ITEM NO. 34

STAFF REPORT

CITY OF OCEANSIDE

DATE: December 8, 2010

TO: Honorable Mayor and City Councilmembers
Community Development Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A ZONING TEXT AMENDMENT AND LOCAL COASTAL PROGRAM AMENDMENT TO CHANGE THE RESIDENTIAL BUILDING HEIGHT AND PARKING STANDARDS OF THE 1986 ZONING ORDINANCE – RESIDENTIAL BUILDING HEIGHT STANDARDS – APPLICANT: CITY OF OCEANSIDE**

SYNOPSIS

The Planning Commission recommends that the City Council introduce an Ordinance amending the 1986 Zoning Ordinance (ZA09-00001) to modify the definitions of "building height" and "grade"; establish minimum front and rear setbacks for stories above the first story of residential development; reduce the maximum allowable building height for residential development from 35 to 27 feet, with a maximum allowance of two stories; and add a requirement that new single-family homes furnish one additional on-site parking space for each bedroom beyond five bedrooms. The Planning Commission further recommends the adoption of a resolution approving a Local Coastal Program Amendment (LCPA10-00002) establishing the above-referenced changes as zoning regulations to be applied within the Coastal Zone.

BACKGROUND

In December 2008, following discovery that it had never been certified by the California Coastal Commission (CCC), the 1992 Zoning Ordinance was superseded by the previously-applicable 1986 Zoning Ordinance (certified by the CCC in 1985) as the regulatory document for those portions of the Coastal Zone outside of the Downtown Redevelopment Area (Study Area).

With the reinstatement of the 1986 Zoning Ordinance, the maximum allowable building height increased from 27 feet to 35 feet for many residentially-zoned properties within the Study Area. In those areas of the Eastside Capistrano neighborhood lying within the Coastal Zone, the maximum allowable building height for residential properties decreased from 36 feet to 35 feet. For all residentially-zoned properties within the Study Area, the basis from which building height is measured changed from existing grade at all points beneath the building footprint to average finished grade, defined as the mean of the highest and lowest finished grade points adjacent to the building

footprint. The following table summarizes key changes to residential building height standards occasioned by the reinstatement of the 1986 Zoning Ordinance.

TABLE 1
Maximum Allowable Residential Building Height

	1986 Zoning Ordinance (Currently Applicable)	**1992 Zoning Ordinance** (Superseded)
Maximum Residential Building Height (Townsite & South Oceanside)	35 feet	27 feet
Maximum Residential Building Height (Eastside Capistrano)	35 feet	36 feet
Basis for Height Measurement	Average finished grade	Existing grade
Method of Height Measurement	From the mean of the highest and lowest finished grade points adjacent to the building footprint to the ceiling of the uppermost story	From a warped plane an equal height above all points beneath the building footprint to the uppermost point of the roof

Attached to this staff report as Exhibit B are three maps that identify those portions of the Townsite, South Oceanside and Eastside Capistrano Neighborhood Planning Areas where residential building height standards changed as a result of the reinstatement of the 1986 Zoning Ordinance (i.e. the Study Area).

Stretching from Eastside Capistrano to Buena Vista Lagoon, the Study Area comprises nearly 2,000 residentially-zoned properties accommodating a wide range of housing types and residential densities. With most lots sized at less than 10,000 square feet and coastal land values being relatively high, housing in the Study Area tends to be compact, although older homes are often smaller and surrounded by more private yard area. Single-family development includes single-story bungalows, detached rowhomes and custom beachfront homes of more than 5,000 square feet, while attached housing products include small duplexes and triplexes, small condominium complexes (four to ten units, arranged as townhomes and stacked flats), small apartment buildings (four to ten units) and apartment complexes with as many as 64 units. Mobile homes are also present within the Study Area, including La Salina Mobile Home Park adjacent to Loma Alta Creek and the Pacific Trailer Park at Oceanside Blvd and Cleveland Street. A more detailed description of the Study Area is provided in Exhibit G (Supplemental Information and Analysis).

In February 2010, following discretionary approval of several projects under the residential building height standards of the reinstated 1986 Zoning Ordinance, the Planning Commission directed staff to schedule a series of public workshops to elicit community input on the appropriateness of the increased height allowance for residential development within the Study Area. Ensuing public discussion of residential building height standards in the Study Area is summarized in Exhibit G.

On September 13, 2010, following one public workshop and two public hearings, the Planning Commission voted 4-3 to recommend to the City Council that the previously-applicable residential building height standards of the 1992 Zoning Ordinance be reestablished within the Study Area, with additional setback requirements put in place for stories above the ground floor. The Planning Commission also recommended additional parking requirements for single-family homes containing more than five bedrooms. The full text of the Planning Commission's recommendations is included with the draft ordinance for ZA09-00001, attached to this staff report as Exhibit A. These recommendations are summarized below in TABLE 2.

TABLE 2
SUMMARY OF RECOMMENDED CHANGES TO THE 1986 ZONING ORDINANCE

	Current	Proposed
Maximum Residential Building Height	35 feet and three stories for R-T and R-3 properties; 35 feet and two stories for R-1 properties	27 feet for all properties now subject to the 1986 Code (including Eastside Capistrano)
Definition of "Grade"	Average finished grade	Existing grade
Basis of Building Height Measurement	Average finished grade, defined as mean of highest and lowest grade points adjacent to the building footprint	Existing grade above all points beneath the building footprint
Front Yard Setback	No additional setbacks for stories above the ground level	Additional five-foot average setbacks for stories above the ground level
Rear Yard Setback	No additional setbacks for stories above the ground level	Additional five-foot average setbacks for stories above the ground level
Parking	Two-car garage per single-family dwelling unit (regardless of size or bedroom count)	One additional on-site parking space for each bedroom above five, which could be provided in a tandem configuration

PLANNING STAFF ANALYSIS

As noted in Table 2, the Planning Commission not only recommends a change to the maximum residential building height within the Study Area, but also a change to the manner in which building height is measured. Particularly for proposed development on sloping lots, the manner in which building height is measured can be as consequential as the maximum allowable building height. For instance, while the maximum allowable residential building height is ostensibly 35 feet under the 1986 Code, residential structures on sloping lots can reach nearly 50 feet in height at certain points, given that height is measured from the average finished grade. Moreover, with finished grade being the basis for building height measurement under the 1986 Code, building pads can potentially be elevated above existing grade, thereby further increasing the profile

and mass of residential development. The Planning Commission recommends that building height be measured from existing grade in the same manner now required under the 1992 Zoning Ordinance – i.e. where the building height limit is established as a "warped plane" that conforms precisely to the contours of the building site. Planning Division staff has recommended an alternative approach to measuring building height from existing grade, which is detailed in Exhibit D. Rather than requiring that building height be measured from a "warped plane," staff has recommended measurement from the average existing grade beneath each roof element, which is meant to afford design flexibility while dictating a systematic and transparent means of verifying conformance to height limits.

Exhibit G provides an overview of recent public discussion of this issue as well as a detailed analysis of the existing built environment with the Study Area, the current regulatory framework, recent development activity and recent planning efforts potentially impacted by changes to residential building height standards. Staff reports prepared for the Planning Commission public hearings conducted on July 26th and September 13th are attached as Exhibits D and E, respectively. Additional analysis is available on-line under the banner "Residential Building Height Standards" on the main page of the City's website.

Should the City Council vote to maintain the residential building height and parking standards of the 1986 Zoning Ordinance, subsequent California Coastal Commission (CCC) certification would not be required, given that the 1986 Code is already a CCC-certified document. However, should the City Council approve changes to residential building height and/or parking standards, these changes would require CCC review and certification. CCC purview over any proposed zoning text amendments should be limited to the substance of said amendments. For instance, should the City Council decide to maintain the currently-applicable 35-foot height limit but amend the method of building height measurement, only the amended building height measurement method would be subject to CCC review.

Environmental Determination

In accordance with the provisions of the California Environmental Quality Act (CEQA) Guidelines Section 15061 (b) (3), the proposed project does not have the potential for causing a significant effect on the environment and therefore is not subject to CEQA review. Furthermore, in accordance with the provisions of CEQA Guidelines Section 15265 (a) (1), CEQA does not apply to local government activities and approvals pursuant to the California Coastal Act.

FISCAL IMPACT

None.

CITY ATTORNEY ANALYSIS

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

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

RECOMMENDATION

The Planning Commission recommends that the City Council adopt the proposed text amendments to the 1986 Zoning Ordinance (ZA09-00001) summarized in this staff report and attached to the draft ordinance (Exhibit A). The Planning Commission further recommends that the City Council request California Coastal Commission certification of said amendments (LCPA10-00002), to provide for their incorporation into the City's Local Coastal Program.

PREPARED BY:

Russ Cunningham
Senior Planner

SUBMITTED BY:

Peter A. Weiss
City Manager

REVIEWED BY:

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

ATTACHMENTS/EXHIBITS:

1. Exhibit "A" - Draft Ordinance Amending Sections 211, 234, 1701, 1703, 1709, 2702 and 3204 of the 1986 Zoning Ordinance
2. Exhibit "B" City Council Resolution Requesting Coastal Commission Certification of Said Amendments
3. Exhibit "C" Maps of the Study Area (3)
4. Exhibit "D" Planning Commission Staff Report and Resolution dated September 13, 2010
5. Exhibit "E" Planning Commission Staff Report and Resolution dated July 26, 2010
6. Exhibit "F" Petition in Support of Specified Text Amendments to the 1986 Zoning Ordinance Signed by Owners of Real Property on South Myers Street
7. Exhibit "G" Supplemental Information and Analysis

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE FOR A ZONE AMENDMENT (ZA09-00001) AMENDING SECTIONS 211, 234, 1701, 1703, 1709, 2702 and 3204 OF THE 1986 ZONING ORDINANCE TO CHANGE RESIDENTIAL BUILDING HEIGHT AND PARKING STANDARDS IN THOSE PORTIONS OF THE COASTAL ZONE OUTSIDE OF THE DOWNTOWN REDEVELOPMENT AREA

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

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

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

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

WHEREAS, the Planning Commission continued discussion of residential building height standards to a regularly scheduled public hearing on the 23rd day of August, 2010; and

WHEREAS, the Planning Commission did, on the 23rd day of August, 2010, further continue discussion of residential building height standards to a regularly scheduled public hearing on the 13th day of September, 2010; and

WHEREAS, the Planning Commission did, on the 13th day of September, 2010, conduct a duly advertised public hearing as prescribed by law to consider revised recommendations for text amendments to the 1986 and 1992 Zoning Ordinances; and

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 Amendments conform to the General Plan of the City of Oceanside.

2. The Zoning Amendments conform to the Local Coastal Program of the City of Oceanside.

3. By ensuring that the bulk and scale of future residential projects in those portions of the Coastal Zone outside of the Downtown Redevelopment Area are in keeping with the existing built environment, the Zoning Amendments are necessary to carry out the general purpose of the 1986 Zoning Ordinance, which calls for residential development that is compatible with surrounding properties and protective of their market values.

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

1. Sections 211, 234, 1701, 1703, 1709, 2702 and 3204 of the 1986 Zoning Ordinance are hereby amended to include the changes attached to this Ordinance as Exhibit A.

2. Notice is hereby given that the time within which judicial review must be sought on this decision is governed by Government Code Section 65009(C).

3. The City Clerk of the City of Oceanside is hereby directed to publish the title of this Ordinance 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 8th day of December, 2010, and, thereafter,

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PASSED AND ADOPTED at a regular meeting of the City Council of the City of Oceanside, California, held on the _____ day of_____, 2010, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____
Mayor of the City of Oceanside

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE FOR A ZONE AMENDMENT (ZA09-00001) AMENDING SECTIONS 211, 234, 1701, 1703, 1709, 2702 and 3204 OF THE 1986 ZONING ORDINANCE TO CHANGE RESIDENTIAL BUILDING HEIGHT AND PARKING STANDARDS IN THOSE PORTIONS OF THE COASTAL ZONE OUTSIDE OF THE DOWNTOWN REDEVELOPMENT AREA

Exhibit A: ZA09-00001/LCPA10-00002

Proposed Text Amendments to the 1986 Zoning Ordinance Regarding Building Height and Parking Standards

Section 211: BUILDING HEIGHT. "Building height" means the vertical ~~distance~~ dimension measured from ~~the average level of the highest and lowest point of that portion of the building site covered by the building to the ceiling of the uppermost story~~ existing grade to the uppermost point of a structure.

