



Planning Division

PLANNING COMMISSION STAFF REPORT

TO: Planning Commission
FROM: Brian Foote, AICP, Associate Planner
DATE: April 21, 2011
SUBJECT: Planning and Zoning Permit Nos. 11-535-1 (Density Bonus), 11-540-1 (Planned Development), and 11-570-1 (Zone Change), Located at 5637 to 5727 Cypress Rd.

- 1) **Recommendation:** That the Planning Commission:
 - a) Adopt a resolution recommending that the City Council approve Planning and Zoning Permit No. 11-570-1 for a zone change, subject to certain findings and conditions; and,
 - b) Adopt a resolution recommending that the City Council approve Planning and Zoning Permit No. 11-535-1 for a density bonus, subject to certain findings and conditions; and,
 - c) Approve Planning and Zoning Permit No. 11-540-1 for a planned development, subject to certain findings and conditions.

- 2) **Project Description and Applicant:** A request to change the zone designation to Multiple-Family Residential (R-2-PD) for three parcels on the project site, and approve a Planned Development permit to construct 12 two-story structures with a total of 72 affordable apartment units and on-site amenities. The project includes a density bonus request for 13 dwelling units in addition to the 59 units allowed by City Code (a 22% density increase). The proposal includes a request for three concessions (side yard setback, rear yard setback, and dimensions of balconies) and to waive the requirement for parking garages, in accordance with State density bonus law. The project site consists of 4.93 acres located at 5637 to 5727 Cypress Road (see Attachment A). Filed by McCarthy Companies, on behalf of Ramona Properties LLC, 633 E. Ventura Blvd., Oxnard, CA 93036.

- 3) **Existing & Surrounding Land Uses:** The subject property is developed with 20 single-family residences. The following table summarizes the land uses and zones surrounding the project site.

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
Project Site	R-1, R-2-PD, RPD	RLM & ILIM	Detached Single-Family Dwellings
North	MH-PD	RLM	Mobile Home Park
South	R-3-PD	RM	Attached Multi-Family Dwellings
East	M-1-PD	ILIM	Railroad Track, Canal, Single-Family Dwelling & Agricultural Storage
West	R-1-PD	RL	Single-Family Residential

4) Background Information:

- a) History: There are currently 20 single-family dwellings on the subject property, with 22 households (a total of 166 persons) residing on the site. There are no easements or other encumbrances on the property that would preclude development as proposed. The subject properties were acquired by the current property owner over a period of time, and the original intent was to construct a condominium project to replace the current housing units. Due to market conditions, the intended project was abandoned.

The landowner was then approached by a non-profit affordable housing developer to consider constructing an affordable housing project. Although that project did not move forward, the current property owner, Ramona Property Partners, LLC, realized that an affordable housing project was ideal for the site. McCarthy Companies subsequently became involved to help plan and spearhead the current project. Ramona Property Partners, McCarthy Companies, the Oxnard Housing Authority, and Las Cortes Inc., have agreed to form a public/private partnership to develop the proposed project that will help to meet the City's affordable housing needs, provide financial benefits to the City of Oxnard, and increase the Housing Authority's affordable housing portfolio.

- b) Density Bonus Law: On February 7, 2009, an updated City Ordinance that carries out current State law regarding Density Bonuses became effective after adoption by the City Council (City code sections 16-411 through 16-435). This ordinance specifies that the Planning Commission shall recommend to the City Council that a density bonus permit be granted if certain findings are made: 1) The project meets the State law criteria that at least 10% of units are for lower income households or five percent are for very low income households; 2) The applicant has proposed a satisfactory method to guarantee that the rental prices will be as stated in the application; 3) The applicant has agreed to execute an agreement regarding the affordability. This "permit" is an implementation procedure for the City's density bonus ordinance. The project is consistent with these findings as discussed in this report. Pursuant to State law, this ordinance permits the applicant to request incentives for development of the affordable housing. This project is eligible to request a maximum of three incentives due to the high percentage of affordable units that are proposed. The ordinance requires the Planning Commission to recommend approval of the requested incentives unless substantial

evidence can support findings that: 1) the concession is not required to provide for affordable rents; 2) the incentive would have an adverse effect on public health and safety, the physical environment, or historic resources; or 3) the incentive would be contrary to State or federal law. These findings do not apply to this project as discussed in this report.

5) Environmental Determination: In accordance with Section 15332 of the California Environmental Quality Act (CEQA) Guidelines, in-fill development projects may be found to be exempt from the requirements of CEQA. This proposed project is located on less than five acres of land, consistent with the zoning and General Plan, surrounded by urban development, all public services and utilities are available, and no sensitive habitats or species exist on the property. Therefore, staff has determined that there is no substantial evidence that the project may have a significant effect on the environment, and recommends that the Planning Commission adopt the Notice of Exemption (Attachment C).

6) Analysis:

a) General Discussion: The proposed development will merge four lots into one lot, and construct a total of 72 affordable apartments. There are twelve structures proposed with six units per structure. One type of floor plan will be used for both the upper and lower floors, and each structure has the same floor plan or the reversed floor plan. The project will be constructed without phasing.

A	24	1,070 sq.ft.	3	2
B	24	925 sq.ft.	2	1
C	24	1,070 sq.ft.	3	2
<i>Total</i>	= 72			

All units will be rented at very-low or low rates. Low income is defined as 30 – 60% of Area Median Income (AMI), and 50 units will be provided. Very low income is defined as 30 – 50% of AMI, and 21 units will be provided. One unit will be provided rent-free for an on-site manager. Funding sources for this project will be tax-exempt bonds, tax credit equity, seller carry-back note, City of Oxnard in-lieu loan, Community Development Commission loan, and deferred developer/contractor fees. These funding sources require a 30-year affordability commitment. Additionally, this project has requested a density bonus permit that requires a minimum affordability commitment of 30 years pursuant to State law.

The applicant has submitted a “Residential Relocation Summary” (Attachment D) until such time as the Relocation Plan has been finalized and released to the public. A relocation consultant will be retained to assist the Housing Authority with interviewing on-site residents, determining eligibility for relocation assistance and related financial assistance, and complying with State relocation law. Upon completion of construction, a qualifying household will have the option to move into one of the new apartments.

b) General Plan Consistency: The 2020 General Plan designates 98.5% of the subject property as Residential Low-Medium (RLM) and is intended for lower-density apartments or condominiums, with a density of 7 to 12 dwelling units per acre. The southeasterly corner of the site (3,200 sq.ft. or 1.5%) was historically mapped as Industrial Limited (ILIM) due to the proximity of the existing railroad track near the subject property. The proposed site plan indicates that this 3,200 sq.ft. portion will be a driveway, with no permanent residential structures or uses at the southeast corner. The City Attorney’s office has determined that it can remain ILIM and the project will be consistent, and the ILIM designation can be changed during the upcoming 2030 General Plan Update.

Under the General Plan land use designation, the 4.93-acre parcel could accommodate 59 units. A density bonus pursuant to the City’s ordinance for “Incentives to Create Affordable Housing” (State Density Bonus law) is requested for 13 units to allow a total of 72 units. The City’s Ordinance mandates that the City provide a density bonus when ten percent of the total units in a housing development are for low-income households. The project proposes 100% of the units to be affordable, as well as a 22% density increase. Such a density bonus is consistent with the General Plan per State law. Therefore, the proposed development will be consistent with the applicable General Plan policies listed below.

