



DATE: June 11, 2012

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A PLANNING COMMISSION POLICY (PC POLICY NO. PC12-00001) TO ALLOW THE MODIFICATION OF FRONT YARD SETBACKS FOR IMPROVED LOTS WITHIN THE RT, R-1, AND R-3 ZONE ON THE WEST AND EAST SIDE OF SOUTH PACIFIC STREET BETWEEN WISCONSIN STREET AND EATON STREET IN ACCORDANCE WITH SECTION 1715 AND 1716 OF THE OCEANSIDE ZONING ORDINANCE – DEVELOPMENT SERVICES DEPARTMENT/PLANNING DIVISION**

RECOMMENDATION

Staff recommends that the Planning Commission:

Approve the Planning Commission Policy to allow modification of front yard setbacks along Pacific Street, south of Wisconsin Street for improved lots in accordance with Sections 1715 and 1716 of the Oceanside Zoning Ordinance

PROJECT DESCRIPTION AND BACKGROUND

Background: The 1992 Oceanside Zoning Ordinance (OZO) was used in the Coastal Zone from 1992 until 2009, when it was determined that the 1986 OZO was the proper version zoning ordinance to use for the Coastal Zone since it was legally approved by the Coastal Commission. The 1992 OZO, Section 3016, allows the use of a “block-face average” or reduced front setback where a majority of the residences on any given block were developed with a reduced front yard setback (a 20-foot setback is required in this area). Previous versions of the OZO, dating back to the 1960s, have allowed reduced setbacks through use of a stringline between adjacent homes and other provisions. This has resulted in the majority of the structures along Pacific Street, between Wisconsin Street and Eaton Street, having significantly reduced front setbacks.

The 1986 OZO does not include the “blockface average” provision. Section 1716 of the 1986 OZO; however, does allows modification of front yards (reduced setback) for only

unimproved (or vacant) lots between improved parcels having nonconforming or reduced front yards through use of a stringline regulation included below. Thus, currently **improved** lots are not allowed to benefit from this provision. There are currently very few “unimproved” or vacant lots in the Coastal Zone along Pacific Street, where this policy could be used. Improvements to existing residences in this area would only be allowed behind the required 20-foot setback regardless of the existing improvements on adjacent lots.

Project Description: Section 1715 of the 1986 OZO allows the following:

Section 1715: COMMISSION MAY ESTABLISH FORMULA FOR MODIFYING YARD REQUIREMENTS. The Planning Commission may, by resolution, adopt a formula or establish standard practices by which to determine appropriate setbacks for high-rise structures and may modify required yards in all zones where geometric shape, dimensions, and topography are such as to make the literal application of such required yards impractical. After the adoption of such formula or standard practices, they shall be applied as an administrative act.

In accordance with this provision, the Development Services Department/Planning Division recommends that the Planning Commission adopt a policy to allow reduced front yard setbacks on **improved** lots in addition to the currently allowable reduction on **unimproved lots** in the Coastal Zone on the west and east sides of Pacific Street, between Wisconsin Street and Eaton Street, as described in Section 1716 of the 1986 OZO, as follows:

Section 1716: MODIFICATION OF REQUIRED FRONT YARDS. The depth of required front yards may be modified on unimproved lots between lots having nonconforming front yards. A nonconforming front yard shall mean an area between the front lot line and the closest part of the main building having a depth less than the required front yard.

- (1) The rear line representing the depth of a modified front yard on any lot shall be established in the following manner:
 - (a) A point shall be establish on each improved or unimproved lot having a nonconforming or conforming front yard between which are located lots needing adjustment, and such point shall be located at the intersection of the rear line of such front yard with a line that constitutes the depth of the lot.
 - (b) A straight line shall be drawn from such point across any intervening unimproved lot or lots, to a point similarly established on the next lot in either direction on which a main building exists which establishes a conforming or nonconforming front yard.

- (c) Where the elevation of the ground at a point twenty-five (25) feet from the front property line and midway between the side property lines differs more than five (5) feet from the average grade elevations of the street level, or when the slope (measured in the general direction of the side lot lines) is twenty (20) percent or more on at least one-fourth of the depth of the lot, the front yard may be reduced one (1) foot for each foot of difference in elevation, provided the total reduction shall not exceed fifty (50) percent of the required depth. These modifications do not apply where over seventy-five (75) percent of the difference in elevation occurs within five (5) feet of the front line.

