Meeting Date: 5 / 17 / 2011

ACTION	TYPE OF ITEM
☐ Approved Recommendation	☐ Info/Consent
☐ Ord. No(s). _____	☐ Report
☐ Res. No(s). _____	☒ Public Hearing
☐ Other _____	☐ Other _____

Prepared By: Brian Foote, AICP, Associate Planner Agenda Item No. L-1

Reviewed By: City Manager City Attorney SMF Finance Other *(Specify)*: Housing

DATE: May 2, 2011

TO: City Council

FROM: Susan L. Martin, AICP, Planning Manager
Development Services Department

SUBJECT: **The Paseo Nuevo Affordable Housing Project – Planning & Zoning Permit Nos. 11-570-01 (Zone Change), 11-535-01 (Density Bonus), and 11-540-01 (Planned Development) Located at 5637 – 5727 Cypress Road. Filed by McCarthy Companies, agent for Ramona Property Partners LLC.**

RECOMMENDATION

That City Council:

1. Approve the first reading by title only and subsequent adoption of an ordinance approving a Zone Change (PZ No. 11-570-01) from R-1-PD and RPD to R-2-PD for the Paseo Nuevo affordable housing project, subject to the conditions set forth in Planning Commission Resolution No. 2011-22.
2. Adopt a resolution approving the Density Bonus (PZ No. 11-535-01) for the Paseo Nuevo affordable housing project, subject to the conditions set forth in Planning Commission Resolution No. 2011-20.
3. Adopt a resolution upholding the Planning Commission's approval of the Planned Development (PZ No. 11-540-01) for the Paseo Nuevo affordable housing project, subject to the conditions set forth in Planning Commission Resolution No. 2011-21.

DISCUSSION

The subject site is a developed 4.93-acre parcel located at 5637 to 5727 Cypress Road (see Attachment 1). The applicant requests a zone change to modify the existing R-1-PD (Single-Family Zone) and RPD (Residential Planned Development) zone designations to R-2-PD (Multiple-Family Zone) to accommodate the proposed development. This project consists of 12 two-story structures with a total of 72 affordable apartments, a building for community rooms, and numerous on-site amenities. The Oxnard Housing Authority will own and operate the 72 apartments as affordable units for low and very-low income households. The proposal will conform to the R-2-PD zoning and development standards on the subject property, with the exception of specified reductions to the side and rear setbacks, and dimensions of 2nd-floor balconies (for which concessions are requested in accordance with State affordable housing law).

At the Planning Commission hearing on April 21, 2011, several residents and other interested persons expressed comments in favor and opposed to the proposed density, on-site community services, crime rate, design and architecture, need for affordable housing, traffic and parking, and the potential for noise impacts. The Commissioners commented favorably on the density, architecture and solar panels, on-site community services, the project as in-fill development, traffic improvements including a new median in Cypress Road, and the need for affordable housing in the City. The Commissioners unanimously approved the project.

The Planning Commission adopted Resolution Nos. 2011-20 and 2011-22 recommending approval of the proposed zone change to R-2-PD and the density bonus, and adopted Resolution No. 2011-21 approving Planning & Zoning Permit No. 11-540-01 (Planned Development). The Commission considered and approved the following concessions from development standards that were requested pursuant to State affordable housing law: reduced side yard setback, reduced rear yard setback, and permit a reduction to the width requirement for the second-floor balconies. The Planning Commission staff report and resolutions are attached (see Attachments 5 & 6).

