

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800



ADDENDUM

Th 16b

DATE: March 4, 2013

TO: Commissioners and Interested Persons Go to original staff report

FROM: South Central Coast District Staff

SUBJECT: Agenda Item 16b, Thursday, March 7, 2013
City of Oxnard LCP Amendment OXN-MAJ-1-12

The purpose of this addendum is to attach correspondence received from several Seabridge community residents expressing opposition to the proposed school use due to concerns regarding safety, traffic, noise, and community character.

California Coastal Commission
South Central Coast Area
89 South California St., Suite 200
Ventura, CA 93001

Received

MAR 1 2013

California Coastal Commission
South Central Coast District

Agenda Item No. Th16b

Kirk Kushen

Past President, Seabridge Homeowners Assoc.

Joe Cervantes

President, Seabridge Homeowners Assoc.

Scott Bernstein

Vice President, Seabridge Homeowners Assoc.

To Whom It May Concern,

February 23, 2013

The Seabridge community has been against the construction of a school, on the site identified in the proposal, since 2006 when our community was first made aware of the potential construction. We have appeared before the Oxnard City Council and met with the previous Oxnard Mayor, Dr. Thomas Holden to oppose this site for consideration for an elementary school. There are several reasons our community has formally voiced our opposition to this proposal.

The impact to the waterways, marine life, and the public enjoyment of this entire coastal community would be significantly harmed by an elementary school. This quiet coastal area has seen an amazing increase in marine life since the Channel Island Harbor has been enlarged. The addition of a school, several hundred young children, the trash generated, and the associated noise would have a negative impact on the local marine life and the cleanliness of our waterways. If you visit any school site, there are always Seagulls and other marine birds that will frequent the area scavenging thru the trash cans for food and scattering the trash everywhere. The prevailing winds in this area blow from the Northwest and are frequently very strong. It would be impossible to eliminate this constant threat of the continual introduction of trash into the local marine ecosystem. This trash will not only harm the marine birds, but will continually be carried away by the birds impacting the adjacent waterways and the various marine life in the intertidal shore zone that includes Mollusks, Fish, Invertebrates, Marine Mammals, birds, etc. The added noise generated by an elementary school will cause additional stress to the marine ecosystem and its inhabitants, not to mention the elimination of a quiet peaceful environment for the public enjoyment of this coastal treasure.

In addition, we have grave safety concerns due to the potential for children to jump the fence and play in the water as well as the concern about the planes from the Oxnard Airport.

The added traffic is another issue that will severely impact the ability for the public to enjoy the waterfront. The continual ingress and egress of automobiles and school busses will introduce additional noise and pollution into the marine coastal environment. The environmental impacts of this proposed school are too great to justify the granting of this Coastal Plan Amendment. We feel that the Environmental Impact Reports done do not adequately represent the true hazards and effects this proposed school would have on the local ecosystems!

An additional consideration should be made as to the logic of locating an Elementary School immediately adjacent to the Channel Islands Harbor waterways. It would be just a matter of time until a serious accident or drowning would occur. With numerous young children occupying a school virtually on the water, it would

It is impossible to ensure kids never had access to the water. A secondary hazard from having young children this close to the coastal ecosystem would be from children constantly throwing anything they could get their hands on into the water. Do you think that young children would attempt to feed and or throw things at the frequent harbor seals and other marine life swimming in our channels?

The California Coastal Commission has been very effective in preserving our vital marine habitats throughout California for many years. Granting this proposed amendment and basically succumbing to the political pressure from the City of Oxnard and the local school district would have a negative impact on the future of this Southern California marine treasure and change the public perception of what the California Coastal Commission was originally founded for. Your mission statement is, "**Protect, conserve, restore, and enhance environmental and human-based resources of the California coast and ocean for environmentally sustainable and prudent use by current and future generations.**"

You must ask yourselves, does allowing the construction of an elementary school in the proposed location adhere to your mission statement?

There are other options for this site that include residential, retail and a public park that would be a much better fit and have a positive impact on the public access and enjoyment of this waterfront treasure.

A school is not an effective or efficient use of a waterfront parcel of land! There are many non-waterfront properties that could be used for this school construction.

Current and future residential development in and around this waterfront area enhances the public enjoyment and preservation of this vital coastal resource. The residents of the Channel Islands Harbor and the Seabridge community take a great deal of pride in keeping their local ecosystem thriving. When visitors leave trash, it is the local residents who throw it away to prevent its entry into the water and ensure it does not harm our marine eco- system.

Thank you for making the correct decision and retaining the property in question for residential, general commercial and public park use only, as it is currently designated!

Marc Gerstel
Agenda Item No: Th16b

February 28, 2013

California Coastal Commission
South Central Coast Area
89 South California St, Suite 200
Ventura, CA 93001

Received
MAR 1 2013
California Coastal Commission
South Central Coast District

City of Oxnard Local Coastal Program Amendment No. oxn-maj-1-12

I appreciate this opportunity to bring the voice of Seabridge Residential Marina community here to address the proposed Elementary School at Wooley Road. As the past Vice President of the Seabridge Homeowners Association I echo my neighbors concerns as well as mine in opposition to this amendment.

At the March 5, 2009 meeting, the Planning Commission denied the proposed amendments by the Oxnard School District because an elementary school at this specific site was not approved as part of the Seabridge Project and the Oxnard School District (OSD) did not present "adequate evidence of need." I implore the Coastal Commission to echo that decision.

This school will be built on a parcel that is within our Coast Land Use Plan as part of the Mandalay Bay Specific Plan. A 220 acre property, designated as a well planned development proposed for water-oriented development.

An elementary school is not "a water oriented development" and is not appropriate use of waterfront land for a myriad of reasons. Paramount is the imminent danger, injury and potential loss of life as a result of drowning of a child on a school property located at waters edge. Extend that potential danger to nearby private and public docks, parks and facilities in our Seabridge Community which are within close vicinity to this proposed school site. Kids cannot be supervised 24/7 and whether during school hours, or the many unsupervised non school times and the close proximity of this Marina, it is not a matter of "if" but when this tragic drowning will occur.

We are a complex waterfront community comprised of town homes, condos, and single family homes within our beautiful Seabridge Marina and parks. We are private property owners on an island surrounded by coastal areas shared

also by the public. We face challenges daily to our property rights by the surrounding community that is either not aware of our "private property", or flat out refuse to respect our property as well as the surrounding Coastal waters and public parks with litter, breach of water way rules and fishing limitations.

Our streets, clubhouse and docks are private. The neighboring community has made it clear to many of our residents, their disregard with trespassing and infringement on our private streets, docks, clubhouse and pool. Put a school within our community and you magnify our problems ten fold.

This school will negatively impact our lifestyle, increase noise and congestion, and lower property values. Students attending will not be from our community, but from a planned boundary outside Seabridge and result in busing in students, heavy congested traffic, noise and pollution. Many families here are outspoken they will not send their kids to this school and will continue to utilize private schools in Ventura County. Practically, there will be very little attendance from Seabridge. This will not be a neighborhood school, nor will it primarily service our community. It will negatively impact Seabridge with increased crime, public disregard for our private property, common areas and place us at risk. We will be forced to enjoin the City of Oxnard and School District with potential legal challenges that we will unwillingly be brought into as a result of losses both in property and accidents within our community.

This school is not across the street, or nearby, but will be within the Seabridge Community and will integrate with our residential marina lifestyle. It does not fit architecturally, it does not belong along side a Marina and it will negatively impact our community with additional services, safety and policing. We pay high property taxes, including the Mello Roos that we have yet to benefit from any additional city services and expect that we will bear the burden of costs that the City fails to provide our community.

We do not agree with the 2003 Supplemental Environmental Impact Report (SEIR) findings that the school as an alternative to 87 townhouses would have equal impact as it relates to traffic issues. To even consider that there would be same ingress and egress of 300 kids, their teachers and parents, buses and vehicles, as our residents going to and from work is patently not true and our community will bear the blunt of the congestion, negative impact on the Marine Eco System.

I urge the Coastal Commission to deny of the Oxnard School District's proposed amendment for use of the eight-acre vacant parcel located at 4100

Tradewinds Drive for the proposed school site. OSD has 11 properties approved for school construction, adding this site to their portfolio of properties does not make Environmental or Community sense, especially with a new elementary school 1 mile away from this site. It will negatively impact our beautiful Marina and eco system for generations to come.

Respectfully,

Marc Gerstel
Resident Seabridge Residential Marina Homes
Past Vice President, Seabridge Homeowners Association

Received

FEB 26 2013

California Coastal Commission
South Central Coast District

LAWRENCE E MANION
4124 Baltic Street
Oxnard, CA 93035
(805) 984-6727

CALIFORNIA COASTAL COMMISSION

South Central Coast Area

89 South California Street, Suite 200

Ventura, CA 93001

Subject: Oxnard LCP Amendment OXN-MAJ-1-12 AGENDA ITEM # Th16b

February 20, 2013

Dear Sir:

I respectfully offer my concerns regarding the proposed construction of an elementary school adjacent to the Channel Islands, Seabridge Residential Community. As a resident of Seabridge, I believe the placement of the school presents a multitude of grave concerns for children attending the school, community members and local business owners. The school would be built directly adjacent to the harbor that surrounds the Seabridge Community. This not only ensures children would be exposed water related dangers, it would dramatically increase the flow of traffic in all areas located near the school. It is also reasonable to assume there will be a substantial increase of nonresident pedestrians entering the Seabridge Community on a daily basis and an intensification of noise throughout Seabridge.

Taking into consideration the Oxnard School District has evaluated the feasibility of building the school on fifteen other sites, I believe there are numerous other options. Reconsidering the placement of the school would accommodate the needs of the Oxnard School District and eliminate the negative aspects of the building project. Your consideration concerning this matter greatly appreciated.

