



# City of Oceanside

## Staff Report

**File #:** 25-524

**Agenda Date:** 1/22/2025

**Agenda #:** 16.

DATE: January 22, 2025

TO: Honorable Mayor and City Councilmembers

FROM: Development Services Department

**TITLE: ADOPTION OF A RESOLUTION UPHOLDING PLANNING COMMISSION RESOLUTION NO. 2024-P09 DENYING A REGULAR COASTAL PERMIT AND VARIANCE TO ALLOW AN EXISTING UNPERMITTED BALCONY ACCESSORY TO A SECOND STORY APARTMENT UNIT AT 1842 SOUTH PACIFIC STREET - GARST RESIDENCE - APPLICANT: SHANE GARST; APPELLANT: SHANE GARST**

### RECOMMENDATION

Staff recommends that the City Council adopt a resolution upholding Planning Commission Resolution No. 2024-P09 denying Regular Coastal Permit (RC23-00013) and Variance (V24-00001) to allow an existing unpermitted balcony accessory to a second story apartment unit that exceeds the maximum allowable lot coverage in the R-1 District at 1842 South Pacific Street.

### BACKGROUND AND ANALYSIS



The project site is located at 1842 South Pacific Street and has a zoning designation of Single Family Residential (R-1 - Coastal Zone). The 6,000 square-foot parcel is developed with three legal, non-conforming multi-family apartment units, an accessory dwelling unit (ADU), and a detached garage.

Units 1 and 2 are located in a single-story duplex structure and Unit 3 is located above the detached garage at the rear of the property adjacent to Pacific Terrace alley. A portion of the four-car garage was legally converted into an ADU in 2023. The multi-family dwelling units and detached garage on the project site were constructed in 1951 under the R-3 (Multiple Family) development standards of the 1950 Zoning Ordinance. Therefore, the existing multi-family development is considered a legal, non-conforming use in what is now a single-family residential zone.

### **Project Description**

The applicant is requesting a Regular Coastal Permit and a Variance to allow an existing unpermitted balcony accessory to Unit 3. The balcony is constructed of wood and supported by five vertical posts. It measures approximately 326 square feet in area with a height of 13 feet to the top of the railing. Proposed lot coverage would be approximately 47 percent which would exceed the maximum allowable lot coverage of 40 percent (40%) in the R-1 District. In accordance with the City's Local Coastal Program Handbook, a Regular Coastal Permit is required for improvements and additions to existing structures located within the appeal area of the Coastal Zone.

A detailed project description and full analysis is contained in the Planning Commission Staff Report dated April 22, 2024 and is included as Attachment 4 for reference.

### **Permitting and Code Enforcement History**

On December 9, 2022, the property owner obtained a building permit (BLDG22-2538) to remodel and repair all three dwelling units with a scope of work limited to window replacement, shear walls, drywall repair, and various interior improvements. Between December 2022 and May 2023, the property owner (project applicant) was cited multiple times by the Code Enforcement Division for ongoing construction that exceeded the scope of work approved under BLDG22-2538.

On May 12, 2023, Code Enforcement issued and posted a third stop work notice at the property with instruction to immediately cease further construction until obtaining a valid building permit. Photographs taken by Code Enforcement on May 12, 2023 document the unpermitted work, including partial construction of a new balcony attached to Unit 3. Code Enforcement revisited the site on May 23, 2023 and observed clear evidence that work continued on the property, including ongoing construction of the balcony, despite the stop work notice posted on May 12, 2023. A detailed chronology of Code Enforcement actions is provided as Attachment 5.

In June 2023, the property owner applied for a revision to BLDG22-2538 to accurately reflect the scope of work being performed on the property. The submitted plans identified the Unit 3 balcony as "existing;" however, Development Services staff confirmed that the balcony was new, unpermitted construction as documented by Code Enforcement and shown on Google Map views from prior

years.

The applicant was informed in writing that the construction of a new balcony would require approval of a Regular Coastal Permit because the property is located within the appeal jurisdiction of the Coastal Zone. In the interim, the applicant removed the new balcony from the scope of work and was issued a building permit on August 1, 2023 to complete the remaining remodel and repairs on the property. All permitted work has since been completed.

An application for a Regular Coastal Permit was submitted by the applicant on August 30, 2023. During preliminary review, the Planning Division determined that the existing structures on the property already exceeded the maximum lot coverage of 40 percent (40%) in the R-1 District by approximately seven-percent (7%). The applicant was informed that the addition of the balcony would be an intensification of a non-conforming condition with respect to lot coverage.

Staff advised the applicant of the option to pursue a variance with the understanding that staff may not be able to support the request based on the requisite findings necessary for approval. The applicant opted to apply for a variance to exceed the allowable lot coverage and keep the balcony as constructed. Staff subsequently recommended denial of the request to the Planning Commission as the requisite findings for a variance, described later in this report, cannot be met.

### **Planning Commission Action and Appeal**

The Planning Commission considered the proposed project at its regular meeting on April 22, 2024. Public testimony was provided by two neighbors on adjacent sides of the project site. Concern was voiced regarding impacts of the balcony on backyard privacy and construction of the balcony without a building permit. After due consideration, the Planning Commission, by motion, voted 6-0 (one commissioner absent) denying Regular Coastal Permit (RC23-00013 and Variance (V24-00001) through adoption of Resolution No. 2024-P09.

On May 10, 2024, the Planning Commission's action was appealed by the project applicant, Shane Garst. In this staff report, Mr. Garst is referred to as the "Appellant" for issues regarding the appeal. The letter of appeal is included as Attachment 3 and the Planning Commission Resolution denying the project is included under Attachment 2.

Subsequent to filing an appeal application, the Appellant submitted additional documents claiming that the April 22, 2024 Planning Commission staff report contained inaccuracies. The City Council may only consider the grounds for appeal raised in the appeal application. Staff addresses each of these grounds later in this report. However, staff has provided the following clarifications to the April 22, 2024 staff report (Attachment 4) in response to the Appellant's comments:

- Code Enforcement actions (Page 2): The Appellant disputes the date that Code Enforcement issued a stop work order. Staff finds the reporting dates to be accurate as documented in the Code Enforcement record provided as Attachment 5 of this staff report. The Appellant was cited for performing work outside the scope of work approved under BLDG22-2538.
  
- Lot Coverage Table 2 (Page 6): Mr. Garst claims that Table 2 inaccurately represents existing lot coverage of adjacent properties. Mr. Garst submitted a lot coverage exhibit produced from an “orthophoto” with lot coverage calculations of four adjacent parcels. Since the exhibit was not stamped by a licensed professional attesting to the accuracy of the data, staff cannot confirm accuracy of the calculations. Table 2 of the Planning Commission staff report was based on record data produced from building permit and coastal permit records.
  - 1902 S. Pacific Street: Appellant’s exhibit shows lot coverage at 59.7 percent; however, building permit BLDG22-1427 identifies lot coverage as 50 percent for the construction of a second story SB 9 dwelling unit above an existing single-family dwelling.
  
  - 1908 S. Pacific Street: Appellant’s exhibit shows lot coverage at 44.1 percent; however, the approved site plan for Regular Coastal Permit RC-10-05 and BLDG06-0816 identifies a lot coverage of 40 percent.
  
  - 1910/1912 S. Pacific Street: Appellant’s exhibit shows lot coverage at 52.9 percent; however, Regular Coastal Permit RC12-00012 was approved by the Planning Commission on October 12, 2012 with a lot coverage of 46 percent (lot previously built at 51 percent).
  
  - 1920 S. Pacific Street: Appellant’s exhibit shows 59 percent; however, Regular Coastal Permit RC12-00006 was approved by the Planning Commission on July 9, 2012 with a lot coverage of 39.8 percent (lot previously built at 49.9 percent).
  
- The existing lot coverage data provided above is based on the City’s record data. It is impractical for staff to physically verify “as-built” conditions for all properties as it would involve extensive on-site measurements and field research. The April 22, 2024 Planning Commission staff report acknowledged that there are existing properties exceeding lot coverage. However, to-date there are no records of the City approving any Regular Coastal Permits in conflict with zoning requirements or intensifying a non-conforming condition. All development requests are evaluated in accordance with the LCP, Zoning Ordinance, and state law.

## Zoning History

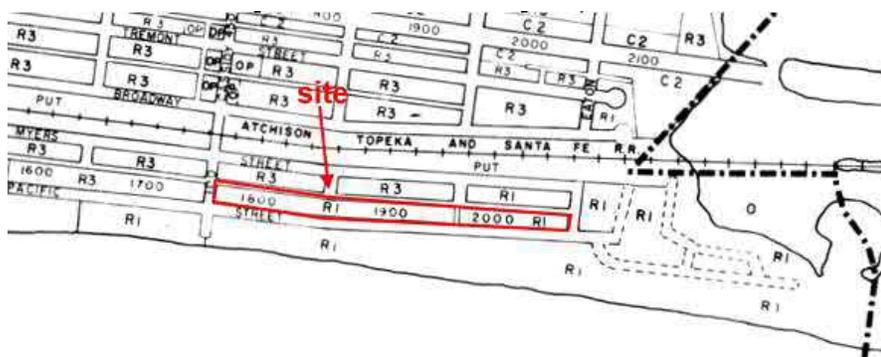
Prior to 1958, the project site and all parcels (1800-2000 block) on the east side of South Pacific Street between Cassidy Street and Eaton Street were zoned R-3 (Zone R-3 Multiple Family) and

subject to the City’s 1950 Zoning Ordinance (Ord. 655). The R-3 district allowed multifamily dwelling units on lots with a minimum size of 5,000 square feet. Records show the block developed with a variety of single and multifamily dwellings dating back to the 1930s.

The 1958 Zoning Ordinance was adopted by the City Council on January 8, 1958 (Ordinance 58-1) and repealed the 1950 Zoning Ordinance. It established zoning districts to regulate the use of land, building height, lot area, and yard spaces. The Zoning Ordinance predated the California Coastal Act which was enacted in 1976.

The Zoning Map adopted with Ordinance 58-1 rezoned the project site, and all properties on the east side of South Pacific Street between Cassidy Street to Eaton Street, from R-3 to R-1 (One-family Residential Zone) as shown on Figure 2.

Figure 2- Coastal Zoning Map 1958



The change from multi-family to single-family zoning rendered the project site, and similar properties in the area, as legal non-conforming with respect to unit count, lot coverage, and potentially other development standards. As provided in Zoning Ordinance Article 35 (Nonconforming Uses and Structures), Section 3503, any building, structure or lot which, by reason of height, area, or yard requirements that is conforming prior to the effective date of the Zoning Ordinance or any amendment thereto, shall be deemed to be conforming, provided that any additions, alterations or changes shall conform to all provisions of the Zoning Ordinance.

**Lot Coverage Requirements**

The project site is zoned R-1 and subject to development regulations provided in Article 10C (Residential ‘Coastal Zone’) of the Zoning Ordinance. Maximum lot coverage in the R-1 District is 40 percent. If the property had retained an R-3 zoning designation, lot coverage would have been established at 60 percent. Lot Coverage is defined as the percentage of a site covered by solid or open frame roofs, soffits, or overhangs and by decks more than 30 inches in height. As previously described, the proposed deck addition would bring the site’s lot coverage to 47 percent.

## **Appeal**

Pursuant to Section 4605(C) of the Zoning Ordinance, the City Council may consider only the issues that were raised in the appeal filed with the City. The following is a summary of the Appellant's reasons, as understood by staff, for filing an appeal of the Planning Commission's decision to deny the project. Each identified reason for filing the appeal is followed by a response from staff. The Appellant's letter of appeal, which includes the full text of each appeal point, has been included as Attachment 3 for the City Council's reference.

### **ISSUE 1: *The Appellant contests the City staff's calculation of lot coverage.***

#### **City Response:**

The Appellant contends that City staff did not accurately calculate the lot coverage of other properties in the area, when compared to the project site. As previously noted, staff evaluated existing lot coverage in the vicinity based on available City building permit and coastal permit entitlement records.

The Planning Commission staff report acknowledges that certain properties in the area exceed 40 percent lot coverage. However, it is also noted that many of these properties were developed under the prior R-3 zoning, which allowed 60 percent lot coverage. Existing properties with legal, nonconforming lot coverage are not considered to have been granted a special privilege under current zoning based on the fact that the entire block was uniformly rezoned to R-1 in 1958.

As provided in Article 35 of the Zoning Ordinance, a property developed under previous versions of the Zoning Ordinance is considered conforming with zoning, except that any new construction is subject to current development standards of the underlying zoning district. Lot coverage was evaluated based on information provided on the applicant's site plan submitted with the coastal permit. As noted on the site plan, lot coverage exceeds 40 percent.

### **ISSUE 2: *Appellant alleges the denial of the variance results in a violation of the Equal Protection Clause of the 14<sup>th</sup> Amendment of the United States Constitution and Article I Section of the California Constitution. Appellant claims the Planning Commission decision results in disparate treatment compared to other property owners.***

#### **City Response:**

The project was reviewed and processed in accordance with procedures set forth in the City's Local Coastal Program, Zoning Ordinance, and the City's Development Processing Guide. Staff found no

evidence validating the Appellant's assertion that the project applicant was treated unequally compared to other property owners in similar situations. No city records indicate that similar variances were granted for a deck to exceed lot coverage in the vicinity and in the same zoning district as the project site.

All variance requests are evaluated objectively by staff in accordance with the requisite findings. In 2019, staff recommended denial of a requested variance (V21-00001) to allow an encroachment of a rear deck into a setback and exceed the allowed maximum lot coverage for an existing single-family residence at 25 St. Malo Beach. The applicant was unable to provide sufficient justification for the variance and withdrew the application prior to the scheduled Planning Commission hearing on July 12, 2021.

A review of City entitlement records also demonstrates that the Planning Commission has denied variance requests in the past based on the inability to make the requisite findings for approval as outlined in Article 41 of the Zoning Ordinance.

***ISSUE 3: Appellant claims City staff made inaccurate assumptions about lot coverage requirements prior to 1958.***

**City Response:**

Staff reviewed the archived 1950 Zoning Ordinance and found no provisions pertaining to lot coverage requirements in residential districts. In 1958, lot coverage was clearly established at 60 percent for the R-3 District and 40 percent for the R-1 District. As noted in the Planning Commission staff report, the project site was previously zoned R-3 (Multiple Family) and changed to R-1 (One-family Residential Zone) in 1958. Regardless of lot coverage requirements prior to 1958, there is no evidence that the property was subject to a more restrictive lot coverage requirement than other properties in the vicinity.

***Issue 4: Appellant claims he was provided "misguidance" from the Development Services Department.***

**City Response:**

The Appellant claims that the Planning Division erroneously informed the applicant in July 2023 that only an "administrative coastal permit" would be required for the project, but was later informed a Regular Coastal Permit would be necessary. The Appellant asserts that this misguidance significantly hindered the applicant's efforts to obtain the required permits promptly.

On May 12, 2023, the Code Enforcement Division issued a stop work notice at the project site for ongoing construction without the issuance of a valid building permit. The property owner applied for a revision to building permit BLDG22-2538 on June 5, 2023 to accurately reflect the scope of work being performed as part of the remodel/repair of the existing multi-family units on the property. Development Services Department staff determined that the Unit 3 balcony, which was labeled as “existing,” was in fact new, unpermitted construction that occurred in early 2023 as documented by the Code Enforcement Division.

On July 3, 2023, the applicant was issued formal plan check comments from the Building Division indicating that the project would require a Regular Coastal Permit for the construction of a new balcony in the appeal area of the Coastal Zone. The applicant formally submitted an application for a Regular Coastal Permit on August 30, 2023, including the payment of the required \$4,000 deposit fee. Staff finds that plan check records for BLDG22-2538 clearly indicate the applicant was notified of the Regular Coastal Permit requirement on July 3, 2023 during second plan check. The misrepresentation of the balcony as “existing” rather than new construction ultimately affected staff’s ability to review the proposal for compliance with city codes.

***Issue 5: Appellant claims the variance should be granted due to the site’s physical and geographic conditions, site specific hardships and community benefits.***

**City Response:**

The project site is consistent with the R-1 District’s minimum lot size of 6,000 square feet and is of similar size to other R-1 properties in the area. The prior R-3 zoning (1950) had a minimum lot size of 5,000 sq. ft. Since the project site is rectangular in shape and void of unique physical and geographic conditions, it cannot be viewed as a constraint for development. Many properties in the area were constructed in the same time period and are now subject to the same R-1 standards as the project site.

As provided in Article 35 of the Zoning Ordinance, structures that were legally constructed prior to the current Zoning Ordinance, or as amended, are considered conforming, except that any new addition must conform with all provisions of the Zoning Ordinance.

The Appellant states that the specific site characteristics, including its size, shape, and existing structures, necessitate a variance to provide a valuable outdoor space without compromising the integrity of the property or its surroundings. In addition, the Appellant claims the three-unit configuration contributes to alleviating the housing shortage faced by the City. Staff notes that the existing property already has common outdoor open space located between the units and a balcony is not necessary to provide needed outdoor space. No properties in the vicinity with a unit located

above a detached garage have a similar balcony. Two of the three units on the property (1842 and 1844 South Pacific Street) have active short-term rental (STR) permits. If the subject units were operated as STRs, they would not contribute to long term housing opportunities in the City. In addition, an STR permit application was denied by staff for the subject unit due to the pending code enforcement case related to the unpermitted balcony.

The Appellant also claims that the granting of a variance would provide a community benefit aligning with the broader objectives of promoting sustainable and aesthetically pleasing development within the community. Staff finds community benefit is not relevant to the requisite findings of approval for a variance nor does the unpermitted balcony represent a community benefit.

***Issue 6: Appellant claims the failure to obtain a building permit prior to the variance application is not relevant.***

**City Response:**

The ability to obtain a building permit was not the basis for the Planning Commission's denial of the variance. As acknowledged in the Planning Commission staff report, a building permit cannot be issued unless a Regular Coastal Permit is approved by the Planning Commission. The requested variance was found inconsistent with the other required findings necessary for approval. Therefore, the Planning Commission was unable to approve the coastal permit. Resolutions for denial do not include conditions of approval. If the Planning Commission had opted to approve both the coastal permit and variance, the resolution would have included a condition of approval requiring the applicant to obtain a building permit for the balcony.

***Issue 7: Appellant argues that granting the variance would not violate the Local Coastal Program.***

**City Response:**

The Appellant asserts that the proposed deck is consistent with the Local Coastal Program. Issuance of a coastal development permit is subject to compliance with all zoning requirements of the R-1 District. Since the requested variance did not meet the requisite findings for approval, the project is found inconsistent with the LCP.

**Summary**

Pursuant to Section 4605(C) of the Zoning Ordinance, the City Council may consider only the issues

that were raised in the appeal filed with the City. The extensive analysis provided above clearly demonstrates that the Appellant has not provided any basis to warrant overturning the Planning Commission's denial of the project.

### **ENVIRONMENTAL DETERMINATION:**

Pursuant to Section 15270 of the California Environmental Quality Act (CEQA) Guidelines, project denials are not subject to CEQA.

### **FISCAL IMPACT**

No fiscal impact.

### **COMMISSION OR COMMITTEE REPORT**

The Planning Commission considered the project at its regular meeting on April 22, 2024. After due consideration, the Planning Commission, by motion, voted 6-0 (one commissioner absent) denying Regular Coastal Permit (RC23-00013 and Variance (V24-00001) through adoption of Resolution No. 2024-P09.

### **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.

Prepared by: Rob Dmohowski, Principal Planner

Reviewed by: Darlene Nicandro, Development Services Director

Submitted by: Jonathan Borrego, City Manager

### **ATTACHMENTS:**

1. Staff Report
2. City Council Resolution
3. Planning Commission Resolution Appeal Packet
4. Planning Commission Staff Report Packet
5. Case Summary 1842-1846 S Pacific St
6. South Pacific Lot Coverage

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE UPHOLDING PLANNING COMMISSION RESOLUTION NO. 2024-P09 DENYING A REGULAR COASTAL PERMIT AND VARIANCE AT 1842 SOUTH PACIFIC STREET (APN 153-251-11-00)**

**(Shane Garst – Applicant)**

WHEREAS, on April 22, 2024, the Planning Commission of the City of Oceanside, after holding a duly advertised public hearing, unanimously denied Regular Coastal Permit (RC23-00013) and Variance (V24-00001) to allow an existing unpermitted balcony accessory to a second story apartment unit that exceeds the maximum lot coverage of forty percent (40%) in the R-1 District at 1842 South Pacific Street; and

WHEREAS, on May 10, 2024, a timely appeal of the Planning Commission’s denial of said project were filed with the City Clerk; and

WHEREAS, on January 22, 2025, the City Council of the City of Oceanside held a duly noticed public hearing and heard and considered evidence and testimony by all interested parties concerning the Planning Commission’s denial of the Regular Coastal Permit and Variance; and

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State Guidelines thereto; the City of Oceanside acting as Lead Agency intends to disapprove the project and in accordance with CEQA Section 15270 “Projects Which are Disapproved” (b) allows for an initial screening of projects on the merits for quick disapprovals prior to initiation of the CEQA process where the agency can determine that the project cannot be approved.; and

WHEREAS, based on such evidence, testimony, and staff reports, this Council has determined that the findings of fact articulated by the Planning Commission adequately address all of the issues raised in the appeal of this project, and therefore the Council accepts the findings of fact as set forth in Planning Commission Resolution No. 2024-P09, attached hereto as Exhibit “A”, and incorporates them by reference as if fully set forth herein;

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

1. The Council affirms the Planning Commission action of April 22, 2024 and upholds the denial of Regular Coastal Permit (RC23-00013) and Variance (V24-00001) as specified by Planning

1 Commission Resolution No. 2024-P09, attached hereto as Exhibit "A" and incorporated herein by this  
2 reference;

3 2. Notice is hereby given that the time within which judicial review must be sought on this  
4 decision is governed by CCP Section 1094.6(b) as set forth in Oceanside City Code Section 1.10.

5 PASSED and ADOPTED by the City Council of the City of Oceanside, California this 22nd day of  
6 January, 2025 by the following vote:

7 AYES:

8 NAYS:

9 ABSENT:

10 ABSTAIN:

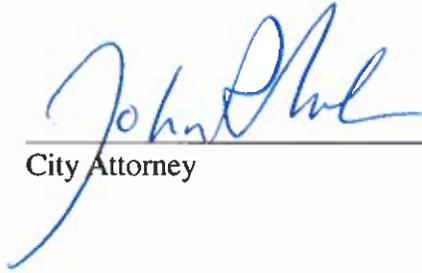
11 \_\_\_\_\_  
Mayor of the City of Oceanside

12 ATTEST:

13 APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

14  
15  
16 \_\_\_\_\_  
City Clerk

17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
\_\_\_\_\_  
City Attorney



1 PLANNING COMMISSION  
2 RESOLUTION NO. 2024-P09

3 A RESOLUTION OF THE PLANNING COMMISSION OF THE  
4 CITY OF OCEANSIDE, CALIFORNIA DENYING A REGULAR  
5 COASTAL PERMIT AND VARIANCE ON CERTAIN REAL  
6 PROPERTY IN THE CITY OF OCEANSIDE

7 APPLICATION NO: RC23-00013 & V24-00001  
8 APPLICANT: SHANE GARST  
9 LOCATION: 1842 S. PACIFIC STREET  
10 (APN: 153-251-11-00)

11 THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA DOES  
12 RESOLVE AS FOLLOWS:

13 WHEREAS, there was filed with this Commission a verified petition on the forms prescribed  
14 by the Commission requesting a Regular Coastal Permit and Variance under the provisions of  
15 Articles 10C, 35 and 41 of the Zoning Ordinance and the Local Coastal Program Coastal Permit  
16 Handbook of the City of Oceanside to permit the following:

17 Relief from the required maximum lot coverage of 40-percent in the R-1 District to allow an  
18 existing unpermitted 326 square-foot balcony accessory to a second story apartment unit.  
19 The balcony would increase non-conforming lot coverage to 47%.

20 WHEREAS, the Planning Commission, after giving the required notice, did on the 22<sup>nd</sup> day  
21 of April 2024 conduct a duly advertised public hearing as prescribed by law to consider said  
22 application;

23 WHEREAS, pursuant to the California Environmental Quality Act of 1970 and State  
24 Guidelines thereto; the City of Oceanside acting as Lead Agency intends to disapprove the project  
25 and in accordance with CEQA Section 15270 "Projects Which are Disapproved" (b) allows for an  
26 initial screening of projects on the merits for quick disapprovals prior to initiation of the CEQA  
27 process where the agency can determine that the project cannot be approved.

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

////  
////

1           HEREAS, pursuant to Oceanside Zoning Ordinance §4603, this resolution becomes effective  
2 20 days from its adoption in the absence of the timely filing of an appeal or call for review prior to  
3 the expiration of the 20 day appeal period;

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

6 **FINDINGS:**

7 **For the proposed Regular Coastal Permit (RC23-00013) to allow an existing 326 square-foot**  
8 **balcony accessory to a second story apartment unit within the appealable area of the Coastal Zone:**

- 9 1.       The project does not conform to the Local Coastal Plan, including the policies of the plan  
10 pertaining to visual resources, as implemented through the Zoning Ordinance in that the  
11 project cannot meet the required findings for a variance and therefore is inconsistent with  
12 the Zoning Ordinance, Article 10C governing the R-1 District, and Article 35 governing  
13 nonconforming structures and uses.

14 **For the Variance (V24-00001):**

- 15 1.       That because of special circumstances or conditions applicable to the development site  
16 including size, shape, topography, location or surroundings, strict application of the  
17 requirements of the Zoning Ordinance does not deprive such property of privileges  
18 enjoyed by other property in the vicinity and under identical zoning classification, in that:
- 19 a)       The existing three units were constructed in 1951 prior to the establishment of the  
20 R-1 Zone in 1958. Article 35 of the Zoning Ordinance specifies that structures that  
21 were legally constructed prior to the current Zoning Ordinance, or as amended, are  
22 considered conforming, except that any new addition must conform with all  
23 provisions of the Zoning Ordinance.
- 24 b)       There are no special circumstances or conditions applicable to the site including  
25 size or shape that deprive the property of privileges enjoyed by other property in  
26 the vicinity and under the identical zoning classification. The existing 6,000 square-  
27 foot lot is rectangular in shape and relatively flat. The site meets the minimum lot  
28 size requirement for the R-1 District and is developed with three legally constructed  
29 dwelling units and a detached four-car garage. Similar properties in the area were  
developed with multi-family units prior to the establishment of the R-1 District and

1 are subject to the current R-1 development standards. No properties in the vicinity  
2 with existing dwelling units above a garage have attached balconies accessory to  
3 the units. Therefore such property is not deprived of privileges enjoyed by other  
4 property in the vicinity and under identical zoning classification.

5 2. The granting of the variance application (V24-00001) will be detrimental or injurious to  
6 property or improvements in the vicinity of the development site, or to the public health,  
7 safety or general welfare, in that:

8 a) The balcony was constructed without the benefit of a building permit. The request  
9 would result in a privilege inconsistent with Articles 10C of the Zoning Ordinance,  
10 which establishes lot coverage and Article 35 which provides that properties where  
11 lot coverage requirements are conforming prior to the effective date of the Zoning  
12 Ordinance shall be deemed to be conforming, provided that any additions,  
13 alterations or changes shall conform to all provisions of the Zoning Ordinance. A  
14 building permit cannot be issued without the approval of a Regular Coastal Permit.  
15 The issuance of a building permit would ensure the balcony would not be  
16 detrimental or injurious to property or improvements in the vicinity of the  
17 development site, or to the public health, safety or general welfare. However, since  
18 the variance request doesn't meet all of the requisite findings, a building permit  
19 cannot be issued for the property unless a Regular Coastal Permit is granted.  
20 Consistency with this finding would require approval of a Regular Coastal Permit  
21 and building permit, which cannot be granted in conflict of the Zoning Ordinance.

22 3. The granting of the variance application (V24-00001) is inconsistent with the purposes of  
23 the Zoning Ordinance and will constitute a grant of special privilege inconsistent with  
24 limitation on other properties in the vicinity and in the same zoning district, in that:

25 a) The unpermitted deck exceeds the maximum allowable lot coverage in the R-1  
26 District. Article 35 -Nonconforming Uses and Structures, Section 3503 of the Zoning  
27 Ordinance, provides that properties where lot coverage requirements are conforming  
28 prior to the effective date of the Zoning Ordinance shall be deemed to be conforming,  
29 provided that any additions, alterations or changes shall conform to all provisions of

1 the Zoning Ordinance. Therefore, the granting of such request would be detrimental  
2 and precedent affirming within the R-1 zone and would constitute granting a special  
3 privilege because other residential properties governed by the Zoning Ordinance are  
4 held to the required standard, including all R-1 zoned properties between the 1800 to  
5 2000 block of South Pacific Street.

6 b) There are four identified R-1 properties in the vicinity of the project site developed  
7 with two or more units that have an existing dwelling unit located above a detached  
8 garage at the rear of the property. Other than external staircases, none of the identified  
9 dwellings have attached balconies or accessory structures. The construction of an  
10 unpermitted balcony created a nonconformity in conflict with Article 35 of the Zoning  
11 Ordinance. Therefore granting approval of a variance for an unpermitted deck  
12 exceeding lot coverage would constitute a grant of special privilege inconsistent with  
13 limitation on other properties in the area and in the same zoning district.

14 4. For properties located within the Coastal Zone: That granting the variance is not consistent  
15 with all applicable policies of the certified Land Use Plan, in that:

16 a) The project does not conform to the Local Coastal Program as implemented  
17 through the Zoning Ordinance in that the subject balcony was constructed without a permit  
18 and exceeds the maximum allowable lot coverage of 40% in the R-1 District. The project  
19 cannot meet the requisite findings for a variance and therefore is inconsistent with the  
20 Local Coastal Program based on non-compliance with development standards in the  
21 Zoning Ordinance.

22 /////  
23 /////  
24 /////  
25 /////  
26 /////  
27 /////  
28 /////  
29 /////

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby deny Regular Coastal Permit (RC23-00013) and Variance (V24-00001)

PASSED AND ADOPTED Resolution No. 2024-P09 on April 22, 2024, by the following vote, to wit:

AYES: Morrissey, Rosales, Balma, Dodds, Malik, Anthony

NAYS:

ABSENT: Ogden

ABSTAIN:



Tom Morrissey, Chairperson  
Oceanside Planning Commission

ATTEST:



Sergio Madera, Secretary

I, Sergio Madera, Secretary of the Oceanside Planning Commission, hereby certify that this is a true and correct copy of Resolution No. 2024-P09.

Dated: April 22, 2024

Via: Personal Delivery

RECEIVED

Copy to: CAO, CMO, Planning

MAY 10 2024

(Rdo Dmohowski)



OCEANSIDE CA

300 North Coast Highway  
Oceanside, CA 92054  
Tel (760) 435-3000 Fax (760) 967-3922  
OCEANSIDE CITY CLERK

### APPEAL OF PLANNING COMMISSION ACTION

APPEALS MUST BE FILED WITH THE CITY CLERK'S OFFICE WITHIN 10 CALENDAR DAYS OF THE DATE OF FINAL ACTION

#### PROJECT/ACTION BEING APPEALED

PROJECT NAME	1842-1846 S Pacific St	DATE OF FINAL DECISION	April 22, 2024
RESOLUTION NUMBER	2024-P09		

#### FORM OF APPEAL

APPEAL FEE - \$1,838  PETITION  (PLEASE SEE BELOW FOR EXPLANATION/SIGN OFF)

LETTER INCLUDING A STATEMENT SPECIFICALLY IDENTIFYING THE PORTION(S) OF THE DECISION BEING APPEALED AND THE BASIS FOR THE APPEAL IS ATTACHED

#### PERSON FILING APPEAL

NAME	Shane Garst		Daytime Telephone:	619-788-4408	
ADDRESS	1842-1846 S Pacific St	CITY	Oceanside	STATE	CA
				ZIP	92054
APPEALED BY APPLICANT (COMPANY/REP)	<input checked="" type="checkbox"/>	INTERESTED PARTY	<input type="checkbox"/>	PROPERTY OWNER WITHIN NOTICE AREA	<input type="checkbox"/>
SIGNATURE			DATE	5/9/2024	

#### CONTACT PERSON (IF DIFFERENT FROM PERSON FILING APPEAL)

NAME	G10 Law, Louis A. Galuppo, Esq. and Melania Mirzakhian, Esq.				
ADDRESS	5946 Priestly Dr #200	CITY	Carlsbad	STATE	CA
				ZIP	92008
Daytime Telephone	760-431-4575	Fax Number	760-431-4579	Email Address	lgaluppo@g10law.com mmirzakhian@g10law.com

**Section 4604:** To appeal by petition for a waiver of the appeal fee, the appeal must be accompanied by the signatures of 50% of the property owners within the noticed area or 25 signatures of the property owners or tenants within the noticed area, whichever is less.

I hereby certify that this appeal is being submitted in accordance with the Zoning Ordinance and meets the criteria specified in Section 4604 for an appeal by petition.

Signature: [Signature] Date: 5.9.24

NOTE: All petitions must contain original signatures, along with the printed name and address of each signer.

**ATTACHMENT TO APPEAL**

OCEANSIDE CITY CLERK

**Non-Exhaustive List of Objections to Staff Report dated April 22, 2024**

**INTRODUCTION**

This document serves as a pivotal attachment to our Appeal, delineating objections to the Staff Report dated April 22, 2024, concerning the denial of our Client’s request for variance and permit. The objections herein stem from a rigorous analysis grounded in legal principles, regulatory standards, and procedural regularities, necessitating a thorough examination.

We unequivocally reserve all rights, objections, and remedies available under applicable laws, regulations, and ordinances, whether expressly stated herein or otherwise, to challenge the decision of the City Planning Commission. This includes the right to augment the record with additional evidence and arguments, to question witnesses, and to present oral testimony at any forthcoming hearing before the City Planning Commission, the City Council, or any other pertinent administrative or judicial body.

**ARGUMENT**

**Dispute Regarding Lot Coverage Calculations**

We vehemently contest the calculations performed by the staff, asserting that our Client's current lot coverage stands at the disputed forty percent (40%) and that the proposed addition would elevate it to forty-seven percent (47%); specifically in relationship to other properties in the area. We shall furnish precise measurements and assessments conducted by a certified professional to clarify the discrepancies in these numbers.

It is imperative to rectify any inaccuracies in the determination of lot coverage, as these figures form the basis of the City’s decision-making process. Accurate data is essential to ensure fair evaluation and adherence to zoning regulations.

We anticipate that the findings of our independent assessment will shed light on the true extent of lot coverage and provide a more accurate basis for assessing the variance request. These measurements will be submitted promptly to the City.

**Equal Protection Violation**

The denial of our Client’s variance request raises paramount concerns regarding potential violations of the 14th Amendment’s Equal Protection Clause of the United States Constitution, as well as the California Constitution Article I Section 7, mandating governing bodies to ensure the equitable treatment of all under the law. The City of Oceanside is duty-bound to treat property owners applying for variances and permits with uniformity, devoid of arbitrary discrimination, as stipulated by legal and regulatory frameworks.

The disparate treatment between our Client and neighboring properties, notably the property adjacent to ours, manifests clear indications of the City Planning’s failure to adhere to the equal protection clause. While our Client modestly requested a variance for a 326 square feet patio

cover/deck, the City Planning summarily denied this request. Conversely, neighboring properties have been granted variances or similar permissions, even for substantially greater increases in lot coverage. Such unequal treatment violates the foundational principles of equal protection under the law and cannot be justified by legitimate governmental interests or rational zoning considerations.

The denial of our Client's variance, juxtaposed with the acknowledgment by Staff that R-1 properties on South Pacific Street exceed forty percent (40%) lot coverage, epitomizes an arbitrary and unjustifiable distinction. This egregious discrepancy undermines our Client's rights and fosters a palpable sense of injustice and inequity.

Moreover, legal precedent, exemplified by the case of *Breneric Associates v. City of Del Mar*, 69 Cal.App.4th 166 (1998), underscores the gravity of equal protection violations. The court therein emphasized that the arbitrary rejection of an application, while approving other similar projects, constitutes a violation of equal protection rights.

The federal and state equal protection clauses mandate impartial governance, devoid of distinctions drawn solely on irrelevant differences. However, the City Planning Department, through its recommendation to deny our Client's variance request, has infringed upon our Client's constitutional right to equal protection.

### **Disparate Treatment - Comparative Analysis Necessary**

The evident disparate treatment by the City Planning and Staff, coupled with their acknowledgment of other property owners in the same district being permitted to exceed the forty percent (40%) lot coverage requirement, necessitates a comprehensive and impartial comparative analysis. Such an analysis is imperative to elucidate past variances and permit applications granted by the City, thereby ensuring transparency and fairness in decision-making processes.

The acknowledgment by City Staff of R-1 properties on South Pacific Street exceeding the forty (40%) lot coverage serves as a pivotal reference point. However, without a thorough comparative analysis, it remains impossible to ascertain the extent of disparate treatment and identify any discernible patterns or inconsistencies in the application of zoning regulations.

To uphold transparency, accountability, and equal protection under the law, we have initiated a public record request pursuant to the California Government Code Division 7, Title 1, Chapter 3.5 Sections 6250-6276.48 ("CPRA"). This request aims to access pertinent records and documents pertaining to past variances and permit applications in R-1 Districts, with a specific focus on lot coverage exemptions.

We anticipate that this comparative analysis will unveil any disparities or biases in the City's treatment of similar variance requests, thereby offering invaluable insights into the equitable application of zoning regulations. By conducting such an analysis, we strive to bolster informed and equitable decision-making processes, ensuring consistent and fair treatment of all property owners in accordance with zoning regulations.

### **Staff's Unreliable Assumption – 1950 Zoning Ordinance**

We respectfully challenge the assumption made by Staff in the staff report dated April 22, 2024, concerning lot coverage regulations prior to 1958. The assumption that lot coverage did not apply before 1958 and that site development was solely regulated through setback requirements is based on incomplete information and warrants further verification.

Since Staff acknowledged that certain R-1 properties on South Pacific Street exceed forty percent (40%) lot coverage, it is vital to note that Staff could not locate any records indicating approval under a sixty percent (60%) lot coverage requirement. However, the absence of such records does not conclusively establish that lot coverage regulations did not exist before 1958. It is plausible that historical documents or records may have been overlooked or not readily accessible during the search conducted by Staff.

Moreover, the assertion that the 1950 Zoning Ordinance did not establish a maximum lot coverage requirement for any zone district does not preclude the existence of lot coverage regulations through other means, such as administrative policies, building codes, or prevailing planning practices at the time. Without a comprehensive review of all pertinent historical documents and ordinances, it is premature to conclude that lot coverage regulations were non-existent before 1958.

Additionally, the subsequent zoning changes and re-designations of properties on South Pacific Street between 1958 and 2009 underscore the complexity of historical zoning, planning and building regulations in the area. The evolution of zoning designations and lot coverage requirements over time necessitates a meticulous examination of all relevant ordinances, records, and administrative practices to accurately ascertain historical context.

Therefore, we respectfully request that the City collaborates with us in undertaking a comprehensive verification process, guided by the principles of transparency and accountability. This process should encompass a diligent review of all available historical documents, records, and ordinances concerning lot coverage regulations before 1958 and therefore to the entire lot coverage ratio analysis.

It is imperative to ensure that assumptions made in the decision-making process are founded on accurate and verified information. By conducting a thorough verification process, the City Planning Commission can uphold the integrity of decision-making processes and ensure that zoning determinations are made with due diligence and factual accuracy.

Once again, underscoring the significance of transparency and accountability in the decision-making process, we underscore the need for a comprehensive verification process and challenge the assumption made by Staff concerning lot coverage regulations before 1958.

### **Misguidance from City of Oceanside – Development Services**

Throughout the application process, our Client encountered instances of erroneous information and guidance from the City of Oceanside's Development Services Department. This misinformation not only led to confusion but also contributed to delays and obstacles in pursuing necessary approvals for the proposed project.

1. Misinformation from Planning Division: In or around July 2023, our Client was erroneously informed by the Planning Division that only an 'administrative coastal permit' ("ACP") was required for the project. However, it later became apparent that a 'regular coastal permit' ("RCP") was necessary, leading to additional complications and delays. This erroneous guidance significantly hindered our Client's efforts to obtain the required permits promptly.
2. Miscommunication from Code Enforcement: Similarly, in or around August 2023, our Client received misleading information from the Code Enforcement department. Our Client was informed that no survey was necessary for the project. However, this information was contradicted when one was requested in October 2023, further adding to the confusion and uncertainty surrounding the project requirements.

These instances of misguidance and misinformation from the City of Oceanside's Development Services Department have had tangible repercussions on our Client's ability to navigate the regulatory process effectively. The contradictory and inaccurate information provided by city officials has hindered our Client's progress and undermined their confidence in the reliability of the guidance received.

In light of these circumstances, further investigation is warranted to ascertain the reasons behind the misleading information provided by the Development Services Department. Such an investigation should explore the grounds for the erroneous guidance provided and identify measures to prevent similar instances in the future.

The misguidance experienced by our Client underscores the critical importance of clear and accurate communication from city officials, particularly in matters pertaining to zoning regulations and permit requirements. Failure to provide reliable guidance not only impacts individual property owners but also undermines the integrity of the regulatory process and erodes trust in local government agencies.

Addressing the root causes of the misinformation provided and implementing corrective measures will help prevent similar issues in the future and ensure a more efficient and transparent regulatory process for all stakeholders involved.

### **Justification for Variance as per Article 41 of the Zoning Ordinance**

In accordance with the criteria outlined in Article 41 of the Zoning Ordinance of the City of Oceanside, the proposed variance for the covered patio/deck addition addresses practical difficulties and physical hardships while promoting responsible land use and development practices.

Aligned with the provisions of Article 41, the proposed variance for the covered patio/deck addition addresses several key considerations:

1. Physical Conditions: The Property's topography and layout present challenges in maximizing usable space while adhering to lot coverage limitations. The conversion of the property from a single-family residence to a 3-unit property has pushed lot coverage to approximately forty percent (40%), effectively combating the housing shortage faced by

the City of Oceanside and generating income streams. The modest increase of seven percent (7%) in lot coverage associated with the balcony addresses these physical constraints without imposing significant adverse effects on neighboring properties or the surrounding environment. Moreover, neighboring properties have previously exceeded the lot coverage maximum of forty percent (40%), thereby rendering the Applicant's Project conforming to past decisions applied.

2. Geographic Considerations: Given the coastal location of the Property, unique geographic and environmental factors influence development options. The balcony addition is designed to enhance the Property's livability and enjoyment of its coastal surroundings, adding value and functionality while respecting the natural landscape and preserving views for adjacent properties. As the balcony is inward-facing, it minimizes adverse impacts on public safety or vehicular circulation.
3. Site-Specific Hardships: The specific characteristics of the site, including its size, shape, and existing structures, necessitate variances to accommodate reasonable development proposals. The patio cover / deck addition represents a thoughtful response to the site's constraints, providing valuable outdoor living space without compromising the integrity of the Property or its surroundings. The Property's three-unit configuration contributes to alleviating the housing shortage faced by the City of Oceanside.
4. Community Benefit: Granting the variance would contribute to the enhancement of the neighborhood's character and livability while supporting the right to reasonable use and enjoyment of their land. The balcony addition aligns with the broader objectives of promoting sustainable and aesthetically pleasing development within the community.

### **Incorporating Concurrent Building Permit Application into Variance Consideration**

While it is acknowledged that the patio cover/deck was constructed without the benefit of a building permit, it is essential to consider the circumstances surrounding its construction and the broader objectives of planning, zoning and building regulations.

Firstly, the absence of a building permit should not detract from the validity of our Client's request for a variance. The issue of the building permit is distinct and can be addressed separately through appropriate channels, devoid of serving as grounds for denying the variance request.

Furthermore, the argument regarding consistency with Articles 10C and 35 of the Zoning Ordinance overlooks the fundamental purpose of variance provisions within zoning regulations. Variances are intended to address unique circumstances or hardships that may prevent strict compliance with zoning requirements. In this case, the modest increase in lot coverage associated with the balcony is not inconsistent with the broader objectives of zoning regulations, particularly when considering the practical difficulties and physical constraints of the property.

Additionally, our client took proactive steps to address the building permit issue by applying for a building permit concurrently with the variance request. This demonstrates our client's commitment to comply with regulatory requirements and rectifying any deficiencies in the past permitting process.

Moreover, we are enclosing stamped structural drawings of the patio cover/deck prepared by a licensed structural engineer. These drawings meticulously outline that the structure complies with all current building codes, regulations, and standards. The expertise and professional scrutiny reflected in the document underscore our commitment to ensuring the safety, integrity, and compliance of the proposed project with all relevant building codes and regulations. This additional evidence further substantiates the viability and legitimacy of our variance request, reinforcing our dedication to responsible and lawful development practices.

The simultaneous application for a building permit underscores our Client's willingness to adhere to City regulations and ensure that the construction of the balcony meets all necessary standards and codes. It reflects a responsible approach to development and a genuine effort to rectify any oversight in the permitting process.

Considering the concurrent application for a building permit and structural plans, it would be inequitable to deny the variance request solely based on the absence of a building permit at the time of construction. Our Client has taken proactive measures to rectify the situation and ensure compliance with regulatory requirements, which should be taken into consideration by the City Planning Commission.

The variance request should be evaluated based on its own substantive merits, independent of the building permit issue, to ensure a fair and equitable decision-making process.

### **Addressing Non-Compliance with Local Coastal Program and Zoning Ordinance**

While it is true that the patio cover/deck was constructed without a permit and may exceed the maximum allowable lot coverage of forty percent (40%) in the R-1 District, it is essential to contextualize this issue within the broader framework of the regulations and the Local Coastal Program (“LCP”).

Firstly, the violation of zoning regulations does not preclude the possibility of granting a variance, it never does. Variances are specifically designed to address unique circumstances or hardships that may prevent strict compliance with planning, zoning and building requirements. In this case, the circumstances surrounding the construction of the patio cover/deck and the specific hardships faced by our Client warrant careful consideration application.

Furthermore, the denial of a variance solely based on non-compliance with development standards in the Zoning Ordinance would fail to account for the broader objectives of zoning regulations and the Local Coastal Program. Both regulatory frameworks aim to balance the preservation of coastal resources with reasonable land use and development practices.

In evaluating the variance request, the City Planning Commission should consider the overall impact of the patio cover/deck addition on coastal resources and community welfare. The modest increase in lot coverage associated with the balcony, while exceeding the prescribed limit, does not pose significant adverse effects on coastal resources or public welfare. Moreover, the inward-facing nature of the patio cover/deck minimizes its visual impact and ensures compatibility with the coastal environment.

Additionally, it is pertinent to highlight that our Client has taken proactive steps to rectify the permitting issue by applying for a building permit concurrently with the variance request. This demonstrates our Client's commitment to compliance and responsible development practices, mitigating concerns about past non-compliance.

In summary, while the project may not conform to all development standards outlined in the Zoning Ordinance, the granting of a variance would allow for a balanced and reasonable resolution that takes into account the unique circumstances of the property and the broader objectives of coastal management. The City Planning Commission should carefully evaluate the variance request based on its substantive merits and consider the mitigating factors presented, rather than solely focusing on past non-compliance with zoning regulations.

### **CONCLUSION**

In conclusion, the objections raised in this comprehensive document underscore significant concerns regarding the denial of our Client's request for a variance and permit by the City Planning Commission. The issues outlined, including equal protection violations, disparate treatment, unreliable assumptions, and misguidance from city officials, demand careful consideration and remedial action by the relevant authorities.

We reiterate our commitment to upholding the principles of transparency, accountability, and equal protection under the law throughout this process. As such, we reserve all rights, objections, and remedies available to us under applicable laws and regulations to challenge the decision of the City Planning Commission.

Furthermore, we urge the City Planning Commission and/or City Council to conduct a thorough and unbiased review of the objections raised herein. This includes considering the evidence presented, conducting a comparative analysis of past variances and permit applications, verifying assumptions regarding historical zoning regulations, and addressing instances of misguidance from city officials.

It is essential to ensure fairness, consistency, and adherence to legal standards in the decision-making process to uphold the integrity of the regulatory framework and protect the rights of property owners.





RECEIVED

MAY 10 2024

OCEANSIDE CITY CLERK

May 8, 2024

*Sent via Personal Delivery*

CITY OF OCEANSIDE  
Attn: City Clerk  
300 North Coast Highway  
Oceanside, CA 92054

**RE: APPEAL OF PLANNING COMMISSION ACTION**

Matter: Regular Coastal Permit and (RC23-00013) and Variance (V24-00001)  
Resolution Number: 2024-P09  
Applicant/Client: Shane Garst  
Property: 1842-1846 S. Pacific Street  
Oceanside, CA 92054  
APN: 153-251-11-00

Dear City Clerk, Members of the City Council of the City of Oceanside:

Our office represents the applicant, Shane Garst (“**Client**” or “**Applicant**”), who owns the property located at 1842-1846 S. Pacific Street, Oceanside, CA 92054 (the “**Property**”).

We are writing to formally appeal the recent decision made by the Oceanside Planning Commission on April 22, 2024, Resolution No. 2024-P09 (“**Resolution**”) to deny our Client’s request for a Regular Coastal Permit application RC23-00013 (“**RCP**”) and Variance application V24-0001 (“**Variance**”) for a 326 square feet standard inward-facing patio cover/deck (the “**Project**”) within the proper twenty (20) day calendar appeal period pursuant to Article 46 of the Zoning Ordinance of the City of Oceanside.

Upon reviewing the grounds for denial provided by the Planning Commission, we respectfully disagree with the assessment. It is our position that our Client’s Project meets necessary criteria for approval as outlined in the Oceanside Municipal Code and Coastal Act regulations as set forth the in the attachment to the appeal.

This is especially true considering neighboring properties have received variances allowing them to exceed the coverage limitations of forty percent (40%) developing up to almost full buildable capacity and coverage area. In comparison, our client’s project which only includes a 326 square foot inward-facing patio cover/deck, remains at a much more modest coverage area.

It is imperative that the City of Oceanside employs to the fullest extent the principle of fairness in its decision-making process and treats all applicants equally and fairly in accordance with established regulations and without favoritism and prejudice and acts in the public interest for the common good of the residents of Oceanside.

As such, a public record request has been initiated by our office under the California Government Code Division 7, Title 1, Chapter 3.5 Sections 6250-6276.48 (“CPRA”) to fully review and understand the decision-making process.

It is fundamental to the basis of administrative law that appellants, like our Client, to retain the opportunity to supplement and augment their initial submissions with additional documentation and legal arguments as necessary for a thorough and fair review of the matter at hand. This includes the presentation of any pertinent information that may have been inadvertently omitted from the original application or brought to light subsequent to its submission. Hence, we assert our unequivocal right to augment the Applicant’s material and objections provided herein in pursuit of a just resolution.

We emphasize our dedication to ensuring a comprehensive and equitable review of this matter, and we remain hopeful that the City will uphold the principles of due process and procedural fairness and equal protection through the administrative process.

In the light of the above, we request that no hearing date for the City Council public hearing be set until we had the opportunity to review all pertinent information and have adequate time to work with staff toward an amicable resolution. We strongly believe that this issue can be resolved without consuming the limited and valuable time of the Honorable Mayor and City Councilmembers.

We deeply appreciate your attention to this matter and your cooperation in allowing an efficient resolution. If you have any questions, please contact us at (760) 431-4575.

Sincerely,

**G10 LAW**  
a Professional Law Corporation



**MELANIA MIRZAKHANIAN, ESQ.**

Encl.: Appeal of Planning Commission Action  
Attachment to Appeal  
Appeal Fee

cc: City Council of City of Oceanside  
Esther C. Sanchez, Mayor [esanchez@oceansideca.org](mailto:esanchez@oceansideca.org)  
Ryan Keim, Deputy Mayor – District 3 [rkeim@oceansideca.org](mailto:rkeim@oceansideca.org)

CITY OF OCEANSIDE  
CITY CLERK  
May 8, 2024  
Page 3 of 3

Eric Joyce, Councilmember – District 1 [ejoyce@oceansideca.org](mailto:ejoyce@oceansideca.org)  
Rick Robinson, Councilmember – District 2 [rwrobinson@oceansideca.org](mailto:rwrobinson@oceansideca.org)  
Peter Weiss, Councilmember – District 4 [pweiss@oceansideca.org](mailto:pweiss@oceansideca.org)

City Attorney

John Mullen, City Attorney [jmullen@oceansideca.org](mailto:jmullen@oceansideca.org)

Client

Louis A. Galuppo, Esq. / Managing Shareholder G10 Law [lgaluppo@g10law.com](mailto:lgaluppo@g10law.com)  
Ivana Zivcevski, G10 Law [izivcevski@g10law.com](mailto:izivcevski@g10law.com)

21371

**G10 LAW, AP LC**  
**OPERATING ACCOUNT**  
5946 PRIESTLY DRIVE SUITE 200  
CARLSBAD, CA 92008  
(760) 431-4575



05/09/2024

City of Oceanside

PAY TO THE  
ORDER OF

One thousand eight hundred thirty-eight and 00/100\*\*\*\*\*

\$

\*\*1,838.00

DOLLARS

City of Oceanside  
Attn: City Clerk Department  
300 North Coast Highway  
Oceanside, CA 92054

MEMO

Resolution #2024-P09 1842 S. Pacific Street



AUTHORIZED SIGNATURE  
*[Signature]*

**G10 LAW, AP LC - OPERATING ACCOUNT**  
05/09/2024  
City of Oceanside

Appeal Fee

21371  
1,838.00

**DEPOSIT TRANSMITTAL**  
 City of Oceanside  
 Financial Services Department

City of Oceanside  
 City Hall East Building  
 300 North Coast Hwy  
 Oceanside, CA 92054  
 (760) 435-4500

Planning Commission Appeals  
 1x 1,838.00

Resolution #: CHECK NO. 21371 G10 LAW  
 APLC CHANE GARST

Subtotal: 1,838.00  
 Total: 1,838.00  
 Check Number: 000021371

5/10/2024 15:30 AM  
 #2342104 /3/2  
 Receipt #: 2270564

\*\*\*\*\* DUPLICATE #001 \*\*\*\*\*

5/10/2024 15:32 AM  
 Thank You!  
 City Website: www.ci.oceanside.ca.us

City Clerk \_\_\_\_\_ Received from A. Williams DATE 05/10/24  
 Extension 3014

General Comment	Name of Firm	Name	Amount
Check no. 21371	G10 Law APLC	Shane Garst	\$1,838.00

**GRAND TOTAL** \$1,838.00

Cash \_\_\_\_\_  
 Check/s X  
 Money Order/s \_\_\_\_\_

Received by: \_\_\_\_\_



DATE: April; 22, 2024

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A REGULAR COASTAL PERMIT (RC23-00013) AND VARIANCE (V24-00001) TO ALLOW AN EXISTING UNPERMITTED BALCONY ACCESSORY TO A SECOND STORY APARTMENT UNIT AND A REQUEST TO EXCEED THE MAXIMUM ALLOWABLE LOT COVERAGE IN THE R-1 DISTRICT – GARST RESIDENCE AT 1842 S. PACIFIC STREET – APPLICANT: SHANE GARST**

### **RECOMMENDATION**

Staff recommends that the Planning Commission by motion;

- (1) Deny Regular Coastal Permit (RC23-00013) and Variance (V24-00001) by adopting Planning Commission Resolution No. 2024-P09 with findings attached herein.

### **BACKGROUND AND PROJECT DESCRIPTION**

**Site Review:** The project site is located at 1842 South Pacific Street in the South Oceanside Neighborhood Planning Area. Situated within the Coastal Zone, the property has a General Plan land use designation of Single Family Detached Residential (SFD-R), a Local Coastal Program (LCP) designation of Low Density Residential (C-RL), and a Zoning Ordinance designation of Single Family Residential (R-1). The property also lies within the appeal jurisdiction of the California Coastal Commission.



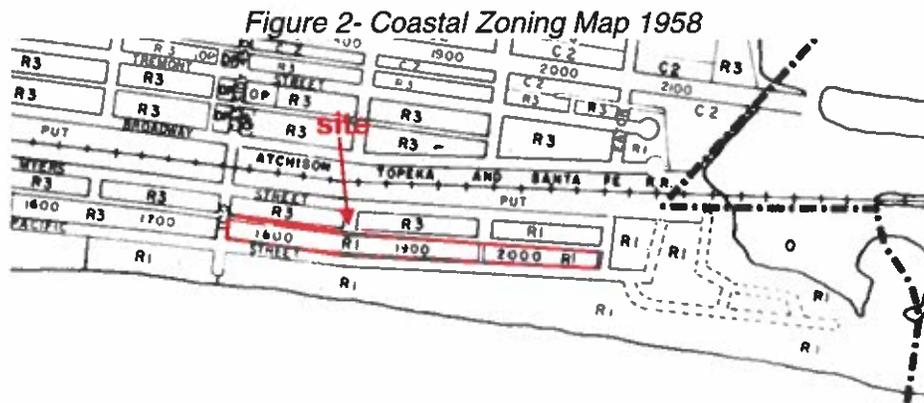
Adjacent properties to the north, south, and west are zoned R-1 and developed with single-family homes. Certain properties in the R-1 District, including the project site, are developed with legally built multi-family units that predated the establishment of the R-1

District in this area. Properties on the east side of Pacific Terrace alley are zoned R-3 (Medium Density Residential) and developed with a mixture of multi-family and single-family dwelling units. All parcels in this block range are generally 6,000 sq. ft. in size and were created in 1890 (Map No. 622 - South Oceanside Refiled 1890).

