



September 1, 2011

Dear City of Encinitas Residents, Business Owners and Property Owners:

The following Zoning Code amendments are designed to implement some of the policy direction contained in the draft Encinitas 2035 General Plan. The General Plan update process identified areas for potential mixed use, visitor serving commercial, and multi-family residential zoning. The areas include: El Camino Real commercial corridor, Encinitas Boulevard/I-5 Freeway and Santa Fe Drive/I-5 Freeway focus areas. These focus areas constitute less than 5% of the city, while over 95 percent of the city is being preserved.

In addition, some zoning amendments have been proposed to address other issues, such as: create a Park zone to preserve recreational resources; modify Public/Semi-Public zone to delete reference to medical and dental uses; create a zone specifically for the hospital; and establish an overlay zone to enhance and encourage auto sales type uses. Some additional amendments are proposed to address constraints to housing, i.e., delete reference to mid-range density and establish minimum density for multi-family zones.

The 2035 General Plan update and related zoning amendments help us to address many state and regional issues facing Encinitas:

- ✓ Community Sustainability – environment, economy, and equity issues.
- ✓ Greenhouse Gas Emissions – reduce GHG emissions through reduction in vehicle miles travelled, improving overall air quality.
- ✓ Diversity of housing – affordable, entry level and market rate housing opportunities.
- ✓ Visitor Serving Uses – provide additional lodging opportunities to address coastal access.
- ✓ Fiscal and Economic Health – fiscal stability for long term maintenance of facilities.

Please take time to review the following document and provide us with your comments. The draft General Plan Update and Zoning documents, schedule of events and comment forms are available at [www.encinitas2035.info](http://www.encinitas2035.info) .

## TABLE OF CONTENTS

	<b>Amendment</b>	<b>Page</b>
1	Description of Zones	3
2	R-30 Zone, Minimum Density, Mid-Range Density	7
3	Mixed Use Residential Zone	17
4	Mixed Use Commercial Zone	25
5	Mixed Use ER-MU3 Zone (Encinitas Ranch Specific Plan)	33
6	Mixed Use Visitor Serving Commercial	47
7	Park Zone	51
8	Public/Semi Public and Hospital Zones	53
9	Live Work/Light Industrial Zone (To be completed)	

The list above displays draft zone code amendments that were prepared in support of the Comprehensive General Plan Update. When modifying existing Zoning or Specific Plan language, the changes are reflected with ~~strikethrough~~ typeface illustrating deletions, and **underline/bold** typeface illustrating new text. Some draft amendments will add new chapters to the City's zoning regulations. In these instances a ~~strikethrough~~/**underline** format is not used.

# PROPOSED DESCRIPTION OF MIXED USE, RESIDENTIAL 30, PARK, AND PUBLIC/SEMI-PUBLIC/HOSPITAL ZONES

## CHAPTER 30.08

### ZONES

*Section 30.08.010, Establishment of Zones, to be modified as following:*

A. Residential Zones

*Add the following Zone following R-25 Zone:*

**R-30 Residential 30 is intended to provide for compatible high density multiple-family residential development including apartments, condominiums, and senior housing, with a maximum density of 30 units per net acre.**

*Add the following Mixed Use Zones:*

**B. Mixed Use Zones**

**MU-R: Mixed Use Residential Zone is intended to provide a mix of residential uses with commercial/office type uses. Residential density is at a maximum of 30 units per net acre. Commercial and office type uses are similar to the OP and GC zones. Commercial type uses shall be the primary use with residential secondary as indicated with the residential units being located either above or behind the commercial type uses.**

**MU-C: Mixed Use Commercial Zone is intended to provide a mix of commercial, office and residential uses. Residential density is a range of 0 to 30 units per net acre. The MU-C zone provides the greatest amount of flexibility allowing for a wide range of commercial, office and residential uses.**

**MU-VSC: General Commercial – Visitor Serving Commercial Mixed Use Zone is intended to provide a mixed of general commercial type uses on the ground floor with, generally, lodging type uses on the upper levels.**

*Change subsection B to C for Commercial Zones:*

**CB.** Commercial Zones

*Modify Public Semi-Public Zones as follows:*

D. Public/Semi-Public Zones

P/SP: Public/Semi-Public is intended to provide for activities operated by the City, County, or other governmental agencies such as the fire district, school districts, water districts, and sewer districts; ~~other semi-public uses, such as hospitals and other private institutions may also be included.~~

**P/SP/H: Public/Semi-Public/Hospital is intended to provide for hospital type activities and related medical/dental offices.**

*Modify the Open Space Zone as follows:*

E. Open Space Zone

ER/OS/PK: Ecological Resource/Open Space/Parks is intended to provide for land that is ecologically significant and has been set aside for preservation as open space, ~~or land that has been set aside for the public's use as active and passive recreational areas,~~ **such as trails within ecological/open space areas (e.g., San Elijo Lagoon).** ~~¶~~ No private development may occur within this zone. **This zone can include active recreational areas, such as, beaches; however, the primary intent is for the recognition of the ecological resource. As additional land is acquired for ecological/open space purposes, the General Plan land use map and zoning map would ultimately be amended to reflect this land being set aside as open space.**

**PK: Park Zone is intended to designate land that is set aside for the public's use as primarily active recreational areas. This zone can include the preservation of ecological resources; however, the primary intend would be for active recreational uses. As additional park land is acquired, the General Plan land use map and zoning map would**

ultimately be amended to reflect this land being set aside for public use.

LW/LI: Live-work/Light Industrial zone is intended to provide living opportunities in light industrial/manufacturing setting. Live-work opportunities can include: owner / employee accommodations over or behind the light industrial use.

AO: Auto Overlay zone is intended to accommodate existing auto dealerships to encourage their retention and allow for expansion. It is also design to encourage new dealerships to locate within this area as properties redevelop.

Page left intentionally blank.

## **PROPOSED R-30 ZONE, ADDING MINIMUM DENSITY, AND DELETION OF MID-RANGE DENSITY**

### CHAPTER 30.16

#### RESIDENTIAL ZONES

##### 30.16.010. Development Standards.

A. The development standards described in the tables below shall apply to the Residential zones and are minimums unless otherwise stated. These standards shall apply to all land and buildings other than accessory buildings, permitted in their respective residential zones. In addition to the development standards provided in this Chapter, each specific plan identified in Chapter 30.84, Specific Plans, may have separate development standards for Residential zones in their jurisdictional boundaries. Refer to individual specific plans, as referenced in Chapter 30.84, for development standards in Residential zones within adopted specific plans. (Ord. 94-02)

For building height, see Section 30.16.010B6. For Off-Street Parking requirements, see Chapter 30.54. (Ord. 2010-13)

1. RURAL RESIDENTIAL ZONES (Ord. 89.41)

ZONE REQUIREMENTS	RR	RR-1	RR-2
a. Density (Maximum dwelling units per net acre)	0.123 (8 acres for floodplain) 0.26-0.50 (2-4 acres depending on slope)	1.0	2.0
<del>b. Midrange Density (See Section 30.16.01B1 &amp; B2)</del>	<del>0.125 (8 acres for floodplain) 0.38 (3 acres depending on slope)</del>	<del>0.75</del>	<del>1.5</del>
b <del>e</del> . Net Lot Area	2,4, or 8 acres	1.0 acre	21,500 sq. ft.
c <del>d</del> . Lot Width (ft.)	110	110	100
d <del>e</del> . Cul-de-sac Lot Width (ft.)	30 at front setback	30 at front setback	30 at front setback
e <del>f</del> . Panhandle Width on a Flag Lot (ft.)	20	20	20
f <del>g</del> . Lot Depth (ft)	150	150	150
g <del>h</del> . Front Yard Setback (ft)	30	30	30
h <del>i</del> . Side Yard Setback (ft.) for each interior side <sup>4,5</sup>	15/15 (Ord. 2006-06)	15/15	10/10
i <del>j</del> . Side Yard Setback (ft) street side <sup>5</sup>	20	15	15
j <del>k</del> . Rear Yard Setback (ft.)	25	25	25
k <del>l</del> . Lot Coverage (maximum percentage)	35%	35%	35%

## 2. SINGLE-FAMILY RESIDENTIAL ZONES

ZONE REQUIREMENT	R-3	R-5	R-8	R-11/RS-11
a. Density (Maximum dwelling units per net acre)	3.0	5.0	8.0	11.0
<del>b. Midrange Density (See Section 30.16.010B1 &amp; B2)</del>	<del>2.5</del>	<del>4.0</del>	<del>6.5</del>	<del>9.5</del>
<del>b.e.</del> Net Lot Area (sq. ft.)	14,500	8,700	5,400	3,950
<del>c.d.</del> Lot Width (ft.)	80	70	60	40
<del>d.e.</del> Cul-de-sac Lot Width (ft.)	30 at front setback	30 at front setback	30 at front setback	30 at front setback
<del>e.f.</del> Panhandle Width on a Flag Lot (ft.)	20	20	20	20
<del>f.g.</del> Lot Depth (ft.)	100	100	90	90
<del>g.h.</del> Front Yard Setback (ft.)	25	25	25	20 <sup>2</sup>
<del>h. i.</del> Side Yard Setback (ft) for each interior side <sup>4,5</sup>	10/10	10/10	5/10	(RS-11) 5/5 (R-11) 5/0-5 <sup>1</sup>
<del>i.j.</del> Side Yard Setback (ft) street side <sup>5</sup>	10	10	10	10
<del>j.k.</del> Rear Yard Setback (ft.)	25	25	25	20
<del>k.l.</del> Lot Coverage (maximum percentage)	35%	35%	40%	40%
<del>l.m.</del> Floor Area Ratio		.6	.6	.6 (Standard Lot Sizes) .5 (Substandard Lot) <sup>3</sup>

3. HIGHER DENSITY SINGLE-FAMILY AND  
MULTIPLE-FAMILY RESIDENTIAL ZONES

ZONE REQUIREMENT	R15	R-20	R-25	<u>R-30</u>	MHP
a. Density (Maximum dwelling units per net acre)	15.0	20.0	25	<u>30</u>	11.0
<b><u>b. Minimum density</u></b>	<b><u>11.0</u></b>	<b><u>15.0</u></b>	<b><u>20.0</u></b>	<b><u>25.0</u></b>	
<del>b. Midrange Density (See Section 30.16.010B1&amp;B2)</del>	<del>13.0</del>	<del>17.5</del>	<del>22.5</del>		9.5
c. Net Lot Area (sq. ft.)	20,000	20,000	20,000	<u>20,000</u>	
d. Lot Width (ft)	100	100	100	<u>100</u>	
e. Lot Depth (ft)	150	150	150	<u>150</u>	
f. Front Yard Setback (ft)	20	20	20	<u>20</u>	
g. Side Yard Setback (ft.) for each interior side (Standard Lot) <sup>5</sup>	15/15	15/15	15/15	<u>15/15</u>	
h. Side Yard Setback (Substandard Lot) street side <sup>3,5</sup>	5/5	5/5	5/5		
i. Street Side Yard Setback, (Standard Lot) (ft.) <sup>5</sup>	20	20	20	<u>20</u>	
j. Street Side Yard Setback (Substandard Lot) <sup>3,5</sup>	10	10	10	<u>10</u>	
k. Rear Yard Setback (ft.)	15	15	15	<u>15</u>	
l. Rear Yard Setback Where Alley Exists	20	20	20	<u>20</u>	
m. Lot Coverage (maximum percentage)	40	40	40	<u>60</u>	
n. Building Height (See 30.16.010B6)				<u>35'</u> <u>3 stories</u>	
o. Distance between buildings on the same lot less than 16 ft. in height	15	15	15	<u>15</u>	
p. Distance between buildings on the same lot greater than 16 ft. in height	20	20	20	<u>20</u>	
<b><u>q. Front yard and Street Side yard Setback</u></b> <sup>1</sup>				<u>10' for 3<sup>rd</sup> story</u>	

FOOTNOTES

1. Requires a minimum 5 ft. side yard setback for both side yards, unless a zero lot line development is proposed. For zero lot line development, a 5 ft. minimum side yard setback is required for one side yard with a zero yard setback where the two units have common walls.

