



Meeting Date: April 11, 2006

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input type="checkbox"/> Info/Consent
<input type="checkbox"/> Res. No(s).	<input type="checkbox"/> Report
<input type="checkbox"/> Ord. No(s).	<input checked="" type="checkbox"/> Public Hearing
<input type="checkbox"/> Other	<input type="checkbox"/> Other

Prepared By: Christopher Williamson, AICP Senior Planner *aw* Agenda Item No. K-1
Reviewed By: City Manager *[Signature]* City Attorney *Rupp* Finance *[Signature]* Other (Specify) N/A

DATE: April 3, 2006

TO: City Council

FROM: Susan L. Martin, AICP *smartin*
Planning and Environmental Services Manager

SUBJECT: Planning And Zoning Permit No. 06-580-1 (Zone Text Amendment). Filed by City of Oxnard, Planning and Environmental Services, 305 West Third Street, Oxnard, CA 93035.

RECOMMENDATION

Approve the first reading by title only and subsequent adoption of an ordinance that would (1) delete the requirement that a church be the only tenant of a building in an M-L zone, (2) allow a church as either a single-user or multi-user tenant of a building in an M-L zone with a special use permit, and (3) amend the requirements for shared and off-site parking agreements.

DISCUSSION

The zone text amendment would modify two sections and add one new section to Chapter 16 of the City Code (Zoning Ordinance). In the Limited Manufacturing zone (ML), Section 16-188(B) would be changed by removing "churches in freestanding, single-use structures" as a Permitted Use, and inserting a new section, 16-186.1, that allows churches in any kind of structure with a special use permit. This amendment would apply to the City's 290 ML-zoned parcels, most of which are developed with large "tilt-up" structures. Recently developed tilt-up warehouse/manufacturing buildings are attractive for churches as they can be subdivided, are located in attractive business park settings, and typically have adequate parking for all church uses except for the day of the main service (which is usually Sunday).

The recommended changes to Sections 16-651(B)(1)(e) and 16-651(B)(2)(c) would allow approved shared and off-site parking agreements to be cancelled under very limited unavoidable circumstances with a requirement that replacement parking be approved within 12 months, or the use would need to be vacated. The use of a parking agreement for off-site and/or shared parking, as opposed to a more restrictive recorded covenant, is necessary as tenants and landlords may only be able to commit to time periods that coincide with their leases.

This code amendment was initiated by the request of the New Life Community Church to locate as a tenant in an existing tilt-up structure located at 1401 Maulhardt Avenue.

The proposed zone text amendment is subject to review in accordance with the California Environmental Quality Act (CEQA). The "project" is defined as allowing churches as tenants in an existing multi-tenant structure, since churches are already allowed in freestanding structures on ML parcels, and parking relief is also allowed. Locating a church in a multi-tenant building would be a tenant improvement involving interior alterations. Therefore, staff has determined that there is no substantial evidence that the zone text amendments to the ML zone and parking relief ordinance may have a significant effect on the environment.

FINANCIAL IMPACT

There would be no substantial financial impact resulting from this amendment.

- Attachment 1 - Planning Commission Staff Report
2 - Planning Commission draft minutes of April 6, 2006
3 - Draft Zone Text Amendment Ordinance



PLANNING COMMISSION
STAFF REPORT

TO: Planning Commission
FROM: Christopher Williamson, AICP Senior Planner
DATE: April 6, 2006
SUBJECT: Planning and Zoning Permit Nos. 06-580-1 (Zone Text Amendment)

1. **Recommendation:** That the Planning Commission adopt a resolution recommending that the City Council approve Planning and Zoning Permit No. No. 06-580-1 (Zone Text Amendment).
2. **Project Description and Applicant:** The Zone Text Amendment amends two sections of Chapter 16 of the City Code (zoning code). Section 16-188(B) would be changed by removing "churches in freestanding, single-use structures" as a Permitted Use, and inserting a new section, 16-186.1, that allows churches in any kind of structure with a special use permit. The parking relief section, Sections 16-651(B)(1)(e) and 16-651(B)(2)(c), would be changed to allow approved shared and off-site parking agreements to be cancelled under very limited unavoidable circumstances with a requirement that replacement parking be approved within 12 months, or the use would be vacated. The zone text amendment would apply to the City's 290 ML-zoned parcels, and the parking relief text amendment would apply to all projects approved for shared and/or off-site parking. Filed by City of Oxnard, Planning and Environmental Services, 305 West Third Street, Oxnard, CA 93035.
3. **Existing Land Use:** There are 290 ML-zoned parcels in the city. Most all are developed with large "tilt-up" structures. Recently developed tilt-up warehouse/manufacturing buildings are attractive for churches as they can be subdivided, are located in attractive business park settings, and typically have adequate parking for all church uses except for the day of the main service (which is usually Sunday).
4. **General Plan Policies and Land Use Designation Conformance:** ML-zoning is consistent with the General Plan land use designation of Industrial Limited. Business Research Park (BRP) is also consistent with the land use designation of Industrial Limited, and BRP does not restrict churches to a freestanding structure. The Industrial Limited land use description (page V-59 of the General Plan) does not limit uses to only manufacturing, assembly, and warehousing.
5. **Environmental Determination:** In accordance with Section 15301 of the CEQA Guidelines, projects involving "minor alteration of existing...structures" may be found to be exempt from the requirements of CEQA. The proposed zone text amendment is subject to review in accordance with the California Environmental Quality Act (CEQA). The "project" is defined as

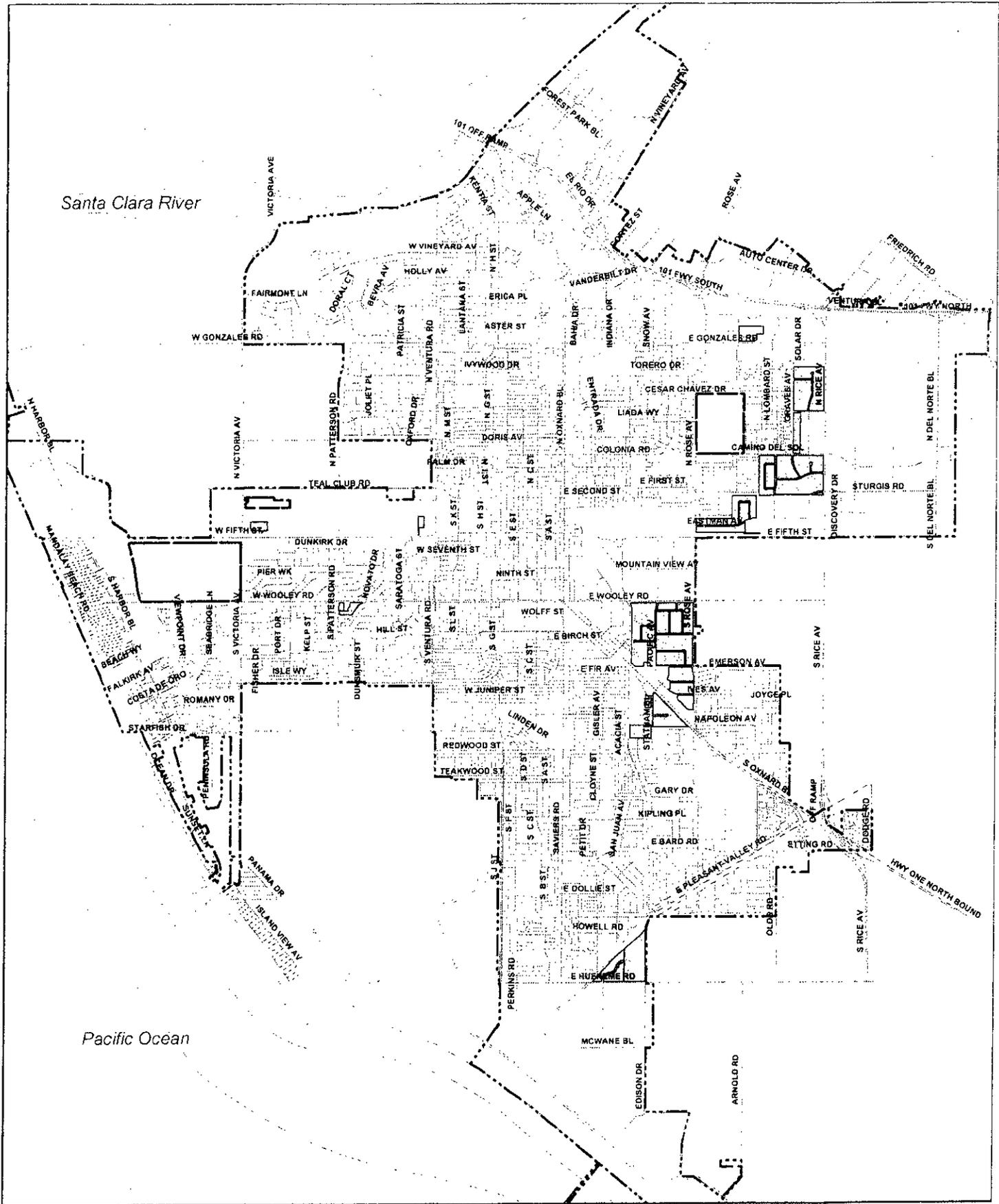
allowing churches as tenants in an existing multi-tenant structure, since churches are already allowed in freestanding structures on ML parcels, and parking relief is also allowed. Locating a church in a multi-tenant building would be a tenant improvement involving interior alterations. Therefore, staff has determined that there is no substantial evidence that the zone text amendment to the ML zone and parking relief ordinance may have a significant effect on the environment.

