Meeting Date: 1/13/09

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

Prepared By: Kathleen Mallory, AICP, Contract Planner K. Mallory Agenda Item No. 2-2

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

DATE: January 13, 2009

TO: City Council

FROM: Susan L. Martin, AICP
Planning Division Manager

SUBJECT: **Appeal of Planning Commission Action on Vineyard-Ventura Homes Project For Development of 201 Residential Units on Vacant Property, Located at 1801 Vineyard Avenue. Filed by Casden Properties LLC., 9090 Wilshire Blvd., 3rd Floor, Beverly Hills, CA 90211.**

RECOMMENDATION

That City Council adopt a resolution upholding the action of the Planning Commission denying PZ 06-540-01 (Special Use Permit) for PZ 06-300-01 (Tentative Subdivision Map); PZ 06-620-01 (General Plan Amendment); PZ 06-630-01 (Specific Plan Amendment); PZ 06-570-02 (Zone Change); and PZ 07-670-01 (Development Agreement).

DISCUSSION

On September 4, 2008, the Planning Commission considered Final Environmental Impact Report (FEIR) No. 06-04 which evaluated the environmental impacts associated with development of two residential projects on approximately 35 acres of land, located on the northwest corner of Vineyard Avenue and Ventura Road. The first project (Vineyard-Ventura Homes Project) consists of 201 single family and cluster homes on 25.4-acres. The second development project (Ventura Townhomes Project), located just north of the Vineyard-Ventura Homes site, consists of 143 two- and three-story townhomes on 9.6 acres. As identified in the FEIR, all environmental impacts were mitigated to a less than significant level and a statement of overriding consideration was not required. The Commission voted to certify the FEIR (see Attachments 8 and 9).

Following certification of the FEIR, on September 18, 2008, the Planning Commission adopted a resolution denying the special use permit for development of 201 for sale residential units, including 125 two-story condominium cluster units and 76 two-story single family detached homes. As a Planned Residential Group the following modifications to the development standards were considered

by the Commission: reduced front yard setbacks for all units, reduced rear yard setbacks for specific cluster units and one single family residential lot, and decreased building separation between cluster units (see Attachment 8). The Commission's denial also included a recommendation for denial of the following: a general plan amendment to change the land use designation from Community Commercial to Low Medium Density Residential; an amendment to the Northwest Community Specific Plan (NWCSP) to eliminate the requirement for a 5,000 square foot community center and to permit residential uses on the site instead of commercial-oriented uses; a change to the NWCSP map to designate the site as "Sub-Area 2, Residential"; a zone change from C-2-PD (General Commercial, Planned Development) to R-2-PD (Low-Medium Density, Planned Development); and a Tentative Subdivision Map to subdivision Tract No. 5672 for condominium purposes. The project also included a proposed Development Agreement between the applicant and the City of Oxnard; Planning Commission action on this permit was not required.

At the meeting, the Commission expressed concerns regarding: the density of the project and the associated size of the residential lots, neighborhood interface and compatibility, and lack of recreation space provided for on-site residents. These concerns were the basis of the Commission's decision to deny the project (see Attachments 10 and 11).

On September 22, 2008, the City Clerk received an appeal of the Planning Commission's action on the proposed project. The appeal was filed by Casden Properties, LLC with the following justifications: (see Attachment 12):

- The project provides a range of housing opportunities – the applicant contends that 76 single family residential units and 125 multi-family residential units provides a range of housing opportunities as specified within the General Plan and which is consistent with surrounding land uses.

- The project will result in substantially less environmental impact - the applicant contends that the project will result in substantially less environmental impacts as compared to a commercial development project.

- The project will provide substantial public benefits – the applicant contends that the project will result in infrastructure improvements and facility upgrades. Additionally, the project will augment City revenues.

ALTERNATIVES

Should the City Council decide to grant the appeal, due to the City's interest in the property, staff recommends that City Council:

a. Adopt a resolution approving PZ 07-620-01 (General Plan Amendment) to amend the land use designation, from Community Commercial to Low Medium Density Residential. Adoption of the resolution would occur in consultation with approval of general plan amendments for the adjacent Casden development project, as well as the Tucker and Rose Ranch and development projects.
b. Adopt a resolution approving Planning and Zoning Permit No. 06-630-01 (Specific Plan Amendment) an amendment to the Northwest Community Specific Plan (NWCSP) area to

eliminate the requirement for a 5,000 square foot community center and to permit residential uses on the site instead of commercial-oriented uses; and to change to the NWCSP map to designate the site as "Sub-Area 2, Residential".

c. Approve the first reading by title only and subsequent adoption of an ordinance approving Planning and Zoning Permit No. 06-570-02 (Zone Change) to change the zoning from C-2-PD (General Commercial, Planned Development) to R-2-PD (Low-Medium Density, Planned Development).
d. Adopt a resolution approving Planning and Zoning Permit No. 06-540-01 (Special Use Permit), subject to certain findings and conditions.
e. Adopt a resolution approving Planning and Zoning Permit No. 06-300-01 (Tentative Subdivision Map for Tract No. 5672), subject to certain findings and conditions.
f. Approve the first reading by title only and subsequent adoption of an ordinance approving Planning and Zoning Permit No. 07-670-01 (Development Agreement) for the proposed development project. Adoption of the Development Agreement ordinance would occur as part of Planning and Zoning Permit No. 07-670-02 (adjacent Casden development project Development Agreement).

FINANCIAL IMPACT

This Project will provide funding to address impacts and make improvements to the City's transportation system and other infrastructure and services. The development agreement requires payment of traffic impact fees to address impacts and improvements to local road ways, Quimby fees to improve City parks, water and wastewater fees to offset the cost of infrastructure improvements, as well as fees for other improvements and services such as public safety. Future financial benefits include additional sales and property taxes to support City services.

Attachments 1 - City Council Resolution upholding the Planning Commission action
2 - City Council Resolution approving the General Plan Amendment (to be adopted as part of adjacent Casden Development project)
3 – City Council Resolution approving the Specific Plan Amendment
4 – City Council Ordinance approving the Zone Change
5 – City Council Resolution approving the Special Use Permit
6 – City Council Resolution approving the Tentative Subdivision Map
7 – City Council Ordinance approving the Development Agreement
8 – Planning Commission Resolution of FEIR approval, Resolution No. 2008-56
9 - Planning Commission Staff Report dated September 4, 2008
10 - Planning Commission minutes dated September 4, 2008
11 - Planning Commission Resolution of Denial, Resolution No. 2008-57
12 - Appeal Filed by Casden Properties, LLC dated September 22, 2008
13 - PowerPoint Presentation from September 4, 2008 Planning Commission meeting

Note: Attachment Nos. 5, 6, and 9 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 Thursday prior to the Council meeting and at the City Clerk's Office after 8:00 a.m. on the Monday prior. The Development Agreement contained within Attachment No. 7 is a draft. The final Development Agreement will be available prior to 6:00 p.m. on Monday, January 12, 2009.

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. 06-540-01 (SPECIAL USE PERMIT); AND DENYING PLANNING AND ZONING PERMIT NOS. 06-620-01 (GENERAL PLAN AMENDMENT); 06-630-01 (SPECIFIC PLAN AMENDMENT); 06-570-02 (ZONE CHANGE); 06-300-01 (TENTATIVE SUBDIVISION MAP FOR TRACT NO. 5672); AND 07-670-01 (DEVELOPMENT AGREEMENT) TO ALLOW THE CONSTRUCTION OF 76 SINGLE FAMILY RESIDENCES AND 125 CLUSTER HOMES, LOCATED ON THE NORTHWEST CORNER OF NORTH VENTURA ROAD AND WEST VINEYARD AVENUE (APNs 179-0-040-170, 179-0-040-180, 179-0-040-585 AND 179-0-040-625), 1801 VINEYARD AVENUE, SUBJECT TO CERTAIN CONDITIONS. FILED BY CASDEN PROPERTIES LLC., 9090 WILSHIRE BLVD., 3RD FLOOR, BEVERLY HILLS, CA 90211.

WHEREAS, on September 4, 2008 the Planning Commission of the City of Oxnard denied an application for Planning and Zoning Permit No. 06-540-01 (Special Use Permit), filed by Casden Properties LLC, in accordance with Section 16-530 through 16-553 of the Oxnard City Code and on September 18, 2008 adopted a resolution denying the aforementioned special use permit and recommending denial for Planning and Zoning Permit Nos. 06-620-01 (General Plan Amendment); 06-630-01 (Specific Plan Amendment); 06-570-02 (Zone Change); and 06-300-01 (Tentative Subdivision Map for Tract No. 5672); and

WHEREAS, on September 22, 2008, Casden Properties, LLC filed a timely appeal of the Commission's action and the City Council has considered the appeal filed by Casden Properties, LLC for the development project, and has carefully reviewed the decision of the Planning Commission; and

WHEREAS, the documents and other materials that constitute the record of proceedings upon which the decision to certify the final environmental impact report is located in the Planning Division of the City of Oxnard, and the custodian of the record is the Planning Manager; 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 Specific Plan and other adopted policies of the City of Oxnard.

3. The proposed use is NOT in conformance with the zoning of the City of Oxnard.

ATTACHMENT 1
PAGE 1 OF 2

4. 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.

5. 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.

6. 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.

