

STAFF REPORT*CITY OF OCEANSIDE*

DATE: January 16, 2013

TO: Honorable Mayor and City Councilmembers

FROM: Development Services Department/Planning Division

SUBJECT: **GENERAL PLAN AMENDMENT (GPA12-00001), ZONE AMENDMENT (ZA12-00001), AND LOCAL COASTAL PROGRAM AMENDMENT (LCPA12-00001) TO MODIFY INCLUSIONARY HOUSING AND ZONING STANDARDS FOR PROJECTS EXCEEDING RESIDENTIAL BASE DENSITY – APPLICANT: CITY OF OCEANSIDE**

SYNOPSIS

The City Council is asked to consider proposed changes to inclusionary housing and zoning standards for projects exceeding residential base density allowances, including new options for meeting inclusionary housing requirements, zoning incentives for the provision of inclusionary housing, a modified inclusionary housing in-lieu fee for units above base density, and revised General Plan policies that make the provision of inclusionary units a more feasible option for market-rate housing developers. City staff recommends amendment of the General Plan, Inclusionary Housing Ordinance, Zoning Ordinance, and Local Coastal Program to implement the proposed changes. Staff further recommends that the City Council direct staff to pursue zoning text amendments to establish density ranges for several commercial zones and allow for mixed-use development in the Limited Commercial (CL), Special Commercial Limited (CS-L), and Commercial Professional (CP) zoning districts; and adoption of resolutions and introduction of an ordinance effect these changes.

BACKGROUND

On February 23, 2011, as part of a reevaluation of inclusionary housing in-lieu fees, the City Council directed staff to explore voluntary incentives for affordable housing. To this end, staff convened an ad hoc committee comprised of affordable housing advocates, building industry officials, community stakeholders, and members of the Housing Commission and Planning Commission. The ad hoc committee met on six separate occasions between March and October of 2011. While the ad hoc committee did not achieve consensus on how best to incent affordable housing in conjunction with market-rate housing projects, input from committee members guided staff in developing recommendations for changes to inclusionary housing and zoning standards for projects exceeding residential base density allowances. The concept of applying new inclusionary housing standards to projects exceeding base density was first introduced to the City Council in the spring of 2012, in the context of the updating of the City's Density Bonus Ordinance. At this time, the City Council directed staff to continue to

explore voluntary incentives for affordable housing.

On September 26, 2012, the City Council held a public workshop to further consider staff recommendations for inclusionary housing and zoning standards for projects exceeding base density. At this public workshop, the City Council directed staff to prepare the necessary text amendments to implement its recommendations, along with a “second-tier” inclusionary housing in-lieu fee, as proposed by building industry representatives.

PROJECT DESCRIPTION

Following City Council direction provided at the September 26, 2012, public workshop, staff prepared text amendments to the City’s General Plan, Inclusionary Housing Ordinance, and Zoning Ordinance intended to incent the provision of inclusionary units in market-rate housing projects that exceed base density. Under the proposed text amendments, projects in RS, RM, RH, RHU, R-1, R-3, and R-T zones that exceed base density would be subject to the following policies, guidelines, and standards:

**TABLE 1
Proposed Text Amendments to the General Plan,
Inclusionary Housing Ordinance, and Zoning Ordinance**

| Policy/Guideline/Standard | Document | Current | Proposed |
|---|----------------------------|---|---|
| Options for Meeting Inclusionary Housing Requirements | Municipal Code Chapter 14C | 1. On-site provision 2. Off-site provision 3. Purchase of reserved unit credits | 1. On-site provision 2. Off-site provision 3. Purchase of reserved unit credits 4. Land donation 5. Rehabilitation and reservation of market-rate units |
| In-Lieu Fees | Municipal Code Chapter 14C | \$1.31/sq. ft. for all units | \$1.31/sq. ft. for base density units \$12,250/unit for units above base density |
| Calculation of Inclusionary Housing Requirement | Municipal Code Chapter 14C | 10% of all units | 10% of base density units, when in-lieu fee option is not exercised |
| Type of Inclusionary Units | Municipal Code Chapter 14C | Lower and Moderate Income | Lower Income |
| Building Height Maximum | Zoning Ordinance | As specified for each zoning designation | One additional story and up to eight additional feet of building height |
| Minimum Parking Requirements | Zoning Ordinance | As specified for residential uses | Reduced minimums consistent with San Diego and existing exceptions for small-lot development |

TABLE 1 (Continued)
Proposed Text Amendments to the General Plan,
Inclusionary Housing Ordinance, and Zoning Ordinance

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|---|---|--|--|
| Conditional Use Permit (CUP) | Zoning Ordinance | CUP required to exceed base density | Waiver of CUP requirement for projects that do not exercise the in-lieu fee option |
| Criteria for Exceeding Base Density Allowance | Policy 2.32 of the Land Use Element of the General Plan | Various criteria to require that projects exceeding base density be “superior” | Elimination and modification of criteria that tend to make inclusionary housing infeasible |

As outlined above, the proposed changes to the City’s Inclusionary Housing Ordinance (Municipal Code 14C) would add land donation and the reservation of existing market-rate housing for lower-income households as options for fulfilling inclusionary housing requirements. The proposed changes to zoning standards would allow for additional building height and reduced parking requirements for projects that exceed base density and meet inclusionary housing requirements without exercising the in-lieu fee option. The proposed text amendments are described in greater detail in the staff report for the December 10, 2012, Planning Commission public hearing on this subject.

ANALYSIS

The proposed changes to inclusionary housing and zoning standards are extensively analyzed in the staff report for the December 10, 2012, Planning Commission public hearing on this item, which is attached this report.

In order to effectively implement the proposed inclusionary housing standards and zoning incentives, staff proposes to amend the current density ranges for residential zones within the Coastal Zone (i.e. R-1, R-3, and R-T). The proposed adjustments would create density ranges identical to those previously applicable when Coastal Zone properties were governed by the 1992 Zoning Ordinance (i.e., prior to May 2009).

Potential Future Actions

In addition to the proposed text amendments enumerated above, staff recommends that density ranges be established for housing produced in conjunction with mixed-use development in all commercial zones except CR (Commercial Recreation) and CV (Commercial Visitor). Creating density ranges for commercial zones would allow the proposed inclusionary housing standards and zoning incentives to be applied to mixed-use projects exceeding base density. Staff recommends a density range of 29-43 dwelling units per acre for commercial zones that allow for mixed-use development, consistent with existing density ranges for high-density residential zones.

Staff further recommends that the proposed inclusionary housing standards and zoning incentives be applied to development within the City's Downtown District, now that Redevelopment set-aside funding for affordable housing is no longer available.

In conjunction with its review of the initial draft of the City's 2013-2020 Housing Element Update, the Housing Commission recommended that the City's Inclusionary Housing Ordinance be amended to remove the provision of "moderate-income housing" as a means of satisfying inclusionary housing requirements, thereby limiting reserved units to those affordable to lower-income households. The Planning Commission expressed support for limiting reserved units in this manner at its December 10, 2012, meeting. Staff is supportive of this change to inclusionary housing standards and therefore asks that the City Council direct staff to initiate the requisite text amendments.

FISCAL IMPACT

The fiscal impact of the proposed changes to inclusionary housing and zoning standards will depend both on the amount of new for-sale housing growth the City experiences in the coming years as well as the options for-sale housing developers choose to meet their inclusionary housing requirements.

COMMISSION OR COMMITTEE REPORTS

The Planning Commission recommended approval of the proposed amendments to the General Plan, Zoning Ordinance, and Local Coastal Program on December 10, 2012.

With respect to the proposed zoning incentives for inclusionary housing, the Planning Commission recommended that these incentives be available only to properties within transit corridors, with the exception of those properties bearing either an agricultural or estate residential zoning designation (i.e., A, RE-A, and RE-B). While the Planning Commission did not precisely define transit corridor, the commissioners referred to map exhibits previously prepared by staff that show the quarter-mile radii along Coast Highway, Oceanside Boulevard, Vista Way, and the route of the NCTD 303 Breeze bus service, which follows Mission Avenue to Douglas Drive, North River Road, College Boulevard, Highway 76, and Santa Fe Avenue.

CITY ATTORNEY'S ANALYSIS

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

RECOMMENDATION

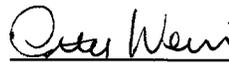
City staff recommends that the City Council adopt resolutions and introduce ordinances adopting the proposed text amendments to the General Plan, Inclusionary Housing Ordinance, and Zoning Ordinance to implement new inclusionary housing and zoning standards for projects exceeding base density.

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
Marisa Lundstedt, City Planner
Margery Pierce, Neighborhood Services Director



ATTACHMENTS:

1. City Council Resolution for Approval of General Plan Amendment
2. City Council Resolution for Approval of Local Coastal Program Amendment
3. City Council Ordinance for Approval of Inclusionary Housing Ordinance Amendment
4. City Council Ordinance for Approval of Zoning Ordinance Amendment
5. Planning Commission Resolution 2012-P56
6. Planning Commission Staff Report (12/10/12)
7. Summary of Economic Impact Analysis (Keyser Marston Associates)
8. Fact Sheet for City of San Diego Affordable Housing Parking Study
9. Memorandum: Planning Commission Public Workshop (4/3/12)
10. Memorandum: City Council Public Workshop (9/26/12)
11. Summary of Public Review Process

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE APPROVING A GENERAL PLAN AMENDMENT TO THE LAND USE ELEMENT OF THE GENERAL PLAN TO REVISE CRITERIA TO EXCEED BASE DENSITY ALLOWANCES (LAND USE ELEMENT POLICY 2.32)

(Applicant: City of Oceanside)

WHEREAS, the City Council has determined that policies of the Land Use Element of the General Plan related to residential development exceeding base density allowances should be modified to facilitate the integration of income-restricted housing into market-rate residential projects; and

WHEREAS, on December 10, 2012, the Planning Commission conducted a duly-noticed public hearing to consider whether to recommend that the City Council adopt the proposed amendments; and

WHEREAS, the Planning Commission's recommendation is summarized in the staff report prepared by the Development Services Department; and

WHEREAS, on January 16, 2013, the City Council held a duly-noticed public hearing and heard and considered written evidence and oral testimony by all interested parties on the above-identified amendments;

WHEREAS, the Planning Division has reviewed the proposed amendments for compliance with the California Environmental Quality Act (CEQA) and has determined that the amendments are exempt from CEQA review in accordance with CEQA Section 21065, as they would not cause either direct or reasonably foreseeable indirect physical changes in the environment.

WHEREAS, based on such evidence and testimony, including but not limited to the report of the Development Services Department, the City Council finds as follows:

For the General Plan Amendment:

1. The proposed amendments to the Land Use Element would be compatible to all other elements of the General Plan.
2. Future projects associated with the proposed amendments to the Land Use Element would be subject to discretionary approval and environmental review as appropriate.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby approve amendment of Land Use Element Policy 2.32, Potential Range of Residential Densities, as specified in Exhibit "A".

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Notice is hereby given that the time within which judicial review must be sought on this decision is governed by Govt. Code Section 65009(c)(1)(A).

PASSED AND ADOPTED by the City Council of the City of Oceanside, California, this 16th day of January, 2013, by the following vote:

- AYES:
- NAYS:
- ABSENT:
- ABSTAIN:

MAYOR OF THE CITY OF OCEANSIDE

ATTEST:

APPROVED AS TO FORM:

CITY CLERK

Robert J. Hamilton, 1885
CITY ATTORNEY

SECTION 2.32. POTENTIAL RANGE OF RESIDENTIAL DENSITIESPolicies:

- A. For projects that do not include income-restricted dwelling units in accordance with the City's inclusionary housing regulations, the base density shall be considered the appropriate density for development within each residential land use designation.
- B. Residential projects that provide for income-restricted dwelling units consistent with the City's inclusionary housing regulations and possess an excellence of design features that mitigate the potentially adverse impacts of higher density shall be granted the ability to achieve densities above the base density. Project characteristics that ~~exceed standards established by City policy and those established by existing or approved developments in~~ contribute to the aesthetic value and functionality of the surrounding area will be favorably considered in the review of acceptable density within the range. Such characteristics include, but are not limited to the following:
- ~~1) Infrastructure improvements beyond what is necessary to serve the project and its population.~~
 - ~~2) Lot standards (i.e. lot area, width, depth, etc.) which exceed the minimum standards established by City policy.~~
 - ~~3) Development standards (i.e. parking, setbacks, lot coverage, etc.) which exceed the standards established by City policy.~~
 - 4) High-quality Superior architectural design and materials that mitigate the potentially adverse impacts of higher density and increased scale.
 - 5) High-quality Superior landscape/hardscape design and materials that soften the appearance of associated development and contribute to an sustainable, attractive, and pedestrian-friendly streetscape.

- ~~6) Superior recreation facilities or other amenities.~~
- 7) Functional, sustainable, and visually-appealing common ~~Superior private and/or semi-private~~ open space areas.
- ~~8) Floor areas which exceed the norm established by existing or approved development in the surrounding area.~~
- 9) Consolidation of existing legal lots to provide unified site design.
- 10) Initiation of residential development in appropriate areas where nonconforming commercial zones or industrial uses are still predominant.
- 11) Participation in the City's Redevelopment, Housing, Conservation, Public Safety and/or Historical Preservation programs.
- 12) Innovative design and/or construction methods which further the goals of the General Plan.

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

- C. Projects that exceed base density allowances and provide income-restricted dwelling units in accordance with the City's inclusionary housing standards shall be eligible for concessions to development standards as specified in the zoning ordinance. Such concessions are intended to mitigate the financial burden associated with the provision of income-restricted units.
- D. Residential projects with densities below the base density shall be considered to be consistent with the land use designation.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE AMENDING THE LOCAL COASTAL PROGRAM TO PROVIDE REGULATORY CONCESSIONS FOR PROJECTS EXCEEDING BASE DENSITY ALLOWANCES THAT MEET SPECIFIED INCLUSIONARY HOUSING STANDARDS

**(Applicant: City of Oceanside)
(LCPA 12-0001)**

WHEREAS, the City Council has determined that policies of the Land Use Element of the General Plan related to residential development exceeding base density allowances should be modified to facilitate the integration of income-restricted housing into market-rate residential projects; and

WHEREAS, the City Council has determined that provisions of the City's Inclusionary Housing Ordinance (Municipal Code Article 14C) and the Zoning Ordinance should be modified in order to establish new inclusionary housing standards for projects that exceed the City's base density allowances and provide a broader range of options for meeting inclusionary housing standards and grant regulatory concessions to encourage inclusionary housing in conjunction with projects that exceed the City's base density allowances; and

WHEREAS, on December 10, 2012, the Planning Commission conducted a duly-noticed public hearing to consider whether to recommend that the City Council adopt the proposed amendments; and

WHEREAS, the Planning Commission's recommendation is summarized in the staff report prepared by the Development Services Department; and

WHEREAS, on January 16, 2013, the City Council held a duly-noticed public hearing and heard and considered written evidence and oral testimony by all interested parties on the above-identified amendments; and

WHEREAS, the Planning Division has reviewed the proposed amendments for compliance with the California Environmental Quality Act (CEQA) and has determined that the amendments are exempt from CEQA review in accordance with CEQA Section 21065, as they would not cause either direct or reasonably foreseeable indirect physical changes in the

1 environment; and

2 WHEREAS, based on such evidence and testimony, including but not limited to the report
3 of the Development Services Department, the City Council finds that the Local Coastal Program
4 as amended by the City Council conforms with and is adequate to carry out the land use plan of
5 the Local Coastal Program; and

6 NOW, THEREFORE, the City Council of the City of Oceanside DOES RESOLVE as
7 follows:

- 8 1. Pursuant to Public Resources Code section 30514(a), the Oceanside City Council
9 hereby certifies and the Local Coastal Program Amendment (LCPA 12-00001) is
10 intended to be carried out in a manner fully in conformity with the Coastal Act and
11 said Amendment is adopted.
- 12 2. Pursuant to the California Environmental Quality Act of 1970 and the State
13 Guidelines thereto, a Notice of Exemption has been issued for the project by the
14 Resource Officer for the City of Oceanside.
- 15 3. Pursuant to the Coastal Commission Local Coastal Regulation 13551(b), this
16 amendment shall take effect upon Coastal Commission approval.
- 17 4. Notice is hereby given that the time within which judicial review must be sought on
18 this decision is governed by Public Resources Code section 30801.

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1 PASSED AND ADOPTED by the City Council of the City of Oceanside, California,
2 this 16th day of January, 2013, by the following vote:

3 AYES:

4 NAYS:

5 ABSENT:

6 ABSTAIN:

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8 MAYOR OF THE CITY OF OCEANSIDE

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10 ATTEST:

APPROVED AS TO FORM:

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12 CITY CLERK

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Robert Hamilton, ASST.
CITY ATTORNEY

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE AMENDING ZONING REGULATIONS FOR PROJECTS EXCEEDING THE CITY'S BASE DENSITY ALLOWANCES AND RESERVING UNITS FOR LOW AND MODERATE-INCOME HOUSEHOLDS IN ACCORDANCE WITH THE CITY'S INCLUSIONARY HOUSING STANDARDS – REGULATORY CONCESSIONS FOR PROJECTS EXCEEDING BASE DENSITY ALLOWANCES AND MEETING SPECIFIED INCLUSIONARY HOUSING STANDARDS

WHEREAS, the City Council has determined that provisions of the City's Inclusionary Housing Ordinance (City Code Chapter 14C) and the Zoning Ordinance should be modified in order to: 1) establish new inclusionary housing standards for projects that exceed the City's base density allowances; 2) provide a broader range of options for meeting inclusionary housing standards; and 3) grant regulatory concessions to encourage inclusionary housing in conjunction with projects exceeding the City's base density allowances; and

WHEREAS, regulatory concessions to encourage inclusionary housing in conjunction with projects that exceed the City's base density allowances require amendment of the City's residential zoning standards; and

WHEREAS, on December 10, 2012, the Planning Commission of the City of Oceanside held a duly-advertised public hearing to consider said amendments, and heard and considered written and oral testimony regarding said amendments, and voted 5-0 to recommend City Council approval of said amendments; and

WHEREAS, on January 16, 2013, the City Council of the City of Oceanside held a duly-advertised public hearing to consider Zone Amendment ZA13-00001 and Local Coastal Program Amendment LCPA13-00001, and the recommendation of the Planning Commission thereon, and heard and considered written and oral testimony regarding the proposed Zone Amendment; and

WHEREAS, based upon such evidence, testimony and staff reports, this Council finds that Zone Amendment ZA13-00001 and Local Coastal Plan Amendment LCPA13-00001 conform to the General Plan and Local Coastal Program of the City of Oceanside.

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

2 SECTION 1. Zone Amendment ZA13-00001 establishing the text of (i) the 1986 Zoning
3 Ordinance for properties within the Coastal Zone and outside of the Downtown District and (ii)
4 the 1992 Zoning Ordinance for properties outside the Coastal Zone and within the Downtown
5 District, as specified in Exhibits "A" (Articles 10 and 31) and "B" (Article 5, 7, 17, 27 and 32),
6 is hereby adopted, and the City Clerk is hereby directed to amend the 1986 and 1992 Zoning
7 Ordinances as specified by this ordinance.

8 SECTION 2. Severability. If any section, sentence, clause or phrase of this ordinance is
9 for any reason held to be invalid or unconstitutional by a decision of any court of competent
10 jurisdiction, such decision shall not affect the validity of the remaining portions of this
11 ordinance. The City Council hereby declares that it would have passed and adopted this
12 ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any
13 one or more sections, subsections, sentences, clauses or phrases be declared invalid or
14 unconstitutional.

15 SECTION 3. The City Clerk of the City of Oceanside is hereby directed to publish this
16 ordinance, or the title hereof as a summary, pursuant to state statute, once within fifteen (15)
17 days after its passage in the North County Times, a newspaper of general circulation published
18 in the City of Oceanside.

19 SECTION 4. This ordinance shall take effect and shall be in force on properties outside
20 of the Coastal Zone on the thirtieth (30th) day from and after its final passage, and within the
21 Coastal Zone, upon Coastal Commission certification of Local Coastal Plan Amendment
22 LCPA13-00001.

23 INTRODUCED at a regular meeting of the City Council of the City of Oceanside,
24 California, held on the 16th day of January, 2013 and, thereafter,

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1 PASSED AND ADOPTED at a regular meeting of the City Council of the City of
2 Oceanside, California, held on the __th day of __, 2013, by the following vote:

- 3 AYES:
- 4 NAYS:
- 5 ABSENT:
- 6 ABSTAIN:

7 MAYOR OF THE CITY OF OCEANSIDE

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9 ATTEST:

APPROVED AS TO FORM:

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11 _____
CITY CLERK

Brian Sumiltra, ASST.

CITY ATTORNEY

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PART II -- BASE DISTRICT REGULATIONS

Article 10 Residential Districts

Sections:

- 1010 Specific Purposes
- 1020 Definitions: Residential Unit Types
- 1030 Residential Unit Type Regulations
- 1040 RE, RS, RM, RH, and RT Districts: Land Use Regulations
- 1050 RE, RS, RM, RH, and RT Districts: Property Development Regulations
- 1060 Review of Plans

1010 Specific Purposes

In addition to the general purposes listed in Article 1, the specific purposes of residential districts are to:

- A. Provide appropriately located areas for residential development that are consistent with the General Plan and with standards of public health and safety established by the City Code.
- B. Ensure adequate light, air, privacy, and open space for each dwelling, and protect residents from the harmful effects of excessive noise, population density, traffic congestion, and other adverse environmental effects.
- C. Promote development of housing affordable by low- and moderate-income households by providing a density bonus for projects in which a portion of the units are affordable for such households.
- D. Protect residential areas from fires, explosions, landslides, toxic fumes and substances, and other public safety hazards.
- E. Protect adjoining single-family residential districts from excessive loss of sun, light, quiet, and privacy resulting from proximity to multifamily development.
- F. Achieve design compatibility with surrounding neighborhoods.
- G. Provide sites for public and semipublic land uses needed to complement residential development or requiring a residential environment.

- H. Ensure the provision of public services and facilities needed to accommodate planned population densities.

The additional purposes of each R Residential District are:

RE Residential Estate District. To provide opportunities for very-low-density single-family residential land use (except as otherwise noted in Section 1030), compatible with the topography and public-service capacities. Two types of Residential Estate districts are established: the Estate A (RE-A) District where the base density is 0.5 dwelling units per gross acre and the maximum potential density is 0.9 dwelling units per gross acre; and the Estate B District (RE-B) where the base density is 1.0 dwelling units per gross acre and the maximum potential density is 3.5 dwelling units per gross acre.

RS Single-Family Residential District. To provide opportunities for single-family residential land use in neighborhoods, subject to appropriate standards. Duplexes, triplexes and fourplexes existing as of the effective date of this ordinance are allowed to remain, but all new residential construction shall be single-family dwellings or approved accessory structures (except as otherwise noted in Section 1030). In the RS District, the base density is 3.6 dwelling units per gross acre and the maximum potential density is 5.9 dwelling units per gross acre.

RM Medium-Density Residential District. To provide opportunities for residential uses, including patio homes, duplexes, townhouses, multi-dwelling structures, and cluster housing, which also include landscaped common open space and common-area facilities for residents use. Single-family dwellings existing as of the effective date of this ordinance are allowed to remain, but no new single-unit conventional (SU-C) single-family dwellings, as defined in this Article, shall be permitted unless developed on a pre-existing legal lot. Three types of medium-density districts are established: the Medium Density A (RM-A) District where the base density is 6.0 dwelling units per gross acre and the maximum potential density is 9.9 dwelling units per gross acre; the Medium Density B (RM-B) District, where the base density is 10.0 dwelling units per gross acre and the maximum potential density is 15.0 dwelling units per gross acre; and the Medium Density C (RM-C) District where the base density is 15.1 dwelling units per gross acre and the maximum potential density is 20.9 units per gross acre.

RH High-Density Residential District. To provide opportunities for an intensive form of residential development, including apartments and town houses with relatively high land coverage, at appropriate locations. In the RH District the base density is 21.0 dwelling units per gross acre and the maximum potential density is 28.9 units per gross acre; in the Urban High Density Residential District (RH-U) the base density is 29.0 dwelling units per gross acre and the maximum potential density is 43.0 dwelling units per gross acre.

RT Residential Tourist District. To provide opportunities for tourist and year-round visitor-serving facilities, including permanent and transient residential and related uses, within the City's Coastal Zone. In the Residential Tourist (RT) District the base density for residential uses is 29.0 dwelling units per gross acre and the maximum potential density is 43.0 dwelling units per gross acre.

All references to gross acre in this Article exclude undevelopable land, as defined by the General Plan Land Use Element.

1020 Definitions: Residential Unit Types

For purposes of this Article, residential dwelling units types shall be defined as follows:

A. Single-Family Detached Dwellings.

1. Single Unit - Conventional (SU-C). A detached structure containing one dwelling unit. The structure is constructed to the development standards of the applicable R district and serves as the only dwelling unit on the property. The property is a legally subdivided lot with the minimum lot area and dimensions established by this Article.
2. Single Unit - Variable (SU-V). A detached structure containing one dwelling unit. The structure is constructed to the development standards of the applicable R district or as modified by an overlay district or a PD District. The property is a legally subdivided lot with the minimum lot area and dimensions established by this Article or by a development plan or a master plan. The property generally holds an interest in common areas and facilities.
3. Single Unit - Manufactured (SU-M). A detached structure containing one dwelling unit that is constructed elsewhere and transported or assembled on the site. The site is any area or tract of land in individual ownership or where two or more lots are rented or leased or held out for rent or lease to accommodate mobile homes or manufactured units used for human habitation.

B. Single-Family Attached Dwelling.

1. Two Unit - Conventional (TU-C). A structure consisting of two dwelling units attached by a common wall. Each unit is constructed on a legally subdivided lot and attached to its companion unit on the common property line. Development and lot standards are established by this Article.
2. Two Unit - Variable (TU-V). A structure consisting of two dwelling units attached by a common wall. Each unit is constructed on a legally subdivided lot and attached to its companion unit on the common property line. Development and lot standards are those of the applicable R district or as modified by an overlay district or a PD District, and are defined in a development plan or master plan, and properties generally hold an interest in common areas and facilities.
3. Multi-Plex (MP). A structure consisting of three or more dwelling units attached by common walls. Each unit is constructed on a legally subdivided lot and attached to one or more companion units on a common property line or lines. Development and lot standards are those of the applicable R district or as modified by an overlay district or a PD District, and are defined in a development plan or master plan, and properties generally hold interest in common areas and facilities.

C. Multiple Family Dwellings.

1. Multiple Unit Structures (MUS). A structure or a group of structures containing two or more dwelling units on a single property. Subdivision of the property may exist to permit ownership of air space in the form of a dwelling unit with an undivided share in common elements. The property may also be divided for the purpose of ownerships in the form of a stock cooperative.

1030 Residential Unit Type Regulations

In the following schedule, the letter "P" designates residential unit types permitted in each R district. The letter "L" designates a residential unit type that is subject to certain limitations prescribed by the "Additional Regulations for Residential Unit Types" which follow the schedule.

Single-family dwellings existing as of the date of adoption of this ordinance are allowed to remain in all R districts. Such dwellings may be expanded or enlarged subject to the provisions of Section 3102(C), and may be rebuilt if destroyed or damaged; such dwellings are not to be considered nonconforming uses.

**RE, RS, RM, RH, and RT
DISTRICTS:
UNIT TYPE REGULATIONS**

P - Permitted
U - Use Permit
L - Limited, (See Additional
Regulations for Residential
Unit Types)
- - Not Permitted

Residential Development Types

| District | Single-Family Detached | | | Single-Family Attached | | | Multidwelling Unit Structure |
|----------|------------------------|------|------|------------------------|------|-----|------------------------------|
| | SU-C | SU-V | SU-M | TU-C | TU-V | MP | MUS |
| RE-A | P | - | L-1 | - | - | - | - |
| RE-B | P | L-6 | L-1 | L-6 | L-6 | - | - |
| RS | P | L-6 | L-1 | L-6 | L-6 | - | - |
| RM-A | L-2 | L-8 | L-1 | P | P | P | - |
| RM-B | L-5 | L-8 | L-1 | L-3 | L-3 | P | P |
| RM-C | L-5 | L-8 | L-1 | - | - | L-4 | P |
| RH | L-5 | L-8 | L-1 | - | - | - | P |
| RH-U | L-5 | L-8 | L-1 | - | - | - | P |
| RT | L-5 | - | L-1 | - | - | - | P |

SU-C Single Unit - Conventional
 SU-V Single Unit - Variable
 SU-M Single Unit - Manufactured
 TU-C Two Unit - Conventional
 TU-V Two Unit - Variable
 MP Multi-Plex
 MUS Multiple Unit Structure(s)

Additional Regulations for Residential Unit Types

Single-family dwellings existing as of the date of adoption of this ordinance, are allowed to remain in all R districts. Such dwellings may be expanded or enlarged subject to the provisions of Section 3102(C), and may be rebuilt if destroyed or damaged; such dwellings are not to be considered nonconforming uses.

L-1 Mobile homes are allowed subject to the requirements of Section 3033.

L-2 A residential development project may be developed using Single Unit - Conventional (SU-C) structures provided that:

- (1) The density does not exceed 3.6 units per gross acre unless a higher density is approved by the Planning Commission or an affordable housing density bonus is granted under the provisions of Section 3032;
- (2) The Planning Director determines that the project is consistent with the objectives of the General Plan and other City policies, and a Zone Amendment to the Residential Single Family District (RS) is processed;
- (3) The Planning Director determines that the project will not interfere with the efficient and proper provision of City services.

L-3 A residential development project may be developed using the residential unit types allowed in an RM-A District provided that:

- (1) The density does not exceed 6.0 units per gross acre unless a higher density is approved by the Planning Commission or an affordable housing density bonus is granted under the provisions of Section 3032;
- (2) The Planning Director determines that the project is consistent with the objectives of the General Plan and other City policies;
- (3) The Planning Director determines that the project will not interfere with the efficient and proper provision of City services.

L-4 A residential development project may be developed using Multi-Plex (MP) dwelling unit structures provided that:

Additional Regulations for Residential Unit Types

- (1) The density does not exceed 10.0 units per gross acre unless a higher density is approved by the Planning Commission or an affordable housing density bonus is granted under the provisions of Section 3032;
- (2) The Planning Director determines that the project is consistent with the objectives of the General Plan and other City policies;
- (3) The Planning Director determines that the project will not interfere with the efficient and proper provision of City services.

L-5 A single unit conventional (SU-C) unit type may be developed on a preexisting legal lot.

L-6 A single-family detached residential development project which also incorporates Single Unit-Variable (SU-V), Two Unit-Conventional (TU-C), and Two Unit-Variable (TU-V) structures may be developed provided that:

- (1) The Single Unit-Variable (SU-V), Two Unit-Conventional (TU-C), and Two Unit-Variable (TU-V) structures are approved, constructed, and reserved solely for the purposes of satisfying the inclusionary housing requirements for low and moderate income households in residential projects as defined by Chapter 14C of the Oceanside City Code.
- (2) The Single Unit-Variable (SU-V), Two Unit-Conventional (TU-C), and Two Unit-Variable (TU-V) structures meet all provisions of Chapter 14C of the Oceanside City Code, including the resale or rental restrictions and the design and construction provisions.
- (3) The Single Unit-Variable (SU-V), Two Unit-Conventional (TU-C), and Two Unit-Variable (TU-V) structures shall meet all property development regulations required by this ordinance.
- (4) If the residential development project meets the provisions of Sections (1), (2), and (3) above, the residential development project shall be considered consistent with Section 2.33, Residential Unit Types Consistent with Residential Designations, of the Land Use Element of the General Plan.

L-7 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.

L-8 Single Family Detached Units on a minimum of 2,500 square foot lots are allowed with a Conditional Use Permit within the RM-B, RM-C and RH Districts when determined to be compatible with existing and future land uses and plans.

**1040 RE, RS, RM, RH and RT Districts:
Land Use Regulations**

In the following schedule, the letter "P" designates use classifications permitted in residential districts. The letter "L" designates use classifications subject to certain limitations prescribed under the "Additional Use Regulations" which follows. 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. Where letters in parentheses are opposite a use classification heading, referenced regulations shall apply to all use classifications under the heading.

