



Meeting Date: 11/18/08

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 (Info/consent)
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____

Prepared By: Kathleen Mallory, AICP, Contract Planner *K. Mallory* Agenda Item No. L-5

Reviewed By: City Manager *[Signature]* City Attorney *[Signature]* Finance *[Signature]* Other (Specify) \_\_\_\_\_

DATE: November 18, 2008

TO: City Council/Community Development Commission

FROM: Susan L. Martin, AICP *S. Martin*  
Planning Division Manager

**SUBJECT: Planning and Zoning Permit Nos. 06-620-03 (General Plan Amendment), 08-630-02 (Specific Plan Adoption), 06-570-05 (Zone Change), 06-670-02 (Development Agreement), and Replacement Housing Plan for the Oxnard Village Specific Plan Project, Located Near the Northwestern Edge of the City of Oxnard, Bounded by Highway 101 to the North, Oxnard Boulevard to the East, the Union Pacific Railroad and El Rio Drain to the South, and North Ventura Road to the West. Filed by the Daly Group, 31238 Via Colinas, Suite F, Westlake Village, CA 91362.**

**RECOMMENDATION**

That City Council take the following actions:

1. Adopt a resolution approving General Plan Amendment (PZ No. 06-620-03) changing the General Plan land use designation for the project area from Commercial Regional to Oxnard Village Specific Plan.
2. Approve the first reading by title only and subsequent adoption of an ordinance approving Planning and Zoning Permit No. 08-630-02 (Oxnard Village Specific Plan) for the proposed development project.
3. Approve the first reading by title only and subsequent adoption of an ordinance amending the City zone map (PZ No. 06-570-05) to change the zone designation for the project area from General Commercial Planned Development (C-2-PD) and Commercial and Light Manufacturing (CM) to Oxnard Village Specific Plan.
4. Approve the first reading by title only and subsequent adoption of an ordinance approving Planning and Zoning Permit No. 06-670-02 (Development Agreement) for the proposed development project. The development agreement is a draft. The final document will be provided to City Council and will be available for review in the City Clerk's Office and Oxnard Public Library on Monday, November 17<sup>th</sup>, before 6:00 p.m.

That Community Development Commission ("Commission") take the following action:

1. Adopt a resolution approving the Replacement Housing Plan entitled "A Resolution of the Oxnard Community Development Commission adopting a replacement housing plan for the Oxnard Village Project".

## **DISCUSSION**

The Oxnard Village Specific Plan Project involves the redevelopment of an approximately 64 acre area generally located near the northwestern edge of the City of Oxnard, bounded by Highway 101 to the north, Oxnard Boulevard to the east, the Union Pacific Railroad and El Rio Drain to the south, and North Ventura Road to the west. The project is located within the Historic Enhancement and Revitalization of Oxnard (HERO) redevelopment area. The proposed specific plan would allow a maximum of 1,500 residential dwelling units ranging from single-family to high-density housing (up to 25 stories). Approximately 50,400 square feet would accommodate neighborhood serving commercial uses, and 7.3 acres for open space and parks. A transit center and associated parking would also be constructed within the project area. Fifteen percent (15%) or 225 of the total units would be designated on site as "affordable housing" and would be required to meet the Commission's income criteria for very low, low, and moderate-income families.

On September 18, 2008, the Planning Commission certified Final Environmental Impact Report (FEIR) No. 06-03 which evaluated the environmental impacts associated with development of the Oxnard Village Specific Plan project. At this meeting the Planning Commission also adopted resolutions recommending City Council approval of the general plan amendment, specific plan, and zone change. Commission action and recommendation on the development agreement was not required (see Attachments 2, 3, and 4). On October 2, 2008 the Planning Commission acted as the City's decision-making body and approved the Mobile Home Closure Permit PZ No. 06-260-01) for the closure of the 171-space Wagon Wheel Trailer Lodge located at 2851 Wagon Wheel Road (see Attachments 5, 6 and 7) and adopted a resolution memorializing their agreement (see Attachment 8). City Council consideration of the FEIR appeal is also on the Council's agenda for consideration on November 18<sup>th</sup>, with action on this application preceding action on the entitlement applications for this project.

### Replacement Housing Plan

The Commission is contemplating entering into an owner participation agreement with Oxnard Village Investments, LLC, the project site owner, (the "Developer") regarding, among other things, the Commission providing financial assistance for certain costs associated with the Developer's development and construction of 119 rental residential dwelling units which would be affordable to very low, lower, low and moderate income persons and families (collectively, the "Replacement Housing Project"). The Replacement Housing Project would be located on a portion of the project site.

The Replacement Housing Project is part of the overall larger project which would include the removal/demolition of 171 existing rental residential "units" at the Wagon Wheel Trailer Lodge.

Section 33413.5 of the California Community Redevelopment Law (California Health and Safety Code Section 33000 *et seq.*) (the "CRL") requires the Commission to adopt a replacement housing plan before it enters into certain funding agreements, such as the contemplated owner participation agreement, that would lead to the destruction or removal of dwelling units from the low and moderate - income housing market.

In accordance with the CRL, the Commission has prepared a Replacement Housing Plan on file with the City Clerk which describes, among other things, the following:

1. Proposed project;
2. Project location;
3. Development of the replacement housing;
4. Financing the replacement housing;
5. Schedule for the construction of the replacement housing;
6. Period for which the replacement units would remain affordable; and
7. Availability of the replacement housing plan for public review.

Any owner participation agreement would come back to the Commission at a later date for consideration. The proposed Development Agreement provides that prior to issuance of the building permit for the first dwelling unit (market rate or affordable), (1) Developer shall have entered into the owner participation agreement with the Commission agreeable in form, content and substance to the Commission; and (2) an agreement containing covenants running with the land described in the proposed Development Agreement shall have been recorded against the project site in first priority lien position. The final form of any owner participation agreement is subject to the discretionary approval of the Commission and must include all provisions and attachments customarily included in Commission affordable housing agreements, including, but not limited to, conditions precedent to the disbursement of any funds from the Commission (see Attachments 9 and 10).

#### Development Agreement

Approval of a development agreement is being requested (see Attachment 1, Development Agreement Ordinance) and will address, among others, the following issues:

- Development of Property in accordance with the Village Specific Plan;
- Construction of pump system or other acceptable improvement to drainage system to help reduce flooding at Ventura Road and railroad bridge undercrossing;
- Phasing of the construction of public infrastructure improvements (e.g. streets, sewer, water, etc.) and other public facilities;
- Payment of Regional Traffic Mitigation Fee;
- Payment of development impact fees in effect at the time of project approvals;
- Timeframes for entitlements;
- Payment of fees for public safety (police and fire):

- Payment of Quimby fee;
- Payment of Golf Course Development Fee;
- Payment of funds to establish and manage a Transportation Demand Management Program for Northern Oxnard;
- Payment of funds for design and development of the Santa Clara River Trail;
- Regional traffic improvements;
- Sewer and water improvements;
- Construction of Affordable Housing in accordance with Development Agreement/Owner's Participation Agreement;
- Relocation of Wagon Wheel Trailer Lodge occupants;
- Maintenance of Entry Landscaping Maintenance along 101 Freeway; and
- Participation in a landscaped maintenance district for the maintenance of the landscaped pedestrian and bicycle facilities.

## **FINANCIAL IMPACT**

This Project will provide funding to address impacts and make improvements to the City's transportation system and other infrastructure and services. The development agreement requires payment of traffic impact fees to address impacts and improvements to local road ways, Quimby fees to improve City parks, water and wastewater fees to offset the cost of infrastructure improvements, as well as fees for other improvements and services such as public safety. Future financial benefits include additional sales and property taxes to support City services and approximately \$200 million of tax increment revenue, including \$65 million of affordable housing set aside funds to the Historic Enhancement and Revitalization (HERO) revitalization area.

While there is no commitment of Commission financial assistance to the project at this time, the owner participation agreement for affordable housing could include a financial commitment from the Commission once negotiated and approved.

- Attachments 1 - City Council Resolutions (1) and Ordinances (3)
- 2 - Planning Commission staff report from September 18, 2008
  - 3 - Planning Commission minutes dated September 18, 2008
  - 4 - Planning Commission PowerPoint from September 18, 2008
  - 5 - Planning Commission staff report from October 2, 2008
  - 6 - Planning Commission minutes from October 2, 2008 meeting
  - 7 - Planning Commission PowerPoint from October 2, 2008 (applicant prepared)
  - 8 - Planning Commission Resolution and Mobile Home Closure Documentation, 2008-64
  - 9 - Community Development Commission Resolution approving Replacement Housing Plan
  - 10- Replacement Housing Plan

Note: Attachments Nos. 1, 2, 8 and 10 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 Monday prior to the Council meeting and at the City Clerk's Office after 8:00 a.m. on the Monday prior to the meeting.

MINUTES

OXNARD PLANNING COMMISSION  
REGULAR MEETING  
SEPTEMBER 18, 2008

A. ROLL CALL

At 7:04 p.m., the regular meeting of the Oxnard Planning Commission convened in the Council Chambers. Commissioners Sonny Okada, Irene Pinkard, Chairman Michael Sanchez, Saul Medina, and Deirdre Frank were present. Chair Sanchez presided and called the meeting to order. Staff members present were: Chris Williamson, Senior Planner, Matthew Winegar, Development Services Director; Paul Wendt, Senior Civil Engineer; Jason Samonte, Traffic Engineer; James Rupp, Assistant City Attorney; Juan Martinez, Associate Planner; Kathleen Mallory, Contract Planner, and Lori Maxfield, Recording Secretary.

B. PUBLIC COMMENTS

Mr. John Flynn discussed the relocation plan for the residents of the Wagon Wheel Mobilehome Park, due to the proposed closure.

C. READING OF AGENDA

Senior Planner Williamson reviewed the agenda including indicating the revised resolutions had been distributed to the Planning Commission on Items D-2 and D-3. He also stated that the applicant for Item F-4 had requested that action on the mobilehome park closure be continued to October 2, 2008.

D. CONSENT AGENDA

1. APPROVAL OF MINUTES – September 4, 2008

2. Adoption of a resolution denying a General Plan Amendment (PZ 06-620-01); Specific Plan Amendment (06-630-01); Zone Change (PZ 06-570-02); Tentative Subdivision Map for Tract No. 5672 (PZ 06-300-01); Special Use Permit (PZ 06-540-01); and Development Agreement (PZ 07-670-01) for the Vineyard-Ventura Homes project proposed to develop 201 “for-sale” residential units, including 126 two-story condominium cluster homes and 75 two-story, single family detached homes, on 25.4 acres (APNs 179-0-040-170, 179-0-040-180, 179-0-040-585 and 179-0-040-625). The subject site is at the northwest corner of Vineyard Avenue and North Ventura Road addressed at 1801 West Vineyard Avenue. Filed by Casden Properties, LLC., 9090 Wilshire Blvd., 3<sup>rd</sup> floor, Beverly Hills, CA 90211.

3. Adoption of a resolution denying a Special Use Permit (PZ 07-540-03); Tentative Subdivision Map for Tract No. 5765 (PZ 07-300-11); General Plan Amendment (PZ 07-620-04); Specific Plan Amendment (PZ 07-630-02); Zone Change (PZ 07-570-03); and Development Agreement (PZ 07-670-02) for the Vineyard Townhome project to develop 143 two and one-half and three and one-half story podium style condominium units on 9.6 acres (APNs 179-0-070-265). The subject site is located on the west side of Ventura Road, 1,500 feet north of the intersection at Vineyard Avenue. Filed by Casden Properties, LLC., 9090 Wilshire Blvd., 3<sup>rd</sup> floor, Beverly Hills, CA 90211.

MOTION Commissioner Medina moved and Commissioner Okada seconded a motion to approve the minutes of September 4, 2008 as presented; adopt a resolution denying PZ 06-540-01, (Special Use Permit); recommending City Council denial of PZ 06-620-01 (General Plan Amendment), PZ 06-630-01 (Specific Plan Amendment); PZ 06-570-02 (Zone Change); PZ 06-300-01 (Tentative Subdivision Map for Tract No. 5672) to allow the construction of 76 single family residences and 125 cluster homes located on the northwest corner of North Ventura Road and West Vineyard Avenue (1801 North Vineyard Avenue, subject to certain conditions; adopt a resolution denying PZ 07-540-03 (Special Use Permit); recommending City Council denial of PZ 07-300-11 (Tentative Subdivision Map for Tract No. 5765); PZ 07-620-04 (General Plan Amendment); PZ 07-630-02 (Specific Plan Amendment); and PZ 07-570-03 (Zone Change) to allow the construction of 143 condominium units, located approximately 1,500 feet north of the intersection of Ventura Road and West Vineyard Avenue (2501 North Ventura Road, subject to certain conditions. The question was called and the motion carried 4-0-2-1, Commissioners Dean and Elliott absent, and Commissioner Pinkard abstaining.

MOTION Chair Sanchez reordered the agenda to move Item F-4 to Item F-1.

E. CONTINUED PUBLIC HEARINGS

F. NEW PUBLIC HEARINGS

I. PLANNING AND ZONING PERMIT NOS. 06-620-03 (General Plan Amendment); 06-570-05 (Zone Change); 06-670-02 (Development Agreement); 06-300-08 (Tentative Subdivision Map); 06-260-01 (Mobile Home Closure Permit); and 08-630-02 (Specific Plan Adoption). The Oxnard Village Specific Plan project involves redevelopment of approximately 64 acres generally located near the northwestern edge of the City of Oxnard, bounded by Highway 101 to the north, Oxnard Boulevard to the east, the Union Pacific Railroad and El Rio Drain to the south, and North Ventura Road to the west. The existing general plan designation is Commercial Regional and the existing zoning designations are General Commercial Planned Development (C-2-PD) and Commercial and Light Manufacturing (CM). New general plan and zoning designations will be created for the project area through the Oxnard Village Specific Plan document. The project is located within the Historic Enhancement and Revitalization of Oxnard (HERO) redevelopment area. The proposed specific plan would allow a maximum of 1,500 residential dwelling units ranging from single-family to high-density housing (up to 25 stories). Approximately 50,400 square feet would accommodate neighborhood serving commercial uses, and 6.3 acres for open space and parks. A transit center and associated parking would also be constructed within the project area. Fifteen percent (15%) or 225 of the total units would be designated on site as "affordable housing" and would be required to meet the City's income criteria for very low, low, and moderate-income families. Approval of a mobile home closure permit is also being requested along with a tenant relocation benefit package. Closure procedures would be consistent with the City of Oxnard's Mobile Home Park Closure Ordinance (Ordinance No. 2097). An environmental impact report (EIR) has been prepared for the proposed project, and certification of Final EIR No. 06-03 will also be considered. Filed by the Daly Group, 31238 Via Colinas, Suite F, Westlake Village, CA 91362.  
PROJECT PLANNER: Kathleen Mallory

Contract Planner Mallory stated that the presentation would be streamlined as staff valued the participation of the public; indicated that the translator was present; explained the presentation format; discussed the entitlement permits, project summary, and phasing. She indicated that the Planning Commission would receive input on the Development Agreement; the developer was in continued discussions with Barbara Macri-Ortiz on the mobilehome park closure; and the next steps. She also displayed the vicinity, aerial, General Plan, and zoning maps; site photos; and land use plan.

Mr. Mike Gilketsis discussed the EIR process; impacts and mitigation measures; chronology of the EIR; typos within the alternative section that were corrected in the errata sheet; comments received on the DEIR including 62 letters; levee concerns and FEMA maps; response to the Highway 101 and railroad noise impact concerns; and CEQA alternatives.

Chair Sanchez opened the public testimony.

Mr. Vince Daly presented the specific plan; explained the reason for continuance of the mobilehome park closure; and discussed the affordable housing components; relocation plan; community benefits; memorandum of understanding (MOU) with the Rio School District, including paying the mitigation fees, purchase of six buses, and the District believed the new students could be housed at existing schools.

Mr. Jasch Janowicz discussed the project was within HERO, use of SMART Growth principles; direct access to mass transit; mixed use and high density residential; live/work planning areas; pedestrian connectivity; traffic impacts; transit oriented development; installation of camera system as in the Downtown with possible storefront on site; Parks and Recreation pool would have future use by the public; church use space has been allowed for with interest from a child care group; and lighting at two main entrances. He stated that they had met with Fire and Police to insure all street criteria; they would be purchase fire service vehicles for the high rises; and would pay fees to hire proper staff on an as needed basis.

Mr. Rod Taylor; Mr. Lee Bowman; Mr. Michael Furdek; Ms. Rowla Styles; Ms. Cindy Addison; Mr. Steve Addison; Ms. Barbara Flynn; Mr. David Kerill; Ms. Fran Goble; Ms. Patti Bailey; Mr. Stewart Bailey spoke in favor of the project.

