



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

Prepared By: Juan Martinez, Associate Planner *JM* Agenda Item No. K-1
 Reviewed By: City Manager *[Signature]* City Attorney Stephen Fischer *SF* Finance [Signature] Other (Specify) _____

DATE: July 1, 2009

TO: City Council

FROM: Sue Martin, AICP *SM*
Planning Division Manager

SUBJECT: **Planning and Zoning Permit No. 09-300-03 (Tentative Subdivision Map for Condominium Purposes for Tract No. 5852), for 2831-2861 North Ventura Road. Filed by Martin Teitelbaum, RiverPark Gateway, Ltd. 569 Constitution Avenue, Suite H, Camarillo, CA 93012.**

RECOMMENDATION

That City Council adopt a resolution approving Planning and Zoning Permit No. 09-300-03 (Tentative Subdivision Map for Condominium Purposes for Tract No. 5852), subject to certain findings and conditions.

DISCUSSION

On July 2, 2009, the Planning Commission adopted Resolution No. 2009-27 recommending that City Council approve the subject tentative subdivision map. This request would re-subdivide, for condominium purposes, four community ownership lots previously created as part of a nine-parcel subdivision. No physical changes are proposed to the previously approved development. The subject buildings are addressed at 2831- 2861 North Ventura Road (identified as Lots B, C, D, and E of Tract 5495) and are within the RiverPark Specific Plan area. Each of the four buildings will be further subdivided to create a total of 16 commercial/condominium units; there would be four such units in each building.

Since, the Planning Commission's determination, the Ventura County Watershed Protection District (VCWPD) provided new information, which may be considered by the City Council. In a comment letter received July 7, 2009, the VCWPD is requiring that the subdivision map be conditioned to not permit future structures to encroach or be constructed within the District's easement. The 100-foot easement is illustrated along the northerly boundary of the tentative subdivision map. In addition, an encroachment permit from the VCWPD will be required for any work within the 100-foot easement. Although, the project does not involve any physical site changes, two project conditions have been incorporated to the City Council resolution.

FINANCIAL IMPACT

None

- Attachment 1 - Resolution of Tentative Subdivision Map
2 - Project Maps (Vicinity, Zoning, General Plan)
3 - Tentative Subdivision Map
4 - Planning Commission Staff Report Dated July 2, 2009
5 - Planning Commission Resolution No. 2009-27

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. PZ 09-300-03 (TENTATIVE SUBDIVISION MAP OF TRACT NO. 5852), TO RE-SUBDIVIDE, FOR CONDOMINIUM PURPOSES, FOUR COMMUNITY OWNERSHIP LOTS PREVIOUSLY CREATED AS PART OF A NINE-PARCEL SUBDIVISION (TRACT 5495). FILED BY MARTIN TEITELBAUM, RIVERPARK GATEWAY, LTD. 569 CONSTITUTION AVENUE, SUITE H, CAMARILLO, CA 93012.

WHEREAS, the City Council has reviewed an application for Planning & Zoning Permit No. 09-300-03 (Tentative Subdivision Map of Tract 5852) to re-subdivide, for condominium purposes, in accordance with Section No. 16-395 (Community Ownership Unit) and Chapter 15 (Subdivisions) of the City Code and the State Subdivision Map Act, filed by Martin Teitelbaum, Riverpark Gateway, Ltd.; and

WHEREAS, the City Council has carefully reviewed Planning Commission Resolution No. 2009-27, recommending approval of the Tentative Subdivision Map, subject to certain conditions for the subject buildings addressed at 2831-2861 North Ventura Road (identified as Lots 1,2,3, and 4 of Tract 5852) within the RiverPark Specific Plan area; and

WHEREAS, the City Council finds that the Tentative Subdivision Map complies with all requirements of the Subdivision Map Act and the Oxnard City Code; and

WHEREAS, the City Council finds that the Tentative Subdivision Map and the design and improvement of the proposed development are consistent with the General Plan and to the RiverPark Specific Plan, and conforms to the requirements set forth in the standards pertaining to the proposed form of community ownership unit; and

WHEREAS, the City Council finds that the proposed site is suitable for the type and density of development requested and the development will not cause substantial environmental damage, serious public health problems or conflict with any public utility or service easements; and

WHEREAS, 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 No. 15301 (k) of the CEQA Guidelines categorically exempts divisions for common-interest ownership and subdivisions of existing commercial buildings where no physical changes occur which are not otherwise exempt. 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; and

WHEREAS, said tentative map was referred to various agencies for review and the Ventura County Watershed Protection District commented and forward the following two project conditions within a 100-foot easement affecting the site:

1. No structures or portions of structures including but not limited to overhangs, footings, balconies, entryways, columns, etc. shall be permitted to be constructed within the Ventura County Watershed Protection District's 100-foot easement.
2. An encroachment permit shall be required from the Watershed Protection District for any work within the 100-foot easement, including but not limited to grading, landscape, utilities, pavement, sidewalks, etc.

NOW, THEREFORE, the City Council of the City of Oxnard does hereby resolve to approve Planning & Zoning Permit No. 09-300-03 (Tentative Subdivision Map for Tract No. 5852) subject to the conditions set forth in Planning Commission Resolution No. 2009-27, on file in the Planning Division, and incorporated herein by reference.

PASSED AND ADOPTED this 21st day of July 2009, by the following vote:

AYES:

NOES:

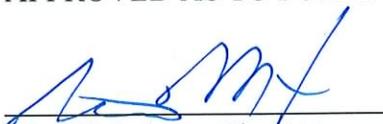
ABSENT:

Dr. Thomas E. Holden, Mayor

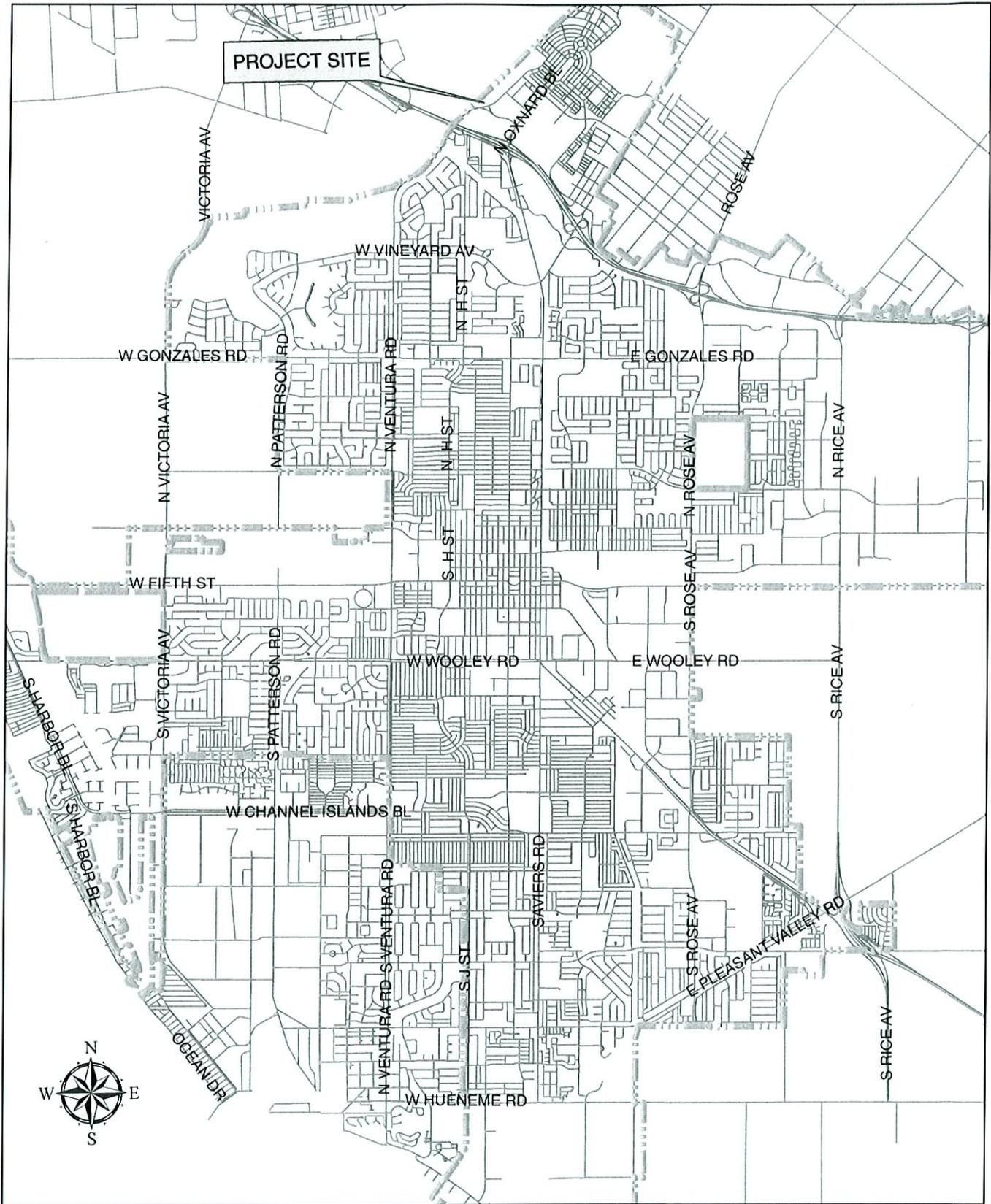
ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney



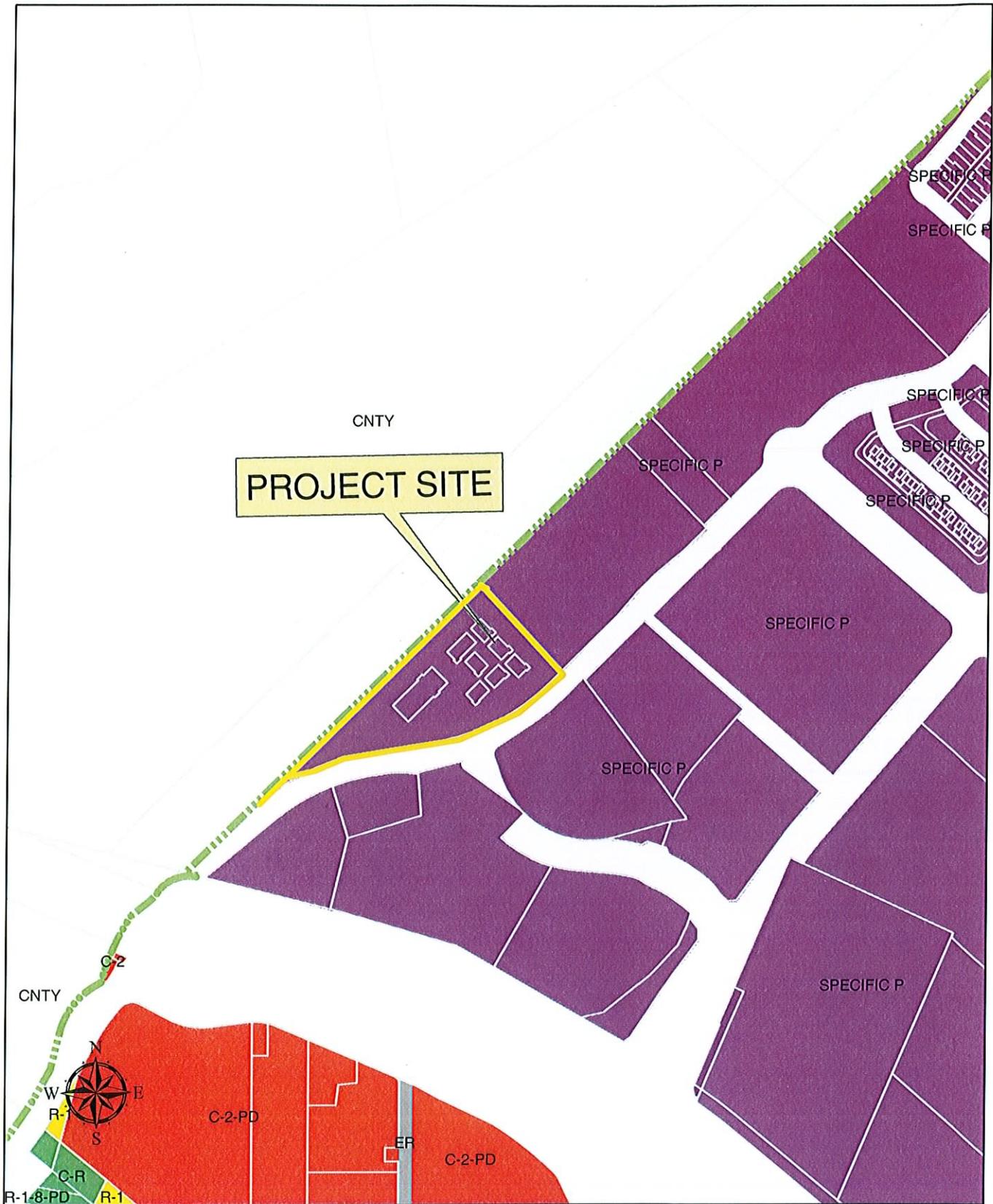
PZ 09-300-03 (TSM 5852)
 2831-2861 North Ventura Road
 Martin Teitelbaum, RiverPark Gateway Ltd.

