions of the Local Coastal Program**

II. RECREATION AND VISITOR SERVING FACILITIES

Off-setting Benefits Program:

31. Within the "Coastal Dependent, Recreation, and Visitor Serving Commercial" use area, "time-share" condominium units shall not be permitted unless a substantial proportion of the units are permanently reserved for transient overnight accommodations during the summer season (June 1 through Labor Day weekend). **Vacation Clubs as defined by the Zoning Ordinance are exempt.**

* **bold/underlined:** Text to be added

ORDINANCE NO. 099-18

AN ORDINANCE OF THE CITY OF OCEANSIDE AMENDING THE TEXT OF THE "D" DOWNTOWN DISTRICT OF THE ZONING ORDINANCE TO ADD "VACATION CLUB" LAND USE DESIGNATION TO SUBDISTRICT 6B (ZA-200-99)

(City of Oceanside – Applicant)
(ZA-200-99)

WHEREAS, on August 18, 1999, the Community Development Commission, adopted of Resolution No. 99 C-50 requesting California Coastal Commission certification of "D" Downtown District Zone Amendment (ZA-200-99);

WHEREAS, the amended sections of the Oceanside Zoning Ordinance, as more particularly described in Exhibit "A" attached hereto and incorporated herein by reference, will be required to become part of the implementing document of the Local Coastal Program;

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 of the City of Oceanside.

2. That the Zone Amendment conforms to the Local Coastal Plan, including the policies of the plan.

3. That the Zone Amendment conforms to the California Coastal Act of 1976.

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

1. That Zone Amendment Application ZA-200-99, amending the text of the Zoning Ordinance No. 092-24 as specified in Exhibit "A" is hereby approved and the Planning Director 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. 092-24 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. The 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 September, 1999, and, thereafter,

PASSED AND ADOPTED by the City Council of the City of Oceanside, California, this 15th day of September, 1999 by the following vote:

AYES: LYON, O'HARRA, HARDING, JOHNSON, McCAULEY

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Mayor of the City of Oceanside

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBT "A"
"D" Downtown District Ordinance
Zoning Text Amendment
ZA-200-99

1. Amend Article 4 Section 450. DD. Visitor Accommodations as follows:

   4. Vacation Club. Prepaid point or credit based establishments offering lodging on a less than weekly basis and having kitchens. This classification includes eating, drinking, and banquet service.

2. Amend Section 1220 "D" District Use Regulation Matrix as follows:

   Add land use classification **"Vacation-Club"** under the Commercial use category and permitted with a **"Use Permit"** in Subdistrict 6B. All other Subdistricts **not permitted**.

* **bold/underlined:** Text to be added

ORDINANCE NO. 099-27

AN ORDINANCE OF THE CITY OF OCEANSIDE AMENDING THE TEXT OF THE "D" DOWNTOWN DISTRICT OF THE ZONING ORDINANCE TO ~~PROHIBIT PERSONAL SERVICE USES, CHECK-~~ CASHING AND LOAN COMPANIES WITHIN THE DOWTOWN "D" DISTRICT (ZA-201-99)

(City of Oceanside – Applicant)
(ZA-201-99)

WHEREAS, Article 12 of the Downtown "D" District Zoning Ordinance regulates personal service uses, check-cashing and loan companies in the Redevelopment Area;

WHEREAS, it is in the public interest to amend the zoning regulations pertaining to these uses and facilities;

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

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

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

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

1. That Zone Amendment Application ZA-201-99 amending the text of the Downtown "D" District Zoning Ordinance No. 95-006 as specified in Exhibit "A" is hereby approved and the Planning Director is hereby directed to amend the Zoning Ordinance text as specified by this Exhibit.

2. Interlineated provisions of Exhibit "A", as incorporated, have been included for informational purposes only and reflect the amended sections of the Zoning Ordinance No. 95-

006 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. The 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 20th day of October, 1999, and, thereafter,

PASSED AND ADOPTED by the City Council of the City of Oceanside, California, this 3rd the day of November, 1999 by the following vote:

AYES: O'HARRA, HARDING, JOHNSON, McCAULEY

NAYS: LYON

ABSENT: NONE

ABSTAIN: NONE

Mayor of the City of Oceanside

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

Note: Bold ~~strike-out~~ and <u>underline</u> represents proposed text changes

SUBDISTRICTS

Land Use	1	1A	2	3	4A	4B	5	5A	6A	6B	6C	6D	7A	7B	8A	8B	9	10	11	12	13	14
Banks/Savings & Loan	P <u>L34</u>	P <u>L34</u>	P <u>L34</u>	P <u>L34</u>	*	*	*	*	*	*	*	*	*	U <u>L34</u>	*	*	P <u>L34</u>	*	*	*	*	*
Personal Service	~~L12~~ <u>*</u>	~~L12~~ <u>*</u>	~~L12~~ <u>*</u>	*	*	*	*	*	L2	L2	L2	L23	*	~~L16~~ <u>*</u>	*	*	~~L12~~ <u>*</u>	*	C <u>*</u>	L2	L2	C <u>*</u>

Legend

P - Permitted
* - Prohibited
C – Requires CDC approval
U – Use Permit Required

ADDITIONAL USE REGULATIONS

L2 Permitted as an accessory use in a hotel with Community Development Commission approval. Eating and Drinking Establishments and Cocktail Lounges not as an accessory use to a hotel requires a Conditional Use Permit.

L4 Medical offices, dental offices, accountants, attorneys, consultants, brokers, insurance Agencies, engineers, architects, planners and real estate brokers are permitted. All other uses in this category require Community Development Commission review for compatibility with the objective of the subdistrict.

L11 Accountants, attorneys, consultants, brokers, insurance agencies, engineers, architects, planners and real estate brokers are permitted. All other uses in this category require Community Development Commission review for compatibility with the objectives of the subdistrict, as described in Section 1210.

~~L12 Barber shops, beauty shops, and tailors permitted. All other uses in this category require Community Development Commission review for compatibility with the objective of the subdistrict. In Subdistricts 1, 2, and 9 self-service laundromats are prohibited.~~

~~L16 Barber shops and beauty shops permitted. Laundry agencies require Community Development Commission review for compatibility with the objectives of the subdistrict, as prescribed in Section 1210. Non-attendant laundry agencies are not permitted.~~

L23 Permitted if determined that the use is consistent with the Harbor Precise Plan and approved by the Harbor District Board of Directors.

L31 Medical and Dental Offices are permitted. All other uses in this category require Community Development Commission review for compatibility with the objectives of the subdistrict.

~~L34 Excludes check cashing businesses.~~

<u>L34 Excludes check cashing businesses and loan companies not associated with bank or savings and loan associations.</u>

EXHIBIT A

ORDINANCE NO. 099-19

AN EXTENDED INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE AMENDING THE ARTICLE 12 OF THE DOWNTOWN "D" DISTRICT ZONING ORDINANCE TO PROHIBIT THE ESTABLISHMENT OF NEW BANKS AND SAVINGS AND LOANS AS WELL AS NEW PERSONAL SERVICES COMMERCIAL USES IN THE DOWNTOWN "D" DISTRICT

WHEREAS, Article 12 of the Downtown "D" District Zoning Ordinance (hereinafter "Ordinance") creates a series of subdistricts which limit, regulate or prohibit certain uses;

WHEREAS, among the commercial uses limited, regulated or prohibited in one or more subdistricts are "Banks and Savings and Loans" as defined by Ordinance Section 450(E) and "Personal Services" as defined by Ordinance Section 450(W);

WHEREAS, recent months have witnessed the approval of new commercial uses described in Subsections (E) and (W) of Ordinance Section 450;

WHEREAS, the approval of future uses described in Section 450(E) and (W) is a matter of urgent concern because such approval may undermine or severely restrict the ability of the Community Development Commission to accomplish the purposes of the Redevelopment Plan;

WHEREAS, Government Code §65858 establishes a procedure whereby the City may adopt an interim amendment to the Downtown "D" District Zoning Ordinance to address urgent measures to protect the public safety, health, and welfare;

WHEREAS, pursuant to Government Code §65858(c), the City Council hereby finds that, except for the approval of automatic teller machines (ATMs), recent approvals of banks and savings and loans as defined by Ordinance §450(E) and personal services as defined by Ordinance §450(W) in the Downtown "D" District present a current and immediate threat to the public health, safety, or welfare and that the continued approval of such uses, or either of them in the Downtown "D" District would result in a current and immediate threat to public health, safety, or welfare;

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;

WHEREAS, the public interest would be well-served by the initiation of a study of the impact of additional commercial uses defined by Ordinance §§450(E) and (W) in the Downtown "D" District on the City's Redevelopment Plan; and

WHEREAS, on September 15, 1999, the City Council adopted Ordinance No. 99-17 to prohibit certain additional commercial uses described in Ordinance §§450(E) and (W) in the Downtown "D" District for a period of forty-five (45) days; and

WHERERAS, the public interest would be well-served by an extension of the interim ordinance so as to prohibit such uses during the continuation of present studies as to the impact of the uses on the City's Redevelopment Plan.

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

SECTION 1. Table entries for Subdistricts 1, 1A, 2, 3, 7B, and 9 as listed in Section 1220 of the Redevelopment Project Area Zoning Ordinance are hereby amended as to the category of "Bank/Savings & Loan" under "Commercial" uses so as to add a restriction labeled "L-43" to read as follows: "Bank/savings & loan uses not permitted except that automatic teller machines are permitted as either an independent or ancillary use."

SECTION 2. Table entries for Subdistricts 1, 1A, 2, 6A, 6B, 6C, 6D, 7B, 9, 11, 12, 13 and 14 as listed in Section 1220 of the Redevelopment Project Area Zoning Ordinance are hereby amended as to the category "Personal Services" under Commercial" uses so as to indicate that such uses are "Not Permitted".

SECTION 3. This ordinance is an interim ordinance adopted as an urgency measure pursuant to Government Code §65858 based on findings as contained herein to protect the public health, safety and welfare.

SECTION 4. Ordinance No. 99-17 adopted September 15, 1999, to remain in effect for a period of forty-five (45) days is hereby extended for an additional period of ten (10) months and fifteen (15) days.

SECTION 5. The City Clerk shall certify the passage of this ordinance and cause it to be published in accordance with the provisions of state law in a newspaper of general circulation printed and published in San Diego County and circulated in the City of Oceanside.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Oceanside, California, held on the 20th day of October, 1999, by the following vote:

AYES: O'HARRA, HARDING, JOHNSON, McCAULEY

NAYS: LYON

ABSENT: NONE

ABSTAIN: NONE

MAYOR OF THE CITY OF OCEANSIDE

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

AN EXTENDED INTERIM ORDINANCE -AMEND ARTICLE 12 - DOWNTOWN "D" DISTRICT - PROHIBIT NEW BANKS, NEW SAVINGS & LOANS & NEW PERSONAL SERVICES

G:\Word Documents\General files\RO\Extended Interim Ord..doc

RESOLUTION NO. 99 C-57

RESOLUTION OF THE COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF OCEANSIDE TO AMEND THE DOWNTOWN "D" DISTRICT ZONING ORDINANCE TO PROHIBIT PERSONAL SERVICE USES, CHECK-CASHING BUSINESSES AND LOAN COMPANIES

(City of Oceanside –Applicant)
(ZA-201-99)

WHEREAS, Application ZA-201-99 for a Zone Amendment has been submitted to amend the Downtown "D" District Zoning Ordinance;

WHEREAS, on October 20, 1999, the Community Development Commission conducted a duly noticed public hearing to amend the Downtown "D" District 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

WHEREAS, the Community Development Commission finds that the amendment to Downtown "D" District conforms with and is adequate to carry out the land use plan of the City's Redevelopment Area.

NOW, THEREFORE, the Oceanside Community Development Commission of the City of Oceanside DOES RESOLVE as follows:

1. Application ZA-201-99 is hereby approved.

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

PASSED AND ADOPTED by the Oceanside Community Development Commission this 20th day of October, 1999, by the following vote:

AYES: O'HARRA, HARDING, JOHNSON, McCAULEY

NAYS: LYON

ABSENT: NONE

ABSTAIN: NONE

Chairman

ATTEST:

Secretary

APPROVED AS TO FORM:

General Counsel

DOWNTOWN LAND USE REGULATIONS

Note: Bold ~~strike-out~~ and underline represents proposed text changes

SUBDISTRICTS

Land Use	1	1A	2	3	4A	4B	5	5A	6A	6B	6C	6D	7A	7B	8A	8B	9	10	11	12	13	14
Banks/Savings & Loan	P L34	P L34	P L34	P L34	•	•	•	•	•	•	•	•	•	U L34	•	•	P L34	•	•	•	•	•
Personal Service	~~L12~~ •	~~L12~~ •	~~L12~~ •	•	•	•	•	•	L2	L2	L2	L23	•	~~L16~~ •	•	•	~~L12~~ •	•	C •	L2	L2	C •

Legend
P - Permitted C – Requires CDC approval
• - Prohibited U – Use Permit Required

ADDITIONAL USE REGULATIONS

L2 Permitted as an accessory use in a hotel with Community Development Commission approval. Eating and Drinking Establishments and Cocktail Lounges not as an accessory use to a hotel requires a Conditional Use Permit.

L4 Medical offices, dental offices, accountants, attorneys, consultants, brokers, insurance Agencies, engineers, architects, planners and real estate brokers are permitted. All other uses in this category require Community Development Commission review for compatibility with the objective of the subdistrict.

L11 Accountants, attorneys, consultants, brokers, insurance agencies, engineers, architects, planners and real estate brokers are permitted. All other uses in this category require Community Development Commission review for compatibility with the objectives of the subdistrict, as described in Section 1210.

~~L12 Barber shops, beauty shops, and tailors permitted. All other uses in this category require Community Development Commission review for compatibility with the objective of the subdistrict. In Subdistricts 1, 2, and 9 self service laundromats are prohibited.~~

~~L16 Barber shops and beauty shops permitted. Laundry agencies require Community Development Commission review for compatibility with the objectives of the subdistrict, as prescribed in Section 1210. Non attendant laundry agencies are not permitted.~~

L23 Permitted if determined that the use is consistent with the Harbor Precise Plan and approved by the Harbor District Board of Directors.

L31 Medical and Dental Offices are permitted. All other uses in this category require Community Development Commission review for compatibility with the objectives of the subdistrict.

~~L34 Excludes check cashing businesses.~~

L34 Excludes check cashing businesses and loan companies not associated with bank or savings and loan associations.

EXHIBIT A

CITY OF OCEANSIDE
PLANNING DEPARTMENT

NOTICE OF EXEMPTION

TO: X RECORDER/COUNTY CLERK
COUNTY OF SAN DIEGO
P.O. BOX 1750
SAN DIEGO, CA 92112-4147

PROJECT TITLE AND FILE NUMBER:
ORDINANCE AMENDING THE DOWNTOWN "D" DISTRICT ORDINANCE TO PROHIBIT CERTAIN USES (ZA-201-99)

PROJECT LOCATION - SPECIFIC:
D Downtown District (Redevelopment Area)

PROJECT LOCATION - GENERAL:
City of Oceanside

DESCRIPTION OF NATURE, PURPOSE AND BENEFICIARIES OF PROJECT:
An ordinance of the City of Oceanside amending the text of the "D" Downtown District of the Zoning Ordinance to prohibit personal service uses, check cashing and loan companies within the Downtown "D" District..

NAME OF PUBLIC AGENCY APPROVING PROJECT:
City of Oceanside

NAME OF PERSON(S) OR AGENCY CARRYING OUT PROJECT:
City of Oceanside
Redevelopment Department
300 North Coast Highway
Oceanside, CA 92054

Exempt Status per the Guidelines to Implement the California Environmental Quality Act (CEQA)
(Public Resources Code Section 21000 et. al.):

X NOT SUBJECT TO CEQA PER THE GENERAL RULE, SECTION 15061(B)(3)

_STATUTORY EXEMPTION PER ARTICLE 18, SECTION(S)_____

_CATEGORICAL EXEMPTION PER ARTICLE 19, SECTION(S)_____

REASONS WHY PROJECT IS EXEMPT:
This ordinance is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The modifications to the D Downtown District of the Zoning Ordinance will only prohibit certain uses and will not have a significant effect on the environment.

Contact Person: Jerry Hittleman, Senior Planner

October 8, 1999
SIGNATURE DATE
For: Michael J. Blessing, Planning Director

CITY HALL, 300 NORTH COAST HIGHWAY, OCEANSIDE CA 92054, TELEPHONE (760) 966-4770, FAX (760) 966-4164

RESOLUTION NO. 00-R617-3

RESOLUTION OF THE COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF OCEANSIDE TO AMEND THE LOCAL COASTAL PROGRAM WITH CERTAIN ZONING AMENDMENTS TO THE DOWNTOWN "D" DISTRICT ZONING ORDINANCE AND TO REQUEST CALIFORNIA COASTAL COMMISSION CERTIFICATION OF SAID AMENDMENT

(City of Oceanside –Applicant)
(LCPA-201-00)

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 state goals specified in Public Resources Code §30001.5;

WHEREAS, on November 1, 2000, the Community Development Commission conducted a duly noticed public hearing as prescribed by law to amend the Local Coastal Program (LCPA-201-00) through the adoption of zoning amendments applicable to the Downtown "D" District 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 Community Development Commission finds that the amendment to Local Coastal Program Amendment (LCPA-201-00) conforms with and is adequate to carry out the land use plan of the Local Coastal Program.

