



Meeting Date: 11/18/08

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

Prepared By: Stephanie Diaz, Contract Planner ^{SLD} Agenda Item No. I-9

Reviewed By: City Manager [Signature] City Attorney [Signature] Finance [Signature] Other (Specify) _____

DATE: November 18, 2008

TO: City Council

FROM: Matthew Winegar, Development Services Director
Development Services Department [Signature]

SUBJECT: **Consideration of Revised Architecture and Prohibition of Applications for Future Alcohol Sales at the CVS Pharmacy Shopping Center, PZ 06-500-1, located at the Five Points Intersection.**

RECOMMENDATION

That City Council adopt a resolution approving revised project architecture for the CVS Pharmacy Shopping Center and to prohibit future alcohol sales applications.

DISCUSSION

After several public hearings, on March 25, 2008, the City Council approved permits related to a proposed shopping center at the Five Points Intersection (1107 and 1205 S. Oxnard Boulevard) consisting of three buildings totaling 28,872 gross square feet, including a CVS Pharmacy with a drive-through. The Council did not approve the request for alcohol sales at the CVS Pharmacy. At the time of approval, the City Council adopted Resolution No. 13,393 with a condition that the final shopping center building elevations be subject to City Council approval.

In response to the City Council's condition of approval, the project architect submitted revised elevations that included more building cornices, revised window canopies, larger window recesses, new ledgestone walls and trim, as well as larger windows for the building facing the Five Points intersection. The ledgestone façade treatment and building cornices were also incorporated into the other two buildings on the site. The original and revised architecture are shown in Attachment 1. (The revised/proposed architecture is shown in the top illustration and the original architecture is shown in the bottom illustration.)

On September 16, 2008, the City Council reviewed information concerning future applications for alcohol sales at the CVS Pharmacy and the potential re-use of the CVS Pharmacy building, in addition to the revised architecture. After reviewing revised building elevations, the Council referred the project to the Planning Commission for comment as the Planning Commission had not seen the new design.

On October 2, 2008 the Planning Commission held a hearing to review the CVS Pharmacy Shopping Center project. Two members of the public spoke representing two area neighborhood councils. One member stated that the building needs to be softer and expressed concern for vehicle circulation and pedestrian access at the Five Points intersection. The other public member stated that the architecture was better and the realignment of the Five Points intersection had been discussed at a previous community meeting and much opposition had been expressed. The Planning Commission provided the following comments:

1. The architecture is typical California retail architecture. This is a gateway project and it needs a sense of presence.
2. A statement building is needed at the Five Points corner.
3. Noise control is needed. Consider a water feature and a different arrangement for the corner building (Building C) that would shield the pedestrian areas from street noise.
4. The pedestrian and plaza areas at the Five Points corner (Building C) are not appropriate.
5. Decoration on the buildings has changed and is improved, but the basic architectural style is still determined to be inappropriate as in the past Planning Commission hearings.
6. Building C should be setback to create an entrance and perhaps include an entrance arch.
7. Materials and colors are not the issue, but rather the site design. The layout turns its back on the area to the south and does not address pedestrian access from the neighborhood.
8. Screening street noise has not been considered in the site planning.
9. Consideration should be given to re-orienting Oxnard Boulevard to create a four-point intersection which would allow a more comprehensive redevelopment of the project site and adjacent properties.
10. The Commission has reviewed this project at two previous hearings and voted to deny it each time. The currently proposed architecture should be denied.

In concluding their comments, the Commission asked Michael Sanchez, Planning Commission Chairman to prepare a letter to the City Council representing a summary of the Planning Commission's project review. This letter is Attachment 2 to this report.

The issues of future alcohol sales applications and architecture are still pending before the Council. If the City Council chooses to approve the architecture as submitted, a resolution that addresses approval of the architecture and the prohibition on future alcohol sales applications is attached. If the Council chooses to deny the architecture, Staff will return with a resolution for denial.

FINANCIAL IMPACT

There is no financial impact.

SLD/sld

Attachment #1 - Original and Revised Architectural Elevations

Attachment #2 – Letter from Michael Sanchez, Planning Commission Chair.

