



Meeting Date: 9 / 28 / 2010

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

Prepared By: Brian Foote, AICP, Associate Planner *B.F.* Agenda Item No. L-3

Reviewed By: City Manager *[Signature]* City Attorney *SMF* Finance *J.C.* Other (Specify): Housing

DATE: September 20, 2010

TO: City Council

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

SUBJECT: The Cuesta Del Mar Affordable Housing Project – Planning & Zoning Permit Nos. 10-570-02 (Zone Change), 10-535-01 (Density Bonus), and 10-540-01 (Planned Development) Located at 610 Cuesta Del Mar Drive. Filed by McCarthy Companies, agent for the Housing Authority of the City of Oxnard.

RECOMMENDATION

That City Council:

1. Adopt a resolution approving the Density Bonus (PZ No. 10-535-01) for the Cuesta Del Mar housing project, subject to the conditions set forth in Planning Commission Resolution No. 2010-23; and
2. Adopt a resolution upholding the Planning Commission’s approval of the Planned Development (PZ No. 10-540-01) for the Cuesta Del Mar housing project, subject to the conditions set forth in Planning Commission Resolution No. 2010-22; and
3. Approve the first reading by title only and subsequent adoption of an ordinance approving a Zone Change (PZ No. 10-570-02) from R-3-PD to R-4-PD for the Cuesta Del Mar housing project, subject to the conditions set forth in Planning Commission Resolution No. 2010-24.

DISCUSSION

The subject site is a vacant 9,375 square-foot parcel located at 610 Cuesta Del Mar Drive (see Attachment 1). The applicant requests a zone change to modify the existing R-3-PD (Garden Apartment) zone designation to R-4-PD (High Rise Residential) to accommodate the proposed development. This project consists of a 3½-story structure with seven apartments, a total of 6,080 square-feet, a parking garage on the first floor, interior courtyard on the second floor, and a rooftop terrace. The Oxnard Housing Authority would provide the seven apartments (100% of total project) as affordable low-income units. The proposal conforms to the zoning and development standards on the subject property, with the exception of specified reductions to the front and side setbacks, maximum height, interior open space, and guest parking (for which concessions or waivers are requested in accordance with State affordable housing law).

At the Planning Commission hearing on August 19, 2010, four residents attended to express comments

or concerns about the proposed number of units, the existing high density of the neighborhood, extremely limited on-street parking in the neighborhood, and the State's density bonus law. The Commissioners commented on the architecture, courtyard, rooftop terrace, compliance with the building code, consistency with the neighborhood, and control of the property by the Housing Authority. The Commissioners acknowledged the public's concerns about parking and the density of the neighborhood, and ultimately approved the project in order to increase the supply of affordable housing.

The Planning Commission adopted Resolution Nos. 2010-23 and 2010-24 recommending approval of the proposed density bonus and the zone change from R-3-PD to R-4-PD, and adopted Resolution No. 2010-22 approving Planning & Zoning Permit No. 10-540-01 (Planned Development). As the project site is within a Planned Development Overlay (Section 16-271), the Commission considered and approved a 17% increase to the maximum allowable height in order to accommodate the rooftop terrace and trellis. The Commission also considered and approved the following concessions from development standards that were requested pursuant to State affordable housing law (Government Code §65915): reduced front setback, reduced side setbacks, and one interior courtyard and one rooftop terrace in lieu of private open space for individual apartments. Government Code §65915 also waives the requirement for on-site guest parking. The Planning Commission staff report, resolutions, and minutes are attached (see Attachments 5, 6, 7).

