

**STAFF REPORT****CITY OF OCEANSIDE**

---

**DATE:** October 4, 2023

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

**FROM:** Development Services Department

**SUBJECT:** **CONSIDERATION OF TEXT AMENDMENTS TO THE ZONING ORDINANCE (ZA22-00002) AND IMPLEMENTING DOCUMENT OF THE LOCAL COASTAL PROGRAM (LCPA22-00002) AMENDING ARTICLE 12 D-DOWNTOWN DISTRICT - OF THE ZONING ORDINANCE TO ESTABLISH A MAXIMUM DENSITY FOR MIXED-USE PROJECTS IN THE DOWNTOWN DISTRICT AND AN ENHANCED DENSITY BONUS SCHEDULE FOR VERY LOW-INCOME, LOW-INCOME, AND MODERATE-INCOME DWELLING UNITS – APPLICANT: CITY OF OCEANSIDE**

**SYNOPSIS**

Staff and the Downtown Advisory Committee recommend that the City Council (Community Development Commission) introduce an ordinance and adopt a resolution approving Zone Amendment (ZA22-00002) and Local Coastal Program Amendment (LCPA22-00002) approving amendments to Article 12 D–Downtown District of the Zoning Ordinance to establish a maximum density of 100 dwelling units per acre for mixed-use development projects in the Downtown District and an enhanced Density Bonus Schedule for Very Low-Income, Low-Income, and Moderate-Income dwelling units.

The proposed amendment would:

- a) Establish a Density Cap of 100 dwelling units per acre for mixed use projects in the Downtown District;
- b) Establish an enhanced Density Bonus Schedule for Very Low-Income, Low-Income, and Moderate-Income mixed-use projects; and
- c) Maintain the maximum number of total units allowed for the Downtown at 5,500 dwelling units.

**BACKGROUND**

In 2019, the City Council directed staff to explore the elimination of the City's previous 43 dwelling unit per acre density cap in the Downtown District. Staff examined various options for density limits and concluded the elimination of the density cap would be best suited for areas of downtown zoned for mixed-use development.

A Zone Amendment (ZA) and Local Coastal Program Amendment (LCPA) were approved by the City Council on August 21, 2019 amending Article 12 – Downtown District to remove the 43 dwelling units per acre density limit for mixed use developments in the Downtown District while continuing to maintain the maximum number of total units allowed under the Redevelopment Plan (capped at 5,500 dwellings units). The amendments were subsequently approved by the California Coastal Commission (CCC) on August 19, 2021 and readopted by the City Council on November 17, 2021 with recommended modifications from the CCC.

When the density cap was removed, it was assumed projects would be subject to applicable development standards, such as maximum building height standards, minimum setback requirements, minimum parking requirements, and minimum open space/landscaping requirements, which would effectively regulate density based on a project's ability to meet these standards. However, subsequent changes at the state level to California's Density Bonus Law have significantly limited the City's ability to apply development standards on density bonus projects under certain circumstances, thereby resulting in projects that were much more dense than envisioned for Downtown.

In response to City Council concerns with unanticipated consequences associated with unlimited densities paired with State Density Bonus law for proposed Mixed Use projects in the downtown, the City Council subsequently directed staff to develop a new density cap for consideration. As a separate concern, the City Council has recently expressed a strong desire to increase the availability of affordable housing in the City.

To address both the need to establish a density cap and encourage the construction of more affordable housing, staff explored ways of obtaining the range of density seen in recent projects in the Downtown District (both developed or in process) and incentivize the development of more affordable housing. This effort resulted in a two-part zoning text amendment to Article 12 revising existing Section 1232 (D)(2), and adding new Section 1234. Both Sections are provided in Exhibit A of the proposed Ordinance update, included as Attachment 1.

## **PROJECT DESCRIPTION**

The proposed zoning text amendment to Article 12 – Downtown District of the Zoning Ordinance would establish a density cap at a maximum 100 dwelling units per acre (du/acre) for mixed-use projects in the Downtown District and incentivize the development of more affordable housing (discussed in more detail below). The amendment would maintain the Downtown District's overall unit cap of 5,500 units. To date, there are approximately 2,300 units in the Downtown District. Furthermore, a total of 323 affordable units are included as part of mixed-use projects that are either approved or currently going through the entitlement review process within the Downtown District.

In order to address both needs of establishing a cap and incentivizing more affordable housing, staff first researched mixed-use projects in the Downtown District to determine

the levels of density being proposed by developers. Controlling for outliers, the average density of downtown projects was approximately 175 du/ac which was used to develop a target range of 150 to 200 du/acre for future projects. State Density Bonus Law does not prohibit a city from granting a density bonus greater than what is provided in State law for projects meeting density bonus requirements. Staff identified an appropriate density with an enhanced density bonus schedule to incentivize the construction of more affordable units in the Downtown.

The proposed enhanced density bonus schedules, developed by staff, for income restricted units for the Very Low-Income, Low-Income, and Moderate-Income categories are the same as current law for lower percentages of reserved affordable units. However, the revised density bonus schedules provide a sizable increase in density bonus of 75% when a project provides 15% Very Low-Income, or 20% Low-Income units (currently reserving 15% Very Low-Income earns a 50% bonus and reserving 20% Low-Income earns a 35% bonus). For Moderate-Income Units, a 35% bonus is given at 30% affordable units (currently reserving 30% earns a 25% bonus). Given that most density bonus projects in the Downtown District are currently proposed with a 10% reservation requirement for Low-Income households (10% is the minimum reservation requirement to qualify for a density bonus for the Low-Income category), it's anticipated that future projects would include between 15% to 20% affordability in order to achieve the target density, thereby increasing the number of affordable units produced in the downtown area. Staff notes that once a project exceeds 20% affordability it becomes exceptionally difficult for a development to meet financial obligations and achieve an acceptable rate of return on investment. As such, it was essential that target densities be reached at affordability levels of under 20%.

The recommended density cap of 100 du/ac represents a notable increase over the originally proposed 75 du/ac and was selected as it is able to achieve the target range when used with the enhanced density bonus schedules. Larger densities of 125 and 150 du/acre were also studied. However, because they are already at or close to the target density of 150 to 200 du/acre there would be very little incentive to propose affordable housing beyond minimum levels required for eligibility.

Should the Amendments be approved, the Ordinance would take effect 30 days from the day of adoption for those areas of the Downtown District outside of the Coastal Zone. For those areas of the Downtown District within the boundaries of the Coastal Zone the amendments will require subsequent approval of the proposed LCPA by the CCC before becoming effective. This process can take as long as a year (sometimes longer) to work its way through the CCC's process for LCPAs. Projects currently going through the entitlement process that have filed a complete SB330 application have "locked in" applicable development standards and would not be subject to this Amendment. Most pending projects in the Downtown area have filed an SB330 application, so the proposed changes would most likely be applicable to projects that have yet to be filed.

## **ANALYSIS**

Removal of the density cap was intended to facilitate further revitalization in the downtown area by eliminating a regulatory barrier that was perceived to hinder higher density mixed-use development in the downtown core. Given the unintended consequences of removing the density cap, staff now recommends establishing a maximum density of 100 du/acre for mixed-use projects in the Downtown District. The request includes the following considerations:

- A density cap would effectively regulate the maximum potential density of mixed-use projects, including density bonus projects, and would help ensure projects are compatible with the scale and character of surrounding land uses.
- The proposed maximum density of 100 du/acre represents more than a 100% increase from the previous maximum density of 43 du/acre and demonstrates the City is supportive of higher density mixed-use development where appropriate.
- The proposed enhanced density bonus schedules for Very Low-Income, Low-Income, and Moderate-Income categories allow for projects to attain the target density of 150 to 200 du/acre and incentivizes the development of affordable housing at higher levels than what could be obtained under the current standards.
- The proposed density is consistent with the City's Housing Element and with state housing law which identifies 30 units per acre as the default density suitable for low- and moderate-income housing. Establishing a maximum density would still allow mixed-use density bonus projects to achieve densities much higher than existing residential projects in the area.
- Future mixed-use development plans shall be subject to findings of consistency with the Land Use Element of the Redevelopment Plan and the total number of dwelling units in the Downtown District shall not exceed 5,500. To date, there are approximately 2,300 existing units in downtown. Since August of 2019, an additional 637 units have been entitled or are currently under construction.
- Pursuant to Section 1232 (KK) – Downtown District Development Regulations, the City shall develop and implement a Downtown District Traffic Monitoring and Mitigation Plan to ensure that the higher-density allowance does not adversely impact traffic circulation or parking conditions in the downtown area.

