

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA  
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VENTURA, CA 93001  
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# Th 21a

**DATE:** June 21, 2012

**TO:** Commissioners and Interested Persons

**FROM:** Jack Ainsworth, Senior Deputy Director  
Steve Hudson, District Manager  
Barbara Carey, Supervisor, Planning and Regulation  
Deanna Christensen, Coastal Program Analyst

**SUBJECT:** City of Oxnard Local Coastal Program Amendment No. OXN-MAJ-1-12 for Public Hearing and Commission Action at the July 12, 2012 Commission Meeting in Chula Vista.

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## DESCRIPTION OF THE SUBMITTAL

The City of Oxnard's proposed amendment will affect the Coastal Land Use Plan and Coastal Zoning Ordinance/Mandalay Bay Specific Plan portions of its certified Local Coastal Program (LCP). The amendment proposes to add schools as an allowable use within the Coastal Planned Community/Mandalay Bay Specific Plan zone.

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## SUMMARY OF STAFF RECOMMENDATION

Commission staff recommends that the Commission deny the proposed City of Oxnard LCP Amendment OXN-MAJ-1-12 as submitted and approve the amendment subject to suggested modifications. The motions to accomplish this are found on Pages 5-7 of this staff report. The standard of review for the changes to the Land Use Plan is whether the amendment meets the requirements of and is consistent with the policies of Chapter 3 of the Coastal Act. The standard of review for the proposed changes to the Implementation Plan is whether the amendment conforms with and is adequate to carry out the provisions of the Land Use Plan (LUP) portion of the certified City of Oxnard Local Coastal Program.

The proposed LCP amendment is a project-driven amendment in order to facilitate the future development of an Oxnard School District public elementary school on a vacant, approximately 8.5-acre property in the Mandalay Bay area of the Channel Islands Harbor that is currently designated for mixed use (residential and commercial) and a public park on the waterfront. The suggested modifications ensure appropriate mitigation for the loss and diminishment of public recreational opportunities, which is considered a higher priority use within the Coastal Zone. The suggested modifications specify development parameters for any future elementary school use at the subject property in order to maximize public access and recreational opportunities, consistent with the public access policies of the Coastal Act and certified LCP. Further, the suggested modifications include development parameters to maintain a stable urban/rural boundary and protect adjacent prime agricultural land in order to minimize conflicts between

agricultural and urban land uses, consistent with the relevant agricultural protection policies of the Coastal Act and certified LCP.

**Additional Information:** For further information, please contact Deanna Christensen at the South Central Coast District Office of the Coastal Commission at (805) 585-1800. The proposed amendment to the City of Oxnard Local Coastal Program (LCP) is available for review at the Ventura Office of the Coastal Commission or at the City of Oxnard Planning Department.

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## **EXHIBITS**

- Exhibit 1.** 1a. City of Oxnard Resolution No. 13,744 and Proposed LUP Amendment Language  
1b. City of Oxnard Ordinance No. 2816 and Proposed CZO/IP Amendment Language,  
1c. City of Oxnard Resolution No. 13,745 and Proposed MBSP Amendment Language
- Exhibit 2.** Mandalay Bay Specific Plan Area Vicinity Map
- Exhibit 3.** Subject Property (APN 188-0-250-015) Vicinity Map
- Exhibit 4.** Subject Property (APN 188-0-250-015) Parcel Map
- Exhibit 5.** Mandalay Bay Specific Plan Land Use Map
- Exhibit 6.** Urban-Rural Boundary near Mandalay Bay Specific Plan Area
- Exhibit 7.** Approved Site Plan per CDP No. A-4-OXN-03-014
- Exhibit 8.** Approved Main Public Parks per CDP No. A-4-OXN-03-014
- Exhibit 9.** Approved Public Accessways per CDP No. A-4-OXN-03-014
- Exhibit 10.** Approved Land Uses on Subject Property per CDP No. A-4-OXN-03-014
- Exhibit 11.** Map from August 11, 2010 Settlement Agreement showing portion of site that Oxnard School District has option to purchase
- Exhibit 12.** Oxnard School District's Conceptual School Site Plan
- Exhibit 13.** Oxnard School District's Proposed Joint-Use Area of School (approx. 2.7 ac.)
- Exhibit 14.** Map of Oxnard School District's Existing Elementary Schools and District Boundaries
- Exhibit 15.** Ventura County Harbor Dept Public Park Site – Vicinity Map and Aerial View
- Exhibit 16.** Ventura County Harbor Dept Public Park Conceptual Site Plan

## **APPENDICES**

- Appendix A.** List of Substantive File Documents

## **I. PROCEDURAL ISSUES**

### **A. STANDARD OF REVIEW**

The Coastal Act provides:

*The commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200)... (Section 30512(c))*

The Coastal Act further provides:

*The local government shall submit to the Commission the zoning ordinances, zoning district maps, and, where necessary, other implementing actions that are required pursuant to this chapter.*

*...The Commission may only reject ordinances, zoning district maps, or other implementing action on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. If the Commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection, specifying the provisions of the land use plan with which the rejected zoning ordinances do not conform, or which it finds will not be adequately carried out, together with its reasons for the action taken. ... (Section 30513)*

Accordingly, the standard of review that the Commission uses in reviewing the adequacy of the proposed amendment to the Land Use Plan (LUP) portion of the certified Local Coastal Program is whether the LUP as amended would be consistent with, and meet the requirements of, the policies of Chapter 3 of the Coastal Act. The standard of review for the proposed amendment to the Coastal Zoning Ordinance/Implementation Plan (CZO/IP) and Mandalay Bay Specific Plan (MBSP) portions of the certified Local Coastal Program, pursuant to Section 30513 and 30514(b) of the Coastal Act (“Any proposed amendments to a certified local coastal program shall be . . . processed by . . . the commission in accordance with the applicable procedures . . . specified in Sections 30512 and 30513...”), is whether the CZO/IP and MBSP as modified by the proposed amendment would be in conformance with, and adequate to carry out, the provisions of the Land Use Plan portion of the adopted City of Oxnard Local Coastal Program, as amended.

### **B. PUBLIC PARTICIPATION**

Section 30503 of the Coastal Act requires public input in preparation, approval, certification and amendment of any LCP. The City held public hearings on the subject amendment requests. The hearings were noticed to the public consistent with Sections 13551 and 13552 of Title 14 of the California Code of Regulations. Notice of the subject amendment has been distributed to all known interested parties.

## **C. PROCEDURAL REQUIREMENTS**

Pursuant to Section 13551 (b) of Title 14 of the California Code of Regulations, the City resolution for submittal may specify that a Local Coastal Program Amendment will either require formal local government adoption after the Commission approval, or is an amendment that will take effect automatically upon the Commission's approval pursuant to Public Resources Code Sections 30512, 30513, and 30519. The City Council Resolution for this amendment states that the amendment will take effect after Commission certification. However, in this case, staff has recommended certification only subject to suggested modifications. If the Commission approves this Amendment conditioned upon the City's acceptance of modification, the City must act to accept the certified suggested modifications within six months from the date of Commission action in order for the Amendment to become effective (California Code of Regulations, Title 14, Sections 13537 (expiration of suggested modifications to an LUP), 13542 (expiration of suggested modifications to an IP) and 13544 (effective certification requirements)). Pursuant to Section 13544, the Executive Director shall determine whether the City's action is adequate to satisfy all requirements of the Commission's certification order and report on such adequacy to the Commission. Should the Commission deny the LCP Amendment, as submitted, without suggested modifications, no further action is required by either the Commission or the City.

## **II. MOTIONS AND RESOLUTIONS**

Following a public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce each resolution and a staff recommendation for how to vote on the motion is provided just prior to each resolution.

### **A. DENIAL OF THE LAND USE PLAN AMENDMENT AS SUBMITTED**

**Motion I:** *I move that the Commission certify Amendment OXN-MAJ-1-12 to the City of Oxnard Land Use Plan, as submitted by the City of Oxnard.*

#### **Staff Recommendation of Rejection:**

Staff recommends a **NO** vote. Following the staff recommendation will result in denial of the land use plan as submitted and adoption of the following resolution. The motion to certify as submitted passes only upon an affirmative vote of a majority of the appointed Commissioners.

#### **Resolution to Deny Certification of the Land Use Plan Amendment as Submitted:**

The Commission hereby denies certification of Amendment OXN-MAJ-1-12 to the City of Oxnard Land Use Plan and adopts the findings set forth below on grounds that the land use plan as modified by the proposed amendment does not meet the requirements of and is not in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan would not meet the requirements of the California Environmental Quality Act, as there are

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feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the land use plan as submitted.

**B. CERTIFICATION OF THE LAND USE PLAN AMENDMENT WITH SUGGESTED MODIFICATIONS**

**Motion II:** *I move that the Commission certify Amendment OXN-MAJ-1-12 to the City of Oxnard Land Use Plan, if modified as suggested by staff.*

**Staff Recommendation To Certify If Modified:**

Staff recommends a **YES** vote. Passage of this motion will result in certification of the land use plan with suggested modifications and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of a majority of the appointed Commissioners.

**Resolution to Certify the Land Use Plan Amendment with Suggested Modifications:**

The Commission hereby certifies Amendment OXN-MAJ-1-12 to the City of Oxnard Land Use Plan if modified as suggested and adopts the findings set forth below on grounds that the land use plan as modified by the proposed amendment with the suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the land use plan if modified.

**C. DENIAL OF THE IMPLEMENTATION PLAN AMENDMENT AS SUBMITTED**

**Motion I:** *I move that the Commission reject Implementation Plan (Coastal Zoning Ordinance and Mandalay Bay Specific Plan) Amendment No. OXN-MAJ-1-12 as submitted by the City of Oxnard.*

**Staff Recommendation of Rejection:**

Staff recommends a **YES** vote. Passage of this motion will result in rejection of the Implementation Program Amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

**Resolution to Deny Certification of the Implementation Plan Amendment as Submitted:**

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The Commission hereby denies certification of the City of Oxnard Implementation Plan (Coastal Zoning Ordinance and Mandalay Bay Specific Plan) Amendment OXN-MAJ-1-12 and adopts the findings set forth below on grounds that the Implementation Plan as modified by the proposed amendment does not conform with, and/or is inadequate to carry out, the provisions of the certified Land Use Plan as amended. Certification of the Implementation Plan Amendment would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Program Amendment as submitted.

**D. CERTIFICATION OF THE IMPLEMENTATION PLAN AMENDMENT WITH SUGGESTED MODIFICATIONS**

**Motion II:** *I move that the Commission certify Implementation Plan (Coastal Zoning Ordinance and Mandalay Bay Specific Plan) Amendment No. OXN-MAJ-1-12 if it is modified as suggested by staff.*

**Staff Recommendation to Certified If Modified:**

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Implementation Plan Amendment with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

**Resolution to Certify the Implementation Plan Amendment With Suggested Modifications:**

The Commission hereby certifies the City of Oxnard Implementation Plan (Coastal Zoning Ordinance and Mandalay Bay Specific Plan) Amendment OXN-MAJ-1-12 if modified as suggested and adopts the findings set forth below on grounds that the Implementation Plan as modified by the proposed amendment with the suggested modifications conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan as amended. Certification of the Implementation Plan Amendment if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Plan Amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

### **III. SUGGESTED MODIFICATIONS ON THE LAND USE PLAN**

The staff recommends the Commission certify the following, with the modifications as shown below. The existing language of the certified LCP is shown in straight type. Language proposed by the City of Oxnard in the subject amendment request to be added to the LCP is shown in underline. Language proposed by the City of Oxnard in the subject amendment request to be deleted from the LCP is shown in ~~strikeout~~. Language recommended by Commission staff to be deleted is shown in ~~double strikeout~~. Language proposed by Commission staff to be inserted is shown double underline. Other suggested modifications that do not directly change LCP text (e.g., revisions to maps, figures, instructions) are shown in italics.

#### **SUGGESTED MODIFICATION NO. 1**

##### **Oxnard Coastal Land Use Plan**

**Policy 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. 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 the residential development category.

School use is limited to the construction, maintenance, and operation of a public elementary school facility, in conjunction with public access and recreational components, located on the approximately 8.5-acre property (APN 188-0-250-015) on the south side of Wooley Road between Tradewinds Drive and Seabridge Lane. Approval of any such use shall be conditioned upon the project proponent's payment of an in-lieu fee to mitigate for the lost opportunity for, and diminishment of, a visitor-serving public park on the waterfront that was approved pursuant

to CDP A-4-OXN-03-014. The condition requiring the one-time in-lieu mitigation fee shall also require that it be used for the development of a visitor-serving waterfront public park use elsewhere within the Channel Islands Harbor.

## **IV. SUGGESTED MODIFICATIONS ON THE IMPLEMENTATION PLAN (COASTAL ZONING ORDINANCE AND MANDALAY BAY SPECIFIC PLAN)**

The staff recommends the Commission certify the following, with the modifications as shown below. The existing language of the certified LCP is shown in straight type. Language proposed by the City of Oxnard in the subject amendment request to be added to the LCP is shown in underline. Language proposed by the City of Oxnard in the subject amendment request to be deleted from the LCP is shown in ~~strikeout~~. Language recommended by Commission staff to be deleted is shown in ~~double strikeout~~. Language proposed by Commission staff to be inserted is shown double underline. Other suggested modifications that do not directly change LCP text (e.g., revisions to maps, figures, instructions) are shown in italics.

### **SUGGESTED MODIFICATION NO. 2**

**Oxnard Coastal Zoning Ordinance  
Section 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.

(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.

(C) Other uses, coastal development permit or development review permit 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. In addition, a public elementary school facility may be a conditionally permitted use subject to the development standards and provisions of the CNC sub-zone and the Mandalay Bay Specific Plan.

### **SUGGESTED MODIFICATION NO. 3**

#### **Mandalay Bay Specific Plan**

##### **Section III. Land Use Program**

###### **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 sub-zones established in the Coastal Zoning Ordinance, with the addition of school uses. In addition, a public elementary school facility may be a conditionally permitted use subject to the provisions of this Specific Plan and of the Oxnard Coastal Land Use Plan and 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).

...

**Mixed Use (Residential and Commercial):** Mixed-use will be considered as an appropriate land use, containing Neighborhood or Visitor Serving support commercial uses within the same complex or structure with residential uses.

Mixed use development on the approximately 8.5-acre property (APN 188-0-250-015) located on the south side of Wooley Road between Tradewinds Drive and Seabridge Lane may consist of a mix of public elementary school, public access and recreation uses. Any school use at this property shall be subject to the following development standards:

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- i. The school's main outdoor recreation/play area shall be joint-use, in the sense that it must be open to the public after school, on weekends, and on school holidays during daylight hours. As a condition of approval and prior to issuance of a coastal development permit for a school on the subject property, the project proponent shall be required to secure a formal joint use agreement between the City of Oxnard and the affected School District providing public recreational use of the school's outdoor joint-use area during daylight hours, as indicated above.
- ii. The school's multi-purpose and library buildings shall be available for civic uses during non-school days and hours subject to reservation.
- iii. A public park with playground, picnic benches, restroom, drinking fountains, landscaping, and a vertical accessway shall be provided in the eastern portion of the site and shall be adjacent to the school's joint-use outdoor recreation areas. Landscaped public accessways shall be provided parallel to the northern and eastern property boundaries in order to connect to existing public accessways, and shall be consistent with the type, size, and extent of the existing public accessways in the vicinity.

The public park and accessways shall be restricted to public access and public recreation uses and shall be dedicated in fee interest to the City of Oxnard for recreational use and public access. As a condition of approval, the property owner shall be required, prior to issuance of the coastal development permit for any school use of the property, to execute and record a document, in a form and content acceptable to the City, dedicating to the City of Oxnard a fee interest in the required public park and public accessway areas for the express purpose of public recreational use and public access. The recorded document shall include legal descriptions of both the entire project site and the area of dedication. The document shall be recorded free of prior liens and any other encumbrances which the City of Oxnard determines may affect the interest being conveyed.
- iv. The required public park and public access improvements shall be constructed and made available to the public prior to the occupancy of any school development on the property.
- v. School boundary fencing and landscaping shall be sensitively designed and visually compatible with the character of the area and adjacent land uses and public access areas. School boundary fencing shall be visually permeable so as to not obstruct views between the public access and recreation areas and the school's joint-use outdoor recreation/play areas.