POLICY	DISCUSSION
<p>Growth Management Policy #2(b) (page IV-21) states that the City will encourage in-fill development on vacant parcels that are adequately served by public utilities and services, which would result in a more compact urban form and reduce the need to expand current services.</p>	<p>The proposed development is for an existing underutilized parcel surrounded by a residential neighborhood with existing public utilities and services in the vicinity. The project is conditioned to provide adequate public utilities and services. Therefore, consistency with this policy may be found.</p>
<p>Growth Management Policy #2(d) (page IV-22) states that sufficient residential development opportunities will be allocated to realize the Housing Element’s goal of providing a diversity of housing types required to meet the projected need.</p>	<p>The proposed development is for medium-density apartments within an existing residential neighborhood, and if approved, will implement the City’s policy. Therefore, consistency with this policy may be found.</p>
<p>Land Use Policy #2 “Other Infill Development” (page V-23) states that there is development potential on small and medium-sized vacant and underutilized properties within established neighborhoods, and it is the City’s policy to encourage development of these areas.</p>	<p>The proposed project is infill development on an underutilized parcel within the Cypress neighborhood. Therefore, consistency with this policy may be found.</p>
<p>Housing Policy #2.2 (page V-8) encourages the production of housing that meets all economic segments including lower- and moderate-income housing.</p>	<p>The proposed project includes 72 affordable units for households of various income levels, with regulated rental rates as established by the Oxnard Housing Authority. Therefore, consistency with this policy may be found.</p>

<p>Housing Policy #2.3 (page V-8) requires that sites for residential development have appropriate services and facilities, including sewage collection and treatment, domestic water supply, and other needed infrastructure.</p>	<p>The subject site is currently served by public and private utilities, including streets and sidewalks, storm drain facilities, water supply systems, and sewage collection systems. Therefore, consistency with this policy may be found.</p>
<p>Housing Policy #3.1 (page V-9) encourages the use of federal, state and local resources to support affordable housing production and set aside a portion of units for lower-income families.</p>	<p>The proposed project is for 72 affordable apartments, in and will be funded in part by grants from local and state agencies. Therefore, consistency with this policy may be found.</p>

c) Zone Change: The northerly half of the project site (APN's 222-0-070-110 and -190) is currently zoned Single Family Residential (R-1), and is proposed to change to Multiple-Family Residential Planned Development (R-2-PD). Approval of the zone change request will bring the property into conformance with the existing General Plan designation of Residential Low-Medium (RLM), as well as be consistent with the existing multi-family zoning to the north, south and east.

The southeasterly 3,200 sq.ft. corner of the project site (APN 222-0-070-155) is currently zoned Residential Planned Development (RPD) and is also proposed to change to Multiple-Family Residential Planned Development (R-2-PD). The proposed site plan indicates that the southeast corner of the site will be a driveway, with no permanent residential structures or uses. The City Attorney's office has determined that the proposed zoning (R-2-PD) will be consistent with the General Plan designation of ILIM. Therefore, staff supports the request to change the zone.

d) Conformance with Zoning Development Standards: If the zone change is approved, the development would be located in the Multiple-Family Residential Planned Development (R-2-PD) zone district. The zone change to R-2-PD will bring the property into conformity with the General Plan designation (Residential Low-Medium), to be consistent with the existing multi-family zones to the north and south of the project site, and to allow the proposed density and density bonus. Applicable development standards of the R-2-PD zone and the Attached Dwelling Unit standards have been compared with the proposed project as listed in the following table (next page).

The proposed project is consistent with most, but not all, of the applicable development standards as shown in the following table. For those standards for which the project does not conform, the applicant has requested concessions pursuant to Government Code §65915(d). The applicant requests three concessions: 1) side yard setback; 2) rear yard setback; and 3) the requirement that all second-story units have a balcony with minimum dimensions of 10'x10'.

DEVELOPMENT STANDARD	REQUIRED	PROPOSED	COMPLIES ?
Max. building height §16-43	2 stories, not to exceed 25 feet	25'0" max.	Yes
Density §16-44	3,500 SF per D.U. No more than 6 units per building. <i>22% Density Bonus requested per Gov. Code §65915.</i>	3,012 SF per D.U. (14.6 D.U. per acre) Max. 6 units per bldg.	Yes, if PC approves density bonus
Front yard setback §16-45(A)	25% of lot depth, not to exceed 25 feet.	31'0" min.	Yes
Side yard setback §16-46(A)	10% of lot width, not less than 3 feet or more than 5. <i>Concession #1 requested per Gov. Code §65915.</i>	3'6" min. side yard; 54'0" min. to bldg.	Yes, with grant of concession
Rear yard setback §16-47	25% of lot depth, not to exceed 25 feet. <i>Concession #2 requested per Gov. Code §65915.</i>	8'0" min. rear yard; 61'0" min. to bldg.	Yes, with grant of concession
Interior Yard Space §16-48	30% of lot area. <i>Min. = 64,425 sq.ft.</i> Min. dimensions of 15' x 15'. Area open from ground to sky.	75,499 sq.ft. (35%) min.; dimensions 15' x 15' min. and open to sky	Yes
Parking spaces Resident §16-622	2 on-site uncovered spaces for each 2 to 3 BR unit, per Gov. Code §65915(p). <i>Min. = 144</i>	144	Yes, if PC approves density bonus
Parking spaces Visitor §16-622	Waived per Gov. Code §65915(p) <i>Min. = 0</i>	48	Yes, if PC approves density bonus
Parking spaces Handicap-accessible	151 to 200 spaces – requires 6 handicap-accessible spaces. <i>Min. = 6</i>	6	Yes
Parking landscaping §16-641	10-foot wide strip along any street or alley. For every 10 spaces, 9' island w/ 2 trees. Min. 5% of parking area to be landscape.	16,047 sq.ft. (23%)	Yes
Fences/hedges - front yard §16-308	Must be at least 50% open, and may not exceed 42 inches.	Not over 42 inches high	Yes
Fences/hedges - side & rear yards §16-309	Not to exceed 7 feet in height.	6 feet high	Yes

ATTACHED DWELLING UNIT STANDARDS			
Min. Dwelling Size §16-362(A)	One bedroom: 700 sq.ft. Two bedroom: 900 sq.ft.	2 BR = 925 sq.ft. 3 BR = 1,070 sq.ft.	Yes
Building Separation §16-362 (B)	Equal to the height of the taller structure. <i>Min. = 25'0"</i>	26' min.	Yes
Recreation Facilities §16-362 (C)	Include at least one of the following: Swimming pool, spa, tennis, basketball, or volleyball courts, BBQ/picnic area, recreation building, exercise equipment, children's play equipment, or others as approved by PC.	2 Tot Lots, built-in BBQ's in each courtyard, Community Plaza, Community Room, Computer Room, Arts/Crafts Room, Community Garden.	Yes
Open Area §16-362 (D)	One lawn area of not less than 2,500 sq.ft. & minimum dimensions of 35' x 35'.	2,529 sq.ft. min. and 50' x 50'	Yes
Distance to garage from DU 16-362 (E)	75' max. distance to parking space from any dwelling unit entry. Distance is measured from DU entry to space serving that unit. When a stairway provides the access, it shall be considered the entrance.	Parking plan provided, and will meet requirements.	Yes
Balconies & Patios §16-362 (F)	All 2 nd story dwelling units shall have at least one patio or balcony having minimum dimensions of 10' x 10'. <i>Concession #3 requested per Gov. Code §65915.</i>	<u>1st Floor</u> A: 12'9" x 5'0" B: 12'0" x 5'0" C: 12'6" x 5'0" <u>2nd Floor</u> A: 14'6" x 5'0" B: 13'9" x 5'0" C: 12'6" x 5'0"	Yes, with grant of concession
Balcony Enclosure §16-362 (G)	All balconies and patios shall have railings or walls which provide at least 50% enclosure.	Enclosed with walls on all sides.	Yes
Storage Areas §16-362(H)	Each unit shall have a storage area of at least 225 cubic feet.	Min. 225 cubic feet per unit	Yes
Utility Meters §16-362 (J)	Wall mounted meters shall be screened or integrated into the building design.	Utility rooms provided and architecturally integrated.	Yes
Refuse Enclosures §16-362 (K)	Designed to reflect the major design elements or details of the residential units & provide pedestrian access separate from the refuse vehicle access.	Consistent with architecture & pedestrian access provided.	Yes

- e) **Site Design:** The project site boundaries are fixed and no changes are proposed. The proposed structures are arranged in pairs, with each building oriented towards an interior courtyard with amenities such as barbeque and seating area. Cypress Road will provide the only vehicular ingress and egress to a drive aisle designed to provide an interior loop around the structures.
- f) **Circulation and Parking:** A total of 144 on-site resident parking spaces (i.e. two spaces per unit) are required and provided. Government Code §65915(p) does not require covered parking such as carports or enclosed garages, and therefore, waives the requirement for garage parking that is contained in City Code §16-622(F). Government Code §65915(p) waives the requirement for on-site guest parking; however, the developer proposes a total of 48 guest spaces (or four spaces per building) distributed throughout the parking areas. In addition to the resident and guest parking, a total of six handicap-accessible spaces will be provided throughout the development. Bicycle racks will be provided in each courtyard for convenient access to the adjacent apartment buildings.

Improvements will be made to Cypress Road in front of the project site, including 80 lineal feet of 4-foot wide median to prevent left turns into and out of the southerly driveway nearest the railroad tracks. Frontage improvements also include a 40-foot long designated zone for school bus loading/unloading. A condition of approval (Condition 83) will require the developer to install crossing arms at the railroad crossing on Cypress Road located immediately south of the project site.

