



Planning Division

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Justin Beranich, Assistant Planner

DATE: January 15, 2009

SUBJECT: Planning and Zoning Permits No. 08-300-09, (Tentative Parcel Map for a Parcel Map Waiver) and No. 08-500-09, (Special Use Permit) Located at 2101 South Rose Avenue.

- 1) **Recommendation:** That the Planning Commission:
 - a) Adopt a resolution approving the Special Use Permit (PZ No. 08-500-09), subject to certain findings and conditions; and
 - b) Adopt a resolution approving the Tentative Parcel Map (PZ No. 08-300-09), subject to certain findings and conditions.

- 2) **Project Description and Applicant:** The applicant requests to subdivide an existing lot developed with single story multi-tenant industrial building into six industrial condominium workspaces. The existing unit spaces range from 1,194 to 3,131 square feet of floor area. The structure totals 9,810 square feet, and is comprised of tilt-up concrete construction. The project site is located at 2101 South Rose Avenue (APN 220-0-273-095). Filed by Mr. Frank Sobecki on behalf of Mr. James Byrd 594 Stoney Peak Court, Simi Valley, CA 93065.

- 3) **Existing & Surrounding Land Uses:** The subject property is located within the Channel Islands Business Center (CIBC) and is developed with a multi-tenant building.

LOCATION	ZONING	PERMITTED USES	EXISTING USES
Project Site	MLPD	ILIM (Industrial Limited)	Multi-Tenant Building
North	MLPD	ILIM	Warehouse
South	MLPD	ILIM	Mini-warehouse storage
East	R1	RL (Residential Low)	Single Family Residences
West	MLPD	ILIM	Woodworking

- 4) **Background Information:** On February 17, 2000, the Planning Commission approved a special use permit (PZ No. 99-500-125) and recommended approval of a tentative parcel map (PZ No. 99-500-126) to develop and subdivide a vacant lot with four industrial buildings. The subject site is one of the four parcels. On March 14, 2000, the City Council adopted a resolution upholding the Planning Commission's approval of PZ 99-500-125 and approving tentative parcel

map (PZ 99-500-126) to subdivide the lot into four separate parcels. The subject site was granted Building Permit No. 00-2548 for the construction of a single-story industrial building on July 5, 2001. Since that time, the building has been occupied by warehousing and wholesaling businesses.

5) Environmental Determination: The Planning and Environmental Services 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 exempt the "subdivision of existing commercial or industrial buildings, where no physical changes occur which are not otherwise exempt." Based on the above exemptions and in accordance with CEQA, it has been determined that there exists no substantial evidence that the proposed project will have a significant effect on the environment, and a Notice of Exemption (see Attachment C) may be adopted.

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 industrial uses on the site.

b. General Plan Consistency:

POLICY	CONCLUSION
<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 an existing industrial building into condominium workplaces allows a variety of small businesses to grow. 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 utilities, transportation and service systems. Therefore, consistency with this policy may be found.

c. Conformance with Zoning Development Standards: The proposed use is located in the Limited Manufacturing Planned Development (ML-PD) zone district. The approval of community ownership units requires a special use permit and the subdivision of the property into condominium units requires the recordation of a map. The Tentative Parcel Map proposes to divide the building into six condominium workspaces. Ordinarily, a land division creating five or more lots would require approval of a Tract Map. However, Section 66426 (c) and (f) of the Subdivision Map Act permit use of a Parcel Map for land divisions with 5 or more lots if the parcels have approved access to a public street or highway, are on land zoned for industrial development, and the street alignments and widths are approved by the governing body. All of these circumstances are met by this project, and therefore a tentative parcel map is the appropriate land division.

- d. Site Design:** The property is bounded by Ives Avenue to the north and Rose Avenue to the east. The existing 9,810 square foot building is similar in type, size, and scale to other industrial development within the CIBC and no other development is proposed at this time.

Special Condition No. 5 within the tentative subdivision resolution that requires a property owners association to be established to maintain parking, landscaping and all other areas held in common within the boundary of the map.

- e. City Code Compliance:** The Planning Commission can 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” [Section 15-11(C)]. The subject site meets the development criteria in place at the time of the original development. Therefore these findings can be made for this subsequent request for condominium purposes.

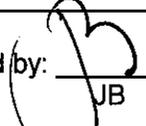
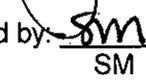
Once the Planning Commission approves the parcel map waiver, the subdivider submits exhibits directly to the City Surveyor to assure that the map is technically correct. With the City Surveyor’s recommendation, the Director of Development Services certifies that the conditions set forth in the Planning 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.

- f. Development Advisory Committee:** The Development Advisory Committee (DAC) did not review this request to convert the existing units to common ownership. However, conditions of approval from affected departments are included in the attached resolutions.

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:

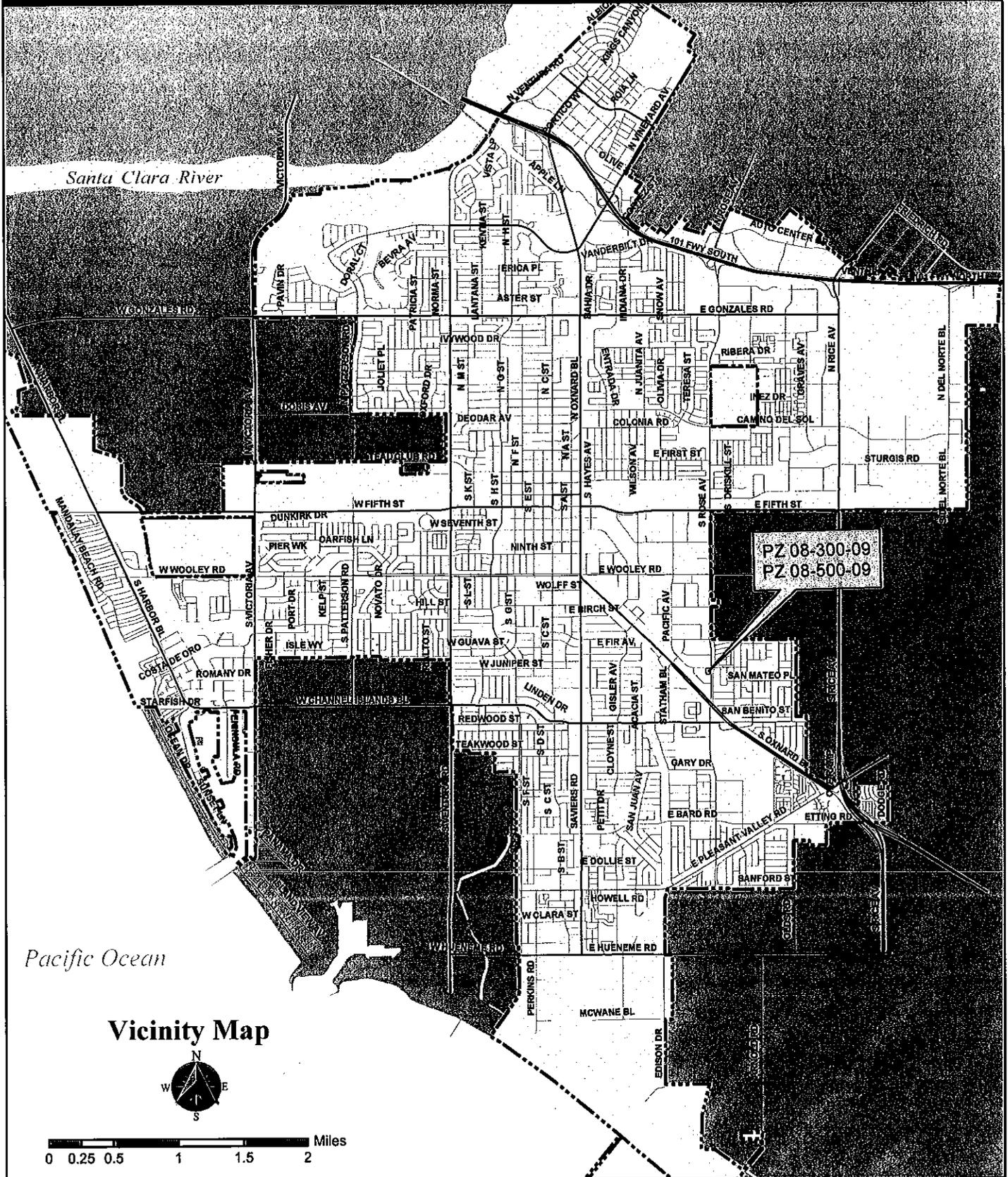
- A. Maps (Vicinity, General Plan, Zoning)
- B. Reduced Project Plans
- C. Notice of Exemption
- D. Resolutions
 - 1. PZ 07-500-09 (Special Use Permit)
 - 2. PZ 07-300-07 (Parcel Map Waiver)

Prepared by:	 JB
Approved by:	 SM

ATTACHMENT A

Vicinity, General Plan, Zoning Maps

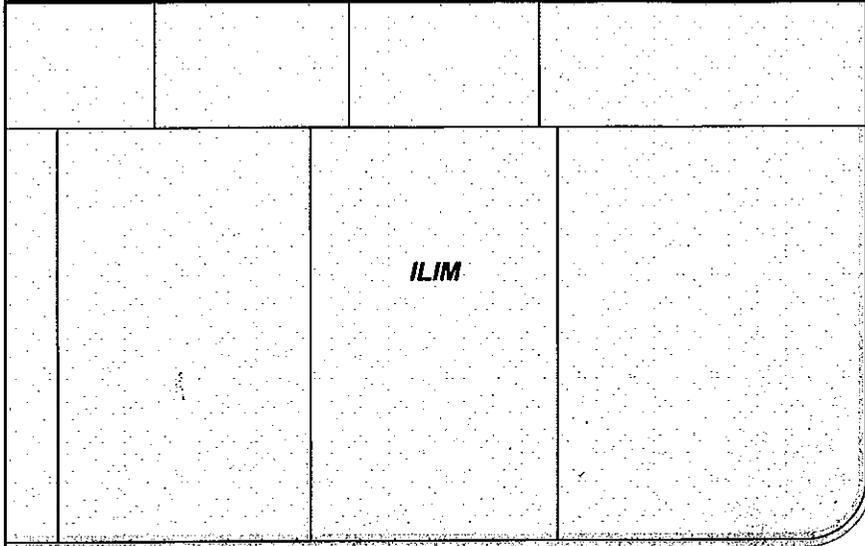
Vicinity Map



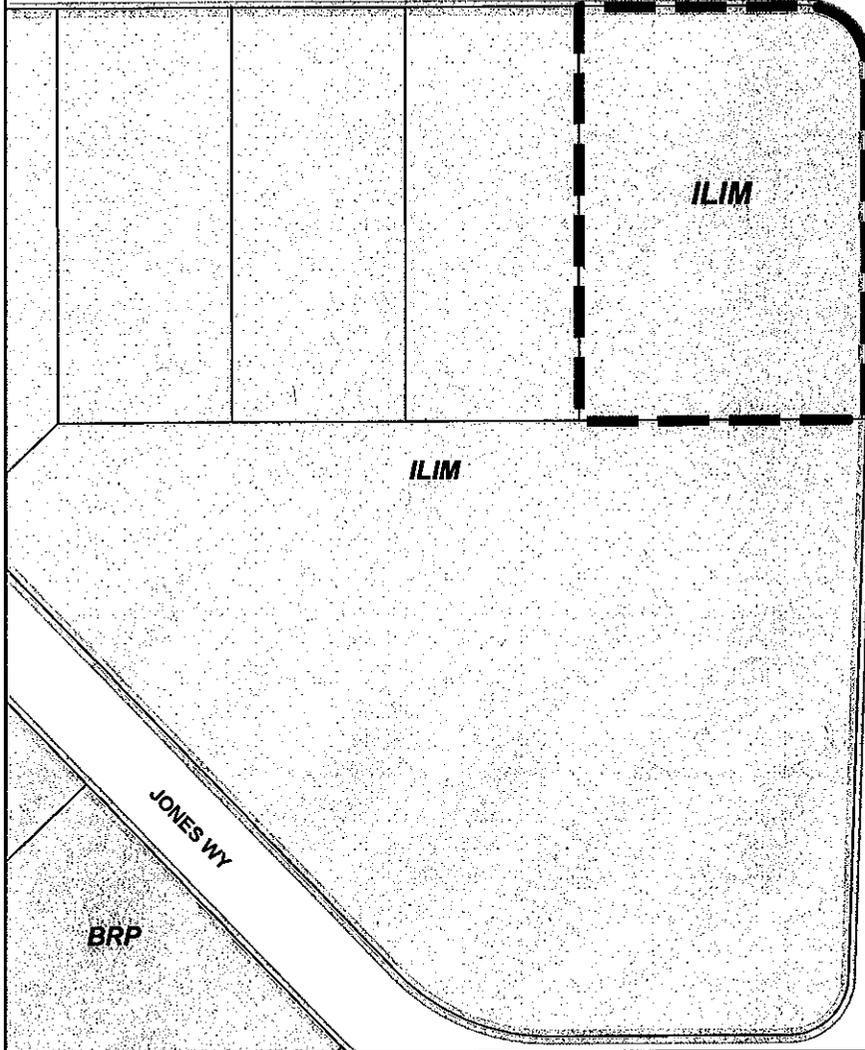
Oxnard Planning
December 30, 2008

PZ 08-300-09, PZ 08-500-09