Ms. Barbara Macri-Ortiz discussed the proposed relocation plan indicating they had been negotiating with Cabrillo for three years in screening people for housing they can afford; Community Development Commission (CDC) would provide funds; confident that a deal would be made with the developer and residents; community concern was the lack of parks large enough for soccer fields; would be negotiating with Mr. Daly again on September 22, 2008; and if an agreement was reach, she would encourage the residents to accept it.

Mr. Jose Magana; Mr. Leonardo Heredia; Mr. Roberto Rodriguez; Mr. Rafael Ceja; Mr. Raul Tellez; and Mr. Jose Luis Luna spoke in opposition to the project as they were not being offered enough money to relocate.

Ms. Enedina Rivera spoke in opposition to the project due to the lack of park space.

Mr. Jeffrey Ponting, CRLA, discussed affordable housing; their letter indicating that the City's Housing Element had not been updated; and indicated that they had not received requested information from Redevelopment on affordable housing.

Mr. Stephen Schafer, San Buenaventura Conservancy, stated they were concerned with the preservation of the Wagon Wheel; feasible alternatives exist for restoration and adaptive reuse of historic resources that are included in the EIR; project could be altered to preserve the motel and buildings and still achieve goals and objectives; and the EIR was inadequate as it failed to look at carving out the Wagon Wheel as a separate parcel and preserving that parcel as an alternative.

Mr. Vince Daly stated that he was listening to the residents, and had requested a continuance on the mobilehome park closure to allow time to meet with the residents committee to reach agreement on this emotional issue. He indicated that he would work with Ms. Macri-Ortiz and City staff for the two acre soccer field.

Chair Sanchez closed the public testimony.

RECESS Chair Sanchez called a recess at 9:08 p.m. The meeting reconvened at 9:25 p.m. with all Commissioners present, except Commissioners Dean and Elliott.

Community Development Director Cannon stated that Community Development reviewed the report from CRLA from a fiscal consideration for preservation and determined that the numbers were within industry standards.

Traffic Engineer Samonte stated that the pedestrian crossing at Oxnard Boulevard will be built to 120 feet wide with pedestrian clearance time of 50 seconds required. A pedestrian bridge would be the best alternative.

Mr. Vince Daly explained why they designed the reuse of the bridge connecting Wagon Wheel to the Esplanade, as well as connecting at RiverPark. But, he stated he was okay with a condition restricting pedestrian crossing at other than the proposed crossings.

Senior Planner Williamson gave an overview of the update on the Housing Element, indicating it would be sent to the State in November or December, and would be covered by the General Plan. He also stated that any affordable housing would go toward satisfying the affordable housing requirement.

Discussion ensued regarding including a two acre park on site; concerns with the filtration system; enhancement to the gateway into the City; and concern with historical restoration/preservation in Wagon Wheel including renovation of the restaurant.

MOTION Commissioner Okada moved and Commissioner Pinkard seconded a motion to adopt a resolution certifying Environmental Impact Report No. 06-03; recommend City Council approval of PZ 06-620-03, a General Plan Amendment to change the land use map designation on a 64 acre parcel from Commercial Regional to Specific Plan; recommend City Council approval of PZ 08-630-02, adoption of the Oxnard Village Specific Plan; recommend City Council approval of PZ 06-570-05, a Zone Change to change the zone district from General Commercial, Planned Development and Commercial and Light Manufacturing to Specific Plan for the project located near the northwestern edge of the City of Oxnard, and bounded by Highway 101 to the north, Oxnard Boulevard to the east, the Union Pacific Railroad and El Rio Drain to the south, and North Ventura Road to the west. The question was called and the motion carried 5-0-2, Commissioners Dean and Elliott absent.

2. PLANNING AND ZONING PERMIT NO. 06-550-11 (Major Modification to Special Use Permit No. U1010) proposes to amend the existing special use permit to remodel and add approximately 5,000 square feet to an existing church. In February of 2002, the subject request was approved, however the permit expired and re-application was necessary. The site is located at 601 East Bard Road (222-0-266-010). The proposed project is exempt from environmental review under Section 15301 of the CEQA Guidelines. Filed by Port Hueneme Congregation of Jehovah's Witnesses, 601 Bard Road, Oxnard, CA 93033.

PROJECT PLANNER: Juan Martinez

Associate Planner Martinez presented the staff report including discussion of surrounding uses and parking; history of the previously approved Special Use Permit that expired in 2004; and indicated that the applicant requested that condition Nos. 37 and 44 be removed; and condition No. 77 be modified to only pertain to the new building. He indicated that staff agreed to the deletion and modifications to the conditions. He also displayed aerial photos depicting the existing and proposed development; floor plan; site photos; and elevations.

Chair Sanchez opened the public testimony.

Mr. Patrick McIlhenney, architect for the project, gave a brief presentation.

Mr. Cesar Diaz representing the local building committee indicated that he was not of a parking agreement with the school, but stated that there have not been any parking problems in the past.

Chair Sanchez closed the public testimony.

**MOTION** Commissioner Pinkard moved and Commissioner Frank seconded a motion to adopt a resolution granting PZ 06-550-01, a Major Modification to Special Use Permit No. 1010 to amend the existing Special Use Permit to remodel and add approximately 5,000 square feet to an existing church located at 601 East Bard Road, subject to certain findings and conditions, including the deletion of Condition Nos. 37 and 44, and modification of Condition No. 71. The question was called and the motion carried 5-0-2, Commissioners Dean and Elliott absent.

3. **PLANNING AND ZONING PERMIT NO. 08-670-05 (Development Agreement)**, concerning a 31-acre site with an approved specific plan and tentative subdivision map, bounded by Rose Avenue, First Street, Marquita Street and Del Sol Park. The specific plan calls for the development of 260 replacement units for an existing public housing project, 101 parcels of for-sale single family detached units, 60 units of for-sale attached units, and 80 units of new affordable rental units. An environmental impact report (EIR) has been certified for the specific plan project and the proposed project is consistent with the certified Final EIR. The project is being developed jointly by the Oxnard Housing Authority and Steadfast Properties LLC. The site is owned by the Oxnard Housing Authority.  
PROJECT PLANNER: James Rupp

Assistant City Attorney Rupp explained that the government code states that a public hearing must be held and public comments must be taken.

Chair Sanchez opened the public testimony. No comments were received and the public testimony was closed.

4. **PLANNING AND ZONING PERMIT NO. 08-670-03 (Development Agreement)** a request for a Development Agreement for a vested right to develop approximately 4.23 acres according to the RiverPark Specific Plan, located southwesterly of the intersection of North Ventura Road and Town Center Drive, within the RiverPark Specific Plan Area (APNs: 132-0-100-085 and 132-0-100-095). An environmental impact report (EIR) has been certified for the RiverPark Specific Plan and the proposed project is consistent with the certified Final EIR. Filed by Oxnard Development Co., LLC, 199 Figueroa Street, Suite 100, Ventura CA 93001.  
PROJECT PLANNER: Matthew Winegar

Development Services Director Winegar presented the staff report including the history of the surrounding parcels; the purpose of the Development Agreement; the median on Ventura Road must be upgraded to bring the two parcels on par with the other parcels within the development; and indicated that it was not covered by the RiverPark Specific Plan. He also displayed an aerial view of the parcel and the location map.

Chair Sanchez opened the public testimony. No comments were received and the public testimony was closed.

G. PLANNING COMMISSION BUSINESS

H. PLANNING MANAGER COMMENTS

Senior Planner Williamson discussed the update of the Housing Element.

I. ADJOURNMENT

At 10:28 p.m., Commissioner Sanchez moved and Commissioner Okada seconded a motion to adjourn. The motion carried 5-0-2, Commissioners Dean and Elliott absent.

