



Meeting Date: 7 / 17 / 2007

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

Prepared By: Ashley Golden, Senior Planner *AG* Agenda Item No. L-2

Reviewed By: City Manager *JLB* City Attorney *Rupp* Finance *SW* Other (Specify) _____

DATE: July 2, 2007
TO: City Council
FROM: Susan L. Martin, AICP *smartin*
 Planning and Environmental Services Manager

SUBJECT: Appeal of the Planning Commission's Denial of PZ No. 05-540-05 (Special Use Permit for a Planned Residential Group with 190 units) and Consideration of PZ No. 05-620-07 (General Plan Amendment), PZ No. 05-570-04 (Zone Change), and PZ No. 05-300-29 (Tentative Subdivision Map and Alley Vacation Tract No. 5682) for the Gateway Walk Project, located at 1250 South Oxnard Boulevard. Filed by The Olson Company, Mr. Bill McRenyolds.

RECOMMENDATION

That City Council adopt a resolution upholding the action of the Planning Commission denying the Gateway Walk Project application of The Olson Company.

DISCUSSION

Planning Commission Review and Action - On June 21, 2007 the Planning Commission held a public hearing and considered the request for the Gateway Walk project described above. Commission discussion center around the following issues:

1. The request for administrative relief from the parking ordinance, the design of units with no drive-ways, the lack of loading zones for commercial units, and reduction of numbers of guest spaces were not appropriate for the proposed development.
2. The lack of private open space, including reduced balcony sizes, reduction to the interior yard space requirements, and lack of recreation facilities were not appropriate for the proposed development.
3. Although the project is within the allowed residential density, the reduction of setbacks, height of the structures, lack of driveways and parking, lack of private open space made the proposed development seem too dense.
4. Traffic at the Five-Points intersection currently operates at a level of service (LOS) F and the project will contribute 2,000 daily trips.

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5. Concerns that the proposed residential use may not be compatible with the surrounding commercial and industrial uses and the adjacent railroad tracks.

Members of the public spoke both for and against the project. There was support to redevelop the site, but concerns with the potential traffic, lack of adequate parking and compatibility with the adjacent industrial uses.

At the hearing, the Planning Commission denied (4-2) staff's recommendation of approval for the Gateway Walk project and requested staff return with a resolution of denial. On June 28, 2007, by a vote of 6-1, Planning Commission adopted Resolution 2007-16 denying the requests (See Attachment 1). On July 2, 2007 the applicant, The Olson Company, filed an appeal of the Planning Commission's denial.

Project Description - The project site consists of ten parcels totaling 13.68 acres in size. The site can be broken into two components, the live/work, commercial and residential use along Oxnard Boulevard on nine parcels and the large interior lot with the detached and attached multi-family development with a public park. The first component faces Oxnard Boulevard with nine live/work units and four retail buildings. Behind the live/work and retail development are three-story townhomes (two-bedroom). Some townhomes are attached to the rear of retail buildings. All residential units have no yard area but have porches or balconies (smaller than the required size). The main entrance drive into the second component (residential/park development) is located on Oxnard Boulevard in the center of the retail/live-work development. A smaller drive is located on the west end of the site on Oxnard Boulevard, which serves a commercial parking lot with a gate at the north end for the residential development. Another driveway to a second commercial parking lot is also located on Oxnard Boulevard, on the east end of the site.

A 1.4 acre public park is proposed in the center of the second component. The project was conditioned to provide a 1.77 acre park as was originally presented to the DAC and the community at two community workshops, and as analyzed in the MND. Forty-nine, two-story condominium detached homes (3 and 4-bedroom units) are located in the center of the development. Each has an attached garage that is entered directly off a private drive, with no driveway aprons proposed. These units have small yard areas on the side of the homes. The project was conditioned to provide a private road at the north and west corner of the site so that the alley access can be closed for safety reasons.