2. See Section 30.16.010C4 and D10.
  3. Note: Substandard lot under floor area ratio refers to a lot that does not meet the standard for lot area (Ord. 84-91)
4. See Section 30.16.010B9 (Ord. 90-15)
5. See “Lot, Interior” in Section 30.04.
- 6. R-30 building height may be 35’ and 3 stories. Section 30.16.010B6(b) shall apply.**
- 7. The third story shall be set back (stepback) at least an average of 10’ from the second floor facing the front yard and street side yard.**

B. ALL RESIDENTIAL ZONES. The following development standards shall apply to all residential zones:

1. In determining the mid-range or maximum number of dwelling units allowed for a property, multiply net acreage by the ~~mid-range density or~~ maximum density given in 30.16.010A. Any fraction of a dwelling unit shall be reduced to the next lower whole unit not less than one.

2. Net acreage is the slope adjusted gross acreage not including acreage of the flood plains, beaches, permanent bodies of water, significant wetlands, major power transmission easements, railroad track beds, existing and future rights-of-way and easements for public or private streets/roads, and the area contained within the panhandle portion of a panhandle lot in a zone where the minimum required lot size is 10,000 square feet or less. The portion of access roadways or easements internal to a project that are used exclusively to provide access to rear-loaded garages are not required to be deducted from gross acreage. Driveways providing access to dwelling unit(s) on one lot are not deducted from gross acreage. Environmental constraints may reduce density. (Ord. 2003-10).

- a. The slope adjustment shall be required and is as follows:

- (1) All land in 0-25% slope of natural grade is allowed to use 100% of acreage.
- (2) All land in 25-40% slope of natural grade is allowed to use 50% of acreage.
- (3) All land in 40% + slope of natural grade is allowed to use 0% of acreage.
- (4) Five-foot contour maps available from the City shall be used for calculating the slope adjustment.

- b. The density of development shall be based on net acreage. ~~Projects proposing to create a total of four units/residential lots or less may exceed mid-range density regulations without having to comply with the following findings, so long as the project will not exceed maximum density. In order to exceed mid-range density up to the maximum density for projects~~

~~containing 5 or more dwelling units or residential lots, allowed for the subject site, the following findings must be made by the appropriate agency:~~

~~(1) The project shows high sensitivity to the neighboring properties and area to ensure compatibility with land uses and community character, and;~~

~~(2) The project design significantly exceeds the minimum standards for development (lot size, setbacks, lot width and depth, landscape standards and design standards) and;~~

~~(3) The project either:~~

~~◦ Provides needed public improvements that are significantly beyond the requirements for the project, or;~~

~~◦ Provides private or public recreational facilities that significantly exceed the project's requirements.~~

~~◦ Or provides other significant benefits.~~

3. Street setbacks shall be measured from the ultimate street right-of-way according to the City Engineer or the maximum required street width if the street is proposed to be private or is now a private street.

4. When landscaping is required, landscaping shall consist predominantly of trees, shrubs, ground cover and decorative rocks, except for necessary walks, drives and fences. All required landscaping shall be maintained in a healthy and thriving condition, free from weeds, trash, and debris.

5. Varieties of plants chosen for landscaping may be restricted through the development review process to protect or preserve views. All required plantings shall be maintained in good growing condition, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with required landscaping, buffering, and screening requirements. All landscaping shall be maintained in a manner that will not depreciate adjacent property values or otherwise adversely affect adjacent properties.

6. The following standards shall apply to building height limits for residential buildings. (Ord. 2003-10).

- a. The standard height limit for residential buildings shall be the lesser of two stories or the following height, all as measured to the top of a flat roof (or in the case of a pitched roof to the top of the roof immediately above the exterior plane of the wall below, including roofing material):

± ● **26 ft.** - RR to RR-1 zones citywide, RR through RR-2 in the Olivenhain Community.

±• 22 ft.- RR-2 (except Olivenhain Community) to R-25 Zones and higher zones, and substandard lots in the Olivenhain Community.

**b. The standard height limit for residential buildings within a R-30 zone shall be 35' and 3 stories.**

D. HIGHER DENSITY SINGLE-FAMILY AND MULTIPLE-FAMILY RESIDENTIAL ZONES (R-11/R-15/R-20/R-25/R-30). (Ord. 89-41) In the higher density single-family and multiple-family residential zones, including the conversion of apartments to condominiums, the following development standards shall apply in addition to A & B of this Section:

1. A minimum of ten (10) percent of the floor area of the unit shall be provided as private open space for both ground floor units and units contained wholly on the second floor. For units wholly on the second floor this open space may be provided by outdoor decks.
2. Architecturally compatible trash enclosures, and adequate areas for collecting and loading recyclable materials, screened from view of the roadway, and convenient to all dwelling units within the project, shall be provided. (Ord. 93-14)
3. A minimum of fifteen (15) feet wide of screen type landscaping shall be provided and maintained on the project side of any property line separating the project from a rural residential or single-family residential zone.
4. A minimum of 250 cubic feet of lockable, enclosed storage area per unit shall be provided within a garage/carport area, or within the main building.
5. Fully screened recreation vehicle parking areas shall be provided or the development shall prohibit all parking of recreation vehicles.
6. A minimum of thirty (30) trees per net acre shall be required as part of the project landscaping; the trees shall consist of a combination of box specimen and fifteen (15) gallon sizes. Smaller sized trees may be approved provided said trees reach a desired maturity height within 3 years after project occupancy.
7. A masonry wall, or equal six (6) feet in height from the highest finished grade may be required along the project's rear and side property lines, unless the property line separates two higher density residential projects. Where the adjacent grade of abutting property is four (4) feet or more lower or higher than the project site, the masonry wall shall be a minimum of six (6) feet in height. No walls are required in front or street side yards unless needed for noise attenuation and/or privacy. All masonry walls greater than 4 feet in height shall be planted with vine cover material (or equal landscaping).

8. The following recreation facilities shall be provided unless waived during the Design Review process:

- a. Childrens' play area
- b. Swimming pool
- c. Family picnic area
- d. Private community garden and/or edible landscapes**

9. Auxiliary structures/equipment and utilities. The following development standards related to auxiliary structures/equipment and utilities shall apply:

a. All roof appurtenances including, but not limited to air conditioning units, and mechanical equipment shall be shielded and architecturally screened from view from on-site parking areas, adjacent public streets and adjacent properties;

b. All ground-mounted mechanical equipment, including heating and air condition units, and trash receptacle areas and adequate areas for collecting and loading recyclable materials, shall be completely screened from surrounding properties by use of a wall, fence, or landscaping, or shall be enclosed within a building; (Ord 93-14)

c. All utility connections shall be designed to coordinate with the architectural elements of the site so as not to be exposed except where necessary. Pad-mounted transformers and/or meter box locations shall be included in the site plan with an appropriate screening treatment. All new and existing utility connections within the boundaries of the project shall be placed underground, with the exception of existing overhead power transmission lines in excess of 34.5 KV and long-distance and main trunk communications facilities. Transformer, terminal boxes, meter cabinets, pedestals, concealed ducts and other facilities may be placed above ground provided they are screened with landscaping.

d. Trash receptacles and adequate areas for collecting and loading recyclable materials enclosed ~~by a six foot high masonry wall~~ with view-obstructing gates/**walls consistent with current stormwater practices** shall be provided in an acceptable location; (Ord. 93-14)

e. Outdoor storage and sales areas shall be entirely enclosed by solid masonry walls not less than six (6) feet in height to adequately screen such areas from view. Reasonable substitutions such as masonry, wood or metal pilasters with wrought iron or chain link and view obscuring material may be approved during Design Review.

10. The front yard setbacks may be reduced to 15 feet provided that the subject parcel is substandard in either size or the depth of the lot, and an alley abuts the rear of the parcel where the required parking is to be located. No paving (impervious surfaces) shall be

permitted in the front yard other than a pedestrian sidewalk to the front entry with the rest of the front yard being landscaped. (Ord. 89-41)

Page left intentionally blank.

## **PROPOSED MIXED USE RESIDENTIAL ZONE**

*Add Chapter 30.18 to Title 30 as follows:*

### CHAPTER 30.18

#### MIXED USE RESIDENTIAL ZONE

30.18.010 Purpose/Intent: The Mixed Use Residential Zone (MU-R) is intended to allow for a transition from commercial-type development as currently authorized under the General Commercial Zone to a mixed use residential development. The residential component of the mixed use zone allows residential units on the second and third floors over the commercial uses or behind the commercial uses at a density of 30 dwelling units per net acre. The zone allows for the continued use of the provisions contained in the General Commercial (GC) zone; however, when the property owner selects to take advantage of the mixed use standards, the provisions of the MU-R Mixed Use Zone shall apply and the residential component of the mixed use shall be required.

#### 30.18.020 Permitted Uses

A. The uses authorized as permitted, conditional use permit (minor) or conditional use permit (major) under the Zoning Use Matrix, Chapter 30.09 for the General Commercial (GC) Zone of the Encinitas Municipal Code, shall apply to the MU-R Zone. In addition to the uses authorized under the General Commercial Zone, the following uses shall be permitted by right:

1. Dwelling Unit, Multi-Family attached. 30 units per net acre as a mixed use component of the commercial uses. The units are allowed either above or behind the commercial uses.
2. Urban farm. Greenhouse structure in a commercial setting, either on the ground floor or on the second floor of a commercial structure. Urban farm is associated with a commercial use, such as, a restaurant (farm to fork) or a grocery store.