**Background:** Prior to 1958, zoning was regulated through the City's 1950 Zoning Ordinance (Ord. 655 adopted by City Council June 15, 1950). The project site, and other properties in the vicinity were zoned R-3 (Zone R-3 Multiple Family) which allowed multi-family dwelling units on lots with a minimum lot size of 5,000 square feet. The ordinance established basic development standards including building setbacks and height. Lot coverage was not codified in the 1950 Zoning Ordinance. (See Attachment No. 5)

The 1958 Zoning Ordinance was adopted by the City Council on January 8, 1958 (Ordinance 58-1) and repealed the 1950 code (Ord. 655). It established zoning districts to regulate the use of land, height of buildings, areas of lots, and yard spaces. The Zoning Ordinance predated the California Coastal Act which was enacted in 1976.

The land use map adopted with Ordinance 58-1 rezoned the project site, and all properties on the east side of South Pacific Street between Cassidy Street to Eaton Street, from R-3 to R-1 (One-family Residential Zone) as shown on Figure 2.



**Project Site:** The project site is a 5,953 square-foot parcel developed with three multi-family apartment units that were constructed in 1951 under the R-3 development standards of the 1950 Zoning Ordinance. Units 1 and 2 are located in a single-story structure fronting on Pacific Street and Unit 3 is located above a four-car detached garage at the rear of the property adjacent to Pacific Terrace alley.

On May 12, 2023, the City's Code Enforcement Division issued a stop work notice for the project site related to ongoing construction without the issuance of a valid building permit. The property owner applied for a building permit in June 2023 (revision to BLDG22-2538) to remodel/repair all three of the existing multi-family units on the property. During plan check, the Development Services Department determined that the existing balcony accessory to Unit 3 was in fact new, unpermitted construction as documented by Code Enforcement. The applicant was informed that a Regular Coastal Permit would be

required for the construction of a new balcony in the appeal jurisdiction of the Coastal Zone.

The applicant submitted an application for a Regular Coastal Permit on September 4, 2023. During preliminary review of the application, the Planning Division determined that the balcony exceeded the allowable 40% lot coverage in the R-1 District. The applicant was advised of this requirement and opted to apply for a variance to allow the balcony to exceed lot coverage.

**Project Description:** The proposed project requires the following entitlements:

Regular Coastal Permit (RC23-00013):

A request to allow an existing unpermitted balcony accessory to an existing multi-family unit (Unit 3). The existing balcony is constructed of wood and supported by five vertical posts. The balcony measures approximately 326 square feet with a height of 13 feet to the top of the railing. Access to the balcony is provided from Unit 3 through two new sliding glass doors.

Per the City's Local Coastal Program Handbook, the construction of all appurtenances and other structures, including decks directly attached to the structure, requires a Regular Coastal Permit if a site is within the appeal area of the Coastal Zone.

The project site is approximately 5,953 square feet and developed with three multi-family units and a four-car garage. The owner recently converted a portion of the existing garage into an accessory dwelling unit (ADU) as allowed under Article 30, Section 3006 of Zoning Ordinance. Table 1 below identifies existing and proposed square footage of each unit:

	Existing	Proposed
Unit 1	787.5 sf	787.5 sf
Unit 2	787.5 sf	787.5 sf
Unit 3 / above 4-car garage	915 sf	915 sf
Balcony	without balcony	326 sf
Total Square footage	2,490 sf	2,816 sf
Lot Coverage	41%	47%

As noted in Table 1, the addition of the unpermitted balcony increased the site's lot coverage to 47%. Article 35 (Nonconforming Uses and Structures), Section 3503 specifies that any building, structure or lot which, by reason of height, area, or yard requirements that is conforming prior to the effective date of the Zoning Ordinance or any amendment thereto, shall be deemed to be conforming, provided that any additions, alterations or changes shall conform to all provisions of the Zoning Ordinance.

The existing site was already at maximum lot coverage prior to the construction of the unpermitted balcony. Therefore, the applicant doesn't have the ability to modify or reduce

the balcony to comply with the lot coverage requirement necessary to meet the requisite findings for approval of a Regular Coastal Permit. Rather than remove the balcony, the applicant is pursuing a request for a variance to exceed the maximum lot coverage in the R-1 District.

**Variance (V24-00001):**

A request for a variance to exceed the maximum allowable lot coverage in the R-1 District. Article 10C, Section 1040 of the Zoning Ordinance limits the maximum lot coverage in the R-1 District to 40%. Lot coverage is defined as the percentage of a site covered by solid or open frame roofs, soffits, or overhangs and by decks more than 30 inches in height. The proposed 326 square-foot balcony addition to Unit 3 would increase the site's lot coverage to a total of 47%.

Per Article 41 of the Zoning Ordinance, variances are intended resolve practical difficulties or unnecessary physical hardships that may result from the size, shape, or dimensions of a site or the location of existing structures thereon; from geographic, topographic, or other physical conditions on the site or in the immediate vicinity; or from street locations or traffic conditions in the immediate vicinity of the site. Cost to the applicant of strict compliance with a regulation shall not be the sole reason for granting a variance.

**ANALYSIS**

The applicant is requesting approval of a Regular Coastal Permit contingent upon the granting of a variance request to exceed the maximum lot coverage in the R-1 District. As justification for the request, the applicant indicated that the balcony is consistent with LCP policies and that the proposed lot coverage is consistent with other R-1 zoned properties in the vicinity that were permitted and developed with a higher lot coverage allowance of 60% based on R-3 or RH standards.

**Zoning Background (S. Pacific Street):**

As previously noted, the project site and properties in the vicinity were zoned R-3 prior to the adoption of the 1958 Zoning Ordinance, which rezoned the properties to R-1. It is important to note that the 1950 Zoning Ordinance did not have a lot coverage requirement. Development intensity was regulated through building setback and height requirements. Permissible lot coverage requirements were established in the 1958 Zoning Ordinance.

The 1958 Zoning Ordinance (Attachment No. 6) established the R-1 (One-family Residential Zone) as Article 5 and included the following key provisions:

**Permitted Uses (Section 500):**

- One-family dwellings
- Accessory buildings and structures, including private garages to accommodate not more than four cars
- A two-family dwelling when the lot upon which it is located has a side line abutting a lot or lots zoned R-3, R-P, R-T, C-1, C-2, C-M, M or F

**Development Standards:**

- Height (Section 501). No building shall exceed a height of 35 feet
- Front Yard (Section 502). A depth not less than 15 feet
- Side Yard (Section 503). 10 percent of the lot width, not less than three feet in width and need not exceed five feet
- Rear Yard (Section 504). Five feet from the rear lot line on an alley
- **Permissible Lot Coverage** (Section 508). All buildings, including accessory buildings and structure, shall not cover more than forty percent of the area of a lot

The 40% lot coverage requirement in the R-1 Zone remained unchanged in subsequent versions of the code, including the 1986 Zoning Ordinance. The 1992 Zoning Ordinance update established citywide zoning districts and changed the R-1 District to the RS (Single-Family Residential) District, which increased lot coverage to 45%. In 2009, the City reinstated the certified 1986 Zoning Ordinance within the Coastal Zone, outside of Downtown, after the California Coastal Commission (CCC) confirmed that the 1992 Zoning Ordinance was never certified by CCC. As a result, all new development in the Coastal Zone reviewed after May 2009, was subject to the development standards provided in the 1986 Zoning Ordinance.

In 2019, the 1986 Zoning Ordinance was merged into the City’s Comprehensive Zoning Ordinance. All residential districts in the Coastal Zone, exclusive of Downtown, were incorporated into the Zoning Ordinance as Article 10C (Residential ‘Coastal Zone’). The consolidation of the Zoning Ordinance contained no substantive changes and all development standards for the R-1 District remained the same.

**Existing Development in R-1 District:**

Staff reviewed development records for similar R-1 zoned properties located north and south of the project site between the 1800 to 1900 block on the east side of South Pacific Street. Records indicate that multiple properties were developed prior to the establishment of the R-1 zoning regulations in 1958. Other properties developed in accordance with zoning regulations in place at the time of construction.

The following chart summarizes existing development in the vicinity of the project site with similar characteristics and under the same zone classification:

<b>Address S. Pacific St.</b>	<b>Year Built</b>	<b>Lot Size</b>	<b>Unit Type</b>	<b>Accessory Structures</b>	<b>Lot Coverage</b>
1802	1965 <sup>3</sup>	5,998	1 SFD	2-car garage (att)	45%
1814	1987	6,000	1 SFD	2-car garage (det)	
1816	1945 <sup>3</sup>	6,164	2 Units	2-car garage/w 2 <sup>nd</sup> unit above	
1818	1945 <sup>4</sup>	6,127	1 SFD <sup>4</sup>	1-car garage (det)	
1820	1934 <sup>4</sup> /1985	6,122	2 Units	2-car garage (det) 2 <sup>ND</sup> unit above	

Address	Year	Area	Units	Garage	Percentage
1824	1988	6,297	1 SFD	3-car garage (det)	
1828	1975 <sup>3</sup>	6,000	1 SFD	2-car garage (det)	35%
1830	1980 <sup>3</sup>	6,002	1 SFD 1 ADU	2-car garage	40%
1834	1959 <sup>3</sup>	6,041	1 SFD 1 ADU	2-car garage (det) ADU attached	42%
1840	1951 <sup>4</sup>	6,271	1 SFD	2-car garage (det)	
1842 (Project Site )	1951 <sup>4</sup>		3 Units	4-car garage (det) 3 <sup>rd</sup> unit above	47%
1902	1980 <sup>3</sup>	6,000	1 SFD 1 SB 9 1 ADU	4-car garage (det) ADU above	50%
1908	2008	6,000	1 SFD	3-car garage (att)	40%
1910 (1912)	2016	6,040	2 Units <sup>1</sup>	4-car garage (det) 2 <sup>nd</sup> unit above	46% (prev. 51%)
1918	1974 <sup>3</sup>	6,023	1 SFD	2-car garage (det)	
1920	1942 <sup>3</sup> /2013	6,040	1 SFD <sup>2</sup>	4-car garage (det)	39.8%
1922	2014	6,080	1 SFD	2-car garage (att)	39.6%
1926	1948 <sup>4</sup>	5,951	1 SFD <sup>4</sup>	2-car garage (att)	
1930	1948 <sup>4</sup>	6,000	1 SFD	2-car garage (att)	
1934	1948 <sup>4</sup>	6,000	1 SFD	2-car garage (att)	
1938	1948 <sup>4</sup>	6,000	1 SFD	2-car garage (att)	

Footnotes:

- <sup>1</sup> Property originally had 3 units. Duplex was converted into an SFD in 2016 and lot coverage was reduced from 51% to 46%
- <sup>2</sup> Property originally had 2 units. Both units replaced with an SFD and lot coverage was reduced from 49.9% to 39.8%
- <sup>3</sup> Predated Local Coastal Program adopted May 8, 1985
- <sup>4</sup> Built prior to establishment of R-1 District in 1958

The combined request for a Regular Coastal Program and Variance is subject to consistency with the Local Coastal Program and Zoning Ordinance:

### 1. Local Coastal Program

The General Plan Land Use Element (Goal 1.32 - Policy A) specifies that the City shall utilize the certified Local Coastal Plan (LCP) and supporting documentation for review of all proposed projects within the Coastal Zone. Specifically, the goals and policies of the LCP Land Use Plan shall be the guiding policy review document for coastal development.

The project site has an LCP designation of Low Density Residential (C-RL) and lies within the Appeal Jurisdiction of the Coastal Zone. The C-RL classification applies to neighborhoods which are predominately built out with single-family residences. This designation is intended to preserve existing single-family residences in neighborhoods which have basically sound stock with a substantial remaining economic life.

LCP Goals and Policies

Policy VI.C.8: The City shall ensure that all new development is compatible in height, scale, color and form with the surrounding neighborhood.

A balcony accessory to a residential unit is generally compatible with the surrounding neighborhood. However, the subject balcony was constructed without a permit and exceeds the maximum allowable lot coverage of 40% in the R-1 District. The project is found inconsistent with the LCP based on non-compliance with development standards in the Zoning Ordinance. A Coastal Permit cannot be approved unless a variance is granted to allow the project to exceed lot coverage.

**2. Coastal Zoning Ordinance Compliance**

The proposed project is subject to the standards of the Zoning Ordinance, applicable to properties in all portions of the Coastal Zone outside of the Downtown area. The proposed balcony does not conform to the development requirements of the R-1 District as follows:

<b>TABLE 2 – ARTICLE 10C (R-1) Development Standards</b>		
<b>Standard</b>	<b>Requirement</b>	<b>Existing</b>
Minimum Lot Size	6,000 sq. ft.	5,953 sq. ft. (existing)
Maximum Lot Coverage	40%	2,816 sq. ft. (47%)
Minimum Interior Side Yard	10% lot width (5 feet)	5 ft. (north) & 14.4 ft. (south)
Minimum Rear Yard	5 feet	3 feet (existing)
Maximum Height	35 feet	13 feet (top of deck railing)

Approval of a variance is subject to specific findings detailed in Article 41 of the Zoning Ordinance. To obtain a variance, an applicant bears the burden of proof and must provide justification for the variance in accordance with the required findings. A copy of the applicant's description and justification is provided as Attachment No.3. The following section details the required findings, the applicant's justification statements, and staff's analysis:

- 1. That because of special circumstances or conditions applicable to the development site including size, shape, topography, location or surroundings strict application of the requirements of this ordinance deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning classification**

Applicant's justification:

*"The property is zoned R1 for residential properties in the coastal zone and balcony structures are permitted in this zone. The balcony will be located between the two large structures on site and will meet all development standards, except for the Lot Coverage percentage. The balcony will not be visible to the public or block public coastal views. The existing small lot size and strict 40% Lot Coverage percentage for this zone prohibits*

*the site from benefiting from similar improvements approved on R1 zoned neighboring sites. Many of the neighboring properties in this R1 zone have been approved under 60% Lot Coverage percentage. It has been identified that a special privilege has been granted for the neighboring sites, and we are asking that we be granted a similar allowance for just a 7% increase over the requirement. Not only will the balcony provide sun, heat, and rain relief for the ADU tenants, but the balcony will provide the private open space needed for the existing second story unit (Unit 3/1846 S. Pacific Street)."*

**Staff Analysis:**

A special circumstance does not exist because the existing three units were constructed in 1951 prior to the project site being rezoned to R-1 in 1958. As provided in Article 35 of the Zoning Ordinance, structures that were legally constructed prior to the current Zoning Ordinance, or as amended, are considered conforming, except that any new addition must conform with all provisions of the Zoning Ordinance. While some properties in the vicinity may have benefited from increased lot coverage prior to the establishment of current zoning regulations, Article 35 specifically states that additions to such properties must conform to current standards, including lot coverage.

It is acknowledged that certain R-1 properties on South Pacific Street exceed 40% lot coverage. Staff cannot locate any records that indicate any R-1 zoned properties in the vicinity were approved under a 60% lot coverage requirement. The 1950 Zoning Ordinance did not establish a maximum lot coverage requirement for any zone district. Therefore, it is assumed that lot coverage did not apply prior to 1958 and site development was regulated through setback requirements and other development standards identified in the 1950 Zoning Ordinance. From 1958 to 1992, properties between 1802 to 2040 South Pacific Street were zoned R-1 and subject to a maximum 40% lot coverage. They were re-designated to RS (45% lot coverage) in 1992 and reverted back to R-1 (1986 Zoning Ordinance) in 2009.

The project site is consistent with the R-1 District's minimum lot size of 6,000 sq. ft. and is of similar size to other R-1 properties in the area. The prior R-3 zoning (1950) had a minimum lot size of 5,000 sq. ft. Since the project site conforms with minimum lot size requirements, it cannot be viewed as a constraint for development. Many properties in the area were constructed in the same time period and are now subject to the same R-1 standards as the project site.

A review of R-1 properties in the vicinity of the project site identifies four similar parcels that have an existing dwelling unit located above a detached garage at the rear of the property. Other than external staircases, none of the identified dwellings have attached balconies or accessory structures. Therefore, there is no evidence that strict application of the requirements of this ordinance deprive such property of privileges enjoyed by other properties in vicinity and under the same zoning classification.

- 2. That granting the application will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety or general welfare; and**

*“The balcony will not impact public health, safety, or the general welfare of the property, tenants, and neighbors. The balcony was built to the California Building Code and is currently a part of a plan set to permit the balcony for compliance with the codes. The balcony will be conditioned to obtain building and safety approvals as a part of this variance approval, so no impacts shall be created by the approval of the variance for this balcony.”*

City analysis:

The balcony was constructed without the benefit of a building permit. Consistency with this finding would be contingent upon the applicant securing approval of a Coastal Permit and building permit.

**3. That granting the application is consistent with the purposes of this ordinance and will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district; and, if applicable**

*“The small lot configuration and the existing building layout of the structures, limits development of accessory structures. The strict 40% Lot Coverage requirement is not consistent with the City’s approval practices that have allowed neighboring structures to exceed the 40% Lot Coverage requirements for this zone. Anyone can review the aerial imagery on-line and quickly understand that many of the new developments and additions to neighboring properties in this R1 zone have exceeded this 40% Lot Coverage requirement. Many of the properties in this R1 zone were permitted under the R3 and RH-U zoning standards that permit 60% Lot Coverage for the R3 zone and subject to no Lot Coverage requirement for the RH-U zone. Many of the neighboring properties in this R1 zoning classification do not have a site building configuration like ours, so neighboring properties will not benefit from a similar approval of exceeding the Lot Coverage by only 7%. Therefore, granting this variance will not constitute a special privilege and will be consistent with past and current City of Oceanside Planning approvals for allowing accessory structures of more than 40% Lot Coverage in this R1 zone.”*

City Response:

The existing balcony was constructed without the benefit of a building permit. Under current zoning regulations, the City cannot approve a building permit for any property in the R-1 District that doesn’t comply with the R-1 development standards. All new construction in the appeal area of the Coastal Zone, including balconies, is subject to approval of a Regular Coastal Permit.

A review of Regular Coastal Permit applications along this section of S. Pacific Street indicate all projects were evaluated in accordance with the 40% lot coverage requirement. The following are examples of recent projects near the project site that received approval of a Regular Coastal Permit in the R-1 District:

- 1830 S. Pacific Street (RC23-00008) – Approved September 25, 2023 for the remodel of an existing SFD (Proposed lot coverage 40%).
- 1902 S. Pacific Street (SB 9 Ministerial Coastal Permit) – Building permit for the partial demolition/remodel of an existing SFD and construction of an SB 9 dwelling above the SFD per State law. An existing ADU is located above a four-car detached garage (Existing lot coverage 50% to remain).
- 1908 S. Pacific Street (RC-10-05) – Approved April 10, 2006 for the demolition of an existing SFD and construction of a two-story SFD. The site includes an existing accessory unit above a detached garage. Approved under the RS District 45% lot coverage. (Proposed lot coverage 40%).
- 1910-1912 S. Pacific Street (RC12-00014) – Approved October 8, 2012 for the conversion of an existing duplex into an SFD. The site includes an existing dwelling unit above a four-car detached garage (Original lot coverage was 51%. The project reduced the proposed lot coverage to 46%).
- 1920 S. Pacific Street (RC12-00006) – Approved July 9, 2012 for the demolition of two existing dwelling units for the construction of one SFD with an attached four-car garage (Lot coverage reduced from 49.9% to 39.8%).
- 1922 S. Pacific Street (R12-00015) – Approved March 11, 2013 for the renovation of an existing SFD and addition of a second story (Lot coverage 39.6%).

The applicant's statement that many of the new developments and additions to neighboring properties were permitted under the R-3 or RH-U lot coverage is unfounded. As previously noted, many of the existing properties that exceed 40% lot coverage were constructed prior to 1958 and were not subject to a lot coverage requirement per the 1950 Zoning Ordinance. Staff found no record of recent entitlement or building permit applications for R-1 zoned projects in the area that were approved under 60% lot coverage standards. Records indicate all existing dwellings were constructed with the appropriate permits and are assumed to be conforming with zoning requirements in place at the time of construction.

The project site is of similar size to other R-1 properties in the area that are developed with single-family homes and accessory structures that conform to all development standards of the R-1 District, including lot coverage requirements. Similar properties with existing dwelling units constructed above detached garages would not have the ability to construct an attached balcony unless granted a coastal permit in compliance with R-1 development standards.

In this case, the applicant created a nonconformity by constructing a balcony without the benefit of permits. Therefore, granting approval of a variance for an unpermitted deck exceeding lot coverage would constitute a grant of special privilege inconsistent with limitation on other properties in the area and in the same zoning district.

**4. For properties located within the coastal zone: That granting the application is consistent with all applicable policies of the certified Land Use Plan**

*“Granting of the variance for exceedance of the 40% Lot Coverage requirement is consistent with all the applicable Local Coastal policies (Coastal Access, Recreation & Visitor Serving facilities, Water & Marine resources, Environmentally Sensitive Habitat Areas, Visual Resources). As specified in the requested Coastal Permit findings, the proposed balcony would not impact any of the listed policies based on the following:*

- *The proposed balcony would not impact public coastal access or parking, because the site is not located within a public coastal access area as defined as a public route that is within 300 feet to the coastal shoreline, as per LCP Section Public Coastal Access (I.C). No parking will be removed by the construction of the balcony.*
- *The balcony is not located near or adjacent to a recreation and visitor serving facility as defined by the City’s Local Coastal Program, so no impacts would be considered if the variance is approved.*
- *The site is considered a developed urbanized area, so no marine resources or environmentally sensitive habitat will be impacted by the construction of the balcony.*
- *The balcony is not located within a public view corridor that would block public coastal views. In addition, the balcony is considered internal and not visible from the surrounding public access routes.”*

The subject balcony was constructed without a permit and exceeds the maximum allowable lot coverage of 40% in the R-1 District. The project is found inconsistent with the LCP based on non-compliance with development standards in the Zoning Ordinance.

## **ENVIRONMENTAL DETERMINATION**

Pursuant to Section 15270 of the California Environmental Quality Act (CEQA) Guidelines, project denials are not subject to CEQA.

## **PUBLIC NOTIFICATION**

A legal notice was published in the newspaper and notices were sent to property owners within a 500-foot radius and to tenants within a 100-foot radius of the subject property, individuals and/or organizations requesting notification, the applicant, and other interested parties. At the time of publication of the staff report, staff received three letters in support of the request and are provided as Attachment No. 4.

**SUMMARY**

Staff finds that the Regular Coastal Permit and Variance request are inconsistent with the requirements of the Local Coastal Program, and Zoning Ordinance. Therefore, staff recommends that the Planning Commission, by motion:

- (1) Deny Regular Coastal Permit (RC23-00013) and Variance (V24-00001) by adopting Planning Commission Resolution No. 2024-P09 with findings attached herein.

PREPARED BY:



Rob Dmohowski  
Principal Planner

SUBMITTED BY:



Sergio Madera  
City Planner

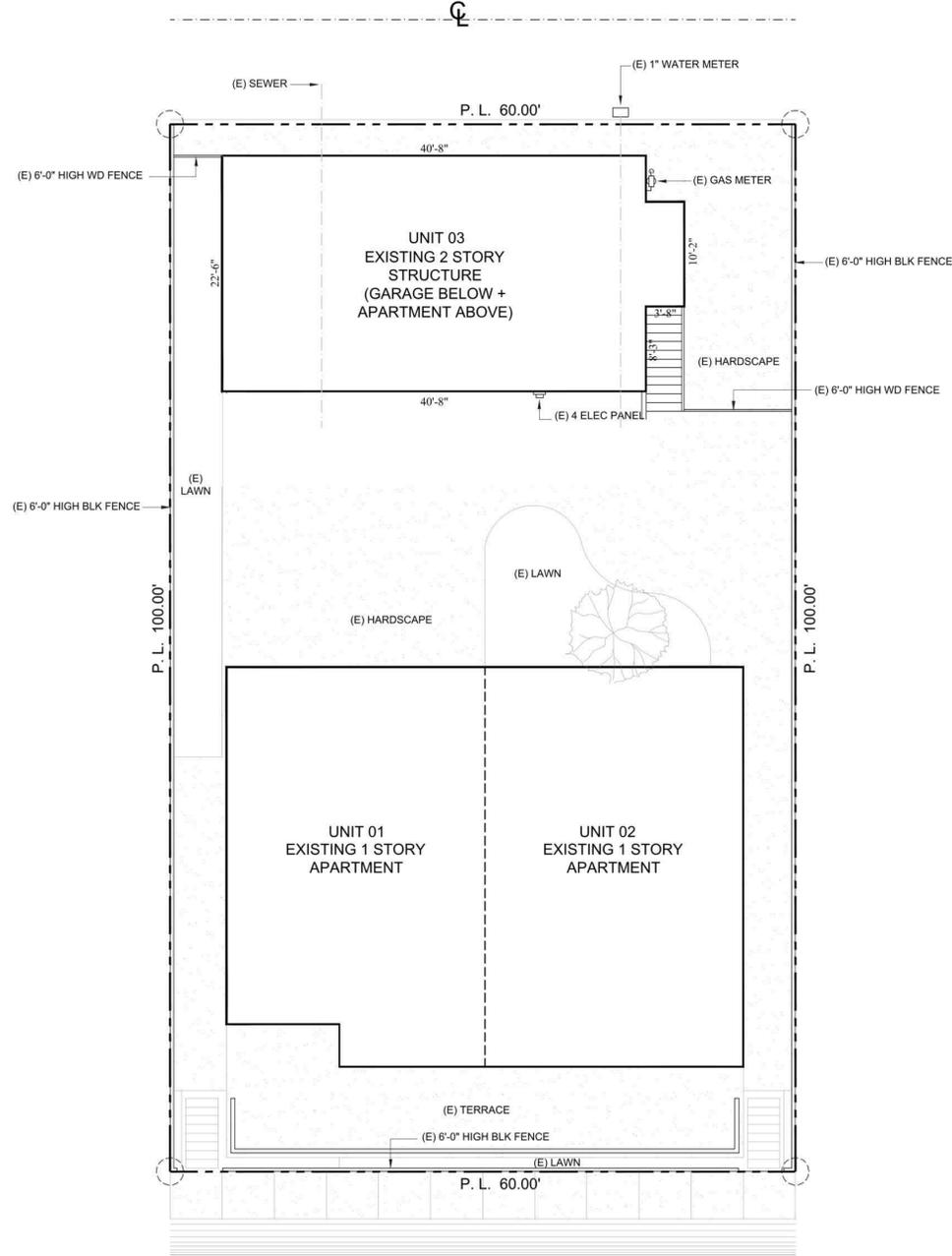
SM/RD

Attachments:

1. Planning Commission Resolution No. 2024-P09
2. Project Plans
3. Other Attachments - Application, Description and Justification, Legal Description
4. Public Comments
5. 1950 Zoning Ordinance
6. 1958 Zoning Map and Zoning Ordinance



PACIFIC TER



PACIFIC ST

EXISTING SITE PLAN

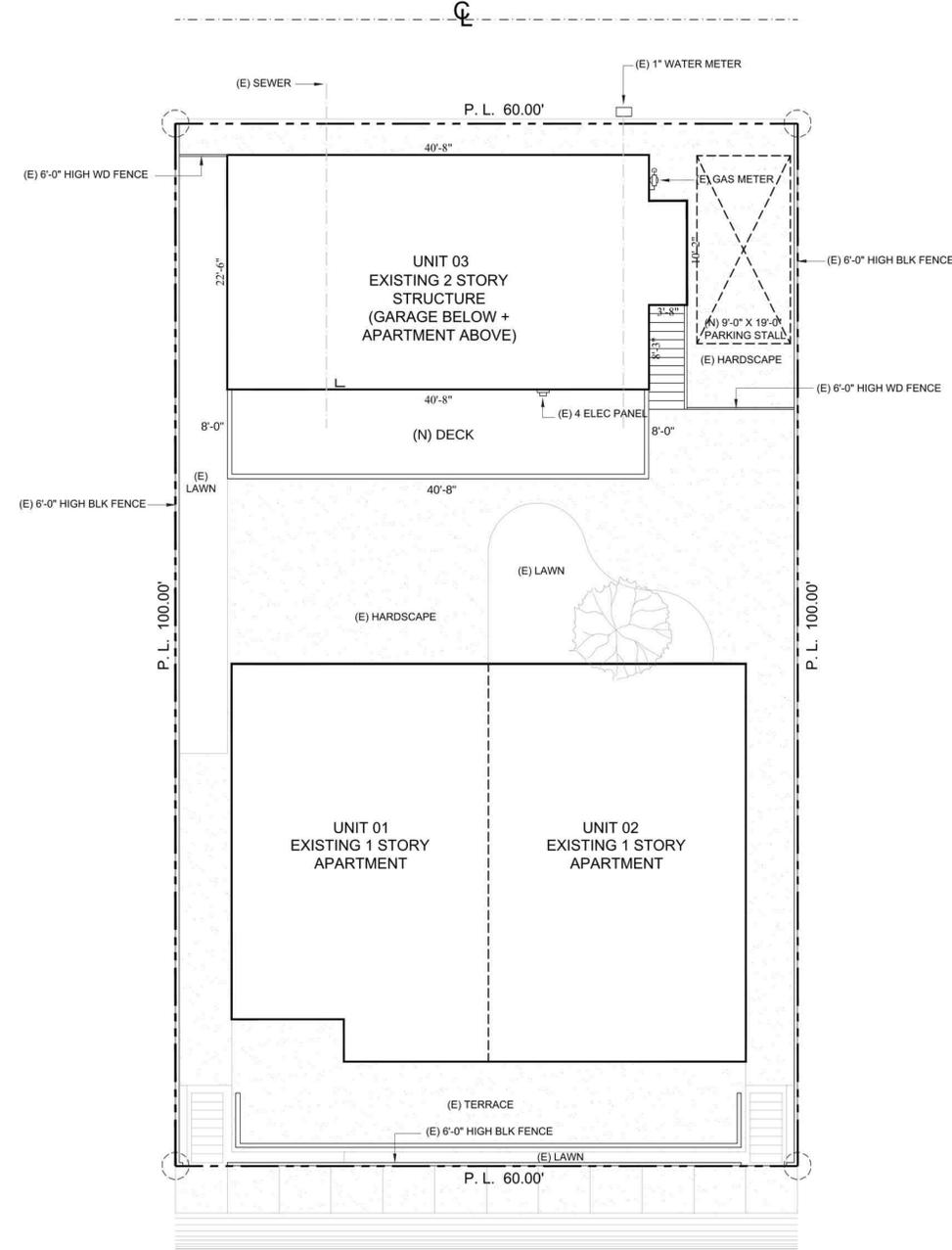
SCALE: 1/8" = 1'-0"



LEGEND

- EXISTING BUILDING
- DEMOLITION
- INTERIOR REMODEL ONLY
- EXISTING CONCRETE SLAB
- NEW TREX-DECK

PACIFIC TER



PACIFIC ST

PROPOSED SITE PLAN

SCALE: 1/8" = 1'-0"



NOTE:  
THE PROPERTY LINES HEREON WERE GENERATED FROM ACCESSORS PARCEL MAPS AND ARE INTENDED AS APPROXIMATE REPRESENTATIONS OF PROPERTY LINES FOR THIS PERMITTING PURPOSES ONLY.



JOZA Design Studio Inc.  
Residential + Commercial Design



Jorge H. Zamudio  
Founder / Lead Designer  
619.454.3991  
jorge@jozadesignstudio.com

3211 Paseo de Fuentes, National City, CA 91950  
Call 619.454.3991 Fax 619.267.1486  
jorge@jozadesignstudio.com

**GARST RESIDENCE**

1842-1846 S PACIFIC ST, OCEANSIDE, 92054

REVISIONS : DATE :  
06 / 26 / 2023

START DATE:  
SUBMITAL DATE:

DRAWN BY:  
APPROVED BY:

PROJECT NO.

J o z a Design / Jorge H. Zamudio  
ACCEPTS THESE DRAWINGS AND CONFIRMS THAT ALL APPLICABLE PERMITS  
HAVE BEEN OBTAINED AND ALL APPLICABLE REGULATIONS AND ORDINANCES  
HAVE BEEN REVIEWED AND APPROVED FOR THE PROJECT. THIS DOCUMENT IS  
THE PROPERTY OF JOZA DESIGN STUDIO INC. AND IS NOT TO BE REPRODUCED OR  
TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL,  
INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE  
AND RETRIEVAL SYSTEM.

J o z a Design / Jorge H. Zamudio  
UNLESS OTHERWISE NOTED, THESE DRAWINGS AND REPORTS  
ARE THE PROPERTY OF JOZA DESIGN STUDIO INC. AND ARE NOT TO BE  
REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS,  
ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING,  
OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.

SITE PLAN

SHEET NO.

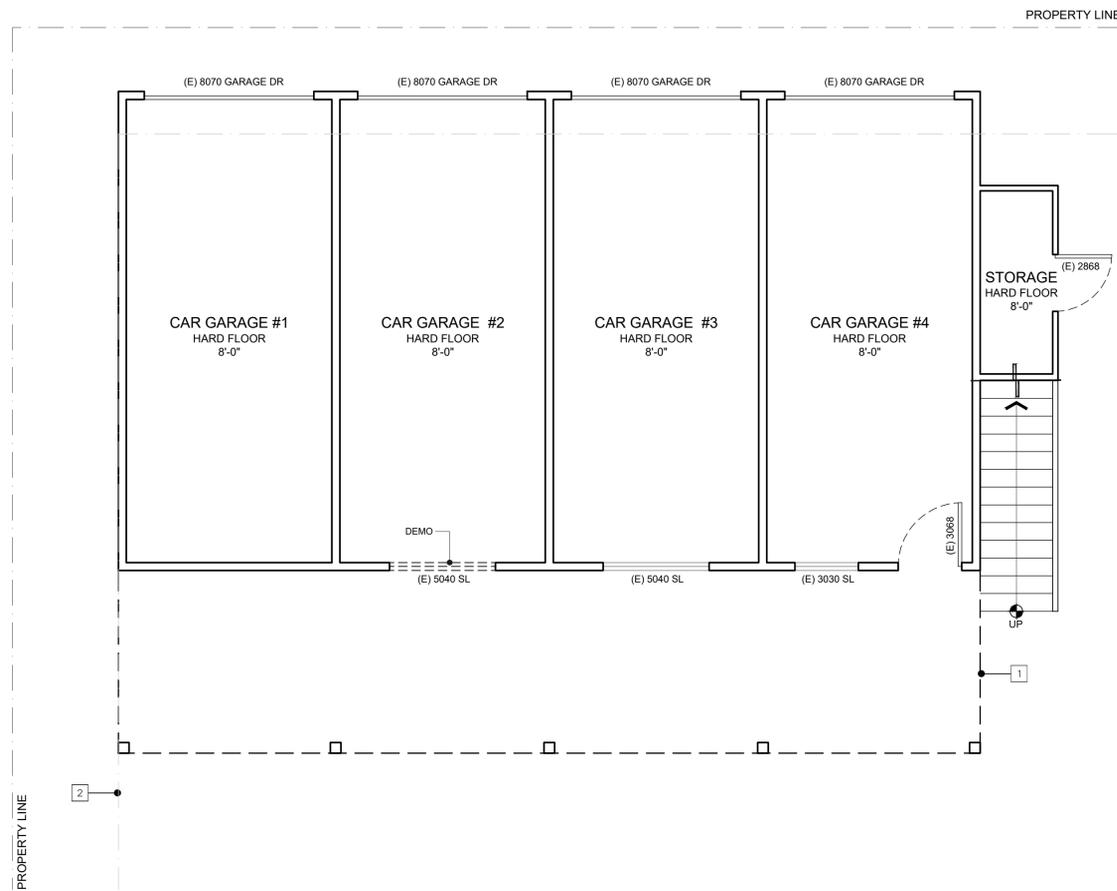
SP

**WALL LEGEND**

-  WALLS TO BE REMOVED
-  EXISTING WALLS TO REMAIN
-  2 x 4 STUDS @ 16" ALL EXTERIOR WALLS U.N.O. & 2 x 4 STUDS @ INTERIOR WALL U.N.O. 2x6 STUDS @ PLUMBING WALLS
-  1 HR FIRE WALL PROTECTION
-  1 HR CEILING (ONE LAYER 5/8" TYPE "X" GYP BD ON SIDE WHERE SUPPORTING MEMBERS ARE OF DIMENSIONAL LUMBER SPACED 16" O.C. OR LESS)
-  ARCH ABOVE. SEE PLAN FOR SP, HP.
-  AREA OF SOFFIT OR LOWERED CEILING
-  RAISED CEILING. SEE PLAN FOR HEIGHT A.F.F.
-  1 HR CEILING (ONE LAYER 5/8" TYPE "X" GYP BD ON SIDE WHERE SUPPORTING MEMBERS ARE OF DIMENSIONAL LUMBER SPACED 16" O.C. OR LESS)

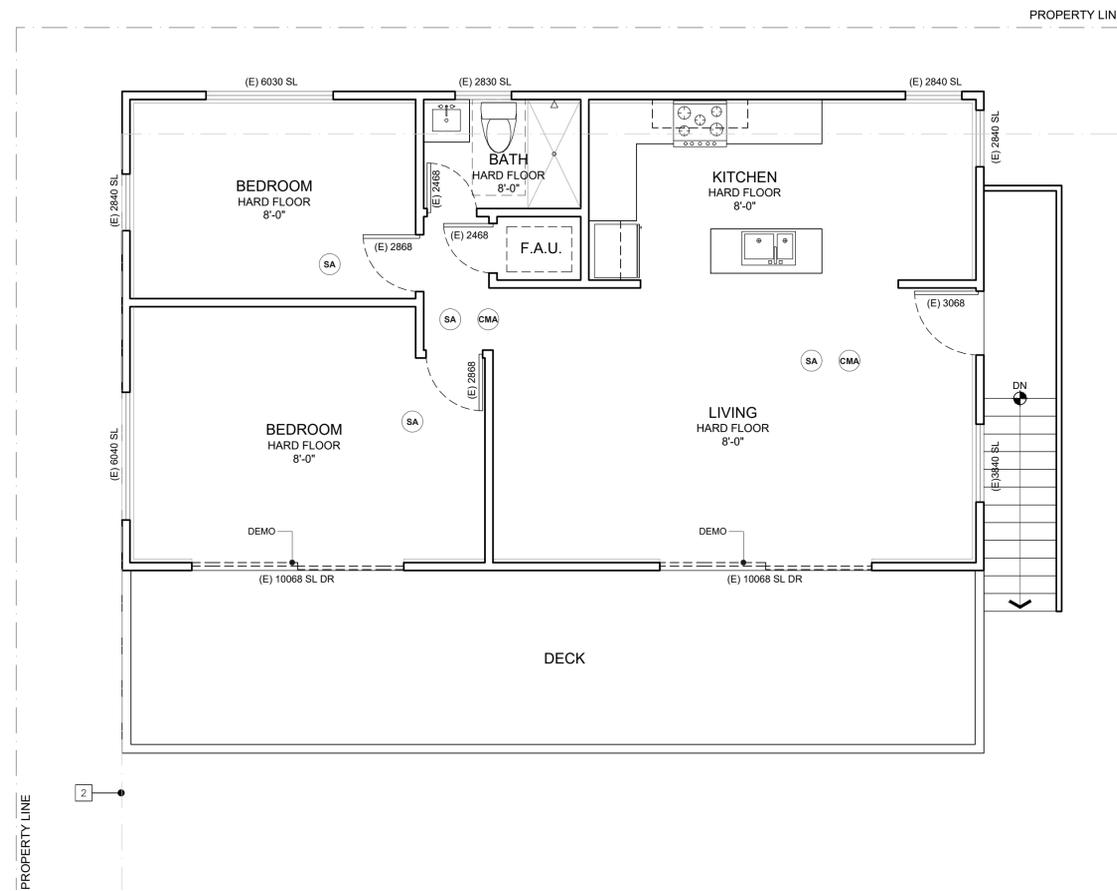
**KEY NOTES**

- 1 LINE OF FLOOR ABOVE
- 2 DASHED LINE REPRESENTS THE 5'-0" FIRE SEPARATION DISTANCE FROM PROPERTY LINES



**EXISTING & DEMO 1ST FLOOR PLAN**

SCALE: 1/4"=1'-0"



**EXISTING & DEMO 2ND FLOOR PLAN**

SCALE: 1/4"=1'-0"

**GARST RESIDENCE**  
1842-1846 S PACIFIC ST, OCEANSIDE, 92054

REVISIONS : DATE :  
06 / 26 / 2023

START DATE:  
SUBMITAL DATE:

DRAWN BY:  
APPROVED BY:

PROJECT NO.

Joz a Design / Jorge H. Zamudio  
REVISIONS: THESE CHANGES AND COMMENTS ARE INCLUDED IN ALL SUBSEQUENT REVISIONS TO THIS PLAN. NO PART OF THIS PLAN SHALL BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF JOZA DESIGN STUDIO INC.

Joz a Design / Jorge H. Zamudio  
UNLESS OTHERWISE SPECIFIED, ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODE AND ALL APPLICABLE LOCAL ORDINANCES.  
DATE: 06/26/2023  
BY: Jorge H. Zamudio

EXISTING & DEMO FLOOR PLAN

SHEET NO.

**A1**







Jorge H. Zamudio  
Founder / Lead Designer  
619.454.3991  
jorge@jozadesignstudio.com

3211 Paseo de Fuentes, National City, CA 91950  
Call 619.454.3991 Fax 619.287.1486  
jorge@jozadesignstudio.com



**GARST RESIDENCE**  
1842-1846 S PACIFIC ST, OCEANSIDE, 92054

REVISIONS: DATE: 08/28/2023

START DATE:  
SUBMITAL DATE:  
DRAWN BY:  
APPROVED BY:  
PROJECT NO.

Jorge H. Zamudio  
REGISTERED PROFESSIONAL ENGINEER  
No. 42010  
State of California  
Civil  
Jorge H. Zamudio

EXISTING FOUNDATION & FRAMING PLAN

SHEET NO.

**S1**

**LEGEND**

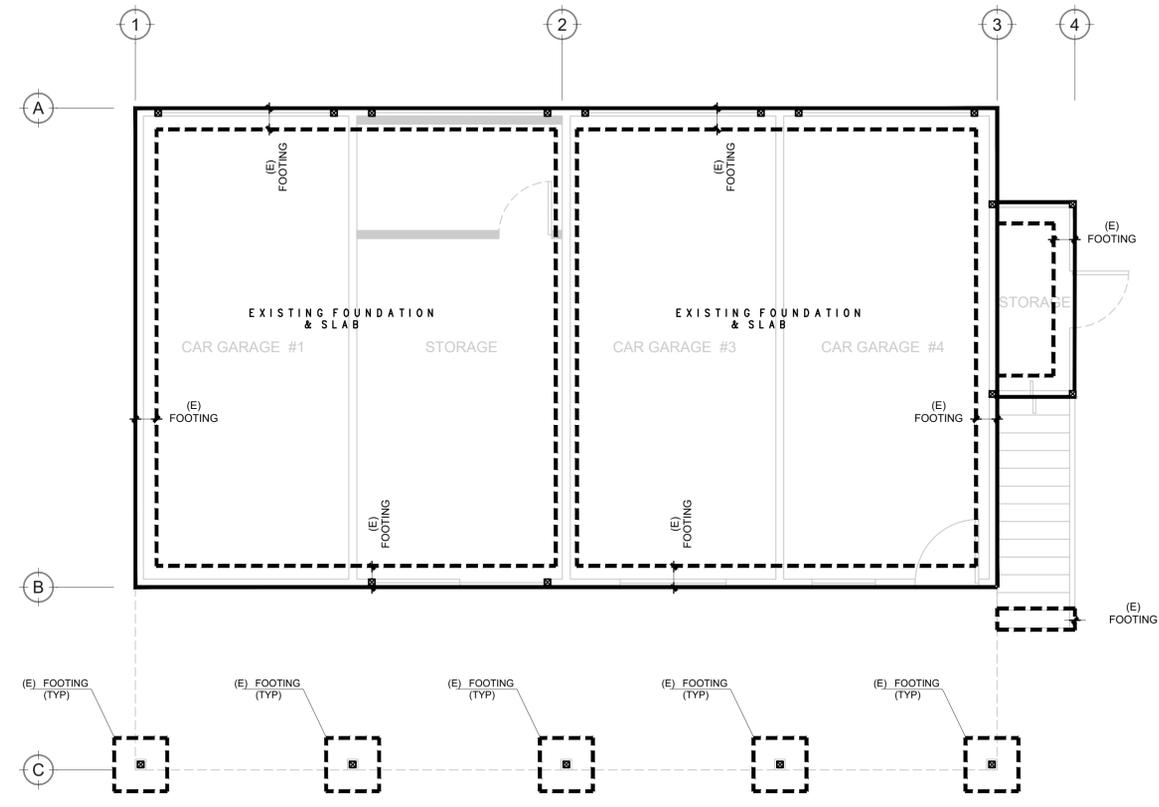
- 2 x 4 STUDS @ 16" ALL EXTERIOR WALLS U.N.O.
- & 2 x4 STUDS @ INTERIOR WALL U.N.O.
- 2x6 STUDS @ PLUMBING WALLS
- EXISTING WALLS
- CALL FILL
- PROPOSED FOOTING PER PLAN
- 8" CMU RETAINING WALL-FULLY GRUTED
- PROPOSED RETAINING WALL FOUNDATION

**FOUNDATION NOTES**

1. FOUNDATION PLATE/SILLS SHALL HAVE A MIN. OF 5/8" A.B'S BY 10" STEEL BOLTS EMBEDDED A MIN OF 7" INTO CONCRETE OR MASONRY AND SPACED NOT MORE THAN 6' APART. THERE SHALL BE A MIN OF TWO BOLTS PER PIECE WITH ONE BOLT LOCATED WITHIN 12" OF EACH END OF EA. PIECE. PLATE WASHERS A MIN. OF 3" X 3" X .229" THICK ZINK COATED SHALL BE USED ON EA. BOLT
2. THE INSPECTOR WILL RE-CHECK FOR EXPANSIVE SOIL AND/ OR GRADING REQS @ FIRST FOUNDATION INSPECTION
3. REFER TO SHEET S2 FOR GENERAL NOTES & STANDARD DETAILS. ALL NOTES & DETAILS SHALL BE USED WHERE APPLICABLE WHETHER SPECIFICALLY REFERENCED OR NOT.
4. REFER TO FLOOR PLANS DRAWINGS FOR THE FOLLOWING:
  - A. ALL DIMENSIONS NOT SHOWN.
  - B. ALL OPENINGS NOT SHOWN.
  - C. ALL NON-BEARING WALL NOT SHOWN.
5. HD- INDICATES HOLDDOWN PER SCHEDULE.
6. HOLDDOWN ANCHORS MUST BE TIED IN PLACE PRIOR TO FOUNDATION INSPECTION.
7. AT SHEAR WALL LOCATIONS, ANCHOR BOLTS SHOULD BE INSTALLED USING AB RETRO-FIT DETAIL (2-SD2)
8. RAISED FLOOR WOOD JOIST AND GIRDER TO BE PRESERVATIVE TREATED IN ACCORDANCE WITH AWWA U1 (CRC R317.1)

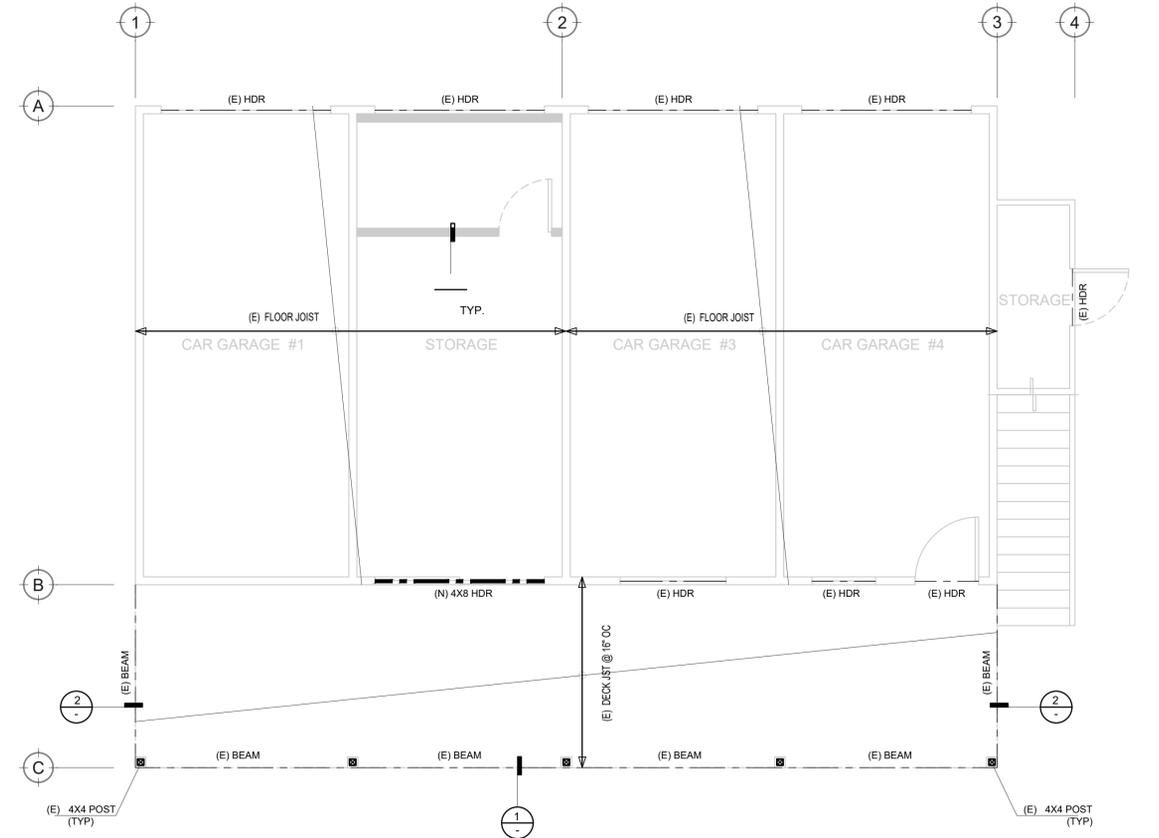
**POST + HOLD DOWN SCHEDULE (TABLE 1)**

MARK	POST	HOLD DOWN	REMARKS
A	4" x 4"	W/CB44	ICC-ESR-2508
B	4" x 4"	W/ABW44Z	DRILLER AND EPOXIED W/SIMPSON 'SET-XP' ICC-ESR-2508
C	4" x 4"	HD3B	W/RF#5X10 ICC-ESR-2508
D	4" x 4"	W/ABW44Z	AFB #4X10 (1/2" DIA) W/MIN EMBED MONT OF 8" DRILLER AND EPOXIED W/SIMPSON 'SET-XP' ICC-ESR-2508
E	4" x 6"	W/CB46	ICC-ESR-2508
F	4" x 6"	W/ABW46Z W/5/8 ANCHOR	DRILLER AND EPOXIED W/SIMPSON 'SET-XP' ICC-ESR-2508



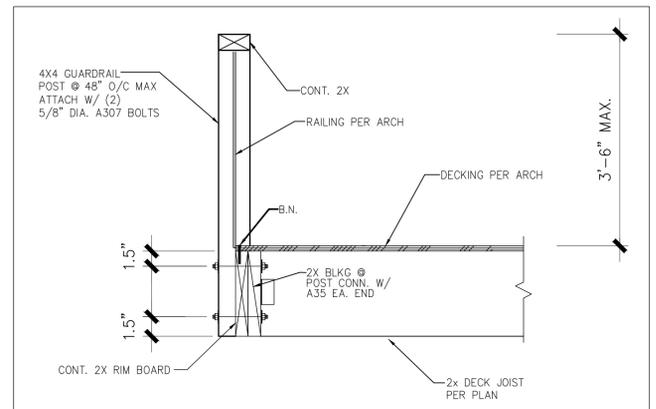
**EXISTING FOUNDATION PLAN (NO CHANGE)**

SCALE: 1/4" = 1'-0"

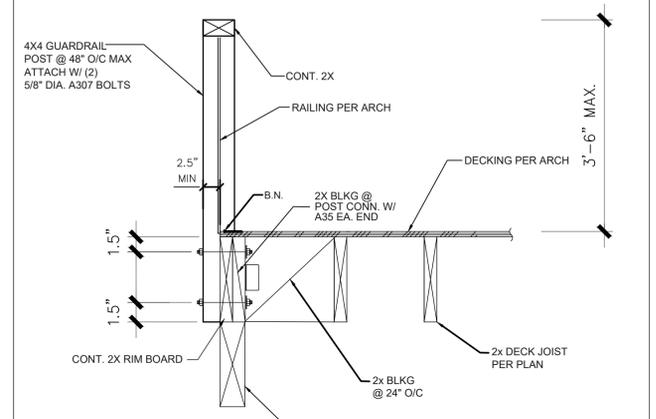


**FLOOR FRAMING PLAN**

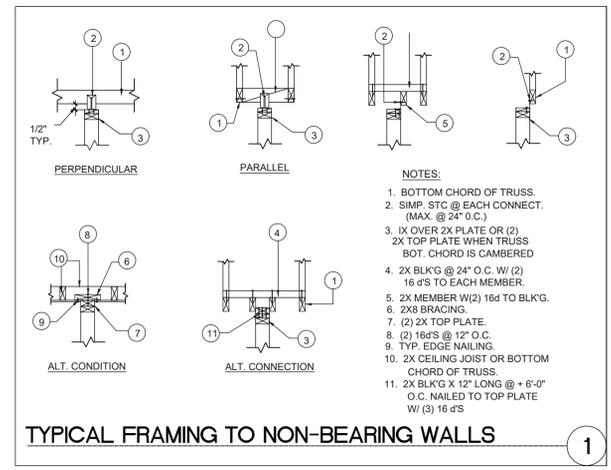
SCALE: 1/4" = 1'-0"



**STRAP TO BEAM CONNECTION**



**SHEAR TRANSFER DETAIL**



**TYPICAL FRAMING TO NON-BEARING WALLS**

- NOTES:**
1. BOTTOM CHORD OF TRUSS.
  2. SIMP. STG @ EACH CONNECT. (MAX. @ 24" O.C.)
  3. IX OVER 2X PLATE OR (2) 2X TOP PLATE WHEN TRUSS BOT. CHORD IS CAMBERED
  4. 2X BLKG @ 24" O.C. W/ (2) 16 d'S TO EACH MEMBER.
  5. 2X MEMBER W/ (2) 16d TO BLKG.
  6. 2X8 BRACING.
  7. (2) 2X TOP PLATE.
  8. (2) 16d'S @ 12" O.C.
  9. TYP. EDGE NAILING.
  10. 2X CEILING JOIST OR BOTTOM CHORD OF TRUSS.
  11. 2X BLKG X 12" LONG @ + 8'-0" O.C. NAILED TO TOP PLATE W/ (3) 16 d'S







**Application for Discretionary Permit**

Development Services Department / Planning Division  
 (760) 435-3520  
 Oceanside Civic Center 300 North Coast Highway  
 Oceanside, California 92054-2885

**STAFF USE ONLY**

ACCEPTED	BY
----------	----

**Please Print or Type All Information**

HEARING

**PART I – APPLICANT INFORMATION**

1. APPLICANT Shane Garst		2. STATUS Owner		GPA	
3. ADDRESS 1842-1846 S Pacific st Oceanside, CA 92054		4. PHONE/FAX/E-mail 619-788-4408		MASTER/SP.PLAN	
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) Shane Garst		7. PHONE/FAX/E-mail 619-788-4408		ZONE CH.	
6. ADDRESS 1842 S Pacific st		7. PHONE/FAX/E-mail 619-788-4408		TENT. MAP	
				PAR. MAP	
				DEV. PL.	
				C.U.P.	
				VARIANCE	
				COASTAL	

**PART II – PROPERTY DESCRIPTION**

8. LOCATION 1842-1846 S Pacific St.			9. SIZE 5,953 Square feet Lot		
10. GENERAL PLAN Res Coastal Zone	11. ZONING R1	12. LAND USE Residential	13. ASSESSOR'S PARCEL NUMBER 153-251-11-00		
14. LATITUDE			15. LONGITUDE		

**PART III – PROJECT DESCRIPTION**

16. GENERAL PROJECT DESCRIPTION A request for approval of an existing balcony in a private courtyard, inaccessible to the public, not viewable from any public areas. It will provide covered shade for ADU unit below. This project will not impair coastal views, not impact public access to the beach, will not displace parking.				
17. PROPOSED GENERAL PLAN No Change	18. PROPOSED ZONING No Change	19. PROPOSED LAND USE No Change	20. NO. UNITS 3	21. DENSITY
22. BUILDING SIZE 2,490 sq ft	23. PARKING SPACES 3	24. % LANDSCAPE	25. % LOT COVERAGE or FAR	

**PART IV – ATTACHMENTS**

<input checked="" type="checkbox"/>	26. DESCRIPTION/JUSTIFICATION	<input checked="" type="checkbox"/>	27. LEGAL DESCRIPTION	<input checked="" type="checkbox"/>	28. TITLE REPORT
<input checked="" type="checkbox"/>	29. NOTIFICATION MAP & LABELS		30. ENVIRONMENTAL INFO FORM		31. PLOT PLANS
<input checked="" type="checkbox"/>	32. FLOOR PLANS AND ELEVATIONS		33. CERTIFICATION OF POSTING		34. OTHER (See attachment for required reports)

**PART V – SIGNATURES**

SIGNATURES FROM ALL OWNERS OF THE SUBJECT PROPERTY ARE NECESSARY BEFORE THE APPLICATION CAN BE ACCEPTED. IN THE CASE OF PARTNERSHIPS OR CORPORATIONS, THE GENERAL PARTNER OR CORPORATION OFFICER SO AUTHORIZED MAY SIGN. (ATTACH ADDITIONAL PAGEAS AS NECESSARY).