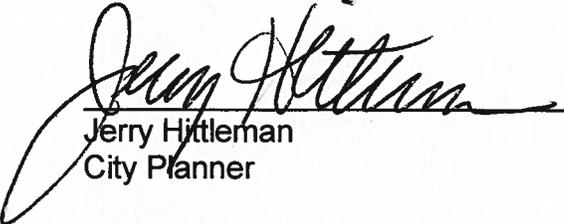
ANALYSIS

The approval of this policy is consistent with the purposes of the 1986 Oceanside Zoning Ordinance Section 1715, which allows the Planning Commission to establish a policy for modified yard requirements and Section 1716, which will now allow private property owners of **improved** lots along the west and east sides of South Pacific Street, between Wisconsin Street and Eaton Street, to partake of the same front yard modification provisions as those owners of unimproved lots on South Pacific Street.

SUMMARY

Staff believes that adoption of this policy will allow property owners of improved lots to enjoy the same front yard setback rights as owners of unimproved lots and recommends that the Planning Commission approve Policy PC12-00001..

PREPARED BY AND SUBMITTED BY:


Jerry Hittleman
City Planner

JH/fil

Attachments:

1. Planning Commission Resolution No. 2012-P29

1 PLANNING COMMISSION
2 RESOLUTION NO. 2012-P29

3 A RESOLUTION OF THE PLANNING COMMISSION OF THE
4 CITY OF OCEANSIDE, CALIFORNIA ADOPTING A POLICY
5 TO ALLOW THE MODIFICATION OF FRONT YARD
6 SETBACKS FOR IMPROVED LOTS WITHIN THE RT, R-1,
7 AND R-3 ZONE ON THE WEST AND EAST SIDE OF SOUTH
8 PACIFIC STREET BETWEEN WISCONSIN STREET AND
9 EATON STREET IN ACCORDANCE WITH SECTION 1715
10 AND 1716 OF THE OCEANSIDE ZONING ORDINANCE

11 APPLICATION NO: Planning Commission Policy No. PC12-00001
12 APPLICANT: City of Oceanside
13 LOCATION: West and East sides of Pacific Street between Wisconsin Street and
14 Eaton Street

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

17 WHEREAS, on May 8, 1985, the City Council approved the Local Coastal Program
18 with the Oceanside Zoning Ordinance as the implementing ordinance for development in the
19 Coastal Zone allowing modification of front yards on unimproved lots if certain conditions are
20 met; and

21 WHEREAS, the Planning Division has received numerous requests to allow
22 modification of front yard setbacks on improved lots within the Coastal Zone, particularly on
23 Pacific Street; and

24 WHEREAS, there are numerous existing properties with reduced or modified front
setbacks along both sides of Pacific Street, further modification of front yards analyzed on a case
by case basis will not negatively impact the character of this area of the Coastal Zone; and

WHEREAS, the Planning Commission did meet on the 11th day of June, 2012, to consider
said policy; and

WHEREAS, the following facts pertaining to the proposed Policy:

1. The Policy, as proposed, conforms to the Local Coastal Program and will not impact
community character, access to the beach or public views of the coast along Pacific Street.

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1 2. That the approval of this policy is consistent with the purposes of the Zoning Ordinance
2 Section 1715, which allows the Planning Commission to establish a policy for modified
3 yard requirements and Section 1716, which will now allow private property owners of
4 improved lots along the west and east sides of South Pacific Street, between Wisconsin
5 Street and Eaton Street to partake of the same front yard modification provisions as
6 those owners of unimproved lots on South Pacific Street.

7 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
8 approve the front yard modification policy along South Pacific Street on improved lots consistent
9 with Section 1716 of the Zoning Ordinance.

10 PASSED AND ADOPTED Resolution No. 2012-P29 on June 11, 2012 by the
11 following vote, to wit:

12 AYES:

13 NAYS:

14 ABSENT:

15 ABSTAIN:

16 _____
17 Tom Rosales, Chairperson
18 Oceanside Planning Commission

19 ATTEST:

20 _____
21 Jerry Hittleman, Secretary

22 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that
23 this is a true and correct copy of Resolution No. 2012-P29.

24 Dated: June 11, 2012