



Meeting Date: 9 / 25 / 2007

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: Susan L. Martin, AICP, Planning Manager *sm* Agenda Item No. L-3

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

DATE: September 25, 2007.

TO: City Council

FROM: Susan L. Martin, AICP, Planning Manager *sm*
Development Services Department

SUBJECT: Appointment of a Development Agreement Team and Approval of a Tentative Subdivision Map and Coastal Development Permit for property located on the west side of Harbor Boulevard, between Breakers Way and Reef Way. Filed by City of Oxnard.

RECOMMENDATION

That City Council:

1. Direct the City Manager to appoint a team to negotiate a development agreement with Elevar Seven, LLC pursuant to the sale and purchase agreement for property located on the west side of Harbor Boulevard, between Breakers Way and Reef Way.
2. Adopt a resolution approving a tentative subdivision map for Tract No. 5063, subject to certain findings and conditions.
3. Adopt a resolution upholding the Planning Commission's approval of Coastal Development Permit No. 98-5-106, subject to certain findings and conditions.

DISCUSSION

The subject site is a vacant parcel, consisting of 1.39 gross acres, located within the City's Coastal Zone. Previously, this property was part of a larger land-use entitlement effort that included a second parcel, located on the north side of Whitecap Street, east of Mandalay Beach Road. Due to potential environmental concerns specific to the Whitecap parcel, permit processing for that site (PZ 98-5-107) is on hold, and not included with the subdivision and coastal permit requests for the Breakers Way site.

On January 20, 2005, the Planning Commission voted to recommend approval for subdivision of the property at Breakers Way for 12 residential lots. Although the City Council, in March 2005, approved the recommended subdivision, the State Coastal Commission staff informed the City that the City Council's action on the subdivision were premature at that time, and must follow the State's action on the Local Coastal Program Amendment to rezone the property.

After considerable discussion and consideration, the State Coastal Commission approved the City's request to rezone the subject site, from Resource Protection (RP) to Single Family Beach (R-B-1), at a public hearing on August 8, 2007. With a unanimous vote, the decision became effective immediately

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and requires no further action by either the Coastal Commission or the City. As such, the City is now pursuing the subdivision request specific to the Breakers Way site.

The City is under contract to sell this property to Elevar Seven, LLC for development of 12 single-family homes. Construction of the residential units would comply with all applicable zoning, parking, and development standards in the R-B-1 zone district, and would compliment the existing neighborhood and build-out of surrounding homes in the project vicinity.

A proposed development agreement may consider items relating to timeframes for construction, and clarification of public improvements. Prior to City Council approval of any development agreement, the developer shall demonstrate that the agreement provides significant additional benefits to the City, which cannot be provided by conditions of approval of other land use entitlements.