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- vi. School boundary fencing shall be setback at least 15 feet from the northern edge of the existing waterfront public accessway. Landscaping and public waterfront-viewing benches shall be provided within the 15 foot setback area.
- vii. Access gates shall be provided between the school's joint-use outdoor recreation/play areas and the adjacent public park to the east and public accessway to the south. The gates shall be unlocked and open to the public during daylight hours as indicated above.
- viii. Signage shall be provided that identifies the public park, public accessways, and public parking areas. Such signage shall be adequate to ensure that members of the public can easily identify the available public access and recreation opportunities. Signage shall also be provided to identify the days and times that the school's joint-use main outdoor recreation/play areas are accessible to the public.
- ix. The most current version of the "Agricultural/Urban Buffer Policy Guidelines", prepared by the Ventura County Agricultural Commissioner shall be followed, to the maximum extent feasible, to avoid potential land use conflicts with the adjacent agricultural uses, including but not limited to, creation and implementation of a written agreement between the project proponent and the adjacent agricultural operator(s) regarding the timing and conditions for the application of pesticides, herbicides, and/or fertilizers by either ground-based or aerial spraying application methods.
- x. Siting and design alternatives shall be considered in order to maximize the width of the agricultural buffer area to the maximum extent feasible in order to effectively minimize conflicts between agricultural and school uses and to avoid future conversion of existing agricultural land uses due to potential land use conflicts. In no case shall the agricultural buffer be less than 200 feet in width. The agricultural buffer shall incorporate vegetative and other physical barriers and shall be permanently protected (i.e. by deed restriction, easement, or fee dedication) as required by a condition of approval and implemented prior to issuance of a coastal development permit in order to minimize potential land use conflicts. Buildings, parks, or play areas are prohibited within the buffer area, however, parking areas may be allowed.
- xi. As a condition of approval, the property owner shall be required, prior to issuance of a coastal development permit, to provide proof to the City that a document containing the information below has been recorded as a deed restriction against the property identified as APN 188-0-250-015. This statement shall be binding upon the entity developing a school (e.g. school district), any future owners, their successors, heirs, or assignees. The statements contained in this acknowledgement are required to be disclosed to prospective purchasers of the property described herein, and required to be included in any deposit receipt for the purchase of the

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property, and in any deed conveying the property, and distributed to all tenants, employees, students, or other uses of the said property:

The document shall state the following:

The undersigned do hereby certify to be the owner(s) of the hereinafter legally described real property located in the City of Oxnard and do hereby acknowledge and agree: (a) that the property described herein (the “Property”) is adjacent to land utilized or designated for agricultural purposes; (b) that residents, students, or other users of the Property may be subject to inconvenience or discomfort or adverse effects arising from adjacent agricultural operations including, but not limited to, dust, smoke, noise, odors, fumes, grazing, insects, application of chemical herbicides, pesticides, fertilizers, and operation of machinery; (c) that users of the Property accept such inconveniences and/or discomforts from normal necessary farm operations as an integral part of occupying property adjacent to agricultural uses; (d) to assume the risks of inconveniences, discomforts, and/or injuries to themselves and any users of the Property from such agricultural use in connection with this permitted development; and (e) to indemnify and hold harmless the owners, lessees, and agricultural operators of adjacent agricultural lands against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any issues that are related to the agricultural land use and its impact to users of the property. It is understood that the City has required an agricultural setback on the herein described property to separate agricultural parcels and non-agricultural uses to help mitigate, but not necessarily completely alleviate, these conflicts.

xii. As a condition of approval, the project proponent shall be required, prior to the issuance of a coastal development permit, to provide mitigation for the loss of visitor-serving public park uses by satisfying the following:

- A total in-lieu fee of \$500,000 shall be deposited into an interest-bearing account, to be established and managed by the Ventura County Harbor Department (“Harbor Department”) pursuant to a Memorandum of Understanding (MOU) that must be entered into between the Harbor Department and the Executive Director of the Coastal Commission. The purpose of this account shall be to provide funding to the Harbor Department for the development of a visitor-serving public park on the waterfront that is a minimum of 1 acre in size within the Channel Islands Harbor. Until paid in accordance with the terms and conditions of the coastal development permit, the amount shall be increased every July 1st by an amount calculated on the basis of the percentage change from the year 2012 in the California Consumer Price Index for Urban Consumers as determined by the City of Oxnard. The MOU must provide that the entire fee deposited into the special account together with any accrued interest shall be used for the purpose set forth above, and that the expenditure of any funds from this account shall be subject to

review and approval by the Executive Director of the Coastal Commission. It must also provide that this fee shall be expended within two (2) years of the date the fee is deposited into the account, unless this time limit is extended for good cause by the Coastal Commission. If the funds are not expended within this time period, the Coastal Commission shall agree on an alternative expenditure of the funds for public recreational benefits in the coastal zone.

...

## **Mandalay Bay Specific Plan**

### **Section IV. Urban Design**

...

Height zones have been established above grade as a part of the urban design concept to assure that project scale and massing conform to and accentuate the waterscape and island concepts. Buildings on the perimeter of the islands and peninsula will be restricted to three stories in height (45') while buildings on the interior may increase in height from five stories (75') to as much as ten stories (130'). School facility buildings will be restricted to two stories in height (35').

...

## **Section VI. Urban/Rural Buffer**

As required by the Coastal Land Use Plan, this Specific Plan includes a significant buffer zone along the entire northern most property line and the extension of Wooley Road, to protect and to separate the adjacent farmland to the north from the proposed urban uses and to protect the future Mandalay Bay development from the activities associated with agricultural production.

...

~~The agricultural buffer for the northern portion of the Mandalay development shall include at least 200 feet in width (north to south) of parking lot along the length of the development as depicted in Specific Plan Map (page 2). The parking buffer area shall be legally restricted in perpetuity by the appropriate legal instrument (i.e. deed restriction, easement, dedication, etc.) and shall be held and maintained as such by the developer, land owner(s), or appropriate third party.~~

The most current version of the “Agricultural/Urban Buffer Policy Guidelines”, prepared by the Ventura County Agricultural Commissioner shall be followed, to the maximum extent feasible, to avoid potential land use conflicts with the adjacent agricultural uses, including but not limited to, creation and implementation of a written agreement between the project proponent and the adjacent agricultural operator(s) regarding the timing and conditions for the application of pesticides, herbicides, and/or fertilizers by either ground-based or aerial spraying application methods.

Siting and design alternatives shall be considered in order to maximize the width of the agricultural buffer area to the maximum extent feasible in order to effectively minimize conflicts between agricultural and school uses and to avoid future conversion of existing agricultural land uses due to potential land use conflicts. In no case shall the agricultural buffer be less than 200 feet in width. The agricultural buffer shall incorporate vegetative and other physical barriers and

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shall be permanently protected (i.e. by deed restriction, easement, or fee dedication) as required by a condition of approval and implemented prior to issuance of a coastal development permit in order to minimize potential land use conflicts. Buildings, parks, or play areas are prohibited within the buffer area, however, parking areas may be allowed.

As a condition of approval, the property owner shall be required, prior to issuance of a coastal development permit, to provide proof to the City that a document containing the information below has been recorded as a deed restriction against the property identified as APN 188-0-250-015. This statement shall be binding upon the entity developing a school (e.g. school district), any future owners, their successors, heirs, or assignees. The statements contained in this acknowledgement are required to be disclosed to prospective purchasers of the property described herein, and required to be included in any deposit receipt for the purchase of the property, and in any deed conveying the property, and distributed to all tenants, employees, students, or other uses of the said property:

The document shall state the following:

The undersigned do hereby certify to be the owner(s) of the hereinafter legally described real property located in the City of Oxnard and do hereby acknowledge and agree: (a) that the property described herein (the “Property”) is adjacent to land utilized or designated for agricultural purposes; (b) that residents, students, or other users of the Property may be subject to inconvenience or discomfort or adverse effects arising from adjacent agricultural operations including, but not limited to, dust, smoke, noise, odors, fumes, grazing, insects, application of chemical herbicides, pesticides, fertilizers, and operation of machinery; (c) that users of the Property accept such inconveniences and/or discomforts from normal necessary farm operations as an integral part of occupying property adjacent to agricultural uses; (d) to assume the risks of inconveniences, discomforts, and/or injuries to themselves and any users of the Property from such agricultural use in connection with this permitted development; and (e) to indemnify and hold harmless the owners, lessees, and agricultural operators of adjacent agricultural lands against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any issues that are related to the agricultural land use and its impact to users of the property. It is understood that the City has required an agricultural setback on the herein described property to separate agricultural parcels and non-agricultural uses to help mitigate, but not necessarily completely alleviate, these conflicts.

## **V. FINDINGS FOR DENIAL OF THE CITY OF OXNARD LCP AMENDMENT, AS SUBMITTED, AND FINDINGS FOR APPROVAL OF THE CITY OF OXNARD LCP AMENDMENT, IF MODIFIED AS SUGGESTED**

The following findings support the Commission's denial of the Local Coastal Program amendment as submitted and approval of the Local Coastal Program amendment if modified as indicated in Sections III and IV (*Suggested Modifications*) above. The Commission hereby finds and declares as follows:

### **A. AMENDMENT DESCRIPTION AND BACKGROUND**

The proposed amendment consists of changes to the Coastal Land Use Plan and Coastal Zoning Ordinance/Implementation Plan (CZO/IP), and Mandalay Bay Specific Plan (MBSP) components of the City's certified Local Coastal Program (LCP) to add schools as an allowable use within the Coastal Planned Community/Mandalay Bay Specific Plan zone.

The subject LCP amendment was approved by the Oxnard City Council on October 27, 2009. The City's Resolutions (Nos. 13,744 and 13,745) and Ordinance (No. 2816) approving the subject LCP amendment are attached as Exhibit 1. The City of Oxnard initially submitted the subject LCP Amendment to the Commission on January 4, 2010. The LCP Amendment was subsequently withdrawn and officially resubmitted on March 21, 2012, in order to allow additional time for Commission staff to analyze the amendment and schedule the amendment for hearing in southern California. At the May 9, 2012 Commission hearing, the Commission extended the deadline for it to act on LCP Amendment OXN-MAJ-1-12 for a period of one year.

The intent of the amendment request is to facilitate the future development of an Oxnard School District public elementary school (K-6) on a vacant, approximately 8.5-acre property (APN 188-0-250-015) located on the south side of Wooley Road between Tradewinds Drive and Seabridge Lane in the Mandalay Bay area of the Channel Islands Harbor (Exhibits 2-4). Although the proposed LCP amendment request is very general in just allowing school(s) within the Mandalay Bay Specific Plan area, without specifying location, size, or other development parameters, the Oxnard School District has an option to purchase approximately 6 acres of the property for the development of a school. It is Commission staff's understanding that the School District plans to enter into a joint-use agreement with the property owner and City to use a portion of the remaining approximately 2.5 acres of the property for the school's outdoor play areas.

The School District's conceptual site plan involves a 29-classroom elementary school and outdoor play areas that is capable of accommodating 896 students (Exhibit 12). The School District's conceptual site plan incorporates parking and traffic circulation elements, perimeter school fencing, public accessways around the perimeter of the site, a small 0.33-acre public park with tot lot and restroom adjacent to Seabridge Lane in the eastern portion of the property, a public parking lot, and a landscaped buffer between the school fencing and the existing waterfront public accessway to the south. The School District's plan also proposes joint-use of the eastern approximately 2.7 acres of the site for outdoor recreation, as well as the multi-

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purpose and library school buildings for civic use, during non-school days and hours subject to reservation (Exhibit 13).

The subject vacant property is currently approved for a mixed-use development consisting of residential, commercial, and public recreational uses on this site and the surrounding area (a total of 135 acres) pursuant to Coastal Development Permit (CDP) No. A-4-OXN-03-014.

CDP No. A-4-OXN-03-014 was approved by the Commission in 2004 upon taking jurisdiction of the project on appeal. The permit authorized the 135-acre "Seabridge" planned unit development project located between Wooley Road and Hemlock Street on the west side of Victoria Avenue -- consisting of the construction of 708 residential units (276 single-family homes, 42 multi-family units, and 390 residential units in the visitor-serving and mixed use designations); 169,000 square feet of commercial floor area on 35 acres; 16.5 acres of recreational land uses; creation of 32.2 acres of channels and waterways; 503 boat slips (241 public and 235 private); a public trail system (10,755 linear feet of lateral access and 3,841 linear feet of vertical access); and other necessary infrastructure improvements (Exhibits 7-9). Virtually all of this development has been constructed, with the exception of the subject 8.5-acre vacant property. In addition, there are three mixed use buildings that are have not been completely built yet due to the poor real estate market.

On the subject approximately 8.5-acre property in the northwest corner of the Seabridge project area, multi-family residential townhomes (87 units), a general commercial building (10,000 sq. ft.), an approximately 2.2 acre public park, and lateral and vertical public accessways to and along the waterfront were approved pursuant to CDP No. A-4-OXN-03-014 (Exhibit 10). As discussed above, this development has not been constructed, with the exception of the waterfront public accessway, which was developed and dedicated in fee title to the City of Oxnard.

In order to mitigate school impacts resulting from the Seabridge development that involved 708 new residential units, the developer of the Seabridge project entered into a School Mitigation and Option Agreement with the Oxnard School District in 2002, and a Settlement Agreement in 2010. The agreement provides funding of up to \$10.8 million dollars toward site acquisition and construction of a new elementary school, and provides the School District with the exclusive option to purchase approximately 6 acres of the subject property within the Seabridge development area (Exhibit 11). The School District's option to purchase the site lasts until October 2014. Per the agreement, the School District may abandon the subject property as a potential school site and select another location, and the developer will fund a substantial portion of the cost for the alternate site based on the relative valuation of the land selected. With either a school site within the Seabridge development or elsewhere, the School District receives significant funding from the Seabridge developer. Statutory school mitigation fees will also be collected by the School District.

## **LCP Structure and Background**

There are three documents that make up the City's Local Coastal Program (LCP): the Coastal Land Use Plan (LUP), the Coastal Zoning Ordinance/Implementation Plan (CZO/IP), and the Mandalay Bay Specific Plan (MBSP) which is a part of the CZO/IP.

The Commission certified with suggested modifications the City's LUP in July 1981. The City accepted the modifications, and the LUP was effectively certified in May 1982. The City's CZO/IP was approved with Suggested Modifications in January 1985. The City accepted those modifications, and the CZO/IP was effectively certified in March 1985.

Both the LUP and the CZO/IP call for a specific plan to be approved for a 220-acre site identified as the Mandalay Bay site, located between Wooley Road to the north, Hemlock Street to the south, Victoria Avenue to the east, and the Edison Canal to the west. Both plans give specific policies and standards by which any specific plan would be evaluated. A special zone designation, Coastal Planned Community (CPC), was assigned to the entire Mandalay Bay site that allows only for agriculture/aquaculture uses or passive recreation uses, unless a specific plan was developed and adopted prior to any approval for individual development or subdivision within the 220-acre Mandalay Bay site.

The Mandalay Bay Specific Plan (MBSP) was developed by the owners of the 220-acre site and approved by the City of Oxnard in 1984. The City submitted the Mandalay Bay Specific Plan for consideration by the Commission concurrently with their proposed Implementation Plan. The Mandalay Bay Specific Plan was approved with suggested modifications by the Commission as part of the Implementation Plan in January 1985, along with the CZO. Effective certification of the Specific Plan took place in March 1985. As required by the LCP, the Mandalay Bay Specific Plan contains a land use map, park plan, circulation plan, urban/rural buffer provisions, phasing plan, utilities and drainage component, and soil transfer program. The MBSP designates the land within the 220-acre site for four different land uses: "Residential", "Visitor Serving Commercial", "Mixed Use (Commercial/Residential)", and "Park" (Exhibit 5). The Park Plan shows a linear park along the waterways, and pocket parks of varying size throughout the area. The Circulation Plan shows public and private drives of varying width and a pedestrian/bicycle path throughout the linear park areas.

One of the key issues considered by the Commission in certifying the City's LCP (including the Mandalay Bay Specific Plan) was the protection of prime agriculture land on the Oxnard Plain. The 220-acre Mandalay Bay site was recognized as containing prime agricultural soils and as being continuously in agricultural production. In approving urban use for the Mandalay Bay site, the Commission found that the benefits inherent in the visitor-serving and public recreational facilities to be included in the project area would help offset the losses incurred through conversion of agricultural land. Thus, although the substantial public access and recreational opportunities provided by the LCP designations and other policies of the LCP did not have priority over agricultural use of the Mandalay Bay site under the Coastal Act, the Commission did give great weight to the public benefit of such uses in certifying the LCP. As such, the City's LCP includes minimum quantities for public-benefiting land uses (visitor-

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serving commercial, public recreation, and open water) that are required to be provided within the Mandalay Bay Specific Plan area. In addition, the LCP includes implementing measures to ensure that the public access and recreation components are carried out and that an agricultural buffer is provided as part of any development plan in this area.

