



Planning Division

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Kathleen Mallory, AICP, Contract Planner

DATE: June 5, 2008

SUBJECT: Planning and Zoning Permit Nos. 06-500-14 (Special Use Permit for a Planned Residential Group); 06-300-12 (Tentative Subdivision Map for Tract No. 5580 for Condominium Purposes); 06-620-05 (General Plan Amendment); and 06-570-09 (Zone Change) for the Construction of residential condominium units to be located on the Northeast Corner of South Victoria Avenue and Hemlock Street.
Filed by Courtyard at Mandalay Bay, LLC.

1) Recommendation: That the Planning Commission:

- a. Approve Planning and Zoning Permit No. 06-500-14, a special use permit for a planned residential group, subject to certain findings and conditions.
- b. Adopt a resolution recommending that the City Council approve Planning and Zoning Permit No. 06-300-12, a tentative subdivision map for Tract No. 5580 for condominium purposes, subject to certain findings and conditions.
- c. Adopt a resolution recommending that the City Council approve Planning and Zoning Permit No. 06-620-05 (General Plan Amendment); and
- d. Adopt a resolution recommending that the City Council approve Planning and Zoning Permit No. 06-570-09 (Zone Change).

2) Project Description and Applicant: Planning and Zoning Permit Nos. 06-620-05 (General Plan Amendment); 06-570-09 (Zone Change); 06-300-12 (Tentative Subdivision Map No. 5580); and 06-500-14 (Special Use Permit for a Planned Residential Group). The proposed project involves a request for approval of a general plan amendment from Neighborhood Commercial to Medium Density Residential (13-18 DU/Acre); a zone change from C-2 (General Commercial) to R-3-PD (Garden Apartment, Planned Development); and approval of a special use permit for a planned residential group for modifications to the front and rear yard setbacks, interior yard space and building separation requirements, placement of balconies and patios, parking area design, and building heights. The project is proposed on two parcels identified as APNs 187-0-060-105

(existing service station site) and 187-0-060-095 (Channel Islands Shopping Center). Approval of the requested permits would allow construction of 116 for sale residential condominium units with on site recreational amenities. The entire parcel is 7.72 gross acres (6.56 acres net) and is located on the northeast corner of South Victoria Avenue and Hemlock Street. Filed by Courtyard at Mandalay Bay, LLC., 5010 Parkway Calabasas, Suite 105, Calabasas, CA 91302.

3) Existing & Surrounding Land Uses: The project site is flat. The Chevron Gas Station on the corner was closed in January 2008 and the Channel Islands Shopping Center is partially leased at this time (see Attachment A).

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
Site	C-2 Commercial	Existing - Neighborhood Commercial/HERO Redevelopment Plan	Gas Station and Commercial Shopping Center
North	R-3-PD Garden Apt. Planned Development	Medium Density Residential: 13-18 Dwelling Units/Acre	Multifamily residential/apts. Channel Islands Village North
East	R-2-PD Multi-family Residential Planned Development	Medium Density Residential: 13-18 Dwelling Units/Acre	Multifamily residential/condos
South	Port Hueneme zoning	1-2 Dwelling Units/Acre (City of Port Hueneme)	Single Family
West	EC EC Coastal Energy Facility and CPC Coastal Planned Unit Community	Public Utility/ Energy Facility Miscellaneous Visitor Serving Mandalay Bay Specific Plan area	SCE substation, Single Family Residences, and Seabridge Construction Area (for Medium Density Residential)

4) Background Information: The existing 66,130 sq. ft. shopping center was constructed in 1971. Since this time a variety of users have occupied the project site. The project site is within the Historic Enhancement and Revitalization (HERO) redevelopment area. The HERO redevelopment area provides a mechanism for the City to engage in a range of projects and programs that seek to alleviate the underutilized and/or blighted conditions associated with a site and provides the City with funds as a result of redevelopment.

In June 2006, the City Council conducted a pre-application review of the applicant's request for a general plan amendment. While not being able to make a formal decision on the application, the City Council did not express concern with the conversion of the center for residential use. In

August 2006, the applicant submitted an application for the construction of 116 residential for sale condominium units (see Attachment B).

As of April 2008, 43% of the shopping center was leased for commercial use. According to an Assessment of Retail Reuse Potential prepared in November 2005, by Economic Research Associates, retention of commercial uses within the center has been difficult. "While a number of planned and proposed residential projects within the immediate area has [will] increase the local resident population during the coming few years, the retail center proposed for the adjacent Seabridge development will more than accommodate the increased resident demand and will likely pull demand away from the Channel Islands Center" (see page 3, Attachment C). The commercial component of the Seabridge project includes approximately 60,000 sq. ft. for neighborhood serving commercial uses such as a restaurant (Yolanda's), 24-hour fitness center, and marina and visitor supporting uses.

- 5) Environmental Determination:** The proposed development is subject to review in accordance with the California Environmental Quality Act (CEQA). An initial study was prepared to analyze potentially significant adverse environmental effects of the proposed project. Staff identified areas of potentially impact as follows: air quality, cultural resources, hazards and hazardous materials, noise and public services. Mitigation measures were included to reduce the potentially significant impacts to less than significant levels.

The applicant agreed in writing to accept the mitigation measures recommended by staff, and the Mitigated Negative Declaration (MND) No. 07-07 was made available for public review and comment, from August 31, 2007 to September 20, 2007 (see Attachment D). Staff received four comment letters on the environmental document; Calleguas Municipal Water District concurred with the conclusions contained within the environmental document and Southern California Association of Governments determined that the project was not regionally significant. No other agency review letters were received. Two adjacent residents submitted written comment letters. Ms. Terri Stalcup, President of Whalers Village I Home Owners Association to the east expressed support for the land use and zoning changes but expressed concern with the number of dwelling units proposed on site and the degree of modifications deemed necessary to permit the construction of the project. She also expressed concerns regarding the vermin, which will flee from the project site due to demolition and the associated dust created due to demolition. Jennifer Kerr, landowner to the north also expressed concerns with vermin and the need for rodent eradication. Conditions of approval have been imposed to require vermin eradication prior to demolition and the imposition of dust suppression measures prior to and during demolition and construction (see Attachment E).

As part of the environmental document, three previous uses were identified as potentially contaminating soil on the project site. These uses include: a dry cleaning facility, the Chevron service station, and a former outboard boat motor repair facility.

The Alamar dry cleaning facility, which closed in June 2007, was located in the shopping center on the northeast portion of the property. As part of soil testing, typical dry cleaning solvents were identified on the project site. Mitigation measures have been imposed to require adequate soil remediation to comply with residential standards. Remediation measures from 2002-2005

were identified and completed (see Hazards and Hazardous Materials section of the environmental document) and provided for remediation to a commercial standard because residential development was not contemplated when original remediation was proposed.

The environmental document evaluated and required mitigation measures to address the conversion of the gas station and shopping center (boat repair and dry cleaner) to residential use. In January 2008, Chevron who was a tenant of the applicant's, initiated measures to close the Chevron gas station on the northeast corner of South Victoria Avenue and Hemlock Street. The mitigation measures contained within the environmental document were standard measures, which would be required for tank removal and gas station closure. These measures are still in the process of being completed by Chevron and will be fully completed prior to issuance of a demolition permit. The environmental document is still valid and mitigation measures which have already been completed (gas station related) will be verified through documentation from regulatory agencies.

Soil contamination associated with the former outboard boat motor repair facility which was previously located on the northeastern corner of the shopping center were also included within the environmental document. The repair facility reportedly used a Safety-Kleen solvent unit for parts washing. Mitigation measures have been imposed to require soil remediation to comply with residential standards (see Hazards and Hazardous Materials section of the environmental document).

Asbestos is also present at the shopping center site. Although the demolition phase of the project has the potential to emit hazardous materials into the environment, mitigation measures recommended in the environmental document would reduce impacts to a less than significant level.

In February 2008, staff requested that the applicant's traffic consultant confirm the conclusions contained in the traffic study (originally prepared in March 2007) and also confirm that the cumulative traffic assumptions had not changed. Robert Bein, William Frost (RBF) submitted a letter in May 2008 documenting that the residential condominium project would result in less vehicle trips as compared to the commercial shopping center. Additionally, the letter concluded that while the cumulative projects pending at the time RBF prepared the analysis in March 2007 may potentially have changed, the findings of the analysis were still appropriate since the proposed project at buildout is forecast to result in the project site generating less trips as a residential condominium project than the project is generating today as a fully leased shopping center (see Attachment F).

6) Analysis:

a) General Discussion: The units have been designed to front onto South Victoria Avenue and Hemlock Street in order to provide for an urban landscape while still providing the required on site landscaping, recreational amenities, parking and design details. This project density has been reduced from 121 to 116 for-sale condominium units in order to minimize the number of variations needed to code requirements. The proposed density associated with

the project is 17.7 dwelling units per acre/R-3 density which is consistent with the residential density of existing developments to the north and east of the project site. Roadway circulation improvements include accommodations for bike lanes along the property frontage with dedications and striping. The project will not be gated and will maintain an open feel through visual corridors from the driveway on South Victoria Avenue and Hemlock Street looking through the project.

b) General Plan Consistency:

POLICY	DISCUSSION
<p><i>Circulation Element Policies # 25 and 27</i> <i>25 – The City shall continue to implement construction of the bicycle network</i> <i>27 – Where appropriate, proposed developments shall be required to include bicycle paths or lanes in their street improvement plans (page VIA-32)</i></p>	<p>The project has been designed to provide the required roadway dedications and Class II lane striping to facilitate bicycle travel along South Victoria Avenue directly in front of the project site (north bound on South Victoria Avenue). No dedications needed south bound on South Victoria Avenue.</p> <p>Hemlock Street. A raised median will be constructed along the westbound direction with a Class II bike lane, right turn only lane, through lane, and left turn lane. No improvements are required on eastbound Hemlock Street.</p>
<p><i>Noise Element Policy # C4</i> <i>The City shall promote, where feasible, alternative sound attenuation measures other than the traditional wall barrier. These may include berms, a combination of berms and landscaping, or locating buildings away from roadway or other noise source (page IX-17).</i></p>	<p>The Municipal Code requires the placement of a patio area on the first floor. However, locating patios on the first floor for units facing South Victoria Avenue would result in outdoor living space which would exceed desirable noise attenuation standards. Therefore, the patios were relocated to the second story for only those units facing South Victoria Avenue; and for design continuum on Hemlock Street as well. The proposed placement though not technically in compliance with the Municipal Code, requires approval of an SUP for a PRG but meets the intent of both the Municipal Code and the General Plan.</p>
<p><i>Economic Element n Policy #2</i> <i>The City will encourage the development of a balanced mix of residential, retail, commercial, and industrial sectors of the economy (page X-21).</i></p>	<p>As demonstrated within the ERA report (November 2005), due to the proximity of the Seabridge development project, there is little viability for commercial activity on the project site.</p>
<p><i>Community Design Policy #6</i> <i>The City shall continue to require that the staff Design Review Committee review new development projects for consistency with the City’s development design policies and appropriateness for the proposed sites (page XI-9).</i></p>	<p>The project has been reviewed by DAC four times. The proposed design meets with DAC’s approval.</p>

c) Conformance with Zoning Development Standards: With approval of the general plan amendment and zone change, the proposed project will be located within the Medium Density, Planned Development (R-3-PD) zone district. Applicable development standards of the R-3-PD zone have been compared with the proposed project, as follows:

	REQUIREMENT	PROPOSED	COMPLIES?
Density	2,400 square feet of lot area per dwelling unit (D.U.)	2,448 square feet/D.U.	Yes
Max. building height	See PRG analysis on the following table		Yes, with approval of SUP for planned residential group
Front yard setback	See PRG analysis on the following table		Yes, with approval of SUP for planned residential group
Side yard setback*	7½ feet	N/A	N/A
Rear yard setback (property has two rear yards since on a corner)	See PRG analysis on the following table		Yes, with approval of SUP for planned residential group
Interior Yard Space	See PRG analysis on the following table		Yes, with approval of SUP for planned residential group
Site access	Min. 20 feet Max. 24 feet	Ingress and egress points 36 and 40 foot drive isles; internal 25 feet	Yes

	REQUIREMENT	PROPOSED	COMPLIES?
Parking lot landscaping	Landscape plan required for parking areas. Landscape planters are required after every 10 spaces. Irrigation plans required prior to issuance of building permits. 10 foot landscape planter required on north and east property lines (16-641 (A))	Landscape plan provided. Planters provided. Irrigation plan not provided. 5 foot planter on northerly property line and 0 foot planter on easterly property line	Yes Yes Yes, with imposition of conditions of approval Yes, with approval of SUP for planned residential group
Trash enclosures & transformers	6-foot tall fence required for screening of recycled material or individual storage	Individual storage within communal refuse areas	Yes
Parking spaces	2 garage spaces/D.U. 30 visitor spaces up to 30 units, .5 thereafter = 30 units plus 50 units. 30 + 43 = 73 visitor spaces	2 garage spaces/D.U. 232 in garages 73 visitor parking spaces	Yes all within garages
Attached Dwelling Standards			
Storage Areas	225 cubic feet for each dwelling unit	225 cubic feet minimum for each dwelling unit	Yes
Garages	Automatic door openers & doors must have architectural detail	Automatic door openers & doors have architectural detail	Yes
Refuse enclosures	Must reflect design elements of project & provide access separate from refuse vehicle access	Reflect design elements of project & provide access separate from refuse vehicle access	Yes
Utility Meters	Screened or integrated into building design	Utility plan provided illustrating screening	Yes

* Due to two frontages, site has two front yards but no side yard.

In accordance with Division 11, Planned Residential Groups, Section 16-445 of the City Code, the applicant is requesting a deviation from the garden apartment zone standards (Division 4, Sections 16-60 through 63); deviations from the attached dwelling unit standards (Division 2, Sections 16-362 (B) and (F)); deviations from the parking area design standards (Section 16-641 (A) and 16-645 (B)); and a deviation from the building height provision (Section 16-303) as follows:

Planned Residential Group Modifications

ARTICLE 3 - DIVISION 4 "R-3 GARDEN APARTMENT ZONE"		PROPOSED	COMMENTS
<p><i>Item #1</i> <u>Section 16-60</u> "Front Yard"</p>	<p>There shall be a front yard of 20 feet; provided, however, that if access to all parking is from an alley, the front yard may be a minimum of 15 feet. The proposed building type has parking entering from the alley: minimum front setback is 15 feet.</p>	<p>Along west property line: 10 feet min from property line to living area. 5 feet min. from property line to outdoor covered spaces, (i.e., porches, balconies, patios, etc.). Along south property line: 10 feet min. from property line to living area. 5 feet min from property line to outdoor covered spaces (i.e., porches, balconies, patios, etc.)</p>	<p>Due to a portion of the property reserved for public dedication on South Victoria Avenue and Hemlock Street, and due to the requirements from the City to provide front setbacks along the two streets, applicant is proposing a minimum 10-foot setback from future west tract boundary line to face of living area. (Min. 25-foot setback from back of curb to living area). Minimum 10-foot setback from future south tract boundary line to living area (Min. 25 foot setback from back of curb to face to living area).</p>
<p><i>Item #2</i> <u>Section 16-62</u> "Rear Yard"</p>	<p>There shall be a rear yard of 25 feet.</p>	<p>Along north property line: 25 feet min. Along east property line: 5 feet' min. at ground level, 3 feet minimum for projections at 2nd and 3rd floor.</p>	<p>Per city agency's request, minimum setback along east property line from nearest structure to adjacent alley curb is 5 feet (3 feet at 2nd and 3rd floor projections). Minimum setback to the alley's opposite curb is 30 feet.</p>
<p><i>Item #3</i> <u>Section 16-63</u> "Interior Yard Space"</p>	<p>Each lot shall provide for interior yard space in an area equal to at least 30% of the lot area. This interior yard space shall be completely open from ground to sky except for a patio or pergola or the</p>	<p>Interior yard space provided is 30% including the 2,500 sq ft. of open lawn area (29% excluding the 2,500 sq. ft. f open lawn area) of the lot and each interior yard space area shall</p>	<p>Due to a portion of the property reserved for public dedication on South Victoria Avenue and Hemlock Street, 50,706 sq. ft. (15.1%) of site area has been dedicated to street</p>

	<p>projections of those items referred to in sections 16-304 through 16-307. The interior yard space shall be located in an area between the required front yard setback and the rear property line. Each interior yard space area shall have a minimum dimension of 15 x15 feet. Twenty-five percent of the required interior yard space may be on decks if such decks have a minimum dimension of ten feet and a minimum of 200 square feet, and are directly accessible from the units served. All decks shall be open to the sky except for allowed roof projections and shall be provided with flooring and railings suitable for outdoor activity.</p>	<p>have a minimum dimension of 10 feet x 10 feet. Average proposed interior yard space per individual lot is 140 square feet. See "Open Space Exhibit" for method of area calculation.</p>	<p>widening (difference in 'gross' minus 'net' project area). When the dedicated site area is factored into the open space calculation, the open space area provided is 45.1% including open lawn area (44.1% excluding open lawn area).</p>
<p>ARTICLE 5 - DIVISION 2 "ATTACHED DWELLING UNIT DEVELOPMENT STANDARDS"</p>		<p>PROPOSED</p>	<p>COMMENTS</p>
<p><i>Item #4 <u>Section 16-362</u> (B) "Building Separation"</i></p>	<p>Building separation between two buildings shall be a distance equal to the height of the taller structure (35 feet)</p>	<p>2 feet min. from living space w/ exception of two locations @ 13.8' and 14 feet)</p>	<p>Proposed minimum building separation is 20 feet, except as noted. Areas between buildings were reduced to in order to increase the common open spaces such as the recreation area and monumental plaza</p>
<p><i>Item #5 <u>Section 16-362</u> (F) "Balconies & Patios"</i></p>	<p>All second story dwelling units shall have at least one patio or balcony, having a minimum dimension of ten feet</p>	<p><u>For South Victoria Avenue:</u> 2nd floor patios or 2nd floor sunroom and shall be a min. of 5 feet x 8 feet wide for either sunroom or patios. <u>For Hemlock Street:</u> 2nd floor patios shall be</p>	<p>Per city agency comments, in lieu of providing 10 feet x 10 feet ground level patios for units fronting South Victoria Avenue, private open spaces are proposed on the second floor to provide security and</p>

		provided and shall be a min. 5 feet x 8 feet	privacy for the occupants
ARTICLE 10 - DIVISION 4 "PARKING AREA DESIGN"		PROPOSED	COMMENTS
<i>Item #7 <u>Section 16-641 (A)</u> "Parking Area Landscape Requirements"</i>	A minimum ten-foot wide landscape strip shall be provided along the property lines parallel to any public or private street and alley (except within the approved exit and entrance ways) when the parking or circulation area abuts such street or alley.	Along north property line: 5 foot min. Along east property line: n/a	A 5-foot minimum wide landscape planter is proposed along the north property line; northern property line has a fence separating from the adjacent property. A 10-foot wide landscape planter along the eastern boundary does not apply since the project has parking driveways having exit and entrance access from the existing alley.
<i>Item #8 <u>Section 16-645 (B)</u> "Location of Parking Space"</i>	All vehicle spaces required for residential uses shall be located no more than the following distances from the units they serve: Visitor parking for condominium -100'	Maximum 184 feet distance, however, the average distance is less than 100 feet. See "Parking Exhibit" for parking distribution.	Per the "Parking Exhibit", the majority of the parking distribution is within reasonable walking distance. Exception to a few of the units fronting South Victoria Avenue and Hemlock Street, where normally, off-site parking in front of the units would be provided.
ARTICLE IV - DIVISION 2 "ATTACHED DWELLING UNIT DEVELOPMENT STANDARDS"		PROPOSED	COMMENTS
<i>Item #9 <u>Section 16-303</u> "Building Heights"</i>	Building height shall be measured from the top of the average curb elevation of the adjacent principal public street	Most units 35 feet max from nearest adjacent principal public street and up to 39 feet in height for a few units on the northeast side of the site	The average curb elevation of South Victoria Avenue and Hemlock Street is approximately 10 feet 5 inches and are the low points on the site. In order to achieve property drainage, the buildings are stepped with the average finished floor at 13 feet. The highest finished floor at 14 feet 5 inches occurs at building type 4 on the east side of the lot and would have a maximum roof height of

			<p style="text-align: center;">39 feet above the average curb elevation of the adjacent public streets.</p>
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d) Site Design: A total of 10 building clusters are proposed with seven units per cluster. Units will front onto either South Victoria Avenue or Hemlock Street or landscaped paseos. A common recreation facility will be provided in the center of the project. Within this area, a tot lot, open lawn area, benches, arbor and fountain plaza will be provided. On the corner of South Victoria Avenue and Hemlock Street, a landscaped pergola, trees, brick and wrought iron monumentation, public art piece, bench, and project signage are proposed as a gateway feature as you drive northbound on South Victoria Avenue from the City of Port Hueneme. Lighting will be designed to comply with the City’s standards conditions of approval for shielding and glare.

e) Circulation and Parking: The proposed project complies with resident and visitor parking requirements contained within the Municipal Code. Each unit will have a two-car garage and 73 visitor parking spaces will be provided. Visitor parking spaces are located within 100 feet of each unit with the exception of buildings immediately adjacent to South Victoria Avenue and Hemlock Street. In these locations, visitor parking spaces are located within 150 to 180 feet from the individual units and in the rear of building 7C.

Vehicular access is provided via a 40-foot wide two-way drive isle off of South Victoria Avenue and a 36-foot drive isle off of Hemlock Street. Access is also available via Newport Weigh which is a public alley located east of the project site. A 25-foot wide access road is provided parallel to the existing masonry wall along the northerly property line on the project site. This wall is proposed to remain and is not anticipated to be impacted by the project. However, a condition of approval has been imposed to require repair to this wall if it is damaged due to construction. Internal streets are 25 feet in width and will provide for adequate and safe vehicular travel.

