



Meeting Date: 5/18/2010

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
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____

Prepared By: Douglas J. Spondello, Assistant Planner *DS* Agenda Item No. L-2

Reviewed By: City Manager *MD* City Attorney *SMF* *Fischer* Finance *JK* Other (Specify) _____

DATE: May 5, 2010

TO: City Council

FROM: Susan L. Martin, AICP, Planning Manager *SLM*
Development Services Department

SUBJECT: Appeal of Planning and Zoning Permit No. 09-550-13 (Major Modification to Special Use Permit No. 479), Chevron Carwash, 2251 North Oxnard Boulevard. Filed by Mark Di Cecco, AIA.

RECOMMENDATION

That City Council adopt a resolution denying the appeal and upholding the Planning Commission's denial of Planning and Zoning Permit No. 09-550-13.

DISCUSSION

On March 18, 2009, the Planning Commission voted 5-2 on a motion to deny a major modification permit (MJMD), for the construction and operation of an automatic carwash, which included 1,070 square feet of building area and site circulation changes, at an existing Chevron service station.

Currently, vehicles on Oxnard Boulevard have a tendency to stack into the intersection, as cars slow to turn into the subject property. To alleviate this traffic hazard, the project proposed modifications to the existing northerly driveway, along Oxnard Boulevard. The existing two-way driveway would be converted for ingress only by adding large landscaped bulb-outs to constrict the driveway width. Signage was also proposed to show egress is not permitted. A new two-way driveway would be opened directly south of this driveway, on Oxnard Boulevard. This would provide drivers with an alternate means to access the site further away from the intersection of Oxnard Boulevard and Vineyard Avenue.

The Planning Commission's resolution to deny the project (Attachment #2) noted concerns regarding existing congestion and low Level of Service (LOS) "D" at the intersection of Oxnard Boulevard and Vineyard Avenue.

Appeal

On April 23, 2010, Mark Di Cecco filed a notice of appeal (Attachment #7) in response to the Commission's findings of denial. The appellant's concerns are summarized in italics and followed by staff's response:

1. *The denial of the carwash affects the preservation and enjoyment of a substantial property right of the applicant.*

The request to modify an existing entitlement and operate a carwash is a typical ancillary use associated with a service station. This request is discretionary. Moreover, the denial of this request does not preclude the property owner from any right to exercise the existing uses established on subject property, which include a convenience market, florist, and fast-food restaurant.

2. *Approval of the carwash would be consistent with the City's adopted standards and the General Plan.*

An objective of the 2020 General Plan lists a LOS "C" or better as the City standard. The intersection of Oxnard Boulevard and Vineyard Avenue currently operates at LOS "D". The Commission believed that existing problems at this site would be exacerbated by the addition of the proposed use.

3. *Existing problems at the intersection would not be negatively impacted by the proposed use.*

During the design process, the applicant made revisions to the plans and site access at the recommendation of the Development Advisory Committee. The proposed design of the new driveways is consistent with the City Traffic Engineer's direction. As indicated above, the Planning Commission believed that the site design would exacerbate existing problems at the intersection.

4. *The granting of the permit would not intensify traffic congestion at the intersection of Oxnard Boulevard and Vineyard Avenue but rather has the potential to reduce congestion at this location.*

City traffic engineers reviewed accident reports for the intersection of Oxnard Blvd and Vineyard Avenue on December 17, 2009 and concluded the following:

1. The accident reports covered from October 1, 2003 to March 1, 2009.
2. There were 177 accidents reported at that intersection within the above period.
3. Of the 177 reported accidents, four (4) occurred south of the intersection along Oxnard Blvd. (closest to the service station). One accident involved a single vehicle crashing into a light pole. The report did not establish whether or not the other three accidents were related to the service station's driveway.

Further review and investigation of accident reports made on April 28, 2010 established that none of the accidents occurring between March 2009 and March 2010 are reported to have occurred south of the intersection or to have involved the service station's driveway.

Traffic crash reports must be linked to an intersection. An accident can take place 200 feet from the intersection but it will still be coded to the intersection. Of the 177 reported crashes not all were in the intersection and even fewer were on the south leg of Oxnard Boulevard. Also, crashes attributed to drunk drivers should not be considered, as traffic engineering measures are ineffective when drivers intentionally disregard the rules of the road. For comparative purposes, the intersection of Gonzales Road and Oxnard Boulevard also operates at a LOS "D" and had 169 accidents reported between October 1, 2003 and March 1, 2009.

FINANCIAL IMPACT

There is no estimated financial impact to the current FY budget (FY 2009-2010).

(DS)

- Attachment #1 - City Council Resolution
#2 - Planning Commission Resolution No. 2010-06
#3 - Planning Commission Staff Report without Attachments (dated March 18, 2010)
#4 - Planning Commission Minutes
#5 - Vicinity, Zoning, and General Plan Maps
#6 - Reduced Project Plans
#7 - Notice of Appeal Filed by Mark Di Cecco, AIA

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD UPHOLDING THE PLANNING COMMISSION'S DECISION TO DENY PLANNING AND ZONING PERMIT NO. 09-550-13 (MAJOR MODIFICATION TO SPECIAL USE PERMIT NO. 479), A REQUEST TO CONSTRUCT AND OPERATE AN AUTOMATIC CARWASH AT AN EXISTING SERVICE STATION (CHEVRON), LOCATED AT 2251 NORTH OXNARD BOULEVARD. FILED BY MARK DI CECCO, AIA, 5146 NORTH COMMERCE AVENUE, UNIT "A", MOORPARK, CA 93021.

