

APN: 2604121000

Address: 2157 EDINBURG AVE 1 AND 2

Attribute	Value
Zone Code:	R11
Description:	Residential 11
Width (feet):	40
Depth (feet):	90
Maximum Density:	11.0
Midrange Density:	9.5
Floor Area Ratio:	0.60/0.50
Front Setback:	20
Height:	See Section 30.16.010 B7
Interior Side Yard Setback:	5/0
Street Side Yard Setback:	10
Rear Yard Setback:	20
Lot Coverage Percent:	40
Net Lot Area Square Feet:	3,950
Parking:	EMC 30.54
Landscaping Percent:	
Reference:	EMC 30.16.010



Footnote:

Maximum floor area ratio is 60 percent of the gross lot area for a standard-sized lot, 50 percent for a substandard lot. Minimum front yard setback is 20 feet. The front yard setback may be reduced to 15 feet if the lot is substandard in size or depth and an alley abuts the rear of the lot. Minimum interior side yard setback is 5 feet unless a zero-lot line development is proposed. For zero-lot line development, a 5 foot minimum setback is required for one side yard. The standard height limit is 22 feet, or two stories, whichever is less. Additional height allowances and height restrictions may apply under certain conditions.

Overlay Zones

100 Year Flood:	No	Special Study:	Yes	Cultural/Natural Resources:	No	Scenic/Visual Corridor:	No
Coastal Zone:	Yes	Specific Plan:	No	Southern El Camino Real Museum:	No	Wetland Overlay:	No
Coastal Bluff Overlay:	No	Hillside/Inland Bluff:	No	CDP Required Additions Over 10%:	No	Future Specific Plan Boundary:	No

**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. All buildings, grading, landscaping, or construction projects, whether they require any other City permit or not, are subject to design review, as referenced in Chapter 23.08, Design Review, unless exempted by that chapter. The City's design standards and guidelines contain additional design and development standards that shall apply to all residential development.

For building height, see Section 30.16.010B6. For off-street parking requirements, see Chapter 30.54.

1. Rural Residential Zones.

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
b. Midrange Density (See Section 30.16.010B1 & B2)	0.125 (8 acres for floodplain); 0.38 (3 acres depending on slope)	0.75	1.5
c. Net Lot Area	2,4, or 8 acres	1.0 acre	21,500 sq. ft.
d. Lot Width (ft.)	110	110	100
e. Cul-de-sac Lot Width (ft.)	30 at front setback	30 at front setback	30 at front setback
f. Panhandle Width on a Flag Lot (ft.)	20	20	20
g. Lot Depth (ft.)	150	150	150
h. Front Yard Setback (ft.)	30	30	30
i. Side Yard Setback (ft.) for each interior side ^{4,5}	15/15	15/15	10/10
j. Side Yard Setback (ft.) street side ⁵	20	15	15
k. Rear Yard Setback (ft.)	25	25	25
l. 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
b. Midrange Density (See Section 30.16.010B1 & B2)	2.5	4.0	6.5	9.5
c. Net Lot Area (sq. ft.)	14,500	8,700	5,400	3,950
d. Lot Width (ft.)	80	70	60	40
e. Cul-de-sac Lot Width (ft.)	30 at front setback	30 at front setback	30 at front setback	30 at front setback
f. Panhandle Width on a Flag Lot (ft.)	20	20	20	20
g. Lot Depth (ft.)	100	100	90	90
h. Front Yard Setback (ft.)	25	25	25	20 ²
i. Side Yard Setback (ft.) for each interior side ^{4,5}	10/10	10/10	5/10	(RS-11) 5/5; (R-11) 5/0-5 ¹
j. Side Yard Setback (ft.) street side ⁵	10	10	10	10
k. Rear Yard Setback (ft.)	25	25	25	20
l. Lot Coverage (maximum percentage)	35%	35%	40%	40%
m. Floor Area Ratio		0.6	0.6	0.6 (Standard Lot Sizes); 0.5 (Substandard Lot) ³

3. Higher Density Single-Family and Multiple-Family Residential Zones.

ZONE REQUIREMENT	R-15	R-20	R-25	R-30 OL⁶	MHP
a. Density (Maximum dwelling units per net acre)	15.0	20.0	25.0	30.0	11.0
b. Midrange Density (See Section 30.16.010B1 & B2)	13.0	17.5	22.5	N/A	9.5
c. Net Lot Area (sq. ft.)	20,000	20,000	20,000	30,000	
d. Lot Width (ft.)	100	100	100	100	
e. Lot Depth (ft.)	150	150	150	150	
f. Front Yard Setback (ft.)	20	20	20	10	
g. Side Yard Setback (ft.) for each interior side (Standard Lot) ⁵	15/15	15/15	15/15	10	
h. Side Yard Setback (Substandard Lot) street side ^{3,5}	5/5	5/5	5/5	N/A	
i. Street Side Yard Setback (Standard Lot) (ft.) ⁵	20	20	20	10	
j. Street Side Yard Setback (Substandard Lot) ^{3,5}	10	10	10	N/A	
k. Rear Yard Setback (ft.)	15	15	15	10	

ZONE REQUIREMENT	R-15	R-20	R-25	R-30 OL⁶	MHP
l. Rear Yard Setback Where Alley Exists	20	20	20	10	
m. Lot Coverage (maximum percentage)	40	40	40	65	
n. Building Height (See 30.16.010B6)					
o. Distance between buildings on the same lot less than 16 ft. in height	15	15	15	15	
p. Distance between buildings on the same lot greater than 16 ft. in height	20	20	20	15	

FOOTNOTES

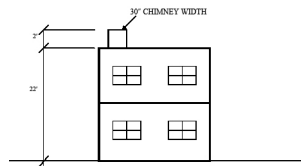
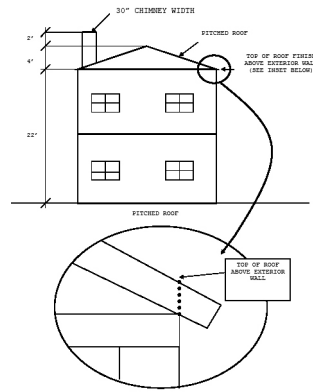
- 1 Requires a minimum 5-foot side yard setback for both side yards, unless a zero lot line development is proposed. For zero lot line development, a 5-foot minimum side yard setback is required for one side yard with a zero yard setback where the two units have common walls.
- 2 See Section 30.16.010C4 and D10.
- 3 Substandard lot under floor area ratio refers to a lot that does not meet the standard for lot area.
- 4 See Section 30.16.010B9.
- 5 See "Lot, Interior" in Section 30.04.010.
- 6 A minimum net density of 25 dwelling units per acre is required in the R-30 OL Zone.

B. All Residential Zones. The following development standards shall apply to all residential zones:

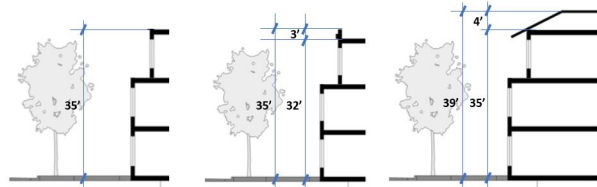
1. In determining the mid-range or maximum number of dwelling units allowed for a property, multiply net acreage by the mid-range density or maximum density given in Section 30.16.010A. Any fraction of a dwelling unit shall be reduced to the next lower whole unit not less than one. However, for properties located in and developing in conformance with the provisions of the R-30 Overlay, or properties requesting a density bonus, any fraction of a dwelling unit shall be rounded up to the next whole unit.
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. For properties located in and developing in conformance with the provisions of the R-30 Overlay, private access roads, parking lots, driveways, and drive aisles are not deducted from gross acreage.
 - a. The slope adjustment shall be required and is as follows:
 - i. All land in 0-25% slope of natural grade is allowed to use 100% of acreage.
 - ii. All land in 25-40% slope of natural grade is allowed to use 50% of acreage.

- iii. All land in 40% + slope of natural grade is allowed to use 0% of acreage.
 - iv. 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.
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 required 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.
 - a. The standard height limit for residential buildings, shall be the lesser of two stories in the RR through R-25 and MHP zones and shall be the lesser of three stories in the R-30 Overlay zone 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 feet—RR to RR-1 zones citywide, RR through RR-2 in the Olivenhain Community.
 - 22 feet—RR-2 (except Olivenhain Community) through R-25 and MHP zone, and substandard lots in the Olivenhain Community.
 - 35 feet – R-30 Overlay zone.

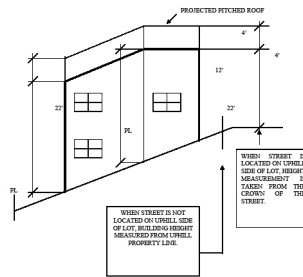
This height standard is subject to the following exceptions:



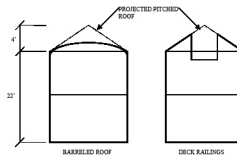
**FLAT ROOF
R-30 OL Zone Building Height***



- * Projections meeting the standards of Section 30.16.040B.6.a.iii may exceed the 35-foot or 39-foot height limit, by a maximum of five feet to accommodate necessary equipment (such as elevator shafts and other mechanical equipment) and screening.
 - i. On lots in R-3 to R-25 zones with greater than 10% slope, the building height at the uphill side of the lot shall not exceed 12 feet above the crown of the right-of-way. Where a street does not abut the uphill side of the sloped lot or a panhandle portion of a lot exists, this measurement shall be made at the property line located at the uphill side of the lot (excluding the panhandle of a lot) except as provided below. In no case shall the building exceed the applicable standard height limit at any point unless provided by the Code. Lot slope shall be determined in accordance with Section 30.16.010B6e.



