



Planning Division

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Linda Windsor, Associate Planner

DATE: July 17, 2008

SUBJECT: Planning and Zoning Permit No. 08-300-8 (Tentative Subdivision Map) and 08-500-3 (Special Use Permit) - Located at 2100 Statham Boulevard.

- 1) Recommendation:** That the Planning Commission:
- a) Approve Planning and Zoning Permit No. 08-500-3 for a special use permit, subject to certain findings and conditions.
 - b) Adopt a resolution recommending that the City Council approve Planning and Zoning Permit No. 08-300-3 for a tentative subdivision map for Tract No. 5716, a portion for condominium purposes, subject to certain findings and conditions.

Project Description and Applicant: The applicant proposes to subdivide an existing 2.77-acre lot into two lots (0.86 and 1.96 acres), including the 1.96-acre lot for 12 industrial condominiums. The project is not within a redevelopment area, neighborhood or specific plan area. Filed by designated Attorney in Fact Ghormley Consulting Civil Engineers, 302 N. Montgomery Street, Ojai, CA 93023, for Statham Commercial Development, LLC.

2) Existing & Surrounding Land Uses: The site is vacant.

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
Project Site	BRP	Business & Research Park	Vacant
North	BRP	Limited Industrial	Retail, service uses
South	ML	Business & Research Park	Vehicle storage, offices, antique car museum
East	BRP	BRP	(beyond Oxnard Boulevard) Restaurant, limited industrial uses
West	ML	Limited Industrial	Various light industrial uses

3) Background Information: On August 16, 2007, the Planning Commission adopted Resolution Nos. 2007-25, -26, and -27, approving a special use permit and zone variance (PZ Nos. 05-500-11, and 07-590-1) for development of this property, and recommending approval of a zone change (PZ No. 06-570-8) to the City Council. The City Council

approved the special use permit, zone variance and zone change on September 18, 2007. The project consists of development of the site with a retail/office building (4500 square feet) and three light industrial buildings (18,000 square feet). The zone variance request reduced the required setback along Oxnard Boulevard from 40 feet to 32 feet for one portion of one building. The zone change changed the property zoning from M-L (Limited Manufacturing) to BRP (Business & Research Park). The applicant has submitted the building and improvement plans into the City's plan check process.

4) Environmental Determination: In accordance with Section 15315 of the California Environmental Quality Act (CEQA) Guidelines, projects involving Minor Land Divisions dividing land for residential, commercial or industrial uses in urbanized areas into four or fewer parcels may be found to be exempt from the requirements of CEQA. This proposal consists of a minor land division, dividing the property into two lots (one for condominium purposes) for industrial and commercial uses in an urbanized area. 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).

5) Analysis:

- a) General Discussion:** This project is before the Planning Commission because the approval of community ownership units (condominiums) requires a special use permit. In addition, the subdivision of the property into two lots requires approval and recordation of a map. The proposed tentative subdivision map would divide the property into two lots: one for the retail/commercial building and one for 12 industrial condominiums. No changes to the site or the approved project are proposed as part of this subdivision.
- b) General Plan Consistency:** The City's 2020 General Plan designates the subject site for Business and Research Park uses. The current zoning, Business and Research Park (BRP), is consistent with the City's 2020 General Plan designation. In approving the Special Use Permit, Zone Variance and Zone Change for the development project, the Planning Commission and City Council determined that the approved project is consistent with the General Plan. The proposed land division and community ownership of the site will not affect the commercial and industrial uses of the subject property and not change the development project's consistency with the General Plan. Therefore, the project is consistent with the 2020 General Plan policies and conforms to its land use designation.
- c) Conformance with Zoning Development Standards:** The proposed subdivision is located in the Business and Research Park (BRP) zone district. The subdivision creates a new lot line on the property between two of the buildings, with the potential to change the development project's compliance with the BRP zone district standards (lot size, frontage, setbacks, etc.). Staff reviewed the project's compliance with the applicable development standards of the BRP zone and previous approval, as follows:

DEVELOPMENT STANDARD	REQUIRED	PROPOSED	COMPLIES
Min. lot area	20,000 sq ft (min)	Lot 1: 33,216 sq ft Lot 2: 85,378 sq ft	YES
Min. lot width	Corner Lot: 150 feet Interior Lot: 100 feet	Lot 1: 150 feet Lot 2: 300	YES
Min. lot depth	150 ft.	Lot 1: 192 feet Lot 2: 250 feet +	YES
Front yard setback (street setbacks)	Along Oxnard Bl: 40 ft. Statham Bl: 30 ft	Oxnard Blvd: 68 ft, except 32 ft., 11 in. and 30 ft at one area of Building 1. Statham: 30 feet	Yes, with approved Zone Variance
Side yard setback (north property line of Lot 2 only)	Building Height Lot 1: 31 ft 9 in. Lot 2: 28 ft	Lot 1: NA (no side yards) Lot 2: 29 feet (at minimum)	YES
Rear yard setback (south property line of each lot)	20 feet	Lot 1: 42 feet (at minimum) Lot 2: 31 feet (at minimum)	YES
Lot coverage	40%	Lot 1: 13.5% Lot 2: 21%	YES

- d) Site Design:** No new development or site changes are proposed for the subject property. The property is bounded by Highway 1 (Oxnard Boulevard) to the northeast, Statham Boulevard to the west and an existing development (owned by the applicant) to the south.
- e) Circulation and Parking:** The approved development project provides vehicle access via two driveways along Statham Boulevard. The primary driveway access is approximately 170 feet south of the intersection of Sunkist Circle and Statham Boulevard. The secondary driveway is located on and shared with the adjacent property, which is also owned by this applicant. Recordation of a reciprocal access agreement between these two properties is required prior to issuance of a building permit for the development project.

In addition to reciprocal access between the subject property and the adjoining property to the south, a condition of approval is included in the draft resolution for the tentative subdivision map requiring recordation of a reciprocal access, parking and maintenance agreement and in the special use permit resolution requiring establishment of a property owners' association for this property.

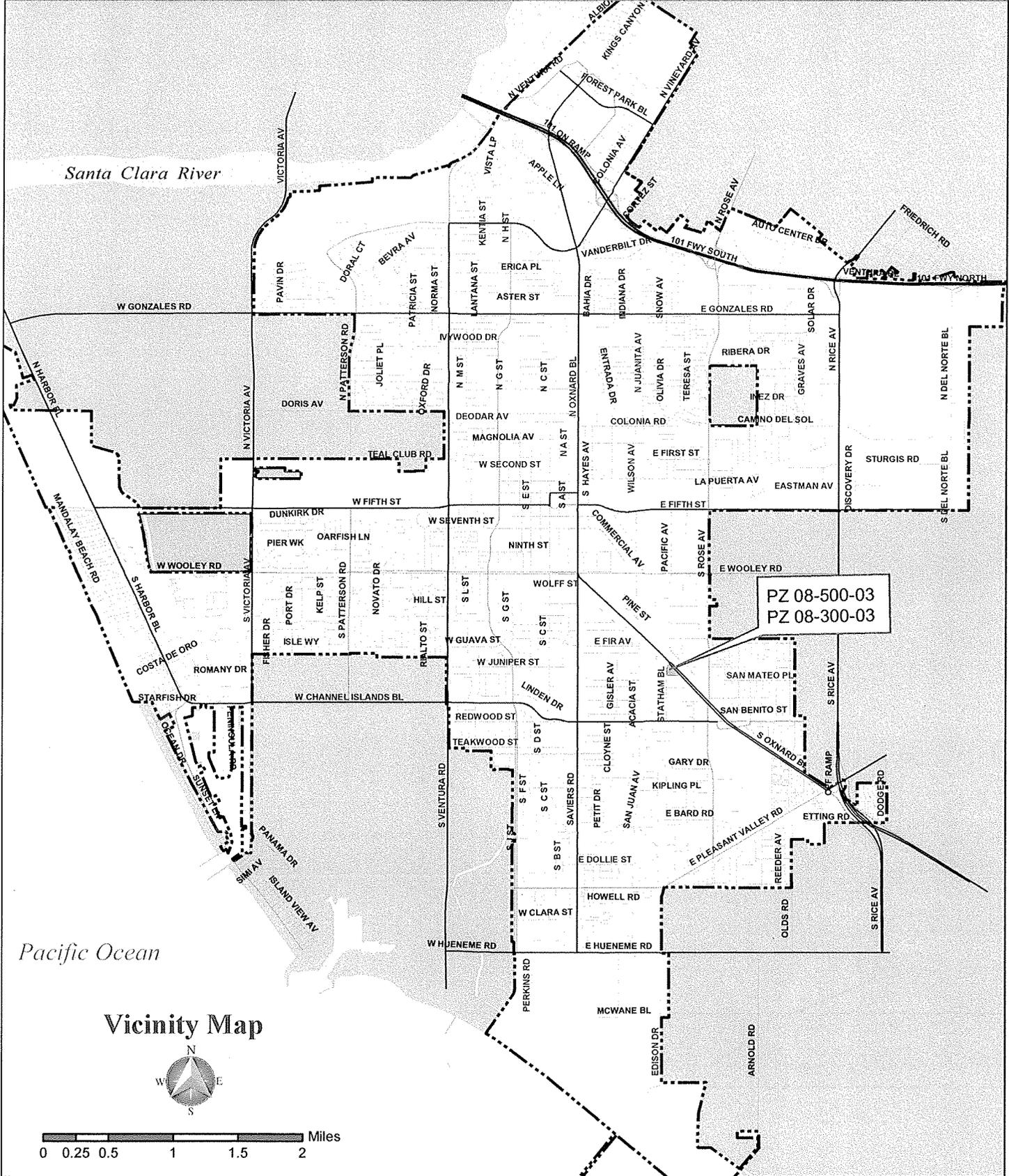
- 6) Development Advisory Committee:** As no changes are proposed to the previously approved site layout and development, the tract map and conversion of the industrial units to common ownership are not subject to review by the Development Advisory Committee. Conditions of approval from affected departments are included in the attached resolutions.
- 6) 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:

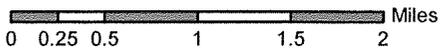
- A. Maps (Vicinity, General Plan, Zoning)
- B. Reduced Tentative Subdivision Map of Tract No. 5716
- C. Notice of Exemption
- D. Resolutions

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

Vicinity Map



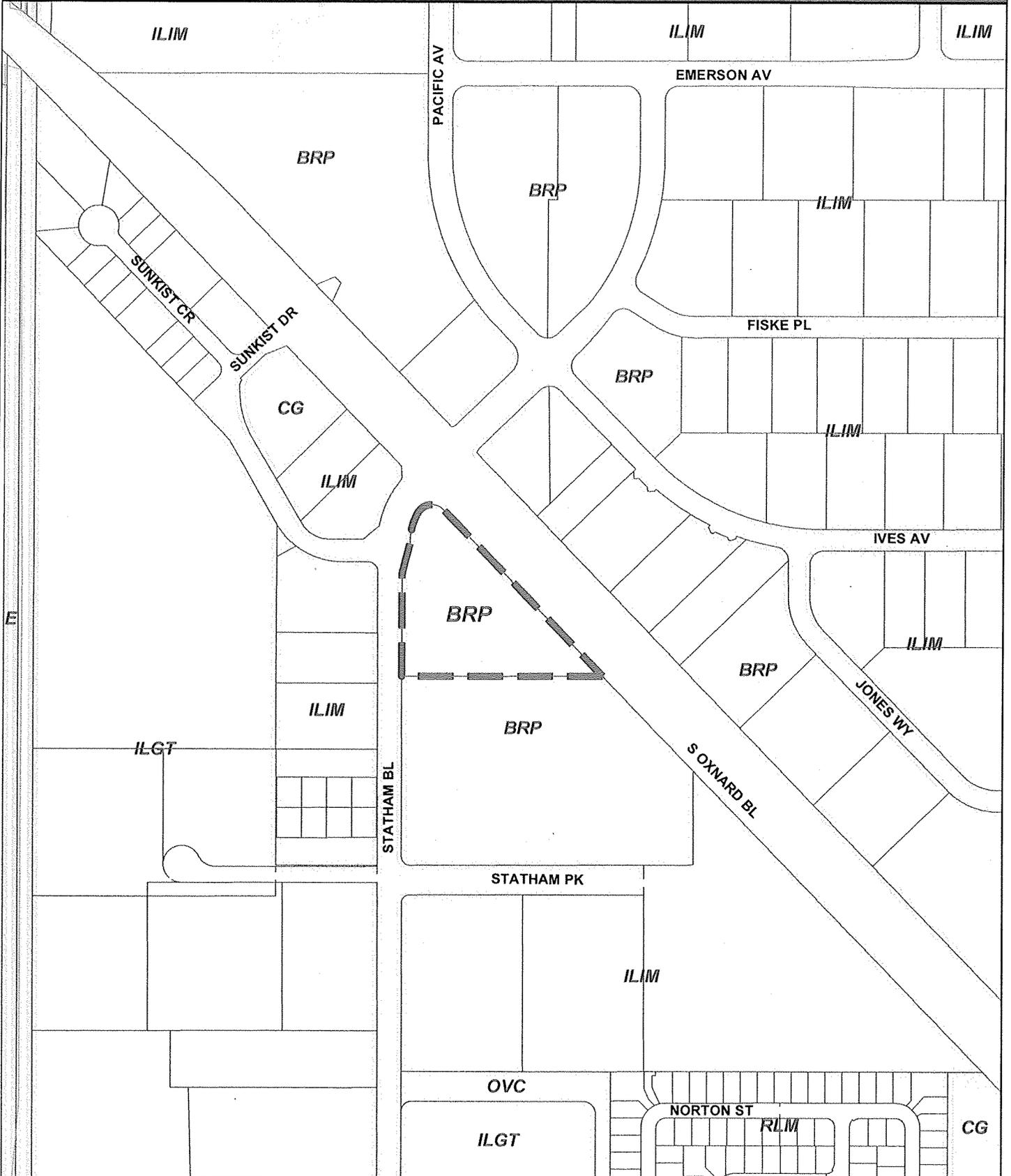
Vicinity Map



Oxnard Planning
June 16, 2008

PZ 08-500-03, PZ 08-300-03
Location: 2100 Statham Bl
APN: 220001032
Statham Commercial Development, LLC

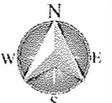
General Plan Map



Oxnard Planning
June 16, 2008

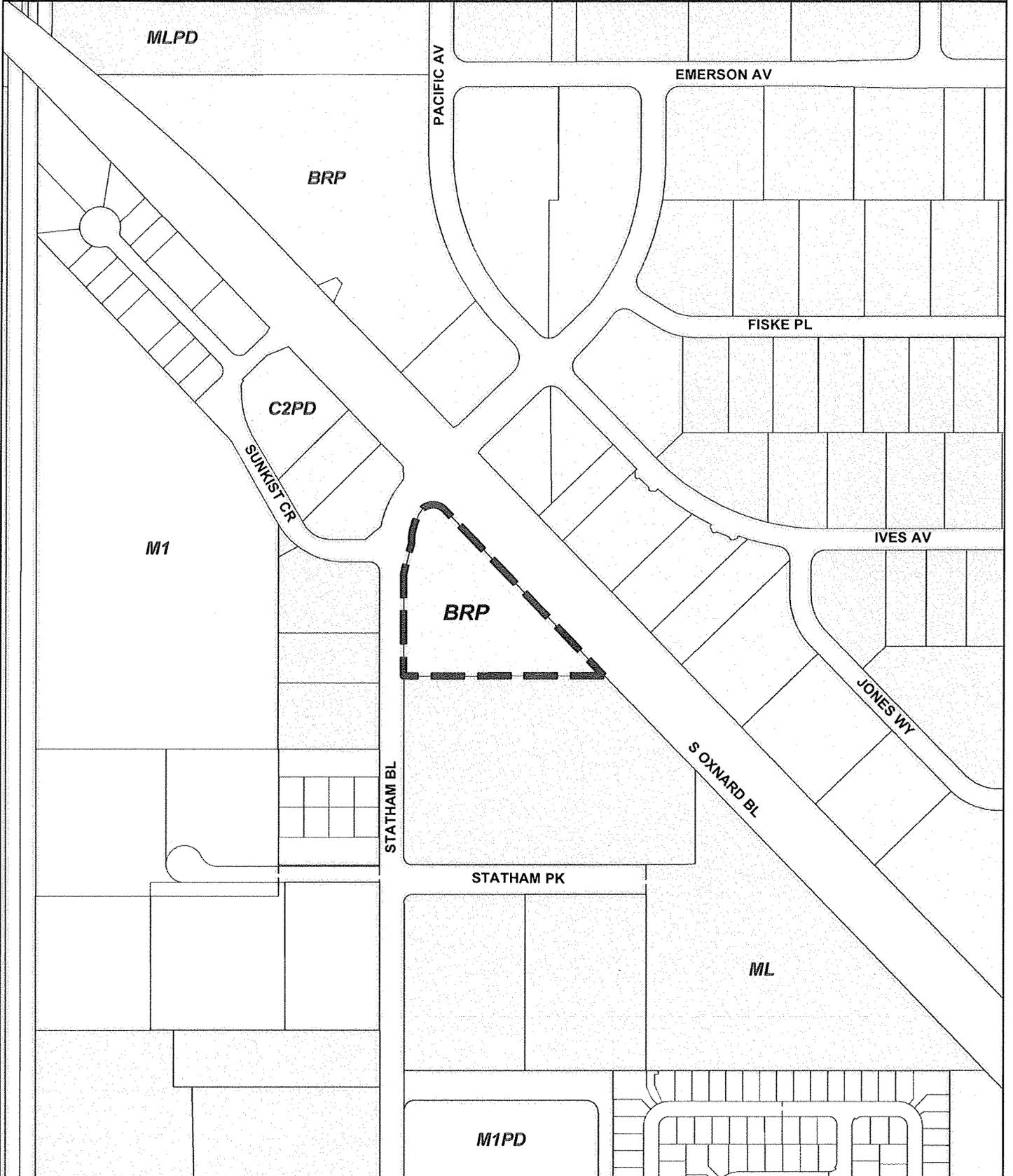
PZ 08-500-03, PZ 08-300-03
Location: 2100 Statham Bl
APN: 220001032
Statham Commercial Development, LLC
0 65 130 260 390 520 Feet

General Plan Map



1:3,802

Zone Map



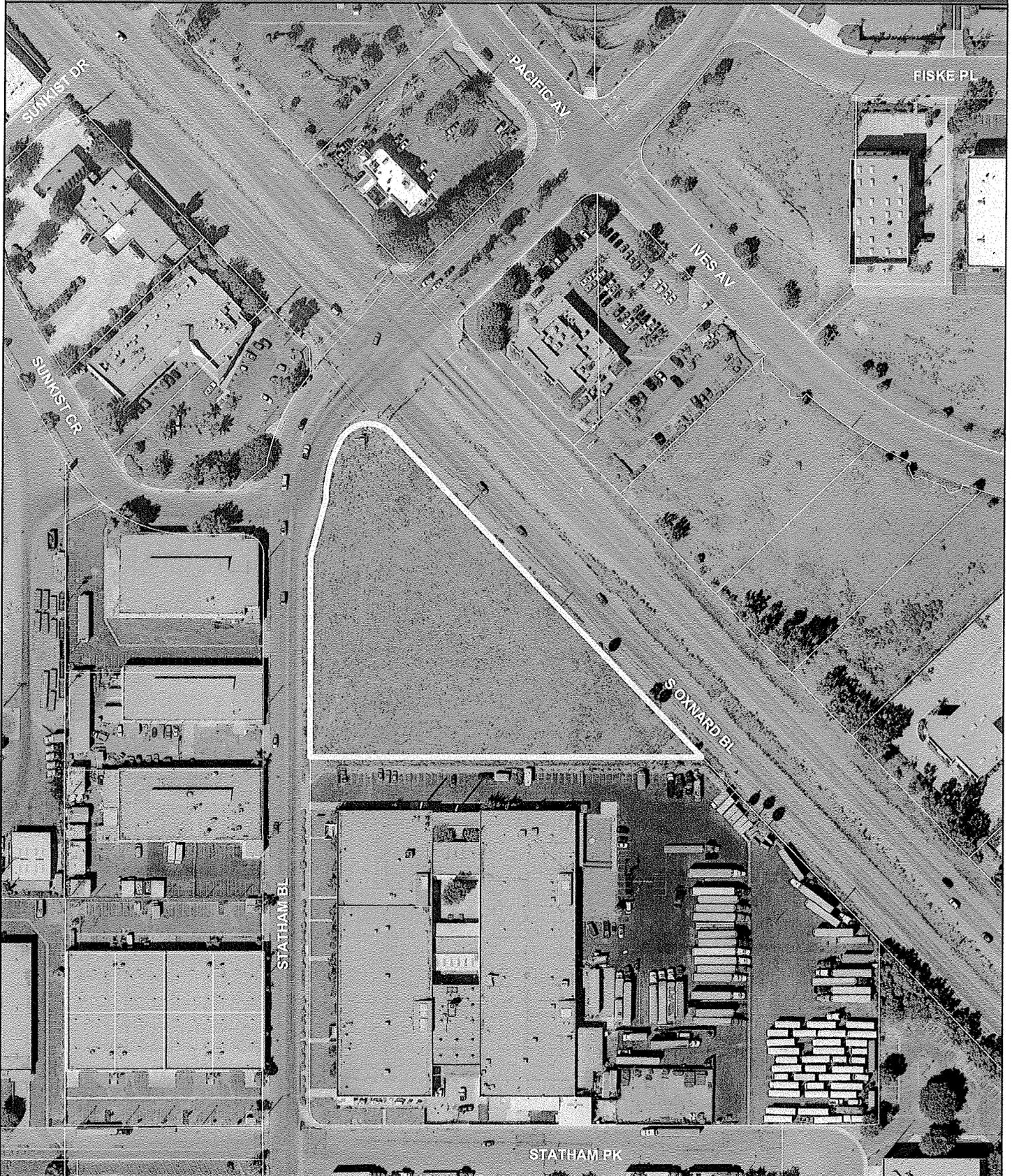
PZ 08-500-03, PZ 08-300-03
Location: 2100 Statham Bl
APN: 220001032
Statham Commercial Development, LLC

0 62.5125 250 375 500 Feet

Zone Map



Aerial Map



Oxnard Planning
June 16, 2008

PZ 08-500-03, PZ 08-300-03

Location: 2100 Statham Bl

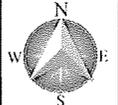
APN: 220001032

Statham Commercial Development, LLC

0 37.575 150 225 300 Feet

Aerial Map

2003 Aerial



1:1,960

TENTATIVE TRACT MAP NO. 5716
a portion for condominium purposes

PARCELS IN THE CITY OF OMAHA, COUNTY OF SARASOTA, STATE OF FLORIDA, AND A PORTION OF PARCEL MAPS AND A PORTION PARCELS IN THE CITY OF OMAHA, COUNTY OF SARASOTA, STATE OF FLORIDA, ARE HEREBY OFFICIALLY SUBDIVIDED INTO THE CERTAIN PARCELS SHOWN ON THIS TENTATIVE TRACT MAP, FILED IN BOOK 19, PAGE 40 OF PARCEL MAPS, BOOK 24, PAGE 107 OF THE COUNTY RECORDER OF SARASOTA COUNTY.

OWNER: STAYTHAM COMMERCIAL DEVELOPMENT, LLC
 10000 W. WINDYBROOK DRIVE, SUITE 200
 OMAHA, NE 68124

PHONE: 405-482-8798
ADDRESS: SAME AS ABOVE

ZONING: BRP

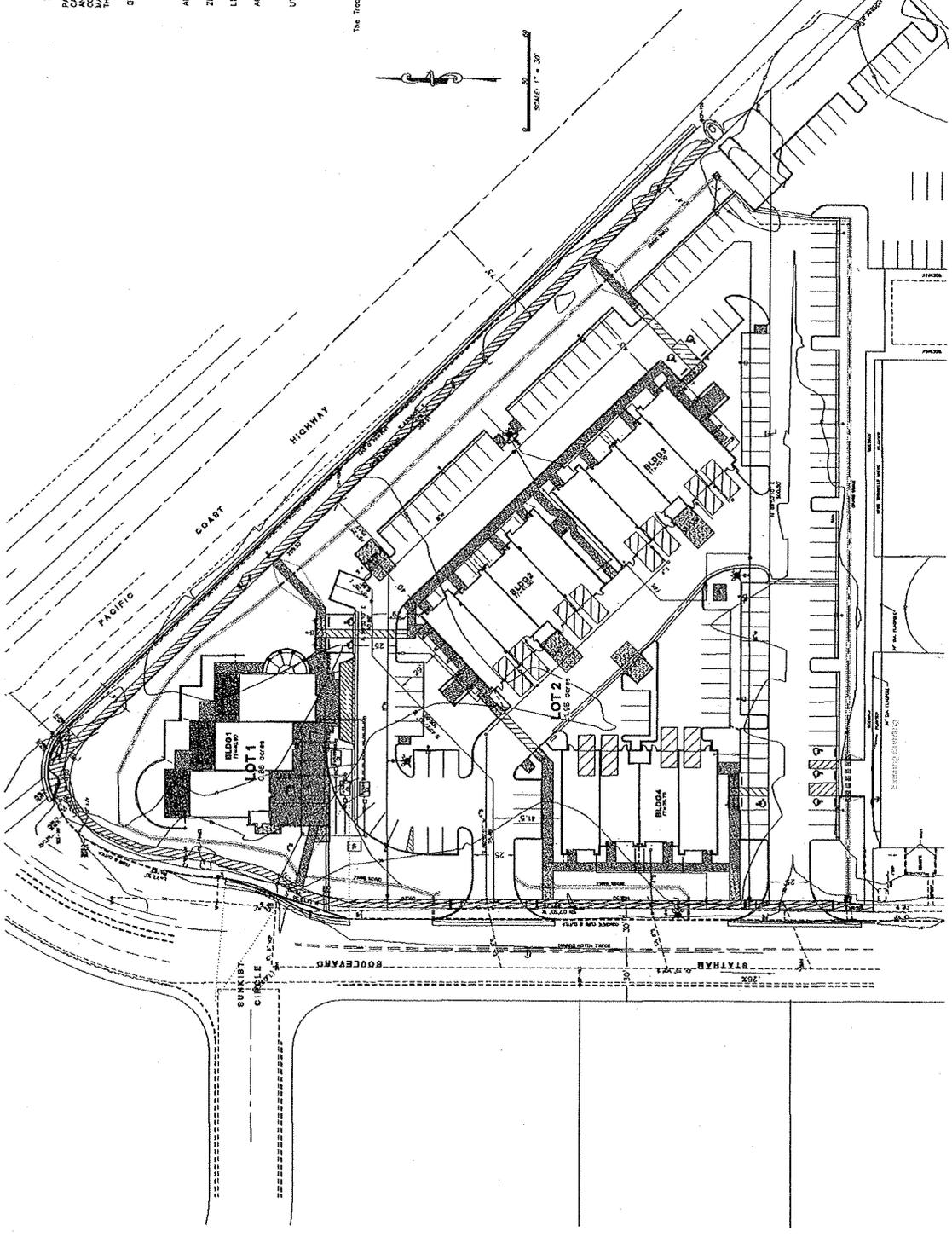
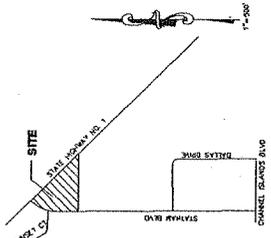
LOCATION: AP 229-01-23 one portion of 229-01-23