The proposed condominium project would replace an existing shopping center and service station. According to a trip generation comparative analysis completed by RBF Consulting in March 2007 and confirmed in May 2008, the proposed project is forecast to generate fewer trips than are currently generated by the shopping center and gasoline station located on the project site. The traffic study assumed development of 121 units for the basis of the trip generation analysis. Since initial preparation of the traffic analysis, the unit count has been reduced to 116 units.

To calculate trips forecast to be generated by the proposed condominium project, *Institute of Transportation Engineers (ITE)* 2007 trip generation rates at 5.86-trips/dwelling unit were utilized. The report indicates the following:

- 709 daily trips, which include approximately 53 a.m. peak hour trips and approximately 63 p.m. peak hour trips.

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- 709 daily trips, which include approximately 53 a.m. peak hour trips and approximately 63 p.m. peak hour trips.

- 1,268 less daily trips, which include approximately 66 less a.m. peak hour trips, and approximately 90 less p.m. peak hour trips when compared to the measured trip generation of the shopping center currently located on the project site;
- 1,696 less daily trips, which include approximately 76 less a.m. peak hour trips, and approximately 127 less p.m. peak hour trips compared to if the partially vacant shopping center was fully occupied; and
- 3,595 less daily trips, which include approximately 114 less a.m. peak hour trips, and approximately 305 less p.m. peak hour trips compared to if the project site was occupied by a typically operating shopping center.

f) **Building Design:** The 116 units are proposed to be distributed as follows:

Plan Type, Size, and Quantity		
Plan Type	Square Foot/Plan Type (SF)	Unit Quantity
A	1,187 SF	18
B	1,782 SF	34
C	1,997 SF	43
D	2,173 SF	21
Total Units	--	116

The general plan amendment and zone change to permit the proposed density of 17.7 dwelling units per acre is consistent with the density to the north and east of the project site. The design attempts to provide an urban scale to units facing South Victoria Avenue and Hemlock Street.

A noise assessment study was completed by Veneklasen Associates in March 2007 (see environmental document, Attachment D), and a 24-hour noise survey was performed on the noise levels for the interior and exterior of the proposed project. The measurement for noise was performed at a point on the west side facing South Victoria Avenue and at an elevation of 15 feet where the balconies of the second floor units would be located. The measured levels yielded a CNEL value of 69.3 dBA (as measured at the balcony elevation level). The noise levels were primarily controlled by the traffic on South Victoria Avenue. There are no other major noise producing sources around the site. Desired dBA for outdoor space is 65 dBA and 45 dBA CNEL for interior space. Through standard construction design, interior space for this project will be no greater than 45 dBA.

Patio areas will be provided for each unit within the project. For units facing South Victoria Avenue or Hemlock Street, a modification to the Municipal Code patio space requirement is requested. In order to ensure that patio space is not negatively impacted by vehicular noise on South Victoria Avenue, units facing this roadways will be given the option to have either a 2nd floor patio or enclosed 2nd floor sunroom which will be minimum of 5 feet x 8 feet in width; the Municipal Code requirement for patios is 10 feet x 10 feet. The placement of patio space in this manner will allow views of the adjacent Seabridge Marina and ensure that the code requirement of private recreational space is met while providing future owner's with an

option for how they would like to enjoy their patio/views. In order to ensure design continuum, patios on Hemlock Street are also proposed to be located on the second floor and will also be a minimum of 5 feet x 8 feet in width; sunrooms are not an option on elevations facing Hemlock.

Building architecture will be California Coastal and are proposed to be constructed in subdued pastels. The color of the units will vary by unit to express the individual unit. Wood siding and metal building elements are proposed.

Lighting will be designed to comply with standard City code requirements pertaining to shielding and glare.

- g) Signs:** In combination with public art and landscaping, project signage will be mounted on a 3-foot tall masonry/stucco wall which is proposed on the northeast corner of South Victoria Avenue and Hemlock Street. The applicant will be required to obtain planning approval of the signage prior to installation. A sign program is not required.
- h) Landscaping and Open Space:** The project is providing both private and public recreation space. The project provides and complies with the private interior yard space (IYS) requirement that 30% of the lot area be landscaped. While the project does not meet the 15 feet x 15 feet dimension requirement for private IYS, this area is proposed to be 10 feet x 10 feet except for unit facing South Victoria Avenue and Hemlock Street. The public recreation space is provided within the center of the project, is designed in compliance with the City's attached dwelling unit standards and will provide 9,000 sq. ft. of recreation open space. The public right-of-ways that are adjacent to the site will be improved to match the streetscape design to the north and east of the project site and will also provide public green space.
- i) Quimby, School Fees, Traffic Impact Fees, and Art in Public Places:** As a residential project, the developer must pay a Quimby fee to offset the project's effect on local parks. School fees to the Oxnard High School District and Oxnard Elementary School District are required to offset the project's effects on local schools. Traffic Impact fees are required to offset effects on local and County roads. Additionally, the project must pay into the Art in Public Places fund. All of these fees will be calculated at the time of building permit issuance based on adopted formulas.
- j) Affordable Housing:** On August 25, 2004, the Community Development Commission granted a request to pay an in-lieu affordable housing fee for the project. Since a complete application was not submitted to the Planning Department until after December 2004, the average sales price minimum and/or in lieu fee may be increased, based on possible City Council/Community Development Commission action.

7) Development Advisory Committee Consideration: The Development Advisory Committee (DAC) reviewed this project on September 13, 2006, and April 14th, June 13th and August 1st, 2007. Significant changes were made to the project's mix, number of dwelling units,

architecture and floor plan based on DAC input. The DAC recommended conditions in the attached resolution.

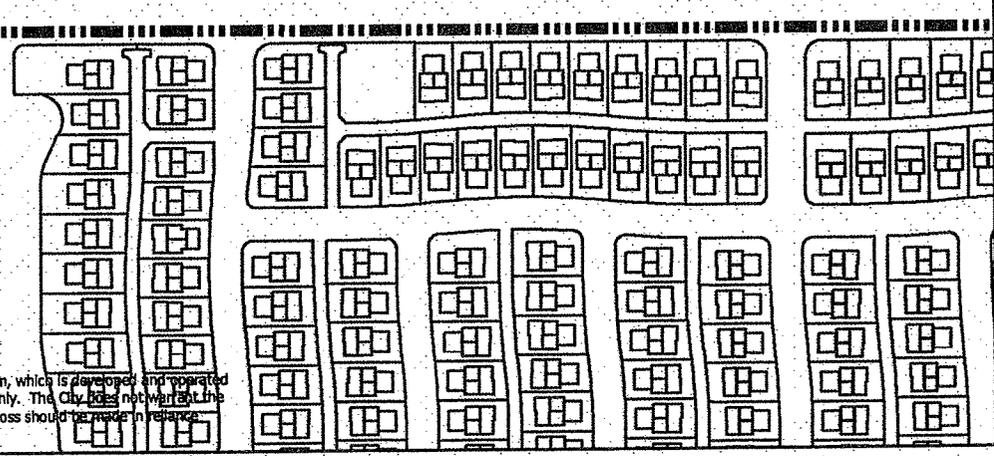
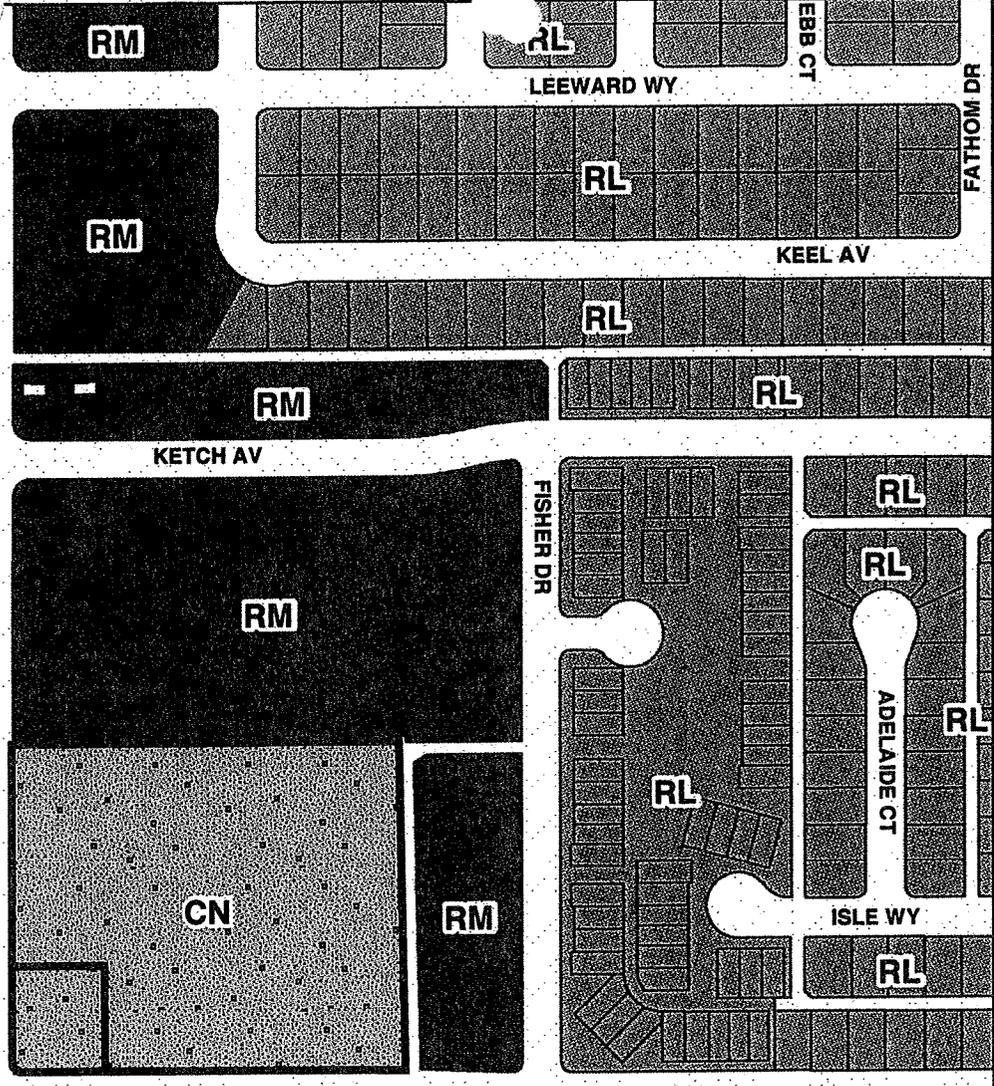
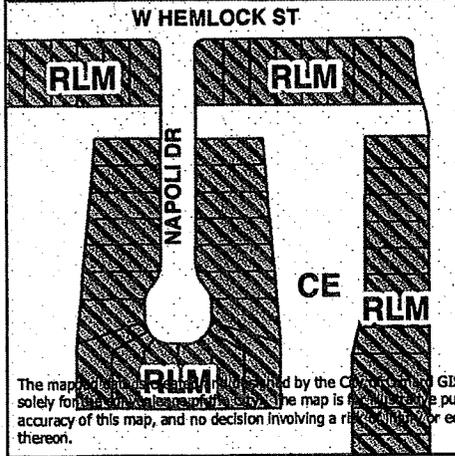
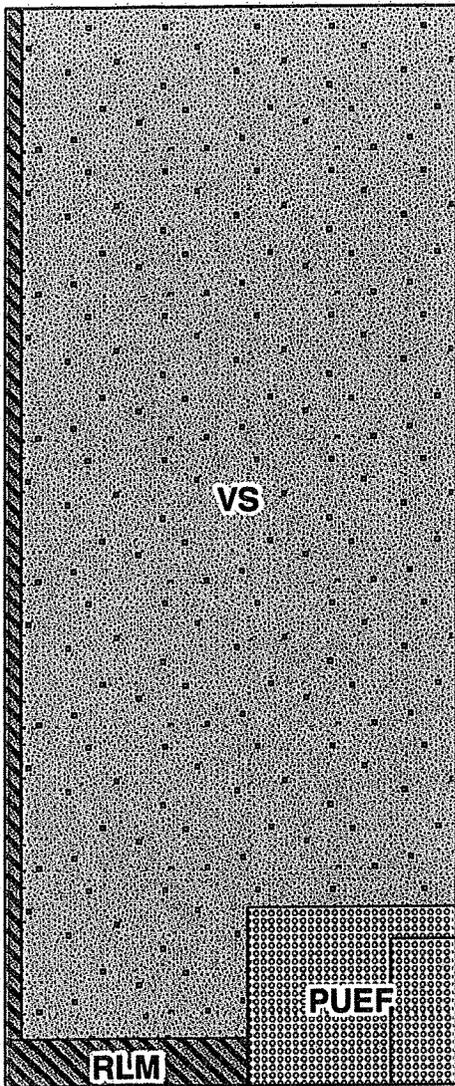
- 8) Community Workshop:** The proposed project was put on the agenda for the January 28, 2008 Community Workshop. The Applicant mailed notices to the Via Marina Neighborhood and posted the site for the Community Workshop on January 18, 2008. Three people attended the workshop for this project. The majority of the comments were regarding the number of units proposed and the associated increase of traffic on South Victoria Avenue.
- 9) Appeal Procedure:** In accordance with Section 16-545 of the City Code, the Planning Commission's decision may be appealed to the City Council within 18 days.

Attachments:

- A. Maps (Vicinity, General Plan, Zoning)
- B. Reduced set of project plans (September 2007)
- C. ERA Study November 2005
- D. Mitigated Negative Declaration No. 07-07
- E. Letters received on IS/MND
- F. RBF Update Letter May 7, 2008
- G. Special Use Permit Resolution
- H. Tentative Subdivision Map Resolution
- I. General Plan Amendment Resolution
- J. Zone Change Resolution

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

**ATTACHMENT A – Maps
(Vicinity, General Plan, Zoning)**



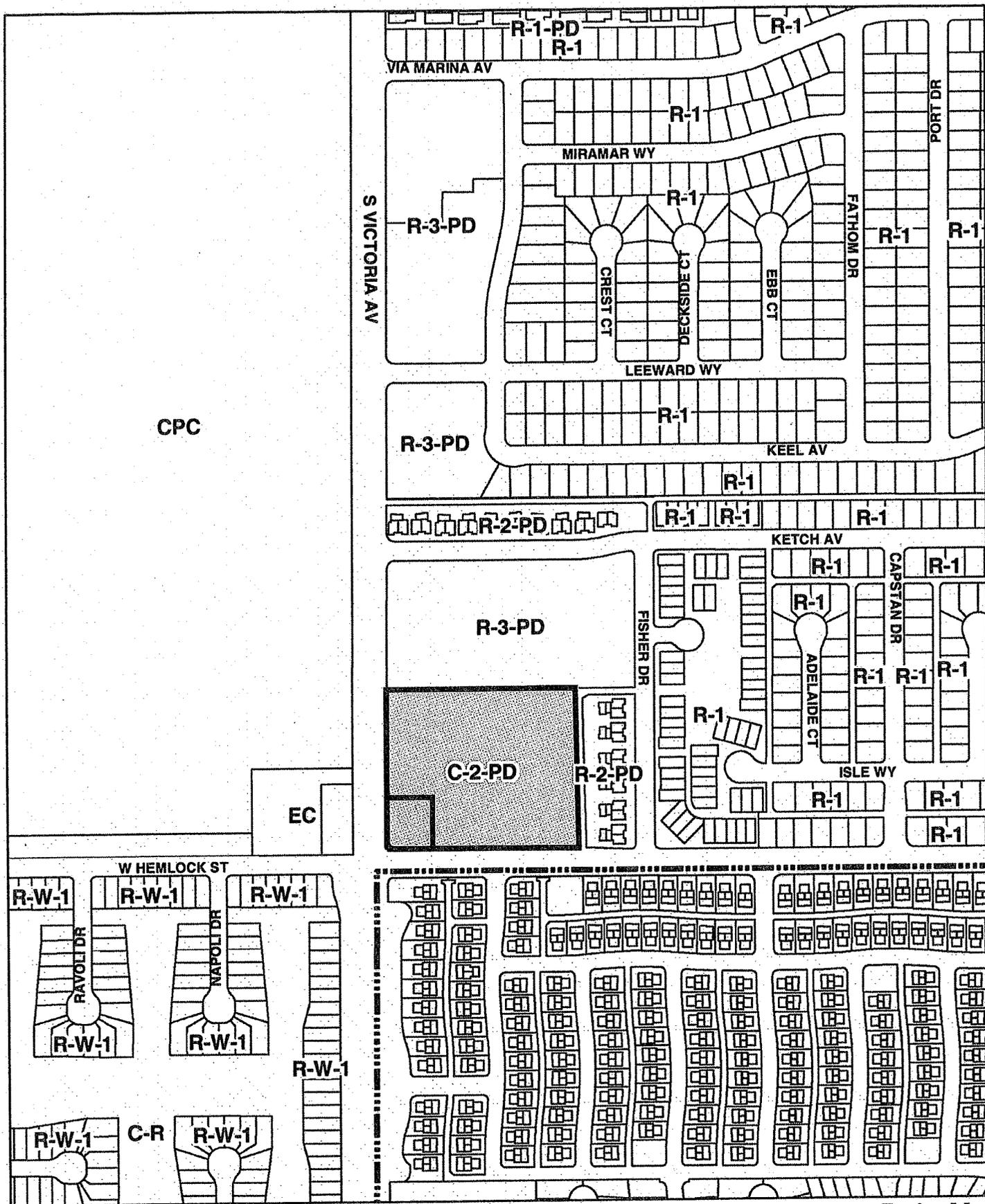
The map is prepared by the City of Orange County GIS Program, which is developed and operated solely for informational purposes. The map is not intended for legal purposes. The City does not warrant the accuracy of this map, and no decision involving a risk of injury or economic loss should be made in reliance thereon.

PZ 05-300-03

Legend

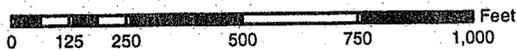
-  COMMERCIAL NEIGHBORHOOD
-  PUBLIC UTILITY/ENERGY FAC
-  RESIDENTIAL LOW
-  RESIDENTIAL LOW MEDIUM
-  RESIDENTIAL MEDIUM
-  VISITOR SERVING

General Plan Map

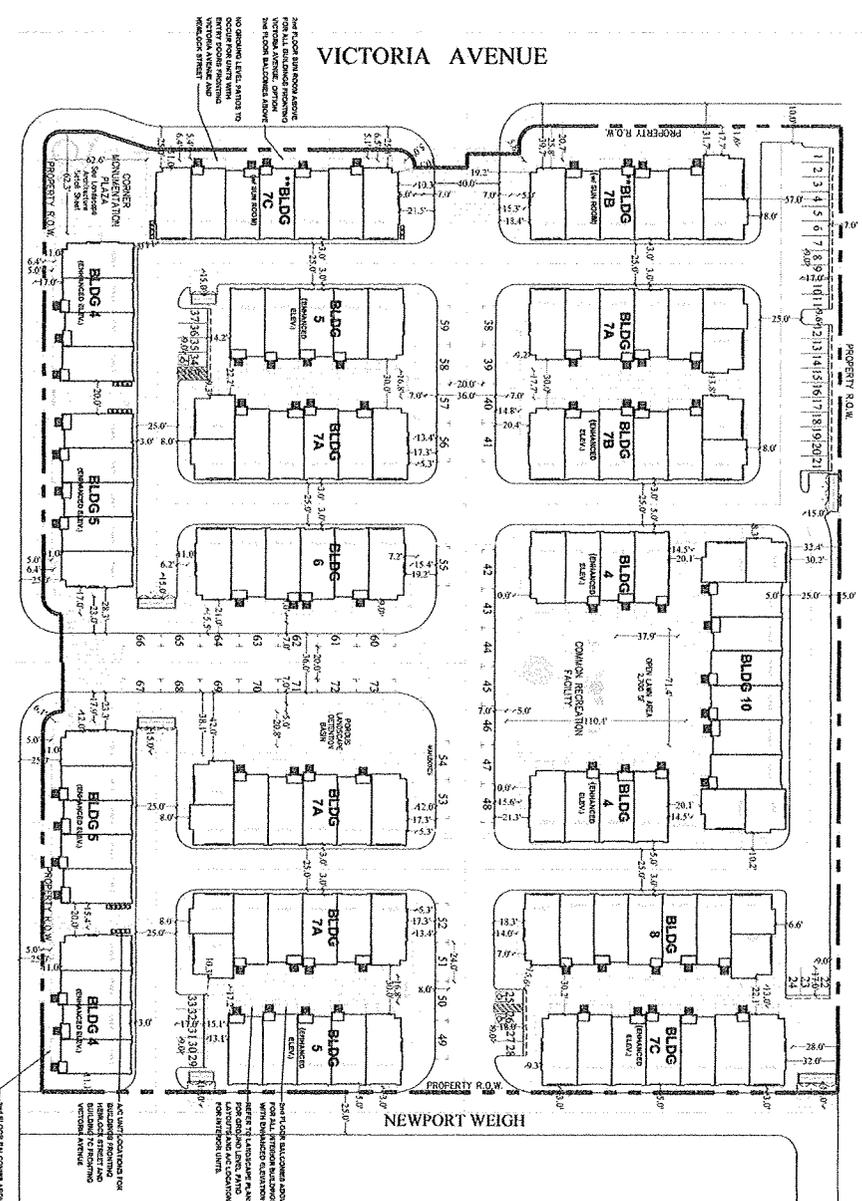


Zoning Map

PZ 05-300-03



ATTACHMENT B
Reduced set of project plans



NOTES:

TOTAL PROJECT AREA: 7.72 ACRES
 GROSS: 6.56 ACRES
 NET: 6.56 ACRES

EXISTING GENERAL PLAN DESIGNATION: NEIGHBORHOOD COMMERCIAL

PROPOSED GENERAL PLAN DESIGNATION: MEDIUM DENSITY RESIDENTIAL (13 - 18 DU/ACRE)

