



Meeting Date: 03-20-07

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
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____

Prepared By: Christopher Williamson, AICP Senior Planner *CW* Agenda Item No. L-2

Reviewed By: City Manager *[Signature]* City Attorney *[Signature]* Finance *[Signature]* Other (Specify) _____

DATE: February 21, 2006

TO: City Council

FROM: Susan L. Martin, AICP *[Signature]*
Planning and Environmental Services Manager

SUBJECT: Appeal of Certification and Adoption of Findings and Overriding Considerations for Final SEIR 05-02, Planning and Zoning Permit Nos. 05-620-4 (General Plan Amendment), 05-630-2 (Specific Plan Amendment to the Northeast Community Specific Plan), 05-570-2 (Zone Change), 05-300-23 (Tentative Subdivision Map for Tract No. 5654), 06-670-1 (Development Agreement), and Option Agreement for Park Land; Filed by Aldersgate Investment, LLC, 300 Esplanade Drive, Oxnard, CA 93036.

RECOMMENDATION

That City Council:

1. Adopt a resolution upholding the Planning Commission's July 15, 2006 certification of Final Supplemental Environmental Impact Report 05-02, and adopt a Statement of Findings of Fact and Statement of Overriding Considerations.
2. Adopt a resolution approving General Plan Amendment (PZ 05-620-4) changing the land use designation for portions of two parcels, located on the southeast corner of Oxnard Boulevard and Gonzales Road, from Park to Low Medium Density Residential.
3. Adopt a resolution amending the Northeast Community Specific Plan (PZ 05-630-2) to change the land use designation for portions of two parcels, located on the southeast corner of Oxnard Boulevard and Gonzales Road, from Sports Park to Low Medium Density Residential.
4. Adopt a resolution approving a tentative subdivision map for Tract No. 5654 (PZ 05-300-23), located on the southeast corner of Oxnard Boulevard and Gonzales Road.
5. Approve the first reading by title only and subsequent adoption of an ordinance changing the zoning (PZ 05-570-2) for portions of two parcels, located on the southeast corner of Oxnard Boulevard and Gonzales Road, from Community Reserve to R-2 PD Multifamily Zone Planned Development.

6. Approve the first reading by title only and subsequent adoption of an ordinance approving a development agreement (PZ 06-670-1) for three parcels, generally located on the southeast corner of Oxnard Boulevard and Gonzales Road, stipulating the development and dedication to the City of street improvements and specified park facilities.
7. Approve and authorize the Mayor to execute an option agreement with Aldersgate Investment, LLC, for the approximately 2.3 acres of park land identified as Lot 52 on Tentative Subdivision Map for Tract No. 5654.

SUMMARY

The above requested actions would approve housing and park development of 24.94 acres at the southeast corner of Oxnard Boulevard and Gonzales Road composed of a 20.97-acre, privately-owned, vacant site and the 3.97-acre partially developed City park at Briana Court and Entrada Drive.

On the southern portion of the project site, the proposed project consists of incorporating the existing 3.97 acre City park with the development and dedication of the adjacent 4.95 acres with a competition swimming pool and related facilities, parking for approximately 40 vehicles, and two ball fields; and designation of 2.3 option acres that would, if obtained and developed by the City, provide an 11.22-acre sports park, in total. If the City were not to obtain the 2.3 option acres, the sports park would total 8.92 acres. A development agreement and option agreement are proposed and attached that outline the obligations of the applicant and the City.

On the northern portion of the project site, the project would develop 11.35 acres with a proposed 49 single-family homes and 40 condominiums (a density of 7.8 units per acre). Dedications to widen Gonzales Road and Entrada Drive would total 1.34 acres and additional public open space would total 1.03 acres. The proposed General Plan and NECSP amendments and zone change would redesignate the housing and related open space from Park to Low-Medium Residential, and the zoning from Community Reserve to R2-Planned Development. The applicant has agreed to park and roadway improvements and dedications prior to completion of the housing development.

DISCUSSION

At the City Council meeting of July 18, 2006, Centex Homes, the previous applicant, presented a site plan consisting of 94 single-family housing units, 4.7 additional sports park acres, and 105 parking spaces. As that plan was modified from the plan reviewed by the Planning Commission at its June 15, 2006, meeting (101 homes, 4.39 additional sports park acres, and 116 parking spaces), City Council referred the project back to the Planning Commission for consideration and a report. During the intervening six months, Centex Homes assigned its interest to Aldersgate Investment, LLC, and the project modified in response to comments at Planning Commission and City Council hearings.

The current plan proposes 49 single-family homes and 40 condominiums, 4.95 additional developed sports park acres, and approximately 40 parking spaces. The housing site plan and designs should be

considered illustrative as the housing portion of the project has not yet been approved by the Planning Commission. The housing portion of the project is anticipated to comply with relevant NECSP home and street development standards. In the new 4.95-acre portion of the sports park adjacent to the City's 3.97-acre park, the developer would build a competition swimming pool, ball fields, parking, and other park facilities and then dedicate all improvements and the land to the City, subject to the development agreement. Adjacent to the sports park would be a 2.3-acre parcel available to the City for additional park facilities, resulting in a total of 11.22 acres. The conceptual park plan was developed with the input of the Parks and Facilities staff. The park and bike trail facilities would be built to specifications approved by the Public Works Department and stipulated in the development agreement.

About 1.3 acres are needed to widen Gonzales Road and Entrada Drive, and the road improvements would be completed prior to the housing development.

The Planning Commission reviewed the project at its February 15, 2007, meeting. Several Commissioners asked if the Parks and Recreation Commission had taken a position on the proposed project and whether the SEIR traffic study included the Carriage Square/Lowe's project. According to the draft minutes of the January 24, 2007 meeting, the Parks and Recreation Commission recommended that City Council consider three parcels as potential future park sites (the sports park site, the old drive-in theater site, and the old high school site), as an addendum to the Citywide Park and Open Space Inventory Report. The Carriage Square/Lowe's project was included in the sports park's traffic study. The Planning Commission decided that the minutes would constitute their report; draft minutes are attached.

On June 1, 2007, the Planning Commission certified the Final Supplemental Environmental Impact Report (FSEIR) 05-02 for the earlier version of the plan that included 101 homes. The current plan is a modification of the site plan considered in the certified FSEIR for the subject site and was determined by staff to be within the scope of the FSEIR analyses and mitigations. An SEIR Addendum was prepared to that effect and is included as an attachment. Staff appealed the certification of the FSEIR so that the City Council may consider it along with the other project entitlements, and also adopt the CEQA-required Findings of Fact and Statement of Overriding Considerations. The Statement of Overriding Considerations is required as the FSEIR identified the risk of train accident as a significant unmitigated impact.

FINANCIAL IMPACT

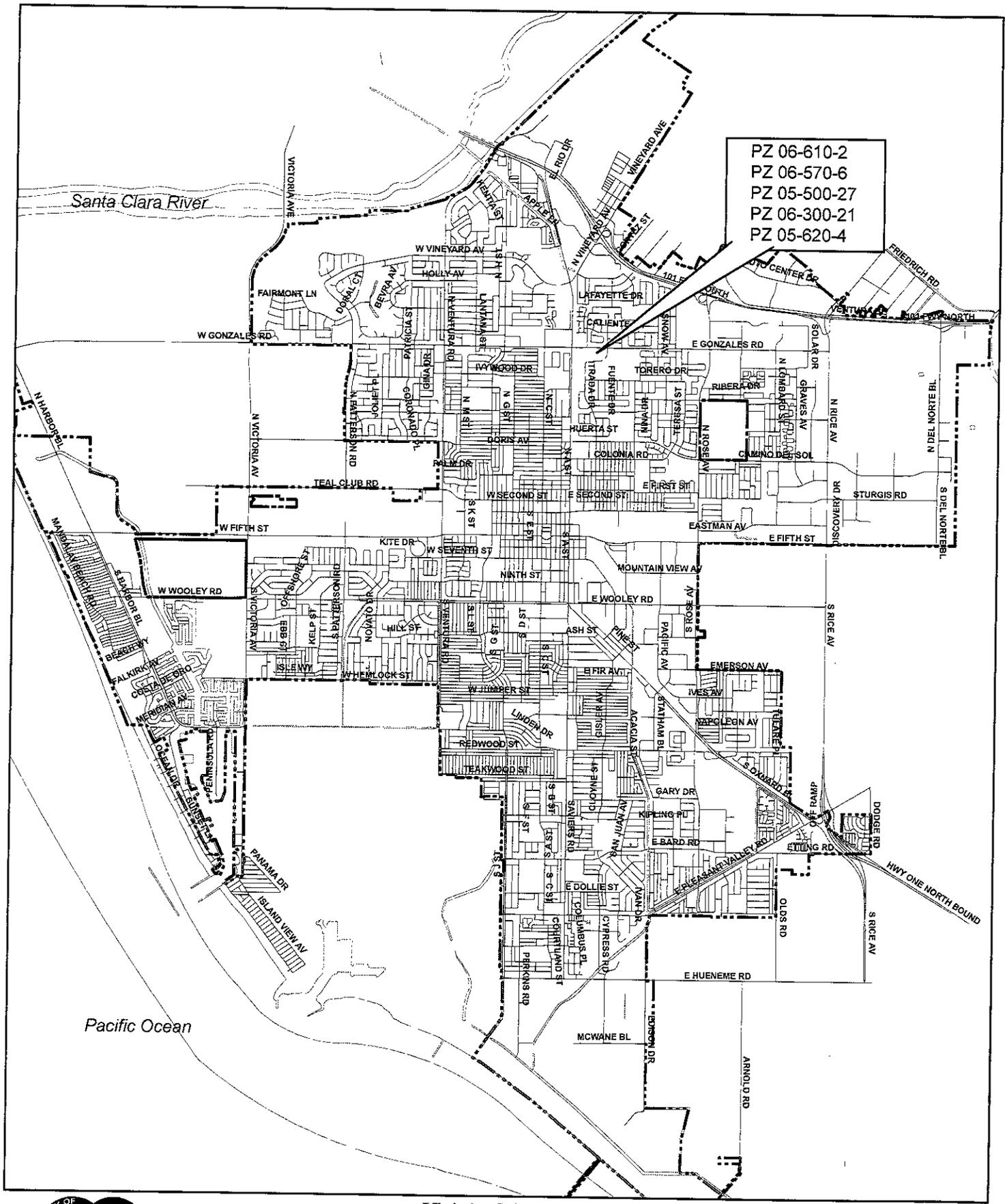
The City would have future maintenance, management, and operating costs for the park facilities and public streets. Quimby fees may be used to improve park areas owned by the City.

cw/cw

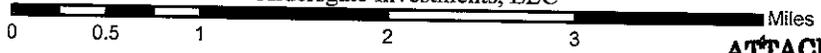
- Attachment #1 - Vicinity Map
- #2- Proposed project plans and tentative subdivision map
- #3 - Addendum to Final SEIR No. 05-02
- #4 - Draft Planning Commission minutes of February 15, 2007.