Section 234: GRADE. ~~"Grade" means the average of the finished ground level at the center of all walls of a building. In case[s] [where] walls are parallel to and within five feet of a sidewalk, the above-ground level shall be measured at the sidewalks.~~ For purposes of building height measurement, "grade" means the surface of the ground or pavement at the stated location as it exists prior to disturbance in preparation for a project regulated by this ordinance. When ambiguity exists as to what constitutes existing grade, the City Planner shall determine existing grade on the basis of available topographic exhibits and/or field assessments.

Section 1701: FRONT YARD. The following minimum front yard setback requirements shall be met: (for special conditions and exceptions, see further provisions in this article).

(a) Every lot in the R-A, R-1, R-2, R-3, R-P and S-P zones shall maintain a front yard setback of twenty (20) feet. Additionally, floors above the ground floor shall be set back from the floor immediately below by an average of five (5) feet.
(b) Every lot which allows apartment development and is located west of Interstate 5 shall have a minimum front yard setback of not less than fifteen (15) feet. Additionally, floors above the ground floor shall be set back from the floor immediately below by an average of five feet.

(No other proposed changes to Section 1701)

Section 1703: REAR YARDS. The following minimum rear yard setbacks shall be met: (for special conditions and exceptions see further provisions in this Article).

(a) Every lot in the R-A, R-1, R-2, R-3 and SP zones shall maintain a minimum rear yard setback of fifteen (15) feet except for the following:
    (1) A minimum rear yard setback of ten (10) feet shall be maintained for enclosed patios and patio awnings.
    (2) Lots which rear upon an alley shall maintain a five (5) foot setback.

(3) When two lots are separated by a slope bank of twenty (20) feet or more the uphill lot need not provide any setback provided that all building codes and grading ordinance provisions are met and that a five (5) foot high fence be built on the property.

(4) Lots which rear upon land to be permanently maintained as open space need not have a rear setback.

(5) In addition to any required rear yard setback for ground floor development on residentially zoned properties, floors above the ground floor shall be set back from the floor immediately below by an average of five feet.

(No other proposed changes to Section 1703)

Section 1709: HEIGHT. No buildings or structures shall be erected or enlarged unless such building or structure complies with the height regulations for the zone in which the building or structure is located or proposed to be located. The height of a building or structure ~~the average finished grade of the parcel on which the building or structure is located shall be used~~ shall be measured from existing grade at all points on the site to a warped plane an equal height above all points on the site, with the following exception:

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

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

(a) No building or structure located in the R-A, R-1, R-2, PRD or SP zone shall exceed a height of ~~35~~ 27 feet or two stories, whichever is less.

(b) No building or structure used for residential purposes in the R-3, O-P, R-T, R-C, PRD, or SP zones shall exceed a height of ~~35~~ 27 feet or ~~three~~ two stories, whichever is less.

(c) No building or structure in the R-C, O-P, C-1, C-2, M-1, M-2, or PC zones shall exceed a height of 45 feet or four stories, whichever is less.

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

Section 2702: PARKING ~~SPACED~~ SPACES REQUIRED.

USE	PARKING SPACES REQUIRED
Residential Uses	
Single family dwellings	2 car garage per dwelling unit; minimum inside area of 400 sq. ft.; minimum inside width of 18 ft. One additional parking space per bedroom over five (5) bedrooms, with tandem parking allowed for additional required spaces

Section 3204: BUILDING SETBACKS. The minimum front yard, side yard, and rear yard setbacks shall be 10 feet for front, 3 feet for side yards, and 6 feet for rear yards unless alternate setbacks are approved through the development review process.

(1) Proposals for alternate 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. Abutting property owners shall be advised of proposals for no setback on side and rear yards prior to approval of same.

(2) Single family residential buildings shall have a concrete driveway approach to parking areas at least 20 feet in length by 9 feet wide per parking space.

(3) Buildings along The Strand should 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.

(4) In addition to any required front yard setback for ground floor development, floors above the ground floor shall be set back from the floor immediately below by an average of five feet.

(5) In addition to any required rear yard setback for ground floor development, floors above the ground floor shall be set back from the floor immediately below by an average of five feet.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF OCEANSIDE MODIFYING THE LOCAL COASTAL PROGRAM WITH AMENDMENTS TO SECTIONS 211, 234, 1701, 1703, 1709, 2702 AND 3204 OF THE 1986 OCEANSIDE ZONING ORDINANCE TO CHANGE RESIDENTIAL BUILDING AND PARKING STANDARDS WITHIN THOSE PORTIONS OF THE COASTAL ZONE OUTSIDE OF THE DOWNTOWN REDEVELOPMENT AREA AND REQUESTING CALIFORNIA COASTAL COMMISSION CERTIFICATION OF SAID AMENDMENT

(City of Oceanside –Applicant)
(LCPA10-00002)

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

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

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

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

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

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

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

WHEREAS, the Planning Commission continued discussion of residential building height standards to a regularly scheduled public hearing on the 23rd day of August, 2010; and

WHEREAS, the Planning Commission did, on the 23rd day of August, 2010, further continue discussion of residential building height standards to a regularly scheduled public hearing on the 13th day of September, 2010; and

WHEREAS, the Planning Commission did, on the 13th day of September, 2010, conduct a duly advertised public hearing as prescribed by law to consider revised recommendations for text amendments to the 1986 and 1992 Zoning Ordinances; and

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 hereby approved by the City Council in conjunction with its recommendations on the application; and

WHEREAS, the City Council/Community Development Commission finds that the Local Coastal Program Amendment (LCPA10-00002) conforms with and is adequate to carry out the land use plan of the Local Coastal Program.

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

1. Pursuant to Public Resources Code §30510(a), the Oceanside City Council/ Community Development Commission hereby certifies that the Local Coastal Program Amendment (LCPA10-00002) 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 Public Resources Code §30801.

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

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____
Mayor/CDC Chair of the City of Oceanside

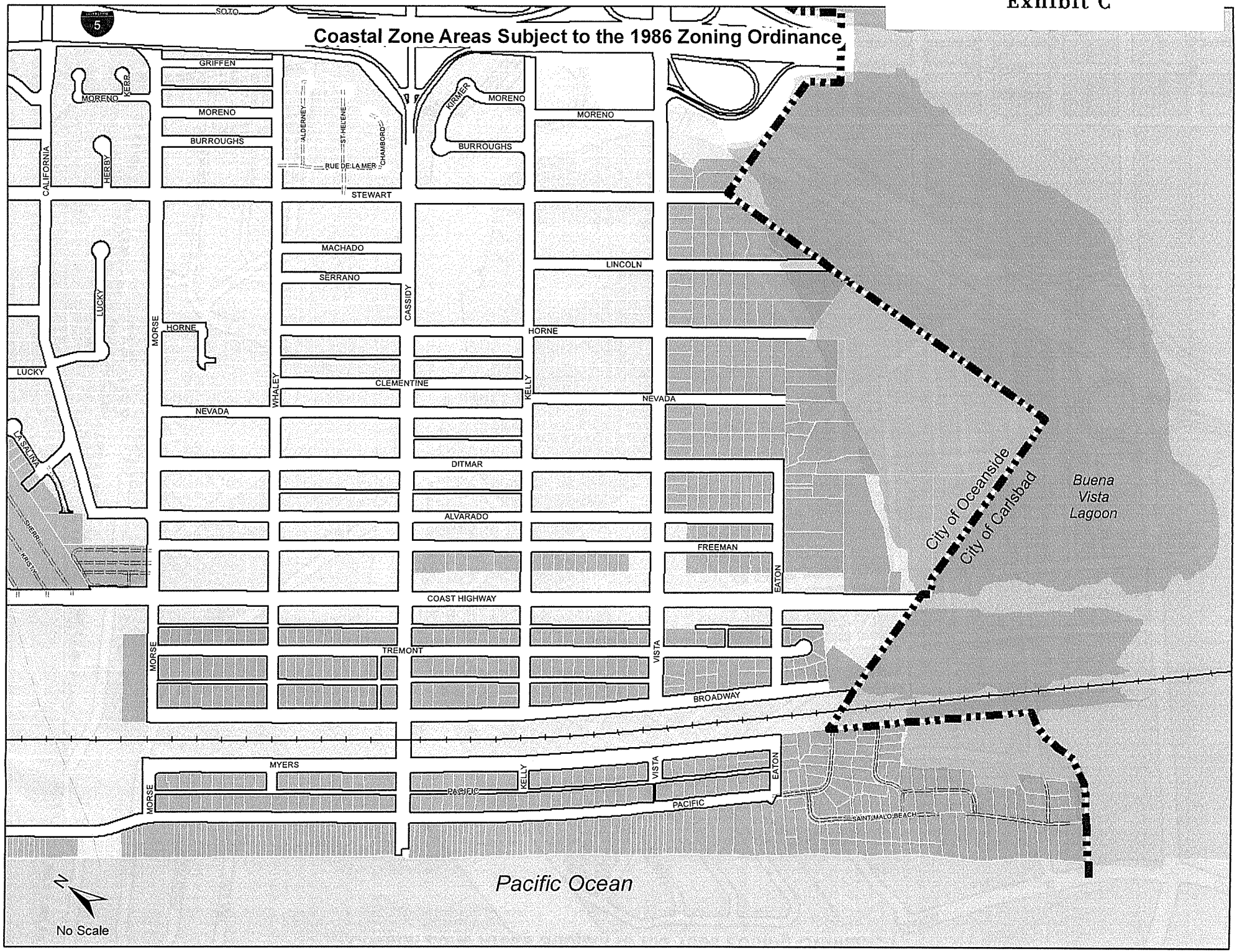
ATTEST:

_____
City Clerk/ CDC Secretary

APPROVED AS TO FORM:

_____
City Attorney/ CDC General Counsel

Exhibit C


Coastal Zone Areas Subject to the 1986 Zoning Ordinance
SOTO
GRIFFEN
MORENO
KERR
BURROUGHS
CALIFORNIA
HERBY
ALDERNEY
ST-HELENE
CHAMBORD
RUE DE LA MER
KIRMER
STEWART
MACHADO
SERRANO
CASSIDY
LINCOLN
LUCKY
MORSE
HORNE
WHALEY
CLEMENTINE
KELLY
NEVADA
LA SALINA
SIERRA
KRISTY
DITMAR
ALVARADO
FREEMAN
EATON
COAST HIGHWAY
TREMONT
VISTA
BROADWAY
MYERS
PACIFIC
SAINT MALO BEACH
City of Oceanside
City of Carlsbad
Buena Vista Lagoon
Pacific Ocean
N
No Scale

Coastal Zone Areas Subject to the 1986 Zoning Ordinance
CANYON
BARNES
SEAGAZE
BROOKS
MISSION
ARCHER
OLIVE
BUENA
BUSH
PUCS
HIGGINS
SAN DIEGO
SANTA BARBARA
LEMON
DUBUQUE
MARGUERITE
SHOSHONE
LAURE
MELMS
LANGFORD
HOLLY
KRAFT
MATSON
PAPIN
LORELLA
WALTON
ZEISS
BREEZE
WYNN
HIGHWAY 76 EXPRESSWAY
HARBOR CLIFF
INTERSTATE 5
SEAGAZE
NEVADA
PIER VIEW
HORNE
CLEMENTINE
CIVIC CENTER
WEITZEL
SPORTFISHER
SURFRIDER
WINDWARD
NEPTUNE
MCNEIL
EAGLES NEST
ISTHMUS
TALON RIDGE
LANDS END
RIBBON BEACH
STONEY POINT
COAST HIGHWAY
SAN LUIS REY
MONTEREY
CAPISTRANO
SAN RAFAEL
SUNSET
SAN JUAN
SANTA ANITA
LORETTA
SAN MATEO
SAN JOSE
SANTA PAULA
City of Oceanside
Camp Pendleton
N
No Scale

