

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL AND COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF OCEANSIDE FOR ZONE AMENDMENT (ZA-03-09) AMENDING ARTICLES 41 AND 43 OF THE ZONING ORDINANCE TO ALLOW AUTOMATIC TIME EXTENSIONS FOR DISCRETIONARY PERMITS OTHER THAN TENTATIVE MAPS THAT ARE VALID ON THE DATE THIS ORDINANCE BECOMES EFFECTIVE

WHEREAS, according to the National Bureau of Economic Research, the national economy has been in recession since the fall of 2007; and,

WHEREAS, the concomitant decline in real estate values has significantly constrained the credit market, making it difficult for business owners and land development interests to secure financing for entitled projects;

WHEREAS, in response to the current economic downturn, the State of California has taken steps to automatically extend time limits for tentative, vesting tentative maps and parcel maps; and

WHEREAS, the automatic time extensions for tentative, vesting tentative and parcel map approvals established by state statute do not extend to other administrative or discretionary permits issued by the City; and

WHEREAS, on June 17, 2009, the City Council approved an amendment to the Municipal Code that provides the Building Official with discretion to extend active building permits for 12 months through July 31, 2010; and

WHEREAS, the three-year time limit denoted in Articles 4108(B) and 4308(C) of the Zoning Ordinance shall not apply to those entitlements extended pursuant to this ordinance; and

WHEREAS, the "Time Extension" procedures contained in Articles 41 and 43 of the Oceanside Zoning Ordinance are the exclusive time extension procedures recognized by the City of Oceanside and are thus intended to apply citywide in all areas of the City of Oceanside, including the Coastal Zone; and

WHEREAS, on July 27, 2009, the Planning Commission of the City of Oceanside, after holding a duly advertised public hearing as required by law, adopted Resolution No. 2009-P37

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1 recommending approval of the subject request; and

2 WHEREAS, on August 19, 2009, the City Council of the City of Oceanside held a duly
3 advertised public hearing to consider said Zone Amendment and the recommendation of the
4 Planning Commission thereon and heard and considered written evidence and oral testimony by
5 all persons regarding the proposed Zone Amendment; and

6 WHEREAS, a Notice of Exemption was prepared by the Resource Officer of the City of
7 Oceanside for this project pursuant to the California Environmental Quality Act of 1970 and the
8 State Guidelines thereto amended to date; and

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

11 1. The Zoning Amendment conforms to the General Plan, Zoning Ordinance and
12 Local Coastal Program of the City of Oceanside.

13 2. The Zoning Ordinance amendment is a fair and expeditious response to the needs
14 of the development community yet balances those needs with the rights of the residents to
15 continue to participate in the development review process.

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

17 Articles 4108(B)(1) and 4308(C)(1) are hereby added to the Zoning Ordinance as
18 follows:

19 1. Article 4108(B)(1) One-time Automatic Extension. Notwithstanding the above,
20 all Use Permits, and Variances, including Regular Coastal Permits, approved but not yet
21 implemented that are valid and unexpired on the date this ordinance becomes effective, and that
22 are set to expire prior to January 1, 2012, shall be extended for a period of 24 months from the
23 original date of expiration, or if already extended pursuant to this Article, from the expiration
24 date of the extension. Provided however, that any Use Permit or Variance approved concurrent
25 with a Tentative Map, Vesting Tentative Map or Parcel Map shall, pursuant to Government
26 Code § 66452.21 and § 66452.22, be provided the same extension as the extension provided to
27 the tentative map, vesting tentative map or parcel map.

28 2. Article 4308(C)(1) One-time Automatic Extension. Notwithstanding the above,

1 all Development Plans, including Regular Coastal Permits, approved but not yet implemented
2 that are valid and unexpired on the date this ordinance becomes effective, and that are set to
3 expire prior to January 1, 2012, shall be extended for a period of 24 months from the original
4 date of expiration, or if already extended pursuant to this Article, from the expiration date of the
5 extension. Provided however, that any Development Plan approved concurrent with a
6 Tentative Map, Vesting Tentative Map or Parcel Map shall, pursuant to Government Code §
7 66452.21 and § 66452.22, be provided the same extension as the extension provided to the
8 Tentative Map, Vesting Tentative Map or Parcel Map.

9 3. Notice is hereby given that the time within which judicial review must be sought
10 on this decision is governed by CCP Section 1094.6.

11 4. This Ordinance shall not be codified.

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

16 INTRODUCED at a regular meeting of the City Council of the City of Oceanside,
17 California, held on the 19th day of August, 2009, and, thereafter,

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1 PASSED AND ADOPTED at a regular meeting of the City Council of the City of
2 Oceanside, California, held on the _____ day of _____, 2009, by the following vote:

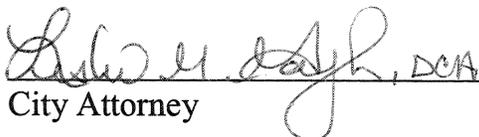
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4 AYES:
5 NAYS:
6 ABSENT:
7 ABSTAIN:

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9 _____
10 Mayor of the City of Oceanside

11 ATTEST:

11 APPROVED AS TO FORM:

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14 _____
15 City Clerk

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15 City Attorney