

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE TO AMEND ARTICLES (2, 9, 10, 11, 15, 27, 29, 34, 36) OF THE 1986 OCEANSIDE ZONING ORDINANCE, ARTICLES (4, 11, 13, 15, 16, 31) OF THE 1992 OCEANSIDE ZONING ORDINANCE, AND ARTICLES (4, 12, 31) OF THE DOWNTOWN ZONING ORDINANCE TO CLARIFY AND FURTHER REGULATE THE SALES AND CONSUMPTION ALCOHOL AT RESTAURANTS

(ZA15-00002)

WHEREAS, on May 20, 2015, the City Council conducted a public hearing to consider introduction of an ordinance changing the City's 1986, 1992, and the Downtown Zoning Ordinances to address the sales and consumption of beer, wine, and hard alcohol at restaurants within the City of Oceanside, in accordance with California Government Code Section 65850-65863.13; and

WHEREAS, said changes require amendment of the implementing document of the City's Local Coastal Program, which must be certified by the California Coastal Commission prior to becoming effective; and

WHEREAS, a Notice of Exemption was prepared by the Resource Officer of the City of Oceanside for this project pursuant to the California Environmental Quality Act of the 1970 and State Guidelines;

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

SECTION 1. Zone Amendment (ZA15-00002) establishing the revised text of the 1992, 1986, and Downtown Zoning Ordinances, as established in Exhibit A, is hereby adopted.

SECTION 2. The City Clerk of the City of Oceanside is hereby directed to publish this Ordinance, or the title hereof as a summary, pursuant to state statute, once within fifteen (15) days after its passage in a newspaper of general circulation published in the City of Oceanside.

SECTION 3. Severability.

If any section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision

1 shall not affect the validity of the remaining portions of this Ordinance. The City Council  
2 hereby declares that it would have passed this Ordinance and adopted this Ordinance and each  
3 section, sentence, clause or phrase thereof, irrespective of the fact that any one or more  
4 sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

5 **SECTION 4.** Notice is hereby given that the time within which judicial review must  
6 be sought on this decision is governed by Government Code Section 65009(c).

7 **SECTION 5.** This ordinance shall be effective 30 days after its adoption, except for  
8 those areas situated in the Coastal Zone. For those areas in the Coastal Zone, this Ordinance  
9 shall be effective upon certification of LCPA15-00001 by the Coastal Commission.

10 INTRODUCED at a regular meeting of the City Council of the City of Oceanside,  
11 California, held on the 20<sup>th</sup> day of May, 2015 and, thereafter,

12 PASSED AND ADOPTED at a regular meeting of the City Council of the City of  
13 Oceanside, California, held on the \_\_\_\_\_ day of June, 2015, by the following vote:

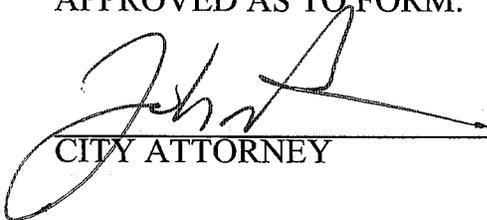
- 14 AYES:
- 15 NAYS:
- 16 ABSENT:
- 17 ABSTAIN:

18 MAYOR OF THE CITY OF OCEANSIDE

19  
20 ATTEST:

APPROVED AS TO FORM:

21  
22 \_\_\_\_\_  
23 CITY CLERK

24  
25  
26  
27  
28  
  
\_\_\_\_\_  
CITY ATTORNEY

1986 Zoning Ordinance Article & Section	Original language	Proposal (Additions and/or revisions)
Article 2, Sect. 268.1	<p>RESTAURANT: A place which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods, which may be required for ordinary meals. As used in this definition, the word "meals" means the usual assortment of foods commonly ordered at various hours of the day; the service of only such foods as sandwiches or salads shall not be deemed a compliance with this requirement. As used in this definition, the word "guests" shall mean persons who, during the hours when meals are served therein, come to a restaurant for the purpose of obtaining, and actually order and obtain, at such time, in good faith, a meal therein.</p>	<p>Remove Eating and Drinking definition and replace with new restaurant definitions as follows:</p> <p>234 –Food and Beverage Kiosk</p> <p>282 - Restaurants Fast Food. 1. Restaurants Fast Food with Drive-thru or Drive up</p> <p>283 – Restaurants Full Service 1. Restaurants Full Service with Full Alcohol 2. Restaurant Full Service with Live Entertainment</p>
Article 9, Sect. 902(3J,K)	Restaurants, tea rooms, or cafes	Add: Restaurant Full Service with alcohol and live entertainment & add Restaurant Fast food to definition.
Article 10, Sect. 1002(14)	Restaurants, tea rooms, or cafes (excluding dancing or entertainment). On sale liquor facilities may be included as appurtenant uses only for restaurants serving complete menus and having table seating capacity for 50 or more diners.	Revise: Restaurant definition to read Restaurant Full Service with alcohol & Fast Food and Add Restaurant to #14 & #15 permitted uses.
Article 11, Sect. 1102 (3)	Restaurants with cocktail lounges (including dance floor)	Revise original definition and Add: Restaurant Full Service with full alcohol and live entertainment to #3 permitted uses. Add: Restaurant fast food. Remove cocktail lounge & dance floor language.

EXHIBIT 'A'

1986 Zoning Ordinance Article & Section	Original language	Proposal (Additions and/or revisions)
Article 15, Sect. 1506	Conditional Use Permits Matrix Table	Add: Food & Beverage Kiosk approved with a CUP in zones (RT, RC, C1, C2, PCD & VC) similar to drive in facilities. Add: Restaurants Fast Food approved with a CUP in zones (RT, RC, C1, C2, PCD & VC) Similar to drive in facilities.
Article 27, Sect. 2702	Drive-In Restaurants & Drive-Through	Add Food & Beverage Kiosk Establishment and change the "Drive-In" to "Restaurant with Fast Food Drive-Up & Walk-Up Window Service" Change "Drive-Through" to "Fast Restaurant with Drive-Thru Service" Add Restaurants "Full Service" to Restaurant definition.
Article 29, Sect. 2904 (4 & 11)	4) Cocktail lounges and on-sale liquor facilities as accessory uses in restaurants or hotels. 11) Restaurants, tea rooms or cafes	Remove the reference to restaurants from #4 and Add Restaurants Full Service with alcohol and live entertainment & Fast food to definition #11.
Article 34, Sect. 3402(4)	Restaurants, Cafes and Snack bars	Add: Restaurant Full Service with alcohol and live entertainment & Restaurant Fast food to permitted uses to #4 and #5.
Article 36, Sect. 3601 Secondary Uses (1)	Restaurants and Eating Establishments	Add: Restaurant Full Service with full alcohol and live entertainment & Fast food to permitted uses and Remove eating establishments from #1 Secondary Uses.

## ARTICLE 2

### DEFINITIONS

Section 200: USE OF DEFINITIONS. Unless the provision or context otherwise requires, the definitions in this Article shall govern the construction of this ordinance.

Section 200.1: ABATEMENT. Abatement means complete removal or alteration to conform to the provisions of the Comprehensive Zoning Ordinance.

Section 201: ACCESSORY BUILDING OR USE. "Accessory building or use" means a building, part of a building or structure, or use which is subordinate and incidental to that of the main building, structure or use on the same lot. If an accessory building is attached to the main building by at least a four-foot common wall, such accessory building shall be considered a part of the main building.

Section 202: ALLEY. "Alley" means a public thoroughfare or way having a width of not more than thirty feet which affords only a secondary means of access to abutting property.

Section 202.1: AMUSEMENT PARK. Any permanent establishment offering a variety of unique or "thrill" attractions or exhibits for the purpose of recreation and entertainment, either in a carnival or "theme" atmosphere which charges admission to the public either for entrance to the park or for entrance to the individual attractions or exhibits. Such uses conducted on a temporary basis shall be defined as a carnival, circus, rodeo or air show.

Section 203: APARTMENT. "Apartment" means a room, or suite of two or more rooms in a multiple dwelling, occupied or suitable for occupancy as a residence for one family.

Section 204: APARTMENT HOUSE. "Apartment House" means a building or a portion of a building, designed for occupancy by three or more families living independently of each other, and containing three or more dwelling units.

Section 204.1: ARCADE. Any place having five or more coin-operated, slug-operated, or any type of amusement or entertainment machines for which payment is necessary for operation. These include pinball or other type of game or entertainment machines, but do not include merchandise vending machines.

Section 204.2: AUTOMATIC CAR WASH. A building or site, or portion thereof, designed and intended for washing motor vehicles; containing mechanical equipment, conveyors, blowers; and washing, rinsing or drying facilities and the like, for such purposes; whether designed as a principal or an accessory use, and attended or unattended.

Section 205: AUTOMOBILE REPAIR. "Automobile repair" means mechanical repair of passenger cars and trucks not exceeding one and one-half tons capacity. Incidental body and fender repair shall be construed as being a part of automobile repair only when it is clearly established that the body-fender repair is a minor part of the total operation.

Section 206: AUTOMOBILE WRECKING. "Automobile wrecking" means the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts.

Section 206.1: BAR – COCKTAIL LOUNGE. Any premise designed, used or intended to be used for the selling or serving of alcoholic beverages to the public for consumption on the premises, and in which for is not sold or served to the public as in a bona fide restaurant.

Section 207: BASEMENT. "Basement" means that portion of a building between floor and ceiling which is partly below and partly above ground but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.

Section 207.1: BATHHOUSE. Any premise where, for a fee, charge or other like consideration, the patron has the opportunity to bathe in communal, private, sauna, Jacuzzi, or other therapeutic bath.

Section 208: BLOCK. "Block" means all property fronting upon one side of a street between intersecting and intercepting streets, or between a street and a railroad right-of-way, waterway, terminus, or dead end street, or City boundary. Any intercepting street shall determine only the boundary of the block on the side of the street which it intercepts.

Section 209: BOARDING HOUSE. "Boarding house" means a building where lodging and meals are provided for compensation for not more than five persons, in any combination thereof, but shall not include rest homes or convalescent homes.

Section 209.1: BODY STUDIO. A body studio is any premises, other than a massage parlor, reducing salon, or public bathhouse upon which is furnished for a fee, a charge, or other like consideration the opportunity to paint, massage, feel, handle, or touch the unclothed body or an unclothed portion of the body of another person, or to be so painted, massaged, felt, handled or touch by another person or to observe, view or photograph any such activity; and includes any such premises which is advertised or represented in any manner whatsoever as a "body painting studio", "model studio", "sensitivity awareness studio", or any other expression or characterization which conveys the same or similar meaning and which leads to the reasonable belief that there will be furnished on such premises the above-described activities. Examples of such body studios include but are not limited to the following: rap parlors, escort services, schools of sexual techniques, nudist colonies, bottomless, topless floor shows, burlesque shows.

Section 210: BUILDING. "Building" means any structure having a roof, but excluding all forms of vehicles even though immobilized. Where this ordinance requires, or where special authority granted pursuant to this ordinance requires that a use shall be entirely enclosed within a building, this definition shall be qualified by adding "and enclosed on all sides".

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

Section 212: BUILDING, MAIN. "Main building" means the principal building on a lot or building-site designed or used to accommodate the primary use to which the premises are devoted; where a permissible use involves more than one structure designed or used for the primary purpose, as in the case of group houses, each such permissible building on one lot as defined by this ordinance shall be constructed as comprising a main building.

Section 213: BUILDING-SITE. "Building-site" means (a) the ground area of one lot, or (b) the ground area of two or more lots when used in combination for a building or group of buildings, together with all open spaces as required b this ordinance.

Section 214: BUNGALOW COURT. "Bungalow court" shall mean a group of three or more detached one-story, one-family or two-family dwelling located upon a single lot, together with all open spaces required by this ordinance.

Section 215: BUSINESS OR COMMERCE. "Business" or "commerce" means the purchase, sale or other transaction involving the handling or disposition of any article, service, substance or commodity for livelihood or profit; or the management of office building, offices, recreational or amusement enterprises; or the maintenance and use of offices, structures and premises by professions and trades rendering service.

Section 215.1: CARDROOM. Any space, room or enclosure furnished or equipped with a table or tables, used or intended to be used as a card table or card tables, for the playing of cards and similar games and the use of which is available to the public or any portion of the public, except any bona fide nonprofit society, club, fraternal or other organization.

Section 216: CARPORT. See definition contained in Article 27.

Section 217: CELLAR. "Cellar" means that portion of a building between floor and ceiling which is wholly or partly below grade and so located that the vertical distance between the ceiling and the average adjoining ground level is equal to or greater than the vertical distance from grade to ceiling.

Section 218: CLUBS, MEETING PLACES, LODGES. Any building, structure, room, enclosure or space used as a gathering place for members of a political, service, religious, fraternal, social, or other type of nonprofit organization including "community centers" generally available as service and meeting centers for members of a particular neighborhood. This does not include clubhouses or meeting rooms for the exclusive use of residents of a bona fide apartment complex, Planned Residential or Planned Community Development.

Section 219: CLUSTER DEVELOPMENT. See definition and examples contained in Article 3, Section 313.

Section 219.1: COMMERCIAL HORSE STABLE. Shall mean any parcel where five or more equines are boarded, maintained, kept, housed, lodged, fed, trained, sold, bred or where instruction is offered as a commercial activity.

Section 220: COMMISSION. "Commission" shall mean the Planning Commission of the City of Oceanside, California.

Section 220.1: CONVENIENCE FOOD STORE. Shall mean a mini-grocery store generally containing less than 5,000 square feet, designed to serve residential neighborhoods and is generally open 24 hours.

Section 221: COURT. "Court" means any portion of the interior of a lot or building-site which is wholly or partially surrounded by buildings, and which is not a required front, side or rear yard.

Section 222: DAIRY. "Dairy" means any premises where three or more cows, three or more goats, or any combination thereof, are kept, milked or maintained.

Section 223: DAY CARE FACILITY. Any type of group child care program involving seven (7) or more children, including nurseries for children under minimum age for education in public schools, parent cooperative nursery schools, play groups for pre-school children, and programs covering after school care for school children.

Section 2243.4: DRIVE-IN FACILITIES. Any place of business, excluding gasoline service stations, which transact any part or all of its business directly with customers within a vehicle.

Section 2254: DUMP. "Dump" means an area devoted to the disposal of refuse, including incineration, reduction, or dumping of ashes, garbage, combustible or non-combustible refuse offal or dead animals.

Section 2265: DWELLING. "Dwelling" means a building or portion thereof designed exclusively for residential purposes, including single-family, two-family, and multiple dwellings, but not including hotels.

Section 2276: DWELLING UNIT. "Dwelling unit" means one or more rooms in a dwelling or apartment house and designed for occupancy by one family for living or sleeping purposes, and having only one kitchen.

Section 2287: DWELLING, SINGLE FAMILY. "Single-family dwelling" means a building designed exclusively for occupancy by one family and containing one dwelling unit.

Section 22928: DWELLING, TWO-FAMILY. "Two-family dwelling" means a building designed exclusively for occupancy by two families living independently of each other, and containing two dwelling units.

Section 23029: DWELLING, MULTIPLE. "Multiple dwelling" means a building, or portion thereof, designed for occupancy by three or more families living independently of each other, and containing three or more dwelling units.

Section 230231: EDUCATIONAL INSTITUTION. "Educational institution" means elementary, junior high, high schools, colleges, or universities or other schools giving general academic instruction in the several branches of learning and study required to be taught by the Education Code of the State of California.

Section 2320.4: EXPANDABLE HOME. An expandable home is a home in which as part of the initial development one or more rooms are not completely finished; however, the home is so designed that it would be possible to live in that portion of the house which is completed. The unfinished portion is designed to be completed by the homeowner at some future time.

Section 234233: FAMILY. "Family" means an individual, or two or more persons related by blood or marriage, or a group of not more than five persons, excluding servants, living together as a single housekeeping unit in a dwelling unit.

Section 234: FOOD AND BEVERAGE KIOSK: An establishment that provides walk-up and/or drive-thru food and beverage services only through a kiosk window for off-site consumption. The sale and consumption of alcoholic beverages is prohibited.

Section 234235.1: FREIGHTING OR TRUCKING YARD OR TERMINAL. Any building, structure, enclosure or area used primarily as a shipping, received or distribution point for freight of any type being moved by truck including dispatching and repair of vehicles, temporary storage and warehousing and overnight parking of vehicles.

Section 232236: GARAGE, PRIVATE. "Private garage" means an accessory building or an accessory portion of the main building, enclosed on all sides and designed or used primarily for the shelter or storage by the occupants of the main building.

Section 233237: GARAGE, PUBLIC. "Public garage" means a building other than a private garage used for the care, repair or equipping of automobiles, or where such vehicles are kept for rental, lease, hire or sale.

Section 234238: GRADE. "Grade" means the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, the above-ground level shall be measured at the sidewalks.

Section 235239: GREENHOUSE. "Greenhouse" means a building or structure constructed chiefly of glass, glass-like, translucent material, cloth or lath, which is devoted to the protection or cultivation of flowers, or other tender plants.

Section 236240: GROUP HOUSES. "Group houses" means two or more separate buildings, each containing one or more dwelling units, and including row houses.

Section 237241: GUEST HOUSE OR ACCESSORY LIVING QUARTERS. "Guest house or accessory living quarters" means living quarters within an accessory building for the use of persons employed on the premises, or for temporary use by guests of the occupants of premises. Such quarters shall have no kitchen facilities and shall not be rented or otherwise used as a separate dwelling unit.

Section 238242: HOSPITAL. "Hospital" means an institution specializing in giving clinical, temporary and emergency services of a medical or surgical nature to human patients and injured persons, and licensed by the State of California to provide facilities and services in surgery, obstetrics and general medical practice as distinguished from treatment of mental and nervous disorders, but not excluding surgical and post-surgical treatment of mental cases.

Section 239243: HOSPITAL, MENTAL. "Mental hospital" means an institution licensed by the State of California to offer facilities, care and treatment for cases of mental and nervous disorders but not licensed to provide facilities and services in surgery, obstetrics, and general medical practice. Establishments limiting services to juveniles below the age of five years, and establishments housing and caring for cases of cerebral palsy are specifically excluded from this definition.

Section 240244: HOSPITAL, SMALL ANIMAL. "Small animal hospital" means an establishment in which veterinary services, clipping, bathing, boarding and other services are rendered to dogs, cats and other small animals and domestic pets.

Section 241245: HOTEL. "Hotel" means a building or group of buildings in which there are six or more guest rooms where lodging with or without meals is

provided for compensation. A hotel may provide space for shops or stores within its confines for commercial uses as are otherwise permitted in the zone in which it is located. Dining facilities are recognized as a normal appurtenant use in hotels in any zone in which hotels are permitted. The term "hotel" shall not include jails, hospitals, asylums, sanatoriums, rest homes, orphanages, prisons, detention homes, or similar buildings where human beings are housed and detained under legal restraint.

Section 242246: INSTITUTION. "Institution" means an establishment maintained and operated by a society, corporation, individual, foundation or public agency for the purpose of providing charitable, social, educational or similar services to the public, groups, or individuals.

Section 243247: KENNEL. "Kennel" means a place where four or more adult dogs or cats are kept, whether by owners of the dogs and cats or by persons providing facilities and care, whether or not for compensation. An adult dog or cat is an animal of either sex, altered or unaltered, that has reached the age of four months.

Section 244248: KITCHEN. "Kitchen" means any room, or portion of a room, used or intended or designed to be used for cooking or the presentation of food.

Section 244249.1: LIGHT EQUIPMENT RENTAL YARD. Any outdoor enclosure or area used for storage, pickup and delivery of light equipment. Light equipment shall mean general maintenance and construction equipment generally capable of being used by the average homeowner or businessman and transported by passenger vehicle or pickup truck.

Section 25044.2: LIQUOR STORE. A place or business engaged in the primary business of off-sale alcoholic beverages. For the purposes of this ordinance, primary business shall mean 25% or more of the shelf area of a business.

Section 25144.3: LOCKER CLUB – CHECKROOM. A room, space or enclosure in which personal property may be deposited for temporary safekeeping and for which deposit a check, ticket, key, certificate or token is issued in order that such goods may be identified and redeemed.

Section 245252: LODGING HOUSE. "Lodging house" means the same as boarding house, but no meals shall be provided.

Section 246253: LOT. "Lot" means land occupied or to be occupied, by a building, group of buildings or uses, and accessory buildings, together with such yards and lot area as is required by this ordinance, and having its frontage upon a street.

Section 247254: LOT AREA. "Lot area" means the total horizontal area within the boundary lines of a lot.

Section 248255: LOT, CORNER. "Corner lot" means a lot situated at the intersection of two or more streets, which streets have an angle of intersection of not more than one hundred thirty-five degrees.

Section 249256: LOT DEPTH. "Lot depth" means the horizontal length of a straight line drawn from the midpoint of the front lot line and at right angles to such line, connecting with a line intersecting the midpoint of the rear lot line and parallel to the front lot line. In the case of a front lot line, for purposes of this section, shall be deemed to be line tangent to the curve and parallel to a straight line connecting the points of intersection of the side lot lines of the lot with the front lot line.

Section 250257: LOT, INTERIOR. "Interior lot" means a lot other than a corner lot or reversed corner lot.

Section 251258: LOT, KEY. "Key lot" means the first lot to the rear of a reversed corner lot, whether or not separated by an alley.

Section 252259: LOT LINE, FRONT. "Front lot line" means in the case of an interior lot, a line separating the lot from the street. In the case of a corner lot, the front lot line shall be the line separating the narrowest street frontage of the lot from the street.

Section 253260: LOT LINE, REAR. "Rear lot line" means a lot line which is opposite and most distant from the front lot line. For the purpose of establishing the

rear lot line of a triangular or trapezoidal lot, or of a lot the rear line of which is formed by two or more lines, the following shall apply:

(a) For a triangular or gore-shaped lot, a line ten feet in length within the lot and farthest removed from the front lot line and at right angles to the line comprising the depth of such lot shall be used as the rear lot line;

(b) In the case of a trapezoidal lot the rear line of which is not parallel to the front lot line, the rear lot line shall be deemed to be a line at right angles to the line comprising the depth of such lot and drawn through a point bisecting the recorded rear lot line; or

(c) In the case of pentagonal lot the rear boundary of which includes an angle formed by two lines, such an angle shall be employed for determining the rear lot line in the same manner as prescribed for a triangular lot.

In no case shall the application of the above be interpreted as permitting a main building to locate closer than five feet to any property line.

Section ~~254~~261: LOT LINE, SIDE. "Side lot line" means any lot boundary line not a front lot line or a rear lot line.

Section ~~255~~262: LOT, REVERSED CORNER. "Reversed corner lot" means a corner lot, the side street line of which is substantially a continuation of the front lot line of the lot upon which the rear of said corner lot abuts.

Section ~~256~~263: LOT, THROUGH. "Through lot" means a lot having frontage on two parallel or approximately parallel streets.

Section ~~257~~264: LOT WIDTH. "Lot width" means the horizontal distance between the side lot lines measured at right angles to the line comprising the depth of the lot at a point midway between the front and rear lot lines, provided that the length of the line constituting the rear line of the required front yard shall never be less than the required lot width established in each zone.

Section 257265.1: MANUFACTURED HOME. A “manufactured home” for purposes of this ordinance, means a mobilehome.

Section 257265.2: MANUFACTURED HOME PARK. A “manufactured home park” for purposes of this ordinance, means a mobilehome park.

Section 257266.3: MASSAGE PARLOR. Any establishment wherein a principal function is such that massage is given, engaged in or carried on or permitted to be given, engaged in or carried out.

Section 258267.1: MOBILEHOME. Any structure transportable in one or more sections, designed and equipped to contain not more than two dwelling units to be used with or without a foundation system. Mobilehome does not include a recreational vehicle, commercial coach, or factory built housing as defined in Health and Safety Code Section 19971.

Section 258267.42: MOBILEHOME PARK. Any area or tract of land designed or used to accommodate mobilehomes used for human habitation and appurtenant uses such as recreation facilities. A mobilehome park includes a subdivision, cooperative, or condominium for mobilehomes as well as an area or tract of land where mobilehome sites are rented, or held out for rent.

Section 259268: MOTEL OR TOURIST COURT. “Motel” and “tourist court” means a group of attached or detached buildings containing individual sleeping or living units where a majority of such units open individually and directly to the outside, and where a garage is attached or a parking space is conveniently located to each unit, all for the temporary use by automobile tourist or transients, and such words shall include auto courts and motor lodges. An establishment shall be considered a motel when it is required by the Health and Safety Code of the State of California to obtain the name and address of the guests, the make, year and license number of the vehicle and the State in which it was issued.

Section 260269: NONCONFORMING STRUCTURE. “Nonconforming structure” means any structure legally contracted or established which fails to conform

to the regulations of this ordinance, other than use regulations, for the district in which it is located by reason of the adoption of this ordinance or any amendment hereto or by reason of annexation of territory to the City. Structures not legally established, which fail to conform to the provisions of this ordinance, shall be deemed to be illegal structures.

Section ~~264~~270: NONCONFORMING USE. "Nonconforming use" shall mean a use legally established and existing which fails to conform with the use regulations of the district in which located by reason of the adoption of this ordinance, or any amendment thereto, or by reason of annexation of territory to the City. Uses not legally established, which fail to conform to the provisions of this ordinance, shall be deemed to be illegal uses.

Section ~~262~~271: NONCONFORMING LOT. "Nonconforming lot" means a lot or position thereof which was legally subdivided, but which because of changes to the Subdivision or Zoning Ordinances does not conform to lot width, depth or area requirements of the zone in which it is located.

Section ~~263~~272: NURSERY. Day Care Center.

Section ~~264~~273: (Deleted by Ordinance No. 84-05)

Section ~~265~~274: (Deleted by Ordinance No. 84-05)

Section ~~265~~275.1: RECREATIONAL FACILITY (COMMERCIAL). Shall mean any recreational facilities operated as a business and open to the general public for a fee.

Section ~~265~~276.2: PAWNSHOP. Any establishment conducted, managed, or otherwise operated for the business of loaning money, either for the proprietor or for any other person, upon any personal property, personal security or by purchasing personal property and reselling such articles to the vendor or other assignee at prices previously agreed upon.

Section ~~265~~277.3: POOL HALL or BILLIARD PARLOR. A place where billiards or pool is played for charge; consisting of two or more pool or billiard tables, provided, however that this term shall not apply to any nonprofit society, fraternal club, labor or other organization having adopted bylaws and duly elected directors and members having exclusive use of the playing facilities for which use no charge is made.

Section ~~265~~278.4: (Deleted by Ordinance No. 84-05)

Section ~~266~~279: RECREATIONAL VEHICLE. "Recreational vehicle" means a vehicle designed for pleasure uses; example: campers, motor homes, trailers.

Section ~~267~~280: RECREATIONAL VEHICLE PARK. "Recreational vehicle park" means an area established for the overnight parking on a temporary basis of recreational vehicles. Any or all of the following amenities could be provided: electricity, water and waste disposal connections, public restrooms and baths, snack bar, commercial facilities for convenience items, picnic area. Development of such parks shall be to the standards as established by the Zoning Ordinance.

Section ~~268~~281: REST HOME, CONVALESCENT HOME or GUEST HOMES. "Rest home", "convalescent home" or "guest home" means a home operated as a boarding house, and in which nursing, dietary and other personal services are furnished to convalescents, invalids and aged persons; but in which are kept no persons suffering from a mental sickness, disease, disorder or ailment or from a contagious or communicable disease, and in which are performed no surgery, maternity or other primary treatment such as are customarily provided in sanitariums or hospitals or in which no persons are kept or served who normally would be admitted to mental hospitals.

Section ~~268~~.1: ~~RESTAURANT~~. ~~A place which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods, which may be required for ordinary meals. As used in this definition, the word "meals" means the usual assortment of foods commonly ordered at various hours of the day; the service of only such foods as sandwiches or~~

~~salads shall not be deemed a compliance with this requirement. As used in this definition, the word "guests" shall mean persons who, during the hours when meals are served therein, come to a restaurant for the purpose of obtaining, and actually order and obtain, at such time, in good faith, a meal therein.~~

Section 282: RESTAURANTS, FAST FOOD: A bona fide restaurant establishment where the principal business is the sale of prepared or rapidly prepared food and beverages to guests via counter, walk up, or window service for consumption on or off the premises. The sale beer and wine for on site consumption is permitted. As used in this definition, a "bona fide" restaurant shall have suitable kitchen facilities for cooking and/or preparation of meals. The word "meals" means the assortment of foods commonly ordered at various hours of the day.

1. Restaurants, Fast Food with Drive-thru or Drive up: A restaurant establishment providing service from a building to patrons in vehicles through an outdoor service window (Drive-thru) or delivery service to vehicles parked in designated parking spaces (Drive-up). The sale and consumption of alcoholic beverages at a restaurant with a Drive-thru or Drive-up window is prohibited.

Section 283: RESTAURANTS FULL SERVICE: A bona fide restaurant establishment where the principal business is the sale of food and beverages to guests via table service for consumption on the premises. The sale of beer and wine for on-site consumption shall be considered incidental to the full service restaurant. Delivery service to vehicles parked in designated parking spaces (i.e. drive-up) is allowed as an ancillary service to the Restaurant Full Service. As used in this definition, a "bona fide" full service restaurant shall have suitable kitchen facilities for cooking of complete meals. The word "meals" means the assortment of foods commonly ordered at various hours of the day; the service of only such foods as sandwiches or salads does not meet the bona fide restaurant definition.

1. Restaurants, Full Service with Full Alcohol: A bona fide restaurant establishment authorized to sell distilled spirits for consumption on licensed premises. The sale of liquor is included as an appurtenant use to full service restaurants having table seating and service for more than 50 guests.
2. Restaurants, Full Service with Live Entertainment – (small scale): Restaurant establishments providing live entertainment to patrons with 5 or fewer performers at restaurant facilities with no dance floor during typical lunch and dinner hours (11:00am-11:00pm) and having 75 percent food sales compared to alcohol sales.

Section 269284: SANITARIUM. "Sanitarium" means a health station or retreat or other place where resident patients are kept, and which specializes in giving clinical, temporary and emergency services of a medical or surgical nature to patients and injured persons and licensed by the State of California to provide facilities and services in surgery, obstetrics and general medical practice as distinguished from treatment of mental and nervous disorders, but not excluding surgical treatment of mental cases.

Section 269285.1: SECONDHAND STORE. Any establishment operating in the business of buying and selling used jewelry, watches, diamonds, clothing, musical instruments, luggage, sporting goods, furniture and junk.

Section 269286.2: SERVICE STATION. Any building, structure, premise or other place for this retail, wholesale or other dispensation of motor fuels, lubricants and motor vehicle accessories and the rendering of minor services and repairs to such vehicles but not including painting or body and fender repair.

Section 270287: (Deleted by Ordinance No. 84-05)

Section 274288: STABLE, PRIVATE. "Private stable" means a detached accessory building in which horses owned by the occupants of the premises are kept, and in which no horses are kept for hire or sale.

Section 272289: STABLE, PUBLIC. "Public stable" means a stable other than a private stable.

Section 273290: STAND. "Stand" means a structure for the display and sale of products with no space for customers within the structure itself.

Section 273291.1: STORAGE FACILITY, PERSONAL. Indoor storage service primarily for individuals to store personal effects and for businesses to store material for operation of a commercial enterprise located elsewhere. Outdoor storage is not permitted under any circumstances. Access to all individual storage spaces must be

from within the building or buildings via a central aisle or lobby. May include a living apartment for 24 hour security.

Section 274292: STORY. "Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it. If there is not floor above it, then the space between such floor and the ceiling next above it shall be considered a story. If the finished floor level directly above the basement or cellar is more than six feet above grade, such basement or cellar shall be considered a story.

Section 275293: STREET. "Street" means a public or recorded private thoroughfare which affords primary means of access to abutting property.

Section 276294: STREET LINE. "Street line" means the boundary line between a street and the abutting property.

Section 277295: STREET, SECONDARY. "Secondary street" means a collector street other than a single family collector street as defined in the Major Street Plan, having a pavement width of not less than 56 feet.

Section 278296: STREET, SIDE. "Side street" means a street which is adjacent to a corner lot and which extends in the general direction of the line determining the depth of the lot.

Section 279297: STRUCTURE. "Structure" means anything constructed or erected which requires location on the ground or attached to something having a location on the ground, but not including fences or walls less than six feet in height.

Section 280298: STRUCTURAL, ALTERATIONS. "Structural alternations" means any change in the supporting members of a building such as foundations, bearing walls, columns, beams, floor or roof joints, girders or rafters, or changes in roof or exterior lines.

Section 280299.1: 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 284300: 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 284301-4: 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 284301-2: 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 282302: 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 282303-4: 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 283304: 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 284305: 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 285306: 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 285307.1: 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 286308: 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 287309: 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 288310: 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.

Section 289311: YARD, SIDE. "Side yard" means a yard between the main building and the side lot lines extending from the rear line of the required front yard, or the front lot line where no front yard is required, to the rear line of the main building, or the rear line of the rear-most building if there is more than one, the width of which side yard shall be measured horizontally from, and at right angles to, the nearest point of a side lot line towards the nearest part of a main building.

## ARTICLE 9

### RECREATION-COMMERCIAL ZONE (R-C ZONE)

Section 900: PURPOSE. The primary purpose of the Recreation-Commercial Zone is to provide recreation-oriented residential and commercial activities, conveniently located near recreational and scenic areas with immediate and easy access to freeways and major thoroughfares.

This zone, through its various development standards, is intended to be compatible with surrounding residential developments and encourages high-quality development to ensure continued tourist support.

Section 901: GENERAL CRITERIA. The following general criteria are hereby established for use in the classification or reclassification of land to the R-C Zone.

- (a) General Plan – Compliance with the General Plan shall be established.
- (b) Recreation-commercial areas shall be so located to have easy access to or from freeways and major arterials.
- (c) Utilities – The existing utility system (water, sewer, drainage, electrical, gas and communications facilities) are adequate or new systems shall be constructed to adequately serve recreation-commercial developments and shall be underground.
- (d) Development Plans. Prior to the issuance of a building permit, a development plan shall be filed with and approved by the Planning Commission pursuant to the provisions of Article 16, Section 1611, governing development plans.

Section 902: PERMITTED USES. In the R-C Zone only the following uses are permitted as are hereinafter specifically provided and allowed subject to the provisions of Article 27 governing off-street parking requirements.

- (1) Hotels, motor hotels, and motels.
- (2) Publicly owned recreational facilities such as beaches, boat houses, boat rides, boat landing and docking facilities, playgrounds, surf fishing and community buildings.
- (3) The following commercial activities subject to limitations on permitted uses as contained hereinafter.
  - (a) Barber shops and beauty shops.
  - (b) ~~Cocktail lounges,~~lounges and on-sale liquor facilities as accessory uses in restaurants or hotels.
  - (c) Clothing stores.
  - (d) Delicatessens, and grocery stores (except convenience food stores).
  - (e) Dry goods, notions and souvenir stores.
  - (f) Florist shops.
  - (g) Jewelry stores.
  - (h) Millinery shops.
  - (i) Laundry agencies, or shops with coin-operated washers, dryers, or dry cleaning machines (except self-service Laundromat, non-attendant).
  - (j) Restaurants full service with full alcohol and live entertainment, tea rooms, or cafes.
  - ~~(j)~~(k) Restaurants fast food
  - ~~(k)~~(l) Sporting goods shops.
  - ~~(l)~~(m) Travel agencies.

(m)(n) Professional offices.

(n)(o) Pharmacies and drug stores.

(o)(p) Camera shops, photographic studios.

- (4) Other uses may be permitted as contained in Article 15 subject to the issuance of a conditional use permit.

Section 903: DENSITY – LOT AREA PER DWELLING UNIT. The minimum lot area per dwelling unit in the R-C Zone shall be as follows:

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

Section 904: FRONT YARD. See Section 1701 (e).

Section 905: SIDE YARDS. See Section 1702 (f).

Section 906: REAR YARD. See Section 1703 (d).

Section 907: AREA – LOT SIZE. See Section 1704 (d).

Section 908: LOT WIDTH. See Section 1706 (g).

Section 909: LOT DEPTH. See Section 1708.

Section 910: HEIGHT. See Section 1709.

Section 911: PLACEMENT OF BUILDINGS. See Section 1710.

Section 912: LANDSCAPING. See Section 1731.

Section 913: LANDSCAPING MAINTENANCE STANDARDS. See Section 1732.

Section 914: LIMITATIONS ON PERMITTED USES. See Section 1010.

Section 915: (Deleted by Ordinance No. 84-05)

## ARTICLE 10

### C-1 – NEIGHBORHOOD COMMERCIAL ZONE (C-1 ZONE)

Section 1000: PURPOSE. The purposed of the Neighborhood Commercial (C-1) Zone is to classify and set standards for those retail and service commercial uses which by their nature are of moderate intensity; are necessary in order to provide convenient daily shopping facilities to residential home and apartment dwellers; and are generally adjacent to or within close proximity to residential zoning or development and, therefore, require extraordinary physical treatment in order to guarantee compatibility with and protection to surrounding properties and their values.

Section 1001: CRITERIA. The following general criteria are hereby established for use in the classification or reclassification of land to the Neighborhood Commercial zone:

- (a) General Plan – Compliance with the General Plan shall be established.
- (b) Location – Neighborhood commercial centers should serve several neighborhoods and be located with primary access to a major street, preferably at the intersection of a major and collector street or two major streets. Land so utilized should be topographically suited to such use without major earth movement, resulting in unsafe or unsightly cut or fill slopes.
- (c) Need – A demonstrated public need shall be established within the general area.
- (d) Site area – A minimum of two acres based upon the guide of one acre of neighborhood commercial for every 1,000 persons up to a maximum of ten acres. This criteria shall not apply to any parcel of land which is zoned C-1 on the effective date of this Ordinance.

- (e) Utilities – The existing utility system (water, sewer, drainage, electrical, gas and communications facilities) are adequate or new systems will be constructed which will be adequate to serve a neighborhood-commercial land use and shall be underground.
- (f) Development Plan. Concurrent with an application for reclassification to the C-1 Neighborhood Commercial Zone, a Development Plan shall be filed with and approved by the Planning Commission pursuant to the provisions of Article 16, Section 1611 governing Development Plans.

Section 1002: PERMITTED USES. In a C-1 zone only the following uses are permitted subject to the provisions of Article 27 governing off-street parking requirements.

- (1) Any use permitted in the O-P zone.
- (2) Bakeries.
- (3) Barber shops or beauty parlors.
- (4) Book or stationery stores.
- (5) Dress or millinery shops.
- (6) Drug stores.
- (7) Dry cleaning.
- (8) Dry goods or notion stores.
- (9) Florist shops.
- (10) Grocery stores (except convenience food stores).
- (11) Hardware stores.
- (12) Jewelry stores.
- (13) Meat markets or delicatessen stores.

~~(14)~~ Restaurants full service with full alcohol Restaurants, tea rooms, or cafes (excluding dancing or entertainment). ~~One sale liquor facilities may be included as appurtenant uses only for restaurants serving complete menus and having table seating capacity for 50 or more diners.~~

~~(14)~~(15) Restaurants fast food.

~~(15)~~(16) Shoe stores or repair stores.

~~(16)~~(17) Tailors, clothing or wearing apparel shops.

~~(17)~~(18) Similar establishments catering directly to consumers.

~~(18)~~(19) Other uses may be permitted as contained in Article 15 subject to the issuance of a conditional use permit.

Section 1003: FRONT YARD. See Section 1701 (d).

Section 1004: SIDE YARDS. See Section 1702 (e).

Section 1005: REAR YARDS. See Section 1703 (c).

Section 1006: LOT SIZE. See Section 1704 (c).

Section 1007: HEIGHT. See Section 1709.

Section 1008: LANDSCAPING. See Section 1731.

Section 1009: LANDSCAPING MAINTENANCE STANDARDS. See Section 1732.

Section 1010: LIMITATIONS ON PERMITTED USES. Every use permitted shall be subject to the following conditions and limitations:

- (1) The outdoor display of merchandise visible from a public right-of-way is expressly prohibited except for motor vehicles, boats, horticultural plants, lumber, promotional activities by nonprofit organizations, and equipment rental, subject to any other provision of this ordinance, or other regulations

applicable to the conduct of such businesses. "Parking lot" sales as permitted by Section 1011 (16) and coin-operated news racks are excluded from this prohibition.

