Item #6

CITY OF OCEANSIDE

Development Services Department

Memorandum

DATE: September 11, 2012

TO: Economic Development Commission

FROM: George Buell, Development Services Director

SUBJECT: **Streamlining- Proposed Zoning Ordinance Text Amendments**

Background and Introduction

In 2009, an Efficiency Study of the City of Oceanside's Development Services Department was completed by Palo Alto-based Matrix Consulting Group. Among numerous recommendations, the study identified potential for streamlining the review of certain types of land use applications. Instead of requiring Planning Commission approval in public hearings, it appeared prudent for both the City and applicants to allow these decisions to be made by the City Planner. As a result, a significant amount of time (three or more months) and financial resources (thousands of dollars) could potentially be saved on each application. Please see Attachment 1, which is an excerpt of applicable sections from the Matrix Study.

More recently, in an effort to implement a number of the recommended code changes, Economic Development Commission Chairman Schroeder and Planning Commission Chairman Rosales met with the City Planner and Development Services Director to review the zoning ordinance and identify non-controversial, potential "low-hanging fruit"-- review processes that might be easily amended/streamlined. Examples include the review process of karate studios or preschools located in commercial zones. Should a full public hearing before the Planning Commission be required, or would it be appropriate to amend the code to allow these decisions to be made at the staff level? Based on staff's anecdotal observation that a vast majority of these types of permit requests are met with no question or controversy when considered by the Planning Commission, staff believes the latter to be reasonable.

Pointing to a Matrix recommendation to allow hospital construction with only administratively approved permits, when the efficiency study was under review by this Commission and the Planning Commission concern from among the public was expressed with oversimplification that might eliminate public review and input on potentially significant, large projects. Staff both acknowledges and agrees with this concern. Again, the goal of this streamlining effort is to identify non-controversial amendments that can be implemented with relative ease. Should there be substantial

concern with any of the proposed amendments, staff will likely recommend to delete it from this process.

In addition to Matrix's recommendations, the City Council directed staff to amend the zoning ordinance to allow weddings, wineries and animal shows in the Morro Hills. These proposed amendments have been incorporated into this effort.

Attachment 2 shows draft recommendations identified by staff and the Economic Development and Planning Commission chairmen. Proposed text additions are underlined, and deletion proposals are shown in strike-out format. All changes appear in blue.

One member of the public, Ms. Donna McGinty, sent a letter expressing hope to allow additional types of businesses to operate in residential zones. While staff recognizes Ms. McGinty's issue, due to the nature of her request and the potential to allow additional noise- and traffic-generating commercial activity in residential zone, staff is reluctant to include her suggestion in the current process. A copy of Ms. McGinty's correspondence is provided as Attachment 3.

Checks and Balances: No Change in Appeals Process

It is important to note that although the proposed amendments will substantially streamline certain application types, the appeals process would remain. If the public or Planning Commission were to find reason for concern with a City Planner decision to approve or deny a project, that decision could still be appealed to that Commission. Similarly, all decisions of the Planning Commission are appealable to or subject to call for review by the City Council. Accordingly, important checks and balances will not be changed.

Looking Ahead: Code Amendment Review/Approval Process and Schedule

In order to implement the recommended code amendments, the zoning ordinance requires Planning Commission review and City Council approval. It is staff's goal to complete this process by the end of the year.

Recommendation

Staff recommends that the Economic Development Commission recommend that the City Council approve the proposed amendments to the Zoning Ordinance of the City of Oceanside.

List of Attachments

Attachment 1: Excerpts from the Productivity Study of the Development Services Department, Volume 1 (Matrix Consulting Group; June 3, 2009)

Attachment 2: Proposed Zoning Ordinance Text Amendments

Attachment 3: E-mail from Ms. Donna McGinty dated August 21, 2012

ATTACHMENT 1

needed to accelerate permit approval.

In evaluating the land entitlement permit processes, there are a number of opportunities for improvement to streamline the process without reducing the quality of the review to assure compliance with the general plan, zoning ordinance, and design guidelines. These opportunities are portrayed below.

(1) Authority For Approval / Disapproval Of Minor Land Entitlement Permits and Design Review Permits Should Be Delegated To the City Planner.

The City's current process for land entitlement permits is complex and not uniform. In the focus groups conducted by the project team, participants noted an excessive number of project types require Planning Commission review and approval.

Other cities have streamlined the land entitlement permit process for those types of permits that are low risk and achieve a high level of compliance with conditions of approval, and have delegated authority to staff or to the City Planner or his /her designee. This is clearly the case with two of the four cities included in the comparative survey conducted by the project team. There are 188 cities and counties in California that use a hearing officer ranging from Adelanto to Yuba County. This includes Encinitas, Solana Beach, Huntington Beach, Laguna Beach, Santa Monica, and other Southern California beach communities.

For example, the type of land entitlement permits approved by a hearing officer in San Diego County cities is presented in the table below.

City	Hearing Officer	Applications
Escondido	No	N/A
Chula Vista	Yes	Minor conditional use permits, variances, design review applications
Vista	Yes	Tentative parcel maps, minor conditional use permits, temporary use permits, site development plans for smaller scale development, and plot plan reviews
El Cajon	No	N/A

These same cities have also delegated authority to staff for the approval of land entitlement permits. Escondido, for example, while not using a hearing officer, has delegated extensive authority to staff including adjustment plats (boundary adjustments), administrative adjustments (administrative variances), certificates of appropriateness (historic structures), certificates of compliance, lot-tie agreements, tentative parcel maps, plot plans, second dwelling units, sign permits, and vegetation removal permits. Oceanside has delegated authority to the City Planner for the approval of administrative conditional use permits and administrative development plans, but these other cities have delegated to staff a greater proportion of permits.

This is clearly a policy decision that must ultimately be made by the City Council. However, the project team recommends that the City Council simplify and streamline selected land entitlement permits by delegating the approval, conditional approval, or denial of selected land entitlement permits to the City Planner. These recommendations are presented below.

- Tentative parcel maps should be approved, conditionally approved or denied, by the City Planner.
- Lot line adjustments should be approved, conditionally approved or denied, by the City Planner.
- Variances should be approved, conditionally approved, or denied, by the City Planner.

This authority granted to the City Planner should include the ability to refer these kinds of applications to the Planning Commission if it is evident the application has high exposure or impact. In addition, any applications considered by the City Planner should be publicly noticed.

Recommendation: Selected aspects of the land entitlement permits should be simplified and streamlined by delegation of authority for approval, conditional approval, or disapproval of these permits to the City Planner.

(2) The Types of Uses That Require a Conditional Use Permit Should Be Reduced.

A review of the City's zoning ordinance indicates that there are a number of uses requiring conditional use permits that would be considered "minor" in other cities based upon the experience of the Matrix Consulting Group. The Planning Division has reviewed those uses in the zoning ordinance that require a conditional use permit, and developed recommendations to increase the number and types of uses that can be approved as an Administrative Conditional Use Permit. These uses are presented in the exhibit at the end of this chapter (see exhibit 4).

Recommendation: The Planning Division should develop a proposed zoning ordinance amendment to increase the number and types of uses that can be approved as an Administrative Conditional Use Permit.

Recommendation: The Planning Division should review those uses in the zoning ordinance that require a site development permit, and develop recommendations to increase the number and types of uses that can be approved as an Administrative Site Development Permit.

(3) The Planning Division Should Reduce the Extent of Routing of Land Entitlement Permits.

Not all land entitlement permits should be routed to each division or department involved in the land entitlement permit plan review process. For example, administrative conditional use permits are routed to Engineering, Building and Safety, Fire and Water Utilities. This type of permit should not be routed to any of these divisions or departments; the Planning Division should use standard conditions of approval developed by each of these divisions or departments. In most instances, the Planning

Exhibit 4 (1)

Proposed Zoning Ordinance Conditional Use Permit Amendments

PS District	Existing Use Permit	Proposed Use Permit
Residential Uses		
Group Residential	U	A
Public and Semi-Public		
Clubs and Lodges	U	A
Convalescent Facilities	U	A
Cultural Institutions	U	A
Day Care, General	U	A
Detention Facilities	U	A
Emergency Shelter	U	A
Government Offices	U	A
Hospitals	U	A
Maintenance and Service Facilities	U	A
Park and Recreation Facilities	U	A
Public Safety Facilities	U	A
Religious Assembly	U	A
Residential Care, General	U	A
Resource Centers	U	A
Schools, Public or Private	U	A
Transitional Housing	U	A
Commercial Uses		
Commercial Filming	U	A
Commercial Recreation and Entertainment	U	A

Legend

U = Use Permit Required
A= Administrative Use Permit Required

RE, RS, RM, RH, and RT Districts	RE		RS		RM		RH	
	Existing	Proposed	Existing	Proposed	Existing	Proposed	Existing	Propo
Residential Uses								
Live / Work Quarters	-	-	-	-		-	U	A
Commercial Uses								
Artists' Studios	-	-	-	-	-	-	-	-
Public and Semi-Public								
Daycare, General	U	A	U	A	U	A	U	A
Public Safety Facilities	-	-	-	-	-	-	U	A

Legend

U = Use Permit Required
A= Administrative Use Permit Required

IL, IG, and IP Districts	IL Existing	Proposed	IG Existing	Proposed	Ex
Public and SemiPublic					
Clubs and Lodges	U	A	-	-	
Emergency Health Care	U	A	U	A	
Public Safety Facilities	L18	-	L18	-	I
Resource Centers	L17	A	L17	A	I
Commercial Uses					
Commercial Recreation and Entertainment	L15	A	L15	A	I
Personal Improvement Services	L18	A	L18	A	I
Automobile Washing	U	A	U	A	
Vehicle Storage	U	A	U	A	
Industrial					
Wholesaling, Distribution and Storage	L12	A	P	P	

