

**PLANNING COMMISSION
 STAFF REPORT**

TO: Planning Commission

FROM: Christopher Williamson, AICP, Principal Planner

DATE: September 20, 2012

SUBJECT: Planning and Zoning Permit No. 10-610-01 (Annexation) and 10-560-01 (Pre-zone) for annexation and subsequent zoning of the 107-acre parcel located at 1853 Camino del Sol (APN No. 214-0-020-595) and certification of Final Environmental Impact Report (EIR) No. 11-01

1) Recommendation: That the Planning Commission:

- a) Adopt a resolution recommending that the City Council certify final EIR No. 11-01.
- b) Adopt a resolution recommending that the City Council approve Planning and Zoning Permit No. 10-610-01 to annex the 107-acre parcel located at 1853 Camino del Sol to the City of Oxnard.
- c) Adopt a resolution recommending that the City Council approve Planning and Zoning Permit No. 10-560-01 to pre-zone the 107-acre parcel located at 1853 Camino del Sol consistent with the Northeast Community Specific Plan.

2) Project Description and Applicant: Annexation of the 107-acre rectangular parcel located at 1853 Camino del Sol; pre-zoning for 402 single-family housing units on 89.5 acres, six acres of neighborhood commercial, and 11 acres for parks and streets; and certification of EIR No. 11-01. No actual development is proposed with these permits. The applicant is the Maulhardt RF-JW Trust et al c/o Richard Maulhardt, Jr., 1853 Camino del Sol, Oxnard.

3) Existing & Surrounding Land Uses: The project site is used for row-crop agriculture and contains a small orchard and the Maulhardt family home and related buildings. The Maulhardt family has farmed in the Oxnard area for nearly 150 years. The farmstead buildings may have local and/or regional historic significance to be determined by a cultural resource evaluation prior to any subsequent development approvals.

LOCATION	ZONING	2030 GENERAL PLAN	EXISTING LAND USE
Project Site	Ventura County (Agriculture) Pre-zone to CR (Park), C2, and R2-PD	Park, Residential Low Medium, Commercial General	Main residence and several support buildings, about 100 acres of row crops.
North	R-2-PD	Residential Low Medium	Single family housing

LOCATION	ZONING	2030 GENERAL PLAN	EXISTING LAND USE
East	R-1-PD CR (school and park)	Residential Low	Single family housing and Rio Rosales Elementary School
South	C-2-PD R-4-PD, R-PD	Residential Medium High	Multifamily housing, vacant parcel approved for a church
West	R-1-PD, R-2-PD	Residential Low	Single family housing

- 4) Background Information:** The NECSP is largely developed with the exception of this 107-acre unincorporated island parcel which is the third and final NECSP annexation. Project objectives are: 1) annexation to the City of Oxnard, 2) continued agricultural cultivation until a development plan is reviewed and approved by the City, 3) NECSP objectives, and 4) innovative, feasible, and flexible features that assist the City in implementing the 2030 General Plan and the 2006-2014 Housing Element.
- 5) Environmental Determination:** The proposed development is subject to review in accordance with the California Environmental Quality Act (CEQA). A program-level EIR was prepared for the adoption of the NECSP in 1992, followed by project-level CEQA analyses for each NECSP phase. Build out of NECSP land uses is defined as the project for purposes of environmental review only. The CEQA analysis was initiated in 2009 as a Mitigated Negative Declaration (MND) and then changed to an Environmental Impact Report (EIR) as potential impacts and their mitigations were investigated. The Draft EIR was circulated for public review between March 9, 2012 and May 3, 2012. Nineteen public and agency comments were received including comments made during the Planning Commission Draft EIR hearing on April 19, 2012 and on the previously circulated MND. The Final EIR was made available to the public on August 8, 2012. The Final EIR includes several corrections to the Draft EIR and the Mitigation Monitoring and Reporting Program (MMRP).

Project Level Significant Impacts

The Draft EIR identifies two significant adverse environmental impacts that cannot be feasibly mitigated at the project level, based on the NECSP land uses and development standards:

- 1. Aesthetic: Loss of some or all of the mature windrow trees on the east side of Rose Avenue between Camino del Sol and Cesar Chavez Drive.** The widening of Rose Avenue to three lanes in each direction, consistent with the 2030 General Plan, cannot be designed to preserve the trees without creating a very wide median area and alignment of the northbound lanes that would create problematic intersections at Camino del Sol and Cesar Chavez Drive. Mitigation measure A2 requires the Applicant to determine the health and value of each lost mature tree and reinvest that value into new landscaping.
- 2. Agricultural Resources: Loss of 90 acres of Prime Agricultural farmland and 10 acres of Farmland of Statewide Importance.** Mitigation measure AG1 requires the Applicant to offer the top twelve inches of topsoil for relocation and possible exchange

for fill soil of lower agricultural value. Even with this mitigation, there is a loss of about 100 agricultural acres.

Cumulative Significant Impacts

Cumulative impacts are those that result from development of the Project (as defined by the NECSP) added to impacts from the theoretical buildout of the 2030 General Plan. As the Project is consistent with and incorporated within the 2030 General Plan, the five significant unmitigated cumulative impacts are the same as identified in the 2030 General Plan Program EIR. The East Village Phase III Annexation Final EIR incorporates the findings and overriding considerations of the 2030 General Plan Program EIR for these cumulative impacts. The cumulative significant impacts are:

1. **Cumulative Air Quality.** (*Regional Air Quality Non-Attainment, Exposure of Sensitive Receptors to Substantial Pollution Concentrations*).
2. **Cumulative Greenhouse Gases.** (*Potential Conflict with Implementation of State Goals for Reducing Greenhouse Gases*).
3. **Cumulative Noise.** (*traffic noise on selected road segments*).
4. **Cumulative Traffic.** (*five intersections would operate at below Level of Service C after all mitigations are completed*).
5. **Cumulative Loss of Agricultural Farmland.** (*within the City Urban Restriction Boundary*).

