



Meeting Date: 9/28/2010

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. 4-1

Reviewed By: City Manager *[Signature]* City Attorney *SMT* Finance *[Signature]* Other (Specify) \_\_\_\_\_

**DATE:** September 15, 2010

**TO:** City Council

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

**SUBJECT:** Appeal of Planning and Zoning Permit No. 10-520-01 (Special Use Permit), Life of Victory Worship Center, 2041 Cabot Place. Filed by: Danielle Keys.

**RECOMMENDATION**

That City Council adopt a resolution granting the appeal and approving Planning and Zoning Permit No. 10-520-01.

**DISCUSSION**

On August 5, 2010, the Planning Commission voted 4-1 on a motion to deny a special use permit for the operation of a church (Life of Victory Worship Center) within an existing 3,328 square foot industrial suite and to deny a request for administrative relief to provide shared on-site parking.

The Planning Commission's resolution to deny the project (Attachment #2) noted concern regarding a lack of sufficient on-site parking to accommodate the use and the church's incompatibility with existing and future industrial uses.

Appeal

On August 27, 2010, Danielle Keys, Church Administrator, filed a notice of appeal (Attachment #8). The appeal contends that the subject property, a multi-tenant industrial development, is largely vacant and that the parking required by the church would not conflict with the parking needs of adjacent industrial uses.

According to City records, there is currently one active business at the subject property, Group Alpha Solutions. The City's Traffic Engineer reviewed and approved a plan for shared parking on-site which involves coordinating the operating hours of the church sanctuary so that the parking needs do not conflict with the adjacent tenants.

The parking study originally provided to the Planning Commission framed the project scope as requiring 82 of the 85 on-site parking spaces during worship services. This would have hindered any other use from being conducted at the property when services were being held. The Planning Commission denied the request on the basis that the church use and parking required would be incompatible with other on-site uses. The applicant has since provided an updated parking study (Attachment #4) which clarifies the request as a 145-seat sanctuary, not 410 as previously analyzed. At full occupancy, the current proposal would require 29 parking spaces, leaving 56 spaces available to the other uses during evening and weekends. During weekdays when neighboring business are typically in operation, the church would utilize 1,737 square feet of office space, necessitating a demand for only seven parking spaces.

The Planning Commission's original concern that full occupancy of on-site parking spaces by the church would conflict with the other business is now mitigated by the reduced parking demand. A condition of project approval would limit the occupancy of the sanctuary to 145 persons. Based on the clarification received regarding the project request, Staff would support granting the appeal and approving the project.

## **FINANCIAL IMPACT**

None

(DS)

- Attachment #1 - Draft City Council Resolution  
#2 - Planning Commission Resolution No. 2010-18  
#3 - Planning Commission Staff Report without Attachments (Dated June 17, 2010)  
#4 - Updated Parking Study (Dated September 14, 2010)  
#5 - Planning Commission Minutes  
#6 - Vicinity, Zoning, and General Plan Maps  
#7 - Reduced Project Plans  
#8 - Notice of Appeal Filed by Danielle Keys

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD UPHOLDING THE APPEAL OF THE PLANNING COMMISSION'S DECISION AND APPROVING PLANNING AND ZONING PERMIT NO. 10-520-01 (SPECIAL USE PERMIT), A REQUEST TO ALLOW THE OPERATION OF A CHURCH (LIFE OF VICTORY WORSHIP CENTER) WITHIN AN EXISTING 3,500 SQUARE FOOT INDUSTRIAL SUITE LOCATED AT 2041 CABOT PLACE, UNIT B, WITHIN THE NORTHFIELD SEAGATE BUSINESS PARK SPECIFIC PLAN. THE PROJECT INCLUDES ADMINISTRATIVE RELIEF FROM ON-SITE PARKING REQUIREMENTS. FILED BY APPELLANT DANIELLE KEYS, 2018 ROHDEA WAY, OXNARD, CA 93030.

WHEREAS, on August 5, 2010, the Planning Commission adopted Resolution No. 2010-18 denying an application for Special Use Permit No. 10-520-01, filed by Designated Agent Elizabeth Callahan; 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 to deny the application, the staff report, and minutes of testimony at the Planning Commission public hearing; and

WHEREAS, on September 28, 2010, the City Council conducted a public hearing and received evidence in favor of and opposed to the application to allow the operation of a church within an existing multi-tenant industrial building and for relief from the on-site parking requirements for a property at 2041 Cabot Place, Unit B; 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 City Council finds, after due study, deliberation, and public hearing that the following circumstances exist:

1. That the proposed use is in conformance with the General Plan and other adopted policies of the City of Oxnard.
2. That the proposed development is in conformance with adopted goals, policies and standards of the Northfield Seagate Business Park Specific Plan.
3. That 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.

4. That 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. That the site for the proposed use will be provided with adequate sewerage, water, fire protection and storm drainage facilities.

WHEREAS, the application includes an application for administrative relief pursuant to Section No. 16-651(B)(1) of the City Code, to allow shared on-site parking within an 85-space parking lot; and

WHEREAS, the City Council 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 City Council of the City of Oxnard hereby approves this permit subject to the following conditions.