- ii. In all zones, elements such as towers (maximum diagonal dimension of 12 feet), hips, gables, and spires may extend no more than four feet above the permitted standard height limit. A roof that extends above the permitted standard height limit shall have a minimum 3:12 pitch. Barreled roofs and roof decks shall be permitted provided the design of the roof or deck railings do not extend beyond the envelope of a projected pitch roof as authorized by this section. An additional maximum of a two-foot projection (beyond the elements extending up to four feet listed above) may be authorized by staff for chimneys, provided: (1) the perimeter of the chimney does not exceed 120 linear inches; and (2) the width of the chimney is no wider than 40 inches in any direction; and (3) a required non-decorative spark arrestor assembly may be added to the two-foot chimney; and (4) the building height plus projections do not exceed 30 feet in height for the RR through R-25 and MHP zones and 35 feet (flat roof) or 39 feet (pitched roof) for the R-30 Overlay zone.
- iii. In addition to the allowed projections specified in Section 30.16.010B.6.a.ii above, buildings in the R-30 Overlay zone may exceed the 35-foot or 39-foot height limit, as applicable, a maximum of five feet to accommodate necessary equipment (such as elevator shafts and other mechanical equipment) and screening, as long as any projections do not occupy more than 25% of the roof area and are set back a minimum of 10 feet from the edge of the wall plane on all sides.
- iv. Existing residential structures in the New Encinitas Community constructed at a height exceeding the aforementioned 22-foot/26-foot height may be remodeled or added to at the height of the existing structure. The height of the existing structure shall be documented through a height survey or other manner found satisfactory by the Development Services Director, and the proposed addition/remodel must also maintain substantially the same design character as the existing structure, also to the satisfaction of the Development Services Director.



- b. All building permit applications for residential buildings shall provide building height information at a sufficient number of locations to substantiate that no point of the structure exceeds the standard building height limit, projections do not exceed the height restrictions, and the structure contains no more than two stories.
- c. Natural grade shall be determined as follows. Natural grade may be determined by the Development Services Director, or authorized agency when a discretionary application is being reviewed, with consideration given to:
 - i. The prevailing topography of the site which has existed for some period of time prior to review of a project under consideration. Documentation of the grade shown on photographs, historical topographic surveys and/or in geotechnical reports prepared by certified professionals may be utilized on a case by case basis to determine the natural grade for purposes of development. The review shall take into account the vegetation on the site, the existing earth forms at the time of the review and the expectation that a reasonable person would consider the grade to be natural. Small earth form irregularities in topography, such as pits or mounds and similar features may be disregarded;
 - ii. Grading or other modifications of earth forms which result in gaining an advantage for future development, shall not be considered natural grade when substantial evidence can reasonably document that the grading or modifications of earth forms have resulted in circumvention of the regulations in the Municipal Code.
- d. For properties located in and developing in conformance with the provisions of the R-30 Overlay zone, building height is the vertical distance from the finished exterior grade adjacent to the structure to the highest portion of the structure immediately above. In the event of a conflict between this provision and other requirements of the Code, this standard shall control.
- e. The slope of a lot shall be determined as follows:
 - i. For the purpose of determining whether a lot has a greater than 10% slope, the average lot slope within the building envelope (setback lines) must be established. The average lot slope is determined by calculating the total change in elevation from setback line to setback line (rise/run), and is established by placing three run-lines across the property and taking the combined average slope of the three lines. The lines are to follow the slope of the property; i.e., they are to be placed at right angles to the contour lines.
 - ii. For properties in which the run-lines parallel the property lines, two run-lines

shall be placed along the peripheral setback lines, with the third line placed down the center of the property. For situations in which the slope crosses the property at an angle, the three run-lines shall be placed in such a way as to reveal average slope of the entire building envelope, to the satisfaction of the Development Services Director. For properties of an irregular shape and topography, additional run-lines may be required on the site plan to the satisfaction of the Development Services Director.

- iii. Bluff-top properties with one property line located at the lower portion of the bluff shall not be subject to a designation of greater than 10% lot slope, unless, using the method of measurement described above, the portion of the property between the edge of bluff and the opposite setback line is determined to exceed 10%. A bluff exists when the vertical elevation between the top and the toe of the bluff is 10 feet or more.
 - iv. All building permit applications for new residential construction or additions on which slope determination is an issue must provide topographic information in order for lot slope to be determined. For properties with an average slope of five percent or less, and for properties on which the owner is not disputing the degree of slope being greater than 10%, the topographic information may be provided by a note on the site plan indicating percentage of slope. For lots sloping greater than five percent on which slope determination is an issue, topographic information based on a permanent assumed benchmark shall be depicted on the site plan. The topographic information can be provided by the property owner, contractor, architect, designer, land surveyor or civil engineer. If substantial evidence is presented which indicates that the topographic information is inaccurate, a certified survey shall be provided from a professional land surveyor or civil engineer.
7. Floor area ratio (FAR) shall limit the amount of floor area of a building on a lot. For purposes of determining FAR, the following floor area is excluded:
- a. Up to 400 square feet per dwelling unit for a garage or carport.
 - b. Floor area covered by a roof of open construction, such as a trellis, sunscreen or lattice work, where the total square footage of the open spaces of the covering is 50% or more of the total square footage of the floor area below.
 - c. Floor area whose walls are of open construction, such as a trellis, sunscreen or lattice work, or partial wall where 50% or more of the total square footage of the vertical planes of the perimeter of the bulk floor area is open. Columns to support structure above shall not count toward this 50%, such that typical open building recess areas and patios are not counted as floor area.
 - d. Floor area which has less than five feet of headroom between the floor and the ceiling.
 - e. That portion of the floor in the basement.
 - f. Floor area used solely for the capture, distribution or storage of solar energy.

8. An animal kennel that was lawfully established and was in existence on March 29, 1989 may expand and rebuild in accordance with the development standards for the zone in which it is located. When an expansion increases the intensity of the use, a major use permit shall be required. An increase in intensity would include, but not be limited to, an increase in animals, customers, and traffic, and a relocation or expansion of high activity areas (dog runs). When structural alterations are proposed that do not increase the intensity of the use, a design review permit shall be required pursuant to Chapter 23.08 of the Municipal Code. Such structural alterations would include, but not be limited to: building elevation redesign; landscaping, walkways and fences/walls, additions to utility rooms, office space and lobby space. The permit (major use permit and/or design review permit) shall be revoked only if the kennel is operated in a manner contrary to law or the use is removed by the owner.
9. Additions to existing nonconforming residential structures that were legally constructed prior to March 29, 1989, shall have an interior side yard setback in accordance with the following:
 - a. The existing interior side yard setback of the existing building may be maintained except that in no case shall the interior side yard setback of the addition be less than:
 - i. 10 feet for a 15-foot required side yard setback.
 - ii. Five feet for a 10-foot required side yard setback.
 - iii. In no case shall a side yard setback of less than five feet be permitted, including those existing structures located within a minimum five-foot side yard setback.
 - b. Second story additions are allowed for an existing nonconforming two-story dwelling based on the setbacks of paragraph 9a of this subsection B.
 - c. Additions in conformance with subsection 9a of this section shall be limited to one story for an existing nonconforming single story dwelling unless it is determined that no view issues exist. Should no view issues exist based on the filing of a conceptual review application and subsequent site analysis, the Director of Planning and Building shall approve a second story addition based on the setbacks of subsection 10a. If it is determined that view issues exist, the applicant may file a design review application to have their application considered at a public hearing scheduled before the Planning Commission.
 - d. New construction on vacant lots or to replace demolished units shall comply with the established interior side yard setbacks unless otherwise permitted pursuant to Chapter 30.76 (Nonconformity Regulations) of the Municipal Code.
 - e. Second story additions to existing single-story residential structures which comply with the setback standards in effect at the time of building permit application shall be processed in accordance with the standards contained in this chapter.
10. Additions or enclosures for existing third story rooms and/or decks that were legally

constructed prior to March 29, 1989 may be approved through the design review process if it can be found that the addition and/or deck enclosure:

- a. Maintains some of the significant views enjoyed by residents of nearby properties, and
 - b. That the remodeled building is compatible in bulk and mass with buildings on neighboring properties, and
 - c. That the floor area ratio prescribed for the zoning district in which the project is located is not exceeded.
11. For single-family residential zones, the following development standards shall apply:
- a. Front yard setbacks within subdivisions of five or more lots shall vary in a manner consistent with the pattern of development in the surrounding neighborhood and consistent with the provisions of the underlying zoning.
 - b. Garage placement/design standards for single-family subdivisions:
 - i. Garages shall be located to minimize or reduce their visual presence.
 - ii. In RR to RS-11 Zones, the placement of garages on a single-family lot shall vary; e.g., (a) located in the rear of the lot but accessed from the front; (b) located in the front portion of the lot with either direct access or side loaded; or (c) accessed from the alley or side street, or combination.
 - iii. Access to the garage shall be from the alley or side street, if available.
 - c. For a new tract, front yard setbacks may be reduced up to 25% on a maximum of one-half of the dwelling units within a residential tract; however, no street setbacks shall be less than 20 feet to the garage for front entry garages, and 15 feet to the garage for side entry garages.
 - d. For single-family housing developments, variety of housing designs shall be provided. Each house design shall provide and exhibit at least three of the following features that clearly and obviously distinguish them from other house designs within the development:
 - i. Building Mass. Building mass is considered to be the outline of the structure. This is determined by the height, width, and depth of the structure.
 - ii. Roof Type. Roof types consist of mansard, hip (full or clip), flat, gambrel, gable, and front-to-back (shed style). Differentiation may also be achieved through the use of roof dormers, gables, and hips.
 - iii. Windows and Doors. The vertical or horizontal variation in the placement of at least two windows and/or doors on the front façade elevation or window shapes that are substantially different.
 - iv. Materials. The use of different materials on the front façade elevation.

- v. Garages. Substantial variation in the location and/or proportion of garages and garage doors, such as alley-loaded garages, side-loaded garages, single vs. double garages, etc.
- vi. Porches. Variation in the location, width, and proportion of front porches.

The sole use of minor cosmetic changes such as different paint color, reversing or creating mirrored images of the exterior architectural elevations, shutters, decorative brackets, or using different brick or stone color shall not meet the intent of this section.

