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# SMART GROWTH IN ACTION, PART 2: CASE STUDIES IN HOUSING CAPACITY AND DEVELOPMENT FROM VENTURA COUNTY, CALIFORNIA

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Project Director: Geoffrey F. Segal



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# Smart Growth in Action, Part 2: Case Studies in Housing Capacity and Development from Ventura County, California

BY WILLIAM FULTON, SUSAN WEAVER, GEOFFREY F. SEGAL, AND LILY OKAMURA  
PROJECT DIRECTOR: GEOFFREY F. SEGAL

## Executive Summary

The management of urban growth has emerged as one of the most important local policy issues in the nation. More than a dozen states have enacted some form of statewide growth management law, and most others are actively considering growth management legislation or planning reform laws that will directly affect the pace, pattern, and quality of land development. On the local level, growth management ordinances have become increasingly common, especially in the coastal states, with significant pressure for urbanization.

Despite the groundswell of activism and apparent public support for this new wave of growth management, remarkably little analysis has been done on whether local governments actually do, in fact, implement planning goals and visions. In part, the dearth of research is a result of the highly localized nature of growth management initiatives. Implementation issues, particularly assessments of the capacity of local communities to implement planning goals, are rarely addressed in the debate over "smart growth" or planning law reform.

This report is the second portion of a two-part study that attempts to help fill this void by examining the implementation of growth management techniques in Ventura County, California, a county of some 800,000 residents about 40 miles northwest of downtown Los Angeles and adjacent to Los Angeles County.

The first phase of this study was a quantitative analysis of residential development approvals in the county between 1996 and 2001. This second phase is a "case study" analysis examining six different residential development approvals in more detail.

We found that, despite the passage of Save Open Space and Agricultural Resources (SOAR) growth management initiatives, most cities in Ventura County had not amended their plans or their project approval processes to allow greater density within the boundaries of their municipalities. Quite the contrary, projects

being approved in the cities were likely to have lower densities than the applicable general plans theoretically allowed. By failing to amend their plans or practices, cities were tacitly refusing to take any growth shunted from the SOAR-protected areas, in essence setting the stage for a crisis in housing supply to occur before SOAR's sunset date in 2020 and an exacerbated housing price escalation in the meantime.

Some of the study's findings specific to the mismatch between allowable and approved densities were these:

- Relative to the densities allowed by general plans, projects approved in the county on average provided less than 80 percent of planned capacity.<sup>1</sup>
- Multi-family projects were less likely to be scaled back severely than were single-family ones.
- Projects proposed within specific plan areas were subject to fewer reductions than those that were not.
- Projects in bigger cities were more likely to be approved at close to the plan densities than projects in smaller cities.
- Projects in the eastern part of the county were more likely to be approved at close to plan densities than in other parts of the county.
- The largest capacity reductions were more likely to occur prior to or at the time of application, not during public review of the project.

This last finding in particular engendered another series of questions that suggested pursuing the second phase of the study: What was happening in the so-called "pre-application" stage to spur the density reductions?

In examining the possible answers to this question, we posed five possible explanations for reductions in planned density during the pre-application stage. These were:

1. ***The Market.*** Developers know what is marketable in any given area at any given time and seek to provide a product that conforms to consumer demand; in some cases, this may mean reducing density. To remain competitive they must also bear in mind other current operating conditions—for example insurance availability, financing trends and tax incentives. Developers will make every reasonable effort to get their projects approved in the most cost- and time-efficient manner.
2. ***Politics.*** Planners have a good sense of what their elected officials expect to see and will vote to approve. They are loath to advance any project that promises to be highly controversial into the public forum unless they have support from their officials to do so.
3. ***"The Devil in the Details."*** In the transition from policy to implementation, the site specifics may drive a wedge between what is theoretically allowed under a general or specific plan and what is permissible under zoning regulations or other ordinances that set development standards.
4. ***Convenient Memory Loss or Myopia.*** The implication of the broad policy statements included in a general plan seldom hit home with residents until a specific development forced the issue. Even when neighbors have been involved in the general plan process, they may lose sight of the bigger picture when focusing on the vacant property adjacent to their own. Their perception of who was in control of the earlier general plan process—previous residents, developers, non-resident landowners—may erode their willingness to support the policies of the general plan.

5. ***Aversion to Growth.*** Density is still a dirty word for many residents of Southern California. And many planners working in Ventura County may also be growth-averse. The SOAR initiatives created the presumption of limited growth and made no density-tradeoff promises.

In applying this conceptual framework, we selected six case studies of residential development approvals, ranging in size from 75 to 404 units and in density from 3 to 18 units per acre. They were approved at densities ranging from 42 percent to 100 percent of planned density and averaged out to 68 percent. In assessing these six case studies, we found that, of our five possible explanations, no one explanation was the dominant factor in density reduction, and in some cases it was a combination of all five. We did find that market factors, politics, and "the devil is in the details" emerged most frequently as reasons for the reductions. Based on the case studies, however, we did reach four conclusions about the reasons for density reductions in residential development approvals.

**First, developers sometimes do ask for lower densities in order to meet their perception of market demand or other non-regulatory considerations.**

In some cases, developers will seek lower densities because they believe the market will accept single-family and lower-density housing types. Other issues not associated with local land use regulations, such as construction defect liability, may also play a role.

**Second, the capacity in plans cannot always be politically sustained, especially under the pressure of neighborhood opposition.**

Planning policies are not always the result of widespread political consensus. Often, they are brokered by a few interest groups with the motivation or desire to "play the game" at the plan level, including developers and citizen groups. Many stakeholders will sit out the comprehensive planning process and attempt to overturn policies when specific projects are proposed.

**Third, the actual application of planning processes often drives the density down below the capacity contained in plans.**

Project-specific review in California is largely, but not entirely, driven by the dictates of the California Environmental Quality Act, which identifies impacts that could be significant and strongly encourages local governments to take steps to mitigate those impacts. The net result is a system that often drives down the density or drives up the cost or both.

**Fourth, specific plans appear to make a significant difference in creating plans that can be implemented "as-is".**

A specific plan is a document that envisions the buildout of a specific part of a community, often under a separate set of planning policies and regulations. It is a hybrid document that includes planning policies, a buildout scenario, development regulations, and often a financial agreement between the developers and the city as well. Whereas general plans are "big picture" documents that both developers and citizens may have difficulty relating to, specific plans are often "real" enough to engage all parties in a meaningful way. Residents are less likely to stand outside the specific plan process than the general plan process because the issues are focused closer to home.

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## Part 1

# Introduction

The management of urban growth has emerged as one of the most important local policy issues in the nation. More than a dozen states have enacted some form of statewide growth management law, and most others are actively considering growth management legislation or planning reform laws that will directly affect the pace, pattern, and quality of land development. On the local level, growth management ordinances have become increasingly common, especially in the coastal states, with significant pressure for urbanization.

This pattern has been especially true in California, which does not have a state growth management law, but gives local governments great leeway in enacting local growth management ordinances. Not only have local elected officials in California been at the forefront in enacting such ordinances, but voters throughout the state have done the same. Since the 1980s, more than 600 local measures affecting land use policy and land use regulation have appeared on local ballots, mostly in coastal counties.<sup>2</sup>

Growth controls, however, are not implemented in a political vacuum. Once policies are adopted, local politics figure prominently in the question of whether planning goals will be realized. Particularly in the United States, where planning is explicitly local and must be adopted by locally elected officials, these political constraints are important elements of the planning process and should be incorporated into an evaluation of the success of the planning process and recommendations for further reform.

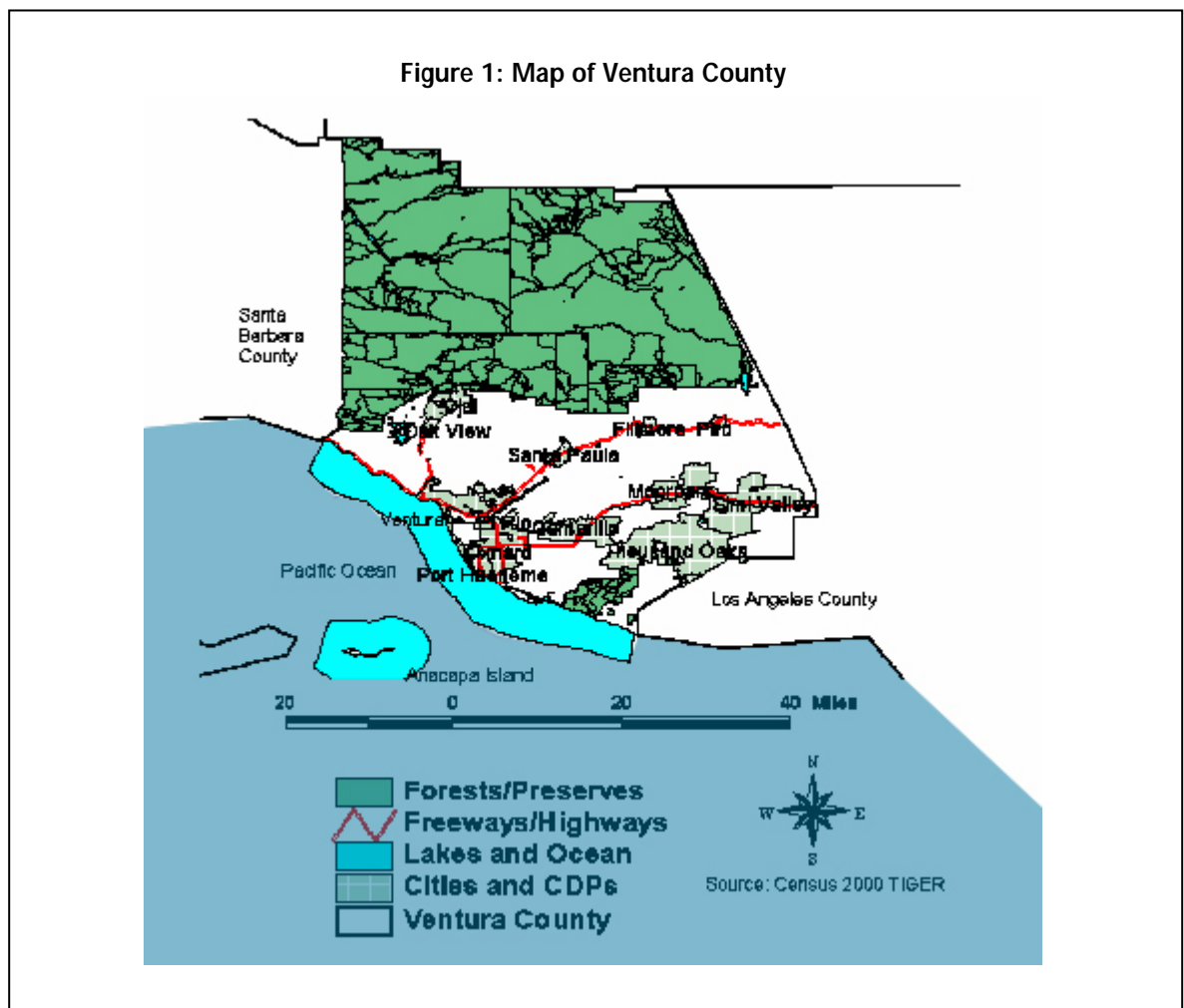
Despite the groundswell of activism and apparent public support for this new wave of growth management, remarkably little analysis has been done on whether local governments actually do, in fact, implement planning goals and visions. In part, the dearth of research is a result of the highly localized nature of growth management initiatives. Implementation issues, particularly assessments of the capacity of local communities to implement planning goals, are rarely addressed in the debate over "smart growth" or planning law reform.

This report is the second portion of a two-part study that attempts to help fill this void by examining the implementation of growth management techniques in Ventura County, California, a county of some 800,000 residents about 40 miles northwest of downtown Los Angeles and adjacent to Los Angeles County. Home to one of the most aggressive local approaches to growth management in the United States, Ventura County holds important lessons for all local governments attempting to plan development. The first phase of this study was a quantitative analysis of residential development approvals in the county between 1996 and 2001. This second phase is a case study analysis that examines six different residential development approvals in more detail.

Part 2

# Ventura County and its Growth Management System

With 1,864 square miles, Ventura is only average-sized among California counties, but with a Census 2000 population of 753,000 it ranks 11<sup>th</sup> in the state and among the largest in the nation. Its median household income in 2000 was just under \$60,000—not only well above the state average, but above those of its neighboring counties, too.





Over the past 30 years, the county has engaged in a series of strong growth management and local government organization efforts seeking to preserve agricultural land and channel development into the county's cities. The result is a county with a unique spatial structure. The county still has more than 100,000 acres of irrigated agriculture. More than 90 percent of the population lives inside the county's 10 cities. But no one city is dominant. As Table 1 reveals, the county has four cities with populations of at least 100,000 but no city with a population of 200,000.