Coastal Zone Areas Subject to the 1986 Zoning Ordinance

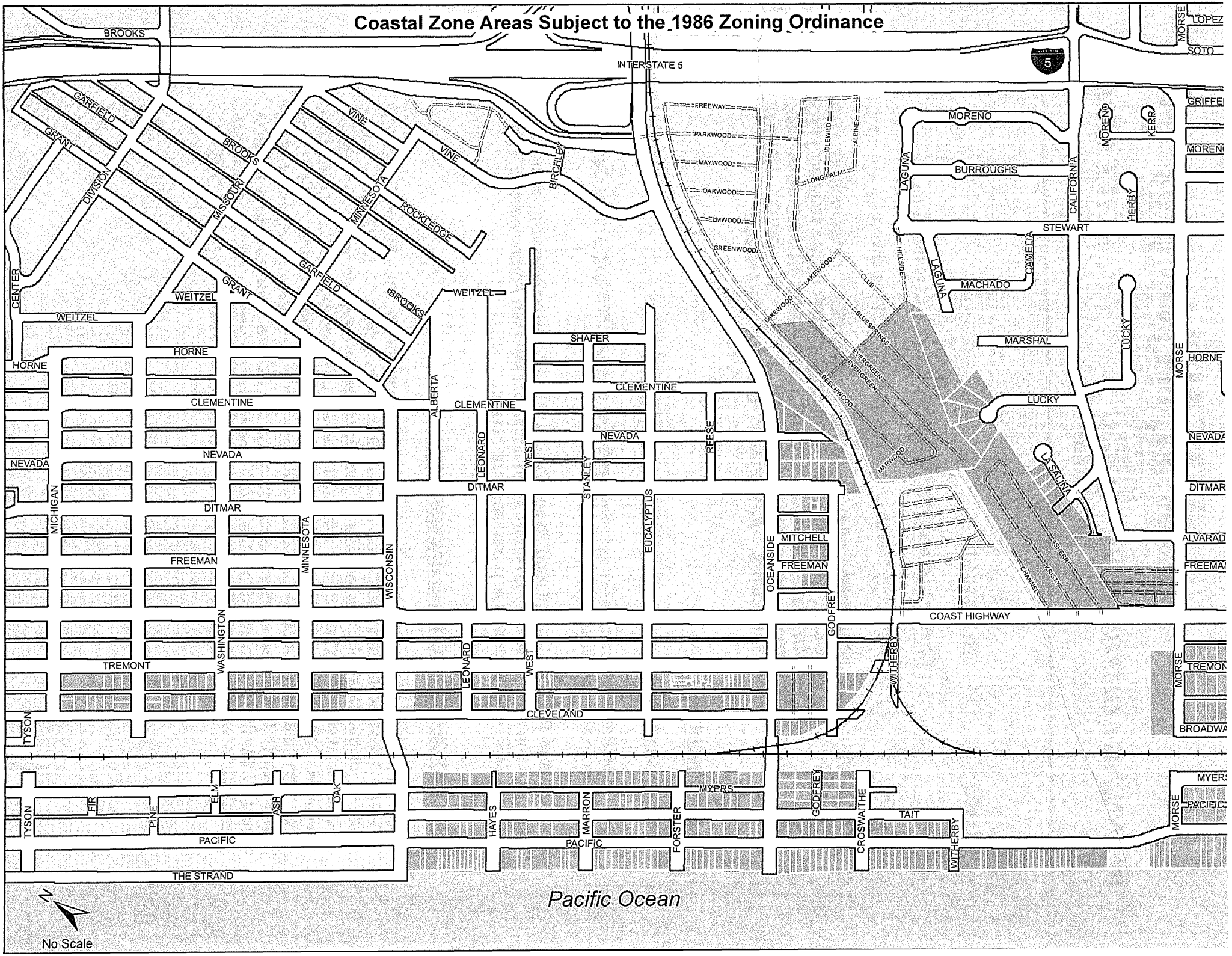


EXHIBIT D

AGENDA NO. 5

PLANNING COMMISSION *STAFF REPORT*

DATE: July 26, 2010

TO: Chairperson and Members of the Planning Commission

FROM: Community Development Department/Planning Division

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

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

1. Confirm issuance of a General Exemption per Section 15061(b)(3) of the California Environmental Quality Act; and

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

PROJECT DESCRIPTION AND BACKGROUND

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

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

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

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

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

ANALYSIS

DISCUSSION

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

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

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

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

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

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

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

ENVIRONMENTAL DETERMINATION

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

SUMMARY

Staff recommends that the Planning Commission:

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

PREPARED BY:

Russ Cunningham
Senior Planner

SUBMITTED BY:

Jerry Hittleman
City Planner

JH/RC/fil

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

PLANNING COMMISSION
RESOLUTION NO. 2010-P24

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

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

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

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

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

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

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

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

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

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

1. The Zoning Text Amendments and Local Coastal Plan Amendments, as proposed, conform to the General Plan of the City.

2. That the granting of the Zoning Text Amendments and Local Coastal Plan Amendments is consistent with the purposes of both the 1986 and 1992 Zoning Ordinances, as these amendments will help to preserve the existing character of the City's neighborhoods and mitigate the potentially adverse impacts of excessive building height.

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

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

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____

Bob Neal, Chairperson
Oceanside Planning Commission

ATTEST:

_____

Jerry Hittleman, Secretary

I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that this is a true and correct copy of Resolution No. 2010-P24.

Dated: July 26, 2010

Exhibit A: ZA09-00001/LCPA10-00002

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

1986 Zoning Ordinance

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

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

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

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

Section 1709: HEIGHT. No buildings or structures shall be erected or enlarged unless such building or structure complies with the height regulations for the zone in which the building or structure is located or proposed to be located. For purposes of determining the height of a building or structure, ~~the average finished grade of the parcel on which the building or structure is located shall be used~~ the lowest existing grade beneath the building or structure footprint shall be used.

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

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

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

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

1992 Zoning Ordinance

3017 Measurement of Height

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

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

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

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

3018 Exceptions to Height Limits

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

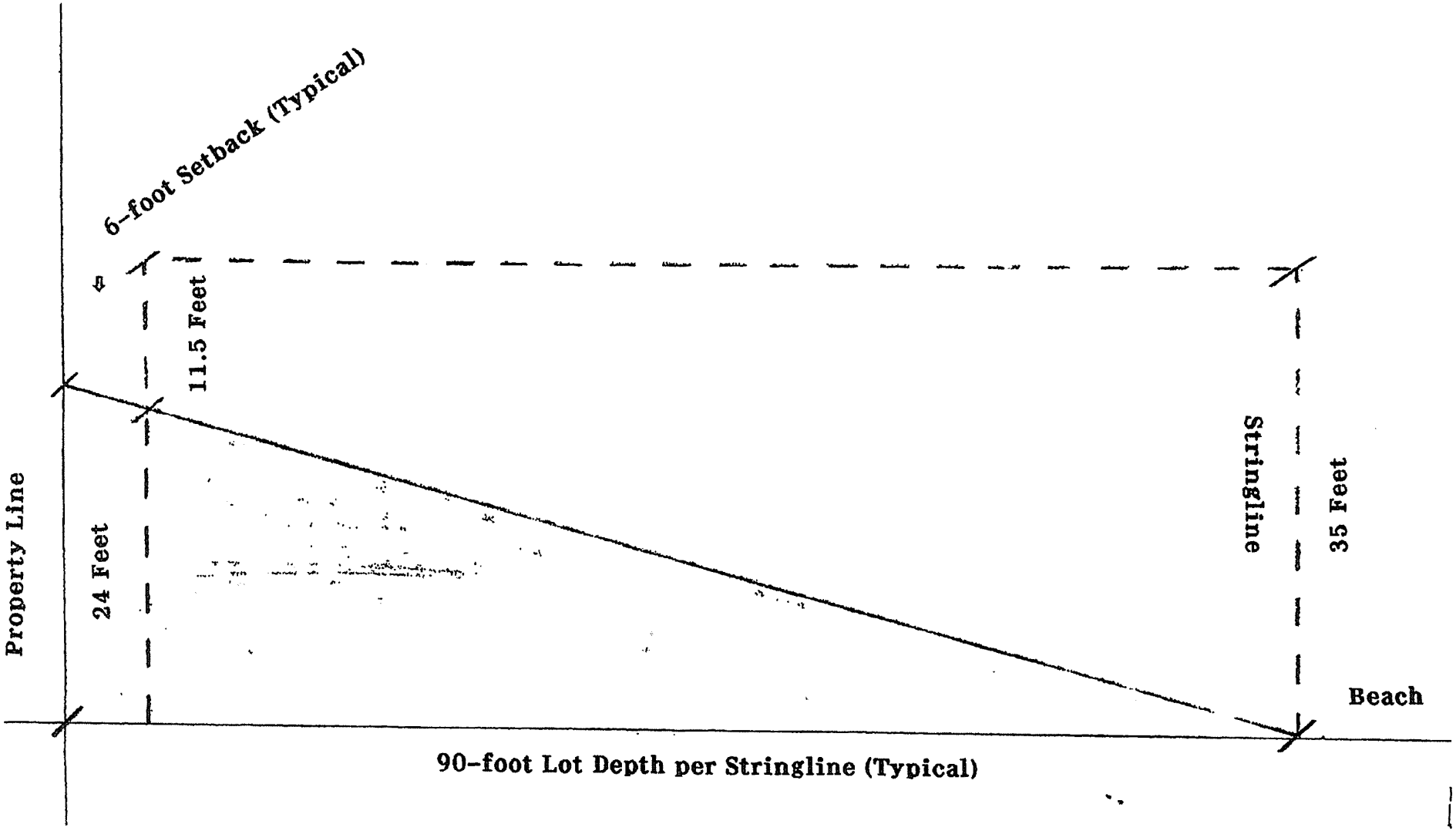
A. A structure may exceed the district height limit by 10 feet and a use permit may be approved for features extending more than 10 feet above the base district height limit. An enclosed structure may extend no more than 10 feet in width in any direction. Living area shall not be permitted in that portion of a structure which exceeds the height limit of the base district.

B. The Strand is subject to the height limitations of Proposition A, passed April 13, 1982, and no exceptions are permitted.