- e. The same house design with the identical street elevation design (or substantially identical) shall not be placed directly adjacent to one another or directly across the street from one another. Identical or nearly identical street elevation design means little or no variation in the horizontal and vertical articulations of the building walls and rooflines, height or width of the façade, placement of the primary entrances, porches, number and placement of windows, and other major architectural features. It does not mean similar colors, materials, or small details.
 - f. Each of the elevations of a house design shall have a minimum of two differentiated planes to relieve flat, monotonous façades.
 - i. Differentiation may include incorporation of an architectural feature such as a bay window, entry, porch, overhang, or chimney.
 - ii. All differentiation shall be a minimum of 12 inches on at least 20% of the overall elevation.
12. Nonconforming general residential care facilities, if determined by City review as being lawfully established and in existence on the date of adoption of this Code section, may expand or rebuild in accordance with the development standards for the zone where it is located. When an expansion increases the intensity of the use, a major use permit shall be required. An increase in land use intensity may include, but not be limited to: an increase in the number of residents, traffic and/or noise impacts, or a relocation or expansion of outdoor activity areas.
13. Replacement housing consistent with the requirements of Government Code Sections 65583.2(g)(3) and 65915(c)(3) shall be provided on any site listed in the City's adopted housing element of the general plan, if the site is proposed for development and: (a) residences either exist on the site or existed on the site within the five-year period prior to submittal of the application; and (b) the residences were either deed-restricted, subject to rent control or any other limitation on rent, or occupied by low or very low income households.
- C. Single-Family Residential Zones (RR-2/R-3/R-5/R-8/RS-11). In the single-family residential zones, the following development standards shall apply in addition to subsections A and B of this section:
- 1. Residences shall be oriented with the rear of the residence toward collector and larger

- streets where possible, consistent with the pattern of development in the neighborhood.
2. Walkways connecting with city sidewalk/trail systems shall be provided in new residential developments.
 3. Driveway or other concrete or asphalt concrete areas available for parking shall not exceed 50%, where practical, of the required front yard area.
 4. Access to the garage shall be from the alley or side street, if available.
- D. Higher Density Single-Family and Multiple-Family Residential Zones (R-11/R-15/R-20/R-25). 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 subsections A and B of this section:
1. A minimum of 10% 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.
 3. A minimum of 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 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 15-gallon sizes. Smaller sized trees may be approved provided the trees reach a desired maturity height within three years after project occupancy.
 7. A masonry wall, or equal six 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 feet or more lower or higher than the project site, the masonry wall shall be a minimum of six 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 four feet in height shall be planted with vine cover material (or equal landscaping).
 8. The following recreation facilities/amenities shall be provided for residential developments based on the following number of units unless waived during the design review process:

Recreation Amenities Design Matrix		
RECREATION AMENITIES (square footage is the active or passive recreational amenities, not including required access paths)	PROJECT POINTS	POINT VALUES
<i>ACTIVE AMENITIES</i>		
1.A. Children's Play Area—Minimum of 500 square feet, with at least three pieces of play equipment, at least one bench, and a minimum of two evergreen shade trees located adjacent to the play area.		2
1.B. Children's Play Area—1.A above plus 250 additional square footage for play area, at least two additional pieces of play equipment, at minimum one additional bench, with the entire play area designed for children of all ages and abilities.		3
2.A. Swimming Pool Area—Enclosed/fenced pool area, with a minimum 800-square foot swimming pool, and at least 200 square feet provided for a minimum of two lounge chairs and one side table.		3
2.B. Swimming Pool Area—Enclosed/fenced pool area with a minimum 1,000-square foot swimming pool, minimum one spa, minimum one changing area or restroom within 50 feet of pool area, and at least 400 square feet provided for at least four lounge chairs, three side tables, and one outdoor umbrella.		4
3.A. Basketball Half-Court, Pickleball, or Multi-Sport/Game Court—Regulation sized and surfaced court, with at least one bench and waste/recycling receptacle, and a minimum of four evergreen shade trees located adjacent to the court area).		2
3.B. Basketball Half-Court, Pickleball, or Multi-Sport/Game Court—3.A. above plus be an illuminated court with shielded cut-off light fixtures except for properties in the Olivenhain Community Area (See Section 30.40.010 of this Code).		3
4.A. Bocce, Pétanque, or Shuffleboard Court—Regulation size, with at least one bench and waste/recycling receptacle, and a minimum of two evergreen shade trees located adjacent to the court area.		1
4.B. Bocce, Pétanque, or Shuffleboard Court—4.A. above plus least one additional bench or table that is covered with a shade structure, trellis, or gazebo.		2
5.A. Tennis or Basketball Court—Regulation size full court with at least one bench and waste/recycling receptacle, and a minimum of two evergreen shade trees located adjacent to the court area.		3
5.B. Tennis or Basketball Court—Regulation size full court with at least two benches and waste/recycling receptacle, and a minimum of four evergreen shade trees located adjacent to the court area. Plus be an illuminated court with shielded cut-off light fixtures except for properties in the Olivenhain Community Area (See Section 30.40.010 of this Code).		4
6.A. Fitness Trail—Minimum ¼ mile long paved or decomposed granite, or similar material, and accessible walking path/trail that is at least five-feet wide, with pet waste bag and disposal stations at all trail entrances, and trees located per the Landscape Design Matrix in the City's Design Standards and Guidelines.		2

Recreation Amenities Design Matrix		
RECREATION AMENITIES (square footage is the active or passive recreational amenities, not including required access paths)	PROJECT POINTS	POINT VALUES
6.B. Fitness Trail—6.A. above plus at least two benches located adjacent to, or within five feet of, the path/trail and each placed under an evergreen canopy tree, and pedestrian scale lighting located adjacent to the entire length of the path/trail.		3
<i>PASSIVE AMENITIES</i>		
7.A. Picnic area—Minimum of 500 square feet, with at least two picnic tables with benches, a minimum one waste/recycling receptacle, and at least two evergreen shade trees located adjacent to the picnic area.		2
7.B. Picnic area—7.A. above plus at least one barbeque or fire pit, and at least one additional picnic table with a bench that is covered with a shade structure, trellis, or gazebo.		3
8.A. Dog Park—Enclosed/fenced, minimum 750 square feet, off-leash dog area with pet waste bag and disposal stations adjacent to all entrances/exits, at least one three-dimensional accessory (e.g. rock, jumps, fire hydrant), minimum two benches, at least one potable water connection with dog bowl refilling and dog wash capabilities, and a minimum of three evergreen shade trees located adjacent to the dog park area.		2
8.B. Dog Park—8.A. above plus at least 250 additional square feet in size of off-leash dog area, with at least two additional three-dimensional accessories, and a minimum of one additional bench or table that is covered with a shade structure, trellis, or gazebo.		3
9.A. Community Garden—Minimum 500 square feet, with at least four garden beds that are minimum two feet by six feet in size, minimum one compost bin, and one potable water connection and irrigation provided to garden beds.		2
9.B. Community Garden—9.A. above plus at least one potting station containing a minimum two-foot by four-foot table, and at least one six-foot by six-foot gardening shed designed to match the primary building colors, materials, and architectural style.		3
<i>TOTAL</i>		
Projects with 10 to 49 Units (Choose at least one amenity)		2 Required
Projects with 50 to 99 Units (Choose at least two amenities, with minimum one active and one passive)		4 Required
Projects with 100 Units or more (Choose at least three amenities, with minimum two active and one passive, and at least two selected from the B categories)		10 Required

Amenities must be selected from separate numerical sections (i.e. if 1.A is selected, 1.B may not be used)

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;
 - 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 shall be provided in an acceptable location;
 - e. Outdoor storage and sales areas shall be entirely enclosed by solid masonry walls not less than six 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. This requirement does not apply to agriculture uses authorized per Chapter 30.33 (Urban Agriculture) of the Municipal Code.
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.
 11. Residences shall be oriented with the rear of the residence toward collector and larger streets where possible, consistent with the pattern of development in the neighborhood.
 12. Walkways connecting with city sidewalk/trail systems shall where practical be provided in new residential developments.
 13. Driveway or other concrete or asphalt concrete areas available for parking shall not exceed 50% where practical of the required front yard area.
 14. To the extent practical, access to the garage shall be from the alley or side street, if available.
- E. Residential 30 Overlay Zone (R-30 Overlay). In the higher density multiple-family residential R-30 Overlay zone, the following development standards shall apply in addition to those in subsections A and B of this section:

1. The R-30 Overlay regulations shall apply to all areas of the City so designated on the zoning map.
2. The R-30 Overlay provisions apply in addition to existing underlying zoning designations. Uses and standards of the underlying zone continue to apply until such time as a development is approved conforming with the provisions of R-30 Overlay zone prescribed in this subsection E.
3. In order to rely on the provisions of the R-30 Overlay zone, sites must be developed to a minimum density of 25 dwelling units per net acre and must be large enough to accommodate a minimum of 16 multifamily units.
4. Units may be either rental or ownership dwellings.
5. Notwithstanding the provisions of Section 30.41.080, sites in the R-30 OL Zone shall not be permitted to pay in-lieu fees as an alternative to satisfying the affordable housing requirements in Chapter 30.41.
6. Façade Wall Plane Requirements. Articulation of the wall plane shall be required for all front elevations, and for all side and rear elevations visible from a public right-of-way:
 - a. No more than 75% of a building façade shall be on a single plane;
 - b. An average of a five-foot offset, with a minimum of one foot, is required for the remaining 25% of the building face.
7. Requirements for Transitions of R-30 Overlay if Adjacent to Existing Single-Family Development. If parcels in the R-30 Overlay zone share a property line with an adjacent parcel developed with an existing single-family residential use or duplex units, the following additional setback requirements apply to proposed projects in the R-30 Overlay zone to provide an appropriate transition to the existing use.
 - a. Additional Setback Required. The third story of residential uses in the R-30 Overlay zone shall be set back 30 feet from any property line adjacent to a parcel with an existing single family residential use or duplex units.
8. Permitted Improvements in the Required Setback Areas. Permitted improvements include landscaping, pathways, storm water quality facilities, passive site amenities, surface parking or similar facilities.
9. Maximum Average Unit Size. Maximum average size of dwelling units in the project shall not exceed 1,000 square feet of floor area for rental projects and 1,150 square feet of floor area for ownership projects. Ownership projects include all projects with a condominium map or where units may be sold individually. For purposes of compliance with this requirement, only floor area within dwelling units shall be used to calculate the average unit size for a project.
10. Parking shall be provided in accordance with Chapter 30.54, however, units which are deed-restricted to be affordable to very-low and low income households (as defined in California Health and Safety Code Sections 50105 and 50079.5, respectively) shall provide off-street parking as follows:

Studios and one bedroom – 1.0 space per unit.

Two bedrooms – 1.5 spaces per unit.

Three+ bedrooms – 2.0 spaces per unit.

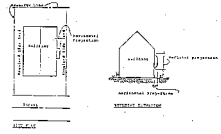
Guest Parking – Inclusive in standards above.

