

STAFF REPORT



ITEM NO. 25

CITY OF OCEANSIDE

DATE: August 21, 2013

TO: Honorable Mayor and City Councilmembers
Chair and Members of the Community Development Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF ZONE AMENDMENT (ZA12-00008) AND LOCAL COASTAL PLAN AMENDMENT (LCPA12-00003) AMENDING ZONING REGULATIONS TO ALLOW EMERGENCY HOMELESS SHELTERS BY-RIGHT WITHIN CERTAIN LIGHT INDUSTRIAL ZONES AND DEFINE TRANSITIONAL AND SUPPORTIVE HOUSING AS RESIDENTIAL USES SUBJECT ONLY TO THOSE RESTRICTIONS THAT APPLY TO OTHER RESIDENTIAL DWELLINGS OF THE SAME TYPE IN THE SAME ZONE, IN ACCORDANCE WITH STATE LAW AND THE CITY'S HOUSING ELEMENT FOR THE FIFTH HOUSING ELEMENT CYCLE (2013-2021), AND ESTABLISHING THE AMENDED TEXT AS PART OF THE IMPLEMENTING DOCUMENT OF THE LOCAL COASTAL PROGRAM – HOUSING ELEMENT PROGRAM 11 (EMERGENCY SHELTERS, TRANSITIONAL/SUPPORTIVE HOUSING)
– APPLICANT: CITY OF OCEANSIDE**

SYNOPSIS

Staff recommends that the City Council/CDC introduce an ordinance approving amendments to Articles 2, 5, 7, and 32 of the 1986 Zoning Ordinance, Articles 3, 4, 10, 13, and 30 of the 1992 Zoning Ordinance, and Articles 3 and 4(A) of the Redevelopment Zoning Ordinance; and adopt a resolution approving a Local Coastal Program Amendment to apply the proposed amendments related to transitional and supportive housing to all residential zones within the Coastal Zone.

The subject text amendments would revise zoning regulations to:

- Allow emergency shelters by-right within certain light industrial zones, subject to objective development and operational standards; and
- Define transitional and supportive housing as residential uses permitted by-right in all residential zoning districts and subject only to the same restrictions imposed upon other residential uses permitted in the same zoning district.

BACKGROUND

In the fall of 2007, Senate Bill 2 amended state housing law to require that local governments: a) identify at least one zone of sufficient capacity where emergency shelters are permitted by-right; and b) define transitional and supportive housing as residential uses subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.

On April 17, 2013, the City Council considered and approved an update to the City's Housing Element for the Fifth Housing Element Cycle (2013-2021). Program 19 of the updated Housing Element calls for zoning text amendments to achieve compliance with those provisions of Senate Bill 2 related to emergency shelters and transitional and supportive housing.

ANALYSIS

The proposed zoning text amendments are analyzed in the June 24, 2013 Planning Commission staff report, appended to this staff report as Attachment 4. This analysis provides the rationale for selecting light industrial zones as the most appropriate to accommodate emergency shelters, explains why the CUP requirement for emergency shelters should remain in place for certain light industrial properties, and discusses how transitional and supportive housing facilities are regulated and held accountable by the government agencies and charitable organizations that typically subsidize them. Map exhibits showing the location of the City's light industrial zones are appended to the Planning Commission staff report (Attachment 4).

Senate Bill 2 prescribes the type of development and operational standards that local jurisdictions can impose on emergency shelters. In keeping with the parameters established by Senate Bill 2, the proposed standards for emergency shelters include the following:

- Maximum number of beds (50);
- Hours of operation (4:00PM to 9:00AM);
- Maximum stay (120 days within a 365-day period);
- Maximum concentration (no shelters within a 300-foot radius of one another);
- Sanitation facilities (One toilet, sink, and shower for every eight beds);
- Required safety and security plan.

The proposed amendments are fundamentally intended to bring the City's zoning regulations into compliance with those provisions of state housing law related to emergency shelters and transitional and supportive housing. As indicated in correspondence to the City from the California Department of Housing and Community Development (HCD), appended to the Planning Commission staff report (Attachment 4), the City's recently-adopted Housing Element will receive a final compliance determination from HCD once the requisite changes to the City's zoning regulations have been adopted. A final compliance determination from HCD will effectively certify

that the City has fulfilled its obligations under the Regional Housing Needs Assessment (RHNA), thereby maintaining the City's eligibility for a range of grant funding opportunities. While HCD expects the City to implement other Housing Element action items in a timely manner (i.e., revisions to zoning regulations applicable to accessory dwelling units, farmworker housing, and reasonable accommodation), HCD's final compliance determination for the Housing Element is not contingent upon completion of these other action items.

Environmental Determination

In accordance with the California Environmental Quality Act (CEQA), staff has reviewed the proposed project and determined that there is no possibility that the activity will have a significant effect on the environment. Therefore, pursuant to CEQA Guidelines Section 15061(b)(3) (General Rule), the activity is not subject to CEQA. However, while environmental review is not warranted at this time, such review would be conducted prior to the approval of any future projects subject to the proposed zoning standards for emergency shelters and transitional/supportive housing.

COMMISSION/COMMITTEE REVIEW

On June 24, 2013, the Planning Commission reviewed the proposed zoning text amendments and recommended by a 6-0 vote that the City Council adopt these amendments with no changes.

Subsequent to Planning Commission review of the proposal, staff recognized that the proposed prohibition on emergency shelters within 300 feet of residential uses would effectively preclude emergency shelters on any of the light industrial properties located along Oceanside Boulevard between Interstate 5 and Hoover Street (where staff recommends that emergency shelters be subject to a Conditional Use Permit). Staff thus recommends that the proposed standard prohibiting emergency shelters within 300 feet of residential uses be replaced with a standard that instead requires emergency shelters within 300 feet of residential uses to be subject to a Conditional Use Permit. This recommended standard is articulated in Exhibit J of the attached ordinance.

CITY ATTORNEY'S ANALYSIS

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

After conducting the public hearing, the Council shall affirm, modify, or reject the Planning Commission's recommendation with regard to the Zone Amendment. After conducting the public hearing the Council shall approve, modify or reject the proposed

Local Coastal Program Amendment. A modification not previously considered by the Commission shall be referred to the Commission for review and report prior to adoption of the proposed Zone Amendment.

RECOMMENDATION

Staff recommends that the City Council/CDC introduce an ordinance approving amendments to Articles 2, 5, 7, and 32 of the 1986 Zoning Ordinance, Articles 3, 4, 10, 13, and 30 of the 1992 Zoning Ordinance, and Articles 3 and 4(A) of the Redevelopment Zoning Ordinance; and adopt a resolution approving a Local Coastal Program Amendment (LCPA12-00003) to apply the proposed amendments related to transitional and supportive housing to all residential zones within the Coastal Zone.

The subject text amendments would revise zoning regulations to:

- Allow emergency shelters by-right within certain light industrial zones, subject to objective development and operational standards; and
- Define transitional and supportive housing as residential uses permitted by-right in all residential zoning districts and subject only to the same restrictions imposed upon other residential uses permitted in the same zoning district.

PREPARED BY:



Russ Cunningham
Senior Planner

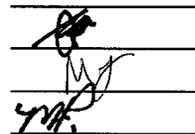
SUBMITTED BY:



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. Ordinance amending 1986, 1992, and Redevelopment Zoning Ordinances
2. Exhibits "A-K" (1986, 1992, and Redevelopment Zoning Ordinance Legislative Drafts)
3. City Council/CDC Resolution Amending the Local Coastal Program
4. June 24, 2013 Planning Commission Staff Report and Attachments

ORDINANCE NO.

1
2 AN ORDINANCE OF THE CITY COUNCIL AND COMMUNITY
3 DEVELOPMENT COMMISSION OF THE CITY OF
4 OCEANSIDE AMENDING ZONING REGULATIONS TO
5 ALLOW EMERGENCY SHELTERS BY-RIGHT WITHIN
6 CERTAIN LIGHT INDUSTRIAL ZONES AND DEFINE
7 TRANSITIONAL AND SUPPORTIVE HOUSING AS
8 RESIDENTIAL USES SUBJECT ONLY TO THOSE
9 RESTRICTIONS THAT APPLY TO OTHER RESIDENTIAL
10 DWELLINGS OF THE SAME TYPE IN THE SAME ZONE, IN
11 ACCORDANCE WITH STATE LAW AND THE CITY'S
12 HOUSING ELEMENT FOR THE FIFTH HOUSING ELEMENT
13 CYCLE (2013-2012) - HOUSING ELEMENT PROGRAM 11
14 (EMERGENCY SHELTERS, TRANSITIONAL/SUPPORTIVE
15 HOUSING)

16 WHEREAS, Government Code Section 65583, enacted as Senate Bill 2 on October 13,
17 2007, requires that local governments identify at least one zone of sufficient capacity where
18 emergency shelters are allowed as a permitted use without a conditional use or other
19 discretionary permit; and

20 WHEREAS, Senate Bill 2 further requires local governments to define transitional and
21 supportive housing as residential uses subject only to those restrictions that apply to other
22 residential dwellings of the same type in the same zone; and

23 WHEREAS, April 17, 2013, the City Council adopted an update to the City's Housing
24 Element for the Fifth Housing Element Cycle (2013-2021); and

25 WHEREAS, Program 11 of the updated Housing Element calls for zoning text
26 amendments to achieve compliance with those provisions of Senate Bill 2 related to emergency
27 shelters and transitional/supportive housing; and

28 WHEREAS, as demonstrated by the point-in-time count of homeless persons conducted
by the Regional Task Force on the Homeless on January 25, 2013, a significant number of
homeless persons in the City go without shelter on any given night; and

WHEREAS, on June 24, 2013, the Planning Commission voted 6-0 to recommend City
Council approval of the proposed zoning text amendments related to emergency shelters and
transitional/supportive housing; and

1 WHEREAS, on August 21, 2013, the City Council of the City of Oceanside held a duly-
2 advertised public hearing to consider Zone Amendment ZA12-00008 and the recommendation
3 of the Planning Commission thereon, and heard and considered written and oral testimony
4 regarding the proposed Zone Amendment; and

5 WHEREAS, based upon such evidence, testimony and staff reports, this Council finds
6 that Zone Amendment ZA12-00008 conforms to the General Plan of the City of Oceanside.

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

8 SECTION 1. Text amendments to Articles 2, 5, 7, and 32 of the 1986 Zoning Ordinance,
9 Articles 3, 4, 10, 13, and 30 of the 1992 Zoning Ordinance, and Articles 3 and 4(A) of the
10 Redevelopment Zoning Ordinance to (i) allow emergency shelters by-right within certain light
11 industrial zones and (ii) define transitional and supportive housing as residential uses subject
12 only to those restrictions that apply to other residential dwellings of the same type in the same
13 zone, with said text amendments appended to this ordinance as Exhibits "A" through "K", are
14 hereby adopted, consistent with the findings established in Planning Commission Resolution
15 2013-P31.

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

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

27 SECTION 4. This ordinance shall take effect and shall be in force on properties outside
28 of the Coastal Zone on the thirtieth (30th) day from and after its final passage, and within the

1 Coastal Zone, upon Coastal Commission certification of Local Coastal Plan Amendment
2 LCPA13-00003.

3 INTRODUCED at a regular meeting of the City Council of the City of Oceanside,
4 California, held on the 21st day of August, 2013 and, thereafter,

5 PASSED AND ADOPTED at a regular meeting of the City Council of the City of
6 Oceanside, California, held on the 25th day of September, 2013, by the following vote:

7 AYES:

8 NAYS:

9 ABSENT:

10 ABSTAIN:

11 MAYOR OF THE CITY OF OCEANSIDE

12
13 ATTEST:

APPROVED AS TO FORM:

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15 CITY CLERK

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CITY ATTORNEY

EXHIBIT A
ARTICLE 2 (DEFINITIONS)
1986 ZONING ORDINANCE

Section 280.2: SUPPORTIVE HOUSING. "Supportive housing" means rental housing developments receiving assistance under the Multifamily Housing Program regulated through California Code of Regulations, Title 25, Article 7, Section 4. Such housing is occupied by a target population, as defined by Health and Safety Code Section 53260(d), and linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing has no limit on length of stay.

Section 280.3: SWAP LOTS. Any building, structure, enclosure, lot or other area into which persons are admitted to display, exchange, barter, buy, sell or bargain for new or used merchandise. This includes but is not limited to any such areas established primarily as a swap lot, as well as areas planned to be used on a regular, although secondary, basis as a swap lot, such as drive-in theaters and parking lots.

Section 281: THEATER. "Theater" means a place, building, or portion of a building so arranged that a body of spectators can have an unobstructed view of a stage or screen on which live or filmed entertainments are given and for which an admission fee is received; it shall also mean, within the context of this ordinance, the operation of any commercial establishment wherein motion pictures are shown either as the principal business, an appurtenant business, or added attraction in connection with other business.

Section 281.1: TIME-SHARE RESORT PROJECT. A "time-share resort project" is one in which a purchaser receives the right in perpetuity, for life, or for a term in years, to the recurrent, exclusive lodging use or occupancy of a lot, parcel, unit, or segment of real property, annually or on some other periodic basis, for a period of time that has been or will be allotted from the use or occupancy periods into which project has been divided. A time-share resort project may be coupled with an estate in real

property or may entail a license or contract and/or membership right of occupancy not coupled with an estate in the real property.

Section 281.2: TIME-SHARE RESORT UNIT. A time-share resort unit is the actual physical unit or segment of real property of a time-share resort project utilized for lodging.

Section 282: TO PLACE. The verb, “to place” and any of its variants as applied to advertising displays and outdoor advertising structures, including maintaining, erecting, constructing, posting, painting, printing, nailing, gluing or otherwise fastening, affixing or making visible in any manner whatsoever.

Section 282.1: TRADE SCHOOL or SPECIALTY SCHOOL. Is a school with classes of two or more pupils of which a particular skilled trade or specialty is taught. Examples include but are not limited to beauty and barber schools, secretarial, models, business schools, dance, martial arts, massage schools, etc.

Section 283: TRAILER, AUTOMOBILE. “Automobile trailer” means a vehicle without motor power, designed to be drawn by a motor vehicle and to be used for human habitation or for carrying persons and property.

Section 284: TRAILER PARK, TRAILER COURT AND PUBLIC CAMP. “Trailer park”, “trailer court”, and “public camp” means any area or tract of land used or designed to accommodate one or more automobile trailers, and including trailers in dead storage.

Section 284.1: TRANSITIONAL HOUSING. “Transitional housing” means buildings configured as rental housing developments but operated under program requirements that call for the termination of assistance and recirculation of assisted units to other eligible program recipients at some predetermined future point in time, which shall be no less than six months and no more than 24 months from initial occupancy. Transitional housing offers either on or off-site access to social services, counseling, and other programs to assist formerly homeless residents in the transition to

permanent housing. This classification does not include facilities licensed for residential care by the State of California or homeless shelters.

Section 285: USE. "Use" means the purpose for which land or building is arranged, designed or intended, or for which either is or may be occupied or maintained.

Section 285.1: WAREHOUSE, MINI OR SELF SERVICE. Storage or warehousing service primarily for individuals to store personal effects and for businesses to store material for operation of an industrial or commercial enterprise located elsewhere. Outdoor storage of vehicles may be permitted as determined by the Planning Commission. Generally, characterized by a building or group of buildings in which the individual storage spaces open directly to the outside, with access from adjacent driveways or parking areas. May include living apartment for 24 hour security.

Section 286: YARD. "Yard" means an open space other than a court on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this ordinance.