## **FISCAL IMPACT**

There is no fiscal impact.

## **COMMISSION OR COMMITTEE REPORT**

On July 26, 2023, the Downtown Advisory Committee conducted a hearing on the proposed amendment to Article 12 D-Downtown District, and after due consideration, voted 7-0 to recommend approval of the amendment.

## **ENVIRONMENTAL DETERMINATION**

Pursuant to the California Environmental Quality Act of 1970 and State Guidelines thereto, the City of Oceanside acting as Lead Agency has determined that the project is exempt from CEQA per Article 5, Section 15061(b)(3), under the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

## **CITY ATTORNEY'S ANALYSIS**

The City Council is authorized to hold a public hearing in this matter. Consideration of the matter should be based on the testimony and evidence presented at the hearing. After conducting the public hearing, the Council shall affirm, modify or deny the project. The supporting documents have been reviewed and approved as to form by the City Attorney.

## **RECOMMENDATION**

Staff and the Downtown Advisory Committee recommend that the City Council (Community Development Commission) introduce an ordinance and adopt a resolution approving Zone Amendment (ZA22-00002) and Local Coastal Program Amendment (LCPA22-00002) approving amendments to Article 12 D–Downtown District of the Zoning Ordinance to establish a maximum density of 100 dwelling units per acre for mixed-use development projects in the Downtown District and an enhanced Density Bonus Schedule for Very Low-Income, Low-Income, and Moderate-Income dwelling units.

The proposed amendment would:

- a) Establish a Density Cap of 100 dwelling units per acre for mixed use projects in the Downtown District;
- b) Establish an enhanced Density Bonus Schedule for Very Low-Income, Low-Income, and Moderate-Income mixed-use projects; and
- c) Maintain the maximum number of total units allowed for the Downtown at 5,500 dwelling units.

PREPARED BY:



Manuel Baeza  
Principal Planner

SUBMITTED BY:



Jonathan Borrego  
City Manager

REVIEWED BY:

Darlene Nicandro, Development Services Director  
Sergio Madera, City Planner



ATTACHMENTS:

- 1. City Council Ordinance (w/Exhibit A)
- 2. City Council Resolution (LCPA22-00002)
- 3. Downtown Advisory Committee Memorandum dated July 26, 2023
- 4. Notice of Exemption

**ORDINANCE NO.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE AMENDING ARTICLE 12 OF THE COMPREHENSIVE ZONING ORDINANCE TO ESTABLISH A MAXIMUM DENSITY OF 100 DWELLING UNITS PER ACRE AND AN ENHANCED DENSITY BONUS SCHEDULE FOR VERY LOW-INCOME, LOW-INCOME, AND MODERATE-INCOME DWELLING UNITS FOR MIXED-USE PROJECTS IN THE DOWNTOWN DISTRICT**

**(ZA22-00002)**

WHEREAS, Article 12 - Downtown D District - of the Comprehensive Zoning Ordinance (Zoning Ordinance) has been previously certified by the California Coastal Commission, and sets forth zoning regulations for certain inland and coastal zone properties; and

WHEREAS, amendments to citywide Articles and to those Articles containing regulations applicable to properties located within the coastal zone require processing of Local Coastal Program amendments and certification by the California Coastal Commission; and

WHEREAS, the City Council adopted an ordinance on November 17, 2021 amending Article 12 of the Zoning Ordinance to remove the 43 dwelling units per acre density limit for mixed-use development projects in the Downtown District while continuing to rely upon the maximum number of total units allowed under the Redevelopment Plan (capped at 5,500 dwellings units); and

WHEREAS, the Planning Division has prepared recommended text amendments to Article 12, Section 1232.(D).2 of the Zoning Ordinance to reinstate a density cap at a proposed 100 dwelling units per acre and to Article 12 Section 1234 of the Zoning Ordinance to establish an enhanced density bonus schedule for very low-income, low-income, and moderate-income dwelling units while continuing to rely upon the maximum number of total units allowed under the Redevelopment Plan (capped at 5,500 dwellings units); and

WHEREAS, said amendments are necessary to effectively regulate the maximum potential density of mixed-use projects to ensure compatibility with the scale and character of surrounding land uses while not hindering higher density mixed-use development in the Downtown District

1 and to promote the development of more affordable housing for mixed-use projects in the  
2 Downtown District beyond what is provided through current density bonus provisions; and

3 WHEREAS on July 26, 2023, the Downtown Advisory Committee conducted a duly-  
4 noticed public meeting to consider the amendments and recommended by unanimous vote City  
5 Council approval; and

6 WHEREAS, the City Council conducted a duly-noticed public hearing on October 4,  
7 2023, to consider ZA22-00002 and LCPA22-00002, and the recommendation of the Downtown  
8 Advisory Committee thereon, and heard and considered written and oral testimony; and

9 WHEREAS, based upon such evidence, testimony and staff reports, this Council finds that  
10 Zone Amendment ZA22-00002 conforms to the General Plan and Local Coastal Program of the  
11 City of Oceanside; and

12 WHEREAS, a Notice of Exemption was prepared for this project pursuant to the  
13 California Environmental Quality Act of the 1970 and State Guidelines;

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

15 **SECTION 1.** Zone Amendment (ZA22-00002), amending Article 12, Section 1232.(D).2  
16 and Article 12, Section 1234 of the Zoning Ordinance and establishing the amended text as part of  
17 the implementing document of the City's Local Coastal Program, as specified in Exhibit A, is  
18 hereby adopted.

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

22 **SECTION 3.** Severability.

23 If any section, sentence, clause or phrase of this Ordinance is for any reason held to be  
24 invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision  
25 shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby  
26 declares that it would have passed this Ordinance and adopted this Ordinance and each section,  
27 sentence, clause or phrase thereof, irrespective of the fact that any one or more sections,  
28 subsections, sentences, clauses or phrases be declared invalid or unconstitutional.



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

**SECTION 5.** This ordinance shall be effective 30 days after its adoption, except for those areas situated in the Coastal Zone. For those areas in the Coastal Zone, this Ordinance shall be effective upon certification of LCPA22-00002 by the Coastal Commission.

INTRODUCED at a regular meeting of the City Council of the City of Oceanside,  
California, held on the 4<sup>th</sup> day of October 2023, and thereafter,

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Oceanside, California, held on the \_\_day of \_\_\_\_, 2023, by the following vote:

AYES:

NAYS:

**ABSENT:**

**ABSTAIN:**

MAYOR OF THE CITY OF OCEANSIDE

ATTEST:

APPROVED AS TO FORM:

CITY CLERK

CITY ATTORNEY

## CITY OF OCEANSIDE COMPREHENSIVE ZONING ORDINANCE

### **Article 12 D Downtown District**

#### **1232 D District Property Development Regulations**

- (D) 1. Residential stand-alone and mixed-use development projects shall comply with the City's inclusionary housing regulations, as outlined in Chapter 14C of the Oceanside Municipal Code.
2. Residential stand-alone projects may achieve a density of 29 to 43 units per acre. The base density 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(s) situated 50% or more below grade is/are used in a residential project to provide all of the required parking. ~~There is no density limit for residential m~~**Mixed use developments shall have a maximum density of 100 units per acre.**

## CITY OF OCEANSIDE COMPREHENSIVE ZONING ORDINANCE

### 1234 **Downtown Density Bonus Matrices**

To encourage the development of affordable housing within the Downtown, the City has instituted enhanced Density Bonus schedules based on the income category of units being provided by a project. Mixed Use projects that propose to utilize the Affordable Housing Density Bonus provisions of Article 30 Section 3032 of the Zoning Ordinance located in the Downtown District shall adhere to the following Density Bonus Matrices provided below in place of:

- Table 1 – Density Bonus for Low Income Units
- Table 2 – Density Bonus for Very Low Income Units, and
- Table 3 – Density Bonus for Moderate Income Units

For housing development projects reserving housing units for Low Income households, the density bonus shall be calculated as follows:

**TABLE 1 - Density Bonus for Low Income Units**

<u>Percentage Low Income Units</u>	<u>Percentage Density Bonus</u>
<u>10</u>	<u>20</u>
<u>11</u>	<u>21.5</u>
<u>12</u>	<u>23</u>
<u>13</u>	<u>24.5</u>
<u>14</u>	<u>26</u>
<u>15</u>	<u>27.5</u>
<u>16</u>	<u>29</u>
<u>17</u>	<u>30.5</u>
<u>18</u>	<u>32</u>
<u>19</u>	<u>33.5</u>
<u>20</u>	<u>75</u>
<u>21</u>	<u>80</u>
<u>22</u>	<u>85</u>
<u>23</u>	<u>90</u>
<u>24</u>	<u>95</u>
<u>25</u>	<u>100</u>

For housing development projects reserving housing units for Very Low Income households, the density bonus shall be calculated as follows:

CITY OF OCEANSIDE COMPREHENSIVE ZONING ORDINANCE

**TABLE 2 - Density Bonus for Very Low Income Units**

<u>Percentage Very Low Income Units</u>	<u>Percentage Density Bonus</u>
<u>5</u>	<u>20</u>
<u>6</u>	<u>22.5</u>
<u>7</u>	<u>25</u>
<u>8</u>	<u>27.5</u>
<u>9</u>	<u>30</u>
<u>10</u>	<u>32.5</u>
<u>11</u>	<u>35</u>
<u>12</u>	<u>38.75</u>
<u>13</u>	<u>42.5</u>
<u>14</u>	<u>46.25</u>
<u>15</u>	<u>75</u>
<u>16</u>	<u>80</u>
<u>17</u>	<u>85</u>
<u>18</u>	<u>90</u>
<u>19</u>	<u>95</u>
<u>20</u>	<u>100</u>

# CITY OF OCEANSIDE COMPREHENSIVE ZONING ORDINANCE

For housing development projects reserving housing units for moderate income households, the density bonus shall be calculated as follows:

**TABLE 3 - Density Bonus for Moderate Income Units**

<u>Percentage Moderate Income Units</u>	<u>Percentage Density Bonus</u>
<u>10</u>	<u>5</u>
<u>11</u>	<u>6</u>
<u>12</u>	<u>7</u>
<u>13</u>	<u>8</u>
<u>14</u>	<u>9</u>
<u>15</u>	<u>10</u>
<u>16</u>	<u>11</u>
<u>17</u>	<u>12</u>
<u>18</u>	<u>13</u>
<u>19</u>	<u>14</u>
<u>20</u>	<u>15</u>
<u>21</u>	<u>16</u>
<u>22</u>	<u>17</u>
<u>23</u>	<u>18</u>
<u>24</u>	<u>19</u>
<u>25</u>	<u>20</u>
<u>26</u>	<u>21</u>
<u>27</u>	<u>22</u>
<u>28</u>	<u>23</u>
<u>29</u>	<u>24</u>
<u>30</u>	<u>35</u>
<u>31</u>	<u>39</u>
<u>32</u>	<u>43</u>
<u>33</u>	<u>47</u>
<u>34</u>	<u>51</u>
<u>35</u>	<u>55</u>
<u>36</u>	<u>59</u>
<u>37</u>	<u>63</u>
<u>38</u>	<u>67</u>
<u>39</u>	<u>71</u>
<u>40</u>	<u>75</u>
<u>41</u>	<u>79</u>
<u>42</u>	<u>83</u>
<u>43</u>	<u>87</u>
<u>44</u>	<u>91</u>

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL AND COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF OCEANSIDE AMENDING THE IMPLEMENTING DOCUMENT OF THE LOCAL COASTAL PROGRAM BY AMENDING ARTICLE 12 OF THE ZONING ORDINANCE TO ESTABLISH A MAXIMUM DENSITY OF 100 DWELLING UNITS PER ACRE AND TO ESTABLISH AN ENHANCED DENSITY BONUS SCHEDULE FOR VERY LOW-INCOME, LOW-INCOME, AND MODERATE-INCOME DWELLING UNITS FOR MIXED-USE PROJECTS IN THE DOWNTOWN DISTRICT AND REQUESTING CALIFORNIA COASTAL COMMISSION CERTIFICATION OF SAID AMENDMENT**

**(City of Oceanside –Applicant)**

**(LCPA22-00002)**

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

**WHEREAS**, the City's adopted and certified LCP is comprised of a Land Use Plan (LUP) and an Implementation Plan (IP) inclusive of zoning ordinances applicable to areas within the coastal zone; and

**WHEREAS**, the Comprehensive Zoning Ordinance sets forth the purpose, intent, and zoning regulations for properties within the City of Oceanside; and

**WHEREAS**, certain Articles of said ordinance containing zoning regulations applicable Citywide or limited to coastal zone areas have been certified by the California Coastal Commission (CCC) and included in the IP; and

**WHEREAS**, subsequent modifications to certified Articles require processing of a Local Coastal Program Amendment (LCPA) and recertification by the CCC, prior to inclusion of the amended text in the LCP; and

**WHEREAS**, the Planning Division has prepared recommended text amendments to Article 12, Section 1232.(D).2 to reinstate a density cap at a proposed 100 dwelling units per acre and Article 12, Section 1234 to establish an enhanced density bonus schedule for very low-income, low-income, and moderate-income dwelling units of the Comprehensive Zoning

1 Ordinance while continuing to rely upon the maximum number of total units allowed under the  
2 Redevelopment Plan (capped at 5,500 dwellings units); and

3 **WHEREAS**, on July 26, 2023, the Downtown Advisory Committee conducted a duly-  
4 noticed public meeting and recommended City Council approval of said zoning ordinance text  
5 amendment and Local Coastal Program amendment unanimously; and

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

9 **WHEREAS**, the City Council/Community Development Commission conducted a duly-  
10 noticed public hearing on October 4, 2023, and hereby finds that Zone Amendment (ZA22-  
11 00002) and Local Coastal Program Amendment (LCPA22-00002) conform with, and are  
12 adequate, to carry out the land use plan of the Local Coastal Program.

13 **NOW, THEREFORE**, the City Council/Community Development Commission of the  
14 City of Oceanside **DOES RESOLVE** as follows:

- 15 1. The adopted zoning text amendments to the Comprehensive Zoning Ordinance (ZA22-  
16 00002) and the Local Coastal Program Amendment (LCPA22-00002) to establish a  
17 maximum density of 100 dwelling units per acre and to establish an enhanced density  
18 bonus schedule for very low-income, low-income, and moderate-income dwelling units  
19 for mixed-use projects in the Downtown District, will not impact public coastal access,  
20 water or marine resources, sensitive habitat, visual resources, visitor serving uses, or  
21 public facilities.
- 22 2. Pursuant to Public Resources Code §30510(a), the Oceanside City Council hereby  
23 certifies that the Local Coastal Program Amendment (LCPA22-00002) is intended to be  
24 carried out in a manner fully in conformity with the Coastal Act, and is hereby adopted.
- 25 3. Pursuant to the California Environmental Quality Act of 1970, and the State Guidelines  
26 thereto amended to date, a Notice of Exemption has been issued for the project by the  
27 Resource Officer for the City of Oceanside.
- 28 4. Pursuant to Coastal Commission Local Coastal Program Regulations §13551(b), this  
Local Coastal Plan Amendment shall take effect upon Coastal Commission approval.

1 5. Notice is hereby given that the time within which judicial review must be sought on the  
2 decision is governed by Public Resources Code §30801.  
3  
4

5 **PASSED AND ADOPTED** by the Oceanside City Council/Community Development  
6 Commission this \_\_\_\_ day of \_\_\_\_\_, 2023, by the following vote:  
7  
8

9 AYES:

10 NAYS:

11 ABSENT:

12 ABSTAIN:  
13  
14

15 \_\_\_\_\_  
16 MAYOR/  
17 CDC CHAIR OF THE CITY OF OCEANSIDE  
18

19 ATTEST:

20 APPROVED AS TO FORM:

21 \_\_\_\_\_  
22 City Clerk/ CDC Secretary  
23  
24  
25  
26  
27  
28

\_\_\_\_\_  
City Attorney/ CDC General Counsel



**City of Oceanside****Development Services Department****Memorandum**

**DATE:** July 26, 2023

**TO:** Downtown Advisory Committee

**FROM:** Manuel Baeza, Principal Planner

**SUBJECT:** CONSIDERATION OF TEXT AMENDMENTS TO THE ZONING ORDINANCE (ZA22-00002) AND IMPLEMENTING DOCUMENT OF THE LOCAL COASTAL PROGRAM (LCPA22-00002) AMENDING ARTICLE 12 D-DOWNTOWN DISTRICT - OF THE ZONING ORDINANCE TO ESTABLISH A MAXIMUM DENSITY FOR MIXED-USE PROJECTS IN THE DOWNTOWN DISTRICT AND AN ENHANCED DENSITY BONUS SCHEDULE FOR LOW INCOME, VERY LOW INCOME, AND MODERATE INCOME DWELLING UNITS – APPLICANT: CITY OF OCEANSIDE

---

**Background**

In 2019, the City Council directed staff to explore the elimination of the City's previous 43 dwelling unit per acre density cap in the Downtown District. Staff examined various options for density limits and concluded the elimination of the density cap would be best suited for areas of downtown zoned for mixed-use development since these types of developments tend to be well-integrated, higher density developments that enhance the economic health and visual quality of downtown.