\_\_\_\_\_  
Michael Sanchez, Chairman

ATTEST: \_\_\_\_\_  
Christopher Williamson, Secretary

**Oxnard Village  
Specific Plan  
Environmental Impact Report**

- Planning & Zoning Permit Nos.**  
06-620-03 (General Plan Amendment)  
08-630-02 (Specific Plan Adoption)  
06-570-05 (Zone Change)  
06-670-02 (Development Agreement)  
• 06-260-01 (Mobile Home Closure Permit -  
Continued to 10/2)

Planning Commission Hearing of  
• September 18, 2008

**Meeting Format**

- Presentation by Planning staff on project and background data/information; translator available
- Presentation by City's EIR Consultant on environmental document and conclusions
- Presentation by applicant on more detailed items:
  - specific plan; affordable housing program; and mobile home closure (10/2 to be considered)
- Wrap up by Planning staff: Q and A

**Vicinity**



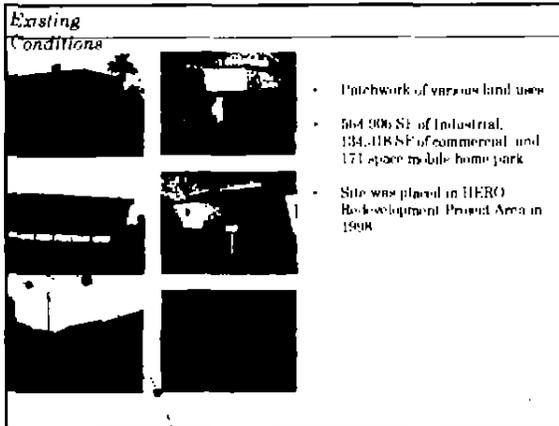
Area

**General Plan and Zoning**



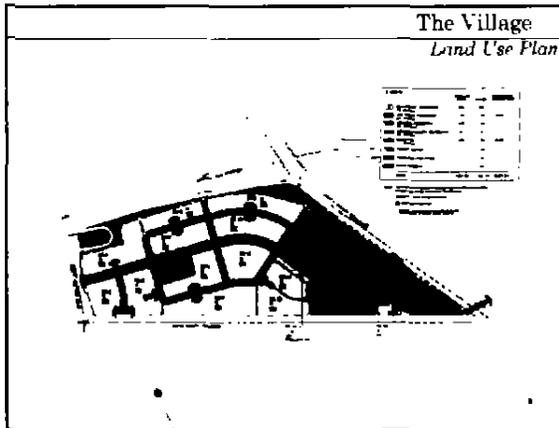
**Entitlement permits**

- Commission decision-making body on certification of Final EIR and mobile home closure permit (continued to 10/2)
- Commission considers subdivision maps in the future
- Recommendations to the City Council on:
  - General Plan Amendment
  - Specific Plan Adoption
  - Zone Change



### Project Summary

- 1,500 residential units of varying densities:
  - Includes up to three 25-story towers as well as townhouses, live/work units and courtyard housing and affordable housing units; option A within SP provides for third tower removal/proximity to South Bank Neigh.
- 50,400 square feet of commercial space
- Demolition of all onsite structures and uses, including mobile home park, and historic Wagon Wheel structures
- Construction of transit center, and parking



### Phasing

- To be constructed in four phases between 2009-2014:

Phase I includes:

- Demolition east of the Wagon Wheel Bowling Alley and Wagon Wheel Trailer Lodge
- Grading of pads for development of PAs 17-21
- Backbone infrastructure for Phase I area
- Public and private streets
- Construction of commercial space, residential units in PAs 17-21 (600 units/50,400 sq. ft. of retail), and all mixed use units

### Phasing, cont.

Phase II includes:

- Demo Wagon Wheel Shopping Center (including the bowling alley, and rink)
- Grading PAs 1-3
- Basic backbone infrastructure required to serve Phase II areas
- Development of public and private streets
- Construction of affordable housing units for mobile home park replacement housing
- Construction of U.S. 101 entry landscaping
- Construction of transit center

### Phasing, cont.

Phase III includes:

- Closure of Wagon Wheel Trailer Lodge
- Demolition of remaining areas of the site
- Grading PAs 4-16
- Remaining infrastructure required to serve Phase III areas
- Construction of residential units, and parks in PAs 4-15

Phase IV includes:

- Construction of High Rise residential units in PAs 16

### Specific Plan/Tentative Maps

- To avoid redundancy, applicant to provide a detailed presentation on draft specific plan; Sept. 2008 version is still considered draft and Planning staff still working with applicant on additional clean up/clarifications within the draft specific plan City Council approval body; multiple DAC review meetings on document
- Commission to review master subdivision map in the future

### EIR Background

- Public review of Initial Study and Scoping Comment Period:
  - 30 days beginning October 11, 2006
- Public Scoping Meeting:
  - November 13, 2006
- Public Comment Period on draft EIR:
  - 49 days, May 30th – July 18, 2008
  - 62 comment letters on draft EIR received
- Planning Commission Draft EIR Hearing July 17, 2008
- Response to comments distributed 16 days in advance of certification hearing

### EIR Background, cont.

- After distribution of FEIR, typographical errors noted in Section 6.0 *Alternatives* were corrected in the Errata Sheet No. 1. Changes do not affect overall conclusions or adequacy of the Final EIR

### Project Impacts

- Significant and Unavoidable Impacts:
  - Aesthetics
    - Change in visual character of the site
    - Obstruction of mountain views
    - Cumulative changes to northern Oxnard
  - Cultural Resources
    - Demolition of Wagon Wheel Motels and Restaurant, El Ranchito Restaurant and Wagon Wheel Bowling Alley

### Project Impacts, cont'd

- Significant but Mitigable Impacts
  - Aesthetics
  - Air Quality
  - Biology
  - Cultural Resources
  - Geology
  - Hazards
  - Hydrology/Water Quality

### Project Impacts, cont'd

- Significant but Mitigable Impacts, cont'd
  - Noise
  - Population/Housing
  - Public Services
  - Recreation
  - Traffic
  - Utilities and Service Systems

### Comments on DEIR

- 62 letters received on the DEIR
- Notable changes made to Public Services Section:
  - added mitigation for fire protection personnel funding mechanism

### Comments on DEIR

- Additional changes made to Public Services, Air Quality, Traffic (added language clarifying City significance thresholds) and Alternatives
- Changes did not affect conclusions of the FEIR or introduce substantial new information

### Response to Cultural Concerns

- Comments regarding historic resources expressed opposition to demolition of historic structures and advocated adaptive reuse and/or preservation, but did not challenge the content or conclusions of the DEIR

### Response to Santa Clara River Levee Concerns

- Existing FEMA maps continue to be the official FEMA flood zone maps for the City
- City's 8/28 letter to FEMA and letter regarding the Oxnard Village project
- Developer would need to comply with Chapter 18 (Floodplain Management), requiring residential structures to have the finished floor elevated 2 feet above base flood

### Response to 101 and RR Noise Impact Concerns

- Sound walls and edge landscaping design would reduce US 101 and railroad noise below City noise insulation standards for 1<sup>st</sup> and 2<sup>nd</sup> floors
- Required building design and materials specs would reduce noise on upper floors below thresholds

### Response to 101 and RR Air Quality Impact Concerns

- Sound wall and landscaping would reduce substantially, as ~70% of Hwy toxicity is from diesel particulates
- Weather-proofing and filtered ventilation would further reduce below significance

### CEQA Alternatives

Alternatives should "feasibly attain most of the basic objectives of the project" (CEQA)

- *Alternative 1: No Project*
  - Would avoid the proposed project's environmental impacts in every issue area studied in the EIR
  - Would not meet the primary objectives of the proposed project

### CEQA Alternatives (cont'd)

- *Alternative 2: Reduced/No Towers Project with School Site*
  - 33% fewer units; includes a 15-acre school site; would avoid significant impacts to historic resources
  - Would meet the applicant's general objectives
  - Determined to be financially infeasible

### CEQA Alternatives (cont'd)

- *Alternative 3: General Plan/Zoning Ordinance-Consistent*
  - Avoids significant impacts to historic resources
  - Would achieve the fundamental project objectives
  - Determined to be financially infeasible

### CEQA Alternatives (cont'd)

- *Alternative 4: Increased Commercial/Decreased Residential and Reconfigured Specific Plan*
  - Avoids significant impacts to historic resources
  - Reduces noise, and air quality impacts
  - Would achieve the fundamental project objectives
  - Determined to be financially infeasible

### Development Agreement

- Draft within staff report; addition of water and waste water obligations for system improvements and expansions; working with legal council to refine obligations and cost associated with improvements;
- Continued discussion with Mrs. Macri-Ortiz on timing for construction of all affordable housing units; suggested DA revision agreed upon between Developer and Mrs. Macri-Ortiz; language still being reviewed by legal counsel

### Process/Next Steps

- Commission considers mobile home closure permit on 10/2
- City Council considers recommendations from the PC
- Community Development Commission reviews DA, and OPA/Housing Relocation Plan and takes action on these agreements

### Staff Recommendations

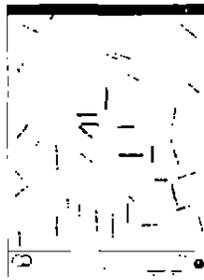
- The Planning Commission certify the Final EIR, inclusive of Errata Sheet No. 1
- Make an approval recommendation on the GPA, ZC, SPA (contingent upon PC approval of the Mobile Home Closure permit) and receive public input on the DA

### CEQA Alternatives (cont'd)

- *Alternative 4: Increased Commercial/ Decreased Residential and Reconfigured Specific Plan*

- Avoids significant impacts to historic resources
- Larger buffer between proposed new uses and 101 / railroad corridors, reducing noise and air quality impacts
- Would achieve the fundamental project objectives

### Specific Plan Area



### The Village Land Use Plan





*Planning Division*

**PLANNING COMMISSION  
STAFF REPORT**

**TO:** Planning Commission

**FROM:** Kathleen Mallory, AICP, Contract Planner

**DATE:** October 2, 2008

**SUBJECT:** Planning & Zoning Permit No. 06-260-01 (Mobile Home Closure Permit) for the Village Specific Plan Generally Located on the South Side of Highway 101, Between Ventura Road and Oxnard Boulevard, north of the Railroad Tracks.