Section 287: YARD, FRONT. "Front yard" means an area extending across the full width of the lot and lying between the front lot line and a line parallel thereto, and having a distance between them equal to the required front yard depth as prescribed in each zone. Front yards shall be measured by a line at right angles to the front lot line, or by the radial line in the case of a curved front lot line. When a lot lies partially within a planned street indicated on a precise plan for such a street, and where such planned street is of the type that will afford legal access to such lot, the depth of the front yard shall be measured from the contiguous edge of such planned street in the manner prescribed in this definition.

Section 288: YARD, REAR LINE OF REQUIRED FRONT. "Rear line of the required front yard" means a line parallel to the front lot line and at a distance therefrom equal to the depth of the required front yard and extending across the full width of the lot.

EXHIBIT B
ARTICLE 3 (DEFINITIONS)
1992 ZONING ORDINANCE

Dwelling, Multifamily: A building containing two or more dwelling units.

Dwelling, Single-Family: A building containing one dwelling unit.

Dwelling Unit: Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, as required by this Ordinance, for not more than one family.

Dwelling Unit, Accessory: An attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation and be located on the same parcel as a single-family dwelling is situated.

Emergency Shelter: Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less. No individual or household may be denied emergency shelter because of an inability to pay. Such accommodations may include basic supportive services such as food, shower, and rest room facilities, laundry room, storage areas, and limited administrative or intake offices.

Entertainment, Live: Regulations pertaining to live entertainment in this ordinance apply to the following activities where they occur on a scheduled basis three or more days during a calendar year on the site of a use other than a Public or Semipublic use:

- A. A musical, theatrical, dance recital, cabaret, or comedy act performed by one or more persons, regardless of whether performers are compensated;
- B. Any form of dancing by patrons or guests at a business establishment;
- C. A fashion show, except when conducted within an enclosed building used primarily for the manufacture or sale of clothing.

Environmental Impact Report (EIR): A detailed report describing and analyzing the potentially significant environmental effects of a project and discussing ways to mitigate or avoid the effects in compliance with the requirements of the California Environmental

Quality Act (CEQA) and its implementing guidelines.

Exemption, Categorical: An exception from the requirements of the California Environmental Quality Act (CEQA) for a class of projects, based on a finding by the California Secretary for Resources that the class of projects does not have a significant effect on the environment.

Floor Area, Gross: The total enclosed area of all floors of a building measured to the outside face of the structural members in exterior walls, and including halls, stairways, elevator shafts at each floor level, service and mechanical equipment rooms, and basement or attic areas having a height of more than 7 feet, but excluding area used exclusively for vehicle parking or loading and, in industrial areas, storage sheds with less than 150 square feet of space, bunkers, electrical substations, smoking shelters, instrument shelters and similar enclosures.

Floor Area Ratio (FAR): The gross floor area of a building or buildings on a lot divided by the lot area or site area (See diagram 3.2).

General Plan: The City of Oceanside General Plan, as amended.

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

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

Height: A vertical dimension measured from existing grade to the uppermost point of a structure, unless otherwise specified.

Home Occupation: Occupations conducted in a dwelling unit, garage, or accessory building in a residential district that are incidental to the principal residential use of a lot or site.

Illumination, Direct: Illumination by means of light that travels directly from its source to the viewer's eye.

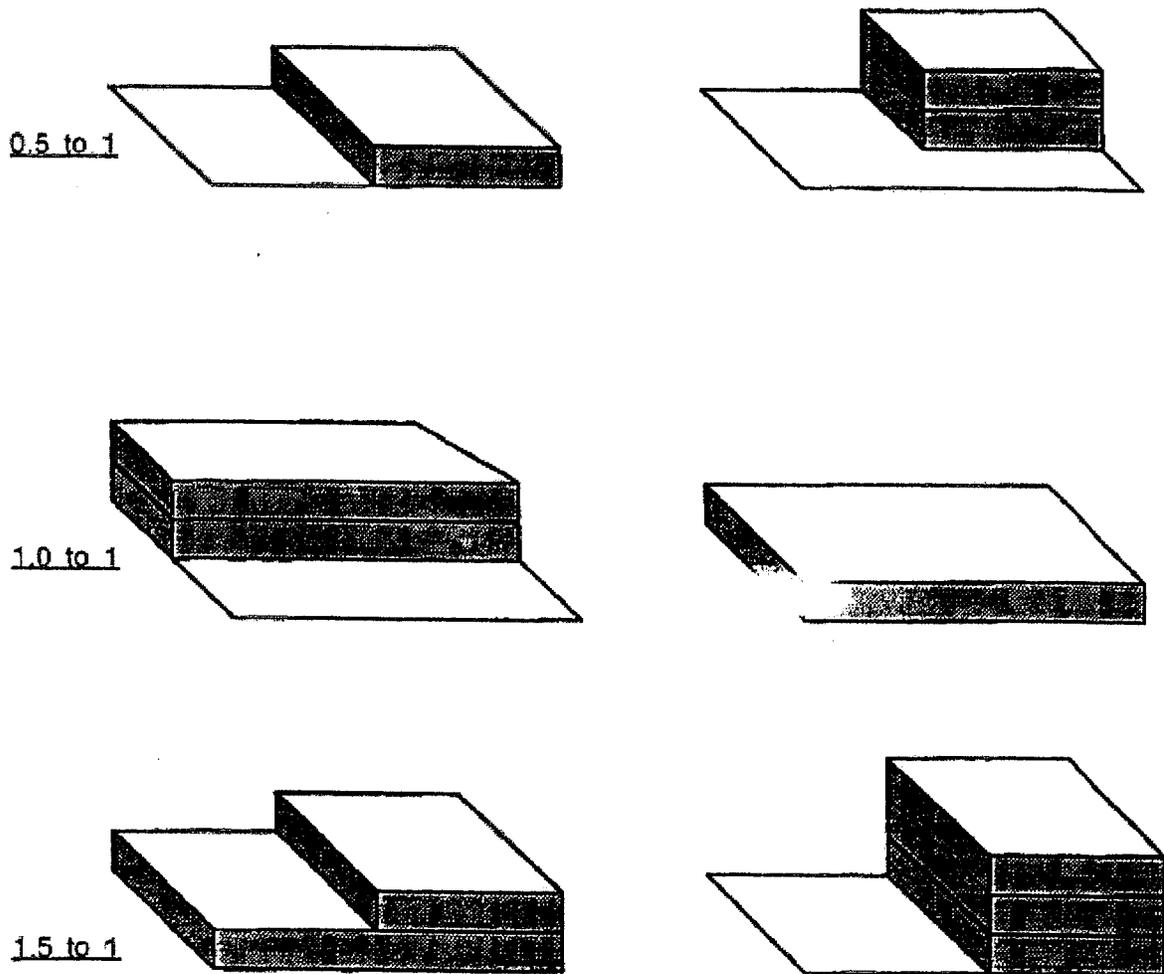
Illumination, Indirect: Illumination by means only of light cast upon an opaque surface from a concealed source.

Kitchen: Any room or portion of a room designed, intended or used for cooking or the preparation of food.

Landscaping: An area devoted to or developed and maintained with native or exotic plantings, lawn, ground cover, gardens, trees, shrubs, and other plant materials, decorative outdoor landscape

elements, pools, fountains, water features, paved or decorated surfaces of rock, stone, brick, block, or similar material (excluding driveways, parking, loading, or storage areas), and sculptural elements. Plants on rooftops, porches or in boxes attached to buildings is not considered landscaping.

Diagram 3.2 FLOOR AREA RATIO DIAGRAM



FLOOR AREA RATIO

(The diagram is illustrative)

Landscaping, Interior: A landscaped area or areas within the shortest circumferential line defining the perimeter or exterior boundary of the parking or loading area, or similar paved area, excluding driveways or walkways providing access to the facility (as applied to parking and loading facilities or to similar paved areas).

Landscaping, Perimeter: A landscaped area adjoining and outside the shortest circumferential line defining the exterior boundary of a parking or loading area, or similar paved area, excluding driveways or walkways providing access to the facility (as applied to parking and loading facilities or to similar paved areas).

Lot: A site or parcel of land under one ownership that has been legally subdivided, resubdivided, or combined.

Lot, Corner: A site bounded by two or more adjacent street lines that have an angle of intersection of not more than 135 degrees. The front yard of a corner lot shall adjoin the shortest street property line, provided that where street property lines are substantially the same length, the Planning Director shall determine the location of the front yard.

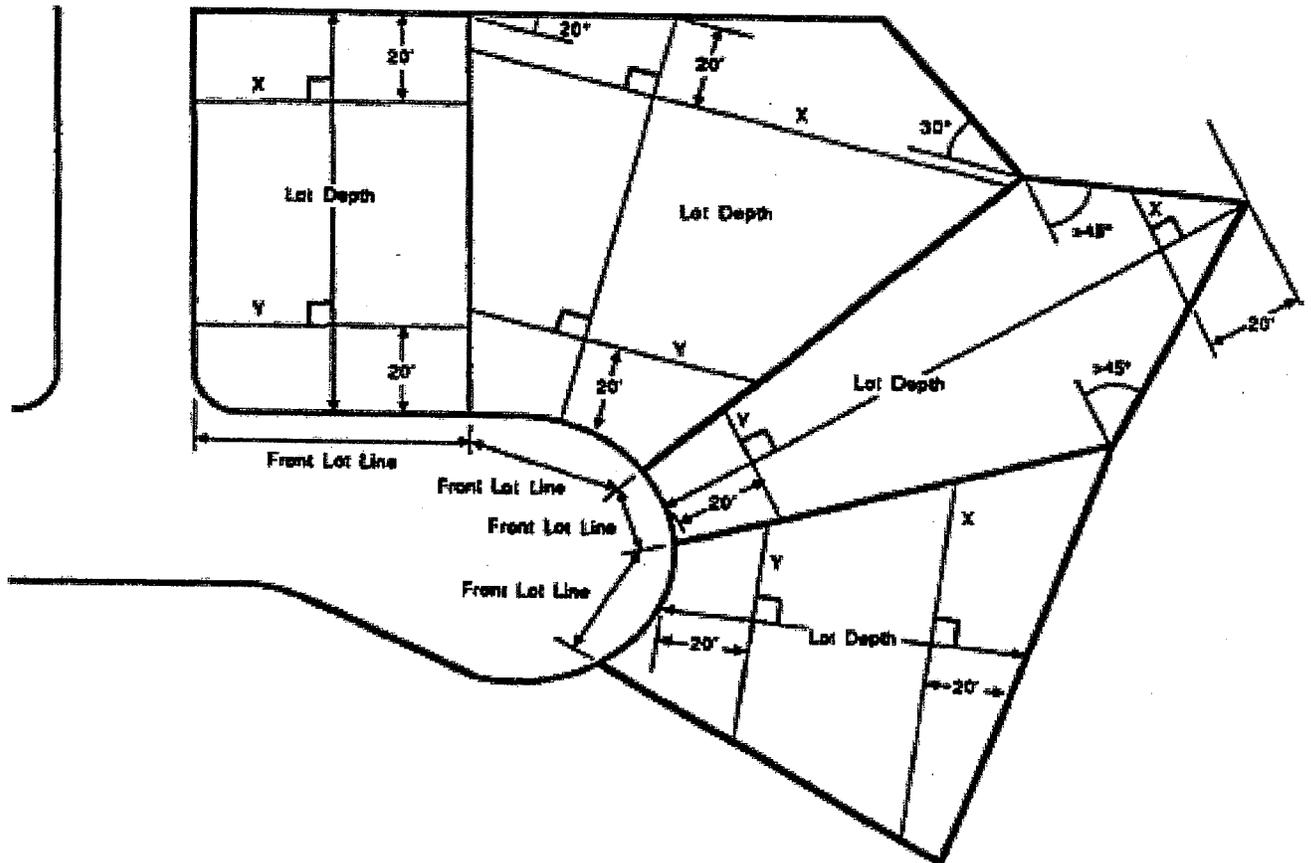
Lot Depth: The horizontal distance from the midpoint of the front-lot line to the midpoint of the rear-lot line, or to the rear most point of the lot where there is no rear-lot line. (See Diagram 3.3 - Lot Depth and Lot Width and Lot or Property Line, Front and Lot or Property Line, Rear definitions).

Lot, Double-Frontage: An interior lot having frontage on more than one street or a corner lot having frontage on more than two streets. Each street frontage of an interior lot and the two shortest street frontages of a corner lot shall be deemed a front lot line and front yard setback requirements of the underlying district shall be met on both street frontages.

Lot or Property Line, Front: On an interior lot, a lot line separating the lot from the street. On a corner lot, the shortest lot line abutting a street, provided that where the two lot lines abutting a street are substantially the same length, the Planning Director shall determine the location of the front lot line. (See Lot, Corner and Lot, Double-Frontage definitions, above)

Lot or Property Line, Rear: A lot line, not a front lot line, that is most parallel or approximately parallel to the front lot line. Where no lot line is within 45 degrees of being parallel to the front lot line, the rearmost point of the lot shall be used for the purpose of measuring lot depth and a line 10 feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, shall be deemed the rear lot line for the purpose of measuring the rear yard setback.

Diagram 3.3 LOT DEPTHS AND LOT WIDTH DIAGRAM



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

LOT DEPTH AND LOT WIDTH
 (The diagram is illustrative)

Lot or Property Line, Interior: A lot line not abutting a street or alley.

Lot or Property Line, Side: Any lot line that is not a front lot line or a rear lot line.

Lot or Property Line, Street: A lot line abutting a street.

Lot Width: The mean of the horizontal distance between the side lot lines measured at right angles to the lot depth at points 20 feet from the front lot line and 20 feet from the rear lot line, or from the rearmost point of the lot depth in cases where there is no rear lot line (See Diagram 3.3 - Lot Depth and Lot Width).

Master Plan: An overall plan for development, consistent with the requirements of Section 2606.

Municipal Code: The Municipal Code of the City of Oceanside, as amended.

Negative Declaration: A written statement by the Lead Agency describing the reasons that a proposed project will not have a significant effect on the environment and does not require the preparation of an Environmental Impact Report (EIR).

Nonconforming Sign: A sign, outdoor advertising structure, or display of any character that was lawfully erected or displayed, but which does not conform with standards for location, size or illumination for the district in which it is located by reason of adoption or amendment of this ordinance, or by reason of annexation of territory to the city.

Nonconforming Structure: A structure that was lawfully erected but which does not conform with the property development regulations prescribed in the regulations for the district in which the structure is located by reason of adoption or amendment of this ordinance or by reason of annexation of territory to the city.

Nonconforming Use: A use of a structure of land that was lawfully established and maintained, but which does not conform with the use regulations or required conditions for the district in which it is located by reason of adoption or amendment of this ordinance or by reason of annexation of territory to the city.

Off-Street Loading Facilities: A site or portion of a site devoted to the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives, and landscaped areas.

Off-Street Parking Facilities: A site or portion of a site devoted to the off-street parking of motor vehicles, including parking spaces, aisles, access drives, and landscaped areas.

Open Space, Private: A usable open space adjoining and directly accessible to a dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests.

Open Space, Common: A usable open space within a residential development reserved for the exclusive use of all residents of the development and their guests.

Open Space, Total: The sum of private usable open space and common usable open space.

Open Space, Usable: Outdoor or unenclosed area on the ground, or on a roof, balcony, deck, porch or terrace designed and accessible for outdoor living and recreation, but excluding parking facilities, driveways, utility or service areas, required front or street side yards, any landscaped area not usable for outdoor living or recreation, or areas with slopes greater than 5 percent. The area and dimensional requirements of the underlying district shall be met.