A Zone Amendment (ZA) and Local Coastal Program Amendment (LCPA) were approved by City Council on August 21, 2019 effectively amending Article 12 – Downtown District to remove the 43 dwelling units per acre density limit for mixed use developments in the Downtown District while continuing to maintain the maximum number of total units allowed under the Redevelopment Plan (capped at 5,500 dwellings units). Existing development regulations relating to building height, minimum setbacks, required parking, etc., remained unchanged. The amendments were subsequently approved by the California Coastal Commission (CCC) on August 19, 2021 and readopted by City Council on November 17, 2021 with recommended modifications from the CCC.

In 2022 however, a mixed-use density bonus project was approved at 712 Seagaze Drive (described in more detail below) which greatly exceeded the density and scale of development envisioned for the downtown as a result of changes made to density bonus law by the state.

In response to City Council concerns with unanticipated consequences associated with unlimited densities paired with State Density Bonus law proposed for Mixed Use projects in the downtown, Staff was tasked with developing a new density cap for consideration by the Council.

The Downtown Advisory Committee (DAC) may recall that in July of 2022 Staff brought forward a proposal to establish a density cap at a maximum of 75 dwelling units per acre (du/acre) which in turn lead to a DAC recommendation to the Community Development Commission (CDC) of a 75 du/acre cap for mixed-use development projects in the Downtown District. The item was scheduled to be considered by the CDC (City Council) at a future meeting, however, after engaging in conversations with the Building Industry Association of San Diego (BIA), staff decided to conduct additional analysis as it was determined that a 75 du/acre density cap would likely result in future projects not being pursued due to their financial infeasibility at that low of a density.

As a separate concern, the Council has recently expressed a strong desire to increase the availability of affordable housing in the City. Although a substantial number of projects utilize Density Bonuses to increase overall unit count, and gain relief from City requirements, the percentage of affordable housing is usually provided at minimum levels needed to qualify for the granting of a Density Bonus.

To address both the need to establish a density cap and encourage the construction of more affordable housing, Staff explored ways of obtaining the range of density seen in projects in the downtown (both developed or in process) and incentivize the development of more affordable housing. This effort resulted in a two-part zoning text amendment to Article 12 described in more detail below.

### **Project Description**

The proposed zoning text amendment to Article 12 – Downtown District of the Zoning Ordinance would establish a density cap at a maximum 100 dwelling units per acre (du/acre) for mixed-use projects in the Downtown District and incentivize the development of more affordable housing (discussed in more detail below). The amendment would maintain the Downtown District’s overall unit cap of 5,500 units. To date there are approximately 2,300 units in the downtown.

As explained previously, reinstating the density cap would address unintended consequences associated with unlimited density. When the density cap was removed, it was assumed projects would be subject to applicable development standards, such as height, setbacks, parking, and open space/landscaping, which would effectively regulate density based on a project’s ability to meet these standards. It was unforeseen that changes to California’s Density Bonus Law would significantly limit the City’s ability to apply development standards on density bonus projects under certain circumstances, thereby resulting in projects that were much more dense than envisioned for downtown.

Density Bonus Law allows housing developers to receive increased density and favorable development requirements, in the form of concessions, incentives, waivers, or reductions for projects that include a certain percentage of affordable units. In 2020 and 2021, the state adopted

a series of housing legislation amending Density Bonus Law. Significant revisions included increasing the maximum density bonus based upon the percentage of affordable units, reducing parking requirements, and additional criteria for concessions and incentives.

By invoking density bonus, a project site could far exceed development capacity of a traditional project subject to all development regulations. The law allows a developer to request unlimited waivers or reductions of development standards, such as setbacks, lot coverage, or height, which would physically preclude the construction of the project at its permitted density and with granted concessions/incentives. Local jurisdictions must grant such waivers unless the requested waivers would cause a public health or safety problem based on an objective written standard, cause an environmental issue, harm historical property, or would be contrary to law.

The Committee may recall the example of a mixed-use density bonus project that was approved at 712 Seagaze Dr. for the construction of an eight-story building with 115 units (12 low-income affordable units) and 64 hotel rooms. The project received waivers or reductions of several development standards including setbacks, open space and landscaping requirements, parking space size, and building height (CUP requirement waived to exceed 65-feet). While the mixed-use project was an allowable use, the developer was able to significantly increase the overall unit count by invoking density bonus. The realized density on the 15,589 square-foot site was 321.4 du/acre. As mandated by law, the City was required to grant such waivers resulting in a project far exceeding maximum density of any project in the Downtown District.

In order to address both needs of establishing a cap and incentivizing more affordable housing, staff first researched mixed use projects in the downtown to determine the levels of density being proposed by developers. Controlling for outliers, the average density of downtown projects was approximately 175 du/ac which was used to develop a target range of 150 to 200 du/acre for projects. State Density Bonus Law does not prohibit a city from granting a density bonus greater than what is provided in State law for projects meeting density bonus requirements. As such, staff worked to identify a base density that could attain the target range of units when used in conjunction with enhanced density bonus schedules that provide a greater incentive in developing affordable housing at levels beyond the minimum required for eligibility.

The proposed enhanced density bonus schedules developed by staff for Very Low Income, Low Income, and Moderate Income are the same as current law for lower percentages of affordable units but then provide a sizable density bonus of 75% when a project provides 15% Very Low Income, or 20% Low Income units (currently 15% Very Low Income earns a 50% bonus and 20% Low Income earns a 35% bonus). For Moderate Income Units a 35% bonus is given at 30% affordable units (currently 30% earns a 25% bonus). Given that most density bonus projects in the Downtown District are currently proposed with 10% affordability, it's anticipated that future projects would propose between 15% to 20% affordability in order to achieve their target density thereby increasing the number of affordable units produced in the downtown area.

The recommended density cap of 100 du/ac represents a notable increase over the originally proposed 75 du/ac and was selected as it was able to reach the target range when used with the enhanced density bonus schedules. Larger base densities of 125 and 150 du/acre were also studied however because they are already at or close to the target range of 150 to 200 du/acre there would be very little incentive to propose affordable housing beyond minimum levels required for eligibility.

## **Analysis**

Removal of the density cap was intended to facilitate further revitalization in the downtown area by eliminating a regulatory barrier that was perceived to hinder higher density mixed-use development in the downtown core. Given the unintended consequences of removing the density cap, staff now recommends establishing a maximum density of 100 du/acre for mixed-use projects in the Downtown District. The request includes the following considerations:

- A density cap would effectively regulate the maximum potential density of mixed-use projects, including density bonus projects, and would ensure projects are compatible with the scale and character of surrounding land uses.
- The proposed maximum density of 100 du/acre represents more than a 100% increase from the previous maximum density of 43 du/acre and demonstrates the City is supportive of higher density mixed-use development where appropriate.
- The proposed enhanced density bonus schedules for Very Low Income, Low Income, and Moderate Income categories allow for projects to attain the target range of 150 to 200 du/acre and incentivizes the development of affordable housing at higher levels than what could be obtained under the current standards.
- The proposed density is consistent with the City's Housing Element and with state housing law which identifies 30 units per acre as the default density suitable for low and moderate income housing. Establishing a maximum density would still allow mixed-use density bonus projects to achieve densities much higher than existing residential projects in the area.
- Future mixed-use development plans shall be subject to findings of consistency with the Land Use Element of the Redevelopment Plan and the total number of dwelling units in the Downtown District shall not exceed 5,500. To date, there are approximately 2,300 existing units in downtown. Since August of 2019, an additional 637 units have been entitled or are under construction.
- Pursuant to Section 1232 (KK) – Downtown District Development Regulations, the City shall develop and implement a Downtown District Traffic Monitoring and Mitigation Plan to ensure that the higher-density allowance does not adversely impact traffic circulation or parking conditions in the downtown area.