Best wishes,



LAWRENCE E MANION

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800



Th 16b

DATE: February 14, 2013

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 March 7, 2013 Commission Meeting in San Diego.

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.

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 8.79-acre property in the Mandalay Bay area of the Channel Islands Harbor that is currently designated for mixed use (residential and general commercial) and a public park on the waterfront. 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 and recreation 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.

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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.** Map of Oxnard School District's Existing Elementary Schools and District Boundaries
- Exhibit 13.** Oxnard School District's Original Conceptual Site Plan for School
- Exhibit 14.** Oxnard School District's Proposed Revised Conceptual Site Plan for School
- Exhibit 15.** Correspondence Received

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 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:

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.

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|--|
| <i>SUGGESTED MODIFICATION NO. 1</i> |
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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 8.79-acre property (APN 188-0-250-015) on the south side of Wooley Road between Tradewinds Drive and Seabridge Lane. Approval of any school use shall be conditioned upon the school use being limited to only that portion of the 8.79-acre property that was

approved for mixed-use (residential/commercial) pursuant to CDP A-4-OXN-03-014, with the remainder of the property required to be dedicated to the City of Oxnard and developed with an approximately 2.5 acre public waterfront park, as well as public accessways around perimeter of the entire property.

The public park shall be developed with public recreational amenities, including, but not limited to, picnic tables, benches, tot lot/playground, drinking fountains, landscaping, parking, and restroom. The public park area shall not be fenced or otherwise restricted, to allow for unimpeded public access at all times. The public park may be used jointly by the school, as long as public access is not restricted.

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.

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| <i>SUGGESTED MODIFICATION NO. 2</i> |
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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.

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| <i>SUGGESTED MODIFICATION NO. 3</i> |
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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.

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 8.79-acre property (APN 188-0-250-015) on the south side of Wooley Road between Tradewinds Drive and Seabridge Lane. Approval of any school use shall be conditioned

upon the school use being limited to only that portion of the 8.79-acre property that was approved for mixed-use (residential/commercial) pursuant to CDP A-4-OXN-03-014, with the remainder of the property required to be dedicated to the City of Oxnard and developed with an approximately 2.5 acre public waterfront park, as well as public accessways around perimeter of the entire property. In addition to the other applicable requirements of this specific plan, any school use on the property is also subject to specific urban-rural buffer provisions contained Section VI of this plan. The school use must satisfy the following minimum requirements:

- a) 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 required public access improvements shall be constructed and made available to the public prior to the occupancy of any school development on the property.
- b) The public park shall be developed with public recreational amenities, including, but not limited to, picnic tables, benches, tot lot/playground, drinking fountains, landscaping, parking, and restroom. The public park area shall not be fenced or otherwise restricted, to allow for unimpeded public access. The public park may be used jointly by the school, as long as public access is not restricted.
- c) Designated public parking shall be provided to serve the public's use of the park and accessways. Public parking shall be sited and designed to be easily accessible from Wooley Road and as compact as feasible to provide adequate public access parking while also preserving as much area as possible for public park use.
- d) The public park, parking, 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. The property owner shall be required 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, parking, 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.
- e) The required public park, parking, and public access improvements shall be constructed and made available to the public prior to the occupancy of any school development on the property.
- f) If fencing is required for safety purposes along the waterfront, fencing may be placed between the existing public accessway and the water if it is visually permeable, no more than 4 feet in height, and compatible with the character of the area.
- g) 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.

- h) School facility 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 facility 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.
- i) The school's Multi-Purpose Room shall be joint-use, in the sense that it must be made available to the community after school hours, subject to reservation. The school's Multi-Purpose Room shall have an area designated for a coastal-related art and/or education exhibit.
- j) The new school shall add a coastal-themed environmental education component to its curriculum.

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| <i>SUGGESTED MODIFICATION NO. 4</i> |
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Mandalay Bay Specific Plan
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 following agricultural buffer provisions shall apply to any school use on the approximately 8.79-acre property (APN 188-0-250-015) located on the south side of Wooley Road between Tradewinds Drive and Seabridge Lane:

- (a) 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.

(b) 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.

(c) As a condition of approval, the entity developing a school (e.g. school district) shall be required, prior to issuance of a coastal development permit, to provide the City with an executed written agreement that describes the property where the school will be authorized and which states the following:

The undersigned do hereby acknowledge and agree: (a) that the property described herein (the “Property”) is adjacent to land utilized and/or designated for agricultural purposes; (b) that students, staff, or other users of the Property may be subject to inconvenience or discomfort or other 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, discomforts and/or other adverse effects from normal necessary farm operations as an integral part of occupying property adjacent to agricultural uses; and (d) to assume the risks of inconveniences, discomforts, and/or other adverse effects to themselves and any users of the Property from such agricultural use in connection with this permitted development. 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.

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The intent of the amendment request is to facilitate the future development of an Oxnard School District public elementary school (K-5) on a vacant, approximately 8.79-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.

The subject vacant property is currently approved for a mixed-use development consisting of residential, general 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 8.79-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 8.79-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 2.5 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). 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 2, 2014, however, if the site is not purchased by April 1, 2013, the purchase price will increase from \$7,250,000 to \$8,500,000. Per the Settlement 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.

While the Oxnard School District has an option to purchase approximately 6 acres of the property for the development of a school, the remainder of the property (approximately 2.5 acres) is required to be developed with the approved public park and access improvements and dedicated to the City of Oxnard. The Seabridge developer is required to construct the public park and access improvements prior to dedication to the City. Park construction and dedication to the City has not occurred yet due to the School District's interest in exercising its option to purchase a portion of the site for a school.

Background on the LCP Amendment Request

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 LCP Amendment OXN-MAJ-1-12 was previously scheduled for the July 12, 2012 Commission meeting in Chula Vista. However, on July 9, 2012, prior to the hearing, the item was postponed in order to allow additional time for Commission staff, School District staff, and the City to discuss the School District's concerns and objections to the staff recommendation in the staff report dated June 21, 2012. The staff recommendation from June 2012 was based on the School District's original conceptual site plan for the property, which included a K-6 elementary school designed to accommodate 896 students (Exhibit 13). The original plan showed school facilities on the designated mixed-use (residential and general commercial) portion of the property, since that is the portion the District has an option to purchase. However, the School District's original plan also showed most of the designated 2.5 acre public park portion of the property as fenced for school outdoor recreation use. The School District had indicated that since the 6 acre portion of the property that they would purchase was not large enough for the proposed school, the District intended to use a portion of the public park acreage of the property for the school's outdoor play areas pursuant to a future joint-use agreement with the City. Under than original plan, most of the designated public park would be fenced for school outdoor recreation use during school hours and become open to the public only during non-school days and hours subject to reservation (Exhibit 13). At that time, the District asserted that the alternative of a smaller school that is sited and designed to avoid impacts to the public park were infeasible. As such, Commission staff had recommended that mitigation be required in the form of an in lieu fee to be used to develop equivalent public recreation opportunities elsewhere within Channel Islands Harbor since the School District's original plan included school facilities occupying a significant portion of the designated public park area and would result in adverse impacts to public access and recreation.

The School District has indicated that the in lieu mitigation fee recommended by staff is not feasible given the limited resources the District has for its facility needs. In January 2013, the School District decided to redesign the proposed school site in order to avoid impacts to the approved public park, and thereby avoid any mitigation requirements. The School District's revised conceptual site plan (Exhibit 14) is for a smaller school (K-5 instead of K-6) designed for 500-700 students. The revised plan also eliminates fencing of the public park area so that it is open to the public at all times. The School District would still enter into a joint-use agreement with the City to use a portion of the public park for school outdoor play activities, but the District has indicated that public use would not be restricted during those times. The District asserts that alternative strategies would be developed to ensure the safety and security of school use of the park area.

In addition, the School District has proposed a Multi-Purpose Room building on the school site that is intended to be used jointly by the school and the City and available to the community after school hours. The proposed Multi-Purpose Room would have an area designated for a coastal-related art and/or education exhibit. Further, the School District has proposed to add a coastal-themed education component to its school curriculum.

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-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 2.5-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 8.79-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).

Correspondence Received

On February 12, 2013, Commission staff received a letter from George Shaw of the California Department of Education – School Facilities Planning Division expressing support for the LCP amendment to allow a school use within the Seabridge development (Exhibit 15).

B. NEW DEVELOPMENT AND PUBLIC ACCESS AND RECREATION

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:

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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:

(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.

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:

...
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> |
|----------------|------------------------|-------------------------------|---------------------------------|
| | | | |

| | | | |
|--|--------------|------------|-------------|
| <i>Visitor-serving Commercial, Public Recreation, and Open Water</i> | <i>110.0</i> | <i>100</i> | <i>50.0</i> |
| <i>a. Visitor-serving Commercial</i> | <i>27.5</i> | <i>25</i> | <i>12.5</i> |
| <i>b. Public Recreation</i> | <i>27.5</i> | <i>25</i> | <i>12.5</i> |
| <i>c. Open Water</i> | <i>55.0</i> | <i>50</i> | <i>25.0</i> |

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”. ...

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-5) on a vacant approximately 8.79-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 (MBSP) designates the property as a combination of “park” and “mixed use (commercial and residential)”.

In 2004, the Commission approved a mixed use development on the subject property (CDP No. A-4-OXN-03-014) consisting of multi-family residential townhomes (87 units) and a 10,000 sq. ft. general commercial building on approximately 6 acres, and public recreation and visitor-serving development on the remaining approximately 3 acres of the property, consisting of a 2.5-acre public park, a public parking lot, and 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).

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. However, only the subject property remains vacant within the specific plan area. Additionally, the Oxnard School District has an option to purchase approximately 6 acres of the subject 8.79-acre property and has provided a conceptual site plan that involves a K-5 elementary school and outdoor play areas that is capable of accommodating 500-700 students. The remaining approximately 3 acres of the property would be retained by the property owner for public park and public access use and dedicated to the City of Oxnard.