WHEREAS, on April 15, 2010, the Planning Commission adopted Resolution No. 2010-06 denying an application for Major Modification Permit No. 09-550-13, filed by Mark Di Cecco, AIA; and

WHEREAS, the Planning Commission's decision was appealed to the City Council; and

WHEREAS, the City Council has carefully reviewed the Planning Commission decision denying the application, the staff report, and minutes of testimony at the Planning Commission public hearing; and

WHEREAS, on May 18, 2010, the City Council conducted a public hearing and received evidence in favor of and opposed to the application; and

WHEREAS, Section 15270 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.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Oxnard hereby upholds the Planning Commission's decision to deny Planning and Zoning Permit No. 09-550-13, based on the findings set forth in Planning Commission Resolution No. 2010-06, on file with the Planning Division and incorporated herein by reference.

PASSED AND ADOPTED this 18th day of May, 2010, 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

RESOLUTION NO. 2010-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD DENYING PLANNING AND ZONING PERMIT NO. 09-550-13 (MAJOR MODIFICATION TO SPECIAL USE PERMIT NO. 479), REQUESTING TO CONSTRUCT AND OPERATE AN AUTOMATIC CARWASH WITH ASSOCIATED EQUIPMENT AT AN EXISTING SERVICE STATION (CHEVRON), LOCATED AT 2251 NORTH OXNARD BOULEVARD, (APN 139-0-260-245). FILED BY DESIGNATED AGENT MARK DI CECCO, AIA, DI CECCO ARCHITECTURE, INC., 5146 NORTH COMMERCE AVENUE, SUITE A, MOORPARK, CA 93021.

WHEREAS, on March 18, 2010, the Planning Commission of the City of Oxnard held a duly noticed public hearing at which it considered an application for Planning and Zoning Permit No. 09-550-13, filed by Designated Agent Mark Di Cecco; and

WHEREAS, the major modification proposed to allow the construction and operation of an automatic carwash and associated equipment at an existing service station, located at 2251 North Oxnard Boulevard, and

WHEREAS, section 15270(a) of the State Guidelines to the California Environmental Quality Act (CEQA) provides that CEQA does not apply to projects that are disapproved.

NOW, THEREFORE, the Planning Commission of the City of Oxnard finds as follows:

1. The denial of this permit will not affect the preservation and enjoyment of substantial property rights of the applicant in that the denial does not preclude the existing uses of the subject property.
2. The granting of this permit would be inconsistent with the General Plan and other adopted standards of the City in that the site for the proposed use will not be adequately served by streets and highways to carry the kind and quantity of traffic such use will generate.
3. The 2020 General Plan established the objective that all intersections within the City achieve a Level of Service (LOS) "C" or better. The intersection of Oxnard Boulevard and Vineyard Avenue currently operates at a LOS "D" and would be negatively impacted by the proposed use.
4. The granting of this permit would, under the circumstances of this particular case, adversely affect or be materially detrimental to adjacent uses, buildings or structures, to the health or safety of persons residing in or working in the neighborhood or to the general welfare in that it may exacerbate traffic congestion in the area and intensify the frequency of accidents and road hazards. Specifically, with an existing high traffic volume at the intersection of Oxnard Boulevard and Vineyard Avenue, the subject property's northerly driveway access along Oxnard Boulevard creates a significant safety risk in that patrons accessing the carwash facility will be unable to turn into the property without blocking traffic flow along Oxnard Boulevard. This is likely to result in increased accident rates and interference with customer access to other businesses in the vicinity.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby denies this permit subject to the findings contained herein. The decision of the Planning Commission is final unless appealed in accordance with the provisions of Section 16-545 of the Oxnard City Code.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 15th day of April 2010, by the following vote:

AYES: Commissioners: Frank, Medina, Okada, Mullin, Sanchez, and Dean

NOES: Commissioners: None

ABSENT: Commissioners: Elliott

Dale Dean, Chairman

ATTEST: _____
Susan L. Martin, Secretary



Planning Division

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Douglas Spondello, Assistant Planner *DS*

DATE: March 18, 2010

SUBJECT: Planning and Zoning Permit No. 09-550-13 (Major Modification to Special Use Permit No. 479), Located at 2251 North Oxnard Boulevard.

- 1) **Recommendation:** That the Planning Commission approve Planning and Zoning Permit No. 09-550-13 for a major modification permit, subject to certain findings and conditions.
- 2) **Project Description and Applicant:** A request to construct and operate an automatic carwash, dryer, and associated equipment at an existing service station (Chevron), located at 2251 North Oxnard Boulevard. The new structure comprises 1,070 square feet of building area and includes a drive-through lane, four parking stalls, and two vacuum units. The project is exempt from environmental review under Section 15303(c) of the CEQA Guidelines. Filed by Designated Agent Mark DiCecco, AIA, 5416 North Commerce Avenue, Moorpark, CA 93021.
- 3) **Existing & Surrounding Land Uses:** The one acre site is developed with a Chevron service station, convenience market (with multiple vendors), and Subway restaurant. The following table describes the land uses immediately adjacent to the site:

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
Project Site	General Commercial Planned Development (C-2-PD)	Commercial: Specialized (CS-RS)	Service Station and Restaurant
North	C-2-PD	CSRS	Fast Food and Shopping Center
South	Garden Apartment Planned Development (R-3-PD)	Commercial General	Mobile Home Park
East	Heavy Manufacturing (M-2)	Open Space Buffer	Railway Route
West	C-2-PD	CS-RS	Restaurant

- 4) **Background Information:** The subject site was previously situated on two separate properties. On September 21, 1972, the City approved Special Use Permit (SUP) No. 479, with Resolution No. 3849, to allow construction of a carwash and gas station located on the northern

parcel. In 1997, these structures were demolished and the property was cleared of all improvements.

The existing commercial building, located on the southerly of the two properties, was originally approved as an office building in September of 1973 (Resolution No. 4201) by Planned Development Permit No. 231. On July 20, 1993 and with Resolution No. 10,603, the City Council approved SUP No. 1447 for the conversion of this structure to a convenience store selling beer and wine.

