



Planning Division

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Christopher Williamson, AICP, Senior Planner

DATE: June 5, 2008

SUBJECT: Planning and Zoning Permit Nos. 07-530-2 (Special Use Permit for Wireless Communication Facility) and 07-570-8 (Zone Change), Located at 934 and 936 West Fifth Street and 501 Hobson Way.

- 1) **Recommendation:** That the Planning Commission:
 - a) Approve Planning and Zoning Permit No. 07-530-2 for a wireless communication facility, subject to certain findings and conditions.
 - b) Adopt a resolution recommending that the City Council approve Planning and Zoning Permit No. 07-570-8 (Zone Change).

- 2) **Project Description and Applicant:** A request to construct a wireless communication facility concealed within the steeple of the Grace Bible Church and change the zoning of the church’s two parcels (APN’s 202011028 and 202011033) from R-1, R-2, and R-4 to Commercial Office (CO). The zone change is necessary for conformance with the 2020 General Plan land use designation of Commercial Office. Filed by Grace Bible Church and Synergy Development Services (on behalf of T-Mobile), 7146 Valjean Avenue, Van Nuys, CA 91406.

- 3) **Existing & Surrounding Land Use:** The site is developed with the Grace Bible Church sanctuary and two parking lots. There are no other communication facilities at this location.

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
Project Site	R-1, R-2, R-4	Commercial Office	Grace Bible Church
North	R-2	Park	Former Oxnard HS site
South	CO-PD	Commercial Office	Medical offices
East	R-3-PD	Residential Medium	Multifamily residential
West	R-4-PD	Residential High	Multifamily residential

- 4) **Background Information:** Grace Bible Church was developed under several permits (U264, U591, U1032, and U1472) starting in 1969. Subsequent permits allowed day care, signage changes, and temporary uses. The sanctuary has a contemporary central steeple design that is 95 feet in height. Structural ribs cross the sanctuary roof that allow substantial concealment of the proposed telecommunications cable conduits from public view on Hobson Way or Fifth Street.
- 5) **Environmental Determination:** The wireless equipment installation project (PZ 07-530-2) is categorically exempt under Section 15303 of Title 14 of the California Code of Regulations, "New Construction or Conversion of Small Structures." Additionally, the Telecommunications Act of 1996 establishes specific thresholds and guidelines for wireless radio frequency emissions levels that are acceptable by the Federal Communications Commission (FCC). The Act expressly prohibits local government from regulating personal wireless service facilities on the basis of the environmental effects of radio frequency emissions. The federal government has assumed jurisdiction in this area and the applicant has a license with the Wireless Telecommunications Bureau.

Based on the above exemption and in accordance with the California Environmental Quality Act (CEQA) and the Telecommunications Act of 1996, it has been determined that there is no substantial evidence that the proposed project will have a significant effect on the environment.

In accordance with Section 15061 of the California Environmental Quality Act (CEQA) Guidelines, the propose zone changes from R-1, R-2, and R-4 on two parcels (PZ 07-570-8) are exempt under the General Rule as there is no probability that the zone changes may have a significant effect on the environment. The zone changes are necessary to bring zoning in conformance with the current 2020 General Plan land use designation of Commercial Office which already governs the allowed uses development potential of the site. Therefore, staff has determined that there is no substantial evidence that the zone change may have any significant effect on the environment.

- 6) **Analysis:**
 - a) **General Discussion:** The proposed wireless communication facility will be screened and/or not be visible from public streets as it will be placed at the base of the church steeple with screening and be concealed by existing structural elements of the church roof.
 - b) **General Plan Consistency:** The 2020 General Plan land use designation for the site is Commercial Office. There are no Commercial Office General Plan policies that are relevant to the proposed wireless facility. The proposed zone change will create consistency between zoning and the General Plan.

- c) **Conformance with Zoning Development Standards:** The proposed wireless facility development will be located in the Commercial Office (CO) zone district with the approval of the proposed zone change. The CO zone has a height limit of 15 feet unless otherwise allowed by a special use permit. As the proposed wireless facility installation would be above 15 feet in height, a special use permit is required. Applicable development standards of the Wireless Communications Facility (Section 16-485) also apply.

There is a “camper” home set up in the rear parking lot where it appears someone is living in it, perhaps for 24-hour security purposes. Standard Condition of Approval No. 12 states, “Prior to issuance of building permits, Developer shall correct all violations of the City Code existing on the project property.”

- d) **Design Analysis:** The proposed wireless communication facility is composed of three parts: antennas, cable, and ground unit. Eight antennas would be mounted at the base of the church steeple and screened from view by a five foot high transparent metal screening painted to match the surrounding structure. The cable would run along the church roof surface behind a roof rib to the southeast corner of the main building where it would then drop to the ground, also behind a structural projection that screens the cable from view. The cable is painted to match its surrounding structures. The ground unit is in a 14 by 24 foot enclosed lease area built of CMU block and painted to match the church. The ground unit enclosure would have wrought iron bars across the top to prevent “over-the-wall” access. The ground unit structure is located against the southeast corner of the church and does not displace parking or block access routes. The applicant has designed the wireless communication facility in a manner that substantially conceals the antennas and screens the associated equipment.
- e) **Landscaping Code Compliance:** Additional landscaping will be provided to screen the proposed telecommunication equipment. A landscape and irrigation plan must be approved by the Parks Department prior to building permit issuance (see Condition No. 13) and the landscaping must be installed prior to final inspection (see Condition No. 14).