	1990 Census	2000 Census	% Increase, 1990-2000	2002 State Estimate	% Increase, 2000-2002
Camarillo	52,297	57,077	9.1%	59,500	4.2%
Fillmore	11,992	13,643	13.8%	14,400	5.5%
Moorpark	25,494	31,415	23.2%	33,050	5.2%
Ojai	7,613	7,862	3.3%	7,925	0.8%
Oxnard	142,560	170,358	19.5%	182,000	6.8%
Port Hueneme	20,322	21,845	7.5%	21,850	0.0%
San Buenaventura	92,557	100,916	9.0%	102,300	1.4%
Santa Paula	25,062	28,598	14.1%	28,750	0.5%
Simi Valley	100,218	111,351	11.1%	115,500	3.7%
Thousand Oaks	104,381	117,005	12.1%	121,000	3.4%
Unincorporated	86,520	93,127	7.6%	93,800	0.7%
<b>Total</b>	<b>669,016</b>	<b>753,197</b>	<b>12.6%</b>	<b>780,075</b>	<b>3.6%</b>

Source: California Department of Finance, Demographics Research Unit

The county's cities are geographically distinct from one another and maintain separate socio-economic identities as well. For example, six of the 10 cities have white populations of more than 70 percent, while three of the remaining four have Hispanic populations of 60 percent or more.<sup>3</sup> The county is separated into at least three areas that are experiencing pressure for urbanization. The first is the "East County," meaning cities such as Thousand Oaks, Moorpark, and Simi Valley, which are located close to the San Fernando Valley and at the top of the "Conejo Grade," a dramatic rise in the topography located along Highway 101 several miles inland from the ocean. The second is the "West County," meaning such cities as Oxnard, Ventura, and Camarillo, which are located below the grade, near the ocean, and along the rich agricultural soil of the Oxnard plain. The third is the Santa Clara Valley, another agricultural area along the Santa Clara River that is more remote from urbanization than the first two and consists mostly of the incorporated cities of Santa Paula and Fillmore.<sup>4</sup>

Most recently, the county's residents have passed a series of ballot-box zoning measures known as the Save Open Space and Agricultural Resources (SOAR) measures, which have been adopted in all but two of its cities.<sup>5</sup> These measures create urban growth boundaries around each city and require a public vote to change those boundaries. A SOAR measure was also adopted for unincorporated areas, and requires a countywide vote for land to be converted from agricultural or open space zoning to urban development. It is important to note that although the SOAR measures subjected future changes to a public vote, they did not substantially alter the growth management system already in place at the time.

There is no question that Ventura County's growth slowed during the 1990s. Between 1990 and 2000, the county's population grew by 12.6 percent, from approximately 669,000 to approximately 753,000, and the number of households grew by 11.9 percent, from approximately 217,000 to approximately 243,000. Despite

the county's strong legacy of growth control, these figures were typical of California generally and the metropolitan Los Angeles region in particular. The deep recession of the early 1990s appeared to depress population growth throughout California. Over the decade the population grew by 13.8 percent, from 29.8 million to 33.9 million, while households increased by 10.8 percent, from 10.3 million to 11.5 million.

Even though its population growth was below the statewide average, Ventura County did not produce enough housing to keep up with either population growth or household growth. During the 1990s, only about 23,000 units were added to the county's housing stock, a 10.2 percent increase, compared with 45,000 units in the 1980s and 77,000 units in the 1970s. Much of the additional population was accommodated by filling up vacant units (the vacancy rate dropped from 4.8 percent in 1990 to 3.3 percent in 2000) and by increasing household size (household size increased from 3.08 persons per household in 1990 to 3.10 persons per household in 2000.)<sup>6</sup>

Ventura County	1990	2000	Net Change	Percent
Population	669,016	753,197	84,181	12.6%
Housing Units	228,478	251,712	23,234	10.2%
Households	217,298	243,234	25,936	11.9%

In the first phase of this study, *Smart Growth in Action: Housing Capacity and Development in Ventura County*,<sup>7</sup> we examined the effects of growth management policies at the county level in trying to understand why the level of housing production might have decreased. We took into account trends in population growth, demographics, and household formation, both before the imposition of these new controls and after they had been in place, to see what effect they had had on residential development and the general (or comprehensive) planning process.

We found that despite the passage of SOAR growth management initiatives, most cities in Ventura County had not amended their plans or their project approval processes to allow greater density within the boundaries of their municipalities. Quite the contrary, projects being approved in the cities were likely to have lower densities than the applicable general plans theoretically allowed. By failing to amend their plans or practices, cities were tacitly refusing to take any growth shunted from the SOAR-protected areas, in essence setting the stage for a crisis in housing supply to occur before SOAR's sunset date in 2020 and an exacerbated housing price escalation in the meantime.

Some of the study's findings specific to the mismatch between allowable and approved densities were these:

- Relative to the densities allowed by general plans, projects approved in the county on average provided less than 80 percent of planned capacity.<sup>8</sup>
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The largest capacity reductions were more likely to occur prior to or at the time of application, not during public review of the project.

This last finding in particular engendered another series of questions that suggested pursuing the second phase of the study: What was happening in the so-called "pre-application" stage to spur the density reductions?

The pre-application stage is usually characterized by a series of private discussions—and informal negotiations—between the real estate developers applying for permit approvals and the government staff planners who process the permits. To our knowledge, no previous research had documented that the pre-application stage had such a profound impact on the final outcome of development approvals. And it was not clear from our quantitative analysis just exactly how the pre-application stage was reducing densities.

Was the story mainly about the developers' sense of what the market would buy, as many planners suggested? Or was it more a matter of planners imposing their ideas about good urban form or guiding developers to a better understanding of what the political climate in their community would support, as many developers suggested? This is the basic question that we sought to answer in this second phase of the research project.

## Part 3

# Framing the View: A Conceptual Framework of the Development Approval Process

The literature on development project approvals is thin. There is little literature on real estate development, for example, that describes the motivations of developers seeking lower densities; indeed, what literature exists focuses on how developers might increase densities during the project approval process.<sup>9</sup>

Meanwhile, literature on city planning offers little insight into the breach between comprehensive planning and implementation, but does speak to some of the political issues surrounding project approval—specifically public consensus and the influence planners exert at various points in the approval process.

If residential development projects are approved at lower densities than the underlying plans call for, this may reflect a lack of consensus in the community about the densities contained in the plan itself. Though a California jurisdiction's general plan may map out its future development through policy statements,<sup>10</sup> it is not always a consensus document. The formal adoption process—with its emphasis on public hearings—does not lend itself to the type of dialogue required to reach consensus<sup>11</sup> and the focus on the technical aspects of planning, including environmental impact reports, often deters the average citizen from participating in the process. As a consequence, the resulting plans are generally not considered by public officials to be indicative of the community's vision of itself because the most likely to participate are those associated with special interest groups.<sup>12</sup>

Even among those who do participate in the general planning process, few will stick around after the general principles have been adopted to hammer out the specifics that will guide implementation. Much like Captain Picard, of *Star Trek* fame, the public in effect waves its hands and declares, “make it so.” The result is that what is adopted as policy is often expected by citizens to impinge only on someone else's choices. A survey taken in Wisconsin and reported on by the *Milwaukee Journal Sentinel* revealed that while more than three-fourths of those polled voiced support for compact, pedestrian-friendly development, two-thirds indicated they would not consider living in such a development because they themselves prefer lower-density neighborhoods.<sup>13</sup>

Public involvement in the general planning process provides no guarantee that implementation of the adopted plans will proceed smoothly. Many stakeholders do not participate in the plan-making process and enter the fray only when individual projects are presented for approval at the implementation level.

Furthermore, at such a late stage, they will often contest not only the specifics of the project but challenge the general plan principles as well.<sup>14</sup>

At the implementation level, planning is not as antiseptically technical an exercise as might be expected by those not involved in the development community. The entitlement process is often the vehicle used by elected and appointed officials to advance their own view of the community, no matter what the existing plans say. Their personal agendas are often implicitly promoted in the project approval process by staff members, for whom job security and career advancement may be more important than adhering to good planning principles.<sup>15</sup>

The dynamic tension between the various actors involved in real estate development is multi-layered, and an understanding of its local peculiarities is critical to political effectiveness. Even as local government planners seek to further the agendas of their elected officials, they also maintain close working relationships with developers who cultivate such relationships in order to facilitate approval of their projects, though, as public servants, planners are charged with serving in the public interest.<sup>16</sup>

Though planners may be active participants in the development approval process, their relationship with developers is not necessarily a simple, straightforward and trusting one. Planners may share a specialized set of tools with developers, but they generally are not similarly concerned with development economics. Manuals on planning practice advise that the policies, guidelines, and standards that will be applied “should be ironed out in the pre-app process...elements of the project get locked in fast because it is in early phases that projects are approved for financing by banks and other lenders.”<sup>17</sup> But it is not uncommon for planners to use the financial value of time as a strategic tool to shape projects to match what they envision for particular sites. Simply put, the planners, unlike the developers, need not be concerned about the cost of money over time and the need to reach the marketplace with products quickly.

With planners as the gatekeepers to the project approval process, compliant developers will have help in expediting the approval process; others may find that inter-agency wrangling or other snags will subject them to expensive slow-downs.<sup>18</sup>

Since planners provide a link between adopted policies, elected officials, citizens, and developers, their role has also been described as facilitation. Working with developers, in the pre-application and application processes, planners convey what types of development are likely to receive community support or spark community opposition. Ethically, there is a limit to the amount of advice planners can give developers before they cross the line into advocacy. Frequently planners wind up conducting “shuttle diplomacy” between the various interested parties.<sup>19</sup>

Given all these factors, we constructed a conceptual framework suggesting five different possible reasons why densities might be reduced at the project approval stage. As we approached the case studies, we did not believe that the answer would always lie with only one of the five possibilities. Rather, given the fact that individual circumstances in real estate development vary widely across markets, communities, and land parcels, we believed that a different combination of reasons would exist in each case. However, we believed that, over six case studies in the same county, we would find consistent patterns.

Our five possible explanations for reduced densities at the project approval stage were as follows:

1. ***The Market.*** Developers know what is marketable in any given area at any given time and seek to provide a product that conforms to consumer demand; in some cases, this may mean reducing density. To remain competitive they must also bear in mind other current operating conditions, for example insurance availability, financing trends and tax incentives. Developers will make every reasonable effort to get their projects approved in the most cost- and time-efficient manner.
2. ***Politics.*** Planners have a good sense of what their elected officials expect to see and will vote to approve. They are loath to advance any project that promises to be highly controversial into the public forum unless they have support from their officials to do so.
3. ***The Devil in the Details.*** In the transition from policy to implementation, the site specifics may drive a wedge between what is theoretically allowed under a general or specific plan and what is permissible under zoning regulations or other ordinances that set development standards.
4. ***Convenient Memory Loss or Myopia.*** The implication of the broad policy statements included in a general plan seldom hit home with residents until a specific development forces the issue. Even when neighbors have been involved in the general plan process, they may lose sight of the bigger picture when focusing on the vacant property adjacent to their own. Their perception of who was in control of the earlier general plan process—previous residents, developers, non-resident landowners—may erode their willingness to support the policies of the general plan.
5. ***Aversion to Growth.*** Density is still a dirty word for many residents of Southern California. And many planners working in Ventura County may also be growth-averse. The SOAR initiatives created the presumption of limited growth and made no density-tradeoff promises.

## Part 4

# Methodology

To pry open the “black box” of the pre-application process, the case study approach was taken. The original study had considered 126 different residential projects in nine of the 10 cities in the county. While assembling our database on the 126 different projects, we identified approximately 30 projects that might be suitable for case studies based on their characteristics. In preparing for this phase of the study, we whittled these 30 projects down to six. These projects were chosen specifically because they represent a range of situations representative of the county as a whole. Among the considerations were the following:

- The six case studies include one each from six of the county's 10 cities.
- All six residential projects were approved and constructed in the late 1990s.
- The projects were approved at densities ranging from 42 percent to 100 percent of the densities called for in the city's planning documents.
- The projects range in size from 75 to 404 units.
- The projects range in density from 3 to 18 units per acre.
- Two of the six projects were multi-family projects and four were single-family projects.
- Five of the six projects were located within specific plan areas. One was in fact removed from a specific plan area, and another involves a transfer of density within a specific plan area.