**RE, RS, RM, RH, and RT
DISTRICTS:
LAND USE REGULATIONS**

P - Permitted
U - Use Permit
L - Limited, (See Additional
Use Regulations)
- - Not Permitted

| | RE | RS | RM | RH | RT | Additional Regulations |
|------------------------------------|------|------|------|------|------|---------------------------|
| Residential Uses | | | | | | (A) (B) |
| Day Care, Ltd. | P | P | P | P | P | |
| Group Residential | - | - | - | U | U | |
| Live/Work Quarters | - | - | - | U | U | (M) |
| Multifamily Residential | - | - | P | P | P | |
| Residential Care, Limited | P | P | P | P | P | |
| Single-family Residential | P | P | P | P | P | (C) (K) |
| Commercial Uses | | | | | | |
| Artists' Studios | - | - | - | - | U | (A) (B) |
| Horticulture, Limited | L-1 | L-1 | L-1 | L-1 | L-1 | (Q) (R) |
| Public and Semipublic | | | | | | (A) |
| Cemetery | U | - | - | - | - | |
| Childcare | L-11 | L-11 | L-11 | L-11 | L-11 | |
| Clubs & Lodges | - | - | L-2 | U | U | (D) |
| Convalescent Facilities | - | - | L-8 | L-8 | - | |
| Cultural Institutions | - | - | - | - | U | |
| Day Care, General | U | U | U | U | U | |
| Emergency Shelter | - | - | U | U | - | |
| Park & Recreation Facilities | L-3 | L-3 | L-3 | L-3 | L-3 | |
| Public Safety Facilities | U | U | U | U | U | |
| Religious Assembly | L-6 | L-6 | U | U | U | (O) |
| Residential Care, General | - | - | U | U | - | |
| Resource Centers | L10 | L10 | L10 | L10 | L10 | |
| Schools, Public or Private | U | U | U | U | U | |
| Utilities, Major | L-7 | L-7 | L-7 | L-7 | L-7 | |
| Utilities, Minor | P | P | P | P | P | (P) |

| | RE | RS | RM | RH | RT | Additional Regulations |
|---|-----|-----|-----|-----|-----|-----------------------------------|
| Visitor Accommodations | | | | | | |
| Bed and Breakfast Inns | L10 | L10 | L10 | L10 | L10 | (E) |
| Hotels, Motels and Timeshares | - | - | - | - | L-5 | (F) |
| Single-Room Occupancy | - | - | - | U | - | |
| Agricultural and Extractive Uses | | | | | | |
| Crop Production | L-9 | L-9 | L-9 | L-9 | - | (Q), (R) |
| Accessory Uses | | | | | | |
| | P/U | P/U | P/U | P/U | P/U | (A) (G) (H) (I) (J) (L) (R) |
| Nonconforming Uses | | | | | | |
| | | | | | | (N) |

**RE, RS, RM, RH, and RT Districts:
Additional Use Regulations**

- L-1 Limited to sites of 2.5 acres or less and limited to the raising of fruits, vegetables, flowers, plants, ornamental trees, and shrubs as a wholesale commercial enterprise, subject to the requirement that nursery equipment or materials used for the operation shall be stored within structures. A Business License required and regulated as a Home Occupation subject to Section 3007.
- L-2 Use permit required and only neighborhood-oriented uses occupying less than 2,500 square feet are permitted.
- L-3 Use permit required. Public parks allowed without a use permit if already approved within a Master Plan. Use permit required for private noncommercial facilities, including swim clubs and tennis clubs.
- L-4 Reserved.
- L-5 Allowed with a use permit only adjacent to streets with a collector classification or greater, as designated in the Master Street Plan.
- L-6 Use permit required, and only schools operating in conjunction with religious services are permitted as an accessory use. A general day-care facility may be allowed as

a secondary use, subject to a use permit, if the Planning Commission finds that it would be compatible with adjacent areas and not cause significant traffic impacts.

- L-7 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-8 Permitted as a secondary use to and as part of a General Residential Care facility with approval of a conditional use permit.
- L-9 Allowed on sites of more than 2.5 acres with the approval of an Administrative Use Permit issued by the Planning Director.
- L-10 Allowed with an Administrative Use Permit.
- 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, a Development Plan Review is required. A Development Plan Review may be conducted independently or concurrently with the Child Care Facility Permit review.
 - (A) See Section 3002: Relocated Buildings (use permit required).
 - (B) See Section 3003: Exterior Materials in R Districts.
 - (C) Bedrooms in a dwelling unit may be rented for occupancy by not more than six persons.
 - (D) Limited to facilities on sites of fewer than two acres.
 - (E) See Section 3031: Bed and Breakfast Inns
 - (F) See Section 3030: Timeshare Resorts
 - (G) See Section 3007: Home Occupation in R Districts.
 - (H) See Section 3005: Nonresidential Accessory Structures and Section 3006: Accessory Dwelling Units.

- (I) See Section 3119: Driveways and Carport Design and Location in R Districts.
- (J) See Section 3008: Swimming Pools and Hot Tubs.
- (K) See Section 3033: Mobile Homes.
- (L) See Section 3034: Animals.
- (M) See Section 3035: Live/Work Quarters.
- (N) See Article 35: Nonconforming Uses and Structures.
- (O) See Section 3004: Religious Assembly Yard Requirements.
- (P) See Section 3025: Antennas and Microwave Equipment.
- (Q) Any Horticulture, Limited or Crop Production use must conform to the City's Grading Ordinance including the requirement that the grading and/or agricultural operation will not cause significant damage to any environmentally sensitive areas nor cause the elimination of any significant wildlife habitat or riparian area. Sufficient buffering of the operation should be provided so as not to disturb adjacent residential uses.
- (R) Agricultural Sales Stands, in conjunction with a Horticulture, Limited or Crop Production use, shall be permitted subject to the locational and development standards of Section 3038.

**1050 RE, RS, RM, RH, and RT Districts:
Property Development Regulations**

The following schedule prescribes development regulations for residential districts. The schedule establishes basic requirements for permitted and conditional uses; letters in parentheses in the "Additional Regulations" column refer to "Additional Development Regulations" following the schedule.

**RE, RS, RM, RH, and RT Districts:
PROPERTY DEVELOPMENT REGULATIONS**

| | RE-A | RE-B | RS | RM-A | RM-B | RM-C | RH | RH-U | RT | Additional Regulations |
|-------------------------------------|--------|--------|--------|-------|-------|-------|-------|--------|-------|--|
| Base Density: | | | | | | | | | | |
| Minimum Site Area per Unit (sq.ft.) | 2 ac. | 1 ac. | 10,000 | 6,000 | 3,600 | 2,500 | 2,000 | 1,500 | 1,500 | (A) (AA) |
| Maximum Potential Density: | | | | | | | | | | |
| Site Area per Unit (sq.ft.) | 43,560 | 10,000 | 6,000 | 3,600 | 2,500 | 2,000 | 1,500 | 1,000 | 1,000 | (B) (BB) |
| Minimum Lot Area (sq.ft.) | 1 acre | 10,000 | 6,000 | 5,000 | 7,500 | 7,500 | 7,500 | 10,000 | 6,000 | (C) (D) (E) (Y) (GG) (HH) |
| Minimum Lot Width (ft.) | 125 | 70 | 65 | 50 | 60 | 60 | 60 | 70 | 60 | (F) (Y) (Z) (GG) (HH) |
| Minimum Yards: Front (ft.) | 30 | 25 | 20 | 20 | 20 | 15 | 15 | 15 | 15 | (G) (H) (W) (X) (Y) (DD) (FF) (GG) (HH) |
| Side (ft.) | 15 | 7.5 | 7.5 | 5:10 | 5:10 | 5:10 | 5:10 | 5:10 | 5:10 | (G) (I) (J) (K) (L) (M) (W) (Y) (CC) (GG) (HH) |
| Corner Side (ft.) | 25 | 15 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | (G) (I) (M) (W) (X) (Y) (CC) (DD) (FF) (GG) (HH) |
| Rear (ft.) | 30 | 20 | 15 | 15 | 15 | 15 | 15 | 15 | 10 | (G) (I) (J) (R) (W) (Y) (AA) (GG) |

**RE, RS, RM, RH, and RT Districts:
PROPERTY DEVELOPMENT REGULATIONS (continued)**

| | RE-A | RE-B | RS | RM-A | RM-B | RM-C | RH | RH-U | RT | Additional Regulations (I) (O) (P) (S) |
|-----------------------------------|------|------------------|-----|------|------|------|-----|------|-----------------|--|
| Courts | | | | | | | | | | (M) (N) |
| Maximum Height (ft.) | 36 | 36 | 36 | 36 | 36 | 36 | 36 | 36 | (I) (O) (P) (S) | (S) |
| Maximum Coverage | 30% | 35% | 45% | 50% | 60% | - | - | - | - | - |
| Maximum Nonresidential FAR | - | - | - | - | - | - | 1.0 | 1.0 | 1.0 | |
| Outdoor Living Area | | | | | | | | | | (Q) (HH) |
| Minimum Site Landscaping | | | | | | | | | | (T) |
| Fences and Walls | | See Section 3040 | | | | | | | | (U) |
| Off-Street Parking and Loading | | | | | | | | | | (V) (EE) (HH) |
| Signs | | See Article 33 | | | | | | | | |
| Outdoor Facilities | | See Section 3020 | | | | | | | | |
| Screening of Mechanical Equipment | | See Section 3021 | | | | | | | | |

**RE, RS, RM, RH, and RT Districts:
PROPERTY DEVELOPMENT REGULATIONS (continued)**

| | RE-A | RE-B | RS | RM-A | RM-B | RM-C | RH | RH-U | RT | Additional Regulations |
|-----------------------------|-------------|-------------|-----------|-------------|-------------|-------------|-----------|-------------|-----------|-----------------------------------|
| Refuse Storage Areas | | | | | | | | | | |
| | | | | | | | | | | See Section 3022 |
| Underground Utilities | | | | | | | | | | |
| | | | | | | | | | | See Section 3023 |
| Performance Standards | | | | | | | | | | |
| | | | | | | | | | | See Section 3024 |
| Nonconforming Structures | | | | | | | | | | |
| | | | | | | | | | | See Article 35 |
| Vehicular Access | | | | | | | | | | |
| | | | | | | | | | | See Section 3114 |
| Outdoor Storage | | | | | | | | | | |
| | | | | | | | | | | (BB) |

**RE, RS, RM, RH, and RT DISTRICTS:
Additional Development Regulations**

- (A) See Section 3032: Affordable Housing Density Bonus.
- (B) The Planning Commission, for projects with more than four units, or the Planning Director, for projects with four or fewer units, may approve a use permit authorizing an increase in density up to the maximum potential density for a project exceeding standards established by City Policy if the Commission or the Planning Director, as the case may be, finds the project conforms to the provisions of Section 2.3 of the Land Use Element of the General Plan. No use permit shall be granted that would directly or indirectly allow the maximum potential density to be exceeded unless specifically allowed by Section 1.13(H) of the Land Use Element of the General Plan for the Loma Alta, Fire Mountain and South Oceanside Neighborhood Planning Areas. ~~An increase in density up to the maximum potential density may be approved without the benefit of a use permit when the applicant elects to reserve units for low-income households in accordance with Municipal Code sections 14C.7. In such cases, projects remain subject to the provisions of Section 2.3 of the Land Use Element of the General Plan.~~
- (C) See Section 3013: Development on Substandard Lots.
- (D) See Section 3014: Development on Lots Divided by District Boundaries.
- (E) The minimum site area shall be 12,000 square feet for General Day Care, General Residential Care, and Public and Private Schools.
- (F) The ratio of lot depth to lot width shall not exceed 2.5:1, provided that the Planning Director may grant an exception to this requirement for lots located on a cul-de-sac or subject to specific limitations imposed by existing topography or existing property lines.
- (G) Permitted Projections into Required Yards.
- (1) In All Districts. See Section 3015: Building Projections into Yards and Courts.
 - (2) Accessory Structures. See Section 3005: Nonresidential Accessory Structures; Section 3006: Accessory Dwelling

Units; and Section 3119: Driveways and Carport Design and Location in R Districts.

- (H) See Section 3016: Front Yards in R Districts.
- (I) Building Height and Required Yards. Except as provided below, the width of a required interior side or rear yard adjoining a building wall exceeding 25 feet in height, excluding any portion of a roof, shall be increased five feet over the basic requirement (See Diagram I).
 - (1) Exceptions. If the lot width is less than 60 feet, no increase in the side yard is required.
- (J) Alley Setback. The width of a required interior side or rear yard adjoining an alley may be reduced to 5 feet or a zero setback for garages. The width of a rear yard adjoining an alley may be reduced to 5 feet for all other accessory structures. All other yard requirements are also required to be met (corner side yard, front yard and corner clear zone).
- (K) Zero-Side Yard Development.
 - (1) Existing. Structures constructed in conformance with the standards for zero-side yard development in effect prior to the date this ordinance was adopted shall not be considered nonconforming structures, subject to Article 35, provided that any addition or enlargement shall be subject to the following property development regulations:

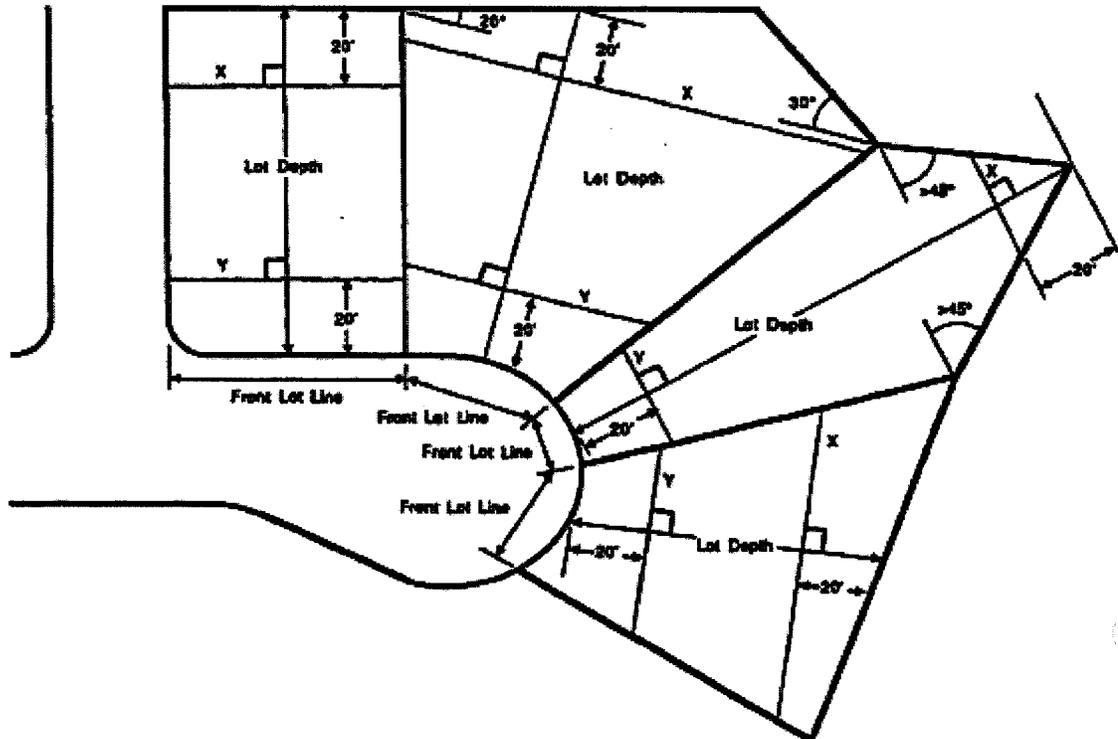
| | Living Area Additions | Patio Covers and Enclosures |
|---|----------------------------------|--|
| Minimum Yards: | | |
| Front (ft.) | 10 | 10 |
| (The minimum setback for a garage is 20 feet, as measured from the front of the garage) | | |
| Side (ft.) | 5 | 5 |
| (a zero side-yard setback is allowed on the attached-unit side, provided the opposite side-yard setback is 10 feet) | | |
| Corner Side (ft.) | 10 | 10 |
| Rear (ft.) | 15 | 10 |

(a 10 foot rear-yard setback may be allowed for room additions on lots which rear upon permanently maintained open space)

Maximum Coverage 50%

50%

(I) BUILDING HEIGHT AND REQUIRED YARDS (diagram)



$$\text{Lot Width} = (X+Y) / 2$$

LOT DEPTH AND LOT WIDTH

(The diagram is illustrative)

(L) In the RM, RH, and RT districts, the average yard width shall be 10 feet, and the minimum width 5 feet, unless the sub-standard lot side-yard provisions of subsection (M) apply.

(M) The minimum side yards for substandard lots of record, as of the effective date of this ordinance, shall be as follows:

(1) For lots with a width of less than 40 feet: a minimum combined total width of 6 feet in any combination thereof.

(N) Courts Opposite Windows (RM, RH and RT Districts).

Courts are required opposite all required windows in all RM, RH and RT districts with the exception that Single Unit - Conventional (SU-C), Single Unit - Variable (SU-V), and Single Unit - Manufactured (SU-M) dwellings shall not be subject to this requirement and that courts shall not be required adjacent to a street or alley (See Diagram N).

(1) Courts Opposite Walls on the Same Site: The minimum depth shall be one-half the height of the opposite wall but not less than 18 feet opposite a living room and 12 feet opposite a required window for any other habitable room.

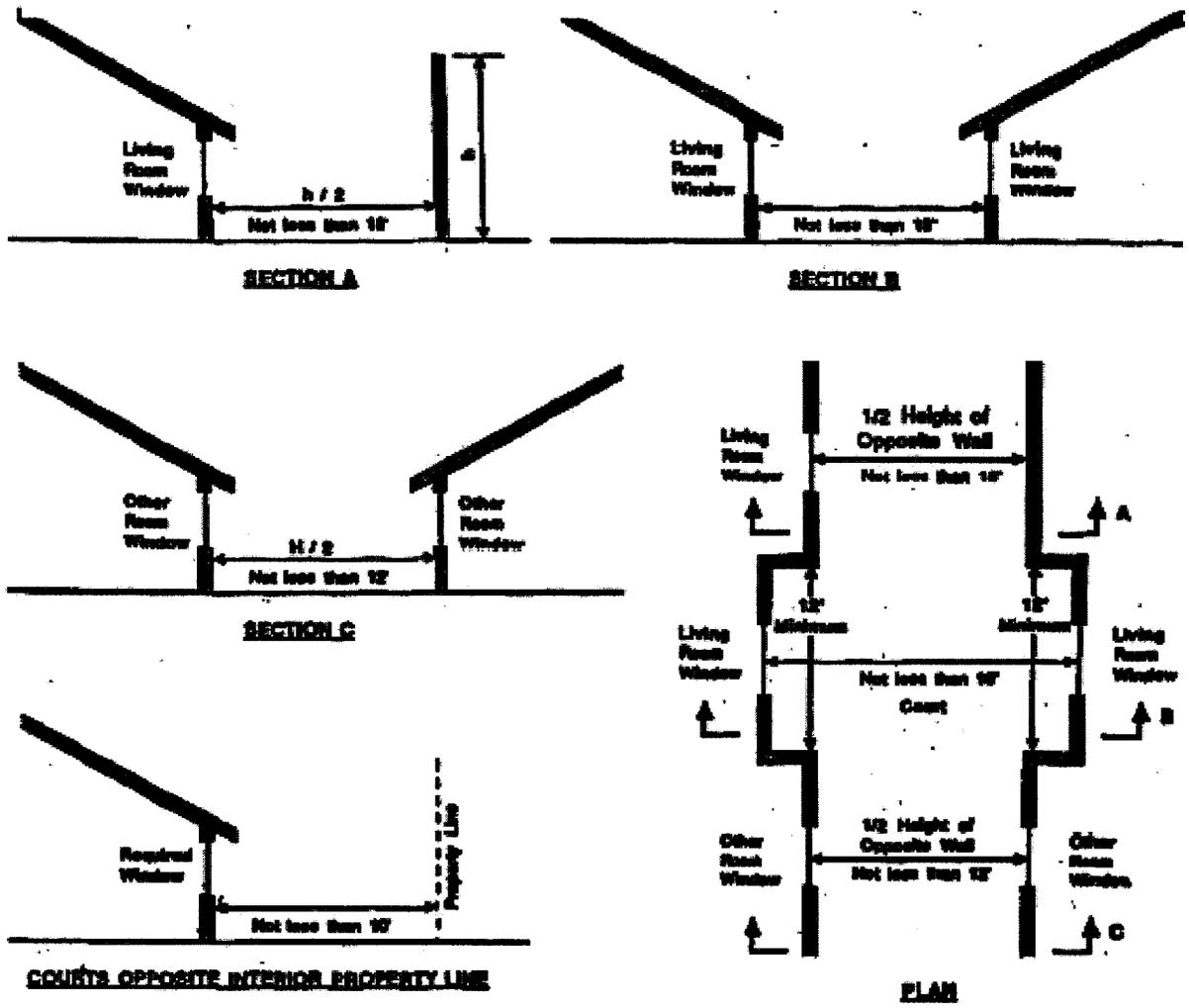
(2) Courts Opposite Interior Property Line: The minimum depth of a court for a required window of a habitable room shall be 10 feet measured from the property line.

(3) Court Dimensions: Courts shall be a minimum of 12 feet wide -- 6 feet on either side of the centerline of the required window and shall be open to the sky, provided that eaves may project 2 feet into a court.

(O) See Section 3018: Exceptions to Height Limits.

(P) In the Coastal Zone, structures shall not intercept a 45-degree daylight plane inclined inward from a height 27 feet above the front and street-side setback lines.

(N) COURTS OPPOSITE WINDOWS (diagram)



(N) COURTS OPPOSITE WINDOWS

(The diagram is illustrative)

(Q) Usable Open Space.

- (1) Basic Requirement. Total usable open space on a site having three or more dwelling units shall be at least 300 square feet per dwelling unit.
- (2) Private Usable Open Space. Private usable open space meeting a portion of the basic requirement may be on patios or balconies within which a horizontal rectangle has no dimension less than 5 feet.

For projects with 24 units or less, private usable open space not on patios or balconies shall be designed so that a horizontal rectangle inscribed within it has no dimension less than 10 feet and shall not include driveways or parking areas, or areas required for front or street side yards.

For projects with 25 units or more, private usable open space not on patios or balconies shall be designed so that a horizontal rectangle inscribed within it has no dimension less than 15 feet and shall not include driveways or parking areas, or areas required for front or street side yards.

- (3) Common Usable Open Space. In the RM, RH and RT Districts a minimum of fifty percent (50%) of the total usable open space requirement shall be in common usable open space, provided by non-street side yards, common recreation areas, and common area patios, terraces, and rooftops.

For projects with 24 units or less, common usable open space areas shall be designed so that a horizontal rectangle inscribed within it has no dimension less than 10 feet, shall be open to the sky, and shall not include driveways or parking areas, or area required for front or street side yards.

For projects with 25 units or more, common usable open space areas shall be designed so that a horizontal rectangle inscribed within it has no dimension less than 20 feet, shall be a minimum of 1,000 square feet in size, shall be open to the sky, and shall not include driveways or parking areas, or area required for front or street side yards. Common usable open space areas shall be designed and accessible for outdoor living and recreation.

Common usable open space provided on roof tops shall be surrounded by a parapet, wall, or other enclosure that is at least 4 feet high, and shall be subject to approval by the Planning Commission.

Residential projects with 25 to 74 units shall provide at least one common, active recreation area with a minimum size of 4,000 square feet, to meet a portion of these requirements. Residential projects with 75 units or more shall provide at least two common, active recreation areas with a minimum size of 4,000 square feet, to meet a portion of these requirements. A single common, active recreation area with a minimum size of 8,000 square feet, may be provided to meet a portion of these requirements, provided the area is centrally located and easily accessible from all units within the project.

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

- (R) Stringline Setback.

Buildings, structures, fences or walls located on lots contiguous to the shoreline, shall be compatible in scale with the existing development and shall not extend further seaward than the line established on the Stringline Setback Map.

- (S) Building Height.

Buildings or structures located on lots within the Townsite area southerly of the Downtown District boundaries and the South Oceanside Neighborhood Planning Areas (as defined by the Land Use Element of the General Plan) shall be limited in height to two stories or 27 feet, whichever is less.

RH-U zoned property may obtain additional height up to a maximum of 50 feet for the principle structure subject to the approval of Conditional Use Permit by the Planning Commission that demonstrates that the project exhibits superior architectural features, quality facades, dramatic roof treatments, and design elements that enhance the overall presentation of the project.

- (T) Planting Areas.

- (1) Yards Adjoining Streets. A minimum of fifty percent (50%) of a required yard adjoining a street shall be planting area or landscape that may include areas covered by ornamental gravel, crushed rock or similar materials. The remainder of the required yard may be used for driveways or walks.
- (2) Interior Yards. In the RM, RH and RT districts, at least 50 percent of each required interior side yard and rear yard shall be planting area having a minimum width of 5 feet adjoining a side or rear property line, provided that a nonresidential accessory structure may occupy a portion of the planting area in a rear yard.
- (3) Notwithstanding subsection (T)(2) above, a continuous planting area having a minimum width of five feet shall adjoin an RS or RE-B district.

(U) Fences and Walls.

The maximum height of a fence or wall, including retaining walls shall be 6 feet except in required front yards abutting a street where the maximum height shall be 42 inches. Fences in front yards abutting a street may be up to 5-feet in height, if the fence material above 42 inches is decorative in appearance and 75 percent open. "Chainlink" or similar materials are not an acceptable decorative material for fences above 42 inches in height. In addition, all fences and walls shall be subject to the driveway visibility requirements of Section 3115 and all retaining walls over 4 feet in height shall be planted and irrigated. Tennis court fencing shall be a maximum height of 12 feet and shall not be located within any required yard.

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

(W) Any portion of a lot subject to an easement for a major overhead electrical transmission line, vehicular access easement, permanently maintained open space easement, or public-access corridor shall be excluded in determining compliance with the minimum lot area and yard requirements, and the yard development standards shall be measured from the easement line closest to the structure.

(X) In the RM, RH and RT Districts the minimum front-yard building setback for projects with private streets or streets in private easements shall be 15 feet and the minimum cornerside setback shall be ten feet, provided that the front of a garage or entrance to an attached covered parking structure shall be set back a minimum of 20 feet. Setbacks shall be measured from the building or front of a garage or attached covered parking structure to the property line, back of sidewalk, or back of curb, whichever is most restrictive.

- (Y) Panhandle access is allowed with approval of a use permit in single unit - conventional (SU-C) and single unit - variable (SU-V) developments subject to the following standards:
- (1) The length of the panhandle cannot exceed three times the net width of the lot (excluding any access easement).
 - (2) Panhandle and pavement widths:
 - (a) Serving one or two lots:
 - 20 foot wide panhandle
 - less than 150 foot length: 16 feet of pavement
 - greater than 150 foot length: 20 feet of pavement
 - (b) Serving three or more lots:
 - 28 foot wide panhandle
 - 24 feet of pavement
 - (3) The shortest lot line abutting the panhandle shall be considered the front property line, provided that where the two lot lines abutting the panhandle are substantially the same length, the Planning Director shall determine the location of the front property line. Once the front property line is established, side and rear property lines shall be designated accordingly, with the rear property line being immediately opposite the front property line.
 - (4) If an access easement exists, setbacks shall be measured from the easement line and not from the property line. A side property line abutting an access easement shall be considered a corner side and corner side setbacks shall be met and shall be measured from the easement line.
 - (5) In all cases, a minimum 20-foot set back for garages, as measured from the front of the garage, shall be met to provide an adequate back-up distance. If an access easement exists, the 20 foot setback shall be measured from the easement line and not from the property line.
 - (6) Lot area shall be calculated using the net area of the lot which shall not include the area of the access panhandle or easement.
- (Z) Lots located on a cul-de-sac shall have a minimum lot frontage of 40 feet, as measured at the front lot line. Lots located on a curved street section shall have a minimum lot frontage of 45 feet, as measured at the front lot line.

- (AA) In Single Unit - Conventional (SU-C) and Single Unit - Variable (SU-V) subdivisions, a usable rear yard area with no slopes greater than 5 percent shall be provided immediately adjacent to the rear of the structure. The depth of the usable rear yard area shall equal the minimum rear yard setback requirement of the underlying zoning district. The Planning Commission may approve a waiver to this provision for unique construction techniques and site design in conjunction with a Hillside Development Plan.
- (BB) In RM, RH and RT Districts each unit shall be provided with a minimum of 160 cubic feet of enclosed outdoor storage area which shall be provided in garages, carports or patio areas and in which one dimension shall be at least 6 feet. Individual garages serving one unit shall be exempt from this requirement.
- (CC) An addition to an existing structure may be allowed to extend to the existing side-yard setback line of the existing structure on the site provided that no side-yard setback is reduced to less than 5 feet and all other provisions and development standards of this ordinance are met.
- (DD) Garages shall be set back a minimum of 20 feet, as measured from the front of the garage to the property line, back of sidewalk, or back of curb, whichever is most restrictive.
- (EE) Vehicles shall not be parked in a required front, yard area and shall not project beyond the front building line of the principal structure on a site, provided that such vehicles may be parked on an approved driveway. Vehicles may not be connected to utilities or be used for habitation. Boats, trailers, and other non-motorized vehicles parked on driveways are subject to the provisions of Oceanside Traffic Code 13.25. All vehicles parked in side or rear yard areas must meet the following guidelines:
- (1) Vehicles must be parked behind a 6' high view-obscuring fence.
 - (2) Vehicles must be parked on an acceptable surface of gravel, brick, or other paving surface.
 - (3) Vehicles or portions thereof, which are visible from public or adjacent private property, must be maintained in good appearance and condition at all times, i.e. free of rust, dilapidated tarps or coverings, or deteriorated paint.
 - (4) Vehicles must not block exterior windows or doors of habitable space in a dwelling.
 - (5) Vehicles must not block access to utility boxes or

meters.

- (6) At least one 36" clear side yard access aisle to the rear yard must be maintained on the property.

Exemption:

Owners of 51 percent or more of the land in a defined planning neighborhood or subdivision may file an exemption to the above front yard parking limitations by obtaining from the City and completing an Application for Exemption and providing a supporting petition with the required number of property owner signatures. The completed application and petition must be submitted to the Community Development Department on approved forms and shall include the following:

- (1) A statement of purpose and explanation of why the exemption should apply to the defined planning neighborhood or subdivision;
- (2) A map indicating the boundaries of all lots in the proposed exemption area;
- (3) Proof of notification of intent to apply for neighborhood exemption to all owners of record within the defined planning neighborhood or subdivision.

The Community Development Department shall verify that all information submitted on the application meets the designated criteria and shall verify all petition signatures. The Community Development Department shall not act on an application and petition unless in the sole discretion of the Community Development Director, the application is complete and all criteria have been met.

If the Application for Exemption is approved, the following restrictions shall apply for additional parking in the front yard setback area:

- (1) Additional parking areas must meet the driveway design requirements of Oceanside Zoning Ordinance Section 3119.A.
- (2) The total paved parking area in the front yard setback, including the existing approved driveway, must not exceed one-third coverage of the front yard area.
- (3) The additional parking area must not create any vehicular or pedestrian sight hazards or block emergency ingress/egress to any habitable space in a dwelling.
- (4) Vehicles are not permitted to drive across sidewalks.

(5) Additional driveway curb cuts are not permitted.

(FF) Double Frontage Lots.

Each street frontage on an interior lot and the two shortest street frontages on a corner lot shall be deemed a front lot line and front yard and corner side yard setback requirements of the base district shall be met.

(GG) In the RE-B, RS, and RM-A districts the Planning Commission may approve a use permit for a single-family detached residential development project which also incorporates Single Unit-Variable (SU-V), Two Unit-Conventional (TU-C), and Two Unit-Variable (TU-V) structures subject to the following provisions:

(1) The Single Unit-Variable (SU-V), Two Unit-Conventional (TU-C), and Two Unit-Variable (TU-V) structures are approved, constructed, and reserved solely for the purposes of satisfying the inclusionary housing requirements for low and moderate-income households in residential projects as defined by the Oceanside City Code. All other residential structures must meet the residential unit-type and property development regulations of the base-zoning district.

(2) The Single Unit-Variable (SU-V), Two Unit-Conventional (TU-C), and Two Unit-Variable (TU-V) structures shall meet all provisions of Chapter 14C of the Oceanside City Code, including the resale or rental restrictions and the design and construction provisions.

All Single Unit-Variable (SU-V), Two Unit-Conventional (TU-C), and Two Unit-Variable (TU-V) structures approved pursuant to this section shall be subject to the property development standards of the base zoning district, provided that the standards in the following schedule shall be in addition and shall govern where conflicts arises. All other residential structures must meet all of the residential property development standards of the underlying base zoning district.

allowed for each thirty-six hundred (3,600) square feet of useable horse yard area, not to exceed a maximum of four (4) horses per lot, unless a Conditional Use Permit is approved by the Planning Director to exceed four (4) horses. Useable area for horse yards shall be defined as an area with no slopes greater than 10 to 1. The horse yard shall be able to site the following facilities exclusive of side and rear-yard setbacks.