PROPOSED DENSITY: 177 DU/ACRE

EXISTING ZONING: C-2 (COMMERCIAL)

PROPOSED ZONING: R-2.5 (GARDEN APARTMENTS PLAN DEVELOPMENT)

EXISTING LAND USE: GAS STATION AND COMMERCIAL SHOPPING CENTER (116 HOMES)

PROPOSED LAND USE: RESIDENTIAL (116 HOMES)

PROPOSED UNIT SERIES: PLAN 1 (1,147 SF) = 18 HOMES
 PLAN 2 (1,172 SF) = 34 HOMES
 PLAN 3 (1,197 SF) = 43 HOMES
 TOTAL: 95 HOMES

PROPOSED BUILDING HEIGHT: MAXIMUM 35' FROM FINISHED FLOOR HEIGHT

PROPOSED COMMON RECREATION FACILITY: CHILDREN'S PLAY AREA * CORNER MONUMENT PLAZA

PROPOSED OPEN SPACE: (See Open Space Schedule)

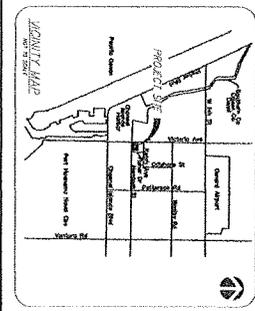
PROPOSED OPEN SPACE: OPEN LAWN AREA = 2,700 S.F. (MIN. 30' DIMENSION)
 INTERIOR YARD SPACE (MIN. 10' DIMENSION) = 8,244 S.F. @ 50% = 4,122 S.F. OPEN LAWN AREA
 8,244 S.F. @ 25% = 2,061 S.F. OPEN LAWN AREA
 8,244 S.F. @ 20% = 1,649 S.F. OPEN LAWN AREA

PROPOSED SETBACKS (ALLEY LOADED):
 FRONT YARD: ALONG PROPOSED WEST PROPERTY LINE (P.L.): MIN. 5' FROM P.L. TO OUTDOOR SPACES
 MIN. 10' FROM P.L. TO LIVING AREA
 MIN. 25' FROM BACK OF CURB TO LIVING AREA
 ALONG PROPOSED SOUTH PROPERTY LINE: MIN. 5' FROM P.L. TO OUTDOOR SPACES
 MIN. 15' FROM P.L. TO LIVING AREA
 MIN. 25' FROM BACK OF CURB TO LIVING AREA
 ALONG PROPOSED NORTH PROPERTY LINE: MIN. 25' FROM P.L. TO LIVING AREA
 ALONG PROPOSED EAST PROPERTY LINE: MIN. 5' FROM P.L. TO LIVING AREA
 MIN. 3' FROM P.L. TO PROJECTION AT 2ND & 3RD FLR

REAR YARD: PROVIDED

PARKING: REQUIRED:
 2 RESIDENTIAL SPACES DWELLING UNIT FOR THE FIRST FLOOR UNITS AND 3 SPACES FOR THE NUMBER OF UNITS ON 5th FLR
 = (212) + (30) + (116-50) * 3) = 505
 = 231 (DU) - 71 (VISITOR) = 160
 (SEE SCHEDULE FOR OPEN SPACE, FIELD, AND OPEN AREA)

** NOTE: ALL FRONT YARD SETBACKS, WITH EXCEPTIONS, ARE TO BE MEASURED FROM THE FACE OF THE EXISTING FOUNDATION OF THE BUILDING. THE FACE OF THE FOUNDATION OF THE BUILDING SHALL BE THE FACE OF THE FOUNDATION OF THE BUILDING.

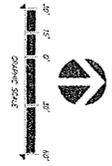


A-1

SITE PLAN

Victoria Avenue
 Oxnard, California

TUCKER INVESTMENT GROUP, INC.
 8701 N. Parkway Calabasas, Suite 105
 Calabasas, CA 91302
 Contact: Anthony N. DeMaio
 Tel: (818) 223-9489

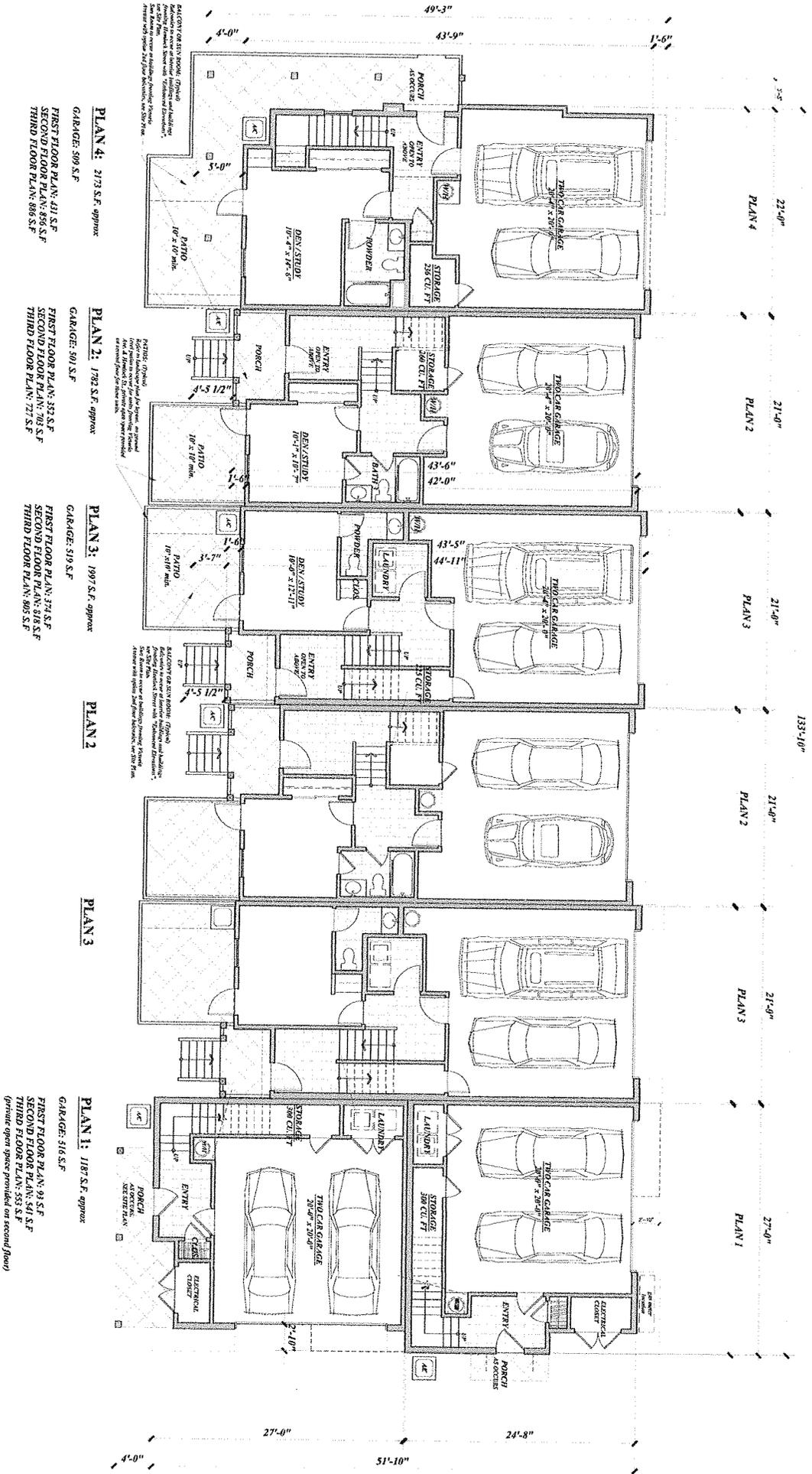


KTGY GROUP, INC.
 ARCHITECTURE
 14411 BAYVIEW STREET, SUITE 200
 VAN NUYS, CA 91411
 TEL: (818) 708-2823 FAX: (818) 708-2823
 ALL RIGHTS RESERVED
 20050915 September 4, 2007