Along the east side of the property, adjacent to the industrial uses and the mobile home park, and along the north property line adjacent to the railroad tracks and Wooley Road are 104, three-story, tuck-under condominium townhomes (3-bedroom units). These units have no yard areas but have porches or balconies. Trash enclosures were conditioned to be located at the ends of the building rows that contain the condominium townhomes. Mitigation measures from the MND 07-05 required a sound and safety buffer along the north side of the park as well as restricted pedestrian access from the Wooley Road/railroad track area. The Wooley Road frontage is proposed to be developed with a landscaped sound wall. Building setbacks were conditioned to provide a 34-foot buffer from the railroad tracks.

The project application includes a request for a special use permit for a Planned Residential Group (PRG) that allows variations from the zone standards. The purpose of the PRG is to allow consideration of suitable residential developments that do not fit under conventional zone code standards. The proposed project is designed as an in-fill townhome community with common and public open space. This development contributes to the variety of housing opportunities in the City.

The project is located in the Central City Revitalization Project Area (CCRP). The Implementation Plan for the CRRP Area supports the rebuilding of vacant, blighted, and underutilized land. Because the proposed project includes the long-vacated, former Drive-In site and nine frontage parcels along Oxnard Boulevard, it is recognized as a key site for a redevelopment proposal that offers an opportunity for an integrated site plan with a unifying design. Therefore, if the project is entitled, Community Development Commission (CDC) staff may recommend entering into an Owner Participation Agreement (OPA) with the applicant.

In accordance with California Redevelopment Law, 15 percent (or 29 units) of the project's 190 units must be affordable to low and moderate income households. CDC Resolution #111 requires these units to be provided either as inclusionary housing (on-site) or as in-lieu fees, to be approved by the CDC. The applicant proposed to provide one-half of the affordable units (14) on-site and pay the in-lieu fee for 95 units (one-half of the 190 total units, or approximately $95 \times \$5,000 = \$475,000$). As this proposal is inconsistent with the existing CDC Resolution #111, a separate resolution must be adopted by the CDC to accept the proposal. This will be done, if the project is entitled, concurrent with an Owner Participation Agreement.

Alternative - If the City Council wishes to uphold the appeal and approve the applications, the Council must first approve the Mitigated Negative Declaration. This document is included in Attachment 4. For project approval, the following actions should be taken:

1. Adopt a resolution approving Mitigated Negative Declaration No. 07-05 and approving special use permit (PZ 05-540-05).
2. Adopt a resolution approving the General Plan Amendment (PZ 05-620-07) changing the land use designation from Commercial General to Medium Density Residential and Park for the residential and park parcels.
3. Approve the first reading by title only and subsequent adoption of an ordinance approving Zone Change (PZ 05-570-04 changing the zone district from Commercial Manufacturing Planned Development (C-M-PD) to Garden Apartment Planned Development (R-3-PD) and Community Reserve (CR) and to change the zone district for the Oxnard Boulevard frontage parcels from Light Manufacturing (M-1) to General Commercial Planned Development (C-2-PD).
4. Adopt a resolution approving Tentative Subdivision Map and Alley Vacation (PZ 05-300-29) for Tract No. 5682.

FINANCIAL IMPACT

If the project is denied there is no estimated financial impact to the current FY 2007-2008 budget. If the project is approved, the applicant will be required to pay applicable development fees such as Traffic Impact fees, Art in Public Places, Quimby, and Air Quality mitigation fees.

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- Attachment 1 - Planning Commission Resolution No. 2007-16
2 - For Denial: City Council Resolution
3 - For Approval: General Plan Amendment Resolution, Zone Change Ordinance,
Special Use Permit Resolution, Tentative Subdivision Map Resolution
4- Planning Commission Staff Report (dated June 2, 2005, except draft resolutions)
5- Notice of Appeal Filed by The Olson Company

Note: Attachment No.3 and 4 have been provided to the City Council under separate cover. Copies are available for review at the Circulation Desk in the Library after 6:00 p.m. on Thursday prior to the Council meeting, and at the City Clerk's Office after 8:00 a.m. on the Monday, July 16, 2007 prior to the Council meeting.

