



Meeting Date: 1 / 06 / 2009

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

Prepared By: Kathleen Mallory, AICP, Contract Planner *K Mallory* Agenda Item No. 6-1

Reviewed By: City Manager *AM* City Attorney *AM* Finance *JC* Other (Specify) _____

DATE: January 6, 2009

TO: City Council

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

SUBJECT: Appeal of Planning Commission's Action on Courtyard at Mandalay Bay Project, 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.

RECOMMENDATION

That City Council adopt a resolution upholding the action of the Planning Commission denying PZ 06-500-14 (Special Use Permit) for PZ 06-300-12 (Tentative Subdivision Map); PZ 06-620-05 (General Plan Amendment); and PZ 06-570-09 (Zone Change).

DISCUSSION

On June 5, 2008, the Planning Commission considered a request for the redevelopment of the Channel Island Shopping Center with the construction of 116 for sale residential condominium units with on-site recreational amenities. 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-PD (General Commercial, Planned Development) 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. Approval of a tentative subdivision map for Tract No. 5580 for condominium purposes was also requested.

At the meeting, some Commissioners indicated that they felt the project was too dense; that the fiscal impact analysis report should have evaluated a range of commercial activities (including professional office uses) on the project site; mixed use should be proposed on the site to encourage pedestrian/walkability; and the architecture of the project should be revised. Concerns raised by other Commissioners included support for the proposed architecture, and support for the project as designed including the proposed density.

At this meeting, the motion to approve the project failed. In accordance with the Bylaws of the Planning Commission, such a vote constitutes denial of the application (see Attachments 3, 4, and 6). The Planning Commission's decision has been appealed by Tucker Investments so that the City Council may consider the proposed project concurrently with the requested general plan amendment, zone change, and tentative subdivision map (see Attachment 5).

ALTERNATIVES

Should the City Council decide to grant the appeal, staff recommends that City Council:

- a. Approve PZ 06-620-05 (General Plan Amendment) to amend the land use designation, from Neighborhood Commercial to Medium Density Residential. A resolution amending the General Plan will be subsequently adopted on January 13, 2009.
- b. Approve the first reading by title only and subsequent adoption of an ordinance approving Planning and Zoning Permit No. 06-570-09 (Zone Change) to change the zoning from C-2 (General Commercial) to R-3-PD (Garden Apartment, Planned Development).
- c. Adopt a resolution approving Planning and Zoning Permit No. 06-500-14 (Special Use Permit), subject to certain findings and conditions.
- d. Adopt a resolution approving Planning and Zoning Permit No. 06-300-12 (Tentative Subdivision Map for Tract No. 5580), subject to certain findings and conditions.

FINANCIAL IMPACT

This Project will provide funding to address impacts and make improvements to the City's transportation system and other infrastructure and services. It is anticipated that traffic impact fees will address impacts and improvements to local road ways, Quimby fees will improve City parks, water and wastewater fees will offset the cost of infrastructure improvements, and various fees will fund other improvements and services. Future financial benefits will include additional sales and property taxes to support City services and tax increment revenue, including affordable housing set aside funds to the Historic Enhancement and Revitalization (HERO) revitalization area.

- Attachments 1 - City Council Resolution upholding the Planning Commission denial action
2 - City Council Resolution granting the applicant's appeal and approving a General Plan Amendment
3 - City Council Ordinance granting the applicant's appeal and approving a Zone Change
4 - City Council Resolution granting the applicant's appeal and approving a Special Use Permit
5 - City Council Resolution granting the applicant's appeal and approving a Tentative Subdivision Map
6 - Planning Commission Staff Report dated June 5, 2008
7 - Planning Commission minutes dated June 5, 2008
8 - Appeal Filed by Tucker Investments dated June 12, 2008
9 - PowerPoint Presentation from June 5, 2008 Planning Commission meeting

Note: Attachment Nos. 4, 5, and 6 have been provided to the City Council under separate cover. Copies are available for review at the Circulation Desk in the Library after 6:00 p.m. on Monday prior to the Council meeting and at the City Clerk's Office after 8:00 a.m. on the Monday prior.

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD UPHOLDING THE ACTION OF THE PLANNING COMMISSION DENYING PLANNING AND ZONING PERMIT NO. 06-500-14 (SPECIAL USE PERMIT FOR A PLANNED RESIDENTIAL GROUP), AND DENYING PLANNING AND ZONIGN PERMIT NOS. 06-300-12 (TENTATIVE SUBDIVISON MAP FOR TRACT NO. 5580 FOR CONDOMINIUM PURPOSES); 06-620-05 (GENERAL PLAN AMENDMENT); AND 06-570-09 (ZONE CHANGE) FOR THE CONSTRUCTION FO 116 FOR-SALE RESIDENTIAL CONDOMINIUM UNITS, LOCATED ON THE NORTHEAST CORNER OF SOUTH VICTORIA AVENUE AND HEMLOCK STREET (APN'S 187-0-060-105 AND 187-0-060-095), FILED BY COURTYARD AT MANDALAY BAY, LLC., 5010 PARKWAY CALABASAS, SUITE 105, CALABASAS, CA 91302.