DEPARTMENTS AND DIVISIONS			
CA	City Attorney	PL	Planning Division
DS	Dev Services/Eng Dev/Inspectors	TR	Traffic Division
PD	Police Department	B	Building Plan Checker
SC	Source Control	FD	Fire Department
PK	Public Works, Landscape Design	CE	Code Compliance

**GENERAL PROJECT CONDITIONS**

1. This permit is granted for the property described in the application on file with the Planning Division, and may not be transferred from one property to another. (PL, G-1).
2. This permit is granted for the plans dated March 15, 2010, (“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 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. By commencing any activity related to the project or using any structure authorized by this permit, Permittee accepts all of the conditions and obligations imposed by this permit

- and waives any challenge to the validity of the conditions and obligations stated therein. (CA, G-5)
4. Permittee agrees, as a condition of adoption of this resolution, at Permittee's own expense, to indemnify, defend and hold harmless the City and its agents, officers and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of the resolution or any condition attached thereto or any proceedings, acts or determinations taken, done or made prior to the approval of such resolution that were part of the approval process. Permittee's commencement of construction or operations pursuant to the resolution shall be deemed to be an acceptance of all conditions thereof. (CA, G-6)
  5. Any covenants, conditions, and restrictions (CC&R's) 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&R's and the City Code or this permit, the City Code or this permit shall prevail. (CA, G-7)
  6. Permittee 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 Permittee to occupy the project, Permittee shall submit a copy of the recorded document to the Planning and Environmental Services Manager. (PL, G-8)
  7. Before placing or constructing any signs on the project property, Permittee shall obtain a sign permit from the City. Except as provided in the sign permit, Permittee may not change any signs on the project property. (PL/B, G-10)
  8. Permittee shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, G-11)
  9. Permittee shall not permit any combustible refuse or other flammable materials to be burned on the project property. (FD, G-12)
  10. Permittee shall not permit any materials classified as flammable, combustible, radioactive, carcinogenic or otherwise potentially hazardous to human health to be handled, stored or used on the project property, except as provided in a permit issued by the Fire Chief. (FD, G-13)
  11. If Permittee, owner or tenant fails to comply with any of the conditions of this permit, the Permittee, owner or tenant shall be subject to a civil fine pursuant to the City Code. (CA, G-14)

**PLANNING SPECIAL CONDITIONS**

12. This permit shall automatically be null and void 12 months from the date of issuance, unless Permittee or successor in interest has obtained an occupancy certificate to operate from within the proposed tenant space. (PL)
13. Prior to the issuance of a certificate of occupancy for the assembly use, Permittee shall provide a written parking agreement in the form on file with the city clerk that is executed by all landowners and tenants affected by the shared parking agreement. The agreement shall specify that the city is a third- party beneficiary to the agreement and shall state that the user agrees to vacate the use within 12 months if a landowner should amend or terminate the agreement so that the user no longer has sufficient parking to satisfy the parking requirements in effect at the time the agreement was accepted by the city. The parking agreement shall include and provide for a minimum of 29 parking stalls as provided by the parking study to assure the continued availability for on-site parking for the life of the use. (PL/DS)
14. Church Services involving use of the sanctuary and ancillary child care services shall be limited to operate on weekdays from 6 PM to 10 PM and between 8 AM and 10 PM on Saturday and Sunday. Any changes to these times will be subject to subsequent permit approvals, as necessary. (PL)
15. Special church functions or fundraising events conducted outdoors, where parking impacts may result, shall be required to obtain a temporary use permit that allows the Planning Manager to monitor any potential parking impacts. (PL)
16. Permittee shall post and regularly inform church attendees of restricted parking stall designations. (PL)
17. Seating within the Church Sanctuary shall be limited to no more than 145 persons, as depicted on the approved plans unless otherwise approved by a subsequent permit. (PL)

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Oxnard hereby APPROVES Planning and Zoning Permit No. 10-520-01.

PASSED AND ADOPTED this 28th day of September, 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. 2010-18

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD DENYING PLANNING AND ZONING PERMIT NO. 10-520-01 (MINOR SPECIAL USE PERMIT), A REQUEST TO ALLOW THE OPERATION OF A CHURCH (LIFE OF VICTORY WORSHIP CENTER) WITHIN AN EXISTING 3,500 SQUARE FOOT INDUSTRIAL SUITE LOCATED AT 2041 CABOT PLACE, UNIT B, WITHIN THE NORTHFIELD SEAGATE BUSINESS PARK SPECIFIC PLAN. THE PROJECT INCLUDES ADMINISTRATIVE RELIEF FROM ON-SITE PARKING REQUIREMENTS. FILED BY DESIGNATED AGENT ELIZABETH CALLAHAN, 400 EAST ESPLANADE DRIVE, SUITE NO. 301, OXNARD, CA 93030.

WHEREAS, on August 5, 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. 10-520-01, filed by Designated Agent Elizabeth Callahan; 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.
2. 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 as the proposed church would be incompatible with existing and future industrial businesses and contribute to a lack of available parking spaces to serve existing and future industrial businesses on site and in the vicinity of the project area.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby denies this permit. 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 19<sup>th</sup> day of August 2010, by the following vote:

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

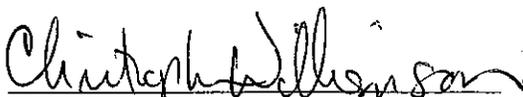
NOES: Commissioners: None

ABSTAIN: Commissioners: Medina

ABSENT: Commissioners: Mullin



Randall Elliott, Chair

ATTEST:   
Christopher Williamson, Secretary



**Planning Division**

**PLANNING COMMISSION  
STAFF REPORT**

**TO:** Planning Commission

**FROM:** Douglas Spondello, Assistant Planner

**DATE:** June 17, 2010

**SUBJECT:** Planning and Zoning Permit No. 10-520-01 (Minor Special Use Permit), Life of Victory Worship Center, Located at 2041 Cabot Place, Unit B.

- 1) **Recommendation:** That the Planning Commission approve Planning and Zoning Permit No. 10-520-01 for a minor special use permit, subject to certain findings and conditions.
- 2) **Project Description and Applicant:** A request to permit the operation of a church (Life of Victory Worship Center), within an existing 3,328 square foot industrial suite. The project is located at 2041 Cabot Place, Unit B and includes a request for administrative relief from parking requirements by allowing shared parking on-site. Filed by Designated Agent Elizabeth Callahan, 400 East Esplanade Drive, Suite 301, Oxnard, CA 93036.
- 3) **Existing & Surrounding Land Uses:** The church proposes to occupy a 3,328 square-foot tenant space within a multi-tenant industrial building. The following table describes the land uses immediately adjacent to the site.