- 6. **Analysis:** This code amendment was initiated by the request of the New Life Community Church to locate as a tenant in an existing tilt-up structure located at 1401 Maulhardt Avenue. The Planning Commission approved that request (Special use Permit PZ 05-500-26) on March 16, 2006, subject to the approval of this zone text amendment. Staff has been approached by other churches with similar inquiries, as it is more financially feasible to lease an existing ML or BRP structure than to build a new church on a vacant parcel. Presently, church use may be allowed in the BRP zone with a special use permit. Space in commercial retail centers is either more expensive, less desirable, and/or more difficult to reconfigure to a church format. The use of a parking agreement for off-site and/or shared parking, as opposed to a more restrictive recorded covenant, is necessary as tenants and landlords may only be able to commit to time periods that coincide with their leases. The Planning Commission would still have the option of requiring recorded parking covenants in other projects, as the parking agreement could take any form appropriate to the situation.

- 7. **Community Input:** The proposed zone text amendment was presented as part of the public hearing on the New Life Community Church at the March 16, 2006 Planning Commission hearing. No members of the public spoke on the topic.

- 8. **Attachments:**
 - A. Map of ML parcels
 - B. CEQA Exemptions
 - C. Resolution for Zone Text Amendment

Prepared by:	<u>CW</u> CW
Approved by:	<u>SM</u> SM



Santa Clara River

Pacific Ocean

ML & ML-PD Zone Map

**PZ 06-580-1
Zone Text Amendment**



Planning & Environmental Services



March 17, 2006

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NOTICE OF EXEMPTION

Project Description:

PZ 06-580-1, a zone text amendment, to allow church uses in the Limited Manufacturing (ML) with a special use permit, deleting the requirement that they be in a freestanding structure (therefore potentially allowing churches as tenants within existing or new ML multi-tenant structures), and substituting a parking agreement instead of a parking covenant for off-site or shared parking. Filed by City of Oxnard, Planning and Environmental Services, 300 West Third Street, Oxnard, CA 93030.

Finding:

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

- Ministerial Project
- Categorical Exemption
- Statutory Exemption
- Emergency Project
- Quick Disapproval [CEQA Guidelines, Section 15270]
- No Possibility of Significant Effect [CEQA Guidelines, Section 15061(b)(3)]

Supporting Reasons: In accordance with Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, projects involving minor alterations to existing structures such as tenant improvements may be found to be exempt from the requirements of CEQA. The proposed project would allow churches within existing structures. Therefore, staff has determined that there is no substantial evidence that the project may have a significant effect on the environment.

(Date)

Susan L. Martin, AICP
Planning & Environmental Services Manager

RESOLUTION NO. 2006-[PZ 06-580-1]

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING THAT THE CITY COUNCIL ADOPT A ZONING TEXT AMENDMENT AMENDING ARTICLES III AND X OF CHAPTER 16 OF THE CITY CODE CONCERNING PERMITTED USES IN THE LIGHT MANUFACTURING ZONE AND PARKING RELIEF. FILED BY THE CITY OF OXNARD, 305 W. THIRD STREET, OXNARD, CA 93030.

