DATE: January 15, 2019

TO: City Council

FROM: Ashley Golden
Development Services Director

SUBJECT: Planning and Zoning Permit Nos. 16-500-06 (Special Use Permit); 16-535-01 (Density Bonus); and 16-300-06 (Tentative Subdivision Map No. 5995) to Construct 20 Townhome Units Inclusive of 4 Affordable Units (Low Income), and a Tentative Subdivision Map to Create 20 Condominium Units on the 0.91-Acre Parcel Located Within the Southwinds Neighborhood. Property Located at 5489 Saviers Road (APN: 222-0-011-29). Filed by Designated Agent Henry Casillas, 451 West Fifth Street, Oxnard, California, 93030, on Behalf of the Property Owner (The “Applicant”). (20/20/15)

CONTACT: Ashley Golden, Development Services Director
Ashley.Golden@oxnard.org, (805) 385-7882

RECOMMENDATION:

That the City Council:
1. Adopt a resolution upholding the Planning Commission’s approval of Planning and Zoning Permit No. 16-500-06 (Special Use Permit), subject to certain findings and conditions;
2. Adopt a resolution upholding the Planning Commission’s approval of Planning and Zoning Permit No. 16-535-01 (Density Bonus), subject to certain findings and conditions; and
3. Adopt a resolution approving Planning and Zoning Permit No. 16-300-06 (Tentative Subdivision Map No. 5995), subject to certain findings and conditions.

BACKGROUND

On November 14, 2017, the City Council reviewed Planning and Zoning Permit Nos. 16-500-06; 16-535-01; and 16-300-06 requesting approval of a Special Use Permit; Density Bonus Permit; and Tentative Subdivision Map, respectively, to construct 20 for sale townhome units inclusive of 4 affordable units (low income), and a Tentative Subdivision Map to create 20 condominium units on the 0.91-acre parcel located within the Southwinds neighborhood. Each unit will be
approximately 2,968 square feet in size (1,490 square feet habitable and 578 square feet for garage) and will contain three-bedrooms. The 20 townhomes will be contained within 4 buildings on a single parcel. Ownership will be exclusive to the air rights of each unit and a homeowner’s association (HOA) will be created. The Project is designed to front on Saviers Road and Courtland Street with access to a two-car garage. Each unit has been designed to include a 135 square-foot patio and a 22 square-foot balcony in order to provide for private open space for each individual home.

The project included a 35% Density Bonus request to construct 4 townhome units affordable to low-income households in addition to the 16 dwelling units. For projects requesting a Density Bonus, Government Code Section 65915(p) does not require covered parking as carports or enclosed garages for the residences and does not require on-site guest parking. Additionally, Government Code Section 65915(p) (1) allows the developer to provide tandem parking for projects requesting a Density Bonus. Notwithstanding the Government Code allowed waiver, the applicant is providing a total of 40 on-site parking spaces (i.e. two-car tandem garage per unit). However, the project will not be providing any guest parking as allowed by Government Code Section 6595. The proposed driveway improvements provide sufficient vehicle and emergency vehicle access and vehicle stacking space. A total of 10 bicycle parking spaces are also provided on-site within the proposed recreation area. Sidewalk and landscaping improvements are proposed along Saviers Road and Courtland Street.

As permitted under State Density Bonus law three concessions were being requested at the time of the Nov. 2017 public hearing which were standard reductions as follows: 1) a reduction in the required front yard setback from 25 feet to 15 feet; 2) a reduction in building separation from 36 feet to approximately 33 feet; and 3) a reduction in the required interior yard space requirement of 30% to 16%. The Project originally included a third concession which was a reduction in building separation from 36 feet to approximately 33 feet based on City Code Section 16-362(B). This code section required a minimum building separation between any two buildings equal to the height of the tallest structure. However, on October 17, 2017, the City Council adopted Ordinance No. 2923, which amended Oxnard City Code Section 16-362(B) requiring that the minimum building separation between any two buildings be a distance equal to half of the height of the tallest structure unless otherwise determined by health and safety requirements during the Development Advisory Committee (DAC) review process. The proposed maximum height of all four buildings is approximately 35 feet, which requires the minimum building separation to be 17’-6”. The minimum building separation for the proposed Project is approximately 33 feet which conforms to the newly adopted building separation requirement. As such, the third concession is no longer required. The project was reviewed by DAC on three occasions and there were no concerns identified regarding the proposed building separation. Ord. 2923 was effective and applicable to development projects on November 17, 2017.

State Density Bonus law (Government Code §§ 65915-65918) stipulates that additional dwelling units shall be allowed over the otherwise maximum allowable residential density identified in the General Plan, for projects which provide affordable housing for families defined as low-, very low-, or moderate-income households. The number of additional dwelling units and development concessions are determined by the base zoning and the total of units that are deed restricted as
very low, low, or moderate income units. Government Code §65915(f) provides the formula with which to calculate the Density Bonus. Further details about the project are provided in the September 7, 2017 Planning Commission staff report and the November 14, 2017 City Council staff reports attached to this report as Attachment A.

During the November 2017 public hearing, members of the public voiced concerns regarding parking impacts that they indicated would result from the construction of 20 townhome units on the existing Project site. The public’s concerns included the lack of existing parking for residents, which they forecast to be further impacted by the Project because the Project does not propose to provide visitor parking. Residents further assert that on-street parking will be negatively impacted as a result of the impending construction of a 40-unit project located to the south of the Project site (5557 and 5527 Saviers Road – Approved by City Council on May 19, 2016).

Based upon the public testimony, the City Council discussed concerns regarding on-street parking and City Council continued the Project to the January 23, 2018 Council meeting. Council directed staff to analyze the Southwinds neighborhood parking needs and investigate if the development of a parking program could alleviate on-street parking concerns. On January 23 and February 20, 2018, the City Council continued the public hearing to March 20, 2018 to allow staff sufficient time to continue analyzing the Southwinds neighborhood parking needs. At the March 20, 2018 public hearing, the City Council continued the project off calendar to allow the applicant and City to continue engaging the community regarding parking needs and to develop programs to address parking concerns within the vicinity of the Project site.

PARKING PROGRAM

The Southwinds neighborhood is comprised of 1,513 residential units (multi and single-family units) and is bounded by Pleasant Valley Road to the north, Hueneme Road to the south, Saviers Road to the east and J Street to the west. Within this area, residential units are comprised of single-family residences, apartments, condominiums and townhomes.

A voluntary Pilot Parking Permit Program, established through City Ordinance No. 2723 in approximately 2006, includes the following streets in Southwinds: Campbell Way, Fairbourne Place, Clara Street, Clark Court, Carlisle Court, Dickens Drive, and Courtland Street. Residents on those streets were given the option to opt into the program by petition. Not all residents chose to be part of the program. This program was made available only to properties within the pilot boundaries and prohibited overnight parking within the pilot program boundary from 5:00 p.m. to 5:00 a.m. without display of the required permit.

Over the past year staff held various meetings with the Southwinds Neighborhood Council (Neighborhood Council). Staff met with the Neighborhood Council on February 8, March 15, July 26, August 16, and September 13, 2018. During the meetings staff made several presentations detailing the potential parking programs. The presentations included requirements
and structure of proposed parking programs and the Neighborhood Council, and community members who attended the meetings, detailed their on-street parking concerns.

The Traffic Engineering Division conducted an electronic survey of the existing on-street parking supply for the entire Southwinds neighborhood based upon the current on-street configuration. Staff used this data to determine the number of permits that can be issued based upon the number of residential units. In addition, staff conducted a comparative analysis of preferential parking programs such as the City of Glendale and Long Beach which have similar demographics and density compared to the City of Oxnard. Based on the survey results, staff determined that one parking permit could be issued per single family or multi-family residence with the ability to obtain a visitor parking permit. The permits would allow residents to park on-street, which is addition to the off-street (i.e. garage, driveway, carport) parking for the exclusive use of the residents.

During July and August 2018, staff developed a conceptual plan to make Cuesta Del Mar a one-way street with diagonal parking. In engaging internal City departments to evaluate the re-configuration of these streets, the Police and Fire Departments were unable to support the one-way diagonal parking design for the Cuesta Del Mar Drive segment between J Street and Courtland Street because the street dimension was in conflict with the minimum street dimension needed for proper fire vehicle clearance.

On September 13, 2018, staff presented a proposed permit parking program to the Southwinds Neighborhood Council and community members in attendance. After a substantial dialogue with staff, the Neighborhood Council and community members who attended the meeting informed staff that they did not want to participate in a permit parking program. Further, they requested that the existing 2006 Pilot Parking Program be abandoned because it does not function well and doesn’t address parking deficiencies in the area.

Although staff acknowledges the community’s concerns surrounding parking, the City is required to grant the Density Bonus concessions except in the very narrow circumstances where a written finding based upon substantial evidence is made as outlined in Oxnard City Code Section 16-410(N). The three potential grounds for denial under Oxnard City Code Section 16-410N are: (1) the incentive would be contrary to state or federal law; (2) the incentive does not result in identifiable and actual cost reductions to provide for affordable housing costs or for rents for the targeted units; or (3) the incentive would have a specific, adverse impact, upon the public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low- and moderate-income households.

The parking concerns in the Southwinds neighborhood are existing concerns, and the State Law provides for a reduced parking requirement, which the project provides. Therefore, staff finds that the project is consistent with the State’s Density Bonus law and confirms that the proposed project qualifies for the two development standard concessions.
Environmental Analysis
Based upon the California Environmental Quality Act (CEQA) (Public Resources Code) Statute §21159.23, affordable housing projects on infill properties (less than 5 acres), such as the subject project, are statutorily exempt from CEQA review. Additionally, this Project is Categorically Exempt from CEQA pursuant to Section 15061 (“General Rule”), and Section 15332, Class 32 exemption (In-Fill Development) of the CEQA Guidelines. A Notice of Exemption has been prepared and is attached as Attachment B.

STRATEGIC PRIORITIES
This agenda item supports the Quality of Life strategy. The purpose of the Quality of Life strategy is to build relationships and create opportunities within the community for safe and vibrant neighborhoods, which will showcase the promising future of Oxnard. This item supports the following goals and objectives:

Goal 3. Strengthen neighborhood development, and connect City, community and culture.

Objective 3a. Create a renewed focus on establishing a positive outlook and orientation of our City, neighborhoods and overall community.

FINANCIAL IMPACT
IF THE CITY COUNCIL APPROVES THE PROJECT, QUIMBY FEES WILL BE COLLECTED TO COMPENSATE FOR OFF-SITE IMPACTS ON CITY PARKS, AND THE ART IN PUBLIC PLACES FEE WILL BE COLLECTED TO PROVIDE FOR FUTURE PUBLIC ART DISPLAYS. THE PROJECT WILL PROVIDE AN ADDITIONAL FINANCIAL BENEFIT TO THE CITY BY GENERATING REVENUE THROUGH PROPERTY TAXES.

Prepared by Isidro Figueroa, Principal Planner and Kathleen Mallory, Planning & Environmental Services Manager

ATTACHMENTS:

Attachment A_November 14, 2017 City Council and September 7, 2017 Planning Commission Staff Reports

Attachment B_Notice of Exemption_January 15,2019

Attachment C_City Council Resolution_Special Use Permit
Attachment D_City Council Resolution_Density Bonus

Attachment E_City Council Resolution_Tentative Subdivision Map
Note: Due to size, Attachment A is not included in agenda packets. Copies for review are available at the Help Desk in the Oxnard Main Library, in the City Clerk’s office, and on the City’s website at www.oxnard.org/city-meetings
NOTICE OF EXEMPTION

Project Description:
Proposal to construct 20 for sale townhome units inclusive of 4 affordable units (low income), and a Tentative Subdivision Map to create 20 condominium units on a 0.91-acre parcel located within the South Winds neighborhood. The townhomes will be approximately 2,968 square feet in size and are designed to front on Saviers Road and Courtland Street with a two-car tandem garage. The project includes a 35% Density Bonus request to construct 4 townhome units in addition to the 16 dwelling units. As permitted under State Density Bonus law two concessions are being requested as follows: 1) a reduction in the required front yard setback from 25 feet to 15 feet; and 2) a reduction in the required interior yard space requirement of 30% to 16%.

Finding:
The Planning Division of the Development Services Department of the City of Oxnard has reviewed the above proposed project and found it to be exempt from the provisions of the California Environmental Quality Act (CEQA).

