



*Planning Division*

**PLANNING COMMISSION  
STAFF REPORT**

**TO:** Planning Commission

**FROM:** Douglas Spondello, Assistant Planner *DS*

**DATE:** April 15, 2010

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

**Background Information:** On March 18, 2010, the Planning Commission voted 5-2 to deny PZ 09-550-13 and directed Staff to return with a resolution with findings for denial. Staff has prepared the attached resolution, consistent with the Commission's findings and action.

**Attachments:**  
A. Resolution

RESOLUTION NO. 09-550-13

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.

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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 15<sup>th</sup> day of April 2010, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

\_\_\_\_\_  
Randall Elliott, Chairman

ATTEST: \_\_\_\_\_  
Susan L. Martin, Secretary