- (2) Products made incident to a permitted use shall be sold only at retail on the premises, and not more than five persons may be employed in the manufacturing, processing and treatment of products permitted therein.
- (3) Storage shall be limited to accessory storage of commodities sold at retail on the premises.
- (4) Where the property abuts properties in the R-1, R-2, R-3 or O-P zones, except where separated by a dedicated alley, there shall be erected and maintained along such property line a block, stone, brick, stucco, or concrete wall at least six feet in height. This provision shall be met before a certificate of occupancy permit may be issued by the Building Official.
- (5) The showing of films, movies, video tapes, or any other mechanical reproduction of visual presentation for which a fee is charged either as an admission fee, a cover charge, or a minimum charge for other services rendered, is hereby expressly forbidden except in those establishments duly authorized and licensed under the ordinances of the City of Oceanside as "theatres".

Section 1011: (Deleted by Ordinance No. 84-05)

Section 1012: (Deleted by Ordinance No. 84-05)

## ARTICLE 11

### C-2 – GENERAL COMMERCIAL (C-2 ZONE)

Section 1100: PURPOSE. The purpose of the General Commercial (C-2) Zone is to classify and set standards for retail and service commercial uses which by their nature are of relatively high intensity; are necessary to provide a wide range of shopping facilities and goods, professional and administrative offices, and entertainment establishments; and are generally within close proximity to residential zoning or development and, therefore, require a physical treatment which will guarantee compatibility with and protection to surrounding properties and their values.

Section 1101: GENERAL CRITERIA. The following general criteria are hereby established for consideration of the classification or reclassification of land to the C-2 zone:

- (a) General Plan – Compliance with the General Plan shall be established.
- (b) Location – General Commercial areas shall be located with primary access to a major or secondary street as shown on the Major Street Plan.
- (c) Need – A demonstrated public need shall be established.
- (d) Site area – A minimum of ten acres based upon the guide of three-quarters (3/4) of an acre of General Commercial for every 1,000 persons up to a maximum of thirty acres. This provision shall not apply to those lots contiguous to existing commercial zoned areas not meeting this minimum site area requirement.
- (e) Utilities – The existing utility system (water, sewer, drainage, electrical, gas and communications facilities) are adequate or new systems shall be constructed to adequately serve general commercial developments and shall be underground.

- (f) Development Plan. Concurrent with an application for reclassification to the C-2 Commercial Zone, a development plan shall be filed with and approved by the Planning Commission pursuant to the provisions of Article 16, Section 1611, governing development plans.

For any parcels currently zoned C-2 on which no specific or development plan exists and said parcels contain two-and-one-half acres or more, a development plan must be approved by the Planning Commission pursuant to the provisions of Article 16, Section 1611, governing development plans prior to the issuance of building permits.

Section 1102: PERMITTED USES. In a C-2 zone the following uses are permitted subject to the provisions of Article 27 governing off-street parking requirements.

- (1) Any use permitted in the C-1 zone.
- (2) Automobile repairing.
- (3) Restaurant Fast Food.
- (4) Restaurants full service with full alcohol and live entertainment. ~~with cocktail lounges (including dance floor).~~
- (2)(5) Newspaper, printers.
- (3)(6) Photo engraving.
- (4)(7) Upholstering shops.
- (5)(8) Retail, wholesale or service businesses catering directly to the consumer.
- (6)(9) Frozen food lockers.
- (7)(10) Kennels/Vets – provided all facilities shall be maintained inside an adequately soundproofed building.

(8)(11) \_\_\_\_\_ Any commercial use not listed in a less restrictive zoning district.

(9)(12) \_\_\_\_\_ Other uses may be permitted as contained in Article 15 subject to the issuance of a conditional use permit.

Section 1103:        FRONT YARD. See Section 1701 (e).

Section 1104:        SIDE YARDS. See Section 1702 (d).

Section 1105:        REAR YARDS. See Section 1703 (b).

Section 1106:        HEIGHT. See Section 1709.

Section 1107:        LIMITATIONS ON PERMITTED USES. See Section 1010.

Section 1108:        LANDSCAPING. See Section 1731.

Section 1109:        LANDSCAPING MAINTENANCE STANDARDS.        See  
Section 1732.

Section 1110:        (Deleted by Ordinance No. 84-05)

Section 1111:        (Deleted by Ordinance No. 84-05)

ARTICLE 15

CONDITIONAL USE PERMITS

Section 1500: PURPOSE. All of the following uses, and all matters directly related to such uses, are declared to be used possessing such unique and special characteristics as to make it impractical for them to be automatically included within some or any of the zoning districts defined in this Ordinance. The location and operation of any of these uses shall be subject to the review and issuance of a Conditional Use Permit (CUP).

The purpose of review shall be to determine whether the characteristics of any such use are compatible with the types of uses generally permitted in the surrounding area, and further, to stipulate such reasonable conditions as may be deemed necessary to assure that the basic purposes of this ordinance are being served.

Section 1501: REQUIRED SHOWING FOR CONDITIONAL USE PERMITS. Prior to the granting of a conditional use permit it shall be shown by the applicant:

- (a) That the proposed use at the particular location, if not allowed by right within other zones, is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or community. (Those uses in which an asterisk (\*) appears in the margin on the table as contained in Section 106 are the only uses to which this paragraph applies).
- (b) That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, peace or general welfare of persons residing or working in the vicinity.

- (c) That the site for the proposed use is adequate in size and is so shaped as to accommodate said use, as well as all yards, spaces, walls, fences, parking, loading, landscaping, and any other features necessary to adjust said use with the land and uses in the neighborhood and make it compatible thereto.
- (d) That the site abuts streets and highways adequate in width and improvements to carry traffic generations typical of the proposed uses and that street patterns of such a nature exist as to guarantee that such generations will not be channeled through residential areas on local residential streets.
- (e) That the granting of such conditional use permit will not adversely affect the General Plan of the City, any other adopted plan of the City, or the adopted plan of any other governmental agency.

Section 1502: CONDITIONAL USES APPROVED BY ACTION OF THE PLANNING COMMISSION. Section 1506 designates those uses which require conditional use permits. Such permits will only be granted within the zones indicated. In some cases the use is permitted within certain zones as a matter of right and conditional use permits will not be required in those cases. The Planning Commission may grant a conditional use permit upon application is accordance with Article 21 of this Ordinance. The Planning Commission's action on such applications shall be final unless appealed to the City Council as provided in Article 21.

Section 1503: EXISTING REGULATIONS. Any existing regulations applicable to property upon which an application for a conditional use permit has been required may be increased by the Planning Commission as a condition of the granting of the conditional use permit. This includes, but is not limited to, signs, fences, walls, height restrictions, density, yards, building coverage and off-street parking.

Section 1504: AMENDMENT TO A CONDITIONAL USE PERMIT. An amendment to a conditional use permit may be granted by the Planning Commission by application filed pursuant to the procedures set forth herein for the granting of a permit, except that an application for amendment of such a permit not affecting the period, the uses allowed, or the public improvements or access provided, may be made by letter to the issuing body and such amendment may be granted at a regular meeting after hearing, but without published notice.

The City Planner and the Building Official may approve, by their endorsement on the approved plan for a conditional use permit, minor modifications in construction which do not substantially alter the plan or the use permitted. Such minor modifications shall be reported to the authority which has issued the permit.

Section 1505: (Deleted by Ordinance No. 84-05)

Section 1506: USES REQUIRING CONDITIONAL USE PERMITS. The following uses require conditional use permits within the zones indicated. Such permits shall be issued in accordance with the provisions of this Ordinance.

- (1) Allowed within zone by right.
- (X) Allowed within zone after granting of CUP.
- (no mark) Not allowed within zone.
- (\*) Must show desirability and necessity as contained in Section 1501.a.

	F	O	R	A	A	A	S	R	P	R	R	R	R	R	C	T	P	C	I	M	M	C	M	P	V	S	H
	A	2	5	2	2	0	P	1	R	2	3	T	C	P	1	2	P	1	2	M	M	C	M	P	V	S	H
Acid manufacture																											
Adult book stores-sexually-oriented																											
Airports, heliports, landing fields	X	X	X	X	X	X						X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Ambulance services																											
Amusement parks		X	X	X	X	X						X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Animal foods processing																											
Apartments - 20 units or more									X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
*Apartments - less than 20 units (subject to R-3 standards)									X		1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
Arcades																											
Asphaltic concrete manufacture																											
Automobile dismantling, junk, storage or wrecking yards																											
Automobile service stations																											
Bars and cocktail lounges (not associated with restaurant)																											
Bathhouses																											













Section 1506.A: MOBILE HOMES FOR AGRICULTURAL CARETAKERS.

Conditional use permits approved to allow a temporary mobile home residence for an agricultural or grove caretaker shall have the following minimum requirements:

- (1) The area must have a minimum area of 20 acres of contiguous land which may be under multiple ownership or lease.
- (2) Use of the mobile home for residence of the temporary agricultural or grove caretaker shall be allowed only during the use of the land for agricultural purposes.
- (3) The agricultural or grove caretaker shall be a bona fide employee of the owner or owners of the land for which the conditional use is applicable, employed for the main purpose of caretaker.
- (4) The mobile home shall have a provision for disposal of human and other liquid waste through connection to a sewer or to a septic tank installed pursuant to permit issued by the City of Oceanside.
- (5) Installation of the mobile home shall be made in compliance with all Federal and State laws and County and City ordinances applicable.
- (6) The permit shall be granted for a maximum of five (5) years and shall be reviewed yearly by the City Planner to determine whether the use permitted is carried out in compliance with conditions set forth in the conditional use permit. In the event it is determined that there is a failure to comply with the above conditions, the permit may be revoked by the Planning Commission after notice in writing given no less than ten (10) days prior to hearing by mail to the owners of the property subject to the conditional use permit at the last address shown on the last equalized tax assessment roll.

Section 1506.B: TRAILERS OR EQUIPMENT VANS.

- (1) Temporary trailer or equipment vans will only be allowed for the use by financial institutions, industrial plants, public agencies or public utilities.
- (2) Prior to the filing of a conditional use permit application, the applicant shall first obtain on the application the endorsement of the Building Official, that the use would be proper within the requirements of the Building Code of the City of Oceanside.
- (3) Approval of this use shall be given on a one-year basis and a six-month extension may be granted by the Planning Commission if it is necessary to complete arrangements for construction of a permanent structure to house the use.
- (4) All utility services shall be connected in conformity to the City Building Code requirements.
- (5) Sanitation facilities shall be connected to sewer or shall utilize a self-enclosed independent system unless toilet facilities are available to the applicant on the premises or the person by whom the work is performed.
- (6) No living quarters will be allowed in the trailers or vans.

Section 1506.C: HIGH RISE STRUCTURES.

- (1) The Planning Commission shall determine from the evidence presented at the hearing that all of the following facts exist:
  - (a) The proposed building or structure at the particular location and under the proposed conditions of development has complied with good planning practices, including provisions for height, building bulk, yards, open space, lot coverage, grading and related public health, safety and convenience features, and will provide for the preservation of the general welfare of the community as if developed to the height limits imposed by the provisions of the appropriate zone.

- (b) The proposed building or structure will comply with the regulations and conditions specified in the Building Code for such structures.
  - (c) The granting of an exception will not adversely affect any adopted plan of any governmental agency.
- (2) The Planning Commission may modify or further restrict setback requirements, maximum height, off-street parking, and landscaping requirements upon a specified finding being made that it is necessary to provide for a more aesthetically pleasing project or necessary for the preservation of health, safety, peace or general welfare of persons living in or near the project.

Section 1506.D: EXPANDABLE HOMES. Expandable homes may be permitted subject to meeting the following criteria:

- (1) This provision shall apply only to subdivisions of five or more lots.
- (2) All exterior walls shall be completed as part of the initial construction.
- (3) All necessary building and electrical permits will be required prior to the finishing of any unfinished room(s).
- (4) All unfinished rooms shall be sealed off until completed.
- (5) All plumbing shall be capped off.
- (6) All electrical circuits shall be cut off at the panel.
- (7) The Planning Commission may add additional requirements to insure adequate safety and compatibility to the existing neighborhood.

Section 1506.E: RESIDENTIAL USES IN COMMERCIAL ZONES. Residential dwelling units may be permitted in the PC, RC, C-2 and C-1 zones subject to the following criteria:

- (1) The residential use is a secondary use to an office or commercial use.

- (2) The residential unit shall be located above or on the same lot as the primary commercial use.
- (3) The total number of units shall not exceed the formula of one dwelling unit per 1,000 square feet of lot area.
- (4) For new construction off-street parking shall be provided at a ratio of one space for each dwelling unit. Twenty-five percent (25%) of the parking spaces required by the office or commercial use may be included within the parking spaces provided by the residential units.
- (5) For existing structures no additional parking need be provided when the Planning Commission finds that adequate off-site parking is provided elsewhere in close proximity to the property.

Section 1506.F: OFFICE AND COMMERCIAL USES IN INDUSTRIAL ZONES. Office and commercial uses not specifically listed within any of the industrial zones may be permitted in any industrial zone subject to the approval of a Conditional Use Permit and under the following criteria:

- (1) The amount of square footage to be used for office and commercial uses shall not exceed 25% of the gross floor area of any development as shown on a development plan or 25% of any freestanding building not part of a development plan.
- (2) Off-street parking shall be provided in accordance with provisions of Article 27.
- (3) The uses shall not interfere with the primary industrial uses located in the area.
- (4) An applicant may request that the Planning Commission waive the maximum square footage requirement if it can clearly be shown that the proposed use would comply with the spirit and intent of this section.

- (5) As part of the application package the names and addresses of all owners and tenants within 300 feet of the proposed use shall be submitted.
- (6) The above requirement will not be required if, as part of an approved master development plan, office and commercial uses have been clearly delineated as approved uses.

Section 1506.G: TRAVEL TRAILER PARKS. Travel Trailer Parks may be established, after issuance of a Conditional Use Permit, under the following criteria:

- (1) The General Plan designation must be High Density Residential.
- (2) Zoning must be R-3.
- (3) The number of spaces in any one park may not exceed twenty-five (25) trailers. When located within an existing mobile home park, the number of travel trailers shall not exceed twenty-five (25) or twenty-five percent (25%) of the total number of mobile home spaces in the park whichever is less.
- (4) All units must meet applicable health and safety codes.
- (5) Restroom and shower facilities must be provided within a reasonable distance from the travel trailers.
- (6) Off-street parking at a ratio of one space per unit shall be provided.
- (7) Landscaping shall be provided on a ratio of thirty-five percent (35%) of the lot area.
- (8) A six-foot masonry wall surrounding a travel trailer park shall be provided.
- (9) A waiver to the development standards identified above shall be considered if the park is created as a result of the displacement by a governmental agency of low and moderate income units located within the City of Oceanside.

Section 1506.H: CHURCHES IN INDUSTRIAL ZONES. Churches may be established in M-1 and M-2 zones, after issuance of a Conditional Use Permit, under the following criteria:

- (1) The location proposed is not in an area considered “prime” for immediate industrial development.
- (2) Parking must be provided as required by the parking regulations for churches in Section 27, except that the parking may be shared with other industrial users in the vicinity if it can be shown that the uses will not be occurring simultaneously.
- (3) Buildings shall meet the requirements of the Uniform Building Code for church occupancies.
- (4) The church activities must not interfere with the primary industrial uses in the area.

Section 1506.I: TIME-SHARE RESORT PROJECTS. Time-share resort projects may be permitted under the zoning standards of the respective zone and other applicable City policies with the issuance of a Conditional Use Permit provided the following requirements are met:

- (1) A time-share resort project shall comply with the adopted plans, goals, objectives, policies and regulations of the City of Oceanside.
- (2) A time-share resort project shall file a Tentative Map and comply with Sections 1501 a-e, 1506 and any other relevant sections of the Comprehensive Zoning Ordinance and Subdivision Ordinance.
- (3) Time-share resort projects shall have primary automobile access on a collector or higher rated roadway as identified on the City Master Street Plan. For purposes of this section, The Strand shall be considered a collector roadway.

- (4) Parking for time-share resort projects. Parking spaces shall be provided at a ratio of one space per bedroom. Guest parking for time-share resort projects shall be provided at a ratio of one space for the first one to five time-share units; and thereafter, at a ratio of one space per five time-share resort units.
- (5) A time-share resort project application shall submit the following plans to address and mitigate the unique land use impacts of time-share resort projects.
- (a) Sales Plan – A Sales Plan shall address the times, areas and methods that will be used to sell the time-share resort estates or uses. Factors to be defined in the plan shall include, but are not limited to: the location, length, and marketing methods that will be utilized to include definitions as to on-site and off-site marketing and signage; and a discussion as to the potential numbers of individuals and automobiles expected during various stages of the sales effort and mitigation measures.
- (b) Management Plan – A Management Plan shall describe the methods employed by the applicant or his/her assignee to guarantee the future adequacy, stability, and continuity of a satisfactory level of management and maintenance of a time-share resort project. Means by which the City can service the project to protect the public health, safety, and general welfare shall be defined.
- (c) Contingency Plan – A Contingency Plan shall address the actions to be taken by the applicant or his/her assignee if the time-share resort project is an economic failure, or fails to sell 50% of the time-share resort estates or uses within two (2) years of receiving a permit to occupy the first unit.

- (d) Conversion Plan – If a time-share resort project application involves conversion of existing residential dwellings, a Conversion Plan shall be required consistent with City Policy. For purposes of Comprehensive Zoning Ordinance Article 31, Residential Condominium and Stock Cooperative Conversions, a time-share resort project shall be considered a conversion project, and a time-share resort unit shall be considered a condominium or dwelling unit. Under Article 31, conversions to time-share resort projects shall be exempt from Section 3112: tenant's right to purchase.

## ARTICLE 27

### OFF-STREET PARKING

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

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

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

USE

PARKING SPACES REQUIRED

Banks, business or professional

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

Offices

Bowling Alleys

7 for each lane.

Churches and Accessory Uses

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

Commercial Uses

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

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

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

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

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

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

Bars or Cocktail Lounges

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

USE

PARKING SPACES REQUIRED

Drive-In Restaurants

~~1 space for each 3 seats or 1 space for each~~

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

Furniture and appliance stores,

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

hardware stores, household

equipment, service shops, clothing

or shoe repair or personal service

shops

Food and Beverage Kiosk

1 per 100 sq. ft. gross area; plus queue

5 cars for drive-up service measured

from the menu board

Hospitals

1 for each bed.

Hotels

1 for each licensed unit.

Libraries

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

Motels

1 for each licensed unit.

Manufacturing uses, research and

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

testing laboratories, creameries,

floor area.

bottling establishments, bakeries,

canneries, printing and engraving

shops

USE

PARKING SPACES REQUIRED

Medical or dental clinics and medical-professional offices

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

Mortuaries

1 for each 50 sq.ft. of floor area of assembly rooms used for service.

Motor vehicle, machinery sales or wholesale stores

1 for each 1,000 sq.ft. of gross floor area.

Offices not providing customer service on the premises

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

Residential Uses

Single family dwellings

2 car garage per dwelling unit; minimum inside area of 400 sq.ft.; minimum inside width of 18 ft.

Apartments, Duplexes, and Condominiums

1 Bedroom

1-1/2 spaces per unit, 1 carport or garage, 1/2 space open.

2 Bedrooms and more

2 spaces per unit, 1 carport or garage, 1 space open. Each space shall have a minimum 9' X 20' dimension.

USE

PARKING SPACES REQUIRED

Condominiums in PRD or PCD zones 2 spaces per unit, 1 garage, 1 space open.  
each garage shall have a minimum inside  
dimension of 10' X 20'. Each open space  
shall a minimum dimension of 9' X 20'.

Exceptions

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

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

- (2) For residential parking requirements for subdivisions which have by recorded covenants a minimum age requirement, the City Council may modify parking requirements to permit a one-car garage and one open parking space.
- (3) Projects exceeding base density allowances and reserving units for low-income households in accordance with Municipal Code Section 14C.7 are eligible for the following reduced parking requirements:
- a. One (1.0) parking space per market-rate studio and one-bedroom unit;

- b. 1.5 parking spaces per market-rate unit exceeding one bedroom;
- c. 0.5 parking space per reserved studio unit;
- d. One (1.0) parking space per reserved one-bedroom unit;
- e. 1.25 parking spaces per reserved two-bedroom unit;
- f. 1.5 parking spaces per reserved unit exceeding two bedrooms.

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

<u>Restaurants Fast Food</u>	1 space for each 3 seats or 1 space for each 45 sq. ft. of area used for consumption of floor or beverages (not less than 15 spaces shall be provided); plus queue spaces for 5 cars for drive-up service measured from menu board.
<u>Restaurants Full Service</u>	1 space for each 3 seats or 1 space for each 45 sq.ft. of area used for consumption of floor or beverages (not less than 15 spaces shall be provided).

USE

PARKING SPACES REQUIRED

Rooming houses, lodging houses,  
clubs and fraternity houses  
having sleeping rooms

1 for each 2 sleeping rooms.

Sanitariums, children's homes, homes  
for aged, asylums, nursing homes

1 for each 3 beds.

Schools

1 for each one employee.

Schools (business and vocational)

1 for each 40 sq.ft. of classroom area.

Stadiums, sports arenas, auditoriums,  
(including school auditoriums) and  
other places or public assembly,  
and clubs and lodges having no  
sleeping quarters

1 for each 4 seats and/or 1 for each  
40 sq.ft. of gross floor area used for  
assembly and not containing fixed seats.

Theaters

1 for each 4 seats, up to 800 seats plus  
1 for each 8 seats over 800 seats, provided,  
however, that the issuance of a Conditional  
Use Permit for the operation of a theater  
may be conditioned upon providing a greater  
number of spaces where it is determined that,  
due to location factors such additional parking  
is necessary.

USE

PARKING SPACES REQUIRED

Transportation terminal facilities,  
warehouses and storage  
buildings

Adequate number as determined by the  
Planning Commission.

Section 2703: PARKING REQUIREMENTS FOR USES NOT SPECIFIED.

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

Section 2704: PARKING PROVISIONS MAY BE WAIVED BY CITY

COUNCIL. The City Council may, by resolution, waive or modify the provisions as herein set forth establishing required parking areas for uses such as electrical power generating plants, electrical transformer stations, utility or corporation storage yards or other uses of a similar or like nature requiring a very limited number of persons.

Section 2705: MIXED OCCUPANCIES IN A BUILDING.

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

Section 2706: JOINT USE.

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

- (a) Up to fifty (50) percent of the parking facilities required by this Article for a use considered to be primarily a daytime use may be provided by the parking facilities of a use considered to be primarily a nighttime use; up to

fifty (50) percent of the parking facilities required by this Article for a use considered to be primarily a nighttime use may be provided by the parking facilities of a use considered to be primarily a daytime use, provided such reciprocal parking areas shall be subject to conditions set forth in paragraph (c) below.

- (b) The following uses are typical daytime uses; banks, business offices, retail stores, personal service shops, clothing or show repair or service shops, manufacturing or wholesale buildings and similar uses. The following uses are typical nighttime and/or Sunday uses; auditoriums incidental to a public or parochial school, churches, dance halls, theaters and bars.
- (c) Conditions required for joint use:
  - (1) The building or use for which application is being made for authority to utilize the existing off-street parking facilities provided by another building or use, shall be located within three hundred (300) feet of such parking facility.
  - (2) The applicant shall show that there is no substantial conflict in the principal operating hours of the building or uses for which the joint use of off-street parking facilities is proposed.
  - (3) Parties concerned in the joint use of off-street parking facilities shall evidence agreement for such joint use by a proper legal instrument approved by the City Attorney as to form and content. Such instrument, when approved as conforming to the provisions of this Ordinance, shall be recorded in the office of the County Recorder and copies thereof filed with the Building Department and the Planning Department.

Section 2707: COMMON FACILITIES. Common parking facilities may be provided in lieu of the individual requirements contained herein, but such facilities shall be approved by the Planning Commission as to size, shape and relationship to business

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

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

- (a) Such area shall be accurately defined by the Planning Commission after processing in the same manner required for an amendment to the Zoning Ordinance.
- (b) Before such defined district shall be exempt as provided in this Section, active proceedings under any applicable legislative authority shall be instituted to assure that the exempted area shall be provided with comprehensive parking facilities which will reasonably serve the entire district.

Section 2709: COMMERCIAL PARKING AREAS IN R-3 OR R-P ZONES. Every parking area in an R-3 or R-P zone shall be governed by the following provisions in addition to those required in Sections 2710 and 2711:

- (a) No parking lot to be used in conjunction with commercial uses shall be established in an R-3 zone unless it abuts upon a lot for commercial or industrial use.
- (b) Such parking lot shall be used solely for the parking of private passenger vehicles.

- (c) No sign of any kind, other than one designating entrances, exits or conditions of use, shall be maintained on such parking lot. Any such sign shall not exceed eight square feet in area.

Section 2710: GENERAL REQUIREMENTS – DESIGN STANDARDS.

The following requirements shall apply:

(1) Size and Access –

- (a) Each parking space shall be provided with adequate ingress and egress. Adequate ingress and egress shall mean a driveway having a minimum width of ten (10) feet (one way), surfaced with asphaltic concrete or cement concrete paving, properly drained, no part of which shall be included in the required area of a parking space. Such drives shall be kept free and clear of any intrusions for a height of at least seven (7) feet.
- (b) The standard off-street parking space shall be twenty (20) feet long and nine (9) feet wide.
  - (1) In any parking area in which ten (10) or more parking spaces are required, twenty five (25) percent of the required spaces may be small car spaces. When fifty (50) or more parking spaces are required the allowable percentage of small car spaces may be forty (40) percent. The small car provisions shall not apply to parking spaces with pre-assigned parking.
  - (2) A small car space shall be seven and one-half (7-1/2) feet wide and fifteen (15) feet long, and shall be clearly marked as a small (compact) car space.
- (c) When the required parking space for a one or two-family structure (not including hotels or motels) in any “R” zone is to be provided in a covered garage, each such required car space shall be not less than two hundred (200) square feet in area and shall be so located

and/or constructed not to encroach on any required yard setback. When parking compounds are provided in multiple family development, the required parking space shall not be less than one hundred eighty (180) square feet in area.

- (d) Where a garage faces a public street in the R-1 and R-2 zones, a twenty (20) foot setback shall be required between the garage and the property line.
- (2) Surfacing – Off-street parking areas shall be surfaced with an asphaltic concrete or cement concrete paving and shall be so graded and drained as to dispose of all surface water with no water running over sidewalk.
- (3) Walls –
- (a) Every parking area which abuts a street shall be screened from public view through the use of landscaping to be provided in a five (5) foot setback area or through any combination of a thirty (30) inch high decorative block wall and planter areas provided, however, that the location of the planter areas shall be an integral part of the design. Such design shall be subject to approval of the City Planner.
  - (b) Every parking area which abuts property located in one of the “R” zones shall be separated from such property by a solid masonry, rock, concrete, or stucco wall six (6) feet in height measured from the grade of the finished surface of such parking lot closest to the contiguous “R” zoned property, provided that along the required front yard the wall shall not exceed forty-two (42) inches in height. No such wall need be provided where the elevation of that portion of the parking area immediately adjacent to an “R” zone is six (6) feet or more below the elevation of such “R” zoned property along the common property line.

- (4) Lighting – Any lights provided to illuminate any public parking area, semi-public parking area or used car sales area permitted by this ordinance shall be so arranged as to reflect the light away from any residentially zoned lot.
- (5) Entrances and Exits – The location and design of all entrances and exits shall be subject to the approval of the City Engineer.
- (6) Wheel Stops – Each parking space adjacent to buildings, walls and sidewalks less than six (6) feet wide or sidewalks at the same grade as the parking space shall be provided with a concrete curb or bumper at least six (6) inches in height at or within two (2) feet of the front of such space. This provision shall not be applicable to parallel parking spaces.
- (7) Striping –
  - (a) All parking spaces unless located in a garage or carport, shall be clearly marked on the parking surface, and shall conform to the plan of such parking area as approved by the City Planner.
  - (b) In addition to the clear marking of all spaces, directional arrows shall be clearly drawn on the paved surface of access areas wherever such directions are necessary to provided for a safe pattern of traffic movement.
- (8) Approval of Plans – The plan of the proposed parking area shall be submitted to and approved by the City Planner at the time of the application for the building permit for the building to which the parking area is accessory. The plans shall clearly indicated the proposed development, including location, size, shape, design, curb cuts, lighting, landscaping and other features and appurtenances of the proposed parking lot.

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

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

## ARTICLE 29

### PC PLANNED COMMERCIAL ZONE (PC ZONE)

Section 2901: INTENT AND PURPOSE. The PC Zone provides for retail and service commercial uses which by their nature are of relatively high intensity; are necessary to provide a wide range of shopping facilities and goods, professional and administrative offices, and entertainment establishments; and are generally within close proximity to recreational and scenic areas therefore, require extraordinary physical treatment in order to guarantee compatibility with and protection of the abutting recreational and scenic areas.

Section 2902: CRITERIA. The following general criteria are hereby established for use in the classification or reclassification of land to the PC Zone:

- (1) General Plan – Compliance with the General Plan and applicable specific plan(s) shall be established.
- (2) Location – Planned commercial centers should serve one or more communities and be located with primary access to a major street. Land so utilized should be topographically suited to such use.
- (3) Need – A demonstrated public need shall be established within the general area.
- (4) Site Area – No planned commercial zone shall be less than ten (10) acres.
- (5) Utilities – The existing utilities systems (water, sewer, drainage, electrical, gas and communications facilities) are adequate or new systems shall be constructed to adequately serve a planned commercial land use.

Section 2903: (Deleted by Ordinance No. 84-05)

Section 2904: PERMITTED USES IN THE PC ZONE. The following uses are permitted in the PC Zone subject to approval of a development plan as specified in Sections 2607 and 2610-2612 of Ordinance 58-1, the Zoning Ordinance:

- (1) The following commercial activities subject to limitations on permitted uses as contained hereinafter.
- (2) Barber shops and beauty shops.
- (3) Book or stationery stores.
- (4) Cocktail lounges and on-sale liquor facilities as accessory uses in ~~restaurants or hotels~~.
- (5) Clothing stores.
- (6) Delicatessens and grocery stores.
- (7) Dry goods, notions, and souvenir stores.
- (8) Florist shops.
- (9) Jewelry stores.
- (10) Millinery shops.
- (11) Restaurants full service with full alcohol and live entertainment, fast food restaurants, tea rooms or cafes.
- (12) Sporting goods shops.
- (13) Travel agencies.
- (14) Professional offices.
- (15) Pharmacies and drug stores.
- (16) Camera shops, photographic studios.

- (17) Other uses may be permitted as contained in Article 15 subject to the issuance of a conditional use permit.

Section 2905: DESIGN CRITERIA IN THE PC ZONE. The following design criteria are hereby established:

- (1) The overall plan shall achieve an integrated land and building relationship.
- (2) Open spaces, pedestrian and vehicular circulation facilities, parking facilities, and other pertinent amenities shall be an integral part of the landscape and particular attention shall be given to the retention of natural landscape features of the site.
- (3) The layout of structures and other facilities shall effect a conservation in street and utility improvements.
- (4) Architectural unity and environmental harmony within the development and with the surrounding properties shall be attained.
- (5) Off-street parking shall conform to the current City of Oceanside standards.
- (6) Building Height Limits – Building height limits may be stipulated by the Planning Commission and/or City Council for any area covered by the PC one, or any area covered by the development plan. Consideration shall be given to building heights in relation to adjacent property and building interrelationship with the development.
- (7) Utilities – All utilities shall be underground.
- (8) Refuse Storage – All outdoor trash, garbage, and refuse storage areas shall be screened on all sides from public view by a minimum 6-foot high decorative concrete block or masonry wall.
- (9) Storage – All storage of wares, merchandise, crates, bottles, or similar items shall be within a completely enclosed building.

- (10) Lighting – All lighting of the building, landscaping, parking lot, or similar facilities shall be so hooded and directed as to reflect away from adjoining properties.
- (11) Mechanical Equipment – All ground mechanical equipment shall be completely screened behind a permanent structure and all roof top mechanical equipment shall be completely screened from all view through the use of parapet walls or other similar structures.

Section 2906: (Deleted by Ordinance No. 84-05)

Section 2907: REFERRAL TO ADVISORY COMMISSION. All uses as specified in this Article, requiring review by an Advisory Commission shall be referred to the Commission after initial application has been made to the City of Oceanside. Submittal of the application together with all necessary information shall be made to the Commission at least five (5) days prior to any regularly scheduled Commission meeting by the Secretary of the Planning Commission. The Planning Commission and/or City Council shall not take action on any application until a written report setting forth recommendations regarding the particular application, signed by the Chairman of the Advisory Commission or his representative, has been received by the City of Oceanside.

## ARTICLE 34

### V-C VISTOR-COMMERCIAL ZONE (V-C-ZONE)

Section 3400: PURPOSE. The Visitor-Commercial Zone provides recreation-oriented and visitor-serving commercial activities near recreation and scenic areas with immediate access to freeways and major thoroughfares. This classification encompasses specialized commercial uses which are directly dependent, supportive or related to the coast including the Harbor area, the San Luis Rey River area, and the municipal pier area.

Section 3401: GENERAL CRITERIA. The following general criteria are hereby established for use in the classification or reclassification of land to the V-C Zone:

- (a) Compliance with the General Plan, the Coastal Land Use Plan, including all specific plans that are a part of the Coastal Land Use Plan, the Redevelopment Plan, Development Criteria, and Land Use Regulations shall be established.
- (b) The existing utility system (water, sewer, drainage, electrical, gas and communications facilities) shall be determined to be adequate to serve Visitor-Commercial developments. They shall be underground.
- (c) A Development Plan shall be filed with and approved by the Planning Commission pursuant to the provisions of Article 16, Section 1611 governing Development Plans. Those projects in the Redevelopment Area must be approved by the Community Development Commission with an advisory recommendation by the Planning Commission.

Section 3402: PERMITTED USES. In the V-C Zone, only the following uses are permitted. All uses are subject to the provisions of Article 27 governing off-street parking requirements.

- (1) Boat sales, supplies and service.
- (2) Commercial fishing, diving and ~~sportfishingsport~~ sport fishing establishments; supplies and service.
- (3) Recreational equipment rental and sales.
- (4) Restaurants full service with full alcohol and live entertainment, cafes, and snack bars.
- ~~(4)~~(5) Restaurants fast food
- ~~(5)~~(6) Delicatessens.
- ~~(6)~~(7) Gift, sundries, and souvenir shops.
- ~~(7)~~(8) Hotels, motels, tourist cottages, excepting time-share condominiums and accessory uses.
- ~~(8)~~(9) Community buildings and public uses.
- ~~(9)~~(10) Office uses above the first story.
- ~~(10)~~(11) Certain other uses with a Conditional Use Permit (as allowed in Article 15).
- ~~(11)~~(12) Other coastal related uses subject to the issuance of a Conditional Use Permit.

Section 3403: BUILDING SETBACKS. Although a minimum front yard, side yard, and rear yard setbacks are not specified herein for all types of land uses, developers should be guided by the following criteria:

- (1) Proposals for front yard, side yard or rear yard will be judged on the merits of each individual proposal and the architectural compatibility of all proposed structures with existing or proposed structures on adjoining parcels. Functional site layout with special attention to design of recreational, parking and landscaped areas may produce an acceptable

proposal with minimum or no setbacks. Abutting property owners shall be advised of proposals for no setback on side and rear yards prior to approval of same.

- (2) Buildings along The Strand should be designed so that when viewed from the beach, the visual impact of the bulk of the structure is minimized to the maximum extent possible.

Section 3404: LOT WIDTH. Lots in the V-C Zone shall maintain a minimum lot width of 100 feet for any new lots created after the effective date of this ordinance. This provision shall not be applicable to any existing lot or combination of existing lots having a lot width less than 100 feet.

Section 3405: LOT DEPTH. All lots shall have a minimum depth of 100 feet unless modified by the Planning Commission or City Council.

Section 3406: HEIGHT. No buildings or structure shall exceed a height of 45 feet or four stories at any point measured vertically from the finished grade below or any adopted height restriction that may appear in any other adopted plan or policy of the City including Proposition A passed by the voters April 13, 1982.

Section 3407: LANDSCAPING. The following criteria shall apply:

- (1) A coordinated landscape design shall be developed for each site which contributes to a continuous and integrated design.
- (2) All landscaping shall be of a type which is easily maintained.
- (3) All landscaped areas shall contain an approved permanent irrigation system and if adjacent to a street or parking area shall be enclosed by a six inch high concrete curb unless otherwise expressly approved by the Commission.
- (4) Landscaping should be provided in all front yards and side yards abutting a public street; and it is required that all other areas not used for driveway, parking, building or loading should also be landscaped. Special attention

should be given to landscaping on the interior as well as the exteriors of parking lots for multiple vehicles.

- (5) The utilization of depressed parking lots and/or mounded, landscaped buffers of parking areas is encouraged.
- (6) Parkways, if any, within the public right-of-way, except at approved sidewalk or driveway approach locations, shall be landscaped.
- (7) Landscaping plans are subject to regulations as defined in the City of Oceanside Guidelines and Specifications for Landscape Development (April 14, 1982; Resolution No. 82-79).

Section 3408: SIGNS. The height, width, depth, colors and design features, including lighting and structural support of each and all signs to be erected outside of buildings or attached to any buildings shall be subject to the Article 33 Sign Ordinance of the City of Oceanside.

Section 3409: PUBLIC ACCESS TO BEACH. Permanent facilities shall be provided for pedestrian access from the nearest public street on the bluff top to the public beach. Between Ninth Street and Wisconsin Avenue, such access will be provided on the average of every 800 feet, but in no event will there be fewer than seven such pedestrian routes. Between Ninth Street and Wisconsin Avenue, no fewer than four permanent facilities shall be provided for vehicular access from the nearest public street on the bluff top to the beach.

Section 3410: PARKING. Parking shall be provided in accordance with Article 27 of the Zoning Ordinance governing off-street parking standards.

## ARTICLE 36

### HARBOR ZONE (H-ZONE)

Section 3600: PURPOSE AND INTENT. The Harbor Zone classification is a multi-use zone for those land and water areas owned and governed by the Oceanside Small Craft Harbor District.

Section 3601: ALLOWABLE USES. The following uses are allowed within the Harbor:

#### Primary Uses –

- (1) Boat slips, docks, moorings, launching ramps, hoists, dry storage and appurtenant facilities.
- (2) Commercial fishing and sportfishing operations.
- (3) Boat sales, rentals, and repairs.
- (4) Boating related supplies and equipment sales.
- (5) Diving, fishing, surfing and related water sports facilities, sales, and services.
- (6) Harbor Administration and Coast Guard Office and patrol facilities.
- (7) Public recreation and open space.
- (8) Other related harbor – and water-dependent uses.

#### Secondary Uses:

- (1) Restaurants full service with full alcohol and live entertainment and fast food Restaurants, and eating establishments.
- (2) Gift specialty retail shops.

- (3) Delicatessens and convenience markets.
- (4) Hotel, motel, visitor-oriented residential uses, and accessory uses.
- (5) Commercial recreation sales and services.
- (6) Other Coastal-related uses subject to the issuance of a Conditional Use Permit.

Section 3602: HARBOR PRECISE PLAN. Site specific land uses within the Harbor shall be established in the Harbor Precise Plan, adopted by resolution of the Oceanside Small Craft Harbor District.

Section 3603: DEVELOPMENT STANDARDS. Development standards for land and water areas within this classification shall be as established in the Harbor Design Standards adopted by resolution of the Oceanside Small Craft Harbor District Board of Directors.

Section 3604: HARBOR DEVELOPMENT PERMIT. All developments in the Harbor shall be reviewed by the Planning Commission and require a Harbor Development Permit from the Oceanside Small Craft Harbor Board of Directors. In granting a permit, priority shall be given to primary harbor uses.

