



DATE: April 12, 2006

TO: Honorable Mayor and City Councilmembers

FROM: Community Development Department/Planning Division

SUBJECT: **INTRODUCTION AND ADOPTION OF AN ORDINANCE SUPERSEDING ORDINANCE NO. 06-OR0050-1 AMENDING THE ZONING ORDINANCE (ZA-10-05) TO MODIFY ARTICLE 32 OF THE ZONING ORDINANCE REGARDING CONDOMINIUM CONVERSION**

SYNOPSIS

The item under consideration is a Zone Amendment superseding an existing ordinance that was adopted on February 1, 2006. This amendment would modify Article 32 of the Zoning Ordinance, specifically Sections 3203 Objectives; 3205 Condominium Conversions; 3206 Application Procedures; Section 3209 Tenant Benefits and Notification; Section 3210 Housing Assistance Fee; and Section 3212 Density Bonus for Including Low- and Moderate-Income Housing. Staff is recommending that the City Council introduce and adopt the ordinance superseding Ordinance No. 06-OR0050-1 related to the amendment.

BACKGROUND

In 2005, staff determined that Article 32 regulating condominium conversions inadequately addressed the unique situation of an apartment building that had been built but not occupied. In order to address this, staff recommended changes to Article 32.

On November 7, 2005, the Planning Commission, after holding a duly advertised public hearing, adopted Resolution No. 2005-P51 recommending approval of such changes. On January 11, 2006, the City Council of Oceanside held a duly advertised public hearing to consider the Zone Amendment. No members of the public came forward to speak on the amendment of the project. After reviewing the project, testimony and Planning Commission recommendation, the City Council determined it was appropriate to amend Article 32 regarding Condominium Conversions. However, the public notice for that hearing inadvertently left one section of Article 32 (Section 3205) out of the title of the ordinance, therefore providing technically insufficient notice of all changes contemplated. This new ordinance includes Section 3205 in the title and will supersede the prior ordinance, providing adequate notice of all changes to Article 32.

ANALYSIS

A new ordinance including all contemplated changes in the title of the amendment will be technically correct and alleviate any perceived deficiencies in the prior Ordinance No. 06-OR0050-1.

FISCAL IMPACT

None.

COMMISSION /COMMITTEE REVIEW

None.

CITY ATTORNEY’S ANALYSIS

The referenced document has been reviewed by the City Attorney and approved as to form.

RECOMMENDATION

Staff is of the opinion that the proposed Zone Amendment is consistent with the policies and objectives of the General Plan and Zoning Ordinance and complies with all noticing requirements. Therefore, staff recommends that the City Council introduce and adopt the ordinance superseding Ordinance No. 06-OR0050-1 related to the amendment.

PREPARED BY:



Jerry Hittleman
Acting City Planner

SUBMITTED BY:



Steven R. Jepsen
City Manager

JH/vnm

REVIEWED BY:

Michelle Skaggs Lawrence, Assistant to the City Manager
Mike Blessing, Deputy City Manager
Frank Watanabe, Community Development Director

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ATTACHMENTS/EXHIBITS:

- 1. City Council Ordinance

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

2 SECTION 1. Section 3203 of the Zoning Ordinance is amended to add the following:

3 "G. To establish procedures and standards for the conversion of existing multiple-
4 family rental housing that have not received permanent occupancy permits to condominiums."

5 SECTION 2. Section 3205 of the Zoning Ordinance is amended to add the following:

6 "In addition, conversion of existing rental housing stock that have not received final
7 occupancy permits and are of four or fewer units must obtain a use permit approved by the
8 Planning Commission and conversions of five or more units must obtain a use permit approved
9 by the City Council pursuant to Article 41."

10 SECTION 3. Section 3206 C. 3. of the Zoning Ordinance is amended to add the
11 following:

12 "Conversions of existing rental housing stock that has not received final occupancy
13 permits may be required to follow all of the provisions of Section 3206. Final recommendation
14 will be determined by the Planning Director."

15 SECTION 4. Section 3209 K. of the Zoning Ordinance is amended to add the following:

16 "Conversion of existing rental housing stock that has not received final occupancy
17 permits is not required to follow the provision of Section 3209."

18 SECTION 5. Section 3210 B. of the Zoning Ordinance is amended to add the following:

19 "Conversion of existing rental housing stock that has not received final occupancy
20 permits is not required to follow the provision of Section 3210."

21 SECTION 6. Section 3212 C. of the Zoning Ordinance is amended to add the following:

22 "Conversion of existing rental housing stock that has not received final occupancy
23 permits is not required to follow the provision of Section 3212."

24 SECTION 7. The City Clerk of the City of Oceanside is hereby directed to publish this
25 ordinance, or the title hereof as a summary, pursuant to state statute, once within fifteen (15)
26 days after its passage in the North County Times, a newspaper of general circulation published
27 in the City of Oceanside.

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1 SECTION 4. This ordinance shall take effect and be in force on the thirtieth (30th) day
2 from and after its final passage.

3 INTRODUCED at a regular meeting of the City Council of the City of Oceanside,
4 California, held on the ___ day of _____, 2006, and, thereafter,

5 PASSED AND ADOPTED at a regular meeting of the City Council of the City of
6 Oceanside California, held on the ___ day of _____, 2006, by the following vote:

7 AYES:

8 NAYS:

9 ABSENT:

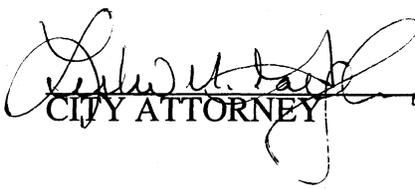
10 ABSTAIN:

11 MAYOR OF THE CITY OF OCEANSIDE

12
13 ATTEST:

APPROVED AS TO FORM:

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15 _____
16 CITY CLERK

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CITY ATTORNEY