Meeting Date: 9/22/2009

ACTION	TYPE OF ITEM
☐ Approved Recommendation	☐ Info/Consent
☐ Ord. No(s). _____	☐ Report
☐ Res. No(s). _____	☒ Public Hearing
☐ Other _____	☐ Other _____

Prepared By: Christopher Williamson AICP (CW) Fischer Agenda Item No. L-1

Reviewed By: City Manager City Attorney SMF Finance Other *(Specify)*

DATE: September 11, 2009

TO: City Council

FROM: Matthew Winegar, AICP
Development Services Director

SUBJECT: **Planning and Zoning Permit Nos. 09-410-01 (Coastal Land Use Plan Amendment), 09-630-01 (Specific Plan Amendment), and 09-580-1 (Zone Text Amendment) to Allow School Use in the Coastal Land Use Plan, Mandalay Specific Plan, and Coastal Planned Community Zone. Filed by Oxnard School District (OSD).**

RECOMMENDATION

That City Council adopt a resolution upholding the Planning Commission denial of Planning and Zoning Permit Nos. 09-410-01 (Coastal Plan Amendment), 09-630-01 (Specific Plan Amendment), and 09-580-1 (Zone Text Amendment) that would have allowed a school use at 4100 Tradewinds Drive.

DISCUSSION

The proposed amendments would allow a school use within the Oxnard Coastal Land Use Plan, Mandalay Bay Phase IV Specific Plan, and Coastal Planned Community (CPC) zone, respectively, thereby allowing the OSD to file directly with the Coastal Commission to amend the Seabridge Coastal Development Permit (CDP) for the construction of a 53,000 square foot, two-story, elementary school at 4100 Tradewinds Drive. Filed by George Yin (OSD agent), Garcia Calderon Ruiz LLP, 500 South Grand Street, Los Angeles, CA, 90071.

BACKGROUND

The three proposed amendments apply to the Mandalay Bay Specific Plan area between Wooley Road, Victoria Avenue, Hemlock Street, and the Edison Canal. This same area is zoned CPC. The Westport, White Sails, Harbour Island, and Seabridge projects collectively have built out the entire plan area with the exception of an eight-acre vacant parcel located at 4100 Tradewinds Drive, designated and approved by the Coastal Commission (which issued the Seabridge Project Coastal Development Permit) for multifamily housing and a small public park. The 2002

Seabridge EIR evaluated an elementary school as an alternative use for the same site and found that an elementary school generated no additional or different significant environmental impacts compared to the approved housing (the OSD declined the City's request to update the environmental review with an EIR Addendum). At its March 5, 2009 meeting, the Planning Commission denied the proposed amendments because an elementary school at this specific site was not approved as part of the Seabridge Project and OSD did not present adequate evidence of need. The denial resolution was adopted at the subsequent meeting of March 19, 2009.

If the City Council approves the proposed amendments, the amendments would be forwarded to the Coastal Commission for their approval. Assuming the Coastal Commission approves the plan and zoning amendments, the OSD could then apply to amend the Seabridge CDP for the school itself.

On June 3, 2009, the OSD submitted OSD Resolution 08-21 to the City Council which included findings related to the need for an elementary school within the area that would be served the proposed school and the suitability of the subject site. This document is available from the Office of the Superintendent, 1501 South A Street, Oxnard, CA 93030 (805) 487-3918, extension 202.

FINANCIAL IMPACT

There are no financial impacts associated with action on the plan and zoning amendments.

Attachments:
1. Planning Commission staff report, March 5, 2009
2. School Alternative Analysis, 2002 Seabridge EIR
3. Planning Commission Resolution, March 19, 2009
4. Planning Commission Minutes, March 5, 2009
5. Planning Commission Minutes, March 19, 2009
6. City Council Resolution

Planning Division

PLANNING COMMISSION
STAFF REPORT

TO: Planning Commission

FROM: Christopher Williamson, AICP, Senior Planner

DATE: March 5, 2009

SUBJECT: Planning and Zoning Permit Nos. 09-410-01 (Coastal Land Use Plan Amendment), 09-630-01 (Specific Plan Amendment), and 09-580-1 (Zone Text Amendment) to Allow School Use in the Coastal Land Use Plan, Mandalay Specific Plan, and Coastal Planned Community Zone. Filed by Oxnard School District.

1) **Recommendation:** That the Planning Commission adopt resolutions recommending City Council approval of Planning and Zoning Permit Nos. 09-410-01 (Coastal Plan Amendment), 09-630-01 (Specific Plan Amendment), and 09-580-1 (Zone Text Amendment).

2) **Project Description and Applicant:** The proposed amendments would allow a school use within the Coastal Land Use Plan, Mandalay Bay Specific Plan, and Coastal Planned Community (CPC) zone, respectively, thereby allowing the Oxnard School District to file directly with the Coastal Commission to amend the Seabridge Coastal Development Permit (CDP) for the construction of a 53,000 square foot, two-story, elementary school at 4100 Tradewinds Drive. Filed by George Yin (agent), Garcia Calderon Ruiz LLP, 500 South Grand Street, Los Angeles, CA, 90071.

3) **Existing & Surrounding Land Uses:** The Mandalay Bay Specific Plan area is built out with single and multifamily homes and two commercial shopping centers.

LOCATION	ZONING	COASTAL PLAN	EXISTING LAND USE
Project Site	CPC	Mandalay Bay Specific Plan	Vacant
North	County Unincorporated	County Unincorporated RSCC	Agricultural production
South	CPC	Mandalay Bay Specific Plan	Seabridge Residential
East	CPC	Mandalay Bay Specific Plan	Seabridge Commercial
West	CPC	Mandalay Bay Specific Plan	White Sails Residential

ATTACHMENT 1
PAGE 1 OF 14

4) **Text Amendments:** Each of the three amendments adds the word "school" as an allowed use in appropriate sections of the three documents, as shown in the respective exhibits to each of the three attached resolutions.

5) **Background Information:** The text amendments apply to the Mandalay Bay Specific Plan area between Wooley Road, Victoria Avenue, Hemlock Street, and the Edison Canal. This same area is zoned CPC. The Westport, White Sails, Harbour Island, and Seabridge projects collectively built out the entire area with the exception of the vacant eight-acre parcel located at 4100 Tradewinds Drive. Each of those projects had CDP's that designated specific uses. The vacant parcel at 4100 Tradewinds is designated by the Seabridge CDP for multifamily housing and a small public park along Seabridge Drive. As part of the Seabridge CDP mitigation for impacts on schools, the Oxnard School District (OSD) has an option to purchase the site for an elementary school. The proposed amendments would allow a school use on this site, but not approve the school itself as the Coastal Commission has jurisdiction over amending the Seabridge CDP. The proposed amendments, if subsequently approved by the City Council, would be forwarded to the Coastal Commission for their approval. If and when the OSD applies for a CDP for the school, the Coastal Commission would issue notices and hold hearings on these amendments and the proposed school CDP at the same time.

6) **Environmental Determination:** The use of the 4100 Tradewinds parcel as an elementary school instead of 87 townhouses was included as an alternative project in the certified Seabridge Supplemental Environmental Impact Report (SEIR) (excerpt attached). The SEIR found that, "...this alternative would have equal impacts to that of the proposed project for all environmental topics except air-quality, where it slightly exceeds the pollutants by the project." The SEIR also concluded that the school would serve the local area, school-related trips would not extend beyond the immediate community, and the city's arterial network would not be impacted. The City Traffic Engineer would review the CDP application for localized traffic impacts at the time OSD files an application with the Coastal Commission.

7) **Coastal Commission Certification:** In accordance with Section 30514 of the California Public Resource Code, a certified local coastal program and all local implementing ordinances, regulations, and other actions may be amended by the appropriate local government, but no such amendment shall take effect until it has been certified by the commission.

Attachments:

A. Resolution for Coastal Land Use Plan Amendment
B. Resolution for Mandalay Bay Specific Plan Amendment
C. Resolution for CDC Zone Text Amendment
D. Seabridge SEIR excerpt (pages 6.0-3 to 6.0-12)
E. Mandalay Bay Specific Plan and CDC Area Map

Prepared by: CW
Approved by: SM

ATTACHMENT A

RESOLUTION NO. [PZ 09-410-01]

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING THAT CITY COUNCIL ADOPT A RESOLUTION APPROVING PLANNING AND ZONING PERMIT NO. 09-410-01 (COASTAL LAND USE PLAN AMENDMENT) MAKING A TEXT AMENDMENT TO POLICY 45. FILED BY GEORGE YIN (AGENT), GARCIA CALDERON RUIZ LLP, 500 SOUTH GRAND STREET, LOS ANGELES, CA, 90071.

WHEREAS, the Planning Commission of the City of Oxnard has considered a proposed amendment to Policy 45 of the Coastal Land Use Plan relating to school use within the Mandalay Bay Specific Plan area; and

WHEREAS, a subsequent environmental impact report was previously prepared and certified for a school use on the only undeveloped site in the subject area, that is was prepared in compliance with the California Environmental Quality Act, and that the Planning Commission reviewed and considered the information before approving the amendment; and

WHEREAS, in accordance with Section 30514 of the California Public Resource Code, a certified local coastal program and all local implementing ordinances, regulations, and other actions may be amended by the appropriate local government, but no such amendment shall take effect until it has been certified by the Coastal Commission; and

WHEREAS, the documents and other materials that constitute the record of proceedings regarding the subsequent environmental impact report are located in the Planning Division of the City of Oxnard, and the custodian of the record is the Planning Manager; and

WHEREAS, the Planning Commission finds, after due study, deliberation and public hearing, that the proposed amendment conforms with adopted City standards and constitutes good City planning; and that the amendment will not adversely affect or be materially detrimental to adjacent land uses, buildings or structures or to the public health, safety or general welfare.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard recommends to the City Council the approval of Planning and Zoning Permit No. 09-410-01 (Coastal Land Use Plan Amendment), to amend the Coastal Land Use Plan as shown in Exhibit A hereto attached.

