

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF OCEANSIDE  
AMENDING ARTICLE 46 APPEALS AND CALLS  
FOR REVIEW OF THE ZONING ORDINANCE

(City of Oceanside – Applicant)

WHEREAS, Article 46, Appeals and Calls For Review of the Zoning Ordinance, specifies the procedures by which the City Council may call Planning Commission decisions up for City Council review;

WHEREAS, on May 18, 2009, the Planning Commission of the City of Oceanside, after holding a duly advertised public hearing as required by law, adopted Resolution No. 2009-P30 recommending approval of said Zone Amendment ZA-2-09; and

WHEREAS, on June 10, 2009, the City Council of the City of Oceanside held a duly advertised public hearing to consider said Zone Amendment application and the recommendation of the Planning Commission thereon and heard and considered written evidence and oral testimony by all persons regarding the proposed amendments; and

WHEREAS, the City Council determined that it is appropriate to amend the zoning regulations pertaining to Calls For Review; and

WHEREAS, the “Appeals and Calls for Review” procedures contained in Article 46 of the Oceanside Zoning Ordinance are the exclusive administrative appeal procedures recognized by the City of Oceanside with regard to land use decisions and are intended to apply citywide in all areas of the City of Oceanside, including the Coastal Zone; and

WHEREAS, a Notice of Exemption was prepared for this project pursuant to the California Environmental Quality Act of 1970 and the State Guidelines thereto as amended to date; and

///

///

1           WHEREAS, based upon such evidence, testimony and staff reports, this Council finds as  
2 follows:

- 3           1.       Zone Amendment (ZA-2-09) is consistent with the policies of the General Plan.
- 4           2.       Zone Amendment (ZA-2-09) is consistent with the notice and hearing provisions  
5 of the Oceanside Zoning Ordinance.

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

7           1. That Zone Amendment Application ZA-2-09, amending the text of the Zoning  
8 Ordinance No. 92-24 as specified in Exhibit "A" is hereby approved and the City Planner is  
9 hereby directed to amend the Zoning Ordinance text as specified by this Ordinance.

10          2. Interlineated provisions of Exhibit "A", as incorporated, have been included for  
11 informational purposes and reflect the amended sections of the Zoning Ordinance No. 92-24 that  
12 have been stricken, removed or otherwise modified by the enactment of this Ordinance.

13          3. The underlining of provisions contained in Exhibit "A" as incorporated, is merely  
14 designed to highlight changes effectuated by enactment of this ordinance and is not intended to  
15 suggest interpretive emphasis to underlined language or otherwise to impact any interpretation  
16 of this ordinance.

17          4. Notice is hereby given that the time within which judicial review must be sought on  
18 this decision is governed by CCP Section 1094.6.

19          5. This Ordinance shall not be codified.

20 ///

21 ///

22 ///

23

24

25

26

27

28

1           6. The City Clerk of the City of Oceanside is hereby directed to publish the title of this  
2 Ordinance and a summary of Exhibit "A" once within fifteen (15) days after its passage in the  
3 North County Times, a newspaper of general circulation published in the City of Oceanside.  
4 This Ordinance shall take effect and be in force on the thirtieth (30th) day from and after its final  
5 passage.

6           INTRODUCED at a regular meeting of the City Council of the City of Oceanside,  
7 California, held on the 10th day of June, 2009, and, thereafter,

8           PASSED AND ADOPTED by the City Council of the City of Oceanside, California, this  
9 \_\_\_\_\_ the day of \_\_\_\_\_, 2009 by the following vote:

10           AYES:

11           NAYS:

12           ABSENT:

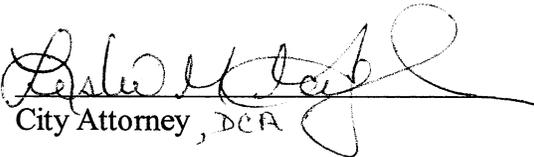
13           ABSTAIN:

14  
15 \_\_\_\_\_  
16 Mayor of the City of Oceanside

17 ATTEST:

18 APPROVED AS TO FORM:

19 \_\_\_\_\_  
20 City Clerk

21  
22  
23  
24  
25  
26  
27  
28  
  
City Attorney, DCA

## EXHIBIT "A"

### 4605 Procedures for Appeals and Calls for Review

- A. Appeal Hearing Date. An appeal filed by an applicant or interested party shall be scheduled for a hearing before the appellate body within 30 days of the Clerk's receipt of an appeal unless otherwise specified by State Law.

A call for review filed by a **at least two** members of the City Council shall be scheduled for a hearing before the appellate body within 30 days of the Clerk's receipt of a call for review unless otherwise specified by State Law.

- B. Notice and Public Hearing. An appeal or review hearing shall be a public hearing if the decision being appealed or reviewed required a public hearing. Notice of public hearings shall be given in the manner required for the decision being appealed.
- C. Plans and Materials. At an appeal or review hearing, the appellate body shall consider only the same application, plans, and related project materials that were the subject of the original decision and only the issue(s) raised by the appeal or the call for review. Compliance with this provision shall be verified prior to or during the hearing by the Planning Director.
- D. Hearing. At the hearing, the appellate body shall review the record of the decision and hear testimony of the appellant, the applicant, and any other interested party.
- E. Decision and Notice. After the hearing, the appellate body shall affirm, modify, or reverse the original decision. When a decision is modified or reversed, the appellate body shall state the specific reasons for modification or reversal. Decisions on appeals or review shall be rendered by adoption of a resolution. The Planning Director shall mail notice of a Planning Commission decision and the City Clerk shall mail notice of a City Council decision. Such notice shall be mailed within seven (7) working days after the date of the decision to the applicant, the appellant, and any other party requesting such notice.