Development within the Mandalay Bay Specific Plan area has occurred in three parts. Each part contains the required public access and recreation components prescribed in the LCP.

First there was the “Harbour Pointe” project that was approved in 1988, consisting of 129 condominiums, three single-family homes, a park, and public boat slips located north of Hemlock Street and east of the Edison Channel in the southwest section of the Mandalay Bay Specific Plan area (Exhibit 3).

Second, there was the “Westport” project that was approved by the Commission in 2001 after taking jurisdiction of the coastal development permit on appeal (Appeal/CDP No. A-4-OXN-00-172). The Westport project, located on 58 acres east of Reliant Energy Canal and south of Wooley Road, allowed conversion of prime agricultural land for the development of 95 single family residences, 35 residential duplex units, 88 townhouse condominiums, mixed-use development with 88 multi-family residential units and 22,000 sq. ft. of visitor-serving or neighborhood commercial uses, creation of channels and waterways, and 8.16-acres of public park area with trail system (Exhibit 3). This development has been constructed.

And lastly, there is the “Seabridge” project located to the east of Westport between Wooley Road and Hemlock Street on the west side of Victoria Avenue. The Seabridge project was approved by the Commission in 2004 after taking jurisdiction of the coastal development permit on appeal (Appeal/CDP No. A-4-OXN-03-014). As discussed previously, the permit allowed conversion of prime agricultural land for construction of 708 residential units (276 single-family homes, 42 multi-family units, and 390 residential units in the visitor-serving and mixed use designations); 169,000 square feet of commercial floor area on 35 acres; 16.5 acres of recreational land uses (including the approximately 2.2-acre park approved on the subject site); creation of 32.2 acres of channels and waterways; 503 boat slips (241 public and 235 private); a public trail system (10,755 linear feet of lateral access and 3,841 linear feet of vertical access); and other necessary infrastructure improvements. In its action on this permit, the Commission found that the mix and location of land uses within the planned development was consistent with those prescribed in the MBSP. Most of the Seabridge development has been constructed, with the exception of the subject 8.5-acre vacant property, and three mixed use buildings to the east and southeast that have not been completely built yet due to the poor real estate market (Exhibit 3).

## **B. NEW DEVELOPMENT AND PUBLIC ACCESS AND RECREATION**

### **1. Relevant Coastal Act Policies**

Section 30222 of the Coastal Act states:

*The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.*

Section 30250 of the Coastal Act states, in relevant part:

*(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels...*

Section 30210 of the Coastal Act states:

*In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

Section 30211 of the Coastal Act states:

*Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

Section 30214 of the Coastal Act states:

*(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:*

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- (1) *Topographic and geologic site characteristics.*
  - (2) *The capacity of the site to sustain use and at what level of intensity.*
  - (3) *The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.*
  - (4) *The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.*
- (b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.*
- (c) In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.*

Section 30252 of the Coastal Act states:

*The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.*

## **2. Relevant Land Use Plan Policies**

### **Policy 45(d), (f)**

*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:*

...

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*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.*

...

*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)*

**BREAKDOWN OF PUBLIC AND VISITOR-SERVING AREAS**

<u>Element</u>	<u>Minimum Acreage</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

**3. Relevant Mandalay Bay Specific Plan Policies**

***Section III.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-3-C, CNC, CVC, and RC coastal sub-zones 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).*

...

*Mixed Use (Residential and Commercial): Mixed-use will be considered as an appropriate land use, containing Neighborhood or Visitor Serving support commercial uses within the same complex or structure with residential uses.*

*Public Access and Recreation: The primary public access to the waterfront of this project is satisfied by a linear park which extends throughout the entire project, except where single-family residences are proposed along Hemlock Street. This waterfront park will provide approximately 21,000 linear feet of lateral access for the public. Interspersed along this linear waterfront park are several “pocket parks” ranging from approximately one-third acre to three acres in size. These pocket parks will offer visitors and residents a variety of recreational amenities, from vista points and look-outs to picnic facilities, gardens, and open space for “free play”. ...*

#### **4. Discussion**

In order to ensure that new development is located in areas able to accommodate it and where it will not have significant cumulative impacts on coastal resources, as required by Section 30250 of the Coastal Act, it is necessary for the LCP to designate the appropriate location, density, and intensity for different kinds of development. Such designations must also take into account the requirements of other applicable policies of Chapter 3 of the Coastal Act, including public access, recreation, land and marine resources, and scenic and visual quality.

#### **Approved Site Use and Proposed Change in Use**

The stated intent of the amendment request is to facilitate the future development of a public elementary school (K-6) on a vacant approximately 8.5-acre property (APN 188-0-250-015) located on the south side of Wooley Road between Tradewinds Drive and Seabridge Lane in Mandalay Bay of the Channel Islands Harbor. The Mandalay Bay Specific Plan designates the property as a combination of “park” and “mixed use (commercial and residential)”. In 2004, the Commission approved (pursuant to CDP No. A-4-OXN-03-014) a mixed use development on the subject property consisting of multi-family residential townhomes (87 units) on approximately 4.5 acres, and public recreation and visitor-serving development on the remaining 4 acres of the property, consisting of a 10,000 sq. ft. general commercial building, 2.2-acre public park, and 1.5-acre lateral and vertical public accessways to and along the waterfront.

The public park element that had been approved at this site is one of only two main public park areas approved within the Seabridge planned development (Exhibit 8). These parks were strategically located adjacent to major public access points within the Seabridge development to maximize their visibility and use by the public. The proximity of these parks to public access points was also intended to be visitor-serving in nature and attract use by the visiting public in addition to the neighborhood residents. The public park on the west side of the Seabridge development is located adjacent to commercial development and between a major public road, Victoria Avenue, and the Marina Channel of the harbor. The public park on the north side was to be located adjacent to the North Channel and the main entrance to the Seabridge development

from Wooley Road. In addition to these parks, the Commission had approved an extensive linear public walkway with a few smaller pocket parks around the perimeter of the waterfront (Exhibit 9).

Although the proposed LCP amendment request is very general in just allowing school(s) within the Mandalay Bay Specific Plan area, without specifying location, size, or other development parameters. The majority of the specific plan area is already developed. As described above, only the subject property remains vacant. Additionally, the Oxnard School District has an option to purchase approximately 6 acres of the subject 8.5-acre property and has provided a conceptual site plan that involves a 29-classroom elementary school and outdoor play areas that is capable of accommodating 896 students. The remaining approximately 2.5 acres of the property would be retained by the property owner for a public park use. Since the area required for a school campus exceeds the 6 acres of the property that the School District could purchase, the School District plans to enter into a joint use agreement with the property owner and the City to re-allocate the use of the remaining 2.5 acres of the property in order to provide lateral public accessways on the School's District's portion of the site and to provide for the school's outdoor play area on a portion of the approved park area of the site.

The School District's plan proposes joint-use of approximately 2.7 acres of the 8.5 acre property for outdoor recreation, as well as the multi-purpose and library school buildings for civic use, during non-school days and hours subject to reservation. The School District's conceptual plan would provide for public use of these approximately 2.7 acres of the property, consisting of public accessways around the perimeter of the site (1.5 acres), a 0.33-acre public park with tot lot and restroom adjacent to Seabridge Lane in the eastern portion of the property, and a 0.89-acre public parking lot.

### **Need for School Use at the Site**

The Oxnard School District is an elementary school district serving grades K-8 in the City of Oxnard. It operates 17 elementary schools (K-6 grade) and 3 middle schools (7-8 grade). The District has stated that the District has been divided into sections for planning purposes, with 5<sup>th</sup> Street, which runs east to west through the City, forming the logical boundary between the north and south sections of the District. Similarly, Ventura Road delineates the boundary between the east and west sections of the District. As such, the subject property is located in the south section, or more specifically, the southwest section, of the District. The School District has indicated that there is a great need for a school in the southwest portion of the District's boundaries (Exhibit 14). There are currently three elementary schools in the southwest section (Soria, Marina West, and McAuliffe). These schools are significantly overcrowded -- existing student enrollment currently exceeds capacity by approximately 300 students. In addition, two of these schools have temporary portable classrooms that are temporarily housing approximately 500 students, but at the cost of straining the school's permanent facilities and services. The School District would like to phase out the use of temporary portable units in order for student enrollment to better align with the true carrying capacity of each school facility. Therefore, the existing elementary schools in the southwest section of the District are currently overcrowded by approximately 800 students. Further, given the City's current inventory of approved and proposed future residential dwelling units in the southwest section, it is projected that student

enrollment will also grow by approximately 400 students in the next 10 years. The four elementary schools in the south-central section of the District are also at, or exceed, capacity and are expected to experience growth. In addition, there are currently no schools west of Victoria Avenue to serve the Mandalay and Oxnard Shores residential neighborhoods. The proposed school use of the subject site within the Seabridge development would serve to relieve existing school overcrowding, as well as accommodate projected demand, within the south/southwest section of the District.

The School District has also indicated that there are limited alternative sites for a school in the south section of the District because the area is largely built-out. The California Department of Education and the Oxnard School District have extensively analyzed potential school sites to meet the needs of the District. Some of the alternative sites would involve acquisition and conversion of agricultural land or condemnation of existing commercial and/or residential development. Other alternative sites are of an inadequate size or are situated too close to incompatible land uses, such as Oxnard Airport or industrial development. There are also economic considerations such as a property owner's willingness to sell a property, or the cost of property acquisition, site preparation, and development. Such constraints make alternative sites infeasible or less desirable to the School District than the subject site.

### **Impact Analysis**

The City's LCP requires minimum acreages for certain public and visitor-serving land uses within the 220-acre Mandalay Bay Specific Plan area. Of the 220-acre area, at least 110 acres is required to serve visitor-serving commercial, public recreational and open water uses. More specifically, of these 110 acres, the LCP requires that at least 27.5 acres be visitor-serving commercial uses, at least 27.5 acres be public recreation uses, and at least 55 acres be open water uses. In order to carry out these minimum acreage requirements, the corresponding Land Use Map of the Mandalay Bay Specific Plan depicts the required distribution of the allowed land uses (residential, visitor-serving commercial, mixed use, and park) within the specific plan area (Exhibit 5). The Land Use Map of the Mandalay Bay Specific Plan designates the subject property as a combination of "park" and "mixed use (commercial and residential)". As such, in the permit action for the Seabridge development, the subject property was approved for a combination of public park and mixed use development with public accessways to and along the waterfront. All of the development approved within Seabridge pursuant to CDP No. A-4-OXN-03-014 was found by the Commission to be consistent with the amount and distribution of land uses required by the Mandalay Bay Specific Plan.

The proposed amendment would allow for a school use at the site to replace a mixed use of residential townhomes, a 10,000 sq. ft. commercial building, and a main public park approximately 2.2 acres in size. The subject site is a vacant property located within an existing developed area with adequate public services that is able to accommodate a school use. However, public recreation is considered a priority use under the Coastal Act and Oxnard LCP. This use takes precedence over residential, school/institutional, general commercial and industrial development. In this case, no Coastal Act issues are raised by a school use replacing a residential and general commercial use at the subject site. However, under the School District's conceptual site plan, a school use at the site would impact an approximately 2 acre area

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designated for a main public park for public recreational and visitor-serving benefits on the harbor waterfront, which is a higher priority land use under the Coastal Act than a school use. In addition, the park area designated on the subject property is only one of two main public parks provided within the Seabridge portion of the Mandalay Bay Specific Plan. This proposed change in use raises issues with regard to the public access and recreation policies of the Coastal Act.

The School District asserts that the approximately 2.7-acre school playground/sports field contemplated for joint-use would be a public recreational asset that would actually result in a net increase in area available for public recreation. However, the Commission finds that the approximately 2.7-acre school playground/sports field contemplated by the School District for joint-use by the public during non-school hours and days would represent a very restricted public use. The limited duration and range of public use would be of less public recreational value than the approved full-time public park. In addition, the school's outdoor sports field would be in demand for use by school and community sports teams during non-school hours and days, which would further diminish its recreational value to the general public.

The School District has indicated that it intends to provide for a small 0.33-acre public park with tot lot, restroom, and a 0.89-acre public parking lot adjacent to Seabridge Lane in the eastern portion of the property. Table 1 summarizes the approved and proposed mix of uses and their approximate acreages.

When compared to the park plan that was previously approved at this site pursuant to CDP A-4-OXN-03-014, the School District's conceptual site plan would result in an approximately 1.3 acre reduction in area available for unrestricted public recreational and visitor-serving use.

**Table 1. Approved and Proposed Approximate Acreages for Approved and Proposed Uses on the Subject Property**

Use	Approved Acreage (approx.)	Proposed Acreage (approx.)
Residential	4.5	-
Commercial	0.2	-
School	-	3.1
School Joint-Use Recreation	-	2.7
<b>Subtotal</b>	<b>4.7</b>	<b>5.8</b>
Public Park	2.2	0.33
Public Accessways	1.5	1.5
Public Parking	0.1	0.89
<b>Subtotal</b>	<b>3.8</b>	<b>2.7</b>
<b>Total</b>	<b>8.5</b>	<b>8.5</b>

However, because a public parking lot represents a large proportion of the School District's proposed unrestricted public recreation area, the School District's conceptual school site plan would actually reduce the area devoted to unrestricted public park use by approximately 2 acres, from 3.7 acres (2.2 acre park and 1.5 acres of public accessways) to 1.8 acres (.33 acre tot lot and 1.5 acres of public accessways). While a public parking lot would be beneficial to the public for accessing the small proposed park and public accessways, the large size of the proposed parking lot would likely be under-utilized for public recreational use due to the lack of public recreation and commercial amenities at this site for the parking lot to support. From a practical standpoint, the public parking lot would primarily serve as overflow parking and/or a student pick-up and drop-off area for the school. As such, the School District's conceptual school site plan would result in an overall diminishment of public recreational uses at the site.

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Since the Mandalay Bay Specific Plan area, and the Seabridge development within it, is essentially built-out, there are no alternative locations within the Specific Plan area of the harbor to either site a school or to relocate the approved public recreation and visitor-serving area. As part of the alternatives analysis, Commission staff asked that the School District analyze the alternative of limiting a school use to the residential designated portion of the property to avoid impacting the higher priority public recreational area of the site. The School District has indicated that the school would need to be much smaller if it were limited to the residential designated portion of the site, and that a smaller school would not be feasible to meet the District's needs. In addition, public schools have minimum requirements for the acreage that must be devoted to outdoor play areas. The School District has indicated that their conceptual site plan represents the minimum design necessary to accommodate an elementary school of sufficient capacity to meet their needs and State requirements. As stated previously, off-site school siting alternatives have also been considered, however, there are many land use and economic constraints within the south section of the District that make these alternative sites infeasible or less desirable to the School District than the subject site.

Although the proposed LCP amendment request is project-driven and intended to meet a specific need on a particular site, the amendment language proposed by the City is extremely general by simply stating that "schools" would be allowed within the Mandalay Bay Specific Plan area, without specifying location, size, or other development parameters. As proposed, the amendment language could potentially allow schools of any size anywhere within the Specific Plan area, including areas approved for higher priority land uses such visitor-serving commercial and public access and recreation, and even if replacing such higher priority uses. The lack of specificity in the proposed amendment request raises issues with regard to the public access and recreation policies of the Coastal Act. In addition, the potential loss and diminishment of visitor-serving recreational opportunities is in contradiction to the public access and recreation policies of the Coastal Act. Therefore, the amendment must be denied as submitted.

In order for the proposed land use conversion from mixed-use (residential/commercial/public recreation) to school to be found consistent with the Coastal Act, it must be limited (by precluding school uses to count as visitor-serving, public recreational, or open water uses) and appropriately mitigated, since the proposed land use change to allow a school use would still reduce and diminish public recreational uses on the site, which is not a priority use within the Coastal Zone.

Ideally, the loss of area designated for public park use should be offset by re-designating some other equivalent or superior area within the Channel Islands harbor that is designated with a low priority land use, to a visitor-serving public recreational use. The City did not identify any other equivalent area that would be re-designated for visitor-serving public recreational use. An alternative way for the LCP to require mitigation for the loss of public recreational opportunities would be for any coastal development permit for a school use on the subject site to be conditioned to require an in-lieu fee to be used to improve equivalent public recreation opportunities in a similarly situated location nearby. Commission staff worked with the Ventura County Harbor Department to identify potential public park projects elsewhere within Channel Islands Harbor. A public park site has been identified that is approximately 1 acre in size and situated on a vacant County-owned waterfront property on the south side of Channel Islands

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Blvd., between Peninsula Road and the waterfront, within the Channel Islands Harbor (Exhibit 15). The park site is within a mile of the subject school site property.

