

**ORDINANCE NO. 23-OR01 74 ·1****AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE AMENDING ARTICLE 30, SECTION 3042 OF THE ZONING ORDINANCE TO IMPLEMENT HOUSING PROGRAM 7 (ADEQUATE RESIDENTIAL SITES TO ACCOMMODATE RHNA AND NO NET LOSS) OF THE 2021-2029 HOUSING ELEMENT****(ZA22-00005)**

WHEREAS, Housing Program 7 in the Housing Element's Housing Action Plan requires the City to re-designate/rezone at least 33 acres for residential development with a density range of at least 35 to 43 units per acre to accommodate the City's RHNA shortfall of 1,086 units (960 lower income and 126 moderate income units). As part of this rezoning, a minimum of 30 acres must be rezoned to permit multi-family by-right (without discretionary action) and sufficient to accommodate the shortfall of 1,086 units;

WHEREAS, the State of California enacted Assembly Bill 1398 on January 1, 2022, amending Government Code Section 65583 and 65583.2 to require a local government that fails to adopt an HCD-compliant housing element within 120 days of the statutory deadline to complete required rezonings to accommodate RHNA no later than one year from the statutory deadline for adoption of the housing element;

WHEREAS, the City intends to implement Program 7 of the Housing Element by amending Article 30, Section 3042 of the Zoning Ordinance, exclusive of the Coastal Zone and Downtown, to increase the mixed-use density allowance from 29 dwelling units per acre to a range of 35 to 43 dwelling units per acre on commercial zoned sites identified as Candidate Rezoning Corridor Sites in the housing sites inventory of the adopted Housing Element as specified in Exhibit B. Pursuant to Government Code Section 6583.2, the proposed amendments would also allow standalone multi-family residential developments on all commercial corridor sites designated for lower income categories and establish a by-right approval process for housing projects reserving 20 percent of units for lower income households; and

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1           WHEREAS, the proposed amendments to Article 30, Section 3042 of the Zoning  
2 Ordinance would implement Program 7 of the Housing Element by providing adequate sites to  
3 accommodate RHNA and No Net Loss as mandated by state law; and

4           WHEREAS, the proposed amendments are intended to be temporary and staff will propose  
5 repealing them after the effective date of the Smart and Sustainable Corridor Specific Plan; and

6           WHEREAS, on January 23, 2023, the Planning Commission conducted a duly-noticed  
7 public hearing as prescribed by law and adopted Resolution P22-P03, recommending City  
8 Council approval of the Zone Amendment; and

9           WHEREAS, based upon such evidence, testimony and staff reports, this Council finds that  
10 Zone Amendment ZA22-00005 conforms to the General Plan of the City of Oceanside; and

11           WHEREAS, a Notice of Exemption was prepared per California Environmental Quality  
12 Act (CEQA), Article 5, Section 15061(b)(3), under the common-sense exemption that CEQA  
13 applies only to projects which have the potential for causing a significant effect on the  
14 environment;

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

16           **SECTION 1.** Zone Amendment (ZA22-00005), amending Article 30, Section 3042 of the  
17 Zoning Ordinance, as specified in Exhibit A, is hereby adopted.

18           **SECTION 2.** Mixed-use density allowance of 35 to 43 dwelling units per acre shall only  
19 apply to Commercial zoned sites identified as Candidate Rezoning Corridor Sites in the 2021-  
20 2029 Housing Element sites inventory, as specified in Exhibit B.

21           **SECTION 3.** The City Clerk of the City of Oceanside is hereby directed to publish this  
22 Ordinance, or the title hereof as a summary, pursuant to state statute, once within fifteen (15) days  
23 after its passage in a newspaper of general circulation published in the City of Oceanside.

24           **SECTION 4.** Severability.

25           If any section, sentence, clause or phrase of this Ordinance is for any reason held to be  
26 invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision  
27 shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby  
28 declares that it would have passed this Ordinance and adopted this Ordinance and each section,

1 sentence, clause or phrase thereof, irrespective of the fact that any one or more sections,  
2 subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

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

5 **SECTION 6.** This ordinance shall be effective 30 days after its adoption.