35. APPLICANT OR REPRESENTATIVE (Print): Shane Garst	36. DATE 07-25-23	37. OWNER (Print) Shane Garst	38. DATE 07-25-23
---	----------------------	----------------------------------	----------------------

Sign: *Shane Garst* Sign: *Shane Garst*

• I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT. FURTHER, I UNDERSTANDING THAT SUBMITTING FALSE STATEMENTS OR INFORMATION IN THIS APPLICATION MAY CONSTITUTE FRAUD, PUNISHABLE IN CIVIL AND CRIMINAL PROCEEDINGS.  
 • I HAVE READ AND AGREE TO ABIDE BY THE CITY OF OCEANSIDE DEVELOPMENT SERVICES DEPARTMENT AND ECONOMIC AND COMMUNITY DEVELOPMENT DEPARTMENT POLICY NO. 2011-01/POLICY AND PROCEDURE FOR DEVELOPMENT DEPOSIT ACCOUNT ADMINISTRATION.

## PART I – APPLICANT INFORMATION

1. Applicant: Please indicate the first, middle and last name of the person making the application.
2. Status: Indicate the applicant's status of involvement with the property. Is he/she the owner, developer, lessee or agent?
3. Address: Indicate the applicant's full address.
4. Phone: Number where the applicant can be reached from 8:00 a.m. to 5:00 p.m. on weekdays.
5. Applicant's Representative: If the applicant is being represented by an attorney, engineer, development corporation, etc., please indicate the representative's name here. The staff will deal mostly with the representative during processing, with the owners receiving information, unless other arrangements are requested.
6. Address: Indicate the applicant's representative's complete address.
7. Phone: Number where the representative can be reached from 8:00 a.m. to 5:00 p.m. on weekdays.

## PART II – PROPERTY DESCRIPTION

8. Location: Using street numbers and names along with prominent geographical and manmade features, describe where the property is located within the City of Oceanside.
9. Size: The size of the property involved by acreage or square footage.
10. General Plan: The existing General Plan Land Use Designation for the property.
11. Zoning: The existing zoning of the property.
12. Land Use: The existing land use of the property. Please distinguish between vacant land and land being used for agricultural purposes.
13. Assessor's Parcel Number: The Assessor's book, page and parcel number of all parcels included in this application.
14. Latitude: Please provide.
15. Longitude: Please provide.

## PART III – PROJECT DESCRIPTION

16. General Project Description: Very briefly describe the nature of your project. Examples might be: Variance to reduce the side-yard setback from 5 feet to 3 feet; or Conditional Use Permit for an automobile service station at the corner of Surfrider Way and North Coast Highway Streets; or Development Plan for 116 single-family detached units.
17. Proposed General Plan: If you are proposing a change in the General Plan, please indicate the new land use designation.
18. Propose Zoning: If you are proposing a Zone Change, please indicate the new zone (s).
19. Proposed Land Use: If you are proposing a change in the land use of the property, please indicate what the new land use will be.
20. Number of Units: If yours is a residential project, please indicate the number of dwelling units which will be in the complete project.
21. Density: If yours is a residential project, please indicate the gross density (dwelling units per acre) of the completed project.
22. Building Size: Residential—the range in square footage of the units you will be building; Commercial/Industrial—the size of your proposed building.
23. Parking Spaces: The total number of parking spaces that will be available within the completed project.
24. Percent Landscaping: The percentage of your entire lot that will be landscaped and irrigated by the developer prior to occupancy of the building or units.
25. Percent Lot Coverage or Floor Area Ratio: The percentage of the lot covered or floor area ratio, as defined in Article 3 of the Oceanside Zoning Ordinance.

## PART IV – ATTACHMENTS

### ATTACHMENTS 26 THROUGH 32 MUST BE SUBMITTED WITH ALL APPLICATIONS.

26. Description and Justification: Please submit a detailed description of your project. Describe as completely as possible the purpose and objectives of your project, any and all construction that may be accomplished as a result of approval of this project and the project's benefits to yourself, the property, the neighborhood and the City of Oceanside. For all Development Plans, Coastal Permits, Variances and Conditional Use Permits, please address the following questions as required by the Zoning Ordinance:

Development Plans: Section 4306 of the Zoning Ordinance requires that proof be submitted in support of the following statements:

- (a) That the site plan and physical design of the project as proposed is consistent with the purposes of the Zoning Ordinance;
- (b) That the Development Plan as proposed conforms to the General Plan of the City;
- (c) That the area covered by the Development Plan can be adequately, reasonably and conveniently served by existing and planned public services, utilities and public facilities;
- (d) That the project as proposed is compatible with existing and potential development on adjoining properties or in the surrounding neighborhood.;
- (e) That the site plan and physical design of the project is consistent with the policies contained within Section 1.24 and 1.25 of the Land Use Element of the General Plan, the Development Guidelines for Hillsides, and Section 3039 of this ordinance.

Coastal Development Permits: The Local Coastal Program requires that proof must be submitted in support of the following statements:

- (a) That the project conforms to the Local Coastal Plan, including the policies of that Plan; and
- (b) That all development within the appeal area conforms to the public access and recreation policies of Chapter 3 of the Coastal Act.

Variances: Section 4105 of the Zoning Ordinance requires that proof be submitted in support of the following statements:

- (a) That because of special circumstances or conditions applicable to the development site – including size, shape, topography, location or surroundings – strict application of the requirements of this ordinance deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning classifications;
- (b) That granting the application will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety or general welfare; and
- (c) That granting the application is consistent with the purposes of this ordinance and will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district; and, if applicable,
- (d) OS District Only. That granting the application is consistent with the requirements of Section 65911 of the Government Code and will not conflict with General Plan policies governing orderly growth and development and the preservation and conservation of open-space lands.

Conditional Use Permits: Section 4105 of the Zoning Ordinance requires that proof be submitted in support of the following statements:

- (a) That the proposed location of the use is in accord with the objectives of this ordinance and the purposes of the district in which the site is located
  - (b) That the proposed location of the conditional use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City.
  - (c) That the proposed conditional use will comply with the provisions of this ordinance, including any specific condition required for the proposed conditional use in the district in which it would be located.
27. Legal Description: A complete legal description of all the property involved is required. This can usually be obtained from the deed to the property or from a title company. A metes-and-bounds legal description or recorded map information is required for each parcel or area on which a Zone Change is being made or a recorded map. This document is separate from the title reports.
28. Title Report: Less than 12 months old.
29. Notification Map and Labels: Pursuant to City Council Policy 300-14 and mailing labels for each individual property owner and tenant is required. The labels must be keyed to the mail notification radius map. Detailed instructions and a sample map are included with this application form. On the mailing labels please include your name, the representative's name and the names of other interested parties. All projects submittals should include one hardcopy of all required mailing labels (with total number of labels denoted); one electronic format CD of the mailing labels preferably in excel format; one hardcopy printout of all addresses with radius map; and the applicable fees submitted. Mailing labels should be updated anytime a six month period has passed.
30. Environmental Information Form: All applications must include an environmental assessment to meet the requirements of the California Environmental Quality Act of 1970. Separate forms for this assessment are attached to this application. Please complete the following instructions on those forms.
31. Plot Plans: (20 copies required, -15 copies with final submittal - and 8 1/2 " X 11" reductions of all plans submitted). The plot plan must be sufficiently detailed to allow all reviewing City departments and other agencies to evaluate all the physical aspects of your project without additional information. Include the information as specified on the attached checklist. (Folded to 8 1/2" X 13" size or similar).
32. Floor Plans and Elevations: (20 copies required -15 copies with final submittal - and 8 1/2 " X 11" reductions of all plans submitted). The floor plans shall detail the proposed uses and indicate exterior wall openings and be fully dimensioned. All elevations must indicate the type and color(s) of all exterior materials and architectural features, showing all exterior wall openings. (NOTE: application will not be accepted unless ALL plans are folded to a size smaller than 8" 1/2" X 14").
33. Certification of Posting: The "Certification of Posting" must be returned to the Planning Division within 24 hours of posting the on site notice of project application sign.
34. Other: This attachment would include any other information, which the City of Oceanside may need to evaluate your project. This might include reports, drawings of proposed signs, marketing information, photographs, renderings, etc. Specific new and redevelopment projects must include an urban runoff threat assessment to meet the requirements of the California Regional Water Quality Control Board Order 2001-01. Separate forms for this assessment are attached to this application.

## **PART V – SIGNATURES**

**ALL BLOCKS MUST BE SIGNED AND DATED AS APPROPRIATE OR THE APPLICATION CANNOT BE ACCEPTED.**

- Date of applicant's or representative's signature.
- The applicant must sign to certify the correctness of the information on the application form.
- Date of applicant's signature.
- The owners of all the property involved must sign to indicate that the application is being filed with their knowledge. Ownership will be verified against the records of the County Recorder and County Assessor. If signatures are difficult to obtain because of time or distance, letters designating the applicant as the agent of the owner to file on the owner's behalf will be acceptable.
- The owners and applicant of the property agree to abide by the City of Oceanside Development Services Department and Economic and Community Development Department Policy No. 2011-01/Policy and Procedure for Development Deposit Account Administration.

## **DESCRIPTION AND JUSTIFICATION 1842 SOUTH PACIFIC STREET BALCONY REGULAR COASTAL PERMIT**

This application presents a proposal for a Regular Coastal Permit and Variance for an existing unpermitted balcony located at 1842 South Pacific Street.

**Background and Location:** The project site includes a 5,953-square foot parcel located in the South Oceanside Neighborhood and is zoned Coastal Residential Single Family (R1). The site is within the appealable jurisdictional boundaries of the Local Coastal Program (LCP). The City's LCP requires a regular coastal permit for structures and accessory structures within this appealable area. The project site (hereinafter "the site") is described as Assessor's Parcel Number 153-251-11. The site is bordered to the north and south by existing multi-family residences, to the east by an alley known as Pacific Terrace and Pacific Street and a public sidewalk to the west.

The site is developed with an existing three-unit multi-family apartment development with two of the units located within the building to the west and the third unit located above the four-car garage at the rear of the property to the east. Three of the garages have been turned into an additional multi-family unit (ADU) for additional housing opportunities. The additional unit is not a part of this application, because ADU applications are not subject to discretionary review.

Lastly, we are requesting the approval of a variance to exceed the required 40% Lot Coverage with our proposed 47%. The Lot Coverage exceedance will be increased over the required 40% to 47% by the allowance of the unpermitted 326 square foot balcony provided for Unit 3 and ADU at the rear of the site. More information on the need for the variance is provided below.

**Regular Coastal Permit Proposal:** To allow a recently constructed 326 square foot balcony to be permitted at the property located at 1842 South Pacific Street. The balcony exists as 40.8 feet in width by 8 feet in depth, and height to the top of the railing is approximately 13 feet. The balcony would meet all development standards in terms of bulk, scale, intensity, and setbacks. The balcony sits at least 6-feet from the northern property line, which would meet the 5-foot requirement and the adjacent side yard setback is at least 12-feet to the south. The front and rear setback are in conformance with the development standards, due to the balcony's internal location. The setbacks are outlined below within the Zoning Ordinance Compliance section of this write-up. The existing stairs that provide access to unit 3 will also provide access to the newly constructed wood private balcony. The balcony is internal to the property and acts as patio cover for ADU below. All units have access to this shared outdoor patio space that this balcony creates below, unit three and ADU would benefit from the upper balcony. The balcony provides interest and relief to the building facade and is architecturally compatible with many of the balconies within the neighborhood that have been constructed and permitted. The proposed Regular Coastal Permit would permit the unpermitted balcony and allow the tenants to enjoy additional amenities.

### **Zoning Ordinance Compliance:**

Required Setbacks are as follows: Front: 20', Side: 5', Rear: 5'

Proposed Setbacks: Front: 50'+, Side: 6', Rear: 20+

Required Lot Coverage: 40%

Proposed Lot Coverage: 47% (Variance is requested for exceedance with findings or approval below) \*

Required building height: 35'

Proposed building height of balcony: 13' to top of railing

**Local Coastal Program Conformance:** The project is located within the appealable jurisdiction area of the Local Coastal Program (LCP) Certification Permit and Appeal Jurisdiction Map. The proposed Regular Coastal Permit would conform to the LCP, including the policies within the plan.

The LCP contains policies that require development to maintain the character of the existing neighborhood, protect public coastal views and protect public access. The LCP requires that the visual qualities of the coastal zone be protected, and that new development be sited and designed to be visually compatible with the character of surrounding areas. In addition to the LCP visual compatibility policy, findings must be met to approve development within the coastal zone as specified below in the three findings:

No impacts to public coastal views: The proposed balcony would be compatible with many of the surrounding neighborhood accessory structures in terms of unit type, density, and scale. The proposed balcony would not impact public coastal views, because the site is not within a public coastal viewing or access area. In addition, the balcony is considered internal and would not be visible from the surrounding public access routes.

No impacts to public coastal access: The proposed balcony would not impact public coastal access, because the site is not located within a public coastal access area as defined as a public route that is within 300 feet to the coastal shoreline, as per LCP Section Public Coastal Access (I.C). Therefore, access to the coast would not be impacted by the allowance of the proposed balcony.

No impacts to public parking: Public coastal parking would not be removed by the construction of the proposed balcony for the multi-family complex. Vehicle and pedestrian access to the site would be via the existing alley (Pacific Terrace), which meets the city requirements for multifamily access. Therefore, the project would not eliminate any existing outside parking on the street. The proposed project complies with applicable components of the LCP, including those that speak to compatibility with the neighborhood, public coastal views, access to the shoreline and the provision of not impacting public coastal parking.

**\*Variance:** 4105 B. Required Findings for Variances: The variance proposal is to exceed the required R1 zone 40% Lot Coverage percentage to 47% for a proposed 326.4 square foot balcony. The balcony is considered internal to the property due to the location and the balcony is not visible from public right of ways. The balcony does not block public and/or private coastal views and will not be considered a public nuisance. The balcony is currently in plan check for compliance with California Building codes and once permitted will meet public, health, and safety standards. The balcony is similar in type and location as a recently approved neighboring balcony located at 1902 South Pacific Street. The balcony at 1902

South Pacific Street was developed and permitted with a 60% percent Lot Coverage allowance. This balcony will provide the needed shade for the ADU that is a part of the existing garage conversion.

Listed below are the City of Oceanside's Variance findings for approval and our response:

1. That because of special circumstances or conditions applicable to the development site including size, shape, topography, location or surroundings strict application of the requirements of this ordinance deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning classification;

The property is zoned R1 for residential properties in the coastal zone and balcony structures are permitted in this zone. The balcony will be located between the two large structures on site and will meet all development standards, except for the Lot Coverage percentage. The balcony will not be visible to the public or block public coastal views. The existing small lot size and strict 40% Lot Coverage percentage for this zone prohibits the site from benefiting from similar improvements approved on R1 zoned neighboring sites. Many of the neighboring properties in this R1 zone have been approved under 60% Lot Coverage percentage. It has been identified that a special privilege has been granted for the neighboring sites, and we are asking that we be granted a similar allowance for just a 7% increase over the requirement. Not only will the balcony provide sun, heat, and rain relief for the ADU tenants, but the balcony will provide the private open space needed for the existing second story unit (Unit 3/1846 S. Pacific Street).

2. That granting the application will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety or general welfare; and

The balcony will not impact public health, safety, or the general welfare of the property, tenants, and neighbors. The balcony was built to the California Building Code and is currently a part of a plan set to permit the balcony for compliance with the codes. The balcony will be conditioned to obtain building and safety approvals as a part of this variance approval, so no impacts shall be created by the approval of the variance for this balcony.

3. That granting the application is consistent with the purposes of this ordinance and will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district; and, if applicable,

The small lot configuration and the existing building layout of the structures, limits development of accessory structures. The strict 40% Lot Coverage requirement is not consistent with the City's approval practices that have allowed neighboring structures to exceed the 40% Lot Coverage requirements for this zone. Anyone can review the aerial imagery on-line and quickly understand that many of the new developments and additions to neighboring properties in this R1 zone have exceeded this 40% Lot Coverage requirement. Many of the properties in this R1 zone were permitted under the R3 and RH-U

zoning standards that permit 60% Lot Coverage for the R3 zone and subject to no Lot Coverage requirement for the RH-U zone. Many of the neighboring properties in this R1 zoning classification do not have a site building configuration like ours, so neighboring properties will not benefit from a similar approval of exceeding the Lot Coverage by only 7%. Therefore, granting this variance will not constitute a special privilege and will be consistent with past and current City of Oceanside Planning approvals for allowing accessory structures of more than 40% Lot Coverage in this R1 zone.

4. For properties located within the OS District: That granting the application is consistent with the requirements of Section 65911 of the Government Code and will not conflict with General Plan policies governing orderly growth and development and the preservation and conservation of open-space lands.

This property is not located in the OS District; therefore, this finding is not subject to the project.

5. For properties located within the coastal zone: That granting the application is consistent with all applicable policies of the certified Land Use Plan.

Granting of the variance for exceedance of the 40% Lot Coverage requirement is consistent with all the applicable Local Costal policies (Costal Access, Recreation & Visitor Serving facilities, Water & Marine resources, Environmentally Sensitive Habitat Areas, Visual Resources). As specified in the requested Costal Permit findings, the proposed balcony would not impact any of the listed policies based on the following:

- The proposed balcony would not impact public coastal access or parking, because the site is not located within a public coastal access area as defined as a public route that is within 300 feet to the coastal shoreline, as per LCP Section Public Coastal Access (I.C). No parking will be removed by the construction of the balcony.
- The balcony is not located near or adjacent to a recreation and visitor serving facility as defined by the City's Local Costal Program, so no impacts would be considered if the variance is approved.
- The site is considered a developed urbanized area, so no marine resources or environmentally sensitive habitat will be impacted by the construction of the balcony.
- The balcony is not located within a public view corridor that would block public coastal views. In addition, the balcony is considered internal and not visible from the surrounding public access routes.

**Environmental compliance:** This project is in accordance with the California Environmental Quality Act (CEQA), of 1970. The balcony is considered an appurtenance to the existing residence or an accessory structure, thus the proposed project is categorically exempt pursuant to Article 19 Categorical Exemptions, Section 15303(e) for New Construction or Conversion of Small Structures.

DOC# 2022-0376565



Sep 26, 2022 03:11 PM

OFFICIAL RECORDS  
Ernest J. Dronenburg, Jr.,  
SAN DIEGO COUNTY RECORDER  
FEES: \$2,227.00 (SB2 Atkins: \$0.00)  
PCOR: YES PAGES: 2

RECORDING REQUESTED BY:  
Chicago Title Company

When Recorded Mail Document  
and Tax Statement To:

Shane Garst  
1660 Seattle Slew Way  
Oceanside, CA 92057

Title No.: 73722005012-RCM

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Escrow Order No.: 73722006774

Exempt from fee per GC 27388.1(a)(2); This document is a transfer that is subject to  
Documentary Transfer Tax.

APN/Parcel ID(s): 153-251-11-00

**GRANT DEED**

The undersigned grantor(s) declare(s)

- This transfer is exempt from the documentary transfer tax.
  - The documentary transfer tax is \$2,200.00 and is computed on:
    - the full value of the interest or property conveyed.
    - the full value less the liens or encumbrances remaining thereon at the time of sale.
- The property is located in  the City of Oceanside.

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Lori L. Avis, as Trustee of the Survivor's Trust UDT dated August 23, 2000

hereby GRANT(S) to Shane Michael Garst, a married man, as his sole and separate property

the following described real property in the City of Oceanside, County of San Diego, State of California:

For APN/Parcel ID(s): 153-251-11-00

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

That portion of South Oceanside, in the City of Oceanside, County of San Diego, State of California, according to Map thereof No. 622, filed in the Office of the County Recorder of San Diego County, February 7, 1890, lying between the southeasterly line of Lot "T" in Block 5 of said South Oceanside, and the northwesterly line of Lot "L" in Block 6 of said South Oceanside, and lying southwesterly of the southwesterly line of the alley running through said Blocks 5 and 6 and lying northeasterly of the northeasterly line of Pacific Street of said South Oceanside.

PROPERTY COMMONLY KNOWN AS: 1842-1846 S Pacific Street, Oceanside, CA 92054

**MAIL TAX STATEMENTS AS DIRECTED ABOVE**

**GRANT DEED**  
(continued)

APN/Parcel ID(s): 153-251-11-00

Dated: September 13, 2022

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Lori L. Avis, as Trustee of the Survivor's Trust  
UDT dated August 23, 2000.

By: *Lori L. Avis*  
Lori L. Avis, Trustee

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of San Diego

On 9-19-2022 before me, Cari Hatfield, Notary Public,  
(here insert name and title of the officer)

personally appeared Lori L. Avis  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

*Cari Hatfield*  
Signature



[planningcommission@oceansideca.org](mailto:planningcommission@oceansideca.org)

[DNicandro@oceansideca.org](mailto:DNicandro@oceansideca.org)

[smadera@oceansideca.org](mailto:smadera@oceansideca.org)

**GARST RESIDENCE AT 1842 S PACIFIC STREET**

**APPLICANT: DR SHANE GARST**

**Regular Coastal Permit (RC23-00013) and Variance (V24-00001)**

This letter serves as a statement of support for Dr. Shane Garst and his Private Balcony located within his Private Courtyard. The balcony is secluded and not visible from any public areas, ensuring it does not disrupt or inconvenience anyone in the vicinity of the property. Throughout our interactions with Shane and the property, we have never encountered any issues or disturbances.

Sincerely,

Davtian and Karen Shakhbazian

1861 S Pacific St.

Oceanside, CA 92054

[planningcommission@oceansideca.org](mailto:planningcommission@oceansideca.org)

[DNicandro@oceansideca.org](mailto:DNicandro@oceansideca.org)

[smadera@oceansideca.org](mailto:smadera@oceansideca.org)

**GARST RESIDENCE AT 1842 S PACIFIC STREET**

**APPLICANT: DR SHANE GARST**

**Regular Coastal Permit (RC23-00013) and Variance (V24-00001)**

This letter serves as a statement of support for Dr. Shane Garst and his Private Balcony located within his Private Courtyard. The balcony is secluded and not visible from any public areas, ensuring it does not disrupt or inconvenience anyone in the vicinity of the property. Throughout our interactions with Shane and the property, we have never encountered any issues or disturbances.

Sincerely,

Rae

1901 S Myers st. #4

Oceanside, CA 92054

[planningcommission@oceansideca.org](mailto:planningcommission@oceansideca.org)

[DNicandro@oceansideca.org](mailto:DNicandro@oceansideca.org)

[smadera@oceansideca.org](mailto:smadera@oceansideca.org)

GARST RESIDENCE AT 1842 S PACIFIC STREET

APPLICANT: DR SHANE GARST

Regular Coastal Permit (RC23-00013) and Variance (V24-00001)

This letter serves as a statement of support for Dr. Shane Garst and his Private Balcony located within his Private Courtyard. The balcony is secluded and not visible from any public areas, ensuring it does not disrupt or inconvenience anyone in the vicinity of the property. Throughout our interactions with Shane and the property, we have never encountered any issues or disturbances.

Sincerely,

Raymond J. Stephens

1903 S Myers St. #4

Oceanside, CA 92054

GALLEY 1

ORDINANCE NO. 655 AN ORDINANCE ESTABLISHING AND NAMING CERTAIN ZONES OR DISTRICTS WITHIN THE CITY OF OCEANSIDE, CALIFORNIA, WHEREIN THE USE OF LAND, BUILDINGS OR STRUCTURES IS CLASSIFIED, REGULATED, RESTRICTED AND SEGREGATED; REGULATING AND RESTRICTING THE HEIGHT AND BULK OF BUILDINGS THEREIN; REGULATING THE AREA OF YARDS, COURTS AND PARKING SPACES; DEFINING THE TERMS USED; PROVIDING FOR THE AMENDMENT AND ENFORCEMENT OF THE ORDINANCE AND PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF; AND REPEALING ORDINANCES IN CONFLICT THEREWITH.

WHEREAS, the public interest, health, comfort, convenience, safety, and general welfare require the establishment within the City of Oceanside of Zones or Districts within which the use of property, the heights of buildings, the size of yards and other open spaces, and the density of population shall be regulated:

The City Council of the City of Oceanside, State of California, does ordain as follows:

SECTION 1

PURPOSES AND ZONES: In order to encourage, classify, regulate, restrict and segregate the location of industries, businesses, trades, apartments, dwellings and other specified uses in appropriate places, and the use and area of premises for the general welfare of the City of Oceanside as part of the Master Plan of Land Use (pursuant to the Planning Act), the City of Oceanside is hereby divided into zones or districts, shown on the accompanying Zoning Maps (which are hereby made a part of this Ordinance) as follows:

- 1. Zone R-1—Single Family — City lot.
2. Zone R-1-A—Single Family—large lot.
3. Zone R-1-B—Single Family.
4. Zone R-2—Two Family Residence.
5. Zone R-3—Multiple Dwelling.
6. Zone E-2—Small farms and ranches.
7. Zone A-1—Agricultural.
8. Zone P—Parking Zone.
9. Zone C-1—Retail Business.
10. Zone C-2—Amusement Business
11 Zone M-1—Industrial.
12 Zone S—Special Zone.
13. Zone OS—Open Space.

SECTION 2

All new construction, building, improvement, alteration or enlargement undertaken after the effective date of this Ordinance, and all new uses or occupancy of premises within the City of Oceanside shall conform with the requirements, character, and conditions laid down for each of these several zones or districts as described in the following sections of this Ordinance. It shall be unlawful for any person, firm or corporation to erect, construct, establish, alter or enlarge, or to cause or permit to be erected, constructed, established, altered or enlarged, any building, structure or improvement, or to use any premises located in any zone described in this ordinance contrary to the provisions of this Ordinance.

SECTION 3

“NON-CONFORMING BUILDINGS AND USES”

A. NON-CONFORMING BUILDINGS.

- 1. Maintenance Permitted — A non-conforming building or structure may be maintained, except as otherwise provided in this Section.
2. Repairs, Alterations—Repairs and alterations may be made to a non-conforming building or structure, provided that in a building or structure which is non-conforming as to use regulations no structural alterations shall be made except those required by law or ordinance.
3. Additions, enlargements, moving
(a) A building or structure non-conforming as to use regulations shall not be added to or enlarged in any manner unless such building or structure, including such additions and enlargements, is made to conform to all the regulations of the zone in which it is located.
(b) A building or structure non-conforming as to height or

GALLEY 2

structure was designed or intended if so occupied within a period of one year after the building becomes vacant.

- 2. A non-conforming use of a portion of a building or structure conforming to the use regulations of the zone in which it is located shall not be expanded or extended into any other portion of such conforming building or structure, nor changed, except to a conforming use. If such a non-conforming use or portion thereof is discontinued or changed to a conforming use, any future use of such building, structure or portion thereof, shall be in conformity with the regulations of the zone in which such building or structure is located. Provided, however, that all non-conforming uses of buildings or structures, which buildings or structures conform to the use regulations of the zone in which they are located, shall be discontinued not later than five years from the effective date of this ordinance.

C. NONCONFORMING USE OF LAND.

1. Continuation of Use — The non-conforming use of land (where no building is involved), existing at the time this Ordinance became effective, may be continued for a period of not more than one year therefrom, provided:

- (a) That no such non-conforming use of land shall in any way be expanded or extended either on the same or adjoining property.
(b) That if such non-conforming use of land or any portion thereof is discontinued or changed, any future use of such land shall be in conformity with the provisions of this Ordinance.
(c) That any sign, billboard, commercial advertising structure or statutory, which lawfully existed and was maintained at the time this Ordinance became effective, may be continued, although such use does not conform with the provisions hereof; provided, however, that no structural alterations are made thereto and provided, further, that all such non-conforming signs, billboards, commercial advertising structures and statutory, and their supporting members, shall be completely removed from the premises not later than one year, and such non-conforming signs shall be made to conform not later than two years from the effective date of this Ordinance.

D. STATUS OF CONDITIONAL EXCEPTIONS GRANTED PURSUANT TO ORDINANCE NO. 348. All powers, privileges and immunities, granted or purported to be granted by “Conditional Exceptions” pursuant to the terms of Ordinance No. 348, and amendments thereto, which have not been exercised, used or enjoyed by the grantee shall, on and after the effective date of this Ordinance, be of no effect or force whatsoever; and all lands, buildings, and structures situated in the City of Oceanside, heretofore the subject of such grants or purported grants, shall nevertheless be subject to all the terms, provisions, and conditions of this Ordinance.

SECTION 4

ZONE R-1

A. ZONE R-1 is intended as a district of single family homes, with not more than one dwelling and customary accessory buildings upon one lot. Except as specifically provided elsewhere in this Ordinance, any and every building and premises or land in the R-1 Zone shall be used for or occupied, and any and every building shall be erected, constructed, established, altered, enlarged, moved into or within said R-1 Zone, exclusively and only for the following purposes:

- 1. One family dwellings together with the usual accessories located on the same lot or parcel of land, including a private garage containing space for not more than one automobile for each 2000 square feet of lot area, but not to exceed four automobiles, provided that only one such single family dwelling house shall be erected

GALLEY 3

any and every building shall be erected, constructed, established altered, enlarged, moved into or within said R-1-A Zone, exclusively and only for the following purposes:

- 1. Any use permitted in the R-1 Zone.
2. Farming, including all types of agriculture and horticulture (except commercial dairies, rabbit, fox and goat farms, and farms devoted primarily to the raising, fattening and /or butchering of chickens, turkeys and other poultry and/or animals on a commercial basis; hog and stockfeeding ranches operated commercially for the disposal of garbage or offal).
3. Flower and vegetable gardening.
4. Nurseries and greenhouses.
5. Golf, swimming, polo and country clubs and similar uses, but not including any sport or recreation enterprise operated as a business or for commercial purposes.
6. Public parks, museums, libraries.
7. Accessory buildings and uses.
8. Home occupations, provided no sign exceeding one (1) square foot in area is displayed in connection therewith.
9. Signs not exceeding six (6) square feet in area pertaining only to the sale, lease or hire of only the particular building, property or premises upon which displayed. No other advertising sign, structure or device of any character shall be permitted in this zone.
10. The following additional uses subject to the issuance of conditional permits therefor as prescribed in Section 20:
(a) Churches
(b) Fire and police stations.
(c) Schools, colleges, playgrounds
(d) Residential hotels
(e) Public utility buildings or structures pertaining thereto.

B. BUILDING SITE AREA REQUIRED: The minimum building site for each one-family dwelling shall be ten thousand (10,000) square feet, except that any lot having an area less than ten thousand (10,000) square feet under one ownership at the time this Ordinance becomes effective, where the owner thereof then owns no adjoining land, may be used as a building site for one dwelling by the owner of such lot or his successors in interest, provided that all other regulations of the district, as prescribed in this Ordinance, are observed.

C. AREAS:

- 1. Front yard required: Except as provided in Section 18, no building shall be erected closer than twenty (20) feet from the street right of way line.
2. Side yard required: Except as provided in Section 18, each side yard shall be not less than ten percent (10%) of lot width, with a minimum of six (6) feet and need not be more than ten (10) feet wide.
3. Rear yard required: Except as provided in Section 18, the depth of the rear yard shall be not less than twenty (20) feet.

D. BUILDING HEIGHT LIMIT: Two and one-half stories, or thirty-five (35) feet.

SECTION 6

ZONE R-1-B

A. ZONE R-1-B is intended as a district of single family dwellings with not more than one dwelling and customary accessory buildings upon one lot. Except as specifically provided elsewhere in this Ordinance, any and every building and premises or land in the R-1-B Zone shall be used for or occupied, and any and every building shall be erected, constructed, established, altered enlarged, moved into or within said Zone R-1-B, exclusively and only for the following purposes:

- 1. Any use permitted in the R-1
2. Flower and vegetable gardening and the keeping of livestock and poultry for home use.
3. Parks, playgrounds or community centers, owned and operated by a governmental agency.
4. Golf courses, except driving tees or ranges, miniature courses and similar uses operated for commercial purposes.
5. The following uses may also be permitted if their location is first approved by the Commission as provided in Section 20: schools, elementary and high; churches (except rescue missions and

may be maintained, except as otherwise provided in this Section.

2. **Repairs, Alterations.**—Repairs and alterations may be made to a non-conforming building or structure, provided that in a building or structure which is non-conforming as to use regulations no structural alterations shall be made except those required by law or ordinance.
3. **Additions, enlargements, moving**
  - (a) A building or structure non-conforming as to use regulations shall not be added to or enlarged in any manner unless such building or structure, including such additions and enlargements, is made to conform to all the regulations of the zone in which it is located.
  - (b) A building or structure non-conforming as to height or area regulations shall not be added to or enlarged in any manner unless such addition and enlargement conforms to all the regulations of the zone in which it is located.
  - (c) No non-conforming building or structure shall be moved in whole or in part to any other location on the lot unless every portion of such building or structure is made to conform to all the regulations of the zone in which it is located.
  - (d) Before a permit is issued for the moving of a building or structure within or into any of the "R" Zones, the request shall be subject to review by the Planning Commission.
4. **Restoration of Damaged Buildings.**—A non-conforming building or structure which is damaged or partially destroyed by fire, flood, wind, earthquake, or other calamity or act of God or the public enemy, to the extent of not more than 75% of its value at that time, may be restored and the occupancy or use of such of, which existed at time of such partial destruction, may be continued or resumed, provided the total cost of such restoration does not exceed 75% of the value of the building or structure at the time of such damage and that such restoration is started within a period of one year and is diligently prosecuted to completion. In the event such damage or destruction exceeds 75% of the value of such non-conforming building or structure, no repairs or reconstruction shall be made unless every portion of such building or structure is made to conform to all regulations for new buildings in the zone in which it is located.
5. **One Year Vacancy.**—A building, structure or portion thereof, or land non-conforming as to use, which is, or hereafter becomes vacant and remains unoccupied for a continuous period of one year, shall not thereafter be occupied except by a use which conforms to the use regulations of the zone in which it is located.

#### B. NON-CONFORMING USE OF BUILDINGS.

1. **Continuation and Change of Use** Except as otherwise provided in this Section (a) the non-conforming use of a building or structure, existing at the time this Ordinance became effective, may be continued; (b) the use of a non-conforming building or structure may be changed to a use of the same or more restricted classification, but where the use of a non-conforming building or structure is hereafter changed to a more restricted classification, it shall not thereafter be changed to a use of a less restricted classification; and (c) a vacant non-conforming building or structure may be occupied by a use for which the building or structure was designed or intended if so occupied within a period of one year after the effective date of this Ordinance, and the use of a non-conforming building or structure which becomes vacant after the effective date of this Ordinance, may also be occupied by a use for which the building or

A. **ZONE R-1** is intended as a district of single family homes, with not more than one dwelling and customary accessory buildings upon one lot. Except as specifically provided elsewhere in this Ordinance, any and every building and premises or land in the R-1 Zone shall be used for or occupied, and any and every building shall be erected, constructed, established, altered, enlarged, moved into or within said R-1 Zone, exclusively and only for the following purposes:

1. One family dwellings together with the usual accessories located on the same lot or parcel of land, including a private garage containing space for not more than one automobile for each 2000 square feet of lot area, but not to exceed four automobiles, provided that only one such single family dwelling house shall be erected, constructed, established, altered or enlarged upon any one lot or parcel of land.
2. A sign which pertains only to lease, sale or hire of the particular building or land upon which it is displayed and having an area not exceeding six square feet.

B. **BUILDING SITE AREA REQUIRED.** Lot area per family: In the R-1 Zone, every building hereafter erected or structurally altered shall provide a lot area of not less than 5000 square feet per family. Provided, however, that where a lot has less area than herein required and was of record at the time of the passage of this ordinance, said lot may be occupied by not more than one family.

#### C. AREAS.

1. **Front yard required:** There shall be a front yard having a depth of not less than twenty (20) feet to the front line of the building and not less than fourteen (14) feet to the front line of an open porch or paved terrace, except as provided in Section 18.
2. **Side yard required:** There shall be a side yard on each side of a building having a width of not less than 10% of the average width of the lot, provided, however, that such side yard shall not be less than 3 feet in width, but need not exceed 12 feet.
3. **Rear yard required:** There shall be a rear yard having a depth of not less than 20% of the depth of the lot, provided, however, that such rear yard shall not be less than 25 feet, but need not exceed 35 feet.

The above regulations shall apply to all lots, including corner lots, and in the case of reversed corner lots, which face an intersecting street, the side yard on the street side of such corner lot shall be increased from ten (10) percent of the width of the lot or from any of the above requirements, to fifty (50) per cent of the front yard required on the lots in the rear of such corner lot; provided, however, that this additional width of the side yard on the street side of the reversed corner lot shall not reduce the buildable width of such lot, if of record at the time of the passage of this Ordinance, to less than twenty-two (22) feet; provided, further, that no accessory building on said reversed corner lot shall project beyond the front yard line of the lots in the rear.

D. **BUILDING HEIGHT LIMIT.** No building hereafter erected or structurally altered shall exceed two and one-half stories, or 35 feet.

E. **SPECIAL REQUIREMENTS.** Every residence building moved into or constructed within Zone R-1 shall contain at least 750 square feet of floor space, excluding space for garages and porches, and its architectural style and perspective must harmonize with other residences in the same area. The Building Inspector shall not issue a permit for the construction of the residence aforementioned unless he is reasonably satisfied that the proposed new residence complies with the requirements of this sub-section.

## SECTION 5

### ZONE R-1-A

A. **ZONE R-1-A** is intended as a district of single family homes on large lots with not more than one dwelling and customary accessory buildings upon one lot. Except as specifically provided elsewhere in this Ordinance, any and every building and premises or land in R-1-A Zone shall be used for or occupied, and

es or land in the R-1-B Zone shall be used for or occupied, and any and every building shall be erected, constructed, established, altered enlarged, moved into or within said Zone R-1-B, exclusively and only for the following purposes:

1. Any use permitted in the R-1
2. Flower and vegetable gardening and the keeping of livestock and poultry for home use.
3. Parks, playgrounds or community centers, owned and operated by a governmental agency.
4. Golf courses, except driving tees or ranges, miniature courses and similar uses operated for commercial purposes.
5. The following uses may also be permitted if their location is first approved by the Commission as provided in Section 20: schools, elementary and high; churches (except rescue missions and temporary revivals); with yards as required for this zone.
6. Uses customarily incident to any of the above uses, including the office of a physician, dentist, minister of religion, or other person authorized by law to practice medicine or healing, provided (a) that such office is situated in the same dwelling unit as the home of the occupant, (b) that such office shall not be used for the general practice of medicine, surgery, dentistry or healing other than as a religious vocation, but may be used for consultation and emergency treatment as an adjunct to a principle office, and (c) that there be no assistants employed.
7. Accessory buildings, including a private garage, accessory living quarters, guest house or recreation room, provided that no guest house is located on a lot having an area of less than 10,000 square feet.

B. **BUILDING SITE AREA REQUIRED:** In the R-1-B Zone, every building hereafter erected or structurally altered shall provide a lot area of not less than 5000 square feet per family. Provided, however, that where a lot has less area than herein required and was of record at the time of the passage of this Ordinance, said lot may be occupied by not more than one family.

#### C. AREAS:

1. **Front yard required:** There shall be a front yard having a depth of not less than twenty (20) feet to the front line of the building and not less than fourteen (14) feet to the front line of an open porch or paved terrace, except as provided in Section 18 hereof.
2. **Side yard required:** There shall be a side yard on each side of a building having a width of not less than 10% of the average width of the lot, provided, however, that such side yard shall not be less than 3 feet in width, but need not exceed 12 feet. Provided, further, that on lots having a width of 25 feet or less, the side yard may be reduced to not less than 3 feet in width.
3. **Rear yard required:** There shall be a rear yard having a depth of not less than 20% of the depth of the lot, provided, however, that such rear yard shall not be less than 25 feet, but need not exceed 35 feet.

The above regulations shall apply to all lots, including corner lots, and in the case of reversed corner lots, which face an intersecting street, the side yard on the street side of such corner lot shall be increased from ten (10) percent of the width of the lot or from any of the above requirements, to fifty (50) per cent of the front yard required on the lots in the rear of such corner lot; provided, however, that this additional width of the side yard on the street side of the reversed corner lot shall not reduce the buildable width of such lot, if of record at the time of the passage of this Ordinance, to less than twenty-two (22) feet; provided, further, that no accessory building on said reversed corner lot shall project beyond the front

## GALLEY 4

yard line of the lots in the rear.  
**D. BUILDING HEIGHT LIMIT:** No building hereafter erected or structurally altered shall exceed two and one-half stories, or 35 feet.

## SECTION 7

### ZONE R-2

**A. ZONE R-2** is intended as a district of two family residences, with two single dwellings on the same lot, or duplex. Except as specifically provided elsewhere in this Ordinance, any and every building and premises or land in the R-2 Zone shall be used for or occupied, and any and every building shall be erected, constructed, established, altered, enlarged, moved into or within said Zone R-2, exclusively and only for the following purposes:

1. Any use permitted in the R-1-A and R-1-B One-Family Zones.
2. Two-family dwellings in a single building, or two single family dwellings on the same lot.
3. Home occupation or the principal office of a physician or dentist, provided such use is conducted within a dwelling and the residential character of such dwelling is not changed.
4. Public parking area on lots adjoining or directly across the street from areas Zoned C-1, C-2 or M-1, or from churches or public schools under conditions for planting maintenance and operation to be specifically approved by the Planning Commission in each case.

**B. BUILDING SITE AREA REQUIREMENT:** Every lot shall have a minimum average width of sixty (60) feet and a minimum area of five thousand (5000) square feet. The minimum lot area per dwelling unit shall be twenty-five hundred (2500) square feet. Provided, that where a lot has a width of less than sixty (60) feet or an area of less than five thousand (5000) square feet and was held under separate ownership or was of record at the time this Ordinance became effective, such lot may be occupied by any use permitted in this Section. In no case however, shall a two-family dwelling have a lot area of less than two thousand (2000) square feet per dwelling unit. Exceptions to area regulations are provided for in Section 18.

**C. AREAS:** No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained unless the following yards and lot areas are provided and maintained in connection with such building, structure or enlargement:

1. Front yard required: There shall be a front yard of not less than twenty (20) percent of the depth of the lot, but such front yard need not exceed twenty (20) feet. Provided, however, that where lots comprising forty (40) per cent or more of the frontage (excluding key and reversed corner lots) are developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such front yards shall establish the front yard depth for the entire frontage. In determining such front yard depth, buildings located entirely on the rear one-half of a lot shall not be counted. On key lots the minimum front yard shall be the average of the required front yard for the adjoining interior lot and the required side yard along the street of the adjoining reversed corner lot. Where existing buildings on either or both of said adjoining lots are located nearer to the front or side lot lines than the yards required above, the yards established by such existing buildings shall be used in computing the front yard for a key lot. In no case shall a front yard of more than fifty (50) feet be required.
2. Side Yard required: There shall be a side yard on each side of a building having a width of not less than 10% of the average width of the lot, provided, however, that such side yard shall not be less than 12 feet in width, but need not exceed 12 feet.
3. Rear yard required: There shall be a rear yard having a depth of not less than 20% of the depth of the lot, provided, however, that such rear yard shall not be less than 25 feet, but need not exceed 35 feet.
4. Distance between dwellings:

## GALLEY 5

or enlargement:

the width of the lot, but such side yard need not exceed five (5) feet and shall not be less than three (3) feet in width for a building not more than two and one-half (2½) stories in height. For buildings more than two and one-half (2½) stories in height, each side yard shall be increased one (1) foot in width for each additional story.

3. Rear yard required: There shall be a rear yard of not less than five (5) per cent of the depth of the lot, but such rear yard need not exceed five (5) feet.

4. Distance between dwellings: Dwellings one story in height shall not be closer than 10 feet to any other dwelling on the same lot, and dwellings two stories in height shall not be closer than 15 feet to any other dwelling.

**D. HEIGHT:** No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained to exceed three (3) stories or forty-five (45) feet in height.

## SECTION 9

### ZONE E-2

**A. ZONE E-2** is intended as a district of small farms. Except as specifically provided elsewhere in this Ordinance, any and every building and premises or land in the E-2 Zone shall be used for or occupied and any and every building shall be erected, constructed, altered, enlarged, moved into or within said Zone E-2 exclusively and only for the following purposes:

1. Farming, including all types of agriculture, stock raising and horticulture, except goat farms and hog ranches operated for the commercial disposal of garbage and/or offal.
2. Flower and vegetable gardening.
3. Nurseries and greenhouses.
4. One-family dwellings, including guest cottages and servants' quarters.
5. Golf, swimming, polo and country clubs and similar uses.
6. Public parks and playgrounds.
7. Churches, museums, libraries.
8. Schools, colleges.
9. Residential hotels.
10. Water supply and public utility buildings and structures pertaining thereto.
11. Cemeteries.
12. Accessory buildings and uses, including shops, sheds, garages, barns and other similar buildings and structures commonly required for the operation of an ordinary farm, and employees' and guests' cottages providing each building is built in compliance with the yard regulations of this Zone, subject to exceptions noted in Section 17, provided no name plate or sign exceeding one (1) square foot in area is displayed in connection therewith.
13. Signs not exceeding six (6) square feet in area pertaining only to the sale of produce, or the lease or hire of only the particular building, property or premises upon which displayed. No other advertising sign, structure or device of any character shall be permitted in any E-2 (Small Farms) District.
14. The following additional uses, subject to the issuance of conditional permits therefor, as prescribed in Section 20.
  - (a) Airplane landing fields.
  - (b) Drilling for oil or gas.

**B. BUILDING SITE AREA REQUIREMENT:** The minimum building site for each one-family dwelling shall be one (1) acre, except that any lot having any area less than one (1) acre under one ownership at the time this Ordinance becomes effective, where the owner thereof then owns no adjoining land, may be used as a building site for one dwelling by the owner of such lot or his successor in interest, provided that all other regulations of the District, as prescribed by this Ordinance, are observed.

**C. AREAS:**

1. Front yard required: Except as provided in Section 18, no building shall be erected closer than twenty (20) feet from the street right-of-way line.
2. Side yard required: Except as provided in Section 18, each side yard shall be not less than fifteen (15) feet wide.
3. Rear yard required: Except as provided in Section 18, the depth

## GALLEY 6

## SECTION 11

### ZONE P

**A. ZONE P (Parking Zone)** is intended for parking of vehicles or residential use. Except as specifically provided elsewhere in this Ordinance, any and every building and premises or land in the P Zone shall be used for or occupied, and any and every building shall be erected, constructed, established, altered, enlarged, moved into or within said Zone P exclusively and only for the following purposes:

1. Any use permitted in Zones R-1, R-1-A, R-1-B.
2. Off-street parking of vehicles, without gasoline or repair service and under conditions provided for in Section 17.
3. Nothing in this section shall be construed to permit billboards or advertising matter to be constructed or maintained in P Zone other than one sign, not over 12 square feet in area, on each property in a single ownership, referring to the availability and charges for parking spaces on the lot.

## SECTION 12

### ZONE C-1

**A. ZONE C-1** is intended for retail and general business. Except as specifically provided elsewhere in this Ordinance, any and every building and premises or land in the C-1 Zone shall be used for or occupied, and any and every building shall be erected, constructed, established, altered, enlarged, moved into or within said Zone C-1 exclusively and only for the following purposes:

1. Any use permitted in R-3 or P Zone.
2. Any use for commerce or trade in the nature of general retail business and for the sale of services and commodities at retail, including the following:
  - Art or antique shop.
  - Automobile Court.
  - Automobile service station.
  - Automobile and trailer sales area, provided that such area is located and developed as required in Section 17.
  - Bakery
  - Bank
  - Barber shop or beauty parlor.
  - Bird store, pet shop, or taxidermist.
  - Blueprinting or photostating.
  - Book or stationery store.
  - Business college or private school operated as a commercial enterprise.
  - Catering establishment.
  - Clothes cleaning agency or pressing establishment.
  - Clubs or lodges (non-profit), fraternal or religious associations.
  - Confectionery store.
  - Custom dressmaking or millinery shop.
  - Department, furniture or radio store.
  - Drive-in business where persons are served in automobiles, such as refreshment stands, restaurants, food stores and the like.
  - Drug Store.
  - Dry goods or notions store.
  - Film exchange.
  - Florist or gift shop.
  - Garage, public; including automobile repairing, and incidental body and fender work, painting or upholstering. Provided, however, that where a public garage is located on a lot which does not abut an alley and is within fifty (50) feet of a lot in an "R" Zone, the garage wall which parallels the nearest line of such Zone shall have no openings other than stationary windows.
  - Grocery, fruit or vegetable store.
  - Hospital, sanitarium or clinic.
  - Hardware or electric appliance store.
  - Ice storage house, not more than five (5) tons capacity.
  - Interior decorating store.
  - Jewelry store.
  - Laundry agency.
  - Liquor store.
  - Meat market or delicatessen store.
  - Medical or dental clinic and laboratory.
  - Mortuary or funeral parlor.
  - Music conservatory or music instruction.
  - Newstand.
  - Nursery, flower or plant.

- ed by such existing buildings shall be computed by computing the front yard for a key lot. In no case shall a front yard of more than fifty (50) feet be required.
2. Side Yard required: There shall be a side yard on each side of a building having a width of not less than 10% of the average width of the lot, provided, however, that such side yard shall not be less than 3 feet in width, but need not exceed 12 feet.
  3. Rear yard required: There shall be a rear yard having a depth of not less than 20% of the depth of the lot, provided, however, that such rear yard shall not be less than 25 feet, but need not exceed 35 feet.
  4. Distance between dwellings: Dwellings one story in height shall not be closer than 10 feet to any other dwelling on the same lot, and dwellings two stories in height shall not be closer than 15 feet to any other dwelling.
- D. HEIGHT: No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained to exceed two and one half (2½) stories or thirty-five (35) feet in height. Exceptions to height regulations are provided for in Section 18.

## SECTION 8

### ZONE R-3

- A. ZONE R-3 is intended as a district of multiple dwellings. Except as specifically provided elsewhere in this Ordinance, any and every building and premises or land in the R-3 Zone shall be used for or occupied, and any and every building shall be erected, constructed, established, altered, enlarged, moved into or within said Zone R-3, exclusively and only for the following purposes:

1. Any use permitted in the "R-2" Zone, excepting the keeping of poultry or livestock.
2. Group dwellings.
3. Multiple dwellings.
4. Row dwellings.
5. Boarding or lodging houses.
6. Apartment hotels with not more than twenty (20) guest rooms and dwelling units.
7. Court apartments.
8. Hotels with not more than twenty (20) guest rooms.
9. Fraternity or sorority houses.
10. Churches (except rescue missions or temporary revivals) or institutions of an educational or philanthropic nature.
11. Museums or libraries.
12. Clubs or lodges (private, non-profit), chartered as such by the State.
13. Hospitals or sanitariums (except animal hospitals, clinics, and hospitals or sanitariums for contagious, mental or liquor-addict cases).
14. Public parking areas.

- B. BUILDING SITE AREAS: Every lot shall have a minimum average width of sixty (60) feet and a minimum area of five thousand (5000) square feet. The minimum lot area per dwelling unit shall be one thousand (1000) square feet for group, multiple and row dwellings and court apartments one story in height. Provided, that where a lot has a width of less than sixty (60) feet or an area of less than five thousand (5000) square feet and was held under separate ownership or was of record at the time this Article became effective, such lot may be occupied by any use permitted in this Section. In no case, however, shall a one story, group, multiple or row dwelling have a lot area of less than eight hundred (800) square feet per such dwelling unit.

- C. AREAS: No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained unless the following yards and lot areas are provided and maintained in connection with such building, structure or enlargement.

1. Front yard required: There shall be a front yard of not less than ten (10) percent of the depth of the lot, but such front yard need not exceed twenty (20) feet, subject to the provisions of Section 18 C-2 of Exceptions.
2. Side yard required: On interior lots there shall be a side yard on each side of the main building of not less than ten (10) percent of

width of the lot, provided, however, that such side yard shall not be less than three (3) feet in width, but need not exceed ten (10) feet. Where a reversed corner lot abuts upon the side of a lot in the R Zone, the side yard on the street side of the reversed corner lot shall be not less than fifty (50) percent of the front yard required on the lots in the rear of such corner lot, (excluding key lots) but such side yard need not exceed ten (10) feet. No accessory building on said reversed corner lot shall project beyond the front yard line required on the key lot in the rear, nor shall be located nearer than five (5) feet to the side lot line of such key lot. Provided, however, that this regulation shall not be so interpreted as to reduce the buildable width of a reversed corner lot of record at the time this Ordinance became effective to less than twenty-eight (28) feet for a main building, nor less than twenty (20) feet for an accessory build-

### C. AREAS:

1. Front yard required: Except as provided in Section 18, no building shall be erected closer than twenty (20) feet from the street right-of-way line.
2. Side yard required: Except as provided in Section 18, each side yard shall be not less than fifteen (15) feet wide.
3. Rear yard required: Except as provided in Section 18, the depth of the rear yard shall be not less than fifty (50) feet.

- D. BUILDING HEIGHT LIMIT: Two and one-half stories, or 35 feet.

## SECTION 10

### ZONE A-1

- A. ZONE A-1 is intended for farms and agriculture. Except as specifically provided elsewhere in this Ordinance, any and every building and premises or land in the A-1 Zone shall be used for or occupied, and any and every building shall be erected, constructed, established, altered or enlarged, moved into or within said Zone A-1 exclusively and only for the following purposes:

1. Any use permitted in the R or E Zones.
2. Farms or ranches for grazing, breeding, raising or training horses or cattle; riding stables or academies; commercial dairies on a lot having an area of not less than twenty (20) acres; sheep or goat raising; dog kennels or the breeding, boarding or sale of dogs or cats.
3. Hospitals or sanitariums, including animal hospitals, as set forth in Paragraph C-2-B of this Subsection (but excepting clinics, and hospitals or sanitariums for contagious, mental or drug or liquor addict cases), provided they are located at least fifty (50) feet from all lot lines.
4. The following uses may also be permitted if their location is first approved by the Commission:
  - (a) Uses which may be permitted by the Commission as provided for in Section 20 include: Airports or aircraft landing fields; cemeteries; educational institutions; schools, elementary and high; public institutions and public service uses or structures; philanthropic or correctional institutions; cattle feed or sales yards; circus quarters or menageries.

- B. BUILDING SITE AREA REQUIRED: Every lot, farm or other parcel of land shall have a minimum width of one hundred fifty (150) feet and a minimum area of two (2) acres for all uses permitted in this Section, except (a) as otherwise required in Subsection A of this Section, (b) that sanitariums or hospitals (except animal) not exceeding fifty (50) beds, may be located on a lot of not less than two (2) acres, and (c) that the lot area per dwelling unit shall be not less than one (1) acre. In no case shall a farm or other parcel of land be reduced to less than two (2) acres. Provided, that where a lot has less width or less area than herein required and was held under separate ownership or was of record at the time this Ordinance became effective, such lot may be occupied by any use permitted in this Section, except for those uses requiring five (5) or twenty (20) acres, as set forth in Subsection A of this Section.

- C. AREAS:
1. Front yard required: Except as provided in Section 18, no building shall be erected closer than twenty (20) feet from the street right-of-way line.
  2. Side yard required: Except as provided in Section 18, each side yard shall be not less than fifteen (15) feet wide.
  3. Rear yard required: Except as provided in Section 18, the depth of the rear yard shall be not less than fifty (50) feet. Exceptions to area regulations are provided for in Section 18.

Grocery, fruit or vegetable store.

Hospital, sanitarium or clinic. Hardware or electric appliance store.

Ice storage house, not more than five (5) tons capacity.

Interior decorating store.

Jewelry store.

Laundry agency.

Liquor store.

Meat market or delicatessen store.

Medical or dental clinic and laboratory.

Mortuary or funeral parlor.

Music conservatory or music instruction.

Newsstand.

Nursery, flower or plant.

Offices, business or professional.

Pawn shop.

Photographer.

Printing, lithographing or publishing.

Restaurant, tea room or cafe.

Second-hand store.

Shoe store or shoe repair shop.

Sign painting shop.

Tailor, clothing or wearing apparel shop.

Tire shop.

Tourist court.

Trade school, if not objectionable due to noise, odor, vibration or other similar cause.

Upholstering shop.

Wedding chapel, rescue mission or temporary revival church.

Other uses similar to the above, as provided for in Section 17.

The above specified stores, shops or businesses shall be retail establishments and shall be permitted only under the following conditions.

- (a) Such stores, shops or businesses shall be conducted wholly within an enclosed building.
- (b) All products, whether primary or incidental, shall be sold at retail on the premises.
- (c) Any exterior sign displayed shall pertain only to a use conducted within the building, and shall be attached flat against a wall of the building and parallel with its horizontal dimension.

Uses customarily incidental to any of the above uses and accessory buildings, when located on the same lot, including a storage garage for the exclusive use of the patrons of the above stores or businesses.

Automobile parking space required for dwellings and for other than dwellings.

Public parking area.

Loading space as required in Section 17.

- B. BUILDING SITE AREA REQUIRED: Buildings hereafter erected and used wholly or partly for dwelling purposes shall comply with the lot area requirements of the R-3 Zone.

### C. AREAS:

1. Front yard required: Where all the frontage is located in the C-1 Zone, no front yard shall be required. Where the front yard is located partly in an R Zone, the front yard requirement of the R Zone shall apply in the C-1 Zone.

2. Side yard required: Where the side of a lot in the C-1 Zone abuts upon the side of a lot in the R Zone, there shall be a side yard of not less than ten (10) percent of the width of the lot, but such side yard need not exceed five (5) feet and shall not be less than three (3) feet in width.