WHEREAS, the Planning Commission of the City of Oxnard has considered PZ 06-580-01, filed by the City of Oxnard, to amend Articles III and X of Chapter 16 of the City Code, concerning permitted uses in the Light Manufacturing zone; and

WHEREAS, the Planning Commission has held a public hearing on this application; and

WHEREAS, the Planning Commission finds that the public interest and general welfare requires such an amendment; and

WHEREAS, the Planning Commission recommends the City Council find that the amendment conforms to the General Plan and Coastal Plan; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), the Planning Commission finds the proposed project is exempt from CEQA because the project will not have a significant effect on the environment pursuant to section 15061(b)(3) of Division 6 of Title 14 of the California Code of regulations as there is no possibility that the ordinance may have a significant effect on the environment; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby recommends to the City Council adoption of the ordinance revision attached hereto as Exhibit A.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 16th day of March, 2006, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

Ronald R. Fischer, Chairman

ATTEST: _____
Susan L. Martin, Secretary

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ORDINANCE OF THE CITY OF OXNARD

ORDINANCE NO. __

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD ADDING SECTION 16-186.1 TO THE CITY CODE AND AMENDING SECTIONS 16-188 AND 16-651 OF THE CITY CODE

The City Council of the City of Oxnard makes the following findings:

1. There is increasing demand to locate religious institutions in light industrial zones within the city.
2. A religious use is compatible with light industrial zone uses as the peak hours of usage for religious institutions are different than the peak hour usage of other owner and tenant users in light industrial zones.
3. The difference in peak hour usage between a religious institution and other light industrial zone uses allows nearby light industrial uses to accommodate the peak hour parking requirements for a religious institution.

Now, therefore, the City Council of the City of Oxnard does ordain as follows:

Part 1. Section 16-186.1 is hereby added to the City Code to read as follows:

“SEC. 16-186.1. RELATED USE – SPECIAL USE PERMIT REQUIREMENT.

“A church use shall be allowed in the M-L zone if the commission has granted a special use permit as provided in sections 16-530 through 16-553.”

Part 2. Section 16-188 of the City Code is hereby amended to read as follows:

“SEC. 16-188. PERMITTED USES.

“(A) The following uses illustrate the types of uses permitted in existing structures in the M-L zone. Uses listed that do not reasonably comply with the performance standards of this zone are not permitted. A special use permit is required for substantial expansion of any of these uses or development of these uses in a new structure pursuant to section 16-186 above.

“(B) The following uses and activities, except for agricultural crops, shall be within an enclosed building, unless otherwise approved by a special use permit pursuant to sections 16-530 through 16-553:

“(1) Adult businesses, as defined in section 16-336, except adult motels;

“(2) Agricultural, limited to growing of crops;

“(3) ~~Churches in freestanding, single-use structures;~~

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ENCLOSURE 1
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“(3) Adult day care facilities;

“(4) Manufacturing or fabrication of products, components, devices, equipment, systems and parts, such as the following:

“(a) Ceramic products (not including bricks, building drain or tile);

“(b) Communication transmission and reception equipment;

“(c) Control equipment and systems;

“(d) Data processing equipment and systems;

“(e) Electrical appliances;

“(f) Electronic instruments, devices and components;

“(g) Glass molding, edging, beveling and silvering;

“(h) Graphics and art equipment;

“(i) Jewelry, including products from precious or semiprecious stones or metals;

“(j) Medical or dental equipment;

“(k) Metering instruments;

“(l) Optical devices, equipment and systems; and

“(m) Photographic equipment and systems.

“(5) Precision machine shops for producing parts, accessories, assemblies or components; precision machine shops for manufacturing, processing, assembling and packaging of products such as:

“(a) Business machine equipment;

“(b) Home appliances;

“(c) Measurement and control devices;

“(d) Phonograph records and prerecorded audiovisual tape;

“(e) Radio and television equipment;

“(f) Scientific, optical, medical and dental products; and

“(g) Sound equipment and supplies, accessories and products of similar character.

“(6) Printing and publishing facilities;

“(7) Product assembly plants and production facilities primarily engaged in final or partial assembling or packaging of premanufactured, treated or fabricated components, materials or products;

“(8) Public service uses, such as electrical distribution substations, telephone exchanges or communications buildings, post offices, fire and police stations, local water and natural gas service facilities, and broadcasting studios.