- #5 - Resolution to uphold FSEIR certification, adopt Findings of Fact, and Statement of Overriding Considerations
- #6 - Resolution for General Plan Amendment PZ 05-620-4
- #7 - Resolution for Specific Plan Amendment PZ 05-630-2
- #8 - Resolution for Tentative Subdivision Map for Tract No. 5654, PZ 05-300-23
- #9 - Ordinance for Zone Change PZ 05-570-2
- #10- Ordinance for Development Agreement PZ 06-670-1
- #11- Option Agreement for Park Land Acquisition

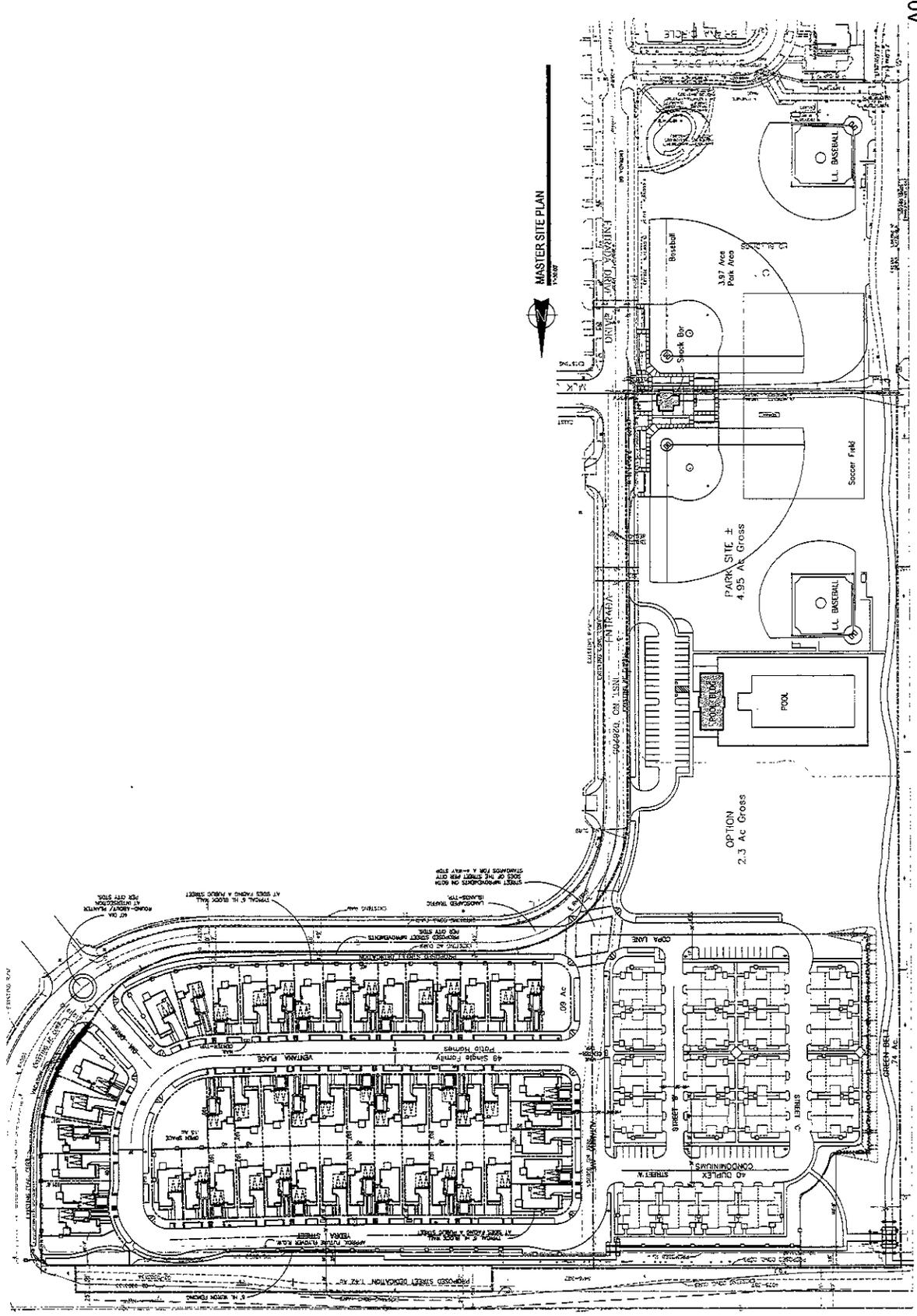
Note: Attachments Nos. 5, 8, 10, and 11 have been provided to the City Council. Copies are available for review at the Circulation Desk in the Library after 6:00 p.m. on the Thursday prior to the Council meeting and at the City Clerk's Office after 8:00 a.m. on Friday, March 16, 2007.



PZ 06-610-2
 PZ 06-570-6
 PZ 05-500-27
 PZ 06-300-21
 PZ 05-620-4



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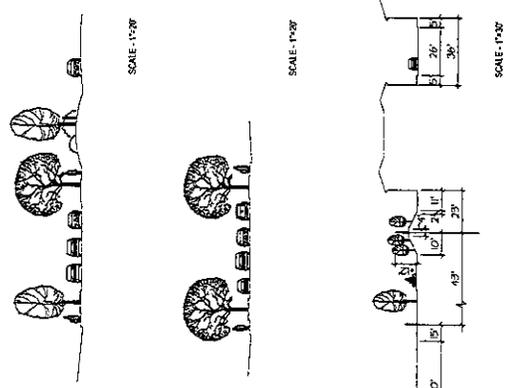
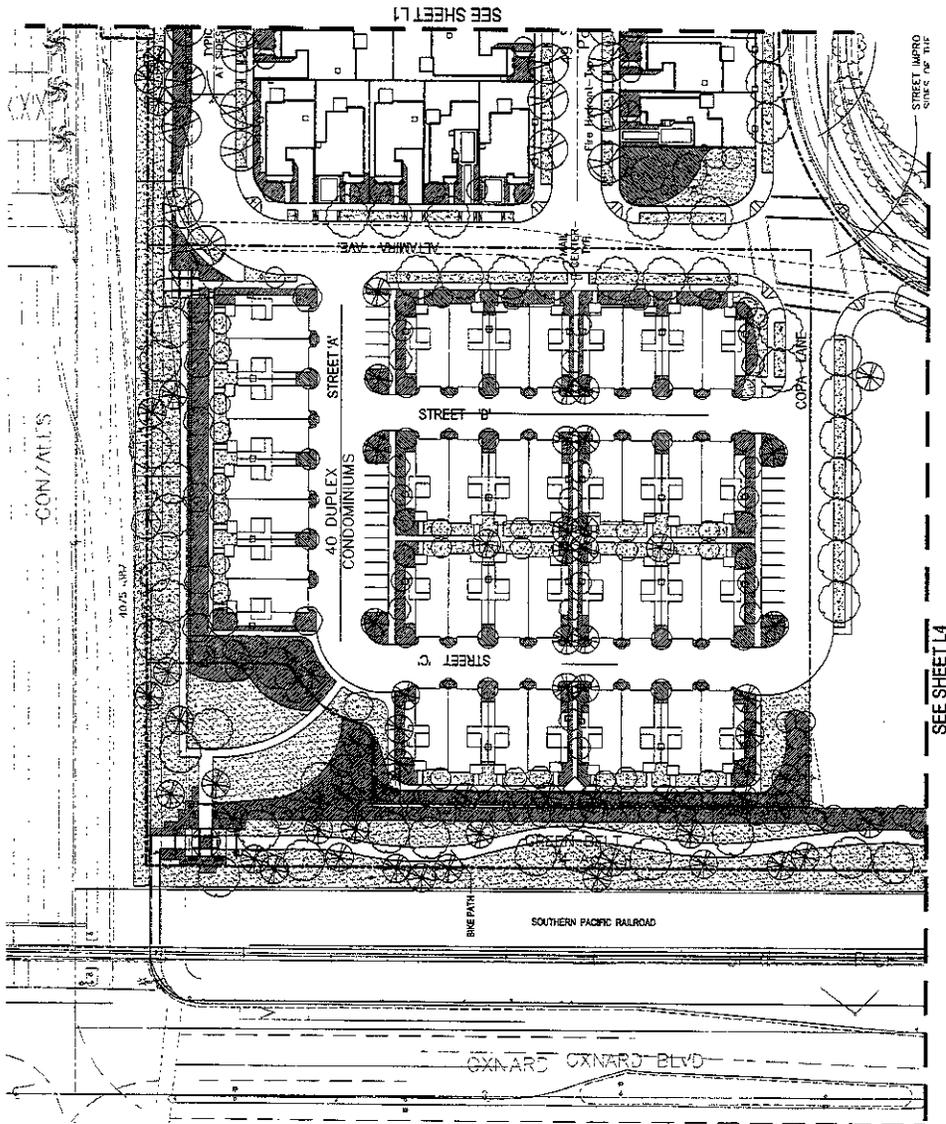
SPORTIVO ENTRADA
 RESIDENTIAL AND SPORTS PARK MASTER PLAN
 GONZALES ROAD & ENTRADA DRIVE OXNARD CA

Adlersgate Investment, LLC
 300 ESPERANZA DRIVE, SUITE 420 OXNARD, CA 93030

090060

1 of 7

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WEST LEG - LANDSCAPE PRELIMINARY PLAN L2

JORDAN, GILBERT & BAIN
 LANDSCAPE ARCHITECTS, INC.
 3300 LOVA VISTA ROAD, VENTURA, CA 93003
 (805) 642-3843 FAX (805) 642-9614
 www.jordan-gilbert.com
 Jordan, Gilbert & Bain Landscape Architects, Inc. © 2007 1/29/07 061204

SPORTIVO ENTRADA
 RESIDENTIAL AND PARK SITE MASTER PLAN
 GONZALES ROAD & ENTRADA DRIVE OXNARD CA

Adlersgate Investments, LLC
 100 ESPANUE DRIVE, STE. 430 OXNARD CA 93035

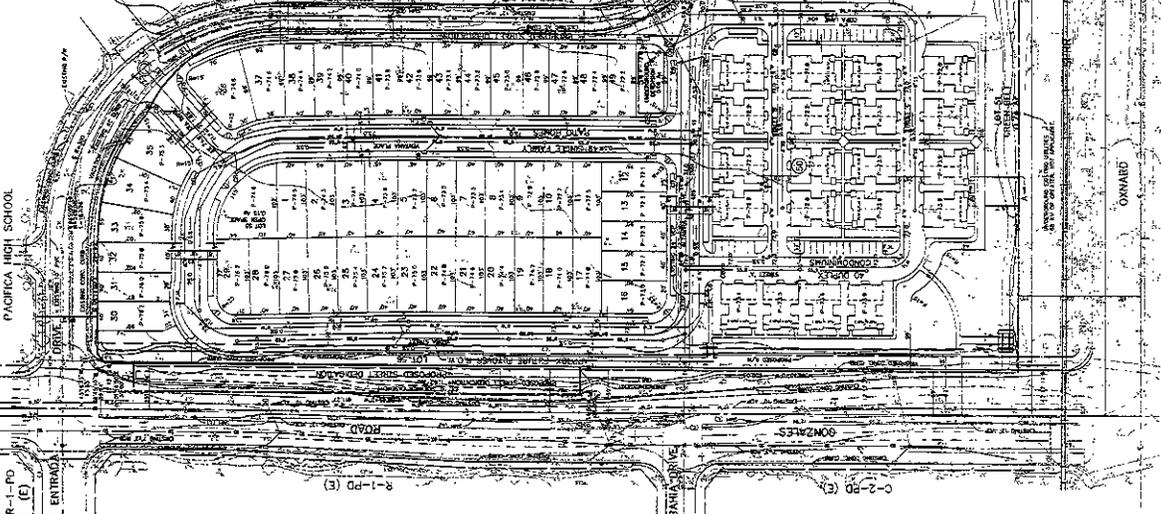
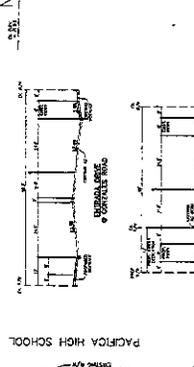
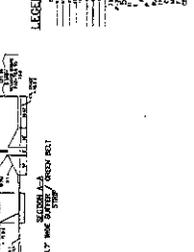
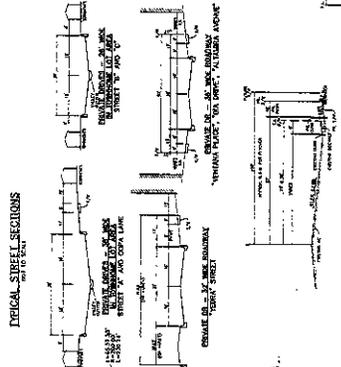


TENTATIVE TRACT NO. 5654
CITY OF ORANGE, COUNTY OF ORANGE, STATE OF CALIFORNIA

- NOTES:**
1. THIS PLAN IS SUBMITTED TO THE CITY OF ORANGE FOR REVIEW AND APPROVAL.
 2. THE CITY OF ORANGE HAS REVIEWED THIS PLAN AND HAS APPROVED IT FOR THE CITY OF ORANGE.
 3. THE CITY OF ORANGE HAS REVIEWED THIS PLAN AND HAS APPROVED IT FOR THE CITY OF ORANGE.
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 13. THE CITY OF ORANGE HAS REVIEWED THIS PLAN AND HAS APPROVED IT FOR THE CITY OF ORANGE.

LEGAL DESCRIPTION:

TRACT NO. 5654, BEING A TRACT OF LAND IN THE CITY OF ORANGE, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON THE MAP OF SAID TRACT AS FILED IN THE OFFICE OF THE COUNTY CLERK OF SAID COUNTY OF ORANGE, CALIFORNIA, ON OR ABOUT THE 15TH DAY OF JANUARY, 1954, AND AS SHOWN ON THE MAP OF SAID TRACT AS FILED IN THE OFFICE OF THE COUNTY CLERK OF SAID COUNTY OF ORANGE, CALIFORNIA, ON OR ABOUT THE 15TH DAY OF JANUARY, 1954, AND AS SHOWN ON THE MAP OF SAID TRACT AS FILED IN THE OFFICE OF THE COUNTY CLERK OF SAID COUNTY OF ORANGE, CALIFORNIA, ON OR ABOUT THE 15TH DAY OF JANUARY, 1954.



SUBDIVISION:

TRACT NO. 5654, BEING A TRACT OF LAND IN THE CITY OF ORANGE, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON THE MAP OF SAID TRACT AS FILED IN THE OFFICE OF THE COUNTY CLERK OF SAID COUNTY OF ORANGE, CALIFORNIA, ON OR ABOUT THE 15TH DAY OF JANUARY, 1954, AND AS SHOWN ON THE MAP OF SAID TRACT AS FILED IN THE OFFICE OF THE COUNTY CLERK OF SAID COUNTY OF ORANGE, CALIFORNIA, ON OR ABOUT THE 15TH DAY OF JANUARY, 1954.

DESIGN TEAM:

ARCHITECT: [Name]

ENGINEER: [Name]

PLANNING: [Name]

UTILITY DATA:

WATER: [Details]

SEWER: [Details]

ELECTRICITY: [Details]

TELEPHONE: [Details]

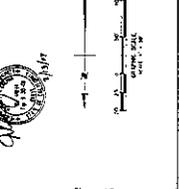
CABLE TV: [Details]

LAND USE DATA:

EXISTING: [Details]

PROPOSED: [Details]

PERMITTED: [Details]



DATE	1/15/54
BY	[Name]
CHECKED	[Name]
APPROVED	[Name]

ALDRSGATE INVESTMENTS, LLC

TENTATIVE TRACT NO. 5654

CITY OF ORANGE, COUNTY OF ORANGE, STATE OF CALIFORNIA

PSOMAS

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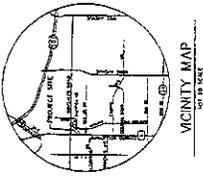
ONWARD BOULEVARD

11111 1/15/54

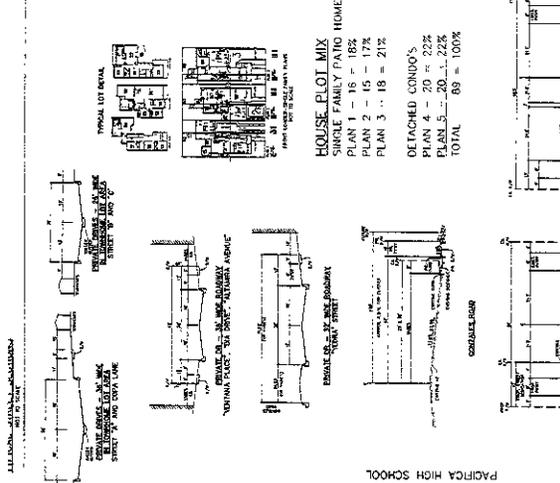
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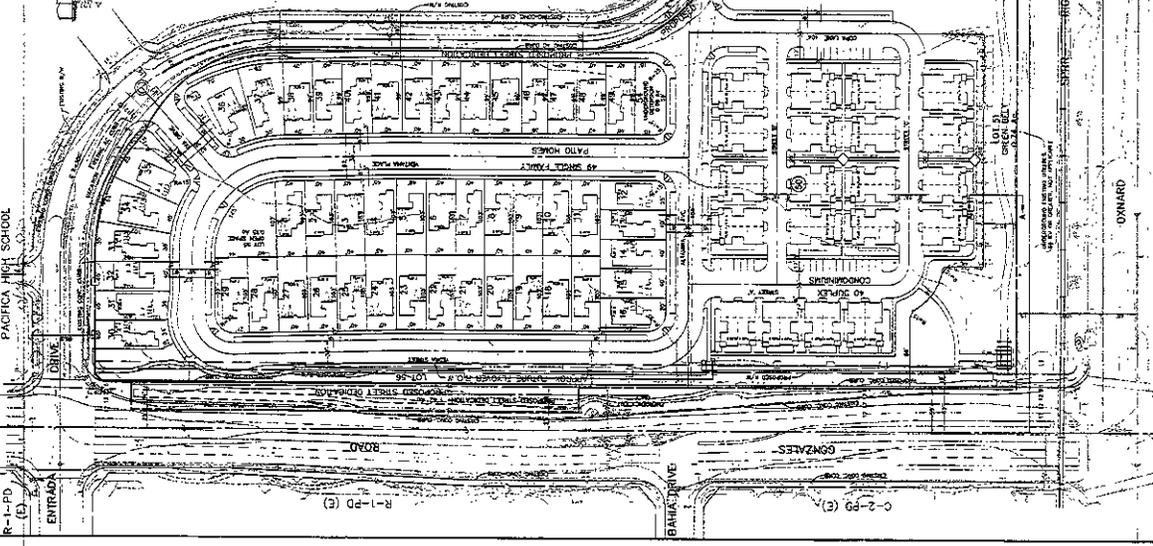
DATE	1/15/54
BY	[Name]
CHECKED	[Name]
APPROVED	[Name]



TENTATIVE TRACT NO. 5654
CITY OF ORANGE, COUNTY OF ORANGE, STATE OF CALIFORNIA



DESIGN TEAM:
 ARCHITECT: [Firm Name]
 ENGINEER: [Firm Name]
 LANDSCAPE ARCHITECT: [Firm Name]
 CIVIL ENGINEER: [Firm Name]
 PLANNING: [Firm Name]



NO. OF SHEETS	3
SHEET NO.	2
DATE	11/14/18
PROJECT	TENTATIVE TRACT NO. 5654
OWNER	ALDRERGATE INVESTMENTS, LLC
STATE OF CALIFORNIA	

PSOMAS
 TENTATIVE TRACT MAP FOR THE SINGLE-FAMILY RESIDENTIAL DEVELOPMENT
 ALDRERGATE INVESTMENTS, LLC
 TENTATIVE TRACT NO. 5654
 CITY OF ORANGE, CALIFORNIA

**Sports Park Project
Gonzales Road and Onxard Boulevard**

Addendum to the Certified Final SEIR No. 05-02

Prepared by:

**City of Oxnard
Planning and Environmental Services
305 West Third Street
Oxnard, California 93030**

This document is an addendum to the Centex Homes at Oxnard and Gonzales Final SEIR No. 05-02 (SCG #2006041071). The addendum concludes that there are no additional nor increased substantial negative environmental impacts associated with the proposed project modifications that are evident in the project as proposed in February 2007 compared to the project as analyzed in the SEIR in May, 2006 (and certified June 1, 2006).