Where a reversed corner lot abuts upon the side of a lot in the R Zone, the side yard on the street side of the reversed corner lot shall be not less than fifty (50) percent of the front yard required on the lots in the rear of such corner lot, (excluding key lots) but such side yard need not exceed ten (10) feet. No accessory building on said reversed corner lot shall project beyond the front yard line required on the key lot in the rear, nor shall be located nearer than five (5) feet to the side lot line of such key lot. Provided, however, that this regulation shall not be so interpreted as to reduce the buildable width of a reversed corner lot of record at the time this Ordinance became effective to less than twenty-eight (28) feet for a main building, nor less than twenty (20) feet for an accessory build-

## GALLEY 7

ing. In all other cases, a side yard for a commercial building shall not be required, but if provided, it shall not be less than three (3) feet in width. Buildings hereafter erected and used exclusively for dwelling purposes shall comply with the yard regulations of the R-3 Zone—Section 4.

## SECTION 13

### ZONE C-2

- A. ZONE C-2** is intended as a commercial amusement area. Except as specifically provided elsewhere in this Ordinance, any and every building and premises or land in the C-2 Zone shall be used for or occupied, and any and every building shall be erected, constructed, established, altered, enlarged, moved into or within said Zone C-2 exclusively and only for the following purposes:
1. Any use permitted in the C-1 and R Zones.
  2. Amusement enterprises, including a billiard or pool hall, bowling alley, boxing arena, dance hall, games of skill and science, roller skating rink, penny arcade, shooting gallery and the like, if conducted wholly within a completely enclosed building.
  3. Auditorium.
  4. Baseball or football stadium.
  5. Baths, Turkish and the like.
  6. Circus or amusement enterprise of a similar type, transient in character.
  7. Pony riding ring, without stables.
  8. Other uses similar to the above, as provided for in Section 17.
  9. The following uses may also be permitted if their location is first approved by the Commission, as provided for in Section 20:  
(a) Trailer park.
  10. Uses customarily incident to any of the above uses and accessory buildings when located on the same lot. Provided that (a) there shall be no manufacture, compounding, processing or treatment of products other than that which is clearly incidental and essential to a retail store or business and where all such products are sold at retail on the premises; (b) there shall not be more than five (5) persons engaged in the manufacture, compounding, processing or treatment of products, or in catering, cleaning, laundering, plumbing, upholstering, and the like; (c) such uses, operations or products are not objectionable due to odor, dust, smoke, noise, vibration or other similar causes; and (d) all exterior walls of a building hereafter erected, extended or structurally altered, which face property located in an R Zone, shall be designed, treated and finished in a uniform and satisfactory manner approved by the Building Department.
  11. Automobile parking space required for dwellings and for buildings other than dwellings, as provided for in Section 17.
  12. Loading space as required in Section 17.
- B. BUILDING SITE AREA REQUIRED:** Buildings hereafter erected and used wholly or partly for dwelling purposes shall comply with the lot area requirements of the R-3 Zone.
- C. AREAS:**
1. Front yard required: Not required.
  2. Side yard required: Where the side of a lot in the C-2 Zone abuts upon the side of a lot in an R Zone, there shall be a side yard of not less than ten (10) per cent of the width of the lot, but such side yard need not exceed five (5) feet and shall not be less than three (3) feet in width. In all other cases, a side yard for a commercial building shall not be required, but if provided, it shall not be less than three (3) feet in width. Buildings hereafter erected and used exclusively for residential purposes shall comply with the side yard regulations of the R-3 Zone—Section 8.

## SECTION 14

### ZONE M-1

- A. ZONE M-1** is intended as a district of limited intensity. Except as specifically provided elsewhere in this Ordinance, any and every building and premises or land in the M-1 Zone shall be used for or occupied, and any and every building shall

## GALLEY 8

- business.
- (c) Contractor's equipment storage yard or plant, or rental of equipment commonly used by contractors.
  - (d) Retail lumber yard, including only incidental millwork.
  - (e) Feed and fuel yard.
  - (f) Draying, freighting or trucking yard or terminal.
  - (g) Public utility service yard or electrical receiving or transforming station.
  - (h) Small boat building.
3. Automobile wrecking, if conducted wholly within a building.
  4. Concrete or cement products manufacture.
  5. Freight classification yard.
  6. Petroleum products, wholesale.
  7. Rock, sand or gravel distribution; rock, sand or gravel excavating or crushing, subject to conditions and methods of operation approved by the Commission.
  8. Any similar enterprise or business which in the opinion of the City Planning Commission is not more obnoxious or detrimental to the welfare of the community than the uses enumerated in this Section, as provided in Section 17.
  9. Uses customarily incident to any of the above uses and accessory buildings other than dwellings, as provided for in Section 17.
  10. Loading space as required in Section 17.
  11. The following uses may also be permitted if their location is first approved by the Commission, as provided in Section 20:  
(a) Trailer parks.
  12. Nothing in this section shall be construed to permit the use or continuance of uses which are or may become obnoxious or offensive by reason of the emission of odor, dust, smoke, noise, gas fumes, cinders, vibrations, refuse matter or water-carried waste, as determined by the Commission, nor shall any of the following uses be permitted except under special conditional permits safeguarding the public interest as provided in Section 18—acetylene gas, ammonia, chlorine or bleaching powder manufacture, asphalt manufacture or refining brick and tile terra cotta manufacture or storage; boiler works, creosote treatment or manufacture; crematory; distillation of coal, wood or bones; fat rendering, fertilizer manufacture; gas (illuminating or heating) manufacture; glue manufacture; gun powder, fireworks, or explosive manufacture and storage; incineration or reduction of garbage, offal, dead animals or refuse; iron foundry, lamp black manufacture; lime, cement and plaster of paris manufacture; paint manufacture; petroleum, pumping, refining and storage; pickle, sauerkraut, sausage or vinegar manufacture; rawhide and skins, curing and tanning; rolling mill, scrap iron, junk or rags storage or baling; slaughter or animals or fowl, smelting iron, soap manufacture, stock yards, stone mill and quarry; sulphuric, nitric or hydrochloric acid manufacture; tallow, grease and lard manufacture and refining; tar roofing or tar-water-proofing manufacture; tobacco (chewing) manufacture.
- B. BUILDING SITE AREA REQUIRED:** Building hereafter erected and used wholly or partly for dwelling purposes shall comply with the lot area requirements of the R-3 Zone. Exceptions to Area regulations are provided for in Section 18.
- C. AREAS:**
1. Front yard required: Not required.
  2. Side yard required: Where the side of a lot in the M-1 Zone abuts upon the side of a lot in an R Zone, there shall be a side yard of not less than ten (10) per cent of the width of the lot, but such side yard need not exceed five (5) feet and shall not be less than three (3) feet in width. In all other cases, a side yard for a commercial or industrial building shall not be required, but if provided, it shall not be less than three (3) feet in width. Buildings hereafter erected and used exclusively for residential purposes shall comply with the side yard regulations of the R-3 Zone—Section 8.
  3. Rear yard required: No rear yard shall be required except where the M-1 Zone abuts upon an R Zone, in which case there shall be a rear yard of not less than twenty

## GALLEY 9

- "accessory" are mentioned, these terms shall be deemed to include such other uses which in the judgment of the Planning Commission as evidenced by a written decision, are similar to and not more objectionable to the general welfare, than the uses listed in the same Section. Any "other uses" so determined by the Planning Commission shall be regarded as listed uses. In no instance, however, shall the Planning Commission determine, nor shall these regulations be so interpreted, that a use shall be permitted in a zone when such use is specifically listed as first permissible in a less restricted zone; i.e., a use specifically listed in the C Zone shall not be permitted in the R Zone. Any parties aggrieved by the decision of the Planning Commission in such cases may appeal to the City Council in the same manner and under the same rules as provided for appeals concerning conditional permits in Section 20.
3. Automobile parking space: There shall be provided at the time of the erection of any main building or structure or at the time any main building or structure is enlarged or increased in capacity, minimum off-street parking space with adequate provisions for ingress and egress by standard size automobiles as follows:  
(a) Private garages for dwellings. In the R Zones there shall be at least one (1) permanently maintained parking space in a private garage or off street parking space on the same lot with the main building or for each dwelling unit in the case of a new building or for each dwelling unit added to an existing building. Such parking space shall not be less than eight (8) feet wide and eighteen feet long. A private garage shall not have a capacity for more than two (2) passenger automobiles for each dwelling unit unless the lot, whereon such garage is located, has an area of two thousand (2000) square feet for each parking space in such garage.  
(b) Parking space for dwellings: In the R-3 Zone, there shall be permanently maintained parking spaces on the same lot with the main building or the enlargement of a main building, the minimum number of which is shown on the following schedule:  

No. of Dwellings and No. of Parking Spaces Required:
1 to 4 inclusive—one for each dwelling.
5 to 8 inclusive—one less than number of dwellings.
9 to 12 inclusive—two less than number of dwellings.
13 to 16 inclusive—four less than number of dwellings.
17 to 20 inclusive—six less than number of dwellings.

Or in lieu thereof such parking space shall be provided in a building required in Subparagraph (a) of this paragraph. Such parking space shall have not less than one hundred twenty-six (126) square feet net area.  
(c) For buildings other than dwellings: For a new building or structure or for the enlargement or increase in seating capacity, floor area, or guest rooms of any existing main building or structure, there shall be at least one (1) permanently maintained parking space of not less than one hundred twenty-six (126) square feet net area together with ingress and egress from the same, as follows:  
(1) For church, high school, college and university auditoriums and for theatres, general auditoriums, stadiums and other similar places of assembly, at least one (1) parking space for every ten (10) seats provided in said building or structures.  
(2) For hospitals and welfare institutions, at least one (1) parking space for every one thousand (1000) square feet of floor space in said building.  
(3) For hotels, apartments and clubs there shall be at least three-fourths as many parking spaces as rooms or suites.  
(4) For tourist courts, at least one (1) parking space for each individual sleeping or living unit.

Commercial building shall not be required, but if provided, it shall not be less than three (3) feet in width. Buildings hereafter erected and used exclusively for residential purposes shall comply with the side yard regulations of the R-3 Zone—Section 8.

## SECTION 14

### ZONE M-1

A. ZONE M-1 is intended as a district of limited industry. Except as specifically provided elsewhere in this Ordinance, any and every building and premises or land in the M-1 Zone shall be used for or occupied, and any and every building shall be erected, constructed, established, altered, enlarged, moved into or within said Zone M-1 exclusively and only for the following purposes:

1. Any use permitted in Zone C-1.
  2. Light manufacturing uses to be conducted wholly within a completely enclosed building except for the on-site parking of delivery vehicles which are incidental thereto, for:
    - (a) The manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs perfumes, pharmaceuticals, toiletries, and food products (except fish and meat products, sauerkraut, vinegar, yeast and the rendering or refining of fats and oils).
    - (b) The manufacture, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials; bone, cellophane, canvas, cloth, cork, feathers, felt, fibre, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood, yarns, and paint not employing a boiling process.
    - (c) The manufacture of pottery figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas.
    - (d) The manufacture and maintenance of electric and neon signs, billboards, commercial advertising structures, light sheet metal products, including heating and ventilating ducts and equipment, cornices, eaves, and the like.
    - (e) Manufacture of musical instruments, toys, novelties, and rubber and metal stamps.
    - (f) Automobile assembling, painting, upholstering, rebuilding, reconditioning, body and fender works, truck repairing and overhauling, retreading or recapping, battery manufacturing, and the like.
    - (g) Blacksmith shop and machine shop.
    - (h) Foundry casting lightweight non-ferrous metal not causing noxious fumes or odors.
  3. Laundry, cleaning and dyeing works, and carpet and rug cleaning.
  - (j) Distribution plants, parcel delivery, ice and cold storage plant, bottling plant, and food commissary or catering establishments.
  - (k) Wholesale business, storage buildings, and warehouses.
  - (l) Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts only, such as coils, condensers, transformers, crystal holders, and the like.
  - (m) Laboratories; experimental, photo or motion picture film, or testing.
  - (n) Veterinary or dog or cat hospitals, and kennels.
2. Uses to be conducted wholly within a completely enclosed building or within an area enclosed on all sides with a solid wall, or uniformly painted board fence, six (6) feet in height.
- (a) Motion picture studio.
  - (b) Building material sales yard, including the sale of rock, sand, gravel and the like as an incidental part of the main

of the width of the lot, but such side yard need not exceed five (5) feet and shall not be less than three (3) feet in width. In all other cases, a side yard for a commercial or industrial building shall not be required, but if provided, it shall not be less than three (3) feet in width. Buildings hereafter erected and used exclusively for residential purposes shall comply with the side yard regulations of the R-3 Zone—Section 8.

3. Rear yard required: No rear yard shall be required except where the M-1 Zone abuts upon an R Zone, in which case there shall be a rear yard of not less than twenty (20) per cent of the depth of the lot, but such rear yard need not exceed twenty (20) feet for interior lots nor ten (10) feet for corner lots. Buildings hereinafter erected and used exclusively for residential purposes shall comply with the rear yard regulations of the R-3 Zone—Section 8.

## SECTION 15

### ZONE S

A. ZONE S (Special Zone) is intended for institutions, schools and public property. Except as specifically provided elsewhere in this Ordinance, any and every building and premises or land in the S Zone shall be used for or occupied, and any and every building shall be erected, constructed, established, altered, enlarged, moved into or within said Zone S exclusively and only for the following purposes:

1. Institutions, including religious fellowships, churches, hospitals, sanitariums, schools, colleges, public recreation areas and golf courses, subject to approval, in each case, of general plans showing the full development proposed for the property involved by the Planning Commission after public hearing as provided in Section 20 and strict adherence to said general plans and any conditions which the Planning Commission may prescribe in relation to projects or details thereof.

## SECTION 16

### ZONE O.S.

- A. ZONE O.S. (Open Space Zone) is intended for open space uses without human habitation:
- B. To protect watershed areas subject to periodical flooding or other hazards, necessary for flood flows, spreading, or overflow of streams and channels, or
  - C. To protect reserved area, indicated on the master plan as necessary for recreation, protection of scenery, or as wasteland lacking water, soil, or other requisites, against premature or inappropriate development.
  - D. To protect rights-of-way of State Highways, parkways, or other communication.
- Any and every building and premises on land in O. S. Zone shall be for or occupied exclusively and only for protection of the purposes outlined above, and no permanent human occupancy or building or structure shall be permitted except as a Conditional Use Permit may be issued, with specific conditions in each case, under the provisions of Section 20.

## SECTION 17

### GENERAL PROVISIONS:

#### A. USE.

1. Conformance and permits required: No building or structure shall be erected, reconstructed, structurally altered, enlarged, moved, or maintained, nor shall any building, structure or land be used or designed to be used for any use other than is permitted by the zone in which such building or structure or land is located and then only after applying for and securing all permits and licenses required by all laws and ordinances. This provision shall apply to any property now owned or hereafter acquired by the City of Oceanside.
2. Other Uses: Where the term "other uses similar to the above" or similar phrase, or "incidental" or principal channels of traffic and private development; or

iums and for theatres, general auditoriums, stadiums and other similar places of assembly, at least one (1) parking space for every ten (10) seats provided in said building or structures.

- (2) For hospitals and welfare institutions, at least one (1) parking space for every one thousand (1000) square feet of floor space in said building.
- (3) For hotels, apartments and clubs, at least one (1) parking space for every three-fourths as many parking spaces as rooms or suites.
- (4) For tourist courts, at least one (1) parking space for each individual sleeping or living unit.
- (5) For business or commercial buildings or structures having a floor area of 5000 square feet or more, at least one (1) parking space for every 1000 square feet of gross floor area in said buildings or structures, excluding said automobile parking space.

Parking space as required above shall be on the same lot with the main building or structure or located not more than 750 feet therefrom.

4. Loading Space: Every hospital, institution, hotel, or industrial building hereafter erected or established on a lot which abuts upon an alley or is surrounded on all sides by streets, shall have one (1) permanently maintained loading space of not less than ten (10) feet in width, twenty (20) feet in length and fourteen (14) feet in height, for each two thousand (2000) square feet of lot area upon which said building is located; provided, however, that not more than two (2) such spaces shall be required.

5. Public parking areas—Automobile and trailer sales areas: Every parcel of land hereafter used as a public parking area for automobile and trailer sales area shall be developed as follows: subject to the approval of plans therefor by the Building Department:

(a) Such area shall be paved with asphaltic or concrete surfacing; shall have appropriate bumper guards where needed, and shall be properly enclosed with an ornamental fence or wall having a height of not less than three (3) feet and not more than six (6) feet. Such fence or wall shall be maintained in good condition and observe the required front yard and the required side yard along the street side of a corner lot for the zone in which it is located and such required front and side yard shall be landscaped with evergreen ground cover and properly maintained.

- B. HEIGHT: Except as hereinafter provided; no building or structure nor the enlargement of any building or structure shall be hereafter erected, reconstructed or maintained which exceeds the height limit established for the zone wherein such building or structure is located.

#### C. AREAS:

1. Area requirements: Except as hereafter provided, all buildings or structures or the enlargement of any building or structure hereafter erected, located or maintained on a lot shall conform with the area regulations of the zone in which it is located.

(a) No parcel of land held under separate ownership at the time this Ordinance became effective, shall be reduced in any manner below the minimum lot area, size or dimensions required by this Ordinance.

(b) No lot shall be so reduced, diminished and maintained that the yards, other open spaces or total lot area, shall be smaller than prescribed by this Ordinance nor shall the density of population be increased in any manner except in conformity with the regulations herein established.

(c) No required yard or other open space around an existing building, or which is hereafter provided around any building for the purpose of complying with the provisions of this Or-

## GALLEY 10

dinance shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected.

(d) Every building hereafter erected shall be located on a lot as herein defined. In no case shall there be more than one (1) main residential building and its accessory buildings on one (1) lot. Group dwellings, court apartments, row dwellings and a unit group of dwellings as referred to in paragraph 2 of this Sub-section, may be considered as one (1) main building.

(e) No building permit shall be issued for a building or structure on a lot which abuts a street dedicated to a portion of its required width and located on that side thereof from which no dedication was secured, unless the yards provided on such lot include both that portion of the lot lying within the future street and the required yards.

(f) No building permit shall be issued for a building or structure on a corner lot when such building or structure is to be oriented in such a manner as to reduce the front yard requirements on the street on which such corner lot has its frontage at the time this Ordinance became effective.

(g) Every required front, side and rear yard shall be open and unobstructed from the ground to the sky.

(h) At each end of a through lot there shall be a front yard of the depth required by this Ordinance for the zone in which each street frontage is located; provided, however, that one of such front yards may serve as a required rear yard.

2. Group dwellings rearing on side yards. Dwellings may be arranged to rear upon side yards or have their service entrances opening thereon, provided the following regulations are complied with:

(a) In the case of group dwellings or court apartments, the required side yards shall be increased by six (6) inches for each dwelling unit or portion thereof abutting such side yard, but said side yard need not exceed seven (7) feet, except that for court apartments more than three (3) stories in height each side yard shall be increased one (1) foot in width for each additional story above the third story. This average width of the court shall not be less than three (3) times the width of the side yard required in this provision.

(b) In the case of row dwellings or a unit group of dwellings including one-family, two-family or multiple dwellings not more than two and one-half (2½) stories in height, arranged so as to rear upon one side yard and front upon the other, the side yard upon which the dwellings rear shall be increased by six (6) inches for each dwelling unit or portion thereof abutting such side yards, but said side yard need not exceed seven (7) feet. The average width of the side yard upon which the dwellings front shall not be less than one and one-half (1½) times the width of the other side yard, as required above.

(c) In the grouping of dwellings as permitted in this paragraph, the minimum distance between detached dwellings shall not be less than ten (10) feet, and the front and rear yard requirements for lots in the zone in which such dwellings are located, shall be complied with.

3. Lot area—tourist courts: A tourist court, wherever permitted under the regulations of this Ordinance shall have a lot area of not less than eight hundred (800) square feet for each individual sleeping or living unit.

## GALLEY 11

wireless masts, water tanks, silos, or similar structures may be erected above the height limits herein prescribed, but no penthouse or roof structure, or any space above the height limit shall be allowed for the purpose of providing additional floor space.

### C. AREAS:

1. Building lines: Where a building line or setback line has been established by ordinance, the space between such building or setback line and the front or side lot line may be used as the front or side yard, as the case may be, in lieu of the front or side yard required by this Ordinance.

2. Front yard—between projecting buildings: Where a lot is situated between two lots, each of which has a main building (within twenty-five (25) feet of its side lot lines) which projects beyond the established front yard line and has so maintained since this Ordinance became effective, the front yard requirement on such lot may be the average of the front yards of said existing buildings. Provided, however, that where lots comprising forty (40) per cent or more of the frontage in any one block on the same side of the street are developed with buildings having a front yard with a variation in depth of not more than six (6) feet, no building hereafter erected or structurally altered shall project beyond the average front yard line so established, provided, further, that this regulation shall not be so interpreted as to require a front yard of more than fifty (50) feet.

3. Front yard—adjoining projecting building: Where a lot adjoins only one lot having a main building (within twenty-five (25) feet of its side lot lines) which projects beyond the established front yard line and has been so maintained since this Ordinance became effective, the front yard requirement on such lot may be the average of the front yard of the said existing building and the established front yard line.

4. Front yard—sloping lot: Where the elevation of the ground at a point fifty (50) feet from the front line of a lot and midway between the side lines, differs ten (10) feet or more from the curb level, or where the slope (measured in the general direction of the side lot lines) is twenty (20) per cent or more on at least one-quarter (¼) of the depth of the lot, the front yard need not exceed fifty (50) per cent of that required in the zone. A private garage, not exceeding one story nor fourteen (14) feet in height, may be located in such front yard, provided every portion of the garage building is at least five (5) feet from the front lot line and does not occupy more than fifty (50) per cent of the width of the front yard.

5. Front and side yards waived: The front and side yards shall be waived for dwellings, hotels, and boarding or lodging houses, erected above the ground floor of a building when said ground floor is designed exclusively for commercial or industrial purposes.

6. Side yard waived: For the purpose of said yard regulations the following dwellings with common party walls shall be considered as one (1) building occupying one (1) lot: semi-detached two- and four-family dwellings, row dwellings, group dwellings and court apartments.

7. Rear yard—includes one-half alley: In computing the depth of a rear yard where such yard opens onto an alley, one-half (½) the width of such alley may be assumed to be a portion of the required rear yard.

8. Rear yard—includes loading space: Loading space provided in accordance with this Ordinance may occupy a required open rear yard.

9. Yards for building affected by street widening: Where a building or structure is located on property acquired for public use (by condemnation, purchase or otherwise), such building or structure may be relocated on the same lot or premises, although the area regulations of this Ordinance cannot reasonably be complied with. Further, where any

## GALLEY 12

from the front lot lines, provided all area requirements are complied with. An accessory building shall not project beyond the front yard line of an existing main building along the frontage, except that such accessory building need not be located more than twenty-five (25) feet from the street line.

### 15. Projection into yards:

(a) A porte cochere may be permitted over a driveway in a side yard, provided such structure is not more than one (1) story in height and twenty-(20) feet in length, and is entirely open on at least three (3) sides, except for the necessary supporting columns and customary architectural features.

(b) Cornices, eaves, belt courses, sills, canopies, or other similar architectural features (not including bay windows or verticle projections) may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard and may extend or project into a required front or rear yard not more than thirty (30) inches. Chimneys may also project into a required front, side or rear yard not more than one (1) foot, provided the width of such side yard is not reduced to less than three (3) feet.

(c) Fire escapes may extend or project into any front, side or rear yard not more than four (4) feet.

(d) Open, unenclosed stairways or balconies, not covered by a roof or canopy, may extend or project into a required rear yard not more than four (4) feet, and such balconies may extend into a required front yard not more than thirty (30) inches.

(e) Open, unenclosed porches, platforms or landing places, not covered by a roof or canopy, which do not extend above the level of the first floor of the building, may extend or project into any front, side or rear yard not more than six (6) feet.

(f) Open, unenclosed porches, platforms or landing places, not covered by a roof or canopy, which do not extend above the level of the first floor of the building, may extend or project into a court a distance of not more than twenty (20) per cent of the width of such court, but in no case more than six (6) feet.

(g) Openwork ornamental fences, hedges, landscape architectural features, masonry walls or guard railings for safety protection around depressed ramps, may be located in any front yard if maintained at a height not more than three and one-half (3½) feet above the average ground level adjacent thereto. Provided, further, that an openwork type railing not more than three and one-half (3½) feet in height may be installed or constructed on any balcony, stairway, porch, platform or landing place mentioned above in subparagraphs (d), (e) and (f).

(h) A fence, lattice-work screen or wall not more than six (6) feet in height, or a hedge or thick growth of shrubs or trees, maintained so as not to exceed six (6) feet in height, may be located in any required side or rear yard. Provided, that this provision shall not be so interpreted as to prohibit the erection of an open mesh type fence enclosing an elementary or secondary school site.

(i) Landscape features, such as trees, shrubs, flowers or plants shall be permitted in any required front, side or rear yard.

(j) Name plates, bulletin boards, or signs appertaining to the prospective sale, lease or rental of the premises on which they are located, as permitted in this Ordinance, shall be allowed in any required front, side or rear yard.

(k) The above structures or features, however, shall not be

dwelling unit or portion thereof abutting such side yards, but said side yard need not exceed seven (7) feet. The average width of the side yard upon which the dwellings front shall not be less than one and one-half (1½) times the width of the other side yard, as required above.

- (c) In the grouping of dwellings as permitted in this paragraph, the minimum distance between detached dwellings shall not be less than ten (10) feet, and the front and rear yard requirements for lots in the zone in which such dwellings are located, shall be complied with.
3. **Lot area—tourist courts:** A tourist court, wherever permitted under the regulations of this Ordinance shall have a lot area of not less than eight hundred (800) square feet for each individual sleeping or living unit.

## SECTION 18

### EXCEPTIONS:

#### A. USE:

1. **Private garage not required Topography:** Where a lot abuts upon a street or place which due to topographic conditions or excessive grades is not accessible by automobiles, and such lot is occupied by not more than a one-family dwelling, no private garage or parking area shall be required.
2. **Public utilities and public services:** The provisions of this Ordinance shall not be so construed as to limit or interfere with the construction, installation, operation and maintenance for public utility purposes of water and gas pipes, mains and conduits, electric light and electric power transmission and distribution lines, telephone and telegraph lines, oil pipe lines, sewers and sewer mains, and incidental appurtenances.

#### B. HEIGHT:

1. **Three-story Buildings—Two and one-half story zones:** In zones limiting the height of two and one-half (2½) stories or thirty-five (35) feet, one-family dwellings, churches or schools may be increased in height to three (3) stories or forty-five (45) feet, provided the required side yards are increased to twelve (12) feet or more in width.
2. **Buildings exceeding three stories—three story zone:** In the zones limiting the height to three (3) stories or forty-five (45) feet, public or quasi-public buildings, churches, schools, hospitals or sanitariums may be erected to a height not exceeding six (6) stories or seventy-five (75) feet, and motion picture studios, stages, scene or sky-backings, temporary towers and the like may be erected to a height not exceeding one hundred twenty-five (125) feet, when the required front, side and rear yards are increased an additional foot for each four (4) feet such building or structure exceeds three stories or forty-five (45) feet in height.
3. **Lots on downhill slopes:** On any lot, sloping downhill from the street, which has an average ground slope on that portion of the lot to be occupied by the main building, or twenty-five (25) per cent or more (measured in the general direction of the side lot lines), an additional story may be permitted in such main building, provided the ceiling of the lowest story shall not be more than two (2) feet above the average curb level along the front of the lot.
4. **Through lots (150 feet or less in depth):** On through lots one hundred fifty (150) feet or less in depth, the height of a building may be measured from the adjoining curb level on either street.
5. **Through lots (more than 150 feet in depth):** On through lots more than one hundred fifty (150) feet in depth, the height regulations and basis of height measurements for the street permitting the greater height shall apply to a depth of not more than one hundred fifty (150) feet from that street.
6. **Structures permitted above height limits:** Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks,

as one (1) building occupying one (1) lot: semi-detached two- and four-family dwellings, row dwellings, group dwellings and court apartments.

7. **Rear yard—includes one-half alley:** In computing the depth of a rear yard where such yard opens onto an alley, one-half (½) the width of such alley may be assumed to be a portion of the required rear yard.
8. **Rear yard—includes loading space:** Loading space provided in accordance with this Ordinance may occupy a required open rear yard.
9. **Yards for building affected by street widening:** Where a building or structure is located on property acquired for public use (by condemnation, purchase or otherwise), such building or structure may be relocated on the same lot or premises, although the area regulations of this Ordinance cannot reasonably be complied with. Further, where any part of such a building or structure is acquired for public use, the remainder of such building or structure may be repaired, reconstructed or remodeled with the same or similar kind of materials as used in the existing building.
10. **Additional dwelling—front of lot:** Where a dwelling is located on the rear one-half (½) of a lot at the time this Ordinance became effective, an additional dwelling shall be permitted on the front portion of said lot, provided (a) that the lot area requirements are complied with for the zone in which the property is located, except in the R-1 Zone, in which case the lot area requirement shall be twenty-five hundred (2500) square feet in lieu of four thousand (4000) square feet; (b) that the height and required front and side yard regulations shall be observed and the minimum distance between the front and rear building and the rear of the front building shall not be less than fifteen (15) feet; and (c) that wherever a building is erected on the front portion of said lot, no structural alterations shall thereafter be made in the rear dwelling and whenever said rear dwelling is damaged to the extent of 100% or more of the assessed value according to the latest prior assessment of the County Assessor or for any reason removed, it shall not be reconstructed or replaced.
11. **Additional dwelling—large lot:** Where a lot has an area equivalent to two (2) or more times that required by this Ordinance, but without sufficient required frontage for two (2) or more lots, a dwelling shall be permitted on both the front and rear portions of said lot, provided (a) that all height and area requirements, except lot width, are complied with; (b) that a strip of land thirty (30) feet wide adjacent to and measured at right angles from the rear lot line is reserved for future access in addition to the required rear yard; and (c) that a strip of land at least fifteen (15) feet wide, measured at right angles to either side lot line and extending from the street line to the rear portion of the lot, is reserved as a means of access thereto.
12. **Lot area—includes one-half alley:** In computing the lot area of a lot which abuts upon one or more alleys, one-half (½) the width of such alley or alleys may be assumed to be a portion of the lot.
13. **Through Lot—Accessory building:** Where a through lot has a depth of less than one hundred fifty (150) feet, an accessory building, not exceeding one (1) story nor fourteen (14) feet in height, may be located in one of the required front yards, if such building is set back from the front lot line a distance of not less than ten (10) per cent of the depth of the lot and at least five (5) feet from any side lot line. Such accessory building shall not project beyond the front yard line of an existing main building along the frontage, except that such building need not be located more than twenty-five (25) feet from the street line.
14. **Through lot—May be two lots:** Where a through lot has a depth of one hundred fifty (150) feet or more, said lot may be assumed to be two lots with the rear line of each approximately equidistant

(n) A fence, lattice-work screen or wall not more than six (6) feet in height, or a hedge or thick growth of shrubs or trees, maintained so as not to exceed six (6) feet in height, may be located in any required side or rear yard. Provided, that this provision shall not be so interpreted as to prohibit the erection of an open mesh type fence enclosing an elementary or secondary school site.

- (i) Landscape features, such as trees, shrubs, flowers or plants shall be permitted in any required front, side or rear yard.
- (j) Name plates, bulletin boards, or signs appertaining to the prospective sale, lease or rental of the premises on which they are located, as permitted in this Ordinance, shall be allowed in any required front, side or rear yard.
- (k) The above structures or features, however, shall not be located and maintained so as to preclude complete access at all times about the main building. Provided, that gates or other suitable openings at least two and one-half (2½) feet in width shall be deemed adequate for such access.

## SECTION 19

**BOUNDARIES OF ZONES:** Where uncertainty exists with respect to the boundaries of the various zones, as shown on the zoning map accompanying and made a part of this Ordinance, the following rules shall apply:

- A. **STREETS OR ALLEYS:** The zone boundaries are either streets or alleys, unless otherwise shown, and where the indicated boundaries on said zoning map are approximately street or alley lines, said streets or alleys shall be construed to be the boundaries of such zone.
- B. **LOT LINES:** Where the zone boundaries are not shown to be streets or alleys, and where the property has been or may hereafter be divided into blocks and lots, the zone boundaries shall be construed to be lot lines; and where the indicated boundaries on the zoning map are approximately lot lines, said lot lines shall be construed to be the boundaries of such zone, unless said boundaries are otherwise indicated on the map.
- C. **SCALE ON MAP. DETERMINATION BY CITY COUNCIL:** Where the property is indicated on the zoning map as acreage and not subdivided into lots and blocks, or where the zone boundary lines are not approximately street, alley or lot lines, the zone boundary lines on the zoning map shall be determined by the scale contained on such map, and where uncertainty exists, the zone boundary line shall be determined by the City Council by written decision. In the event property shown as acreage on the zoning map has been or is subsequently subdivided into lots and blocks by a duly recorded subdivision map and the lot and block arrangement does not conform to that anticipated when the zone boundaries were established or property is resubdivided by a duly recorded subdivision map into a different arrangement of lots and blocks than shown on said zoning map, the City Council, after notice to the owners of property affected thereby, and hearing, may interpret the zoning map and make minor readjustments in the zone boundaries in such a way as to carry out the intent and purposes of these regulations and conform to the street and lot layout on the ground. Such interpretations or adjustments shall be by written decision, and thereafter the copies of the zoning map in the offices of the City Clerk and Planning Department shall be changed to conform thereto.
- D. **SYMBOL FOR ZONE.** Where the Symbol is used on the zoning map to indicate the classification of an area divided by an alley or alleys, said symbol shall establish the classification of the whole of such area.
- E. **STREET OR RIGHT-OF-WAY—ALLOCATION OR DIVISION:** A street, alley, railroad or railway right-of-way, watercourse, channel or body of water, included in the zoning map shall, unless otherwise indicated, be included within the zone of adjoining property on either side thereof; and where such street, alley, right-of-way, water-

## GALLEY 13

course, channel or body of water, serves as a boundary between two or more different zones, a line midway in such street, alley, right-of-way, watercourse, channel or body of water, and extending in the general direction of the long dimension thereof shall be considered the boundary between zones.

**F. VACATED STREET OR ALLEY:** In the event a dedicated street or alley shown on the zoning map is vacated by ordinance, the property formerly in said street or alley shall be included within the zone of the adjoining property on either side of said vacated street or alley. In the event said street or alley was a zone boundary between two or more different zones, the new zone boundary shall be the former center line of said vacated street or alley.

## SECTION 20

### CONDITIONAL USE PERMITS:

**A. CONDITIONAL PERMITS FOR OTHER USES:** The Planning Commission may authorize, under Conditional Use Permit, the use of property for those uses concerning which it is stated in this ordinance that "the following uses may be permitted" (including Churches, airparks, golf courses, sand, gravel and clay pits, stone quarries, cemeteries, hospitals, private schools, public utilities and public service uses, large scale neighborhood housing projects, and similar uses), and where said uses are deemed to be a part of the development of the Master Plan or its objectives and shall conform thereto.

**B. VARIANCES AND ADJUSTMENTS:** The Planning Commission may authorize Conditional Use Permits for variances and adjustments to regulations only to overcome practical difficulties and prevent unnecessary hardships in the application of the regulations for the following:

1. To reduce the amount of front yard required.
2. To reduce the amount of setback required for future street widening where the property owner applying for the reduction signs an agreement with the City to remove any proposed building at his own expense when so requested by the City for street widening.
3. To reduce the amount of side or rear yard distance required by this ordinance;
4. To permit the temporary use of property for a tract real estate office upon condition and agreement to remove same within a specified time;
5. To permit boarding and lodging houses under conditional and revocable permits in residence (R) zones, except in Residence R-1.
6. To permit more than one house on large lots in restricted zones where the lot area devoted to each proposed dwelling will meet the City's minimum requirements and comply with the standards already established in the area; and to permit residences to be constructed on lots or parcels of land fronting on an adequate easement that will provide ample ingress and egress to a dedicated street and/or to permit the construction of residences on lots or parcels of land with frontages that do not comply with the minimum standards of this ordinance;
7. To permit on a lot immediately adjoining or across an alley from the property in a less restrictive zone district, a building or use upon such conditions and safeguards as will tend to cause an effective transition from the less restrictive zone district;
8. To permit the extension of an existing or proposed building or use which is in the proper zone district into a more restrictive zone district immediately adjacent thereto, under such conditions as will protect and safeguard the more restrictive zone district;
9. To permit construction of buildings or the use of property where there are adjacent thereto, or in the immediate vicinity, buildings or uses which do not conform to the zone ordinance and which interfere with the proper development of the property in question;
10. To grant Conditional Use Permits for trailer camps in Zones C-2, and M-1.
11. To permit temporary construction and occupancy in O. S. Zone under conditions safeguarding the

## GALLEY 14

### Permit Under Zoning Ordinance."

Each hearing shall be open to the public. A summary of the hearing shall be made containing a report of the essential facts. Any hearing may be continued from time to time. The Planning Commission shall render its decision within seven (7) days after the conclusion of the hearing and shall immediately thereafter mail notice of its decision to the petitioner at the address set forth in the petition and shall file with the City Clerk a copy thereof. The Clerk shall present said copy to the City Council at its next meeting. The Planning Commission shall also mail notice of its decision to any person who requests such a notification by filing a written request therefor with the Commission.

At the public hearing or meeting set to consider the application for a conditional use permit for a variance or for repair or alteration of a non-conforming building, the applicant shall present a statement and adequate evidence for the purpose of showing:

1. That there are special circumstances or conditions applicable to the property involved, or to the intended use of the property, which do not apply generally to other property in that district;
2. That the strict application of the regulations would work unnecessary hardship and that the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner, possessed by other property owners in the same zone and vicinity;
3. That the granting of such application will not materially affect the health or safety of persons residing or working in the neighborhood and will not be materially detrimental to the public welfare, or that the rights and interests of other persons will not be injuriously affected.
4. That the granting of the variance or permit for repair or alteration will not adversely affect the Master Plan of the City.

The resolution of approval or disapproval of the Planning Commission shall become final on the sixth day following its filing in the office of the City Clerk, unless during the previous five (5) days a written appeal from the decision is filed with the Clerk asking the City Council to hold a public hearing on the matter and reverse the decision of the Planning Commission. If an appeal is filed within the time specified, it automatically stays proceedings in the matter until a determination is made by the City Council.

Notice that an appeal has been filed shall be sent by the City Clerk to the Building Official and the Planning Commission.

After an appeal is filed, the City Clerk shall place the matter for hearing before the City Council at a date not later than thirty days from the date the appeal has been filed: Notice of such hearing shall be given to the affected property owners by the City Clerk by mailing copy of such notice not less than ten days prior to the said hearing, and the certificate of the City Clerk shall be conclusive evidence of such notice to each property owner affected by the ruling of the Planning Commission. The City Council shall have authority to continue such hearing from time to time by vote of the majority of the councilmen present. In the event that at such hearing there shall be less than a quorum of the councilmen present, then the City Clerk shall have power to adjourn said hearing then reset the hearing at a later date, in which case the same notice shall be given of said continuance to the property owners affected.

After conducting the public hearing and reviewing the report of the Planning Commission, the City Council may grant or deny the appeal, upon such terms and conditions as the Council deems appropriate. In the event the appeal is filed protesting a conditional use permit granted by the Planning Commission, or if the appeal is caused by the denial of a permit, it shall require not less than three votes of the City Council to override the Planning Commission. The decision of the City Council shall be final and conclusive in such appeal.

**D. REVOCATION:** The Planning Commission on its own motion may, and upon the direction of the City

## GALLEY 15

area proposed to be changed.

**B. APPLICATION FOR CHANGE—FORM AND CONTENT:** Applications for any change of zone boundaries or reclassification of zones, as shown on the zoning map, shall be filed with the Commission in the public office of the Department of Planning, upon forms, and accompanied by such data and information as may be required to be presented for the purpose by the Commission so as to assure the fullest practicable presentation of facts for the permanent record.

Each application shall be verified by at least one of the owners or lessees of property within the area proposed to be changed, attesting the truth and correctness of all facts and information presented with the application.

**C. HEARING DATE—NOTICE:** Upon the filing of such application or the adoption of such resolution by the Commission or City Council, the matter shall be set for two hearings before the Commission. Notice of the time, place and purpose of such hearings shall be given by the following method:

1. By at least one publication in a newspaper of general circulation in the City, designated for that purpose by the City Council and not less than five (5) days prior to the date of the first hearing.
2. By mailing a postal card or letter notice not less than five (5) days prior to the date of such first hearing to the owners of all property within three hundred (300) feet of the area proposed to be changed, using for this purpose the last known name and address of such owners as shown upon the records of the City Clerk. Where all property within the three hundred (300) foot radius is under the same ownership as the property proposed to be changed, the owners of all property adjoining that owned by the applicant shall also be notified in the same manner as herein provided.
3. In connection with a hearing where it is not proposed that property be rezoned, a published notice of public hearing as provided in paragraph (1) of this subdivision shall suffice.

**D. DECISION BY COMMISSION AND CITY COUNCIL:** If, from the facts presented, the Commission finds that public necessity, convenience, general welfare or good zoning practice require the change or reclassification involved or any portion thereof, the Commission may recommend such change to the City Council, and otherwise it shall deny the application. The Commission shall make its findings and determination in writing within thirty (30) days from the date of filing of any application and shall forthwith transmit a copy thereof to the applicant. If the application is approved, the Commission shall forward its findings and recommendations to the City Council. The City Council, after it has conducted a public hearing thereon, with published notice thereof, as provided in Paragraph 1, subsection C of this Section, may by ordinance effect such amendment, supplement, change or reclassification or any portion thereof.

**E. DENIAL—APPEAL:** If an application for change or reclassification is denied by the Commission as provided above, the applicant may, within twenty (20) days from the date the notification of denial was mailed to said applicant, appeal to the City Council by written notice of appeal filed with the City Clerk. Said appeal shall be filed in duplicate and shall set forth specifically wherein the Commission's findings were in error and wherein the public necessity, convenience, welfare or good zoning practice require such change or reclassification. Said appeal must be referred to the Commission, and thereupon the Commission shall make a report to the City Council disclosing in what respect it failed to find that the public necessity, convenience, general welfare or good zoning practice requires the change or reclassification involved. The City Council may, by four-fifths (4/5) vote of the whole of said Council, grant any such appealed application, but before making any change in the recommendation of the Commission, the Council must set the matter for hearing, giving the same notice of hearing as that provided in Paragraphs 1 and 2, Subsection C of this Section and must make a

10

where the lot area devoted to each proposed dwelling will meet the City's minimum requirements and comply with the standards already established in the area; and to permit residences to be constructed on lots or parcels of land fronting on an adequate easement that will provide ample ingress and egress to a dedicated street and/or to permit the construction of residences on lots or parcels of land with frontages that do not comply with the minimum standards of this ordinance;

- 7. To permit on a lot immediately adjoining or across an alley from the property in a less restrictive zone district, a building or use upon such conditions and safeguards as will tend to cause an effective transition from the less restrictive zone district;
- 8. To permit the extension of an existing or proposed building or use which is in the proper zone district into a more restrictive zone district immediately adjacent thereto, under such conditions as will protect and safeguard the more restrictive zone district;
- 9. To permit construction of buildings or the use of property where there are adjacent thereto, or in the immediate vicinity, buildings or uses which do not conform to the zone ordinance and which interfere with the proper development of the property in question;
- 10. To grant Conditional Use Permits for trailer camps in Zones C-2, and M-1.
- 11. To permit temporary construction and occupancy in O. S. Zone under conditions safeguarding the public interest against liability for damages and against payment for improvement if and when the property is acquired for public use.
- 12. In any such permit the Planning Commission shall specify conditions to make the proposed use as consistent and unobjectionable as possible to the purposes of the zone or district in which the proposed structure or use is located.

**C. PROCEDURE FOR CONDITIONAL USE PERMIT:** Application for any Conditional Use Permit as provided herein shall be made to the Planning Commission in the form of a written verified application by the owner and lessee of the property effected for a permit. Said application shall be filed with the Building Official and shall be made upon forms provided by the Planning Commission, and shall be accompanied by sufficient plans and descriptions of the property involved, and the proposed use, together with plans and elevations of all proposed buildings, to give the Planning Commission a full understanding of the situation and proposal. The Building Official shall then present said application to the Planning Commission.

Any Conditional Use Permit granted by the Planning Commission or City Council as herein provided for, shall be conditional upon the privileges granted being utilized within six months after the effective date of the permit. In the event some construction work is involved, it must actually commence within the stated period and must be diligently prosecuted to completion; otherwise the permit is automatically voided. A lapse of work for a period of three months will be sufficient to cause the invalidity of the Conditional Use Permit. Upon the filing of an application for a Conditional Use Permit, the Planning Commission within five (5) days shall set the matter for public hearing before said Commission and such hearing shall be within twenty-one (21) days of the filing of such petition.

Notice of the hearing shall be given by posting notice thereof along the street within three hundred (300) feet from the exterior limits of the property involved in the petition. Such notice shall also be placed upon all property which abuts or adjoins the property involved, not less than ten (10) days prior to the date of the hearing. Such notice shall contain a description, either the street address by street and house number or a legal description of the property for which a Conditional Use Permit is sought; notice of the time, place and purpose of the hearing on the petition; reference to the petition on file with the Planning Commission for particulars; a statement that any interested persons may appear either in person or by agent, and be heard. Notice to be posted shall be headed by the words "Notice of Hearing", printed in plain type with letters not less than one (1) inch in height, followed by the words "on Proposed Conditional Use

Clerk shall place the matter for hearing before the City Council at a date not later than thirty days from the date the appeal has been filed: Notice of such hearing shall be given to the affected property owners by the City Clerk by mailing copy of such notice not less than ten days prior to the said hearing, and the certificate of the City Clerk shall be conclusive evidence of such notice to each property owner affected by the ruling of the Planning Commission.

The City Council shall have authority to continue such hearing from time to time by vote of the majority of the councilmen present. In the event that at such hearing there shall be less than a quorum of the councilmen present, then the City Clerk shall have power to adjourn said hearing then reset the hearing at a later date, in which case the same notice shall be given of said continuance to the property owners affected.

After conducting the public hearing and reviewing the report of the Planning Commission, the City Council may grant or deny the appeal, upon such terms and conditions as the Council deems appropriate. In the event the appeal is filed protesting a conditional use permit granted by the Planning Commission, or if the appeal is caused by the denial of a permit, it shall require not less than three votes of the City Council to override the Planning Commission. The decision of the City Council shall be final and conclusive in such appeal.

**D. REVOCATION:** The Planning Commission on its own motion may, and upon the direction of the City Council shall, hold a hearing upon the revocation of a conditional use permit granted by or pursuant to the provision of this section.

Written notice shall be served on the owner of property for which a conditional use permit may be revoked and notice of a public hearing shall be given in the same manner as for an application for a conditional use permit.

A conditional use permit, whether granted automatically for a non-conforming prior use, or pursuant to a hearing, may be revoked if the City Council finds:

- 1. That the use is detrimental to the public health or safety or is a nuisance;
- 2. That the conditional use permit was obtained by fraud;
- 3. That the use for which the permit was granted is not being exercised;
- 4. That the use for which the permit was granted has ceased or been suspended for one year or more;
- 5. That the condition of the improvements, if any, on a property for which a non-conforming conditional use permit has been issued, are such that they can be used or altered so as to be used in conformity with the uses permitted in the zone in which such property is located without impairing the constitutional rights of any person.
- 6. That all or part of the conditions upon which the Conditional Use Permit were granted have not been complied with by the applicant or his successors in interest.

After a hearing upon the revocation of a conditional use permit, the Planning Commission shall report its findings of fact and recommendations to the City Council, and upon receipt of such recommendations the City Council shall determine the facts and shall revoke, modify, or allow to remain unchanged the conditional use permit accordingly.

## SECTION 21

**CHANGES AND AMENDMENTS:**

**A. PROCEDURE FOR CHANGE:** Whenever the public necessity, convenience, general welfare or good zoning practice require, the City Council may by ordinance, after report thereon by the Commission and subject to the procedure provided in this section, amend, supplement or change the regulations, zone boundaries, or classification of property, now or hereafter established by this Ordinance. An amendment, supplement, reclassification or change may be initiated by a resolution of intention by the Commission or the City Council or by a verified application of the owners and lessees of property within the

is approved, the Commission shall forward its findings and recommendations to the City Council. The City Council, after it has conducted a public hearing thereon, with published notice thereof, as provided in Paragraph 1, subsection C of this Section, may by ordinance effect such amendment, supplement, change or reclassification or any portion thereof.

**E. DENIAL—APPEAL:** If an application for change or reclassification is denied by the Commission as provided above, the applicant may, within twenty (20) days from the date the notification of denial was mailed to said applicant, appeal to the City Council by written notice of appeal filed with the City Clerk. Said appeal shall be filed in duplicate and shall set forth specifically wherein the Commission's findings were in error and wherein the public necessity, convenience, welfare or good zoning practice require such change or reclassification. Said appeal must be referred to the Commission, and thereupon the Commission shall make a report to the City Council disclosing in what respect it failed to find that the public necessity, convenience, general welfare or good zoning practice requires the change or reclassification involved. The City Council may, by four-fifths (4/5) vote of the whole of said Council, grant any such appealed application, but before making any change in the recommendation of the Commission, the Council must set the matter for hearing, giving the same notice of hearing as that provided in Paragraphs 1 and 2, Subsection C of this Section and must make a written finding of fact setting forth wherein the Commission's findings were in error.

The procedure of the City Council in effecting a change or reclassification of property initiated by resolution of intention, rather than by application of property owners, or for an amendment or supplement to the text which has been disapproved or partially disapproved by the Commission, shall be the same as that outlined above in this Subsection for the granting of an appealed application, except that the published notice of hearing, as provided above, shall suffice on any matter involving only an amendment or supplement to the text of this Ordinance.

**F. CHANGES INCIDENT TO SUBDIVISIONS:** The City Council shall have authority to make changes without holding a public hearing where, in the subdivision of an area, it is found by the Commission that the zones, as shown on the zoning map, do not conform with the best subdivision and use of the land. In such instances, the City Council may, upon the recommendation of the Commission, authorize within the boundaries of the area being subdivided, the appropriate adjustment of zone boundaries or the reclassification of the area into a more restricted zone. Such recommendation of the Commission to the City Council shall be made only after receipt of a written request by the owner of the area being subdivided, but no public hearing or filing fee shall be required by the Commission.

**G. ANNEXED TERRITORY:** Any area hereafter annexed to the City of Oceanside shall automatically be included in the R-1 Zone, until changed in accordance with the provisions of this ordinance.

## SECTION 22

**FILING FEES—SERVICE CHARGES:**

**A. FEE FOR APPLICATION:** Before accepting for filing any application hereinafter mentioned, the Department of Planning shall charge and collect the following filing fees:

- 1. Change of Zone: For each application for a change of zone boundaries or reclassification of zone, a fee of forty dollars (\$40.00).
- 2. Variance—Conditional Uses: For each application for a variance from the height or area provisions of this Article, a fee of ten dollars (\$10.00), and for each application for a variance from other provisions of this Article, or for a conditional use, a fee of thirty-five dollars (\$35.00).

**B. SERVICE CHARGE—MAP AND LIST:** Upon the request of any person, the Department of Planning shall prepare or cause to be prepared the Use Map and Property Owners List of the area within a

## GALLEY 16

radius of 300 feet as such list is shown on the last assessment roll, and shall collect a service charge of fifteen dollars (\$15.00) therefor.

## SECTION 23

### ENFORCEMENT AND PENALTIES:

**A. ENFORCEMENT:** The Building Official of the City is specifically charged with the enforcement of this ordinance. He shall not permit the use of any land or building contrary to the provisions of this ordinance. He shall not issue any permit for the erection, construction, establishment, alteration, enlargement or repair of any building contrary to the provisions of this ordinance. In the event an applicant is denied a permit by the building official, and said applicant by reason thereof applies to the Planning Commission for a Conditional Use Permit, variance, or exception, the building official shall notify said committee of his reason in writing. It shall be the duty of the Police Department and all officers charged with law enforcement to enforce this ordinance and all provisions of the same. Any person, firm or corporation, whether as principal agent, employee or otherwise, violating any provisions of this ordinance shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punishable by a fine of not more than three hundred dollars (\$300.00) or by imprisonment in the City or County Jail for a term not exceeding three (3) months or by both such fine and imprisonment. Such person, firm or corporation shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of this ordinance is committed, continued or permitted by such person, firm or corporation and shall be punishable as herein provided. Any building set-up, erected, built, moved or maintained, and/or any use of property contrary to the provisions of this ordinance, shall be and the same is hereby declared to be unlawful and a public nuisance, and the City Attorney shall, upon order of the City Council, immediately commence action or actions, proceeding or proceedings for the abatement, removal and enjoyment thereof in the manner provided by law, and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate and remove such building or use and restrain and enjoin any person, firm or corporation from setting up, erecting, building, moving or maintaining any such building or using any property contrary to the provisions of this ordinance.

All remedies provided for herein shall be cumulative and not exclusive.

## SECTION 24

### DEFINITIONS:

1. For the purpose of this Ordinance certain terms, phrases, words and their derivatives shall be construed as set out in this Section. Definitions given in the State Housing Act of the State of California shall supplement those given in this Section.
2. Words used in the present tense include the future except where the ordinary and usual interpretation of this Ordinance otherwise indicates; words in the singular number include the plural, and words in the plural number include the singular; the word "building" includes the word "structure" and the word "shall" is mandatory and not directory. The term "City Council" when used shall mean the City Council of Oceanside, and "Planning Commission" or "Commission" shall mean the City Planning Commission of Oceanside.
3. **ALLEY** means a public or private way providing a secondary means of access to public or private property.
4. **ALTERATIONS** means any change, addition or modification in construction or occupancy.
5. **APARTMENT** means a room or suite of two or more rooms in a tenement or apartment house, occupied or suitable for occupancy as a residence for one family doing its own cooking on the premises.
6. **APARTMENT HOUSE** means any building, or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied, or

livelihood, or the ownership or management of office buildings, offices, recreation or amusement enterprise.

18. **CORRAL** means an enclosure in which livestock is confined.
19. **CURB LEVEL**, for the purpose of measuring the height of any portion of a building, is the mean level of the curb in front of such portion of the building. But where a building is on a corner lot, the curb level is the mean level of the curb on the street of greatest width. If such greatest level occurs on more than one street the curb level is the mean level on the curb on that street of greatest width which has the highest curb elevation. The "curb level" for the purpose of regulating and determining the area of yards, courts and open spaces is the mean level of the curb in the front of the building where there is the highest curb elevation. Where no curb elevation has been established or the building does not adjoin the street, the average ground level of the lot shall be considered the curb level.
20. **COURT, BUNGALOW**, means a group of several single family dwellings built and facing upon a common court.
21. **DAIRY, COMMERCIAL**, means any land whereon is kept or maintained for any length of time, more than two milk cows where milk or milk products are produced for, or intended for sale, to the public.
22. **DWELLING** means any house or building or portion thereof which is occupied in whole or in part as the home, residence or sleeping place, either permanent or transient, of one or more human beings, and dwellings are also divided into types which are defined as follows:
  - (a) **DWELLING, GROUP**, means a building designed for more than one single family, each dwelling of which shall have a ground floor entrance on the outside of the building and be entire separated from each other private dwelling by a vertical wall.
  - (b) **DWELLING, MULTIPLE**, means a building used or designed to be used as a residence for three (3) or more families living independently of each other.
  - (c) **DWELLING, SINGLE FAMILY**, means a dwelling for one family alone, having but one kitchen and within which not more than five persons may be lodged for hire at any one time.
  - (d) **DWELLING, TWO FAMILY**, means a building or structure having under one and the same roof two single family dwellings, each of which shall have a separate ground floor entrance on the outside of the building.
23. **FAMILY** means one or more persons occupying premises and living as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house or hotel.
24. **GARAGE, PRIVATE**, means a detached accessory building or portion of a main building for the parking or temporary storage of automobiles of the occupants of the premises.
25. **GARAGE, PUBLIC**, means a building or portion thereof, except a private garage, used or designated to be used for the storage or care of self-propelled vehicles, or where any such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.
26. **GRADE** means the "curb level" as defined in this Section.
27. **HOME OCCUPATION** means any use of a personal service nature customarily conducted within a dwelling with only ordinary home facilities or equipment used by the inhabitant thereof when no assistant is employed; provided any occupation from which there may arise objectionable noise, electrical disturbances, odor, dust, smoke or vibration or any other undesirable conditions, interfering with the peace, comfort and welfare of adjacent residents or residential property owners or any occupation which raises the fire insurance rates, depreciates, or in any other manner damages the value of contiguous properties for residential purposes is prohibited as "Home Occupation" as herein defined.
28. **HOTEL** means any structure, or any portion of a structure, including any lodging house, rooming house, dormitory, turkish bath, bachelor hotel, studio hotel, nub-

## GALLEY 18

45. **LOT, THROUGH**, means a lot having frontage on two parallel or approximately parallel streets.
46. **LOT WIDTH** means the horizontal distance between the side lot lines measured at right angles at a point midway between the front and rear lot lines.
47. **PORCH, OPEN**, means a porch which is open on three sides, except that said porch may have a solid railing not to exceed 30 inches in height.
48. **POULTRY** means domestic fowl such as chickens, ducks, turkeys, etc.
49. **RIDING ACADEMY** means riding clubs, riding stables or any property whereon horses are kept for remuneration, hire or sale.
50. **SITE, BUILDING**, means a lot or lots under one ownership, or such land area as may be required herein for building purposes.
51. **STABLE, PRIVATE**, means an accessory building in which horses are kept for private use, for recreational purposes only, and not for remuneration, hire or sale.
52. **STABLE, PUBLIC**, means a building in which horses are kept for remuneration, hire or sale.
53. **STORY** means that portion of a building included between the upper surfaces of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.
54. **STORY, HALF**, means a story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than 2 feet above the floor of such story.
55. **STREET** means a public thoroughfare which has been dedicated or deeded to the public use and accepted by the City Council and which affords the principal means of access to abutting property.
56. **STREET LINE** means the boundary line between street and abutting property.
57. **STREET, WIDTH OF**, means the mean of the distance between the sides thereof within a block.
- 57.1 **STRUCTURES** means anything been complied with by the applicant location on the ground or attached to something having a location on the ground.
58. **STRUCTURE, COMMERCIAL ADVERTISING**, means a building or structure erected, used or maintained for the purpose of advertising any business, commerce, article, substance, commodity, service, idea, plan or other thing, whether tangible or intangible, and whether with or without profit.
59. **TRAILER PARK** means any site, lot, tract or acreage of land upon which one or more occupied trailer houses are harbored, either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle or enclosure used or intended for use as a part of the equipment or service building of such trailer park.
60. **USE** means the purpose for which land or a building is arranged, designed or intended, or for which either land or a building is, or may be occupied or maintained.
61. **USE, ACCESSORY**, means a use customarily incidental to the principal use of land and/or buildings located upon the same lot.
62. **USE, NONCONFORMING**, means the use which lawfully occupied a building or land at the time this Ordinance became effective and which does not conform with the use or regulations of the zone in which it is located.
63. **YARD** means an open space other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this article.
64. **YARD, FRONT**, means a yard extending across the full width of the lot, a depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lot.
65. **YARD, REAR**, means a yard extending across the full width of the lot between the most rear main building and the rear lot line. Depth of the required rear yard shall be measured horizontally from the nearest part of a main building toward the nearest point of the rear lot line.
66. **YARD, SIDE**, means a yard more than 6 inches in width, between a main building and side lot line, extending from the front yard, or front lot line where no front yard

12

cases, words in the singular number include the plural, and words in the plural number include the singular; the word "building" includes the word "structure" and the word "shall" is mandatory and not directory. The term "City Council" when used shall mean the City Council of Oceanside, and "Planning Commission" or "Commission" shall mean the City Planning Commission of Oceanside.