1992 Zoning Ordinance Article & Section	Original language	Proposal (Additions and/or revisions)
Article 4, Sect. 450(J)	<p>Eating and Drinking Establishments. Business providing for the preparation and the service of food or beverages for consumption on or off the premises.</p> <ol style="list-style-type: none"> <li>1. Drive-through/Drive-up. Service from a building to persons on vehicles through an outdoor service window (Drive-through) or delivery service to vehicles parked in designated parking spaces. (Drive-up)</li> <li>2. With Live Entertainment. Establishments providing live entertainment for patrons.               <ol style="list-style-type: none"> <li>(a) Small Scale. Establishments with 5 or fewer performer</li> </ol> </li> </ol>	<p>Remove the Eating and Drinking Definition and replace with the new definitions as follows:</p> <p>J: Food and Beverage Kiosk  X: Restaurants Fast Food</p> <ol style="list-style-type: none"> <li>1. Restaurants Fast Food with Drive-thru or Drive up</li> </ol> <p>Y: Restaurants Full Service,</p> <ol style="list-style-type: none"> <li>1. Restaurants Full Service with Full Alcohol</li> <li>2. Restaurants Full Service with Live Entertainment</li> </ol>
Article 11, Sect. 1110 CC (Community Commercial) Definition	<p>To provide sites for commercial centers containing a wide variety of commercial establishments, including businesses selling home furnishings, apparel, durable goods, and specialty items and generally having a citywide market area. Support facilities such as entertainment and Eating-and-Drinking establishments are permitted, subject to certain limitations to avoid adverse effects on adjacent uses.</p>	<p>Remove text for Eating-and-Drinking establishments and replace with Food and Beverage Kiosk and Restaurants.</p>
Article 11, Sect. 1120	<p>Eating and Drinking Use Matrix</p>	<p>Revise use matrix eliminating Eating and Drinking and replacing with Food and Beverage Kiosk permitted with an ACUP.</p> <p>Add new definition for Restaurants Full Service, with full alcohol, with live entertainment and Restaurants Fast Food, with Drive-Thru Service, With Drive-Up Service.</p>
Article 13, Sect. 1320	<p>Eating and Drinking Use Matrix</p>	<p>Revise use matrix to prohibit Food and Beverage Kiosk and add Restaurants Full Service and Restaurants Fast Food.</p>

**EXHIBIT 'A'**

<p>Article 13, Sect. 1320 L-3</p>	<p>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.</p>	<p>Replace Eating and Drinking Establishment to Restaurant Full Service.</p>
<p>Article 15, Sect. 1520</p>	<p>Eating and Drinking Use Matrix</p>	<p>Revise use matrix to allow Restaurants Full Service and Fast Food as per existing L-1. Remove with take out Service.</p>
<p>Article 16, Sect. 1620</p>	<p>Eating and Drinking Use Matrix</p>	<p>Add Restaurants Full Service and Restaurants Fast Food as per existing L-2.</p>
<p>Article 31, Sect. 3103</p>	<ul style="list-style-type: none"> <li>- Eating and Drinking</li> <li>- With Take-Out Service</li> </ul>	<p>Remove Cocktail Lounge and with Live Entertainment from Eating and Drinking Establishment use classification table. Add: Food and Beverage Kiosk, Restaurants Full Service, with Live Entertainment and Restaurants Fast Food with Drive-thru or Drive-up and with Walk-Up Window to use classification table.</p>

## **Article 4 Use Classifications**

### **Sections:**

- 410 Purpose and Applicability
- 420 Uses Not Classified
- 430 Residential Use Classifications
- 440 Public and Semipublic Use Classifications
- 450 Commercial Use Classifications
- 460 Industrial Use Classifications
- 470 Agricultural and Extractive Use Classifications
- 480 Accessory Use Classifications
- 490 Temporary Use Classifications

### **410 Purpose and Applicability**

Use classifications describe one or more uses having similar characteristics, but do not list every use or activity that may appropriately be within the classification. The Planning Director shall determine whether a specific use shall be deemed to be within one or more use classifications or not within any classification in this Title. The Planning Director may determine that a specific use shall not be deemed to be within a classification, whether or not named within the classification, if its characteristics are substantially incompatible with those typical of uses named within the classification. The Planning Director's decision may be appealed to the Planning Commission.

### **420 Uses Not Classified**

Any new use, or any use that cannot be clearly determined to be in an existing use classification is prohibited. Provided, however, that any new use may be incorporated into the zoning regulations by a Zoning Ordinance text amendment, as provided in Article 45.

### **430 Residential Use Classifications**

- A. Day Care, Limited. Non-medical care and supervision of up to and including fourteen persons on a less than 24-hour basis within a licensee's home for children and adults.
- B. Group Residential. Shared living quarters without separate kitchen or bathroom facilities for each room or unit. This classification includes roominghouse/boardinghouse, dormitories, fraternities, sororities, and private residential clubs, but excludes residential hotels (see Single-Room Occupancy (SRO) Residential Hotels).

- 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.

**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. 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 defined in Article 36, Section 3602.
- B. Ambulance Services. Provision of emergency medical care or transportation, including incidental storage and maintenance of vehicles.
- C. Animal Sales and Services.
  - 1. Animal Boarding. Provision of shelter and care for animals on a commercial basis. This classification includes activities such as feeding, exercising, grooming, and incidental medical care.
  - 2. Animal Grooming. Provision of bathing and trimming services for animals on a commercial basis. This classification includes boarding of domestic animals for a maximum period of 48 hours.
  - 3. Animal Hospitals. Establishments where animals receive medical and surgical treatment. This classification includes only facilities that are entirely enclosed, soundproofed, and air-conditioned. Grooming and temporary (30 days) boarding of animals is included if incidental to the hospital use.
  - 4. Animals: Retail Sales. Retail sales and boarding of animals provided such activities take place within an entirely enclosed building. This classification includes grooming if incidental to the retail use, and boarding of animals not offered for sale for a maximum period of 48 hours.

- D. Artists Studios. Work and display space for artists and artisans, including individuals practicing one of the fine arts or performing arts, or skilled in an applied art or craft.
1. Small-scale. Establishments occupying no more than 5,000 square feet.
- E. Banks and Savings and Loans. Financial institutions that provide retail banking services to individuals and businesses. This classification is limited to institutions engaged in the on-site circulation of cash money including businesses offering check-cashing facilities.
1. Drive-through/Drive-up Service. Institutions providing self-service banking facilities that are not associated with a primary banking or savings and loan building located on the same site.
  2. Self-service Facilities (ATM's). Institutions providing self-service banking facilities that are not associated with a primary banking or savings and loan building located on the same site.
- F. Building Materials and Services. Retailing, wholesaling, or rental of building supplies or equipment. This classification includes lumber yards, tool and equipment sales or rental establishments, and building contractors' yards, but excludes establishments devoted exclusively to retail sales of paint and hardware, and activities classified under Vehicle/Equipment Sales and Services, including vehicle towing services.
- G. Catering Services. Preparation and delivery of food and beverages for off-site consumption with provision for on-site pickup or consumption not to exceed 1,000 square feet. (See also Eating and Drinking Establishments.)
- H. Commercial Recreation and Entertainment. Provision of participant or spectator recreation or entertainment. This classification includes theaters, sports stadiums and arenas, amusement parks, bowling alleys, billiard parlors, pool rooms, dance halls, ice/roller skating rinks, golf courses, miniature golf courses, scale-model courses, shooting galleries, tennis/racquetball courts, arcades and games centers having five or more coin-operated game machines and card rooms.
1. Limited. Indoor movie theaters and performing arts theaters.

2. Small-scale. Establishments occupying no more than 5,000 square feet.

I. Communications Facilities. Broadcasting, recording, and other communication services accomplished through electronic or telephonic mechanisms, but excluding Utilities (Major). This classification includes radio, television, or recording studios; telephone switching centers; and telegraph offices.

J. ~~Eating and Drinking~~ Food and Beverage Kiosk Establishments. An establishment that provides walk-up and/or drive-thru food and beverage services only through a kiosk window for off-site consumption. The sale and consumption of alcoholic beverages is prohibited. ~~Businesses providing for the preparation and the service of food or beverages for consumption on or off the premises.~~

~~1. Drive-through/Drive up.~~ Service from a building to persons in vehicles through an outdoor service window (Drive-through) or delivery service to vehicles parked in designated parking spaces (Drive-up).

~~2. With Live Entertainment.~~ Establishments providing live entertainment for patrons.

~~(a) Small-scale.~~ Establishments with 5 or fewer performers, 75 percent food sales compared to alcohol sales, no dance floor and with entertainment provided only during typical lunch and dinner hours (11:00 AM - 11:00 PM).

KJ. Food and Beverage Sales. Retail sales of food and beverages for off-site preparation and consumption. Typical uses include groceries, liquor stores, or delicatessens. Establishments at which 20 percent or more of the transactions are sales of prepared food for on-site or take-out consumption shall be classified as Catering Services or Eating and Drinking Establishments.

1. Convenience Markets. Retail sales of food, beverage and small convenience items typically found in establishments with long or late hours of operation. This definition excludes delicatessens and other specialty food shops having a sizeable assortment of fresh fruits and vegetables, and fresh-cut meat or fish.

LK. Funeral and Interment Services. Establishments primarily engaged in the provision of services involving the care, preparation or disposition of human dead other than in cemeteries. Typical uses include crematories,

columbariums, mausoleums or mortuaries.

- ML. Home Improvement. Retailing or wholesaling of goods to be used for home improvements or the furnishing of homes. This classification is limited to specialty businesses in which the primary inventory of the business includes one of the following merchandise; furniture, carpet and other floor coverings, window coverings, wall coverings, bed and bath products, kitchen remodels, doors and windows, garage doors, glass, paint, mattresses, cabinets and shelves, fireplaces, patios, lighting materials, pool and spas, and similar uses. This use classification does not include a comprehensive home improvement store.
- NM. Horticulture, Limited. The raising of fruits, vegetables, flowers, ornamental trees and shrubs on sites of 2.5 acres or less, as a wholesale commercial enterprise, provided that nursery equipment or materials necessary for the operation shall be stores on-site within structures. Wholesale commercial horticulture accessory to a dwelling unit shall be regulated as a home occupation. On-site Agricultural Sales Stands may be allowed subject to the location and development standards of Section 3038.
- ON. Laboratories. Establishments providing medical or dental laboratory services; or establishments with less than 2,000 square feet providing photographic, analytical, or testing services. Other laboratories are classified as Limited Industry.
- PO. Maintenance and Repair Services. Establishments providing appliance repair, office machine repair, or building maintenance services. This classification excludes maintenance and repair of vehicles or boats and ships (see Vehicle/Equipment Repair and Marine Sales and Services).
- QP. Marine Sales, Rentals, and Services. Establishments providing supplies and equipment for shipping or related services, or pleasure boating and recreation. Typical uses include chandleries, yacht brokerage, sales, boat yards, boat docks, and sail-making lofts.
- RQ. Nurseries. Wholesale or retail establishments for the selling of plants, shrubs, trees and related products in which all merchandise other than plants is kept within an enclosed building or a fully screened enclosure, and fertilizer or chemicals of any type are stored and sold in package form only. Nurseries may include the growing

and propagation of plants as part of the operation.

| SR. Offices, Business and Professional. Offices of firms or organizations providing professional, executive, management, or administrative services, such as architectural, engineering, real estate, insurance, investment, legal, and medical/dental offices. This classification includes medical/dental laboratories incidental to an office use, but excludes banks and savings and loan associations.

| TS. Payday Loan/Paycheck Advance Establishment. A person or entity that for compensation, engages in whole or in part, in the business of lending limited amounts of funds for a short-term, against the borrower's future paychecks. The aforementioned definition excludes State or federally chartered banks, savings associations, credit unions, or industrial loan companies offering direct deposit advance service to their customer that is incidental to their main purpose or business.

| TT. Pawn Shops. Establishments engaged in the buying or selling of new or secondhand merchandise and offering loans secured by personal property and subject to Chapter 22 of the Municipal Code.

| VU. Personal Improvement Services. Provision of instructional services or facilities, including: photography, fine arts, crafts, dance or music studios; driving, business or trade schools; diet centers, or reducing salons; and health/fitness studios, spas or clubs.

1. Health/Fitness Studios, Spas or Clubs. Establishments with equipment for exercise and physical conditioning.

2. Massage Establishments. Establishments providing massage service.

3. Small Scale. Establishments occupying no more than 5,000 square feet.

| WV. Personal Services. Provision of services of a personal nature. This classification includes: barber and beauty shops, seamstresses, tailors, shoe repair shops, laundry and dry cleaning agencies (excluding large-sale plants - see Section 460.B.1), photo-copying, word processing, packaging, postal and office supply support facilities, and self-service laundries.

1. Limited. Excludes laundry and dry cleaning agencies

and self-service laundries.

2. Small-scale. Establishments occupying no more than 2,500 square feet.

XW. Research and Development Services. Establishments primarily engaged in industrial or scientific research, including limited product testing. This classification includes electronic research firms, pharmaceutical research laboratories, and medical testing and analysis, but excludes manufacturing, except of prototypes.

X. RESTAURANTS, FAST FOOD: A bona fide restaurant establishment where the principal business is the sale of prepared or rapidly prepared food and beverages to guests via counter, walk up, or window service for consumption on or off the premises. The sale beer and wine for on site consumption is permitted. As used in this definition, a "bona fide" restaurant shall have suitable kitchen facilities for cooking and/or preparation of meals. The word "meals" means the assortment of foods commonly ordered at various hours of the day.

1. Restaurants, Fast Food with Drive-Thru or Drive-Up:

A restaurant establishment providing service from a building to patrons in vehicles through an outdoor service window (Drive-thru) or delivery service to vehicles parked in designated parking spaces (Drive-up). The sale and consumption of alcoholic beverages at a restaurant with a Drive-thru or Drive-up window is prohibited.

Y. Restaurant Full Service: A bona fide restaurant establishment where the principal business is the sale of food and beverages to guests via table service for consumption on the premises. The sale of beer and wine for on-site consumption shall be considered incidental to the full service restaurant. Delivery service to vehicles parked in designated parking spaces (i.e. drive-up) is allowed as an ancillary service to the Restaurant Full Service. As used in this definition, a "bona fide" full service restaurant shall have suitable kitchen facilities for cooking of complete meals. The word "meals" means the assortment of foods commonly ordered at various hours of the day; the service of only such foods as sandwiches or salads does not meet the bona fide restaurant definition.

1. Restaurants Full Alcohol: A bona fide restaurant establishment authorized to sell distilled spirits for consumption on licensed premises. The sale of liquor is included as an appurtenant use to full service restaurants having table seating and service for more than 50 guests.
2. Restaurants Full Service with Live Entertainment - (Small Scale): Restaurant establishments providing live entertainment to patrons with 5 or fewer performers at restaurant facilities with no dance floor during typical lunch and dinner hours (11:00am-11:00pm) and having 75 percent food sales compared to alcohol sales.

YZ. Retail Sales. The retail sale of merchandise not specifically listed under another use classification. This classification includes department stores, clothing stores, comprehensive home improvement stores, furniture stores, and businesses retailing the following goods: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies (including limited processing), electronic equipment, records, sporting goods, kitchen utensils, hardware, appliances, antiques, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, and new automotive parts and accessories (excluding service and installation).

1. Limited. Excludes comprehensive home improvement stores, furniture, hardware, paint and wallpaper, carpeting and floor covering, and new automotive parts and accessories.
2. Pharmacies and Medical Supplies. Establishments primarily selling prescription drugs, and medical supplies and equipment.

ZAA. Secondhand Furniture, Appliance, "Collectible" and Clothing Sales. The retail sale of used furniture, appliances, "collectibles" and clothing, and secondhand dealers who are subject to Chapter 22 of the Municipal Code. This classification excludes antique shops primarily engaged in the sale of antique furniture and accessories.

1. Small-scale. Establishments occupying no more than 5,000 square feet.

AABB. Swap Meets, Recurring. Retail sale or exchange of handcrafted or secondhand merchandise for a maximum

period of 48 hours, conducted by a sponsor on a more than twice yearly basis.

| BBC. Travel Services. Establishments providing travel information and reservations to individuals and businesses. This classification excludes car rental agencies.

| CCDD. Vehicle/Equipment Sales and Services.

1. Automobile Washing. Washing, waxing, or cleaning of automobiles or similar light vehicles.
2. Commercial Parking Facility. Lots offering short-term or long-term parking to the public for a fee.
3. Service Stations. Establishments engaged in the retail sale of gas, diesel fuel, lubricants, parts, and accessories. This classification includes incidental maintenance and repair of automobiles and light trucks, but excludes body and fender work or repair of heavy trucks or vehicles.
4. Vehicle/Equipment Repair. Repair of automobiles, trucks, motorcycles, mobile homes, recreational vehicles, or boats, including the sale, installation, and servicing of related equipment and parts. This classification includes auto repair shops, body and fender shops, wheel and brake shops, and tire sales and installation, but excludes vehicle dismantling or salvage and tire retreading or recapping.
  - (a) Limited. Excludes body and fender shops.
5. Vehicle/Equipment Sales and Rentals. Sale or rental of automobiles, motorcycles, trucks, tractors, construction or agricultural equipment, mobile homes, and similar equipment, including storage and incidental maintenance.
6. Vehicle Storage. Storage of operative or inoperative vehicles. This classification includes storage of parking tow-aways, impound yards, and storage lots for automobiles, trucks, buses and recreational vehicles, but does not include vehicle dismantling.
  - (a) Limited. Storage of operable passenger automobiles, standard and small vans and motorcycles.

| DEE. Visitor Accommodations.

1. Bed and Breakfast Inns. Establishments offering lodging on a less than weekly basis in a converted single-family or multi-family dwelling, with incidental eating and drinking service for lodgers only provided from a single kitchen.
  - (a) Small-scale. Establishments renting four or fewer rooms.
2. Hotels, Motels, and Time-Share Facilities. Establishments offering commercial lodging on a less than monthly basis. This classification includes incidental eating, drinking, and banquet services intended for the convenience of guests.
3. Single-Room Occupancy (SRO) Residential Hotels. Buildings with six or more guest rooms without kitchen facilities in individual rooms, or kitchen facilities for the exclusive use of guests, and which are also the primary residences of the hotel guests.
4. Vacation Club. Prepaid point or credit based establishments offering lodging on a less than weekly basis and having kitchens. This classification includes eating, drinking and banquet services.

EEFF. Warehousing and Storage, Limited. Provision of storage space for household or commercial goods within an enclosed building. Access to individual storage units shall be via an interior accessway. Exterior entry to individual storage units shall not be permitted. This classification includes facilities with a maximum of 5,000 square feet of gross floor area, but excludes Wholesale, Distribution and Storage, and Vehicle Storage. "Limited" vehicle storage as part of a Warehousing and Storage, Limited, facility is permitted subject to the approval of a Conditional Use Permit.

#### **460 Industrial Use Classifications**

- A. Food Processing. Establishments primarily engaged in the manufacturing or processing and packaging of food or beverages for human consumption and wholesale distribution.
  1. Limited. Establishments of less than 2500 square feet of floor area.
- B. Industry, Custom. Establishments primarily engaged in on-site production of goods by hand manufacturing involving the use of hand tools and small-scale

equipment. This use may include affiliated office and support facilities and limited showroom and a retail sales area when clearly secondary and associated with the primary business.

1. Limited. Includes mechanical equipment not exceeding two horsepower or a single kiln not exceeding eight kilowatts and the incidental direct sale to consumers of only those goods produced on-site. Typical uses include ceramic studios, candle-making shops, and custom jewelry manufacture.

C. Industry, General. Manufacturing of products, primarily from extracted or raw materials, or bulk storage and handling of such products and materials. Uses in this classification typically involve a high incidence of truck or rail traffic, and/or outdoor storage of products, materials, equipment, or bulk fuel. This classification includes chemical manufacture or processing, large scale laundry and dry cleaning plants, auto dismantling within an enclosed building, oil and gas refining, stonework and concrete products manufacture, small animal production and processing within an enclosed building and power generation.

1. Large Scale Laundry and Dry Cleaning Plants. A laundry or dry cleaning facility having any of the following or similar type equipment:

- (a) Boiler(s) exceeding a total of 15 horsepower;
- (b) Dry cleaning machine(s) exceeding 60 pounds total capacity;
- (c) Dryer(s) exceeding 50 pounds total capacity;
- (d) Wet cleaning washer(s) exceeding 50 pounds total capacity.

D. Industry, Limited. Manufacturing of finished parts or products, primarily from previously prepared materials; and provision of industrial services; both within an enclosed building. This classification includes processing, fabrication, assembly, treatment, and packaging, but excludes basic industrial processing from raw materials, and Vehicle/Equipment Services. This classification may include affiliated office and support facilities and a limited showroom and retail sales area when clearly secondary and associated with the primary business.

1. Small-Scale. Limited to a maximum gross floor area of 5,000 square feet.

- E. Industry, Research and Development. Establishments primarily engaged in the research, development, and controlled production of high-technology electronic, industrial or scientific products or commodities for sale, but prohibits uses that may be objectionable in the opinion of the Planning Director, by reason of production of offensive odor, dust, noise, vibration, or storage of hazardous materials. Uses include biotechnology, films, and non-toxic computer component manufacturers. This classification may include affiliated office and support facilities and a limited showroom and retail sales area when clearly secondary and associated with the primary business.
- F. Wholesaling, Distribution and Storage. Storage and distribution facilities. This classification may include affiliated office and support facilities and a limited showroom and retail sales area when clearly secondary and associated with the primary business.
1. Trucking Terminals. Storage and distribution facilities having more than six heavy trucks on the premises at one time, but excluding trucking accessory to a Limited or General Industry classification.
  2. Small-Scale. Wholesaling, distribution and storage having a maximum gross floor area of 5,000 square feet and having no more than two docks or service bays.

#### **470 Agricultural and Extractive Use Classifications**

- A. Animal Husbandry. Raising of animals or production of animal products, such as eggs or dairy products, on an agricultural or wholesale commercial basis. Typical uses include grazing, ranching, animal breeding, dairy farming, and poultry farming.
- B. Crop Production. Raising and harvesting of tree crops, row crops, greenhouse crops or field crops on sites of greater than 2.5 acres on an agricultural or wholesale commercial basis, including packing and processing.
- C. Animal, Horse and Dog Training and Shows. Animal training, holistic natural animal health care, and dog shows with 50 dogs or less. Shows with greater than 50 dogs shall require a special events permit.
- D. Mining and Processing. Places or plants primarily devoted to surface or subsurface mining of metallic and

nonmetallic minerals, oil or gas, together with essential on-site processing and production of only nonmetallic mineral products. Typical places are borrow pits, quarries, oil and gas drilling rigs, or concrete batch plants. This classification specifically excludes any activities that are directly or indirectly associated with off-shore oil and gas exploration, production, or processing.

- E. Wineries. An agricultural processing facility used for the fermenting and processing of fruit juice into wine; or the refermenting of still wine into sparkling wine. Tours, tastings and retail sales may be permitted as an accessory use only.
- F. Assembly, ceremonies, and weddings. An activity involving assembly or the intention of attracting people for ceremonial, educational, and celebratory purposes at one specific location. Such assembly includes, but is not limited to: receptions, weddings, recitals, exhibits, private parties, and social gatherings.

#### **480 Accessory Use Classifications**

- A. Accessory Uses and Structures. Uses and structures that are incidental to the principal permitted or conditionally permitted use or structure on a site and are customarily found on the same site. This classification includes accessory dwelling units ("second units") and home occupations.

#### **490 Temporary Use Classifications**

- A. Agricultural Specialty Sales, Seasonal. Retail sale of seasonal specialty items for a period not to exceed 45 days (e.g. Christmas Tree Sales, Pumpkin Sales).
- B. Yard/Garage Sales. A sales event advertised by any means at a residential location where members of the public may purchase identifiable or tangible items of personal property; provided however, it shall not mean any event which constitutes a sales activity, wholesale or retail, by any business which has a current business license issued by the City. Items sold shall be limited to personal property owned by the occupant of the property and/or surrounding neighbors.

**Article 11 C Commercial Districts**

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**Sections:**

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

**1110 Specific Purposes**

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

- A. Provide appropriately located areas consistent with the General Plan for a full range of office, retail commercial, and service commercial uses needed by residents of, and visitors to, the city and region.
- B. Strengthen the city's economic base, and provide employment opportunities close to home for residents of the city and surrounding communities.
- C. Create suitable environments for various types of commercial uses, and protect them from the adverse effects of inharmonious uses.
- D. Minimize the impact of commercial development on adjacent residential districts.
- E. Ensure that the appearance and effects of commercial buildings and uses are harmonious with the character of the area in which they are located.
- F. Ensure the provision of adequate off-street parking and loading facilities.
- G. Provide sites for public and semipublic uses needed to complement commercial development or compatible with a commercial environment.

The additional purposes of each C district are as follows:

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

CC Community Commercial District. To provide sites for commercial centers containing a wide variety of commercial establishments, including businesses selling home furnishings, apparel, durable goods, and specialty items and generally having a citywide market area. Support facilities such as entertainment and ~~eating and drinking establishments~~ restaurants are permitted, subject to certain limitations to avoid adverse effects on adjacent uses.

CG General Commercial District. To provide opportunities for the full range of retail and service businesses deemed suitable for location in Oceanside, including businesses not permitted in other commercial districts because they attract heavy vehicular traffic or have certain adverse impacts; and to provide opportunities for certain limited manufacturing uses that have impacts comparable to those of permitted retail and service uses to occupy space not in demand for retailing or services.

CL Limited Commercial District. To provide opportunities for a limited range of retail and service businesses that do not generate significant amounts of traffic, nor have high public service demands. Automobile-oriented uses, such as service stations and drive-up restaurants, are not permitted or are limited.

CR Commercial Recreation District. To provide sites for recreation-oriented residential and commercial activities conveniently located near recreational and scenic areas with easy access to freeways, expressways and arterials.

CV Visitor-Commercial District. To provide opportunities for recreation-oriented and visitor-serving commercial activities conveniently located near recreational and scenic areas. This district is intended for specialized commercial uses directly dependent, supportive or related to the Coast, including the Harbor, the San Luis River area, and the municipal pier.

CS Special Commercial District. To provide opportunities for residential, commercial, public and semipublic uses appropriate for the special commercial areas identified by the General Plan. Subdistrict designators are established as:

- HO for highway oriented commercial areas;
- L for limited commercial areas including the Mission Area and certain scenic areas.

CP Commercial Professional District. To provide a landscaped environment for offices that is protected from the more intense levels of activity associated with retail commercial development.

The specific purposes of the Mixed-Use Plan are to:

- A. Establish a procedure for the development of parcels as a mixed-use development.
- B. Ensure orderly and thorough planning and review procedures that will result in quality urban design.
- C. Encourage variety and avoid monotony in developments by allowing greater freedom in selecting the means to provide access, light, open space and amenities.
- D. Provide a mechanism whereby the City may authorize desirable developments consistent with the General Plan without inviting speculative rezoning applications, which, if granted, often could deprive other owners of development opportunities without resulting in construction of the proposed facilities.
- E. Encourage the preservation of serviceable existing structures of historic value or artistic merit by providing the opportunity to use them imaginatively for purposes other than that for which they were originally intended.
- F. Encourage the assembly of properties that might otherwise be developed in unrelated increments to the detriment of surrounding neighborhoods.

**1120 CN, CC, CG, CL, CR, CV, CS, and CP Districts: Land Use Regulations**

In the following schedules, the letter "P" designates use classifications permitted in commercial districts. The letter "L" designates use classifications subject to certain limitations prescribed by the "Additional Use Regulations" that follow. The letter "U" designates use classifications permitted on approval of a use permit. The letters "P/U" designate use classifications permitted on the site of a permitted use, but requiring a use permit on the site of a conditional use. Use classifications that are not listed are prohibited. Letters in parentheses in the "Additional Regulations" column reference regulations following the schedule or located elsewhere in this ordinance. Where letters in parentheses are opposite a use classification heading, referenced regulations shall apply to all use classifications under the heading.

**CN, CC, CG, CL, CR, CV,  
CS, AND CP DISTRICTS:  
LAND USE REGULATIONS**

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

	CN	CC	CG	CL	CR	CV	CS-HO	CS-L	CP	Add. Reg.
<b>Residential</b>										(A)
Day Care, Ltd.	P	P	P	P	P	P	P	P	P	
Single-family Residential	L1	-	L1	L1	L1	-	L1	L1	P	
RV Parks	-	-	U	-	-	U	-	-	-	(L)
<b>Public and Semipublic</b>										(A) (T)
Child Care Clubs and Lodges	L-11	L-11	L-11							
	L27	L27	L27	L27	L27	-	L27	U	L27	

**C Commercial Land Use Regulations (continued)**

	CN	CC	CG	CL	CR	CV	CS- HO	CS -L	CP	Add. Reg.
Convalescent Facilities	-	-	-	-	-	-	-	-	U	
Cultural Institutions	L27	L27	L27							
Day Care, General	U	U	U	U	U	U	U	U	U	
Emergency Health Care	L15	L15	L15	-	-	-	L15	L15	L15	
Emergency Shelter	U	U	U	U	-	-	U	-	U	
Government Offices	L27	L27	L27	L27	-	-	L27	-	P	(T)
Heliports	-	-	-	-	U	-	-	-	U	(B)
Hospitals	-	U	-	-	-	-	U	-	U	
Park and Recreation Facilities	-	P	-	-	P	P	P	P	P	(C)
Public Safety Facilities	U	U	U	U	U	U	U	U	U	
Religious Assembly	A	A	A	A	-	-	-	A	A	(M)
Residential Care, General	L30	L30	L30	L30	-	-	L30	L30	U	
Resource Centers	A	A	A	A	A	A	A	A	A	
Schools, Public or Private	A	A	A	A	-	-	A	A	A	
Transitional Housing	U	-	U	U	-	-	U	-	U	
Utilities, Major	L19	L19	L19							
Utilities, Minor	P	P	P	P	P	P	P	P	P	(Q)
<b>Commercial Uses</b>										(A) (D) (J) (K) (T)
Adult Businesses	-	L3	L3	-	-	-	-	-	-	(E) (K)
Ambulance Services	L15	L15	L15	-	-	-	L15	-	P	

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**C Commercial Land Use Regulations (continued)**

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	CN	CC	CG	CL	CR	CV	CS- HO	CS -L	CP	Add. Reg.
Animal Sales and Services:										
Animal Boarding	A	A	A	A	-	-	-	-	-	
Animal Grooming	P	P	P	P	-	-	-	L16	-	
Animal Hospitals	P	P	P	P	-	-	P	L16	-	
Animals Retail Sales	P	P	P	P	-	-	P	L16	-	
Artists' Studios	P	P	P	P	L26	L26	-	L26	-	(K)
Banks and Savings & Loans:	P	P	P	P	-	-	P	P	P	
Drive-thru/ Drive-up Service Self Service Facilities (ATMs)	A  L21	A  L21	A  L21	A  L21	-  L21	-  L21	A  L21	A  L21	A  L21	
Building Materials & Services	P	P	P	U	-	-	P	-	-	(T)
Catering Services	P	P	P	P	-	-	P	P	-	
Commercial Recreation and Enter- tainment	L27	L27	L27	L28	L27	L27	L27	L16	-	(F) (K)
Communication Facilities	-	P	P	-	-	-	-	-	P	

**C Commercial Land Use Regulations (continued)**

	CN	CC	CG	CL	CR	CV	CS- HO	CS -L	CP	Add. Reg.
<del>Eating and/or Drinking Food and Beverage Kiosk Establish- ments:</del>	<del>PA</del>	<del>L4A</del>	<del>(K) (T)</del>							
<del>With Wine and Beer Service P</del>	<del>P</del>	<del>L4</del>	<del>(K) (T)</del>							
<del>With Full Alcoholic Beverage Service U</del>	<del>U</del>	<del>(K) (T)</del>								
<del>With Live Entertain- ment L28</del>	<del>L27</del>	<del>L27</del>	<del>L28</del>	<del>L27</del>	<del>L27</del>	<del>L27</del>	<del>L27</del>	<del>(O)</del>	<del>(T)</del>	
<del>w/Take-out Service:</del>										
<del>Drive thru/ Drive-up L23</del>	<del>A</del>	<del>A</del>	<del>-</del>	<del>A</del>	<del>-</del>	<del>A</del>	<del>-</del>	<del>(N)</del>		
Food and Beverage Sales	L5	L5	L5	L5	L5	L5	P	L5	-	(K) (T)
Funeral and Interment Services	L6	L6	L6	-	-	-	L6	L6	-	
Home Improvement	P	P	P	P	-	-	P	-	-	(T)
Horticulture, Limited	P	P	P	P	P	P	P	P	P	(R) (S)
Laboratories	-	-	P	-	-	-	-	-	P	
Maintenance and Repair Services	P	P	P	P	-	-	-	-	-	(T)
Marine Sales and Services	-	-	P	-	-	P	-	-	-	(T)
Nurseries	L31	L31	L31	-	-	-	L31	L31	-	(T)

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**C Commercial Land Use Regulations (continued)**

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	CN	CC	CG	CL	CR	CV	CS- HO	CS -L	CP	Add. Reg.
Offices, Business & Professional	P	P	P	P	L2	L2	P	L2	P	(T)
Payday Loan/ Paycheck Adv.	-	L3	L3	-	-	-	-	-	-	(E) (T)
Pawn Shops	-	U	U	-	-	-	-	-	-	
Personal Improvement Services	L25	L25	L25	L25	L25	-	L25	L25	L25	(K)
Personal Services	P	P	P	P	L27	L27	P	L27	L27	(K)
Research and Development Services	-	-	P	-	-	-	-	-	P	(T)
<u>Restaurants</u> Full Service	P	P	P	P	P	P	P	P	L4	(K) (T)
<u>Restaurants</u> with Full Alcohol	U	U	U	U	U	U	U	U	U	(K) (T)
<u>Restaurants</u> With live Entertain- ment	L28	L27	L27	L28	L27	L27	L27	L27	L27	(O) (T)
<u>Restaurants</u> Fast Food	P	P	P	P	P	P	P	P	L4	(K) (T)
<u>Restaurants</u> With Drive- Thru Service	L23	A	A	-	A	-	A	-	-	(N)
<u>Restaurants</u> With Drive- Up Service	L23	A	A	-	A	-	A	-	-	(N)
Retail Sales Secondhand Furniture/ Appliances/ Clothing	P	P	P	P	L8	L8	P	P	-	(T)
	L26	L26	L26	L26	-	-	L26	L26	-	(T)

Swap Meets, recurring	-	-	U	-	-	-	-	-	-	-	
Travel Services	P	P	P	P	P	P	P	P	P	P	
Vehicle/Equipment Sales & Services:											
Automobile Washing	U	U	U	U	-	-	U	-	-	-	(G) (T)
Service Stations	U	U	U	U	U	-	U	U	-	-	(G) (T)
Vehicle/ Equipment Repair	L29	L29	L29	L29	-	-	L29	L20	-	-	(T)

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**C Commercial Land Use Regulations (continued)**


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

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**C Commercial Land Use Regulations (continued)**

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	CN	CC	CG	CL	CR	CV	CS- HO	CS -L	CP	Add. Reg.
<b>Nonconforming Uses</b>										(J)
<b>Temporary Uses</b>										
Agricultural Special Sales, Seasonal	P	P	P	P	P	-	P	P	-	(U)
<b>Mixed Uses</b>	L-33	L-33	L-33							

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**C Districts: Additional Use Regulations**

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- L-1 Not permitted on ground level.
- L-2 Permitted as part of a mixed-use project, occupying less than 25 percent of the gross floor area.
- L-3 Allowed with Conditional Use Permit, subject to the requirements of Article 36 of this Ordinance.
- L-4 Permitted as a secondary use occupying no more than 1000 square feet in a building; Administrative Use Permit required for more space up to 5 percent of gross floor area of a building.
- L-5 An Administrative Conditional Use Permit is required for convenience stores. Convenience stores shall not be located within 500 feet of a site occupied by a public or private school, park or recreational facilities, and no exterior vending machines shall be permitted. Convenience stores may be operated only between the hours of 6 a.m. and 10 p.m. Longer hours may be approved with the use permit if the use is found not to have an adverse effect on neighboring uses.
- L-6 Only mortuaries allowed - subject to a Administrative Conditional Use Permit.
- L-7 Conditional Use Permit required. Repair services and automobile washing are prohibited.

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**C Districts: Additional Use Regulations**

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- L-8 Only "limited," or "small-scale," facilities, as defined in Use Classifications allowed with a Administrative Conditional Use Permit.
- L-9 Storage tanks, distribution terminals, emission-control systems, pumping stations, service yards, transportation facilities, pipelines, or any other facilities supporting offshore oil and gas drilling operations shall be prohibited.
- L-10 Reserved.
- L-11 See Article 30: Section 3041, Child Care Facility. Allowed within the RE, RS, RM, RH, RT, CN, CC, CG, CL, CR, CV, CS, CS-HO, CS-L, CP, IL, IG, IP, A, OS, PS and the D Districts subject to obtaining a Child Care Facility Permit issued by the City Planner and subject to the City's adopted Child Care Guidelines. If new development (construction) is proposed for a child care facility, an Administrative Development Plan Review is required. An Administrative Development Plan Review may be conducted independently or concurrently with the Child Care Facility Permit review.
- L-12 Up to 200 rooms allowed with a Conditional Use Permit.
- L-13 Reserved.
- L-14 Recreational vehicles and recreational equipment rentals only.
- L-15 Administrative Conditional Use Permit required if use is an Ambulance Service or an Emergency Health Care facility which utilizes ambulance service and either use is also located within 1,000 feet of an R district or the boundaries of a site occupied by a Public or Private School or Park and Recreation Facility. Conditions may be imposed in approving such a permit to limit vehicle speeds or use of sirens. In the CS-L district, Emergency Health Care facility permitted with a Conditional Use Permit. No permitted within the Mission San Luis Rey Historic Core Area.
- L-16 Only permitted outside the Mission San Luis Rey Historic Core Area. "Small-scale" Commercial Recreation and Entertainment allowed, all others require an Administrative Conditional Use Permit.
- L-17 Reserved.
- L-18 Only "small-scale" facilities allowed with the approval of an Administrative Use Permit.

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**C Districts: Additional Use Regulations**

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- L-19 A Conditional Use Permit is required for generating plants, electrical substations, lone switching buildings, refuse collection, transfer, recycling or disposal facilities, water reservoirs, water or wastewater treatment plants, transportation or communication utilities, and similar facilities of public agencies or public utilities. Aboveground electrical transmission lines are not permitted unless determined to be consistent with a utility corridor plan approved by the Planning Commission. Flood control or drainage facilities are permitted if they are consistent with approved master drainage and/or flood-control plans.
- L-20 Limited or "small-scale" facilities allowed with a Conditional Use Permit outside the Commercial Village Core designated in the Mission SLR Historic Guidelines within a multi-tenant structure.
- L-21 Walk-up automatic teller machines (ATMs) allowed if included within or attached to a building serving another use; freestanding structures for walk-up ATMs allowed with an Administrative Use Permit.
- L-22 Large Scale facilities may be allowed if they include a retail component and an area for consumption of the products produced on the site (i.e., tables, chairs, etc.). An administrative use permit, approved by the City Planner, would define the minimum area devoted to retail customer service and office support to the principle food processing activity, but a minimum of 1/3 of the gross square footage of the building facility shall be used as a guideline for the retail service/office support area.
- L-23 One drive-thru/drive-up restaurant allowed with a Administrative Conditional Use Permit in a Shopping Center of 10 acres or greater.
- L-24 Allowed on sites of more than 2.5 acres with the approval of an Administrative Use Permit issued by the City Planner.
- L-25 "Small-scale" facilities allowed. All others require a Administrative Conditional Use Permit. Within the CS-HO and CS-L, a personal improvement use greater than 5,000 square feet is allowed only in a community shopping center and requires a Administrative Conditional Use Permit.

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**C Districts: Additional Use Regulations (continued)**

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- L-26 "Small-scale" facilities allowed. All others require the approval of an Administrative Use Permit issued by the Planning Director.
- L-27 "Small-scale" facilities allowed. All others require the approval of a Administrative Conditional Use Permit. "Regulated" uses or card rooms require a Conditional Use Permit.
- L-28 Only "small-scale" facilities allowed. "Regulated" uses or card rooms require a Conditional Use Permit.
- L-29 Glass installation and tinting, cellular phone installation, and stereo installation allowed with an Administrative Use Permit. All others require a Conditional Use Permit.
- L-30 Limited to senior, residential care assisted-living units for persons age 55 and older with the approval of a Administrative Conditional Use Permit.
- L-31 An Administrative Use Permit is required for nurseries having growing or propagation areas greater than 2.5 acres.
- L-32 See Article 30: Section 3041, Child Care Facility. Allowed within the RE, RS, RM, RH, RT, CN, CC, CG, CL, CR, CV, CS, CS-HO, CS-L, CP, IL, IG, IP, A, OS, PS and the D Districts subject to obtaining a child Care Facility Permit issued by the Planning Director and subject to the City's adopted Child Care Guidelines. If new development (construction) is proposed for a child care facility, a Development Plan Review is required. A Development Plan Review may be conducted independently or concurrently with the Child Care Facility Permit review.
- L-33 Mixed use development is permitted and requires the approval of a "Mixed-Use Development Plan" and Conditional Use Permit to determine compatibility with surrounding development and uses in the area.
- (A) See Section 3002: Relocated Buildings (Administrative Use Permit required).
- (B) See Section 3036: Helicopter Takeoff and Landing Areas.
- (C) Limited to facilities on sites 2 acres or less.
- (D) In the CN district, a commercial use having open parking or wall openings within 100 feet of an R district shall not operate between 10 p.m. and 7 a.m. unless authorized by a use permit.