- 7) **Development Advisory Committee (DAC) Consideration:** Members of the DAC reviewed the project and recommend conditions that have been incorporated into the resolution.

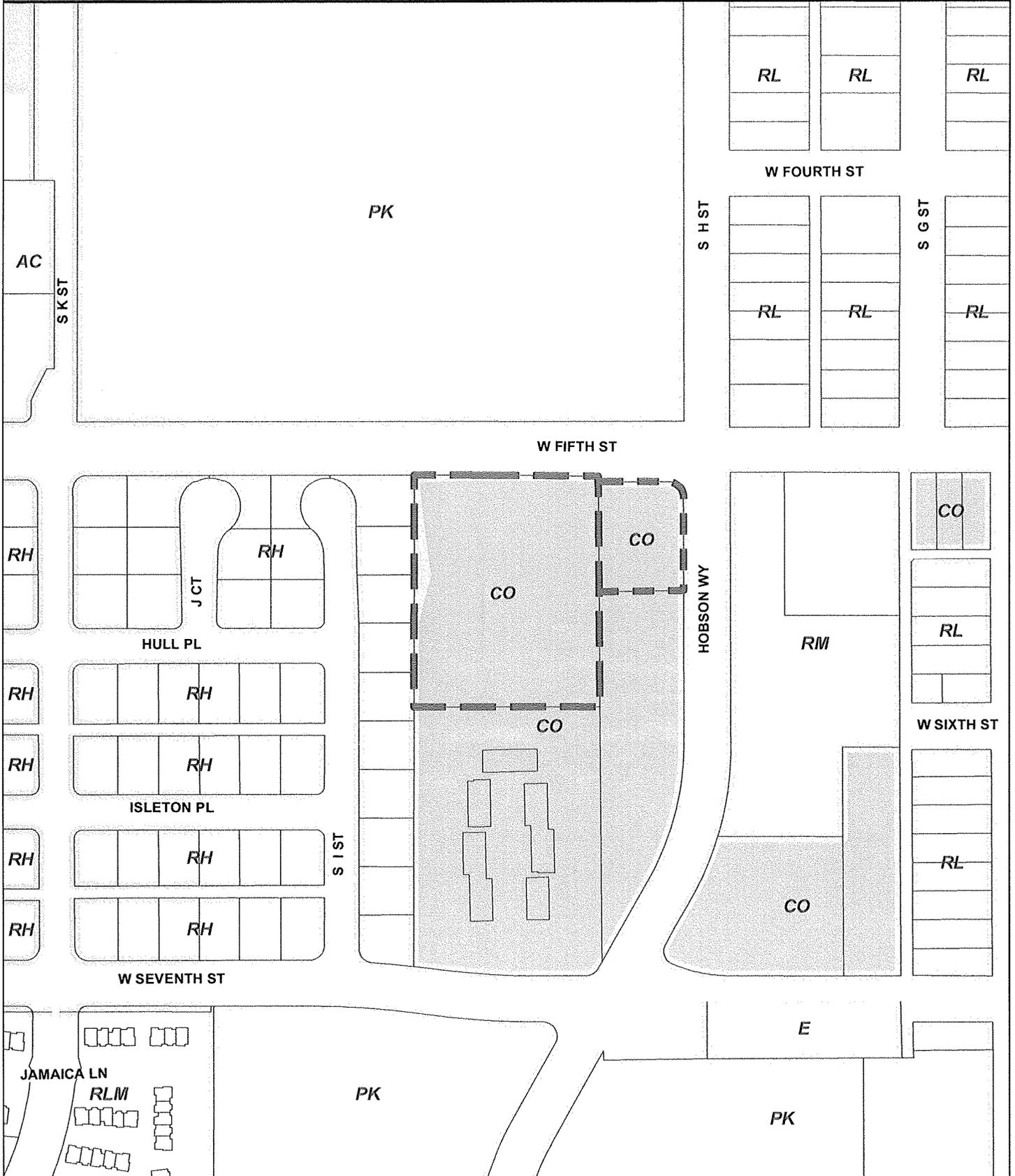
- 8) Attachments:**
- A. Maps (Vicinity, General Plan, Zoning)
 - B. Reduced Project Plans
 - C. Special Use Permit Resolution
 - D. Zone Change Resolution

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

ATTACHMENT A

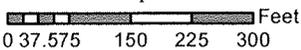
Maps (Vicinity, General Plan, Zoning, Aerial)

General Plan Map



Oxnard Planning
March 28, 2008

PZ 07-530-02, PZ 07-570-08
Location: 936 W Fifth St
APN: 202011028
First Baptist Church

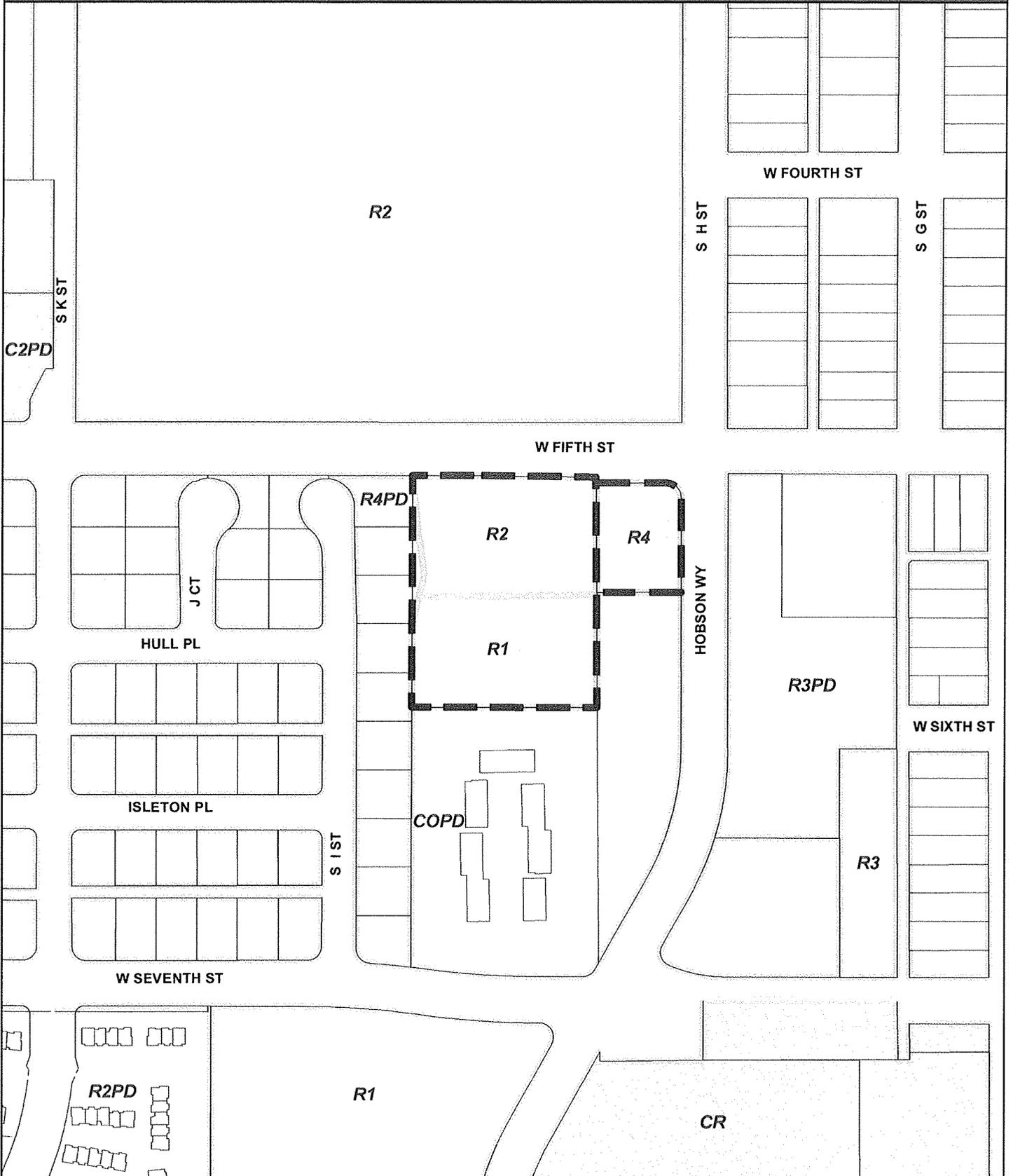


General Plan Map



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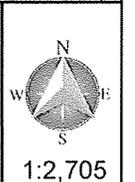
Zone Map

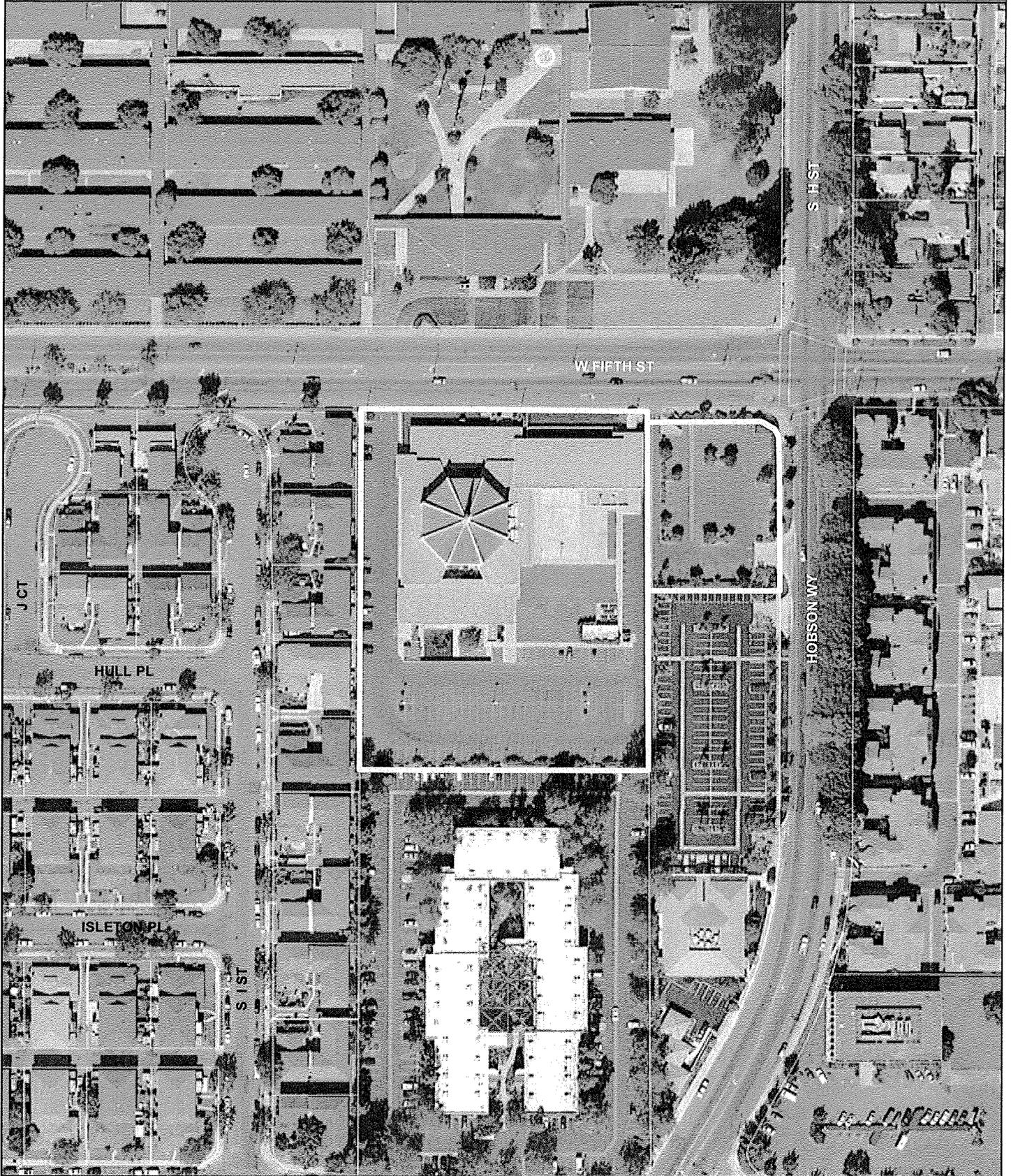


PZ 07-530-02, PZ 07-570-08
Location: 936 W Fifth St
APN: 202011028
First Baptist Church

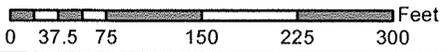
0 40 80 160 240 320 Feet

Zone Map

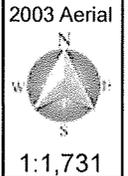




PZ 07-530 02, PZ 07-570-08
 Location: 936 W Fifth St
 APN: 202011028
 First Baptist Church



Aerial Map



ATTACHMENT B

Reduced Project Plans

T-Mobile
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4100 GARDNER STREET, SUITE 101
DALLAS, TX 75242

PLANS PREPARED BY:
B
1100 N. HILLSTON
DALLAS, TEXAS 75205
PHONE: 214.522.2200 FAX: 214.522.2000

CONSULTING GROUP:
Synergy
2400 WILSON AVENUE
DALLAS, TEXAS 75205
PHONE: 214.522.2200 FAX: 214.522.2000

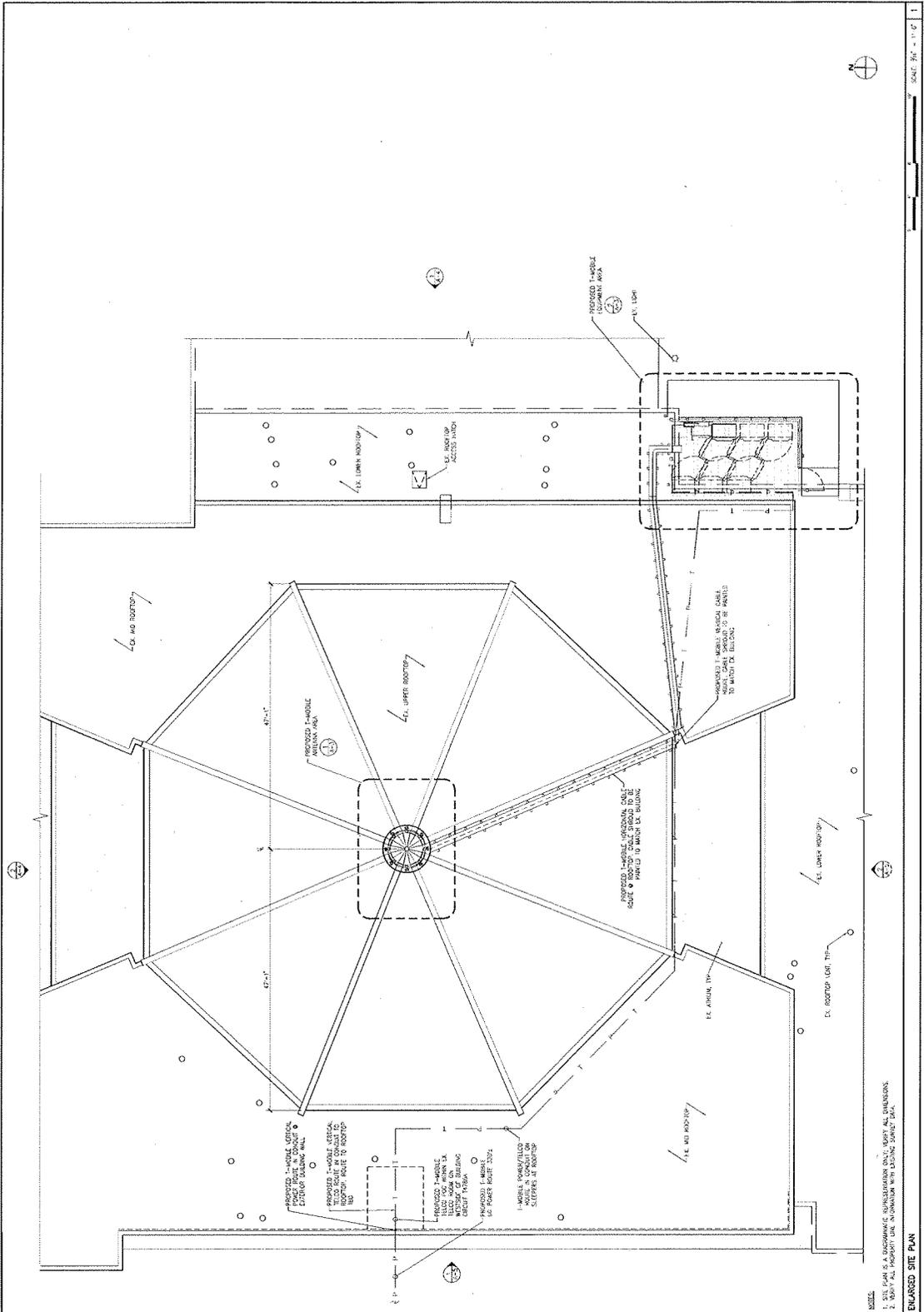
NO.	DATE	DESCRIPTION	BY
1	07/24/07	7/8 FINAL	TM
2	07/24/07	7/8 FINAL	TM
3	07/24/07	7/8 FINAL REV 1	TM
4	07/24/07	7/8 FINAL REV 2	ES
5	08/22/07	2/0 FINAL REV 3	TM
6	07/22/07	2/0 FINAL REV 4	ED