Since the School District has indicated that the 6 acre portion of the property that the District has an option to purchase is not adequate to accommodate the required amount of outdoor play area for a school of that size, the District intends to work with the property owner and the City of Oxnard to have joint use of a portion of the public park acreage of the property for some of the school’s outdoor recreation needs, without restricting public use of the area.

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 5th 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 12). 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 MBSP 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 MBSP 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 MBSP 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 MBSP.

The proposed amendment would add schools as an allowable use anywhere within the MBSP area. However, the amendment request is project-driven wherein a school use is only contemplated on the subject property within the MBSP area.

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, if a school use were to replace or diminish the portion of the site designated for public recreation, it would raise issues with regard to the public access and recreation policies of the Coastal Act.

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 MBSP 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 new land use in this area 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 by ensuring that a school use does not reduce and diminish adjacent public recreational uses on the site, which is a priority use within the Coastal Zone.

The District has indicated that they intend to develop a K-5 elementary school only on the portion of the site that is designated for residential and general commercial use. The remainder of the site would be maintained for its designated public access and recreation uses (public park, accessways, and parking) and not restricted in any way by the adjacent school use. Such an

alternative would avoid adverse impacts to the higher priority public recreational area of the site, consistent with the public access and recreation policies of the Coastal Act and Oxnard LCP. As such, Suggested Modifications 1 and 3 are required to specify the portion of the subject property within the MBSP area that a school use would be allowed to ensure that higher priority land uses are not replaced or adversely impacted by a school use, consistent with the Coastal Act and Oxnard LCP.

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 8.79-acre property on the south side of Wooley Road between Tradewinds Drive and Seabridge Lane, with conditions to ensure that adverse impacts to public access and recreation are avoided in conjunction with the securing of a permit for any such development of the subject property.

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. Pursuant to the Suggested Modifications, the portion of the property designated for mixed-use (residential/commercial) may be developed with a school use, with the remainder of the property required to be dedicated to the City of Oxnard and developed with an approximately 2.5 acre public park on the waterfront, as well as public accessways around the perimeter of the property. Suggested Modification 3 provides that the public park shall be developed with public recreational amenities, including, but not limited to, picnic tables, benches, tot lot/playground, drinking fountains, landscaping, parking, and restroom. The Commission finds that the adjacent designated 2.5-acre public park would be of less public recreational value than the approved full-time public park if a school use in this area would in any way limit the duration and range of public use of the park or diminish its recreational value to the general public. As such, Suggested Modifications 1 and 3 specify that the public park area shall not be fenced or otherwise restricted, to allow for unimpeded public access. The public park may be used jointly by the school, as long as public access is not restricted. If it becomes necessary to fence or otherwise restrict public use of the 2.5 acre public park at any time during the life of the project, an LCP amendment would be required.

Suggested Modification 3 also provides that designated public parking shall be provided to serve the public's use of the park and accessways. Public parking shall be sited and designed to be easily accessible from Wooley Road and as compact as feasible to provide adequate public access parking while also preserving as much area as possible for public park use. Landscaped

public accessways shall also 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. 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 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. If fencing is required for safety purposes along the waterfront, fencing may be placed between the existing public accessway and the water if it is visually permeable, less than 5 feet in height, and compatible with the character of the 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.

In order to ensure that the School District's proposed project elements for environmental education and civic use of the school's Multi-Purpose Room are carried out, Suggested Modification 3 requires that the new school shall add a coastal-themed environmental education component to its curriculum, and the school's Multi-Purpose Room shall be joint-use, in the sense that it must be made available to the community after school hours, subject to reservation. The school's Multi-Purpose Room shall also have an area designated for a coastal-related art and/or education exhibit.

Implementation of the requirements contained in the suggested modifications of the LCP amendment would be carried out through the City's coastal development permit process. 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.

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

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.*

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.*

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.

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-5) on the subject approximately 8.79-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.¹

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) 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

¹ 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>

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 4 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 4 requires that prior to issuance of a coastal development permit for any school use at the subject site, the entity developing a school (e.g. school district) shall provide the City with an executed written agreement that describes the property where the school will be authorized and which states that the school district/entity 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 4 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 4 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 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.

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| 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.

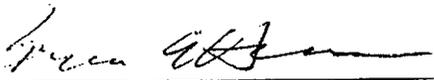
NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Oxnard approves Planning and Zoning Permit No. 09-410-01 (Coastal Land Use Plan Amendment), to amend the Coastal Land Use Plan as shown in Exhibit A hereto attached. The amendment shall not take effect until certified by the Coastal 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.

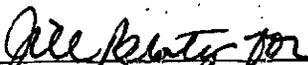
NOES: None.

ABSENT: None.



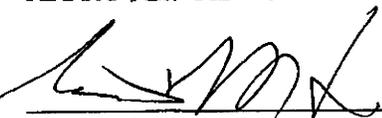
Dr. Thomas E. Holden, Mayor

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

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| 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.

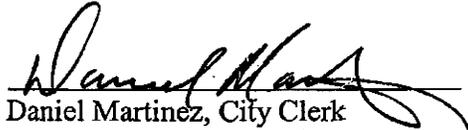
ABSENT: None.

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 |

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.

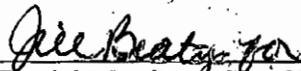
NOES: None.

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 ¹ | 12.5 | 25 |
| Open Water | 55.0 ² | 25.0 | 50 |

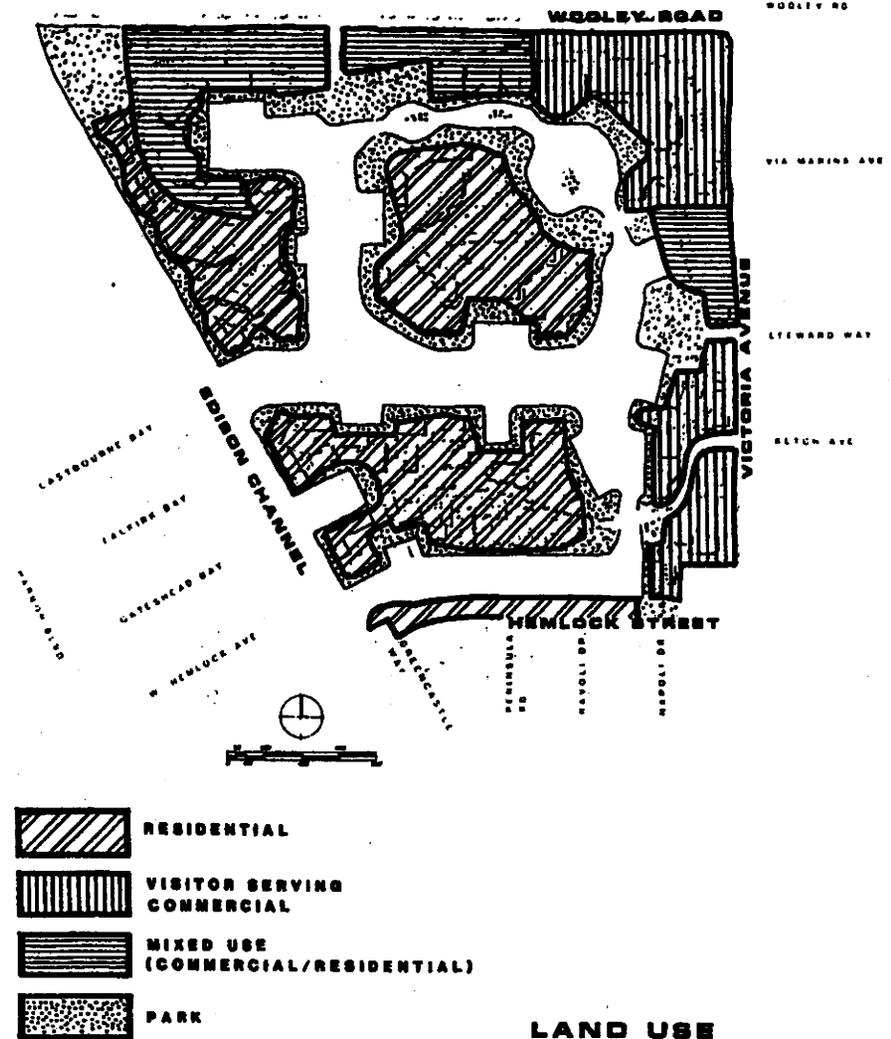
¹Must all be on land.

²Up 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).