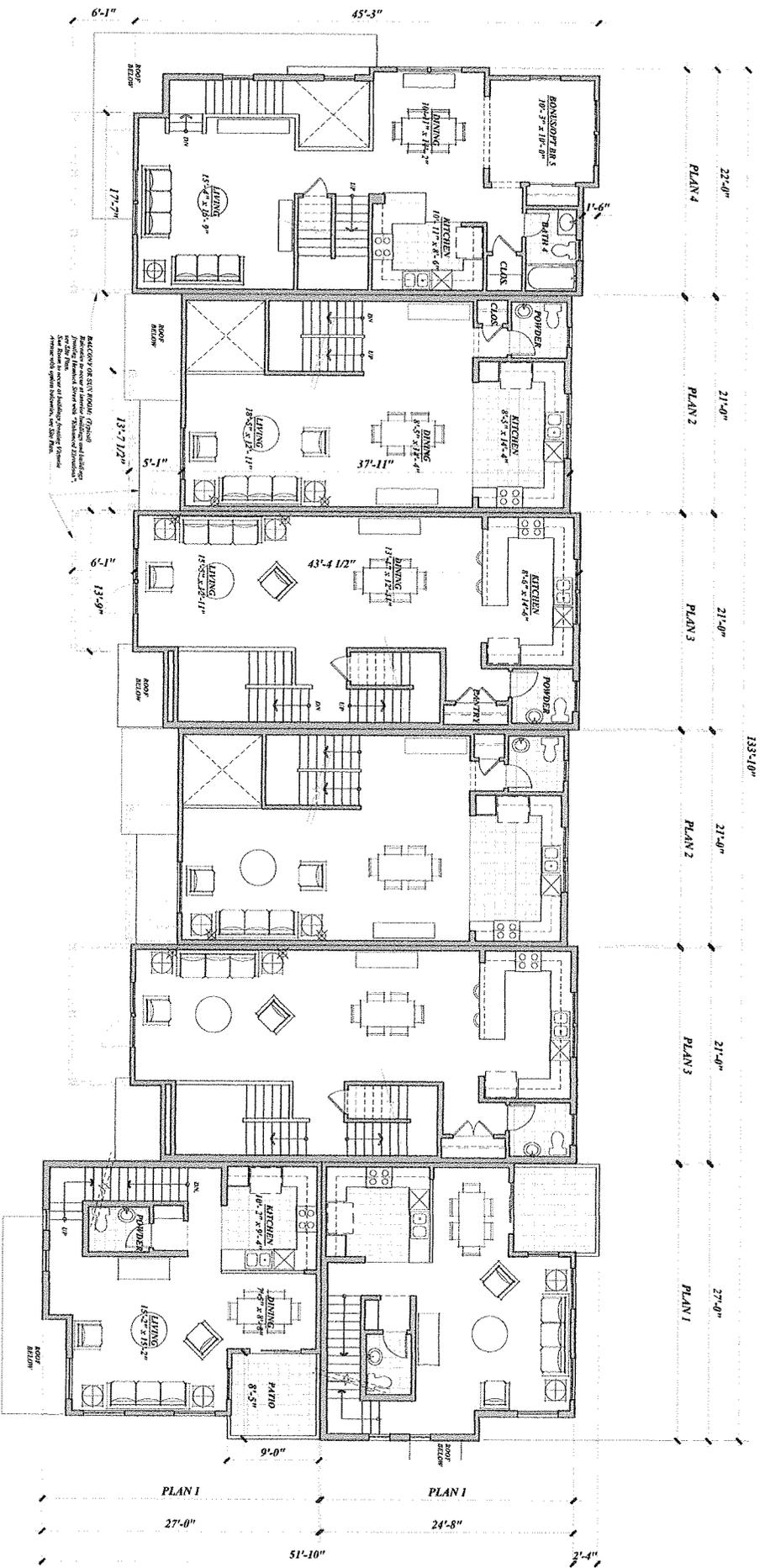
Victoria Avenue
 Oxnard, California



BUILDING 7A - FIRST FLOOR PLAN
 TYPICAL SEVEN-PLEX



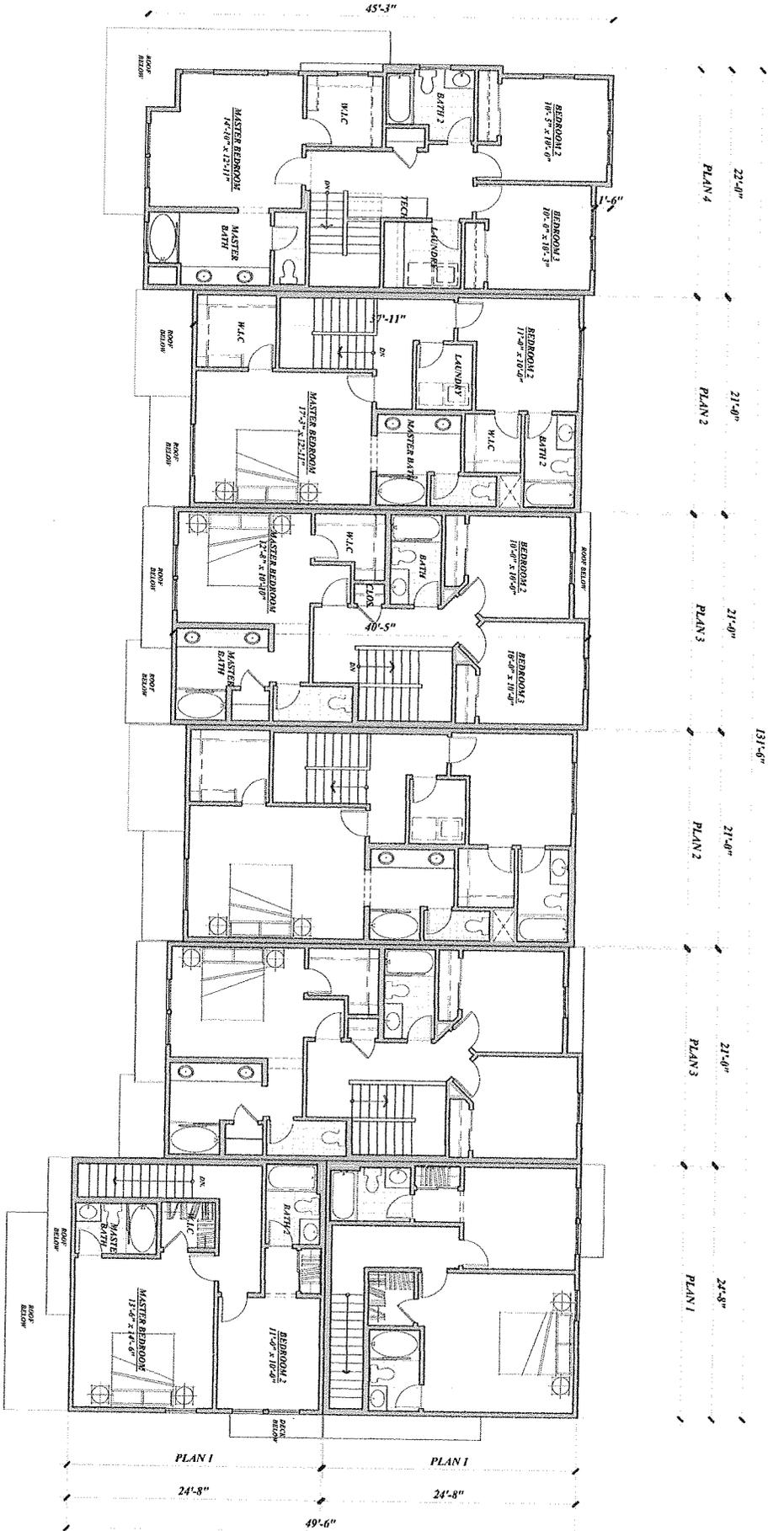
23'-0" PLAN 4
 21'-0" PLAN 2
 21'-0" PLAN 3
 133'-10"
 21'-0" PLAN 2
 21'-0" PLAN 3
 27'-0" PLAN 1



BUILDING 7A - SECOND FLOOR PLAN
TYPICAL SEVEN-PLEX

Victoria Avenue
Oxnard, California

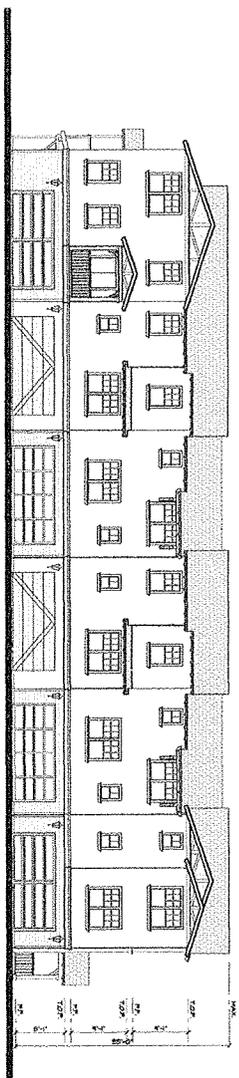




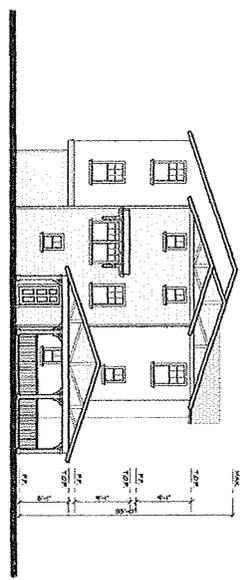
**BUILDING 7A - THIRD FLOOR PLAN
 TYPICAL SEVEN-PLEX**

**Victoria Avenue
 Oxnard, California**

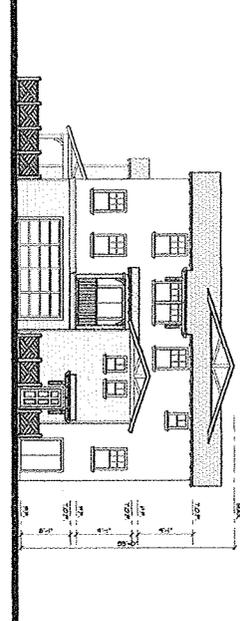




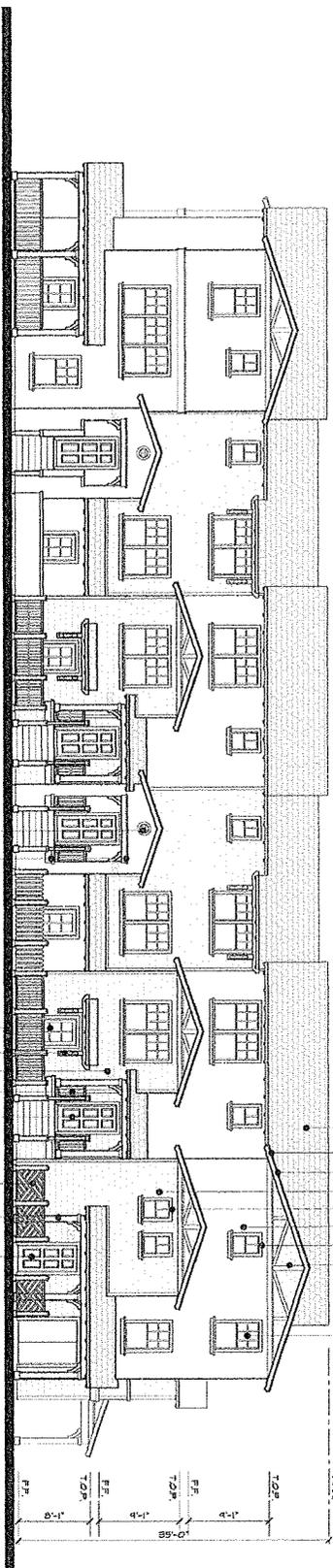
REAR SCALE 1/8" = 1'-0"



LEFT SCALE 1/8" = 1'-0"



RIGHT SCALE 1/8" = 1'-0"



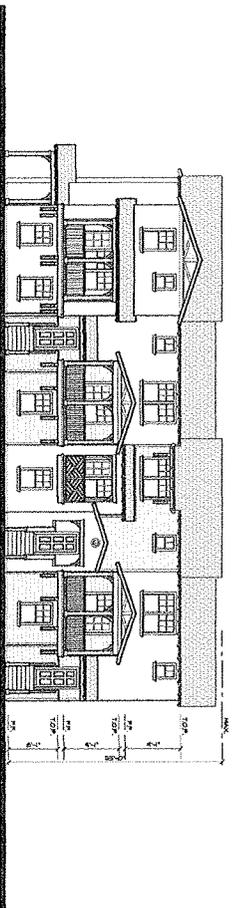
FRONT

BUILDING 7A (7-PLEX TYPICAL ELEVATION)

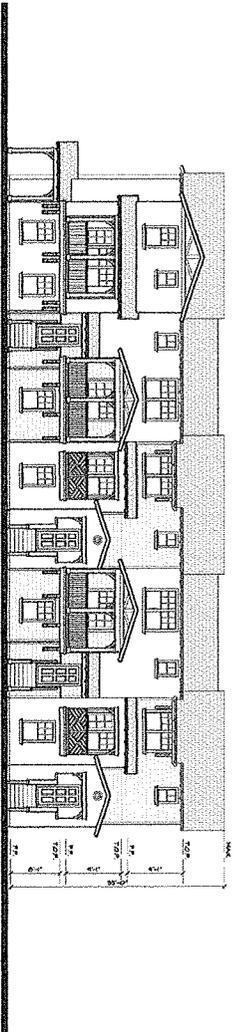
- MATERIAL NOTES**
1. SLAB CONCRETE FILL ROOF
 2. 1/2" EXPOSED RAFTER TIE LAYS
 3. 1/2" OVERLAPPING TIE LAYS
 4. 1/2" OVERLAPPING TIE
 5. HAND TRIMED FRODO
 6. OSB/EXPOSED WOOD SHINK 1/2" SHIM
 7. 2X4 STUDS
 8. 2X4 STUDS
 9. 2X4 STUDS
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Victoria Avenue
 Oxnard, California