Legend

U = Use Permit Required
A= Administrative Use Permit Required
P = Permitted Use

CN, CC, CG, CL, CR, CV, CS, and CP Districts	CN		CC		CG		CL	
	Existing	Proposed	Existing	Proposed	Existing	Proposed	Existing	Propose
Public and SemiPublic								
Clubs and Lodges	L29	A	L29	A	L29	A	L29	A
Cultural Institutions	L29	A	L29	A	L29	A	L29	A
Day Care, General	U	A	U	A	U	A	U	A
Government Offices	L29	P	L29	P	L29	P	L29	P
Public Safety Facilities	U	-	U	-	U	-	U	A
Commercial								
Ambulance Services	L15	L15	L15	L15	L15	L15		
Animal Grooming	P	P	P	P	P	P	P	P
Animal Retail Sales	P	P	P	P	P	P	P	P
Artists Studios'	P	P	P	P	P	P	P	P
Bansk and Savings and Loans	P	P	P	P	P	P	P	P
Building Materials and Services	P	P	P	P	P	P	U	P
Eating or Drinking Establishment with Full Alcoholic Beverage Service	U	A	U	A	U	A	U	A
Eating or Drinking Establishment - Drive-thru / Drive-up	L23	A	U	A	U	A	-	-
Food and Beverage Sales	L5	A	L5	A	L5	A	L5	A
Funeral and Interment Services	L6	A	L6	A	L6	A	-	-
Personal Improvement Services	L25	A	L25	A	L25	A	L25	A
Personal Services	P	P	P	P	P	P	P	P
Retail Sales	P	P	P	P	P	P	P	P

CN, CC, CG, CL, CR, CV, CS, and CP Districts	CN		CC		CG		CL	
	Existing	Proposed	Existing	Proposed	Existing	Proposed	Existing	Propose
Automobile Washing	U	A	U	A	U	A	L31	A
Service Stations	U	U	U	U	U	U	L31	U
Vehicle Equipment Repair	L32	A	L32	A	L32	A	L31	A
Vehicle / Equipment Sales and Rentals	U	A	U	A	U	A	L31	A
Hotels, Motes, and Time-Shares	U	A	U	A	U	A	U	A

Legend

U = Use Permit Required
A= Administrative Use Permit Required
P = Permitted Use

CN, CC, CG, CL, CR, CV, CS, and CP Districts	CV		CS-HO		CS-L	
	Existing	Proposed	Existing	Proposed	Existing	Proposed
Public and SemiPublic						
Clubs and Lodges	-	-	L29	A	U	U
Cultural Institutions	L29	A	L29	A	L29	A
Day Care, General	U	A	U	A	U	A
Government Offices	-	-	L29	P	-	-
Public Safety Facilities	U	A	U	A	U	A
Commercial						
Ambulance Services			L15	L15	P	L15
Animal Grooming	-	-	-	-	L16	P
Animal Retail Sales	-	-	P	P	L16	P
Artists Studios'	L28	P	-	P	L28	P
Bansk and Savings and Loans	-	P	P	P	P	P
Building Materials and Services	-	-	P	P	-	-
Eating or Drinking Establishment with Full Alcoholic Beverage Service	U	A	U	A	U	A
Eating or Drinking Establishment - Drive-thru / Drive-up	-	-	U	A	-	-
Food and Beverage Sales	L5	A	P	A	L5	A
Funeral and Interrment Services	-	-	L6	A	L6	A
Personal Improvement Services	-	-	L25	A	L25	A
Personal Services	L29	P	P	P	L29	-
Retail Sales	L8	P	P	P	P	P
Automobile Washing	-	U	A	-	-	-
Service Stations	-	-	U	U	U	U
Vehicle Equipment Repair	-	-	L32	A	L20	A

	CV		CS-HO		CS-L	
CN, CC, CG, CL, CR, CV, CS, and CP Districts	**Existing**	**Proposed**	**Existing**	**Proposed**	**Existing**	**Proposed**
Vehicle / Equipment Sales and Rentals	L14	-	U	-	-	-
Hotels, Motes, and Time-Shares	U	-	U	-	L12	A

Legend

U = Use Permit Required
A= Administrative Use Permit Required
P = Permitted Use

ATTACHMENT 2

Article 14 A Agricultural District

Sections:

1410 Specific Purposes
1420 Land Use Regulations
1430 Development Regulations
1440 Review of Plans
1450 Agricultural Activities

1410 Specific Purposes

In addition to the general purposes listed in Article 1, the specific purposes of the A district are to:

A. Provide a suitable classification for large-scale agricultural and mining operations and related open space uses.

B. Limit non-agricultural uses to those incidental to agricultural operations.

C. Permit only very low-density residential development, compatible with low-intensity agriculture and keeping of livestock.

1420 Land Use Regulations

In the following schedule, the letter "P" designates use classifications permitted in the A district. The letter "L" designates use classifications subject to certain limitations prescribed by the "Additional Use Regulations" which follow. The letter "U" designates use classifications permitted on approval of a use permit, as provided in Article 41. The letters "P/U" designate use classifications permitted on the site of a permitted use, but requiring a use permit on the site of a conditional use. Letters in parentheses in the "Additional Regulations" column refer to "Additional Use Regulations" following the schedule.

A District: Additional Use Regulations

L-1 Allowed with a administrative use permit. See Section 3031.

L-2 Administrative Use permit required for more than six domestic or exotic animals; conditions may be imposed limiting herd size and restricting grazing to designated areas to protect water resources from agricultural runoff.

L-3 A use permit is required for generating plants, electrical substations, lone switching buildings, refuse collection, transfer, recycling or disposal facilities, water reservoirs, water or wastewater treatment plants, transportation or communication utilities, and similar facilities of public agencies or public utilities. Aboveground electrical transmission lines are not permitted unless determined to be consistent with a utility corridor plan approved by the Planning Commission. Flood control or drainage facilities are permitted if they are consistent with approved master drainage and/or flood-control plans.

L-4 Administrative Use permit required and limited to the stabling of horses (See Section 3034 and the City Code).

L-5 See Article 30: Section 3041, Child Care Facility. Allowed within the RE, RS, RM, RH, RT, CN, CC, CG, CL, CR, CV, CS, CS-HO, CS-L, CP, IL, IG, IP, A, OS, PS and the D Districts subject to obtaining a child Care Facility Permit issued by the Planning Director and subject to the City's adopted Child Care Guidelines. If new development (construction) is proposed for a child care facility, a Development Plan Review is required. A Development Plan Review may be conducted independently or concurrently with the Child Care Facility Permit review.

(A) Limited to one primary dwelling unit and one accessory dwelling unit per site, subject to the requirements of Section 3006: Accessory Dwelling Units. A mobile home shall be allowed as a primary residence or as a caretaker's unit, subject to the requirements of Section 3033. Development within an Agricultural Preserve shall also be subject to the terms of the Agricultural Preserve Contract.

(B) See Section 3031: Bed and Breakfast Inns.

(C) See Chapter 4 of the Municipal Code.

1430 Development Regulations

Development regulations shall be as specified by a use permit, provided that, if the use permit fails to regulate an element regulated by an abutting base district, the regulations of the nearest base district shall apply to each portion of an A district. The following development regulations shall apply as applicable:

1. All single-family residential dwelling units, accessory dwelling units, and nonresidential accessory structures within the A district shall comply with the development standards of the RE-A district, provided that the following standards shall be in addition and shall govern where conflicts arise:

Minimum Lot Area (acres)	2.5
Minimum Yards:	
Front (ft.)	40
Side (ft.)	30
Corner side (ft.)	40
Rear (ft.)	40
Maximum Coverage	25%

2. The maximum height of a fence or wall, including a retaining wall, shall be 6 feet and decorative fences and walls shall be allowed in the front-yard setback area upon meeting visibility standards and the approval of the Planning Director. Decorative entry gates which exceed the height of 6 feet shall require a building permit and the approval of the Traffic Engineer and the Fire Department to insure adequate accessibility for emergency vehicles and to meet visibility standards. Entry gates shall have a minimum front yard setback of 25 feet. See Section 3040 for additional fence and wall standards.

1440 Review of Plans

All projects shall require development plan review as per Article 43.

(c) Shade Structures: A structure which does not require a building permit and is not mechanically heated, cooled, or lighted.

3. Internal Site Area: Uses located 500 feet or more from the external property line of the agricultural use.

4. Perimeter Site Area: Uses located within 500 feet from the external property line of the agricultural uses.

B. Review Process

1. Growing Grounds - Growing Grounds are allowed to be located anywhere within the Agricultural District, and no permit is required.

2. Other Agricultural Activities (includes buildings, shade structures and activity hubs) shall be permitted subject to an approved Agricultural Activity Permit submitted on application forms prescribed by the Planning Director, based on the type of use and location on the site, as follows:

(a) **Agricultural Activity Permit** - If the proposed Agricultural Activity is located at Internal Site Areas and is consistent with the standards listed below, an Agricultural Activity Permit may be issued over the counter. No public notice, Development Plan or public hearing is required. A building or grading permit shall be obtained if otherwise required for the proposed use. An Agricultural Activity Permit may also be issued over the counter if the proposed Agricultural Activity is located within a Perimeter Site Area and each owner of any property or properties within 500 feet of the external property line of the proposed Agricultural Activity provides a written waiver of the public hearing requirement (see (B.2.c) below).

