



Planning Division

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission
FROM: Juan Martinez, Associate Planner
DATE: June 19, 2008
SUBJECT: **Planning and Zoning Permit No. 07-500-11 (Special Use Permit)
 Single-Family Home, 128 North Hayes Avenue. Filed by Jose L. Mendoza.**

- 1) **Recommendation:** That the Planning Commission adopt a resolution approving Planning and Zoning Permit No. 07-500-11 (Special Use Permit) for property located at 128 North Hayes Avenue (APN 201-0-111-150), subject to certain findings and conditions.
- 2) **Project Description and Applicant:** The project proposes to construct a 2,612 square foot single-family home on a vacant 4,800 square foot parcel located at 128 North Hayes Avenue (APN 201-0-111-150). The site is zoned C-2 (General Commercial) and it is located within La Colonia Neighborhood. Filed by Jose L. Mendoza, 3431 West Montclair Street, Los Angeles, CA 90018.
- 3) **Existing & Surrounding Land Uses:** The project site is vacant. Although, the properties along Hayes Avenue between Cooper Road and First Street are zoned General Commercial, the predominant uses are residential.

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
Project Site	C-2 (General Commercial)	Commercial: General	Undeveloped Lot
North	C-2 (General Commercial)	Commercial: General	Residential
South	C-2 (General Commercial)	Commercial: General	Undeveloped Lot
East	R-3 (Garden Apartments)	Residential: Low Medium	Residential
West	C-2 (General Commercial)	Commercial: General	Undeveloped Lot

- 4) **Background Information:** On January 3, 2008, the Planning Commission considered the subject use permit which initially proposed to construct two single-family homes on the subject site. The

detached homes ranged from approximately 1,500 square feet to 1,600 square feet in size. While the proposed residential development met the R-3 standards of the code as required by the C-2 zone, the commission expressed concerns relating to the proposed density, the site design and the floor plan design of the homes. The rear unit was oriented to face the narrow alley and both dwelling units had site and floor plan layout restrictions resulting in non-conventional site and floor plan designs. In addition, the commission expressed that the first floor livable areas were too restricted in size and compromised the functionality of the floor plan.

After listening to the Planning Commission's concerns, as the Commission deliberated, the applicant requested if that Commission would reconsider the project if changes were incorporated to address their concerns. At the request of the applicant, the Commission decided to continue the project off-calendar.

5) Environmental Determination: In accordance with Section 15303 (Class 3) of the California Environmental Quality Act (CEQA) Guidelines, projects involving "new construction of small structures such as a single-family residence" may be found to be exempt from the requirements of CEQA. This proposal proposes a single family residence meeting the exempt qualifications. Therefore, staff has determined that there is no substantial evidence that the project may have a significant effect on the environment and recommends that Planning Commission accept the Notice of Exemption (see Attachment C).

6) Analysis:

a) General Discussion: Since the January 2008 Planning Commission meeting, the applicant has modified the project to consist of a two-story single family dwelling unit. The five bedroom house provides larger bedrooms, a more conventional floor plan design, and improved connectivity throughout the house. A centrally placed family room is incorporated into the second floor, and its location and design allow for a comfortable and well designed transition from the stairs the various rooms on the second floor. Its size and central location is also expected to provide for a great family room to serve and benefit family time on the second floor.

b) General Plan Consistency:

The general commercial land use designation of the 2020 General Plan is consistent with the general commercial zoning designation which allows residential development uses within the C-2 zone if considered and approved by a special use permit. Therefore, the proposed project will be in conformance with the General Plan and zoning for the property.

c) Conformance with Zoning Development Standards: The proposed development is located in the General Commercial (C-2) zone district.). In accordance with Section No. 16-136(A)(2) of the City Code, residential uses may be permitted in the C-2 zone with the approval of a special use permit. In such instances, residential projects are required to comply with the development standards of the R-3 zone and the proposed development is design to conform to the R-3 standards. Applicable development standards of the R-3 zoning district and the related

City code standards have been compared with the proposed project, as follows:

DEVELOPMENT STANDARD	REQUIREMENT	PROPOSED	COMPLIES ?
Max. building height	35 feet from top of curb	Two story	Yes
Max. # dwelling units	1 unit per 2,400 square feet lot area.	1 units	Yes
Front yard	20 feet; 15 feet is access is provided from the alley.	20 feet	Yes
Side yard	5 feet for 1 & 2 stories; 7.5 feet for 2 stories	5 feet	Yes
Rear yard	25 feet	36 feet	Yes
Interior yard space	1,440 square feet 30% of lot area, with min. dimension of 15' x 15'. May not include vehicle parking or circulation areas. 25% of required IYS may be provided by deck space if minimum 10' x 10' (200sf min)	Provided: 1,440 sf	Yes
Parking spaces	2 spaces in a garage for each residential dwelling unit	A two car garage (20'X20') plus 2 additional driveway stalls	Yes

d) **Site Design:** The project site is part of a pre-existing subdivision and the parcel is comprised of a narrow 40 foot wide lot by 120 feet in depth. The small lot configuration is typical of this community, which is predominantly comprised of residential uses of varying densities.