WHEREAS, on June 5, 2008 the Planning Commission of the City of Oxnard considered an application for Planning and Zoning Permit No. 06-500-14 (Special Use Permit), filed by Courtyard at Mandalay Bay, LLC in accordance with Section 16-530 through 16-553 of the Oxnard City Code and denied the aforementioned special use permit along with the related recommendations for the Planning and Zoning Permit Nos. 06-620-05 (General Plan Amendment); 06-570-09 (Zone Change); and 06-300-12 (Tentative Subdivision Map); and

WHEREAS, on June 12, 2008, Courtyard at Mandalay Bay, LLC filed a timely appeal of the Planning Commissions action; and

WHEREAS, in correspondence since June 12, 2008, Courtyard at Mandalay Bay, LLC has agreed to City Council continuance of the subject appeal; and

WHEREAS, the City Council has considered the appeal filed by the Courtyard at Mandalay Bay, LLC, and has carefully reviewed the decision of the Planning Commission and has considered the various entitlement applications filed by Courtyard at Mandalay Bay, LLC; and

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

1. The proposed use is NOT in conformance with the General Plan and other adopted policies of the City of Oxnard.
2. The proposed use is NOT in conformance with the zoning of the City of Oxnard.
3. The proposed use will adversely affect or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare.
4. The site for the proposed use is NOT adequate in size and shape to accommodate the

setbacks, parking, landscaping, and other City standards as amended by this approval.

5. The site for the proposed use will NOT be served by streets and highways adequate in width and structure to carry the kind and quantity of traffic such use will generate.

6. The site for the proposed use will NOT be provided with adequate sewerage, water, fire protection and storm drainage facilities.

7. A substantial improvement of the use of the land will be thereby effected, and there will be a detrimental effect upon the surrounding area.

WHEREAS, the City Council has considered the request for various discretionary permits and for variations to certain modification to the requirements of the City Code as outlined in the June 5, 2008 staff report, AND HEREBY DISAPPROVES the modifications.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Oxnard hereby DENIES these permits.

PASSED AND ADOPTED this 6th day of January 2009, 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

ATTACHMENT 2

A resolution amending the General Plan will be subsequently adopted on
January 13, 2009.

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING PZ 06-570-09 TO CHANGE THE ZONE DISTRICT FROM C-2-PD (GENERAL COMMERCIAL, PLANNED DEVELOPMENT) TO R-3-PD (GARDEN APARTMENT, PLANNED DEVELOPMENT) FOR TWO PARCELS LOCATED ON THE NORTHEAST CORNER OF SOUTH VICTORIA AVENUE AND HEMLOCK STREET (APNs 187-0-060-105 AND 187-0-060-095), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY COURTYARD AT MANDALAY BAY, LLC., 5010 PARKWAY CALABASAS, SUITE 105, CALABASAS, CA 91302.

WHEREAS, on June 5, 2008 the Planning Commission of the City of Oxnard considered an application for Planning and Zoning Permit No. 06-570-09 (Zone Change), filed by Courtyard at Mandalay Bay, LLC and denied Planning and Zoning Permit No. 06-500-15 (Special Use Permit) along with the related recommendations for the Planning and Zoning Permit Nos. 06-620-05 (General Plan Amendment); and 06-300-12 (Tentative Subdivision Map); and

WHEREAS, on June 12, 2008, Courtyard at Mandalay Bay, LLC filed a timely appeal of the Planning Commissions action; and

WHEREAS, in correspondence since June 12, 2008, Courtyard at Mandalay Bay, LLC has agreed to City Council continuance of the subject appeal; and

WHEREAS, the City Council has considered the appeal filed by the Courtyard at Mandalay Bay, LLC, and has carefully reviewed the decision of the Planning Commission and has considered an application for Planning and Zoning Permit No. 06-570-09, filed by Courtyard at Mandalay Bay, LLC; and

WHEREAS, the zoning of the subject property is C-2-PD (General Commercial, Planned Development) and in order for the project to be approved, the zoning of the subject parcel must be amended to R-3-PD (Garden Apartment, Planned Development); and

WHEREAS, the City Council finds after due study and deliberation that the public interest and general welfare require the adoption of Zone Change No. 06-570-09; and

WHEREAS, in accordance with the California Environmental Quality Act, the Planning Division Manager provided public notice of the intent of the City to adopt a mitigated negative declaration for this project, and the City Council considered the proposed mitigated negative declaration, together with any comments received during the public review process, finds on the basis of the whole record before it (including the initial study and any comments received) that with the imposition of mitigation measures as conditions of approval, there is no substantial evidence that the project will have a significant effect on the environment, further finds that the mitigated negative

declaration reflects the independent judgment of the City, and adopts the mitigated negative declaration; and

WHEREAS, the documents and other material that constitute the record of proceedings upon which the decision to certify the adopt the final subsequent environmental impact report is located in the Planning Division, and the custodian of the record is the Planning Manager; and

WHEREAS, Applicants agree, as a condition of adoption of this ordinance 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 zone change is consistent with the 2020 General Plan as amended as part of PZ 06-620-05.

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

Part 1. The zoning governing the property located on the northeast corner of South Victoria Avenue and Hemlock Street, as shown on the map on file with the City Clerk, is changed from C-2-PD (General Commercial, Planned Development) to R-3-PD (Garden Apartment, Planned Development).

Part 2. Within fifteen 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 _____, 2009, and finally adopted on _____, 2009, to become effective thirty days thereafter.