SITE INFORMATION:
SV11428E
GRACE BIBLE CHURCH
800 WEST 5TH STREET
DALLAS, TEXAS 75205
REF. JOB NUMBER: 210560

STAMP:

SHEET TITLE:
**ENLARGED
SITE PLAN**

SHEET NUMBER:
A-2



SCALE: 1/8" = 1'-0"
ENLARGED SITE PLAN

ATTACHMENT C

SUP Resolution

RESOLUTION NO. 2008-[PZ 07-530-2]

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 07-530-2 (SPECIAL USE PERMIT), TO ALLOW THE INSTALLATION OF A WIRELESS COMMUNICATION FACILITY WITHIN AN EXISTING CHURCH LOCATED AT 934 AND 936 WEST FIFTH STREET, SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY GRACE BIBLE CHURCH AND SYNERGY DEVELOPMENT SERVICES (ON BEHALF OF T-MOBILE), 7146 VALJEAN AVENUE, VAN NUYS, CA 91406.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 07-530-2, filed by Grace Bible Church and Synergy Development in accordance with Section 16-530 through 16-553 of the Oxnard City Code; and

WHEREAS, Section 15303 of Title 14 of the California Code of Regulations exempts the project from the requirement for the preparation of environmental documents imposed by the California Environmental Quality Act; and

WHEREAS, the Planning Commission finds, after due study, deliberation and public hearing, that the following circumstances exist:

1. The proposed use is in conformance with the General Plan and other adopted policies of the City of Oxnard.
2. The proposed use will not adversely affect or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare.
3. The site for the proposed use is adequate in size and shape to accommodate the setbacks, parking, landscaping, and other City standards except as may be specifically excepted by the special findings and conditions of this resolution.
4. The site for the proposed use will be served by streets and highways adequate in width and structure to carry the kind and quantity of traffic such use will generate.
5. The site for the proposed use will be provided with adequate sewerage, water, fire protection and storm drainage facilities.

WHEREAS, the Planning Commission finds that the applicant agrees with the necessity of and accepts all elements, requirements, and conditions of this resolution as being a reasonable manner of preserving, protecting, providing for, and fostering the health, safety, and welfare of the citizenry in general and the persons who work, visit or live in this development in particular.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby approves this permit subject to the following conditions. The decision of the Planning Commission is final unless appealed in accordance with the provisions of Section 16-545 of the Oxnard City Code.

Note: The abbreviations below identify the City department or division responsible for determining compliance with these standard conditions. The first department or division listed has responsibility for compliance at plan check, the second during inspection and the third at final inspection, prior to issuance of a certificate of occupancy, or at a later date, as specified in the condition. If more than one department or division is listed, the first will check the plans or inspect the project before the second confirms compliance with the condition. The italicized code at the end of each condition provides internal information on the source of each condition: Some are standard permit conditions (e.g. *G-1*) while some are taken from environmental documents (e.g. *MND-S2*).