The six projects included are:

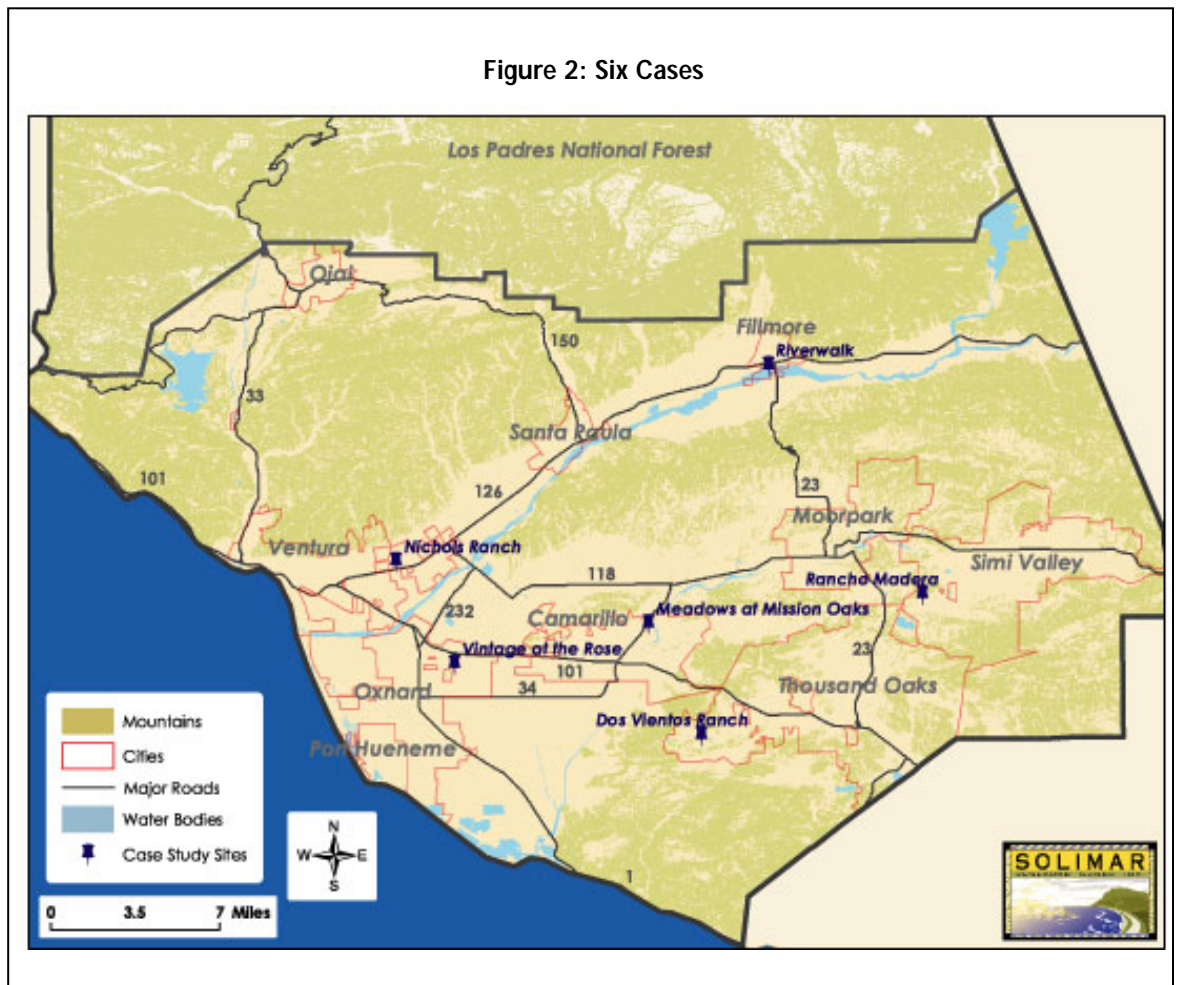
- Meadows at Mission Oaks, a 221-unit detached condominium project in Camarillo.
- Riverwalk, a 144-unit single-family neighborhood in Fillmore.
- Vintage at the Rose, a 404-unit multi-family complex in Oxnard.
- Rancho Madera, a 75-unit single-family neighborhood in Simi Valley.
- Tract 5095 at Dos Vientos Ranch, a 168-home subdivision in a master planned community in Thousand Oaks.
- Nichols Ranch, a 198-unit single-family home subdivision in Ventura.

As shown in Table 3, the case studies were approved at densities that ranged from less than half the maximum assigned in the relevant general plans to nearly 100 percent (in the case of Vintage at the Rose). Taken as a group, the projects were approved at about 70 percent of maximum density. Compared to specific plans or zoning minimums, Vintage at the Rose, Dos Vientos and Nichols Ranch were all approved at

greater densities. The average for the six was still only 85 percent, largely because Riverwalk was approved at only 45.5 percent of the minimum indicated by zoning. The approval rates for the six case studies are higher than those for the total 126 projects included in our previous study, where the overall approval rates were 55 percent of general plan density and 79 percent specific plan/zoning minimum capacity.

**Table 3: Approved Capacity as Percent of Planned Capacity**

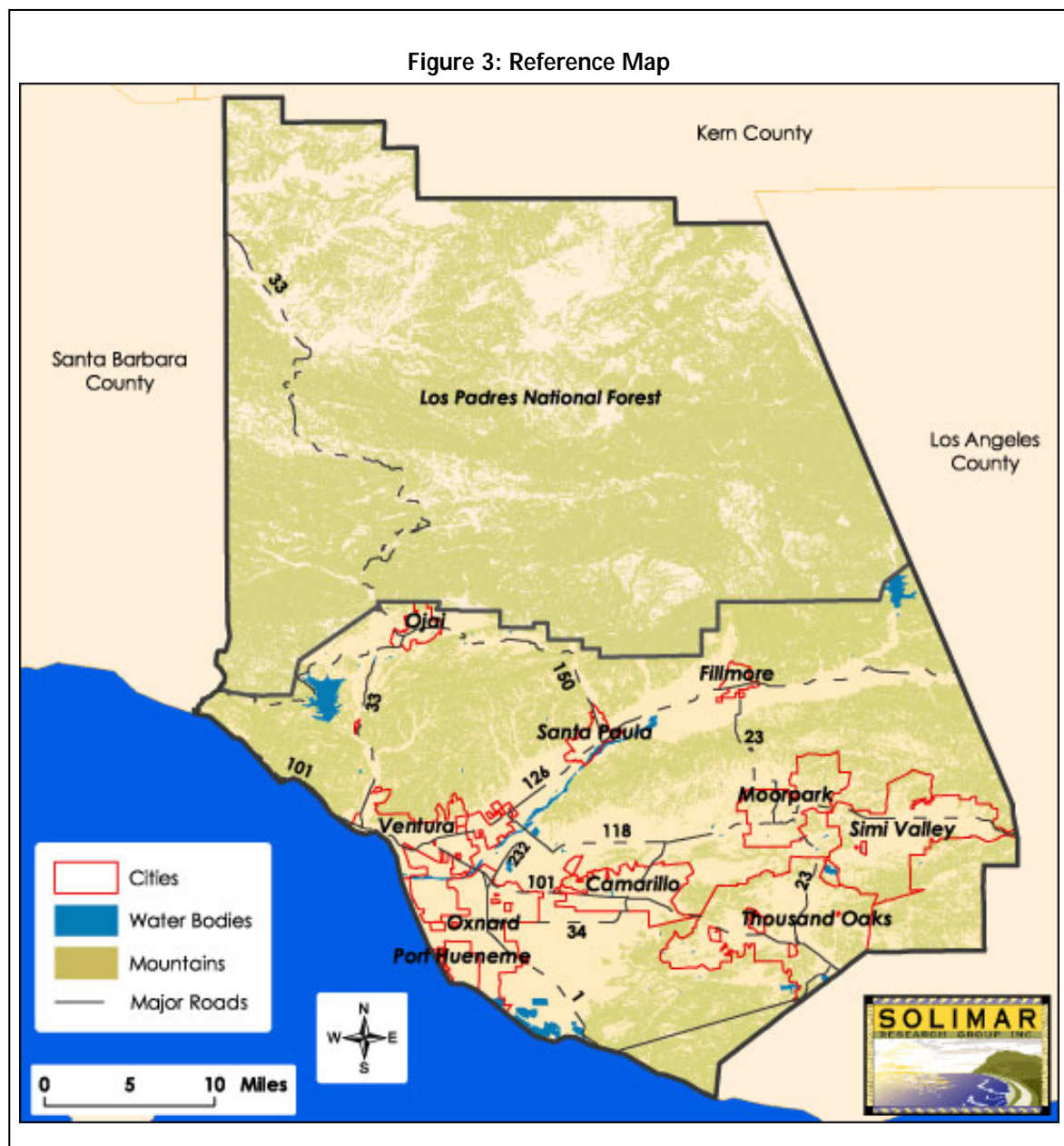
	General Plan Maximum Density	Specific Plan/ Zoning Minimum Density	Initial Application Density	% of General Plan Density	% of Specific Plan/ Zoning Density	Final Approval Density	% of General Plan Density	% of Specific Plan/ Zoning Density
Meadows at Mission Oaks	10.0	10.0	11.1	111%	111%	8.2	82.0%	82.0%
Riverwalk	11.0	11.0	5.9	54%	54%	5.0	45.5%	45.5%
Vintage at the Rose	18.0	18.0	22.0	122%	122%	18.0	99.8%	100.0%
Rancho Madera	7.0	3.3	3.2	46%	97%	3.1	44.3%	93.9%
Dos Vientos	4.5	3.1	3.4	76%	110%	3.2	71.1%	103.2%
Nichols Ranch	12.0	6.0	7.1	59%	118%	6.2	51.7%	103.3%
Average for Case Studies	10.4	8.6	8.8	84%	103%	7.3	69.9%	85.0%





Once the six case studies were identified, the researchers took a qualitative approach to the actual research. Specifically, we:

1. Reviewed the project file available at each city planning department;
2. Assembled a preliminary chronology telling "the story" of the project approval;
3. Interviewed between two and five participants in each project approval, including the developer applicants, the city's case planner, and in some cases elected officials and planning commissioners; and
4. Revised the chronology based on the interview, thereby fleshing out the case study.



## Part 5

# Camarillo: Meadows at Mission Oaks

Meadows at Mission Oaks, a 221-unit detached condominium project in Camarillo, was approved at 82 percent of the density called for in both the city's general plan and in the Pitts Ranch Specific Plan. Though the project was a long time in the making, its approval process was remarkably uncontroversial. Market conditions may have been a major factor in lowering the density, but the devil was definitely in the details.

Camarillo, a mid-sized city located amidst the farmland of the Oxnard plain, has been growing in both size and importance because of its advantageous location along Highway 101 in the very center of the county. The Meadows at Mission Oaks was a project typical of Camarillo in the 90s—a "greenfield" development at the eastern edge of the city that reflected the shift away from single-family residences that occurred in some parts of the city.

Throughout the decade of the 1990s, Camarillo was adding population more slowly than most cities in the county, but it was adding housing at an unsurpassed rate. Despite the real estate downturn in the early nineties, the city increased its housing stock by 7.9 percent between 1990 and 1994, and by 8.5 percent between then and the end of the decade. When the housing price bubble burst, the real median home price in Camarillo plummeted by more than 30 percent, slightly more than the county average of 28.2 percent.<sup>20</sup>

It was in this climate that the Meadows at Mission Oaks project was proposed in 1990. By the time the project was built almost a decade later, the real estate market had rebounded and the real median home price had risen by 27 percent over its 1995 level, but still was nearly 12 percent below its 1990 high.<sup>21</sup>

That it took so long to build the Meadows project has more to do with the real estate market than with the city's review and approval processes. In fact the city's stance during that time has been characterized as moderately growth-promoting.<sup>22</sup> With a jobs-to-housing ratio of 1.6, it is on a par with Thousand Oaks.<sup>23</sup> Though the city established a maximum build-out population in 1986, it has distributed the housing unit allocations using a consistent set of standards that, unlike Ventura's process (described later), lays out a predictable path to development entitlements.

The Meadows at Mission Oaks project occupies the northwest portion of the area comprising the 211-acre Pitts Ranch Specific Plan (PRSP) in the city of Camarillo. Lying to the south of Upland Road, it is also bounded by Flynn Road on the east, the Southern Pacific Railroad tracks and Lewis Road to the west. To the south, there is a landscaped buffer dividing it from an area designated for industrial development. Until development began, Pitts Ranch was a lemon grove. It adjoined St. John's Seminary, which is located on the

north side of Upland Road. When the Pitts Ranch Specific Plan was drawn up, both the Pitts Ranch and land belonging to St. John's were included. The Meadows was built on a portion of the latter property.

The area occupied by the Meadows is shown in the Pitts Ranch Specific Plan as a 33.8-acre parcel carrying a Residential-Low Medium (R-LM) designation of 10 dwelling units per acre. Another 8-acre parcel was set aside for R-LM in the southern portion of the plan area. Theoretically, the Meadows project could have accommodated 338 homes, or 80 percent of the total set aside for R-LM in the specific plan area. The amount of acreage that comprises the site was a continuing matter of discussion, however, and was revised several times prior to project approval. But up until late in the project's history, its developers consistently adjusted their plans to conform to the 10 units per acre density specified by the specific plan.

When Village Properties first submitted project plans to the city in December 1990, the company had estimated the site at 29.4 acres and designed a 299-unit attached condominium project.<sup>24</sup> In May of 1991, surveyors re-calculated the size of the parcel and then determined that it was only 28 acres. Accordingly, revised plans were drawn showing 280 units in clustered 2- to 6-unit buildings, still right on the mark of 10 dwelling units per acre. These plans were approved, but carried a condition that the tract map could not be recorded nor construction started until a final plan for Calleguas Creek had been submitted. The applicant also requested that the development allotments necessary under the city's growth management ordinance be awarded to him from the 1992 allotments.

In early 1992, approved plans and allotments in hand, Village filed for a modification that would allow it to record its map and develop the site prior to the completion of the Calleguas Creek Study. The study was being managed by Pardee, another developer in the specific plan area whose property was adjacent to the creek. A dispute between the city and Pardee regarding a mobile home site was holding up the study's finalization. Since its condominium project was not near the creek, Village Properties asked for relief from the condition. No action was taken on the issue, however, and in March of 1993, the developer requested a one-year time extension on that basis. It was approved, and in August the city council finally approved the deletion of the condition of approval related to the Calleguas Creek Study, clearing the way for Village Properties to record its map and begin construction.

In December 1993, the developer once again requested a plan modification. Yet another site survey had determined the parcel to be only 26.9 acres. It is unclear what the problems were in accurately determining the size of the parcel. Contributing factors may have been the proximity of rights-of-way for the future widening of Upland Road and for the Southern Pacific Railroad tracks. In order to mitigate the noise of the railway, a sound-attenuating wall of block, earth and plants was designed. The width of this structure may have reduced the useable space.<sup>25</sup> Whatever the reason for the corrected acreage, Village adjusted the number of units, reducing them from 280 to 266. Despite the approval of these changes, the developers still did not break ground. With the difficulties in complying with ordinances resolved, "the market" now entered the picture.