B. Outdoor uses that engage the pedestrian (i.e., outdoor eating, outdoor displays, art displays, cultural activities, and the like) will be encouraged.

1. Sidewalk Café/Outdoor Cafe. Up to 250 square feet of outdoor eating on private property for each restaurant shall be exempt from parking standards.
2. Public sidewalk dining. Public sidewalk dining shall be limited to the front of the restaurant and shall be located adjacent to the building. Minimum of 6' of pedestrian walk way shall be maintained at all times. All use of the public right-of-way shall be subject to the issuance of an encroachment permit.
3. Outdoor Display. Up to 20 square feet of outdoor display on private property shall be allowed for each store. Display periods shall only be during daylight hours or business hours. Displays on public sidewalks shall be limited to 10 square feet, maintain a 6' pedestrian walkway and subject to the issuance of an encroachment permit.
4. Sidewalk Café/Outdoor Café and Outdoor Display of Merchandise. Outdoor dining and merchandise displays shall be regulated as noted above and subject to the accessory use provisions of the Municipal Code Section 30.48.050. When there is a conflict, the above regulations shall apply.
5. Outdoor art / cultural exhibits / live performing arts. Outdoor art exhibits, cultural exhibits and live performing arts shall be permitted; however, no amplification shall be authorized except through the issuance of a minor use permit.
6. Outdoor plazas and activity areas shall be encouraged within development that engage the pedestrian and allow for outdoor uses.

#### 30.18.030 Development Standards

A. The development standards described in Chapter 30.20 shall apply for commercial (non-residential) projects. The following standards shall apply to mixed use residential projects. When a property owner selects to utilize any of the standards below, the residential component of the mixed use zone shall be required.

<b>Development Standards</b>	<b>MU-R Zone</b>
Net Lot Area (square ft)	20,000
Lot width (ft)	100
Lot Depth (ft)	100
Front Yard Setback (ft)	0 – 20 (Established through Design Review)
Side Yard Setback (ft) For each interior side	0
Side Yard Setback (ft) Street side	0 – 20 (Established through Design Review)
Rear Yard Setback (ft)	0
Front Yard and Street Side Yard Stepback	10' average*
Lot Coverage (maximum percentage)	70%
Commercial component	40% of the total building square footage**
Building Height (maximum)	2 to 3 stories; 30' - 40'***
Landscaping	10%**** (Minimum 5% planted) (Plazas and courtyards, fountains, art exhibits, etc. can count up to 5% of the 10% requirement for landscaping)
Density – maximum	30 units per net acre*****
Density – minimum	25 units per net acre*****

\*The third story shall be set back (stepback) at least an average of 10' from the second floor facing the front yard and street side yard.

\*\*Commercial component of the mixed use is as critical as the residential component to address economic and environmental sustainability (reduction to vehicle trips/GHG emissions) policies. As such, the following minimums shall be required for commercial uses unless modified through a major use permit process:

- Vertical mixed use - 40% of the total building square footage shall be retained as commercial uses.

- Horizontal mixed use – 40% of the project site shall be retained as commercial uses.
- Vertical/horizontal mixed use combination – shall be evaluated through a major use permit process.

\*\*\*Building height for two residential stories over commercial uses shall be limited to 40’.

- Non-residential uses are limited to 2 stories and no more than 30 feet. Additional height may be allowed up to 40’ for:
  - Greenhouse structures (urban farm) when located on the second floor:
  - Green roofs, landscape roof gardens, and associated structures.
- When the residential use is located behind the commercial use (as opposed to over), the building height limit for the residential building shall be 3 stories, 35’.
- Building heights may be lowered through the Design Review process in order to maintain a reasonable portion of the significant views enjoyed by nearby properties.

\*\*\*\*See Section 30.20.010G for landscape design standards. Such standards may be modified through the Design Review process when address adjacency issues, street appearance, screen parking, incorporate green roof, and to better address plazas, courtyards and other ways to engage the pedestrian. Edible landscapes and community gardens are encouraged and count toward the minimum percent of planted area.

\*\*\*\*\*Density shall be based on net density as identified in the General Plan.

B. Building Height: Flagpoles, chimneys, roof access ladders/stairways, elevator shafts, energy renewal systems, mechanical equipment enclosures, and other similar architectural features may exceed the maximum height subject to Design Review by the Planning Commission.

C. Mixed Use Limitation: Mixed use development within the MU-R, MU-C and ER-MU3 zones located within the El Camino Real Focus Area shall be limited to a maximum of 1,000 dwelling units for the entire El Camino Real Focus Area. Once this limitation is reached, additional units would be prohibited unless an amendment is approved to authorize an increase. In addition, since the residential use is a mandatory component for the MU-R zone, implementation of the MU-R zone (e.g., commercial mixed use) would not occur unless an amendment is approved to authorize an increase.

D. Mixed Use Site Planning: When a commercial center takes advantage of the mixed use residential zoning, the entitlement shall be approved for the entire project site (existing commercial center); however, the project approvals may be implemented incrementally as approved through the Design Review Permit.

1. Residential uses shall be located above and/or behind the primary commercial use. When residential uses are located behind the commercial use, the residential uses can be 3 stories at 35’ maximum height and the commercial uses shall be limited to 2 stories at 30’ maximum height. When residential uses are located above commercial uses, the residential component shall be limited to 2 stories above one story of commercial uses with a maximum height of 40’.

2. First floor commercial uses shall be located on the ground floor when fronting El Camino Real, Encinitas Boulevard or Santa Fe Drive.
3. Separate primary building entrances shall be required for residential and commercial uses when occupying the same structure.
4. Commercial deliveries and pick-up shall be incorporated into the design to minimize impacts to existing adjacent uses.
5. Signage shall conform to Chapter 30.60 of the Encinitas Municipal Code and be integrated with other site planning elements, particularly building location and orientation, landscaping and access points.
6. Provide visual access from public streets to spaces within the mixed use area in order to increase safety, pedestrian use and overall activity of the area.
7. All buildings shall be oriented to provide access to light and air, creating a healthy living environment.
8. Parking structures shall be screened from El Camino Real, Encinitas Boulevard or Santa Fe Drive by commercial or commercial with residential above development, and/or landscaping/building design. When visible from side streets, they shall be appropriately designed and landscaped to screen and soften their appearance. Parking structures shall propose landscape standards that provide visual screening and interests.
9. The site design shall take into consideration adjacent development, particularly any existing adjacent residential uses. The site design shall consider views, light and air, noise, delivery access, and other compatibility issues with both adjacent existing residential development and the proposed residential uses within the mixed use development.
10. Additional setback – a minimum of 25’ shall be required whenever a lot in a mixed use zone abuts a lot in any residential zone. This setback may be used for required open off-street, at grade parking. This setback requirement may be modified if existing conditions (i.e., topography differences between mixed use site and residential area) and project design address any compatibility issues with a development at a lesser setback.

E. Building Design. In the MU-R zone the following development standards related to building design shall apply:

1. All buildings are encouraged to minimize energy consumption, using such features as:
  - a. Cogeneration
  - b. Solar access
  - c. South facing windows with eave coverage

- d. Double glazed windows
- e. Deciduous shade trees
- f. Earth berming against exterior walls
- g. Good ventilation
- h. Efficient lighting
- i. Day lighting
- j. Green roofs, landscape roof gardens

2. Buildings with monochromatic appearance shall be avoided through the use of complementary colors.

3. All signs associated with buildings and site shall be integrated in terms of both architecture and color and shall comply with applicable City sign regulations contained in Chapter 30.60.

4. Building heights, walls and planes should be varied along the street edge.

5. Projects shall comply with City-wide General Plan vision and design guidelines. In addition, projects shall comply with related portions of the City wide Design guidelines until mixed use design guidelines are established.

F. Access and Circulation: Section 30.20.010E, Access, circulation and parking shall apply unless modified below.

1. Vehicular access points onto El Camino Real and Encinitas Boulevard shall be minimized to one point for each 300 feet of frontage or one point per parcel if frontage is less than 300 feet. Access from side streets and adjacent commercial centers shall be utilized. Where major access points for egress and ingress are needed to commercial centers, sharing a single point of access shall be coordinated with openings in existing or planned medians. Access points to adjoining lots shall be shared wherever feasible.

2. The public sidewalk shall be a minimum of 12' in width. Sidewalk shall include street trees per the Street Tree Master Plan.

3. All development shall provide pedestrian access from the public street into the development.

4. Development shall provide attractive and well marked pedestrian links between parking, building and public sidewalk.

5. The mixed use site design shall take into consideration future vehicular and pedestrian access of the adjacent commercial or mixed use project.

G. Accessory Structures. Accessory structures shall conform to the standards set forth in Section 30.20.010J of Title 30, Zoning, of the City of Encinitas Municipal Code.

H. Auxiliary Structures/Equipment and Utilities. Auxiliary Structures/Equipment and Utilities shall conform to the standards set forth in Section 30.20.010F of Title 30, Zoning, of the City of Encinitas Municipal Code.

I. Lighting. Lighting shall conform to the standards set forth in Section 30.20.010H of Title 30, Zoning, of the City of Encinitas Municipal Code.

J. Minimum Private Outdoor Open Space. For residential units only, a minimum of ten (10) percent of the floor area of the units shall be provided as private outdoor open space for both ground floor units and units contained wholly on the second/third floor. For units wholly on the second/third floors, this open space may be provided in the form of outdoor decks or balconies.

