



Planning Division

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Brian Foote, AICP, Associate Planner

DATE: September 16, 2010

SUBJECT: Planning and Zoning Permit No. 10-520-03 (Minor Special Use Permit)
Iglesia Nuevo Comienzo Church, Located at 2241 Celsius Avenue, Unit D.

- 1) **Recommendation:** That the Planning Commission approve Planning and Zoning Permit No. 10-520-02 for a minor special use permit, subject to certain findings and conditions.
- 2) **Project Description and Applicant:** A request to establish a church use, "Iglesia Nuevo Comienzo," within an existing 4,074 square-foot suite in a multi-tenant industrial building, and a request for parking relief to allow shared parking with adjacent properties in accordance with Zoning Code §16-651(B)(1). The subject property is located at 2241 Celsius Avenue, Unit D. Filed by designated agent Jaime Garcia, 1234 Vida Drive, Oxnard, CA 93030.
- 3) **Existing & Surrounding Land Uses:** The subject property and surrounding properties are developed with industrial uses.

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
Project Site	Limited Manufacturing (M-L)	Industrial Limited (ILIM)	Industrial Development
North	M-L	ILIM	Industrial Development
South	M-L	ILIM	Industrial Development
East	M-L	ILIM	Industrial Development
West	M-L	ILIM	Industrial Development

- 4) **Background Information:** Development Design Review Permit No. 03-200-12 was approved on May 6, 2004, for a 21,267 square-foot concrete tilt-up structure with five suites. The property was constructed in 2005 and certificates of occupancy issued in 2006 for various suites. A new certificate of occupancy will need to be issued for Suite D in order to change the occupancy rating to an assembly use for the proposed church.

5) Environmental Determination: In accordance with Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, projects within existing structures may be found to be exempt from the requirements of CEQA. This proposal consists of a new use within an existing industrial tenant space, and staff has determined that there is no substantial evidence that the project may have a significant effect on the environment. Therefore, staff recommends that the Planning Commission adopt the Notice of Exemption (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 and characterizes allowable land uses as “typically light manufacturing, assembly, and warehousing developed to higher development standards than may be found in other industrial zones.” The zoning designation of Limited Manufacturing (M-L) allows the operation of a church, subject to approval of a special use permit. Therefore, the proposed use may be found to be consistent with the General Plan and zoning designations.

b) General Discussion: The church currently has approximately 50 members, and would like to expand to twice its current size. The proposed days and hours of operation are one meeting on Fridays (7:00 PM – 9:30 PM) for Bible study, and one meeting on Sunday (11:00 AM – 1:00 PM) for religious services. The applicant does not contemplate any ancillary uses such as pre-school, daycare, private school classes, etc. The conceptual floor plan shows a total of 144 seats, which far exceeds the actual number of attendees. Condition No. 13 specifies the days and hours of operation, and Condition No. 14 specifies the maximum number of attendees allowed at any one time.

Suite D consists of one floor with a total of 4,074 sq.ft., which is proposed to contain a sanctuary area (2,215 sq.ft.) for church services, three multi-purpose rooms (702 sq.ft.) for Bible study, one office (314 sq.ft.), and a small storage room (75 sq.ft.). The applicant intends to establish the use as soon as possible, utilizing the existing floor plan, then construct two multi-purpose rooms by the end of 2011. Prior to establishing the use, the Development Services Department must issue a certificate of occupancy in order to change occupancy rating for the structure (i.e. for an assembly use rather than an industrial use). The applicant will need to obtain a building permit for the tenant improvements (including structural, electrical, restrooms, exiting and emergency hardware, etc.).

The following table lists the current tenants in the building, duration of occupancy, and days and hours of operation. No conflicts are anticipated to occur between the existing businesses and the proposed church. All tenants lease from the same property owner. Attachment D includes a letter of intent from the property owners, Greg & Debbie Moen, expressing support and anticipating no conflicts between their tenant’s operating hours.

Business Name	Suite #	Dates of Occupancy	Days of Operation	Hours of Operation
Abratec Swiss Precision, LLC	A	2005 – Present	Monday – Friday	8:00 AM - 5:30 PM
Juratech Engineering	A	2008 – Present	Monday – Friday	8:00 AM - 5:30 PM
Blue Source, Inc.	B	2008 – Present	Monday – Friday	8:00 AM - 5:00 PM
Dry Clean Safari (Vacant)	C	2006 – 2010	–	–
Iglesia Nuevo Comienzo	D	<i>Proposed</i>	Friday; Sunday	7:00 PM – 9:30 PM; 11:00 AM – 1:00 PM
Oxnard Hose	E	2006 – Present	Mon. – Fri.; Saturday	8:00 AM - 5:30 PM; 8:00 AM - 2:00 PM

c) **Circulation and Parking:** All existing parking spaces, driveways, and site improvements appear to be consistent with the original approval, and no changes are required or proposed. The original DDRP approval required a reciprocal access/parking agreement to be recorded for the subject properties.