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

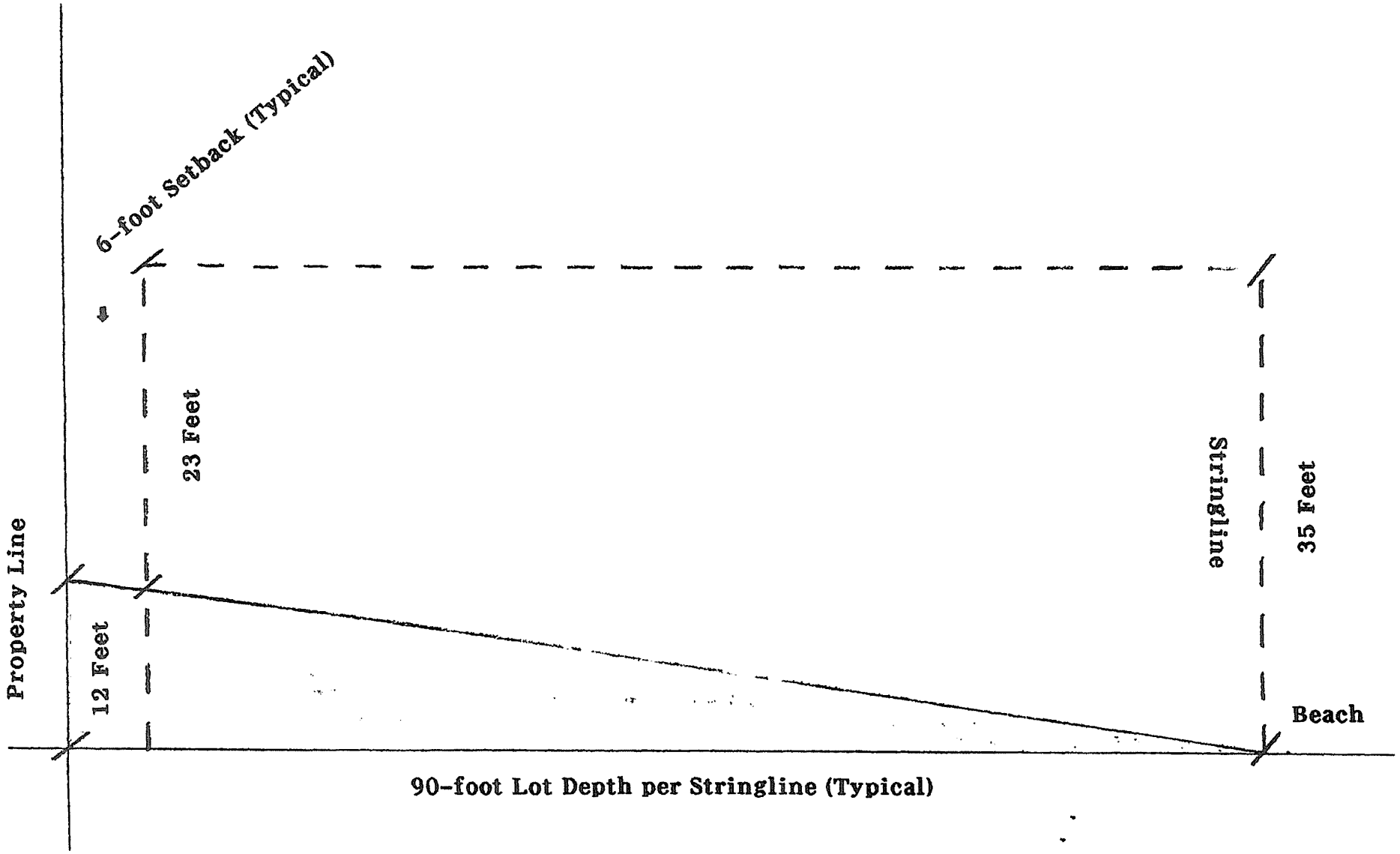
(35 Feet Maximum as Measured from Lowest Existing Grade beneath the Building Footprint)

Scenario #1: Extreme Slope (24 Vertical Feet)



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

Scenario #2: Moderate Slope (12 Vertical Feet)



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

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

Scenario #3: No Slope

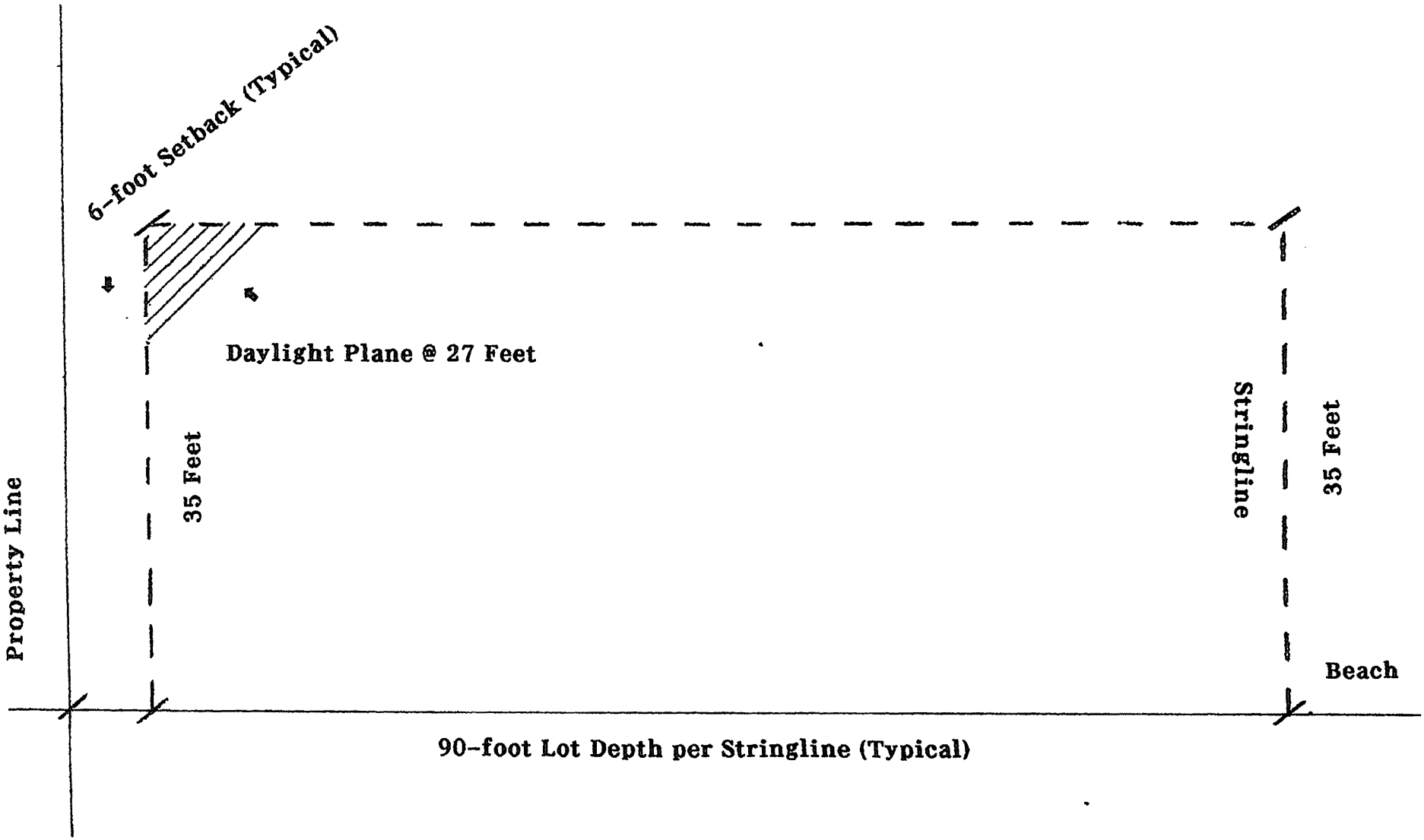


Exhibit E

AGENDA NO. 6

PLANNING COMMISSION *STAFF REPORT*

DATE: September 13, 2010 (Continued from the August 23, 2010 public hearing)

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

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

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

1. Confirm issuance of a General Exemption per Section 15061(b)(3) and a Statutory Exemption per Section 15265(a)(1) of the California Environmental Quality Act; and

2. Adopt Planning Commission Resolution No 2010-P28 recommending approval of Zoning Amendment (ZA09-00001) and Local Coastal Plan Amendment (LCPA10-00002) with findings of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

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

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

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

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

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

At the May 10th public workshop, the Planning Commission directed staff to formulate recommendations to address the above concerns and encourage high-quality, context-sensitive building design.

At a Planning Commission public hearing on July 26, 2010, staff presented a series of recommendations intended to clarify the development review process and strike an appropriate balance between the residential building height standards of the 1986 and 1992 Zoning Ordinances. In addition to proposing a number of new definitions meant to clarify key terminology (i.e. "building height", "basement", "story", "grade" and "grade plane"), staff also proposed a new methodology for measuring building height, calling for building height to be measured from the lowest existing grade adjacent to the

building footprint. In contrast to the building height measurement methodology currently outlined in the 1986 Code, which calls for measuring building height from the "average finished grade," establishing existing grade as the basis for building height measurement was meant to ensure that site topography is not unduly manipulated to create building pads that are incompatible with surrounding landforms and adjacent development. Additionally, moving away from an average grade as the basis for building height measurement was intended to preclude exceptionally massive development on the low side of sloping properties (e.g. under current standards, unarticulated beach-facing elevations of nearly 50 feet are possible).

A number of attendees who spoke at the July 26th public hearing expressed opposition to staff's recommendation that building height be measured from the lowest existing grade adjacent to the building footprint, arguing that this methodology would constrain development on many beachfront properties to a single-story above South Pacific Street and thereby render existing two-story development on many properties non-conforming. These concerns were echoed by some members of the Planning Commission, who asked that staff consider ways to limit the overall height of beachfront development while allowing for two stories on the South Pacific Street frontage. There was general consensus among commissioners that building articulation on front and rear elevations should either be encouraged through the discretionary review process or required through codified standards (e.g. daylight planes, upper story setbacks).

Since the July 26th public hearing, staff has received public input on the subject of residential building height via telephone, email and in person at the Planning Division public counter. Staff has also received a written petition from individuals who reside and/or own property between the 1600 and 2000 Blocks of South Myers Street; this petition, which calls for tiered building height limits for properties abutting South Pacific Terrace, has been forwarded to the Planning Commission. In many instances, public input has consisted of inquiries about the status of the project and the nature of staff's recommendations. Other comments have essentially reiterated remarks offered at the July 26th public hearing.

On August 9, 2010, Planning Division staff convened a group of local site development professionals to discuss residential building height standards. Two architects (David Lee Soanes and Paul Longton) and a geotechnical engineer (Larry Taylor) who have been involved with many projects sited within the study area, along with an architect who works primarily in southern Orange County (Michael Luna) were invited to discuss ways to address public concerns about excessive building height while encouraging "high quality design" as called for in the Design Guidelines of the Local Coastal Program. While opinions varied regarding appropriate building height limits and building height measurement methods, there was general consensus that front and rear building elevations should exhibit articulation and that roof projections should be integrated so as not to read like additional stories. Most participants concurred that building height should generally be measured from existing grade, as opposed to finished grade, unless doing so would result in development that is incompatible with the surrounding topography and built environment. All participants agreed that definitions of "basement"

and "story" should be clarified and rendered consistent with definitions thereof in the City's operative building code. At the same time, all participants agreed that limits on the number of stories in residential development do little to influence the form of such development and thus should be eliminated.

ANALYSIS

DISCUSSION

At the July 26th public hearing, staff recommended text amendments to both the 1986 and 1992 Zoning Ordinances, with proposed amendments to the 1986 Code generally being more substantive than those proposed for the 1992 Code. While proposed changes to building height standards in the 1986 Code would have significantly altered the allowable building envelope for many properties, proposed changes to the 1992 Code were largely focused on clarifying ambiguous terms and procedures. To the extent proposed changes to the 1992 Code involved development standards, they were confined to the regulation of building height projections. The recommended zoning text amendments presented by staff at the July 26th public hearing can be accessed on the City's website at http://www.ci.oceanside.ca.us/pdf/planning_exhibit_a.pdf.

In response to comments and questions fielded at and subsequent to the July 26th public hearing, staff's recommendations for text amendments to both the 1986 and 1992 Zoning Ordinances have been revised as follows:

- Establish 27 feet as the maximum building height for those R-1 and R-T properties on the beach side of South Pacific Street from Wisconsin Avenue to the City's southern boundary, including all of Saint Malo Estates;
- Maintain 35 feet as the maximum residential building height in most areas now governed by the 1986 Zoning Ordinance;
- For all properties subject to the 1986 Code, require that building height be measured from average existing grade adjacent to the building footprint, in accordance with the methodology illustrated in Exhibit B;
- For all properties subject to the 1986 Code, require that building height be measured to the top of all separate roof elements (rather than to the ceiling of the uppermost story), as illustrated in Exhibit B;
- For all properties subject to the 1986 Code, further limit development to a maximum height above any given point adjacent to the building footprint (regardless of average existing grade);
- For beachfront residential properties subject to a 27-foot building height limit under the 1986 Code, further restrict building height to a maximum of 35 feet above any given point adjacent to the building footprint;
- Require that all residential development subject to the 1986 Code respect a 45-degree daylight plane beginning 27 feet above the front and rear setback lines (previously applicable under the 1992 Zoning Ordinance and illustrated on the City's website at http://www.ci.oceanside.ca.us/pdf/planning_exhibit_d.pdf);

- Under both the 1986 and 1992 Codes, restrict architectural roof projections to ten percent (10%) of the ground-level building footprint, fifty percent (50%) of the ground-level building width and no more than eight feet (8') in height;
- Under both the 1986 and 1992 Codes, require discretionary approval (through a Conditional Use Permit) for roof deck access structures (i.e. stair and elevator enclosures) proposed to exceed the building height limit;
- Eliminate story restrictions for residential development subject to the 1986 Code;
- Under the 1986 Code, require additional parking for single-family homes with more than five (5) bedrooms, at one additional space per bedroom (which may be provided as tandem parking);
- Under both the 1986 and 1992 Codes, allow measurement of building height from a finished grade elevation only through a Conditional Use Permit, subject to a series of findings that address landform compatibility, building bulk and scale, and site drainage;
- In both the 1986 and 1992 Codes, amend definitions of relevant terms to resolve existing ambiguities and establish existing grade (rather than finished grade) as the basis for building height measurement;
- In both the 1986 and 1992 Codes, add a definition of "grade plane" to clarify the distinction between "basement" and "story".

The summary above seeks to specifically delineate recommended text amendments to the 1986 Code from those proposed for the 1992 Code. While in some instances staff's recommendations apply to both codes, it is important to note that proposed changes to the 1992 Code remain largely procedural in nature, with the exception of additional controls on building height projections. No changes to existing building height limits or building height measurement procedures are proposed for the 1992 Zoning Ordinance.

The key differences between these recommendations and those offered in advance of the July 26th public workshop include: a) a separate height limit for beachfront development; b) a different procedure for measuring building height; c) additional controls on maximum building height at any given point of measurement; d) additional controls on roof projections; and e) additional parking requirements for exceptionally large single-family homes. Taken together, these new recommendations are intended to mitigate the "canyon" and "wall" effects of excessively tall and unarticulated development while at the same time affording property owners with both an ample building envelope and considerable design flexibility.

In recommending a separate height limit for beachfront development within the study area, staff is essentially advocating a return to the previously-applicable building height standards of the 1992 Zoning Ordinance, while allowing for more design flexibility through the establishment of a different procedure for measuring building height and the elimination of current limits on the number of stories allowed in residential development. It is staff's position that the proposed 27-foot building height limit for beachfront properties is consistent with the existing two-story character of the built environment along the frontage of South Pacific Street. When measured from the average existing grade beneath each roof element (as illustrated in Exhibit B), a 27-foot building height

limit allows two stories at the street frontage for all beachfront properties, while providing the opportunity to terrace additional levels of development along those lots that slope downward toward the beach. At the same time, a 27-foot building height limit for beachfront properties mitigates the potential massing impacts associated with reduced front yard setbacks along South Pacific Street (occasioned by the stringline and blockface averaging provisions of the 1986 and 1992 Codes). Furthermore, a 27-foot building height limit for beachfront development allows for more view opportunities from public spaces located immediately eastward, akin to what the tiered building height limits of the Downtown Redevelopment Area now provide to similarly located public spaces. The allowable building envelope created by the proposed 27-foot building height limit, the proposed building height measurement procedure and other proposed controls will be schematically juxtaposed against current and previously-recommended building height standards in staff's presentation at the public hearing.

Staff also recommends that additional controls be placed on building height projections, which can contribute significantly to the massing impacts of residential development when they are not sensitively scaled and situated. While the 1992 Zoning Ordinance limits the square footage of roof projections to no more than ten percent (10%) of the ground-level building footprint, the 1986 Zoning Ordinance places no dimensional limits on building height projections, indicating only that such projections shall not include habitable floor area. Moreover, neither the 1986 nor the 1992 Zoning Ordinances make it clear under what circumstances and by what means such projections should be allowed. To mitigate the potential massing impacts of building height projections, it is staff's position that such features should be limited not only in square footage but also in height and width. Staff thus recommends that roof projections be restricted to no more than fifty percent (50%) of the ground-level building width and no more than eight feet in height. Moreover, it is staff's position that, due to their potential to read like additional stories, roof deck access structures (i.e. stair and elevator enclosures) proposed to exceed base district height limits should be subject to discretionary approval through a Conditional Use Permit process. These recommended controls on building height projections would apply under both the 1986 and 1992 Zoning Ordinances.

Recognizing that elimination of existing restrictions on the number of allowable stories in residential development could result in higher bedroom counts in single-family homes, and further recognizing that single-family homes that function as vacation rentals often have on-street parking impacts, staff recommends additional parking requirements for new single-family homes that accommodate more than five bedrooms. In recent years, the City has approved several single-family homes in the Coastal Zone that include ten or more bedrooms. Virtually all of these homes function as vacation rentals, housing groups of 20 or more visitors at a time. It is staff's position that current parking standards for single-family homes, which require no more than two enclosed spaces per dwelling regardless of that dwelling's capacity, do not fully account for the parking demand occasioned by exceptionally large single-family homes that serve as lodging uses. Staff thus recommends that new single-family homes furnish one additional parking space for each bedroom in excess of five. Staff recommends allowing these additional spaces to be provided in a tandem configuration, given that typical lot widths

in the study area cannot accommodate more than two side-by-side parking spaces. Staff does not, however, support meeting additional parking requirements with parking lift structures on front elevations, unless such lift structures are utilized to provide additional parking spaces below, rather than above, street grade.

Some of the recommendations enumerated above remain essentially unchanged from those presented at the July 26th public hearing. These unchanged recommendations were discussed in detail in a memorandum posted to the City's website in early July (http://www.ci.oceanside.ca.us/pdf/planning_memo_070710.pdf).

ALTERNATIVES

As noted at both the May 10th and July 26th public meetings, one alternative to the recommendations enumerated above would be the wholesale adoption of the previously-applicable residential building height standards of the 1992 Zoning Ordinance, which limit residential building height to two stories or 27 feet, whichever is less, on lots within the Townsite Neighborhood Planning Area southerly of the Downtown Redevelopment Area and all of the South Oceanside Neighborhood Planning Area. In all other residential zones within the City governed by the 1992 Zoning Ordinance, including Eastside Capistrano, the maximum building height is 36 feet (with no specified story limits). In all instances, building height under the 1992 Zoning Ordinance is measured from existing grade at all points beneath the building footprint.

A second alternative would be to simply maintain the current residential building height standards of the 1986 Zoning Ordinance. Under this alternative, maximum building height would remain at 35 feet for all residential properties within those portions of the Coastal Zone outside of the Downtown Redevelopment Area, including beachfront properties on South Pacific Street.

RECOMMENDATIONS

It is staff's position that, relative to these two alternatives, the recommendations previously outlined above are more closely tailored to conditions within the study area, and, moreover, more attuned to Planning Commission input on the subject of residential building height. More specifically, staff finds that the recommended zoning text amendments:

- Strike a reasonable balance between the current and previously-applicable building height standards;
- Acknowledge the unique location, development potential and visual impacts of beachfront properties;
- Provide for a more transparent and verifiable means of measuring building height, thereby reducing the potential for error and misrepresentation;

- Encourage variable building height within the City, thereby creating visual variety and mitigating "wall" or "canyon" effects.

The subject of residential building height standards has been under discussion since the reinstatement of the 1986 Zoning Ordinance – i.e. for more than a year. In the interim, several projects have been approved and implemented under the current standards, and others are presently under review. To provide greater certainty to applicants now in the development review process, the Planning Division seeks to bring these and/or other recommendations before the City Council as soon as possible. Accordingly, staff asks that the Planning Commission establish its preferences on this subject by formal resolution this evening.

ENVIRONMENTAL DETERMINATION

In accordance with the provisions of the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3), the proposed project does not have the potential for causing a significant effect on the environment and therefore is not subject to CEQA review. Furthermore, in accordance with CEQA Guidelines Section 15265(a)(1), CEQA does not apply to local government activities and approvals pursuant to the California Coastal Act.

SUMMARY

Staff recommends that the Planning Commission:

-- Adopt Planning Commission Resolution No 2010-P28 recommending approval of Zoning Amendment (ZA09-00001) and Local Coastal Plan Amendment (LCPA10-00002) with findings of approval attached herein.

PREPARED BY:

Russ Cunningham
Senior Planner

SUBMITTED BY:

Jerry Hittleman
City Planner

JH/RC/fil

Attachments:

1. Planning Commission Resolution No. 2010-P28
2. Exhibit "A" - Recommended Zoning Text Amendments
3. Exhibit "B" - Building Height Limit Conformance Table, Roof Plan/Topo and Section

PLANNING COMMISSION
RESOLUTION NO. 2010-P28

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA RECOMMENDING APPROVAL OF AMENDMENTS TO THE 1986 AND 1992 ZONING ORDINANCES TO MODIFY BUILDING HEIGHT AND PARKING STANDARDS

APPLICATION NO:	ZA09-00001, LCPA10-00002
APPLICANT:	City of Oceanside
LOCATION:	Citywide

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

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

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

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

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

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

WHEREAS, the Planning Commission continued discussion of residential building height standards to a regularly scheduled public hearing on the 23rd day of August, 2010; and

WHEREAS, the Planning Commission did, on the 23rd day of August, 2010, further continue discussion of residential building height standards to a regularly scheduled public hearing on the 13th day of September, 2010; and

WHEREAS, the Planning Commission did, on the 13th day of September, 2010, conduct a duly advertised public hearing as prescribed by law to consider revised recommendations for text amendments to the 1986 and 1992 Zoning Ordinances; and

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

WHEREAS, in accordance with the provisions of CEQA Guidelines Section 15265 (a) (1), CEQA does not apply to local government activities and approvals pursuant to the California Coastal Act; and

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

1. The Zoning Text Amendments and Local Coastal Plan Amendments, as proposed, conform to the City of Oceanside General Plan.
2. The Zoning Text Amendments and Local Coastal Plan Amendments, as proposed, conform to the California Coastal Act and the City of Oceanside Local Coastal Plan.

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3. That the granting of the Zoning Text Amendments and Local Coastal Plan Amendments is consistent with the purposes of both the 1986 and 1992 Zoning Ordinances, as these amendments will help to preserve the existing character of the City's neighborhoods and mitigate the potentially adverse impacts of excessive building height.

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

PASSED AND ADOPTED Resolution No. 2010-P28 on September 13, 2010 by the following vote, to wit:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____

Robert Neal, Chairperson
Oceanside Planning Commission

ATTEST:

_____

Jerry Hittleman, Secretary

I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that this is a true and correct copy of Resolution No. 2010-P28.

Dated: September 13, 2010

Exhibit A: ZA09-00001/LCPA10-00002

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

1986 Zoning Ordinance

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

Section 211: BUILDING HEIGHT. "Building height" means the vertical distance measured from ~~the average level of the highest and lowest point of that portion of the building site covered by the building to the ceiling of the uppermost story~~ the average existing grade adjacent to the perimeter of each roof element of the building, as measured in accordance with the building height limit conformance exhibit in Section 1709 of this Ordinance .

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

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

Section 1709: HEIGHT. No buildings or structures shall be erected or enlarged unless such building or structure complies with the height regulations for the zone in which the building or structure is located or proposed to be located. For purposes of determining the height of a building or structure, ~~the average finished grade of the parcel on which the building or structure is located shall be used~~ the average existing grade adjacent to the perimeter of each roof element of the building shall be used.