Location: 2101 S Rose Av
APN: 220027309
Frank Subeck

General Plan Map

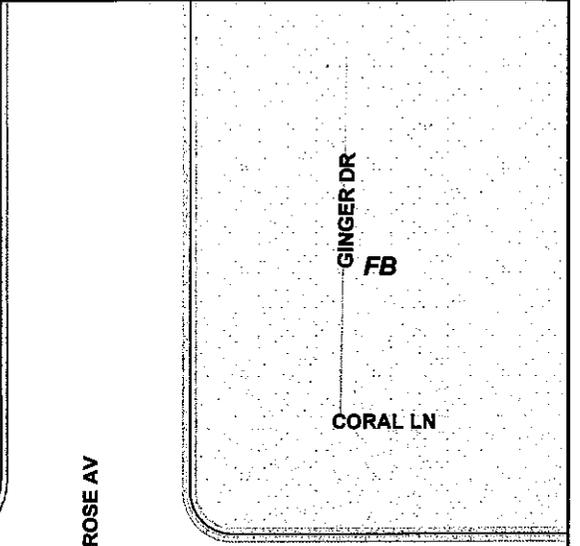


IVES AV

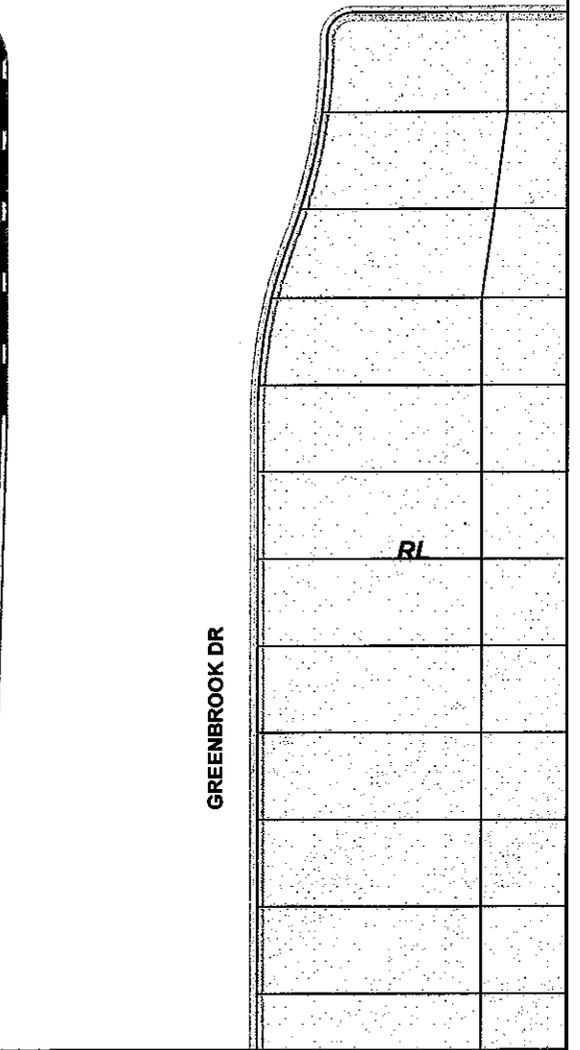


PZ 08-300-09, PZ 08-500-09
Location: 2101 S Rose Av
APN: 220027309