(b) **Alternate Agricultural Activity Permit** - If the proposed Other Agricultural Activity is located at Internal Site Areas and is not consistent with all of the standards listed below, alternatives to the standards may be proposed. An application for a Alternate Agricultural Activity Permit shall be submitted on forms provided by the City, and shall be reviewed by the Planning Director. Public notice is required. No Development Plan or public hearing is required, however, the following findings must be made by the Planning Director to approve or conditionally approve the proposed alternative and issue an Alternate Agricultural Activity Permit. The Planning Director may, at his discretion, forward the Alternate Agricultural Activity Permit to the Planning Commission for its review and action. A building or grading permit shall be obtained if otherwise required for the

1. All activity shall take place on the premises, including but not limited to staging, parking of all vehicles for employees, customers, vendors, suppliers and visitors, the breaking down of trucks, and truck turn-around areas; no parking or idling or breaking down or other aspects of the Activity shall be permitted on the public streets.

2. All parking, access driveways and staging areas must be surfaced and maintained with either asphalt, concrete, DG, gravel or rock and no mud shall be tracked onto the public roads.

3. Sufficient parking spaces for employees, clients and guests must be provided onsite to meet the needs of the agricultural operation and activities.

4. Truck parking shall be provided on site that is sufficient in size and number to meet the needs of the agricultural operation and activities.

5. Adequate site access must be provided for all vehicles. See Section 3114 regarding driveway widths and clearances.

6. A truck turnaround area or other suitable truck route through the property shall be provided to accommodate trucks serving onsite operations.

7. Trucks serving the property, including but not limited to packing and greenhouse operations, cannot park and/or idle on public streets. Onsite parking must be available 24-hours per day.

8. Outdoor area lighting shall not employ a light source higher than 25 feet. Building plans submitted for building permit shall include provisions indicating the lighting is properly shielded and directed so as to prevent glare on surrounding properties or onto an adjacent street. Lighting shall comply with all City codes and ordinances in effect at the time of building permit issuance including any light pollution control measures.

9. Agricultural operations shall use Best Management Practices for dust and emissions control and erosion control and must comply with the City's Erosion Control ordinance.

10. The use and storage of chemicals and pesticides shall comply with the regulations set forth by the California State Department of Pesticide Regulation, as enforced by the San Diego County Agriculture Weights and Measures Department.

Article 43 Development Plan Review

Sections:

4301 Purpose and Applicability
4302 Review Requirements
4303 Initiation of Development Plan Review
4304 Application for Development Plan
4305 Notice, Administrative Hearing, and Public Hearing
4306 Required Findings
4307 Conditions of Approval
4308 Effective Date; Lapse of Approvals; Time Extension; Changed Plans
4309 Appeals

4301 Purpose and Applicability

The ensure that new development complies with all applicable requirements of this ordinance, development plans shall be required for development projects as provided in this article.

More specifically, the purposes of development plan review are to:

A. Ensure that the architectural design of structures, and that plans for the landscaping of open spaces conform with the requirements of this ordinance, and with any prior conditions of approval;

B. Ensure that new development will not create public service and facility demands exceeding the capacity of existing and planned infrastructure.

4302 Review Requirements

Development plans shall be reviewed as follows:

A. All development plans shall be reviewed by the Planning Department and by any other City department or division or governmental agency designated by the Planning Director. The Planning Director or Planning Commission shall approve, conditionally approve or deny all development plans except as provided in this section.

B. Development plans for projects in an H Historic Overlay District shall be reviewed by the Historic Preservation Advisory Commission, and approved, conditionally approved or denied by the Planning Commission. Development plans for the alteration, enlargement or demolition of a designated historical site shall be approved, conditionally approved or denied by the Historic Preservation Advisory Commission, as provided by Section 2111.

G. The Planning Director shall administratively approve, conditionally approve, or disapprove development plans for projects as follows:

1. R and A Districts. Projects as follows: (a) single-family residences in the A district, (b) projects with ~~two~~ five housing units or more in R districts.

2. C Districts. All proposed projects on sites of less than two acres involving new construction, any addition of square footage to existing structures on sites of less than two acres, and all additions of less than 2,500 square feet of floor area on sites of two acres or more.

3. I Districts. All projects involving new construction of less than 100,000 square feet of floor area, all additions of less than 100,000 square feet of floor area, and all exterior alterations to existing buildings or building complexes greater than or equal to 10,000 square feet and less than 100,000 square feet of floor area.

H. The Planning Director may refer development plans for any project to the Planning Commission for review and approval if he finds that the project may conflict with the purposes and standards of the base district and any overlay districts applicable to the project or with the purposes of this article, or if public services and facilities serving the project may be inadequate. Such projects shall be the subject of a public hearing, as provided by Section 4308.

4303 Initiation of Development Plan Review

An application for a development plan shall be initiated by a property owner or authorized agent. If the property is not under a single ownership, all owners shall join in the application, and a map showing the extent of ownership shall be submitted with the application.

4304 Application for Development Plan

The following plans and materials shall be submitted with a Development Plan application provided that the Planning Director may waive submission of items deemed unnecessary to determine compliance with applicable requirements of this ordinance:

I. Locations, dimensions, and heights of all signs.

J. Any other informational items deemed necessary by the Planning Director in order to fully analyze and review the proposed development.