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

(a) No building or structure located in the R-A, R-1, R-2, PRD or SP zone shall exceed a height of 35 feet, in accordance with the building height measurement procedure outlined below ~~or two stories, whichever is less~~. Per this procedure, no building or structure shall exceed a height of 40 feet at any point immediately above existing grade.

(b) No building or structure used for residential purposes in the R-3, O-P, R-T, R-C, PRD, or SP zones shall exceed a height of 35 feet, in accordance with the building height measurement procedure outlined below ~~or three stories, whichever is less~~. Per this procedure, no building or structure shall exceed a height of 40 feet at any point immediately above existing grade.

(c) No building or structure in the R-C, O-P, C-1, C-2, M-1, M-2, or PC zones shall exceed a height of 45 feet or four stories, whichever is less, in accordance with the building height measurement procedure outlined below.

On R-1 and R-T properties located on the west side of South Pacific Street from Wisconsin Avenue to the City's southern boundary, inclusive of Saint Malo Estates, no building or structure shall exceed a height of 27 feet, in accordance with the building height measurement procedure outlined below. Per this procedure, no building or structure shall exceed a height of 35 feet at any point immediately above existing grade.

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

Building height shall be measured from the average existing grade adjacent to the perimeter of each roof element of the building, in accordance with the following exhibit.

INSERT BUILDING HEIGHT CONFORMANCE EXHIBIT HERE

~~Penthouses or roof~~ Ancillary roof structures ~~for the housing of elevators, stairways,~~ including ventilator fans, air conditioning or similar equipment required to operate and maintain the building, fire or parapet walls, skylights, towers, church steeples, flag poles, chimneys, antennas and similar structures may be erected above the

height limits prescribed hereinabove provided the same may be safely erected and maintained at such height, in view of the surrounding conditions and circumstances, but ~~no penthouses or~~ roof structures or any space above the height limit shall be allowed for the purpose of providing additional floor space. Such roof projections shall be limited to no more than 10 percent of the ground level square footage of the building, no more than 50 percent of the ground-level width of the building and no more than eight (8) feet in excess of the maximum permitted height in the district.

Structures providing access to roof decks (e.g. stair and elevator enclosures) proposed to be erected above the prescribed height limit shall require issuance of a Conditional Use Permit.

Section 2702: PARKING ~~SPACED~~ SPACES REQUIRED.

USE	PARKING SPACES REQUIRED
Residential Uses	
Single family dwellings	2 car garage per dwelling unit; minimum inside area of 400 sq. ft.; minimum inside width of 18 ft. One additional parking space per bedroom over five (5) bedrooms, with tandem parking allowed for additional required spaces

1992 Zoning Ordinance

3017 Measurement of Height

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

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

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

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

3018 Exceptions to Height Limits

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

A. Roof projections shall be limited to no more than 10 percent of the ground level square footage of the building, no more than 50 percent of the ground-level width of the building and no more than eight (8) feet in excess of the maximum permitted height in the district.
B. Living area shall not be permitted in that portion of a structure which exceeds the height limit of the base district.
C. The Strand is subject to the height limitations of Proposition A, passed April 13, 1982, and no exceptions are permitted.
D. Structures providing access to roof decks (e.g. stair and elevator enclosures) and exceeding the maximum permitted height in the district shall require issuance of a Conditional Use Permit.

Sectional View of Project Conforming to Dimensions in Height Conformance Table

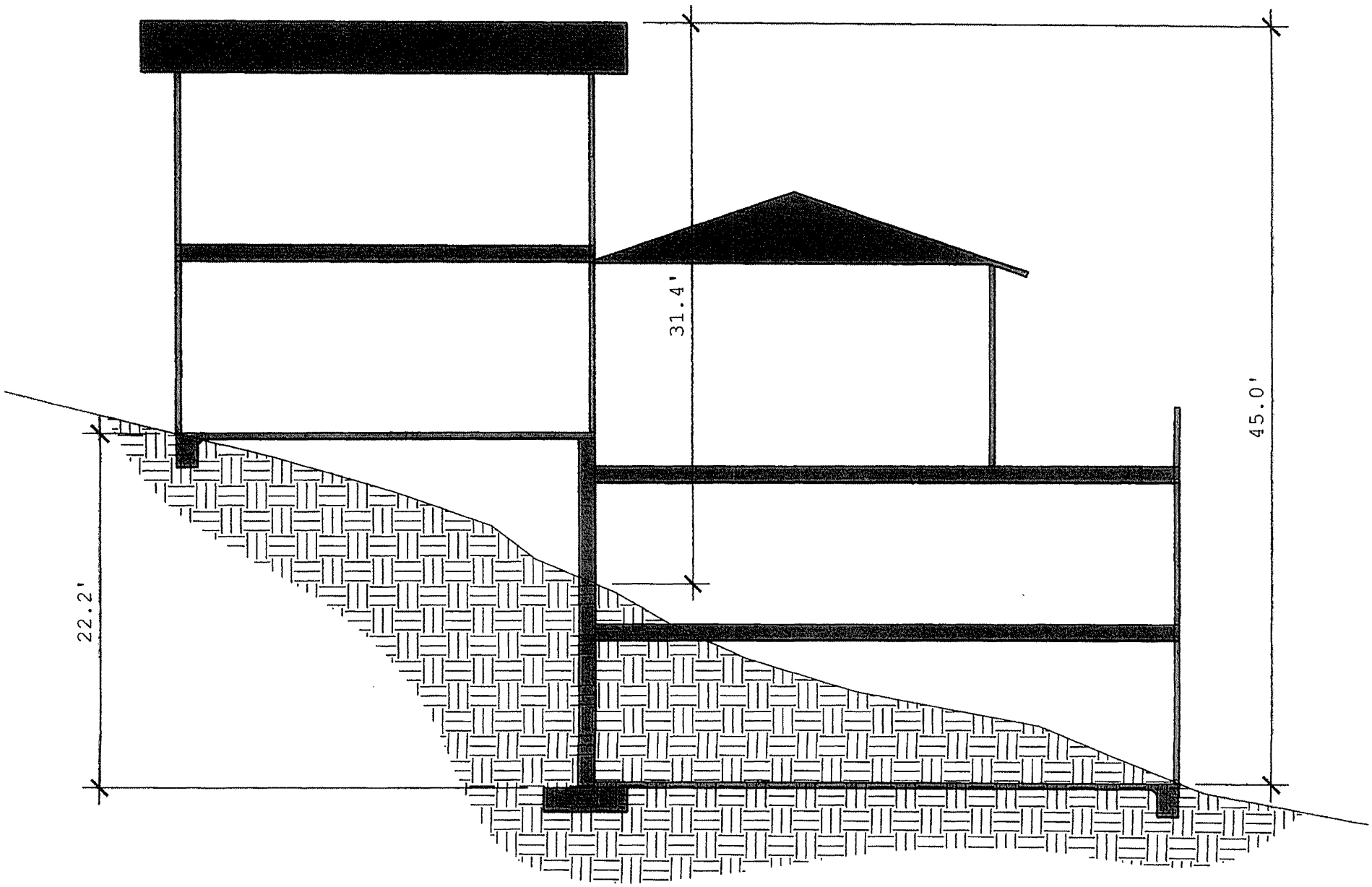


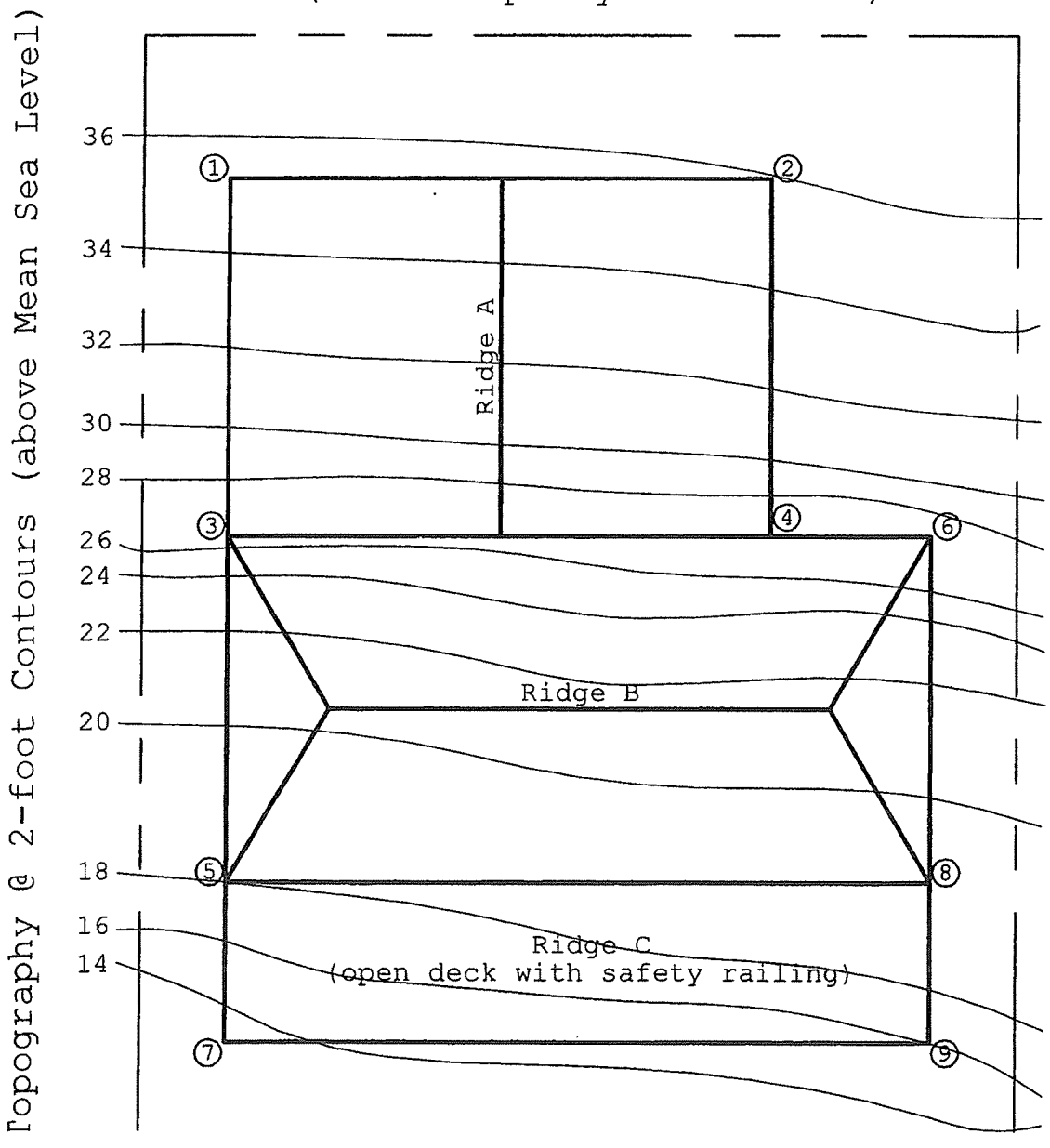
Exhibit B: ZA09-00001/LCPA10-00002

BUILDING HEIGHT LIMIT CONFORMANCE

Height Measurement Table

Roof Element	Ridge Elevation	Points Of Measurement / Existing Grade Elevation				Average Existing Grade	Roof Element Height
Ridge A	57.9'	① 35.3'	② 35.9'	③ 26.5'	④ 27.0'	31.18'	26.72'
Ridge B	49.4'	③ 26.5'	⑤ 18.0'	⑥ 27.4'	⑧ 19.2'	22.78'	26.62'
Ridge C	39.2'	⑤ 18.0'	⑧ 19.2'	⑦ 13.7'	⑨ 15.3'	16.55'	22.65'

Roof Plan over Topo Survey (with Property Boundaries)