11. Private Storage Space. A minimum of 200 cubic feet of lockable, enclosed storage area per unit shall be provided within a garage or carport area, or within the main building.
 12. Private and Common Open Space.
 - a. Private Open Space. A minimum of 100 square feet per unit shall be provided as private open space for both ground floor units and units contained wholly on the second and third floors. For units wholly on the second and third floors, this open space may be provided by outdoor decks.
 - b. Common Amenity Space. A minimum of 200 square feet per unit shall be provided as common amenity open space to be made available for use by all residents and/or tenants. Common amenity space is permitted to be located within the perimeter setback area.
 - c. Private and common area may be combined for a total of 300 square feet per unit overall, located on-site.
 13. Project development shall comply with development standards found in Sections 30.16.010D.2, 3, 5, 6, 7, 9, 11, 12, 13, and 14. If there is a conflict between the standards of this section and subsection D, the development standards of this section supersede.
- F. Accessory Structures. In all residential zones except for the R-30 Overlay zone, and except for accessory dwelling units and junior accessory dwelling units conforming to Sections 30.48.040T and 30.48.040U, the following development standards related to accessory structures shall apply (refer to Chapter 30.48, Accessory Use Regulations, for additional standards related to accessory uses, location, quantity permitted, size, etc. of permitted accessory structures),
1. A detached accessory structure shall meet the setback requirements of the main building for the front and street side yard areas.
 2. An accessory structure shall comply with applicable floor area ratio standards with the exception to play houses, storage sheds, and other structures that do not require a building permit.
 3. A detached accessory structure may be located within a required interior side yard or rear yard setback area provided that such structure is located no closer than five feet to an interior side or rear lot line, and shall not cover more than 50% of the required interior side or rear yard.
 4. A detached accessory structure shall be at least six feet from the main structure or other structures on the property with eaves not less than four feet from the main structure or

other structure. A detached accessory structure shall have no projections beyond the five-foot setback established by paragraph 3 of this subsection E except for roof eaves. Roof eaves may project a maximum of two feet into the required five-foot setback.

5. Accessory structures located within a required side yard or rear yard setback area shall be limited to one story and 12 feet in height. Roofs pitched not less than 3:12 may extend an additional two feet to a maximum 14 feet, to peak of roof. Detached accessory structures that meet the main building setbacks and do not project into any required setback area may have a building height as outlined for residential structures. See subsection B6 of this section. See paragraph 10 of this subsection E for standards related to minor accessory structures.
6. Swimming pools and spas may be located within the required interior or rear yard provided they are no closer than three feet to interior side and rear lot lines. Swimming pools may occupy more than 50% of the required rear yard. Pool equipment may be located no closer than three feet to interior side, street side or rear lot lines, and shall be fully screened (i.e., landscaping or fencing) from any adjacent property. Swimming pools and spas shall comply with all fencing requirements as set forth in subsection F3 of this section.
7. Canopies and covers for patios/decks with the floor less than 30 inches above grade may extend into a required rear or interior side yard provided that portions of such structures extending into the required yard area meet the following:
 - a. The canopy, covered patio or deck shall not exceed 12 feet in height or project closer than five feet to an interior side yard lot line or closer than 10 feet at the rear lot line;
 - b. The canopy or covers for a patio/deck shall be entirely open on at least three sides except for necessary supporting columns;
 - c. The canopy shall not cover more than 50% of the required interior side or rear yard.
8. Architectural features of the primary structure, such as porches, steps, eaves, awnings, chimneys, decks, balconies, stairways, wing walls, or bay windows, window seats, fireplaces, planters, roof overhangs and other architectural projections which do not create additional livable area may project into any front or rear yard not more than four feet. Such projections are permitted to project into any side yard area no more than that identified below:

Required Side Yard Setback	Max. Vertical Projections	Max. Horizontal Projections
5 feet	6 feet	2 feet
10 feet	8 feet	3 feet
15 feet	N/A	5 feet
20 feet	N/A	5 feet



The maximum vertical projection is the vertical height of a projection that would be permitted in the side yard setback area. The height is measured from the lowest point of the architectural feature to the highest point within the side yard setback.

9. Minor accessory structures refers to non-habitable structures such as small play houses and storage sheds that are accessory to a residential use and that are not otherwise regulated by this chapter and that are not regulated with a building permit under the Uniform Building Code. Such structures may be permitted to encroach to interior side and rear property lines subject to the following limitations:
 - a. Minor accessory structures may be located within the interior side yard and rear yard setback provided that a minimum of five feet is maintained for clear access between the minor accessory structure and any other structure, other than a fence, retaining wall, or similar structure.
 - b. Minor accessory structures shall be limited to one story with a maximum height limit of 10 feet.
 - c. Minor accessory structures shall not exceed 120 square feet of floor area or projected roof area per structure. No more than four minor accessory structures shall be allowed on any site.
 - d. Accessory structures that otherwise meet the above limitations but require a permit under the Uniform Codes for plumbing, electrical, mechanical, or any other purposes shall not be considered a minor accessory structure and shall be subject to the issuance of a building permit and shall be subject to the typical setback and height standards outlined for accessory structures.
 - e. When located within five feet of a side or rear property line, minor accessory structures may not cumulatively extend for more than 50% of the length of a rear property line or for more than 25% of the length of a side property line.
 10. For those parcels located under the Coastal Blufftop Overlay Zone Section 30.34.020B shall apply.
- G. Fences and Walls. In all residential zones, the following development standards related to fences and walls shall apply.
1. Fence Regulations. The following development standards shall apply to fences and walls.
 - a. Front Yard. In any front yard within 15 feet from the property line or road easement, a fence shall be limited to four feet in height, but may be constructed to a maximum of six feet provided that the top two feet of the fence is of material

being at least 50% open which provides for visibility through that portion of the fence, except as provided herein and in subsections D, E and F of this section.

- b. Street Side, Interior Side and Rear Yard. In any street side yard, interior side yard or rear yard, a fence shall be limited to six feet in height, except as provided herein and in subsections D, E and F of this section.
 - c. Street Corner, Sight Distance. Within 15 feet of an intersection of two streets or a private easement providing vehicular access to two or more primary dwelling units, a fence may not exceed four feet. A greater setback may be required by the Development Services Director if the proposed wall or fence is determined to be in an unsafe location.
2. Noise Attenuation Wall. A six-foot solid wall may be approved in any required setback upon review of a noise study prepared by a recognized acoustical engineer demonstrating the need for a noise attenuation wall and, if required by the Development Services Director, an analysis of adjacent road intersection demonstrates that adequate sight distance is maintained.

The residential fence standards contained in paragraphs 1 and 2 of this subsection G are summarized as follows:

Maximum Fence Height			
FRONT	STREET	STREET CORNER	INTERIOR SIDE REAR
4 feet solid + 2 feet 50% open	6 feet solid	4 feet solid	6 feet solid
6 feet solid w/15-foot setback	4 feet w/15 feet from corner	6 feet solid w/15-foot setback	

- 3. Pool Fencing Requirements. A minimum five-foot fence with self-latching gate shall be provided to enclose all pools and spas as set forth in the City Building Code.
- 4. Temporary Fence Materials. Fiberglass sheeting, bamboo sheeting, or other similar temporary material shall not be permitted as a fencing material on street yard frontages.
- 5. Tennis Court Fencing. Fences surrounding tennis courts may be located within an interior side yard or rear yard provided that the fence is located no closer than five feet to an interior side or rear lot line and said fence does not exceed 12 feet in height.
- 6. Barbed Wire and Electrical Fencing. Barbed wire and electrical fencing are prohibited in all residential zones, except for the following:
 - a. Barbed wire is permitted for agricultural uses only.
 - b. High voltage electrical fencing is permitted for containment of large animals subject to the following regulations:
 - i. Electrical fencing may be maintained on the property line at a maximum of

six feet in height. When the electrical fence is adjacent to a public road or access easement, the electrical fence shall be located on the inside of a nonelectrical fence.

- ii. Permits shall be obtained from the Building Department unless exempt. UL (Underwriters Laboratory) approved and other recognized agencies approved electrical fencing is exempt from permits.
- iii. Appropriate signage shall be posted to give notice of the electrical fencing.

H. Connectivity of Adjacent Land Uses. Interconnecting pedestrian and bicycle circulation and vehicular circulation shall be provided between adjacent residential properties to the extent feasible.

1. Pedestrian and bicycle interconnecting circulation includes, but is not limited to, safe and clearly designated passages, walkways, trails, courtyards, breezeways, and/or bridges.
2. The interconnection of pedestrian and bicycle circulation shall include, but not be limited to, the dedication of easements for future connectivity and circulation between adjacent land uses.

(Ord. 89-41; Ord. 90-16; Ord. 92-21; Ord. 92-30; Ord. 93-14; Ord. 93-18; Ord. 94-02; Ord. 94-11; Ord. 97-17; Ord. 2003-08; Ord. 2003-10; Ord. 2005-03; Ord. 2006-06; Ord. 2010-13; Ord. 2014-12; Ord. 2015-01; Ord. 2016-08; Ord. 2017-03; Ord. 2019-04; Ord. 2019-24; Ord. 2020-10)

§ 30.16.020. Special Provisions.

A. Lot Area Averaging. The purpose of lot area averaging is to allow flexibility in lot design so as to minimize grading and preserve steep natural slopes and other environmental resources. The intent is that lots shall relate to the topography so as to ensure the preservation of unique topographic features, riparian or woodland areas, and other significant features of community importance. Lot area averaging shall not be used to create recreational or other open space for the exclusive use of the residents of the subdivision or for the use of the general public on a fee or membership basis, or for any other purpose for which approval of a planned residential development or specific plan would be the appropriate process.

1. Use Permit Required. Lot area averaging for subdivisions creating four or fewer lots in a residential zone may be approved pursuant to a minor conditional use permit, and subdivisions creating five or more lots are subject to major conditional use permit approval as described in Chapter 30.74.
2. General Requirements. Except where specifically modified in this section, all coverage, height, parking, and other requirements shall be as described in Chapter 30.16. Lot area averaging projects shall be subject to the following criteria:
 - a. The density of development (number of available lots) is calculated by the method described in this chapter. Lots designed for residential use may be smaller than that allowed by the underlying zoning; however, the density allowed by the underlying zoning of the subdivision shall not be exceeded except as permitted through

approval of a density bonus pursuant to Section 30.16.020C.