6 INTRODUCED at a regular meeting of the City Council of the City of Oceanside,  
7 California, held on the 8th day of March, 2023, and thereafter,

8 PASSED AND ADOPTED at a regular meeting of the City Council of the City of  
9 Oceanside, California, held on the 22 day of Mar, 2023, by the following vote:

10 AYES: Sanchez, Keim, Joyce, Robinson, Weiss

11 NAYS: None

12 ABSENT: None

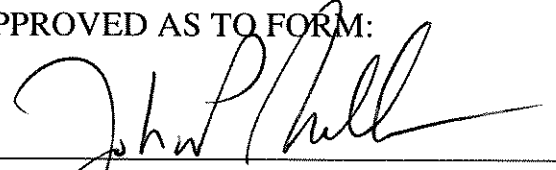
13 ABSTAIN: None

  
MAYOR OF THE CITY OF OCEANSIDE

15 ATTEST:

APPROVED AS TO FORM:

16   
17  
18 CITY CLERK

  
CITY ATTORNEY

''EXHIBIT A ''  
CITY OF OCEANSIDE COMPREHENSIVE ZONING ORDINANCE

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**3042 Mixed-use Plans**

- A. Any mixed-use development with commercial and residential land uses combined on one site requires the submission of a "Mixed-Use Development Plan" and Conditional Use Permit. Base District Regulations and Property Development Regulations for Residential Districts and Commercial Districts shall serve as the guideline for a mixed-use development. Any deviations from the development regulations shall be evaluated based upon the merits of the development plan. In addition, the "Mixed-Use Development Plan" is subject to the following requirements.

**Specific Purposes**

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

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

**Land Use Regulations**

No use, other than a use existing at the time of establishment of a Mixed-Use Plan, shall be permitted in a Mixed-Use Plan except in accord with a Mixed-use Plan. Any permitted or conditional use authorized by this ordinance may be included in an approved Mixed-Use Plan, consistent with the underlying General Plan land use designation(s).

**Development Regulations**

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- A. Minimum Area. The area of a Mixed-Use Plan shall be 1-acre. However, smaller sites may be approved if found to meet the intent and purposes of a Mixed-Use Plan.
- B. Residential Unit Density. Residential unit types included in a Mixed-Use Plan shall not exceed 29 dwelling units per acre for the total area of parcels designated for mixed-use. **A density range of 35 to 43 dwelling units per acre shall apply to all Commercial zoned sites identified as Candidate Rezoning Corridor Sites in the 2021-2029 Housing Element sites inventory.**
- C. Performance Standards. The performance standards prescribed by Section 3024 shall apply.
- D. Design. The Mixed-Use Plan shall be an integrated plan. Uses shall be placed as to share parking, traffic circulation, open space etc.
- E. Other Development Regulations. Other development regulations shall be as prescribed by the Mixed-Use Plan. The development standards of an existing overlay district may be modified by the Mixed-Use Plan if demonstrated to promote superior design.
- F. **Multi-family Housing. Pursuant to Government Code Section 65583.2, standalone (100 percent) multi-family housing shall be permitted on all Commercial zoned sites designated for Low and Very Low Income categories as identified in the 2021-2029 Housing Element sites inventory subject to the following:**
1. **A development plan shall be filed in accordance with Article 43 of the Zoning Ordinance for projects not reserving at least 20 percent of units as affordable to lower income households.**
  2. **A project shall be permitted by-right (without discretionary action) and subject to ministerial review if at least 20 percent of the units are reserved as affordable to lower income households.**
  3. **Standalone multi-family housing projects shall comply with the development standards of the RH High-Density Residential District.**
  4. **A density range of 35 to 43 dwelling units per acre shall apply to all projects.**
  5. **Residential use shall occupy at least 50 percent of the total floor area if it is part of a mixed-use project.**

### Initiation

A Mixed-Use Plan shall be initiated by a property owner or authorized agent. If the

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property is not under a single ownership, all owners shall join in the application, and a map showing the extent of ownerships shall be submitted with concept plans and materials.

**Required Plans and Materials**

An application for a Mixed-Use Plan shall include a Mixed Use Development Plan incorporating the materials required for design review by Article 43. The City Planner also may require one or more of the following items, based on the type, location, and potential impacts of proposed development:

- A. A map showing proposed plan boundaries and the relationship of the district to uses and structures within a 300-foot radius of the district boundaries.
- B. A map or aerial photo of the proposed plan and 100 feet beyond its boundary showing sufficient topographic data to indicate clearly the character of the terrain; the type, location, and condition of mature trees and other natural vegetation; and the location of existing development.
- C. The proposed pattern of land use, with acreage and residential density computations.
- D. The proposed street and lot pattern.
- E. Any other informational items deemed necessary by the City Planner in order to fully analyze and review the proposed development.

**Planning Commission Action**

The Planning Commission shall consider an application for Mixed-Use Plan and Mixed-Use Development Plan accompanying the application. The Planning Commission may approve, approve with conditions or deny a proposed Mixed-Use Development Plan.