- g) **Building Design:** The proposed architecture exhibits a Mexican Hacienda design theme with exterior arches, arcade, shaded patios, iron fixtures and lights, and natural materials. The exterior walls include significant vertical articulation with protruding arches and covered balconies, which creates substantial shading for patios and entryways. The primary exterior finish material is stucco. Trim features consist of wood window framing, shutters, fascia, balcony posts, iron railing, and niches with inset square tiles. Exterior light fixtures will not be visible on exterior elevations due to porches and overhangs, which will provide sufficient visibility at doorways but not create excessive glare toward other units. The color palette emphasizes flat earth tones typical for Mexican Hacienda architecture, and is consistent with its emphasis on subdued tones and rugged simplicity.

The paved and uncovered interior courtyards are also consistent with the Mexican Hacienda design theme. The front of each building faces inward and doorways are oriented towards the courtyard. Each courtyard includes a built-in barbeque area, built-in tables and chairs, planters with low walls designed as outdoor seating, and a bike rack.

- h) **Landscaping and Open Space:** The proposal complies with the landscaping and open space requirements. A minimum of 30% of the lot area must be provided as interior open space, and approximately 35% (75,499 square-feet) of landscaped open space will be provided. A minimum of 2,500 square-feet must be provided as grassy open area, and approximately 2,529 square-feet will be provided in the central area of the project site. In addition to the open area, a large paved plaza area and a Tot Lot are provided adjacent to the community rooms. Also, a minimum of 5% of the parking lot area must be landscaped, and approximately 23% (16,047 square-feet) is proposed. The parking lot drainage would be directed toward planters along the perimeter of the site for percolation, and any excess runoff will ultimately empty into the storm drain system in Cypress Road.
- i) **Density Bonus:** State density bonus law (Government Code §65915 – §65918) stipulates that additional dwelling units shall be allowed over the otherwise maximum allowable residential density identified in the General Plan, for projects which provide affordable housing for families defined as low-, very low-, or moderate-income households. The number of additional units that may be constructed is related to the percentage of affordable units that will be included in the project. Government Code §65915(f) provides the formula with which to calculate the density bonus. For the proposed project, all apartments will be designated as affordable units, and will clearly meet the criteria for a density bonus. A total of 59 units are allowed by the base density of the R-2-PD zone, and the applicant proposes 13 additional units for a density bonus of 22% ($13/59 = 0.22$). Therefore, staff supports the 22% density bonus and a total of 72 dwelling units.

The density bonus application includes a request for concessions pursuant to Government Code §65915(d) to modify specified development standards for affordable housing. Specifically, the concessions being requested are to allow modification of: a) side yard setback; b) rear yard setback; and c) the requirement for second-floor balconies to be a minimum of 10' wide and 10' deep, and instead allow a 5' minimum depth. Also, the application includes a request pursuant to Government Code §65915(p) to provide two on-site uncovered/unenclosed resident parking spaces per unit (i.e. no garages or carports).

- 7) **Development Advisory Committee:** The Development Advisory Committee (DAC) reviewed this project on February 23, 2011. Recommendations of the DAC are included in the attached resolutions.
- 8) **Community Workshop:** On March 9, 2011, the applicant mailed notices of the Community Workshop meeting to all property owners within the Cypress neighborhood. One sign was posted on the project site ten days prior to the meeting. The workshop was held on March 21, 2011, and 12 residents attended the meeting for this project. Questions were asked about the definition of low-income and affordability, on-site amenities, requested concessions, off-site street improvements, proposed services and activities in the community rooms, and the relocation plan. The applicant, architect, and Housing Authority representative responded to questions and concerns.

9) Appeal Procedure: In accordance with Section 16-545 of the City Code, the Planning Commission's action on the planned development request may be appealed to the City Council within 18 days after the decision date. Appeal forms may be obtained from the City Clerk and must be submitted with the appropriate fees before the end of the appeal period. The Planning Commission's action on the zone change and density bonus requests are recommendations and the matter will be considered by the City Council in a noticed public hearing at a later date.

Attachments:

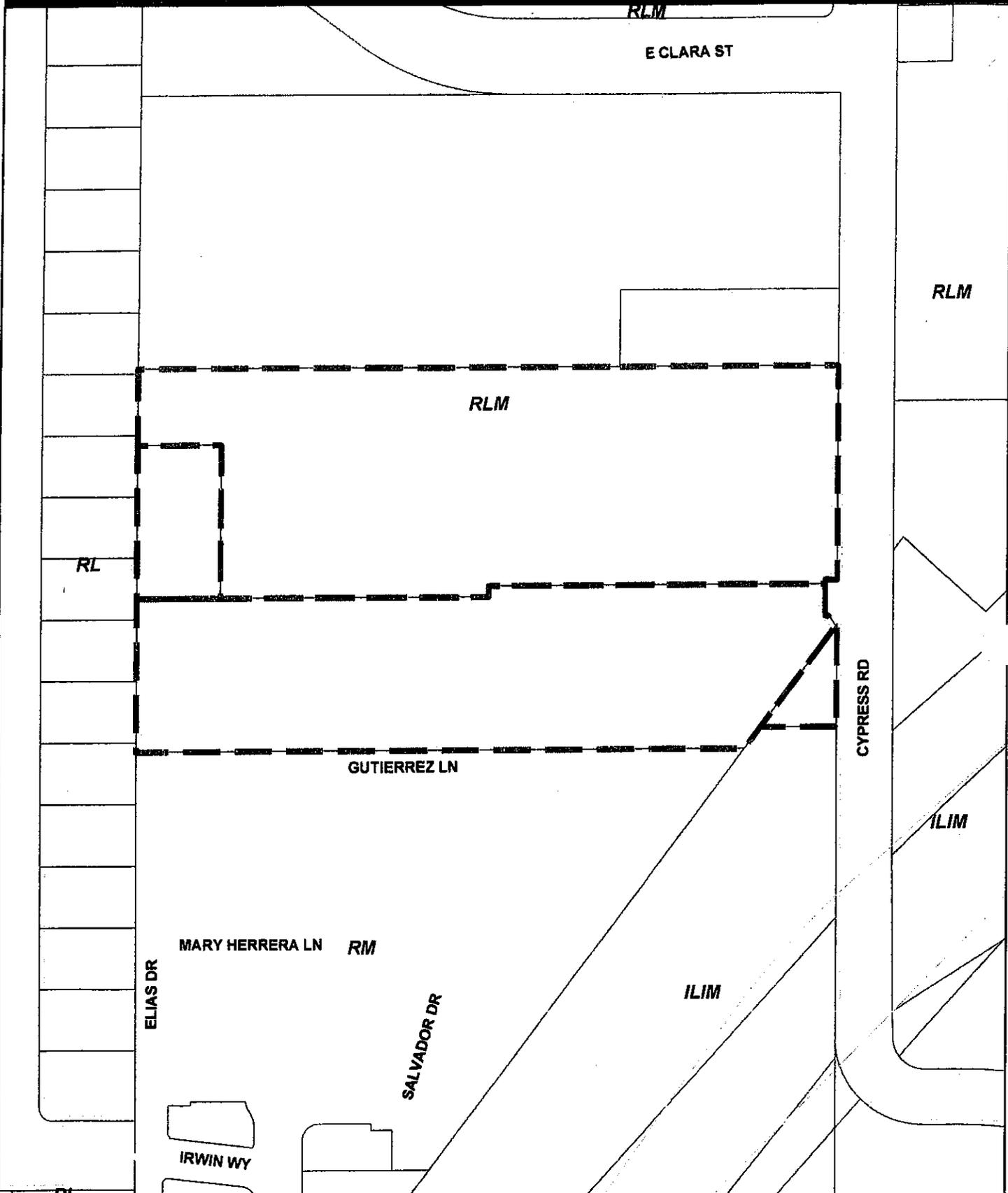
- A. Maps (Vicinity, General Plan, Zoning)
- B. Reduced Project Plans
- C. CEQA Notice of Exemption
- D. Residential Relocation Summary
- E. Resolutions

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

ATTACHMENT A

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General Plan 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

General Plan Map

ATTACHMENT 6

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0 25 50 100 150 200 Feet



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E CLARA ST

MHPD

R1

R1PD

R1

R2PD

RPD

CYPRESS RD

GUTIERREZ LN

R3PD

RPD

ELIAS DR

MARY HERRERA LN

SALVADOR DR



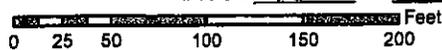
Oxnard Planning
February 7, 2011

PZ 11-540-01, 11-570-01, 11-535-01
Location: 5693-5721 Cypress Av
APN: 222007011, 222007019, 222007015,
222007018, 222001016
Ramona Properties