FINANCIAL IMPACT

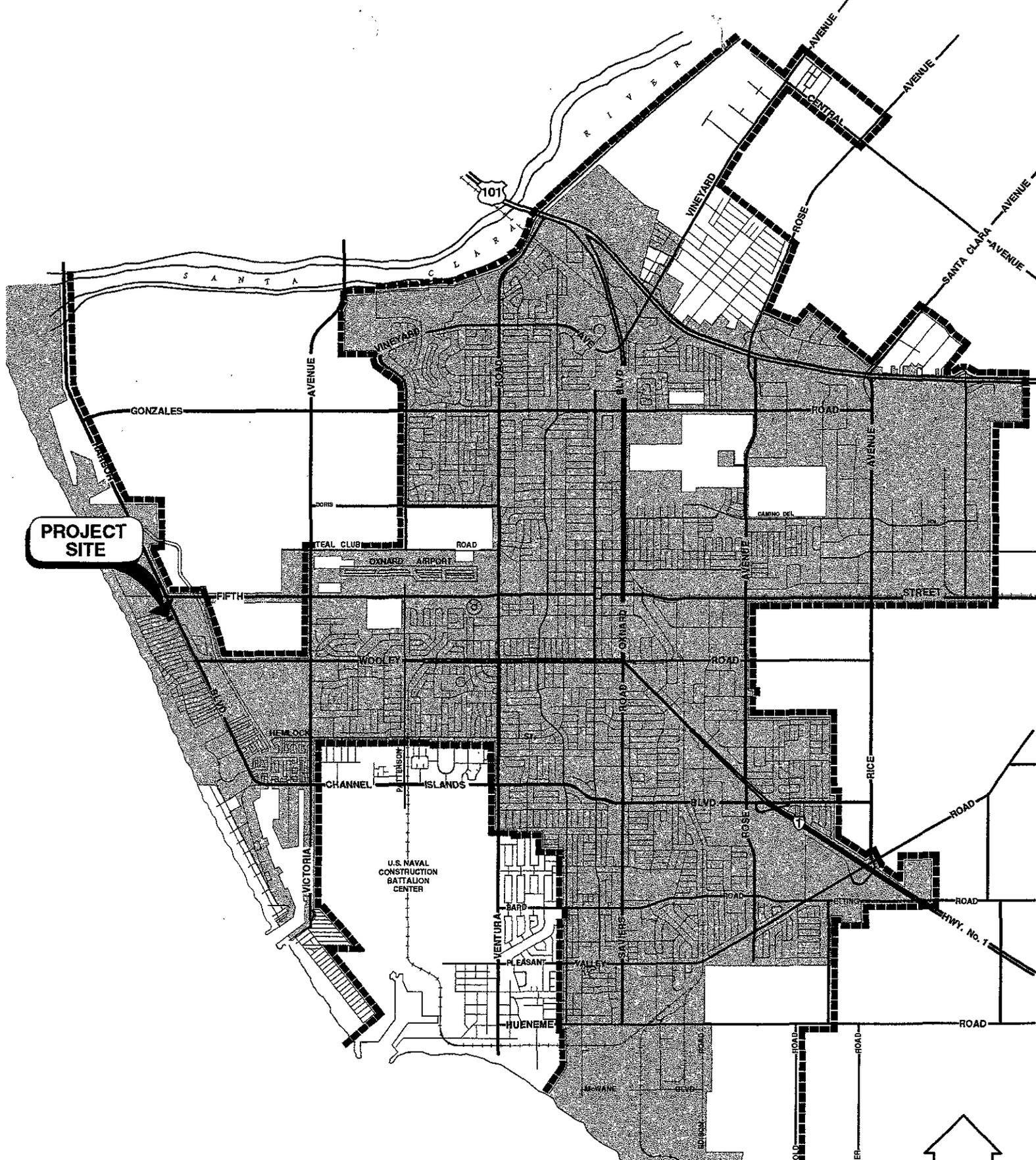
The City would receive revenues resulting from the sale of this surplus property in the approximate sum of \$5,760,000.00.

Attachment 1 - Location Map

- 2 - Tentative Subdivision Map for Tract No. 5063
- 3 - City Council Resolution, Tentative Subdivision Map for Tract No. 5063
- 4 - City Council Resolution, Coastal Development Permit (PZ 98-5-106)
- 5 - Planning Commission Minutes (meeting of January 20, 2005)
- 6 - Planning Commission Resolutions
- 7 - Planning Commission Staff Report (dated January 20, 2005)

Note: Attachment Nos. 6 and 7 have been provided to the City Council under separate cover. Copies are available for review at the Circulation Desk in the Library after 6:00 p.m. on Thursday prior to the Council meeting, and at the City Clerk's Office after 8:00 a.m. on the Monday prior.