All other impacts identified in the East Village Phase III Annexation Final EIR are either less than significant or mitigated to a level below a significance threshold. Three alternatives are included in the EIR: 1) No Project, 2) 2030 General Plan, and 3) Urban Village. The 2030 General Plan alternative designates a 30-acre Community Park and maintains the same amount of development as the project on the remaining 77 acres. The Urban Village alternative introduces a wider variety of housing products and apartments into the commercial area. The Urban Village is selected as environmentally superior to the project based on the NECSP. Future development entitlements will be in accordance with the NECSP, and with commensurate CEQA review, as necessary.

6) Analysis:

- a) **General Discussion:** An annexation requires approval by the Ventura County Local Agency Formation Commission (LAFCo). LAFCo requires that the CEQA annexation review be based on the theoretical buildout of the adopted NECSP for the annexation area which is 402 single-family homes and a small neighborhood shopping center. The applicant, or subsequent owners, may not seek to change the NECSP for the project area by amending the NECSP and completing commensurate CEQA review for at least two years after LAFCo's approval. As there are no detailed engineering, landscape, or architectural plans the analysis assumes compliance with the NECSP and City codes and development standards.

- b) General Plan Consistency:** The City's 2030 General Plan land use designations for the subject site are Park, Residential Low Medium, and Commercial. The 2030 General Plan designates about one-third of the annexation area for a community park by increasing housing density by one level to accommodate the housing that was located in the Park area under the NECSP. A 2030 General Plan consistency analysis is presented in the Draft EIR between pages IV.C-19 to IV.C-38 wherein the annexation is found consistent with 63 specific policies. Subsequent to the preparation of the Draft EIR, the 2010 Urban Water Management Plan and 2006-2014 Housing Element (Chapter 8 of the 2030 General Plan) were adopted by the City Council and the 2006-2014 Housing Element certified by the California Department of Housing and Community Development.
- c) Conformance with Zoning Development Standards:** The request is for annexation and pre-zoning and does not propose actual development. For purposes of the environmental review only, the Draft and Final EIR analyzes housing and commercial development consistent with the NECSP and pre-zoning for possible environmental impacts. Development is assumed to meet applicable NECSP development standards and regulations; R-1-PD, C-1, and CR development standards; and State and City codes.
- d) Site Design:** For purposes of the environmental review only, the NECSP site design would follow the historic pattern of a detached single-family site plan with individual lots for each housing unit similar to previously-developed NECSP single family neighborhoods. The commercial development area is assumed to consist of a single structure with in-line stores facing a parking lot with access from Camino del Sol and Rose Avenue.
- e) Circulation and Parking:** For purposes of the environmental review only, the Draft and Final EIR proposed a housing and commercial development site plan consistent with the NECSP. In the NECSP, Gibraltar Street would be extended from Camino del Sol to Milagro Place and Camino del Luna would be extended to connect to the extended Gibraltar Street. The remaining circulation network would consist of residential collector streets, bike paths, and linear parks and pedestrian connections to the neighborhood shopping center consistent with the NECSP streetscape design guidelines.
- f) Building Design:** The project would consist of 402 single-family homes on individual parcels consistent with the NECSP design, theme, and architectural guidelines that incorporate features and elements of California Craftsman, bungalow, and colonial styles. Homes would have front porches, varied materials, articulated elevations, and a variety of floor plans and compatible color schemes. The neighborhood shopping center would have a variety of storefront designs, sidewalk activities, and fully landscaped parking areas.
- g) Landscaping and Open Space:** Landscape and open space areas would be

developed consistent with the NECSP streetscape and open space guidelines. Parkways and medians would be similar to previously developed areas within the NECSP.

h) Affordable Housing: For purposes of the environmental review only, the Draft and Final EIR proposed a housing and commercial development site plan consistent with the NECSP. The NECSP does not have an affordable housing requirement nor is the project site identified in the 2006-2014 Housing Element as an All-Affordable Housing Opportunity Site. City Ordinance 2721 requires a future housing project on this site to provide ten percent affordable housing. Annexation approval does not prevent the City from seeking an affordable housing requirement greater than ten percent. The All-Affordable Housing Opportunity Program (AAHOP) may designate a portion of the project area as an AAHOP site in order to achieve the affordable housing targets assigned to the City in the 2014-2021 Housing Element due to be adopted by the end of 2013.

7) Development Advisory Committee: The Development Advisory Committee (DAC) did not formally review this project as no actual development is proposed and the project is assumed to be fully consistent with the NECSP and other applicable regulations and codes. Individual DAC members were contacted in the course of preparing the Draft EIR and responding to Draft EIR comments. The DAC would review subsequent NECSP amendments, subdivision maps, and/or project proposals under their regular review procedures.

8) Appeal Procedure: The Planning Commission's action 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. Draft East Village Annexation EIR (previously distributed)
- C. Final East Village Annexation EIR (previously distributed)
- D. EIR Certification Resolution, Findings of Fact, and Statement of Overriding Considerations
- E. Annexation Resolution and Pre-Zoning Ordinance Exhibit 'A'

Prepared by: _____ CW
Approved by: _____ SM