- 1) **Recommendation:** That the Planning Commission adopt a resolution approving Planning and Zoning Permit No. 06-260-01 (Mobile Home Closure Permit).
- 2) **Project Description and Applicant:** Planning and Zoning Permit No. 06-260-01 (Mobile Home Closure Permit) for the closure of a 171-space mobile home park generally located at 2851 Wagon Wheel Road. Filed by the Oxnard Village Investments, LLC/Daly Group, 31238 Via Colinas, Suite F, Westlake Village, CA 91362.
- 3) **Background Information:** The 171-space mobile home park is located within the Oxnard Village Specific Plan project area (see Attachment A - Maps). On September 17, 2008, the applicant requested that the Planning Commission continue the mobile home closure permit discussion to the Commission's October 2, 2008 meeting to provide the applicant, the Wagon Wheel Trailer Lodge Residents Committee and Ms. Barbara Macri-Ortiz more time to discuss the relocation benefit options. On September 18, 2008, the Planning Commission certified the Final Environmental Impact Report (FEIR) 06-04 and adopted resolutions recommending City Council approval of a general plan amendment, specific plan adoption and zone change for the Oxnard Village Specific Plan area (Wagon Wheel area). On September 18, 2008, the Planning Commission also conducted a public hearing on the development agreement.
- 4) **Mobile Home Closure Permit Discussion:** The applicant, Oxnard Village Investments, LLC (Oxnard Village) owns and operates Wagon Wheel Trailer Lodge, a 171 space mobilehome and recreational vehicle park situated on a 10.25 acres located at 2851 Wagon Wheel Road, Assessor's Parcel No. 139-0-022-125. The project includes closing the existing on-site mobile

home park, which will remove 141 occupied housing units (141 at the time the DEIR was circulated; 171 total spaces available).

Property owners have the right to take residential rental property off the residential rental housing market pursuant to Government Code Sections 7060 et seq., so long as the withdrawal of the accommodations from the market: (i) is carried out in a non-discriminatory fashion, (ii) applies to all of the accommodations on the property, (iii) complies with any applicable local closure ordinances that may have been enacted pursuant to Government Code Section 7060.4, and (iv) complies with all applicable State laws. In particular, the closure of a rental mobile park must be carried out in a manner that complies with the requirements of the Mobilehome Residency Law, specifically, Civil Code Section 798.56 (g), (h) and Government Code Section 65863.7 and to the extent it does not conflict with State law, the City's Municipal Code, Chapter 24, Article II, sections 24-39 (see Attachment B - Regulations).

The City's Municipal Code requires that a mobilehome park owner obtain from the City a mobilehome closure permit before closing a mobilehome park located within the City. Before filing an application to obtain a closure permit, the City Code also requires that residents of the affected mobilehome park be give ninety (90) days prior written notice of the mobilehome park owners proposed closure. On May 12, 2006, homeowners and residents of Wagon Wheel were provided with a bilingual written notice that Oxnard Village no sooner than ninety (90) days from the date of the notice intended to file with the City an application for a permit to close Wagon Wheel. Oxnard Village filed with the City proof of service confirming that all residents were timely provided with a copy of this notice. The applicant is in compliance with this notice requirement of the City Code for processing a mobilehome park closure permit.

Under the City Code, an application for a closure permit must include a concept plan, site plan, residents list, impact report, a relocation assistance plan and any other information that may be necessary for properly evaluating the mobilehome park closure permit request.

Before approving an application for a mobilehome park closure permit, under the City Code the Planning Commission must hold a hearing on the applicant's mobilehome park closure permit application. Under State law either the affected residents or the applicant may request a hearing on the Closure Impact Report (CIR), an element of the closure permit application. The City Code requires that the City's Development Services Department to provide Wagon Wheel homeowners and residents with thirty (30) days notice of the hearing date and location along with a copy of the impact report and relocation assistance plan. State law requires the same notice and a copy of the CIR to be provided fifteen (15) days prior to the hearing. A table comparing the City's regulations with State law is contained in Attachment C - Table.

The following outlines steps that have been taken by the applicant and City in compliance with the City's mobile home closure ordinance:

- On May 12, 2006, Oxnard Village provided Wagon Wheel residents with a bilingual written notice that no sooner than ninety (90) days from the date of the notice Oxnard Village intended to file with the City an application for a permit to close the Wagon Wheel Trailer Lodge.
- From May 12, 2006 to September 2006, pursuant to the California Mobile home Residency Law, Civil Code § 798.56(g), Government Code § 65863.7 and the City Code, Chapter 24, Article II, § 24-39, Oxnard Village undertook steps to prepare and did prepare a Mobile home CIR concerning the closure of Wagon Wheel Trailer Lodge and displacement of its residents (see Attachment D – CIR supporting materials).
- On or about November 14, 2006, Oxnard Village provided residents with copies of the Mobile home CIR dated September 1, 2006, and notice that the Wagon Wheel Trailer Lodge will be closed pursuant to the California Mobile home Residency Law, Civil Code § 798.56(g), Government Code § 65863.7 and the City Code, Chapter 24, Article II, § 24-39. Oxnard Village prepared and filed with the City its application for a mobile home park closure permit to close Wagon Wheel Trailer Lodge and provided the City with proof of service confirming that all residents were provided with a copy of the notice that the Wagon Wheel Trailer Lodge will close and a copy of the Mobile home CIR.
- On or about August 30, 2007, residents were provided with: (1) a City public hearing notice advising the public that a hearing before the Planning Commission would be held on October 4, 2007; (2) a letter from Oxnard Village dated July 24, 2007, which described a supplemental relocation benefit package to be offered to residents of the Wagon Wheel Trailer Lodge; and (3) the Mobile home CIR in both English and Spanish.
- On October 4, 2007, the Planning Commission held a noticed public hearing to consider the Oxnard Village's application for a permit to close Wagon Wheel Trailer Lodge, the CIR and the supplemental proposal for relocation benefits.
- On August 21, 2008, at a public hearing Oxnard Village presented to the Planning Commission, the Village Specific Plan that included the general components of the proposed Replacement Housing Plan as a relocation benefit option in addition to those relocation benefit options contained in the CIR.
- On September 2, 2008, Oxnard Village requested that the City in its Planning Commission meeting of September 18, 2008: (1) determine the sufficiency of the CIR and supplemental proposals for relocation benefits pursuant to Government Code Section 65863.7 and City Code Chapter 24, Article II; and (2) approve its application for a closure permit for the closure of the Wagon Wheel Trailer Lodge. On September 2, 2008, Oxnard Village filed with the City proof of service confirming that Wagon Wheel residents were provided with a copy of the requisite 15 day advance notice of the Commission's September 18th hearing.

Pursuant to the above cited State law, the applicant has the right to terminate mobilehome park space tenancies as part of a mobilehome park closure so long as the owner provides affected mobilehome park homeowners with: (1) six (6) months advance notice after all permits required for the change of use of the site are approved by the Planning Commission; and (2) a CIR that adequately assesses the impact of the closure on mobilehome park homeowners by addressing

the availability of adequate replacement housing in mobilehome parks and reasonable relocation costs. Pursuant to the City Code, upon the Planning Commission's approval of the applicant's mobilehome park closure permit application, the applicant has the right to terminate mobilehome space tenancies in accordance with the Mobilehome Residency Law by giving each mobilehome park resident written notice they will have two (2) years from the date of approval of the closure permit to terminate their tenancy in the mobilehome park, but this period may be reduced to not less than six months or extended more than two (2) years pursuant to written agreement between the applicant and residents.

At its public meeting, the Planning Commission is required to review the CIR to determine whether it complies with State law and the City Code to the extent it does not conflict with State law, by addressing the availability of adequate replacement housing in mobilehome parks and relocation costs. At the election of the Planning Commission, the Planning Commission may require, as a condition of the closure, the applicant to take steps to mitigate any adverse impact of the closure on the ability of displaced mobilehome park homeowners to find adequate housing in a mobilehome park. The necessary steps to mitigate the impact must not, however exceed the reasonable costs of relocation.

