



Meeting Date: 3/25/2008

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

Prepared By: Stephanie Diaz, Contract Planner

Agenda Item No. L-2

Reviewed By: City Manager

MMH City Attorney *Rupp*

Finance *MMH* Other (Specify)

DATE: March 5, 2008

TO: City Council

FROM: Susan L. Martin, AICP
Planning Manager

SUBJECT: Appeal of the Planning Commission's Denial of PZ Nos. 06-500-01 (Special Use Permits) and 06-510-07 (Special Use Permit) and consideration of Second Reading of an Ordinance for 06-570-01 (Zone Change) to Permit Construction of a CVS Pharmacy Shopping Center, Located at 1117 and 1205 South Oxnard Boulevard. Filed by Heritage Equities, LLC, 1517 South Sepulveda Blvd., Los Angeles CA 90025.

RECOMMENDATION

That City Council:

1. Adopt a resolution overturning the Planning Commission's denial and approve Special Use Permit PZ 06-500-01 for a pharmacy with drive-through; and
2. Adopt a resolution overturning the Planning Commission's denial and approve Special Use Permit PZ 06-510-07 for alcohol sales; and
3. Approve the second reading and adoption of an ordinance changing the zoning on a portion of the project site from C-M-PD to C-2-PD.

DISCUSSION

Project Description - The proposed development includes a commercial shopping center on a 2.8-acre site consisting of three buildings totaling 27,190 net square feet. Building A (14,870 square feet) is a proposed drugstore with alcohol sales and a drive-through pharmacy, Building B (3,100 square feet) is a proposed two-tenant building with a drive-through restaurant, and Building C (9,220 square feet) is a proposed multi-tenant building. The site is triangular in shape with Oxnard Boulevard on the north side and Saviers Road on the west side. Access to the site would be provided from two driveways on Oxnard Boulevard and one driveway on Saviers Road. Frontage improvements are proposed along Oxnard Boulevard and Saviers Road. The proposed pharmacy drive-through and off-site sales of alcohol at the drugstore require special use permits. The applicant requests 24-hour operation of the businesses. A zone change is requested to change the existing zone district from Commercial Manufacturing Planned Development (CM-PD) to General Commercial Planned Development (C-2-

PD) for one parcel on the site. The project is in the Historic and Enhancement Redevelopment Oxnard (HERO) redevelopment area. The project site is located at 1117 and 1205 South Oxnard Boulevard, APNs: 204-0-060-220 and 204-0-060-230, in the Cal-Gisler Neighborhood.

Revised Architectural Elements: In response to City Council input, the applicant has enhanced the architectural design. Building C located at the Five Points intersection now has taller windows, metal awnings supported by brackets to provide a more traditional look, metal awnings wrap around both sides of the building, cornice moulding is placed along the top edge of the building that faces Saviers Road and Oxnard Blvd., recessed storefronts provide greater relief and there is stone veneer added to the building columns. Building B on Saviers Road has been redesigned with a front court yard and additional landscaping along the property lines. A three-foot high stone veneer wall has been added to the Oxnard Blvd side of the CVS building to screen the drive-through lane. The colors are generally earth tone: brown, peach, beige and gray with red store front trims.

Project History, First Planning Commission Hearing – On October 18, 2007, the Planning Commission held a public hearing and considered the request for a CVS Pharmacy shopping center with two drive-through uses, alcohol sales and a new billboard, all which require a special use permit. Additionally, a zone change was requested for a portion of the project site for consistency with the proposed commercial/retail uses and the General Plan. At the hearing, the Commission discussed the following issues:

1. The project site is a City gateway, and the proposed architecture should be more spectacular; something special, like an icon, should be located on the site at the Five Points intersection.
2. The project proposes two drive-through uses which is not appropriate on this site.
3. The proposed parking areas allow too many cars to be visible from Oxnard Boulevard and Saviers Road, the public roads adjacent to the site.
4. The project will contribute a large amount of traffic to the Five Points intersection which is already impacted.
5. There are already too many billboards in the neighborhood, therefore, another one should not be permitted.
6. There is no pedestrian access to the site from the Five Points intersection.