☐ Ministerial Project
☒ Categorical Exemption
☐ Statutory Exemption
☐ Emergency Project
☐ Quick Disapproval [CEQA Guidelines, 14 Cal. Code of Regs. 15270]
☒ No Possibility of Significant Effect [CEQA Guidelines, 14 Cal. Code of Regs. 15061(b)(3)]

Supporting Reasons: Based on California Environmental Quality Act (CEQA) Statute §21159.23, affordable housing projects on infill properties, such as the subject project, are statutorily exempt from CEQA review. Additionally, this Project is Categorically Exempt from CEQA pursuant to Section 15061 (“General Rule”), and Section 15332, Class 32 exemption (In-Fill Development) of the CEQA Guidelines.

a) §21159.23 Low-Income Housing Exemption: In accordance to Statute §21159.23(1)&(2)(c) of the State CEQA Guidelines, affordable housing projects may be found to be exempt from the requirements of the California Environmental Quality Act (CEQA) if both of the following criteria are met:
The project meets the requirements Statute §21159.23 because: (i) the Developer agrees to enter into an agreement in a form approved by the City Attorney ensuring the continued affordability of the four (4) Density Bonus units (low income) for a minimum term of 55 years; (ii) the Project meets all the requirements set forth by CEQA Section 21159.2; (iii) the project site is zoned for commercial purposes; (vi) the project site does not exceed 5 acres (0.91 acres); (v) the City of Oxnard has a density greater of 2,500 people per square mile; (vi) the project will not cause cumulative impacts or unusual circumstances because it is being developed consistent with the State’s Density Bonus Law; (vii) the project meets the definition of residential units.

b) Section 15061 (“General Rule”): (b) A project is exempt from CEQA if: (3) the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

The Project is not subject to CEQA pursuant to Section 15061(b)(3) because: (i) the 2030 General Plan designates the land use as Commercial General-All Affordable (AH), which allows residential development with a maximum density of 18 units per acre; (ii) the Project is being proposed consistent with the State’s Density Bonus Law; and (iii) the Project would be adequately served by all required utilities and public services.

c) Section 15322 (In-Fill Development) A Class 32 categorical exemption under CEQA Guidelines Section 15332 consists of projects characterized as in-fill development meeting the conditions described below:

The proposed Project meets the requirements of a Class 32 categorical exemption because it: (i) is consistent with the City of Oxnard 2030 General Plan designation and all applicable General Plan policies for the reasons set forth below; (ii) occurs within the City limits on a site of no more than five acres; (iii) is located on a site with no value as habitat for endangered, rare or threatened species; (iv) would not result in any significant effects relating to traffic, noise, air quality, or water quality; and (v) would be adequately served by all required utilities and public services.

January 15, 2019
(Date)

Kathleen Mallory, AICP
Planning and Environmental Services Manager
RESOLUTION NO. __________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD UPHOLDING PLANNING COMMISSION APPROVAL OF PLANNING AND ZONING PERMIT NO. 16-500-06 (SPECIAL USE PERMIT) TO AUTHORIZE THE CONSTRUCTION OF FOUR BUILDINGS WITH A TOTAL OF 20 UNITS, INCLUSIVE OF 4 AFFORDABLE (LOW INCOME) RESIDENTIAL UNITS AND ASSOCIATED SITE IMPROVEMENTS ON A 0.91-ACRE PARCEL LOCATED AT 5489 SAVIERS ROAD (APN: 222-0-011-295), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY DESIGNATED AGENT HENRY CASILLAS, 451 WEST FIFTH STREET, OXNARD, CA 93030 ON BEHALF OF THE PROPERTY OWNER.

WHEREAS, on October 24, 2016, Designated Agent Henry Casillas, (the “Applicant” and/or “Permittee”) submitted a request to allow construction of 20 for sale townhome units inclusive of 4 affordable units (low income), and associated site improvements on a 0.91-acre property located at 5489 Saviers Road in the South Winds neighborhood; and

WHEREAS, on September 7, 2017, the Planning Commission of the City of Oxnard (“Planning Commission”) conducted a duly noticed public hearing, approved Planning and Zoning Permit No. 16-500-06 (Special Use Permit); 16-535-01 (Density Bonus Permit); and recommended that the City Council approve PZ No. 16-300-06 (Tentative Subdivision Map 5995) to allow the construction of 20 for sale townhome units inclusive of 4 affordable units (low income), and associated site improvements on a 0.91-acre property located at 5489 Saviers Road in the South Winds neighborhood (the “Project”) in accordance with Section 16-530 through 16-553 of Oxnard City Code; and

WHEREAS, the Planning and Environmental Services Division has determined that the impacts of the Project were previously analyzed by Environmental Impact Report No. 09-01, certified for the 2030 General Plan, as described in the Planning Commission Staff Report; and

WHEREAS, the Planning and Environmental Services Division has completed a preliminary environmental assessment of the Project in accordance with the California Environmental Quality Act (CEQA) and determined that the Project is subject to a statutory exemption pursuant to §21159.23, and categorical exemptions pursuant to Sections 15061 (b)(3)(General Rule) and 15332 (In-fill) development projects, and satisfies all criteria for this exemptions, as described in the Planning Commission Staff Report; and

WHEREAS, the Planning Commission approvals of Planning and Zoning Permit Nos. 16-500-06 (Special Use Permit) and 16-535-01 (Density Bonus Permit) were appealed to the City Council in order to provide the Council with a sense of context and comprehensiveness of the remaining permit that makes up the application, including Planning and Zoning Permit 16-300-06 (Tentative Subdivision Map for Tract No. 5995); and

WHEREAS, on November 14, 2017, January 23, 2018, February 20, 2018, March 20, 2018, and January 15, 2019, the City Council has held a duly noticed public hearing, and received and reviewed all written and oral evidence related to the proposed Project; and
WHEREAS, the Project was referred to various public utility companies, City departments and the Development Advisory Committee for recommendations; and

SECTION 1. Based on the entire record before the City Council and all written and oral evidence presented, including the City Council and Planning Commission Staff Reports and all attachments thereto, the City Council finds:

(1) The proposed use in conformance with the City of Oxnard 2030 General Plan and the elements thereof and other adopted standards.

The proposed land use of the project is of four buildings consisting of 20 for sale townhome units, inclusive of 4 affordable (low income) with associated site improvements, which is an allowed use per the Commercial General land use designation within the 2030 General Plan. The land use designation of Commercial General allows a maximum of 18 dwelling units per acre. Under the General Plan land use designation, the 0.91-acre site could accommodate 16 units. The project is proposing 20 condominium units, inclusive of four affordable (low income) units. A Density Bonus pursuant to the City’s Ordinance for “Incentives to Create Affordable Housing” (State Density Bonus law) is requested for 4 additional units (20%) to allow a total of 20 units. The construction of the proposed townhome units and associated improvements does not change the land use of the subject site. Additionally, the project has been designed to meet the required developments standards identified in the R-3 zone (Garden Apartment Zone) as prescribed in the General Commercial Zone (C-2) of the City of Oxnard City Code, with the exception of the two concessions that the project is requesting as part of the State’s Density Bonus program. No specific plan is applicable to the subject site. Therefore, the proposed project is in compliance with the 2030 General Plan and meets this finding.

(2) The proposed use will not adversely affect or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare.