Frank Subecki

0 25 50 100 150 200 Feet



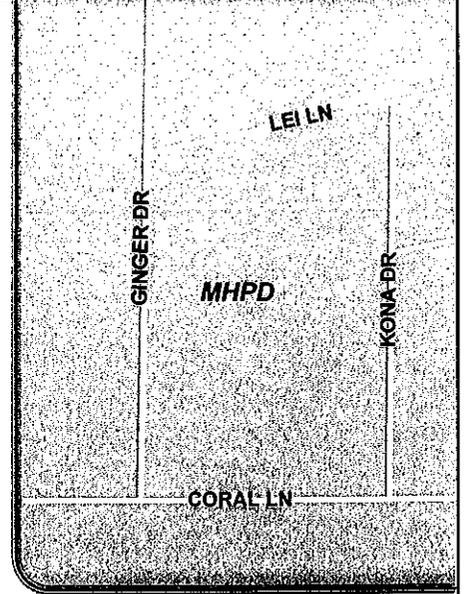
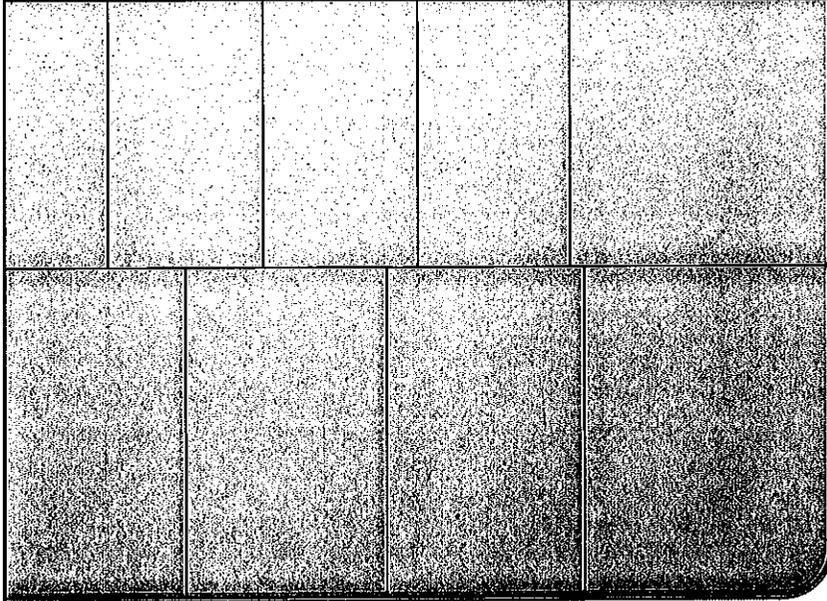
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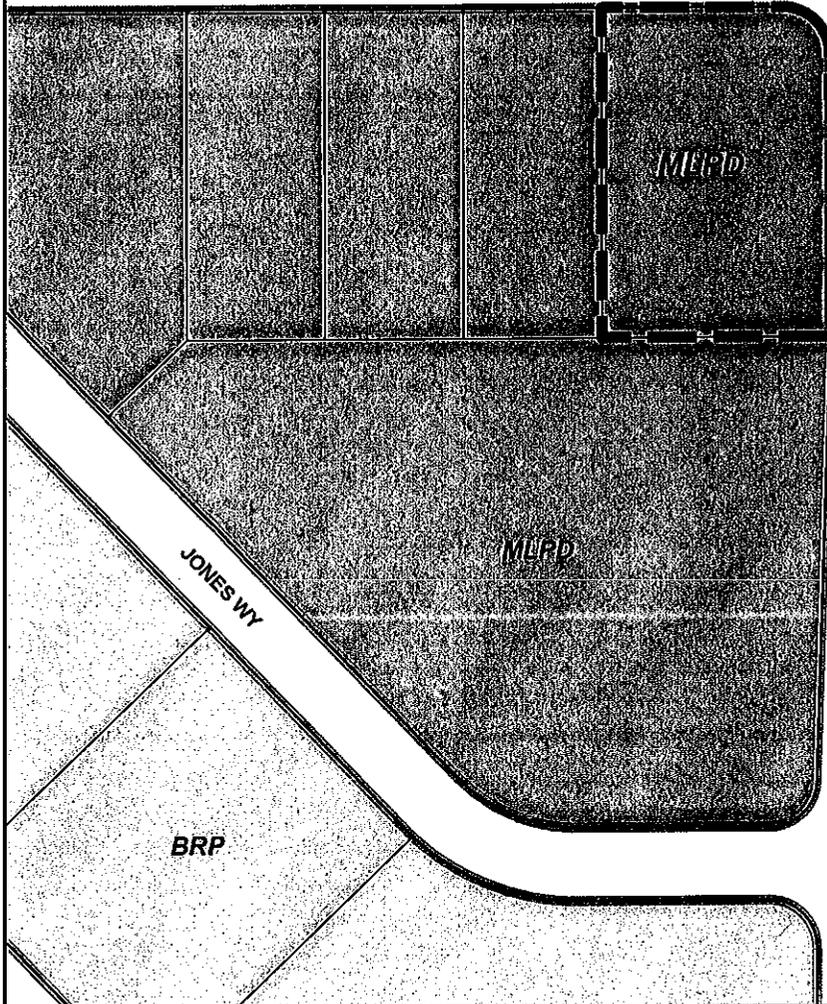
General Plan Map