The Harbor Department has generated preliminary design plans (Exhibit 16) and a cost estimate for a park at this location, consisting of a play area, walking paths, landscaping, interpretive signage and elements, and terraced stone benches that face the waterfront. The walking paths would connect to adjacent existing walking paths along the waterfront in this area. Adequate public parking exists to accommodate the park use. The park would be one of several parks in the harbor that would be named after one of the Channel Islands and contain interpretive elements consistent with that theme. As such, the park would provide public access and recreation in this area for local and regional visitors alike. Water access would also be available for visitors at this park location. Although the Harbor Department had already slated this property for a future park use, it lacks the funding to fully construct it. The mitigation fee was calculated based upon the Harbor Department's cost estimate for construction of the park. While the Harbor Department estimated that "hard costs" associated with park construction would be approximately \$910,000, Commission staff has determined that a mitigation fee of \$500,000 would be commensurate with impacts associated with a school use at the subject property and adequate to provide substantial funding for construction of an equivalent park site. Although a school use of the site would actually reduce the area devoted to unrestricted public park use by approximately 2 acres, the approximately 1 acre mitigation park is determined to be equivalent to that impact because the joint recreational use of a portion of the school campus would provide some public recreational benefits even though those benefits would be restricted in both a temporal sense and an experiential sense.

Therefore, in order to ensure that the proposed amendment will not result in the loss of visitor-serving recreational opportunities in the Coastal Zone, the Commission is requiring a suggested modification to implement the mitigation fee. Thus, **Suggested Modification Nos. 1 and 2** would require the City to add a new Land Use Plan policy and associated Implementation Plan provisions that require payment of a \$500,000 fee to mitigate for the loss of visitor-serving public recreational land as a condition of approval and prior to the issuance of any coastal development permit for development of a school use at the subject property. Specifically, the in-lieu fee shall be deposited into an interest-bearing account, to be established and managed by Ventura County Harbor Department pursuant to a memorandum of understanding entered into between the Harbor Department and the Executive Director of the Coastal Commission. As such, implementation of the mitigation requirement would be carried out through the City's coastal development permit process. The policy includes provisions to adjust the mitigation fee to account for inflation.

In addition, in order to ensure that any future school use within the MBSP area is limited to the subject 8.5-acre property and that maximum public access and recreational opportunities are provided at the site as part of any future school use, **Suggested Modifications 1-3** are required. While the proposed amendment and suggested modifications would allow development of a school at the subject property in conjunction with other public access and recreation amenities, use of the site would not be restricted to a school use. A mixed use of residential, commercial, and public park uses, as had previously been approved for the site, would still be allowed under the proposed amendment and suggested modifications.

Suggested Modification 1 adds a change to the Coastal Land Use Plan specifying that any school use within the MBSP area shall be limited to a public elementary school facility located on the approximately 8.5-acre property on the south side of Wooley Road between Tradewinds Drive and Seabridge Lane, conditioned upon payment of a fee by the project proponent, in conjunction with the securing of a permit for any such development of the subject property, to mitigate for the loss and diminishment of an visitor-serving public park on the waterfront that was to be provided at the site pursuant to the Mandalay Bay Specific Plan and CDP A-4-OXN-03-014. The one-time mitigation fee shall be used for the development of a visitor-serving waterfront public park use elsewhere within the Channel Islands Harbor.

Suggested Modification 2 provides clarity in the Coastal Zoning Ordinance that a public elementary school facility may be a conditionally permitted use in the Coastal Planned Community zone designation, subject to the development standards and provisions of the zone and the Mandalay Bay Specific Plan. Suggested Modification 3 adds development standards to the Mandalay Bay Specific Plan portion of the City's Coastal Zoning Ordinance that are specific to any future school use. Currently there are no development standards specific to schools in the Oxnard LCP because there are no schools in the City's coastal zone. As such, Suggested Modification 3 specifies development parameters for any future elementary school use within the MBSP area in order to maximize public access and recreational opportunities, consistent with the public access policies of the Coastal Act and Oxnard LCP. An elementary school use that is of sufficient size for the purposes of the School District would require a significant portion of the subject property to be developed for school facilities. As discussed previously, not enough area would remain for public access and recreation amenities that would be equivalent to the public park that was previously required at this site. Although not equivalent, it is still important for public access and recreation opportunities to be provided at the site and maximized on the site in order to ensure consistency with the public access policies of the Coastal Act and Oxnard LCP.

Therefore, Suggested Modification 3 specifies that the school's main outdoor recreation/play area shall be joint-use and open to the public after school, on weekends, and on school holidays during daylight hours. The school's multi-purpose and library buildings shall be available for civic uses during non-school days and hours subject to reservation. As a condition of approval and prior to issuance of a coastal development permit for a school on the subject property, a formal joint use agreement between the City of Oxnard and the School District shall be effectuated in order to provide public recreational use of the school's outdoor joint-use area during daylight hours after school, on weekends, and on school holidays. At least four access gates shall be provided between the school's joint-use outdoor recreation/play areas and the adjacent public park to the east and public accessway to the south. The gates shall be unlocked and open to the public when the joint-use area is open to the public.

Landscaped public accessways shall be provided parallel to the northern and eastern property boundaries in order to connect to existing accessways, and which shall be consistent with the type, size, and extent of the existing public accessways in the vicinity. In addition, a public pocket park with playground, picnic benches, restroom and drinking fountains, landscaping, and a vertical accessway shall be provided in the eastern portion of the site and shall be adjacent to the school's joint-use outdoor recreation areas. The public park and accessways shall be

restricted to public access and public recreation uses and the property owner shall dedicate to the City of Oxnard a fee interest for recreational use and public access over the public park and public accessway areas prior to issuance of the coastal development permit for a school use. Further, the required public park and public access improvements shall be constructed and made available to the public prior to the occupancy of any school development on the site.

School boundary fencing and landscaping shall be sensitively designed and visually compatible with the character of the area and adjacent land uses and public access areas. School boundary fencing shall be visually permeable so as to not obstruct views between the public access and recreation areas and the school's joint-use outdoor recreation/play areas. School boundary fencing shall be setback at least 15 feet from the northern edge of the existing waterfront public accessway. Landscaping and public waterfront-viewing benches shall be provided within the 15 foot setback area. In addition, signage shall be provided that identify the public park, public accessways, and public parking areas. Such signage shall be adequate to ensure that members of the public clearly identify the available public access and recreation opportunities. Signage shall also be provided to identify the days and times that the school's joint-use main outdoor recreation/play areas are accessible to the public.

Therefore, the Commission finds that the proposed LCP amendment, only if modified as suggested, would ensure that maximum public access and recreational opportunities are provided, consistent with the relevant public access policies of the Coastal Act and certified LUP. As suggested to be modified, the Commission finds that the proposed LUP amendment is consistent with, and adequate to carry out, the requirements of Section 30250 of the Coastal Act. As suggested to be modified, the Commission finds that the amendment to the City's CZO/MBSP is consistent with, and adequate to carry out, the new development and public access policies of the City's LUP.

## C. AGRICULTURAL RESOURCES

### 1. **Relevant Coastal Act Policies**

The Coastal Act requires the preservation of both prime and non-prime agricultural lands and the minimization of conflicts between agricultural and urban land uses.

Section 30241 of the Coastal Act states:

*The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the area's agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:*

- (a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.*
- (b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands*

*would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.*

- (c) *By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.*
- (d) *By developing available lands not suited for agriculture prior to the conversion of agricultural lands.*
- (e) *By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.*
- (f) *By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.*

## **2. Relevant Land Use Plan Policies**

**Policy 3** *All urban development shall be restricted to the area within the urban-rural boundary, as defined by Map 1 and the Land Use Map.*

**Policy 4** *The agricultural lands bordering the urban-rural boundary will require buffer measures in addition to the designated adjacent buffer land uses in order to adequately protect their viability. Design features for the improvements required on Wooley Road as a result of urbanization to the south of Wooley Road shall include mitigation measures to buffer the urban uses from the agricultural lands. Possible design techniques which will provide the necessary mitigation measures include the following:*

- b. *All widening shall occur on the south side of Wooley Road;*
- c. *A grade difference shall be created between the road and the agricultural fields, with a drainage ditch located along the north side of the road;*
- d. *There shall be no provision of turn-out areas or on-street parking, minimal shoulders and construction of a curb along the northern edge of the roadbed;*
- e. *All sidewalks and bicycle paths shall be located only on the south side of Wooley Road; and*
- f. *A hedge or tree row, combined with an eight-foot fence, shall be located on the crop side, on the north side of Wooley Road.*

**Policy 45(h)** *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:*

- h. *The project design shall also provide for significant buffer areas within the project, not including active public or visitor-serving uses, which will effectively protect all adjacent agricultural land uses from conflicts with urban uses and activities.*

### **3. Relevant Mandalay Bay Specific Plan Policies**

#### *Section VI. Urban/Rural Buffer*

*As required by the Coastal Land Use Plan, this Specific Plan includes a significant buffer zone along the entire northern most property line and the extension of Wooley Road, to protect and to separate the adjacent farmland to the north from the proposed urban uses and to protect the future Mandalay Bay development from the activities associated with agricultural production.*

...

*The agricultural buffer for the northern portion of the Mandalay development shall include at least 200 feet in width (north to south) of parking lot along the length of the development as depicted in Specific Plan Map (page 2). The parking buffer area shall be legally restricted in perpetuity by the appropriate legal instrument (i.e. deed restriction, easement, dedication, etc.) and shall be held and maintained as such by the developer, land owner(s), or appropriate third party.*

### **4. Discussion**

Section 30241 of the Coastal Act requires that the maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the area's agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through the establishment of stable boundaries separating urban and rural areas, including clearly defined buffer areas to minimize conflicts between agricultural and urban land uses, and by assuring that development does not impair agricultural viability, among other things. In carrying out this Coastal Act policy, the Oxnard LCP includes a designated urban-rural boundary that runs along Wooley Road just north of the Seabridge development, and implementing measures to ensure that a minimum 200 foot agricultural buffer with specific design parameters is provided from the nonagricultural land uses allowed in the MBSP area.

The proposed LCP amendment request is intended to facilitate the future development of an Oxnard School District public elementary school (K-6) on the subject approximately 8.5-acre property that is located just south of Wooley Road. Wooley Road serves as the urban-rural boundary between the mixed use development within the MBSP area and a large contiguous area of prime agricultural lands to the north that is in active production. The proposed change in use from a mixed-use development (residential, commercial, and public recreation) to a school use has the potential to adversely affect adjacent agricultural uses as it would introduce a particularly sensitive use next to them. Schools are considered a sensitive use because children are particularly vulnerable to the adverse health effects of pesticide exposure because of their size, their rapidly growing bodies, and the special ways they interact with their environment (such as playing on the ground and putting their hands in their mouths), meaning that their exposure to pesticides is relatively much greater than for adults. Children require special protection from pesticides because of the increased risk to their developing bodies posed by pesticide exposure.<sup>1</sup>

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<sup>1</sup> U.S. Environmental Protection Agency. 2002. Protecting Children from Pesticides.<http://www.epa.gov/pesticides/factsheets/kidpesticide.htm>. Center for Environmental Health; Pesticide Watch Education Fund; Californians for Pesticide Reform. March 2010. Pesticide Protection Zones: Keeping Kids Safe at School. <http://www.pesticidereform.org/article.php?id=347>

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In California, County Agricultural Commissioners have the authority to protect schoolchildren from pesticide exposure. In 2002, the California Legislature recognized the need for school protection zones by passing AB 947 (Jackson), a law giving County Agricultural Commissioners the authority to limit or ban the use of any pesticide within ¼ mile of schools. This bill was passed, after a serious pesticide drift emergency around the Mound Elementary School in Ventura County, so that County Agricultural Commissioners could protect school children from pesticide drift.

The Ventura County Agricultural Commissioner has adopted an Agricultural/Urban Buffer Policy (revised 7/19/06) that provides guidelines to prevent and/or mitigate conflicts that may arise from new development at the agricultural/urban interface. These guidelines state that all K-12 school construction is strongly discouraged within a ¼-mile of agriculture, but when a school is located within 300 feet of agriculture, the recommendations in *Farming Near Schools, A Community Guide for Protecting Children* (available from the Ventura County Agricultural Commissioner's Office or [www.agfuturesalliance.net](http://www.agfuturesalliance.net)) shall be followed by both the farmer and the school. In addition, the guidelines state that the 300 foot buffer that new development and sensitive uses must provide from agricultural land may be reduced to a minimum of 150 feet if a vegetative screen is provided between the agriculture and urban use.

In this case, the City does not propose to modify the existing urban/rural buffer standard (at least 200 feet) that is contained in the City's certified LCP. Therefore, a minimum 200 foot buffer from the adjacent agricultural land would be applied to any future development of the subject site. The City has stated that the School District's conceptual school site plan provides for the required 200 foot buffer from adjacent agricultural land. A wall and vegetative buffer has already been installed on the north side of Wooley Road and immediately adjacent to the agricultural field. In addition, the School District would ensure that no school facilities would be allowed within the 200 foot buffer, except for roadway and parking.

However, the proposed amendment request to allow a school use at the subject site raises issues regarding the adequacy of the 200 foot urban/rural buffer standard of the LCP to protect human health and the viability of the adjacent agricultural lands. When that buffer standard was certified, a school use had not been contemplated within the MBSP area. Schools are considered a sensitive use because children are particularly vulnerable to the adverse health effects of pesticide exposure. Standard legal agricultural practices on the adjacent agricultural fields that may potentially create exposure to agricultural chemicals, dust, noise, and odors could be denied or limited due to the presence of a school. This may negatively impact the viability of the adjacent agricultural operations. Siting a sensitive school use adjacent to active agricultural land has the potential to destabilize the urban/rural boundary and impair agricultural viability, inconsistent with Policy 45(h) of the LUP and Section 30241 of the Coastal Act (which is incorporated as a policy of the City's LUP). Further, applying the existing 200 ft. urban/rural buffer standard that is contained in the LCP to a sensitive school use may not serve to minimize conflicts between land uses in this case, inconsistent with Policy 45(h) of the City's LUP and Section 30241 of the Coastal Act (which is incorporated as a policy of the LUP). For these reasons, the Commission finds that the proposed amendment to the CZO/MBSP is not sufficient to carry out the agricultural protection policies of the certified LUP and must be denied.

Therefore, the Commission finds that **Suggested Modification 3** is necessary, which adds a specific urban/rural buffer provision to the City's CZO/MBSP specifying that siting and design alternatives shall be considered in order to maximize the width of the agricultural buffer area to the maximum extent feasible in order to effectively protect all adjacent agricultural land uses from conflicts with urban uses. In addition, the most current version of the Agricultural/Urban Buffer Policy Guidelines of the Ventura County Agricultural Commissioner shall be followed, to the maximum extent feasible, to effectively protect all adjacent agricultural land uses from conflicts with urban uses, and in no case shall the agricultural buffer be less than 200 feet in width. The agricultural buffer shall incorporate vegetative and other physical barriers and shall be permanently protected (i.e. by deed restriction, easement, or dedication) as a condition of approval and prior to issuance of a coastal development permit in order to minimize potential land use conflicts. Buildings, parks, or play areas are prohibited within the buffer area, however, parking areas may be allowed.

Lastly, **Suggested Modification 3** requires that prior to issuance of a coastal development permit for any school use at the subject site, a hold-harmless deed restriction must be recorded whereby the applicant acknowledges that the property is adjacent to existing agricultural operations and agrees to accept and assume the risks of developing and maintaining a school in that location.

The more specific urban/rural buffer provisions outlined in Suggested Modification 3 would ensure that all adjacent agricultural land uses are effectively protected from conflicts with urban uses and remain economically viable. Therefore, the Commission finds that the suggested modifications to the LIP provisions of the proposed amendment are required to ensure that they are consistent with all applicable LUP policies and adequate to carry out all provisions of the LUP.