While the term "relocation costs" is undefined, this term has been interpreted to mean the physical and related costs to move the mobilehome. This interpretation is consistent with the overall intent of the Mobilehome Residency Law to provide protection and adequate procedures for the termination of tenancies because of: (1) the high cost of moving mobilehomes; (2) the potential for damage resulting from the movement of mobilehomes; (3) the requirements relating to the installation of mobilehomes; and (4) the cost of landscaping and lot preparation.

Under the City Code, the Planning Commission in reviewing the CIR must make the same determination as under State law and in addition must approve the applicant's closure permit upon finding that the CIR complies with State law, including mitigation measures. The City Code also requires that the Planning Commission make a further finding that the closure will not be materially detrimental to the housing needs and public interest of the affected neighborhood and the City as a whole. The applicant believes that this latter required finding is unnecessary for a determination that the CIR complies with State law and for approval of the closure permit as in excess of what State law requires for an adequate CIR; that this finding is in the nature of a land use determination more appropriately addressed in considering the Village Specific Plan.

In regards to relocation benefits and assistance, the CIR provides the following options:

- Option 1: State Required Mitigation to Relocate Mobile homes. This option involves the payment of reasonable relocation costs to move the homeowner and their mobile home to another mobile home park within a 150 mile radius.
- Option 2: Payment of reasonable costs of relocation per Option 1, and the resident sells the home to a third party who will permanently remove the home from the park. The park will make payment to the homeowner when the home is removed from the park.

- Option 3: Sell the home to the park, receive free rent for six months and move out at the end of the free rent period.
- Option 4: The park will purchase the home for the National Automobile Dealers Association (NADA) book value.
- Option 5: Recreational vehicle owners will be entitled to three days of per diem benefits and \$500 transportation fees. Residents with non-transportable storage sheds will also receive the \$400 replacement shed allowance.

In addition to the relocation benefits/mitigation measures described in the Wagon Wheel Mobilehome Park Closure Impact Report, dated September 1, 2006, the applicant has agreed to incorporate the following additional relocation benefits/mitigation measures into the Closure Impact Report to ensure consistency with the requirements of Section 65863.7 of the Government Code and Chapter 24, Article II Sections 24 – 39 of the Oxnard Municipal Code:

- (a) Oxnard Village LLC shall incorporate into its project a replacement housing relocation program that provides each mobilehome park resident included in Exhibit A, attached hereto and incorporated by reference, with a rental housing unit within the westerly portion of the Village Specific Plan area at the rent level and with the appropriate number of bedrooms to accommodate each household's housing needs, consistent with California State Income Limits for Ventura County, as set forth in Exhibit A of the mobile home park closure permit resolution; and further that all those electing to relocate to such affordable housing units will be allowed to remain on the mobilehome park site until completion of the selected affordable units or 2 years from the date of adoption of this resolution, whichever is later; and this replacement housing program, shall be implemented upon approval of the Village Development Agreement, the Village Specific Plan and the Owner Participation Agreement.
- (b) Oxnard Village shall offer mobilehome owners a cash payment equal to three times the NADA book value with a minimum payout of \$38,000 and a maximum payout of \$70,000, in accordance with Exhibit C. Furthermore, any outstanding liens on the mobile homes will be paid by Oxnard Village at the time it takes title to the mobile home. The lien amount will be deducted from the amount equal to three times the NADA book value, and the difference shall be the payout to be received by the owner with the condition that the homeowner will receive a minimum cash payment of \$38,000 with a maximum payout of \$70,000. Oxnard Village shall also offer recreational vehicle owners a cash payment of \$2,500 to further mitigate the impact of the mobilehome park's closure upon displaced residents. Said payments shall be made at the time that the resident moves out of the mobilehome park on or

before the closing of the mobilehome park, or at some other time as is agreed to between the individual Mobile Home Park Resident and Oxnard Village.

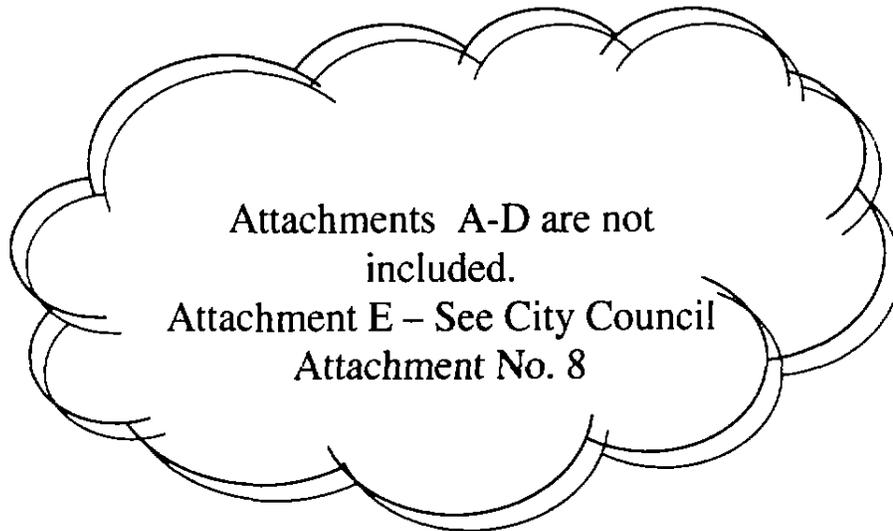
- (c) Oxnard Village shall retain the right to enter into mutually agreeable Voluntary Relocation Agreements with residents of the Mobile Home Park.
- (d) Any Mobile Home Park Resident who will be displaced by the closure of Wagon Wheel and whose space does not appear on Exhibit A of the mobile home park closure permit resolution, shall within thirty (30) days of adoption of the mobile home park closure permit notify Oxnard Village staff in writing, with a copy of said notice forwarded to the City of Oxnard Housing Department, if he or she wishes to be housed within the on site replacement housing that will be constructed within the Village Specific Plan area. Any changes to Exhibit A of the mobile home park closure resolution shall be mutually agreed upon in writing by the parties.
- (e) Closure of Wagon Wheel Trailer Lodge shall occur no sooner than two years from the date of adoption of this resolution and in no event shall the closure of Wagon Wheel occur sooner than thirty (30) days after the completion of construction, issuance of certificates of occupancy, and lease agreements have been offered to all of the residents who will be moving to the on site affordable relocation housing units required under this permit. This permit shall be extended as necessary to accommodate implementation of all mitigation measures, relocation benefits and closure of Wagon Wheel; and
- (f) The closure permit shall be effective only upon approval of The Village Specific Plan and Development Agreement by the Oxnard City Council, and approval of the Owner Participation Agreement with the Oxnard Community Development Commission.

Should the Planning Commission believe that the CIR is insufficient such that it does not adequately address the impact of the park's proposed closure on mobilehome park homeowners, the Commission should direct the applicant to revise the CIR to incorporate additional supporting information deemed necessary to make it adequate.

**5) Appeal Procedure:** In accordance with Section 16-545 of the Oxnard City Code, the Planning Commission's decision on the mobile home closure permit may be appealed to the City Council within 21 days

**Attachments:**

- A. Maps (Vicinity, General Plan, and Zoning)
- B. California Mobile Home Residency Law, Civil Code § 798.56(g), Government Code § 65863.7 and the City's Municipal Code, Chapter 24, Article II, § 24-39
- C. Table Summarizing Conflicts between State and City Mobile Home Regulations
- D. Closure Impact Report documents
- E. Mobile Home Closure Permit resolution



Prepared by: <u>KM</u> KM
Approved by: <u>SM</u> SM

MINUTES

OXNARD PLANNING COMMISSION  
REGULAR MEETING  
OCTOBER 2, 2008

A. ROLL CALL

At 7:13 p.m., the regular meeting of the Oxnard Planning Commission convened in the Council Chambers. Commissioners Sonny Okada, Irene Pinkard, Chairman Michael Sanchez, Dale Dean, Saul Medina, and Deirdre Frank were present. Chair Sanchez presided and called the meeting to order. Staff members present were: Susan Martin, Planning Manager, Matthew Winegar, Development Services Director; Jason Samonte, Traffic Engineer; Gary Gillig, Contract City Attorney; Kathleen Mallory, Contract Planner, and Lori Maxfield, Recording Secretary.

B. PUBLIC COMMENTS

C. READING OF AGENDA

Planning Manager Martin reviewed the agenda indicating the applicant's request to continue Item F-1 (PZ 08-510-8) to October 16, 2008.