Opposite: Walls, windows, signs, districts, or property lines shall be deemed opposite if a line perpendicular to a vertical plane through one element and having its widest horizontal dimension would intersect a similar vertical plane through another element.

Outdoor Living Area: (See Open Space, Usable)

Patio Cover: A solid or open roof structure not exceeding 12 feet in height and covering a patio, platform or deck area. Patio covers may be detached or attached to another structure. Patio covers may be enclosed, but shall only be used for recreational, outdoor living purposes and not as carports, garages, storage rooms or habitable rooms.

Permitted: Permitted without a requirement for approval of a use permit.

Porch: A covered platform, usually having a separate roof, at an entrance to a dwelling, or an open or enclosed gallery or room, which is not heated or cooled, that is attached to the outside of a building.

Pre-existing: In existence prior to the effective date of this ordinance.

Project: Any proposal for new or changed use, or for new construction, alteration, or enlargement of any structure, that is subject to the provisions of this ordinance.

Room, Habitable: A room meeting the requirements of the Housing Code (Chapter 6, Article 5 of the City Code) for sleeping, living, cooking, or dining purposes, excluding such enclosed places as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfinished attics, foyers, storage spaces, cellars, utility rooms, garages, and similar spaces.

Rooming Houses/Boarding Houses: A dwelling unit that is rented, leased, let, or hired under three or more separate oral or written leases, subleases, or any other contractual agreement designed to effectuate the same result, with or without meals, for compensation, as permanent guests pursuant to an arrangement for compensation for definite periods, by the month or greater term.

Setback Line: A line within a lot parallel to a corresponding lot line, which is the boundary of any specified front, side or rear yard, or the boundary of any public right-of-way whether acquired in fee, easement or otherwise, or a line otherwise established to govern the location of buildings, structures or uses. Where no minimum front, side or rear yards are specified, the setback line shall be coterminous with the corresponding lot line.

Sexual Activities, Specified: Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, oral copulation, or sodomy; fondling or other erotic touching of human genitals (pubic region), buttocks, or female breasts.

Single Ownership: Holding record title, possession under a contract to purchase, or possession under a lease, by a person, firm, corporation, or partnership, individually, jointly, in common, or in any other manner where the property is or will be under unitary or unified control.

Site: A lot, or group of contiguous lots not divided by an alley, street, other right-of-way, or city limit, that is proposed for development in accord with the provisions of this ordinance, and is in a single ownership or has multiple owners, all of whom join in an application for development.

Slope: An inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance. Property boundaries shall not be used to establish slope or hillside limits.

Slope, Measurement of: Slopes shall be measured between successive 10-foot contour intervals and between successive 40-foot contour intervals. If the horizontal distance between successive 10 foot contour intervals is less than or equal to 25 feet, the slope shall be considered to be a 40 percent slope (2.5:1 slope). Similarly, if the horizontal distance between any 40 foot contour interval is less than or equal to 100 feet, the slope shall be considered to be a 40 percent slope (2.5:1 slope).

Specific Plan: A plan for a defined area that is consistent with the General Plan and with the provisions of the California Government Code, Section 65450 et seq. (Specific Plans).

Structure: Any edifice constructed or erected over 30 inches above the ground, including a building or a swimming pool, but not including a fence or a wall that does not exceed 6 feet in height.

Subdivision Ordinance: The Subdivision Ordinance of the City of Oceanside, as amended.

Supportive Housing: Rental housing developments receiving assistance under the Multifamily Housing Program regulated through California Code of Regulations, Title 25, Article 7, Section 4. Such housing is occupied by a target population, as defined by Health and Safety Code Section 53260(d), and linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing has no limit on length of stay.

Swimming Pools and Hot Tubs: A swimming pool or hot tub is any confined body of water, located either above or below the existing finished grade of the site which exceeds (2) feet in depth and is designed, used, or intended to be used for swimming or bathing purposes.

Transitional Housing: Buildings configured as rental housing developments but operated under program requirements that call for the termination of assistance and recirculation of assisted units to other eligible program recipients at some predetermined future point in time, which shall be no less than six months and no more than 24 months from initial occupancy. Transitional housing offers either on or off-site access to social services, counseling, and other programs to assist formerly homeless residents in the transition to permanent housing. This classification does not include facilities licensed for residential care by the State of California or homeless shelters.

Transmission Line: An electric power line bringing power to a receiving or distribution substation.

EXHIBIT C
ARTICLE 3 (DEFINITIONS)
REDEVELOPMENT ZONING ORDINANCE

Structure: Anything constructed or erected that requires a location on the ground, including a building or a swimming pool, but not including a fence or a wall used as a fence if the height does not exceed 6 feet, or access drives or walks.

Supportive Housing: Rental housing developments receiving assistance under the Multifamily Housing Program regulated through California Code of Regulations, Title 25, Article 7, Section 4. Such housing is occupied by a target population, as defined by Health and Safety Code Section 53260(d), and linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing has no limit on length of stay.

Swimming Pools and Hot Tubs: Water- filled enclosures having a depth of 18 inches or more used for swimming or recreation.

Transitional Housing. Buildings configured as rental housing developments but operated under program requirements that call for the termination of assistance and recirculation of assisted units to other eligible program recipients at some predetermined future point in time, which shall be no less than six months and no more than 24 months from initial occupancy. Transitional housing offers either on or off-site access to social services, counseling, and other programs to assist formerly homeless residents in the transition to permanent housing. This classification does not include facilities licensed for residential care by the State of California or homeless shelters.

Transmission Line: An electric power line bringing power to a receiving or distribution substation.

Tree, Mature: Any tree with a diameter of 10 inches or more, measured 24 inches above existing grade.

Use, Accessory: A use that is appropriate, subordinate, and customarily incidental to the main use of the site and which is located on the same site as the main use.

Used: This term includes the following meanings: arranged, designed, constructed, altered, rented, leased, sold, occupied, and intended to be occupied.

Visible: Likely to be noticed by a person of average height walking on a street or sidewalk two years after installation of any planting intended to screen a view.

EXHIBIT D
ARTICLE 4 (USE CLASSIFICATIONS)
1992 ZONING ORDINANCE

- C. Live/Work Quarters. An area comprising one or more rooms in a building originally designed for industrial or commercial occupancy that includes cooking space, sanitary facilities, and working space for artists, artisans and similarly activities and Custom Industry uses as defined herein.
- D. Multifamily Residential. Two or more dwelling units on a site. This classification includes mobile home and factory-built housing.
- E. Residential Care, Limited. Twenty-four-hour non-medical care for six or fewer persons in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living.
- F. Single-Family Residential. Buildings containing one dwelling unit located on a single lot. This classification includes mobile home and factory-built housing.
- G. RV Parks. A facility renting or leasing space on a short-term or long-term basis to owners or users of recreational vehicles, not for permanent residence.
- H. Transitional Housing. Buildings configured as rental housing developments but operated under program requirements that call for the termination of assistance and recirculation of assisted units to other eligible program recipients at some predetermined future point in time, which shall be no less than six months and no more than 24 months from initial occupancy. Transitional housing offers either on or off-site access to social services, counseling, and other programs to assist formerly homeless residents in the transition to permanent housing. This classification does not include facilities licensed for residential care by the State of California or homeless shelters.
- I. Supportive Housing. Rental housing developments receiving assistance under the Multifamily Housing Program regulated through California Code of Regulations, Title 25, Article 7, Section 4. Such housing is occupied by a target population, as defined by Health and Safety Code Section 53260(d), and linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health

status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing has no limit on length of stay.

440 Public and Semipublic Use Classifications

- A. Airport. Runways and related facilities for airplane landing and take-off.
- B. Cemetery. Land used or intended to be used for the burial of human remains and dedicated for cemetery purposes. Cemetery purposes include columbariums, crematoriums, mausoleums, and mortuaries operated in conjunction with the cemetery.
- C. Child Care. Non-medical care and supervision on a less than 24-hour basis in any care facility of any capacity, and not within a licensee's home for persons under the age of 18.
- D. Clubs and Lodges. Meeting, recreational, or social facilities of a private or nonprofit organization primarily for use by members or guests. This classification includes union halls, social clubs, youth, and senior centers.
 - 1. Small scale. Establishments occupying no more than 5,000 square feet.
- E. Convalescent Facilities. Establishments providing care on a 24-hour basis for persons requiring regular medical attention, but excluding facilities providing surgical or emergency medical services.
- F. Cultural Institutions. Nonprofit institutions displaying or preserving objects of interest in one or more of the arts or sciences. This classification includes libraries, museums, and art galleries.
 - 1. Small-scale. Establishments occupying no more than 5,000 square feet.
- G. Day Care, General. Non-medical care and supervision on a less than 24-hour basis in any care facility of any capacity, and not within a licensee's home for persons over the age of 18.
- H. Detention Facilities. Publicly owned and operated facilities providing housing, care, and supervision for persons confined by law.

- I. Emergency Health Care. Facilities providing emergency medical service with no provision for continuing care on an inpatient basis.
- J. Emergency Shelter. ~~Overnight sleeping accommodations intended to provide temporary housing to homeless families and/or individuals.~~ Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less. No individual or household may be denied emergency shelter because of an inability to pay. Such accommodations may include basic supportive services such as food, shower, and rest room facilities, laundry room, storage areas, and limited administrative or intake offices.
- K. Government Offices. Administrative, clerical, or public contact offices of a government agency, including postal facilities, together with incidental storage and maintenance of vehicles.
1. Small-scale. Establishments occupying no more than 5,000 square feet.
- L. Heliports. Pads and facilities enabling takeoffs and landings by helicopters.
- M. Hospitals. Facilities providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons, primarily on an inpatient basis. This classification includes incidental facilities for outpatient treatment, as well as training, research, and administrative services for patients and employees.
- N. Maintenance and Service Facilities. Facilities providing maintenance and repair services for vehicles and equipment, and materials storage areas. This classification includes corporation yards, equipment service centers, and similar facilities.
- O. Marinas. A boat basis with docks, mooring facilities, supplies and equipment for boats.
- P. Park and Recreation Facilities. Noncommercial parks, playgrounds, recreation facilities, and open spaces.
- Q. Public Safety Facilities. Facilities for public safety and emergency services, including police and fire protection.
1. Small-scale. Establishments occupying no more than 5,000 square feet.
- R. Religious Assembly. Facilities for religious worship and

incidental religious education and other religious facility related supportive and social services. This use classification specifically excludes private schools as defined in this section.

1. Small-scale. Establishments occupying no more than 5,000 square feet.
- S. Residential Care, General. Twenty-four hour non-medical care for seven or more persons, including wards of the juvenile court, in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living.
- T. Resource Centers. Neighborhood facilities that are City-sponsored or under the control of the City and are used for neighborhood safety, enhancement, education, health care, and other similar neighborhood programs.
- U. Schools, Public or Private. Educational institutions having a curriculum comparable to that required in the public schools of the State of California.
- V. ~~Transitional Housing. Transitional housing encompasses both housing and appropriate supportive services for homeless persons designed to enable them to move to independent living within a 24-month period.~~
- W. Utilities, Major. Generating plants, electrical substations, aboveground electrical transmission lines, lone switching buildings, refuse collection, transfer, recycling or disposal facilities, water reservoirs, flood control or drainage facilities, water or waste water treatment plants, transportation or communications utilities, and similar facilities of public agencies or public utilities. A structure that may have a significant effect on surrounding uses shall be regulated under this classification.
- X. Utilities, Minor. Utility facilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution lines, underground water and sewer lines, and recycling centers within convenience zones, as defined by the California Beverage Container Recycling and Litter Reduction Act.

450 Commercial Use Classifications

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

EXHIBIT E
ARTICLE 4(A) REDEVELOPMENT PROJECT AREA USE CLASSIFICATIONS
REDEVELOPMENT ZONING ORDINANCE

- C. Live/Work Quarters. An area comprising one or more rooms in a building originally designed for industrial or commercial occupancy that includes cooking space, sanitary facilities, and working space for artists, artisans and similarly activities and Custom Industry uses as defined herein.
- D. Multifamily Residential. Two or more dwelling units on a site. This classification includes mobile home and factory-built housing.
- E. Residential Care, Limited. Twenty-four-hour non-medical care for six or fewer persons in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living.
- F. Single-Family Residential. Buildings containing one dwelling unit located on a single lot. This classification includes mobile home and factory-built housing.
- G. Transitional Housing. Buildings configured as rental housing developments but operated under program requirements that call for the termination of assistance and recirculation of assisted units to other eligible program recipients at some predetermined future point in time, which shall be no less than six months and no more than 24 months from initial occupancy. Transitional housing offers either on or off-site access to social services, counseling, and other programs to assist formerly homeless residents in the transition to permanent housing. This classification does not include facilities licensed for residential care by the State of California or homeless shelters.
- H. Supportive Housing. Rental housing developments receiving assistance under the Multifamily Housing Program regulated through California Code of Regulations, Title 25, Article 7, Section 4. Such housing is occupied by a target population, as defined by Health and Safety Code Section 53260(d), and linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing has no limit on length of stay.

440 Public and Semipublic Use Classifications

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

**EXHIBIT F
ARTICLE 5 (SINGLE-FAMILY RESIDENTIAL ZONE)
1986 ZONING ORDINANCE**

(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.

(11) Transitional housing

(12) Supportive housing

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

EXHIBIT G
ARTICLE 7 (MEDIUM-DENSITY RESIDENTIAL ZONE)
1986 ZONING ORDINANCE

- (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.
- (7) Transitional housing
- (8) Supportive housing

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.

**EXHIBIT H
ARTICLE 10 (RESIDENTIAL DISTRICTS)
1992 ZONING ORDINANCE**

RE, RS, RM, RH, and RT DISTRICTS: LAND USE REGULATIONS	P - Permitted U - Use Permit L - Limited, (See Additional Use Regulations) - - Not Permitted A - Administrative Conditional Use Permit
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	RE	RS	RM	RH	RT	Additional Regulations
Residential Uses						(A) (B)
Day Care, Ltd.	P	P	P	P	P	
Group Residential 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)
Transitional Housing	P	P	P	P	P	
Supportive Housing	P	P	P	P	P	
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-10	L-10	L-10	L-10	L-10	
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)

**EXHIBIT I
ARTICLE 13 (INDUSTRIAL DISTRICTS)
1992 ZONING ORDINANCE**

**IL, IG, AND IP DISTRICTS:
LAND USE REGULATIONS**

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

	IL	IG	IP	Add. Reg.
Residential				(A)
Day Care, limited	P	P	P	
Public and Semipublic				(A) (N)
Airports	U	-	-	(Q)
Child Care	L-10	L-10	L-10	
Clubs and Lodges	A	-	A	
Day Care, General	U	U	U	
Emergency Health Care	U	U	U	
Emergency Shelter	U	U	U	(R)
Government Offices	P	P	P	
Heliports	L1	L1	L1	(B)
Maintenance & Service Facilities	P	P	-	(N)
Park & Recreation Facilities	P	P	P	(C)
Public Safety Facilities	L15	L15	L15	
Religious Assembly	L13	-	L13	(K)
Resource Centers	A	A	A	
Schools, Public or Private	U	-	U	
Utilities, Major	L9	L9	L9	
Utilities, Minor	P	P	P	(J)
Recycling, small-scale				
Commercial Uses				(A) (I) (N)
Ambulance Services	L19	L19	-	
Animal Sales and				

Services:

Animal Boarding	L18	L18	-
Animal Grooming	P	P	-
Animal Hospitals	P	P	-

IL, IG, and IP Districts Land Use Regulations (continued)

	IL	IG	IP	Add. Reg.
Artists' Studios	P	P	-	
Banks and Savings and Loans:	P	-	P	
Drive-through/ Drive-Up Service	A	-	A	
Self Service Facilities (ATMs)	L2	L2	L2	
Building Materials and Services	P	P	-	(N)
Catering Services	L12	L12	L12	
Commercial Recreation and Entertainment	A	A	A	
Communication Facilities	P	P	P	
Eating & Drinking Establishments:	L3	L3	L3	(N)
Food & Beverage Sales	L17	L17	L17	(N)
Home Improvement	P	P	P	(N)
Horticulture, Limited	P	P	P	(L) (M)
Laboratories	P	P	P	(N)
Maintenance & Repair Services	P	P	-	(N)
Marine Sales and Services	P	P	-	(N)
Nurseries	L22	L22	-	(N)
Offices, Business and Professional	L8	L8	L8	
Personal Improvement Services	L15	L15	L15	
Personal Services	L5	L5	L5	
Research and Development Services	P	P	P	(N)
Retail Sales	L20	L20	L20	(N)
Travel Services	P	P	P	

IL, IG, and IP Districts Land Use Regulations (continued)

	IL	IG	IP	Add. Reg.
Vehicle/Equipment Sales and Services:				(N)
Automobile Washing	U	U	-	(N)
Commercial Parking Facility	A	A	-	
Service Stations	L21	L21	L21	(D) (N)
Vehicle/Equipment Repair	P	P	-	(N)
Vehicle/Equipment Sales and Rentals	L6	L6	-	(N)
Vehicle Storage	A	A	-	(N)
Visitor Accommodations				
Hotels, Motels And Timeshares	U	-	-	(P)
Warehousing and Storage, Limited	U	U	U	(N)
Industrial				(A) (H) (I) (N)
Food Processing	P	P	-	(N)
Industry, Custom	P	P	P	(N)
Industry, General	-	P	U	(N)
Industry, Limited	P	P	P	(N)
Industry, R & D	P	P	P	(N)
Trucking Terminals	U	P	-	(N)
Wholesaling, Distribution and Storage	L11	P	L7	(N)
Agricultural and Extractive Uses				
Animal Husbandry	L14	L14	L14	
Crop Production	L14	L14	L14	(L) (M)
Accessory Uses	P/U	P/U	P/U	(E) (F) (H) (I) (M) (N)
Nonconforming Uses				(G)
Temporary Uses				
Agricultural Specialty Sales, Seasonal	P	P	P	(O)

IL, IG, and IP Districts: Additional Use Regulations

- L-1 Conditional Use Permit and Heliport permit from California Department of Transportation, Division of Aeronautics, required, and no heliport may be located within 1,000 feet of an R district.
- L-2 Walk-up automatic teller machines (ATMs) allowed if included within or attached to a building serving another use; freestanding structures for walk-up ATMs allowed with an Administrative Use Permit.
- L-3 Permitted as a secondary use in a building and occupying no more than 2,500 square feet; Administrative Conditional Use Permit required for more space or for Eating and Drinking Establishment with full alcohol beverage service. No freestanding structure allowed.
- L-4 Reserved.
- L-5 Photocopying, word processing, packaging, postal support and office supplies, and printing permitted. Other personal service uses allowed (except self-service laundries) if "small-scale". These uses are to be ancillary to the industrial uses within the area.
- L-6 No new or used automobile, truck or motorcycle retail sales permitted, except indoor automobile sales allowed with an Administrative Use Permit. Wholesale sales and rentals allowed with Conditional Use Permit if adequate storage and parking can be provided.
- L-7 Only limited or small-scale facilities, as defined in Article 4, Use Classifications, allowed with a Conditional Use Permit.
- L-8 Offices permitted except medical/dental offices require a Administrative Conditional Use Permit.
- L-9 A Conditional Use Permit is required for generating plants, electrical substations, lone switching buildings, refuse collection, transfer, recycling or disposal facilities, water reservoirs, water or wastewater treatment plants, transportation or communication utilities, and similar facilities of public agencies or public utilities. Above ground electrical transmission lines are not permitted unless determined to be consistent with a utility corridor plan approved by the Planning Commission. Flood control or drainage facilities are permitted if they are consistent with approved master drainage and/or flood-control plans.

IL, IG, and IP Districts: Additional Use Regulations (cont.)

- L-10 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 City Planner 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-11 Permitted if building area is 50,000 square feet or less or when it is associated with a permitted use. Allowed with a Conditional Use Permit if independent building facilities floor area is greater than 50,000 square feet.
- L-12 Permitted and the area for on-site consumption of food shall not exceed 1000 square feet.
- L-13 Religious Assembly allowed with the approval of a Administrative Conditional Use Permit, allowing for a maximum of 5 years if the following findings can be made:
- a. The location proposed is not in an area considered "prime" for immediate industrial development.
 - b. Parking must be provided as required by the parking regulations for churches under Article 31, except that parking may be shared with other industrial users in the vicinity if it can be shown that the uses will not be occurring simultaneously.
 - c. Buildings shall meet the requirements imposed by the current applicable edition of the Uniform Building Code for assembly occupancy.
 - d. The church activities do not interfere with the primary industrial uses in the area. The analysis of whether there is such interference shall include consideration of the immediate existing users in the vicinity and any public health and safety issues in establishing a religious assembly use at that location.

IL, IG, and IP Districts: Additional Use Regulations (cont.)

- L-14 Allowed on sites of more than 2.5 acres with the approval of an Administrative Use Permit issued by the City Planner.
- L-15 "Small-scale" facilities allowed with an Administrative Use Permit.
- L-16 "Adult" (no K-12) schools allowed with a Conditional Use Permit.
- L-17 Permitted as a secondary use in a building and occupying no more than 1000 square feet. Administrative Conditional use permit required for more space. No freestanding structure or convenience market allowed.
- L-18 Indoor boarding only. Outdoor exercise area in conjunction with indoor boarding allowed.
- L-19 Administrative Conditional Use Permit required if use is located within 1,000 feet of an R district or the boundaries of a site occupied by a Public or Private School or Park and Recreation facility. Otherwise permitted by right. Conditions may be imposed in approving such a permit to limit vehicle speeds or use of sirens.
- L-20 The following retail uses are allowed. "Limited" retail under the following uses shall mean "a maximum of 5000 square feet or 25% of the business floor area whichever is greater".

Auto Stereo, Mobile Phone & Alarm Service & Installation
- "limited" retail allowed

Auto Parts - "limited" retail allowed

Appliance Sales and Service - "limited" retail allowed

Art Supplies - "limited" retail allowed

Bicycle Sales and Service - "limited" retail allowed

Blue Prints & Reprographic Services - allowed

Floral Supplies - "limited" retail allowed

Home Health/Medical Equipment - retail, rentals, service or wholesale allowed

IL, IG, and IP Districts: Additional Use Regulations (cont.)

Industrial Equipment Sales, Service & Rentals (Large Equipment: Compressors, Lifts, Backhoes, etc.) - allowed

Locksmiths - allowed

Office Furniture and Supplies - retail of office furniture and "limited" retail of office supplies allowed.

Photo Labs and Studios - retail allowed as part of on-site production facility

Pest Control - allowed (Administrative Use Permit if hazardous Materials: Section 3026)

Printers and Publishers - "limited" retail allowed

Playground Equipment Sales & Service - retail, rentals, service or wholesale allowed

Restaurant Equipment Sales & Service - retail, rentals, service or wholesale allowed

Sporting Goods (Fitness Machines, Kayaks, Rafts, Equestrian Supplies, etc.) - specialized store with large-scale equipment allowed. No comprehensive sporting goods stores.

L-21 Conditional Use Permit required. Food and Beverage Sales and convenience market allowed as part of the Service Station if within the same building. Car wash allowed as an affiliated part of the Service Station on the site.

L-22 Emergency shelters are permitted in all IL zoning districts with the exception of those IL properties located adjacent to Oceanside Boulevard between Interstate 5 and Hoover Street, where emergency shelters are allowed with a Conditional Use Permit.

IL, IG, and IP Districts: Additional Use Regulations (cont.)

- L-22 An Administrative Use Permit is required for nurseries having growing or propagation areas greater than 2.5 acres.
- L-23 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 City Planner 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 3036: Helicopter Takeoff and Landing Areas.
 - (C) Limited to facilities on sites of 2 acres or less.
 - (D) See Section 3011: Service Stations and Automobile Washing.
 - (E) See Section 3005: Nonresidential Accessory Structures.
 - (F) Maximum: one dwelling unit per site as caretaker's housing.
 - (G) See Article 35: Nonconforming Uses and Structures.
 - (H) See Section 3026: Hazardous Materials Storage.
 - (I) Facilities intended to serve off-shore oil and gas exploration, drilling, or production, including storage tanks, distribution terminals, emissions-control systems, service yards, transportation facilities, pipelines, or any other facilities supporting such activities shall be prohibited.
 - (J) See Section 3025: Antennas and Microwave Equipment.
 - (K) See Section 3004: Religious Assembly Yard Requirements
 - (L) 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 elimination of any significant wildlife habitat or riparian area. Sufficient buffering of the operation should be provided from adjacent residential uses.

IL, IG, and IP Districts: Additional Use Regulations (cont.)

- (M) 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.
- (N) See Section 3020: Outdoor Facilities; outdoor storage, outdoor display of materials, outdoor food service, outdoor storage containers, working outdoors and temporary outdoor sales events and activities shall comply with the standards of this section.
- (O) See Section 3038: Agricultural Sales; Seasonal Agricultural Specialty Sales requires a business license and is subject to the operational standards of Section 3038.
- (P) See Section 3030: Timeshare Resort Projects.
- (Q) See Art. II, Chapter 3 B / Oceanside City Code: Airport Approach Zoning.
- (R) See Section 3043: Emergency Shelters

1330 IL, IG, and IP Districts: Property Development Regulations

The following schedule prescribes development regulations for the IL, IG, and IP districts. The first four columns prescribe basic requirements for permitted and conditional uses. Letters in parentheses in the "Additional Regulations" column reference regulations following the schedule or located elsewhere in this ordinance.

EXHIBIT J
ARTICLE 30 (SITE REGULATIONS)
1992 ZONING ORDINANCE

Development Plan or for a revision of a Mixed-Use Plan and Mixed-Use Development Plan shall be considered by the Planning Commission at a public hearing with notice given as prescribed for a Development Plan in Article 43.

Building Permits

Proposed structures or alterations must be consistent with the adopted Mixed-Use Plan and the Mixed-Use Development Plan for the issuance of building permits.

3043 Emergency Shelters

The purpose of this section is to ensure that emergency shelters do not adversely impact adjacent properties and land uses. Emergency shelters, as defined in Section 330, shall be permitted without discretionary review in Light Industrial (IL) zoning districts, subject to the following standards:

- A. Compliance with IL Zoning Standards. Facilities shall comply with all development standards applicable to properties within Light Industrial (IL) zoning districts.
- B. Maximum Number of Beds. Facilities may provide up to 50 beds for the same number of clients per night.
- C. Hours of Operation. Facilities shall operate on a first come, first served basis, with clients only permitted on the premises between 4:00PM and 9:00AM. Clients must vacate the premises by 9:00AM and shall have no guaranteed bed for subsequent nights.
- D. Maximum Stay: Occupancy for any individual or family shall not exceed 120 days in a 365-day period. No individual or family shall reside in an emergency shelter for more than 30 consecutive days.
- E. Maximum Concentration: No facility shall be sited within 300 feet of another emergency shelter, as measured from the property boundaries.
- F. Minimum Separation from Residential Zoning Districts. No facility shall be sited within 300 feet of a residential zoning district, as measured from the building footprint of the facility to the nearest residentially zoned property.

- G. Minimum Staffing: At least one staff member per 15 beds shall be awake and on duty during operational hours. Facilities providing segregated quarters for men, women, families, etc. shall provide at least one staff member for each segregated sleeping area.
- H. Minimum Parking. Facilities shall provide one parking space per staff member and 0.35 spaces per bed. Facilities shall also provide secure bicycle parking facilities.
- I. Minimum Reception and Intake Area. Facilities shall provide at least 15 square feet of enclosed reception and intake area per bed.
- J. Lighting. Adequate exterior lighting shall be provided for security purposes. Lighting shall be shielded and directed downward to avoid glare on adjacent properties and the public right-of-way. Inoperable lighting shall be rendered operable within 72 hours.
- K. Sanitation Facilities. Facilities shall provide at least one toilet and one sink for every eight beds per gender, one shower for every eight beds per gender, and a private shower and toilet facility for each area designated for families with children.
- L. Ancillary Amenities and Services. Facilities may include the following ancillary amenities and services:
- a. Cooking/food preparation facilities (in compliance with the relevant standards of the San Diego County Environmental Health Department);
 - b. Dining area;
 - c. Laundry facilities;
 - d. Recreation and/or meeting area;
 - e. Outdoor recreation spaces (within a building courtyard or enclosed by a building, fencing, landscaping, or some combination thereof);
 - f. Support services (e.g. counseling, job training and/or placement; health care);
 - g. Animal boarding and veterinary services;
 - h. Child care facilities for current clients.
- M. Safety and Security Plan. Facilities shall prepare and submit a safety and security plan for review and approval by the Oceanside Police Department. The safety and security plan shall address the following:

- a. Criteria for admittance;
 - b. Protocol for addressing the immediate shelter needs of individuals and/or families that cannot be accommodated;
 - c. Admittance and discharge procedures;
 - d. Staff screening and training procedures;
 - e. On-site security personnel;
 - f. Specific measures designed to minimize the congregation of clients in the vicinity of the facility during those hours when clients are not permitted on-site;
 - g. Noise control measures;
 - h. Litter control measures;
 - i. Fire and earthquake safety procedures, including an evacuation plan;
 - j. Description of the means by which the personal effects of clients will be secured;
 - k. Protocol for chronicling any and all incidences of violence, theft, vandalism, or other criminal and/or disruptive behavior;
 - l. Protocol for contacting law enforcement and other emergency services as circumstances warrant;
 - m. Protocol for responding to client grievances;
 - n. Protocol for responding to community concerns;
 - o. Description of potential ancillary services (e.g. counseling, health care, job training and/or placement);
- N. State Laws and Regulations. Facilities shall comply with all applicable state laws and regulations.