Commission staff is aware that the Oxnard Union High School District is pursuing plans to acquire a property located just north of Wooley Road and the subject elementary school property and west of Victoria Avenue for the purpose of constructing a new full-service high school campus. The property is approximately 120 acres in size and located in the coastal zone of unincorporated Ventura County, contiguous with the Oxnard city boundary and sphere of influence (APN 188-0-110-325). The land is zoned for coastal agriculture with a 40-acre minimum lot area (CA-40 ac) and is currently in active agricultural production. The property is located outside of Oxnard's urban-rural boundary (Exhibit 6). Commission staff would note that a school use at that location is inconsistent with the Ventura County LCP and City of Oxnard LCP because the site is designated for agricultural use and is located outside of the urban-rural boundary. Any uses besides agriculture or open space would require a change to the land use and zoning designation and the urban-rural boundary. However, such changes could not be found consistent with the agricultural protection policies of the Coastal Act. Section 30241 of the Coastal Act mandates that the maximum amount of prime agricultural land be maintained in agricultural production in order to maintain the agricultural economy of the area, and conflicts shall be minimized between agricultural and urban land uses through a number of means. These include:

- (a) "...establishing stable boundaries separating urban and rural areas..."

- (b) "...limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development."

As discussed previously, the detailed urban/rural buffer provisions contained in Suggested Modification 3 will serve to adequately protect the economic viability of agricultural operations that exist adjacent to the proposed elementary school use at the urban periphery. If modified as suggested, the proposed amendment request to allow a school use within Seabridge would not compromise the urban/rural boundary or induce conversion of adjacent agricultural lands to urban uses. Therefore, it could not be concluded that the viability of the adjacent existing agricultural uses (where a high school is contemplated) would be severely limited by conflicts with urban uses. In its certification of the City of Oxnard LCP, the Commission allowed the Mandalay Bay Specific Plan area to be converted from agricultural use to other uses because the Commission found that it would complete a logical, viable neighborhood and contribute to a stable urban limit. The stable urban limit was determined to be Wooley Road. Any conversion of existing agricultural land north of Wooley Road would significantly destabilize this established urban limit, inconsistent with the agricultural protection policies of the Coastal Act and Oxnard LCP.

In conclusion, the Commission finds that the proposed LCP amendment, only if modified as suggested, would protect prime agricultural land and maintain a stable urban/rural boundary to minimize conflicts between agricultural and urban land uses, consistent with the relevant agricultural protection policies of the Coastal Act and certified LUP. As suggested to be modified, the Commission finds that the proposed LUP amendment is consistent with, and adequate to carry out, the requirements of Section 30241 of the Coastal Act, as well as the agricultural protection policies of the City's certified LUP. As suggested to be modified, the Commission finds that the amendment to the City's CZO/MBSP is consistent with, and adequate to carry out, the agricultural protection policies of the City's LUP.

#### **D. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

California Public Resources Code (PRC) Section 21080.9 – within the California Environmental Quality Act (CEQA) – exempts local governments from the requirement of preparing an environmental impact report (EIR) in connection with their activities and approvals necessary for the preparation and adoption of a local coastal program. Instead, the CEQA responsibilities are assigned to the Coastal Commission. However, because the Natural Resources Agency found the Commission's LCP review and approval program to be functionally equivalent to the EIR process, *see* 14 C.C.R. § 15251(f), PRC Section 21080.5 relieves the Commission of the responsibility to prepare an EIR for its review of and action on LCP provisions. Nevertheless, some elements of CEQA continue to apply to this review process.

Specifically, pursuant to CEQA and the Commission's regulations (*see* 14 C.C.R. §§ 13540(f), 13542(a), and 13555(b)), the Commission's certification of this LCP amendment must be based

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in part on a finding that it meets the CEQA requirements listed in PRC section 21080.5(d)(2)(A). That section requires that the Commission not approve or adopt an LCP:

...if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The Implementation Plan amendment has been found not to be in conformance with, or adequate to carry out, the provisions of the Land Use Plan portion of the certified LCP. To resolve the concerns identified, suggested modifications have been made to the proposed amendment. With incorporation of the suggested modifications, the Implementation Plan, is adequate to carry out and is in conformity with the Land Use Plan. The suggested modifications minimize or mitigate any potentially significant environmental impacts of the LCP amendment. If modified as suggested, the Commission finds that approval of the LCP amendment will not result in significant adverse environmental impacts within the meaning of the California Environmental Quality Act.

The Commission finds that for the reasons discussed in this report, if the LCP amendment is modified as suggested, there are no additional feasible alternatives or feasible mitigation measures available that could substantially reduce any adverse environmental impacts. The Commission further finds that the proposed LCP amendment, if modified as suggested, is consistent with Section 21080.5(d)(2)(A) of the Public Resources Code.

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. 13,744

**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.

Exhibit 1a
Oxnard LCP Amendment 1-12
City of Oxnard Resolution No. 13,744 and Proposed LUP Amendment Language

- 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:

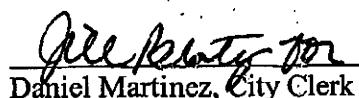
AYES: Councilmembers Holden, Herrera, Maulhardt, Pinkard, and MacDonald.

NOES: None.

ABSENT: None.

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

ATTEST:

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

APPROVED AS TO FORM:

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

EXHIBIT A

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 tabulation.

- 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 Average	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

ORDINANCE OF THE CITY OF OXNARD

ORDINANCE NO. 2816

**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.

Exhibit 1b

Oxnard LCP Amendment 1-12

City of Oxnard Ordinance No.  
2816 and Proposed CZO/IP  
Amendment Language

Ordinance No.  
October 27, 2009

- 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."

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. 2816 was first read on October 27, 2009, and finally adopted on November 3, 2009, to become effective upon certification by the Coastal Commission in accordance with the California Coastal Act.

AYES: Councilmembers Holden, Herrera, Maulhardt, Pinkard, and MacDonald.

NOES: None.

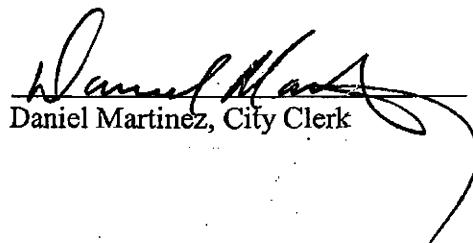
ABSENT: None.

Ordinance No. 2816  
October 27, 2009



Dr. Thomas E. Holden, Mayor

ATTEST:



Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. 13,745

**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 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 Section III B of the Mandalay Bay Phase IV Specific Plan relating to school 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

Exhibit 1c

Oxnard LCP Amendment 1-12

City of Oxnard Resolution No.  
13,745 and Proposed MBSP  
Amendment Language

Resolution 13,745

October 27, 2009

Page 2

- 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: Councilmembers Holden, Herrera, Maulhardt, Pinkard, and MacDonald.

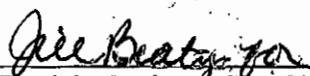
NOES: None.

ABSENT: None.



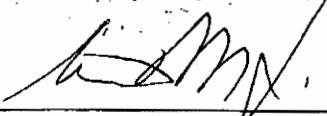
\_\_\_\_\_  
Dr. Thomas E. Holden, Mayor

ATTEST:



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

APPROVED AS TO FORM:



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

## 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 types 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 (*sic*) quantities of land use, expressed in acres 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 <sup>1</sup>	12.5	25
Open Water	55.0 <sup>2</sup>	25.0	50

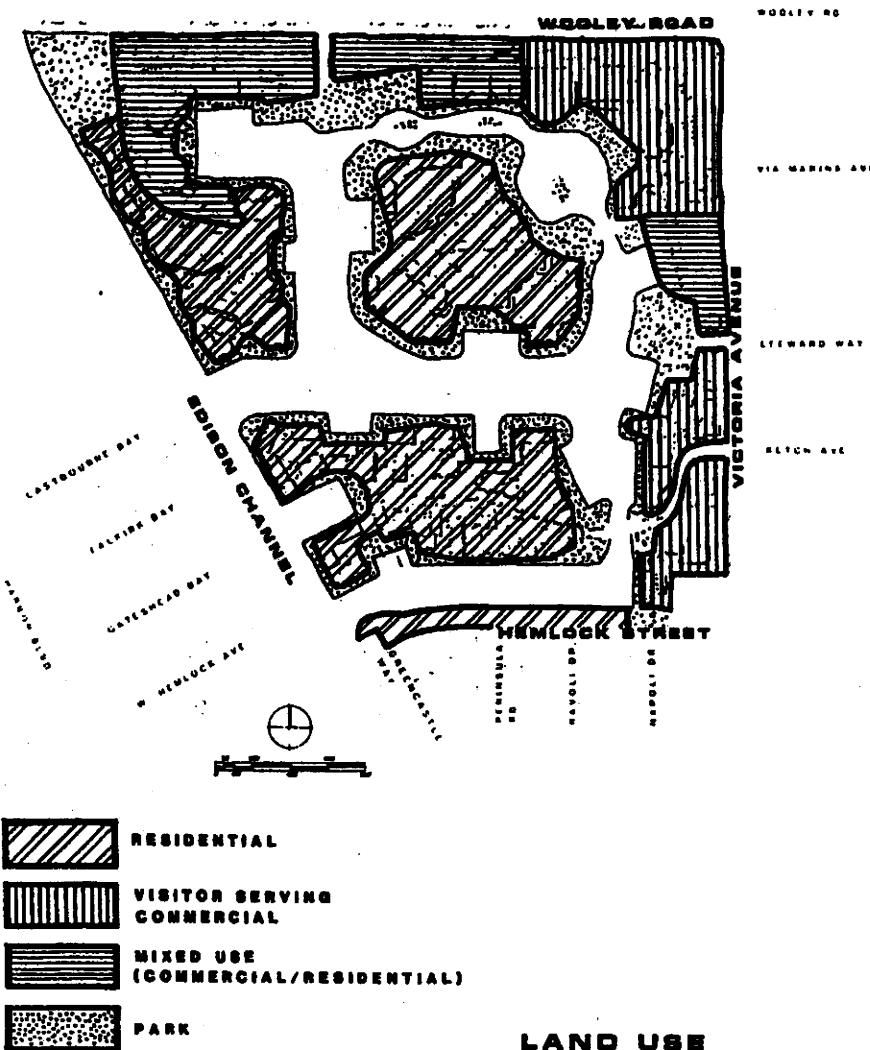
<sup>1</sup>Must all be on land.

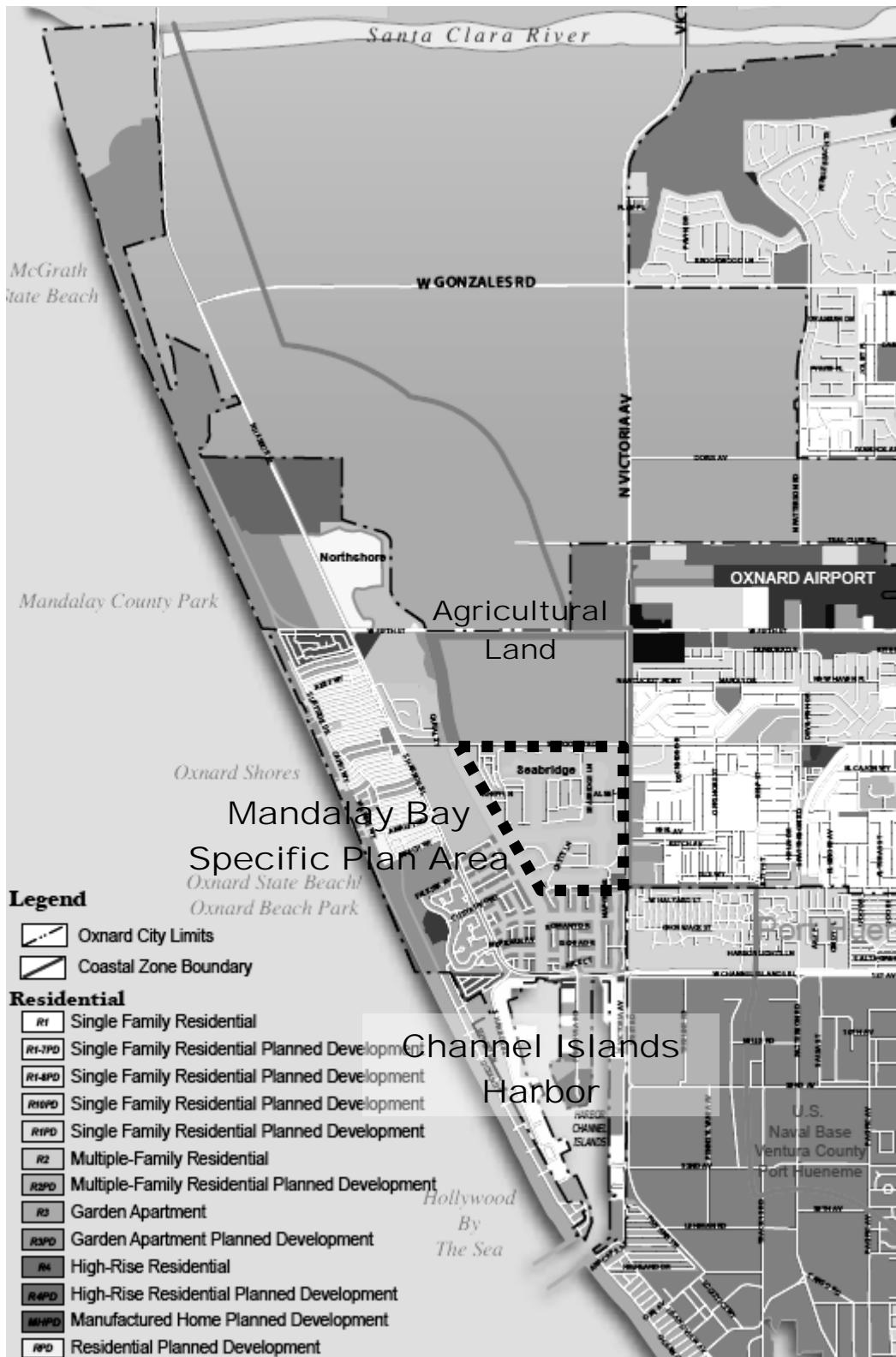
<sup>2</sup>Up to 10% of open water may be devoted to public marinas, or boat slips available to the public.

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-used 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 uses. 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-uses as previously stated).

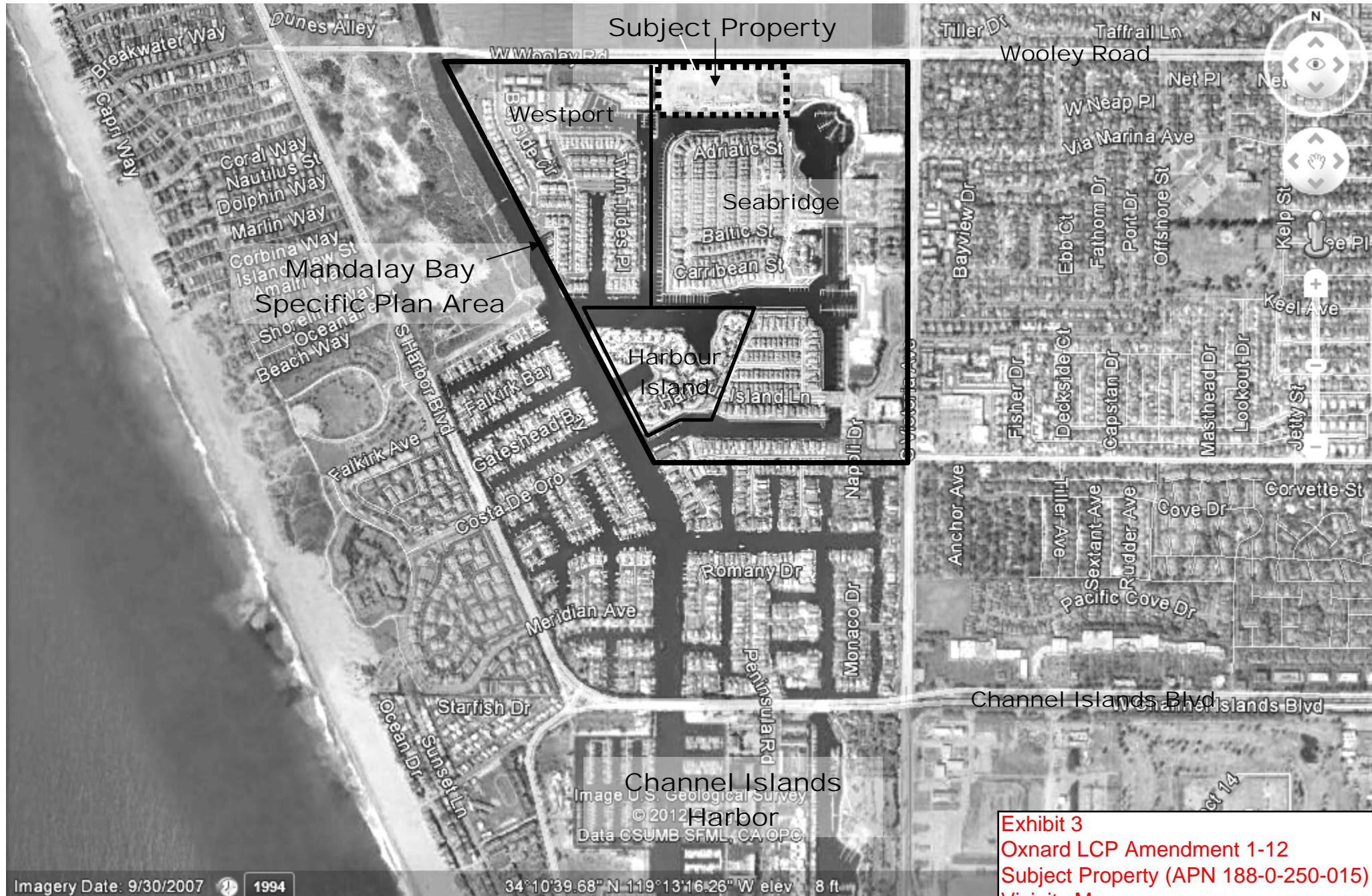




**Exhibit 2**  
**Oxnard LCP Amendment 1-12**  
**Mandalay Bay Specific Plan**  
**Area Vicinity Map**



Exhibit 3  
Oxnard LCP Amendment 1-12  
Subject Property (APN  
188-0-250-015) Vicinity Map

