



Meeting Date: 12/ 14 / 10

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 (Info/consent)
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____

Prepared By: Douglas J. Spondello, Assistant Planner *DS*

Agenda Item No. *K-1*

Reviewed By: City Manager *[Signature]*

City Attorney *SME*

Finance *[Signature]*

Other (Specify)

**DATE:** November 24, 2010

**TO:** City Council

**FROM:** *[Signature]* Susan L. Martin, AICP, Planning Manager  
Development Services Department *aw*

**SUBJECT:** **Planning and Zoning (PZ) Permit No. 10-570-01 (Zone Change) and PZ No. 10-500-01 (Special Use Permit) for Fresh and Easy Neighborhood Market at 1401 West Gonzales Road. Filed by Designated Agent Clay Toombs, Evergreen Devco.**

**RECOMMENDATION**

That the City Council:

1. Approve the first reading by title only and subsequent adoption of an ordinance amending the City zone map (PZ No. 10-570-01) to change the zone designation for the project area from High Rise Residential Planned Development (R-4-PD) to General Commercial Planned Development (C-2-PD).
2. Adopt a resolution upholding Planning Commission approval of Special Use Permit (SUP) No. 10-500-01 for the construction of a 10,661 square foot Fresh and Easy Neighborhood Market, subject to the conditions set forth in Planning Commission Resolution No. 2010-35.

**DISCUSSION**

On October 21, 2010, the Planning Commission voted 3-0 on a motion to approve SUP No. 10-500-01, a request to redevelop a parcel located at 1401 West Gonzalez Road that includes demolishing an existing commercial building and constructing a new 10,661 square foot Fresh and Easy Neighborhood Market. The Commission also adopted a resolution recommending the City Council approve Zone Change No. 10-570-01 to change the land use designation from High Rise Residential Planned Development (R-4-PD) to General Commercial Planned Development (C-2-PD). At the meeting, the Commission also directed staff to return to the Commission with a resolution to allow the sale of beer and wine for off-site consumption (Alcohol SUP No. 10-510-13). The resolution approving the Alcohol SUP was adopted by the Commission on December 2 and is final unless appealed to the City Council by December 20, 2010.

The architectural style of the market is similar to the other two Fresh and Easy locations within the City. The building is highlighted by projecting roof elements and eyebrow canopies. In order to screen the parking area from the street, the new market building is located along the street frontage, with the primary entrance towards the parking at the rear. Forty-five parking spaces are provided along with a motorcycle stall and bicycle rack, exceeding the requirements of the Code. With the exception of cart corrals located at the store entrance, no outdoor storage is proposed. A recessed loading dock is located along the west side of the building and is screened by landscaped wire panels. Existing on-site landscaping will be protected, where possible, and the value of any trees removed will be used to upgrade the sizes of new landscaping. The project meets all development requirements applicable in the proposed C-2-PD zone.

## **FINANCIAL IMPACT**

The proposed market will result in an increase in sales tax revenue.

(DS)

- Attachment #1 - City Council Resolution Upholding Approval of SUP 10-500-01  
#2 - Ordinance for Zone Change 10-570-01  
#3 - Planning Commission Resolution No. 2010-35 (Special Use Permit)  
#4 - Planning Commission Resolution No. 2010-36 (Zone Change Recommendation)  
#5 - Planning Commission Staff Report without Attachments (Dated October 7, 2010)  
#6 - Planning Commission Minutes (October 7 and October 21, 2010)  
#7 - Notice of Appeal Filed by Staff  
#8 - Vicinity, Zoning, and General Plan Maps  
#9 - Reduced Project Plans

Note: Attachment No. 3 has been provided to the City Council. Copies are available for review at the Help Desk (second floor) in the Main 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 Monday.

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD UPHOLDING PLANNING COMMISSION APPROVAL OF PLANNING AND ZONING PERMIT NO. 10-500-01 (SPECIAL USE PERMIT) TO REDEVELOP A PARCEL INCLUDING DEMOLISHING AN EXISTING BUILDING (OXNARD MONDAY CLUB) AND CONSTRUCTING A 10,661 SQUARE FOOT MARKET, LOCATED AT 1401 WEST GONZALES ROAD. FILED BY DESIGNATED AGENT CLAY TOOMBS, EVERGREEN DEVCO, INC., 200 NORTH MARYLAND AVENUE, SUITE 201, GLENDALE, CA 91206.

WHEREAS, on October 21, 2010, the Planning Commission adopted Resolution No. 2010-35 approving Planning and Zoning Permit No. 10-500-01; and

WHEREAS, the City Council has considered the appeal of the Planning Commission's decision filed by the Planning Division to coordinate with the proposed zone change, 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 10-500-01 (Special Use Permit); and

WHEREAS, Section 15332 of the California Code of Regulations exempts the project from the requirement for the preparation of environmental documents imposed by the California Environmental Quality Act; 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 10-500-01 (Special Use Permit) is upheld, subject to the conditions set forth in Planning Commission Resolution No. 2010-35.

PASSED AND ADOPTED this 14th of December 2010, by the following vote:

AYES:

NOES:

ABSENT:



CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO.

ORDINANCE OF THE CITY OF OXNARD, CALIFORNIA, APPROVING PLANNING AND ZONING PERMIT NO. 10-570-01 (ZONE CHANGE) FOR PROPERTY LOCATED AT 1401 WEST GONZALES ROAD (APN 139-0-080-255) CHANGING THE ZONING DESIGNATION FROM HIGH RISE RESIDENTIAL PLANNED DEVELOPMENT (R-4-PD) TO GENERAL COMMERCIAL PLANNED DEVELOPMENT (C-2-PD). FILED BY DESIGNATED AGENT CLAY TOOMBS, EVERGREEN DEVCO, INC., 200 NORTH MARYLAND AVENUE, SUITE 201, GLENDALE, CA 91206.

WHEREAS, on October 21, 2010, the Planning Commission of the City of Oxnard considered an application for the Fresh and Easy Commercial Project for property located at 1401 West Gonzales Road, filed by Designated Agent Clay Toombs, and made a recommendation of approval for Planning and Zoning Permit Nos. 10-570-01 (Zone Change); and

WHEREAS, on October 21, 2010, the Planning Commission of the City of Oxnard approved Planning and Zoning Permit No. 10-500-01 (Special Use Permit) to entitle the Fresh and Easy Commercial Project; and

WHEREAS, Section 15332 of Title 14 of the California Code of Regulations exempts the project from the requirement for the preparation of environmental documents imposed by the California Environmental Quality Act; and

WHEREAS, the City Council held a public hearing and received and reviewed written and oral comments related to the proposed Zone Change No. 10-570-01; and

WHEREAS, the City Council carefully reviewed Planning Commission Resolution No. 2010-36 recommending approval of Zone Change No. 10-570-01; and

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

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OXNARD DOES ORDAIN AS FOLLOWS:

Part 1. The zoning governing the property located at 1401 West Gonzales Road (APN 139-0-080-255), as shown on the map on file with the City Clerk, is changed from High Rise Residential Planned Development (R-4-PD) to General Commercial Planned Development (C-2-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 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 \_\_\_\_\_, and finally adopted on \_\_\_\_\_, to become effective thirty (30) days thereafter.

PASSED AND ADOPTED this \_\_\_ day of \_\_\_\_\_, by the following vote:

AYES:

NOES:

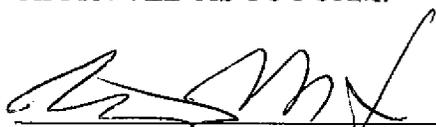
ABSENT:

\_\_\_\_\_  
Dr. Thomas E. Holden  
Mayor

ATTEST:

\_\_\_\_\_  
Daniel Martinez, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Alan Holmberg, City Attorney

RESOLUTION NO. 2010 - 36

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING TO THE CITY COUNCIL ADOPTION OF A ZONE CHANGE (PLANNING AND ZONING PERMIT NO. 10-570-01), TO CHANGE THE ZONE DISTRICT FROM HIGH RISE RESIDENTIAL PLANNED DEVELOPMENT (R-4-PD) TO GENERAL COMMERCIAL PLANNED DEVELOPMENT (C-2-PD) FOR A 1.2 ACRE PROPERTY LOCATED AT 1401 WEST GONZALES ROAD (APN 139-0-080-255), SUBJECT TO CERTAIN CONDITIONS. FILED BY DESIGNATED AGENT CLAY TOOMBS, EVERGREEN DEVCO, INC., 200 NORTH MARYLAND AVENUE, SUITE 201, GLENDALE, CA 91206.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 10-570-01, filed by Designated Agent Clay Toombs in accordance with Section 16-575 through 16-590 of the Oxnard City Code, to change the zoning of a 1.2 acre property located at 1401 West Gonzales Road from High Rise Residential Planned Development (R-4-PD) to General Commercial Planned Development (C-2-PD); and

WHEREAS, the Planning Commission has held a public hearing and received and reviewed written and oral comments related to the proposed Zone Change (PZ No. 10-570-01); and

WHEREAS, the Planning Commission finds after due study and deliberation that the public interest and general welfare require the adoption of the Zone Change (PZ No. 10-570-01); and

WHEREAS, Section 15332 of Title 14 of the California Code of Regulations exempts the project from the requirement for the preparation of environmental documents imposed by the California Environmental Quality Act; and

WHEREAS, the zone change is consistent with the 2020 General Plan.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby recommends to the City Council the adoption of the Zone Change (PZ No. 10-570-01), amending the City's official Zoning Map to change the zoning designation of one parcel as shown in Exhibit "A", attached hereto and incorporated herein by reference.

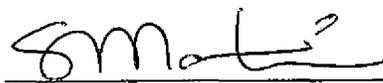
PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 21<sup>st</sup> day of October, 2010, by the following vote:

AYES: Commissioners: Medina, Frank, and Mullin

NOES: Commissioners: None

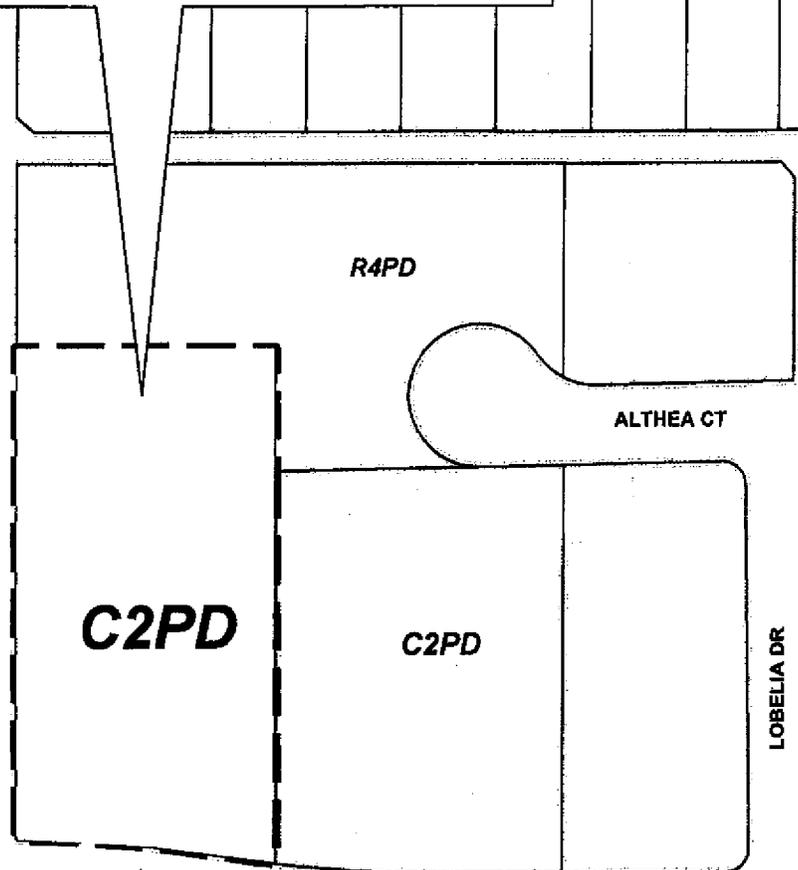
ABSTAIN: Commissioner: Dean; Okada

  
\_\_\_\_\_  
Dale Dean, Chairman

ATTEST:   
\_\_\_\_\_  
Susan L. Martin, Secretary

# Zone Change Map

Zone Change from R-4-PD (High-Rise Residential Planned Development) to C-2-PD (Commercial General Planned Development.)



PZ 10-570-01  
Location: 1401 W Gonzales Rd  
APN: 139008025  
Fresh & Easy  
0 25 50 100 150 200 Feet

Zone Change Map





**Planning Division**

**PLANNING COMMISSION  
STAFF REPORT**

**TO:** Planning Commission  
**FROM:** Douglas Spondello, Assistant Planner  
**DATE:** October 7, 2010  
**SUBJECT:** Planning and Zoning Permit Nos. 10-500-01, (Special Use Permit), 10-570-01 (Zone Change), and 10-510-13 (Special Use Permit for Alcohol), Located at 1401 West Gonzales Road.

**1) Recommendation:** That the Planning Commission:

- a) Approve Planning and Zoning Permit No. 10-500-01 for a Special Use Permit, subject to certain findings and conditions.
- b) Adopt a resolution recommending that the City Council approve Planning and Zoning Permit No. 10-570-01 for a Zone Change.
- c) Adopt a resolution denying Planning and Zoning Permit No. 10-510-13 for a Special Use Permit for Alcohol.

**2) Project Description and Applicant:** A request to redevelop a parcel located at 1401 West Gonzalez Road including demolishing an existing commercial building and constructing a new 10,661 square foot Fresh and Easy Neighborhood Market, proposing to sell beer and wine for off-site consumption. The request also includes a zone change to amend the land use designation from High Rise Residential Planned Development (R-4-PD) to General Commercial Planned Development (C-2-PD). Filed by Designated Agent Clay Toombs, Evergreen Devco, Inc., 200 North Maryland Avenue, Suite 201, Glendale, CA 91206.

**3) Existing & Surrounding Land Uses:** The 1.2 acre property is currently developed with a 5,665 square foot banquet facility, known as the Oxnard Monday Club. Surrounding land uses are summarized below:

Project Site	General Commercial Planned Development (C-2-PD)	Commercial General	Oxnard Monday Club
North	High Rise Residential Planned Development (R-4-PD)	Residential High	Multi-Family Residential
South	Commercial Office Planned Development (C-O-PD)	Commercial Office	Multi-Tenant Office (Oxnard Manor Healthcare Center)
East	General Commercial Planned Development (C-2-PD)	Commercial General	Multi-Tenant Commercial (Northside Center)
West	General Commercial Planned Development (C-2-PD)	Commercial General	Multi-Tenant Commercial (Popeye's, Chicago Liquor, and Circle K)

4) **Background Information:** No prior development permits have been initiated on the project site. The existing Oxnard Monday Club was constructed in 1960. The facility is still used on occasion for receptions and meetings.

5) **Environmental Determination:** In accordance with Section 15332 of the California Environmental Quality Act (CEQA) Guidelines, projects characterized as "in-fill development" may be found to be exempt from the requirements of CEQA. This proposal intends to redevelop an existing property of less than five acres, within an urban area in which the applicable General Plan Designation is consistent with the proposed zoning. Therefore, staff has determined that there is no substantial evidence that the project may have a significant effect on the environment and recommends that Planning Commission accept the Notice of Exemption (see Attachment "D").

6) **Analysis:**

a) **General Discussion:** The proposed 10,661 square foot Fresh and Easy Neighborhood Market would operate 24 hours a day. The interior of the 10,661 square foot store is comprised of a 7,580 square foot retail area and 3,081 square foot warehouse. The grocery store expects to employ approximately 20 employees during various shifts. Outdoor storage/display is not proposed, with the exception of the cart storage areas discussed in Section 6(e). Sale of alcohol for off-site consumption is proposed as part of the grocery operation. The Police Department has reviewed the request and determined that existing policing problems in the neighborhood would be aggravated by the sale of alcohol from this location (see discussion in Section 6(h) of this staff report).

b) **General Plan and Land Use Designation Consistency:** The existing General Plan land use designation on the project site is Commercial General. According to the General Plan, this designation allows for free-standing commercial uses along thoroughfares, which is consistent with the application request. A zone change is proposed from High Rise

Residential Planned Development (R-4-PD) to General Commercial Planned Development (C-2-PD). Staff supports this request as it is consistent with the General Plan designation, adjacent commercial properties, and the proposed development.

<p><b>Growth Management Policy #C(2)</b> (page IV-17) states "permit development that can be served by existing facilities, transportation and service"</p>	<p>The project is proposing to re-develop an existing lot of record, served by existing services, streets and facilities Therefore, consistency with this policy may be found.</p>
<p><b>Growth Management Element</b> Policies consist of two general categories. The first category defines "where" the development will occur and the second defines "how" and "when" the development will proceed. The Oxnard City Urban Restriction Boundary (CURB) sets the primary self-imposed demarcation for the urbanization of the City. The City's Sphere of Influence identifies the probable ultimate physical boundary of the City. Greenbelt Agreements, such as the Save Open Space and Agricultural Resources (SOAR) initiative, designate portions of the planning area that shall remain in agriculture.</p>	<p>The project is within the CURB and is an infill project. The General Plan states the "first priority for development is assigned to those areas necessary to "round out" or "fill in" the boundaries of existing partially developed neighborhoods and infill properties for which public services are already present or can be readily provided at the expense of the developer" (page IV-21). Therefore, this project complies with the Growth Management Element Policies in that it is an area designated for urban infill and adequate City services are already in place.</p>
<p><b>Safety Policy #35B</b> (page IX-20) states that "The City should require the Police Department to review all proposed development projects for potentially dangerous situations, and implement its recommendations.</p>	<p>The Police Department reviewed the proposed use for compliance with its safety and security requirements. The project is conditioned to include implementation measures which address their concerns.</p>

**c) Conformance with Zoning Development Standards:** The zoning designation on the property is currently High Rise Residential Planned Development (R-4-PD) however the application proposes a zone change to General Commercial Planned Development (C-2-PD). With approval of the zone change, the project would be in conformance with all code requirements, as is illustrated by the following table:

<p>Max. building height 16-137</p>	<p>2 stories or 35 feet. Additional stories may be permitted as part of an SUP (16-530—16-553)</p>	<p>28 feet 2 inches</p>	<p>YES</p>
<p>Front yard setback* 16-139</p>	<p>10 feet from property line</p>	<p>10 feet</p>	<p>YES</p>
<p>Side yard setback*</p>	<p>5 feet.</p>	<p>35'+ and</p>	<p>YES</p>

16-140	Zero when abuts another C-2 zoned lot.	12'+	
Rear yard setback* 16-141	None if =<16 feet in height; 15 feet if >16 feet in height; 10 feet if abuts an alley.	190+ feet	YES
Floor Area Ratio	30% max. (per GP)	20.41%	YES
Off-street parking: Motorcycle (16-264) Bicycle (16-623 & 16-637) Loading (16-644)	1 space:300 sf floor area= 36spaces 1 motorcycle space 0 bicycle spaces 1 loading zone	45 car spaces 1 motorcycle 7 bicycle spaces 1 truck dock	YES
Parking space sizes & design: • Standard (16-636 & 16-638) • Loading (16-644)	<ul style="list-style-type: none"> <li>• 9'W x 19'L</li> <li>• 12'W x 40'L x 14'H ; alt size with PC or director approval</li> </ul>	Complies	YES
Parking area Landscape Req. (16-641): • Along streets/alleys • Along interior PLs (for lots with 20 or more spaces) • Parking/vehicle area (16-641) • Landscape fingers (16-641) • Trees (for lots with 20+) • If located adjacent to residential see 16-641 (E)	<ul style="list-style-type: none"> <li>• Min. 10' wide strip.</li> <li>• Min. 5' wide in parking areas.</li> <li>• Minimum 5% of area, exclusive of any other required landscaped area abutting a street or alley.</li> <li>• 9'W x 20'L - every 10 spaces with 2 trees.</li> <li>• Min. 40' O.C.</li> </ul>	<ul style="list-style-type: none"> <li>• 10' on Gonzales Rd, north, and west PL</li> <li>• 5' min along east</li> <li>• 9% coverage (not including setback areas)</li> <li>• Landscaped parking area</li> </ul>	YES
Trash enclosures & transformers	To be screened at installation.	Trash enclosure provided along alley; transformer along Gonzales Road	Conditioned to Comply (No. 115)
Rooftop equipment	May not protrude above height of parapet.	Screened from view	YES

Fence (16-310)	<ul style="list-style-type: none"> <li>• Cannot be located in the FY setback area</li> <li>• No chain link in FY</li> <li>• 8' max height</li> </ul>	72" zone wall at north and east	YES
Lighting 16-320	Comply with Section 16-320 of the City Code.	Photometric plan reviewed with building permit.	Conditioned to Comply (No. 142)

d) **Site Design:** The building is situated with the rear along Gonzales Road. The primary entrance faces north, towards the parking area. The property is long and narrow and is separated from the commercial uses to the west by an existing 20 foot wide alley. With the exception of a cart storage area, outdoor display is not proposed.

e) **Circulation and Parking:** The site is accessed from West Gonzales Road and the alley. Delivery trucks would enter the site from West Gonzales Road.

The parking requirement for the project has been calculated based upon the standard for retail uses not located within a shopping center. This ratio is one space per 300 square feet of gross floor area. A total of 36 parking spaces are required for the 10,661 square foot project and 45 parking spaces are provided onsite. The project also meets the requirement to provide one motorcycle space and a bicycle rack.

The site design provides for pedestrian access from Gonzales Road at both the east and west portions of the property.

A recessed, 62-foot long loading dock is provided for deliveries at the west portion of the building. This area is screened by 'green screen' galvanized wire panels, finished in silver. Vines will be planted against these panels to provide for lush natural concealment of the loading area. When not in use, the entrance to the loading area will be secured by wire mesh gates to discourage unauthorized access. Trash would be collected from an enclosure opening towards the alley, along the western property line. Condition of approval no. 115 requires the proposed trash enclosure be enlarged to meet City standards.

Cart corrals are provided adjacent to the store entrance and at two locations in the parking lot.

f) **Building Design:** The building features colors and architectural style similar to other Fresh and Easy locations within the City. These include projecting roof elements at the northeast and southeast as well as integrated eyebrow canopies. The building features California Hills, Philadelphia Cream, and Herb Garden as the primary color palette. Portions of the building

will feature colored metal cladding as accent elements. The south elevation, along Gonzales Road, utilizes these elements along with sections of glazing to provide architectural details that make the rear of the building more appealing. The City's architectural consultant and the applicant worked together to improve the overall appearance of the building and Staff recommends approval of the proposed design.

**g) Signs:** The City Code allows for a maximum of 279 square feet of signage for the project. This is calculated using the primary frontage along West Gonzales Road as well as the secondary frontage at the north end of the building. The applicant proposes a total of 271.1 square feet of signage, which meets the Code requirements. A monument sign is proposed along Gonzales Road. The angles, colors, and materials of the sign are designed to be architecturally compatible with the proposed building. The monument sign consists of a single, internally illuminated band of text. Building signage proposed is consistent with the design and sign types that Fresh and Easy has employed elsewhere in the City. Main tenant identification signs are featured at the large projecting elements at the northeast and southeast. Smaller secondary signs are located at the south and west building elevations. Per City Code requirements, all illuminated signage is in excess of 100 feet from adjacent residential uses.

**h) Landscaping and Open Space:** Existing trees will be protected in place, where possible. An arborist's report has been reviewed and approved by the City's Contract Landscape Architect and provides for the value of the trees removed from the project site to be put back into new trees for the site (Condition No. 24). The value of trees to be removed was determined to be \$34,361.08 and this amount will be used to upgrade the landscaping to provide for larger specimens than the City's minimum tree size of 24" box. Nine percent of the site will be landscaped. Unique landscaping features include lush ivy-covered panels on the "green screen", adjacent to the loading zone, which achieve a natural and visually pleasing means of screening parked vehicles and loading operation from public view. The design of the landscaping planters and overall landscape design is consistent with the City Code.

**i) Alcohol Sales:** Part of the project request includes the sale of beer and wine for off-site consumption. The Oxnard Police Department has provided a report (Attachment "C") with information required by City Council Resolution No. 11,896 for sale of alcoholic beverages.

Overconcentration of Alcohol Outlets- The police report provides analysis regarding the presumption of undue concentration of establishments selling alcoholic beverages and reports on the number of police response incidents and whether approval of the special use permit is likely to significantly aggravate policing problems.

According to the police report, three similar off-sale and two on-sale establishments are located within 350 feet of the subject location. In light of these numbers, the police report determines an existing undue concentration in the area which exceeds local standards. The

report finds that approval of this special use permit would intensify this undue concentration.

The report also notes that, based on the experience of the Police Department and research into the subject, there is a documented and direct correlation between the number of alcohol outlets within a given community and the rate of DUI and alcohol related crime. In the opinion of the Police Department, no number of preventative conditions can serve to mitigate the risks to the community posed by approval of the project request.

Crime Statistics- For comparison purposes the Police Department calculated the average number of Part I and II crimes that occur per reporting district (grid), during a selected 12-month period. For reference, the category of Part I crimes include: murder, rape, robbery, theft, burglary, auto theft, assault, and arson. Part II crimes include: vandalism, weapons possession, other sex offenses, drug abuse violations, driving under the influence, liquor laws, drunkenness, and disorderly conduct.

The average citywide, per grid base number of Part I and II crimes, is currently 117. The average number of Part I and II crimes occurring within the applicant's reporting district and all other districts within 1,000 feet of the applicant is 183 during the same 12-month time period. This is 56% higher than the average crime rate citywide. When the calculation is reduced down to a much smaller area of influence (bordered by Azalea Street, Ventura Road, Gonzales Road, and Lantana), the total crime rate is 132% above the citywide average. Essentially, the areas closest to the proposed site and most likely to be directly impacted by the business account for the greatest number of Part I and II crimes. The frequency of calls fade as the radius extends into the core of the neighborhood.

The heaviest concentration of incidents occurred along the northern edge of the site where there are dense apartment complexes and public housing on Azalea Street, Lobelia Ave. and Althea Court. The number of incidents that listed alcohol as a contributing factor is above the citywide average.

The report also notes that alcohol and drug related issues are considerable factors that influence the overall problems plaguing the area and that gang presence is also significant. The dense apartment complexes to the north of the site along Azalea, Lobelia, Althea Ct. and Ventura Road are generally considered to be the most consistently problematic in the affected policing district and rank among the most challenged areas in all of Oxnard. In light of these concerns, Staff is recommending that the Planning Commission deny the sale of alcohol at this location.

- 7) Development Advisory Committee:** The Development Advisory Committee (DAC) reviewed this project on February 10 and May 5, 2010. The Applicant has addressed the comments received by DAC and the recommendations of the DAC are included in the attached resolutions.

**8) Community Workshop and Public Input:** On June 10, 2010, the applicant mailed notices of the Community Workshop meeting to all property owners within the Sierra Linda, Windsor North/River Ridge, Cabrillo, and Fremont North Neighborhoods. A notice of this meeting was posted on the project site with a brief description and contact information. The Community Workshop was conducted on June 21. Of the 35 persons in attendance, approximately eight spoke about the project. Several voiced their support of the development, the improvements proposed to the site, and the potential employment opportunities anticipated with the project. Others noted concerns regarding the number of existing alcohol outlets in the vicinity and the higher than average crime rate in the area. Planning staff also received four letters in support of the project and two letters in opposition.

**9) Appeal Procedure:** In accordance with Section 16-545 of the City Code, the Planning Commission's action on Permit Nos. 10-500-01 and 10-510-13 may be appealed to the City Council within 18 days after the decision date. Appeal forms may be obtained from the City Clerk and must be submitted with the appropriate fees before the end of the appeal period. The Planning Commission's action on the zone change (10-570-01) is a recommendation and the matter will be considered by the City Council at a later date.

**Attachments:**

- A. Maps (Vicinity, General Plan, Zoning)
- B. Reduced Project Plans
- C. Police Report
- D. Notice of Exemption
- E. Resolutions

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

MINUTES

OXNARD PLANNING COMMISSION  
REGULAR MEETING  
OCTOBER 7, 2010

A. ROLL CALL

At 7:11 p.m., the regular meeting of the Oxnard Planning Commission convened in the Council Chambers. Commissioners Sonny Okada, Patrick Mullin, Dale Dean, and Saul Medina were present. Vice-Chair Dean presided and called the meeting to order. Staff members present were: Susan Martin, Planning Manager; Paul Wendt, Senior Civil Engineer; Jason Samonte, Traffic Engineer; Stephen Fischer, Assistant City Attorney; Chris Williamson, Principal Planner; Juan Martinez, Associate Planner; Justin Beranich, Assistant Planner; Doug Spondello, Assistant Planner; and Lori Maxfield, Recording Secretary.

B. PUBLIC COMMENTS

C. READING OF AGENDA

Planning Manager Martin reviewed the agenda.

Chairman Dean reordered the agenda moving Item D-3 (PZ 10-500-04) to New Public Hearings.

D. CONSENT AGENDA

1. APPROVAL OF MINUTES – September 16, 2010

MOTION Commissioner Medina moved and Commissioner Mullin seconded a motion to approve the minutes of September 16, 2010 as presented. The question was called and the motion carried 3-0-1-2, Commissioner Okada abstaining, Commissioners Elliott and Frank absent.

2. PLANNING AND ZONING PERMIT NO. 10-510-11 (Special Use Permit), a request to allow sale of beer and wine within a proposed restaurant and outdoor dining area (Hook Burger Bistro), located at 1811 N. Rose Avenue at the southwest corner of Rose Avenue and East Gonzales Road, within the Rose Ranch Shopping Center. The project is exempt from environmental review under Section 15301 of the CEQA Guidelines. Filed by designated Attorney in Fact Mr. Brent Reichard on behalf of Hook Burger Bistro and Parkstone Company, 23 Hitchcock Way, Santa Barbara, CA 93105.  
PROJECT PLANNER: Justin Beranich

Chairman Dean opened the public testimony.

Mr. Harold Ceja spoke in opposition to the project, as there were already enough alcohol establishments in the City.

Chairman Dean closed the public testimony.

MOTION Commissioner Medina moved and Commissioner Mullin seconded a motion to adopt a resolution granting PZ 10-510-11, a Special Use Permit to allow the sale of beer and wine for on-site consumption in a proposed restaurant located at 1811 North Rose Avenue, subject to certain findings and conditions. The question was called and the motion carried 4-0-2, Commissioners Elliott and Frank absent.

E. CONTINUED PUBLIC HEARINGS

F. NEW PUBLIC HEARINGS

1. PLANNING AND ZONING PERMIT NO. 10-500-04 (Special Use Permit), a request for a planned residential group to redevelop a property located at the southeast corner of Cooper Road and Roosevelt Avenue. The site currently contains four residential buildings, all of which will be demolished and replaced with a two-story mixed-use commercial building. The applicant proposes to relocate the existing tenants as part of this request. The proposed building will include 3 one-bedroom units over two commercial tenants. Three garages are provided for the residential units. The applicant also requests a front yard setback reduction from 20 feet to 10 feet, a side yard setback reduction from 7'6" to zero along the east property line, on-street loading, a reduction of required visitor and off-street commercial parking spaces from six to four spaces. The project is exempt from environmental review under Section Nos. 15301 and 15303 of the CEQA Guidelines. Filed by designated agent Jaime Parga, on behalf of Heliodoro Avalos, 151 Bellafonte Court, Camarillo, CA 93012.

PROJECT PLANNER: Justin Beranich

Associate Planner Beranich presented the staff report including surrounding uses; no off-street parking currently available; current residential units to be demolished with tenants to be relocated; seven off-street parking spaces, and three garage spaces will be provided; request reduced front and side yard setbacks, interior yard space, reduction of one on site parking space, and an on street loading zone; parking study done in 2003 stated the retail floor space should be reduced due to limited parking. He also displayed an aerial photo of the site; site and floor plans; elevations; and an artist's rendering.

Chairman Dean opened the public testimony.

Mr. Ed Campbell, USA Architects and Engineers, representing the applicant, gave a brief presentation including no tenant currently planned in commercial space; expect families of two with one car; apartments to be one bedroom; units to be reduced from four to three, and current tenants will have the opportunity to return.

Mr. Bruce Zaragoza discussed parking situation in the area, and asked, if there would be enough parking.

Chairman Dean closed the public testimony.

Planning Commission discussed mixed use projects; parking issue; good design; and this type of mixed use urban development should be looked at throughout the City.

MOTION Commissioner Okada moved and Commissioner Medina seconded a motion to adopt a resolution granting PZ 10-500-04, a Special Use Permit to allow construction of a two-story mixed use building, located at 600 Cooper Road, subject to certain findings and conditions. The question was called and the motion carried 4-0-2, Commissioners Elliott and Frank absent.

2. PLANNING AND ZONING PERMIT NO. 10-500-01 (Special Use Permit), 10-570-01 (Zone Change), and 10-510-13 (Special Use Permit for Alcohol) a request to redevelop a parcel located at 1401 West Gonzales Road including demolishing an existing commercial building and constructing a new 10,661 square foot Fresh and Easy Neighborhood Market, proposing to sell beer and wine for off-site consumption. The request also includes a zone change to amend the land use designation from High Rise Residential Planned Development (R-4-PD) to General Commercial Planned Development (C-2-PD). The proposed project is exempt from environmental review under Section 15332 of the CEQA Guidelines. Filed by Designated Agent Clay Toombs, Evergreen Devco, Inc., 200 North Maryland Avenue, Suite 201, Glendale, CA 91206.  
PROJECT PLANNER: Doug Spondello

Assistant Planner Spondello presented the staff report including surrounding uses; access points; landscaping; the wall to the north and a portion of the wall to the east of the site, adjacent to the residential zones, to be increased to 72 inches in height to provide for acoustic and visual barriers; outdoor storage limited to cart storage; upgrade of trash enclosure; Police report was done for the alcohol request that indicated crime was 56 percent to 132 percent higher than the Citywide average, with drug and alcohol related disturbances also high; and approval of the alcohol request would contribute to overconcentration. He also displayed location and vicinity, General Plan, and zoning maps; aerial photo; site and floor plans; materials sample board; elevations; and site photos.

Assistant City Attorney Fischer stated that based on the location of Commissioner Okada's office, it's likely that he would be deemed to have a conflict of interest regarding the matter. For the Zone Change recommendation, a majority of the membership is required to make the determination. Staff asked that the Planning Commission continue the item to a date certain to allow for the absent Commissioners to be present, so Commissioner Okada's presence wouldn't be required in order to have a quorum for the item.

Commissioner Okada left the dais.

Staff suggested opening the public testimony to allow for speakers to provide comments before continuing the item.

Chairman Dean opened the public testimony.

Mr. Matt Lechliter, Vice-Chairman Sierra Linda Neighborhood Council, gave feedback from their August meeting; including results of the survey they conducted regarding the proposed Fresh and Easy Market. He stated he was personally opposed to the project, as he would prefer that the American Legion be relocated to the site. He also stated his concerns regarding traffic and overconcentration of alcohol sales.

Ms. Erika Marquez spoke in opposition to the alcohol sales, as children live nearby; alcohol is already sold in the area; and there's a lot of traffic on Gonzales Road, and if someone under the influence of alcohol was merging into traffic on Gonzales, there could be an accident.

Ms. Leonor Hurtado spoke in opposition to the alcohol sales as stores nearby already sell alcohol.

Ms. Carmen Villegas spoke in opposition to the alcohol sales, as several stores nearby currently sell alcohol. She wants Oxnard to be known not only for the boxers that come from the City, but for a City that doesn't have alcohol.

Mr. Roberto Marquez spoke in favor of the project, but in opposition to the alcohol. He stated that he has seen the damage that alcohol can do to families, and he wants to keep it out of the hands of children.

Ms. Sara Dunham spoke in favor of the project.

Mr. Felipe Villegas indicated he was a beat coordinator that has worked for over a year to reduce crime associated with teenagers using drugs and alcohol in the area. He stated that there were at least six or seven places nearby that currently sell alcohol, and adding another would be a terrible problem. He stated that he was in favor of the store, but not alcohol sales.

Ms. Isabel Mejia spoke in opposition to the sale of alcohol, as there is a lot of violence in the area, and fear in crossing on the streets due to people under the influence of alcohol, and having another store selling alcohol would aggravate the problem. She stated that she was in favor of the store, but not alcohol sales.

Assistant City Attorney Fischer recommended that the Planning Commission wait until all Commissioners making the decision were present before asking questions and deliberating.

Commissioner Medina suggested that staff prepare a summary of the speaker's comments for the absent commissioners to review.

MOTION Commissioner Medina moved and Commissioner Mullin seconded a motion to continue Item F-2 (PZ 10-500-01; 10-570-01; 10-510-13) to October 21, 2010. The question was called and the motion carried 3-0-1-2, Commissioner Okada abstaining, and Commissioners Elliott and Frank absent.

3. PLANNING AND ZONING PERMIT NO. 10-510-04 (Major Modification to Special Use Permit No. 1517) a request to amend a special use permit to modify certain conditions restricting sales and service of alcoholic beverages (i.e. hours of alcohol sales availability, security guard requirements, and prohibitions within the establishment). Play (billiards) is located at 658 South A Street, within the Central Business District (CBD). The project is exempt from environmental review under Section 15301 of the CEQA Guidelines. Filed by Steve Choy, Play (Billiards) 658 South A Street, Oxnard, CA 93030.  
PROJECT PLANNER: Juan Martinez

Commissioner Okada returned to the dais.

Associate Planner Martinez presented the staff report including surrounding uses; modifying conditions pertaining to the restriction on the hours of sales and service of beer, security guard requirements, and prohibitions within the establishment; added Police conditions would bring the operation up to date with current standards; at Community Workshop, concerns were raised regarding incompatibility and conflicts with the residential related to noise and illicit activities due to nighttime entertainment uses; and Police report indicated that crime in the area was 20 percent higher than the City average, but changes would not aggravate existing Police problems. He also displayed photos of the site.

Chairman Dean opened the public testimony.

Mr. Chris Taylor, manager of Play Billiards, indicated there was currently a camera facing the register; checking into installing additional cameras, possibly from public City parking lots; working with other City businesses, as well as with the Police Department to lower crime; and testing hidden cameras.

Planning Manager Martin stated that Condition No. 18 speaks to installation and maintenance of a video surveillance system.

Mr. Abel Magana, Executive Director for the Oxnard Downtown Management District, speaking for the board of directors, spoke in favor of the project.

Mr. Joshua Walker, Account Manager for the Downtown District Safety Team, spoke in favor of the project.

Senior Officer Waer indicated that prior to Police concentrating their efforts on rebranding the downtown, the crime rate was 150 percent higher than the City average. Conditions were imposed on this business to address problems, and have since been mitigated, and are no longer relevant.

Chairman Dean closed the public testimony.

MOTION Commissioner Okada moved and Commissioner Mullin seconded a motion to adopt a resolution recommending City Council approval of PZ 10-510-04, a major modification to Special Use Permit No. 1517 to amend the subject Special Use Permit by deleting Condition Nos. 6 and 10, and amending Condition No. 9 of City Council Resolution No. 10,920 to modify conditions restricting the sale and service of beer and delete uniform security guard requirements within the existing business located at 658 South A Street. The question was called and the motion carried 4-0-2, Commissioners Elliott and Frank absent.

3. A request that the Planning Commission receive comments on the Draft Environmental Impact Report (DEIR) No. 06-01 for the Sakioka Farms Specific Plan. The Sakioka Farms Specific Plan encompasses 430 acres immediately south of Highway 101 (Ventura Freeway) between Rice Avenue to approximately 700 feet east of Del Norte Boulevard, and extends approximately 3,500 feet to the south. The area is currently in agricultural production, but planned and zoned for business park and limited manufacturing development. The proposed Specific Plan would provide the framework, guidelines, standards, and regulations for orderly, phased, market-responsive development of master

planned business research, office, commercial, and industrial uses of up to 8.5 million square feet. Up to 900 residential units with a park and neighborhood retail are an optional use in the center/west area. A fire station, streets, utilities, and other customary supporting development and landscaping would be developed under appropriate current and future regulations and subsequent environmental review. The intensity and types of development may shift from one Planning Area to another, and the overall Specific Plan development would be regulated by a trip generation budget that maintains Level of Service 'C' at all intersections, unless otherwise specifically excepted by the Oxnard City Council. The DEIR was released for a 46-day public review period, beginning September 7, 2010 and ending October 22, 2010.

PROJECT PLANNER: Chris Williamson

Principal Planner Williamson indicated the hearing was to take comments on the draft EIR for the Sakioka Farms Specific Plan. He gave an overview of the DEIR including location; existing conditions; proposed Specific Plan; environmental issues and mitigations; referenced the 2030 General Plan and GREAT Program; and noted the draft EIR findings. He stated the project would become a significant part of future employment in the City, as one of the last undeveloped areas in the City limits; no development is proposed in the near future; displayed a summary of the proposed planning uses within the Specific Plan area; indicated residential was an optional use; displayed the conceptual circulation plan; Rice Avenue is slated to be turned over to CalTrans to become State Highway Route 1, which would free up Oxnard Boulevard to be a City owned street; comment period ends on October 22, 2010; next steps in the process; indicated the EIR issues that were investigated; range of EIR alternatives to the proposed project; review of the Executive Summary indicating impacts that were found, and whether mitigations were required; and unlike previous EIR's, this EIR is tiered, as it follows and incorporates the 2030 General Plan EIR and the GREAT Program by reference.

Chairman Dean opened the public testimony.

Mr. Jorge Rubio, County of Ventura Airports, stated that the Department of Airports had submitted written comments, and indicated that Camarillo Airport was near the proposed project, with some of the property falling below the traffic pattern zone for the airport.

Ms. Shirley Godwin suggested that the Sakioka property should be used for industrial uses that support the Port of Hueneme, rather than the area south of Hueneme Road; there should be a truck stop on this route from the port, as the City currently doesn't have a truck stop; housing is not a good fit for this project; and all developers who lose agricultural land should pay into a mitigation fund to preserve the most important agricultural land in the City, such as the property south of Hueneme Road, which would buffer the wetlands and allow for gradual migration of the wetlands inland.

Mr. Larry Godwin stated that the EIR should include with the lose of agricultural land, there must be a way to preserve it by setting aside agricultural land that would never be built on, with a conservation easement that developers would be required to pay into.

Chairman Dean closed the public testimony.

Principal Planner Williamson stated that the property was within the City limits and within the CURB, and was not subject to voter review. He explained that the specific plan sets out standards for long term development.

Mr. Jeffrey Littell, Chief Operating Officer for Sakioka Farms, stated that the litigation regarding condemnation valuation on the Rice/101 Interchange was closed.

Traffic Engineer Samonte indicated that the City was negotiating with CalTrans on relinquishment of Oxnard Boulevard, and designation of Rice Avenue as Highway 1. As a part of the MOU, CalTrans long term intention for Rice Avenue was to have it as a freeway standard, by removing all traffic signals, and have interchanges at all the intersecting streets. To accommodate traffic flow on Gonzales Road, an overpass would be required.

Planning Manager Martin recommended that the Planning Commission close the public hearing; written comments on the draft EIR will be accepted until 5:00 p.m. on October 22, 2010; and the final EIR will come before the Planning Commission at a subsequent date for consideration of certification.

G. PLANNING COMMISSION BUSINESS

Commissioner Medina referenced a newspaper article regarding a public hearing on October 11, 2010 in the City of Ventura, to discuss a Zone Change to the auto center to possibly accommodate a poker club.

Commissioner Dean made a comment to Chairman Randy Elliott to remind him that not only the Planning Commission, but his Viet Nam veteran friends remembered him and wanted to lift him up.

Commissioner Mullin asked for the status of the project regarding the church on Cabot Place that City Council had referred back to the Planning Commission.

Planning Manager Martin stated that the project would come before the Planning Commission on October, 21, 2010.

H. PLANNING MANAGER COMMENTS

I. ADJOURNMENT

At 9:19 p.m., the Planning Commission concurred to adjourn.

  
Dale Dean, Chairman

ATTEST:   
Susan L. Martin, Secretary

MINUTES

OXNARD PLANNING COMMISSION  
REGULAR MEETING  
OCTOBER 21, 2010

A. ROLL CALL

At 7:07 p.m., the regular meeting of the Oxnard Planning Commission convened in the Council Chambers. Commissioners Sonny Okada, Patrick Mullin, Deirdre Frank, Dale Dean, and Saul Medina were present. Chairman Dean presided and called the meeting to order. Staff members present were: Susan Martin, Planning Manager, Paul Wendt, Senior Civil Engineer; Jason Samonte, Traffic Engineer; Stephen Fischer, Assistant City Attorney; Brian Foote, Associate Planner; Doug Spondello, Assistant Planner, and Lori Maxfield, Recording Secretary.

B. PUBLIC COMMENTS

C. READING OF AGENDA

Planning Manager Martin reviewed the agenda including that Item F-2 (PZ 09-300-04) had been withdrawn by the applicant.

D. CONSENT AGENDA

1. APPROVAL OF MINUTES – October 7, 2010

2. PLANNING AND ZONING PERMIT NO. 10-300-2 (Tentative Subdivision Map) and 10-500-6 (Special Use Permit), a request for approval of a tentative subdivision map and special use permit to subdivide one existing duplex into two residential condominiums for sale. No construction or site improvements are proposed. The project site is located at 315 Cooper Road. The project is exempt from environmental review pursuant to Section 15301 of the California Environmental Quality Act (CEQA) Guidelines. Filed by Habitat for Humanity of Ventura County, 435 South D Street, Oxnard, CA 93030.

PROJECT PLANNER: Brian Foote

Commissioner Frank stated that she had reviewed the video of October 7, 2010

MOTION Commissioner Medina moved and Commissioner Mullin seconded a motion to approve the minutes of October 7, 2010 as presented; to adopt a resolution approving PZ 10-500-06 (Special Use Permit), and to adopt a resolution recommending City Council approval of PZ 10-300-02 (Parcel Map Waiver) to allow the conversion of an existing duplex into common-interest ownership condominium units, located at 315 Cooper Road, subject to certain findings and conditions.. The question was called and the motion carried unanimously.

E. CONTINUED PUBLIC HEARINGS

1. PLANNING AND ZONING PERMIT NO. 10-500-01 (Special Use Permit), 10-570-01 (Zone Change), and 10-510-13 (Special Use Permit for Alcohol) a request to redevelop a parcel located at 1401 West Gonzales Road including demolishing an existing commercial building and constructing a new 10,661 square foot Fresh and Easy Neighborhood Market, proposing to sell beer and wine for off-site consumption. The request also includes a zone change to amend the land use designation from High Rise Residential Planned Development (R-4-PD) to General Commercial Planned Development (C-2-PD). The proposed project is exempt from environmental review under Section 15332 of the CEQA Guidelines. Filed by Designated Agent Clay Toombs, Evergreen Devco, Inc., 200 North Maryland Avenue, Suite 201, Glendale, CA 91206.  
PROJECT PLANNER: Doug Spondello

Commissioner Okada recused himself on Item E-1 due to a conflict of interest (location of his business).

Mr. Clay Toombs, applicant, presented the project including discussion on access; presentations he gave to the effected neighborhood councils and community workshop; landscaping on the site; 45 parking stalls to be provided; smaller prototype store enforcing them as a neighborhood market; pedestrian connectivity on both sides; bike lane with bike stalls; security cameras and Fresh and Easy's own security requirements to monitor the area where alcohol is stored; architectural elements; community benefits; very little opposition to beer and wine request during the neighborhood meetings, other than Sierra Linda; purchasing two off-site alcohol licenses within the City; no issues with the other two stores in the City; agreed to all proposed conditions; at least five employees on site at all times; and they unsuccessfully attempted to purchase current alcohol licenses within 350 feet of the site. He also displayed the site, floor, and landscape plans; truck route; elevations; artist's renderings; and aerial photo of the site.

Chairman Dean stated for the record that he was present when Mr. Toombs gave the presentation to the Cabrillo Neighborhood.

Chairman Dean opened the public testimony.

Ms. Sara Dunham read a letter in favor of the project from Shirley Brown, the former secretary of the neighborhood council.

Ms. Barbara Flitt and Ms. Pat Supko spoke in favor of the project.

Ms. Pat Brown indicated that she attended the community workshop on the project; spoke in opposition to the alcohol sales due to possible increased noise; and asked if the lot could be fenced off.

Mr. Roberto Marquez spoke in favor of the store, but in opposition to the alcohol sales.

Chair Dean closed the public testimony.

Planning Commission discussed the idea that improving one area may encourage other businesses to improve; adjacent properties would increase in value; commended the applicant for buying existing

alcohol licenses within the City; concerned about carts leaving the property; store may decrease additional trips to other stores; and suggested having checkers due to the sale of alcohol.

MOTION Commissioner Medina moved and Commissioner Frank seconded a motion to adopt a resolution granting PZ 10-500-01, a Special Use Permit to redevelop a parcel including demolishing an existing building and constructing a 10,661 square foot market; and adopt a resolution recommending City Council approval of PZ 10-570-01, a Zone Change to change the zone district from High Rise Residential Planned Development to General Commercial Planned Development for a 1.2 acre property located at 1401 West Gonzales Road, subject to certain findings and conditions. The question was called and the motion carried 3-0-1-1, Commissioner Dean abstaining, and Commissioner Okada absent.

F. NEW PUBLIC HEARINGS

1. PLANNING AND ZONING PERMIT NO. 10-520-01 (Minor Special Use Permit), a request to permit the operation of a church (Life of Victory Worship Center), within an existing 3,328 square foot industrial suite. The project is located at 2041 Cabot Place, Unit B and includes a request for administrative relief by allowing shared parking of 29 parking spaces on-site during non-peak periods. The proposed project is exempt from environmental review under Section 15301 of the CEQA Guidelines. Filed by Designated Agent Danielle Keys, 2081 Rohdea Way, Oxnard, CA 93036.

PROJECT PLANNER: Doug Spondello

Commissioner Okada returned to the dais.

Assistant Planner Spondello presented the staff report including surrounding uses; parking study; recorded parking agreement required against the property; hours of operation conditioned to ensure parking adequacy; and history of the hearing process for the project. He also displayed an aerial photo of the site; zoning map; site and floor plans; and site photo.

Pastor Marcus Keyes gave a brief presentation including currently 35 members per service; hours of operation won't conflict with other businesses; signed a three year lease in January, with the option to extend; discussed two other recent Planning Commission approvals for churches in industrial areas; it would cause a huge financial impact on the ministry to locate to another site; obtained a new parking study per the City's direction; their desire was for an occupancy at 145 with 29 parking spaces, and if exceeded, either alternate service times would be provided (two services), or the church would vacate the premises; ample parking space on site; and parking covenant is in place.

Assistant City Attorney Fischer indicated that the shared parking covenant stated it includes future tenants; it must be recorded with the County Recorder, including the enforcement provisions, and the City may take enforcement action.

Chairman Dean opened the public testimony.

Mr. Jim Meany, CB Richard Ellis, agent for the property owner, explained why the signed lease was required; church was compatible with the other tenants; parking covenant allowed shared spaces; have never had a problem with a church as a neighbor; and there were currently three tenants, with one additional up for signature.

Mr. Morey Navarro explained why the City Council returned the project to the Planning Commission; questioned the discrepancy in the parking count; discussed other businesses in the area; suggested other locations for the church; and asked how the parking would be monitored.

Ms. Pat Brown spoke in opposition to the project due to shortage of parking, and suggested finding another location for the church.

Ms. Danielle Keyes, church administrator, indicated she wasn't aware of any conflicts with adjacent businesses hours of operation and the church; they have done everything in their power to comply with the City's requirements; even if the church's membership increased by 75 percent, it would still only utilize a maximum of 33 percent of the parking area during non-business hours; explained that the number change was based on the parking study, and not their floor plan; all other tenants have signed the agreement, and support the church; and property management and owners are happy to have tenants there after regular business hours for security purposes.

Chair Dean closed the public testimony.

Planning Commission discussed concerns with not having information on other businesses coming in to the center such as the types of businesses, their hours of operation, or their parking requirements; questioned if churches shouldn't go in industrial zones, where would they go; and indicated that a parking agreement would be recorded with the County, and it was up to the property owners and management to perfect it with the tenants, and if violated, there is an out clause that the City can enforce.

**MOTION** Commissioner Medina moved and Commissioner Okada seconded a motion to adopt a resolution granting PZ 10-520-01, a Minor Special Use Permit to allow the operation of a church (Life of Victory Worship Center) within an existing 3,500 square foot industrial suite located at 2041 Cabot Place, Unit B, with the inclusion of administrative relief from on-site parking requirements. The question was called and the motion carried 4-1, Commissioner Frank voting no.

2. **PLANNING AND ZONING PERMIT NO. 09-300-04 (Tentative Subdivision Map), 09-535-01 (Density Bonus), and 09-500-02 (Special Use Permit)**, a request for approval of: a Special Use Permit to construct a three-story 31,346 square-foot multi-family dwelling with 16 condominiums on a vacant 34,636 square-foot lot; a density bonus for four affordable housing units and 12 market-rate units; and a tentative subdivision map to subdivide for 16 residential condominiums. The application also requests concessions pursuant to State density bonus law for the development standards applicable to front setbacks, side setback, interior yard space, open area, structure height, and guest parking. The project site is located at 5101 Saviers Road, at the southwest corner of Saviers Road and Pleasant Valley Road. The project is exempt from environmental review pursuant to Section 15270 of the California Environmental Quality Act (CEQA) Guidelines, for projects which are disapproved. Filed by Lauterbach & Associates Architects, 300 Montgomery Ave., Oxnard, CA 93036.

**PROJECT PLANNER:** Brian Foote

**ACTION: APPLICATION WITHDRAWN**

G. PLANNING COMMISSION BUSINESS

Commissioner Mullin asked if a bicycle path would be included during the construction on Ventura Road for the GREAT program.

Traffic Engineer Samonte stated that the current plan was to restore Ventura Road to what it was prior to construction, with a southbound bike lane, and a shared parking/bike lane northbound.

Commissioner Medina asked about the status of the Wal-Mart alcohol license.

Assistant City Attorney Fischer explained that City Council was waiting for the Police Department to work out conditions with the applicant. Then the resolution for approval would go to City Council.

Commissioner Dean suggested adding wording to the Sakioka final EIR that would include orderly development, preventing piece meal development, and leaving parcels without any production or maintenance. He doesn't want the entire specific plan area taken out of production all at one time, as it becomes an environmental issue when the Planning Commission has to deal with small pieces within a large specific plan area, causing loss of control.

Commissioner Okada suggested being more sensitive to the design aspect of development located along the City's gateways.

H. PLANNING MANAGER COMMENTS

Planning Manager Martin indicated that due to the lack of items, the meeting of November 4, 2010 would be cancelled. The next meeting will be on November 18, 2010.

I. ADJOURNMENT

At 9:19 p.m., the Planning Commission concurred to adjourn.

\_\_\_\_\_  
Dale Dean, Chairman

ATTEST: \_\_\_\_\_  
Susan L. Martin, Secretary



## NOTICE REQUESTING REVIEW

I, Susan L. Martin, AICP, request that the City Council review the October 21, 2010 decision of the Planning Commission regarding Planning and Zoning Permit No. 10-500-01 , to provide efficient and coordinated review of a multiple permit project.

A handwritten signature in black ink, appearing to read 'SML', written over a horizontal line.

Susan L. Martin, AICP  
Planning Manager

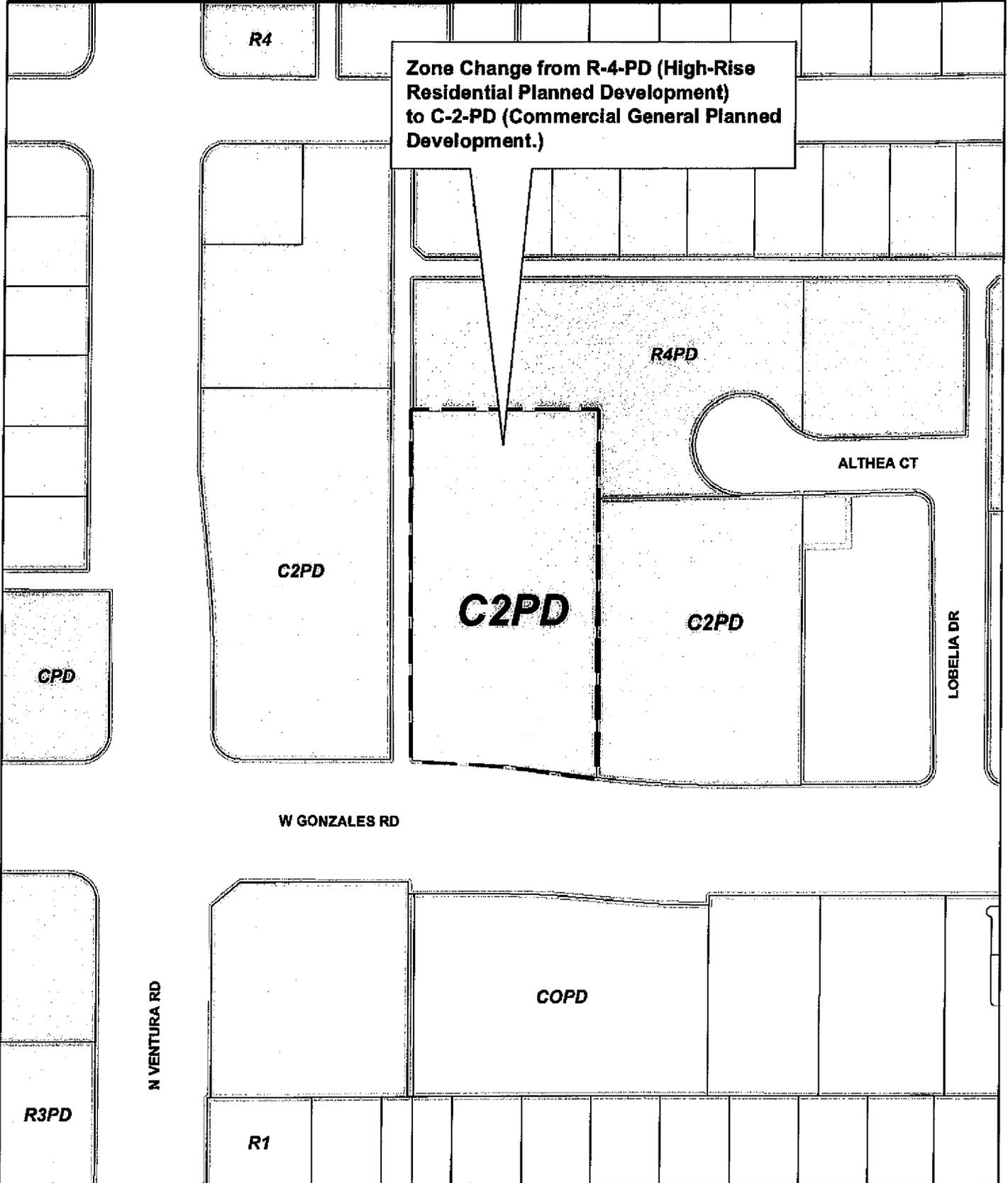
cc: City Attorney  
Development Services Director  
Project Planner  
Applicant

ATTACHMENT 7  
PAGE 1 OF 1



# Zone Change Map

Zone Change from R-4-PD (High-Rise Residential Planned Development) to C-2-PD (Commercial General Planned Development.)

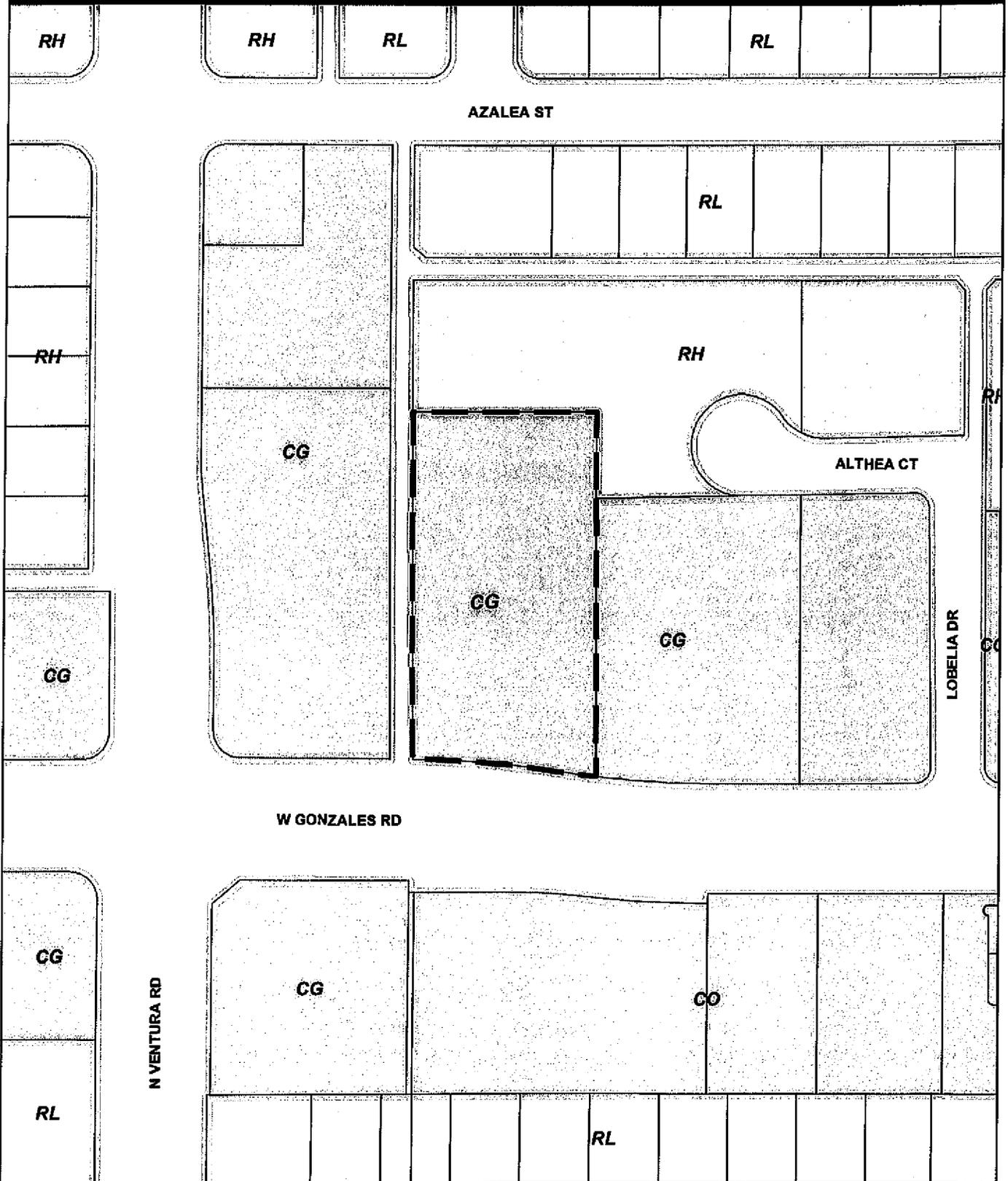


PZ 10-570-01  
Location: 1401 W Gonzales Rd  
APN: 139008025  
Fresh & Easy  
0 25 50 100 150 200 Feet

## Zone Change Map

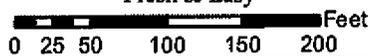


# General Plan Map



Oxnard Planning  
March 26, 2010

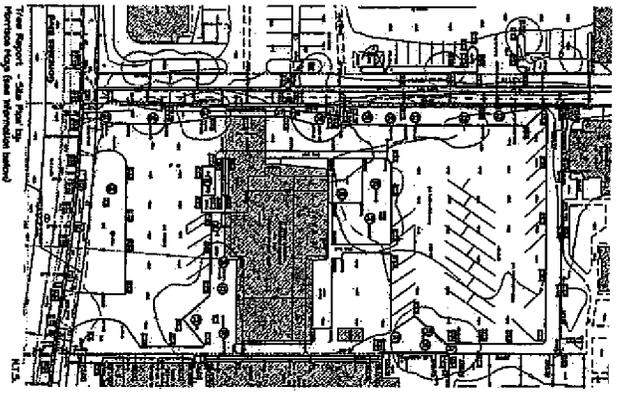
PZ 10-500-01  
Location: 1401 Gonzales Rd  
APN: 2030032029  
Fresh & Easy



General Plan Map

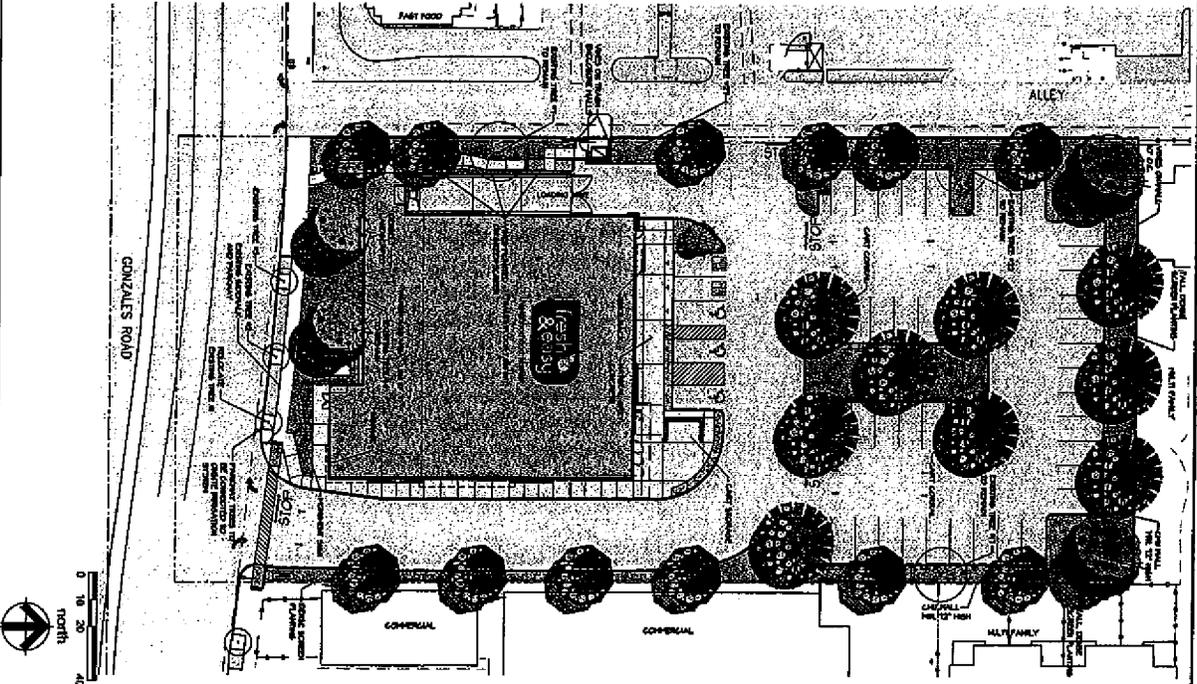


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TREE NUMBER	TREE NAME	COMMON NAME	SYMBOL	REMARKS
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CONCEPTUAL LANDSCAPE PLAN  
SCALE: 1/8" = 1'-0"



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north

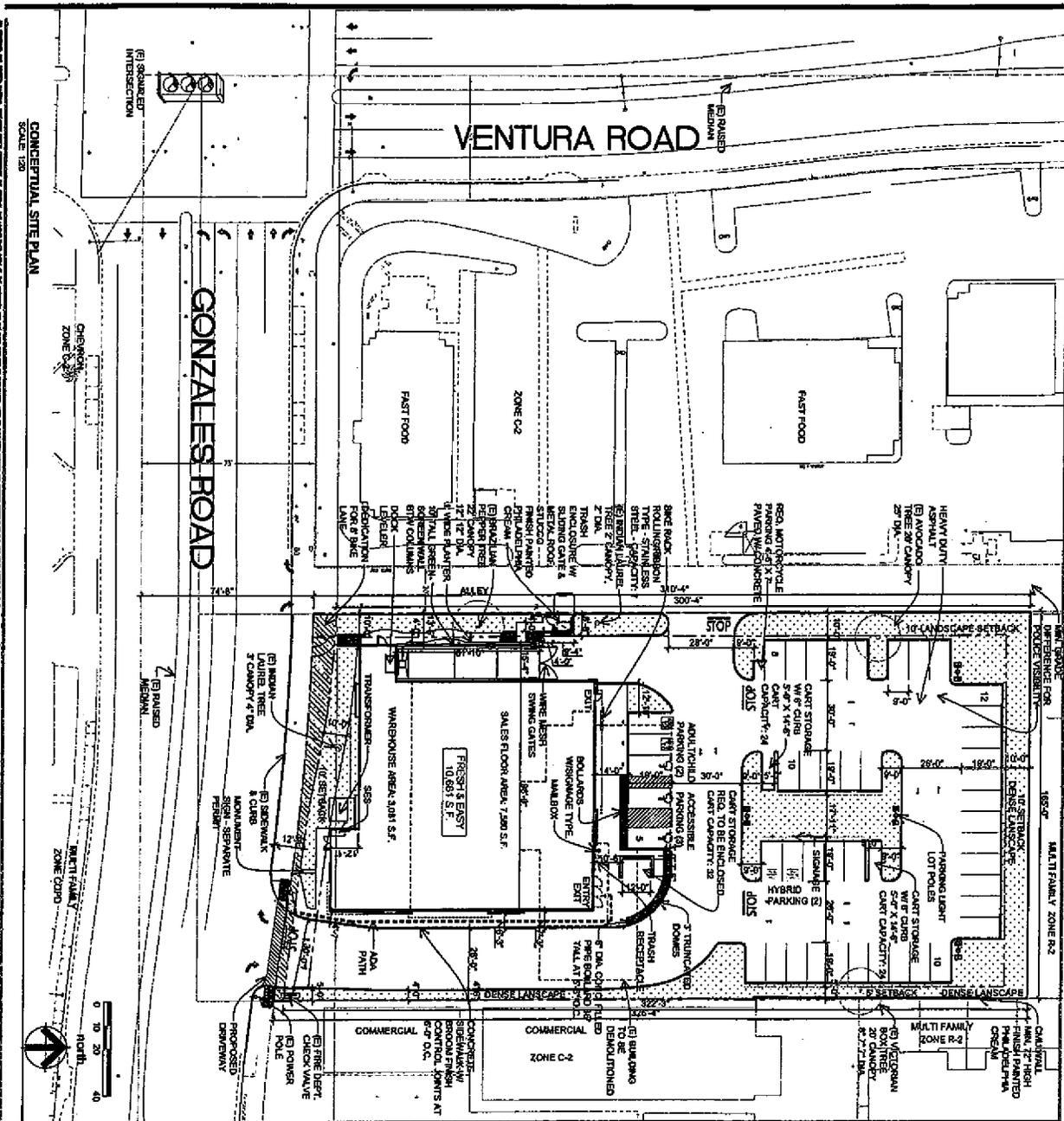
PROJECT SUMMARY	
<b>SITE DATA</b>	
GROSS SITE AREA:	112 AC
NET SITE AREA:	2.12 AC
EQUIPMENT PLATFORM SITE AREA:	57
<b>BUILDING SUMMARY</b>	10,661 S.F.
TOTAL OVERALL / LEASED AREA:	10,661 S.F.
OVERALL PERCENT COVERAGE:	21%
F & E REQUIRED (V/300 SF):	36 STALLS
F & E PROVIDED:	46 STALLS
PARKING RATIO:	42 / 1000
TYP. PARKING STALL SIZE:	9' X 7'
TYPICAL DRIVE AISLE SIZE:	26'

Plant	Botanical Name	Common Name	Quantity	Size
Tree	...	...	2	60" Box
Tree	...	...	4	24" Box
Tree	...	...	12	24" Box
Tree	...	...	2	60" Box
Tree	...	...	1	24" Box

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Neighborhood Market

Conceptual Design & Planning



**PROJECT SUMMARY**

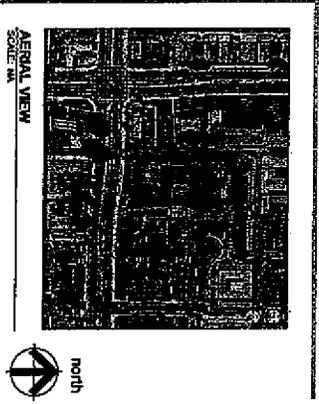
GROSS SITE AREA: 412 AC  
 NET SITE AREA: 412 AC  
 NET SITE AREA: 451,335 SF.

**BUILDING SUMMARY**

TOTAL OVERALL LEASED AREA: 10,661 SF.  
 TOTAL OVERALL LEASED AREA: 10,661 SF.

**OVERALL PERCENT COVERAGE**

RETAIL REQUIRED (17300): 21 %  
 OVERALL PARKING PROVIDED: 36 STALLS  
 OVERALL PARKING PROVIDED: 45 STALLS  
 TYPE PARKING STALL SIZE: 42' x 1000'  
 TYPE DRIVE ASIDE (MINIMUM): 9' x 19'  
 LANDSCAPE AREA: 26'



**SIZE SITE PLAN SUMMARY**

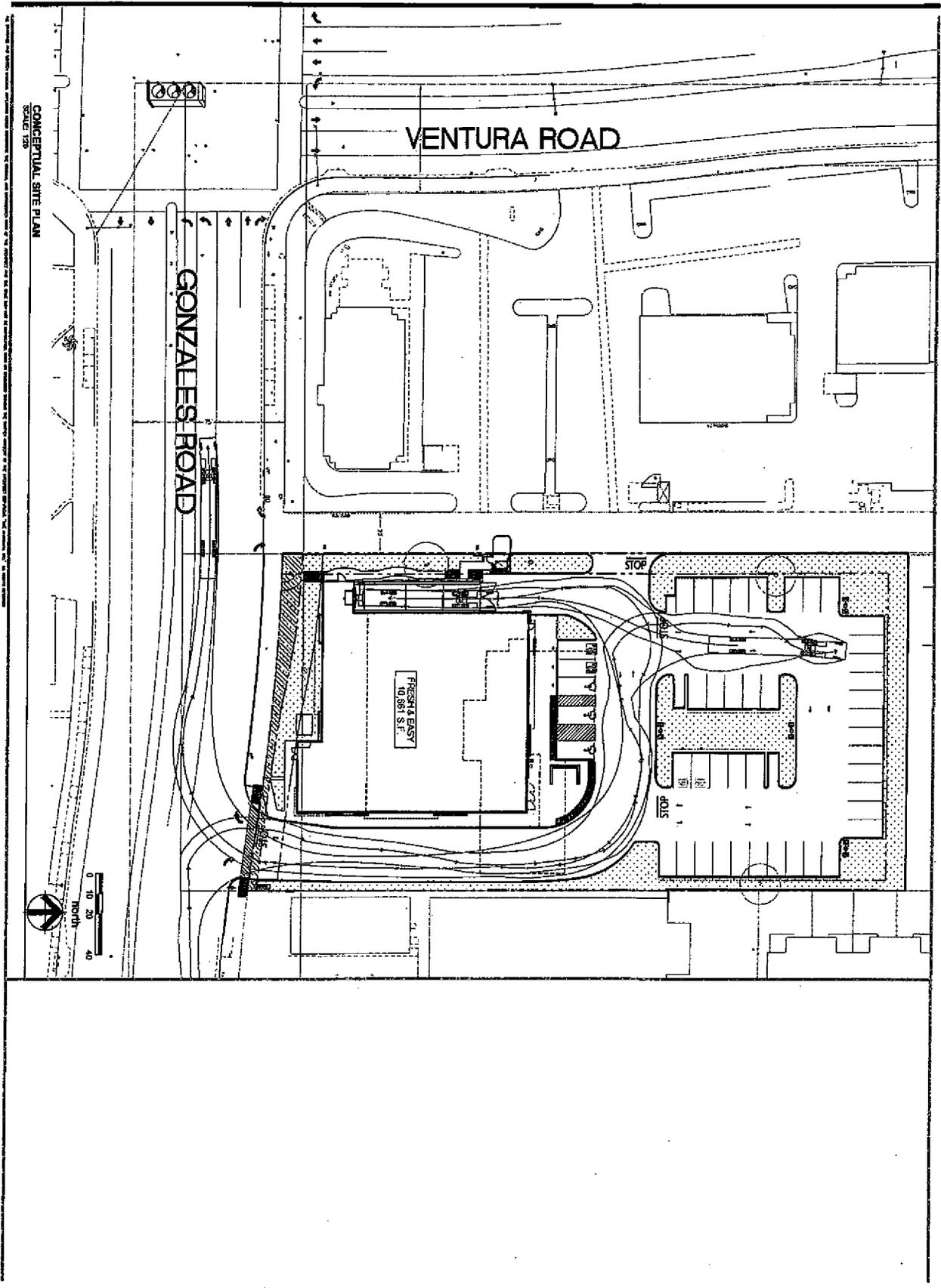
Overall Site Area	412 AC
Net Site Area	412 AC
Net Site Area	451,335 SF.
Warehouse Area	3,081 S.F.
Sales Floor Area	1,280 S.F.
Fresh & Easy	10,681 S.F.
Parking	45 Stalls
Landscaping	26'

Neighborhood Market

KKA architects

1485 West Donnell Road  
Orem, UT 84058

**A1.1 SITE PLAN**



CONCEPTUAL SITE PLAN  
SCALE: 1/8" = 1'-0"

GONZALES ROAD

VENTURA ROAD

FRESH & EASY  
10,981 S.F.

STOP

STOP



**A1.2**

**F & E TRUCK ROUTE**

PROPOSED F & E TRUCK ROUTE

- Existing Building Footprint
- Existing Building Footprint (Shaded)
- Existing Building Footprint (Dotted)
- Existing Building Footprint (Hatched)
- Existing Building Footprint (Cross-hatched)
- Existing Building Footprint (Diagonal Lines)
- Existing Building Footprint (Vertical Lines)
- Existing Building Footprint (Horizontal Lines)
- Existing Building Footprint (Stippled)
- Existing Building Footprint (Solid)

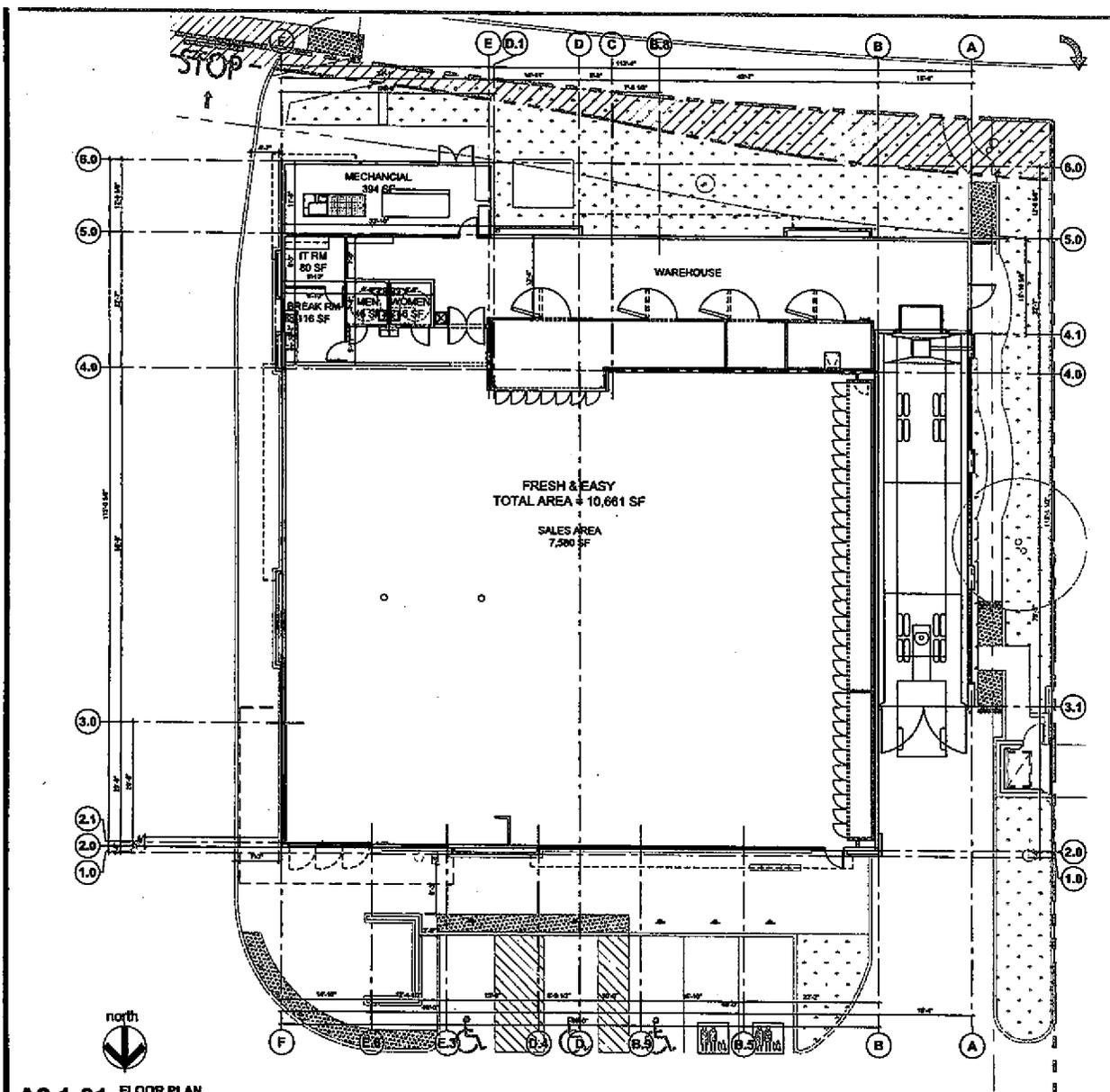
1401 West Gonzales Road  
ORLAND, CA



California Retail Design & Planning Co.  
1401 West Gonzales Road  
ORLAND, CA 95131







BUILDING SUMMARY	
SALES FLOOR	7,580 S.F.
BACKROOM	2,687 S.F.
MECHANICAL ROOM	394 S.F.
<b>TOTAL OVERALL/ LEASED AREA</b>	<b>10,661 S.F.</b>



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408 750-0000 FAX

Conceptual Design & Planning Co.  
3920 Research Blvd  
Palo Alto, CA 94318  
650 960-0000



1401 West Gonzalez Road  
OXNARD, CA

REVISIONS	
1	Exhibit Submittal 12/22/05
2	Exhibit Submittal 04/20/06
3	Exhibit Submittal 07/27/06
4	
5	
6	
7	
8	
9	
10	

PROTOTYPE P-7  
REV. 7.1  
09/11/2005

**A2.1 FLOOR PLAN**

**A2.1-01 FLOOR PLAN**  
SCALE: 1/8" = 1'-0"

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8939 Harvard Blvd  
Irvine, CA 92618



Neighborhood Market

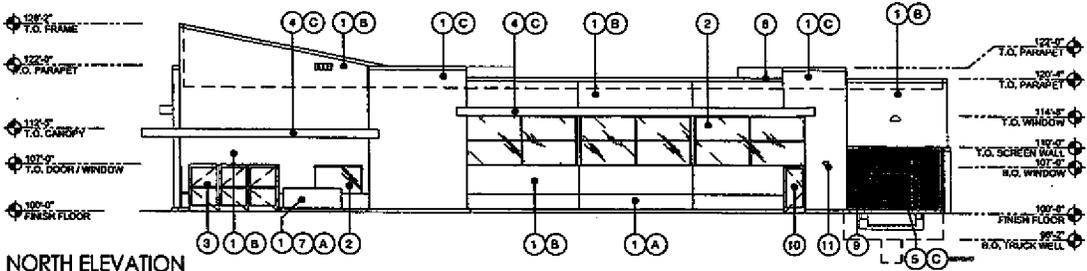
1461 West Corcoran Road  
OXFORD, CA

DATE: 08/12/2010  
BY: [initials]  
CHECKED: [initials]  
APPROVED: [initials]

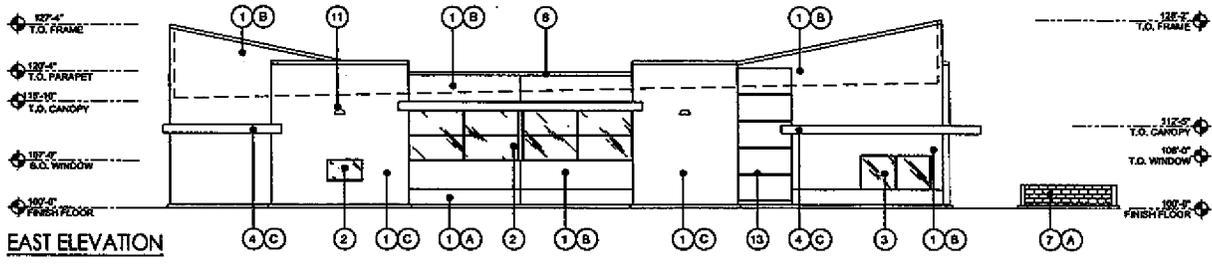
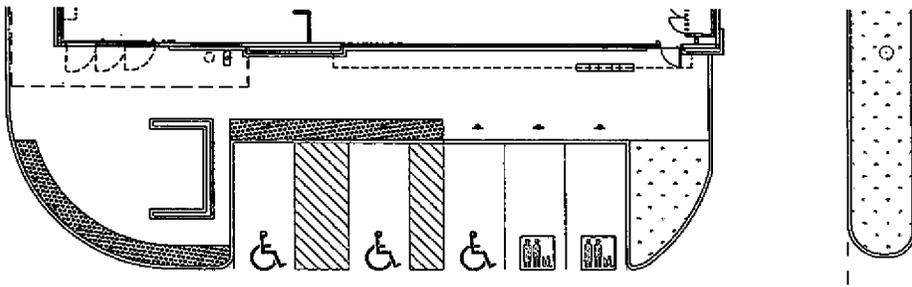
PHOTO TYPE P-7  
REV. 7.1

08/13/2010

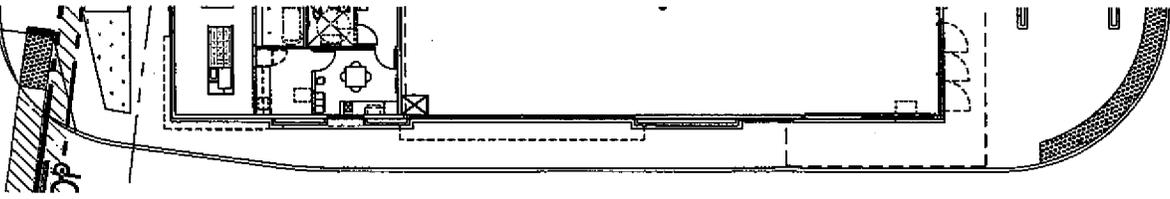
**A3.1** ELEVATIONS



**NORTH ELEVATION**



**EAST ELEVATION**



**ELEVATIONS**  
SCALE: 1/8" = 1'-0"

**MATERIALS**

1. STUCCO - MEDIUM FINISH
2. GLAZING
3. STOREFRONT - CLEAR ANODIZED
4. METAL CANOPY
5. LOADING DOOR
6. NOT USED
7. ENCLOSED CART STORAGE
8. METAL CAP
9. WIRE MESH SWING GATES, SILVER FINISH
10. EXIT DOOR
11. LIGHT FIXTURE - BRONZE
12. LOADING SCREEN WALL
13. EXTERIOR CLADDING  
FINISH: PREMIUM ANODIZED  
COLOR: CHAMPAGNE
14. SPANDREL GLAZING  
COLOR: METALLIC OPAQUER #2
15. GREEN SCREEN - GALVANIZED  
WIRE PANELS, SILVER FINISH

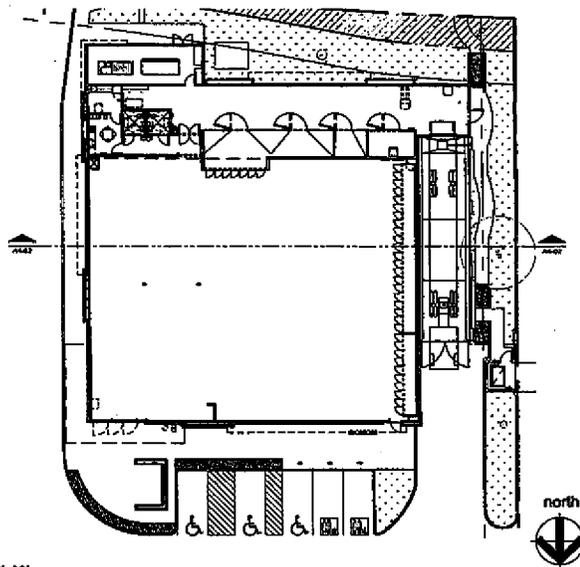
**COLORS**

- A. BENJAMIN MOORE 216 - "CALIFORNIA HILLS"
- B. BENJAMIN MOORE HC 30 - "PHILADELPHIA CREAM"
- C. BENJAMIN MOORE 434 - "HERB GARDEN"

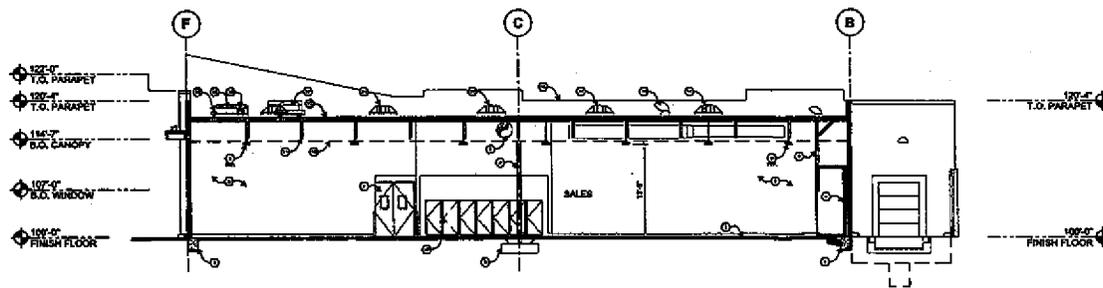
ALL WEST, SOUTH & EAST FACING  
GLAZING EXCLUDING DOORS  
SHALL HAVE SURFACE APPLIED IRN.

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**A4-01** REFERENCE KEY FLOOR PLAN  
SCALE: 1/16" = 1'-0"



**A4-02** BUILDING SECTION  
SCALE: 1/8" = 1'-0"

**KEYED NOTES:**

- PERIMETER WALL FOOTING
- LINE OF COLUMN FOOTING BEYOND CONCRETE FLOOR PLAN
- STEEL COLUMN
- GYPSUM BOARD OVER STUD FRAMING
- PREFAB COOLER WALL AND CEILING
- TRAFFIC IMPACT DOORS
- MECHANICAL BASE MOUNT
- SUSPENDED LIGHT FIXTURE
- STEEL GIBBER
- WOOD TRUSSES
- DRY COOLER
- CLASS IV SINGLE PLY ROOF SYSTEM OVER PANELIZED ROOFING
- 4'-0" x 4'-0" BENTLITE
- LINE INDICATES PARAPET BEYOND
- REMOVABLE ROOF VENT
- MECHANICAL EXHAUST
- EXHAUST OUTLET
- FLASHING & MECHANICAL VENT
- ROOF MOUNTED AIR INTAKE



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Neighborhood Market

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DORLAND, CA

- REVISIONS
- Amendment Submittal 11/22/2009
  - Amendment Submittal 09/02/2010
  - Amendment Submittal 02/02/2010

PROTOTYPE #2  
REV. 1.1

0113.001.23

**A4.1** BUILDING SECTION