**EXHIBIT K
ARTICLE 32 (RESIDENTIAL TOURIST ZONE)
1986 ZONING ORDINANCE**

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).
- (8) Transitional housing
- (9) Supportive housing

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.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL AND COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF OCEANSIDE AMENDING THE LOCAL COASTAL PROGRAM FOR THE PURPOSE OF ADOPTING STATE MANDATED CHANGES TO ZONING STANDARDS FOR EMERGENCY SHELTERS AND TRANSITIONAL/SUPPORTIVE HOUSING AND REQUESTING CALIFORNIA COASTAL COMMISSION CERTIFICATION OF SAID CHANGES

(City of Oceanside –Applicant)

(LCPA12-00003)

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

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

WHEREAS, on December 8, 2008, the California Coastal Commission (CCC) established with the City of Oceanside that development proposals in those portions of the Coastal Zone located outside of the Downtown Redevelopment Area would be reviewed for consistency under the standards of the City's 1986 Zoning Ordinance, in light of the fact that the previously applicable 1992 Zoning Ordinance had not received CCC certification; and

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

//
//

1 WHEREAS, on October 13, 2007, Senate Bill 2 amended state housing element law
2 (Government Code Section 65582, *et seq*) to require local jurisdictions to identify a zone or zones
3 where emergency shelters are allowed as a permitted use without a conditional use permit or other
4 discretionary permit and define transitional and supportive housing as residential uses of property
5 subject only to those restrictions that apply to other residential dwellings of the same type in the
6 same zone; and

7
8 WHEREAS, on April 17, 2013, the City Council adopted an update to the City's Housing
9 Element for the Fifth Housing Element Cycle (2013-2021); and

10 WHEREAS, Program 19 of the updated Housing Element indicates that the City will
11 amend its zoning standards for emergency shelters and transitional and supportive housing to
12 achieve compliance with state housing element law; and

13 WHEREAS, compliance with state housing element law requires amendment of Articles 3,
14 5, 7, and 32 of the 1986 Zoning Ordinance and Articles 3, 4, and 12 of the Redevelopment Zoning
15 Ordinance, which apply to properties within the City's Coastal Zone; and

16 WHEREAS, in accordance with the California Environmental Quality Act (CEQA), staff
17 has reviewed the proposed project and determined that there is no possibility that the activity will
18 have a significant effect on the environment, and therefore, pursuant to CEQA Guidelines Section
19 15061(b)(3) (General Rule), the activity is not subject to CEQA; and

20 WHEREAS, the Planning Commission did, on the 24th day of June, 2013, conduct a duly-
21 advertised public hearing as prescribed by law to consider recommended zoning text amendments
22 related to emergency shelters and transitional and supportive housing and approved said
23 amendments by a 6-0 vote; and

24 WHEREAS, the City Council/Community Development Commission conducted a duly
25 noticed public hearing on August 21, 2013, and hereby finds that Local Coastal Program
26 Amendment (LCPA12-00003) conforms with, and is adequate to carry out, the land use plan of
27 the Local Coastal Program.
28

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

- 1 1. Pursuant to Public Resources Code §30510(a), the Oceanside City Council/ Community
2 Development Commission hereby certifies that Local Coastal Program Amendment
3 (LCPA12-00003) is intended to be carried out in a manner fully in conformity with the
4 Coastal Act, and is hereby adopted.
5
6 2. Pursuant to the California Environmental Quality Act of 1970, and the State Guidelines
7 thereto amended to date, a Notice of Exemption has been issued for the project by the
8 Resource Officer for the City of Oceanside.
9
10 3. Pursuant to Coastal Commission Local Coastal Program Regulations §13551(b), this
11 Local Coastal Plan Amendment shall take effect upon Coastal Commission approval.
12
13 4. Notice is hereby given that the time within which judicial review must be sought on the
14 decision is governed by Public Resources Code §30801.

15 PASSED AND ADOPTED by the Oceanside City Council/Community Development
16 Commission this 21st day of August, 2013, by the following vote:

17 AYES:

18 NAYS:

19 ABSENT:

20 ABSTAIN:

21 ATTEST:

22 _____
23 City Clerk/ CDC Secretary

Mayor/CDC Chair of the City of Oceanside

APPROVED AS TO FORM:

City Attorney/ CDC General Counsel

PLANNING COMMISSION**STAFF REPORT**

DATE: June 24, 2013

TO: Chairman and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF ZONE AMENDMENT (ZA12-00008) AND LOCAL COASTAL PROGRAM AMENDMENT (LCPA 12-00003) TO ALLOW EMERGENCY SHELTERS BY-RIGHT WITHIN LIGHT INDUSTRIAL ZONING DISTRICTS OUTSIDE OF THE COASTAL ZONE, INCORPORATE STATE-PRESCRIBED DEFINITIONS OF TRANSITIONAL AND SUPPORTIVE HOUSING AND IDENTIFY THESE USES AS PERMITTED BY-RIGHT IN RESIDENTIAL ZONES, AND ESTABLISH PORTIONS OF THE AMENDED TEXT AS PART OF THE IMPLEMENTING DOCUMENT OF THE LOCAL COASTAL PROGRAM**
APPLICANT: CITY OF OCEANSIDE

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

1. Adopt Planning Commission Resolution No 2013-P31 recommending approval of Zoning Amendment (ZA12-00008) and Local Coastal Plan Amendment (LCPA13-00003) with findings of approval attached herein.

BACKGROUND

On February 25, 2013, the Planning Commission recommended City Council adoption of the City of Oceanside Housing Element for the Fifth Housing Element Cycle (2013-2021).

On April 17, 2013, the City Council adopted the updated Housing Element, with an understanding that a final compliance determination from the California Department of Housing and Community Development (HCD) depends upon the timely fulfillment of two state-mandated action items: 1) the identification of at least one zoning district where temporary emergency shelters are permitted by-right; and 2) the incorporation of new definitions of transitional and supportive housing that establish these uses as being

subject only to the same standards and restrictions applied to other residential uses in the same zoning district.

Adopted in October 2007, Senate Bill 2 amended state housing element law to require that local jurisdictions identify at least one zoning district within which emergency shelters are allowed as a permitted use without a conditional use permit or other discretionary approval. Senate Bill 2 also established new definitions for transitional and supportive housing and mandated that local jurisdictions treat such housing as a residential use of property subject only to those restrictions applied to other housing of the same type in the same zone. The full text of SB 2 is appended to this staff report as Attachment 3.

In written correspondence dated March 20, 2013 and appended to this staff report as Attachment 4, HCD indicated that a final compliance determination for the updated Housing Element will be issued once the City has processed the necessary zoning text amendments to permit emergency shelters by-right in at least one zoning district. While this correspondence does not explicitly refer to the City's obligation to comply with state mandates regarding transitional and supportive housing, local jurisdictions typically address these mandates in conjunction with those pertaining to emergency shelters.

At present, emergency shelters are not permitted by-right in any zoning district within the City. Emergency shelters are conditionally permitted in all general and light industrial zoning districts, all institutional zoning districts, most commercial zoning districts, and some residential zoning districts located outside of the City's Coastal Zone. The City's zoning ordinances do not currently include any specific development or operational standards for emergency shelters.

In the summer of 2011, City staff convened an ad hoc committee of members of the City's Housing Commission and Planning Commission to review a draft update of the City's Housing Element for the forthcoming Fifth Housing Element Cycle (2013-2021). Over the course of two meetings, the ad hoc committee discussed the state mandate to allow emergency shelters by-right in at least one zoning district. The ad hoc committee reached consensus on a recommendation to allow emergency shelters by-right in the City's light industrial zoning districts. This recommendation was shared with the Planning Commission, Housing Commission, and City Council at public workshops on the Housing Element update conducted in the summer of 2012.

PROJECT DESCRIPTION

The proposed project involves a series of text amendments to the City's zoning regulations to: 1) allow emergency shelters by-right in all light industrial zoning districts outside of the City's Coastal Zone, subject to certain development and operational standards; and 2) incorporate into the City's zoning ordinances state-prescribed definitions of transitional and supportive housing and identify these uses as being permitted by-right in residential zoning districts.

The proposed zoning text amendments related to emergency shelters would apply only to non-coastal properties and thus would not require a Local Coastal Plan Amendment (LCPA). The proposed zoning text amendments related to transitional and supportive housing, however, would apply to properties within the City's Coastal Zone and thus require an LCPA, which is subject to review and approval by the California Coastal Commission.

Emergency Shelters

Staff recommends zoning text amendments that would provide for emergency homeless shelters by-right in those light industrial zoning districts located outside of the City's Coastal Zone. Additionally, in accordance with state law, staff proposes a series of development and operational standards that can be objectively applied to emergency shelters as part of a ministerial review process. The proposed standards, as well as the proposed changes to the land use table for industrial zoning districts, are appended to this staff report as Attachment 2.

To provide clarity in the review process, staff recommends inserting into the City's zoning ordinances a definition of "emergency shelter" consistent with the definition thereof in state law (Health and Safety Code Section 50801).

The following table specifies the text amendments necessary to effect the proposed changes to zoning standards for emergency shelters.

**TABLE 1
Proposed Zoning Text Amendments
Pertinent to Emergency Shelters**

Proposed Change	1986 ZO	1992 ZO	Downtown ZO
Allow Emergency Shelters By-Right in Non-Coastal Light Industrial Zones	No Change	Amend Land Use Table in Article 13 (Industrial Districts) to Show Emergency Shelters as Permitted Uses in Light Industrial (IL) Zones	No Change
Establish Development/Operational Standards for Emergency Shelters	No Change	Add Section 3043 to Article 30 (Site Regulations)	No Change
Incorporate a State-Prescribed Definition of "Emergency Shelter"	No Change	Add a Definition of "Emergency Shelter" to Article 3 (Definitions); Revise the Definition of "Emergency Shelter" in Article 4 (Use Classifications)	No Change

As indicated in Table 1, the proposed zoning text amendments pertinent to emergency shelters would be confined to the 1992 Zoning Ordinance. There is minimal light industrial zoning within those portions of the Coastal Zone subject to the 1986 Zoning Ordinance, and no light industrial zoning within the Downtown District.

Transitional and Supportive Housing

Staff recommends zoning text amendments that would insert state-prescribed definitions of transitional and supportive housing into the City’s zoning ordinances and identify these uses as being permitted by-right in residential zoning districts.

The state-prescribed definitions of transitional and supportive housing would be appended to all three of the City’s zoning ordinances and would read as follows:

Transitional Housing - Buildings configured as rental housing developments but operated under program requirements that call for the termination of assistance and recirculation of assisted units to other eligible program recipients at some predetermined future point in time, which shall be no less than six months and no more than 24 months from initial occupancy. Transitional housing offers either on or off-site access to social services, counseling, and other programs to assist formerly homeless residents in the transition to permanent housing. This classification does not include facilities licensed for residential care by the State of California or homeless shelters.

Supportive Housing - Rental housing developments receiving assistance under the Multifamily Housing Program regulated through California Code of Regulations, Title 25, Article 7, Section 4. Such housing is occupied by a target population and linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing has no limit on length of stay.

The follow table specifies the text amendments necessary to effect the proposed changes to zoning standards for transitional and supporting housing.

**TABLE 1
Proposed Zoning Text Amendments
Pertinent to Transitional/Supportive Housing**

Proposed Change	1986 ZO	1992 ZO	Downtown ZO
Incorporate State-Prescribed Definitions of “Transitional Housing” & “Supportive Housing”	Add Definitions of “Transitional Housing” & “Supportive Housing” to Article 3 (Definitions)	Add Definitions of “Transitional Housing” & “Supportive Housing” to Article 3 (Definitions) & Article 4 (Use Classifications)	Add Definitions of “Transitional Housing” & “Supportive Housing” to Article 3 (Definitions) & Article 4 (Use Classifications)
Identify Transitional and Supportive Housing as Permitted By-Right in Residential Zones	Amend the Land Use Tables in Article 5 (R-1 Zone), Article 7 (R-3 Zone), & Article 32 (R-T Zone) to Include Transitional & Supportive Housing as Residential Uses	Amend the Land Use Table in Article 10 (Residential Districts) to Include Transitional & Supportive Housing as Residential Uses Permitted By-Right in All Residential Zoning Districts Outside of the	Amend the Land Use Table in Article 12 (Downtown District) to Include Transitional & Supportive Housing as Residential Uses Permitted By-Right in Subdistricts 4A, 5, 5A,

	Permitted By-Right in All Residential Zoning Districts in the Coastal Zone	Coastal Zone and Downtown District	& 7A & Conditionally in Subdistricts 1, 1A, 3, 4B, 6B, 7B, 8A, 8B, 9, 11, & 13
--	--	------------------------------------	--

The proposed zoning text amendments pertinent to both emergency shelters and transitional and supportive housing are appended to Resolution 2013-P__ as Exhibits A through K (Attachment 2).

ANALYSIS

As previously noted, the proposed zoning text amendments are required by state law and critical to a final compliance determination from HCD on the City’s recently adopted Housing Element for the Fifth Housing Element Cycle (2013 -2021). HCD expects the City to adopt these amendments prior to August 30, 2013, which is the statutory deadline for housing element adoption for all local jurisdictions in the San Diego region.

Emergency Shelter Zoning

As mandated by the U.S. Department of Housing and Urban Development (HUD), the San Diego County Regional Task Force on Homelessness conducted a point-in-time count of homeless persons throughout San Diego County on January 25, 2013. This counting effort identified 182 unsheltered homeless persons in the City of Oceanside, along with another 317 individuals accommodated in temporary emergency shelters and transitional housing facilities. Appended to this staff report as Attachment 6 is a matrix showing the number of sheltered and unsheltered homeless persons counted in each local jurisdiction within San Diego County.

Light Industrial Zoning Districts

To accommodate the estimated number of unsheltered homeless persons in Oceanside, HCD expects the City to allow emergency shelters by-right within a zoning district with adequate capacity for such facilities. As part of the recent updating of the City’s Housing Element, staff demonstrated to HCD’s satisfaction that light industrial zoning districts outside of the City’s Coastal Zone contain enough vacant land and adaptive reuse potential to accommodate facilities of sufficient size to meet the needs of the City’s estimated homeless population.

Clusters of light industrial properties are found in proximity to the Oceanside Municipal Airport, within Ocean Ranch and the Rancho del Oro Business and Technology Park, on the south side of North River Road between Avenida Descanso and College Boulevard, and along Oceanside Boulevard and Loma Alta Creek within the Peacock Neighborhood Planning Area. There is also a small cluster of light industrial properties straddling Oceanside Blvd between Interstate 5 and Hoover Street. Appended to this staff report as Attachment 7 are several map exhibits that identify the City’s light industrial zoning districts. The light industrial properties where staff proposes to allow emergency shelters by-right are those located in the north, northwest, and east quadrants.

It is staff's position that light industrial zoning districts outside of the Coastal Zone provide the most appropriate locations for emergency shelters for the following reasons:

- Most of these light industrial zoning districts are separated from residential zoning districts by at least 300 feet or by major roadways, watersheds, topographical features, and other delineating aspects of both the built and natural environment.
- These light industrial zoning districts are broadly distributed around the City.
- Properties within these light industrial zoning districts are generally located within a quarter-mile of transit service.
- Properties within these light industrial zoning districts are generally of ample size to accommodate emergency shelters and associated social service operations.
- Light industrial development types are generally the most amenable to adaptive reuse as emergency shelters.

Comparative research recently conducted by staff demonstrates that many local jurisdictions in California have identified industrial zoning districts as the most appropriate areas for emergency shelters. Of the 12 California localities represented on the matrix of emergency shelter zoning standards, nine permit emergency shelters by-right in industrial zoning districts.

Maintenance of CUP Requirement on Some IL Properties

Several light industrial properties located along Oceanside Boulevard between Interstate 5 and Hoover Street lie within close proximity of residential uses, and a number of transitional housing and social service facilities now operate in this area. The prevalence of social service operations in this area was addressed by the Oceanside Boulevard Corridor Vision Statement, adopted by the City Council in 2007. The Vision Statement calls for "a plan and policies that will decrease the concentration of social service providers in the Oceanside Boulevard corridor and share them with the rest of the City." In light of the proximity of light industrial and residential zoning districts in this area, and in deference to the Oceanside Boulevard Corridor Vision Statement, the proposed zoning text amendments maintain the Conditional Use Permit requirement for emergency shelters on light industrial properties located along Oceanside Boulevard between I-5 and Hoover Street.