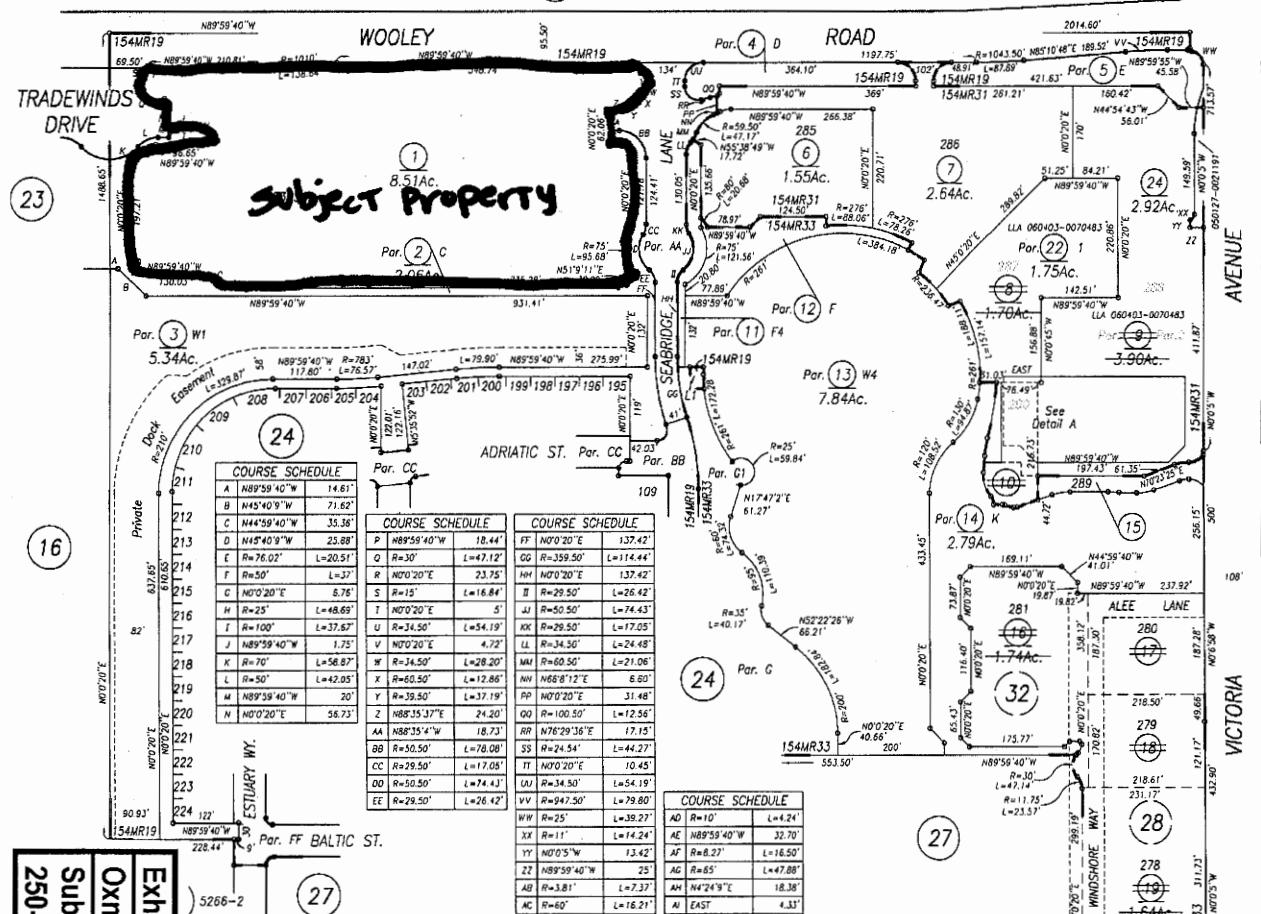


RANCHO EL RIO DE SANTA CLARA O'LA COLONIA

Tax Rate Area  
03287

Bk  
185

188-25



### 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	27.51	12.5	25
Open Water	55.02	25.0	50

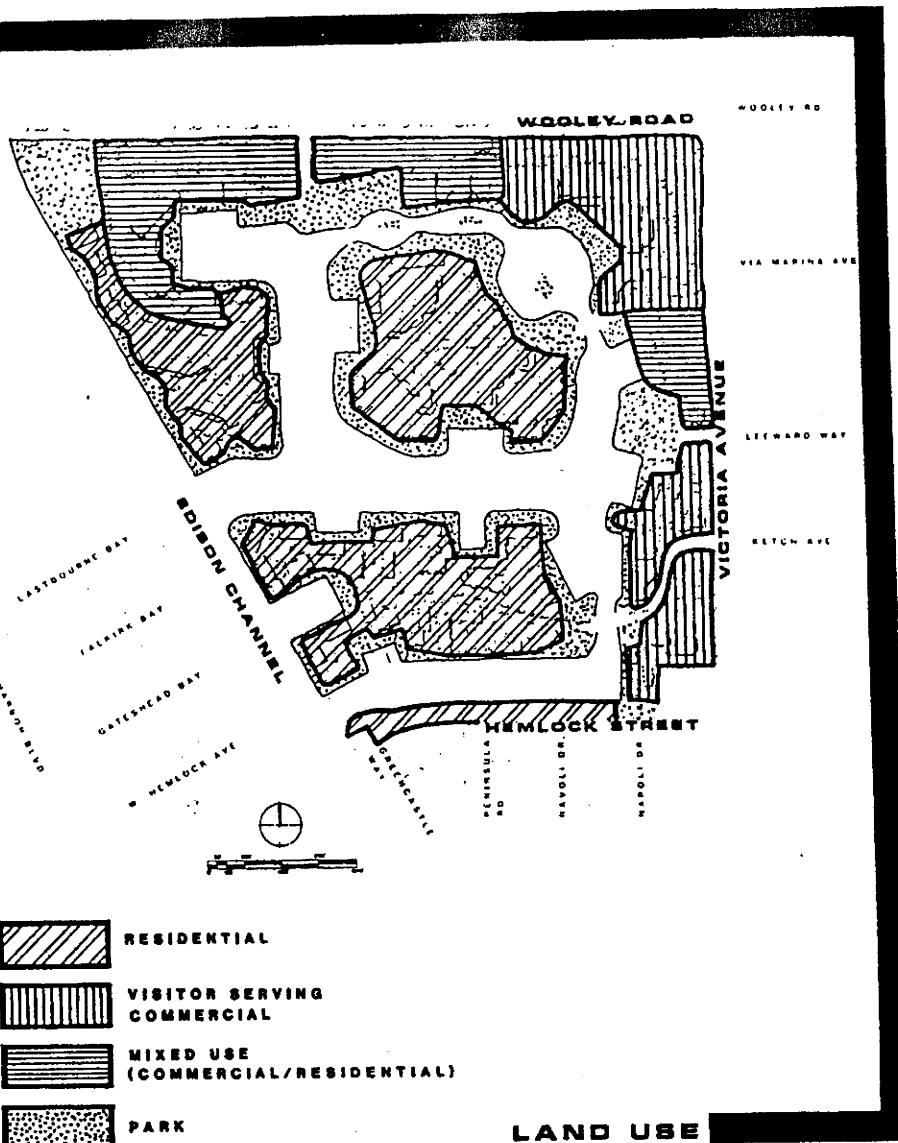
<sup>1</sup>Must all be on land.

<sup>2</sup>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 be allowed subject to the adoption of a specific plan the entire 220-acre site. This zoning regulation further is that these uses shall be only those allowed in the 1, R-W-2, R-2-C, R-3-C, CNC, CVC and RC coastal subzones listed in the Coastal Zoning Ordinance. This Specific assumes that these coastal zoning regulations will be met in their current general form, and therefore meet a general land use requirements (with the inclusion of d-use as previously stated).



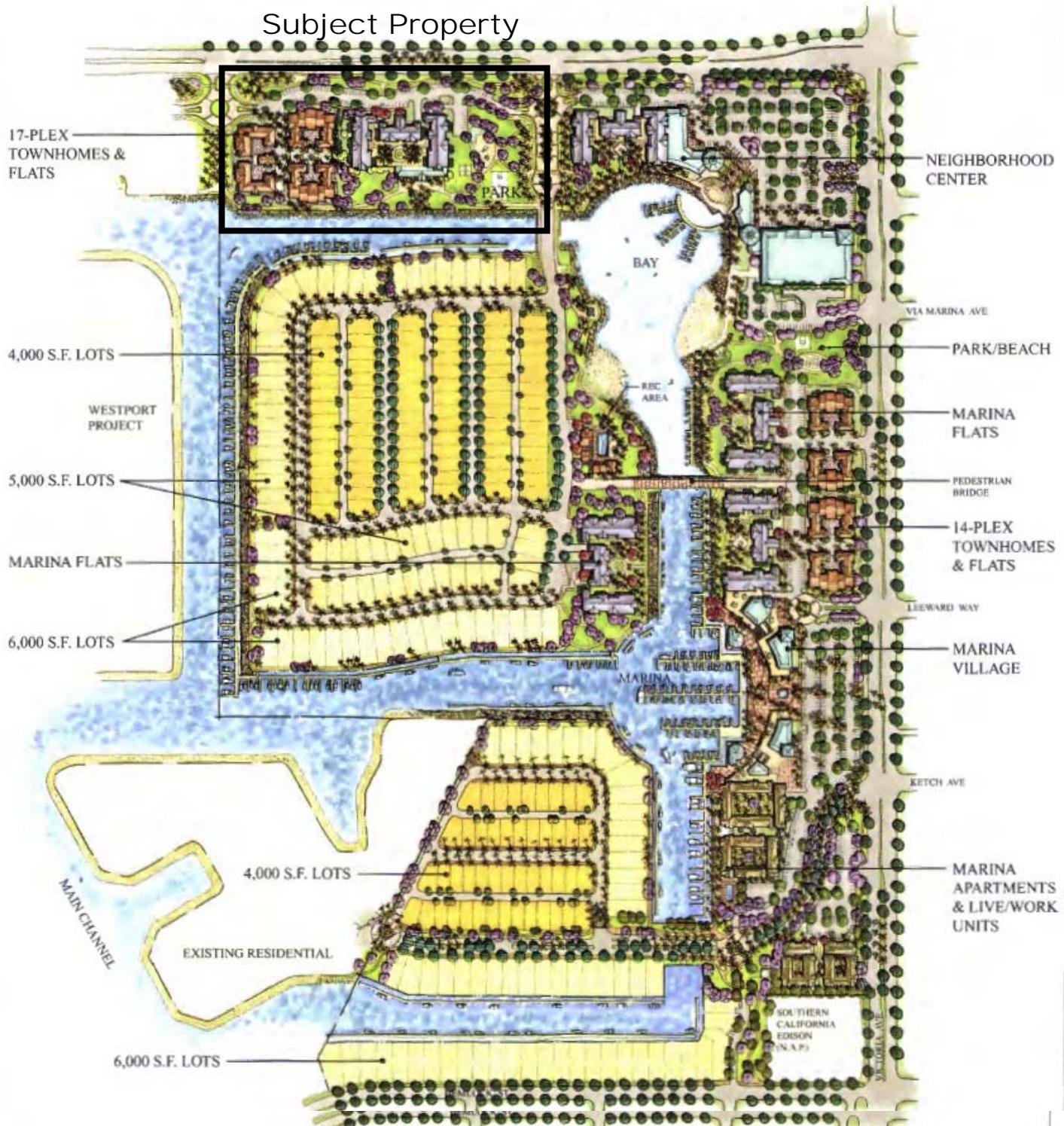
**Exhibit 5**  
Oxnard LCP Amendment 1-12  
Mandalay Bay Specific Plan Land Use Map