On June 18, 1998 and with Resolution No. 98-19, the Planning Commission approved Major Modification (MJMD) No. 98-700-02. This modification merged the north and south parcels (and the previous land use entitlements) and allowed for remodeling of the commercial building and construction of the gas pumps and associated canopy. Following the consolidation of the two properties by the MJMD, there have been numerous minor modifications approved for changes to the site, buildings, and signage.

5) Environmental Determination: In accordance with Section 15303(c) of the California Environmental Quality Act (CEQA) Guidelines, projects involving the “installation of small new equipment and facilities in small structures” may be found to be exempt from the requirements of CEQA. This proposal qualifies for this exemption because it is a small addition to the existing service station and retail use. Furthermore, the addition itself is significantly smaller (at 1,070 square feet) than the 10,000 square foot threshold for the Class 3 (new construction or conversion of small structures) exemption. 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: The 1,070 square foot, single-vehicle carwash building is proposed as an ancillary use to the existing Chevron service station. The carwash and drying features provided at the interior of the building are completely automated. Proposed hours of operation are between 7:00 AM and 10:00 PM, daily. A new trash bin and two vacuum units are located at the south of the wash building, adjacent to four new parking spaces.

Information provided by the applicant estimates that approximately 83% (29 gallons) of the water used per wash will be reclaimed and reused.

b) General Plan Consistency: The 2020 General Plan Land Use designation for the subject parcel is Commercial: Specialized. According to the General Plan, the Commercial: Specialized designation may include “general commercial uses in special or unique settings”. The subject request does not change the current commercial land use on-site. Therefore, this project is consistent with the General Plan designation.

c) Conformance with Zoning Development Standards: The proposed development is located in the General Commercial Planned Development (C-2-PD) zone district. In

accordance with the City Code, the existing development was permitted with an approved special use permit. For the addition to the existing use, a major modification is required. The project complies with all applicable development standards of the C-2 zone and they have been compared, as follows:

Max. building height (16-137)	2 stories or 35 feet	23 feet	Yes
Front yard setback (Vineyard Ave.) (16-139)	10 feet from property line	>10 feet	Yes
Side yard setback (from N. Oxnard Boulevard and N/S Frontage Rd.) (16-140)	5 feet	>55 feet	Yes
Rear yard setback (Frontage Rd. to the south) (16-141)	15 feet	>200 feet	Yes
Offstreet parking: Handicapped Motorcycle (16-264) Bicycle (16-623 & 16-637)	Total Spaces Required for all uses onsite: 21 (new use accounts for 2 spaces of total)	34 spaces	Yes
Drive-Thru Facilities (16-647)	Drive-thru lane to be separated from access routes into and out of the property or any parking space	Separated as described	Yes
	Drive-thru lanes to be striped, marked or otherwise distinctly delineated	Lane distinguished by colored concrete	Yes
	Pedestrian access must not cross drive-thru lane	No pedestrian access	N/A
Parking space sizes & design (16-636 & 16-638)	• 9'W x 19'L (standard)	9'W x 19'L (standard)	Yes
	• 9'W x 23'L (parallel)	9'W x 23'L (parallel)	Yes
Parking area Landscape Req. (16-	• Min. 10' wide strip. • Min. 5' wide in	Minor improvements at an existing facility.	Yes

641): <ul style="list-style-type: none"> • Along streets/alleys • Along interior PLs (for lots with 20 or more spaces) • Parking/vehicle area (16-641) • Landscape fingers (16-641) • Trees (for lots with 20+) 	<ul style="list-style-type: none"> • parking areas. • Minimum 5% of area, exclusive of any other required landscaped area abutting a street or alley. • 9'W x 20'L - every 10 spaces with 2 trees. • Min. 40' O.C. 	Existing and proposed is in compliance with Code and previous approval	
Trash enclosures & transformers	To be screened at installation.	Existing onsite	Yes
Fence (16-310)	<ul style="list-style-type: none"> • Cannot be located in the FY setback area • 8' max height 	5 ft 6 in Garden Wall, outside of FY setback area	Yes
Lighting 16-320	Comply with Section 16-320 of the City Code.	Wall mounted and recessed lighting on carwash building	Photometric information to be reviewed with building permit

d) **Site Design:** The existing site is developed with a 4,436 square foot commercial building, occupied by a Subway restaurant and a convenience market. To the north of the commercial building, a large canopy covers twenty fueling stations.

The carwash building is proposed parallel to the Vineyard Avenue property line in an area currently occupied by a propane tank, public telephone, an air and water machine, and three parking spaces. The propane tank would be relocated along Oxnard Boulevard, closer to the convenience store. Vehicles would enter the carwash from the west and exit to the east. A 52-foot long entry drive can accommodate the queuing of up to three vehicles for the carwash. A 298-square foot equipment storage room occupies the southern portion of the proposed building and is integrated into the building design. Four parking spaces are proposed at the south side of the carwash building featuring two vacuum units and a trash bin.

e) **Circulation and Parking:** According to the Police Department, the intersection of Vineyard Avenue and North Oxnard Boulevard has the highest frequency of accidents in the City. Currently, vehicles on Oxnard Boulevard have a tendency to stack into the intersection, as cars slow to turn into the subject property. To alleviate current traffic hazards, modifications to the existing driveway along Oxnard Boulevard are proposed. The existing two-way driveway along Oxnard Boulevard will be converted to allow for ingress only by

adding large landscaped bulb-outs to constrict the driveway width. Signage is proposed to show egress is not permitted. A new two-way driveway will be opened south of this driveway, on Oxnard Boulevard to provide drivers with an alternate means to access the site.

Conditions of approval require the existing westerly driveway, adjacent to the convenience market, to be aligned with the proposed driveway to the east along Oxnard Boulevard. The remaining driveways along the frontage road, at the southern and northwestern property lines, will not be altered.