Development and Operational Standards

As noted earlier, emergency shelters are already conditionally allowed in the City's non-coastal light industrial zoning districts. Under the proposed zoning text amendments, emergency shelters would remain subject to all of the development standards applicable to any other development project proposed within a light industrial zone. In addition to the development standards universally applicable within light industrial zones, SB 2 authorizes the City to establish other development and operational standards that address, among other considerations, the maximum number of beds in a single facility, the maximum length of stay, the minimum size of client intake areas, the minimum separation between shelters, and the provision of on-site management. Informed by standards adopted by other local jurisdictions throughout the state, staff's

recommendations for specific development and operational standards for emergency shelters are appended to this staff report as Attachment 2.

Transitional and Supportive Housing

Typically operated by non-profit entities subsidized and monitored by federal, state, and local government, transitional and supportive housing facilities provide both shelter and non-medical services to low-income individuals and families lacking stable, permanent housing. Residents of transitional and supportive housing facilities are often challenged by physical disabilities, HIV/AIDS, mental illness, substance abuse, domestic violence, and other obstacles to independent living. Consequently, these residents often require personal case management and/or other social services to live successfully on their own and become productive members of the community.

While transitional housing accommodates residents for a limited period of time, supportive housing is often a permanent housing solution for individuals who do not have the wherewithal to live on their own.

Much like state density bonus law, which the City recently complied with by amending its own density bonus standards, the provisions of SB 2 preempt local zoning authority. Thus, prospective operators of transitional and supportive housing facilities can invoke the provisions of SB 2 and implement such facilities even if the City fails to codify the state-prescribed definitions of transitional and supportive housing or amend its zoning standards to explicitly allow these uses by-right in residential zoning districts.

Transitional and supportive housing facilities typically accommodate no more than one or two residents per dwelling unit, but in the event a facility housed more than six adults in a single-family home, the facility would be subject to additional parking requirements under the City's high density residential occupancy standards.

Current Zoning

At present, zoning standards applicable to non-coastal areas and the Downtown District define transitional housing as an institutional use and make no mention of supportive housing. The zoning ordinance applicable to non-coastal areas (1992 ZO) lists transitional housing as a conditionally permitted use in some commercial zoning districts and all public/semi-public zoning districts, while the zoning ordinance applicable to the Downtown District (Downtown ZO) does not identify transitional housing as a use permitted either by-right or conditionally in any zoning district. The City's zoning ordinance applicable to those portions of the Coastal Zone outside of the Downtown District (1986 ZO) makes no mention of transitional or supportive housing.

Proposal

The proposed zoning text amendments would acknowledge transitional and supportive housing as residential uses subject only to the same land use and development standards applicable to other permitted residential uses in the same zone. Under the proposed text amendments, transitional or supportive housing facilities could be

established by-right within new or existing residential structures in all residential zoning districts. For example, a transitional or supportive housing facility could operate by-right within a single-family home in a single-family residential zone, or within an apartment complex in a multi-family residential zone. Residential properties accommodating transitional or supportive housing facilities would remain subject to the same density allowances, height limits, minimum setbacks, open space requirements, and other development standards applicable within the surrounding zoning district.

Funding Eligibility Requirements

Transitional and supportive housing facilities are typically operated by non-profit entities that rely on government subsidies, charitable donations, and other forms of ongoing financial support to bridge the gap between operational costs and constrained revenues. While transitional and supportive housing typically does not require state licensing, facilities must comply with rigorous program requirements in order to maintain funding eligibility. Facilities are subject to regular reporting and on-site inspection. For example, the Women's Resource Center, to which the City of Oceanside directs federal HOME funds, undergoes inspection by Housing Division staff every other year.

Legal Definition of "Family"

As their respective state-prescribed definitions imply, transitional and supportive housing usually accommodate residents in separate, independent dwelling units – i.e., units that include kitchen facilities, bathrooms, and all the accoutrements necessary for independent living. Whether in a single-family home or in a multifamily development, most residents of transitional and supportive housing facilities live as discrete households, and thereby benefit from the same legal protections afforded to families. State law generally defines a "family" as one person or two or more individuals living together and sharing household responsibilities and activities, including living expenses, chores, and meals. Under state law, local jurisdictions cannot restrict the definition of "family" to groups of blood-related persons or impose a numerical limit on the number of persons in a "family". Consequently, even in the absence of the specific protections afforded by SB 2, transitional and supportive housing facilities that accommodate residents living as "families" cannot be regulated any differently than other uses permitted in the same zoning district.

Boarding Houses and Similar Commercial Uses

Given the relatively narrow definitions of transitional and supportive housing, along with the various funding program requirements under which these facilities operate, the proposed changes to zoning standards pertinent to transitional and supportive housing are not expected to occasion an increase in the number of such facilities in Oceanside. Moreover, because transitional and supportive housing by definition must serve a target population of low-income residents who qualify as "homeless", the proposed changes would not enable the establishment of boarding houses or similar commercial uses in residential zones.

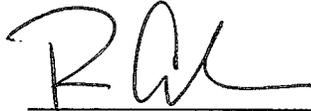
ENVIRONMENTAL DETERMINATION

In accordance with the California Environmental Quality Act (CEQA), staff has reviewed the proposed project and determined that there is no possibility that the activity will have a significant effect on the environment. Therefore, pursuant to CEQA Guidelines Section 15061(b)(3) (General Rule), the activity is not subject to CEQA. However, while environmental review is not warranted at this time, such review would be conducted prior to the approval of any future projects subject to the proposed zoning standards for emergency shelters and transitional/supportive housing.

SUMMARY

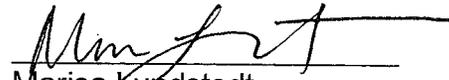
Staff recommends that the Planning Commission recommend that the City Council approve Zone Amendment (ZA12-00008) and Local Coastal Plan Amendment (LCPA13-00003), in order to meet the City's obligation to conform its zoning standards to the provisions of Senate Bill 2 regarding emergency shelters and transitional and supportive housing.

PREPARED BY:



Russ Cunningham
Senior Planner

SUBMITTED BY:



Marisa Lundstedt
City Planner

RC/fil

Attachments:

1. Resolution No. 2013-P31
2. Zoning Ordinance Legislative Draft (Exhibits A-K)
3. Senate Bill 2
4. Correspondence from California Housing and Community Development (HCD)
5. Comparative Matrix of Emergency Shelter Standards
6. RTFH 2013 Point-In-Time Homeless Count
7. Maps of IL zoning districts

1 PLANNING COMMISSION
2 RESOLUTION NO. 2013-P31

3 A RESOLUTION OF THE PLANNING COMMISSION OF THE
4 CITY OF OCEANSIDE, CALIFORNIA RECOMMENDING
5 APPROVAL OF A ZONE AMENDMENT AND LOCAL
6 COASTAL PROGRAM AMENDMENT TO ALLOW
7 EMERGENCY SHELTERS BY-RIGHT WITHIN LIGHT
8 INDUSTRIAL ZONING DISTRICTS OUTSIDE OF THE
9 COASTAL ZONE, INCORPORATE STATE-PREScribed
10 DEFINITIONS OF TRANSITIONAL AND SUPPORTIVE
11 HOUSING AND IDENTIFY THESE TWO USES AS
12 PERMITTED BY-RIGHT IN ALL RESIDENTIAL ZONES,
13 AND ESTABLISH PORTIONS OF THE AMENDED TEXT AS
14 PART OF THE IMPLEMENTING DOCUMENT OF THE
15 CITY'S LOCAL COASTAL PROGRAM

16 APPLICATION NO: ZA12-00008, LCPA12-00003
17 APPLICANT: City of Oceanside
18 LOCATION: Citywide

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

21 WHEREAS, there was filed with this Commission a verified petition on the forms
22 prescribed by the Commission requesting a Zone Amendment and Local Coastal Program
23 Amendment, under the provisions of Article 45 of the Zoning Ordinance of the City of Oceanside,
24 to permit the following:

25 Text amendments to Articles 2, 5, 7, and 32 of the 1986 Zoning Ordinance, Articles 3, 4,
10, 13, and 30 of the 1992 Zoning Ordinance, and Articles 3 and 4(A) of the
Redevelopment Zoning Ordinance to allow emergency shelters by-right within light
industrial zoning districts outside of the Coastal Zone, incorporate state-prescribed
definitions of transitional and supportive housing and identify these two uses as permitted
by-right in all residential zones, and establish portions of the amended text as part of the
implementing document of the City's Local Coastal Program, with said text amendments
appended to this resolution as Exhibits "A" through "K";

WHEREAS, the Planning Commission, after giving the required notice, did on the 24th day
of June, 2013, conduct a duly advertised public hearing as prescribed by law to consider said
application; and

1 WHEREAS, pursuant to California Environmental Quality Act (CEQA) Guidelines
2 Section 15061(b)(3) (General Rule), the activity is not subject to CEQA, as there is no
3 possibility that the activity will have a significant effect on the environment..

4 WHEREAS, while environmental review is not warranted at this time, such review
5 would be conducted prior to the approval of any future projects subject to the proposed zoning
6 standards for emergency shelters and transitional/supportive housing;

7 WHEREAS, the proposed project was identified and addressed in the Negative
8 Declaration prepared for the City's Housing Element Update for the Fifth Housing Element
9 Cycle and adopted by the City Council on April 17, 2013;

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

12 For the Zone Amendment and Local Coastal Program Amendment:

- 13 1. The Zone Text Amendment, as proposed, conforms to the General Plan of the City, in that
14 it supports the development of a variety of housing opportunities, including housing that
15 meets the special needs of the homeless and the disabled.
- 16 2. That the granting of the Zoning Amendment is consistent with the purposes of the
17 Zoning Ordinance, in that emergency shelters and transitional and supportive housing
18 facilities shall be subject to the same development standards applicable to other uses
19 permitted in the same zone.
- 20 3. Pursuant to Public Resources Code §30510(a), the Planning Commission hereby certifies
21 that the Local Coastal Program Amendment (LCPA12-00003) is intended to be carried out
22 in conformance with the Coastal Act of 1976.
- 23 4. Pursuant to Coastal Commission Local Coastal Program Regulations §13551(b), this
24 amendment shall take effect upon Coastal Commission approval.

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1 5. The Zone Amendment conforms to the Local Coastal Program, including the policies of
2 the plan.

3 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
4 recommend approval of Zone Amendment (ZA12-00008) and Local Coastal Program
5 Amendment (LCPA12-00003), and as represented in the attached Exhibits "A" through "K".

6 PASSED AND ADOPTED by Resolution No. 2013-P31 on June 24, 2013 by the
7 following vote, to wit:

8 AYES: Neal, Balma, Martinek, Troisi and Ross

9 NAYS: None

10 ABSENT: Rosales, Morrissey

11 ABSTAIN: None

12 
Robert Neal, Chairperson
Oceanside Planning Commission

13 ATTEST:

14 
15 Marisa Lundstedt, Secretary

16 I, MARISA LUNDSTEDT, Secretary of the Oceanside Planning Commission, hereby certify
17 that this is a true and correct copy of Resolution No. 2013-P31 .

18 Dated: June 24, 2013
19
20
21
22
23
24
25
~

ATTACHMENT 2

EXHIBIT A ARTICLE 2 (DEFINITIONS) 1986 ZONING ORDINANCE

Section 280.2: SUPPORTIVE HOUSING. "Supportive housing" means rental housing developments receiving assistance under the Multifamily Housing Program regulated through California Code of Regulations, Title 25, Article 7, Section 4. Such housing is occupied by a target population, as defined by Health and Safety Code Section 53260(d), and linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing has no limit on length of stay.

Section 280.3: SWAP LOTS. Any building, structure, enclosure, lot or other area into which persons are admitted to display, exchange, barter, buy, sell or bargain for new or used merchandise. This includes but is not limited to any such areas established primarily as a swap lot, as well as areas planned to be used on a regular, although secondary, basis as a swap lot, such as drive-in theaters and parking lots.

Section 281: THEATER. "Theater" means a place, building, or portion of a building so arranged that a body of spectators can have an unobstructed view of a stage or screen on which live or filmed entertainments are given and for which an admission fee is received; it shall also mean, within the context of this ordinance, the operation of any commercial establishment wherein motion pictures are shown either as the principal business, an appurtenant business, or added attraction in connection with other business.

Section 281.1: TIME-SHARE RESORT PROJECT. A "time-share resort project" is one in which a purchaser receives the right in perpetuity, for life, or for a term in years, to the recurrent, exclusive lodging use or occupancy of a lot, parcel, unit, or segment of real property, annually or on some other periodic basis, for a period of time that has been or will be allotted from the use or occupancy periods into which project has been divided. A time-share resort project may be coupled with an estate in real

ATTACHMENT 3

Senate Bill No. 2

CHAPTER 633

An act to amend Sections 65582, 65583, and 65589.5 of the Government Code, relating to local planning.

[Approved by Governor October 13, 2007. Filed with
Secretary of State October 13, 2007.]

LEGISLATIVE COUNSEL'S DIGEST

SB 2, Cedillo. Local planning.

(1) The Planning and Zoning Law requires the housing element of the general plan of a city, county, or city and county to contain, among other things, an assessment of housing needs, including an inventory of land suitable for residential development, and a program with a 5-year schedule of actions that the local government is undertaking or intends to undertake to implement the goals and objectives of the housing element. This program is also required to identify adequate sites with zoning that permits owner-occupied and multifamily residential use by right, including the development of farmworker housing for low- and very low income households.

This bill would add emergency shelters to these provisions, as specified, and would add provisions to the housing element that would require a local government to identify a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. The bill would also authorize a local government to satisfy all or part of this requirement by adopting and implementing a multijurisdictional agreement, as specified, and would delete multifamily residential use from these provisions. By increasing the duties of local public officials, the bill would create a state-mandated local program.

(2) The Planning and Zoning Law requires that a local agency not disapprove a housing development project, including farmworker housing, for very low, low-, or moderate-income households or condition its approval, including through the use of design review standards, in a manner that renders the project infeasible for development for those households unless it makes written findings, based upon substantial evidence in the record, as to one of a number of specified conditions.

This bill would add supportive housing, transitional housing, and emergency shelters to these provisions and would revise the conditions upon which a disapproval or a conditional approval of an emergency shelter is based. The bill would define supportive housing and transitional housing. By increasing the duties of local public officials, the bill would impose a state-mandated local program.

(3) The bill would also make other technical and conforming changes to these provisions.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) Homelessness is a statewide problem that affects many cities and counties. There are an estimated 360,000 homeless individuals and families in California. In some counties, like Los Angeles, an estimated 254,000 men, women, and children experience homelessness over the course of each year. Some of the causes of homelessness are mental illness, substance abuse, prison release, and lack of affordable housing.

(b) Because homelessness affects people of all races, gender, age, and geographic location there is a growing need for every city and county to plan for the location of adequate emergency shelters. Many people experiencing homelessness, primarily youth and single individuals, need shelter but also have a need for residential substance abuse and mental health services.

(c) The lack or shortage of emergency shelters for homeless individuals and families in cities and counties across the state leads to the concentration of services in inner cities and poor communities, like the skid row area in downtown Los Angeles.

(d) In order to ensure access to services in every city and county for homeless individuals and families, it is important that cities and counties plan for these services to address the special needs and circumstances of this threatened population.

(e) It is the responsibility of cities and counties to plan and identify areas for emergency shelters. Cities and counties should include this as part of their planning process and locate emergency shelters where most appropriate in their community. The state should not dictate where these emergency shelters should be located.

(f) It is the responsibility of the Legislature to promote strong communities and ensure that housing and residential services are available in all communities.