- A. Required Findings. The Planning Commission may approve or conditionally approve a Mixed-Use Plan and a Mixed-Use Development Plan, upon finding that:
  - 1. The Mixed-Use Development Plan is consistent with the adopted Land Use Element of the General Plan and other applicable policies and is compatible with surrounding development. If the property is located within the V-C/CZ Zone, the Mixed-Use plan shall prioritize visitor-serving commercial uses;
  - 2. The Mixed-Use Development Plan will enhance the potential for superior urban design in comparison with the development under the base district regulations that would apply if they were not approved;

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3. Deviations from the base district regulations that otherwise would apply are justified by compensating benefits of the Mixed-Use Development Plan; and
4. The Mixed-Use Plan and Mixed-Use Development Plan includes adequate provisions for utilities, services, and emergency vehicle access; and public service demands will not exceed the capacity of existing and planned systems.

**Status of Mixed-Use Plan and Mixed-Use Development Plan**

- A. Effective Date. A Mixed-Use Plan and Mixed-Use Development Plan shall be effective on the date of their approval.
- B. Lapse of Approvals. A Mixed-Use Plan and Mixed-Use Development Plan shall expire two years after the effective date of approval or conditional approval unless:
  1. A grading permit has been issued and grading has been substantially completed and/or a building permit has been issued and construction diligently pursued; or
  2. An occupancy permit has been issued; or
  3. The approval is extended; or
  4. In cases where a Mixed-Use Plan and Mixed-Use Development Plan is approved concurrently with a Tentative Map, and a Final Map or Parcel Map is recorded, the Mixed-use Plan and Mixed-Use Development Plan shall be effective for an additional 24 months from the date of recordation of the Final Map or Parcel Map.

An approved Mixed-Use Plan and Mixed-Use Development Plan may specify a development staging program exceeding two years, provided the development staging program is reviewed and approved by the Planning Commission as a part of the Mixed-Use Plan and Mixed-Use Development Plan.

~~C. Time Extension. The Commission may extend a Mixed-Use Plan and Mixed-Use Development Plan for a period or periods not to exceed a total of three years, if it finds the time extension is consistent with the purposes of this Article. Application for a time extension shall be made in writing to the City Planner not less than 30 days or more than 90 days prior to expiration. Denial of a request for time extension of a Mixed-Use Plan and Mixed-Use Development Plan may be appealed using the procedures as prescribed in Article 46.~~

← Pending CCC Certification, not part of this request

- DC. Changed Plans. A request for changes in conditions of approval of a Mixed-Use Plan and Mixed-Use Development Plan, or a change to the Mixed-Use Plan and Mixed
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Use Development Plan that would affect a condition of approval, shall be treated as a new application. The City Planner may waive the requirement for a new application if the changes requested are minor, do not involve substantial alterations or addition to the plan or the conditions of approval, and are consistent with the intent of the project's approval or otherwise found to be in substantial conformance. An application for approval of a new Mixed-Use Plan and Mixed-Use Development Plan or for a revision of a Mixed-Use Plan and Mixed-Use Development Plan shall be considered by the Planning Commission at a public hearing with notice given as prescribed for a Development Plan in Article 43.