Exhibit 5
Oxnard LCP Amendment 1-12
Mandalay Bay Specific Plan

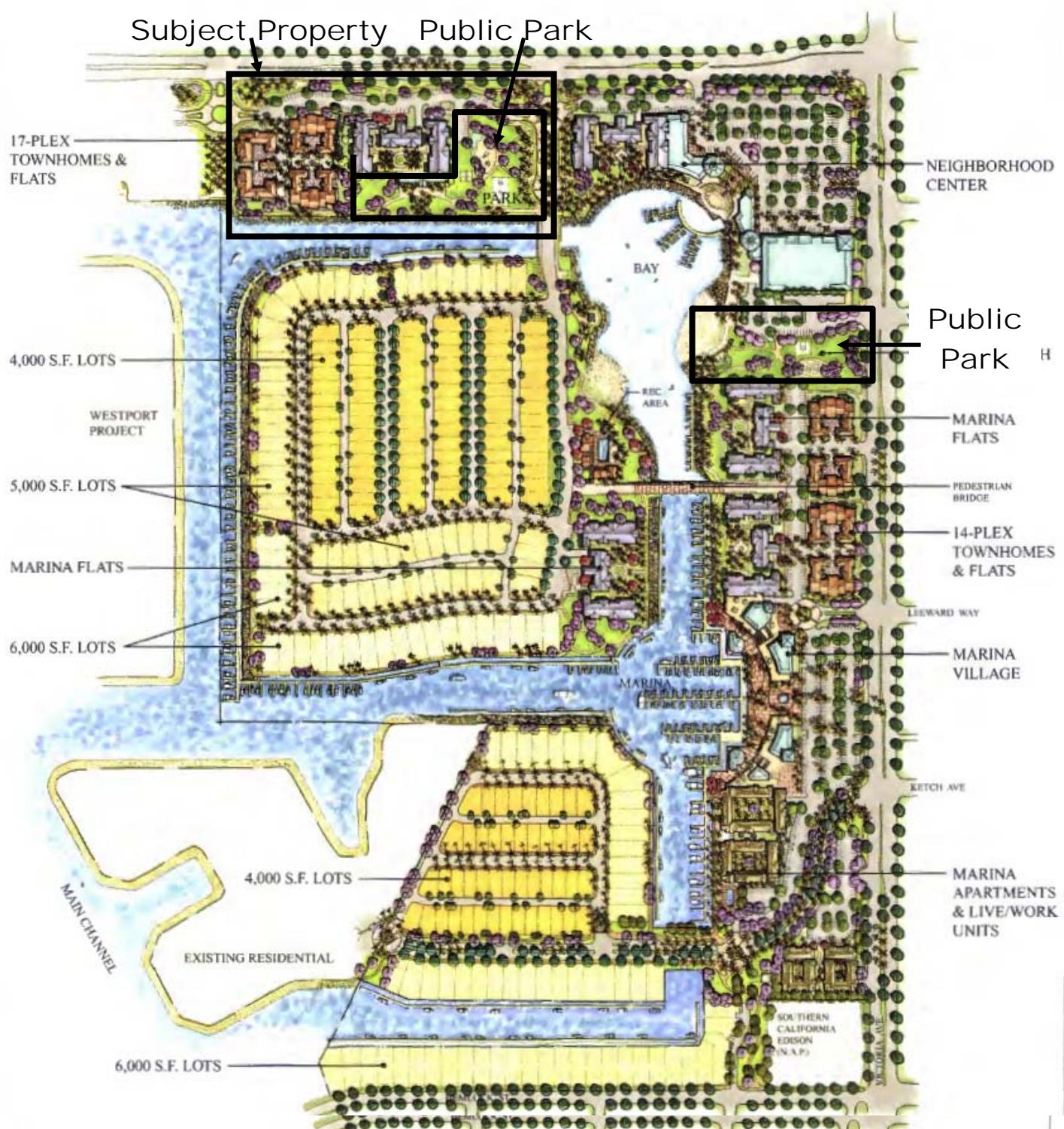


**Exhibit 6**  
Oxnard LCP Amendment 1-12  
Urban-Rural Boundary near  
Manadalay Bay Specific Plan  
Area

## Subject Property



**Exhibit 7**  
**Oxnard LCP Amendment 1-12**  
**Approved Site Plan**  
**per CDP No. A-4-OXN-03-014**



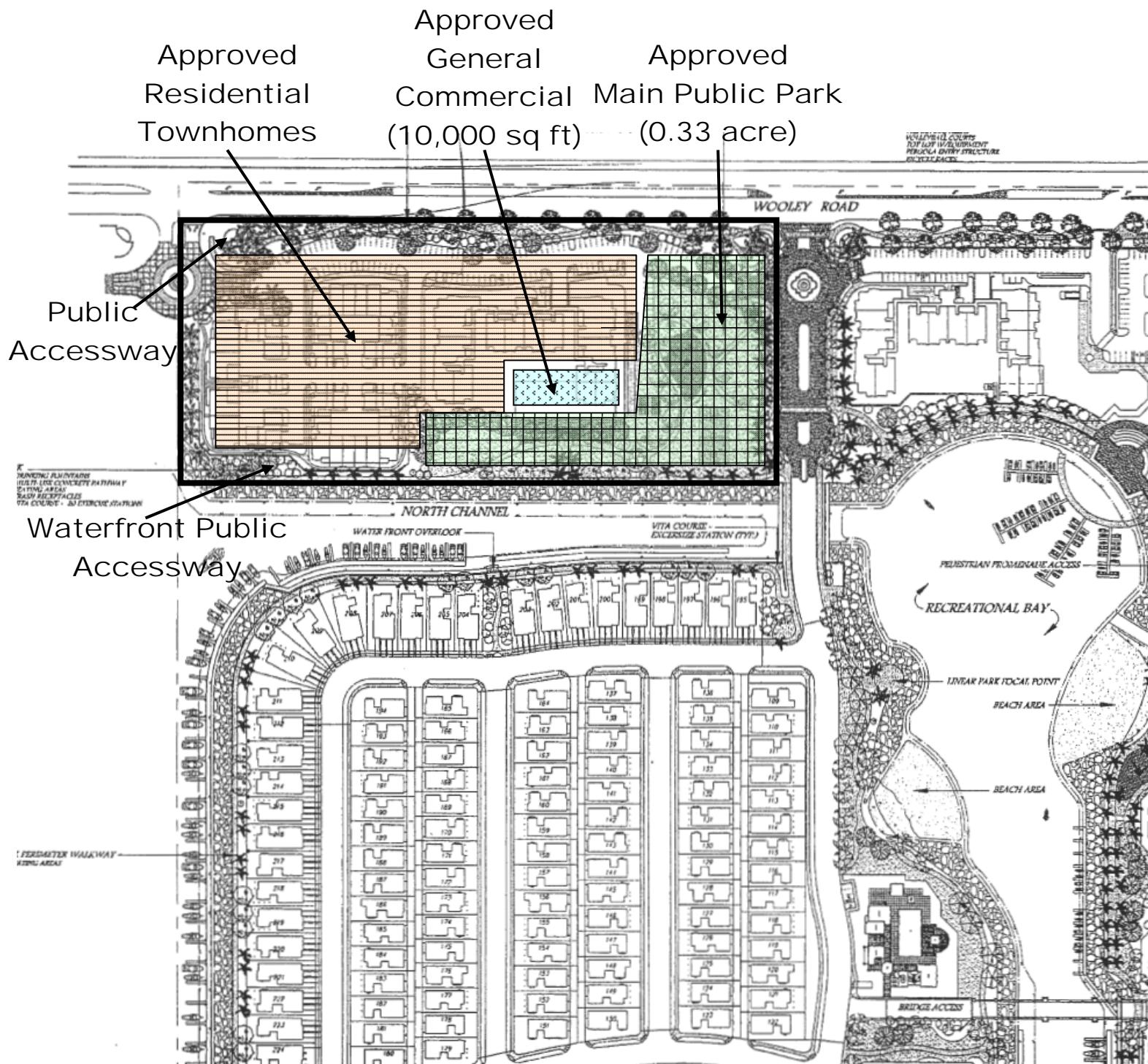
**Exhibit 8**  
Oxnard LCP Amendment 1-12  
Approved Main Public Parks  
per CDP No. A-4-OXN-03-014

## Public Parks and Waterfront Trails



- Public Neighborhood Parks
- Public Waterfront (lateral access)  
Linear Parks, Trails and Bridges (over 2 miles)
- Public Access (vertical access)  
Linear Parks and Trails (3/4 mile)
- Public Plazas
- Public Overlooks

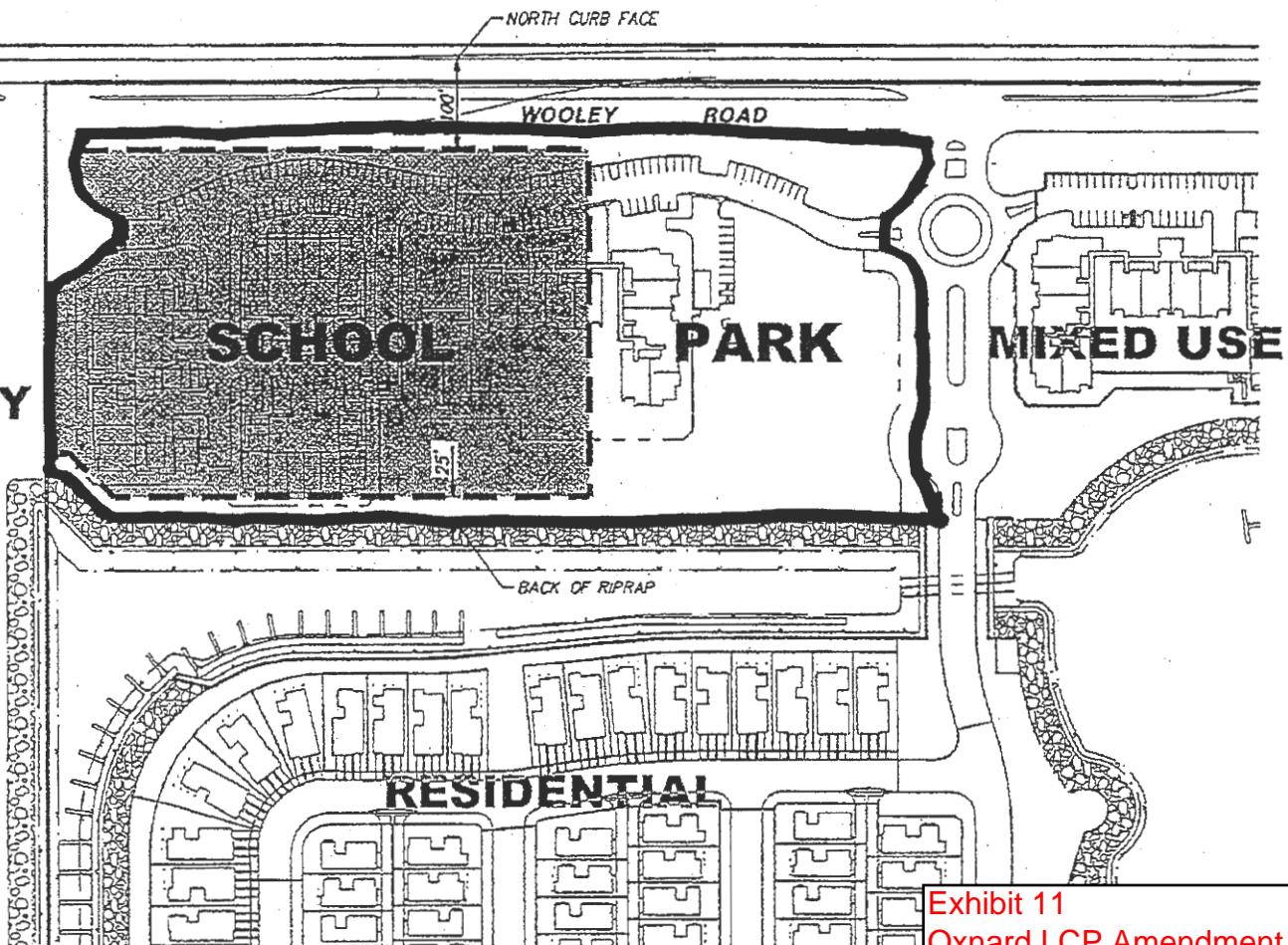
Exhibit 9  
Oxnard LCP Amendment 1-12  
Approved Public Accessways  
per CDP No. A-4-OXN-03-014



**Exhibit 10  
Oxnard LCP Amendment 1-12  
Approved Land Uses on  
Subject Property per  
CDP No. A-4-OXN-03-014**

**WESTPORT  
AT  
MANDALAY BAY**

**AGRICULTURE**



**Exhibit 11**

Oxnard LCP Amendment 1-12  
Map from August 11, 2010  
Settlement Agreement showing  
portion of site that Oxnard School  
District has option to purchase

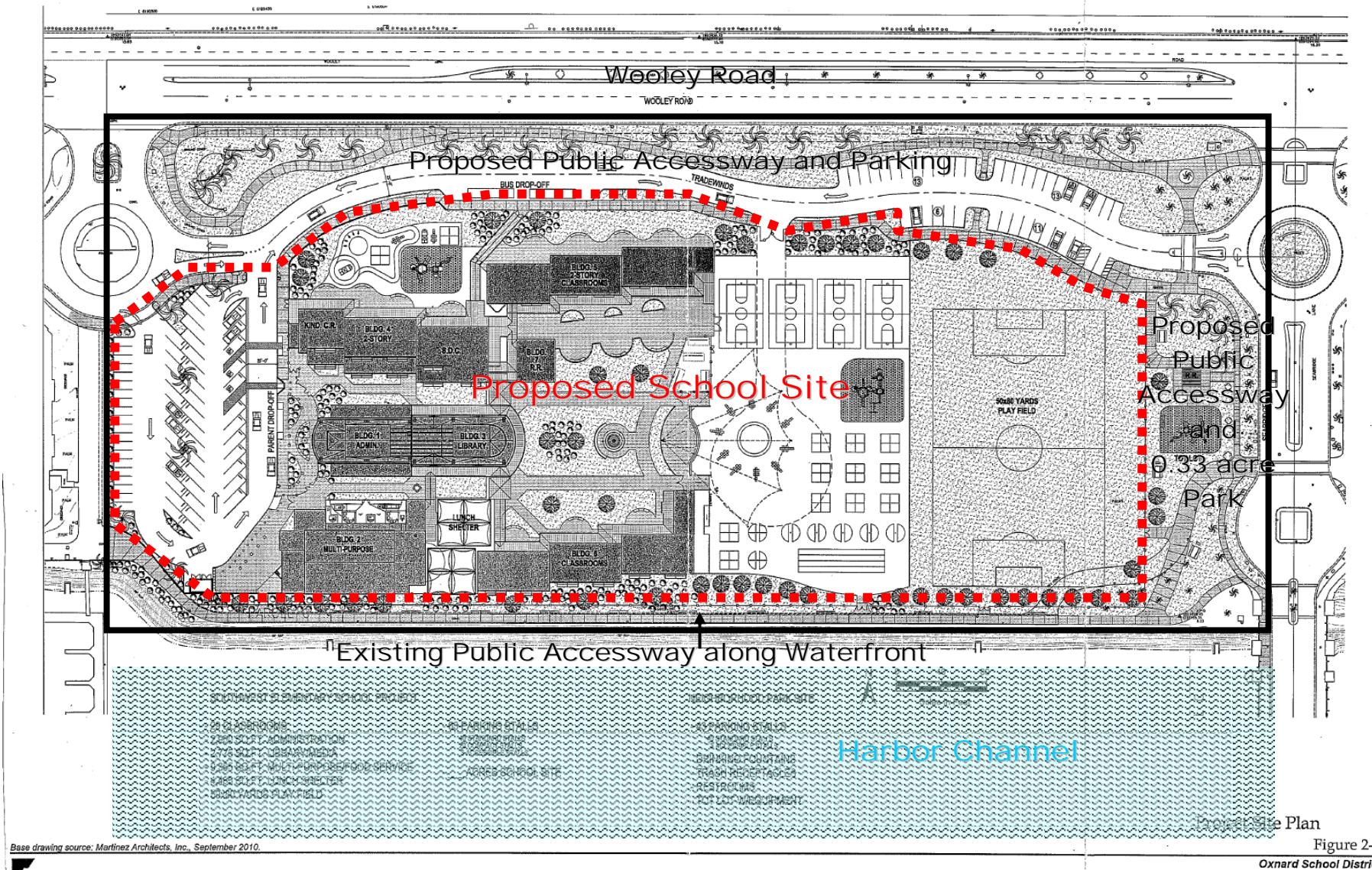
Exhibit 11  
Oxnard LCP Amendment 1-12  
Map from August 11, 2010  
Settlement Agreement  
showing portion of site that  
Oxnard School District has  
option to purchase



Oly-Mandalay Bay General Partnership  
600 VICTORIA AVE #A600 PHONE (805) 382-9244  
OXNARD, CA 93035 FAX (805) 382-9245

E  
P  
T

## Agricultural Land



Base drawing source: Martinez Architects, Inc., September 2010.