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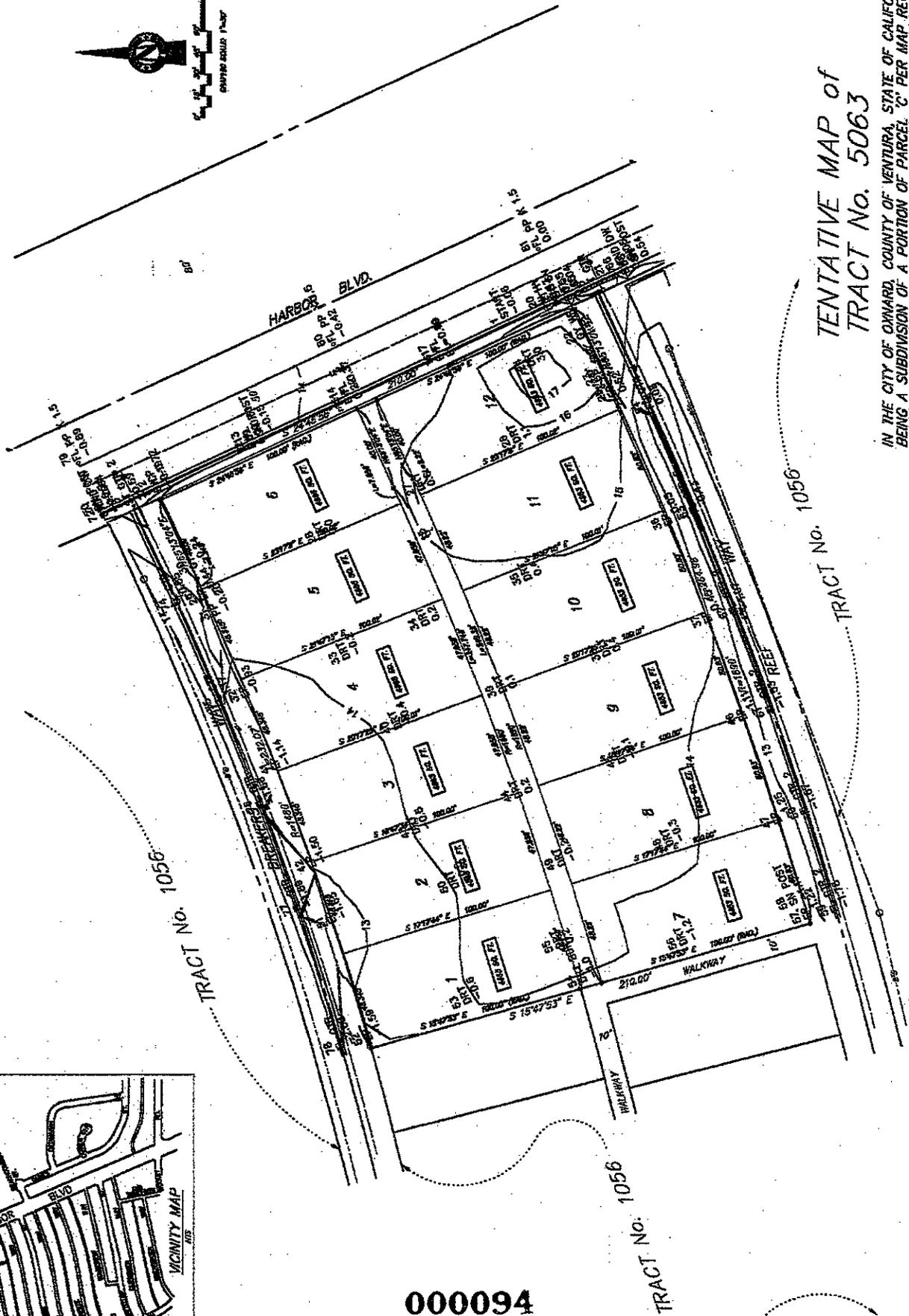
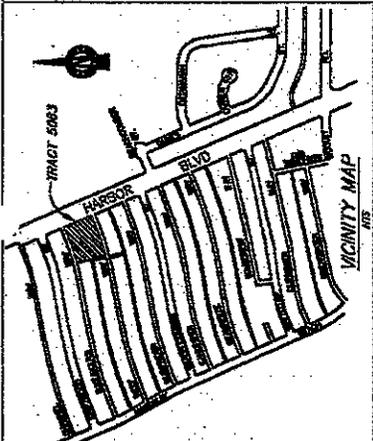
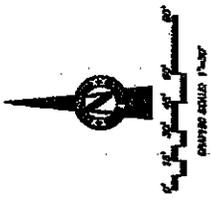