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**C Districts: Additional Use Regulations (continued)**

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- (E) The exterior walls of any use regulated by Article 36 shall be located so as to comply with the provisions of that Article.
- (F) See Section 3027: Arcades and Game Centers. Card rooms, as defined and regulated by Chapter 8 of the City Code, are not permitted in the Coastal Zone.
- (G) See Section 3011: Service Stations and Automobile Washing.
- (H) See Section 3031: Bed and Breakfast Inns.
- (I) See Section 3005: Nonresidential Accessory Structures.
- (J) See Article 35: Nonconforming Uses and Structures.
- (K) All "regulated uses", as defined in Article 36, shall be subject to a use permit as well as other requirements as may be imposed by that Article.
- (L) See Section 3029: Recreational Vehicle Parks.
- (M) See Section 3004: Religious Assembly Yard Requirements.
- (N) Uses on separate freestanding sites that are outside shopping centers and have adjoining parking shall not be closer than 500 feet to a public or private school, park, or playground. Identifiable containers and napkins shall be used for all carryout food, and all litter shall be promptly removed. A use permit may require the operator to contract with a cleanup service if it is determined that a litter problem exists.
- (O) See Section 3010: Live Entertainment.
- (P) See Section 3030: Time-Share Resort Projects.
- (Q) See Section 3025: Antennas and Microwave Equipment.
- (R) 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.

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**C Districts: Additional Use Regulations (continued)**

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- (S) 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.
- (T) 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.
- (U) See Section 3038: Agricultural Sales; Seasonal Agricultural Specialty Sales requires a business license and is subject to the operational standards of Section 3038.
- (V) See Section 3034: Mixed Use Plans.

**1130 CN, CC, CG, CL, CR, CS, CV, and CP Districts: Property Development Regulations**

The following schedule prescribes development regulations for the CN, CC, CG, CL, CR, CS, CV, and CP districts. The columns prescribe basic requirements for permitted and conditional uses in each district. Letters in parentheses in the "Additional Regulations" column reference regulations following the schedule or located elsewhere in the zoning ordinance.

**CN, CC, CG, CL, CR, CS, CV, and CP DISTRICTS  
DEVELOPMENT REGULATIONS**

	CN	CC	CL CG	CR CS CV	CP	Add. Reg.
<b>Residential Development</b>						(A) (X)
<b>Nonresidential Development</b>						(X)
Minimum Lot Area (sq. ft.)	10,000	10,000	10,000	10,000	10,000	(B) (C)
Minimum Lot Width (ft.)	-	-	-	-	-	(C)
Minimum yards:						
Front (ft.)	15	15	15	15	20	(D) (F)
Side (ft.)	-	-	-	-	-	(D) (E) (F)
Corner Side (ft.)	10	15	10	10	20	(D) (F)
Rear (ft.)	-	-	-	-	10	(D) (E) (F)
Maximum Height of Structures (ft.)	50	50	50	50	50	(G) (H) (V) (W)
Maximum Lot Coverage	50%	50%	75%	50%	50%	
Maximum Base FAR	1.0	1.0	1.0	1.0	1.0	
Maximum FAR Bonus	0.2	0.5	0.2	0.2	0.5	(I)
Minimum Site Landscaping	15%	15%		15%	15%	(J) (K)
< 5 acres			10%			
> 5 acres			15%			

**CN, CC, CG, CL, CR, CS, CV, and CP DISTRICTS  
DEVELOPMENT REGULATIONS (continued)**

	CN	CC	CL CG	CR CS CV	CP	Add. Reg.	
Maximum Vertical Wall Dimension (ft.)	(L)	(L)	(L)	(L)	(L)		
Maximum Horizontal Wall Dimension (ft.)	-	200	-	-	200	(M)	
Fences and Walls			See Section 3040				
Required Building Lines	-	-	(P)	(P)	-		
Off-Street Parking and Loading						(Q) (R)	
Vehicular Access			See Section 3114				
Signs			See Article 33				
Outdoor Facilities			See Section 3020				(S)
Views into Buildings							(T)
Screening of Mechanical Equipment			See Section 3021				(S)
Employee Eating Areas							(U)
Refuse Storage Areas			See Section 3022				
Underground Utilities			See Section 3023				
Performance Standards			See Section 3024				
Nonconforming Structures			See Article 35				

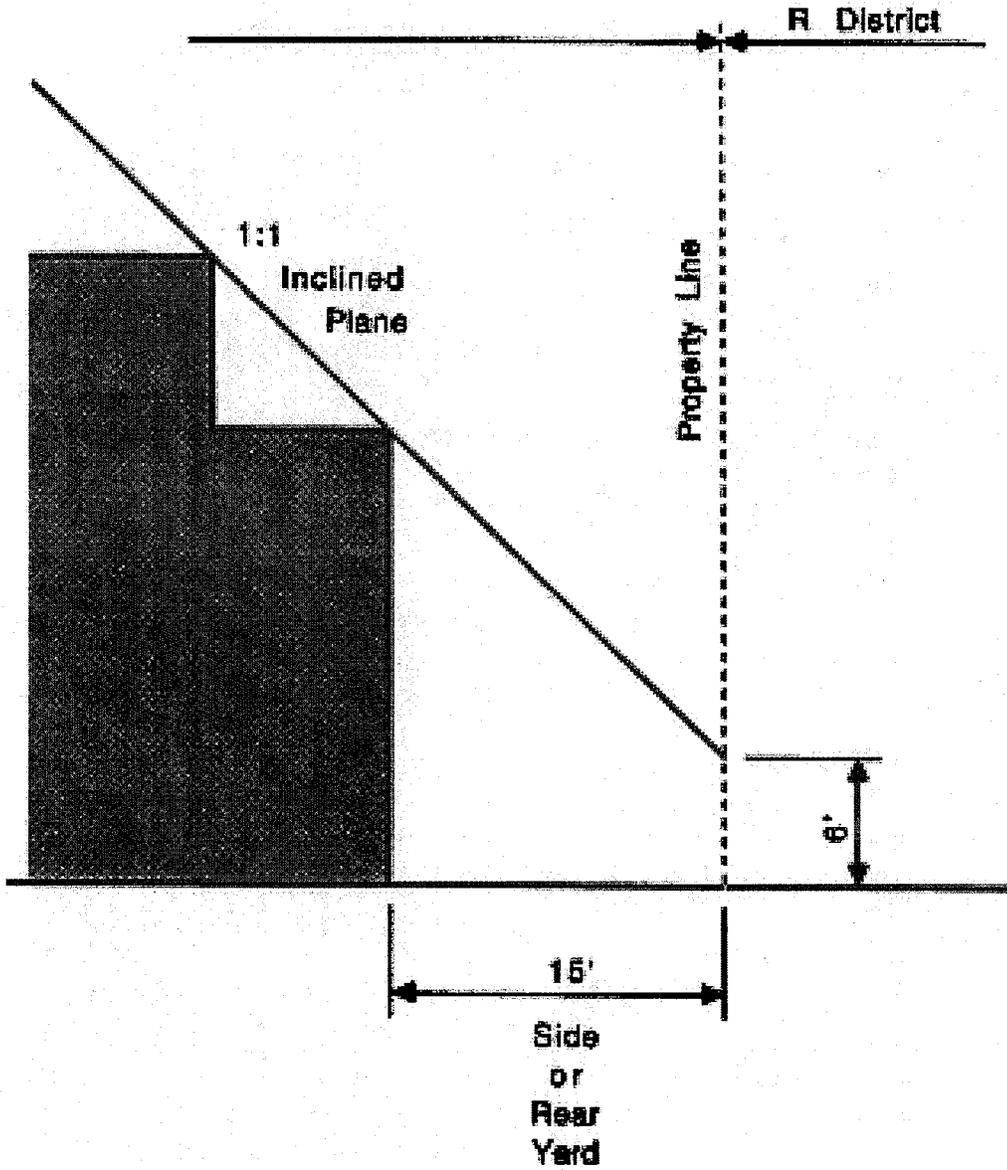
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**CN, CC, CG, CL, CR, CS, CV, and CP Districts:  
Additional Development Regulations**

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- (A) Dwelling units shall be subject to the standards for height limits, maximum density, court provisions, and outdoor living areas for the RM-A District, as prescribed by Section 1050. Recreational vehicle parks shall be subject to the requirements of Section 3029.
- (B) See Section 3013: Development on Substandard Lots.
- (C) Smaller lot requirements may be permitted with an approved development plan and tentative subdivision maps.
- (D) See Section 3015: Building Projections into Yards and Courts. Double-frontage lots shall provide front yards on each frontage.
- (E) A 15-foot side or rear yard shall adjoin an R district, and structures shall not intercept a 1:1 or 45-degree daylight plane inclined inward from a height of 6 feet above existing grade at the R district boundary line (See Diagram E).
- (F) At least 50 percent of each required yard shall be landscaped. This area may be counted in determining compliance with minimum site landscaping requirements. The remainder of the required yard area may be used for necessary drives and walks.
- (G) See Section 3017: Measurement of Height.
- (H) See Section 3018: Exceptions to Height Limits.
- (I) Additional FAR shall be permitted for:
  - (1) Underground parking: 0.05 for each 10 percent increment of required parking that is provided underground or in structures up to a maximum of 0.4.
  - (2) Transfer of FAR from historic buildings: twice the amount of unused FAR (restricted by recorded covenants or deed restriction) up to a maximum of 0.2.
  - (3) Participation in a Planned Block Development (60,000 square feet or more of site area) approved by the City under the provisions of Article 24.

**(E) REQUIRED DAYLIGHT PLANE AT ADJOINING DISTRICT  
(DIAGRAM)**



**(E) REQUIRED DAYLIGHT PLANE AT ADJOINING DISTRICT**

*(The diagram is illustrative)*

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**CN, CC, CG, CL, CR, CS, CV, and CP Districts:  
Additional Development Regulations (continued)**

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(J) Planting Areas.

- (1) All Commercial Districts. Sites in all C districts shall comply with the planting area requirements and design standards of Section 3019.
- (2) CN, CG, CL, and CS Districts. Required yards shall be enclosed by a solid concrete or masonry wall at least 6 feet in height or shall be planting areas, provided that a wall within 15 feet of a street property line shall not exceed 3.5 feet in height.
- (3) CN, CC, CR, CS, CV, and CP Districts. The minimum percentage of the site to be landscaped may be reduced 1 percent for each 20 percent increment of street frontage with a 25-foot-wide landscaped strip.

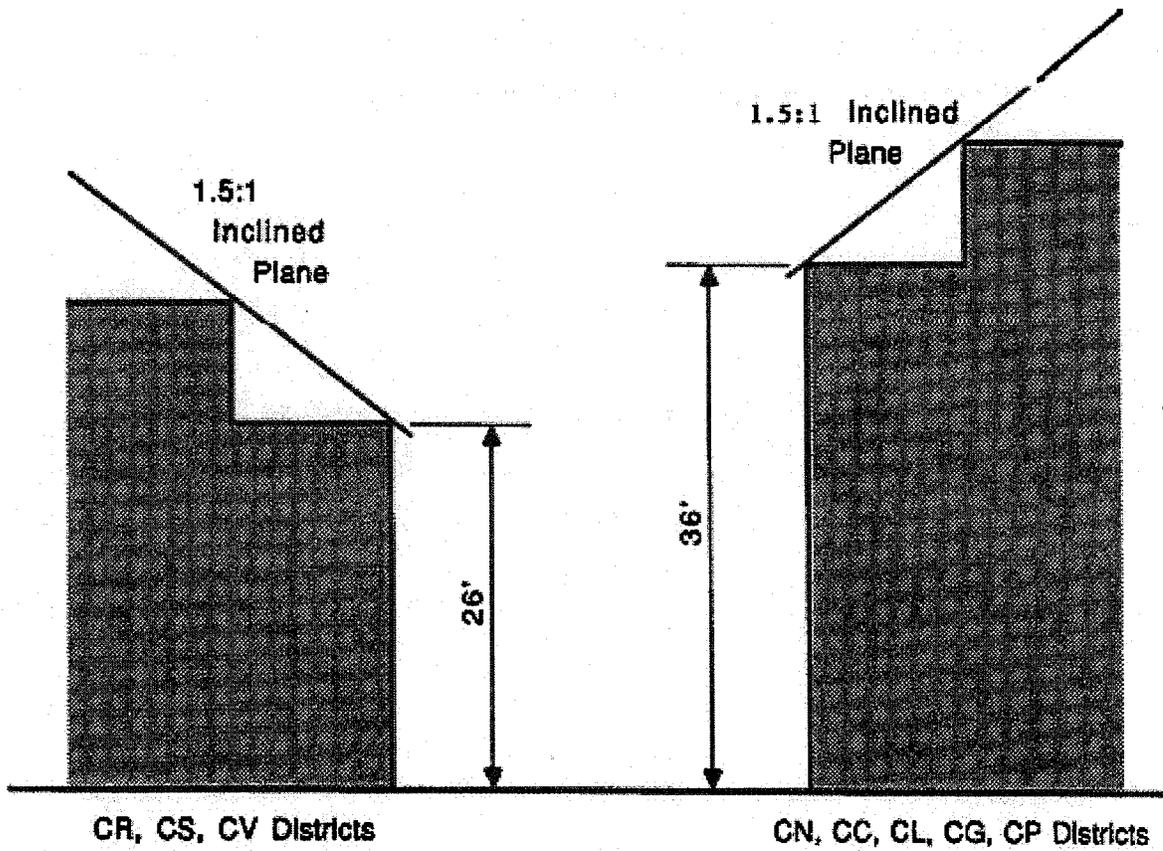
(K) See Section 3019: Landscaping, Irrigation and Hydroseeding.

(L) The maximum vertical wall height at the setback line shall be 26 feet in the CR and CV districts and 50 feet in all other districts. Walls shall be set back at least 1.5 feet for every foot above the maximum vertical wall height limit. During development plan review, exceptions from this standard may be granted by the Planning Commission for department stores, hotels, or other uses with unique requirements (See Diagram L).

(M) This requirement shall apply to building elements above 36 feet. A wall surface shall be no longer than 200 feet without a break: a recess or offset measuring at least 20 feet in depth and one-quarter of the building in length or a series of recesses or offsets, at intervals of not more than 40 feet, that vary the depth of the building wall by a minimum of 4 feet. Not less than 25 percent of the building wall shall be varied in this way (See Diagram M).

(N) Maximum height of a fence or wall shall be 6 feet.

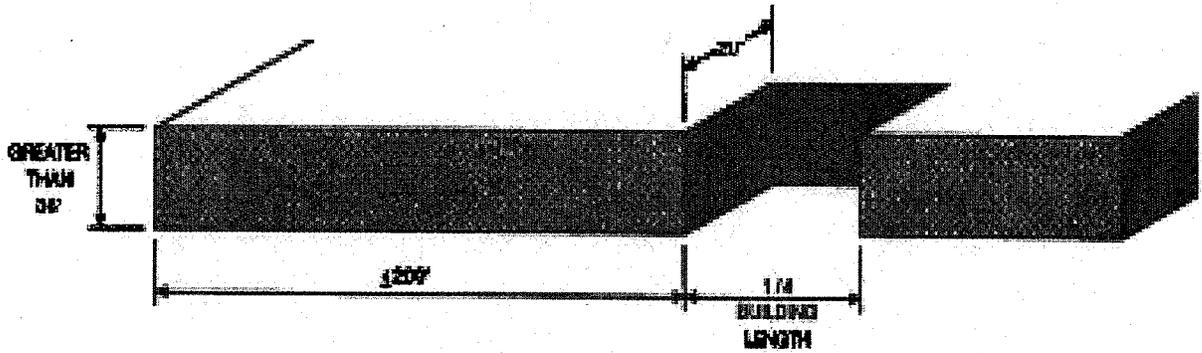
**(L) REQUIRED SETBACKS ABOVE BASE WALL HEIGHT (DIAGRAM)**



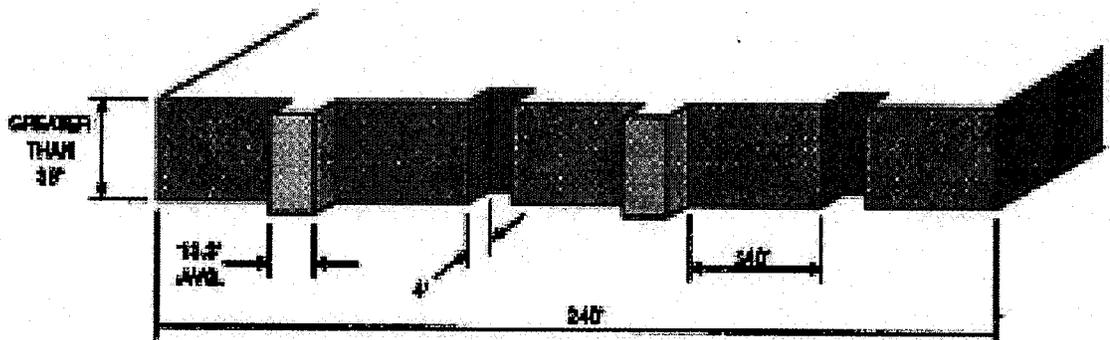
**(L) REQUIRED SETBACKS ABOVE BASE WALL HEIGHT**

(The diagram is illustrative)

**(M) AVERAGING OPTION FOR MAXIMUM WALL LENGTH (DIAGRAM)**



**(M) MAXIMUM WALL LENGTH AND REQUIRED BREAK**  
(The diagram is illustrative)



**(M) AVERAGING OPTION FOR MAXIMUM WALL LENGTH**  
(The diagram is illustrative)

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**CN, CC, CG, CL, CR, CS, CV, and CP Districts:  
Additional Development Regulations (continued)**

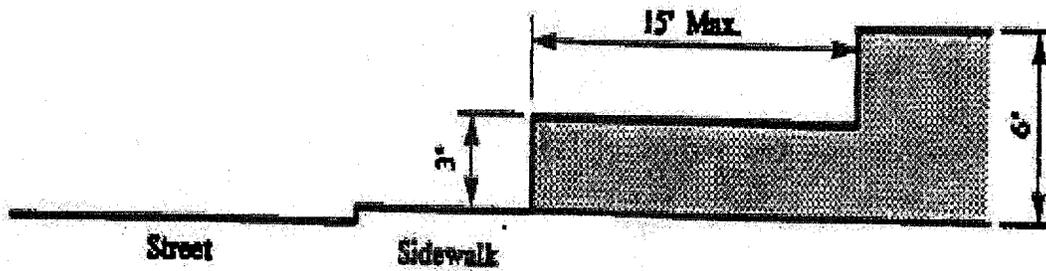
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- (O) A 6-foot solid masonry or concrete wall shall adjoin the property line of the site of a new ground-floor residential use abutting an existing non-residential use or the property line of a new non-residential use abutting the site of an existing ground-floor residential use. However, where the portion of the site within 10 feet of the property line is occupied by planting area or by a building having no openings except openings opposite a street property line, the City Planner may grant an exception to this requirement. A wall within 15 feet of a street property line shall not exceed 3 feet in height (See Diagram O Required Walls).
- (P) In the CG, CL, CR, and CV districts that are within the Coastal Zone, a minimum of 40 percent of the front building surface on a street with a collector classification or greater, as designated in the Master Street Plan, shall be at the front-yard setback line (See Diagram P).

In the CS-L Special Commercial Mission Historic Area District building lines shall be required as follows:

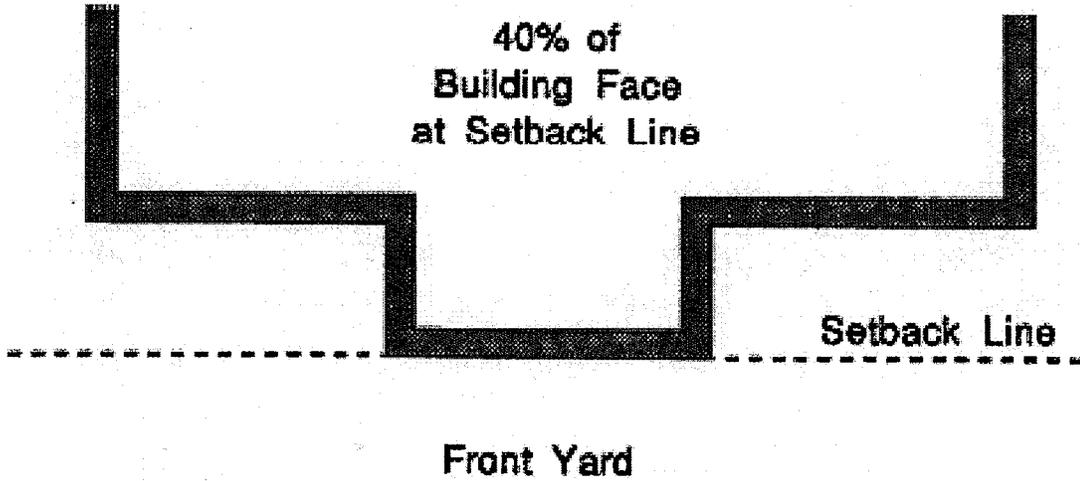
- (1) Village Core (as designated in the Development Guidelines for the Mission Area): At the first level a minimum of 50 percent of the front building face shall be at the front-yard setback line;
- (2) Major Streets (as designated in the Development Guidelines): A minimum of 25 percent of the front building face shall be at the front-building setback line.
- (Q) Parking of automobiles, motorhomes, motorcycles, and other such motor vehicles is not permitted in a required front, corner side, side, or rear yard setback areas. See Section 315, Driveways; Visibility.
- (R) See Article 31: Off-Street Parking and Loading Regulations.
- (S) See Section 3025: Antennas and Microwave Equipment.

**DIAGRAM O REQUIRED WALLS: RESIDENTIAL USE  
ABUTTING NONRESIDENTIAL USE**



**(O) REQUIRED WALLS: RESIDENTIAL USE  
ABUTTING NONRESIDENTIAL USE**  
*(The diagram is illustrative)*

**(P) BUILDING FACE AT SETBACK LINE (DIAGRAM)**



**(P) BUILDING FACE AT SETBACK LINE**

(The diagram is illustrative)

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**Additional Development Regulations (continued)**

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- (T) On frontages designated on the Zoning Map, 50 percent of the first story of that portion of a building facing a street shall consist of opening, clear or tinted glass windows providing views of merchandise displayed, building interiors, or courtyards.

Exceptions: This requirement may be waived by the Planning Director with respect to the following building types:

- (1) corner buildings, provided that at least 20 percent of the site facing the street affords views into the building; or
  - (2) architecturally and historically significant buildings.
- (U) Outdoor eating facilities for employees shall be provided for all industrial and office buildings or developments containing more than 10,000 square feet of building area. See Section 3028: Employee Eating Areas.
- (V) The maximum height of structures may be increased beyond 50 feet with the approval of a use permit.
- (W) Within the Coastal Zone the maximum height of structures is limited to 36 feet provided that structural height in excess of 36 feet may be granted through a Conditional Use Permit and in accordance with the necessary findings for such an approval.
- (X) See Section 3042: Mixed-Use Plans.

**1140 Review of Plans**

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

## **Article 13 I Industrial Districts**

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### **Sections:**

- 1310 Specific Purposes
- 1320 IL, IG, and IP Districts: Land Use Regulations
- 1330 IL, IG, and IP Districts: Property Development Regulations
- 1340 Review of Plans

### **1310 Specific Purposes**

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

- A. Provide appropriately located areas consistent with the General Plan for a broad range of manufacturing and service uses.
- B. Strengthen the city's economic base, and provide employment opportunities close to home for residents of the city and surrounding communities.
- C. Provide a suitable environment for various types of industrial uses, and protect them from the adverse impacts of inharmonious uses.
- D. Ensure that the appearance and effects of industrial uses are compatible with the character of the area in which they are located.
- E. Minimize the impact of industrial uses on adjacent residential districts.
- F. Ensure the provision of adequate off-street parking and loading facilities.

The additional purposes of each I district are as follows:

IL Limited Industrial District. To provide areas appropriate for a wide range of (1) moderate to low-intensity industrial uses capable of being located adjacent to residential areas with minimal buffering and attenuation measures and (2) commercial services and light manufacturing, and to protect these areas, to the extent feasible, from disruption and competition for space from unrelated retail uses or general industrial uses.

IG General Industrial District. To provide and protect industrial lands for the full range of manufacturing, industrial processing, general service, and distribution uses deemed suitable for location in Oceanside; and to protect Oceanside's general industrial areas, to the extent feasible, from disruption and competition for space from unrelated retail and commercial uses that could more appropriately be located elsewhere in the city. Performance standards will minimize potential environmental impacts.

IP Industrial Park District. To provide and protect industrial lands for the development of communities of high technology, research and development facilities, limited industrial activities (including production and assembly but no raw materials processing or bulk handling), small-scale warehousing and distribution, industrial office centers, and related uses in a campus or park-like setting.

### **1320 IL, IG, and IP Districts: Land Use Regulations**

In the following schedule, the letter "P" designates use classifications permitted in industrial districts. The letter "L" designates use classifications subject to certain limitations prescribed by the "Additional Use Regulations" which follow. The letter "U" designates use classifications permitted on approval of a use permit. The letters "P/U" designate use classifications permitted on the site of a permitted use, but requiring a use permit on the site of a conditional use. Use classifications that are not listed are prohibited. Letters in parentheses in the "Additional Regulations" column reference regulations following the schedule, or located elsewhere in this Ordinance. Where letters in parentheses are opposite a use classification heading, referenced regulations shall apply to all use classifications under the heading.

**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

	<b>IL</b>	<b>IG</b>	<b>IP</b>	<b>Add. Reg.</b>
<b>Residential</b>				(A)
Day Care, limited	P	P	P	
<b>Public and Semipublic</b>				(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	
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				
<b>Commercial Uses</b>				(A) (I) (N)
Ambulance Services	L19	L19	-	
Animal Sales and Services:				
Animal Boarding	L18	L18	-	
Animal Grooming	P	P	-	
Animal Hospitals	P	P	-	

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

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	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	
<del>Eating &amp; Drinking</del>				
Food and Beverage Kiosk Establishments	<del>L3-</del>	<del>L3-</del>	<del>L3-</del>	(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)
Restaurants Full Service	L3	L3	L3	(N)
Restaurants Fast Food	L3	L3	L3	(N)
Retail Sales	L20	L20	L20	(N)
Travel Services	P	P	P	

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

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	<b>IL</b>	<b>IG</b>	<b>IP</b>	<b>Add. Reg.</b>
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)
<b>Industrial</b>				(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)
<b>Agricultural and Extractive Uses</b>				
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) (G)
<b>Nonconforming Uses</b>				
<b>Temporary Uses</b>				
Agricultural Specialty Sales, Seasonal	P	P	P	(O)

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**IL, IG, and IP Districts: Additional Use Regulations**

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- 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~~ Restaurants Full Service 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.

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

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- 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.

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

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- 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

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

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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.

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

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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.

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

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- (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.

**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.

**IL, IG, and IP DISTRICTS: DEVELOPMENT REGULATIONS**

<b>Use Classifications</b>	<b>IL</b>	<b>IG</b>	<b>IP</b>	<b>Add. Reg.</b>
Minimum Lot Area (sq. ft.)	20,000	40,000	40,000	(A) (B)
Minimum Lot Width (ft.)	100	150	-	(A) (B)
Minimum Yards:				
Front (ft.)	10	10	20	(C) (O)
Side (ft.)	-	-	-	(C) (D) (O)
Corner Side (ft.)	10	10	20	(C) (O)
Rear (ft.)	-	-	-	(C) (D) (O)
Maximum Height of Structures (ft.)	80	80	80	(E) (F)
Maximum Lot Coverage	75%	75%	40%	
Maximum FAR	1.0	1.0	0.8	
Minimum Site Landscaping	12%	12%	15%	(G) (H)
Maximum Horizontal Wall Dimension (ft.)	200	200	200	(I)
Fences and Walls	See Section 3040			
Off-Street Parking and Loading	(L)			
Vehicular Access	See Article 31			
Signs	See Article 33			
Outdoor Facilities	See Section 3020			
Screening of Mechanical Equipment	See Section 3021			
Employee Eating Areas	See Section 3028			
Refuse Storage Areas	See Section 3022			
Underground Utilities	See Section 3023			

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**IL, IG, and IP DISTRICTS: DEVELOPMENT REGULATIONS (continued)**

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<b>Use Classifications</b>	<b>IL</b>	<b>IG</b>	<b>IP</b>	<b>Add. Reg.</b>
Performance Standards	See Section 3024			
Nonconforming Uses and Structures	See Article 35			
Signs	See Article 33			

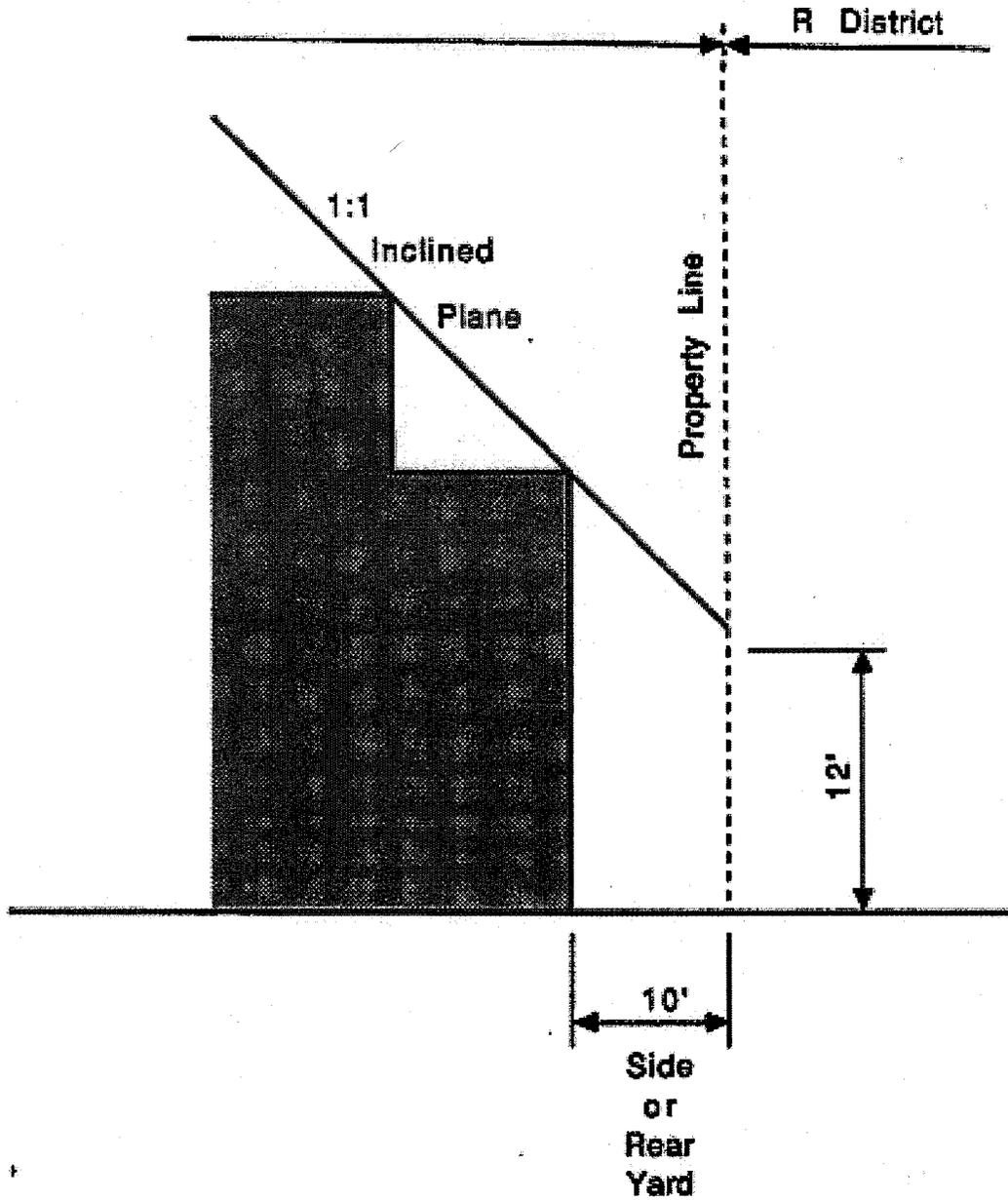
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**IL, IG and IP Districts: Additional Development Regulations**

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- (A) See Section 3013: Development on Substandard Lots.
- (B) Smaller lot dimensions may be permitted with an approved development plan and tentative subdivision map.
- (C) See Section 3015: Building Projections into Yards and Courts. Double-frontage lots shall provide front yards on each frontage.
- (D) A 10-foot interior side or rear yard shall adjoin an R district, and structures shall not intercept a 45-degree daylight plane inclined inward from a height of 12 feet above existing grade at the R district property line (See Diagram D).
- (E) See Section 3017: Measurement of Height.
- (F) Additional height above the maximum height standard may be allowed with a Conditional Use Permit. See also Section 3018: Exceptions to Height Limits.
- (G) Planting Areas.
- (1) IL and IP Districts. A minimum of 50 percent of all required yards shall be planting areas. This area may be counted in determining compliance with minimum site landscaping requirements. The remainder of the required yard area may be used for necessary drives and walks.
- (2) IG District. Required yards shall be enclosed by a solid concrete or masonry wall at least 6 feet in height or shall be planting areas. A wall within 15 feet of a street property line shall not exceed 3.5 feet in height.

**(D) REQUIRED DAYLIGHT PLANE AT ADJOINING DISTRICTS  
(diagram)**



**(D) REQUIRED DAYLIGHT PLANE AT ADJOINING DISTRICTS**

**(The diagram is illustrative)**

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

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- (H) See Section 3019: Landscaping, Irrigation and Hydroseeding.
- (I) This requirement shall apply to building elements above 36 feet. A wall surface shall be no more than 200 feet long without a break: a recess or offset measuring at least 20 feet in depth and one-quarter of the building in length. The City Planner may waive this requirement for industrial facilities on the basis of the engineering requirements for the specific process used, which make it infeasible to provide the required break.
- (J) Reserved.
- (K) Reserved.
- (L) See Article 31.
- (M) See Section 3025: Antennas and Microwave Equipment.
- (N) Outdoor eating facilities for employees shall be provided for all industrial and office buildings or developments containing more than 10,000 square feet of building area. See Section 3028: Employee Eating Areas.
- (O) Parking of automobiles, motorhomes, motorcycles, and other such motor vehicles is not permitted in a required front, corner side, side, or rear-yard setback areas. See Section 3115, Driveways; Visibility.

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**1340 Review of Plans**

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

## **Article 15 OS Open Space District**

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### **Sections:**

- 1510 Specific Purposes
- 1520 Land Use Regulations
- 1530 Development Regulations
- 1540 Review of Plans

### **1510 Specific Purposes**

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

- A. Provide a suitable classification for large public or private sites permanently designated for park or open space use.
- B. Protect public health and safety by limiting lands subject to flooding, slides, or other hazards to open space use.
- C. Allow the Planning Commission and City Council to consider the most appropriate use of a site following discontinuance of a large public or private open space use without the encumbrance of a base zoning district that may or may not provide appropriate regulations for development of the site.
- D. Provide a suitable classification that allows the Planning Commission and the City Council to designate lands considered undevelopable within a proposed land development or use as open space.

### **1520 Land Use Regulations**

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

**OS DISTRICT: LAND USE REGULATIONS**

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

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	OS	Additional Regulations
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**Residential Uses**

Day Care, Limited	P	
Single-family Residential	P	(A)

**Public and Semipublic**

Cemetery	U	
Child Care	L-8	
Park & Recreation Facilities	L-5	
Public Safety Facilities	U	
Resource Centers	L-6	
Utilities, Major	L-4	
Utilities, Minor	P	(E)

**Commercial Uses**

Commercial Recreation and Entertainment	L-1	
<del>Eating &amp; Drinking Establishments</del> Food and Beverage		
Kiosk	L-1	
Restaurants Full Service	L-1	
Restaurants Fast Food	L-1	
<del>With Take-Out Service</del>	<del>L-1, L-2</del>	

Horticulture, Limited	P	(F) (G)
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**Agricultural and Extractive Uses**

Animal Husbandry	L-3	(B)
Crop Production	P	(F) (G)
Mining and Processing	U	

<b>Accessory Uses</b>	P/U	(C) (G)
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<b>Nonconforming Uses</b>		(D)
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**OS District: Additional Use Regulations**

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- L-1 Permitted as part of a public park or public recreational facility with a use permit. Public and semi-public golf courses are allowed as part of an approved residential Master Plan with a use permit.
- L-2 Only "limited" facilities allowed by use permit.
- L-3 Use permit required; conditions may be imposed limiting herd size and restricting grazing to designated areas to protect water resources from agricultural runoff.
- L-4 A use permit is required for generating plants, electrical substations, lone switching buildings, refuse collection, transfer, recycling or disposal facilities, water reservoirs, water or wastewater treatment plants, transportation or communication utilities, and similar facilities of public agencies or public utilities. Aboveground electrical transmission lines are not permitted unless determined to be consistent with a utility corridor plan approved by the Planning Commission. Flood control or drainage facilities are permitted if they are consistent with approved master drainage and/or flood-control plans.
- L-5 Public parks allowed without a use permit if included as part of an approved Master Plan. All other uses require a use permit.
- L-6 Allowed with an Administrative Use Permit issued by the Planning Director.
- L-7 See Article 30: Section 3041, Child Care Facility. Allowed within the RE, RS, RM, RH, RT, CN, CC, CG, CL, CR, CV, CS, CS-HO, CS-L, CP, IL, IG, IP, A, OS, PS and the D Districts subject to obtaining a child Care Facility Permit issued by the Planning Director and subject to the City's adopted Child Care Guidelines. If new development (construction) is proposed for a child care facility, a Development Plan Review is required. A Development Plan Review may be conducted independently or concurrently with the Child Care Facility Permit review.
- L-8 See Article 30: Section 3041, Child Care Facility. Allowed within the RE, RS, RM, RH, RT, CN, CC, CG, CL, CR, CV, CS, CS-HO, CS-L, CP, IL, IG, IP, A, OS, PS and the D Districts subject to obtaining a Child Care Facility Permit issued by the Planning Director and subject to the City's adopted Child Care Guidelines. If new development (construction) is proposed for a child care facility, a Development Plan Review is required. A Development Plan Review may be conducted independently or concurrently with the Child Care Facility

Permit review.

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**OS District: Additional Use Regulations (continued)**

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- (A) Limited to one primary dwelling unit and one accessory dwelling unit per site, subject to the requirements of Section 3006: Accessory Dwelling Units.
- (B) See Chapter 4 of the Municipal Code and Article 30, Section 3034.
- (C) Limited to facilities incidental to an open space use.
- (D) See Article 35: Nonconforming Uses and Structures.
- (E) See Section 3025: Antennas and Microwave Equipment.
- (F) 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.
- (G) 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.

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**1530 Development Regulations**

Development regulations shall be as specified by the use permit, provided that, if the use permit fails to regulate an element regulated by an abutting base district, the regulations of the abutting base district shall apply to each portion of an OS district.