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

8. 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 considered the request for a planned residential group and for variations to certain modification to the requirements of the City Code as outlined in the September 4, 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 13th 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 is attached to
PZ 07-540-03, PZ 07-300-11, PZ 07-620-04, PZ 07-630-02, PZ 07-570-03, and PZ 07-670-02, (2501 North Ventura Road - Casden Development Project)

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 06-630-01 (SPECIFIC PLAN AMENDMENT) AN AMENDMENT TO THE NORTHWEST COMMUNITY SPECIFIC PLAN FOR THE PROJECT LOCATED ON THE NORTHWEST CORNER OF NORTH VENTURA ROAD AND WEST VINEYARD AVENUE (APNs 179-0-040-170, 179-0-040-180, 179-0-040-585 AND 179-0-040-625) – 1801 VINEYARD AVENUE. FILED BY CASDEN PROPERTIES LLC., 9090 WILSHIRE BLVD., 3RD FLOOR, BEVERLY HILLS, CA 90211.

WHEREAS, on September 4, 2008, the Planning Commission certified Final Environmental Impact Report (FEIR) No. 06-04 for the aforementioned development project, and the City Council has considered the FEIR before making its decision herein; and

WHEREAS, on September 4, 2008 the Planning Commission of the City of Oxnard denied an application for Planning and Zoning Permit No. 06-630-01 (Specific Plan Amendment), filed by Casden Properties LLC, and on September 18, 2008 adopted a resolution denying Planning and Zoning Permit No. 06-540-01 (Special Use Permit) and recommending denial for Planning and Zoning Permit Nos. 06-620-01 (General Plan Amendment); 06-630-01 (Specific Plan Amendment); 06-570-02 (Zone Change); and 06-300-01 (Tentative Subdivision Map for Tract No. 5672); and

WHEREAS, on September 22, 2008, Casden Properties, LLC filed a timely appeal of the Commission's action and the City Council has considered the appeal filed by Casden Properties, LLC for the development project, and has carefully reviewed the decision of the Planning Commission; and

WHEREAS, the City Council held a public hearing and received and reviewed written and oral comments related to proposed Specific Plan Amendment No. 06-630-01; and

WHEREAS, the City Council finds after due study and deliberation that the public interest and general welfare require the adoption of Specific Plan Amendment No. 06-630-01; and

WHEREAS, the documents and other material that constitute the record of proceedings are located in the Planning Division, and the custodian of the record is the Planning Manager; and

WHEREAS, the Applicant agrees as a condition of approval of this resolution and at its own expense, to indemnify and defend the City of Oxnard and its agents, officers and employees from and against any claims, actions or proceedings to attack, set aside, void or annul the approval of this resolution or any actions or proceedings, acts or determinations taken, done or made before the approval of this resolution that were part of the approval process; and

WHEREAS, pages 8-11 within the Northwest Community Specific Plan (NWCSP) are hereby amended as follows: Section 5 of the NWCSP is amended to eliminate the requirement for a 5,000 square foot community center and to permit residential uses on the site instead of commercial-oriented uses, and change the NWCSP map to designate the entire site as "Sub-Area 2, Residential".

NOW, THEREFORE, the City Council adopts an amendment to the NWCSP for the property located on the northwest corner of North Ventura Road and West Vineyard Avenue (APNs 179-0-040-170, 179-0-040-180, 179-0-040-585 and 179-0-040-625 – 1801 Vineyard Avenue), as shown in Exhibits A and B, attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 13th day of January 2009, by the following vote:

AYES:

NOES:

ABSENT:

_____
Dr. Thomas E. Holden, Mayor

ATTEST:

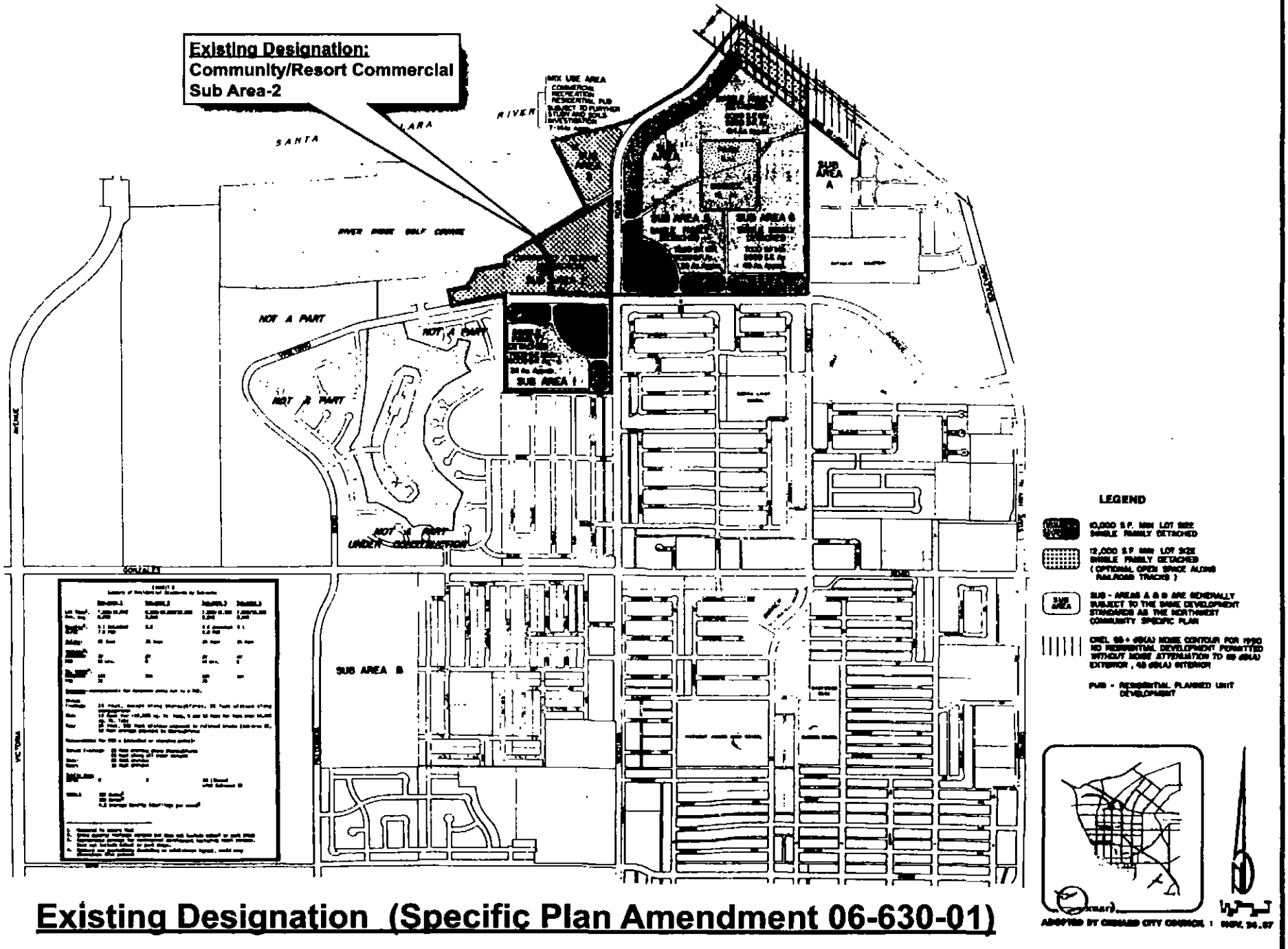
_____
Daniel Martinez, City Clerk

APPROVED AS TO FORM:

_____
Alan Holmberg, City Attorney

ATTACHMENT 3
PAGE 2 OF 4

NORTHWEST COMMUNITY SPECIFIC PLAN

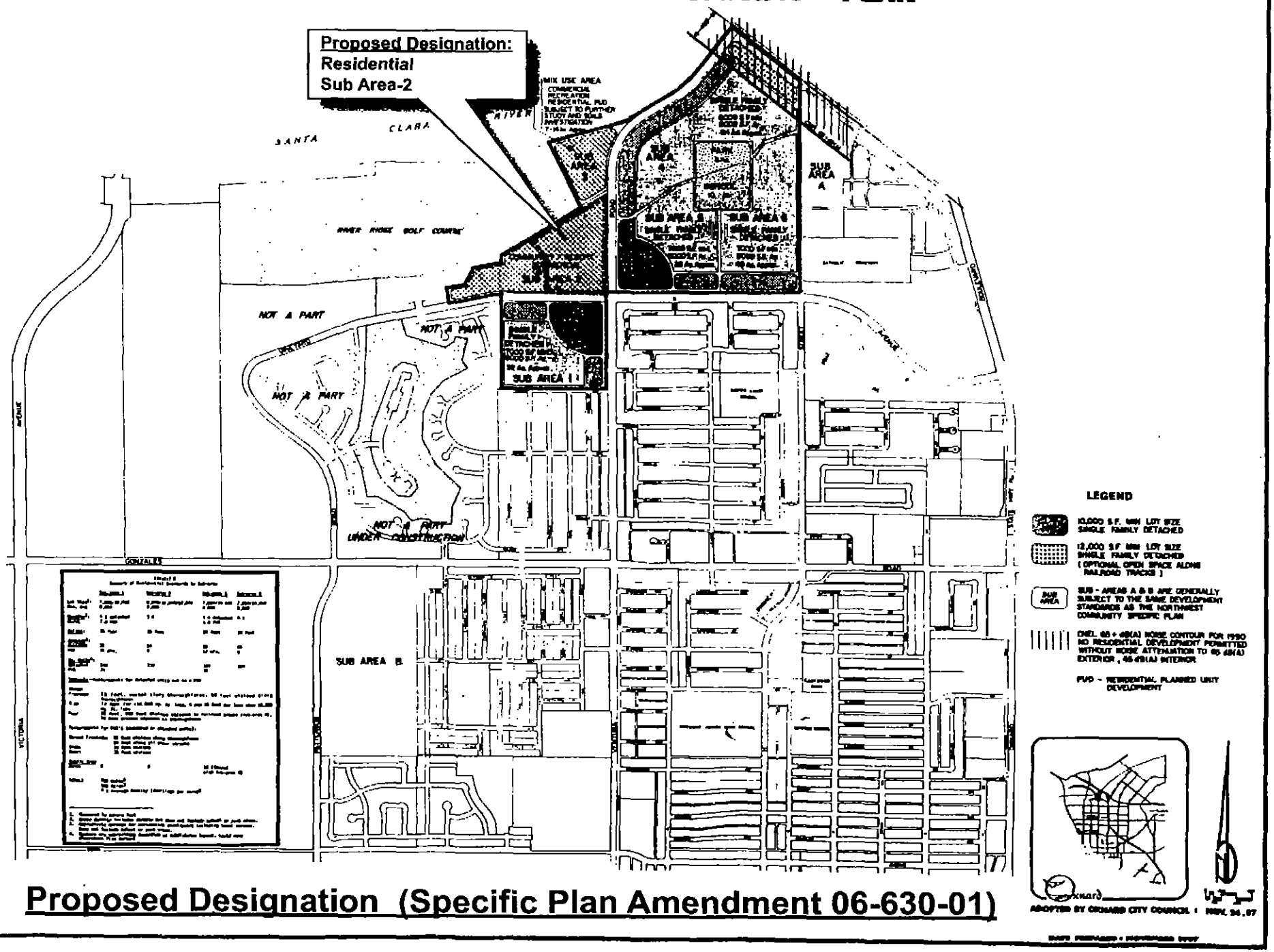


Existing Designation (Specific Plan Amendment 06-630-01)

ATTACHMENT 3
PAGE 3 OF 4

Exhibit A

NORTHWEST COMMUNITY SPECIFIC PLAN



Proposed Designation (Specific Plan Amendment 06-630-01)

ATTACHMENT 3
PAGE 4 OF 4

Exhibit B

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO. __

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING ZONE CHANGE NO 06-570-02 FOR THE PROPERTY LOCATED ON THE NORTHWEST CORNER OF NORTH VENTURA ROAD AND WEST VINEYARD AVENUE (APNs 179-0-040-170, 179-0-040-180, 179-0-040-585 AND 179-0-040-625), 1801 VINEYARD AVENUE, SUBJECT TO CERTAIN CONDITIONS. FILED BY CASDEN PROPERTIES LLC., 9090 WILSHIRE BLVD., 3RD FLOOR, BEVERLY HILLS, CA 90211.

WHEREAS, on September 4, 2008, the Planning Commission certified Final Environmental Impact Report (FEIR) No. 06-04 for the aforementioned development project, and the City Council has considered the FEIR before making its decision herein; and

WHEREAS, on September 4, 2008 the Planning Commission of the City of Oxnard denied an application for Planning and Zoning Permit No. 06-570-02 (Zone Change), filed by Casden Properties LLC, and on September 18, 2008 adopted a resolution denying Planning and Zoning Permit No. 06-540-01 (Special Use Permit) and recommending denial for Planning and Zoning Permit Nos. 06-620-01 (General Plan Amendment); 06-630-01 (Specific Plan Amendment); 06-570-02 (Zone Change); and 06-300-01 (Tentative Subdivision Map for Tract No. 5672); and

WHEREAS, on September 22, 2008, Casden Properties, LLC filed a timely appeal of the Commission's action and the City Council has considered the appeal filed by Casden Properties, LLC for the development project, and has carefully reviewed the decision of the Planning Commission; and

WHEREAS, the City Council held a public hearing and received and reviewed written and oral comments related to proposed Zone Change No. 06-570-02; 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. 06-570-02; and

WHEREAS, the Applicant agrees as a condition of approval of this ordinance and at its own expense, to indemnify and defend the City of Oxnard and its agents, officers and employees from and against any claims, actions or proceedings to attack, set aside, void or annul the approval of this resolution or any actions or proceedings, acts or determinations taken, done or made before the approval of this resolution that were part of the approval process; and

WHEREAS, the zone change is consistent with the 2020 General Plan as amended by General Plan Amendment 06-620-01.

ATTACHMENT 4

PAGE 1 OF 2

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

Part 1. The zoning governing the property located at 1801 Vineyard Avenue, as shown on the map on file with the City Clerk, is changed from C-2-PD (General Commercial, Planned Development) to R-2-PD (Low Medium Density, Planned Development).

Part 2. Within 15 days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation published and circulated in the City. Ordinance No._____was first read on ___, 2009, and finally adopted on _____, to become effective thirty (30) days thereafter.

PASSED AND ADOPTED this _____ 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

ATTACHMENT 4
PAGE 2 OF 2

ATTACHMENT 7

An Ordinance approving the Development Agreement is attached to PZ 07-540-03, PZ 07-300-11, PZ 07-620-04, PZ 07-630-02, PZ 07-570-03, and PZ 07-670-02, (2501 North Ventura Road - Casden Development Project)

RESOLUTION NO. 2008-56

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD CERTIFYING ENVIRONMENTAL IMPACT REPORT NO. 06-04 (SCH #20067071087) FOR THE CASDEN DEVELOPMENT PROJECTS LOCATED ON THE NORTHWEST CORNER OF NORTH VENTURA ROAD AND WEST VINEYARD AVENUE (APNs 179-0-040-170, 179-0-040-180, 179-0-040-585 AND 179-0-040-625) 1801 W. VINEYARD AVENUE AND 1,500 FEET NORTH OF THE INTERSECTION OF VENTURA ROAD AND WEST VINEYARD AVENUE (APNs 179-0-070-265), 2501 N. VENTURA ROAD. FILED BY CASDEN PROPERTIES, LLC., 9090 WILSHIRE BLVD., 3RD FLOOR, BEVERLY HILLS, CA 90211

WHEREAS, the Planning Commission of the City of Oxnard has thoroughly considered Final Environmental Impact Report No.06-04 (State Clearinghouse # 2007071987) (the "EIR") for the Casden Development Projects (the project), which has been prepared in accordance with the California Environmental Quality Act (CEQA) and Resolution No. 10,851, as amended, of the City Council; and

WHEREAS, the Planning Commission has held a public hearing and received and considered oral and written testimony on the Final EIR; and

WHEREAS, the comments of the Commissioners, members of the public, and interested groups and agencies have been adequately responded to.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard:

1. Certifies that the Final EIR was completed in compliance with CEQA and reflects the City of Oxnard's independent judgment.
2. Certifies the adequacy of Final Environmental Impact Report No. 06-04.
3. Approves the Mitigation Monitoring and Reporting Program for the project set forth in Exhibit A and Findings of Fact Exhibit B.

The decision of the Planning Commission is final unless appealed in accordance with the provisions of Section 16-545 of the Oxnard City Code.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 4th day of September, 2008, by the following vote:

AYES: Commissioners: Elliott, Frank, Medina, Okada, and Chairman Sanchez

NOES: None

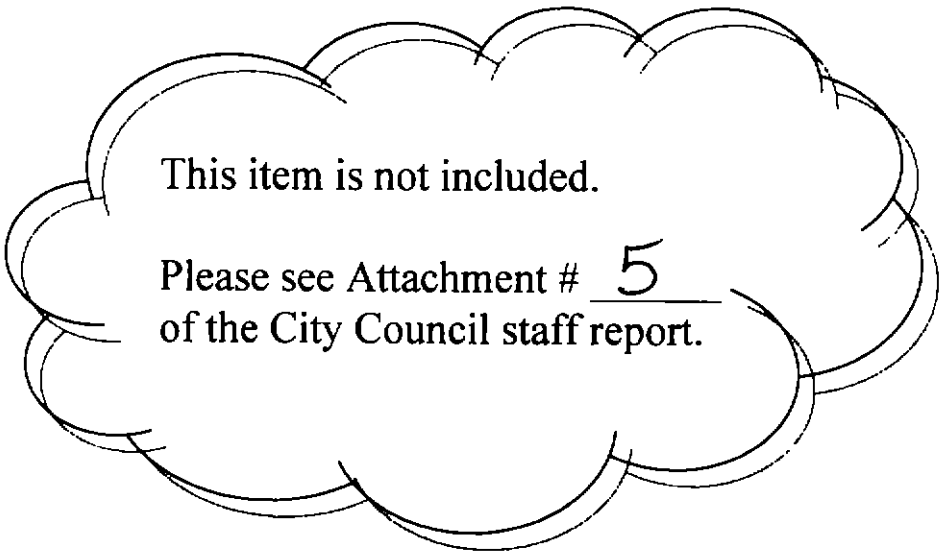
ABSENT: Commissioners: Dean and Pinkard

Michael Sanchez, Chairman

ATTEST: _____
Susan L. Martin, Secretary

ATTACHMENT 8
PAGE 1 OF 2

EXHIBIT A



ATTACHMENT 8
PAGE 2 OF 3

MINUTES

OXNARD PLANNING COMMISSION
REGULAR MEETING
SEPTEMBER 4, 2008

A. ROLL CALL

At 7:06 p.m., the regular meeting of the Oxnard Planning Commission convened in the Council Chambers. Commissioners Sonny Okada, Chairman Michael Sanchez, Randall Elliott, Saul Medina, and Deirdre Frank were present. Chair Sanchez presided and called the meeting to order. Staff members present were: Susan Martin, Planning Manager; Robert Hearne, Civil Engineer; Jason Samonte, Traffic Engineer; James Rupp, Assistant City Attorney; Stephanie Diaz, Contract Planner; Kathleen Mallory, Contract Planner; and Lori Maxfield, Recording Secretary.

B. PUBLIC COMMENTS

C. READING OF AGENDA

Planning Manager Martin reviewed the agenda and stated that Item D-2 (PZ 08-510-04) had been withdrawn by the applicant; and staff requested that Item F-1 (PZ 06-300-09) by continued off calendar.

MOTION Commissioner Elliott moved and Commissioner Okada seconded a motion to continue Item F-1 (PZ 06-300-09; PZ 07-620-03; PZ 07-570-01; PZ 07-500-06; & PZ 06-500-04) off calendar, as recommended by staff.

D. CONSENT AGENDA

1. APPROVAL OF MINUTES – August 21, 2008

2. PLANNING AND ZONING PERMIT NO. 08-510-04 (Coastal Development Review Permit) a request to allow on-site sales of beer and wine with meals (ABC License Type 41) in an existing 2,000 square foot restaurant (Camino Real Mex Grill). The restaurant is located at 3960 Tradewinds Drive, within Phase I of the Seabridge Shopping Center (APN: 188-0-250-075), in the Mandalay Bay Specific Plan area, Channel Islands Neighborhood, and adjacent to the Via Marina Neighborhood, as designated in the Oxnard General Plan. The application for the proposed development was filed with the City on June 18, 2008, and the subject property is located within the City's Coastal Zone. The proposed project is exempt from environmental review under Section 15301 of the CEQA Guidelines. Filed by designated Attorney in Fact Rogelio and Anna Maria Vera, 6231 Newcastle Avenue, Goleta CA 93117.
PROJECT PLANNER: Brian Hann

3. PLANNING AND ZONING PERMIT NO. 07-540-07 Planned Development Permit a request to construct a 9,035 square foot shopping center on a 0.7 acre site at 2805 Vineyard Avenue on the northwest corner of Vineyard Avenue and Stroube Street, APN 132-060-050 in the General Commercial Planned Development (C-2 PD) Zone and the El Rio West Neighborhood. The proposed project is exempt from environmental review under Section 15303 of the CEQA Guidelines for new construction of small structures. Filed by Kevin Rahbar, 7450 Reseda Boulevard, Reseda, CA, 91335.

ATTACHMENT 10
PAGE 1 OF 7

PROJECT PLANNER: Stephanie Diaz

MOTION Commissioner Frank moved and Commissioner Elliott seconded a motion to motion to approve the minutes of August 21, 2008 as presented; withdraw from the agenda Item D-2 (PZ 08-510-04) at the applicant's request; and adopt a resolution granting PZ 07-540-07, a Planned Development Permit to allow construction of a 9,035 square foot shopping center, subject to certain findings and conditions. The question was called and the motion carried 5-0-2, Commissioners Dean and Pinkard absent.

E. CONTINUED PUBLIC HEARINGS

F. NEW PUBLIC HEARINGS

1. PLANNING AND ZONING PERMIT NO. 06-300-09 (Subdivision Map for Tract No. 5686), 07-620-03 (General Plan Amendment), 07-570-01 (Zone Change), 07-500-06 and 06-500-04 (Special Use Permits) to subdivide the subject property, consisting of 28 acres, into seven separate lots for proposed and future industrial developments. The site is currently addressed at 3455 E. Fifth Street (APN 216-0-160-29) and 3460 Sturgis Road (APN 216-0-160-04) and is located on the east side of Del Norte Boulevard, between Fifth Street and Sturgis Road. A request to amend the general plan land use designation, from Light Industrial to Central Industrial, would correspond to the request zone change, from M1 to M2. Two use permits are proposed at this time: one (PZ 07-500-06) for an asphalt batch plant, and the other (PZ 06-500-04) for a concrete batch plant. The asphalt facility would be located on two of the proposed lots (total 12 acres) and would involved outdoor operation including onsite stockpiles, aggregate materials, equipment up to 55 feet in height, and a 3,350-square foot addition to an existing 5,200-square foot building. The asphalt plant is anticipated to produce 925,000 tons annually. The concrete plant is proposed on a 3-acre parcel and would be designed as a fully enclosed facility, and would include three new buildings totaling 11,420 square feet in building area, parking for up to 32 cement mixing trucks, equipment handling units, conveyor systems, silo units, and outdoor cement loading operations. There is no substantial evidence that the proposed project may have a significant effect on the environment, and a mitigated negative declaration (MND 08-01) will be adopted. Filed by Julie Chase of Tenby, Inc. 595 Wolff Road, Oxnard, CA 93033 and Micheal Krussman with Associated Ready Mix 4621 Teller Avenue, Ste. 130, Newport Beach, CA 92660. As project representative, both applicants have designated, Mark Petit with Lauterbach and Associate Architects, 300 Montgomery Avenue, Oxnard, CA 93030.
PROJECT PLANNER: Juan Martinez

ITEM F-1 (PZ 06-300-09; PZ 07-620-03; PZ 07-570-01; PZ 07-500-06; and PZ06-500-04) WERE CONTINUED OFF CALENDAR ABOVE.

2. PLANNING AND ZONING PERMIT NOS. 07-500-18 (Special Use Permit), 08-300-05 (Tentative Parcel Map), 07-570-06 (Zone Change) and 08-670-04 (Development Agreement) a request to develop a 2.18-acre vacant parcel located at the southwest corner of Oxnard Boulevard and Roderick Avenue, and addressed at 705, 711 and 747 N. Oxnard Boulevard (APNs 200-0-252-02, -12, and -13 respectively). A zone change to modify the existing C-2 (general commercial) zone designation to C-2-PD (general commercial with a planned development overlay) is requested to accommodate the proposed three-story mixed-use development. On the second and third floors, a total of 40 residential condominium units are proposed (8 one-bedroom units, 14 two-bedroom units, and 18 three-bedroom units) as part of the special use permit for a planned residential group. Approximately 16,000 square feet of commercial space would also be available at ground-level. Administrative relief to allow for shared parking is also included with this request. There is no substantial evidence that the proposed project may have a significant effect on the

ATTACHMENT 10
PAGE 2 OF 7

environment, and a mitigated negative declaration will be adopted. Filed by Aldersgate Investment, LLC, 300 Esplanade Drive, Suite 430, Oxnard, CA 93036.
PROJECT PLANNER: Hollee Brunsky

Commissioner Sanchez recused himself on Item F-2 due to a conflict of interest.

Planning Manager Martin presented the staff report including the history of the site; proposed description; request for administrative relief from parking; Code deviations; mitigated negative declaration; fireplace and chimney may be eligible for nomination as a point of historical interest; and a condition to reuse the bricks for mail kiosks within the development. She also displayed aerial, vicinity, General Plan, and zoning maps; site photos; floor plans; and elevations.

Chair Frank opened the public testimony.

Mr. Mitchell Kahn, representing the applicant, gave a brief presentation.

Mr. Jeff Zook, Coastal Architects, gave a description of the architecture including environmental friendly components; ample lighting and view corridors within the parking area for security; may install video surveillance; location of trash enclosure; loading zone on A Street; private patios; and drainage.

Traffic Engineer Samonte discussed loading zones.

Ms. Pat Brown stated the potential for noise, due to the setbacks, and suggested either trees or shrubs to absorb the noise.

Chair Frank closed the public testimony.

Assistant City Attorney Rupp explained that the Planning Commission was only required to hold a public hearing on the Development Agreement, and that no action would be taken.

MOTION Commissioner Okada moved and Commissioner Elliott seconded a motion to adopt a resolution granting PZ 07-500-18, a Special Use Permit for a Planned Residential Group; adopt a resolution recommending that the City Council approve PZ 07-570-06, a Zone Change to change the zone district from C-2 to C-2-PD; and adopt a resolution recommending that the City Council approve PZ 08-300-05, a Tentative Subdivision Map of Tract 5796 for condominium purposes to create 40 residential units and 16,000 square feet of office space, for property located at 705, 711, and 747 North Oxnard Boulevard, subject to certain findings and conditions. The question was called and the motion carried 4-0-2-1, Commissioners Dean and Pinkard absent, and Commissioner Sanchez abstaining.

3. Certification of Final Environmental Impact Report (FEIR) No. 06-04 for the Casden Development Projects. Casden is proposing a development of approximately 35 acres of land, located on the northwest corner of Vineyard Avenue and Ventura Road. The first residential project (Vineyard-Ventura Homes Project) consists of a total of 201 single family and cluster homes on a 25.4 acre site (APNs 179-0-040-170; 179-0-040-180; 179-0-040-585; and 179-0-040-625 – 1801 West Vineyard Avenue). The second residential development project (Ventura Townhomes Project), located on the west side of Ventura Road (approximately 1,500 feet north of Vineyard Avenue) consists of 143 two- and three-story townhomes on a 9.6 acre site (APN 179-0-070-265 – 2501 Ventura Road). Both developments will be gated communities. Filed by Casden Properties, LLC, 9090 Wilshire Blvd., 3rd floor, Beverly Hills, CA 90211.

ATTACHMENT 10
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PROJECT PLANNER: Kathleen Mallory

Contract Planner Mallory presented the staff report including the project description and summary; impact areas; and comment letters received. She clarified that the letter received from Ventura County Environmental Health was addressed through Errata Sheet No. 1.

Mr. David Stone, EIR consultant, discussed issues on hydrology; noise; transportation; treatment and feasibility of alternatives; project alternatives; and traffic analysis. He explained how the responses and substantive changes with made to the FEIR. He also explained that the reason Alternative 4 (reduction in density) was not pursued was because the number of units would have been substantially reduced, which would have made it infeasible, as it would not have met the project objectives. He indicated that no sensitive habitats exist on site, but there was a potential for wildlife due to the current rural activities.

Discussion ensued regarding the levee; lift stations were not addressed; and flooding on Ventura Road.

Mr. Darren Embrey explained that the historical height of the water table was ten feet, and a sump pump would be used as needed to address any flooding issues for parking.

Chair Sanchez opened the public testimony.

Mr. Richard Bracamonte discussed his concerns regarding traffic and density.

Ms. Pat Brown stated that she would prefer larger homes with lower density, that would reduce traffic.

Chair Sanchez closed the public testimony.

MOTION Commissioner Medina moved and Commissioner Elliott seconded a motion to adopt a resolution certifying Final Environmental Impact Report No. 06-04, for the Casden Development projects located on the northwest corner of North Ventura Road and West Vineyard Avenue, 1801 West Vineyard Avenue, and 1,500 feet north of the intersection of Ventura Road and west of Vineyard Avenue, 2501 North Ventura Road. The question was called and the motion carried 5-0-2, Commissioners Dean and Pinkard absent.

RECESS Chair Sanchez called a recess at 8:45 p.m. The meeting reconvened at 8:59 p.m. with all Commissioners present, except Commissioners Dean and Pinkard.

4. PLANNING AND ZONING PERMIT NOS. 06-620-01 (General Plan Amendment); 06-630-01 (Specific Plan Amendment); 06-570-02 (Zone Change); 06-300-01 (Tentative Subdivision Map for Tract No. 5672); 06-540-01 (Special Use Permit), and 07-670-01 (Development Agreement). The Vineyard-Ventura Homes Project proposes to develop 201 "for-sale" residential units, including 126 two-story condominium cluster homes and 75 two-story, single family detached homes, on 25.4 acres (APNs 179-0-040-170, 179-0-040-180, 179-0-040-585 and 179-0-040-625). The subject site is at the northwest corner of Vineyard Avenue and North Ventura Road addressed at 1801 West Vineyard Avenue. The general plan amendment would change the land use designation from Community Commercial to Low Medium Density Residential. An amendment to the Northwest Community Specific Plan (NWCSP) is proposed to eliminate the requirement for a 5,000 square foot community center on the project site and to permit residential uses on the site instead of commercial-oriented uses. A corresponding change to the NWCSP map would designate this site as "Sub-Area 2, Residential". A Zone Change from C-2-PD (General Commercial, Planned Development) to R-2-PD (Low-Medium Density, Planned Development) is also

requested. A special use permit for a planned residential group is requested to allow reduced front yard setbacks for all units, reduced rear yard setbacks for specific cluster units and one single family residential lot, and decreased building separation between cluster units. Approval of a Development Agreement in cooperation with the adjoining Casden project also under consideration by the Commission, is being requested. In accordance with the California Environmental Quality Act (CEQA), an environmental impact report has been prepared for both the proposed project and the 9.6 acre project to the north, known as Ventura Road Townhomes. The project application was filed by Casden Properties, LLC., 9090 Wilshire Blvd., 3rd floor, Beverly Hills, CA 90211.
PROJECT PLANNER: Kathleen Mallory

Contract Planner Mallory presented the staff report including detention basins; landscaping; new signal at Stone Creek; history of the site; requested Code deviations; in-lieu fees to be paid by the applicant; and explained that no action was required on the development agreement. She also displayed the vicinity, aerial, General Plan, and zoning maps; site plan; elevations; landscape plan; and recreational plan with children's play area.

Mr. Darren Embrey, applicant, gave a brief presentation including the project history; recreational amenities; traffic study; road improvements; and the benefits of a gated community with a homeowner's association. He explained that public improvements would be made, and if there were a shortage, they would make up the difference in cash. He also stated that projects that abut the golf course would pay the golf course fee.

Development Services Director Winegar explained that all development from Victoria Avenue and H Street, and north of Gonzales Road, adjacent to the RiverRidge Golf Course have paid into the fund to pay for course improvements, debt service, and operation. He explained that the applicant would not receive credit for Quimby fees, but would get credit for the bike path along the levee.

Chair Sanchez opened the public testimony.

Mr. Herb Smith stated he was concerned about the density; traffic; lack of parks; and shortage of schools.

Mr. Chuck Bauman expressed his concerns on density; small lots; shortage of parks; and the requested setbacks.

Chair Sanchez closed the public testimony.

Discussion ensued regarding density; gated community; shortage of parks; project doesn't fit the neighborhood; dissatisfied with recreational amenities; how project addresses the street; concern with shared easements over properties; dead end lots could be a problem; project should connect to multi-family; and pedestrian access is very important.

MOTION Commissioner Frank moved and Commissioner Okada seconded a motion to adopt a resolution denying PZ 06-540-01, a Special Use Permit; recommending City Council denial of PZ 06-300-01, a Tentative Subdivision Map for Tract No. 5672; recommending City Council denial of PZ 06-620-01, a General Plan Amendment; recommending City Council denial of PZ 06-630-01, a Specific Plan Amendment; and recommending City Council denial of PZ 06-570-02, a Zone Change for property located on the northwest corner of North Ventura Road and West Vineyard Avenue, 1801 West Vineyard Avenue. The question was called and the motion carried 5-0-2, Commissioners Dean and Pinkard absent.

ATTACHMENT 10
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5. PLANNING AND ZONING PERMIT NOS. 07-540-03 (Special Use Permit), 07-300-11 (Tentative Subdivision Map for Tract No. 5765), 07-620-04 (General Plan Amendment), 07-630-02 (Specific Plan Amendment), 07-570-03 (Zone Change), and 07-670-02 (Development Agreement). The Vineyard Townhome project proposes to develop 143 two and a half and three and a half story podium style condominium units on 9.6 acres (APNs 179-0-070-265). The subject site is located on the west side of Ventura Road, 1,500 feet north of the intersection at Vineyard Avenue. The general plan amendment would change the land use designation from Commercial Specialized RS to Medium Density Residential. An amendment to the Northwest Community Specific Plan is proposed to change the mix of land uses envisioned within the area, known as "Sub-Area 3", from a mixed-use area to "Sub-Area 3, Residential." A Zone Change from C-2-PD (General Commercial, Planned Development) to R-3-PD (Garden Apartment, Planned Development) is also requested. A special use permit for a planned residential group is requested to allow an increased building height and number of stories, reduced rear yard setbacks for certain units, and reduce the required building separation between units. Approval of a Development Agreement in cooperation with the adjoining Casden project to the south also under consideration by the Commission. In accordance with the California Environmental Quality Act (CEQA), an environmental impact report has been prepared for both the proposed project and the 25.4 acre project to the south, know as the Vineyard-Ventura Road home project. The project application was filed by Casden Properties, LLC., 9090 Wilshire Blvd., 3rd floor, Beverly Hills, CA 90211.
PROJECT PLANNER: Kathleen Mallory

Contract Planner Mallory presented the staff report including description of the project; and planned residential group approval with Code deviations. She also displayed the General Plan and zoning maps; townhome site plan; elevations; sub-terranian parking landscape plan; entry gates and monuments at entry; and recreation areas.

Mr. Darren Embrey gave a brief presentation including project history; landscape parkway; circuit work stations; parking detail; courtyard detail benefits of gated communities and homeowner's associations; traffic study; and roadway improvements. He also displayed a rendering of the townhomes; site plans; elevations; and recreation areas.

Chair Sanchez opened the public testimony. No comments were received, and Chair Sanchez closed the public testimony.

Discussed ensued regarding the levee not being properly addressed; density; shortage of parks; project doesn't fit the community; pedestrian loop should continue on to connect to the other project; walkable community is very important; should have more separation between buildings; good location for trash enclosure; and good idea to include tandem parking.

MOTION Commissioner Okada moved and Commissioner Frank seconded a motion to adopt a resolution denying PZ 07-540-03, a Special Use Permit for a Planned Residential Group; recommend City Council denial of PZ 07-300-11, a Tentative Subdivision Map for Tract No. 5765; recommend City Council denial of PZ 07-620-04, a General Plan Amendment; recommend City Council denial of PZ 07-630-02, a Specific Plan Amendment; and recommend City Council denial of PZ 07-570-03, a Zone Change for property located approximately 1,500 feet north of the intersection of Ventura Road and west Vineyard Avenue, 2501 North Ventura Road. The question was called and the motion carried 4-1-2, Commission Sanchez voting no; and Commissioners Dean and Pinkard absent.

G. PLANNING COMMISSION BUSINESS

Commissioner Medina stated that the comment period for the Ormond Beach EIR had been extended to September 22, 2008.

H. PLANNING MANAGER COMMENTS

I. ADJOURNMENT

At 10:56 p.m., Commissioner Okada moved and Commissioner Medina seconded a motion to adjourn. The motion carried 5-0-2. Commissioners Dean and Pinkard absent.

_____
Michael Sanchez, Chairman

ATTEST: _____
Susan L. Martin, Secretary

ATTACHMENT 10
PAGE 7 OF 7

RESOLUTION NO. 2008 – 57

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD DENYING PLANNING AND ZONING PERMIT NO. 06-540-01 (SPECIAL USE PERMIT), AND RECOMMENDING CITY COUNCIL DENIAL OF 06-620-01 (GENERAL PLAN AMENDMENT); 06-630-01 (SPECIFIC PLAN AMENDMENT); 06-570-02 (ZONE CHANGE); 06-300-01 (TENTATIVE SUBDIVISION MAP FOR TRACT NO. 5672) TO ALLOW THE CONSTRUCTION OF 76 SINGLE FAMILY RESIDENCES AND 125 CLUSTER HOMES, LOCATED ON THE NORTHWEST CORNER OF NORTH VENTURA ROAD AND WEST VINEYARD AVENUE (APNs 179-0-040-170, 179-0-040-180, 179-0-040-585 AND 179-0-040-625), 1801 NORTH VINEYARD AVENUE, SUBJECT TO CERTAIN CONDITIONS. FILED BY CASDEN PROPERTIES LLC., 9090 WILSHIRE BLVD., 3RD FLOOR, BEVERLY HILLS, CA 90211.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 06-540-01, filed by Casden Properties LLC, in accordance with Section 16-530 through 16-553 of the Oxnard City Code and Planning and Zoning Permit Nos. 06-620-01, 06-630-01, 06-570-02, and 06-300-01; and

WHEREAS, the final environmental impact report has been certified for this project, and the Planning Commission has considered the final environmental impact report before making its recommendation herein; and

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

WHEREAS, the Planning Commission 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 as amended by PZ 06-620-01.

2. 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.

3. 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.

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

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

WHEREAS, the Planning Commission considered the request for a planned residential group and for variations to certain modification to the requirements of the City Code as outlined in the staff report, AND HEREBY DISAPPROVES the modifications.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby DENIES this permit. The decision of the Planning Commission is final unless appealed in accordance with the provisions of Section 16-545 of the Oxnard City Code.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 18th day of September 2008, by the following vote:

AYES: Commissioners: Medina, Okada, Frank, Sanchez

NOES: Commissioners: None

ABSENT: Commissioners: Dean, Elliott

ABSTAIN: Commissioners: Pinkard

Michael Sanchez, Chairman

ATTEST:
Christopher Williamson, Secretary

ATTACHMENT 11
PAGE 2 OF 3

Final Mitigation Monitoring and Reporting Program
Conditions of Approval

08 SEP 22 AM 11:55

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, Casden Properties LLC, an aggrieved or directly affected by
(name of person filing appeal)

and appeal the 9-18-08 decision from the Planning Commission regarding Project No.
(date of PC meeting)

See attached Exhibit A, more particularly described as follows:

See attached Exhibit A

The grounds for appeal are:
See attached Exhibit B

I request the following relief:
See attached Exhibit B

(signature) Date: 9/19/08

Casden Properties LLC
9090 Wilshire Boulevard, Third Floor
Beverly Hills, CA 90211
(address)

cc: City Attorney
Project Planner
Development Services Department
Applicant

g:\ appeal\appealpublic
9/2007

ATTACHMENT 12
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Exhibit A

Excerpted Sections of Agenda for Thursday, September 4, 2008 Hearing

CITY OF OXNARD
PLANNING COMMISSION
AGENDA

SPECIAL MEETING
City Council Chambers, 305 West Third Street, Oxnard
September 04, 2008
7:00 p.m.

4. PLANNING AND ZONING PERMIT NOS. 06-620-01 (General Plan Amendment); 06-630-01 (Specific Plan Amendment); 06-570-02 (Zone Change); 06-300-01 (Tentative Subdivision Map for Tract No. 5672); 06-540-01 (Special Use Permit), and 07-670-01 (Development Agreement). The Vineyard-Ventura Homes Project proposes to develop 201 "for-sale" residential units, including 126 two-story condominium cluster homes and 75 two-story, single family detaches homes, on 25.4 acres (APNs 179-0-040-170, 179-0-040-180, 179-0-040-585 and 179-0-040-625). The subject site is at the northwest corner of Vineyard Avenue and North Ventura Road addressed at 1801 West Vineyard Avenue. The general plan amendment would change the land use designation from Community Commercial to Low Medium Density Residential. An amendment to the Northwest Community Specific Plan (NWCSP) is proposed to eliminate the requirement for a 5,000 square foot community center on the project site and to permit residential uses on the site instead of commercial-oriented uses. A corresponding change to the NWCSP map would designate this site as "Sub-Area 2, Residential." A Zone Change from C-2-PD (General Commercial, Planned Development) to R-2-PD (Low-Medium Density, Planned Development) is also requested. A special use permit for a planned residential group is requested to allow reduced front yard setbacks for all units, reduced rear yard setbacks for specific cluster units and one single family residential lot, and decreased building separation between cluster units. Approval of a Development Agreement in cooperation with the adjoining Casden project also under consideration by the Commission, is being requested. In accordance with the California Environmental Quality Act (CEQA), an environmental impact report has been prepared for both the proposed project and the 9.6 acre project to the north, known as Ventura Road Townhomes. The project application was filed by Casden Properties, LLC., 9090 Wilshire Blvd., 3rd floor, Beverly Hills, CA 90211.

PROJECT PLANNER: KATHLEEN MALLORY
ACTION:_____

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Exhibit B
Grounds for Appeal and Request for Relief

On behalf of Casden Properties LLC (the "Applicant") and pursuant to the provisions set forth in the Oxnard Municipal Code ("OMC"), we hereby appeal the Thursday, September 4, 2008 decision (the "Decision")[1] of the Oxnard City Planning Commission (the "Planning Commission") to deny Applicant's request to approve Planning and Zoning Permit Nos. 06-540-01 (Special Use Permit) and 07-540-03 (Special Use Permit) for the development of 201 single-family and cluster homes on 25.4 acres on the corner of Vineyard Avenue and Ventura Road (the "Vineyard-Ventura Homes Project") and 143 two- and three-story townhomes on 9.6 acres approximately 1,500 feet north of Vineyard Avenue (the "Ventura Townhomes Project" and, together with the Vineyard-Ventura Homes Project, the "Project"). We also appeal the Planning Commission's recommendation that Oxnard City Council ("City Council") deny (1) Planning and Zoning Permit Nos. 06-300-01 (tentative subdivision map for Tract No. 5672), 06-620-01 (General Plan Amendment), 06-630-01 (Specific Plan Amendment), 06-570-02 (Zone Change), and 07-670-01 (Development Agreement) for the Vineyard-Ventura Homes Project, and (2) Planning and Zoning Permit Nos. 07-300-11 (tentative subdivision map for Tract No. 5765), 07-620-04 (General Plan Amendment), 07-630-02 (Specific Plan Amendment), 07-570-03 (Zone Change), and 07-670-02 (Development Agreement) for the Ventura Townhomes Project.

Over a period of more than five years, the Vineyard-Ventura Homes Project and the Ventura Townhomes Project have undergone extensive public review by the community, City staff, City Development Advisory Committee ("DAC") and City Council. Approximately five years ago, the Applicant proposed a mixed-use residential rental and retail project on the site.[2] After listening to the concerns of the community and the City Council regarding residential rental and retail uses on the site, the Applicant modified its original proposal to include only for-sale residential use. Over the past two years, City staff and the DAC have reviewed the Project on numerous occasions, and the Applicant made additional changes to the project design to address their concerns.

At the September 4, 2008 hearing, the Planning Commission certified the Final Environmental Impact Report ("Final EIR") for the Project by unanimous vote. Importantly, the Final EIR concluded that all environmental impacts are less than significant or mitigatable to less than significant levels. Notwithstanding the certification of the Final EIR, the Planning Commission nevertheless denied the Project.

The Planning Commission's Decision to deny the Project was based on its opinion that the proposed residential housing types are not appropriate for the area. Planning Commissioner Okada went so far as to state that the Project should include only "million dollar homes" at a density of two units per acre.[3] However, the proposed mix of housing is appropriate for the area because it, among other things, furthers the goals and objectives of the General Plan, is

[1] Note that the Oxnard Planning Commission formally adopted Resolutions denying the Project at a public hearing on September 18, 2008.

[2] At that time, the Project consisted of only a 20-acre site.

[3] Statement made by Planning Commissioner Okada at the September 4, 2008 Planning Commission hearing.

consistent with the surrounding uses and provides a number of important public benefits. Accordingly, the Applicant's grounds for submitting this appeal are as follows:

A. THE VINEYARD-VENTURA HOMES PROJECT AND VENTURA TOWNHOMES PROJECT PROVIDE A RANGE OF RESIDENTIAL HOUSING OPPORTUNITIES, INCLUDING DETACHED AND TOWNHOME STYLE SINGLE FAMILY HOMES, THAT ARE APPROPRIATE FOR THE SURROUNDING AREA.

1. THE RANGE OF HOUSING OPPORTUNITIES PROVIDED IS CONSISTENT WITH THE GENERAL PLAN.

The combined Project provides a range of housing opportunities to residents of the City, including detached and townhome-style single family homes. As more particularly described in the certified Final EIR, such diversity of housing types furthers the goals and objectives of the General Plan including, but not limited to, the following:

- Land Use Element Goal 1 – A balanced community meeting housing, commercial and employment needs consistent with the holding capacity of the City.
- Land Use Objective 2 - Provide a variety of housing types throughout the City.
- Growth Management Element Goal 2 – Maintain the quality of life desired by the residents of Oxnard.
- Housing Element Goal 1 – Maintain and improve the quality of existing housing and neighborhoods.
- Housing Element Goal 2 – Provide increased opportunities for the construction of quality new housing.
- Community Design Element Goal 1 – A unified and high quality visual image for the City.
- Community Design Element Objective 2 – Preserve the visual identity and character of existing neighborhoods.

The Project will significantly improve the neighborhood by developing the now vacant lots with high-quality and attractively designed for-sale residential uses. The Project has been reviewed by the DAC on multiple occasions, and the proposed design meets with the DAC's approval. In fact, at the September 4, 2008 hearing, the Planning Commission also commended the Applicant on the exceptional architectural style and design of the Project.

Moreover, the Project will expand the range of housing types available in the area, providing additional housing opportunities to City residents at a variety of income levels. The Project will also provide a number of recreational amenities to be available to Project residents and the general public including, but not limited to, the River Walk linear park, landscaped pedestrian and bicycle facilities from the Residence Inn to the west to the "destination vista" along the river, and circuit training exercise stations. Also, the Project is close to public schools, parks and commercial uses, thereby further providing for a high quality of life for residents.

2. **THE RANGE OF HOUSING OPPORTUNITIES PROVIDED IS CONSISTENT WITH THE SURROUNDING USES.**

As designed, the Project will complement the surrounding community by featuring residential homes of similar size, bulk and scale as the surrounding neighborhoods, incorporating architectural features and a variety of materials and textures to break up bulk and mass and integrating extensive open space and landscaping throughout the Project area. Additionally, the combined Project is of similar density to a number of residential neighborhoods nearby, such as Le Village les Maisons, Sierra Linda, Paseo Verde and Island Villas (the latter two of which are both gated communities).

The Project's proposed mix of detached and townhome-style single-family homes would be of similar size, bulk and scale as the residences located in the Project's immediately surrounding neighborhood. Importantly, the Project incorporates a number of architectural features including highly articulated facades on all sides of the homes, as well as the use of porches, balconies and varying materials and textures to ensure that it blends in with the surrounding neighborhood. The innovative and highly-efficient landscaped podium construction with semi-subterranean parking at the Ventura Townhomes Project site provides for additional vegetation and beautification as automobiles are tucked out of site in secure, structured parking. The incorporation of extensive landscaping, public and private open space, pedestrian facilities and recreational amenities further contributes to the Project's consistency with the surrounding community and adds to the attractiveness of the Project for both the project residents and the surrounding community.

The Vineyard-Ventura Homes Project consists of approximately 41% open space and 1.32 acres of public pedestrian facilities, which include lushly landscaped pedestrian and bicycle parkways along Ventura Road and Vineyard Avenue. The Vineyard-Ventura Homes Project also includes additional recreational amenities for the residents of the site including a community recreation building with a pool and spa, entertainment patio with outdoor fireplaces, a meandering curvilinear park throughout the project site and an approximately 23,000 square foot turf area for sporting activities. Similarly, the Ventura Townhomes Project consists of approximately 31% open space and 1.76 acres of public pedestrian facilities and recreational space, including the River Walk linear park along the river to the north and a lushly landscaped pedestrian and bicycle parkway along Ventura Road. The Ventura Townhomes Project also includes an additional approximately 30,000 square feet of recreational area for the Project's residents including a tot lot, swimming pool and spa and a community activities building. Further, the Project site is surrounded by open space to the north and west including extensive river frontage, and is within walking distance or a short drive from three golf courses, two neighborhood parks, Oxnard High School, the other recreation areas at River Park and the proposed large park site at Oxnard Boulevard and Gonzales Road.

There are a number of residential neighborhoods nearby that have similar densities to the Project. The combined Project yields approximately 9.8 gross dwelling units per acre. The Vineyard-Ventura Homes Project, an approximately 25.4 acre site, consists of approximately 7.9 gross dwelling units per acre and the Ventura Townhomes Project, an approximately 9.6 acre site consists of approximately 14.97 gross dwelling units per acre. The residential neighborhood, Le

Village les Maisons, which is directly across Ventura Road from the Vineyard-Ventura Homes Project and just south of the Ventura Townhomes Project, on the southeast corner of Vineyard Avenue and Ventura Road, has a residential density of approximately 9-10 dwelling units per acre. The residential neighborhood, Sierra Linda, on the southeast corner of Vineyard Avenue and Ventura Road has a residential density of approximately 7-7.5 dwelling units per acre. Also, the 252-room Residence Inn Hotel is immediately adjacent to the Vineyard-Ventura Homes Project, and the River Ridge Public Golf Course is immediately adjacent to both Project sites. These popular public uses and their proximity to two major arterial roadways suggest that the proposed Project is more appropriate to this location than the sprawling "ranchette-style" lots recommended by the Planning Commission. Although there are a few residential areas nearby that are less dense than the combined Project, those areas are separated from the Project by two major arterial streets, Vineyard Avenue and Ventura Road, which provide a buffer and appropriate transition to the Project site.

3. **THE PROJECT'S ENVIRONMENTAL IMPACTS ARE SUBSTANTIALLY LESS THAN A COMMERCIAL PROJECT, WHICH IS PERMITTED UNDER THE EXISTING GENERAL PLAN AND ZONING DESIGNATION.**

The Project site is situated along two major arterial streets, Vineyard Avenue and Ventura Road, and is designated in the City's General Plan and zoned in the OMC for commercial use. As a result, the Applicant could develop the site with commercial uses, a much more intense use from an environmental perspective than the proposed residential housing. For example, when compared with potential commercial projects that are allowed for the site under the existing commercial General Plan and zoning, the proposed residential use will result in a reduction of approximately 9,000 average daily vehicle trips. Similarly, as described in the Final EIR, the Project would reduce air quality, noise and hazardous materials impacts, and increase public recreational opportunities, as compared to a commercial project developed pursuant to the existing commercial General Plan designation and zoning.

B. THE VINEYARD-VENTURA HOMES PROJECT AND THE VENTURA TOWNHOMES PROJECT PROVIDE SUBSTANTIAL PUBLIC BENEFITS.

The Project provides for a number of public benefits including, but not limited to, the following:

- Provides a range of housing opportunities for City residents.
- Provides for the remediation of landfill contamination on the Ventura Townhomes Project site caused by the former Santa Clara landfill;
- Generates additional revenue streams for the City in the form of real property and other taxes, affordable housing fees, Quimby fees, golf course development fees and other development fees and revenue;
- Dedicates land for landscaped pedestrian parkways and bicycle and pedestrian facilities;

- Reduces traffic from that which could occur under the existing commercial General Plan designation and zoning. The combined Project results in a reduction of approximately 9,000 average daily trips when compared with a potential commercial project;
- Reduces air quality, noise and hazardous materials impacts, and increases public recreational opportunities, as compared to a commercial project developed pursuant to the existing General Plan designation and zoning.
- Provides roadway improvements including street widenings at Vineyard Road and Ventura Avenue, signal installation at Ventura Road and Stone Creek, and new bike lanes along Vineyard Road and Ventura Avenue; and
- Provides for City sewer and water conveyance system improvements beyond those required solely for the Project.

Accordingly, the Applicant respectfully requests that the City Council approve the Project as proposed because it, among other things, furthers the goals and objectives of the General Plan, is consistent with the surrounding uses and provides a number of important public benefits. Further, for these and other reasons, (1) the proposed use will not adversely affect or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare, and (2) the Project site is adequate in size and shape to accommodate the setbacks, parking, landscaping, and other City standards.

41316852.2

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Vineyard-Ventura Homes Project,
Casden Properties LLC

Vineyard-Ventura Homes Project
Planning and Zoning Permit Nos.

06-620-01 (General Plan Amendment)
06-630-01 (Specific Plan Amendment)
06-570-02 (Zone Change)
06-300-01 (Tentative Tract Map 5672)
06-540-01 (Special Use Permit)
07-670-01 (Development Agreement)
1801 Vineyard Avenue

Planning Commission September 4, 2008

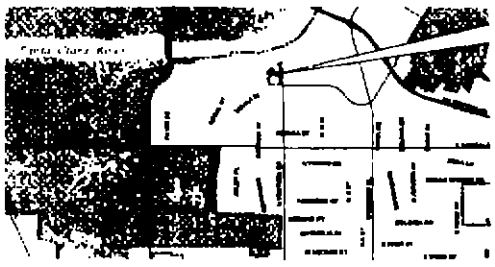
Project Description

- 201 residential units, 125 two story condominium cluster homes & 76 two-story, single family detached homes, on 25.4 acres. Each unit has two car enclosed garage
- Gated development project
- Complies with resident and visitor parking space requirements
- Single family units placed around perimeter of site; buffer to residential units to east and south of project, single family units adjacent to golf course
- Cluster units placed at center of project in groups of 6 units
- General plan amendment from Community Commercial to Low Medium Density Residential, amendment to the Northwest Community Specific Plan (NWCSP) to eliminate req. for a 5,000 sq ft. community center on the project site & to permit residential uses
- NWCSP map change to designate site as "Sub Area 2, Residential"

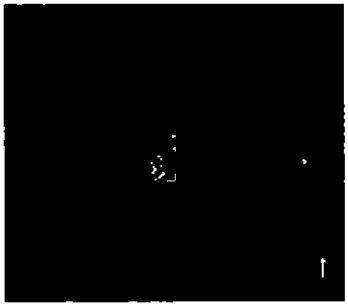
Project Description, continued

- Zone change from C-2 PD to R-2-PD
- A special use permit for a planned residential group is requested to allow modifications and variations to code requirements
- Density of approximately 8.77 DU / net acre
- Density surrounding the project site ranges from 4.0 to 6.8 dus/acre to the south and up to 10 dus/acre to the east
- Public hearing on the Development Agreement in cooperation with the adjoining Casden project
- Final Environmental Impact Report (FEIR) certified by Commission in prior evenings agenda
- Commission approval body on SUP and FEIR, recommendation on GPA, SPA, ZC, TTM; public hearing on DA

Vicinity



Project Vicinity and Context



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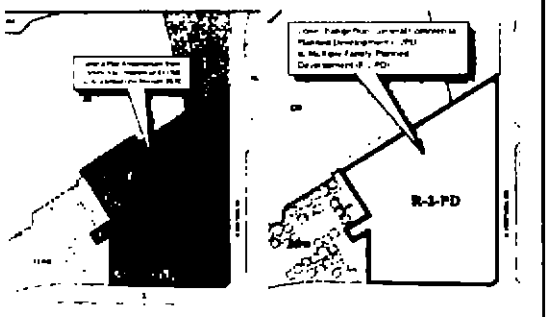
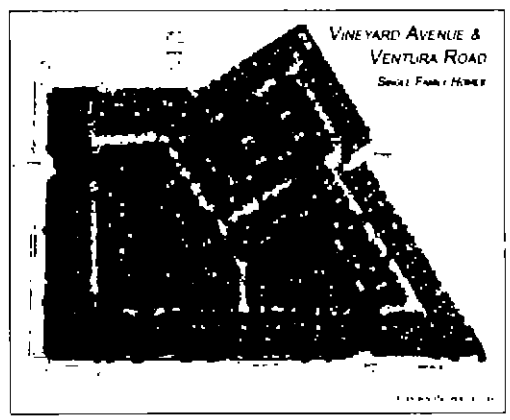
Surrounding Land Use

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
Site	C-2 PD	Community Commercial	Vacant
North	C-2 PD	Commercial Specialized RS	Vacant
East	R-1 PD	Sub Area 4 std detached 8-9,000 sq ft lots Sub Area 5 std detached 7-8,000 sq ft lots	Single family residential, detached
South	R-1 7 PD	Sub Area 1 std detached 7-8,000 sq ft lots	Single family residential, detached
West	R-1 PD	River Ridge Golf Course	Marriott Hotel and golf course

General Plan and Zoning

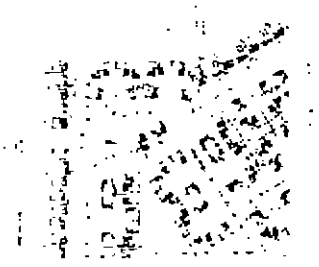


Site Plan



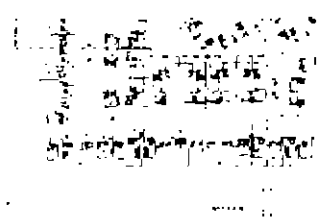
Enlarged Site Plan of Project Areas

- Gated ingress/egress off of Vineyard Avenue;
- Recreational area off of entry;
- Emergency access via Marriott;
- Recreational areas and pathways throughout project



Enlarged Site Plan of Project Areas

- Single family along perimeter (Sheet A103);
- Cluster units behind;
- 30 foot recreational trail, 12 pathway Ventura Rd.



Enlarged Site Plan of Project Areas

- Gated ingress/egress off of Ventura Rd (A104);
- Signal Cross Creek Road;
- Sfd along perimeter, cluster interior;
- Recreational areas off of entry;
- Recreational areas and pathways throughout project

Enlarged Site Plan of Project Areas

- Gated ingress/egress off of Vineyard Avenue (A105);
- Recreational area off of entry;
- Recreational areas and pathways throughout project

Background Information

- 4.5 acres of the project site previously used as Dallas Cowboys training site
- City sold property in 2006
- Northern portion of the project site is adjacent to the former Santa Clara landfill
- Historical aerial photographs indicates property was cultivated with row crops as early as 1945 and continued as late as 1984. The property has been fallow and undeveloped since 1989

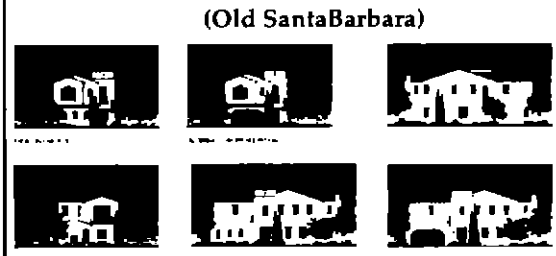
Zoning Compliance

- Project complies with many of the R-2 PD zoning regulations, i.e., no. of parking spaces, site access, parking lot layout, 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

Category	Required	Provided
Lot Size	3500 sq. ft., avg. width of 50 ft 2625 sq. ft and 37.5 ft width with PD	Min. 3411 sq. ft.; avg. width of 40 ft for sfd (RPG). Varied by cluster (which includes shared common areas (PRG))
Building Height	25 ft, 31.25 ft with PD	31 ft (PD)
Front Yard Setback	25 ft; or 25% of lot depth	2.5 ft in some instances (PRG)
Rear Yard Setback	25 ft. or 25% of lot depth	13.5 ft for sfd (PRG); 12 ft for cluster (PRG)
Interior Yard Space	30% per lot 15 ft x 15 ft 22% 11.25 ft x 11.25 ft with PD	22% and 11.25 ft x 11.25 ft for sfd (PD) 15% and 11.25 ft x 11.25 ft for cluster (PRG)
Building Separation	Equal to height of taller building, 23.25 ft with PD	10 ft (PRG)

Single Family Homes Elevations
(Old SantaBarbara)



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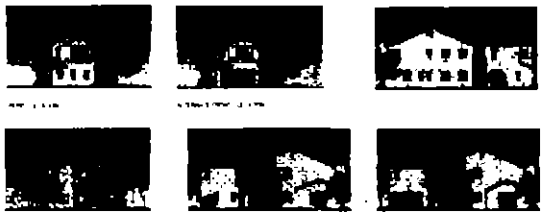
Single Family Homes Elevations
(Tuscan Villa)



Cluster Homes Elevations
(Country French)

Cluster Homes Elevations
(Spanish Cottage)

Landscape Plan

Recreational Areas

Children's Recreation Area

Community Workshop

- June 16, 2008 Community Workshop The Applicant mailed notices to the Windsor North, Cabrillo, Freemont, Sierra Linda and Windsor North neighborhoods and posted the site for the Community Workshop on June 10, 2008 The majority of the comments were regarding the amount of recreation space, the loss of the existing sports field, the public levy on the Santa Clara River, the number of units proposed, and the degree of modifications to the Zoning Ordinance requirements to support the project

Development Agreement

Commission to conduct a public hearing – no action on DA Sample deal points:

- Phasing of the construction of public infrastructure improvements (e.g. streets, sewer, water, etc) and other public facilities,
- Payment of Regional Traffic Mitigation Fee,
- Payment of development impact fees in effect at the time of project approvals,
- Timeframes for entitlements;
- Payment of fees for public safety (police and fire),

Development Agreement, cont.

- Payment of Affordable Housing In-Lieu fees,
- Payment of Quimby and golf course fee;
- Dedication of land for public purposes along Vineyard Avenue and Ventura Road along the frontage of the Vineyard and Ventura Site for landscaped bicycle and pedestrian facilities; and
- Participation in a landscaped maintenance district for the maintenance of the landscaped pedestrian and bicycle facilities

Staff Recommendation

Approve Planning and Zoning Permit No 06-540-01, a special use permit (SUP), subject to certain findings and conditions

Adopt a resolution recommending that the City Council approve Planning and Zoning Permit No 06-300-01, a tentative subdivision map for Tract No 5672, subject to certain findings and conditions

Adopt a resolution recommending that the City Council approve Planning and Zoning Permit No 06-620-01 (General Plan Amendment)

Adopt a resolution recommending that the City Council approve Planning and Zoning Permit No 06-630-01 (Specific Plan Amendment)

Adopt a resolution recommending that the City Council approve Planning and Zoning Permit No 06-570 02 (Zone Change)

Conduct a public hearing regarding Planning and Zoning Permit No 07-670-01 (Development Agreement)

End of Presentation