- (1) A minimum of one (1) 24 foot by 24 foot pen for the stabling and servicing of one horse.
- (2) A minimum of two (2) 24 foot by 24 foot pens for the stabling and serving of two horses.
- (3) A minimum area of 150 square feet for hay and tack storage.
- (4) A minimum area of 250 square feet for waste storage.
- (5) A minimum 50 foot diameter lunge (exercise) area.
- (6) Vehicular access for hay delivery and horse trailers.
- (7) No horse shall be stabled within forty (40) feet of any window or door of any on or off-site building used for human habitation. Additionally, all structures, including barns and stables, shall comply with all applicable development regulations. Corrals shall maintain a minimum side and rear-yard setback of five (5) feet and a front-yard setback of twenty-five (25) feet.

(DU) Projects exceeding base density allowances are subject to alternative inclusionary housing requirements as established in Municipal Code Chapter 14C. When such projects reserve units for low-income households in accordance with Municipal Code sections 14C.7, they are eligible for the following concessions to building height and parking standards:

Building Height: One additional story, not to exceed eight (8) additional feet above the maximum height for the surrounding zoning district.

Parking: One (1.0) parking space per market-rate studio and one-bedroom unit; 1.5 parking spaces per market-rate unit exceeding one bedroom; 0.5 parking space per reserved studio unit; one (1.0) parking space per reserved one-bedroom unit; 1.25 parking spaces per reserved two-bedroom unit; 1.5 parking spaces per reserved unit exceeding two bedrooms.

While these concessions to building height and parking standards

are granted without the benefit of a variance, they do not preclude the discretionary review process, through which project approval will be contingent upon neighborhood compatibility, mitigation of massing impacts, compliance with the California Environmental Quality Act, and other considerations that may have the effect of limiting the overall bulk and scale of proposed development.

1060 Review of Plans

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

Article 31 Off-Street Parking and Loading Regulations

Sections:

- 3101 Specific Purposes
- 3102 Basic Requirements for Off-Street Parking and Loading
- 3103 Off-Street Parking and Loading Spaces Required
- 3104 Collective Provision of Parking
- 3105 Reduced Parking for Other Uses
- 3106 Parking In-Lieu Payments
- 3107 Parking Spaces for the Handicapped
- 3108 Bicycle Parking
- 3109 Parking Space Dimensions
- 3110 Application of Dimensional Requirements
- 3111 Aisle Dimensions
- 3112 Specific Parking Area Design
- 3113 Parking Access from Street
- 3114 Driveway Widths and Clearances
- 3115 Driveways; Visibility
- 3116 Parking Area Screening: Walls and Fences
- 3117 Lighting
- 3118 Parking Lot Landscaping
- 3119 Driveways and Covered Parking Structure Design and Location in R Districts
- 3120 Additional Design Standards for Parking Lots and Structures
- 3121 Location and Design of Off-Street Loading Spaces
- 3122 Bus Turnouts and Shelters

3101 Specific Purposes

In addition to the general purposes listed in Article 1, the specific purposes of the off-street parking and loading regulations are to:

- A. Ensure that off-street parking and loading facilities are provided for new land uses and for major alterations and enlargements of existing uses in proportion to the need for such facilities created by each use.
- B. Establish parking standards for commercial uses consistent with need and with the feasibility of providing parking on specific commercial sites.
- C. Ensure that off-street parking and loading facilities are designed in a manner that will ensure efficiency, protect the public safety, and, where appropriate, insulate surrounding land uses from adverse impacts.

3102 Basic Requirements for Off-Street Parking and Loading

- A. When Required. At the time of initial occupancy of a site, construction of a new structure, or major alteration or enlargement of an existing site or structure, off-street parking facilities and off-street loading facilities shall be provided in accord with the regulations prescribed in this article. For the purposes of these requirements, "major alteration or enlargement" shall mean a change of use, a change of occupancy, an alteration, or an addition that would increase the number of parking spaces or loading berths required by more than 25 percent of the total number required prior to the major alteration or enlargement. The following exceptions shall apply to residential properties:
1. Alterations or additions up to five hundred (500) square feet or fifty (50%) percent, whichever is greater, of existing floor area of single family homes shall be allowed without providing additional off-street parking. Additions over five hundred (500) square feet or fifty (50%) percent, whichever is greater, and not over a total (existing and proposed) square footage of 2,000 square feet shall provide for a minimum of two enclosed, open or any combination of, off-street parking spaces.
 2. Duplex and multi-family dwellings that are conforming in terms of density and land use shall be allowed additional square footage of up to twenty (20%) percent of each unit's existing square footage without providing additional off-street parking, provided that the addition would not increase the number of parking spaces required prior to the addition. In all cases an Administrative Development Plan is required. If the project is located within the coastal zone, an Administrative Coastal Permit is also required.
- B. Nonconforming Parking or Loading. No existing use of land or structure shall be deemed to be nonconforming solely because of the lack of off-street parking or loading facilities required by this article, provided that facilities being used for off-street parking and loading as of the date of adoption of this article shall not be reduced in number to less than that required by the provisions of this article.
- C. Spaces Required for Multiple Uses. If more than one use

is located on a site, the number of off-street parking spaces and loading berths to be provided shall be equal to the sum of the requirements prescribed for each use. If the gross floor area of individual uses on the same site is less than that for which a loading berth would be required by Schedule B of Section 3103, but the aggregate gross floor area of all uses is greater than the minimum for which loading berths would be required, the aggregate gross floor area shall be used in determining the required number of loading berths.

D. Joint Use. Off-street parking and loading facilities required by this chapter for any use shall not be considered as providing parking spaces or loading berths for any other use except where the provisions of Section 3104: Collective Provision of Parking apply or a joint facility exists. Such a facility shall contain not less than the total number of spaces or berths as determined individually, unless provided for in the provisions of subsection (G) below, or fewer spaces may be permitted where adjoining uses on the same site have different hours of operation and the same parking spaces or loading berths can serve both without conflict. A determination of the extent, if any, to which joint use will achieve the purposes of this chapter shall be made by the Planning Director, who may require submission of survey data necessary to reach a decision.

E. Location and Ownership. Parking required to serve a nonresidential use may be on the same or a different site under the same or different ownership as the use served, provided that parking shall be within the following distances of the use served, measured from the near corner of the parking facility to the public entrance of the use served via the shortest pedestrian route:

| <u>Customer/Visitor Spaces</u> | <u>Employee Spaces</u> |
|--------------------------------|------------------------|
| 200 ft. | 400 ft. |

F. Life of Facility. Facilities for off-site parking shall be restricted to that use by a recorded deed, lease, or agreement for the life of the project or use for which the parking is intended to serve, provided that the Planning Director may lift the restriction upon finding that substitute parking facilities meeting the requirements of this chapter are provided. No use shall be continued if the parking is removed unless substitute parking facilities are provided.

G. Common Loading Facilities. The off-street loading facilities requirements of this chapter may be satisfied by the permanent allocation of the prescribed number of

berths for each use in a common truck loading facility, provided that the total number of berths shall not be less than the sum of the individual requirements unless the Planning Director determines that a reduced number of berths can reasonably serve the proposed uses. As a requirement of approval, an attested copy of a contract between the parties concerned setting forth an agreement to joint use of the common truck loading facility shall be filed with the application for development approval.

- H. Computation of Spaces Required. If, in the application of the requirements of this chapter, a fractional number is obtained, one parking space or loading berth shall be required for a fraction of one-half or more, and no space or berth shall be required for a fraction of less than one-half.

3103 Off-Street Parking and Loading Spaces Required

Off-street parking and loading spaces shall be provided in accord with the following schedules. For off-street loading, references are to Schedule B which sets space requirements and standards for different groups of use classifications and sizes of buildings. References to spaces per square foot are to be computed on the basis of gross floor area unless otherwise specified, and shall include allocations of shared restroom, halls and lobby area, but shall exclude area for vertical circulation, stairs or elevators.

Where the use is undetermined, the Planning Director shall determine the probable use and the number of parking and loading spaces required. In order to make this determination, the Planning Director may require the submission of survey data from the applicant or collected at the applicant's expense.

OFF-STREET PARKING AND LOADING SPACES REQUIRED

| Use Classification | Off-Street Parking Spaces: Schedule A | Off-Street Loading Spaces: Schedule B Group Number |
|------------------------------|---|--|
| Residential | | |
| Group Residential | 1 per 2 beds; plus 1 per 100 sq. ft. used for assembly purposes. | 1 |
| Multifamily Residential | 1.5/unit including 1 covered for studios and one-bedroom units: 2/unit including 1 covered for units with two bedrooms or more. | |
| Guest Parking | 4-10 units: 1 space More than 10 units: 1 space plus 20% total number of units. | |
| Residential Care, Limited | 1 per 3 beds. | |
| Single-Family Residential | 2 enclosed spaces/unit. A 20 foot wide by 19 foot deep 2-car garage is required in all districts not subject to an overlay district, except on designated historic sites. | |
| | Garage space for 3 cars is required for all new single family residential units in excess of 2,500 sq.ft. Garage spaces must be a minimum size of 10 feet wide by 19 feet deep and shall meet the provisions of Section 3110. | |
| Public and Semipublic | | |
| Airports | As specified by use permit. | |
| Cemeteries | As specified by use permit. | |

Off-Street Parking and Loading Spaces Required (continued)

| Use Classification | Off-Street Parking Spaces: Schedule A | Off-Street Loading Spaces: Schedule B Group Number |
|------------------------------------|---|--|
| Clubs and Lodges | 1 per 100 sq. ft. used for assembly purposes. | 3 |
| Cultural Facilities | 1 per 300 sq. ft. gross floor area. | 3 |
| Day Care, General | 1 per 7 persons based on maximum occupancy load. | |
| Government Offices | 1 per 300 sq. ft. gross floor area. | 2 |
| Heliports | As specified by use permit. | |
| Hospitals | 1 per 1 bed. | 3 |
| Maintenance and Service Facilities | 1 per 500 sq. ft. | 1 |
| Park and Recreation Facilities | As specified by master plan or use permit. | |
| Public Safety Facilities | As specified by use permit. | 3 |
| Religious Assembly | 1 per each 4 seats or 1 per each 40 sq. ft. of non-fixed seating area. Ancillary uses, such as office, day-care, and schools/ study areas, must provide additional parking based on square footage. | 3 |
| Residential Care, General | 1 per 3 beds; plus additional specified by use permit. | 3 |
| Schools, Public or Private | As specified by use permit. | 1 |
| Utilities, Major | As specified by use permit. | 1 |

Off-Street Parking and Loading Spaces Required (continued)

| Use Classification | Off-Street Parking Spaces: Schedule A | Off-Street Loading Spaces: Schedule B Group Number |
|---|--|---|
| Commercial | | |
| Adult Businesses | 1 per 250 sq. ft. | 1 |
| Ambulance Services | 1 per 500 sq. ft.; plus 2 storage spaces. | 1 |
| Animal Sales and Services: | | |
| Animal Boarding | 1 per 400 sq. ft. | 1 |
| Animal Grooming | 1 per 400 sq. ft. | 1 |
| Animal Hospitals | 1 per 400 sq. ft. | 1 |
| Animals, Retail Sales | 1 per 250 sq. ft. | 1 |
| Artists' Studios | 1 per 1,000 sq. ft. | |
| Banks and Savings & Loans: | 1 per 250 sq. ft. | 2 |
| Drive-Up Service | Queue space for 5 cars per teller. | |
| Building Materials and Services | 1 per 1,000 sq. ft. of lot area. | 1 |
| Catering Services | 1 per 400 sq. ft. | 1 |
| Commercial Recreation and Entertainment: | | |
| Bowling Alleys | 3 per alley, plus 1 per 250 sq. ft. of public assembly and retail areas. | 1 |

Off-Street Parking and Loading Spaces Required (continued)

| Use Classification | Off-Street Parking Spaces: Schedule A | Off-Street Loading Spaces: Schedule B Group Number |
|---|--|--|
| Card Rooms | 1 space per chair, plus additional spaces for ancillary uses, as required by this article. | 1 |
| Arcades and Game Centers | 1 per 400 sq. ft. | |
| Skating Rinks | 1 per 5 fixed seats, or 1 per 35 sq. ft. seating area if there are no fixed seats; plus 1 per 250 sq. ft. floor area not used for seating. | 1 |
| Tennis and Racquetball Clubs | 4 per court. | 1 |
| Theaters | 1 per 4 fixed seats, or 1 per 35 sq. ft. seating area if there are no fixed seats. | 1 |
| Other Commercial Recreation and Entertainment | As specified by the Planning Director. | |
| Communications Facilities | 1 per 500 sq. ft. | 2 |
| Eating and Drinking Establishments: | | |
| Cocktail Lounge | 1 per 50 sq. ft. of seating area. | |
| With Live Entertainment | 1 per 35 sq. ft. seating area; plus 1 per 35 sq. ft. dance floor. | 1 |

Off-Street Parking and Loading Spaces Required (continued)

| Use Classification | Off-Street Parking Spaces: Schedule A | Off-Street Loading Spaces: Schedule B Group Number |
|------------------------------------|---|--|
| With Take-Out Service | 1 per 100 sq. ft. gross area; plus queue space for 5 cars for drive-up service measured from menu board. | 1 |
| Food and Beverage Sales | 1 per 200 sq. ft. | 1 |
| Funeral and Interment Services | 1 per 35 sq. ft. of seating area. | 1 |
| Horticulture, Limited | 1 per 2 acres. | |
| Laboratories | 1 per 500 sq. ft. | 1 |
| Maintenance and Repair Services | 1 per 500 sq. ft. | 1 |
| Marinas | 0.8 per berth. | 1 |
| Marine Sales and Services | 1 per 350 sq. ft. | |
| Nurseries | 1 per 1,000 sq. ft. lot area for first 10,000 sq. ft.; 1 per 5,000 sq. ft. thereafter, plus 1 per 250 sq. ft. gross floor area. | |
| Offices, Business and Professional | 1 per 300 sq. ft. | 2 |
| Offices, Medical and Dental | 1 per 200 sq. ft. | 2 |
| Pawn Shops | 1 per 250 sq. ft. | 1 |
| Personal Improvement Services: | 1 per 250 sq. ft. | |

Off-Street Parking and Loading Spaces Required (continued)

| Use Classification | Off-Street Parking Spaces: Schedule A | Off-Street Loading Spaces: Schedule B Group Number |
|--|--|--|
| Dance or Music Studio | 1 per 600 sq. ft. | |
| Personal Services | 1 per 250 sq. ft. | 1 |
| Research and Development Services | 1 per 400 sq. ft. | |
| Retail Sales Not Listed Under Another Use Classification | 1 per 200 sq. ft. for less than 5,000 sq. ft.; 1 per 250 sq. ft. over 5,000 sq. ft. | 1 |
| Vehicle/Equipment Sales and Services: | | |
| Automobile Washing | 1 per 200 sq. ft. of sales, office, or lounge area; plus queue for 5 cars per washing station. | |
| Service Stations | 1 per 2,500 sq. ft. lot area; plus 1 per 600 sq. ft. of service bay and storage area. | |
| Vehicle/Equipment Repair | 1 per 300 sq. ft. | 1 |
| Vehicle/Equipment Sales and Rentals area. | 1 per 1,000 sq. ft. lot | 1 |
| Vehicle Storage | 1 per 500 sq. ft. | |
| Visitor Accommodations: | | |
| Bed and Breakfast Inns | 1 per guest room; plus 2 spaces. | |

Off-Street Parking and Loading Spaces Required (continued)

| Use Classification | Off-Street Parking Spaces: Schedule A | Off-Street Loading Spaces: Schedule B Group Number |
|--|---|--|
| Hotels, Motels and Time Share Facilities | 1.2 per guest room; plus 1 per 50 sq. ft. banquet seating area. | 1 |
| SRO Hotels | 0.2 per room. | 1 |
| Warehousing and Storage, Limited | 1 per 2,000 sq. ft. | |
| Industrial | | |
| Industry, Custom and General | 1 per 1,000 sq. ft. | 1 |
| Industry, Limited | 1 per 750 sq. ft. | 1 |
| Industry, Research and Development | 1 per 500 sq. ft. | 1 |
| Wholesaling, Distribution and Storage | 1 per 1,500 sq. ft. | 1 |

SCHEDULE B: LOADING SPACES REQUIRED

| Gross Floor Area (sq. ft.) | Number of Spaces Required | |
|----------------------------|---------------------------------|---------------------------------|
| | 10' x 20' x 10' Vert. Clearance | 12' x 35' x 14' Vert. Clearance |

Use Classification Group 1

| | |
|------------------|---|
| 0 to 3,000 | |
| 3,001 to 15,000 | 1 |
| 15,001 to 50,000 | 2 |
| 50,001 and over | 3 |

SCHEDULE B: LOADING SPACES REQUIRED (continued)

| Gross Floor Area (sq. ft.) | Number of Spaces Required | |
|-----------------------------------|------------------------------------|------------------------------------|
| | 10' x 20' x 10' Vert. Clearance | 12' x 35' x 14' Vert. Clearance |
| <u>Use Classification Group 2</u> | | |
| 0 to 10,000 | 1 | |
| 10,001 to 20,000 | | 1 |
| 20,001 and over | 1 | 1 |
| <u>Use Classification Group 3</u> | | |
| 0 to 30,000 | | 1 |
| 30,001 to 100,000 | | 2 |
| 100,000 and over | | 3 |

3104 Collective Provision of Parking

Notwithstanding the provisions of Section 3102 (E), a use permit may be approved for collective provision of parking serving more than one use or site and located in a district in which parking for the uses served is a permitted or conditional use. A use permit for collective off-street parking may reduce the total number of spaces required by this article if the following findings are made:

- A. The spaces to be provided will be available as long as the uses requiring the spaces are in operation; and
- B. The adequacy of the quantity and efficiency of parking provided will equal or exceed the level that can be expected if collective parking is not provided.

The maximum allowable reduction in the number of spaces to be provided shall not exceed 20 percent of the sum of the number required for each use served.

An applicant for a use permit for collective parking may be required to submit survey data substantiating a request for reduced parking requirements. A use permit for collective parking shall describe the limits of any area subject to reduced parking requirements and the reduction applicable to each use.

3105 Reduced Parking for Other Uses

A use permit may be approved reducing the number of spaces to less than the number specified in the schedules in Section 3103, provided that the following findings are made:

- A. The parking demand will be less than the requirement in Schedule A or B; and
- B. The probable long-term occupancy of the building or structure, based on its design, will not generate additional parking demand.

In reaching a decision, the Planning Commission shall consider survey data submitted by an applicant or collected at the applicant's request and expense.

Projects exceeding base density allowances that reserve units for low and moderate-income households in accordance with Municipal Code Chapter 14C.7 are eligible for the following concessions to the parking standards specified in the schedules in Section 3103:

One (1.0) parking space per market-rate studio and one-bedroom unit;

1.5 parking spaces per market-rate unit exceeding one bedroom;

0.5 parking space per inclusionary studio unit;

One (1.0) parking space per inclusionary one-bedroom unit;

1.25 parking spaces per inclusionary two-bedroom unit;

1.5 parking spaces per inclusionary unit exceeding two bedrooms.

3106 Parking In-Lieu Payments

Within the D District and designated parking districts established by the City Council and shown on the zoning map, a parking requirement serving nonresidential uses on a site may be met by a cash in-lieu payment to the City prior to issuance of a building permit or a certificate of occupancy if no permit is required. The fee shall be to provide public off-street parking in the vicinity of the use. The City shall not be obligated to provide more than 20 spaces, and then only with the express approval of the City Council.

In establishing such parking districts, the City may set limitations on the number of spaces or the maximum percentage of parking spaces required for which an in-lieu fee may be tendered.

3107 Parking Spaces for the Handicapped

All parking facilities shall comply with the requirements of the California Administrative Code (Title 24, Part 2, Chapter 2-71) and with the sign requirements of the California Vehicle Code, Section 22507.8.

Recreation facilities in Mobile Home Parks and Mobile Home Subdivisions shall designate within their parking areas handicapped spaces at a ratio of one handicapped space for every 10 standard spaces provided.

3108 Bicycle Parking

- A. Where Required. Bicycle parking spaces shall be provided as required by this section; the provisions of Section 3102 shall apply.

B. Number Required.

- 1. Public and Semipublic Use Classifications: as specified by use permit.**
- 2. Commercial and Industrial Use Classifications: 5 percent of the requirement for automobile parking spaces, except for the following classifications, which are exempt:
 - a. Ambulance Services;**
 - b. Animal Boarding;**
 - c. Animal Grooming;**
 - d. Catering Services;**
 - e. Commercial Filming;**
 - f. Horticulture, Limited;**
 - g. Funeral and Internment Services;**
 - h. Swap Meets, Recurring;**
 - i. Vehicle/Equipment Sales and Services (all classifications).****

- C. Design Requirements. For each bicycle parking space required, a stationary object shall be provided to which a user can secure both wheels and the frame of a bicycle with a user-provided 6-foot cable and lock. The stationary object may be either a freestanding bicycle rack or a wall-mounted bracket.**

3109 Parking Space Dimensions

Required parking spaces shall have the following minimum interior dimensions:

| <u>Use</u> | <u>Type of Space</u> | <u>Large Car (ft.)</u> | <u>Small Car (ft.)</u> |
|----------------|---|------------------------|------------------------|
| Residential | In separate garage or covered parking structure housing 6 or fewer cars, or with door at rear of each space | 9.0 x 19 deep | 9.0 x 19 deep |
| Residential | In garage or covered parking structure housing more than 6 cars with access via aisle | 8.5 x 18 deep | 7.5 x 15 deep |
| Nonresidential | Angle spaces | 8.5 x 18 deep | 7.5 x 15 deep |
| All | Parallel spaces | 8.0 x 22 deep | 8.0 x 22 deep |

3110 Application of Dimensional Requirements

- A. In General. All required spaces shall be large-car spaces. However, spaces provided in addition to the number required may be small-car spaces.
- B. Relation to Aisles.
1. Each parking space adjoining a wall, column, or other obstruction higher than 0.5 feet shall be increased by 1 foot on each obstructed side.
 2. At the end of a parking bay, an aisle providing access to a parking space perpendicular to the aisle shall extend 2 feet beyond the required width of the parking space.
- C. Vertical Clearance. Vertical clearance for parking spaces shall be 7 feet, except that an entrance may be 6.67 feet and the front 5 feet of a parking space serving a residential use may be 4.5 feet.

- D. Wheel Stops. All spaces shall have wheel stops 2.5 feet from a fence, wall, or walkway. When a parking space abuts a landscaped planter, the front two feet of the required length for a parking space may overhang the planter if the planter area is increased in depth by 2 feet (See Section 3019.E.6).

3111 Aisle Dimensions

Aisle widths adjoining parking spaces shall be as follows (See Diagram 3111):

Minimum One-way Aisle Width for Specified Parking Angle (ft.)

| | | | | |
|-------------------|-----|-----|-----|-------------|
| Angle | 90° | 75° | 60° | 45° or less |
| Aisle Width (ft.) | 24 | 23 | 16 | 12 |

The minimum two-way aisle width shall be 24 feet in all cases.

3112 Specific Parking Area Design

Where an applicant can demonstrate to the satisfaction of the Planning Director that variations on the dimensions otherwise required by this article, a specific parking area design may be approved under the following limitations:

- A. The area affected by the specific design shall be for parking by persons employed on the site only. Visitor parking stalls shall meet the dimensions required.
- B. The surface area available for parking shall not be less than would be required to accommodate the minimum required number of stalls for large and small cars.

Diagram 3111

3113 Parking Access from Street

Access to parking spaces shall not require backing across a property line or into the public right-of-way. An alley may be used as maneuvering space for access to off-street parking.

Residential development proposals on lots or parcels with alley access shall be designed such that all on-site parking shall be accessed by way of the abutting alley. Residential development proposals on lots or parcels with multiple street frontages shall be designed such that all on-site parking shall be accessed by way of the minor street frontage. No more than one driveway shall be permitted for any residential lot or parcel unless otherwise approved by the Planning Commission or City Council.

All spaces in a parking facility shall be made accessible without re-entering a public right-of-way unless it is physically impossible to provide for such access.

3114 Driveway Widths and Clearances

Driveways shall have the following minimum widths at the property line, plus a minimum of 1-foot additional clearance on each side of a vertical obstruction exceeding 0.5 foot in height.

| | | | |
|----|-------------------------------|---|----------------------------|
| A. | Serving a residential use | 1 dwelling unit | 8 ft 1-way |
| | | or 2 dwelling units within 150 ft of street | 16 ft 2-way |
| | | 3 dwelling units | 12 ft 1-way |
| | | or 2 dwelling units more than 150 ft from street | 20 ft 2-way |
| B. | Serving a nonresidential use: | More than 3 dwelling units up to 9 dwelling units | 12 ft 1-way 24 ft 2-way |
| | | More than 9 dwelling units | Private Street |
| | | | 14 ft 1-way 27 ft 2-way |

The Planning Director and the City Engineer may require driveways in excess of the above widths where unusual traffic, grade or site conditions prevail. The Planning Director and the City Engineer also may require driveways to be constructed with full curb returns and handicapped ramps as opposed to simple curb depression.

3115 Driveways; Visibility

Visibility of a driveway crossing a street property line shall meet the design standards established in the City of Oceanside Engineers Design and Processing Manual.

Driveways or drive-aisles adjacent to buildings in a C or I district shall be setback from a building a minimum of five (5) feet to provide site distance at the corners of the building.

3116 Parking Area Screening: Walls and Fences

A parking area serving a nonresidential use shall be screened from an adjoining R district or a ground-floor residential use by a solid decorative concrete or masonry wall with a minimum height of 6 feet, and a maximum as specified in Section 3040. The height of the wall adjoining a required front yard in an R district shall be 42 inches. A covered parking structure or open parking area serving a residential use shall be screened from an adjoining lot in an R district or a ground-floor residential use by a solid decorative concrete or masonry wall 6 feet in height, except that the height of a wall adjoining a required front yard in an R district shall be 42 inches.

3117 Lighting

Outdoor parking area lighting shall not employ a light source higher than 25 feet. Building plans submitted for building permit shall include provisions indicating that 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.

3118 Parking Lot Landscaping

Parking lot landscaping shall be as prescribed by Section 3019.

3119 Driveways and Covered Parking Structure Design and Location in R Districts

The following provisions shall apply to driveways, garages, and carports in R districts, whether they are accessory structures or part of a principal structure:

- A. Driveways. Driveways shall be paved and shall have widths and clearances prescribed by Section 3114, subject to the visibility requirements of Section 3115.
- B. Covered Parking Structures. Covered Parking Structures shall be designed and located so that parked vehicles are not visible from a street or adjacent property. Covered parking structures shall have at the minimum a roof and be enclosed on three sides. The architectural design, roofline, and materials of covered parking structures shall be substantially the same as and compatible with the primary structures.

3120 Additional Design Standards for Parking Lots and Structures

Parking lots shall have paving, drainage, wheel stops, lighting, space marking, directional signs, ramp grades, litter collection containers, fire equipment, and queuing space for drive-in facilities or ticket dispensing booths or machines, which shall be subject to approval of the Planning Director.

3121 Location and Design of Off-Street Loading Spaces

Required spaces shall not be within a building, but shall be on the site of the use served. On a site adjoining an alley, a required loading space shall be accessible from the alley unless alternative access is approved by the Planning Director and City Engineer. A required loading space shall be accessible without backing a truck across a property line or street right-of-way unless the Planning Director and City Engineer determines that provision of turn-around space is infeasible and approves alternative access. An occupied loading space shall not prevent access to a required off-street parking space. A loading area shall not be located in a required yard.

A loading area visible from a street or adjacent property shall be screened on three sides by a fence, wall, or hedge at least 6 feet in height.

3122 Bus Turnouts and Shelters

Bus turnouts and shelters shall be provided in residential, commercial, and industrial developments on secondary arterial streets and above, where and when appropriate, as determined by the Planning Director and the City Engineer.

ARTICLE 5

R-1 – SINGLE FAMILY RESIDENTIAL ZONE (R-1 ZONE)

Section 500: PURPOSE. The purpose of a Single Family Residential Zone is to classify and set standards for the orderly development of single family residences in a manner that will be compatible with surrounding properties and the protection of their values.

Section 501: GENERAL CRITERIA. The following general criteria are hereby established for use in the classification or reclassification of land to the R-1 Zone:

- (a) General Plan – Compliance with the General Plan shall be established.
- (b) Location – Single family residential areas shall be located with primary access on a public street.
- (c) Need – A demonstrated public need shall be established.
- (d) Public Services – The existing public services such as schools, police, and fire protection shall be available or adequate alternatives shall be provided to insure availability of those services upon occupancy.
- (e) Utilities – The existing utility system (water, sewer, drainage, electrical, gas and communications facilities) are adequate or new systems shall be constructed to adequately serve single family residential developments.

Section 502: PERMITTED USES. In a R-1 zone the following uses only are permitted, and as hereinafter specifically provided and allowed by this Article subject to the provisions of Article 27 governing off-street parking requirements.

- (1) One-family dwellings.
- (2) Accessory buildings and structures, including private garages, to accommodate not more than four cars.

- (3) Fruit trees, nut trees, vines and other horticultural stock.
- (4) Agricultural crops.
- (5) The renting of not more than two (2) rooms to not more than four (4) persons, or providing of table board to not more than four (4) boarders, or both, but not to exceed a total of four (4) in any combination thereof.
- (6) Horses under the following conditions:
 - (a) No horse shall be maintained on a lot or parcel containing less than ten thousand square feet of area.
 - (b) Not more than two horses may be maintained on a lot or parcel containing less than one and one-half acres nor more than four horses on lots or parcels containing less than four acres but more than one and one-half acres. Lots containing more than four acres in area shall be permitted two horses per acre.
 - (c) No stall or barn shall be kept or maintained within forty feet of any window or door of any building used for human habitation nor within forty feet of any portion of a required yard space on adjoining property if such property is devoted to a use other than agriculture.
- (7) A two-family dwelling when the lot upon which it is located has a side line abutting a lot or lots zoned R-3, O-P, R-T, C-1, C-2, or F, but in no case shall the property used for such two-family dwelling consist of more than one lot nor be more than ninety (90) feet in width, whichever is the least.
- (8) Maintaining of a mail and telephone address for commercial and business licensing purposes. This shall not be construed as allowing the active conduct of a business or trade within the residential zone.
- (9) Additional uses may be permitted as contained in Article 15 subject to the issuance of a Conditional Use Permit.

- (10) Zero lot line development, including “twin homes” and patio homes only in R-1-6,000 zones, subject to the development standards contained in Section 513 and the approval of a Development Plan in accordance with Article 16.

Section 503: DENSITY – LOT AREA PER DWELLING UNIT. All dwelling units in the R-1 Zone shall have a minimum lot area per dwelling unit of not less than 6,000 square feet.

Section 504: FRONT YARD. See Section 1701.

Section 505: SIDE YARDS. See Section 1702.

Section 506: REAR YARD. See Section 1703.

Section 507: LOT SIZE. See Section 1704.

Section 508: LOT WIDTH. See Section 1706.

Section 509: MAXIMUM LOT COVERAGE. See Section 1707.

Section 510: LOT DEPTH. See Section 1708.

Section 511: HEIGHT. See Section 1709.

Section 512: PLACEMENT OF BUILDINGS. See Section 1710.

Section 513: STANDARDS FOR ZERO LOT DEVELOPMENT (Including Patio and “Twin” homes). The purpose of this section is to provide a housing alternative to the conventional single family home and condominium project for retirement-oriented communities. Provisions of small lot units throughout the City in areas already containing the full range of urban services will provide this alternative at an affordable price and with the necessary outdoor living space for this segment of the housing market.

- (1) Front Yard: No front yard setback shall be less than ten (10) feet. In all cases where the garage is designed so that the entrance is straight in from the street, the minimum setback for the garage is twenty feet.
- (2) Side Yard: No side yard requirements shall be required provided that at least ten feet are left between structures. On corner lots the side street setback shall be at least ten feet.
- (3) Rear Yard: A rear yard setback of at least fifteen feet shall be provided except that an open patio awning will be permitted to be constructed to within ten feet of the rear property line.
- (4) Lot Size: No lot shall contain less than 3,500 square feet. On hilly terrain the area may be reduced to 3,200 square feet, however, no lot shall contain less than 3,000 square feet of level pad area.
- (5) Lot Width: No lot shall contain less than forty feet of lot frontage. On cul-de-sac lots, the forty feet width must be achieved at a distance within the front yard setback.
- (6) Lot Coverage: The maximum lot coverage on any lot shall not exceed 50 percent.
- (7) Lot Depth: The minimum lot depth shall not be less than eighty (80) feet.
- (8) Density: The maximum density permitted shall not exceed the density as indicated on the Land Use Element of the General Plan.
- (9) Location: Projects established under this section shall generally be located in areas already experiencing urban development. The location must be served by the full range of public and urban facilities (transit, police and fire protection, water and sewer facilities, shopping, etc.). Sites located in undeveloped areas will be discouraged. Such projects located in the immediate area of other such projects developed under this

section will also be discouraged in order to maintain a reasonable intensity of development and alternate housing choices in any given area.

