

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE FOR ZONE AMENDMENT (ZA13-00007) AMENDING ARTICLES 41 AND 43 OF THE OCEANSIDE 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, the City of Oceanside Planning Division identified that several approved entitlements are near expiration; and

WHEREAS, the recession and concomitant decline in real estate values has significantly constrained the credit market, making it very difficult for land developers and business owners to obtain financing for many entitled projects; and

WHEREAS, in response to the current economic downturn and the State of California has developed another automatic 24-month time extension under Assembly Bill AB116 for tentative maps. A corresponding 24-month non-map entitlement extension would be consistent with the State’s intent to foster recovery of the economy and revitalization of blighted and un-performing properties.

WHEREAS, the Planning Commission after giving the required notice, did on the 4th day of November 2013, conducted a duly-advertised public hearing as prescribed by law to consider said application, and after holding a duly-advertised public hearing adopted Resolution No. 2013-P46, recommending approval of said Zone Amendment (ZA13-00007); and

WHEREAS, it is the intent of City Council that the three-year time limit denoted in Articles 4108 (B) and 4308 (C) of the Oceanside 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

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1 WHEREAS, on November 20, 2013, the City Council of the City of Oceanside held a
2 duly-advertised public hearing to consider said Zone Amendment and the recommendation of
3 the Planning Commission thereon and heard and considered written evidence and oral
4 testimony by all persons regarding the proposed Zone Amendment; and

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

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

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

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

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

16 Articles 4108(B)(2) and 4308(C)(2) are hereby added to the Zoning Ordinance as
17 follows:

18 1. Article 4108 (B) (2) Automatic Extension. All Use Permits, Variances, and
19 Regular Coastal Permits approved on or after January 1, 2000 but not yet implemented that
20 were valid and unexpired on July 11, 2013, shall be extended 24-months from the current
21 expiration date. Any Conditional Use Permit with an existing sunset clause shall not be
22 affected by this amendment.

23 2. Article 4308 (C) (2) Automatic Extension. All Development Plans, including
24 Regular Coastal Permits, approved on or after January 1, 2000 but not yet implemented that
25 were valid and unexpired on July 11, 2013, shall be extended 24-months from the current
26 expiration date. Provided however, that any Development Plan approved concurrent with a
27 Tentative Map, Vesting Tentative Map or Parcel Map shall, pursuant to Government Code §
28

1 66452.24, be provided the same extension provided to the Tentative Map, Vesting Tentative
2 Map or Parcel Map.

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

5 4. This Ordinance shall not be codified.

6 5. The City Clerk of the City of Oceanside is hereby directed to publish the title of
7 this Ordinance, once within fifteen (15) days after its passage in the Union Tribune, a
8 newspaper of general circulation published in the City of Oceanside. This ordinance shall take
9 effect and be in force on the thirtieth (30th) day from and after its final passage.

10 INTRODUCED at a regular meeting of the City Council of the City of Oceanside,
11 California, held on the ____ day of _____ 2013, and, thereafter,

12 PASSED AND ADOPTED at a regular meeting of the City Council of the City of
13 Oceanside, California held on this ____ day of _____ 2013, by the following
14 votes:

15 AYES:

16 NAYS:

17 ABSENT:

18 ABSTAIN:

19 _____
20 MAYOR OF THE CITY OF OCEANSIDE

21 ATTEST:

APPROVED AS TO FORM:

22 _____
23 CITY CLERK

24 *Christina Hamilton, ASST.*
25 _____
26 CITY ATTORNEY
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