Members of the public spoke in support of the CVS Pharmacy as a needed neighborhood-serving use but spoke against the proposed replacement billboard and the alcohol sales permit. At the hearing, the Planning Commission voted to deny staff's recommendation of approval for the shopping center with drive-through uses and zone change (5-0 and 4-1). The Commission also voted to adopt resolutions denying the billboard and alcohol requests (5-0 and 4-1) as recommended by staff.

Project History, Appeal to City Council On October 31, 2007, the applicant, Heritage Equities, LLC filed an appeal of the Planning Commission's denial of the special use permits and the zone change request. The appeal letter states that the project should be approved for the following reasons :

1. The project is consistent with the General Plan.
2. Responds to the planning staff's desire for a pedestrian presentation to the intersection.
3. Conforms to the zoning code for parking in a shopping center with mixed uses.
4. Provides three times the required landscaping area.
5. Responds to all recommendations of traffic engineers for road/signal improvements, site access, circulation and pedestrian access.
6. Offers control of alcoholic beverage sales.
7. Permits an existing out-of-date billboard to be modernized.

On January 8, 2008, the City Council held a public hearing to review the applicant's appeal of the Planning Commission's denial of this project. Council members provided the following comments:

- The site is a City gateway and the architecture should be appropriate.
- There was general support for the architecture but the applicant should return to the Planning Commission with revised architectural elements.
- The billboard request should be removed from the project.
- One drive-through should be eliminated from the project.
- There was support for the SUP for alcohol sales due to the convenience.
- The Council also supported the zone change request to allow general commercial uses (C-2 PD) at this location and held the first reading of the zone change ordinance.

At the public hearing, the City Council adopted the Mitigated Negative Declaration, held the first reading of the ordinance for the zone change and then remanded the project back to the Planning Commission to address architectural issues.

Project History – Second Planning Commission Hearing - A Planning Commission meeting was held on February 21, 2008 for project review per City council request. At that time, the applicant revised the project to address concerns identified at the City Council meeting. The drive-through use in Building B was been removed and replaced with a slightly larger multi-tenant building. The third loading zone was increased in size to meet the 40 foot long standard, the replacement billboard request was withdrawn and the on-site parking was increased from 112 to 115 spaces to meet the code-required on-site parking needs. To address the architecture, design elements were revised. The Planning Commission voted 6/0 to deny the special use permit for the pharmacy with drive-through and the alcohol permit. Commission comments included the following:

- Concern that the land use is not proper for the site. Perhaps a hotel would be a better use in that location.
- The architectural changes are not substantial.
- It is difficult to make the findings to approve the project.
- Concern for pedestrian access.

- Architecture needs embellishment.
- Mixed use should be considered for the site.
- Oxnard Boulevard is a scenic highway and the project should respect this.

FINANCIAL IMPACT

There is no financial impact associated with this recommendation.

- Attachment 1 - Planning Commission Resolutions No. 2008-06 and 2008-10 denying the project.
- 2 - City Council Resolutions for Approval and Ordinance for Second Reading
- 3 - Planning Commission Staff Report (dated February 21, 2008, except draft resolutions) and MND with Addendum
- 4 - Power Point Presentation from Planning Commission February 21, 2008 Hearing

Note: Attachments Nos. 2 and 3 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 Wednesday prior to the Council meeting, and at the City Clerk's Office after 8:00 a.m. on the Monday before the meeting.

RESOLUTION NO. 2008 – 10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD DENYING PLANNING AND ZONING PERMIT NO. 06-500-1 SPECIAL USE PERMIT TO ALLOW A SHOPPING CENTER WITH A PHARMACY DRIVE-THROUGH LOCATED AT 1117 AND 1205 SOUTH OXNARD BOULEVARD (APN 204-0-060-22 AND 204-0-060-23). FILED BY HERITAGE EQUITIES, LLC, 1517 SOUTH SEPULVEDA BOULEVARD, LOS ANGELES, CA 90025

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 06-500-01, a special use permit for a pharmacy drive-through for the proposed CVS Pharmacy, filed by the Heritage Equities, in accordance with section 34-108 and 34-146 through 34-157.1 of the Oxnard City Code; and