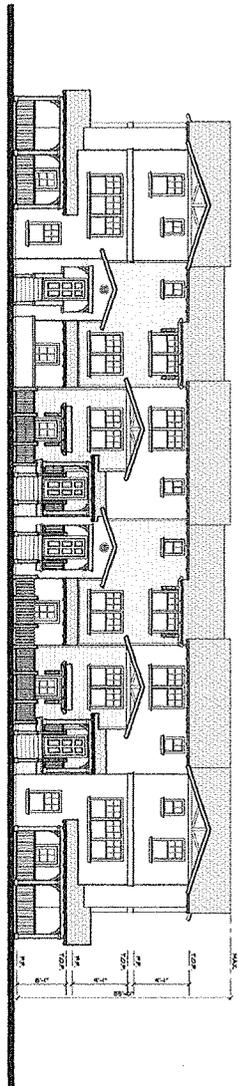




BUILDING 4 (4-PLEX ENHANCED ELEVATION)



BUILDING 5 (5-PLEX ENHANCED ELEVATION)



BUILDING 6 (6-PLEX TYPICAL ELEVATION)

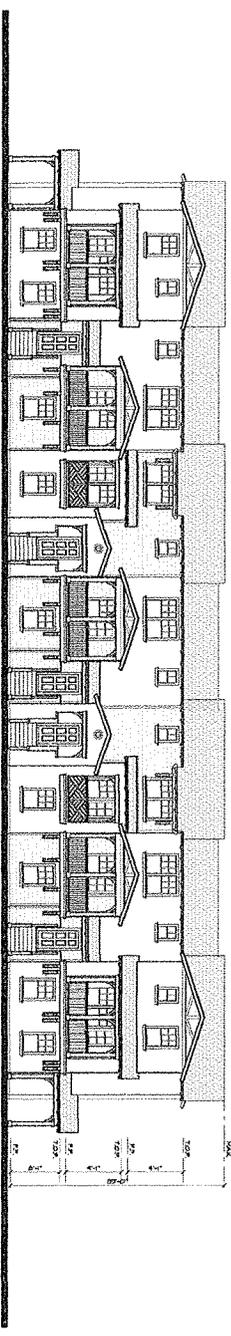
Victoria Avenue
Oxnard, California

TIG TUCKER INVESTMENT GROUP, INC.
5010 N. Parkway Calabasas, Suite 106
Calabasas, CA 91302
Contact: Anthony N. Decker
Tel: (818) 250-9498

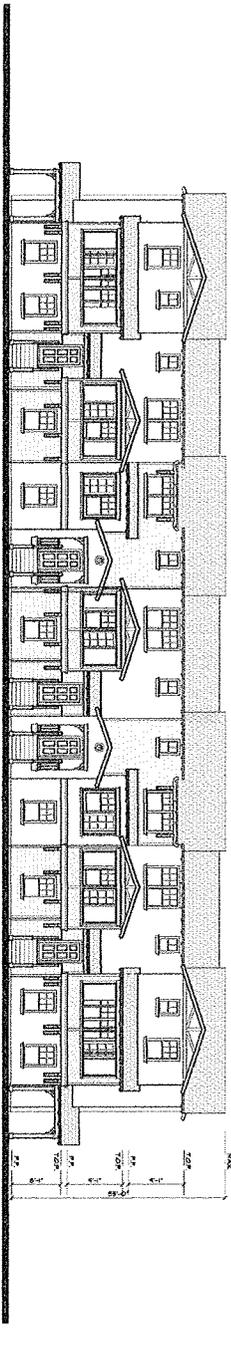


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ARCHITECTURE PLANNING
1477 5th STREET, SUITE 300
SANTA MONICA, CA 90401
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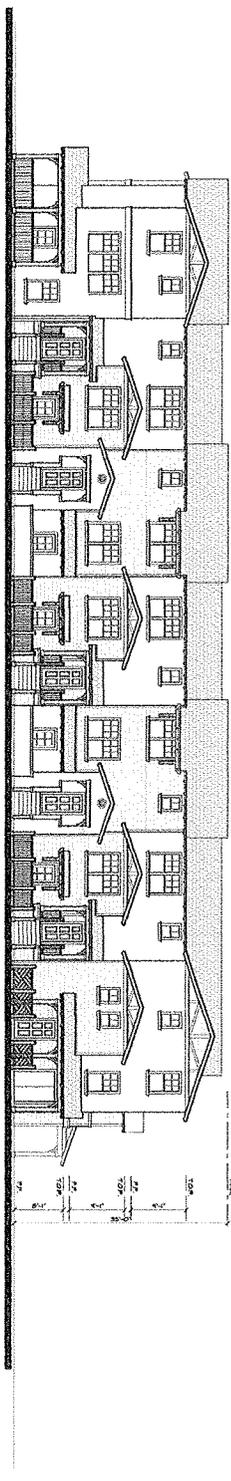
20050915 September 4, 2007



BUILDING 7C (7-PLEX ENHANCED ELEVATION)



BUILDING 7C (7-PLEX W/ SUN ROOM)



BUILDING 8 (8-PLEX TYPICAL ELEVATION)

A-11

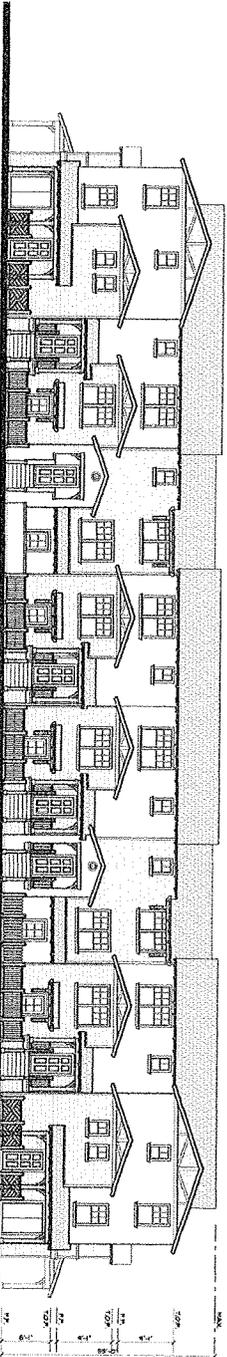
TIG TUCKER INVESTMENT GROUP, INC.
 5410 N. Parkway, Oceanside, Suite 105
 Oceanside, CA 92052
 Contact: Anthony N. DeCaro
 Tel: (619) 223-9499

Victoria Avenue
 Oxnard, California



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 ARCHITECTURE PLANNING
 3411 9th Street, Suite 300
 Santa Monica, CA 90405
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SCALE 1/8" = 1'-0"

BUILDING 10 (10-PLEX TYPICAL ELEVATION)

A-11a

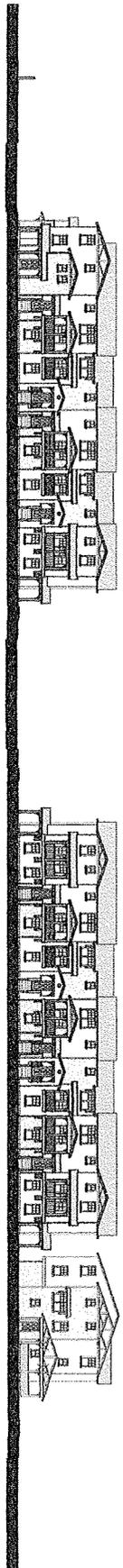
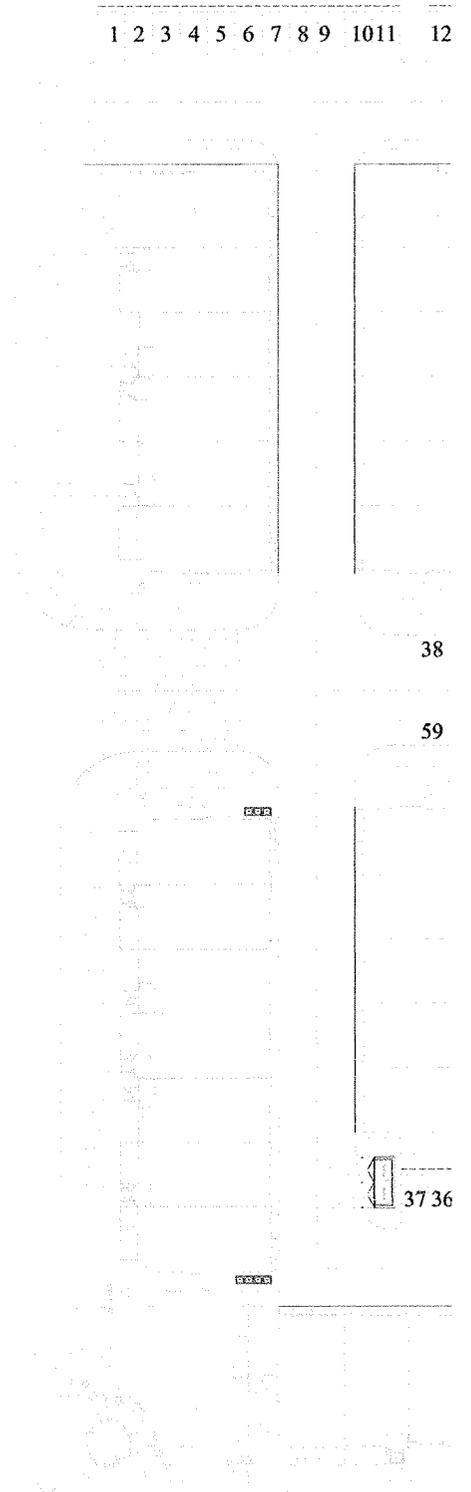
TIG TUCKER INVESTMENT GROUP, INC.
 5010 N. Parkway Calabasas, Suite 105
 Calabasas, CA 91302
 Contact: Anthony N. DeFau
 Tel: (818) 225-9489

Victoria Avenue
 Oxnard, California



KTGY GROUP
 ARCHITECTURE
 1611 50th STREET SUITE 300
 SANTA MONICA, CA 90401
 TEL: (310) 394-2822 FAX: (310) 394-2828
 WWW.KTGYGROUP.COM
 20050915 September 4, 2007

1 2 3 4 5 6 7 8 9 10 11 12



VICTORIA AVENUE
STREET SCENE

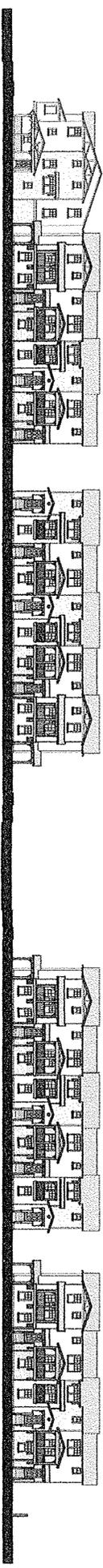
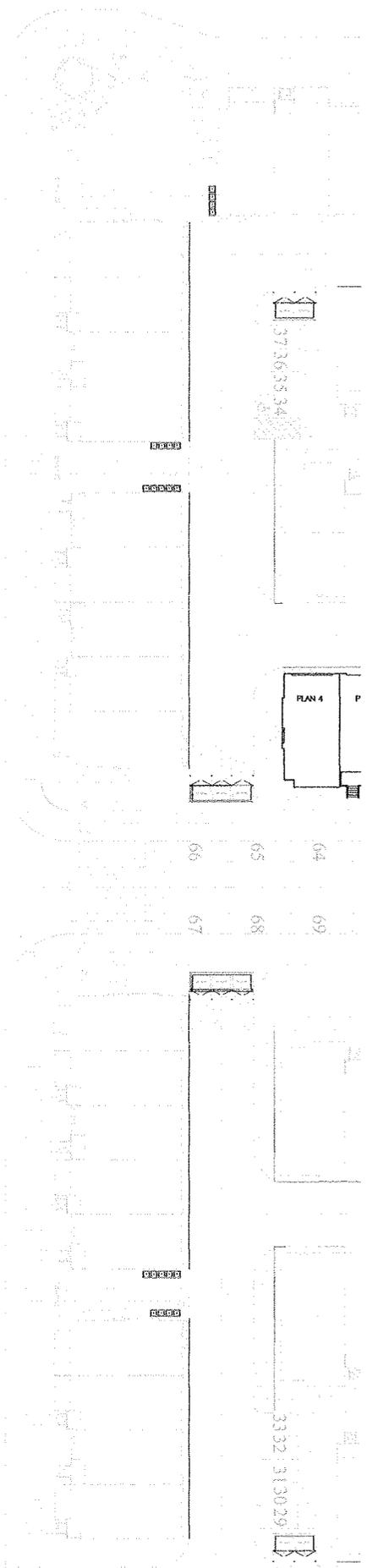
Victoria Avenue
Oxnard, California

A-12

TIG TUCKER
INVESTMENT
GROUP, INC.
5010 N. Parkway, Calabasas, Suite 105
Calabasas, CA 91302
Tel: (818) 223-2449



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Oxnard, CA 91320
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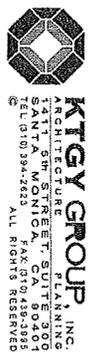
HEMLOCK STREET
STREET SCENE

A-13

Victoria Avenue
Oxnard, California

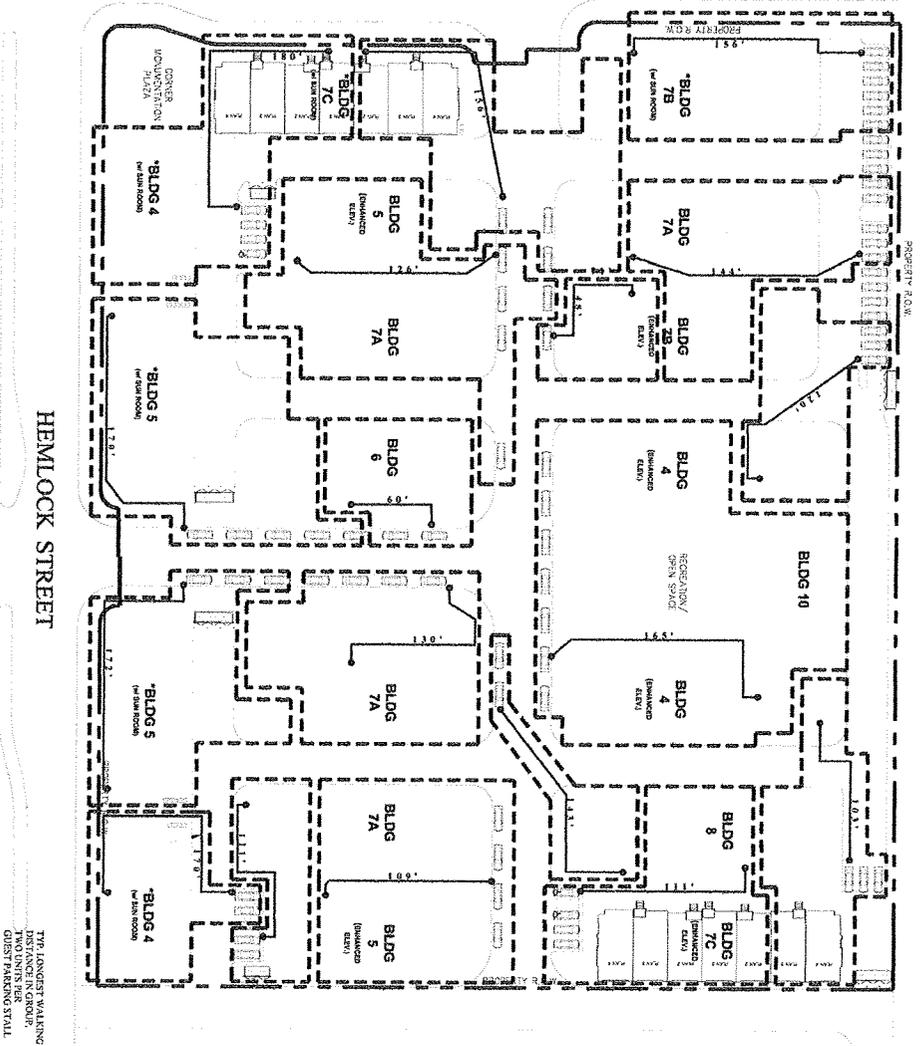


TUCKER INVESTMENT GROUP, INC.
5010 A Street, Oxnard, CA 91322
Contact: Anthony N. DeLuca
Tel: (818) 223-8489



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ARCHITECTURE PLANNING
3411 9th Street, Suite 300
Oxnard, CA 91320
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September 4, 2007

VICTORIA AVENUE



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GUEST PARKING EXHIBIT

Victoria Avenue
Oxnard, California



TUCKER INVESTMENT GROUP, INC.
8010 N. PARKWAY CALIFORNIA, SUITE 100
CALIFORNIA, CA 91302
Contact: Anthony N. Dekan
Tel: (818) 223-9499



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1411 5th STREET, SUITE 300
SANTA MONICA, CA 90401
Tel: (310) 314-2692 ALL RIGHTS RESERVED
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TYPICAL PATIO WITH
3' H. WALL
ENCLOSURE AND
GATE

TURF AREA
2,500 S.F.
(per DAC comment # 5)

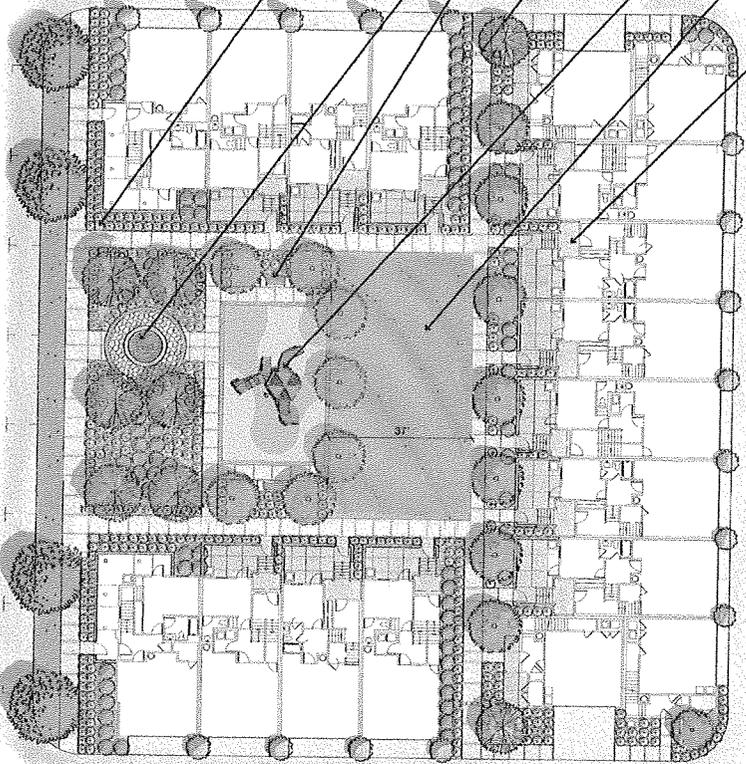
TOT LOT WITH
ACCESSIBLE
SURFACING
(43' x 39')

ARBOR
(SEE ELEVATION SHT. 1.2)

BENCHES

FOUNTAIN PLAZA
(65' x 35')
(per DAC comment # 5b)

LOW ENTRY
PLASTER



MAIN RECREATION AREA (9,000 S.F.)

SCALE: 1"=10'

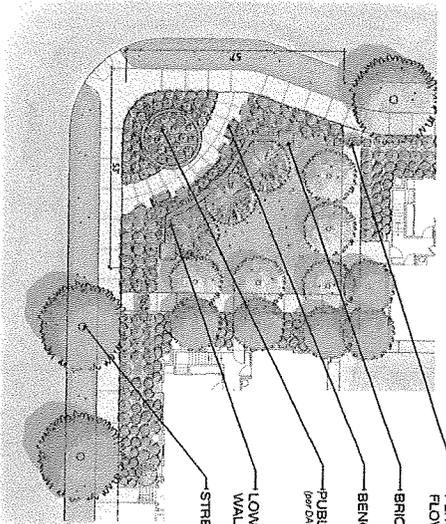
TOTAL S.F. FOR PUBLIC RECREATION AREA

MAIN RECREATION AREA: 9,000 S.F. (INCLUDES 2,500 S.F. TURF)

CORNER PLAZA: 3,500 S.F.

TOTAL: 12,500 S.F.
(per DAC comment # 7)

CORNER MONUMENTATION PLAZA WITH PUBLIC ART (3,500 S.F.)
SCALE: 1"=10'



PERGOLA WITH
FLOWERING VINES

BRICK PLASTER

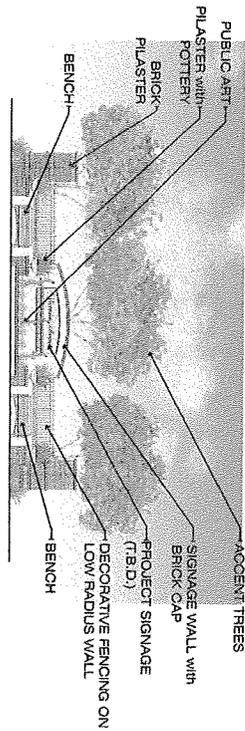
BENCH

PUBLIC ART PIECES
(per DAC comment # 14)

LOW BRICK PLANTER
WALL

STREET TREE

CORNER MONUMENTATION ELEVATION WITH PUBLIC ART
SCALE: 3/8"=1'-0"



ACCENT TREES

SIGNAGE WALL WITH
BRICK CAP

PROJECT SIGNAGE
(T.B.D.)

DECORATIVE FENCING ON
LOW RADIUS WALL

BENCH

RECREATION AREA and CORNER MONUMENTATION ENLARGEMENTS