Attachment # 3 - City Council Resolution

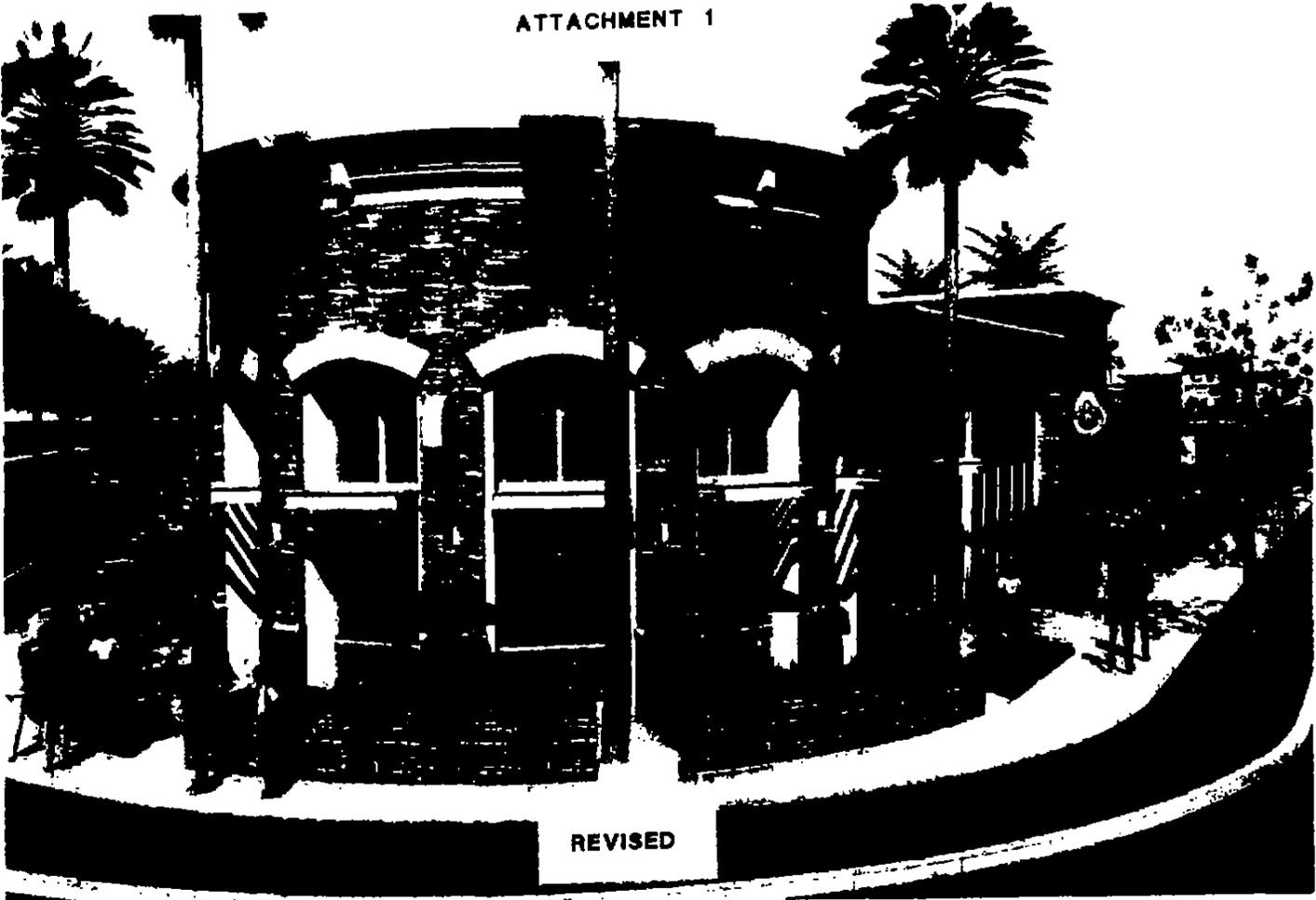
Note: Attachment # 1, the original and revised colored architectural elevations have been provided to the City Council. Color copies are available for review at the Circulation Desk in the Library after 6:00 p.m. on the Thursday prior to the Council meeting and at the City Clerk's Office after 8:00 a.m. on November 17, 2008.