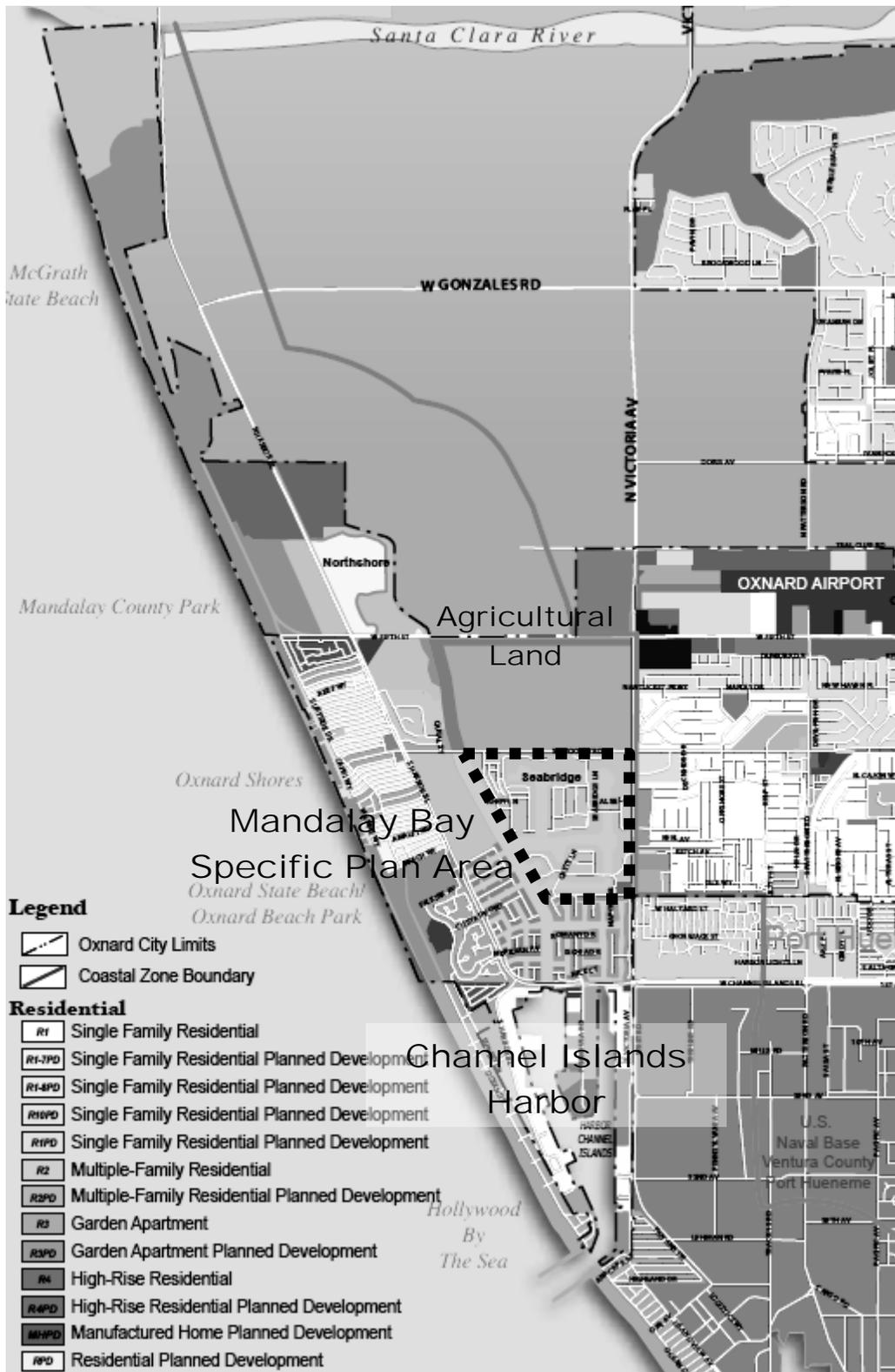


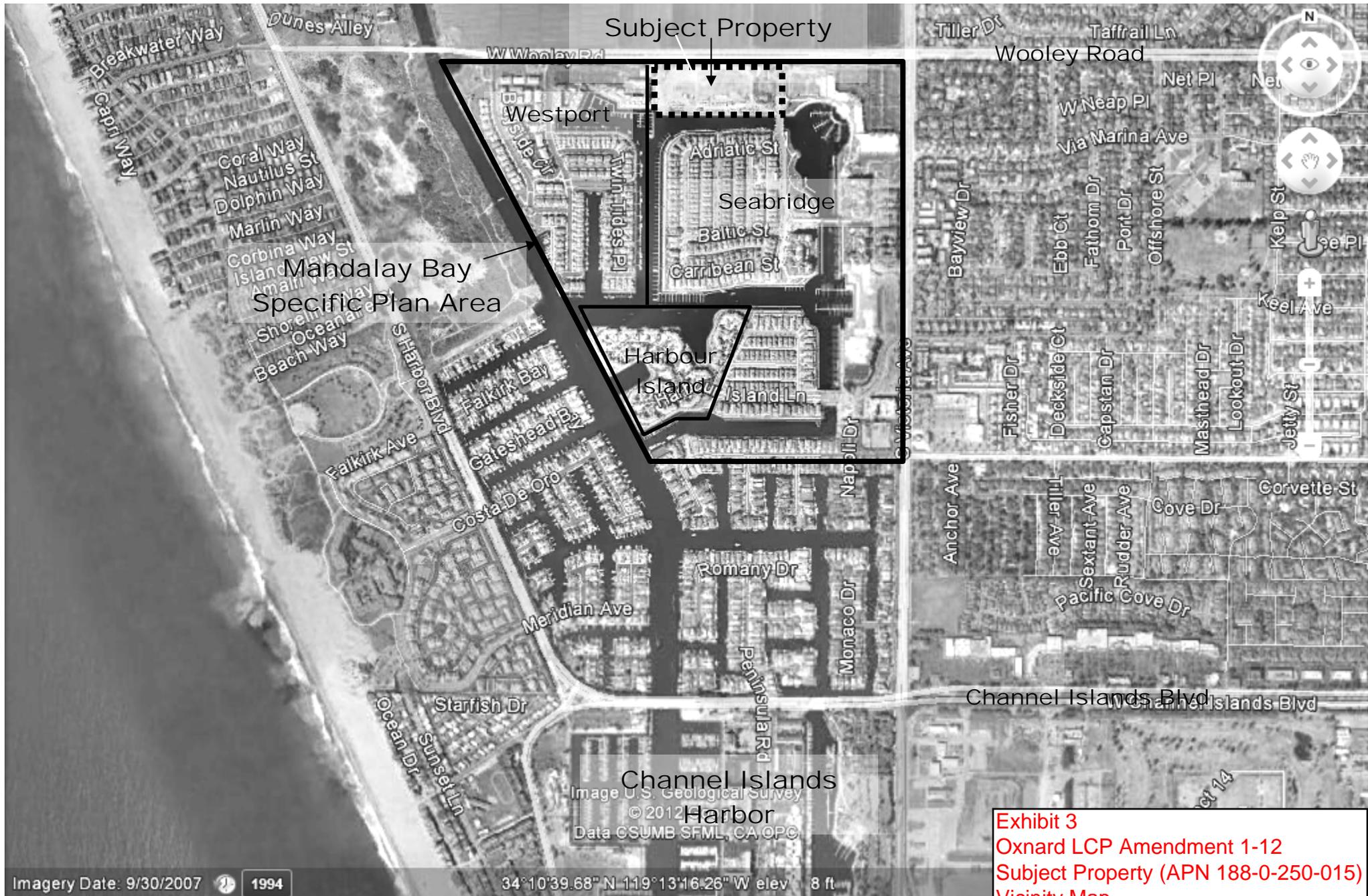
Exhibit 2
Oxnard LCP Amendment 1-12
Mandalay Bay Specific Plan
Area Vicinity Map



Subject Property

Mandalay Bay
Specific Plan Area

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



Subject Property

Mandalay Bay
Specific Plan Area

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

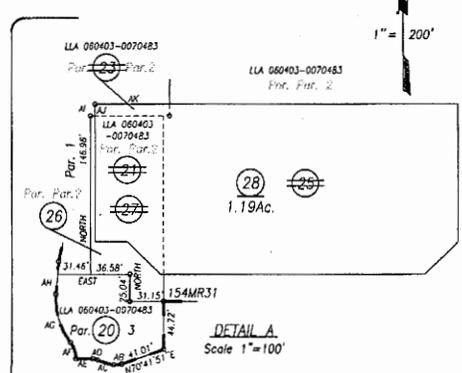
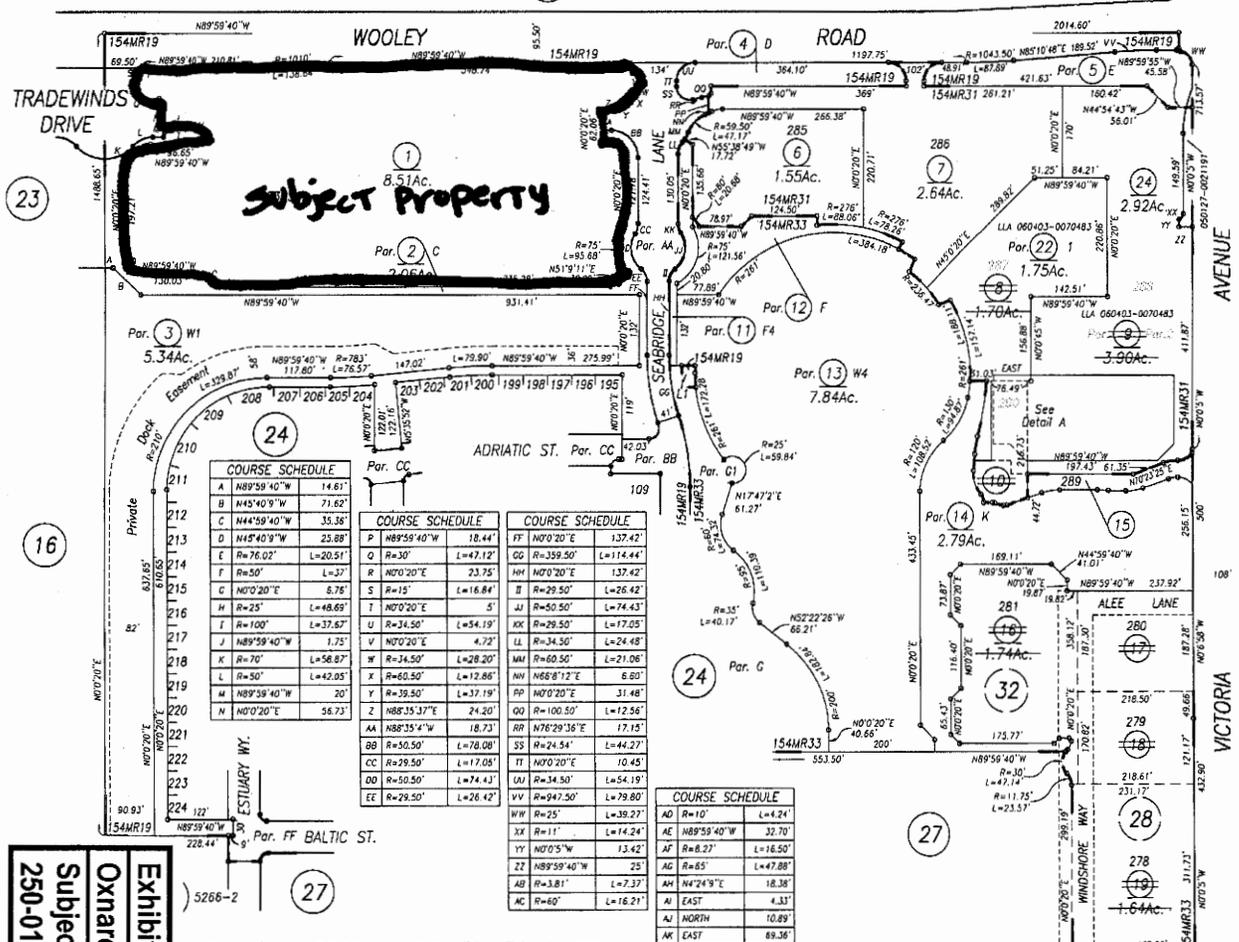
RANCHO EL RIO DE SANTA CLARA O'LA COLONIA

