

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE AMENDING ORDINANCE 91-08 TO INCLUDE AN UNDERGROUND UTILITY CONVERSION EXEMPTION FOR RESIDENTIAL PROJECTS OF FOUR OR FEWER LOTS OR UNITS

WHEREAS, the City of Oceanside (City) requires underground utility conversions as a condition of development approval for the purpose of improving right-of-way aesthetics and various other benefits;

WHEREAS, pursuant to Ordinance No. 91-08, the City Council established the Underground Utility Conversion requirement, which requires existing and proposed utilities for development projects in the City to be placed underground; and

WHEREAS, the City Council did, on the 25th day of May, 2011, conduct a duly noticed public hearing to consider modifications to the Underground Utility Conversion requirements.

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

SECTION 1. Purpose.

The City Council of the City of Oceanside recognizes the extraordinary fiscal challenges faced by the development community due to general economic downturn and by this amendment intends to encourage development of small residential projects within the City. The City Council finds that the requirement to underground overhead utilities for new development discourages development of small residential projects and desires, by the adoption of this Ordinance, to encourage new residential development.

SECTION 2. California Environmental Quality Act.

The City CEQA Resource Officer has determined that the proposed Ordinance amendment is not a "Project" as defined under Section 15378 of the CEQA guidelines; therefore, pursuant to Section 15060(c)(3) of the CEQA guidelines, the activity is not subject to CEQA review.

SECTION 3. Definitions.

"Underground Utility Conversion" means placing overhead utilities, such as electric, telephone, and/or cable television into City approved underground facilities.

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1 SECTION 4. Development Type Exempt from the Underground Utility Conversion
2 Requirement.

3 The Underground Utility Conversion requirements set forth in Section 3023 of the Oceanside
4 Zoning Ordinance and in Section 901G of the City's Subdivision Ordinance shall not apply to
5 Residential land development projects of four or fewer lots or units.

6 SECTION 5. Facility Type Exempt from the Underground Utility Conversion
7 Requirement.

8 The exemption from Underground Utility Conversion requirements shall apply only to overhead
9 utilities located within the portion of the public right-of-way abutting the project boundary.

10 SECTION 6. Project Area Not Exempt from the Underground Utility Conversion
11 Requirement.

12 The exemption from Underground Utility Conversion requirements shall not apply to:

13 (a) Existing or proposed overhead utility lines within the
14 subdivision/development/project boundary.

15 (b) Any new extension service for the development project, including but not limited
16 to electrical, telephone, and cable.

17 SECTION 7. This Ordinance shall not be codified.

18 SECTION 8. The City Clerk of the City of Oceanside is hereby directed to publish the
19 title of this Ordinance once within fifteen (15) days after its passage in the North County Times,
20 a newspaper of general circulation published in the City of Oceanside. This Ordinance
21 Amendment shall take effect and be in force on the thirtieth (30th) day from and after its final
22 passage.

23 INTRODUCED at a regular meeting of the City Council of the City of Oceanside,
24 California, held on the ____ day of _____, 2011, and, thereafter,

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**Exhibit 1 - Undergrounding of Utilities
(Approved to Provide In-Lieu Payment)**

Project #	Project Type	Project Name/Address	Owner/Developer	Approximate Cost of In-Lieu Payment for Undergrounding
1 ADP10-00001	Single Family Dwelling	Levi Casias @ Indian View Dr	Levi & Anita Casias	\$124,160.00
2 P-13-2008	2-unit Condo	Tait Street Condo 916 Tait St	Ryan & Sarah Zajda	\$51,840.00
3 P-10-00005	2 Single Family Dwellings	Bergna Residences 1801 S Myers	Louis & Dana Bergna	\$67,866.00
4 P-7-2008	2-unit Single Family Dwellings	Hahn Parcel 1945 Fire Mountain	Andreas & Steffanie Hahn	\$63,500.00
5 P-18-2004	4 Single Family Dwellings	Taylor Subdivision 1763 Yucca Rd	John P Taylor	\$110,095.00
6 RC-3-2005	2-unit Condo	Smith/Spitz Residence 1925 S Myers	James Smith/Mary Spitz	\$58,200.00
7 D-4-2006	4-unit Apartment	Marchi Apartments 2030 S Broadway	Fabio Marchi	\$48,650.00
8 P-18-2005	2 Single Family Dwellings	S Tremont St Row Homes 415 S Tremont St	Greg Eaton	\$10,200.00
9 P-4-2004	3-unit Condo	1620 S Broadway	Kevin Turner	\$58,200.00
10 P-207-2007	3-unit Condo	517 N Freeman St	Debbie & Greg Sphren	\$41,225.00
11 P-6-2004	3-unit Condo	1828 S Broadway	Sean Bielawski	\$58,200.00
12 P-1-2004	2 Single Family Dwellings	Ditmar Residence	Barbara Thomas & Danette Dills	\$24,250.00
13 P-13-2005	4-unit Apartment	1007 S Cleveland St	1007 Investment, LLC	\$58,200.00
14 P-206-2006	2-unit Condo	602 S Myers St.	802 Investment, LLC	\$24,250.00
15 ADP-10-2006	2-unit Apartment	Francies Property 614 S Cleveland St	Dennis Francies	\$58,200.00
			Subtotal	\$857,036.00

**Exhibit 1 - Undergrounding of Utilities
(Project Conditioned to Construct)**

Project #	Project Type	Project Name/Address	Owner/Developer	Approximate Cost of Undergrounding Construction
16 P-2-2005	4 lot single family dwellings	Avocado Parcel Map 1814 Avocado Rd	Graham & Ann Fraser	\$53,350.00
17 P-201-2006	2-unit Condo	Chapman Condos 416 S Myers St	Dwayne Chapman	\$24,250.00
18 P-203-2006	3 single family dwellings	Windward Homes 212-216 Windward Way	Pacific Windward Ventures, LLC	\$34,400.00
19 P-24-2006	4 lot single family dwellings	California Row Homes 613 & 617 N Home	Jenna Scimane	\$58,200.00
			Subtotal	\$170,200.00

Subtotal (In-Lieu Payment)	\$857,036.00
Subtotal (Construction)	\$170,200.00
Grand Total	\$1,027,236.00