## **ENVIRONMENTAL DETERMINATION**

Pursuant to the California Environmental Quality Act of 1970 and State Guidelines thereto, the City of Oceanside acting as Lead Agency has determined that the project is exempt from CEQA per Article 5, Section 15061(b)(3), under the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

## **RECOMMENDATION**

Staff recommends that the Downtown Advisory Committee recommend to the Community Development Commission (CDC) approval of Zone Amendment (ZA22-00002) and Local Coastal Program Amendment (LCPA22-00002) amending Article 12 – Downtown District of the Zoning Ordinance to establish a maximum density of 100 dwelling units per acre for mixed-use development projects in the Downtown District and an enhanced Density Bonus Schedule for Low Income, Very Low Income, and Moderate Income dwelling units.

### **Attachment:**

1. Article 12 Legislative Draft

**CITY OF OCEANSIDE COMPREHENSIVE ZONING ORDINANCE**

**Article 12 D Downtown District**

**Sections:**

- 1210 District Boundaries and Specific Purposes
- 1220 Land Use Regulations by Subdistrict
- 1230 Development Regulations
- 1231 Transit Oriented Development
- 1232 Downtown District Property Development Regulations
- 1233 Reserved
- 1234 Reserved
- 1235 Nonconforming Commercial Structures
- 1240 Review of Plans
- 1250 Amendments

**1210 District Boundaries and Specific Purposes**

The Downtown District boundaries are defined by the legal description included in the Redevelopment Plan, as amended thereon, for the Downtown Redevelopment Project, incorporated hereby by reference.

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

- A. To promote the long-term viability of and rejuvenation of the Downtown District (formerly known as 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 where appropriate as part of mixed-use development projects.

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.

## CITY OF OCEANSIDE COMPREHENSIVE ZONING ORDINANCE

Residential uses are encouraged where appropriate, as part of mixed use–development projects.

Subdistrict 2: To provide sites for a financial center supported by professional offices. Residential uses are permitted, where appropriate, as part of mixed-use development projects.

Subdistrict 3: To provide sites for office development, interspersed with residential stand-alone and/or mixed-use development, in response to market demands.

Subdistrict 4(A): To provide sites for transient and permanent stand-alone residential uses along the South Strand between Tyson and Wisconsin streets.

Subdistrict 4(B): To provide sites for transient (hotels and motels) and permanent stand-alone residential uses 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 oriented commercial businesses and visitor serving uses related to the harbor and the Interstate 5 freeway-

Subdistrict 6(B): To provide sites for highway oriented, commercial recreational businesses and visitor serving uses related to the harbor and the Interstate 5 freeway. Residential uses are allowed as part of mixed-use development projects.

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 development projects.

Subdistrict 8(A): To provide sites, primarily, for hospital and medical uses.



## CITY OF OCEANSIDE COMPREHENSIVE ZONING ORDINANCE

**Subdistrict 8(B):** To provide sites for hospital and medical uses, office development, interspersed with stand-alone residential development.

**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, as stand-alone (except for row home development on lots fronting Coast Highway) and/or as part of mixed-use development projects.

**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, primarily, for commercial uses serving the adjacent residential neighborhood. Residential uses are encouraged where appropriate, as stand-alone and/or as part of mixed-use development projects.

**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, office, and residential uses. Residential uses are allowed as stand-alone and/or as part of a mixed use development projects.

**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.



# CITY OF OCEANSIDE COMPREHENSIVE ZONING ORDINANCE

## 1220 Land Use Regulations by Subdistrict

In the following schedule, the letter "P" designates use classifications permitted in the D Downtown District. 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 Conditional Use Permit upon approval by the Community Development Commission. The letter "A" designates use classifications permitted upon approval of an Administrative Use Permit upon recommendation of the Downtown Advisory Committee. The Letter "AR" designates Regulated Use classifications permitted upon approval of an Administrative Regulated Use Permit issued by the City Planner, pursuant to Article 36 Section 3606. The letter "V" designates uses that are considered visitor-severing uses. The "\*" designates use classifications that are not permitted.

1, 1A, 2, 3, 4A, 4B, 5, 5A, 6A, 6B, 6C, 7A, 7B, 8A, 8B, 9, 10, 11, 12, 13, 14, & 15 DISTRICTS  
LAND USE REGULATIONS:

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

Land Use	1	1A	2	3	4A	4B	5	5A	6A	6B	6C	7A	7B	8A	8B	9	10	11	12	13	14	15	
<b>Residential</b>																							
Day Care- Ltd	U	U	U	U	-	U	-	-	A	A	U	-	U	U	U	U	-	A	A	A	-	A	
Group Residential	-	-	-	-	-	-	-	-	-	-	-	-	-	U	-	-	-	-	-	-	-	-	
Live/work	U	U	U	U	-	U	-	-	A	A	U	-	U	-	-	U	-	U	-	U	-	-	
Multi - Family	-	-	-	U	P	U	P	P	-	-	-	P	-	P	U	U	-	U	-	U	-	-	
Residential Care	-	-	-	U	-	-	-	-	-	-	-	U	-	U	U	U	-	-	-	-	-	-	
Single Family	-	-	-		P	-	P	P	-	-	-	P	-	-	-	-	-	-	-	-	-	-	

# CITY OF OCEANSIDE COMPREHENSIVE ZONING ORDINANCE

## Public/Semi - Public

Land Use	1	1A	2	3	4A	4B	5	5A	6A	6B	6C	7A	7B	8A	8B	9	10	11	12	13	14	15	
Club / Lodge	A	A	C	C	-	-	-	-	A	-	A	-	A	-	-	A	-	-	-	-	-	-	V
Cultural Institution	P	P	P	P	-	-	-	-	P	-	-	-	A	A	A	A	-	-	P	A	-	-	V
Day Care General	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	-	P	P	P	P	P	
Emergency Health Care	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	U	-	-	-	-	-	-	
Government Offices	P	P	P	P	-	-	-	-	P	-	P	-	-	-	-	P	-	-	U	U	P	P	
Hospital	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	
Parks & Recreation Facility	U	U	-	U	U	-	U	U	P	P	P	U	U	U	U	U	U	-	U	U	P	P	V
Public Safety Facility	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	P	P	
Religious Assembly	-	-	U	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Residential Care - General	-	-	-	-	-	-	-	-	-	-	-	-	-	U	U	-	-	-	-	-	-	-	
Utilities Major	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Wireless Communications Facilities - per Article 39																							

## Commercial

Land Use	1	1A	2	3	4A	4B	5	5A	6A	6B	6C	7A	7B	8A	8B	9	10	11	12	13	14	15	
Adult Businesses	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Ambulance Service	-	-	-	-	-	-	-	-	-	-	-	-	-	U	U	-	-	-	-	-	-	-	
Animal Boarding	A	A	A	A	-	-	-	-	A	A	A	A	A	A	A	A	-	A	A	A	-	-	