Vicinity Map



June 13, 2009

ATTACHMENT 2
 PAGE 1 OF 3



PROJECT SITE

CNTY

CNTY

PZ 09-300-03 (TSM 5852)

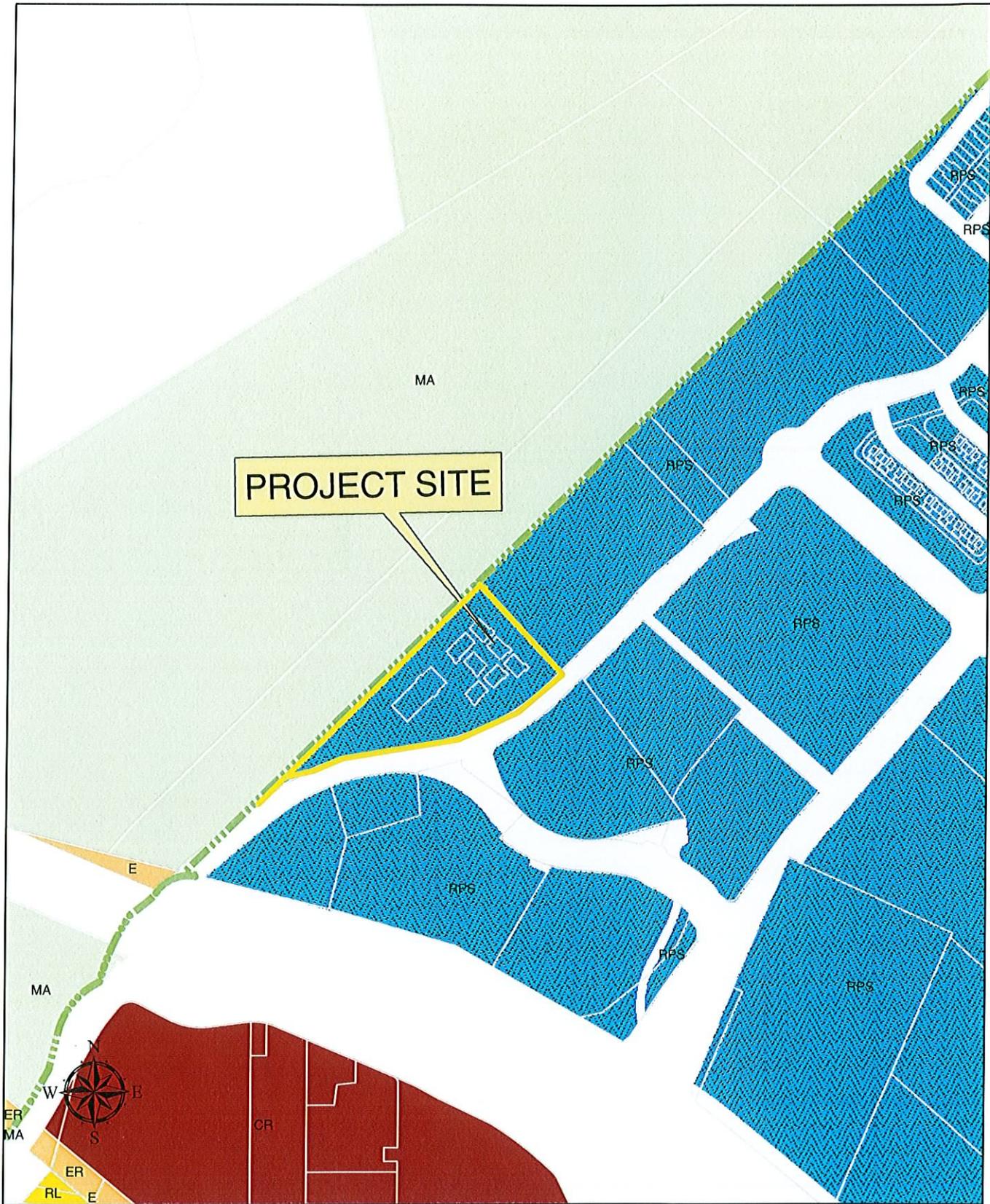
2831-2861 North Ventura Road

Martin Teitelbaum, RiverPark Gateway Ltd.