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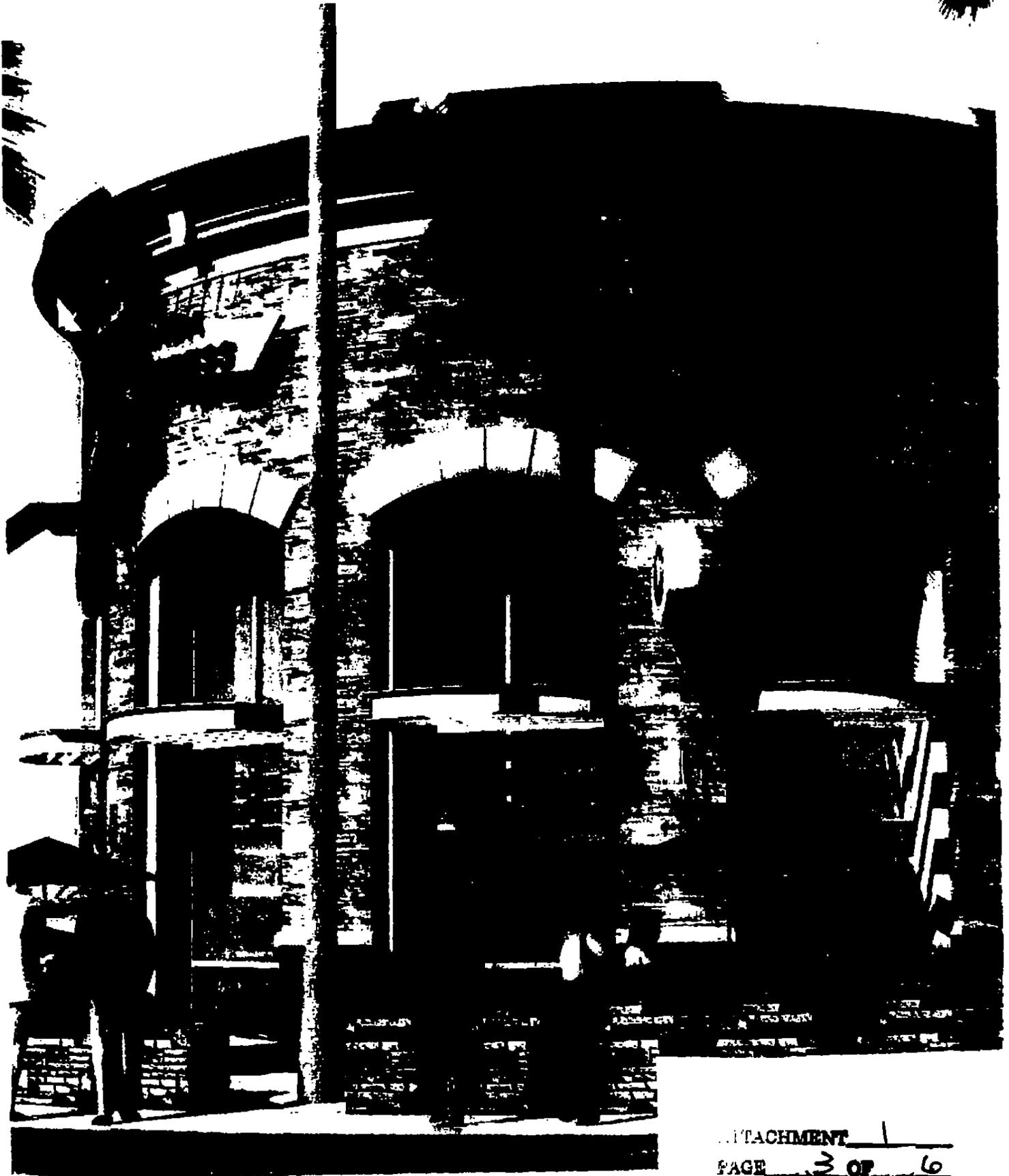