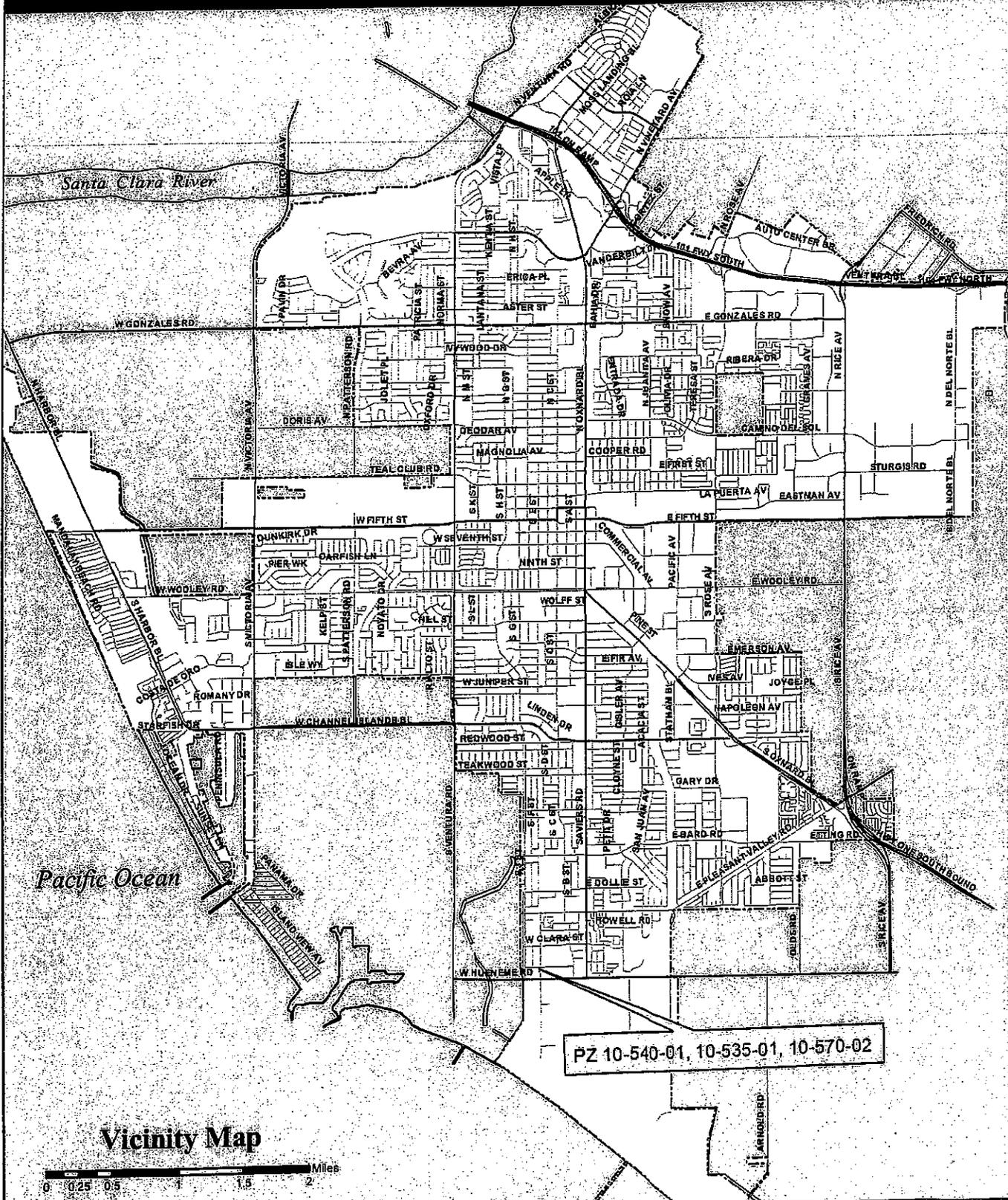
FINANCIAL IMPACT

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

- Attachment 1 - Location Map
- 2 - City Council Resolution, Density Bonus (PZ 10-535-01)
 - 3 - City Council Resolution, Planned Development (PZ 10-540-01)
 - 4 - City Council Ordinance, Zone Change (PZ 10-570-02)
 - 5 - Planning Commission Minutes
 - 6 - Planning Commission Resolutions
 - 7 - Planning Commission Staff Report

Note: Attachment Nos. 6 and 7 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 Friday prior.

Vicinity Map



Vicinity Map



PZ 10-540-01, 10-535-01, 10-570-02
 Location: 610 Cuesta Del Mar
 APN: 222009509
 McCarthy Companies

ATTACHMENT 1
 PAGE 1 OF 1

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. 10-535-01 FOR A DENSITY BONUS FOR THE AFFORDABLE HOUSING PROJECT LOCATED AT 610 CUESTA DEL MAR DRIVE (APN 222-0-095-085), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY MCCARTHY COMPANIES ON BEHALF OF THE HOUSING AUTHORITY OF THE CITY OF OXNARD, 633 VENTURA BOULEVARD, OXNARD, CA 93036.

WHEREAS, on August 19, 2010, the Planning Commission adopted Resolution No. 2010-23 recommending approval of Planning and Zoning Permit No. 10-535-01 for a density bonus for the development of one multifamily residential structure with seven affordable apartments on a vacant property located at 610 Cuesta Del Mar Drive, filed by McCarthy Companies on behalf of the Housing Authority of the City of Oxnard, in accordance with sections 16-421 through 16-422 of the Oxnard City Code; and

WHEREAS, the City Council has held a public hearing and received and reviewed written and oral comments related to proposed Planning and Zoning Permit No. 10-535-01; and

WHEREAS, the California Environmental Quality Act (CEQA) provides a statutory exemption pursuant to CEQA Guidelines sections 15192 and 15194 for construction of affordable housing projects in urban areas and all findings for this exemption can be made; and

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

NOW, THEREFORE, the City Council of the City of Oxnard resolves that Planning and Zoning Permit No. PZ 10-535-01 is approved, subject to the conditions set forth in Planning Commission Resolution No. 2010-23.

Resolution No. _____

Page 2

PASSED AND ADOPTED this 28th day of September, 2010, by the following vote:

AYES:

NOES:

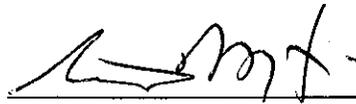
ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD UPHOLDING THE PLANNING COMMISSION'S APPROVAL OF PLANNING AND ZONING PERMIT NO. 10-540-01 (PLANNED DEVELOPMENT) TO ALLOW THE CONSTRUCTION OF ONE MULTI-FAMILY THREE-STORY STRUCTURE WITH SEVEN APARTMENTS ON AN EXISTING LOT OF RECORD, LOCATED AT 610 CUESTA DEL MAR DRIVE (APN: 222-0-095-085), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY MCCARTHY COMPANIES ON BEHALF OF THE HOUSING AUTHORITY OF THE CITY OF OXNARD, 633 VENTURA BOULEVARD, OXNARD, CA 93036.

WHEREAS, on August 19, 2010, the Planning Commission adopted Resolution No. 2010-22 approving Planning and Zoning Permit No. 10-540-01 to allow the development of one multifamily residential structure with seven affordable apartments on a vacant property located at 610 Cuesta Del Mar Drive, filed by McCarthy Companies on behalf of the Housing Authority of the City of Oxnard, in accordance with sections 16-530 through 16-561 of the Oxnard City Code; and

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

WHEREAS, the City Council has conducted a hearing and received evidence in favor of and opposed to the application for a Planning and Zoning Permit No. PZ 10-540-01; and

WHEREAS, the California Environmental Quality Act (CEQA) provides a statutory exemption pursuant to CEQA Guidelines sections 15192 and 15194 for construction of affordable housing projects in urban areas and all findings for this exemption can be made; and

NOW, THEREFORE, the City Council of the City of Oxnard resolves that the Planning Commission's approval of Planning and Zoning Permit No. PZ 10-540-01 is upheld, subject to the conditions set forth in Planning Commission Resolution No. 2010-22.

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO.

ORDINANCE OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 10-570-02 (ZONE CHANGE) FOR PROPERTY LOCATED AT 610 CUESTA DEL MAR DRIVE (APN 222-0-095-085) CHANGING THE ZONING DESIGNATION FROM GARDEN APARTMENT (R-3-PD) TO HIGH RISE RESIDENTIAL (R-4-PD) SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY MCCARTHY COMPANIES ON BEHALF OF THE HOUSING AUTHORITY OF THE CITY OF OXNARD, 633 VENTURA BOULEVARD, OXNARD, CA 93036.

WHEREAS, on August 19, 2010, the Planning Commission of the City of Oxnard considered an application for the Cuesta Del Mar housing project for property located at 610 Cuesta Del Mar Drive, filed by McCarthy Companies on behalf of the Oxnard Housing Authority, and made a recommendation of approval for Planning and Zoning Permit Nos. 10-570-02 (Zone Change) and 10-535-01 (Density Bonus); and

WHEREAS, on August 19, 2010, the Planning Commission of the City of Oxnard approved Planning and Zoning Permit No. 10-540-01 (Planned Development) to entitle the Cuesta Dei Mar housing project with seven affordable dwelling units; and

WHEREAS, the zoning of the subject property is Garden Apartment Planned Development (R-3-PD) and in order for the project to be approved, the zoning of the subject parcel must be amended to High Rise Residential Planned Development (R-4-PD); and

WHEREAS, the City Council carefully reviewed Planning Commission Resolution No. 2010-24 recommending approval of Zone Change No. 10-570-02; and

WHEREAS, the City Council has held a public hearing and received and reviewed written and oral comments related to proposed Planning and Zoning Permit No. 10-570-02; and

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

WHEREAS, the City Council finds after due study and deliberation that the public interest and general welfare require the adoption of Planning and Zoning Permit No. 10-570-02; and

WHEREAS, the California Environmental Quality Act (CEQA) provides a statutory exemption pursuant to CEQA Guidelines sections 15192 and 15194 for construction of affordable housing projects in urban areas and all findings for this exemption can be made; and

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

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

- Part 1. The zoning governing the property located at 610 Cuesta Del Mar Drive (APN 222-0-095-085), as shown on the map on file with the City Clerk, is changed from Garden Apartment Planned Development (R-3-PD) to High Rise Residential Planned Development (R-4-PD).
- Part 2. Pursuant to Government Code Section 65863.5, the City Clerk shall mail a copy of this ordinance to the Assessor of Ventura County within thirty (30) days from the adoption of this ordinance.
- Part 3. Within fifteen (15) days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation, published and circulated in the City. Ordinance No. _____ was first read on September 28, 2010, and finally adopted on _____, 2010, to become effective thirty (30) days thereafter.

PASSED AND ADOPTED this 28th day of September, 2010, by the following vote:

AYES:

NOES:

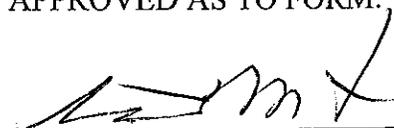
ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney

MINUTES

OXNARD PLANNING COMMISSION
REGULAR MEETING
AUGUST 19, 2010

A. ROLL CALL

At 7:05 p.m., the regular meeting of the Oxnard Planning Commission convened in the Council Chambers. Commissioners Sonny Okada, Deirdre Frank, Chairman Randall Elliott, Dale Dean, and Saul Medina were present. Chairman Elliott presided and called the meeting to order. Staff members present were: Christopher Williamson, Principal Planner, Jason Samonte, Traffic Engineer; Stephen Fischer, Assistant City Attorney; Linda Windsor, Associate Planner, Brian Foote, Associate Planner; Doug Spondello, Assistant Planner, and Lori Maxfield, Recording Secretary.

B. PUBLIC COMMENTS

Mr. Bert Perello stated that the notice for the Community Workshop was not posted; and neither Fremont South, nor Sea Air Neighborhoods were notified.

Ms. Nancy Pedersen indicated that the notice for the Community Workshop was not on the City's website, TV channel, this week's neighborhood packet, or on the meeting room door.

Mr. Larry Godwin stated that the project planner indicated that posting of the Community Workshop notice was only a courtesy; the Walgreen's site at Channel Islands and Rose was posted at the wrong site; and referenced the "on-site posting requirements" that stated the site must be posted 10 days prior to the meeting.

Ms. Shirley Godwin stated that it was insulting to the Planning Commission that the applicants didn't attend the last meeting; the role of the planner was to give an objective description; and the project should be continued if the applicant is not present.

Mr. Pat Brown indicated that she didn't get her neighborhood packet until Tuesday; Community Workshop should be posted as it has been in the past; and the library was unable to locate the Planning Commission packet when she asked for it yesterday.

C. READING OF AGENDA

Principal Planner Williamson stated that the Walgreen's Community Workshop would be repeated in September; reviewed the agenda, and indicated that the Housing Element was intended to be heard as an explanation (study session), but the Planning Commission would take comments; it would be continued to September 2, 2010 for the formal hearing; and if it couldn't be heard at this evening's meeting, the comment period would be extended.

D. CONSENT AGENDA

1. APPROVAL OF MINUTES – August 5, 2010

MOTION Commissioner Dean moved and Commissioner Okada seconded a motion to approve the minutes of April 5, 2010 as presented. The question was called and the motion carried 4-0-1-1, Commissioner Medina abstaining, Commissioner Mullin absent.

2. Adoption of a resolution denying a Minor Special Use Permit (PZ 10-520-01) to permit the operation of a church (Life of Victory Worship Center), within an existing 3,328 square foot industrial suite, located at 2041 Cabot Place, Unit B. Filed by Designated Agent Elizabeth Callahan, 400 Esplanade Drive, Suite 301, Oxnard, CA 93036.
PROJECT PLANNER: Doug Spondello

MOTION Commissioner Dean moved and Commissioner Okada seconded a motion to adopt a resolution denying PZ 10-520-01, a Minor Special Use Permit to allow the operation of a church within an existing 3,500 square foot industrial suite located at 2041 Cabot Place, Unit B. The question was called and the motion carried 4-0-1-1, Commissioner Medina abstaining, Commissioner Mullin absent.

E. CONTINUED PUBLIC HEARINGS

1. PLANNING AND ZONING PERMIT NO. 10-510-5, a request to permit the sale of beer and wine for off-site consumption to registered hotel guests from the hotel's "Suite Shop," and to permit sale and service of beer and wine for on-site consumption to registered overnight hotel guests and their invitees, during the hotel's complimentary "happy hour" within the existing Homewood Suites Hotel, located at 1950 Solar Drive. The proposed project is exempt from environmental review under Section 15301 of the CEQA Guidelines for Existing Facilities. Filed by Mian Extended Stay, Inc., 1106 N. Highway 360, Suite 400, Grand Prairie, Texas 75050.
PROJECT PLANNER: Linda Windsor

Associate Planner Windsor responded to requested information by the Planning Commission on alcohol service and sales with the Homewood Suites Hotel, including the manager's reception to be held Monday through Thursday; served by trained hotel staff; two drink limit per guest; additional alcohol may only be purchased from the hotel "suite shop", to be consumed within the enclosed hotel property; and Police was satisfied with the request with implementation of conditions.

Chairman Elliott opened the public testimony.

Mr. Bert Perello commented that the project should be continued as there was no representative from Police present to address any concerns.

Chair Elliott closed the public testimony.

MOTION Commissioner Okada moved and Commissioner Frank seconded a motion to adopt a resolution granting PZ 10-510-05, a Special Use Permit for beer, wine, and liquor service for on-site consumption, and off-site beer and wine sales, at the Homewood Suites Hotel, located at 1950 Solar Drive, subject to certain findings and conditions. The question was called and the motion carried 4-1-1, Commissioner Medina voting no, Commissioner Mullin absent.

F. NEW PUBLIC HEARINGS

1. PLANNING AND ZONING PERMIT NO. 10-520-02 (Minor Special Use Permit) a request to permit the operation of a pawn shop (Saul's Jewelry and Loan) within an existing 3,500 square foot commercial building. The project is located at 532 South Oxnard Boulevard. The proposed project is exempt from environmental review under Section 15301 of the CEQA Guidelines. Filed by Robert Wademan, 536 South Oxnard Boulevard, Oxnard, CA 93030.

PROJECT PLANNER: Doug Spondello

Assistant Planner Spondello presented the staff report including surrounding uses; hours of operations; number of employees; two pawn shops within 100 feet of the project site, both operated by the applicant; reviewed considerations in determining the recommendation; during the Meta District Plan meetings, residents and stakeholders expressed opposition to pawn shops in the area; applicant has applied for a façade improvement, and indicated it was to be a jewelry store; received letter from Oxnard Downtown Management District in support of the project; and given the Police, stakeholders and residents concerns, staff recommended denial of the project. He also displayed the location and zoning map; aerial view; site photo; and floor plan. He stated the Meta District plan was tentatively scheduled for approval in the winter of 2010/2011.

Chairman Elliott opened the public testimony.

Mr. Robert Wademan, applicant, presented his project indicating that he had owned the business for 20 years; would shut down current location that is leased, to move next door; has 45,000 customers in his data base, proving the business is needed; seven full time employees; is a part of the community; during their evaluation, Police misunderstood his intention to close his current location; he has a good working relationship with Police; will spend \$250,000 in improvements to revitalize the run down corner; there were no statistics to confirm Police's allegations that pawn shops created loitering, drinking, and drugs; has 32 cameras at the business, and is the first to call the Police with problems; lighting to remain on after store closes; agreed to shut down the 24 hour window; and explained the payment process required within four months.

Mr. Morey Navarro spoke in favor of the project given the high percentage of vacancies in the area; applicants runs a clean store; businesses should be allowed to be productive; and City should promote good business.

Mr. Mark Hayworth, landlord for applicant's store on Fifth Street, spoke in favor of the project stating the applicant was a great tenant, and provided a worthwhile service.

Ms. Shirley Godwin questioned whether the 24 hour window would be moved to another location; business won't help the downtown unless the property owner makes improvements; he is currently a huge contributor to the run down look with gates and roll up doors; site posting for the meeting was

located behind the gates, and was difficult to see; and situation could be repeated by merely moving next door.

Ms. Pat Brown, Five Points Neighborhood Chair, attended the Community Workshop, spoke in opposition stating that the property was in need of repair; colors clashed; gated across the front; and the property contributed to the perception that Oxnard Boulevard was unsafe.

Mr. Abel Magana, Executive Director of the Downtown District, spoke in favor of the project commending the applicant for his presentation; and stated he was a professional and honorable businessman.

Mr. Steve Kinney, President of EDCO, spoke in favor indicating there wouldn't be an intensification of the business; and the applicant would make the necessary improvements that the City desires.

Mr. Michael Faulconer, architect for the project, stated that it would be restored to the 1940's look; explained the type of security grilling to be used; hours of operations; and indicated that the applicant would put a substantial amount of money into the building.

Mr. Larry Godwin asked if the 24 hour window were closed, where would customers make payments; how can the façade improvements be done, including paint, if Oxnard Boulevard still belongs to the State.

Mr. Bert Perello suggested that legal counsel should address legal issues, given that Police was not present.

Chair Elliott closed the public testimony.

Planning Commission suggested the applicant work with the neighbors on what should go in to enhance the building; applicant should give up his license at the current location of 536 South Oxnard Boulevard, to reduce the public's fear that it would remain a pawn shop; the name should be changed due to the stigma; increased lighting will improve visibility; improved architecture; meets the needs of the community; Police report appears sketchy; applicant works with Police in returning stolen property; and the applicant should work with staff on conditions.

Assistant City Attorney Fischer stated that it would be appropriate to continue the item to allow staff to work with the applicant to craft conditions. He explained that to have enforceable conditions on covenants allowed for termination of the pawn shop at 536 South Oxnard Boulevard, as Mr. Wademan could move out, and another operator could immediately move in and start a pawn shop.

Principal Planner Williamson stated that the Police Department may have several conditions to put on the Special Use Permit on how cash is handled. By continuing the item, staff could bring back a resolution of approval with conditions agreed to by the applicant, including abandonment of 536 South Oxnard Boulevard.

Assistant City Attorney Fischer suggested the applicant could work with Police on conditions, and follow up to confirm that they were being adhered to by returning to Planning Commission as an informational item with a final set of conditions.

MOTION Commissioner Okada moved and Commissioner Frank seconded a motion to adopt a resolution granting PZ 10-520-02, a Minor Special Use Permit to permit the operation of a pawn shop within an existing commercial building located at 532 South Oxnard Boulevard, subject to certain findings and conditions. The question was called and the motion carried 5-0-1, Commissioner Mullin absent.

RECESS Chairman Elliott called a recess at 8:42 p.m. The meeting reconvened at 8:53 p.m. with all Commissioners present, except Commissioner Mullin.

2. PLANNING AND ZONING PERMIT NO. 10-520-05 (Special Use Permit), a request to improve an existing 43,022 square foot vacant warehouse/manufacturing tilt-up building for use as a church (1,000 seat sanctuary) with accessory uses (Sunday school classrooms, office, lobby, and kitchen/food prep area). The project includes a 5,279 square foot second floor addition, and a request for administrative parking relief to allow shared parking with adjoining properties in accordance with Section 16-651 (B) (1) of the Oxnard City Code. The project site is located at 1251 North Rice Avenue. The proposed project is exempt from environmental review under Section 15301 of the CEQA Guidelines. Filed by Chuck Swankosky with New Life Community Church, 2775 North Ventura Road, Suite 201, Oxnard, CA 93036.

PROJECT PLANNER: Juan Martinez

Principal Planner Williamson presented the staff report including surrounding uses; adequate parking; hours of operation; shared parking; parking study; and signed parking agreements with adjoining properties.

Chairman Elliott opened the public testimony.

Mr. Steve Abraham, Senior Pastor of church, gave a brief presentation including the church's growth since opening in 1997; outreach services done; hours of operation; and growth of the congregation with the move is expected, so services would be expanded.

Traffic Engineer Samonte stated that pedestrian parking was always a concern, but there was not a lot of traffic on Sunday. He also indicated that no street parking was allowed.

Planning Commission discussed concern about parking across the street; pedestrian safety, as there were no sidewalks; and reluctant to approve a church in an industrial area, as it was beyond the intended original use.

MOTION Commissioner Okada moved and Commissioner Medina seconded a motion to adopt a resolution granting PZ 10-520-05, a Special Use Permit to allow a church with accessory uses, and a request for administrative parking relief to allow shared parking with adjoining properties, located at 251 North Rice Avenue. The question was called and the motion carried 5-0-1, Commissioner Mullin absent.

3. PLANNING AND ZONING PERMIT NO. 10-540-1 (Planned Development), 10-535-1 (Density Bonus), and 10-570-2 (Zone Change), a request for approval of: a Planned Development to construct a 3-story 6,080 square foot multi-family dwelling with 7 apartments on a vacant 9,375 square foot

lot; a Density Bonus for 100% affordable housing; and change the zoning from R-3-PD to R-4-PD to be consistent with the surrounding neighborhood. The application for the Density Bonus seeks concessions to modify the development standards for front yard setback, side-yard setbacks, and permit the courtyard and rooftop terrace to provide the common open space areas. The project site is located at 610 Cuesta Del Mar Drive. The project is exempt from environmental review pursuant to Sections 15192 and 15194 of the CEQA Guidelines. Filed by McCarthy Companies, agent for the Oxnard Housing Authority, 633 E. Ventura Blvd., Oxnard, CA 93036.

PROJECT PLANNER: Brian Foote

Associate Planner Foote presented the staff report including surrounding uses; proposed Zone Change; structure height; density bonus; concessions; Police and Fire concerns about terrace safety; would become a part of the City's housing stock; and no guest parking on site, only for residents.

Chairman Elliott opened the public testimony.

Mr. Ventura Fernandez, Chairman of the Southwinds Neighborhood, spoke in opposition due to the density and shortage of parking.

Mr. Bert Perello spoke in opposition due to density; not consistent with the 2020 General Plan; there's no ADA access; parking issue; and concern for protection of children on rooftop terrace that is to be used as open space. He also asked about the possibility of an elevator.

Mr. Bill Wilkins, Housing Director, stated that the City had owned the property for several years.

Ms. Barbara Macri-Ortiz discussed density bonus law; and explained that under the Housing Authority, the occupancy limits would be controlled, and density in the area would go down.

Mr. Pat McCarthy indicated that he was managing the process for the Housing Authority, and explained that it was an in-fill lot; affordable housing was necessary; and it would be a state of the art building.

Ms. Cathy Wilson, Rasmussen & Associates, architect for the project, explained that the rooftop terrace with 42" guard wall was to meet outdoor common area; guard wall was a metal mesh that is difficult to get a toe hold or to scale over; security gates to the rooftop terrace requiring a key; metal steel framed fence; all common areas are lit with a timer switch; elevator would be expensive; and project conforms to ADA accessibility.

Planning Commission discussed the density; lack of common area; architecture; and the need for affordable housing.

MOTION Commissioner Okada moved and Commissioner Medina seconded a motion to adopt a resolution granting PZ 10-540-1, a Planned Development; recommending City Council approval of PZ 10-535-01, a Density Bonus Permit; and recommending City Council approval of PZ 10-570-02, a Zone Change to change the zone district from R-3-PD to R-4-PD, to allow construction of one multi-family structure with seven affordable apartment dwelling units on property located at 610 Cuesta Del Mar Drive, subject to certain findings

and conditions. The question was called and the motion carried 4-1-1, Commissioner Frank voting no, Commissioner Mullin absent.

4. PLANNING AND ZONING PERMIT NO. 10-620-02 (2006-2014 Oxnard Housing Element, Draft No. 2), the Planning Commission will receive comments on the 2006-2014 Housing Element (Draft No. 2) which identifies current and future housing needs of residents within the City of Oxnard (City) and establishes housing goals, policies, programs, and sites with enough development potential to meet these needs for the planning period January 1, 2006 to June 30, 2014. The housing requirements of extremely-low and low-income households and special needs populations are given particular attention and the City seeks to conserve and rehabilitate existing housing. In compliance with Government Code Section 65583, potential sites are identified that would provide opportunities for development of approximately 3,100 affordable housing units. Draft No. 2 replaces the February 2009 Housing Element (Draft No. 1) in its entirety that was circulated between March and May, 2009. Public comments received on Draft No. 1 were considered in preparing Draft No. 2.

PROJECT PLANNER: CHRIS WILLIAMSON

ITEM F-4 CONTINUED TO SEPTEMBER 2, 2010

G. PLANNING COMMISSION BUSINESS

Commissioner Medina stated that due to the fact that the proposed project at Vineyard Avenue and Ventura Road was denied a few years ago, the Dallas Cowboys were able to return for training, which created more tourism for the City.

H. PLANNING MANAGER COMMENTS

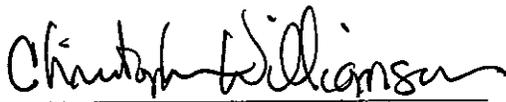
Principal Planner Williamson indicated that the 2030 General Plan Workshop was moved to September 22, 2010 to El Rio to accommodate residents.

I. ADJOURNMENT

At 10:21 p.m., the Planning Commission concurred to adjourn.

Randall Elliott, Chairman

ATTEST:



Christopher Williamson, Secretary