**1540 Review of Plans**

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

**Article 16 PS Public and Semipublic District**

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**Sections:**

- 1610 Specific Purposes
- 1620 Land Use Regulations
- 1630 Development Regulations
- 1640 Review of Plans

**1610 Specific Purposes**

In addition to the general purposes listed in Article 1, the specific purposes of the PS Public and Semipublic District are to:

- A. Allow consideration of a large public or semipublic use separately from regulations for an underlying base zoning that may or may not be appropriate in combination with the public or semipublic use.
- B. Allow consideration of establishment or expansion of a large public or semipublic use at rezoning hearings rather than at use permit hearings only, and give notice to all of the extent of a site approved for a large public or semipublic use by delineating it on the zoning map.
- C. Allow the Planning Commission and City Council to consider the most appropriate use of a site following discontinuance of a large public or semipublic use without the encumbrance of a base zoning district that may or may not provide appropriate regulations for reuse of the site.

**1620 Land Use Regulations**

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

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**PS DISTRICT: LAND USE REGULATIONS**

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

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	<b>PS</b>	<b>Additional Regulations</b>
<b>Residential Uses</b>		
Day Care, Limited	P	
Group Residential	U	
<b>Public and Semipublic</b>		
		(G)
Airports	U	(A)
Cemetery	U	
Child Care	L-9	
Clubs and Lodges	U	
Convalescent Facilities	U	
Cultural Institutions	U	
Day Care, General	U	
Detention Facilities	U	
Emergency Shelter	U	
Government Offices	U	
Heliports	L-1	
Hospitals	U	
Maintenance & Service Facilities	U	
Park & Recreation Facilities	L-5	
Public Safety Facilities	U	
Religious Assembly	U	(C)
Residential Care, General	U	
Resource Centers	L-7	
Schools, Public or Private	U	
Transitional Housing	U	
Utilities, Major	L-4	
Utilities, Minor	P/U	(D)
<b>Commercial Uses</b>		
		(G)
Commercial Filming	U	

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**PS District: Land Use Regulations (continued)**

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	<b>PS</b>	<b>Additional Regulations</b>
Commercial Recreation and Entertainment	U	
<del>Eating and Drinking</del> <del>Establishments</del> <u>Food and Beverage</u>	L-2	
Kiosk		
Restaurants Fast Food	L-2	
Restaurants Full Service	L-2	
Horticulture, Limited	P	(E) (F)
Vehicle Storage	L-3	(G)
Visitor Accommodations Hotels, Motels And Timeshares	U	(H)
<b>Agricultural and Extractive Uses</b>		(G)
Crop Production	L-6	(E) (F)
<b>Accessory Uses</b>	P/U	(F) (G)
<b>Nonconforming Uses</b>		(B)

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**PS District: Additional Use Regulations**

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- L-1 Allowed with use permit and Heliport Permit from California Department of Transportation, Division of Aeronautics if located more than 1,000 feet from an R District and the site of a public or private school; see Section 3036.
- L-2 Permitted as an accessory use occupying no more than 5,000 square feet and having no separate entrance or sign, in a cultural, educational, hospital, medical institution project, or a civic or private institution.
- L-3 Recreational vehicle storage within electric power-line transmission corridors may be approved, subject to a use permit. Landscaping and screening requirements may be established as a condition of approval.

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**PS District: Additional Use Regulations (continued)**

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- L-4 A use permit is required for generating plants, electrical substations, lone switching buildings, refuse collection, transfer, recycling or disposal facilities, water reservoirs, water or wastewater treatment plants, transportation or communication utilities, and similar facilities of public agencies or public utilities. Aboveground electrical transmission lines are not permitted unless determined to be consistent with a utility corridor plan approved by the Planning Commission. Flood control or drainage facilities are permitted if they are consistent with approved master drainage and/or flood-control plans.
- L-5 Public parks allowed without a use permit if included as part of an approved Master Plan. All other uses require a use permit.
- L-6 Allowed on sites of more than 2.5 acres with the approval of an Administrative Use Permit issued by the Planning Director.
- L-7 Allowed with an Administrative Use Permit issued by the Planning Director.
- L-8 See Article 30: Section 3041, Child Care Facility. Allowed within the RE, RS, RM, RH, RT, CN, CC, CG, CL, CR, CV, CS, CS-HO, CS-L, CP, IL, IG, IP, A, OS, PS and the D Districts subject to obtaining a child Care Facility Permit issued by the Planning Director and subject to the City's adopted Child Care Guidelines. If new development (construction) is proposed for a child care facility, a Development Plan Review is required. A Development Plan Review may be conducted independently or concurrently with the Child Care Facility Permit review.
- L-9 See Article 30: Section 3041, Child Care Facility. Allowed within the RE, RS, RM, RH, RT, CN, CC, CG, CL, CR, CV, CS, CS-HO, CS-L, CP, IL, IG, IP, A, OS, PS and the D Districts subject to obtaining a Child Care Facility Permit issued by the Planning Director and subject to the City's adopted Child Care Guidelines. If new development (construction) is proposed for a child care facility, a Development Plan Review is required. A Development Plan Review may be conducted independently or concurrently with the Child Care Facility Permit review.

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**PS District: Additional Use Regulations (continued)**

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- (A) See Chapter 3 B: Airport Approach Zoning of the City Code.
- (B) See Article 35: Nonconforming Uses and Structures.
- (C) See Section 3004: Religious Assembly Yard Requirements.
- (D) See Section 3025: Antennas and Microwave Equipment.
- (E) 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 areas. Sufficient buffering of the operation should be provided from adjacent residential uses.
- (F) 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.
- (G) See Section 3020: Outdoor Facilities; certain outdoor facilities are subject to the development standards of this section.
- (H) See Section 3030: Timeshare Resort Projects.

**1630 Development Regulations**

Development regulations shall be as specified by the use permit, provided that if the use permit fails to regulate an element regulated by an abutting base district, the regulations of the abutting base district shall apply to each portion of a PS district.

**1640 Review of Plans**

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

## **Article 31 Off-Street Parking and Loading Regulations**

### **Sections:**

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

### **3101 Specific Purposes**

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

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

### 3102 Basic Requirements for Off-Street Parking and Loading

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

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

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

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

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

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

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

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

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

### **3103 Off-Street Parking and Loading Spaces Required**

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

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

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**OFF-STREET PARKING AND LOADING SPACES REQUIRED**

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

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**Off-Street Parking and Loading Spaces Required (continued)**

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

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**Off-Street Parking and Loading Spaces Required (continued)**

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

**Off-Street Parking and Loading Spaces Required (continued)**

Use Classification	Off-Street Parking Spaces: Schedule A	Off-Street Loading Spaces: Schedule B Group Number
Card Rooms	1 space per chair, plus additional spaces for ancillary uses, as required by this article.	1
Arcades and Game Centers	1 per 400 sq. ft.	
Skating Rinks	1 per 5 fixed seats, or 1 per 35 sq. ft. seating area if there are no fixed seats; plus 1 per 250 sq. ft. floor area not used for seating.	1
Tennis and Racquetball Clubs	4 per court.	1
Theaters	1 per 4 fixed seats, or 1 per 35 sq. ft. seating area if there are no fixed seats.	1
Other Commercial Recreation and Entertainment	As specified by the Planning Director.	
Communications Facilities	1 per 500 sq. ft.	2
<del>Eating and Drinking Drive-Thru Food and Beverage Kiosk:</del>	<del>1 per 50 sq. ft. of seating area 1 per 100 sq. ft. gross area; plus queue space for 5 cars for drive-up Service measured from the menu board.</del>	
<del>Cocktail Lounge</del>	<del>1 per 50 sq. ft. of seating area.</del>	
<del>With Live Entertainment</del>	<del>1 per 35 sq. ft. seating area; plus 1 per 35 sq. ft. dance floor.</del>	<del>1</del>

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**Off-Street Parking and Loading Spaces Required (continued)**

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

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**Off-Street Parking and Loading Spaces Required (continued)**

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<b>Use Classification</b>	<b>Off-Street Parking Spaces: Schedule A</b>	<b>Off-Street Loading Spaces: Schedule B Group Number</b>
Dance or Music Studio	1 per 600 sq. ft.	
Personal Services	1 per 250 sq. ft.	1
Research and Development Services	1 per 400 sq. ft.	
Restaurants Full Service	1 per 50 sq. ft. of seating area.	
With Live Entertainment	1 per 35 sq. ft. seating Area; plus 1 per 35 sq. ft. dance floor.	1
Restaurant Fast Food	1 per 50 sq. ft. of seating area.	
Restaurants With Drive-thru or Drive-up	1 per 100 sq. ft. gross Area; plus queue space for 5 cars for drive-up service Measured from menu board.	1
Retail Sales Not Listed Under Another Use Classification	1 per 200 sq. ft. for less than 5,000 sq. ft.; 1 per 250 sq. ft. over 5,000 sq. ft.	1
Vehicle/Equipment Sales and Services:		
Automobile Washing	1 per 200 sq. ft. of sales, office, or lounge area; plus queue for 5 cars per washing station.	
Service Stations	1 per 2,500 sq. ft. lot area; plus 1 per 600 sq. ft. of service bay and storage area.	

Vehicle/Equipment      1 per 300 sq. ft.      1  
  Repair

Vehicle/Equipment      1 per 1,000 sq. ft. lot      1  
  Sales and Rentals area.

Vehicle Storage      1 per 500 sq. ft.

Visitor Accommodations:

Bed and Breakfast      1 per guest room; plus 2  
  Inns                    spaces.

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**Off-Street Parking and Loading Spaces Required (continued)**

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

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**SCHEDULE B: LOADING SPACES REQUIRED**

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

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Use Classification Group 1

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

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**SCHEDULE B: LOADING SPACES REQUIRED (continued)**

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

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**3104 Collective Provision of Parking**

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

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

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

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

### **3105 Reduced Parking for Other Uses**

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

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

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

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

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

### **3106 Parking In-Lieu Payments**

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

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

### **3107 Parking Spaces for the Handicapped**

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

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

### **3108 Bicycle Parking**

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

B. Number Required.

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

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

### 3109 Parking Space Dimensions

Required parking spaces shall have the following minimum interior dimensions:

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

### 3110 Application of Dimensional Requirements

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

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

### **3111 Aisle Dimensions**

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

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

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

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

### **3112 Specific Parking Area Design**

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

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

**Diagram 3111**

**3113 Parking Access from Street**

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

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

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

**3114 Driveway Widths and Clearances**

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

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

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

**3115 Driveways; Visibility**

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

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

**3116 Parking Area Screening: Walls and Fences**

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

**3117 Lighting**

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

**3118 Parking Lot Landscaping**

Parking lot landscaping shall be as prescribed by Section 3019.

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

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

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

### **3120 Additional Design Standards for Parking Lots and Structures**

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

### **3121 Location and Design of Off-Street Loading Spaces**

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

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

### **3122 Bus Turnouts and Shelters**

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

Downtown Zoning Ordinance Article & Section	Original language	Proposal (Additions and/or revisions)
<p>Article 4(1), Sect. 450(H)</p>	<p>Eating and Drinking Establishments: A place which a "bona fide public eating place" is used and kept open for the serving of meals to guests for compensation and which has an adequate seating area for the consumption of meals and suitable kitchen facilities for cooking an assortment of foods which may be required for ordinary meals. As used in this definition, the word "meals" means the usual assortment of foods commonly ordered at various hours of the day; the services of only such foods as sandwiches or salads shall not be deemed in compliance with this requirement.</p> <p>As used in this definition, the words "suitable kitchen facilities" shall include cooking equipment (such as deep fryers, stoves or ovens) requiring hood fans, an operable dishwashing machine, and a central freezing and refrigeration area.</p> <ol style="list-style-type: none"> <li>1. Restaurant. A restaurant is an establishment that serves prepared food and beverages to be consumed on the premises. The term covers a multiplicity of venues and a diversity of styles of cuisine. A restaurant may serve beer and wine with a valid ABC and where a substantial amount of sales include meals during normal meal hours and that they are open at least five days a week.</li> <li>2. Espresso Stand (drive-through). A walk-up, sit down or auto-oriented business, that dispenses hot and/or cold beverages and pre-prepared food products.</li> <li>3. Small-scale Entertainment - Small scale live entertainment is permitted and is limited to five or fewer performers, with no dance floor and limited to typical lunch and dinner hours (11:00 a.m. to 11:00 p.m.).</li> <li>4. Live Entertainment. Establishments providing live entertainment for patrons with six or more performers.</li> <li>5. Fast Food/Take Out. Restaurants where food and/or beverages are sold ready to go, to be consumed on or off the premises. This does not include drive through.</li> <li>6. Fast Food/Drive Through. Restaurants where food and/or beverages are sold ready to go, to be consumed on or off the premises and has a drive through window.</li> <li>7. Full Service Liquor. A restaurant that is authorized to sell beer, wine and distilled spirits for consumption on the premises. Restaurant must operate and maintain an ABC license and premises must operate as a "bona fide public eating place", where a substantial amount of sales include meals during normal meal hours and that they are open at least five days a week.</li> </ol>	<p>Remove Eating and Drinking Definition, add Food and Beverage Kiosk, and establish new definitions for Restaurants as follows:</p> <p><b>H. Food and Beverage Kiosk</b></p> <p><b>Q. Restaurants Fast food definition:</b></p> <ol style="list-style-type: none"> <li>1. Restaurants Fast Food with Drive-thru or Drive-up</li> </ol> <p><b>R. <u>Restaurants Full Service definition:</u></b></p> <ol style="list-style-type: none"> <li>1. Restaurants Full Service with Full Alcohol</li> <li>2. Restaurants Full Service with Live entertainment</li> </ol> <p>-Formatting changes for new and existing uses within the matrix</p> <p>-Remove Drive-thru/Drive-up from Food and Beverage Definition</p>

<p>Article 12, Sect. 1220</p>	<p>- Eating and Drinking Use Matrix</p>	<p>Revise use matrix to remove Eating &amp; Drinking language and replace with new Restaurant Full Service and add Restaurant Fast Food, and Food and Beverage Kiosk.</p> <p>Remove Espresso Stand, Small Scale entertainment, and takeout.</p>
<p>Article 31, Sect. 3103</p>	<ul style="list-style-type: none"> <li>- Eating and Drinking</li> <li>- With Live Entertainment</li> <li>- With Take-Out Service</li> </ul>	<p>Add Eating and Drinking Restaurants Full Service, Restaurants Fast Food, and Fast Food with Drive-thru Services uses to the ratio matrix.</p> <p>Add parking ratios for Food and Beverage Kiosk ratio: (1 per 100 sq. ft. gross area; plus queue space for 5 cars for drive-up service).</p> <p>Add Restaurants Full Service: (1 per 50 sq. ft. seating area).</p> <p>Add Restaurants Fast Food (1 per 50 sq. ft. seating area) and Restaurants Fast Food with Drive-thru: (1 per 50 sq. ft. seating area; plus queue space for 5 cars for drive-up service).</p>

# **Article 4(a) Redevelopment Project Area Use Classifications**

## **Sections:**

- 410 Purpose and Applicability
- 420 Uses Not Classified
- 430 Residential Use Classifications
- 440 Public and Semipublic Use Classifications
- 450 Commercial Use Classifications
- 460 Accessory Use Classifications
- 470 Temporary Use Classifications

### **410 Purpose and Applicability**

The uses classifications describe herein are only applicable within the Redevelopment Project Area. The uses describe one or more uses having similar characteristics, but do not list every use or activity that may appropriately be within the classification. The Economic Development & Redevelopment Director shall determine whether a specific use shall be deemed to be within one or more use classifications or not within any classification in this Title. The Economic Development & Redevelopment Director may determine that a specific use shall not be deemed to be within a classification, whether or not named within the classification, if its characteristics are substantially incompatible with those typical of uses named within the classification. The Economic Development & Redevelopment Director's decision may be appealed to the Community Development Commission.

### **420 Uses Not Classified**

Any new use, or any use that cannot be clearly determined to be in an existing use classification, may be incorporated into the zoning regulations by a Zoning Ordinance text amendment, as provided in Article 45.

### **430 Residential Use Classifications**

- A. Day Care, Limited. Non-medical care and supervision of up to and including fourteen persons on a less than 24-hour basis within a licensee's home for children and adults.
- B. Group Residential. Shared living quarters without separate kitchen or bathroom facilities for each room or unit. This classification includes boardinghouses, dormitories, fraternities, sororities, and private residential clubs, but excludes residential hotels (see Single-Room Occupancy (SRO) Residential Hotels).

- 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.

#### **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.
- B. 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.
- C. 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.
- D. 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.
- E. 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.
- F. Emergency Health Care. Facilities providing emergency medical service with no provision for continuing care on an inpatient basis.
- G. Government Offices. Administrative, clerical, or public contact offices of a government agency, including postal facilities, together with incidental storage and maintenance of vehicles.
- H. 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.

- I. Park and Recreation Facilities. Noncommercial parks, playgrounds, recreation facilities, and open spaces.
- J. Public Safety Facilities. Facilities for public safety and emergency services, including police and fire protection.
- K. 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. Only Small-scale establishments occupying no more than 5,000 square feet.
- L. 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.
- M. 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.
- N. Schools, Public or Private. Educational institutions having a curriculum comparable to that required in the public schools of the State of California.
- O. 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.
- P. 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.
- Q. 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. Ambulance Services. Provision of emergency medical care or transportation, including incidental storage and maintenance of vehicles.
  
- B. Animal Sales and Services.
  - 1. Animal Grooming. Provision of bathing and trimming services for animals on a commercial basis. This classification includes boarding of domestic animals for a maximum period of 48 hours.
  
  - 2. Animal Product Sales. Retail products associated with domestic animals (dogs, cats, birds, snakes, and small rodents).
  
- C. Artists Studios. Work and display space for artists and artisans, including individuals practicing one of the fine arts or performing arts, or skilled in an applied art or craft. Only small-scale establishments occupying no more than 5,000 square feet.
  
- D. Banks and Savings and Loans. Financial institutions that provide retail banking services to individuals and businesses. This classification is limited to institutions engaged in the on-site circulation of cash money including businesses offering check-cashing facilities. This excludes check cashing businesses and loan companies not associated with a bank, credit unions or savings and loan.
  - 1. Drive-through/Drive-up Service. Institutions providing self-service banking facilities that are not associated with a primary banking or savings and loan building located on the same site.
  
  - 2. Self-service Facilities (ATM's). Institutions providing self-service banking facilities that are not associated with a primary banking or savings and loan building located on the same site.
  
- E. Catering Services. Preparation and delivery of food and beverages for off-site consumption with provision for on-site pickup or consumption not to exceed 1,000 square feet. (See also Eating and Drinking Establishments.)
  
- F. Commercial Recreation and Entertainment. Provision of participant or spectator recreation or entertainment. This classification includes theaters, sports stadiums and arenas, amusement parks, bowling alleys, billiard parlors, pool rooms, dance halls, ice/roller skating rinks, golf courses, miniature golf courses, scale-model courses, shooting galleries, tennis/racquetball courts, arcades and games centers having five or more

coin-operated game machines and card rooms.

- G. Communications Facilities. Broadcasting, recording, and other communication services accomplished through electronic or telephonic mechanisms, but excluding Utilities (Major). This classification includes radio, television, or recording studios; telephone switching centers; and telegraph offices.

H. Eating and Drinking Food and Beverage Kiosk Establishments.

An establishment that provides walk-up and/or drive-thru food and beverage services only through a kiosk window for off-site consumption. The sale and consumption of alcoholic beverages is prohibited.

~~—A place which a "bona fide public eating place" is used and kept open for the serving of meals to guests for compensation and which has an adequate seating area for the consumption of meals and suitable kitchen facilities for cooking an assortment of foods which may be required for ordinary meals. As used in this definition, the word "meals" means the usual assortment of foods commonly ordered at various hours of the day; the services of only such foods as sandwiches or salads shall not be deemed in compliance with this requirement.~~

~~As used in this definition, the words "suitable kitchen facilities" shall include cooking equipment (such as deep fryers, stoves or ovens) requiring hood fans, an operable dishwashing machine, and a central freezing and refrigeration area.~~

~~1. Restaurant. A restaurant is an establishment that serves prepared food and beverages to be consumed on the premises. The term covers a multiplicity of venues and a diversity of styles of cuisine. A restaurant may serve beer and wine with a valid ABC and where a substantial amount of sales include meals during normal meal hours and that they are open at least five days a week.~~

~~2. Espresso Stand (drive through). A walk-up, sit-down or auto-oriented business, that dispenses hot and/or cold beverages and pre-prepared food products.~~

~~3. Small-scale Entertainment Small scale live entertainment is permitted and is limited to five or fewer performers, with not dance floor and limited to typical lunch and dinner hours (11:00 a.m. to 11:00 p.m.)~~

~~Live Entertainment. Establishments providing live entertainment for patrons with six or more performers.~~

~~Fast Food/Take Out. Restaurants where food and/or beverages are sold ready to go, to be consumed on or off the premises. This does not include drive through.~~

~~Full Service Liquor. A restaurant that is authorized to sell beer, wine and distilled spirits for consumption on the premises. Restaurant must operate and maintain an ABC license and premises must operate as a "bona fide public eating place", where a substantial amount of sales include meals during normal meal hours and that they are open at least five days a week.~~

- I. Food and Beverage Sales. Retail sales of food and beverages for off-site preparation and consumption. Typical uses include groceries, liquor stores, or delicatessens. Establishments at which 20 percent or more of the transactions are sales of prepared food for on-site or take-out consumption shall be classified as Catering Services or Eating and Drinking Establishments.
  1. Convenience Markets. Retail sales of food, beverage and small convenience items typically found in establishments with long or late hours of operation.
  2. Grocery/ Neighborhood Market. Retail sales of food and beverages for off-site preparation and consumption. Principally engaging in the retail sale of staple foodstuffs, household supplies and a sizeable assortment of fresh produce, meats, fish and dairy products. A minimum of 60% of net floor area (excluding storage, aisle ways, check out and customer service areas) shall be dedicated to the sale of staple foodstuffs and fresh items such as produce, meats, fish, and dairy products.

(Net Floor Area - The total floor area within the walls of all buildings on a lot or building site, except for the spaces therein devoted to vents, shafts, and lighting courts, and except for the area devoted exclusively to loading and unloading facilities or parking of motor vehicles).
  3. Specialty Market. Retail sales of food and beverages for off-site preparation and consumption. Principally engaging and specializing in the retail sales of one specific product line such as produce, meat, fish, etc. Such markets may include the incidental sales of other merchandise directly related to the principal product line.
- J. Home Occupation. A limited-scale service or fabrication activity, which occurs in a dwelling unit or accessory building and is subordinate to the primary use of the premises for residential purposes, with limitations as set forth within the City of Oceanside business license department.
- K. Live work lofts. May include "professional services that do not require client visits, electronics research and development, computer software development, internet based business and the like are permitted. In addition to paper based and/or home based occupations such as engineers, architects, consultants, computer specialists, interior designers, lawyers, and real estate professionals
- L. Marine Sales, Rentals, and Services. Establishments providing supplies and

equipment for shipping or related services, or pleasure boating and recreation. Typical uses include chandleries, yacht brokerage, sales, boat yards, boat docks, and sail-making lofts.

M. Offices, Business and Professional. Offices of firms or organizations providing professional, executive, management, or administrative services.

1. Administrative/Business. Establishments providing direct services to clients, including insurance agencies, real estate offices, post offices (not including bulk mailing distribution centers).
2. Production. Office-type facilities occupied by businesses engaged in the production of intellectual property. These uses include: advertising agencies, architectural, engineering, planning and surveying services, computer software production and programming services, educational, scientific and research organizations, media postproduction services, photography and commercial art studios, writers and artist's offices.
3. Professional. Professional or government offices including: Accounting, auditing and bookkeeping services, attorneys, counseling services, court reporting services, data processing services, detective agencies and similar services, employment, stenographic, secretarial and word processing services, government offices, literary and talent agencies, management and public relations services
4. Temporary. A mobile home, recreational vehicle or modular unit used as temporary office facility. Temporary Offices may include: construction supervision offices on a construction site or off-site construction yard; a temporary on-site, which is converted to residential use at the conclusion of its office use.
5. Temporary Real Estate. The temporary use of a dwelling unit within a residential development project as a sales office for the units on the same site, which is converted to residential or commercial use at the conclusion of its office use.

N. Pawn Shops. Establishments engaged in the buying or selling of new or secondhand merchandise and offering loans secured by personal property and subject to Chapter 22 of the Municipal Code. This definition does not include Junk as defined as old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, wastes, machinery, scrap wood, or junked, dismantled or wrecked automobiles, or parts thereof; iron, steel, and other old or scrap ferrous or nonferrous material. Includes any other definitions of junk established in City ordinances.

O. Personal Improvement Services. Provision of instructional services or facilities, including: photography, fine arts, crafts, dance or music studios; driving, business or trade schools; diet centers, or reducing salons; and health/fitness studios, spas or clubs.

1. Health/Club/Studio/Spa. Establishments with equipment for exercise and physical conditioning. Facilities offering the use of exercise equipment for public use, and services such as, expertise and instruction for fitness training, weight loss, yoga and aerobics classes. Does not include massage or other medically related services.

2. Day Spa. A day or full service spa must provide at least four different types of services and all services must be provided on the premises during regular business hours and include some type of instructional service. These services may include any of the following: facial therapies, body treatments, hair removal, nail care, salon care, makeup application, permanent cosmetic makeup, skin care treatments, therapeutic massage, aromatherapy, hydrotherapy, and instructional services such as; nutritional counseling, weight management, stress management, medical evaluations, and fitness activities such as; private or personal fitness training, yoga, meditation, and retail products such as; skin and body care products, work out or spa clothing, juice bar, spa or health food cuisine, health food products.

All services shall be administer by licensed cosmetologists, estheticians or similar professionals and should offer a vast array of the highest quality skin, body, health care, and fitness services. At a minimum spas establishment must be: clean, and safe environment; have private treatment rooms for clients receiving a personal service; business licenses; professional, licensed estheticians and therapists; professional spa products for which estheticians and therapists have received training in their use; and have showering and changing facilities for women and men (when necessary).

3. Accessory Massage. Massage only permitted as an incidental use to a primary use listed above, with a use permit and must abide by all other City Ordinances and Codes.

P. Personal Services. This classification includes: photo-copying, word processing, packaging, postal and office supply support facilities.

1. Laundromat/Cafe. A commercial establishment offering self-serve

and assisted laundry facilities for public use in conjunction with some type of food or beverage service.

2. General Repair. The repair of small appliances, stereo equipment, electronic pieces and computers. This term does not include the repair of motor vehicles, motorcycles, lawnmowers or garden equipment.

**Q. Restaurants Fast Food:** A bona fide restaurant establishment where the principal business is the sale of prepared or rapidly prepared food and beverages to guests via counter, walk up, or window service for consumption on or off the premises. The sale beer and wine for on site consumption is permitted. As used in this definition, a “bona fide” restaurant shall have suitable kitchen facilities for cooking and/or preparation of meals. The word “meals” means the assortment of foods commonly ordered at various hours of the day.

1. **Restaurant Fast Food with Drive-thru or Drive up:** A restaurant establishment providing service from a building to patrons in vehicles through an outdoor service window (Drive-thru) or delivery service to vehicles parked in designated parking spaces (Drive-up). The sale and consumption of alcoholic beverages at a restaurant with a Drive-thru or Drive-up window is prohibited.

**R. Restaurants Full Service:** A bona fide restaurant establishment where the principal business is the sale of food and beverages to guests via table service for consumption on the premises. The sale of beer and wine for on-site consumption shall be considered incidental to the full service restaurant. Delivery service to vehicles parked in designated parking spaces (i.e. drive-up) is allowed as an ancillary service to the Restaurant Full Service. As used in this definition, a “bona fide” full service restaurant shall have suitable kitchen facilities for cooking of complete meals. The word “meals” means the assortment of foods commonly ordered at various hours of the day; the service of only such foods as sandwiches or salads does not meet the bona fide restaurant definition.

1. **Restaurants Full Service with Full Alcohol:** A bona fide restaurant establishment authorized to sell distilled spirits for consumption on licensed premises. The sale of liquor is included

as an appurtenant use to full service restaurants having table seating and service for more than 50 guests.

———**Restaurants Full Service with Live Entertainment – (small scale):** Restaurant establishments providing live entertainment to patrons with 5 or fewer performers at restaurant facilities with no dance floor during typical lunch and dinner hours (11:00am-11:00pm) and having 75 percent food sales compared to alcohol sales.

**QS. Retail (General) Sales.** The retail sale of merchandise not specifically listed under another use classification. This classification includes artist supplies, bakeries, bicycles, books, cameras and photographic supplies, clothing and accessories, department stores, drug stores, dry goods, fabrics and sewing supplies, florist and houseplants, hobby material, jewelry, luggage and leather goods, home improvement stores, furniture stores, handcrafted items, jewelry, cameras, photographic supplies (including limited processing), electronic equipment, records, sporting goods, kitchen utensils, hardware, appliances, art supplies and services, paint and wallpaper, carpeting floor covering, office supplies, bicycles, and musical instruments, parts and accessories, specialty shops, religious goods, sporting goods and equipment, stationery, toys and games and variety stores.

1. **Antiques, Antique Shop.** Any article which, because of age, rarity or historical significance, has a monetary value greater than the original value, or which has an age recognized by the United States Government as entitling the article to an import duty less than that prescribed for contemporary merchandise. A store or shop selling only such articles or offering them for sale shall be considered as an antique shop or store, and not considered as a dealership handling used or secondhand merchandise.
2. **Custom Retail.** Establishments primarily engaged in on-site production of goods by hand manufacturing involving the use of hand tools and small-scale mechanical equipment not exceeding two (2) horsepower or a single kiln not exceeding eight (8) kilowatts; and the direct sale to consumers of those goods produced on-site. Products made incident to a permitted use may be sold at retail on the premises, and not more than three (3) people shall be employed in the production process. Typical uses include but are not limited to ceramic studios, candle-making shops, and custom jewelry production.

3. Secondhand Furniture, Appliance, "Collectible" and Clothing Sales.  
The retail sale of used furniture, appliances, "collectibles" and clothing, and secondhand dealers who are subject to Chapter 22 of the Municipal Code. This classification excludes antique shops primarily engaged in the sale of antique furniture and accessories. Only small establishments occupying no more than 5,000 square feet.
4. Wine Tasting. Retail establishments for the sale of bottled wine and which offer wine tasting and the sale of wine for on-site consumption in connection with the marketing of wines offered for sale on the premises. With the exception of wine and featured micro-brews, no beverages or items containing alcohol shall be offered for sale or consumed on the premises. Non-alcoholic retail items associated with wine drinking such as wine glasses, decanters, ice buckets, toppers, serving implements, snack foods and non alcoholic beverages may also be offered for sale. Wine tasting shall only occur in an enclosed area not accessible for persons under the age of 21.

| RT. Travel Services. Establishments providing travel information and reservations to individuals and businesses. This classification excludes car rental agencies.

| SU. Automotive Rental (small scale). Rental of vehicles; limited to five rental cars.

| TV. Visitor Accommodations

1. Bed and Breakfast Inns. Establishments offering lodging on a less than weekly basis in a converted single-family or multi-family dwelling, with incidental eating and drinking service for lodgers only provided from a single kitchen.
2. Hotels and Motels. Establishments offering commercial lodging on a less than monthly basis. This classification includes incidental eating, drinking, and banquet services intended for the convenience of guests.
3. Timeshare. A facility or arrangement, plan, or similar program, other than an exchange program, whereby a purchaser receives ownership rights in or the right to use accommodations for a period of time less than a full year during any given year, on a recurring basis for more than one year, but not necessarily for consecutive years.
4. Fractional Ownership Hotel. A facility providing overnight visitor

accommodations where at least some of the guestrooms are owned separately by multiple owners on a fractional time basis. A fractional time basis means that an owner receives exclusive right to use of the individual unit for a certain quantity of days per year and each unit available for fractional ownership will have multiple owners. When a fractional ownership unit is not occupied by one of its owners, that unit shall be made available to the general public through the hotel operator. If a Fractional Ownership Hotel includes traditional hotel units, the facility may use those rooms alone or in combination with its fractional units to satisfy any requirement that a substantial portion of its units be permanently reserved for transient overnight accommodations in the summer season, which is Memorial weekend through Labor Day.

5. Condominium Hotel. Condominium Hotel – Any Facility providing overnight visitor accommodations where ownership of at least some of the individual guestrooms (units) within the larger building or complex is in the form of separate condominium ownership interests, as defined in California Civil Code section 1351(f). The primary function of the Condominium Hotel is to provide overnight transient visitor accommodations within every unit that is available to the general public on a daily basis year-round, while providing both general public availability and limited owner occupancy of those units that are in the form of separate condominium ownership interests.
6. Resort. A resort is defined as a full service hotel of greater than 200 rooms with pool, spa, or similar amenities and full service restaurant.
7. Limited Use Overnight Visitor Accommodation: A facility providing overnight visitor accommodations that includes both traditional hotel lodging and some combination of fractional interests, time shares, or condo-hotel units. Limited Use Overnight Visitor accommodations shall only be allowed in the Downtown “D” District, if no more than 25% of the total rooms in such facility consist of some combination of fractional timeshare or condo-hotel units; however, no more than 15% of the total rooms in a Limited Use Overnight Visitor Accommodation may be Fractional Interest units. A Limited Use Overnight Visitor Accommodation is exempt from any requirement that a substantial portion of its units be permanently reserved for transient overnight accommodations in the summer season, which is Memorial weekend through Labor Day.

#### Visitor Accommodations-Special requirements

1. Hotel Owner/Operator – For a Limited Use Overnight Visitor Accommodation, as defined below, a Hotel Owner/Operator is defined as the entity that owns and operates a hotel. If the hotel operator is separate from the hotel owner, each shall be severally responsible for complying with the requirements described in the Local Coastal Plan and/or recorded against the property, as well as severally liable for violations of said requirements and restrictions. The owner/operator shall manage all guestrooms/units as part of the hotel inventory, which management shall include the booking of reservations, mandatory front desk check-in and check-out, maintenance, cleaning services and preparing units for use by guest and owners. The owner/operator shall retain control of all land, structures, recreational amenities, meeting spaces, restaurants, “back of house” and other guestroom facilities.
2. Hotel Conversion - Any hotel rooms for which a Certificate of Occupancy has been issued at the effective date of adoption of this section shall not be converted to a Limited Use Overnight Visitor Accommodation.
3. New Limited Use Overnight Visitor Accommodation projects will be required to prepare Covenants, Conditions, and Restrictions (CC&Rs) that shall be recorded concurrently with the recordation of all tract maps against all individual property titles reflecting the use restrictions and will conform to the restrictions outlined below.
4. Limited Occupancy. An owner of a timeshare interest, fractional interest or a condo hotel unit (or, if there are multiple owners of a condo hotel unit, all owners of that unit combined), and their guests, may occupy their unit no more than 90 days per calendar year with a maximum of 29 days of use during any 60 day period.
5. Condominium Hotels. Such development is subject to the following conditions/restrictions:
  - a) Any overnight visitor accommodations for which a certificate of occupancy has been issued prior to or on the effective date of adoption of this Section shall not be permitted to be converted to a Limited Use Overnight Visitor Accommodation. Nothing in the preceding sentence shall prohibit, on and after the effective date of adoption of this Section, the conversion of hotel rooms in an approved Limited Use Overnight Visitor Accommodation to timeshare, fractional or condominium-hotel units; provided that after any such conversion, the ratio of timeshare, fractional and condominium-hotel units does not exceed that required under the

definition of "Limited Use Visitor Overnight Accommodations" in effect as of the date of approval of the project, with an approved amendment to the coastal development permit for the project.

b) A maximum of 25% of the total number of guestrooms/units in the total project as a whole may be subdivided into condominium hotel units and sold for individual ownership.

c) The hotel owner/operator shall retain control through ownership, lease, easements, or other legal means, of all structural elements, recreational amenities, meeting space, restaurants, "back of house" and other non-guest unit facilities. The hotel operator must be the same entity for both the traditional hotel guestroom/units and the condo hotel units.

d) The Condominium Hotel facility shall have an on-site hotel operator to manage booking of all guestrooms/units (both traditional and condo hotel guestrooms/units). Whenever any individually owned hotel unit is not occupied by its owner(s), that unit shall be available for use by the general public, either through the operator or a rental agent other than the operator, on the same basis as a traditional hotel room.

e) As used in this Section 5, the term "to book" or "booking" shall mean the confirmation of a reservation request for use of a Condominium-Hotel unit by either the owner of the unit, the owner's permitted user or by a member of the public, and the entry of such confirmation in the operator's reservation data base.