“(9) Research and development, experimental or developmental laboratories, or computer services;

“(10) Warehousing and distribution facilities, including mini-warehouses, for the storage of goods or products;

“(11) Commercial recreational uses in freestanding structures or as freestanding uses; and

“(12) Other similar uses which the director finds are consistent with the purposes and intent of this zone.”

Part 3. Section 16-651(B)(1)(e) of the City Code is amended to read:

“(e) A written agreement in the form on file with the city clerk shall be executed by all landowners and tenants affected by the agreement. The agreement shall assure the continued availability of the shared parking for the life of the uses to be served by those spaces. **specify that the city is a third party beneficiary to the agreement and shall state that the user agrees to vacate the use within twelve months if a landowner or tenant should amend or terminate the agreement so that the user no longer has sufficient parking to satisfy the parking requirements in effect at the time the agreement was accepted by the city.**”

Part 4. Section 16-651(B)(2)(c) of the City Code is amended to read:

“(c) A written ~~parking covenant~~ **agreement** in the form on file with the city clerk shall be executed by all ~~owners of the land providing off-site parking and all owners of the land served by the off-site parking and shall be recorded.~~ The covenant shall assure the continued availability of the off-site parking for the life of the use to be served by the ~~off-site parking.~~ **landowners affected by the agreement. The agreement shall specify that the city is a third party beneficiary to the agreement and shall state that the user agrees to vacate the use within twelve months if a landowner should amend or terminate the agreement so that the user no longer has sufficient parking to satisfy the parking requirements in effect at the time the agreement was accepted by the city.**”

Part 4. Within 15 days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation within the city. Ordinance No. _____ was first read on _____, 20__ and finally adopted on _____, 20__ to become effective thirty days thereafter.

AYES:

NOES:

ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

RESOLUTION _____
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APPROVED AS TO FORM:

Gary L. Gillig, City Attorney

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Planning Commission Draft Minutes
will be available
Monday, April 10

The Planning Commission meeting is April 6,
April 7 is an off-Friday
Minutes will be prepared first-thing Monday
morning

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ORDINANCE OF THE CITY OF OXNARD

ORDINANCE NO. __

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD ADDING SECTION 16-186.1 TO THE CITY CODE AND AMENDING SECTIONS 16-188 AND 16-651 OF THE CITY CODE

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1. There is increasing demand to locate religious institutions in light industrial zones within the city.
2. A religious use is compatible with light industrial zone uses as the peak hours of usage for religious institutions are different than the peak hour usage of other owner and tenant users in light industrial zones.
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“(B) The following uses and activities, except for agricultural crops, shall be within an enclosed building, unless otherwise approved by a special use permit pursuant to sections 16-530 through 16-553:

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- “(2) Agricultural, limited to growing of crops;
- “(3) Churches in freestanding, single use structures;

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“(3) Adult day care facilities;

“(4) Manufacturing or fabrication of products, components, devices, equipment, systems and parts, such as the following:

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- “(c) Control equipment and systems;
- “(d) Data processing equipment and systems;
- “(e) Electrical appliances;
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- “(i) Jewelry, including products from precious or semiprecious stones or metals;
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“(11) Commercial recreational uses in freestanding structures or as freestanding uses; and

“(12) Other similar uses which the director finds are consistent with the purposes and intent of this zone.”

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“(c) A written ~~parking covenant agreement~~ in the form on file with the city clerk shall be executed by all ~~owners of the land providing off-site parking and all owners of the land served by the off-site parking and shall be recorded.~~ The covenant shall assure the ~~continued availability of the off-site parking for the life of the use to be served by the off-site parking.~~ **landowners affected by the agreement. The agreement shall specify that the city is a third party beneficiary to the agreement and shall state that the user agrees to vacate the use within twelve months if a landowner should amend or terminate the agreement so that the user no longer has sufficient parking to satisfy the parking requirements in effect at the time the agreement was accepted by the city.**”

Part 4. Within 15 days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation within the city. Ordinance No. _____ was first read on _____, 20__ and finally adopted on _____, 20__ to become effective thirty days thereafter.

AYES:

NOES:

ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

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APPROVED AS TO FORM:


Gary L. Gillig, City Attorney

ATTACHMENT 3
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