

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO. 2812

(UNCODIFIED)

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD
CONCERNING DEFERRAL OF PAYMENT OF DEVELOPMENT FEES FOR
HOMWOOD SUITES

WHEREAS, the first sentence of subsection (B) of section 15-173 of the Oxnard City Code provides in part: "For development projects for which the city issues a building permit, development fees shall be calculated and collected at the time of issuance of the building permit, based on the development fee schedule then in effect."

WHEREAS, Homewood Suites ("Developer") has applied to the City for entitlements to construct an approximate 100,000 square foot building; and

WHEREAS, the City Council wishes to enhance Developer's ability to construct the building by deferring as set forth herein certain development fees that the Developer will owe to the City in connection with construction of the building.

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

Part 1. As used in this ordinance, "development fees" shall mean planned traffic circulation facilities fees imposed pursuant to section 15-215 et seq. of the City Code. As used in this ordinance, "development fees" shall not include any other fees, including fees collected on behalf of other agencies, fees collected to mitigate environmental impacts, and processing fees.

Part 2. Notwithstanding the first sentence of subsection (B) of section 15-173 or subsection (E) of section 15-173 of the City Code, the Director of Development Services is directed to allow Developer to defer for five years from the date of issuance of a building permit to construct a building at 1950 Solar Drive, the payment of development fees owed to the City in connection with such permit, provided the permit is issued within six months from the effective date of this ordinance and further provided that the Developer does not protest the calculation of such fees, pays any fees not deferred by this ordinance, executes documents or obtains instruments satisfactory to the Development Services Manager and City Attorney providing security for payment of deferred development fees in an amount equal to 125% of the amount of deferred fees, and enters into an Agreement to Pay Deferred Development Fees, in a form and substance approved by the City Attorney and Development Services Manager, to pay the deferred fees according to a schedule providing for a \$100,000 cash payment and amortization of the remaining fees over a five year period with interest at 5% per annum.

Part 3. This Ordinance shall not be included in the City Code.

Part 4. Within fifteen 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 _____, 2009, and finally adopted on _____, 2009 to become effective thirty days thereafter.

AYES:

NOES:

ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

APPROVED AS TO FORM:

Daniel Martinez, City Clerk



Alan Holmberg, City Attorney