# CITY OF OCEANSIDE COMPREHENSIVE ZONING ORDINANCE

Land Use	1	1A	2	3	4A	4B	5	5A	6A	6B	6C	7A	7B	8A	8B	9	10	11	12	13	14	15	
Animal Grooming	P	P	P	P	-	-	-	-	P	P	P	-	P	P	P	P	-	P	P	P	-	-	
Animal Hospitals	P	P	P	P	-	-	-	-	P	P	P	-	-	-	-	P	-	-	-	A	-	-	
Animal Product sales	P	P	-	P	-	-	P	-	P	P	P	-	P	P	P	P	-	P	P	P	-	-	
Artist Studio	P	P	P	P	-	P	-	-	P	P	P	-	P	-	-	P	-	P	P	P	P	-	V
Bank / Savings & Loan	P	P	P	P	-	-	-	-	P	P	P	-	P	-	-	P	-	P	P	P	P	-	
Drive-through/drive up	A	A	A	A	-	-	-	-	A	A	-	-	A	-	-	A	-	-	-	A	-	-	V
Self-service ATM	P	P	P	-	-	-	-	-	-	-	-	-	P	-	-	P	-	-	-	-	-	-	V
Bars and Cocktail Lounges	U	-	U	-	-	-	-	-	U	U	U	-	U	-	-	-	-	U	-	-	-	-	
Cannabis Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Catering Service	A	A	A	-	-	-	-	-	-	-	-	-	-	-	-	A	-	-	-	-	-	-	
Commercial Recreation & Entertainment	A	-	A	A	-	-	-	-	P	P	A	-	P	-	-	A	A	A	A	A	P	-	V
Craft Breweries																							
Tier 1	A	A	A	A	-	-	-	-	A	A	A	-	A	-	-	A	-	A	A	A	A	-	V
Tier 2	U	U	U	U	-	-	-	-	U	U	-	-	U	-	-	U	-	U	U	U	U	-	V
Craft Wineries																							
Tier 1	A	A	A	A	-	-	-	-	A	A	-	-	A	-	-	A	-	A	A	A	A	-	V
Tier 2	U	U	U	U	-	-	-	-	U	U	-	-	U	-	-	U	-	U	U	U	U	-	V
Liquor Stores	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	

# CITY OF OCEANSIDE COMPREHENSIVE ZONING ORDINANCE

Land Use	1	1A	2	3	4A	4B	5	5A	6A	6B	6C	7A	7B	8A	8B	9	10	11	12	13	14	15	
Research and Development	P	P	P	P	-	-	-	-	P	P	P	-	P	P	P	P	-	P	P	P	P	-	
Restaurants Full Service	P	P	P	P	P	U	-	-	P	P	P	-	P	P	P	P	-	P	P	P	P	P	V
Restaurant Full Service with Full Alcohol	P	P	P	P	P	U	-	-	P	P	A	-	P	A	A	P	-	P	P	P	P	P	V
Restaurants Full Service with Live Entertainment	P	P	P	P	P	U	-	-	P	P	P	-	P	P	-	P	-	P	P	P	P	P	V
Restaurants Fast food	P	P	P	P	P	U	-	-	P	P	A	-	P	P	P	P	P	P	P	P	P	P	V
Restaurants Fast Food with Drive-thru or Drive-up	-	-	-	-	-	-	-	-	U	U	U	-	U	-	-	-	-	-	-	U	-	-	
Food and Beverage Kiosk	-	-	-	-	-	-	-	-	P	P	A	-	P	-	-	-	-	-	-	A	P	P	
Food & Beverage Sales	P	P	P	P	P	-	-	-	P	P	A	-	P	A	A	P	-	P	P	P	P	-	
Convenience Market	U	U	U	-	U	-	U	-	U	U	U	-	U	-	-	-	-	U	U	U	U	-	
Grocery/Neighborhood Market store greater than 8,000 sq. ft.	A	A	A	A	A	-	A	-	A	A	A	-	A	-	-	-	-	C	A	A	A	-	V

# CITY OF OCEANSIDE COMPREHENSIVE ZONING ORDINANCE

Land Use	1	1A	2	3	4A	4B	5	5A	6A	6B	6C	7A	7B	8A	8B	9	10	11	12	13	14	15	
Grocery/Neighborhood Market store less than 8,000 sq. ft.	P	P	P	-	-	-	P	-	P	P	P	-	P	-	-	-	-	P	P	P	P	-	V
Specialty Market	P	P	P	P	P	-	P	-	P	P	P	-	P	-	-	-	-	P	P	P	P	-	V
Home Occupation	P	P	-	P	P	P	P	P	P	P	P	P	P	-	-	P	-	P	-	P	-	P	
Massage Establishments	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Maintenance & Repair	-	-	-	-	-	-	-	-	P	P	A	-	A	-	-	-	-	-	-	-	-	-	
Marine Sales, Rentals, and Services	-	-	-	-	-	-	-	-	P	P	A	-	A	-	-	-	-	-	-	-	-	-	
Mixed Uses	U	U	U	U	-	-	-	-	U	U	U	-	U	-	-	U	-	U	U	U	U	-	
Pawn Shops	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Payday Loans/Paycheck Advance Establishment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Offices	P	P	P	P	-	P	-	-	P	P	P	-	P	A	A	P	-	P	P	P	P	-	
Personal Improvement Services	P L1	P L1	P L1	P L1	-	P L1	-	-	P L1	P L1	P L1	-	P L1	P L1	P L1	P L1	-	P L1	P L1	P L1	P L1	-	
Health/Club/Studio/Spa	P	P	P	P	-	P	-	-	P	P	P	-	P	P	P	P	-	P	P	P	P	A	
Day Spa	P	P	P	P	-	P	-	-	P	P	P	-	P	P	P	P	-	P	P	P	P	A	V
Accessory Massage	P	P	P	P	-	-	-	-	P	P	P	-	P	-	-	-	-	P	P	P	-	-	V

# CITY OF OCEANSIDE COMPREHENSIVE ZONING ORDINANCE

Land Use	1	1A	2	3	4A	4B	5	5A	6A	6B	6C	7A	7B	8A	8B	9	10	11	12	13	14	15	
Personal Services	P L2	P L2	P L2	P L2	-	P L2	-	-	P L2	P L2	P L2	-	P L2	P L2	P L2	P L2	-	P L2	P L2	P L2	-	-	
General Repair	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-	
Tattooing Establishments	AR	-	AR	-	-	-	-	-	AR	AR	AR	-	AR	-	-	-	-	AR	-	AR	-	-	
Tobacco and Drug Paraphernalia Establishment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Retail Sales	P	P	P	P	-	P	-	-	P	P	P	-	P	P	P	P	-	P	P	P	P	A	V
Antiques, Antique Shop	P	P	P	-	P	-	-	-	P	C	P	-	P	C	C	P	-	P	C	C	P	-	V
Custom Retail	P	P	P	P	P	P	-	-	P	P	P	-	P	-	-	P	-	P	P	P	P	-	V
Secondhand Collectibles and Clothing Sales	P	P	P	P	P	P	-	-	P	P	P	-	P	P	P	P	-	P	P	P	P	-	V
Wine and Beer Tasting	A	A	A	A	A	-	-	-	P	A	A	-	A	-	-	A	A	A	A	A	A	-	V
Travel Services	P	P	P	P	-	P	-	-	P	P	P	-	P	-	A	P	-	A	P	P	P	P	V
Automotive Rental (small scale)	-	-	-	-	-	-	-	-	A	A	-	-	A	-	-	A	-	A	A	A	A	A	V

## Visitor Accommodations

Land Use	1	1A	2	3	4A	4B	5	5A	6A	6B	6C	7A	7B	8A	8B	9	10	11	12	13	14	15	
Bed & Breakfast	-	-	-	-	U	A	A	A	A	A	A	-	-	-	-	-	-	-	A	A	-	-	V
Hotel / Motel / Timeshare	U	U	U	U	U	U	U	-	U	U	U	-	U	-	-	U	-	U	U	U	U	-	V
Resort	U	U	U	U	U	U	U	-	U	U	U	-	U	-	-	U	-	U	U	U	U	-	V

# CITY OF OCEANSIDE COMPREHENSIVE ZONING ORDINANCE

Land Use	1	1A	2	3	4A	4B	5	5A	6A	6B	6C	7A	7B	8A	8B	9	10	11	12	13	14	15	
Fractional Ownership Hotel	U	U	U	U	U	U	-	-	U	U	U	-	U	-	-	U	-	U	U	U	U	-	V
Condominium Hotel	U	U	U	U	U	U	-	-	U	U	U	-	U	-	-	U	-	U	U	U	U	-	V
Limited Use Overnight Visitor Accommodation	U	U	U	U	U	U	-	-	U	U	U	-	U	-	-	U	-	U	U	U	U	-	V

L1 - "Small-scale" facilities occupying no more than 5,000 square feet are allowed. All others require an Administrative Conditional Use Permit and Regulated uses are subject to compliance with Article 36.

L2 - "Small-scale" Establishments occupying no more than 2,500 square feet allowed by right, all others require the approval of an Administrative Conditional Use Permit.