Zone Map

ATTACHMENT 6

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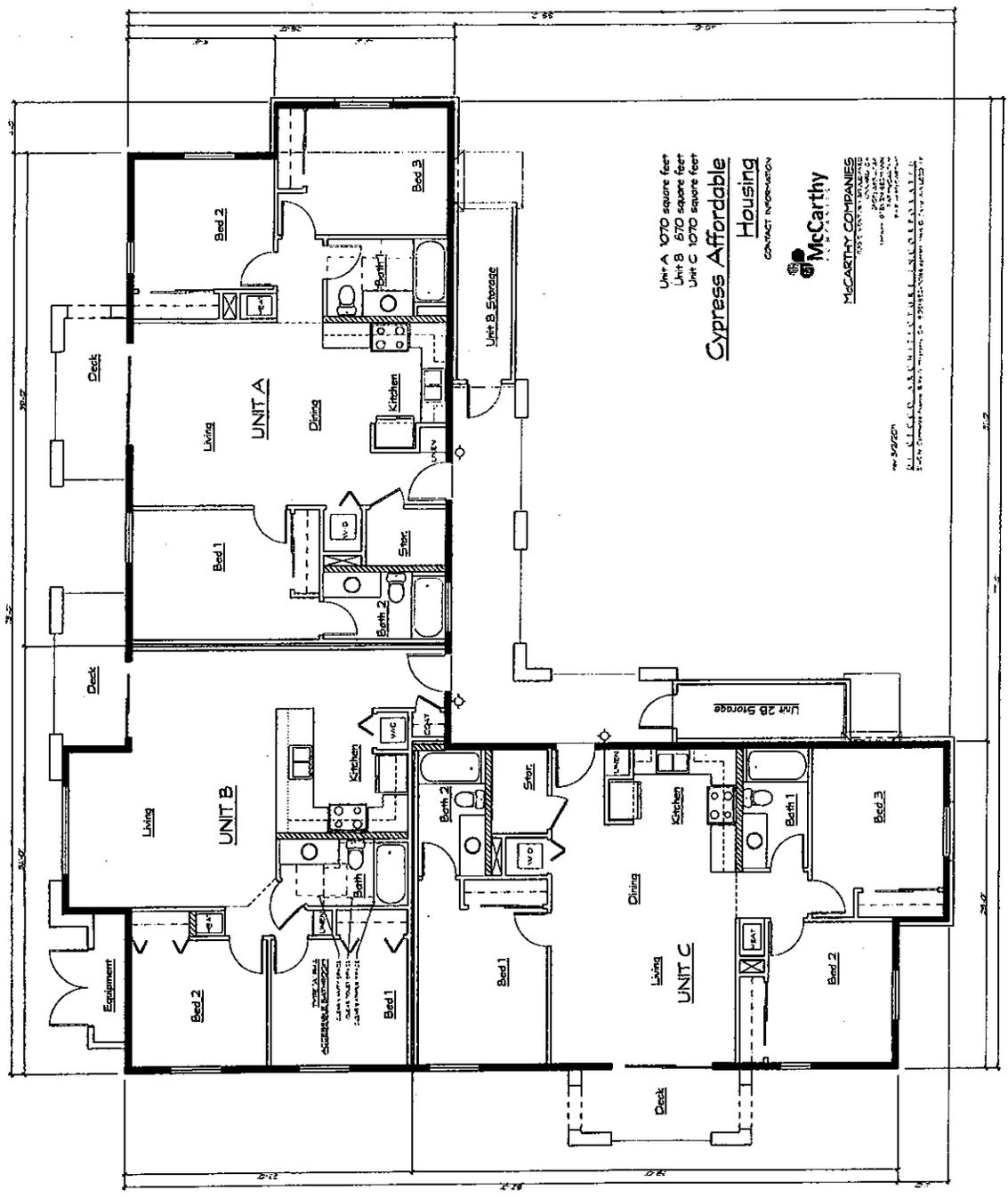


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ATTACHMENT B

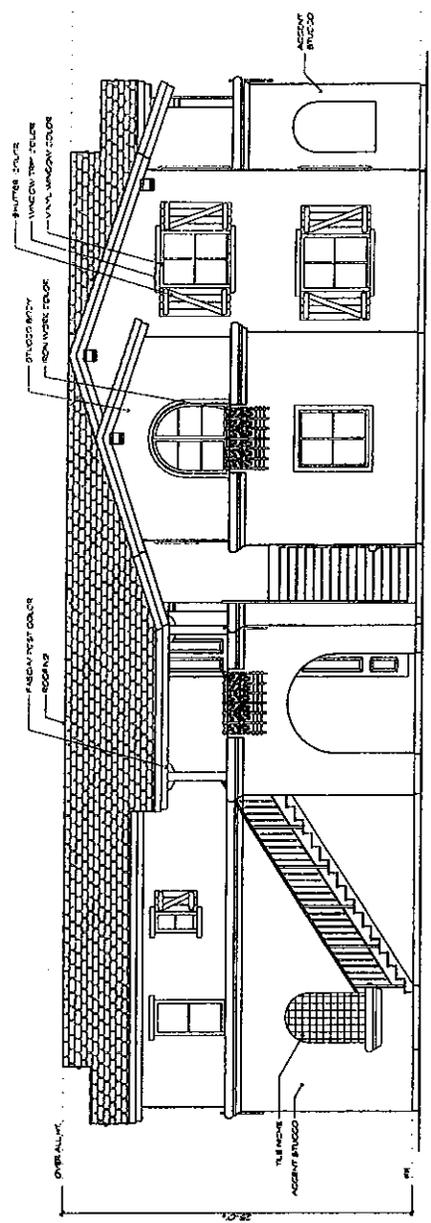
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NO.	DESCRIPTION	DATE
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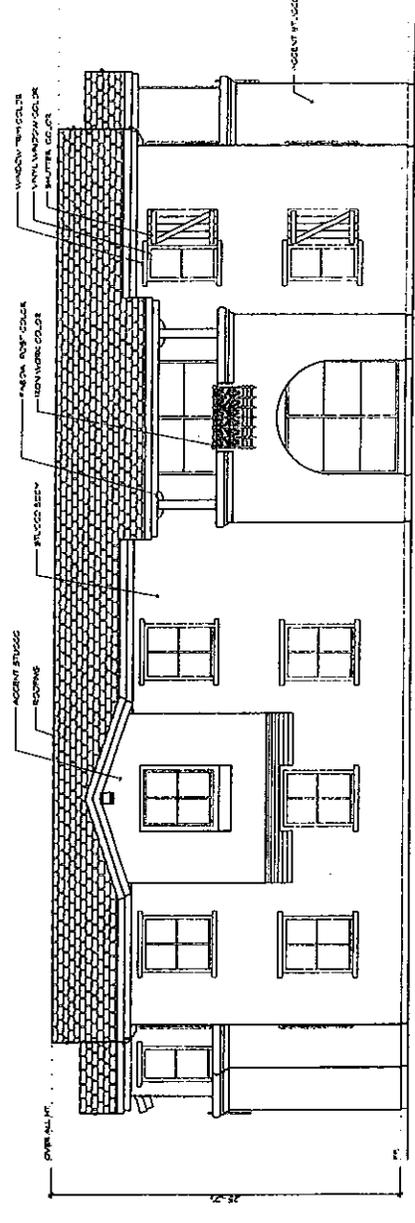