The site provides an excess of six spaces for all existing and proposed uses. Three tandem spaces adjacent to the convenience market and four stalls south of the carwash are proposed. The following table illustrates the project's compliance with City standards for parking:

USE	SQ. FT. FOOTPRINT	CODE REQUIREMENT	SPACES REQUIRED
Fast Food (Subway)	250	1:50 sf	5
Commercial/Retail	4,186	1:300 sf	14
Automatic Carwash	772	2	2
Storage	298	1:1000 sf	0*
Total Required			21
Total Provided			34 (+12)

*Fractions less than .5 may be disregarded per Code Sec 16-620

- f) **Building Design:** Although existing, the commercial building and fuel canopy differ greatly in design, most notably in the colors and roof curves. The applicant's intention is to incorporate cues from the existing structures into the proposed carwash building. This is apparent in the rolled roof, squared window openings, and use of "Marine Green" as an accent color on the roof and projecting fascias. A condition of approval requires the applicant to paint the white portions of the fuel canopy and monument signs a beige color, "Minaki" (CL-1584D), which would enhance and unite the onsite improvements overall.

Afterhours, the carwash will be secured by roll-up doors at the entrance and exit. The doors will be painted to match the building's exterior walls.

- g) **Signs:** No signage is proposed on the carwash building. Any signs be proposed onsite in the future may be considered pursuant to the City Code requirements, at that time.

- h) **Noise:** An acoustical analysis was prepared, which analyzed the noise level anticipated with the addition of the wash and vacuum units and compares this to the level of ambient noise. The report found that the existing ambient noise level between 7:00 AM and 10:00 PM is 71.3 decibels (dBA), as measured at the property line. The report and computer modeling has predicted that peak noise levels associated with the wash and vacuums will be less than 70 dBA at the property line. In situations where the site ambient noise level exceeds the City

standard (65 dBA for commercial properties), the existing ambient noise level is the threshold. As such, noise associated with the proposed use falls within all allowed levels and conditions regulating noise reduction are not warranted.

- i) **Landscaping:** Additional landscaping and a five-foot six-inch garden wall are proposed adjacent to the carwash building, on Vineyard Avenue. These elements will soften the building and screen the interior of the wash, as well as the headlights of stacked vehicles, from the view of traffic on adjacent rights of way. At installation, the landscaping will be at a height of three and a half feet and shall be maintained at that height to provide adequate screening.

The existing propane tank along Vineyard Avenue will be relocated to the southeast corner of the property, near Oxnard Boulevard. Oversized plants will be required, at the time of installation, to completely screen the tank from view from public rights of way. City landscaping standards require a ten foot landscaped buffer from all property lines. The proposed tank location encroaches approximately five feet into the required buffer, along Oxnard Boulevard. However, the existing landscaped area is wider than required and staff considers the proposed landscape area to be consistent with the intent of the City Code. An existing tree in the area of the proposed propane tank will be removed and replaced by a new tree of equal size and health, located five feet to the south of the tank.

- 7) **Development Advisory Committee:** The Development Advisory Committee (DAC) reviewed this project on December 9, 2009. The recommendations of the DAC have been incorporated into the current proposal and are also included in the attached resolution.
- 8) **Community Workshop:** On January 25, 2010, the applicant mailed notices of the Community Workshop meeting to all property owners within the Orchard Neighborhood. A notice of this meeting was posted on the project site with a brief description and contact information. The Community Workshop was conducted on January 25, 2010. No comments were provided regarding this proposal by those in attendance at this meeting.
- 9) **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 and Colored Exhibits
- C. Notice of Exemption
- D. Resolution

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

MINUTES

OXNARD PLANNING COMMISSION
REGULAR MEETING
MARCH 18, 2010

A. ROLL CALL

At 7:02 p.m., the regular meeting of the Oxnard Planning Commission convened in the Council Chambers. Commissioners Sonny Okada, Patrick Mullin, Deirdre Frank, Michael Sanchez, Chairman Randall Elliott, Dale Dean, and Saul Medina were present. Chairman Elliott presided and called the meeting to order. Staff members present were: Susan Martin, Planning Manager, Earnel Bihis, Assistant Traffic Engineer; Stephen Fischer, Assistant City Attorney; Doug Spondello, Assistant Planner, and Lori Maxfield, Recording Secretary.

B. PUBLIC COMMENTS

C. READING OF AGENDA

Planning Manager Martin reviewed the agenda.

D. CONSENT AGENDA

1. APPROVAL OF MINUTES – March 4, 2010

MOTION Commissioner Dean moved and Commissioner Frank seconded a motion to approve the minutes of March 4, 2010 as presented. The question was called and the motion carried unanimously.

E. CONTINUED PUBLIC HEARINGS

F. NEW PUBLIC HEARINGS

1. PLANNING AND ZONING PERMIT NO. 09-550-13 (Major Modification Permit) A Request to construct and operate an automatic carwash at an existing service station (Chevron), located at 2251 North Oxnard Boulevard. The carwash proposed serves a single vehicle at a time, is completely automatic, and includes a dryer as well as provides several vacuum units adjacent to the proposed wash building. The project is exempt from environmental review under Section 15301 of the CEQA Guidelines. Filed by Designated Agent Mark Di Cecco, AIA, 5416 North Commerce Avenue, Moorpark, CA 93021.

PROJECT PLANNER: Doug Spondello

Assistant Planner Spondello presented the staff report including surrounding uses; signage; propane tank, tree, and air and water hoses were to be relocated on site; four additional parking spaces; garden wall on Vineyard Avenue for screening; noise study; 83 percent of water to be reclaimed/reused; and staff worked to redirect traffic and the circulation pattern, due to the high

frequency of traffic accidents at the intersection. He also displayed the General Plan and zoning maps; site, landscape and floor plans; color and materials board; elevations of carwash building; rendering; and site and aerial photos.

Planning Commission discussed traffic and circulation issues.

Chairman Elliott opened the public testimony.