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RESOLUTION NO. 2007 – 16

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD DENYING PLANNING AND ZONING PERMIT NO. PZ 05-540-05 (SPECIAL USE PERMIT) FOR A PLANNED RESIDENTIAL GROUP & COMMERCIAL DEVELOPMENT TO MODIFY CERTAIN ZONE STANDARDS AND RECOMMENDING DENIAL OF GENERAL PLAN AMENDMENT (PZ 05-620-7), ZONE CHANGE (05-570-4), AND TENTATIVE SUBDIVISION MAP (PZ 05-300-29) TO ALLOW A RESIDENTIAL DEVELOPMENT, PUBLIC PARK AND COMMERCIAL DEVELOPMENT KNOWN AS GATEWAY WALK, LOCATED AT 1250 SOUTH OXNARD BOULEVARD (APN'S 204-0-020-05, 08, 09, 10, 11, 14, 15, 26, 27, AND 28). FILED BY THE OLSON COMPANY, 1701 N. LOMBARD, SUITE 100, OXNARD, CA 93030,

WHEREAS, the Planning Commission of the City of Oxnard considered the above-described applications for a residential project consisting of 190 units and approximately 7,000 square feet of commercial space on 13.68 acres, (“the project”); and

WHEREAS, the project is inconsistent with both the City’s zoning ordinance and 2020 General Plan land use designation; and

WHEREAS, section 15270(a) of the State Guidelines to the California Environmental Quality Act (CEQA) provides that CEQA does not apply to projects that are disapproved; and

WHEREAS, the application for a special use permit for a planned residential group included modifications to standards required by the City Code for setbacks, height, interior yard space, recreation facilities, balcony dimensions, location of guest parking, reduced parking, and depth of parking stalls; and

WHEREAS, the Planning Commission finds that the site plan designed in accordance with the requested modifications does not provide enough private recreational space and amenities, parking, public park space, balconies are inadequate in size, and height and setbacks exceed what is allowed by code; and

WHEREAS, the Planning Commission finds that driveways are preferable to on-street guest parking in the project; and

WHEREAS, the project is located on a designated thoroughfare and adjacent to existing industrial uses and a rail road, and the current General Commercial (CG) General Plan designation should be retained to allow for compatible retail uses in the area; and

WHEREAS, the Planning Commission finds that the project does not conform to the General Plan and other adopted policies of the City.

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NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby denies the application for a special use permit (PZ 05-540-5) and recommends that the City Council deny the applications for a general plan amendment (PZ 05-620-7), Zone Change (PZ 05-570-4), and tentative subdivision map (PZ 05-300-29).

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 28th day of June, 2007, by the following vote:

AYES: Commissioners: Frank, Pinkard, Elliott, Medina, Okada, Sanchez

NOES: Commissioners: Dean

ABSENT: Commissioners: None

Dr. Sonny Okada, Chairman

ATTEST: 

Susan L. Martin, Secretary

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ATTACHMENT 1
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CITY COUNCIL OF THE CITY OF OXNARD
RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD UPHOLDING THE DECISION OF PLANNING COMMISSION DENYING SPECIAL USE PERMIT (PZ 05-540-05) FOR A PLANNED RESIDENTIAL GROUP & COMMERCIAL DEVELOPMENT TO MODIFY CERTAIN ZONE STANDARDS AND DENYING GENERAL PLAN AMENDMENT (PZ 05-620-07), ZONE CHANGE (PZ 05-570-04), AND TENTATIVE SUBDIVISION MAP (PZ 05-300-29) TO ALLOW A RESIDENTIAL DEVELOPMENT, PUBLIC PARK AND COMMERCIAL DEVELOPMENT KNOWN AS GATEWAY WALK, LOCATED AT 1250 SOUTH OXNARD BOULEVARD (APN'S 204-0-020-05, 08, 09, 10, 11, 14, 15, 26, 27, AND 28). FILED BY THE OLSON COMPANY, 1701 N. LOMBARD, SUITE 100, OXNARD, CA 93030.