WHEREAS, the Planning Commission finds, after due study, deliberation and public hearing, that the following circumstances exist:

1. That the proposed use not in conformance with the General Plan and other adopted policies of the City of Oxnard.
2. That the proposed use will adversely affect or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare.
3. That the site for the proposed project is not adequate in size and shape to accommodate the drive-through, setbacks, parking, landscaping, and other City standards.
4. That the streets and highways that serve the site will be impacted by the traffic the use will generate.
5. Although a substantial improvement of the use of the land could be effected, there will be detrimental effects upon the surrounding area.
6. Architecture is not appropriate for the project site.

WHEREAS, on February 21, 2008 the Planning Commission voted to deny a shopping center with a pharmacy drive-through on the following vote; ayes: Dean, Frank, Medina, Pinkard, Okada, and Sanchez; noes: none; absent: Elliott.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby memorializes the denial of this permit. The decision of the Planning Commission was final on March 6, 2008 unless appealed in accordance with the provisions of Section 16-545 of the Oxnard City Code.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 6th day of March 2008, by the following vote:

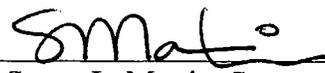
AYES: Commissioners: Dean, Elliott, Frank, Okada, Medina, Sanchez

NOES: Commissioner: None

ABSENT: Commissioners: Pinkard



Michael Sanchez, Chairman

ATTEST: 

Susan L. Martin, Secretary

RESOLUTION NO. 2008 – 06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD DENYING PLANNING AND ZONING PERMIT NO. 06-510-07 FOR THE SALE OF ALCOHOL, LOCATED AT THE PROPOSED CVS PHARMACY, 1205 S. OXNARD BOULEVARD (APN 204-0-060-22). FILED BY HERITAGE EQUITIES, LLC, 1517 SOUTH SEPULVEDA BOULEVARD, LOS ANGELES, CA 90025

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 06-510-07, filed by Heritage Equities in accordance with Section 16-530 through 16-553 of the Oxnard City Code and City Council Resolution No. 11,896; and

WHEREAS, the Planning Commission finds, after due study, deliberation and public hearing, that the following circumstances exist:

1. The denial of this use permit will not affect the preservation and enjoyment of substantial property rights of the applicant.
2. The granting of this use permit would, under the circumstances of this particular case, adversely affect or be materially detrimental to adjacent uses, buildings or structures, to the health or safety of persons residing in or working in the neighborhood, or to the general welfare in that there is an undue concentration of alcohol sales outlets within 350 feet of the project site and the crime rate in the neighborhood is 46% greater than the average crime rate in the City.
3. The granting of this permit would be inconsistent with the General Plan and other adopted standards of the City in that neighborhood safety and police service would be anticipated with additional alcohol sales in the project area.

WHEREAS, on February 21, 2008 the Planning Commission voted to deny the special use permit for off sale alcohol. Since the associated development has been denied, the alcohol permit is also denied.

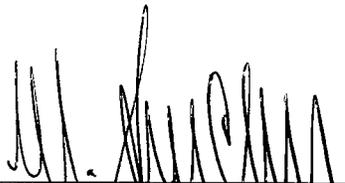
NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby denies this permit. The decision of the Planning Commission is final unless appealed in accordance with the provisions of Section 16-545 of the Oxnard City Code.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 6th day of March 2008, by the following vote:

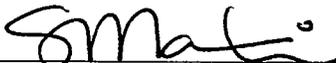
AYES: Commissioners: Dean, Elliott, Frank, Okada, Medina, Sanchez

NOES: Commissioner: None

ABSENT: Commissioners: Pinkard



Michael Sanchez, Chairman

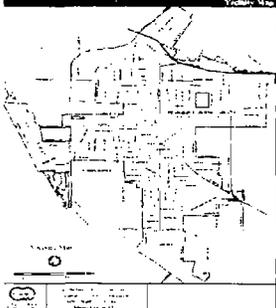
ATTEST: 