K. Off-Street Parking Requirements. Off-street parking spaces required for automobiles for mixed use projects shall be provided as required in Section 30.54.030A, *Schedule of Required Off-Street Parking*, of the City's Municipal Code, Encinitas Parking Manual, and as modified below:

1. Residential:
  - (a) Affordable housing – 1 space per unit.
  - (b) Studio – 1 space per unit.
  - (c) One bedroom – 1.5 spaces per unit.
  - (d) Two or more bedrooms – 2 spaces per unit.
2. Commercial/office uses – 1 space for every 300 square feet of floor area.
3. Medical and dental office type uses – Shall conform with Section 30.54.030 of Title 30, Zoning Regulations, of the City of Encinitas Municipal Code.
4. Restaurant uses – Shall conform with Section 30.54.030 of Title 30, Zoning Regulations of the City of Encinitas Municipal Code. However, restaurant uses can comprise up to 20% of the total indoor commercial development of the mixed use project at the required parking for the retail and office type uses.
5. Fuel Efficient and Electric Vehicle parking: At least 10% or a minimum of 2 parking stalls, whichever is greater, shall be provided for fuel efficient and electric vehicles. The required fuel efficient and electric vehicles shall be spread between the commercial and residential uses. Plug-ins shall be provided for the electric vehicles. Fuel efficient vehicles shall be as defined by LEED.
6. The above standards may be less restrictive based on a site-specific parking study which supports the proposed adjustment in parking spaces or parking size, and all permitted deviations shall be subject to on-going review and monitoring.
7. All parking areas for nonresidential uses shall record a reciprocal parking easement to allow ingress and egress, circulation, and parking arrangements with

adjacent development to facilitate the ease of vehicular and pedestrian movement between adjoining properties without the need to enter the public street system unless demonstrated to be infeasible by the authorized agency. As development occurs, each commercial center shall provide or guarantee vehicular and pedestrian connections. Off-site parking facilities may be allowed pursuant to minor use permit approval.

8. Parking areas shall be screened or visually softened. Particular efforts shall be implemented with parking structures. Where the parking structure is visible, design efforts shall be incorporated into the structure to soften the overall appearance and create visual interest.

9. Bicycle parking shall be provided throughout the nonresidential project to encourage and promote the use of bicycling. Chapter 30.54 provides the standards for the number of bicycle parking spaces to be provided.

## **PROPOSED MIXED USE COMMERCIAL ZONE**

*Add Chapter 30.19 to Title 30 as follows:*

### CHAPTER 30.19

#### MIXED USE COMMERCIAL ZONE

30.19.010 Purpose/Intent: The Mixed Use Commercial Zone (MU-C) is intended to allow for a transition from commercial-type development as currently authorized under the General Commercial (GC) Zone to a mixed use commercial development. The MU-C zone provides for the greatest amount of flexibility allowing for a wide range of commercial, office and residential uses. Ground floor uses generally have a retail function. Second and third story uses typically provide a good environment for a wide range of office professional uses. Residential uses are allowed above or behind the commercial uses; however, residential uses are not mandatory like the MU-R zone. The residential density can range from 0 to 30 units per net acre. The zone allows for the continued use of the provisions contained in the General Commercial (GC) zone; however, when the property owner selects to take advantage of the MU-C standards, the provisions of the Mixed Use Commercial Zone shall apply.

#### 30.19.020 Permitted Uses

A. The uses authorized as permitted, conditional use permit (minor) or conditional use permit (major) under the Zoning Use Matrix, Chapter 30.09 for the General Commercial (GC) Zone of the Encinitas Municipal Code, shall apply to the MU-C Zone. In addition to the uses authorized under the General Commercial Zone, the following uses shall be permitted by right:

1. Dwelling Unit, Multi-Family attached. Up to 30 units per net acre as a mixed use component of the commercial uses. The units are allowed either above or behind the commercial uses.
2. Urban farm. Greenhouse structure in a commercial setting, either on the ground floor or on the second floor of a commercial structure. Urban farm is associated with a commercial use, such as, a restaurant (farm to fork) or a grocery store.

B. Outdoor uses that engage the pedestrian (i.e., outdoor eating, outdoor displays, art displays, cultural activities, and the like) will be encouraged.

1. Sidewalk Café/Outdoor Café. Up to 250 square feet of outdoor eating on private property for each restaurant shall be exempt from parking standards.

2. Public sidewalk dining. Public sidewalk dining shall be limited to the front of the restaurant and shall be located adjacent to the building. Minimum of 6' of pedestrian walk way shall be maintained at all times. All use of the public right-of-way shall be subject to the issuance of an encroachment permit.

3. Outdoor Display. Up to 20 square feet of outdoor display on private property shall be allowed for each store. Display periods shall only be during daylight hours or business hours. Displays on public sidewalks shall be limited to 10 square feet, maintain a 6' pedestrian walkway and subject to the issuance of an encroachment permit.

4. Sidewalk Café/Outdoor Café and Outdoor Display of Merchandise. Outdoor dining and merchandise displays shall be regulated as noted above and subject to the accessory use provisions of the Municipal Code Section 30.48.050. When there is a conflict, the above regulations shall apply.

5. Outdoor art / cultural exhibits / live performing arts. Outdoor art exhibits, cultural exhibits and live performing arts shall be permitted; however, no amplification shall be authorized except through the issuance of a minor use permit.

6. Outdoor plazas and activity areas shall be encouraged within development that engage the pedestrian and allow for outdoor uses.

#### 30.19.030 Development Standards

A. The development standards described in Chapter 30.20 shall apply for commercial (non-residential) projects. The following standards shall apply to mixed use commercial projects.

<b>Development Standards</b>	<b>MU-C Zone</b>
Net Lot Area (square ft)	20,000
Lot width (ft)	100
Lot Depth (ft)	100
Front Yard Setback (ft)	0 – 20 (Established through Design Review)
Side Yard Setback (ft) For each interior side	0
Side Yard Setback (ft) Street side	0 – 20 (Established through Design Review)
Rear Yard Setback (ft)	0
Front Yard and Street Side Yard Stepback	10' average*
Lot Coverage (maximum percentage)	70%
Commercial component	40% of the total building square footage**
Building Height (maximum)	2 to 3 stories; 30' - 40'***
Landscaping	10%**** (Minimum 5% planted) (Plazas and courtyards, fountains, art exhibits, etc. can count up to 5% of the 10% requirement for landscaping)
Density – maximum	30 units per acre*****

\*The third story shall be set back (stepback) at least an average of 10' from the second floor facing the front yard and street side yard.

\*\*When residential uses are part of the mixed use project, the following minimums shall be required for commercial uses unless modified through a major use permit process:

- Vertical mixed use - 40% of the total building square footage shall be retained as commercial uses.
- Horizontal mixed use – 40% of the project site shall be retained as commercial uses.
- Vertical/horizontal mixed use combination – shall be evaluated through a major use permit process.

\*\*\*Building height for three stories shall be limited as follows:

- Non-residential uses at 2 stories are limited to 30 feet in height. Additional height may be allowed up to 40' for greenhouse structures (urban farm) when located on the second floor or green roofs.
- Three story commercial/office buildings may be up to 40'.
- Three story commercial/office and residential units may be up to 40'.
- When the residential use is located behind the commercial use (as opposed to over), the building height limit for the residential building shall be 3 stories, 35'.
- Building heights may be lowered through the Design Review process in order to maintain a reasonable portion of the significant views enjoyed by nearby properties.

\*\*\*\*See Section 30.20.010G for landscape design standards. Such standards may be modified through the Design Review process when address adjacency issues, street appearance, screen parking, incorporate green roof, and to better address plazas, courtyards and other ways to engage the pedestrian. Edible landscapes and community gardens are encouraged and count toward the minimum percent of planted area.

\*\*\*\*\*Density shall be based on net density as identified in the General Plan. No minimum density is proposed for this zone. The residential component is not mandatory.

B. Building Height: Flagpoles, chimneys, roof access ladders/stairways, elevator shafts, energy renewal systems, mechanical equipment enclosures, and other similar architectural features may exceed the maximum height subject to Design Review by the Planning Commission. Green roofs, landscape roof gardens and associated structures may also exceed height subject to Design Review approval by the Planning Commission.

C. Mixed Use Limitation: Mixed use development within the MU-R, MU-C and ER-MU3 zones located within the El Camino Real Focus Area shall be limited to a maximum of 1,000 dwelling units for the entire El Camino Real Focus Area. Once this limitation is reached, additional units would be prohibited unless an amendment is approved to authorize an increase.

D. Mixed Use Site Planning: When a commercial center takes advantage of the mixed use commercial zoning, the entire project site (existing commercial center) shall be evaluated; however, the project approvals may be given for a portion of the project site. Any phasing of the development shall be approved through the Design Review Permit.

1. Residential uses shall be located above and/or behind the primary commercial use. When residential uses are located behind the commercial use, the residential uses can be 3 stories at 35' maximum height. When residential uses are located above commercial uses, the residential component shall be limited to 2 stories above one story of commercial uses with a maximum height of 40'.

2. First floor commercial uses shall be located on the ground floor when fronting El Camino Real, Encinitas Boulevard or Santa Fe Drive.

3. Separate primary building entrances shall be required for residential and commercial uses when occupying the same structure.

4. Commercial deliveries and pick-up shall be incorporated into the design to minimize impacts to existing adjacent uses.
5. Signage shall conform to Chapter 30.60 of the Encinitas Municipal Code and be integrated with other site planning elements, particularly building location and orientation, landscaping and access points.
6. Provide visual access from public streets to spaces within the mixed use area in order to increase safety, pedestrian use and overall activity of the area.
7. All buildings shall be oriented to provide access to light and air, creating a healthy living environment.
8. Parking structures shall be screened from El Camino Real, Encinitas Boulevard or Santa Fe Drive by commercial development and/or landscaping/building design. When visible from side streets, they shall be appropriately designed and landscaped to screen and soften their appearance. Parking structures shall propose landscape standards that provide visual screening and interests.
9. The site design shall take into consideration adjacent development, particularly any existing adjacent residential uses. The site design shall take into consideration views, light and air, noise, delivery access, and other compatibility issues with both adjacent existing residential development and the proposed residential uses within the mixed use development.
10. Additional setback – a minimum of 25’ shall be required whenever a lot in a mixed use zone abuts a lot in any residential zone. This setback may be used for required open off-street, at grade parking. This setback requirement may be modified if existing conditions (i.e., topography differences between mixed use site and residential area) and project design address any compatibility issues with a development at a lesser setback.

E. Building Design. In the MU-C zone the following development standards related to building design shall apply:

1. All buildings are encouraged to minimize energy consumption, using such features as:
  - a. Cogeneration
  - b. Solar access
  - c. South facing windows with eave coverage
  - d. Double glazed windows
  - e. Deciduous shade trees
  - f. Earth berming against exterior walls
  - g. Good ventilation
  - h. Efficient lighting
  - i. Day lighting

j. Green roofs, landscape roof gardens

2. Buildings with monochromatic appearance shall be avoided through the use of complementary colors.

3. All signs associated with buildings and site shall be integrated in terms of both architecture and color and shall comply with applicable City sign regulations contained in Chapter 30.60.

4. Building heights, walls and planes should be varied along the street edge.

5. Projects shall comply with City-wide General Plan vision and design guidelines. In addition, projects shall comply with related portions of the City wide Design guidelines until mixed use design guidelines are established.