NOW, THEREFORE, the Oceanside Community Development Commission of the City of Oceanside DOES RESOLVE as follows:

1. Pursuant to Public Resources Code §30510(a), the Oceanside Community Development Commission hereby certifies that the Local Coastal Program Amendment (LCPA-201-00) 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 CCP Section 1094.6.

PASSED AND ADOPTED by the Oceanside Community Development Commission this 1st day of November, 2000, by the following vote:

AYES: LYON, HARDING, JOHNSON, McCAULEY, O'HARRA

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Richard Lyon

Chairman

ATTEST:

Barbara Riegel Wayne

Secretary

APPROVED AS TO FORM:

Deanne E. Bennett

General Counsel

Resolution No. 00-R617-3
11/1/00 (18)

Exhibit "A"
DOWNTOWN LAND USE REGULATIONS

Proposed Modifications are identified as [redacted] and ~~strikeout.~~

Legend
P – Permitted C – Requires CDC approval * - Prohibited U – Use Permit Required L# - Additional Regulations

November 1, 2000

Land Use	SUBDISTRICTS 1&1A	2	3	4A	4B	5&5A	6A	6B	6C	6D	7A	SUBDISTRICTS 7B	8A	8B	9	10	11	12	13	14	15
Limited Day Care	C	C	C	*	*	*	*	*	*	*	*	C	C	C	C	*	*	*	*	L38	*
General Day Care	U [redacted]	U [redacted]	U [redacted]	* [redacted]	* [redacted]	* [redacted]	* [redacted]	* [redacted]	* [redacted]	* [redacted]	* [redacted]	* [redacted]	* [redacted]	* [redacted]	U [redacted]	* *	* [redacted]	* [redacted]	* [redacted]	* [redacted]	* [redacted]
Eating & Drinking Establishments	G [redacted] L27 L35	G [redacted] L27 L35	*	L2 L35	*	*	L2 L27 L35	L2 L27 L35	G [redacted] L27 L35	L23	*	G [redacted] L27 L35	L6 L35	L6 L35	G [redacted] L27 L35	L19 L27 L35 L40	G [redacted] L27 L35	G [redacted] L27 L35	U [redacted] L27 L35	[redacted] L35	L32 L27 L35
Bars/Lounge	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
W/Entertainment	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
With Alcohol	U L8 L35 [redacted]	U L8 L35 [redacted]	*	U L2 L35 [redacted]	*	*	U L2 L35 [redacted]	U L2 L35 [redacted]	U L35 [redacted]	U L23 [redacted]	*	U L35 [redacted]	*	*	U L35 [redacted]	*	U L35 [redacted]	U L35 [redacted]	U L35 [redacted]	*	U L32 L35 [redacted]
With Live Entertainment	L8 L35 [redacted]	*	*	*	*	*	L2 [redacted]	L2 [redacted]	U [redacted]	L23 [redacted]	*	L2 [redacted]	*	*	*	*	*	L2 [redacted]	L2 [redacted]	*	*
With Take-Out Service	L9	L9	*	L2	*	*	L9	L9	U	L23	*	L9	*	*	U	L9 L19 L40	C	L9	U	C	L32

Legend
P – Permitted C – Requires CDC approval • - Prohibited U – Use Permit Required L# - Additional Regulations September 15, 2000

Land Use	SUBDISTRICTS 1&1A	2	3	4A	4B	5&5A	6A	6B	6C	6D	7A	SUBDISTRICTS 7B	8A	8B	9	10	11	12	13	14	15
Office/Business/ Professional	P ~~L11~~ [redacted]	P ~~L11~~ [redacted]	P ~~L11~~ [redacted]	•	•	•	P ~~L11~~ [redacted]	P C [redacted]	L2	L23	•	P C [redacted]	P ~~L31~~	P ~~L4~~	P ~~L11~~ [redacted]	•	P C [redacted]	L2	P C [redacted]	P C	P ~~L11~~
Retail Sales	P ~~L13~~	P C	•	P	•	•	L2	L2	P U	L23	•	P ~~L13~~	L5	L5	P ~~L13~~	•	P ~~L13~~	L2	L9	P C	L33
Commercial Recreation/Live Entertainment	L7 L9 L42 [redacted]	• [redacted]	L9	•	•	•	L7 L9 [redacted]	L7 L9 [redacted]	U [redacted]	L23	•	L7 L9 [redacted]	•	•	L9 [redacted]	L19 L40	•	L7 L42 [redacted]	•	•	•

Proposed modifications are identified as shaded and ~~strikeout~~.

ADDITIONAL USE REGULATIONS

L2 Permitted as an accessory use in a hotel with Community Development Commission approval. Eating and Drinking Establishments and Cocktail Lounges not as an accessory use to a hotel requires a Conditional Use Permit.

~~L4 Medical offices, dental offices, accountants, attorneys, consultants, brokers, insurance agencies, engineers, architects, planners, and real estate brokers are permitted. All other uses in this category require Community Development Commission review for compatibility with the objectives of the subdistrict.~~

L5 Only pharmaciers occupying less than 50 percent of the gross floor area on the floor which they are located are permitted as an accessory use in a medical office building or a hospital.

L6 Only coffee shops occupying less than 50 percent of the gross floor area on the floor on which they are located are permitted as an accessory use in a medical office building or a hospital.

L7 Only tennis/racquetball courts, health/fitness clubs as part of hotels, motels and timeshares or as part of a mixed use development are allowed with approval by the Community Development Commission.

L8 Only in licensed restaurants with approval by the Community Development Commission.

L9 Only "limited" facilities, as defined in Article 4: Use Classifications, and golf, roller skating rinks and ice skating rinks, are allowed with Commission approval. "Drive-through" facilities require a Conditional Use Permit.

~~L11 Accountants, attorneys, consultants, brokers, insurance agencies, engineers, architects, planners and real estate brokers are permitted. All other uses in this category require Community Development Commission review for compatibility with the objectives of the subdistrict, as described in Section 1210.~~

~~L13 Book or stationery stores (excluding bookstores classified as adult businesses), dress or millinery shops, drug stores, dry goods, notion stores, florist shops, jewelry and shoe stores, clothing or wearing apparel shops and camera shops are permitted. All other uses in this category require Community Development Commission review for compatibility with the objectives of the subdistrict, as prescribed in Section 1210. Antiques shops with Commission approval, provided they are consistent with Chapter 23 of the Municipal code.~~

L19 Permitted as part of a public park or recreational facility. Private Commercial and Recreational uses are limited to tennis, racquetball, and volleyball courts upon approval of a Conditional Use Permit.

L23 Permitted if determined that the use is consistent with the Harbor Precise Plan and approved by the Harbor District Board of Directors.

L27 Sidewalk cafes (including tables and chairs) and outdoor food service accessory to an eating and drinking establishment ~~shall be~~ permitted subject to the Outdoor Dining Area Guidelines ~~with Community Development Commission approval~~. However, no outdoor preparation of food or beverages will be permitted.

L32 Eating and Drinking Establishments (with or without Alcoholic Beverage Service and with or without Take-out Service) on the pier or east of The Strand are allowed with Community Development Commission approval.

L33 Only Retail Sales and Food & Beverage Sales related to the operation of a pier baitshop and kiosks allowed upon Community Development Commission approval. All other uses in these categories are prohibited.

L35 The definition of an Eating and Drinking Establishment shall be as follows:

> A place which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation and which has an adequate seating area for the consumption of meals and suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for ordinary meals. As used in this definition, the word "meals" means the usual assortment of foods commonly ordered at various hours of the day; the services of only such foods as sandwiches or salads shall not be deemed in compliance with this requirement. As used in this definition, the equipment (such as deep fryers, stoves or ovens) requiring hood

fans, an operable dishwashing machine, and a central freezing and refrigeration area. The percentage of alcohol sales in monetary terms shall not exceed that of food sales and still comply with this definition.

Potential Eating and Drinking Establishments which do not meet this definition shall only be allowed upon approval by the Community Development Commission.

L38 Permitted within the Oceanside Transit Center only, with Community Development Commission approval.

L40 Permitted uses within the 100-year floodplain shall be limited to open space, passive recreational uses, public parks, limited horticulture, floriculture, uses permitted within sensitive habitat areas pursuant to the City's certified "Standards for the Identification and Protection of Sensitive Habitats" and private commercial recreational uses. Provided soil placement does not exceed a maximum level of 3 feet from existing grade and that such placement does not adversely impact the flood-plain hydrology of the San Luis Rey River as defined and evaluated by the Army Corps of Engineers, the following development may be permitted in the 100 year flood-plain:

Bicycle and pedestrian paths, landscape, fencing hardscape, waterscape, pools, tennis courts, *putting greens, volleyball courts, basketball courts, driving range, shuffle* board courts, horse shoes, lawn bowling, gazebos and arbors.

L42 Video arcades and game centers allowed with a Conditional Use Permit, subject to Article 36 (regulated uses) of the "D" Downtown District Zoning Ordinance. Adult entertainment uses, adult peep-show devices, ~~pool tables and billiard tables are not allowed.~~

L43 Beer and wine service is permitted as an accessory service to eating and drinking establishments.

L44 Small scale live entertainment is permitted as this limited to 3 or fewer performers, with no dance floor and limited to typical lunch and dinner hours (11:00 a.m. to 8:00 p.m.).

L45 Church offices, counseling centers, clinics, and other similar social outreach and service uses require Community Development Commission review and approval to determine compatibility with the specific site and district.

L46 Billiard parlors are allowed with a Conditional Use Permit, subject to Article 36 (regulated uses) of the "D" Downtown District Zoning Ordinance. All billiard tables must be of regulation size.

L47 Alcoholic Beverage Service is permitted in the sales for over-the-counter alcoholic uses that conflict over 50% sales with a Conditional Use Permit.

L48 Childcare Facilities - Childcare Facility Permit issued by the Planning Director and is also subject to the City's Childcare Guidelines. If a new development (construction) is proposed for a childcare facility, a Development Plan and Coastal Development Permit review is required. Development Plan and Coastal Development Permit review may be conducted independently or concurrently with the Planning Department Childcare Facility Permit Review.

ORDINANCE NO. 00-OR710-1

AN ORDINANCE OF THE CITY OF OCEANSIDE AMENDING THE TEXT OF THE "D" DOWNTOWN DISTRICT OF THE ZONING ORDINANCE TO STREAMLINE THE REVIEW PROCESS FOR RETAIL USES, OFFICE USES, OUTDOOR EATING AREAS AND EATING AND DRINKING ESTABLISHMENTS. THE AMENDMENTS WOULD ALSO MODIFY THE PROCESS FOR BEER AND WINE SERVICE AND LIMITED LIVE ENTERTAINMENT USES FOR BONA FIDE EATING AND DRINKING ESTABLISHMENTS WITHIN THE DOWTOWN "D" DISTRICT (ZA-201-00)

(City of Oceanside – Applicant)
(ZA-201-00)

WHEREAS, Article 12 of the Downtown "D" District Zoning Ordinance regulates personal service uses, check-cashing and loan companies in the Redevelopment Area;

WHEREAS, it is in the public interest to amend the zoning regulations pertaining to these uses and facilities;

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

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

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

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

1. That Zone Amendment Application ZA-201-00 amending the text of the Downtown "D" District Zoning Ordinance No. 95-006 as specified in Exhibit "A" is hereby approved and the Planning Director is hereby directed to amend the Zoning Ordinance text as specified by this Exhibit.

2. Interlineated provisions of Exhibit "A", as incorporated, have been included for informational purposes only and reflect the amended sections of the Zoning Ordinance No. 95-006 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. The 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 November, 2000, and, thereafter,

PASSED AND ADOPTED by the City Council of the City of Oceanside, California, this 15th the day of November, 2000 by the following vote:

AYES: LYON, JOHNSON, O'HARRA

NAYS: NONE

ABSENT: McCAULEY, HARDING

ABSTAIN: NONE

Mayor of the City of Oceanside

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

Exhibit "A"
DOWNTOWN LAND USE REGULATIONS

Proposed Modifications are identified as [redacted] and ~~strikeout.~~

Legend
P – Permitted C – Requires CDC approval * - Prohibited U – Use Permit Required L# - Additional Regulations

November 1, 2000

Land Use	SUBDISTRICTS 1&1A	2	3	4A	4B	5&5A	6A	6B	6C	6D	7A	SUBDISTRICTS 7B	8A	8B	9	10	11	12	13	14	15
Limited Day Care	C	C	C	*	*	*	*	*	*	*	*	C	C	C	C	*	*	*	*	L38	*
General Day Care	U [redacted]	U [redacted]	U [redacted]	* [redacted]	* [redacted]	* [redacted]	* [redacted]	* [redacted]	* [redacted]	* [redacted]	* [redacted]	* [redacted]	* [redacted]	* [redacted]	U [redacted]	* *	* [redacted]	* [redacted]	* [redacted]	* [redacted]	* [redacted]
Eating & Drinking Establishments	C [redacted] L27 L35	C [redacted] L27 L35	*	L2 L35	*	*	L2 L27 L35	L2 L27 L35	C [redacted] L27 L35	L23	*	C [redacted] L27 L35	L6 L35	L6 L35	C [redacted] L27 L35	L19 L27 L35 L40	C [redacted] L27 L35	C [redacted] L27 L35	U [redacted] L27 L35	[redacted] L35	L32 L27 L35
Bars/Lounge	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
W/Entertainment	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
With Alcohol	U L8 L35 [redacted]	U L8 L35 [redacted]	*	U L2 L35 [redacted]	*	*	U L2 L35 [redacted]	U L2 L35 [redacted]	U L35 [redacted]	U L23 [redacted]	*	U L35 [redacted]	*	*	U L35 [redacted]	*	U L35 [redacted]	U L35 [redacted]	U L35 [redacted]	*	U L32 L35 [redacted]
With Live Entertainment	L8 L35 [redacted]	*	*	*	*	*	L2 [redacted]	L2 [redacted]	U [redacted]	L23 [redacted]	*	L2 [redacted]	*	*	*	*	*	L2 [redacted]	L2 [redacted]	*	*
With Take-Out Service	L9	L9	*	L2	*	*	L9	L9	U	L23	*	L9	*	*	U	L9 L19 L40	C	L9	U	C	L32

Legend

P – Permitted C – Requires CDC approval * - Prohibited U – Use Permit Required L# - Additional Regulations

September 15, 2000

Land Use	SUBDISTRICTS 1&1A	2	3	4A	4B	5&5A	6A	6B	6C	6D	7A	SUBDISTRICTS 7B	8A	8B	9	10	11	12	13	14	15
Office/Business/ Professional	P ~~L11~~ [redacted]	P ~~L11~~ [redacted]	P ~~L11~~ [redacted]	*	*	*	P ~~L11~~ [redacted]	P C [redacted]	L2	L23	*	P C [redacted]	P ~~L31~~	P ~~L4~~	P ~~L11~~ [redacted]	*	P C [redacted]	L2	P C [redacted]	P C	P ~~L11~~
Retail Sales	P ~~L13~~	P C	*	P	*	*	L2	L2	P U	L23	*	P ~~L13~~	L5	L5	P ~~L13~~	*	P ~~L13~~	L2	L9	P C	L33
Commercial Recreation/Live Entertainment	L7 L9 L42 [redacted]	* [redacted]	L9	*	*	*	L7 L9 [redacted]	L7 L9 [redacted]	U [redacted]	L23	*	L7 L9 [redacted]	*	*	L9 [redacted]	L19 L40	*	L7 L42 [redacted]	*	*	*

Proposed modifications are identified as shaded and ~~strikeout~~.

ADDITIONAL USE REGULATIONS

L2 Permitted as an accessory use in a hotel with Community Development Commission approval. Eating and Drinking Establishments and Cocktail Lounges not as an accessory use to a hotel requires a Conditional Use Permit.

~~L4 Medical offices, dental offices, accountants, attorneys, consultants, brokers, insurance agencies, engineers, architects, planners, and real estate brokers are permitted. All other uses in this category require Community Development Commission review for compatibility with the objectives of the subdistrict.~~

L5 Only pharmaciers occupying less than 50 percent of the gross floor area on the floor which they are located are permitted as an accessory use in a medical office building or a hospital.

L6 Only coffee shops occupying less than 50 percent of the gross floor area on the floor on which they are located are permitted as an accessory use in a medical office building or a hospital.

L7 Only tennis/racquetball courts, health/fitness clubs as part of hotels, motels and timeshares or as part of a mixed use development are allowed with approval by the Community Development Commission.

L8 Only in licensed restaurants with approval by the Community Development Commission.

