



Meeting Date: 1/06/09

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

Prepared By: Winston Wright, Associate Planner *WW* Agenda Item No. **I-1**

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

DATE: December 22, 2008

TO: City Council

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

SUBJECT: Planning and Zoning Permit 07-550-01 (Major Modification) A Request to Remove Two Conditions from Parcel Map No. 84-17 Affecting Property Along the Northern Right-of-Way of Eastbourne Bay and at 4490 Eastbourne Bay. Filed by Dan Voss ("Voss"), 4254 Harbor Island Lane, Oxnard, CA 93035.

RECOMMENDATION

Adopt a resolution (1) approving Planning and Zoning Permit 07-550-1 (Major Modification to Parcel Map 84-17) to modify Planning Commission Resolution No. 7119; and (2) authorizing the Mayor to sign an Agreement Restricting Use of Property (A-7125) ("Agreement") to ensure that the intent of Planning Commission Resolution No. 7119 is followed.

DISCUSSION

On December 16, 2008, City Council held a public hearing to discuss the above-referenced request for a major modification. City Council received testimony and public comment. The public hearing was closed. City Council indicated an intention to adopt City staff's recommendation, provided that several conditions were added to the implementing documents.

The attached resolution and Agreement add those conditions. The conditions are contained in paragraphs 10 (Assessment District) and 11 (Maintenance of Property) of the Agreement. The conditions provide that Voss, or his successor in interest, will consent to the inclusion of the subject property into an assessment district which provides for the maintenance of waterways and other public improvements. The conditions also provide that Voss will maintain the subject property free of abandoned vehicle, weeds, litter and debris, and that subject to Coastal Commission Requirements, Voss will provide hydro-seeding or other ground cover for the unimproved portion of Parcel B.

Major Modification to PM No. 84-17
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FINANCIAL IMPACT

None.

Attachment #1 - Resolution Approving a Request for Major Modification
#2 - Agreement Restricting Use of Property

Note: The Agreement Restricting Use of Property has 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 prior to the Council Meeting.

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. 07-550-01 (MAJOR MODIFICATION) A REQUEST TO MODIFY AN APPROVED PARCEL MAP (NO. 84-17) FOR PROPERTY LOCATED ALONG THE NORTHERN RIGHT-OF-WAY OF EASTBOURNE BAY AND AT 4490 EASTBOURNE BAY, SUBJECT TO CERTAIN CONDITIONS AND THE RECORDATION OF A LEGAL AGREEMENT. FILED BY DAN VOSS, 4254 HARBOR ISLAND LANE, OXNARD, CA 93035.

WHEREAS, on November 20, 2008, the Planning Commission of the City of Oxnard considered an application at a public hearing to modify Parcel Map No. 84-17 (Major Modification PZ No. 07-550-01) by removing two conditions from Planning Commission Resolution No. 7119 for property located along the northern right-of-way of Eastbourne Bay and at 4490 Eastbourne Bay, filed by Dan Voss; and

WHEREAS, on December 16, 2008, the City Council carefully reviewed the Planning Commission action recommending approval of Major Modification PZ No. 07-550-01 at a public hearing; and

WHEREAS, the City Council carefully reviewed Planning Commission Resolution No. 2008-69 recommending approval of Major Modification PZ No. 07-550-01; and

WHEREAS, the City Council carefully reviewed the Agreement Restricting Use of Property (A-7125) recommended by the Planning Commission; and

WHEREAS, on December 16, 2008, the City Council received testimony and public comment regarding Major Modification PZ No. 07-550-01 and closed the public hearing; and

WHEREAS, the City Council, based on the testimony and public comments received on December 16, 2008, added conditions to the Agreement Restricting Use of Property (A-7125); and

WHEREAS, the City Council finds that, with the revised Agreement Restricting Use of Property (A-7125), Major Modification PZ No. 07-550-01 complies with all requirements of the Subdivision Map Act and the Oxnard City Code; and

WHEREAS, the City Council finds that, with the revised Agreement Restricting Use of the Property (A-7125), Major Modification PZ No. 07-550-01 is consistent with the City of Oxnard Coastal Land Use Plan; and

WHEREAS, the City Council finds that the proposed site is suitable for the type and density of development that would result from the approval of Major Modification PZ No. 07-550-01 and is not likely to cause substantial environmental damage, serious public health problems or conflict with any public utility or easements or access.

NOW, THEREFORE, the City Council of the City of Oxnard resolves to approve Major Modification PZ No. 07-550-01 and authorizes the Mayor to sign the revised Agreement Restricting Use of Property (A-7125).

PASSED AND ADOPTED this 6th day of January 2009, by the following vote:

AYES:

NOES:

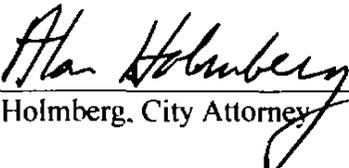
ABSENT:

Dr. Thomas E. Holden
Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney