

Improprieties in Planning and Approval of Development Projects Within the City of Oxnard

Background

While making inquiries into another matter, the Grand Jury found possible improprieties in the planning for approval of development projects within the City of Oxnard. The committee decided to concentrate on the development of Tract 5039. This tract is west of Graves Avenue and north of Camino Del Sol in the City of Oxnard.

The Planning Commission approved rezoning the tract from Limited Industrial (M-1) to Multiple Family Planned Development (R2-PD) on October 17, 1996. At the same meeting, the Commission approved the developer's site plans. The City Council approved a Special Use Permit to allow construction on November 19, 1996.

In conducting the investigation the committee:

- Reviewed City of Oxnard codes pertaining to planning and development.
- Reviewed the City of Oxnard General Plan.
- Reviewed City of Oxnard documents pertaining to the development in question.
- Reviewed site maps and documents prepared by the developer.
- Reviewed land ownership records at the County Assessor's Office.
- Interviewed City of Oxnard Management personnel.
- Interviewed current and former employees of the City of Oxnard.
- Made field visits to the site to verify findings and conclusions.

Findings

After reviewing relevant City of Oxnard Codes and the General Plan, the Grand Jury finds:

- F-1 The General Plan defines R2 as being low-medium density housing.
- F-2 The General Plan specifies a standard lot to be 6000 square feet.

- F-3 The General Plan specifies that low-medium density houses shall be on a standard lot (but not less than 3,500 square feet).
- F-4 The City Code limits the Commission to granting a twenty five percent increase or decrease to the standard. (A twenty-five percent reduction of a 3,500 square feet lot results in a minimum lot size of 2,625 square feet.)
- F-5 The City Code specifies that:
 - 1. There shall be a front yard of at least 25% of the depth of the property.
 - 2. On interior lots there shall be a side lot on each side of the building of not less than ten percent of the depth of the lot.

After document review, interviews, and visits to the site, the Grand Jury finds:

- F-6 On September 23, 1996, the Planning Department issued a Staff Report to the Planning Commission stating that the proposed project is consistent with the requested land designation modification.
- F-7 The section of the Staff Report dealing with zoning compliance contained no mention of required lot size.
- F-8 Sixty-five of eighty-four lots examined are less than the minimum lot size of 2,625 square feet. The smallest lot is 1,107 square feet.
- F-9 Visual inspection revealed that many front yards do not meet the 25 percent depth requirement.
- F-10 Visual inspection revealed that many side yards do not meet the ten-percent depth requirement.
- F-11 Visual inspection that many streets do not have adequate parking.
- F-12 The family trust of a sitting city council member owned tract 5039. That member voted to approve the zoning change and voted to approve development on the tract that is not consistent with the General Plan and the City Code.

Conclusions

The above findings led the Grand Jury to the following conclusions:

- C-1 The proposed project was not consistent with the requested land designation modification as stated in the Planning Department Staff Report.
- C-2 The Planning Commission recommended and the City Council

approved a project that is not consistent with both the General Plan and the City Code.

- C-3 The Grand Jury has no evidence that the Planning Commission or City Council proposed, offered for public comment, or approved variances to either the General Plan or the City Code.
- C-4 The Planning Commission and City Council may rely on city staff for research and for recommendations. However, as appointed and elected officials respectively, they are responsible to the voters to ensure that approved development is consistent with both the General Plan and the City Code.
- C-5 The developer built homes on lots that are not consistent with both the General Plan and the City Code.
- C-6 City of Oxnard inspectors approved construction of homes on lots that are not consistent with both the General Plan and the City Code.
- C-7 A City Council member had a conflict of interest in that his family trust owned the land in question. He should have recused himself and not voted.

Recommendations

The Grand Jury makes the following recommendations:

- R-1 The City Manager should implement controls to ensure that City employees perform their duties according to both the General Plan and the City Code.
- R-2 The Planning Commission and City Council should accept their responsibility as appointed and elected officials respectively, and should ensure that matters they approve are in accordance with both the General Plan and the City Code.
- R-3 The City Council should ensure that its members obey Conflict of Interest Laws. Elected officials should recuse themselves to avoid conflict of interest, or even the appearance of conflict of interest. They should not participate in discussions, nor should they vote on matters where they may have a financial interest.

Responses Required

Oxnard City Manager
Oxnard Planning Commission
Oxnard City Council