

AGENDA NO. 6

PLANNING COMMISSION



STAFF REPORT

DATE: June 13, 2011

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/ Planning Division

SUBJECT: **INTRODUCTION OF AN ORDINANCE FOR ZONE AMENDMENT (ZA11-00001) AMENDING ARTICLES 41 AND 43 OF THE OCEANSIDE ZONING ORDINANCE. – SECOND 24-MONTH AUTOMATIC TIME EXTENSIONS FOR DEVELOPMENT PLANS, CONDITIONAL USE PERMITS, VARIANCES, AND REGULAR COASTAL PERMITS. – APPLICANT: CITY OF OCEANSIDE**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

- (1) Adopt Planning Commission Resolution No. 2011-P22 recommending approval of Zoning Amendment (ZA11-00001) to allow a second 24-month extension of permits with findings of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

The City of Oceanside Zoning Ordinance Sections 4108 (B) & 4308 (C) are intended to ensure that developments that have received entitlement approval be conditionally permitted to allow additional time to construct the development or preform the approved use through a Time Extension approval. Under these procedures, time extensions can be approved for projects that pay their fair share toward needed public services and do not conflict with any changes in City policy nor any substantial physical changes in the surrounding area that have occurred since the original approval.

Articles 41 and 43 of the Oceanside Zoning Ordinance establish that Development Plans, Conditional Use Permits, Variances and Regular Coastal Permits are effective for a period of two years following their original approval. Articles 41 and 43 further establish that such approvals may be extended for an additional period of up to three years through a formal application for renewal, which must be filed with the Planning Division no less than 30 days or more than 90 days prior to expiration.

In the fall of 2007, the economy went into recession, and the housing market suffered unprecedented losses in value. As a result of these economic factors, the building industry suffered huge job losses and many have been unable to secure financing to complete their entitled projects. In response to this industry-wide downturn, the California State Legislature approved Senate Bill 1185 in July 2008, which granted an automatic one-year extension to all subdivision maps that were unexpired on July 15, 2008 and set to expire before January 1, 2011. This amendment to the Subdivision Map Act also extended the maximum life of a tentative map from five to six years. In July 2009, the California Legislature enacted another automatic extension of 24 months for unexpired tentative maps via AB 333. However, neither of these State statutes extends the life of any other locally-issued entitlements, e.g., Development Plans, Use Permits, Variances and Regular Coastal Permits.

Accordingly, under the current statutory scheme, tentative maps were extended, but no other entitlements received the same extension. Thus, applicants were required to apply for extensions of all locally-issued entitlements, even if they were approved in conjunction with a subdivision map. Under the City's current fee schedule, fees for time extension applications amount to 50 percent of the processing fees for the original entitlements.

The City of Oceanside's Subdivision Ordinance Section 607 for Expirations and Extensions allows a maximum of a 24-month time extension, which is more restrictive than the Subdivision Map Act Section (66463.5(a)), which allows a 36 month extension period.

In response to requests from the development community, the City Council approved a Zone Amendment on August 19, 2009, to authorize a time extension of all unexpired entitlements including Development Plans, Conditional Use Permits, Variance and Regular Coastal Permits for a period of 24 months. Since August 19, 2009, the economy has not improved as expected and several entitlements have not been constructed and are in near of expiration. Therefore this second proposal for a 24-month time extension in addition to the current approval for an automatic time extension approved on August 19, 2009 is needed to help facilitate development for the community and foster economic vitality. This second 24-month time extension would apply to all projects approved on or before January 1, 2014, with the exception of Conditional Use Permits that possess a condition of expiration based on an allocated time period or an operational time agreement. Conditional Use Permits that are required to cease all operations of the use as conditioned by the Planning Commission shall not benefit or be subject to this automatic 24-month time extension. Telecommunication facilities and other similar type uses with allocated operational time periods or otherwise known as sunsets of time conditioned by the Planning Commission and/or City Council would not benefit from this time extension.

ANALYSIS

Current Economic Conditions

As stated in the August 19, 2009 Staff report and analysis, the U.S. economy has been in a recession since the fall of 2007 and the current economic conditions have not dramatically improved. Many real estate values have been falling into an economic lull and land development across the country continue to struggle to secure construction financing in a timely manner. Many projects will be burdened by the time extension process, because of the time and expenses involved in the process, which has resulted in the expired projects. To ensure approved entitlements don't expire and can eventually contribute to the economic recovery. Another automatic time extension is necessary. Similar to the 24-month automatic time extension that was approved on August 19, 2009 by the City Council; an additional 24-month should provide sufficient time for entitlements to be implemented.