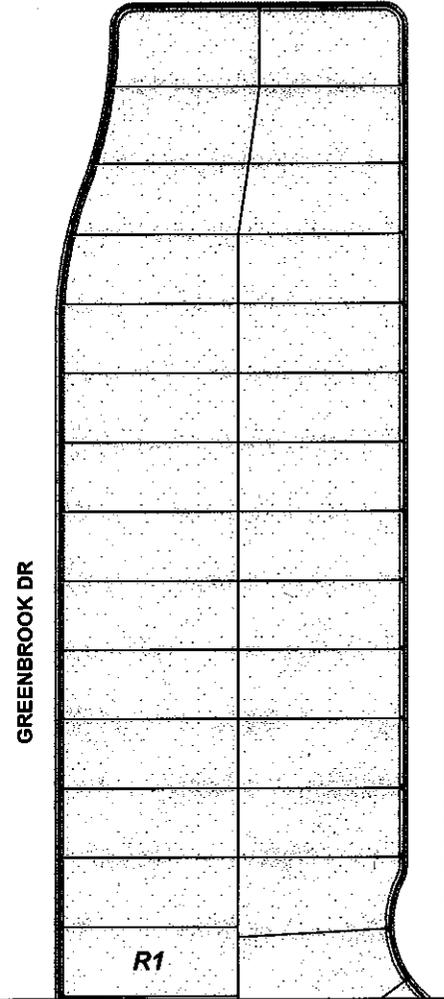
Zone Map



IVES AV

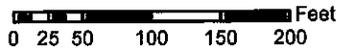


S ROSE AV



Oxnard Planning
December 30, 2008

PZ 08-300-09, PZ 08-500-09
Location: 2101 S Rose Av
APN: 220027309
Frank Subecki



Zone Map



1:1,580

ATTACHMENT B

Reduced Project Plan

ATTACHMENT C
Notice Of Exemption



NOTICE OF EXEMPTION

Project Description:

PLANNING & ZONING PERMIT NO(s). 08-500-09 (Special Use Permit) & 08-300-09 (Tentative Parcel Map for a Parcel Map Waiver) a request to subdivide an existing lot developed with a multi-tenant industrial building into six industrial condominium workspaces. The project site is located at 2101 South Rose Avenue and is part of the Channel Islands Business Center. The proposed project is exempt from environmental review under Section 15301(k) of the CEQA Guidelines. Filed by designated Attorney in Fact Mr. Frank Sobecki on behalf of Mr. James Byrd 594 Stoney Peak Court, Simi Valley, CA 93065.

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, Section 15270]
- No Possibility of Significant Effect [CEQA Guidelines, Section 15061(b)(3)]

Supporting Reasons: In accordance with Sections 15301(k) of Title 14 of the California Environmental Quality Act (CEQA) Guidelines, projects involving the subdivision of existing industrial buildings, where no physical changes occurs may be found to be exempt from the requirements of CEQA. The proposed project involves the subdivision of two existing multi-tenant industrial buildings into common-interest ownership. 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

Planning Division

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

ATTACHMENT D

Resolutions

RESOLUTION NO. 2009 – XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 08-300-09 (TENTATIVE PARCEL MAP FOR A PARCEL MAP WAIVER), FOR PROPERTY LOCATED AT 2101 SOUTH ROSE AVENUE (APN 220-0-273-095), SUBJECT TO CERTAIN CONDITIONS. FILED BY MR. FRANK SOBECKI, 594 STONEY PEAK COURT, SIMI VALLEY, CA 93065.