February 14, 2007

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ATTACHMENT 3
PAGE 1 OF 5

Pending Permits:

Planning & Zoning Permit Nos. 05-620-4 (General Plan Amendment), 05-630-2 (Specific Plan Amendment), 05-570-2 (Zone Change), 05-300-23 (Tentative Subdivision Map for Tract No. 5654), and 06-670-1 (Development Agreement)

Project Description and Location:

The subject location, at the southeast corner of Oxnard Boulevard and Gonzales Road, within the Northeast Community Specific Plan area, is commonly known as the Sports Park site and comprises approximately 21 acres of vacant privately-owned land adjacent to a partially developed 4-acre city park. Staff will provide an update on the status of the proposal to develop the site with 89 residential units, expanded park use, and road dedications. The applicant proposes to dedicate and improve 4.95 acres as a sports park including a competition-size competition swimming pool, for a combined 8.9-acre sports park. In addition, 2.3 option acres are available to expand the sports park to a total of 11.2 acres. Filed by Aldersgate Investments, LLC, 300 Esplanade Drive, Suite 430, Oxnard, CA 93036.

Existing Land Use, May 2006 and February, 2007:

In May, 2006, the 21-acre site (APNs 215-0-010-100, -140) was vacant, and the four-acre city park (APN 215-0-020-010) is improved with a tot lot on the southeast corner, an open play field, a Class I bike path on the western edge, and trees and sidewalks along the eastern and southern edges of the parcel. In February, 2007, both sites remain as described in May, 2006.

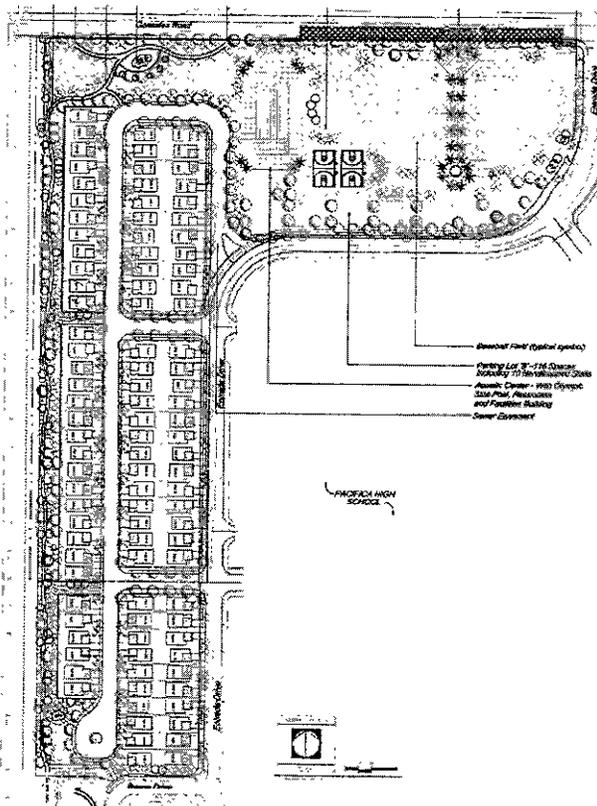
Summary of Project Modifications:

The Sports Park project was modified between the certification of the SEIR on June 1, 2006 and the presentation of the project to the City Council in February 27, 2007. The table below shows the key elements, followed by site plans:

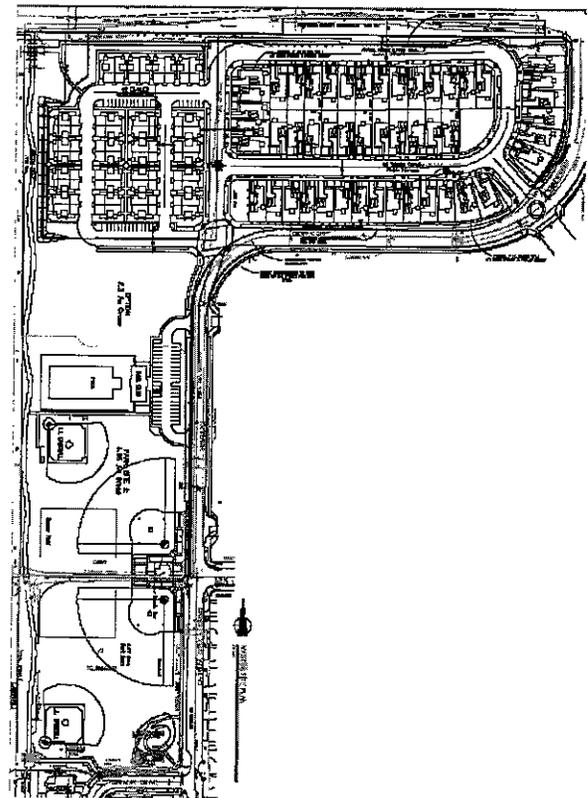
Project Component	101-Unit May 2006 Plan	89-Unit Feb. 2007 Plan	Modification
Sports Park	7.4 ac.	8.9 ac.	+ 1.5 acres, relocated to south portion of site
-ballfields	2 large	2 large 2 small	+2 small fields, relocated to south portion of site
-play field	no	shared with ballfields	Cannot be used if ball fields are being used
-tot lot	Yes	yes	Will use existing tot lot
-basketball	Yes	No	Not included
-pool	Yes	yes	Relocated to south portion of sit
-parking	116	39	77 fewer spaces Relocated to south portion of sit
Roadways	2.0 ac.	1.3 ac.	Reconfigured, resulting in two four-way stop intersections

Gonzales parkway	yes	yes	No significant change
Bike Path	1.26 ac.	0.7 ac.	No significant change
Housing	101 units on 12 ac.	89 units on 10.1 ac.	Relocated to northern portion of site, 22 fewer units. Second product type is smaller in terms of land area.
Other Open Space	2.33 ac.	1.7	Relocated, essentially serving same purpose
Other		2.3 ac. option parcel	No proposed development

SEIR Site Plan:



Current (February 2007) Site Plan



Option Acres and Possible Exchange, Subsequent Environmental Review:

The 2.3 option acres are a new element to the project, however, the project itself does not propose any development on these 2.3 acres. Therefore, there are no new significant direct impacts associated with approving the 2.3 acres to remain vacant in the current project. Should the city acquire the 2.3 option acres and develop an extension of the Sports Park, the city would be required to reevaluate the 2.3 acres and its environmental impacts at that time, once the final project components are know. This could result in additional and/or new mitigations. In the same context, should the option involve an exchange of property for some other site,

development of the other site would be subject to a separate environmental review. Should the option acres remain with the applicant, any development would be subject to possible subsequent environmental review.

Subsequent Environmental Review Test:

According to Section 15164 of the State California Environmental Quality Act (CEQA) Guidelines, an addendum to a previously adopted EIR is the appropriate environmental document in instances when no conditions exist that would trigger a subsequent EIR.

There are three tests that determine if a subsequent EIR is required (Section 15162(a)):

TEST No. 1: Modifications Lead to Substantial Increases in Environmental Effects

The reduction in housing units from 101 to 89 would result in 12% fewer vehicle trips (estimated reduction of 115 trips) and associated noise, school enrollment, utilities, and air quality impacts. The Development Advisory Committee (DAC) has reviewed the current plan for all safety concerns, and found the current plan adequate. The reconfiguration of streets and intersections has been reviewed the city traffic engineer and found acceptable and, in some respects, superior to the SEIR plan. The addition of two little league fields would generate additional trips, probably similar to 115 trips in the 12% reduction, resulting in a similar overall trip count, although the ball field use would not occur at peak morning and evening periods. The current plan shows a reduction of 77 parking spaces from the SEIR plan. The park plans, including the number of parking spaces and their location, is still illustrative. Public Works will examine the parking requirements and location as part of the park planning and development process.

The project's impacts were analyzed as part of the original SEIR, and the mitigations from SEIR 05-02 are incorporated in the appropriate project approval permits. The SEIR project completed a traffic study, geological study, stormwater drainage report, and will pay cumulative air quality impact fees as part of the project approval process. Therefore, the modifications do not lead to substantial increases in negative environmental effects.

TEST No. 2: Substantial Changes Have Occurred With Respect To Circumstances

In the intervening eight months since the SEIR was certified, no new projects have been completed in the area and traffic volumes are unchanged. The project site and uses in the area have not changed. The Carriage Square/Lowe's project was included in the traffic study.

TEST No. 3 New Information Of Substantial Importance That Was Not Known Or Could Not Have Been Known At The Time Of The EIR Adoption

No new information relative to environmental impacts has subsequently been revealed since the certification of the SEIR, based on the following:

1. **The project will have effects not previously discussed?** The modified project contains the same functional components, housing and a park. Therefore, effects are still limited those identified in the SEIR.

2. **Significant effects previously examined will be substantially more severe than previously estimated?** The housing component is 12% smaller, while the park usage may be somewhat larger due to the little league fields. The net change is not 'significant' nor do they create 'severe' changes compared to those found in the SEIR.
3. **Mitigation measures previously found infeasible would now be feasible and would substantially reduce effects of the project?** There were no mitigation measures found infeasible in SEIR that are now feasible and/or would substantially reduce adverse environmental impacts.
4. **Different mitigation measures from those included in the SEIR would substantially reduce effects?** No new mitigation measures are available that would substantially reduce adverse environmental impacts compared to mitigations included in SEIR.

MINUTES

OXNARD PLANNING COMMISSION
REGULAR MEETING
FEBRUARY 15, 2007

A. ROLL CALL

At 7:04 p.m., the regular meeting of the Oxnard Planning Commission convened in the Council Chambers. Commissioners Ronald Fischer, Chairman Sonny Okada, Dale Dean, Saul Medina, and Deirdre Frank were present. Commissioners Michael Sanchez and Irene Pinkard were absent. Chair Okada presided and called the meeting to order. Staff members present were: Susan Martin, Planning and Environmental Services Manager, Paul Wendt, Senior Civil Engineer; Jason Samonte, Traffic Engineer; James Rupp, Assistant City Attorney; Chris Williamson, Senior Planner, and Lori Maxfield, Recording Secretary.

B. PUBLIC COMMENTS

Mr. Larry Stein, commended the Planning Commission for their service; suggested staff recognize recommendations of other commissions; and developer should make the presentations, rather than staff.

Mr. Roger Pariso, discussed traffic issues including the Gonzales Rd/Oxnard Blvd. flyover that should be completed before the Sports Park project; what is the projected population at buildout; and how many people can the infrastructure support.

Mr. Luciano Ortiz, Vice Chair West Village Neighborhood, discussed traffic issues including Lowe's and danger to the students of the high school; Pacifica High School was overcrowded; Parks and Recreation Commission recommended more parks throughout the City; and invited the public to attend the West Village Neighborhood meeting.

C. READING OF AGENDA

Planning and Environmental Services Manager Martin reviewed the agenda and indicated the Special Use Permit (PZ 05-500-23) was listed in error, and was not under consideration.