F. Access and Circulation: Section 30.20.010E, Access, circulation and parking shall apply unless modified below.

1. Vehicular access points onto El Camino Real and Encinitas Boulevard shall be minimized to one point for each 300 feet of frontage or one point per parcel if frontage is less than 300 feet. Access from side streets and adjacent commercial centers shall be utilized. Where major access points for egress and ingress are needed to commercial centers, sharing a single point of access shall be coordinated with openings in existing or planned medians. Access points to adjoining lots shall be shared wherever feasible.

2. The public sidewalk shall be a minimum of 12' in width. Sidewalk shall include street trees per the Street Tree Master Plan.

3. All development shall provide pedestrian access from the public street into the development.

4. Development shall provide attractive and well marked pedestrian links between parking, building and public sidewalk.

5. The mixed use site design shall take into consideration future vehicular and pedestrian access of the adjacent commercial or mixed use project.

G. Accessory Structures. Accessory structures shall conform to the standards set forth in Section 30.20.010J of Title 30, Zoning, of the City of Encinitas Municipal Code.

H. Auxiliary Structures/Equipment and Utilities. Auxiliary Structures/Equipment and Utilities shall conform to the standards set forth in Section 30.20.010F of Title 30, Zoning, of the City of Encinitas Municipal Code.

I. Lighting. Lighting shall conform to the standards set forth in Section 30.20.010H of Title 30, Zoning, of the City of Encinitas Municipal Code.

J. Minimum Private Outdoor Open Space. For residential units only, a minimum of ten (10) percent of the floor area of the units shall be provided as private outdoor open space for both ground floor units and units contained wholly on the second/third floor. For units wholly on the second/third floors, this open space may be provided in the form of outdoor decks or balconies.

K. Off-Street Parking Requirements. Off-street parking spaces required for automobiles for mixed use projects shall be provided as required in Section 30.54.030A, *Schedule of Required Off-Street Parking*, of the City's Municipal Code, Encinitas Parking Manual, and as modified below:

1. Residential:
  - (a) Affordable housing – 1 space per unit.
  - (b) Studio – 1 space per unit.
  - (c) One bedroom – 1.5 spaces per unit.
  - (d) Two or more bedrooms – 2 spaces per unit.
2. Commercial/office uses – 1 space for every 300 square feet of floor area.
3. Medical and dental office type uses – Shall conform with Section 30.54.030 of Title 30, Zoning Regulations, of the City of Encinitas Municipal Code.
3. Restaurant uses – Shall conform with Section 30.54.030 of Title 30, Zoning Regulations of the City of Encinitas Municipal Code. However, restaurant uses can comprise up to 20% of the total indoor commercial development of the mixed use project at the required parking for the retail and office type uses.
4. Fuel Efficient and Electric Vehicle parking: At least 10% or a minimum of 2 parking stalls, whichever is greater, shall be provided for fuel efficient and electric vehicles. The required fuel efficient and electric vehicles shall be spread between the commercial and residential uses. Plug-ins shall be provided for the electric vehicles. Fuel efficient vehicles shall be as defined by LEED.
6. The above standards may be less restrictive based on a site-specific parking study which supports the proposed adjustment in parking spaces or parking size, and all permitted deviations shall be subject to on-going review and monitoring.
7. All parking areas for nonresidential uses shall record a reciprocal parking easement to allow ingress and egress, circulation, and parking arrangements with adjacent development to facilitate the ease of vehicular and pedestrian movement between adjoining properties without the need to enter the public street system unless demonstrated to be infeasible by the authorized agency. As development occurs, each commercial center shall provide or guarantee vehicular and pedestrian connections. Off-site parking facilities may be allowed pursuant to minor use permit approval.

8. Parking areas shall be screened or visually softened. Particular efforts shall be implemented with parking structures. Where the parking structure is visible, design efforts shall be incorporated into the structure to soften the overall appearance and create visual interests.

9. Bicycle parking shall be provided throughout the nonresidential project to encourage and promote the use of bicycling. Chapter 30.54 provides the standards for the number of bicycle parking spaces to be provided.

#### 30.19.040 Auto Sales Overlay Zone.

The intent of the Auto Sales Overlay Zone is to accommodate existing auto dealerships, to encourage their retention and to allow for their expansion. It is also designed to encourage new dealerships to locate within this area as properties redevelop. In addition to the standards identified within Chapter 30.19 MU-C zone the following standards shall apply:

A. This overlay zone shall apply in the general vicinity of the intersection of El Camino Real and Encinitas Boulevard where the existing dealerships.

B. The Auto Overlay zone allows for the continued use of the provisions contained in the General Commercial (GC) zone; however, when the property owner selects to take advantage of the MU-C standards, the provisions of the Mixed Use Commercial Zone shall apply.

C. Auto sales (new or used) shall be permitted by right within the overlay zone. Auto repairs/body shops associated with an Auto Sales use shall be evaluated for compatibility through the use permit process as identified for the GC Zone.

## PROPOSED AMENDMENT TO ENCINITAS RANCH SPECIFIC PLAN MIXED USE ZONE

### 6.6 MIXED USE ZONE (“ER-MU3~~4~~” ZONE)

6.6.1 PURPOSE/INTENT: The Encinitas Ranch Mixed Use 3 Zone is intended to allow for a transition from commercial-type development as currently authorized under the ER-C (Encinitas Ranch-Commercial) Zone to a mixed use commercial development. The mixed use development includes commercial and office type uses up to 3 stories. Residential is allowed on the second and third floors over the commercial uses or located behind the commercial uses up to a density of 30 dwelling units per net acre. This zone is intended to provide the greatest flexibility for mixed use zoning and, as such, residential is not mandatory. The zone allows for the continued use of the provisions contained in the ER-C Zone; however, when the property owner takes advantage of the new ER-MU3 zone standards, the provisions of the mixed use zone shall apply.

### 6.6.2~~1~~ USES PERMITTED

- A. *Permitted Uses.* The following uses shall be permitted in the “ER-MU3~~4~~” Mixed-Use Zone in the Encinitas Ranch Specific Plan Area. All uses, except for agriculture-related uses and those exceptions noted below, shall be located within an enclosed building unless authorized by a Minor Use Permit. *List amended 3/18/98 (Reso. 98-17)*

Administrative and professional offices, including but not limited to business, law, architectural, engineering, and community planning offices, in which no activity is carried on catering to retail sales and no stock of goods is maintained for sale.

Agricultural facilities as provided in Section 6.1 of this zoning ordinance.

Agriculture, arboriculture, and floriculture operations.

Alcoholic beverage sales (off premise).

Antique sales, retail.

Apartment houses, condominiums, townhomes and multi-family dwelling units (dwelling units constructed over and behind commercial/office uses are expressly permitted).

Art galleries.  
Bakery (retail).  
Bank/savings and loan.  
Barber and beauty shop (Cosmetology).  
Book sales.  
Candy and confectionery sales.  
Charitable bins and depositories.  
~~Churches, synagogues, and other similar religious structures and facilities including incidental uses such as assembly, work rooms, living quarters of a priest, minister or family, and day care and educational facilities on properties designated as C/S on the Zoning Map.~~  
Clothing and costume, sales and rental.  
Club, private.  
Club – athletic, health, exercise, fitness, or recreational (fully enclosed uses only).  
Coffee shop.  
Coins, purchase and sales.  
Communications equipment sales and rental.  
Computer software and hardware sales and rental.  
Conservatory of music.  
Convenience store.  
Cosmetic design studio.  
Cutlery sales.  
Dairy store.  
Dance studio.  
Day-care center.  
Delicatessen.  
Dental clinic and offices.  
Dressmaking shop.  
Drug store.  
Dry cleaning, retail and self-service with on-site cleaning permitted.  
~~Dwelling unit, one family.~~  
~~Dwelling unit, two family.~~  
~~Dwelling unit, three family.~~  
Dwelling unit, multi-family.  
Educational institution, public.  
Family day care home (4 or fewer children).  
Fire station.  
Florist shop.  
Furniture sales and rental.  
Gem, precious stone retail.  
Gift shop.  
Hair salon.  
Hardware store.  
Hat shop.  
Health food store.  
Hobby supply shop.

Home occupations.  
Ice cream/yogurt shop and parlor.  
Ice sales, storage and retail.  
Interior decorating service.  
Jewelry sales.  
Lapidary shop, retail (gems).  
Laundry.  
Laundromat.  
Library.  
Lithographic service.  
Locksmith.  
Machine and tool sales.  
Mail order house/business.  
Market, wholesale or retail – food, produce, fruit, vegetable, fish, and poultry and  
meat markets (not including slaughtering).  
Medical offices.  
Medical clinics.  
Motor vehicle parts store.  
Music/record/compact disc store.  
Newsstand.  
Notions and dry goods store.  
Office (business and professional uses).  
Office equipment/supplies sales.  
Optical products sales.  
Orthopedic devices sales.  
Outdoor dining uses and accessory facilities, subject to the provisions of Section  
6.10 in this zoning ordinance.  
Paper product sales.  
Parks and recreational areas.  
Pet shop/pet groom.  
Pharmacy.  
Photocopy shop.  
Photoengraving and finishing.  
Photofinishing, retail.  
Photographic, camera and film supplies.  
Photographic studio.  
Plumbing shop.  
Post office.  
Postal annex, private ownership.  
Pottery sales.  
Printing.  
Public utilities office.  
Radio/television sales.  
Real estate office.  
Recreational facilities, private.  
Recycling collection facilities.

Reducing salons and weight loss centers/clinics.  
Residential Care, Limited (6 or fewer)  
Restaurant (no alcohol sales).  
Retail sales.  
Second hand store.  
Shoe repair/sales.  
Sporting goods sales.  
Stationery store.  
Surf shops, retail.  
Tailor shop.  
Telephone answering service.  
Utility lines – sewer, gas, petroleum, cable television, telephone and electric lines.  
Wearing apparel shop.  
Wood products sales, retail.

- B. *Major Use Permit.* The following uses are permitted provided a Major Use Permit has been approved pursuant to the Municipal Code. ~~List amended 3/18/98 (Reso. 98-17)~~

Agricultural facilities as provided in Section 6.1 of this zoning ordinance.  
Amphitheater.  
Bowling alleys.  
Churches, synagogues and other similar religious structures and facilities including incidental uses, ~~such as assembly, work rooms, living quarters of a priest, minister or family, and day care and educational facilities on properties without a C/S designation on the Zoning Map.~~  
Educational institution, private.  
Electrical distribution substation.  
Museum.  
Restaurant (with alcohol sales).  
Schools, technical.  
Theater.

- C. *Minor Use Permit.* The following uses are permitted provided a Minor Use Permit has been granted pursuant to the Municipal Code. ~~List amended 3/18/98 (Reso. 98-17)~~

Agricultural facilities as provided in Section 6.1 of this zoning ordinance.