e) **Circulation and Parking:** The single family dwelling unit will be served by an entry approach and driveway leading to a front loaded two-car garage off Hayes Avenue. Lots along Hayes Avenue and throughout La Colonia Neighborhood have vehicular access off the street or off the alley way, since the majority of the neighborhood blocks within the community are designed with alley ways.

f) **Building Design:** The architectural design of the single family home will be consistent with the architectural character and appearance of newer single family homes recently erected or improved within the neighborhood. The two story structures will be wood framed with stucco siding, pitched roofing, and typical roof eave overhangs.

7) **Community Workshop:** On Monday, October 15, 2007, the applicant and staff from the Planning Division attended a community workshop held in the City of Oxnard Community Room. Prior to the meeting, staff advertised in the Oxnard Star a public notice briefly describing the proposed project and the applicant mailed notices to the residents within the La Colonia Neighborhood. In addition, the applicant posted the site with an informational 4'X4' sign

containing the project description, and contact information for the applicant and City contact. City staff attended the meeting to address any questions or concerns related to the application request as they related to the City's process, standards, and/or policies. Eleven persons attended the Community workshop; however persons in attendance were there to consider other project applications on the agenda that evening. In addition, the site's posting was recently updated to provide the community with on-site notice of the Planning Commission hearing. As of the completion of this report, Staff did not receive any objections or correspondence relating to the approval of this application.

8) Appeal Procedure: In accordance with Section 16-545 of the City Code, the Planning Commission's decision may be appealed to the City Council within 18 days.

Attachments:

- A. Maps (Vicinity, General Plan, Zoning)
- B. Proposed Reduce Project Plans (Including Full Size Set)
- C. Previously Proposed Project Plans (Reduced)
- D. Notice of Exemption
- E. Resolutions

Prepared by: 
JM

Approved by: 
SM

ATTACHMENT

A

MAPS

(VICINITY, ZONING, GENERAL PLAN MAP)

**ATTACHMENT
B**

**DEVELOPMENT PROJECT PLANS
(REDUCED)**

**ATTACHMENT
C**

**PREVIOUSLY PROPOSED DEVELOPMENT PLANS
(REDUCED)**

**ATTACHMENT
D**

NOTICE OF EXEMPTION



NOTICE OF EXEMPTION

Project Description:

Planning and Zoning Permit No. 07-500-11 (Special Use Permit), proposes to construct a 2,612 square foot single-family home on a vacant 4,800 square foot parcel located at 128 North Hayes Avenue (APN 201-0-111-150). The site is zoned C-2 (General Commercial) and it is located within La Colonia Neighborhood. In accordance with Section No. 15303 of the CEQA Guidelines, the proposed project is exempt from environmental review. Filed by Jose L. Mendoza, 3431 West Montclair Street, Los Angeles, CA 90018.

Finding:

The Planning 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, 14 Cal. Code of Regs. 15270]
- No Possibility of Significant Effect [CEQA Guidelines, 14 Cal. Code of Regs. 15061(b)(3)]

Supporting Reasons:

In accordance with the California Environmental Quality Act (CEQA) Guidelines, the Planning Division Manager has determined that the proposed project is exempt from environmental review. Section 15303 (Class 3) of the California Environmental Quality Act (CEQA) Guidelines categorically exempts new construction of small structures such as a single-family residence from environmental review. Based on the above exemption and in accordance with CEQA, the Planning Division Manager has determined that there is no substantial evidence that the proposed project may have a significant effect on the environment and that a notice of exemption may be filed

6/12/2008

(Date)

Susan L. Martin, AICP
Planning Division Manager

Planning Division

214 South C Street, Oxnard, CA 93030 ♦ (805) 385-7858 ♦ FAX (805) 385-7417

**ATTACHMENT
E**

**RESOLUTION
PZ 07-500-11 (SUP)**

RESOLUTION NO. 2008-___

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 07-500-11 (SPECIAL USE PERMIT) TO CONSTRUCT A 2,612 SQUARE FOOT SINGLE FAMILY HOME ON A VACANT 4,800 SQUARE FOOT PARCEL, ZONED C-2 (GENERAL COMMERCIAL) LOCATED AT 128 NORTH HAYES AVENUE (APN 201-0-111-150), WITHIN LA COLONIA NEIGHBORHOOD. FILED BY JOSE L. MENDOZA, 3431 WEST MONTCLAIR STREET, LOS ANGELES, CA 90018.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. PZ 07-500-11 (Special Use Permit), filed by Jose L. Mendoza, in accordance with Section No. 16-530 through 16-553 of the Oxnard City Code; and

WHEREAS, in accordance with Section 15303 (Class 3) of the California Environmental Quality Act (CEQA) Guidelines, projects involving “new construction of small structures such as a single-family residence” may be found to be exempt from the requirements of CEQA. This proposal proposes a single family residence meeting the exempt qualifications. Therefore, staff has determined that there is no substantial evidence that the project may have a significant effect on the environment and recommends that Planning Commission accept the Notice of Exemption

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

1. That the proposed use will be in conformance with the General Plan and other adopted policies of the City of Oxnard.
2. That 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. That 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. That 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. That 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 dated June 19, 2008, (“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 and Environmental Services Manager (“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. Any covenants, conditions, and restrictions (CC&Rs) applicable to the project property shall be consistent with the terms of this permit and the City Code. If there is a conflict between the CC&Rs and the City Code or this permit, the City Code or this permit shall prevail. (CA, G-7)
8. Developer shall complete the "Notice of Land Use Restrictions and Conditions" form, using the form provided by the City, for recording with the Ventura County Recorder. Before the City issues building permits, Developer shall submit the original completed, signed and notarized document, together with the required fees to the Planning Manager. (PL, G-8)
9. Developer shall provide off-street parking for the project, including the number of spaces, stall size, paving, striping, location, and access, as required by the City Code. (PL/B, G-9)
10. Before placing or constructing any signs on the project property, Developer shall obtain a sign permit from the City. Except as provided in the sign permit, Developer may not change any signs on the project property. (PL/B, G-10)
11. Developer shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, G-11)
12. Developer shall not permit any combustible refuse or other flammable materials to be burned on the project property. (FD, G-12)
13. 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)
14. 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)
15. 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

16. Developer shall install landscape and automatic irrigation systems that have been approved by Parks and Facilities Superintendent. (PK, PK-3)

17. 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)
18. Developer shall install sod in the lawn areas of all front yards and street side yards. (PK, PK-13)

FIRE DEPARTMENT STANDARD CONDITIONS

19. All roof covering materials on the project property shall be of non-combustible or fire retardant materials approved by the Fire Chief and in compliance with the City Code. (FD, F-2)
20. All structures on the project property shall conform to the minimum standards prescribed in Title 19 of the California Code of Regulations. (FD, F-5)
21. The project shall meet the minimum requirements of the "Fire Protection Planning Guide" published by the Fire Department. (FD, F-6)
22. Developer shall provide automatic fire sprinklers as required by the City Code and shall contact the Fire Chief to ascertain the location of all connections. (FD, F-12)

PLANNING DIVISION STANDARD CONDITIONS

23. The final building plans submitted by Developer with the building permit application shall depict on the building elevation sheets all building materials and colors to be used in construction. (PL/B, PL-1)
24. Any application for a minor modification to the project shall be accompanied by four copies of plans reflecting the requested modification, together with applicable processing fees. (PL, PL-2)
25. 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)
26. Before the City issues building permits, Developer shall provide to the Planning Division Manager color photographic reductions (8 1/2" by 11") of full-size colored elevations and any other colored exhibit approved by the Planning Commission. Developer may retain the full-size colored elevations after the reductions are so provided. (PL, PL-4)
27. Developer acknowledges that because of population limitations placed on the City by the Air Quality Management Program, approval of this permit does not guarantee that the City will issue building permits. The City's issuance of building permits may be delayed as a result of implementation of an air quality plan. (PL, PL-5)

28. Because of water limitations placed upon the City by its water providers, approval of this permit does not guarantee that the City will issue building permits. Issuance of building permits may be delayed as a result of implementation of a water conservation or allocation plan. (PL, PL-15)
29. 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).
30. Before the City issues building permits, Developer shall provide to the Planning Division Manager a disk in DWG format of a 100-foot scale site plan of the project as approved. (PL, PL-50)
31. Developer shall install all roof and building rain gutters and downspouts to integrate as closely as possible with building design elements, including matching adjacent building colors as closely as possible. Developer shall submit a plan and scheme for approval by the Planning Division Manager prior to issuance of building permits. (PL, PL-18)
32. Developer shall provide automatic garage door openers for all garages. (PL/B, PL-20)
33. Garages closer than 23 feet to the front property line shall have sectional roll-up garage doors. (PL/B, PL-21)
34. Developer shall provide a rear patio concrete slab of at least 100 square feet. (PL/B, PL-26)

PLANNING DIVISION SPECIAL CONDITIONS

35. Developer shall provide storage areas for City sized trash enclosures within garage or in side and rear areas not visible from the street. (PL)
36. Additions and patio covers shall conform to the requirements of the R-3 zone setbacks, or as otherwise approved by this permit, and match the materials and style of the residence. (PL/B, PL-27)

DEVELOPMENT SERVICES CONDITION

37. 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)
38. Curb cut widths and design shall conform to City ordinances, standards, and policies in effect at the time City issues an encroachment permit. (DS-9)

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 19th day of June 2008, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

Michael Sanchez, Chairman

ATTEST: _____
Susan L. Martin, Secretary