D. CONSENT AGENDA

1. APPROVAL OF MINUTES – September 18, 2008

MOTION Commissioner Okada moved and Commissioner Frank seconded a motion to approve the minutes of September 18, 2008 as presented. The question was called and the motion carried 5-0-1-1, Commissioner Dean abstaining, and Commissioner Elliott absent.

E. CONTINUED PUBLIC HEARINGS

1. PLANNING AND ZONING PERMIT NO. 06-260-01 (Mobile Home Closure Permit) for the closure of a 171-space mobile home park generally located at 2851 WagonWheel Road. Filed by the Daly Group, 31238 Via Colinas, Suite F, WestlakeVillage, CA 91362.  
PROJECT PLANNER: Kathleen Mallory

Contract Planner Mallory indicated that the remainder of the project had been approved by the Planning Commission at the meeting of September 18, 2008, and stated that the developer would make the presentation.

Mr. Vince Daly gave the history of the site; recapped the results of the last Planning Commission meeting when the project was approved; discussed the Smart Growth principles to be implemented; mass transit; City benefits; existing conditions; City and State mobilehome park closure permit requirements; community outreach; relocation benefits; 15 percent affordable housing; consistency with SOAR; and the public hearing process. He also stated that should the traffic initiative pass in the upcoming election, the project would not go forward.

Contract City Attorney Gillig stated that the date that the project goes to City Council was out of staff's hands, as it was the policy of the Council not to hear projects of this size without the full Council being present.

Chair Sanchez opened the public testimony.

Ms. Carmen Ramirez; Mr. John Flynn; and Mr. Leonardo Heredia spoke in favor of the project commending the Planning Commission, developer, and Ms. Macri-Ortiz.

Ms. Karen Flock, Cabrillo Economic Development, spoke in favor of the project, and indicated that they would take a more active role in the affordable component.

Ms. Barbara Macri-Ortiz commended the committee for their hard work in finding equitable replacement housing; Mr. Vince Daly for all he did; and the Planning Commission for their approval of the project.

Ms. Eileen McCarthy, CRLA, stated that she was pleased that the developer had reached an agreement with the residents; but remained concerned about the number of affordable units available. She stated that she had spoken with Redevelopment on the number of affordable units, and where the project fits under Redevelopment and Housing law. She also indicated that the residents of the mobilehome park deserved congratulations.

Chair Sanchez closed the public testimony.

Planning Commission commended the developer and Ms. Macri-Ortiz for all their work, and requested that staff not be a barrier in getting the project to the City Council.

Planning Manager Martin explained that there were some issues to be worked out before the project would be ready to go before the City Council.

MOTION Commissioner Okada moved and Commissioner Medina seconded a motion to adopt a resolution granting PZ 06-260-01, a Mobile Home Closure Permit, and determining that the Wagon Wheel Closure Impact Report is sufficient as supplemented, pursuant to Government Code Section 65863.7 and Chapter 24, Article II of the Oxnard Municipal Code for the closure of the Wagon Wheel Trailer Lodge located at 2851 Wagon Wheel Road. The question was called and the motion carried 6-0-1, Commissioner Elliott absent.

RECESS Chair Sanchez called a recess at 7:52 p.m. The meeting reconvened at 8:00 p.m. with all Commissioners present, except Commissioner Elliott.

F. NEW PUBLIC HEARINGS

1. PLANNING AND ZONING PERMIT NO. 08-510-8 (Special Use Permit) a request to provide on-site sale of beer, wine, and spirits as part of a bona fide public eating place (restaurant) (ABC License Type 47) within a proposed 2500 square foot restaurant (Smokey's BBQ Restaurant), addressed at 1201 South Victoria Avenue, within the Seabridge Marketplace shopping center. The proposed project is exempt from environmental review under Section 15301 of the CEQA Guidelines. Filed by designated Attorney in Fact Mike Christian, Smokey's BBQ, 1201 South Victoria Avenue, Oxnard, CA 93035.  
PROJECT PLANNER: Linda Windsor

MOTION Commissioner Dean moved and Commissioner Pinkard seconded a motion to continue Item F-1 (PZ 08-510-8) to October 16, 2008, as requested by the applicant. The question was called and the motion carried 6-0-1, Commissioner Elliott absent.

2. PLANNING AND ZONING PERMIT NO. 07-500-19 (Special Use Permit) for a new church, located on the northwest corner of Rose Avenue and Raiders Way. The New Progressive Christian Baptist Church proposes to construct a 5,756 square foot building on a 1.83 acre parcel. The request includes an increased building height, from 35 feet to 40 feet 5 inches. The applicant also seeks administrative relief from the City's parking requirements, requesting 34 parking spaces on site instead of 50 spaces. A Mitigated Negative Declaration (No. 2007-11) was previously adopted for this project. Filed by Tom Davies, Churchyard Development LLC, 2225 Glastonbury Road, Westlake Village, CA 91361.  
PROJECT PLANNER: Kathleen Mallory

Contract Planner Mallory presented the staff report including surrounding uses; site design; zoning compliance; parking modification; modification to condition No. 67; mitigated negative declaration; and the Community Workshop. She also displayed the vicinity, aerial, General Plan, and zoning maps; site, floor and landscape plans; overall site context; elevations; and color board.

Chair Sanchez opened the public testimony.

Mr. Tom Davies, applicant, stated that the residents had requested that no access point off Cota Way be provided due to the high volume of pedestrian traffic from the high school.

Chair Sanchez closed the public testimony.

MOTION Commissioner Dean moved and Commissioner Pinkard seconded a motion to adopt a resolution granting PZ 07-500-19, a Special Use Permit to allow the construction of a 5,756 square foot single story church facility on the parcel located on the southwest corner of Raiders Way and Rose Avenue, subject to certain findings and conditions. The question was called and the motion carried 6-0-1, Commissioner Elliott absent.

3. PLANNING AND ZONING PERMIT NO. 06-500-01(Special Use Permit) review of the revised architecture for three buildings in the approved CVS Shopping Center, located at the Five Points Intersection, 1117 and 1205 South Oxnard Boulevard, in the General Commercial Planned Development (C-2 PD) zone district. The architecture revisions are exempt from environmental review under Section 15061(b)(3) of the CEQA Guidelines. Filed by Heritage Equities, LLC, 1517 South Sepulveda Boulevard, Los Angeles, CA 90025.  
PROJECT PLANNER: Stephanie Diaz

Development Services Director Winegar presented the staff report including the project history; general issues; substantial revisions to the architecture including additional detailing; reason item was before the Planning Commission; residents and business owners opposition to the reconfiguration of the Five Points intersection.

Traffic Engineer Samonte discussed the previous study done that would improve the level of service (LOS) at Five Points from LOS F to LOS D.

Contract City Attorney Gillig explained that the Planning Commission's scope of discussion was not broad ranging, as their task was only to address the architecture.

Chair Sanchez opened the public testimony.

Mr. Tom Layman gave a brief presentation on the architectural revisions, and requested direction from the Planning Commission.

Ms. Pat Brown stated that project should have a softer look; suggested a water fountain in center grass area; should include landscaping to absorb noise; and left turns in and out of the project should be prohibited due to traffic.

Ms. Nancy Pedersen, Cal Gisler Neighborhood Chair, stated the architecture was getting better; main concern was the alcohol sales; and neighborhood was in favor the project.

Chair Sanchez closed the public testimony.

Discussion ensued regarding noise control not being addressed; site should be considered a gateway project; intersection should be reconfigured to reduce traffic problem; area would become urban center when Oxnard Boulevard was turned over to the City from Caltrans; City cannot continue to impede the land owner; architecture was not changed, just dressed up; should include water feature and large archway; building should be set back with landscaping at the corner; does not address how pedestrians would travel to other businesses in the area; and Building C should be moved and include outdoor dining.

Chair Sanchez stated that he would compose a letter to the City Council summarizing the major bullet points of the Planning Commission's review of the architecture. He indicated he would forward the letter to staff to be distributed to Planning Commission for review.

G. PLANNING COMMISSION BUSINESS

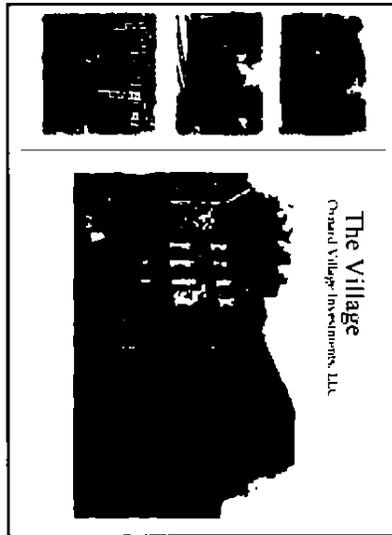
H. PLANNING MANAGER COMMENTS

I. ADJOURNMENT

At 9:26 p.m., Commissioner Medina moved and Commissioner Sanchez seconded a motion to adjourn the meeting in the honor of the late Humberto Miranda. The motion carried 6-0-1, Commissioner Elliott absent.