There are at least 100 active residential projects comprising of approximately 900 housing units, which many have not been issued building permits, construction and/or grading permits. At least 20 commercial and mixed-use projects have received approval and are active because of the previous August 19, 2009 one-time time extension approval.

Because Articles 41 and 43 of the Zoning Ordinance currently limit time extensions of entitlements to a total of three years, an additional automatic extension beyond three years would require amendment of Articles 41 and 43. To account for such projects, staff recommends adoption of a non-codified Zone Amendment that provides for the automatic extension of Development Plans, Conditional Use Permits, Variances and Regular Coastal Permits in accordance with any automatic time extension for tentative maps enacted by the state.

ENVIRONMENTAL DETERMINATION

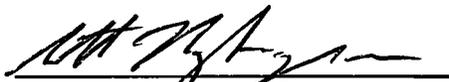
The proposed zone text amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b) (3). The activity under consideration is covered by the general rule that CEQA applies only to projects which have the potential of causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

SUMMARY

Allowing an additional 24-month time extension, in addition to the August 19, 2009 one-time 24-month time extension would allow developers and entitlement holders additional time to secure financing and address other exigencies of a slumping real estate market. Staff recommends that the Planning Commission:

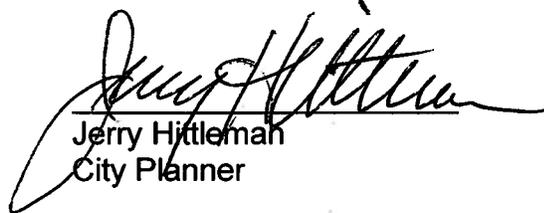
- Adopt Planning Commission Resolution No 2011-P22 recommending approval of Zone Amendment (ZA11-00001) with findings of approval attached herein.

PREPARED BY:



Scott Nightingale
Planner II

SUBMITTED BY:



Jerry Hittleman
City Planner

JH/SN//fil

Attachments:

1. Planning Commission Resolution No. 2011-P22
2. City Council Staff Report dated August 19, 2009
3. City Council Ordinance 09-OR0595-1 & 09-OR0595A-3

1 PLANNING COMMISSION
2 RESOLUTION NO. 2011-P22

3 A RESOLUTION OF THE PLANNING COMMISSION OF THE
4 CITY OF OCEANSIDE, CALIFORNIA RECOMMENDING
5 APPROVAL OF AN ADDITIONAL ZONE TEXT AMENDMENT
6 AMENDING ARTICLES 41 AND 43 OF THE ZONING
7 ORDINANCE

8 APPLICATION NO: ZA11-00001
9 APPLICANT: City of Oceanside
10 LOCATION: Citywide

11 THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA DOES
12 RESOLVE AS FOLLOWS:

13 WHEREAS, according to the National Bureau of Economic Research, although the
14 recession has ended, the economy is still in state of recovery;; and,

15 WHEREAS, the August 19, 2009 One-Time time extension approval addressed the
16 concomitant decline in real estate values that has significantly constrained the credit market,
17 making it difficult for business owners and land development interests to secure financing for
18 entitled projects, this situation has not significantly improved and an additional 24-month time
19 extension from the anticipated Council approval date is needed;

20 WHEREAS, the automatic time extensions for tentative map approvals established by
21 the State of California Legislature statute do not extend to other administrative or discretionary
22 permits issued by the City; and

23 WHEREAS, the three-year time limit denoted in Articles 4108(B) and 4308(C) of the
24 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 September 19, 2009 the City Council approved a One-Time time extension
to allow a 24-month extension and conducted a duly advertised public hearing as prescribed by law
to consider said application; and

1 WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State
2 Guidelines thereto, a Notice of Exemption has been prepared for the zone text amendment
3 project; and

4 WHEREAS, studies and investigations made by this Commission and on its behalf reveal
5 the following facts:

6 For the Zone Amendment:

- 7 1. The Zone Text Amendments, as proposed, conforms to the General Plan of the City.
- 8 2. The granting of the Zone Text Amendments is consistent with the purposes of the
9 Zoning Ordinance.