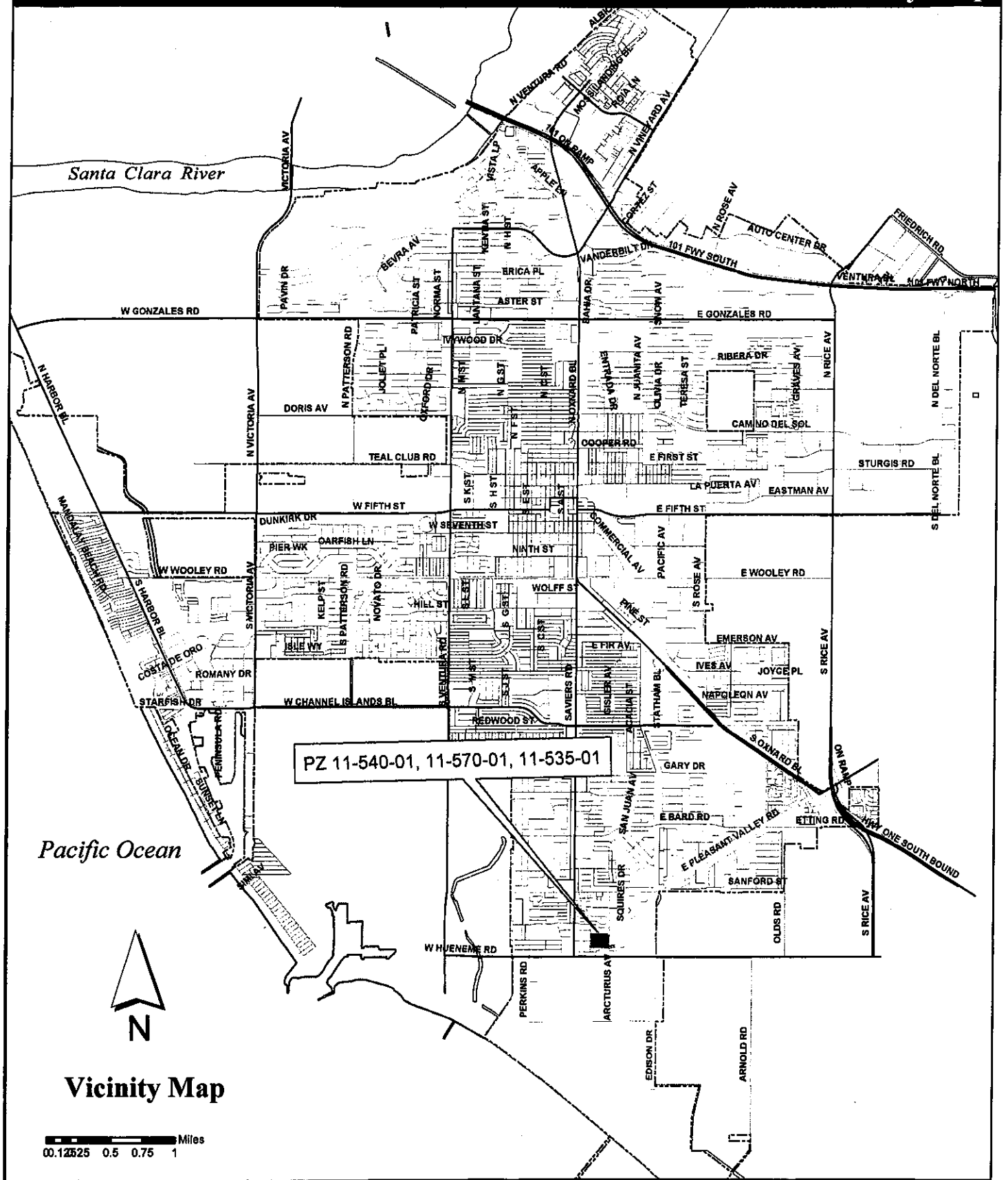
FINANCIAL IMPACT

Traffic impact fees will be paid to off-set impacts on local roads, Parks fees will be paid to compensate for off-site impacts on City parks, and Art in Public Places in-lieu fees will be paid to provide for future public art displays. This project will result in various financial benefits to the City, including additional property taxes.

Attachment 1 - Location Map
2 - City Council Ordinance, Zone Change (PZ 11-570-01)
3 - City Council Resolution, Density Bonus (PZ 11-535-01)
4 - City Council Resolution, Planned Development (PZ 11-540-01)
5 - Planning Commission Resolutions
6 - Planning Commission Staff Report

Note: Attachment Nos. 5 and 6 have been provided to the City Council under separate cover. Copies are available for review at the Help Desk in the Library after 9:00 a.m. on the Saturday prior to the Council meeting, and at the City Clerk's Office after 8:00 a.m. on the Monday prior.

Vicinity Map



Vicinity Map

Oxnard Planning *February 7, 2011*	PZ 11-540-01, 11-570-01, 11-535-01 Location: 5693-5721 Cypress Av APN: 222007011,222007019, 222007015, 222007018, 222001016 Ramona Properties	ATTACHMENT 1 PAGE 1 OF 1

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO.

ORDINANCE OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 11-570-01 (ZONE CHANGE) FOR PROPERTY LOCATED AT 5637 – 5727 CYPRESS ROAD (APN'S: 222-0-070-110, -155, -190) CHANGING THE ZONING DESIGNATION TO MULTPLE-FAMILY RESIDENTIAL PLANNED DEVELOPMENT (R-2-PD) SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY McCARTHY COMPANIES ON BEHALF OF RAMONA PROPERTY PARTNERS LLC, 633 VENTURA BOULEVARD, OXNARD, CA 93036.

WHEREAS, on April 21, 2011, the Planning Commission of the City of Oxnard considered an application for the Paseo Nuevo affordable housing project for property located at 5637 – 5727 Cypress Road, filed by McCarthy Companies on behalf of Ramona Property Partners LLC, and adopted Resolution No. 2011-22 recommending approval of Planning and Zoning Permit No. 11-570-01 (Zone Change); and

WHEREAS, on April 21, 2011, the Planning Commission of the City of Oxnard adopted Resolution No. 2011-21 approving Planning and Zoning Permit No. 11-540-01 (Planned Development) to entitle the Paseo Nuevo affordable housing project with 72 affordable dwelling units; and

WHEREAS, the zoning of the subject property is Single-Family Residential (R-1-PD) and Residential Planned Development (RPD), and in order for the project to be approved, the zoning of the subject parcel must be amended to Multiple-Family Residential Planned Development (R-2-PD); and

WHEREAS, the City Council carefully reviewed Planning Commission Resolution No. 2011-22 recommending approval of Zone Change No. 11-570-01; and

WHEREAS, the City Council has held a public hearing and received and reviewed written and oral comments related to proposed Planning and Zoning Permit No. 11-570-01; and

WHEREAS, the City Council finds that the zone change is consistent with the 2020 General Plan; and

WHEREAS, the City Council finds after due study and deliberation that the public interest and general welfare require the adoption of Planning and Zoning Permit No. 11-570-01; and

WHEREAS, the California Environmental Quality Act (CEQA) provides a statutory exemption pursuant to CEQA Guidelines sections 15192 and 15194 for construction of affordable housing projects in urban areas and a categorical exemption in-fill development pursuant to State CEQA Guidelines section 15332, and all findings for these exemptions can be made; and

WHEREAS, Applicants agree, as a condition of adoption of this resolution at each Applicant's own expense, to indemnify, defend, and hold harmless City and its agents, officers, and employees from and against any claim, action or proceeding to attack, review, set aside, void, or annul the approval of this resolution or any proceedings, acts, or determination taken, done, or made prior thereto that were part of the approval process.

NOW, THEREFORE, the City Council of the City of Oxnard does ordain as follows:

Part 1. The zoning governing the property identified as Assessor's Parcel Numbers 222-0-070-110 and 222-0-070-190, as shown on the map on file with the City Clerk, is changed from Single-Family Residential (R-1-PD) to Multiple-Family Residential Planned Development (R-2-PD). The zoning governing the property identified as Assessor's Parcel Number 222-0-070-155, as shown on the map on file with the City Clerk, is changed from Residential Planned Development (RPD) to Multiple-Family Residential Planned Development (R-2-PD).

Part 2. Pursuant to Government Code Section 65863.5, the City Clerk shall mail a copy of this ordinance to the Assessor of Ventura County within thirty (30) days from the adoption of this ordinance.

Part 3. Within fifteen (15) days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation, published and circulated in the City. Ordinance No. _____ was first read on May 10, 2011, and finally adopted on _____, 2011, to become effective thirty (30) days thereafter.

PASSED AND ADOPTED this ___ day of May, 2011, by the following vote:

AYES:

NOES:

ABSENT:

_____
Dr. Thomas E. Holden, Mayor

ATTEST:

_____
Daniel Martinez, City Clerk

APPROVED AS TO FORM:

_____
Alan Holmberg, City Attorney

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 11-535-01 FOR A DENSITY BONUS FOR THE PASEO NUEVO AFFORDABLE HOUSING PROJECT LOCATED AT 5637 – 5727 CYPRESS ROAD (APN'S: 222-0-070-110, -155, -185, -190), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY McCARTHY COMPANIES ON BEHALF OF RAMONA PROPERTY PARTNERS LLC, 633 VENTURA BOULEVARD, OXNARD, CA 93036.

WHEREAS, on April 21, 2011, the Planning Commission adopted Resolution No. 2011-20 recommending approval of Planning and Zoning Permit No. 11-535-01 for a density bonus for the development of 72 affordable apartments on a 4.93-acre property located at 5637 – 5727 Cypress Road, filed by McCarthy Companies on behalf of Ramona Property Partners LLC, in accordance with sections 16-410 through 16-422 of the Oxnard City Code; and

WHEREAS, the City Council has held a public hearing and received and reviewed written and oral comments related to proposed Planning and Zoning Permit No. 11-535-01; and

WHEREAS, the California Environmental Quality Act (CEQA) provides a statutory exemption pursuant to CEQA Guidelines sections 15192 and 15194 for construction of affordable housing projects in urban areas and a categorical exemption in-fill development pursuant to State CEQA Guidelines section 15332, and all findings for these exemptions can be made; and

WHEREAS, Applicants agree, as a condition of adoption of this resolution at each Applicant's own expense, to indemnify, defend, and hold harmless City and its agents, officers, and employees from and against any claim, action or proceeding to attack, review, set aside, void, or annul the approval of this resolution or any proceedings, acts, or determination taken, done, or made prior thereto that were part of the approval process.

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

1. That the proposed use is in conformance with the General Plan and other adopted policies of the City of Oxnard, with the granting of certain affordable housing incentives.

2. That the project meets the criteria set out in subsection (b) of Government Code section 65915. Specifically, the project provides over ten percent of the total units for low-income households as defined in Section 50079.5 of the Health and Safety Code.

3. The applicant has proposed a satisfactory method to guarantee that the rental prices will be established as stated in the application due to restrictions on the development imposed by State and federal financing.

4. The applicant has agreed to execute the agreement referred to in Section 16-421 of the City Code regarding affordability.

5. All units in the project are affordable and are, therefore, dispersed throughout the project, have a proportionate number of bedrooms as other units in the development and do not differ in appearance, size, number and amenities from other units of the same size in the project.

WHEREAS, the City Council has reviewed the three incentives for modification of zoning standards and makes the following findings:

1. The incentives are required to provide affordability.

2. The incentives would not have an adverse effect on the public health, safety, physical environment or historic resources.

3. The incentives would not be contrary to Sate or federal law.

NOW, THEREFORE, the City Council of the City of Oxnard resolves that Planning and Zoning Permit No. PZ 11-535-01 is approved, to allow thirteen (13) additional units on the project site, a 22% density increase, subject to the conditions set forth in Planning Commission Resolution No. 2011-20, and grants the following incentives for the project, in accordance with Section 16-420(B) (2) of the City Code:

1. Allow reduced side yard setback of 3 feet 6 inches , rather than the required 5 feet.

2. Allow reduced rear yard setback of 8 feet, rather than the required 25 feet.

3. Allow a reduced width for second-floor balconies to 5 feet rather than the minimum width of 10 feet.

PASSED AND ADOPTED this 10th day of May, 2011, by the following vote:

AYES:

NOES:

ABSENT:

_____
Dr. Thomas E. Holden, Mayor

ATTEST:

_____
Daniel Martinez, City Clerk

APPROVED AS TO FORM:

_____
Alan Holmberg, City Attorney

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD UPHOLDING THE PLANNING COMMISSION'S APPROVAL OF PLANNING AND ZONING PERMIT NO. 11-540-01 (PLANNED DEVELOPMENT) TO ALLOW THE CONSTRUCTION OF 72 AFFORDABLE APARTMENTS WITH AMENITIES ON EXISTING LOTS OF RECORD, LOCATED AT 5637 – 5727 CYPRESS ROAD (APN'S: 222-0-070-110, -155, -185, -190), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY McCARTHY COMPANIES ON BEHALF OF RAMONA PROPERTY PARTNERS LLC, 633 VENTURA BOULEVARD, OXNARD, CA 93036.

WHEREAS, on April 21, 2011, the Planning Commission adopted Resolution No. 2011-21 approving Planning and Zoning Permit No. 11-540-01 to allow the development of 72 affordable apartments with amenities on a 4.93-acre property located at 5637 – 5727 Cypress Road, filed by McCarthy Companies on behalf of Ramona Property Partners LLC, in accordance with sections 16-530 through 16-561 of the Oxnard City Code; and

WHEREAS, the City Council has considered the appeal of the Planning Commission's decision filed by the Planning and Environmental Services Division, and carefully reviewed the decision of the Planning Commission; and

WHEREAS, the City Council has conducted a hearing and received evidence in favor of and opposed to the application for a Planning and Zoning Permit No. PZ 11-540-01; and

WHEREAS, the California Environmental Quality Act (CEQA) provides a statutory exemption pursuant to CEQA Guidelines sections 15192 and 15194 for construction of affordable housing projects in urban areas and a categorical exemption in-fill development pursuant to State CEQA Guidelines section 15332, and all findings for these exemptions can be made; and

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

1. The proposed use is in conformance with the *2020 General Plan* and other adopted standards of the City of Oxnard.

2. The proposed use will not adversely affect or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare.

3. The site for the proposed use is adequate in size and shape to accommodate the setbacks, parking, landscaping, and other City standards except as may be specifically excepted by the special findings and conditions of Planning Commission Resolution No. 2011-21.

4. The site for the proposed use will be served by streets and highways adequate in width and structure to carry the kind and quantity of traffic such use will generate.

5. The site for the proposed use will be provided with adequate sewerage, water, fire protection and storm drainage facilities.

NOW, THEREFORE, the City Council of the City of Oxnard resolves that the Planning Commission's approval of Planning and Zoning Permit No. PZ 11-540-01 is upheld, subject to the conditions set forth in Planning Commission Resolution No. 2011-21.

PASSED AND ADOPTED this 10th day of May 2011, by the following vote:

AYES:

NOES:

ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

Alan Holmberg, City Attorney