- 4. ALTERATIONS means any change, addition or modification in construction or occupancy.
- 5. APARTMENT means a room or suite of two or more rooms in a tenement or apartment house, occupied or suitable for occupancy as a residence for one family doing its own cooking on the premises.
- 6. APARTMENT HOUSE means any building, or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other and doing their own cooking in the said building, and shall include flats and apartments.
- 7. ATTIC means a story under a sloping roof at the top of the building, the spring or cornice of the main roof of which is not more than two feet above the floor of said attic.
- 8. AUTOMOBILE COURT means a building or a group of two or more detached or semi-detached buildings containing guest rooms or apartments with automobile storage space provided in connection therewith, which building or group is designed, intended or used primarily for the accommodation of automobile travelers, including groups designated as auto cabins, motor lodges, motels and by similar designations.
- 9. AUTOMOBILE WRECKING means the practice of dismantling, disassembling, cutting up, salvaging or otherwise preparing used vehicle parts for resale.
- 10. BASEMENT means that portion of a building between floor and ceiling which is partly below and partly above grade (as defined in this Section). If the finished floor level directly above a basement or cellar is more than six feet (6') above grade, such basement or cellar shall be considered a story.
- 11. BUILDING means a structure for the support, shelter or enclosure of persons, animals or chattels; and when separated by division walls of masonry or concrete from the ground up and without openings, then each portion of such building shall be deemed a separate building.
- 12. BUILDING, ACCESSORY, means a subordinate building located upon the same building site as the building to which it is accessory, the use of which accessory building is incidental to that of the main building.
- 13. BUILDING, DETACHED, means a building that is not less than six feet (6') in distance measured horizontally from any portion, except the cornice or eaves of any other building.
- 14. BUILDING, HEIGHT OF, means the vertical distance measured from the adjoining curb level to the highest point of ceiling of the top story in the case of a flat roof; to the deck line of a mansard roof; and to mean height level between eaves and ridge of a gable, hip or gambrel roof; provided, however, that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building.
- 15. BUILDING, INDUSTRIAL, means a building devoted to the storage, repair, manufacture, preparation or treatment of any article, substance or commodity whatsoever, and includes buildings used as stables and garages.
- 16. BUILDING, NONCONFORMING, means a building or structure or portion thereof lawfully existing at the time this Ordinance became effective, which was designed, erected or structurally altered, for a use that does not conform to the use regulations of the zone in which it is located, or a building or structure that does not conform to all the height and area regulations of the zone in which it is located.
- 17. BUSINESS OR COMMERCE means the purchase, sale or other transaction involving the handling or disposition of any article, substance or commodity for profit or

- 26. GRADE means the "curb level" as defined in this Section.
- 27. HOME OCCUPATION means any use of a personal service nature customarily conducted within a dwelling with only ordinary home facilities or equipment used by the inhabitant thereof when no assistant is employed; provided any occupation from which there may arise objectionable noise, electrical disturbances, odor, dust, smoke or vibration or any other undesirable conditions, interfering with the peace, comfort and welfare of adjacent residents or residential property owners or any occupation which raises the fire insurance rates, depreciates, or in any other manner damages the value of contiguous properties for residential purposes is prohibited as "Home Occupation" as herein defined.
- 28. HOTEL means any structure, or any portion of a structure, including any lodging house, rooming house, dormitory, turkish bath, bachelor hotel, studio hotel, public club, or private club, containing six or more guest rooms and which is occupied, or is intended or designed for occupancy, by six or more guests, whether rent is paid in money; goods, labor or otherwise. It does not include any jail, hospital, asylum, sanitarium, orphanage, prison, detention, or other building in which human beings are housed and detained under legal restraint.
- 29. HOUSE, GUEST, means living quarters within a detached accessory building located on the same premises with the main building for use by temporary guests of the occupants of the premises; such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling.
- 30. INDUSTRY means the storage, repair, manufacture, preparation or treatment of any article, substance, or commodity whatsoever, and including the operation of stables.
- 31. JUNK YARD means the use of more than three hundred (300) square feet of the area of any lot or of any building of the front half of any lot for the storage of junk, including scrap metals or other scrap material.
- 32. LAUNDRY, PUBLIC, means any building wherein laundry is done for hire.
- 33. LAUNDRY, SELF SERVICE, means any building wherein machinery or equipment is rented for the purpose of doing laundry.
- 34. LOT means a parcel of land abutting on at least one street or alley. Where no alley exists, the rear lot line of a lot having a frontage on two parallel or approximately parallel streets, shall be considered as equi-distant from these streets, except where the full length or depth of such lot is less than 125 feet, in which case it shall be deemed one lot.
- 35. LOT AREA means the total horizontal area within the lot line of a lot.
- 36. LOT, CORNER, means a lot not greater than 75 feet in width and situated at the intersection of two or more streets having an angle of intersection of not more than 135 degrees.
- 37. LOT, DEPTH OF, means the mean distance from the street line of the lot to its rear line measured in the general direction of the side lines of the lot.
- 38. LOT, INTERIOR, means a lot other than a corner lot.
- 39. LOT, KEY, means the first interior lot to the rear of a reverse corner lot and not separated therefrom by an alley.
- 40. LOT LINES means the established division lines between parcels of property, public or private.
- 41. LOT LINE, FRONT, means, in the case of an interior lot, a line separating the lot from the street or place; in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street, except in those cases where the latest tract deed restrictions specify another line as the front lot line.
- 42. LOT LINE, REAR, means a lot line which is opposite and most distant from the front lot line and, in the case of an irregular, or triangular lot, a line 10' in length within the lot, parallel to and at the maximum distance from the front lot line.
- 43. LOT, REVERSE CORNER, means a corner lot the side street line of which is substantially a continuation of the front lot line of the lot to its rear.
- 44. LOT LINE, SIDE, means any lot boundary line not a front lot line or a rear lot line.

- which does not conform with the use or regulations of the zone in which it is located.
- 63. YARD means an open space other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this article.
- 64. YARD, FRONT, means a yard extending across the full width of the lot, a depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lot.
- 65. YARD, REAR, means a yard extending across the full width of the lot between the most rear main building and the rear lot line. Depth of the required rear yard shall be measured horizontally from the nearest part of a main building toward the nearest point of the rear lot line.
- 66. YARD, SIDE, means a yard more than 6 inches in width, between a main building and side lot line, extending from the front yard, or front lot line where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the main building.
- 67. ZONE means a portion or portions of the territory of the City, exclusive of streets, alleys and other public ways, within which certain uses of lands, premises and buildings are permitted and certain other uses of land, premises and buildings are not permitted and within which certain yards and open spaces are required and certain height limits are established for buildings all as set forth and specified in this ordinance.

### SECTION 25

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

### SECTION 26

Ordinance No. 348, and Ordinance No's, 353, 357, 446, 419, 430, 457, 494, 500, 534, 510, 568, 603, 607, 618, 621 and 632, and all other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

### SECTION 27

The City Clerk of the City of Oceanside shall be, and he is hereby directed to cause this Ordinance to be published once in the Oceanside Daily Blade-Tribune, a newspaper published and of general circulation in said City of Oceanside.

### SECTION 28

This Ordinance shall take effect and be in force on the 31st day after the date of its final passage and approval.

PASSED, ADOPTED AND ORDERED PUBLISHED by the City Council of the City of Oceanside, California, 14th June

this \_\_\_\_\_ day of \_\_\_\_\_, 1950, by the following vote:  
AYES: Councilmen H. Tom Wright, J. A. MacDonald, Max McComas, Leonard Snyder.

NAYS: Councilmen None  
ABSENT: Councilman H. W. Witman.

*James Donald*  
Mayor of the City of Oceanside, California.

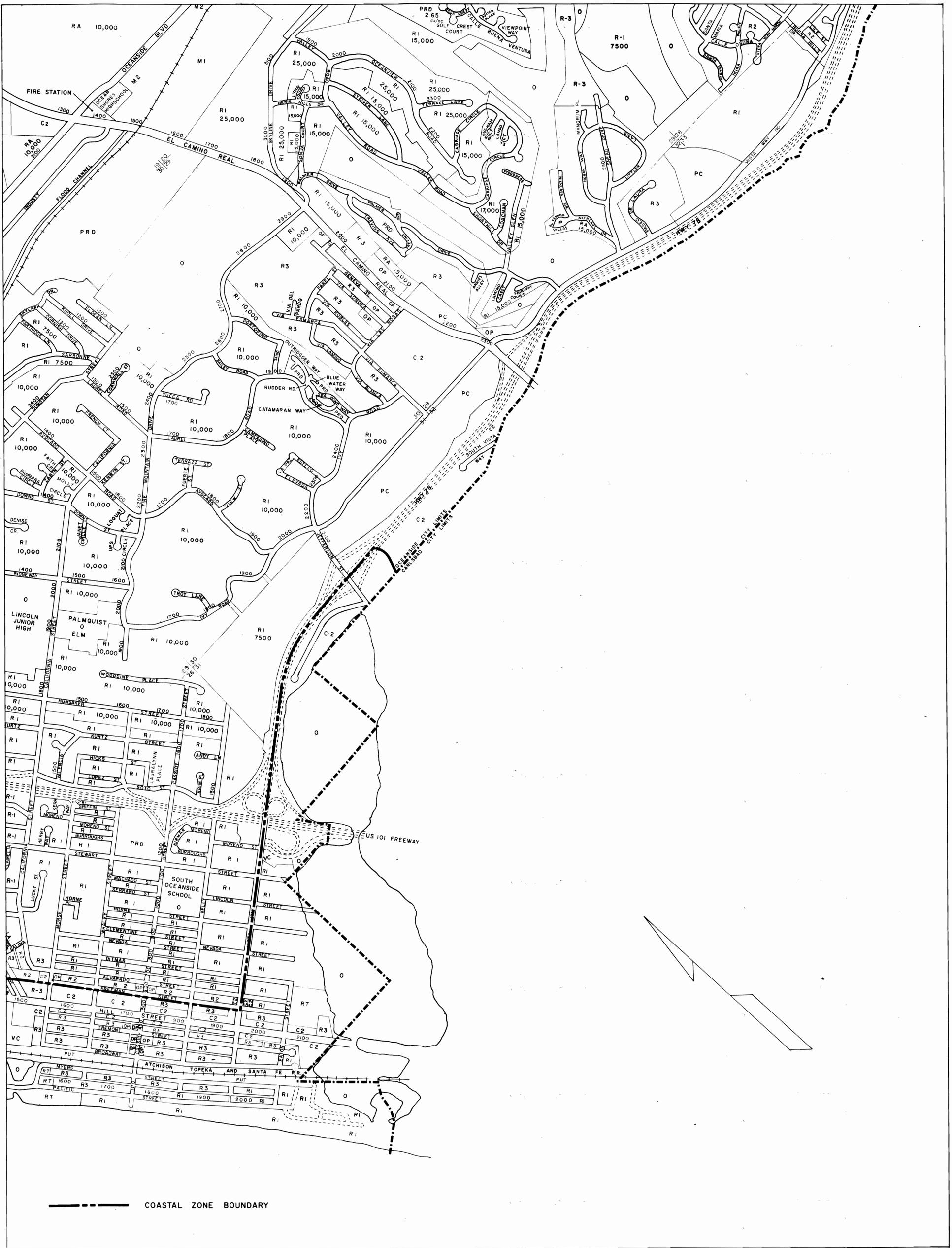
ATTEST:  
*John K. Amies*  
City Clerk.

I hereby certify that the above and foregoing ordinance was not passed by the City Council of the City of Oceanside until it had been read at two separate meetings of said City Council, to-wit: on the 24th day of May, 1950, and on the 14th day of June, 1950, and that it was adopted by the vote above stated.

*John K. Amies*  
City Clerk of the City of Oceanside and Clerk of the City Council.

### GALLEY 17

fective, which was designed, erected or structurally altered, for a use that does not conform to the use regulations of the zone in which it is located, or a building or structure that does not conform to all the height and area regulations of the zone in which it is located.



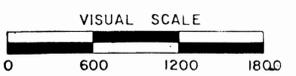
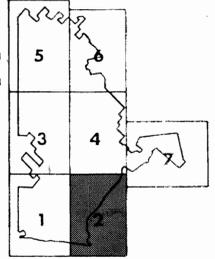
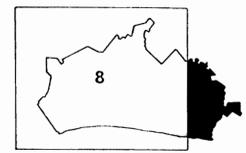
----- COASTAL ZONE BOUNDARY

REVISION DATES	

**ZONING MAP**  
ORDINANCE 58-1

- |                            |                                     |  |                             |
|----------------------------|-------------------------------------|--|-----------------------------|
| <b>COMMERCIAL</b>          | <b>RESIDENTIAL</b>                  | <b>INDUSTRIAL</b>                      | <b>AGRICULTURAL</b>         |
| C1 NEIGHBORHOOD COMMERCIAL | MH MANUFACTURED HOUSING             | IP INDUSTRIAL PARK                     | A2 SUBURBAN AGRICULTURAL    |
| C2 GENERAL COMMERCIAL      | PRD PLANNED RESIDENTIAL DEVELOPMENT | MI LIGHT INDUSTRIAL                    | A5 GENERAL AGRICULTURAL     |
| OP OFFICE PROFESSIONAL     | PCD PLANNED COMMUNITY DEVELOPMENT   | M2 HEAVY INDUSTRIAL                    | A20 DAIRY AGRICULTURAL      |
| PC COMMERCIAL RECREATION   | R1 SINGLE FAMILY RESIDENTIAL        | <b>PUBLIC / QUASI PUBLIC</b>           | F FLOOD PLAIN               |
| PC COMMERCIAL RECREATION   | R2 TWO FAMILY RESIDENTIAL           | MRP MILITARY RESERVATION PUBLIC ZONE   | O OPEN SPACE                |
| RT RESIDENTIAL TOURIST     | R3 MEDIUM DENSITY RESIDENTIAL       | H HARBOR ZONE                          | RA RESIDENTIAL AGRICULTURAL |
| VC VISITOR COMMERCIAL      | SP SCENIC PARK                      | PUT PUBLIC UTILITY TRANSPORTATION ZONE |                             |

**CITY OF OCEANSIDE**



ORDINANCE NO. 58-1

1  
2 AN ORDINANCE ESTABLISHING ZONES IN THE CITY OF OCEAN-  
3 SIDE AND THEREIN REGULATING THE USE OF LAND HEIGHT OF  
4 BUILDINGS, AREA OF LOTS, AND YARD SPACES; PROVIDING  
5 FOR THE ADOPTION OF MAPS SHOWING THE BOUNDARIES OF  
6 SAID ZONES; DEFINING THE TERMS USED IN THIS ORDINANCE;  
7 PROVIDING FOR ITS ADJUSTMENT, AMENDMENT AND ENFORCEMENT;  
8 PRESCRIBING PENALTIES FOR VIOLATION; REPEALING ORDINANCES  
9 OR PORTIONS OR ORDINANCES IN CONFLICT THEREWITH AND RE-  
10 PEALING ORDINANCE NO. 655.

11 The City Council of the City of Oceanside does ordain as follows:

12 ARTICLE 1

13 DECLARATION OF PURPOSE

14 Section 100: PURPOSE OF ORDINANCE. An Official Land-Use plan for  
15 the City of Oceanside is hereby adopted and established to serve the  
16 public health, safety and general welfare and to provide the economic  
17 and social advantages resulting from an orderly planned use of land  
18 resources.

19 Section 101: NAME OF ORDINANCE. This ordinance shall be known  
20 as "The Zoning Ordinance".

21 ARTICLE 2

22 Section 200: PROVISIONS NOT AFFECTED BY HEADINGS. Article and  
23 section headings contained herein shall not be deemed to govern,  
24 limit, modify or in any manner affect the scope, meaning or intent  
25 of any section hereof.

26 Section 201: TENSES. The present tense includes the future, and  
27 the future the present.

28 Section 202: NUMBER. The singular number includes the plural,  
29 and the plural the singular.

30 Section 203: ACCESSORY. "Accessory" means a building, part of a  
31 building or structure, or use which is subordinate to and the use of  
32 which is incidental to that of the main building, structure or use on  
the same lot. If an accessory building is attached to the main build-  
ing by at least a four foot common wall, such accessory building  
shall be considered a part of the main building.

1 Section 204: ALLEY. "Alley" means a public thoroughfare or way  
2 having a width of not more than thirty feet which affords only a  
3 secondary means of access to abutting property.

4 Section 205: APARTMENT. "Apartment" means a room, or a suite  
5 of two or more rooms in a multiple dwelling, occupied or suitable for  
6 occupancy as a residence for one family.

7 Section 206: APARTMENT HOUSE. "Apartment house" means a build-  
8 ing or a portion of a building, designed for occupancy by three or  
9 more families living independently of each other, and containing  
10 three or more dwelling units.

11 Section 207: AUTOMOBILE WRECKING. "Automobile wrecking" means  
12 the dismantling or wrecking of used motor vehicles or trailers, or  
13 the storage, sale or dumping of dismantled or wrecked vehicles or  
14 or their parts.

15 Section 208: BASEMENT. "Basement" means that portion of a  
16 building between floor and ceiling which is partly below and partly  
17 above grade but so located that the vertical distance from grade to  
18 the floor below is less than the vertical distance from grade to  
19 ceiling.

20 Section 209: BLOCK. "Block" means all property fronting upon  
21 one side of a street between intersecting and intercepting streets,  
22 or between a street and a railroad right-of-way, water way, terminus  
23 or dead end street, or city boundary. An intercepting street shall  
24 determine only the boundary of the block on the side of the street  
25 which it intercepts.

26 Section 210: BOARDING HOUSE. "Boarding house" means a building  
27 where lodging and meals are provided for compensation for not more  
28 than five persons, in any combination thereof, but shall not include  
29 rest homes or convalescent homes.

30 Section 211: BUILDING. "Building" means any structure having a  
31 roof, but excluding all forms of vehicles even though immobilized.  
32 Where this ordinance requires, or where special authority granted  
pursuant to this ordinance requires that a use shall be entirely

1 enclosed within a building, this definition shall be qualified by  
2 adding " and enclosed on all sides".

3 Section 212: BUILDING HEIGHT. "Building height" means the ver-  
4 tical distance measured from the average level of the highest and low-  
5 est point of that portion of the building-site covered by the building  
6 to the ceiling of the upper-most story.

7 Section 213: BUILDING, MAIN. "Main building" means the prin-  
8 cipal building on a lot or building-site designed or used to accomo-  
9 date the primary use to which the premises are devoted; where a per-  
10 missible use involves more than one structure designed or used for  
11 the primary purpose, as in the case of group houses, each such per-  
12 missible building on one lot as defined by this ordinance shall be  
13 construed as comprising a main building.

14 Section 214: BUILDING-SITE. "Building-site" means (a) the ground  
15 area of one lot or, (b) the ground area of two or more lots when used  
16 in combination for a building or group of buildings, together with all  
17 open spaces as required by this ordinance.

18 Section 215: BUNGALOW COURT. "Bungalow court" shall mean a  
19 group of three or more detached one-story, one-family or two-family  
20 dwellings located upon a single lot, together with all open spaces  
21 required by this ordinance.

22 Section 216: BUSINESS OR COMMERCE. "Business" or "commerce"  
23 means the purchase, sale or other transaction involving the handling  
24 or disposition of any article, service, substance or commodity for  
25 livelihood or profit; or the management of office building, offices,  
26 recreational or amusement enterprises; or the maintenance and use of  
27 offices, structures and premises by professions and trades rendering  
28 services.

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

tical distance from grade to ceiling.

1 Section 218: CLUB. "Club" means an association of persons for  
2 some common non-profit purpose but not including groups organized  
3 primarily to render a service which is customarily carried on as a  
4 business.

5 Section 219: COMMISSION. "Commission" shall mean the Planning  
6 Commission of the City of Oceanside, California.

7 Section 220: COURT. "Court" means any portion of the interior  
8 of a lot or building-site which is wholly or partially surrounded by  
9 buildings, and which is not a required front, side or rear yard.

10 Section 221: DAIRY. "Dairy" means any premises where three or  
11 more cows, three or more goats, or any combination thereof are kept,  
12 milked or maintained.

13 Section 222: DUMP. "Dump" means an area devoted to the disposal  
14 of refuse, including incineration, reduction, or dumping of ashes,  
15 garbage, combustible or non-combustible refuse, offal or dead animals.

16 Section 223: DWELLING. "Dwelling" means a building or portion  
17 thereof designed exclusively for residential purposes, including one-  
18 family, two-family, and multiple dwellings, but shall not include  
19 hotels.

20 Section 224: DWELLING UNIT. "Dwelling unit" means one or more  
21 rooms in a dwelling or apartment house and designed for occupancy by  
22 one family for living or sleeping purposes, and having only one kitchen.

23 Section 225: DWELLING, ONE-FAMILY. "One-family dwelling" means  
24 a building designed exclusively for occupancy by one family and con-  
25 taining one dwelling unit.

26 Section 226: DWELLING, TWO-FAMILY. "Two-family dwelling" means  
27 a building designed exclusively for occupancy by two families living  
28 independently of each other, and containing two dwelling units.

29 Section 227: DWELLING, MULTIPLE. "Multiple dwelling" means a  
30 building, or portion thereof, designed for occupancy by three or more  
31 families living independently of each other, and containing three or  
32 more dwelling units.

1 Section 228: EDUCATIONAL INSTITUTION. "Educational institution"  
2 means elementary, junior high, high schools, colleges or universities  
3 or other schools giving general academic instruction in the several  
4 branches of learning and study required to be taught by the Education  
5 Code of the State of California.

6 Section 229: FAMILY. "Family" means an individual, or two or  
7 more persons related by blood or marriage, or a group of not more  
8 than five persons, excluding servants, living together as a single  
9 housekeeping unit in a dwelling unit.

10 Section 230: GARAGE, PRIVATE. "Private garage" means an  
11 accessory building or an accessory portion of the main building, en-  
12 closed on all sides and designed or used primarily for the shelter or  
13 storage of vehicles owned or operated by the occupants of the main  
14 building.

15 Section 231: GARAGE, PUBLIC. "Public garage" means a building  
16 other than a private garage used for the care, repair or equipping  
17 of automobiles, or where such vehicles are kept for remuneration,  
18 hire or sale.

19 Section 232: GRADE. "Grade" means the average of the finished  
20 ground level at the center of all walls of a building. In case walls  
21 are parallel to and within five feet of a sidewalk, the above-ground  
22 level shall be measured at the sidewalks.

23 Section 233: GROUP HOUSES. "Group houses" means two or more  
24 separate buildings, each containing one or more dwelling units, and  
25 including row houses.

26 Section 234: GUEST HOUSE OR ACCESSORY LIVING QUARTERS. "Guest  
27 house" or "Accessory living quarters" means living quarters within  
28 an accessory building for the sole use of persons employed on the  
29 premises, or for temporary use by guests of the occupants of premises.  
30 Such quarters shall have no kitchen facilities and shall not be  
31 rented or otherwise used as a separate dwelling unit.

32

1 Section 235: HOSPITAL. "Hospital" means an institution special-  
2 izing in giving clinical, temporary and emergency services of a medical  
3 or surgical nature to human patients and injured persons, and licensed  
4 by State law to provide facilities and services in surgery, obstetrics  
5 and general medical practice as distinguished from treatment of mental  
6 and nervous disorders, but not excluding surgical and post-surgical  
7 treatment of mental cases.

8 Section 236: HOSPITAL, MENTAL. "Mental hospital" means an in-  
9 stitution licensed by State agencies under provisions of law to offer  
10 facilities, care and treatment for cases of mental and nervous dis-  
11 orders but not licensed to provide facilities and services in surgery,  
12 obstetrics and general medical practice. Establishments limiting ser-  
13 vices to juveniles below the age of five years, and establishments  
14 housing and caring for cases of cerebral palsy are specifically ex-  
15 cluded from this definition.

16 Section 237: HOSPITAL, SMALL ANIMAL. "Small animal hospital"  
17 means an establishment in which veterinary services, clipping, bathing  
18 boarding and other services are rendered to dogs, cats and other small  
19 animals and domestic pets.

20 Section 238: HOTEL. "Hotel" means a building in which there are  
21 six or more guest rooms where lodging with or without meals is provided  
22 for compensation, and where no provision is made for cooking in any  
23 individual room or suite, but shall not include jails, hospitals,  
24 asylums, sanitariums, orphanages, prisons, detention homes and similar  
25 buildings where human beings are housed and detained under legal  
26 restraint.

27 Section 239: INSTITUTION. "Institution" means an establishment  
28 maintained and operated by a society, corporation, individual, found-  
29 ation or public agency for the purpose of providing charitable, social,  
30 educational or similar services to the public, groups or individuals.

31 Section 240: KENNEL. "Kennel" means a place where four or more  
32 adult dogs or cats are kept, whether by owners of the dogs and cats or

1 by persons providing facilities and care, whether or not for compen-  
2 sation. An adult dog or cat is an animal of either sex, altered or  
3 unaltered, that has reached the age of four months.

4 Section 241: KITCHEN. "Kitchen" means any room, or portion of  
5 a room, used or intended or designed to be used for cooking or the  
6 preparation of food.

7 Section 242: LODGING HOUSE. "Lodging house" means the same as  
8 boarding house, but no meals shall be provided.

9 Section 243: LOT. "Lot" means land occupied, or to be occupied,  
10 by a building, group of buildings or uses, and accessory buildings,  
11 together with such yards and lot area as is required by this ordinance,  
12 and having its frontage upon a street.

13 Section 244: LOT AREA. "Lot area" means the total horizontal  
14 area within the boundary lines of a lot.

15 Section 245: LOT, CORNER. "Corner lot" means a lot situated  
16 at the intersection of two or more streets, which streets have an  
17 angle of intersection of not more than one hundred thirty-five degrees.

18 Section 246: LOT DEPTH. "Lot depth" means the horizontal length  
19 of a straight line drawn from the midpoint of the front lot line and at  
20 right angles to such line, connecting with a line intersecting the  
21 midpoint of the rear lot line and parallel to the front lot line. In  
22 the case of a front lot line, for purposes of this section, shall be  
23 deemed to be a line tangent to the curve and parallel to a straight  
24 line connecting the points of intersection of the side lot lines of  
25 the lot with the front lot line.

26 Section 247: LOT, INTERIOR. "Interior lot" means a lot other  
27 than a corner lot or reversed corner lot.

28 Section 248: LOT, KEY. "Key lot" means the first lot to the  
29 rear of a reversed corner lot and whether or not separated by an alley.

30 Section 249: LOT LINE, FRONT. "Front lot line" means in the  
31 case of an interior lot, a line separating the lot from the street.  
32 In the case of a corner lot the front lot line shall be the line

1 separating the narrowest street frontage of the lot from the street.

2 Section 250: LOT LINE, REAR. "Rear lot line" means a lot line  
3 which is opposite and most distant from the front lot line. For the  
4 purpose of establishing the rear lot line of a triangular or trape-  
5 zoidal lot, or of a lot the rear line of which is formed by two or  
6 more lines, the following shall apply:

7 (a) for a triangular or goreshaped lot, a line ten feet in  
8 length within the lot and farthest removed from the front lot line and  
9 at right angles to the line comprising the depth of such lot shall be  
10 used as the rear lot line;

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

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

20 In no case shall the application of the above be inter-  
21 preted as permitting a main building to locate closer than five feet  
22 to any property line.

23 Section 251: LOT LINE, SIDE. "Side lot line" means any lot  
24 boundary line not a front lot line or a rear lot line.

25 Section 252: LOT, REVERSED CORNER. "Reversed corner lot" means  
26 a corner lot, the side street line of which is substantially a con-  
27 tinuation of the front lot line of the lot upon which the rear of said  
28 corner lot abuts.

29 Section 253: LOT, THROUGH. "Through lot" means a lot having  
30 frontage on two parallel or approximately parallel streets.

31 Section 254: LOT WIDTH. "Lot width" means the horizontal dis-  
32 tance between the side lot lines measured at right angles to the line

1 comprising the depth of the lot at a point midway between the front  
2 and rear lot lines, provided that the length of the line constituting  
3 the rear line of the required front yard shall never be less than the  
4 required lot width established in each zone.

5 Section 255: MEDICAL-DENTAL BUILDINGS. A building, or group of  
6 buildings, designed for the use of and occupied and used by physicians  
7 and dentists and others engaged professionally in such healing arts as  
8 are recognized by the laws of the State of California, including the  
9 installation and use of therapeutic equipment, X-ray equipment or  
10 laboratories, chemical, bio-chemical and biological laboratories used  
11 as direct accessories to the medical-dental professions, dental lab-  
12 oratories, including facilities for the making of dentures on prescrip-  
13 tion, and pharmacies limited to the dispensing of pharmaceuticals and  
14 sick room supplies (but not room or orthopedic equipment) provided  
15 there shall be no exterior display windows nor signs pertaining to  
16 such accessory uses other than a directory sign.

17 Section 256: MOTEL OR TOURIST COURT. "Motel" and "tourist  
18 court" means a group of attached or detached buildings containing  
19 individual sleeping or living units where a majority of such units  
20 open individually and directly to the outside, and where a garage is  
21 attached or a parking space is conveniently located to each unit, all  
22 for the temporary use by automobile tourists or transients, and such  
23 words shall include auto courts and motor lodges. An establishment  
24 shall be considered a motel when it is required by the Health and  
25 Safety Code of the State of California to obtain the name and address  
26 of the guests, the make, year and license number of the vehicle and  
27 the State in which it was issued.

28 Section 257: NONCONFORMING BUILDING. "Nonconforming building"  
29 means a building, or portion thereof, which was lawfully erected or  
30 altered and maintained, but which, because of the application of this  
31 ordinance to it, no longer conforms to the use, height or area regu-  
32 lations of the zone in which it is located.

1 Section 258: NONCONFORMING USE. "Nonconforming use" means a use  
2 which was lawfully established and maintained but which, because of  
3 the application of this ordinance to it, no longer conforms to the use  
4 regulations of the zone in which it is located. A nonconforming build-  
5 ing, or nonconforming portion of the building shall be deemed to con-  
6 stitute a nonconforming use of the land upon which it is located.

7 Section 239: OUTDOOR ADVERTISING DISPLAY. "Outdoor advertising  
8 display" means any card, paper, cloth, metal, glass, wooden or other  
9 display or device of any kind or character whatsoever placed for out-  
10 door advertising purposes on the ground or on any tree, wall, rock,  
11 structure or thing whatsoever.

12 Section 260: OUTDOOR ADVERTISING STRUCTURE. "Outdoor advertising  
13 structure" means a structure of any kind or character erected or main-  
14 tained for outdoor advertising purposes, upon which any outdoor adver-  
15 tising display may be placed.

16 Section 261: REST HOME, CONVALESCENT HOME OR GUEST HOME. "Rest  
17 home", "convalescent home" or "guest home" means a home operated as a  
18 boarding house, and in which nursing, dietary and other personal ser-  
19 vices are furnished to convalescents, invalids and aged persons; but  
20 in which are kept no persons suffering from a mental sickness, disease,  
21 disorder or ailment or from a contagious or communicable disease, and  
22 in which are performed no surgery, maternity or other primary treat-  
23 ments such as are customarily provided in sanitariums or hospitals or  
24 in which no persons are kept or served who normally would be admissible  
25 to mental hospitals.

26 Section 262: SANITARIUM. "Sanitarium" means a health station  
27 or retreat or other place where resident patients are kept, and which  
28 specializes in giving clinical, temporary and emergency services of a  
29 medical or surgical nature to patients and injured persons and licensed  
30 by State Agencies under provision of law to provide facilities and ser-  
31 vices in surgery, obstetrics and general medical practice as distin-  
32 guished from treatment of mental and nervous disorders, but not ex-

cluding surgical and post surgical treatment of mental cases.

1 Section 263: SIGN. "Sign" means any outdoor advertising display  
2 or outdoor advertising structure or any indoor advertising display or  
3 indoor advertising structure designed and placed so as to be readable  
4 principally from the outside.

5 Section 264: STABLE, PRIVATE. "Private stable" means a detached  
6 accessory building in which horses owned by the occupants of the prem-  
7 ises are kept, and in which no horses are kept for hire or sale.

8 Section 265: STABLE, PUBLIC. "Public stable" means a stable  
9 other than a private stable.

10 Section 266: STAND. "Stand" means a structure for the display  
11 and sale of products with no space for customers within the structure  
12 itself.

13 Section 267: STATE FREEWAY. "State Freeway" means any section  
14 of a State Highway which has been declared to be a Freeway by Resol-  
15 ution of the California Highway Commission pursuant to the Streets  
16 and Highways Code.

17 Section 268: STORY. "Story" means that portion of a building  
18 included between the surface of any floor and the surface of the floor  
19 next above it. If there be no floor above it, then the space between  
20 such floor and the ceiling next above it shall be considered a story.  
21 If the finished floor level directly above the basement or cellar is  
22 more than six feet above grade, such basement or cellar shall be con-  
23 sidered a story.

24 Section 269: STREET. "Street" means a public or recorded private  
25 thoroughfare which affords primary means of access to abutting property.

26 Section 270: STREET LINE. "Street line" means the boundary line  
27 between a street and the abutting property.

28 Section 271: STREET, SIDE. "Side Street" means a street which is  
29 adjacent to a corner lot and which extends in the general direction of  
30 the line determining the depth of the lot.

31  
32

1 Section 272: STRUCTURE. "Structure" means anything constructed  
2 or erected which requires location on the ground or attached to some-  
3 thing having a location on the ground, but not including fences or  
4 walls used as fences less than six feet in height.

5 Section 273: STRUCTURAL ALTERATIONS: "Structural alterations"  
6 mean any change in the supporting members of a building such as found-  
7 ations, bearing walls, columns, beams, floor or roof joists, girders  
8 or rafters, or changes in roof or exterior lines.

9 Section 274: TO PLACE. The verb "to place" and any of its  
10 variants as applied to advertising displays and outdoor advertising  
11 structures, includes maintaining, erecting, constructing, posting,  
12 painting, printing, nailing, glueing or otherwise fastening, affixing  
13 or making visible in any manner whatsoever.

14 Section 275: TRAILER, AUTOMOBILE. "Automobile trailer" means a  
15 vehicle without motor power, designed to be drawn by a motor vehicle  
16 and to be used for human habitation or for carrying persons and property,  
17 including a trailer coach and any self-propelled vehicle having a body  
18 designed for the same uses as an automobile trailer without motor power.

19 Section 276: TRAILER PARK, TRAILER COURT AND PUBLIC CAMP.  
20 "Trailer park", "trailer court" and "public camp" means any area or  
21 tract of land used or designed to accomodate one or more automobile  
22 trailers, and including trailer camps as defined by law, but not in-  
23 cluding a trailer in dead storage.

24 Section 277: USE. "Use" means the purpose for which land or  
25 building is arranged, designed or intended, or for which either is or  
26 may be occupied or maintained.

27 Section 278: YARD. "Yard" means an open space other than a  
28 court on a lot, unoccupied and unobstructed from the ground upward,  
29 except as otherwise provided in this ordinance.

30 Section 279: YARD, FRONT. "Front yard" means an area extending  
31 across the full width of the lot and lying between the front lot line  
32 and a line parallel thereto, and having a distance between them equal

1 to the required front yard depth as prescribed in each zone. Front  
2 yards shall be measured by a line at right angles to the front lot  
3 line, or by the radial line in the case of a curved front lot line.  
4 When a lot lies partially within a planned street indicated on a  
5 precised plan for such a street, and where such planned street is of  
6 the type that will afford legal access to such lot, the depth of the  
7 front yard shall be measured from the contiguous edge of such planned  
8 street in the manner prescribed in this definition.

9 Section 280: YARD, REAR LINE OF REQUIRED FRONT. "Rear line of  
10 the required front yard" means a line parallel to the front lot line  
11 and at a distance therefrom equal to the depth of the required front  
12 yard and extending across the full width of the lot.

13 Section 281: YARD, SIDE. "Side yard" means a yard between the  
14 main building and the side lot lines extending from the rear line of  
15 the required front yard, or the front lot line where no front yard is  
16 required, to the rear line of the main building, or the rear line of  
17 the rear-most building if there is more than one, the width of which  
18 side yard shall be measured horizontally from, and at right angles  
19 to, the nearest point of a side lot line towards the nearest part of a  
20 main building.

ARTICLE 3

ESTABLISHMENT OF ZONES, THE BOUNDARIES THEREOF AND  
LIMITING THE USES OF LAND THEREON

Section 300: NAMES OF ZONES. In order to classify, regulate, restrict and segregate the uses of land and building, to regulate and restrict the height and bulk of buildings and to regulate the area of yards and other open spaces about buildings, and to regulate the density of population, eleven classes of zones are by this ordinance established to be known as follows:

- R-A - Residential Agricultural Zone
- R-1 - One-family Residential Zone
- R-2 - Two-family Residential Zone
- R-3 - Multiple-family Residential Zone
- R-P - Residential-Professional Zone
- R-T - Recreational-Tourise Zone
- C-1 - Service Commercial Zone
- C-2 - General Commercial Zone
- C-M - Heavy Commercial-Limited Industrial Zone
- "M" - Light Manufacturing Zone
- "F" - Flood Plain Area

[ - ] Where areas are shown upon the zoning map enclosed within a heavy dashed line, the area thus shown is intended to approximate the future location for that type of land-use indicated by the symbol therein enclosed within a circle, see Sections , and . Uncircumscribed symbols within such designated areas represent present classification.

Section 301: DEGREES OF RESTRICTIVENESS. "More restrictive uses" as employed in this ordinance means the following:

(1) Those uses first permitted in the R-1 Zone are the most restrictive.

(2) All other uses are less restrictive in the order they are first permitted in the zones in the sequence shown R-2, R-3, R-P, R-T, C-1, C-2, C-M, "M" and "F".

1 (3) Uses permitted in the R-A Zone shall be considered to  
2 be as restrictive as those permitted in the R-1 Zone, except that those  
3 uses pertaining to animals shall not be considered as "more restrictive  
4 uses" for purposes of this Section.

5 Section 302: ESTABLISHMENT OF ZONES BY MAP. The location and  
6 boundaries of the various zones are such as are shown and delineated  
7 on the zoning map of the City of Oceanside, which map is attached  
8 hereto and made a part of this ordinance.

9 Section 303: DIVISION OF ZONING MAP. The zoning map may, for  
10 convenience, be divided into parts and each such part may, for pur-  
11 poses of more readily identifying areas within such zoning map, be  
12 subdivided into units and such parts and units may be separately em-  
13 ployed for purposes of amending the zoning map or for any official  
14 reference to the zoning map.

15 Section 304: CHANGES IN BOUNDARIES. Changes in the boundaries  
16 of the zones shall be made by ordinance adopting an amended zoning  
17 map, or part of said map, or unit of a part of said zoning map, which  
18 said amended maps, or parts or units of parts, when so adopted, shall  
19 be published in the manner prescribed by law and become a part of  
20 this ordinance.

21 Section 305: UNCERTAINTY OF BOUNDARIES. Where uncertainty exists  
22 as to the boundaries of any zone shown upon a zoning map or any part  
23 or unit thereof, the following rules shall apply:

24 (1) Where such boundaries are indicated as approximately  
25 following street and alley lines or lot lines, such lines shall be  
26 construed to be such boundaries.

27 (2) In the case of unsubdivided property, and where a zone  
28 boundary divides a lot, the location of such boundaries, unless the  
29 same are indicated by dimensions shall be determined by use of the  
30 scale appearing on said zoning map.

31 (3) Where a public street or alley is officially vacated or  
32 abandoned, the area comprising such vacated street or alley shall

1 acquire the classification of the property to which it reverts.

2 (4) Areas of dedicated streets or alleys and railroad rights-  
3 of way, other than such as are designated on the zoning map as being  
4 classified in one of the zones provided in this ordinance, shall be  
5 deemed to be unclassified and, in the case of streets, permitted to be  
6 used only for purposes lawfully allowed and, in the case of railroad  
7 rights-of-way, permitted to be used solely for the purpose of accomo-  
8 dating tracks, signals, other operative devices and the movement of  
9 rolling stock.

10 Section 306: CLASSIFICATION OF ANNEXED LANDS AND UNCLASSIFIED  
11 PROPERTY. Any property which, for any reason, is not designated on  
12 the zoning map as being classified in any of the zones established  
13 hereby, or any land hereafter annexed to or consolidated with the City  
14 of Oceanside, shall be deemed to be temporarily zoned R-1 until said  
15 land is classified after being processed as an amendment to the Zone  
16 Plan pursuant to this ordinance and Chapter 1, Title 7 of the Govern-  
17 ment Code of the State of California.

18 Section 307: LIMITATION OF LAND USE. Except as provided in this  
19 ordinance no building shall be erected, reconstructed or structurally  
20 altered, nor shall any building or land be used for any purpose except  
21 as hereinafter specifically provided and allowed in the same zone in  
22 which such building and land is located.

23 Section 308: AREA ZONING SYMBOLS. Where a number follows the  
24 zoning symbol on the zoning map it shall represent the number of  
25 thousands of square feet of area required in lieu of the minimum area  
26 established in each zone as herein defined. If no number follows the  
27 zoning symbol, the areas prescribed in the Article governing such  
28 zone shall apply.

ARTICLE 4

1 R-A - RESIDENTIAL AGRICULTURAL ZONE (R-A ZONE)

2 Section 400: PERMITTED USES. In an R-A Zone the following uses  
3 only are permitted as hereinafter specifically provided and allowed,  
4 subject to the provisions of Article 16 governing off-street parking  
5 requirements.

6 (1) One-family dwellings.

7 (2) Accessory buildings and structures, including private  
8 garages to accomodate not more than four cars; provided additional  
9 garage or implement shelters may be erected, maintained and used on  
10 sites of ten acres or more, and provided that such structures shall  
11 not occupy any required yard space.

12 (3) Greenhouses, fruit trees, nut trees, vines and other  
13 horticultural stock.

14 (4) Agricultural crops.

15 (5) Stands for the display and sale of agricultural products  
16 raised on the premises.

17 (6) The following poultry and animals under the following  
18 conditions:

19 (a) Poultry or rabbits for domestic or commercial uses,  
20 provided that all such poultry and rabbits shall be confined at all  
21 times within an enclosure.

22 (b) Horses, and the grazing of bovine animals (excluding  
23 dairies) provided that on sites containing four acres or less such  
24 domestic animals shall not exceed a number equal to two horses or two  
25 bovine animals per acre of ground devoted to feed for same (excluding  
26 feed lots).

27 (c) The keeping of all domestic animals provided for in  
28 this article shall conform to all other provisions of law governing  
29 same. No pen, coop, stable or barn, shall be kept or maintained within  
30 forty feet of any building used for human habitation or any portion of  
31 a required yard space located on adjoining property, or within forty  
32

1 feet of any street or public property; nor may any fowl or animal be  
2 kept or maintained closer than forty feet to any structure used for  
3 human habitation.

4 (7) Public buildings, parks, golf courses and recreational  
5 areas subject to Conditional Use Permit.

6 Section 401: HEIGHT. No building in the R-A Zone shall exceed  
7 a height of thirty-five feet.

8 Section 402: FRONT YARD. Every lot in an R-A Zone shall have a  
9 front yard which has a depth not less than fifteen feet, except that  
10 on key lots and lots which side upon commercially or industrially  
11 zoned property the required front yard need not exceed ten feet,  
12 provided, however, that where lots are designated on the Zoning Map  
13 as requiring 25,000 square feet or more, the required front yard shall  
14 be not less than 25 feet in depth.

15 Section 403: SIDE YARDS. In the R-A Zone every lot shall have  
16 side yards as follows:

17 (1) Interior lots shall have a side yard on each side of the  
18 lot which side yard has a width not less than ten percent of the width  
19 of the lot, provided that such side yard shall be not less than three  
20 feet and need not exceed five feet.

21 (2) Corner lots and reversed corner lots shall have the  
22 following side yards:

23 (a) On the side lot line which adjoins another lot, the  
24 side yard shall be the same as that required on an interior lot.

25 (b) On the side street side the width of the required  
26 side yard shall be ten feet.

27 (3) However where lots are designated on the Zoning Map as  
28 requiring 25,000 or more square feet, the required side yard shall be  
29 not less than 10 feet.

30 Section 404: PLACEMENT OF BUILDINGS. Placement of buildings on  
31 any lot shall conform to the following:  
32

1  
2  
3 (1) INTERIOR LOTS.

4 (a) No building shall occupy any portion of a required  
5 yard.

6 (b) Any building, any portion of which is used for human  
7 habitation, shall observe a distance from any side lot line the equiv-  
8 alent of the required side yard on such lot and from the rear property  
9 line a distance of ten feet, excepting where a lot rears upon an alley  
10 such building shall maintain a distance of not less than five to the  
11 rear lot line.

12 (c) The distance between buildings used for human hab-  
13 itation and between buildings used for human habitation and accessory  
14 buildings shall be equal to ten feet.

15 (d) A non-dwelling accessory building may be built to  
16 the rear lot line and to the side lines to the rear of the required  
17 side yard, provided if the lot rears upon an alley such accessory  
18 building shall maintain a distance of not less than five feet from  
19 the rear lot line and may build to only one side lot line.

20 (2) CORNER LOTS AND REVERSED CORNER LOTS.

21 (a) No building shall occupy any portion of a required  
22 yard.

23 (b) The distance between buildings used for human hab-  
24 itation and between buildings used for human habitation and accessory  
25 buildings shall be equal to ten feet.

26 (c) Any building, any portion of which is used for human  
27 habitation, shall observe a distance from the rear property line the  
28 equivalent of twice the required interior side yard on such lot.

29 (d) On corner lots, an accessory building may build to the  
30 rear lot line and to the interior side lot line when located to the  
31 rear of the required side yard, provided if the lot rears upon an alley  
32 such accessory building shall maintain a distance not less than five  
feet from the rear line of such lot.

1 (e) On a reversed corner lot an accessory building may  
2 build to the interior side lot line, when located to the rear of the  
3 required side yard, but no building shall be erected closer to the  
4 property line of any abutting lot to the rear than the equivalent of  
5 the required interior side yard on such reversed corner lot, and fur-  
6 ther provided that if such reversed corner lot rears upon an alley an  
7 accessory building shall maintain a distance of five feet from the  
8 rear lot line.

9 Section 405: AREA. The minimum required area of a lot in the  
10 R-A Zone shall be not less than six thousand square feet, unless other-  
11 wise shown on the zoning map.

12 Section 406: LOT AREA PER DWELLING. The lot area per dwelling  
13 unit shall not be less than the minimum required lot area.

14 Section 407: LOT WIDTH: In the R-A Zone, every lot created  
15 after the effective date of this ordinance shall maintain a lot width  
16 of not less than the following:

17 Lots designated on the Zoning Map as requiring a minimum lot area  
18 between:

19	0 to 9,999 square feet	-	60 foot lot width
20	10,000 to 14,999	" "	- 70 " " "
21	15,000 to 19,999	" "	- 100 " " "
22	20,000 and over	" "	- 125 " " "

23 Section 408: PERMISSIBLE LOT COVERAGE. All building, including  
24 accessory buildings and structures, shall not cover more than forty  
25 percent of the area of the lot.

ARTICLE 5

R - 1 - ONE-FAMILY RESIDENTIAL ZONE (R-1 ZONE)

1  
2 Section 500: PERMITTED USES. In an R-1 Zone the following uses only  
3 are permitted, and as hereinafter specifically provided and allowed by  
4 this Article subject to the provisions of Article 16 governing off-  
5 street parking requirements.

6 (1) One-family dwellings.

7 (2) Accessory buildings and structures, including private  
8 garages to accomodate not more than four cars.

9 (3) Greenhouses, fruit trees, nut trees, vines and other  
10 horticultural stock.

11 (4) Agricultural crops.

12 (5) The renting of not more than two rooms to not more than  
13 four persons, or providing of table board to not more than four board-  
14 ers, or both, but not to exceed a total of four in any combination  
15 thereof.

16 (6) Horses under the following conditions:

17 (a) No horse shall be maintained on a lot or parcel con-  
18 taining less than ten thousand square feet of area.

19 (b) Not more than two horses may be maintained on a lot  
20 or parcel containing less than one and one-half acres nor more than  
21 four horses on lots or parcels containing less than four acres but  
22 more than one and one-half acres. Lots containing more than four acres  
23 in area shall be permitted two horses per acre.

24 (c) No stall or barn shall be kept or maintained within  
25 forty feet of any window or door of any building used for human hab-  
26 itation nor within forty feet of any portion of a required yard space  
27 on adjoining property if such property is devoted to a use other than  
28 agriculture.

29 (7) A two-family dwelling when the lot upon which it is lo-  
30 cated has a side line abutting a lot or lots zoned R-3, R-P, R-T, C-1,  
31 C-2, C-M, M or F but in no case shall the property used for such two-  
32

1 family dwelling consist of more than one lot nor be more than ninety  
2 feet in width, whichever is the lease.

3 Section 501: HEIGHT. In the R-1 Zone no building shall exceed  
4 a height of thirty-five feet.

5 Section 502: FRONT YARD. Every lot in the R-1 Zone shall have a  
6 front yard which has a depth not less than fifteen feet, except that  
7 on key lots and lots which side upon commercially or industrially zoned  
8 property the required front yard need not exceed ten feet, provided,  
9 however, that where lots are designated on the Zoning Map as requiring  
10 25,000 or more square feet, the required front yard shall be not less  
11 than 25 feet in depth.

12 Section 503: SIDE YARDS. In the R-1 Zone every lot shall have  
13 side yards as follows:

14 (1) Interior lots shall have a side yard on each side of the  
15 lot which side yard has a width not less than ten percent of the width  
16 of the lot, provided that such side yard shall be not less than three  
17 feet in width and need not exceed five feet.

18 (2) Corner lots and reversed corner lots shall have the foll-  
19 owing side yards:

20 (a) On the side lot line which adjoins another lot, the  
21 side yard shall be the same as that required on an interior lot.

22 (b) On the side street side the width of the required  
23 side yard shall be ten feet.

24 (3) Provided, however, that where lots are designated on the  
25 Zoning Map as requiring 25,000 or more square feet, the required side  
26 yard shall be not less than 10 feet.

27 Section 504: PLACEMENT OF BUILDINGS. Placement of buildings on  
28 any lot shall conform to the following:

29 (1) INTERIOR LOTS.

30 (a) No building shall occupy any portion of a required  
31 yard.

32 (b) Any building, any portion of which is used for human  
habitation, shall observe a distance from any side lot line the

1 equivalent of the required side yard and from the rear property line a  
2 distance of ten feet, excepting where a lot rears on an alley such  
3 building shall maintain a distance of not less than five feet from the  
4 rear lot line.

5 (c) The distance between buildings used for human hab-  
6 itation and between buildings used for human habitation and accessory  
7 buildings shall be ten feet.

8 (d) A non-dwelling accessory building may be built to  
9 the rear lot line and to the side lines to the rear of the required  
10 side yard, provided if the lot rears upon an alley such accessory  
11 building shall maintain a distance of not less than five feet from the  
12 rear lot line and may be built to only one side lot line.

13 (2) CORNER LOTS AND REVERSED CORNER LOTS.

14 (a) No building shall occupy any portion of a required  
15 yard.

16 (b) The distance between buildings used for human hab-  
17 itation, shall observe a distance from any side lot line the equivalent  
18 of the required side yard and from the rear property line ten feet ex-  
19 cepting where a lot rears on an alley such building shall maintain a  
20 distance of not less than five feet from the rear lot line.

21 (c) The distance between buildings used for human habi-  
22 tation and between buildings used for human habitation and accessory  
23 buildings shall be ten feet.

24 (d) A non-dwelling accessory building may build to the  
25 rear lot line and to the side lines to the rear of the required side  
26 yard, provided if the lot rears upon an alley such accessory building  
27 shall maintain a distance of not less than five feet from the rear lot  
28 line of such lot.

29 (e) On a reversed corner lot an accessory building may  
30 build to the interior side lot line when located to the rear of the  
31 required side yard, but no building shall be erected closer to the  
32 property line of any abutting lot to the rear than the equivalent of

1 the required interior side yard on such reversed corner lot, and fur-  
2 ther provided that if such reversed corner lot rears upon an alley,  
3 an accessory building shall maintain a distance of five feet from  
4 the rear lot line.

5 Section 505: AREA. The minimum required area of a lot in the  
6 R-1 Zone shall be not less than six thousand square feet, unless other-  
7 wise shown on the zoning map.

8 Section 506: LOT AREA PER DWELLING. The lot area per dwelling  
9 unit shall be not less than the minimum required lot area.

10 Section 507: LOT WIDTH. In the R-1 Zone, every lot created  
11 after the effective date of this ordinance shall maintain a lot width  
12 of not less than the following:

13 Lots designated on the Zoning Map as requiring a minimum lot area  
14 between:

15	0 to 9,999	square feet	-	60	foot	lot	width
16	10,000 to 14,999	"	"	-	70	"	"
17	15,000 to 19,999	"	"	-	100	"	"
18	20,000 and over	"	"	-	125	"	"

19 Section 508: PERMISSIBLE LOT COVERAGE. All building, including  
20 accessory buildings and structures, shall not cover more than forty  
21 percent of the area of the lot.

ARTICLE 6

R - 2 - TWO FAMILY RESIDENTIAL ZONE (R-2 Zone)

Section 600: PERMITTED USES. In the R-2 Zone the following uses only are permitted and as hereinafter specifically provided and allowed by this Article, subject to the provisions of Article 16 governing off-street parking requirements.

(1) Any use permitted in the R-1 single-family zone.

(2) Accessory buildings and structures, including private garages to accommodate not more than two cars per dwelling unit.

(3) Two-family dwelling, provided if a one-family dwelling existed on such lot on the effective date of this ordinance a second one-family dwelling may be erected, provided also that on corner lots two single-family homes may be erected if one house faces the street upon which such lot fronts and the other house faces upon the side street.

(4) Day nurseries where day care is provided for not more than nine children when there is provided on the lot or adjacent to the premises a play lot not less than six hundred square feet in area.

(5) A three-family or a four-family dwelling when the side line of the lot abuts lots zoned for R-P, R-T, C-1, C-2, C-M, M or F, but in no case shall the property used for such three or four-family dwelling consist of more than one lot, or be more than ninety feet in width, whichever is the least.

Section 601: HEIGHT. No building in the R-2 zone shall exceed a height of thirty-five feet.

Section 602: FRONT YARD. Every lot in the R-2 Zone shall have a front yard which has a depth not less than fifteen feet, except that on key lots and on lots which side upon commercially or industrially zoned property, the depth of the required front yard need not exceed ten feet.

Section 603: SIDE YARDS: In the R-2 zone every lot shall have side yards as follows:

1 (1) Interior lots shall have a side yard on each side of the  
2 lot of not less than ten percent of the width of the lot, provided such  
3 side yard shall not be less than three feet in width and need not  
4 exceed five feet.

5 (2) Corner lots and reversed corner lots shall have the  
6 following side yards:

7 (a) On the side lot line which adjoins another lot, the  
8 side yard shall be the same as that required on an interior lot.

9 (b) On the side street side the width of the required  
10 side yard shall be ten feet.

11 Section 604: PLACEMENT OF BUILDINGS. Placement of buildings on  
12 any lot shall conform to the following:

13 (1) INTERIOR LOTS.

14 (a) No building shall occupy any portion of a required  
15 yard.

16 (b) Any building, any portion of which is used for human  
17 habitation, shall observe a distance from any side lot line the  
18 equivalent of the required side yard on such lot and from the rear  
19 property line ten feet, excepting where a lot rears on an alley such  
20 building shall maintain a distance of not less than five feet from  
21 the rear lot line.

22 (c) The distance between buildings used for human hab-  
23 itation and between buildings used for human habitation and accessory  
24 buildings shall be equal to twice the required side yard on the same lot.

