



Meeting Date: 06.17.08

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

Prepared By: James F. Rupp, Jr. Agenda Item No. K-1
 Reviewed By: City Manager [Signature] City Attorney [Signature] Finance [Signature] Other (Specify) _____

DATE: June 5, 2008

TO: City Council

FROM: James F. Rupp, Jr. James F. Rupp, Jr.
Assistant City Attorney

SUBJECT: Ordinance Adopting Development Agreement with Breakers 12, LLC

RECOMMENDATION

That City Council approve the first reading by title only and subsequent adoption of an ordinance adopting a development agreement between Breakers 12, LLC and the City for property located west of Harbor Boulevard between Breakers Way and Reef Way (Agreement No. A-7065).

DISCUSSION

On September 25, 2007, the City Council directed the City Manager to appoint a team to negotiate a development agreement with Elevar Seven, LLC pursuant to the sale and purchase agreement for the subject property. Pursuant to the terms of the sale and purchase agreement, Elevar Seven, LLC, has assigned its rights to Breakers 12, LLC. Accordingly, the development agreement is between the City and Breakers 12, LLC.

On June 5, 2008, the Planning Commission conducted a public hearing to consider the development agreement. The Planning Commission adopted a resolution finding the development agreement in compliance with the 2020 General Plan and recommending adoption of the development agreement.

On June 6, 2008, public notice was published that this matter would be considered by the City Council on June 17, 2008.

The project is a twelve unit subdivision for single family homes. Each lot may be developed with a single family home without further discretionary action by the City Council. The developer is required to obtain a building permit, which is a ministerial action.

The term of the development agreement is fifteen years.

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In accordance with Section 15061(b)(2) of the California Environmental Quality Act (CEQA) Guidelines, a general rule clarifies 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." Development of this property for future residential use was previously considered with the approval of the tentative subdivision map for Tract No. 5063. This proposal consists of a development agreement addressing the timing of construction permits and pertinent fees for the approved subdivision. Therefore, staff has determined that there is no substantial evidence that the project may have a significant effect on the environment and has filed a Notice of Exemption.

FINANCIAL IMPACT

None

ATTACHMENTS

Attachment #1: Ordinance

Attachment #2: Development Agreement

Attachment #3: Staff Report to Planning Commission including Notice of Exemption

Note: The Development Agreement and Planning Commission Final Report 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 Monday.

UNCODIFIED ORDINANCE OF THE CITY OF OXNARD

ORDINANCE NO. __

UNCODIFIED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD
ADOPTING A DEVELOPMENT AGREEMENT WITH BREAKERS 12, LLC

WHEREAS, Government Code sections 65864 et seq. authorize the City Council to adopt development agreements; and

WHEREAS, Government Code section 65868 authorizes the City Council to adopt amendments to development agreements; and

WHEREAS, the City of Oxnard ("City") and Breakers 12, LLC ("Breakers 12") wish to enter into a development agreement; and

WHEREAS, because no additional discretionary actions by the City are required for development of the twelve lot subdivision, a Notice of Exemption was filed in accordance with Section 15061(b)(2) of the California Environmental Quality Act Guidelines; and

WHEREAS, the City Council has considered the information contained in such Notice of Exemption before approving this development agreement; and

WHEREAS, on June 5, 2008, the City's Planning Commission conducted a public hearing on the development agreement; and

WHEREAS, the City Council provided notice of its intent to consider the development agreement in accordance with the requirements set forth in section 65867 of the Government Code; and

WHEREAS, on June 17, 2008, the City Council conducted a public hearing on the development agreement in accordance with the requirements set forth in section 65867 of the Government Code.

Now, therefore, the City Council of the City of Oxnard does ordain as follows:

Part 1. The development agreement between City and Breakers 12, which is on file with the City Clerk, is hereby adopted.

Part 2. The Mayor is hereby authorized to execute on behalf of the City the development agreement between City and Breakers 12.

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Part 3. Within 15 days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation within the city. Ordinance No. _____ was first read on _____, 20__ and finally adopted on _____, 20__ to become effective thirty days thereafter.

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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