PASSED AND ADOPTED this _____th day of _____ 2009, by the following vote:

AYES:

NOES:

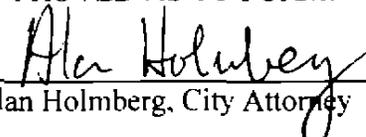
ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney

MINUTES

OXNARD PLANNING COMMISSION
REGULAR MEETING
JUNE 5, 2008

A. ROLL CALL

At 7:05 p.m., the regular meeting of the Oxnard Planning Commission convened in the Council Chambers. Commissioners Irene Pinkard, Chairman Michael Sanchez, Randall Elliott, Dale Dean, Saul Medina, and Deirdre Frank were present. Chair Sanchez presided and called the meeting to order. Staff members present were: Susan Martin, Planning Manager, Paul Wendt, Senior Civil Engineer; Jason Samonte, Traffic Engineer; James Rupp, Assistant City Attorney; Winston Wright, Associate Planner; Stephanie Diaz, Contract Planner; Kathleen Mallory, Contract Planner; Justin Beranich, Assistant Planner; and Lori Maxfield, Recording Secretary.

B. PUBLIC COMMENTS

Mr. Larry Stein spoke on the use of sales tax.

C. READING OF AGENDA

Planning Manager Martin reviewed the agenda including the applicant's request to continue Item F-4 (PZ 08-300-1) off calendar, and staff recommendation to continue Item F-5 (PZ 07-530-2) to June 19, 2008.

D. CONSENT AGENDA

1. APPROVAL OF MINUTES – May 15, 2008

MOTION Commissioner Elliott moved and Commissioner Dean seconded a motion to approve the minutes of May 15, 2008 as presented. The question was called and the motion carried 6-0-1. Commissioner Okada absent.

2. PLANNING AND ZONING PERMIT NO. 08-300-2 (Tentative Parcel Map), a request to subdivide an 84.47 acre parcel into one 1.95 acre lot within the city and one 82.5 acre parcel within the unincorporated county, located on the northeast corner of El Dorado Avenue and Channel Islands Boulevard at 2801 Channel Islands Boulevard (APN 220-0-030-045). The proposed project is exempt from environmental review under Section 15315 of the CEQA Guidelines. Filed by Tim White, 750 W. Gonzales Road, Oxnard, CA 93036.
PROJECT PLANNER: Justin Beranich

Chair Sanchez opened the public testimony.

Mr. Larry Stein stated the staff report was incorrect regarding the site being vacant; and the map was incorrect regarding use.

Chair Sanchez closed the public testimony.

MOTION Commissioner Medina moved and Commissioner Elliott seconded a motion to adopt a resolution recommending City Council approval of PZ 08-300-2, a Tentative Parcel Map of Tract No. 5747 for property located at 2801 East Channel Islands Boulevard, subject to certain conditions. The question was called and the motion carried 6-0-1. Commissioner Okada absent.

MOTION Commissioner Dean moved and Commissioner Pinkard seconded a motion to continue Item F-4 (PZ 08-300-1) off calendar at applicant's request; and continue Item F-5 (PZ 07-530-2), as requested by staff. The question was called and the motion carried 6-0-1. Commissioner Okada absent.

E. CONTINUED PUBLIC HEARINGS

F. NEW PUBLIC HEARINGS

1. PLANNING AND ZONING PERMIT NO. 07-670-03 Notice of Intent to Adopt Development Agreement for an approved land subdivision (Tentative Tract No. 5063) consisting of twelve lots for future residential development on property located on the west side of Harbor Boulevard, between Breakers Way and Reef Way. The subject site is currently vacant and consists of 1.39 gross acres. Action on the development agreement is exempt from environmental review under Section 15061(b)(3) of the CEQA Guidelines. Filed by Elevar Seven, LLC, 501 Spectrum Circle, Oxnard, CA 93030.
PROJECT PLANNER: SUE MARTIN

Commissioner Frank recused herself on Item F-1 (PZ 07-670-3) due to a conflict of interest.

Assistant City Attorney Rupp presented the staff report including the purpose and length of the development agreement.

Chair Sanchez opened the public testimony.

Ms. Deirdre Frank spoke in opposition to the project as she believes this would be a precursor to the development agreement when the White Cap lot goes forward; the parties to both agreements were the same; Coastal Commission determined the White Cap lot was an environmentally sensitive habitat area and was pending; concerned with the term of the contract, as there should be options; concerned with the 90 day laches period; concerned with the collateral evidence rule; questioned why the City Council reduced the prices of the parcels; the agreement was vague as to the reserved powers; and concerned that the proposed agreement would set a precedent for the White Cap lot.

Chair Sanchez closed the public testimony.

Discussion ensued regarding the length of the agreement, and review every five years.

MOTION Commissioner Medina moved and Commissioner Pinkard seconded a motion to adopt a resolution finding General Plan compliance and recommending City Council adoption of the development agreement (PZ 07-670-03) for Tentative Subdivision Map for Tract No. 5063 for twelve lots located on the west side of Harbor Boulevard, between Breakers Way and Reef Way. The question was called and the motion carried 5-0-1-1, Commissioner Frank abstaining, and Commissioner Okada absent.

2. PLANNING AND ZONING PERMIT NO. 04-500-20 (Special Use Permit) a request to conduct church services in an existing building located at 232 W. Pleasant Valley Road, within the Southwinds Neighborhood, on property zoned C-2-PD (General Commercial-Planned Development). The project includes a request for 475 seats. Filed by Victory Outreach Church, 232 W. Pleasant Valley Road, Oxnard, CA 93033.
PROJECT PLANNER: Stephanie Diaz

Contract Planner Diaz presented the staff report including project history; signage; traffic and circulation; landscaping environmental review; community workshop. She also displayed the location, General Plan, and zoning maps; site photos; and site and floor plans.

Chair Sanchez opened the public testimony.

Pastor Fernando Franco gave a brief presentation including the history of the church; how they became aware that a Special Use Permit was required; discussed the parking study; and indicated agreement with all proposed conditions.

Chair Sanchez closed the public testimony.

MOTION Commissioner Dean moved and Commissioner Elliott seconded a motion to adopt a resolution granting PZ 04-500-20, a Special Use Permit to allow a church in an existing building located at 232 West Pleasant Valley Road, subject to certain findings and conditions. The question was called and the motion carried 6-0-1, Commissioner Okada absent.

3. PLANNING AND ZONING PERMIT NO. 07-200-03(Planned Development Permit) a request to replace a one-story 1,021 square foot bakery with a new two-story mixed-use building that has 2,167 square foot bakery on the first floor and 1,296 square foot one-bedroom apartment on the second floor. The request includes placing a loading zone on I Street immediately adjacent and contiguous to the subject property. The 8,650 square foot property, commonly known as Oralia's Bakery, is located at 942 West Wooley Road within the Hill Street Neighborhood and the Historic Enhancement and Revitalization of Oxnard redevelopment area. The proposed project is exempt from environmental review under Sections 15301 & 15303 of the CEQA Guidelines. Filed by Ed Campbell on behalf of Carina Mendez and Ricardo Suarez, 1143 East Main Street, Ventura, CA 93001
PROJECT PLANNER: Winston Wright

Associate Planner Wright presented the staff report including current use; development standards; parking requirements; loading zone; new curb cut and stop sign on Wooley Road; in-fill lot, located

with HERO. He also displayed location, General Plan, and zoning maps; aerial and site photos; elevations; site plan; and bakery and apartment floor plans.

Traffic Engineer Samonte discussed loading zones.

Chair Sanchez opened the public testimony.

Mr. Ed Campbell, project architect, gave a brief presentation and agreed to all proposed conditions.

Mr. Tom Zuppari, adjacent property owner, spoke in opposition to the project due to parking; loading/unloading; increased truck traffic; and safety issues.

Mr. Armando Garcia spoke in opposition to the project due to parking and safety issues.

Ms. Lottie Iverson spoke in opposition to the project due to parking.

Chair Sanchez closed the public testimony.

Discussion ensued regarding lighting in the rear of the building with motion detectors; HERO projects remove blighted areas; concern about parking; mixed use project; signs on I Street prohibiting truck traffic; timed parking; and use of the alley for loading/unloading.

Mr. Ed Campbell agreed to the condition requiring loading/unloading from the alley only.

MOTION Commissioner Medina moved and Commissioner Pinkard seconded a motion to adopt a resolution granting PZ 07-200-03, a *Planned Development Permit* to allow the replacement of an existing one-story bakery with a two-story mixed use building that has a 2,167 square foot bakery on the first floor, and a 1,296 square foot one-bedroom apartment on the second floor, located at 942 West Wooley Road, subject to certain findings and conditions. The question was called and the motion carried 6-0-1, Commissioner Okada absent.

RECESS Chair Sanchez called a recess at 9:03 p.m. The meeting reconvened at 9:14 p.m. with all Commissioners present, except Commissioner Okada.

4. **PLANNING AND ZONING PERMIT NO. 08-300-1** (Tentative Subdivision Map for Tract No. 5776) a request to convert the 154-unit Royal Palms Mobile Home Park located at 205 East Factory Lane from rental to condominium ownership. Project located in the Five Points Northeast neighborhood and is statutorily exempt from environmental review under Public Resource Code 21080.8. Filed by Royal Palms, LLC, 23622 Calabasas Road, Suite 100, Calabasas, CA 91302. PROJECT PLANNER: Chris Williamson

ITEM F-4 (PZ 08-300-1) CONTINUED OFF CALENDAR ABOVE.

5. **PLANNING AND ZONING PERMIT NO. 07-530-2** (Wireless Special Use Permit) for installation of a stealth, roof-mounted, telecommunications facility at the base of a steeple and related ground-level equipment; and PZ 07-570-08 (Zone Change) of the underlying residentially-zoned parcels (R-1, R-2, and R-4) to Commercial Office (CO). Located at the First Baptist Church of Oxnard, 936

West Fifth Street, Oxnard, CA 93030. The proposed project is exempt from environmental review under Section 15303 of the CEQA Guidelines. Filed by Synergy Development Services on behalf of T-Mobile, 7146 Valjean Avenue., Van Nuys, CA 91406.

PROJECT PLANNER: Chris Williamson

ITEM F-5 (PZ 07-530-2) CONTINUED TO JUNE 19, 2008 ABOVE.

6. PLANNING AND ZONING PERMIT NO. 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 an 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 known as APNs 187-0-060-105 (existing service station site) and 187-0-060-095 (Channel Islands Shopping Center). Approval of the aforementioned permits would permit the construction of 116 for sale residential condominium units. The entire parcel is 7.72 gross acres 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. PROJECT PLANNER: Kathleen Mallory

Contract Planner Mallory presented the staff report including current and surrounding uses; site design; land use compatibility; zone compliance; and environmental document. She also displayed the site and landscape plans; location, aerial, General Plan, tentative, and zoning maps; and private open space.

Chair Sanchez opened the public testimony.

Mr. Bill Tucker gave a brief presentation.

Mr. Michael Wright, economist for the project, reviewed the site from an economic standpoint indicating limited site access; saturated local retail market; shopping center competitors; concluded that although demographics were good, the site inefficiencies and market saturation would work against the possibility of retail at the site.

Mr. Manny Gonzalez, discussed the project architecture.

Ms. Lucy Cartagena spoke in favor of the project due to current safety issues.

Mr. Carl Thomsen spoke in opposition to the project due to traffic; density; and possibility of converting the sunroom into living space.

Mr. Manny Gonzalez discussed the setbacks on Victoria Avenue, and indicated that due to the limited space of the sunroom, it would not be possible to convert it to living space.

Chair Sanchez closed the public testimony.

Discussion ensued regarding density; architecture; zone change; blighted area; traffic; and potential for mixed use or commercial, rather than housing.

MOTION Commissioner Medina moved and Commissioner Sanchez seconded a motion to adopt a resolution granting PZ 06-500-14, a Special Use Permit for a planned residential group to allow the construction of 116 for sale residential condominium units; recommending City Council approval of PZ 06-300-12, a Tentative Map; recommending City Council approval of PZ 06-620-05, adoption of a General Plan Amendment to change the land use map; and recommending City Council approval of PZ 06-570-09, a Zone Change to change the zone district from C-2 to R-3-PD, for two parcels located on the northeast corner of South Victoria Avenue and Hemlock Street, subject to certain findings and conditions. The question was called and the motion failed 3-3, Commissioner Okada absent.

G. PLANNING COMMISSION BUSINESS

Commissioner Medina stated the public hearing for comments on the Wagon Wheel draft EIR would be held on July 3, 2008, and recommended that the public send in written comments.

H. PLANNING MANAGER COMMENTS

I. ADJOURNMENT

At 10:40 p.m., Commissioner Pinkard moved and Commissioner Dean seconded a motion to adjourn. The motion carried 6-0-1, Commissioner Okada absent.

Michael Sanchez, Chairman

ATTEST: _____
Susan L. Martin, Secretary

08 JUN 12 AM 9: 20

**PLEASE PROVIDE AN ORIGINAL AND 2 COPIES
A \$500 FEE MUST ACCOMPANY THIS APPEAL**

TO: Oxnard City Clerk

**NOTICE OF APPEAL
(from member of the public)**

I, William P. Tucker, am aggrieved or directly affected by
(name of person filing appeal)

and appeal the June 5, 2008 decision from the Planning Commission regarding Project No.
(date of PC meeting)

08-500-14 SUP for a PRG; 08-300-12 Tentative Subdivision Map for Tract No 558;
08-820-05 CPA; and 06-570-09 Zone Change, more particularly described as follows:

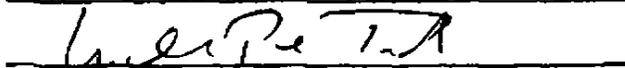
The project is proposed on two parcels identified as APNs 187-0-000-105 (existing service station site) and 187-0-806-095 (Channel Islands Shopping Center).
Approval of the requested permits would allow construction of 118 for sale residential condominium units with on site recreational amenities.

The grounds for appeal are:

The project meets, with discretionary waivers, all of the development standards within the
municipal code of the City's zoning ordinances.

I request the following relief:

We request council approval of all applications and adoption of the amendments to the
General Plan and Zoning Ordinances.


(signature)

Date: June 11, 2008

5010 N. Parkway Calabasas, Ste 105
Calabasas, CA 91302
(address)

cc: City Attorney
Project Planner
Development Services Department
Applicant

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9/2007

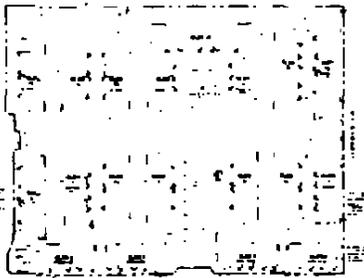
Courtyard at Mandalay Bay Residential Development Project

June 5, 2008
Planning Commission
Planning and Zoning Permit Nos. 06-
600-05 (GPA), 06-570-09 (ZC), 06-
300-12 (TSM), and 06-500-14
(SUP/PRG)

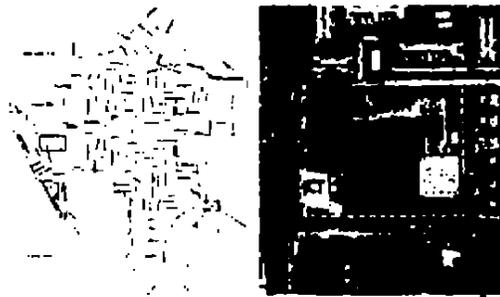
Project Description

- 116 for sale condominium units, with common and private recreation areas – 6.56 net acres
- Three story complexes with a varied number of units per complex
- Enclosed two car garage; 73 visitor parking spaces throughout the project site
- GPA from Neighborhood Commercial to Medium Density Residential (13-18 du/acre), project = 17.7 du/acre
- ZC from C-2 to R-3-PD
- TSM for a one lot condo subdivision
- SUP for a PRG – code modifications discussed further on

Site Plan – access off of Victoria Ave. and Hemlock St.



Vicinity and Aerial Maps NE corner of Victoria Ave. and Hemlock St.



GPA and ZC



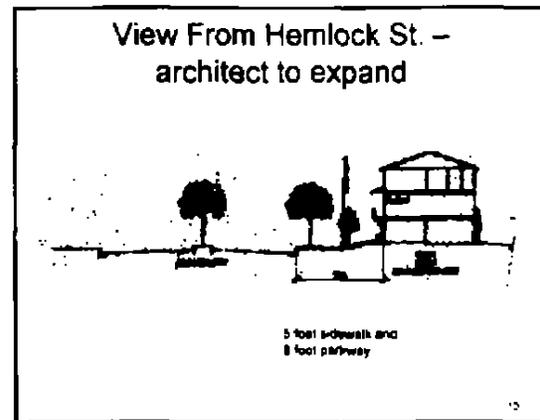
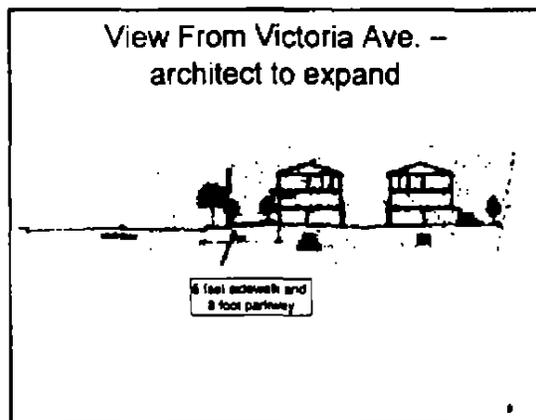
Site Use

- Current use Channel Islands Shopping Center, center is dilapidated and owner has had difficulty retaining commercial tenants in center, report prepared by ERA providing an assessment of retail reuse potential concluded that commercial activities on the site were difficult to support due to the proximity of newer competing commercial centers/uses. Applicant to discuss viability
- Site currently located in the Via Manna Neighborhood
- Added to the HERO district in March 2004 (Ord 2653), redevelopment of site encouraged

Surrounding Land Use			
LOCATION	FORMS	GENERAL PLAN	EXISTING LAND USE
West	VZD Commercial	Future - High Density Commercial and Public Services / Use	Low Medium and Commercial Shopping Center
North	R 1 PD Medium Density Residential Planned	Medium Density Residential / Housing / Medium Density	Medium Density Residential
East	R 2 PD Medium Density Residential Planned	Medium Density Residential / Housing / Medium Density	Medium Density Residential
South	Port District / Urban	1-2 Housing / Urban / Urban / Urban	Single Family
West	R 1 PD Medium Density Residential Planned	Public / Urban / Urban / Urban	Public / Urban / Urban / Urban

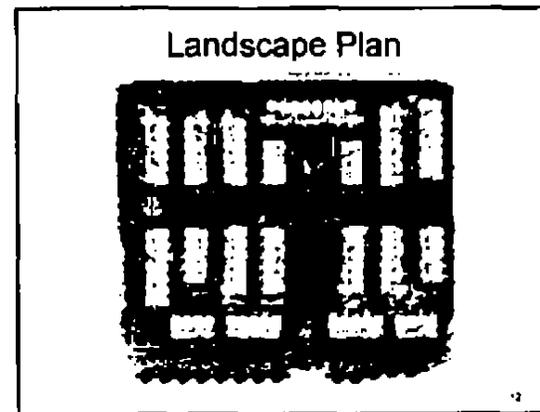
Site Design

- Landscaped parkway/sidewalk parallel to Victoria Avenue and Hemlock Street, applicant prepared cross sections
- Buildings greet sidewalk/parkways
- Vehicular access off of Hemlock St, Victoria Ave, and Newport Weigh (public alley)
- Landscape feature on northeast corner of Victoria Ave. and Hemlock St
- Project is not gated

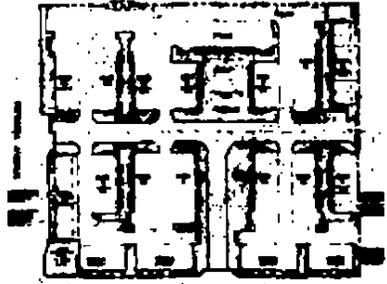


Site Design, cont.

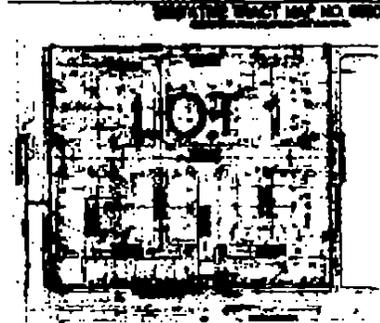
- Driveway/visitor parking along N property line
- Landscape pathways interior to project
- 9,000 sq ft of common rec. area with tot lot, turf area and fountain



Private Open Space



Tentative Map



Land Use Compatibility

- Surrounded by similar density residential development
- Six foot tall masonry wall on northerly property line to remain
- Lighting to be fully shielded and directed downward to eliminate spill over and glare

Zoning Compliance

- Project complies with many of the R-3 zoning regulations such density (du/sq ft), site access, parking lot layout, number of resident and visitor parking spaces, and garage storage requirements
- Does not comply with a few code regulations and therefore, approval of a special use permit for a planned residential group permit is needed

Zoning Compliance, PRG requests

- **Front yard setback - required**
 - 20 feet, provided, however, if access to all parking is from an alley, the front yard may be a minimum of 15 feet
- **Explanation:**
Due to dedication of land on Victoria Ave. and Hemlock St., applicant is proposing a minimum 10 foot setback from future west tract boundary (Victoria Ave.) 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 (Hemlock St.) to living area. (Min. 25 foot setback from back of curb to face of living area).
- **Front yard setback - provided**
 - Along west (Victoria Ave.) 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 (Hemlock St.) property line: 10 feet minimum from property line to living area; 5 feet minimum from property line to outdoor covered spaces (i.e., porches, balconies, patios, etc.).

Zoning Compliance, PRG requests

- **Rear yard setback - required**
 - There shall be a rear yard of 25 feet
- **Explanation:**
 - 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 opposite curb is 30 feet
- **Rear yard setback - provided**
 - Along north property line: 25 feet min
 - Along east property line: 5 feet minimum @ ground level; 3 feet minimum for projections at 2nd and 3rd floor

Zoning Compliance, PRG requests

- Interior yard space - required
 - Equal to 30% of the lot area to be open, and have a minimum dimension of 15 x 15 feet. 25% 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.
- Explanation
 - Due to a portion of the property reserved for public dedication on South Victoria Avenue and Hemlock Street 50,708 sq. ft. (15.1%) of site area has been dedicated to street widening.
- Interior yard space - provided
 - Interior yard space provided is 30% including the 2,500 sq. ft. of open lawn area (29% including the 2,500 sq. ft. open lawn area) of the lot and each interior yard space area has a minimum dimension of 10 feet x 10 feet. Average proposed interior yard space per individual lot is 140 square feet.

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Zoning Compliance, PRG requests

- Building separation - required
 - Building separation between two buildings shall be a distance equal to the height of the taller structure (35 feet).
- Explanation
 - Proposed minimum building separation is 20 feet, except as noted. Areas between buildings were reduced in order to increase the common open space such as the recreation area and corner landscape plaza.
- Building separation - provided
 - Two locations @ 13.8 feet and 14 feet.

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Zoning Compliance, PRG requests

- Balconies and Patios - required
 - All second story dwelling units shall have at least one patio or balcony, having a minimum dimension of ten feet.
- Explanation
 - In lieu of providing 10 feet x 10 feet ground level patios for units fronting Victoria Ave, private open spaces are proposed on the second floor to provide security and privacy for the occupants.
- Balconies and Patios - provided
 - For Victoria Avenue
 - 2nd floor patios or 2nd floor sunroom and shall be a min of 5 feet x 8 feet wide for either sunroom or patios.
 - For Hemlock Street
 - 2nd floor patios shall be provided and shall be a min 5 feet x 8 feet (sunrooms are not an option along Hemlock St.)

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Zoning Compliance, PRG requests

- Perimeter Area Landscaping - required
 - A minimum ten-foot wide landscape strip shall be provided along the property line 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.
- Explanation
 - A 5-foot minimum wide landscape planter is proposed along the north property line. The northern property line has a wall. A 10-foot wide landscape planter along the eastern boundary does not apply since the project has ingress and egress driveways off of this alley.
- Perimeter Area Landscaping - provided
 - Along north property line 5 feet min.
 - Along east property line 10 feet min.

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Zoning Compliance, PRG requests

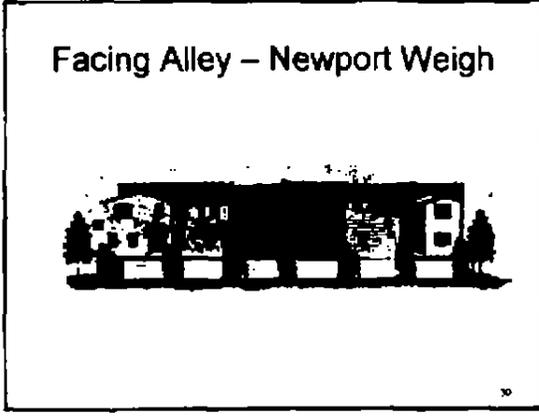
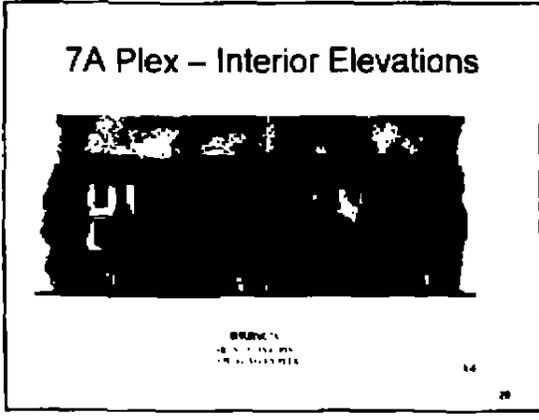
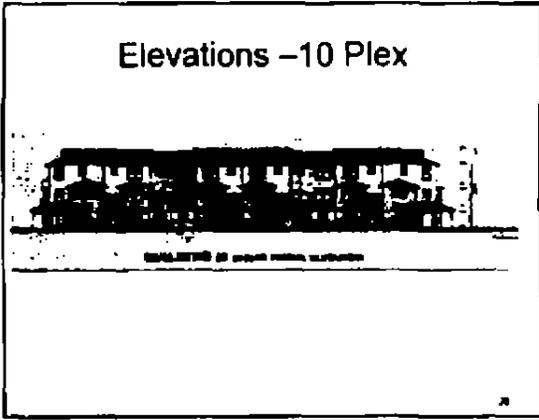
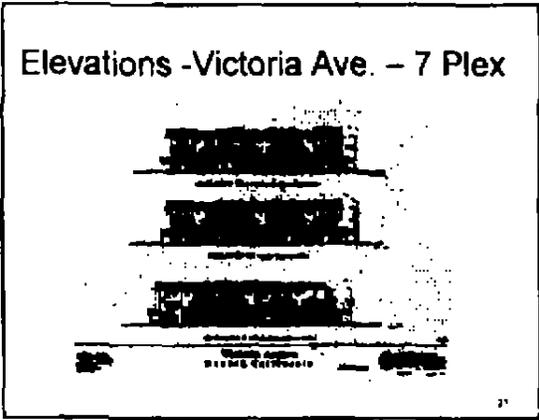
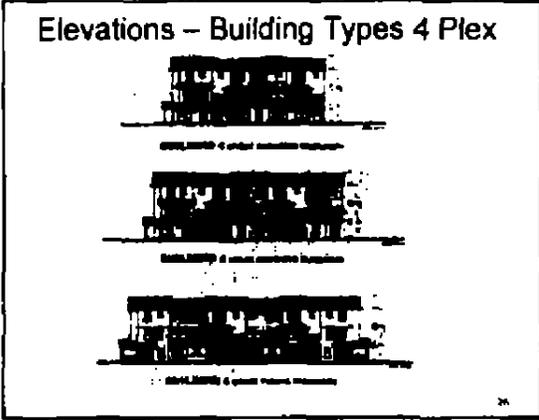
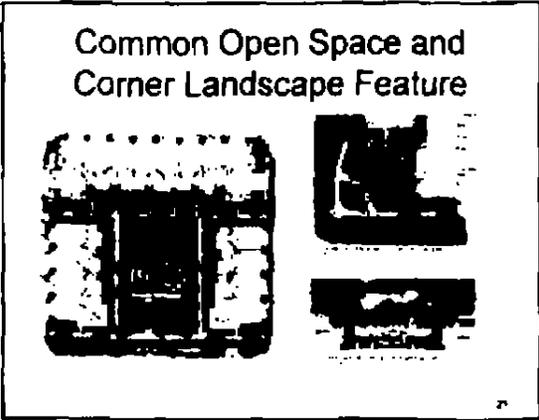
- Location of parking spaces - required
 - All vehicle spaces required for residential uses shall be located no more than 100 feet from the residential unit.
- Explanation
 - The majority of the parking distributed is within reasonable walking distance of residential units. Exception to a few of the units fronting Victoria Ave and Hemlock St.
- Location of parking spaces - provided
 - Minimum 184 feet distance however the average distance is less than 100 feet.

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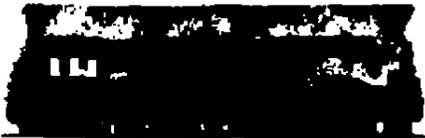
Zoning Compliance, PRG requests

- Building heights - required
 - Building height shall be measured from the top of the average curb elevation of the adjacent principal public street.
- Explanation
 - In order to achieve proper 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 lot 4 and would have a maximum roof height of 39 feet above the average curb elevation of the adjacent public street.
- Building heights - provided
 - Max 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.

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7B - Plex with sunroom facing
Victoria Ave.



PLAN 101 - 1011000
1011000 - 1011000
1011000 - 1011000

31

Elevations – Hemlock Street



SECTION 101 - 1011000
1011000 - 1011000

32

Elevations – Hemlock Street



SECTION 101 - 1011000
1011000 - 1011000

33

7 Plex - Hemlock Street



SECTION 101 - 1011000
1011000 - 1011000

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Color and Materials Board



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Environmental Review

- An initial study was prepared. 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.
- August 31st - September 20th, 2007 – public review
- ADT associated with project is lower than ADT associated with commercial use on site, thus, traffic decreased with project.

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Environmental Review

- Agency letters concurring with conclusion in MND
 - Calleguas Municipal Water District and Southern California Association of Governments. No other agency review letters were received
- Received two public comment letters
 - Ms. Terri Stalcup, President of Whalers Village Home Owners Association to the east and Jennifer Kerr, landowner to the north – concerned with vermin and rodent control

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Environmental Review

- Mitigation measures of interest - to address former gasoline service station; dry cleaner, boat repair facility, and 1971 building materials
- Mitigation to address vermin and rodent control in response to two comment letters
- Other standard mitigation measures imposed
- Remediation to a residential development standard

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Community Workshop

- January 28, 2008 community workshop with Via Manna neighborhood. Comments pertained to traffic and interest in when project would be demolished; support for redevelopment

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Recommendation

- Approve Planning and Zoning Permit No. 06-500-14 a special use permit for a planned residential group subject to certain findings and conditions
- 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
- Adopt a resolution recommending that the City Council approve Planning and Zoning Permit No. 06-620-05 (General Plan Amendment)
- Adopt a resolution recommending that the City Council approve Planning and Zoning Permit No. 06-570-09 (Zone Change)

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