The City’s Traffic Engineer reviewed the parking analysis (Attachment D) and determined that the plan for shared parking was acceptable, as it was demonstrated that the church uses are restricted to those days and times that will not conflict with existing tenants. Zoning Code §16-622(F) requires the church use to have 33 on-site parking spaces (29 for seating area, 3 for classrooms, and 1 for office). A total of 38 spaces are provided on-site. Actual parking demand by the church use is expected to be less than the 33 spaces required by code.

DEVELOPMENT STANDARD	REQUIREMENT	EXISTING	COMPLIES?
Parking spaces §16-622(F)	Churches: 1 per 5 seats within the main auditorium, or 1 per 35 SF of gross floor area. Ancillary uses such as offices shall be provided additional parking spaces as required. <i>Min. 33 spaces</i>	37 vehicle spaces 1 motorcycle space Total: 38	Yes
Handicap spaces	26 - 50 spaces: 2 handicap spaces <i>Min. 2 spaces</i>	2	Yes

The following tables list the parking requirements per suite by business and hours of operation. Condition No. 13 limits the operating hours of the proposed church to those specified in the application, and if any conflict between tenant operating hours should arise then the SUP would be subject to additional review by the Planning Commission. A reciprocal parking and access agreement has been previously recorded for the subject property and adjacent properties (2201, 2221, and 2241 Celsius Avenue), and therefore, no additional conditions or encumbrances are required. The adjacent properties located at 2221 and 2201 Celsius Avenue provide 52 and 50 spaces, respectively, which are adequate for any needed overflow parking.

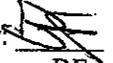
2241 Celsius Avenue

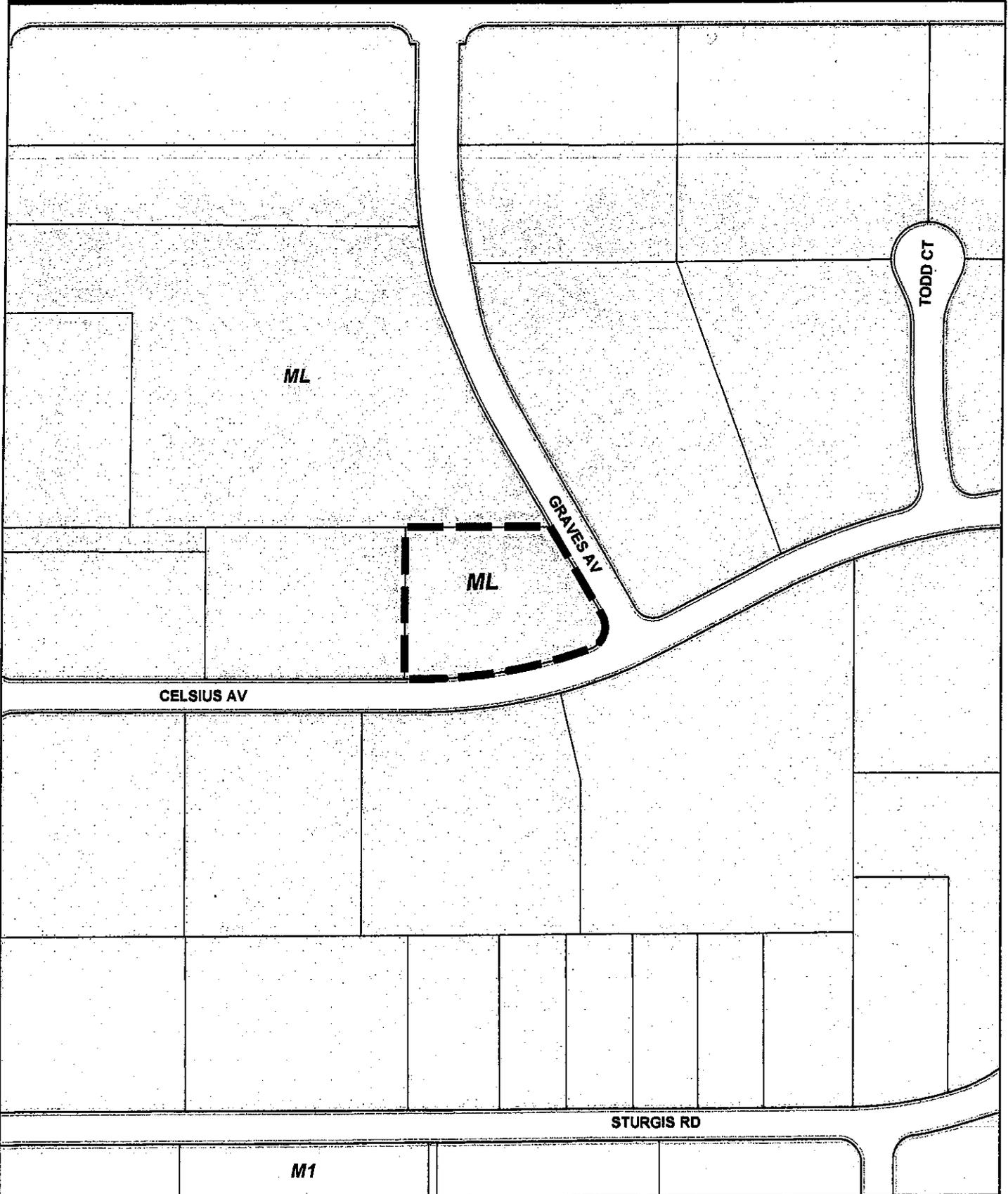
Business Name	Suite #	Size of Suite (Sq. Ft.)	Parking Required	Days & Hours of Operation
Abratec Swiss Precision & Juratech Engineering	A	4,227	6	Monday – Friday 8:00 AM - 5:30 PM
Blue Source, Inc.	B	4,418	6	Monday – Friday 8:00 AM - 5:00 PM
Vacant	C	4,250	6	–
Iglesia Nuevo Comienzo	D	3,974	33	Friday 7:00 - 9:30 PM; Sunday 11:00 – 1:00
Oxnard Hose	E	4,215	6	8:00 AM - 5:30 PM; 8:00 AM - 2:00 PM

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:

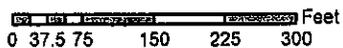
- A. Maps (Vicinity, General Plan, Zoning)
- B. Reduced Project Plans
- C. CEQA Notice of Exemption
- D. Letter of Intent
- E. Resolution

Prepared by:  BF
Approved by:  SM



Oxnard Planning
July 7, 2010

PZ 10-520-03
Location: 2241 Celcius Av
APN: 216020321
Jaime Garcia

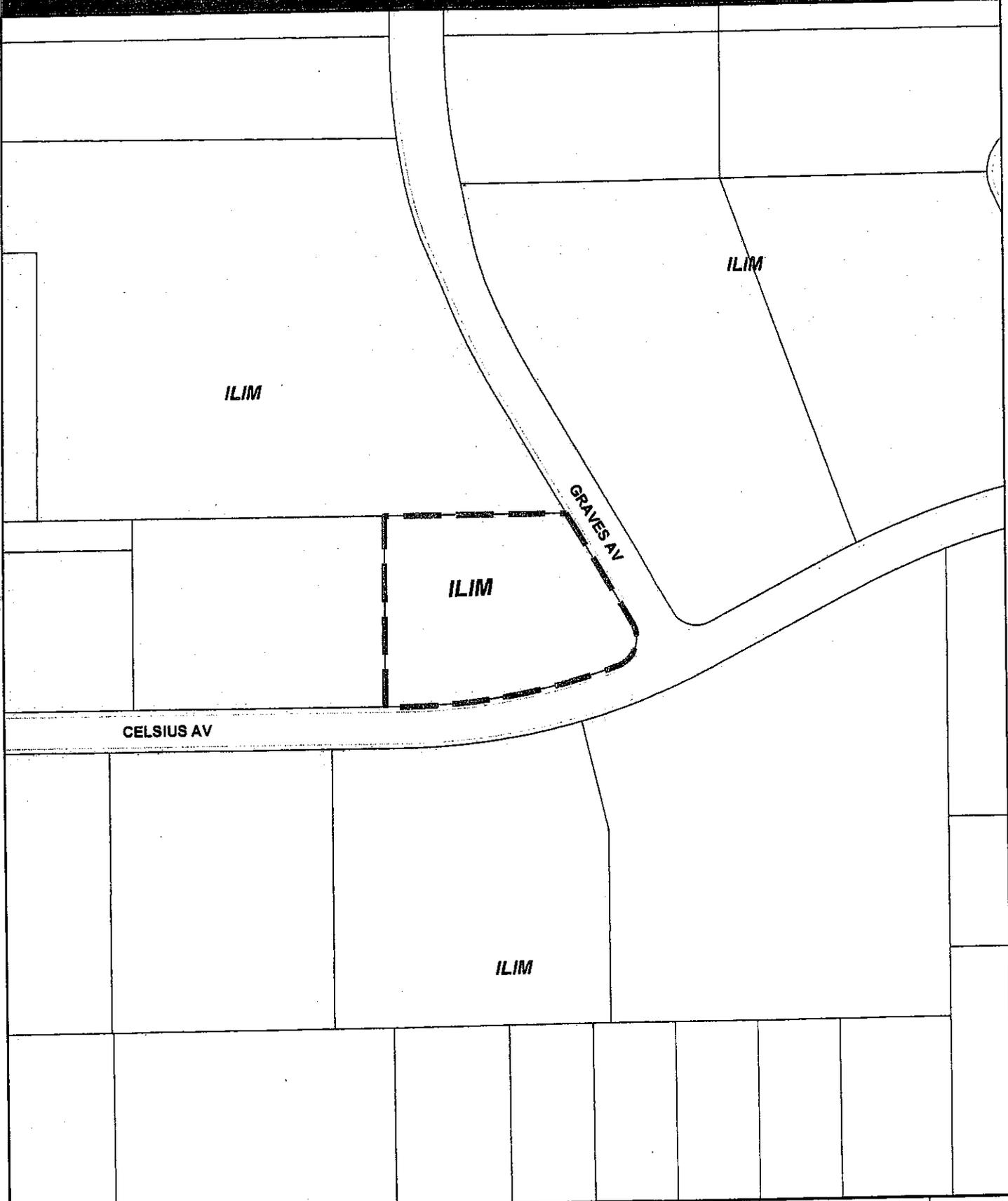


Zone Map



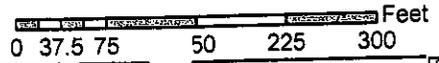
1:2,406

General Plan Map



Oxnard Planning
July 7, 2010

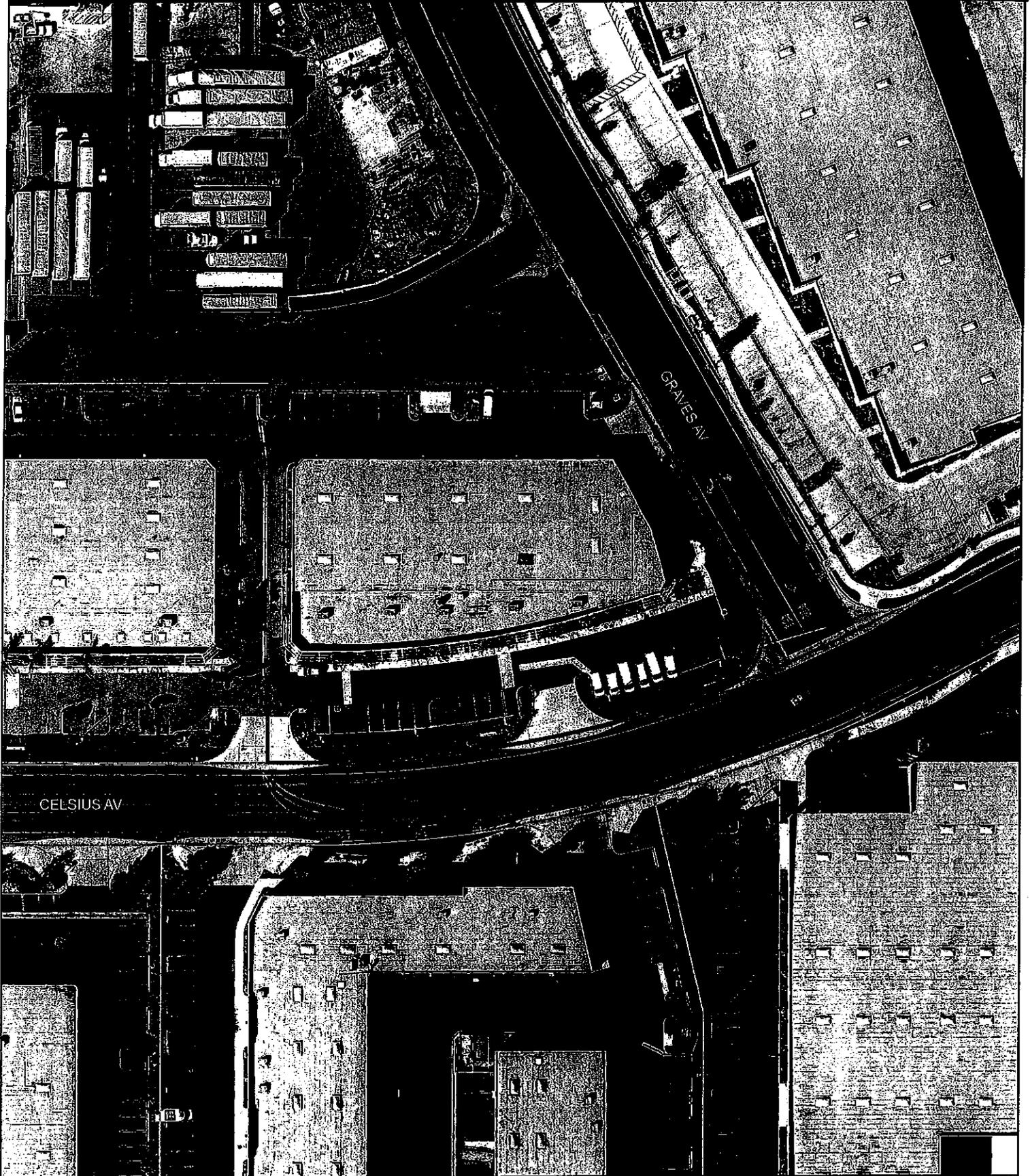
PZ 10-520-03
Location: 2241 Celcius Av
APN: 216020321
Jaime Garcia