- D. *Permitted Accessory Uses.* Any use that is not specifically listed in Subsections A, B, and C, above, may be considered a permitted accessory use provided that the Director of Community Development finds that the proposed accessory use is substantially the same in character as those listed in the designated subsections. Accessory uses are necessarily and customarily associated with, and are appropriate, incidental, and subordinate to the primary use(s). Such a use is subject to the permit process which governs the category in which it falls.

E. *Mixed Use Limitation: Mixed use development within the MU-R, MU-C and ER-MU3 zones located within the El Camino Real Focus Area shall be limited to a maximum of 1,000 dwelling units for the entire El Camino Real Focus Area. Once this limitation is reached, additional units would be prohibited unless an amendment is approved that authorizes an increase.*

#### **6.6.32 DEVELOPMENT STANDARDS**

The ER-MU3 Zone allows for the continued use of the provisions contained in the ER-C (Encinitas Ranch – Commercial) Zone; however, when the property owner takes advantage of the new ER-MU3 Zone development standards, the provisions of the ER-MU3 Zone apply. The following Development Standards shall apply to all “ER-MU3+” Zones within the Encinitas Ranch Specific Plan Area.

A. *Height Requirements:* Thirty-five (35) feet, not to exceed three (3) stories in height; provided, however, (i) that flagpoles, antennas, chimneys, and other limited architectural features may exceed the maximum height subject to Design Review by the Planning Commission; and (ii) forty-five (45) feet shall be permitted where residential and commercial uses are provided in the same building (with commercial space on the first floor), ~~on two corner sites located west of Garden View Road/Via Cantebria Extension at the intersection with Via Cantebria/Woodley Road Extension. Paragraph amended 8/23/95 (Reso. 95-91)~~

B. Specific “ER-MU~~31~~” Mixed-Use Zone Standards:

SPECIFIC MIXED-USE ZONE STANDARDS	ER-MU <del>31</del> ZONE
Maximum Residential Density <sup>(1)</sup>	<del>3025</del> .0 DU/AC
Maximum Percentage of Area Covered with Buildings/Structures	60%
Minimum Lot Area(net)	10,000 SF
Minimum Lot Width	80 FT
Minimum Lot Depth	90 FT
Front Yard Setback	No setback is required for buildings containing a mix of uses or for buildings with commercial/office uses only. A 10 foot setback is required for free-standing residential structures.
Street Side Yard Setback	No setback is required for buildings containing a mix of uses or for buildings with commercial/office uses only. A 15 foot setback is required for free-standing residential structures.
Interior Side Yard Setback	0 FT; provided 10 FT is required for free-standing residential-only structures
Rear Yard Setback	10 FT; provided 15 FT is required for free-standing residential-only structures
El Camino Real Setback	100 FT for all buildings <sup>(2)</sup>
Minimum Setback from Areas Designated as Park and Recreation Overlay	25 FT for all buildings <sup>(3)</sup>
Maximum Encroachments into Yards	4 FT for all yards <sup>(4)</sup>
Minimum Distance Between Buildings	10 FT

*Table amended 3/18/98 (Reso. 98-17)*

- (1) Density for residential development shall be determined based on the maximum total number of allowable units as shown in Table 3-1, Encinitas Ranch Land Use Plan Summary, which reflects the public dedication of otherwise developable land (e.g., the golf course), and other substantial improvements and benefits provided to the City pursuant to the Development Agreement (see Section 9.4 of this Specific Plan), including but not limited to the landowners’ agreement to finance public facilities.
- (2) No main buildings or parking lots shall be permitted within this setback; provided, however, that accessory structures such as flood control and drainage facilities, sedimentation and detention basins, and recreational facilities (e.g., athletic playing fields, tot lots, basketball courts, tennis courts, etc.) are expressly permitted within the setback.

- (3) Building setback does not apply to recreation-oriented structures or restroom, concession, or maintenance buildings.
- (4) Includes encroachments by chimneys, fireplaces, steps, stairs, eaves, porches, columns, balconies, decks, bay windows, planters, sidewalks and similar features.

C. *Commercial/Office/Residential Development:* The commercial/office development in the “ER-MU~~3~~<sup>4</sup>” Zone is intended to provide retail and office uses which serve area residents, while maintaining compatibility with a residential environment. Development in and adjacent to the Village Center may consist of residential uses in the same buildings as commercial/office uses.

~~D. *Free-standing Residential Development:* Free-standing residential development shall be concentrated around the periphery of the Village Center, along the extensions of Garden View Road and Via Cantabria. The free standing residential development shall not exceed an overall density of 25 dwelling units per acre. Up to 40 percent of the building footprint for all free-standing residential buildings may exceed two stories in height, although no free-standing residential structure shall exceed three stories in height. The two-story buildings should be concentrated along the greenbelt/recreation area that abuts El Camino Real and adjacent to natural open space areas. Three-story buildings should be concentrated internal to individual parcels and along project area roadways. Paragraph amended 12/4/96 (Reso. 96-89)~~

~~The 2.34 acre parcel (Lot 44 of Tract No. 94-066) located on the east side of Via Cantabria (west of the existing mobile home park) shall be restricted to multi-family residential, 25 dwelling units per acre. The purpose of restricting Lot 44 to multi-family is to provide affordable housing opportunities. Prior to the submittal of a development proposal for Lot 44, the Housing Compliance Plan, as required by the Development Agreement, shall be submitted to and approved by the Community Development Director. All development proposed on Lot 44 shall be in compliance with the Housing Compliance Plan. Paragraph added 12/4/96 (Reso. 96-89)~~

~~E. *Church/School Site:* The approximately 10.9 acre parcel located at the southeast intersection of Garden View Road and Via Cantabria may be developed with school and/or church uses. If the area is not so developed, then the area may be developed as multi-family residential at the same density as the balance of the mixed-use area (25 du/ac). However, the total residential units permitted within the mixed-use area shall not exceed 450 dwelling units. Paragraph amended 12/4/96 (Reso. 96-89) and 3/18/98 (Reso. 98-17)~~

~~F.D *Integration of Project Components:* It is the intention of the mixed-use development in Green Valley to allow for significant functional and physical integration of project components of different adjacent uses as well as mixed commercial/office professional and residential uses. Consideration will be given to joint use of parking, common areas, landscaping, specific types of uses and associated intensities, housing types and sizes of units, and overall architectural design. Below-grade and on-grade parking shall be~~

permitted in the Mixed-Use Zone; however, above-ground multi-story parking structures are discouraged.

G.E. *Residential/Commercial/Office Mixed Use Site Planning:* In the “ER-MU~~3~~4” Zone, the following development standards shall apply for projects which mix residential with commercial or office uses on the same development site:

1. Residential uses shall be located either above and/or behind the primary commercial/ office professional use.
2. Separate building entrances shall be required for residential and commercial/office professional uses when occupying the same structure, but this provision does not preclude internal connections between uses.

H.F. *Accessory Structures.* Accessory structures shall conform to the standards set forth in Section 30.16.010E of Title 30, Zoning, of the City of Encinitas Municipal Code, subject to the following additions and amendments:

1. Accessory structures shall not be located in front of or on the street side of residential or commercial building(s). *Paragraph amended 3/18/98 (Reso. 98-17)*
2. Accessory structures shall meet all of the setback requirements for other buildings. *Paragraph amended 3/18/98 (Reso. 98-17)*
3. Architectural features, such as porches, canopies, eaves, columns, awnings, chimneys, steps, balconies, stairways, wing walls, bay windows, window seats, fireplaces, planters and roof overhangs may project not more than four (4) feet into any required setback area.

I.G. *Auxiliary Structures/Equipment and Utilities.* In all commercial/office areas within the “ER-MU~~3~~4” Zone, the following development standards related to auxiliary structures/equipment and utilities shall apply:

1. **Green roofs, landscape roof gardens, associated structures and the like.**

~~2.~~  
1.2. All roof appurtenances including, but not limited to air conditioning units and mechanical equipment, shall be shielded and architecturally screened from ground level views from on-site parking areas, adjacent public streets and adjacent properties.

~~2.3.~~ All ground-mounted mechanical equipment, including heating and air conditioning units, and trash receptacle areas, shall be completely screened from surrounding properties by use of a wall, fence, landscaping, or combination

thereof, or other acceptable screening devices, or shall be enclosed within a building.

3.4. All utility connections shall be designed to coordinate with the architectural elements of the site so as not to be exposed except where necessary. Pad-mounted transformers and/or meter box locations shall be included in the site plan with the appropriate screening treatment. All new and existing utility connections within the boundaries of the project shall be placed underground, where reasonable and feasible, in accordance with City of Encinitas, Public Utilities Commission, and local utility company standards. Transformer, terminal boxes, meter cabinets, pedestals, ducts and other facilities may be placed above ground provided they are screened with landscaping or other appropriate screening devices.

4.5. Outdoor storage and sales areas shall be entirely enclosed by solid masonry walls not less than six (6) feet in height to adequately screen such areas from view. Reasonable substitutions such as masonry, wood, or metal pilasters with wrought iron/tubular metal (e.g., steel, aluminum, etc.) may be used in place of a solid masonry wall if approved during Design Review. This requirement does not apply to temporary outdoor sales areas.

J.H. *Storage Requirements.* A minimum of 250 cubic feet of lockable, enclosed storage area per dwelling unit shall be provided within a garage/carport area, or within the main building.

K.I. *Minimum Private Outdoor Open Space.* For residential units only, a minimum of ten (10) percent of the floor area of the units shall be provided as private outdoor open space for both ground floor units and units contained wholly on the second/third floor. For units wholly on the second/third floors, this open space may be provided in the form of outdoor decks or balconies.