Mr. Mark DiCecco, architect representing the applicant, gave a brief presentation including the compromise solution for ingress and egress of the site with driveway modifications and circulation; landscape median; signage; noise study; garden wall; and indicated that the carwash was completely automated, and would be serviced by the convenience store employees.

Chair Elliott closed the public testimony.

Planning Commission discussed traffic concerns both present and future with new development in the area; carwash doesn't fit the site; not a good gateway project into the City.

MOTION Commissioner Medina moved and Commissioner Frank seconded a motion to deny PZ 09-550-13, and directed staff to return with a resolution with findings for denial. The question was called and the motion carried 5-2, Commissioners Sanchez and Okada voting no.

G. PLANNING COMMISSION BUSINESS

Commissioner Sanchez asked that a lighted crosswalk be installed at Wooley Road and D Street as a safety precaution, as the crossing guard was not visible to eastbound traffic.

Assistant Traffic Engineer Bihis stated that there was a plan to install a warning light under the stimulus plan at the intersection.

H. PLANNING MANAGER COMMENTS

Planning Manager Martin stated that the meeting of April 1, 2010 would be cancelled, and the next meeting would be held on April 15, 2010.

I. ADJOURNMENT

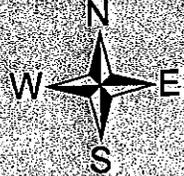
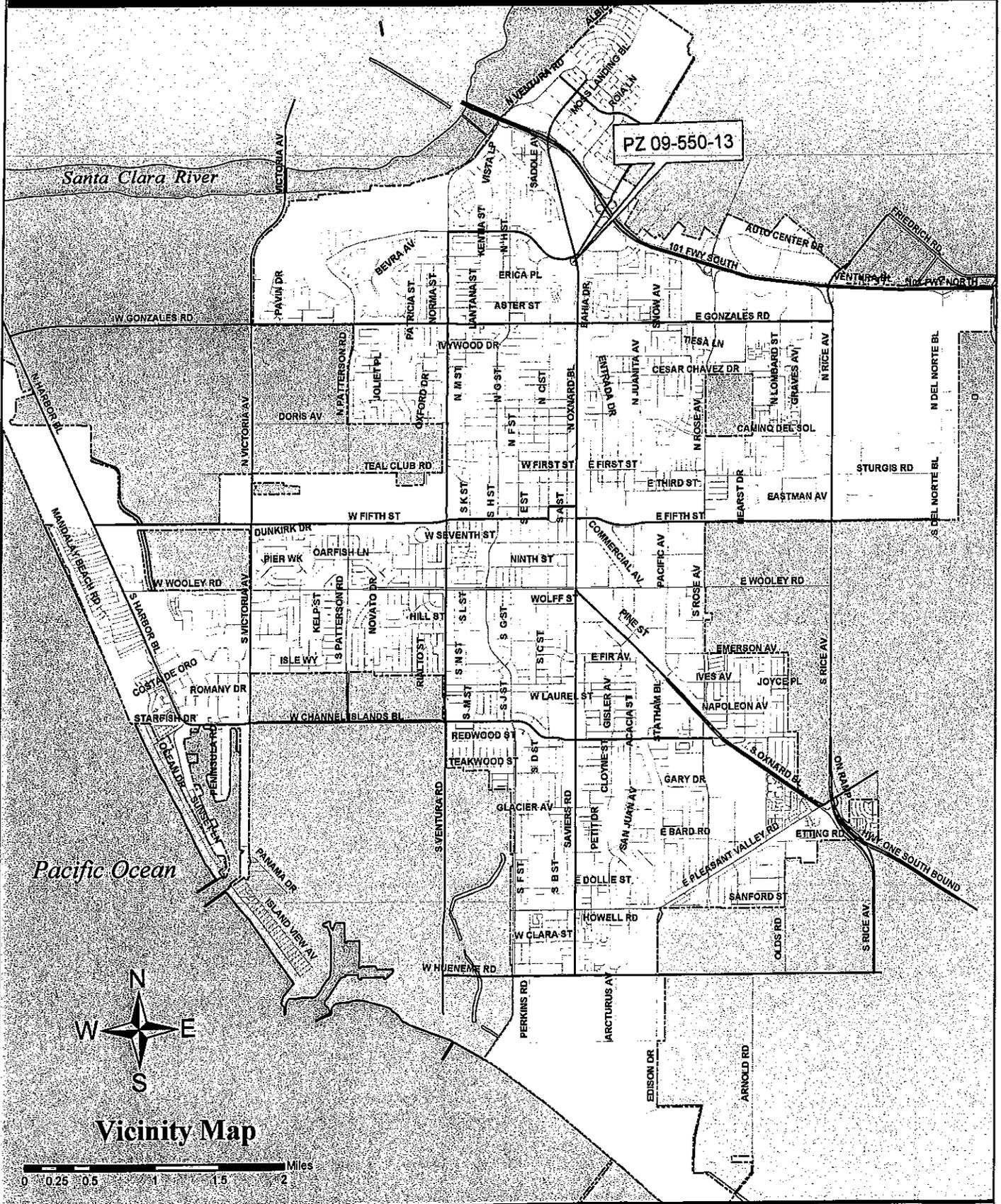
At 7:50 p.m., the Planning Commission concurred to adjourn.