- (10) Off-Street Parking Requirements: A one-car garage with a minimum inside area of 240 square feet.
- (11) Elevations: All developments using this section shall provide elevations of substantial variations to include a mixture of roof lines and exterior material.
- (12) Park Land Development: Each development shall be required to provide and improve park land or pay in-lieu fees to the City at 1.25 times the standards established in the Subdivision Ordinance. The option of paying in-lieu fees shall be solely at the discretion of the Planning Commission. All units built under this section shall be defined as single family units for the purpose of computing this requirement. Improvement of the park land shall be approved by the Parks and Recreation Commission. Complete landscaping and irrigation will be required. Minimum improvements must be no less in value than the corresponding in-lieu fees. An estimate of costs must be submitted with the development plan.
- (13) Park Land Maintenance: Park land shall either be owned and maintained by a homeowners' association or dedicated and maintained by the City through a park maintenance district. Such district must be formed prior to the sale of any units in the development.
- (14) Conditions, Covenants and Restrictions: Any project developed under this section shall be required to submit C.C.&R's to the Planning Commission for review and the City Attorney for approval. Such C.C.&R's shall address exterior maintenance, protection of views, construction and material of accessory structures, age limits of occupants, number of occupants per building and other matters as deemed necessary by the

developer and/or Planning Commission. Provision shall be made for a homeowners' association to enforce such C.C.&R's.

- (15) Procedures: Subdividers choosing to use this section shall be required to file a development plan in accordance with Section 1611 of the Zoning Ordinance.

The development plan herein acquired shall be submitted and processed in accordance with provisions of Article 20 of the Zoning Ordinance. The approval of such development plan does not exempt a development from any provision of the Subdivision Ordinance of the City of Oceanside, nor does such a plan become a substitute for either a tentative or final map of a subdivision.

The provisions of this section are to offer an alternate procedure by which zoning standards, other than usage, may be made applicable to new subdivisions. The acceptance of an plan following the procedures and standards incorporated herein shall be discretionary with the Planning Commission.

ARTICLE 7

R-3 – MEDIUM DENSITY RESIDENTIAL ZONE (R-3 ZONE)

Section 700: PURPOSE. The purpose of the Medium Density Residential (R-3) Zone is to classify and set standards for the orderly development of multiple family residences in a manner that will be compatible with surrounding properties and the protection of their values. It is intended that this zone be used adjacent to major or secondary street, shopping areas, or other intense uses.

Section 701: GENERAL CRITERIA. The following general criteria are hereby established for use in the classification or reclassification of land to Medium Density Residential Zone (R-3):

- (a) General Plan – Compliance with the General Plan shall be established.
- (b) Location – Medium density residential areas shall be located with primary access to a major or secondary street as shown on the Major Street Plan having a pavement width of not less than 56 feet unless specifically exempted by the Planning Commission and/or City Council.
- (c) Need – A demonstrated public need shall be established.
- (d) Public Services – The existing public services such as schools, police, and fire protection must be available or adequate alternatives shall be provided to insure availability of these services to residents upon occupancy.
- (e) Utilities – The existing utility system (water, sewer, drainage, electrical, gas and communications facilities) are adequate or new systems shall be constructed to adequately serve medium density residential developments.

- (f) All projects, with the exception of a single family dwelling or a two-family dwelling, must file a Development Plan pursuant to the provisions of Article 16, Section 1611 of this ordinance.

Section 702: PERMITTED USES. In the R-3 Zone only the following uses are permitted and as hereinafter specifically provided and allowed by this Article, subject to the off-street parking provisions of Article 27 governing these requirements.

- (1) Any use permitted in the R-2 Zone.
- (2) Group houses.
- (3) Apartment projects up to 19 units.
- (4) Rest homes.
- (5) A public parking area when developed under appropriate provisions of Article 27 where the lot on which it is located abuts upon lots zoned for commercial or industrial purposes.
- (6) Additional uses may be permitted as contained in Article 15 subject to the issuance of a conditional use permit.

Section 703: DENSITY – LOT AREA PER DWELLING UNIT. The minimum lot area per dwelling unit in the R-3 zone shall be as follows:

- (1) For those lots located on the west side of Interstate 5, the minimum lot area per dwelling unit shall be 1,000 square feet.
- (2) For those lots located on the east side of Interstate 5, the minimum lot area per dwelling unit shall be no less than 1,500 square feet.

(3) Notwithstanding the R-3 base density allowance established in Section 313(4), for purposes of determining inclusionary housing standards for development in the R-3 zone, the following base density allowances shall apply.

a. R-3 properties located on the west side of Interstate 5 shall have a base density allowance of one (1) dwelling unit per 1,500 square feet of lot area (i.e., 29 dwelling units per acre).

b. R-3 properties located on the east side of Interstate 5 shall have a base density allowance of one (1) dwelling unit per 2,900 square feet of lot area (i.e., 15 dwelling units per acre).

Section 704: FRONT YARD. See Section 1701.

Section 705: SIDE YARDS. See Section 1702.

Section 706: REAR YARD. See Section 1703.

Section 707: LOT SIZE. See Section 1704.

Section 708: LOT WIDTH. See Section 1706.

Section 709: MAXIMUM LOT COVERAGE. See Section 1707.

Section 710: LOT DEPTH. See Section 1708.

Section 711: HEIGHT. See Section 1709.

Section 712: PLACEMENT OF BUILDINGS. See Section 1710.

Section 713: LANDSCAPING. See Section 1731.

Section 714: LANDSCAPING MAINTENANCE STANDARDS. See Section 1732.

Section 715: (Deleted by Ordinance No. 84-05)

ARTICLE 17

GENERAL PROVISIONS, DEVELOPMENT STANDARDS,

CONDITIONS AND EXCEPTIONS

Setbacks, Height, Area, Landscaping

The purpose of this section is to establish certain development standards pertaining to setbacks, height limits, placement of buildings, etc. The development standards set forth are only minimum standards and shall not necessarily mean that the standards are the ideal standards for all developments.

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.
- (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.
- (c) Every lot in the O-P and R-C zones shall maintain a front yard setback of not less than fifteen (15) feet.
- (d) Every lot in the C-1 zone shall maintain a front yard setback of not less than ten (10) feet. At least sixty (60) percent of any required front yard setback shall be landscaped under the provisions of Article 17, Section 1731.
 - (1) A minimum of five (5) feet deep landscaped setback area shall be provided on any C-2 zoned lot with the exception of those areas which are used as driveways.

- (2) All lots fronting on Mission Avenue shall maintain a fifty (50) feet setback from the centerline of the street.
 - (3) Lots located between Wisconsin Avenue and Monterey Drive and fronting on Hill Street shall maintain a forty-five (45) feet setback from the centerline of Hill Street.
 - (4) Lots located on Hills Street between Wisconsin Avenue and the southern City limits shall maintain a fifty (50) feet setback from the centerline of Hill Street.
 - (5) Additional setbacks and landscaping may be required by the Planning Commission as a condition of approval of a Development Plan.
- (e) Every lot in the M-1 zone shall maintain a minimum front yard setback equal to the height of the primary structure on the lot but in no case shall such setback be less than fifteen (15) feet. At least 60 percent of any required front yard shall be landscaped under the provisions of Section 1731.
- (f) Every lot in the M-2 zone shall maintain a front yard setback of not less than 10 percent of the average lot depth but need not exceed twenty-five (25) feet. At least fifty (50) percent of any required front yard setback shall be landscaped under the provisions of Article 17, Section 1731.

Section 1702: SIDE YARDS. The following minimum side yard setback requirements shall be met: (for special conditions and exceptions, see further provisions in this Article).

- (a) Interior lots in the R-A, R-1, R-2, and R-3 and SP zones shall have a minimum side yard setback of not less than ten (10) percent of the width of the lot provided that such side yard setback shall not be less than three (3) feet and need not exceed five (5) feet.

- (b) Corner lots in the above zones shall have a minimum side yard setback of ten (10) feet on the side that is adjacent to the street.
- (c) One zero (0) side yard setback is allowed in the above zones provided that the opposite side yard setback has at least ten (10) feet and further provided that all appropriate provisions of the Uniform Building Code are met. In addition, when a property owner has been required to dedicate a vertical public coastal access way along the side yard of a parcel, the area dedicated may count toward a side yard setback foot to foot up to five (5) feet on that parcel.
- (d) Side yard setbacks are not required for lots located in the O-P, R-P, C-1, C-2 and R-C zones except that corner lots shall maintain a side yard setback as defined in 1702 (a) and 1702 (b).
 - (1) Interior lots – Side yard setbacks are not required for lots located in the M-1 zone unless specified in a development plan.
 - (2) Corner lots – Corner lots in the M-2 zone shall have a minimum side yard setback of ten (10) feet. At least fifty (50) percent of any such required side yard shall be landscaped under the provisions of Section 1731.

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.
- (b) Rear yard setbacks are not required for lots located in the O-P, R-P, C-1, R-C and C-2 zones. All lots in the above zones which abut lots zoned for residential purposes shall maintain a rear yard setback of not less than fifteen (15) feet except when such lots rear upon an alley, a minimum rear yard setback of five (5) feet shall be maintained.
- (1) Interior Lots – Rear yard setbacks are not required for lots located in the M-1 zone.
 - (2) Every through lot in the M-1 zone shall maintain a minimum rear yard setback equal to the height of the primary structure on the lot. A minimum of ten (10) feet depth of this setback area adjacent to the property line, except for driveway areas, shall be landscaped under the provisions of Section 1731. The remaining required setback area may be used for off-street parking.
- (c) Rear Yard – No minimum rear yards are necessary for lots in the M-2 zone except as required by Development Plan.
- (d) Notwithstanding any other provisions of this Section, buildings or structures located on lots contiguous to the shoreline shall be compatible in scale with existing development and shall not extend further seaward than the line established on the “Stringline Setback Map,” which is kept on file in the Planning Division. Appurtenances such as open decks, patios and balconies may be allowed to extend seaward of the Stringline Setback

line, providing that they do not substantially impair the views from adjoining properties.

Section 1704: LOT SIZE.

- (a) The minimum required area of a lot in the R-1, R-2, and R-3 zones shall be not less than 6,000 square feet unless otherwise shown on the zoning map.
- (b) The minimum required area of a lot in the R-A zone shall be not less than one (1) acre unless shown otherwise on the zoning map.
- (c) The minimum required area of a lot in the O-P, R-P, and R-C zone shall not be less than 10,000 square feet unless shown otherwise on the zoning map.
- (d) The minimum required area of a parcel in the C-1 zone shall be not less than two (2) acres unless otherwise shown on the zoning map.

Section 1705: DENSITY – LOT AREA PER DWELLING UNIT. Provisions of Article 4 – Section 403, Article 5 – Section 503, Article 6 – Section 607, and Article 7 – Section 703 shall apply. Notwithstanding the base density allowances established in Section 313(4), for the purposes of determining inclusionary housing requirements, the following base density allowances shall apply:

(a) R-1 properties shall have a base density allowance of one (1) dwelling unit per 12,100 square feet of lot area (i.e., 3.6 dwelling units per acre).

(b) R-3 properties located on the west side of Interstate 5 shall have a base density allowance of one (1) dwelling unit per 1,500 square feet of lot area (i.e., 29 dwelling units per acre).

(c) R-3 properties located on the east side of Interstate 5 shall have a base density allowance of one (1) dwelling unit per 2,900 square feet of lot area (i.e., 15 dwelling units per acre).

(d) R-T properties shall have a base density allowance of one (1) dwelling unit per 1,500 square feet of lot area (i.e., 29 dwelling units per acre).

Section 1706: LOT WIDTH. (For special conditions and exceptions see further provisions in this Article).

(a) In the R-A and R-1 zones, every lot created after the effective date of this ordinance shall have a minimum lot width as follows:

Lots designated on the zoning map as requiring a minimum lot area between:

0 to 9,999 square feet – 60 foot lot width

10,000 to 14,999 square feet – 70 foot lot width

15,000 to 19,000 square feet – 100 foot lot width

20,000 and over square feet – 125 foot lot width

(b) Lots in the R-2 and R-3 zones created after the effective date of this ordinance shall maintain a lot width of not less than sixty (60) feet at the rear line of the required front yard.

(c) Corner lots – Corner lots in any zone shall have a minimum lot width of seventy (70) feet.

(d) Cul-de-sacs – Lots located on a cul-de-sac shall have a minimum lot width at the front property line of forty (40) feet.

(e) Curved street sections – Lots located on a curved street section shall have a minimum lot width at the front property line of forty-five (45) feet.

(f) Lots in the O-P and R-P zones shall maintain a minimum lot width of not less than seventy (70) feet unless otherwise shown on the zoning map.

(g) Lots in the R-C zone shall maintain a minimum lot width of one hundred (100) feet for any new lots created after the effective date of this

ordinance. This provision shall not be applicable to any lot or combination of existing lots having a lot width less than one hundred (100) feet.

- (h) Lots in the M-1 zone shall maintain a minimum lot width of one hundred (100) feet for any new lot created after the effective date of this ordinance.
- (i) Lots in the M-2 zone shall maintain a minimum lot width of one hundred (100) feet for any new lot created after the effective date of this ordinance.

Section 1707: MAXIMUM LOT COVERAGE.

- (a) All buildings in the R-A and R-1 zones including accessory buildings and structures shall not cover more than forty (40) percent of the area of the lot.
- (b) All buildings in the R-2 zone including accessory buildings and structures shall not cover more than fifty (50) percent of the area of the lot.
- (c) All buildings in the R-3, R-P, and O-P zones including accessory buildings and structures shall not cover more than sixty (60) percent of the area of the lot.

Section 1708: LOT DEPTH. (For special conditions and exceptions, see further provisions in this Article).

All lots in the R-A, R-1, R-2, R-3, R-T, R-P, O-P, R-C and S-P zones shall have a minimum depth of one hundred (100) feet unless modified by the Planning Commission or City Council.

Section 1709: HEIGHT. No building or structures shall be erected or enlarge 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 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.

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.

~~(d) Projects that exceed base density allowances and reserve units for low-income households in accordance with Municipal Code section 14C.7 are eligible for one additional story, not to exceed eight (8) additional feet above the maximum allowable height for the surrounding zoning district. While this concession is granted to qualified projects without the benefit of a variance, it does not preclude the discretionary review process, through which project approval may be contingent upon neighborhood compatibility, mitigation of massing impacts, compliance with the California Environmental Quality Act, and other considerations that may have the effect of limiting the overall bulk and scale of development.~~

Section 1710: PLACEMENT OF BUILDINGS. Placement of buildings on any lot shall conform to the following:

- (a) No building shall occupy any portion of a required yard.
- (b) The distance between buildings used for human habitation and accessory buildings shall be ten (10) feet.
- (c) A non dwelling accessory building may be built to the rear lot line and to one side lot line only within the rear forty (40) percent of the lot provided to where a lot rears upon an alley, the building shall maintain a distance of not less than five (5) feet from the rear lot line.
- (d) On a reversed corner lot an accessory building may be built to the interior side lot line when located to the rear of the required side yard, but no building shall be erected closer to the property line of any abutting lot to the rear than the equivalent of the required interior side yard on such reversed corner lot, and further provided that if such reversed corner lot rears upon an alley, an accessory building shall maintain a distance of five (5) feet from the rear lot line.

Section 1711: HEIGHT OF BUILDINGS ON THROUGH LOTS. On through lots one hundred fifty (150) feet or less in depth, the height of a building on such lot may be measured from the sidewalk level of the street on which the building fronts. On through lots more than one hundred fifty (150) feet in depth, the height regulations and basis of height measurements for the street permitted the greater height shall apply to a depth of not more than one hundred fifty (150) feet from that street.

Section 1712: YARD REGULATIONS. Except as provided in this Article, every required yard shall be open and unobstructed from the ground to the sky. No yard or open space provided around any building for the purpose of complying with the provisions of this ordinance shall be considered as providing a yard or open space for any other building, and no yard or open space on any adjoining property shall be considered as providing a yard or open space on a building-site whereon a building is to be erected.

Section 1713: MODIFICATION OF SIDE YARD REQUIREMENT ON CORNER LOTS. When the common boundary line separating two contiguous lots is covered by a building or permitted group of buildings, such lots shall constitute a single building-site and the yard spaces as required by this ordinance shall then not apply to such common boundary line.

Section 1714: YARD REQUIREMENTS WHEN MORE THAN ONE MAIN BUILDING EXISTS. Where two or more buildings are, by definition of this ordinance, considered main buildings, then the front yard requirement shall apply only to the building closest to the front lot line.

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.

- (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.

Section 1717: YARD REQUIREMENTS FOR PROPERTY ABUTTING HALF-STREETS. A building or structure shall not be erected or maintained on a lot which abuts a street or highway having only a portion of its required width dedicated and where no part of such dedication would normally revert to said lot if the highway were vacated unless the yards provided and maintained in connection with such building or structure have a width or depth of that portion of the lot needed to complete the road width, plus the width or depth of the yards required on the lot by this ordinance if any. This section applies to all zones and whether or not yards are required.

This section does not require a yard of such width or depth as to reduce the buildable width of a corner lot to less than forty (40) feet.

Section 1718: MEASUREMENT OF FRONT YARDS. Front yard requirements shall be measured from the front property line or the indicated right-of-way line of a street for which a precise plan exists.

Section 1719: VISION CLEARANCE, CORNER AND REVERSED CORNER LOTS. All corner lots and reversed corner lots subject to yard requirements shall maintain for safety vision purposes a triangular area, one angle of which shall be formed by the front and side lot lines separating the lot from the streets, and the sides of such triangle forming the corner angle shall each be fifteen (15) feet in length,

measured from the aforementioned angle. The third side of said triangle shall be a straight line connecting the last two mentioned points which are distant fifteen (15) feet from the intersection of the front and side lot lines, and within the area comprising said triangle no tree, fence, shrub, or other physical obstruction higher than forty-two (42) inches above the established grade shall be permitted.

Section 1720: PERMITTED INTRUSIONS INTO REQUIRED YARDS. The following intrusions may project into any required yard, but in no case shall such intrusion extend more than two (2) feet into such required yards nor closer than thirty (30) inches from the lot line, whichever is more restrictive.

- (1) Cornices, eaves, belt courses, sills, buttresses or other similar architectural features.
- (2) Fireplace structures not wider than eight (8) feet measured in the general direction of the wall of which it is a part.
- (3) Open stairways, balconies, and fire escapes.
- (4) Uncovered porches and platforms which do not extend above the floor level of the first floor, provided that they may extend six (6) feet into the front yard.
- (5) Planting boxes or masonry planters not exceeding forty-two (42) inches in height.
- (6) Guard railings for safety protection around ramps.

On lots with side or rear yards adjoining alleys, the rear and side yard requirements shall not be applicable to apartments and dwellings constructed so as to constitute a second story over garages, provided that only those yards which are immediately adjacent to the alley are affected by this section.

Section 1721: MAXIMUM HEIGHT OF WALLS, FENCES, OR HEDGES.

- (a) In any “R” zone a wall, fence, or hedge forty-two (42) inches in height may be located and maintained on any part of a lot. On an exterior lot a wall, fence, or hedge not more than six (6) feet in height may be located anywhere on the lot to the rear of the rear line of the required front yard, except that on corner lots and reversed corner lots a six (6) foot fence may be located anywhere on the lot to the rear of the rear line of the required front yard, or as provided for in Section 1719, whichever is greater.
- (b) The provisions of this Section shall not apply to fences required by State Law to surround and enclose utility installations.
- (c) Where a retaining wall protects a cut below the natural grade, and is located on the line separating lots, such retaining wall may be topped by a fence, wall or hedge of the same height that would otherwise be permitted at the location if no retaining wall existed.
- (d) Where a retaining wall contains a fill, the height of the retaining wall built to retain the fill shall be considered as contributing to the permissible height of a fence, solid wall or hedge, providing that in any event a protective fence or wall not more than forty-two (42) inches in height may be erected at the top of the retaining wall.
- (e) Required Walls – When any use other than a residential use is placed on a lot abutting property in any R zone, there shall be erected and maintained along such abutting property line a block, stone, brick, stucco or concrete wall at least six (6) feet in height except in a required front yard setback, where the height shall be forty-two (42) inches.

Section 1722: HEIGHT OF TREES, SHRUBS, AND FLOWERS. Shrubs, flowers, plants, or hedges not more than forty-two (42) inches in height are permitted in the required front and side street side yards. Trees are permitted in any required yard except as provided in Section 1719.

Section 1723: REQUIRED INCREASE OF SIDE YARD WHERE MULTIPLE OR ROW DWELLINGS FRONT UPON A SIDE YARD. The minimum width of the side yard upon which a primary entrance to a dwelling unit is provided shall be no less than ten (10) feet.

Section 1724: REQUIRED INCREASE OF SIDE YARD WHERE MULTIPLE OR ROW DWELLINGS REAR UPON A SIDE YARD. Where two-family dwellings or multiple-family dwellings, group houses, court apartments or row dwellings are arranged so that the rear of such dwellings abut upon the side yards, and such dwellings have openings onto such side yards used as secondary means of access to the dwellings, the required side yards to the rear of such dwellings shall be increased by one (1) foot for each dwelling unit having such an entrance or exit opening into or served by such yard, provided such increase need not exceed five (5) feet.

Section 1725: DIVISION OF THROUGH STREETS. Through lots one hundred eighty (180) feet or more in depth may be improved as two separate lots, with the dividing line midway between the street frontages, and each resulting one-half shall be subject to the controls applying to the street upon which such one-half faces. If each resulting one-half is below the minimum lot areas as determined by this ordinance, then no division may be made and only one single-family dwelling may be erected upon such lot. If the whole of any through lot is improved as one building site, the main building shall conform to the zone classification of the frontage occupied by such main building, and no accessory building shall be located closer to either street than the distance constituting the required front yard on such street.

Section 1726: GREATER LOT AREA MAY BE REQUIRED. Greater lot areas than those prescribed in the various zones may be required when such greater areas are established by the adoption of a specific plan in the manner prescribed by law, designating the location and size of such greater required areas.

Section 1727: SUBSTANDARD LOTS.

- (a) When a lot has less than the minimum required area or width as set forth in any of the zones contained herein, or in a specific plan, and was of

record on the effective date of this ordinance, such lot shall be deemed to have complied with the minimum required lot area or width as set forth in any such zone or specific plan. The lot area per dwelling unit shall, however, remain as specified in the applicable zone except that in no case shall this provision prevent the erection of a single-family dwelling on any substandard lot.

- (b) Excess parcels of land created as a result of freeway or street construction or widening shall be deemed buildable lots providing each parcel has a minimum of 2,500 square feet.

Section 1728: PARKING OF TRAILERS OUTSIDE OF TRAILER PARKS.

It shall be unlawful for any person to place for storage or to park for more than forty-eight (48) consecutive hours a trailer, detached camper, or mobile home in the front of a residential building or within the required yard of any lot in any zone as established by the terms of this ordinance. All such vehicles parked or stored outside of the boundaries of a duly licensed trailer park shall be completely disconnected from any and all utilities, and no living quarters shall be maintained or business practiced in any such stored vehicle or detached camper, provided, however, that the Building Division may issue permits for the parking and use of not more than two (2) trailers on a major construction site when such vehicles are used for field offices or temporary quarters for watchman. Parking under the provisions of this exception shall be limited to not more than nine (9) consecutive months on any one site unless an extension of such time limit is specifically authorized by the City Council.

Section 1728.01: TEMPORARY REAL ESTATE OFFICE. One temporary real estate office, not a part of a model home complex, may be located on any new subdivision in any zone, provided that such office, if in any "R" zone, shall be removed at the end of a two (2) year period measured from the issuance date of the first building permit for any home in the phase upon which the office is to be located, or upon the occupancy of ninety (90) percent of said phase, whichever comes first. The location of the temporary office shall be approved by the Planning Division and Building Division and shall in no way create a traffic or safety hazard.

Section 1729: MECHANICAL EQUIPMENT. All ground mechanical equipment shall be completely screened behind a permanent structure and all roof top mechanical equipment shall be placed behind a permanent parapet wall or screen of approved weatherproof material to be approved by the Building Official and Chief of Housing and shall be completely restricted from all view. Such screening shall be as high as the highest portion of the equipment or ducting and shall be permanently maintained.

Section 1730: REFUSE STORAGE. All outdoor trash, garbage, and refuse storage shall be screened on all sides from public view. Such areas shall be so located as to be easily accessible for trash pick up. In multiple family residential development centralized trash areas shall not be located further than one hundred fifty (150) feet away from any dwelling unit. The refuse storage area dimension shall be five (5) feet high, six (6) feet deep, and eight (8) feet wide and shall be constructed of decorative concrete block or masonry walls. Gates shall be mounted on the face of the storage area so that they swing fully open with no protrusion into the roll-out path of the bin and shall be constructed of durable wood or comparable materials.

Section 1731: LANDSCAPING REQUIREMENTS. All open areas with the exception of vehicular accessways and parking areas, pedestrian walkways, and recreational facilities shall be landscaped. A minimum of sixty (60) percent landscaping shall be provided within the required front and side street side yard setback areas, respectively. All landscaped areas shall have a permanent irrigation system providing one hundred (100) percent coverage.

(1) General Provisions

- (a) No planting area shall be less than twenty-four (24) square feet with the exception of raised planter boxes around or in close proximity to buildings.
- (b) At least one tree of a species approved by the Engineering Division shall be installed for every ten (10) single row parking stalls or every twenty (20) double row parking stalls within the parking lot.

- (c) Landscaping shall consist of combinations of trees, shrubs, and ground covers with careful consideration given to eventual size and spread, susceptibility to disease and pests, durability, and adaptability to existing soil and climatic conditions.
 - (d) Each unused space resulting from the design or layout of parking spaces or accessory structures shall be used for planting purposes if over twenty-four (24) square feet.
 - (e) All planted areas shall contain a permanent irrigation system and shall be enclosed by a six (6) inch high concrete curb. Where planter areas abut a sidewalk or cement concrete driveway, no curb shall be required.
 - (f) The landscaping plan shall be drawn to a minimum scale of one (1) inch for each fifty (50) feet; shall indicate the square footage of each planting area; shall tabulate the square footage of all landscaped areas and percentage of the total site devoted to landscaping; shall identify at the planting area the type of plant; shall list the botanical and common names of all plants with the quantity of each and their container size; and shall clearly portray the permanent irrigation system.
- (2) Parking Areas in R-3 and R-P Zones – Every parking area established in an “R” zone to be used as an accessory to a commercial establishment or for the renting of spaces shall:
- (a) Provide and maintain landscaping in any portion of the public right-of-way abutting the property that is not being used for sidewalks, curbs, or street paving.
 - (b) Devote at least fifteen (15) percent of the area of the lot within the boundaries to the planting and maintenance of trees, shrubs, plants, or lawn.

- (3) Parking Areas in Commercial and Industrial Zones – A minimum of eight (8) percent of the total net area (which net area shall be computed by excluding streets) of the development shall be landscaped. Approximately one-half of such landscaped area shall be generally dispersed throughout the parking lot with the remainder distributed as planted areas around buildings, peripheral planters around the site, parkways, street tree wells, and other appropriate locations.

Section 1732: MAINTENANCE STANDARDS. The maintenance standards shall be followed in upkeep of the landscaped areas after they have been developed and planted.

- (1) Growth Control – All plant growth in required landscaped areas shall be controlled by pruning, trimming or otherwise, so that the plant material will not:
- (a) Interfere with the installation, maintenance and repair of any public utilities.
 - (b) Restrict pedestrian or vehicular access.
 - (c) Constitute a traffic hazard.
- (2) Cultivation and Watering – All planted areas shall be watered sufficiently to promote vigorous growth of all trees, shrubs and ground cover plants. Planted areas shall be maintained in a relatively weed-free condition. All planting shall be periodically pruned, trimmed, edged and fertilized in accordance with generally accepted horticultural practices.
- (3) Replanting – All trees, shrubs, and plants which have been planted and which, due to accident, damage, disease, or other cause, fail to show a healthy growth, shall be replaced. Replacement plants shall conform to all standards that govern the original planting installation.

Section 1733: (Deleted by Ordinance No. 84-05)

Section 1734: CLARIFICATION OF AMBIGUITY. If ambiguity arises concerning the appropriate classification of a particular use within the meaning and intent of this ordinance, or if ambiguity exists with respect to matters of height, yard requirements, area requirements or zone boundaries, as set forth herein and as they map pertain to unforeseen circumstances, including technological changes in methods of operation in processing of materials, it shall be the duty of the Planning Commission to ascertain all pertinent facts and by Resolution of record set forth its findings and its interpretations, and such resolution shall be forwarded to the City Council and, if approved by the City Council, thereafter such interpretation shall govern.

Section 1735: MOBILE HOME ON INDIVIDUAL LOT. The intent and purpose of this ordinance is to allow mobile homes on permanent foundations to be placed on lots zoned for single family dwellings provided the mobile home is compatible with existing single family dwellings in the area.

- (a) A mobile home certified under the National Mobile Home Construction and Safety Standard Act of 1974 (42 U.S.C. Section 5401, et. Seq.) may be placed on a permanent foundation on any parcel on which a single family dwelling would be allowed upon issuance of a building permit provided that:
- (1) It may be occupied only as a residential use.
 - (2) It is attached to a permanent foundation system in compliance with all applicable building regulations, and Section 18551 of the Health and Safety Code.
 - (3) All development standards and requirements of the underlying zone pertaining to conventional single family homes are complied with.
 - (4) It must have a minimum width of nineteen (19) feet.
 - (5) Be covered with an exterior material customarily used on conventional dwellings, such as wood, stucco, masonry or masonite. The exterior covering material shall extend to the ground,

except that when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation.

- (6) Have a pitched roof with eave overhang consisting of shingles or other material customarily used for conventional dwellings.
- (b) Modifications of the criteria as set forth in 5 and 6 of the above may be granted by the City Council when it can be shown that such modifications will not be detrimental to the public interest or surrounding property owners.
- (c) This section will not affect the requirements of an approved Conditional Use Permit for both Mobile Home Parks and Mobile Home Subdivisions.

ARTICLE 27

OFF-STREET PARKING

Section 2701: INTENT. Every building, or portion of building hereinafter erected, shall be provided with such parking space as provided in this Article, and such parking space shall be made permanently available and be permanently maintained for parking purposes, provided, however, that any alterations or additions providing less than five hundred (500) square feet of additional floor space shall be exempted from this requirement. Provided further than when an addition is made to an existing building only the square feet in the addition need be used in computing the required off-street parking.

Section 2702: PARKING SPACES REQUIRED. The number of off-street parking spaces required shall be no less than as set forth in the following. Except as provided in Section 2710, a parking space shall be deemed to be an area of at least one hundred eighty (180) square feet, paved with either an asphaltic concrete or cement concrete paving. Such space shall have a width of at least nine (9) feet except in cases of parallel parking, such space may be reduced to eight (8) feet by twenty-four (24) feet and be provided with adequate ingress and egress. For purposes of definition, gross floor area is defined as the area included within the surrounding exterior walls of a building or portion thereof.

Carport – A carport shall mean a parking structure which is enclosed on at least three (3) sides, in addition to the roof, constructed on materials consisting of wood, masonry, or stucco under area limitations as specified in the Uniform Building Code. A carport may be either a single parking unit or may be a combination of several parking units. In the case of parking bays, only the back wall and end walls of the entire bay need to be enclosed. Each parking space shall contain an enclosed storage cabinet having a minimum size of one hundred sixty (160) cubic feet unless such storage space is provided in each dwelling unit or in a common storage area. No dimension of such cabinet shall be less than four (4) feet.

USE

PARKING SPACES REQUIRED

Banks, business or professional

1 for each 400 sq.ft. of gross floor area.

Offices

Bowling Alleys

7 for each lane.

Churches and Accessory Uses

1 for each 4 seats, or if there are no fixed seats, then 1 for each 40 sq.ft. of floor space used assembly purposes.

Commercial Uses

Retail centers having less than
5,000 sq.ft. of gross floor area

1 for each 300 sq.ft. of gross floor area.

Retail centers having more than
5,000 and less than 20,000
sq.ft. of gross floor area

1 for each 250 sq.ft. of gross floor area.

Retail centers having more than
20,000 sq.ft. of gross floor area

1 for each 200 sq.ft. of gross floor area.

Bars or Cocktail Lounges

1 space for each 2 seats or 1 space for each 30 sq.ft. of area used for consumption of beverages (not less than 15 spaces shall be provided).

USE

PARKING SPACES REQUIRED

Drive-In Restaurants

1 space for each 3 seats or 1 space for each 45 sq.ft. of area used for sale or consumption of food and/or beverages (not less than 15 spaces shall be provided).

Drive-Through Restaurants

Minimum of 15 spaces.

Furniture and appliance stores,

hardware stores, household

equipment, service shops, clothing

or shoe repair or personal service

shops

1 for each 600 sq.ft. of gross floor area.

Hospitals

1 for each bed.

Hotels

1 for each licensed unit.