Zoning Map



Planning Division



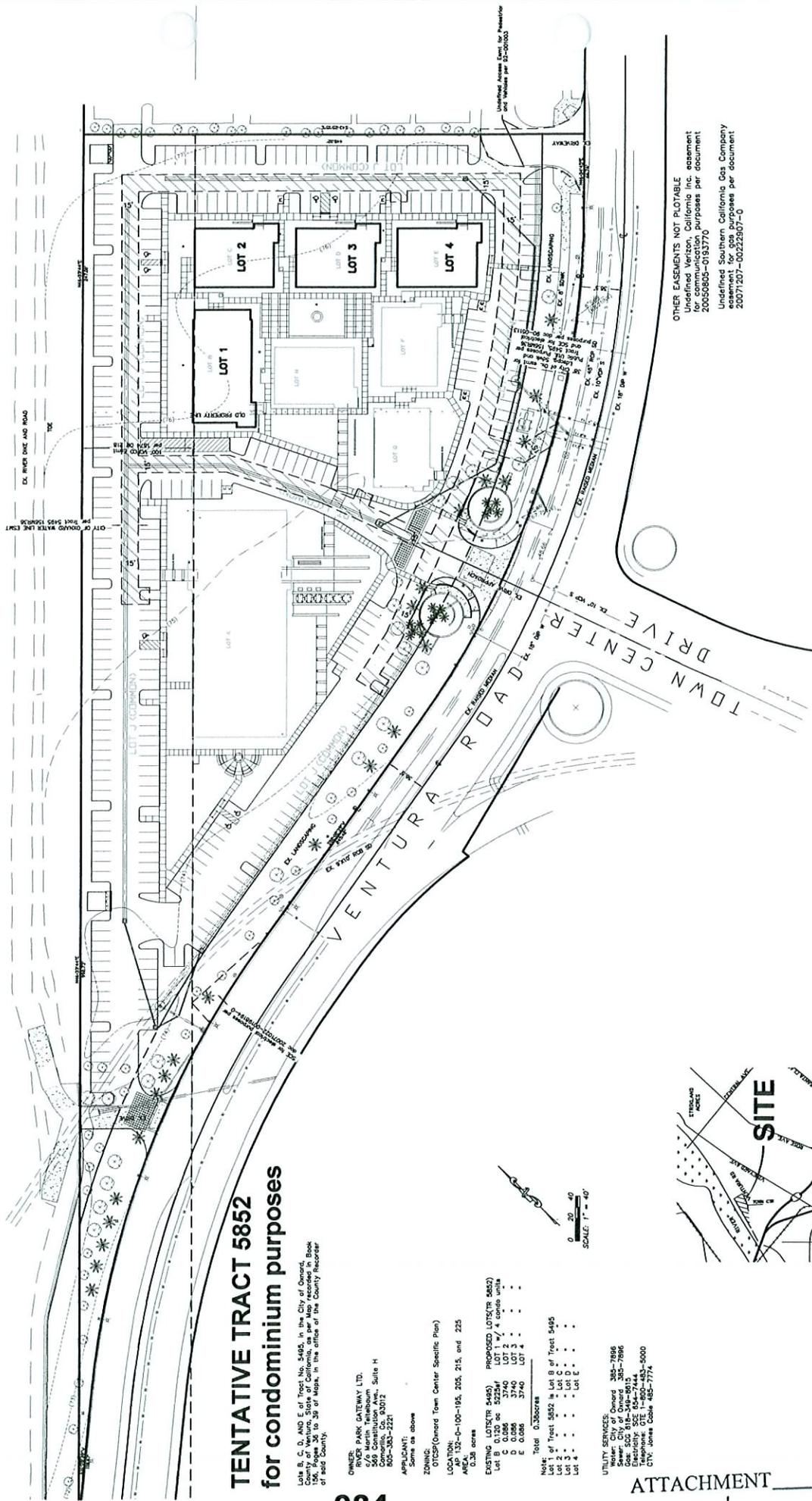
PROJECT SITE

PZ 09-300-03 (TSM 5852)
 2831-2861 North Ventura Road
 Martin Teitelbaum, RiverPark Gateway Ltd.

General Plan Map



Planning Division



TENTATIVE TRACT 5852 for condominium purposes

Lots B, C, D, AND E of Tract No. 5495, in the City of Oxnard, County of Ventura, State of California, as per Map recorded in Book of said County.

OWNER:
RIVER PARK GATEWAY LTD.
250 Constitution Avenue
Corona, Ca. 92702

APPLICANT:
Same as above

ZONING:
ZOTCSF (Oxnard Town Center Specific Plan)
AP 132-0-100-195, 205, 215, and 225

AREAS

EXISTING LOT(S)	PROPOSED LOT(S)
Lot B	LOT 1
C	LOT 2, 3, 4, 5, 6, 7, 8, 9, 10
D	LOT 11
E	LOT 12

Note: Total 0.380 acres
Lot 1 of Tract 5852 is Lot B of Tract 5495

Lot	Area
Lot A	0.000
Lot B	0.000
Lot C	0.000
Lot D	0.000
Lot E	0.000
Lot F	0.000
Lot G	0.000
Lot H	0.000
Lot I	0.000
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Planning Division

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Juan Martinez, Associate Planner

DATE: July 2, 2009

SUBJECT: Planning and Zoning Permit No. 09-300-03 (Tentative Subdivision Map for Tract No. 5852), Located at 2831-2861 North Ventura Road.

- 1) **Recommendation:** That the Planning Commission adopt a resolution recommending that the City Council approve Planning and Zoning Permit No. 09-300-03 (Tentative Subdivision Map for Tract No. 5852), subject to certain findings and conditions.
- 2) **Project Description and Applicant:** A request to re-subdivide, for condominium purposes, four community ownership lots previously created as part of a nine-parcel subdivision (Tract 5495). The subject buildings are addressed at 2831- 2861 North Ventura Road (identified as Lots B, C, D, and E of Tract 5495) and are within the RiverPark Specific Plan area. Each of the four buildings will be further subdivided to create a total of 16 commercial/condominium units; There would be four such units in each building. Filed by Martin Teitelbaum, RiverPark Gateway, Ltd. 569 Constitution Avenue, Suite H, Camarillo, CA 93012.
- 3) **Existing & Surrounding Land Uses:** The recently developed 6.5-acre site is commonly referred to as 2831-2864 North Ventura Road and its located adjacent to Santa Clara River, within the *RiverPark Specific Plan area*.

SURROUNDING LAND USES			
DIRECTION	SPECIFIC PLAN DESIGNATION	SPECIFIC PLAN DISTRICT	EXISTING LAND USE
Project Site	Commercial Office	Mixed Use/Office District	Multi-Story Office Complex
North	Commercial: Office	Mixed Use/Office District	Multi-Story Office Complex
East	Commercial: Office	Mixed Use/Office District	Multi-Story Office Complex
South	Commercial: Retail Office	West Peripheral Commercial District	Undeveloped
West	None	None	Unincorporated: Santa Clara River

4) Background Information: In January 2005, the City Council approved Planning and Zoning Permit Nos. 04-200-06 (Special Use Permit) and 04-300-07 (Tentative Subdivision Map for Tract 5495), allowing an eight building condominium office development totaling approximately 74,828 square feet. City Council subsequently approved the final map in April of 2006. All eight buildings were completed in February of 2009.

5) Environmental Determination: In accordance with Section 15301 (k) of the California Environmental Quality Act (CEQA) Guidelines, projects involving “divisions for common-interest ownership and subdivisions of existing commercial buildings where no physical changes occur” may be found to be exempt from the requirements of CEQA. This proposal proposes to re-subdivide for condominium purposes an already developed site. 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: In accordance with Section 16-395 of the City Code, the subject site received approval for a special use permit and a subdivision map for construction of eight community ownership buildings. The proposed re-subdivision would further subdivide (for condominium purposes,) four of the building previously created by Tract No. 5495. Each of the four buildings proposed to be subdivided for condominium purposes currently have unfinished interiors and do not possess occupancy certificates for business tenants. Interior partitions will be constructed in each of the four two-story tilt-up buildings affected by the proposed subdivision to create four owner spaces. No change to the previously approved site plan, traffic circulation, parking, or landscaping is proposed with this request.

b) General Plan Consistency: The land use map of the General Plan designates the subject parcel for *Regional Commercial* development. According to the General Plan, the site is within an area designated to be developed in accordance with the policies and development standards set forth in an adopted specific plan.