Each owner of a Condominium-Hotel unit shall have the right, in its sole discretion, to engage either the operator or a rental agent of his or her choice to serve as the rental agent for their unit, but any engagement of a rental agent other than the operator shall be on a non-exclusive basis. The operator shall have the right and obligation to offer for public rental all time periods not reserved by a Condominium-Hotel unit owner for his or her personal use, or for the use of an owner's permitted user, or reserved for use by a public renter procured by an owner's rental agent who is not the operator. Whether or not the hotel operator is selected as an owner's exclusive rental agent, the operator shall manage the booking and the reservation of all units in the Condominium-Hotel. All Condominium-Hotel unit owners, and their rental agents, must comply with the following restrictions:

i. Condominium-Hotel unit owners shall not discourage rental of their units or create disincentives meant to discourage

rental of their units;

- ii. As more fully described in Section 5(t), below, Condominium-Hotel unit owners shall report and certify the rental rate and terms of any rental of the owner's unit made independently of the operator, and the operator shall book all unit reservations in the operator's reservation database, a service for which the operator may charge the Condominium-Hotel unit owner a reasonable fee;
- iii. Based on its own rentals and also those certified by those owners who have reported rentals made by them directly or by another rental agent they have selected, pursuant to Section 5(t) below, the operator shall maintain records of usage for all units and the rental terms of such usage, and shall be responsible for reporting Transient Occupancy Taxes for all units, services for which the operator may charge the Condominium-Hotel unit owner a reasonable fee.

f) The hotel operator shall market all rooms to the general public. Owners of individually owned hotel units may also independently market their units, but all booking of reservations shall be made by and through the hotel operator.

g) The hotel operator shall manage all guestrooms/units as part of the hotel inventory of the Condominium Hotel, which management will include the booking of reservations, mandatory front desk check-in and check-out, maintenance, cleaning services and preparing guestrooms/units for use by guests/owners, a service for which the operator may charge the unit owner a reasonable fee.

h) If the hotel operator is not serving as the exclusive rental agent for an individually owned unit, then the hotel operator shall nevertheless have the right, working through the individually owned units' owners or their designated agents, to book any unoccupied room to fulfill public demand. The owner or an owner's rental agent may not withhold units from use unless they have already been reserved for use by the owner, consistent with the owner's maximum use right, as set forth in Section 5(l), below. In all circumstances, the hotel operator shall have full access to the unit's reservation and booking schedule so that the operator can fulfill its booking and management obligations hereunder.

i) All guestrooms/unit keys shall be electronic and created by the hotel operator upon each new occupancy to control the use of the individually owned units.

j) All individually owned hotel units shall be rented at a rate similar to that charged for the traditional hotel rooms of a similar class or amenity level in the California coastal zone.

k) The hotel operator shall maintain records of usage by owners and guests and rates charged for all guestrooms/units and shall be responsible for reporting Transient Occupancy Taxes for all units, services for which the operator may charge the Condominium-Hotel unit owner a reasonable fee.

l) Each individually owned hotel unit shall be used by its owner(s) (no matter how many owners there are) or their guests for not more than 90 days per calendar year with a maximum of 29 consecutive days of use during any 60 day period.

m) The occupancy limitations identified in Section 5(k) above, shall be unaffected by multiple owners of an individually owned hotel unit or the sale of a unit to a new owner during the calendar year, meaning that all such owners of any given unit shall be collectively subject to the occupancy restriction as if they were a single, continuous owner.

n) No portion of the Condominium Hotel may be converted to full-time occupancy of a condominium or any other type of Limited Use Overnight Visitor Accommodations or other project that differs from the approved Condominium-Hotel, other than as provided for in Section 5(a), above.

o) Prior to issuance of a building permit and in conjunction with approval of a coastal development permit for a Condominium Hotel within the Downtown "D" District, the landowner(s) of the property upon which the traditional guestrooms/units (i.e. transient hotel rooms) are developed shall execute and record a deed restriction(s), subject to the review and approval of the Economic and Community Development Director and the Executive Director of the Coastal Commission, which prohibits the conversion of those traditional hotel guestrooms/units to any other type of ownership (e.g. timeshares or condo-hotel units, except as provided in Section 5(a) above) without an approved coastal development permit. The deed restriction shall be submitted for review and approval of the Economic and Community Development Director and the Executive Director of the Coastal Commission prior to issuance of the coastal development permit. The deed restriction shall run with the land, shall be executed and consented to, through recordation of a lease restriction, by any existing lessee(s) of the affected

property(ies) and shall be binding on the landowner(s) and any lessee(s), and on all successors and assigns of the landowner(s) and any lessee(s), including without limitation any future lien holders. This deed restriction(s) shall not be removed or changed without approval of an amendment to the underlying coastal development permit and approval of an amendment to the LCP by the Coastal Commission. However, minor changes that do not conflict with Sections 5(a) through (n) above may be processed as an amendment to the coastal development permit, unless it is determined by the Economic Development Director and the Executive Director of the Coastal Commission that such an amendment is not legally required.

p) The hotel owner shall be required to submit, prior to issuance of a coastal development permit, for the review and approval of the Economic and Community Development Director for review and approval and to the Executive Director of the Coastal Commission for review and comment, a Declaration of Restrictions or CC&Rs (Covenants, Conditions & Restrictions) which shall include:

1. All the specific restrictions listed in Sections 5(a) through (n) above;

2. Acknowledgement that these same restrictions are independently imposed as condition requirements of the coastal development permit;

3. A statement that provisions of the CC&Rs (Declaration of Restrictions) that reflect the requirements of Sections 5(a) through (n) above, cannot be changed without approval of an LCP amendment by the Coastal Commission and subsequent coastal development permit amendment. However, minor changes that do not conflict with Sections 5(a) through (n) above may be processed as an amendment to the coastal development permit, unless it is determined by the Economic and Community Development Director that an amendment is not legally required. If there is a section of the CC&Rs (Declaration of Restrictions) related to amendments, and the statement provided pursuant to this paragraph is not in that section, then the section on amendments shall cross-reference this statement and clearly indicate that it controls over any contradictory statements in the section of the CC&Rs (Declaration of Restrictions) on amendments.

q) The CC&Rs (Declaration of Restrictions) described above shall be recorded against all individual property titles simultaneously with the recordation of the subdivision map for the Condominium Hotel.

r) The provisions of the CC&Rs (Declaration of Restrictions) described above shall not be changed without approval of an amendment to the LCP by the Coastal Commission. However minor changes that do not conflict with Sections 5(a) through (n), above, may be processed as an amendment to the coastal development permit, unless it is determined by the Economic and Community Development Director, after a copy of the proposed amendments have been submitted to the Executive Director of the Coastal Commission for comment, that an amendment is not legally required.

s) The hotel owner/operator or any successor-in-interest shall be responsible for ensuring that through no act or omission will it assist, enable or in any other manner facilitate any other party subject to these restrictions in violating any of these terms and conditions. Each owner of an individual guestroom/unit is severally liable for any and all violations of the terms and conditions imposed by the special conditions of the coastal development permit with respect to the use of that owner's unit. Violations of the coastal development permit can result in penalties pursuant to Public Resources Code Section 30820.

t) All documents related to the marketing and sale of the condominium interests, including marketing materials, sales contracts, deeds, CC&Rs and similar documents, shall notify buyers of the following:

1. Each owner of any individual Condominium Hotel unit is severally liable for any violations of the terms and conditions of the coastal development permit with respect to the use of that owner's unit; and

2. The occupancy of a Condominium Hotel unit by its owner(s) and their guests is restricted to 90 days per calendar year with a maximum of 29 consecutive days of use during any 60 day period, and when not in use by the owner, the unit shall be made available for rental by the hotel operator to the general public pursuant to the terms of the coastal development permit and that the coastal development permit contains additional restrictions on use and occupancy; and

3. Each owner of a Condominium Hotel unit who does not retain the operator of the hotel as his or her rental agent shall be obligated by the governing documents of the Condominium Hotel to truthfully report to the operator (and to certify each such report)

each effort, if any, he or she has made to rent his or her unit to a member of the public, and the terms and conditions of any such offer, and the terms and conditions of each rental offer which has been accepted by a member of the public.

u) The hotel owner/operator and any successor-in-interest hotel owner or operator, and each future individual unit owner shall obtain, prior to sale of individual units, a written acknowledgement from the buyer that occupancy by the owner is limited to 90 days per calendar year with a maximum of 29 consecutive days of use during any 60 day period that the unit must be available for rental by the hotel operator to the general public when not occupied by the owner, and that there are further restrictions on use and occupancy in the coastal development permit and the CC&Rs (Declaration of Restrictions).

v) The hotel owner/operator and any successor-in-interest hotel owner or operator shall monitor and record hotel occupancy and use by the general public and the owners of individual hotel guestrooms/units throughout each year. The monitoring and record keeping shall include specific accounting of owner usage for each individual Condominium Hotel guestroom/unit. The records shall be sufficient to demonstrate compliance with the restrictions set forth in Sections 5(a) through (n) above. The hotel owner/operator shall also maintain documentation of rates paid for hotel occupancy and of advertising and marketing efforts. All such records shall be maintained for ten years and shall be made available to the Economic and Community Development Director and the Executive Director of the Coastal Commission upon request and to any auditor required by Section 5(w) below. Within 30 days of commencing hotel operations, the hotel owner/operator shall submit notice to the Economic and Community Development Director and to the Executive Director of the Coastal Commission of commencement of hotel operations.

w) Within 120 days of the end of the first calendar year of hotel operations, the hotel operator shall retain an independent auditing company, approved by the Economic and Community Development Director, to perform an audit to evaluate compliance with the special conditions of the coastal development permit which are required by this Section regarding occupancy restrictions, notice, recordkeeping, and monitoring by the hotel owner/operator. The hotel operator shall instruct the auditor to prepare a report identifying the auditor's findings, conclusions and the evidence relied upon, and such report shall be submitted to the Economic and Community Development Director, for review and approval,

and shall be available to the Executive Director of the Coastal Commission upon request, within six months after the conclusion of the first year of hotel operations. Within 120 days of the end of each succeeding calendar year, the hotel operator shall submit a report regarding compliance with the special conditions of the coastal development permit which are required by this Section regarding occupancy restrictions, notice, recordkeeping, and monitoring of the Condominium Hotel to the Economic and Community Development Director and the Executive Director of the Coastal Commission. The audit required after the first year of operations and all subsequent reports shall evaluate compliance by the hotel operator and owners of individual Condominium Hotel guestrooms/units during the prior one-year period. After the initial five calendar years, the one-year reporting period may be extended to two years upon written approval of the Economic and Community Development Director. The Economic and Community Development Director may grant such approval if each of the previous reports revealed compliance with all restrictions imposed above. The Economic and Community Development Director or the Executive Director of the Coastal Commission may, by written notice to the operator, require a third party audit regarding the subject matter of the reports required in this section for the prior three (3) or fewer calendar years if he or she reasonably believes that the foregoing submitted reports are materially inaccurate. The governing documents for the Condominium Hotel shall require the operator and each owner of a condominium to fully cooperate with and to promptly produce any existing documents and records which the auditor may reasonably request. The expense of any such audit shall be payable by the owner's association for the Condominium Hotel project.

x) The hotel owner/operator, or any successor-in-interest, shall be responsible for complying with the terms and conditions stated above at all times in perpetuity and shall be liable for violating these terms and conditions. If the hotel owner and the hotel operator are or at any point become separate entities, the hotel owner and the hotel operator shall each be severally responsible for complying with the requirements identified above, and for reporting material non-compliance to the Economic and Community Development Director. If the hotel owner and hotel operator are or become separate entities, they shall be severally liable for violations of the terms and conditions (restrictions) identified above.

y) A coastal development permit application for a Condominium Hotel shall include a plan specifying how the requirements outlined in Article 4(a) Section 450 "T" of the Zoning Ordinance will be

implemented. The plan must include, at a minimum, the form of the sale, deed and CC&Rs (Declaration of Restrictions) that will be used to satisfy the requirements and the form of the rental program agreement to be entered into between the individual unit owners and the hotel owner/operator. The plan must demonstrate that the applicant will establish mechanisms that provide the hotel operator and any successor-in-interest hotel operator adequate legal authority to implement the requirements of Article 4(a) Section 450 "T" of the Zoning Ordinance above. An acceptable plan meeting these requirements shall be incorporated into the special conditions of approval of any coastal development permit for a Condominium Hotel. Any proposed changes to the approved plan and subsequent documents pertaining to compliance with and enforcement of the terms and conditions required by Section Article 4(a) Section 450 "T" of the Zoning Ordinance and this section including deed restrictions and CC&Rs (Declaration of Restrictions) shall not occur without an amendment to the coastal development permit, unless it is determined by the Economic and Community Development Director, after a copy has been delivered to the Executive Director of the Coastal Commission for review and comment, that an amendment is not legally required.

6. The Fractional Ownership Hotel and the Traditional Hotel which together comprise a Limited Use Overnight Visitor Accommodation are subject to the following conditions/restrictions:

- a) As used in Section 6, the following terms are defined as:

- (i) "booking" or "to book" shall mean the confirmation of a reservation request for use of a Fractional Ownership Hotel unit by either the owner of a Fractional Interest, his permitted user, an Exchange User or by a member of the public, and the entry of such confirmation in the operator's reservation data base.

- (ii) "Exchange Program" means the use of a unit in a Fractional Ownership Hotel by a member who is the owner of occupancy rights in a unit of a fractional project other than the Fractional Ownership Hotel, or in the Fractional Ownership Hotel during time periods other than the particular time period for which a unit in the Fractional Ownership Hotel has been reserved for exchange, pursuant to a program:

- (a) in which the owners of fractional interests in fractional interest projects other than the Fractional Ownership Hotel is operated and/or managed by the operator of the Fractional

Interest Hotel or by another entity, or

(b) which is operated by an entity that specializes in interval exchanges, where such member has exchanged their occupancy rights for the use of a Fractional Ownership Hotel unit during the particular time period for which a unit in the Fractional Ownership Hotel has been reserved for exchange.

(iii) "Exchange Use" means the use of a unit in the Fractional Ownership Hotel pursuant to an Exchange Program.

(iv) "Exchange User" means a person who is occupying a Fractional Ownership Hotel unit for Exchange Use.

(v) "Fractional Interest" means a Timeshare in a Fractional Ownership Hotel where the undivided interest in a condominium conveyed to an owner is greater than a 1/26<sup>th</sup> undivided interest, or, if the Fractional Ownership Hotel is not subdivided into condominiums, in which the undivided interest conveyed to an owner is greater than a 1/26 x (the number of units in the Fractional Ownership Hotel) undivided interest in the legal parcel comprising the Fractional Ownership Hotel.

(vi) "Fractional Ownership Hotel" means the portion of a Limited Use Overnight Visitor Accommodation in which ownership of individual units is comprised of Fractional Interests.

(vii) "Traditional Hotel" means the portion of a Limited Use Overnight Visitor Accommodation that is operated as a traditional hotel (i.e. the guestrooms are not owned or operated as timeshares or fractional units).

b) Any overnight visitor accommodations for which a certificate of occupancy has been issued prior to or on the effective date of adoption of this Section shall not be permitted to be converted to a Limited Use Visitor Overnight Accommodation. Nothing in the proceeding sentence shall prohibit, on and after the effective date of adoption of this Section, the conversion of units in a Fractional Interest project or Condominium Hotel to Fractional Interest or Condominium Hotel units; provided that after any such conversion, the ratio of Fractional Interest and Condominium Hotel units does not exceed that required under the definition of "Limited Use Visitor Overnight Accommodations" in effect as of the date of approval of the project.

c) A maximum of 15% of the total number of guestrooms/units in the project as a whole may be subdivided into Fractional Interests.

d) Either the owner/operator of the Traditional Hotel or the owner or operator of the Fractional Ownership Hotel shall retain control through ownership, lease, easements, or other legal means, of all structural elements, recreational amenities, meeting space, restaurants, "back of house" and other non-guest unit facilities for both the Traditional Hotel and the Fractional Ownership Hotel.

e) The Fractional Ownership Hotel facility shall have an on-site hotel operator to manage rental/booking of all guestrooms/units in the Fractional Ownership Hotel. The on-site hotel operator for the Fractional-Ownership Hotel may be a different entity from the on-site hotel operator for the Traditional Hotel in the Limited Use Overnight Visitor Accommodation of which the Fractional Ownership Hotel is a part. Each Fractional Interest owner shall have the right, in its sole discretion, to engage a rental agent of his or her choice, other than the operator, to serve as the rental agent for their Fractional Interest, but any engagement of a rental agent other than the operator shall be on a non-exclusive basis commencing sixty (60) days in advance of a time period the owner has a right to reserve and use under the governing documents for the Fractional Ownership Hotel. The operator of the Fractional Ownership Hotel shall have the right and obligation to offer for public rental all time periods not reserved by a Fractional Interest owner for his or her personal use, for "Exchange Use" or for use by an owner's permitted user sixty (60) days in advance of any such occupancy period. On and within this sixty (60) day window, members of the public shall have reservation rights equal to those for owners, their permitted users and Exchange Users. The Fractional Ownership Hotel operator shall manage the booking of the reservation of all guestrooms/units in the Fractional Ownership Hotel. All Fractional Interest owners, and their rental agents, must comply with the following restrictions:

(i) except for their personal use, or use by an owner's permitted users or an Exchange User, Fractional Interest owners shall not discourage rental of their units or create disincentives meant to discourage rental of their units during their fractional time periods;

(ii) Fractional Interest owners shall certify the rental rate and terms of any rental of the owner's occupancy periods made independently of the operator, and the hotel operator shall book all unit reservations in the operator's reservation database, a service

for which the operator may charge the Fractional Interest owner a reasonable fee;

(iii) The Fractional Ownership Hotel operator shall maintain records of usage for all units and the rental terms of such usage, and shall be responsible for reporting Transient Occupancy Taxes for all units, services for which the operator may charge the Fractional Interest owner a reasonable fee.

f) The operator shall market the rental of available units in the Fractional Ownership Hotel to the general public and shall have a right to charge each Fractional Interest owner a reasonable fee for such marketing.

g) Subject to the requirements of the California Business and Professions Code pertaining to management agreements for Timeshare plans, including, without limitation, restrictions on the term of such management agreements, the operator shall manage all units in a Fractional Ownership Hotel, which management will include the booking of reservations, mandatory front desk check-in and check-out, maintenance, cleaning services and preparing units for use by guests/owners, a service for which the hotel operator may charge the unit owner a reasonable fee.

h) The operator, as the non-exclusive rental agent for the owner of a Fractional Interest entitled to an occupancy period, shall offer for rent to the public any guestroom/unit which has not been reserved by its owner, his or her permitted user or an Exchange User commencing sixty (60) days in advance of such occupancy period. No Fractional Interest owner nor such owner's rental agent may withhold units which have not been reserved by the owner or such owner's permitted users or an Exchange User sixty (60) days or less prior to the commencement of an occupancy period from rental to the public. Nothing in the preceding sentence shall mean that an owner of a Fractional Interest, or such owner's permitted users or an Exchange User, may not elect to reserve a unit in a Fractional Ownership Hotel at any time after the commencement of such sixty (60) day period, provided that the operator or the owner's rental agent has not then rented the unit to a member of the general public. In all circumstances, the Fractional Ownership Hotel operator shall have full access to the guestroom/unit's reservation and booking schedule so that the operator can fulfill its booking and management obligations hereunder.

i) All guestrooms/unit keys shall be electronic and created by the operator upon each new occupancy to control the use of the

individually owned Fractional Ownership Hotel units.

j) All individually owned Fractional Ownership Hotel units shall be rented at a rate similar to that charged for traditional hotel rooms of a similar class or amenity level in the California coastal zone.

k) Each individually owned Fractional Interest shall be used by its owner(s) or their guests to occupy a unit in a Fractional Ownership Hotel for not more than 90 days per calendar year with a maximum of 29 consecutive days of use during any 60 day period.

l) The use period limitations identified in Section 6(k) above, shall be unaffected by multiple owners of a Fractional Interest or the sale of a Fractional Interest to a new owner during the calendar year, meaning that all such owners of any given Fractional Interest shall be collectively subject to the use restriction in this Section 6 as if they were a single, continuous owner. No portion of a Fractional Ownership Hotel may be converted to a full-time occupancy condominium or to any other type of a Limited Use Overnight Visitor Accommodation other than as provided for in Section 6(b) above.

m) Prior to issuance of a building permit and in conjunction with approval of a coastal development permit for the Limited Use Overnight Visitor Accommodation of which the Fractional Ownership Hotel is a part, the landowner(s) of the property(ies) within the Downtown "D" District upon which the associated Traditional Hotel is developed shall execute and record a deed restriction(s), subject to the review and approval of the Economic and Community Development Director after delivery to the Executive Director of the Coastal Commission for review and comment, which prohibits the conversion of those traditional hotel guestrooms/units to any other type of ownership, except as permitted in Section 6(b) above. The deed restriction shall be submitted for review and approval of the Economic and Community Development Director after delivery to the Executive Director of the Coastal Commission for review and comment, prior to issuance of the coastal development permit. The deed restriction shall run with the land, shall be executed and consented to by any existing lessee(s) of the affected property(ies), through recordation of a lease restriction, and shall be binding on the landowner(s) and lessee(s), and on all successors and assigns of the landowner(s) and lessee(s), including without limitation any future lien holders. This deed restriction(s) shall not be removed or changed without approval of an amendment to the underlying coastal development permit and approval of an amendment to the LCP by the Coastal

Commission. However minor changes that do not conflict with Sections 6(a) through (l) above may be processed as an amendment to the coastal development permit, unless it is determined by the Economic and Community Development Director, after delivery to the Executive Director of the Coastal Commission for review and comment, that such an amendment is not legally required.

n) The hotel owner/operator shall be required to submit, prior to issuance of a coastal development permit, for the review and approval of the Economic and Community Development Director and review and comment by the Executive Director of the Coastal Commission, a Declaration of Restrictions or CC&Rs (Covenants, Conditions & Restrictions) which shall include:

1. All the specific restrictions listed in Sections 6(b) through (l) above;

2. Acknowledgement that these same restrictions are independently imposed as condition requirements of the coastal development permit;

3. A statement that provisions of the CC&Rs (Declaration of Restrictions) that reflect the requirements of Sections 6(b) through (l) above cannot be changed without approval of an LCP amendment by the Coastal Commission and subsequent coastal development permit amendment. However, minor changes that do not conflict with Sections (b) through (l) above may be processed as an amendment to the coastal development permit, unless it is determined by the Economic and Community Development Director, after delivery to the Executive Director of the Coastal Commission for review and comment, that an amendment is not legally required. If there is a section of the CC&Rs (Declaration of Restrictions) related to amendments, and the statement provided pursuant to this paragraph is not in that section, then the section on amendments shall cross-reference this statement and clearly indicate that it controls over any contradictory statements in the section of the CC&Rs on amendments.

o) The CC&Rs (Declaration of Restrictions) described above shall be recorded against all individual property titles simultaneously with the recordation of the subdivision map for the Fractional Ownership Hotel.

p) The provisions of the CC&Rs (Declaration of Restrictions) described above shall not be changed without approval of an

amendment to the LCP by the Coastal Commission. However, minor changes that do not conflict with Sections 6(b) through (l) above may be processed as an amendment to the coastal development permit, unless it is determined by the Economic and Community Development Director, after delivery to the Executive Director of the Coastal Commission for review and comment, that an amendment is not legally required.

q) The Fractional Ownership Hotel owner/operator or any successor-in-interest shall be responsible for ensuring that through no act or omission will it assist, enable, or in any other manner facilitate any other party subject to these restrictions in violating any of these terms and conditions. Each owner of an individual guestroom/unit is severally liable for any and all violations of the terms and conditions imposed by the special conditions of the coastal development permit with respect to the use of that owner's Fractional Interest. Violations of the coastal development permit can result in penalties pursuant to Public Resources Code Section 30820.

r) All documents related to the marketing and sale of the Fractional Interests, including marketing materials, sales contracts, deeds, CC&Rs and similar documents, shall notify buyers of the following:

1. Each owner of a Fractional Interest is severally liable for any violations of the terms and conditions of the coastal development permit with respect to the use of that owner's Fractional Interest;

2. The occupancy of a Fractional Ownership Hotel unit by the owner of a Fractional Interest is restricted to 90 days per calendar year with a maximum of 29 consecutive days of use during any 60 day period, and when not reserved or in use by the owner, the owner's permitted user or an Exchange User, the owner's time shall be made available for rental by the operator and by the owner's own rental agent to the general public sixty (60) days in advance of an occupancy period pursuant to the terms of the coastal development permit and that the coastal development permit contains additional restrictions on use and occupancy; and

3. Each owner of a Fractional Interest who does not retain the operator as his or her exclusive rental agent is obligated by the governing documents of the Fractional Ownership Hotel to truthfully report to the operator (and to certify each such report) each effort, if any, he or she has made to rent his or her unit to a member of the public, and the terms and conditions of any such offer, and the terms and conditions of each rental offer which has been accepted

by a member of the public.

s) The initial owner of a Fractional Interest and any successor-in-interest owner of a Fractional Interest, and each future individual unit owner shall obtain, prior to sale of a Fractional Interest, a written acknowledgement from the buyer of that Fractional Interest that occupancy of a unit by the owner is limited to 90 days per calendar year with a maximum of 29 consecutive days of use during any 60 day period, that the unit must be available for rental by the operator and/or the buyer's rental agent to the general public at least sixty (60) days in advance of an occupancy period, and that there are further restrictions on use and occupancy in the coastal development permit and the CC&Rs (Declaration of Restrictions).

t) The operator and any successor-in-interest to the operator shall monitor and record the occupancy and use of the Fractional Ownership Hotel by the general public and the owners of individual Fractional Interests throughout each year. The monitoring and record keeping shall include specific accounting of all owner usage of each individual guestroom/unit in the Fractional Ownership Hotel. The records shall be sufficient to demonstrate compliance with the restrictions set forth in Sections 6(a) through (l) above. The owner/operator shall also maintain documentation of rates paid for hotel occupancy and of marketing efforts by the operator, and by the rental agents of owners other than the operator. All such records shall be maintained for ten years and shall be made available to the Economic and Community Development Director and the Executive Director of the Coastal Commission upon request and to any auditor required by Section 6(u) below. Within 30 days of commencing hotel operations, the operator of the Fractional Ownership Hotel shall submit notice to the Economic and Community Development Director and to the Executive Director of the Coastal Commission of commencement of hotel operations.

u) Within 120 days of the end of the first calendar year of hotel operations, the Fractional Ownership Hotel operator shall retain an independent auditing company, approved by the Economic and Community Development Director, to perform an audit to evaluate compliance with the special conditions of the coastal development permit which are required by this Section regarding occupancy restrictions, notice, recordkeeping, and monitoring of the hotel owner/operator. The hotel owner/operator shall instruct the auditor to prepare a report identifying the auditor's findings, conclusions and the evidence relied upon, and such report shall be submitted to the Economic and Community Development Director, for review

and approval, and shall be available to the Executive Director of the Coastal Commission upon request, within six months after the conclusion of the first year of hotel operations. Within 120 days of the end of each succeeding calendar year, the hotel operator shall submit a report to the Economic and Community Development Director and the Executive Director of the Coastal Commission, regarding compliance with the special conditions of the coastal development permit which are required by this Section regarding occupancy restrictions, notice, recordkeeping, and monitoring of the Fractional Ownership Hotel. The audit required after one year of operations and all subsequent reports shall evaluate compliance by the Fractional Ownership Hotel operator and owners of individual Fractional Interests during the prior one-year period. After the initial five calendar years, the one-year reporting period may be extended to two years upon written approval of the Economic and Community Development Director. The Economic and Community Development Director may grant such approval if each of the previous reports revealed compliance with all restrictions imposed above. The Economic and Community Development Director or the Executive Director of the Coastal Commission may, by written notice to the operator, require a third party audit regarding the subject matter of the reports required in this section for the prior three (3) or fewer calendar years if he or she reasonably believes that the foregoing submitted reports are materially inaccurate. The governing documents for the Fractional Ownership Hotel shall require the operator and each owner of a Fractional Interest to fully cooperate with and to promptly produce any existing documents and records which the auditor may reasonably request. The expense of any such audit shall be payable by the owner's association for the Fractional Ownership Hotel.

v) The Fractional Ownership Hotel owner/operator and any successor-in-interest, shall be responsible for complying with the terms and conditions stated above at all times in perpetuity and shall be liable for violating these terms and conditions. If the Fractional Ownership Hotel owner and the Fractional Ownership operator at any point become separate entities, the Fractional Ownership Hotel owner and the Fractional Ownership Hotel operator shall each be severally responsible for complying with the requirements identified above. If the Fractional Ownership Hotel owner and Fractional Ownership Hotel operator become separate entities, they shall be severally liable for violations of the terms and conditions (restrictions) identified above.

w) Prior to the issuance of a coastal development permit for a Fractional Ownership Hotel, an applicant shall submit a plan for

approval specifying how the requirements outlined in Article 4(a) Section 450 "T" of the Zoning Ordinance will be implemented. The plan must include, at a minimum, the form of the sale, deed and CC&Rs (Declaration of Restrictions) that will be used to satisfy the requirements and the form of the rental program agreement that will be offered to the Fractional Interest owners by the Fractional Ownership Hotel operator. The plan must demonstrate that the applicant will establish mechanisms that provide the Fractional Ownership Hotel operator and any successor-in-interest Fractional Ownership Hotel operator adequate legal authority to implement the requirements of Article 4(a) Section 450 "T" of the Zoning Ordinance above. An acceptable plan meeting these requirements shall be incorporated into the special conditions of approval of any coastal development permit for a Fractional Ownership Hotel. Any proposed changes to the approved plan and subsequent documents pertaining to compliance with and enforcement of the terms and conditions required by Article 4(a) Section 450 "T" of the Zoning Ordinance and this section including deed restrictions and CC&Rs (Declaration of Restrictions) shall not occur without an amendment to the coastal development permit, unless it is determined by the Economic and Community Development Director, after delivery to the Executive Director of the Coastal Commission for review and comment, that an amendment is not legally required.

7. Protection of Existing Overnight Visitor Accommodations - Any overnight visitor accommodations for which a Certificate of Occupancy has been issued prior to or on the effective date of adoption of this section shall not be converted to a Limited Use Overnight Visitor Accommodation. Demolition of existing lower cost overnight visitor accommodations shall be discouraged. If demolition of existing lower cost units is authorized, mitigation shall be provided as specified below:

- a) Monitoring of Lower Cost Units in the Coastal Zone

The City shall monitor a LUP requirement to insure that a minimum of 400 lower cost units shall be maintained in the Coastal Zone by reporting the status of the current number of lower cost units within the Coastal Zone within all staff reports containing visitor serving accommodations. This information shall be forwarded to the Coastal Commission prior to the issuance of the Coastal Permit.

- b) Assistance to Existing Lower Cost units in the Coastal Zone

At such time as the inventory of lower cost units would be at 405,

the City would pursue outreach to the existing property owners in an attempt to assure their short and long term survival. Resources that can be brought to bear to assist them could include the City's Façade Enhancement Program, in which matching funds can be made available for painting, awnings, signage and landscaping.

c) Restrictions to Protect Lower Cost Units in the Coastal Zone

Any project that is required to provide lower cost units shall be required to record a deed restriction against the property that requires the protection of the lower cost units, such that the demolition and re-build of lower cost units would not result in the total number of lower cost units to be less than a total of 400 units in the Coastal Zone.

d) When referring to overnight accommodations, lower cost shall be defined by a certain percentage of the statewide average room rate as calculated by the Smith Travel Research website ([www.visitcalifornia.com](http://www.visitcalifornia.com)). A suitable methodology would base the percentage on market conditions in San Diego County for the months of July and August and include the average cost of motels/hotels within 5 miles of the coast that charge less than the Statewide average or 82%. High cost would be room rates that are 20% higher than the Statewide average, and moderate cost room rates would be between high and low cost. The range of affordability of new and/or replacement hotel/motel development shall be determined as part of the coastal development permit process and monitored as part of the City's inventory of visitor overnight accommodations.

**460 Accessory Use Classifications**

- A. Accessory Uses and Structures. Uses and structures that are incidental to the principal permitted or conditionally permitted use or structure on a site and are customarily found on the same site. This classification includes accessory dwelling units ("second units") and home occupations.

**470 Temporary Use Classifications**

- A. Agricultural Specialty Sales, Seasonal. Retail sale of seasonal specialty items for a period not to exceed 45 days (e.g. Christmas Tree Sales, Pumpkin Sales).
- B. Yard/Garage Sales. A sales event advertised by any means at a residential location where members of the public may purchase identifiable or tangible items of personal property; provided however, it shall not mean any event

which constitutes a sales activity, wholesale or retail, by any business which has a current business license issued by the City. Items sold shall be limited to personal property owned by the occupant of the property and/or surrounding neighbors.

# **Article 12 D Downtown District**

## **Sections:**

1210	Specific Purposes
1220	Land Use Regulations by Subdistrict
1230	Development Regulations
1240	Review of Plans
1250	Amendments

## **1210 Specific Purposes**

In addition to the general purposes listed in Article 1, the specific purposes of the D Downtown District are to:

- A. To promote the long-term viability of and rejuvenation of the Redevelopment Project Area and to protect and enhance primarily boating and water-dependent activities; and secondarily other public-oriented recreation uses in the Oceanside Small Craft Harbor
- B. Maintain and enhance an appropriate mix of uses; and
- C. Provide land-use controls and development criteria consistent with the General Plan, the Redevelopment Plan, and the Local Coastal Program.

Consistent with these purposes, it is the intent of the D District to establish special land-use subdistricts with individual objectives as described below.

Subdistrict 1: To provide a commercial/retail and office complex offering a wide variety of goods and services to both the community at large and to tourists and visitors. Residential uses are encouraged when and where appropriate.

Subdistrict 1(A): To provide a commercial/retail and office complex promoting the conservation, preservation, protection, and enhancement of the historic district and to stimulate the economic health and visual quality of the community to tourists and visitors. Residential uses are encouraged when and where appropriate.

Subdistrict 2: To provide sites for a financial center supported by professional offices. *Residential Uses are permitted when and where appropriate as part of a Mixed-Use Development.*

Subdistrict 3: To provide for a mix of office development, interspersed with residential development, in response to market demands.

Subdistrict 4(A): To provide a mix of transient and permanent residential uses along the South Strand between Tyson and Wisconsin streets.

Subdistrict 4(B): To provide transient and permanent residential uses (hotels and motels) in close proximity to the beach and recreational facilities.

Subdistrict 5: To provide a high-density residential neighborhood in an urban setting in close proximity to shopping, employment, transportation and recreational facilities.

Subdistrict 5(A): To provide a medium-density residential neighborhood at South Pacific Street with an urban setting in close proximity to shopping, employment, transportation and recreational facilities.

Subdistrict 6(A): To provide sites for highway business and tourist/visitor uses related to the harbor and the Interstate 5 freeway, primarily oriented to visitor-serving commercial establishments.

Subdistrict 6(B): To provide sites for highway business and tourist/visitor uses related to the harbor and the Interstate 5 freeway, primarily oriented to recreational commercial facilities. Residential uses are allowed as part of a mixed use project.

Subdistrict 6(C): To provide sites for uses supporting the Oceanside Small Craft Harbor, consistent with the Harbor Precise Plan.

Subdistrict 6(D): To provide a recreational facility for the purpose of boating-oriented and park-oriented passive and active recreation, and appropriate ancillary commercial and residential uses consistent with the Harbor Precise Plan.

Subdistrict 7(A): To provide sites for a high-density residential environment in an urban setting in close proximity to shopping, employment, transportation and recreational facilities.

Subdistrict 7(B): To provide for a mix of recreational and commercial uses conveniently located near recreational and residential areas. Residential uses are allowed as part of a mixed use project.

Subdistrict 8(A): To provide a mix of hospital and medical uses.

Subdistrict 8(B): To provide a mix of hospital and medical uses, office development, interspersed with residential development in response to market demand.

Subdistrict 9: To provide opportunities for commercial uses supporting other land uses within the downtown and serving the entire community. Residential uses are encouraged where appropriate.

Subdistrict 10: To provide a joint open space and recreational area within the floodplain of the San Luis Rey riverbed.

Subdistrict 11: To provide sites for commercial uses serving the adjacent residential neighborhood.

Subdistrict 12: To provide a special tourist/visitor oriented subdistrict that relates to the pier, ocean, beach, marina and freeway.

Subdistrict 13: To provide for a mix of visitor/commercial and office uses. Residential uses are allowed as part of a mixed use project.

Subdistrict 14: To provide for public transportation and railway uses.

Subdistrict 15: To provide for public facilities, public parks, open spaces, and other public oriented uses.

## **1220 Land Use Regulations by Subdistrict**

***In Schedule D-1, the letter "P" designates use classifications permitted in the D Downtown District. The letter "U" designates use classifications permitted on approval of a Conditional Use Permit upon approval by the Community Development Commission. The letter "C" designates use classifications permitted upon approval of an administrative Use Permit upon recommendation of the Redevelopment Advisory Committee. The letter "V" designates uses that are considered to be visitor severing uses. The "\*" designates use classifications that are not permitted.***

**Page 1 Matrix**

**Schedule D - 1**  
**Land Use Regulations**  
**"D" Downtown District**

P - Permitted    U - Use Permit    C - Administrative Use Permit    \* - Not Permitted    V - Visitor Serving Uses

Subdistrict	1	1A	2	3	4A	4B	5	5A	6A	6B	6C	7A	7B	8A	8B	9	10	11	12	13	14	15	V
<b>Residential</b>																							
Day Care - Ltd	C	C	C	C	*	*	*	*	*	*	*	*	C	C	C	C	*	*	*	*	*	*	*
Group Residential	*	*	*	*	*	*	*	*	*	*	*	*	U	U	*	*	*	*	*	*	*	*	*
Live/work	C	C	*	*	*	*	*	*	*	*	*	*	*	*	C	*	C	*	*	*	*	*	*
Multi - Family	U	U	*	U	P	U	P	*	U	*	U	U	U	U	U	*	U	*	U	*	U	*	
Residential Care	*	*	*	U	*	*	*	*	*	*	*	U	*	U	U	*	*	*	*	*	*	*	*
Single - Family	*	*	*	U	P	*	P	P	*	*	P	U	U	U	U	*	*	*	*	*	*	*	
<b>Public/ Semi - Public</b>																							
Club / Lodge	U	U	U	U	*	*	*	*	U	*	U	*	U	*	U	*	*	*	*	*	*	*	V
Cultural Institution	C	C	C	C	*	*	*	*	C	*	*	U	U	U	U	U	*	*	C	U	*	V	
Day Care - General	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	*	C	C	C	C	C	C	
Emergency Health Care	*	*	*	*	*	*	*	*	*	*	*	*	P	P	U	*	*	*	*	*	*	*	*
Government Offices	P	P	P	P	*	*	*	*	P	*	U	*	*	*	P	*	*	U	U	U	U	P	
Hospital	*	*	*	*	*	*	*	*	*	*	*	*	P	P	*	*	*	*	*	*	*	*	*
Parks & Recreation Facility	U	U	*	U	U	*	U	U	P	P	U	U	U	U	U	U	U	U	U	U	C	P	
Public Safety Facility	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	P	
Religious Assembly	*	*	U	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Residential Care - General	*	*	*	*	*	*	*	*	*	*	*	*	U	U	*	*	*	*	*	*	*	*	*
Utilities - Major	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	
Utilities - Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
<b>Commercial</b>																							
Ambulance Service	*	*	*	*	*	*	*	*	*	*	*	*	U	*	*	*	*	*	*	*	*	*	*
Animal product sales	C	C	*	C	*	*	C	*	*	*	C	*	*	*	C	*	*	*	*	*	*	*	
Artist Studio	C	C	*	*	*	*	*	*	*	*	*	*	*	*	C	*	C	*	*	*	*	*	
Bank / Savings & Loan	P	P	P	P	*	*	*	*	*	*	*	U	*	*	P	*	*	*	*	*	*	*	
<i>Drive-through/drive up</i>	U	U	U	U	*	*	*	*	*	*	*	U	*	*	U	*	*	*	*	*	*	V	
<i>Self-service ATM</i>	C	C	C	C	*	*	*	*	*	*	*	C	*	*	C	*	*	*	*	*	*	V	
Catering Service	C	C	C	*	*	*	*	*	*	*	*	*	*	*	C	*	*	*	*	*	*	*	
Commercial Recreation & Entertainment	U	*	U	*	*	*	*	*	U	U	*	U	*	*	U	U	*	U	*	U	*	V	
Communication Facility	U	U	U	*	*	*	*	*	*	*	*	*	*	*	U	*	*	*	U	*	U	*	

**Schedule D - 1**  
**Land Use Regulations**  
**"D" Downtown District**

P - Permitted    U - Use Permit    C - Administrative Use Permit    \* - Not Permitted    V - Visitor Serving Uses

Subdistrict	1	1A	2	3	4A	4B	5	5A	6A	6B	6C	7A	7B	8A	8B	9	10	11	12	13	14	15	
<b>Eating and drinking establishment</b>																							
<b>Restaurants Full Service</b>	P	P	P	*	P	*	*	*	P	P	P	*	P	P	*	P	P	P	P	P	P	P	P
<i>Restaurant Full Service with Full Alcohol</i>	P	P	P	*	P	*	*	*	P	P	P	*	P	P	*	P	P	P	P	P	P	P	P
<i>Espresso Stand</i>	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U
<i>Small-scale entertainment</i>	P	P	C	U	U	U	U	U	P	P	P	U	P	U	U	C	U	U	U	U	U	U	U
<b>Restaurants Full Service with Live entertainment</b>	U	P	P	*	P	*	*	*	U	U	U	U	P	U	U	P	P	P	P	P	P	P	P
<i>Restaurants Fast food Takeout</i>	P	P	P	*	P	*	*	*	P	P	P	*	P	P	*	P	P	P	P	P	P	P	P
<i>Full-liquor-service</i>	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U
<b>Restaurants Fast Food with Drive-thru or Drive up</b>	*	*	*	*	*	*	*	*	P	*	*	*	*	*	*	*	*	*	*	*	*	*	*
<b>Food &amp; Beverage Kiosk</b>	*	*	*	*	*	*	*	*	P	*	*	*	*	*	*	*	*	*	*	*	*	*	*
<i>Convenience Market</i>	C	C	C	*	C	*	*	*	C	C	C	*	C	*	*	*	*	*	C	C	C	C	C
<b>Grocery/Neighborhood Market store greater than 8,000 sq. ft.</b>	U	U	U	*	U	*	*	*	U	U	U	*	U	*	*	*	*	*	U	U	U	U	U
<b>Grocery/Neighborhood Market store less than 8,000 sq. ft.</b>	C	C	C	*	C	*	*	*	C	C	C	*	C	*	*	*	*	*	C	C	C	C	C
<i>Specialty Market</i>	P	P	P	*	P	*	*	*	P	P	P	*	P	*	*	*	*	*	P	P	P	P	P
<b>Home Occupation</b>	P	P	*	P	P	P	P	P	*	P	*	P	P	*	P	P	*	P	*	P	*	*	*
<b>Marine Sales, Rentals, and Services</b>	*	*	*	*	*	*	*	*	P	P	P	*	U	*	*	*	*	*	*	*	*	*	*
<b>Offices</b>	P	P	P	P	*	*	*	*	U	U	U	*	P	U	U	P	U	U	P	C	P	P	*
<i>Administrative/Business</i>	P	P	P	P	*	*	*	*	U	U	U	*	P	U	U	P	U	U	P	C	P	P	*
<i>Production</i>	P	P	P	P	*	*	*	*	U	U	U	*	P	U	U	P	U	U	P	C	P	P	*
<i>Professional</i>	P	P	P	P	*	*	*	*	U	U	U	*	P	U	U	P	U	U	P	C	P	P	*
<i>Temporary</i>	P	P	P	P	*	*	*	*	U	U	U	*	P	U	U	P	U	U	P	C	P	P	*
<i>Temporary Real Estate</i>	P	P	P	P	*	*	*	*	U	U	U	*	P	U	U	P	U	U	P	C	P	P	*
<b>Pawn shops</b>	C	C	C	*	C	*	*	*	C	C	C	*	C	*	*	*	*	*	C	C	C	C	C
<b>Personal Improvement Services</b>	C	C	C	*	C	*	*	*	C	C	C	*	C	*	*	*	*	*	C	C	C	C	C
<i>Health/Club/Studio/Spa</i>	C	C	C	*	C	*	*	*	C	C	C	*	C	*	*	*	*	*	C	C	C	C	C
<i>Day Spa</i>	P	P	P	*	*	*	*	*	C	C	C	*	C	*	*	*	*	*	C	C	C	C	C
<i>Accessory Massage</i>	P	P	P	*	*	*	*	*	C	C	C	*	C	*	*	*	*	*	C	C	C	C	C
<b>Personal Services</b>	C	C	C	*	C	*	*	*	C	C	C	*	C	*	*	*	*	*	C	C	C	C	C
<i>Laundromat/Café</i>	U	U	U	*	*	*	*	*	C	C	C	*	C	*	*	*	*	*	C	C	C	C	C
<i>General Repair</i>	P	P	P	*	*	*	*	*	C	C	C	*	C	*	*	*	*	*	C	C	C	C	C

**Schedule D - 1**  
**Land Use Regulations**  
**"D" Downtown District**

P - Permitted    U - Use Permit    C - Administrative Use Permit    \* - Not Permitted    V - Visitor Serving Uses

<b>Retail Sales</b>	P	P	P	*	P	*	*	*	C	C	C	P	*	P	C	C	C	P	C	V				
<i>Antiques, Antique Shop</i>	P	P	P	*	P	*	*	*	C	C	C	P	*	P	C	C	C	P	*	V				
<i>Custom Retail</i>	C	C	C	*	C	*	*	*	*	C	*	*	*	*	*	*	C	C	*	V				
<b>Secondhand Collectibles and Clothing Sales</b>	P	P	P	*	P	*	*	*	*	C	C	P	*	P	C	C	C	P	*	V				
<i>Wine Tasting</i>	U	U	U	*	U	*	*	*	*	U	U	U	*	U	*	U	U	U	*	V				
<b>Subdistrict</b>	1	1A	2	3	4A	4B	5	5A	6A	6B	6C	7A	7B	8A	8B	9	10	11	12	13	14	15	V	
<b>Travel Services</b>	P	P	P	P	*	*	*	*	P	P	*	*	P	*	U	P	*	U	P	C	C	C	*	V
<b>Automotive Rental (small scale)</b>	*	*	*	*	*	*	*	*	C	C	*	*	C	*	U	C	*	*	C	C	*	*	V	
<b>Visitor Accommodations</b>																								
<i>Bed &amp; Breakfast</i>	*	*	*	*	U	U	U	U	U	U	U	*	*	*	*	*	*	U	U	U	U	*	*	V
<i>Hotel / Motel / Timeshare</i>	U	U	U	*	U	U	U	*	U	U	U	*	U	*	U	*	*	U	U	U	U	*	*	V
<i>Resort</i>	U	U	U	*	U	U	U	*	U	U	U	*	U	*	U	*	*	U	U	U	U	*	*	V
<i>Fractional Ownership Hotel</i>	U	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	U	U	U	*	*	V
<i>Condominium Hotel</i>	U	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	U	U	U	*	*	V
<i>Limited Use Overnight Visitor Accommodation</i>	U	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	U	U	U	*	*	V

**Schedule D - 1  
Land Use Regulations  
"D" Downtown District**

**P - Permitted    U - Use Permit    C - Administrative Use Permit    \* - Not Permitted    V - Visitor Serving Uses**



## **1230 Development Regulations**

The following schedule prescribes development regulations and standards for the D District. Where literal interpretation and enforcement of the development regulations and standards result in undue hardship, practical difficulties or consequences inconsistent with the purposes of these regulations and the Redevelopment Plan, the Community Development Commission may grant a variation. A variation shall not be granted which will change the land uses of the Redevelopment Plan for allow any increase in the maximum height set forth in Additional Development Regulations sub-section (N). Any variation granted with respect to density or intensity of land use, or any variation granted which permits a greater than a 10% reduction in parking requirements above the base development regulations of Article 12 "D" Downtown District shall require a Local Coastal Program Amendment. The Community Development Commission may approve an application for a variation as it was applied for or in modified form as required by the Community Development Commission if, on the basis of the application, plans, materials, and testimony submitted, the Community Development Commission finds:

- 1) The application of certain regulations and/or standards would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Redevelopment Plan.
- 2) There are exceptional circumstances or conditions applicable to the property or to the intended development of the property that do not apply generally to other properties having the same requirements, limits, restrictions, and controls.
- 3) Permitting a variation will not be materially detrimental to the public welfare or injurious to property or improvements in the area.
- 4) Permitting a variation will not be contrary to the objectives of the Redevelopment Plan.

In permitting any such variation the Community Development Commission shall impose such conditions as are necessary to protect the public health, safety, or welfare, and to assure compliance with the purposes of the Redevelopment Plan.

## **1231 Transit Oriented Development**

The downtown core commercial area is designated a Transit Overlay District (TOD) . The location, design, configuration, and mix of uses in the TOD provides an alternative to traditional development by emphasizing a pedestrian-oriented environment and reinforcing the use of public transportation. The TOD's mixed-use clustering of land uses within a pedestrian-friendly area connected to transit, provides for growth with minimum environmental costs.

The core Downtown's underlying commercial use designation and proximity to the Oceanside Transit Center provide a unique opportunity to create a pedestrian-oriented environment. The establishment of such an area is to encourage a mix of commercial retail, professional office and residential uses which will encourage an efficient pattern of development that supports alternative modes of travel.

Mixed-use projects within the TOD require a Mixed-Use Development Plan. TODs represent a land use strategy, which seeks to strike a balance between resolving today's

critical transportation issues and allowing freedom of movement and choice of travel mode. Although focused on reinforcing transit, the mixed-use and walkable neighborhoods developed should equally support carpools, bus, biking, walking, and more efficient auto use.

Quality of design will be evaluated upon the basis of the projects ability to incorporate specific amenities that encourage alternate travel modes (i.e. bike lockers/racks, employee locker rooms/showers, preferred car/van pool parking). Parking reductions will be considered for those mixed-use projects which can demonstrate a varied peak parking demand for each use by time of day and/or day of the week (see Section (W) 4 and 5.

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**DOWNTOWN DISTRICT  
PROPERTY DEVELOPMENT REGULATIONS**

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	<b>Basic Requirements</b>	<b>Additional Regulations</b>
<b>Residential Development</b>		(II)(JJ)(KK)
Base Density: Site Area Per Unit (sq. ft.)	1,500	(C)(D)
Maximum Potential Density: Site Area Per Unit (sq. ft.)	1,000	(C)(D)
Minimum Lot Area (sq. ft.)	5,000	(A)(B)(E)
Minimum Lot Width (ft.)	50	(E)
Minimum Setbacks:		(E)(G)(L)
Front (ft.)	10	(H)(K)
Side (ft.)	3' for lots 75' wide or less except where courts are required; 10' from one side-lot line for lots greater than 75' wide or as required for courts.	
Corner Side (ft.)	10	(H)(J)(K)
Rear (ft.)	5; and as required for courts	(I)(K)
Maximum Height of Structures (ft.)	35	(M)(N)(O)
Signs	See Article 33	(GG)
Public Access to the Beach		(HH)
Minimum Site		

Landscaping	25%	(P)(Q) (R)(S)
Vehicular Access:		
Maximum Driveway Width (ft.)	24	(X)(Y)
Private Outdoor Living Space	Minimum 48 sq. ft. required with minimum dimension 6 feet	(FF)
Courts Required		(EE)
Required Facade Modulation	25% of front and side street elevation horizontal and/or vertical must be set back at least 5 feet from setback line	(T)(U)
Parking	See Article 31	(W)
Fences and Walls (ft.)	Maximum height of 6'	(Z)(AA)(BB)
Refuse Storage Areas	See Section 3022	
Underground Utilities	See Section 3023	
Nonconforming Structures	See Article 35	

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**D District Property Development Regulations (continued)**

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	<b>Basic Requirements</b>	<b>Additional Regulations</b>
<b>Nonresidential Development</b>		(II)(KK)
Minimum Lot Area (sq. ft.)	5,000	(A)(B)
Minimum Lot Width (ft.)	50	
Minimum Setbacks:		(E) (G) (L)
Front (ft.)	10	(H)
Side (ft.)	0	(H)(I)
Corner Side (ft.)	10	(H)(J)
Rear (ft.)	0	(H)(I)

Maximum Height (ft.) of Structures	45	(M)(N)(O)
Maximum Floor Area Ratio	2	(F)
Minimum Site Landscaping	15%	(P)(Q)(S)
Fences and Walls (ft.)	8'	(Z)(AA)(BB)
Public Access to the Beach		(HH)
Off-Street Parking and Loading		(V)
Signs	See Article 33	(GG)
Outdoor Facilities	See Section 3020	(CC)
Employee Eating Areas		(DD)
Screening of Mechanical Equipment	See Section 3021	
Refuse Storage Areas	See Section 3022	
Underground Utilities	See Section 3023	
Performance Standards	See Section 3024	
Nonconforming Structures	See Article 35	

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**D DOWNTOWN DISTRICT:  
Additional Development Regulations**

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- (A) The provisions of Section 3013: Development on Substandard Lots shall apply except that in the D District mergers of lots under common ownership shall not be required for purposes of compliance with this ordinance.
- (B) See Section 3014: Uncertainty of Boundaries.
- (C) The maximum density for Subdistrict 5A is one dwelling unit per 1,500 square feet of site area.
- (D) 1. The Land Use Plan would allow for a maximum of 29 to 43 units per acre. The base of 29 units per acre shall be considered the appropriate density for development within each residential land use designation. The base density may be increased from 29 units per acre to 33 units per acre if an underground parking structure that is 50% or more below grade is used in a residential project to provide all of the required parking. All residential projects that do not have an underground parking structure shall have a maximum density of 29 units per acre.
2. Residential projects located within Subdistrict 8B may request a waiver, through the conditional use permit process, to the requirement that all required parking be contained in an underground parking structure. Such projects within Subdistrict 8B may achieve density up to 43 dwelling units

per acre provided the project possesses the excellence of design criteria and characteristics described in Section B below. Residential projects with density below the base densities shall be considered to be consistent with the land use designation.

3. Residential projects using an underground parking structure which is 50% or more below finish grade to provide 75% of the required parking, and which possess an excellence of design features, shall be granted the ability to achieve densities above the base density of 29 or 33 units per acre if underground garage is provided, up to the maximum density of 43 units per acre upon approval of a Conditional Use Permit.

(a) Residential projects on lots 5,000 square feet or smaller may achieve densities above 29 units per acre without providing an underground parking structure, upon approval of a Conditional Use Permit.

(b) Projects located on The Strand may achieve densities above 29 units per acre without providing an underground parking structure upon approval of a Conditional Use Permit.

4. Project characteristics that exceed standards established by City policy and those established by existing or approved developments in the surrounding area will be favorably considered in the review of acceptable density within the range. Such characteristics include, but are not limited to the following:

- a) Infrastructure improvements beyond what is necessary to serve the project and its population.
- b) Lot standards (i.e. lot area, width depth, etc.) which exceed the minimum standards established by City policy.
- c) Development standards (i.e. parking, setbacks, lot coverage, etc.) which exceed the standards established by City policy.
- d) Superior architectural design and materials.
- e) Superior landscape/hardscape design and materials.
- f) Superior recreation facilities or other amenities.
- g) Superior private and/or semi-private open space areas.
- h) Floor areas that exceed the norm established by existing or approved development in the surrounding area.
- i) Consolidation of existing legal lots to provide unified site design.
- j) Initiation of residential development in areas where nonconforming commercial or industrial uses are still predominant.
- k) Participation in the City's Redevelopment, Housing or Historical Preservation programs.

- l) Innovative design and/or construction methods, which further the goals of the General Plan.

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

- (E) Lots within Subdistricts 5 may be subdivided upon the approval of the Community Development Commission (pursuant to the Subdivision Map Act and the Subdivision Ordinance), provided that each lot thus created is 2,500 square feet or more in area and 25 feet or more in width, and has vehicular access to a public or private alley. Lots within Subdistrict 9 which front on Tremont or Freeman Streets and total 30,000 square feet or more of contiguous area, in a single or multiple ownership, may also be subdivided upon the approval of the Commission with the same provisions as within Subdistrict 5.

One dwelling unit may be located on each subdivided lot provided that each lot meets the yard, density and occupancy requirements of a standard lot with the following exceptions:

- (1) Vehicular access to enclosed garages shall be provided from the public or private alley.
  - (2) Courts shall be provided opposite one interior property line which shall be a minimum depth of 8 feet from a window of a habitable room and a minimum width of 16 feet and shall be open to the sky, except for balconies 3 ft. in width and less, provided that eaves may project 2 feet into a court.
- (F) The floor area ratio for sites 30,000 square feet up to 175,000 of gross site area shall not exceed 3.0. The floor area ratio for sites greater than 175,000 square feet of gross site area shall not exceed 4.0. The floor area ratio may be distributed over the gross area of the entire site. Any residential portion shall not exceed 43 dwelling units per acre (du.ac).
  - (G) The provisions of Section 3015: Building Projections into Required Yards and Courts apply except that in the D District, covered porches and stairs may project only 3 feet into the front or rear yard and 2 feet into the side yard.
  - (H) Along Mission Avenue and North Coast Highway, setbacks shall be as follows:
    - (1) Lots fronting Mission Avenue: 50 feet from street centerline;
    - (2) Lots fronting North Coast Highway Street: 45 feet from street centerline.
    - (3) Front yard setbacks on commercial projects within Subdistrict 1, 1A and 2 alternate setbacks are allowed upon Community Development Commission approval.
  - (I) A 5-foot side or rear yard setback shall be provided along all alleys. A 10-foot side or rear yard shall adjoin any residential area, and structures shall not intercept a 1:1 or 45-degree daylight plane inclined inward from a height of 12 feet above existing grade at the R district boundary line.

(1) Projects located on The Strand shall be allowed to encroach into the side yard setback, as long as a minimum 3-foot setback is maintained, with Community Development Commission approval.

- (J) The corner side yard setback may be reduced to 5 feet provided that the landscaping or structures within the setback do not exceed a height of 30 inches and conforms to sight distance requirements on a case by case basis upon approval by the Community Development Commission.
- (K) Parking structures shall not encroach upon setback areas unless it is entirely underground.
- (L) Proposals for front yard, side yard or rear yard setbacks will be judged on the merits of each individual proposal and the architectural compatibility of all proposed structures with existing or proposed structures on adjoining parcels. Functional site layout with special attention to design of recreational, parking and landscaped areas may produce an acceptable proposal with minimum or no setbacks. However, all projects seaward of or fronting on Pacific Street shall retain a minimum 5-foot front yard setback. Owners of abutting property shall be provided written notice of proposals for no setback on side and rear yards at least 10 days prior to Community Development Commission approval.

Buildings along The Strand shall be designed so that when viewed from the beach, the visual impact of the bulk of the structure is minimized to the maximum extent possible.

The Community Development Commission shall approve or conditionally approve such proposals upon finding that:

1. Allowing reduced or no setbacks is compatible with surrounding development;
2. Granting reduced setbacks or eliminating setbacks entirely will enhance the potential for superior urban design in comparison with development , which complies with the setback requirements;
3. The granting of reduced or no setbacks is justified by compensating benefits of the project plan; and
4. The plan containing reduced or no setbacks includes adequate provisions for utilities, services, and emergency-vehicle access; and public service demands will not exceed the capacity of existing and planned systems.

Permitted uses within the 100 year floodplain shall be limited to open space, passive recreational uses, public parks, limited horticulture, floriculture, uses permitted within sensitive habitat areas pursuant to the City's certified "Standards for the Identification and Protection of Sensitive Habitats" and private commercial recreational uses. Provided soil placement does not exceed a maximum level of 3

Feet existing grade and that such placement does not adversely impact the floodplain hydrology of the San Luis Rey River as defined and evaluated by the Army Corps of Engineers, the following development may be permitted in the 100 year flood-plain:

Bicycle and pedestrian paths, landscape, fencing, hardscape, waterscape, pools, tennis courts, putting greens, volleyball courts, basketball courts, driving range, shuffle board courts, horse shoes, lawn bowling, gazebos and arbors.

Within the first 50 feet of the required 100 foot wetland buffer zone only transitional upland non-invasive vegetation shall be permitted. Within the second 50 feet of said buffer zone only landscape, hardscape, fencing and pathways for bicycles/pedestrians may be permitted.

All floodplain development shall be capable of withstanding periodic flooding without the construction of flood-protective work. Existing environmentally sensitive habitat area will not be adversely affected. There will be no increase in the peak runoff rate from the developed site as compared to the discharge that would be expected once every ten (10) years during a six (6) hour period. There will be no significant adverse water quality impacts and no downstream bank erosion or sedimentation may result from site improvements. All development shall be reviewed for conformance with the policies and standards of the certified San Luis Rey River Specific Plan.

(M) Height is to be measured from the existing grade, unless otherwise specified.

a) Existing Grade: The surface of the ground or pavement at a stated location as it exists prior to disturbance in preparation for a project as regulated by Section 1240.

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

(N) (1) Additional limitations on heights shall apply as follows:

(a) The Strand: No building shall exceed the present elevation of Pacific Street as defined at the time of passage of Proposition A, passed on April 13, 1982, and set forth in the Proposition A Strand Survey dated May 9, 1986.

(b) Subdistrict 4B: Nonresidential structures along Pacific Street shall be the lesser of three stories or 35 feet.

(c) Within Subdistrict 5A residential structures above 27 feet, but below 35 feet in height, are allowed upon approval of a Conditional Use Permit.

(d) Within Subdistrict 2 mixed use structures above 65-feet, up to 90-feet in height, are allowed upon approval of a Conditional Use Permit.

(e) "Within Subdistrict 5 the area located on the west side of North Pacific Street between Surf Rider Way and Breakwater Way the maximum height shall be limited to two-stories or 27-feet whichever is less. The exceptions to height limitations provided by Section 3018 shall not apply to any development within this area.

- (2) Additional height may be approved with a Conditional Use Permit on a case-by-case basis for:
- (a) All nonresidential uses except as otherwise noted in this section.
  - (b) Master plan mixed use projects located within Subdistricts 1 and 12, if the Commission finds superior design results incorporating the following design standards and regulations:
    - i Site coverage requirement - Maximum coverage of 60% based on entire gross acreage of Master Site Plan.
    - ii Additional setbacks at the corners of the center block (bounded by Pacific, Mission, Myers and Third Streets) shall be required to create plazas. A minimum dimension of 15 feet shall be required. Minimum encroachments may include landscaping, outdoor seating, street furniture, and art displays.
    - iii A pedestrian promenade shall be required adjacent to development on Pacific Street.
    - iv Public Space Amenity - A minimum of 30% of the entire Master Site Plan area shall be for public or semi-public uses for recreational purposes. Such space shall have minimum dimensions of 15 feet. Paved areas devoted to streets, driveways and parking areas may not be counted toward this requirement. A maximum of 15 % may be enclosed recreation space such as gyms, health clubs, handball/racquetball courts, cultural institutions, meeting/conference facilities or similar facilities. A fee may be imposed for the use of such facilities.
    - v View Corridor Preservation - View corridors shall be preserved through staggered building envelopes or breezeway requirements. Cross block consolidations shall be required to preserve view corridors by permitting only minimal encroachments into existing right-of-ways. Permitted encroachments may include but not be limited to landscaping, food/ sundries kiosks and street furniture.
    - vi Maximum Density/Intensity - The maximum intensity of development shall be regulated by Floor Area Ratio (FAR) for Subdistrict 12. The FAR shall apply to the entire Master Site Plan area. FAR shall be calculated on gross acreage of the entire Master Site Plan area. The maximum FAR for Subdistrict 12 shall be 4.0.

- vii Maximum Height - 140 feet. Mid-rise towers shall be oriented with their long axis parallel to the ocean sight line and the east-west streets may only permit minimal encroachments so as to open up and maximize the view corridors. Upper floors of towers shall be of varying heights and stepped back or architecturally fenestrated creating plane breaks in the roof or parapet treatment to add interest to the skyline profile.
  - viii Mid-rise tower facades shall feature multifaceted plane breaks and horizontal cornice and frieze elements, which will diminish the perception of mass and create interesting daytime shadow play and nocturnal lighting effects. Towers shall rise from a horizontally articulated building base to bring human scale to the street level pedestrian activity. Additional human scale elements shall include but not be limited to protruding balconies, colorful awnings, fenestration, iron railings, etc..
  - ix Only those uses which are transient residential/visitor serving accommodations in nature shall be permitted to achieve the maximum height of 140 feet and only 30% of the Master Site Plan may achieve this maximum height.
  - x All other uses permitted within these subdistricts may not exceed a maximum height of 90 feet, and only 30% of the Master Site Plan may achieve the mid-height of 90 feet.
  - xi All other structures in these subdistricts (the remaining 40% of the Master Site Plan) may not exceed a height of 45 feet.
- (c) In Sub Districts 7A and 7B, the maximum height limit shall be 45', except that a height limit of up to 65' may be permitted within an approved master plan where the total building floor coverage (footprint) of the development does not exceed more than 35% of the total developable area of the master plan, and the following criteria are met:
- i The architectural elevations shall vary in height along any road or street, especially along Hill Street.
  - ii Roof lines shall be pitched with flat roof lines allowed only for intermittent visual relief in character.

- iii The maximum achievable elevation shall not extend for the entire roof line of the given building. (The use of jogs, offsets, height differentiations and other architectural features shall be used to reduce the appearance of a constant roof height.)
  - iv The use of a full roof, not flat, with appropriate pitch, shall be used whenever possible. (A full roof aids in the reducing any environmental noise pollution by providing proper sound attenuation.)
  - v In no case shall a building elevation exceed 45 feet in height unless developed under the auspices of a Disposition and Development Agreement, Owner Participation Agreement, Development Agreement or Conditional Use Permit (CUP). In such case, each such Agreement or CUP shall require a site plan and design criteria approval by the CDC.
  - vi No structure within 50' of the 100 Year Floodplain boundary shall exceed 45' in height.
- (d) Residential projects east of the AT&SF railroad right-of-way.
- (e) In addition to the FAR standard required for commercial and mixed use development, the following shall be the maximum height limit per district:

Subdistrict	Maximum Height
1	140 feet
1A	45 feet
2	65 feet
3	65 feet
4A	Restricted by bluff height
4B	35 feet
5	35 feet west of AT&SF 45 feet east of AT&SF
5A	27 feet
6A	65 feet
6B	65 feet
6C & 6D	Pursuant to Harbor Precise Plan
7A	65 feet
7B	65 feet
8A	65 feet
8B	65 feet
9	45 feet
10	San Luis Rey River/Not Applicable
11	35 feet

12	140 feet
13	90 feet
14	45 feet
15	Beach/Strand Park/Restricted by bluff height"

- (f) In Subdistrict 6A and 6B provisions i - vi of herein above Section 6(2)(c) shall apply.
- (O) See Section 3018: Exceptions to Height Limits. All height exceptions, omitting those allowed under Section 3018, require approval by the Community Development Commission.
- (P) Planting Areas. All visible portions of a required setback area adjoining a street shall be planting area or hardscape that includes driveways, walks, parking areas, as well as areas covered by ornamental gravel, crushed rock, or similar materials. However, the front yard setback may not be entirely paved out or composed of hardscape material.
- (Q) See Section 3019: Landscaping, Irrigation and Hydroseeding.
- (R) The minimum site landscaping shall be provided on the lot surface; plantings on roofs, porches or in planting boxes which are above the lot surface shall not qualify as landscaping, except for landscaping located directly above underground parking which is 50% or more below grade. Hardscape does not qualify as landscaping except that, areas devoted to common patios, pools and other recreational facilities may be included in determining compliance with the landscaping requirement. In addition, for projects of four or fewer units, private outdoor living space can be used to satisfy up to 10 percent of the minimum site landscaping requirement. Residential projects located on The Strand may count 30% of the required landscaping on roof tops toward their landscaping requirement, providing such landscaping or appurtenances or other architectural features (such as guard rails) do not exceed the present elevation of Pacific Street as defined at the time of passage of Proposition A, passed April 13, 1982, and set forth in the Proposition A Strand Survey dated May 9, 1986.
- (S) Landscaping Requirements:
  - (1) For residential projects only located on The Strand is 20%.
  - (2) Within Subdistricts 1, 2, 9, and 12 landscaping may be reduced (for commercial development only) provided that the developer contributes a fee to provide art work for the proposed project upon approval by the Community Development Commission. The percentage of landscaping to be reduced as well as the amount of the fee will be determined by the Community Development Commission.
- (T) The parking structures that are 50% or more below grade, the required facade modulation shall only be applicable to the facade area above the parking structure.

- (U) Buildings 50' wide or smaller in width may reduce the amount of facade modulation per Community Development Commission approval. For buildings located on The Strand, alternative facade modulations, either reduced amounts or horizontal modulation may be provided with Community Development Commission approval.
- (V) See Article 31: Off-Street Parking and Loading Regulations.
- (W) The following parking standards and regulations apply specifically to the D District. If there is a conflict with Article 31, the following parking standards shall apply:
  1. All parking shall be in an enclosed garage. Up to 25 percent may be in a semi-enclosure with Community Development Commission approval.
  2. Tandem Parking:
    - (a) Tandem Parking may be allowed with a Conditional Use Permit for property located on The Strand.
    - (b) For projects located outside of The Strand area but within the Redevelopment Project Area, tandem parking shall be allowed for parcels 33 feet wide or less with a Conditional Use Permit.
    - (c) When tandem parking is permitted, parking spaces are assigned to a single unit. Each parking space shall be numbered/lettered. Each unit shall be assigned a specific space or spaces. Each unit whose unit number/letter appears on the corresponding space(s) shall have an exclusive easement for parking purposes over that designated parking space.
  3. Visitor parking spaces are required in projects with 25 or more units at a ratio of one additional space per five units above 25 units.
  4. Within the Transit Overlay District the number of on-street parking spaces available on the contiguous street frontage of the site may be counted toward the total number of parking spaces required for a non-residential Mixed Use Development Plan.
  5. Non-residential Mixed Use Development Plans within the Transit Overlay District may receive a mixed-use parking requirement reduction of up to 25% based upon all of the following criteria: a) proximity to the Oceanside Transit Center, b) demonstrated varied peak demand for parking, and c) project amenities which encourage alternate travel modes.
- (X) Any vehicular access over 24 feet in width requires Community Development Commission approval.
- (Y) On corner lots or lots with double frontages, vehicular access shall be provided from the secondary street or alley.
- (Z) Fences within front yard setback areas are limited to 42 inches in height. Residential fences over 6 feet in height require a variation or a variance.

Nonresidential fences over 8 feet in height require a variation or a variance (See Section 3040).

- (AA) A 6-foot solid masonry or concrete wall shall adjoin the property line of the site of a new ground-floor residential use abutting an existing nonresidential use or the property line of a new nonresidential use abutting the site of an existing ground-floor residential use. However, no wall shall be required where the portion of the site within 10 feet of the property line is occupied by planting area or by a building having no openings except openings opposite a street property line.
- (BB) All fences, walls and fencing attachments (such as, but not limited to, barbed wire or razor wire) within the Redevelopment Project Area requires Redevelopment Department approval prior to installation. The Redevelopment Department's decision may be appealed to the Community Development Commission.
- (CC) See Section 3025: Antennas and Microwave Equipment and Section 3027: Recycling facilities.
- (DD) Outdoor eating facilities for employees shall be provided for all office buildings that contain more than 20,000 square feet if no public park is within 1,000 feet. See Section 3028: Employee Eating Areas.
- (EE) Courts Opposite Windows, Multifamily Units.

Courts shall be provided for all multifamily development as follows:

- (1) Courts Opposite Walls on the Same Site: The minimum depth shall be one-half the height of the opposite wall but not less than 16 feet opposite a living room and 10 feet opposite a required window of any habitable room.
  - (2) Courts Opposite Interior Property Line: The minimum depth of a court for a required window of a habitable room shall be 6 feet, measured from the property line.
  - (3) Court Dimensions: Courts shall be a minimum of 16 feet wide and shall be open to sky except for balconies 3 ft. in width and less, provided that eaves may project 2 feet into a court.
- (FF) Open Space.
- (1) Basic Requirement. Total open space on a site having three or more dwelling units shall be at least 200 square feet per dwelling unit.
  - (2) Private Outdoor Living Space. Private outdoor living space shall be on patios or balconies within which a horizontal rectangle has no dimension less than 6 feet.
  - (3) Shared Open Space. Shared open space, provided by non-street side yards, patios and terraces, shall be designed so that a horizontal rectangle inscribed within it has no dimension less than 10 feet, shall be open to the sky, and shall not include driveways or parking areas, or area required for front or street side yards.

- (4) Parkland Dedication. All multifamily housing projects shall be subject to the parkland dedication requirements of Chapter 32, Subdivisions, of the City Code because apartments contribute to increased demand for community and neighborhood parks in the same manner as condominiums, cooperatives, and single-family housing. The applicant shall dedicate land or pay a fee, or a combination of dedication and fee as provided by Chapter 32, Article IV of the City Code, and the credit for improvement and private open space under Section 32.50 of the City Code shall apply, if warranted. The fees shall be calculated according to a schedule adopted by the City Council by resolution and shall be payable at the time a building permit is issued.
- (GG) The Sign Standards for the Downtown Oceanside Redevelopment Project Area adopted by the Oceanside Community Development Commission and the Harbor Design Standards adopted by the Oceanside Harbor Board of Directors pertaining to signs shall apply where they are more restrictive than Article 33 of the Oceanside Zoning Ordinance.
- (HH) In Subdistricts 4A and 15, permanent facilities shall be provided for pedestrian access from the nearest public streets on the bluff top to the public beach. Between Ninth Street and Wisconsin Avenue, such access shall be provided on the average of every 800 feet, but in no event will there be fewer than seven such pedestrian routes. Between Ninth Street and Wisconsin Avenue, no fewer than four permanent facilities shall be provided for vehicular access from the nearest public street on the bluff top to the beach.
- (II) Development within Subdistricts 6(C) and 6(D) shall be subject to the Harbor Design Standards.
- (JJ) The Property Development Regulations (Section 1230) for residential uses shall apply to all exclusively residential projects within commercially oriented subdistricts.
- (KK) Any mixed-use development with commercial and residential land uses combined requires a Mixed-Use Development Plan approved in accordance to the following requirements, to establish the property development regulations for the project. Base District Regulations and Property Development Regulations for Residential and Nonresidential land uses shall serve as the guideline for a mixed-use project. Height shall be regulated by the maximum height allowed in the Subdistrict as set forth in Additional Development Regulations sub-section (N). In no case shall these maximum heights be exceeded. Any deviations from the development regulations shall be evaluated based upon the merits of the development plan. Any deviation granted which permits a greater than 10% reduction in parking requirements above the base development regulations of Article 12 "D" Downtown District shall also require a Local Coastal Program Amendment.

Purpose:

The Mixed-Use Development Plan is intended to provide flexibility in land use regulations and site development standards under control of the Planning Commission and the Community Development Commission where flexibility will enhance the potential for superior urban design.

Initiation:

A mixed-use development may be initiated by filing an application for a Mixed Use Development Plan that complies with the requirements of this subsection (KK).

Required plans and materials:

1. A Mixed-Use Development Plan consisting of a map and textual materials as may be necessary to delineate land uses and locations, existing and projected building types and schematic designs, height and FAR including any proposals for transfer of FAR, site development requirements, existing and proposed open space, circulation, on-site and off-site parking, and any other pertinent information.
2. A comparison between underlying district regulations and standards and any proposed modifications to these regulations and standards, together with resulting impacts on traffic-carrying capacity of affected streets.
3. A statement of the reasons for any requested modifications to regulations or standards and a description of proposed means of mitigating any adverse effects.

Adoption of Mixed-Use Development Plans:

The Community Development Commission shall hold a duly noticed public hearing on the application in accord with the provisions of Article 45. Following the hearing, the Commission may recommend approval of the Development Plan with conditions if it implements the purpose of the Mixed-Use Development Plan. The following findings shall be made by the Community Development Commission:

1. For the residential portion of the project, the total number of dwelling units in the Mixed-Use Development Plan does not exceed the maximum number permitted by the General Plan density of 43 dwelling units per acre. Any plan that would exceed the base density of 29 dwelling units per acre may be approved only if the Community Development Commission finds that the plan conforms to the provisions of Section 1230 of this Ordinance (in particular, Additional Regulation "CC").
2. That the Mixed-Use Development Plan will enhance the potential for superior urban design in comparison with development under the regulations that exist if the Development Plan were not approved;
3. That the Mixed-Use Development Plan is consistent with the adopted Land Use Element of the Redevelopment Plan and other applicable

policies, and that it is compatible with development in the area it will directly affect;

4. That the Mixed-Use Development Plan includes adequate provisions for utilities, services, and emergency access, and public service demands will not exceed the capacity of existing systems;
5. That the traffic expected to be generated by development in accord with the Mixed-Use Development Plan will not exceed the capacity of affected streets; and
6. That the Mixed-Use Development Plan will not significantly increase shading of adjacent land in comparison with shading from development under regulations that would exist if the Mixed-Use Development Plan were not approved.

### **1235 Nonconforming Commercial Structures**

Notwithstanding the provisions of Article 35, a nonconforming commercial building located in a commercial zoning district within the Redevelopment Project Area, which is destroyed to an extent of more than fifty percent (50%) of its replacement value at the time of its destruction by fire, explosion, or other casualty or Act of God, or the public enemy, may be restored to its original density, height, or configuration subject to all other provisions of this Article, provided that such nonconformities are not increased in intensity, and that there is no reduction in the amount of off-street parking which had existed on site prior to such destruction. The use of the rebuilt structure shall be subject to all current zoning use regulations in existence at the time of destruction. Existing uses operating under a conditional use permit, which is in compliance with the existing zoning regulations at the time of destruction, shall not be required to obtain a new use permit. Exterior appearance and facade plans for the rebuilding of nonconforming commercial structures shall be subject to review by the Redevelopment Design Review Committee and approval by the Community Development Commission. (For Residential Nonconforming Buildings See Article 35 Section 3510)

### **1240 Review of Plans**

Certain projects shall require concept plan review in accordance with Article 42 of this Ordinance. All new development projects with the exception of single family residences shall require development plan review in accordance with Article 43. All development plans shall be reviewed by the Redevelopment Staff and by any other City department or division or governmental agency designated by the Redevelopment Director.

Alterations of existing structures, not within Subdistrict 1A or in an Historic Overlay District, are exempt from development plan review unless the alteration adds the following:

- a) 10% or more of additional square footage to an existing structure or;
- b) adds more than 500 square feet to an existing structure.

Such alterations shall be considered to be major alterations and require development plan review. The Community Development Commission shall approve, conditionally approve, or disapprove development plans for all projects within the designated Redevelopment Project Area.

Development plans for projects in Subdistrict 1A or in an HD Historic Overlay District shall be reviewed by the Historical Preservation Advisory Commission (OHPAC). The proposed demolition of a designated historical site shall also be reviewed by OHPAC and approved, conditionally approved, or denied by the Community Development Commission.

In regards to the Development Plans within the Oceanside Small-Craft Harbor, Planning Commission recommendations shall be made to the Harbor Chief Executive Officer for processing and action in accordance with Article 43.

All discretionary actions within the Downtown District shall require Community Development Commission review, unless otherwise specified in this Ordinance. The Planning Director or Planning Commission shall recommend to the Harbor Chief Executive Officer, approval, conditional approval, or denial of discretionary requests.

The Community Development Commission's, or the Harbor Board of Director's, consideration of discretionary actions shall be through a noticed public hearing if the action requested requires such a public hearing. Where a noticed public hearing is required, the Community Development Commission's review of the discretionary action shall also be through a public hearing. All decisions made by the Community Development Commission and Harbor Board of Directors shall be final.

### **1250 Amendments**

Any amendments to Article 12 of this Ordinance that affect properties within the established California Coastal Zone shall be approved by the California Coastal Commission.

## **Article 31 Off - Street Parking and Loading Regulations**

### Sections:

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

### **3101 Title**

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

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

### 3102 Basic Requirements for Off-Street Parking and Loading

- A. When Required At the time of initial occupancy of a site, construction of a structure, or major alteration or enlargement of a site or structure, off-street parking facilities and off-street loading facilities shall be provided in accord with the regulation prescribed in this article. For the purposes of these requirements, "major alteration or enlargement" shall mean a change of use or an addition that would increase the number of parking spaces or loading berths required by not less than 10 percent of the total number required prior to the alteration or enlargement.
- B. Nonconforming Parking or Loading. No existing use of land or structure shall be deemed to be nonconforming solely because of the lack of off-street parking or loading facilities required by this article, provided that facilities being used for off-street parking and loading as of the date of adoption of this article shall not be reduced in number to less than that required by the provisions of this article.
- C. Spaces Required for Alteration or Enlargement. The number of parking spaces or loading berths required for an alteration or enlargement of an existing use or structure, or for a change of occupancy, shall be in addition to the number of spaces or berths existing prior to the alteration, enlargement, or change of occupancy unless the preexisting number is greater than the number prescribed in this article. In this case, the number of spaces or berths in excess of the prescribed minimum shall be counted in determining the required number of spaces or berths.
- D. Spaces Required for Multiple Uses. If more than one use is located on a site, the number of off-street parking spaces and loading berths to be provided shall be equal to the sum of the requirements prescribed for each use. If the gross floor area of individual uses on the same site is less than that for which a loading berth would be required by Schedule B of Section 3103, but the aggregate gross floor area of all uses is greater than the minimum for which loading berths would be required, the aggregate gross floor area shall be used in determining the required number of loading berths.
- E. Joint Use. Off-street parking and loading facilities required by this chapter for any use shall not be considered as providing parking spaces or loading berths for any other use except where the provisions of Section 3104; Collective Provision of Parking apply or a joint facility exists. Such a facility shall contain not less than the total number of spaces or berths as determined individually, subject to the provisions of subsection (G) below, or fewer spaces may be permitted where adjoining uses on the same site have different hours of operation and the same parking spaces or loading berths can serve both without conflict. A

determination of the extent, if any to which joint use will achieve the purposes of this chapter shall be made by the City Planner or Economic and Community Development Director, who may require submission of survey data necessary to reach a decision.

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

Customer / Visitor Spaces

Employee Spaces

200 ft.

400 ft

- G. Life of Facility. Facilities for off-site parking shall be restricted to that use by a recorded deed, lease, or agreement for a minimum period of 10 years from the date a zoning certificate requiring the parking is issued, provided that the City Planner or Economic and Community Development Director may lift the restriction upon finding that substitute parking facilities meeting the requirements of this chapter are provided. No use shall be continued if the parking is removed unless substitute parking facilities are provided.
- H. Common Loading Facilities. The off-street loading facilities requirements of this chapter may be satisfied by the permanent allocation of the prescribed number of berths for each use in a common truck loading facility, provided that the total number of berths shall not be less than the sum of the individual requirements. As a requirement of approval, an attested copy of a contract between the parties concerned setting forth an agreement to joint use of the common truck loading facility shall be filed with the application for a zoning certificate.
- I. Computation of Spaces Required. If, in the application of the requirements of this chapter, a fractional number is obtained one parking space or loading berth shall be required for a fraction of one-half or more, and no space or berth shall be required for a fraction of less than one-half.

### **3103 Off-Street Parking and Loading Spaces Required**

Off-street parking and loading spaces shall be provided in accord with the following schedule. For off-street loading, references are to Schedule B which sets space requirements and standards for different groups of use classifications and sizes of buildings. References to spaces per square foot are to be computed on the basis of gross

floor area unless otherwise specified and shall include allocations of shared restroom, halls and lobby area, but shall exclude area for vertical circulation, stairs or elevators.