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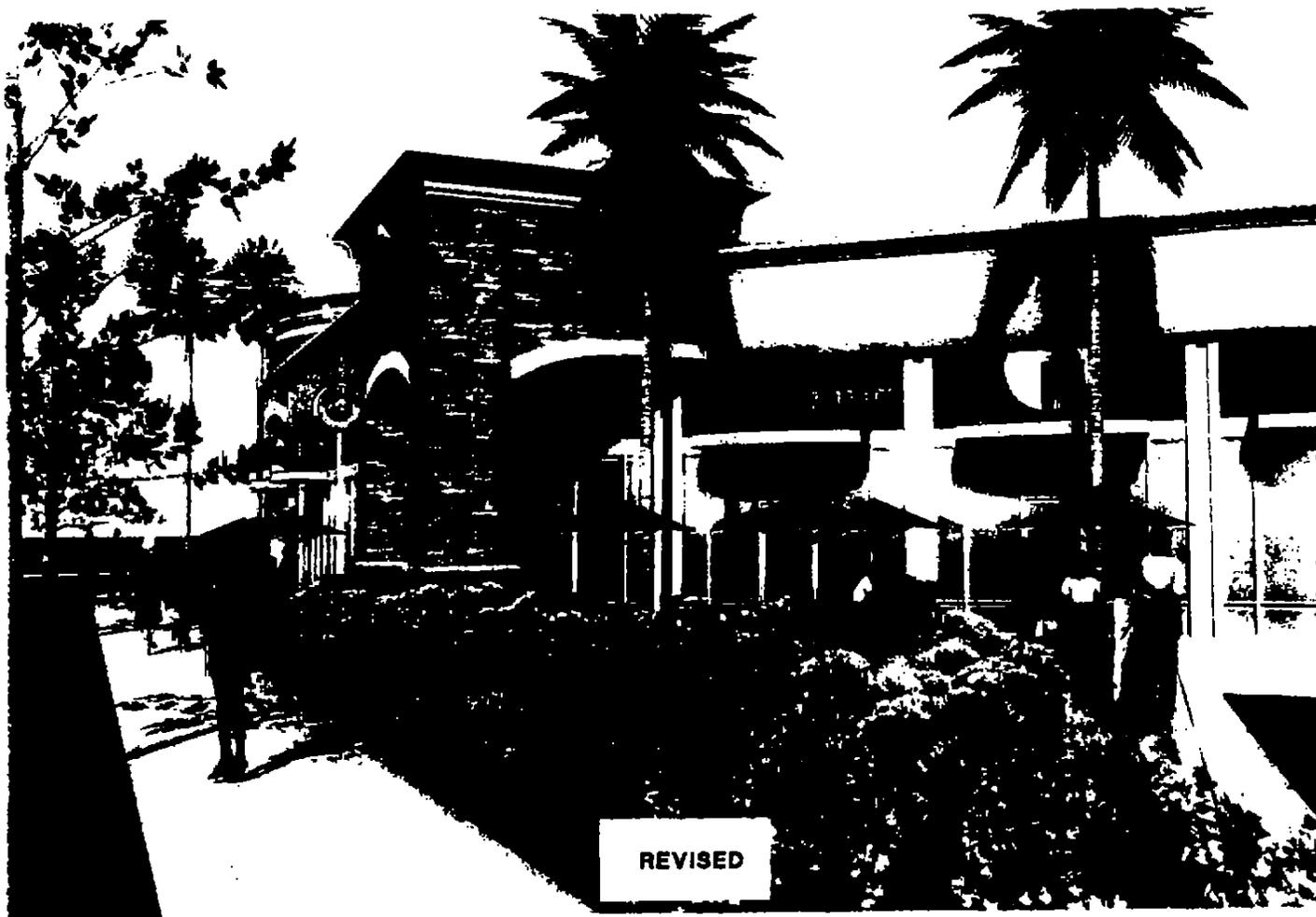
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