- b. The area(s) to be left as open space is determined and the available residential lots are distributed within the non-open space area of the property.
 - c. All lots and easements in the subdivision designated for open space shall be permanently reserved in a manner that makes the City of Encinitas a party to and entitled to enforce the reservation. For purposes of this section, "open space" shall mean those areas deemed by the City to be of significant community importance including, but not limited to, riparian and woodland habitat, sensitive biological areas, unique topology, and so forth.
 - d. None of the lots, except any remainder parcels, can be further subdivided. A note on the final map and a covenant to that effect shall be recorded.
 - e. Private streets shall be permitted.
- B. Planned Residential Development. The planned residential development (PRD) regulations are intended to facilitate development of areas zoned for residential use by permitting greater flexibility and, consequently, more creative and imaginative designs for the development of such residential areas than is generally possible under conventional zoning and subdivision regulations. These regulations are further intended to promote more economical and efficient use of land while providing a harmonious variety of housing choices, a higher level of residential amenities, and preservation of natural resources and open space. Affordable housing opportunities are encouraged through the application of this section, the density bonus provisions pursuant to subsection C, and the accessory unit provisions pursuant to Section 30.48.040T. A PRD may be approved for any residentially-zoned property. Attached unit development within a PRD is permitted in a single-family zone provided that the Planning Commission finds that such development is compatible with, and will not adversely affect neighboring properties.
1. Use Permit Required. All planned residential development proposals are subject to approval of a major conditional use permit as described in Chapter 30.74.
 2. Pre-Application Conference. Prior to submitting an application for a use permit for a planned residential development, a prospective applicant shall consult with the Planning and Building Department to obtain information and to inform the Department of the applicant's intentions.
 3. General Requirements.
 - a. Planned residential developments shall relate harmoniously to the topography of the site, shall make suitable provision for the preservation of steep slopes, water courses, drainage areas, wooded areas, rock outcroppings, and similar natural features, and shall otherwise be designed to retain such natural features to the greatest extent possible.
 - b. Lots and structures shall be designed to follow and not significantly alter the natural contour of the land.

4. Development Criteria. All height and other requirements not specifically modified by this section shall be as described in Chapter 30.16. All parking requirements not specifically modified by this section shall be as described in Chapter 30.54.

- a. Density. The density of development (number of available lots or units) is calculated as described in this chapter. The maximum density allowed by the project area's underlying residential zoning shall not be exceeded except as permitted through approval of a density bonus pursuant to Section 30.16.020C.

When a proposed project area contains two or more residential zones, the maximum number of dwelling units shall be the total of the dwelling units permitted under each of the component zones. The dwelling units in a PRD containing two or more residential zones may be distributed within the development without regard to the boundaries of the component zones provided that the authorized agency makes the following findings:

- i. The density transfer is compatible with existing development in the surrounding area; and
- ii. The transferred density is consistent with applicable General Plan land use designations and policies.
- b. The area(s) to be left as open space is determined and the available residential lots are distributed within the non-open space area of the property;
- c. None of the lots, including the open space lot(s) but excluding any remainder parcels, can be further subdivided. A note on the final map and a covenant to that effect shall be recorded.
- d. Minimum Lot Area, Lot Width and Depth, Lot Coverage. Lot areas, lot width and depth, and lot coverages for a PRD shall be determined as part of the approval for a major conditional use permit.
- e. Setback Requirements.
- i. Perimeter. Buildings will be set back a minimum of 20 feet from all exterior property boundaries unless the Planning Commission finds that a lesser setback is appropriate, based on site-specific design.
- ii. No building, except as provided hereafter, shall be closer than five feet from any interior vehicular or pedestrian way, court, plaza, open parking lot or any other surfaced area reserved for public use or for the use in common by residents of the planned development. Such setback shall be generally measured from the nearest edge of a surfaced area; provided however, that where no sidewalk exists in conjunction with a public or private street, such setback shall be measured from the nearest edge of the street right-of-way or private road easement.
- iii. Between Buildings. A minimum of 10 feet shall be provided between all single story buildings (except minor accessory structures as defined in this

chapter) located on the same lot.

- iv. Setback for Garages Having Straight-in Access From a Public or Private Street. There shall be a minimum setback of 20 feet from a garage to the nearest edge of a sidewalk, or where no sidewalk exists, the easement or right-of-way edge of a private or public street. The setback may be reduced to five feet provided that the width of the street or private driveway is adequate to accommodate parking on one side. Garages directly facing a street or driveway having less than the 20-foot setback shall be equipped with an automatic garage door opener.
 - v. All other minimum setback requirements (except for bluff setbacks and setbacks from environmental resources) may be determined by the Planning Commission as part of the conditional use permit approval for a PRD.
 - f. Prior to approval of a PRD, the applicant shall submit plans illustrating the proposed building envelopes on individual lots.
5. Open Space. A PRD shall contain developed and undeveloped open space areas. Developed open space areas are intended to provide recreational facilities for either the common use and enjoyment of the residents and guests of the PRD or public use, while undeveloped open space is intended to preserve the site's natural features. Land occupied by buildings, streets, driveways, vehicle parking spaces and/or storage, and trash and recycling storage may not be counted toward meeting this requirement.
- a. Amount of Required Open Space. A minimum of 40% of the site area shall consist of open space for all portions of a PRD.
 - b. Developed (Recreational) Open Space. From the required open space as determined in paragraph 5a of this subsection B, developed open space shall be provided at a minimum ratio of 365 square feet for each single-family unit, and 260 square feet for each multifamily unit. This requirement may be satisfied with active and/or passive recreational facilities, including, but not limited to, the following: spas, saunas, swimming pools, cabanas, recreation rooms, ball courts, athletic fields, barbecue areas, "tot lots," and flat grassy play areas with an average slope of less than 15%.

As provided in Section 23.98.050E, the developed (recreational) open space may be credited toward the City requirements for park land dedication.

- c. Undeveloped Open Space. The remainder of the required open space may be either improved or left in its native state to preserve significant natural features such as steep slopes, sensitive biological habitat, rock outcroppings, water courses, drainage areas, and the like. Areas devoted to natural or improved flood control channels and those areas encumbered by flood control or drainage easements, as well as riding and hiking trails designated on a community or sub regional plan map, may be counted toward satisfying this portion of the open space requirement.

That portion of the required open space the City deems worthy of preserving in its native state shall be protected by a recorded open space easement (or other

instrument satisfactory to the City) to which the City is a part.

- d. To increase its functionality, open space areas shall have a minimum dimension of at least 10 feet in width, and should be linked together to the extent feasible.
 - e. All parts of the required developed (recreational) open space shall be reserved for use in common by the residents and guests of the PRD. Alternatively, an applicant may elect to dedicate the open space to the City for public use, if such dedication is acceptable to the City. Areas designated for permanent open space shall be reserved for the use and enjoyment of the residents and their guests in a manner which makes the City a party to and entitled to enforce the reservation. If the developed open space is dedicated to the City for public use, adequate provisions for public use shall be made to the satisfaction of the Planning and Building Department and Parks Department. This is not to exclude public use of riding and hiking trails located within undeveloped open space as identified in paragraph 5c of this subsection B.
 - f. Phasing. If the PRD is to be developed in phases, the PRD plan shall coordinate improvement of the open space, construction of buildings, and other improvements so that each development stage achieves a proportionate share of the total open space and recreational amenities.
6. Street Improvements. All public streets within or abutting the proposed planned development shall be dedicated and improved to City specifications for the particular classification of street. When the developer desires to retain any private streets within the development, such streets and their maintenance shall conform to the applicable provisions of Municipal Code Chapter 24.29, and shall be consistent with the private road standards as adopted by the City Council.
 7. Parking and Recreational Vehicle Storage. Recreational vehicle storage facilities are not required. However, all open parking areas and any provided storage facilities shall be adequately screened with landscaping from nearby residences within the development, residentially zoned properties adjacent to the development boundaries, and any significant public views into the project. Parking spaces reserved for the storage of recreational vehicles or equipment shall not be counted toward fulfilling the development's minimum parking requirement.
 8. The minimum lot size, design, setback (except for bluff setbacks and setbacks from environmental resources) and coverage standards for residential zones may be modified or reduced through a PRD project to allow for smaller lots, including individual "postagestamp" lots with individual attached dwelling units.
 9. In planned residential developments, the need for trash receptacle areas and adequate areas for collecting and loading recyclable materials will be evaluated on a case by case basis. If it is determined that a development project must provide the aforementioned areas, trash enclosures and adequate areas for collecting and loading recyclable materials must be architecturally compatible with the development, screened from view of the roadway and convenient to all dwelling units within the project.

C. Density Bonus Regulations.

1. The purpose of this subsection is to specify how compliance with Government Code Sections 65915, 65915.5, 65915.7, and 65917 ("State Density Bonus Law") will be implemented, as required by Government Code Section 65915(a).
2. Definitions. The definitions found in State Density Bonus Law shall apply to the terms contained in this subsection.
3. Applicability. A "housing development" as defined in State Density Bonus Law shall be eligible for a density bonus and other regulatory incentives that are provided by State Density Bonus Law when the applicant seeks and agrees to provide low, very-low, senior or moderate income housing units or units intended to serve transitional foster youth, disabled veterans, or homeless persons in the threshold amounts specified in State Density Bonus Law. A "housing development" includes only the residential component of a mixed use project.

A "commercial development" as defined in subsection C.11 shall be eligible for a commercial development bonus as provided in subsection C.11.

4. Application Requirements.
 - a. Any applicant requesting a density bonus and any incentive(s), waiver(s), parking reduction(s), or commercial development bonus(es) provided by State Density Bonus Law shall submit a density bonus report as described below concurrently with the filing of the planning application for the first discretionary permit required for the housing or commercial development. The requests contained in the density bonus report shall be processed concurrently with the planning application. The applicant shall be informed whether the application is complete consistent with Government Code Section 65943.
 - b. The density bonus report shall include the following minimum information:
 - i. Requested Density Bonus for a Housing Development.
 - (A) Summary table showing the maximum number of dwelling units permitted by the zoning and general plan excluding any density bonus units, proposed affordable units by income level, proposed bonus percentage, number of density bonus units proposed, total number of dwelling units proposed on the site, and resulting density in units per acre.
 - (B) A tentative map and/or preliminary site plan, drawn to scale, showing the number and location of all proposed units, designating the location of proposed affordable units and density bonus units.
 - (C) The zoning and general plan designations and assessor's parcel number(s) of the housing development site.
 - (D) Calculation of the maximum number of dwelling units permitted by the City's zoning regulations and General Plan for the housing development,

excluding any density bonus units.