AREA TOTAL: 46,488.82 acres
LOT 1: 1.58 acres
LOT 2: 1.58 acres (for condominium purposes (12 units))

UTILITY SERVICES:
 WATER: City of Omaha 382-7894
 SEWER: City of Omaha 382-7894
 GAS: SCSO 488-2400
 ELECTRICITY: ISEC 684-1444
 TELEPHONE: SBC 488-4000
 CITY: Jones Center 488-7774

The Tract consists of two lots, Lot 1 being for condominium purposes (12 condominium units)

VICINITY MAP



PZ 19-071-08 and 08-00-11
 P.L.C. 17093 EXP. 5/30/09 DATE



NOTICE OF EXEMPTION

Project Description:

PLANNING & ZONING PERMIT NOS. 08-300-8 (Tentative Subdivision Map) and 08-500-3 (Special Use Permit) a request to subdivide an existing 2.77-acre lot into two lots, including one lot for 12 industrial condominiums, located at the southwest corner of Oxnard Boulevard and Statham Boulevard, also commonly known as 2100 Statham Boulevard (APN 220-0-110-325), within the BRP (Business & Research Park) zone. The proposed project is exempt from environmental review under Section 15315 of the CEQA Guidelines. Filed by designated Attorney in Fact Ghormley Consulting Civil Engineers, 302 N. Montgomery Street, Ojai, CA 93023.

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 Guidelines and Section 15315 of the California Code of Regulations, projects involving minor land divisions may be found to be exempt from the requirements of CEQA. The proposed project it would divide the property into two lots (one for condominium purposes) for industrial and commercial uses in an urbanized area. 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 Division Manager

RESOLUTION NO. 2008 – [PZ 08-500-3]

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 08-500-3 (SPECIAL USE PERMIT), TO SELL AS COMMUNITY OWNERSHIP UNITS TWELVE APPROVED INDUSTRIAL UNITS ON ONE LOT OF A TWO-LOT SUBDIVISION, FOR PROPERTY LOCATED AT THE SOUTHWEST CORNER OF STATHAM BOULEVARD AND OXNARD BOULEVARD, ALSO KNOWN AS 2100 STATHAM BOULEVARD (APN 220-021-325), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY DESIGNATED ATTORNEY IN FACT, GHORMLEY CONSULTING CIVIL ENGINEERS, 302 N. MONTGOMERY STREET, OJAI, CA 93023, FOR STATHAM COMMERCIAL DEVELOPMENT, LLC.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 08-500-3, filed by Ghormley Consulting Civil Engineers for Statham Commercial Development, LLC, in accordance with Section 16-530 through 16-553 of the Oxnard City Code; and

WHEREAS, Section 15315 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.