Changes in real estate market conditions and in construction liability laws prompted Village to apply for yet another modification in late 1995. Based on its experience with another attached condominium project, which was suffering from lagging sales, Village had deduced that current buyer demand was for detached units. This, coupled with its concerns about its ability to get construction liability insurance for attached units, prompted Village to ask permission to build 221 detached condominium units rather than the 266 attached ones for which it had entitlements.<sup>26</sup> With only 221 units on 26.9 acres, the density was now reduced to 8 units per acre and the Village once again had a set of approved plans.

This was the critical decision in determining the final density, and it was apparently made by the developer for solely market-based reasons. Had Village pursued a single-family scenario on the property, it almost certainly would have occurred at an even lower density, because—even with detached units—a condominium project still did not need to meet single-family setback requirements. As it was, however, the decision to "pull apart" the units reduced the project's density by some 1.5 units per acre.

Five years later, the project still had not been built. Village continued to apply for time extensions, apparently trying to weather the dismal real estate market conditions. Prior to construction, Village sold the property to Pardee, which finally built the units in 2000. Asking prices for the units ranged from approximately \$300,000 upward.<sup>27</sup>

Though the number of units steadily decreased through the development history of the Meadows project, density was not reduced until late in the game. Even then, it wasn't city staff or adjacent property owners who drove the process. Rather, the density decline occurred for two reasons. First was the "devil in the details." Repeated property surveys steadily diminished the developable area of the parcel. Second was the role of "the market," or at least the developer's concerns about construction defect liability and product type, which were not a local land-use regulatory issue. Village Properties is defunct, and those who worked for it and might have explained why it took so long to get the details right are apparently no longer in the industry. Tony Bowden, who was the Development Director at the time and had an encyclopedic knowledge of development in Camarillo, is deceased. It is clear, however, in the memories of others involved and from the published public record that in this instance the density reductions were made solely at the behest of the developer in response to a market experience he interpreted as a consumer preference for single-family detached units.

## Part 6

# Fillmore: Riverwalk

By far the largest differential between theoretical and approved density found in these case studies existed in the Riverwalk project in Fillmore. The initial application represented about 54 percent of the maximum allowable density; the plans finally approved were at 45 percent. As is often the case in highly political circumstances, the reductions were a result of a complex *mélange* of all five possible explanations.

With an area of three square miles and a year 2000 population of 13,643, Fillmore is by far the smallest city in the study and one of the fastest growing. Traditionally, Fillmore was a citrus packing town in the Santa Clara Valley, far from most urbanization. It is perhaps best known for its picturesque 1920s downtown, and a majority of its residents are Hispanic. Much of its recent growth is attributable to its increasing role as a bedroom community for Ventura, which is located 20 miles to the west. Continued population and job growth in Santa Clarita (20 miles to the east) has also created more urbanization pressure.

Through the 1990s, population growth outstripped housing production. While its population was growing at a double digit pace during the decade (13.8 percent), housing expanded by only 4.4 percent from 1990 to 1994 and by an even lower rate of 3.4 percent between 1995 and 2000. Meanwhile, the median house price increased by nearly 35 percent—the second-highest rate of increase in the county.<sup>28</sup> To some extent this increase was certainly fueled by the competition of buyers for homes in this relatively affordable community, but it was also affected by the conscious effort of the city council to move the city up-market. While Fillmore did not adopt SOAR boundaries at the ballot box (but rather at the city council level after seven other cities had voted to impose them)<sup>29</sup> and does not have any other growth management policy,<sup>30</sup> neither does it give free rein to development. Rather it relies on its general plan and zoning ordinances to control growth and direct developers into the markets the city wants to see developed, as the Riverwalk project illustrates.

The 28.95-acre area that would become Riverwalk was the mish-mash remainder of agricultural acreage held by multiple owners, who had carved up their individual properties over the years to accommodate the surrounding development. It butted up against State Route 23 to the east. River Street and existing single-family residential development lay to the north, to the west lay undeveloped land and the city's sewage treatment plant, and to the south the Santa Clara River. The parcel was not an economically viable agricultural property, and was not in an agricultural preserve. Though it lay alongside the river, the property was not included in the floodplain on FEMA maps. The Fillmore general plan designated the area as Residential Medium, which provides for 7 to 11 dwelling units per acre and, theoretically, between 200 and 318 units could have been developed on the parcel.

These attributes suggested to Lynn Jacobs, president of Ventura Affordable Homes, Inc., that the site would be a perfect place for an affordable housing project much like one she had developed recently in Ventura.<sup>31</sup> She undertook to acquire the property, and in late 1996 she approached the city with a plan that would have put approximately 7 affordable single-family houses per acre on the site. The project that was ultimately approved provided 4.97 units per acre, barely more than 70 percent of Jacobs' original proposal and the low-end of the density range assigned in the general plan. No affordable units were included.

Opinions among the participants on what led to the knockdown in density differ. From the developer's standpoint, the city made it impossible to develop within the 7 to 11 units per acre density range provided for in the general plan, and in so doing priced the homes that could be built there out of the affordable range. But in the city's view, expressed by City Planner Kevin McSweeney, it was the developer who drove the density reduction by requesting to build single-family homes in an area that theoretically could have been developed with multi-family residences.<sup>32</sup>

McSweeney had expected that apartments would be proposed for the property. The rationale he recalls Jacobs giving for proposing the single-family development was "that is what sells." Though the city was grappling with the housing targets assigned by Southern California Association of Governments, McSweeney indicates that city officials were not in all respects disappointed that multi-family housing was not being proposed for this particular location.<sup>33</sup> They suspected the local political environment would not have supported it. When Jacobs came in with her single-family proposal, the city planning commission played its "devil-in-the-detail" card and noted that the zoning ordinance set minimum lot size in single-family residential at 6,000 square feet.

Still intent on building affordable housing but knowing that the 6,000-square-foot lot size would preclude this, Jacobs argued in the pre-application process in early 1997 that the city's development permit allowed the city to relax its minimum lot size in return for design concessions. In September 1997, she submitted plans for 162 units, or 5.6 per gross acre, but as negotiations continued and the city laid out the mitigations it would require, she became convinced that the city had no intention of allowing affordable units at that location. The amenities package initially requested included a 2.86-acre linear park, a horse trail, improvements to the adjacent sewer treatment facility, a grid-patterned street design, parkways, neo-traditional architectural features and utility line undergrounding that extended beyond the borders of the project. These, Jacobs believes, indicated that the city was consciously pricing the property out of the affordable range. From the city's perspective, these pointed strictly to its desire to apply "new urbanist" design principles.

Jacobs regrouped and joined with Kaufman and Broad to redesign the development to include 162 homes, upgrading the architectural details and incorporating the neo-traditional designs features that city council and staff had suggested. Pressing her point that the city's ordinances allowed for lots of less than 6,000 square feet with the approval of a development permit, Jacobs continued to negotiate with city staff over lot size. When the application was deemed complete in March 1998, staff and developers had compromised—the number of units being proposed had been reduced from 162 to 152, or 5.25 units per gross acre; the average lot size was 5,265 square feet. But at estimated selling prices of \$175,000 to \$250,000, the homes were no longer priced in the "affordable" range.<sup>34</sup> Nevertheless, the applicant's name—Ventura Affordable Housing—generated substantial and persistent opposition to the project among adjacent property owners.

At the July 1998 planning commission hearing on the 152-unit plan, Jacobs responded to the staff report by pointing out that the lot sizes included in her plan were substantially larger than those of surrounding

developments. The commission reiterated its desire to see standard 6,000 square foot lots. One commissioner went so far as to suggest that the developer acquire more land south of the levee in order to increase lot sizes. Several area residents spoke against the project, citing the substandard lot size and their concern that houses on small lots would likely become HUD rental units. The hearing was continued and the applicant advised that the commission wanted, among other things, to see larger lots. That desire was restated at the subsequent continued hearings in August.

At the September 3, 1998, meeting, Jacobs presented new site plans to the planning commission, apologizing that they had not been available earlier.<sup>35</sup> The developers had eliminated all lots under 5,000 square feet, which along with a street change had eliminated two lots. Staff asked that the site plan and footprints be submitted to staff rather than be reviewed by the commission on the spot, and the commission agreed. But following public comments, the commission indicated that the applicant had not sufficiently addressed their concern about lot size. During commissioners' comments, it was suggested that the applicant reduce the number of units—this time to 140 (4.8 units per acre)—and redesign the project so that the minimum lot size would be 6,000 square feet. The hearing was continued for two weeks, and when that hearing was concluded, the commission validated the 5,000-square-foot minimum lot size, but required that the median lot size be 5,800 square feet. As explained later by McSweeney, who was the case planner at that time, this continued insistence was based on the planning commissioner's belief—one shared by the city council—that buyers came to Fillmore looking for larger lots than were available in the more urban settings of Santa Clarita or Ventura County's coastal cities.

Jacobs reworked the plans, and in October 1998 she returned to the commission with a plan for 144 units, or 4.97 units per gross acre—62 percent of low end of the density range shown in the general plan. The average lot size was now 5,500 square feet but the median was 5,200 square feet, not the 5,800 square feet the commission has requested. Despite this, city planning staff supported the plan, citing the design and infrastructure concessions as justification for allowing the smaller lot sizes. Though several members still pressed for 5,800-square-foot median lot size, after two failed motions, the commission finally recommended approval of the project to the city council, but not without reiterating its desire to have larger lot sizes.

In December 1998, the city council approved the development with the median 5,200 square foot lots, finding that the design of the project warranted the deviation from the 6,000-square-foot standard established in the zoning ordinance for single-family homes. Among the mitigating benefits were:

1. A new levee designed not only for safety but also for aesthetics;
2. A park nearly twice the size that would have been required by the city's park and recreation land dedication ordinance;
3. Payment of half of the fees that would have been assessed in lieu of park provision;
4. Incorporation of traditional neighborhood design features;
5. Street lighting upgraded to the nostalgic "Fillmorean" poles used in the civic center;
6. Rubberized asphalt paving on subdivision streets;
7. Landscaped parkways between the street and the sidewalks; and
8. An odor attenuation system for the city's sewage treatment plant.

Though Ventura Affordable Housing had acquired the necessary approvals, the company did not go on to build the project, but sold the entitlements to Greystone Homes in mid-1999.<sup>36</sup> Greystone then joined with Western Pacific Housing to form Grewes LLC, and in February of 2000 briefly floated a proposal to modify the plan to include 103 duplex housing units and 71 single-family homes. This would have increased the number of units per acre to 6, but the officials' response to the revision prompted Grewes, to withdraw the proposal from further consideration.<sup>37</sup> Instead, the partnership later applied for and received approval of a plan modification that allowed the inclusion of more single-story homes than had been proposed by Jacobs' firm, but did not increase the number of units. Hence the density remained at 4.97 units per gross acre.

The homes eventually sold for prices ranging upwards of \$200,000.<sup>38</sup> Though city officials had expected buyers to come from northern Los Angeles County, as it turned out the majority came from Ventura County, specifically Ventura, Camarillo and Santa Paula.<sup>39</sup>

It is arguable that the density reduction in the case of Riverwalk was introduced by the developer, but only to the extent that she opened a window of opportunity for the city by requesting single-family homes in an area zoned to accommodate multi-family residences—a proposal based in part on her reading of the marketplace. Jacobs had accurately gauged the city's reluctance to develop single-family projects at the high end of the MDR range of 7-11 units. It is doubtful, though, that a multi-family project of any size would have been approved on the site. It was clear from the outset of this case that the adjacent community favored lower-density development, and the concerns raised in public hearings about HUD rental units indicate there would have been vociferous opposition to a multi-family project. While City Planner Kevin McSweeney indicates that he had waged an ongoing campaign to have the planning commission relax their focus on density in favor of neighborhood design, they remained intent on increasing lot sizes in this project even as they handed the project off to the city council.

In the case of Riverwalk, then, the density reductions came at every point along the path to approval, and all possible explanations played a role. The developer, taking the market into account and using staff's input to gauge the city's mood (politics), proposed a single-family project at the low end of the density range allowed; planning staff and city officials decreased the density in the pre-application stages by requiring neo-traditional amenities (politics and devil in the details); the city planning commission in the public hearing process (myopia and growth aversion) ratcheted the density down further, though not as far as some commissioners might have liked.



## Part 7

# Oxnard: Vintage at the Rose (Tierra Vista)

Vintage at the Rose offers a rare example of a city's adopting a general plan and adhering faithfully to it. In this case politics trumped the market. Despite the developer's argument that consumers would prefer single-family residences to the multi-family residences that were called for in the Northeast Community Specific Plan, the city staff's resolve to stick to its plan was unwavering.

Located in the heart of the Oxnard plain, Oxnard is the largest city in Ventura County (182,000 residents) and, during the 1990s, it was the second-fastest growing, behind only Moorpark. It is heavily Hispanic and has a younger population than the county on average. It is also more crowded, with more than 30 percent of housing units having more than one person per room.<sup>40</sup> With an area of 24 square miles, it is far from the largest of the study cities in terms of geographical size, but it is the most hospitable to a variety of housing types. Despite this, Oxnard's housing production is not keeping up with population growth. While the population grew by 19.8 percent over the last decade, housing units increased by slightly less than 11 percent. The majority of this growth occurred between 1995 and 2000.<sup>41</sup>

Vintage at the Rose, which would later be renamed Tierra Vista, was proposed and built in this latter time frame. The property is located in the northeast section of the Oxnard's Northeast Community Specific Plan (NECSP) area, an area just south of the emerging retail corridor along Highway 101 in Oxnard, a few miles west of Camarillo. The project is bounded by Graves Road on the east and Wankel Way to the north. A greenbelt lies to the west, providing a visual buffer between the property and similarly zoned property to the west. Socorro Way forms the southern boundary and beyond it a Low Medium Residential (LMR) area.