\_\_\_\_\_  
Michael Sanchez, Chairman

ATTEST: \_\_\_\_\_  
Susan L. Martin, Secretary



**Community Outreach**

**Approx. 164 Meetings with Wagon Wheel Residents since April 2005.**

- 12) City Council Pre-Screen Meetings
- 13) All Residents Meeting - Open to all Wagon Wheel residents
- 14) Subcommittee Meetings - Wagon Wheel Subcommittee works directly with CMI
- 15) Special Topic Meetings - pre-qualifying for affordable housing
- 16) In-home Visits - Meetings with residents during door to door surveys
- 17) Individual Meetings - Private 1:1 door meetings with residents

**Wagon Wheel Trailer Park**

**Existing Conditions**

- Built in 1960's as an RV park
- Grand Village Investments, LLC owns the land & leases spaces
- 171 spaces on site - 116 spaces currently occupied

**City and State Park Closure Permit Requirements**

- California Law (Kochiksoner-Resident's Law) and City's Municipal Code - allows closure of mobile home parks and establishes process
- Must prepare Closure Impact Report and circulate to all residents
- Must give proper notice & hold public hearing on sufficiency of CIR
- State Law - No hearing unless park owner or resident makes request
- City Ordinance - City must hold hearing
- May provide relocation benefits
- State Law - Shall not exceed "reasonable cost of relocation"
- City Ordinance - Can consider "Fair Market Value" if coach can't be moved
- Upon approval, park can close upon giving 2 years written notice

**Community Outreach - (continued)**

- April 2006 - began negotiation of Voluntary Relocation Agreements - 60 signed
- 8 families were able to purchase new home through program
- April 2006 to Present - Hired Cabrillo Economic Development to determine affordable housing need & quality park residents for affordable housing
- Door to Door surveys to determine income and family size
- Information used to develop **Relocation Housing Program**
- Narrative, FRIE Credit Counseling and Home Buyer Seminars to residents
- Since 2006, Cabrillo has contacted all mobile home park residents to determine interest in on site affordable housing
- Wagon Wheel Residents Committee and Community - Driving force behind relocation housing program

**Grand Village - Compliance Park Closure Permit Requirements**

- Mar 12, 2006 - 60-day bilingual notice of intent in school park closure application
- November 14, 2006 - Closure Impact Report (bilingual) was circulated to all residents (Justice Impact Report included relocation benefit choices for residents limited to reasonable cost of relocation)
- August 30, 2007 - Residents were given 90 day Notice of Park Closure hearing held on October 4, 2007
- October 4, 2007 - Planning Commission held public hearing on park closure
- September 3, 2008 - 1-day Notice of Park Closure hearing circulated to all residents
- October 2, 2008 - Planning Commission public hearing on park closure

**Relocation Benefits**

- November 2006 - Started with options listed in Closure Impact Report
- Benefits limited to "Reasonable Cost of Relocation"
  - July 2007 - Offered additional relocation benefits
  - Cash payment at move out (\$20,000 or "Blue Book" for mobile homes, \$2500 for RVs)
  - Construct 118 Affordable Units above retail in first development phase
- April 2008 - began discussions of modified Affordable Housing Proposal
  - Build Affordable Housing per mobile home park needs (Income Levels and Family Size) per Cabrillo EDX surveys
  - Not above retail - Residential community in west side of project area

*Relocation Benefits - continued*

- September 2008 - Reached Agreement on Relocation Benefit Package
- Agreed to supplement CIR with additional relocation benefit/migration measure

**ADDITIONAL RELOCATION BENEFIT OFFER:**

- Mobile Home Park will not close until 10 days after completion of Replacement Housing
- RV Owners receive \$2,500 or as defined in VRAs
- Mobile Home Owners receive:
  - 3 x NADA ("Blue Book") Value
  - Min. \$38,000 Max. \$70,000 at move out
- Outstanding loans are paid using cash payment
- Mobile Home VRA terms still applicable

7

*Region 10 of Trailer Trade Relocation Housing*

- Redevelopment Law requires 1% of total dwellings as affordable housing (2% units)
- 100% of affordable housing requirement built on-site for Very Low, Lower Low & Moderate Income Families (NO IN-LIEN FEES)
- 119 units built to provide mobile home park resident relocation at their income levels and family sizes. Remaining 100 units for greater Ventura County
- Replacement Housing - Completed by 50% market rate Certificate of Occupancy



*Mobile Home Park Relocation Housing*



9

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE OXNARD COMMUNITY DEVELOPMENT COMMISSION ADOPTING A REPLACEMENT HOUSING PLAN FOR THE VILLAGE PROJECT**

**WHEREAS**, the Oxnard Community Development Commission (Commission) and Oxnard Village Investments, LLC are currently engaged in negotiations to determine whether mutually acceptable terms and conditions can be agreed upon for an owner participation agreement which would specify the rights and obligations of the parties with respect to the development and operation of a mixed-use commercial and residential project at the 64-acre (approximate) "The Village" site generally bounded by U.S. Highway 101 to the north, Oxnard Boulevard (California Highway 1) to the east, the Union Pacific Railroad and El Rio Drain to the south and North Ventura Road to the west, in the Commission's Historic Enhancement and Revitalization of Oxnard Redevelopment Project Area;

**WHEREAS**, on the site for The Village project, there are currently located 171 "dwelling units" believed to be occupied (previously or currently) by persons of low or moderate income;

**WHEREAS**, subdivision (a) of Section 33413 of the California Health and Safety Code requires that whenever dwelling units housing persons of low or moderate income are destroyed or removed from the low- and moderate- income housing market on or after January 1, 2002 as part of a redevelopment project that is subject to a written agreement with an agency carrying out redevelopment, that agency shall, within 4 years of the destruction or removal, rehabilitate, develop or construct, or cause to be rehabilitated, developed or constructed, for rental or sale to persons and families of the same or lower income, an equal number of replacement dwelling units that have an equal or greater number of bedrooms as those destroyed or removed dwelling units at affordable housing costs within the territorial jurisdiction of the agency;

**WHEREAS**, subdivision (f) of Section 33413 of the California Health and Safety Code provides that an agency carrying out redevelopment may satisfy such replacement obligation with fewer dwelling units provided that (i) the total number of replacement bedrooms equals or exceeds the number of bedrooms destroyed or removed (with a destroyed or removed unit having no bedrooms deemed to have one bedroom) and (ii) the replacement units are affordable to and occupied by the same income level of households as the destroyed or removed units;

**WHEREAS**, Section 33413.5 of the California Health and Safety Code requires that not less than 30 days prior to the execution of an owner participation agreement which would lead to the destruction or removal of dwelling units from the low- and moderate- income housing market, an agency carrying out redevelopment shall adopt by resolution a replacement housing plan which, for a reasonable time before adoption, a

draft thereof was made available for review and comment by the project area committee (if any), other public agencies and the general public;

**WHEREAS**, the replacement housing plan must contain the following components: (i) the general location of housing to be rehabilitated, developed or constructed, (ii) an adequate means of financing such rehabilitation, development or construction, (iii) a finding that the replacement housing does not require the approval of the voters pursuant to Article XXXIV of the California Constitution, or that such approval has been obtained, (iv) the number of dwelling units housing persons and families of low or moderate income planned for construction or rehabilitation and (v) the timetable for meeting the replacement housing plan's relocation, rehabilitation and replacement housing objectives; and

**WHEREAS**, in accordance with Section 33413.5 of the California Health and Safety Code, the Commission prepared a draft replacement housing plan containing such components for The Village project, which draft was made available for a reasonable time for review and comment by the general public and other public agencies.

**NOW THEREFORE**, the Commission resolves as follows:

1. The foregoing recitals are hereby adopted as findings of fact;
2. The Replacement Housing Plan for The Village project is hereby adopted in substantially the form presented at this meeting, or with such non-substantive changes and amendments as may be approved by the Executive Director of the Commission and Commission Counsel; and
3. This resolution shall take effect immediately upon its adoption by the Commission.

PASSED and ADOPTED by the Commission on this \_\_\_\_ day of \_\_\_\_\_, 2008 by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

\_\_\_\_\_  
Chairperson

ATTEST:

\_\_\_\_\_  
Secretary