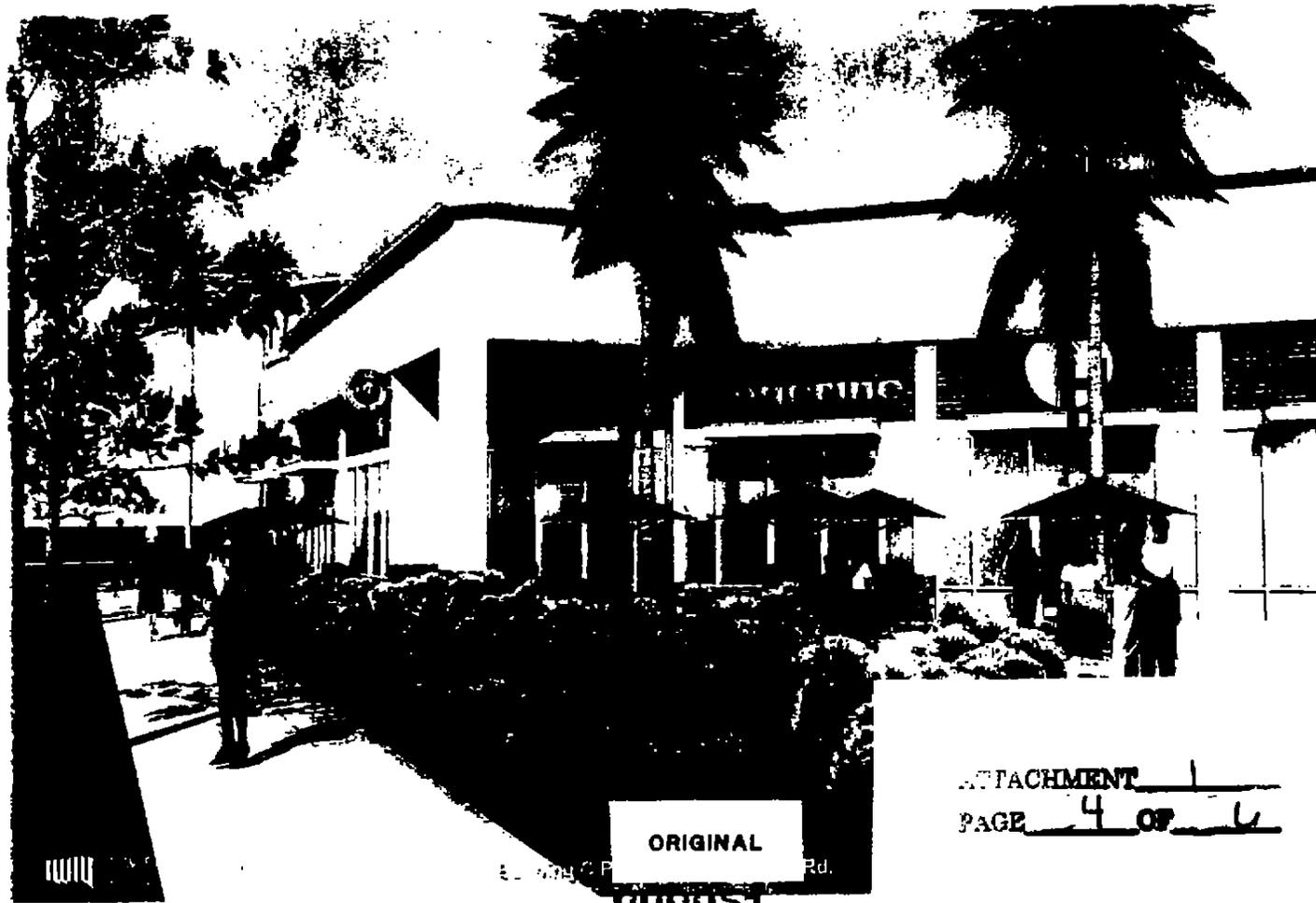
ATTACHMENT 1
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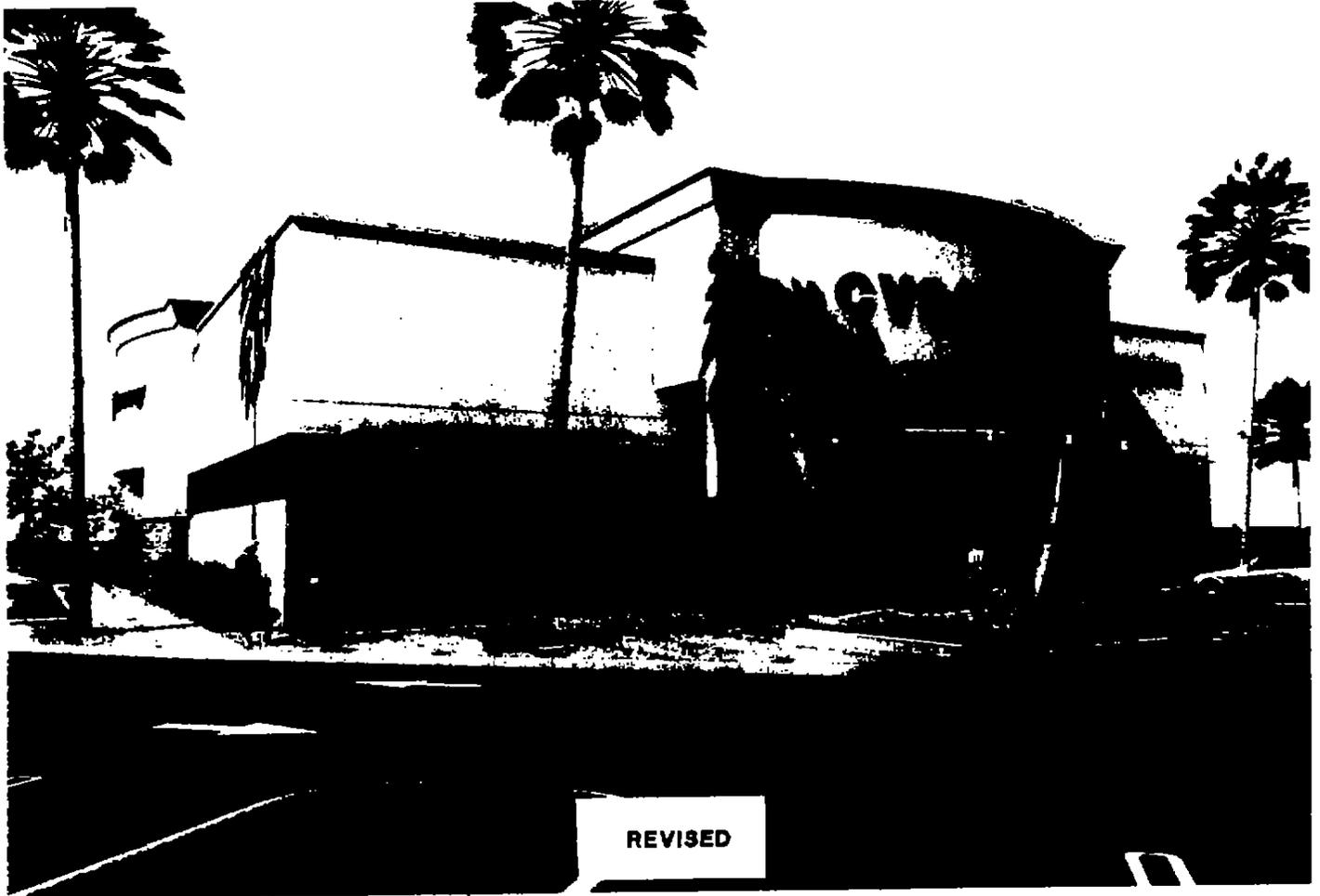