L9 Only "limited" facilities, as defined in Article 4: Use Classifications, and golf, roller skating rinks and ice skating rinks, are allowed with Commission approval. "Drive-through" facilities require a Conditional Use Permit.

~~L11 Accountants, attorneys, consultants, brokers, insurance agencies, engineers, architects, planners and real estate brokers are permitted. All other uses in this category require Community Development Commission review for compatibility with the objectives of the subdistrict, as described in Section 1210.~~

~~L13 Book or stationery stores (excluding bookstores classified as adult businesses), dress or millinery shops, drug stores, dry goods, notion stores, florist shops, jewelry and shoe stores, clothing or wearing apparel shops and camera shops are permitted. All other uses in this category require Community Development Commission review for compatibility with the objectives of the subdistrict, as prescribed in Section 1210. Antiques shops with Commission approval, provided they are consistent with Chapter 22 of the Municipal code.~~

L19 Permitted as part of a public park or recreational facility. Private Commercial and Recreational uses are limited to tennis, racquetball, and volleyball courts upon approval of a Conditional Use Permit.

L23 Permitted if determined that the use is consistent with the Harbor Precise Plan and approved by *the Harbor District Board of Directors.*

L27 Sidewalk cafes (including tables and chairs) and outdoor food service accessory to an eating and drinking establishment ~~shall be~~ permitted subject to the City's Outdoor Eating Area Guidelines ~~with Community Development Commission approval~~. However, no outdoor preparation of food or beverages will be permitted.

L32 Eating and Drinking Establishments (with or without Alcoholic Beverage Service and with or without Take-out Service) on the pier or east of The Strand are allowed with Community Development Commission approval.

L33 Only Retail Sales and Food & Beverage Sales related to the operation of a pier baitshop and kiosks allowed upon Community Development Commission approval. All other uses in these categories are prohibited.

L35 The definition of an Eating and Drinking Establishment shall be as follows:

> A place which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation and which has an adequate seating area for the consumption of meals and suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for ordinary meals. As used in this definition, the word "meals" means the usual assortment of foods commonly ordered at various hours of the day; the services of only such foods as sandwiches or salads shall not be deemed in compliance with this requirement. As used in this definition, the equipment (such as deep fryers, stoves or ovens) requiring hood

fans, an operable dishwashing machine, and a central freezing and refrigeration area. The percentage of alcohol sales in monetary terms shall not exceed that of food sales and still comply with this definition.

Potential Eating and Drinking Establishments which do not meet this definition shall only be allowed upon approval by the Community Development Commission.

L38 Permitted within the Oceanside Transit Center only, with Community Development Commission approval.

L40 Permitted uses within the 100-year floodplain shall be limited to open space, passive recreational uses, public parks, limited horticulture, floriculture, uses permitted within sensitive habitat areas pursuant to the City's certified "Standards for the Identification and Protection of Sensitive Habitats" and private commercial recreational uses. Provided soil placement does not exceed a maximum level of 3 feet from existing grade and that such placement does not adversely impact the flood-plain hydrology of the San Luis Rey River as defined and evaluated by the Army Corps of Engineers, the following development may be permitted in the 100 year flood-plain:

Bicycle and pedestrian paths, landscape, fencing hardscape, waterscape, pools, tennis courts, putting greens, volleyball courts, basketball courts, driving range, shuffle board courts, horse shoes, lawn bowling, gazebos and arbors.

L42 Video arcades and game centers allowed with a Conditional Use Permit, subject to Article 36 (regulated uses) of the "D" Downtown District Zoning Ordinance. Adult entertainment uses, adult peep-show devices, ~~pool tables and billiard tables are not allowed.~~

L43 Bar and Cocktail Lounge permitted as an accessory use to a restaurant and dining establishment.

L44 Small scale live entertainment is permitted and is limited to 3 entertainers with no dance floor and limited to typical lunch and dinner hours (10:00 a.m. to 10:00 p.m.).

L45 Church offices, counseling centers, clinics, and other similar social outreach and support uses require Community Development Commission review and approval to determine compatibility with the surrounding subdistrict.

L46 Billiard parlors are allowed with a Conditional Use Permit, subject to Article 36 (regulated uses) of the "D" Downtown District Zoning Ordinance. All billiard tables must be regulation size.

L47 Also Joe Boyer's Service is permitted for theaters or live entertainment uses that contain food sales with a Conditional Use Permit.

L48 Childcare facilities (Childcare Facility Permit issued by the Planning Director) and is also subject to the City's Childcare Guidelines. If a new development (construction) is proposed for a childcare facility, a Development Plan and/or a Coastal Development Permit review is required. Development Plan and Coastal Development Permit review may be combined into one review at the Planning Department's Childcare Facility Permit review.

Article 12 D Downtown District

Sections:

1210	Specific Purposes
1220	Land Use Regulations by Subdistrict
1230	Development Regulations
1240	Review of Plans
1250	Amendments

1210 Specific Purposes

In addition to the general purposes listed in Article 1, the specific purposes of the D Downtown District are to:

A. To promote the long-term viability of and rejuvenation of the Redevelopment Project Area and to protect and enhance primarily boating and water-dependent activities; and secondarily other public-oriented recreation uses in the Oceanside Small Craft Harbor

B. Maintain and enhance an appropriate mix of uses; and

C. Provide land-use controls and development criteria consistent with the General Plan, the Redevelopment Plan, and the Local Coastal Program.

Consistent with these purposes, it is the intent of the D District to establish special land-use subdistricts with individual objectives as described below.

Subdistrict 1: To provide a commercial/retail and office complex offering a wide variety of goods and services to both the community at large and to tourists and visitors. Residential uses are encouraged when and where appropriate.

Subdistrict 1(A): To provide a commercial/retail and office complex promoting the conservation, preservation, protection, and enhancement of the historic district and to stimulate the economic health and visual quality of the community to tourists and visitors. Residential uses are encouraged when and where appropriate.

Subdistrict 2: To provide sites for a financial center supported by professional offices. Residential Uses are permitted when and where appropriate as part of a Mixed-Use Development.

Subdistrict 3: To provide for a mix of office development, interspersed with residential development, in response to market demands.

Subdistrict 4(A): To provide a mix of transient and permanent residential uses along the South Strand between Tyson and Wisconsin streets.

Subdistrict 4(B): To provide transient and permanent residential uses (hotels and motels) in close proximity to the beach and recreational facilities.

Subdistrict 5: To provide a high-density residential neighborhood in an urban setting in close proximity to shopping, employment, transportation and recreational facilities.

Subdistrict 5(A): To provide a medium-density residential neighborhood at South Pacific Street with an urban setting in close proximity to shopping, employment, transportation and recreational facilities.

Subdistrict 6(A): To provide sites for highway business and tourist/visitor uses related to the harbor and the Interstate 5 freeway, primarily oriented to visitor-serving commercial establishments.

Subdistrict 6(B): To provide sites for highway business and tourist/visitor uses related to the harbor and the Interstate 5 freeway, primarily oriented to recreational commercial facilities. Residential uses are allowed as part of a mixed use project.

Subdistrict 6(C): To provide sites for uses supporting the Oceanside Small Craft Harbor, consistent with the Harbor Precise Plan.

Subdistrict 6(D): To provide a recreational facility for the purpose of boating-oriented and park-oriented passive and active recreation, and appropriate ancillary commercial and residential uses consistent with the Harbor Precise Plan.

Subdistrict 7(A): To provide sites for a high-density residential environment in an urban setting in close proximity to shopping, employment, transportation and recreational facilities.

Subdistrict 7(B): To provide for a mix of recreational and commercial uses conveniently located near recreational and residential areas. Residential uses are allowed as part of a mixed use project.

Subdistrict 8(A): To provide a mix of hospital and medical uses.

Subdistrict 8(B): To provide a mix of hospital and medical uses, office development, interspersed with residential development in response to market demand.

Subdistrict 9: To provide opportunities for commercial uses supporting other land uses within the downtown and serving the entire community. Residential uses are encouraged where appropriate.

Subdistrict 10: To provide a joint open space and recreational area within the floodplain of the San Luis Rey riverbed.

Subdistrict 11: To provide sites for commercial uses serving the adjacent residential neighborhood.

Subdistrict 12: To provide a special tourist/visitor oriented subdistrict that relates to the pier, ocean, beach, marina and freeway.

Subdistrict 13: To provide for a mix of visitor/commercial and office uses. Residential uses are allowed as part of a mixed use project.

Subdistrict 14: To provide for public transportation and railway uses.

Subdistrict 15: To provide for public facilities, public parks, open spaces, and other public oriented uses.

1220 Land Use Regulations by Subdistrict

In Schedule D-1, the letter "P" designates use classifications permitted in the D Downtown District. The letter "U" designates use classifications permitted on approval of a Conditional Use Permit upon approval by the Community Development Commission. The letter "C" designates use classifications permitted upon approval of an administrative Use Permit upon recommendation of the Redevelopment Advisory Committee. The letter "V" designates uses that are considered to be visitor severing uses. The "*" designates use classifications that are not permitted.

Schedule D-1

Aug. 31, 2006

Proposed Land Use Regulations

"D" Downtown District

P - Permitted
U - Use Permit
C - C Administrative Conditional Use Permit
* - Not Permitted

V - Visitor Serving

Subdistrict	1	1A	2	3	4A	4B	5	5A	6A	6B	6C	7A	7B	8A	8B	9	10	11	12	13	14	15	V
Residential																							
Day Care - Ltd	C	C	C	C	*	*	*	*	*	*	*	*	C	C	C	C	*	*	*	*	*	*	
Group Residential	*	*	*	*	*	*	*	*	*	*	*	*	*	U	*	*	*	*	*	*	*	*	
Live/work	C	C	*	*	*	*	*	*	*	*	*	*	*	*	*	C	*	C	*	*	*	*	
Multi - Family	U	U	*	U	P	U	P	P	*	U	*	P	U	*	U	U	*	U	*	U	*	*	
Residential Care	*	*	*	U	*	*	*	*	*	*	*	U	*	U	U	U	*	*	*	*	*	*	
Single - Family	*	*	*	U	P	*	P	P	*	*	*	P	U	U	U	u	*	*	*	*	*	*	
Mixed Use	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	
Public/ Semi - Public																							
Club / Lodge	U	U	U	U	*	*	*	*	U	*	U	*	U	*	*	U	*	*	*	*	*	*	V
Cultural Institution	C	C	C	C	*	*	*	*	C	*	*	*	U	U	U	U	*	*	C	U	*	*	V
Day Care - General	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	*	C	C	C	C	C	
Emergency Health Care	*	*	*	*	*	*	*	*	*	*	*	*	*	P	P	U	*	*	*	*	*	*	
Government Offices	P	P	P	P	*	*	*	*	P	*	U	*	*	*	*	P	*	*	U	U	U	P	
Hospital	*	*	*	*	*	*	*	*	*	*	*	*	*	P	P	*	*	*	*	*	*	*	
Parks & Recreation Facility	U	U	*	U	U	*	U	U	P	P	P	U	U	U	U	U	U	*	U	U	C	P	V
Public Safety Facility	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	P	
Religious Assembly	*	*	U	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
Residential Care - General	*	*	*	*	*	*	*	*	*	*	*	*	*	U	U	*	*	*	*	*	*	*	
Utilities - Major	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	
Utilities - Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Commercial																							
Ambulance Service	*	*	*	*	*	*	*	*	*	*	*	*	*	U	*	*	*	*	*	*	*	*	
Animal product sales	C	C		C			C				C		C										
Artist Studio	C	C	*	*	*	*	*	*	*	*	*	*	*	*	*	C	*	C	*	*	*	*	V
Bank / Savings & Loan	P	P	P	P	*	*	*	*	*	*	*	*	U	*	*	P	*	*	*	*	*	*	
Drive-through/drive up	U	U	U	U	*	*	*	*	*	*	*	*	U	*	*	U	*	*	*	*	*	*	
Self-service ATM	C	C	C	C	*	*	*	*	*	*	*	*	C	*	*	C	*	*	*	*	*	*	V
Catering Service	C	C	C	*	*	*	*	*	*	*	*	*	*	*	*	C	*	*	*	*	*	*	
Commercial Recreation & Entertainment	U	*	U	*	*	*	*	*	U	U	U	*	U	*	*	U	U	*	U	*	*	*	V
Communication Facility	U	U	U	*	*	*	*	*	*	*	*	*	*	*	*	U	*	*	*	U	*	*	
Eating and drinking establishment	P	P	P	*	P	*	*	*	P	P	P	*	P	P	*	P	P	P	P	P	P	P	V
Restaurant	P	P	P	*	P	*	*	*	P	P	P	*	P	P	*	P	P	P	P	P	P	P	V
Espresso Stand	U	U	U	*	U	*	*	*	U	U	U	*	U	*	*	U	U	U	U	U	U	U	V

Subdistrict	1	1A	2	3	4A	4B	5	5A	6A	6B	6C	7A	7B	8A	8B	9	10	11	12	13	14	15	V
Small scale entertainment	P	P	*	*	*	*	*	*	P	P	P	*	P	*	*	*	*	*	P	P	*	*	V
Live entertainment	U	U	*	*	*	*	*	*	U	U	U		U	*	*	*	*	*	U	U	*	*	V
Fast food/takeout	P	P	P	*	P	*	*	*	P	P	P	*	P	P	*	P	P	P	P	P	P	P	V
Full liquor service	U	U	U	*	U	*	*	*	U	U	U	*	U	*	*	U	*	U	U	U	*	U	V
Food & Beverage Sales	C	C	C	*	C	*	C	*	C	C	C	*	C	*	*	*	*	C	C	C	C	C	
Convenience Market	U	U	U		U	*	U	*	U	U	U	*	U	*	*	*	*	U	U	U	U		
Grocery/Neighborhood Market store greater than 8,000 sq. ft.	U	U	U		U	*	U	*	U	U	U	*	U	*	*	*	*	U	U	U	U	*	V
Grocery/Neighborhood Market store less than 8,000 sq. ft.	C	C	C		C	*	C	*	C	C	C	*	C	*	*	*	*	C	C	C	C	*	V
Specialty Market	P	P	P		P	*	P	*	P	P	P	*	P	*	*	*	*	P	P	P	P	*	V
Home Occupation	P	P	*	P	P	P	P	P	*	P	*	P	P	*	P	P	*	P	*	P	*	*	
Offices	P	P	P	P	*	*	*	*	U	U	*	*	P	U	U	P	*	P	C	P	P	P	
Administrative/Business	P	P	P	P	*	*	*	*	U	U	*	*	P	U	U	P	*	P	C	P	P	P	
Production	P	P	P	P	*	*	*	*	U	U	*	*	P	U	U	P	*	P	C	P	P	P	
Professional	P	P	P	P	*	*	*	*	U	U	*	*	P	U	U	P	*	P	C	P	P	P	
Temporary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Temporary Real Estate	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Pawns shops	C	C	C	*	C	*	*	*	*	C	*	*	*	*	*	*	*	*	*	C	C	*	
Personal Improvement Services	C	C	C		*	*	*	*	C	C	C	*	C	*	*	*	*	C	C	C	*	*	
Health/Club/Studio/Spa	C	C	C	C	*	*	*	*	C	C	C	*	C	*	*	*	*	C	C	C	*	*	
Day Spa	P	P	P	P	*	*	*	*	P	P	P	*	P	*	*	*	*	P	P	P	*	*	V
Accessory Massage	U	U	U	U	*	*	*	*	U	U	U	*	U	*	*	*	*	U	U	U	*	*	V
Personal Services	C	C	C	C	*	*	*	*	C	C	C	*	C	*	*	*	*	C	C	C	*	*	
Laundromat/Café	U	U	U	U	*	*	*	*	*	*	*	*	*	*	*	U	*	U	*	*	*	*	V
General Repair	P	P	P	P	*	*	*	*	*	*	*	*	*	*	*	P	*	P	*	*	*	*	
Retail Sales	P	P	P	*	P	*	*	*	C	C	P	*	P	C	C	P	*	P	C	C	P	C	V
Antiques, Antique Shop	P	P	P	*	P	*	*	*	C	C	P	*	P	C	C	P	*	P	C	C	P	C	V
Custom Retail	C	C	C	*	C	*	*	*	*	C	*	*	*	*	*	*	*	*	*	C	C	*	V
Secondhand Collectibles and Clothing Sales	P	P	P	*	P	*	*	*	C	C	P	*	P	C	C	P	*	P	C	C	P	C	V
Wine Tasting	U	U	U	*	U	*	*	*	U	U	U	*	U	*	*	U	U	U	U	U	U	U	V
Travel Services	P	P	P	P	*	*	*	*	P	P	*	*	P	*	U	P	*	U	P	C	C	*	V
Automotive Rental (small scale)	*	*	*	*	*	*	*	*	C	C	*	*	C	*	*	C	*	*	C	C	*	*	V
Visitor Accommodations	U	U	U	*	U	U	U	*	U	U	U	*	U	*	*	U	*	*	U	U	*	*	V
Bed & Breakfast	*	*	*	*	U	U	U	U	U	U	U	*	*	*	*	*	*	*	U	U	*	*	V
Condo Hotel Units	U	U	U	*	U	U	U	*	U	U	U	*	U	*	*	U	*	*	U	U	*	*	V
Fractional Time Share Units	U	U	U	*	U	U	U	*	U	U	U	*	U	*	*	U	*	*	U	U	*	*	V
Hotel / Motel / Timeshare	U	U	U	*	U	U	U	*	U	U	U	*	U	*	*	U	*	*	U	U	*	*	V
Resort	U	U	U	*	U	U	U	*	U	U	U	*	U	*	*	U	*	*	U	U	*	*	V
Integrated Resort	U	U	U	*	U	U	U	*	U	U	U	*	U	*	*	U	*	*	U	U	*	*	V

1230 Development Regulations

The following schedule prescribes development regulations and standards for the D District. The first column establishes the basic requirements for permitted and conditional uses in each subdistrict within the D District. Letters in parentheses in the "Additional Regulations" column refer to regulations following the schedule or located elsewhere in the zoning ordinance.