 City of
PLANNING AND ENVIRONMENTAL SERVICES

FILE No.
PZ 98-05-106
 Tr. 5063
 LCP 98-01

DATE: **10-12-98**
 PREPARED BY:
E. Carrillo

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ATTACHMENT 1
 PAGE 1 OF 1



TENTATIVE MAP of
TRACT No. 5063

IN THE CITY OF OAKLAND, COUNTY OF VENTURA, STATE OF CALIFORNIA
BEING A SUBDIVISION OF A PORTION OF PARCEL 'C' PER MAP RECORDED
IN BOOK 16 OF MISCELLANEOUS RECORDS (MAPS) AT PAGES 46 THROUGH
49, INCLUSIVE.

TRACT No. 1056

TRACT No. 1056

TRACT No. 1056

GROSS AREA = 1.30 ACRES.

UTILITIES:
WATER - CITY OF OAKLAND
ELECTRICITY - SOUTHERN CALIFORNIA EDISON COMPANY
SEWER - CITY OF OAKLAND
GAS - SOUTHERN CALIFORNIA GAS COMPANY

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING A TENTATIVE SUBDIVISION MAP OF TRACT NO. 5063, TO SUBDIVIDE ONE PARCEL INTO 12 LOTS, LOCATED ON THE WEST SIDE OF HARBOR BOULEVARD, BETWEEN BREAKERS WAY AND REEF WAY, SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY CITY OF OXNARD, PLANNING & ENVIRONMENTAL SERVICES DIVISION, 305 WEST THIRD STREET, OXNARD, CA 93030.

WHEREAS, City Council has carefully reviewed Planning Commission Resolution No. 2005-11 recommending approval of Tentative Subdivision Map of Tract No. 5063 (Tentative Map), for property located on the west side of Harbor Boulevard, between Breakers Way and Reef Way, filed by the City of Oxnard; and

WHEREAS, in accordance with the California Environmental Quality Act, the Planning and Environmental Services Manager provided public notice of the intent of the City to adopt a mitigated negative declaration for this project, and the City Council considered the proposed mitigated negative declaration, together with any comments received during the public review process, finds on the basis of the whole record before it (including the initial study and any comments received) that with the imposition of mitigation measures as conditions of approval, there is no substantial evidence that the project will have a significant effect on the environment, further finds that the mitigated negative declaration reflects the independent judgment of the City, and adopts the mitigated negative declaration; and

WHEREAS, the documents and other materials that constitute the record of proceedings upon which the decision to adopt the mitigated negative declaration is based is located in the Planning and Environmental Services Division of the City of Oxnard, and the custodian of the record is the Planning and Environmental Services Manager; and

WHEREAS, the City Council finds that the Tentative Map complies with all requirements of the Subdivision Map Act and the Oxnard City Code; and

WHEREAS, the City Council finds that the Tentative Map, the proposed site, and the design and improvement of the development requested are consistent with the General Plan; and

WHEREAS, the City Council finds that the proposed site is suitable for the type and density of development requested and is not likely to cause substantial environmental damage, serious public health problems or conflict with any publicly acquired easements or access.

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ATTACHMENT 3
PAGE 1 OF 2

NOW, THEREFORE, the City Council of the City of Oxnard resolves that Tentative Subdivision Map for Tract No. 5063 is hereby approved, subject to the conditions set forth in Planning Commission Resolution No. 2005-11.