D. CONSENT AGENDA

1. APPROVAL OF MINUTES – February 1, 2007

MOTION Commissioner Fischer moved and Commissioner Dean seconded a motion to approve the minutes of February 1, 2007 as presented. The question was called and the motion carried unanimously, Commissioners Sanchez and Pinkard absent.

E. CONTINUED PUBLIC HEARINGS

F. NEW PUBLIC HEARINGS

1. PLANNING AND ZONING PERMIT NO. 06-300-18 (Parcel Map Waiver), a request to subdivide a 4.67 acre site from one parcel into two. The subject site is commonly known as Lot 19 of Tract 5352-1 and is located between Myrtle Street and Amazon River Court, within the RiverPark Specific Plan. In accordance with the California Environmental Quality Act (CEQA), an environmental impact report (EIR No. 00-03) was prepared to analyze potential impacts associated with the approval and the implementation of the *RiverPark Specific Plan* and the anticipated build out of the 701 acre specific plan site. Filed by Dan Hardy, Cabrillo Economic Development Corporation, 702 Country Square Drive, Ventura CA, 93004.
PROJECT PLANNER: Juan Martinez

MOTION Commissioner Fischer moved and Commissioner Dean seconded a motion to continue PZ 06-300-18 to March 1, 2007. The question was called and the motion carried unanimously, Commissioners Sanchez and Pinkard absent.

G. REPORT

1. PLANNING AND ZONING PERMIT NOS. 05-620-4 (General Plan Amendment), 05-630-2 (Specific Plan Amendment), 05-570-2 (Zone Change), 05-500-23 (Special Use Permit for a Planned Residential Group), 05-300-23 (Tentative Subdivision Map for Tract No. 5654), and 06-670-1 (Development Agreement), a report on the proposed development at the southeast corner of Oxnard Boulevard and Gonzales Road, within the Northeast Community Specific Plan area. This project is commonly known as the Centex Sports Park project and comprises approximately 21 acres of vacant land. The report will provide an update on the status of the proposal to develop the site with 89 residential units and 5 acres of additional improved parkland, including competition-size competition swimming pool. The applicant proposes to combine such park with nearly 4 acres of existing City parkland, adjacent to the subject site. No action is requested at this time. Filed by Aldersgate Investments, LLC, 300 Esplanade Drive, Suite 430, Oxnard, CA 93036.
PROJECT PLANNER: Chris Williamson

Senior Planner Williamson presented the staff report including the history of the site; current General Plan designation; Final SEIR certification by the Planning Commission on June 1, 2006, Council referred project back to Planning Commission; Centex turned their interests over to Aldersgate Investments who modified the project based on Planning Commission and City Council comments; the five entitlements would go before the City Council; modifications from the June 15, 2006 approved plan; reviewed the six components of the project plan including existing park, new park, optional parcel with park designation, bike trails and parkways, circulation, and environmental review with current and supplemental plan. He requested that the Planning Commission deliberate on the proposal, and staff would then prepare a report back to City Council with their comments.

Assistant City Attorney Rupp explained that Planning Commission only recommended City Council approval previously; City Council referred the project back to the Planning Commission; and City Council would adopt resolutions of approval, with reference to Planning Commission

resolutions.

Discussion ensued regarding the net loss of 12 acres with the recommendation from last June that the developer pay for development of an area of College Park making up the difference, and at what phase the mitigation was to be identified.

Senior Planner Williamson explained that the SEIR indicated that the developer must pay to a General Plan amendment to designate another park site before the Certificate of Occupancy was issued on the last dwelling unit.

Staff indicated that they were not made aware of the Parks and Recreation Commission report; the park site was determined by general consensus that at least half the site should be park; the City has the option to trade the park site for property that was previously the Colonial House on Oxnard Boulevard; and the City was working with consultants to acquire PUC and UPRR support to connect Camino Del Sol to Oxnard Boulevard.

Discussion ensued regarding why the City had to buy back the 2.3 option acre property; the two optional acres could be proposed for condominiums; and concern that all the details and designs were only conceptual.

Chair Okada opened the public testimony.

Mr. Ernie Mansi, applicant, spoke in favor of the project stating he was aware of the resolution recommending that the developer either develop or contribute funding for the loss of park acreage due to the development of the proposed site. He also indicated that it was his intention to sell the 2.3 acre property to the City; that without the homes, the project was not feasible; and the development would be done according to the SEIR.

Ms. Patti Ortiz, Mr. Francisco Romero, and Ms. Norma Gutierrez spoke in opposition to the project citing overcrowding at the high school; traffic; shortage of parking; and the plan was not the same plan presented to the West Village neighborhood on February 6, 2007.

Mr. Ed Ellis, spoke in opposition to the project stating the pool design was never specific and the developer should speak to the neighborhood.

Mr. Roger Pariso, spoke in opposition to the project due to shortage of parking; traffic; and stated that the City should pay for the pool and maintenance, and not the community at large.

Mr. Larry Stein, spoke in opposition to the project stating it was designated as a sports park; INCF and Parks and Recreation Commission recommended it be reserved for community reserve; the Northeast Community was already 23 percent overbuilt in terms of housing compared to the original plan; General Plan indicates a shortage of parkland; Hartman Family Trust currently owns the property and receives payment for options; and suggested that no action be taken by City Council for development.

Ms. Pat Brown, stated that she attended the neighborhood meetings last year where the public preferred either open space, or develop it as a sport park.

Mr. Luciano Ortiz, spoke in opposition to the project due to the many unanswered questions; the lack of communication with staff and the developer; Parks and Recreation recommended community reserve; and asked who would pay for the maintenance district and the liability for the swimming pool.

Mr. Edward Castillo, stated that the Northeast Community Specific Plan recommended a sports park on the proposed site; report to City Council should be postponed until the Parks and Recreation report was provided to the Planning Commission and City Council; recommended a supplemental SEIR be prepared; asked what the impacts were on the infrastructure; stated that residential on the site was not consistent with the General Plan.

Ms. Shirley Godwin, stated her belief that unless the Planning Commission rescinds the previous resolutions, they still stand; and asked what would be presented to the City Council.

RECESS Chair Okada called a recess at 8:43 p.m. The meeting reconvened at 8:57 p.m. with all Commissioners present, except Commissioners Sanchez and Pinkard.

Ms. Bernadette Ostrowski, spoke in opposition to the project stating traffic and overcrowding at the high school; and indicated the site should either remain open space or be developed as a sports park.

Ms. Nancy Pedersen, spoke in opposition to the project stating the Planning Commission should look at the needs of the community; Planning Commission cannot make an informed decision as the project keeps changing; SEIR cannot accurately cover the project as it is a different product; shortage of parking; and there are still too many unanswered questions.

Mr. Dennis Ralph, spoke in opposition to the project stating the City does not have parks like the surrounding cities; and the community wants open space and a park.

Mr. Jeff Zook, Coastal Architects, stated that he was the architect on the project, and the only change made to the plan since the neighborhood meeting of February 6, 2007 was from DAC comments, changing the patio homes to duplexes.

Mr. Larry Godwin, spoke in opposition to the project stating it was only a concept, not a project; it should be placed on the next agenda to rescind the previously approved resolutions; City needs more useable parks; and there is not a market for more housing.

Chair Okada closed the public testimony.

Commissioner Medina expressed his concerns regarding the substantial changes to the project; suggested project review process should start over; Lowe's will effect traffic; neighborhood meeting given a different plan; need new SEIR and project that is finalized; should be forwarded to City Council; must have a better product; and should reflect the current traffic conditions.

Commissioner Dean indicated the Northeast Community Specific Plan was a long process with the property owners coming to a consensus; what gets lost is the change from commercial to sports park; community park was never the intent; it would not be appropriate to use the SEIR to block the

project; there is no final project, the original developer lacked credibility; and there are not a lot of alternatives.

Commissioner Frank stated that there were enough comments to forward report to City Council; Lowe's project is a very substantial additional to the area; the SEIR was thorough at certification, but did not include Lowe's or project projects or possibility of the Shea Homes project near St. John's Hospital; or the 2.3 acre exchange of the Colonial House; or the Wagon Wheel proposal; should have additional traffic studies; concerned that the neighborhoods were not notified; strongly suggest Parks and Recreation Commission report be forwarded to City Council; concerned about previous resolutions that should be changed or cross referenced; concerned about the appearance of impropriety with Michael Sanchez; entire generation of people rely on zoning as community reserve; should have absolute project, currently too vague.

Commissioner Fischer stated that some type of park should be developed at the site.

G. PLANNING COMMISSION BUSINESS

Commissioner Frank asked that Assistant City Attorney Rupp discuss why the City was not allowed to consider the impact on public schools.

Assistant City Attorney Rupp explained that the building industry got legislation passed that states if school fees are paid, that the cities cannot determine the impact on the schools.

H. PLANNING MANAGER COMMENTS

I. ADJOURNMENT

At 9:37 p.m., Commissioner Fischer moved and Commissioner Frank seconded a motion to adjourn. The motion carried unanimously, Commissioners Sanchez and Pinkard absent.

Dr. Sonny Okada, Chairman

ATTEST: _____
Susan L. Martin, Secretary

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 05-620-4 FOR A GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE MAP TO DESIGNATE PORTIONS OF TWO PARCELS LOCATED ON THE SOUTHEAST CORNER OF OXNARD BOULEVARD AND GONZALES ROAD (APN'S 215-0-010-100/-140) TO LOW MEDIUM RESIDENTIAL. FILED BY ALDRSGATE INVESTMENT, LLC, 300 ESPLANADE DRIVE, OXNARD, CA 93036.