## CITY OF OCEANSIDE COMPREHENSIVE ZONING ORDINANCE

### 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 allow any increase in the maximum height set forth in Additional Development Regulations subsection (N). 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 area within ½ mile from the property boundaries of the Oceanside Transit Center is designated a Transit Overlay District (TOD). The location, design, configuration, and mix of uses in the TOD is intended to provide 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 Downtown's underlying land use designations 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.



## CITY OF OCEANSIDE COMPREHENSIVE ZONING ORDINANCE

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.

### 1232 D District Property Development Regulations

	Basic Requirements	Additional Regulations
<b>Residential Development</b>		(II)(JJ)(KK)
Base Density:		(C)(D)
Site Area Per Unit (sq. ft.)	1,500	
<u>Maximum Potential Density:</u>		(C)(D)
Site Area Per Unit (sq. ft.)	1,000	
Minimum Lot Area (sq. ft.)	5,000	(A)(B)(E)
Minimum Lot Width (ft.)	50	(E)
<u>Minimum Setbacks:</u>		(E)(G)(L)
Front (ft.)	10	(H)(K)

# CITY OF OCEANSIDE COMPREHENSIVE ZONING ORDINANCE

## D District Property Development Regulations (continued)

	Basic Requirements	Additional Regulations
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	

# CITY OF OCEANSIDE COMPREHENSIVE ZONING ORDINANCE

## D District Property Development Regulations (continued)

	Basic Requirements	Additional Regulations
<b>Nonresidential Development</b>		(II)(KK)
Minimum Lot Area (sq. ft.)	5,000	(A)(B)
Minimum Lot Width (ft.)	50	
Minimum Setbacks:		
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	

## CITY OF OCEANSIDE COMPREHENSIVE ZONING ORDINANCE

### D District: Additional Development Regulations

---

- (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 residential development within Subdistrict 5A is one dwelling unit per 1,500 square feet of site area.
- (D)
  - 1. Residential stand-alone and mixed-use development projects shall comply with the City's inclusionary housing regulations, as outlined in Chapter 14C of the Oceanside Municipal Code.
  - 2. Residential stand-alone projects may achieve a density of 29 to 43 units per acre. The base density 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(s) situated 50% or more below grade is/are used in a residential project to provide all of the required parking. ~~There is no density limit for residential m~~**Mixed use developments shall have a maximum density of 100 units per acre.**
  - 3. 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(s) exhibit excellence in design as described in Section 5 below. Residential projects with density below the base densities shall be considered to be consistent with the land use designation.
  - 4. Residential stand-alone projects that exhibit excellence in design and provide 75% of the required parking within an underground parking structure(s) situated 50% or more below finish grade, may be able to achieve a density up to 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.
  - 5. Residential stand-alone and mixed-use development proposal(s) that feature design characteristics which positively contribute to the aesthetic value and functionality of the surrounding area will be favorably considered in evaluating the project. Such characteristics include, but are not limited to the following:

## CITY OF OCEANSIDE COMPREHENSIVE ZONING ORDINANCE

- a High quality architectural design and materials that mitigate the potentially adverse impacts of higher density and greater building height.
  - b High quality landscape/hardscape design and materials that soften the appearance of associated buildings and contribute to an attractive and pedestrian-friendly streetscape.
  - c Functional and appealing common open space areas.
  - d Consolidation of existing legal lots to provide unified site design.
  - e Initiation of residential development in appropriate commercial zones.
  - f Participation in the City's Conservation, Public Safety and/ or Historic Preservation programs.
  - g Innovative design and/or construction methods, which further the goals of the General Plan.
6. Property Development Regulations for Residential and Nonresidential uses shall serve as guidelines for mixed-use development proposals. Maximum density limits and floor-area ratio regulations are not applicable to the residential component of a mixed-use development. Deviations from development standards shall be evaluated and may be granted in accordance with additional regulation 1232 (KK) and 1232 D.5.
- (E) Lots within Subdistricts 5 and 9, which do not front upon North Coast Highway 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 which front North Coast Highway are not permitted for residential rowhome development.
- 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

## CITY OF OCEANSIDE COMPREHENSIVE ZONING ORDINANCE

gross area of the entire site and shall not be applied to any portion of a structure not intended for human occupancy (e.g. storage and equipment rooms, utility closets etc.) and/or parking garages. Mixed-use development proposals shall not be subject to maximum density restrictions.

- (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 does 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:

## CITY OF OCEANSIDE COMPREHENSIVE ZONING ORDINANCE

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 floodplain:

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.



## CITY OF OCEANSIDE COMPREHENSIVE ZONING ORDINANCE

- (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 Surfrider 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.



## CITY OF OCEANSIDE COMPREHENSIVE ZONING ORDINANCE

- 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 that 35% of the total developable area of the master plan, and the following criteria are met:

## CITY OF OCEANSIDE COMPREHENSIVE ZONING ORDINANCE

- i The architectural elevations shall vary in height along any road or street, especially along Coast Highway.
  - 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 Flood-plain 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:

<u>Subdistrict</u>	<u>Maximum Height</u>
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

## CITY OF OCEANSIDE COMPREHENSIVE ZONING ORDINANCE

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

## CITY OF OCEANSIDE COMPREHENSIVE ZONING ORDINANCE

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 for residential uses and designated employee parking areas
  - (b) 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 east of the railway corridor 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. Mixed Use Development Plans within the Transit Overlay District east of the railway corridor may receive a 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.
6. If any public parking spaces are removed within the Transit Overlay District west of the railway corridor, including those provided in

## CITY OF OCEANSIDE COMPREHENSIVE ZONING ORDINANCE

municipal parking lots, each space shall be replaced at a 1:1 ratio and all replacement parking shall also be located within the Transit Overlay District west of the railway corridor.

- (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 Downtown District requires Planning Division approval prior to installation. The Planning Division's decision may be appealed to the Community Development Commission.
- (CC) See Article 39 (A, B, C) 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.

## CITY OF OCEANSIDE COMPREHENSIVE ZONING ORDINANCE

### (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 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 Breakwater Way 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 Breakwater Way 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(B) and 6(C) shall be subject to the Harbor Design Standards. Multi-family residential developments within Subdistrict 13 are limited to areas along Freeman Street and Neptune Way. Multi-family development is prohibited along parcels fronting or abutting Coast Highway and Highway 76.

(JJ) The Property Development Regulations (Section 1232) for residential uses shall apply to all exclusively residential projects within commercially oriented subdistricts.



## CITY OF OCEANSIDE COMPREHENSIVE ZONING ORDINANCE

- (KK) Mixed-use is defined as the inclusion of multiple land use functions within the same building or project site through vertical mixed use buildings or horizontal mixed use sites. The purpose and intent of mixed-use development regulations is to allow increased density and flexibility, while maintaining ground floor pedestrian orientation, connectivity and activation through design rather than use.

A Mixed-Use Development Plan shall be required for any mixed-use development combining multiple nonresidential land uses or nonresidential and residential land uses on a project site, to set forth site specific property development regulations. Article 12, Section 1232 - Property Development Regulations for Residential and Nonresidential uses - shall serve as a general guide for mixed-use development standards. Project deviations from development standards shall be established, evaluated and may be granted in accordance with this subsection (KK) and 1232 D.5., based upon the merit of the mixed-use development plan. Height shall be regulated by the maximum height allowed in the Subdistrict as set forth in Additional Development Regulations sub-section (N). Floor-area ratio and maximum density limits are not applicable to the residential component of a mixed use development.

While the maximum density is not specified, density will be limited through the application of height, setbacks, open space, and parking requirements. In order to ensure that the higher-density allowance does not adversely impact traffic circulation, the City shall develop and implement a D Downtown District Traffic Monitoring and Mitigation Plan that includes the following:

- a. Identify specific intersections within the Downtown District's Coastal Zone to monitor to maintain public access to the coast, including east-west oriented roadways that provide access across the railway corridor to the ocean.
- b. List specific traffic mitigation measures to be provided once a certain threshold is met for the identified intersections. A decrease in LOS to a grade of D or lower shall be one of the identified thresholds for implementation of traffic mitigation measures.
- c. Identify a funding mechanism to implement the identified mitigation measures (e.g., fair-share contribution for any development proposed within the Downtown District). The collected fees shall be deposited in a specific account that can only be used for traffic mitigation measures and other measures to mitigate public access impacts (e.g., to fund a community shuttle) in the Downtown District.