The proposed land use involves 20 residential units land use with associated site improvements, which is an allowed use per the Commercial General land use designation within the 2030 General Plan. The surrounding uses are characterized by residential uses, which are predominantly multi and single-family residential units. Construction activities, anticipated uses, and development design will be subject to standard construction requirements of the Building, Fire, and Traffic Codes. Therefore, the proposed use and improvements are not expected to have adverse effects or be materially detrimental the adjacent uses, buildings or structures or to the public health, safety or general welfare.

(3) The site for the proposed use is adequate in size and shape to accommodate the setbacks, parking, landscaping, and other City standards except as may be specifically excepted by the special findings and conditions of this Resolution.
As proposed and conditioned, the project will meet the development standards of the R-3 zone (Garden Apartment Zone). However, the project is seeking two concessions allowed under the State’s Density Bonus law for the following: 1) a reduction in the required front yard setback from 25 feet to 15 feet; and 2) a reduction in the required interior yard space requirement of 30% to 16%. The subject site is adequate in terms of size, and is designed to meet most of the development standards prescribed in the R-3 zone as stipulated in the C-2 zone requirements. Additionally, the project has been reviewed by the Development Advisory Committee and was determined that it would have no significant impact on the public health, safety, or welfare and the project plans have been reviewed by all applicable departments and outside agencies, which include the Oxnard Police and Fire Departments. As such, this project meets this finding.

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

The project will be accessed from two existing streets, Saviers Road and Courtland Street. Additionally, the project will construct appropriately primary and emergency access driveways between Saviers Road and Courtland Street. As a result, the site has sufficient access to streets and highways that are adequate in size and existing intersections adjacent to the project site will operate at acceptable levels of service, as stipulated in the 2030 General Plan. Therefore, this project meets this finding.

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

The Project is considered infill development that has been found to be consistent with anticipated development for this site. Furthermore, the Project will be served by existing water mains along Saviers Road and Courtland Street. Sewer connections serving the proposed parcel will be provided by an existing line in Saviers Road. In accordance with the Stormwater Quality Conditions of this Resolution, the Project’s design will comply with stormwater control measures as required by the Los Angeles Regional Water Quality Control Board’s municipal separate storm sewer system (“MS4”) permit. As such, this project meets this finding.

**SECTION 2.** The City Council, in accordance with the California Environmental Quality Act (CEQA), determines that the Project will not have a significant impact on the environment and is statutorily exempt from CEQA pursuant to §21159.23, affordable housing projects on infill properties and categorically exempt from CEQA pursuant to CEQA Guideline 15061(b)(3) and Section 15332 (In-Fill Development), Class 32 of the State CEQA Guidelines.

a) **§21159.23 Low-Income Housing Exemption:** In accordance to Statute §21159.23(1)&(2)(c) of the State CEQA Guidelines, affordable housing projects may be found to be exempt from the requirements of the California Environmental Quality Act (CEQA) if both of the following criteria are met:
The project meets the requirements Statute §21159.23 because: (i) the Developer agrees to enter into an agreement in a form approved by the City Attorney ensuring the continued affordability of the four (4) Density Bonus units (low income) for a minimum term of 55 years; (ii) the Project meets all the requirements set forth by CEQA Section 21159.2; (iii) the project site is zoned for commercial purposes; (vi) the project site does not exceed 5 acres (0.91 acres); (v) the City of Oxnard has a density greater of 2,500 people per square mile; (vi) the project will not cause cumulative impacts or unusual circumstances because it is being developed consistent with the State’s Density Bonus Law; (vii) the project meets the definition of residential units.

b) Section 15061 (“General Rule”): (b) A project is exempt from CEQA if: (3) the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

The Project is not subject to CEQA pursuant to Section 15061(b)(3) because: (i) the 2030 General Plan designates the land use as Commercial General-All Affordable (AH), which allows residential development with a maximum density of 18 units per acre; (ii) the Project is being proposed consistent with the State’s Density Bonus Law; and (iii) the Project would be adequately served by all required utilities and public services.

c) Section 15332 (In-Fill Development) A Class 32 categorical exemption under CEQA Guidelines Section 15332 consists of projects characterized as in-fill development meeting the conditions described below:

The proposed Project meets the requirements of a Class 32 categorical exemption because it: (i) is consistent with the City of Oxnard 2030 General Plan designation and all applicable General Plan policies for the reasons set forth below; (ii) occurs within the City limits on a site of no more than five acres; (iii) is located on a site with no value as habitat for endangered, rare or threatened species; (iv) would not result in any significant effects relating to traffic, noise, air quality, or water quality; and (v) would be adequately served by all required utilities and public services.

SECTION 3. NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OXNARD. The City Council of the City of Oxnard upholds the decision of the Planning Commission approving Planning and Zoning Permit No. 16-500-06 (Special Use Permit), for the reasons set forth and described in Planning Commission Resolution No. 2017-16, and subject to the conditions of approval therein.
PASSED AND ADOPTED by the City Council of the City of Oxnard on the 15th day of January 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

______________________________
Tim Flynn, Mayor

ATTEST:

______________________________
Michelle Ascencion, City Clerk

APPROVED AS TO FORM:

______________________________
Stephen M. Fischer, City Attorney
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
UPHOLDING PLANNING COMMISSION APPROVAL OF PLANNING AND
ZONING PERMIT NO. 16-535-01 (DENSITY BONUS) TO AUTHORIZE A
TWENTY-FIVE PERCENT DENSITY INCREASE OVER THE OTHERWISE
MAXIMUM ALLOWED DENSITY AND TWO INCENTIVES TO PERMIT
CONSTRUCTION OF FOUR BUILDINGS WITH A TOTAL OF 16 MARKET
RATE AND 4 AFFORDABLE (LOW INCOME) CONDOMINIUM UNITS ON A
0.91-ACRE PROJECT SITE LOCATED AT 5489 SAVIERS ROAD (APN: 222-0-
011-295), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY
DESIGNATED AGENT HENRY CASILLAS, 451 WEST FIFTH STREET,
OXNARD, CA 93030.