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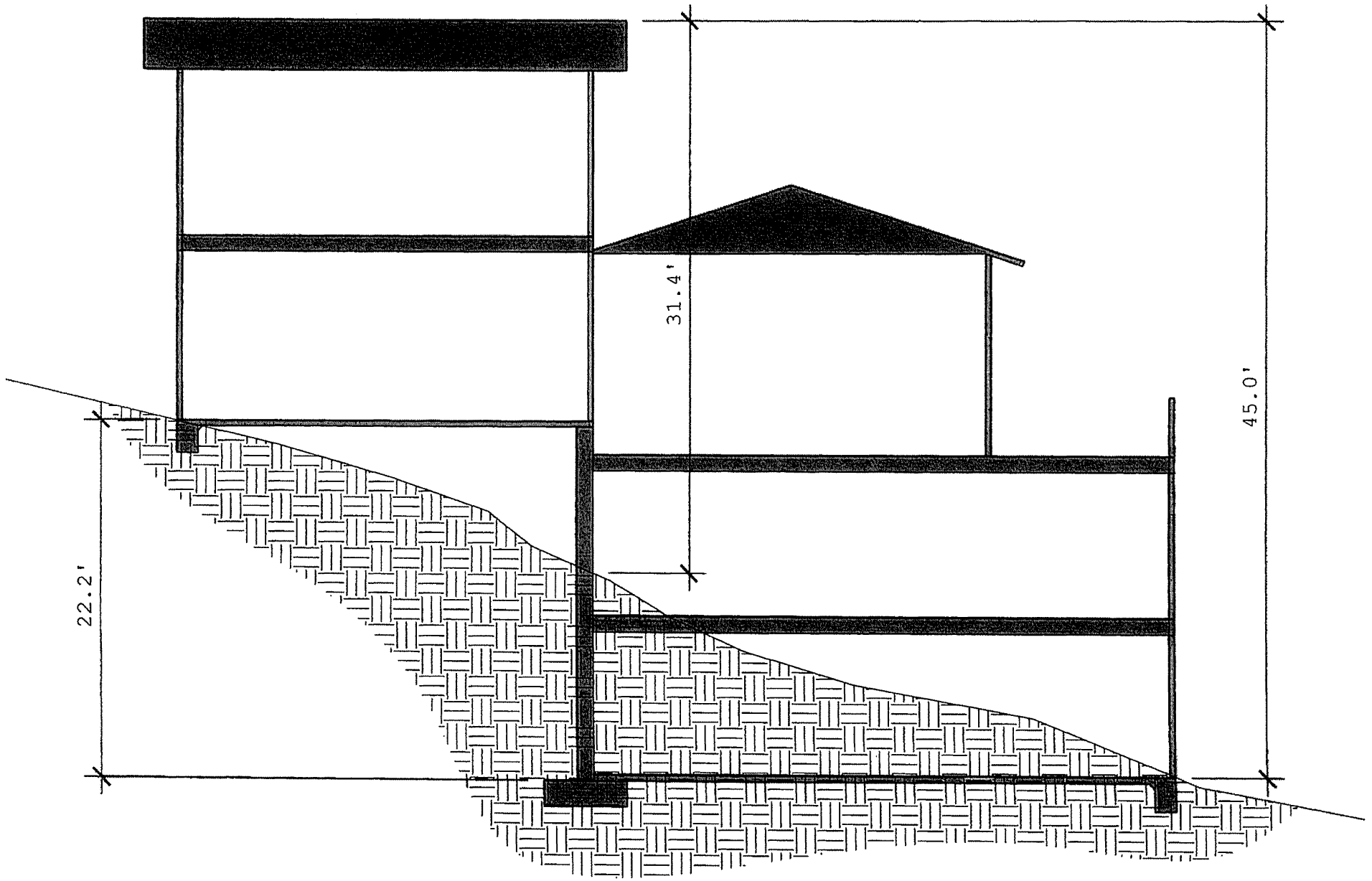

Exhibit F

Dear Planning Commission and Department Staff and **August 2010**
ATTN: Russ Cunningham tel 760-435-3525, fax 760-754-2958- or rcunningham@ci.oceanside.ca.us

RE: Public Input: Building Height August 30 Commission Meeting 7pm Council Chambers
http://www.ci.oceanside.ca.us/Datarelation.aspx?Content=416

Summary: The City 1992 Coastal 27 foot building heights have reverted back to the City 1986 height of 35 foot since the Coastal Commission never signed off on them. Parts of redevelopment North of Wisconsin allow staggered (tiering or terracing) heights, allowing for maximum utility and potential ocean views for at least the 1st 3 rows of homes. The current proposal by the planning department for the Basis for Height Measurement to the commission would be unfavorable to the utility of the properties along the Pacific Terrace, as successfully allowed in the redevelopment area. Therefore,

We, the undersigned stakeholder(s), hereby support to have the commission add the following amendments regarding *section 1709 Building Height* of the (Now) current 1986 Coastal Zoning Ordinance applicable to the unique area of 1600 – 2100 South Pacific Terrace, which is the street that runs up along the bluff between South Pacific and Myers Streets:

(d) Building height for property abutting South Pacific Terrace is to be measured from the lowest elevation point of the entire portion of South Pacific Terrace adjacent thereto.

(e) Maximum building height shall be 27' for lots abutting the Westerly side of South Pacific Terrace and 35' for lots abutting the Easterly side of South Pacific Terrace.

1615	S Myers Oceanside,	Name Bob Berg	Contact info	surfly [illegible]7@yahoo
1724	S Myers Oceanside,	Name B Berg	Contact info	
1924	S Myers Oceanside,	Name Bob Berg	Contact info	
1727	S Myers Oceanside,	Name Joe LeVeille	Contact info	Reveille20USA@yahoo.com
1933	S Myers Oceanside,	Name Lynda Peters	Contact info	lyndapeters@sbcglobal.net
	S Myers Oceanside,	Name	Contact info	
1807	S Myers Oceanside,	Name Floyd Pavlick	Contact info	760 721 4525
1921	S Myers Oceanside,	Name Tim Townsend	Contact info	760-927-9276 / Townsend I file@yahoo
	S Myers Oceanside,	Name	Contact info	
2009	S Myers Oceanside,	Name Edward Thompson	Contact info	(760) 415-4403
	S Myers Oceanside,	Name	Contact info	
	S Myers Oceanside,	Name	Contact info	
	S Myers Oceanside,	Name	Contact info	
	S Myers Oceanside,	Name	Contact info	
1900 of Block, corner Vista Way (110)	S Myers Oceanside,	Name Katherine M Allen	Contact info	(760) 433-7675
	S Myers Oceanside,	Name	Contact info	
	S Myers Oceanside,	Name	Contact info	
1900 of Block (Corner, Vista Way (110)	S Myers Oceanside,	Name Sam Giacoletti	Contact info	(760) 433-8650

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1617	S Myers Oceanside,	Name	Tommy Gomez	Contact info 760-415-6762
_____	S Myers Oceanside,	Name	_____	Contact info tommyworld@cox.net
_____	S Myers Oceanside,	Name	_____	Contact info _____
_____	S Myers Oceanside,	Name	_____	Contact info _____
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08/16/2010 13:44 7607549807 TOM GOMEZ PAGE 01/01

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1605 S Myers Oceanside, Name Hersch Hudson Contact info (760) 560-8801

Dear Myers Street Property Owner,

Many owners are not aware the Coastal Building rules have reverted back to the 1986 City Code, giving us 35 foot building height. The city does not have to notify you directly, so I, as a neighborhood stakeholder, have chosen to enlighten you thereof.
See http://www.ci.oceanside.ca.us/Datarelation.aspx?Content=416 **for more information.**

A partial summary for your review and urgent support is attached below. If you feel its favorable to you as a stakeholder, please complete the bottom of the form, detach and submit to the City Planner Russ Cunningham before August 28, or feel free to go to the meeting August 30 @ 7pm.

Sincerely, Bob Berg surfly007@yahoo.c

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1939 **S Myers Oceanside, Name** Anthony Gangale **Contact info** Agangale@cox.net
phone or email address

Coastal Zone Residential Building Height Standards

Supplemental Information and Analysis

Existing Built Environment

As noted in the staff report, the Study Area contains a wide range of housing types and residential densities. With most lots in the Study Area sized at less than 10,000 square feet and coastal land values being relatively high, housing tends to be compact, although older homes are often smaller and thus provide for more open space. Single-family development includes small-lot bungalows, detached rowhomes and custom beachfront homes of more than 5,000 square feet, while attached housing products include small duplexes and triplexes, small condominium complexes (four to ten units, arranged as townhomes and stacked flats), small apartment buildings (four to ten units) and apartment complexes with as many as 64 units. Mobile homes are also present within the Study Area, including La Salina Mobile Home Park adjacent to Loma Alta Creek and the Pacific Trailer Park at Oceanside Blvd and Cleveland Street.

Some residentially-zoned properties – particularly along stretches of South Tremont Street and South Cleveland Street – accommodate commercial and industrial land uses and structures (e.g. storage facilities, small manufacturing enterprises, professional offices). There are also several church uses located on residentially-zoned property within the Study Area.

Portions of Eastside Capistrano within the Study Area (east of Interstate 5 and north of Mission Avenue) consist primarily of 5,000 square-foot lots developed with one and two-story single-family homes, duplexes and small apartment buildings (comprised of three to eight units). The majority of Eastside Capistrano properties within the Study Area were developed in the 1950's and 1960's, with more recent infill development scattered throughout the neighborhood. There are some vacant properties in the neighborhood, including several large parcels adjacent to McNeil Street.

The neighborhoods immediately west of Coast Highway and east of the railroad (i.e. South Tremont Street and South Cleveland Street) feature an eclectic mix of single-family detached, condominium and apartment housing, along with some mobile home parks. Vacant parcels in this corridor are clustered near the Oceanside Transit Center and immediately north of Oceanside Boulevard. The vintage of residential development in this area ranges from post-WWII single-family homes and duplexes to recently constructed condominiums and detached rowhomes. Virtually all of this area has a zoning designation of R-3 (Medium Density Residential), allowing up to 43 dwelling units per acre. This is the highest residential density allowance in the City.

The neighborhoods between the railroad and the Pacific Ocean, from Wisconsin Avenue to Buena Vista Lagoon, accommodate detached single-family homes, small condominium complexes and a range of rental housing types, from detached beach cabins to apartment buildings with as many as 20 attached units. The age and condition of housing in this area varies greatly, with new luxury condominiums and large beachfront single-family homes juxtaposed with pre-WWII bungalows and courtyard

apartments. Properties lying north of Buccaneer Beach have a zoning designation of R-T (Residential Tourist), which allows for residential densities of up to 43 dwelling units per acre. Along with single and multiple-family housing, the R-T zone allows for "tourist cottages and summer rentals." Beachfront properties south of Buccaneer Beach have a zoning designation of R-1 (Residential Single-Family), while properties eastward of South Pacific Street between Buccaneer Beach and Cassidy Street are zoned R-3 (Medium-Density Residential). All properties south of Cassidy Street and west of the railroad are zoned R-1, including the gated community of Saint Malo.

Current Regulatory Framework

The reinstatement of the 1986 Zoning Ordinance not only resulted in an eight-foot increase in the maximum allowable building height for residential development but also fundamentally changed the method by which building height is measured. Whereas the 1992 Zoning Ordinance requires that building height be measured from existing grade (i.e. the grade in place prior to any development activity), the 1986 Code allows for building height to be measured from the average finished grade and places no parameters on the extent to which existing grade can be modified in conjunction with development. Under the 1986 Code, the average finished grade is calculated as the mean of the highest and lowest finished grade points adjacent to the building footprint. This method of building height measurement establishes the height limit as a uniform horizontal plane above the lot, rather than a "warped" plane that follows the contours of the existing grade, as established by the building height standards of the 1992 Code.