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
Project Site	Limited Manufacturing (M-L)	Industrial Limited	Multi-Tenant Industrial Condominiums
North	Residential Planned Development	Residential Low	Single-Family Residential
South	M-L	Industrial Limited	Industrial Development
East	Light Manufacturing	Industrial Light	Industrial Development
West	M-L	Industrial Limited	Industrial Development

- 4) **Background Information:** On May 31, 2007, the City Council approved Resolution Nos. 13,250 and 13,251 for Special Use Permit (SUP) No. 06-500-21 and Tentative Subdivision Map

06-300-02, respectively. These entitlements permitted the construction and individual ownership of 10 industrial workspaces, proposed within two new buildings. No further planning permits have been issued for the property.

**5) Environmental Determination:** In accordance with Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, projects involving “existing structures” may be found to be exempt from the requirements of CEQA. This proposal consists of allowing an assembly use within an existing industrial tenant space. 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) Conformance with General Plan Land Use Designation and Zoning Development Standards:** The 2020 General Plan land use designation for the subject site is Industrial Limited, which the plan characterizes as “typically light manufacturing, assembly, and warehousing developed to higher development standards than may be found in other industrial zones”. The corresponding zoning designation of Limited Manufacturing (M-L) allows the operation of a church, with an approved special use permit. Therefore, the request is consistent with both the General Plan and zoning designations the property.

**b) General Discussion:** The proposed church would be required to obtain a certificate of occupancy issued by the Development Services Department to provide for the intensification of occupancy proposed to the existing industrial space. The unit consists of a 2,515 square foot ground floor which is comprised of the main sanctuary area (1,591 square feet), several offices, a storage area, and restroom. An 812 square foot mezzanine level above includes additional office space, a restroom, and children’s playroom. The playroom is anticipated to serve 10 children and would be used during worship services. This proposal does not involve a request for a school or any related uses occurring outside of those described in this report.

The Life of Victory Worship Center proposes the following hours of operation:

Office	Monday - Saturday	7:00 AM - 5:30 PM
Sanctuary	Monday - Sunday	6:00 PM - 10:00 PM
Worship (provided in Sanctuary)	Sunday	Various (two services provided)

**c) Circulation and Parking:** All buildings, 82 parking spaces, vehicular access, and site improvements within the multi-tenant complex are existing. No site changes are proposed with this application.

A shared parking analysis was prepared by Associated Transportation Engineers (ATE), as the off-street parking requirements for a church are more intense than those required of the existing industrial use. The City's Traffic Engineer reviewed the parking study (Attachment "D") and determined that it is acceptable. The plan for shared parking involve spaces used by the church during the established times, as shown above. Seven parking spaces are available for the daily office use. Worship services and use of the sanctuary are restricted to those dates and times when the on-site industrial tenants are not typically operating. As such, the shared parking plan can be supported. In accordance with the City Code and the parking analysis, the church requires 82 parking spaces. A condition of approval requires the Permittee to secure the necessary parking covenants with the adjacent owners to allow shared parking, prior to initiating the proposed use.

**7) 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. Parking Study (Dated May 12, 2010)
- E. Resolution

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



# ASSOCIATED TRANSPORTATION ENGINEERS

100 N. Hope Avenue, Suite 4, Santa Barbara, CA 93110 • (805) 687-4418 • FAX (805) 682-8509

Since 1978

Richard L. Pool, P.E.  
Scott A. Schell, AICP, PTP

September 14, 2010

10033L02.wpd

Life of Victory Worship Center  
c/o Danielle Keys  
3325 Albret Street  
Lancaster, CA 93536

## ***PARKING STUDY FOR THE LIFE OF VICTORY WORSHIP CENTER, CITY OF OXNARD, CALIFORNIA***

Associated Transportation Engineers (ATE) has prepared the following parking study for the Life of Victory Worship Center, proposed at 2041 Cabot Place, Unit B in the City of Oxnard. The study reviews the City Zoning Ordinance parking requirements for the project and the adjacent businesses then provides an analysis of the parking based on the City's requirements and determines if the parking supply is sufficient.

### **PROJECT DESCRIPTION**

The Life of Victory Worship Center is proposing to convert a vacant 3,328 square foot (SF) warehouse unit into a church office and sanctuary. The project is located within the Cabot Business Center at 2014 Cabot Place. The church office hours of operation would be between 7:00 A.M. to 5:30 P.M., Monday through Saturday. The church sanctuary would be open in the evenings after 6:00 P.M. and on Sundays for services. The seating proposed for the sanctuary is 145 seats. The on-site parking lot provides 85 surface parking spaces. There are 7 parking spaces allocated for the church office during the daytime on weekdays. The church will have access to all 85 parking on-site parking spaces during the evenings and on weekends.

The site components, hours of operation and building space for the church and adjacent businesses are presented in Tables 1 and 2. As illustrated in the two tables, the church office and the other adjacent businesses would be expected to be open at generally the same time. The church sanctuary would be open in the evenings and on weekends, when the adjacent businesses are closed for the day.

**Table 1  
2041 Cabot Place Unit B Building Square Footage**

Site Components	Expected Hours of Operation	Size
Office	Monday - Friday 7:00 A.M. - 5:30 P.M.	1,737 SF
Sanctuary	Evenings and Sundays	1,591 SF
<b>Total Square Footage</b>		<b>3,328 SF</b>

**Table 2  
2041 Cabot Place Adjacent Businesses Building Square Footage**

Site Components	Expected Hours of Operation	Size
Office	Monday - Friday 8:00 A.M. - 5:00 P.M.	14,693 SF
Warehousing		16,481 SF

**CITY OF OXNARD ZONING ORDINANCE REQUIREMENTS**

The project is located on land zoned light industrial per the City of Oxnard. City of Oxnard Zoning Ordinance parking requirement ratios for the site components including the project are summarized below:

- Church: 1 parking space/5 seats (sanctuary)
- Office: 1 space 250 SF (office)
- Warehousing: 1 parking space/1000 SF of gross floor area for the first 20,000 SF devoted to warehousing, plus the required parking for SF devoted to other uses.

Based on these ratios, the Zoning Ordinance parking requirements for the church and adjacent businesses for the weekday daytime and the evenings/weekends time periods were calculated as shown in the following Tables 3 and 4.

Weekday Parking Requirement

The weekday parking requirement assumes that only the church office use and the remaining adjacent office/warehouse uses are open during daytime weekday hours.

**Table 3  
City of Oxnard Zoning Ordinance Parking Requirements  
Daytime Weekday Uses**

Site Components	Size	City Parking Ratio	Parking Requirement	Parking Provided
Church Office	1,737 SF	1 space/250 SF	7 spaces	7 spaces
Church Sanctuary	145 seats	(a)	0 spaces	0 spaces
Office Space	14,693 SF	1 spaces/250 SF	59 spaces	78 spaces
Warehouse Space	16,481 SF	1 space/1000 SF	<u>16 spaces</u> 75 spaces	
<b>Total:</b>			<b>82 spaces</b>	<b>85 spaces</b>

(a) Sanctuary not in use during daytime weekday hours.

Based on the Zoning Ordinance, the parking requirement for the church office is 7 spaces. The parking for the adjacent businesses open during daytime work hours is 75 spaces. The data presented in Table 3 indicates that the 85 on-site parking spaces would accommodate these parking requirements.

Evening and Weekend Parking Requirement

The evening and weekend parking requirement assumes that only the church sanctuary use is open during the evenings and weekends.

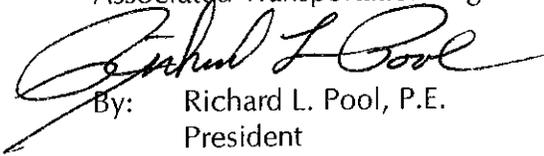
**Table 4  
City of Oxnard Zoning Ordinance Parking Requirements  
Evening and Weekend Uses**

Site Components	Size	City Parking Ratio	Parking Requirement	Parking Provided
Church Sanctuary	145 seats	1 space/5 seats	29 spaces*	85 spaces

\*7 parking spaces allocated for the church office during the daytime on weekdays.

Based on the Zoning Ordinance, the parking requirement for the 145 seat church sanctuary during the evenings and weekends is 29 spaces. The data presented in Table 4 indicate that the 85 on-site parking spaces would accommodate these parking requirements.

Associated Transportation Engineers



By: Richard L. Pool, P.E.  
President

RLP/DFN/wp

MINUTES

OXNARD PLANNING COMMISSION  
REGULAR MEETING  
AUGUST 5, 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, Chairman Randall Elliott, and Dale Dean were present. Chairman Elliott presided and called the meeting to order. Staff members present were: Chris Williamson, Principal Planner, Paul Wendt, Senior Civil Engineer; Jason Samonte, Traffic Engineer; Stephen Fischer, Assistant City Attorney; Doug Spondello, Assistant Planner; Linda Windsor, Associate Planner; Brian Foote, Associate Planner, and Lori Maxfield, Recording Secretary.

B. PUBLIC COMMENTS

C. READING OF AGENDA

Principal Planner Williamson reviewed the agenda, and stated that under Planning Manager Comments, he would give a status on the 2030 General Plan and Housing Element.

D. CONSENT AGENDA

1. APPROVAL OF MINUTES – July 1, 2010

MOTION Commissioner Dean moved and Commissioner Okada seconded a motion to approve the minutes of July 1, 2010 as presented. The question was called and the motion carried 4-0-1-1, Commissioner Elliott abstaining, and Commissioner Medina absent.

E. CONTINUED PUBLIC HEARINGS

F. NEW PUBLIC HEARINGS

1. PLANNING AND ZONING PERMIT NO. 10-520-01 (Minor Special Use Permit) a request to permit the operation of a church (Life of Victory Worship Center), within an existing 3,328 square foot industrial suite. The project is located at 2041 Cabot Place, Unit B and includes a request for administrative relief to provide shared on-site parking. The proposed project is exempt from environmental review under Section 15301 of the CEQA Guidelines. Filed by Designated Agent Elizabeth Callahan, 400 Esplanade Drive, Suite 301, Oxnard, CA 93036.  
PROJECT PLANNER: Doug Spondello

Assistant Planner Spondello presented the staff report including surrounding uses; requested parking relief; parking agreement; and hours of operation. He also displayed the location and zoning maps; aerial view; site and floor plans; and site photos.

Principal Planner Williamson explained that the permit would not be approved unless the applicant could provide adequate parking.

Chairman Elliott opened the public testimony.

Applicant was not present.

Mr. Morey Navarro, property owner across the street from the site, spoke in opposition due to inadequate parking, as the neighboring businesses remain open during the evening; there are only 65 total parking spaces for 12 units; and any future tenants would have no parking.

Chairman Elliott closed the public testimony.

Planning Commission discussed concerns over parking shortage related to businesses remaining open at night; no street parking; not the right location for a church; a surrogate business would occupy space intended for industrial purposes, which may create a conflict with current and future tenants:

MOTION Commissioner Frank moved and Commissioner Mullin seconded a motion to adopt a resolution denying PZ 10-520-01, and directed staff to return with a resolution with findings for denial. The question was called and the motion carried 4-1-1, Commissioner Okada voting no, and Commissioner Medina absent.