Susan L. Martin, Secretary

CVS Pharmacy Shopping Center

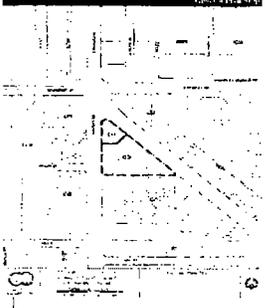
PZ 06-500-1 SUP Drive-Through
 PZ 06-510-7 SUP Alcohol Sales
 Planning Commission Hearing
 February 21, 2008

Project Location



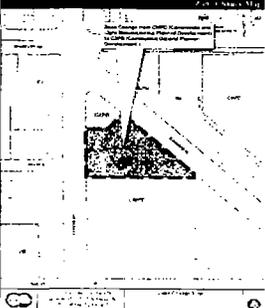
- Five Points Intersection
- 1117 and 1205 S. Oxnard Boulevard
- HERO Redevelopment Area

General Plan Designation



- Entire property is Commercial General

Zone Change: Approved by City Council



- North parcel: C-2 PD
- South parcel: C-M PD
- Zone change to designate the south parcel C-2 PD to had first reading by City Council
- Request is consistent with the General Plan designation

Project History

- On October 18, 2007 the Planning Commission denied the request for Special Use Permits for drive-through, alcohol sales, and a new billboard as well as recommended denial of the zone change from C-M to C-2 PD.
- On January 8, 2008 the City Council heard the applicant's appeal of the Planning Commission action.

Project History Con't

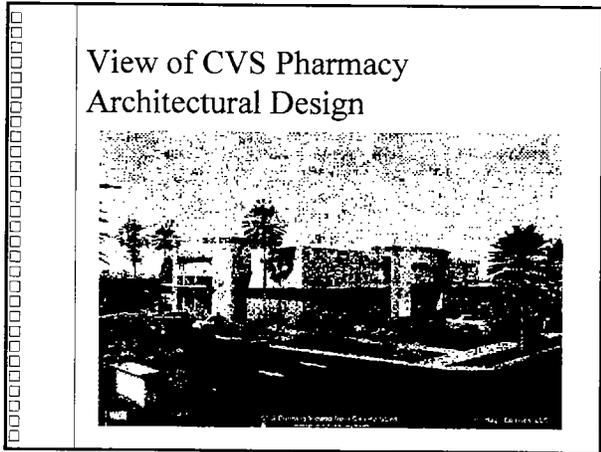
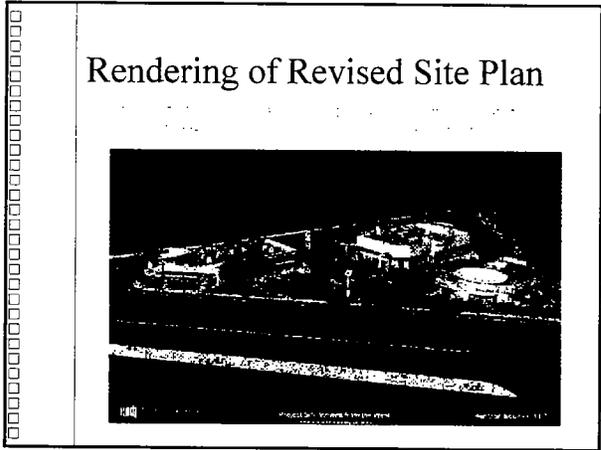
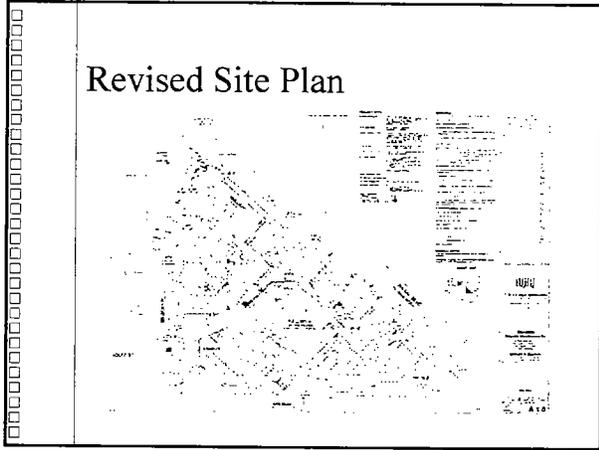
- The City Council adopted the Mitigated Negative Declaration and held the first reading of the zone change.
- The City Council returned the project to the Commission with the billboard removed, one drive-thru removed and for review of the architecture.