Where literal interpretation and enforcement of the development regulations and standards result in undue hardship, practical difficulties or consequences inconsistent with the purposes of these regulations and the Redevelopment Plan, the Community Development Commission may grant a variation. A variation shall not be granted which will change the land uses of the Redevelopment Plan for allow any increase in the maximum height set forth in Additional Development Regulations sub-section (N). Any variation granted with respect to density or intensity of land use, or any variation granted which permits a greater than a 10% reduction in parking requirements above the base development regulations of Article 12 "D" Downtown District shall require a Local Coastal Program Amendment. The Community Development Commission may approve an application for a variation as it was applied for or in modified form as required by the Community Development Commission if, on the basis of the application, plans, materials, and testimony submitted, the Community Development Commission finds:

1) The application of certain regulations and/or standards would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Redevelopment Plan.

2) There are exceptional circumstances or conditions applicable to the property or to the intended development of the property that do not apply generally to other properties having the same requirements, limits, restrictions, and controls.

3) Permitting a variation will not be materially detrimental to the public welfare or injurious to property or improvements in the area.

4) Permitting a variation will not be contrary to the objectives of the Redevelopment Plan.

In permitting any such variation the Community Development Commission shall impose such conditions as are necessary to protect the public health, safety, or welfare, and to assure compliance with the purposes of the Redevelopment Plan.

1231 **Transit Oriented Development**

The downtown core commercial area is designated a Transit Overlay District (TOD). The location, design, configuration, and mix of uses in the TOD provides an alternative to traditional development by emphasizing a pedestrian-oriented environment and reinforcing the use of public transportation. The TOD's mixed-use clustering of land uses within a pedestrian-friendly area connected to transit provides for growth with minimum environmental costs.

The core Downtown's underlying commercial use designation and proximity to the Oceanside Transit Center provide a unique opportunity to create a pedestrian-oriented environment. The establishment of such an area is to encourage a mix of commercial retail, professional office and residential uses which will encourage an efficient pattern of development that supports alternative modes of travel.

Mixed-use projects within the TOD require a Mixed-Use Development Plan. TODs represent a land use strategy, which seeks to strike a balance between resolving today's critical transportation issues and allowing freedom of movement and choice of travel mode. Although focused on reinforcing transit, the mixed-use and walkable neighborhoods developed should equally support carpools, bus, biking, walking, and more efficient auto use.

Quality of design will be evaluated upon the basis of the projects ability to incorporate specific amenities that encourage alternate travel modes (i.e. bike lockers/racks. employee locker rooms/showers, preferred car/van pool parking). Parking reductions will be considered for those mixed-use projects which can demonstrate a varied peak parking demand for each use by time of day and/or day of the week (see Section (W) 4 and 5.

DOWNTOWN DISTRICT
PROPERTY DEVELOPMENT REGULATIONS

	Basic Requirements	Additional Regulations
Residential Development		(II) (JJ) (KK)
Base Density:		(C) (D)
Site Area Per Unit (sq. ft.)	1,500	
Maximum Potential Density:		(C) (D)
Site Area Per Unit (sq. ft.)	1,000	
Minimum Lot Area (sq. ft.)	5,000	(A) (B) (E)
Minimum Lot Width (ft.)	50	(E)
Minimum Setbacks:		(E) (G) (L) (LL)
Front (ft.)	10	(H) (K)
Side (ft.)	3' for lots 75' wide or less except where courts are required; 10' from one side-lot line for lots greater than 75' wide or as required for courts.	
Corner Side (ft.)	10	(H) (J) (K)
Rear (ft.)	5; and as required for courts	(I) (K)
Maximum Height of Structures (ft.)	35	(M) (N) (O)
Signs	See Article 33	(GG)
Public Access to the Beach		(HH)
Minimum Site Landscaping	25%	(P) (Q) (R) (S)
Vehicular Access:		
Maximum Driveway Width (ft.)	24	(X) (Y)

	Basic Requirements	Additional Regulations
Private Outdoor Living Space	Minimum 48 sq. ft. required with minimum dimension 6 feet	(FF)
Courts Required		(EE)
Required Facade Modulation	25% of front and side street elevation horizontal and/or vertical must be set back at least 5 feet from setback line	(T) (U)
Parking	See Article 31	(W)
Fences and Walls (ft.)	Maximum height of 6'	(Z) (AA) (BB)
Refuse Storage Areas	See Section 3022	
Underground Utilities	See Section 3023	
Nonconforming Structures	See Article 35	
Nonresidential Development		(II) (KK)
Minimum Lot Area (sq. ft.)	5,000	(A) (B)
Minimum Lot Width (ft.)	50	
Minimum Setbacks:		(LL)
Front (ft.)	10	(H)
Side (ft.)	0	(H) (I)
Corner Side (ft.)	10	(H) (J)
Rear (ft.)	0	(H) (I)
Maximum Height (ft.) of Structures	45	(M) (N) (O)
Maximum Floor Area Ratio	2	(F)
Minimum Site Landscaping	15%	(P) (Q) (S)

	Basic Requirements	Additional Regulations
Fences and Walls (ft.)	8'	(Z) (AA) (BB)
Public Access to the Beach		(HH)
Off-Street Parking and Loading		(V)
Signs	See Article 33	(GG)
Outdoor Facilities	See Section 3020	(CC)
Employee Eating Areas		(DD)
Screening of Mechanical Equipment	See Section 3021	
Refuse Storage Areas	See Section 3022	
Underground Utilities	See Section 3023	
Performance Standards	See Section 3024	
Nonconforming Structures	See Article 35	

D DOWNTOWN DISTRICT:
Additional Development Regulations

(A) The provisions of Section 3013: Development on Substandard Lots shall apply except that in the D District mergers of lots under common ownership shall not be required for purposes of compliance with this ordinance.

(B) See Section 3014: Uncertainty of Boundaries.

(C) The maximum density for Subdistrict 5A is one dwelling unit per 1,500 square feet of site area.

(D) 1. The Land Use Plan would allow for a maximum of 29 to 43 units per acre. The base of 29 units per acre shall be considered the appropriate density for development within each residential land use designation. The base density may be increased from 29 units per acre to 33 units per acre if an underground parking structure that is 50% or more below grade is used in a residential project to provide all of the required parking. All residential projects that do not have an underground parking structure shall have a maximum density of 29 units per acre.

2. Residential projects located within Subdistrict 8B may request a waiver, through the conditional use permit process, to the requirement that all required parking be contained in an underground parking structure. Such projects within Subdistrict 8B may achieve density up to 43 dwelling units

per acre provided the project possesses the excellence of design criteria and characteristics described in Section B below. Residential projects with density below the base densities shall be considered to be consistent with the land use designation.

3. Residential projects using an underground parking structure which is 50% or more below finish grade to provide 75% of the required parking, and which possess an excellence of design features, shall be granted the ability to achieve densities above the base density of 29 or 33 units per acre if underground garage is provided, up to the maximum density of 43 units per acre upon approval of a Conditional Use Permit.

   (a) Residential projects on lots 5,000 square feet or smaller may achieve densities above 29 units per acre without providing an underground parking structure, upon approval of a Conditional Use Permit.

   (b) Projects located on The Strand may achieve densities above 29 units per acre without providing an underground parking structure upon approval of a Conditional Use Permit.

4. Project characteristics that exceed standards established by City policy and those established by existing or approved developments in the surrounding area will be favorably considered in the review of acceptable density within the range. Such characteristics include, but are not limited to the following:

   a) Infrastructure improvements beyond what is necessary to serve the project and its population.

   b) Lot standards (i.e. lot area, width depth, etc.) which exceed the minimum standards established by City policy.

   c) Development standards (i.e. parking, setbacks, lot coverage, etc.) which exceed the standards established by City policy.

   d) Superior architectural design and materials.

   e) Superior landscape/hardscape design and materials.

   f) Superior recreation facilities or other amenities.

   g) Superior private and/or semi-private open space areas.

   h) Floor areas that exceed the norm established by existing or approved development in the surrounding area.

   i) Consolidation of existing legal lots to provide unified site design.

   j) Initiation of residential development in areas where nonconforming commercial or industrial uses are still predominant.

k) Participation in the City's Redevelopment, Housing or Historical Preservation programs.

l) Innovative design and/or construction methods, which further the goals of the General Plan.

The effectiveness of such design features and characteristics in contributing to the overall quality of a project shall be used to establish the density above base density. No one factor shall be considered sufficient to permit a project to achieve the maximum potential density of a residential land use designation.

(E) Lots within Subdistricts 5 may be subdivided upon the approval of the Community Development Commission (pursuant to the Subdivision Map Act and the Subdivision Ordinance), provided that each lot thus created is 2,500 square feet or more in area and 25 feet or more in width, and has vehicular access to a public or private alley. Lots within Subdistrict 9 which front on Tremont or Freeman Streets and total 30,000 square feet or more of contiguous area, in a single or multiple ownership, may also be subdivided upon the approval of the Commission with the same provisions as within Subdistrict 5.

One dwelling unit may be located on each subdivided lot provided that each lot meets the yard, density and occupancy requirements of a standard lot with the following exceptions:

(1) Vehicular access to enclosed garages shall be provided from the public or private alley.

(2) Courts shall be provided opposite one interior property line which shall be a minimum depth of 8 feet from a window of a habitable room and a minimum width of 16 feet and shall be open to the sky, except for balconies 3 ft. in width and less, provided that eaves may project 2 feet into a court.

(F) The floor area ratio for sites 30,000 square feet up to 175,000 of gross site area shall not exceed 3.0. The floor area ratio for sites greater than 175,000 square feet of gross site area shall not exceed 4.0. The floor area ratio may be distributed over the gross area of the entire site. Any residential portion shall not exceed 43 dwelling units per acre (du.ac).

(G) The provisions of Section 3015: Building Projections into Required Yards and Courts apply except that in the D District, covered porches and stairs may project only 3 feet into the front or rear yard and 2 feet into the side yard.

(H) Along Mission Avenue and North Coast Highway, setbacks shall be as follows:

(1) Lots fronting Mission Avenue: 50 feet from street centerline;

(2) Lots fronting North Coast Highway Street: 45 feet from street centerline.

(3) Front yard setbacks on commercial projects within Subdistrict 1, 1A and 2 alternate setbacks are allowed upon Community Development Commission approval.

(I) A 5-foot side or rear yard setback shall be provided along all alleys. A 10-foot side or rear yard shall adjoin any residential area, and structures shall not intercept a 1:1 or 45-degree daylight plane inclined inward from a height of 12 feet above existing grade at the residential district boundary line.

(1) Projects located on The Strand shall be allowed to encroach into the side yard setback, as long as a minimum 3-foot setback is maintained, with Community Development Commission approval.

(J) The corner side yard setback may be reduced to 5 feet provided that the landscaping or structures within the setback do not exceed a height of 30 inches and conforms to sight distance requirements on a case by case basis upon approval by the Community Development Commission.

(K) Parking structures shall not encroach upon setback areas unless it is entirely underground.

(L) Proposals for front yard, side yard or rear yard setbacks will be judged on the merits of each individual proposal and the architectural compatibility of all proposed structures with existing or proposed structures on adjoining parcels. Functional site layout with special attention to design of recreational, parking and landscaped areas may produce an acceptable proposal with minimum or no setbacks. However, all projects seaward of or fronting on Pacific Street shall retain a minimum 5-foot front yard setback. Owners of abutting property shall be provided written notice of proposals for no setback on side and rear yards at least 10 days prior to Community Development Commission approval.

Buildings along The Strand shall be designed so that when viewed from the beach, the visual impact of the bulk of the structure is minimized to the maximum extent possible.

The Community Development Commission shall approve or conditionally approve such proposals upon finding that:

1. Allowing reduced or no setbacks is compatible with surrounding development;

2. Granting reduced setbacks or eliminating setbacks entirely will enhance the potential for superior urban design in comparison with development, which complies with the setback requirements;

3. The granting of reduced or no setbacks is justified by compensating benefits of the project plan; and

4. The plan containing reduced or no setbacks includes adequate provisions for utilities, services, and emergency-vehicle access; and public service demands will not exceed the capacity of existing and planned systems.

(M) Height is to be measured from the existing grade, unless otherwise specified.

a) Existing Grade: The surface of the ground or pavement at a stated location as it exists prior to disturbance in preparation for a project as regulated by Section 1240.

b) Street Grade: The top of the curb, or the top of the edge of the pavement or traveled way where no curb exists.

(N) (1) Additional limitations on heights shall apply as follows:

(a) The Strand: No building shall exceed the present elevation of Pacific Street as defined at the time of passage of Proposition A, passed on April 13, 1982, and set forth in the Proposition A Strand Survey dated May 9, 1986.

(b) Subdistrict 4B: Nonresidential structures along Pacific Street shall be the lesser of three stories or 35 feet.

(c) Within Subdistrict 5A residential structures above 27 feet, but below 35 feet in height, are allowed upon approval of a Conditional Use Permit.

(d) Within Subdistrict 2 mixed use structures above 65-feet, up to 90-feet in height, are allowed upon approval of a Conditional Use Permit.

(e) "Within Subdistrict 5 the area located on the west side of North Pacific Street between Surfrider Way and Breakwater Way the maximum height shall be limited to two-stories or 27 feet whichever is less. The exceptions to height limitations provided by Section 3018 shall not apply to any development within this area.

(2) Additional height may be approved with a Conditional Use Permit on a case-by-case basis for:

(a) All nonresidential uses except as otherwise noted in this section.

(b) Master plan mixed use projects located within Subdistricts 1 and 12, if the Commission finds superior design results incorporating the following design standards and regulations:

i Site coverage requirement - Maximum coverage of 60% based on entire gross acreage of Master Site Plan.

ii Additional setbacks at the corners of the center block (bounded by Pacific, Mission, Myers and Pier View Streets) shall be required to create plazas. A minimum dimension of 15 feet shall be required. Minimum encroachments may

include landscaping, outdoor seating, street furniture, and art displays.

iii A pedestrian promenade shall be required adjacent to development on Pacific Street.

iv Public Space Amenity - A minimum of 30% of the entire Master Site Plan area shall be for public or semi-public uses for recreational purposes. Such space shall have minimum dimensions of 15 feet. Paved areas devoted to streets, driveways and parking areas may not be counted toward this requirement. A maximum of 15 % may be enclosed recreation space such as gyms, health clubs, handball/racquetball courts, cultural institutions, meeting/conference facilities or similar facilities. A fee may be imposed for the use of such facilities.

v View Corridor Preservation - View corridors shall be preserved through staggered building envelopes or breezeway requirements. Cross block consolidations shall be required to preserve view corridors by permitting only minimal encroachments into existing right-of-ways. Permitted encroachments may include but not be limited to landscaping, food/ sundries kiosks and street furniture.

vi Maximum Density/Intensity - The maximum intensity of development shall be regulated by Floor Area Ratio (FAR) for Subdistrict 12. The FAR shall apply to the entire Master Site Plan area. FAR shall be calculated on gross acreage of the entire Master Site Plan area. The maximum FAR for Subdistrict 12 shall be 4.0.

vii Maximum Height - 140 feet. Mid-rise towers shall be oriented with their long axis parallel to the ocean sight line and the east-west streets may only permit minimal encroachments so as to open up and maximize the view corridors. Upper floors of towers shall be of varying heights and stepped back or architecturally fenestrated creating plane breaks in the roof or parapet treatment to add interest to the skyline profile.

viii Mid-rise tower facades shall feature multifaceted plane breaks and horizontal cornice and frieze elements, which will diminish the perception of mass and create interesting daytime shadow

play and nocturnal lighting effects. Towers shall rise from a horizontally articulated building base to bring human scale to the street level pedestrian activity. Additional human scale elements shall include but not be limited to protruding balconies, colorful awnings, fenestration, iron railings, etc.

ix Only those uses which are transient residential/visitor serving accommodations in nature shall be permitted to achieve the maximum height of 140 feet and only 30% of the Master Site Plan may achieve this maximum height.

x All other uses permitted within these subdistricts may not exceed a maximum height of 90 feet, and only 30% of the Master Site Plan may achieve the mid-height of 90 feet.

xi All other structures in these subdistricts (the remaining 40% of the Master Site Plan) may not exceed a height of 45 feet.