PASSED and ADOPTED by the Planning Commission of the City of Oxnard on this 19th day of February, 2009 by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

_____
Deirdre Frank, Chair

ATTEST: _____
Susan L. Martin, Secretary

Local Coastal Policies

45. The Mandalay Bay project site, a 220-acre property located north of Hemlock Street, south of Wooley Road, and between the Edison Canal and Victoria Avenue, has been designated Planned Development. The purpose of the designation is to ensure the well-planned development of this large area which is proposed for water-oriented development. The following policies apply specifically to this development area:

a. The entire site shall be planned as a unit. A specific plan showing the ultimate development of the site shall be required prior to any project or subdivision approval.

b. Overall densities shall not exceed those established in the land use plan. The site design shall include expansions of the existing Inland Water/Edison Canal system. Residences, both single-family or multiple units, shall be oriented to the waterway, and private docking facilities may be provided. Public vertical access to the waterway shall be required; the combined public vertical access frontage on the water shall not be less than 10 percent of the development's total linear waterfront footage, unless adequate access is provided nearby and shall be included in the specific plan. The lateral access requirement shall be a minimum of 50 percent of the total linear frontage and shall be dedicated and available for public access. Exceptions to continuous lateral public access shall be allowed only for limited single-family waterfront home development where adequate alternative access exists nearby. All public accessways and facilities shall be provided in accordance with Policy 72. Recreational areas shall be distributed throughout the project with pedestrian and bicycle linkages between pocket parks, play areas, overlooks and other small-scale public areas offering the public and residents of the project recreational opportunities. No project on this site shall be approved without concurrent approval of all components of the "prime agricultural land maintenance program."

(Please refer to Policy 5 of this Plan)

c. Common (nonpublic) open space shall be required for all multiple-family or attached units and shall include, but is not limited to, recreational facilities intended for the residents' use, including swimming pools, tennis courts, playgrounds, community gardens, or common landscaped areas. Streets, driveways and parking lots shall not be considered as a common open space.

d. Public open space shall include, but is not limited to, public parks other than identified neighborhood and community parks, beaches, parking lots for public use and access corridors, including pedestrian paths and bikeways. Streets, property for private use, sensitive habitat areas and other nonusable areas shall not be considered as public open space.

e. At least 20 percent of the net area of the site shall be designated for common open space for multiple-family or attached-unit developments unless adequate facilities are provided nearby. Not less than 20 percent of the net area of the site for all areas designated Planned Development on the land use map shall be public open space, unless adequate open space is provided nearby. Areas designated by the LCP as neighborhood or community parks shall

not be included in the site area and may not be counted towards the required percentage of public open space. The area of the waterway may be included in the tabulations.

f. Land uses shall consist of a mix of visitor-serving commercial, School, residential and public recreational areas oriented to an expansion of the existing Inland Waterway. The visitor-serving commercial, public recreation and open water shall comprise at least 50 percent of the overall project area. At least 12.5 percent of the total project area shall be public recreation areas and at least 12.5 percent of the total project area shall be visitor-serving commercial. Water area shall comprise the remaining 50 percent of the visitor-serving commercial and public recreation area.

- Total Project Site: 220 acres (100 percent)
- Area required for visitor-serving commercial, public recreation and open water: 110 acres (50 percent)
- Area for residential development: 110 acres (50 percent)

School(s) to be counted in either category

BREAKDOWN OF PUBLIC AND VISITOR SERVING AREAS

Element	Minimum Acreage	Percent Of Public Area	Percent of Total Project
Visitor-serving Commercial Public Recreation and Open Water	110.0	100	50.0
a. Visitor-serving Commercial	27.5	25	12.5
b. Public Recreation	27.5*	25	12.5
c. Open Water**	55.0	50	25.0

g. The development of an open body of water shall be an integral part of this land use designation. The development of this water area, however, may only proceed consistent with the other policies of this plan. A public launching ramp and boat docks for day use will also be provided. Fifty percent of the docking facilities provided in the project other than those provided with single-family residences shall be available for use by people not residing within the project. Full and unimpaired public access to and use of all open water areas, consistent with security and safety requirements, shall be assured. The location of and design of all development shall provide for public access and use of the project's water and immediate shore area.

*Must all be on land

** Up to 10 percent of open water may be devoted to public marinas or boat slips available to the public

ATTACHMENT B

RESOLUTION NO. [PZ 09-630-01]

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING THAT CITY COUNCIL ADOPT A RESOLUTION APPROVING PLANNING AND ZONING PERMIT NO. 09-630-01 (SPECIFIC PLAN AMENDMENT) TO AMEND SECTION III.B OF THE MANDALAY BAY SPECIFIC PLAN. FILED BY GEORGE YIN (AGENT), GARCIA CALDERON RUIZ LLP, 500 SOUTH GRAND STREET, LOS ANGELES, CA, 90071.

WHEREAS, the Planning Commission of the City of Oxnard has considered a proposed amendment to Section III B of the Mandalay Bay Specific Plan relating to school use within the Mandalay Bay Specific Plan area; and

WHEREAS, a subsequent environmental impact report was previously prepared and certified for a school use on the only undeveloped site in the subject area, that is was prepared in compliance with the California Environmental Quality Act, and that the Planning Commission reviewed and considered the information before approving the amendment; and

WHEREAS, in accordance with Section 30514 of the California Public Resource Code, a certified local coastal program and all local implementing ordinances, regulations, and other actions may be amended by the appropriate local government, but no such amendment shall take effect until it has been certified by the Coastal Commission; and

WHEREAS, the documents and other materials that constitute the record of proceedings regarding the subsequent environmental impact report are located in the Planning Division of the City of Oxnard, and the custodian of the record is the Planning Manager; and

WHEREAS, the Planning Commission finds, after due study, deliberation and public hearing, that the proposed amendment conforms with adopted City standards and constitutes good City planning; and that the amendment will not adversely affect or be materially detrimental to adjacent land uses, buildings or structures or to the public health, safety or general welfare.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard recommends to the City Council the approval of Planning and Zoning Permit No. 09-630-01 (Specific Plan Amendment), to amend the Mandalay Bay Specific Plan as shown in Exhibit A hereto attached.

PASSED and ADOPTED by the Planning Commission of the City of Oxnard on this 19th day of February 19th, 2009 by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

_____
Deirdre Frank, Chair

ATTEST: _____
Susan L. Martin, Secretary

SECTION III: LAND USE PROGRAM

A. Coastal Plan Requirements

This specific Plan incorporates the land use parameters established in the City of Oxnard's Certified Coastal Land Use Plan. This document specifies the type of land uses that will be permitted, and in addition establishes minimum percentages of certain land uses to be required in the specific plan. Policy 24 of the Coastal Land Use Plan establishes minimum quantities of land use, expressed in acres and as a percentage of the total project (220 acres) for the following land uses:

Land Use	Minimum Acres	% of Total Project	% of Public Area
Visitor Serving Commercial	27.5	12.5	25
Public Recreation	27.5[1]	12.5	25
Open Water	55.0[2]	25.0	50

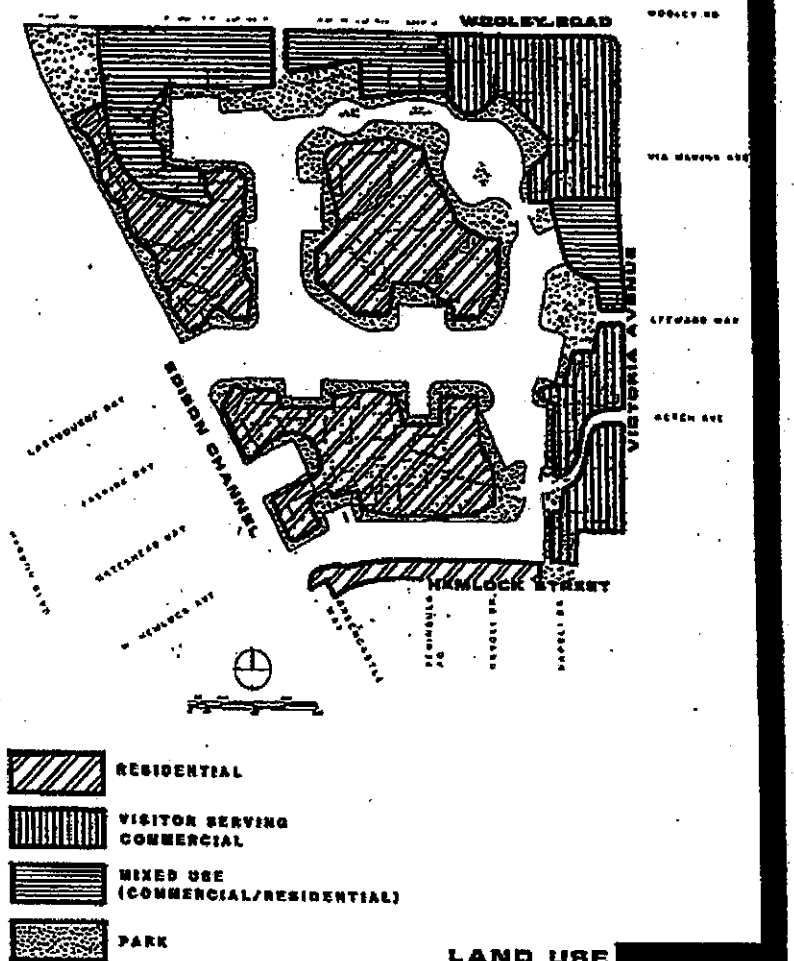
[1]Must all be on land.

[2]Up to 10% of open water may be devoted to public marinas, or boat slips available to the public.

These required minimums are provided for within the accompanying conceptual illustrations and supporting tables. It is noted here that no minimum acreages have been established for residential land uses. In addition, in communications with the proponents of the Mandalay Bay Phase IV, the City has encouraged the inclusion of mixed-use development (i.e., residential above commercial in the same structure or complex). This proposed plan contemplates this possibility in its conceptual illustrations.

B. Description of Uses

The Local Coastal Program Phase III Zoning Regulations establishes on this project site the CPC, "Coastal Planned Community," sub-zone "to assure orderly development of a large scale mixed-use planned development...". Under the CPC sub-zone numerous permitted and conditionally permitted uses will be allowed subject to the adoption of a specific plan for the entire 220-acre site. This zoning regulation further states that these uses shall be only those allowed in the R-W-1, R-W-2, R-2-C, R-3-C, CNC, CVC and RC coastal subzones established in the Coastal Zoning Ordinance, with the addition of school use. This Specific Plan assumes that these coastal zoning regulations will be adopted in their current general form, and therefore meet these general land use requirements (with the inclusion of mixed-use as previously stated).



LAND USE

ATTACHMENT C

RESOLUTION NO. [PZ 09-580-01]

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING THAT CITY COUNCIL ADOPT AN ORDINANCE APPROVING PLANNING AND ZONING PERMIT NO. 09-580-01 (ZONE TEXT AMENDMENT) MAKING A TEXT AMENDMENT TO SECTION 17-15(C). FILED BY GEORGE YIN (AGENT), GARCIA CALDERON RUIZ LLP, 500 SOUTH GRAND STREET, LOS ANGELES, CA, 90071.