**STANDARD CONDITIONS OF APPROVAL
FOR LAND USE PERMITS**

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 Division, and may not be transferred from one property to another. (PL, *G-1*).
2. 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*)
3. 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*)
4. 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)

5. 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)
6. Subdivider shall record with the Ventura County Recorder a "Notice of Land Use Restrictions and Conditions" in a form acceptable to the City Attorney. (PL)
7. If Subdivider, owner or tenant fails to comply with any of the conditions of this permit, the Subdivider, owner or tenant shall be subject to a civil fine pursuant to the City Code. (CA, G)

SPECIAL CONDITIONS

8. Subdivider shall establish a property owners association and the association shall be responsible for the maintenance of parking, landscape, and other areas and facilities held in common by the association and for the enforcement of CC&R's related to property maintenance. (PL/DS)
9. This approval is contingent upon approval of a Tentative and Final Subdivision Map of Tract No. 5716, and recordation of such Final Map.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 17th day of July, 2008, by the following vote:

AYES: Commissioners

NOES: Commissioners

ABSENT: Commissioners

Michael Sanchez, Chairman

ATTEST: _____
Susan L. Martin, Secretary

RESOLUTION NO. 2008 – [PZ 08-300-3]

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING APPROVAL OF A TENTATIVE SUBDIVISION MAP OF TRACT NO. 5716 (PLANNING AND ZONING PERMIT NO. 08-300-3), FOR PROPERTY LOCATED AT THE SOUTHWEST CORNER OF STATHAM BOULEVARD AND OXNARD BOULEVARD, ALSO KNOWN AS 2100 STATHAM BOULEVARD (APN 220-021-325) SUBJECT TO CERTAIN CONDITIONS. FILED BY DESIGNATED ATTORNEY IN FACT, GHORMLEY CONSULTING CIVIL ENGINEERS, 302 N. MONTGOMERY STREET, OJAI, CA 93023, FOR STATHAM COMMERCIAL DEVELOPMENT, LLC.

WHEREAS, the Planning Commission of the City of Oxnard has considered the tentative subdivision map of Tract No. 5716 (Planning and Zoning Permit No. 08-300-3) filed by designated attorney in fact is Ghormley Consulting Civil Engineers, 302 N. Montgomery Street, Ojai, CA 93023, for Statham Commercial Development, LLC, in accordance with Chapter 15 of the Oxnard City Code; and

WHEREAS, said tentative map was referred to various public utility companies, City departments and the Development Advisory Committee for recommendations; and

WHEREAS, the Planning Commission finds the tentative map conforms to the City's General Plan and elements thereof; and

WHEREAS, Section 15315 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 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 subdivision in particular.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby recommends to the City Council the approval of the tentative subdivision map, subject to the following conditions:

**STANDARD CONDITIONS OF APPROVAL
FOR LAND USE PERMITS**

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 Division, and may not be transferred from one property to another. (PL, G-1).
2. 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)

PLANNING SPECIAL CONDITION

3. An approved tentative subdivision map shall expire thirty-six (36) months after its approval, unless an extension is applied for and approved by the City Council pursuant to Section 15-46 of the City Code. (PL)
4. Developer shall provide evidence of recordation of a reciprocal access, parking and maintenance agreement between the properties.

DEVELOPMENT SERVICES

5. Developer shall provide a separate water meter to each condominium unit and a separate water meter to Lot 1, unless the requirement is waived by the Public Works Director in accordance with City Code. Written proof of waiver shall be provided to the Development Services Manager prior to recordation of the final map. (DS)
6. 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)

7. Prior to approval of the final map or parcel map, Developer shall provide the City Engineer with written evidence from the Ventura County Clerk's Office that Developer has executed and filed with the Clerk all certificates, statements and securities required by Government Code Sections 66492 and 66493. (DS-26)
8. By title sheet dedication at the time of filing the subdivision map, Developer shall dedicate all water rights for the project property to City. (DS-39)
9. Prior to release of the final map or parcel map for recordation, Developer shall provide the City Engineer with a 100-scale base map for addressing purposes. The map shall be drawn on 18-inch by 24-inch mylar and shall show the standard address map title block, north arrow, street names, tract number, phase boundary and lot numbers. The City will assign all addresses. (DS-56)
10. Prior to release of the final map or parcel map for recordation, Developer shall post a bond or other security satisfactory to the City Attorney, guaranteeing that all monuments will be set as required by the Government Code and the City Code. (DS-57)
11. Prior to issuance of a site improvement permit, Developer shall provide to the Development Services Division a compact Disc (CD) containing digital copies of the final subdivision map, address map, and civil improvements drawings in DWG format. Prior to improvement bond release, Developer shall provide an updated CD containing all changes that occur during construction. (DS-101)

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 17th day of July, 2008, by the following vote:

AYES: Commissioners

NOES: Commissioners

ABSENT: Commissioners

Michael Sanchez, Chairman

ATTEST: _____
Susan L. Martin, Secretary

Resolution No.

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