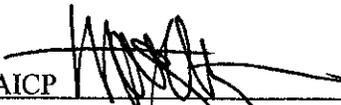
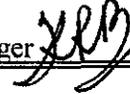




Meeting Date: 05/02/06

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input type="checkbox"/> Info/Consent
<input type="checkbox"/> Ord. No(s). _____	<input type="checkbox"/> Report
<input type="checkbox"/> Res. No(s). _____	<input checked="" type="checkbox"/> Public Hearing (Info/consent)
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____

Prepared By: Matthew G. Winegar, AICP  Agenda Item No. J-1

Reviewed By: City Manager  City Attorney  Finance  Other (Specify) _____

DATE: April 24, 2006

TO: City Council

FROM: Matthew G. Winegar 
Development Services Director

SUBJECT: Review of Theater Restriction Ordinance

RECOMMENDATION

That City Council conduct a public hearing and find that it is necessary and desirable for the successful implementation of the Downtown Business and Operational Plan to continue the multiplex theater restriction in all zones except the Central Business District Zone.

DISCUSSION

The City Council adopted the Multiplex Theater Restriction Ordinance in 1998, finding that the ordinance was necessary in order to successfully implement the Downtown Business and Operational Plan. The ordinance requires periodic review by the City Council.

The downtown theater opened in August 2005 and has yet to fully establish itself within the trade area. The retention of the ordinance to allow the downtown theater to successfully establish itself and the associated retail businesses before considering any other theater projects within the city is recommended by staff.

FINANCIAL IMPACT

None.

MGW:sae

Attachment #1 – Ordinance No. 2466

000033

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO. 2466

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
OXNARD, CONCERNING LOCATION OF MULTIPLEX
MOTION PICTURE THEATERS.

WHEREAS, the City of Oxnard ("City") has adopted zoning ordinances allowing various uses to locate in various zones of the City; and

WHEREAS, several such zoning ordinances specifically deal with the location of theaters and specifically permit such uses, under conditions as set forth in such zoning ordinances; and

WHEREAS, on November 14, 1996, the City Council and the Community Development Commission adopted the Central Business District Business and Operational Plan for Downtown ("Business and Operational Plan"); and

WHEREAS, the Business and Operational Plan is designed to make the downtown areas the civic, cultural, and entertainment hub of the community; and

WHEREAS, the Business and Operational Plan recognizes the presence of a multiplex motion picture theater in downtown Oxnard as a key element in the plan to make the downtown area the civic, cultural and entertainment hub of the community; and

WHEREAS, the appropriate location of future motion picture theaters and implementation of the Business and Operational Plan necessary to protect the public safety, health and welfare of residents of the City of Oxnard; and

WHEREAS, City staff have determined, based upon a study of market conditions and community demand, that the successful implementation of the Business and Operational Plan, including location of a multiplex motion picture theater in the downtown area, would be adversely affected by the sporadic location of multiplex theaters in zones of the City other than the Central Business District; and

WHEREAS, in accordance with the California Environmental Quality Act, the City has provided the public notice of the intent of the City to adopt a negative declaration for this project, and the City has considered the proposed negative declaration, together with any comments received during the public review process finds on the basis of the initial study and any comments received that there is no substantial evidence that the project will have a significant effect on the environment, further finds that the negative declaration reflects the independent judgment of the City, and approves the negative declaration.

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

Part 1. Section 34-3 of the City Code, defining terms used in Chapter 34 of the Code, is

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ATTACHMENT 1
PAGE 1 OF 3

amended to add the following definitions, inserted in alphabetical sequence:

Motion picture theater. An establishment containing two or fewer screens where films, motions pictures, video cassettes, slides or similar photographic reproductions are regularly shown for any form of consideration.

Multiplex motion picture theater. An establishment containing three or more screens where films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown for any form of consideration.

Theater. A motion picture theater or an establishment regularly featuring live performance of dramatic productions for any form of consideration.

Theater, drive-in. A motion picture theater containing a vehicle parking area where patrons remain in their vehicles to view the entertainment presented on one or more screens.

Part 2. Section 34-105.2 of the City Code is amended to delete subpart (4) of subdivision (c), which reads "Theaters and cinemas," and to reletter subpart (5) of subdivision (c) as subpart (4) of subdivision (c).

Part 3. Section 34-105.3 of the City Code is amended to add subdivision (q) thereto, to read:

"(q) Theaters, motion picture theaters, and multiplex motion picture theaters."

Part 4. Section 34-35.1 is added to the City Code, to read:

"Sec. 34-35.1. Multiplex theaters prohibited in all zones except CBD zone.

"Multiplex motion picture theaters shall be prohibited except in the Central Business District zone, as provided in subsection (q) of section 34-105.3. No zone clearance, special use permit or other entitlement for use pertaining to a multiplex motion picture theater shall be issued in any zone other than the Cental Business District zone."

Part 5. The City Council directs City staff to schedule annually a public hearing to be held at a regular meeting of the City Council, beginning on the first Tuesday in May, 1999, and during each May thereafter. The hearing shall be conducted to enable the City Council to determine whether Part 4 of this ordinance, banning multiplex motion picture theaters in commercial zones of the City other than the Central Business District zone, is still necessary and desirable for the successful implementation of the Business and Operational Plan.

Part 6. Within fifteen days after passage, the City Clerk shall cause the ordinance to be published one time in a newspaper of general circulation within the City. Ordinance No. 2466 was first read on May 5, 1998, and finally adopted on May 12, 1998, to become effective thirty days thereafter.

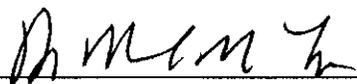
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ATTACHMENT 1
PAGE 2 **OF** 3

AYES: Councilmembers: Pinkard, Zaragoza, Holden, Lopez, and Maulhardt.

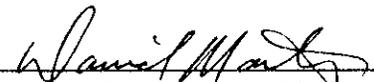
NOES: None.

ABSENT: None.



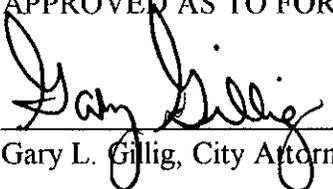
Dr. Manuel M. Lopez, Mayor

ATTEST:

 5/12/98

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

 5-12-98

Gary L. Gillig, City Attorney