DEPARTMENTS AND DIVISIONS			
CA	City Attorney	PL	Planning Division
DS	Dev Services/Eng Dev/Inspectors	TR	Traffic Division
PD	Police Department	B	Building Plan Checker
SC	Source Control	FD	Fire Department
PK	Public Works, Landscape Design	CE	Code Compliance

GENERAL PROJECT CONDITIONS

1. This permit is granted for the property described in the application on file with the Planning and Environmental Services Division (“Planning Division”), and may not be transferred from one property to another. (PL, *G-1*).
2. This permit is granted for the plans stamped “Approved,” (“the plans”) on file with the Planning Division. The project shall conform to the plans, except as otherwise specified in these conditions, or unless a minor modification to the plans is approved by the Planning Manager or a major modification to the plans is approved by the Planning Commission. A minor modification may be granted for minimal changes or increases in the extent of use or size of structures or of the design, materials or colors of structures or masonry walls. A major modification shall be required for substantial changes or increases in such items. (PL, *G-2*)
3. This permit shall automatically become null and void 24 months from the date of its issuance, unless Developer has diligently developed the proposed project, as shown by the issuance of a grading, foundation, or building permit and the construction of substantial improvements, or the beginning of the proposed use. (PL, *G-3*)
4. All required off-site and on-site improvements for the project, including structures, paving, and landscaping, shall be completed prior to occupancy unless the Development Services

Manager allows Developer to provide security or an executed agreement approved by the City Attorney to ensure completion of such improvements. (DS, G-4)

5. By commencing any activity related to the project or using any structure authorized by this permit, Developer accepts all of the conditions and obligations imposed by this permit and waives any challenge to the validity of the conditions and obligations stated therein. (CA, G-5)
6. Developer agrees, as a condition of adoption of this resolution, at Developer's own expense, to indemnify, defend and hold harmless the City and its agents, officers and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of the resolution or any condition attached thereto or any proceedings, acts or determinations taken, done or made prior to the approval of such resolution that were part of the approval process. Developer's commencement of construction or operations pursuant to the resolution shall be deemed to be an acceptance of all conditions thereof. (CA, G-6)
7. Developer shall record with the Ventura County Recorder a "Notice of Land Use Restrictions and Conditions" in a form acceptable to the City Attorney. Before the City issues building permits or allows Developer to occupy the project, Developer shall submit a copy of the recorded document to the Planning Manager. (PL, G-8)
8. Developer shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, G-11)
9. Developer shall not permit any combustible refuse or other flammable materials to be burned on the project property. (FD, G-12)
10. Developer shall not permit any materials classified as flammable, combustible, radioactive, carcinogenic or otherwise potentially hazardous to human health to be handled, stored or used on the project property, except as provided in a permit issued by the Fire Chief. (FD, G-13)
11. If Developer, owner or tenant fails to comply with any of the conditions of this permit, the Developer, owner or tenant shall be subject to a civil fine pursuant to the City Code. (CA, G-14)
12. Prior to issuance of building permits, Developer shall correct all violations of the City Code existing on the project property. (PL, G-15).

LANDSCAPE STANDARD CONDITIONS

13. Before the City issues building permits or the proposed use is initiated, Developer shall submit two copies of landscape and irrigation plans, along with the appropriate permit application and fees, to the Development Services Division and obtain approval of such plans. (PK/DS, PK-2)

14. Before the City issues a certificate of occupancy, Developer shall install landscape and automatic irrigation systems that have been approved by Parks and Facilities Superintendent. (PK, PK-3)
15. Developer shall maintain landscape planting and all irrigation systems as required by the City Code and as specified by this permit. Failure of Developer to do so will result in the revocation of this permit and initiation of legal proceedings against Developer. (PK, PK-4)
16. Before the City issues a certificate of occupancy, Developer shall provide a watering schedule to the building owner or manager and to the Parks and Facilities Superintendent. The irrigation system shall include automatic rain shut-off devices, or instructions on how to override the irrigation system during rainy periods. (PK, PK-5)
17. All trees planted or placed on the project property by Developer shall be at least 24-inch-box size. All shrubs and vines shall be at least five-gallon size, except as otherwise specified by this permit. (PK, PK-6)
18. Developer shall install an irrigation system that includes a water sensor shut off device as a water conservation measure. (PK, PK-22)

PLANNING DIVISION STANDARD CONDITIONS

19. The final building plans submitted by Developer with the building permit application shall depict all building materials and colors to be used in construction. (PL/B, PL-1)
20. Four copies of plans reflecting the requested modification, together with applicable processing fees, shall accompany any application for a minor modification to the project. (PL, PL-2)
21. Before the City issues building permits, Developer shall include a reproduction of all conditions of this permit as adopted by resolution of the Planning Commission and/or the City Council in all sets of construction documents and specifications for the project. (PL, PL-3)
22. Developer shall provide for dust control at all times during project property preparation and construction activities. (B/DS, PL-13)
23. Prior to issuance of building permits, Developer shall pay a document-imaging fee for the planning files in an amount calculated by planning staff at the time of building permit review based on fees then in effect. (PL/B, PL-16).
24. For any exterior utility meter panels, Developer shall paint such panels to match the structure upon which it is located. Such panels shall be located to take advantage of screening (e.g. landscaping or other building elements) from public right-of-ways, to the maximum extent feasible. (PL, PL-43)

PLANNING DIVISION SPECIAL CONDITIONS

25. Prior to City issuance of any building permits, Developer shall obtain an approval signature from Grace Bible Church on the approved set of plans and a letter acknowledging that Grace Bible Church agrees to the conditions of this resolution. (PL)
26. Any future wire communication facility proposed for the subject property shall co-locate its associated antennas within or on the subject monopole. To the maximum amount feasible, efforts will be made to place future antennas within the monopole to conceal them from public view.
27. Prior to final inspection landscaping, as approved by the Parks Department, Developer shall screen the associated telecommunication equipment.