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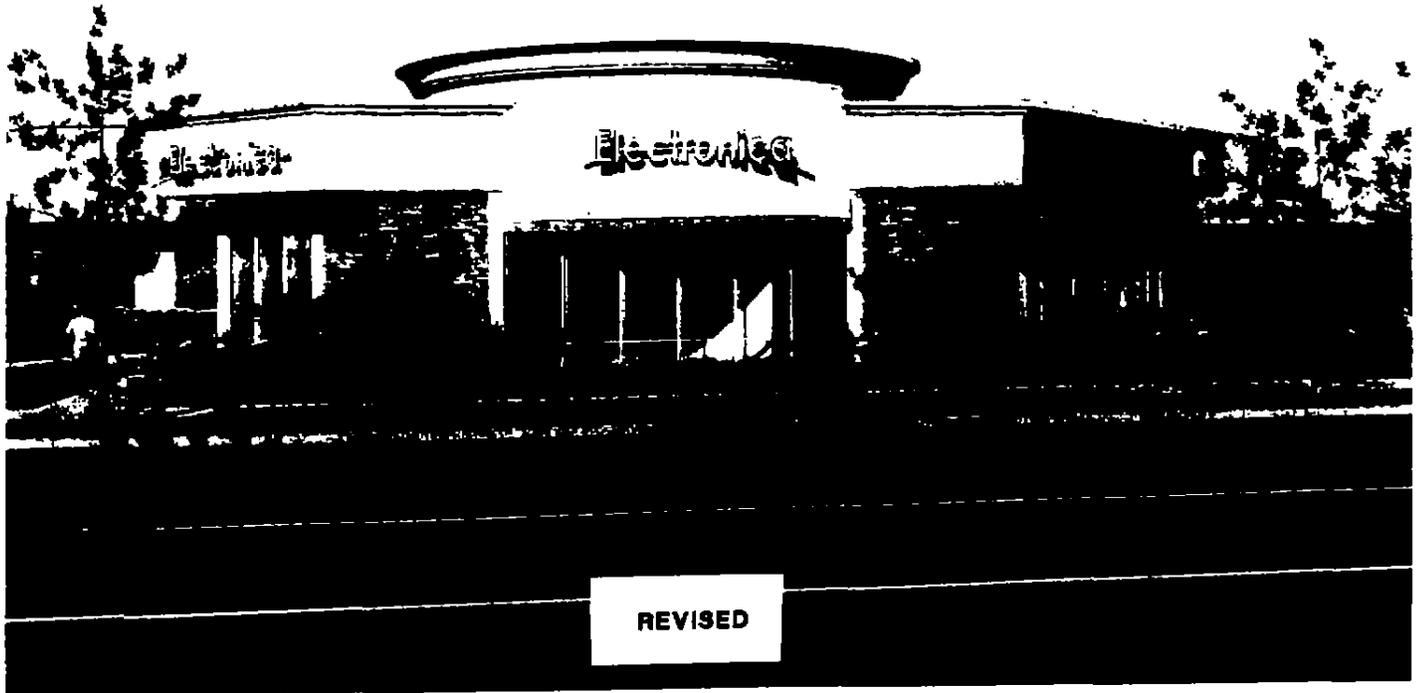
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CVS