In August 2002, the City of Oxnard adopted the *RiverPark Specific Plan* which now supersedes and has become the regulating document for the former *Oxnard Town Center Specific Plan* area. The 74,828 square foot commercial office complex proposed is consistent with its *RiverPark* land use designation of Commercial: Retail Office and the 2.5 million square feet of regional and neighborhood-oriented commercial facilities anticipated within the *RiverPark Specific Plan* area. Based on the above analysis, the development proposal conforms to the General Plan including the land use designation and the intent of the *RiverPark Specific Plan*.

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

Prepared by:	<u>jm</u> JM
Approved by:	<u>sm</u> SM

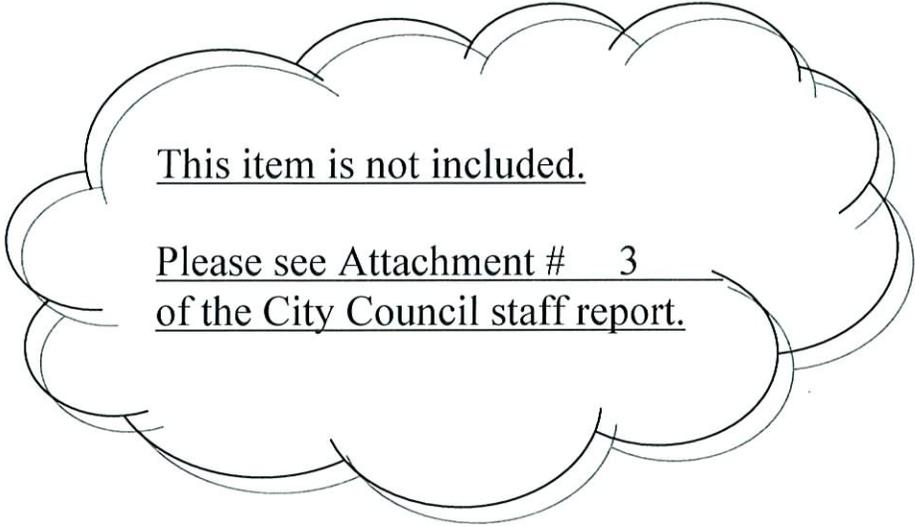
**ATTACHMENT
A
MAPS
(VICINITY, ZONING, GENERAL PLAN MAP)**

This item is not included.

Please see Attachment # 2
of the City Council staff report.

ATTACHMENT B

REDUCED PROJECT PLANS



This item is not included.

Please see Attachment # 3
of the City Council staff report.

**ATTACHMENT
C**

NOTICE OF EXEMPTION



NOTICE OF EXEMPTION

Project Description:

Planning and Zoning Permit No. 09-300-03 (Tentative Subdivision Map for Tract No. 5852), a request to re-subdivide, for condominium purposes, four community ownership lots previously created as part of a nine-parcel subdivision (Tract 5495). The subject buildings are addressed at 2831- 2861 North Ventura Road (identified as Lots B, C, D, and E of Tract 5495) and are within the RiverPark Specific Plan area. Each of the four buildings will be further subdivided to create a total of 16 commercial/condominium units; There would be four such units in each building. Filed by Martin Teitelbaum, RiverPark Gateway, Ltd. 569 Constitution Avenue, Suite H, Camarillo, CA 93012.

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 Section 15301 (k) of the California Environmental Quality Act (CEQA) Guidelines, projects involving “divisions for common-interest ownership and subdivisions of existing commercial buildings where no physical changes occur” may be found to be exempt from the requirements of CEQA. This proposal proposes to re-subdivide for condominium purposes an already developed site. 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

(Date)

Susan L. Martin, AICP
Planning Division Manager

ATTACHMENT D

RESOLUTION

This item is not included.

