



Meeting Date: 4/7/09

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

Prepared By: Stephanie Diaz, Contract Planner SLO

Agenda Item No. K-2

Reviewed By: City Manager Fischer
City Attorney

Finance N/A Other (Specify) N/A

DATE: April 7, 2009

TO: City Council

FROM: Susan L. Martin, AICP, Planning Manager

SUBJECT: **Planning and Zoning Permit No. 09-580-04 Zone Code Text Amendment Removing Mini-Warehouse as a Permitted Use in the C-2 General Commercial Zone. Filed by the Planning Division, City of Oxnard.**

RECOMMENDATION

That City Council approve the first reading by title only and subsequent adoption of an ordinance repealing City Code section 16-135(A)(23) to remove mini-warehouse as a permitted use in the C-2 General Commercial Zone district.

DISCUSSION

This proposal is a “clean-up” action to bring Zone Code language into consistency with mini-warehouse policies adopted by the City Council in 1975 and land use consistency with the General Plan.

The proposed Zone Code Text Amendment repeals Section 16-135(A)(23) that removes “mini-warehouse” as a permitted use in the C-2 General Commercial Zone district. The subsequent permitted uses in Section 16-135(A) are re-numbered. A mini-warehouse is a structure designed with individual compartments for five or more occupants that are rented for more than 48 hours to store items. Existing mini-warehouses in the C-2 zone district would become legal non-conforming. Attachment 1 contains the ordinance to implement this Zone Code Text Amendment.

On March 19, 2009, the Planning Commission held a public hearing and considered the proposed Zone Code Text Amendment. The Commission adopted Resolution No. 2009-12 recommending to the City Council that the ordinance be adopted.

The California Environmental Quality Act (CEQA) does not apply to this project pursuant to the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment, section 15061(b)(3) therefore, staff recommends that the City Council accept the Notice of Exemption, Attachment 5.

FINANCIAL IMPACT

There will be no direct or indirect costs to the City.

Attachments

1. Proposed Ordinance
2. Planning Commission Staff Report (minus Attachments),
3. Planning Commission Resolution No. 2009-12
4. Planning Commission Power Point Presentation
5. Notice of Exemption

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF OXNARD AMENDING CHAPTER 16 ARTICLE III DIVISION 9 OF THE CITY CODE REPEALING MINI-WAREHOUSES AS A PERMITTED USE IN THE C-2 GENERAL COMMERCIAL ZONE.

WHEREAS, on March 19, 2009, the Planning Commission of the City of Oxnard considered PZ 09-580-04 zone text amendment repealing section 16-135(A)(23) of Chapter 16 of the City Code concerning mini-warehouses as a permitted use in the C-2 General Commercial zone and recommended adoption to the City Council; and

WHEREAS, the City Council reviewed Planning Commission Resolution No. 2009- 12 recommending adoption of PZ 09-580-04 zone text amendment; and

WHEREAS, the City Council held a duly noticed public hearing where it received comments related to PZ 09-580-04 zone text amendment;

WHEREAS, the City council approves the Planning Commission's recommendation to adopt PZ 09-580-04 zone text amendment;

WHEREAS, the City Council finds PZ 09-580-04 zone text amendment consistent with the City's 2020 General Plan; and

WHEREAS, the California Environmental Quality Act (CEQA) does not apply to this project pursuant to the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment, section 15061(b)(3). Since there is no possibility that the proposed project may have a significant effect on the environment this project is exempt.

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

Part 1. Section 16-135(A) of the City Code is amended to read:

"SEC. 16-135. USES PERMITTED.

(A) The following uses are permitted in the C-2 General Commercial Zone:

- (1) Any use permitted in the C-O and C-1 zones;
- (2) Retail stores or businesses not involving any kind of manufacture, processing or treatment of products other than as is clearly incidental to the retail business conducted on the premises; and provided that not more than five persons are employed in the manufacture, processing or treatment of products, and that such operations or products are not objectionable

due to noise, odor, dust, smoke, vibration or other similar causes;

- (3) Antique store;
- (4) Bank;
- (5) Billiard or pool hall;
- (6) Bird store or pet shop;
- (7) Blueprinting, photostating and printing;
- (8) Cleaning and pressing establishment using nonflammable and nonexplosive cleaning fluid;
- (9) Commercial school including business college;
- (10) Conservatory of music;
- (11) Department store;
- (12) Electric distributing substation;
- (13) Employment agency;
- (14) Fire and police stations;
- (15) Furniture store;
- (16) Health spa or massage parlor, excluding an adult massage parlor, as defined in section 16-336;
- (17) Ice storage house of not more than five ton capacity;
- (18) Interior decorating store;
- (19) Large family day care homes that the Planning Manager finds to comply with the standards set out in section 16-440; child care centers serving no more than 15 children; adult day care facilities serving no more than 15 adults; residential care facilities for the elderly serving no more than 15 persons; congregate living health facilities of no more than 15 beds; and small residential health or care facilities that conform to city ordinances restricting building heights, setbacks, lot dimensions, placement of signs and other matters applicable to dwellings of the same type in the same zone, and that provide services to no more than six persons, or to no more than eight children in the case of a small family day care home;
- (20) Library;
- (21) Lodge, fraternal organization not to include sale of alcoholic beverages;

- (22) Medical laboratory;
- (23) Mortuary;
- (24) Music or vocal instruction;
- (25) Music store;
- (26) Newsstand, newspaper office;
- (27) Nursery, flower or plants;
- (28) Public parking area;
- (29) Radio and television store and repair shop where repair is incidental to retail sales;
- (30) Restaurant, general or fast food, not serving alcoholic beverages;
- (31) Storage garage;
- (32) Studios (except motion picture);
- (33) Taxidermist;
- (34) Telephone exchange;
- (35) Theater;
- (36) Trade school that is not objectionable due to noise, odor, or vibration;
- (37) Wedding chapel;
- (38) Accessory buildings and uses customarily incident to any of the above uses when located on the same lot; and
- (39) Off-street parking.

(B) No other uses shall be permitted in the C-2 zone without the approval of the city council.”

Part 2. Within fifteen days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation within the city. Ordinance No. _____ was first read on _____, 2009, and finally adopted on _____, 2009, to become effective thirty days thereafter.

AYES:

NOES:

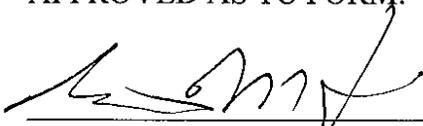
ABSENT:

ATTEST:

Dr. Thomas E. Holden, Mayor

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney



Planning Division

PLANNING COMMISSION STAFF REPORT

TO: Planning Commission

FROM: Stephanie Diaz, Contract Planner

DATE: March 19, 2009

SUBJECT: Planning and Zoning Permit No. 09-580-04, (Zone Text Amendment) Removing Mini-Warehouse as a Permitted Use in the C-2 General Commercial Zone District.

- 1) **Recommendation:** That the Planning Commission adopt a resolution recommending that the City Council approve Planning and Zoning Permit No.09-580-04 for a Zoning Text Amendment repealing mini-warehouse as a permitted use in the C-2 General Commercial Zone District.
- 2) **Project Description and Applicant:** A Zoning Text Amendment repealing Section 16-135(A)(23) to remove mini-warehouse as a permitted use in the C-2 General Commercial Zone district. The subsequent permitted uses in Section 16-135(A) are re-numbered. A mini-warehouse is a structure designed with individual compartments for five or more occupants that are rented for more than 48 hours to store items. Existing mini-warehouses in the C-2 zone district would become legal non-conforming. Attachment A contains the ordinance to implement this Zoning Text Amendment. Filed by the City of Oxnard.
- 3) **Background Information:** As far back as 1964, mini-warehouses were listed in the City Code as a permitted use in the C-2 General Commercial zone as well as the industrial zones. In 1975, the City Council reviewed a recommendation from the Planning Commission to set standards for the development of mini-warehouses that would provide for their orderly development. Subsequently, the City Council adopted Resolution No. 6446 in 1975 that contained standards for the development of mini-warehouses. These standards included parking requirements, property fencing provisions, landscaping, number of exits, separations between buildings, trash enclosures, prohibition on auctions or commercial sales on the site, and lease requirements. The "Mini-Warehouse Development Guidelines" attached to the City Council Resolution stated that "Mini-warehouses may locate in the C-M (Commercial Manufacturing) and M-1 (Light Industrial) and M-L (Limited Industrial) Zones." Development of mini-warehouses in the C-2 Zone was not contemplated at that time.

4) Environmental Determination: The California Environmental Quality Act (CEQA) does not apply to this project pursuant to the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment, section 15061(b)(3). Since there is no substantial evidence that the project may have a significant effect on the environment Staff recommends that Planning Commission accept the Notice of Exemption, Attachment B.

5) Analysis:

a. General Plan Consistency: The removal of mini-warehouse use from the C-2 commercial zone district is consistent with the General Plan. The General Plan describes warehousing/storage as a use for the industrial zones, not the commercial zones. According to the General Plan, the following Land Use Designations are consistent with the C-2 zone and their definitions indicate that retailing and office are the associated land uses (emphasis added):

- General Commercial – “Land uses include older established one-story retail centers and free-standing commercial uses along thoroughfares and may also include office uses.”
- Neighborhood – “A supermarket is typically an anchor, but other major retailers may also be located in such a center.”
- Community – “This type of center usually has two or more anchor retailers. . . ”
- Regional – “Shopping centers in these areas can be multi-story and range up to 3 million square feet in size . . . and can include offices, hotels and other service uses.”
- Specialized – “Commercial uses include promotional and “off-price” shopping centers as well as centers which may be tourist-oriented . . . ”

In contrast, the General Plan describes the following Land Use Designations that are consistent with Industrial zones and their definitions indicate that warehousing/storage is an associated land use:

- Limited Industrial – “Uses are typically light manufacturing, assembly and warehousing uses . . . ”
- Light Industrial – “Uses include manufacturing uses where the principal activity occurs within a building, but also permits incidental light outdoor assembly, fabrication, and storage.”

b. Zoning Code Amendment: The purpose of the proposed change is to remove the mini-warehouse as a permitted use in the C-2 zone. This use is not consistent with the

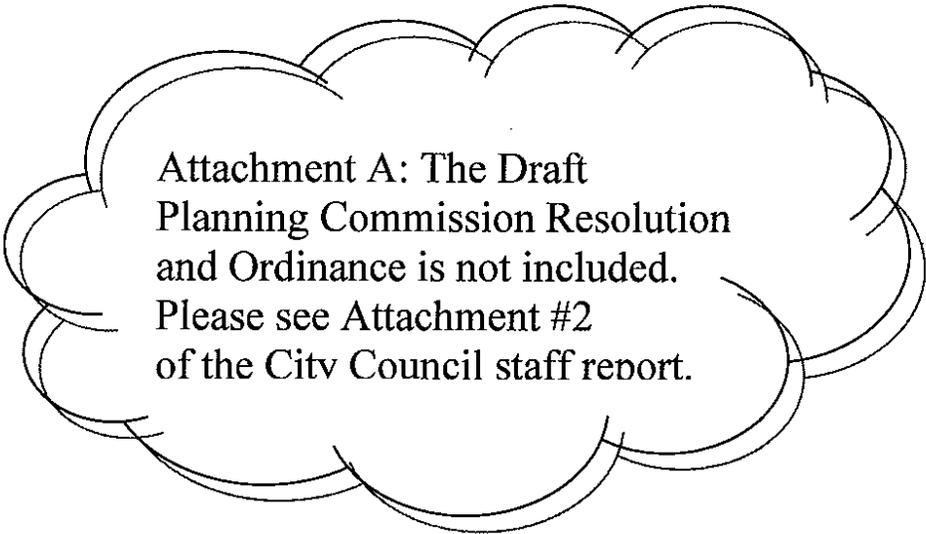
purpose and intent of the General Plan for the C-2 zone. The use is not consistent with the other retailing, office and service-related uses permitted or conditionally permitted in the C-2 zone. In their review of mini-warehouse uses in 1975, the City Council did not consider their development in other than the commercial-industrial or industrial zones.

Appeal Procedure: The Planning Commission's action is a recommendation and the matter will be considered by the City Council at a later date.

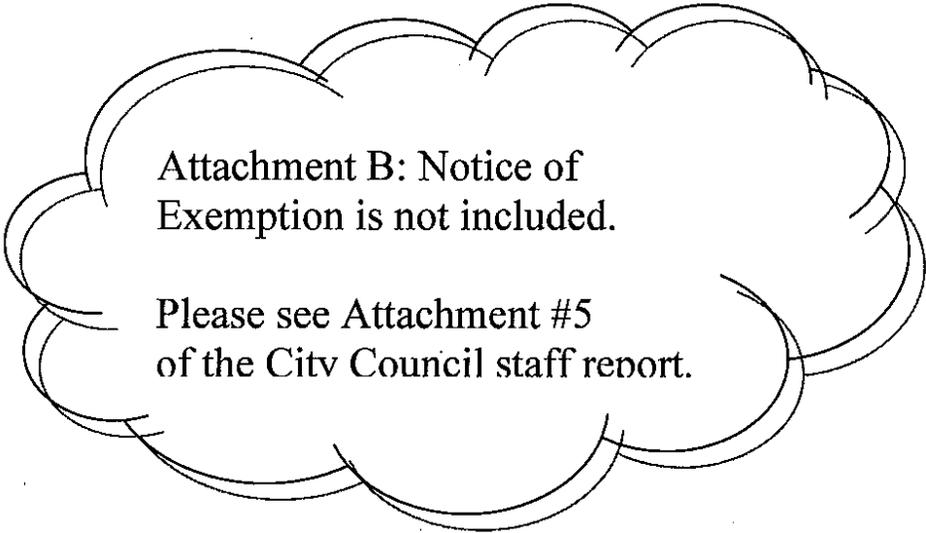
Attachments:

- A. Resolution with Draft Ordinance Attached (Removed and placed in Council report)
- B. Notice of Exemption (Removed and replaced in Council report)

| |
|--------------------------------|
| Prepared by: <u>SLD</u> SLD |
| Approved by: _____ SM |



Attachment A: The Draft
Planning Commission Resolution
and Ordinance is not included.
Please see Attachment #2
of the City Council staff report.



Attachment B: Notice of
Exemption is not included.

Please see Attachment #5
of the City Council staff report.

RESOLUTION NO. 2009-12

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING TO THE CITY COUNCIL THE ADOPTION OF PZ 09-580-04, AN ORDINANCE AMENDING CHAPTER 16 ARTICLE III DIVISION 9 OF THE CITY CODE REPEALING MINI-WAREHOUSES AS A PERMITTED USE IN THE C-2 GENERAL COMMERCIAL ZONE. FILED BY THE CITY OF OXNARD PLANNING DIVISION, 214 SOUTH C STREET, OXNARD CA 93030.

WHEREAS, the Planning Commission of the City of Oxnard has considered PZ-09-580-04, filed by the City of Oxnard, to repeal section 16-135(A)(23) of Chapter 16 of the City Code concerning mini-warehouse as a permitted use in the C-2 General Commercial zone; and

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

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

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

WHEREAS, the Planning Commissions finds that the California Environmental Quality Act (CEQA) does not apply to this project pursuant to the general rule expressed in section 15061(b)(3) of the State CEQA Guidelines that CEQA applies only to projects which have the potential for causing a significant effect on the environment and there is no possibility that the adoption of this ordinance and resolution may have a significant effect on the environment.

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

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 19th day of March 2009 by the following vote:

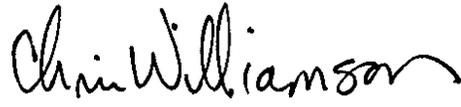
AYES: Elliott, Frank, Dean, Medina, Mullin, Sanchez

NOES: None

ABSENT: Okada

Deirdre Frank, Chair

ATTEST:


for Sue Martin, Secretary

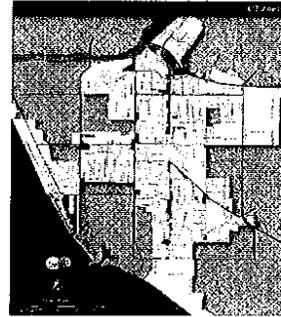
ATTACHMENT 3
PAGE 1 OF 1

**Zone Text Amendment:
Remove Mini-Warehouse
as a Permitted Use
in the C-2 Zone**

Filed by the City of Oxnard
PZ 09-580-04
Planning Commission Hearing
March 19, 2009

Zoning

C-2 General Commercial Areas in the City



Zone Text Amendment Description

- In the C-2 (General Commercial) Division of the Zone Code, repeal Section 16-135(A)(23) that lists mini-warehouses as a "permitted" use.
- The subsequent list of permitted uses in Section 16-135(A) would be re-numbered.

Mini-Warehouse Definition

- A mini-warehouse is a structure designed with individual compartments for five or more occupants that are rented for more than 48 hours to store items.

Background

- As far back as 1964, mini-warehouses were listed in the City Code as a permitted use in the C-2 zone, as well as being permitted or conditionally permitted in the industrial zones.
- In 1975, the City Council adopted Resolution No. 6446 that contained standards for the development of mini-warehouses: parking, fencing, landscaping, refuse enclosures, lease requirements.

Background Continued

- The Guidelines attached to the Council Resolution stated that mini-warehouses may locate in the C-M, M-L, and M-1 zones. Mini-warehouses in the C-2 zone were not contemplated in the 1975 policy document.

General Plan Consistency

- The removal of mini-warehouses from the C-2 zone is consistent with the General Plan.
- The General Plan describes warehousing/storage as a use for the industrial zones.
- The General Plan describes retailing and office uses for the commercial zones.

Zoning Consistency

- Mini-warehouse use is not consistent with the purpose and intent of the General Plan for the C-2 zone.
- Mini-warehouse use is an industrial use and therefore is not consistent with the retailing, office and service-related uses that are permitted or conditionally permitted in the C-2 zone.

Environmental Review

- The California Environmental Quality Act (CEQA) does not apply to this project pursuant to the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment (section 15061(b)(3). Therefore, Staff recommends that the Planning Commission accept the Notice of Exemption.

Recommendation

- That Planning Commission adopt a Resolution recommending that the City Council approve PZ 09-580-04 for a Zone Text Amendment that repeals mini-warehouse as a permitted use in the C-2 General Commercial Zone district.



NOTICE OF EXEMPTION

Project Description:

PLANNING AND ZONING PERMIT NO. 09-580-04 (Zoning Text Amendment)
Repealing Section 16-135(A)(23) to remove mini-warehouse as a permitted use in the C-2 (General Commercial) Zone district. A mini-warehouse is a structure designed with individual compartments that are rented for more than 48 hours to store items. Such uses will remain conditionally permitted in industrial zone districts with approval of a special use permit. This amendment will provide consistency with previously adopted guidelines for mini-warehouses in the City. Filed by the Planning Division, City of Oxnard, 214 South C Street, Oxnard, CA 93030.

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 15061(b)(3) of the California Code of Regulations, projects involving no possibility of significant effect may be found to be exempt from the requirements of CEQA. The proposed project is an ordinance to remove mini-warehouse as a permitted use in the C-2 general Commercial zone resulting in no significant physical impacts. Therefore, staff has determined that there is no substantial evidence that the project may have a significant effect on the environment.

March 25, 2009
(Date)

Susan L. Martin
Susan L. Martin, AICP
Planning Division Manager