L.J. *Off-Street Parking Requirements.* Off-street parking spaces required for automobiles in “ER-MU1” Zones shall be provided as required in Section 30.54.030A, *Schedule of Required Off-Street Parking*, of the City’s Municipal Code. In addition, the following standards shall also apply in all “ER-MU1” Zones:

**1. Residential:**

**(a) Affordable housing – 1 space per dwelling.**

**(b) Studio – 1 space per unit.**

**(c) One bedroom – 1.5 spaces per unit.**

**(d) Two or more bedrooms – 2 spaces per unit.**

~~1. Affordable housing. The Director of Community Development may authorize a reduction in the above parking requirements for those projects designated as “affordable” housing projects, providing either that a parking study is prepared to support the proposed reduction in parking spaces or a baseline parking study is~~

~~conducted by the City that is applicable to all affordable housing development in the City.~~

**2. Restaurant uses: Shall conform with Section 30.54.030 of Title 30, Zoning Regulations of the City of Encinitas Municipal Code. However, restaurant uses can comprise up to 20% of the total commercial development of the mixed use project at the required parking for the retail and office type uses.**

**3. Fuel Efficient and Electric parking: For mixed use projects 10% of the parking (for residential and nonresidential uses) shall be dedicated to fuel efficient vehicles. A minimum of 2 fuel efficient stalls shall be provided for nonresidential uses, one of which shall be a “plug-in” for an electric vehicle.**

**4. Bicycle parking shall be provided throughout the nonresidential project to encourage and promote the use of bicycling.**

~~2.5.~~ Parking for Non-Residential Uses: Offstreet parking shall be required to conform with Section 30.54.030 of Title 30, Zoning Regulations, of the City of Encinitas Municipal Code. However, the Director of Community Development may authorize an adjustment to these standards that is either less or more restrictive based on a site-specific parking study which supports the proposed adjustment in parking spaces and all permitted deviations shall be subject to on-going review and monitoring. *Paragraph amended 8/23/95 (Reso. 95-91)*

~~3.6.~~ Compact parking spaces may comprise up to twenty-five (25) percent of all required parking spaces provided within ER-MU1 Zones. A compact parking space shall be defined as a parking space that measures no less than eight (8) feet in width by sixteen (16) feet in length.

~~4.7.~~ General Requirements:

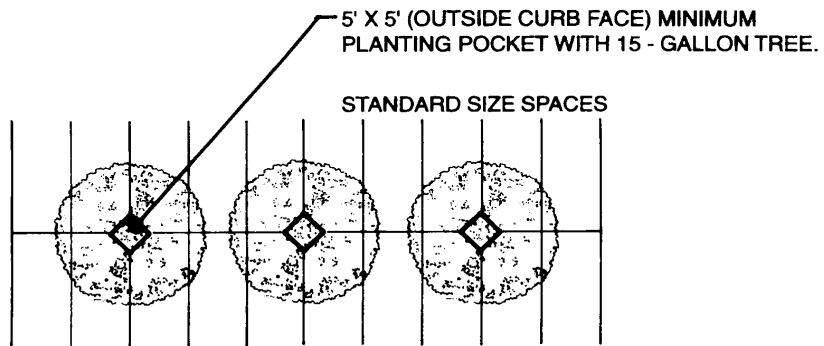
- a. Reciprocal ingress and egress, circulation, and parking arrangements shall be encouraged to facilitate the ease of vehicular movement between adjoining properties without the need to add public street infrastructure or to enter the public street system.
- b. Parking areas shall be screened by earth mounding, landscaping, low decorative walls, lowering the grade of the parking area below the street grade, or a combination of any of these methods.

~~KM.~~ *Landscaping Requirements.*

1. A minimum of fifteen (15) feet wide area of screen type landscaping shall be provided and maintained on the project side of any property line separating the project from a rural residential or single-family zone.

2. Front and street side yards, if required, shall be landscaped. This landscaping shall consist predominantly of plant materials except for necessary walks and driveways.
3. Whenever off-street parking areas are situated across the street from residential uses, a masonry wall, berm, landscape planting, or combination thereof, with a minimum height of thirty (30) inches shall be erected in the landscaped areas between the required landscape area and the parking area to adequately screen the parking area from the residential properties.
4. Site landscaping shall include a combination of trees, shrubbery, vines and groundcovers. Drought tolerant plant materials are encouraged for use in Mixed-Use Zones, but are not required.
5. Landscaping in parking areas shall be predominantly trees to provide shade and visual relief. One (1) fifteen (15) gallon tree shall be provided for every six (6) parking spaces (assumes double-loaded spaces) evenly distributed throughout the parking area.

6. A  
m  
i  
n  
i  
m  
u  
m



of fifteen (15) percent of the site area (exclusive of building footprints) shall be landscaped. This percentage may include perimeter slopes, landscaped easements, and landscaped setback areas.

7. Street trees, at least 15-gallons in size, shall be provided at an average of every forty (40) feet along all street frontages.
8. All landscaped areas shall be regularly maintained in a healthy and thriving condition free of weeds, trash, and debris.
9. Where irrigation is necessary, an automatic irrigation system shall be installed subject to City of Encinitas Standards and maintained free of leaks.
10. Varieties of plants chosen for landscaping may be restricted through the development review process to protect or preserve views. All required plantings and irrigation systems shall be maintained in good condition, and whenever

necessary, shall be replaced with new materials to ensure continued compliance with required landscaping, irrigation, buffering, and screening requirements.

| LN. *Access, Circulation and Off-Street Parking Requirements.* In all “ER-MU~~3~~<sup>4</sup>” Zones, the following development standards related to access, circulation and off-street parking shall apply:

1. Where feasible, access shall be taken from adjoining collector or local roadways, rather than from a primary arterial or major roadway.
2. Where access to a primary arterial or major roadway is necessary, access shall be limited to one point for each three hundred (300) feet of frontage or one point per parcel if frontage is less than three hundred (300) feet.
3. Access points to adjoining lots are encouraged and shall be shared wherever feasible.
4. Major access points to centers or groups of parcels sharing a single point of ingress and egress shall be coordinated with openings in existing or planned medians and access points on the opposite side of the roadway.
5. Sidewalks or other safe pedestrian walkways shall be located along streets in all mixed-use areas.

| OM. *Walls and Fences.* Walls and fences shall comply with the requirements contained in Section 30.16.010F, *Fences and Walls*, of the City’s Municipal Code. In addition, the following standards shall also apply in all “ER-MU~~3~~<sup>4</sup>” Zones:

1. Walls used to screen storage or trash collection areas or loading docks shall be solid and shall not exceed six (6) feet in height, as measured from the point of highest elevation adjacent to the wall or fence.
2. No walls or fences are required in any residential development, unless needed for noise attenuation and/or privacy of private outdoor spaces, and/or screening purposes for utilities, trash enclosures, or mechanical equipment. Walls and fences shall not exceed six (6) feet in height as measured from the highest finished grade, unless expressly required for sound attenuation purposes. All fences and walls greater than four (4) feet in height shall be planted with vine cover material or equal landscaping.

| PN. *Truck Wells.* Truck wells will be screened from any adjacent uses with the use of landscaping and/or architectural features.

| QO. *Refuse Collection Areas/Loading Docks.* All refuse collection areas and structures and loading docks shall be designed and provided in accordance with the applicable City of Encinitas rules and policies and the following standards:

1. Refuse collection areas and structures shall be conveniently accessible to the buildings they are designed to serve.
2. Loading docks and structures, which are used for storage or trash collection, shall be screened by landscaping, solid walls, architectural features, or combination thereof, in such a manner as not to be visible from a public street or from grade level of any adjacent residential area. View-obstructing gates to screen trash enclosures shall also be required, where appropriate.
3. Architecturally compatible trash enclosures, and adequate areas for collecting and loading recyclable materials, screened from view of the roadway, and convenient to all dwelling units within the project, shall be provided. The requirement for adequate areas for collecting and loading recyclable materials only applies to developments that utilize trash bins/dumpsters.
4. Trash receptacles and adequate areas for collecting and loading recyclable materials enclosed ~~by a six (6) foot high masonry wall~~ with view obscuring gates/walls consistent with current stormwater practices shall be provided in an acceptable location. The requirement for adequate areas for collecting and loading recyclable materials only applies to developments that utilize trash bins/dumpsters.

R.P. *Lighting.* In all “ER-MU~~3~~4” Zones, the following standards relating to lighting shall apply:

1. Lighting placed upon the building shall be architecturally integrated.
2. All light sources shall be shielded in such a manner that the light is directed away from streets or adjoining properties. Illuminators should be integrated within the architecture of the building. Freestanding lampposts shall be no taller than eighteen (18) feet. The intensity of light at the edge of any parcel within the “ER-MU1” Zone shall not exceed seventy-five (75) foot-lamberts from a source of reflected light.

Page left intentionally blank.

## PROPOSED GENERAL COMMERCIAL / VISITOR SERVING COMMERCIAL MIXED USE ZONE

### CHAPTER 30.20

### COMMERCIAL ZONES

*Section 30.20.010A shall be modified as follows:*

#### 30.20.010. Development Standards.

A. The development standards described in the table below shall apply to the Commercial zones and are minimums unless otherwise stated. These standards shall apply to all land and buildings other than accessory buildings, permitted in their respective commercial zones. In addition to the development standards provided in this Chapter, each specific plan identified in Chapter 30.84, Specific Plans, may have separate development standards for Commercial zones in their jurisdictional boundaries. Refer to individual specific plans, as referenced in Chapter 30.84, for development standards in Commercial zones within adopted specific plans. (Ord. 94-02) **The MU-VSC Mixed Use Zone allows for the continued use of the provisions contained in the General Commercial zone; however, when the property selects to take advantage of the MU-VSC Mixed Use standards, the provisions of the MU-VSC Mixed Use Zone shall apply and the visitor serving (lodging) component shall be required.**

Zone Requirement	Zone OP	ZONE L-LC/LC	ZONE GC	ZONE L-VSC/VSC	<u>ZONE MU-VSC MIXED USE**</u>
1. Net Lot Area (square ft)	10,000	10,000	10,000	10,000	<u>10,000</u>
2. Lot Width (ft)	100	100	100	100	<u>100</u>
3. Lot Depth (ft)	100	100	100	100	<u>100</u>
4. *Front Yard Setback (ft)	20	20	20	20	<u>0-20</u>
5. *Side Yard Setback (ft) for each interior side	10/10	10/10	10/10	10/10	<u>0-10</u>
6. *Side Yard Setback (ft) street side	20	20	20	20	<u>0-20</u>
7. Rear Yard Setback (ft)	0	0	0	0	<u>0</u>
8. Lot Coverage (maximum %)	40%	30%	30%	35%	<u>70%</u>
9. Building Height (maximum) See Section 30.20.010C6	30 feet or two stories whichever is less.				<u>2 – 3 stories; 30’ – 40’ height.***</u>
10. Floor Area Ratio (maximum)	.75	.75	1.0	1.0	<u>N/A</u>
11. Off-Street Parking	See Chapter 30/54				
12. Landscaping	15%	15%	15%	15%	<u>10% (Min. 5% planted) (Plazas and courtyards, fountains, art exhibits, etc. can count up to 5% of the 10% requirement for landscaping)</u>
<u>13. VSC Component</u>					<u>50% of total building square feet****</u>

\*Those MU-VSC Mixed Use Zone, or zones (or portions of zones) located within specific plan areas shall have front yard and street side yard setbacks ranging from 0-20 feet with interior side yard setbacks ranging from 0-10 feet. Said setbacks shall be established through Design Review and based on existing on and off-site conditions,

prevailing commercial district character, project design, traffic/circulation, building and site design, and the like.