(c) In Sub Districts 7A and 7B, the maximum height limit shall be 45', except that a height limit of up to 65' may be permitted within an approved master plan where the total building floor coverage (footprint) of the development does not exceed more that 35% of the total developable area of the master plan, and the following criteria are met:

i The architectural elevations shall vary in height along any road or street, especially along Coast Highway.

ii Roof lines shall be pitched with flat roof lines allowed only for intermittent visual relief in character.

iii The maximum achievable elevation shall not extend for the entire roof line of the given building. (The use of jogs, offsets, height differentiations and other architectural features shall be used to reduce the appearance of a constant roof height.)

iv The use of a full roof, not flat, with appropriate pitch, shall be used whenever possible. (A full roof aids in the reducing any environmental noise pollution by providing proper sound attenuation.)

v In no case shall a building elevation exceed 45 feet in height unless developed under the auspices of a Disposition and Development Agreement, Owner Participation Agreement, Development Agreement or Conditional Use Permit (CUP). In such case, each such Agreement or CUP shall require a site plan and design criteria approval by the CDC.

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

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

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

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

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

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

(P) Planting Areas. All visible portions of a required setback area adjoining a street shall be planting area or hardscape that includes driveways, walks, parking areas, as well as areas covered by ornamental gravel, crushed rock, or similar materials. However, the front yard setback may not be entirely paved out or composed of hardscape material.

(Q) See Section 3019: Landscaping, Irrigation and Hydroseeding.

(R) The minimum site landscaping shall be provided on the lot surface; plantings on roofs, porches or in planting boxes which are above the lot surface shall not qualify as landscaping, except for landscaping located directly above underground parking which is 50% or more below grade. Hardscape does not qualify as landscaping except that, areas devoted to common patios, pools and other recreational facilities may be included in determining compliance with the landscaping requirement. In addition, for projects of four or fewer units, private outdoor living space can be used to satisfy up to 10 percent of the minimum site landscaping requirement. Residential projects located on The Strand may count 30% of the required landscaping on roof tops toward their landscaping requirement, providing such landscaping or appurtenances or other architectural features (such as guard rails) do not exceed the present elevation of Pacific Street as defined at the time of passage of Proposition A, passed April 13, 1982, and set forth in the Proposition A Strand Survey dated May 9, 1986.

(S) Landscaping Requirements:

(1) For residential projects only located on The Strand is 20%.

(2) Within Subdistricts 1, 2, 9, and 12 landscaping may be reduced (for commercial development only) provided that the developer contributes a fee to provide art work for the proposed project upon approval by the Community Development Commission. The percentage of landscaping to be reduced as well as the amount of the fee will be determined by the Community Development Commission.

(T) The parking structures that are 50% or more below grade, the required facade modulation shall only be applicable to the facade area above the parking structure.

(U) Buildings 50' wide or smaller in width may reduce the amount of facade modulation per Community Development Commission approval. For buildings located on The Strand, alternative facade modulations, either reduced amounts or horizontal modulation may be provided with Community Development Commission approval.

(V) See Article 31: Off-Street Parking and Loading Regulations.

(W) The following parking standards and regulations apply specifically to the D District. If there is a conflict with Article 31, the following parking standards shall apply:

1. All parking shall be in an enclosed garage. Up to 25 percent may be in a semi-enclosure with Community Development Commission approval.

2. Tandem Parking:

   (a) Tandem Parking may be allowed with a Conditional Use Permit for property located on The Strand.

   (b) For projects located outside of The Strand area but within the Redevelopment Project Area, tandem parking shall be allowed for parcels 33 feet wide or less with a Conditional Use Permit.

   (c) When tandem parking is permitted, parking spaces are assigned to a single unit. Each parking space shall be numbered/lettered. Each unit shall be assigned a specific space or spaces. Each unit whose unit number/letter appears on the corresponding space(s) shall have an exclusive easement for parking purposes over that designated parking space.

3. Visitor parking spaces are required in projects with 25 or more units at a ratio of one additional space per five units above 25 units.

4. Within the Transit Overlay District the number of on-street parking spaces available on the contiguous street frontage of the site may be counted toward the total number of parking spaces required for a non-residential Mixed Use Development Plan.

5. Non-residential Mixed Use Development Plans within the Transit Overlay District may receive a mixed-use parking requirement reduction of up to 25% based upon all of the following criteria: a) proximity to the Oceanside Transit Center, b) demonstrated varied peak demand for parking, and c) project amenities which encourage alternate travel modes.

(X) Any vehicular access over 24 feet in width requires Community Development Commission approval.

(Y) On corner lots or lots with double frontages, vehicular access shall be provided from the secondary street or alley.

(Z) Fences within front yard setback areas are limited to 42 inches in height. Residential fences over 6 feet in height require a variation or a variance. Nonresidential fences over 8 feet in height require a variation or a variance (See Section 3040).

(AA) A 6-foot solid masonry or concrete wall shall adjoin the property line of the site of a new ground-floor residential use abutting an existing nonresidential use or the

property line of a new nonresidential use abutting the site of an existing ground-floor residential use. However, no wall shall be required where the portion of the site within 10 feet of the property line is occupied by planting area or by a building having no openings except openings opposite a street property line.

(BB) All fences, walls and fencing attachments (such as, but not limited to, barbed wire or razor wire) within the Redevelopment Project Area requires Redevelopment Department approval prior to installation. The Redevelopment Department's decision may be appealed to the Community Development Commission.

(CC) See Section 3025: Antennas and Microwave Equipment and Section 3027: Recycling facilities.

(DD) Outdoor eating facilities for employees shall be provided for all office buildings that contain more than 20,000 square feet if no public park is within 1,000 feet. See Section 3028: Employee Eating Areas.

(EE) Courts Opposite Windows, Multifamily Units.

Courts shall be provided for all multifamily development as follows:

(1) Courts Opposite Walls on the Same Site: The minimum depth shall be one-half the height of the opposite wall but not less than 16 feet opposite a living room and 10 feet opposite a required window of any habitable room.

(2) Courts Opposite Interior Property Line: The minimum depth of a court for a required window of a habitable room shall be 6 feet, measured from the property line.

(3) Court Dimensions: Courts shall be a minimum of 16 feet wide and shall be open to sky except for balconies 3 ft. in width and less, provided that eaves may project 2 feet into a court.

(FF) Open Space.

(1) Basic Requirement. Total open space on a site having three or more dwelling units shall be at least 200 square feet per dwelling unit.

(2) Private Outdoor Living Space. Private outdoor living space shall be on patios or balconies within which a horizontal rectangle has no dimension less than 6 feet.

(3) Shared Open Space. Shared open space, provided by non-street side yards, patios and terraces, shall be designed so that a horizontal rectangle inscribed within it has no dimension less than 10 feet, shall be open to the sky, and shall not include driveways or parking areas, or area required for front or street side yards.

(4) Parkland Dedication. All multifamily housing projects shall be subject to the parkland dedication requirements of Chapter 32, Subdivisions, of the City Code because apartments contribute to increased demand for community and neighborhood parks in the same manner as condominiums, cooperatives, and single-family housing. The applicant shall dedicate land or pay a fee, or a combination of dedication and fee as provided by Chapter 32, Article IV of the City Code, and the credit for improvement and private open space under Section 32.50 of the City Code shall apply, if warranted. The fees shall be calculated according to a schedule adopted by the City Council by resolution and shall be payable at the time a building permit is issued.

(GG) The Sign Standards for the Downtown Oceanside Redevelopment Project Area adopted by the Oceanside Community Development Commission and the Harbor Design Standards adopted by the Oceanside Harbor Board of Directors pertaining to signs shall apply where they are more restrictive than Article 33 of the Oceanside Zoning Ordinance.

(HH) In Subdistricts 4A and 15, permanent facilities shall be provided for pedestrian access from the nearest public streets on the bluff top to the public beach. Between Ninth Street and Wisconsin Avenue, such access shall be provided on the average of every 800 feet, but in no event will there be fewer than seven such pedestrian routes. Between Ninth Street and Wisconsin Avenue, no fewer than four permanent facilities shall be provided for vehicular access from the nearest public street on the bluff top to the beach.

(II) Development within Subdistricts 6(C) and 6(D) shall be subject to the Harbor Design Standards.

(JJ) The Property Development Regulations (Section 1230) for residential uses shall apply to all exclusively residential projects within commercially oriented subdistricts.

(KK) Any mixed-use development with commercial and residential land uses combined requires a Mixed-Use Development Plan approved in accordance to the following requirements, to establish the property development regulations for the project. Base District Regulations and Property Development Regulations for Residential and Nonresidential land uses shall serve as the guideline for a mixed-use project. Height shall be regulated by the maximum height allowed in the Subdistrict as set forth in Additional Development Regulations sub-section (N). In no case shall these maximum heights be exceeded. Any deviations from the development regulations shall be evaluated based upon the merits of the development plan. Any deviation granted which permits a greater than 10% reduction in parking requirements above the base development regulations of Article 12 "D" Downtown District shall also require a Local Coastal Program Amendment.

Purpose:

The Mixed-Use Development Plan is intended to provide flexibility in land use regulations and site development standards under control of the Planning Commission and the Community Development Commission where flexibility will enhance the potential for superior urban design.

Initiation:

A mixed-use development may be initiated by filing an application for a Mixed Use Development Plan that complies with the requirements of this subsection (KK).

Required plans and materials:

1. A Mixed-Use Development Plan consisting of a map and textual materials as may be necessary to delineate land uses and locations, existing and projected building types and schematic designs, height and FAR including any proposals for transfer of FAR, site development requirements, existing and proposed open space, circulation, on-site and off-site parking, and any other pertinent information.

2. A comparison between underlying district regulations and standards and any proposed modifications to these regulations and standards, together with resulting impacts on traffic-carrying capacity of affected streets.

3. A statement of the reasons for any requested modifications to regulations or standards and a description of proposed means of mitigating any adverse effects.

Adoption of Mixed-Use Development Plans:

The Community Development Commission shall hold a duly noticed public hearing on the application in accord with the provisions of Article 45. Following the hearing, the Commission may recommend approval of the Development Plan with conditions if it implements the purpose of the Mixed-Use Development Plan. The following findings shall be made by the Community Development Commission:

1. For the residential portion of the project, the total number of dwelling units in the Mixed-Use Development Plan does not exceed the maximum number permitted by the General Plan density of 43 dwelling units per acre. Any plan that would exceed the base density of 29 dwelling units per acre may be approved only if the Community Development Commission finds that the plan conforms to the provisions of Section 1230 of this Ordinance (in particular, Additional Regulation "CC").

2. That the Mixed-Use Development Plan will enhance the potential for superior urban design in comparison with development under the regulations that exist if the Development Plan were not approved;

3. That the Mixed-Use Development Plan is consistent with the adopted Land Use Element of the Redevelopment Plan and other applicable policies, and that it is compatible with development in the area it will directly affect;

4. That the Mixed-Use Development Plan includes adequate provisions for utilities, services, and emergency access, and public service demands will not exceed the capacity of existing systems;

5. That the traffic expected to be generated by development in accord with the Mixed-Use Development Plan will not exceed the capacity of affected streets; and

6. That the Mixed-Use Development Plan will not significantly increase shading of adjacent land in comparison with shading from development under regulations that would exist if the Mixed-Use Development Plan were not approved.

(LL) Permitted uses within the 100 year floodplain shall be limited to open space, passive recreational uses, public parks, limited horticulture, floriculture, uses permitted within sensitive habitat areas pursuant to the City's certified "Standards for the Identification and Protection of Sensitive Habitats" and private commercial recreational uses. Provided soil placement does not exceed a maximum level of 3

Feet existing grade and that such placement does not adversely impact the flood-plain hydrology of the San Luis Rey River as defined and evaluated by the Army Corps of Engineers, the following development may be permitted in the 100 year flood-plain:

1. Bicycle and pedestrian paths, landscape, fencing, hardscape, waterscape, pools, tennis courts, putting greens, volleyball courts, basketball courts, driving range, shuffle board courts, horse shoes, lawn bowling, gazebos and arbors.

2. Within the first 50 feet of the required 100 foot wetland buffer zone only transitional upland vegetation shall be permitted. Within the second 50 feet of said buffer zone only landscape, hardscape, fencing and pathways for bicycles/pedestrians may be permitted.

3. All floodplain development shall be capable of withstanding periodic flooding without the construction of flood-protective work. Existing environmentally sensitive habitat area will not be adversely affected. There will be no increase in the peak runoff rate from the developed site as compared to the discharge that would be expected once every ten (10) years during a six (6) hour period. There will be no significant adverse water quality impacts and no downstream bank

erosion or sedimentation may result from site improvements. All development shall be reviewed for conformance with the policies and standards of the certified San Luis Rey River Specific Plan.

1235 Nonconforming Commercial Structures

Notwithstanding the provisions of Article 35, a nonconforming commercial building located in a commercial zoning district within the Redevelopment Project Area, which is destroyed to an extent of more than fifty percent (50%) of its replacement value at the time of its destruction by fire, explosion, or other casualty or Act of God, or the public enemy, may be restored to its original density, height, or configuration subject to all other provisions of this Article, provided that such nonconformities are not increased in intensity, and that there is no reduction in the amount of off-street parking which had existed on site prior to such destruction. The use of the rebuilt structure shall be subject to all current zoning use regulations in existence at the time of destruction. Existing uses operating under a conditional use permit, which is in compliance with the existing zoning regulations at the time of destruction, shall not be required to obtain a new use permit. Exterior appearance and facade plans for the rebuilding of nonconforming commercial structures shall be subject to review by the Redevelopment Design Review Committee and approval by the Community Development Commission. (For Residential Nonconforming Buildings See Article 35 Section 3510)

1240 Review of Plans

Certain projects shall require concept plan review in accordance with Article 42 of this Ordinance. All new development projects with the exception of single family residences shall require development plan review in accordance with Article 43. All development plans shall be reviewed by the Redevelopment Staff and by any other City department or division or governmental agency designated by the Redevelopment Director.

Alterations of existing structures, not within Subdistrict 1A or in a Historic Overlay District, are exempt from development plan review unless the alteration adds the following:

a) 10% or more of additional square footage to an existing structure or;

b) adds more than 500 square feet to an existing structure.

Such alterations shall be considered to be major alterations and require development plan review. The Community Development Commission shall approve, conditionally approve, or disapprove development plans for all projects within the designated Redevelopment Project Area.

Development plans for projects in Subdistrict 1A or in an HD Historic Overlay District shall be reviewed by the Historical Preservation Advisory Commission (OHPAC). The proposed demolition of a designated historical site shall also be reviewed by OHPAC and approved, conditionally approved, or denied by the Community Development Commission.

In regards to the Development Plans within the Oceanside Small-Craft Harbor, Planning Commission recommendations shall be made to the Harbor Chief Executive Officer for processing and action in accordance with Article 43.

All discretionary actions within the Downtown District shall require Community Development Commission review, unless otherwise specified in this Ordinance.

The Community Development Commission's, or the Harbor Board of Director's, consideration of discretionary actions shall be through a noticed public hearing if the action requested requires such a public hearing. Where a noticed public hearing is required, the Community Development Commission's review of the discretionary action shall also be through a public hearing. All decisions made by the Community Development Commission and Harbor Board of Directors shall be final.

1250 Amendments

Any amendments to Article 12 of this Ordinance that affect properties within the established California Coastal Zone shall be approved by the California Coastal Commission.

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Article 4 Use Classifications

Sections:

410 Purpose and Applicability
420 Uses Not Classified
430 Residential Use Classifications
440 Public and Semipublic Use Classifications
450 Commercial Use Classifications
~~460 Industrial Use Classifications~~
~~470 Agricultural and Extractive Use Classifications~~
~~48~~60 Accessory Use Classifications
47~~9~~0 Temporary Use Classifications

410 Purpose and Applicability

Use classifications describe one or more uses having similar characteristics, but do not list every use or activity that may appropriately be within the classification. The ~~Planning Director~~ Redevelopment Manager shall determine whether a specific use shall be deemed to be within one or more use classifications or not within any classification in this Title. The ~~Planning Director~~ may determine that a specific use shall not be deemed to be within a classification, whether or not named within the classification, if its characteristics are substantially incompatible with those typical of uses named within the classification. The ~~Planning Director's~~ Redevelopment Manager'sdecision may be appealed to the ~~Planning Commission~~ Community Development Commission.

420 Uses Not Classified

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.

430 Residential Use Classifications

A. Day Care, Limited. Non-medical care and supervision of up to and including fourteen persons on a less than 24-hour basis within a licensee's home for children and adults.

B. Group Residential. Shared living quarters without separate kitchen or bathroom facilities for each room or unit. This classification includes boardinghouses, dormitories, fraternities, sororities, and private residential clubs, but excludes residential hotels (see

Single-Room Occupancy (SRO) Residential Hotels).