**Building Permits**

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

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# EXHIBIT B

Commercial Candidate Rezone Sites – Smart and Sustainable Corridors Plan										
#	APN	ADDRESS	GP	ZONING	ACRES	MIN DEN	MAX DEN	CAPACITY	STANDALONE MULTI-FAMILY?	
<b>Lower Income Sites - Vacant</b>										
1	1650120700	2136 El Camino Real	PC	CP	.5	35	43	17	YES	
2	1650120600	2136 El Camino Real	PC	CP	0.78	35	43	27	YES	
3	1650120500	2136 El Camino Real	PC	CP	0.76	35	43	26	YES	
4	1600531200	0 Mission Ave	GC	CG	1.82	35	43	63	YES	
5	1602911200	0 Mission Ave	GC	CG	1.82	35	43	63	YES	
6	1602906800	0 Hacienda Drive	GC	CL	3.14	35	43	109	YES	
7	1483402500	1435 Mission Avenue	SC	CS-HO	0.43	35	43	14	YES	
8	1510104400	Greenbrier Drive	GC	CL	0.71	35	43	24	YES	
9	1610302300	0 Oceanside Blvd	NC	CN	5.28	35	43	184	YES	
10	1610302400	0 Oceanside Blvd	NC	CN	2.15	35	43	75	YES	
<b>Vacant</b>								<b>602</b>		
<b>Lower Income Sites – Underutilized</b>										
11	1510111200	1702 Oceanside Blvd	SC	CS-HO	6.3	35	43	220	YES	
12	1510104000	1906 Oceanside Blvd.	GC	CL	2.87	35	43	100	YES	
13	1622414000	4161 Oceanside Blvd.	SP-1-84	PD-1 - C	1.52	35	43	53	YES	
14	1622414100	4171 Oceanside Blvd.	GC	CG	1.8	35	43	63	YES	
15	1622412300	4211 Oceanside Blvd.	GC	CG – PB2	4.01	35	43	140	YES	
16	1622411000	4201 Oceanside Blvd.	GC	CG – PB2	2.59	35	43	90	YES	
17	1605601300	3855 Mission Avenue	SC	CS-L-H	4.71	35	43	164	YES	
18	1651205900	0 Highway 78	SC	CS-HO	3.5	35	43	122	YES	
19	1680121100	3805 Plaza Drive	CC	CC	0.69	35	43	24	YES	
20	1680120300	3817 Plaza Drive	CC	CC	3.8	35	43	133	YES	
21	1513102600	1729 S. Oceanside Blvd	SC	CS-HO	3.37	35	43	117	YES	
22	1513102200	1767 S. Oceanside Blvd	SC	CS-HO	0.65	35	43	22	YES	
23	1513102700	Oceanside Blvd	SC	CS-HO	1.56	35	43	54	YES	
24	1620312400	1401 El Camino Real	GI	IG-MP	4.11	35	43	143	YES	
25	1602713700	3240 Mission Avenue	GC	CG	0.35	35	43	59	YES	
26	1602713800	3240 Mission Avenue	GC	CG	2.3	35	43	59	YES	
27	1482602500	1527 Mission Avenue	NC	CN	9.45	35	43	330	YES	
28	1481700600	2005 Mission Avenue	NC	CN	9.53	35	43	333	YES	

# EXHIBIT B

#	APN	ADDRESS	GP	ZONING	ACRES	MIN DEN	MAX DEN	CAPACITY	STANDALONE MULTI-FAMILY?
29	1483402400	105 Brooks Street	SC	CS-HO	0.26	35	43	8	YES
30	1513103500	1320 Union Plaza Ct	PC	CP	1.9	35	43	66	YES
31	1513103700	1315 Union Plaza Ct	PC	CP	1.91	35	43	66	YES
32	1513103600	1305 Union Plaza Ct	PC	CP	1.3	35	43	45	YES
33	1513103400	1310 Union Plaza Ct	PC	CP	0.9	35	43	31	YES
<b>underutilized</b>									<b>2442</b>
<b>Total Lower (Corridor Sites)</b>									<b>3,044</b>
<b>Moderate/Above Moderate Sites - Vacant</b>									
34	1481430400	Olive Street	SC	CS-HO	0.13	35	43	4	NO
35	1481430500	Olive Street	SC	CS-HO	0.13	35	43	4	NO
36	1654303000	0 El Camino Real	PC	CP	0.47	35	43	16	NO
37	1651910500		PC	CP	10.97	35	43	383	NO
38	1481524000	0 Mission Avenue	GC	CG	0.48	35	43	16	NO
<b>vacant</b>									<b>423</b>
<b>Moderate/Above Moderate Sites - Underutilized</b>									
39	1651202400	2335 Vista Way	CC	CC	6.41	35	43	224	NO
40	1651206500	Vista Way	CC	CC	2.95	35	43	103	NO
41	1651204700	2405 Vista Way	CC	CC	0.19	35	43	6	NO
42	1651204600	2415 Vista Way	CC	CC	0.19	35	43	6	NO
43	1651206400	2471 Vista Way	CC	CC	0.37	35	43	12	NO
44	1651204400	2481 Vista Way	CC	CC	0.31	35	43	10	NO
45	1651203800	2485 Vista Way	CC	CC	0.26	35	43	9	NO
46	1625022200	4150 Oceanside Blvd.	SP-1-84	PD-1	4.01	35	43	71	NO
47	1625022400	4140 Oceanside Blvd.	SP-1-84	PD-1	1.54	35	43	27	NO
48	1625022300	4130 Oceanside Blvd.	SP-1-84	PD-1	2.37	35	43	42	NO
49	1625022600	4136 Oceanside Blvd.	SP-1-84	PD-1	0.77	35	43	13	NO
50	1625022900	4120 Oceanside Blvd.	SP-1-84	PD-1	0.69	35	43	12	NO
51	1481600400	1806 Mission Ave	GC	CG	0.38	35	43	13	NO
<b>underutilized</b>									<b>548</b>
<b>Total Moderate/Above Moderate (Corridor Sites)</b>									<b>971</b>