- (E) A description of all dwelling units existing on the site in the five-year period preceding the date of submittal of the application and identification of any units rented in the five-year period. If dwelling units on the site are currently rented, income and household size of all residents of currently occupied units, if known. If any dwelling units on the site were rented in the five-year period but are not currently rented, the income and household size of residents occupying dwelling units when the site contained the maximum number of dwelling units, if known.
 - (F) Description of any recorded covenant, ordinance, or law applicable to the site that restricted rents to levels affordable to very low or lower income households in the five-year period preceding the date of submittal of the application.
 - (G) If a density bonus is requested for a land donation, the location of the land to be dedicated, proof of site control, and reasonable documentation that each of the requirements included in Government Code Section 65915(g) can be met.
- ii. Requested Incentive(s) for a Housing Development. In the event an application proposes incentives for a housing development pursuant to State Density Bonus Law, the density bonus report shall include the following minimum information for each incentive requested, shown on a site plan if appropriate:
 - (A) The City's usual development standard and the requested development standard or regulatory incentive.
 - (B) Except where mixed-use zoning is proposed as an incentive, reasonable documentation to show that any requested incentive will result in identifiable and actual cost reductions to provide for affordable housing costs or rents.
 - (C) If approval of mixed use zoning is proposed, reasonable documentation that nonresidential land uses will reduce the cost of the housing development, that the nonresidential land uses are compatible with the housing development and the existing or planned development in the area where the proposed housing development will be located, and that mixed use zoning will provide for affordable housing costs or rents.
 - iii. Requested Waiver(s) for a Housing Development. In the event an application proposes waivers of development standards for a housing development pursuant to State Density Bonus Law, the density bonus report shall include the following minimum information for each waiver requested on each lot, shown on a site plan if appropriate:
 - (A) The City's usual development standard and the requested development

standard.

(B) Reasonable documentation that the development standards for which a waiver is requested will have the effect of physically precluding the construction of a development at the densities or with the concessions or incentives permitted by Government Code Section 65915.

- iv. Requested Parking Reduction for a Housing Development. In the event an application proposes a parking reduction for a housing development pursuant to Government Code Section 65915(p), a table showing parking required by the zoning regulations, parking proposed under Section 65915(p), and reasonable documentation that the project is eligible for the requested parking reduction.
- v. Child Care Facility for a Housing Development. If a density bonus or incentive is requested for a child care facility in a housing development, reasonable documentation that all of the requirements included in Government Code Section 65915(h) can be met.
- vi. Condominium Conversion. If a density bonus or incentive is requested for a condominium conversion, reasonable documentation that all of the requirements included in Government Code Section 65915.5 can be met.
- vii. Commercial Development Bonus. If a commercial development bonus is requested for a commercial development, the application shall include the proposed partnered housing agreement and the proposed commercial development bonus, as defined in subsection C.11, and reasonable documentation that each of the standards included in subparagraph C.11.c has been met.
- viii. Fee. Payment of any fee in an amount set by resolution of the City Council for staff time necessary to determine compliance of the Density Bonus Plan with State Density Bonus Law.

5. Density Bonus.

- a. In determining the total number of units to be granted, each component of any density calculation, including base density and bonus density, resulting in fractional units shall be separately rounded up to the next whole number.
- b. When calculating the number of affordable units needed for a given density bonus, any fractions of affordable dwelling units shall be rounded up to the next whole number.
- c. Each housing development is entitled to only one density bonus. If a housing development qualifies for a density bonus under more than one income category or additionally as senior housing or as housing intended to serve transitional foster youth, disabled veterans, or homeless persons, the applicant shall select the category under which the density bonus is granted. Density bonuses from more than one category may not be combined.

- d. The density bonus units shall not be included in determining the number of affordable units required to qualify a housing development for a density bonus pursuant to State Density Bonus Law.
 - e. The applicant may elect to accept a lesser percentage of density bonus than the housing development is entitled to, or no density bonus, but no reduction will be permitted in the percentages of required affordable units contained in Government Code Section 65915(b), (c), and (f). Regardless of the number of affordable units, no housing development shall be entitled to a density bonus of more than 35%.
6. Incentives.
 - a. Incentives include "incentives and concessions" as defined in State Density Bonus Law. The number of incentives that may be requested shall be based upon the number the applicant is entitled to pursuant to State Density Bonus Law.
 - b. Nothing in this subsection requires the provision of direct financial incentives for the housing development, including, but not limited to, the provision of financial subsidies, publicly owned land, fee waivers, or waiver of dedication requirements. The city, at its sole discretion, may choose to provide such direct financial incentives.
 7. Local Coastal Plan Consistency.
 - a. State Density Bonus Law provides that it shall not be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976, and further provides that the granting of a density bonus or an incentive shall not be interpreted, in and of itself, to require a local coastal plan amendment.
 - b. For development within the coastal zone, any requested density bonus, incentive(s), waiver(s), parking reduction(s), or commercial development bonus(es) shall be consistent with all applicable requirements of the certified Encinitas Local Coastal Program, with the exception of density.
 8. Review Procedures. All requests for density bonuses, incentives, parking reductions, waivers, or commercial development bonuses shall be considered and acted upon by the approval body with authority to approve the development within the timelines prescribed by Government Code Sections 65950 et seq., with right of appeal to the City Council pursuant to Chapter 1.12.
 - a. Eligibility for Density Bonus(es), Incentive(s), Parking Reduction(s), and/or Waiver(s) for a Housing Development. To ensure that an application for a housing development conforms with the provisions of State Density Bonus Law and the Coastal Act, the staff report presented to the decision-making body shall state whether the application conforms to the following requirements of state law:
 - i. The housing development provides the affordable units or senior housing required by State Density Bonus Law to be eligible for the density bonus and any incentives, parking reduction, or waivers requested, including the replacement of units rented or formerly rented to low and very low income

households as required by Government Code Section 65915(c)(3).

- ii. Any requested incentive will result in identifiable and actual cost reductions to provide for affordable housing costs or rents; except that, if a mixed-use development is requested, the application must instead meet all of the requirements of Government Code Section 65915(k)(2).
 - iii. The development standards for which a waiver is requested would have the effect of physically precluding the construction of a development at the densities or with the concessions or incentives permitted by Government Code Section 65915.
 - iv. The housing development is eligible for any requested parking reductions under Government Code Section 65915(p).
 - v. If the housing development is in the coastal zone, the requested density bonus and any requested incentive(s), waiver(s), or parking reduction(s) are consistent with all applicable requirements of the certified Encinitas Local Coastal Program, with the exception of density.
 - vi. If the density bonus is based all or in part on donation of land, all of the requirements included in Government Code Section 65915(g) have been met.
 - vii. If the density bonus or incentive is based all or in part on the inclusion of a child care facility, all of the requirements included in Government Code Section 65915(h) have been met.
 - viii. If the density bonus or incentive is based all or in part on the inclusion of affordable units as part of a condominium conversion, all of the requirements included in Government Code Section 65915.5 have been met.
- b. If a commercial development bonus is requested for a commercial development, the decision-making body shall make a finding that the development complies with all of the requirements of subsection (C)(11)(c) of this section, that the City has approved the partnered housing agreement, and that the commercial development bonus has been mutually agreed upon by the City and the commercial developer. If the project is in the coastal zone, the decision-making body shall also find that the commercial development bonus is consistent with all applicable requirements of the certified Encinitas Local Coastal Program, with the exception of density.
- c. The decision-making body shall grant an incentive requested by the applicant unless it makes a written finding, based upon substantial evidence, of any of the following:
- i. The proposed incentive does not result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety code, or for affordable rents, as defined in Section 50053 of the Health and Safety Code; or
 - ii. The proposed incentive would be contrary to state or federal law; or

City Manager, to require that the housing development be operated as "housing for older persons" consistent with state and federal fair housing laws.

The executed affordable housing agreement or senior housing agreement shall be recorded against the housing development prior to final or parcel map approval, or, where a map is not being processed, prior to issuance of building permits for the housing development. The affordable housing agreement or senior housing agreement shall be binding on all future owners and successors in interest.

10. Design and Quality.

- a. The City may not issue building permits for more than 50% of the market rate units until it has issued building permits for all of the affordable units, and the city may not approve any final inspections or certificates of occupancy for more than 50 percent of the market rate units until it has issued final inspections or certificates of occupancy for all of the affordable units.
- b. Affordable units shall be comparable in exterior appearance and overall quality of construction to market-rate units in the same housing development. Interior finishes and amenities may differ from those provided in the market rate units, but neither the workmanship nor the products may be of substandard or inferior quality as determined by the City.
- c. The number of bedrooms of the affordable units shall at least equal the minimum number of bedrooms of the market-rate units.

11. Commercial Density Bonus.

- a. The following definitions shall apply to this subsection C.11:

"Commercial development" means a development project for nonresidential uses.

"Commercial development bonus" means a modification of development standards mutually agreed upon by the City and a commercial developer and provided to a commercial development eligible for such a bonus under subparagraph C.11.c. Examples of a commercial development bonus include an increase in floor area ratio, increased building height, or reduced parking.

"Partnered housing agreement" means an agreement approved by the City between a commercial developer and a housing developer identifying how the commercial development will provide housing available at affordable ownership cost or affordable rent consistent with subparagraph C.11.c. A partnered housing agreement may consist of the formation of a partnership, limited liability company, corporation, or other entity recognized by the state in which the commercial developer and the housing developer are each partners, members, shareholders, or other participants, or a contract between the commercial developer and the housing developer for the development of both the commercial development and the housing development.

- b. When an applicant proposes to construct a commercial development and has entered into a partnered housing agreement approved by the City, the City shall

grant a commercial development bonus mutually agreed upon by the developer and the City. The commercial development bonus shall not include a reduction or waiver of fees imposed on the commercial development to provide for affordable housing.