2. PLANNING AND ZONING PERMIT NO. 10-510-5, a request to permit the sale of beer and wine for off-site consumption to registered hotel guests from the hotel's "Suite Shop," and to permit sale and service of beer and wine for on-site consumption to registered overnight hotel guests and their invitees, during the hotel's complimentary "happy hour" within the existing Homewood Suites Hotel, located at 1950 Solar Drive. The proposed project is exempt from environmental review under Section 15301 of the CEQA Guidelines for Existing Facilities. Filed by Mian Extended Stay, Inc., 1106 N. Highway 360, Suite 400, Grand Prairie, Texas 75050.  
PROJECT PLANNER: Linda Windsor

Associate Planner Windsor presented the staff report surrounding uses; Police report; hotel not currently serving alcohol; limitation on number of drinks to be served; and alcohol may only be purchased by registered guests. She also displayed the location map and aerial and site photos.

Senior Officer Daniel Schrubbs, beat coordinator, indicated that there had not been any problems with the adjacent hotel selling alcohol in a similar situation.

Chairman Elliott opened the public testimony. No comments were received, and the public testimony was closed.

Planning Commission asked for clarification on how the system of complimentary "happy hour" works with regard to monitoring the number of drinks served.

Applicant was not present.

MOTION Commissioner Frank moved and Commissioner Okada seconded a motion to continue PZ 10-510-05 to August 19, 2010. The question was called and the motion carried 5-0-1, Commissioner Medina absent.

3. PLANNING AND ZONING PERMIT NO. 10-510-08 (Special Use Permit - Alcohol) a request for a Special Use Permit to allow sale of beer, wine and spirits within a full-service restaurant to be operated by Buffalo Wild Wings, located at 1600 E. Gonzales Road at the southwest corner of Rose Avenue and East Gonzales Road, in the Rose Ranch Shopping Center, within the Northeast Community Specific Plan Area. The project is exempt from environmental review under Section 15301 of the CEQA Guidelines. Filed by Brian Engle, Lingle Design Group, Inc. 158 W. Main Street, Lena, IL 61048, on behalf of Buffalo Wild Wings Restaurant.  
PROJECT PLANNER: Linda Windsor

Associate Planner Windsor presented the staff report including surrounding uses; outdoor dining; building approved through a minor modification of the center; Police concerned that no barrier exists between properties; fence provided on patio as a barrier to prevent passing of alcohol; no live entertainment on patio; and Police condition No. 17 revised to read: "Employees shall not be allowed to consume alcoholic beverages at any time during their shift. Employees shall not report to work with evidence of having consumed any intoxicants such as alcohol, illegal drugs or controlled substances."

Chairman Elliott opened the public testimony.

Mr. Ed Keegan, regional construction manager for Buffalo Wild Wings, gave a brief presentation including a description of the business; company was just beginning in California; dividing wall with a children's side; management attuned to use and sales of alcohol; agreed to all conditions; will employ 75 people; and described the layout of patio.

Chairman Elliott closed the public testimony.

MOTION Commissioner Okada moved and Commissioner Frank seconded a motion to adopt a resolution granting PZ 10-510-08, a Special Use Permit to allow beer, wine, and spirits sales for on-site consumption with a 6,700 square foot restaurant (Buffalo Wild Wings Grill & Bar), located at 1600 East Gonzales Road, subject to certain findings and conditions. The question was called and the motion carried 5-0-1, Commissioner Medina absent.

4. PLANNING AND ZONING PERMIT NO. 08-400-04 (Coastal Development Permit), 09-300-01 (Tentative Subdivision Map) and 09-590-01 (Coastal Zone Variance), a request for approval of a Tentative Tract Map to create five parcels and subdivide for 70 air-rights condominium units; a Coastal Development Permit to construct five, multifamily, three-story structures with a total of 70 condominium dwelling units, parking garages, and pool and recreation amenities; and a Coastal Zone Variance to modify the front, side, and rear yard setbacks to permit architectural projections. The project site is a vacant 4-acre property located at the northeast corner of Harbor Boulevard and Wooley Road. In accordance with the California Environmental Quality Act (CEQA) Guidelines, a Mitigated Negative Declaration is proposed for this project. This project, if approved by the Planning Commission and City Council, would be appealable to the California Coastal Commission

per Section 17-58(K) of the Oxnard City Code. Filed by Mike Marlow, Oxnard Shores Co., LLC, 1015 S. Harbor Blvd., Oxnard, CA 93035.

PROJECT PLANNER: Brian Foote

Associate Planner Foote presented the staff report including surrounding uses; architecture; site currently vacant, and subject to 1988 development agreement that allows up to 70 dwelling units, and would expire 2015 or at time of development; City Council changed zoning to higher density; no potentially significant impacts were identified in the Mitigated Negative Declaration; and variance request were related to the setbacks. He also displayed the location, zoning, and tentative maps; aerial photo; site plan; elevations; interior open spaces; and floor plan.

Mr. Pete Weeger, representing Oxnard Shores Company, gave a brief presentation including surrounding uses; architecture; density; amenities; building types; parking; windows; lighting; stormwater runoff system; catch basin filtration; landscaping; and resource conservation elements. He also displayed the site plan; aerial photo of the neighborhood; and a video prospectus of the project.

Traffic Engineer Samonte indicated that he would look into both extending the deceleration lane on Wooley Road, and installing a traffic light at the intersection of Canal Street and Harbor Boulevard at Wooley Road.

Chairman Elliott opened the public testimony.