Tax Rate Area 03287

Bk 185

188-25

11



| COURSE SCHEDULE | | | COURSE SCHEDULE | | | COURSE SCHEDULE | | |
|-----------------|-------------|----------|-----------------|-------------|----------|-----------------|-------------|-----------|
| A | N89°59'40"W | 14.61' | P | N89°59'40"W | 18.44' | FF | N70°20'E | 137.42' |
| B | N45°40'9"W | 71.62' | Q | R=30° | L=47.12' | GG | R=359.50' | L=114.44' |
| C | N44°59'40"W | 35.36' | R | N70°20'E | 23.75' | HH | N70°20'E | 137.42' |
| D | N48°40'9"W | 25.88' | S | R=15° | L=16.84' | II | R=29°50' | L=26.42' |
| E | R=76.02' | L=20.51' | T | N70°20'E | 5' | JJ | R=50°50' | L=74.43' |
| F | R=50' | L=3' | U | R=34.50' | L=54.19' | KK | R=29°50' | L=17.05' |
| G | N70°20'E | 6.76' | V | N70°20'E | 4.72' | LL | R=34.50' | L=24.48' |
| H | R=25' | L=48.69' | W | R=34.50' | L=28.20' | MM | R=60°50' | L=21.06' |
| I | R=100' | L=37.67' | X | R=60.50' | L=12.86' | NN | N68°12'E | 6.60' |
| J | N89°59'40"W | 1.75' | Y | R=39.50' | L=37.19' | PP | N70°20'E | 31.48' |
| K | R=70' | L=58.87' | Z | N88°35'37"E | 24.20' | QQ | R=100.50' | L=12.56' |
| L | R=50' | L=42.05' | AA | N88°35'4"W | 18.73' | RR | N76°29'36"E | 17.15' |
| M | N89°59'40"W | 20' | BB | R=50.50' | L=78.08' | SS | R=24.54' | L=44.27' |
| N | N70°20'E | 56.73' | CC | R=29.50' | L=17.05' | TT | N70°20'E | 10.45' |
| | | | DD | R=50.50' | L=74.43' | UU | R=34.50' | L=54.19' |
| | | | EE | R=29.50' | L=26.42' | VV | R=94.750' | L=79.80' |
| | | | | | | WW | R=25' | L=39.27' |
| | | | | | | XX | R=11' | L=14.24' |
| | | | | | | YY | N70°5'W | 13.42' |
| | | | | | | ZZ | N89°59'40"W | 25' |
| | | | | | | AA | N474'9"E | 18.38' |
| | | | | | | BB | EAST | 4.33' |
| | | | | | | CC | NORTH | 10.89' |
| | | | | | | DD | EAST | 69.35' |

VIA MARINA AVENUE

Bk 187

VICTORIA AVENUE

Note: For C.C.&R.'s pertaining to Tract 5266-1, Lots C & W1, see Doc. No. 050928-0241680 of Official Records
 For C.C.&R.'s pertaining to Tract 5266-4, Lots F, K, W4, see Doc. No. 050928-0241683 of Official Records
 For C.C.&R.'s pertaining to Tract 5266-3, see Doc. No. 051004-0246936 of Official Records
 For C.C.&R.'s pertaining to Tract Dock Easements, see Doc. No. 060606-0120025 of Official Records

CITY OF OXNARD
 Ventura County Assessor's Map.

| | | | |
|--|-----|--------------------------------|----------------------|
| DRAWN | JPG | REVISED | 4-16-2009 |
| REDRAWN | | CREATED | 11-7-2005 |
| INKED | | PLOTTED | EFFECTIVE 06-07 ROLL |
| | | PREVIOUS Bk.188, Portion Pg.11 | |
| Compiled By Ventura County Assessor's Office | | | |

NOTE: ASSESSOR PARCELS SHOWN ON THIS PAGE DO NOT NECESSARILY CONSTITUTE LEGAL LOTS. CHECK WITH COUNTY SURVEYOR'S OFFICE OR PLANNING DIVISION TO VERIFY.

Exhibit 4
 Oxnard LCP Amendment 1-12
 Subject Property (APN 188-0-250-015) Parcel Map

Portion Tract 5266-4, M.R. Bk.154, Pg.33
 Portion Tract 5266-3, M.R. Bk.154, Pg.31
 Portion Tract 5266-1, M.R. Bk.154, Pg.19
 Portion Patterson Ranch Sub., M.R. Bk.8, Pg.1

| | | | | | | | | |
|-----------|-----------|-------------|-------------------------|----------------------|----------|--------------|--------|--------------|
| Roll-Year | 09-10 | Bk | 188 | Pg. | 25 | REVISION LOG | VOID | NEW |
| DATE | 7/19/2008 | EXPLANATION | Description | APN(S) | RESIDUAL | APN(S) | APN(S) | APN(S) |
| | | COMBINATION | PER I/P REQUEST 2/15/08 | 188-0-250-23225 & 24 | | | | 188-0-250-25 |

Exhibit 4
 Oxnard LCP Amendment 1-12
 Subject Property (APN 188-0-250-015) Parcel Map

SECTION III: LAND USE PROGRAM

A. Coastal Plan Requirements

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

| Land Use | Minimum Acres | % of Total Project | % of Public Area |
|----------------------------|-------------------|--------------------|------------------|
| Visitor Serving Commercial | 27.5 | 12.5 | 25 |
| Public Recreation | 27.5 ¹ | 12.5 | 25 |
| Open Water | 55.02 | 25.0 | 50 |

¹Must all be on land.

²Up 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 as 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 blished in the Coastal Zoning Ordinance. This Specific assumes that these coastal zoning regulations will be ted in their current general form, and therefore meet e general land use requirements (with the inclusion of d-use as previously stated).