WHEREAS, the Planning Commission of the City of Oxnard has considered a proposed text amendment to Section 17-15(C) of the Oxnard City Code relating to school use within the Coastal Planned Development (CDC) subzone; and

WHEREAS, a subsequent environmental impact report was previously prepared and certified for a school use on the only undeveloped site in the subject area, that is was prepared in compliance with the California Environmental Quality Act, and that the Planning Commission reviewed and considered the information before approving the amendment; and

WHEREAS, in accordance with Section 30514 of the California Public Resource Code, a certified local coastal program and all local implementing ordinances, regulations, and other actions may be amended by the appropriate local government, but no such amendment shall take effect until it has been certified by the Coastal Commission; and

WHEREAS, the documents and other materials that constitute the record of proceedings regarding the subsequent environmental impact report are located in the Planning Division of the City of Oxnard, and the custodian of the record is the Planning Manager; and

WHEREAS, the Planning Commission finds, after due study, deliberation and public hearing, that the proposed amendment conforms with adopted City standards and constitutes good City planning; and that the amendment will not adversely affect or be materially detrimental to adjacent land uses, buildings or structures or to the public health, safety or general welfare.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard recommends to the City Council the approval of Planning and Zoning Permit No. 09-630-01 (Zone Text Amendment), to amend Section 17-15(C) as shown in Exhibit A hereto attached.

PASSED and ADOPTED by the Planning Commission of the City of Oxnard on this 19th day of February, 2009 by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

_____
Deirdre Frank, Chair

ATTEST: _____
Susan L. Martin, Secretary

EXHIBIT A

ORDINANCE OF THE CITY OF OXNARD

ORDINANCE NO. _____

ORDINANCE OF THE CITY COUNCIL APPROVING AN AMENDMENT TO SECTION 17-15(C) OF THE OXNARD CITY CODE RELATING TO SCHOOL USE WITHIN THE COASTAL PLANNED DEVELOPMENT SUBZONE. FILED BY GEORGE YIN (AGENT), GARCIA CALDERON RUIZ LLP, 500 SOUTH GRAND STREET, LOS ANGELES, CA, 90071.

WHEREAS, on date, 2009, the Planning Commission approved Resolution No. 2009-XX recommending that City Council adopt an ordinance approving Planning and Zoning Permit No. 09-580-01 (Zone Text Amendment) to amend Section 17-15(C) of the Oxnard City Code, filed by the Oxnard School District; and

WHEREAS, the City Council has held a public hearing and received and reviewed written and oral comments related to Zone Text Amendment No. 09-580-01; and

WHEREAS, the City Council finds after due study and deliberation that the public interest and general welfare require the adoption of Zone Text Amendment No. 09-580-01; and

WHEREAS, in accordance with Section 30514 of the California Public Resource Code, a certified local coastal program and all local implementing ordinances, regulations, and other actions may be amended by the appropriate local government, but no such amendment shall take effect until it has been certified by the Coastal Commission; and

WHEREAS, a subsequent environmental impact report was previously prepared and certified for a school use on the only undeveloped site in the subject area, that is was prepared in compliance with the California Environmental Quality Act, and that the Planning Commission reviewed and considered the information before approving the amendment.

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

Part 1. Section 17-15 (C) of the Oxnard City Code is hereby amended to read as shown herein in Exhibit A.

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 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:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

Alan Holmberg, City Attorney

ATTACHMENT 1
PAGE 13 OF 14

EXHIBIT A

SEC. 17-15. CPC, COASTAL PLANNED COMMUNITY, SUB-ZONE.

(A) Purpose -

(1) The purpose of the CPC sub-zone is to provide a method which will ensure the orderly development of a large scale mixed-use planned development on property located in an area bounded by Wooley Road on the north, Edison Canal on the west, Hemlock Street on the south and Victoria Avenue on the east in accordance with the provisions of the Oxnard coastal land use plan.

(2) The provisions of this sub-zone shall apply exclusively to the property zoned CPC as designated on the official Oxnard Shores Land Use Map of the certified Oxnard coastal land use plan.

(3) The CPC sub-zone is further intended to provide for the integration of residential, visitor-serving commercial, **SCHOOL,** and public recreational and open space uses consistent with the certified Oxnard coastal land use plan; to provide for appropriate public access to the extensions of the inland waterway; and to provide a development which will optimize the utilization of property to conserve energy and promote the efficient use of limited resources.

(`64 Code, Sec. 37-2.6.1)

(B) Permitted uses - The following are permitted uses in the CPC sub-zone:

(1) Agriculture and aquiculture; and

(2) Passive recreation uses both on land and water,

(`64 Code, Sec. 37-2.6.2)

(C) Other uses, coastal development permit or development review required - Residential, visitor-serving commercial, **SCHOOL,** and public passive and active recreation uses may be permitted subject to the adoption of a specific plan for the planned unit development which shall establish the development pattern for the project site. Permitted and conditionally permitted uses shall then be allowed subject to the provisions of the Oxnard coastal land use plan and the general provisions of this chapter. Permitted and conditionally permitted uses shall be only those allowed in the R-W-1, R-W-2, R-2-C, R-3-C, CNC, CVC and RC zones. (`64 Code, Sec. 37-2.6.3)

Final Supplemental Environmental Impact Report

Tentative Subdivision Map No. 5266; CDP # (PZ 00-5-85)

State Clearinghouse No. 2001091020

Prepared for:

City of Oxnard
Planning & Environmental Services Division
305 West Third Street
Oxnard, California 93030

Prepared by:

Impact Sciences, Inc.
30343 Canwood Street, Suite 210
Agoura Hills, California 91301

June 2002

School Alternative

This alternative involves construction of an elementary school and a park on 9 acres of land located due west of the entrance to the main island along Wooley Road. This area was originally planned for 87 townhouse units adjacent to a 3-acre public park. The balance of the land plan identified on TTM 5266 would remain unchanged with selection of this alternative.

Buildout of the school alternative would involve construction of 661 residential units, 157,000 square feet of visitor-serving commercial uses, 32.3 acres of open water, a public marina providing a total of 480 boat slips, a network of parks linked by a waterfront promenade, and the elementary school. Table 6.0-1 provides a detailed description of the school, while Figure 6.0-1 illustrates a conceptual site plan for elementary school.

Table 6.0-1
Southwest Elementary School Statistics

Building Use	Units	Size	Total Development
Administration	1	3,900	3,900
Multipurpose/kitchen	1	6,300	6,300
Library/Media Center	1	5,400	5,400
SDC Classrooms	2	1,350	2,700
Kindergarten Rooms	3	1,350	4,050
Classroom	24	1,000	24,000
MYTRE Storage	24	100	2,400
Restrooms	3	375	1,125
Miscellaneous	1	1,325	1,325
TOTAL			56,000

Source: Oxnard School District

As shown, the school will contain 29 classrooms along with a library, multipurpose room, kitchen, and administration building. A total of 56,000 square feet of building space would be constructed on four acres. The balance of the school site (5 acres) would consist of play fields that also serve as a park. The school can accommodate 746 students under a traditional calendar year or 839 students on a multi-track calendar.

Environmental Analysis

(a) Land Use

An evaluation of the two development scenarios against relevant CLUP and California Coastal Act (CCC) policies indicates that both are consistent with relevant policies of the CLUP and CCA. Consequently, neither the proposed project nor this alternative is considered environmentally superior with regard to Land Use. See the following for details.

(b) Coastal Access and Recreation

With regard to coastal access and recreation policies, under either development scenario a public promenade would be constructed along the entire waterfront that would link the project to the larger Channel Islands development. Provision of this path would enhance public access to the waterfront consistent with coastal access policies of the CLUP and California Coastal Act (CCC). The project and this alternative will also construct a public marina and boat launch ramp, enhancing recreational boating opportunities consistent with CLUP and CCC policy. As these features will enhance public access to the coast and the project will not conflict with any specific policies in the City's CLUP, site development under either form is considered to be consistent with the public access and recreation policies of the Coastal Act.

(c) Coastal Resources

Development of this alternative would also be consistent with policies that govern coastal resources. The City's CLUP does not identify any sensitive habitat areas on or near the project site, so development under either scenario would not directly effect sensitive natural resources. However, both development projects require excavation during the construction of the on-site marine channels and shallow basin and will generate urban runoff into these channels. Potential water quality impacts will be mitigated to levels considered less than significant through incorporation of the mitigation measures contained in **Section 4.4, Marine Water and Sediment Quality** and through physical project design such as use of revetment or concrete seawall and treatment of all stormwater runoff prior to discharge. These measures will limit turbidity and the potential for pollutants to enter the larger waterbody. In conclusion, this alternative is consistent to the proposed project with CLUP policies governing the marine environment and environmentally sensitive habitat areas.

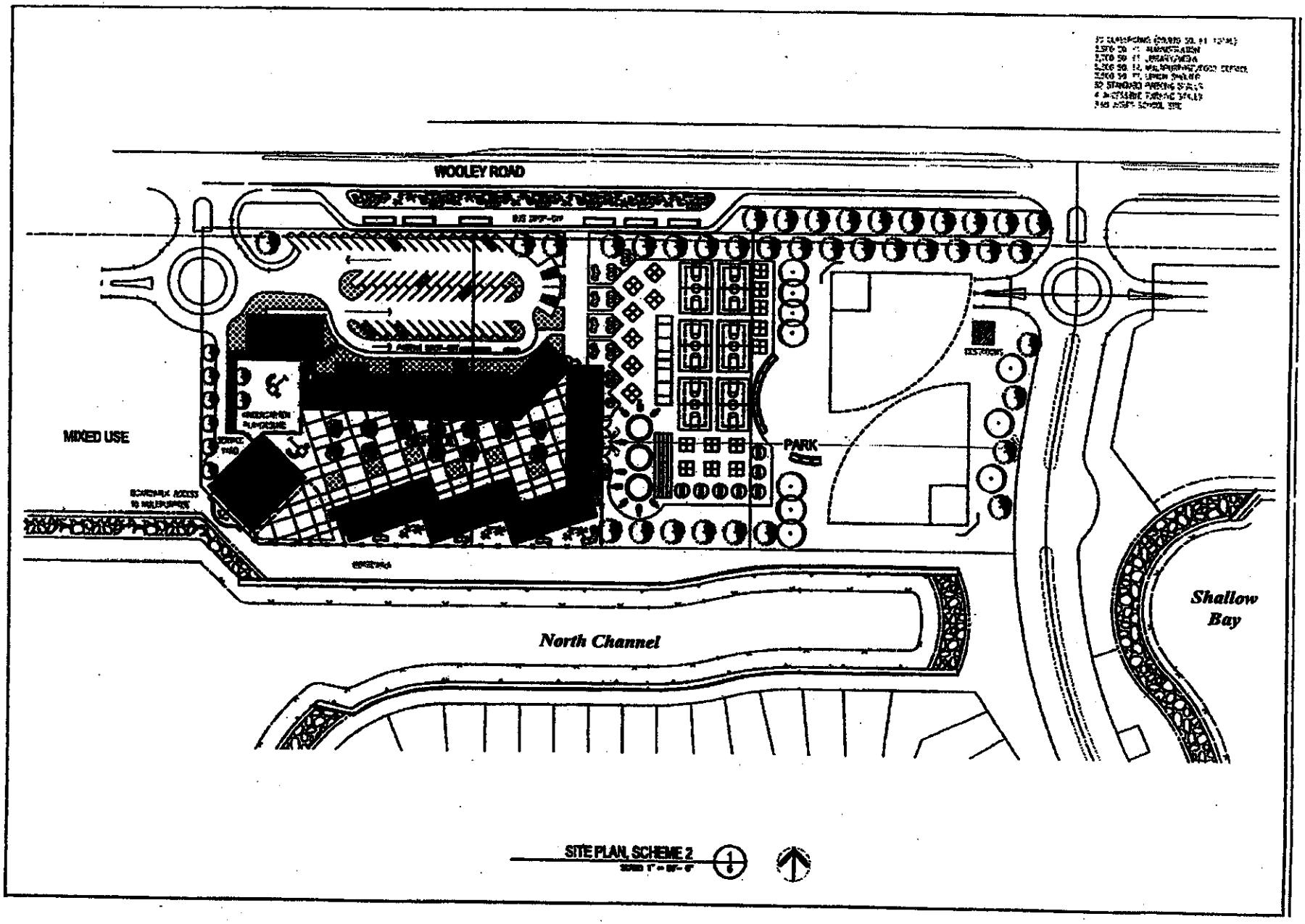


FIGURE 6.0-

School Alternative

Both the proposed project and this alternative are also considered consistent with coastal resource policies of the CLUP and CCC pertaining to agriculture. The location of the project site within the CURB boundary presumes that sufficient agricultural land remains to maintain productivity. The project applicant is also implementing an Agricultural Soils Transfer Program to mitigate direct impacts to agricultural resources in the coastal zone. Similarly, neither the proposed project nor this alternative will have any significant impact upon biological resources in the coastal zone with implementation of the water quality measures and physical design features of the project.

(d) Development Policies

The project site is located in close proximity to existing residential and commercial uses in the Oxnard Shores area to the southwest, and is located completely within the CURB. Moreover, the project site is within an approved Specific Plan area that guides development of a water-oriented residential community with visitor serving commercial and a public marina. In short, the site is located on land that was identified for urban use and can be provided all necessary municipal services, so development of either the proposed project or this school alternative would be consistent with the CLUP and CCC.

Consistent with the Specific Plan, visitor-serving commercial uses are located at the intersection of Wooley Road with Victoria Avenue and in the southeast corner of the project. The location of the mixed-use component of TTM 5266 is also consistent with the conceptual land use pattern established by the Specific Plan. Finally, both the proposed project and the school alternative includes the amount of visitor serving commercial, open water, and public recreation land use categories called for by the Specific Plan.

With regard to land use compatibility, both the proposed project and the School Alternative incorporate a 200-foot buffer that separates developed uses from agricultural land located opposite Wooley Road. Both also place visitor serving commercial uses along the frequently traveled Victoria Avenue and orient residential development to the waterfront, thereby limiting exposure to noise generated by vehicle traffic. The school structures themselves are located away from major roads and are buffered from nearby uses. The site plan includes a 200 foot agricultural buffer located due north of the school, places a park immediately east, and constructs a linear waterfront park and the North Channel along the southern boundary of the proposed school site. Consequently, both this School Alternative and the proposed project are considered consistent with compatibility policies of the CLUP and CCC.

(e) Hazards Policies

Both development scenarios would incorporate the recommendations of the geotechnical engineering study and are required to comply with the Uniform Building Code and City of Oxnard standards, so impacts related to ground shaking or geotechnical hazards would be less than significant. Similarly, proper implementation of the project drainage concept and compliance with all standards of the City of Oxnard pertaining to flood hazards will preclude a significant effect related to flooding under either development scenario. Consequently, both the proposed project and the School Alternative are consistent with CLUP and CCC policies pertaining to hazards.

(f) Geology and Soils

Site development under this alternative would create similar impacts to earth resources as that of the proposed project. Under either development scenario, the top two feet of soil would be excavated and transported off-site as part of the Agricultural Soils Transfer Program. Subsequent to the transfer program, the site would be rough graded and the navigation channels excavated. If all grades, excavations, and fills are constructed and compacted according to recommendations provided in the project geotechnical engineering study, potential impacts would be reduced to a less than significant level regardless of the layout of the land plan.

Both the proposed project and this alternative have the inherent potential to subject persons to ground shaking-related hazards. However, recommendations and specifications of the geotechnical engineering study prepared for the project would guide the design and construction of any uses on the property, and are intended to mitigate seismic impacts. In addition, all site development would be required to conform to the latest edition of the Uniform Building Code (UBC), which includes design measures to mitigate against seismic hazards. In summary, both the proposed project and this alternative would have similar impacts upon earth resources and neither is considered environmentally superior with regard to Geology and Soils.

(g) Hydrology and Water Quality

Under both the proposed project and this alternative, a drainage system would be constructed to City standards for the collection, treatment, and discharge of both storm and dry weather runoff. Since the site is neither within a 100-year flood hazard zone nor within an area containing deficient flood control facilities, no significant impact is anticipated with construction of the proposed system to the satisfaction of the City of Oxnard under either scenario.

Construction activity associated with either development scenario has the potential to cause wind or water driven erosion of soil that may enter local waterways and increase turbidity. However, the project is required to comply with NPDES requirements and must utilize Best Management Practices to reduce sedimentation. With regard to operational impacts, runoff from paved surfaces of the project would contain typical urban contaminants such as motor oil, gasoline, rubber particles, pesticides, and fertilizers. As part of the storm drainage system, surface runoff will be treated prior to discharge through mechanical devices as well as landscaped swales and parkways. Overall, run-off leaving the project site would be equally or less contaminating to surface water resources under either development alternative compared to the run-off that presently leaves the site during storm events.

Finally, the potential exists for the contamination of the local aquifer with brackish water as a result of the construction of navigable waterways. However, this impact is not considered significant for either development scenario. This is based on the extended travel time for the brackish water to reach the Oxnard aquifer (152 years), the transient nature of water levels which can prevent or allow down migration of brackish water, and the relatively small area of brackish water that could contribute to groundwater degradation. Consequently, neither the proposed project nor this alternative is considered environmentally superior with regard to hydrology and surface or groundwater quality.

(h) Marine Water Quality

Both development scenarios would complete construction of waterways planned by the Mandalay Bay Phase IV Specific Plan. The overall configuration and design of the waterways under the School Alternative would remain identical to that of the proposed project. Consequently, the findings of no significant impact to marine water quality contained in **Section 4.4** of this Supplemental Draft EIR apply equally to the School Alternative and neither is considered environmentally superior with respect to Marine Water Quality assuming implementation of the recommended mitigation.

(i) Transportation and Circulation

Table 6.0-2 depicts the vehicle trips generated by a School Alternative. As shown, the Elementary School Alternative would generate slightly more vehicle trips than would the proposed project, due to a higher trip generation rate for the proposed school in comparison to the 87 townhomes it replaces. In total, the Elementary School Alternative would generate 14,566 ADT compared to the project trip generation of 15,046 trips. A.M. Peak hour volumes are projected to be higher, with a total of 533 A.M. Peak trips under the proposed project, while the School Alternative is estimated to generate approximately 692 trips during the morning peak hour period. Finally, the School Alternative would

generate 1,183 vehicle trips during the P.M. peak period compared to the 1,298 trips generated by the proposed project during this same commuting period.

Table 6.0-2
Elementary School Alternative Trip Generation

Land Use	Size	Average Daily		A.M. Peak Hour		P.M. Peak Hour	
		Rate	Trips	Rate	Total	Rate	Total
Single Family Residential	274 du	9.55	2,616	0.7	191	0.96	263
Multi-Family Residential	387 du	8.01	3,100	0.6	232	0.81	316
Commercial	157,000 sf	19.80	7,898	0.22	34	3.8	596
Park	16.5 acres	0.44	37	0	0	0	0
School	839 stds	1.09	915	0.28	235	0.01	8
TOTAL	NA	NA	14,566	NA	692	NA	1,183

Source: ITE Manual, Sixth Edition

An elementary school related vehicle trip has unique characteristics that differ from those of a residential or commercial use. Typically, an elementary school trip involves either a home-school-home trip or a home-school-work trip. Since the school is intended to serve students generated by local uses in addition to the proposed development, the attendance boundary for the proposed school is anticipated to cover adjacent residential uses located south of the property and to the east opposite Victoria Avenue. Based on the known trip characteristics, the attendance boundary, and the location of the school site, it is not anticipated that the majority of school related traffic would be added to the arterial roadway network since this traffic would mostly reach the school through local collector streets. Moreover, the peak hour characteristics of the school would differ from residential uses; thereby placing fewer vehicle trips in the P.M. peak hour which typically the most heavily traveled period of the day. Consequently, traffic and circulation impacts to the roadway system will not be substantially different from those identified for the proposed project.

The preliminary location and orientation of the school site plan would allow for acceptable traffic operation. For example, there is a student drop off area for parents located within the site itself along with a bus drop off that is separated from vehicle traffic traveling along Wooley Road by a landscaped median. Moreover, access to the school is provided off the existing entryway to the main island and is located sufficient distance from the intersection of Wooley Road and Victoria Avenue to preclude interference with the operation of this intersection. Given the above, neither the proposed

project nor this alternative is considered environmentally superior with regard to traffic and circulation.

(j) Noise

As with the proposed project, construction noise and vibration would be generated during project buildout. Construction noise would primarily impact the residential uses located opposite Victoria Avenue to the east and the homes located south of Hemlock Street. As uses are constructed within each individual phase, they too will be subject to construction noise. All construction activity must conform to City noise controls, including limitations on days and times in which such activity can take place and are also subject to the mitigation contained in this Supplemental Draft EIR. These restrictions apply equally to the proposed project as well as the Elementary School Alternative.