The NECSP was adopted in 1993 "to provide a guide for orderly growth and development of a portion of the Northeast Community..."<sup>42</sup> It covered an area of 856 acres, which originally comprised 21 parcels. As part of the adoption process, a General Plan Advisory Committee was formed and drafted a preferred alternate land use pattern, which was compared to that proffered by specific plan area property owners among others. Neighboring communities of Rio Linda and La Colonia also were consulted. As a result of the public input process, it was agreed that 3,411 dwelling units would be appropriate for the area. Of these, 1,427 (41.8 percent) were allocated to Low Density zones, 940 (27.6 percent) to Low Medium Residential, 908 (26.6 percent) to Medium Density and 136 (4.0 percent) to Manufactured Housing.

The site on which Vintage at the Rose was eventually built was assigned a Medium Density Residential (MDR) designation, which allowed 12-18 dwelling units per acre. Covering approximately 23 acres, the site

was allocated 405 units—the maximum 18 dwelling units per acre—or nearly half of the total allotted for the MDR designation. The property immediately to the south of the Vintage at the Rose site (and bounded north and south by Socorro Way and a greenbelt respectively) was designated as Low Medium Residential (LMR) and given a limit of 92 dwelling units.

In January of 1998, SIA, Inc. submitted a site plan for review that largely ignored the NECSP. It proposed apartments on 36 acres—the 23 acres that carried the MDR designation and approximately 13 that carried a LMR designation. With an average density of 11 units per acre, the density would have fallen between the allowances for the LMR (7-10 du/ac) and MDR (12-18 du/ac) zones. The 384 units proposed represented less than 80 percent of the 497 units allotted to the two areas by the NECSP. The city council was unimpressed with the proposal, and indicated that the developers should familiarize themselves with “...the design intent of the NECSP as well as the city’s vision for a more livable community” before redrawing and resubmitting.<sup>43</sup>

Subsequently, the developers submitted new plans showing 496 units on the 36 acres, which increased proposed density to 14 units per acre, and they asked the city council for further design direction. When the project was reviewed by the city council in April of 1998, the fact that a portion of the project was within the LMR zone became an issue. The applicant was advised to go back to the drawing board and confine the apartments to the MDR portion of the property.<sup>44</sup>

Matthew Winegar, the city’s development department director, relates that there was very little negotiation over density going on anywhere in the city during the 1980s and 1990s. Particularly within the confines of the NECSP boundaries, there was no incentive to propose something that didn’t conform to the plan and the EIR. The city, in adopting the NECSP, intended to provide housing for the city’s industrial workers and for employees they expected to work in adjacent high capacity office districts. Its intent was to provide a variety of housing opportunities while maximizing housing capacity and creating a critical mass to support local retail. Planning well in advance had allowed them to avoid neighbor disputes in the NECSP area.<sup>45</sup>

While the SIA project was more than one-half mile away from the nearest residential development (which was south of Camino Del Sol), it was not consistent with the NECSP. This meant that SIA could not rely on the Environmental Impact Report that had been adopted as part of the plan approval process but would have to prepare a supplemental EIR, at the minimum. Additionally SIA would have had to initiate a plan amendment and take on the substantial costs and risks that effort would involve. With both of the communities involved in the adoption of the NECSP on record as favoring lower density development, vocal opposition was to be expected.<sup>46</sup>

The project SIA subsequently submitted in the summer of 1998 was confined to the MDR zone and proposed 404 units on a 22.5-acre parcel, exactly the density allowed under the NECSP. Plans consisted of two- to three-story apartment buildings, a single-story community building, 2 pool and spa areas, and accessory buildings. As proposed the project was strictly market rate, but the NECSP called for a 10 percent set aside for low- and very-low income housing. Pressed by the city to include the affordable units, SIA proposed to work with another developer to provide the units off-site. That proposal was rejected.

When the project went before the planning commission in October of 1998, it included 40 affordable units on-site and evenly dispersed throughout the project. The project as proposed was exactly what the commission expected to see and was willing to approve. There was no opposition to the project. It was the first apartment complex with more than 100 units to be proposed and approved in Oxnard in 20 years.<sup>47</sup>

SIA decided in late 1998 to pursue bond financing for the project. That entailed no changes in the plans, but would have included 81 affordable units. The bond issue was approved by the city council in January of 1999, but was never used for the project. SIA sold the project to Essex in 2000 and, according to Oxnard Housing Director Sal Gonzales, Essex wasn't interested in using the public financing.<sup>48</sup> Instead they reduced the number of affordable units to the 40 required by the inclusionary housing provisions of the NECSP and renamed the project Tierra Vista.

The remaining 13 acres of SIA's original proposal are currently being developed by SIA in partnership with another developer as a 90-unit single-family housing tract. Under the NECSP that property had been allocated 92 units. In terms of density, the property was restricted to seven units per acre, on the low end of the range allowed by the LDR designation.

Vintage at the Rose was built to the highest density allowed by the NECSP, but the density range was less meaningful here than the number of housing units assigned to the site. SIA could have proposed to build as few as 276 units and still have been in compliance with the NECSP range assigned to the parcel. But given the city's determination to implement the NECSP, it is unlikely the city would have been encouraged to build less than 12 units per acre. In contrast, the cap of 92 units imposed on the LDR property immediately to the south restricted density there to the low end of the range allowed by the NECSP. If only the density range had applied, as many as 130 units might have been developed there.

Within the NECSP in Oxnard, the negotiations on density were hammered out in the specific plan approval process when the total number of housing units was divvied up among the various sites. The EIR predicated on those allocations served as a strong disincentive to requesting use changes or increased density. It would have presented less of a barrier to density decreases. Staff, however, was firm in demanding a plan that squared with the NECSP. As noted above, the city council was not open to negotiations concerning changes in density, and the staff was aware of this political situation. The staff also felt there was sufficient demand for multi-family units to warrant its insistence on building to the full density allowed. Though not all developers may have agreed with the staff's reading of the market at the time, experience has supported the staff's view. Tierra Vista, as Vintage at the Rose is now known, has occupancy rates that routinely range between 93 percent and 95 percent<sup>49</sup> and full-market rents that ranged from \$1,140 to \$1,910 per month in March, 2003.<sup>50</sup>

## Part 8

# Simi Valley: Rancho Madera

In Rancho Madera, we once again saw an interplay between the market and the “devil in the details.” Viewed in light of the general plan, the density reduction was severe, but what was approved was in line with the Rancho Madera Specific Plan. Topography played a large part in the knock-down, as we will see.

At 115,000 people, Simi Valley is the third-largest city in Ventura County and one of two cities adjacent to Los Angeles. It is located along Highway 118 just a few miles west of the San Fernando Valley (part of the city of Los Angeles). During the 1990s, Simi Valley's population grew by 11 percent, and the city produced more housing than any other city in the county except for Thousand Oaks (4,662 units or a 14.2 percent increase).

Simi Valley is geographically large (39 square miles) and contains a wide variety of suburban-era neighborhoods, from 1950s and '60s subdivisions featuring large lots but modest homes to high-end master-planned communities such as Wood Ranch, which is located in the southern portion of the city near the border of Thousand Oaks. It is in this more upscale part of the city that the Ronald Reagan Presidential Library is located—and Rancho Madera, the subject of the Simi Valley case study, is positioned just down the hill from the library along Olsen Road, a major arterial.

In its 1988 general plan update, the city of Simi Valley dedicated the 43-acre-plus Rancho Madera area almost exclusively to senior citizen-serving uses, with about 5.5 acres reserved for general commercial uses targeted to senior needs. Requiring a specific plan to be prepared prior to development, the general plan explicitly called for development “to offer senior citizens a variety of residential and residential/care life styles.”

While the general plan indicated preliminary projections of the number of units, it also noted that the Hillside Performance Standards (HPS) would determine the actual number of units that would be allowed. Potential densities ranged from a maximum of 50 dwelling units per acre in the 7.5-acre area designated for very high density to a minimum of 10 units per acre in the 30.2 acres shown as high density, but the “appropriate” number cited for the area was 404 units plus 59 beds in a skilled nursing center.

When project planning began for the parcel in 1989-90, the real estate market was still quite strong. The Rancho Madera Specific Plan was designed as a senior-oriented neighborhood, but it had far fewer units than had been envisioned in the general plan. With the Hillside Performance Standards taken into account, total dwelling units were reduced to 201, or half of the number cited in the general plan. But the skilled nursing/continuing care facility, now planned with 99 beds, had been nearly doubled in size.

By the time the specific plan was approved in 1991, the real estate market had begun to slump. Both housing prices and rents dropped in the area and weak demand for senior housing delayed the start of the project. Not until 1996 did the market begin to rebound, but even then developers were still leery of building so large a project aimed solely at seniors. Kaufman and Broad (K&B), which had acquired rights to the property and submitted a preliminary application for the parcel in 1997, noted that, based on its assessment, a large market rate senior complex was not economically viable.<sup>51</sup> Consequently K&B proposed amendments to both the general plan and the valley floor map that would remove Hillside Performance Standards from certain portions of the property and would reduce the seniors-only portion of the project to 3.5 acres. The intention was to build single family homes for unrestricted sale on approximately 24 acres. The commercial portion of the property would be retained if the city so desired.

By the time the project was to be heard on October 27, 1997, it was clear to K&B that city staff was not supportive of any bid to amend the valley floor map, and would not recommend approval of the project as configured in the proposal. Consequently, at the planning commission hearing K&B expressed its “willingness and commitment to work with the City to create a project that is consistent with its wishes and requirements.”<sup>52</sup> The request to amend the valley floor map was withdrawn, but K&B asked for immediate consideration of the GPA request since without it K&B would not be able to include market-rate detached housing. Because this product would be necessary to pay for the majority of the development’s infrastructure, K&B was anxious to nail down the change, but it would have to wait for the GPA approval.

Apart from market considerations, K&B was particularly eager to finalize project plans and move the approval process ahead quickly because it already had \$10.7 million in federal tax credit allocations in hand to provide financing for the affordable senior housing component of the plan. These allocations were not renewable or transferable, and would expire if, within 24 months of their award, the qualifying apartments had not been constructed. Since the allocations would leverage an additional \$7 million, losing them would be extremely costly for K&B. City staff was sensitive to these timing issues, but also used the additional leverage to press their desire to have active senior apartments included in the project and negotiated the project design with the developer.<sup>53</sup>

With guidance from city staff, K& B revised its plans and, in early November 1997, submitted a proposal that increased the senior-oriented uses to 8.6 acres and reduced the density on the single family portions to match that of the HPS Residential Moderate designation. This configuration, by K&B’s calculations, would have permitted construction of 79 single-family units and more than 250 units of senior apartments and assisted living space.<sup>54</sup> In a follow-up letter, K&B acknowledged the city’s desire to retain zoning standard control over the project, control that might be ceded if the specific plan requirement was dropped. In answer to this concern, K&B proposed to submit a vesting tentative tract map and a planned development permit.

In mid-November, the city council authorized K&B to file for the necessary approvals. The proposal that went forward to the planning commission for review included 75 single-family homes and 136 senior-only apartments. Sixty-seven apartments were to be reserved as affordable units. The number was chosen to avoid the condition imposed by Article 34 of the state Constitution, which would have required voter approval before the affordable units could be constructed.<sup>55</sup> Also included was a 97-bed residential care facility site, which K&B intended to offer to other developers.

<b>Table 4: Land Use Designation</b>			
<b>Land Use Designation</b>	<b>Units</b>	<b>Acres</b>	<b>Units / Acre</b>
<b>Simi Valley 1988 General Plan</b>			
▪ High Density / Seniors	364	22.69	16.04
▪ Assisted Living / Seniors	99	7.53	13.15
▪ Very High Density / Senior Care	150	7.51	19.97
▪ Commercial Center	0	5.64	--
▪ Total Units	613	43.37	14.13
<b>Rancho Madera Specific Plan</b>			
▪ High Density / Seniors	201	21.78	9.23
▪ Continuing Care / Seniors	99	2.06	48.06
▪ Open Space	0	16.25	--
▪ Commercial Center	0	3.45	--
▪ Total Units Including Congregate Care	300	43.54	6.89
<b>November 1997 GPA Proposal</b>			
▪ Very High Density / Seniors	129	8.63	14.95
▪ Moderate Density	79	23.86	3.31
▪ Open Space	0	11.05	--
▪ Total Units	208	43.54	4.78
<b>June 1998 GPA Proposal</b>			
▪ Residential Moderate	75	23.87	3.14
▪ Residential Very High	136	5.48	24.82
▪ Residential High	97	4.08	23.77
▪ Open Space	0	10.11	--
▪ Total Residential Units	211	43.54	4.85
▪ Including Congregate Care	308	43.54	7.07

The major reduction in permissible density on the Rancho Madera parcel was imposed during the HPS review when the slope analysis was conducted. Approximately 50 percent of the site was found to have slopes in excess of 15 percent, and hence restricted severely in the number of units allowed per acre<sup>56</sup>. The slope analysis was used with the 1988 general plan zoning designations to determine that a maximum of 251.6 units could be constructed—149.9 in high density areas and 101.7 in very high density areas—for an overall density of 5.77 units per acre. The reduction from 79 to 75 units that occurred in the final stages of design was a result of working with the setback, parking, and open space design constraints.<sup>57</sup> Tom Preece of Simi Valley’s Environmental Services Department suggests it is appropriate to omit assisted living, continuing and congregate care facilities from density calculations, as these are considered commercial uses and are allowed in residential zones only by special use permit. If this is done, the residential density approved for the tract was 4.85 dwelling units per acre. While this is only 84 percent of the HPS allowable density, it is 101 percent of the density proposed in the 1997 general plan amendment. When congregate care facilities are considered, the units-per-acre figure rises to 7.07, which is 103 percent of the total density including congregate care allowed by the Rancho Madera Specific Plan.