C. Live/Work Quarters. An area comprising one or more rooms in a building originally designed for industrial or commercial occupancy that includes cooking space, sanitary facilities, and working space for artists, artisans and similarly activities and Custom Industry uses as defined herein.

D. Multifamily Residential. Two or more dwelling units on a site. This classification includes mobile home and factory-built housing.

E. Residential Care, Limited. Twenty-four-hour non-medical care for six or fewer persons in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living.

F. Single-Family Residential. Buildings containing one dwelling unit located on a single lot. This classification includes mobile home and factory-built housing.

~~G. RV Parks. A facility renting or leasing space on a short-term or long-term basis to owners or users of recreational vehicles, not for permanent residence.~~

440 Public and Semipublic Use Classifications

~~A. Airport. Runways and related facilities for airplane landing and take-off.~~

~~B. Cemetery. Land used or intended to be used for the burial of human remains and dedicated for cemetery purposes. Cemetery purposes include columbariums, crematoriums, mausoleums, and mortuaries operated in conjunction with the cemetery.~~

A~~C~~. Child Care. Non-medical care and supervision on a less than 24-hour basis in any care facility of any capacity, and not within a licensee's home for persons under the age of 18.

~~D~~B. Clubs and Lodges. Meeting, recreational, or social facilities of a private or nonprofit organization primarily for use by members or guests. This classification includes union halls, social clubs, youth, and senior centers.

~~1. Small scale. Establishments occupying no more than 5,000 square feet.~~

~~C~~E. Convalescent Facilities. Establishments providing care on a 24-hour basis for persons requiring regular medical attention, but excluding facilities providing surgical or emergency medical services.

~~F~~D. Cultural Institutions. Nonprofit institutions displaying or preserving objects of interest in one or more of the arts or sciences. This classification includes libraries, museums, and art galleries.

~~1. Small scale. Establishments occupying no more than 5,000 square feet.~~

~~G~~E. Day Care, General. Non-medical care and supervision on a less than 24-hour basis in any care facility of any capacity, and not within a licensee's home for persons over the age of 18.

~~H. Detention Facilities. Publicly owned and operated facilities providing housing, care, and supervision for persons confined by law.~~

~~I~~F. Emergency Health Care. Facilities providing emergency medical service with no provision for continuing care on an inpatient basis.

~~J. Emergency Shelter. Overnight sleeping accommodations intended to provide temporary housing to homeless families and/or individuals. Such accommodations may include basic supportive services such as food, shower and rest room facilities, laundry room, storage areas, and limited administrative or intake offices.~~

~~K~~G. Government Offices. Administrative, clerical, or public contact offices of a government agency, including postal facilities, together with incidental storage and maintenance of vehicles.

~~1. Small scale. Establishments occupying no more than 5,000 square feet.~~

~~L. Heliports. Pads and facilities enabling takeoffs and landings by helicopters.~~

~~M~~H. Hospitals. Facilities providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons, primarily on an inpatient basis. This classification includes incidental facilities for outpatient treatment, as well as training, research, and administrative services for patients and employees.

~~N. Maintenance and Service Facilities. Facilities providing maintenance and repair services for vehicles and equipment, and materials storage areas. This classification includes corporation yards, equipment service centers, and similar facilities.~~

~~O. Marinas. A boat basis with docks, mooring facilities, supplies and equipment for boats.~~

~~P~~I. Park and Recreation Facilities. Noncommercial parks, playgrounds, recreation facilities, and open spaces.

~~Q~~J. Public Safety Facilities. Facilities for public safety and emergency services, including police and fire protection.

~~1. Small scale. Establishments occupying no more than 5,000 square feet.~~

~~R~~K. Religious Assembly. Facilities for religious worship and incidental religious education and other religious facility related supportive and social services. This use classification specifically excludes private schools as defined in this section. Only

~~1.~~ Small-scale~~.~~ Eestablishments occupying no more than 5,000 square feet.

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L. Residential Care, General. Twenty-four hour non-medical care for seven or more persons, including wards of the juvenile court, in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living.

S. Resource Centers. Neighborhood facilities that are City-sponsored or under the control of the City and are used for neighborhood safety, enhancement, education, health care, and other similar neighborhood programs.

U. Schools, Public or Private. Educational institutions having a curriculum comparable to that required in the public schools of the State of California.

V. Transitional Housing. Transitional housing encompasses both housing and appropriate supportive services for homeless persons designed to enable them to move to independent living within a 24-month period.

W. Utilities, Major. Generating plants, electrical substations, aboveground electrical transmission lines, lone switching buildings, refuse collection, transfer, recycling or disposal facilities, water reservoirs, flood control or drainage facilities, water or waste water

treatment plants, transportation or communications utilities, and similar facilities of public agencies or public utilities. A structure that may have a significant effect on surrounding uses shall be regulated under this classification.

X. Utilities, Minor. Utility facilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution lines, underground water and sewer lines, and recycling centers within convenience zones, as defined by the California Beverage Container Recycling and Litter Reduction Act.

450 Commercial Use Classifications

~~A. Adult Businesses. Establishments based primarily on materials or performances that depict, describe, or relate to "specified sexual activities", as defined in Article 36. This classification includes adult businesses that are listed as "regulated uses", as defined in Article 36, Section 3602.~~

~~B~~A. Ambulance Services. Provision of emergency medical care or transportation, including incidental storage and maintenance of vehicles.

~~C~~B. Animal Sales and Services.

~~1. Animal Boarding. Provision of shelter and care for animals on a commercial basis. This classification includes activities such as feeding, exercising, grooming, and incidental medical care.~~

~~2~~1. Animal Grooming. Provision of bathing and trimming services for animals on a commercial basis. This classification includes boarding of domestic animals for a maximum period of 48 hours.

~~3. Animal Hospitals. Establishments where animals receive medical and surgical treatment. This classification includes only facilities that are entirely enclosed, soundproofed, and air conditioned. Grooming and temporary (30 days) boarding of animals is included if incidental to the hospital use.~~

~~4~~2. Animals~~:~~ Product ~~Retail~~ Sales. Retail products associated with domestic animals (dogs, cats, birds, snames, and small rodents). ~~sales and boarding of animals provided such activities take place within an entirely enclosed building. This classification includes grooming if incidental to the retail use, and boarding of animals not offered for sale for a maximum period of 48 hours.~~

~~D~~C. Artists Studios. Work and display space for artists and artisans, including individuals practicing one of the fine arts or performing arts, or skilled in an applied art or craft.

~~1. Only Ssmall-scale. Eestablishments occupying no more than 5,000 square feet.~~

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~~E~~D. Banks and Savings and Loans. Financial institutions that provide retail banking services to individuals and businesses. This classification is limited to institutions engaged in the on-site circulation of cash money including businesses offering check-cashing facilities. ***This excludes check cashing businesses and loan companies not associated with a bank, credit unions or savings and loan.***

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1. Drive-through/Drive-up Service. Institutions providing self-service banking facilities that are not associated with a primary banking or savings and loan building located on the same site.

2. Self-service Facilities (ATM's). Institutions providing self-service banking facilities that are not associated with a primary banking or savings and loan building located on the same site.

~~F. Building Materials and Services. Retailing, wholesaling, or rental of building supplies or equipment. This classification includes lumber yards, tool and equipment sales or rental establishments, and building contractors' yards, but excludes establishments devoted exclusively to retail sales of paint and hardware, and activities classified under Vehicle/Equipment Sales and Services, including vehicle towing services.~~

~~G~~E. Catering Services. Preparation and delivery of food and beverages for off-site consumption with provision for on-site pickup or consumption not to exceed 1,000 square feet. (See also Eating and Drinking Establishments.)

~~H~~F. Commercial Recreation and Entertainment. Provision of participant or spectator recreation or entertainment. This classification includes theaters, sports stadiums and arenas, amusement parks, bowling alleys, billiard parlors, pool rooms, dance halls, ice/roller skating rinks, golf courses, miniature golf courses, scale-model courses, shooting galleries, tennis/racquetball courts, arcades and games centers having five or more coin-operated game machines and card rooms.

~~1. Limited. Indoor movie theaters and performing arts~~

~~theaters.~~

~~2. Small scale. Establishments occupying no more than 5,000 square feet.~~

~~I~~G. Communications Facilities. Broadcasting, recording, and other communication services accomplished through electronic or telephonic mechanisms, but excluding Utilities (Major). This classification includes radio, television, or recording studios; telephone switching centers; and telegraph offices.

~~J.~~H. Eating and Drinking Establishments. ~~Businesses serving prepared food or beverages for consumption on or off the premises.~~

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~~1. Bars with Live Entertainment/Dancing~~

~~2. With Take out Service. Establishments at which 20 percent or more of the transactions are sales for off-site consumption.~~

~~(a) Drive Through Service from a building to persons in vehicles through an outdoor service window.~~

(b) ~~Limited. Establishments that do not serve persons in vehicles. This includes fast food establishments with no seating and take out restaurants with seating.~~

A place which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation and which has an adequate seating area for the consumption of meals and suitable kitchen facilities for cooking an assortment of foods which may be required for ordinary meals. As used in this definition, the word "meals" means the usual assortment of foods commonly ordered at various hours of the day; the services of only such foods as sandwiches or salads shall not be deemed in compliance with this requirement.

As used in this definition, the words "suitable kitchen facilities" shall include cooking equipment (such as deep fryers, stoves or ovens) requiring hood fans, an operable dishwashing machine, and a central freezing and refrigeration area.

1. Restaurant. A restaurant is an establishment that serves prepared food and beverages to be consumed on the premises. The term covers a multiplicity of venues and a diversity of styles of cuisine.

2. Espresso Stand. A walk-up or auto-oriented (drive-through) business that dispenses hot and/or cold beverages and pre-prepared food products.

3. Small-scale Entertainment - Small scale live entertainment is permitted and is limited to five or fewer performers, with not dance floor and limited to typical lunch and dinner hours (11:00 a.m. to 11:00 p.m.)

4. Live Entertainment. Establishments providing live entertainment for patrons with six or more performers.

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5. Fast Food/Take Out. Restaurants where food and/or beverages are sold ready to go, to be consumed on or off the premises. This does not include drive through.

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6. Full Service Liquor.

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~~K~~I. Food and Beverage Sales. Retail sales of food and beverages for off-site preparation and consumption. Typical uses include groceries, liquor stores, or delicatessens. Establishments at which 20 percent or more of the transactions are sales of prepared food for on-site or take-out consumption shall be classified as Catering Services or Eating and Drinking Establishments.

~~1. Convenience Markets. Retail sales of food, beverage and small convenience items typically found in establishments with long or late hours of operation. This definition excludes delicatessens and other specialty food shops having a sizeable assortment of fresh fruits and vegetables, and fresh cut meat or fish.~~

1. Convenience Markets. Retail sales of food, beverage and small convenience items typically found in establishments with long or late hours of operation.

2. Grocery/ Neighborhood Market. Retail sales of food and beverages for off-site preparation and consumption. Principally engaging in the retail sale of staple foodstuffs, household supplies and a sizeable assortment of fresh produce, meats, fish and dairy products. A minimum of 60% of net floor area (excluding storage, aisle ways, check out and customer service areas) shall be dedicated to the sale of staple foodstuffs and fresh items such as produce, meats, fish, and dairy products.

(Net Floor Area - The total floor area within the walls of all buildings on a lot or building site, except for the spaces

therein devoted to vents, shafts, and lighting courts, and except for the area devoted exclusively to loading and unloading facilities or parking of motor vehicles).

3. Specialty Market. Retail sales of food and beverages for off-site preparation and consumption. Principally engaging and specializing in the retail sales of one predominate product line such as produce, meat, fish, etc. Such markets may include the incidental sales of other merchandise directly related to the principal product line.

J. Home Occupation. A limited-scale service or fabrication activity, which occurs in a dwelling unit or accessory building and is subordinate to the primary use of the premises for residential purposes, with limitations as set forth within the City of Oceanside business license department.

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1. Live work lofts. May include "professional services that do not require client visits, electronics research and development, computer software development, internet based business and the like are permitted. In addition to paper based and/or home based occupations such as engineers, architects, consultants, computer specialists, interior designers, lawyers, and real estate professionals

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~~L. Funeral and Interment Services. Establishments primarily engaged in the provision of services involving the care, preparation or disposition of human dead other than in cemeteries. Typical uses include crematories, columbariums, mausoleums or mortuaries.~~

~~M. Home Improvement. Retailing or wholesaling of goods to be used for home improvements or the furnishing of homes. This classification is limited to specialty businesses in which the primary inventory of the business includes one of the following merchandise; furniture, carpet and other floor coverings, window coverings, wall coverings, bed and bath products, kitchen remodels, doors and windows, garage doors, glass, paint, mattresses, cabinets and shelves, fireplaces, patios, lighting materials, pool and spas, and similar uses. This use classification does not include a comprehensive home improvement store.~~

~~N. Horticulture, Limited. The raising of fruits, vegetables, flowers, ornamental trees and shrubs on sites of 2.5 acres or less, as a wholesale commercial enterprise, provided that nursery equipment or materials necessary for the operation shall be stores on site within structures. Wholesale commercial horticulture accessory to a dwelling unit shall be regulated as a home occupation. On site Agricultural Sales Stands may be allowed subject to the location and development standards of Section 3038.~~

~~O. Laboratories. Establishments providing medical or dental laboratory services; or establishments with less than 2,000 square feet providing photographic, analytical, or testing services. Other laboratories are classified as Limited Industry.~~

~~P. Maintenance and Repair Services. Establishments providing appliance repair, office machine repair, or building maintenance services. This classification excludes maintenance and repair of vehicles or boats and ships (see Vehicle/Equipment Repair and Marine Sales and Services).~~

~~Q. Marine Sales, Rentals, and Services. Establishments providing supplies and equipment for shipping or related services, or pleasure boating and recreation. Typical uses include chandleries, yacht brokerage, sales, boat yards, boat docks, and sail making lofts.~~

~~R. Nurseries. Wholesale or retail establishments for the selling of plants, shrubs, trees and related products in which all merchandise other than plants is kept within an enclosed building or a fully screened enclosure, and fertilizer or chemicals of any type are stored and sold in package form only. Nurseries may include the growing and propagation of plants as part of the operation.~~

~~S~~K. Offices, Business and Professional. Offices of firms or organizations providing professional, executive, management, or administrative services. ~~, such as architectural, engineering, real estate, insurance, investment, legal, and medical/dental offices. This classification includes medical/dental laboratories incidental to an office use, but excludes banks and savings and loan associations.~~

1. Administrative/Business. Establishments providing direct services to clients, including insurance agencies, real estate offices, post offices (not including bulk mailing distribution centers).

2. Production. Office-type facilities occupied by businesses engaged in the production of intellectual property. These uses include: advertising agencies, architectural, engineering, planning and surveying services, computer software production and programming services, educational, scientific and research organizations, media postproduction services, photography and commercial art studios, writers and artist's offices.

3. Professional. Professional or government offices including: Accounting, auditing and bookkeeping services, attorneys, counseling services, court reporting services, data processing

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services, detective agencies and similar services, employment, stenographic, secretarial and word processing services, government offices, literary and talent agencies, management and public relations services

4. Temporary. A mobile home, recreational vehicle or modular unit used as temporary office facility. Temporary Offices may include: construction supervision offices on a construction site or off-site construction yard; a temporary on-site, which is converted to residential use at the conclusion of its office use.

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5. Temporary Real Estate. The temporary use of a dwelling unit within a residential development project as a sales office for the units on the same site, which is converted to residential or commercial use at the conclusion of its office use.

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~~T~~L. Pawn Shops. Establishments engaged in the buying or selling of new or secondhand merchandise and offering loans secured by personal property and subject to Chapter 22 of the Municipal Code. This definition does not include Junk as defined as old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, wastes, machinery, scrap wood, or junked, dismantled or wrecked automobiles, or parts thereof; iron, steel, and other old or scrap ferrous or nonferrous material. Includes any other definitions of junk established in City ordinances

~~U~~M. Personal Improvement Services. Provision of instructional services or facilities, including: photography, fine arts, crafts, dance or music studios; driving, business or trade schools; diet centers, or reducing salons; and health/fitness studios, spas or clubs.

~~1. Health Studios or Spas. Establishments with equipment for exercise and physical conditioning.~~

~~2. Massage Establishments. Establishments providing massage service.~~ 1. Health/Club/Studio/Spa. Establishments with equipment for exercise and physical conditioning. Facilities offering the use of exercise equipment for public use, and services such as, expertise and instruction for fitness training, weight loss, yoga and aerobics classes. Does not include massage or other medically related services.

2. Day Spa. A day or full service spa must provide at least four different types of services and all services must be provided on the premises during regular business hours and include some type of instructional service. These services may include any of the following: facial therapies, body treatments, hair removal, nail care, salon care, makeup application, permanent cosmetic makeup, skin care treatments, therapeutic massage, aromatherapy, hydrotherapy, and instructional services such as; nutritional counseling, weight management, stress management, medical evaluations, and fitness activities such as; private or personal fitness training, yoga, meditation, and retail products such as; skin and body care products, work out or spa clothing, juice bar, spa or health food cuisine, health food products.

