



Meeting Date: 6/23/09

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 type="checkbox"/> Public Hearing (Info/consent)
<input type="checkbox"/> Other _____	<input checked="" type="checkbox"/> Other: Public Hearing

Prepared By: Stephanie Diaz, Contract Planner *SD* Agenda Item No. L-1

Reviewed By: City Manager *[Signature]* City Attorney *SMF* Finance *[Signature]* Other (Specify) _____

DATE: June 11, 2009

TO: City Council

FROM: Susan L. Martin, AICP *SMartin*
Planning Division

SUBJECT: Construction of a 43 Unit Affordable Housing Project Located at 457 W. Gonzales Road. Filed by Cabrillo Economic Development Corporation.

RECOMMENDATION

That City Council:

1. Approve Planned Development Permits (PZ 08-540-02 and 03) for zoning modifications
2. Approve Density Bonus Permit and Three Incentives (PZ 08-535-01) for a 43-unit affordable housing project.
3. Approve Tentative Parcel Map (PZ 08-300-08) for a two lot subdivision.

DISCUSSION

Project Background: On June 4, 2009 the Planning Commission held a public hearing on applications for a 43-unit affordable housing project. The Planning Commission voted to approve a Planned Development Permit for each apartment complex to allow zone code modifications. The Planning Commission also voted to recommend to the City Council approval of the Density Bonus Permit and Incentives to allow seven additional units above the zoning requirement and a Tentative Parcel Map to create two parcels.

Project Description: This is a request to subdivide one vacant lot currently addressed as 457 West Gonzales Road into two parcels to develop an affordable multi-family apartment project with two complexes. Lot 1 on 0.93 acres (Paseo de Luz) proposes 24 very-low income units for Special Needs Housing and one on-site manager's unit. Thirty-eight parking spaces are proposed on Lot 1. Lot 2, 1.07 acres (Camino Gonzalez) proposes 17 low- and very-low income units for Farmworker Housing and one on-site manager's unit. Thirty-nine parking spaces are proposed on Lot 2. The project includes a Density Bonus request to allow 43 units; seven units more than the 36 units allowed by Zoning.

Additionally, the project includes a request for three Density Bonus Incentives and Planned Development Permits to allow zone code modifications for each apartment complex. The project description, incentive requests and zone standard modification requests are discussed in the Planning Commission Staff Report, Attachment 2.

Planning Commission Review: At the June 4, 2009 Planning Commission public hearing on the affordable housing project, the Commission discussed State law requirements to approve density bonus requests and incentive requests. They also discussed the need for special needs and farmworker housing and that this project meets a stated need in the General Plan Housing Element. One member of the community supported this type of project at this location, citing her experience with projects built and managed by the applicant, Cabrillo Economic Development Corporation in other neighborhoods. Another member of public, representing the adjacent land owner to the east, expressed concerns that their office building may be impacted by overflow parking from the proposed project. The Commissioners stated that many of the proposed tenants would not own vehicles and would use public transportation. They noted that a bus stop is located at the corner of Gonzales and C Street, a half block from the proposed project. The Planning Commission voted 5/0/2 with two Commissioners absent, to adopt resolutions approving and recommending Council approval of the permits required for the project.

FINANCIAL IMPACT

There is no financial impact associated with this recommendation.

SLD/sld

- Attachment 1 Planning Commission Resolutions No. 2009-20, -21, -22, and -23
- Attachment 2 Planning Commission Staff Report, dated June 4, 2009, Draft Resolutions Removed
- Attachment 3 Planning Commission Meeting Power Point, June 4, 2009
- Attachment 4 City Council Resolution, Lot 1 Planned Development Permit
- Attachment 5 City Council Resolution, Lot 2 Planned Development Permit
- Attachment 6 City Council Resolution, Density Bonus Permit and Incentives
- Attachment 7 City Council Resolution, Tentative Parcel Map

Note: Attachments 1 and 2 have been provided to the City Council. Copies are available for review at the Help Desk at the Library after 6:00 p.m. on the Thursday prior to the Council meeting and at the City Clerk's Office after 8:00 a.m. on June 19, 2009.

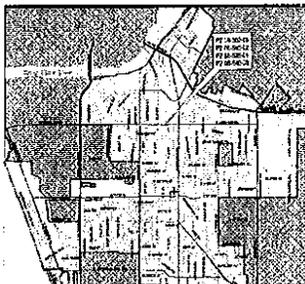
**Gonzales Road Affordable Housing:
Paseo de Luz and Camino Gonzales**

Cabrillo Economic Development Corporation
Planning Commission
June 4, 2009

Project Location

- 457 W. Gonzales Road
- On W. Gonzales Road between "C" Street and Ginger Street
- Orchard and Carriage Square Neighborhoods

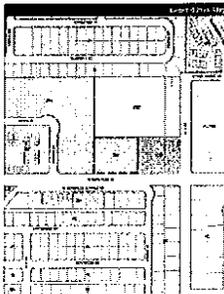
Vicinity Map



Project Applications

Density Bonus Permit PZ 08-535-1 for 43 units/36 allowed (19% increase)
Tentative Parcel Map PZ 08-300-08 to create two parcels 0.93 and 1.07 acres
Paseo de Luz, 25 Units Special Needs PD Permit PZ 08-540-02, Zone Modifications
Camino Gonzales, 18 Units Farmworker PD Permit PZ 08-540-03, Zone Modifications

**General Plan Designation:
Res Medium 13-18 du/acre**



**Consistency with GP
Res. Med. 13-18 du/acre**

Paseo de Luz 25-unit Special Needs affordable project and Camino Gonzales 18-unit Farmworker affordable project includes 43 units, seven unit more than 36 allowed by General Plan (21 units/acre)
Density bonus law states that increased density for affordable units is found to be consistent with the General Plan

Density Bonus Law

Density bonus shall be approved if findings are made:

- The project has at least 10% units for lower income households.
- A satisfactory method is proposed to guarantee affordable rental prices.
- The applicant has agreed to execute an agreement for affordability.

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Density Bonus Law Con't

Project is allowed 35% density increase due to 100% affordable units; only 19% increase is requested

City's Density Bonus Permit is provided to document the requested density increase

The applicant is allowed to request incentives for the provision of affordable units

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Density Bonus Incentives

3 incentives are permitted for a 100% affordable project

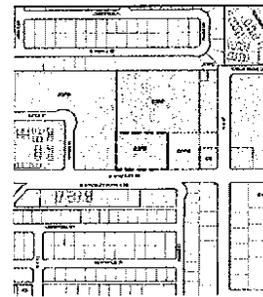
Incentives shall be approved unless findings are made:

- Incentive is not required to provide affordability
- Would have adverse effect on public health, safety, physical enviro. or historic resources
- Contrary to State or federal law.

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Zone Designation: R-3 PD



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Consistency with R-3 Zone Code

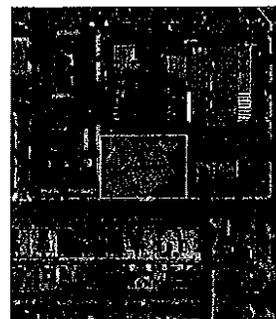
Paseo de Luz 25-unit Special Needs project consistent with Code upon approval of 3 Density Bonus Incentives (incentives to be approved unless specific findings are made) and Planned Development mods

Camino Gonzales 18-unit Farmworker project consistent with Code upon approval of Planned Development mods

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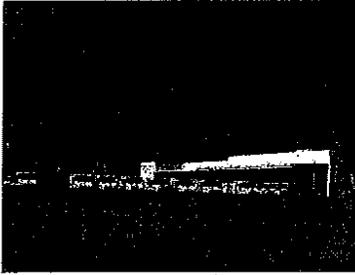
Aerial View



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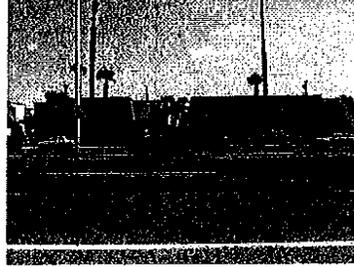
Site Looking North to Post Office



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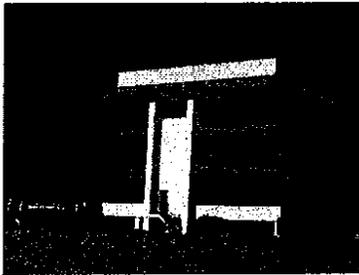
Site Looking South Across Gonzales to Apartments



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Adjacent Office Building to the East



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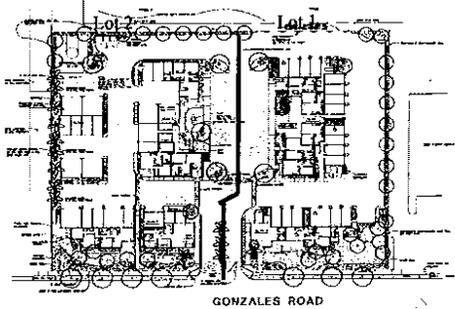
15

Adjacent Apartments to the West



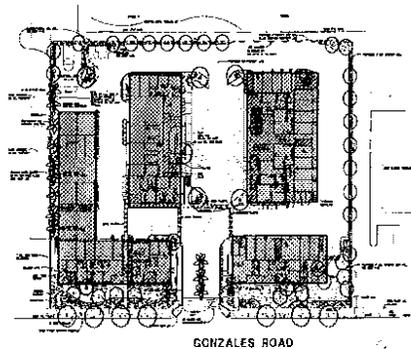
June 4, 2009 PC Hearing

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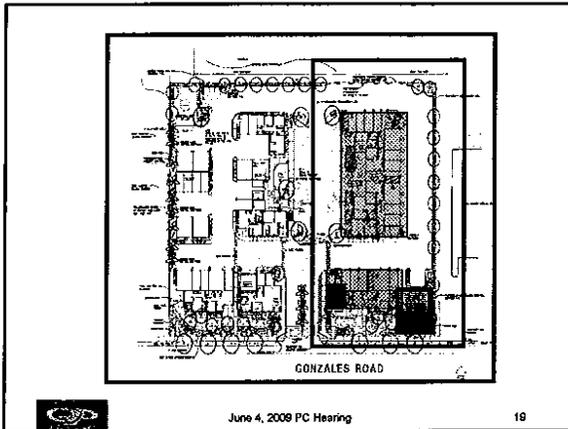
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Project Description: Paseo de Luz

Affordable apartments: 24 very-low and low income one-bedroom units for Special Needs Tenants plus two-bedroom Manager's unit
Community room and BBQ/Picnic
38 parking spaces (19 garages, 19 open); only 26 required
Affordability & Special Needs agreement for 55 years per financing

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Paseo de Luz Density Bonus Incentives

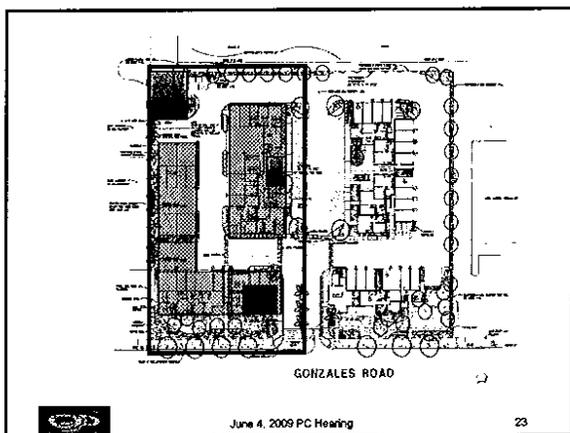
Reduced Interior Yard Area from 30% to 15%
Reduced unit sizes for 25 units
Five second story units have no required balcony/patio and 3 units have patios less than 10'x10'

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Paseo de Luz PD Permit Modifications (up to 25%)

Reduced front yard setback from 25 to 15 feet (if ROW is used)
Reduced storage area for 23 units (attics also provided)
More than 75 ft from garage for 12 units

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Project Description: Camino Gonzales

Affordable apartments: 17 very-low and low income 1, 2, & 3 bedroom units for Farmworkers plus 3-bedroom Manager's unit
39 parking spaces (30 garages, 9 open); only 29 required
Community room, basketball, tot lot
Affordability & Farmworker agreement for a period of 55 years per financing

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Camino Gonzales PD Modifications (up to 25%)

- Reduce front yard setback 25 to 15 ft for ROW
- Reduce side yard setback 7.5 ft to 7' 2"
- Reduce Interior Yard/Open Space 30% to 25%
- Reduce unit size for 6 units
- Reduce storage areas for 12 units (attics are also provided)
- Second story units have patios less than 10'x10' for 2 units
- More than 75 ft from garage for 6 units

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Parking

<ul style="list-style-type: none"> • Special Needs: <ul style="list-style-type: none"> • 26 spaces required / 38 spaces provided • No visitor parking required / 12 spaces provided 	<ul style="list-style-type: none"> • Farmworker: <ul style="list-style-type: none"> • 29 spaces required / 39 spaces provided • No visitor parking required / 9 spaces provided
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Building Design: Paseo de Luz



Paseo de Luz, view from central drive lane

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Building Design: Camino Gonzales



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Development Advisory Committee

- DAC review in August and December 2008
- Frontage ROW dedication, driveway widths, shared parking and school bus access discussed
- DAC issues have been addressed with site design or conditions of approval

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Community Workshop

- Community Meeting January 26, 2009 for Orchard and Carriage Square Neighborhoods
- Comments included concerns for traffic on Gonzales Road, the type of architecture and limiting the number of people per bedroom
- Neighbor input

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CEQA Determination

CEQA Guidelines sections 15192 and 15194 state that CEQA does not apply to construction of affordable housing projects in an urban area
Exemption findings can be made and a Notice of Exemption is provided for the Planning Commission

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Recommendation

That the Planning Commission:

- Recommend approval to the City Council of a Tentative Parcel Map to create two parcels and a Density Bonus Permit with Three Incentives
- Approve a Planned Development Permit for each apartment complex for zone modifications

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CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING PLANNED DEVELOPMENT PERMIT NO. 08-540-02 FOR CONSTRUCTION OF A 25 UNIT AFFORDABLE APARTMENT PROJECT KNOWN AS PASEO DE LUZ, WITH MODIFICATIONS TO ZONE STANDARDS, FOR PROPERTY LOCATED AT 457 WEST GONZALES ROAD (APN 139-0-250-035), SUBJECT TO CERTAIN CONDITIONS. FILED BY CABRILLO ECONOMIC DEVELOPMENT CORPORATION, 702 COUNTY SQUARE DRIVE, VENTURA, CA 93003.

WHEREAS, on June 4, 2009, the Planning Commission of the City of Oxnard held a public hearing and approved a planned development permit application (PZ 08-540-02) for the Paseo de Luz affordable apartment project located at 457 West Gonzales Road, filed by Cabrillo Development; and

WHEREAS, on June 5, 2009 Planning Division Staff filed an appeal with the City Clerk requesting that the City Council review the Planning Commission June 4, 2009 decision to approve PZ 08-540-02 (Planned Development Permit) in order to provide an efficient and coordinated review of a multiple permit project; and

WHEREAS, Sections 15192 and 15194 of Title 14 of the California Code of Regulations exempts construction of affordable housing in urban areas from the requirement for the preparation of environmental documents imposed by the California Environmental Quality Act; and

WHEREAS, the City Council has carefully reviewed the Planning Commission staff report and Planning Commission Resolution No. 2009-20 approving Planning and Zoning Permit No. 08-540-02; and

WHEREAS, the City Council held a public hearing and reviewed written and oral comments related to proposed PZ No. 08-540-02; and

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

1. The proposed use is in conformance with the *2020 General Plan* and other adopted standards of the City of Oxnard.
2. The proposed use will not adversely affect or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare.
3. The site for the proposed use is adequate in size and shape to accommodate the setbacks, parking, landscaping, and other City standards except as may be specifically

excepted by the special findings and conditions of Planning Commission Resolution No. 2009-20.

4. The site for the proposed use will be served by streets and highways adequate in width and structure to carry the kind and quantity of traffic such use will generate.
5. The site for the proposed use will be provided with adequate sewerage, water, fire protection and storm drainage facilities.

NOW, THEREFORE, be it resolved that the City Council of the City of Oxnard upholds the Planning Commission approval and hereby approves Planning and Zoning Permit 08-540-02 (Planned Development Permit) subject to the conditions set forth in Planning Commission Resolution No. 2009-20 including the approval of the following zone code modifications of 25% or less as they are appropriate to allow construction of an affordable housing project and will not be detrimental to the public health, safety and welfare:

1. A reduced front yard setback (if ROW offer is accepted) from 25 feet to 15 feet.
2. Units (23) with storage areas smaller than the required 225 cubic feet, although additional attic space is provided.
3. Units (12) with more than the required 75 feet distance from the unit to the garage.

PASSED AND ADOPTED this 23rd day of June 2009, by the following vote:

AYES:

NOES:

ABSENT:

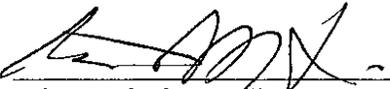
Dr. Thomas E. Holden
Mayor

457 W. Gonzales Road
Resolution No.
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ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney

ATTACHMENT 4
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CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING PLANNED DEVELOPMENT PERMIT NO. PZ 08-540-03 FOR CONSTRUCTION OF AN 18 UNIT AFFORDABLE APARTMENT PROJECT KNOWN AS CAMINO GONZALES, WITH MODIFICATIONS TO ZONE STANDARDS, FOR PROPERTY LOCATED AT 457 WEST GONZALES ROAD (APN 139-0-250-035), SUBJECT TO CERTAIN CONDITIONS. FILED BY CABRILLO ECONOMIC DEVELOPMENT CORPORATION, 702 COUNTY SQUARE DRIVE, VENTURA, CA 93003.

WHEREAS, on June 4, 2009, the Planning Commission of the City of Oxnard held a public hearing and approved a planned development application (PZ 08-540-03) for the Camino Gonzales affordable apartment project located at 457 West Gonzales Road, filed by Cabrillo Economic Development Corporation; and

WHEREAS, on June 5, 2009 Planning Division Staff filed an appeal with the City Clerk requesting that the City Council review the Planning Commission June 4, 2009 decision to approve PZ 08-540-03 (Planned Development Permit) in order to provide an efficient and coordinated review of a multiple permit project; and

WHEREAS, Sections 15192 and 15194 of Title 14 of the California Code of Regulations exempts construction of affordable housing in urban areas from the requirement for the preparation of environmental documents imposed by the California Environmental Quality Act; and

WHEREAS, the City Council has carefully reviewed the Planning Commission staff report and Planning Commission Resolution No. 2009-21 approving Planning and Zoning Permit No. 08-540-03; and

WHEREAS, the City Council held a public hearing and reviewed written and oral comments related to proposed PZ No. 08-540-03.

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

1. The proposed use is in conformance with the *2020 General Plan* and other adopted standards of the City of Oxnard.
2. The proposed use will not adversely affect or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare.
3. The site for the proposed use is adequate in size and shape to accommodate the setbacks, parking, landscaping, and other City standards except as may be specifically

excepted by the special findings and conditions of Planning Commission Resolution No. 2009-21.

4. The site for the proposed use will be served by streets and highways adequate in width and structure to carry the kind and quantity of traffic such use will generate.
5. The site for the proposed use will be provided with adequate sewerage, water, fire protection and storm drainage facilities.

NOW, THEREFORE, be it resolved that the City Council of the City of Oxnard hereby upholds the Planning Commission approval and approves Planning and Zoning Permit No. 08-540-03 (Planned Development Permit) subject to the conditions set forth in Planning Commission Resolution No. 2009-21 including approval of the following zone code modifications of 25% or less as they are appropriate to allow construction of an affordable housing project and will not be detrimental to the public health, safety and welfare:

1. A reduced front yard setback (if ROW offer is accepted) from 25 feet to 15 feet.
2. A reduced side yard setback from 7 feet 5 inches to 7 feet 2 inches.
3. Providing 25 % interior yard area rather than the required 30% and providing 1,875 square feet of open area rather than the required 2,500 square feet.
4. Two units with less than the required 700 square feet and four units with less than the required 900 square feet.
5. Units (12) with storage areas smaller than the required 225 cubic feet, although additional attic space is provided.
6. Six units with more than the required 75 feet distance from the unit to the garage.
7. Two second floor units have balconies/patios that do not meet the minimum 10 ft dimension.

PASSED AND ADOPTED this 23rd day of June 2009, by the following vote:

AYES:

NOES:

ABSENT:

457 W. Gonzales Road
Resolution No.
Page 3 of 3

Dr. Thomas E. Holden
Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD GRANTING DENSITY BONUS PERMIT NO. PZ 08-535-01 AND THREE INCENTIVES FOR AN AFFORDABLE HOUSING PROJECT FOR PROPERTY LOCATED AT 457 WEST GONZALES ROAD (APN 139-0-250-035). FILED BY CABRILLO ECONOMIC DEVELOPMENT CORPORATION, 702 COUNTY SQUARE DRIVE, VENTURA, CA 93003.

WHEREAS, on June 4, 2009, the Planning Commission of the City of Oxnard held a public hearing and recommended approval of density bonus permit PZ 08-535-01 for a 43-unit affordable housing project located at 457 West Gonzales Road, filed by Cabrillo Economic Development Corporation; and

WHEREAS, on June 23, 2009, the City Council held a public hearing and considered an application for density bonus permit PZ 08-535-01 to allow seven additional units over the zoning standard, including three incentives, for a 43-unit affordable housing project located at 457 West Gonzales Road, filed by Cabrillo Economic Development Corporation; and

WHEREAS, Sections 15192 and 15194 of Title 14 of the California Code of Regulations exempts construction of affordable housing in urban areas from the requirement for the preparation of environmental documents imposed by the California Environmental Quality Act; and

WHEREAS, the City Council has carefully reviewed the Planning Commission staff report and Planning Commission Resolution No. 2009-22 recommending approval of density bonus permit 08-535-01 and three incentives; and

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

1. That the proposed use is in conformance with the General Plan and other adopted policies of the City of Oxnard, with the granting of certain affordable housing incentives.
2. That the project meets the criteria set out in subsection (b) of Government Code section 65915. Specifically, the project provides over ten percent of the total units for low-income households as defined in Section 50105 of the Health and Safety Code.
3. The applicant has proposed a satisfactory method to guarantee that the rental prices will be established as stated in the application due to restrictions on the development imposed by State and federal financing.
4. The applicant has agreed to execute the agreement referred to in Section 16-421 of the City Code regarding affordability.

5. The 41 affordable units are dispersed throughout the project, have a proportionate number of bedrooms as other units in the development and do not differ in appearance, size, number and amenities from other units of the same size in the project.

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

1. The incentives are required to provide affordability.
2. The incentives would not have an adverse effect on the public health, safety, physical environment or historic resources.
3. The incentives would not be contrary to State or federal law.

NOW, THEREFORE, be it resolved that the City Council of the City of Oxnard hereby grants density bonus permit PZ 08-535-01, to allow seven additional units on the project site, a 19% density increase, subject to the conditions set forth in Planning Commission Resolution No. 2009-22 and grants the following incentives for the Paseo de Luz apartment complex on Lot 1 of the development, in accordance with Section 16-420(B) (2) of the City Code:

1. Allow interior yard space to be 15% of the lot rather than the required 30% and allow the open area to be 1,235 square feet rather than the required 2,500 square feet.
2. Allow 24 one-bedroom units to be less than the required 700 square feet and one two-bedroom unit to be less than the required 900 square feet.
3. Allow five units to have no second story balcony/patio and six units to have balconies/patios that do not meet the minimum dimension of 10 feet by 10 feet.

PASSED AND ADOPTED this 23rd day of June 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

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING TENTATIVE PARCEL MAP PZ-08-300-08 TO CREATE TWO PARCELS, FOR PROPERTY LOCATED AT 457 WEST GONZALES ROAD (APN 139-0-250-035), SUBJECT TO CERTAIN CONDITIONS. FILED BY CABRILLO ECONOMIC DEVELOPMENT CORPORATION, 702 COUNTY SQUARE DRIVE, VENTURA, CA 93003.

WHEREAS, on June 4, 2009, the Planning Commission of the City of Oxnard held a public hearing and recommended approval of tentative parcel map PZ 08-300-08 for the creation of two parcels located at 457 West Gonzales Road, filed by Cabrillo Economic Development Corporation; and

WHEREAS, on June 23, 2009, the City Council held a public hearing and considered the application for tentative parcel map PZ 08-300-08 for the creation of two parcels located at 457 West Gonzales Road, filed by Cabrillo Economic Development Corporation; and

WHEREAS, Sections 15192 and 15194 of Title 14 of the California Code of Regulations exempts construction of affordable housing in urban areas from the requirement for the preparation of environmental documents imposed by the California Environmental Quality Act; and

WHEREAS, the City Council has carefully reviewed the Planning Commission staff report and Planning Commission Resolution No. 2009-23 recommending approval of PZ 08-300-08; and

WHEREAS, the City Council finds that the tentative parcel map complies with all requirements of the Subdivision Map Act and the Oxnard City Code; and

WHEREAS, the City Council finds that the tentative parcel map, the proposed site, and the design and improvement of the development requested are consistent with the General Plan; and

WHEREAS, the City Council finds that the proposed site is suitable for the type and density of development requested and is not likely to cause substantial environmental damage, serious public health problems or conflict with any publicly acquired easements or access with the approval of the density bonus permit and three incentives.

NOW, THEREFORE, the City Council of the City of Oxnard resolves as follows:

Tentative Parcel Map PZ 08-300-08 is hereby approved, subject to the conditions set forth in Planning Commission Resolution No. 2009-23.

PASSED AND ADOPTED this 23rd day of June 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