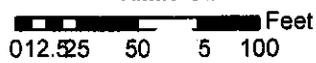
General Plan Map



1:1,913



PZ 10-520-03
Location: 2241 Celcius Av
APN: 216020321
Jaime Garcia



Aerial Map

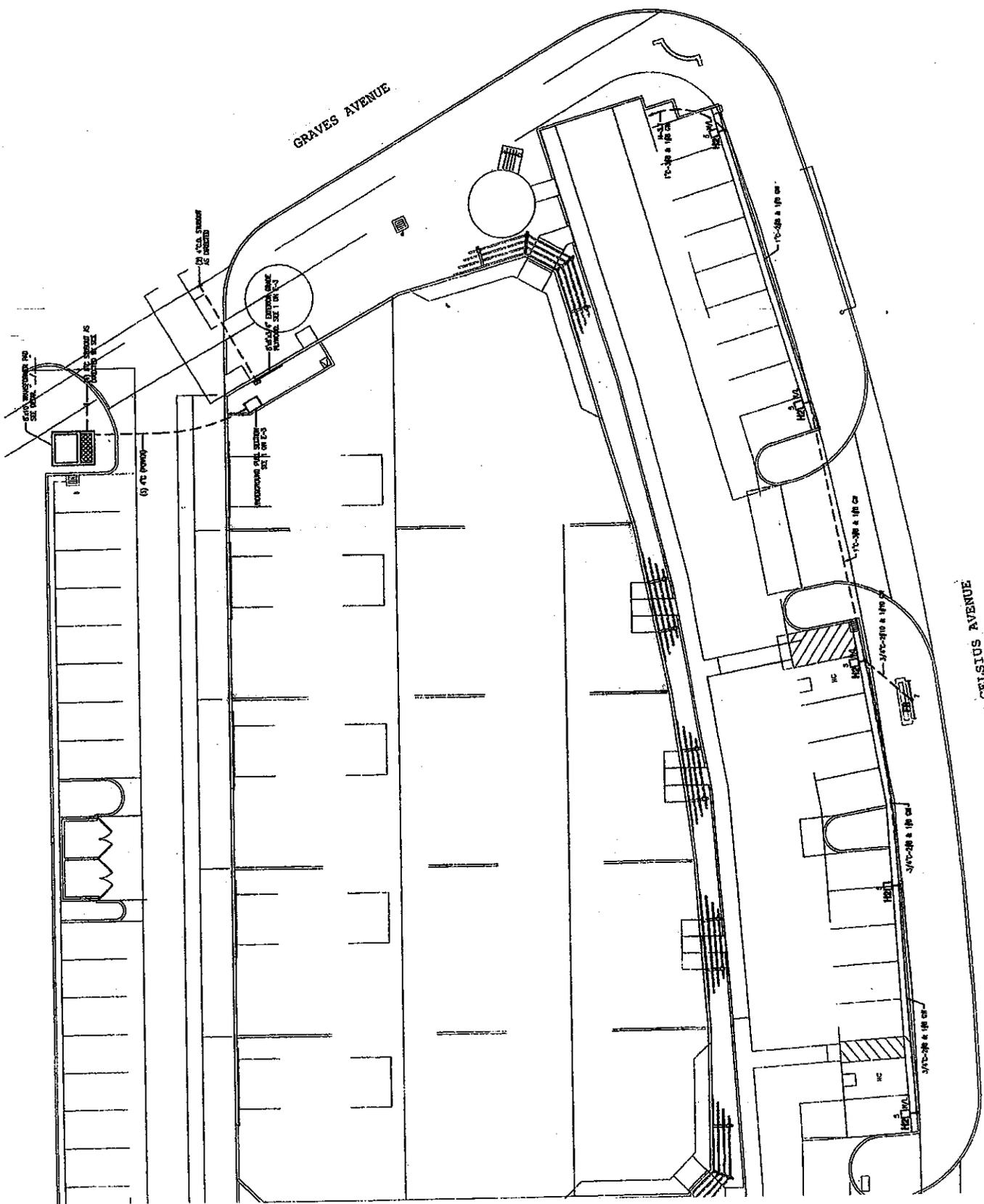
2007 Aerial

1:935

The information contained herein is for informational purposes only and is not intended to constitute an offer of any financial product or service. The information is not to be used for any other purpose. The information is not to be used for any other purpose. The information is not to be used for any other purpose.

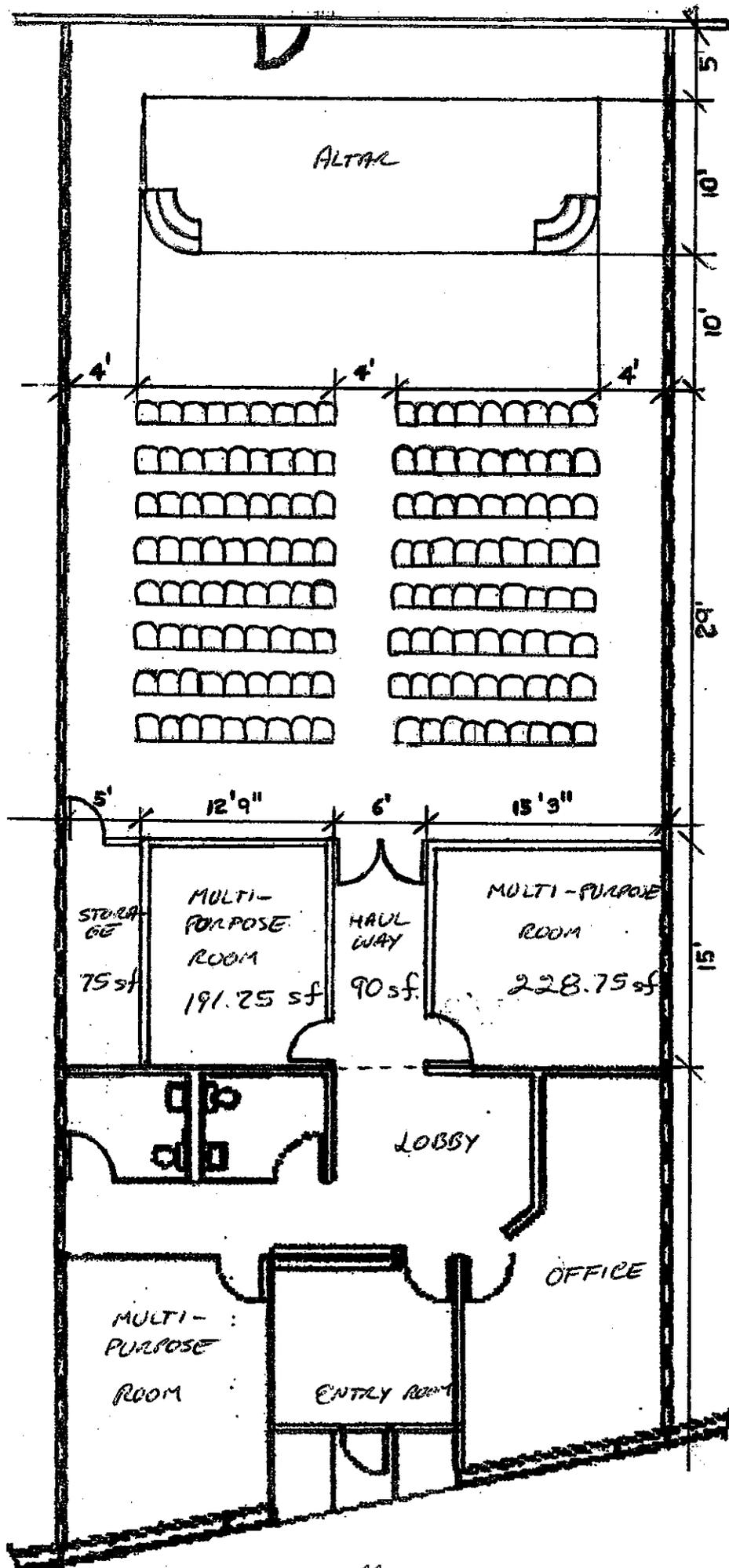
CELSIUS III INDUSTRIAL BUILDING

STATION NUMBER: 04/20/04
 COUNTY: BUTTE
 PROJECT: CELSIUS III INDUSTRIAL BUILDING
 SHEET: 1 OF 1
 DATE: 04/20/04
 SCALE: AS SHOWN
 DRAWN BY: J. BRINSET
 CHECKED BY: J. BRINSET
 PROJECT NO.: 04-0-220-180
 SHEET NO.: 1 OF 1
 TOTAL SHEETS: 1



GRAVES AVENUE

1 SITE PLAN



PROPOSED
FLOOR PLAN
WITH MODIFICATIONS



NOTICE OF EXEMPTION

Project Description:

PLANNING & ZONING PERMIT NO. 10-520-03 (Minor Special Use Permit) – A request for approval to establish a church use, “Iglesia Nuevo Comienzo,” within an existing 4,074 square-foot suite in a multi-tenant industrial building. The subject property is located at 2241 Celsius Avenue, Unit D. The project is exempt from environmental review pursuant to Section 15301 of the California Environmental Quality Act (CEQA) Guidelines. Filed by designated agent Jaime Garcia, 1234 Vida Drive, Oxnard, CA 93030.

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, §15301 – Existing Facilities
- Statutory Exemption
- Emergency Project
- Quick Disapproval [CEQA Guidelines §15270]
- No Possibility of Significant Effect [CEQA Guidelines §15061(b)(3)]

Supporting Reasons: In accordance with Section 15303 of CEQA, projects involving small structures may be found to be exempt from environmental review. The proposed project will construct one single-family detached residence on an existing lot of record, and there is no substantial evidence that the project may have a potentially significant effect on the environment. Therefore, staff has determined that the project qualifies for exemption.

(Date)

Susan L. Martin, AICP
Planning Division Manager



RECEIVED

MAY 24 2010

PLANNING DIVISION
CITY OF OXNARD

May 14, 2010

Douglas Spondello
City of Oxnard Planning