Off-site noise levels attributed to this alternative are also expected to be similar to that associated with development of the proposed project. The primary noise generator in the vicinity is motor vehicle traffic traveling along the local roadway network. As discussed above under traffic and circulation, this alternative would generate a slightly greater number of vehicle trips when compared to the proposed project. However, a doubling of traffic volumes is required before a noticeable increase in noise levels is experienced along affected roadways. Consequently, noise levels along local roadways are expected to be similar under either development scenario.

With regard to the school itself, the planned school site is located away from heavily traveled roadways through placement of parking and athletic fields between proposed school buildings and arterial roadways. Consequently, the school site is not subject to a high traffic noise level. Operation of the school would generate noise that could effect future residential uses in the project. However, such noises are typical of urban areas and include use of school bells, children playing, talking and yelling. Such noises are not regulated by State or local noise ordinances and occur during normal daytime hours when most people are not sensitive to noise. For these reasons, the inclusion of a school would not cause a significant noise impact. Based on the above, neither the proposed project nor this Elementary School Alternative is considered environmentally superior with respect to noise.

(k) Air Quality

Because a similar amount of grading and earthwork would occur under this alternative, the total amount of grading and construction-related air quality impacts would be similar to those of the project. However, this alternative would result in a ~~1 percent increase~~ decrease in Average Daily Traffic

volumes compared to the proposed project. As such, the Elementary School Alternative would generate slightly ~~more~~ less CO, VOC, SO_x, NO_x and PM_{10} air emissions compared to the proposed project ~~than the proposed project~~. Regional air emissions generated by either the proposed project or the school alternative would exceed adopted thresholds of significance. Implementation of mitigation measures would reduce these air quality impacts to below a level considered significant. Therefore, this alternative would not be environmentally superior to the proposed project with respect to air quality~~,~~ because impacts under either development scenario are considered less than significant after mitigation.

(l) Public Services

The demand for fire protection service would be similar under this alternative, because both would introduce buildings and people into the area at similar development densities. Calls for service are also anticipated to similar to those attributed to the proposed project. These include kitchen/house fires, electrical fires, car fires, and miscellaneous medical emergencies. The City anticipates adding this development to the existing Memorandum of Understanding between the City and County of Ventura that established a mechanism for providing funds to pay for increased service.

Similarly, the demand for law enforcement service under this alternative would be equivalent to that required for the proposed project. Calls for service under either development scenario would include residential and auto burglary, larceny, and assaults as well as enforcement of boating laws. As with the proposed project, this alternative includes dedicated office space and two patrol slips for use by the harbor Patrol. The City also anticipates adding this development to the existing Memorandum of Understanding between the City and County of Ventura that established a mechanism for providing funds to pay for increased service. Based on the above, neither the proposed project nor this alternative is considered environmentally superior with respect to Public Services.

(m) Public Utilities

Impacts to stormwater drainage facilities would be similar with development of either the proposed project or this alternative. Under either scenario, site development would increase the amount of impervious surfaces and alter the existing drainage patterns and absorption rates. Additionally, both must construct a stormwater drainage system to collect and channel runoff in conformance with all regulations established by the City of Oxnard Public Works Department. As such, impacts upon drainage facilities would be similar regardless of the amount of development occurring on the property

and neither the proposed project nor this alternative is considered environmentally superior with respect to drainage.

With regard to sewer service, either development proposal is reliant upon the existing AT trunk line at Victoria Avenue that conveys effluent to the ultimate point of discharge into the OWWTP for treatment and disposal. Development of either the proposed project or this alternative would generate effluent that must be conveyed for treatment. Since there are existing deficiencies along segments of the AT trunk, both the proposed project and this alternative would cause a significant impact to the existing sewer conveyance network prior to mitigation identified in this Supplemental Draft EIR. Therefore, the impact upon the existing sewage collection and treatment system would be similar and neither the proposed project nor this alternative is considered environmentally superior with respect to wastewater.

Finally, either development scenario requires construction of a water distribution system that would underlay the proposed internal street network and conform to all City of Oxnard standards. With regard to water demand, the City of Oxnard's Draft Urban Water Management Plan indicates that adequate water supplies have been identified to serve existing and projected future demand. Further, recently completed and planned improvements to the City's water transmission system will ensure that enough water can be delivered at adequate pressure and fire flow levels to new customers that are added to the system regardless of the development alternative selected. Considering the above, impacts to the water supply system under this alternative are similar to those identified for the proposed project and neither is considered environmentally superior with regard to water supply.

Relation to the Project Objectives

The Elementary School Alternative would feasibly meet all of the project objectives identified in Section 3.0, Project Description, of this Supplemental Draft EIR.

Conclusions

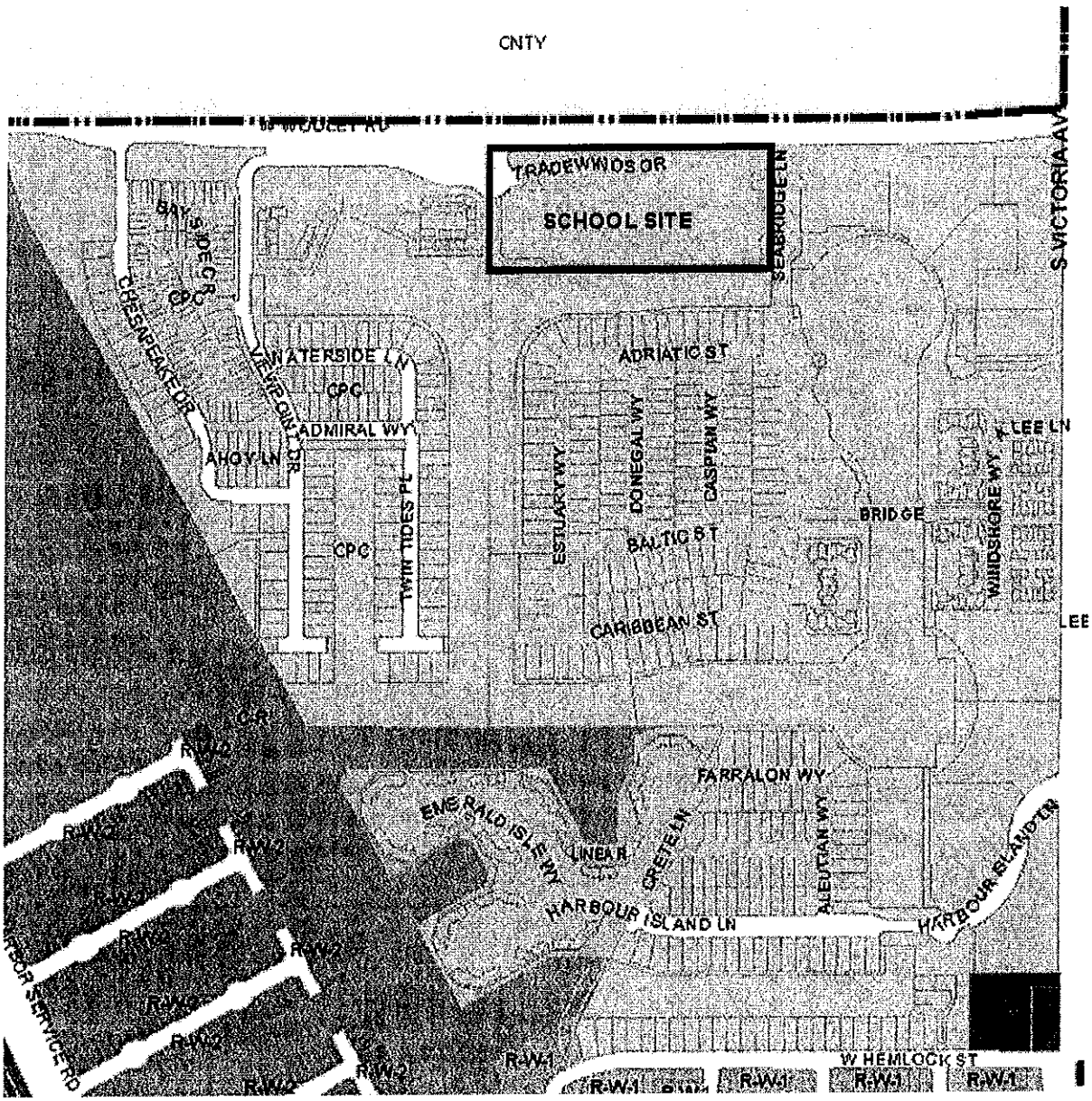
In conclusion, this alternative would have equal impact to that of the proposed project for all environmental topics except air quality, where it slightly exceeds the pollutants emitted by the project. Thus, this alternative is not considered to be environmentally superior to the proposed project. However, this alternative can feasibly meet the basic objectives of the project.

ENVIRONMENTALLY SUPERIOR ALTERNATIVE

Based on the foregoing, the Recreational and Open Space Alternative evaluated in the 1982 FEIR and summarized herein is considered to represent the environmentally superior alternative with regard to avoiding the direct and indirect impacts associated with the project. However, this alternative fails to feasibly meet the basic objectives of the project described in **Section 3.0, Project Description.**

ATTACHMENT E

MANDALAY BAY SPECIFIC PLAN AND CPC ZONE AREA



ATTACHMENT 2
PAGE 13 OF 13

RESOLUTION NO. 2009-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING CITY COUNCIL DENIAL OF PLANNING AND ZONING PERMIT NOS. 09-410-01 (COASTAL PLAN AMENDMENT), 09-630-01 (SPECIFIC PLAN AMENDMENT), AND 09-580-01 (ZONE TEXT AMENDMENT) TO ALLOW SCHOOL USE WITHIN THE MANDALAY BAY SPECIFIC PLAN. FILED BY GEORGE YIN (AGENT FOR OXNARD SCHOOL DISTRICT), GARCIA CALDERON RUIZ LLP, 500 SOUTH GRAND STREET, LOS ANGELES, CA, 90071.