SEC. 2. Section 65582 of the Government Code is amended to read:

65582. As used in this article, the following definitions apply:

(a) "Community," "locality," "local government," or "jurisdiction" means a city, city and county, or county.

(b) "Council of governments" means a single or multicounty council created by a joint powers agreement pursuant to Chapter 5 (commencing with Section 6500) of Division 1 of Title 1.

(c) "Department" means the Department of Housing and Community Development.

(d) "Emergency shelter" has the same meaning as defined in subdivision (e) of Section 50801 of the Health and Safety Code.

(e) "Housing element" or "element" means the housing element of the community's general plan, as required pursuant to this article and subdivision (c) of Section 65302.

(f) "Supportive housing" has the same meaning as defined in subdivision (b) of Section 50675.14 of the Health and Safety Code.

(g) "Transitional housing" has the same meaning as defined in subdivision (h) of Section 50675.2 of the Health and Safety Code.

SEC. 3. Section 65583 of the Government Code is amended to read:

65583. The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, mobilehomes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community. The element shall contain all of the following:

(a) An assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs. The assessment and inventory shall include all of the following:

(1) An analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected housing needs for all income levels, including extremely low income households, as defined in subdivision (b) of Section 50105 and Section 50106 of the Health and Safety Code. These existing and projected needs shall include the locality's share of the regional housing need in accordance with Section 65584. Local agencies shall calculate the subset of very low income households allotted under Section 65584 that qualify as extremely low income households. The local agency may either use available census data to calculate the percentage of very low income households that qualify as extremely low income households or presume that 50 percent of the very low income households qualify as extremely low income households. The number of extremely low income households and very low income households shall equal the jurisdiction's allocation of very low income households pursuant to Section 65584.

(2) An analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition.

(3) An inventory of land suitable for residential development, including vacant sites and sites having potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites.

(4) (A) The identification of a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. The identified zone or zones shall include sufficient

capacity to accommodate the need for emergency shelter identified in paragraph (7), except that each local government shall identify a zone or zones that can accommodate at least one year-round emergency shelter. If the local government cannot identify a zone or zones with sufficient capacity, the local government shall include a program to amend its zoning ordinance to meet the requirements of this paragraph within one year of the adoption of the housing element. The local government may identify additional zones where emergency shelters are permitted with a conditional use permit. The local government shall also demonstrate that existing or proposed permit processing, development, and management standards are objective and encourage and facilitate the development of, or conversion to, emergency shelters. Emergency shelters may only be subject to those development and management standards that apply to residential or commercial development within the same zone except that a local government may apply written, objective standards that include all of the following:

(i) The maximum number of beds or persons permitted to be served nightly by the facility.

(ii) Off-street parking based upon demonstrated need, provided that the standards do not require more parking for emergency shelters than for other residential or commercial uses within the same zone.

(iii) The size and location of exterior and interior onsite waiting and client intake areas.

(iv) The provision of onsite management.

(v) The proximity to other emergency shelters, provided that emergency shelters are not required to be more than 300 feet apart.

(vi) The length of stay.

(vii) Lighting.

(viii) Security during hours that the emergency shelter is in operation.

(B) The permit processing, development, and management standards applied under this paragraph shall not be deemed to be discretionary acts within the meaning of the California Environmental Quality Act (Division 13 commencing with Section 21000) of the Public Resources Code.

(C) A local government that can demonstrate to the satisfaction of the department the existence of one or more emergency shelters either within its jurisdiction or pursuant to a multijurisdictional agreement that can accommodate that jurisdiction's need for emergency shelter identified in paragraph (7) may comply with the zoning requirements of subparagraph (A) by identifying a zone or zones where new emergency shelters are allowed with a conditional use permit.

(D) A local government with an existing ordinance or ordinances that comply with this paragraph shall not be required to take additional action to identify zones for emergency shelters. The housing element must only describe how existing ordinances, policies, and standards are consistent with the requirements of this paragraph.

(5) An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of

subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (6), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Section 65584 and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (6). Transitional housing and supportive housing shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.

(6) An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, and the cost of construction.

(7) An analysis of any special housing needs, such as those of the elderly, persons with disabilities, large families, farmworkers, families with female heads of households, and families and persons in need of emergency shelter. The need for emergency shelter shall be assessed based on annual and seasonal need. The need for emergency shelter may be reduced by the number of supportive housing units that are identified in an adopted 10-year plan to end chronic homelessness and that are either vacant or for which funding has been identified to allow construction during the planning period.

(8) An analysis of opportunities for energy conservation with respect to residential development.

(9) An analysis of existing assisted housing developments that are eligible to change from low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of restrictions on use. "Assisted housing developments," for the purpose of this section, shall mean multifamily rental housing that receives governmental assistance under federal programs listed in subdivision (a) of Section 65863.10, state and local multifamily revenue bond programs, local redevelopment programs, the federal Community Development Block Grant Program, or local in-lieu fees. "Assisted housing developments" shall also include multifamily rental units that were developed pursuant to a local inclusionary housing program or used to qualify for a density bonus pursuant to Section 65916.

(A) The analysis shall include a listing of each development by project name and address, the type of governmental assistance received, the earliest possible date of change from low-income use and the total number of elderly and nonelderly units that could be lost from the locality's low-income housing stock in each year during the 10-year period. For purposes of state and federally funded projects, the analysis required by this subparagraph need only contain information available on a statewide basis.

(B) The analysis shall estimate the total cost of producing new rental housing that is comparable in size and rent levels, to replace the units that

ATTACHMENT 4

STATE OF CALIFORNIA - BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN JR., Governor

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

1800 Third Street, Suite 430
P. O. Box 952053
Sacramento, CA 94252-2053
(916) 323-3177 / FAX (916) 327-2643
www.hcd.ca.gov



March 20, 2013

Mr. George Buell, Director
Development Services Department
City of Oceanside
300 N. Coast Highway
Oceanside, CA 92054

Dear Mr. Buell:

RE: City of Oceanside's 5th Cycle (2013-2021) Revised Draft Housing Element Update

Thank you for submitting the City of Oceanside's revised draft housing element update received for review on January 30, 2013 along with additional revisions received on March 13 and 14, 2013. Pursuant to Government Code (GC) Section 65585(b), the Department is reporting the results of its review.

We are pleased to find the revised draft element meets the statutory requirements described in the Department's November 21, 2012 review. However, pursuant to GC Section 65583(a)(4)(A) amended by Senate Bill 2 (SB 2, Chapter 633, Statutes of 2007), Program 11 identified in the previous element was required to amend the zoning ordinance to permit emergency shelters without discretionary action within one year of the adoption of the 4th cycle housing element. As noted in the current element on page A-7, Program 11 has not been implemented. As a result, the Department cannot find the element in compliance until Oceanside amends its zoning ordinance to permit year-round emergency shelter(s) without discretionary action pursuant to SB 2. Once the City has completed appropriate zoning to fulfill SB 2 requirements, the element will comply with housing element law upon adoption and submittal to the Department pursuant to Government Code Section 65585(g).

To remain on an eight year planning cycle, pursuant to Senate Bill 375 (Chapter 728, Statutes of 2008) the City must adopt its housing element within 120 calendar days from the statutory due date of April 30, 2013 for SANDAG localities. If adopted after this date, Oceanside will be required to revise the housing element every four years until adopting at least two consecutive revisions by the statutory deadline (GC Section 65588(e)(4)). For more information on housing element adoption requirements, please visit our website at: http://www.hcd.ca.gov/hpd/hrc/plan/he/he_review_adoptionsteps110812.pdf.

George Buell, Director
Page 2

The Department appreciates the hard work and dedication that Mr. Russ Cunningham, Senior Planner, and the City's consultant, Mr. John Douglas, provided throughout the course of the review and looks forward to receiving Oceanside's adopted housing element. If you have any questions or need additional technical assistance, please contact Robin Huntley, of our staff, at (916) 323-3175.

Sincerely,

A handwritten signature in cursive script that reads "Glen A. Campora". The signature is written in black ink and is positioned above the printed name and title.

Glen A. Campora
Assistant Deputy Director

Standards for Emergency Homeless Shelters Consistent with State Housing Element Law (SB 2)										
Jurisdiction	Zoning District(s)	Max. Beds	Min. Parking	Min. Intake Area	Staffing	Proximity to Other Shelters	Max. Length of Stay	Security Personnel	Required Ancillary Facilities	Other Standards
Carlsbad	Industrial	30	TBD by City Planner	Not specified	1 on-site manager	300 ft	Not specified	Not specified	Personal storage	Cannot be sited "immediately adjacent to" a residential zone
Vista	Commercial	50	1 per 3 beds	Capacity for 20 persons	Not specified	300 ft	Not specified	Required	Not specified	Management plan
Dublin	Industrial	Not specified	1 per staff member; 1 per 20 beds	Not specified	Not specified	Not specified	30 consecutive days	Not specified	Not specified	Management plan; must be located "near public transportation"
Pittsburg	Commercial	25	2 per shelter	100 sf	1 staff member per 8 clients	300 ft	6 months	Not specified	Not specified	Management plan
Pleasanton	Overlay Zone	50	1 per staff member; 1 per 4 beds	10 sf/bed	Not specified	300 ft	180 days	Not specified	Kitchen & dining area; personal storage	1 bed per 400 sf of lot area; screening of outdoor activity areas
Santa Rosa	Commercial	50	Not specified	10 sf/bed	1 on-site manager	300 ft	180 days	Required	Not specified	Screening required for outdoor intake areas
Anaheim	Industrial	50	1 per staff member; 1 per 4 beds	10 sf/bed	1/15 beds	300 ft	180 days	Not specified	Kitchen and dining hall; bike racks; 1 toilet and shower per 8 beds	Management plan

**Standards for Emergency Homeless Shelters
Consistent with State Housing Element Law (SB 2)**

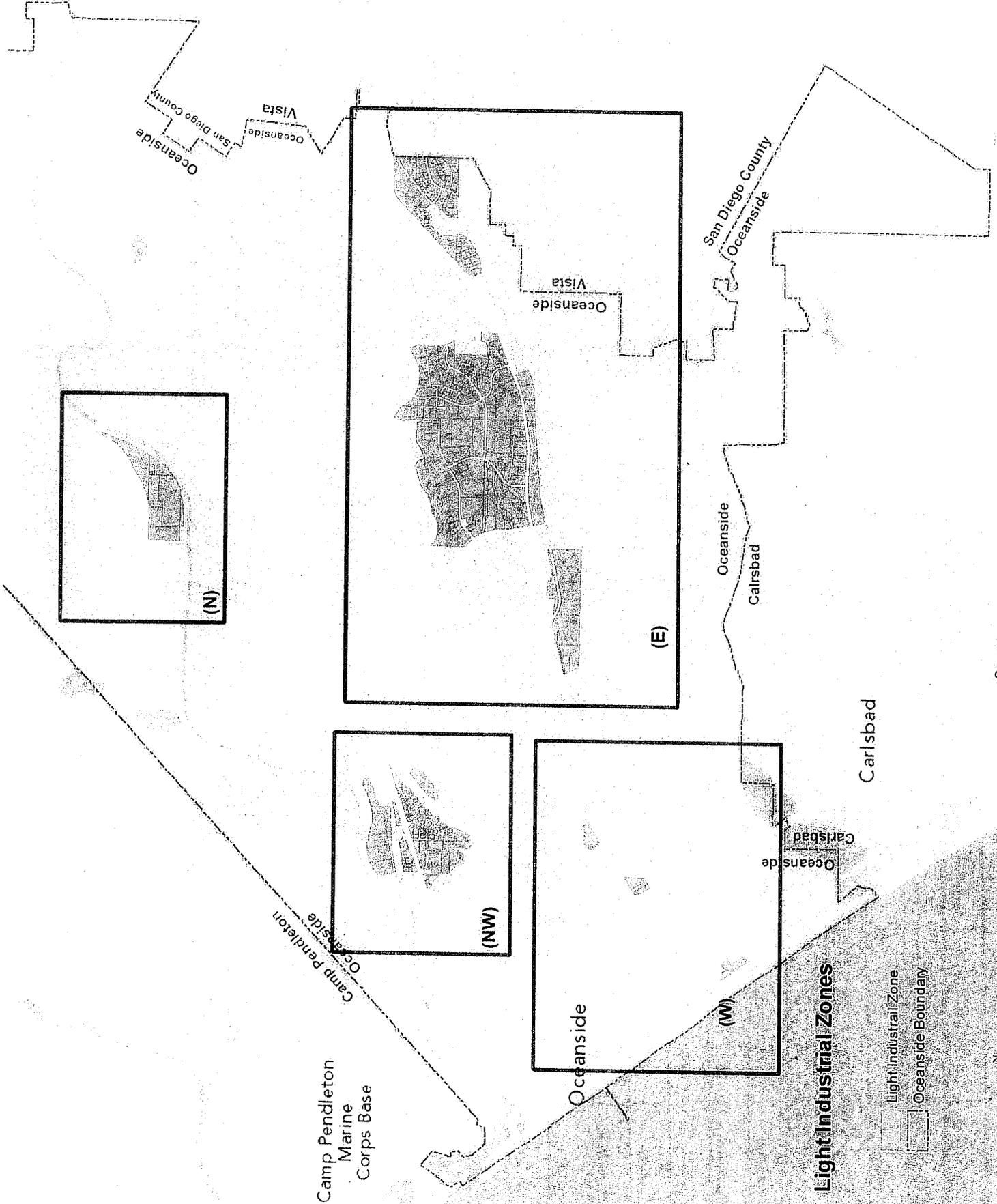
Jurisdiction	Zoning District(s)	Max. Beds	Min. Parking	Min. Intake Area	Staffing	Proximity to Other Shelters	Max. Length of Stay	Security Personnel	Required Ancillary Facilities	Other Standards
Fullerton	Commercial/ Industrial	50	1 per staff member; 1 per 15 beds	Not specified	Not specified	250 ft	6 months	Not specified	Bike racks	Management plan; Cannot be sited within a quarter-mile of a residential zone, public school, or public park
Garden Grove	Overlay Zone	60	1 per staff member; 1 per 4 beds	10 sf/bed	1/15 beds	300 ft	120 days	Not specified	Not specified	Safety & security plan
Huntington Beach	Industrial; Light Industrial	50	1 per staff member; 1 per 5 beds	10 sf/bed	1/15 beds	300 ft	120 days	Not specified	Not specified	Safety & security plan
Irvine	Various	Not specified	1 per staff member; 1 per 4 beds	Not specified	Not specified	Not specified	6 months	Per City's Uniform Security Code	Not specified	None
Glendale	Industrial	Not specified	1 per 10 beds	Not specified	Not specified	Not specified	6 months	Not specified	Not specified	None
Ventura	Industrial; Hospital	55 when sited within a quarter-mile of transit.	Variable, based on proximity to transit	Not specified	Not specified	300 ft	6 months	Not specified	Toilets and showers; personal storage; bike racks	Security plan; management shall confirm that clients have no outstanding parole violations