10 NOW, THEREFORE, BE IT RESOLVED that on June 13, 2011 the Planning
11 Commission does hereby recommend approval of Zone Amendment (ZA11-00001) for a 24-
12 month time extension from the anticipated City Council approval date by the following vote, to
13 wit:

14 AYES:

15 NAYS:

16 ABSENT:

17 ABSTAIN:

18 _____
19 Robert Neal, Chairperson
20 Oceanside Planning Commission

21 ATTEST:

22 _____
23 Jerry Hittleman, Secretary

24 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that
this is a true and correct copy of Resolution No. 2011-P22.

Dated: June 13, 2011

STAFF REPORT



ITEM NO. 25
CITY OF OCEANSIDE

DATE: August 19, 2009
TO: Honorable Mayor and Councilmembers
FROM: Development Services Department/Planning Division
SUBJECT: **ORDINANCE TO AUTHORIZE A ONE-TIME EXTENSION OF UNEXPIRED ENTITLEMENTS INCLUDING DEVELOPMENT PLANS, CONDITIONAL USE PERMITS, VARIANCES AND REGULAR COASTAL PERMITS FOR A PERIOD OF 24 MONTHS**

SYNOPSIS

Under consideration is a Zone Amendment (ZA-3-09) adding a new subsection to the "Time Extension" procedures of Articles 41 and 43 of the Zoning Ordinance. Staff recommends that the City Council introduce an ordinance adding a section to Articles 41 and 43 to automatically extend the expiration date of any entitlement that has been approved, but not yet implemented, and that has not expired on the date that the ordinance becomes effective and that will expire prior to January 1, 2012 for a period of 24 months from the original expiration date. Staff further recommends that unexpired discretionary permits issued concurrent with subdivision map approvals, shall be further extended for a period of time commensurate with the extension of unexpired tentative maps or parcel maps pursuant to Government Code Section 66452.22.

BACKGROUND

Time extension procedures currently outlined in the Zoning Ordinance are intended to ensure that development projects and conditionally-permitted land uses remain consistent with applicable policies, regulations and guidelines. Under these procedures, time extensions can be approved for projects that pay their fair share toward needed public services and do not conflict with any changes in City policy nor any substantial physical changes in the surrounding area that have occurred since the original approval.

Articles 41 and 43 of the Oceanside Zoning Ordinance establish that Development Plans, Conditional Use Permits and Variances are effective for a period of two years following their original approval. Regular Coastal Permits are issued with identical effective dates, and are often issued in conjunction with other entitlements. Articles 41 and 43 further establish that such approvals may be extended for an additional period of up to three years through a formal application for renewal, which must be filed with the Planning Division no less than 30 days or more than 90 days prior to expiration.

In the fall of 2007, the economy went into recession, and the housing market suffered

unprecedented losses in value. As a result of these economic factors, all facets of the building industry have suffered huge job losses and been unable to secure financing to complete their entitled projects. In response to this industry-wide downturn, in July 2008, the California State Legislature approved Senate Bill 1185, which granted an automatic one-year extension to all subdivision maps that were unexpired on July 15, 2008, and set to expire before January 1, 2011. This amendment to the Subdivision Map Act also extended the maximum life of a tentative map from five to six years. In July 2009, the California Legislature enacted another automatic extension of 24 months for unexpired tentative maps via AB 333. However, neither of these state statutes extend the life of any other locally-issued entitlements, e.g., Development Plans, Conditional Use Permits, Variances and Regular Coastal Permits.

Accordingly, under the current statutory scheme, tentative maps and parcel maps are extended, but no other entitlements receive the same extension. Thus, applicants are required to apply for extensions of all locally-issued entitlements, even if they were approved in conjunction with a subdivision map. Under the City's current fee schedule, fees for time extension applications amount to 50 percent of the processing fees for the original entitlements. For example, the fee for a time extension application for an approved Development Plan on less than 10 acres is $\$4,527 \times 0.50 = \$2,263.50$. Average processing times for time extension applications range from 12 to 16 weeks.

On June 17, 2009, in response to requests from the development community, staff recommended to the City Council various changes to the Municipal Code, various City Council policies, and a more streamlined and less expensive time extension application process for non-map entitlements. At this public hearing, the City Council authorized a modification to the Oceanside Municipal Code to provide the Building Official with the discretion to approve extensions to building permits up to 12 months. However, no action was taken on staff's recommendation for expedited review and reduced fees for time extension requests for non-map entitlements (proposed City Council Policy 300-26), and thus the question remains as to how time extension requests for non-map entitlements should be processed in light of the state-mandated automatic time extensions for tentative maps.