25 (d) A non-dwelling accessory building may be built to  
26 the rear lot line and to the side lines to the rear of the required  
27 side yard, provided if the lot rears upon an alley such accessory  
28 building shall maintain a distance of not less than five feet from  
29 the rear lot line and may be built to only one side lot line.

30 (2) CORNER LOTS AND REVERSED CORNER LOTS.

31 (a) No building shall occupy any portion of a required  
32 yard.

1 (b) The distance between buildings used for human habi-  
2 tation and between buildings used for human habitation and accessory  
3 buildings shall be equal to ten feet.

4 (c) Any building, any portion of which is used for human  
5 habitation shall observe a distance from the rear property line ten  
6 feet, excepting where a lot rears on an alley such building shall  
7 maintain a distance of not less than five feet from the rear lot line.

8 (d) On corner lots an accessory building may build to  
9 the rear lot line and to the interior side lot line when located to  
10 the rear of the required side yard, provided if the lot rears upon an  
11 alley such accessory building shall maintain a distance not less than  
12 five feet from the rear line of such lot.

13 (e) On a reversed corner lot an accessory building may  
14 build to the interior side lot line when located to the rear of the  
15 required side yard, but no building shall be erected closer to the  
16 property line of any abutting lot to the rear than the equivalent of  
17 the required interior side yard on such reversed corner lot, and fur-  
18 ther provided that if such reversed corner lot rears upon an alley,  
19 an accessory building shall maintain a distance of five feet from  
20 the rear lot line.

21 Section 605: AREA. The minimum required area of a lot in the  
22 R-2 zone shall be not less than six thousand square feet, unless  
23 otherwise shown on the zoning map.

24 Section 606: LOT AREA PER DWELLING UNIT. The minimum lot area  
25 per dwelling unit in the R-2 zone shall be not less than twenty-five  
26 hundred square feet, provided that for lots having a six thousand  
27 square foot area or more, the minimum lot area per dwelling unit shall  
28 be not less than three thousand square feet.

29 Section 607: LOT WIDTH. Every lot created after the effective  
30 date of this ordinance shall maintain a width not less than sixty feet  
31 at the rear line of the required front yard.

32 Section 608: PERMISSIBLE LOT COVERAGE. All building, including  
accessory buildings and structures, shall not cover more than fifty  
percent of the area of a lot.

ARTICLE 7

1 R - 3 - MULTIPLE-FAMILY RESIDENTIAL ZONE (R-3ZONE)

2 Section 700: PERMITTED USES. In the R-3 Zone only the following  
3 uses are permitted and as hereinafter specifically provided and all-  
4 owed by this Article, subject to the provisions of Article 16 govern-  
5 ing off-street parking requirements.

6 (1) Any use permitted in the R-2 Zone.

7 (2) Child care nurseries when there is provided on the lot,  
8 or adjacent to the premises, a single play lot not less than six hun-  
9 dred square feet in area plus an additional seventy-five square feet  
10 of area for each child in excess of nine. Such play lot shall not be  
11 located on any required front or side yard.

12 (3) Group houses

13 (4) Multiple dwellings

14 (5) Rest homes

15 (6) A public parking area, developed as required by Section  
16 when the lot on which it is located in the R-3 Zone abuts upon  
17 a lot zoned for commercial or industrial purposes.

18 Section 701: HEIGHT. In the R-3 zone no building shall exceed  
19 a height of thirty-five feet.

20 Section 702: FRONT YARD. Every lot in the R-3 zone shall have  
21 a front yard of not less than fifteen feet, except that on key lots  
22 and lots which side upon commercially or industrially zoned property  
23 the depth of the required front yard need not exceed ten feet.

24 Section 703: SIDE YARDS. In the R-3 zone every lot shall have  
25 side yards as follows:

26 (1) Interior lots shall have a side yard on each side of the  
27 lot which side yard has a width not less than ten percent of the width  
28 of the lot, provided that such side yard shall be not less than three  
29 feet in width and need not exceed five feet.

30 (2) Corner lots and reversed corner lots shall have the  
31 following side yards:  
32

1 (a) On the side lot line which adjoins another lot, the  
2 side yard shall be the same as that required on an interior lot.

3 (b) On the side street side the width of the required  
4 side yard shall be ten feet.

5 Section 704: PLACEMENT OF BUILDINGS. Placement of buildings on  
6 any lot shall conform to the following:

7 (1) INTERIOR LOTS.

8 (a) No building shall occupy any portion of a required  
9 yard.

10 (b) Any building, any portion of which is used for human  
11 habitation shall observe a distance from any side lot line the equiv-  
12 alent of the required side yard on such lot and from the rear property  
13 line ten feet, excepting where a lot rears on an alley such building  
14 shall maintain a distance of not less than five feet from the rear  
15 lot line.

16 (c) The distance between buildings used for human habi-  
17 tation and between buildings used for human habitation and accessory  
18 buildings shall be ten feet.

19 (d) A non-dwelling accessory building may be built to  
20 the rear lot line and to the side lines to the rear of the required  
21 side yard, provided if the lot rears upon an alley such accessory  
22 building shall maintain a distance of not less than five feet from the  
23 rear lot line and may build to only one side lot line.

24 (2) CORNER LOTS AND REVERSED CORNER LOTS.

25 (a) No building shall occupy any portion of a required  
26 yard.

27 (b) The distance between buildings used for human habi-  
28 tation and between buildings used for human habitation and accessory  
29 buildings shall be ten feet.

30 (c) Any building, any portion of which is used for human  
31 habitation shall observe a distance from the rear property line ten  
32 feet, excepting where a lot rears on an alley such building shall

1 maintain a distance of not less than five feet from the rear lot line.

2 (d) On corner lots an accessory building may be built to  
3 the rear lot line and to the interior side lot line when located to the  
4 rear of the required side yard, provided if the lot rears upon an alley  
5 such accessory building shall maintain a distance not less than five  
6 feet from the rear line of such lot.

7 (e) On a reversed corner lot an accessory building may  
8 be built to the interior side lot line when located to the rear of the  
9 required side yard but no building shall be erected closer to the prop-  
10 erty line of any abutting lot to the rear than the equivalent of the  
11 required interior side yard on such reversed corner lot, and further  
12 provided that if such reversed corner lot rears upon an alley, an  
13 accessory building shall maintain a distance of five feet from the rear  
14 lot line.

15 Section 705: AREA. The minimum required area of a lot in the R-3  
16 zone shall be not less than six thousand square feet, unless otherwise  
17 shown on the zoning map.

18 Section 706: LOT AREA PER DWELLING UNIT. The minimum lot area  
19 per dwelling unit in the R-3 zone shall be not less than eight hundred  
20 square feet provided that for each room used for sleeping purposes  
21 and not contained in a dwelling unit as defined in this ordinance not  
22 less than four hundred fifty square feet of lot area shall be required.

23 Section 707: LOT WIDTH: Every lot created after the effective  
24 date of this ordinance shall maintain a width not less than sixty feet  
25 at the rear line of the required front yard.

26 Section 708: PERMISSIBLE LOT COVERAGE. All building, including  
27 accessory buildings and structures, shall not cover more than sixty  
28 percent of the area of a lot.

29

30

31

32

ARTICLE 8

R-P - RESIDENTIAL PROFESSIONAL ZONE (R-P ZONE)

Section 800: PERMITTED USES. In an R-P Zone only the following uses are permitted as hereinafter specifically provided and allowed, subject to the provisions of Article 16 governing off-street parking requirements.

- (1) Any use permitted in the R-3 Zone.
- (2) The following professional services.
  - (a) Accountants
  - (b) Attorneys
  - (c) Doctors, dentists, oculists, optometrists, chiropractors and others practicing the healing arts for human beings.
  - (d) Engineers, architects, planners and real estate brokers.
  - (e) Credit Bureaus and Collection Agencies.
  - (f) Mortuaries
- (3) Private clubs, fraternities, sororities and lodges, excepting those the chief activity of which is a service customarily carried on as a business.
- (4) Institutions of a philanthropic or eleemosynary nature, except correctional and mental.
- (5) Hospitals, subject to reviews for a Conditional Use Permit as prescribed in Article 19 of this ordinance.

Section 801: HEIGHT. No building shall exceed thirty-five feet in height.

Section 802: FRONT YARD. Every lot shall have a front yard not less than fifteen feet in depth, except that on key lots and lots which side upon commercially or industrially zoned property the depth of the required front yard need not exceed ten feet.

Section 803: SIDE YARDS. In the R-P Zone every lot shall have side yards as follows:

1 (1) Interior lots shall have a side yard on each side of the  
2 lot which side yard has a width not less than ten percent of the width  
3 of the lot, provided such side yard shall be not less than three feet  
4 in width and need not exceed five feet.

5 (2) Corner lots and reversed corner lots shall have the  
6 following side yards:

7 (a) On the side lot line which adjoins another lot, the  
8 side yard shall be the same as that required on an interior lot.

9 Section 804: PLACEMENT OF BUILDINGS. Placement of buildings on  
10 any lot shall conform to the following:

11 (1) INTERIOR LOTS:

12 (a) No building shall occupy any portion of a required  
13 yard.

14 (b) Any building, any portion of which is used for human  
15 habitation shall observe a distance from any side lot line the equiva-  
16 lent of the required side yard on such lot and from the rear property  
17 line ten feet excepting where a lot rears on an alley, such building  
18 shall maintain a distance of not less than five feet from the rear  
19 lot line.

20 (c) A non-dwelling accessory building may be built to  
21 the rear lot line and to the side lines to the rear of the required  
22 side yard, provided if the lot rears upon an alley such accessory  
23 building shall maintain a distance of not less than five feet from  
24 the rear lot line and may be built to only one side lot line.

25 (2) CORNER LOTS AND REVERSED CORNER LOTS.

26 (a) No building shall occupy any portion of a required  
27 yard.

28 (b) The distance between buildings used for human habi-  
29 tation and between buildings used for human habitation and accessory  
30 buildings shall be ten feet.

31 (c) Any building, any portion of which is used for human  
32 habitation shall observe a distance from the rear property line of ten  
feet excepting where a lot rears on an alley such building shall

maintain a distance of not less than five feet from the rear lot line.

1 (d) On corner lots an accessory building may be built to  
2 the rear lot line and to the interior side lot line when located to the  
3 rear of the required side yard, provided if the lot rears upon an alley  
4 such accessory building shall maintain a distance not less than five  
5 feet from the rear line of such lot.

6 (e) On a reversed corner lot an accessory building may  
7 be built to the interior side lot line when located to the rear of the  
8 required side yard, but no building shall be erected closer to the  
9 property line of any abutting lot to the rear than the equivalent of  
10 the required interior side yard on such reversed corner lot, and fur-  
11 ther provided that if such reversed corner lot rears upon an alley, an  
12 accessory building shall maintain a distance of five feet from the  
13 rear lot line.

14 Section 805: AREA. The minimum required area of a lot in the  
15 R-P Zone shall be not less than six thousand square feet, unless other-  
16 wise shown on the zoning map.

17 Section 806: LOT AREA PER DWELLING UNIT. The minimum lot area  
18 per dwelling unit in the R-P Zone shall be eight hundred square feet,  
19 provided that for each room used for sleeping purposes and not con-  
20 tained in a dwelling unit as defined in this ordinance, not less than  
21 four hundred and fifty square feet of lot area shall be required.

22 Section 807: LOT WIDTH. Every lot created after the effective  
23 date of this ordinance shall maintain a width not less than sixty feet  
24 at the rear line of the required front yard.

25 Section 808: PERMISSIBLE LOT COVERAGE. All buildings, including  
26 accessory buildings and structures, shall not cover more than sixty  
27 per cent of the area of the lot.  
28  
29  
30  
31  
32

ARTICLE 9

R - T - RECREATIONAL-TOURIST ZONE (R-T ZONE)

Section 900: PERMITTED USES. In the R-T Zone only the following uses are permitted as are hereinafter specifically provided and allowed, subject to the provisions of Article 16 governing off-street parking requirements.

(1) Any use permitted in the R-3 (Multiple-residential) Zone.

(2) Hotels

(3) Motels or auto courts

(4) Any public or private recreational facility such as beaches, bathhouses, boat rides, boat launching and docking facilities, dance halls, games of skill, refreshment facilities, commercial uses accessory to recreation such as sporting goods shops, boat part shops, boat repair facilities, bait sales, etc. and similar uses only under the following conditions:

(a) Such uses shall be permitted only in those R-T Zone areas designated on the zoning map as being potentially available for the herein specified types of use by an approximate area designated on the zoning map by a heavy dashed line and having the designation of "Rec.", after such areas have been processed in the manner prescribed for potentially classified areas as set forth in Sections 1603, 1604 and 1605 of this ordinance.

Section 901: HEIGHT. In the R-T Zone no building shall exceed a height of thirty-five feet.

Section 902: FRONT YARD. Every lot in the R-T Zone shall have a front yard of not less than ten feet, except that on key lots and lots which side upon commercially or industrially zoned property the depth of the required front yard need not exceed five feet.

Section 903: SIDE YARDS. In the R-T Zone every lot shall have side yards as follows:

(1) Interior lots shall have a side yard on each side of the lot of not less than three feet in width.

1 (2) Corner lots and reversed corner lots shall have the  
2 following side yards:

3 (a) On the side lot line which adjoins another lot, the  
4 side yard shall be the same as that required on an interior lot.

5 (b) On the side street side the width of the required  
6 side yard shall be five feet.

7 Section 904: PLACEMENT OF BUILDINGS. Placement of buildings on  
8 any lot shall conform to the following:

9 (1) INTERIOR LOTS.

10 (a) No building shall occupy any portion of a required  
11 yard.

12 (b) Any building, any portion of which is used for human  
13 habitation shall observe a distance from any side lot line the equiv-  
14 alent of the required side yard on such lot and from the rear property  
15 line the equivalent of twice the required side yard on such lot.

16 (c) The distance between buildings used for human habi-  
17 tation and between buildings used for human habitation and accessory  
18 buildings shall be equal to twice the required side yard on the same  
19 lot.

20 (d) A non-dwelling accessory building may build to the  
21 rear lot line and to the side lines to the rear of the required side  
22 yard, provided if the lot rears upon an alley such accessory building  
23 shall maintain a distance of not less than five feet from the rear  
24 lot line and may build to only one side lot line.

25 (2) CORNER LOTS AND REVERSED CORNER LOTS.

26 (a) No building shall occupy any portion of a required  
27 yard.

28 (b) The distance between buildings used for human habi-  
29 tation and between buildings used for human habitation and accessory  
30 buildings shall be equal to twice the required interior side yard on  
31 the same lot.

32 (c) Any building, any portion of which is used for human  
habitation shall observe a distance from the rear property line the

equivalent of twice the required interior side yard on such lot.

1 (d) On corner lots an accessory building may build to  
2 the rear lot line and to the interior side lot line when located to  
3 the rear of the required side yard, provided if the lot rears upon an  
4 alley such accessory building shall maintain a distance not less than  
5 five feet from the rear line of such lot.

6 (e) On a reversed corner lot an accessory building may  
7 build to the interior side lot line when located to the rear of the  
8 required side yard but no building shall be erected closer to the  
9 property line of any abutting lot to the rear than the equivalent of  
10 the required interior side yard on such reversed corner lot, and fur-  
11 ther provided that if such reversed corner lot rears upon an alley  
12 an accessory building shall maintain a distance of five feet from the  
13 rear lot line.

14 Section 905: AREA. The minimum required area of a lot in the  
15 R-T Zone shall be not less than four thousand square feet, unless  
16 otherwise shown on the zoning map.

17 Section 906: LOT AREA PER DWELLING UNIT. The minimum lot area  
18 per dwelling unit in the R-T Zone shall be not less than eight hundred  
19 square feet provided that for each room used for sleeping purposes and  
20 not contained in a dwelling unit as defined in this ordinance, not less  
21 than four hundred fifty square feet of lot area shall be required.

22 Section 907: LOT WIDTH: Every lot created after the effective  
23 date of this ordinance shall maintain a width not less than forty  
24 feet at the rear line of the required front yard.

25 Section 908: PERMISSIBLE LOT COVERAGE. All building, including  
26 accessory buildings and structures, shall not cover more than seventy-  
27 five percent of the area of a lot.  
28  
29  
30  
31  
32

ARTICLE 10

C - 1 - SERVICE COMMERCIAL ZONE (C-1 ZONE)

Section 1000: PERMITTED USES. In a C-1 Zone only the following uses are permitted as are hereinafter specifically provided and allowed, subject to the provisions of Article 16 governing off-street parking requirements, except that only that portion of a building located above the ground floor may be used for dwelling purposes unless otherwise specifically permitted hereunder.

- (1) Accountants
- (2) Attorneys
- (3) Bakeries
- (4) Barber shops or beauty parlors
- (5) Book or stationery stores
- (6) Doctors, dentists, optometrists, chiropractors, and other practicing the healing arts for human beings, and related uses such as oculists, pharmacies (prescription only), biochemical laboratories and X-Ray laboratories.
- (7) Dressmaking or millinery shops.
- (8) Drug stores
- (9) Dry cleaning and laundry agencies
- (10) Dry goods or notion stores
- (11) Engineers, architects and planners
- (12) Florist shops
- (13) Grocery or fruit stores
- (14) Hardware stores
- (15) Hotels, Auto Courts, Motels
- (16) Jewelry stores
- (17) Laundromats
- (18) Liquor stores (off-sale)
- (19) Meat markets or delicatessen stores
- (20) Private clubs, fraternities, sororities and lodges, excepting those the chief activity of which is a service customarily carried on as a business.

1 (21) Institutions of a philanthropic or eleemosynary nature,  
except correctional and mental.

2 (22) Real Estate Brokers

3 (23) Restaurants, tea rooms or cafes (excluding dancing or  
4 entertainment and on-sale liquor)

5 (24) Service stations

6 (25) Shoe stores or repair shops

7 (26) Tailors, clothing or wearing apparel shops

8 (27) Similar establishments catering directly to consumers.

9 Section 1001: LIMITATIONS ON PERMITTED USES IN C-1 ZONE. Every  
10 use permitted shall be subject to the following conditions and  
11 limitations:

12 (1) All uses shall be conducted wholly within a building ex-  
13 cept such uses as drive-in restaurants, gasoline stations, electrical  
14 transformer substations and nurseries for sale of plants and flowers  
15 and similar enterprises customarily conducted in the open.

16 (2) Products made incident to a permitted use shall be sold  
17 only at retail on the premises, and not more than five persons may be  
18 employed in the manufacturing, processing and treatment of products  
19 permitted herein.

20 (3) Permitted signs shall be limited to identification of  
21 occupants, type of use or commodities sold or serviced on the premises,  
22 or the lease, sale or rental of the premises.

23 (4) Storage shall be limited to accessory storage of commod-  
24 ities sold at retail on the premises.

25 Section 1002: HEIGHT. No commercial structures shall exceed a  
26 height of forty-five feet.

27 Section 1003: FRONT YARD. No front yard shall be provided ex-  
28 cept as may be required by a precised plan.

29 Section 1004: SIDE YARDS. Unless otherwise required by a pre-  
30 cise plan, no side yard need be provided.

31 Section 1005: PLACEMENT OF BUILDINGS. On any lot, the rear lot  
32 line of which abuts property in any "R" Zone and no alley intervenes,

no building shall be erected closer than ten feet to the rear lot  
line; provided further if such a lot abuts upon an alley, no building  
shall be erected closer than five feet to the rear lotline of such  
lot.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32

ARTICLE 11

1           C - 2       -       GENERAL COMMERCIAL ZONE           (C-2 ZONE)

2           Section 1100: PERMITTED USES. In a C-2 Zone only the following  
3 uses are permitted as hereinafter specifically provided and allowed  
4 by this Article subject to the provisions of Article 16 governing off-  
5 street parking requirements, except that only that portion of a build-  
6 ing located above the ground floor may be used for dwelling purposes  
7 unless otherwise specifically permitted hereunder.

8           (1) Any use permitted in the C-1 Zone.

9           (2) Automobile repairing

10          (3) Automobile sales agencies

11          (4) Bars and cocktail lounges (on-sale liquor)

12          (5) Newspaper, printers.

13          (6) Photo engraving

14          (7) Upholstering shops

15          (8) Retail, wholesale or service businesses catering  
16 directly to the consumer.

17          Section 1101: LIMITATIONS ON PERMITTED USES. Every use per-  
18 mitted in a C-2 Zone shall be subject to the following conditions  
19 and limitations:

20           (1) All uses shall be conducted wholly within an enclosed  
21 building except such uses as drive-in restaurants, gasoline stations,  
22 electrical transformer substations and horticultural nurseries and  
23 similar enterprises customarily conducted in the open.

24           (2) Products or materials handled or made incident to a  
25 permitted use and manufactured or processed on the premises, shall  
26 be sold only at retail on the premises, and not more than five persons  
27 may be employed in such manufacturing, processing and treatment of  
28 products.

29           (3) Storage shall be limited to accessory storage of com-  
30 modities sold at retail on the premises.

31          Section 1102: HEIGHT. No building in the C-2 Zone shall exceed  
32 forty-five feet.

Section 1103: FRONT YARD. No front yard shall be provided except as may be required by a precised plan.

Section 1104: PLACEMENT OF BUILDINGS. On any lot, the rear lot line of which abuts property in any "R" Zone and no alley intervenes, no building shall be erected closer than ten feet to the rear lot line; provided further, if such a lot abuts upon an alley, no building shall be erected closer than five feet to the rear lot line of such lot.



1 (10) Ceramic products, manufacture of, including figurines,  
2 using only previously pulverized clay and kilns fired only by elec-  
3 tricity or low pressure gas.

4 (11) Cleaning and dyeing plants.

5 (12) Contractor's storage yards.

6 (13) Frozen food lockers.

7 (14) Glass studios, staining, edging, beveling and silver-  
8 ing in connection with sale of mirrors and glass for decorating  
9 purposes.

10 (15) Laboratories, experimental, motion picture, testing.

11 (16) Laundries

12 (17) Lumber yards (no planeing mills and burners).

13 (18) Parcel service delivery.

14 (19) Plumbing shops, supply yards.

15 (20) Public scales.

16 (21) Veternarians, small animal hospitals provided all facil-  
17 ities shall be maintained inside of an adequately soundproofed building.

18 (22) Wholesale businesses, storage buildings and warehouses.

19 (23) Other commercial and industrial businesses or enter-  
20 prises when processed in the manner specified in Article 16.

21 Section 1201: LIMITATIONS ON PERMITTED USES. Every use per-  
22 mitted shall be subject to the following conditions and limitations:

23 (1) There shall be maintained a building line setback of ten  
24 percent of the average depth of the lots in each block of any C-M  
25 Zone area, provided such setback shall not be less than ten feet nor  
26 need not exceed 25 feet in depth. A minimum strip of landscaping  
27 approved by the Parks Superintendent shall be maintained along all  
28 frontage of the setback area. In addition thereto the following uses  
29 may be permitted in such setback area:

30 (a) Landscaping shall be provided subject to the approval  
31 of the Parks Superintendent.

1 (b) Motor vehicle parking (only if surfaced in such  
2 manner as to eliminate dust or mud).

3 (c) Employees recreational area without structures.

4 (d) Driveways (only if surfaced in such manner as to  
5 eliminate dust or mud).

6 (e) Railroad spur tracks, excluding storage of railroad  
7 motive power equipment or rolling stock.

8 (f) An ornamental open type fence not over eight feet  
9 in height, made of material such as woven wire, wood, welded wire,  
10 chain link or wrought iron.

11 (2) All uses shall be conducted wholly within a completely  
12 enclosed building, or within an area enclosed on all sides with a solid  
13 wall or uniformly painted fence six feet in height, except such uses  
14 as drive-in restaurants, gasoline stations, electrical transformer sub-  
15 stations and horticultural nurseries.

16 (3) All operations conducted on the premises shall not be ob-  
17 jectionable by reason of noise, odor, dust, mud, smoke, lighting, vi-  
18 bration or other similar causes.

19 Section 1202: HEIGHT. No building in the C-M Zone shall exceed  
20 a height of forty-five feet.

21 Section 1203: FRONT YARD. Front yards shall be provided as re-  
22 quired in Section 1201 or as provided by a precise plan.

23 Section 1204: SIDE YARDS. No side yards shall be provided except  
24 as may be required by a precised plan.

25 Section 1205: PLACEMENT OF BUILDINGS. On any lot, the rear lot  
26 line of which abuts property in any "R" Zone and no alley intervenes,  
27 no building shall be erected closer than ten feet to the rear lot line;  
28 provided further, if such a lot abuts upon an alley, no building shall  
29 be erected closer than five feet to the rear lot line of such lot.

ARTICLE 13

"M" - MANUFACTURING ZONE ("M" ZONE)

Section 1300: PERMITTED USES. In an "M" Zone only the following uses are permitted as are hereinafter specifically provided and allowed, subject to the provisions of Article 16 governing off-street parking requirements.

(1) Any use permitted in the C-M Zone.

(2) Automobile assembly, body and fender works, dismantling and used parts storage when operated or maintained wholly within a building.

(3) Automobile painting. All painting, sanding and baking shall be conducted wholly within a building.

(4) Bakeries.

(5) Body and Fender works, including painting.

(6) Bottling plants.

(7) Breweries.

(8) Creameries.

(9) Dairy products manufacture.

(10) Draying, freighting or trucking yards or terminals.

(11) Electric or neon sign manufacture.

(12) Feed and fuel yards.

(13) Fruit and vegetable canning, preserving and freezing.

(14) Food products manufacture, storage and process of, except lard, pickles, saurkraut, sausage or vinegar.

(15) Fruit packing houses.

(16) Furniture manufacture.

(17) Garment manufacturers.

(18) Ice and cold storage plants.

(19) Lumber yards.

(20) Machine shops.

(21) Manufacture of prefabricated buildings.

1 (22) Mills, planeing (provided they are first reviewed and  
2 granted a conditional use permit as provided in Article 19.

3 (23) Plastics, fabrication from.

4 (24) Poultry and rabbit slaughter (provided they are first  
5 reviewed and granted a conditional use permit as provided in Article 19.

6 (25) Public utilities service yards or electrical receiving  
7 and/or transforming stations.

8 (26) Rubber, fabrication of products made from finished  
9 rubber.

10 (27) Sheet metal shops.

11 (28) Shoe manufacturing.

12 (29) Soap manufacture, cold mix only.

13 (30) Stone monument works.

14 (31) Storage space for transit and transportation equipment,  
15 except freight classification yards.

16 (32) Textile manufacture.

17 (33) Tire rebuilding, recapping and retreading.

18 (34) Truck and steam cleaning equipment.

19 (35) Any industrial use not specifically permitted herein  
20 must be reviewed as provided in Article 19 for a Conditional Use Per-  
21 mit in order to locate industry in its proper and available location  
22 in the region and prevent conflict with the high degree of residential  
23 development existing in and around the City of Oceanside. Any use that  
24 is found to be objectionable or incompatible with the character of the  
25 City and its environs due to noise, dust, odors or other undesirable  
26 characteristics may be denied a Conditional Use Permit.

27 Section 1301: LIMITATIONS ON PERMITTED USES. Every use permitted  
28 shall be subject to the following conditions and limitations:

29 (1) There shall be maintained a building line setback of ten  
30 percent of the average depth of the lots in each block of any M Zoned  
31 area, provided such setback shall not be less than ten feet nor need  
32 not exceed 25 feet in depth. A minimum strip of landscaping approved

1 by the Parks Superintendent shall be maintained along all frontage of  
2 the setback area. In addition thereto the following uses may be per-  
3 mitted in such setback area:

4 (a) Landscaping shall be provided subject to the approval  
5 of the Parks Superintendent.

6 (b) Motor vehicle parking (only if surfaced in such  
7 manner as to eliminate dust or mud).

8 (c) Employees recreational area without structures.

9 (d) Driveways (only if surfaced in such manner as to  
10 eliminate dust or mud).

11 (e) Railroad spur tracks, excluding storage of railroad  
12 motive power equipment or rolling stock.

13 (f) An ornamental open type fence not over eight feet in  
14 height, made of material such as woven wire, wood, chain link or  
15 wrought iron.

16 (2) All uses shall be conducted wholly within a completely  
17 enclosed building, or within an area enclosed on all sides with a solid  
18 wall or uniformly painted fence six feet in height, except such uses  
19 as drive-in restaurants, gasoline stations, electrical transformer  
20 substations and horticultural nurseries.

21 (3) All operations conducted on the premises shall not be  
22 objectionable by reason of noise, odor, dust, mud, smoke, lighting,  
23 vibration or other similar causes.

24 Section 1302: FRONT YARD. Any building structure, or any part  
25 thereof in an "M" Zone shall have a front yard only when any one or  
26 more of the following conditions apply:

27 (1) If the premises is devoted to an "R" use in the "M" Zone,  
28 the depth of the front yard shall conform to the front yard require-  
29 ments in the R-3 Zone.

30 (2) When property classified for "M" purposes comprises part  
31 of the frontage in a block on one side of a street between intersecting  
32 streets and the remainder of the frontage in the same block is classi-

1 fied for "R" purposes, the front yard in such "M" Zone shall conform  
2 to the front yard required in the R-3 Zone.

3 (3) A front yard shall be provided as may be required by a  
4 precised plan, variance or conditional use permit.

5 Section 1303: SIDE YARDS. Every lot in an "M" Zone when used for  
6 "C" or "M" purposes, need provide no side yards except such as may be  
7 incorporated in a precised plan or in a Conditional Use Permit or a  
8 Variance.

9 Section 1304: BUILDINGS, PLACEMENT. No building shall be erected  
10 closer than ten feet to the rear lot line of any lot zoned for "M"  
11 purposes when such lot abuts upon property classified for "R" purposes  
12 and no alley intervenes.

13 Any building located on an alley and having an opening  
14 used as a means of access from such alley shall maintain a distance of  
15 not less than five feet from such alley.

16 Section 1305: HEIGHT. No building in the "M" Zone shall exceed  
17 a height of forty-five feet.

ARTICLE 14

"F" - FLOOD PLAIN AREAS ("F" AREA)

1  
2 Section 1400: PERMITTED USE. In a Flood Plain Area wherein all  
3 areas have, after investigation, been declared by the City Council by  
4 resolution as unfit for human habitation by reason of topography, el-  
5 evation and other physical factors contributing to the hazard of flood  
6 and inundation, no building shall be erected, reconstructed or struc-  
7 turally altered nor shall any building be used for any purpose except  
8 as hereafter provided and allowed by this Article. The Flood Plain  
9 Areas are hereby declared to be superimposed over the normal zoning  
10 existing or hereafter created.  
11

12 The properties indicated by the superimposed Flood Plain Area  
13 designation shall be limited only to the following uses irregardless  
14 of the basic zoning classifications:

15 (1) Agricultural uses; or

16 (2) Other uses not involving buildings designed or occupied  
17 for living purposes, public assembly or both, or for the manufacture  
18 or storage of products and materials except those incidental and  
19 necessary to the permitted uses, unless such properties comply with  
20 the following additional requirements over and above those set forth  
21 in the Article governing the basic zoning classification:

22 (a) Foundation walls, footings and type of construction  
23 shall be such as will prevent damage to the structure during flood  
24 conditions.

25 (b) The floor levels of the main floor of any dwelling  
26 in the various areas enumerated as Flood Plain Areas shall not be  
27 lower than the elevation designated as being the part below which  
28 such areas are subject to flood.

29 This Section does not permit the excavation or quarrying of  
30 any rock, sand, gravel or other material in any such areas declared as  
31 hazardous for such use, nor does it permit any operation which will,  
32 by its nature or structure or materials used in connection therewith,

1 impede or tend to impede, retard or change the direction of the flow  
2 of water in any river, stream, wash or arroyo, or that will catch or  
3 collect debris carried by water flowing in such areas, unless such  
4 areas are so used in conformity with any rules and regulations estab-  
5 lished by the City Council.

6 Section 1401: AREAS AFFECTED. Such areas shall be graphically  
7 defined on the Zoning Map.  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32

ARTICLE 15

CONDITIONAL USES

1  
2           Section 1500: PERMITTED USES. All of the following, and all  
3 matters directly related thereto are declared to be uses possessing  
4 characteristics of such unique and special form as to make impractical  
5 their being included automatically in any classes of use as set forth  
6 in the various zones herein defined, and the authority for the location  
7 and operation thereof shall be subject to review and the issuance of  
8 a Conditional Use Permit. The purpose of review shall be to determine  
9 that the characteristics of any such use shall not be unreasonably  
10 incompatible with type of use permitted in surrounding area and for  
11 the further purpose of stipulating such conditions as may reasonably  
12 assure that the basic purpose of this ordinance shall be served.  
13 Factors to be considered are (1) damage or nuisance from noise, smoke,  
14 odor, dust, lighting, vibration, etc.; (2) hazard from explosion, con-  
15 tamination or fire; (3) hazard occasioned by unusual volume or char-  
16 acter of traffic or the congregating of a large number of people or  
17 vehicles. Conditional Use Permits shall be processed in the manner  
18 specified in Article 21.  
19

20                   (1) Airports and landing fields.

21                   (2) Automobile trailer parks.

22                   (3) Borrow pits to a depth of over three (3) feet.

23                   (4) Cemeteries.

24                   (5) Churches and accessory uses.

25                   (6) Columbariums, crematories and mausoleums, provided  
26 these uses are specifically excluded from the R-1 and R-2 Zones, un-  
27 less inside of a cemetery.

28                   (7) Dumps, and commercial incinerators.

29                   (8) Public buildings, parks and golf courses and rec-  
30 reational areas.

31                   (9) Establishments or enterprises involving large assem-  
32 blages of people or automobiles as follows, provided these uses are  
specifically excluded from the R-1, R-2 and R-3 Zones:

- (a) Amusement parks.
- (b) Circuses, carnivals or fairgrounds.
- (c) Labor camps.
- (d) Open air theatres.
- (e) Race tracks and rodeos.
- (f) Hospitals, provided they are specifically excluded from the R-1 and R-2 Zones.
- (g) Stadii.

(10) Institutions for treatment of alcoholics, provided these uses shall be specifically excluded from the R-1 and R-2 and R-3 Zones.

(11) Jail farms or honor farms, publicly owned and used for the rehabilitation of prisoners, provided these uses shall be specifically excluded from the R-1, R-2 and R-3 Zones.

(12) Mental hospitals, provided they shall be specifically excluded from all R-1, R-2 and R-P Zones.

(13) Natural mineral resources, the development of, together with the necessary buildings, apparatus or appurtenances incident thereto, provided that no review or permit shall be required for the exploration of oil, rock, sand, gravel or clay if this or any other ordinance makes separate provisions with respect thereto.

(14) Public utilities or utilities operated by mutual agencies consisting of water wells, gas metering and regulating stations, telephone exchanges, booster stations or conversion plants with the necessary buildings, apparatus or appurtenances incident thereto, but not including distribution mains.

(15) Radio or television transmitters.

(16) Refuse, disposal of.

(17) Sewage disposal plants.

Section 1501: YARD REQUIREMENTS. The provisions for required front and side yards applicable to the particular zone in which any such use is proposed to be located shall prevail, unless in the

findings and conditions recited in the resolution dealing with each  
1 such matter specific exemptions are made with respect thereto.

2 Section 1502: HEIGHT AND AREA REQUIREMENTS. The provisions for  
3 height and area applicable to the particular zone in which any such  
4 use is proposed to be located shall prevail, unless in the findings  
5 and conditions recited in the resolution dealing with each such matter  
6 specific exemptions are made with respect thereto.

7 Section 1503: OFF-STREET PARKING REQUIREMENTS. The requirements  
8 for provision of off-street parking applicable to the particular use  
9 shall prevail unless in the findings and conditions recited in the  
10 resolution dealing with each such matter specific exemptions are made  
11 with respect thereto.  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32

ARTICLE 16

GENERAL PROVISIONS, CONDITIONS AND EXCEPTIONS

USE

Section 1600: FOREGOING REGULATIONS SUBJECT TO THIS ARTICLE.

The foregoing regulations pertaining to the several zones shall be subject to the general provisions, conditions and exceptions contained in this Article.

Section 1601: LIMITATION OF LAND USE. Except as provided in this Article, no building shall be erected, reconstructed or structurally altered, nor shall any building or land be used for any purpose other than is specifically permitted in the same zone in which such building or land is located.

Section 1602: CLARIFICATION OF AMBIGUITY. If ambiguity arises concerning the appropriate classification of a particular use within the meaning and intent of this ordinance, or if ambiguity exists with respect to matters of height, yard requirements, area requirements or zone boundaries, as set forth herein and as they may pertain to unforeseen circumstances, including technological changes in methods of operation or in processing of materials, it shall be the duty of the Planning Commission to ascertain all pertinent facts and by Resolution of Record set forth its findings and its interpretations, and such Resolution shall be forwarded to the City Council and, if approved by the City Council, thereafter such interpretation shall govern.

Section 1603: USE CONTROL IN RECLASSIFIED PRECISED PLAN. In order to assure that the purpose and provisions of a formally-adopted precised plan of record shall be conformed to, the land reclassified within any precised plan shall be limited exclusively to such uses as are first permitted in the zone to which it is classified. Uses shown on such precised plan, including automobile parking shall conform to such precised plan, even though such use, or uses, are not otherwise specifically classified by this ordinance as permissible in any given zone.

1 Section 1604: INDICATED POTENTIAL CLASSIFICATIONS. Where areas  
2 are shown upon the zoning map enclosed within a dashed line, the area  
3 thus shown is intended to approximate the location of the areas to be  
4 reclassified for the type of land-use indicated by the symbol therein  
5 enclosed within a circle. Such future classification designation  
6 shall be a part of the Zoning Map and may be adopted or amended only  
7 in the manner prescribed for the reclassifying of property as required  
8 in Article 20 of this ordinance. Uncircumscribed symbols shown within  
9 such areas represent the classification of such properties until they  
10 are processed as set forth herein.

11 The designation of a future classification is based on a rec-  
12 ognition of the suitability of location for the type of use indicated  
13 by circumscribed symbol and the impracticability of precisely classi-  
14 fying such property for particular types of use until such lands are  
15 precisely designed and precisely planned so as to establish location  
16 and dimensions of any streets, alleys, parking areas, building sites  
17 and similar features pertinent to zoning.

18 Section 1605: TRANSLATING POTENTIAL CLASSIFICATIONS TO PERMISS-  
19 IBLE USE. Types of land-use indicated by circumscribed symbols with-  
20 in areas identified on the zoning map by a dashed line may be activa-  
21 ted and made permissible uses by the adoption of a precised plan of  
22 design for the area. Such precise plan shall be adopted as a part of  
23 the proceedings for the reclassification of property to the indicated  
24 potential zone as provided in Article 20 and the map adopted thereby  
25 shall constitute an amendment to the Zoning Map. This precise plan  
26 shall by map, diagram or text, or all of them, indicate boundaries,  
27 design, arrangement and dimensions of any streets, alleys, parking  
28 areas, building-sites and similar features pertinent to precised  
29 zoning. The comprehensive provisions of such precise plan shall take  
30 precedence over the individual provisions of this ordinance covering  
31 subjects such as parking, yards, etc.  
32

1 Section 1606: PUBLIC UTILITIES. The provisions of this Ordin-  
2 ance shall not be construed to limit or interfere with the installa-  
3 tion, maintenance and operation of public utility pipe lines and  
4 electric or telephone transmission lines, or railroads, when located  
5 in accordance with the applicable rules and regulations of the Public  
6 Utilities Commission of the State of California within rights-of-way,  
7 easements, franchises or ownerships of such public utilities; nor  
8 shall they restrict the right of a public utility to increase the  
9 capacity of facilities necessary to and used directly for the delivery  
10 of or distribution of service provided; however, that all yard re-  
11 quirements of the zone in which the site is located shall be maintained,  
12 and no enlargement of the site is involved.

13 Section 1607: TEMPORARY REAL ESTATE OFFICE. One temporary real  
14 estate office may be located on any new subdivision in any zone, pro-  
15 vided that such office, if in any "R" Zone, shall be removed at the  
16 end of a twelve month period measured from the date of the Resolution  
17 by the City Council accepting the public improvements of the subdivi-  
18 sion upon which said office is located

19 Section 1608: TEMPORARY REAL ESTATE SIGNS. Two temporary real  
20 estate bill-boards, not to exceed fifty square feet in area per face,  
21 or one billboard not to exceed an area of one hundred square feet per  
22 face may be located on any new subdivision in any zone, provided such  
23 billboards, if in any "R" Zone, shall be removed at the end of a twelve  
24 month period measured from the date of the Resolution by the City  
25 Council accepting the public improvements of the subdivision upon  
26 which said billboard or billboards are located.

27 Section 1609: TEMPORARY CONSTRUCTION BUILDINGS. Temporary  
28 structures for the housing of tools and equipment, or containing su-  
29 pervisory offices in connection with major construction on major con-  
30 struction projects may be established and maintained during the prog-  
31 ress of such construction on such project, and shall be abated within  
32 sixty days after completion, or sixty days after cessation of work.

Section 1610: REQUIRED OFF-STREET PARKING. Every building, or  
 1 portion of building hereafter erected, shall be provided with perman-  
 2 ently maintained parking space as provided in this Article, and such  
 3 parking space shall be made permanently available and be permanently  
 4 maintained for parking purposes, provided, however, that any altera-  
 5 tions or additions providing less than five hundred square feet of  
 6 additional floor space shall be exempted from this requirement. Pro-  
 7 vided further that when an addition is made to an existing building  
 8 only the square feet in the addition need be used in computing the  
 9 required off-street parking.

Section 1611: PARKING SPACES REQUIRED. The number of off-street  
 10 parking spaces required shall be no less than as set forth in the  
 11 following:

USE	PARKING SPACES REQUIRED
Automobile courts (motels)	1 for each sleeping unit or dwelling unit.
Banks, business or profes- sional offices -	1 for each 400 sq.ft. of gross floor area.
Bowling alleys -	4 for each alley.
Churches and accessory uses -	1 for each 6 seats, or if there are no fixed seats, then 1 for each 100 sq. ft. of floor space used for assembly purposes.
Dwellings, one-, two-family -	1 for each dwelling unit
Dwellings, multiple-1 to 4 inc.	1 for each dwelling
" " 5 to 8 "	1 less than number of dwellings
" " 9 to 12 "	2 less than number of dwellings
" " 13 to 16 "	4 less than number of dwellings
" " 17 to 20 "	6 less than number of dwellings
Establishments for the sale and consumption on the premises of food and beverages -	
-- having less than 4,000 sq.ft. of floor area -	1 for each 100 sq. ft. of gross floor area.
-- having 4,000 sq.ft. of floor area or more -	40 plus 1 for each 40 sq.ft. of gross floor area in excess of 4,000 sq.ft.
Furniture and appliance stores, hardware stores, household equipment, service shops, clothing or shoe repair or personal service shops -	1 for each 600 sq.ft. of gross floor area
Hospitals -	1 for each bed.
Hotels -	1 for each room up to 6 bedrooms and 1 for each 3 bedrooms in excess of 6 bedrooms

USEPARKING SPACES REQUIRED

1	Libraries	1 for each 250 sq.ft. of gross floor area.
2	Library stations and museums-	1 for each 500 sq.ft. of gross floor area.
3	Manufacturing uses, research and testing laboratories, creameries, bottling establishments, bakeries, canneries, printing and engraving shops -	Not less than 1 for each 800 sq. ft. of gross floor area.
4		
5		
6		
7	Medical or dental clinics and medical-professional offices-	1 for each 200 sq.ft. of gross floor area.
8	Mortuaries -	1 for each 50 sq.ft. of floor area of assembly rooms used for service.
9		
10	Motor vehicle, machinery sales or wholesale stores -	1 for each 1,000 sq.ft. of gross floor area.
11	Offices not providing customer service on the premises -	1 for each 400 square feet of gross floor area, whichever is the greater.
12		
13	Retail stores, except as otherwise specified herein -	
14	- having not more than 5,000 sq.ft. of floor area -	1 for each 300 sq.ft. of gross floor area.
15	- having more than 5,000 sq. ft. but not more than 20,000 sq.ft. of floor area -	17 plus 1 for each 150 sq.ft. of gross floor area in excess of 5,00 sq.ft.
16		
17	- having more than 20,000 sq. ft. of floor area -	17 plus 1 for each 150 sq.ft. of gross area in excess of 5,000 sq. ft. plus 1 for each 100 sq.ft. of gross floor area in excess of 20,000 sq. ft.
18		
19		
20	Rooming houses, lodging houses, clubs and fraternity houses	1 for each 2 sleeping rooms.
21	having sleeping rooms -	
22	Sanitariums, children's homes, homes for aged, asylums,	1 for each 3 beds
23	nursing homes -	
24	Schools -	1 for each 2 employees.
25	Stadiums, sports arenas, auditoriums. (including school auditoriums) and other places of public assembly, and clubs and lodges having no sleeping quarters -	1 for each 5 seats and/or 1 for each 100 sq.ft. of gross floor area used for assembly and not containing fixed seats.
26		
27		
28	Swimming Pools -	1 for each 10 persons based on capacity load. (Pool area under 5 ft. in depth divided by 15 persons plus pool area over 5 ft. in depth divided by 30 persons equals capacity load).
29		
30		
31		
32		

USE

PARKING SPACES REQUIRED

1	Theatres -	1 for each 5 seats up to 800 seats,
2		plus 1 for each 8 seats over 800
3	Transportation terminal facil-	Adequate number as determined by
4	ities-warehouses and storage	the Planning Commission
5	buildings -	

6 Section 1612: PARKING REQUIREMENTS FOR USES NOT SPECIFIED. Where  
7 the parking requirements for a use are not specifically defined herein,  
8 the parking requirements for such use shall be determined by the Plan-  
9 ning Commission in the manner set forth in Section 1602 and such deter-  
10 mination shall be based upon the requirements for the most comparable  
11 use specified herein.

12 Section 1613: PARKING PROVISIONS MAY BE WAIVED BY COMMISSION.  
13 The Commission may, by resolution, waive or modify the provisions as  
14 herein set forth establishing required parking areas for uses such as  
15 electrical power generating plants, electrical transformer stations,  
16 utility or corporation storage yards or other uses of a similar or  
17 like nature requiring a very limited number of persons.

18 Section 1614: GENERAL REQUIREMENTS. The following general re-  
19 quirements shall apply:

20 (1) Size and Access: Each off-street parking space shall  
21 have an area of not less than one hundred and seventy square feet ex-  
22 clusive of drives or aisles, and a width of not less than eight and  
23 one-half feet. Each such space shall be provided with adequate in-  
24 gress and egress.

25 When the required parking space for a one-, two- or mul-  
26 tiple-family structure in any "R" Zone is not to be provided in a  
27 covered garage, each such required car space shall be not less than  
28 two hundred square feet in area and shall be so located and/or con-  
29 structed that it may later be covered by a garage structure in accor-  
30 dance with the provisions of this ordinance.

31 (2) Location: Off-street parking facilities shall be located  
32 as hereinafter specified. Where a distance is specified, such distance  
shall be the walking distance measured from the nearest point of the

1 parking facility to the nearest point of the building that such facil-  
2 ity is required to serve;

3 (a) For one-, two-, or multiple-family dwellings, parking  
4 facilities shall be located on the same lot or building-site as the  
5 buildings they are required to serve;

6 (b) For hospitals, sanitariums, homes for the aged, asy-  
7 lums, orphanages, rooming houses, lodging houses, club rooms, fraternity  
8 and sorority houses not more than one hundred and fifty feet from the  
9 buildings they are required to serve; and

10 (c) for uses other than those specified above, not over  
11 three hundred feet from the building they are required to serve.

12 (3) Mixed Occupancies in a Building: In the case of mixed  
13 uses in a building or on a lot, the total requirements for off-street  
14 parking facilities shall be the sum of the requirements for the various  
15 uses computed separately. Off-street parking facilities for one use  
16 shall not be considered as providing required parking facilities for  
17 any other use except as hereinafter specified for joint use.

18 (4) Joint Use: The Planning Commission may, upon applica-  
19 tion by the owner or lessee of any property, authorize the joint use  
20 of parking facilities by the following uses or activities under the  
21 conditions specified herein:

22 (a) Up to fifty percent of the parking facilities re-  
23 quired by this Article for a use considered to be primarily a daytime  
24 use may be provided by the parking facilities of a use considered to  
25 be primarily a nighttime use; up to fifty percent of the parking facil-  
26 ities required by this Article for a use considered to be primarily  
27 a nighttime use may be provided by the parking facilities of a use  
28 considered to be primarily a daytime use, provided such reciprocal  
29 parking area shall be subject to conditions set forth in paragraph  
30 (d) below.

31 (c) The following uses are typical daytime uses; banks,  
32 business offices, retail stores, personal service shops, clothing or

shoe repair or service shops, manufacturing or wholesale buildings  
1 and similar uses. The following uses are typical of nighttime and/or  
2 Sunday uses; auditoriums incidental to a public or parochial school,  
3 churches, dance halls, theatres and bars.

4 (d) Conditions required for joint use;

5 (1) The building or use for which application is  
6 being made for authority to utilize the existing off-street parking  
7 facilities provided by another building or use, shall be located with-  
8 in one hundred fifty feet of such parking facility.

9 (2) The applicant shall show that there is no sub-  
10 stantial conflict in the principal operating hours of the buildings  
11 or uses for which the joint use of off-street parking facilities is  
12 proposed.

13 (3) Parties concerned in the joint use of off-street  
14 parking facilities shall evidence agreement for such joint use by a  
15 proper legal instrument approved by the City Attorney as to form and  
16 content. Such instrument, when approved as conforming to the provisions  
17 of this ordinance, shall be recorded in the office of the County Re-  
18 corder and copies thereof filed with the Building Department and the  
19 Planning Commission.

20 (5) Common Facilities. Common parking facilities may be pro-  
21 vided in lieu of the individual requirements contained herein, but  
22 such facilities shall be approved by the Planning Commission as to size,  
23 shape and relationship to business sites to be served, provided the  
24 total of such off-street parking spaces, when used together, shall not  
25 be less than the sum of the various uses computed separately. When  
26 any such common facility is to occupy a site of five thousand square  
27 feet or more, than the parking requirements as specified herein for  
28 each of two or more participating buildings or uses may be reduced not  
29 more than fifteen percent upon approval of development plans by the  
30 Planning Commission in the manner prescribed for a Conditional Use  
31 Permit as set forth in Article 19.  
32

1 (6) Plans. The plan of the proposed parking area shall be  
2 submitted to the building department at the time of the application  
3 for the building permit for the building to which the parking area is  
4 accessory. The plans shall clearly indicate the proposed development,  
5 including location, size, shape, design, curb cuts, lighting, land-  
6 scaping and other features and appurtenances of the proposed parking lot.

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

10 Section 1615: COMPREHENSIVE PLANNED FACILITIES. Areas may be ex-  
11 empted from the parking requirements as otherwise set up in this  
12 Article, provided:

13 (1) Such area shall be accurately defined by the Planning  
14 Commission after processing in the same manner required for an amend-  
15 ment to the Zoning Ordinance.

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

21 Section 1616: REQUIRED IMPROVEMENT AND MAINTENANCE OF PARKING  
22 AREA. Every lot used as a public or private parking area and having a  
23 capacity of five or more vehicles shall be developed and maintained in  
24 the following manner:

25 (1) Surfacing. Off-street parking areas shall be paved or  
26 otherwise surfaced and maintained so as to eliminate dust or mud and  
27 shall be so graded and drained as to dispose of all surface water.  
28 In no case shall such drainage be allowed across sidewalks.

29 (2) Border, barricades, screening and landscaping.

30 (a) Every parking area that is not separated by a fence  
31 from any street or alley property line upon which it abuts, shall be  
32 provided with a suitable concrete curb or timber barrier not less than

1 six inches in height; located not less than two feet from such street  
2 or alley property lines and such curb or barrier shall be securely in-  
3 stalled and maintained; provided no such curb or barrier shall be re-  
4 quired across any driveway or entrance to such parking area.

5 (b) Every parking area abutting property located in one  
6 of the "R" zones shall be separated from such property by a solid wall,  
7 view-obscuring fence or compact everygreen hedge six feet in height  
8 measured from the grade of the finished surface of such parking lot  
9 closest to the contiguous "R" zone property, provided that along the  
10 required front yard the fence, wall or hedge shall not exceed forty-  
11 two inches in height. No such wall, fence or hedge need be provided  
12 where the elevation of that portion of the parking area immediately  
13 adjacent to an "R" Zone is six feet or more below the elevation of  
14 such "R" zone property along the common property line.

15 (c) Any lights provided to illuminate any public parking  
16 area, semi-public parking area or used car sales area permitted by this  
17 ordinance shall be so arranged as to reflect the light away from any  
18 premises upon which a dwelling unit is located.

19 (3) Entrances and exits. The location and design of all en-  
20 trances and exits shall be subject to the approval of the City Planning  
21 Director, provided no entrance or exit other than on or from an alley  
22 shall be closer than five feet to any lot located in an "R" Zone.

23 Section 1617: PARKING AREAS IN "R-3 and R-P" ZONES. Every park-  
24 ing area located in an R-3 and R-P Zone shall be governed by the follow-  
25 ing provisions in addition to those required above:

26 (1) No parking lot to be used as an accessory to a commercial  
27 or industrial establishment shall be established until it shall first  
28 have been reviewed by the Planning Commission and its location approved.  
29 Such approval may be conditioned upon the Commission's requiring the  
30 planting and/or maintenance of trees, shrubs or other landscaping  
31 within and along the borders of such parking area.  
32

1 (2) Such a parking lot to be used as an accessory to a per-  
2 mitted commercial or industrial establishment shall be so located that  
3 the boundary of such parking lot closest to the site of the commercial  
4 or industrial establishment to which it is accessory shall be not  
5 more than fifty feet distant.

6 (3) Such parking lot shall be used solely for the parking  
7 of private passenger vehicles.

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

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32

ARTICLE 17

GENERAL PROVISIONS, CONDITIONS AND EXCEPTIONS

YARDS, HEIGHT AND AREA

1           Section 1700: HEIGHT OF BUILDINGS ON THROUGH LOTS. On through  
2  
3           lots one hundred and fifty feet or less in depth, the height of a  
4           building on such lot may be measured from the sidewalk level of the  
5           street on which the building fronts. On through lots more than one  
6           hundred fifty feet in depth, the height regulations and basis of height  
7           measurements for the street permitting the greater height shall apply  
8           to a depth of not more than one hundred fifty feet from that street.  
9

10           Section 1701: HEIGHT OF PENTHOUSES AND ROOF STRUCTURES. Pent-  
11           houses or roof structures for the housing of elevators, stairways,  
12           tanks, ventilating fans or similar equipment required to operate and  
13           maintain the building; fire or parapet walls, skylights, towers, roof  
14           signs, flagpoles, chimneys, smokestacks, wireless masts and similar  
15           structures may be erected above the height limits by this ordinance  
16           prescribed, but no penthouse or roof structure, or any other space  
17           above the height limit prescribed for the zone in which the building  
18           is located shall be allowed for the purpose of providing additional  
19           floor space.

20           Section 1702: YARD REGULATIONS. Except as provided in this  
21           Article, every required yard shall be open and unobstructed from the  
22           ground to the sky. No yard or open space provided around any building  
23           for the purpose of complying with the provisions of this ordinance  
24           shall be considered as providing a yard or open space for any other  
25           building, and no yard or open space on any adjoining property shall  
26           be considered as providing a yard or open space on a building-site  
27           whereon a building is to be erected.

28           Section 1703: MODIFICATION OF SIDE YARD REQUIREMENT ON COMBINED  
29           LOTS. When the common boundary line separating two contiguous lots  
30           is covered by a building or permitted group of buildings, such lots  
31           shall constitute a single building-site and the yard spaces as required  
32           by this ordinance shall then not apply to such common boundary line.

1 Section 1704: YARD REQUIREMENTS WHEN MORE THAN ONE MAIN BUILD-  
2 ING EXISTS. Where two or more buildings are, by definition of this  
3 ordinance, considered main buildings, then the front yard requirement  
4 shall apply only to the building closest to the front lot line.

5 Section 1705: COMMISSION MAY ESTABLISH FORMULA FOR MODIFYING  
6 YARD REQUIREMENTS. The Planning Commission may, by resolution, adopt  
7 a formula or establish standard practices by which to determine an  
8 appropriate and practical modification of required yards in all res-  
9 idential zones where geometric shape and dimensions and topography  
10 are such as to make the literal application of such required yards  
11 impractical. After the adoption of such formula or standard practices,  
12 they shall be applied as an administrative act.

13 Section 1706: MODIFICATION OF REQUIRED FRONT YARDS. The depth  
14 of required front yards may be modified on unimproved lots intervening  
15 between lots having nonconforming front yards or between a lot having  
16 a nonconforming front yard and a vacant corner lot. A nonconforming  
17 front yard shall be deemed to be an area between the front lot line  
18 and the closest part of the main building, and which is greater or  
19 less in depth than that defined in this ordinance as constituting a  
20 required front yard.

21 (1) The depth of a nonconforming front yard and the rear  
22 line thereof shall be deemed to be coincident with that portion of  
23 the main building lying closest to the front property line, provided  
24 that the degree of nonconformity to be credited in adjoining front  
25 yards in either direction from the rear line of the required front  
26 yard shall in no instance exceed sixty percent of the required front  
27 yard depth.

28 (2) The rear line representing the depth of a modified  
29 front yard on any lot as defined in item 1 of this Section shall be  
30 established in the following manner:

31 (a) A point shall be established on each improved lot  
32 having a nonconforming or conforming front yard between which are

1 located lots needing adjustment, and such point shall be located at  
2 the intersection of the rear line of such front yard with a line that  
3 constitutes the depth of the lot.