Libraries

1 for each 250 sq.ft. of gross floor area.

Motels

1 for each licensed unit.

Manufacturing uses, research and

testing laboratories, creameries,

bottling establishments, bakeries,

canneries, printing and engraving

shops

Not less than 1 for each 800 sq.ft. of gross floor area.

USE

PARKING SPACES REQUIRED

| | |
|--|--|
| Medical or dental clinics and medical-professional offices | 1 for each 200 sq.ft. of gross floor area. |
| Mortuaries | 1 for each 50 sq.ft. of floor area of assembly rooms used for service. |
| Motor vehicle, machinery sales or wholesale stores | 1 for each 1,000 sq.ft. of gross floor area. |
| Offices not providing customer service on the premises | 1 for each 400 sq.ft. of gross floor area. |

Residential Uses

| | |
|-------------------------|---|
| Single family dwellings | 2 car garage per dwelling unit; minimum inside area of 400 sq.ft.; minimum inside width of 18 ft. |
|-------------------------|---|

Apartments, Duplexes, and Condominiums

| | |
|---------------------|---|
| 1 Bedroom | 1-1/2 spaces per unit, 1 carport or garage, 1/2 space open. |
| 2 Bedrooms and more | 2 spaces per unit, 1 carport or garage, 1 space open. Each space shall have a minimum 9' X 20' dimension. |

USE

PARKING SPACES REQUIRED

Condominiums in PRD or PCD zones 2 spaces per unit, 1 garage, 1 space open.

each garage shall have a minimum inside
dimension of 10' X 20'. Each open space
shall a minimum dimension of 9' X 20'.

Exceptions

(1) The above provisions for R-2, R-3, O-P, R-T, and R-C zones shall not be applicable to any lot legally subdivide prior to January 20, 1958, where the combination of such lots has a total area for each lot of 7,500 square feet or less. Off-street parking requirements for such a lot or combination thereof shall be the same as required by Ordinance No. 69-39 and shall be as follows:

| | |
|-----------------------|---|
| 1 and 2 bedroom units | 1 enclosed or covered space per family unit. |
| 3 bedrooms and more | 1-1/2 space for each unit, at least 1 of which is covered or enclosed. |

(2) For residential parking requirements for subdivisions which have by recorded covenants a minimum age requirement, the City Council may modify parking requirements to permit a one-car garage and one open parking space.

~~(3) Projects exceeding base density allowances and reserving units for low-income households in accordance with Municipal Code section 14C.7 are eligible for the following reduced parking requirements:~~

~~a. One (1.0) parking space per market-rate studio and one-bedroom unit;~~

~~b. 1.5 parking spaces per market-rate unit exceeding one bedroom;~~

c. 0.5 parking space per reserved studio unit.

d. One (1.0) parking space per reserved one-bedroom unit.

e. 1.25 parking spaces per reserved two-bedroom unit.

f. 1.5 parking spaces per reserved unit exceeding two bedrooms.

These ratios apply to qualifying projects that do not benefit from Exception 1 established above.

Restaurants 1 space for each 3 seats or 1 space for each 45 sq.ft. of area used for consumption of food or beverages (not less than 15 spaces shall be provided).

USE

PARKING SPACES REQUIRED

Rooming houses, lodging houses, clubs and fraternity houses having sleeping rooms 1 for each 2 sleeping rooms.

Sanitariums, children's homes, homes for aged, asylums, nursing homes 1 for each 3 beds.

Schools 1 for each one employee.

Schools (business and vocational) 1 for each 40 sq.ft. of classroom area.

Stadiums, sports arenas, auditoriums, (including school auditoriums) and 1 for each 4 seats and/or 1 for each 40 sq.ft. of gross floor area used for

other places or public assembly, assembly and not containing fixed seats.

and clubs and lodges having no

sleeping quarters

Theaters

1 for each 4 seats, up to 800 seats plus

1 for each 8 seats over 800 seats, provided,

however, that the issuance of a Conditional

Use Permit for the operation of a theater

may be conditioned upon providing a greater

number of spaces where it is determined that,

due to location factors such additional parking

is necessary.

USE

PARKING SPACES REQUIRED

Transportation terminal facilities,

Adequate number as determined by the

warehouses and storage buildings

Planning Commission.

Section 2703: PARKING REQUIREMENTS FOR USES NOT SPECIFIED.

Where the parking requirements for a use are not specifically defined herein, the parking requirements for such use shall be determined by the Planning Department; such determination shall be based upon the requirements for the most comparable use specified herein. All such departmental determinations may be subject to review by or appeal to the Planning Commission.

Section 2704: PARKING PROVISIONS MAY BE WAIVED BY CITY COUNCIL. The City Council may, by resolution, waive or modify the provisions as herein set forth establishing required parking areas for uses such as electrical power

generating plants, electrical transformer stations, utility or corporation storage yards or other uses of a similar or like nature requiring a very limited number of persons.

Section 2705: MIXED OCCUPANCIES IN A BUILDING. In the case of mixed uses in a building or on a lot, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use except as hereinafter specified for joint use.

Section 2706: JOINT USE. The Planning Commission may, upon application of a Conditional Use Permit by the owner or lessee of any property, authorize the joint use of parking facilities by the following uses or activities under the conditions specified herein:

- (a) Up to fifty (50) percent of the parking facilities required by this Article for a use considered to be primarily a daytime use may be provided by the parking facilities of a use considered to be primarily a nighttime use; up to fifty (50) percent of the parking facilities required by this Article for a use considered to be primarily a nighttime use may be provided by the parking facilities of a use considered to be primarily a daytime use, provided such reciprocal parking areas shall be subject to conditions set forth in paragraph (c) below.
- (b) The following uses are typical daytime uses; banks, business offices, retail stores, personal service shops, clothing or show repair or service shops, manufacturing or wholesale buildings and similar uses. The following uses are typical nighttime and/or Sunday uses; auditoriums incidental to a public or parochial school, churches, dance halls, theaters and bars.
- (c) Conditions required for joint use:
 - (1) The building or use for which application is being made for authority to utilize the existing off-street parking facilities provided by another

building or use, shall be located within three hundred (300) feet of such parking facility.

- (2) The applicant shall show that there is no substantial conflict in the principal operating hours of the building or uses for which the joint use of off-street parking facilities is proposed.
- (3) Parties concerned in the joint use of off-street parking facilities shall evidence agreement for such joint use by a proper legal instrument approved by the City Attorney as to form and content. Such instrument, when approved as conforming to the provisions of this Ordinance, shall be recorded in the office of the County Recorder and copies thereof filed with the Building Department and the Planning Department.

Section 2707: COMMON FACILITIES. Common parking facilities may be provided in lieu of the individual requirements contained herein, but such facilities shall be approved by the Planning Commission as to size, shape and relationship to business sites to be served, provided the total of such off-street parking spaces, when used together, shall not be less than the sum of the various uses computed separately. When any such common facility is to occupy a site of five thousand (5,000) square feet or more, then the parking requirement as specified herein for each of two or more participating buildings or uses may be reduced not more than fifteen (15) percent upon approval of development plans by the Planning Commission in the manner prescribed for a Conditional Use Permit as set forth in Article 21.

Section 2708: COMPREHENSIVE PLANNED FACILITIES – PARKING DISTRICTS. Areas may be exempted from the parking requirements as otherwise set up in this Article, provided:

- (a) Such area shall be accurately defined by the Planning Commission after processing in the same manner required for an amendment to the Zoning Ordinance.

- (b) Before such defined district shall be exempt as provided in this Section, active proceedings under any applicable legislative authority shall be instituted to assure that the exempted area shall be provided with comprehensive parking facilities which will reasonably serve the entire district.

Section 2709: COMMERCIAL PARKING AREAS IN R-3 OR R-P ZONES.

Every parking area in an R-3 or R-P zone shall be governed by the following provisions in addition to those required in Sections 2710 and 2711:

- (a) No parking lot to be used in conjunction with commercial uses shall be established in an R-3 zone unless it abuts upon a lot for commercial or industrial use.
- (b) Such parking lot shall be used solely for the parking of private passenger vehicles.
- (c) No sign of any kind, other than one designating entrances, exits or conditions of use, shall be maintained on such parking lot. Any such sign shall not exceed eight square feet in area.

Section 2710: GENERAL REQUIREMENTS – DESIGN STANDARDS.

The following requirements shall apply:

(1) Size and Access –

- (a) Each parking space shall be provided with adequate ingress and egress. Adequate ingress and egress shall mean a driveway having a minimum width of ten (10) feet (one way), surfaced with asphaltic concrete or cement concrete paving, properly drained, no part of which shall be included in the required area of a parking space. Such drives shall be kept free and clear of any intrusions for a height of at least seven (7) feet.

- (b) The standard off-street parking space shall be twenty (20) feet long and nine (9) feet wide.
 - (1) In any parking area in which ten (10) or more parking spaces are required, twenty five (25) percent of the required spaces may be small car spaces. When fifty (50) or more parking spaces are required the allowable percentage of small car spaces may be forty (40) percent. The small car provisions shall not apply to parking spaces with pre-assigned parking.
 - (2) A small car space shall be seven and one-half (7-1/2) feet wide and fifteen (15) feet long, and shall be clearly marked as a small (compact) car space.
 - (c) When the required parking space for a one or two-family structure (not including hotels or motels) in any "R" zone is to be provided in a covered garage, each such required car space shall be not less than two hundred (200) square feet in area and shall be so located and/or constructed not to encroach on any required yard setback. When parking compounds are provided in multiple family development, the required parking space shall not be less than one hundred eighty (180) square feet in area.
 - (d) Where a garage faces a public street in the R-1 and R-2 zones, a twenty (20) foot setback shall be required between the garage and the property line.
- (2) Surfacing – Off-street parking areas shall be surfaced with an asphaltic concrete or cement concrete paving and shall be so graded and drained as to dispose of all surface water with no water running over sidewalk.
- (3) Walls –
- (a) Every parking area which abuts a street shall be screened from public view through the use of landscaping to be provided in a five

- (5) foot setback area or through any combination of a thirty (30) inch high decorative block wall and planter areas provided, however, that the location of the planter areas shall be an integral part of the design. Such design shall be subject to approval of the City Planner.
- (b) Every parking area which abuts property located in one of the “R” zones shall be separated from such property by a solid masonry, rock, concrete, or stucco wall six (6) feet in height measured from the grade of the finished surface of such parking lot closest to the contiguous “R” zoned property, provided that along the required front yard the wall shall not exceed forty-two (42) inches in height. No such wall need be provided where the elevation of that portion of the parking area immediately adjacent to an “R” zone is six (6) feet or more below the elevation of such “R” zoned property along the common property line.
- (4) Lighting – Any lights provided to illuminate any public parking area, semi-public parking area or used car sales area permitted by this ordinance shall be so arranged as to reflect the light away from any residentially zoned lot.
- (5) Entrances and Exits – The location and design of all entrances and exits shall be subject to the approval of the City Engineer.
- (6) Wheel Stops – Each parking space adjacent to buildings, walls and sidewalks less than six (6) feet wide or sidewalks at the same grade as the parking space shall be provided with a concrete curb or bumper at least six (6) inches in height at or within two (2) feet of the front of such space. This provision shall not be applicable to parallel parking spaces.
- (7) Striping –

- (a) All parking spaces unless located in a garage or carport, shall be clearly marked on the parking surface, and shall conform to the plan of such parking area as approved by the City Planner.
 - (b) In addition to the clear marking of all spaces, directional arrows shall be clearly drawn on the paved surface of access areas wherever such directions are necessary to provided for a safe pattern of traffic movement.
- (8) Approval of Plans – The plan of the proposed parking area shall be submitted to and approved by the City Planner at the time of the application for the building permit for the building to which the parking area is accessory. The plans shall clearly indicated the proposed development, including location, size, shape, design, curb cuts, lighting, landscaping and other features and appurtenances of the proposed parking lot.

All parking areas shall be subject to the same restrictions governing accessory buildings as defined in the zone in which said parking area is located.

Section 2711: HANDICAPPED PARKING IN MOBILE HOME PARK RECREATION CENTERS. Recreation facilities in Mobile Home Parks and Mobile Home Subdivisions shall designated within their parking areas handicapped spaces at a ratio of one handicapped space for every ten standard spaces provided. Handicapped spaces shall conform to the specifications for size, location and access of Title 24, Part 2, of the California Administrative Code and the Uniform Building Code.

ARTICLE 32

RESIDENTIAL TOURIST ZONE (R-T ZONE)

Section 3200: PURPOSE. The R-T Zone is intended to accommodate tourist and year-round visitor-serving facilities by providing permanent and transient residential and related uses to serve all income levels. The R-T Zone is primarily designated on shorefront property in order to optimize public access to the beach.

Section 3201: GENERAL CRITERIA. The following general criteria are hereby established for use in the classification or reclassification of land to the R-T Zone:

- (a) Consistency with the General Plan, the Coastal Land Use Plan, the Redevelopment Plan, Development Criteria, and Land Use Regulations shall be established.
- (b) Residential-Tourist zoned properties shall be located with primary access to a public street.
- (c) The existing utility system (water, sewer, drainage, electrical, gas and communication systems) shall be found to be adequate or new systems shall be constructed to adequately serve R-T developments. All utilities shall be underground.
- (d) All projects with the exception of a single family home must file a Development Plan pursuant to the provisions of City of Oceanside Article 16, Section 1611 governing Development Plans. Those projects in the Redevelopment Area must be approved by the Community Development Commission, with an advisory recommendation by the Planning Commission.

Section 3202: PERMITTED USES. Only the following uses are permitted in the R-T Zone subject to the provisions of Article 27 governing off-street parking requirements:

- (1) Single-family, subject to R-1 standards.
- (2) Multiple-family residences.
- (3) Condominiums and stock cooperatives.
- (4) Tourist cottages and summer rentals.
- (5) Public and semi-public uses.
- (6) Mobile Home Parks with a Conditional Use Permit.
- (7) Certain other uses with a Conditional Use Permit (as allowed in Article 15).

Section 3203: HEIGHT OF BUILDINGS. Building height is limited to 35 feet unless a Conditional Use Permit is issued in accordance with Article 15. Height standards in the Redevelopment Area are governed by the Development Criteria and Land Use Regulations. No building or structure shall exceed any adopted height restrictions that may appear in any other adopted Plan or Policy of the City including Proposition A passed by the voters April 13, 1982.

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 plan 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.

Section 3205: RESIDENTIAL BUILDING DENSITY. In all residential development, the density should not exceed the maximum standard of 43 dwelling units per acre, except that higher densities may be approved by the Planning Commission when development is in a master planned development. For the purposes of determining inclusionary housing standards, the base density allowance for R-T properties shall be 29 dwelling units per acre (i.e. one dwelling unit per 1,500 square feet of lot area).

Section 3206: AREA. The minimum required area of a lot in the R-T Zone shall not be less than 6,000 square feet, unless otherwise shown on the zoning map.

Section 3207: LOT WIDTH. Every lot created after the effective date of this ordinance shall maintain a width of not less than 60 feet at the rear line of the required front yard.

Section 3208: LIMITATIONS ON PERMITTED USE. When any non residential use is to be placed on a lot abutting property in any residential zone, there shall be erected and maintained along such abutting property line a block, stone, brick, stucco, or concrete wall at least six (6) feet in height, except in a required front yard setback, where the height shall be forty-two (42) inches. This provision shall be met before a certificate of occupancy permit may be issued for such use by the Building Official. For purposes of this section only, hotels and motels shall not be considered as residential uses.

Section 3209: SIGNS. The height, width, depth, colors and design features, including lighting and structural support of each and all signs to be erected outside of buildings or attached to any building shall be subject to Article 33, Sign Ordinance of the City of Oceanside.

Section 3210: LANDSCAPING. The following criteria shall apply:

- (1) A coordinated landscape design shall be developed for each site which contributes to a continuous and integrated design.
- (2) All landscaping shall be of a type which is easily maintained.
- (3) All landscaped areas shall contain an approved permanent irrigation system and, if adjacent to a street or parking area, shall be enclosed by a six (6) inch high concrete curb unless otherwise expressly approved by the Commission.
- (4) Landscaping should be provided in all front yards and side yards abutting a public street; and it is required that all other areas not used for driveway, parking, building or loading should also be landscaped. Special attention should be given to landscaping on the interior as well as the exterior of parking lots for multiple vehicles.
- (5) The utilization of depressed parking lots and/or mounded, landscaped buffers of parking areas is encouraged.
- (6) Parkways, if any, within the public right-of-way, except at approved sidewalk or driveway approach locations, shall be landscaped.
- (7) Landscaping plans are subject to regulations as defined in the City of Oceanside Guidelines and Specifications for Landscape Development (April 19, 1982; Resolution No. 82-79).

Section 3211: PUBLIC ACCESS TO BEACH. Permanent facilities shall be provided for pedestrian access from the nearest public street on the bluff top to the public beach. Between Ninth Street and Wisconsin Avenue, such access will be

provided on the average of every eight hundred (800) feet, but in no event will there be fewer than seven (7) such pedestrian access routes. Between Ninth Street and Wisconsin Avenue, no fewer than four (4) permanent facilities shall be provided for vehicular access from the nearest public street on the bluff top to the beach.

Section 3212: PARKING. Parking shall be provided in accordance with Article 27 of the Zoning Ordinance governing off-street parking requirements.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE AMENDING CHAPTER 14C OF THE OCEANSIDE CITY CODE MODIFYING THE CITY'S INCLUSIONARY HOUSING REGULATIONS

WHEREAS, the City Council has determined that provisions of the City's Inclusionary Housing Ordinance (City Code Chapter 14C) should be modified in order to: 1) establish new inclusionary housing standards for projects that exceed the City's base density allowances; 2) provide a broader range of options for meeting inclusionary housing standards; and 3) grant regulatory concessions to encourage inclusionary housing in conjunction with projects that exceed the City's base density allowances; and

WHEREAS, on December 10, 2012, the Planning Commission of the City of Oceanside held a duly-advertised public hearing to consider said amendments, and heard and considered written and oral testimony regarding said amendments, and voted 5-0 to recommend City Council approval of said amendments; and

WHEREAS, on January 16, 2013, the City Council of the City of Oceanside held a duly-advertised public hearing to consider said amendments, and the recommendation of the Planning Commission thereon, and heard and considered written and oral testimony regarding said amendments; and

WHEREAS, based upon such evidence, testimony and staff reports, this Council finds that said amendments conform to the General Plan and Local Coastal Program of the City of Oceanside.

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

SECTION 1. The amended text of City Code Chapter 14C, applicable citywide as specified in Exhibit "A", is hereby adopted, and the City Clerk is hereby directed to amend the City Code as specified by this ordinance.

SECTION 2. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this

1 ordinance. The City Council hereby declares that it would have passed and adopted this
2 ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any
3 one or more sections, subsections, sentences, clauses or phrases be declared invalid or
4 unconstitutional.

5 SECTION 3. The City Clerk of the City of Oceanside is hereby directed to publish this
6 ordinance, or the title hereof as a summary, pursuant to state statute, once within fifteen (15)
7 days after its passage in the North County Times, a newspaper of general circulation published
8 in the City of Oceanside.

9 SECTION 4. This ordinance shall take effect and shall be in force on the thirtieth (30th)
10 day from and after its final passage.

11 Notice is hereby given that the time within which judicial review must be sought on this
12 decision is governed by Govt. Code Section 65009(c)(1)(B).

13 INTRODUCED at a regular meeting of the City Council of the City of Oceanside,
14 California, held on the 16th day of January, 2013 and, thereafter,

15 PASSED AND ADOPTED at a regular meeting of the City Council of the City of
16 Oceanside, California, held on the __th day of __, 2013, by the following vote:

17
18 AYES:

19 NAYS:

20 ABSENT:

21 ABSTAIN:

22
23 MAYOR OF THE CITY OF OCEANSIDE

24 ATTEST:

25 APPROVED AS TO FORM:

26 _____
CITY CLERK

27 *Brent A. Sumellors, ASST.*
CITY ATTORNEY

EXHIBIT A

Chapter 14C - INCLUSIONARY HOUSING [42]

Sec. 14C.1. - Intent.

Sec. 14C.2. - Applicability.

Sec. 14C.3. - Exemptions.

Sec. 14C.4. - Definitions.

Sec. 14C.5. - Reservation requirements.

Sec. 14C.6. - In-lieu fee alternative.

Sec. 14C.7. - Options for providing reserved units.

Sec. 14C.8. - Periodic review.

Sec. 14C.9. - Administration.

Sec. 14C.10. - Building permit.

Sec. 14C.1. - Intent.

Housing requirements for low and moderate-income households in residential projects. It is the intent of this chapter to establish requirements for the reservation of housing units for low and moderate-income households in residential projects requiring development plans.

(Ord. No. 91-49, § 2, 10-23-91; Ord. No. 00-241-1, § 1, 4-12-00)

Sec. 14C.2. - Applicability.

The provisions of this chapter shall apply to all residential projects of three or more units including without limitation, condominium conversions and time extensions of development plan approval for previously approved residential projects.

(Ord. No. 91-49, § 2, 10-23-91; Ord. No. 92-05, § 1, 1-29-92; Ord. No. 00-241-1, § 1, 4-12-00; Ord. No. 00-278-1, 5-10-00)

Sec. 14C.3. - Exemptions.

- a. Any project located within the boundaries of the redevelopment project area shall be exempt from the provisions of this chapter.

(Ord. No. 91-49, § 2, 10-23-91; Ord. No. 00-241-1, § 1, 4-12-00)

Sec. 14C.4. - Definitions.

Affordable. For the purposes of this chapter, the term "affordable" shall refer to the affordable sales price of a home within the City of Oceanside. The affordable sales price will be calculated based on the following variables:

- a. The area median income for San Diego County based upon a three-bedroom unit and household size of four (4).
- b. The current annual percentage rate for a conventional residential mortgage.
- c. A total housing cost threshold that does not exceed thirty-three (33) percent of the monthly gross income of a household.

Area median income. The median household income of San Diego County or equivalent geographic area as annually estimated by HUD pursuant to Section 8 of the United States Housing Act of 1937. In the event such HUD determinations of area median income are discontinued, the area median income shall be that median household income as established and published by the State of California Department of Housing and Community Development pursuant to Health and Safety Code Section 50093.

Base density. The lowest end of the density range established for residential development within a particular zoning district. The base density is considered the appropriate density for development within each residential land use designation as established by the Land Use Element of the City of Oceanside General Plan.

Household. A person or persons living together in the same residence.

HUD. The United States Department of Housing and Urban Development.

Low-income household. A person or persons living together as a household unit whose combined incomes do not exceed eighty (80) percent of the median income for San Diego County for an equivalent size household.

Moderate-income household. A person or persons living together as a household unit whose combined income exceeds eighty (80) percent but does not exceed one hundred twenty (120) percent of the median income for San Diego County for an equivalent size household.

Low and moderate-income household. A person or persons living together as a household unit whose combined incomes do not exceed one hundred twenty (120) percent of the median income for San Diego County for an equivalent size household.

Reserved unit. A residential dwelling unit deed restricted for occupancy by a low or moderate-income household pursuant to the requirement of this chapter.

Residential project. Any new construction of dwelling units or condominium conversion.

(Ord. No. 91-49, § 2, 10-23-91; Ord. No. 00-241-1, § 1, 4-12-00; Ord. No. 11-OR0543-1, § 1, 7-5-2011)

Sec. 14C.5. - Reservation requirements.

(a) Reservation of for-sale units.

(1) No development plan for a for-sale residential project of three or more units subject to this chapter shall be approved in any area of the city unless at least ten (10) percent of such housing units are reserved for sale to low and moderate income households or reserved as rental units for low-income households.

(2) Calculation of reservation requirement. The calculation of the number of housing units to be reserved shall be made utilizing the total number of housing units in the development prior to including any increase in the allowable number of such housing units authorized by any density bonus granted pursuant to Government Code Section 65915 et seq.

If the calculation of the number of housing units to be reserved results in a fraction of a whole number, the developer may either reserve one additional housing unit or pay a partial in-lieu fee equal to the remaining fraction. The amount of the in-lieu fee shall be determined according to Section 14C.6.(b).

For projects that exceed base density allowances and involve between 10 and 19 units at base density, fractional reserved unit requirements of less than 0.75 shall be rounded down. For projects that exceed base density allowances and involve 20 or more units at base density, fractional reserved unit requirements of 0.50 and above shall be rounded up to the next whole number.

(3) Timing for construction of reserved units. The reserved units shall be constructed either prior to or simultaneously with the non-reserved units within the development. If the development is being constructed in phases, the percentage of reserved units to be constructed in each phase shall be equivalent to ten (10) percent of the total number of units being constructed in that phase.

(4) Sales Price. The initial sales price and resale sales price of reserved units shall be limited to ensure that the price is affordable within the definition contained in Section 14C.4.

(5) Sales restriction. Reserved units shall be sold or resold only to eligible low or moderate-income households. The city shall determine the eligibility of such households.

A deed restriction, covenant, and/or other instrument enforceable by the city and approved by the city attorney and director of housing and neighborhood services, limiting the resale of such units to eligible low or moderate-income households shall be recorded against the title of all reserved units at affordable prices as described in subsection (4) immediately above. The duration of such resale restrictions shall be a minimum of fifty-five (55) years.

(6) Rental restriction. The requirements indicated in Section 14C.5(b)(4) shall apply if rental housing is provided as the reserved units.

(Ord. No. 91-49, § 2, 10-23-91; Ord. No. 92-05, § 2, 1-29-92; Ord. No. 00-241-1, § 1, 4-12-00; Ord. No. 11-OR0543-1, § 1, 7-5-2011)

Sec. 14C.6. - In-lieu fee alternative.

- (a) As an alternative to reserving units as required in section 14C.5, the developer projects that conform to the base density allowance for the applicable zone may pay a fee in-lieu of reservation in an amount according to the formula set forth in subsection (b), below, sufficient to subsidize the price of a median sales price home in Oceanside to the extent that it brings the sales price of such a home into the affordable range for a moderate income household.
- (b) The amount of the in-lieu fee for each required inclusionary unit shall be determined by the neighborhood services director at the time of issuance of building permits for the first residential units in a development project subject to this chapter. The developer may request a deferral of this fee prior to the issuance of a certificate of occupancy for the unit. The fee amount will be adjusted annually on July 1st of each year based on the sales price data and the affordable housing cost calculations per section 14C.4 of this chapter for the preceding calendar year. The fee will be calculated based upon the following methodology:
 - (1) The affordability gap per inclusionary unit is equal to the difference between the median sales price and the affordable sales price.
 - (2) To derive the affordable gap per market rate unit, the affordability gap per inclusionary unit will be multiplied times the ten-percent inclusionary housing obligation.
 - (3) The resulting affordability gap per market rate unit will be divided by the average square footage of residential units sold during the preceding calendar year.

- (4) The result of the in-lieu fee calculation represents the fee that will be charged per square foot of the building area in new residential development.
- (c) For projects that exceed the base density allowance for the applicable zone and involve 10 or more units at base density, units achieved above the base density allowance shall be subject to a fee in-lieu of reservation in an amount determined by the City Council. Said fee shall not exceed the cost of subsidizing the price of a median sales price home in Oceanside to the extent that it brings the sales price of such a home into the affordable range for a low income household. Projects that exceed the base density allowance shall be afforded additional options for meeting the requirements of this chapter, as specified in section 14C.7(f). Projects that exceed the base density allowance within the RS, RM, R-3, RH, and R-T zoning districts and elect to meet the requirements of this chapter through the on-site or off-site reservation of units as enumerated in sections 14C.7 shall be eligible for concessions to certain development standards as specified under applicable zoning provisions.
- (d) All in-lieu fees collected hereunder shall be used by the city exclusively to provide housing opportunities for low or moderate-income households anywhere within the city. All in-lieu fees shall be held in a separate account with interest accruing to said account. All funds in the account shall be spent in any manner authorized by law as the city council deems appropriate solely to provide housing opportunities for low or moderate-income households. For the purposes of this subsection, the term "provide housing opportunities for low or moderate-income households" means any expenditure authorized by law which directly or indirectly makes housing units affordable to low or moderate-income households.
- (e) If a residential project, subject to this chapter, is required to provide replacement housing pursuant to Government Code Section 65590, then the number of units required to be reserved for low or moderate-income households shall be the larger of the number of units required under Government Code Section 65590 or this chapter. The requirements for inclusionary housing under this chapter shall not be additive to the requirements for replacement housing under Government Code Section 65590. The provisions of this chapter shall not apply to units provided pursuant to an ordinance adopted as required by Section 65915 of the Government Code.

(Ord. No. 91-49, § 2, 10-23-91; Ord. No. 00-241-1, § 1, 4-12-00; Ord. No. 11-OR0543-1, § 1, 7-5-2011)

Sec. 14C.7. - Options for providing reserved units.

- (a) On-site reservation. The required number of reserved units may be provided on the site of the subject development. In this case, the design and exterior appearance of the reserved units shall

be compatible with and substantially the same as the non-reserved units within the development and shall contain proportionately the same or a larger number of bedrooms and square footage per reserved unit as the non-reserved units.

- (b) Off-site provision of "for-sale" reserved units. If an applicant can provide evidence to demonstrate that on-site provision of reserved units is not feasible, with such evidence being deemed reasonable, accurate, and sufficient at the sole discretion of the city, then the reserved units may be provided as "for-sale" units at another site within the city limits of Oceanside conforming with the requirements of section 14C.5.
- (c) Off-site provision of rental reserved units. If an applicant can provide evidence to demonstrate that on-site provision of reserved units is not feasible, with such evidence being deemed reasonable, accurate, and sufficient at the sole discretion of the city, then the reserved units may be provided as rental units at another site within the city limits of Oceanside, excluding low-income impacted census tracts (i.e. census tracts 181, 182 (excluding blockgroup 3), 184, 186.03). Such reserved units must comply with the requirements of section 14C.5(b).
- (d) Joint venture off-site provision of rental reserved units. Provided all participating applicants can meet the "non-feasibility" test mentioned above, off-site rental projects may provide the reserved units for multiple applicants.
- (e) Reserved unit credits. If an applicant provides newly constructed units to meet the requirements for provision of reserved units pursuant to this chapter, and such new units exceed the number of reserved units required by this chapter, then the "excess" units may be used to meet the reserved unit requirements for another applicant. Any sale of "reserved unit credits" shall be an entirely civil transition with no regulation by the city (i.e. reserved unit credits may be sold for "what the market will bear"). Applicants who propose to meet their reserved unit requirement by purchasing reserved unit credits in another project must be able to meet the "non-feasibility" test for on-site provision. All reserved units credits must be deed restricted to comply with the requirements of section 14C.5(b).
- (f) Projects that exceed the base density allowance for the applicable zone and provide reserved units without the option of payment of a fee in-lieu of reservation shall be eligible for the options for providing reserved units specified in Sec. 14C.7.(a) through (e), without the obligation to demonstrate that on-site provision of reserved units is infeasible. Projects that exceed the base density allowance for the applicable zone shall have the option of providing reserved units by the following additional means:
 - (1) The purchase, rehabilitation, and reservation of existing market-rate units, with the obligation to render these units consistent with current building and safety standards prior to recordation of affordability covenants;

- (2) The donation of land of adequate size and under appropriate zoning to accommodate the required number of reserved units, with the City maintaining sole discretion to approve such donation, pursuant to a legally binding agreement;
- (3) Purchase of reserved unit credits in another project, without the obligation to demonstrate the non-feasibility of on-site provision, with the City maintaining sole discretion to approve such purchase, pursuant to a legally binding agreement.

(Ord. No. 00-241-1, § 1, 4-12-00)

Sec. 14C.8. - Periodic review.

Annually, the city council shall review the status of compliance with this chapter, and the degree to which reserved units provided and fees collected pursuant to this chapter are addressing the shortfall of affordable housing units. Not later than five years after the effective date of this chapter, the city council shall consider a report by the city manager reviewing the reservation requirement and fee formula established to implement the provisions of this chapter to determine whether any adjustments in the reservation requirement or fee formula are warranted.

(Ord. No. 91-49, § 2, 10-23-91; Ord. No. 00-241-1, § 1, 4-12-00)

Sec. 14C.9. - Administration.

- (a) The provisions of this chapter shall be administered by the director of housing and neighborhood services of the City of Oceanside under the direction of the city manager.
- (b) The city council may adopt by resolution rules and regulations for the implementation of this chapter.
- (c) A developer and/or subsequent purchaser of a reserved unit shall be required to pay such fee as may be established by resolution of the city council to recover the cost to the city of administration of the provisions of this chapter.

(Ord. No. 91-49, § 2, 10-23-91; Ord. No. 00-241-1, § 1, 4-12-00)

Sec. 14C.10. - Building permit.

No building permit shall be issued for any residential project subject to this chapter unless the director of housing and neighborhood services has certified that the proposed development has complied with or is otherwise exempt from the provisions of this chapter.