WHEREAS, on October 24, 2016, Designated Agent Henry Casillas, (the “Applicant”
and/or “Permittee”) submitted a request to allow construction of 20 for sale townhome units
inclusive of 4 affordable units (low income), and associated site improvements on a 0.91-acre
property located at 5489 Saviers Road in the South Winds neighborhood; and

WHEREAS, on September 7, 2017, the Planning Commission of the City of Oxnard
(“Planning Commission”) conducted a duly noticed public hearing, approved Planning and Zoning
Permit No. 16-500-06 (Special Use Permit); 16-535-01 (Density Bonus Permit); and recommended
that the City Council approve PZ No. 16-300-06 (Tentative Subdivision Map 5995) to allow the
construction of 20 for sale townhome units inclusive of 4 affordable units (low income), and
associated site improvements on a 0.91-acre property located at 5489 Saviers Road in the South
Winds neighborhood (the “Project”) in accordance with Section 16-530 through 16-553 of Oxnard
City Code; and

WHEREAS, the Planning and Environmental Services Division has determined that the
impacts of the Project were previously analyzed by Environmental Impact Report No 09-01,
certified for the 2030 General Plan, as described in the Planning Commission Staff Report; and

WHEREAS, the Planning and Environmental Services Division has completed a preliminary
environmental assessment of the Project in accordance with the California Environmental Quality
Act (CEQA) and determined that the Project is subject to a statutory exemption pursuant to
§21159.23, and categorical exemptions pursuant to Sections 15061 (b)(3)(General Rule) and 15332
(In-fill) development projects, and satisfies all criteria for this exemptions, as described in the
Planning Commission Staff Report; and

WHEREAS, the Planning Commission approvals of Planning and Zoning Permit Nos. 16-
500-06 (Special Use Permit) and 16-535-01 (Density Bonus Permit) were appealed to the City
Council in order to provide the Council with a sense of context and comprehensiveness of the
remaining permit that makes up the application, including Planning and Zoning Permit 16-300-06
(Tentative Subdivision Map for Tract No. 5995).

WHEREAS, on November 14, 2017, January 23, 2018, February 20, 2018, March 20, 2018,
and January 15, 2019, the City Council has held a duly noticed public hearing, and received and
reviewed all written and oral evidence related to the proposed Project; and
WHEREAS, the Project was referred to various public utility companies, City departments and the Development Advisory Committee for recommendations; and

WHEREAS, the City Council finds, after due study, deliberation and public hearing, that the project meets the criteria set out in California Government Code § 65915-§ 65918 and to the City’s Density Bonus and Related Incentives and Concessions Program (Division 7A-Ordinance No. 2912); and

WHEREAS, State Density Bonus Law 65915 requires that when a housing developer meets certain criteria for a Density Bonus that the local jurisdiction must grant one or more regulatory incentives or concessions (unless the city makes a written finding that the concessions or incentives are not required in order to provide for affordable housing costs as defined by state law); and

WHEREAS, the City Council finds that the Project meets all necessary criteria of Government Code Section 65915 to be considered eligible for incentives or concessions because the Developer has provided four affordable (low income) residential units; and

WHEREAS, the proposed project is requesting two regulatory concessions: 1) a reduction in the required front yard setback from 25 feet to 15 feet; and 2) a reduction in the required interior yard space requirement of 30% to 16%; and

WHEREAS, the City Council finds that the incentives or concessions are not contrary to any federal or state law.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OXNARD:

SECTION 1. The City Council of the City of Oxnard hereby grants the concessions listed above, subject to the conditions of approval listed below.

SECTION 2. The City Council, in accordance with the California Environmental Quality Act (CEQA), determines that the Project will not have a significant impact on the environment and is statutorily exempt from CEQA pursuant to §21159.23, affordable housing projects on infill properties and categorically exempt from CEQA pursuant to CEQA Guideline 15061(b)(3) and Section 15332 (In-Fill Development), Class 32 of the State CEQA Guidelines.

a) §21159.23 Low-Income Housing Exemption: In accordance to Statute §21159.23(1)&(2)(c) of the State CEQA Guidelines, affordable housing projects may be found to be exempt from the requirements of the California Environmental Quality Act (CEQA) if both of the following criteria are met:

The project meets the requirements Statute §21159.23 because: (i) the Developer agrees to enter into an agreement in a form approved by the City Attorney ensuring the continued affordability of the four (4) Density Bonus units (low income) for a minimum term of 55
years; (ii) the Project meets all the requirements set forth by CEQA Section 21159.2; (iii) the project site is zoned for commercial purposes; (vi) the project site does not exceed 5 acres (0.91 acres); (v) the City of Oxnard has a density greater of 2,500 people per square mile; (vi) the project will not cause cumulative impacts or unusual circumstances because it is being developed consistent with the State’s Density Bonus Law; (vii) the project meets the definition of residential units.

b) **Section 15061 (“General Rule”):** (b) A project is exempt from CEQA if: (3) the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

The Project is not subject to CEQA pursuant to Section 15061(b)(3) because: (i) the 2030 General Plan designates the land use as Commercial General-All Affordable (AH), which allows residential development with a maximum density of 18 units per acre; (ii) the Project is being proposed consistent with the State’s Density Bonus Law; and (iii) the Project would be adequately served by all required utilities and public services.

c) **Section 15332 (In-Fill Development) A Class 32 categorical exemption under CEQA Guidelines Section 15332 consists of projects characterized as in-fill development meeting the conditions described below:**

The proposed Project meets the requirements of a Class 32 categorical exemption because it: (i) is consistent with the City of Oxnard 2030 General Plan designation and all applicable General Plan policies for the reasons set forth below; (ii) occurs within the City limits on a site of no more than five acres; (iii) is located on a site with no value as habitat for endangered, rare or threatened species; (iv) would not result in any significant effects relating to traffic, noise, air quality, or water quality; and (v) would be adequately served by all required utilities and public services.

**SECTION 3.** Based on the findings set forth herein, the City Council approves Planning and Zoning Permit (PZ) 16-535-01 (Density Bonus), granting of two regulatory concessions: 1) a reduction in the required front yard setback from 25 feet to 15 feet; and 2) a reduction in the required interior yard space requirement of 30% to 16% for twenty townhome units inclusive of four affordable units (low income), subject to the Conditions of Approval listed in Planning Commission Resolution 2017-16.
PASSED AND ADOPTED by the City Council of the City of Oxnard on the 15th day of January 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Tim Flynn, Mayor

ATTEST:

Michelle Ascencion, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney
RESOLUTION NO. _____________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD TO ADOPT A RESOLUTION APPROVING PLANNING AND ZONING PERMIT NO. 16-300-06 (TENTATIVE SUBDIVISION MAP NO. 5995) TO SUBDIVIDE A 0.91-ACRE PARCEL FOR CONDOMINIUM PURPOSES LOCATED AT 5489 SAVIERS ROAD (APN: 222-0-011-29), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY DESIGNATED AGENT HENRY CASILLAS, 451 WEST FIFTH STREET, OXNARD, CA 93030.