4 (b) A straight line shall be drawn from such point a-  
5 cross any intervening unimproved lot or lots, to a point similarly  
6 established on the next lot in either direction on which a main  
7 building exists which establishes a conforming or nonconforming  
8 front yard.

9 The depth of the modified front yard on any lot traversed  
10 by the straight line defined in item (b) above shall be established  
11 by the point where said straight line intersects the line constitu-  
12 ting the depth of each such intervening lot.

13 Section 1707: YARD REQUIREMENTS FOR PROPERTY ABUTTING HALF-  
14 STREETS. A building or structure shall not be erected or maintained  
15 on a lot which abuts a street or highway having only a portion of its  
16 required width dedicated and where no part of such dedication would  
17 normally revert to said lot if the highway were vacated, unless the  
18 yards provided and maintained in connection with such building or  
19 structure have a width or depth of that portion of the lot needed to  
20 complete the road width, plus the width or depth of the yards re-  
21 quired on the lot by this ordinance, if any. This section applies  
22 to all zones and whether or not yards are required.

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

26 Section 1708: MEASUREMENT OF FRONT YARDS. Front yard require-  
27 ments shall be measured from the front property line or the indicated  
28 right-of-way line of a street for which a precised plan exists.

29 Section 1709: MODIFIED FRONT YARD ON CUL-DE-SAC. The depth of  
30 the required front yard on lots facing directly upon the arc of a  
31 cul-de-sac shall be measured on an arc parallel to the front property  
32 lines comprising the arc of the cul-de-sac and being a distance there-

1 from one-half the required front yard depth as prescribed for each  
2 zone. This modified front yard shall extend around the circumference  
3 of the cul-de-sac only to the points at which the rear lines of the  
4 required front yard, on the portions of the street not located on  
5 the cul-de-sac, extended, intersects the arc representing the rear  
6 line of the modified required front yard.

7 Section 1710: WIDTH ON A CUL-DE-SAC. Notwithstanding the mod-  
8 ified required front yard around a cul-de-sac, the depth of the  
9 standard required front yard shall continue to be used in determining  
10 the required width of a lot on a cul-de-sac.

11 Section 1711: VISION CLEARANCE, CORNER AND REVERSED CORNER LOTS.  
12 All corner lots and reversed corner lots subject to yard requirements  
13 shall maintain for safety vision purposes a triangular area one angle  
14 of which shall be formed by the front and side lot lines separating  
15 the lot from the streets, and the sides of such triangle forming the  
16 corner angle shall each be fifteen feet in length, measured from the  
17 aforementioned angle. The third side of said triangle shall be a  
18 straight line connecting the last two mentioned points which are dis-  
19 tant fifteen feet from the intersection of the front and side lot  
20 lines, and within the area comprising said triangle no tree, fence,  
21 shrub or other physical obstruction higher than forty-two inches  
22 above the established grade shall be permitted.

23 Section 1712: FRONT AND SIDE YARDS NOT REQUIRED FOR DWELLINGS  
24 AND APARTMENTS ABOVE STORES. Front and side yards requirements shall  
25 not be applicable to dwellings and apartments erected above stores.

26 Section 1713: PERMITTED INTRUSIONS INTO REQUIRED YARDS. The  
27 following intrusions may project into any required yards, but in no  
28 case shall such intrusions extend more than two feet into such re-  
29 quired yards:

30 (1) Cornices, eaves, belt courses, sills, buttresses or  
31 other similar architectural features.  
32

1 (2) Fireplace structures not wider than eight feet measured  
in the general direction of the wall of which it is a part.

2 (3) Open stairways, balconies and fire escapes.

3 (4) Uncovered porches and platforms which do not extend  
4 above the floor level of the first floor, provided that they may ex-  
5 tend six feet into the front yard.

6 (5) Planting boxes or masonry planters not exceeding forty-  
7 two inches in height.

8 (6) Guard railings for safety protection around ramps.

9 Section 1714: WALL, FENCE OR HEDGE MAY BE MAINTAINED. In any  
10 "R" Zone a wall, fence or hedge forty-two inches in height may be  
11 located and maintained on any part of a lot. On an interior lot a  
12 wall, fence or hedge not more than six feet in height may be located  
13 anywhere on the lot to the rear of the rear line of the required front  
14 yard. On corner lots and reversed corner lots a six foot fence may  
15 be located anywhere on the lot except in those areas comprising the  
16 required front yard or the required side yards on the side street side  
17 of such lots.

18 The provisions of this Section shall not apply to fences re-  
19 quired by State Law to surround and enclose public utility installations.

20 Where a retaining wall protects a cut below the natural  
21 grade, and is located on the line separating lots, such retaining wall  
22 may be topped by a fence, wall or hedge on the same height that would  
23 otherwise be permitted at the location if no retaining wall existed.  
24 Where a retaining wall contains a fill, the height of the retaining  
25 wall built to retain the fill shall be considered as contributing to  
26 the permissible height of a fence, solid wall or hedge, providing  
27 that in any event a protective fence or wall not more than forty-two  
28 inches in height may be erected at the top of the retaining wall.

29 Section 1715: TREES, SHRUBS AND FLOWERS PERMITTED IN YARDS.  
30 Shrubs, flowers, plants, hedges not more than forty-two inches in  
31 height in the required front yard, and trees shall be permitted in  
32 any required yard except as provided in Section 1711.

1 Section 1716: REQUIRED INCREASE OF SIDE YARD WHERE MULTIPLE OR  
2 ROW DWELLINGS FRONT UPON A SIDE YARD. The minimum width of the side  
3 yard upon which dwellings front shall be not less than ten feet.

4 Section 1717: REQUIRED INCREASE OF SIDE YARD WHERE MULTIPLE OR  
5 ROW DWELLINGS REAR UPON A SIDE YARD. Where two-family dwellings or  
6 multiple-family dwellings, group houses, court apartments or row dwell-  
7 ings are arranged so that the rear of such dwellings abut upon the side  
8 yards, and such dwellings have openings onto such side yards used as  
9 secondary means of access to the dwellings, the required side yards to  
10 the rear of such dwellings shall be increased by one foot for each  
11 dwelling unit having such an entrance or exit opening into or served  
12 by such yard, provided such increase need not exceed five feet.

13 Section 1718: IF ONLY ONE BUILDING ON A LOT OR BUILDING-SITE  
14 IT CONSTITUTES A MAIN BUILDING. Any building which is the only build-  
15 ing on a lot or building-site is a main building unless authorized  
16 by variance.

17 Section 1719: THROUGH LOTS MAY BE DIVIDED IN CERTAIN CASES.  
18 Through lots one hundred eighty feet or more in depth may be improved  
19 as two separate lots, with the dividing line midway between the street  
20 frontages, and each resulting one-half shall be subject to the controls  
21 applying to the street upon which such one-half faces. If each re-  
22 sulting one-half be below the minimum lot area as determined by this  
23 ordinance, then no division may be made and only one single-family  
24 dwelling may be erected upon such lot. If the whole of any through  
25 lot is improved as one building-site, the main building shall conform  
26 to the zone classification of the frontage occupied by such main build-  
27 ing, and no accessory building shall be located closer to either street  
28 than the distance constituting the required front yard on such street.

29 Section 1720: LOT AREA NOT TO BE REDUCED. No lot area shall be  
30 so reduced or diminished that the lot area, yards or other open spaces  
31 shall be smaller than prescribed by this ordinance, nor shall the den-  
32 sity of population be increased in any manner except in conformity with

1 the regulations established by this ordinance.

2 Section 1721: GREATER LOT AREA MAY BE REQUIRED. Greater lot areas  
3 than those prescribed in the various zones may be required when such  
4 greater areas are established by the adoption of a precised plan in  
5 the manner prescribed by law, designating the location and size of  
6 such greater required areas.

7 Section 1722: SUBSTANDARD LOTS. When a lot has less than the  
8 minimum required area or width as set forth in any of the zones con-  
9 tained herein, or in a precise plan, and was of record on the effective  
10 date of this ordinance, such lot shall be deemed to have complied with  
11 the minimum required lot area or width as set forth in any such zone  
12 or precised plan. The lot area per dwelling unit shall, however, re-  
13 main as specified in the applicable zone, except that in no instance  
14 shall this provision prevent the erection of a single-family dwelling  
15 on any substandard lot.

16 Section 1723: DIVISION OF LOTS OR PARCELS CONTAINING MORE THAN  
17 MINIMUM REQUIRED AREA. When any lot in any zone contains a greater  
18 area than the required minimum area of the zone in which it is con-  
19 tained, then each unit of the required minimum area contained in such  
20 lot may be utilized as a separate lot, provided that all other require-  
21 ments of the zone in which it is contained are met, and further pro-  
22 vided that any such division does not result in more than four lots  
23 and that each such lot thus created complies with the provisions of the  
24 subdivision ordinance governing split lots, and further provided that  
25 each such lot has frontage upon a dedicated public thoroughfare.  
26  
27  
28  
29  
30  
31  
32



1 Commission, or not later than five years from the date the provisions  
2 of this ordinance become applicable to it.

3       B. In "C" Zones. Every nonconforming use of a conforming  
4 building in a "C" Zone which use is first permitted in a less restric-  
5 tive zone shall be completely removed before the expiration of a ten-  
6 year period measured from the date this ordinance becomes applicable  
7 to it.

8       C. In "M" ZONES. The nonconforming use of a conforming  
9 building which is devoted to any residential purpose, hospital (except  
10 emergency hospitals), hotel, institution or home for the treatment of  
11 convalescent persons, alcoholics, the wounded or mentally infirm,  
12 lodging houses, schools, trailers used for human habitation, or trailer  
13 parks, shall be completely removed before the expiration of a ten-year  
14 period measured from the date this ordinance becomes applicable to it.

15       Section 1805: REQUIRED REMOVAL OF NONCONFORMING BUILDINGS.

16       A. In "R" Zones. Every nonconforming building in any of the  
17 "R" Zones, except residential buildings, churches and schools, which  
18 nonconforming building was designed or intended for a use not permitted  
19 in the "R" Zone in which it is located, shall be completely removed or  
20 altered to structurally conform to the uses permitted in the zone in  
21 which it is located within the herein specified times upon notice  
22 from the Planning Commission, which time is measured from the date of  
23 construction. In no case shall this period of time be less than five  
24 years from the date of notification by the Planning Commission. As  
25 used in this Section the designations "Type 1 Building", "Type 2  
26 Building", "Type 3 Building", "Type 4 Building" and "Type 5 Building",  
27 are employed as defined in the existing building ordinance.

28               (1) If property is occupied by structures of a type for  
29 which the existing building ordinance does not require a building per-  
30 mit, one year.

31               (2) Type 4 or Type 5 Buildings (light combustible frame  
32 and wood frame) - forty years.

1 (3) Type 2 or Type 3 Buildings (heavy timber construc-  
tion and ordinary masonry);

2 (a) Apartments, offices, hotels or residences having  
3 stores or offices below and apartments or offices above - thirty-five  
4 years.

5 (b) Warehouses, stores, garages, lofts, - thirty-five  
6 years.

7 (c) Factories and industrial - forty-five years.

8 (4) Type 1 Buildings (fire resistant)

9 (a) Offices and hotels, forty-five years.

10 (b) Theaters, fifty years.

11 (c) Warehouses, lofts, stores, garages, forty-five  
12 years.

13 (d) Industrial, thirty-five years.

14 B. In "C" Zones.

15 (1) Residential structures in a "C" Zone existing on the  
16 effective date of this ordinance shall be considered as nonconforming  
17 uses. As such, they shall be subject only to those provisions of this  
18 ordinance which provide that no structural alterations or enlargements  
19 may be made and that a nonconforming building removed or destroyed  
20 shall not be replaced by other than a conforming building, and that the  
21 degree of nonconformity may not be increased by changing to a less  
22 restricted residential use. However, this shall not prohibit the con-  
23 version or reconstruction in whole or in part of any such residential  
24 building for the purpose of creating a permitted commercial use therein.

25  
26 (2) Every nonconforming building in a "C" Zone which is  
27 designed for a use first permitted in an "M" Zone shall be completely  
28 removed or altered to conform to those uses permitted in the "C" Zone  
29 in which such building is located within the herein specified times,  
30 upon notice from the Planning Commission which times are measured  
31 from the date of construction except that in no case shall this period

1 of time be less than five years from date of such notice by the Planning  
2 Commission. As used in this Section, the designations "Type 1 Build-  
3 ing", "Type 2 Building", "Type 3 Building", "Type 4 Building" and  
4 "Type 5 Building" are employed as defined in the existing building  
5 ordinance.

6 (a) Where property is unimproved except for structures  
7 of a type for which the existing building ordinance does not require  
8 a building permit - one year.

9 (b) Type 4 or Type 5 buildings (light combustible  
10 frame and wood frame) - forty years.

11 (c) Type 2 or Type 3 buildings (heavy timber construc-  
12 tion and ordinary masonry)

13 (1) Apartments, offices, hotels or residences  
14 having stores or offices below and apartments or offices above - thirty  
15 five years.

16 (2) Warehouses, stores, garages, lofts, - thirty-  
17 five years.

18 (3) Factories and industrial - forty-five years.

19 (d) Type 1 buildings (fire resistant) -

20 (1) Offices and hotels - forty-five years.

21 (2) Theatres, - fifty years.

22 (3) Warehouses, lofts, stores, garages, - forty-  
23 five years.

24 (4) Industrial - thirty-five years.

25 C. In "M" Zones.

26 (1) In the "M" Zones, any residential structures ex-  
27 isting on the effective date of this ordinance shall be considered as  
28 nonconforming uses, but as such, shall be subject only to those pro-  
29 visions of this ordinance which provide that no structural alterations  
30 or enlargements may be made and that a nonconforming building removed  
31 or destroyed shall not be replaced by other than a conforming building,  
32 and that the degree of nonconformity may not be increased by changing

1 to a less restricted residential zone.

2 (2) Every nonconforming building in the "M" Zones which  
3 is used for, or devoted to, any hospital (except emergency hospitals),  
4 hotel, institution or home for the treatment of convalescent persons,  
5 alcoholics, the wounded or mentally infirm, lodging houses, schools,  
6 trailers used for human habitation, or trailer parks, and which non-  
7 conforming building was designed or intended for a use not permitted in  
8 the "M" Zone in which it is located, shall be completely removed or  
9 altered to structurally conform to the uses permitted in the zone in  
10 which it is located within the herein specified times upon notice from  
11 the Planning Commission, which times are measured from the date of  
12 construction, except that in no case shall this period of time be less  
13 than five years from the date of such notice. As used in this Section  
14 the designations "Type 1 Building", "Type 2 Building", "Type 3 Building",  
15 "Type 4 Building", and "Type 5 Building" are employed as defined in  
16 the existing building ordinance.

17 (a) Where property is unimproved except for structures  
18 of a type for which the existing building ordinance does not require a  
19 building permit - one year.

20 (b) Type 4 or Type 5 buildings ( light combustible  
21 frame and wood frame - forty years.

22 (c) Type 2 or Type 3 buildings (heavy timber construc-  
23 tion and ordinary masonry)

24 (1) Apartments, offices, hotels or residences  
25 having stores or offices below and apartments or offices above - thirty-  
26 five years.

27 (2) Warehouses, stores, garages, lofts, - thirty  
28 five years.

29 (3) Factories and industrial, - forty-five years.

30 (d) Type 1 buildings (fire resistant) -

31 (1) Offices and hotels, forty-five years.

32 (2) Theatres - fifty years.

1 (3) Warehouses, lofts, stores, garages, forty-  
2 five years.

3 (4) Industrial - thirty-five years

4 Section 1806: COMMISSION TO DETERMINE CONDITIONS OF ABATEMENT.

5 When any nonconforming condition exists in any zone, other than the  
6 nonconforming use of land when no structure is involved, it shall be  
7 the responsibility of the Planning Commission, on its own initiative,  
8 to fix a date upon which the nonconforming building was established.  
9 It shall also be the responsibility of the Planning Commission to  
10 determine whether, by reason of structural alterations or enlargements,  
11 or the installation of major equipment designed into the building prior  
12 to the date this ordinance becomes applicable thereto, it is deemed  
13 necessary to establish a later date for abatement than that prescribed  
14 herein for the building itself in order to assure that the investment  
15 represented by such structural alterations, enlargements or equipment  
16 installations may be amortized. In performing this function the  
17 Commission shall consider all pertinent data in connection therewith  
18 to provide the opportunity for the owner of record, or lessee if there  
19 be such, to present such evidence as they may possess and which properly  
20 relate to such case. When the date of abatement has been determined,  
21 the Commission, by resolution, shall establish such date and shall set  
22 forth such facts as bear upon the case upon which the determination of  
23 such date of abatement is based, and shall formally notify the owner  
24 of such nonconforming property of the action of the Commission by  
25 mailing to such owner a copy of the formally-adopted resolution not  
26 later than ten days following the date of subject action by the  
27 Planning Commission.

28 Section 1807: RECONSTRUCTION OF NONCONFORMING BUILDING PARTIALLY  
29 DESTROYED. A nonconforming building destroyed to the extent of not  
30 more than fifty percent of its replacement value at the time of its  
31 destruction by fire, explosion or other casualty or Act of God, or the  
32 public enemy, may be restored and the occupancy or use of such building



1 Article shall be construed or applied so as to prevent the expansion,  
2 increase in capacity, modernization or replacement of such public  
3 utility buildings, structures, equipment and features as are used  
4 directly for the delivery of, or distribution of, the service, pro-  
5 vided, however, that all yard requirements of the zone in which the  
6 site is located shall be maintained and there shall be no enlargement  
7 of the site. The provisions of this Section shall not exempt from the  
8 provisions covering non-conformity of buildings, structures or uses  
9 which do not immediately relate to the direct service to consumers  
10 such as warehouses, storage yards and the like.

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32



1 Section 1903: PLANNING COMMISSION MAY GRANT CONDITIONAL USE  
2 PERMITS. The Planning Commission may grant a Conditional Use Permit  
3 upon application for such matters as by this ordinance are required  
4 to be reviewed and allowed only upon the granting of a Conditional  
5 Use Permit.

6 Section 1904: PURPOSE OF CONDITIONAL USE PERMIT. The purpose  
7 of a Conditional Use Permit shall be -

8 (1) To assure that the degree of compatibility made the pur-  
9 pose of this ordinance shall be maintained with respect to the par-  
10 ticular use on the particular site and in consideration of other ex-  
11 isting and potential uses within the general area in which such use  
12 is proposed to be located, and

13 (2) To recognize and compensate for variations and degree of  
14 technological processes and equipment as related to the factors of  
15 noise, smoke, dust, fumes, vibration, odors and hazards.

16 Section 1905: NOTICE AND HEARING ON APPLICATION FOR VARIANCE OR  
17 CONDITIONAL USE PERMIT. Upon the filing of an application for a var-  
18 iance or conditional use permit by a property owner, or by a lessee  
19 with the consent of the owners, which application sets forth fully the  
20 grounds for, and the facts deemed to justify the granting of the var-  
21 iance or conditional use permit, the Planning Commission shall give  
22 public notice, as provided in Article 22 of the intention to consider  
23 at a public hearing the granting of a variance or conditional use  
24 permit.

25 Section 1906: PLANNING COMMISSION SHALL ANNOUNCE FINDINGS AND  
26 DECISION BY RESOLUTION. Not more than twenty days following the  
27 termination of the proceedings of the public hearing on a variance or  
28 conditional use permit, the Planning Commission shall announce its  
29 findings by formal resolution, and said resolution shall recite,  
30 among other things, the facts and reasons which, in the opinion of  
31 the Planning Commission, make the granting or denial of the variance  
32 or conditional use permit necessary to carry out the provisions and

1 general purpose of this ordinance, and shall order that the variance,  
2 or conditional use permit be granted or denied, and if such resolution  
3 orders that the variance, or conditional use permit, be granted it  
4 shall also recite such conditions and limitations as the Commission  
5 may impose.

6 Section 1907: RESOLUTIONS OF PLANNING COMMISSION ANNOUNCING  
7 FINDINGS AND ORDER SHALL BE NUMBERED AND KEPT AS PERMANENT RECORD.  
8 The formal resolution of the Planning Commission announcing its find-  
9 ings and order after hearing on an application for a variance or con-  
10 ditional use permit, shall be numbered consecutively in the order of  
11 their filing and shall become a permanent record in the files of the  
12 Planning Commission.

13 Section 1908: NOTICE OF DECISION OF THE PLANNING COMMISSION.  
14 Not later than seven days following the rendering of a decision order-  
15 ing that a variance or conditional use permit be granted or denied, a  
16 copy of the Resolution shall be mailed to the applicant at the address  
17 shown on the application filed with the Planning Commission and to  
18 any other person requesting a copy.

19 Section 1909: EFFECTIVE DATE OF ORDER GRANTING OR DENYING VAR-  
20 IANCE OR CONDITIONAL USE PERMIT. TIME FOR APPEAL. The order of the  
21 Planning Commission in granting or denying a variance or conditional  
22 use permit shall become final and effective twenty days after the  
23 rendering of its decision granting or denying the variance or conditional  
24 use permit unless within such twenty-day period an appeal in writing  
25 is filed with the City Council by either an applicant or an opponent.  
26 The filing of such appeal within such time limit shall stay the effec-  
27 tive date of the order of the Planning Commission until such time as  
28 the City Council has acted on the appeal as hereafter set forth in  
29 this ordinance.

30 Section 1910: TRANSMISSION OF PLANNING COMMISSION'S RECORD TO  
31 THE CITY COUNCIL. Upon receipt of a written appeal filed with the City  
32 Council by the applicant or opponent, as provided in this Article, the

1 Clerk of the City Council shall advise the Secretary of the Planning  
2 Commission who shall transmit to said Clerk of the City Council the  
3 Planning Commission's complete record of the case.

4 Section 1911: CITY COUNCIL TO HOLD PUBLIC HEARING ON APPEAL.

5 Within not to exceed thirty days following the receipt of the written  
6 appeal the City Council shall conduct a duly advertised public hearing,  
7 public notice of which shall be given as provided in Article 21.

8 Section 1912: ADVERSE DECISION BY COUNCIL TO BE REFERRED TO

9 PLANNING COMMISSION. If the decision of the City Council is in any  
10 way contrary to the action taken by the Planning Commission the City  
11 Council shall refer their findings to the Planning Commission and  
12 request a further report of the Planning Commission on the matter.  
13 Failure of the Planning Commission to report to the City Council within  
14 forty days after reference may be deemed to be approval by the Planning  
15 Commission of any proposed change.

16 Section 1913: COUNCIL TO ANNOUNCE FINDINGS AND DECISION BY

17 RESOLUTION. The City Council shall announce its findings and decision  
18 by formal resolution not more than twenty days following the termina-  
19 tion of proceedings of the hearing, or upon receipt of a report from  
20 the Planning Commission when a matter has been referred back to the  
21 Planning Commission, and said resolution shall recite, among other  
22 things, the facts and reasons which, in the opinion of the City Council,  
23 makes the granting or denial of the variance or conditional use permit  
24 necessary to carry out the general purpose of this ordinance, and shall  
25 order that the variance or conditional use permit be granted or denied  
26 or modified subject to such conditions or limitations that it may impose.

27 Section 1914: DECISION OF CITY COUNCIL SHALL BE FINAL. Any action

28 by the City Council on such matters shall be by the affirmative votes  
29 of at least three members of the City Council, and shall be final and  
30 conclusive.

31 Section 1915: NOTICE OF DECISION OF CITY COUNCIL. Not later

32 than seven days following the adoption of a resolution ordering that

1 a variance or conditional use permit be granted or denied, a copy of  
2 said resolution shall be mailed to the applicant and to any other  
3 parties requesting notice of the action, and one copy shall be attached  
4 to the Planning Commission's file of the case and said file returned  
5 to the Planning Commission for permanent filing.

6  
7  
8 ARTICLE 20

9 AMENDMENTS

10 Section 2000: ORDINANCE MAY BE AMENDED. Boundaries of the zones  
11 established by this ordinance, the classification of property uses  
12 therein or other provisions of this ordinance may be amended whenever  
13 public necessity, convenience and general welfare require.

14 Section 2001: INITIATION OF AMENDMENT. Amendments of this or-  
15 dinance may be initiated by:

16 (a) The verified application of one or more owners of prop-  
17 erty proposed to be changed or reclassified.

18 (b) Resolution of Intention of the City Council.

19 (c) Resolution of Intention of the Planning Commission.

20 Section 2002: APPLICATION FOR AMENDMENT. Whenever the owner of  
21 any land or building desires an amendment, supplement to or change of  
22 the regulations prescribed for his property, he shall file with the  
23 Planning Commission an application therefor, verified by him, re-  
24 questing such amendment.

25 Section 2003: COMMISSION TO HOLD HEARING ON AMENDMENTS. Upon  
26 the filing of a verified application for an amendment, or the adoption  
27 of a Resolution of Intention by the Planning Commission or the City  
28 Council, the Planning Commission shall hold one public hearing thereon,  
29 as required by Chapter 3, Title 7 of the Government Code, commonly  
30 known as the Conservation and Planning Act of the State of California  
31 for the adoption or amendment of precised plans, and notice of such  
32 hearing shall be given as provided in Article 21 of this ordinance.

1 Section 2004: TIME FOR HEARING. The hearing for an amendment to  
2 the Land Use Plan hereby established shall be held not later than  
3 twenty days following the filing of an application for such amendment  
4 or passage of a Resolution of Intention by the Planning Commission  
5 or the City Council.

6 Section 2005: COMMISSION TO ANNOUNCE FINDINGS. The Planning  
7 Commission shall announce its findings by formal resolution not more  
8 than fifteen days following the hearing, and said resolution shall  
9 recite, among other things, the facts and reasons which, in the opin-  
10 ion of the Commission, make the approval or denial of the application  
11 for amendment necessary to carry out the general purpose of this or-  
12 dinance, and shall recommend the adoption of the amendment by the City  
13 Council, or deny the application.

14 Section 2006: NOTICE OF COMMISSION'S DECISION WHEN APPROVING.  
15 When the Commission's action is to recommend the adoption of the  
16 amendment, the Commission shall, within seven days from the date of  
17 such action, notify the applicant by forwarding a copy of the resol-  
18 ution to the applicant at the address shown upon the application, and  
19 shall forward to the City Council a copy of the said resolution, to-  
20 gether with the complete file in the case.

21 Section 2007: NOTICE OF DECISION OF COMMISSION WHEN DENYING THE  
22 APPLICATION. When the action of the Commission is to deny an applica-  
23 tion, the Commission shall, within seven days from the date of the  
24 adoption of its resolution, notify the applicant by forwarding a copy  
25 of the resolution to the address shown upon the application.

26 Section 2008: COMMISSION ACTION SHALL BE FINAL WHEN DENYING  
27 APPLICATION. The action of the Planning Commission in denying an  
28 application for amendment shall be final and conclusive unless, within  
29 twenty days following the date of decision by the Planning Commission  
30 an appeal in writing is filed with the City Council by the applicant.

31 Section 2009: TRANSMISSION OF COMMISSION'S RECORD TO CITY  
32 COUNCIL. Upon receipt of a written appeal filed with the City Council

1 by the applicant, as provided in this Article, the Clerk of the City  
2 Council shall advise the Secretary of the Planning Commission who shall  
3 transmit to said Clerk of the City Council the Planning Commission's  
4 complete record of the case.

5 Section 2010: CITY COUNCIL TO HOLD PUBLIC HEARING ON COMMISSION'S  
6 RECOMMENDATIONS ON AMENDMENTS, UNCLASSIFIED USE PERMITS AND ON APPEALS.

7 Within not to exceed thirty days following receipt of the Resolution  
8 from the Planning Commission recommending the adoption of the amend-  
9 ment or the filing of a written appeal from an order of the Commission  
10 denying an application for amendment as provided in this Article, the  
11 City Council shall conduct a duly advertised public hearing on the  
12 matter, public notice of which shall be given as provided in Article 21.

13 Section 2011: ADVERSE DECISION TO BE REFERRED TO THE PLANNING  
14 COMMISSION. If the decision of the City Council is in any way con-  
15 trary to the action taken by the Planning Commission, the City Council  
16 shall refer their findings to the Planning Commission and request a  
17 further report of the Planning Commission on the matter. Failure of  
18 the Planning Commission to report to the City Council within forty  
19 days after reference may be deemed to be approval by the Planning  
20 Commission of any proposed change.

21 Section 2112: CITY COUNCIL TO ANNOUNCE FINDINGS AND DECISION  
22 BY RESOLUTION. The City Council shall announce its findings and  
23 decisions by formal resolution not more than twenty days following  
24 the termination of proceedings of the hearing or upon receipt of a  
25 report from the Planning Commission when a matter has been referred  
26 back to the Planning Commission, and said resolution shall recite,  
27 among other things, the facts and reasons which, in the opinion of the  
28 City Council, make the approval or denial of the application for the  
29 amendment necessary to carry out the general purpose of this ordinance.

30 Section 2013: DECISION OF CITY COUNCIL SHALL BE FINAL. The  
31 action by the City Council on the application for amendment shall be  
32 by a majority vote of the entire membership of the City Council and

1 shall be final and conclusive.

2 Section 2014: NOTICE OF DECISION OF CITY COUNCIL. Not later than  
3 seven days following the adoption by the City Council of a Resolution  
4 ordering an amendment to this ordinance or denying an application or  
5 recommendation for an amendment, one copy of such resolution shall be  
6 forwarded to the applicant at the address shown upon the application,  
7 and one copy shall be attached to the file in the case and the complete  
8 file returned to the Planning Commission for permanent filing.

9  
10 ARTICLE 21

11 PROCEDURE, HEARINGS, NOTICES AND FEES

12 Section 2100: COMMISSION SHALL PRESCRIBE FORM OF APPLICATION  
13 BLANKS AND TYPE OF REQUIRED INFORMATION. The Planning Commission shall  
14 prescribe the form in which applications are made for changes in zone  
15 boundaries or classifications, or for variances or conditional use  
16 permits. It may prepare and provide blanks for such purpose and may  
17 prescribe the type of information to be provided in the application by  
18 the applicant. No application shall be accepted unless it complies  
19 with such requirements.  
20

21 Section 2101: ACCEPTABILITY OF SIGNATURES ON APPLICATIONS. If  
22 signatures of persons other than the owners of property making the  
23 application are required or offered in support of, or in opposition to,  
24 an application, they may be received as evidence of notice having been  
25 served upon them of the pending application, or as evidence of their  
26 opinion on the pending issue, but they shall in no case infringe upon  
27 the free exercise of the powers vested in the City of Oceanside as  
28 represented by the Planning Commission and the City Council.

29 Section 2102: APPLICATIONS A PART OF PERMANENT RECORD. Applica-  
30 tions filed pursuant to this ordinance shall be numbered consecutively  
31 in the order of their filing, and shall become a part of the permanent  
32 official records of the agency to which application is made, and there

1 shall be attached thereto and permanently filed therewith copies of  
2 all notices and actions with certificates and affidavits of posting,  
3 mailing or publications pertaining thereto.

4 Section 2103: FILING FEES. The following fees shall be paid  
5 upon the filing of any application:

6 (1) Reclassification or amendment - fifty Dollars.

7 (2) Variance - Thirty-five Dollars.

8 (3) Conditional Use Permit - Thirty-five Dollars.

9 Section 2104: SETTING OF HEARINGS. All proposals for amending  
10 zone boundaries or classifications of property uses within such zones,  
11 or unclassified use permits as are defined by this ordinance, or the  
12 granting of variances of conditional use permits as provided in this  
13 ordinance, shall be set by the Secretary of the Planning Commission  
14 for public hearing when such hearings are to be held before the Planning  
15 Commission, and by the Clerk of the City Council for hearings to be  
16 held before the City Council. The date of the hearings shall be not  
17 less than ten days nor more than forty days from the time of the filing  
18 of such verified application or the adoption of such resolution or the  
19 making of a motion.

20 Section 2105: NOTICES. Notice of time and place of public hear-  
21 ings shall be given in the following manner:

22 (1) Notice of any public hearing upon a proposed amendment  
23 to this ordinance, or to the map which is a part of this ordinance,  
24 shall be given by at least one publication in a newspaper of general  
25 circulation in the City of Oceanside not less than ten days before  
26 the date of said public hearing.

27 (2) Notice of public hearing to consider a variance or con-  
28 ditional use permit shall be given by mailing a written notice not  
29 less than ten days prior to the date of such hearing to the owners of  
30 property within a radius of two hundred feet of the exterior boundar-  
31 ies of the property to be changed, using for this purpose the last  
32 known name and address of such owners as are shown upon the latest

1 available lot books of the County Assessor of the County of San Diego,  
2 State of California.

3 (3) Both such methods may be employed at the direction of the  
4 Planning Commission.

5 Section 2106: REQUIRED WORDING OF NOTICES. Such public notice  
6 of hearings on zone reclassification, amendment, variance, or con-  
7 ditional use permit shall consist of the words "Notice of Proposed  
8 Change of Zone Boundaries or Classification" or "Notice of Proposed  
9 Variance" or "Notice of Proposed Conditional Use Permit" as the case  
10 may be, setting forth the description of the property under consider-  
11 ation, the nature of the proposed change or use, and the time and  
12 place at which the public hearing or hearings on the matter will be  
13 held.

14 Section 2107: INVESTIGATIONS. The Planning Commission shall  
15 cause to be made by its own members, or members of its staff, such  
16 investigation of facts bearing upon an application set for hearing  
17 that will assure action on each case consistent with the purpose of  
18 this ordinance, previous amendments or variances.

19 Section 2108: ESTABLISHMENT OF RULES FOR CONDUCT OF HEARINGS.  
20 The Planning Commission may establish rules governing the conduct of  
21 public hearings conducted by it.

22 Section 2109: HEARINGS MAY BE CONTINUED WITHOUT RECOURSE TO  
23 PUBLIC NOTICE. If, for any reason, testimony on any case set for  
24 public hearing cannot be completed on the date set for such hearing,  
25 the person presiding at such public hearing may, before adjournment  
26 or recess thereof, publicly announce the time and place to, and at  
27 which, said hearing will be continued, and no further notice is required.  
28

29 Section 2110: PERMANENT FILES SHALL INCLUDE SUMMARY OF TESTIMONY.  
30 A summary of all pertinent testimony offered at public hearings held  
31 in connection with an application filed pursuant to this ordinance,  
32 and the names of persons testifying shall be recorded and made a part  
of the permanent files of the case.



1 (2) That the use for which such approval is granted is not  
2 being exercised.

3 (3) That the use for which such approval was granted has  
4 ceased to exist or has been suspended for one year or more.

5 (4) That the permit or variance granted is being, or re-  
6 cently has been, exercised contrary to the terms or conditions of such  
7 approval, or in violation of any Statute, Ordinance, Law or Regulation.

8 (5) That the use for which the approval was granted was so  
9 exercised as to be detrimental to the public health or safety, or so  
10 as to constitute a nuisance.

11 Section 2301: EXPIRATION. Any permit or variance granted by the  
12 Planning Commission or City Council becomes null and void if not ex-  
13 ercised within the time specified in such permit or variance, or if  
14 no date is specified, within one year from the date of approval of  
15 said permit or variance, provided, however, that all Conditional Use  
16 Permits, Variances or Conditional Exceptions granted prior to the  
17 effective date of this ordinance by the City Council or the Planning  
18 Commission of the City of Oceanside and which permits, variances or  
19 exceptions are being legally exercised at the time of this ordinance  
20 became effective, shall continue in full force and effect in the  
21 manner approved, unless such variance, permit or exception is violated,  
22 ceases to exist, or is suspended for one year or more.

#### 23 ARTICLE 24

#### 24 PERMITS - LICENSES - ENFORCEMENT

25 Section 2400: CERTIFICATE OF OCCUPANCY PERMIT. To assure com-  
26 pliance with the parking requirements and other provisions of the  
27 zoning ordinance, a Certificate of Occupancy shall be obtained from  
28 the Building Department before:  
29

30 (1) Any new building be initially occupied or used;

31 (2) Any existing building be altered or a change of type or  
32 class of use be made; and

1 (3) A change of use of any unimproved premises be made.

2 Section 2401: NO CONFLICTING LICENSES OR PERMITS SHALL BE ISSUED.

3 All departments, officials or public employees vested with the duty or  
4 authority to issue permits or licenses where required by law shall con-  
5 form to the provisions of this ordinance. No such license or permit  
6 for uses, buildings or purposes where the same would be in conflict  
7 with the provisions of this ordinance shall be issued. Any such  
8 license or permit, if issued in conflict with the provisions hereof,  
9 shall be null and void.

10 Section 2402: ENFORCEMENT. The Building Official, or his duly  
11 designated representative is hereby designated as the enforcing agent  
12 of this ordinance and any amendments thereto. Any appeals from the  
13 decision of the enforcing agent in the administration of the zoning  
14 ordinance shall be made to the Planning Commission. The decision of  
15 the Planning Commission in such matters shall be final and conclusive  
16 unless otherwise designated by this ordinance.

17  
18 Article 25

19 PENALTY

20 Section 2500: VIOLATORS PUNISHABLE BY FINE AND IMPRISONMENT.

21 Any person, firm or corporation violating any of the provisions of  
22 this ordinance shall be deemed guilty of a misdemeanor, and upon con-  
23 viction thereof shall be punishable by a fine of not more than Three  
24 Hundred Dollars or by imprisonment in the County Jail for a period of  
25 not more than ninety days, or both such fine and imprisonment.

26 Section 2501: EACH DAY A SEPARATE OFFENSE. Each person, firm or  
27 corporation found guilty of a violation shall be deemed guilty of a  
28 separate offense for every day during any portion of which any viola-  
29 tion of any provision of this ordinance is committed, continued or  
30 permitted by such person, firm or corporation, and shall be punishable  
31 therefor as provided for in this ordinance, and any use, occupation or  
32 building or structure maintained contrary to the provisions hereof

1 shall constitute a public nuisance.

2 ARTICLE 26

3 ENACTMENT AND REPEAL

4 Section 2600: REPEALING CLAUSE. Ordinance No. 655 of the City  
5 of Oceanside, and all ordinances amendatory of said ordinance shall  
6 be and the same are hereby repealed, as are also all other ordin-  
7 ances and parts of ordinances insofar as such other ordinance or  
8 ordinances conflict with the provisions hereof. The land use map,  
9 which is a part of Ordinance No. 655 and as amended by subsequent  
10 ordinances, shall continue in full force and effect as amended by  
11 this ordinance and any nonconformity under or violation of said  
12 Ordinance No. 655 and the land use map, established by such  
13 ordinance and amendments thereto shall not have its status altered  
14 or changed by the repeal of Ordinance No. 655 and the adoption of  
15 this ordinance except as the provisions of this ordinance and the  
16 map which is a part thereof or any amendments hereto may, by their  
17 provisions, alter their status.

18 Section 2601: This ordinance shall become effective at midnight  
19 on the thirtieth day from and after the date of the final passage  
20 and adoption thereof.

21 Section 2602: The City Clerk shall certify to the passage and  
22 adoption of this ordinance; and said Ordinance shall be published  
23 once in the Daily Blade-Tribune, a newspaper of general circulation  
24 published and circulated in the City of Oceanside, California,

25 Section 2603: Passed and adopted by the City Council of the City  
26 of Oceanside, California at a regular meeting of said City Council  
27 held on the 8th day of January, 1958 by the following vote, to-wit:

28 AYES: Jones, Lewis, McComas, Turnbull and Sklar

29 NAYS: None

30 ABSENT: None

31 DATE:

32 ATTEST:

*E. Sklar*  
Mayor of the City of Oceanside, Cal.

*Tom R. Law*  
City Clerk of the City of Oceanside, Cal.



**Case Summary 1842-1846 S Pacific St****CE22-4499**

**12/7/2022** - Conducted SV. Made contact with workers who indicated they did not have a permit with them. One of the workers indicated he would call his supervisor. The construction worker indicated that his supervisor was on his way and would be on site shortly.

I noticed exposed studs and a discarded water heater. The workers indicated that there had been a fire and had been demo'ing so that the property could be restored.

Moments later the supervisor arrived who identified himself as Derrick White of Coastline Construction 14853 Waverly Downs Way San Diego CA 92128. 858.215.0329

I advised the supervisor that the work being performed required a permit and that all work needed to immediately cease. He indicated that it was just restoration because there was a fire and I indicated to him that based on the scope of the "restoration" a permit would be required. I advised him the owner could be fined if work proceeded without a permit.

Prepared AD Warning for PO and Contractor. Citation # 053593 and 053592

**12/8/2022** - Received VM from PO who indicated that he was just doing restoration finish type work and light fixture replacement. I returned PO's call and advised him to contact the Development Services desk to proceed with obtaining a permit due to the nature of the type of work that was observed at the time of inspection.

**12/9/2022** - Received call from PO indicating he had obtained the permit at the counter. I checked Trakit as I was on the phone with him and confirmed that a permit had been issued.

**3/6/2023** - Conducted SV. Observed extensive work being conducted to eastern most structure on the property that was not previously in progress during the onset of the case.

Foreman indicated that they were redoing the roof and the building just replacing "like for like" and that it had already been approved with a permit. I indicated that there was no indication on the permit description in etrakit that such an extensive amount of work was taking place. Based on exterior inspection of the property the building appeared to be completed gutted/roof replacement, electrical replacement work. I spoke with the owner through foreman's phone and described the reason for the stop work notice and indicated that I could not verify whether the work being done exceeded the scope of work on the permit since site plans were not on site.

Sent email to the Development Services techs advising that the scope of work on the permit appeared to exceed what was actually taking place and that a stop work notice had been issued.

**4/19/2023** - Placed call to PO who indicated that everything was delayed due to weather. I reiterated that he was under CE requirements to complete the work and get a final in order to avoid further CE action. He indicated everything should be done within 3 weeks and that he would call for a final inspection.

Received email from Kirk Mundt requesting that everything gets followed up on the property with respect to a final inspection.

Received email from John Gomez requesting to direct future correspondence away from the development services techs email account and to himself or David regarding questions/concerns related to work potentially exceeding the scope of a permit. John further requested additional background information on the violation/case. I replied indicating that I had attempted to alert the development services counter of a stop work notice and that the applicant may be reaching out to the building division to clear up concerns of unpermitted construction.

**5/12/2023** - Spoke with contractor/project manager, Derrick White on the phone. I requested he provide his contractor license information so that I could include it in the case file. Derrick denied that he was a general contractor and said that all he does is project management. I indicated to Derrick that his website advertises that he's a general contractor which contradicted his denial that he was a general contractor. Derrick replied that there are other companies that use the same name.

I then replied to Derrick that the website I was looking at was using his logo and that the phone number listed on the website was the same number I used to call him on the phone call we were on. Derrick still denied that he was a general contractor.

I advised Derrick that I would have to be filing a complaint with the Contractor state License Board that he was acting in the capacity of a contractor without a license to which Derrick replied with his contractor license number (535698).

When asked why he repeatedly maintained that he was NOT a contractor, he indicated that he was, "just caught off guard". I placed call to PO to inquire into status of his relationship with Derrick and he indicated that Derrick was his contractor and that he, "did work for him". When I inquired why he was submitting his building permit as an owner/builder, PO redirected the conversation and said that he's allowed to work on his own properties and that he is doing a good thing for the neighborhood, the City and for me. PO repeatedly cast blame on the City for approving his revision following the second posting of a Stop Work Notice on his property to which I replied that it was his responsibility to ensure he accurately represented the scope of work.

**5/12/2023** - Conducted SV to place a stop work order on property. Made contact with PO and PO contractor. Indicated that a stop work order was now in effect due to the fact that amended building permit had again misrepresented the full scope of work. PO suggested that the City was to blame for approving his amended plans to begin with for not checking the photographs that I had submitted. I admonished PO that it was ultimately his responsibility to fully and correctly represent his scope of work on the permit and that the City was not at fault for his misrepresentations. Stop Work Notice posted to property.

**5/23/2023** - Analysis of public streetview and satellite images of property show no evidence of preexisting second story balcony prior to recent construction activity. No indication PO included construction of a second story balcony on most recent revision of building permit.

**5/23/2023** - Sent email to John Gomez to advise him of the latest development with respect to the PO disregarding the stop work order.

**5/23/2023** - Made contact with an individual who was working on a fence. No evidence of active construction appeared to be taking place at the time of the SV. Requested to know if the owner was at the property but the individual said he was not there.

**5/23/2023** - Conducted SV during course of area enforcement duties. I observed clear evidence that work continued on the property after the third stop work notice was posted on 5-12-23. Stucco removal appeared to have been completed around the vicinity of the garage doors and construction of a second story balcony appeared to have continued. See/compare photos from 5-12-23 and 5-23-23.

**7/3/2023** - Was copied on email from CE Division manager Kirk M who indicated to ACBO John Gomez that he had noted that the PO submitted inaccurate plans by indicating that the second story balcony. A reply by Planning Div Manager Sergio M indicated the deck would require a regular coastal permit.

**7/11/2023** - Was copied on email from John Gomez indicating the PO was going to submit plans to demolish the balcony and would restore a storage room back to a garage.



1844

12/07/2022 1:17 PM

# STOP WORK NOTICE

CITY OF OCEANSIDE  
COMMUNITY DEVELOPMENT  
BUILDING DIVISION

435-3950  
300 N. COAST HWY

LOCATION 1842-1846 S Pacific St

PERMIT NO. \_\_\_\_\_

I have this day inspected this structure and these premises and have found the following violations of City and/or State laws governing same.

Immediately cease all further construction  
until a valid building permit has been  
issued.

Please contact the Development Services Department  
at 760-435-4373 for questions related to  
permit requirements.

YOU ARE HEREBY NOTIFIED THAT NO MORE WORK SHALL BE DONE UPON THESE PREMISES UNTIL THE ABOVE VIOLATIONS ARE CORRECTED.  
DO NOT RESUME WORK ON THE ABOVE NOTED AREA(S) UNTIL THIS STOP WORK NOTICE IS REMOVED BY THE BUILDING DIVISION.

12/7/22  
Date

G. GARCIA

Building Inspector

Code Enforcement Officer

**Do Not Remove This Tag**



# CITY OF OCEANSIDE

DEVELOPMENT SERVICES DEPARTMENT  
CODE ENFORCEMENT DIVISION

053593

CASE #: CE22-4499

## ADMINISTRATIVE CITATION

DATE ISSUED: 12-07-2022

**WARNING**
     
  **1st Citation** \$100
     
  **2nd Citation** \$200
     
  **3rd Citation** \$500
     
  **4th Citation** \$1000

Person Cited / Mailing Address:  COASTLINE CONSTRUCTION CO. C/O DERRICK WHITE 14853 WAVERLY DOWNS WAY SAN DIEGO, CA 92128	<input type="checkbox"/> Prop. Owner <input type="checkbox"/> Prop. Manager <input type="checkbox"/> Bus. Owner	<input type="checkbox"/> Tenant <input checked="" type="checkbox"/> Violator
---	---	---

Violation Address: 1842-1846 S PACIFIC ST	Assessor's Parcel No.: 153-251-11-00
--	---

**Violation(s) indicated below must be corrected by COMPLIANCE DATE: 01-06-2023**

- Failure to correct the violation(s) by this date will result in the next level of citation being issued.
- Same violation(s) occurring within 1 year of the issuance date of this citation are subject to the next level citation.
- Payment is due no later than 30 days from issuance date of this citation (see reverse side for payment instructions).

Code Section Violated:

Date Observed:	<b>VIOLATION / CORRECTION REQUIRED</b>
12-06-2022 1:17PM	CBC 105.1 Permits Required - Submit plans/building permit application to Building Division for review. If any work requiring a permit is in progress, it must immediately cease until a valid building permit is issued.

**NOTES:** Scope of work requires a valid building permit.

Immediately cease all further construction/demolition on the property.

Submit for permit application by no later than the compliance date.

***If you have questions about this citation, call: OFFICER GENARO GARCIA 760-435-3953***

Citation Served:     In Person     Posted on Property     By Mail     By Fax     By Email

See Reverse Side For Information About Appeals and Payment of Penalty

OC\_ADMIN\_CITE RPT

# STOP WORK NOTICE

CITY OF OCEANSIDE  
COMMUNITY DEVELOPMENT  
BUILDING DIVISION

435-3950  
300 N. COAST HWY

LOCATION 1842-1846 S Pacific St

PERMIT NO. \_\_\_\_\_

I have this day inspected this structure and these premises and have found the following violations of City and/or State laws governing same.

Immediately cease all further construction  
until a valid building permit has been  
issued.

Please contact the Development Services Department  
at 760-435-4373 for questions related to  
permit requirements.

YOU ARE HEREBY NOTIFIED THAT NO MORE WORK SHALL BE DONE UPON THESE PREMISES UNTIL THE ABOVE VIOLATIONS ARE CORRECTED.  
DO NOT RESUME WORK ON THE ABOVE NOTED AREA(S) UNTIL THIS STOP WORK NOTICE IS REMOVED BY THE BUILDING DIVISION.

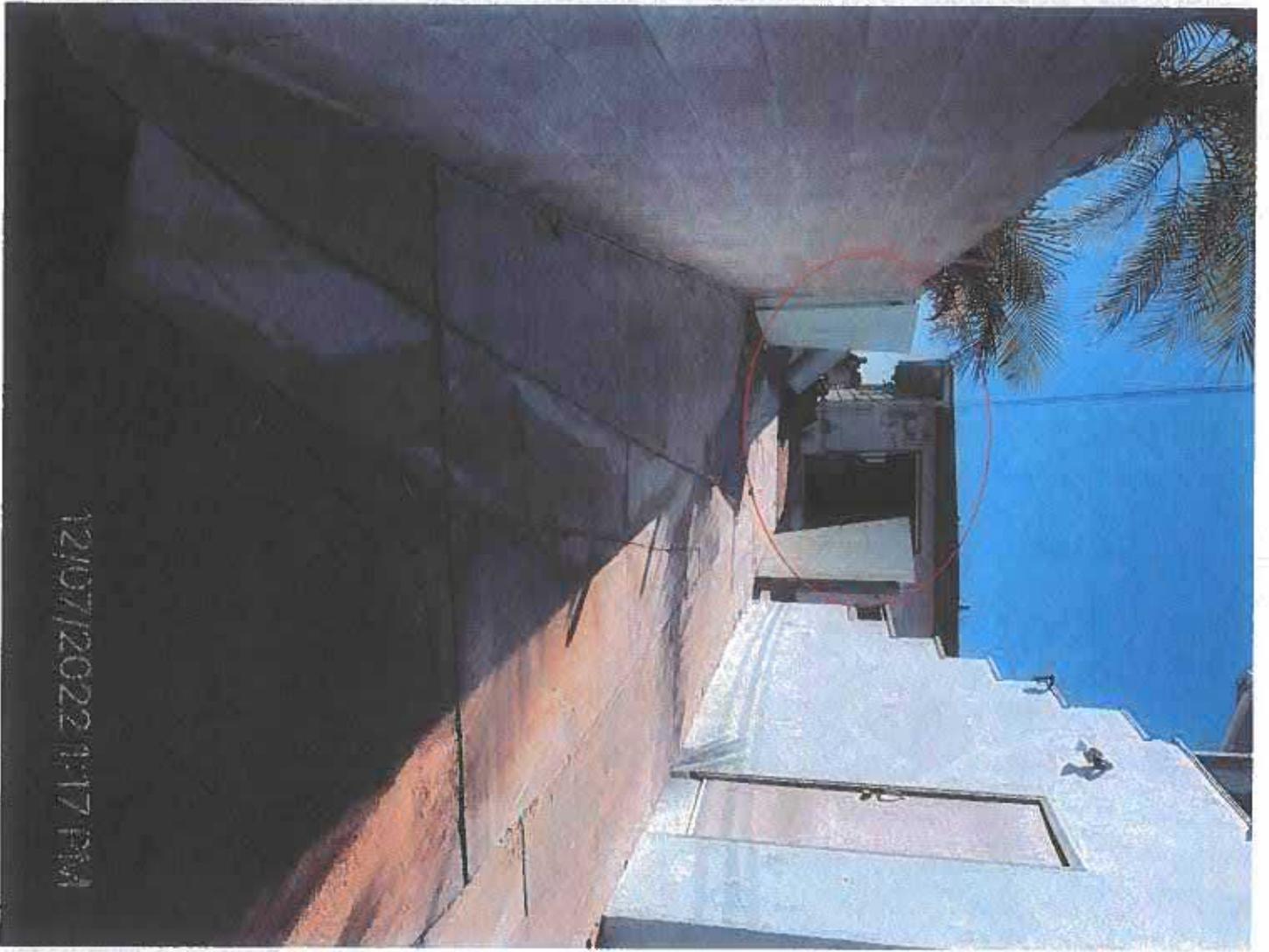
12/7/22  
Date

G. GARCIA

Building Inspector

Code Enforcement Officer

**Do Not Remove This Tag**



12/07/2022 11:17 PM



# CITY OF OCEANSIDE

DEVELOPMENT SERVICES DEPARTMENT  
CODE ENFORCEMENT DIVISION

053592

CASE #: CE22-4499

## ADMINISTRATIVE CITATION

DATE ISSUED: 12-07-2022

**WARNING**
     
  **1st Citation** \$100
     
  **2nd Citation** \$200
     
  **3rd Citation** \$500
     
  **4th Citation** \$1000

Person Cited / Mailing Address:  <b>SHANE GARST</b> 1660 SEATTLE SLEW WAY OCEANSIDE, CA 92057	<input checked="" type="checkbox"/> Prop. Owner <input type="checkbox"/> Tenant <input type="checkbox"/> Prop. Manager <input type="checkbox"/> Violator <input type="checkbox"/> Bus. Owner
---	--

Violation Address: 1842-1846 S PACIFIC ST	Assessor's Parcel No.: 153-251-11-00
--	---

**Violation(s) indicated below must be corrected by COMPLIANCE DATE: 01-06-2023**

- Failure to correct the violation(s) by this date will result in the next level of citation being issued.
- Same violation(s) occurring within 1 year of the issuance date of this citation are subject to the next level citation.
- Payment is due no later than 30 days from issuance date of this citation (see reverse side for payment instructions).

Code Section Violated:

Date Observed: **VIOLATION / CORRECTION REQUIRED**

12-06-2022 1:17PM	CBC 105.1 Permits Required - Submit plans/building permit application to Building Division for review. If any work requiring a permit is in progress, it must immediately cease until a valid building permit is issued.
----------------------	--

**NOTES:** Scope of work requires a valid building permit.

Immediately cease all further construction/demolition on the property.

Submit for permit application by no later than the compliance date.

***If you have questions about this citation, call: OFFICER GENARO GARCIA 760-435-3953***

Citation Served:     In Person     Posted on Property     By Mail     By Fax     By Email

See Reverse Side For Information About Appeals and Payment of Penalty

OC\_ADMIN\_CITE.RPT

# STOP WORK NOTICE

CITY OF OCEANSIDE  
COMMUNITY DEVELOPMENT  
BUILDING DIVISION

435-3950  
300 N. COAST HWY

LOCATION 1842-1846 S Pacific St

PERMIT NO. \_\_\_\_\_

I have this day inspected this structure and these premises and have found the following violations of City and/or State laws governing same:

Immediately cease all further construction until a valid building permit has been issued.

Please contact the Development Services Department at 760-435-4373 for questions related to permit requirements.

YOU ARE HEREBY NOTIFIED THAT NO MORE WORK SHALL BE DONE UPON THESE PREMISES UNTIL THE ABOVE VIOLATIONS ARE CORRECTED.  
DO NOT RESUME WORK ON THE ABOVE NOTED AREA(S) UNTIL THIS STOP WORK NOTICE IS REMOVED BY THE BUILDING DIVISION.

12/7/22  
Date

G. GARCIA  
Building Inspector

Code Enforcement Officer

**Do Not Remove This Tag**



12/07/2022 1:17 PM



03/06/2023 1:48 PM



03/06/2023 1:59 PM



STOP WORK NOTICE

03/06/2023 2:23 PM



Honesty . Integrity .  
Craftsmanship

- Home
- About
- Projects +
- Services
- Contact Us

858-215-0329



2020 © Coastline Construction



# Coastline Construction Co.

## Honesty . Integrity . Craftsmanship

With more than 20 years of experience as a general contractor designing and remodeling entire homes and large-scale additions, as well as building custom homes throughout San Diego County, we've learned that a great home design starts with honesty, integrity, craftsmanship, thoughtfulness, and attentive listening. Our custom-home designs and additions are as unique as the clients we work with, and every detail is carefully constructed to be deeply personal to them. The team at Coastline Construction shares the energy and excitement of those we work with in realizing the vision we create together.

We're not your average one-room design and build company; we work alongside clients, from start to finish, to create a complete vision.

Throughout the entire design, build and remodeling process, we will be transparent in determining if the items you want in your home are worth the return on investment. We will help you envision every detail of the final result, while maintaining value and never compromising quality as our highest priority.

Coastline Construction also offers general contractor services including comprehensive architecture, interior design, and construction management services. We approach each building project with the highest level of attention and care, customizing our services to best fit our clients' needs. We're there with you from the moment your design project begins to the moment you're handed the keys – and long after the project is complete.

We invite you to look through the many projects we've had the pleasure of working on, including Coastline Construction's home of the month featured in the Home and Garden section of the San Diego Union-Tribune. From yoga studios to nonprofit projects, our portfolio highlights our passion for both architecture and interior design. We believe you'll see that Coastline Construction is the right choice for you.



05/12/2023 10:21 AM



4x4

05/12/2023 10:22 AM

PRIVATE  
WARNING



05/12/2023 10:21 AM



05/12/2023 10:20 AM



05/12/2023 10:20 AM



05/12/2023 10:20 AM

1-800-445-7666

# STOP WORK NOTICE

CITY OF OCEANSIDE  
COMMUNITY DEVELOPMENT  
BUILDING DIVISION

435-3950  
300 N. COAST HWY

LOCATION 1846 S. Pacific St

PERMIT NO. \_\_\_\_\_

I have this day inspected this structure and these premises and have found the following violations of City and/or State laws governing same.