While the 1992 Code establishes 36 feet as the maximum allowable building height in most residential zones in the City, Section 1050(S) limits residential building height to 27 feet "within the Townsite area southerly of the Downtown District boundaries and the South Oceanside Neighborhood Planning Areas." Until the reinstatement of the 1986 Zoning Ordinance, this 27-foot building height limit applied in all portions of the Study Area with the exception of Eastside Capistrano, where 36 feet was the maximum allowable building height. Consequently, while reinstatement of the 1986 Code had the effect of increasing allowable building height in much of Townsite and South Oceanside, allowable building height for residential development decreased by one foot (from 36 to 35 feet) in those portions of Eastside Capistrano within the Coastal Zone.

In addition to building height limits, both the 1986 and the 1992 Codes place limits on the maximum number of stories allowed in residential development. The currently-applicable story-count limits of the 1986 Code are two stories for R-1 properties and three stories for R-T and R-3 properties, with the caveat that single-family development in the R-T zone is limited to two stories. The 1992 Code limits all residential development within the Study Area to no more than two stories. Both the 1986 and 1992 Codes allow daylight basements (i.e. building levels that are partially subterranean but situated entirely above ground level at one end), in accordance with the definition thereof in the California Building Code. Daylight basements are common on sloping beachfront lots, where they are partially buried into the coastal bluff. Under earlier interpretations of the CBC, two basement levels have been approved in the past, but with subsequent changes to the CBC, two basement levels can no longer be supported

by City staff. Particularly on flat lots in R-1 zones, story-count limits often prove to be the most significant control on residential building height.

The reinstatement of the 1986 Code did not result in material changes to minimum setback requirements for residential development within the Study Area. Both the 1986 and 1992 Codes allow for reduced front yard setbacks, albeit by different means; the 1986 Code allows front yard setbacks to be reduced through a stringline provision, while the 1992 Code allows reduced front yard setbacks through a blockface averaging calculation. Where reduced front yard setbacks are now commonplace (e.g. along the west side of South Pacific Street), future development can continue to encroach into standard front yard setbacks under both the 1986 and 1992 Codes.

Irrespective of the development standards established by the 1986 and 1992 Codes, residential development within the Study Area is subject to the policies and guidelines of both the General Plan and the Local Coastal Program (LCP). For development projects subject to discretionary review (e.g. Regular Coastal Permits), approval is subject to a determination that such projects are consistent with these policies and guidelines. For example, one LCP policy calls for Coastal Zone development to "protect, enhance and restore [the] visual quality of [the] urban environment." The LCP design guidelines call for Coastal Zone development that is "compatible in height, scale, color and form with the surrounding neighborhood." The Land Use Element of the General Plan includes policies that address architectural quality, including the following: "Architectural form, treatments, and materials shall serve to significantly improve on the visual image of the surrounding neighborhood." Other relevant policies and guidelines of the General Plan and LCP are posted to the webpage dedicated to this issue.

The General Plan and LCP provide direction to Planning Division staff in making recommendations on discretionary projects, while also providing the basis upon which the Planning Commission and/or the City Council can justify approval or denial of such projects. By virtue of being within the Coastal Zone, nearly all development proposals require some level of discretionary review, which allows decision-makers to assess, on a case-by-case basis, not only conformance to development standards but also consistency with the aforementioned policies and guidelines. With respect to residential building height, discretionary review allows staff and decision-makers to consider, among other things, how proposed height would impact nearby properties and the adjacent streetscape. If decision-makers find that proposed height contributes to adverse impacts, such a finding could be a basis for denial of the project, even if said project falls within the maximum allowable height. Thus, while current residential building height standards allow for as much as 35 feet of building height, under the discretionary review process associated with Regular Coastal Permits and other entitlements, staff may recommend, and review authorities may impose, more restrictive height limits in certain circumstances, as long as these restrictions are tied to applicable policies and guidelines.

Recent Public Discussion

On May 10, 2010, the Planning Commission conducted a public workshop on residential building height standards within the Study Area. At this workshop, staff clarified the circumstances under which changes to building height standards occurred, identified policies of the City's General Plan and Local Coastal Program pertinent to the issue of residential building height, outlined a variety of alternatives to the current standards and described how residential building height is presently regulated in nearby coastal jurisdictions. Focused primarily on the built environment along South Pacific Street and neighborhoods west of the railroad, public testimony at this workshop was evenly divided between those who favored maintaining current standards and those who favored more restrictive building height limits. Following public testimony, the Planning Commission directed staff to prepare specific recommendations for clarifying and adjusting current standards to better accord with community expectations, the existing built environment and relevant Coastal Zone policies and guidelines. Materials distributed at and prior to this public workshop can be accessed at the aforementioned webpage dedicated to residential building height.

On July 26, 2010, the Planning Commission conducted a public hearing to review staff's initial recommendations for changes to current residential building height standards, which called for maintaining the 35-foot height limit while changing the basis point from which building height would be measured. Specifically, staff recommended that building height be measured from the lowest existing grade adjacent to the building footprint. Several members of the public expressed opposition to staff's recommendations, indicating that development on steeply-sloped beachfront lots would in many cases be limited to a single story above South Pacific Street, with additional levels below street grade further constrained by geotechnical considerations. The Planning Commission directed staff to reevaluate its recommendations in light of public testimony and return with revised recommendations that would allow for two levels of development above South Pacific Street with required articulation for levels above the ground floor.

On September 13, 2010, the Planning Commission conducted a second public hearing on the issue of residential building height standards within the Study Area. At this public hearing, Planning Division staff presented revised recommendations that called for a 27-foot height limit for beachfront properties along South Pacific Street, maintenance of the current 35-foot height limit for all other properties within the Study Area, measurement of building height from average existing grade adjacent to each roof element, and additional setback requirements for levels above the ground floor. Staff also advocated for additional parking requirements for single-family homes with more than five bedrooms. These recommendations are attached to this staff report as Exhibit C. Following public testimony, the preponderance of which expressed support for maintaining the 35-foot height limit for all properties within the Study Area, the Planning Commission voted 4-3 to recommend to the City Council that the previously-applicable residential building height standards of the 1992 Zoning Ordinance be reestablished within the Study Area, with additional setback requirements put in place for stories above the ground floor. The Planning Commission also voted to forward to the City Council staff's recommendation for additional parking requirements for single-family homes containing more than five bedrooms. The full text of the Planning Commission's

recommendations are included with the draft ordinance, attached to this staff report as Exhibit A.

Most public discussion of this issue has centered on the bulk and scale of beachfront development along the west side of South Pacific Street, where narrow lots and substantially reduced front yard setbacks have produced what some stakeholders refer to as "canyon" or "wall" effects at the street frontage. Others opposing the 35-foot height limit have opined that west-facing elevations of beachfront development often detract from the spaciousness of the beach, particularly when three or four levels stack directly atop one another. Some stakeholders have commented on the broader effects of increased building height in the Study Area, suggesting that current building height standards will ultimately produce a monolithic development pattern along the coast and compromise existing ocean views from hillside neighborhoods to the east.

In contrast to those who have argued for more restrictive height limits, advocates of the current 35-foot height maximum have said that the more generous height limit allows for varied roof elements and other forms of vertical articulation that can enhance architectural interest and prevent monotonous rooflines from property to property. Others have stated that the current height limit accords best with current land values within the Study Area, and that more restrictive height limits would stymie Coastal Zone redevelopment.

Regardless of their stance on the appropriate height limit for residential development in the Study Area, virtually all participants in this discussion have said that potential massing impacts should be addressed through mandatory articulation above the ground level – e.g. additional setbacks or daylight plane requirements for second and third stories. Over the past year, proposals for development in excess of the previously-applicable 27-foot height limit have either voluntarily incorporated articulation on front and rear elevations or been encouraged to do so by the Planning Division.

Several property owners along that portion of South Myers Street between Buccaneer Beach and Saint Malo have signed a petition that supports tiered building height limits that would allow greater building height on properties further removed from the beach, akin to the building height regime now in place in the Downtown Redevelopment Area. This petition is attached to this staff report as Exhibit D.

In advance of the first public workshop on this issue, the Planning Division posted a webpage to inform stakeholders of the recent changes in residential building height standards and provide status on the ongoing public review process. Staff has updated this webpage following each public workshop and hearing on this issue. City Council members are encouraged to visit this webpage to review the history of this issue and understand how staff's recommendations regarding residential building height have evolved over the past six months.

Parking

In the course of public discussion of residential building height, some stakeholders have commented on the on-site parking impacts of single-family homes that serve as vacation rentals for extended families and other large visitor groups. Under the 1986

Code, single-family homes are required to provide no more than two enclosed parking spaces, regardless of unit size or bedroom count. However, it is common for single-family vacation rentals in the Study Area to accommodate parties with more than two vehicles, as observed by staff during field visits to properties along South Pacific Street.

At the September 13th public hearing, staff included among its recommendations a proposal to eliminate the story-count limitations now found in the 1986 Code, under the argument that such limitations restrict development potential without mitigating any of the potentially adverse impacts of building height. At the same time, acknowledging that lifting story-count limits could result in the intensification of some residential uses (e.g. additional stories accommodating additional bedrooms), staff further advocated for additional parking requirements for single-family homes with more than five bedrooms. While not supportive of eliminating the story-count restrictions now present in the 1986 Code, the Planning Commission directed staff to include this additional parking requirement among its recommendations to the City Council.

Recent Development Proposals

Since the reinstatement of the 1986 Zoning Ordinance, the Planning Division has received 15 proposals for residential development exceeding the formerly-applicable building height limit of 27 feet above existing grade. Five of these projects have thus far been approved, most of these being additions to existing single-family homes on the west side of South Pacific Street. Pending applications include six new single-family homes on the west side of South Pacific Street, two new single-family homes on South Myers Street and three additions to existing homes on the west side of South Pacific Street. Four of these pending applications are for new single-family homes in the 800 Block of South Pacific Street; like other single-family homes approved and constructed in the 800 Block over the past five years, these new homes would function as vacation rentals.

In recent months, staff has received numerous inquiries regarding building height standards from property owners and land development professionals expressing interest in developing properties within the Study Area. Staff has made these stakeholders aware that while the 1986 Code is currently in force, the residential building height standards therein are under review and subject to change.

Recent Planning Efforts

The Coast Highway Vision and Strategic Plan, approved by the City Council in April 2009, is an advisory document that encourages revitalization of the Coast Highway corridor through high-quality, transit-oriented development at strategic points along the corridor, including what has been designated as the Arts, Technology and Environment (A.T.E.) District, situated between Wisconsin Avenue and Oceanside Boulevard along South Tremont and Cleveland Streets. The A.T.E. District is predicated on mixed-use development that flexibly integrates residential and commercial land uses in a way that not only accommodates the daily needs of residents but also establishes the District as a job center and visitor/tourist destination. Throughout the visioning process, the A.T.E. District was assumed to have a three-story, 35-foot height limit, which can provide for a range of vertical and horizontal mixed-use concepts. This is some question as to

whether the mixed-use concepts could be successfully implemented under a two-story, 27-foot height limit.

In accordance with state mandates, the Planning Division will soon begin the process of updating the City's Housing Element, which must be certified by the California Department of Housing and Community Development by the end of 2012. As part of the updating of the Housing Element, the City is required to identify land resources available for affordable housing development. Properties included in this inventory of potential affordable housing sites must meet several criteria, including a minimum residential density allowance of 30 dwelling units per acre, access to public services and minimal environmental constraints. Additionally, properties can only be included in the inventory if they are vacant or deemed "underdeveloped" (e.g. accommodating antiquated land uses or low residential densities). Many of the properties potentially eligible for inclusion in the inventory are located within or in close proximity to the City's Coastal Zone. A key consideration in whether or not these properties can be included in the inventory will be the extent to which applicable development standards (including building height limits) enable and/or inhibit residential densities of at least 30 dwelling units per acre. While many properties within the Study Area appear to be candidates for inclusion in the affordable housing sites inventory, given their high-density residential zoning designation, building height and story-count restrictions could make it difficult for these properties to achieve the residential densities necessary to accommodate affordable housing.