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

RESOLUTION NO. 2009-27

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING TO THE CITY COUNCIL THE APPROVAL OF PLANNING AND ZONING PERMIT NO. PZ 09-300-03 (TENTATIVE SUBDIVISION MAP OF TRACT NO. 5852), A REQUEST TO RE-SUBDIVIDE, FOR CONDOMINIUM PURPOSES, FOUR COMMUNITY OWNERSHIP LOTS PREVIOUSLY CREATED AS PART OF A NINE-PARCEL SUBDIVISION (TRACT 5495). THE SUBJECT BUILDINGS ARE ADDRESSED AT 2831-2861 NORTH VENTURA ROAD (IDENTIFIED AS LOTS B, C, D, AND E OF TRACT 5495) AND ARE WITHIN THE RIVERPARK SPECIFIC PLAN AREA. EACH OF THE FOUR BUILDINGS WILL BE FURTHER SUBDIVIDED TO CREATE 16 COMMERCIAL/CONDOMINIUM UNITS. FILED BY MARTIN TEITELBAUM, RIVERPARK GATEWAY, LTD. 569 CONSTITUTION AVENUE, SUITE H, CAMARILLO, CA 93012.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for a Tentative Subdivision Map of Tract No. 5852 (PZ 09-300-03) to re-subdivide, for condominium purposes, in accordance with Section 16-395 (Community Ownership Units) of the City Code, 4 lots of a previously subdivided 6.5 acre site., filed by Martin Teitelbaum, Riverpark Gateway, Ltd.; 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 to the RiverPark Specific Plan, within which the subject site is located; and

WHEREAS, 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 No. 15301 (k) of the California Environmental Quality Act (CEQA) Guidelines categorically exempts divisions for common-interest ownership and subdivisions of existing commercial buildings where no physical changes occur which are not otherwise exempt. 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.

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:

Note

The abbreviations listed below indicate which City group or program has responsibility to insure compliance with these conditions. The first agency listed has responsibility at plan check, the second at inspection and the third at final inspection, prior to certificate of occupancy, or at a later date, as specified in the condition.

Departments and Divisions

CA	City Attorney	PL	Planning Division
DS	Development Service/Eng Development	TR	Traffic
PD	Police Department	BI	Building Inspector
SC	Source Control	FD	Fire Prevention
PK	Parks Division	CE	Code Enforcement

If more than one agency is listed, the first department or division listed must check the plans or inspect the project before the second may approve compliance with the condition.

PLANNING STANDARD AND SPECIAL 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 is granted for the plans dated July 2, 2009, (“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 Division 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. 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)
4. Subdivider 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, Subdivider shall submit the original completed, signed and notarized document, together with the required fees to the Planning Manager. (PL, G-8)

5. Subdivider shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, G-11)
6. 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-14)
7. Prior to issuance of building permits, Subdivider shall correct all violations of the City Code existing on the project property. (PL, G-15).
8. An approved tentative 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)
9. Subdivider shall establish a property owner's association and the association shall be responsible for the maintenance of parking, landscape, recreation and other interior areas held in common by the association and for the enforcement of CC&R's related to property maintenance. (PL/DS, PL-36)

DEVELOPMENT SERVICES STANDARD CONDITIONS

10. Prior to issuance of a site improvement permit, Subdivider 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, Subdivider shall provide an updated CD containing all changes that occur during construction. (DS-16)
11. Subdivider agrees, as a condition of approval of this resolution, to indemnify, defend and hold harmless, at Subdivider'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 Subdivider of any such claim, action or proceeding of which City receives notice, and City will cooperate fully with Subdivider in the defense thereof. Subdivider 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 Subdivider of the obligations of this condition. Subdivider'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)

12. Prior to approval of the final map or parcel map, Subdivider shall provide the City Engineer with written evidence from the Ventura County Clerk's Office that Subdivider has executed and filed with the Clerk all certificates, statements and securities required by Government Code Sections 66492 and 66493. (DS-26)
13. Prior to release of the final map or parcel map for recordation, Subdivider 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)
14. Prior to release of the final map or parcel map for recordation, Subdivider 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)

DEVELOPMENT SERVICES SPECIAL CONDITION

15. Subdivider shall provide proof of a separate water meter to each condominium unit 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 subdivision map. (DS)

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 2nd day of July 2009, by the following vote:

AYES: Commissioners: Elliott, Frank, Dean, Okada, Mullin

NOES: Commissioners: None

ABSTAIN: Commissioners: Sanchez

ABSENT: Commissioners: Medina

_____/S/_____
Deirdre Frank, Chair

ATTEST: _____/S/_____
Susan L. Martin, Secretary