(Ord. No. 91-49, § 2, 10-23-91; Ord. No. 00-241-1, § 1, 4-12-00)

FOOTNOTE(S):

(42) Editor's note—Ord. No. 91-49, § 1, adopted Oct. 23, 1991, repealed former Ch. 14C which pertained to similar provisions and derived from Ord. No. 82-49, § 1, adopted Dec. 15, 1989; and Ord. No. 83-02, § 1, adopted Feb. 9, 1983. Subsequently, Ord. No. 00-241-1, adopted April 12, 2000, repealed Ch. 14C in its entirety and substituted therefore a new chapter 14C to read as herein set out. (Back)

1 PLANNING COMMISSION
2 RESOLUTION NO. 2012-P56

3 A RESOLUTION OF THE PLANNING COMMISSION OF
4 THE CITY OF OCEANSIDE RECOMMENDING
5 APPROVAL OF GENERAL PLAN, ZONING, AND
6 LOCAL COASTAL PROGRAM AMENDMENTS FOR
7 CHANGES TO INCLUSIONARY HOUSING AND
8 ZONING STANDARDS FOR PROJECTS EXCEEDING
9 RESIDENTIAL BASE DENSITY ALLOWANCES

10 APPLICATION NO: GPA12-0001, ZA12-00001, LCPA12-00001
11 APPLICANT: City of Oceanside
12 LOCATION: Citywide

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

15 WHEREAS, there was filed with this Commission a verified petition on the forms
16 prescribed by the Commission requesting a General Plan Amendment, Zone Amendment, and
17 Local Coastal Program Amendment under the provisions of Articles 45 of the Zoning Ordinance
18 of the City of Oceanside for the following:

19 changes to inclusionary housing and zoning standards for projects exceeding the City's
20 residential base density allowances;
21 to be applied citywide, with the exception of the Downtown District.

22 WHEREAS, the Planning Commission, after giving the required notice, did on the 10th
23 day of April, 2012 conduct a duly advertised public hearing as prescribed by law to consider said
24 application;

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

28 WHEREAS, the documents or other material which constitute the record of proceedings
29 upon which the decision is based will be maintained by the City of Oceanside Planning Division,
300 North Coast Highway, Oceanside, California 92054.

WHEREAS, studies and investigations made by this Commission and in its behalf reveal
the following facts:

1 FINDINGS:

2 For the General Plan Amendment:

- 3 1. The proposed changes to the General Plan are consistent with the goals, objectives,
4 policies, and programs established in the City's General Plan, particularly the purpose and
5 intent of Policy 2.32 of the Land Use Element, as the proposed changes do not increase the
6 maximum allowable densities established for the City's existing residential land use
7 designations.
- 8 2. The proposed changes to the General Plan are consistent with the City's Housing Element,
9 in that they contribute to the City's comprehensive affordable housing strategy.

10 For the Zone Amendment:

- 11 1. The proposed changes to zoning standards are consistent with the broad purpose of the
12 Zoning Ordinance, which include the protection and promotion of public health, safety,
13 and general welfare. In particular, the proposed changes will promote housing of such
14 types, sizes, and cost as will allow City residents of whatever economic condition to reside
15 in safe, sanitary dwelling units.
- 16 2. The proposed changes to zoning standards are consistent with the City of Oceanside
17 General Plan, in that the proposed changes will preserve the character and quality of
18 residential neighborhoods, foster convenience, harmonious, and workable relationships
19 among land uses, and comply with the arrangement of land uses described in the Land Use
20 Element of the General Plan.

21 For the Local Coastal Program Amendment:

- 22 1. Pursuant to Public Resources Code §30510(a), the Planning Commission hereby certifies
23 that the Local Coastal Program Amendment (LCPA12-00001) is intended to be carried out
24 in a manner fully in conformity with the Coastal Act of 1976.
- 25 2. Pursuant to Coastal Commission Local Coastal Program Regulations §13551(b), this
26 amendment shall take effect upon Coastal Commission approval.
- 27 3. The proposed changes to zoning standards conforms to the Local Coastal Program, in that
28 the proposed changes would protect the visual qualities of the Coastal Zone and ensure that
29 new development is sited and designed to be visually compatible with the character of
surrounding areas.

1 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
2 recommend approval to the City Council of General Plan Amendment (GPA12-00001), Zone
3 Amendment (ZA12-00001), and Local Coastal Plan Amendment (LCPA12-00001), subject to the
4 limitation that the zoning incentives for qualified projects be applicable only within the City's
5 "transit corridors," with the exception of those properties within "transit corridors" that bear either
6 an agricultural or estate residential zoning designation (i.e., A, RE-A, or RE-B):

7 PASSED AND ADOPTED Resolution No. 2012-P56 on December 10, 2012 by the
8 following vote, to wit:

9 AYES: Rosales, Scrivener, Neal, Martinek, and Balma

10 NAYS: None

11 ABSENT: Troisi, Ross

12 ABSTAIN: None

13 
14 _____
Tom Rosales, Chairperson
Oceanside Planning Commission

15 ATTEST:

16 
17 _____
Amy Fousekis, Secretary

18 I, AMY FOUSEKIS, Secretary of the Oceanside Planning Commission, hereby certify that this
19 is a true and correct copy of Resolution No. 2012-P56.
20

21 Dated: December 10, 2012
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PLANNING COMMISSION**STAFF REPORT**

DATE: December 10, 2012 (Revised)

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **GENERAL PLAN AMENDMENT (GPA12-00001), ZONE AMENDMENT (ZA12-00001), AND LOCAL COASTAL PLAN AMENDMENT (LCPA12-00001) AMENDING POLICY 2.32 OF THE LAND USE ELEMENT OF THE GENERAL PLAN AND PORTIONS OF THE ZONING ORDINANCE RELATED TO BUILDING HEIGHT AND PARKING STANDARDS, IN CONJUNCTION WITH CHANGES TO INCLUSIONARY HOUSING STANDARDS FOR PROPOSALS TO EXCEED THE CITY'S BASE DENSITY ALLOWANCES, AND ESTABLISHING THE AMENDED TEXT AS PART OF THE IMPLEMENTING DOCUMENT OF THE LOCAL COASTAL PROGRAM – INCLUSIONARY HOUSING – APPLICANT: CITY OF OCEANSIDE**

RECOMMENDATION

To encourage the production and preservation of affordable housing units in conjunction with market-rate housing development, staff recommends a combination of modified inclusionary housing requirements and new regulatory incentives for proposals to exceed the City's base density allowances. Specifically, staff recommends that the Planning Commission recommend City Council approval of the following:

- Amendment of the City's Inclusionary Housing Ordinance (Municipal Code Chapter 14C), to establish new inclusionary housing standards for proposals to exceed the City's base density, including additional options for meeting affordability requirements and a modified inclusionary housing in-lieu fee for market-rate units achieved above base density;
- Amendment of Policy 2.32 of the Land Use Element of the General Plan, to revise the criteria for exceeding base density;
- Amendment of the City's Zoning Ordinance, to grant the following concessions to projects that exceed base density and provide for affordable units in accordance with Municipal Code Section 14C.7:
 - Additional building height, up to one additional story and eight feet above the height limit for the applicable zone;

- Reduced parking requirements, for both market-rate and reserved units, as specified in a subsequent section of this staff report;
- Elimination of the Conditional Use Permit requirement for the exceedance of base density.

Staff recommends that the Planning Commission:

- (1) Adopt Planning Commission Resolutions No. 2012-P56 recommending approval of General Plan Amendment (GPA12-00001), Zone Amendment (ZA12-00001), and Local Coastal Plan Amendment (LCPA12-00001) to the City Council with findings of approval attached herein.

BACKGROUND

Affordable housing is generally defined as housing that costs a household no more than 30 percent of its gross annual income. Individuals and families spending more than 30 percent of their income on housing are considered cost burdened, as they may have difficulty affording necessities such as food, clothing, transportation, child care, and medical care. The cost of housing is particularly burdensome for lower-income households – i.e., those making less than 80 percent of the area median income (currently \$75,900/year for a four-person household in San Diego County). More than forty percent of total Oceanside households currently qualify as lower-income. According to the 2010 Census, 68 percent of all lower-income renter households and 83 percent of all lower-income resident-owner households in Oceanside spend more than 30 percent of their annual income on housing. A study published in March 2012 by the National Low Income Housing Coalition estimates that San Diego County residents who are the sole source of income in their respective households must earn more than \$27/hour to afford the fair-market rent for a two-bedroom apartment.

As part of a multi-faceted affordable housing strategy, the City of Oceanside requires that for-sale residential projects involving more than three dwelling units reserve 10 percent of total units as affordable to low or moderate-income households. In-lieu of providing affordable units, housing developers have the option of paying a fee, which is currently established at \$1.31 per square foot of habitable space. With the size of new dwelling units in Oceanside now averaging roughly 1,300 square feet, the typical per-unit in-lieu fee amounts to approximately \$1,700. In the past, in-lieu fee revenue has been used to subsidize the development of affordable housing projects such as La Misión and Libby Lake Village.

In accordance with the Land Use Element of the General Plan and the Zoning Ordinance, residential density allowances in the City of Oceanside are expressed as density ranges, with a base and maximum density established for each residential zoning district (see Table 6). While denoting the base density as “the appropriate density for development within each residential land use designation,” Policy 2.23 of the Land Use Element allows for the exceedance of base density – up to a prescribed maximum density – when projects “exceed standards established by City policy...and existing or approved developments in the surrounding area.” Proposals to exceed base density are subject to a Conditional Use Permit and a series of criteria that essentially

require such projects be of higher quality and furnish more public and private amenities than those that conform to the base density allowance. At present, proposals to exceed base density are subject to the same inclusionary housing standards as those that conform to the base density allowance.

Attachment 9 provides a summary of the public review process that culminated in the proposed changes to inclusionary housing and zoning standards outlined in this staff report.

On September 26, 2012, the City Council conducted a study session to consider both staff and building industry proposals for modified inclusionary housing and zoning standards for projects exceeding base density. At this study session, the City Council directed staff to prepare text amendments to the City's General Plan, Inclusionary Housing Ordinance, and Zoning Ordinance that create new options and incentives for affordable housing in conjunction with projects that exceed the City's base density allowances, including a \$12,250 per-unit "second-tier" in-lieu fee option supported by the building industry.

PROJECT DESCRIPTION

In order to carry out City Council direction, staff has drafted text amendments to the City's General Plan, Inclusionary Housing Ordinance, and Zoning Ordinance that would modify both inclusionary housing and zoning standards for projects exceeding the City's base density allowances. The proposed text amendments would also waive the current requirement to obtain a conditional use permit for projects that exceed base density when units reserved for lower-income households are provided in accordance with Municipal Code Section 14C.7 (Options for Providing Reserved Units). In sum, the proposed text amendments are intended to render the actual reservation of housing for lower-income households a more attractive and feasible option for market-rate housing developers, who have historically chosen to pay inclusionary housing in-lieu fees rather than provide income-restricted units. The proposed standards would apply only to for-sale housing projects; rental housing projects would be exempted.

Additional Options for Meeting Inclusionary Housing Standards

The proposed revisions to the City's current Inclusionary Housing Ordinance (Municipal Code Chapter 14C) would modify inclusionary housing standards for proposals to exceed the City's base density allowances. Specifically, these revisions would grant two additional options for meeting inclusionary housing standards: 1) the donation of land of sufficient size and under appropriate zoning to accommodate the required number of reserved units; and 2) the purchase, rehabilitation, and reservation of existing market-rate units for qualified lower-income households. Under the second option, existing units reserved for lower-income households would have to be brought into conformance with current building and safety standards. The City would maintain sole discretion to accept donated land or allow the purchase, rehabilitation, and reservation of market-rate units as sufficient means of meeting inclusionary housing requirements; applicants could exercise these options only through legally binding agreements with the City.

Calculation of Inclusionary Housing Requirements

As currently enacted, the City’s Inclusionary Housing Ordinance requires that 10 percent of all units in a new for-sale housing project be reserved for lower or moderate-income households. The proposed revisions would effectively eliminate inclusionary housing requirements for units achieved above the base density when the developer chooses to provide for inclusionary units through one or more of the options established under Section 14C.7 of the Inclusionary Housing Ordinance (e.g. on or off-site construction of affordable units; purchase of reserved unit credits; donation of land; purchase, rehabilitation, and reservation of existing market-rate units for lower-income households).

For projects that exceed base density and provide for inclusionary units in accordance with Section 14C.7, the 10 percent inclusionary housing requirement would apply only to those units under the base density allowance. For example, a 50-unit project comprised of 33 units at base density and another 17 units above base density would be required to reserve ten percent of the base density units (i.e. three units) as affordable to lower-income households, with no inclusionary housing requirement associated with the 17 units achieved above base density. However, if the developer of this project chose to pay fees in-lieu of providing inclusionary units as specified in Section 14C.7, the in-lieu fees would be assessed on the total number of housing units, with the standard in-lieu fee applying to the 33 units at base density and the “second-tier” in-lieu fee applying to the 17 units above base density.

Exceptions to these standards granted too small-scale projects are discussed in the text that follows Table 4.

“Second-Tier” In-Lieu Fee Option

In-lieu of providing inclusionary units, proposals to exceed base density allowances would have the option of paying a “second-tier” in-lieu fee of \$12,250 per unit above the base density. Dwelling units achieved at the base density would continue to be subject to the standard in-lieu fee, currently calculated at \$1.31 per square foot of habitable space. As noted above, units achieved above the base density would not be factored into the inclusionary housing requirement unless the developer were to choose the in-lieu fee option. Assuming an average dwelling unit size of 1,500 square feet, the following table calculates in-lieu fees for four hypothetical projects achieving maximum density (i.e., 43 du/acre) under R-3, R-T, or RH-U zoning:

**TABLE 1
Proposed Inclusionary Housing In-Lieu Fees
for Projects under R-3/RH-U Zoning**

| Example | Initial Project Fee | Per-Unit Admin. Fee (\$300) | Standard In-Lieu Fees | Second-Tier In-Lieu Fees | Total In-Lieu Fees |
|--|----------------------------|------------------------------------|------------------------------|---------------------------------|---------------------------|
| 9-Unit Project: 6 Units @ Base Density | \$1,000 | \$2,700 | \$17,685 | N/A | \$21,385 |
| 19-Unit Project: 13 Units @ Base Density | \$1,000 | \$5,700 | \$25,545 | \$73,500 | \$105,745 |
| 30-Unit Project: 20 Units @ Base Density | \$1,000 | \$9,000 | \$39,300 | \$122,500 | \$171,800 |
| 50-Unit Project: 33 Units @ Base Density | \$1,000 | \$15,000 | \$64,845 | \$208,250 | \$289,095 |

The nine-unit project cited in Table 1 is exempt from second-tier in-lieu fees for units achieved above the base density allowance. In-lieu fees for the other three projects are based on the number of units achieved below and above the base density allowance: the standard fee (\$1.31 per square foot) applies to the units achieved below base density; the second-tier fee (\$12,250 per unit) applies to the units achieved above base density.

Concessions to Zoning Standards

With the exception of development in Residential Estate zoning districts (i.e., RE-A and RE-B), projects exceeding base density and reserving units for lower-income households in accordance with Municipal Code Section 14C.7 would be eligible for specific concessions to building height and parking standards. Projects opting to pay fees in-lieu of providing reserved units in accordance with Municipal Code Section 14C.7 would not be eligible for these concessions.

Qualified projects would be allowed to exceed the standard building height limit by one story and as much as eight vertical feet. While this concession would be granted without a variance (and associated hardship findings), it would not preclude the discretionary review process that now applies to virtually all residential projects involving more than a single-family home. Projects benefitting from this concession would still require approval of a Development Plan, and such approval could be conditioned upon the mitigation of massing impacts and other considerations that could limit the overall bulk and scale of proposed development. The following table illustrates how this concession would apply to qualified residential projects:

**TABLE 2
Concessions to Building Height Standards
for Projects Complying with Municipal Code Section 14C.7**

| Zoning District | Height Limit | Story Limit | w/Concessions |
|------------------------|--------------|-------------|-------------------|
| RS/RM/RH (East of I-5) | 36 Feet | N/A | 44 Feet |
| RS/RM/RH (West of I-5) | 27 Feet | 2 Stories | 35 Feet/3 Stories |
| R-1 | 35 Feet | 2 Stories | 43 Feet/3 Stories |
| R-3/R-T | 35 Feet | 3 Stories | 43 Feet/4 Stories |

The “RM” and “RH” designations listed in Table 2 are inclusive of all medium and high-density zoning districts located outside of the Coastal Zone and the Downtown District. The distinction made in Table 2 between RS/RM/RH properties east of Interstate 5 and those west of Interstate 5 is a generalization meant to highlight provisions in the 1992 Zoning Ordinance (applicable outside of the Coastal Zone) that limit building height and the number of stories in portions of the Townsite and South Oceanside Neighborhood Planning Areas. Generally speaking, these restrictions apply to those portions of Townsite situated southward of Seagaze Drive and eastward of Coast Highway and those portions of South Oceanside situated outside of the Coastal Zone.

While the proposed concessions would be available to projects in two of the City’s single-family zoning districts (RS and R-1), staff does not anticipate these concessions being utilized in single-family projects, given that additional building height does not provide for additional density in single-family development. Moreover, other than individual lots within already developed subdivisions, there are few remaining land resources for single-family development in Oceanside.

In addition to increased building height and story-count limits, qualified projects would be eligible for reduced parking requirements. The following table compares standard parking requirements with those that would apply to projects exceeding base density and meeting the provisions of Municipal Code Section 14C.7:

**TABLE 3
Concessions to Parking Standards
for Projects Complying with Municipal Code Section 14C.7**

| Bedroom Count | Standard Requirement | Reduced Requirement |
|--------------------------|-----------------------------|----------------------------|
| Market-Rate Units | | |
| Studio/One-Bedroom | 1.5 | 1.0 |
| Two or More Bedrooms | 2.0 | 1.5 |
| Reserved Units | | |
| Studio | 1.5 | 0.5 |
| One Bedroom | 1.5 | 1.0 |
| Two or More Bedrooms | 2.0 | 1.25 |
| Three or More Bedrooms | 2.0 | 1.5 |

The proposed parking standards for reserved units are consistent with the findings of the San Diego Affordable Housing Parking Study, published in November 2011. Based on survey data and field research conducted at more than 20 existing affordable housing developments in the City of San Diego, the study has resulted in recent revision of the City's affordable housing parking standards. Appended to this staff report as Attachment 4 is a fact sheet summarizing the study's key findings. The full study is available on-line at <http://www.sandiego.gov/planning/programs/transportation/mobility/pdf/111231sdaafhfinal.pdf>.

The proposed reductions in parking requirements for market-rate units in qualified projects are consistent with exceptions granted by the 1986 Zoning Ordinance to projects on lots comprising less than 7,500 square feet.

Amendment of General Plan Criteria for Exceedance of Base Density

Policy 2.32 of the Land Use Element of the General Plan establishes criteria that must be considered in the evaluation of proposals to exceed base density. These criteria have the stated purpose of ensuring that projects exceeding base density “exceed standards established by City policy...and existing or approved developments in the surrounding area.”

It is staff's position that several of these criteria, as currently articulated, make it less feasible for market-rate housing projects to reserve units for lower-income households. By requiring that projects exceeding base density be “superior” to those that fall under base density allowances, many of these criteria create both physical constraints and financial challenges that effectively encourage developers to choose the in-lieu fee option, rather than providing inclusionary units. For example, projects exceeding base density are expected to provide “infrastructure improvements beyond what is necessary to serve the project and its population.” While such improvements may provide a variety of public benefits, the associated costs reduce resources that could be devoted to the subsidy of

inclusionary units. Another criterion under Policy 2.32 establishes that projects exceeding base density must provide “floor areas that exceed the norm established by existing or approved development in the surrounding area.” Staff sees no public benefit in larger-than-average unit sizes, and further finds that such a requirement only undermines the feasibility of inclusionary housing, as it makes it less likely that projects can achieve the densities necessary to off-set the cost of income-restricted units.

Other proposed changes to the criteria for exceedance of base density are identified in an underline/strikeout exhibit appended to the resolution for General Plan Amendment GPA12-00001. In sum, the proposed changes are meant to encourage high-quality development without precluding the possibility of inclusionary housing.

Elimination of the CUP Requirement for Exceedance of Base Density

Section 1050(B) of the 1992 Zoning Ordinance establishes that proposals to exceed base density require issuance of a conditional use permit. This requirement is in addition to development plan review – an entitlement process that involves a public hearing, public notification, conditions of approval, required findings, and rights of appeal. As noted earlier, development plan review is required of any proposed residential project that involves more than one single-family home. In light of the fact that proposals to exceed base density are inevitably subject to development plan review, and given that General Plan criteria for the exceedance of base density can be applied to such projects through the development plan review process, staff recommends that the conditional use permit be waived for those proposals to exceed base density that comply with Municipal Code Section 14C.7 (i.e., those electing not to exercise the in-lieu fee option).

Establishment/Modification of Density Ranges for Residential Zoning Districts in the Coastal Zone

The Land Use Plan of the City's Local Coastal Program establishes density ranges for R-1 and R-3 zoning districts, and only a maximum allowable density for the R-T zoning district.

The density ranges for the R-1 zoning district (0-7 du/acre) and those R-3 zoning districts west of I-5 (15-43 du/acre) establish relatively low base density allowances, which place virtually all projects in these two zoning districts above base density. For instance, one single-family home in the R-1 zone would be above base density, regardless of the size of the lot that accommodates it. In R-3 zoning districts west of I-5, duplex development on the typical 5,000 square-foot lot would exceed the base density allowance of 15 du/acre. Consequently, projects approaching the maximum allowable density would be subject to second-tier in-lieu fees on the majority of units, in the event the developer chooses not to provide for affordable units in accordance with Municipal Code 14C.7. Conversely, such projects would have exceptionally low inclusionary unit requirements, given that these requirements are determined by the number of units achieved under base density. The following table compares two projects of similar scale – one subject to a density range of 29-43 du/acre and the other subject to a density range of 15-43 du/acre. The table assumes an average dwelling unit size of 1,500 square feet.

**Table 4
Comparison of Inclusionary Housing Requirements
for High-Density Projects under RH-U and R-3 Zoning**

| Zoning District | Density Range | Project | Required Inclusionary Units | Total In-Lieu Fees |
|------------------------|----------------------|--|------------------------------------|---------------------------|
| RH-U | 29-43 du/acre | 30-Unit Project: 20 Units @ Base Density | 2.0 | \$171,800 |
| R-3 (West of I-5) | 15-43 du/acre | 30-Unit Project: 10 Units @ Base Density | 1.0 | \$274,650 |

As the above table indicates, projects achieving maximum allowable density in R-3 zoning districts west of I-5 would pay in-lieu fees nearly 40 percent higher than those applicable to a comparable project under RH-U zoning, while at the same time being subject to a lower inclusionary unit requirement.

To address this disparity, staff recommends aligning the density range for R-1 zoning districts with the RS density range (i.e., 3.6-5.9 du/acre) and the density range for R-3 zoning districts west of I-5 with the RH-U density range (i.e., 29-43 du/acre). The proposed alignments would essentially restore the density ranges that applied to R-1 and R-3 properties prior to the reapplication of the 1986 Zoning Ordinance to Coastal Zone properties in May 2009.

To apply the proposed inclusionary housing standards within R-T zoning districts, staff proposes to establish a density range of 29-43 du/acre for R-T properties. Doing so would reestablish the density range applicable to R-T properties prior to the reapplication of the 1986 Zoning Ordinance to Coastal Zone properties in May 2009.

As established in the draft zoning text amendments, these revised density ranges would serve only to determine applicable inclusionary housing standards.

Because Policy 2.32 of the Land Use Element of the General Plan does not apply to Coastal Zone properties, these changes to density ranges would not render R-1 or R-3 projects any more or less subject to the aforementioned General Plan criteria for exceedance of base density. Furthermore, because the 1986 Zoning Ordinance does not require issuance of a conditional use permit for exceedance of base density, the proposed changes to density ranges would not impact the entitlement process for projects within the R-1, R-3, or R-T zoning districts.

Summary of Recommendations

Under the proposed changes to inclusionary housing standards, all residential development exceeding base density would be subject to second-tier in-lieu fees on units achieved above base density when: 1) the project involves at least 10 units at base density; and 2) 10 percent of the units achieved under base density are not reserved as affordable to lower-income households. The following table provides examples meant to illustrate what the proposed changes to inclusionary housing standards would mean for high-density residential projects of varying scale. Staff has

chosen to illustrate the impact of the proposed changes on high-density development because it is anticipated that much of the City's future housing growth over the next

decade will consist of high-density residential infill projects. The figures in the table assume an average dwelling unit size of 1,500 square feet.

**Table 5
Proposed Inclusionary Housing Standards for Projects
Achieving Maximum Density under R-3/R-T/RH-U Zoning¹**

| Example | Required Inclusionary Units | Total In-Lieu Fees |
|--|------------------------------------|---|
| Projects Conforming to Base Density | 10% of Total Units | Variable |
| 9-Unit Project: 6 Units @ Base Density | 0.9 | \$21,385 (Standard) |
| 19-Unit Project: 13 Units @ Base Density | 1.0 | \$105,745 (Standard & 2 nd Tier) |
| 30-Unit Project: 20 Units @ Base Density | 2.0 | \$171,800 (Standard & 2 nd Tier) |
| 50-Unit Project: 33 Units @ Base Density | 3.0 | \$289,095 (Standard & 2 nd Tier) |

¹ R-3 zoning districts east of Interstate 5 (e.g. Eastside Capistrano) have a maximum density allowance of 29, rather than 43, dwelling units per acre.

Under current inclusionary housing standards, ten percent of the total number of units in a housing project must be reserved as affordable. Under the proposed changes, the inclusionary requirement for a project exceeding base density would be ten percent of the units under base density, with no inclusionary requirements associated with the units above the base allowance. Only when the in-lieu fee option is exercised would inclusionary requirements be based on the total number of units. As Table 4 indicates, projects involving fewer than 10 units at base density would remain subject only to the standard in-lieu fee for all units. Fractional unit requirements for projects involving between 10 and 20 units at base density would be rounded up to the next whole unit at 0.75 units and above. Fractional unit requirements for projects involving 20 or more units at base density would be rounded up to the next whole unit at 0.50 units and above.

Projects in RS, RM, RH, R-3, and R-T zoning districts that exceed base density and reserve units affordable to lower-income households in accordance with Municipal Code Section 14C.7 would be eligible for concessions to building height and parking standards, as enumerated earlier in this staff report. Furthermore, projects exceeding base density and meeting the provisions of Municipal Code Section 14C.7 would not require issuance of a conditional use permit but would continue to be subject to the criteria for exceeding base density established under Policy 2.32 of the Land Use Element of the General Plan, which staff proposes to amend to either modify or eliminate criteria that tend to make the reservation of affordable units infeasible.

ANALYSIS

In light of the elimination of Redevelopment set-aside revenue for affordable housing, the diminution of revenue generated by the City's standard in-lieu fee, the retrenchment of state and federal aid programs for affordable housing, and the lack of vacant land to

accommodate large-scale affordable housing projects, the City faces significant challenges in its efforts to increase its affordable housing stock. It is staff's position that the proposed changes to inclusionary housing and zoning standards represent a creative, practical, and equitable response to these challenges. Balancing voluntary incentives with a new in-lieu fee structure intended to better cover the financing "gap" associated with affordable housing development, the proposed changes are expected to bolster the City's overall affordable housing strategy by affording the development community new ways to contribute meaningfully to the provision of affordable housing.

Additionally, it is staff's position that the proposed changes embody effective land use policy, in that they encourage future housing growth in those areas of the City where it can best be accommodated. As noted earlier, it is staff's expectation that the proposed concessions to building height and parking will be most attractive to developers pursuing projects in the City's high-density zoning districts (i.e., R-3, R-T, RH, RH-U), as such concessions would be key to achieving densities above the base allowance. By and large, these zoning districts lie within urbanized areas where infill projects benefit from existing infrastructure and where residents can benefit from public transit and close proximity to commercial services and other amenities.

Economic Impact Analysis

Prior to the April 4th Planning Commission public workshop on proposed changes to inclusionary housing standards, staff worked with consultants Keyser Marston and Associates (KMA) to evaluate the economic impact the proposed changes would likely have on market-rate housing projects in Oceanside. KMA's pro forma analysis showed that the proposed changes to inclusionary housing standards – mitigated by the proposed concessions to building height and parking standards – would have a less than significant impact on the return on investment achieved under two development scenarios considered characteristic of future housing development in the City. Another key finding of the KMA study was that concessions to building height and parking standards are not essential to mitigating the economic impact of the proposed inclusionary standards on development in RE-B (Residential Estate) zoning districts; developers of RE-B properties can significantly increase their return on investment simply by achieving densities above the base allowance (of one dwelling unit per acre). Consequently, staff is not recommending that these concessions be available to RE-B projects that exceed base density. A summary report outlining KMA's findings is appended to this staff report as Attachment 5.

Legal Basis for the Second-Tier In-Lieu Fee

The City has partnered with two non-profit affordable housing developers to construct a 288-unit affordable housing project on a 15.3-acre site located on Mission Avenue between Carolyn Circle and Foussat Road. Known as Mission Cove, the proposed project currently has a financing "gap" estimated at \$85,000 per unit. This gap represents the amount of subsidy the City or other interests must contribute to the project to bring it to fruition. Compared to the typical financing "gap" associated with affordable housing development in San Diego County, the "gap" associated with the Mission Cove project is relatively low, in large part because of the economies of scale achieved with a 15-acre project site.

As the figures in Table 5 indicate, the combination of standard and second-tier in-lieu fees generated by projects exceeding base density fall substantially below the financing “gap” that would typically be associated with the reservation of ten percent of total units for inclusionary housing. Taking the example of the 30-unit high-density project cited in Table 5 and assuming a financing “gap” of approximately \$85,000 per inclusionary unit, reserving ten percent of total units (i.e., three units) would be expected to require a subsidy of roughly \$255,000. Under the proposed inclusionary housing standards for projects exceeding base density, payment in-lieu of providing affordable units would amount to \$171,800. Clearly, the proposed in-lieu fee structure is justified by the rough proportionality test that is commonly applied to fees meant to substitute for the required provision of a public benefit (in this case, affordable housing).

Inclusionary Housing in Commercial Zones

Much of the City’s future housing growth is projected to occur in conjunction with mixed-use development within commercial zoning districts – particularly along the Coast Highway, Oceanside Boulevard, and Mission Avenue commercial corridors. However, while most commercial zoning districts allow for housing in conjunction with mixed-use development, allowable residential densities in commercial zones are not expressed as density ranges, but only as a maximum density. Several commercial zoning districts located outside of the Downtown District and the Coastal Zone (i.e, CN, CC, CG, and CS-HO) permit housing in conjunction with mixed-use development at densities up to 29 du/acre, with no established base density allowance. In the C-2 zoning district along Coast Highway, residential densities up to 43 du/acre are permitted, with no specified base density. Consequently, the proposed inclusionary housing standards for projects exceeding base density would not be applicable to residential development in those commercial zones that currently allow residential uses.

Staff recommends that zoning text amendments be prepared to establish a density range of 29–43 du/acre in those commercial zones that currently allow for residential development (either as a stand-alone use or in conjunction with mixed-use projects). Because such an action would provide for densities not currently allowed in commercial zones, the potential environmental impacts of higher residential densities in commercial zones would have to be evaluated under the provisions of the California Environmental Quality Act (CEQA).

Downtown District

At present, zoning standards that govern the City’s Downtown District (formerly the Downtown Redevelopment Area) exempt residential development from inclusionary housing standards. Staff seeks direction as to whether zoning text amendments should be prepared to apply inclusionary housing standards to residential development in the Downtown District, in light of the termination of the area’s redevelopment status and the consequent loss of tax increment set-aside funds for affordable housing.

Palmer v. City of Los Angeles

California case law established in 2009 by *Palmer/Sixth Street Properties vs. The City of Los Angeles* disallows the application of inclusionary housing requirements to market-rate rental projects, under the premise that such requirements constitute a form of rent control. In response to this court decision, many California jurisdictions

(including the cities of San Diego, Solana Beach, and Carlsbad) have conducted nexus studies to demonstrate in quantifiable terms that new market-rate housing creates local demand for affordable housing, thereby justifying the assessment of affordable housing impact fees on market-rate housing development. Staff seeks direction as to whether the City ought to prepare such a nexus study. In the interim, the proposed inclusionary housing standards would only be applicable to for-sale market-rate housing projects.

State Density Bonus Law

In the spring of 2012, the City updated its Density Bonus Ordinance to accord with recent changes in state density bonus law. While drawing from the principles of state density bonus law, the proposed inclusionary housing standards and associated zoning concessions are entirely separate from the largely state-prescribed provisions of the City's Density Bonus Ordinance. The proposed inclusionary housing standards and associated zoning concessions do not allow for densities in excess of the maximums currently specified in the City's zoning standards.