4305 Notice, Administrative Decision, and Public Hearing

A. Administrative Decision. For projects that require development plans to be considered by the Planning Director, the Planning Director shall administratively approve, conditionally approve, or disapprove the development plan application.

B. Public Hearing Required. For projects that require development plans to be considered by the Planning Commission, a public hearing of the Planning Commission shall be held to approve, conditionally approve, or disapprove the development plan application.

C. Time of Administrative Decision or Public Hearing. Within 10 working days after acceptance of a complete application, the Planning Director shall set a time and place for an administrative decision or a public hearing to be held within 60 days.

D. Notice. Notice of the Planning Director's administrative decision, or the Planning Commission's public hearing as the case may be, shall be given in the following manner:

1. Published Notice. Notice shall be published in at least one newspaper of general circulation within the City at least 10 days prior to the administrative decision or public hearing on the project.

2. Mailed or Delivered Notice. At least 10 days prior to the administrative decision or public hearing, notice shall be mailed to the applicant and all owners of property within 300 feet of the boundaries of the site, as shown on the last equalized property tax assessment role.

E. Contents of Notice. The notice for the administrative decision or the public hearing shall contain:

1. A description of the location of the development site and the purpose of the application;

4307 Conditions of Approval

In approving a development plan, the Planning Commission, or the Planning Director as the case may be, may impose reasonable conditions necessary to:

A. Achieve the general purposes of this ordinance or the specific purposes of the zoning district in which the project is located, or to make it consistent with the General Plan;

B. Protect the public health, safety, and general welfare; and

C. Ensure that the site plan and physical design of the project is compatible with existing and potential uses on adjoining properties or in the surrounding neighborhood.

4308 Effective Date; Lapse of Approvals; Time Extensions; Changed Plans

A. Effective Date. Development plans administratively approved by the Planning Director shall become effective on the date of the Planning Director's administrative decision, unless appealed to the Planning Commission, as provided for in this article. Development plans approved by the Planning Commission shall become effective on the date of adoption of the Planning Commission resolution, unless appealed, as provided for in Article 46.

B. Lapse of Approvals. Development plan approvals shall lapse two years after the effective date of approval or conditional approval or at an alternate time specified as a condition of approval unless:

1. A grading permit has been issued and grading has been substantially completed and/or a building permit has been issued, and construction diligently pursued; or

2. An occupancy permit has been issued; or

3. The approval is extended; or

Article 11 C Commercial Districts

Sections:

1110 Specific Purposes
1120 CN, CC, CG, CL, CR, CV, CS, and CP Districts: Land Use Regulations
1130 CN, CC, CG, CL, CR, CV, CS, and CP Districts: Property Development Regulations
1140 Review of Plans

1110 Specific Purposes

In addition to the general purposes listed in Article 1, the specific purposes of commercial district regulations are to:

A. Provide appropriately located areas consistent with the General Plan for a full range of office, retail commercial, and service commercial uses needed by residents of, and visitors to, the city and region.

B. Strengthen the city's economic base, and provide employment opportunities close to home for residents of the city and surrounding communities.

C. Create suitable environments for various types of commercial uses, and protect them from the adverse effects of inharmonious uses.

D. Minimize the impact of commercial development on adjacent residential districts.

E. Ensure that the appearance and effects of commercial buildings and uses are harmonious with the character of the area in which they are located.

F. Ensure the provision of adequate off-street parking and loading facilities.

G. Provide sites for public and semipublic uses needed to complement commercial development or compatible with a commercial environment.

The additional purposes of each C district are as follows:

CN Neighborhood Commercial District. To provide sites for businesses serving the daily needs of nearby residential areas while establishing development standards that prevent significant adverse effects on residential uses adjoining a CN district.

A. Establish a procedure for the development of parcels as a mixed-use development.

B. Ensure orderly and thorough planning and review procedures that will result in quality urban design.

C. Encourage variety and avoid monotony in developments by allowing greater freedom in selecting the means to provide access, light, open space and amenities.

D. Provide a mechanism whereby the City may authorize desirable developments consistent with the General Plan without inviting speculative rezoning applications, which, if granted, often could deprive other owners of development opportunities without resulting in construction of the proposed facilities.

E. Encourage the preservation of serviceable existing structures of historic value or artistic merit by providing the opportunity to use them imaginatively for purposes other than that for which they were originally intended.

F. Encourage the assembly of properties that might otherwise be developed in unrelated increments to the detriment of surrounding neighborhoods.