Randall Elliott, Chairman

ATTEST: _____


Susan L. Martin, Secretary

PZ 09-550-13



Vicinity Map

0 0.25 0.5 1 1.5 2 Miles

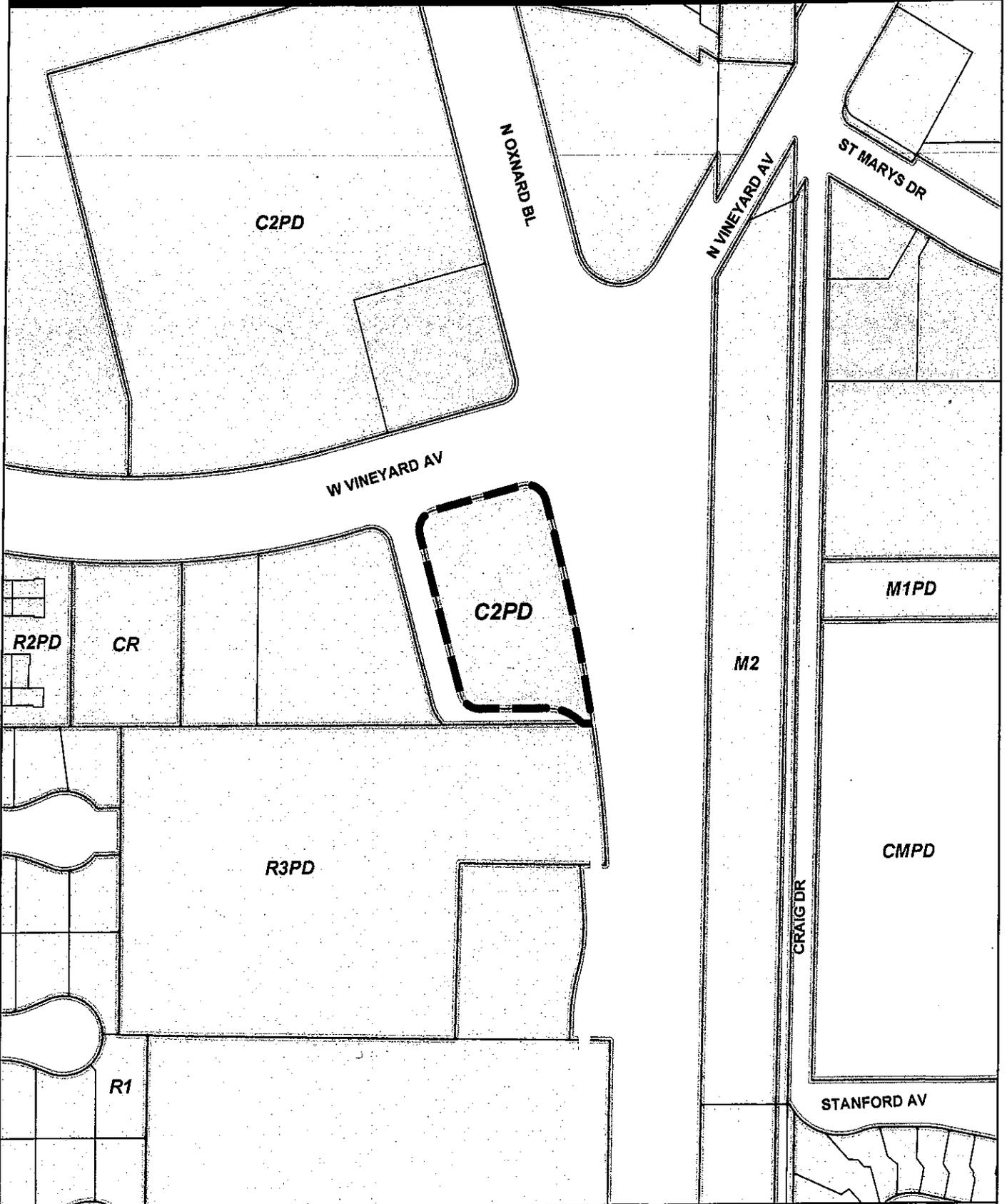


Oxnard Planning
March 8, 2010

PZ 09-550-13
Location: 2251 N Oxnard Bl
APN: 139026024
Oxnard Carwash

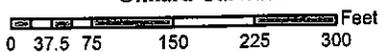
ATTACHMENT 5
PAGE 1 OF 3

Zone Map



Oxnard Planning
March 8, 2010

PZ 09-550-13
Location: 2251 N Oxnard Bl
APN: 139026024
Oxnard Carwash



Zone Map

ATTACHMENT 5

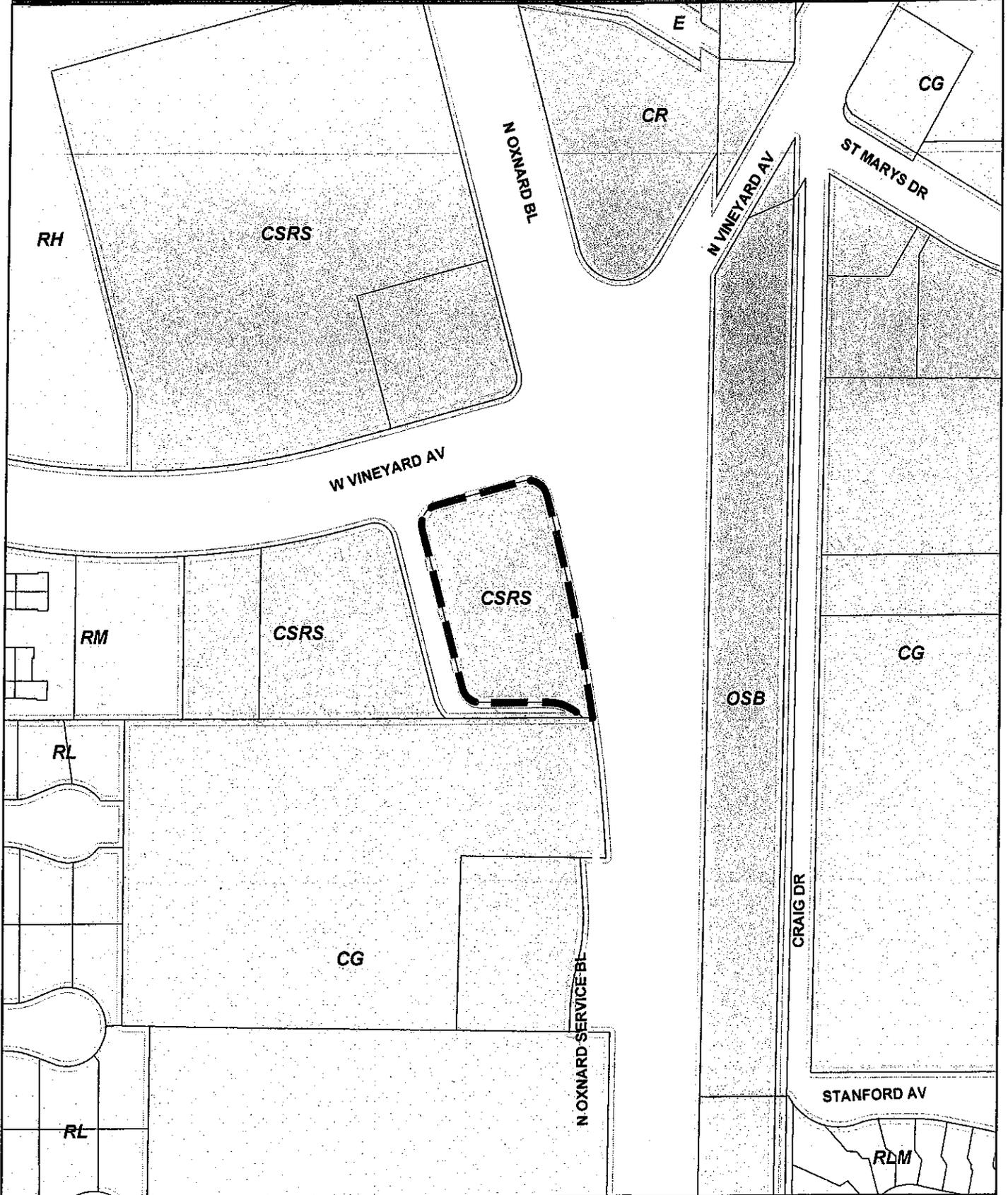
PAGE 2 OF 3



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077

General Plan Map



PZ 07-550-05
 Location: 2101 Mandalay Beach Rd