WHEREAS, the Planning Commission of the City of Oxnard has considered Planning and Zoning Permit No. 09-410-01 (Coastal Plan Amendment) to amend Policy 45 of the Coastal Land Use Plan to allow school use within the Mandalay Bay Specific Plan area; and

WHEREAS, the Planning Commission of the City of Oxnard has considered Planning and Zoning Permit No. 09-630-01 (Specific Plan Amendment) to amend Section III B of the Mandalay Bay Specific Plan to allow school use within the Mandalay Bay Specific Plan; and

WHEREAS, the Planning Commission of the City of Oxnard has considered Planning and Zoning Permit No. 09-580-01 (Zone Text Amendment) to amend Section 17-15(C) of the Oxnard City Code relating to school use within the Coastal Planned Development (CDC) subzone; and

WHEREAS, a supplemental environmental impact report was previously prepared and certified for the Seabridge Project (Subdivision Tract No. 5266, Coastal Development Permit No. PZ 00-5-85), an elementary school use was analyzed as an alternative use on the parcel now addressed as 4100 Tradewinds Drive, said addressed parcel is the only undeveloped site in the Mandalay Specific Plan area where an elementary school could be developed, the Seabridge Supplemental Environmental Impact Report was prepared in compliance and with the California Environmental Quality Act, the Seabridge Supplemental Environmental Impact Report was certified by the Oxnard Planning Commission on August 8, 2002, and that the Planning Commission reviewed and considered the relevant Seabridge Supplemental Environmental Impact Report information before denying the proposed amendments; and

WHEREAS, the documents and other materials that constitute the record of the Seabridge Supplemental Environmental Impact Report are located in the Planning Division of the City of Oxnard, and the custodian of the record is the Planning Manager; and

WHEREAS, the proposed elementary school site is within the boundaries of the Oxnard School District (District) and the District is the applicant for the proposed amendments, and

WHEREAS, the Planning Commission finds, after due study, deliberation and public hearing, that the proposed use is not consistent with the Oxnard certified Local Coastal Plan; given that the Planning Commission did not recommend approval of PZ 09-410-01; and

WHEREAS, the Planning Commission finds, after due study, deliberation and public hearing, that the Seabridge Project, as approved in 2002, did not include an elementary school on the proposed site at 4100 Tradewinds Drive; and

WHEREAS, the Planning Commission finds, after due study, deliberation and public hearing, that the payment of statutory school fees as implemented by the Board of Education for the District was the exclusive and complete method of considering and mitigating project impacts to school facilities according to state law, that the Seabridge Project developer entered into an agreement with the District that calls for payment of school fees above those required by state statute for possible use to purchase an alternate school site or to apply to the purchase of the 4100 Tradewinds Drive site, therefore the need for a school at this specific site was not approved as part of the Seabridge Project, nor established by the Seabridge Supplemental Environmental Impact Report at the site proposed by the District within the Mandalay Bay Specific Plan area; and

WHEREAS, the Planning Commission finds, after due study, deliberation and public hearing, that the evidence in the administrative record did not support the need for a school at the 4100 Tradewinds site.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard recommends that the City Council deny Planning and Zoning Permit Nos. 09-410-01 (Coastal Plan Amendment), 09-630-01 (Specific Plan Amendment), and 09-580-01 (Zone Text Amendment).

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 19th day of March, 2009, by the following vote:

AYES: Commissioners: Sanchez, Mullin, Medina, Frank

NOES: Commissioners: Dean

ABSTAIN: Commissioners: Elliott

ABSENT: Commissioners: Okada

Deirdre Frank, Chair

ATTEST: Susan L. Martin, Secretary

ATTACHMENT 3
PAGE 2 OF 2

MINUTES

OXNARD PLANNING COMMISSION
REGULAR MEETING
MARCH 5, 2009

A. ROLL CALL

At 7:03 p.m., the regular meeting of the Oxnard Planning Commission convened in the Council Chambers. Commissioners Sonny Okada, Patrick Mullin, Chair Deirdre Frank, Michael Sanchez, Dale Dean, and Saul Medina were present. Chair Frank presided and called the meeting to order. Staff members present were: Susan Martin, Planning Manager, Paul Wendt, Senior Civil Engineer; Jason Samonte, Traffic Engineer; James Rupp, Assistant City Attorney; Stephen Fischer, Assistant City Attorney; Chris Williamson, Senior Planner, Doug Spondello, Assistant Planner; Linda Windsor, Associate Planner, and Lori Maxfield, Recording Secretary.

B. PUBLIC COMMENTS

C. READING OF AGENDA

Planning Manager Martin reviewed agenda including staff's recommendation to continue F-3 (PZ 08-500-12) to March 19, 2009.

MOTION Commissioner Sanchez moved and Commissioner Okada seconded a motion to continue Item F-3 (PZ 08-500-12) to March 19, 2009, as recommended by staff. The question was called, and the motion carried 6-0-1, Commissioner Elliott absent.

D. CONSENT AGENDA

1. APPROVAL OF MINUTES – February 19, 2009

MOTION Commissioner Dean moved and Commissioner Okada seconded a motion to approve the minutes of February 19, 2009 as presented. The question was called and the motion carried 6-0-1, Commissioner Elliott absent.

E. CONTINUED PUBLIC HEARINGS

1. PLANNING AND ZONING PERMIT NO. 09-410-01 (Coastal Plan Amendment), 09-630-01 (Specific Plan Amendment), and 09-580-1 (Zone Text Amendment) to allow school use within the Mandalay Bay Specific Plan and Coastal Planned Community zone (specifically at 4100 Tradewinds Drive). The proposed amendments were previously reviewed for environmental impacts. Filed by George Yin (agent for Oxnard School District), Garcia Calderon Ruiz LLP, 500 South Grand Street, Los Angeles, CA, 90071.
PROJECT PLANNER: Chris Williamson

ATTACHMENT 4
PAGE 1 OF 6

Senior Planner Williamson presented the staff report including the three text amendments to allow a school use within the Coastal Land Use Plan; the Mandalay Bay Specific Plan; and the Coastal Planned Community zone. He explained the procedure that the school district would follow to acquire ultimate approval from the Coastal Commission. He also indicated that the Oxnard School District would be giving a presentation, along with a display of a model of the school.

Chair Frank opened the public testimony.

Mrs. Janis Duran, Interim Superintendent of Oxnard School District, introduced the other members of the school district that would be making presentations. She encouraged the Planning Commission to support the recommendation as it was important to build the school, and indicated that the district was making great gains in education.

Mr. Glenn Thompson, Chief Business Officer explained his role as chief custodian of the district's financial assets and to determine the effects of the changes and what the implications would be in building the school.

Mr. Norbert Martinez explained the work that had been done in the past nine years including the traffic pattern; number of anticipated students; the fence to be built along the water side of the school; the size of the site would determine the number of students; and the developer currently owns the land. He also displayed the site plan; elevations; rendering; and possible design of the fence.

Mr. Juan Gutierrez, Director of Facilities, explained the growth trend; capacity levels to determine the number of students; future growth factor; all current schools at capacity; school construction may begin in approximately five years; and the schools will be changing to single tracks, although the City will continue to grow.

Mr. Dennis O'Leary, Oxnard School District Board President, indicated that the majority of students at Juan Soria will come from McAuliffe School; has been in communication with the City Council to arrange a joint meeting with the school district; and explained school tracks and portable classrooms.

Mr. Al Duff, Oxnard School District Trustee, encouraged approval of the text amendment; explained that the new site was to mitigate the current shortage of schools; Juan Soria School would allow for single tracks; the district has a mitigation agreement to acquire a new school site; the park would be built first; and seventeen sites were proposed, but this was the only site in the area.

Ms. Kathy Swor spoke in opposition due to danger to children; increased trash and traffic; wind factor, dust and fumigants from farmland; restaurant at Seabridge selling alcohol adjacent to the school site; boat noise and exhaust; monitoring of school when campus is closed; and impact on the waterway from birds scavenging at the school causing a health and environmental issue.

Mr. Larry Manion spoke in opposition due to reduction of property values; increased crime; and the majority of students would be from outside of Seabridge.

Mr. Harold Ceja spoke in favor as a school was needed in the area, whether or not the students lived in the immediate area.

Mr. Tom Johnston spoke in opposition due to degradation of air quality; vandalism; litter; detrimental to the quality of life; and a school was not previously mentioned for the site, and would be the wrong location.

Mr. Andrew Salperto spoke in opposition due to children's safety issues; mediocre school design; economically not the best use of expensive land; traffic; obstruction of views; increased noise; and depreciation of property values.

Mr. Bert Perello stated that construction of a school at Seabridge was not anticipated, and taxpayers would have to pay for it.

Mr. Mitch Barnes submitted a letter questioning whether home values at Seabridge would effected; would problems of graffiti, skateboarding, vandalism, and noise levels increase; would activities from the multi-purpose building or proposed park adversely effect homeowners outside of school hours; would traffic be adversely effected; would the majority of students come from outlying areas; would the close proximity to water be dangerous to young students; and was there a possibility of increased water pollution.

Chair Frank closed the public testimony.

RECESS Chair Frank called a recess at 8:24 p.m. The meeting reconvened at 8:39 p.m. with all Commissioners present, except Commissioner Elliott.

Discussion ensued regarding the school district spending a lot of money on property they don't own; concern on whether it was the proper land use; with decreased enrollment, why was school needed; school was considered before Seabridge was constructed, but was never approved; why wasn't another site pursued; the issue of increased parking and traffic; lack of information received; how would a school effect property values; why wasn't school proposed ten years ago; Juan Soria School would take the overflow of students from other schools; residents would see the school and park as a benefit; and there would be more activity at a school with an amphitheater.

MOTION Commissioner Medina moved and Commissioner Sanchez seconded a motion to adopt a resolution recommending City Council denial of PZ 09-410-01, a Coastal Plan Amendment; 09-630-01, a Specific Plan Amendment; and 09-580-01, a Zone Text Amendment to allow school use within the Mandalay Bay Specific Plan located at 4100 Tradewinds Drive. The question was called and the motion carried 5-1-1, Commissioner Dean voting no, and Commissioner Elliott absent.

RECESS Chair Frank called a recess at 9:07 p.m. The meeting reconvened at 9:10 p.m. with all Commissioners present, except Commissioner Elliott.

F. NEW PUBLIC HEARINGS

1. PLANNING AND ZONING PERMIT NO. 08-510-10 (Special Use Permit), a request to permit the sale of beer and wine from an existing convenience market (Five Star Market), located at 200 South Ventura Road, Suite 250. The proposed project is exempt from environmental review under Section 15301 of the CEQA Guidelines for Existing Facilities. Filed by Salvador Magallon, 200 South Ventura Road, Suite 250, Oxnard, CA, 93030.
PROJECT PLANNER: Doug Spondello

Assistant Planner Spondello presented the staff report including surrounding uses; excessive window signage mentioned in the Police report; access; letters of support and opposition; Community Workshop. He also displayed the location and zoning maps; site photos; and site and floor plans.

Mr. Steven Magallon, representing the applicant, gave a brief presentation including letters of support from adjacent businesses; window signage would be removed; cooler would be replaced; and indicated that customers were both transit as well as from surrounding areas.

Chair Frank opened the public testimony.

Mr. Al Velasquez, Fremont South Neighborhood Chair spoke in opposition to the project. He also discussed previous Planning Commission denials for alcohol at the same location.

Mr. Clifton Williams; Mr. Ramiro Garcia; and Ms. Dodie Duffy spoke in opposition due to oversaturation and the close proximity to homes and schools.