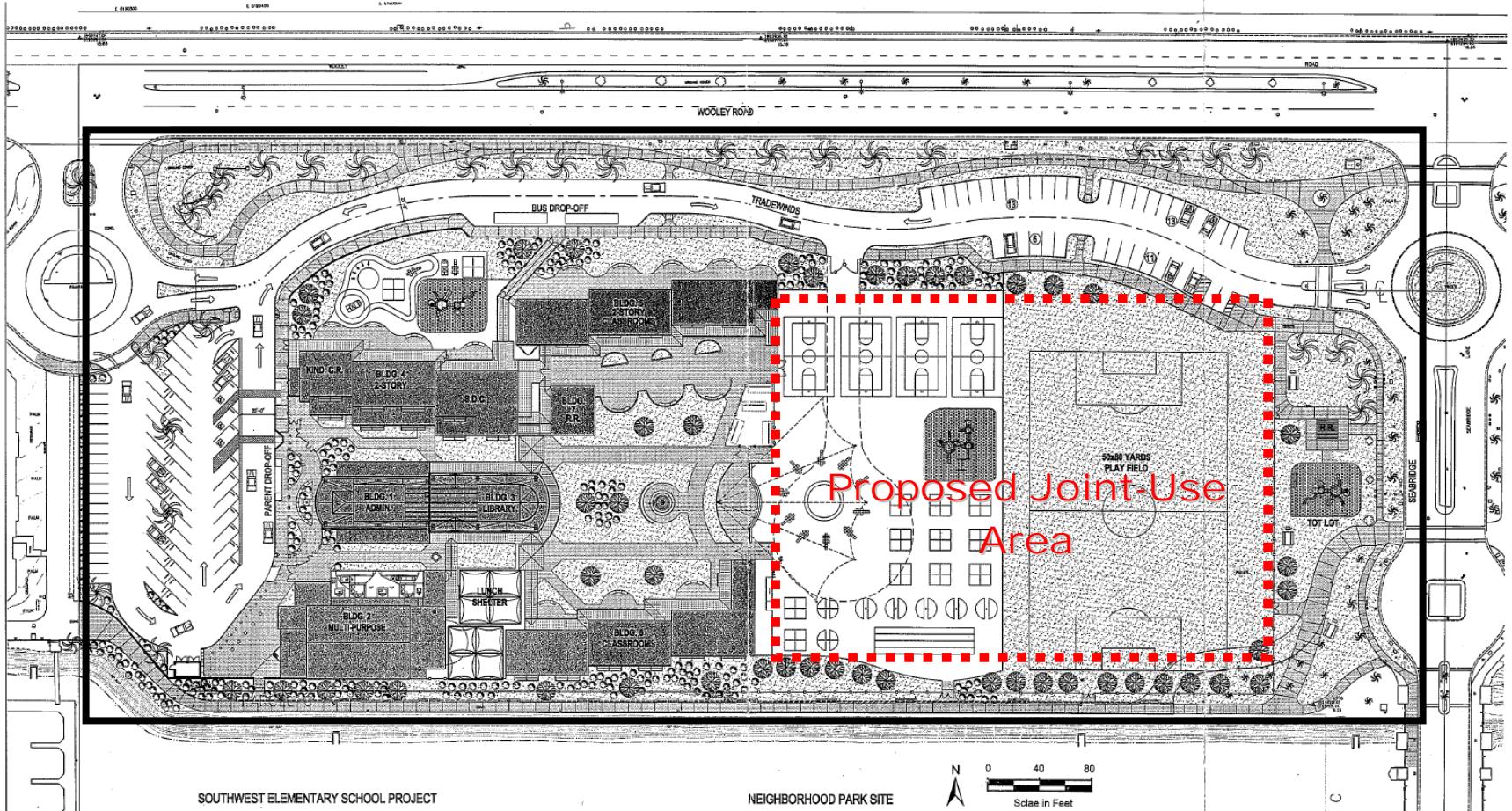
Site Plan

Figure 2-4

Oxnard School District

**Exhibit 12**  
**Oxnard LCP Amendment 1-12**  
**Oxnard School District's**  
**Conceptual School Site Plan**

Southwest Elementary School Site IS/MND  
Section 2.0 Project Description



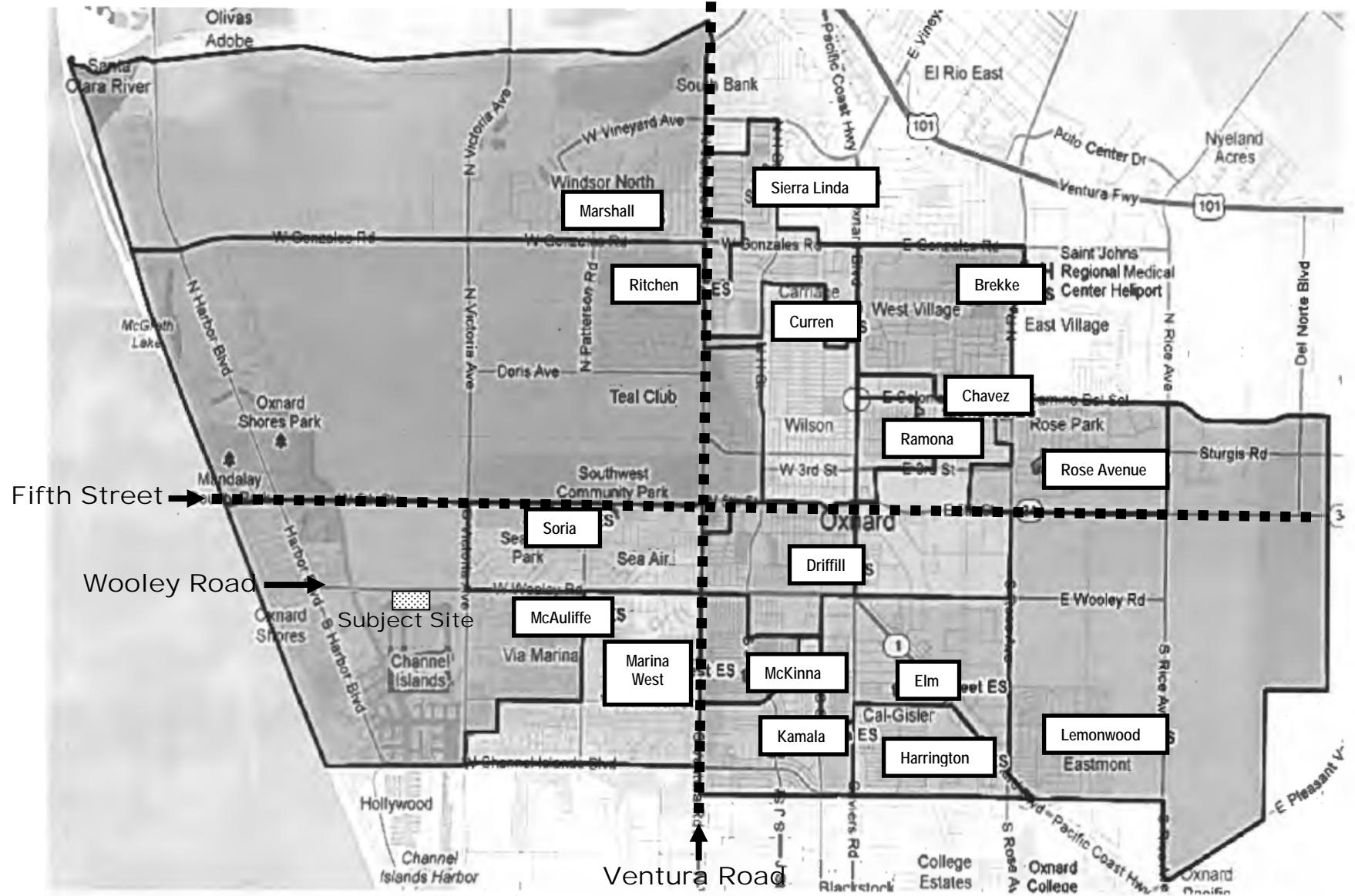
Project Site Plan

Base drawing source: Martinez Architects, Inc., September 2010.

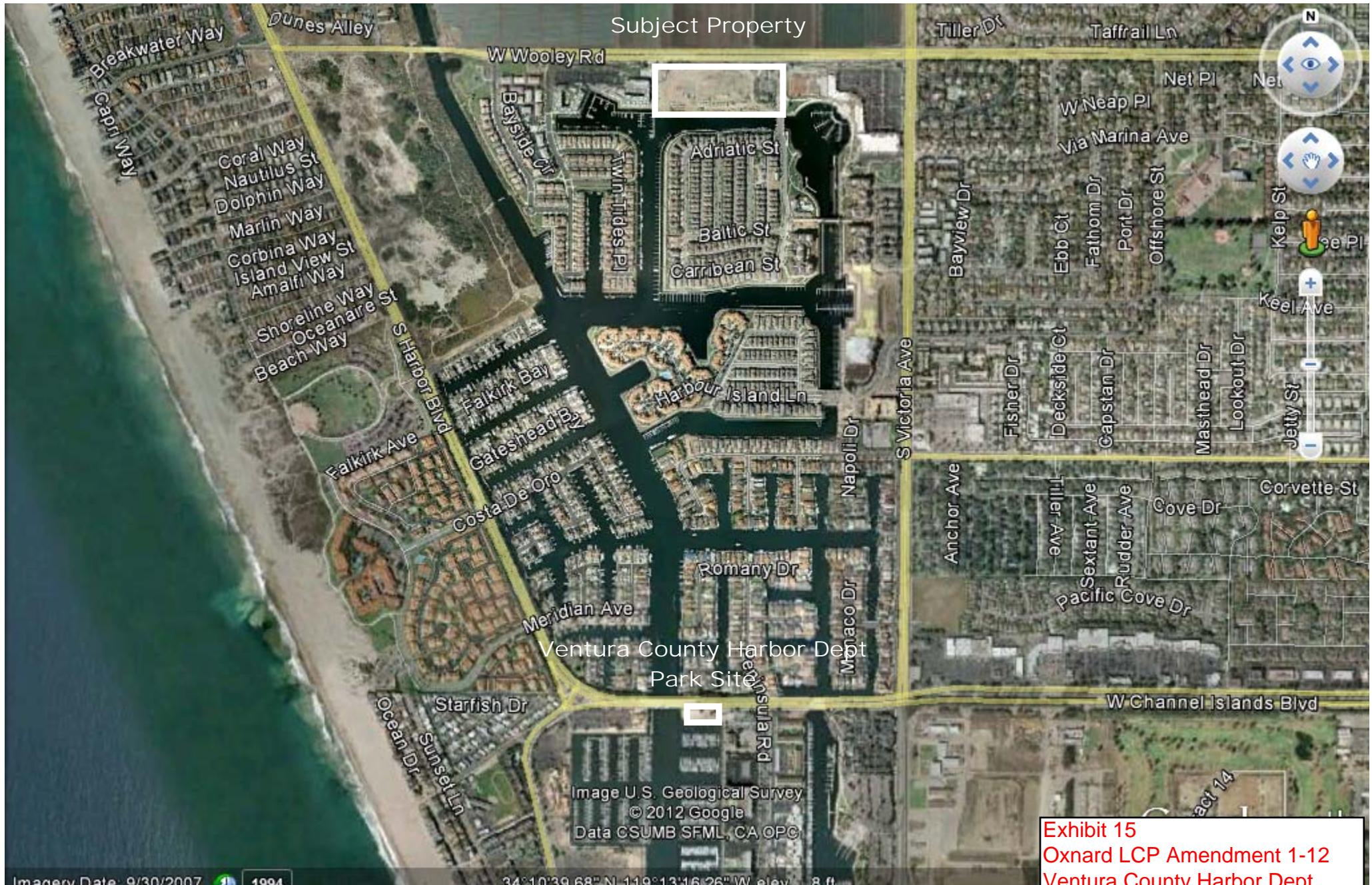
Figure 2-4

Oxnard School District

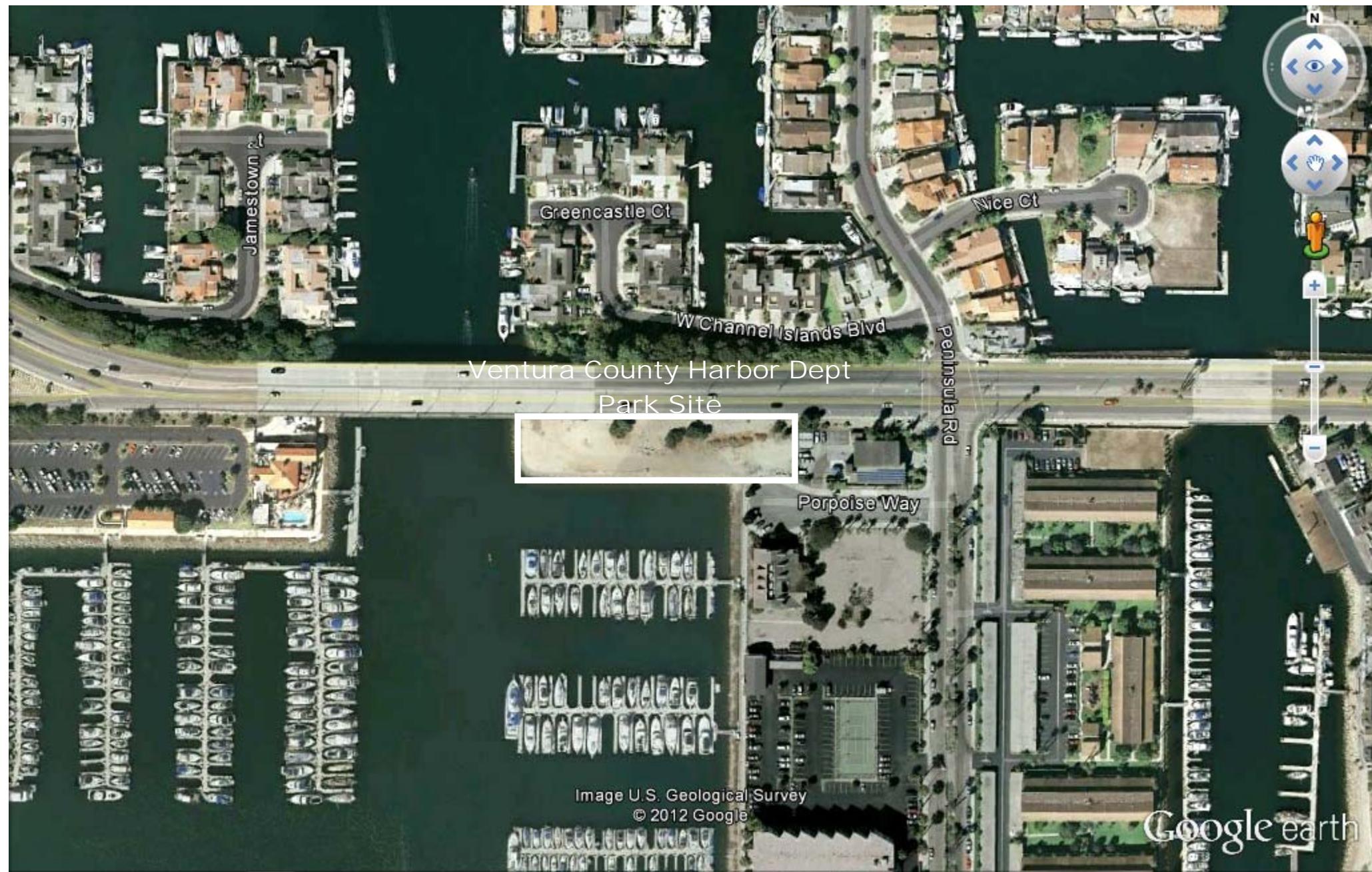
**Exhibit 13**  
**Oxnard LCP Amendment 1-12**  
**Oxnard School District's**  
**Proposed Joint-Use Area of**  
**School (approx. 2.7 ac.)**

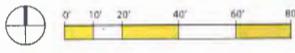


**Exhibit 14**  
Oxnard LCP Amendment 1-12  
Map of Oxnard School District's  
Existing Elementary Schools and  
District Boundaries



**Exhibit 15**  
**Oxnard LCP Amendment 1-12**  
**Ventura County Harbor Dept**  
**Public Park Site - Vicinity Map**  
**and Aerial View**





#### LEGEND

- ① Seating Area.
- ② Restrooms - Future Location
- ③ Bike Racks
- ④ Play Area
- ⑤ Landscape Boulders
- ⑥ Entry Signage
- ⑦ Pedestrian Entry From Bridge
- ⑧ 12' Wide Walkway (vehicle accessible)
- ⑨ 6' Wide Walkway
- ⑩ Steps
- ⑪ Cobble with Drought Tolerant Planting
- ⑫ Accessible Ramp.
- ⑬ Decomposed Granite
- ⑭ Terraced Seating with Decomposed Granite Walkways
- ⑮ Accent Planting with Colorful Succulents & Shrubs
- ⑯ Map Exhibit of Santa Barbara Island
- ⑰ Decorative Paving
- ⑱ Flexible Plaza Seats
- ⑲ Raised Platform
- ⑳ Raised Platform with Picnic/Seating Area
- ㉑ Slope Planting
- ㉒ Site Lighting, typ.
- ㉓ Rock & Cobble Area
- ㉔ Bridge Columns with Public Art Feature
- ㉕ Pathway Connection to Mandalay Bay Neighborhood
- ㉖ Existing Palms
- ㉗ Existing Landscape with New Landscape & Groundcover
- ㉘ Existing Memorial Tree
- ㉙ Temporary Dock
- ㉚ Existing Walkway to Anacapa Island Marina & Peninsula Park

#### \* INTERPRETIVE PROGRAM

Stations are distributed throughout the park to interpret various aspects of Santa Barbara Island. Conceptually each station will comprise of a combination of educational graphic panels, poetry, and public art, that combine to tell various stories about each topic:

- Native Americans.
- Flora and fauna.
- Kelp forests.
- Geography and/or geology.



## SANTA BARBARA ISLAND PARK | Conceptual Site Plan

rrm design group   
creating environments people enjoy™

**Exhibit 16**  
**Oxnard LCP Amendment 1-12**  
**Ventura County Harbor Dept**  
**Public Park Conceptual Site Plan**



**APPENDIX A**  
**CITY OF OXNARD LCP AMENDMENT OXN-MAJ-1-12**

**LIST OF SUBSTANTIVE FILE DOCUMENTS**

City of Oxnard certified Local Coastal Program (LCP) and certified Mandalay Bay Specific Plan (MBSP); Resolution Nos. 13,744 and 13,745 approving Coastal Land Use Plan and Mandalay Bay Specific Plan Amendment Nos. 09-410-01 and 09-630-01 adopted by the City Council of the City of Oxnard October 27, 2009; Ordinance No. 2816 approving Oxnard Coastal Zoning Ordinance No. 09-580-01, adopted by the City Council of the City of Oxnard November 3, 2009; CDP No. A-4-OXN-03-014 (Seabridge); “Draft Initial Study and Mitigated Negative Declaration for the Southwest Elementary School Site” by Rincon Consultants Inc., October 2010; Settlement Agreement (dated August 11, 2010) between Oxnard School District, City of Oxnard, and D.R. Horton; Mitigation and Option Agreement (2002) between Oxnard School District and Oly Mandalay Bay General Partnership.