 APN: 191038010
 Mandalay Bay Suites

0 37.5 75 150 225 300 Feet

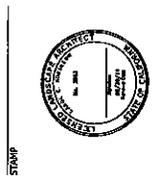
078

General Plan Map

ATTACHMENT 5
 PAGE 3 OF 3



NO.	DESCRIPTION	QUANTITY	UNIT
1	BRICK		
2	CONCRETE		
3	GLASS		
4	PAINT		
5	ROOFING		
6	WOOD		
7	WALL		
8	WINDOW		
9	DOOR		
10	ROOF		
11	WALL		
12	WINDOW		
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STAMP

CLIENT:
DAVID WATNER
OWARD OIL, INC.
OWARD OIL BLDG.
OWARD, CA.

PROJECT:
OWARD CAR WASH
2331 OWARD BLVD.
OWARD, CA.

PROJECT NUMBER:
39003

DATE:
03/21/10

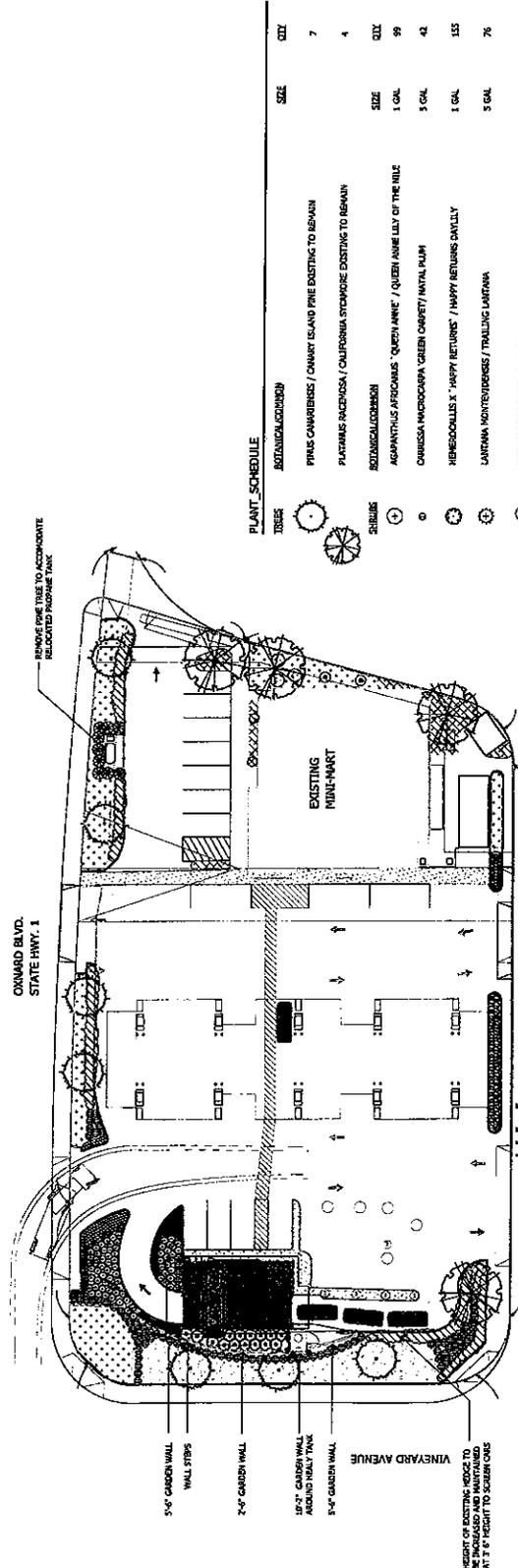
REVISIONS:

DRAWN BY: AP
CHECKED BY: CR
SHEET TITLE:

**LANDSCAPE
CONCEPT PLAN**

SCALE:
1" = 20'-0"