- c. The partnered housing agreement shall include all of the following provisions:
 - i. The housing development shall be located either: (A) on the site of the commercial development; or (B) on a site within the City that is within one-half mile of a major transit stop and is located in close proximity to public amenities, including schools and employment centers.
 - ii. At least 30% of the total units in the housing development shall be made available at affordable ownership cost or affordable rent for low-income households, or at least 15% of the total units in the housing development shall be made available at affordable ownership cost or affordable rent for very low-income households.
 - iii. The commercial developer must agree either to directly build the affordable units; donate a site consistent with subsection (C)(11)(c)(i) above for the affordable units; or make a cash payment to the housing developer for the affordable units.
- d. Any approved partnered housing agreement shall be described in the City's housing element annual report as required by Government Code Section 65915.7(k).

12. Interpretation. If any portion of this subsection conflicts with State Density Bonus Law or other applicable state law, state law shall supersede this subsection. Any ambiguities in this section shall be interpreted to be consistent with State Density Bonus Law.

(Ord. 93-08; Ord. 93-14; Ord. 95-04; Ord. 96-07; Ord. 2003-10; Ord. 2015-01; Ord. 2015-05; Ord. 2016-07; Ord. 2017-13; Ord. 2021-07; Ord. 2022-07)

§ 30.16.030. Mobile Home Park Zone (MHP).

- A. The provisions of this section, inclusive, shall be known as the "Mobilehome (Manufactured Home) Regulations." The purpose of these provisions are to:
 - 1. Supplement the zone regulations applied to mobilehomes with additional standards and procedures which will promote a satisfactory living environment for residents of mobilehomes and will permit a mix of mobilehomes and other types of housing within the county.
 - 2. Better facilitate utilization of mobilehomes as a housing resource.
 - 3. Permit greater diversity in the types of mobilehome parks.
- B. Application. The provisions of this section, inclusive, shall be known as the "Standard Mobilehome Park Regulations." These provisions shall apply to all uses classified in the mobilehome residential use type.
- C. Use Permit Required. A standard mobilehome park may be authorized where permitted by

the use regulations upon the issuance of a major use permit as provided by the use permit procedure.

- D. **Pre-Application Conference.** Prior to submitting an application for a use permit for a mobilehome park, a prospective applicant shall consult with the Planning and Building Department to obtain information to inform the Department of the applicant's intentions. The applicant shall provide a map showing the proposed mobilehome park site, existing topography, adjoining road rights-of-way, and public access.
- E. **General Standards—Standard Mobile Parks.**
1. **Minimum Area.** A standard mobilehome park shall be not less than five acres in area.
 2. **Density.** A standard mobilehome park shall conform to the applicable density regulations.
 3. **Reclassification.** Prior to final construction approval for any new or expanded standard mobilehome park, the owner shall obtain a zone reclassification to a MHP zone. Such reclassification requirement may be waived by the Director when a tentative subdivision map is filed concurrently with the related use permit appreciation.
 4. **Factory-Built Housing.** Factory-built housing shall be attached to a permanent foundation system and conform to all other requirements of Section 18611 of the Health and Safety Code.
- F. **General Development Criteria—Standard Mobilehome Parks.**
1. **Compatibility with Adjacent Land Uses.** The standard mobilehome park shall be designed and developed in a manner compatible with and complementary to existing and potential residential development in the immediate vicinity of the project site. Site planning on the perimeter shall give consideration to protection of the property and its residents from adverse surrounding influences, as well as protection of the surrounding areas from potentially adverse influences within the development. A mobilehome park shall relate harmoniously to the topography of its site, make suitable provision for reservation of water courses, wooded areas, rough terrain, and similar natural features and areas, and shall otherwise be so designed as to use such natural features and amenities to best advantage.
 2. **Setback—Perimeter.** Mobilehome and building within a standard mobilehome park shall maintain the following setbacks:
 - a. A side yard and rear yard setback of at least 15 feet from the exterior boundary of the mobilehome park.
 - b. A setback of 50 feet from the centerline of any street along the exterior boundary of the mobilehome park, except that when such street has a right-of-way greater than 60 feet, a setback of 20 feet shall be maintained from the nearest edge of the street right-of-way.
 3. **Setbacks.** No recreational area or facility specified in the major use permit as being intended for the use of more than one family shall be permitted within 100 feet of an

- external boundary which adjoins, or is separated only by a boundary street from land in any residential zone; provided, however, that where permanent intervening open space at least 100 feet in width exists on adjacent property, this restriction may be modified.
4. **Open Space.** At least one substantial area of group usable open space shall be provided. Such area shall:
 - a. Be of such size and shape that each side of the rectangle inscribed within it is at least 100 feet in length.
 - b. Include outdoor recreational facilities for both active and passive recreation.
 5. **Recreational Facilities.** Completely enclosed indoor recreation facilities shall be provided and shall consist of not less than 10 square feet for each dwelling unit. Outdoor recreational facilities shall provide for both active and passive recreation. This recreation area shall be landscaped, improved and maintained.
 6. **Interior Access Drives.** Interior private access drives shall be paved with at least two inches of asphaltic concrete to a width of not less than 25 feet. All corners shall have a minimum 25-foot radius.
 7. **Storage Area.** Common storage areas shall be provided with an enclosed fenced area for the residents of the mobilehome park for the storage of recreational vehicles, trailers, travel trailers, and other licensed or unlicensed vehicles. This area shall total not less than 50 square feet for each mobilehome lot. All storage on a mobilehome lot shall be in accordance with the provisions of Title 25 of the California Administrative Code.
 8. **Sewer and Water.** Each mobilehome lot in a mobilehome park shall be provided with water and sewer connections in accordance with Title 25 of the California Administrative Code. Water shall be provided by a water supplier having a valid permit from the California Department of Health or the Department of Health Services. Public sewers shall be provided by a public agency which has obtained discharge requirements approved by the appropriate California Water Quality Control Board. Individual sewer disposal systems shall be approved by the Department of Health Services.
 9. **Undergrounding.** All sewer and water facilities, electric, gas, telephone, and television signal distribution systems shall be placed underground.
 10. **Antennas.** A master antenna television (MATV) system shall be provided with underground cable service to at least all mobilehome and other buildings containing dwelling units. This MATV system shall be provided at no charge for service. This requirement may be met by the provision of an underground cable television (CATV) system by a county-licensed CATV operator. No other television antennas shall be permitted unless authorized by the major use permit.
 11. **Fire Protection.** On and off-site fire hydrants and other fire protection facilities shall be installed as specified in the major use permit and shall be of a type approved by the chief of the local fire protection district.
 12. **Night Lighting.** Artificial light shall be provided and maintained for walks, driveways,

parking areas, and other facilities as specified in Title 25 of the California Administrative Code, to assure safe and convenient nighttime use.

13. Street Access. Each mobilehome park shall have direct vehicular access from a publicly maintained street. This requirement does not apply to the expansion of an existing mobilehome park when adequate access is obtained through the existing portion of the mobilehome park.

G. Mobilehome Lot Development Criteria—Standard Mobilehome Parks. For purposes of mobilehome lot development criteria as used in this section, mobilehome shall also include factory-built housing as defined in Section 19971 of the Health and Safety Code.

1. Density of Occupation. Each mobilehome lot shall be designed to be occupied by one mobilehome and uses thereto.
2. Lot Size. Each mobilehome shall have the minimum size indicated below based on its occupancy.

Occupancy	Minimum Lot Size (excluding interior access drives)
A mobilehome not more than 14 feet in width containing 1 dwelling unit	1,850 square feet
A mobilehome more than 14 feet in width containing 1 dwelling unit	3,000 square feet per dwelling unit

3. Coverage. Not more than 75% of the area of a mobilehome lot shall be covered by the mobilehome and its accessory structures.
4. Setback from Interior Access Drive. Each mobilehome lot shall have a front yard setback of not less than five feet extending the entire width of the mobilehome lot. A front yard will be measured from the nearest element of the mobilehome or any mobilehome accessory structure to the closest edge of the interior access drive.
5. Side Yard Setback. Each mobilehome lot shall have a side yard in accordance with Title 25 of the California Administrative Code of not less than three feet in width along the entire length of the mobilehome lot. A mobilehome lot containing a mobilehome having a height of more than one story shall have a side yard of not less than five feet in width along the entire length of the mobilehome lot.
6. Rear Yard Setback. Each mobilehome lot shall have a rear yard in accordance with Title 25 of the California Administrative Code of not less than three feet and shall extend across the entire width of the mobilehome lot. A mobilehome lot containing a mobilehome having a height of more than one story shall have a rear yard of not less than five feet along the entire width of the mobilehome lot.
7. Access. All mobilehome lots and recreation facilities shall have access only from an interior access drive.
8. Homes on a Permanent Foundation. No dwelling unit shall be placed on a permanent

foundation in a mobilehome park where tenants rent or lease spaces to accommodate their individually owned units. These provisions shall not apply to subdivided parks where the dwelling units are not owned by the tenants or to parks where the minimum term of lease for a space is 55 years.