Revised Project

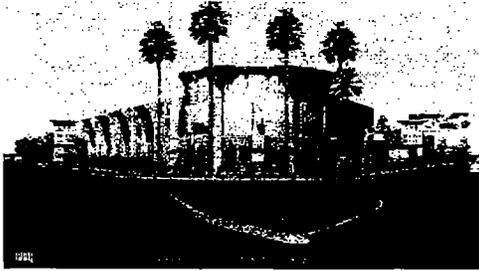
- Billboard request has been withdrawn.
- The drive-thru on Bldg B has been removed and the building has been redesigned.
- One loading zone has been increased to 40 ft to meet zoning standards.
- Architectural elements have been revised.

Zoning Compliance

- The revised shopping center buildings are in compliance with the zone code requirements
- The shopping center is required to provide 115 parking spaces; 115 are provided.



Building C, Original Architecture



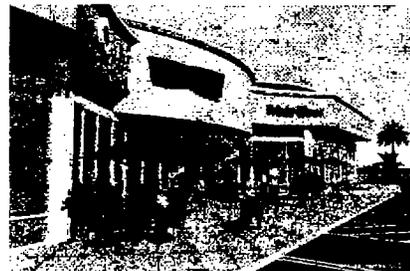
Revised Building C from Saviers Road



Revised Building C from Oxnard Blvd.



Revised Building B from On-site



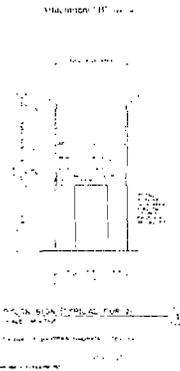
Revised Building B from Saviers



Master Sign Program

- Two free standing pylon signs (22'4" tall); one on Oxnard Blvd and one on Saviers Rd.
- One monument sign (3'6" tall) on Oxnard Blvd.
- Each building will have several attached signs above the windows and doors.
- Signs are individual channel letters.

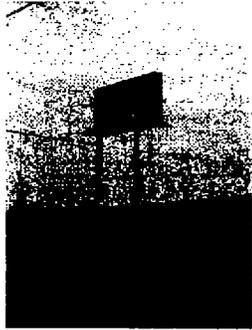
Pylon Sign



Bldg. Signs



Existing Billboard
to be Removed



Alcohol Sales

- The applicant requests an SUP for off-sale alcohol at the CVS Pharmacy.
- There are currently 2 outlets within 350 feet and 8 outlets within 1000 feet.
- The neighborhood crime rate is 46% higher than the average city-wide.
- The City Council has indicated support due to the convenience.

Environmental Review
MND Adopted

- Aesthetics
- Air quality
- Cultural resources
- Geology/soils
- Hazards
- Hydrology/water
- Noise
- Public services
- Traffic

Addendum to MND

- An Addendum to the original MND was prepared to analyze the traffic for the revised project. As the traffic generation would be less than previously analyzed in the MND no new impacts were found and no new mitigation measures are required.

Traffic Impacts

- The revised project is expected to generate 1,889 average daily trips.
- This is 828 fewer average daily trips.
- There will be a minor improvement in impacts anticipated for Wooley Road/E Street and the Five Points intersection.

Traffic Mitigation

- Improve the Wooley and Oxnard lanes at Five Points.
- Improvements to westbound Wooley Road.
- Contribute to new signal at Saviers and Hill Street.
- Provide frontage improvements.
- Pay City Traffic Impact Fees
- Pay County Impact fees.

Recommendation

That the Planning Commission:

- Adopt a resolution approving a special use permit for a shopping center with a drive-through pharmacy.
- Adopt a resolution approving a special use permit for off-sale alcohol.