

Meeting Date: 10/27/2009

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

Prepared By: Christopher Williamsen, AICPCW Agenda Item No. I-4
 Reviewed By: City Manager [Signature] City Attorney SMF Finance [Signature] Other (Specify) _____

DATE: October 15, 2009

TO: City Council

FROM: Matthew Winegar, AICP ~~[Signature]~~
Development Services Director

SUBJECT: Resolutions and Ordinance to Approve 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, respectively. Filed by Oxnard School District (OSD).

RECOMMENDATION

That City Council adopt two resolutions approving Planning and Zoning Permit Nos. 09-410-01 (Coastal Plan Amendment) and 09-630-01 (Specific Plan Amendment) and approve the first reading by title only and subsequent adoption of an ordinance for Planning and Zoning Permit No. 09-580-01 (Zone Text Amendment).

DISCUSSION

The proposed plan amendments and change to the zoning code 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 an elementary school at 4100 Tradewinds Drive. The amendments shall not take effect until certified by the Coastal Commission in accordance with the California Coastal Act. Filed by Anthony Monreal, Superintendent, Oxnard School District, 1051 South A Street, Oxnard, California, 93030.

FINANCIAL IMPACT

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

- Attachments:
1. Resolution to amend Oxnard Coastal Land Use Plan.
 2. Resolution to amend the Mandalay Phase IV Specific Plan.
 3. Ordinance for Zone Text Amendment.

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 09-410-01 (COASTAL LAND USE PLAN AMENDMENT) TO ALLOW A SCHOOL USE WITHIN THE MANDALAY BAY PROJECT SITE DESCRIBED BY POLICY 45. FILED BY ANTHONY MONREAL, SUPERINTENDENT, OXNARD SCHOOL DISTRICT, 1051 SOUTH A STREET, OXNARD, CALIFORNIA, 93030.

WHEREAS, the City Council of the City of Oxnard has considered a proposed amendment to Policy 45 of the Coastal Land Use Plan relating to allowing school use within the Mandalay Bay Project Site area; and

WHEREAS, the City Council has carefully reviewed the Planning Commission recommendation to deny the Coastal Land Use Plan Amendment, and the record of proceedings before the Planning Commission; and

WHEREAS, a supplemental environmental impact report was previously prepared and certified for a school use on the only undeveloped site in the subject area, that it was prepared in compliance with the California Environmental Quality Act, and that the City Council 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 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 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; and

WHEREAS, the City Council, after due study, deliberation and public hearing, makes the following findings:

- 1) That Planning And Zoning Permit No. 09-410-01 for an amendment to Policy 45 of the Coastal Land Use Plan was processed in accordance with Section 17-58.
- 2) That cumulative amendments maintain and enhance coastal resources and protect the originally certified coastal land use plan.

- 3) That the proposed amendment is appropriate in light of an established need for the use established by the amendment in the time and location indicated.
- 4) That the proposed amendment maintains and enhances the provisions for public access within the coastal zone.
- 5) That the adoption of this amendment does not exceed the allowed number of amendments during the 2009 calendar year.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Oxnard approves 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. The amendment shall not take effect until certified by the Coastal Commission in accordance with the California Coastal Act.

PASSED AND ADOPTED by the City Council of the City of Oxnard on this 27th of October, 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

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

EXHIBIT A

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.

School

f. Land uses shall consist of a mix of visitor-serving commercial, 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

<u>Element</u>	<u>Minimum Average</u>	<u>Percent Of Public Area</u>	<u>Percent of Total Project</u>
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

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 09-630-01 (SPECIFIC PLAN AMENDMENT) TO ALLOW A SCHOOL USE WITHIN THE MANDALAY BAY PHASE IV SPECIFIC PLAN. FILED BY ANTHONY MOREAL, SUPERINTENDENT, OXNARD SCHOOL DISTRICT, 1051 SOUTH A STREET, OXNARD, CALIFORNIA, 93030.

WHEREAS, the City Council of the City of Oxnard has considered a proposed amendment to Section III B of the Mandalay Bay Phase IV Specific Plan relating to allowing school use as a permitted use within the Mandalay Bay Phase IV Specific Plan area; and

WHEREAS, the City Council has carefully reviewed the Planning Commission recommendation to deny the Mandalay Bay Phase IV Specific Plan Amendment, and the record of proceedings before the Planning Commission; and

WHEREAS, a supplemental environmental impact report was previously prepared and certified for a school use on the only undeveloped site in the subject area, that it was prepared in compliance with the California Environmental Quality Act, and that the City Council 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 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 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; and

WHEREAS, the City Council, after due study, deliberation and public hearing, makes the following findings:

- 1) That Planning and Zoning Permit No. 09-630-01 for an amendment to the Mandalay Bay Phase IV Specific Plan was processed in accordance with Section 17-58.
- 2) That the Mandalay Bay Phase IV Specific Plan, as amended, provides the appropriate amount of visitor-serving commercial, public recreation, and water area as required by the Oxnard Coastal Land Use Plan.
- 3) That the Mandalay Bay Phase IV Specific Plan, as amended, provides the appropriate

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amount of area of vertical and lateral access as required by the Oxnard Coastal Land Use Plan.

- 4) That required soil transfer program was completed consistent with policies of the Oxnard Coastal Land Use Plan.
- 5) That the Mandalay Bay Phase IV Specific Plan, as amended, is consistent with all other applicable policies of the Oxnard Coastal Land Use Plan.
- 6) That cumulative amendments maintain and enhance coastal resources and protect the originally certified coastal land use plan.
- 7) That the proposed amendment is appropriate in light of an established need for the use established by the amendment in the time and location indicated.
- 8) That the proposed amendment maintains and enhances the provisions for public access within the coastal zone.
- 9) That the adoption of this amendment does not exceed the allowed number of amendments during the 2009 calendar year.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Oxnard hereby approves Planning and Zoning Permit No. 09-630-01 (Specific Plan Amendment), to amend the Mandalay Bay Phase IV Specific Plan as shown in Exhibit A hereto attached. The amendment shall not take effect until certified by the Coastal Commission in accordance with the California Coastal Act.

PASSED AND ADOPTED by the City Council of the City of Oxnard on this 27th of October, 2009 by the following vote:

AYES:

NOES:

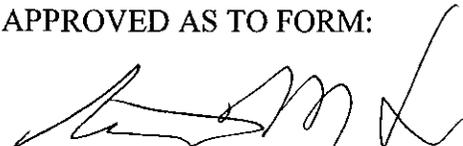
ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney

ATTACHMENT 2
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SECTION 11: LAND USE PROGRAM

A. Coastal Plan Requirements

This specific Plan incorporates the land use parameters established in the City of Grand'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 (228 acres) for the following land uses:

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

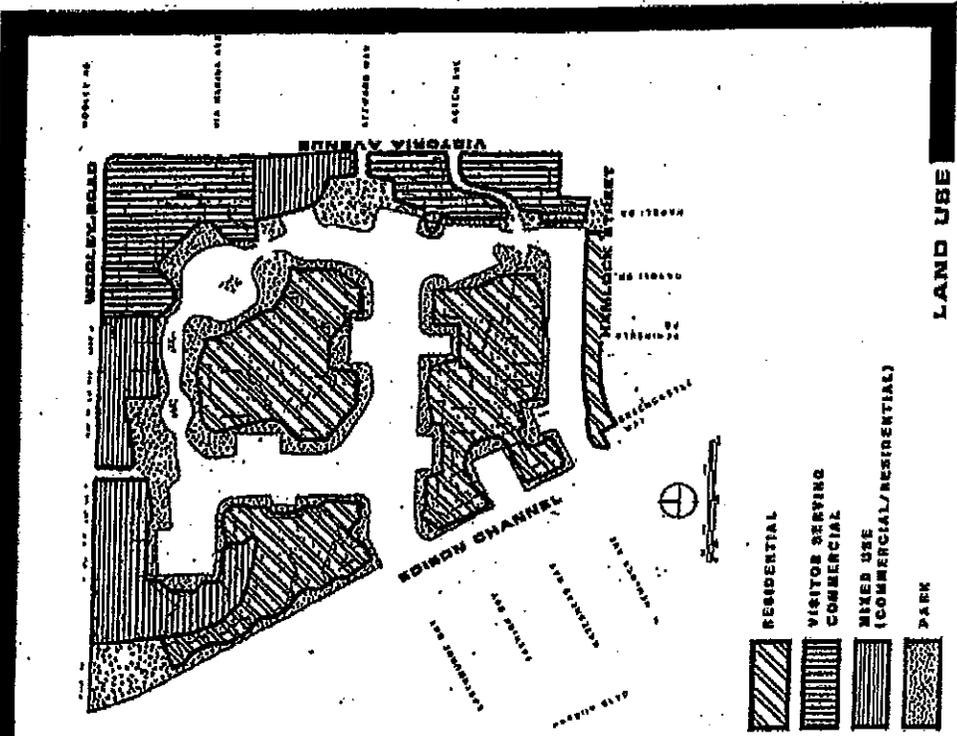
1. Must all be on land.

2. Up to 10% of open water may be devoted to public wharves, 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 II, 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 establish 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, CPC, CFC and RC coastal subzones established in the Coastal Zoning Ordinance. 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).



ORDINANCE OF THE CITY OF OXNARD

ORDINANCE NO. _____

ORDINANCE OF THE CITY COUNCIL APPROVING PLANNING AND ZONING PERMIT NO. 09-580-01 (ZONE TEXT AMENDMENT) AMENDING SECTION 17-15(A)(3) AND 17-15(C) OF THE OXNARD CITY CODE TO ALLOW SCHOOL USE WITHIN THE COASTAL PLANNED COMMUNITY DEVELOPMENT SUBZONE. FILED BY ANTHONY MONREAL, SUPERINTENDENT, OXNARD SCHOOL DISTRICT, 1051 SOUTH A STREET, OXNARD, CALIFORNIA, 93030.

WHEREAS, the City Council of the City of Oxnard has considered a proposed Zone Text Amendment (Planning and Zoning Permit No. 09-580-01) to Section 17-15(A)(3) and 17-15(C) of the Oxnard City Code to add school as an allowed other use; and

WHEREAS, the City Council has carefully reviewed the Planning Commission recommendation to deny the Zone Text Amendment, and the record of proceedings before the Planning Commission; 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 supplemental 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 City Council reviewed and considered the information before approving the amendment.

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, the City Council, after due study, deliberation and public hearing, makes the following findings:

- 1) That Planning and Zoning Permit No. 09-580-01 for a zone text amendment is being amended concurrently with the current certified coastal land use plan and that consistency is maintained pursuant to the Coastal Act.
- 2) That Planning and Zoning Permit No. 09-580-01 for a zone text amendment was processed in accordance with Section 17-58.
- 3) That cumulative amendments maintain and enhance coastal resources and protect the originally certified coastal land use plan.
- 4) That the proposed amendment is appropriate in light of an established need for the use established by the amendment in the time and location indicated.

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Ordinance No.
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- 5) That the proposed amendment maintains and enhances the provisions for public access within the coastal zone.
- 6) That the adoption of this amendment does not exceed the allowed number of amendments during the 2009 calendar year.

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

Part 1. Subdivision (A)(3) of Section 17-15 of the Oxnard City Code is hereby amended to read as follows:

“(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.”

Part 2. Subdivision (C) of Section 17-15 of the Oxnard City Code is hereby amended to read as follows:

“(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 used shall be only those allowed in the R-W-1, R-W-2, R-2-C, R-3-C, CNC, CVC and RC zones. Notwithstanding any limitations and restrictions imposed by the preceding sentence, school use shall be a permitted use within the CPC sub-zone.”

Part 3. Within fifteen days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation within the City. Ordinance No. _____ was first read on _____, 2009, and finally adopted on _____, 2009, to become effective upon certification by the Coastal Commission in accordance with the California Coastal Act.

AYES:

NOES:

ABSENT:

