



Planning Division

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Justin Beranich, Assistant Planner

DATE: February 17, 2011

SUBJECT: Planning and Zoning Permits No. 10-300-07, (Tentative Parcel Map for a Parcel Map Waiver) and No. 10-400-01, (Coastal Development Permit) Located at 5021 & 5023 Catamaran Street.

- 1) **Recommendation:** That the Planning Commission:
 - a) Approve Planning and Zoning Permit No. 10-400-01 for a Coastal Development Permit, subject to certain findings and conditions.
 - b) Approve Planning and Zoning Permit No. 10-300-07 for a Tentative Parcel Map for a Parcel Map Waiver, subject to certain findings and conditions.

- 2) **Project Description and Applicant:** Request to subdivide duplex, under construction, addressed at 5021 and 5023 Catamaran Street, into condominium ownership. There is no new development associated with this request. Filed by Zareh Keshmeshian, 2737 Los Robles Road, Thousand Oaks, CA 91362.

- 3) **Existing & Surrounding Land Uses:** The subject parcel is currently under construction for a residential duplex within the Oxnard Dunes Neighborhood.

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
Project Site	R2C Coastal Multiple Family	Residential Low Medium (RLM)	Residential duplex (under construction)
North	RP Resource Protection	MRP	Undeveloped dune area
South	R2C Coastal Multiple Family	RLM	Undeveloped lots
East	R2C Coastal Multiple Family	RLM	Residential duplex
West	R2C Coastal Multiple Family	RLM	Residential duplex

- 4) Background Information:** On June 28, 2007, the Planning Commission conditionally approved Coastal Development Permit No. 07-400-01, via Resolution No. 2007-17, to allow the construction of a residential duplex. On October 10, 2010, the City issued Building Permit No. 09-1381, for the construction of the approved duplex.
- 5) Environmental Determination:** The Planning Division has determined that the project is exempt from environmental review. Section 15301(k) (Class 1) of the California Environmental Quality Act (CEQA) Guidelines categorically exempts from the requirements of CEQA projects involving subdivision of existing multiple family residences, "where no physical changes occur which are not otherwise exempt." This proposal is to create condominium ownership out of a duplex previously approved and currently under construction. 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:** No modifications to the site or existing building are proposed as part of this request. The subdivision is for condominium purposes and will not affect the residential use of the site.
- b. General Plan Consistency:**

POLICY	DISCUSSION
<i>Economic Development Policy #2 (page XI-16) states that "the City will encourage a balanced mix of residential, commercial and industrial sectors of the economy"</i>	The proposed subdivision of a residential duplex into condominium ownership provides mix of ownership types within the residential sector of the economy. Therefore, consistency with this policy may be found.
<i>Growth Management Policy #2 (page IV-17) states that "development shall be encouraged that can be served by existing utilities, transportation and service systems"</i>	The subject site is currently served by City utilities, transportation and service systems. Therefore, consistency with this policy may be found.

- c. Site Design:** The subject site is a 7,601 square foot lot currently being developed with two attached residential units. Each unit has 1,879 square feet of floor area, 75 square feet of balcony area and an attached 476 square foot two-car garage. The development is similar to other lots within the area and is consistent with the Oxnard Dunes Development Standards. There is no additional development as part of this request.

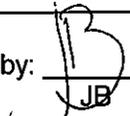
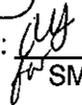
- d. City Code Compliance:** The proposed subdivision is located in the Coastal Multiple Family Sub-Zone (R2C). The approval of condominium ownership residential units requires a coastal development permit and the subdivision of the property into condominium ownership requires the recordation of a map. The Tentative Parcel Map for a Parcel Map Waiver subdivides the residential duplex under construction into condominium ownership. The Planning Commission may grant a parcel map waiver *“provided that the commission finds at the time of the waiver that the proposed division of land complies with requirements established by the Subdivision Map Act and this chapter, including but limited to requirements as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability and environmental protection”* (OCC §15-11 (C)). The subject site meets the development standards in place at the time of the original development. Therefore these findings can be made for this subsequent request for conversion to condominium purposes.

Once the Planning Commission approves the parcel map waiver, the subdivider submits exhibits directly to the City Surveyor to assure that the map is technically correct. With the City Surveyor’s recommendation, the Director of Development Services certifies that the conditions set forth in the Planning Commission’s resolution have been complied with and a *Certificate of Approval for Parcel Map Waiver* is recorded with the Ventura County Recorder’s office.

- e. Development Advisory Committee:** As no physical changes are proposed, the Development Advisory Committee (DAC) did not formally review this request. However, necessary conditions of approval from affected departments are included in the attached resolutions.
- 7) Appeal Procedure:** In accordance with Section 17-58(J) of the City Code, the Planning Commission’s action may be appealed to the City Council within 10 working days after the decision date. Appeal forms may be obtained from the City Clerk and must be submitted with the appropriate fees before the end of the appeal period.

Attachments:

- A. Maps (Vicinity, General Plan, Zoning)
- B. Reduced Project Plans
- C. Notice of Exemption
- D. Resolutions:
 - 1. PZ 10-400-01 (Coastal Development Permit)
 - 2. PZ 10-300-07 (Tentative Parcel Map for Parcel Map Waiver)

Prepared by:	
Approved by:	

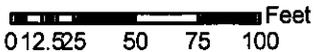
Attachment A
Maps (Vicinity, General Plan, Zoning)

General Plan Map



Oxnard Planning
December 14, 2010

PZ 10-300-07
Location: 5021-5023 Catamaran St
APN: 196002203
Keshmeshian

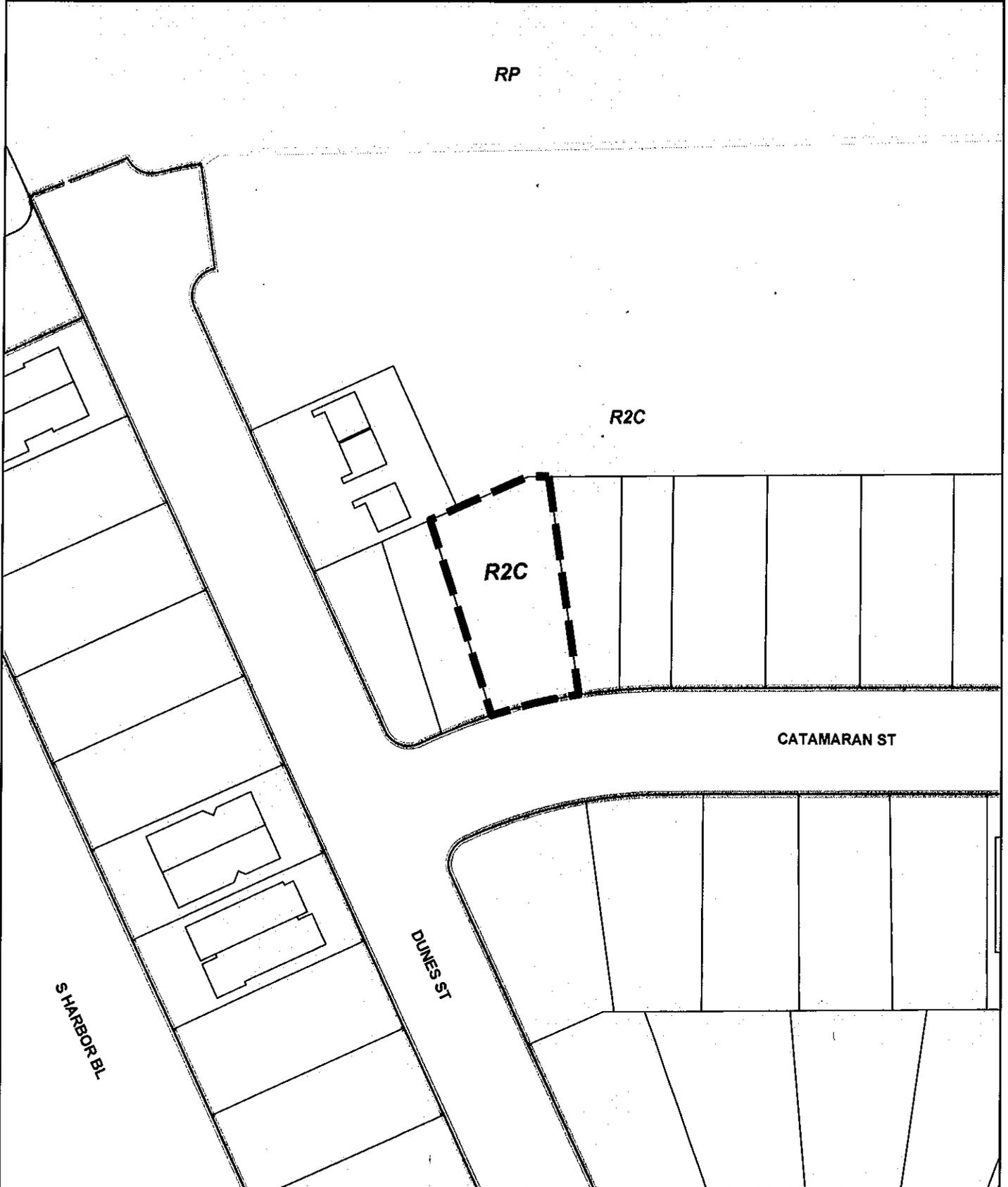


General Plan Map



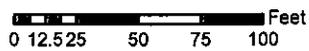
1:909

Zone Map



Oxnard Planning
December 14, 2010

PZ 10-300-07
Location: 5021-5023 Catamaran St
APN: 196002203
Keshmeshian



Zone Map



1:915

Attachment B

Reduced Project Plans

OWNER'S STATEMENT:

The undersigned hereby state that they are the subscribers and record title owners as defined in Section 66445(c) of the Subdivision Map Act of this real property included within the subdivision shown on this map and that they as subscribers consent to the making and recordation of said map.

The Keshmeshian Trust Dated March 11, 2008
By: Zareh Keshmeshian, Trustee
By: Anita Keshmeshian, Trustee
By: Arden Yerevskian, Trustee
By: Talline Yerevskian, Trustee
State of California }
County of Ventura }

On _____ before me, _____ a notary public, personally appeared, Zareh Keshmeshian and Anita Keshmeshian, who proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their own capacities and not as representatives of any other person, firm or entity, and that they executed the same for the purposes and consideration therein expressed. I, the undersigned, being a duly qualified notary public, acknowledged this instrument.

WITNESS my hand and official seal.

Signature _____ Printed Name: _____
Commission No.: _____ Expiration Date: _____
Principal Place of Business: _____ County: _____

State of California }
County of Ventura }

On _____ before me, _____ a notary public, personally appeared, Arden Yerevskian and Talline Yerevskian, who proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their own capacities and not as representatives of any other person, firm or entity, and that they executed the same for the purposes and consideration therein expressed. I, the undersigned, being a duly qualified notary public, acknowledged this instrument.

WITNESS my hand and official seal.

Signature _____ Printed Name: _____
Commission No.: _____ Expiration Date: _____
Principal Place of Business: _____ County: _____

BENEFICIARY'S SIGNATURE:
The signatures of the beneficiaries named below will be required under the provisions of Section 66436, subdivision (c) of the Subdivision Map Act, for the following deed(s) of trust:
None

DISMISSION OF SIGNATURE STATEMENTS

The signatures of the present owners of the easements listed below have been obtained under the provisions of Section 66436(c)(3)(A)-(D) of the Subdivision Map Act; their interests in such land are not required to be returned to the State of California and their signatures are not required by the governing body.

CITY OF DIXON, owner of an easement for public utilities recorded in Tract No. 1567-1 in Book 41, Page 83 of Maps.

SOUTHERN CALIFORNIA Edison COMPANY, a Corporation, owner of an easement for overhead and/or underground electrical supply systems, communication systems consisting of poles, guys, crossarms, wires, underground conduits, cables, vaults, manholes, and including above-ground enclosures, markers, concrete pads, recorded January 14, 1985, in Book 2789, Page 556 of Official Records.

THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY OF CALIFORNIA, a Corporation, owner of an easement for overhead and/or underground electrical supply systems, communication systems consisting of poles, guys, anchors, crossarms, wires, underground conduits, cables, vaults, manholes, and including above-ground enclosures, markers, concrete pads recorded March 31, 1965 in Book 2762, Page 227 of Official Records.

ENGINEER'S STATEMENT

This map was prepared by me or under my direction and was compiled from record data in conformance with the requirements of the Subdivision Map Act and local ordinance at the request of Zareh Keshmeshian.

I hereby state that this Parcel Map substantially conforms to the approved or conditionally approved tentative map, if any.



Jerry P. Holmes
JERRY P. HOLMES R.C.E. 24763
Expires 12-31-11

CITY SURVEYOR'S STATEMENT

I hereby state that I have examined the map entitled Parcel Map No. 10-_____, subdivision as shown is substantially the same as it appeared on the tentative map, if required, and any approved alterations thereto that all provisions of the Subdivision Map Act of the State of California and any local ordinances applicable at the time of approval of the tentative map, if required, have been complied with and that I am satisfied that the map is technically correct.

Date _____
By: VARREN D. SMITH,
CITY SURVEYOR
CITY OF DIXON
L.S.4942 exp. 9-30-10

CITY TREASURER'S CERTIFICATE

I, _____, City Treasurer of the City of Dixon, County of Ventura State of California, do hereby certify that according to the records of my office, there are no liens against PARCEL MAP NO. 10-_____, or any part thereof, for unpaid municipal taxes or special assessments collected as municipal taxes, except taxes or special assessments not yet payable.

Date: _____

CITY TREASURER

CITY COUNCIL'S CERTIFICATE

This map, entitled Parcel Map No. 10-_____, consisting of 2 sheets is presented to the City Council of the City of Dixon, County of Ventura, State of California, at the regular meeting of said council held on the _____ day of _____, 2010 for approval. Said council hereby approves said Parcel Map.

In witness whereof, said City Council has caused this statement to be signed by the Mayor and attested to by the City Clerk and the Corporate Seal of said City to be affixed THIS _____ day of _____, 2010.

Attest:
Clerk of the City of Dixon Mayor of the City of Dixon

COUNTY RECORDER'S CERTIFICATE

Filed this _____ day of _____, 2010 at _____, N. in Book _____ of Parcel Maps, at _____, at the request of Zareh Keshmeshian

Pages _____
JAMES BAKER
Assistant County Clerk and Recorder
County of Ventura

By: _____
Deputy County Recorder

COUNTY TAX COLLECTOR'S CERTIFICATE

I hereby certify that certificates and security required under the provisions of sections 66492 and 66493 of the subdivision map act have been filed and deposited with me.

Dated: _____, 2010

LAWRENCE L. WATNEY
County Tax Collector
County of Ventura

By: _____
Deputy County Tax Collector

TOTAL GROSS AREA = 0.17 ACRES

PARCEL MAP NO. 10-
FOR CONDOMINIUM PURPOSES
LOT 97 OF TRACT 1567-1, IN THE CITY OF DIXON
AS PER MAP RECORDED IN BOOK 41, PAGE 83 OF PARCEL MAPS
IN THE OFFICE OF THE COUNTY RECORDER
COUNTY OF VENTURA, STATE OF CALIFORNIA

Attachment C
Notice of Exemption



NOTICE OF EXEMPTION

Project Description:

Request to subdivide duplex, under construction, addressed at 5021 and 5023 Catamaran Street, into condominium ownership. There is no new development associated with this request. Filed by Zareh Keshmeshian, 2737 Los Robles Road, Thousand Oaks, CA 91362.

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: The Planning Division has determined that the project is exempt from environmental review. Section 15301(k) (Class 1) of the California Environmental Quality Act (CEQA) Guidelines categorically exempts from the requirements of CEQA projects involving subdivision of existing multiple family residences, "where no physical changes occur which are not otherwise exempt." This proposal is to create condominium ownership out of a duplex previously approved and currently under construction. 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

Attachment D
Resolution 1 (CDP)

RESOLUTION NO. 2011 – XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 10-400-01 (COASTAL DEVELOPEMT PERMIT), TO ALLOW THE CONVERSION OF A RESIDENTIAL DUPLEX INTO CONDOMINIUM OWNERSHIP, LOCATED AT 5021 AND 5023 CATAMARAN STREET (APN 196-0-022-035), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY MR. ZAREH KESHMESHIAN, 2737 LOS ROBLES ROAD, THOUSAND OAKS, CA 91362.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 10-400-01, filed by Zareh Keshmeshian in accordance with Section 17-57 through 17-58 of the Oxnard City Code; and

WHEREAS, Section 15301 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 conditionally permitted within the subject sub-zone and complies with all of the applicable provisions of Chapter 17 of the Oxnard City Code.
2. The proposed use would not impair the integrity and character of the sub-zone in which it would be located.
3. The subject site in terms of location and intensity of use would be physically suitable and would protect and maintain adjacent coastal resources for the land use being proposed.
4. The proposed use would be compatible with the land uses presently on the subject property.
5. The proposed use would be compatible with existing and future land uses within the sub-zone and the general area in which the proposed use would be located.
6. There are adequate public services for the proposed use, including, but not limited to, fire and police protection, water, sanitation and public utilities and services to insure that the proposed use would not be detrimental to public health and safety.
7. The proposed use would be appropriate in light of an established need, based upon the underlying goals and objectives of specific Oxnard Coastal Land Use Plan policies, applicable to the proposed location.

8. The proposed use would be consistent with all of the applicable policies of the certified Oxnard Coastal Land Use Plan.

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 17-58 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. 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*)

PLANNING DIVISION SPECIAL CONDITIONS

3. This permit is granted subject to the City's approval of a parcel map waiver and a Certificate of Approval of Parcel Map Waiver. As such, Developer shall comply with all conditions of the parcel map waiver. (PL/DS)

4. All conditions of Planning Commission Resolution No. 2007-17 for Coastal Development Permit No. 07-400-01, are herein incorporated by reference. (PL)

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 17th day of February, 2011, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

Chairman

ATTEST: _____
Susan L. Martin, Secretary

Attachment D
Resolution 2 (MAP)

RESOLUTION NO. 2011 – XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 10-300-07 (TENTATIVE PARCEL MAP FOR A PARCEL MAP WAIVER), TO ALLOW THE CONVERSION OF A RESIDENTIAL DUPLEX INTO CONDOMINIUM OWNERSHIP, LOCATED AT 5021 AND 5023 CATAMARAN STREET (APN 196-0-022-035), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY MR. ZAREH KESHMESHIAN, 2737 LOS ROBLES ROAD, THOUSAND OAKS, CA 91362.

WHEREAS, the Planning Commission of the City of Oxnard has considered the tentative parcel map for a parcel map waiver (Planning and Zoning Permit No. 10-300-07), filed by Mr. Zareh Keshmeshian in accordance with Chapter 15 of the Oxnard City Code; and

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

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

WHEREAS, the Planning Commission finds that the proposed division of land qualifies for a parcel map waiver as it complies with requirements established by the Subdivision Map Act and Chapter 15 of the Oxnard City Code, including but not limited to requirements as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability and environmental protection; and

WHEREAS, Section 15301(k) 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 or visit in this subdivision in particular.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby approves of the parcel map waiver and authorizes the Planning Director to review and sign the Certificate of Approval for Parcel Map Waiver, 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			
	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. 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 DIVISION STANDARD CONDITIONS

3. Prior to approval of a parcel map waiver and a Certificate of Approval of Parcel Map Waiver, 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*)
4. Subdivider shall submit an application to Planning staff the exhibits required for the Certificate of Approval of Parcel Map Waiver, Planning staff shall prepare the Certificate of Approval for Parcel Map Waiver, and Subdivider shall record the Certificate of Approval for Parcel Map Waiver with the Ventura County Recorder. (PL)

PLANNING DIVISION SPECIAL CONDITIONS

- 5. An approved parcel map waiver 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)
- 6. Subdivider shall submit to Planning staff an application and the exhibits required for the Certificate of Approval of Parcel Map Waiver, Planning staff shall prepare the Certificate of Approval for Parcel Map Waiver, and Subdivider shall record the Certificate of Approval for Parcel Map Waiver with the Ventura County Recorder. (PL)
- 7. 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)

DEVELOPMENT SERVICES DIVISION SPECIAL CONDITIONS

- 8. Developer shall provide each condominium unit with a separate domestic water meter. Project CC&Rs shall incorporate language regarding easements and maintenance responsibilities for each water service. (DS)
- 9. Developer shall construct a sewer clean-out at the point of connection of the sewer lateral from each condominium unit to the single sewer lateral provided from the public sewer main. Project CC&Rs shall incorporate language regarding easements and maintenance responsibilities for the shared portion of the sewer lateral. (DS)

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 17th day of February, 2011, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

Chairman

ATTEST: _____
Susan L. Martin, Secretary