The density decisions in this case were driven primarily by the “devil in the details” of the inflexible Hillside Performance Standards. Once the maximum number of units was established by that process, the developer and city staff worked to fine-tune the development to meet their respective needs. Here both the market and politics came into play, with city staff using market knowledge to their political advantage with respect to the

ticking time-bomb tied to the federal tax allocation credits. By all accounts, both sides took design constraints and market analysis into consideration in deciding how the allowed number of units would be allocated between single-family detached, active senior housing and assisted senior living facilities. Here, the forecasts were not uniformly accurate. The first two residential types have been built as planned, but the demand for congregate care facilities has remained sluggish and the area designated for this use has not yet been developed.

## Part 9

# Thousand Oaks: Tract 5095 within Dos Vientos Ranch

Though we found evidence of many of our potential explanations of density reduction in the case of Tract 5095 in Dos Vientos Ranch in Thousand Oaks, most actors had long since exited the scene because the knockdown had occurred as part of the specific plan approval process well before the tract was designed. In the tract approval process itself, the city officials stood firm to defend the density allowed by the Dos Vientos Specific Plan No. 8/9, and a factor not found in the other case studies proved to be the most influential.

Thousand Oaks occupies a unique position in Ventura County. Originally developed as an executive suburb for the San Fernando Valley, it is now the county's most affluent city as well as one of its most important job centers, thanks largely to Amgen Corporation, a leading biotech company headquartered in Thousand Oaks. Many of the early Thousand Oaks neighborhoods—such as Westlake Village, which actually straddles the county line between Ventura and Los Angeles Counties—were pioneering high-quality suburban developments in the 1960s. Furthermore, Thousand Oaks is unusual in the sense that the city laid out a forward-looking general plan in 1970 and has, generally speaking, stuck with it ever since.

For this reason, Thousand Oaks has continued to deliver housing production despite a slow-growth reputation and the fact that it is rapidly approaching buildout. At 121,000 residents it is the second-largest city in the county after Oxnard, and between 1990 and 2000 its population grew by 12 percent. More than 5,000 housing units were added during that time for a 13.3 percent increase.

The area known as Dos Vientos Ranch is situated on the far southwestern side of the city, and stretches across the rolling savannah that lies south of the US 101 freeway. It butts up against the ruggedly scenic Western Plateau area. The 1970 general plan initially proposed 2,900 housing units for this area, but when the Dos Vientos Specific Plan No. 8/9 was approved in April of 1988, the total number of units had been reduced to 2,350 units, of which 225 were to meet affordability criteria and 125 were to be seniors-only, market-rate units. Attachments to the city council resolution recording that decision noted that these “density reductions have been imposed as a means to mitigate to acceptable levels potentially adverse cumulative effects including traffic, noise, schools and air quality impacts identified in the Final EIR dated February 9, 1987. Therefore, approval of these Specific Plans does not permit the maximum number of residential units identified below (2,350) to be exceeded...”<sup>58</sup> At the same time, the council amended the general plan to reflect the change.



By the time that tentative tract 5095 and the related residential planned development (RPD) permit applications were submitted by Courtly Homes, a decade had passed. The tract had originally been planned for 175 homes and, as a general condition imposed by the community development department, this number was set as the maximum density for the development.<sup>59</sup> But as the project went through the formal pre-application process, minor refinements were made to the plans. The plans that went forward included a site for a daycare center, and the number of homes was reduced to 168. That change reduced the density of the tract from 3.54 to 3.40 units per net acre; however this was still in the range (2.0 to 4.5) and above the average of 3.25 units per net acre designated for the area in the Thousand Oaks General Plan.

Since the specific plan approval and general plan amendment in 1987, a subsequent EIR (FSEIR 301, dated June 27, 1994) had been certified as having fully analyzed the environmental effects of 2,350 new residential units. The planning commission resolution approving tract 5095, its RPD, and several other tentative tract maps referenced this certification and stated assertively:

*...the City has made a commitment to specific land uses, residential densities and the number of new residents generated by the project. Therefore, the question of new development is not a consideration. (Resolution No. 98-167) (emphasis added)*

Perhaps this was meant to quiet opposition to the developments, as the size and scope of the Dos Vientos Specific Plan had made its approval process a fairly contentious one, but the strategy was successful only to the extent that it narrowed the debates. While none of the individual tract approvals generated specific opposition to their design or mix of land uses, they were still individually contested on the basis of cumulative noise and traffic impacts. These concerns are often raised as reasons to rein in growth. Tract 5095 generated relatively moderate attention on these grounds during its approval process.<sup>60</sup> In response to these concerns, the tract's developers were assessed nearly \$500,000 in fees to mitigate the projected traffic impacts, but mitigation of noise impacts was deemed infeasible. Despite these and other unavoidable impacts, the planning commission found that the benefits to be derived by the city from the project were sufficient to warrant adoption of a statement of overriding considerations as they approved the tract map on a split vote on June 22, 1998.<sup>61</sup>

Within two weeks, the community development director appealed the planning commission's June 22<sup>nd</sup> decision. While the policy and procedure for density transfers within the Dos Vientos plan area was a major issue, the grounds for appeal hinged on the reduction in the amount of commercial acreage shown in tract 5096 and the impact this would have on surrounding tracts, tract 5095 included. Previously 9.2 acres had been determined as the minimum area required for an economically viable neighborhood shopping center. As approved, the commercial acreage was now only 7.3 acres. Coupled with density increases and transfers in tract 5094 and tract 5095, this prompted the community development director to point out that sufficient provisions for local shopping opportunities had been identified in both final EIRs associated with Dos Vientos as a mitigation measure to reduce off-site traffic impacts and to lessen traffic-related adverse air quality impacts. With the reduction in size, he contended the commercial acreage was no longer sufficient to serve as mitigation. The city council upheld the planning commission's decision regarding the density transfers, but seemed to acknowledge that increased off-site traffic impacts would result from the smaller commercial site.<sup>62</sup> In partially granting the appeal, the council established the tract's pro rata share for a future bridge-widening project on Wendy Drive and so amended the conditions attached to the tract in ratifying its approval.<sup>63</sup> At the same time, the council also ratified, without changes, the accompanying RPD 917-517, which gave Courtly Homes permission to construct 168 single-family detached dwellings.<sup>64</sup>

While construction had already begun in many phases of tract 5095, the daycare center site was still vacant in February 2002 when the Western Plateau Preservation Plan was heard by the city. As part of that plan, an application was made to re-subdivide that 3.83-acre site into seven lots. Entitlements for seven single-family residences were also requested. Both requests were granted as part of a 17-application package that amended the city's general plan and the Dos Vientos Specific Plan by adding 191 acres to the city's inventory of permanently protected open space. The compound result of the council's actions on the Western Plateau Preservation Plan was to reduce the maximum number of housing units that could be built in the Specific Plan 8/9 area by four units, to 2,346.<sup>65</sup> It also lifted age and affordability restrictions on housing built there.<sup>66</sup> Starting prices on houses in the most recent phase of the Villa Encanto subdivision within tract 5095 were advertised as being in "the low \$500,000's."<sup>67</sup> Prices in adjacent subdivisions currently start at \$650,000.<sup>68</sup>

With the additional seven-unit entitlement, the density of tract 5095 is once again at 3.54, solidly in the middle of the density range established in 1988. In protecting 191 acres of Western Plateau land from development, the city reduced the total number of units allowed in Specific Plan 7 by 128, but in Specific Plan 8/9 they were reduced by only four.

The city has generally maintained the density established for the Specific Plan 8/9 area by allowing density to be transferred between tracts. The city's resolve to stand firm against residents' growth-averse assaults on Specific Plan 8/9 stems, at the least in part, from development agreements with the area's master developers—a factor not present in our other case studies. These stipulate the minimum number of residential unit entitlements will be equal to the maximum number of units permitted by the specific plan.<sup>69</sup>

## Part 10

## Ventura: Nichols Ranch

The Nichols Ranch case offers an example of growth-resistant myopia. The Juanamaria Specific Plan, which had been adopted in 1989, was not embraced by current residents. They strongly opposed the initial project proposed for the parcel in conformance with the Juanamaria plan. This opposition finally led to the city's bringing in professional mediators to preside over a consensual planning process.

Commonly known as Ventura, the city of San Buenaventura is the county seat, stretching from the ocean inland along the Highway 126 corridor for some nine miles. Comprising 21 square miles, it had a population in 2000 of about 101,000—a 9 percent increase over its 1990 population. The 2000 median house price of \$233,800 represented a 33.6 percent increase in real terms over the 1995 median house price. This rapid rise, third fastest in the county, was due almost exclusively to the interplay of increased demand and an insufficient supply of housing rather than to a change in the type or quality of housing being built. Housing stock in the Ventura metropolitan area increased by only 3.9 percent from 1990 to 1994, and by a mere 1.9 percent from 1995 to 2000.<sup>70</sup>

Ventura has had a slow-growth reputation since the 1970s. The city's comprehensive plan sets a maximum population limit of approximately 116,000 persons by the year 2010, and residential growth toward that target is controlled by an implementation system known as the Residential Growth Management Plan. Under the RGMP, the city doles out a limited number of "housing allocations" (permissions to move forward in the planning process) every two years.<sup>71</sup> In 1995 an additional brake on growth was imposed when voters passed the Save Open-space and Agricultural Resources (SOAR) initiative. SOAR requires a vote to convert any land in the city's sphere of influence that is zoned for agriculture.<sup>72</sup>

SOAR's passage may have fixed in some residents' minds the notion that any property still under cultivation within the city limits would remain so unless and until citizens voted for a change. This was especially true in the eastern Ventura neighborhoods where pro-SOAR sentiment was high. Leapfrog development dating back to the 1960s has resulted in a patchwork of urbanization in east Ventura, with neighborhoods and agricultural land intermixed.

However, not all of the land under cultivation in 1995 was zoned for agriculture. When the city adopted the comprehensive plan in 1989, it also approved a specific plan for the so-called Juanamaria area and designated some agricultural parcels for urban development. Hence, these parcels were not subject to SOAR.

Nichols Ranch was one such parcel.

Situated along Kimball Road near Route 126 in Ventura, Nichols Ranch was a lemon orchard of slightly more than 42 acres that had been surrounded by urban development. Included in the Juanamaria community, it had carried an urban use designation in the city's comprehensive plan prior even to the 1989 update. Residential areas had already been developed on three sides of the site, and the 126 Freeway abutted it to the south.

In the comprehensive plan, the site was assigned a planned residential designation with density to range between 6 and 12 units per net acre. According to the CP, the assignment had been made because the site "...provide[d] the best opportunity in the Community for a mixed density residential development." The plan went on to describe the preferred arrangement of uses on the property—low-density development to face existing single-family residences stepping up to higher density on the perimeter adjacent to Kimball Road and the freeway<sup>73</sup>.

Beazer Homes had been working to design a project for the site for a number of years, and had acquired housing allocations through the RGMP process in August of 1994, more than a year before SOAR's passage. The allocations allowed Beazer to build as many as 227 additional units on the property (there was an existing house on the property), subject to entering a development agreement with the city and obtaining the requisite planning approvals. Mark Stephens, who was then a Ventura city planner assigned to the case, recalls there was very little public input during the RGMP allocation process and early stages of the approval process.<sup>74</sup> A portion of the property was in the city's sphere of influence but outside the city's boundary, so, in addition to a zone change request and planned development permit application, annexation proceedings had to be initiated. In November 1994, Beazer submitted the applications for these with the intent to build 227 single-family homes ranging in size from 1,998 square feet to 2,622 square feet. Ninety-three lots would be 5,500 square feet or larger, 133 smaller parcels would be 3,900 square feet or larger.

In July of 1995, the city council approved a mitigated negative declaration for the project, but the project didn't reach the planning commission until November of that year, the same month that the SOAR initiative was voted on. At that commission meeting, commission members raised concerns about the design of the subdivision, and appointed a three-member subcommittee to work with city staff and the applicant to redesign the project. That effort took the better part of eight months.

The plans presented to the planning commission on March 5, 1996, included a reconfigured street pattern and design changes intended to soften the differences between the proposed development and the existing one. Though the developers had met with residents of the neighboring homes, they had, in Commissioner Lynn Jacobs's view, engaged in a mediocre public relations job that had done more to fuel neighbor opposition to the project than to garner support for it.<sup>75</sup> Based on the commission's continuing concerns about project design, the case was continued for a week. At the subsequent meeting, the opposition was out in full force; more than 200 people attended the hearing. The commission, because of what then-Planning Commissioner Sandy Smith described as "a disconnect between staff and the Planning Commission,"<sup>76</sup> was still not satisfied that design changes sufficiently addressed community concerns. The commission denied the project. Surprisingly, even some of the members of the sub-committee, which had overseen the revisions, voted to deny.

Beazer, however, was not ready to give up the fight. With support from members of the city council, at the following planning commission meeting it asked for and got reconsideration. In granting this, the commission continued the project and recommended the developer not only retain outside design assistance in reconfiguring the project but engage a professional facilitator to solicit neighbor participation in the

process. The commission was specifically interested in seeing “new urbanist” ideas incorporated into the plans.

The consulting team of John Cahill, a process facilitator, and David Sargent, an architect with the firm of Civitas Town Planning, were hired to guide the consensus planning project. Two residents of the Ventura East tract, which is adjacent to the project site, were chosen to represent that community. Then Cahill and Sargent set to work, meeting with the planning commission committee and city staff, Beazer staff and the project property owners, and the community representatives. In March of 1997, nearly a full year after the reconsideration had been granted, they held their first public workshop at Juanamaria School. About 100 people attended. In the course of the workshop, general concerns about the city’s growth were aired. But when the focus was narrowed to the Beazer project, the paramount concerns voiced were about traffic, pedestrian access, and the adequacy of public safety services—not the number or density of units.

The result of the public consensus process was the decrease in the number of units planned from 228 to 198. Though density had decreased from 6.98 dwelling units per net acre to 6.06, it was ostensibly the desired street configuration and not resistance to the proposed density that spurred the change. Vehicular and pedestrian circulation issues had been hashed out, and in Sandy Smith’s view, solving an existing traffic problem for the Ventura East neighborhood was important in building support for the redesigned project.<sup>77</sup> Mark Stephens recalls that prohibiting two-story units on lots adjacent to the Ventura East neighborhood and reaching an agreement on boundary and streetscape landscaping that would help retain the feeling of space once the orchard was gone were also important.<sup>78</sup> Architectural design standards were established to make the development more visually compatible with the existing neighborhood. The end result was that the redesigned project reflected the preference of its neighbors for something they were comfortable with—something very similar to their own low-density subdivision. Though much of the neighbors’ concerns were voiced in terms of traffic and circulation issues, the crux of their fear was that an adjacent, higher density project would diminish their properties’ values. As noted by David Sargent, reducing the size of the project by 30 homes had a negligible effect on circulation between the two neighborhoods, but the increase in lot size this accommodated made the project much more palatable to the residents of Ventura East.<sup>79</sup>

Toward the end of March 1997, Beazer submitted its revised plans to the city. For the next few months they were reviewed by various city departments, and in May received staff level approvals from the environmental impact review committee and the subdivision committee. In early June, Cahill and Sargent issued the Consensus Planning Process Final Report; the project had been placed on the June 17<sup>th</sup> planning commission agenda. Sandy Smith recalls that perhaps four or five members of the public showed up for that final planning commission hearing. The commission voted to recommend the approval of the revised project to the city council. The project received final approval from the city council on July 21, 1997. When the homes were marketed in 1998, Beazer’s asking prices started at \$350,000.<sup>80</sup>

Under the Residential Growth Management Plan (RGMP), the planned densities shown in the comprehensive plan only give the broadest idea of what may eventually be developed. The developer’s timing and Ventura’s RGMP allocation process turn out to be major factors. The number of units a developer can hope for is determined by the number available for distribution, the other projects vying for allotments at the same time, and the design merits of the projects. The number of units assigned to the Nichols Ranch project restricted the density of the project to approximately seven units per net acre, or the lower end of the range allowed by the property’s comprehensive plan (CP) designation (6-12 units), but they might well have been assigned more or fewer units. So, relative to the CP designation, the first reduction came in the political “black box” of the RGMP process. The developers did not of their own volition reduce project density. The

remaining reduction resulted from the public process where the Juanamaria Specific Plan was attacked (myopia) and concerns about traffic and infrastructure adequacy betrayed neighbors' growth-averse tendencies. Though the "D" word may not have been bandied about in the public workshops or hearings, the result of the process was to reduce the project's density to six units per net acre as average lot sizes were increased and neighbors molded the new subdivision into an image of their own.

## Part 11

# Conclusion

In the first phase of this study, we found—to our surprise—that most reductions in density occurred not during the public approval process, but in the pre-application stage. As a result, we concluded that the real horsetrading over density occurred during these pre-application negotiations, though we could only guess why. In reviewing the first phase of the study, government planners often told us that developers proposed the density reductions based on market conditions, while developers often told us that planners proposed the density reductions based on political feasibility. As we searched the literature for studies dealing with the project negotiations, we found some dealing with the public side, but nothing that helped explain the process from the developers' side of the table.

In constructing our hypothesis, we were somewhat hampered by the paucity of information presented from the developers' point of view. As a consequence, the myriad reasons that might prompt density reduction requests were condensed into the "Market" category. Reductions emanating from the public agency side were placed in two categories—Politics, which encompasses staff interactions with elected officials and other departments, and "devil in the details," which accounts for technical difficulties imposed by codes and ordinances on the translating of broad policy statements into practical projects. The remaining categories—Myopia and Growth Aversion—include sources found not only in the general public, but among public officials, too.

We expected that if reductions did occur mainly at the pre-application stage, that they would come mainly from the market, politics, or the "devil in the details." In fact they did, but we also found evidence of the other two. We also hoped to determine whether the planners' actions or the developers' requests were most often responsible for the reductions. But the case study analysis examined here reveals a truth that is somewhat more complicated. What we found was that seldom was only one source responsible for driving density down. Instead, there were generally several reasons intermingled in each case.

Overall, based on our case study approach, we found at least four common reasons why densities are reduced.

**First, developers sometimes do ask for lower densities in order to meet their perception of market demand or other non-regulatory considerations.**

This factor came into play in several case studies, including Riverwalk in Fillmore and Rancho Madera in Simi Valley, but it was most dominant in the case of The Meadows in Camarillo.

Camarillo's planning policies permitted a density of 10 units per acre at The Meadows. The area was still developing, neighborhood opposition was minimal, and city officials were supportive of higher-density products. But the project was originally proposed at the beginning of a "down" market, at a time when California was beginning to see a steep decline in the construction of attached condominium projects.

The project was delayed for several years because of market considerations, and eventually the developers sought and obtained a density decrease of approximately 1.5 units per acre in order to build detached, rather than attached, condominium units. This approach was not uncommon in the mid-'90s; indeed, a number of other detached condo projects were built in Camarillo and Oxnard during this time.<sup>81</sup>

It is important to note that the switch to detached condos was also motivated by an economic consideration not related to the city's land use regulatory structure: the difficulty in obtaining insurance for attached condominium projects, which appears to be related to the state's liberal construction defect liability laws. Even those outside of the building industry have come to accept that the construction defect liability issue is a legitimate concern, and recent state legislation is designed to reduce the liability and therefore encourage insurance carriers back into the marketplace.<sup>82</sup> Thus, in that one case, a state-level legal issue completely unrelated to land use regulation was a major factor in driving down the density.

**Second, the capacity in plans cannot always be politically sustained, especially under the pressure of neighborhood opposition.**

The fact that existing plans do not have strong political support came out most obviously in the case of Riverwalk in Fillmore and Nichols Ranch in Ventura. In both cases, existing plans anticipated development and called for a particular density range. Yet in both cases, it was clear neither neighboring residents nor the community's political leadership was deeply "invested" enough in those plans to make them stick. Sometimes this came out in the pre-application stage; other times it didn't become an issue until the public hearing process began.

In the case of Fillmore, we heard somewhat conflicting stories from the developer and the city over who made the actual decision to propose single-family, rather than multi-family, units. But there is no question that both sides recognized that multi-family units were not politically palatable, and this was factored into the pre-application process. Furthermore, when confronted with conflicting policy directives—a general plan permitting up to 11 units per acre and a zoning ordinance requiring 6,000-square-foot lots—the city stuck strongly to the policy directive that would force a lower density.

In the case of Ventura, neighborhood opposition took a somewhat different form. In the wake of SOAR's passage, the surrounding residents simply did not believe that Nichols Ranch could be developed because it was still in agricultural cultivation. The lengthy process of facilitation and consensus-building was only partly about the design and size of the project. In large part, it simply served to allow the neighbors to become familiar with the reality of the city policy they had voted on, which still permitted development on agricultural land that was slated for urban development in the comprehensive plan.

**Third, actual application of planning processes often drives the density down below the capacity contained in plans.**

When we discussed the results of the first phase of this report with planners throughout Ventura County, they were not surprised by the results because, they argued, project-level review inevitably reveals site-



specific situations that will cause the project to be reduced in size. Although we were somewhat surprised by this perspective (Why would planners believe that the plan could not be implemented as written?) it turned out to be true in some cases.

Project-specific review is largely, but not entirely, driven by the dictates of the California Environmental Quality Act, which identifies impacts that could be significant and strongly encourages local governments to take steps to mitigate those impacts. The net result is a system that often drives down the density and drives up the cost or both. Such site-specific considerations played some role in reducing the density in the Simi Valley, Ventura, and Fillmore projects.

In Simi Valley, both the 1988 general plan and the 1990 specific plan proposals called for relatively high densities (somewhere between 10 and 16 units per acre). But the Rancho Madera property is extremely hilly. Once the city's hillside review was conducted, the project declined considerably in size and density.

In Fillmore and Ventura, project-specific review did not simply identify impacts and mitigations; it also "opened the door" for a negotiation between the neighborhood and the developer over the amenities to be provided, which in turn affected the density. In Fillmore, a residential development proposal originally designed as affordable eventually had to bear the cost of a wide range of community amenities, including a new levee and a park that exceeded city standards. In Ventura, project-specific review created the opportunity to discuss traffic patterns and alternate traffic scenarios, which in turn appeared to decrease the density as well.

It is worth noting as well that in one case project-specific review revealed deficient information about the parcel itself, which in turn affected the size of the project. In the case of The Meadows in Camarillo, neither the city nor the developer had accurate information about the size of the parcel even though a specific plan for the area had already been adopted.

Practicing planners often argue that project-level review will always reveal site-specific conditions that cannot be anticipated at the plan level, and therefore the actual density of a project will inevitably be lower than the plan calls for. To them, this is simply part of the implementation of their planning policies. As Ventura County continues to mature, this consideration will likely become more important, because more development will occur on small, difficult, or leftover parcels adjacent to existing neighborhoods—as was the case in Simi Valley, Fillmore, and Ventura.

**Fourth, specific plans appear to make a significant difference in creating plans that can be implemented "as-is".**

In the first phase of the study we found that residential development projects located inside specific plan areas were much more likely to be approved at the densities envisioned in planning policies. In general, the case studies—especially those in Thousand Oaks and Oxnard—bore out this conclusion.

In California, the "specific plan" provides an intermediate step between a citywide general plan and actual project approval. A specific plan is a document that envisions the buildout of a specific part of a community, often under a separate set of planning policies and regulations. It is a hybrid document that includes planning policies, a buildout scenario, development regulations, and often a financial agreement between the developers and the city as well.<sup>83</sup> Whereas general plans are "big picture" documents that both developers and citizens may have difficulty relating to, specific plans are often "real" enough to engage all parties in a

meaningful way. Residents are less likely to stand outside the specific plan process than the general plan process because the issues are focused closer to home.

In both Oxnard and Thousand Oaks, the specific plans were major community undertakings that focused community attention on the buildout of important sections of the city. This is not to say that they were without controversy. The Dos Vientos Specific Plan in Thousand Oaks has been the subject of a great deal of controversy and even litigation over the years. But in both cases, the battles had been waged at the specific plan level, so that the actual projects could be proposed and approved more or less as envisioned at the plan level.

In the case of Dos Vientos, it is possible that when the Western Plateau Preservation Plan was being considered, the community might have reneged on commitments made in the specific plan if not for the accompanying development agreement. It is to be expected that over the course of time, community priorities may change. And technically, plans may be amended. But where development agreements are in place, and developers are resolved to defend them, the legal ramifications of plan amendments may dissuade the community from changing its mind.

The Nichols Ranch project in Ventura offers a different cautionary note about specific plans. Nichols Ranch was contained in the Juanamaria Specific Plan area, which envisioned a fairly specific buildout and also contained a financial plan for infrastructure improvements. This did not prevent intense community opposition at the project level. But in the case of Nichols Ranch, the community consensus around the Juanamaria Specific Plan—if consensus ever existed—had already been undermined by the passage of time and the adoption of SOAR.<sup>84</sup>

One final important note about specific plans. In the two case studies where specific plans were successfully implemented at the project level, they involved large tracts of undeveloped land that could be developed together, almost as a master-planned community. In the future, however, it will be far more likely that development in Ventura County will occur on smaller parcels previously passed over, as was the case with Nichols Ranch. So, to be successful in the future, specific plans will have to address the question of how to continue to build out partially completed communities that already have residents and vested interests.

In the world of real estate development, translating plans into on-the-ground projects is never easy. Land use plans always represent an uneasy truce between the market reality of development, driven by the needs and preferences of consumers not yet in residence, and the political reality of communities, which are driven by the views of homeowners who already live there. No matter how carefully they are drawn, it may not be possible to implement plans as they are written because political and economic conditions are subject to change.

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Mr. Segal has authored numerous studies and articles on privatization, government performance, accountability, and efficiency. He is also editor of Reason's monthly newsletter *Privatization Watch* and the *Annual Privatization Report*. His articles have appeared in publications as diverse as *Investor's Business Daily*, *Intellectual Ammunition*, *L.A. Daily News*, and *Orange County Register*.

Mr. Segal has presented his research at numerous conferences around the world. He has appeared in front of the cities of Phoenix, San Diego, and Stockton city councils as well as submitted testimony to the State of California. Furthermore, he has advised numerous government officials on privatization, efficiency, transparency, and accountability.

Mr. Segal holds a Master's in Public Policy from Pepperdine University with specializations in Economics and Regional/Local Government. While at Pepperdine, Segal was named a Hansen Scholar. He graduated cum laude from Arizona State University with a Bachelor of Arts in Political Science.