WHEREAS, the Planning Commission held a public hearing and denied an application for a special use permit (PZ 05-540-05) for a planned residential group to allow modifications to standards required by the City Code for setbacks, height, interior yard space, recreation facilities, balcony dimensions, location of guest parking, reduced parking, and depth of parking stalls to develop a 190 residential units at 1250 South Oxnard Boulevard; and

WHEREAS, the Planning Commission considered General Plan Amendment PZ 05-620-07, Zone Change PZ 05-570-04, and Tentative Subdivision Map PZ 05-300-29 and took action to recommend denial to the City Council; and

WHEREAS, the City Council has considered the appeal of the Planning Commission action to deny the special use permit, filed by the applicant, The Olson Company, and has carefully reviewed the decision of the Planning Commission; and

WHEREAS, section 15270(a) of the State Guidelines to the California Environmental Quality Act (CEQA) provides that CEQA does not apply to projects that are disapproved.

WHEREAS, the City Council of the City of Oxnard finds as follows:

1. The project as proposed is inconsistent with and does not conform to the 2020 General Plan, the City's zoning ordinance
2. The site plan designed in accordance with the requested modifications does not provide enough private recreational space and amenities, parking, public park space, balconies are inadequate in size, and height and setbacks exceed what is allowed by code
3. Driveways are preferable to on-street guest parking in the project
4. The project is located on a designated thoroughfare and adjacent to existing industrial uses and a rail road, and the current General Commercial (CG) General Plan

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ATTACHMENT 2
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designation should be retained to allow for compatible retail uses in the area

5. The many modifications to City standards required in order to grant a planned development permit for the project result in a design that, in the opinion of the City Council, is not in accordance with the basic principles and intent of Chapter 16 of the City Code and would not effect a substantial improvement of the use of the subject property. Thus, the City Council cannot make the findings required by section 112.1 of the City Code in order to approve the modifications and grant a special use permit for a planned residential group.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Oxnard upholds the decision of the Planning Commission denying the application for a special use permit (PZ 05-540-5), for the reasons stated in Finding No. 5.

BE IT FURTHER RESOLVED that the City Council denies the applications for a general plan amendment (PZ 05-620-7), and a zone change (PZ 05-570-4,) for the reasons stated in Finding Nos. 1 through 5.

BE IT FURTHER RESOLVED that the City Council denies the applications for a tentative subdivision map (PZ 05-300-29) as moot, for the reason that the other applications necessary to approve the project have been denied.

BE IT FURTHER RESOLVED that the City Council would have denied the application for the special use permit for a planned residential group regardless of whether the applications for a general plan amendment, and zone change were denied, and would have denied the applications for a general plan amendment, and zone change regardless of whether the application for a special use permit for a planned residential group was denied

PASSED AND ADOPTED by the City Council of the City of Oxnard on the 17th day of July, 2007, by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

Dr. Thomas Holden, Mayor

Daniel Martinez, City Clerk

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ATTACHMENT 2
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APPROVED AS TO FORM:

James J. Rupp, Jr. for
Gary L. Gillig, City Attorney

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ATTACHMENT 2
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PLEASE PROVIDE ORIGINAL AND 2 COPIES

TO: Oxnard City Clerk

CITY OF OXNARD
CITY CLERK
07 JUL -3 AM 8:39

NOTICE OF APPEAL
(from member of the public)

I, BILL McREYNOLDS, am aggrieved or directly affected
(name of person filing appeal)

and appeal the JUNE 21, 2007 decision from the Planning Commission regarding _____
(date of PC meeting) (number)

PLANNING AND ZONING PERMIT NO. 05-620-07, A REQUEST
and description of matter

TO CONSTRUCT 190 RESIDENTIAL HOMES.

The grounds for appeal are:

PLANNING COMMISSION'S DENIAL OF THE PROPOSED COMMUNITY
DID NOT CONSIDER THE REDEVELOPMENT OF THE VACANT
SKY VIEW DRIVE IN THEATER

I request the following relief:

THAT CITY COUNCIL REVIEW PLANNING AND ZONING PERMIT NO.

05-620-07 (GENERAL PLAN AMENDMENT), 05-540-05 (ZONE CHANGE), 05-540-05

(SPECIAL USE PERMIT FOR PLANNED RESIDENTIAL GROUP, AND 05-300-09 (TTM AND ALLEY VACATIONS)

Bill McReynolds
(signature)

Date: 6/25/07

1701 LOMBARD ST., SUITE 100

OXNARD, CA 93030
(address)

cc: City Attorney
Project Planner
Development Services Department
Applicant