RECESS Chairman Elliott called a recess at 8:42 p.m. The meeting reconvened at 8:50 p.m. with all Commissioners present, except Commissioner Medina.

Ms. Cindy Eaves, spoke in opposition due to building height; traffic study was done prior to Seabridge and Westport developments; road should be widened; and shortage of visitor parking.

Mr. James Burke expressed concern regarding traffic issues; no walkways; noise created by construction occurring on weekends and early mornings; who would pay for damage done to neighboring homes created by dirt and dust during construction; and number of cars per residence should be regulated.

Mr. Greg Kenney, Chairman of the Oxnard Dunes Neighborhood, spoke in favor of the project, but was concerned about traffic safety; bike lane and traffic signal should be added on Wooley Road.

Ms. Maree Penhart stated her concerns regarding noise from the project and building height.

Ms. Gerry Moreno spoke in favor of the project, but was concerned about parking at the site, traffic on Wooley Road, and recommended a flashing light at Wooley Road and Canal Street.

Chairman Elliott closed the public testimony.

Planning Commission discussed the view from Hobbs Way; architecture; interior open space; conservation efforts; floor plans; elevations; traffic; future elementary school at Tradewinds Drive; bike safety; commended the public for attending community meetings on the project, and the

developer for listening to the public's concerns; and encouraged the City and developer to start addressing traffic and safety issues.

Principal Planner Williamson explained that during the General Plan process, noise studies were done around the City, and the corner of Wooley Road and Victoria Avenue already exceeded the City's standards of 65 decibels. Decksider Homes on the southeast corner were built without sound walls, so residents were already impacted by exceeded noise levels. The homeowner's association wrote to the City that they wanted to be advised of all projects that contribute traffic to Wooley Road and Victoria Avenue. The estimate from the homeowners' association to build a sound wall is \$100,000. The contribution of this project is approximately five percent of the \$100,000. So, it's a way to mitigate the noise impact because it's already a significant impact.

MOTION Commissioner Mullin moved and Commissioner Okada seconded a motion to adopt a resolution granting PZ 08-400-4 (Coastal Development Permit), to allow development of 70 attached condominium units within five buildings and associated infrastructure including streets, sidewalks, utilities, and landscaping on five proposed lots; a resolution granting PZ 09-590-01 (Coastal Zone Variance) to allow a reduction in the specified areas of the required front, side, and rear yard setbacks; and adopt a resolution recommending City Council approval of PZ 09-300-1 (Tentative Subdivision Map), to allow subdivision of approximately 3.9 acres of vacant land, located at the northeast corner of Harbor Boulevard and Wooley Road, subject to certain findings and conditions.. The question was called and the motion carried 5-0-1, Commissioner Medina absent.

G. PLANNING COMMISSION BUSINESS

H. PLANNING MANAGER COMMENTS

Principal Planner Williamson discussed the status of the 2030 General Plan; Housing Element; and peaker plant. He indicated the last workshop on the General Plan would be held in September, regarding the Del Norte Extension and Jones Ranch; then it would go back to City Council. The Housing Element would be presented to the Planning Commission on August 19, 2010 with comments to be taken; then it would return to Planning Commission in September for recommended approval. The Superior Court ruled that the zoning allowed Southern California Edison to construct the peaker plant; and the City would decide by late September whether to appeal to decision.

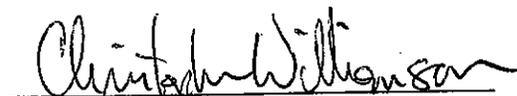
I. ADJOURNMENT

At 9:26 p.m., the Planning Commission concurred to adjourn.



Randall Elliott, Chairman

ATTEST:



Christopher Williamson, Secretary



RPD

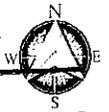
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CABOT PL IRVING DR

Zone Map

ATTACHMENT 6  
PAGE 2 OF 3

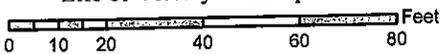


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Oxnard Planning  
April 14, 2010

PZ 10-520-01  
Location: 2041 Cabot Pl #B  
APN: 216022015  
Life of Victory Worship Center



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ILIM  
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CABOT PL IRVING DR