WHEREAS, on June 15, 2006 the Planning Commission approved Resolution No. 2006-30 recommending that the City Council adopt a resolution approving Planning and Zoning Permit No. 05-620-4 (General Plan Amendment) filed by Aldersgate Investment, LLC changing the land use designation on portions of two parcels located at the southeast corner of Oxnard Boulevard and Gonzales Road from Park to Low Medium Residential; and

WHEREAS, the City Council has held a public hearing and received and reviewed written and oral comments related to proposed General Plan Amendment No. 05-620-4; and

WHEREAS, the City Council directed the Planning Commission to report on the modified project plans; and

WHEREAS, the City Council has received the Planning Commission's report on the modified project plans and taken said report into consideration; and

WHEREAS, the project that is contemplated by the Applicant for this General Plan Amendment calls for the Applicant to construct on the site and dedicate to the City a 4.95-acre park improved with a competition swimming facility and two baseball fields; and

WHEREAS, the specifications for such park improvements will be agreed to by the City and the Applicant pursuant to the terms and conditions of a Development Agreement, the first reading of which will occur on February 27, 2007; and

WHEREAS, the Applicant will present to the City a performance bond guaranteeing construction and dedication of the park after the City and Applicant agree upon the specifications of the park improvements; and

WHEREAS, the Applicant and the City agree that the amendment of the General Plan shall not be effective until such time as Applicant has fully complied with section 7(f) of the Development Agreement; and

WHEREAS, the City Council finds after due study and deliberation that the public interest and general welfare require the adoption of General Plan Amendment No. 05-620-4; and

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ATTACHMENT 6
PAGE 1 OF 5

WHEREAS, in accordance with Section 15162 of the California Code of Regulations, a supplemental environmental impact report was prepared for General Plan Amendment No. 05-620-4 and the Planning Commission certified the final supplemental environmental impact report; and

WHEREAS, the City Council certifies that the final supplemental environmental impact report for General Plan Amendment No. 05-620-4 was presented to the City Council, the City Council considered the information contained in the final supplemental environmental impact report, and the City Council has determined that the modified project plans are within the scope of analysis and mitigations contained in the final supplemental environmental impact report before approving this project; and

WHEREAS, the documents and other material that constitute the record of proceedings upon which the decision to certify the final supplemental environmental impact report is located in the Planning and Environmental Services Division, and the custodian of the record is the Planning and Environmental Services Manager; and

WHEREAS, Applicants agree, as a condition of adoption of this resolution at Applicant's own expense, to indemnify, defend, and hold harmless City and its agents, officers, and employees from and against any claim, action or proceeding to attack, review, set aside, void, or annul the approval of this resolution or any proceedings, acts, or determination taken, done, or made prior thereto that were part of the approval process.

NOW, THEREFORE, the City Council of the City of Oxnard resolves to amend the City of Oxnard 2020 General Plan Land Use Map (Figure V-5) land use designation for property located at the southeast corner of Oxnard Boulevard and Gonzales Road, as shown in Exhibit A, attached hereto and incorporated herein by reference.

NOW THEREFORE, BE IT FURTHER RESOLVED that this resolution shall not be effective until such time as Applicant has fully complied with section 7(f) of the Development Agreement.

NOW THEREFORE, BE IT FURTHER RESOLVED that this resolution shall be null and void if for whatever reason, including the failure of the Applicant and City to agree upon the specifications for the park improvements, the Applicant fails to comply with section 7(f) of the Development Agreement.

PASSED AND ADOPTED this 27th day of February, 2007 by the following vote:

AYES:

NOES:

ABSENT:

Dr. Thomas E. Holden, Mayor

//// [Attestation on next page]

ATTACHMENT 6
PAGE 2 OF 5

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Resolution No.

Page 3

ATTEST:

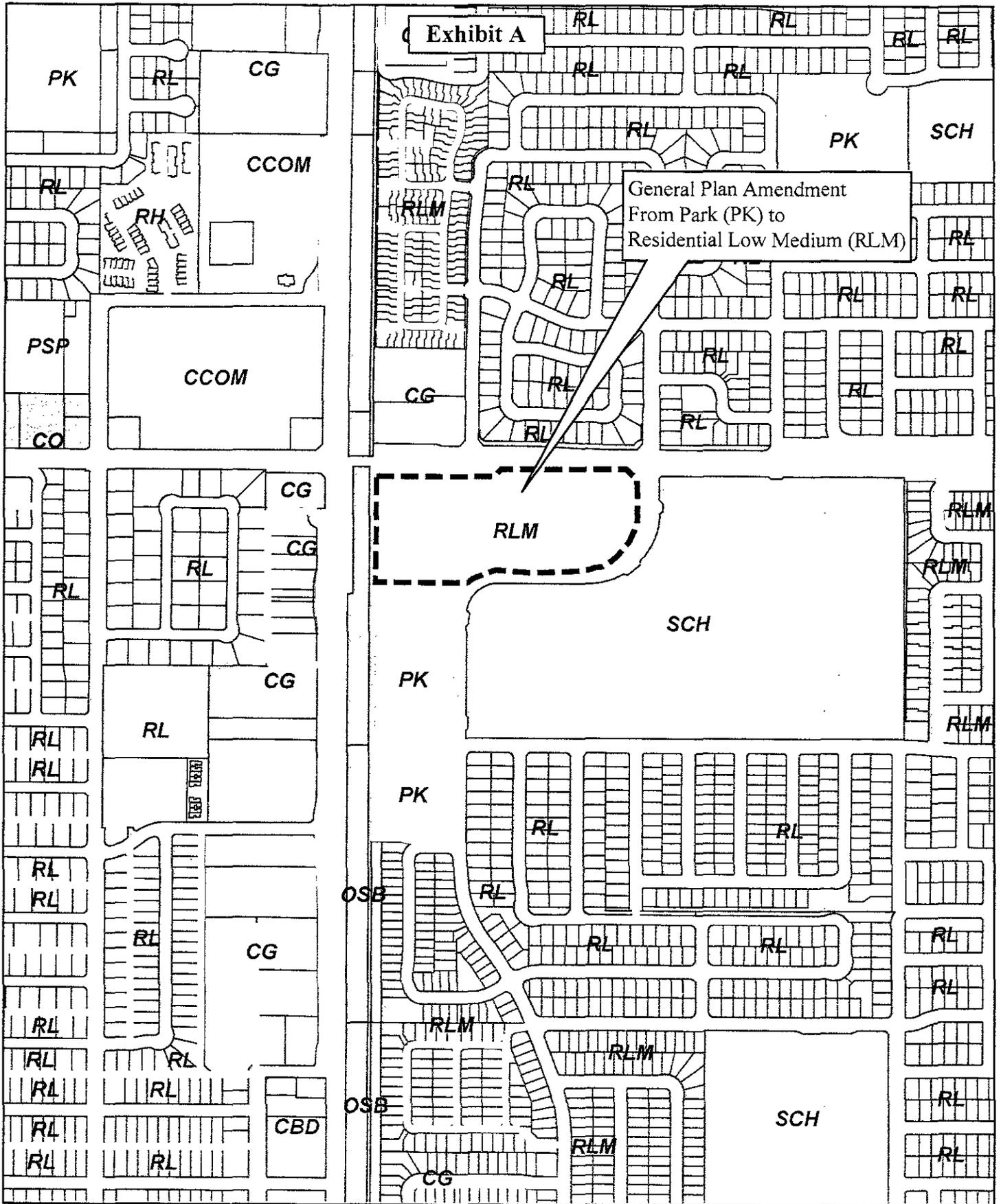
Daniel Martinez, City Clerk

APPROVED AS TO FORM:


Gary L. Gillig, City Attorney

000079

ATTACHMENT 6
PAGE 3 OF 5



General Plan Amendment

PZ 05-620-4

Location: SEC Oxnard Bl & Gonzales Rd.

APN: 215001010, 215001014, 215002010

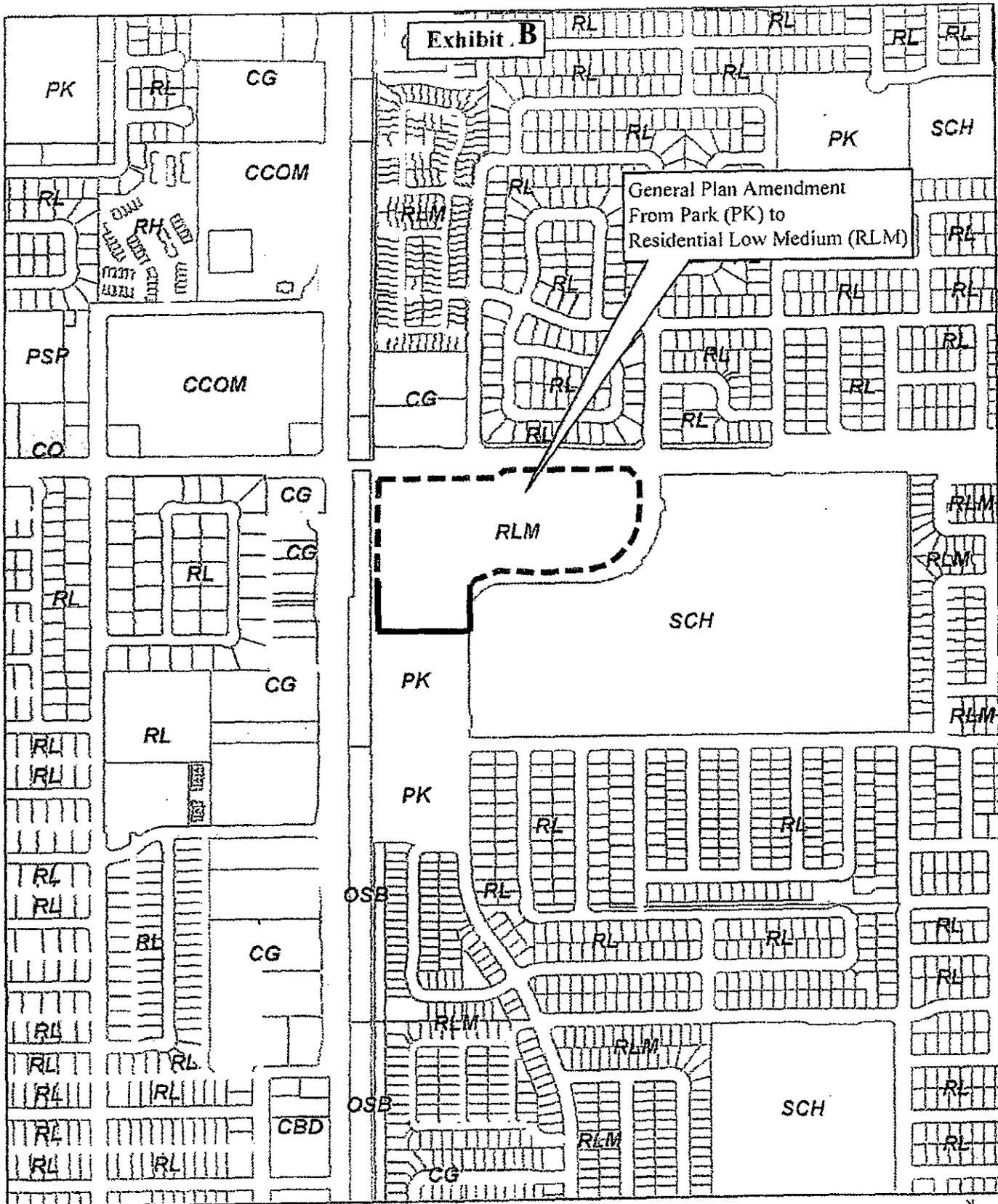
Aldersgate Investments, LLC



Planning & Environmental Services
February 14, 2007



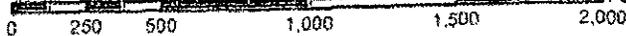
ATTACHMENT PAGE 4 OF 5



General Plan Amendment
PZ 05-620-4

Location: SEC Oxnard Bl & Gonzales Rd.
APN: 215001010; 215001014, 215002010
Aldersgate Investments, LLC

ATTACHMENT ⁶
PAGE 5 OF 5



Planning & Environmental Services
February 14, 2007

000081

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 05-630-2 FOR AN AMENDMENT TO THE NORTHEAST COMMUNITY SPECIFIC PLAN TO CHANGE THE LAND USE MAP FOR PORTIONS OF TWO PARCELS LOCATED ON THE SOUTHEAST CORNER OF OXNARD BOULEVARD AND GONZALES ROAD (APN'S 215-0-010-100/-140) TO LOW MEDIUM RESIDENTIAL. FILED BY ALDERSGATE INVESTMENT, LLC, 300 ESPLANADE DRIVE, OXNARD, CA 93036.