Mr. Pablo Garcia, owner of Burrito Express restaurant, spoke in opposition due to potential break-ins, robberies, and loitering.

Ms. Araceli Rainone, former business owner at the shopping center, spoke in favor of the project.

Ms. Lindy Levin, Mr. Paul Scott, Mr. Carlos Magallon; Mr. Edward Magallon spoke in favor of the project.

Chair Frank closed the public testimony.

Officer Waer indicated there was no overconcentration; potential risks had been mitigated; and should the owner choose to expand their hours of operations, it would require a modification to the Special Use Permit.

Discussion that center was originally to be offices; and whether another alcohol sales establishment was needed.

MOTION Commissioner Medina moved and Commissioner Sanchez seconded a motion to adopt a resolution granting PZ 08-510-10, a Special Use Permit to allow the sale of beer and wine from an existing convenience market located at 200 South Ventura Road, Suite 250, subject to certain findings and conditions. The question was called and the motion carried 5-1-1, Commissioner Dean voting no, Commissioner Elliott absent.

2. PLANNING AND ZONING PERMIT NO. 09-510-1 (Major Modification to PZ 02-500-15) a request to upgrade an existing Special Use Permit from beer and wine sales for on-site consumption to beer, wine and liquor (general alcohol) sales for on-site consumption at an existing hotel. The Hilton Garden Inn is located at 2000 Solar Drive. The proposed project is exempt from environmental review under Section 15301 of the CEQA Guidelines for Existing Facilities. Filed by Alan Hurd, Wyche Oak Park Apartments, Inc., 2000 Solar Drive, Oxnard, CA 93036.
PROJECT PLANNER: Linda Windsor

Associate Planner Windsor presented the staff report including surrounding uses; history of the site; and applicant agreed to all proposed conditions. She also displayed the location, General Plan, and zoning maps; site photos; and site and floor plans.

Chair Frank opened the public testimony. No comments were received, and Chair Frank closed the public testimony.

MOTION Commissioner Okada moved and Commissioner Medina seconded a motion to adopt a resolution granting PZ 09-510-01, a Major Modification to Special Use Permit 02-500-15, to allow an upgrade of an existing Special Use Permit from on-sale beer and wine to on-sale general alcohol for a bona fide public eating place located at 2000 Solar Drive, subject to certain findings and conditions. The question was called and the motion carried 6-0-1, Commissioner Elliott absent.

3. PLANNING AND ZONING PERMIT NO. 08-500-11 (Special Use Permit), a request to remodel and occupy for a church use 64,000 square feet of an existing 104,700 square foot building (previously Home Depot). The building is situated on an 11.57 acre parcel located at 2600 North Vineyard Avenue. The proposal includes facade improvements, re-use of a fenced 'Garden Center' and landscape upgrades throughout the site. The proposed project is exempt from environmental review under Section 15301 of the CEQA Guidelines for Existing Facilities. Filed by Chuck Swankosky, New Life Community Church, 1960 North C Street, Oxnard, CA 93036.
PROJECT PLANNER: Juan Martinez

ITEM F-3 (PZ 08-500-11) CONTINUED ABOVE.

G. PLANNING COMMISSION BUSINESS

Commissioner Medina thanked Councilwoman Pinkard for providing the Planning Commissioners with cups.

Commissioner Mullin commended Mr. Alan Hurd (Hilton Garden Inn) for his community work.

Commissioner Dean indicated that he had declined an invitation for a meeting with the Environmental Defense League to discuss the Ormond Beach project. He stated that he would forward the information to staff.

H. PLANNING MANAGER COMMENTS

Staff distributed the draft 2030 General Plan, draft EIR, and associated documents to the Planning Commission.

Planning Manager Martin stated that the review period for the General Plan begins March 9, 2009; joint meeting with City Council and Planning Commission was scheduled for April 7, 2009; and the first public hearing on the draft EIR before Planning Commission was scheduled for April 16, 2009.

I. ADJOURNMENT

At 10:20 p.m., the Planning Commission concurred to adjourn.

Deirdre Frank, Chair

ATTEST: _____
Susan L. Martin, Secretary

MINUTES

OXNARD PLANNING COMMISSION
REGULAR MEETING
MARCH 19, 2009

A. ROLL CALL

At 7:04 p.m., the regular meeting of the Oxnard Planning Commission convened in the Council Chambers. Commissioners Patrick Mullin, Chair Deirdre Frank, Michael Sanchez, Randall Elliott, Dale Dean, and Saul Medina were present. Chair Frank presided and called the meeting to order. Staff members present were: Susan Martin, Planning Manager, Paul Wendt, Senior Civil Engineer; Jason Samonte, Traffic Engineer; Stephen Fischer, Assistant City Attorney; Chris Williamson, Senior Planner, Juan Martinez, Associate Planner; Linda Windsor, Associate Planner, Stephanie Diaz, Contract Planner; and Lori Maxfield, Recording Secretary.

B. PUBLIC COMMENTS

C. READING OF AGENDA

Planning Manager Martin reviewed the agenda and indicated a revised resolution for Item D-2 had been distributed to the Planning Commission.

D. CONSENT AGENDA

1. APPROVAL OF MINUTES – March 5, 2009

MOTION Commissioner Medina moved and Commissioner Dean seconded a motion to approve the minutes of March 5, 2009 as presented. The question was called and the motion carried 5-1-1-1, Commissioner Elliott abstaining, and Commissioner Okada absent.

2. Adoption of a resolution denying a Coastal Plan Amendment (PZ 09-410-01), a Specific Plan Amendment (PZ 09-630-01) and a Zone Text Amendment (PZ 09-580-1).

Commissioner Dean requested that Item D-2 be moved to Item F-1.

E. CONTINUED PUBLIC HEARINGS

1. PLANNING AND ZONING PERMIT NO. 08-500-11 (Special Use Permit), a request to remodel and occupy for a church use 64,000 square feet of an existing 104,700 square foot building (previously Home Depot). The building is situated on an 11.57 acre parcel located at 2600 North Vineyard Avenue. The proposal includes facade improvements, re-use of a fenced 'Garden Center' and landscape upgrades throughout the site. The proposed project is exempt from environmental review under Section 15301 of the CEQA Guidelines for Existing Facilities. Filed by Chuck Swankosky, New Life Community Church, 1960 North C Street, Oxnard, CA 93036.
PROJECT PLANNER: Juan Martinez

Associate Planner Martinez presented the staff report including the site history; surrounding uses; access; parking; hours of operation; scheduled services; and old tire center will be used as a warehouse. He also displayed an aerial photo; floor plan; site photos; and elevations.

Mr. Chuck Swankosky and Mr. Brent Holquin, applicants, gave a brief presentation including current number of employees; use of green building components; and indicated they were responsible for the parking area until the retail portion of the site was sold.

Chair Frank opened the public testimony. No comments were received, and the public testimony was closed.

MOTION Commissioner Dean moved and Commissioner Elliott seconded a motion to adopt a resolution granting PZ 08-500-11, a Special Use Permit to allow a church to occupy and operate within 64,000 square feet of an existing 104,700 square foot building, located at 2600 North Vineyard Avenue. The question was called and the motion carried 6-0-1, Commissioner Okada absent.

F. NEW PUBLIC HEARINGS

1. Adoption of a resolution denying a Coastal Plan Amendment (PZ 09-410-01), a Specific Plan Amendment (PZ 09-630-01) and a Zone Text Amendment (PZ 09-580-1) to allow school use within the Mandalay Bay Specific Plan and Coastal Planned Community zone (specifically at 4100 Tradewinds Drive). The proposed amendments were previously reviewed for environmental impacts. Filed by George Yin (agent for Oxnard School District), Garcia Calderon Ruiz LLP, 500 South Grand Street, Los Angeles, CA, 90071.
PROJECT PLANNER: Chris Williamson

Commissioner Dean requested that the resolution be continued to allow the school district time to give a presentation.

Discussion ensued regarding the school district providing incomplete information; classroom inventory and needs assessment; unintended taxes would be levied on the citizens of Seabridge; wind and water erosion should be considered; is it a good land use; district enrollment and trends; legal fees paid by the school board would take away from school needs; constructing a school on a waterway; construction costs would increase; and more information was needed to determine the appropriateness of the land use.

Chair Frank opened the public testimony.

Mr. Bonny Garcia, attorney for the Oxnard School District, discussed the need for the school at Seabridge; district had met the standards for the needs requirement; children were generated by the Seabridge project, and they have a right to have a school in the area; requested that the Planning Commission rescind the denial, or continue the item; and indicated that the school district had the authority to determine the need, and not the Planning Commission.

Mr. Jorge Gutierrez, Executive Director of the Oxnard School District, indicated that when the City approved a Tract Map, it impacts facilities with relation to student growth; with 3,200 residential

units proposed within the boundaries, he analyzed that 471 students would be generated by this development, and without this school, they would be forced to go to overcrowded existing schools.

Mr. Edward Castillo stated he was not pleased with the school district's presentation; he was on the Planning Commission when the EIR was certified; the developer had to work with the school district; it should have been done differently with relation to a school locating near a waterway; and there are a number of other sites to be considered.

Chair Frank closed the public testimony.

MOTION Commissioner Sanchez moved and Commissioner Mullin seconded a motion to adopt a resolution recommending City Council denial of PZ 09-410-01 (Coastal Plan Amendment); 09-630-01 (Specific Plan Amendment); and 09-580-01 (Zone Text Amendment) to allow school use within the Mandalay Bay Specific Plan, at 4100 Tradewinds Drive. The question was called and the motion carried 4-1-1-1, Commissioner Dean voting no; Commissioner Elliott abstaining; and Commissioner Okada absent.

2. PLANNING AND ZONING PERMIT NO. 09-630-02 (Specific Plan Amendment), a request to modify regulations within the RiverPark Specific Plan to allow one freeway oriented sign at The Collection Shopping Center. The sign would be a maximum height of 60 feet tall and situated on the southern edge of the shopping center, on the north side of the 101 Freeway, between North Oxnard Boulevard and RiverPark Boulevard. The site is within District D of the RiverPark Specific Plan Area and also within the Historic Revitalization and Enhancement of Oxnard (HERO) redevelopment area. Staff has determined that the proposed specific plan amendment will not create additional impacts on the environment beyond those identified in certified Environmental Impact Report (EIR) No. 00-03 for the RiverPark Specific Plan area and will prepare an addendum to the EIR documenting such findings. Filed by RiverPark Collection, LLC, 30699 Russell Ranch Road, Suite 290, Westlake Village, CA 91362.
PROJECT PLANNER: Linda Windsor

Associate Planner Windsor presented the staff report including surrounding uses; addendum to EIR; no additional impacts; current Specific Plan does not allow pole signs; fixed sign not to exceed 60 feet maximum; only one sign would be allowed; must complement adjacent retail center; and a Development Design Review permit would be required for final sign approval.