DEVELOPMENT SERVICES DIVISION STANDARD CONDITIONS

28. Developer shall pay plan check and processing fees in effect at the time of construction plan submittal and shall pay development fees, encroachment permit fees, and other applicable fees in effect at the time the City issues building permits. (DS-1)
29. Developer shall remove and replace all improvements that are damaged during construction. (DS-6)
30. Developer agrees, as a condition of approval of this resolution, to indemnify, defend and hold harmless, at Developer's expense, City and its agents, officers and employees from and against any claim, action or proceeding commenced within the time period provided for in Government Code Section 66499.37, to attack, review, set aside, void or annul the approval of this resolution or to determine the reasonableness, legality or validity of any condition attached thereto. City shall promptly notify Developer of any such claim, action or proceeding of which City receives notice, and City will cooperate fully with Developer in the defense thereof. Developer shall reimburse City for any court costs and attorney's fees that City may be required to pay as a result of any such claim, action or proceeding. City may, in its sole discretion, participate in the defense of any such claim, action or proceeding, but such participation shall not relieve Developer of the obligations of this condition. Developer's acceptance of this resolution or commencement of construction or operations under this resolution shall be deemed to be acceptance of all conditions thereof. (DS-18)

DEVELOPMENT SERVICES DIVISION SPECIAL CONDITIONS

31. Developer shall comply with all applicable requirements and laws of the Federal Communications Commission and any other governmental entity with jurisdiction over the project. (DS)

POLICE DEPARTMENT SPECIAL CONDITIONS

32. Developer shall allow installation of public safety radio equipment in or on the tower if the City of Oxnard Police Department or Fire Department finds it necessary. Such equipment shall not conflict with the architectural design of the tower or interfere with the approved wireless communication facility. Such equipment shall comply with zoning and planning requirements and conditions (PD).

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 5th of June , 2008, by the following vote:

AYES:

NOES:

ABSENT:

Michael Sanchez, Chairman

ATTEST: _____
Susan L. Martin, Secretary

ATTACHMENT D

Zone Change Resolution

RESOLUTION NO. 2008-[PZ 07-570-08]

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING TO THE CITY COUNCIL ADOPTION OF A ZONE CHANGE (NO. PZ 07-570-08) FOR 934 AND 936 WEST FIFTH STREET AND 501 HOBSON WAY (APN's 202011028 AND 202011033) TO COMMERCIAL OFFICE. FILED BY GRACE BIBLE CHURCH AND SYNERGY DEVELOPMENT SERVICES (ON BEHALF OF T-MOBILE), 7146 VALJEAN AVENUE, VAN NUYS, CA 91406.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 07-570-08, filed by Grace Bible Church and Synergy Development Services to amend the zoning of the above-described property to Commercial Office; and

WHEREAS, the Planning Commission has held public hearings and received and reviewed written and oral comments related to proposed Planning and Zoning Permit No. 07-570-08; and

WHEREAS, the Planning Commission finds after due study and deliberation that the public interest and general welfare require adoption of Planning and Zoning Permit No. 07-570-08; and

WHEREAS, Section 15061 of Title 14 of the California Code of Regulations exempts the project from the requirement for the preparation of environmental documents imposed by the California Environmental Quality Act; and

WHEREAS, the zone change is consistent with the 2020 General Plan.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby recommends to the City Council adoption of Planning and Zoning Permit No. 07-570-08, amending the City's official Zoning Map to change the zoning designation of the property as shown in Exhibit 'A', attached hereto and incorporated herein by reference.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 5th day of June 2008, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

Michael Sanchez, Chairperson

ATTEST: _____
Susan L. Martin, Secretary

EXHIBIT A

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO. __

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING ZONE CHANGE (NO. PZ 07-570-08) FOR 934 AND 936 WEST FIFTH STREET AND 501 HOBSON WAY (APN's 202011028 AND 202011033) TO COMMERCIAL OFFICE. FILED BY GRACE BIBLE CHURCH AND SYNERGY DEVELOPMENT SERVICES (ON BEHALF OF T-MOBILE), 7146 VALJEAN AVENUE, VAN NUYS, CA 91406.

WHEREAS, on June 5, 2008, the Planning Commission approved Resolution No. 2008-XX recommending that the City Council adopt a resolution approving Planning and Zoning Permit No. 07-570-08 (Zone Change) filed by Grace Bible Church and Synergy Development Services; and

WHEREAS, Section 15061 of Title 14 of the California Code of Regulations exempts the project from the requirement for the preparation of environmental documents imposed by the California Environmental Quality Act; and

WHEREAS, the City Council held a public hearing and received and reviewed written and oral comments related to proposed Zone Change No. 07-570-08; and

WHEREAS, the City Council finds after due study and deliberation that the public interest and general welfare require the adoption of Zone Change No. 07-570-08; and

WHEREAS, the documents and other material that constitute the record of proceedings are located in the Planning Division, and the custodian of the record is the Planning Manager; and

WHEREAS, the applicant agrees, as a condition of adoption of this resolution, at applicant's own expense, to indemnify, defend, and hold harmless City and its agents, officers, and employees from and against any claim, action or proceeding to attack, review, set aside, void, or annul the approval of this resolution or any proceedings, acts, or determination taken, done, or made prior thereto that were part of the approval process.