Density Ranges by Zoning District

Examples provided in this staff report meant to illustrate how the proposed inclusionary housing standards would impact projects exceeding base density have focused on hypothetical high-density residential development, given that much of the City's future housing growth is expected to come in the form of high-density projects. However, the proposed inclusionary housing standards would, to varying extents, apply to all future housing development involving more than three dwelling units and located in residential zones outside of the Downtown District. The following table shows the density ranges for all those residential zones where the proposed inclusionary housing standards would be applicable. The table is meant to demonstrate that the relationship between base density and maximum density varies from district to district, resulting in differences in the percentage of total units achieved below and above base density. This, of course, has implications for the number of inclusionary units required and the amount of total in-lieu fees.

**Table 6
Residential Density Ranges**

| Density Category | Zoning Designation | Density Range (DU's per Acre) | Percentage Difference between Base & Maximum |
|------------------|--------------------|-------------------------------|--|
| Low Density | RE-A | 0.5 – 0.9 | 80% |
| | RE-B | 1.0 – 3.5 | 350% |
| | RS | 3.6 – 5.9 | 67% |
| | R-1 | 3.6 – 5.9 | 67% |
| Medium Density | RM-A | 6.0 – 9.9 | 65% |
| | RM-B | 10 – 15 | 50% |
| | RM-C | 15.1 – 20.9 | 38% |
| High Density | RH | 21.0 – 28.9 | 38% |
| | RH-U | 29.0 – 43.0 | 48% |
| | R-3 (East of I-5) | 15.0 – 29.0 | 93% |
| | R-3 (West of I-5) | 29.0 – 43.0 | 48% |

While the above table reveals a wide range of zoning districts in the City, most of these districts have few remaining land resources for new residential development. In particular, vacant land available for new single-family subdivisions is almost completely exhausted. In such a "built-out" environment, most new housing growth will have to be accommodated with already urbanized areas. Most of the vacant and underutilized land inventory available for new housing consists of either relatively small infill parcels in high-density residential zones or commercial properties that now accommodate marginal uses. Much of this inventory lies along or in close proximity to Coast Highway, Mission Avenue, Oceanside Boulevard, and Vista Way, with additional inventory made up of larger properties scattered along the City's northern and eastern boundaries. If future housing growth in the City were to be focused in transit-oriented corridors, in keeping with regional smart growth and sustainable development policies, most new housing would be comprised of high-density attached units on lots of less than an acre in size. Even at densities approaching 43 dwelling units per acre, many of these projects would not be required to provide affordable units, as their base density allowance would often be less than 10 units. However, through consolidation of small residential sites and redevelopment of larger commercial sites, it is possible that many projects in the City's urbanized areas would be subject to the proposed standards.

ENVIRONMENTAL DETERMINATION

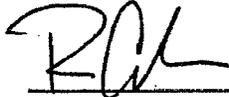
In accordance with the provisions of the California Environmental Quality Act (CEQA) Guidelines Section 15061 (b) (3), the proposed project does not have the potential for causing a significant effect on the environment and therefore is not subject to CEQA review.

SUMMARY

The proposed changes to the City's General Plan, Inclusionary Housing Ordinance, and Zoning Ordinance will contribute to the City's comprehensive affordable housing strategy and encourage housing growth in those areas of the City best able to accommodate it. Staff therefore recommends that the Planning Commission:

- Adopt Planning Commission Resolution No 2012-P56 recommending approval of General Plan Amendment (GPA12-00001), Zone Amendment (ZA12-00001), and Local Coastal Plan Amendment (LCPA12-00001) to the City Council with findings of approval attached herein.

PREPARED BY:



Russ Cunningham
Senior Planner

SUBMITTED BY:



John Helmer
Interim City Planner

JH/RC/fil

Attachments:

1. Planning Commission Resolution No. 2012-P56
2. Proposed General Plan Text Amendments
3. Proposed Inclusionary Housing Ordinance Text Amendments
4. Proposed Zoning Ordinance Text Amendments
5. Summary of Economic Impact Analysis (Keyser-Marston Associates)
6. Fact Sheet for City of San Diego Affordable Housing Parking Study
7. Memorandum: Planning Commission Public Workshop 4/3/12
8. Memorandum: City Council Public Workshop 9/26/12
9. Summary of Public Review Process

Scenario A – In-Fill Rental Apartments

Base Density @ 29.0 Units/Acre vs. Maximum Density @ 43.0 Units/Acre:

(1) Paying In-Lieu Fee; (2) Affordable Housing Developed On-Site @ 10% of Base Density

| Scenario A: In-fill Rental Apartments | | | |
|---|--|---|---|
| | Base Density @ 29.0 Units/Acre – Pay In- Lieu Fee | Maximum Density @ 43.0 Units/Acre – Pay In- Lieu Fee | Maximum Density @ 43.0 Units/Acre – Affordable Units @ 10% of Base Density |
| I. Project Description | | | |
| Number of Stories | 3 stories | 3 stories | 3 stories |
| Total Units | 13 units | 19 units | 19 units |
| Average Unit Size | 885 SF | 879 SF | 879 SF |
| Parking Type | Tuck-under | Podium | Podium |
| Parking Spaces | 25 spaces | 36 spaces | 36 spaces |
| Spaces/Unit | 1.9 spaces/unit | 1.9 spaces/unit | 1.9 spaces/unit |
| II. Income Mix | | | |
| Market-Rate Units | 13 units | 19 units | 18 units |
| Affordable Units | 0 units | 0 units | 1 unit |
| Pay In-Lieu Fee? | Yes | Yes | No |
| III. Financial Performance | | | |
| Assumed Market Rent | \$2.14/SF/mo. ¹ | \$2.20/SF/mo. | \$2.20/SF/mo. |
| Developer ROI ² | 5.4% | 5.2% | 5.1% |
| Increase/Decrease from Base Density | | (\$209,000) (\$11,000/unit) | (\$351,000) (\$18,500/unit) |
| Increase/Decrease from Maximum Density @ 43.0 Units/Acre – Pay In-Lieu Fee | | | (\$142,000) (\$7,500/unit) |
| IV. Key Findings | | | |
| | Base density project requires break-even market rents of \$2.14/SF/mo. – exceeding current market rents – to achieve adequate developer ROI. | Increasing project density to the maximum 43.0 units/acre will decrease the developer ROI. The higher-density project is less feasible due to higher construction costs. (This assumes that the developer can build at 43.0 units/acre and pay the in-lieu fee, i.e., no further requirements.) | Requiring the developer of a maximum 43.0 units/acre project to dedicate 1 affordable unit (10% of Base Density, rounded down) instead of paying the in-lieu fee further decreases the developer ROI – from 5.2% to 5.1%. |
| ¹ Reflects break-even rent. Current market rent for new generation apartments estimated at \$1.80/SF/month or say 15% lower. ² ROI = Unleveraged Return on Investment. | | | |

Scenario A – In-Fill Rental Apartments

Maximum Density @ 43.0 Units/Acre:

Affordable Housing Developed On-Site @ 10% of Base Density vs. Affordable Housing Developed Off-Site

| Scenario A: In-Fill Rental Apartments Maximum Density @ 43.0 Units/Acre | | |
|--|--------------------------------|---|
| | 10% of Base Density | Off-Site Affordable Housing Obligation |
| I. Project Description | | |
| Number of Stories | 3 stories | 3 stories |
| Total Units | 19 units | 19 units |
| Average Unit Size | 879 SF | 879 SF |
| Parking Type | Podium | Podium |
| Parking Spaces | 36 spaces | 36 spaces |
| Spaces/Unit | 1.9 spaces/unit | 1.9 spaces/unit |
| II. Income Mix | | |
| Market-Rate Units | 19 units | 18 units |
| Affordable Units | 1 unit | 1 unit |
| Pay In-Lieu Fee? | No | No |
| III. Financial Performance | | |
| Assumed Market Rent | \$2.20/SF/mo. | \$2.20/SF/mo. |
| Developer ROI ¹ | 5.1% | 5.1% |
| Increase/Decrease from Base Density | (\$351,000) (\$18,500/unit) | (\$310,000) (\$16,300/unit) |
| IV. Key Findings | | |
| | | This scenario tests the impact of allowing the developer of a maximum 43.0 units/acre project to fund the gap for 1 off-site affordable unit. It has essentially the same impact on the developer ROI as the requirement that the developer dedicate 1 affordable unit on-site. |
| ¹ ROI = Unleveraged Return on Investment. | | |

Scenario A – In-Fill Rental Apartments

Maximum Density @ 43.0 Units/Acre:

(1) Parking Ratio @ 1.5 Spaces/Unit; (2) Four-Story Building with Larger Units

| Scenario A: In-Fill Rental Apartments Maximum Density with Concessions Affordable Housing @ 10% of Base Density | | | |
|---|---|---|---|
| | Maximum Density @ 43.0 Units/Acre – Affordable Units @ 10% of Base Density | Parking Ratio @ 1.5 Spaces/Unit | 4-Story Building with Larger Units |
| I. Project Description | | | |
| Number of Stories | 3 stories | 3 stories | 4 stories |
| Total Units | 19 units | 19 units | 19 units |
| Average Unit Size | 879 SF | 879 SF | 1,145 SF |
| Parking Type | Podium | Podium | Podium |
| Parking Spaces | 36 spaces | 29 spaces | 36 spaces |
| Spaces/Unit | 1.9 spaces/unit | 1.5 spaces/unit | 1.9 spaces/unit |
| II. Income Mix | | | |
| Market-Rate Units | 18 units | 18 units | 18 units |
| Affordable Units | 1 unit | 1 unit | 1 unit |
| Pay In-Lieu Fee? | No | No | No |
| III. Financial Performance | | | |
| Assumed Market Rent | \$2.20/SF/mo. | \$2.20/SF/mo. | \$2.20/SF/mo. |
| Developer ROI ¹ | 5.1% | 5.2% | 6.0% |
| Increase/Decrease from Base Density | (\$351,000) (\$18,500/unit) | (\$175,000) (\$9,200/unit) | \$736,000 \$38,700/unit |
| Increase/Decrease from Maximum Density @ 43.0 Units/Acre – Affordable Units @ 10% of Base Density | | \$176,000 \$9,300/unit | \$1,087,000 \$57,200/unit |
| IV. Key Findings | | | |
| | | This scenario tests the benefit of allowing the developer to build fewer parking spaces in order to offset the impact of developing 1 affordable unit on-site. This reduced parking ratio scenario yields a developer ROI of 5.2%, slightly better than the maximum density scenario with payment of the in-lieu fee. | This scenario tests the benefit of allowing the developer to build a taller building, i.e., 4 stories instead of 3 stories, in order to offset the impact of developing 1 affordable unit on-site. This enables the developer to build larger units and to command view premiums. This taller building scenario yields a developer ROI of 6.0% – a significant improvement over all the scenarios tested. In other words, the value of the larger building more than offsets the affordability requirement. |
| ¹ ROI = Unleveraged Return on Investment. | | | |

Scenario B – For-Sale Single-Family Homes

Base Density @ 1.0 Units/Acre vs. Maximum Density at 3.5 Units/Acre:

(1) Paying In-Lieu Fee; Affordable Housing Developed On-Site @ 20% of Base Density

| Scenario B: For-Sale Single-Family Homes | | | |
|--|--|---|---|
| | Base Density @ 1.0 Units/Acre – Pay In- Lieu Fee | Maximum Density @ 3.5 Units/Acre – Pay In-Lieu Fee | Maximum Density @ 3.5 Units/Acre – Affordable Units @ 20% of Base Density |
| I. Project Description | | | |
| Total Units | 10 units | 35 units | 35 units |
| Average Unit Size | 3,000 SF | 2,257 SF | 2,257 SF |
| Parking Type | Attached garage | Attached garage | Attached garage |
| Parking Spaces | 30 spaces | 88 spaces | 88 spaces |
| Spaces/Unit | 3.0 spaces/unit | 2.5 spaces/unit | 2.5 spaces/unit |
| II. Income Mix | | | |
| Market-Rate Units | 10 units | 35 units | 35 units |
| Affordable Units | 0 units | 0 units | 2 units |
| Pay In-Lieu Fee? | Yes | Yes | No |
| III. Financial Performance | | | |
| Assumed Market Price | \$265/SF | \$211/SF | \$211/SF |
| Developer Profit | 9.5% | 11.1% | 10.2% |
| Increase/Decrease from Base Density | | \$268,000 \$7,700/unit | \$119,000 \$3,400/unit |
| Increase/Decrease from Maximum Density @ 43.0 Units/Acre – Pay In-Lieu Fee | | | (\$149,000) (\$4,300/unit) |
| IV. Key Findings | | | |
| | The base density project – at 1.0 unit/acre – yields a satisfactory developer return of 9.5% of market value. This scenario assumes average home prices of \$795,000, reflecting the large lot size. | Increasing the project density to the maximum 3.5 units/acre will increase the developer profit significantly. Fixed costs can be amortized over a larger unit count and the developer can achieve greater building efficiencies. (This assumes that the developer can build at 3.5 units/acre and pay in the in-lieu fee.) | This scenario assumes that the City requires the developer of a maximum 3.5 units/acre project to dedicate 2 affordable units (20% of Base Density) instead of paying the in-lieu fee. It is assumed that the developer will meet this obligation by funding the gap for 2 affordable units off-site. As a result, the developer loses some of the benefit derived in the previous scenario, but still exceeds the profit expectation from the base density scenario. |

City of San Diego

AFFORDABLE HOUSING PARKING STUDY



Fact Sheet #2: Understanding Parking Demands for Affordable Housing

INTRODUCTION

To understand parking conditions at existing affordable housing developments, the City of San Diego surveyed residents of existing affordable housing developments about the number of vehicles available to each household, vehicle use, travel patterns, number of persons per household, and the demographic characteristics of the residents of each household. In addition, a profile of each housing complex was developed based upon neighborhood characteristics (land use and transit) and characteristics of each housing complex. The on-site and off-site parking conditions were also identified and analyzed. About 2,750 surveys were distributed to 34 affordable housing developments, with a 37% return rate. Of those returned, 875 surveys from 21 sites were analyzed. The results of the analysis provide a foundation for evaluating potential modifications to parking requirements for future affordable housing developments.

KEY CONCEPTS

To understand parking demand at affordable housing developments, the study sought to measure the number of cars, trucks, and motorcycles that are owned, leased, rented, or provided by employers for each housing unit. This measure is referred to as "household vehicle availability." The number of vehicles available to each household is important because it is roughly equal to the number of parking spaces that would be required. Additional parking needs for on-site staff and visitors were also analyzed as part of the study. Although household vehicle availability is an important measure of the needed number of parking spaces, other factors such as proximity to transit and neighborhood walkability were found to have an impact on parking demand and should be considered in making decisions about parking requirements. Environmental impacts and costs associated with providing the parking, the surrounding neighborhood, and policy goals are also important.

CITY OF SAN DIEGO BASE PARKING REQUIREMENTS

| TYPE OF UNIT | BASE PARKING | TRANSIT AREA OR VERY LOW INCOME | PARKING IMPACT ZONE |
|--|---------------------------------|---------------------------------|---|
| Single Family Residences | | | |
| Detached single dwelling unit | 2 per dwelling unit | na | na |
| Detached housing for senior citizens | 1 per dwelling unit | na | na |
| Multi-Family Residences | | | |
| Studio up to 400 sf | 1.25 per dwelling unit | 1.0 per dwelling unit | 1.5 per dwelling unit |
| 1 bedroom / studio over 400 sf | 1.5 per dwelling unit | 1.25 per dwelling unit | 1.75 per dwelling unit |
| 2 bedrooms | 2.0 per dwelling unit | 1.75 per dwelling unit | 2.25 per dwelling unit |
| 3-4 bedrooms | 2.25 per dwelling unit | 2.0 per dwelling unit | 2.5 per dwelling unit |
| 5+ bedrooms | 2.25 per dwelling unit | 2.0 per dwelling unit | 2.5 per dwelling unit |
| Rooming houses | 1.0 per tenant | 0.75 per tenant | 1.0 per tenant |
| Boarder and lodger accommodations | 1.0 per two boarders or lodgers | 1.0 per two boarders or lodgers | 1.0 per boarders or lodger in beach impact area |
| Residential care facility (6 or fewer persons) | 1 per 3 beds or per permit | 1 per 4 beds or per permit | 1 per 3 beds or per permit |
| Transitional housing (6 or fewer persons) | 1 per 3 beds or per permit | 1 per 4 beds or per permit | 1 per 3 beds or per permit |
| Residential accessory uses: retail sales | 2.5 per 1,000 sf | 2.5 per 1,000 sf | 2.5 per 1,000 sf |
| Residential accessory uses: eating and drinking establishments | 5 per 1,000 sf | 5 per 1,000 sf | 5 per 1,000 sf |

Source: San Diego Municipal Code, Chapter 14, Article 2, Division 5

STRATEGIES FOR MEETING PARKING DEMANDS FOR AFFORDABLE HOUSING DEVELOPMENTS

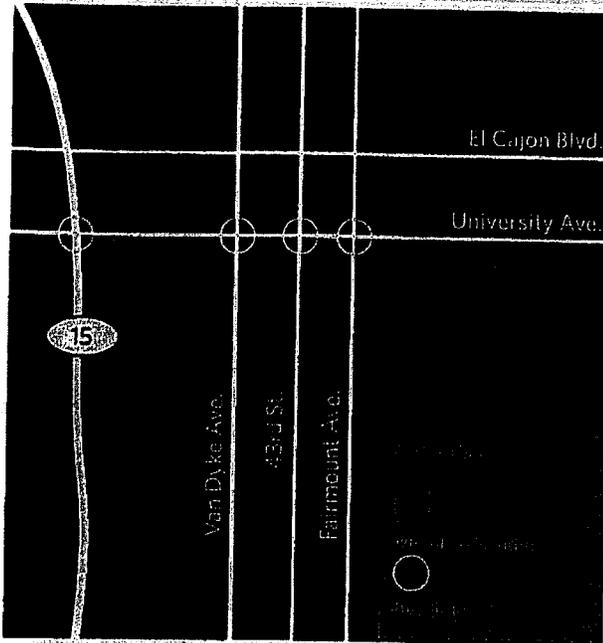
| STRATEGY | CITY | DETAILS |
|--|-------------------|---|
| Reduced Parking Minimum for Affordable Housing Units | Los Angeles, CA | Up to 50% reduction in parking for affordable housing units |
| | San Leandro, CA | 25% parking reduction for affordable housing units |
| | Santa Barbara, CA | 1 space per dwelling unit for affordable housing parking maximum |
| | Pasadena, CA | 25% parking reduction for affordable housing units |
| | Boulder, CO | Reduction in parking minimum for affordable housing based on site |
| | Denver, CO | 25% parking reduction for affordable housing units |
| | Eugene, OR | 0.67 spaces per affordable housing habitable room or 3 spaces total for dwelling unit, whichever is greater based on total available units |
| Reduced Parking Minimum for Senior Housing | Berkeley, CA | 75% parking reduction for senior or disabled living facility |
| | San Leandro, CA | 50% parking reduction for senior or disabled living facility |
| Reduced Parking Minimum for Affordable Housing in Proximity to Transit | Los Angeles, CA | Reduced parking minimum to 1 parking space per unit, for a project located within 1,500 ft of transit and having less than 3 habitable rooms per unit |
| | Portland, OR | No parking minimums for sites within 500 ft of transit service that has less than 20-minute headways |
| | San Leandro, CA | Additional parking reductions for affordable housing and/or senior/disable living dwelling units near transit |
| | Santa Clara, CA | 25% parking reduction for affordable housing units for developments near transit stations, containing mixed uses, or participating in a TDM plan |
| | Seattle, WA | 20% reduction in parking minimums if development is located within 80 ft of a transit station |
| Reduced Parking Minimum for Affordable Housing by Specific Location | Seattle, WA | Parking requirement reduced in urban areas |
| | Pasadena, CA | Alternative-parking requirement for all developments that contain affordable housing units located in Parking Benefit Districts |
| Parking Maximum for Affordable Housing | Seattle, WA | Parking maximum of 1 parking space per 2 affordable single-family dwelling units |

MINIMUM REQUIRED PARKING SPACES PER UNIT FOR MULTI-FAMILY DEVELOPMENTS

| City | Studio | AH Studio | 1 BR | AH 1BR | 2 BR | AH 2BR | 3 BR | AH 3BR |
|-------------------|---------|----------------------------|---------|----------------------------|---------|--|--------|----------------------------------|
| Boulder, CO | 1.0/DU | 1.0/DU | 1.0/DU | 1.0/DU | 1.0/DU | 1.0/DU | 1.5/DU | 1.0/DU |
| Eugene, OR | 1.0/DU | 0.67 per AH habitable room | 1.0/DU | 0.67 per AH habitable room | 1.5/DU | 0.67 per AH habitable room or 3 spaces total for dwelling unit | 1.5/DU | 3 spaces total for dwelling unit |
| Denver, CO | 1.0/DU | 0.8/DU | 1.0/DU | 0.8/DU | 1.25/DU | 1.0/DU | 1.5/DU | 1.0/DU |
| Long Beach, CA | 1.0/DU | Based on District | 1.5/DU | Based on District | 2.0/DU | Based on District | 2.0/DU | Based on District |
| Los Angeles, CA | 1.0/DU | 1.0/DU* | 1.0/DU | 1.0/DU* | 1.5/DU | 1.0/DU* | 2.0/DU | 1.5/DU* |
| Pasadena, CA | 1.0/DU | 1.0/DU | 2.0/DU | 1.0/DU | 2.0/DU | 2.0/DU | 2.0/DU | 2.0/DU |
| San Leandro, CA | 1.25/DU | 1.0/DU | 1.25/DU | 1.0/DU | 1.25/DU | 1.0/DU | 1.5/DU | 1.0/DU |
| Santa Barbara, CA | 1.25/DU | 1.0/DU | 1.5/DU | 1.0/DU | 2.0/DU | 1.0/DU | 2.0/DU | 1.0/DU |
| Santa Clara, CA | 1.0/DU | 0.75/DU** | 1.0/DU | 1.0/DU** | 2.0/DU | 1.5/DU** | 2.0/DU | 1.5/DU** |
| Seattle, WA | 1.0/DU | Based off District | 1.0/DU | Based off District | 1.0/DU | Based off District | 1.0/DU | Based off District |

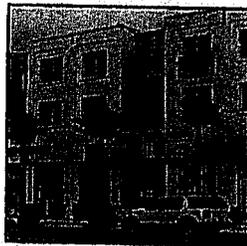
AH = Affordable Housing / * = if near transit station / ** = with TDM plan

PUBLIC WORKSHOP #1 MEETING LOCATION



WHAT IS AFFORDABLE HOUSING?

For the purpose of this study, affordable housing is defined as a development that receives government funding; has tenant/owner income restrictions; has occupancy restrictions (such as number in household, senior tenancy or special needs requirements); and/or are deemed as long-term affordable units.



CONTRIBUTING AGENCIES

San Diego-area agencies involved in housing planning and development are contributing to the study. These agencies include the Redevelopment Agency of the City of San Diego (consisting of the City Planning & Community Investment department - Redevelopment Division, Centre City Development Corporation, and Southeastern Economic Development Corporation), and the San Diego Housing Commission.



PROJECT WORKING GROUP

As part of this project, the City has formed the Affordable Housing Parking Study Project Working Group (PWG) to provide input and advisory recommendations. The PWG will meet throughout the project to discuss and guide the progress of the project. As such, a primary objective of the PWG is to engage the community in identifying parking regulation improvements within the project scope.

PUBLIC PARTICIPATION

Public input will play an essential role in the formulation of recommendations, programs, and priorities for the Affordable Housing Parking Study. Included in the study is an extensive public involvement strategy to ensure that the goals and policies in the plan reflect the priorities and concerns of the entire community. The City of San Diego has initiated a stakeholder-driven process whereby issues and ideas voiced by community members will guide project research, alternatives analysis, and recommendations.



Two public workshops will be conducted during the project. These will be timed with the planning process so that the community's input will inform the project team's work. The workshops will include different types of activities designed to actively engage participants in the process. The first workshop will be held on May 18th, 2010.

STUDY TASKS

This study is comprised of several integrated tasks designed to:

- Maximize community participation.
- Evaluate current policy documents and topical research.
- Extract valuable, statistically meaningful parking and socioeconomic data.
- Develop a parking demand tool.
- Draw upon lessons-learned from other communities.
- Develop appropriate policies to improve parking requirements for affordable housing within the city of San Diego.

For more information on the project, please visit the project website at:

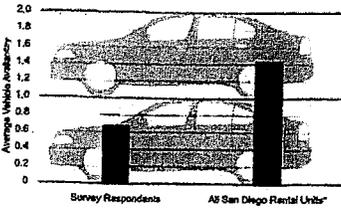
<http://www.sandiego.gov/affordpark/>

Results From Affordable Housing Resident Survey

AVERAGE HOUSEHOLD VEHICLE AVAILABILITY

On average, residents of affordable housing do not require as much parking as is typically required for rental housing in San Diego, which may justify the use of different parking requirements.

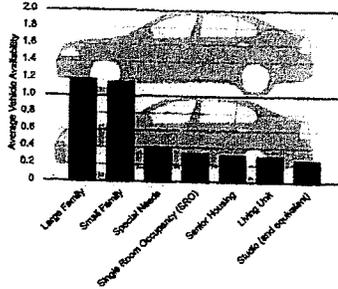
The results of the study show that the average level of household vehicle availability among survey respondents is almost half the average level for all rental housing units in San Diego.*



*Source: 2009-2008 U.S. Census American Community Survey

AVERAGE VEHICLE AVAILABILITY BY HOUSING TYPE

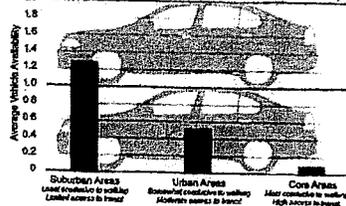
Large family and small family affordable housing have significantly higher average vehicle availability than all other housing types.



AVERAGE VEHICLE AVAILABILITY BY LAND USE AND TRANSPORTATION CONTEXT

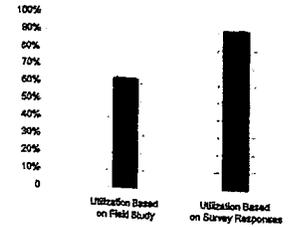
Neighborhood characteristics may influence vehicle ownership levels in affordable housing developments because people may not need cars if they can take transit or walk to destinations. The survey results showed that household vehicle availability is higher in areas that are less conducive to walking and have more limited access to transit.

As defined by a combined measure of the land use and transportation context, suburban areas have the highest mean vehicle availability and core areas have the lowest, with urban areas falling in the middle.



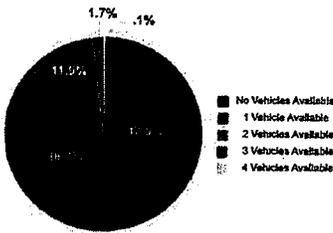
PARKING UTILIZATION

Overall, most of the affordable housing developments surveyed have unused parking. On-site parking utilization data indicated parking was less utilized than the household survey responses indicated. This is likely because data were collected at one point in time and the survey was based on the residents' aggregate experience. Overall, this indicates parking is oversupplied.



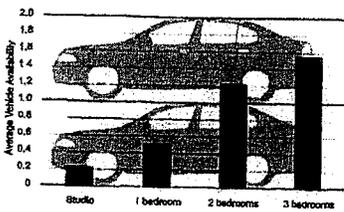
DISTRIBUTION OF RESIDENTS' HOUSEHOLD VEHICLE AVAILABILITY

Almost half the households surveyed had no vehicle and 38.7% had only one vehicle. Only 13.7% of households had more than one vehicle.



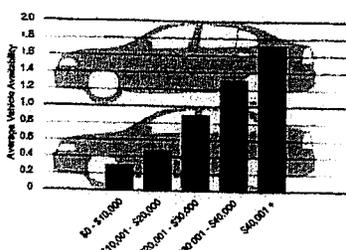
AVERAGE VEHICLE AVAILABILITY BY UNIT SIZE

Larger housing units, measured by number of bedrooms, are likely to have more residents, more drivers, and higher average vehicle availability.



AVERAGE VEHICLE AVAILABILITY BY HOUSEHOLD INCOME RANGE

Vehicle availability is higher in households with greater annual income.



OTHER RESULTS

- Average vehicle availability decreases in affordable housing developments with a higher percentage of residents over the age of 65. However, this is not considered individually significant because a senior housing development is likely to have a lower number of bedrooms AND more residents over 65 years of age.

POLICY CONSIDERATION

- The interrelationship of factors affecting parking demand at affordable housing is important when making decisions (e.g., housing type, unit size, location, and walkability).
- Priority should be given to distinct, measurable factors that are typically evaluated in the project development review process (e.g., unit size or location).

**DEVELOPMENT SERVICES DEPARTMENT/
PLANNING DIVISION**

MEMORANDUM

DATE: April 3, 2012

TO: Chairperson and Members of the Planning Commission

FROM: Russ Cunningham, Senior Planner

SUBJECT: **PLANNING COMMISSION PUBLIC WORKSHOP TO DISCUSS AFFORDABLE HOUSING IN CONJUNCTION WITH PROPOSALS TO EXCEED BASE DENSITY (GPA12-00001/ZA12-00001/LCPA12-00001)**

Background

In the spring of 2011, the City Council directed City staff to explore “voluntary incentives for affordable housing,” concurrent with the adoption of a revised methodology for calculating the City’s affordable housing in-lieu fee. To this end, City staff convened an affordable housing ad hoc committee to discuss ways to incent affordable housing in numbers exceeding those achieved over the past decade, during which the City facilitated the production of 565 new affordable units along with the rehabilitation and deed restriction of another 300 existing residential units.

Comprised of affordable housing advocates, for-profit and non-profit affordable housing developers, representatives of the Building Industry Association (BIA), real estate professionals, members of the City’s Planning and Housing Commissions, and City staff from Neighborhood Services and Development Services, the ad hoc committee convened six times between March and October 2011. Over the course of these six meetings, the committee considered enhancement of the City’s density bonus provisions (i.e. density bonus incentives beyond those prescribed by state law), the donation of City-owned property, the deferral of impact fees, streamlining of the development review process, relaxation of development standards in exchange for augmented affordable housing fees (coined the “O-ZIP” concept by the BIA), and new affordable housing requirements for proposals to exceed the City’s base density allowances.

The City’s current density bonus provisions do not reflect changes to state density bonus law adopted in 2005. Program 3 of the City’s current Housing Element (approved in 2009) indicates

that the City will update its density bonus provisions to accord with state law. As part of this update, staff has incorporated several additional provisions that reflect input received from the ad hoc committee, including language from the State Model Density Bonus Ordinance that gives the City the discretion to allow the off-site provision of required affordable units when doing so is deemed to be in the public interest

On January 9, 2012, staff introduced to the Planning Commission the concept of requiring that proposals to exceed base density allowances fulfill their affordability requirements under the City's Inclusionary Housing Ordinance without the option of paying the in-lieu fee. The Planning Commission requested a public workshop to discuss the economic impact of this concept on the development community.

Density Ranges

While residential density allowances are commonly expressed as a single density maximum for each zoning designation, land use and zoning standards in the City of Oceanside establish density ranges intended to motivate higher-quality development in exchange for a higher density allowance.

TABLE 1
Density Ranges

| Zoning Designation | Base Density | Maximum Density |
|--------------------|--------------|-----------------|
| RE-A | 0.5 | 0.9 |
| RE-B | 1 | 3.5 |
| RS | 3.6 | 5.9 |
| RM-A | 6.0 | 9.9 |
| RM-B | 10.0 | 15.0 |
| RM-C | 15.1 | 20.9 |
| RH | 21.0 | 28.9 |
| RHU/R-3 | 29 | 43 |

Proposals to exceed base density allowances require issuance of a Conditional Use Permit. The Land Use Element of the General Plan outlines several criteria to be considered in the evaluation of proposals to exceed base density allowances. These criteria applied to proposals to exceed base density allowances are appended to this memorandum as Attachment 3.

While residential uses are allowed in many of the City's commercial zoning districts – either in conjunction with mixed-use development or as standalone projects of a minimum scale – residential densities in commercial zones are not expressed as ranges. In non-coastal commercial zones that permit residential uses (i.e., those governed by the 1992 Zoning Ordinance), the density allowance is expressed simply as a maximum of 29 dwelling units per acre. Within the Coastal Zone and the City's downtown area (governed by the 1986 Zoning Ordinance and the Redevelopment Zoning Ordinance, respectively), the density allowance in commercial zones is set at a maximum of 43 dwelling units per acre.