**\*\*The MU-VSC Mixed Use Zone allows for:**

- **The continued use of the provisions contained in the General Commercial zone; however, when the property owner selects to take advantage of the MU-VSC Mixed Use standards, the provisions of the MU-VSC Mixed Use Zone shall apply and the lodging component of the mixed use shall be required.**

**\*\*\*Building height is to accommodate the following:**

- **1 to 2 levels of lodging type use over general commercial type uses with a combined height of 2 – 3 stories and 30’ to 40’ in height, or alternatively a stand alone hotel/motel can be 2- 3 stories with no general commercial type uses.**
- **Non-lodging type uses are limited to 2 stories and 30’.**
- **Building height for 3 stories is 35’. Building height may increase to 40’ when the first floor (ground level) commercial interior space needs greater height (i.e. grocery store).**
- **Energy renewable facilities (e.g., photovoltaic panels) may exceed building height provided no other location is feasible.**
- **Green roofs, landscape roof gardens, associated structures and the like may exceed building height.**
- **Building heights may be lowered through the Design Review process in order to maintain a reasonable portion of the significant views enjoyed by nearby properties.**
- **Flagpoles, chimneys, roof access ladders/stairways, elevator shafts, energy renewal systems, mechanical equipment enclosures, and other similar architectural features may exceed the maximum height subject to Design Review by the Planning Commission.**

**\*\*\*\*When taking advantage of the MU-VSC Zone, at least 50% of the total square footage of the buildings for the project site shall be devoted to lodging-type uses.**

*The remaining sections under Chapter 30.20 remain unchanged.*

Page left intentionally blank.

# PROPOSED PARK ZONE

## CHAPTER 30.30

### PARK ZONE

#### 30.32.010. Development Standards.

A. When land is acquired and developed for park purposes, the City shall zone the land Park Zone for the purposes of preserving the land and facility for future use. The Zone is limited to public activities and facilities for parks and recreational purposes. Parks shall be approved through a major use permit.

The developmental characteristics of public recreational activities vary greatly depending upon the specific site proposed for such activity; therefore, each activity or facility proposed will be subject to the standards described in the table below and are minimums unless otherwise stated. Other development standards contained in Chapters 30.16 and 30.20 may be applied through the conditional use permit process, as necessary, to insure compatibility of the proposed use with surrounding existing and planned uses.

In addition to the development standards provided in this Chapter, each specific plan identified in Chapter 30.84, Specific Plans, may have separate development standards or goals/policies that need to be reviewed to determine consistency with existing and planned adjacent uses.

	<u>REQUIREMENT</u>	<u>ZONE PK</u>
1.	Lot Coverage (maximum %)	50%
2.	Building Height	30 ft. or two (maximum) stories, whichever is less
3.	Off-Street Parking	(See Chapter 30.54)

B. Park and recreational type uses shall be allowed within the Park Zone subject to a major use permit approval. The major use permit shall set the operational characteristics and authorize the major recreational facilities. Additional uses to the park facility shall be authorized provided such uses are incidental and accessory to the principal use, and such uses do not alter or change any condition of the approval or the overall purpose of the recreational facilities approved through the major use permit.

# PROPOSED PUBLIC/SEMI-PUBLIC ZONE MODIFICATIONS

## CHAPTER 30.28

### PUBLIC/SEMI-PUBLIC & PUBLIC/SEMI-PUBLIC/HOSPITAL ZONES

30.28.010. Development Standards.

A. The development standards described in the table below shall apply to the Public/Semi-Public **and Public/Semi-Public/Hospital** zones and are minimums unless otherwise stated. These standards shall apply to all land and buildings other than accessory buildings.

<u>ZONE REQUIREMENT</u>	<u>ZONE P/SP &amp; P/SP/H</u>
1. Net Lot Area (square ft)	10,000
2. Lot Width (ft)	80
3. Lot Depth (ft)	100
4. Front Yard Setback (ft)	20
5. Side Yard Setback (ft) for each interior side	10/10
6. Side Yard Setback (ft) street side	20
7. Rear Yard Setback (ft)	10
8. Lot Coverage (maximum %)	50%
9. Building Height (maximum)	30 feet or two stories whichever is less*
10. Floor/Area Ratio (maximum building floor area divided by net area)	.50*

11. Off-Street Parking

(See Chapter 30.54)

**\*See Section 30.28.010C and D.**

B. Additional Development Standards. In the Public/Semi-Public zone, all of the development standards identified for the commercial zone shall apply except: 30.20.010 A, 30.20.010 D2, 30.20.010 J.

C. When authorized with approval of a major use permit, a **hospital and related facilities** may have a FAR of up to 1.0 and a maximum building height of 3 stories **within the P/SP/H Zone**. For purposes of this Section, a rooftop enclosure used solely to house mechanical equipment on a hospital structure may not be considered a story, provided the enclosure does not occupy more than one-third of the area of the floor immediately below and is setback a minimum 15 feet from the roof parapet or exterior wall plane of the floor immediately below. The mechanical enclosure criteria does not apply to a medical office building. (Ord. 2006-06)

D. Specified buildings associated with a public high school on a minimum 10 acre site may exceed the 30 ft. height standard, provided any such building exceeding 30 ft. is located a minimum 100 ft. from exterior property boundaries, as follows: 40 ft. maximum height for a theater/performing arts center or gymnasium; 34 ft. maximum height for classrooms or any athletic building other than a gymnasium. Existing athletic field lights may exceed the height limits. (Ord. 2007-05)

**E. The principal use for the P/SP/H Zone is a hospital. Additional uses are allowed provided they are related to and supportive of the principal use. Such additional uses include, but not limited to, ambulance services, communication facilities, conference rooms, dental offices/clinics, educational/lecture facility, gift shop, helicopter emergency landing facility, medical complex, medical offices/clinics, parking lot/parking garage, pharmacy, rehabilitation facility, residential care facility, and the like.**

# PROPOSED CHANGES TO ZONING USE MATRIX PUBLIC/SEMI-PUBLIC ZONE AND PUBLIC/SEMI-PUBLIC/HOSPITAL ZONE

Use	P/SP	P/SP/H
Accessory Building	P	
Ambulance Service (Private)	P	<u>P</u>
Animal Shelter	C	
Athletic Field	P	
Auditorium	P	
Camps	C	
Cellular Facility (Ord. 95-04)	P	<u>P</u>
Cemetery	C	
Charitable Bins & Depositories	P	
Church/Temple/Religious Institution	C	
<b><u>Community Garden</u></b>	<b>P</b>	
Convent and Monastery	C	
<del>Courts, Commercial</del>	<del>Cm</del>	
<del>(Badminton, Tennis, Racquetball, Others)</del>		
Dwelling Unit, Caretaker	P***	
Accessory to the principal use. (Ord. 97-17		
***Not permitted within the coastal zone ecological resource areas.		
<b><u>Dwelling, Multi-family</u></b>	<b><u>P*****</u></b>	
<b><u>*****When access is off of a Prime Arterial Circulation Element Road as shown on the General Plan. R-30 development standards shall apply.</u></b>		
Educational Institution, Private	C	
Educational Institution, Public (Ord. 95-04)	P	
Electrical Distribution Substation	C	
Electrical Transmission substation	C	

Use	P/SP	P/SP/H
Equestrian Establishment 9Ord. 95-04)	C	
Fire Station	P	
Fish Hatchery (Ord. 95-04)	Cm	
Fleet Storage (Ord. 91-03)	C	
Garage, Public Parking	C	<u>P</u>
Golf Course & Club House (Ord. 95-04)	C	
Golf Driving Range (Not part of golf course) (Ord. 95-04)	C	
Hazardous Household Materials Collection Center	Cm***	
***See Hazardous Waster Facility Regs. (Chapter 30.57) (Ord. 92-23)		
<del>Hiring Hall</del>	<del>Cm</del>	
Horses, Raising (See also Stable Commercial & Stable Private) (Ord. 95-20)	C	
<del>Hospital</del>	<del>C</del>	<del>C</del>
Hospital, convalescent	C	<u>C</u>
Hospital, Nursing	C	<u>C</u>
Hospital, Mental	C	<u>C</u>
Land Reclamation Project (Ord. 95-04)	C	
Library	P	
Medical Complex	C**	<u>C</u>
**Medical complex may be approved up to a 1.0 FAR and maximum of 3 stories as established and approved by a Major Use Permit.		
Medical/Dental Office	Cm	<u>P</u>
Museum (Ord. 2001-08)	P	
Observatory	C	
Open Air theater	C	
Outdoor Sales (Ord. 91-03)	Cm	
Parks and Recreational Areas (Ord. 95-04)	P	
Police/Sheriff Station/Jail	P	
Post Office	P	
Public Utilities: Office	P	

Use	P/SP	P/SP/H
Public Utility Service Yards (Ord. 2006-06)	C	
Recreational Facilities, Public	P	
Recycling Facilities*	C	
*See Recycling Facilities (Chapter 30.56)		
<b>Renewable Energy Facilities</b>	<b>C</b>	
Residential Care, General – 7 or more (Ord 2005-03)***	C	<u>C</u>
***Nonconforming Residential care Facilities for 7 or more legally established as of March 9, 2005, may be expanded or intensified through issuance of a Conditional Use Permit (Major) pursuant to EMC Section 30.16.010(B)12.		
Schools, Private: (elem., Jr. High. H.S.)	C	
Schools, Public: (elem., Jr. High. H.S.)	P	
Schools, Technical	C	
Sewage Treatment Plant	P	
<del>Stable, Commercial</del>	<del>C</del>	
<del>Stadium</del>	<del>C</del>	
Storage and Preparation of Vehicles (Associated with new car dealerships( (Ord. 2000-15)	C****	
****Not permitted within coastal zone areas.		
<del>Storage of Sand, Gravel, etc.</del>	<del>C</del>	
<del>Surf Shop:</del>		
<del>    A. Retail</del>	<del>Cm</del>	
<del>    B. With Manufacturing</del>	<del>Cm</del>	
<del>Swap Meet (Ord. 91-03)</del>	<del>Cm</del>	
Terminals and Stations (Taxi, Bus, Limousine, etc) (City Clerk permit possible)	C	
Theaters and Places of Public Assembly (Ord. 95-04)	P	
<del>Towing/Impounding of Vehicles</del>	<del>C</del>	
<del>Transient Habitation (Ord 91.03)</del>	<del>C</del>	
Utility Lines-Sewer, Gas, Petroleum, Telephone, Electric	P	
Water Reservoir (Ord. 95-04)	C	