First Floor Plan
 SHEET 17 OF 45

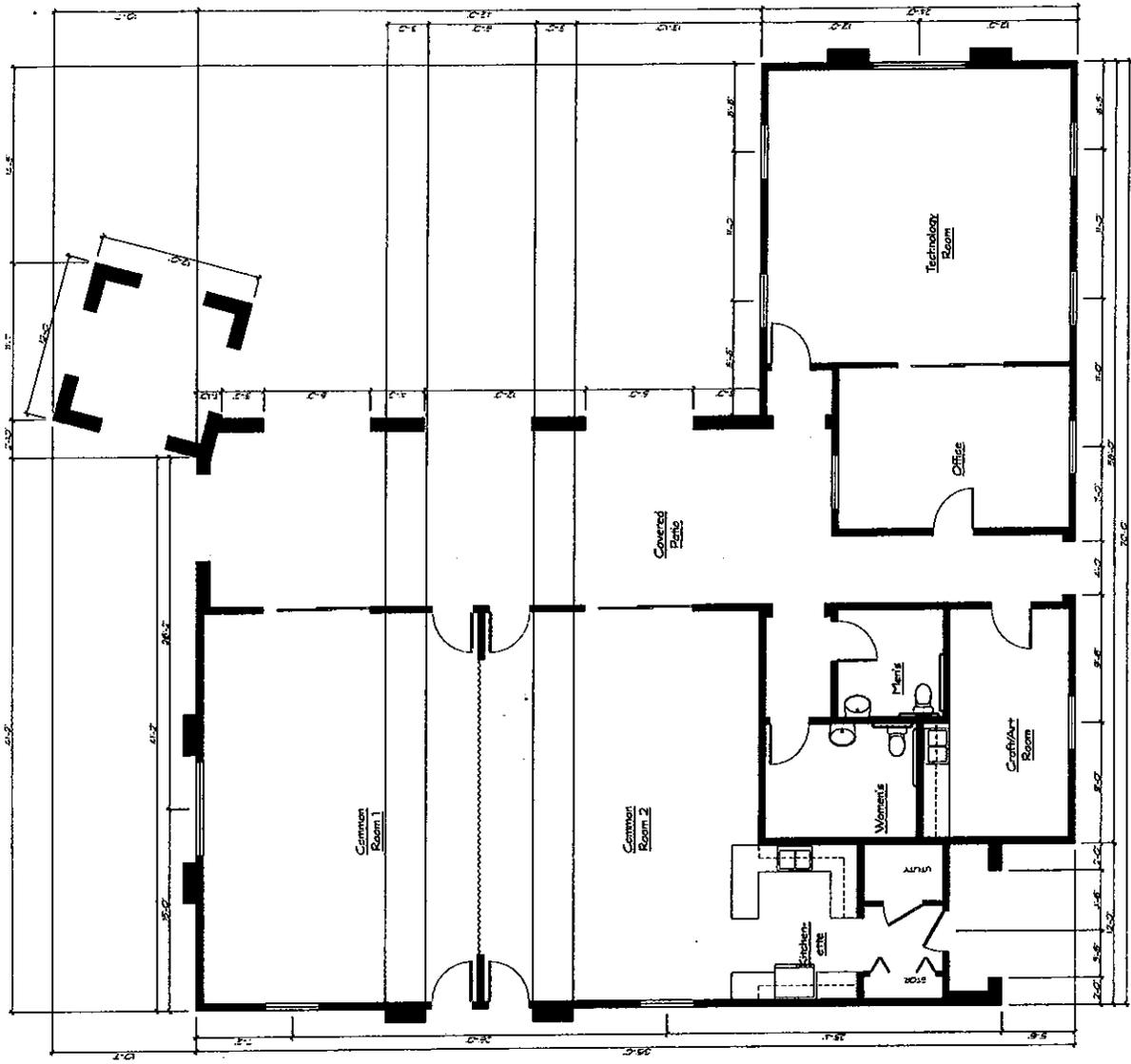
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East Elevation
 SHEET 10-00000001-01

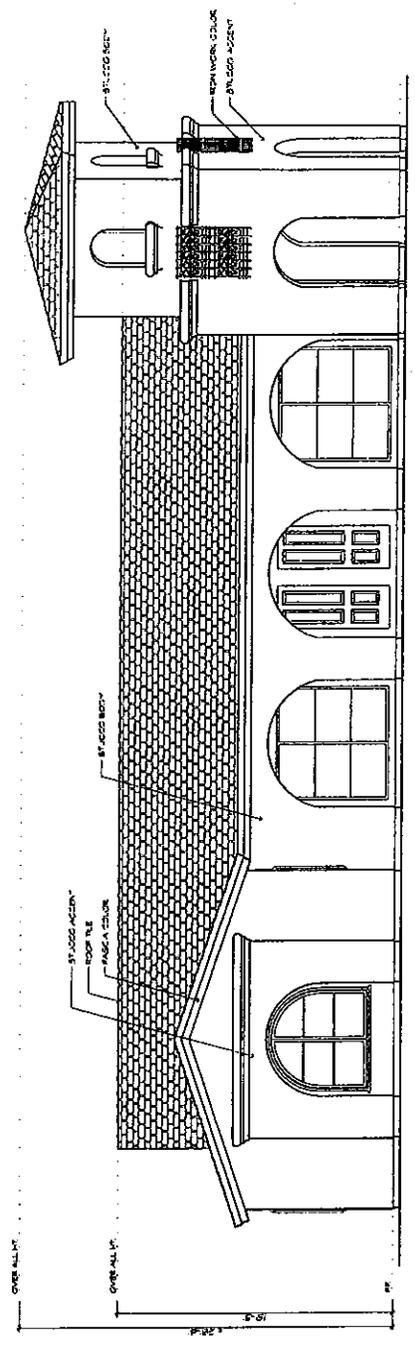


West Elevation
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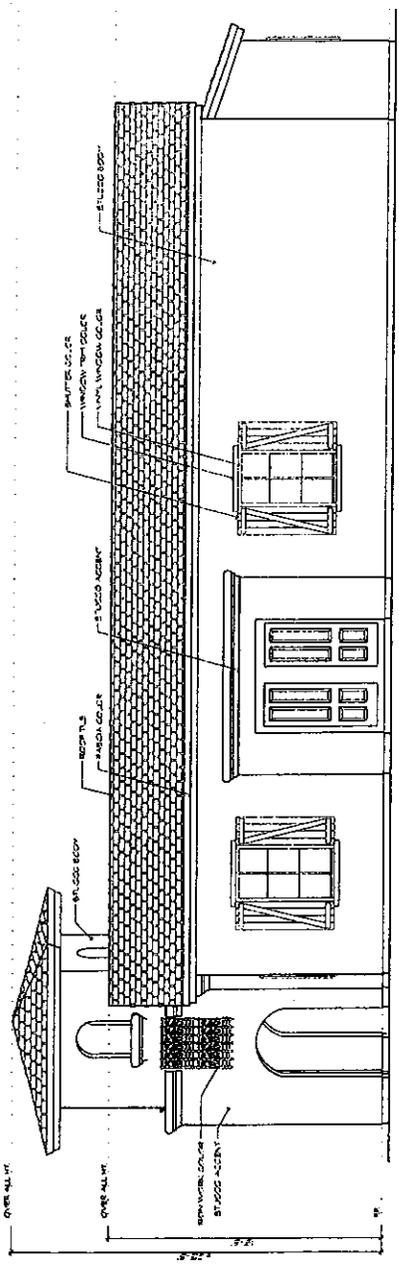