ANALYSIS

Current Economic Conditions

According to the National Bureau of Economic Research, the U.S. economy has been in recession since the fall of 2007. Over the past 18 months, the national unemployment rate has nearly doubled. While home sales in California have increased slightly in recent months, the median home price is nearly 50 percent below its peak during the summer of 2007, and home foreclosure rates remain near historic highs. The commercial vacancy rate in San Diego County reached 20 percent in the second quarter of 2009 – the highest level seen since 1993. In Oceanside, the impact of these national, state and regional trends is reflected in both an eight percent decrease in business license applications between January-June 2008 and January-June 2009 and

a 20 percent decline in building permit applications between Fiscal Year 2007-08 and Fiscal Year 2008-09.

Faced with diminished real estate values, a restricted credit market and other obstacles associated with the current economic crisis, land development projects across the country continue to struggle to secure construction financing in a timely manner. For projects unable to commence construction before the end of their initial approval period, the time and expense involved in a standard time extension process may prove to be a greater burden than their proponents can afford to undertake, with the result being the expiration of approved projects that might otherwise have contributed to a community's built environment, quality of life and economic development. A similar fate exists for projects that have already applied for and received all of the time extensions for which they are eligible under current standards. Granting a one-time automatic time extension for non-map entitlements (i.e., Development Plans, Conditional Use Permits, Variances and Regular Coastal Permits), would provide a respite for imperiled development projects without eliminating the community's ability to apply the standard time extension review process to future entitlements.

Zone Amendment

In order to achieve consistency with both the letter and spirit of state law, it is staff's position that a one-time 24-month extension should be granted to all Development Plans, Conditional Use Permits and Variances and Coastal Permits that are valid on the date the ordinance goes into effect, and that are set to expire prior to January 1, 2012. Because Articles 41 and 43 of the Zoning Ordinance currently limit time extensions of entitlements to a total of three years, an additional automatic extension beyond three years would require amendment of Articles 41 and 43. To account for such projects, staff recommends adoption of a non-codified Zone Amendment that provides for the automatic extension of Development Plans, Conditional Use Permits, Variances and Regular Coastal Permits in accordance with any automatic time extension for tentative maps enacted by the state. Such an amendment would account for the provisions of SB 1185 and AB 333.

In addition to the benefits of aligning City protocol with state law and providing relief to projects imperiled by current economic conditions, staff support for automatic time extensions for entitlements meeting these time parameters is also based on the fact that no substantive changes in land use policy have been adopted since the initial approval of projects that would be automatically extended by the proposed Zone Amendment. In the intervening period, the City has not comprehensively updated the Land Use Element of the General Plan or the Zoning Ordinance, nor has it adopted any specific plans or other regulatory documents that would render nonconforming any automatically extended project. Although the potential exists for automatically extended projects to be rendered nonconforming by future changes in land use policy, the same potential exists for more recently entitled projects that will not benefit from automatic time extensions. It is staff's position that the temporary nature of the proposed automatic time extension would ensure the long-term integrity of the standard time extension process, which would be reestablished once the automatic time extension period has expired.

Potentially Eligible Projects

Working from available information, staff has identified the entitled and unexpired projects that would be eligible for automatic time extensions under the proposed Zone Amendment. At present, there are roughly 40 active residential projects comprising approximately 900 housing units, many of which have not as yet been issued permits for grading or construction. Several of these projects have submitted time extension applications within the past year; these requests have been tolling as the City evaluates the appropriateness of automatic extensions. Roughly 20 commercial and mixed-use projects have active entitlements at this time, including the S.D. Malkin hotel and timeshares, the CityMark complex, the Pavilion at Oceanside retail center, the La Pacifica 2 industrial development, several small retail complexes and a variety of medical and professional office buildings. One commercial project, San Luis Rey Crossing at North River Road and College Blvd., currently has a tolling time extension request. It is impossible to know how many of these projects might ultimately benefit from automatic time extensions, but assuming economic conditions improve within the next year, it seems likely that most of these projects can be implemented within their originally-prescribed time parameters.