PASSED AND ADOPTED this 25th day of September 2007, by the following vote:

AYES:

NOES:

ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

APPROVED AS TO FORM:

Daniel Martinez, City Clerk

James A. Rupp, Jr. For
Gary L. Gillig, City Attorney

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CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD UPHOLDING PLANNING COMMISSION APPROVAL OF COASTAL DEVELOPMENT PERMIT NO. 98-5-106 TO ALLOW A SUBDIVISION OF PROPERTY, LOCATED ON THE WEST SIDE OF HARBOR BOULEVARD, BETWEEN BREAKERS WAY AND REEF WAY, SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY CITY OF OXNARD, PLANNING & ENVIRONMENTAL SERVICES DIVISION, 305 WEST THIRD STREET, OXNARD, CA 93030.

WHEREAS, Planning Commission Resolution No. 2005-08 approved Coastal Development Permit No. 98-5-106 filed by the City of Oxnard to subdivide vacant property within the Oxnard Shores area, located on the west side of Harbor Boulevard, between Breakers Way and Reef Way; and

WHEREAS, the City Council has carefully reviewed the decision of the Planning Commission; and

WHEREAS, the City Council has conducted a hearing and received evidence in favor of and opposed to approval of this permit; and

WHEREAS, in accordance with the California Environmental Quality Act, the Planning and Environmental Services Manager provided public notice of the intent of the City to adopt a mitigated negative declaration for this project, and the City Council considered the proposed mitigated negative declaration, together with any comments received during the public review process, finds on the basis of the whole record before it (including the initial study and any comments received) that with the imposition of mitigation measures as conditions of approval, there is no substantial evidence that the project will have a significant effect on the environment, further finds that the mitigated negative declaration reflects the independent judgment of the City, and adopts the mitigated negative declaration; and

WHEREAS, the documents and other materials that constitute the record of proceedings upon which the decision to adopt the mitigated negative declaration is based is located in the Planning and Environmental Services Division of the City of Oxnard, and the custodian of the record is the Planning and Environmental Services Manager.

NOW, THEREFORE, the City Council of the City of Oxnard resolves that the Planning Commission's approval of Coastal Development Permit No. 98-5-106 is hereby upheld subject to the conditions set forth in Planning Commission Resolution No. 2005-08.

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ATTACHMENT 4
PAGE 1 OF 2

PASSED AND ADOPTED this 25th day of September 2007, by the following vote:

AYES:

NOES:

ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

APPROVED AS TO FORM:

Daniel Martinez, City Clerk

James F. Rupp, Jr. for

Gary L. Gillig, City Attorney

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MINUTES

OXNARD PLANNING COMMISSION
REGULAR MEETING
JANUARY 20, 2005

A. ROLL CALL

At 7:05 p.m., the regular meeting of the Oxnard Planning Commission convened in the Council Chambers. Vice Chair Dale Dean, and Commissioners Ronald Fischer, Ricardo Lopez Saul Medina, Sonny Okada, Irene Pinkard and Michael Sanchez were present. Vice Chair Dean presided and called the meeting to order. Staff members present were: Susan Martin, Acting Planning and Environmental Services Manager; Paula Kimbrell, Assistant City Attorney; Juan Martinez, Associate Planner; Paul Wendt, Senior Civil Engineer; Jason Samonte, City Traffic Engineer; and Jessica Halseth, Recording Secretary.

B. ELECTION OF OFFICERS

Having stated that the new Planning Commissioners had been sworn in by the City Clerk, the Planning Commission proceeded to elect its officers.

MOTION Commissioner Fischer moved and Commissioner Okada seconded a motion to nominate Vice Chair Dean to the post of Chair. The question was called and the motion carried unanimously.

MOTION Commissioner Okada moved and Commissioner Medina seconded a motion to nominate Commissioner Fischer to the post of Vice Chair. The question was called and the motion carried unanimously.

Chair Dean appointed Susan Martin as Secretary, and Paula Kimbrell as Attorney for the Planning Commission.