Community Center Floor Plan
Sheet No. 101

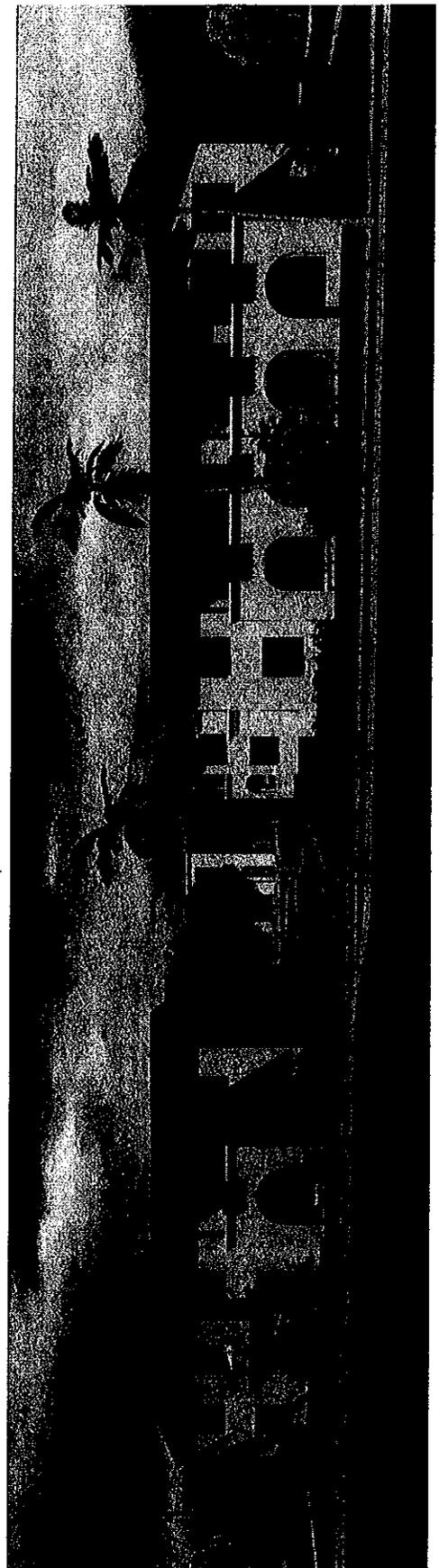
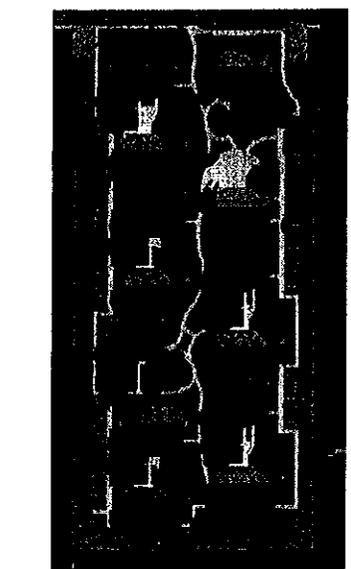
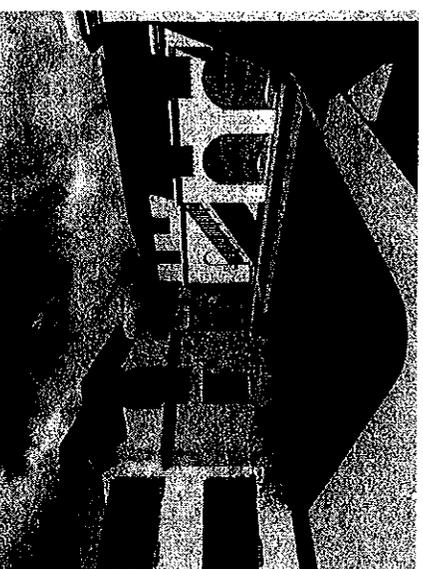
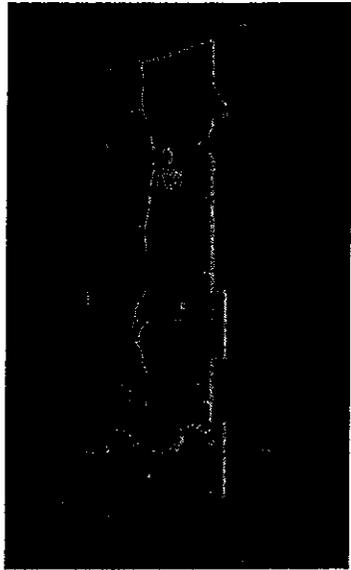
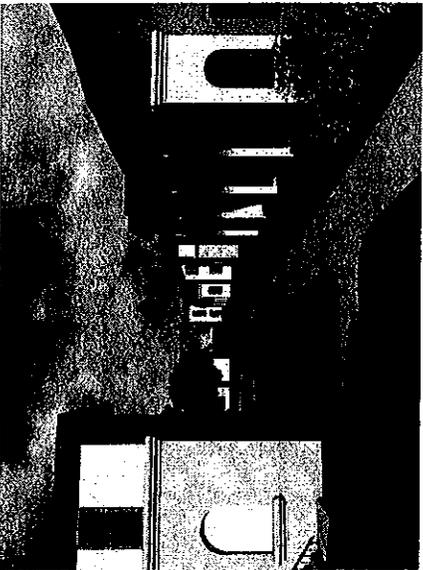
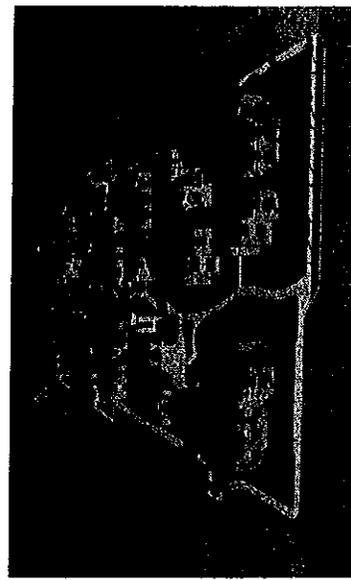
NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMITS	08/15/18
2	ISSUED FOR CONSTRUCTION	08/15/18
3	ISSUED FOR ARCHITECTURAL RECORDS	08/15/18
4	ISSUED FOR ARCHITECTURAL RECORDS	08/15/18
5	ISSUED FOR ARCHITECTURAL RECORDS	08/15/18
6	ISSUED FOR ARCHITECTURAL RECORDS	08/15/18
7	ISSUED FOR ARCHITECTURAL RECORDS	08/15/18
8	ISSUED FOR ARCHITECTURAL RECORDS	08/15/18
9	ISSUED FOR ARCHITECTURAL RECORDS	08/15/18
10	ISSUED FOR ARCHITECTURAL RECORDS	08/15/18
11	ISSUED FOR ARCHITECTURAL RECORDS	08/15/18
12	ISSUED FOR ARCHITECTURAL RECORDS	08/15/18
13	ISSUED FOR ARCHITECTURAL RECORDS	08/15/18
14	ISSUED FOR ARCHITECTURAL RECORDS	08/15/18
15	ISSUED FOR ARCHITECTURAL RECORDS	08/15/18
16	ISSUED FOR ARCHITECTURAL RECORDS	08/15/18
17	ISSUED FOR ARCHITECTURAL RECORDS	08/15/18
18	ISSUED FOR ARCHITECTURAL RECORDS	08/15/18
19	ISSUED FOR ARCHITECTURAL RECORDS	08/15/18
20	ISSUED FOR ARCHITECTURAL RECORDS	08/15/18



East Elevation
 Scale: 1/8" = 1'-0"



West Elevation
 Scale: 1/8" = 1'-0"



ATTACHMENT C

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NOTICE OF EXEMPTION

Project Description:

PLANNING & ZONING PERMIT NOS. 11-535-1 (Density Bonus), 11-540-1 (Planned Development) and 10-570-1 (Zone Change) – A request to change the zone designation to Multiple-Family Residential (R-2-PD) for three parcels on the project site, and approve a Planned Development permit to construct 12 two-story structures with a total of 72 affordable apartment units and on-site amenities. The project includes a density bonus request for 13 dwelling units in addition to the 59 units allowed by City Code (a 22% density increase). The proposal includes a request for three concessions (side yard setback, rear yard setback, and dimensions of balconies) and to waive the requirement for parking garages, in accordance with State density bonus law. The project site consists of 4.93 acres located at 5637 to 5727 Cypress Road (APN's: 222-0-070-110, -155, -185, -190). Filed by McCarthy Companies, agent for Ramona Property Partners LLP, 633 E. Ventura Blvd., Oxnard CA 93036.

Finding:

The Planning Division of the Development Services Department of the City of Oxnard has reviewed the above proposed project and found it to be exempt from the provisions of the California Environmental Quality Act (CEQA).

- Exempt from CEQA, Section 15332 – In-Fill Development Projects
- Categorical Exemption
- Statutory Exemption
- Emergency Project
- Quick Disapproval [CEQA Guidelines §15270]
- No Possibility of Significant Effect [CEQA Guidelines §15061(b)(3)]

Supporting Reasons: In accordance with CEQA Section 15332, projects qualify for exemption if located in urbanized areas within city limits, on less than five acres of land, consistent with the zoning and General Plan, surrounded by urban development, all public services and utilities are available, and no sensitive habitats or species exist on the property. Therefore, staff has determined that there is no substantial evidence that the project may have a significant effect on the environment. Therefore, staff has determined that the project qualifies for exemption.

(Date)

Susan L. Martin, AICP
Planning Division Manager

ATTACHMENT D

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Residential Relocation Summary

for

Las Villas de Paseo Nuevo

Prepared for
The McCarthy Companies

and
Presented by

Tracey Taylor

January 19, 2011

Reviewed By: _____

Date: _____

Approved By: _____

Date: _____

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Scope of Project

The proposed Las Villas de Paseo Nuevo project will create 72 affordable two and three bedroom apartments for low-income residents in Oxnard, California. The result of a public/private partnership—Oxnard Housing Authority, McCarthy Companies, and Las Cortes, Inc.—the effort will redevelop an existing blighted community in South Oxnard and increase the City's affordable housing stock. Thus, providing ample opportunity for the existing households who currently reside on the site to return to new and affordable apartments subject to certain residency restrictions. Residents will share use of a community building, tot lot, with recreational and barbeque areas.

The objective of this proposal and this partnership will be to relocate the existing households to comparable, decent, safe, and sanitary housing, with the goal of each returning with minimal disruption and undue hardship. The relocation plan will focus on the needs and preferences of the existing households, to minimize the impact and inconvenience of having to relocate family and personal belongings, and develop mobilized resident stakeholders who can anticipate and visualize living in quality affordable housing they can be proud of.

We will accomplish with this by developing an outreach plan that focuses on existing households and area neighbors. Individually, each play a role crucial to the project's completion, and working together they will ensure the project's long-term success.