WHEREAS, the Applicant agree as a condition of approval of this resolution and at their own expense, to indemnify and defend the City of Oxnard and its agents, officers and employees from and against any claims, actions or proceedings to attack, set aside, void or annul the approval of this resolution or any actions or proceedings, acts or determinations taken, done or made before the approval of this resolution that were part of the approval process.

WHEREAS, the zone change is consistent with the 2020 General Plan.

NOW, THEREFORE, the City Council of the City of Oxnard does ordain as follows:

Part 1. The zoning governing 934 and 936 West Fifth Street and 501 Hobson Way (APN's 202011028 and 202011033), as shown on the map attached hereto as Exhibit A, incorporated herein by reference and on file with the City Clerk, is changed to Commercial Office (CO).

Part 2. Within 15 days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation published and circulated in the City. Ordinance No. _____ was first read on ____, 2008, and finally adopted on _____, to become effective thirty (30) days thereafter.

PASSED AND ADOPTED this XX day of June, 2008, by the following vote

AYES:

NOES:

ABSENT:

Dr. Thomas E. Holden, Mayor

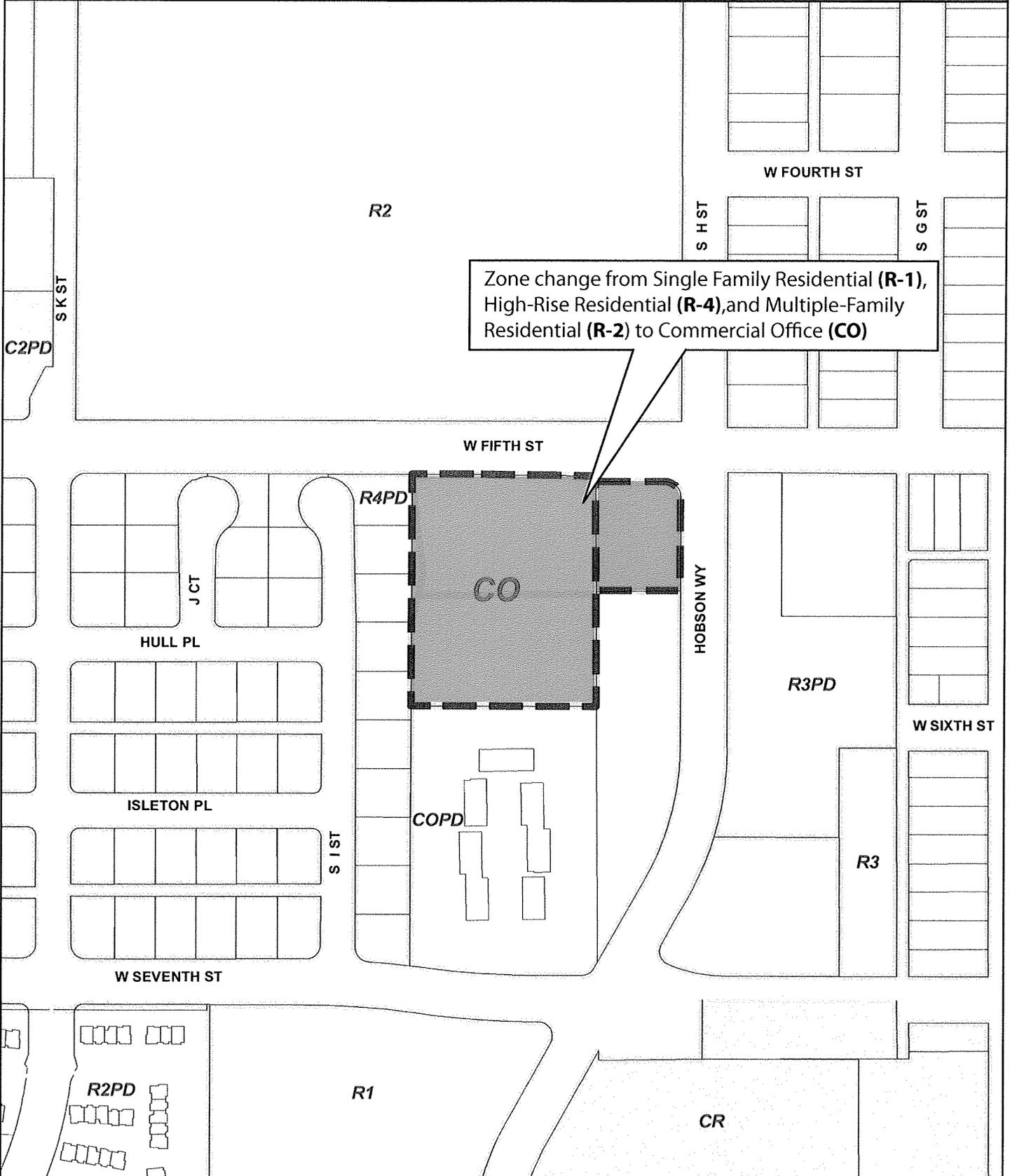
ATTEST:

APPROVED AS TO FORM:

Daniel Martinez, City Clerk

Gary L. Gillig, City Attorney

Zone Change



PZ 07-530-02, PZ 07-570-08
Location: 936 W Fifth St
APN: 202011028
First Baptist Church

Zone Change



1:2,705