The Coast Highway Vision and Strategic Plan (CHVSP)

The Coast Highway Vision and Strategic Plan (CHVSP), adopted by the City Council on April 15, 2009, outlines a variety of strategies for the revitalization of Coast Highway and adjacent areas. The principal goals of the CHVSP are to create pedestrian-friendly, transit-oriented mixed-use nodes along Coast Highway while enhancing the character of established neighborhoods and preserving open space, wildlife habitat and other environmental resources. Although not a regulatory document, the CHVSP provides a basis for subsequent changes to the General Plan, Local Coastal Program and Zoning Ordinance meant to foster the sustainable revitalization of Coast Highway. The CHVSP also includes design guidelines for future development along and adjacent to this commercial corridor. At present, few entitled projects are slated for properties within CHVSP boundaries; comprising mostly small-scale residential development, none of these projects are contrary to the overall vision of the CHVSP. Should proponents of any of these projects be interested in modifying their plans to more fully align with CHVSP principles (e.g., achieving higher residential densities or incorporating commercial elements), the Planning Division stands ready to assist their efforts, and, when deemed appropriate and feasible, to expedite any additional administrative or discretionary review that may be required under the Zoning Ordinance or applicable City protocol.

Alternatives

While staff recommends that the Zoning Ordinance be amended to allow for a one-time automatic time extension of Development Plans, Conditional Use Permits, Variances and Regular Coastal Permits, the City could instead choose to: a) allow no additional time extensions beyond those now provided for in the Zoning Ordinance; or b) provide

for additional time extensions through an administrative or discretionary review process. The City could require that additional time extension requests be subjected to either the standard review process or an expedited review process involving an abridged application, reduced or waived fees, reduced processing time, fewer notification requirements and/or a lower level of review. As directed, staff can provide a matrix of alternatives to automatic time extensions.

COMMISSION/COMMITTEE REPORT

On July 27, 2009, the Planning Commission reviewed and unanimously recommended approval of the proposed Zone Amendment.

FISCAL IMPACT

Automatic time extensions for Development Plans, Conditional Use Permits and Variances would result in a nominal loss of revenue from fees that would otherwise be required as part of the standard time extension process. However, this loss of revenue would be largely offset by the recovery of staff time that would otherwise be devoted to processing standard time extension applications.

CITY ATTORNEY'S ANALYSIS

Pursuant to Article 4506 of the Oceanside Zoning Ordinance, the City Council is required to hold a public hearing on the proposed text amendment. Consideration of the amendment should be based on the evidence presented at the public hearing. After conducting the public hearing, the City Council should approve, modify or reject the Planning Commission's recommendation. A modification not previously considered by the Planning Commission shall be referred to the Planning Commission for review and report prior to adopting the proposed Zone Amendment.

RECOMMENDATION

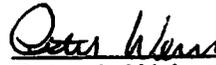
Staff recommends that the City Council introduce an ordinance adding a section to Articles 41 and 43 to automatically extend the expiration date of any entitlement that has been approved, but not yet implemented, and that has not expired on the date that the ordinance becomes effective and that will expire prior to January 1, 2012 for a period of 24 months from the original expiration date. Staff further recommends that unexpired discretionary permits issued concurrent with subdivision map approvals, shall be further extended for a period of time commensurate with the extension of unexpired tentative maps or parcel maps pursuant to Government Code Section 66452.22.

PREPARED BY:



Russ Cunningham
Senior Planner

SUBMITTED BY:



Peter A. Weiss
City Manager

REVIEWED BY:

Michelle Skaggs-Lawrence, Deputy City Manager
George Buell, Development Services Director
Jerry Hittleman, City Planner



ATTACHMENTS/EXHIBITS

1. City Council Ordinance
2. Planning Commission Resolution No. 2009-P37
3. Planning Commission Staff Report dated July 27, 2009
4. Correspondences

Extension of Tentative Subdivision Maps and Other Development Permits

Economic Impact on Development:

- While developers have tentative maps approved and their entitlements in place, they are struggling to obtain financing thus delaying the issuance of their permit. Extending these maps would allow the developer sufficient time to obtain financing without having to abandon the project or resubmit and further delay construction causing an adverse affect on a strained economy. By taking proactive actions to facilitate development, the City should see an increase in projects which will benefit the construction industry.