The project must first receive required approvals from the City of Oxnard before moving forward with implementing the relocation plan. Existing households have been notified in writing via a General Information Notice describing the proposed project and their possible displacement pending the City's approvals.

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Locale Description

The property address is 5701-5721, 5655 & 5667, 5637-5693 Cypress Road in Oxnard, California 93036. The lot size is 4.93 acres, with a buildable area of 75,184 square feet. The planned development will conform with existing neighborhood uses with the anticipated zoning change for the southern portion of the lot from R-1 to R-2.

The site is located in an area of Oxnard which is home to an established rental apartment market with an outstanding demand for affordable housing opportunities—the Oxnard Housing Authority reports over 2,300 families are currently on waiting lists for subsidized housing. The proposed project will target households with incomes between 30% and 60% of Area Median Income. We expect many of the existing families, if not all, to have household incomes within this range if not lower. Thus, the proposed units should market well and rent up smoothly.

Service amenities in close proximity to the project include grocery stores, pharmacies, libraries, parks, a regional medical center, community health clinics and shopping centers. Julien Hathaway Elementary School, Charles Blackstock Junior High School, EO Green Junior High School and Hueneme High School are all within 1.2 miles of the project. Oxnard College and the University of LaVerne are within 1.5 miles from the project, with three additional institutions of higher learning within 6 miles.

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Outreach

Tenants

We will interview each tenant household to identify detailed household compositions, preferences, and specific needs. Each household will be asked a series of questions in the form of a prepared questionnaire. Household income will be determined based on the eligible income earned by adults eighteen years of age or older.

As a collective, the tenant population will be invited to discuss the project and hear the owners' vision and objective to maximize the return of as many existing households as possible. Separately, each household will be interviewed to identify specific needs and preferences, and receive a thorough explanation of relocation assistance potentially available to them.

The goal is for the tenants to identify themselves as stakeholders and beneficiaries of the proposed project. Residents will have the opportunity to help improve their community and live in larger, newly constructed, and affordable units.

The current residents will have an opportunity to view floor plans, elevations, and unit plans.

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Relocation Summary

The Relocation Plan will demonstrate the owners' commitment to providing advisory services in a manner that is fair, uniform and equitable for all persons to be relocated by this project consistent with California State Relocation Law. Together with assistance of the relocation staff, the owners will work to ensure the successful relocation of the existing households with the goal of their ultimate return to newly constructed and affordable homes if eligible.

The relocation consultant will ask the owner for contact information for the tenants, to explain and discuss the relocation plan, their eligibility for relocation assistance, household needs, and preferences. Households will receive:

1. Relocation Brochure- **(Delivered and acknowledged in December 2010.)**
2. General Information Notice – **(Delivered and acknowledged December 2010.)**
3. Explanation of all potential benefits (verbally and in writing)
4. Notification of Relocation Eligibility in Writing
5. 90, 60, and 30-Day Notices to Vacate¹

Households will be offered relocation assistance and referrals to comparable replacement dwellings in compliance with applicable State laws.

The following is a list of major tasks necessary to carryout the relocation project expeditiously. Additional tasks or variations may be required once the process is underway.

1. Participate in site inspections with owners, tenants, and relocation staff.
2. Interview and explain the relocation plan to existing households.
3. Determine whether or not the residential occupants are, in fact, domiciled.
4. Obtain necessary documentation to establish payment eligibility and benefits.
5. Identify relocation special needs, concerns or problems and make recommendations for resolution of all issues.
6. Compute moving payment allowances for each existing household.
7. Deliver relocation notices.
8. Provide an explanation of residential move options (e.g. self move vs. commercial movers) and determine amount of moving assistance payments.
9. Complete claim forms and submit for payment in a timely manner.
10. Provide advisory services to existing households including recommendations to community services.

¹ Unusual circumstances may require an occupant to vacate with less than 90-Day notice, which will require a determination to vacate based on substantial danger to health or safety and must be documented in the household file. No emergency displacements have been identified at this time and none are anticipated.

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11. Provide existing households affordable replacement housing referrals and transportation to sites.
12. Refer existing households to public housing and/or tenant based section 8 voucher program if available.
13. Inspect replacement household for DS&S, functional equivalency and other conditions that meet the definition of comparable per California State Law.
14. Coordinate the actual move process.
15. Assist households in the preparation of appeals if needed.

The Las Villas de Paseo Nuevo Relocation Plan will be a public document available to all interested parties. However, the confidential information contained in each relocation file (e.g. income, age, disability, household composition, familial status, estimate of move payments, etc.) will be maintained in separate files and available only to the relocation specialists, owners, and City staff monitoring the relocation program. Each existing household may view their own relocation file, but will be restricted from accessing any other files.

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Residential Advisory Assistance

The Las Villas de Paseo Nuevo project will relocate 22 households who reside in two bedrooms apartments currently. The immediate area appears to have sufficient comparable replacement dwellings to accommodate all tenants. We will need to compare current market rents to existing rents, and determine how many existing households qualify as low income.

Rent supplement payments must include eligible utility costs.

Tenants deemed eligible for relocation benefits may qualify for tenant based Section 8 vouchers (if household income does not exceed 50% Area Median Income), or receive rent supplement payments in accordance with California Relocation Law. These payments must factor in eligible utility costs.

Tenants eligible for relocation benefits will receive moving assistance payments. Tenants may select a "self-move" and receive payment for actual moving and related expenses, or receive fixed payment based on the most recent edition of the Fixed Residential Moving Cost Schedule. See FHWA website at: <http://www.fhwa.dot.gov>.

Every effort will be made to accommodate the preferences and special needs of each household. Referrals to community services and transportation to potential replacement dwelling sites will be provided to households free of charge.

If a household feels there is an inappropriate or inadequate determination of its eligibility or relocation payment, they may file a written appeal with the owners within 60 days after they receive written notification of the determination of their claim. They may inspect and copy all materials pertinent to their appeal, except materials, which are classified as confidential by the owners.

The Housing Director of the Oxnard Housing Authority, or his designee, and someone not directly involved with the matter being appealed will review each appeal. The household may request a formal hearing within fifteen (15) days of receipt of their appeal to owners and the Oxnard Housing Authority. A written decision of the matters being appealed will be issued no later than thirty (30) days after the letter of the end of the fifteen (15) day hearing request period, or close of the requested appeal hearing. The written findings shall explain the basis for the decision. If the relief sought is granted the matter will be considered closed. If the relief sought is denied, the appellant(s) shall be advised of their right to seek legal remedy.

This Residential Relocation Summary is not intended to be a Relocation Plan. A Relocation Plan for public dissemination will be prepared following the completion of tenant interviews, the compilation and analysis of information gathered in the tenant interview process, and a cursory market analysis to identify the availability and cost of

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comparable replacement housing. This is intended to be only an interim report to facilitate the project predevelopment planning and entitlement process.

***Please see the following attached below:**

Attachment A: General Information Notice (English & Spanish)

Attachment B: General Statistics on Occupied Units

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ATTACHMENT A: GENERAL INFORMATION NOTICE
DO NOT MOVE: THIS NOTICE DOES NOT REQUIRE YOU TO MOVE AT THIS TIME. IF YOU MOVE PRIOR TO RECEIVING A NOTICE OF ELIGIBILITY YOU WILL NOT BE ELIGIBLE FOR RELOCATION BENEFITS

December 3, 2010

Family
5637 Cypress Road
Oxnard, CA 93030

Dear Tenant:

Ramona Property Partners, LLC, a California limited liability company, and Martin J. Marietta, Trustee of the Martin J. Marietta Living Trust dated November 30, 1996 are interested in redeveloping the property you currently occupy at 5701-5721, 5655 & 5667, 5637-5693 Cypress Road in Oxnard, CA 93030 for a proposed project of 72 affordable two and three bedroom apartments for low income families.

If the project is awarded required approvals from the City of Oxnard, you will be required to move so that the demolition and new construction can be completed. Suitable housing will be made available to you and you will be reimbursed for all reasonable out of pocket expenses, including moving costs and any increase in housing costs. You will need to continue to pay your rent and comply with all other lease terms and conditions until further notice.

Upon completion of the project, you will be able to lease and occupy your present apartment or another suitable, decent, safe and sanitary apartment in the same building/complex under reasonable terms and conditions. *

In the State of California, as residential tenants you may be eligible for relocation assistance payments for a comparable unit. You must occupy a decent, safe, and sanitary dwelling within one year after vacating your current (displacement) residence to receive a relocation assistance payment. **No person who is lawfully occupying real property required for the project will be asked to move without first being given at least ninety (90) days advance notice, in writing.** No occupants of any type dwellings, eligible for relocation payments, will be required to move unless adequate, decent, safe, and sanitary replacement housing, which is open to all persons regardless of race, color, religion, sex, or national origin, has been made available to them. You will also have the right to appeal any determination of eligibility for relocation assistance, if you feel that your application for assistance was not properly considered.