WHEREAS, on June 15, 2006 the Planning Commission approved Resolution No. 2006-31 recommending that the City Council adopt a resolution approving Planning and Zoning Permit No. 05-630-2 (Specific Plan Amendment) filed by Aldersgate Investment, LLC changing the land use designation on portions of two parcels located at the southeast corner of Oxnard Boulevard and Gonzales Road from Sports Park to Low Medium Residential; and

WHEREAS, the City Council has held a public hearing and received and reviewed written and oral comments related to proposed Specific Plan Amendment No. 05-630-2; and

WHEREAS, the City Council directed the Planning Commission to report on the modified project plans; and

WHEREAS, the City Council has received the Planning Commission's report on the modified project plans and taken said report into consideration; and

WHEREAS, the project that is contemplated by the Applicant for this General Plan Amendment calls for the Applicant to construct on the site and dedicate to the City a 4.95-acre park improved with a competition swimming facility and two baseball fields; and

WHEREAS, the specifications for such park improvements will be agreed to by the City and the Applicant pursuant to the terms and conditions of a Development Agreement, the first reading of which will occur on February 27, 2007; and

WHEREAS, the Applicant will present to the City a performance bond guaranteeing construction and dedication of the park after the City and Applicant agree upon the specifications of the park improvements; and

WHEREAS, the Applicant and the City agree that the amendment of the Northeast Community Specific Plan shall not be effective until such time as Applicant has fully complied with section 7(f) of the Development Agreement; and

WHEREAS, the City Council finds after due study and deliberation that the public interest and general welfare require the adoption of Specific Plan Amendment No. 05-630-2; and

WHEREAS, in accordance with Section 15070 of the California Code of Regulations, a supplemental environmental impact report was prepared for Specific Plan Amendment No. 05-630-2 and the Planning Commission certified the final supplemental environmental impact report; and

WHEREAS, the City Council certifies that the final supplemental environmental impact report for Specific Plan Amendment No. 05-630-2 was presented to the City Council, and the City Council considered the information contained in the final supplemental environmental impact report before approving this project; and

WHEREAS, the documents and other material that constitute the record of proceedings upon which the decision to certify the final supplemental environmental impact report is located in the Planning and Environmental Services Division, and the custodian of the record is the Planning and Environmental Services Manager; and

WHEREAS, Applicants agree, as a condition of adoption of this resolution at Applicant's own expense, to indemnify, defend, and hold harmless City and its agents, officers, and employees from and against any claim, action or proceeding to attack, review, set aside, void, or annul the approval of this resolution or any proceedings, acts, or determination taken, done, or made prior thereto that were part of the approval process.

NOW, THEREFORE, the City Council of the City of Oxnard resolves to amend the City of Oxnard Northeast Community Specific Plan for property located at the southeast corner of Oxnard Boulevard and Gonzales Road, as shown in Exhibit A, attached hereto and incorporated herein by reference.

NOW THEREFORE, BE IT FURTHER RESOLVED that this resolution shall not be effective until such time as Applicant has fully complied with section 7(f) of the Development Agreement.

NOW THEREFORE, BE IT FURTHER RESOLVED that this resolution shall be null and void if for whatever reason, including the failure of the Applicant and City to agree upon the specifications for the park improvements, the Applicant fails to comply with section 7(f) of the Development Agreement.

PASSED AND ADOPTED this 27th day of February, 2007 by the following vote:

AYES:

NOES:

ABSENT:

Dr. Thomas E. Holden, Mayor

//// [Attestation on next page]

Resolution No.

Page 3

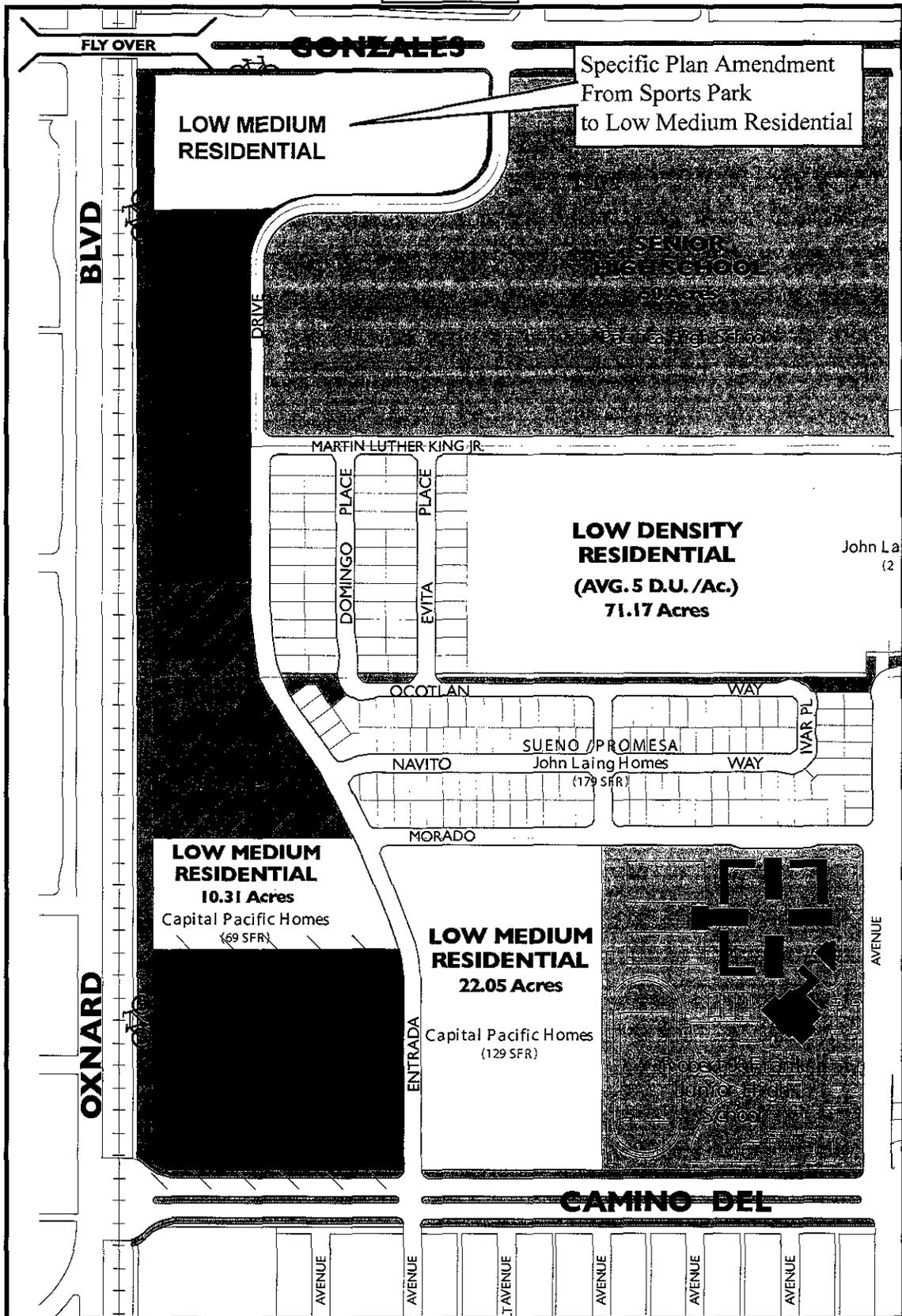
ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:


Gary L. Gillig, City Attorney

Exhibit A



Planning & Environmental Services
February 14, 2007

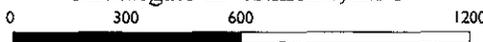
Specific Plan Amendment

PZ 05-630-2

Location: SEC Oxnard Bl & Gonzales Rd.

