



# CITY OF OXNARD

## MEMORANDUM

April 25, 1977

**To:** Planning Commission

**From:** Planning Staff

**SUBJECT:** Revocation of Planned Development Permit No. 160

The Neighborhood Council for Southwest 7 has requested that the Planning Commission revoke PD-160, which is a planned development permit approved for Paul Griffen to permit 82 apartments at the southeast corner of Victoria Avenue and Via Marina Street. The following is a history of recent activities relative to developing the property:

1. Planned Development Permit No. 160 was approved by Planning Commission Resolution 3406 on April 15, 1971. It permitted construction of 232 apartments in three phases, over an 18 month period. Condition No. 12 of the permit provides that the permit shall expire 18 months from the date of the resolution.
2. PD-160 describes Lot Nos. 46 through 73 and Lot Nos. 95 through 205 of Tract 1685-1 as the permit area. Condition No. 10 of Resolution 3406 requires the developer to revert to acreage Lot Nos. 46 through 73 and Lot Nos. 195 through 205 of Tract 1685-1. This reversion to acreage was accomplished by Tract 2213.
3. Phase I of PD-160, consisting of 84 garden apartments, was built in November of 1972 through January of 1973. Phase I was in the center of the site plan for PD-160. Phase II was to the north, and Phase III was to the south.
4. The City Attorney has issued a legal opinion to the effect that because Phase I was completed within the time indicated in the Planning Commission Resolution, the applicant has a vested right to build Phase II and Phase III.
5. PD-269, for 66 apartment units on Lot 3 of Tract 2213, was approved by the Planning Commission in October of 1975. PD-269 replaced Phase III of PD-160. It has been built by another developer.
6. Phase II of PD-160 is still owned by Griffen, and it has not been built. Phase II shows 82 apartment units, consisting of 8 one bedroom apartments, 60 two bedroom apartments, and 14 three bedroom apartments.

7. PD-282, for 40 one bedroom and 40 two bedroom apartments, was approved by the Planning Commission in April of 1976. The applicant indicated his desire to revise PD-160 in order to upgrade the development.
8. The density of apartments is reduced by 2 units in PD-282. However, the number of bedrooms may be compared as follows:

<u>PD-160</u>			<u>PD-282</u>		
1 Bedroom	8	8	1 Bedroom	40	40
2 Bedrooms	60	120	2 Bedrooms	40	80
3 Bedrooms	14	42	3 Bedrooms	--	--
	82	170		80	120

There is a reduction in the number of bedrooms in PD-282, and conceivably, this would reduce the number of persons occupying the apartments. The appearance of the buildings is also greatly improved.

9. In March of this year, the Regional Coastal Commission held a hearing on PD-282. The Commission failed to approve the permit, but on a "straw vote", indicated they would be willing to approve 70 units with 105 bedrooms, and a 2:1 parking ratio.
10. Representatives of the Griffen organization have represented that 70 units would not be a viable project, and have asked support of the Neighborhood Council to request the Coastal Commission to approve 76 units. The Neighborhood Council has indicated their preference for 70 units.
11. Griffen's attorney indicates that the Coastal Commission has granted an exemption for PD-160, and, therefore, Phase II of PD-160 could be constructed without further City or Coastal Commission action.

Therefore, the Neighborhood Council has asked that PD-160 be rescinded, to require the Griffen organization to keep faith with the stated intent of PD-282, which was to provide an upgraded development.

#### Recommendation

While it is not unusual for a developer to have two permits in force and effect on the same property at the same time, the Planning Staff believes that when an approval is amended and clearly improved, the old permit should be rescinded or superseded. If PD-160 is built, the intent of the Neighborhood Council, the Planning Commission and the Coastal Commission will be circumvented. It is recommended that Phase II of PD-160 be revoked.