Traffic monitoring shall be completed on an annual basis at minimum and must include peak summer season (Memorial Day weekend to Labor Day) weekend traffic counts, identify changes to the number of units developed within the Downtown District, traffic impacts identified, traffic impact fees collected, traffic mitigation projects identified, and traffic mitigation projects implemented. A comprehensive report shall be provided to the Executive Director on by November 1 of each year, starting in 2022, that summarizes all development activities within the Downtown District with a report on any measurable

## CITY OF OCEANSIDE COMPREHENSIVE ZONING ORDINANCE

changes in the overall traffic and parking conditions in the area which will be subject to the review and approval of the Executive Director.

### Purpose:

The Mixed-Use Development Plan is intended to provide flexibility in land use regulations and site development standards under control of 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 43. Following the hearing, the Commission may approve the Development Plan with conditions if it implements the purpose of the Mixed-Use Plan. The following findings shall be made by the Community Development Commission:

1. That the total number of dwelling units in the Downtown District shall not exceed 5,500 (or any future limit established by the City's General Plan).
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;



## CITY OF OCEANSIDE COMPREHENSIVE ZONING ORDINANCE

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.
  7. That the benefits derived from the Mixed-Use Development Plan include but are not limited to traffic capture and pedestrian activity, by way of “active” street frontages and provision of flexible nonresidential use spaces at street level, where appropriate.
- (LL) Craft breweries and wineries shall only be allowed on those properties in Subdistrict 9 that front upon Coast Highway.

### 1234 **Downtown Density Bonus Matrices**

To encourage the development of affordable housing within the Downtown, the City has instituted enhanced Density Bonus schedules based on the income category of units being provided by a project. Projects that propose to utilize the Affordable Housing Density Bonus provisions of Article 30 Section 3032 of the Zoning Ordinance located in the Downtown District shall adhere to the following Density Bonus Matrices provided below in place of:

- Table 1 – Density Bonus for Low Income Units
- Table 2 – Density Bonus for Very Low Income Units, and
- Table 3 – Density Bonus for Moderate Income Units

For housing development projects reserving housing units for Low Income households, the density bonus shall be calculated as follows:

**TABLE 1 - Density Bonus for Low Income Units**

<u>Percentage Low Income Units</u>	<u>Percentage Density Bonus</u>
<u>10</u>	<u>20</u>
<u>11</u>	<u>21.5</u>
<u>12</u>	<u>23</u>
<u>13</u>	<u>24.5</u>
<u>14</u>	<u>26</u>

# CITY OF OCEANSIDE COMPREHENSIVE ZONING ORDINANCE

<u>Percentage Low Income Units</u>	<u>Percentage Density Bonus</u>
<u>15</u>	<u>27.5</u>
<u>16</u>	<u>29</u>
<u>17</u>	<u>30.5</u>
<u>18</u>	<u>32</u>
<u>19</u>	<u>33.5</u>
<u>20</u>	<u>75</u>
<u>21</u>	<u>80</u>
<u>22</u>	<u>85</u>
<u>23</u>	<u>90</u>
<u>24</u>	<u>95</u>
<u>25</u>	<u>100</u>

For housing development projects reserving housing units for Very Low Income households, the density bonus shall be calculated as follows:

**TABLE 2 - Density Bonus for Very Low Income Units**

<u>Percentage Very Low Income Units</u>	<u>Percentage Density Bonus</u>
<u>5</u>	<u>20</u>
<u>6</u>	<u>22.5</u>
<u>7</u>	<u>25</u>
<u>8</u>	<u>27.5</u>
<u>9</u>	<u>30</u>
<u>10</u>	<u>32.5</u>
<u>11</u>	<u>35</u>
<u>12</u>	<u>38.75</u>
<u>13</u>	<u>42.5</u>
<u>14</u>	<u>46.25</u>
<u>15</u>	<u>75</u>
<u>16</u>	<u>80</u>
<u>17</u>	<u>85</u>
<u>18</u>	<u>90</u>
<u>19</u>	<u>95</u>
<u>20</u>	<u>100</u>

## CITY OF OCEANSIDE COMPREHENSIVE ZONING ORDINANCE

For housing development projects reserving housing units for moderate income households, the density bonus shall be calculated as follows:

**TABLE 3 - Density Bonus for Moderate Income Units**

<u>Percentage Moderate Income Units</u>	<u>Percentage Density Bonus</u>
<u>10</u>	<u>5</u>
<u>11</u>	<u>6</u>
<u>12</u>	<u>7</u>
<u>13</u>	<u>8</u>
<u>14</u>	<u>9</u>
<u>15</u>	<u>10</u>
<u>16</u>	<u>11</u>
<u>17</u>	<u>12</u>
<u>18</u>	<u>13</u>
<u>19</u>	<u>14</u>
<u>20</u>	<u>15</u>
<u>21</u>	<u>16</u>
<u>22</u>	<u>17</u>
<u>23</u>	<u>18</u>
<u>24</u>	<u>19</u>
<u>25</u>	<u>20</u>
<u>26</u>	<u>21</u>
<u>27</u>	<u>22</u>
<u>28</u>	<u>23</u>
<u>29</u>	<u>24</u>
<u>30</u>	<u>35</u>
<u>31</u>	<u>39</u>
<u>32</u>	<u>43</u>
<u>33</u>	<u>47</u>
<u>34</u>	<u>51</u>
<u>35</u>	<u>55</u>
<u>36</u>	<u>59</u>
<u>37</u>	<u>63</u>
<u>38</u>	<u>67</u>
<u>39</u>	<u>71</u>
<u>40</u>	<u>75</u>
<u>41</u>	<u>79</u>
<u>42</u>	<u>83</u>
<u>43</u>	<u>87</u>
<u>44</u>	<u>91</u>

## CITY OF OCEANSIDE COMPREHENSIVE ZONING ORDINANCE

### **1235 Nonconforming Commercial Structures**

Notwithstanding the provisions of Article 35, a nonconforming commercial building located in a commercial zoning district within the Downtown District 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 Downtown Design Review Committee and approval by the Community Development Commission. (For Residential Nonconforming Buildings See Article 35 Section 3510).

### **1240 Review of Plans**

Alterations of existing structures, not within Subdistrict 1A or in a 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 Downtown District.

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 City Planner 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

## **CITY OF OCEANSIDE COMPREHENSIVE ZONING ORDINANCE**

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 require certification by the California Coastal Commission.

DRAFT



## NOTICE OF EXEMPTION

City of Oceanside, California

Post Date:  
Removal:  
(180 days)

1. **APPLICANT:** City of Oceanside
2. **ADDRESS:** 300 N. Coast Highway, Oceanside, CA 92054
3. **PHONE NUMBER:** (760) 435-3519
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Manuel Baeza, Principal Planner
6. **PROJECT TITLE:** Zone Amendment (ZA22-00001) & Local Coastal Program Amendment (LCPA22-00001) – Affordable Housing Density Bonus Update
7. **DESCRIPTION:** ZONE AMENDMENT (ZA22-00002) and LOCAL COASTAL PROGRAM AMENDMENT (LCPA22-00002) amending Article 12 – Downtown District of the Zoning Ordinance to establish a maximum density of 100 du/acre for mixed-use projects in the Downtown District and to establish an enhanced Density Bonus Schedule for mixed-use projects containing Very Low Income, Low Income and Moderate Income dwelling units in the Downtown District.

**ADMINISTRATIVE DETERMINATION:** Planning Division staff has completed a preliminary review of this project in accordance with the City of Oceanside's Environmental Review Guidelines and the California Environmental Quality Act (CEQA), 1970. Based on that review, the Planning Division finds that the proposed project would not, in and of itself, occasion land development or any other material change to the environment. Projects subject to the amended provisions would be subject to separate CEQA review. Therefore, the Planning Division has determined that further environmental evaluation is not required because:

- ☒ "The activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA" (Section 15061(b)(3)); or,
- ☐ The project is statutorily exempt, Section \_\_\_\_\_, (Sections 15260-15277); or,
- ☐ The project is categorically exempt, Class 8, "Action by Regulatory Agencies for Protection of the Environment" per Section 15308 of the California Environmental Quality Act; or,
- ☐ The project does not constitute a "project" as defined by CEQA (Section 15378).

  
Manuel Baeza, Principal Planner

Date: October 4, 2023

cc: ☒ Project file ☒ Counter file ☐ Library      Posting: ☐ County Clerk \$50.00 Admin. Fee