If federal financial assistance is provided for the proposed project, you will be protected by a federal law known as the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA).

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Legal Residency- ALL households to be relocated will be asked to certify that they are, in fact, legally present in the U.S. Given that this certification will be required of ALL households, such request will be made without bias or discriminatory practice. Residents not lawfully present in the United States are ineligible for relocation payments and assistance. Ineligible residents with qualifying household members may be eligible for benefits.

We urge you not to move at this time. If you choose to move before a notice of eligibility is issued, you will not be provided relocation assistance.

Please remember:

- **This is not a notice to vacate the premises.**
- **This is not a notice of relocation eligibility.**

You will be contacted soon so that we can provide you with more information about the proposed project. If the project is approved, we will make every effort to accommodate your needs. In the meantime, if you have any questions about our plans, please contact: Denise Paul at (805) 485-4646, office located at 633 East Ventura Blvd., CA 93036.

Sincerely,

Denise Paul
Owner Designee/Property Manager

Enclosure: "Relocation Assistance to Tenants Displaced from Their Homes" in English and Spanish.

I have received the enclosed brochure "Relocation Assistance to Tenants Displaced from Their Homes," I have read the above information, and I understand the conditions outlined above (with the assistance of a translator when needed).

_____ Tenant Name (Print)	_____ Tenant Signature	_____ Date
_____ Tenant Name (Print)	_____ Tenant Signature	_____ Date
_____ Tenant Name (Print)	_____ Tenant Signature	_____ Date
_____ Proof of Service Print Name, and Title	_____ Signature	_____ Date

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Translator (Yes/No?)

Translator Name (Print)

Translator Signature

Date

Additional Spaces If Needed:

Tenant Name (Print)

Tenant Signature

Date

Tenant Name (Print)

Tenant Signature

Date

Tenant Name (Print)

Tenant Signature

Date

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ANUNCIO DE INFORMACIÓN GENERAL

NO RETIRE: ESTE AVISO NO LE SOLICITA QUE USTED SE MUDE EN ESTE MOMENTO. SI USTED SE MUDA ANTES DE RECIBIR UN AVISO DE ELEGIBILIDAD, USTED NO PODRÁ RECIBIR LOS BENEFICIOS DE REUBICACIÓN

3 de diciembre, 2010

Familia
5637 Cypress Road
Oxnard, CA 93030

Estimados inquilinos:

Ramona Property Partners, LLC, una compañía de California de responsabilidad limitada (LLC, por sus siglas en inglés), y Martin J. Marietta, administrador del Fideicomiso Martin Marietta J., fechado el 30 de noviembre de 1996, están interesados en volver a desarrollar las propiedades que ocupan en la actualidad ubicadas en 5701 a 5721, 5655 y 5667, 5637-5693 Cypress Road en Oxnard, CA 93030 para un proyecto de 72 apartamentos asequibles de dos y tres dormitorios para familias de bajos ingresos.

Si el proyecto recibe las aprobaciones requeridas por la ciudad de Oxnard, usted tendrá que mudarse para que la demolición y nueva construcción se pueda llevar a cabo. Una vivienda adecuada se pondrá a su disposición además de ser reembolsado por todos los gastos (siempre y cuando estos sean razonables), incluyendo gastos de traslado y cualquier aumento en los costos de vivienda. Usted tendrá que seguir pagando el alquiler y cumplir con todos los otros términos del contrato y las condiciones hasta nuevo aviso.

Una vez finalizado el proyecto, usted podrá alquilar y ocupar de nuevo el mismo apartamento u otro apartamento que sea adecuado, decente, seguro e higiénico en el mismo edificio / recinto bajo términos y condiciones razonables.

Como inquilino de vivienda en el Estado de California, usted puede ser elegible para recibir pagos de asistencia para ser reubicado a una unidad comparable. Para calificar, Después de haber desocupado su actual residencia, usted debe alquilar por un año una vivienda en buenas condiciones, segura y sanitaria para recibir un pago de asistencia de reubicación. **Ninguna persona que esté legalmente alquilando una de las unidades que podrían ser remodeladas tendrá que mudarse sin antes haber recibido notificación por escrito de por lo menos noventa (90) días de anticipación.** A ningún inquilino de cualquier tipo de viviendas, y que sea elegible para los pagos de reubicación, se le requerirá que se mude a otra vivienda a menos de que ésta esté en buenas condiciones, que sea segura y sanitaria. Dicha opción está abierta a todas las personas independientemente de su raza, color, religión, sexo u origen nacional. Si usted siente que su solicitud de ayuda no se consideró adecuadamente, tiene el derecho de apelar cualquier determinación.

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Si el gobierno federal proporciona asistencia financiera para el proyecto propuesto, usted estará protegido por una ley federal conocida en inglés como "*Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA)*".

Residencia legal: A TODOS los hogares que serán reubicados se les pedirá que certifiquen su residencia legal en los Estados Unidos. Dicha certificación es requisito para todos los hogares, tal petición se hará sin prejuicios o prácticas discriminatorias. Los residentes que no estén legalmente en los Estados Unidos no podrán calificar para los pagos de reubicación y asistencia. Las personas que sean legales, pero que vivan con miembros de la familia que no lo son, pueden calificar para recibir los beneficios.

Le instamos a que no se mude en este momento. Si opta por mudarse antes de recibir una notificación de elegibilidad, no recibirá asistencia para su reubicación.

Por favor, recuerde:

- **Esto no es un aviso de desalojo.**
- **Esto no es un aviso de elegibilidad de reubicación.**

Nos pondremos en contacto pronto para que podamos ofrecerle más información sobre el proyecto propuesto. Si el proyecto es aprobado, haremos todo lo posible para satisfacer sus necesidades. Mientras tanto, si usted tiene alguna pregunta acerca de nuestros planes, por favor comuníquese con:

Denise Paul-Elliott en (805) 483-5899, extension #103 oficina ubicada en 335 North A Street, Oxnard CA 93030.

Atentamente,

Denise Paul-Elliott
Propietario Designado / Encargado de Propiedad

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Documentos adjuntos: "Asistencia para la reubicación de los inquilinos desplazados de sus hogares" en Inglés y Español.

He recibido el folleto adjunto "Asistencia para la Reubicación de los inquilinos desplazados de sus hogares," He leído la información anterior, y entiendo las condiciones descritas anteriormente (con la ayuda de un intérprete cuando sea necesario).

Nombre del inquilino (letra de molde) Firma del inquilino Fecha

Nombre del inquilino (letra de molde) Firma del inquilino Fecha

Prueba de servicio escriba el Firma Fecha
Nombre, título y fecha

Traductor (Sí/No?)

Nombre del traductor (letra de molde) Firma del traductor Fecha

Espacio adicional, si es necesario:

Nombre del inquilino (letra de molde) Firma del inquilino Fecha

Nombre del inquilino (letra de molde) Firma del inquilino Fecha

Nombre del inquilino (letra de molde) Firma del inquilino Fecha

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ATTACHMENT B: Existing Households & Physical Unit Statistics To-Date

UNIT#	#BEDRMS	# PERSONS	CONTRACT RENT	TENANT PAYMT	SUBSIDY
5637	2+1, w/ shared 2-car garage	10	1130	1130	0
5639	2+1, w/ shared 2-car garage	6	1130	1130	0
5643	2+1, w/ 1-car garage	6	1100	1100	0
5645	2+1, w/ 2-car garage	2	1200	1200	0
5653	2+1	7	1300	1300	0
5655	2+1, w/ 1-car garage	11	1350	1350	0
5657	2+1	4	1000	1000	0
5661	2+1+den	6	1135	1135	0
5665	3+1	8	1350	1350	0
5669	2+1	10	1130	1130	0
5671	2+1	6	850	850	0
5673	1+1	6	885	885	0
5693	2+1, w/ 1-car garage	5	1085	1085	0
5701	2+1, w/ detached garage	7	975	975	0
5703	3+1	10	1150	1150	0
5705	2+1	5	850	850	0
5709	3+2, w/ detached garage	5	960	960	0
5711	2+1	9	920	920	0
5713	2+1, w/ detached garage	5	950	950	0
5715	2+1, w/ detached garage	11	950	950	0
5717	2+1, w/ detached garage	4	815	815	0
5727	1+1	3	800	800	0

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