APN: 215001010, 215001014, 215002010

Aldersgate Investments, LLC

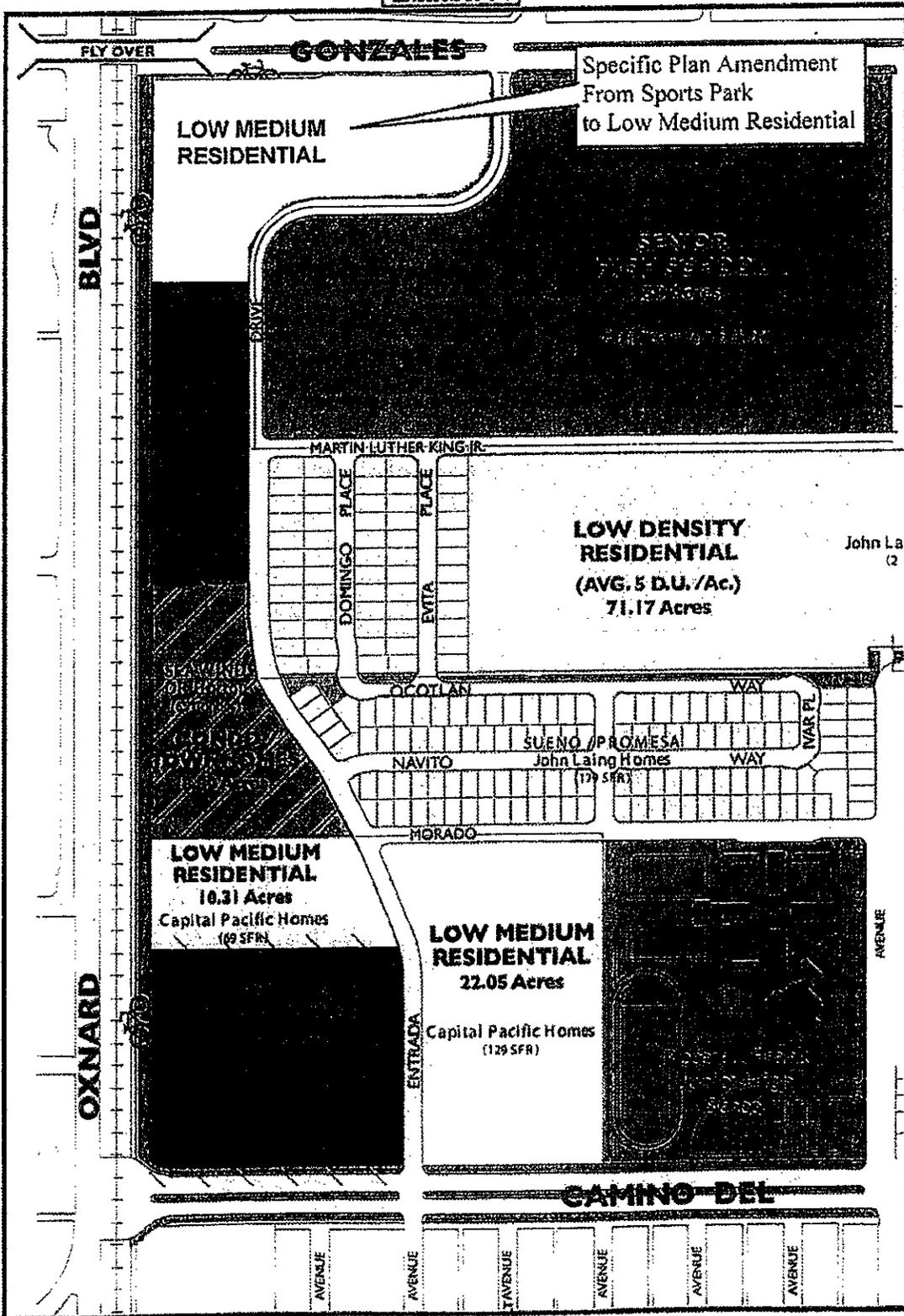


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ATTACHMENT

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Exhibit B



Planning & Environmental Services
February 14, 2007

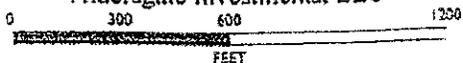
Specific Plan Amendment

PZ 05-630-2

Location: SEC Oxnard Bl & Gonzales Rd.

APN: 215001010, 215001014, 215002010

Aldersgate Investments, LLC



ATTACHMENT 7
PAGE 5 OF 5

000086

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 05-570-2 TO CHANGE ZONING FOR PORTIONS OF TWO PARCELS LOCATED ON THE SOUTHEAST CORNER OF OXNARD BOULEVARD AND GONZALES ROAD (APN'S 215-0-010-100/-140) TO R-2 MULTI-FAMILY RESIDENTIAL. FILED BY ALDERSGATE INVESTMENT, LLC, 300 ESPLANADE DRIVE, OXNARD, CA 93036.

WHEREAS, on June 15, 2006 the Planning Commission approved Resolution No. 2006-32 recommending that the City Council adopt a resolution approving Planning and Zoning Permit No. 05-570-2 (Zone Change) filed by Aldersgate Investment, LLC, changing the land use designation on portions of two parcels located at the southeast corner of Oxnard Boulevard and Gonzales Road from Community Reserve to R-2 Multi-Family Residential; and

WHEREAS, the City Council has held a public hearing and received and reviewed written and oral comments related to proposed Zone Change No. 05-620-2; and

WHEREAS, the City Council directed the Planning Commission to report on the modified project plans; and

WHEREAS, the City Council has received the Planning Commission's report on the modified project plans and taken said report into consideration; and

WHEREAS, the project that is contemplated by the Applicant for this General Plan Amendment calls for the Applicant to construct on the site and dedicate to the City a 4.95-acre park improved with a competition swimming facility and two baseball fields; and

WHEREAS, the specifications for such park improvements will be agreed to by the City and the Applicant pursuant to the terms and conditions of a Development Agreement, the first reading of which will occur on February 27, 2007; and

WHEREAS, the Applicant will present to the City a performance bond guaranteeing construction and dedication of the park after the City and Applicant agree upon the specifications of the park improvements; and

WHEREAS, the Applicant and the City agree that the amendment of the General Plan shall not be effective until such time as Applicant has fully complied with section 7(f) of the Development Agreement; and

WHEREAS, the City Council finds after due study and deliberation that the public interest and general welfare require the adoption of Zone Change No. 05-620-2; and

WHEREAS, in accordance with Section 15070 of the California Code of Regulations, a supplemental environmental impact report was prepared for Zone Change No. 05-620-2 and the Planning Commission certified the final supplemental environmental impact report; and

WHEREAS, the City Council certifies that the final supplemental environmental impact report for Zone Change No. 05-620-2 was presented to the City Council, and the City Council considered the information contained in the final supplemental environmental impact report before approving this project; and

WHEREAS, the documents and other material that constitute the record of proceedings upon which the decision to certify the final supplemental environmental impact report is located in the Planning and Environmental Services Division, and the custodian of the record is the Planning and Environmental Services Manager; and

WHEREAS, Applicants agree, as a condition of adoption of this resolution at Applicant's own expense, to indemnify, defend, and hold harmless City and its agents, officers, and employees from and against any claim, action or proceeding to attack, review, set aside, void, or annul the approval of this resolution or any proceedings, acts, or determination taken, done, or made prior thereto that were part of the approval process.

WHEREAS, the zone change is consistent with the 2020 General Plan.

NOW THEREFORE, BE IT RESOLVED that the effective date of this ordinance shall be when the Applicant has fully complied with section 7(f) of the Development Agreement.

NOW THEREFORE, BE IT FURTHER RESOLVED that this ordinance shall be null and void if for whatever reason, including the failure of the Applicant and City to agree upon the specifications for the park improvements, the Applicant fails to comply with section 7(f) of the Development Agreement.

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

Part 1. Zone Change No. 05-620-2 is approved, as shown on the map attached hereto as Exhibit A and incorporated herein by reference.

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Ordinance No.

Page 3

Part 2. Within fifteen days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation, published and circulated in the City. Ordinance No. _____ was first read on February 27, 2007, and finally adopted on _____, 2007, to become effective when the Applicant has fully complied with section 7(f) of the Development Agreement..

AYES:

NOES:

ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

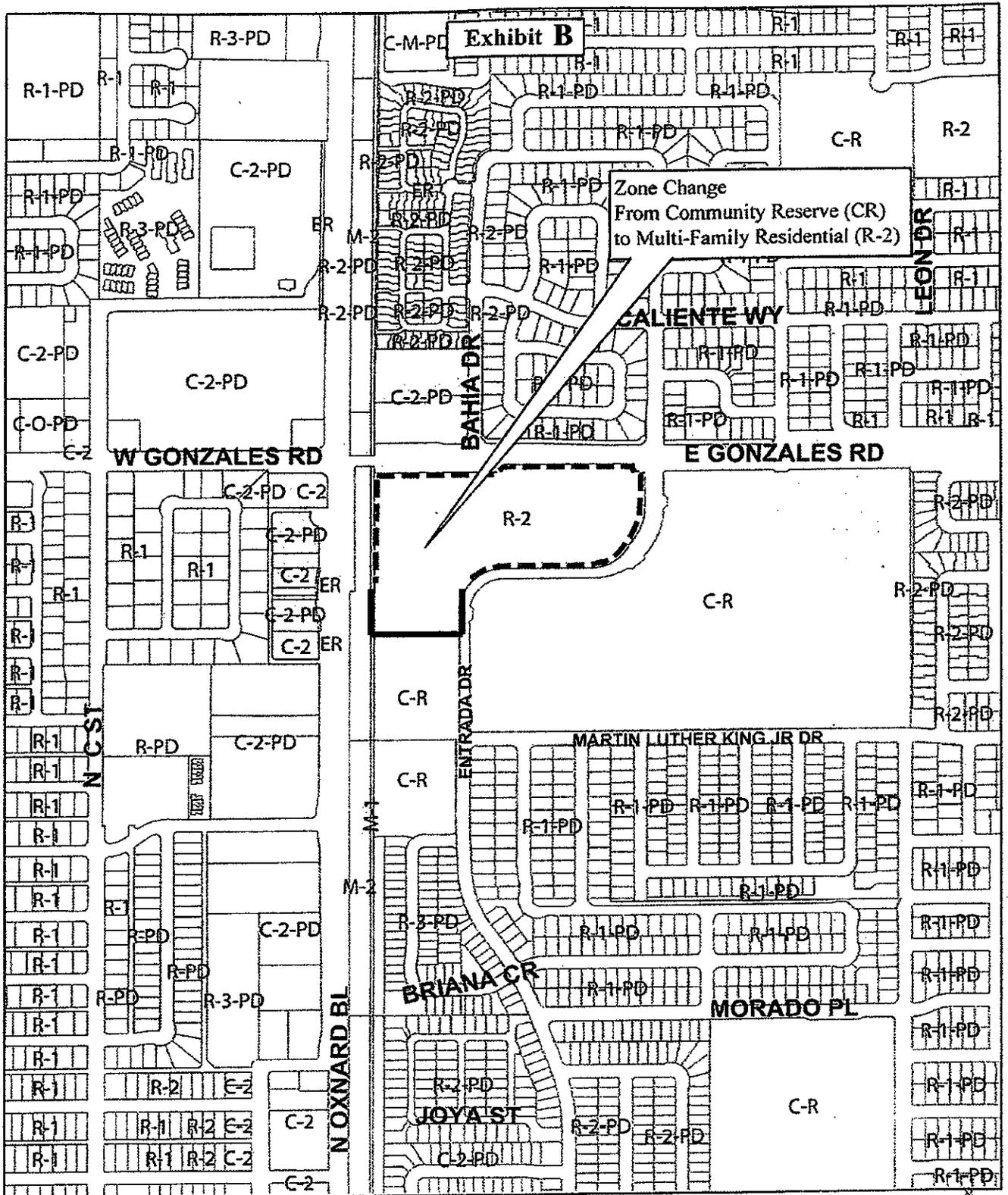
Daniel Martinez, City Clerk

APPROVED AS TO FORM:

Gary L. Gillig, City Attorney

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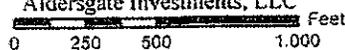
ATTACHMENT 9
PAGE 3 OF 5



Planning & Environmental Services
February 14, 2007

Zone Change
PZ 05-570-2

Location: SEC Oxnard Bl & Gonzales Rd.
APN: 215001010, 215001014, 215002010
Aldersgate Investments, LLC



ATTACHMENT 9
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