Immediately cease further construction until a valid building permit has been issued.

Please contact the City of Oceanside Development Services for information related to issued/required permits

YOU ARE HEREBY NOTIFIED THAT NO MORE WORK SHALL BE DONE UPON THESE PREMISES UNTIL THE ABOVE VIOLATIONS ARE CORRECTED.

DO NOT RESUME WORK ON THE ABOVE NOTED AREA(S) UNTIL THIS STOP WORK NOTICE IS REMOVED BY THE BUILDING DIVISION.

10:14 AM  
Date  
5/12/23

G. GARCIA  
Building Inspector  
Code Enforcement Officer II

**Do Not Remove This Tag**



# CITY OF OCEANSIDE

DEVELOPMENT SERVICES DEPARTMENT  
CODE ENFORCEMENT DIVISION

055373

CASE #: CE22-4499

## ADMINISTRATIVE CITATION

DATE ISSUED: 05-23-2023

WARNING     
  1st Citation \$100     
  2nd Citation \$200     
  3rd Citation \$500     
  4th Citation \$1000

Person Cited / Mailing Address:

SHANE GARST  
1660 SEATTLE SLEW WAY  
OCEANSIDE, CA 92057

Prop. Owner       Tenant  
 Prop. Manager       Violator  
 Bus. Owner

Violation Address:

1842-1846 S PACIFIC ST

Assessor's Parcel No.:

153-251-11-00

**Violation(s) indicated below must be corrected by COMPLIANCE DATE: 06-22-2023**

- Failure to correct the violation(s) by this date will result in the next level of citation being issued.
- Same violation(s) occurring within 1 year of the issuance date of this citation are subject to the next level citation.
- Payment is due no later than 30 days from issuance date of this citation (see reverse side for payment instructions).

Code Section Violated:

Date Observed: **VIOLATION / CORRECTION REQUIRED**

05-12-2023  
10:12AM

CBC 105.1 Permits Required - Submit plans/building permit application to Building Division for review. If any work requiring a permit is in progress, it must immediately cease until a valid building permit is issued.

NOTES: Scope of work requires a valid building permit.

Immediately cease all further construction/demolition on the property.

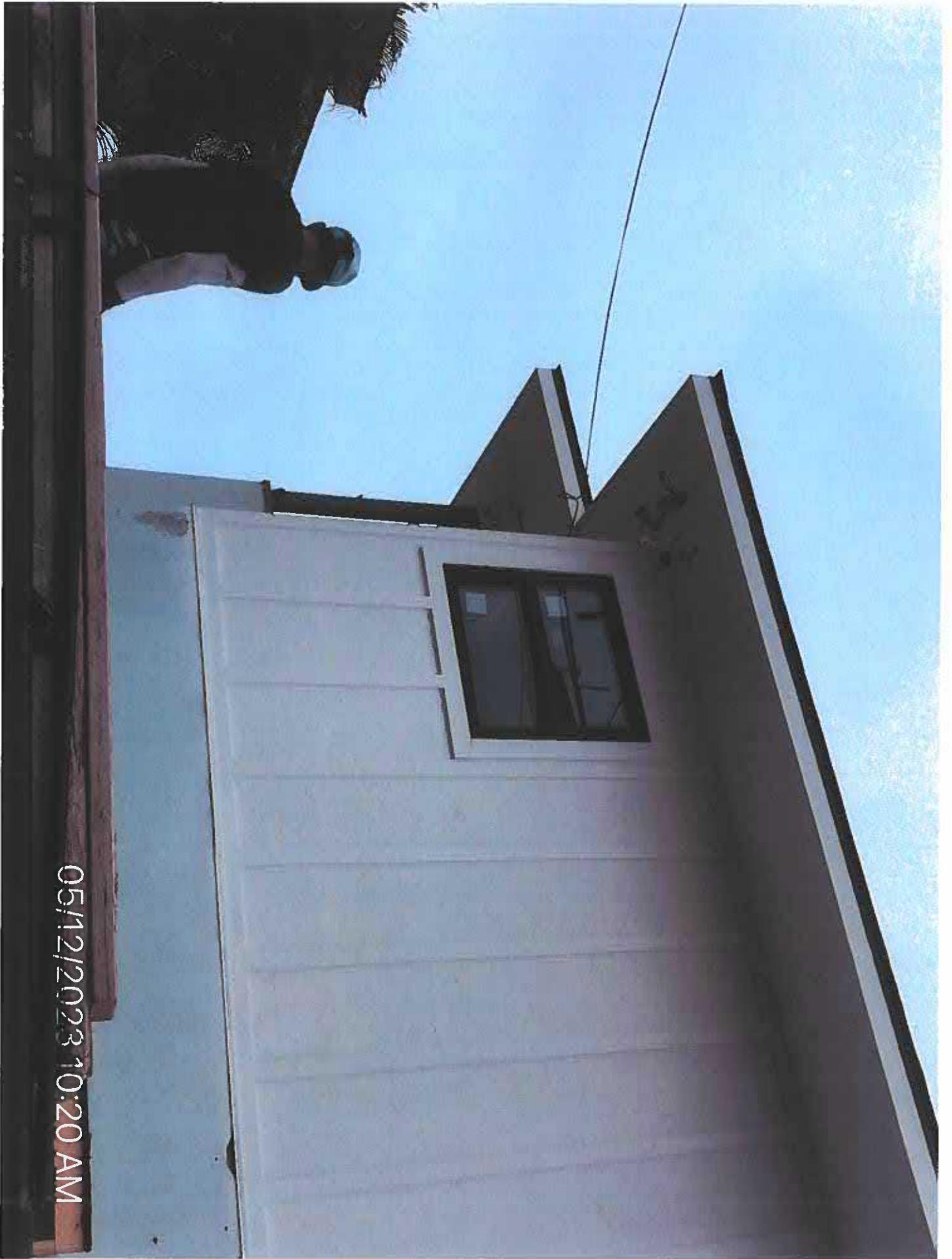
Submit for permit application by no later than the compliance date.

**If you have questions about this citation, call: OFFICER GENARO GARCIA 760-435-3953**

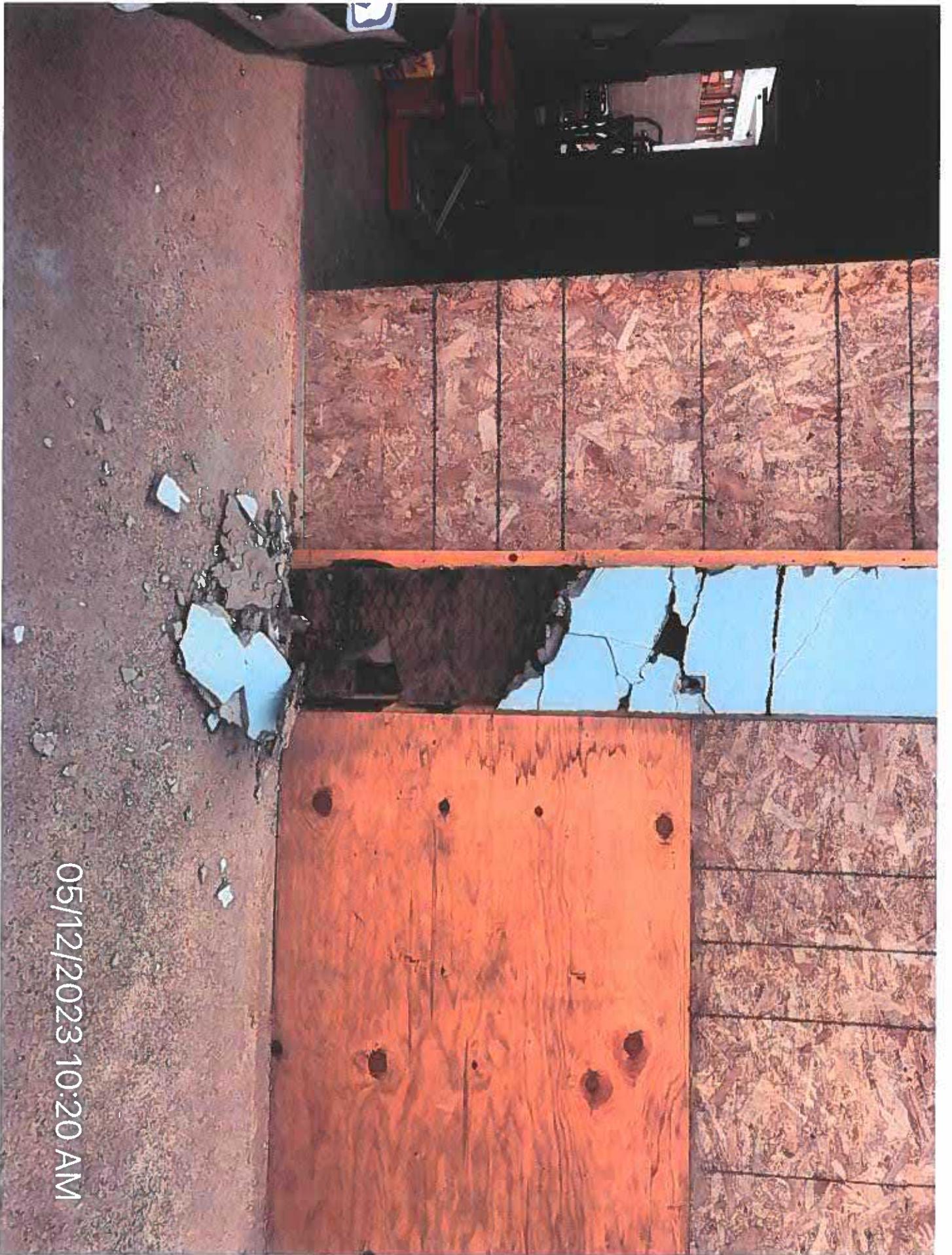
Citation Served:   
  In Person   
  Posted on Property   
  By Mail   
  By Fax   
  By Email

See Reverse Side For Information About Appeals and Payment of Penalty

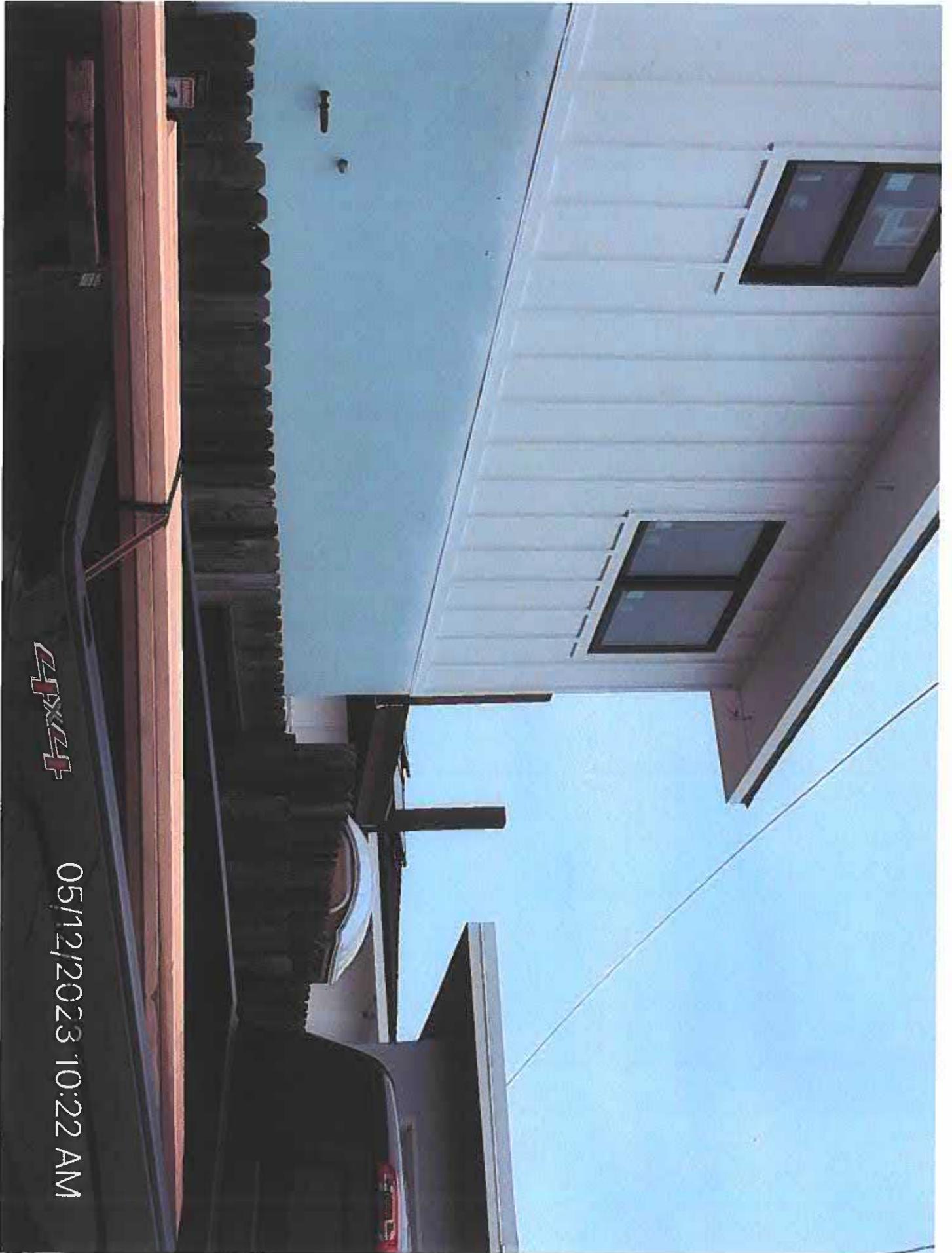
OC\_ADMIN\_CITE.RPT



05/12/2023 10:20 AM



05/12/2023 10:20 AM



4pxz4

05/12/2023 10:22 AM

**ADMINISTRATIVE CITATION  
PROOF OF SERVICE BY MAIL**

I am employed by the City Oceanside located in the County of San Diego, State of California. I am over the age of 18. My business address is: 602 Civic Center Drive, Oceanside, California 92054.

May 23, 2023 I served a 1st (\$100) Administrative Citation regarding the property located at:

1842-1846 S PACIFIC ST

Executed on May 23, 2023 at Oceanside, California.

I served this Citation by mail through placing the original thereof in a sealed envelope addressed as follows:

SHANE GARST  
1660 SEATTLE SLEW WAY  
OCEANSIDE, CA 92057

I deposited such envelope in the mail at Oceanside, California. The envelopes were mailed with postage thereon fully prepaid. I am "readily familiar" with the City's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service with postage thereon fully prepaid at Oceanside, California in the ordinary course of business.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.



Code Enforcement Officer  
GENARO GARCIA 760-435-3953



# CITY OF OCEANSIDE

DEVELOPMENT SERVICES DEPARTMENT  
CODE ENFORCEMENT DIVISION

055374

CASE #: CE22-4499

## ADMINISTRATIVE CITATION

DATE ISSUED: 05-23-2023

**WARNING**
         
  **1st Citation** \$100
         
  **2nd Citation** \$200
         
  **3rd Citation** \$500
         
  **4th Citation** \$1000

Person Cited / Mailing Address:  COASTLINE CONSTRUCTION CO. C/O DERRICK WHITE 15897 SINCLAIR ST SAN DIEGO, CA 92127	<input type="checkbox"/> Prop. Owner <input type="checkbox"/> Prop. Manager <input type="checkbox"/> Bus. Owner	<input type="checkbox"/> Tenant <input checked="" type="checkbox"/> Violator
---	---	---

Violation Address: 1842-1846 S PACIFIC ST	Assessor's Parcel No.: 153-251-11-00
--	---

**Violation(s) indicated below must be corrected by COMPLIANCE DATE: 05-23-2023**

- Failure to correct the violation(s) by this date will result in the next level of citation being issued.
- Same violation(s) occurring within 1 year of the issuance date of this citation are subject to the next level citation.
- Payment is due no later than 30 days from issuance date of this citation (see reverse side for payment instructions).

Code Section Violated:

Date Observed:	<b>VIOLATION / CORRECTION REQUIRED</b>
05-12-2023 10:12AM	CBC 105.1 Permits Required - Submit plans/building permit application to Building Division for review. If any work requiring a permit is in progress, it must immediately cease until a valid building permit is issued.

**NOTES:** Scope of work requires a valid building permit.

Immediately cease all further construction/demolition on the property.

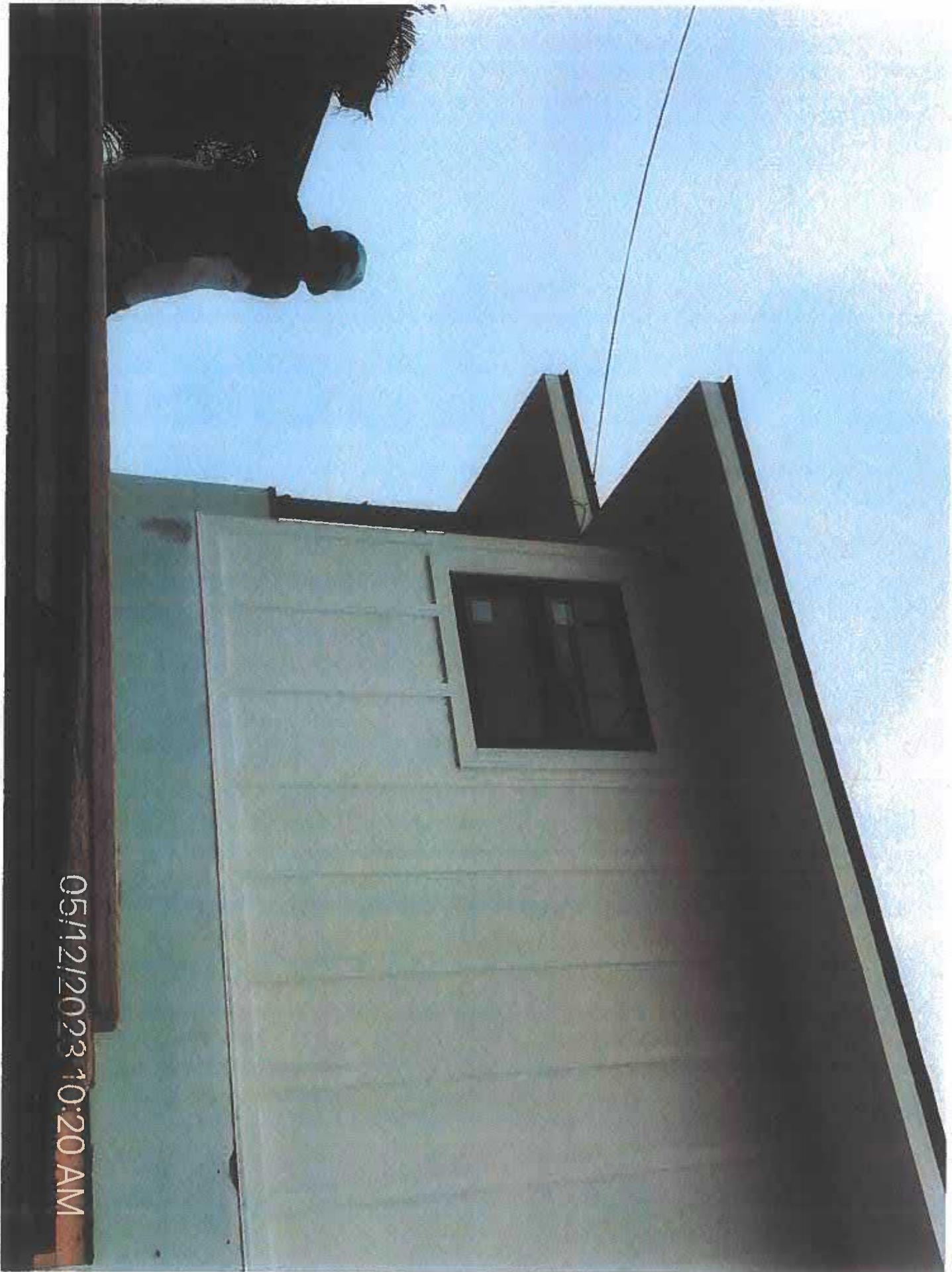
Submit for permit application by no later than the compliance date.

**If you have questions about this citation, call: OFFICER GENARO GARCIA 760-435-3953**

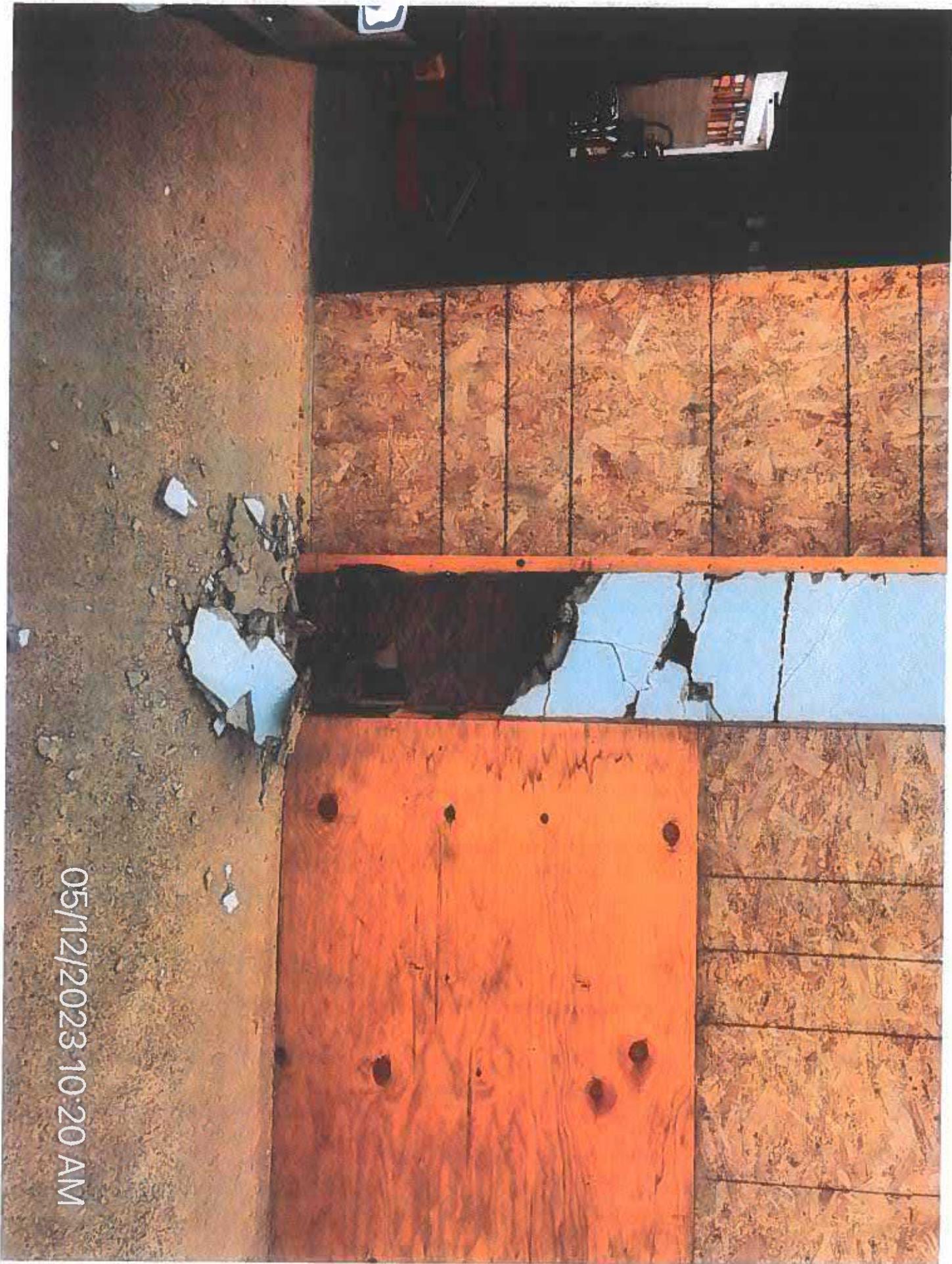
Citation Served:     In Person     Posted on Property     By Mail     By Fax     By Email

See Reverse Side For Information About Appeals and Payment of Penalty

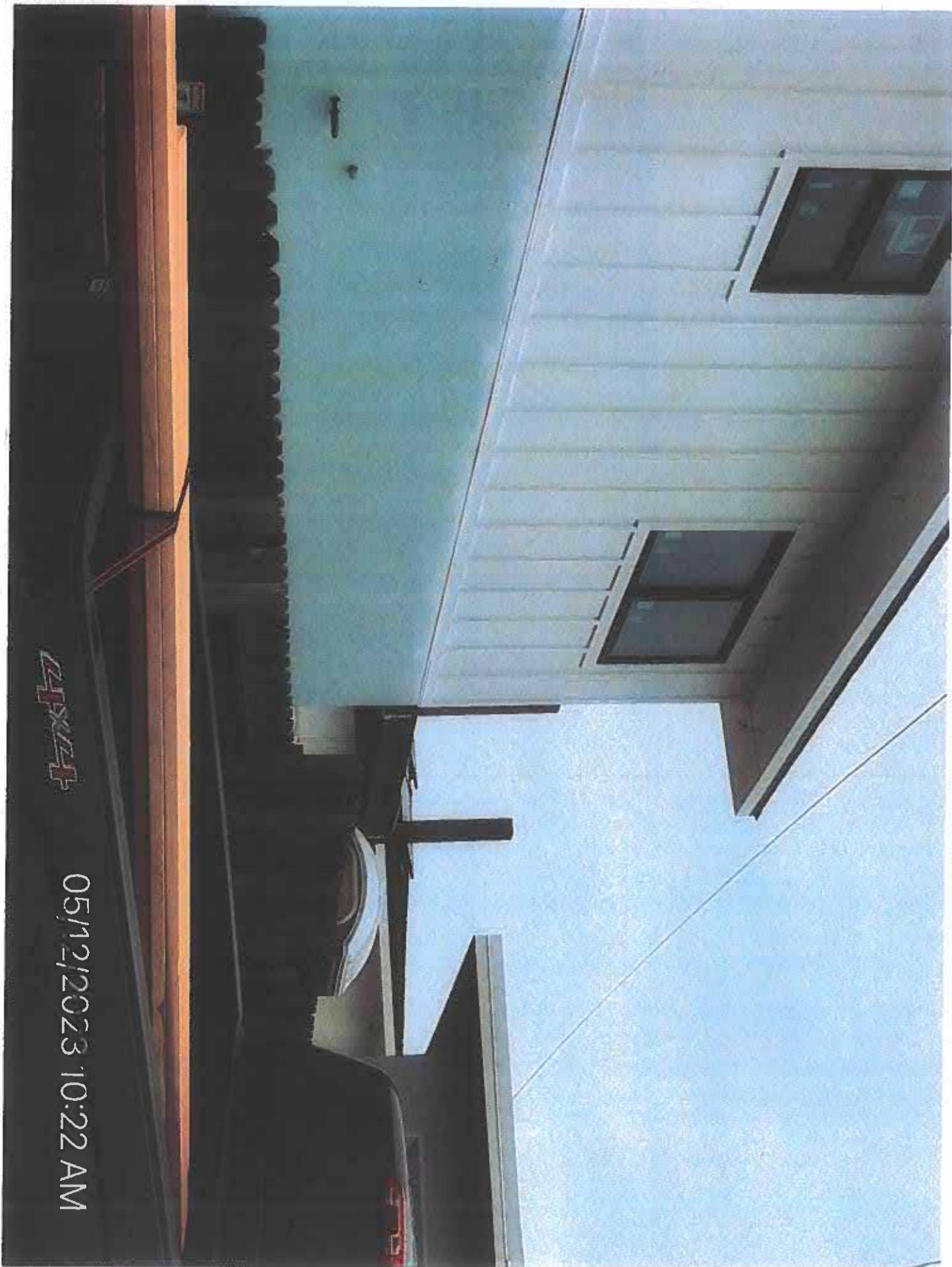
OC\_ADMIN\_CITE.RPT



05/12/2023 10:20 AM



05/12/2023 10:20 AM



4x4+

05/12/2023 10:22 AM



05/23/2023 1:49 PM



05/23/2023 1:49 PM



05/23/2023 1:49 PM

Microsoft Bing 1 1842 S Pacific St, Oceanside, California, United States



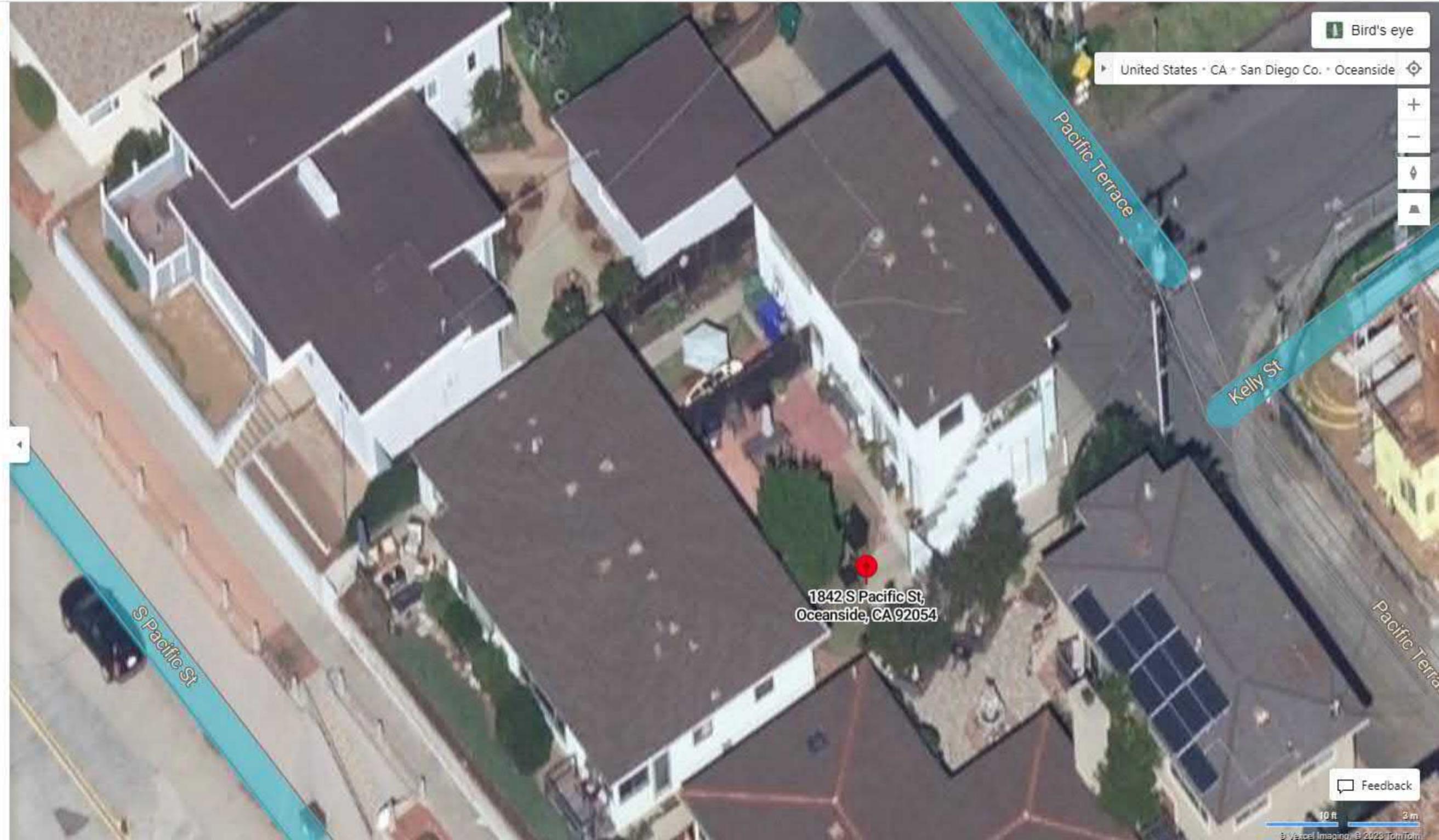
### 1842 S Pacific St, Oceanside, CA 92054

Directions Nearby

Save to calendar

- Nearby
- Coffee Shops
  - Restaurants
  - Grocery Stores
  - Search nearby
  - Gas Stations
  - Hotels
  - Nearby Transit

United States · CA · San Diego Co. · Oceanside  
33.171956, -117.363904



Bird's eye

United States · CA · San Diego Co. · Oceanside



1842 S Pacific St, Oceanside, CA 92054

Feedback

10 ft 2 m

← 1898 Pacific Terrace

Oceanside, California

Google Street View

Nov 2022

See more dates



Don's Country Kitchen

Outer Limits Smoke Shop

Google



Microsoft Bing 1 1842 S Pacific St, Oceanside, California, United States



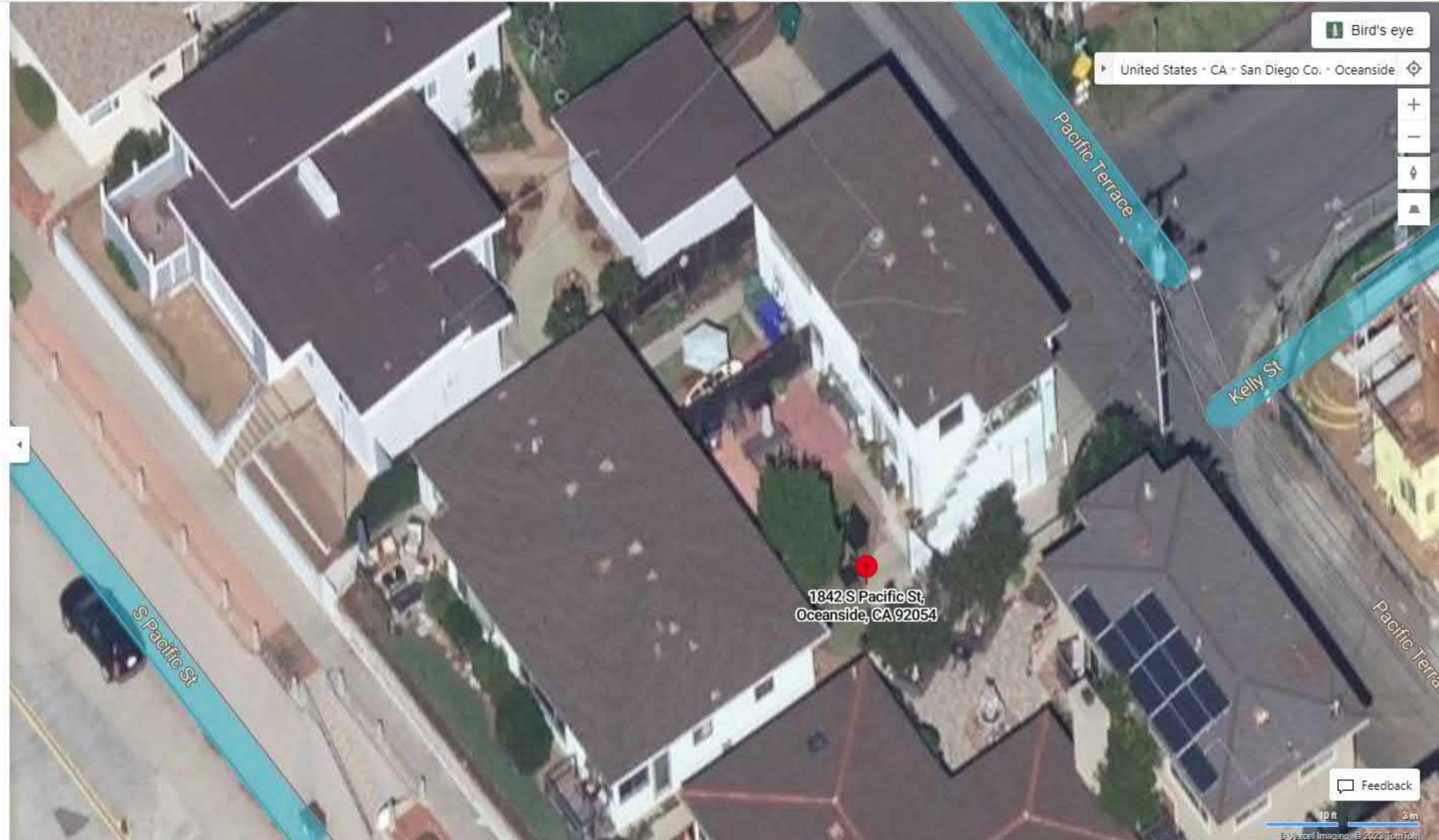
Streetside  
**1842 S Pacific St, Oceanside, CA 92054**

Directions Nearby

Save to calendar

- Nearby
- Coffee Shops
  - Restaurants
  - Grocery Stores
  - Search nearby
  - Gas Stations
  - Hotels
  - Nearby Transit

United States · CA · San Diego Co. · Oceanside  
33.171956, -117.363904



Bird's eye

United States · CA · San Diego Co. · Oceanside



1842 S Pacific St,  
Oceanside, CA 92054

Feedback

10 ft 2 m



# CITY OF OCEANSIDE

DEVELOPMENT SERVICES DEPARTMENT  
CODE ENFORCEMENT DIVISION

055391

CASE #: CE22-4499

## ADMINISTRATIVE CITATION

DATE ISSUED: 05-23-2023

WARNING    
  1st Citation \$100    
  2nd Citation \$200    
  3rd Citation \$500    
  4th Citation \$1000

Person Cited / Mailing Address:

COASTLINE CONSTRUCTION CO. C/O DERRICK WHITE  
15897 SINCLAIR ST  
SAN DIEGO, CA 92127

Prop. Owner      Tenant  
 Prop. Manager      Violator  
 Bus. Owner

Violation Address:

1842-1846 S PACIFIC ST

Assessor's Parcel No.:

153-251-11-00

### Violation(s) indicated below must be corrected by COMPLIANCE DATE: 06-09-2023

- Failure to correct the violation(s) by this date will result in the next level of citation being issued.
- Same violation(s) occurring within 1 year of the issuance date of this citation are subject to the next level citation.
- Payment is due no later than 30 days from issuance date of this citation (see reverse side for payment instructions).

Code Section Violated:

Date Observed: **VIOLATION / CORRECTION REQUIRED**

05-23-2023  
1:49PM

CBC 105.1 Permits Required - Submit plans/building permit application to Building Division for review. If any work requiring a permit is in progress, it must immediately cease until a valid building permit is issued.

NOTES: There is evidence of further construction activity following the posting and existence of a stop work order placed on the property on 5-12-23.

An inspection of the property to determine current scope of work is required by no later than the compliance date indicated on this citation. Please contact me at the number below to schedule this inspection.

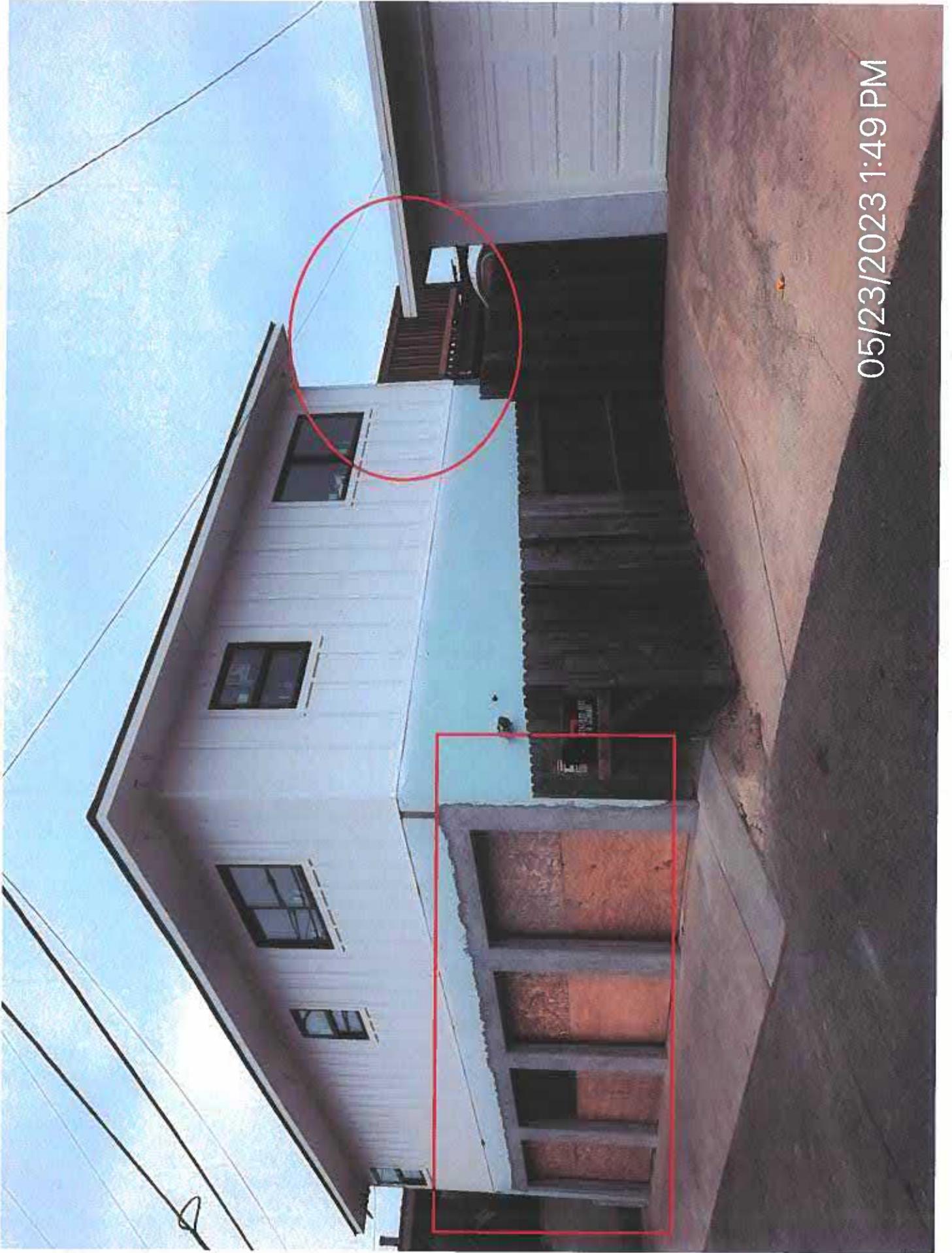
Your cooperation and assistance in facilitating completion of this inspection by the aforementioned compliance date is anticipated.

**If you have questions about this citation, call: OFFICER GENARO GARCIA 760-435-3953**

Citation Served:      In Person      Posted on Property      By Mail      By Fax      By Email

See Reverse Side For Information About Appeals and Payment of Penalty

OC\_ADMIN\_CITE.RPT



05/23/2023 1:49 PM

**ADMINISTRATIVE CITATION  
PROOF OF SERVICE BY MAIL**

I am employed by the City Oceanside located in the County of San Diego, State of California. I am over the age of 18. My business address is: 602 Civic Center Drive, Oceanside, California 92054.

May 23, 2023 I served a 1st (\$100) Administrative Citation regarding the property located at:

1842-1846 S PACIFIC ST

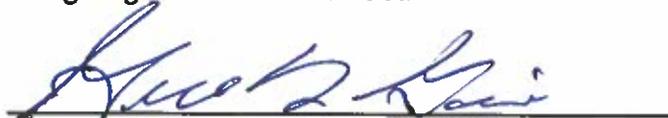
Executed on May 23, 2023 at Oceanside, California.

I served this Citation by mail through placing the original thereof in a sealed envelope addressed as follows:

COASTLINE CONSTRUCTION CO. C/O DERRICK WHITE  
15897 SINCLAIR ST  
SAN DIEGO, CA 92127

I deposited such envelope in the mail at Oceanside, California. The envelopes were mailed with postage thereon fully prepaid. I am "readily familiar" with the City's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service with postage thereon fully prepaid at Oceanside, California in the ordinary course of business.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.



Code Enforcement Officer  
GENARO GARCIA 760-435-3953



# CITY OF OCEANSIDE

DEVELOPMENT SERVICES DEPARTMENT  
CODE ENFORCEMENT DIVISION

055390

CASE #: CE22-4499

## ADMINISTRATIVE CITATION

DATE ISSUED: 05-23-2023

**WARNING**     
  **1st Citation** \$100     
  **2nd Citation** \$200     
  **3rd Citation** \$500     
  **4th Citation** \$1000

Person Cited / Mailing Address:

SHANE GARST  
1660 SEATTLE SLEW WAY  
OCEANSIDE, CA 92057

Prop. Owner       Tenant  
 Prop. Manager       Violator  
 Bus. Owner

Violation Address:

1842-1846 S PACIFIC ST

Assessor's Parcel No.:

153-251-11-00

### Violation(s) indicated below must be corrected by COMPLIANCE DATE: 06-09-2023

- Failure to correct the violation(s) by this date will result in the next level of citation being issued.
- Same violation(s) occurring within 1 year of the issuance date of this citation are subject to the next level citation.
- Payment is due no later than 30 days from issuance date of this citation (see reverse side for payment instructions).

Code Section Violated:

Date Observed: **VIOLATION / CORRECTION REQUIRED**

05-23-2023  
1:49PM

CBC 105.1 Permits Required - Submit plans/building permit application to Building Division for review. If any work requiring a permit is in progress, it must immediately cease until a valid building permit is issued.

NOTES: There is evidence of further construction activity following the posting and existence of a stop work order placed on the property on 5-12-23.

An inspection of the property to determine current scope of work is required by no later than the compliance date indicated on this citation. Please contact me at the number below to schedule this inspection.

Your cooperation and assistance in facilitating completion of this inspection by the aforementioned compliance date is anticipated.

***If you have questions about this citation, call: OFFICER GENARO GARCIA 760-435-3953***

Citation Served:     In Person     Posted on Property     By Mail     By Fax     By Email

See Reverse Side For Information About Appeals and Payment of Penalty

OC\_ADMIN\_CITE RPT



05/23/2023 1:49 PM

**ADMINISTRATIVE CITATION  
PROOF OF SERVICE BY MAIL**

I am employed by the City Oceanside located in the County of San Diego, State of California. I am over the age of 18. My business address is: 602 Civic Center Drive, Oceanside, California 92054.

May 23, 2023 I served a 2nd (\$200) Administrative Citation regarding the property located at:

1842-1846 S PACIFIC ST

Executed on May 23, 2023 at Oceanside, California.

I served this Citation by mail through placing the original thereof in a sealed envelope addressed as follows:

SHANE GARST  
1660 SEATTLE SLEW WAY  
OCEANSIDE, CA 92057

I deposited such envelope in the mail at Oceanside, California. The envelopes were mailed with postage thereon fully prepaid. I am "readily familiar" with the City's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service with postage thereon fully prepaid at Oceanside, California in the ordinary course of business.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.



Code Enforcement Officer  
GENARO GARCIA 760-435-3953

2 of 2



Sold: \$2,000,000 (5 beds, 3 baths, 2,490 Square Feet)

\$244,589



From: Sergio Madera  
Sent: Monday, June 26, 2023 11:35 AM  
To: Kirk Mundt; John G. Gomez  
Cc: David Gans; Darlene Nicandro; Arthur Cronin; Genaro Garcia  
Subject: RE: 1842-1846 S Pacific St Photo - BLDG22-2538

Follow Up Flag: Follow up  
Flag Status: Completed

The property is within the appeal jurisdiction of the coastal zone. As such, the addition of an exterior deck would require the approval of a Regular Coastal Permit.



Sergio Madera  
City Planner  
City of Oceanside  
Development Services Department  
Planning Division  
760.435.3539  
[smadera@oceansideca.org](mailto:smadera@oceansideca.org)

All voicemail to and e-mail to and from the City of Oceanside may be considered public information and may be disclosed upon request.

From: Kirk Mundt <[KMundt@oceansideca.org](mailto:KMundt@oceansideca.org)>  
Sent: Monday, June 26, 2023 10:58 AM  
To: John G. Gomez <[JGomez@oceansideca.org](mailto:JGomez@oceansideca.org)>  
Cc: David Gans <[DGans@oceansideca.org](mailto:DGans@oceansideca.org)>; Darlene Nicandro <[DNicandro@oceansideca.org](mailto:DNicandro@oceansideca.org)>; Arthur Cronin <[ACronin@oceansideca.org](mailto:ACronin@oceansideca.org)>; Genaro Garcia <[GGarcia@oceansideca.org](mailto:GGarcia@oceansideca.org)>; Sergio Madera <[SMadera@oceansideca.org](mailto:SMadera@oceansideca.org)>  
Subject: FW: 1842-1846 S Pacific St Photo - BLDG22-2538

Hi John,

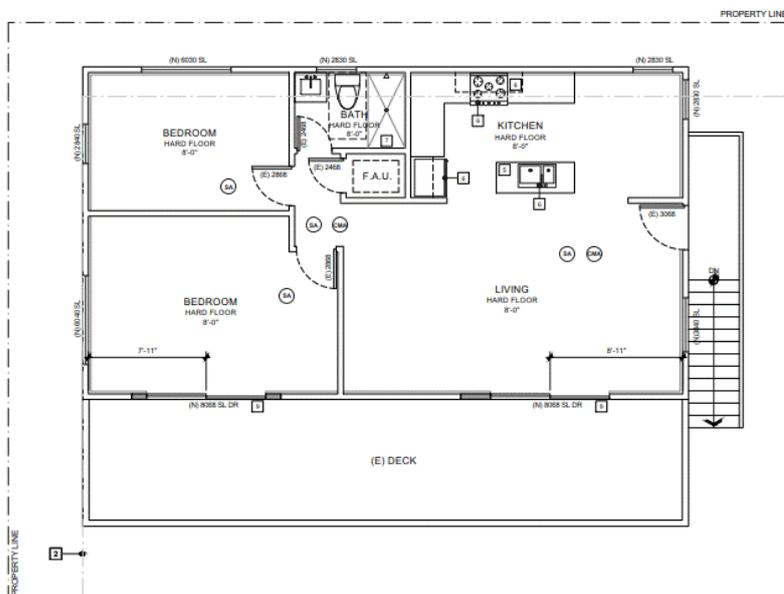
I know we discussed this permit briefly a couple weeks ago in our management meeting when Dr. Garst was at the counter. I had a chance to review the submitted plans and saw Arthur's note about the scope of work far exceeding what was presented. Glad to see that.

Just wanted to share the below real estate listing photo that clearly shows the property without the "existing" deck. Obviously Garst fibbed when he told me and David the deck was existing as he's continued to represent on the plans. I was waiting to see if he'd come clean but I guess not. GIS and Google Maps corroborate this but I think the listing photo below is the best evidence.

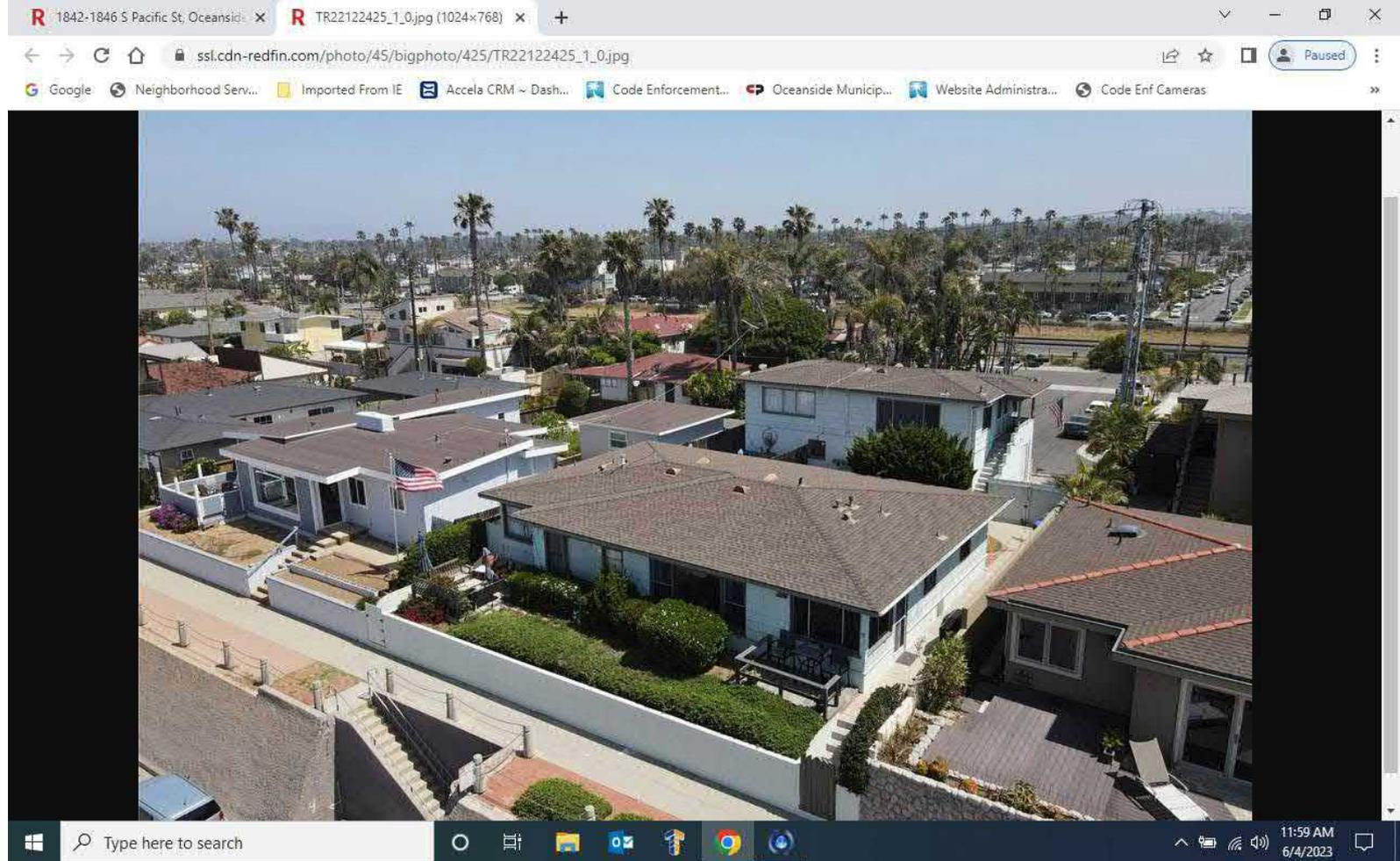
As I understand it, adding the deck may also require him to seek Coastal Commission approval so I've included Sergio.

Thanks,  
Kirk

Kirk Mundt, CCEO  
Code Enforcement Division Manager  
760-435-3955



PROPOSED 2ND FLOOR PLAN  
SCALE: 1/4"=1'-0"



Kirk Mundt  
Code Enforcement Division Manager  
760-435-3955

# APPELLANT CORRESPONDENCE PROVIDED DECEMBER 2024

# LOT COVERAGE EXHIBIT

LEGEND:	SYMBOL:
PROPERTY BOUNDARY	— — — — —
LOT LINE	- - - - -
RIGHT-OF-WAY	— — — — —
CENTER LINE	- - - - -
BUILDING AREA	▨ ▨ ▨ ▨ ▨
DECK/BALCONY AREA	+ + + + +

CLIENT: SHANE CARST  
 SITE ADDRESS: 1842-1846 S. PACIFIC DRIVE  
 OCEANSIDE, CA 92054  
 ASSESSOR'S PARCEL NO.: 153-251-11  
 DATE OF SURVEY: 7/17/24

**LEGAL DESCRIPTION:** THAT PORTION OF SOUTH OCEANSIDE, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 622, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, FEBRUARY 7, 1890, LYING BETWEEN THE SOUTHEASTERLY LINE OF LOT "T" IN BLOCK 5 OF SAID SOUTH OCEANSIDE, AND LYING SOUTHWESTERLY OF THE SOUTHWESTERLY LINE OF THE ALLEY RUNNING THROUGH SAID BLOCKS 5 AND 6 LYING NORTHEASTERLY OF THE NORTHEASTERLY LINE OF PACIFIC STREET OF SAID OCEANSIDE.

**NOTES:**  
 1. LOCATIONS OF EXISTING BUILDING AND DECK/BALCONY SHOWN HEREON PER ORTHOPHOTO DATED 7-17-24.  
 2. EXISTING BOUNDARY SHOWN HEREON PREPARED PER RECORD DEED. THIS IS NOT A BOUNDARY SURVEY. IF PROPERTY LINE SETBACKS ARE CRITICAL TO THIS PROJECT A BOUNDARY SURVEY MUST BE PERFORMED, A MAP FILED WITH THE COUNTY AND DESTROYED MONUMENTS RESET PRIOR TO CONSTRUCTION. PROPERTY LINES SHOWN ARE APPROXIMATE.  
 3. AREAS CALCULATING HEREON ARE APPROXIMATE AND IT INCLUDES THE OVERHANG ROOF.

LOT COVERAGE PERCENTAGE TABLE	
1902-1904 S. PACIFICA STREET	LOT AREA=6,015 SF BUILDING= 2,904 SF DECK= 689 SF BUILDING+DECK=3,593 SF/6,015 SF LOT SITE X 100=59.7%
1908 S. PACIFICA STREET	LOT AREA=6,020 SF BUILDING= 2,656 SF BUILDING+DECK=3,593 SF/6,020 SF LOT SITE X 100=59.7%
1912 S. PACIFICA STREET	LOT AREA=6,018 SF BUILDING= 2,885 SF DECK= 303 SF BUILDING+DECK=3,188 SF/6,018 SF LOT SITE X 100=52.9%
1920 S. PACIFICA STREET	LOT AREA=6,013 SF BUILDING= 3,320 SF DECK= 230 SF BUILDING+DECK=3,550 SF/6,013 SF LOT SITE X 100=59.0%