WHEREAS, the Planning Commission of the City of Oxnard has considered the parcel map waiver (Planning and Zoning Permit No. 08-300-09), filed by Mr. Frank Sobecki 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 SPECIAL CONDITIONS

3. 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)
4. 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)
5. 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 STANDARD CONDITIONS

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. 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)

DEVELOPMENT SERVICES DIVISION SPECIAL CONDITIONS

9. Prior to recordation of the parcel map, Developer shall provide a separate water meter to each condominium unit unless the requirement is waived by the Public Works Director in accordance with City Code. (DS)

FIRE DEPARTMENT STANDARD CONDITIONS

10. Developer shall construct all vehicle access driveways on the project property to be at least 26 feet wide. Developer shall mark curbs adjacent to designated fire lanes in parking lots to prohibit stopping and parking in the fire lanes. Developer shall mark all designated fire lanes in accordance with the California Vehicle Code. (FD/B, *F-1*)

FIRE DEPARTMENT SPECIAL CONDITIONS

11. A five year state fire sprinkler system certification shall be provided by an approved, authorized fire sprinkler company.
12. A maintenance agreement shall be developed for the maintenance of the fire sprinkler system
13. A maintenance agreement shall be developed for the maintenance of a central station fire monitoring system.

14. All outstanding permit and inspection deficiencies shall be remediated.

POLICE DEPARTMENT STANDARD CONDITIONS

15. If an electronic security system is installed at this property, it shall comply with Oxnard City Ordinance No. 2601 (available online at <http://oxnardpd.org/documents/alarm-ordinance-2002.pdf>) and must be properly permitted by the City of Oxnard (available online at <http://oxnardpd.org/documents/alarm-permit.pdf>).
16. Developer shall post all vehicle entrances in compliance with California Vehicle Code §22658(a)(1). Persons in lawful possession of the property may then cause the removal of a vehicle parked on the property to the nearest public garage if parked without the owner's permission.
17. Developer shall remove any and all graffiti from the project premises, including but not limited to graffiti within the building, such as in restrooms or fitting rooms, within 24 hours of its appearance. The surface of such affected areas shall be matched to blend in with the underlying colors and/or design, and shall not look like a paint patch. Police recommends graffiti/etching-resistant film application on accessible window panes in public areas including reflecting surfaces in public restrooms.
18. All landscape materials shall be maintained in a condition that does not interfere with the natural surveillance of the property or obstruct the ability to observe the activities of persons on or about the property.
19. In order to minimize light and glare on the project property, all parking lot and exterior structure light fixtures shall be high cut-off type that divert lighting downward onto the property and shall not cast light on any adjacent property or roadway.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 15th day of January, 2009, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

Michael Sanchez, Chairman

ATTEST: _____
Susan L. Martin, Secretary

RESOLUTION NO. 2009 – XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 08-500-09 (SPECIAL USE PERMIT), TO ALLOW THE CONVERSION OF AN EXISTING INDUSTRIAL BUILDING INTO COMMUNITY OWNERSHIP UNITS, LOCATED AT 2101 SOUTH ROSE AVENUE (APN 220-0-273-095), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY MR. FRANK SOBECKI, 594 STONEY PEAK COURT, SIMI VALLEY, CA 93065.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 08-500-09, filed by Frank Sobecki in accordance with Section 16-530 through 16-553 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 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 exempted 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 and Environmental Services Division (“Planning Division”), and may not be transferred from one property to another. (PL, *G-1*)

2. This permit is granted for the approved plans stamp dated January 15, 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 and Environmental Services Manager (“Planning Manager”) or a major modification to the plans is approved by the Planning Commission. A minor modification may be granted for minimal changes or increases in the extent of use or size of structures or of the design, materials or colors of structures or masonry walls. A major modification shall be required for substantial changes or increases in such items. (PL, *G-2*)

3. Developer shall record with the Ventura County Recorder a “Notice of Land Use Restrictions and Conditions” in a form acceptable to the City Attorney. Before the City issues building permits or allows Developer to occupy the project, Developer shall submit a copy of the recorded document to the Planning Division Manager. (PL, *G-8*)

4. 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 STANDARD CONDITIONS

5. Prior to issuance of building permits, Developer shall pay a document imaging fee for the planning files in an amount calculated by planning staff at the time of building permit review based on fees then in effect. (PL/B, PL-16)

PLANNING DIVISION SPECIAL CONDITIONS

6. This permit is granted subject to the City's approval of a parcel map waiver and a Certificate of Approval of Parcel Map Waiver. Before initiating any use approved by this permit, Developer shall comply with all conditions of the parcel map waiver. (PL/DS)
7. All conditions of Planning Commission Resolution No. 2000-9 for Special Use Permit No. 99-500-125, are herein incorporated by reference. (PL)

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 15th day of January, 2009, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

Michael Sanchez, Chairman

ATTEST: _____
Susan L. Martin, Secretary