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

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**OFF STREET PARKING AND LOADING SPACES REQUIRED**

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Use Classification	Off - Street Parking Spaces: Schedule A	Off - Street Loading Spaces: Schedule B Group Number
<i>Residential</i>		
Group Residential	1 per 2 beds; plus 1 per 100 sq. ft. used for assembly purposes.	1
Multifamily Residential	1.5 including 1 covered for studios and one-bedroom units:	
Guest Parking	4-10 units: 1 space More than 10 units: 1 space plus 10 % Total number of units.	
Residential Care, Limited	1 per 3 beds	
Single-Family Residential:	2 including 2 covered/unit. A 2-car garage is required in RE and RS districts not subject to an overlay district, except on designated historic sites.	
<i>Public and Semipublic</i>		
Airports	As specified by use permit	
Cemeteries	As specified by use permit	

Use Classification	Off - Street Parking Spaces: Schedule A	Off - Street Loading Spaces: Schedule B Group Number
Clubs and Lodges	1 per 100 sq. ft. used for assembly purposes.	3
Cultural Facilities	1 per 300 sq. ft gross floor area.	3
Off - Street Parking and Loading Spaces Required (continued)		
Day Care, General	1 per 7 children; maximum enrollment based on maximum occupancy load.	
Government Offices	1 per 300 sq. ft gross floor area	2
Heliports	As specified by use permit	
Hospitals	1 per 1.5 beds	3
Maintenance and Service Facilities	1 per 500 sq. ft.	1
Park and Recreation Facilities	As specified by zoning Certificate or use permit for private facilities	
Public Safety Facilities	As specified by use permit	3
Religious Assembly:	1 per 100 sq. ft. seating area	3
Residential Care, General	1 per 3 beds; plus additional specified by use permit.	3
Schools, Public or Private	As specified by use permit	1

Use Classification	Off - Street Parking Spaces: Schedule A	Off - Street Loading Spaces: Schedule B Group Number
Utilities, Major	As specified by use permit	1
<i>Commercial</i>		
Adult Businesses	1 per 250 sq. ft.	1
Off - Street Parking and Loading Spaces Required (continued)		
Ambulance Services	1 per 500 sq. ft.; plus 2 storage spaces.	1
Animal Sales and Services:		
Animal Boarding cancelled	1 per 400 sq. ft	1
Animal Grooming	1 per 400 sq. ft	1
Animal Hospitals	1 per 400 sq. ft	1
Animals, Retail Sales	1 per 250 sq. ft.;	1
Artists' Studio	1 per 1,000 sq. ft.	
Banks and Savings & Loans:	1 per 250 sq. ft.;	2
Drive - Up Service	Queue space for 5 cars per teller.	
Building Materials and Services	1 per 1,000 sq. ft. of lot area.	1
Catering Services	1 per 400 sq. ft.	1
Commercial Recreation and Entertainment:		

Use Classification	Off - Street Parking Spaces: Schedule A	Off - Street Loading Spaces: Schedule B Group Number
Bowling Alleys	3 per alley, plus 1 per 250 sq. ft. of public assembly and retail areas.	1
Electronic Game Centers	1 per 400 sq. ft.	
Off - Street Parking and Loading Spaces Required (continued)		
Skating Rinks	1 per 5 fixed seats, or 1 per 35 sq. ft. seating area if there are no fixed seats; plus 1 per 250 sq. ft. floor area not used for seating.	
Tennis and Racquetball Clubs	4 per court	1
Theaters	1 per 4 fixed seats, or 1 per 35 sq. ft. seating area if there are no fixed seats	
Other Commercial Recreation and Entertainment	As specified by the City Planner.	
Communications Facilities	1 per 500 sq. ft	2
<u>Food and Beverage Kiosk</u>	<u>1 per 100 sq. ft. gross Drive-thru area; plus queue space for 5 cars for drive-up service.</u>	
Restaurants Full Service	1 per 50 sq. ft. seating area	1
Restaurant With Live Entertainment	1 per 35 sq. ft. seating area; plus 1 per 35 sq. ft. dance floor	1

Use Classification	Off - Street Parking Spaces: Schedule A	Off - Street Loading Spaces: Schedule B Group Number
Restaurant Fast Food	1 per 50 sq. ft. seating area	1
Restaurant Fast Food With <u>Drive-thru or Drive-up Services</u>	1 per 50 sq. ft. seating area; plus queue space for 5 cars for drive-up service.	1
<del>Eating and Drinking Establishments</del>	<del>1 per 50 sq. ft. seating area</del>	
Cocktail Lounge	1 per 50 sq. ft. of seating area	
Food and Beverage Sales	1 per 200 sq. ft.;	1
Funeral and Interment Services	1 per 35 sq. ft. seating area	1
Off - Street Parking and Loading Spaces Required (continued)		
Horticulture, Limited	1 per 2 acres	
Laboratories	1 per 500 sq. ft.	1
Maintenance and Repair Services	1 per 500 sq. ft.	1
Marinas	0.8 per berth	1
Marine Sales and Services	1 per 350 sq. ft	
Nurseries	1 per 1,000 sq. ft. lot Area for first 10,000 sq. ft.; 1 per 5,000 sq. ft. thereafter, Plus 1 per 250 sq. ft. gross floor area	

Use Classification	Off - Street Parking Spaces: Schedule A	Off - Street Loading Spaces: Schedule B Group Number
Offices, Business and Professional	1 per 300 sq. ft.;	2
Offices, Medical and Dental	1 per 250 sq. ft.;	
Pawn Shops	1 per 250 sq. ft.;	1
Personal Improvement Services:	1 per 250 sq. ft.	
Dance or Music Studio	1 per 600 sq. ft.	
Personal Services	1 per 250 sq. ft.	1
Research and Development Services	1 per 400 sq. ft.	
Off - Street Parking and Loading Spaces Required (continued)		
Retail Sales Not Listed Under Another Use Classification	1 per 200 sq. ft. for less than 5,000 sq. ft.; 1 per 250 sq. ft. Over 5,000 sq. ft.	1
Vehicle / Equipment Sales and Services:		
Automobile Rentals	1 per 400 sq. ft.; plus 2 storage spaces.	
Automobile Washing	1 per 200 sq. ft. of sales, Office, or lounge area; plus queue for 5 cars per washing station	

Use Classification	Off - Street Parking Spaces: Schedule A	Off - Street Loading Spaces: Schedule B Group Number
Service Stations	1 per 2,500 sq. ft. lot area; plus 1 per 600 sq. ft. of service bay and storage area.	
Vehicle / Equipment Repair	1 per 300 sq. ft	1
Vehicle / Equipment Sales and Rentals	1 per 1,000 sq. ft. lot area.	1
Vehicle Storage	1 per 500 sq. ft.	
Visitor Accommodations:		
Bed and Breakfast Inn	1 per guest room; plus 2 spaces	
Hotels, Motels and Time Share Facilities	1.2 per guest room; plus 1 per 50 sq. ft. Banquet seating area.	1
SRO Hotels	0.2 per room	1
Off - Street Parking and Loading Spaces Required (continued)		
Warehousing and Storage, Limited	1 per 2,000 sq. ft.	
<i>Industrial</i>		
Industry, Custom and General	1 per 1,000 sq. ft.	
Industry, Limited	1 per 750 sq. ft.	
Industry, Research and Development	1 per 500 sq. ft.	

Use Classification	Off - Street Parking Spaces: Schedule A	Off - Street Loading Spaces: Schedule B Group Number
Wholesaling, Distribution and Storage	1 per 1,500 sq. ft.	1

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**SCHEDULE B: LOADING SPACES REQUIRED**

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Gross Floor Area (sq. ft.)	Number of Spaces Required	
	10' x 20' x 10' Vertical Clearance	12' x 35' x 14' Vertical Clearance
<u>Use Classification Group 1</u>		
0 to 3,000		
3,001 to 15,000		1
15,001 to 50,000		2
50,001 and over		3
<u>Use Classification Group 2</u>		
0 to 10,000	1	
10,001 to 20,000		
20,001 and over	1	1
<u>Use Classification Group 3</u>		
0 to 30,000		1
30,001 to 100,000		2
100,000 and over		3

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**3104 Collective Provision of Parking**

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

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

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

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

### **3105 Reduced Parking for Other Uses**

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

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

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

### **3106 Parking In-Lieu Payments**

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

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

### **3107 Parking Spaces for the Handicapped**

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

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

### **3108 Bicycle Parking**

- A. Where Required. Bicycle parking spaces shall be provided as required by this section; the provisions of Section 3102 shall apply.
  
- B. Number Required.
  - 1. Public and Semipublic Use Classifications: as specified by use permit.
  
  - 2. Commercial Use Classifications: 5 percent of the requirement for automobile parking spaces, except for the following classifications, which are exempt:
    - a. Ambulance Services;
    - b. Animal Boarding;
    - c. Animal Grooming;
    - d. Catering Services;
    - e. Commercial Filming;
    - f. Horticulture, Limited;
    - g. Funeral and Internment Services;
    - h. Swap Meets, Recurring;
    - i. Vehicle / Equipment Sales and Services (all classifications)
  
- C. Design Requirements. For each bicycle parking space required, a stationary object shall be provided to which a user can secure both wheels and the frame of a bicycle with a user-provided 6-foot cable and lock. The stationary object may be either a freestanding bicycle rack or a wall-mounted bracket.

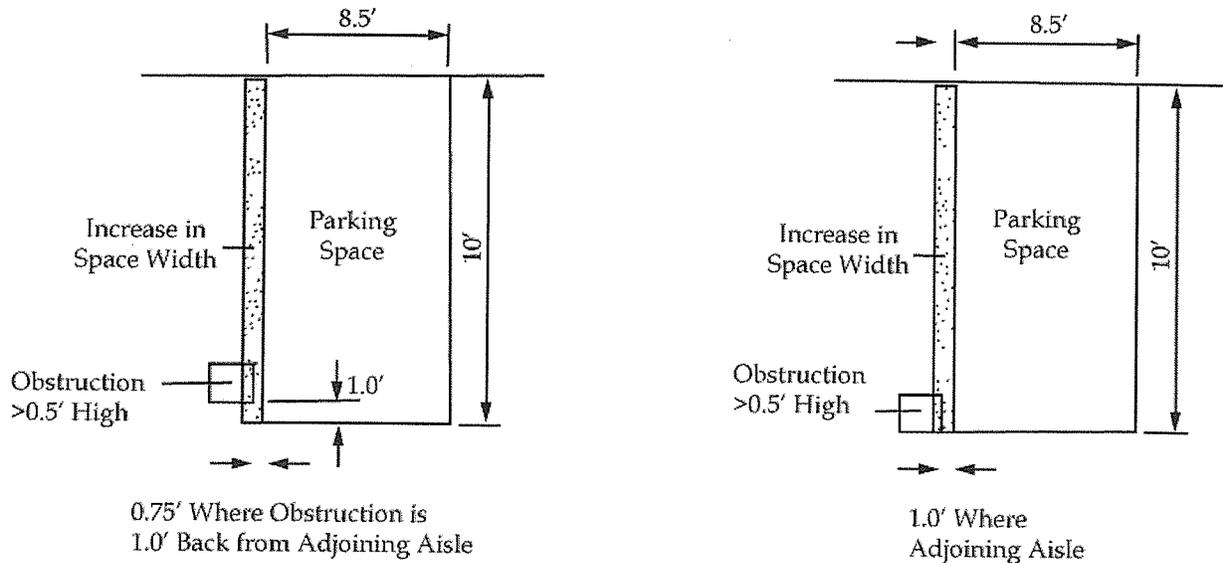
### 3109 Parking Space Dimensions

Required parking spaces shall have the following minimum dimensions:

<u>Use</u>	<u>Type of Space</u>	<u>Large Car (ft.)</u>	<u>Small Car (ft.)</u>
Residential	In separate garage Or carport housing 6 or fewer cars, or With door at rear of Each space	9.0 x 19	9.0 x 19
Residential	In garage or carport Housing more than 6 cars with access via aisle	8.5 x 18	7.5 x 15
Nonresidential	Angle Spaces	8.5 x 18	7.5 x 15
All	Parallel Spaces	8.0 x 22	8.0 x 22

### 3110 Application of Dimensional Requirements

- A. In General. All required spaces shall be large-car spaces. However, spaces provided in addition to the number required may be small-car spaces.
- B. Relation to Aisles.
1. Each parking space adjoining a wall, column, or other obstruction higher than 0.5 feet shall be increased by 1 foot on each obstructed side, provided that the increase may be reduced by .25 feet for each 1 foot of unobstructed distance from the edge of a required aisle, measured parallel to the depth of the parking space.
  2. At the end of a parking bay, an aisle providing access to a parking space perpendicular to the aisle shall extend 2 feet beyond the required width of the parking space.



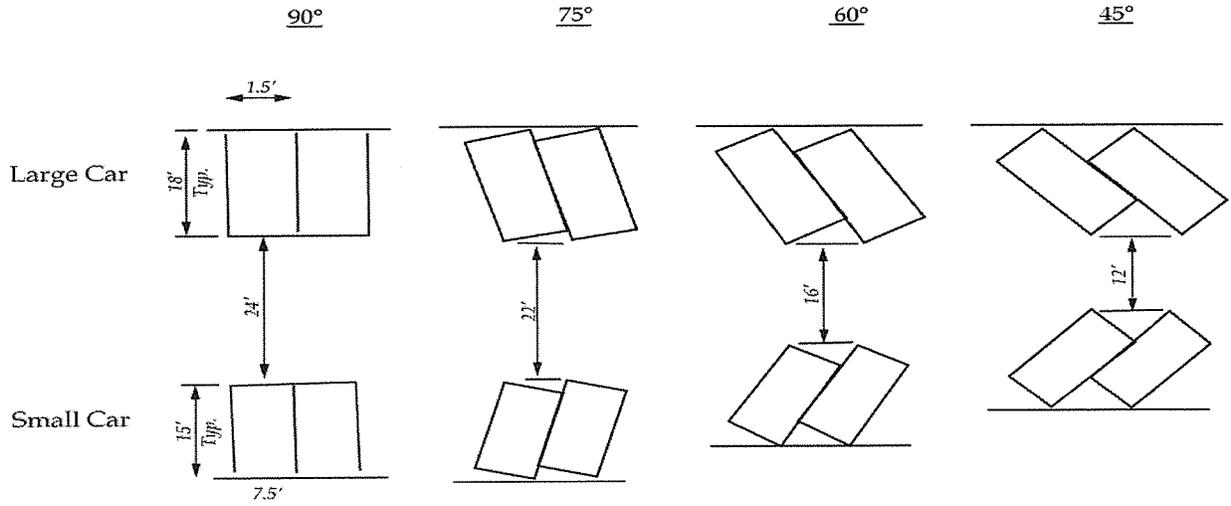
**(B) PARKING SPACES ADJOINING AN OBSTRUCTION**  
*(The diagram is illustrative)*

- C. Vertical Clearance. Vertical clearance for parking spaces shall be 7 feet, except that an entrance may be 6.67 feet and the front 5 feet of a parking space serving a residential use may be 4.5 feet.
- D. Wheel Stops All spaces shall have wheel stops 2.5 feet from a fence, wall, or walkway. When a parking space abuts a landscaped planter, the front two feet of the required length for a parking space may overhang the planter.

**3111 Aisle Dimensions**

Aisle widths adjoining large-car spaces shall be as follows:

Increase in Parking Spaces Width (ft.)	<u>Minimum Aisle Width for Specified Parking Angle (ft.)</u>			
	90°	75°	60°	45° or less
0.00	24	22	16	12
0.25	23	21		
0.50	22	20		
0.75	21	19		
1.00 or more	20			



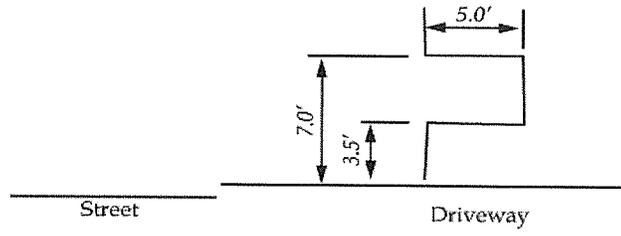
PARKING REQUIREMENTS

*(The diagram is illustrative)*

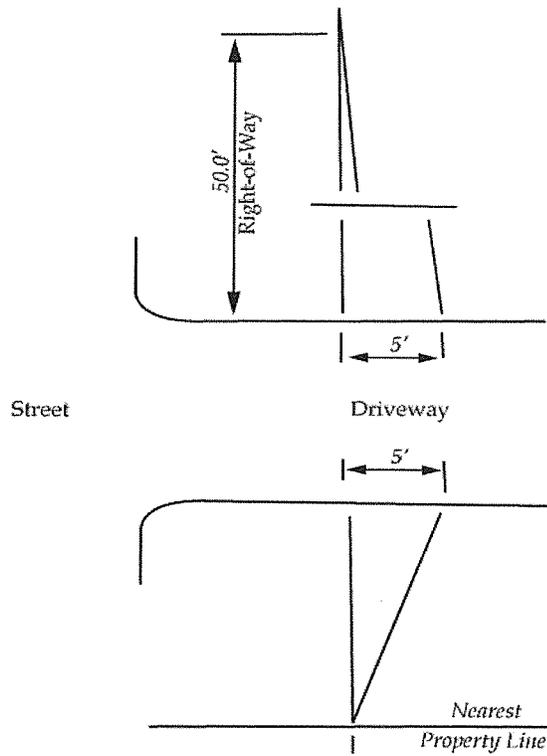
Aisle widths adjoining small-car spaces having a base width of 7.5 feet, except where increased by adjoining obstructions, shall be as follows:

Minimum Aisle Width for Specified Parking Angle (ft.)

90°	75°	60°	45° or less	
	20	17.4	14	11



SECTION



PLAN

DRIVEWAY VISIBILITY  
*(The diagram is illustrative)*

**3112 Specific Parking Area**

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

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

**3113 Parking Access from Street**

Access to parking spaces shall not require backing across a street property line. An alley may be used as maneuvering space for access to off-street parking.

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

**3114 Driveway Widths and Clearance**

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

A. Serving a	6 or fewer spaces	8 ft
Residential use:	7 to 25 spaces	12 ft
	26 or more spaces	20 ft. 1-way
		12 ft. 2-way
B. Serving a	14 or fewer spaces	12 ft
Nonresidential use:	15 or more spaces	12 ft. 1-way
		20 ft. 2-way

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

### **3115 Driveways; Visibility**

Visibility of a driveway crossing a street property line shall not be blocked between a height of 3.5 feet and 7 feet for a depth of 5 feet from the street property line as viewed from the edge of the right-of-way on either side of the driveway at a distance of 50 feet or at the nearest property line intersecting the street property line, whichever is less.

### **3116 Parking Area Screening: Walls and Fences**

A parking area for five or more cars serving a nonresidential use shall be screened from an adjoining R district or a ground-floor residential use by a solid concrete, solid wood or masonry wall 6 feet in height, except that the height of a wall adjoining a required front yard in an R district shall be 3 feet. A carport or open parking area for five or more cars serving a residential use shall be screened from an adjoining lot in an R district or a ground-floor residential use by a solid wall or fence 6 feet in height, except that the height of a wall or fence adjoining a required front yard in an R district shall be 3 feet.

### **3117 Lighting**

Outdoor parking area lighting shall not employ a light source higher than 12 feet, shall create no cone of direct illumination greater than 60 degrees from a light source higher than 6 feet, and shall not directly shine onto an adjacent street. Maximum illumination at ground level shall be 3-foot candles and shall not exceed 0.5 candles in an R district.

### **3118 Parking Lot Landscaping**

Parking lot landscaping shall be as prescribed by Section 3019.

### **3119 Driveways and Carport Design and Location in R District**

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

- A. Driveways. Driveways shall be paved and shall have widths and clearances prescribed by Section 3114, subject to the visibility requirements of Section 3115.
- B. Carports. Carports shall be designed and located so that parked vehicles are not visible from a street, except that not more than two vehicles in a carport in a required rear yard may be visible from a street.

### **3120 Additional Design Standards for Parking Lots and Structures**

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

### **3122 Location and Design of Off-Street Loading Spaces**

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

Except in a CG or I district, a loading area visible from a street shall be screened on three sides by a fence, wall, or hedge at least 6 feet in height.

## Proposed Definitions

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- A. Restaurant, Full Service:** A bona fide restaurant establishment where the principal business is the sale of food and beverages to guests via table service for consumption on the premises. The sale of beer and wine for on-site consumption shall be considered incidental to the full service restaurant. Delivery service to vehicles parked in designated parking spaces (i.e. drive-up) is allowed as an ancillary service to the Restaurant Full Service. As used in this definition, a “bona fide” full service restaurant shall have suitable kitchen facilities for cooking of complete meals. The word “meals” means the assortment of foods commonly ordered at various hours of the day; the service of only such foods as sandwiches or salads does not meet the bona fide restaurant definition.
- 1. Restaurant, Full Service w/ Full Alcohol:** A bona fide restaurant establishment authorized to sell distilled spirits for consumption on licensed premises. The sale of liquor is included as an appurtenant use to full service restaurants having table seating and service for more than 50 guests.
  - 2. Restaurant, Full Service w/ Live Entertainment – (small scale):** Restaurant establishments providing live entertainment to patrons with 5 or fewer performers at restaurant facilities with no dance floor during typical lunch and dinner hours (11:00am-11:00pm) and having 75 percent food sales compared to alcohol sales.
- B. Restaurant, Fast Food:** A bona fide restaurant establishment where the principal business is the sale of prepared or rapidly prepared food and beverages to guests via counter, walk up, or window service for consumption on or off the premises. The sale beer and wine for on site consumption is permitted. As used in this definition, a “bona fide” restaurant shall have suitable kitchen facilities for cooking and/or preparation of meals. The word “meals” means the assortment of foods commonly ordered at various hours of the day.
- 1. Restaurant, Fast Food w/ Drive-thru or Drive up:** A restaurant establishment providing service from a building to patrons in vehicles through an outdoor service window (Drive-thru) or delivery service to vehicles parked in designated parking spaces (Drive-up). The sale and consumption of alcoholic beverages at a restaurant with a Drive-thru or Drive-up window is prohibited.
- C. Eating and Drinking Establishment:** An establishment that provides food and beverage services via counter, walk up, drive-up, and drive-thru services through a kiosk window for off-site consumption. The sale and consumption of alcoholic beverages is prohibited.

ALCOHOLIC BEVERAGE SALES

Zoning Ordinance	1986						1992						Downtown							
	Existing			Proposed			Existing			Proposed			Existing			Proposed				
	P	NP	AC	C	P	NP	AC	C	P	NP	AC	C	P	NP	AC	C	P	NP	AC	C
<b>Proposed Definitions</b>	P	NP	AC	C	P	NP	AC	C	P	NP	AC	C	P	NP	AC	C	P	NP	AC	C
Drive-Thru i.e. (Jack-in-the-Box) service from a building to patrons in vehicles for off site consumption	BW, A					BW, A					BW, A						BW			
FAST FOOD																				
sales and consumption of alcohol is prohibited; Counter Service i.e. (Chipotle; Rubio's) service from a counter for on site consumption	BW, A				BW	A					BW	A					BW			
beer and wine on-site consumption only																				
Walk-Up Service i.e. (Wienerschnitzel) service from window for off site consumption	BW, A					BW, A					BW, A						BW			
sales and consumption of alcohol is prohibited																				
On-site Service Food and alcoholic beverage sales, on site consumption	BW, A				BW, A						BW, A						BW			
Curbside i.e. (Chili's To-Go) Food and alcoholic beverage sales, off site consumption	BW, A				BW, A						BW, A						BW			

P = Permitted  
 NP = Not Permitted  
 BW = Beer & Wine Sales  
 AC = Approved with an Administrative Conditional Use Permit  
 C = Approved with a Conditional Use Permit  
 A = Alcohol Sales

ITEM NO. 1

*STAFF REPORT**CITY OF OCEANSIDE*

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DATE: January 14, 2015

TO: Honorable Mayor and City Councilmembers

FROM: Development Services Department

SUBJECT: **REVIEW OF ZONING ORDINANCE PROVISIONS FOR ALCOHOL SALES AT ALL RESTAURANTS, INCLUDING FAST-FOOD ESTABLISHMENTS**

### **SYNOPSIS**

Staff recommends that the City Council amend the City's Zoning Ordinance to clarify and further regulate the sale and consumption of beer and wine at all restaurants, and direct staff to process the proposed amendments through a Zone Amendment. Staff's proposals would amend existing definitions concerning restaurants in general, and adopt new regulations concerning fast-food restaurants. Staff's recommendations are:

- A. Drive-Thru/Drive-Up/Walk-Up Window – The sale of any alcohol should be prohibited at any restaurant that has a drive-thru, drive-up or walk-up window;
- B. Counter Service – On site consumption and over-the-counter sale of beer and wine should be allowed in any restaurant, except for those restaurants that have a drive-thru, drive-up or walk-up window.

### **BACKGROUND**

**February 19, 2014** The City Council directed staff to evaluate the adequacy of existing ordinance provisions for the sale of alcohol at fast-food restaurants. In response to this request, staff reviewed the applicable zoning regulations (1986, 1992, and the Downtown Ordinance) and crafted several draft amendments to the existing ordinances.

In obtaining additional input and suggestions regarding the proposed ordinance amendments, the Planning Division formulated a stakeholders' group consisting of: members from the North Coastal Prevention Coalition, Oceanside Police Department, Main Street Oceanside, Oceanside Chamber of Commerce, and the San Diego Restaurant Association.

**September 11, 2014** Staff presented the proposed amendments to the stakeholders group. The proposed amendments were revised to reflect the community stakeholder and Police Department input received at the stakeholders meeting.

**November 17, 2014** Staff presented the proposed amendments to the Planning Commission for additional feedback and discussion (see Exhibit 2). The Planning Commission concurred with the stakeholders' recommendations, including prohibiting the sale of beer and wine through drive-thru windows.

**Staff Revisions** Subsequent to the Planning Commission November 17 meeting, staff is proposing to revise the recommendations to prohibit any sales and consumption of beer, and wine at any fast-food restaurant that has a drive-thru, drive-up or walk-up window. Also, staff believes that provisions concerning curbside service (consumption within vehicles and take-out) are unnecessary because they are addressed by other regulations.

### **ANALYSIS**

The potential modifications to the three City Zoning Ordinances are intended to clarify and further regulate the sale and consumption of beer and wine at all restaurants, including fast-food establishments. The proposed changes governing fast-food alcohol sales were subject to comparative research of other jurisdictions' regulations, with the City's existing regulations, and analysis of current alcohol and restaurant trends. The input received from the stakeholder's group meeting played a large role in developing the revised definitions and amendments.

The proposed recommended changes are summarized within the attached matrix table (Exhibit 1) and include the following:

- A. Drive-Thru/Drive-Up/Walk-Up Window – The sale of any alcohol should be prohibited at any restaurant that has a drive-thru, drive-up or walk-up window;
- B. Counter Service – On site consumption and over-the-counter sale of beer and wine should be allowed in any restaurant, except for those restaurants that have a drive-thru, drive-up or walk-up window.

The Department of Alcohol Beverage Control (ABC) has been made aware of the proposed modifications, but has indicated that it does not wish to be involved with the drafting of the City's zoning amendments. It should also be noted that the ABC Department will defer to the City's decision on the proposed revisions.

### **COMMISSION/COMMITTEE REVIEW**

On November 17, 2014, Planning Division staff presented the discussion item to the Planning Commissioners as an information item. The Planning Commissioners were in support of the proposed amendments.

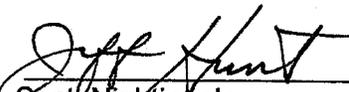
**CITY ATTORNEY'S ANALYSIS**

The City Attorney's Office will review the text of any proposed zone amendments after Council provides direction to staff.

**RECOMMENDATION**

Staff recommends that the City Council amend the City's Zoning Ordinance to clarify and further regulate the sale and consumption of beer and wine at all restaurants, and direct staff to process the proposed amendments through a Zone Amendment.

PREPARED BY:

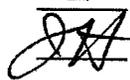
  
for Scott Nightingale  
Associate Planner

SUBMITTED BY:

  
Steve Jepsen  
City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Assistant City Manager  
Jeff Hunt, Interim City Planner

ATTACHMENTS/EXHIBITS:

1. Table of Proposed Recommendations
2. Memorandum to the Planning Commission dated November 17, 2014

EXHIBIT 1

PROPOSED RECOMMENDATIONS TO  
REGULATIONS FOR ALCOHOLIC BEVERAGES  
AT FAST-FOOD RESTAURANTS

	Beer & Wine Sales	Beer & Wine Consumption On-Site	Beer & Wine Taken Off-Site
Restaurant <u>with</u> Drive-Up, Drive-Thru or Walk-Up Window	Prohibited	Prohibited	n/a
Restaurant <u>without</u> Drive-Up, Drive-Thru or Walk-Up Window	Allowed	Allowed	Package Only



AGENDA NO. 3  
City of Oceanside  
Development Services Department

## Memorandum

**Date:** November 17, 2014  
**To:** Planning Commission  
**From:** Marisa Lundstedt, City Planner *ML*  
**Subject:** Review of Zoning Ordinance provisions for alcohol sales at fast food restaurants

On February 19, 2014, the City Council directed staff to evaluate the adequacy of existing zoning ordinance provisions for alcohol sales at fast food restaurants. In response to the subject request, staff reviewed applicable zoning regulations (1992, 1986, and the Downtown Ordinance) solicited input from community stakeholders and the Police Department and is in the process of preparing a series of draft amendments to existing ordinances (see attached summary matrix). These potential modifications are intended to clarify and further regulate the sale and consumption of beer and wine at all restaurants, including fast-food establishments and are presented to the Planning Commission for informational purposes and general comment.

The proposed revisions to existing regulations reflect community stakeholder and Police Department input, received during a meeting held on September 11, 2014. Participants at the meeting representing the North Coastal Prevention Coalition, Oceanside Police Department, Main Street Oceanside, Oceanside Chamber of Commerce, and the San Diego Restaurant Association commented on and expressed concerns against the sale of beer and wine at fast-food restaurants through a drive-thru and walk-up window. After considerable deliberation, all stakeholders concluded the following:

- 1) Drive-Thru/ Drive-Up service - The sale of beer and wine at fast-food restaurants drive-thru or walk-up window service facilities should not be permitted;
- 2) Counter service - On site sale and consumption of beer and wine should be allowed citywide;
- 3) Walk-up restaurant service - Provisions allowing the sale of beer and wine for off-site consumption should be permitted by right;
- 4) Curbside service - On site consumption of alcoholic beverages within vehicles should be prohibited. The representative from the North Coastal Prevention

**Coalition also suggested that curbside sale of beer and wine should be regulated by an administrative use permit.**

**It should be noted that the Department of Alcohol Beverage Control (ABC) has been made aware of the proposed modifications, but has indicated that they do not wish to be involved with the drafting of the City's zoning amendments. The ABC Department will defer to the City's decision on the proposed revisions.**

## Requiring Alcohol Sales and Service Training: Preliminary Findings in North San Diego County

### Background

Cities across the State are adopting innovative policies to prevent and reduce alcohol-related problems. In San Diego County, nearly 1,700 people were injured or killed in alcohol-related crashes in 2011 ([www.chp.ca.gov/switrs](http://www.chp.ca.gov/switrs)).

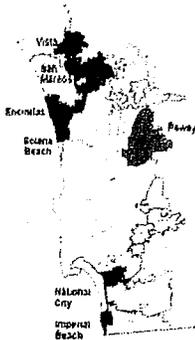
Many of those drivers were drinking at businesses licensed to sell alcohol. While the State of California prohibits the sale or service of alcohol to minors or obviously intoxicated customers, there are no statewide educational or training requirements mandated for owners, managers, or employees of businesses licensed to sell alcohol. However, the California Department of Alcoholic Beverage Control (ABC) offers a 3 ½ hour training program,

*Licensee Education on Alcohol and Drugs (LEAD)*, that is free of charge to participants. The training covers checking various forms of identification, detecting and preventing illegal activity, liability laws, preventing over-service of alcohol, and other ways to provide responsible alcohol-related sales and services.



At the municipal level, some cities have passed a Responsible Beverage Sales and Service (RBSS) ordinance mandating the employees of alcohol-licensed businesses to complete RBSS training, e.g., an ABC-certified LEAD training. As of January 2014, there are five cities in North San Diego County with RBSS ordinances requiring employees of alcohol-licensed establishments to complete alcohol sales and service training, and four that do not. RBSS training is required in Encinitas (RBSS ordinance adopted 2010), Poway (adopted 2003 for on-sale businesses only), San Marcos (adopted 2009), Solana Beach (adopted 2007), and Vista (adopted 2009). RBSS training is not required in Carlsbad, Del Mar, Escondido, and Oceanside.

*Cities in San Diego County that require responsible alcohol sales and service training (Encinitas, Poway, San Marcos, Solana Beach, Vista, National City and Imperial Beach).*



This report summarizes findings from San Diego County's 'Place of Last Drink' survey, as well as attendance and participant feedback from ABC LEAD trainings held in the North Coastal and North Inland regions of San Diego County. All trainings were conducted by Ken Clark, an ABC-certified trainer, in affiliation with the Responsible Hospitality Coalition (RHC) and County-funded regional prevention providers in North County (Vista Community Clinic/North Coastal Prevention Coalition, San Dieguito Alliance for Drug Free Youth, and Mental Health Systems/North Inland Community Prevention Program).

### Place of Last Drink (POLD) Data

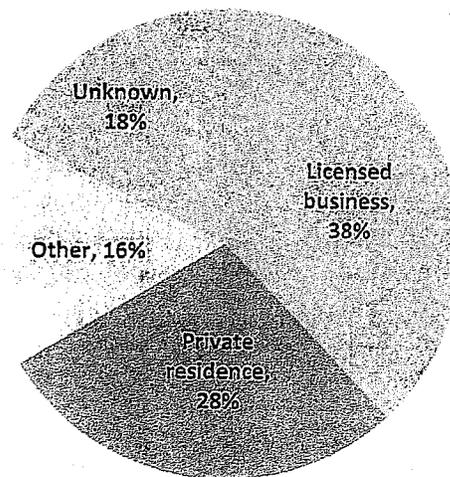
Since 1996, the Responsible Hospitality Coalition (RHC), under contract with the County of San Diego, Health and Human Services Agency, Behavioral Health Services (BHS), has collected 'Place of Last Drink' (POLD) surveys from participants enrolled in licensed Driving Under the Influence (DUI) programs in the county. BHS contracts with four agencies to provide court and DMV mandated DUI programs. The North County DUI Program is managed by Occupational Health Services in San Marcos. Program levels include first-time and multiple offender programs, and are available in English and Spanish for DUI offenders ages 18 and over. County-wide, these programs enroll 12,000 to 14,000 people annually.

The POLD surveys are voluntary and anonymous, and are collected as part of the regular intake process when clients enroll in the program. Though participant recall and accuracy cannot be guaranteed, program counselors report that the findings echo the anecdotal information they receive from clients in their programs. In addition, the volume of surveys collected and analyzed is meaningful for identifying patterns and trends.

The POLD survey was modified in 2008 to include additional questions relating to drug use, home party settings, and perceptions of bar and restaurant server behavior. There were a total of 4,130 POLD surveys collected from North County DUI Program participants in 2012-13.

An alcohol licensed business was the most frequent type of location named as the place of last drink prior to arrest for DUI. This includes bars, restaurants, breweries, wineries, and casinos.

*Reported Place of Last Drink by North County DUI Program Participants, 2012-13*



With such a large proportion of respondents reporting having their last drink at a licensed establishment prior to being arrested for DUI, changing the serving practices of bartenders and wait staff has the potential for reducing drinking and driving incidents. While California law states that it is illegal to sell or furnish alcohol to an obviously intoxicated person (Business and Professions Code 25617), the law is difficult to enforce.

**Alcohol Businesses: A Comparison of Participation in ABC LEAD Training of Cities with and without a Responsible Beverage Sales and Service (RBSS) Ordinance**

There were 51 ABC LEAD trainings held in North San Diego County between January 1, 2012 and December 31, 2013, with a total of 2,605 participants. Of those, 1,892 (73%) were from alcohol retail businesses in North County cities. The following table summarizes business and employee attendance by city.

<i>Cities in North Coastal and North Inland Regions</i>	<i>Total number of alcohol retail businesses per city (as of 3/31/14)*</i>	<i>Number of alcohol retail businesses participating in ABC LEAD per city**</i>	<i>Number of ABC LEAD trained participants per city</i>	<i>Percent of business participation in ABC LEAD</i>
<b>RBSS Ordinance</b>				
Encinitas/Cardiff (2010)	167	58	401	35%
Poway (2003, on-sale only)	89	10	27	11%
San Marcos (2009)	158	42	405	27%
Solana Beach (2007)	44	14	99	32%
Vista (2009)	162	61	378	38%
Average Across Cities	124	37	262	30%
<b>No RBSS Ordinance</b>				
Carlsbad	207	18	79	9%
Del Mar	40	9	205	22%
Escondido	263	37	180	14%
Oceanside	274	20	117	7%
Average Across Cities	196	21	145	11%
<b>Total For All Cities</b>	<b>1404</b>	<b>269</b>	<b>1891</b>	<b>19%</b>

\*Some businesses may have more than one license type. For businesses with multiple locations, each unique address was counted as a separate business.

\*\*Each participating business was counted only once, regardless of the total number of ABC LEAD trainings their employees attended during the two-year time frame.

While the table above shows that, on average, less than one-third of businesses in cities with RBSS ordinance have participated in a certified ABC LEAD training, participation is much higher in cities with an RBSS ordinance than in cities without an ordinance. It is also important to note that some businesses may fulfill the RBSS training requirement with programs other than ABC LEAD, and thus are not captured in the table above.

**Participant Feedback from ABC LEAD Training**

Those who attend ABC-certified LEAD training programs respond very positively to their experiences. The following summarizes selected responses from the 1,891 participants who attended a LEAD Training during the 2012 and 2013 calendar years in the following North County cities: Carlsbad, Del Mar, Encinitas/Cardiff, Escondido, Oceanside, Poway, San Marcos, Solana Beach, and Vista.

- 99% of respondents said they would recommend LEAD training to others.
- 89% of respondents said they were "very likely" or "likely" to change the way they do their job after this training.
- 60% of respondents had never attended a RBSS training in the past.

Below are examples of written comments from participants following the ABC LEAD training.

- "I will pay 100% more attention to the information on IDs."
- "Be more confident as to why I should cut people off from drinking."
- "Being a new owner, I have a total new concept of my duties and responsibilities."
- "I have tools to say no to people."
- "I will spend more time looking at IDs. Feel more comfortable refusing service to people."
- "Knowing now the high risks of minors drinking, I'm looking forward to checking IDs and making our place a better place."
- "We are opening our tasting room in Spring 2013. We will put in place rules and policies now!"
- "Will keep closer eye on all patrons and program cab numbers into my phone for patrons."
- "Extremely informative. Everyone should be made to take this course before serving even one drink to someone."
- "Very good information. Everyone should take this class."

In addition, respondents' perceptions of the usefulness of the ABC LEAD training did not vary significantly between those affiliated with on-sale, off-sale, social clubs, or other establishment types. Regardless of job description or where they worked, almost all of the respondents indicated that they found the LEAD training and its various emphases to be "useful" or "very useful" (97%) and that it was "likely" or "very likely" to affect their approach to service (89%).

#### Summary/Conclusions

Based on surveys collected from participants in the Occupational Health Services North County DUI Program, businesses licensed to sell alcohol are the most frequently indicated 'place of last drink' by persons arrested for DUI. Just over half of cities in North County have adopted local ordinances that require owners, managers, and employees of businesses licensed to sell alcohol to complete training in responsible alcohol sales and service. The ABC LEAD training is offered in several North County cities free of charge to participants. Business participation in ABC LEAD training is significantly higher in cities where training is required.

The overwhelming majority of LEAD Training Survey respondents indicated that the ABC LEAD training was a worthwhile investment of their time and would recommend it to others. Additionally, several participants indicated that the training should be required for all employees who sell or serve alcohol. The majority of respondents also indicated that the training modified their perceptions about the roles they can play in responsible sales and service of alcohol. Regardless of employment status or establishment type, nearly all respondents also said they would change various aspects of the way they performed their jobs in order to protect themselves, their jobs, their patrons, and the larger community.

While there is insufficient data at this time to determine if training alone reduces over-service or the number of alcohol retail businesses implicated by DUI drivers, the data does demonstrate the value of training for employees who work in an alcohol retail alcohol environment. It further illustrates significantly lower participation in ABC LEAD trainings where responsible beverage sales and service training is not required.

#### Contact Information

This report was compiled by the North Coastal Prevention Coalition/Vista Community Clinic (NCPC/VCC) with input and data provided by Center for Community Research (CCR), and the Responsible Hospitality Coalition (RHC). It was funded in part by the County of San Diego, HHSA, Behavioral Health Services.

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- Laura Stanley, CCR, [lstanley@ccrconsulting.org](mailto:lstanley@ccrconsulting.org)
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