9. Number of Dwelling Units to be Specified. Each lot in a mobilehome park shall be designated on the plot plan of the related use permit and shall specify the number of dwelling units permitted.
- H. Modification of Requirements. Modification of the development criteria of subsections F and G of this section may be granted by the approving authority when it determines that such modification would not be detrimental to the subject development, adjacent properties and residents, the public interest, or the General Plan. No modification shall be granted from any requirements specified in Title 25 of the California Administrative Code which are not subject to local modification.
- I. Accessory Uses and Structures Permitted. The following accessory uses and structures may be permitted in mobilehome parks provided that they conform to the requirements of Title 25 of the California Administrative Code:
1. Convenience Structures. Awnings; portable, demountable, or permanent cabanas; storage cabinets and buildings; fences or windbreaks; carports; garages or porches; greenhouses; bathhouses; and other accessory structures permitted by Title 25 of the California Administrative Code.
 2. Recreational Facilities. Parks, playgrounds, riding and hiking trails, golf courses, lakes, stables and riding rings, recreational buildings, clubhouses, community centers, and similar uses and facilities; provided that all such uses and facilities are designed for and limited to use by residents of the mobilehome park and their guests, and that such uses and facilities are not authorized on the individual mobilehome lots.
- J. Subdivision of Existing Mobilehome Parks, Additional Requirements. A standard mobilehome park may be subdivided in accordance with the applicable provisions of City's Municipal Code relating to subdivisions and shall also comply with the following additional requirements.
1. Parks Established by Use Permit. Prior to approval of a final map for a standard mobilehome park, the owner shall apply for modification of the related use permit to add a condition to require reservation and maintenance of all common areas for common use and enjoyment of the residents in a manner which makes the City or a public district or a public agency a party to an entitled to enforce the reservation. Such reservation shall include arrangements, satisfactory to County Counsel, to assure maintenance of all buildings, structures, streets and landscaping located within the common areas.
 2. Parks Established Without Use Permit. An existing mobilehome park which was not established pursuant to the mobilehome park regulations may be subdivided only upon determination by the Director that such mobilehome park was legally established in accordance with the nonconformity regulations.
 3. All Existing Mobilehome Parks. All applications to subdivide an existing mobilehome

- park shall be accompanied by the following additional information and/or documents.
- a. The number of spaces within the existing park.
 - b. A list of names and addresses of all tenants within the park for use by the Department in giving notice.
 - c. The date of manufacture and size of each mobilehome and the current replacement value affected by the relocation. The replacement value shall be determined in the same manner as used by standard insurance replacement criteria.
 - d. The estimated cost of relocation of each mobilehome affected by the proposed change of use.
 - e. The length of tenancy by each tenant.
 - f. The estimated income, age and number of tenants affected by the proposed change of use.
 - g. The number of alternative sites available to the tenants including written commitments from the owners of those parks to accept the relocated units and tenants.
 - h. A time table for vacating the existing park.
 - i. A statement and concept plan indicating what use the park site is intended to accommodate.
 - j. Evidence satisfactory to the Director that mutually acceptable agreements have been reached on the part of the park owner and all tenants to vacate the park upon recording of a final map. Such evidence may include, but is not limited to, the following:
 - i. Written agreements to relocate mobilehomes; and
 - ii. Assistance of low- and moderate-income tenants in the form of payment by the park owner of 80%, up to a maximum of \$2,000.00, of the cost of relocating the mobilehome to another mobilehome park within 100 miles.
 - k. If such evidence specified in paragraph 3j of this subsection J is not included in the application for subdivision, then the Director shall recommend reasonable conditions to mitigate any adverse impact on tenants of the mobilehome park to the approving authority to be included as a condition in the resolution of conditional approval for the subdivision.
4. Notwithstanding the provisions of subsection C of this section, a park owner who elects to give a five-year notice to subdivide may file a tentative map if evidence is provided that the following provisions will be completed before approval of the tentative map:
- a. The mobilehome park owner shall provide evidence that a notice to vacate pursuant to Section 798.56(f) of the Civil Code has been issued, and

- b. Informed each tenant of the rent and location of a number of available spaces equal to the number of occupied units to be displaced, and
- c. Assisted each tenant in relocating the tenant's mobilehome to any new space within 100 miles in accordance with the following schedule:

If Tenant Vacates Before End Of	Portion of Expenses Paid by Owner	Up to a Maximum Of
1st year	80%	\$2,000
2nd year	60%	1,500
3rd year	40%	1,000
4th year	20%	500
5th year	-0-	-0-

(Ord. 94-11; Ord. 2015-01; Ord. 2017-03)

§ 30.16.040. Packing Plant.

- A. Purpose. The provisions of this section, inclusive, shall be known as the "Packing Plant Regulations." The purpose of this section is:
 - 1. To allow existing greenhouse operations to operate as a packing plant for fresh agricultural and horticultural products produced both on and off premises.
 - 2. To permit greater diversity for existing greenhouse structures.
 - 3. Existing greenhouses shall mean those greenhouses legally existing on the date of adoption of this section, July 27, 1994.
 - 4. The provisions of this section shall apply when the use of the property for packing of products exceeds 50% of the area and/or physical use of the premises during a six-month period of time.
- B. Application. The provisions of this section, inclusive, shall be known as the "Packing Plant Regulations." These provisions shall apply to existing greenhouses in residential zones only.
- C. Major Use Permit Required. An existing greenhouse operation that meets the general standards listed below may revise its use to operate a packing plant upon issuance of a major use permit. A traffic study prepared in conformance with traffic engineering industry standards and an environmental initial assessment (AEIS) to determine impacts as required pursuant to the California Environmental Quality Act (CEQA) will be required unless information is submitted which will support the finding that the project is exempt from the requirement to prepare the traffic and/or environmental documents.

All required and/or applicable permits, including, but not limited to, the following, are to be obtained: building permits, fire permits, coastal development permits and engineering permits.

D. General Standards (Applicable Upon Issuance of a Major Use Permit).

1. **Applicability.** Existing greenhouse operations are permitted to revise the use to packing of fresh agricultural and horticultural products. These products can be produced either on or off premises. No other products other than agricultural and horticultural and other prepackaged customarily associated products may be packed or processed on the premises.
2. **Minimum Lot Size.** The minimum lot size for a parcel containing the packing plant operation is 2.5 acres. In the event that two or more contiguous lots are needed to comply with the minimum lot size standard, it will be necessary to process a lot consolidation application for development purposes. At such time that the operation ceases to exist and all applicable structures are removed from the premises, a request to rescind the lot consolidation may be submitted to the City of Encinitas to return the lots to the status prior to lot consolidation.
3. **Location.** The property is to be located on a circulation element road or on a property where the traffic impacts to the residential street would have similar or less of an impact than a greenhouse operation, as shown by a complete traffic study to be submitted at the time of application.
4. **Density.** The packing plant shall conform to the applicable density regulations of the underlying zone if dwelling units are a part of the project.
5. **Setbacks.** The packing plant structures shall conform to the applicable setbacks for the zone where the property is located. All other standards not established in this section, including hours of operation, will be determined through the major use permit.
6. **Drainage Fees and Traffic Fees.** Drainage fees and traffic fees will be calculated pursuant to the current fee schedule. Drainage fees are based on all new impervious surfaces; traffic fees are based on average daily trips, to the satisfaction of the Director of Public Works.
7. **Parking.** The number of standard parking spaces required will be based on one parking space per 300 square feet of gross floor area of the buildings unless a parking study by a qualified traffic engineer indicates fewer parking spaces would adequately handle the generated parking. No off-site parking will be counted toward the total parking space requirement. Loading/unloading spaces (docks) are to be located at the interior of the lot and screened from view of the neighbors.
8. **On-site Circulation.** Interior circulation shall be required to facilitate the ease of vehicular movement without creating a disturbance to adjoining properties or street systems.

E. Performance Standards.

1. **Noise.** A noise study is required to provide evidence that the packing plant noise levels do not exceed the noise levels for the particular zone where the property is located. Heavy equipment and refrigeration machines are to be located in the interior of the building as far away as possible from the walls nearest to the property lines to avoid

noise intrusion upon the neighbors.

2. Lighting. All light sources shall be shielded in such a manner that the light is directed away from streets or adjoining properties.
3. Screening. The packing plant is to be designed in such a way that it is screened so as to not have a visual or noise impact on adjacent residential neighborhoods.

(Ord. 94-11; Ord. 2014-12; Ord. 2015-01)

§ 30.16.050. Single Room Occupancy Housing.

- A. Purpose. The purpose of these provisions is to allow the development of reduced-size dwelling units, defined as single room occupancy (SRO) housing units, with limited parking requirements to provide additional options for affordable housing opportunities. These SRO regulations are considered to be in addition to the regulations of the underlying zoning districts where SRO development is permitted.
- B. Density. For purposes of this section only, a "single room occupancy housing unit", regardless of existence of a kitchen or kitchenette, shall be considered a "dwelling unit" for purposes of density.
- C. Standards.
 1. Single Room Occupancy Housing Units. The following standards shall apply to single room occupancy units. In the event of conflict between these standards and the underlying zoning district regulations, the provisions of this section shall apply.
 - a. Unit Size. The minimum size of a unit shall be 150 square feet and the maximum size shall be 500 square feet.
 - b. Bathroom Facilities. An SRO unit is not required to but may contain partial or full bathroom facilities. A partial bathroom facility shall have at least a toilet and sink; a full bathroom facility shall have a toilet, sink, and bathtub, shower, or bathtub/shower combination. If a full bathroom facility is not provided, common bathroom facilities shall be provided in accordance with California Building Code for congregate residences with at least one full bathroom per every three units on a floor. The shared shower or bathtub facility shall be accessible from a common area or hallway. Each shared shower or bathtub facility shall be provided with an interior lockable door.
 - c. Kitchen. An SRO unit is not required to, but may contain partial or full kitchen facilities. A full kitchen includes a sink, a refrigerator, and a stove, range top, or oven. A partial kitchen is missing at least one of these appliances. If a full kitchen is not provided, common kitchen facilities shall be provided within the project for every 10 units or portion thereof or have at least one full kitchen per floor.
 - d. Closet. Each SRO shall have a separate closet.
 2. Single Room Occupancy Housing Facility. In addition to the development standards in the underlying zoning district, the following standards shall apply to single room

occupancy hotels. In the event of conflict between these standards and the underlying zoning district regulations, the provisions of this section shall apply.

- a. Common Area. Ten square feet of interior common space per unit shall be provided, with at least 200 square feet in area of interior common space, excluding janitorial storage, laundry facilities, and common hallways. All common areas shall comply with all applicable Americans with Disabilities Act (ADA) accessibility and adaptability requirements.
- b. Laundry Facilities. Laundry facilities shall be provided in a separate room at the ratio of one washer and dryer for every 10 units, with at least one washer and dryer per floor.
- c. Cleaning Supply Room. A cleaning supply room or utility closet with a wash tub with hot and cold running water shall be provided on each floor of the SRO facility.
- d. Facility Management. An SRO facility with seven or more units shall have an on-site manager and shall include a dwelling unit designated for the manager. An SRO facility with less than seven units shall provide a management office on-site.
- e. Facility Management Plan. A management plan shall be submitted with the development application for an SRO housing facility and shall be approved by the Development Services Director. The management plan shall contain management policies, maintenance plans, rental procedures, tenant rules, and security procedures.
- f. Parking. Parking shall be provided in accordance with Section 30.54.030, unless the applicant provides substantial evidence demonstrating that the actual parking need is lower, subject to the approval of the Development Services Director.
- g. Accessibility. All SRO facilities shall comply with all applicable ADA accessibility and adaptability requirements.

(Ord. 2019-16)