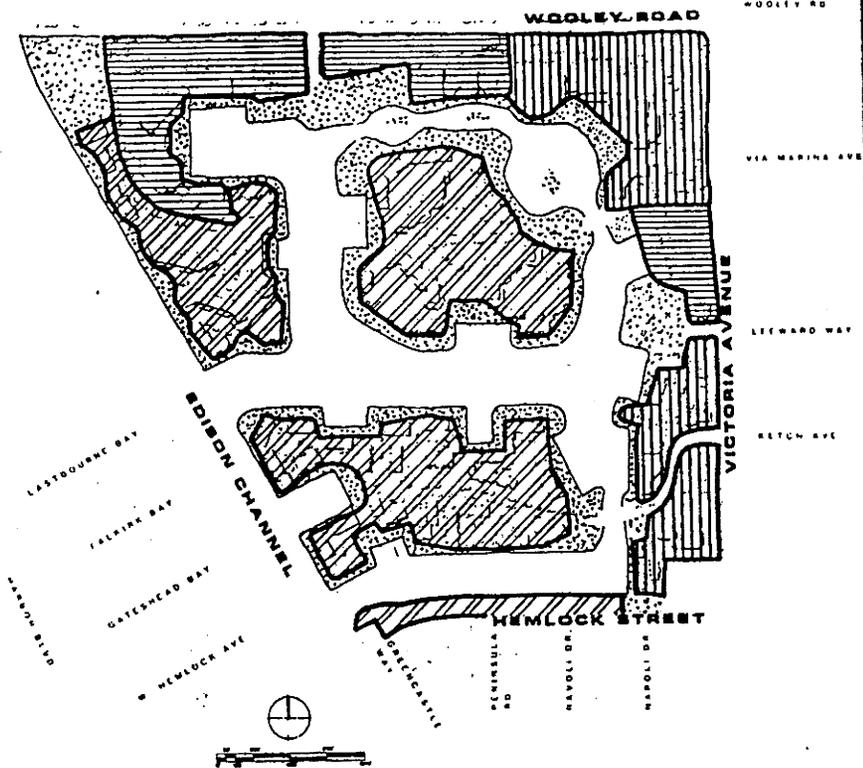


Exhibit 5
 Oxnard LCP Amendment 1-12
 Mandalay Bay Specific Plan
 Land Use Map

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

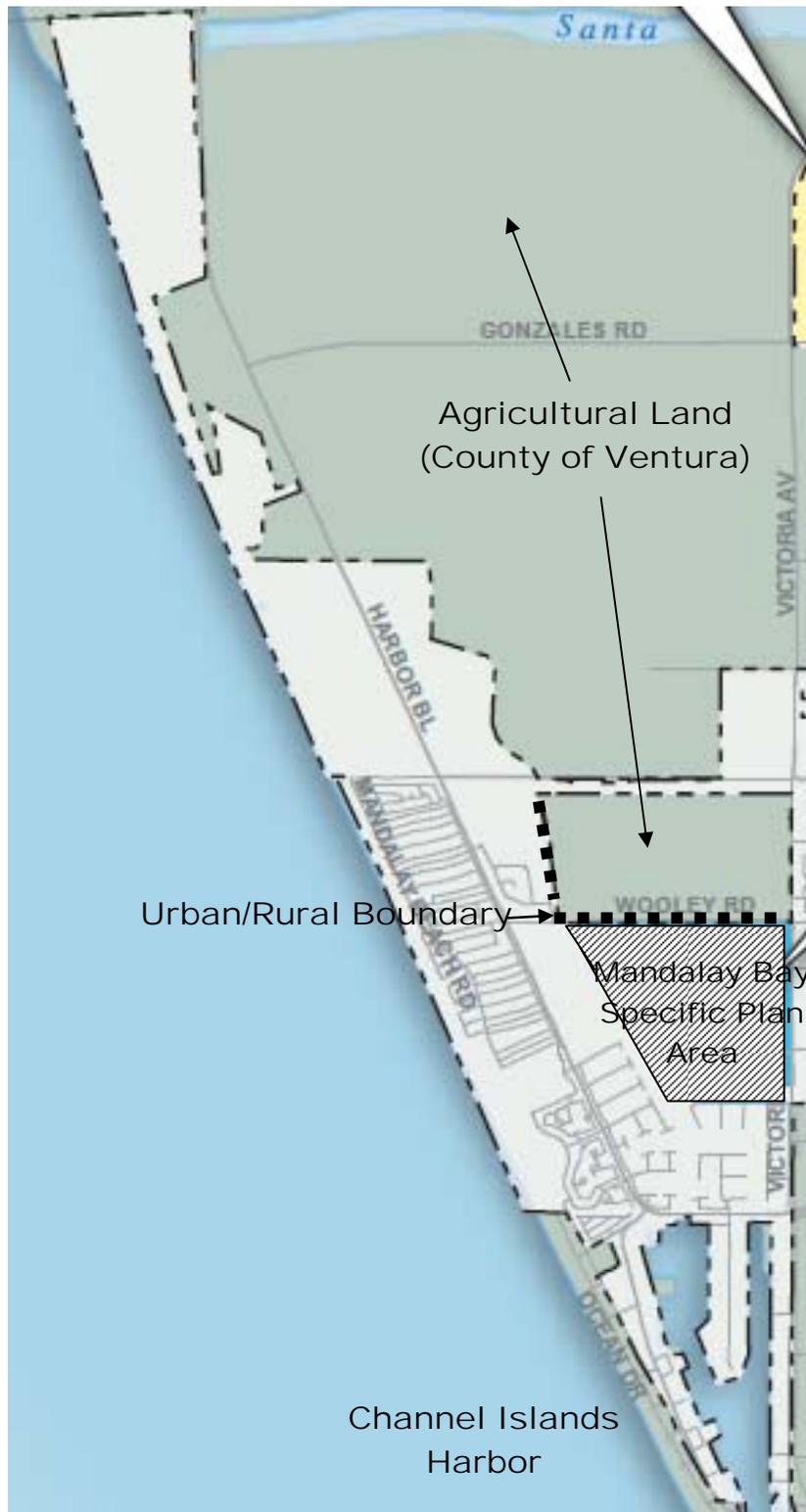


Exhibit 6
Oxnard LCP Amendment 1-12
Urban-Rural Boundary near
Mandalay Bay Specific Plan
Area

Subject Property

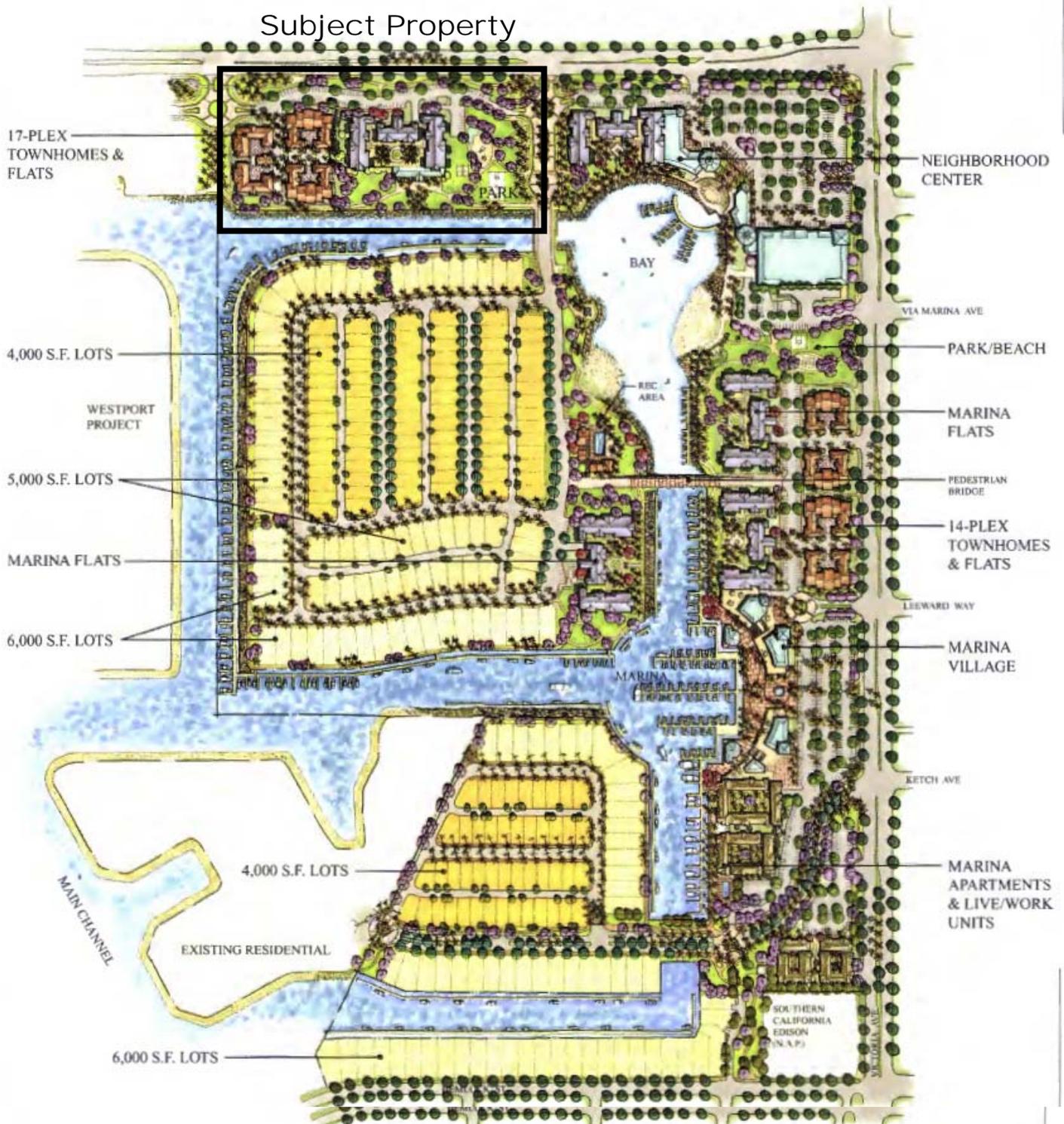


Exhibit 7
Oxnard LCP Amendment 1-12
Approved Site Plan
per CDP No. A-4-oxn-03-014

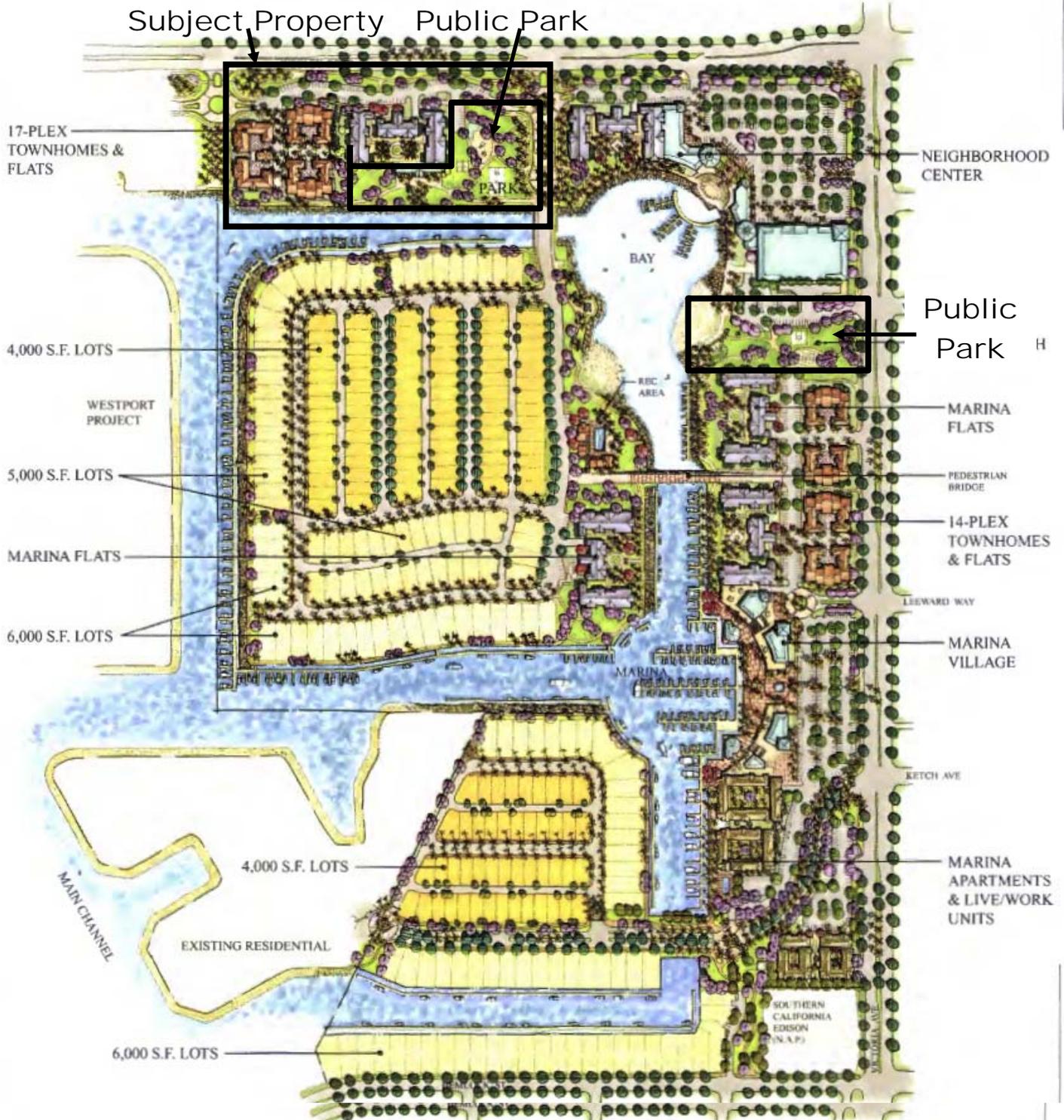


Exhibit 8
 Oxnard LCP Amendment 1-12
 Approved Main Public Parks
 per CDP No. A-4-OXN-03-014