City	Sheltered				Unsheltered				Unsheltered							
	ES	SH	TH	Total	Indiv	V*	H*	Total	% of Tot	Unincorporated	Indiv	V*	H*	Total	%	
San Diego City	567	39	2,026	2,632	1,454	663	279	3,115	5,747	65.5%	Alpine	0	0	0	0.0%	
Carlsbad	49	0	0	49	24	23	10	78	127	1.4%	Bonsall	5	1	0	5.7%	
Chula Vista	35	0	159	194	103	82	33	301	495	5.6%	Crest-Dehesa	0	0	0	0.0%	
Coronado	0	0	0	0	7	4	0	14	14	0.2%	Fallbrook	0	0	0	0.0%	
Del Mar	0	0	0	0	2	0	0	2	2	0.0%	Hidden Meadows	0	0	0	0.0%	
El Cajon	83	0	250	333	90	6	2	101	434	4.9%	Jamul/Dulzura	0	0	0	0.0%	
Encinitas	63	0	15	78	7	11	1	30	108	1.2%	Lakeside	42	15	6	59.3%	
Escondido	70	8	286	364	111	32	6	172	536	6.1%	NC Metro	2	1	0	3.3%	
Imperial Beach	0	0	0	0	12	16	0	41	41	0.5%	Otay	0	0	0	0.0%	
La Mesa	0	0	0	0	37	18	3	68	68	0.8%	Ramona	0	0	0	0.0%	
Lemon Grove	0	0	0	0	16	3	0	20	20	0.2%	San Dieguito	0	0	0	0.0%	
National City	0	0	29	29	44	24	25	128	157	1.8%	Spring Valley	23	4	2	26.0%	
Oceanside	71	0	246	317	71	43	25	182	499	5.7%	Sweetwater	1	1	0	2.4%	
Poway	0	0	0	0	21	6	6	40	40	0.5%	Valle de Oro	3	1	0	3.3%	
San Marcos	0	0	0	0	4	2	3	12	12	0.1%	TOTAL	76	23	8	123	100%
Santee	0	0	0	0	9	5	1	18	18	0.2%	Bonita	Sheltered in TH:			5	
Solana Beach	0	0	0	0	3	5	0	11	11	0.1%	ES - Emergency Shelter					
Vista	30	0	295	325	73	17	11	118	443	5.1%	SH - Safe Haven					
TOTAL	968	47	3,306	4,321	2,088	960	405	4,451	8,772	100%	TH - Transitional Housing					
			Total	4,326				Total	8,900		Indiv - Individual					
											V - Cars/Trucks/RV/Vans					
											H - Hand-Built Structures / Tents					
											4,574 ^{total} unsheltered					

*For the 'Total' columns, vehicles and HBS/tents were multiplied by an occupancy factor of 1.45 to 1.83 depending upon region and type

ATTACHMENT 7

Vista



Source:
- SanGIS 2012
- Parcels and Municipal
- ESRI World Transportation
& World Canvas

Light Industrial Zones

Light Industrial Zone
Oceanside Boundary



30 Dr
ME

College Blvd

College Blvd

North Loop Dr

Frazee Rd

76

N River Rd

N River Rd

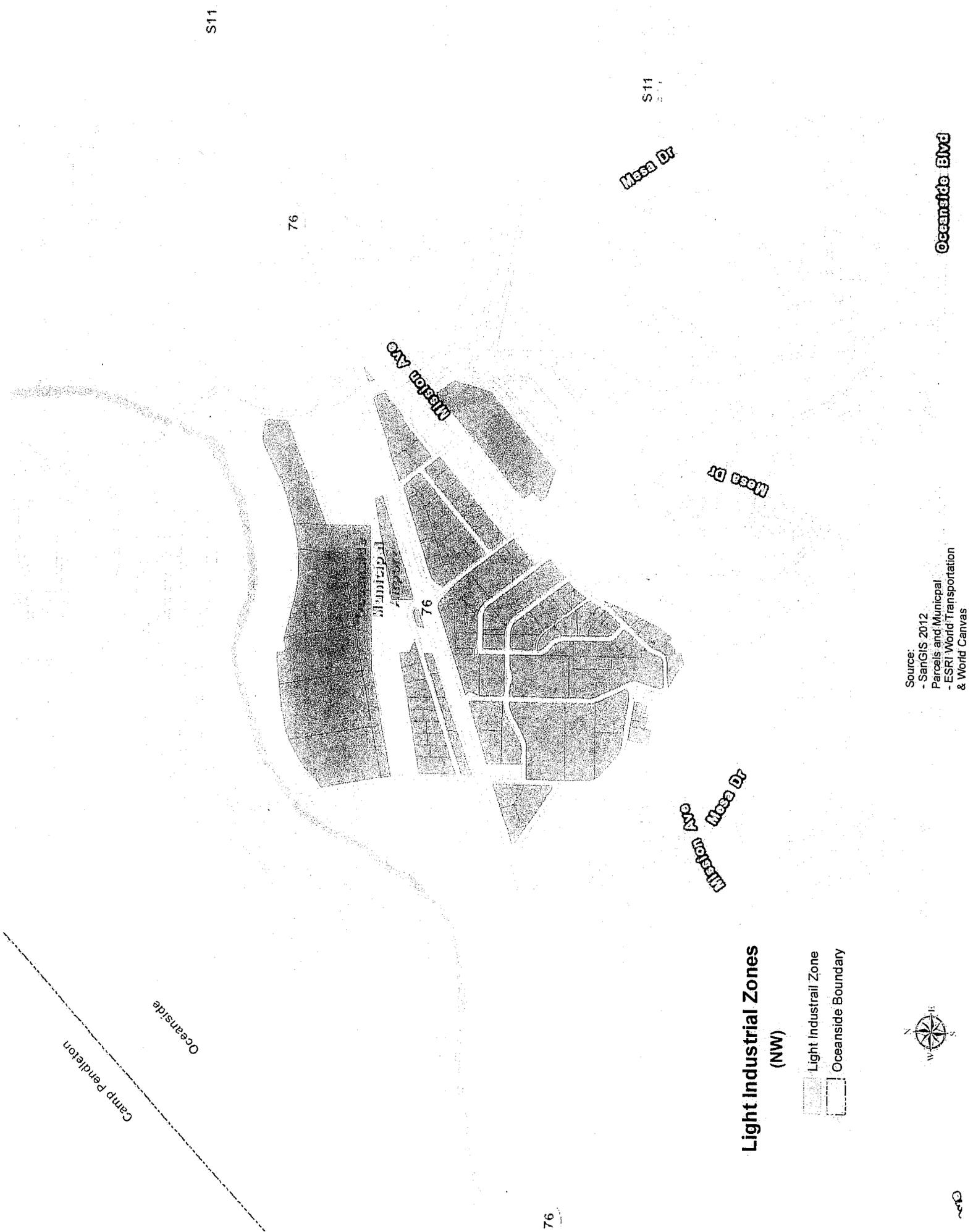
Douglas Dr

Light Industrial Zones (N)

- Light Industrial Zone
- Oceanside Boundary



Source:
 - SanGIS 2012
 - Parcels and Municipal
 - ESRI World Transportation
 & World Canvas



Light Industrial Zones (NW)

-  Light Industrial Zone
-  Oceanside Boundary



Source:
 - SanGIS 2012
 - Parcels and Municipal
 - ESRI World Transportation
 & World Canvas

Oceanside Blvd

Mesa Dr

Mesa Dr

Mesa Dr

Mesa Dr

Municipal

S11

S11

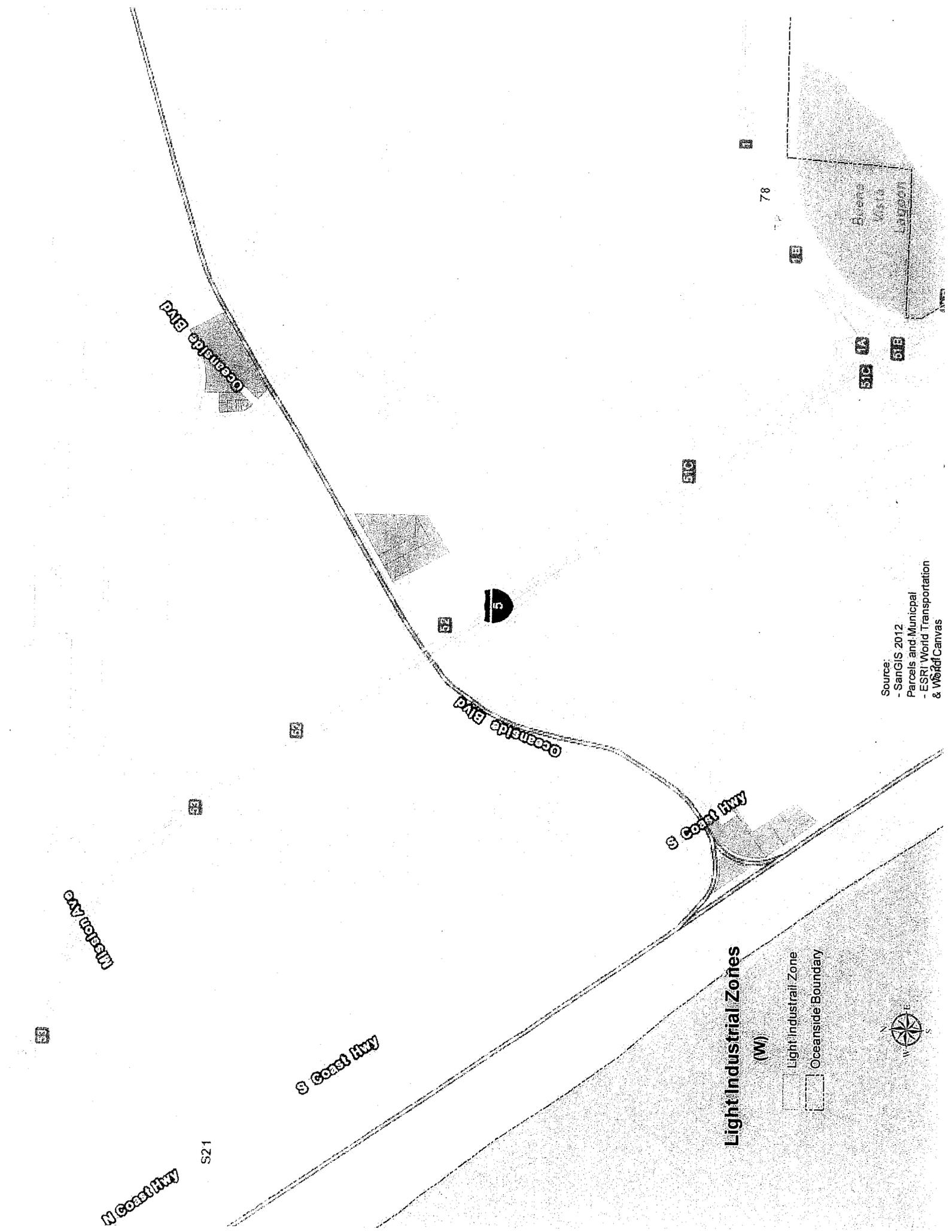
76

76

76

Camp Pendleton

Oceanside



N Coast Hwy

S21

S Coast Hwy

Ocean Blvd

S Coast Hwy

Light Industrial Zones

(LIZ)

-  Light Industrial Zone
-  Oceanside Boundary



Source:
 - SanGIS 2012
 - Parcels and Municipal
 - ESRI World Transportation
 & World Canvas

Oceanside
 Vista
 LAUREN

78

SIC 1A

SIC 2B

SIC

S2

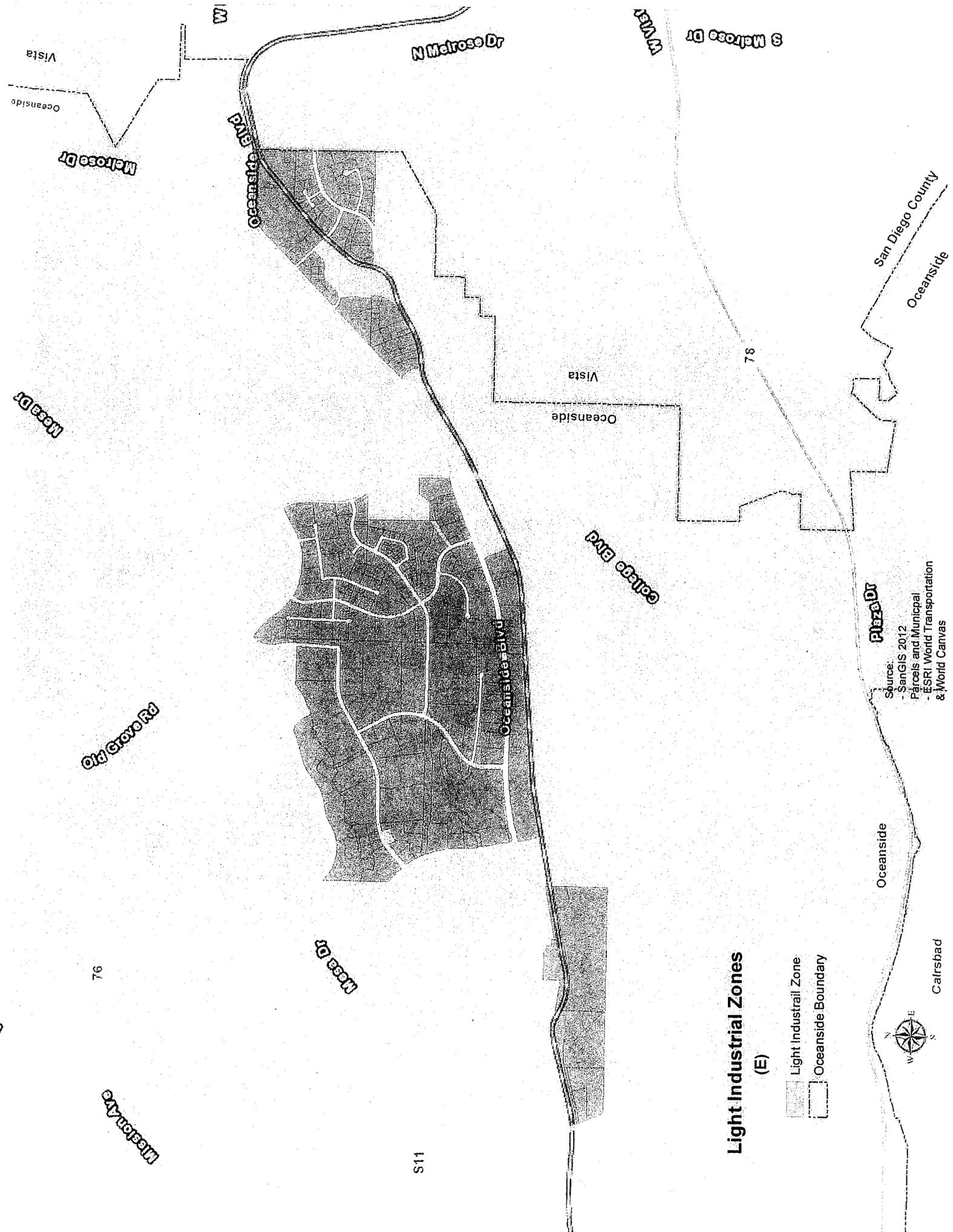
S2

S3

S3

Ocean Blvd

Oceanside Blvd



76

S11

78

Oceanside

Carlsbad

Plaza Dr

San Diego County

Oceanside

Source:
 - SanGIS 2012
 - Parcels and Municipal
 - ESRI World Transportation
 & World Canvas

Oceanside

Carlsbad



Light Industrial Zones

(E)

Light Industrial Zone

Oceanside Boundary

San Diego County

Oceanside

Source:
 - SanGIS 2012
 - Parcels and Municipal
 - ESRI World Transportation
 & World Canvas

Oceanside

Carlsbad



Light Industrial Zones

(E)

Light Industrial Zone

Oceanside Boundary

San Diego County

Oceanside

Source:
 - SanGIS 2012
 - Parcels and Municipal
 - ESRI World Transportation
 & World Canvas

Oceanside

Carlsbad