State Map Act (SB 1185):

- Extends by twelve months the applicable expiration date of any tentative map or parcel map that was valid as of July 15th, 2008 and will expire prior to January 1st, 2011.
- An approved or conditionally approved tentative map expires 24 months after the approval or as prescribed by local ordinance not to exceed an additional 12 months. A subdivider may file for an extension for a total period or periods not to exceed a total of 6 years.

City Council Policy 300-5:

- A tentative map expires 24 months after its approval and the City may extend a tentative map for a period or periods not exceeding a total of three years.
- The maximum period for a tentative map to be extended at any one time shall not exceed two years.
- No extensions granted for condominium conversions.

Zoning Ordinance Article 41 & 43:

Development Plans, Conditional Use Permits (CUP) & Variances:

- A use permit or variance shall lapse two years after the effective date of approval or conditional approval or at an alternative time specified as a condition of approval.
- The time at which the use permit or variance expires may be extended for a period or periods not to exceed a total of three years.

City Code Chapter 6, Article 1:

- Applications for which no permit has been issued will expire one year from the date of application.
- The Building Official may extend the plan for six months. A plan can only be extended once. If any codes have been amended subsequent to the date of the

original application, the plans and permit application shall be updated to comply with all codes and ordinances in effect at the time of the request for extension.

Proposed Proactive Actions:

- As a condition of approval, a twelve month extension will be granted at the time of application, allowing for the discretionary permit to lapse after three years.
- Tentative maps that were valid as of July 15th, 2008 and will expire prior to January 1st, 2011 will be extended by twelve months.
- Subdividers may file an application to extend the time at which the approved map will expire for a period or periods not to exceed a total of 6 years.
- A sunset clause to allow applicants with expired plans to obtain their building permit, by December 31st of 2008, without being required to update the approved plans to conform to current code standards.

**CITY ORDINANCE NO. 09-OR0595-1
CDC ORDINANCE NO. 09-OR0595A-3**

**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

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 2nd day of Sept., 2009, by the following vote:

3
4 AYES: WOOD, CHAVEZ, FELLER, KERN

5 NAYS: SANCHEZ

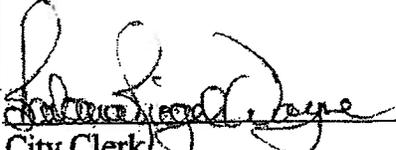
6 ABSENT: NONE

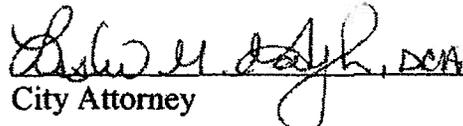
7 ABSTAIN: NONE

8
9 
Mayor of the City of Oceanside

10
11 ATTEST:

12 APPROVED AS TO FORM:

13 
14 ~~City Clerk~~
15 City Clerk

16
17 
18 City Attorney



NOTICE OF EXEMPTION

City of Oceanside, California

Post Date: Removal: (180 days)

1. **APPLICANT:** City of Oceanside
2. **ADDRESS:** 300 N. Coast Highway, Oceanside, CA 92054
3. **PHONE NUMBER:** (760) 435-3519
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Scott Nightingale, Planner
6. **PROJECT TITLE:** Zone Amendment (ZA11-00001) 2nd Time Extension
7. **DESCRIPTION:** The City of Oceanside is proposing to permit an additional 24 month time extension to the approved August 19, 2009 City Council approval for one-time times extensions for 24-months. This additional 24-month time extension would allow projects near expiration additional time to construct their developments and implement the entitlements for facilitating economic stability and fostering development throughout the City.

ADMINISTRATIVE DETERMINATION: Planning Division staff has completed a preliminary review of this project in accordance with the City of Oceanside's Environmental Review Guidelines and the California Environmental Quality Act (CEQA), 1970. Based on that review, the Associate Planner finds that the proposed project constitutes subdivision of land and the deferral of utility conversion. Therefore, the Associate Planner determined that further environmental evaluation is not required because:

- "The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA" (Section 15061(b)(3)); or,
- The project is statutorily exempt, Section _____, <name> (Sections 15260-15277); or,
- The project is categorically exempt, Class 8, "Action by Regulatory Agencies for Protection of the Environment" per Section 15308 of the California Environmental Quality Act; or,
- The project does not constitute a "project" as defined by CEQA (Section 15378).

Scott Nightingale, Planner

Date: