

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO. 2813

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 09-550-09 (MAJOR MODIFICATION TO PZ NO. 06-570-09), AMENDING PART 2 OF ORDINANCE NO. 2790 FOR THE PROPERTY 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. FILED BY COURTYARD AT MANDALAY BAY LLC /TUCKER INVESTMENT GROUP, 5010 PARKWAY CALABASAS, SUITE 105, CALABASAS, CA 91302.

WHEREAS, on January 6, 2009, the City Council adopted Ordinance No. 2790, changing the zoning on the subject property from C-2-PD (General Commercial, Planned Development) to R-3-PD (Garden Apartment, Planned Development); and

WHEREAS, Part 2 of Ordinance No. 2790 provided that commercial uses were permitted to continue on the parcels known as Assessor's Parcel Nos. 187-0-060-105 and 095 for a period of five (5) years from the effective date of the ordinance; and

WHEREAS, the current economic environment has made it difficult to construct the residential project approved on the project site; and

WHEREAS, Tucker Investment Group/Courtyard at Mandalay Bay, LLC filed an application for a major modification to Ordinance No. 2790 to allow the continued operation of the existing non-conforming use(s) on the subject site for a period up to fifteen (15) years; and

WHEREAS, the City Council has considered the application filed by Tucker Investment Group/ Courtyard at Mandalay Bay, LLC and has carefully reviewed the applicant's request; and

WHEREAS, the City Council finds after due study and deliberation that the public interest and general welfare are not negatively impacted as a result of the modification to Ordinance No. 2790; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), the Planning Division Manager determined that the subject project is exempt from the provisions of CEQA based upon a Class 1 (Section 15301) exemption; 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, Major Modification No. 09-550-09 to Ordinance No. 2790 is consistent with

the 2020 General Plan.

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

Part 1. Part 2 of Ordinance No. 2790 is hereby amended to read as follows:

“Commercial use may be permitted within the existing non-conforming shopping center for a period of ten (10) years; and that the commercial use may, at the approval of the Development Services Director, be permitted within the existing non-conforming shopping center for an additional period of five (5) years for a total of fifteen (15) years from the effective date of the ordinance. The Director of Development Services shall only grant the additional five (5) year extension if the following conditions exist: a) seventy percent (70%) of the gross leasable square footage within the shopping center is occupied or under lease to be occupied for commercial use(s); and b) that the shopping center is maintained in a good, healthful, and an attractive condition.”

Part 2. 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 July 28, 2009, and finally adopted on September 1, 2009, to become effective thirty days thereafter.

PASSED AND ADOPTED this 1<sup>st</sup> day of September 2009, by the following vote:

AYES:

NOES:

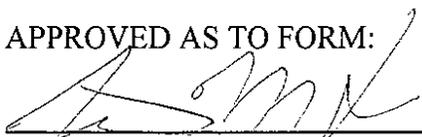
ABSENT:

\_\_\_\_\_  
Dr. Thomas E. Holden, Mayor

ATTEST:

\_\_\_\_\_  
Daniel Martinez, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Alan Holmberg, City Attorney