SHEET NUMBER:
L-0



PLANT SCHEDULE

TREES	BOTANICAL COMMON	SIZE	QTY
(Symbol)	PISTS CAUCASIENSIS / ONYX ISLAND PINE EXISTING TO REMAIN		7
(Symbol)	PLATANUS RADICOSA / CALIFORNIA STAGHORE EXISTING TO REMAIN		4
SHRUBS	QTY	SIZE	QTY
(Symbol)	ASPARAGUS AFRICANUS 'QUEEN ANNE' / QUEEN ANNE LILY OF THE VALLEY	1 GAL	99
(Symbol)	ORUSSIA MACROCARPA GREEN GARNET METAL PLUM	5 GAL	42
(Symbol)	HEMEROCALLIS 'HAPPY RETURNS' / HAPPY RETURNS BATTLE	1 GAL	115
(Symbol)	LANDYNA INOXYDENSES / TRAILING LARGONA	5 GAL	76
(Symbol)	PITTOSPORIUM TOBIYA 'WAGAWAGAWICH	5 GAL	3
(Symbol)	PHORGLIUM T. 'SUNSHINE' / SUNSHINE NEW ZEALAND FLAX	5 GAL	1
(Symbol)	PRUNUS CAROLINIANA CAROLINA CHERRY LAUREL	5 GAL	9
(Symbol)	RHAPHIDOLEPS INDICA 'PINK LADY' / PINK LADY INDIAN HAWTHORN	5 GAL	33
(Symbol)	RHAPHIDOLEPS INDICA 'PINK LADY' / PINK LADY INDIAN HAWTHORN TO REMAIN		
(Symbol)	SALICODENDRON NUCIFOLIA / PRINCEBENT SARGOCOCOA	5 GAL	15
(Symbol)	TULBAGHIA VIOLEACEA / SOCIETY GABLE	1 GAL	96
VINES	BOTANICAL COMMON	SIZE	QTY
(Symbol)	PANTHECOSSUS TETRACOLOPANDRUM BY	5 GAL	4

NOTE: ALL LANDSCAPING WILL COMPLY WITH THE APPLICABLE PARKS LANDSCAPE STANDARDS.



RECEIVED

APR 27 2010

PLANNING DIVISION
CITY OF OXNARD

CITY OF OXNARD
CITY CLERK

10 APR 23 PM 3:26

DI CECCO ARCHITECTURE
I N C O R P O R A T E D

TO: City of Oxnard City Clerk

Notice of Appeal
(from a member of the public)

I, Mark Di Cecco, representative of the applicant, am directly affected by and appeal the April 15, 2010 decision from the Planning Commission regarding Project No. 09-550-13, more particularly described as follows:

To construct an automated carwash and associated equipment at an existing service station (Chevron) located at 2251 North Oxnard Boulevard.

The grounds for appeal, based on the numbered items in the Planning Commission action, Resolution 2010-06 are:

1. The denial of this permit does affect the preservation and enjoyment of a substantial property right of the applicant in that the applicant cannot put his property to its highest and best use. Other services stations within the city, many with substantially smaller lot sizes, on traffic-challenged sites, have automated car washes.
2. The granting of this permit is not inconsistent with the General Plan and other adopted standards of the City in that it is adequately served by streets and highways to carry the kind and quantity of traffic such use would generate. The site is completely surrounded by local and arterial streets and vehicular access to the site can be accomplished via five separate driveways. The site is adequate in size to accept the proposed carwash building, access, equipment, and landscaping without adversely affecting existing onsite vehicular flow. The proposed facility meets all Zoning Development Standards. Please reference the original Planning Commission staff report.
3. The intersection of Oxnard Boulevard and Vineyard Avenue would not be negatively impacted by the proposed use. The proposed site improvements include a reduction in width of the existing northeast driveway closest to the intersection, the prohibition of cars from exiting the site via the northeast intersection, a new driveway on Oxnard Boulevard southerly of the existing driveway, and adjustment to the existing southwest driveway. The design of the new driveways was proposed by the City's Traffic Engineers. The City's traffic model run determined that the existing intersection did not need to be widened to accomodate 2020 General Plan traffic flow, and the mitigation measures for the RiverPark development to the north include future restriping the intersection to improve traffic flow at this intersection.
4. The granting of this permit, in our opinion as well as that of Traffic staff, will not exacerbate traffic congestion at the intersection of Oxnard Boulevard and Vineyard Avenue. The patrons accessing the carwash will almost exclusively be patrons of the service station, who already ingress the site at this point. The elimination of vehicular egress from the site at the northeast driveway, as

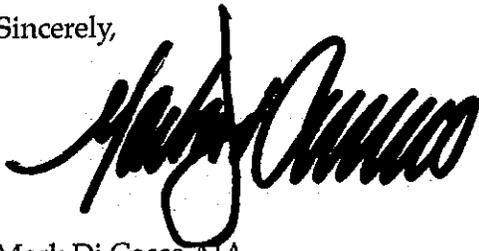
well as the shifting of the driveway further south from the intersection, has the potential to reduce traffic congestion at this point. The addition of a new driveway southerly on Oxnard Boulevard will provide an alternate means of accessing the site further away from the intersection. In reference to the resolution comment that the proposed project would be detrimental to persons residing or working in the neighborhood, notice was sent to over 650 property owners of the adjacent neighborhood for a community meeting, as well as for the Planning Commission hearing. Only one resident attended the Community meeting and she had no comments or concerns. There were no members of the neighborhood (or members of the public) at the Planning Commission hearing.

I request the following relief:

that the City Council reverse the decision of the Planning Commission and allow the construction of the carwash as proposed.

Thank you very much for your thoughtful consideration of this matter.

Sincerely,



Mark Di Cecco AIA
D. Arch, NCARB, LEED AP
President
Di Cecco Architecture, Inc.
5146 N. Commerce Avenue, Suite A
Moorpark, CA 93021

cc: City Attorney
Project Planner
Development Services Department
Applicant