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General Plan Map

ATTACHMENT 6  
PAGE 3 OF 3

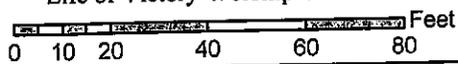


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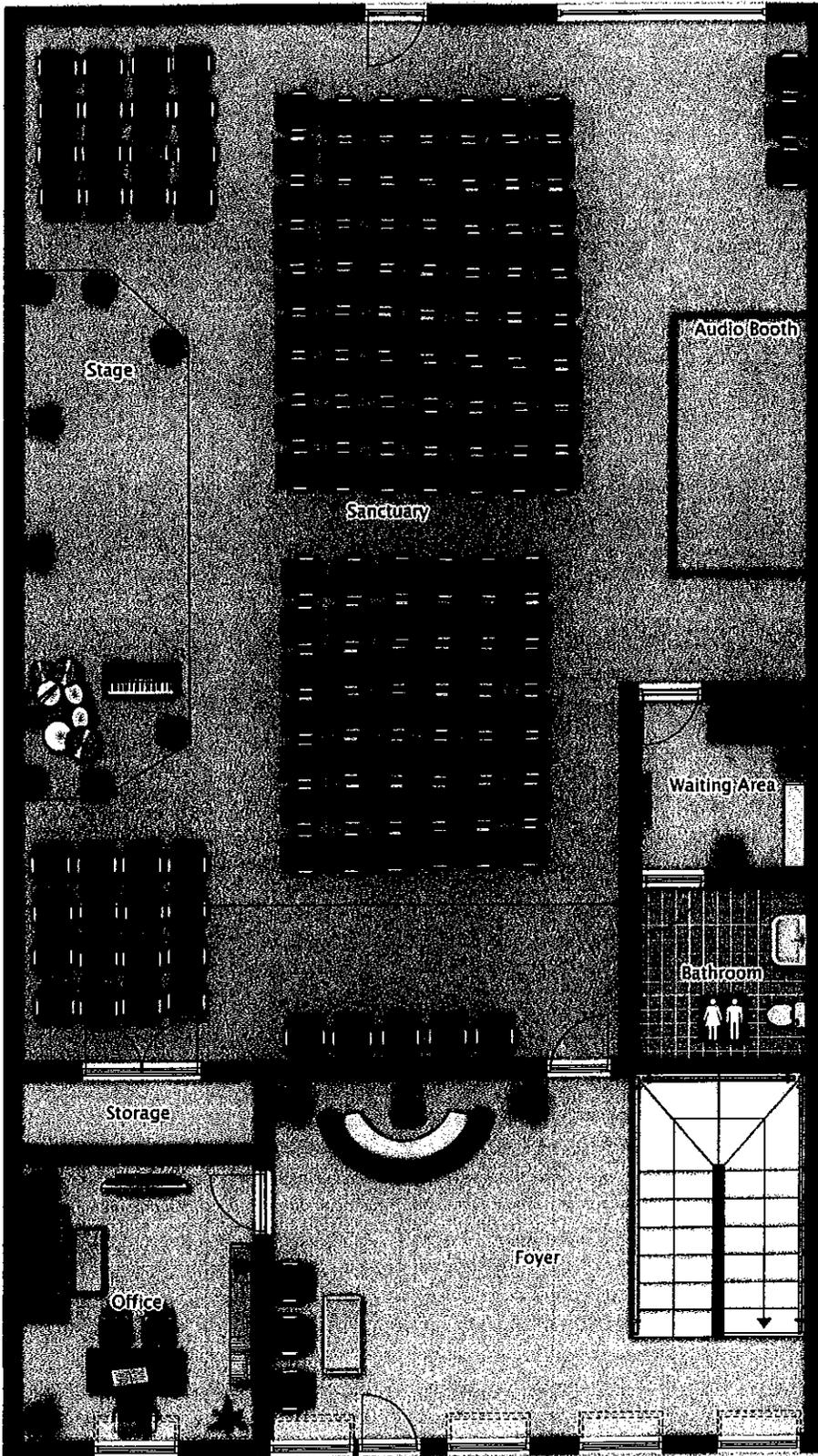


Oxnard Planning  
April 14, 2010

PZ 10-520-01  
Location: 2041 Cabot Pl #B  
APN: 216022015  
Life of Victory Worship Center







RECEIVED  
 PLANNING DEPARTMENT  
 CITY OF OXFORD

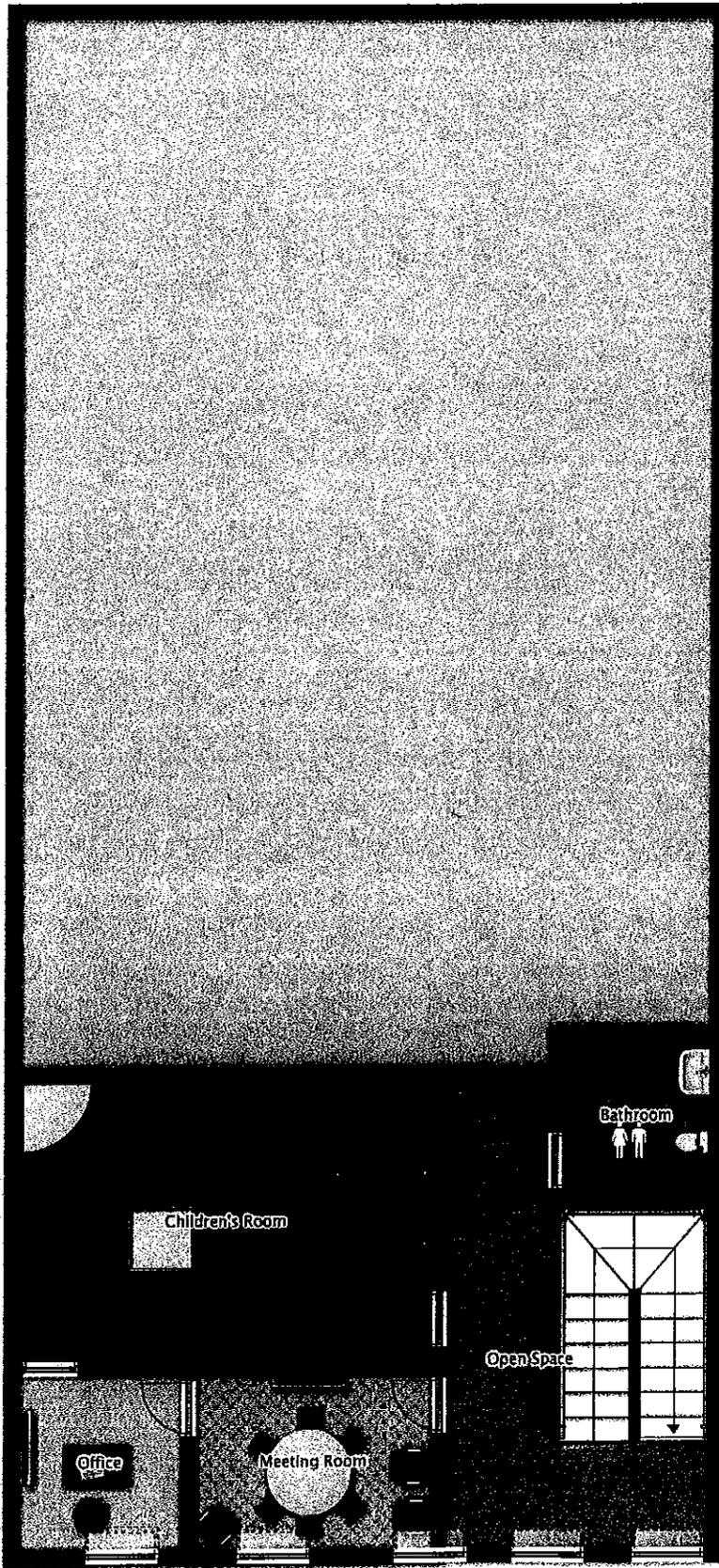
RECEIVED  
 PLANNING DEPARTMENT  
 CITY OF OXFORD