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## Related Reason Foundation Studies

William Fulton, Chris Williamson, Kathleen Mallory, and Jeff Jones, *Smart Growth in Action: Housing Capacity and Development in Ventura County*, Reason Foundation Policy Study No.288, December 2001.

Samuel Staley, *Line in the Land: Urban-Growth Boundaries, Smart Growth, and Housing Affordability*, Reason Foundation Policy Study No.263, November 1999.

Randall O'Toole, *Urban Transit Myths*, Reason Foundation Policy Study No.345, September 1998.

James V. DeLong, *Myths of Light Rail Transit*, Reason Foundation Policy Study No. 244, September 1998.

# Endnotes

- <sup>1</sup> Compared to general plan capacity, only 55 percent of the maximum number of dwelling units permissible were approved. When compared to more restrictive zoning ordinances, the entitlement rose to 80 percent.
- <sup>2</sup> William Fulton, Mai Nguyen, et al., *Growth Management Ballot Measure in California* (Ventura, CA, Solimar Research Group, Inc., 2002).
- <sup>3</sup> U.S. Census Bureau, Census 2000, <http://www.census.gov/main/www/cen2000.html>.
- <sup>4</sup> In local parlance, the Santa Clara Valley is typically lumped together with the West County, but we separated it out as the “North County” in phase one of this report.
- <sup>5</sup> The only two cities without SOAR measures in place are Ojai, which permits little growth as a matter of course, and Port Hueneme, which is completely surrounded by the city of Oxnard and the Pacific Ocean.
- <sup>6</sup> Similarly on the state level, housing units increased by 9.2 percent, more slowly than the population increase of 13.8 percent, and the vacancy rate decreased from 7.2 percent to 5.8 percent.
- <sup>7</sup> William Fulton, Chris Williamson, et al., *Smart Growth in Action: Housing Capacity and Development in Ventura County* (Los Angeles, CA: Reason Public Policy Institute, 2001).
- <sup>8</sup> Compared to general plan capacity, only 55 percent of the maximum number of dwelling units permissible were approved. When compared to more restrictive zoning ordinances, the entitlement rose to 80 percent.
- <sup>9</sup> Steven Fader, *Density by Design: New Directions in Residential Development* (Washington, D.C., Urban Land Institute, 2000).
- <sup>10</sup> William Fulton, *Guide to California Planning* (Point Arena, CA, Solano Press, 1999).
- <sup>11</sup> Charles J. Hoch, ed., *The Practice of Local Government Planning* (Washington, D.C., International City/County Management Association, 2000).
- <sup>12</sup> Hoch, *The Practice of Local Government Planning*.
- <sup>13</sup> Jerry Taylor and Peter VanDoren, *Sprawl for Me, But Not for Thee* (Washington, D.C.: Cato Institute, 2003).
- <sup>14</sup> James Innes, “Planning through consensus building.” *Journal of the American Planning Association* (62(4), 1996), pp. 460-472.
- <sup>15</sup> Steven A. Bollens, “Urban Planning and Intergroup Conflict: Confronting a Fracture Public Interest,” *Journal of the American Planning Association* (68(1), 2002), pp. 22-42.
- <sup>16</sup> John Forester, “Planning in the Face of Conflict: Negotiation and Mediation Strategies in Local Land Use Regulation,” *Journal of the American Planning Association* (53(3), 1987), pp. 303-314.

- <sup>17</sup> Albert Solnit, Carl Reed, et al., *The Job of the Practicing Planner* (Washington, D.C., Planners Press, 1988).
- <sup>18</sup> John Forester, “Planning in the Face of Conflict: Negotiation and Mediation Strategies in Local Land Use Regulation,” *Journal of the American Planning Association* (53(3), 1987), pp. 303-314.
- <sup>19</sup> John Forester, “Planning in the Face of Conflict: Negotiation and Mediation Strategies in Local Land Use Regulation.”
- <sup>20</sup> Ventura County Workforce Investment Board, *State of the Workforce 2002*, November 2002, [www.wib.ventura.org](http://www.wib.ventura.org)
- <sup>21</sup> Ibid.
- <sup>22</sup> Madelyn Glickfeld, William Fulton, et al., *Growth Governance in Southern California* (Claremont, CA: Claremont Graduate University Research Institute, 1999).
- <sup>23</sup> Ventura County Workforce Investment Board, *State of the Workforce 2002*, November 2002. [www.wib.ventura.org](http://www.wib.ventura.org)
- <sup>24</sup> Ed Burns and Bob Burrow, city of Camarillo, in October 25, 2002, interview.
- <sup>25</sup> Ed Burns, city of Camarillo planner, in October 25, 2002, interview.
- <sup>26</sup> Camarillo Development Director Bob Burrow in November 13, 2002, interview.
- <sup>27</sup> Ventura County Houses and Homes for Sale. <http://www.signonvc.com/findhomemain.htm>
- <sup>28</sup> Ventura County Workforce Investment Board, *State of the Workforce 2002*, November 2002.
- <sup>29</sup> William Fulton, et al., *Smart Growth in Action: Housing Capacity and Development in Ventura County*.
- <sup>30</sup> Governor's Office of Planning and Research, *California Planners' Book of Lists 2001*, Sacramento, California, 2001.
- <sup>31</sup> Lynn Jacobs in October 31, 2002, interview.
- <sup>32</sup> Fillmore City Planner Kevin McSweeney in October 23, 2002, interview.
- <sup>33</sup> Under the state law governing Housing Elements (Section §65583), SCAG, the Southern California Association of Governments, as regional planning agency, is responsible for developing the Regional Housing Need Allocation (RHNA) plan for Ventura County in consultation with the state’s Departments of Housing and Community Development (HCD) and Finance (DOF). In an iterative process based on the population growth projected by DOF, HCD estimates the housing needs by income level for the county, and the local council of government—SCAG in the case of Ventura County—predicts how the need will be distributed among the cities and unincorporated areas of the county. Once a RHNA plan has been agreed to by HCD, DOF, and the affected Council of Governments, the housing needs allocations are incorporated into the county and city Housing Elements. RHNA allocations are distinct from allocations made by cities, though the latter should reflect RHNA allocations. By way of differentiation, allocations made under the city of San Buenaventura’s Residential Growth Management Plan (RGMP) attempt to regulate the pace of housing development so that it doesn’t outstrip infrastructure and resource capacity. Allocations made by the city of Oxnard and the city of Camarillo in their specific plan approval processes stipulate where projected growth will go within specific plan boundaries.
- <sup>34</sup> City of Fillmore Planning Department Staff Report to Planning Commission dated July 23, 1998.

- 35 Fillmore Planning Commission Special Meeting Minutes, September 3, 1998.
- 36 Lynn Jacobs in October 31, 2002, interview.
- 37 City of Fillmore Planning Department Staff Report to Planning Commission dated February 17, 2000.
- 38 Home Buyers' Guide <http://www.hbg.com/ven.html>
- 39 Fillmore City Planner Kevin McSweeney in October 23, 2002, interview.
- 40 Ventura County Workforce Investment Board, *State of the Workforce 2002*, November 2002.  
[www.wib.ventura.org](http://www.wib.ventura.org)
- 41 Ibid.
- 42 City of Oxnard, "Northeast Community Specific Plan," December 1993, p. 1-1.
- 43 Undated city of Oxnard Planning & Environmental Services memo from Joyce Parker-Bozylinski, Planning Manager, to Edmund F. Sotelo, City Manager.
- 44 Ibid.
- 45 City of Oxnard Development Services Director Matthew Winegar in October 24, 2002, interview.
- 46 City of Oxnard, "Northeast Community Specific Plan," December 1993, pp. 1-7 and 1-8.
- 47 Ibid.
- 48 City of Oxnard Housing Department Director, Sal Gonzales in October 22, 2002, interview.
- 49 Debra Baccari, Tierra Vista leasing agent, interview with authors 2003.
- 50 Inside Ventura County Rentals. [http://www.insidevcrentals.com/communities/tierra\\_vista/](http://www.insidevcrentals.com/communities/tierra_vista/)
- 51 Gary Gorian for Kaufman and Broad in letter dated 8/29/97 addressed to city of Simi Valley Mayor and city council members contained in the city's File No. 703-2-2, PR-451 Kaufman & Broad Home Corporation.
- 52 Gary Gorian for Kaufman and Broad in letter dated 10/27/97 addressed to city of Simi Valley Mayor and city council members contained in the city's File No. 703-2-2, PR-451 Kaufman & Broad Home Corporation.
- 53 Eric Lieberman, formerly with Kaufman and Broad, in February 3, 2002, interview.
- 54 Eric Lieberman for Kaufman & Broad in letter dated 11/7/97 addressed to Sam Freed, Senior Planner, city of Simi Valley contained in the city's File No. 703-2-2, PR-451 Kaufman & Broad Home Corporation.
- 55 Amendment 34 requires voter approval prior to construction of publicly funded rental complexes when 50 percent or more of the units are reserved for low and very-low income residents.
- 56 Sites with slopes of 15-20 percent are restricted to 0.25 units/acre; those with slopes greater than 20 percent are restricted to 0.025 units/acre.
- 57 Eric Lieberman, formerly with Kaufman and Broad, in February 3, 2002, interview.
- 58 City of Thousand Oaks, *Resolution No. 88-69, Exhibit B, III.B. Maximum Number of Permitted Residential Units* (1988), p. 1.
- 59 City of Thousand Oaks, *Resolution No. 51-98PC* (1998), p. 11.

- <sup>60</sup> John Prescott, Planning Division Manager, city of Thousand Oaks, interview with G. Segal.
- <sup>61</sup> City of Thousand Oaks, *Resolution No. 51-98PC* (1998), p. 2.
- <sup>62</sup> City of Thousand Oaks Community Development Department, *Appeal Application for Tract Map and Land Division Permit No. TR. 5095*, 1998.
- <sup>63</sup> City of Thousand Oaks, *Resolution No. 98-167* (1998), p. 6.
- <sup>64</sup> City of Thousand Oaks, *Resolution No. 98-168* (1998).
- <sup>65</sup> City of Thousand Oaks, *Western Plateau Preservation Plan Supplemental Environmental Impact Report*, 2002, p. 2-1.
- <sup>66</sup> This was contingent upon payment to the city's affordable housing assistance fund by the Miller Brothers, owners of the property, of \$500,000, and construction of 50 affordable units at a site to be chosen later by the city.
- <sup>67</sup> Standard Pacific Homes. <http://www.hbg.com/xstandardpac.html>
- <sup>68</sup> Trimark Pacific. *Concerto at Dos Vientos Ranch*. Advertisement in the *Los Angeles Times* New Homes Advertising Supplement, January 18, 2003, p. Y5.
- <sup>69</sup> City of Thousand Oaks Community Development Department Memo to Planning Commission dated June 22, 1998, p. 11.
- <sup>70</sup> Ventura County Workforce Investment Board, *State of the Workforce 2002*, November 2002. [www.wib.ventura.org](http://www.wib.ventura.org)
- <sup>71</sup> City of San Buenaventura Comprehensive Plan Draft 2002-2005 Housing Element, May 2002.
- <sup>72</sup> LAFCO, or the Local Agency Formation Commission, is a special agency in each of California's counties, and is responsible for drawing boundaries for nearly all local governments—the sole exception being redevelopment agencies. In addition to establishing incorporation limits for cities, LAFCOs also establish spheres of influence. A city's sphere of influence may extend beyond its incorporation lines to encompass the area the city is expected to ultimately annex. In drawing up its general plans, a city can choose to include all the area in its spheres.
- <sup>73</sup> Planning Commission Community Services Staff Report, action date June 17, 1997.
- <sup>74</sup> Mark Stephens, formerly a planner for the city of San Buenaventura, in November 1, 2002, interview.
- <sup>75</sup> Lynn Jacobs was a Ventura Planning Commissioner at the same time that she was attempting to develop Riverwalk in Fillmore.
- <sup>76</sup> Ventura City Councilman Sandy Smith in November 4, 2002, interview.
- <sup>77</sup> Ibid.
- <sup>78</sup> Mark Stephens, formerly a planner for the city of San Buenaventura, in November 1, 2002, interview.
- <sup>79</sup> David Sargent in November 15, 2002, interview.
- <sup>80</sup> Inside Ventura New Homes  
<http://www.insidevcnewhomes.com/newhomes/newhomesinfo/index.cfm?action=listmodels&DevelopmentsID=105>



- <sup>81</sup> Ed Burns, city of Camarillo planner, in October 25, 2002, interview with William Fulton and Lily Okamura, and Lynn Jacobs in October 31, 2002, interview.
- <sup>82</sup> Paul Shigley, “Construction Defect Rules May Change: Building Industry Says Litigation Depresses Condo, Townhouse Development”, *California Planning & Development Report* (17(8)), August 2002.
- <sup>83</sup> Fulton, *Guide to California Planning, 2<sup>nd</sup> Edition*.
- <sup>84</sup> The lack of consensus was reflected in the vote on the adoption of the development agreement for Juanamaria, which took place in January 1988. It guaranteed developers 721 building permits in exchange for funding for a freeway overpass and interchange to serve the area. The agreement was adopted with the slimmest of margins (4 ayes, 3 noes). The council members voting “no” had just recently been elected (2) or re-elected (1) primarily on the strength of their slow-growth advocacy. “Ventura: Juanamaria Development Agreement”, *California Planning & Development Report*, *Vo. 3, No.4*, April 1988, p. 6.



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