C Commercial Land Use Regulations (continued)

	CN	CC	CG	CL	CR	CV	CS-HO	CS-L	CP	Add. Reg.
Convalescent Facilities	-	-	-	-	-	-	-	-	U	
Cultural Institutions	L29	L29	L29	L29	L29	L29	L29	L29	L29	
Day Care, General	~~U~~A	~~U~~A	~~U~~A	~~U~~A	~~U~~A	~~U~~A	~~U~~A	~~U~~A	~~U~~A	
Emergency Health Care	L15	L15	L15	-	-	-	L15	L15	L15	
Emergency Shelter	U	U	U	U	-	-	U	-	U	
Government Offices	L29	L29	L29	L29	-	-	L29	-	P	(T)
Heliports	-	-	-	-	U	-	-	-	U	(B)
Hospitals	-	U	-	-	-	-	U	-	U	
Park and Recreation Facilities	-	P	-	-	P	P	P	P	P	(C)
Public Safety Facilities	U	U	U	U	U	U	U	U	U	
Religious Assembly (M)	L26	L26	L26	L26	-	-	-	~~L33~~L26		L26
Residential Care, General	L34	L34	L34	L34	-	-	L34	L34	U	
Resource Centers	~~L27~~A	~~L27~~A	~~L27~~A	~~L27~~A	~~L27~~A	~~L27~~A	~~L27~~A	~~L27~~A	~~L27~~A	
Schools, Public or Private	~~U~~A	~~U~~A	~~U~~A	~~U~~A	-	-	~~U~~A	~~U~~A	~~U~~A	
Transitional Housing	U	-	U	U	-	-	U	-	U	
Utilities, Major	L19	L19	L19	L19	L19	L19	L19	L19	L19	
Utilities, Minor	P	P	P	P	P	P	P	P	P	(Q)
Commercial Uses										(A) (D) (J) (K) (T)
Adult Businesses	-	L3	L3	-	-	-	-	-	-	(E) (K)
Ambulance Services	L15	L15	L15	-	-	-	L15	-	P	

C Commercial Land Use Regulations (continued)

	CN	CC	CG	CL	CR	CV	CS-HO	CS-L	CP	Add. Reg.
Eating and/or Drinking Establishments:	P	P	P	P	P	P	P	P	L4	(K) (T)
With Wine and Beer Service	P	P	P	P	P	P	P	P	L4	(K) (T)
With Full Alcoholic Beverage Service	U	U	U	U	U	U	U	U	U	(K) (T)
With Live Entertainment	~~L30~~U	~~L29~~U	~~L29~~U	~~L30~~U	~~L29~~U	~~L29~~U	~~L29~~U	~~L29~~U	-	(O) (T)
w/Take-out Service:										
Drive-thru/ Drive-up	L23	~~U~~A	~~U~~A	-	~~U~~A	-	~~U~~A	-	-	(N)
Food and Beverage Sales	L5	L5	L5	L5	L5	L5	P	L5	-	(K) (T)
Funeral and Interment Services	L6	L6	L6	-	-	-	L6	L6	-	
Home Improvement	P	P	P	P	-	-	P	-	-	(T)
Horticulture, Limited	P	P	P	P	P	P	P	P	P	(R) (S)
Laboratories	-	-	P	-	-	-	-	-	P	
Maintenance and Repair Services	P	P	P	P	-	-	-	-	-	(T)
Marine Sales and Services	-	-	P	-	-	P	-	-	-	(T)
Nurseries	L35	L35	L35	-	-	-	L35	L35	-	(T)

C Commercial Land Use Regulations (continued)

	CN	CC	CG	CL	CR	CV	CS-HO	CS-L	CP	Add. Reg.
Vehicle/ Equipment Sales & Rentals	~~U~~A	~~U~~A	~~U~~A	~~L31~~A	~~L14~~A	~~L14~~A	~~U~~A	-	-	(T)
Visitor Accommodations:										
Bed and Breakfast Inns	L27	L27	L27	L27	L27	L27	L27	L27	L27	(H)
Hotels, Motels and Time-Shares	U	U	U	U	U	U	U	L12	-	(P)
SRO Hotels	-	U	U	-	-	-	-	-	-	
Warehousing and Storage, Ltd.	-	-	L9	-	-	-	-	-	(T)	
Industrial										
Food Processing	L22	L22	L22	L22	-	-	L22	L22	-	
Industry, Custom	-	-	L8	-	-	-	-	-	-	(T)
Industry, Limited	-	-	L8	-	-	-	-	-	-	(T)
Wholesaling, Distribution & Storage	-	-	L8	-	-	-	-	-	-	(T)
Agriculture and Extractive Uses										
Crop Production	L24	L24	L24	L24	L24	L24	L24	L24	L24	(R) (S)
Accessory Uses	P/U	P/U	P/U	P/U	P/U	P/U	P/U	P/U	P/U	(I) (S) (T)

C Districts: Additional Use Regulations

L-8 Only "limited," or "small-scale," facilities, as defined in Use Classifications allowed with a Administrative Conditional Use Permit.

L-9 Storage tanks, distribution terminals, emission-control systems, pumping stations, service yards, transportation facilities, pipelines, or any other facilities supporting offshore oil and gas drilling operations shall be prohibited.

L-10 Reserved.

L-11 See Article 30: Section 3041, Child Care Facility. Allowed within the RE, RS, RM, RH, RT, CN, CC, CG, CL, CR, CV, CS, CS-HO, CS-L, CP, IL, IG, IP, A, OS, PS and the D Districts subject to obtaining a Child Care Facility Permit issued by the Planning Director and subject to the City's adopted Child Care Guidelines. If new development (construction) is proposed for a child care facility, an Administrative Development Plan Review is required. An Administrative Development Plan Review may be conducted independently or concurrently with the Child Care Facility Permit review.

L-12 Up to 200 rooms allowed with a Conditional Use Permit.

L-13 Reserved.

L-14 Recreational vehicles and recreational equipment rentals only.

L-15 Administrative Conditional Use Permit required if use is an Ambulance Service or an Emergency Health Care facility which utilizes ambulance service and either use is also located within 1,000 feet of an R district or the boundaries of a site occupied by a Public or Private School or Park and Recreation Facility. conditions may be imposed in approving such a permit to limit vehicle speeds or use of sirens. In the CS-L district, Emergency Health Care facility permitted with a Conditional Use Permit. Not permitted within ~~if outside~~ the Mission San Luis Rey Historic Core Area.

L-16 Only permitted outside the Mission San Luis Rey Historic Core Area. "Small-scale" Commercial Recreation and Entertainment allowed, all others require an Administrative Conditional Use Permit. ~~Any "regulated" use or card room requires a Conditional Use Permit.~~

L-17 Reserved.

L-18 Only "small-scale" facilities allowed with the approval of an

C Districts: Additional Use Regulations

L-19 A Conditional Use Permit is required for generating plants, electrical substations, lone switching buildings, refuse collection, transfer, recycling or disposal facilities, water reservoirs, water or wastewater treatment plants, transportation or communication utilities, and similar facilities of public agencies or public utilities. Aboveground electrical transmission lines are not permitted unless determined to be consistent with a utility corridor plan approved by the Planning Commission. Flood control or drainage facilities are permitted if they are consistent with approved master drainage and/or flood-control plans.

L-20 Limited or "small-scale" facilities allowed with a Conditional Use Permit outside the Commercial Village Core designated in the Mission SLR Historic Guidelines within a multi-tenant structure.

L-21 Walk-up automatic teller machines (ATMs) allowed if included within or attached to a building serving another use; freestanding structures for walk-up ATMs allowed with an Administrative Use Permit.

L-22 Large Scale facilities may be allowed if they include a retail component and an area for consumption of the products produced on the site (i.e., tables, chairs, etc.). An administrative use permit, approved by the Planning Director, would define the minimum area devoted to retail customer service and office support to the principle food processing activity, but a minimum of 1/3 of the gross square footage of the building facility shall be used as a guideline for the retail service/office support area.

L-23 One drive-thru/drive-up restaurant allowed with a Administrative Conditional Use Permit in a Shopping Center of 10 acres or greater.

L-24 Allowed on sites of more than 2.5 acres with the approval of an Administrative Use Permit issued by the Planning Director.

L-25 "Small-scale" facilities allowed. All others require a Administrative Conditional Use Permit. Within the CS-HO and CS-L, a personal improvement use greater than 5,000 square feet is allowed only in a community shopping center and requires a Administrative Conditional Use Permit.

~~L-26 "Small-scale" facilities (5,000 square feet or less) allowed with the approval Administrative Conditional Use Permit issued by the Planning Director. All others allowed with the approval of a Conditional Use Permit.~~

L-27 Allowed with an Administrative Use Permit issued by the Planning Director.

L-28 "Small-scale" facilities allowed. All others require the approval of an Administrative Use Permit issued by the Planning Director.

L-29 "Small-scale" facilities allowed. All others require the approval of a Administrative Conditional Use Permit. ~~"Regulated" uses or card rooms require a Conditional Use Permit.~~

L-30 Only "small-scale" facilities allowed. "Regulated" uses or card rooms require a Conditional Use Permit.

~~L-31 Allowed with a Conditional Use Permit or an Administrative Use Permit in a building existing as of October 20, 1995 that does not require substantial modifications to accommodate the use. Substantial modifications shall mean greater than a ten percent increase in square footage of the existing building. Glass installation and tinting, cellular phone installation, and stereo installation allowed with an Administrative Use Permit. All others require a Conditional Use Permit.~~

~~L-32 Glass installation and tinting, cellular phone installation, and stereo installation allowed with an Administrative Use Permit. All others require a Conditional Use Permit.~~

~~L-33 Religious assembly allowed with the approval of a Conditional Use Permit allowing for a maximum of 5 years, if the following findings can be made:~~

~~a. The location proposed is not in an area considered "prime" for immediate commercial development.~~

~~b. Parking must be provided as required by the parking regulations for religious assemblies under Article 31, except that parking may be shared with other commercial uses in the vicinity, if it can be shown that the uses will not conflict.~~

~~c. Buildings shall meet the requirements imposed by the current applicable edition of the Uniform Building Code for assembly occupancy.~~