C. PUBLIC COMMENTS

D. READING OF AGENDA

Sue Martin, Acting Planning and Environmental Services Manager, read the agenda.

MOTION Vice Chair Fischer moved and Commissioner Sanchez seconded a motion to continue Item G-3 to the meeting of February 17, 2005. The question was called and the motion carried unanimously.

E. CONSENT AGENDA

F. CONTINUED PUBLIC HEARINGS

G. NEW PUBLIC HEARINGS

1. PLANNING AND ZONING PERMIT NO. 03-200-07 (Special Use Permit), to develop a 1.73 acre site, and construct a 13,700 square foot industrial tilt-up building and a 2,554 square foot enclosed vehicle wash building, on a site zoned Light Manufacturing Planned Development (M1-PD), located at 2958 Sturgis Road (APN 216-160-335). Filed by Mark Pittman, Pittman Group Architects, 391 south Dawson Drive, Camarillo, CA 93012.
Project Planner: Juan Martinez

Juan Martinez, Associate Planner, gave a presentation on the project. He reviewed project and site information, discussed adjacent uses and displayed site photos; reviewed Planning Commission concerns regarding landscaping in the parking lot and surrounding the vehicle wash building; presented building elevations; and discussed the reciprocal access maintenance agreement condition. He stated that the applicant agreed to all conditions.

Paul Wendt, Senior Civil Engineer, addressed concerns regarding drainage from the subject site onto the adjacent property. He stated that all water on site is designed to drain to the Sysco facility.

Jason Samonte, City Traffic Engineer, stated that left hand turns from the project site could potentially cause traffic hazards.

Mr. Martinez reviewed the hours of operation and stated that the developer could elaborate. He stated that a total of thirty catering trucks could be stored on site.

Chair Dean opened the public hearing.

Mark Pittman, Pittman Group Architects, thanked the Planning staff. He addressed drainage concerns, questions related to traffic and the location of the entrance; he stated that the business currently owned thirty trucks.

Art Alcaraz, 2005 Entrada Drive, thanked the Commission for its consideration.

Chair Dean closed the public hearing.

Commissioners Sanchez, Medina, Pinkard, Okada, Lopez and Vice Chair Fischer spoke in favor of the project.

MOTION Vice Chair Fischer moved and Commissioner Sanchez seconded a motion to approve PZ 03-200-07. The question was called and the motion carried unanimously.

2. LOCAL COASTAL PROGRAM AMENDMENT NO. 98-1 AND PLANNING AND ZONING PERMIT NOS. 98-5-106 AND 107 (Coastal Development Permits); a request for a coastal plan amendment, and coastal development permits for tentative subdivision maps for two vacant sites. Tract No. 5063 (PZ 98-5-106), consisting of 1.39 gross acres, is located on the west side of Harbor Boulevard, between Breakers Way and Reef Way, Tract No. 5064 (PZ 98-5-107), consisting of 1.6 gross acres, is located on the north side of Whitecap Street, east of Mandalay Beach Road. The coastal plan amendment will change the zoning of the subject sites from RP (Coastal Resource Protection) to R-B-1 (Single Family Beach) for future residential development. This change will make the Coastal Zone Map consistent with the Coastal Land Use Plan, which currently designates the subject sites for Low Medium Residential development. Filed by City of Oxnard, Planning and Environmental Services Division, 305 West Third Street, Oxnard, CA 93030. This case is appealable to the State Coastal Commission as established in Section 37-5.4.7 and 8 of the City of Oxnard Coastal Zoning Regulations.

Project Planner: Susan Martin

Susan Martin, Acting Planning and Environmental Services Manager, gave a presentation on the project. She discussed the vicinity map, tentative maps for both project sites, and the Negative Declaration reviews.

Chair Dean opened the public hearing.

Matthew Winegar, Development Services Director, stated that he would be available to answer questions.