WHEREAS, on October 24, 2016, Designated Agent Henry Casillas, (the “Applicant” and/or “Permittee”) submitted a request to allow construction of 20 for sale townhome units inclusive of 4 affordable units (low income), and associated site improvements on a 0.91-acre property located at 5489 Saviers Road in the South Winds neighborhood; and

WHEREAS, on September 7, 2017, the Planning Commission of the City of Oxnard ("Planning Commission") conducted a duly noticed public hearing, approved Planning and Zoning Permit No. 16-500-06 (Special Use Permit); 16-535-01 (Density Bonus Permit); and recommended that the City Council approve PZ No. 16-300-06 (Tentative Subdivision Map 5995) to allow the construction of 20 for sale townhome units inclusive of 4 affordable units (low income), and associated site improvements on a 0.91-acre property located at 5489 Saviers Road in the South Winds neighborhood (the “Project”) in accordance with Section 16-530 through 16-553 of Oxnard City Code; and

WHEREAS, on November 14, 2017, January 23, 2018, February 20, 2018, March 20, 2018, and January 15, 2019, the City Council of the City of Oxnard (“City Council”) conducted a duly noticed public hearing to consider the Applicant’s request to approve Planning and Zoning Permit No. 16-300-06 (Tentative Subdivision Map for Tract No. 5995) establishes one lot for condominium purposes on a 0.91-acre property located at 5489 Saviers Road for the purposes of constructing twenty for sale townhome units inclusive of 4 affordable units (low income) (the “Subdivision”) in accordance with Section 15-40 of Oxnard City Code; and

WHEREAS, the City Council has held a duly noticed public hearing, and received and reviewed all written and oral evidence related to the proposed Project; and

WHEREAS, the Planning and Environmental Services Division has determined that the impacts of the Project were previously analyzed by Environmental Impact Report No 09-01, certified for the 2030 General Plan, as described in the Planning Commission Staff Report; and

WHEREAS, the Planning and Environmental Services Division has completed a preliminary environmental assessment of the Project in accordance with the California Environmental Quality Act (CEQA) and determined that the Project is subject to a statutory exemption pursuant to §21159.23, and categorical exemptions pursuant to Sections 15061 (b)(3)(General Rule) and 15332 (In-fill) development projects, and satisfies all criteria for this exemptions, as described in the Planning Commission Staff Report; and

WHEREAS, said Project was referred to various public utility companies, City departments and the Development Advisory Committee for recommendations; and
WHEREAS, the comments of the City Council, members of the public, and interested groups and agencies have been adequately responded to; and

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

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

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

WHEREAS, the City Council finds that the proposed division of land complies with the requirements established by the Subdivision Map Act and Chapter 15 of the Oxnard City Code, including but not limited to requirements as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability and environmental protection; and

WHEREAS, the City Council finds that the Applicant agrees with the necessity of and accepts all elements, requirements, and conditions of this Resolution as being a reasonable manner of preserving, protecting, providing for, and fostering the health, safety, and welfare of the citizenry in general and the persons who work, visit or live in this subdivision in particular.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OXNARD:

SECTION 1. Based on the entire record before the City Council and all written and oral evidence presented, including the Planning Commission and City Council Staff Reports and all attachments thereto, the City Council finds:

(1) That the proposed map is consistent with the City of Oxnard 2030 General Plan and any applicable specific plan.
   The proposed Tentative Parcel Map is consistent with the policies and provisions of the City of Oxnard 2030 General Plan because the proposed land use of the project is of a residential use, which is an allowed use pursuant to the Commercial General land use designation within the 2030 General Plan. The land use designation of Commercial General allows a maximum of 18 dwelling units per acre. The project site has an area of 0.91 acres which could accommodate 16 residential units; however, the project is requesting to construct 20 residential units. State Density Bonus law (Government Code § 65915-§ 65918) stipulates that additional dwelling units shall be allowed over the otherwise maximum allowable residential density identified in the General Plan, for projects which provide affordable housing for families defined as low-, very low-, or moderate-income households. The construction of the proposed 20 for sale units and associated improvements does not change the land use of the subject site. Additionally, the residential units have been designed to meet the required
developments standards identified in the R-3 zone (Garden Apartment Zone) as prescribed in the General Commercial Zone (C-2), with the exception of the two concessions that the project is allotted pursuant to the State’s Density Bonus law. No specific plan is applicable to the subject site. Therefore, the project meets this finding.

(2) **That the design or improvement of the proposed subdivision is consistent with the City of Oxnard 2030 General Plan and any applicable specific plan.**

The design and improvement of the proposed condominium subdivision is consistent with applicable provisions of the City of Oxnard 2030 General Plan because the proposed lot division for residential use supports the proposed development improvements, with the required infrastructure. Additionally, the proposed subdivision has been designed to meet the required minimum lot area identified in the R-3 zone (Rose Garden Apartment Zone) as prescribed in the General Commercial Zone (C-2). No specific plan is applicable to the subject site.

(3) **That the site is physically suitable for the type of development.**

The site is physically suitable for the proposed type of development because the division of land includes proposed development that is consistent with the General Commercial (C-2) zoning standards. As proposed and conditioned, the project will meet the development standards of the General Commercial (C-2) zone, which require residential uses to be designed pursuant to the R-3 development standards such as: parking, minimum lot area, density, front yard setback and height. However, the project is seeking two concessions allowed under the State’s Density Bonus law that would: 1) a reduction in the required front yard setback from 25 feet to 15 feet; and 2) a reduction in the required interior yard space requirement of 30% to 16%. The subject site is adequate in terms of size, and is designed to meet most of the development standards prescribed in the R-3 zone as stipulated in the C-2 zone requirements. Additionally, the project has been reviewed by the Development Advisory Committee and was determined that it would have no significant impact on the public health, safety, or welfare and the project plans have been reviewed by all applicable departments and outside agencies, which include the Oxnard Police and Fire Departments. Therefore, this project meets this finding.

(4) **That the site is physically suitable for the proposed density of development.**

The site is physically suitable for the proposed density of the development because the Project is being designed to be in conformance with the density allowed under the Commercial General land use designation within the 2030 General Plan. The land use designation of Commercial General allows a maximum of 18 dwelling units per acre. The project site has an area of 0.91-acre site which could accommodate sixteen residential units; however, the project is requesting to construct twenty residential units. State Density Bonus law (Government Code § 65915-§ 65918) stipulates that additional dwelling units
shall be allowed over the otherwise maximum allowable residential density identified in the General Plan, for projects which provide affordable housing for families defined as low-, very low-, or moderate-income households. As such, the Project meets this finding.

(5) That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage nor likely to substantially and avoidably injure fish or wildlife or their habitat.

The design of the proposed land division and parcel improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because it is located within a developed urban area of the City that contains no environmentally sensitive habitat and/or species identified in the 2030 General Plan or any other state and federal document. Therefore, the Project meets this finding.

(6) That the design of the subdivision or type of improvements is not likely to cause serious public health problems.