South

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ORIGINAL

ATTACHMENT 1
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Building B Viewed from Savers Rd

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October 9, 2008

City Council
214 So. C Street
Oxnard CA 93030

RE: PZ06-500-01
CVS

**Planning Commission response
to CVS elevation and site design as presented on
October 2, 2008.**

Mayor Holden and Council members:

This Planning Commission has taken it's time, once again, to review a project for which the applicant has shown no respect in responding to any of our previously stated concerns. It is known by the applicant and city staff how serious we are about having projects that have proper land use, site / building design with connectivity to community adjacencies and adaptiveness for future growth.

As the Planning Commission, our review of projects is more then just responding to what is brought before us. We look at the city at a macro level. This project has significant potential to resolve many of the critical issues of this community. These include traffic, blighted site redevelopment and future growth that surround the project site. We have been suggesting this to the applicant time after time with no response. We knew that the time would come when Highway-1 would be turned over to the City and the potential to have 5-point become a standard intersection with the re-alignment of Oxnard Blvd to Saviers Rd. Many of the Commissioners shared this same concern.

We have asked the applicant to provide the following to improve the project quality, siting and building design:

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1. **Building Design** - These buildings should be gateway type buildings with elements addressing the intersection. This means providing pedestrian connectivity and a sense of hierarchy within the development. We expect a higher level of design effort made rather than what has been shown on these buildings. Our industrial building designs show more interest and detail than what has been presented. Examples of recent approved buildings that may be considered gateway type structures are – Financial Plaza food court, South Hayes Avenue Water Dept., River Park Commercial retail sites, Centerpoint mall recent retail and medical buildings are just a few. Do we really want to see level 'C' type architecture as a gateway building? These are developers from outside our community with access to what has been created throughout California and the nation. We are not a dumping ground for this excuse of development. This City is very eclectic and, being so allows for designs that are creative in nature. We have award winning developments and buildings throughout the city that have the quality and level of design appeal that we are looking for. Let's not sell ourselves short because CVS want to move from where they are right now.

2. **Site issues** – This project has dead end parking, loading zones that face Saviers Rd. poor access for pedestrians and vehicles and a drive-thru stacking line facing Oxnard Blvd. The City has policies against many of these issues. Why haven't they been addressed prior to P.C. review or City Council? Why are some developments required to hide these items and this one doesn't? These items could easily be address if the project would have looked at how the other sites to the south could be developed and how those sites could actually help theirs.