Public Parks and Waterfront Trails



 Public Neighborhood Parks

 Public Plazas

 Public Waterfront (lateral access)
Linear Parks, Trails and
Bridges (over 2 miles)

 Public Access (vertical access)
Linear Parks and Trails (3/4 mile)

 Public Overlooks

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

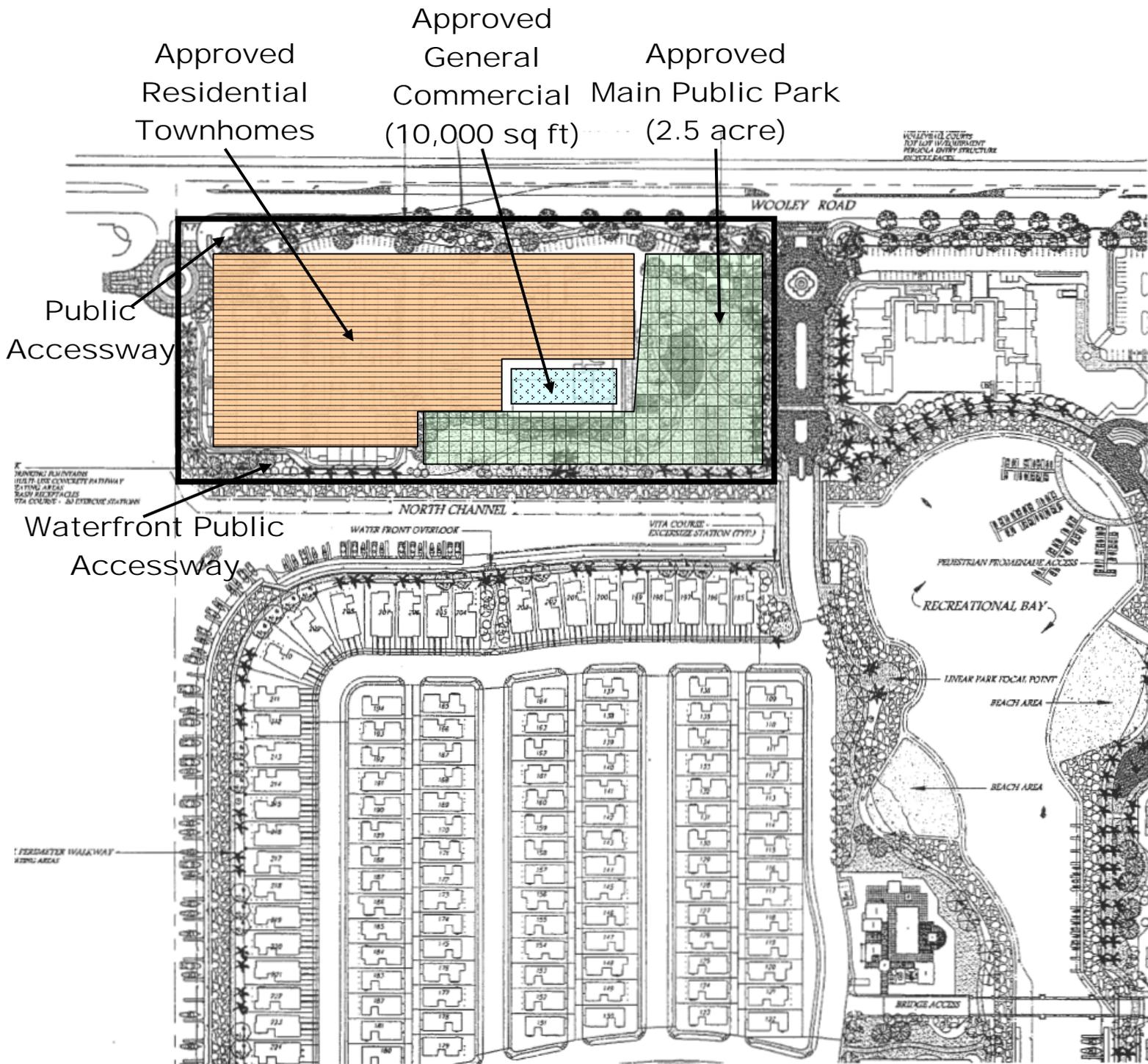


Exhibit 10
Oxnard LCP Amendment 1-12
Approved Land Uses on
Subject Property per
CDP No. A-4-oxn-03-014

AGRICULTURE

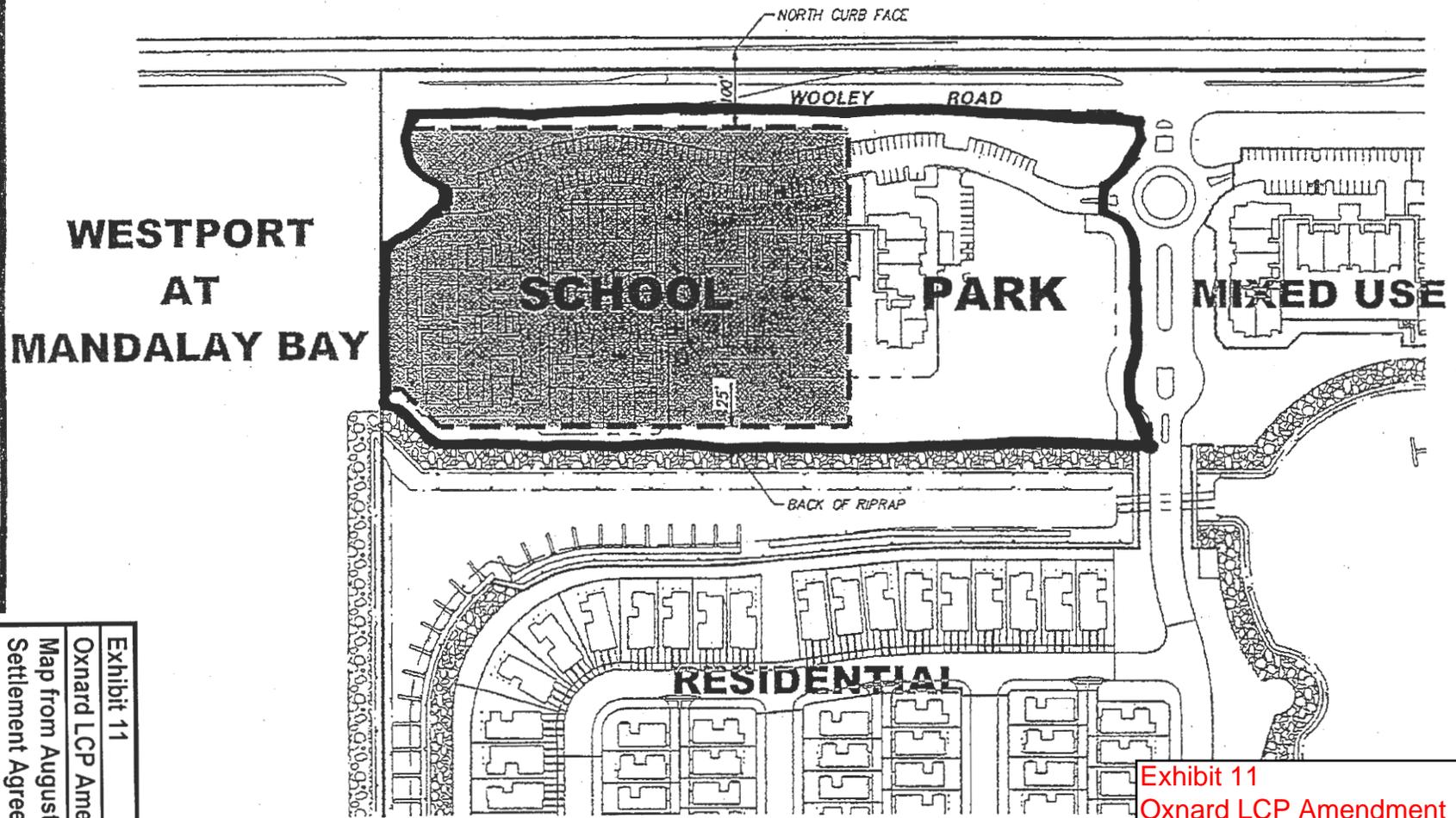


Exhibit 11
 Oxnard LCP Amendment 1-12
 Map from August 11, 2010
 Settlement Agreement
 showing portion of site that
 Oxnard School District has
 option to purchase