214 South "C" Street
Oxnard, CA 93030

Re: Use Permit for Iglesia Nuevo Comienzo

Dear City of Oxnard Building Department,

This letter is written at the request of a new tenant to 2241 Celsius Suite D, Oxnard, Mr. Jamie Garcia, signing the lease on behalf of Iglesia Nuevo Comienzo, his church. We are the owners of 2241 Celsius and are excited to have Mr. Garcia and his congregation as a new tenant. Subject to your approval of their occupancy use at this location, they can take early occupancy effective in the next day or so following.

We are writing to you to state that their use is acceptable to us as owners since the services will be held during times (evenings and weekends) when the other tenants are not using their respective suites. For example, the lease allows for Mr. Garcia's Church to use the facility on a congregation basis, on selected weekday nights and selected weekend days. Consequently, we do not envision any parking issues with their use and respectfully ask that you approve their use.

The building where Iglesia Nuevo Comienzo will conduct services is 22,139 SF in size and has approximately 32 parking spaces. The adjacent buildings, 2221 Celsius and 2201 Celsius, in the same business park that we also own, are 26,838 SF and 30,288 SF in size, respectively. These two buildings have parking spaces of 53 and 59 spaces, respectively. As you can appreciate, given the large number of parking spaces within the immediate surrounding area gave us peace of mind that there would not be parking issues associated with their use. Further, coupled with the lease's restriction to weekday evenings and weekend day uses of the facility for congregation meetings larger than 5 people, we concluded as owners that their use was perfectly acceptable as a church.

