

15 November 2022

Subject – Concept Review CR 21-003 Gables of Ojai

Dear City of Ojai Planning Commissioners,

Thank you for the opportunity to comment on the proposed project at the Gables.

I am completely disgusted that after more than 20 years of hearings and the necessity to remind the Planning Commission and staff repeatedly of the broken promises made to the community by the developer, that we are here again debating the merits of yet another development attempt on land previously conditioned as open space. I hope that the City will finally follow-up with all commitments made through this arduous process.

1. Development should not be allowed on this portion of the Gables campus. The neighborhood is still waiting for the City to enforce the conditions of the 2001 CUP. In 2001, 26 senior housing units and many other improvements were approved on the main Gables of Ojai site (701 N. Montgomery Street); the neighbors and the Planning Commission were told as part of the approval process that the Olive St. area of the new merged parcels would be undeveloped with the exception of a small parking lot along Grand Avenue.
2. For those who may not be familiar with this property, the existing CUP (deemed valid by the City of Ojai) requires as a condition of its 2001 approval that the lots in question be merged into a single parcel.

2001 CUP Condition 25 stated. *“Prior to the issuance of a Grading Permit or Building Permit, the applicant shall obtain approval of a Lot Line Adjustment to combine three parcels referred to as Assessor Parcel Nos. 022-0-23-020; 022-0-023-050; and 022-0-012-210.”* This CUP did not say that the developer could pick and choose which conditions they wanted to observe. This CUP also does not differentiate between a building permit for existing structures versus new structures. The CUP was deemed valid by the City yet the conditions have yet to be enforced. The density was only allowed because the lots were conditioned to be merged.

The failure of the applicant and the City staff in completing the parcel merger does not waive the requirement, nor make it a bargaining chip in the current approval process. It is unthinkable that this project is on the agenda once again when the City Planning Department has not addressed the parcel merger previously required.

3. The staff report is misleading. The project is proposed for a separate parcel “adjacent” to the Gables although the property should be a single Gables parcel per the conditions of the 2001 CUP. The staff report refers to an expired deed restriction although that does not apply if the CUP conditions are enforced. The expired deed

restriction has nothing to do with the conditions of the CUP and is just superfluous information intended to suggest that the conditions have now changed.

4. In the event that the Planning Commission is inclined to consider development of the unimproved land despite the agreement reached with the City in 2001, then the following comments should be considered:
  - a The proposed project is too dense. The proposed density is not in keeping with the density of the surrounding housing units that are present now nor the R-O zone on which the proposed development is currently zoned.
  - b The project's architectural design is not in keeping with the design of the Gables or the surrounding neighborhood. This project is supposed to be an expansion of the Gables senior housing community. Certainly, modifications can be made to the design so it looks more like the Gables and fits in with the neighborhood without compromising the new units' solar or environmental footprint.
  - c As a condition of granting the various density bonuses, variances and zoning changes, the project should be conditioned, through a deed restriction, that this housing will stay a senior community. Although HUD requires senior housing developments to ensure 80% occupancy of the units by at least one 55-year or older occupant, and the verification of senior age requirements of all residents every two years, there is absolutely no guarantee or requirement in the law that the housing be for seniors in the future. My experience with the City of Ojai does not give me confidence that the City will even attempt to verify occupant age when the proposed units are initially rented, let alone remember to verify this requirement every two years.
  - d The project should be conditioned to ensure that these units do not become individually owned condos in the future and remain senior housing.
  - e Water availability for this new development should be addressed, particularly when the City of Ventura is actively litigating to grab Ojai's water supply and the State has not yet weighed in.

Please require the current owner to comply with the terms of the CUP before future development proposals for this property are considered. The lack of enforcement and consistency is one of the reasons that the community does not trust the community planning process in Ojai. Conditions are worthless if they are not enforced. This appears on its face as just another attempt by the private equity development firm who currently owns the Gables to profit at the community's expense.

Thank you for your consideration.

Sincerely,

Heidi Whitman