All services shall be administer by licensed cosmetologists, estheticians or similar professionals and should offer a vast array of the highest quality skin, body, health care, and fitness services. At a minimum spas establishment must be: clean, and safe

environment; have private treatment rooms for clients receiving a personal service; business licenses; professional, licensed estheticians and therapists; professional spa products for which estheticians and therapists have received training in their use; and have showering and changing facilities for women and men (when necessary).

3. Accessory Massage. Massage only permitted as an incidental use to a primary use listed above, with a use permit and must abide by all other City Ordinances and Codes.

~~V~~N. Personal Services. ~~Provision of services of a personal nature.~~ This classification includes: ~~***barber and beauty shops, seamstresses, tailors, shoe repair shops, laundry and dry cleaning agencies (excluding large-sale plants - see Section 460.B.1),***~~ photo-copying, word processing, packaging, postal and office supply support facilities~~, and self service laundries~~.

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~~1. Limited. Excludes laundry and dry cleaning agencies and self service laundries.~~

~~W. Research and Development Services. Establishments primarily engaged in industrial or scientific research, including limited product testing. This classification includes electronic research firms, pharmaceutical research laboratories, and medical testing and analysis, but excludes manufacturing, except of prototypes.~~

1. Laundromat/Cafe. A commercial establishment offering self-serve and assisted laundry facilities for public use in conjunction with some type of food or beverage service.

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2. General Repair. The repair of small appliances, stereo equipment, electronic pieces and computers. This term does not include the repair of motor vehicles, motorcycles, lawnmowers or garden equipment.

~~X~~O. Retail (General) Sales. The retail sale of merchandise not specifically listed under another use classification. This classification includes department stores, clothing stores, comprehensive home improvement stores, furniture stores, and businesses retailing the following goods: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies (including limited processing), electronic equipment, records, sporting

goods, kitchen utensils, hardware, appliances, antiques, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, and new automotive parts and accessories (excluding service and installation).

This classification includes artist supplies, bakeries, bicycles, books, cameras and photographic supplies, clothing and accessories, department stores, drug stores, dry goods, fabrics and sewing supplies, florist and houseplants, hobby material, jewelry, luggage and leather goods, home improvement stores, furniture stores, handcrafted items, jewelry, cameras, photographic supplies (including limited processing), electronic equipment, records, sporting goods, kitchen utensils, hardware, appliances,
art supplies and services, paint and wallpaper, carpeting floor covering, office supplies, bicycles, and musical instruments, parts and accessories, specialty shops, religious goods, sporting goods and equipment, stationery, toys and games and variety stores.

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1. Antiques, Antique Shop. Any article which, because of age, rarity or historical significance, has a monetary value greater than the original value, or which has an age recognized by the United States Government as entitling the article to an import duty less than that prescribed for contemporary merchandise. A store or shop selling only such articles or offering them for sale shall be considered as an antique shop or store, and not considered as a dealership handling used or secondhand merchandise.

2. Custom Retail. Establishments primarily engaged in on-site production of goods by hand manufacturing involving the use of hand tools and small-scale mechanical equipment not exceeding two (2) horsepower or a single kiln not exceeding eight (8) kilowatts; and the direct sale to consumers of those goods produced on-site. Products made incident to a permitted use may be sold at retail on the premises, and not more than three (3) people shall be employed in the production process. Typical uses include but are not limited to ceramic studios, candle-making shops, and custom jewelry production.

3. Secondhand Furniture, Appliance, "Collectible" and Clothing Sales. The retail sale of used furniture, appliances, "collectibles" and clothing, and secondhand dealers who are subject to Chapter 22 of the Municipal Code. This classification excludes antique shops primarily engaged in the sale of antique furniture and accessories. Only small establishments occupying no more than 5,000 square feet.

4. ***Wine Tasting. Retail establishments for the***

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sale of bottled wine and which offer wine tasting and the sale of wine for on-site consumption in connection with the marketing of wines offered for sale on the premises. With the exception of wine and featured micro-brews, no beverages or items containing alcohol shall be offered for sale or consumed on the premises. Non-alcoholic retail items associated with wine drinking such as wine glasses, decanters, ice buckets, toppers, serving implements, snack foods and non alcoholic beverages may also be offered for sale. Wine tasting shall only occur in an enclosed area not accessible for persons under the age of 21.

~~1. Limited. Excludes comprehensive home improvement stores, furniture, hardware, paint and wallpaper, carpeting and floor covering, and new automotive parts and accessories.~~

~~2. Pharmacies and Medical Supplies. Establishments primarily selling prescription drugs, and medical supplies and equipment.~~

~~Y. Secondhand Furniture, Appliance, "Collectible" and Clothing Sales. The retail sale of used furniture, appliances, "collectibles" and clothing, and secondhand dealers who are subject to Chapter 22 of the Municipal Code. This classification excludes antique shops primarily engaged in the sale of antique furniture and accessories.~~

~~Z. Swap Meets, Recurring. Retail sale or exchange of handcrafted or secondhand merchandise for a maximum period of 48 hours, conducted by a sponsor on a more than twice yearly basis.~~

~~AA~~P. Travel Services. Establishments providing travel information and reservations to individuals and businesses. This classification excludes car rental agencies.

~~BB. Vehicle/Equipment Sales and Services.~~

~~1. Automobile Washing. Washing, waxing, or cleaning of automobiles or similar light vehicles.~~

~~2. Commercial Parking Facility. Lots offering short-term or long-term parking to the public for a fee.~~

~~3. Service Stations. Establishments engaged in the retail sale of gas, diesel fuel, lubricants, parts, and accessories. This classification includes incidental maintenance and repair of automobiles and light trucks, but excludes body and fender work or repair of heavy trucks or vehicles.~~

~~4. Vehicle/Equipment Repair. Repair of automobiles, trucks, motorcycles, mobile homes, recreational vehicles, or boats, including the sale, installation, and servicing of related equipment and parts. This classification includes auto repair shops, body and fender shops, wheel and brake shops, and tire sales and installation, but excludes vehicle dismantling or salvage and tire retreading or recapping.~~

~~(a) Limited. Excludes body and fender shops.~~

~~5. Vehicle/Equipment Sales and Rentals. Sale or rental of automobiles, motorcycles, trucks, tractors, construction or agricultural equipment, mobile homes, and similar equipment, including storage and incidental maintenance.~~

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~~6. Vehicle Storage. Storage of operative or inoperative vehicles. This classification includes storage of parking tow aways, impound yards, and storage lots for automobiles, trucks, buses and recreational vehicles, but does not include vehicle dismantling.~~

~~(a) Limited. Storage of operable passenger automobiles, standard and small vans and motorcycles.~~

Q. Automotive Rental (small scale). Rental of vehicles; limited to five rental cars.

~~C~~R. Visitor Accommodations.

~~1. Bed and Breakfast Inns. Establishments offering lodging on a less than weekly basis in a converted single family or multi family dwelling, with incidental eating and drinking service for lodgers only provided from a single kitchen.~~

~~(a) Small scale. Establishments renting four or~~

~~fewer rooms.~~

~~2. Hotels, Motels, and Time Share Facilities. Establishments offering commercial lodging on a less than monthly basis. This classification includes incidental eating, drinking, and banquet services intended for the convenience of guests.~~

~~3. Single Room Occupancy (SRO) Residential Hotels. Buildings with six or more guest rooms without kitchen facilities in individual rooms, or kitchen facilities for the exclusive use of guests, and which are also the primary residences of the hotel guests.~~

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~~4. Vacation Club. Prepaid point or credit based establishments offering lodging on a less than weekly basis and having kitchens. This classification includes eating, drinking and banquet services.~~

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1. Bed and Breakfast Inns. Establishments offering lodging on a less than weekly basis in a converted single-family or multi-family dwelling, with incidental eating service for lodgers only provided from a single kitchen and consistent with article 3031 on f the Zoning Ordinance.

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2. Hotels, Motels, and Time-Share Facilities. Establishments offering commercial lodging on a less than 30 day basis. This classification includes incidental eating, drinking, and banquet services intended for the convenience of guests.

3. Resort. A resort is defined as a full service hotel, of greater than 200 rooms, with pool, spa or similar amenities and full service restaurant.

4. Integrated Resort. An Integrated Resort is defined as a resort with time share, fractional time share and/or condo hotel uses combined with traditional hotel rooms. Integrated Resorts may have up to 49% of the total rooms be time shares, fractional time shares, condo hotels or some combination. An Integrated Resort may satisfy any requirement to reserve a substantial proportion of the time share or fractional time share units as available hotel rooms from Memorial Day through Labor Day from the hotel rental pool.

5. Fractional Time Share Units. Establishments offering visitor serving commercial units for any increment of time; however, can only be occupied for up to 90 days per year and in 30 day non-consecutive intervals. Projects in the Coastal Zone may be required to reserve a substantial proportion of the total number of units to be made available to transient visitors from Memorial Day through Labor Day, except in the case of an Integrated Resort where this requirement can be fulfilled by the condo hotel units and the traditional hotel rooms.

6. Condo Hotel Units. Condominium units may be purchased as part of a Hotel or an Integrated Resort, but can only be occupied for up to 90 days per year

and in 30 day non-consecutive intervals. During such time the units are not being occupied by the owners the units shall be put into the rental pool, operated by the hotel, as part of an Integrated Resort or into an exchange program as part of a Time Share Program. Any requirement to reserve a substantial proportion of the condo hotel units as available hotel rooms from Memorial Day through Labor Day may be satisfied from the hotel rental pool, operated by the hotel. Existing hotels may not be converted into condo hotel units. Condo Hotel Units shall not be permitted on tide land properties.

~~DD. Warehousing and Storage, Limited. Provision of storage space for household or commercial goods within an enclosed building. Access to individual storage units shall be via an interior accessway. Exterior entry to individual storage units shall not be permitted. This classification includes facilities with a maximum of 5,000 square feet of gross floor area, but excludes Wholesale, Distribution and Storage, and Vehicle Storage. "Limited" vehicle storage as part of a Warehousing and Storage, Limited, facility is permitted subject to the approval of a Conditional Use Permit.~~

~~460 Industrial Use Classifications~~

~~A. Food Processing. Establishments primarily engaged in the manufacturing or processing and packaging of food or beverages for human consumption and wholesale distribution.~~

~~1. Limited. Establishments of less than 2500 square feet of floor area.~~

~~B. Industry, Custom. Establishments primarily engaged in on-site production of goods by hand manufacturing involving the use of hand tools and small-scale equipment. This use may include affiliated office and support facilities and limited showroom and a retail sales area when clearly secondary and associated with the primary business.~~

~~1. Limited. Includes mechanical equipment not exceeding two horsepower or a single kiln not exceeding eight kilowatts and the incidental direct sale to consumers of only those goods produced on site. Typical uses include ceramic studios, candle-making shops, and custom jewelry manufacture.~~

~~C. Industry, General. Manufacturing of products, primarily from extracted or raw materials, or bulk storage and handling of such products and materials. Uses in this classification typically involve a high incidence of truck or rail traffic, and/or outdoor storage of products, materials, equipment, or bulk fuel. This~~

~~classification includes chemical manufacture or processing, large scale laundry and dry cleaning plants, auto dismantling within an enclosed building, oil and gas refining, stonework and concrete products manufacture, small animal production and processing within an enclosed building and power generation.~~

~~1. Large Scale Laundry and Dry Cleaning Plants. A laundry or dry cleaning facility having any of the following or similar type equipment:~~

~~(a) Boiler(s) exceeding a total of 15 horsepower;~~

~~(b) Dry cleaning machine(s) exceeding 60 pounds total capacity;~~

~~(c) Dryer(s) exceeding 50 pounds total capacity;~~

~~(d) Wet cleaning washer(s) exceeding 50 pounds total capacity.~~

~~D. Industry, Limited. Manufacturing of finished parts or products, primarily from previously prepared materials; and provision of industrial services; both within an enclosed building. This classification includes processing, fabrication, assembly, treatment, and packaging, but excludes basic industrial processing from raw materials, and Vehicle/Equipment Services. This classification may include affiliated office and support facilities and a limited showroom and retail sales area when clearly secondary and associated with the primary business.~~

~~1. Small Scale. Limited to a maximum gross floor area of 5,000 square feet.~~

~~E. Industry, Research and Development. Establishments primarily engaged in the research, development, and controlled production of high technology electronic, industrial or scientific products or commodities for sale, but prohibits uses that may be objectionable in the opinion of the Planning Director, by reason of production of offensive odor, dust, noise, vibration, or storage of hazardous materials. Uses include biotechnology, films, and non toxic computer component manufacturers. This classification may include affiliated office and support facilities and a limited showroom and retail sales area when clearly secondary and associated with the primary business.~~

~~F. Wholesaling, Distribution and Storage. Storage and distribution facilities. This classification may include affiliated office and support facilities and a limited~~

~~showroom and retail sales area when clearly secondary and associated with the primary business.~~

~~1. Trucking Terminals. Storage and distribution facilities having more than six heavy trucks on the premises at one time, but excluding trucking accessory to a Limited or General Industry classification.~~

~~2. Small Scale. Wholesaling, distribution and storage having a maximum gross floor area of 5,000 square feet and having no more than two docks or service bays.~~

~~470 Agricultural and Extractive Use Classifications~~

~~A. Animal Husbandry. Raising of animals or production of animal products, such as eggs or dairy products, on an agricultural or wholesale commercial basis. Typical uses include grazing, ranching, animal breeding, dairy farming, and poultry farming.~~

~~B. Crop Production. Raising and harvesting of tree crops, row crops, greenhouse crops or field crops on sites of greater than 2.5 acres on an agricultural or wholesale commercial basis, including packing and processing.~~

~~C. Mining and Processing. Places or plants primarily devoted to surface or subsurface mining of metallic and nonmetallic minerals, oil or gas, together with essential on-site processing and production of only nonmetallic mineral products. Typical places are borrow pits, quarries, oil and gas drilling rigs, or concrete batch plants. This classification specifically excludes any activities that are directly or indirectly associated with off-shore oil and gas exploration, production, or processing.~~

~~48~~60 Accessory Use Classifications

A. Accessory Uses and Structures. Uses and structures that are incidental to the principal permitted or conditionally permitted use or structure on a site and are customarily found on the same site. This classification includes accessory dwelling units ("second units") and home occupations.

~~49~~70 Temporary Use Classifications

A. Agricultural Specialty Sales, Seasonal. Retail sale of seasonal specialty items for a period not to exceed 45 days (e.g. Christmas Tree Sales, Pumpkin Sales).

B. Yard/Garage Sales. A sales event advertised by any means at a residential location where members of the public may purchase identifiable or tangible items of personal property; provided however, it shall not mean any event which constitutes a sales activity, wholesale or retail, by any business which has a current business license issued by the City. Items sold shall be limited to personal property owned by the occupant of the property and/or surrounding neighbors.

NEW
September 13, 2006

Article 4 Use Classifications

Sections:

410 Purpose and Applicability
420 Uses Not Classified
430 Residential Use Classifications
440 Public and Semipublic Use Classifications
450 Commercial Use Classifications
460 Accessory Use Classifications
470 Temporary Use Classifications

410 Purpose and Applicability

Use classifications describe one or more uses having similar characteristics, but do not list every use or activity that may appropriately be within the classification. The Redevelopment Manager shall determine whether a specific use shall be deemed to be within one or more use classifications or not within any classification in this Title. The Redevelopment Manager may determine that a specific use shall not be deemed to be within a classification, whether or not named within the classification, if its characteristics are substantially incompatible with those typical of uses named within the classification. The Redevelopment Manager's decision may be appealed to the Community Development Commission.

420 Uses Not Classified

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.

430 Residential Use Classifications

A. Day Care, Limited. Non-medical care and supervision of up to and including fourteen persons on a less than 24-hour basis within a licensee's home for children and adults.

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

C. Live/Work Quarters. An area comprising one or more rooms in a building

originally designed for industrial or commercial occupancy that includes cooking space, sanitary facilities, and working space for artists, artisans and similarly activities and Custom Industry uses as defined herein.

D. Multifamily Residential. Two or more dwelling units on a site. This classification includes mobile home and factory-built housing.

E. Residential Care, Limited. Twenty-four-hour non-medical care for six or fewer persons in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living.

F. Single-Family Residential. Buildings containing one dwelling unit located on a single lot. This classification includes mobile home and factory-built housing.

G. Mixed Use. Any mixed-use development with commercial and residential land uses combined.

440 Public and Semipublic Use Classifications

A. Clubs and Lodges. Meeting, recreational, or social facilities of a private or nonprofit organization primarily for use by members or guests. This classification includes union halls, social clubs, youth, and senior centers.

B. Cultural Institutions. Nonprofit institutions displaying or preserving objects of interest in one or more of the arts or sciences. This classification includes libraries, museums, and art galleries.

C. Day Care, General. Non-medical care and supervision on a less than 24-hour basis in any care facility of any capacity and not within a licensee's home for persons over the age of 18.

D. Emergency Health Care. Facilities providing emergency medical service with no provision for continuing care on an inpatient basis.