We are not here to design the project but see many obvious ways to make this area more efficient such as becoming a part of a mini specific plan / master plan that would address all of the blighted site areas adjacent this project. The city has a policy on trying not to develop sites that are too small that could offer more to the city by combining adjacent parcels, this was not followed. By following this policy, it would allow future growth patterns, street adjustments and a sense of community within a development. What we see is the standard "turn your eye away from your neighbor" attitude. We should be seeing a site design that allows future growth to the south, pedestrian connections to the north for the future Sky View property development and the existing hotel as well as vehicular traffic improvements. We have suggested that if the site was to be adjusted to the north, allowing Oxnard Blvd. to be re-aligned, this would make a safer transition between the intersections, allow for pedestrian crossings and enhance involvement with adjacent uses. It becomes a smart growth concept and allows southern undeveloped parcels to become viable elements once again. Rather than being an isolated triangular parcel, this site could be incorporated into a larger site plan, designed for maximum use and flow.

With respect to what has been approved, these items can still be implemented within the site and should be incorporated prior to any more approvals. We appreciate Council's concerns with the site and aesthetics and sincerely hope that our input is considered for the future development, not only of this particular site but the general area surrounding the site which could be transformed through a larger vision for this area of Oxnard.

Respectfully,



Michael Sanchez, Chairman
Deirdre Frank, Vice Chair
Dale Dean
Dr. Sonny Okada
Dr. Irene Pinkard
Saul Medina
Randall Elliot

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CITY COUNCIL OF THE CITY OF OXNARD
RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD ADDING NEW
CONDITONS TO SPECIAL USE PERMIT PZ 06-500-01 APPROVING BUILDING
ARCHITECTURE AND PROHIBITING FUTURE APPLICATIONS FOR ALCOHOL
SALES AT THE CVS PHARMACY SHOPPING CENTER LOCATED AT 1117 AND
1205 SOUTH OXNARD BOULEVARD (APN'S 204-0-060-22 AND 204-0-060-23).
FILED BY HERITAGE EQUITIES, LLC, 1517 SOUTH SEPULVEDA BOULEVARD,
LOS ANGELES, CA 90025.

WHEREAS, on March 25, 2008, the City Council of the City of Oxnard considered an
application for PZ 06-500-01, a special use permit for a pharmacy with drive-through and alcohol
sales for the proposed CVS Pharmacy at 1117 and 1205 South Oxnard Boulevard, filed by Heritage
Equities, in accordance with Section 16-530 through 16-553 of the Oxnard City code; and

WHEREAS, on March 25, 2008 the City Council approved special use permit PZ 06-500-1
but did not approve the request for alcohol sales at the CVS Pharmacy; and

WHEREAS, at the time of approval, the City Council adopted Resolution No. 13.393 with a
condition that the final shopping center building elevations be subject to City Council approval;
and

WHEREAS, on June 24, 2008 the City Council considered the revised architecture, discussed
concerns for potential future applications to sell alcohol and potential reuse of the CVS store. The
item was then taken off calendar; and

WHEREAS, on September 16, 2008, the City Council considered the revised architecture as
well as information related to reuse of the CVS store and a prohibition on future applications for
alcohol sales provided by the applicant and referred the project to the Planning Commission for input
on the project design; and

WHEREAS, on October 2, 2008, the Planning Commission held a public hearing and
provided comments on project design to the City Council; and

WHEREAS, the City Council finds that the applicant agrees with the necessity of and accepts
all elements, requirements, and conditions of this resolution as being a reasonable manner of
preserving, protecting, providing for, and fostering the health, safety, and welfare of the citizenry in
general and the persons who work or visit this establishment in particular.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Oxnard hereby
approves this resolution related to Special Use Permit PZ 06-500-01, subject to the following
conditions:

1. The approved architecture is depicted on the plans dated November 18, 2008, ("the plans") on file with the Planning Division. The project architecture shall conform to the plans, except as otherwise specified in these conditions, or unless a minor modification to the architecture is approved by the Planning and Environmental Services Manager ("Planning Manager") or a major modification to the plans is approved by the Planning Commission. A minor modification may be granted for minimal changes or increases in the extent of use or size of structures or of the design, materials or colors of structures or masonry walls. A major modification shall be required for substantial changes or increases in such items. (PL, G-2)
2. The applicant, for itself and successors in interest, agrees not to apply for an off-site license to sell alcohol on the property. (PL)

PASSED AND ADOPTED this 18th day of November 2008, subject to the condition above, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, Acting City Attorney