The design of the proposed land division and parcel improvements is not likely to cause serious public health problems because the Project conforms to the uses intended with General Commercial (C-2) zone. The proposed land use of the project is of condominium residential use, which is an allowed use under the Commercial General land use designation within the 2030 General Plan. The surrounding uses are characterized by residential uses, which are predominantly single-family residences and condominium use similar to the proposed project. Construction activities, anticipated uses, and development design will be subject to standard construction requirements of the Building, Fire, and Traffic Codes. Additionally, the project has been reviewed by the Development Advisory Committee and was determined that it would have no significant impact on the public health, safety, or welfare and the project plans have been reviewed by all applicable departments and outside agencies, which include the Oxnard Police and Fire Departments. Consequently, this project meets this finding.

(7) That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision; provided, however, that approval may be granted if it is found that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to the ones previously acquired by the public.

The design of the proposed land division and parcel improvements will not conflict with easements because the majority of the Project site is currently vacant with a small single-family residential building proposed to be removed as part of the project; and there is no through access serving adjacent properties or right-of-ways. As such, this Project meets this finding.
SECTION 2. The City Council, in accordance with the California Environmental Quality Act (CEQA), determines that the Project will not have a significant impact on the environment and is statutorily exempt from CEQA pursuant to §21159.23, affordable housing projects on infill properties and categorically exempt from CEQA pursuant to CEQA Guideline 15061(b)(3) and Section 15332 (In-Fill Development), Class 32 of the State CEQA Guidelines.

a) §21159.23 Low-Income Housing Exemption: In accordance to Statute §21159.23(1)&(2)(c) of the State CEQA Guidelines, affordable housing projects may be found to be exempt from the requirements of the California Environmental Quality Act (CEQA) if both of the following criteria are met:

The project meets the requirements Statute §21159.23 because: (i) the Developer agrees to enter into an agreement in a form approved by the City Attorney ensuring the continued affordability of the four (4) Density Bonus units (low income) for a minimum term of 55 years; (ii) the Project meets all the requirements set forth by CEQA Section 21159.2; (iii) the project site is zoned for commercial purposes; (vi) the project site does not exceed 5 acres (0.91 acres); (v) the City of Oxnard has a density greater of 2,500 people per square mile; (vi) the project will not cause cumulative impacts or unusual circumstances because it is being developed consistent with the State’s Density Bonus Law; (vii) the project meets the definition of residential units.

b) Section 15061 (“General Rule”): (b) A project is exempt from CEQA if: (3) the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

The Project is not subject to CEQA pursuant to Section 15061(b)(3) because: (i) the 2030 General Plan designates the land use as Commercial General-All Affordable (AH), which allows residential development with a maximum density of 18 units per acre; (ii) the Project is being proposed consistent with the State’s Density Bonus Law; and (iii) the Project would be adequately served by all required utilities and public services.

c) Section 15332 (In-Fill Development) A Class 32 categorical exemption under CEQA Guidelines Section 15332 consists of projects characterized as in-fill development meeting the conditions described below:

The proposed Project meets the requirements of a Class 32 categorical exemption because it: (i) is consistent with the City of Oxnard 2030 General Plan designation and all applicable General Plan policies for the reasons set forth below; (ii) occurs within the City limits on a site of no more than five acres; (iii) is located on a site with no value as habitat for endangered, rare or threatened species; (iv) would not result in any significant
effects relating to traffic, noise, air quality, or water quality; and (v) would be adequately served by all required utilities and public services.

SECTION 3. The City Council of the City of Oxnard hereby approves Planning and Zoning Permit No. 16-300-06 (Tentative Subdivision Map for Tract No. 5995), subject to those certain conditions as set forth in Planning Commission Resolution 2017-20 on file with the Planning Division.

SECTION 4. The City Clerk shall certify the adoption of this Resolution.

PASSED AND ADOPTED by the City Council of the City of Oxnard on the 15th day of January 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

__________________________________
Tim Flynn, Mayor

ATTEST:

Michelle Ascencion, City Clerk

APPROVED AS TO FORM:

___________________________________
Stephen M. Fischer, City Attorney
5489 Saviers Road Townhomes

Filed by: Designated Agent, Henry Casillas, on behalf of JBGR Investment, LLC

Kathleen Mallory
Planning Manager

January 15, 2019
Entitlements

- PZ No. 16-500-06 (Special Use Permit) for the construction of 20 townhome units inclusive of 4 affordable (low income).
- PZ No. 16-535-01 (Density Bonus) to approve three concessions necessary to construct the project.
- PZ No. 16-300-06 (Tentative Subdivision Map for Tract 5995) to create 20 condominium units on a 0.91-acre parcel locate within the South Winds neighborhood.
Location Map

- 5489 Saviers Road
- Within the South Winds neighborhood
Project Site - Existing

5489 Saviers Road

- Site: Single Family
- North: Single Family
- South: Commercial
- East: Single Family
- West: Multi-Family Apts.

Previously approved Mini Mansions
40 Units - 7 DB
Overview

Sept. 7, 2017 - Planning Commission approved Special Use Permit and Density Bonus for 20-unit townhome project with 4 affordable (low income units) and recommended City Council approval of Tentative Subdivision Map.

Density Bonus:

1.) Reduction in required front yard setback (from 25 to 15 feet); and
2.) Reduction in interior yard space (from 30% to 16%).
3.) Third concession, building separation, no longer needed due to City Code update.
Background

• Council considered project on Nov. 14, 2017.
• Public comment focused on parking concerns in vicinity:
  ➢ Lack of existing parking;
  ➢ Further impact to on-street parking resulting from Project not providing visitor parking; and
  ➢ Approved 40-unit project located south of Project site further compounding on-street parking concerns.
• City Council continued project to Jan. 23 and Feb. 20, 2018 & directed staff to investigate if a parking program could alleviate on-street parking concerns.
• March 20, 2018 item continued off calendar
Site Plan

5489 Saviers Road
Elevations

5489 Saviers Road
Model Plan

Bedroom 1 = 183 sf
Bedroom 2 = 124 sf
Bedroom 3 = 124 sf

Unit Details:
Floor Plan: 1,490 Sq. Ft.
Garage: 2-Car 578 Sq. FT.
Patio: 132 Sq. FT. Patio
Bedrooms: 3
Bathrooms: 3
2030 General Plan

- Allows 18 dwelling units per acre.
- Site is 0.91 acre: Allows a maximum of 16 residential units (22 with Density Bonus)
- Complies with 2030 General Plan Goals and Policies
- Consistent with 2013-2021 Housing Element:
  1. Low-income housing modernization
  2. Offer regulatory incentives (concessions)
  3. Promote in-fill development
Density Bonus

- City shall grant a density bonus (up to 35%) if the applicant agrees to construct any of the following:
  - 10% dedicated low-income units;
  - 5% dedicated very-low-income units;
  - 100% senior units; or,
  - 10% moderate-income “for-sale” units.