Ground Floor

0ft                      12ft                      24ft                      36ft

floor planner

ATTACHMENT 7  
 PAGE 2 OF 3



RECEIVED

MAR 15 2010

PLANNING DIVISION  
CITY OF OXNARD

Second Floor

0ft                      12ft                      24ft                      36ft                      48ft

floor planner

ATTACHMENT 7  
PAGE 3 OF 3

10 AUG 27 PM 12:32

**PLEASE PROVIDE AN ORIGINAL AND 2 COPIES  
A \$500 FEE MUST ACCOMPANY THIS APPEAL**

**TO: Oxnard City Clerk**

**NOTICE OF APPEAL  
(from member of the public)**

I, Danielle R. Keys, am aggrieved or directly affected by  
(name of person filing appeal)

and appeal the 8/19/09 decision from the Planning Commission regarding Project No.  
(date of PC meeting)

10-520-01, more particularly described as follows:

LIFE OF VICTORY WORSHIP CENTER - MINOR USE PERMIT

The grounds for appeal are:

DECISION WAS BASED ON INACCURATE INFORMATION. CONGREGATION  
WAS PRESENTED AS 400T REQUIRING 84 PARKING SPACES.  
WE CURRENTLY AVERAGE 35 WHICH REQUIRES ONLY 7 SPACES.  
(SEE ATTACHED)

I request the following relief:

WE ARE REQUESTING THAT THE DECISION BE OVER-  
TURNED AND SUP FOR OUR PROJECT APPROVED.

  
(signature)

Date: 8/27/10

2018 ROLDEA WAY  
OXNARD, CA 93030  
(address)

cc: City Attorney  
Project Planner  
Development Services Department  
Applicant

Dear Council Members:

We are writing in reference to Project #10-520-01 for Life of Victory Worship Center

We are appealing the Planning Commissions decision to deny our SUP for the following reasons. The decision was based on a mis-representation of our congregation size. We have been in operation since February of 2009 and currently average 35 people per week. Based on the parking study, this current size only requires 7 spaces. They denied it based on it being stated that we were a 400+ congregation which would require all 82 spaces. This information is incorrect and hugely inaccurate. We are pursuing the building permit based on 50-100 occupancy load which was what the parking study was based on. At full capacity, that would only require a maximum of 20 spaces.

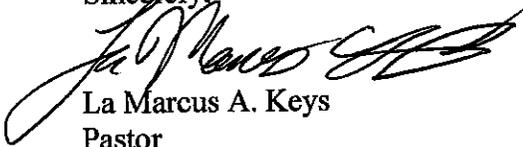
In addition:

- We were directed by the City of Oxnard Planning Department to hire a company to provide the external parking study which was reviewed and approved by the City's traffic division. We incurred over \$1,000 in additional expenses to complete this requirement.
- We were given permission by the City's Planning Department to pursue the building permit in advance of the SUP approval based on their belief that there would be no issue with the approval of the SUP.
- To date: our ministry has invested over \$4,000 into the City process only to be denied based on incorrect information. Failure to overturn this decision would result in a huge negative financial impact for the ministry and for the City.
- We signed a lease and paid a deposit with the Cabot property owner in January of 2010 and have yet to occupy based on several commission meeting delays and now the current denial of our SUP.
- Of the 10 Cabot units within the property in question, there are only 3 tenants occupying now. One is an individual artist operating solely and is not in the unit all of the time. One tenant is an Adult Service and Program that operates during normal business hours. The last tenant sells small machine parts for the aerospace industry. None of the current tenants' operations conflict with our parking needs and their business services.
- We strongly believe that the approval of the SUP would provide a positive impact in that area (i.e. people stay for dinner/lunch; buy gas, businesses are exposed that are otherwise not seen, etc.)
- There are other churches in this general area with no street parking and larger tenant bases, that have been very successful.
- None of the concerns voiced in the meeting were from our buildings' tenants but from a building across the street, which we would not access for any reason, because of our congregation size. Also, with no street parking, there would be no adverse effect on these businesses as our hours occur on Sundays when they are not operating.
- We have the full support of CBRE Property Management and the Owner of the Cabot building. Failure to overturn this decision would adversely affect him by removing a tenant from a building that has been vacant since 2008.

- Lastly, we strongly disagree with the commission's position that approval of this project would adversely affect businesses and business growth in this area. We were the first to sign a lease with the Cabot facility which had been vacant since 2008. We have since relocated our entire family to Oxnard contributing to the economic stability of this area. We would be boosting the real estate market by showing another facility leased and occupied. We would be providing finances towards property taxes and community development. We would draw other businesses from within the congregation to potentially purchase or lease additional spaces in this area.

We sincerely appreciate you reconsidering this decision. If we can provide any additional supporting documents or answer any questions, please feel free to contact us directly at the contact information below.

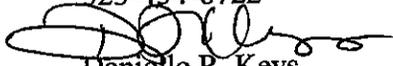
Sincerely,



La Marcus A. Keys

Pastor

323-434-8722



Danielle R. Keys

Church Administrator

661-618-1003