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

E
 PR
 TO

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

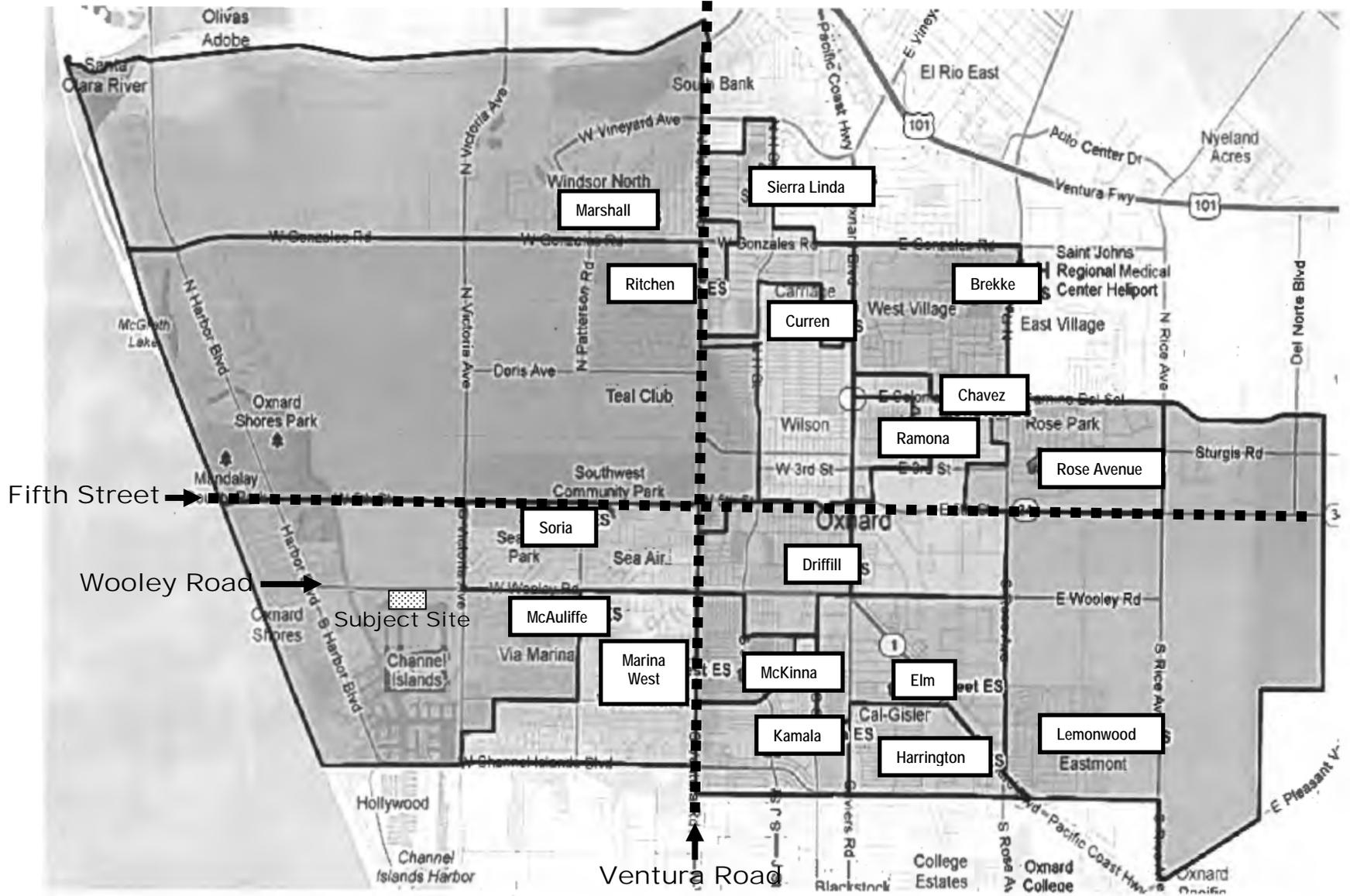
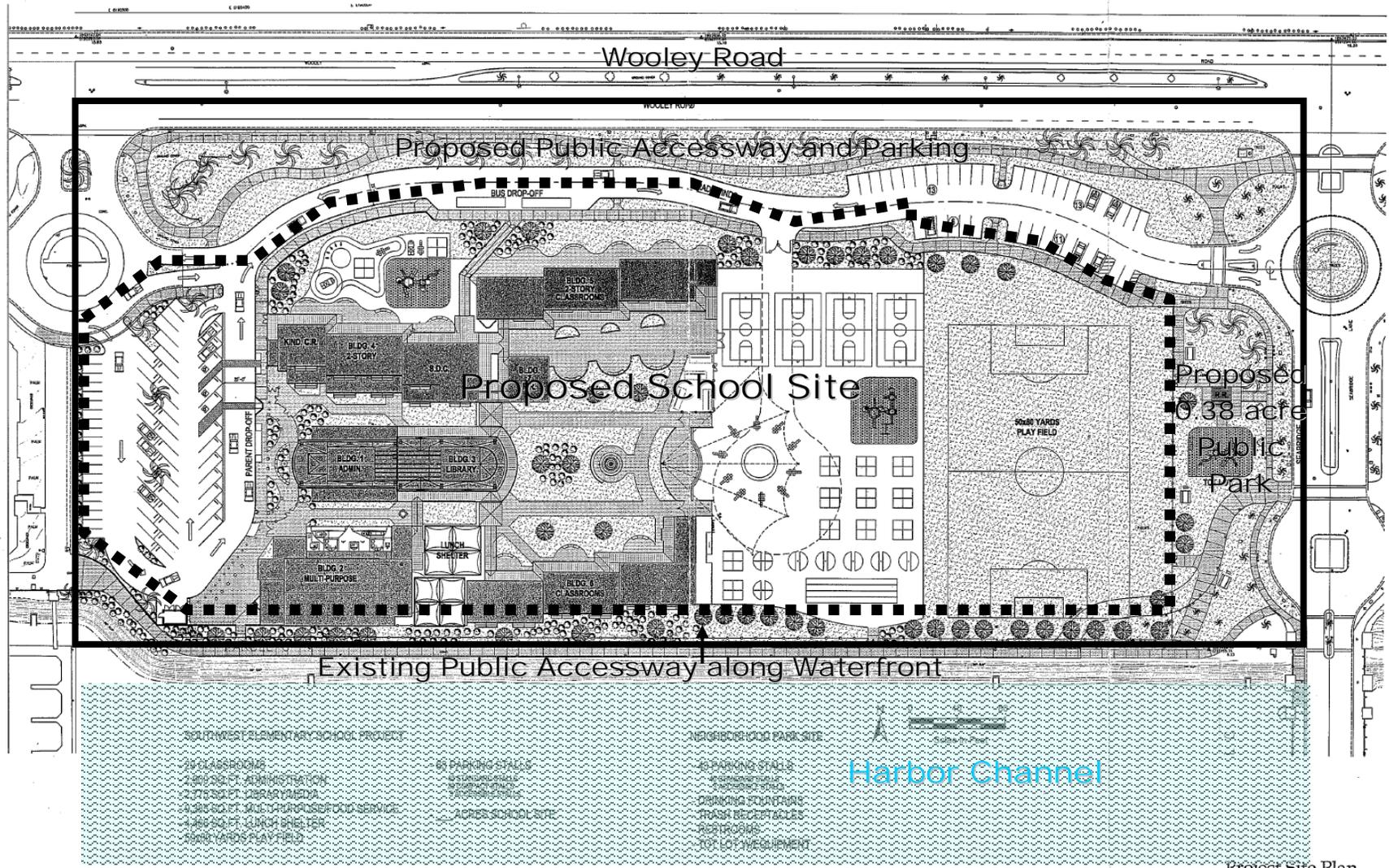


Exhibit 12
Oxnard LCP Amendment 1-12
Map of Oxnard School District's
Existing Elementary Schools and
District Boundaries

Agricultural Land



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

Project Site Plan

Exhibit 13
Oxnard LCP Amendment 1-12
Oxnard School District's
Original Conceptual Site Plan

Agricultural Land

Wooley Road

Proposed Public Accessway and Parking

Proposed School Site

Designated
2.5-acre
Public Park
Site

Existing Public Accessway along Waterfront

Harbor Channel

Exhibit 14
Oxnard LCP Amendment 1-12
Oxnard School District's
Proposed Revised
Conceptual Site Plan



CALIFORNIA
DEPARTMENT OF
EDUCATION

TOM TORLAKSON
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

February 12, 2013

Received

FEB 12 2013

California Coastal Commission
South Central Coast District

Jack Ainsworth, Senior Deputy Director
South Central Coast District Office
California Coastal Commission
89 South California Street, Suite 200
Ventura, California 93001-2801

Dear Mr. Ainsworth:

We are writing in support of the Oxnard Elementary School District's and the City of Oxnard's request to approve the planned elementary school in the Seabridge residential development.

Staff has expressed concern that the school's exclusive use of the joint-use park adjacent to the School District-owned portion of the elementary campus during school hours would deprive the public of the park's use for that period of time. While that would necessarily be true during the school day, owing to the School District's obligations to ensure the safety and security of the students and teachers by controlling the public's access to them, it is also true that the public would receive a greater benefit from having the school in this residential development. The public actually gains park and recreation area in a joint-use arrangement, not only to the school's playfields and courts, but also to the school's buildings, including a multipurpose/gymnasium.

Making the schools available to the public before and after school and on the weekends is a longstanding tradition in Oxnard. The Civic Center Act, in addition, requires this of public schools. What is more, the public gains additional recreational and park use at times when it is most likely to use recreational and park space—after 3:00PM and on the weekends.

Thank you for including this letter in your staff report for the Commission's hearing on this Local Coastal Plan Amendment. If you have any questions regarding this project from our perspective, please contact us.

Sincerely,

George M. Shaw, Field Representative
School Facilities Planning Division

Exhibit 15
Oxnard LCP Amendment 1-12
Correspondence Received

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.