- Allows for development standard concessions (up to 3), and as selected by the applicant/developer.
Density Bonus

- 4 residential units will provide affordable (low income) housing.
  25% Density Bonus (35% max)
- 3 concessions required under the State density bonus law and the City's density bonus regulations (Oxnard City Code Section 16-410(M)).
  1. Reduction in the required front yard setback from 25 feet to 15 feet.
  2. Reduction in the required building separation from 36 feet to 33 feet (no longer needed as a concession); and
  3. Reduction in the required interior yard space requirement of 30% to 16%.
- Affordable for 55-years (recordation/covenants/equity share).
Density Bonus

- No mechanism to deny a density bonus in the Density Bonus Law.
- City has a statutory obligation to grant a density bonus to a project meeting the requirements of the Density Bonus Law.
- Granting a density bonus amounts to a ministerial action.
Tentative Subdivision 5489 Saviers Road

- Establishes one lot for condominium purposes (20 units).
- Connect to existing utilities and infrastructure:
  - Inclusive of City’s sewer system located on Courtland St.
  - HOA responsible for ownership and maintenance of all on-site utilities.
- New public infrastructure improvements proposed for street frontage (Saviers Rd. & Courtland St.) which include sidewalks and parkways.
- Internal circulation routes approved by Fire Department.
- Complies with Subdivision Map Act.
Existing Pilot Parking Program

- Established by City Ord. 2723 (Sept. 2006) as a pilot program.
- Includes single-family homes on:
  - Campbell Way; Fairbourne Pl.; Clara St.; Clark Ct.; Carlisle Ct.; Dickens Dr.; and Courtland St.
- Residence owners/tenants are allowed 2 permits annually and 1 guest permit every 6 months.
- Pilot Program is free to participants and is voluntary.
- Existing permit-restricted areas do not address total parking supply.
Pilot Parking Program

5489 Saviers Road

Pilot Area in Red

Site
Community Engagement - Parking

• Five separate occasions in 2018, staff met with the Southwinds Neighborhood Council to discuss their parking concerns.

• Staff suggested options to address community concerns
  - restriping of on-street parking spaces;
  - residential parking permit system for all residential land uses; and
  - angled parking/one-way streets to address parking concerns (Cuesta Del Mar Dr. between J St. and Courtland St.).
    - Due to street dimension Fire Dept. cannot support of one-way option.
Community Engagement – Parking

- Southwinds Neighborhood Council and community members input regarding proposed parking permit program and options provided by staff:
  - Prefer not to participate in a new permit parking program; and
  - Requested that the existing 2006 pilot parking program be abandoned because it didn’t function well and didn’t address parking deficiencies.
Environmental Review 5489 Saviers Road

• Exempt from California Environmental Quality Act (CEQA) review -
  1. Statute § 21159.23(1)&(2)(c)
  2. Section 15322 (In-Fill Development) A Class 32 categorical exemption
  3. Section 15061(b)(3) (“General Rule”)

• Notice of Exemption will be filed.
Recommendation

5489 Saviers Road

Adopt:

• Resolution upholding PZ 16-500-06 (Special Use Permit);
• Resolution upholding PZ 16-535-01 (Density Bonus Permit); and
• Resolution approving PZ 16-300-06 (Tentative Subdivision Map) subject to certain findings and conditions.
The Southwinds Project

Henry Casillas, M.A.
Southwinds Project

Project Background

• On March 1, 2017, DAC issued its final project conditions.

• On September 7, 2017, the Planning Commission approved the project.

• On November 14, 2017, (over a year ago) and due primarily to parking concerns, the project was continued.

• During the countenance, City staff attempted to maximize parking.
Mitigation Efforts

Parking Permit Programs

• The previous Southwinds parking permit program was found to be non-compliant and was cancelled.

• A new parking program was developed and proposed.

• However, Southwinds voted against its implementation.
Mitigation Efforts

Cuesta Del Mar Parking Restriping

- City staff conducted a study to convert Cuesta del Mar Drive into a one way street with angled parking.

- Approximately, 1,280 linear feet, a quarter of a mile, could be converted to angled parking.

- However, given equipment access and egress concerns, the fire department could not support the plan.
Mitigation Efforts

Hueneme Corridor Shared Parking

• The largest property owners of parcels were contacted regarding a shared parking program.

• The plan was to allow Southwinds residents to park in underutilized parking spaces for a monthly fee.

• Citing increased crime, liability and payment collection concerns, all of the property owners refused to participate.
Mitigation Efforts

Project Re-Draw

• As requested, the developer also explored the option of building single family homes.

• Given land, material, labor and soft costs coupled with the amount of units and their projected value, this effort was found to be unfeasible.
More than a year later, having exhausted mitigation efforts, we return to council, seeking approval.

Please keep in mind that the project has complied with all regulatory requirements.
For example, Assembly Bill 2222 allows for three concessions.

The project requested only two:

1) Front yard setback reduction from 25 feet to 15 feet.
2) An interior yard space reduction from 30% to 16%.
- State law allows a density bonus of up to 35% or 6 units.
- However, we requested a density bonus of 25% or 4 units.
- We made this decision based on quality of life issues.
We have met the following local ordinances:

<table>
<thead>
<tr>
<th>City Ordinance</th>
<th>Approved</th>
<th>Compliance</th>
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<tbody>
<tr>
<td>Site Rezoning from R1 - C2-AAHOP</td>
<td>9/16/2008</td>
<td>Yes</td>
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<tr>
<td>2030 Oxnard General Plan</td>
<td>10/2011</td>
<td>Yes</td>
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<tr>
<td>City A.H. Density Bonus Ordinance</td>
<td>12/20/2016</td>
<td>Yes</td>
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<tr>
<td>2013 - 2021 Housing Element</td>
<td>10/10/2017</td>
<td>Yes</td>
</tr>
</tbody>
</table>
Pg. 37: Notes that “[t]he City provides parking incentives for eligible projects” including “state density bonus reduced parking standards . . .” We meet this criteria.

Pg. 189: Establishes that 24 units per acre is an “appropriate default density for all-affordable housing project.” We are building at 20 units per acre.

Pg 242: Identifies the site as an AHHOP site and recommends its development via a three story project. We are in compliance with this recommendation.
Therefore, given that we:

• Are investing in a severely distressed census tract
• Decreasing overcrowding by providing affordable housing
• Did not create the overcrowding and parking issues but are trying to address them
• Are in compliance with the state and local ordinances
• Have met all planning and other departments requirements
• Have worked and met with city staff and community representatives for over one year to attempt to mitigate the parking issue.

• We request that council approve the Southwinds project.
Southwinds Project

Thank you for your time and kind consideration.