Should you have any questions, please do not hesitate. Thank you in advance for your favorable consideration of Mr. Garcia's request for occupancy use.

Sincerely,

Greg Moen

Debbie Moen

CELSIUS # 2: 2221 E. CELCIUS AVE.

VACANT 102 "A"				
CACANT 102 "B"				
102 "C", "D" Arms Reach concepts	Warehouse		Open: 8:00 Am - 4:00 Pm Monday-Friday	Jim Dodds (wk) 751-1632
TOTAL FOR CELSIUS #2				

PLANNING DIVISION
CITY OF OXNARD

CELSIUS #3: 2241 E. CELSIUS AVE.

103 "A" Abratec Swiss Precision	Manufacture		Open: 8:00 Am - 5:30 Pm Monday-Friday	Yan & Allis 486-6222
103 "B" Blue Source Inc.	Warehouse		Open: 8:00 Am - 5:00 Pm Monday-Friday	Bryan Wilkinson 990-5000
103 "C" Dryclean Safari	Warehouse		Open: 7:00 Am - 5:00 Pm Monday-Friday, Sat 7:00-3:00	Derek Lee 988-4360
103 "D" Surfside Chem-Dry	(VACANT)			
103 "D" Iglesia Nuevo Comienzo	(Church Applicant)		Open: Friday 7:30 Pm - 9:30 Pm Sunday 11:00 Am - 1:00 Pm	Jaime Garcia (818)674-1415
103 "E" Oxnard Hose	Warehouse		Open: 8:00 Am - 5:30 Pm Monday-Friday, Sat. 8:00-2:00	Daniel Gonzales 983-8688
TOTAL FOR CELSIUS #3				

RESOLUTION NO. 2010 –

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 10-520-03 (MINOR SPECIAL USE PERMIT), TO ALLOW THE OPERATION OF A CHURCH (IGLESIA NUEVO COMIENZO) WITHIN AN EXISTING 3,974 SQUARE FOOT INDUSTRIAL SUITE LOCATED AT 2241 CELSIUS AVENUE, UNIT D. FILED BY DESIGNATED AGENT JAIME GARCIA, 1234 VIDA DRIVE, OXNARD, CA 93030.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 10-520-03, filed by designated agent Jaime Garcia on behalf of Iglesia Nuevo Comienzo; and

WHEREAS, section 15301 of the California Code of Regulations exempts the project from the requirements for the preparation of 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. That the proposed use is in conformance with the General Plan and other adopted policies of the City of Oxnard.
2. 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 excepted by the special findings and conditions of this resolution.
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 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 Division, and may not be transferred from one property to another. (PL, *G-1*).
2. This permit is granted for the plans dated May 24, 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 and Environmental Services 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. Developer shall provide off-street parking for the project, including the number of spaces, stall size, paving, striping, location, and access, as required by the City Code. (PL/B, G-9)
8. 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)
9. Permittee shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, G-11)
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 obtains a zone clearance, business license, and certificate of occupancy in order to establish and operate the use. (PL)
13. The approved use shall be limited to the hours of 11:00 a.m. to 1:00 p.m. on Sundays, 7:30 p.m. to 9:00 p.m. on Fridays, and may also include services for religious holidays that fall on days other than those specified herein. The approved days and hours of operation are

intended to avoid any present or future conflicts regarding the use of on-site parking. Any proposed changes to the days and/or hours of operation shall require the filing of a Minor Modification application and approval by the Planning Manager. Any conflicts between the church use and other tenants with regard to the days and/or hours of operation may be subject to review by the Planning Commission, and modified if necessary to comply with off-street parking requirements. (PL)

14. The maximum number of fixed seats and/or attendees shall not exceed 144 persons or seats, or a lesser occupancy as determined by Development Services staff in order to comply with the California Building Code.
15. Special church functions or fundraising events shall be required to obtain a temporary use permit subject to the approval of the Planning Manager. (PL)
16. Permittee shall post and regularly inform church attendees of the approved days and hours of operation. (PL)
17. The subject property shall have and maintain a valid reciprocal parking/access agreement.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 16th day of September, 2010, by the following vote:

AYES: Commissioners

NOES: Commissioners

ABSENT: Commissioners

Randall Elliott, Chair

ATTEST: _____
Susan L. Martin, Secretary