Mr. Andres Friedman, Shea Properties, gave a brief presentation including indicating the center was scheduled to open in the Fall, 2010; 450,000 square feet of retail including a theater, parking structure, 50,000 square feet of office, two one-half acre parks, in line retail space; attempting to acquire LEED certification; and discussed parking amenities; outdoor dining; three to four water features; artists will do 25 projects; and signage.

Chair Frank opened the public testimony. No comments were received, and the public testimony was closed.

MOTION Commissioner Medina moved and Commissioner Sanchez seconded a motion to adopt a resolution recommending City Council approval of PZ 09-630-02, a Specific Plan Amendment revising the text to allow a freeway-oriented sign, and adding Exhibit 5HH to

Section No. 5 (Landscape Master Plan), showing possible location of such sign, of the RiverPark Specific Plan, within Plan District D, located north of the 101 Freeway, east of Oxnard Boulevard, west of Vineyard Avenue; and generally south of the District D residential neighborhoods. The question was called and the motion carried 6-0-1, Commissioner Okada absent.

3. PLANNING AND ZONING PERMIT NO. 09-580-04 (Zoning Text Amendment) Repealing Section 16-135(A)(23) to remove mini-warehouse as a permitted use in the C-2 (General Commercial) Zone district. A mini-warehouse is a structure designed with individual compartments that are rented for more than 48 hours to store items. Such uses will remain conditionally permitted in industrial zone districts with approval of a special use permit. This amendment will provide consistency with previously adopted guidelines for mini-warehouses in the City. The proposal is exempt from environmental review under Section 15061(b)(3) of the CEQA Guidelines. Filed by the Planning Division, City of Oxnard, 214 South C Street, Oxnard, CA 93030.
PROJECT PLANNER: Stephanie Diaz

Contract Planner Diaz presented the staff report including the definition of mini-warehouses; amend Chapter 16, Article III, Division 9 of the City Code repealing mini-warehouses as a permitted use in C-2 General Commercial zone; gave history of allowable locations; standards for construction; and indicated the change was consistent with the General Plan, and would bring it more into conformance with the purpose and intent of the General Plan.

Chair Frank opened the public testimony. No comments were received, and the public testimony was closed.

MOTION Commissioner Elliott moved and Commissioner Sanchez seconded a motion to adopt a resolution recommending City Council approval of PZ 09-580-04, an ordinance amendment Chapter 16, Article III, Division 9 of the City Code repealing mini-warehouses as a permitted use in the C-2 General Commercial zone. The question was called and the motion carried 6-0-1, Commissioner Okada absent.

4. PLANNING AND ZONING PERMIT NO. 08-500-05 Special Use Permit to allow residential use in the CBD (Central Business District) Zone for the renovation of four vacant duplex apartment buildings located at 217 E. Sixth Street (APN 201-213-110). One building would be re-oriented on-site. Eight garage parking spaces and eight open visitor parking spaces are proposed to be added on the property. The proposed project is exempt from environmental review under Section 15301 of the CEQA Guidelines for Existing Facilities. Filed on behalf of Shlomo Amar by Coastal Architects, 505 South A Street Oxnard, CA, 93030.
PROJECT PLANNER: Stephanie Diaz

Commissioner Sanchez recused himself due to a conflict of interest.

Contract Planner Diaz presented the staff report including surrounding uses; history of the site; setbacks; Meta District Plan; General Plan and zoning consistency; parking; trash enclosure; open yard area; building design; Community Workshop; environmental review; site had not historical standing, but was considered pre-existing non-conforming until 2003, when it was vacated; a Special Use Permit was required to allow residential use on the property again; City required a two foot

sidewalk easement to provide for the 10 foot sidewalk; and DAC discussed drainage, interior room partitions, alley improvements, and tree species. She also displayed the vicinity, General Plan, and zoning maps; aerial photo; photos of the site and surrounding sites; site and landscape plans; and elevations.

Chair Frank opened the public testimony.

Ms. Pat Brown spoke in opposition to the project stating the property had been vacant for at least 15 years; weeds had not been abated; one of the buildings was partially burned; they were originally built for low income housing; property not maintained until recently; squatters living there now; and they should be made to look like the Meta Street Apartments.

Mr. Bert Perello asked whether it was going to be a phased project.

Discussion ensued regarding the nearby businesses would welcome housing; it fits the community; it conforms with zoning standards; improved landscaping; and although there is a need, maybe a better design, such as two story buildings would be more appropriate, and would still meet the reuse qualification.

Mr. Jeff Zook, applicant, stated that the property had been vacant for six years, and was in poor condition; not many developers were willing to build two stories; developer would dress up the duplexes by using what's currently there, and update it to meet today's building requirements; and the interior would be completely remodeled.

Chair Frank closed the public testimony.

MOTION Commissioner Medina moved and Commissioner Elliott seconded a motion to adopt a resolution granting PZ 08-500-05, a Special Use Permit to allow residential use in the Central Business District zone for the renovation of four vacant duplex buildings, located at 217 East Sixth Street, subject to certain findings and conditions. The question was called and the motion carried 5-1-1, Commissioner Frank voting no, Commissioner Okada absent.

G. PLANNING COMMISSION BUSINESS

Commissioner Elliott thanked the Planning Commission and staff for their well wishes.

Commissioner Dean commended the Planning Commission for their constructive discussions on the projects, and honored Chair Frank's comment that something was not always better than nothing.

Commissioner Mullin stated that he and Commissioner Elliott would be attending the Planner's Institute in Anaheim next week.

Commissioner Frank stated that the Coastal Commission was holding this month's meeting at the Performing Arts Center in Oxnard on April 8-10, 2009; was taking a field trip out to the proposed Southern California Edison peaker plant site on April 8th; the public was welcome to attend; and the hearing on the proposed peaker plant was scheduled last on the agenda on April 9, 2009.

H. PLANNING MANAGER COMMENTS

Planning Manager Martin asked the Planning Commission to consider April 14, 2009 as a tentative date for the joint meeting with the City Council.

I. ADJOURNMENT

At 9:17 p.m., the Planning Commission concurred to adjourn.

Deirdre Frank, Chair

ATTEST: _____
Susan L. Martin, Secretary

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING DENYING PLANNING AND ZONING PERMIT NOS. 09-410-01 (COASTAL PLAN AMENDMENT), 09-630-01 (SPECIFIC PLAN AMENDMENT), AND 09-580-01 (ZONE TEXT AMENDMENT) TO ALLOW A SCHOOL USE WITHIN THE MANDALAY BAY SPECIFIC PLAN. FILED BY GEORGE YIN (AGENT FOR OXNARD SCHOOL DISTRICT), GARCIA CALDERON RUIZ LLP, 500 SOUTH GRAND STREET, LOS ANGELES, CA, 90071.

WHEREAS, the Oxnard School District (District) filed for a Coastal Plan Amendment, Specific Plan Amendment, and Zone Text Amendment that would collectively allow an elementary school use within the Mandalay Phase IV Specific Plan; and

WHEREAS, the proposed elementary school site is within the boundaries of the District and the District is the applicant for the proposed amendments, and

WHEREAS, on March 5 and March 19, 2009, the Planning Commission of the City of Oxnard considered Planning and Zoning Permit Nos. 09-410-01 (Coastal Plan Amendment to amend Policy 45 of the Coastal Land Use Plan), 09-630-01 (Specific Plan Amendment to amend Section III B of the Mandalay Bay Specific Plan) and 09-580-01 (Zone Text Amendment to amend Oxnard City Code Section 17-15(C)) to allow a school use; and

WHEREAS, the Planning Commission found, after due study, deliberation and public hearing, that the payment of statutory school fees as implemented by the Board of Education for the District was the exclusive and complete method of considering and mitigating project impacts to school facilities according to state law, that the Seabridge Project developer entered into an agreement with the District that calls for payment of school fees above those required by state statute for possible use to purchase an alternate school site or to apply to the purchase of the 4100 Tradewinds Drive site, therefore the need for a school at this specific site was not approved as part of the Seabridge Project, nor established by the Seabridge Supplemental Environmental Impact Report at the site proposed by the District within the Mandalay Bay Specific Plan area; and

WHEREAS, the Planning Commission found, after due study, deliberation and public hearing, that the evidence in the administrative record did not support the need for a school at the 4100 Tradewinds site; and

WHEREAS, a supplemental environmental impact report was previously prepared and certified for the Seabridge Project (Subdivision Tract No. 5266, Coastal Development Permit No. PZ 00-5-85), an elementary school use was analyzed as an alternative use on the parcel now addressed as 4100 Tradewinds Drive, said addressed parcel is the only undeveloped site in the Mandalay Specific Plan area where an elementary school could be developed, the Seabridge Supplemental Environmental Impact Report was prepared in compliance and with the California Environmental Quality Act, the Seabridge Supplemental Environmental Impact Report was certified by the Oxnard Planning Commission on August 8, 2002, and the Planning Commission reviewed and considered the relevant Seabridge Supplemental Environmental Impact Report information before denying the proposed amendments; and

WHEREAS, on March 19, 2009, the Planning Commission approved resolution No. 2009-9 recommending that the City Council deny Planning and Zoning Permit Nos. 09-410-01 (Coastal Plan Amendment), 09-630-01 (Specific Plan Amendment), and 09-580-01 (Zone Text Amendment) to allow school use within the Mandalay Bay Specific Plan; and

WHEREAS, the documents and other materials that constitute the record of the Seabridge Supplemental Environmental Impact Report are located in the Planning Division of the City of Oxnard, and the custodian of the record is the Planning Manager; and

WHEREAS, the City Council finds, after due study, deliberation and public hearing, that the proposed use is not consistent with the Oxnard certified Local Coastal Plan; given that the Planning Commission did not recommend approval of PZ 09-410-01; and

WHEREAS, the City Council finds, after due study, deliberation and public hearing, that the Seabridge Project, as approved in 2002, did not include an elementary school on the proposed site at 4100 Tradewinds Drive.

NOW, THEREFORE, the City Council of the City of Oxnard resolves to deny Planning and Zoning Permit Nos. 09-410-01 (Coastal Plan Amendment), 09-630-01 (Specific Plan Amendment), and 09-580-01 (Zone Text Amendment).

PASSED AND ADOPTED this 22nd 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, Assistant City Attorney

ATTACHMENT 6
PAGE 3 OF 3