Proposal

Staff recommends that the City's Inclusionary Housing Ordinance be amended to eliminate the in-lieu fee option for proposals to exceed the City's base density allowances. Under staff's recommendation, proposals to exceed base density would be required to restrict ten percent of dwelling units associated with the base density allowance as affordable to lower-income households. Given the large disparity between the base and maximum allowable density for the RE-B zoning designation, which allows maximum densities three and a half times above the base density allowance of one dwelling unit per acre, staff recommends that proposals to exceed the RE-B base density allowance be required to restrict 20 percent of dwelling units associated with the base density allowance as affordable to lower-income households.

Exemptions

Staff recommends that projects involving fewer than ten dwelling units under the base density allowance be allowed to meet affordability requirements through payment of the in-lieu fee. Staff further recommends that projects involving fewer than 20 units under the base density allowance be allowed to pay the in-lieu fee for any fractional affordability requirement. For example, a 20,000 square-foot property under R-3 zoning would have a base density allowance of 13 units and a maximum density allowance of 19 units, resulting in a 1.3-unit affordability requirement for a proposal to exceed base density. Under staff's recommendation, the project would be required to provide one affordable unit, with the option of paying the in-lieu fee for the residual 0.3 fractional unit requirement. It is staff's position that these exemptions are necessary to support the economic feasibility of smaller-scale projects, which will likely make up a significant share of the City's future housing growth. The following table illustrates how the proposed requirements would impact proposals to exceed base densities on one-acre properties under the City's various zoning designations.

TABLE 2
Proposed Affordability Requirements for One-Acre Housing Development

| Zoning Designation | Base Density | Maximum Density | Affordability Requirement |
|--------------------|--------------|-----------------|---------------------------|
| RE-A | 0.5 | 0.9 | In-Lieu Fee |
| RE-B | 1 | 3.5 | In-Lieu Fee |
| RS | 3.6 | 5.9 | In-Lieu Fee |
| RM-A | 6.0 | 9.9 | In-Lieu Fee |
| RM-B | 10.0 | 15.0 | 1 Unit |
| RM-C | 15.1 | 20.9 | 1 Unit |
| RH | 21.0 | 28.9 | 2 Units |
| RHU/R-3 | 29 | 43 | 3 Units |

Options for Meeting Affordability Requirements

Recognizing the need for flexibility, creativity and collaboration in the provision of affordable housing, staff recommends that projects subject to this new requirement be afforded a range of options for meeting it.

- Inclusion of required affordable units within the associated market-rate project;

- Provision of required affordable units at an off-site location, either as an independent project or in collaboration with other developers seeking to fulfill similar affordability requirements;
- Purchase, rehabilitation and deed restriction of existing market-rate units;
- Subsidy of an entitled affordable housing project, through the funding of the residual “gap” representative of the number of affordable units required;
- Donation of land of sufficient size and under appropriate zoning to accommodate the number of affordable units required.

The options enumerated above reflect suggestions that emerged last year during the deliberations of the affordable housing ad hoc committee. While many of these options were considered for inclusion in the City’s updated Density Bonus Ordinance, the California Department of Housing and Community Development (HCD) is not supportive of an explicit allowance for the off-site provision of affordable units with the context of state density bonus law. However, the recommended affordable housing provisions associated with proposals to exceed base density are not within the context of state density bonus law, thereby giving the City full discretion – under its local land use authority – to afford such flexibility.

With each of the options enumerated above, there are logistic and administration considerations that would have to be resolved to ensure proper implementation. For affordable units physically integrated into an otherwise market-rate housing development, mechanisms for monitoring rental rate limits and tenant qualifications would have to be established. For the subsidy of an entitled affordable housing project, appropriate “gap” figures would have to be initially calculated and then periodically adjusted to reflect current market conditions. Standards would have to be adopted for the rehabilitation of existing market-rate units. Staff has not attempted to work out such details, and would thus welcome Planning Commission input on how to implement the above options most effectively.

Concessions

To partially mitigate the economic impact of the proposed affordable housing provisions, and thereby render proposals to exceed base density allowances more economically feasible, staff recommends that such proposals be afforded the option of one of the following two concessions to applicable development standards:

- Reduced parking requirements, consistent with the findings of the 2010 SANDAG publication “Parking Strategies for Smart Growth” and the recent affordable housing parking study commissioned by the City of San Diego; or
- One additional story and an additional eight feet of building height above the height limit of the surrounding zone.

Similar to those required under state density bonus law, these concessions would not preclude the City from applying conditions of approval to mitigate potentially adverse impacts that might arise from them. For example, allowing an additional story would not preclude the City from requiring that building façades be articulated, or that certain finish materials or other architectural features be incorporated. Allowing a reduction in the number of required parking stalls would not preclude the City from requiring that these parking stalls be configured and/or screened in a certain way. In

short, these concessions would not compromise the City's wherewithal, through the discretionary review process, to condition project approvals to address community concerns and avoid adverse impacts.

Staff does not consider the concessions outlined above as being appropriate for single-family development, and thus these concessions have not been factored into the pro forma analysis discussed in a forthcoming section of this memorandum.

Impact Fee Deferral

In exchange for the provision of affordable units, staff recommends that proposals to exceed base densities be allowed to defer the payment of impact fees for a period of not less than three years, with these fees amortized through annual assessments on the property tax bill. Staff has not, as yet, formally analyzed the fiscal impact that such deferrals would have on City revenues, but such an analysis could be conducted should the Planning Commission direct staff to formalize its recommendations.

Summary

Appended to this memorandum as Attachment 1 is a one-page summary of these recommendations. The same summary will be included in staff's presentation at the workshop.

Economic Feasibility Analysis

To help stakeholders better understand the economic impact of the recommended changes to the City's affordable housing provisions, the Planning Division engaged Keyser Marston Associates (KMA) to conduct pro forma analysis of two residential development scenarios that represent the most prevalent kinds of new housing growth the City is expected to experience in the years ahead. Summary tables outlining the findings of KMA's pro forma analysis are appended to this memorandum as Attachment 3. Detailed pro forma assumptions and inputs can be provided upon request.

One of these scenarios involves high-density infill rental housing, which is expected to become a more common phenomenon on relatively small, underutilized properties within and adjacent to the City's transit-served commercial corridors (e.g. Coast Hwy, Oceanside Boulevard). The infill scenario analyzed by KMA unfolds on a 20,000 square-foot lot bearing an R-3 zoning designation. The second scenario involves greenfield for-sale single-family development, for which limited opportunities still exist in peripheral areas of the City (e.g. north of the San Luis Rey River). The greenfield scenario analyzed by KMA unfolds on a 10-acre property with an RE-B zoning designation. Both scenarios compare the economic impact of proposed affordable housing standards with the economic impact of the current in-lieu fee option.

The findings of the pro forma analysis support previous economic analyses which have shown that residential densities in the range of 30 to 50 dwelling units per acre are typically not economically feasible in the current housing market, given the incremental construction costs incurred when structured or subterranean parking is required. More specifically, with regard to the economic impact of the proposed affordable housing provisions, the pro forma analysis arrives at the following conclusions:

- **Scenario A (High Density Infill Rental Housing)**
 - Under the status quo (i.e. with the in-lieu fee option), exceeding the base density allowance of 29 du/acre and achieving the maximum allowable density of 43 du/acre would reduce the profitability of the project by two-tenths of a percentage point, from a 5.4% rate of return to a 5.2% rate of return;
 - When the proposed affordable housing provisions are applied, the estimated profit margin decreases by another one-tenth of a percentage point, from a 5.2% rate of return to a 5.1% rate of return;
 - With the proposed parking concessions, the estimate profit margin for the same project increases by one-tenth of a percentage point, back to the 5.2% rate of return estimated for projects developed under the status quo;
 - With the proposed building height and story-count concessions, the profit margin for the same project increases by nearly a full percentage point, to a 6.0% rate of return.

- **Scenario B (Greenfield For-Sale Single-Family Housing)**
 - Under the status quo, exceeding the base density allowance of one du/acre and achieving the maximum allowable density of 3.5 du/acre would increase the profitability of the project by more than 1.5 percentage points, from a 9.5% rate of return to an 11.1% rate of return;
 - When the proposed affordable housing provisions are applied, the estimated profit margin decreases by roughly one percentage point, to a 10.2% rate of return;
 - As noted above, no concessions were analyzed under Scenario B.

While acknowledging the extent to which the current cost of land, labor and building materials undercuts the economic feasibility of many housing development projects, staff interprets the KMA pro forma analyses as demonstrating that the proposed affordable housing provisions would have a less-than-significant economic impact on proposals to exceed base densities. While it could be argued that the proposed provisions would make difficult economic circumstances even more difficult for the development community, the pro forma analyses appear to show that the proposed provisions would not be a principal factor in one's decision to remain below or exceed a base density allowance.

At the same time, staff recognizes that the logistical and administrative challenges associated with the proposed provisions could be a disincentive to seek densities above the base allowance if the City does not set clear and consistent standards and protocols for meeting the associated requirements. To this end, staff seeks suggestions from the Planning Commission and other stakeholders as to how to make fulfillment of these requirements as straightforward as possible.

Concomitant General Plan and Zoning Text Amendments

In order to effectively implement the recommended changes to the City's Inclusionary Housing Ordinance, staff finds that the following General Plan and Zoning Text Amendments would be necessary:

- **Land Use Element of the General Plan**
 - Amend Policy 2.32 (Potential Range of Residential Densities) to modify the criteria to be applied to proposals to exceed base density.
- **Land Use Plan of the Local Coastal Program**
 - Amend Chapter 3, Section I (C)(3) (High Density Residential Land Uses) to change the allowable density range for high density residential uses from 15-43 du/acre to 29-43 du/acre;
- **1986 Zoning Ordinance**
 - Amend Section 313(4) (Zoning Consistency Matrix) to change the allowable density range for the R-3 zoning designation from 15-43 du/acre to 29-43 du/acre;
 - Amend Section 1506.E (Residential Uses in Commercial Zones) to replace the maximum density allowance of one dwelling unit per 1,000 square feet of lot area with an allowable density range of 29-43 du/acre.
- **1992 Zoning Ordinance**
 - Amend Section 1120 (Commercial Land Use Regulations) to allow mixed-use development in the CL, CS-L and CP zoning districts;
 - Amend Section 3042 (Mixed-use Plans) to replace the maximum density allowance for mixed-use development of 29 du/acre with an allowable density range of 29-43 du/acre;
 - Amend Section 1050(B) to remove the requirement that proposals to exceed base density allowances be subject to approval of a Conditional Use Permit.

The recommended changes to the General Plan would, in staff's estimation, make the proposed affordable housing provisions less onerous on the development community, without compromising important community values such as land use compatibility and the preservation of neighborhood character. The recommended changes to zoning standards would allow for consistent implementation of the proposed provisions, while broadening opportunities for housing in commercial zones in conjunction with mixed-use development.

Future Funding for Affordable Housing

With the recent demise of the City's redevelopment agency, as mandated by state law, the City has lost a major source of funding for affordable housing, that being the twenty percent (20%) "set-aside" of tax increment revenue generated by an expanding property tax base in the downtown area. This revenue source has provided a portion of funding for 386 affordable housing units the City has either produced or preserved over the past decade. With the recent dissolution of redevelopment agencies, there is no longer any ongoing tax increment "set-aside" funding for affordable housing.

An additional source of local funding for affordable housing over the past decade has been the affordable housing in-lieu fee, an option available to housing developers who are otherwise required to provide ten percent (10%) of all new for-sale dwelling units as affordable to lower-

income households. Between 2002 and 2010, the amount of the in-lieu fee remained unchanged at \$10,275 per unit. Under a revised methodology for calculation of the in-lieu fee approved in 2011, the currently in-lieu fee is \$1.15 per square foot. Using this figure, a 2,500 square foot residential unit would result in a \$2,875 in-lieu fee.

In 2000 and 2006, California voters approved bond measures that allocated approximately \$5 billion for affordable housing statewide. Dedicated to the construction, rehabilitation and preservation of nearly 12,000 shelter spaces and 58,000 affordable apartments, as well as mortgage assistance for over 57,000 California families, all of these bond funds have now been awarded. With state government facing significant budget shortfalls, no new statewide bond measures for affordable housing have been formally proposed.

In February 2012, state legislation was introduced to impose a \$75 fee on the recordation of real-estate documents to permanently fund a statewide trust fund to support the development, acquisition, rehabilitation, and preservation of affordable housing. At present, it is uncertain if or when this funding source will materialize, or how future affordable housing efforts in Oceanside would access such funding.

At the federal level, the Low Income Housing Tax Credit (LIHTC) program has contributed considerably to the funding of affordable housing in Oceanside. Under the LIHTC program, affordable housing development in Oceanside has been granted more than \$26 million in tax credits since 2005. This source of funding has been utilized for projects such as La Mision, Lil Jackson, Shadow Way, Country Club, and Cape Cod Villas

The LIHTC program remains an important funding source for affordable housing. The proposed Mission Cove affordable housing project will likely benefit from LIHTC funding, as would the type of project to be discussed by BIA member Jim Schmid at the workshop. However, as essential as the LIHTC program has been to the feasibility of affordable housing projects, the criteria for LIHTC funding has tended to inflate the cost of affordable housing, and, in turn, the amount of local subsidy needed to qualify such projects for tax credit financing and render them economically feasible.

Taken together, these facts regarding local, state, and federal funding for affordable housing speak to the ongoing challenge of producing and preserving adequate housing for Oceanside's lower-income households. While the provision of affordable housing remains a matter of national and statewide concern, diminishing resources at both the federal and state levels are placing a greater burden on local governments to identify creative and practical ways to meet the housing needs of their lower-income households.

Building Industry Response

Throughout the development of these recommendations, City staff has maintained regular dialogue with building industry representatives and other ad hoc committee participants. The proposed affordable housing provisions reflect a number of suggestions from the Building Industry Association (BIA), including the menu of options for fulfilling affordability requirements and the elimination of the CUP requirement for proposals to exceed base density. Appended to this memorandum as Attachment 2 is BIA correspondence that responds to staff's recommendations and

proffers an alternative that involves a two-tiered approach to affordable housing in-lieu fees. While staff does not support the BIA's suggestion that the proposed provisions operate as a voluntary program, staff sees opportunity for concurrence on several BIA points, including the suggestion that incentives like parking reductions and increased height maximums be established as by-right allowances (with the caveat that appropriate mitigation of potential adverse impacts be determined through the discretionary review process).

Recommendation

In light of the economic and logistical challenges the City of Oceanside faces in facilitating the development of affordable housing for both current and future residents – challenges magnified by recent changes in state law – staff finds that the provision of affordable housing in exchange for densities in excess of base allowances would serve as a reasonable and effective component of the City's overall affordable housing strategy. Staff thus recommends that the Planning Commission direct staff to further refine the proposed affordable housing provisions and return these provisions to the Planning Commission for its formal review and approval as soon as possible.

Affordable Housing in Conjunction with Proposals to Exceed Base Density

Staff Recommendation:

For proposals to exceed base density allowances, require that ten percent of dwelling units associated with the base density allowance be reserved as affordable, without the option of paying the current affordable housing in-lieu fee

Options for Fulfilling Affordable Housing Requirements:

- On-site construction of new affordable units
- Off-site construction of new affordable units
- Gap financing for a qualified affordable housing project
- Acquisition, rehabilitation and deed restriction of existing market-rate units
- Donation of land of adequate size and zoning to accommodate required affordable units

Exemptions:

Projects of fewer than 10 units under the base density allowance have the option of paying in-lieu fees
Projects of fewer than 20 units under the base density allowance receive a waiver of fractional unit requirements

Incentives:

Reduced parking requirements consistent with the findings of regional parking studies
One additional story and an additional eight feet of building height
Deferral of development impact fees (amortized over a period of not less than three years)

Regulatory Changes

Eliminate CUP requirement for proposals to exceed base density
Revise General Plan criteria for proposals to exceed base density
Create density ranges for zoning designations that have only density maximums

Oceanside Affordable Housing Discussion Memo

BIA Comments:

The industry still requires that the program be voluntary. However, it will agree to a two tiered Affordable Fee program should a builder elect to not directly provide affordable housing stock in the City of Oceanside.

Tier 1: Pay fees as currently contemplated in the existing ordinance for all units in a project that are at, or below base density.

Tier 2: Pay an increased fee of \$10,000 per unit, for every unit approved above the base density.

Example: Assume that a project is approved at 28 units per acre, in a zone that allows a range of between 18 – 47 units per acre. Under this scenario the project would pay the existing fee on the first 18 units per acre, plus an additional \$10,000 for the 8 units above the base density.

The following comments relate to your 1 page handout that you provided to us on March 14, 2012 (Copy attached).

- First, participation should give the builder the “Right” to utilize all the concessions in development standards (as grouped by Urban or Suburban), vs. make the project “eligible”. Our members need underwriting certainty for equity partners and lenders. Additionally, this will garner greater participation by builders.
- Those who participate must be given assurance that participation is in lieu of paying the Tier 1 and Tier 2 affordable fees.
- On-site and Off-site construction of units: The units constructed should be of size and specification criteria as specified within HUD requirements (for sale homes), and/or TCAC requirements (for rental homes). There should not be a requirement to provide comparable scale and scope affordable units for the market rate homes that are being mitigated. Such requirements are wasteful and overly burden a builder in electing to participate in the program.
- Clarify that should a builder provide “Gap Financing”, such provision may only be for a portion of the gap, due to other funding sources, or multiple builders participating in the construction of one affordable project.
- Land Donation: The land donated should be assumed to have the maximum allowable density within the zoning.

Concessions:

IN THE "STAFF RECOMMENDED CHANGES" DOCUMENT, IT SAYS "PROPOSALS TO EXCEED BASE DENSITY ALLOWANCES ARE ELIGIBLE FOR CONCESSIONS...." IT SHOULD SAY THAT "PROPOSALS TO EXCEED BASE DENSITY ALLOWANCES SHALL BE ELIGIBLE TO RECEIVE ALL OF THE FOLLOWING CONCESSIONS...."

Urban (need to clarify the applicable zones)

- Projects that provide onsite Affordable units would adhere to project parking requirements pursuant to the affordable housing parking study commissioned by the City of San Diego.
- Building Height: We are assuming that the project would get one additional inhabitable living floor, plus an additional 8 feet to permit the construction of a less costly roof structure. Is this the intent?

Suburban

- Affordable project's built in the Suburban area's will also provide parking as outlined in the affordable housing parking study commissioned by the City of San Diego (only applicable to the affordable units, not market rate).
- Affordable project's built in the Suburban area's will also get the advantage of the height incentives included above (only applicable to the affordable units, not market rate).
- Lot Sizes: Minimum lot sizes would be reduced to allow for a property owner to achieve a density as permitted in a property's zoning.
- Sideyard Setbacks: There would be an allowable reduction in side yard setbacks of 20% on 50% of the market rate units. For example, if the setback is 5', it can be reduced to 4' on 50% of the units. If the setback is 10', it can be reduced to 8' on 50% of the units.
- Rearyard Setbacks: On single story homes, the rear yard setback reduced by 15%. For example, if a setback requirement is 25', the allowable setback on single story homes would be 21.25'.

Impact Fee Deferral: Remove limitation to onsite units – all units constructed via the program should be eligible for a fee deferral. All deferred fees to be paid out of project cash flow, subordinate to the property's operating expenses and debt service. The deferral period should not exceed 25 years from the time that the project is placed into service.

Process: What will be the process to get this program enacted. Will CEQA review, etc. be required.

ATTACHMENT 2

OPTION B

Should a project exceed the base density and the developer elect not to provide affordable units as provided for in Section A above, the developer would have the option to "buy-out" of the inclusionary requirement. The "buy-out" fees would be as follows:

1. Tier 1: Pay fees as currently contemplated in the existing ordinance for all units in a project that are at or below the base density.
2. Tier 2: Pay an increased fee per unit, for every unit approved above the base density.

(The amount of this fee is subject to Council direction on September 26, 2012. Possible options include:

- i. Negotiate the fee on a project by project basis, as noted in Option 1, Section 4.c, above.
- ii. Conduct a comprehensive economic analysis to calculate a standardized Tier 2 fee.
- iii. Establish the fee at 7 times the fee as established in the existing ordinance for below base density units.



City of Oceanside
Development Services Department
Administration

Memorandum

Date: September 26, 2012

To: Honorable Mayor and City Councilmembers

From: Peter Weiss, City Manager 
 George Buell, Development Services Director 

Subject: **Request for Council Direction on Proposed Revision of the City's Inclusionary Housing Ordinance (Article 14C) as Related to a Second Tier In-Lieu Fee**

Background

In response to Council direction to explore voluntary incentives to encourage the construction of affordable housing, staff engaged stakeholders with interest in this effort. Included among the stakeholders were representatives from the building industry, affordable housing advocates/developers, interested citizens, and appointees from the Housing and Planning Commissions. As seen in Attachment 1, additional background on this was provided to Council in a memorandum dated July 27, 2012.

Discussion

A summary of the proposed program, which has been met with general consensus of the stakeholders and Planning Commission, is provided as Attachment 2.

The one remaining issue relates to a proposed second tier in-lieu fee—a fee that could be paid by a developer whose project exceeds the base zoning density (but does not exceed maximum density) instead of actually constructing affordable units.

The objective of a second tier fee is two-fold:

1. To create a new affordable housing development funding source for the City; and
2. To allow a builder to simply pay a fee instead of actually constructing units required under this program.

The amount at which the fee is set should be roughly commensurate with the financing gap commonly associated with affordable housing development in the San Diego region. This gap is generally defined as the difference between the actual cost of project implementation and its revenue potential.

Request for Council Direction on Proposed Revision of the City's Inclusionary Housing Ordinance (Article 14C) as Related to a Second Tier In-Lieu Fee

Staff believes that the second tier fee should be established either by following a study performed by a qualified economic consultant or negotiated on a project-by-project basis. On the other hand, building industry representatives opine that the second tier in-lieu fee should be set at a flat amount of seven times the existing in-lieu fee. (This fee is currently set at \$1,000 per development, plus \$100 per unit, plus \$1.31 per square-foot.) This fee is not subject to a nexus study, because it is not considered an impact fee as defined in State law.

Council Direction Needed

In light of the differences in approaches proposed by staff and the building industry, prior to proceeding with work associated with drafting ordinance language to amend the General Plan, Zoning Ordinances and the Local Coastal Program, staff seeks Council direction as to which, if any, of the following alternatives should be used to address the second tier in-lieu fee:

- i. Negotiated on a project by project basis, as noted in Option 1, Section 4.c of the Program Summary (Attachment 2); or
 - ii. Conduct a comprehensive economic analysis to calculate a standardized Tier 2 fee; or
 - iii. Establish the fee at seven times the fee as established in the existing ordinance for below base density units.
-

Attachment 1: Memorandum dated July 27, 2012, "Update on Proposed Revision of the City's Inclusionary Housing Ordinance (Article 14C)"

Attachment 2: Proposed Program Summary

Copies to: Planning Commission
Housing Commission
Affordable Housing Ad-Hoc Committee
Building Industry Association
Parties of Record



City of Oceanside
Development Services Department
Administration

ATTACHMENT 1

Memorandum

Date: July 27, 2012

To: Honorable Mayor and City Councilmembers

Through: Peter Weiss, City Manager *W*

From: George Buell, Development Services Director *[Signature]*

Subject: **Update on Proposed Revision of the City's Inclusionary Housing Ordinance (Article 14C)**

In spring 2011, in conjunction with changes to the methodology for calculating the City's affordable housing in-lieu fee, the City Council directed staff to explore voluntary incentives for affordable housing – i.e., policies and programs that would encourage market-rate housing developers to incorporate affordable units into their projects, rather than simply paying the in-lieu fee. To this end, City staff assembled an ad hoc committee of affordable housing advocates, building industry representatives, community members, appointed City officials, and City staff to consider ways to accomplish this. Convening over an eight-month period between March and October of 2011, this committee reached a general consensus that the City should consider new affordable housing standards for proposals to exceed the City's base density allowances – standards that would essentially require such projects to reserve at least ten percent of total units as affordable to lower-income households, without the option of paying the current in-lieu fee as prescribed in Municipal Code Article 14C.

At an April 3, 2012 Planning Commission public workshop, staff recommended that proposals to exceed the City's base density allowances be able to fulfill the affordable housing requirements of Article 14C through the following five alternatives:

- 1) Inclusion of required affordable units within the associated market-rate project;
- 2) Provision of required affordable units at an off-site location, either as an independent project or in collaboration with other market-rate developers seeking to fulfill affordability requirements;
- 3) Purchase, rehabilitation, and income-restriction of existing market-rate units;
- 4) Subsidy of an entitled affordable housing project, through the funding of the residual "gap" representative of the number of affordable units required;
- 5) Donation of land of adequate size and under appropriate zoning to accommodate the number of units required.

Update on Proposed Revision of the City's Inclusionary Housing Ordinance (Article 14C)

In addition, the following incentives were also proposed:

- 1) Reduced parking requirements, consistent with the finding of the 2010 SANDAG publication "Parking Strategies for Smart Growth" and the recent affordable housing parking study commissioned by the City of San Diego; or
- 2) One additional story and an additional eight feet of building height above the height limit of the surrounding zone.

In an effort to ensure the economic viability of staff's recommendations, the services of Keyser-Marsten Associates (KMA) were engaged, and KMA staff attended and participated in the April 3 public workshop.

Immediately prior to and at the public workshop, building industry representatives suggested the establishment of a "second-tier" in-lieu fee equivalent to seven times the current in-lieu fee (to be assessed only on units achieved above base densities). This concept was generally embraced by the Planning Commission, but the amount of the fee required additional vetting, and a decision was made to establish a subcommittee to assist in refining staff's recommendations and incorporate the building industry's input.

In order to ensure that the methodology for developing the "second-tier" in-lieu fee is reasonable, transparent and defensible, staff recommended the re-engagement of KMA. The subcommittee concurred. However, this additional work requires Council approval of a new Professional Services Agreement.

In recent weeks, building industry representatives have expressed opposition to a fixed "second-tier" in-lieu fee and the additional time and cost associated with establishing such a fee. Instead, the industry hopes for the fee to be negotiated on a project-by-project basis. This approach, while understandable, does not appear to be consistent with what staff and the Planning Commission understood to be the mutually agreed-upon approach identified at the April 3 public workshop.

Staff agrees with building industry representatives that engaging KMA would be unnecessary if, ultimately, the City Council prefers that the "second-tier" in-lieu fee is to be negotiated on a project-by-project basis.

Therefore, on August 15th staff will seek Council direction as to whether the "second-tier" in-lieu fee should be fixed or if it should be negotiated on a project-by-project basis. In addition, a third option of establishing a formula wherein project-specific variables could be used to set this fee may also be presented.

cc: Planning Commission
John Mullen, City Attorney
Barbara Hamilton, Assistant City Attorney

ATTACHMENT 2

Proposed Program Summary

Inclusionary Housing Standards for Projects that Exceed Base Density Allowances

Preamble: Development projects within the RS, RM, R3, RH and RT zoning districts, proposing to exceed the base density but which shall remain below the maximum density shall have the right to satisfy current inclusionary housing standards through either Option A or Option B as described below:

OPTION A

For development projects proposing to exceed the base density but remain below the maximum density, the project would satisfy current inclusionary housing standards by the following means:

1. Projects involving fewer than 10 base density units would maintain the option of paying the standard affordable housing in-lieu fee.
2. For projects that exceed base density allowances and involve 10 or more base density units, payment of the standard in-lieu fee would not be an option for meeting inclusionary housing requirements.
3. For projects that exceed base density allowances and involve between 10 and 19 base density units, fractional inclusionary housing requirements of less than 0.75 units would be rounded down. For projects that exceed base density allowances and involve 20 or more units, fractional inclusionary housing requirements of 0.50 or above would be rounded up.
4. In place of the standard in-lieu fee option, projects exceeding base density allowances and involving 10 or more base density units may receive the benefit from any one or any combination of the following additional options for meeting inclusionary housing requirements:
 - a. Purchase, rehabilitation and reservation of existing market-rate units for low and moderate-income households;
 - b. Donation of land of sufficient size and under appropriate zoning to accommodate the required number of reserved units;
 - c. Direct subsidy of a qualified affordable housing project, with the amount of subsidy determined through negotiation between the affordable housing developer and the developer seeking to meet inclusionary housing requirements;

ATTACHMENT 2

- d. Provision of required affordable units at an off-site location, either as an independent project or in collaboration with other market-rate developers seeking to fulfill affordability requirements.
 - e. Minimum lot sizes shall be reduced to allow the development project to achieve a certain density as permitted under the zoning code.
 - f. Reduced parking requirements for reserved units, with the reduced requirements being commensurate with the findings of the City of San Diego Affordable Housing Parking Study.
5. The following incentives would all be available for high density and mixed use projects that exceed base density allowances and provide on-site affordable units (i.e., those that do not opt to purchase "reserve unit credits" to meet inclusionary requirements):
- a. One additional story, not to exceed eight (8) additional feet above the maximum height allowed in the surrounding zoning district;
 - b. Reduced parking requirements for both market-rate and reserved units, with the reduced requirements for reserved units being commensurate with the findings of the City of San Diego Affordable Housing Parking Study.
6. To further incent the provision of inclusionary housing in conjunction with projects that exceed base density allowances, revise the criteria for exceedance of base density outlined in the land Use Element of the General Plan (Policy 2.32) and eliminate the CUP requirement for exceedance of base density.
7. To further encourage housing growth within the City's transit-served commercial corridors, extend the allowance for mixed-use development to Commercial limited (CI), Special Commercial limited (CS-1) and Commercial Professional (CP) zones
8. In order to apply the above provisions to mixed-use development, create a universal density range of 29-43 du/acre for the residential component of mixed-use projects in commercial zones.
9. Affordable units constructed onsite or offsite shall also be eligible for impact fee deferrals to be paid prior to close of escrow.
10. All affordable units constructed onsite or offsite, should be of size and specification criteria as specified within HUD requirements (for sale homes), and/or TCAC requirements (for rental homes). There shall not be a requirement to provide comparable scale and scope affordable units for the market rate homes that are being mitigated.

ATTACHMENT 2

OPTION B

Should a project exceed the base density and the developer elect not to provide affordable units as provided for in Section A above, the developer would have the option to "buy-out" of the inclusionary requirement. The "buy-out" fees would be as follows:

1. Tier 1: Pay fees as currently contemplated in the existing ordinance for all units in a project that are at or below the base density.
2. Tier 2: Pay an increased fee per unit, for every unit approved above the base density.

(The amount of this fee is subject to Council direction on September 26, 2012. Possible options include:

- i. Negotiate the fee on a project by project basis, as noted in Option 1, Section 4.c, above.
- ii. Conduct a comprehensive economic analysis to calculate a standardized Tier 2 fee.
- iii. Establish the fee at 7 times the fee as established in the existing ordinance for below base density units.

Summary of Public Review Process to Date
GPA12-00001/ZA12-0000/LCPA12-00001

In the spring of 2011, in conjunction with changes in the means of calculating the City's inclusionary housing in-lieu fee, the City Council directed staff to explore voluntary incentives for affordable housing. To this end, staff convened an ad hoc committee to discuss ways to encourage market-rate housing developers to contribute more substantively to the City's supply of income-restricted housing units. Composed of building industry representatives, affordable housing advocates, real estate professionals, and members of the Housing and Planning Commissions, this ad hoc committee came together on five separate occasions between April and October of 2011.

While the ad hoc committee did not reach consensus as to how best to incent market-rate housing developers to do anything other than pay the current inclusionary housing in-lieu fee, a majority of committee members expressed support for a combination of modified inclusionary housing requirements and new regulatory incentives for projects that exceed the City's base density allowances. Specifically, a majority of committee members favored staff's recommendation to eliminate the inclusionary housing in-lieu fee option for projects that exceed base density, while concurrently affording such projects: 1) additional options for meeting inclusionary housing requirements; and 2) concessions to building height and parking standards.

In April of 2012, the Planning Commission conducted a public workshop to discuss changes to inclusionary housing standards for projects exceeding base density. At this workshop, City staff presented specific recommendations discussed by the ad hoc committee and provided a pro forma analysis – prepared by Keyser Marston Associates – analyzing how these recommendations would affect the return on investment achieved by the types of future housing projects likely to be implemented under these standards. Formal comment was also provided by several building industry representatives, including a proposal to establish a “second-tier” in-lieu fee for dwelling units achieved above base density. This public workshop concluded with the Planning Commission directing staff to include a “second-tier” in-lieu fee option among the proposed changes to the Inclusionary Housing Ordinance.

Subsequent to the Planning Commission public workshop, staff conferred with building industry representatives to determine the most appropriate means of calculating a “second-tier” inclusionary housing in-lieu fee. While staff proposed a fee calculation method based on the financing “gap” commonly associated with income-restricted housing – with the actual fee amount to be justified through a fee study – building industry representatives argued for a fee of \$12,250 per unit achieved above base density. According to building industry representatives, this fee amount reflects a cost threshold beyond which the development community would simply choose to conform to base density allowances and thereby avoid a “second-tier” in-lieu fee.