Deidre Frank, resident, reviewed the history of the properties in question. She expressed her concern about the conflict of the City acting as both applicant and reviewing body. She discussed the need for open space and the poor quality of the beach; CEQA concerns; additional development in the area and the cumulative effect on traffic; beach access; lack of parking, open space and recreational areas; and her desire to keep the existing zoning.

Robert Murphy, 5247 Whitecap St., spoke against the project. He discussed his involvement in the history of Tract 5064, including his previous relations with city staff, Planning Commission and City Council regarding his property and the previous intentions of the City to abandon Wavcrest Way. He referenced a letter distributed to the Commission.

Elvan Moen, 5310 Whitecap Street, discussed the severe parking problems in the area and suggested a park use for the subject sites.

Chair Dean closed the public hearing.

Mr. Winegar reviewed the history of subdivision in the Oxnard Shores area, stating that the subject sites had originally been zoned for oil drilling. He discussed the previous approval by

the Planning Commission; the history of Wavecrest Way and the City's previous desire to abandon the Way; and reviewed parking issues. He discussed laws pertaining to the City acting as applicant and reviewing body, stating that it is not an unusual scenario.

Mr. Winegar stated that the two projects could be considered separately by the Planning Commission if it so desired.

Paula Kimbrell, Assistant City Attorney, stated that both sites were considered surplus properties and were available to be sold.

Commissioners Medina, Sanchez, Okada and Vice Chair Fischer spoke in favor of the projects.

Commissioner Pinkard expressed concerns about Tract 5064. She expressed a desire to consider a park for this site and discussed parking issues.

Mr. Winegar discussed reimbursement to Mr. Murphy for his incurred legal expenses.

MOTION Vice Chair Fischer moved and Commissioner Medina seconded a motion to direct staff to meet with Mr. Murphy to reconcile issues pertaining to his expenses. Vice Chair Fischer then withdrew his motion.

Chair Dean spoke in favor of the project.

Commissioner Pinkard asked that a separate motion be made for each action.

MOTION Commissioner Sanchez moved and Commissioner Pinkard seconded a motion to recommend that City Council approve Local Coastal Plan No. 98-1. The question was called and the motion carried unanimously.

MOTION Commissioner Sanchez moved and Commissioner Okada seconded a motion to adopt a resolution approving CDP 98-5-106. The question was called and the motion carried unanimously.

MOTION Commissioner Sanchez moved and Vice Chair Fischer seconded a motion to adopt a resolution approving CDP 98-5-107. The question was called and the motion carried unanimously.

MOTION Commissioner Pinkard moved and Commissioner Medina seconded a motion to recommend that the City Council approve a tentative subdivision map for Tract 5063. The question was called and the motion carried unanimously.

MOTION Commissioner Sanchez moved and Commissioner Pinkard seconded a motion to recommend that the City Council approve a tentative subdivision map for Tract 5064 with additional

consideration to incorporate open space. The question was called and the motion carried, Chair Dean voting against the motion.

3. PLANNING AND ZONING PERMIT NO. 04-550-13 (Major Modification to Special Use Permit 1088) a request to demolish and rebuild the existing Taco Bell restaurant, essentially same size and location at 1725 North Oxnard Boulevard (APN 200-0-334-035), within the Carriage Square neighborhood. The proposed project is exempt from environmental review under CEQA Section 15302. Filed by Lauterbach and Associates, 300 Montgomery Avenue, Oxnard, CA 93036.
Project Planner: Chris Williamson

This item was continued to the meeting of February 17, 2005.

H. PLANNING COMMISSION BUSINESS

Commissioner Okada welcomed the new Commissioners. He stated that he was honored to be on the Commission and thanked the Planning staff.

I. PLANNING MANAGER COMMENTS

J. ADJOURNMENT

At 8:43 p.m. Vice Chair Fischer moved and Commissioner Lopez seconded a motion to adjourn. The motion carried unanimously.

Dale Dean
Chair

ATTEST: _____
Susan Martin, Secretary