E. Government Offices. Administrative, clerical, or public contact offices of a government agency, including postal facilities, together with incidental storage and maintenance of vehicles. Only small scale Establishments occupying no more than 5,000 square feet.

F. Hospitals. Facilities providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons, primarily on an inpatient basis. This classification includes incidental facilities for outpatient treatment, as well as training, research, and administrative services for patients and employees.

G. Park and Recreation Facilities. Noncommercial parks, playgrounds, recreation facilities, and open spaces.

H. Public Safety Facilities. Facilities for public safety and emergency services including police and fire protection. Only small-scale establishments occupying no more than 5,000 square feet.

I. Religious Assembly. Facilities for religious worship and incidental religious education and other religious facility related supportive and social services. This use classification specifically excludes private schools as defined in this section. Only small scale establishments occupying no more than 5,000 square feet.

J. Residential Care, General. Twenty-four hour non-medical care for seven or more persons, including wards of the juvenile court, in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living.

K. Utilities, Major. Generating plants, electrical substations, aboveground electrical transmission lines, lone switching buildings, refuse collection, transfer, recycling or disposal facilities, water reservoirs, flood control or drainage facilities, water or waste water treatment plants, transportation or communications utilities, and similar facilities of public agencies or public utilities. A structure that may have a significant effect on surrounding uses shall be regulated under this classification.

L. Utilities, Minor. Utility facilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution lines, underground water and sewer lines, and recycling centers within convenience zones, as defined by the California Beverage Container Recycling and Litter Reduction Act.

450 Commercial Use Classifications

A. Ambulance Services. Provision of emergency medical care or transportation, including incidental storage and maintenance of vehicles.

B. Animal product sales. Retail products associated with domestic animals (dogs, cats, birds, snakes, and small rodents).

C. Artists Studios. Work and display space for artists and artisans, including individuals practicing one of the fine arts or performing arts, or skilled in an applied art or craft. Only small scale establishments occupying no more than 5,000 square feet.

D. Banks and Savings and Loans. Financial institutions that provide retail banking services to individuals and businesses. This classification is limited to institutions engaged in the on-site circulation of cash money including

businesses offering check-cashing facilities. This excludes check cashing businesses and loan companies not associated with a bank, credit unions or saving and loan.

1. Drive-through/Drive-up. Institutions providing self-service banking facilities that are associated with a primary banking or savings and loan building located on the same site.

2. Self-service (ATM's). Institutions providing self-service banking facilities that are associated with a primary banking or savings and loan building located on the same site.

E. Catering Services. Preparation and delivery of food and beverages for off-site consumption with provision for on-site pickup or consumption not to exceed 1,000 square feet. (See also Eating and Drinking Establishments.)

F. Commercial Recreation and Entertainment. Provision of participant or spectator recreation or entertainment. This classification includes, indoor movie theaters, performing arts theaters, amusement parks, bowling alleys, billiard parlors, pool rooms, dance halls, ice/roller skating rinks, golf courses, miniature golf courses, scale-model courses, tennis/racquetball courts, arcades and games centers having five or more coin-operated game machines and card rooms.

G. Communications Facilities. Broadcasting, recording, and other communication services accomplished through electronic or telephonic mechanisms, but excluding Utilities (Major). This classification includes radio, television, or recording studios; telephone switching centers; and telegraph offices.

H. Eating and drinking establishment. A place which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation and which has an adequate seating area for the consumption of meals and suitable kitchen facilities for cooking an assortment of foods which may be required for ordinary meals. As used in this definition, the word "meals" means the usual assortment of foods commonly ordered at various hours of the day; the services of only such foods as sandwiches or salads shall not be deemed in compliance with this requirement.

As used in this definition, the words "suitable kitchen facilities" shall include cooking equipment (such as deep fryers, stoves or ovens) requiring hood fans, an operable dishwashing machine, and a central freezing and refrigeration area.

1. Restaurant. A restaurant is an establishment that serves prepared food and beverages to be consumed on the premises. The term covers a multiplicity of venues and a diversity of styles of cuisine.

2. Espresso Stand. A walk-up or auto-oriented (drive-through) business that dispenses hot and/or cold beverages and pre-prepared food products.

3. Small-scale Entertainment - Small scale live entertainment is permitted and is limited to five or fewer performers, with not dance floor and limited to typical lunch and dinner hours (11:00 a.m. to 11:00 p.m.)

4. Live Entertainment. Establishments providing live entertainment for patrons with six or more performers.

5. Fast Food/Take Out. Restaurants where food and/or beverages are sold ready to go, to be consumed on or off the premises. This does not include drive through.

6. Full Service Liquor.

I. Food and Beverage Sales. Retail sales of food and beverages for off-site preparation and consumption. Typical uses include groceries, liquor stores, or delicatessens. Establishments at which 20 percent or more of the transactions are sales of prepared food for on-site or take-out consumption shall be classified as Catering Services or Eating and Drinking Establishments.

1. Convenience Markets. Retail sales of food, beverage and small convenience items typically found in establishments with long or late hours of operation.

2. Grocery/ Neighborhood Market. Retail sales of food and beverages for off-site preparation and consumption. Principally engaging in the retail sale of staple foodstuffs, household supplies and a sizeable assortment of fresh produce, meats, fish and dairy products. A minimum of 60% of net floor area (excluding storage, aisle ways, check out and customer service areas) shall be dedicated to the sale of staple foodstuffs and fresh items such as produce, meats, fish, and dairy products.

(Net Floor Area - The total floor area within the walls of all buildings on a lot or building site, except for the spaces therein devoted to vents, shafts, and lighting courts, and except for the area devoted exclusively to loading and unloading facilities or parking of motor vehicles).

3. Specialty Market. Retail sales of food and beverages for off-site preparation and consumption. Principally engaging and specializing in the retail sales of one predominate product line such as produce, meat, fish, etc. Such markets may include the incidental sales of

other merchandise directly related to the principal product line.

J. Home Occupation. A limited-scale service or fabrication activity, which occurs in a dwelling unit or accessory building and is subordinate to the primary use of the premises for residential purposes, with limitations as set forth within the City of Oceanside business license department.

1. Live work lofts. May include "professional services that do not require client visits, electronics research and development, computer software development, internet based business and the like are permitted. In addition to paper based and/or home based occupations such as engineers, architects, consultants, computer specialists, interior designers, lawyers, and real estate professionals.

K. Offices. Offices of firms or organizations providing professional, executive, management, or administrative services.

1. Administrative/Business. Establishments providing direct services to clients, including insurance agencies, real estate offices, post offices (not including bulk mailing distribution centers).

2. Production. Office-type facilities occupied by businesses engaged in the production of intellectual property. These uses include: advertising agencies, architectural, engineering, planning and surveying services, computer software production and programming services, educational, scientific and research organizations, media postproduction services, photography and commercial art studios, writers and artist's offices.

3. Professional. Professional or government offices including: Accounting, auditing and bookkeeping services, attorneys, counseling services, court reporting services, data processing services, detective agencies and similar services, employment, stenographic, secretarial and word processing services, government offices, literary and talent agencies, management and public relations services

4. Temporary. A mobile home, recreational vehicle or modular unit used as temporary office facility. Temporary Offices may include: construction supervision offices on a construction site or off-site construction yard; a temporary on-site, which is converted to residential use at the conclusion of its office use.

5. Temporary Real Estate. The temporary use of a dwelling unit within a residential development project as a sales office for the units on the same site, which is converted to residential or commercial use at the conclusion of its office use.

L. Pawn Shops. Establishments engaged in the buying or selling of new or secondhand merchandise and offering loans secured by personal property and subject to Chapter 22 of the Municipal Code. This definition does not include Junk as defined as old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, wastes, machinery, scrap wood, or junked, dismantled or wrecked automobiles, or parts thereof; iron, steel, and other old or scrap ferrous or nonferrous material. Includes any other definitions of junk established in City ordinances.

M. Personal Improvement Services. Provision of instructional services or facilities, including: photography, fine arts, crafts, dance or music studios; driving, business or trade schools; diet centers, or reducing salons; and health/fitness studios, spas or clubs.

1. Health/Club/Studio/Spa. Establishments with equipment for exercise and physical conditioning. Facilities offering the use of exercise equipment for public use, and services such as, expertise and instruction for fitness training, weight loss, yoga and aerobics classes. Does not include massage or other medically related services.

2. Day Spa. A day or full service spa must provide at least four different types of services and all services must be provided on the premises during regular business hours and include some type of instructional service. These services may include any of the following: facial therapies, body treatments, hair removal, nail care, salon care, makeup application, permanent cosmetic makeup, skin care treatments, therapeutic massage, aromatherapy, hydrotherapy, and instructional services such as; nutritional counseling, weight management, stress management, medical evaluations, and fitness activities such as; private or personal fitness training, yoga, meditation, and retail products such as; skin and body care products, work out or spa clothing, juice bar, spa or health food cuisine, health food products.

All services shall be administer by licensed cosmetologists, estheticians or similar professionals and should offer a vast array of the highest quality skin, body, health care, and fitness services. At a minimum spas establishment must be: clean, and safe environment; have private treatment rooms for clients receiving a

personal service; business licenses; professional, licensed estheticians and therapists; professional spa products for which estheticians and therapists have received training in their use; and have showering and changing facilities for women and men (when necessary).

3. Accessory Massage. Massage only permitted as an incidental use to a primary use listed above.

N. Personal Services. This classification includes: photo-copying, word processing, packaging, postal and office supply support facilities.

1. Laundromat/Cafe. A commercial establishment offering self-serve and assisted laundry facilities for public use in conjunction with some type of food or beverage service.

2. General Repair. The repair of small appliances, stereo equipment, electronic pieces and computers. This term does not include the repair of motor vehicles, motorcycles, lawnmowers or garden equipment.

O. Retail (General) Sales. The retail sale of merchandise not specifically listed under another use classification. This classification includes artist supplies, bakeries, bicycles, books, cameras and photographic supplies, clothing and accessories, department stores, drug stores, dry goods, fabrics and sewing supplies, florist and houseplants, hobby material, jewelry, luggage and leather goods, musical instruments, parts and accessories, specialty shops, religious goods, sporting goods and equipment, stationery, toys and games and variety stores.

1. Antiques, Antique Shop. Any article which, because of age, rarity or historical significance, has a monetary value greater than the original value, or which has an age recognized by the United States Government as entitling the article to an import duty less than that prescribed for contemporary merchandise. A store or shop selling only such articles or offering them for sale shall be considered as an antique shop or store, and not considered as a dealership handling used or secondhand merchandise.

2. Custom Retail. Establishments primarily engaged in on-site production of goods by hand manufacturing involving the use of hand tools and small-scale mechanical equipment not exceeding two (2) horsepower or a single kiln not exceeding eight (8) kilowatts; and the direct sale to consumers of those goods produced on-site.

Products made incident to a permitted use may be sold at retail on the premises, and not more than three (3) people shall be employed in the production process. Typical uses include but are not limited to ceramic studios, candle-making shops, and custom jewelry production.

3. Secondhand Furniture, Appliance, "Collectible" and Clothing Sales. The retail sale of used furniture, appliances, "collectibles" and clothing, and secondhand dealers who are subject to Chapter 22 of the Municipal Code. This classification excludes antique shops primarily engaged in the sale of antique furniture and accessories. Only small establishments occupying no more than 5,000 square feet.

4. Wine Tasting. Retail establishments for the sale of bottled wine and which offer wine tasting and the sale of wine for on-site consumption in connection with the marketing of wines offered for sale on the premises. With the exception of wine and featured micro-brews, no beverages or items containing alcohol shall be offered for sale or consumed on the premises. Non-alcoholic retail items associated with wine drinking such as wine glasses, decanters, ice buckets, toppers, serving implements, snack foods and non alcoholic beverages may also be offered for sale. Wine tasting shall only occur in an enclosed area not accessible for persons under the age of 21.

P. Travel Services. Establishments providing travel information and reservations to individuals and businesses. This classification excludes car rental agencies.

Q. Automotive Rental (small scale). - Rental of vehicles; with no on-site storage limited to five rental cars.

R. Visitor Accommodations.

1. Bed and Breakfast Inns. Establishments offering lodging on a less than weekly basis in a converted single-family or multi-family dwelling, with incidental eating and drinking service for lodgers only provided from a single kitchen and is consistent with article 3031 on f the Zoning Ordinance.

2. Hotels, Motels, and Time-Share Facilities. Establishments offering commercial lodging on a less than monthly basis. This classification includes incidental eating, drinking, and banquet services intended for the convenience of guests.

3. Resort. A resort is defined as a full service hotel, of greater than 200 rooms, with pool, spa and full service restaurant.

4. Integrated Resort. An Integrated Resort is defined as a resort with time share, fractional time share and/or condo hotel uses. Integrated Resorts may have 49% of the total rooms be time shares, fractional time share, condo hotels or some combination, within the "Nine Block Master Plan". All other Integrated Resorts may have 85% of the total rooms may be, time shares, fractional time share, condo hotels or some combination. The Coastal Commission requires that 25% of the total number of units be made available to transient visitors from May 31 to Labor Day. In an Integrated Resort that has more than 75% ownership units, the transient visitor units may be provided from the hotel pool.

5. Fractional Time Share Units. Establishments offering visitor serving commercial units for any increment of time; however, can only be occupied for up to 90 days per year and in 30 day non-consecutive intervals. The Coastal Commission requires that 25% of the total number of units be made available to transient visitors from May 31 to Labor Day.

6. Condo Hotel Units. Condominium units may be purchased as part of a Hotel or an Integrated Resort. Units may be purchased, but can only be occupied for up to 90 days per year and in 30 day non-consecutive intervals. During such time the units are not being occupied by the owners the units shall be put into the rental pool as part of an Integrated Resort or into an exchange program as part of a Time Share Program. Condo Hotel Properties, not part of an Intergraded Resort, may have 85% of the total rooms may be, time shares, fractional time share, condo hotels or some combination. The Coastal Commission requires that 25% of the total number of units be made available to transient visitors from May 31 to Labor Day. Properties having more than 75% ownership units, the transient visitor units may be provided from the hotel pool or through an exchange program. Existing hotels may not be converted into condo hotel units. Condo Hotel Units shall not be permitted on tide land properties.

460 Accessory Use Classifications

A. Accessory Uses and Structures. Uses and structures that are incidental to the principal permitted or conditionally permitted use or structure on a site and are customarily found on the same site. The accessory use occupies less than 50 percent of the net floor area and/or site area, and is incidental to the primary use. This classification includes accessory dwelling units ("second units") and

home occupations.

470 Temporary Use Classifications

A. Agricultural Specialty Sales, Seasonal. Retail sale of seasonal specialty items for a period not to exceed 45 days (e.g. Christmas Tree Sales, Pumpkin Sales).

B. Yard/Garage Sales. A sales event advertised by any means at a residential location where members of the public may purchase identifiable or tangible items of personal property; provided however, it shall not mean any event which constitutes a sales activity, wholesale or retail, by any business which has a current business license issued by the City. Items sold shall be limited to personal property owned by the occupant of the property and/or surrounding neighbors.

Visitor Accommodations.

1. Bed and Breakfast Inns. Establishments offering lodging on a less than weekly basis in a converted single-family or multi-family dwelling, with incidental eating service for lodgers only provided from a single kitchen and consistent with article 3031 on f the Zoning Ordinance.

2. Hotels, Motels, and Time-Share Facilities. Establishments offering commercial lodging on a less than 30 day basis. This classification includes incidental eating, drinking, and banquet services intended for the convenience of guests.

3. Resort. A resort is defined as a full service hotel, of greater than 200 rooms, with pool, spa and full service restaurant.

4. Integrated Resort. An Integrated Resort is defined as a resort with time share, fractional time share and/or condo hotel uses. Integrated Resorts may have 49% of the total rooms be time shares, fractional time shares, condo hotels or some combination, within the "Nine Block Master Plan. An Integrated Resort may meet the requirement to reserve 25% of the time share units as available hotel rooms from may 31 through Labor Day from the hotel rental pool.

5. Fractional Time Share Units. Establishments offering visitor serving commercial units for any increment of time; however, can only be occupied for up to 90 days per year and in 30 day non-consecutive intervals. The Coastal Commission requires that 25% of the total number of units be made available to transient visitors from May 31 through Labor Day.

6. Condo Hotel Units. Condominium units may be purchased as part of a Hotel or an Integrated Resort. Units may be purchased, but can only be occupied for up to 90 days per year and in 30 day non-consecutive intervals. During such time the units are not being occupied by the owners the units shall be put into the rental pool as part of an Integrated Resort or into an exchange program as part of a Time Share Program. Condo Hotel Properties, not part of an Integrated Resort, and not in the "9 Block Master Plan" area may have 85% of the total rooms be time shares, fractional time shares, condo hotels or some combination. Any requirement to reserve 25% of the condo hotel units as available hotel rooms from May 31 through Labor Day may be met from the hotel rental pool. Existing hotels may not be converted into condo hotel units. Condo Hotel Units shall not be permitted on tide land properties.