

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO. 2790

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING PZ 06-570-09 TO CHANGE THE ZONE DISTRICT FROM C-2-PD (GENERAL COMMERCIAL, PLANNED DEVELOPMENT) TO R-3-PD (GARDEN APARTMENT, PLANNED DEVELOPMENT) FOR TWO PARCELS LOCATED ON THE NORTHEAST CORNER OF SOUTH VICTORIA AVENUE AND HEMLOCK STREET (APNs 187-0-060-105 AND 187-0-060-095), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY COURTYARD AT MANDALAY BAY, LLC.. 5010 PARKWAY CALABASAS, SUITE 105, CALABASAS, CA 91302.

WHEREAS, on June 5, 2008 the Planning Commission of the City of Oxnard considered an application for Planning and Zoning Permit No. 06-570-09 (Zone Change), filed by Courtyard at Mandalay Bay, LLC and denied Planning and Zoning Permit No. 06-500-15 (Special Use Permit) along with the related recommendations for the Planning and Zoning Permit Nos. 06-620-05 (General Plan Amendment); and 06-300-12 (Tentative Subdivision Map); and

WHEREAS, on June 12, 2008, Courtyard at Mandalay Bay, LLC filed a timely appeal of the Planning Commissions action; and

WHEREAS, in correspondence since June 12, 2008, Courtyard at Mandalay Bay, LLC has agreed to City Council continuance of the subject appeal; and

WHEREAS, the City Council has considered the appeal filed by the Courtyard at Mandalay Bay, LLC, and has carefully reviewed the decision of the Planning Commission and has considered an application for Planning and Zoning Permit No. 06-570-09, filed by Courtyard at Mandalay Bay, LLC; and

WHEREAS, the zoning of the subject property is C-2-PD (General Commercial, Planned Development) and in order for the project to be approved, the zoning of the subject parcel must be amended to R-3-PD (Garden Apartment, Planned Development); 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. 06-570-09; and

WHEREAS, in accordance with the California Environmental Quality Act, the Planning Division 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 material that constitute the record of proceedings upon which the decision to certify the adopt the final subsequent environmental impact report is located in the Planning Division, and the custodian of the record is the Planning Manager; and

WHEREAS, Applicants agree, as a condition of adoption of this ordinance at each 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 as amended as part of PZ 06-620-05.

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

Part 1. The zoning governing the property located on the northeast corner of South Victoria Avenue and Hemlock Street, as shown on the map on file with the City Clerk, is changed from C-2-PD (General Commercial, Planned Development) to R-3-PD (Garden Apartment, Planned Development).

Part 2. Commercial use may be permitted within the existing nonconforming shopping center for a period of four years from the effective date of this ordinance.

Part 3. 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 _____, 2009, and finally adopted on _____, 2009, to become effective thirty days thereafter.

PASSED AND ADOPTED this _____th day of _____ 2009, by the following vote:

AYES:

NOES:

ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

Alan Holmberg
Alan Holmberg, City Attorney