



Planning Division

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Brian Foote, AICP, Associate Planner

DATE: October 21, 2010

SUBJECT: Planning and Zoning Permit Nos. 10-300-2 (Tentative Subdivision Map) and 10-500-6 (Special Use Permit), Located at 315 Cooper Road (APN: 201-0-053-170).

- 1) **Recommendation:** That the Planning Commission:
 - a) Approve Planning and Zoning Permit No. 10-300-2 for a tentative map for a parcel map waiver, subject to certain findings and conditions.
 - b) Approve Planning and Zoning Permit No. 10-500-6 for a for a special use permit, subject to certain findings and conditions.
- 2) **Project Description and Applicant:** A request for approval of a tentative subdivision map and special use permit to subdivide one existing duplex into two residential condominiums for sale. No construction or site improvements are proposed. Filed by Habitat for Humanity of Ventura County, 435 South D Street, Oxnard, CA 93030.

3) Existing & Surrounding Land Uses:

Location	Zoning	Current Land Use	Proposed Land Use
Project Site	C-2	Commercial General	Residential Duplex
North	R-2	Residential Low Medium	Mix of Residences
South	C-2	Commercial General	Commercial Retail
East	C-2	Commercial General	Single-Family Residence
West	C-2	Commercial General	Single-Family Residence

- 4) **Background Information:** On March 20, 2008, the Planning Commission adopted Resolution Nos. 2008-12 and 2008-13 approving PZ 07-590-02 (Zone Variance) and PZ 07-500-16 (Special Use Permit), respectively. Construction was completed in 2008-2009.

5) Environmental Determination: In accordance with Sections 15301(k) of the California Environmental Quality Act (CEQA) Guidelines, projects involving subdivision of existing multi-family or single-family residences into common-interest ownership may be found to be exempt from the requirements of CEQA. Staff has determined that there is no substantial evidence that the project may have a significant effect on the environment, and therefore, recommends that Planning Commission adopt the Notice of Exemption (Attachment C).

6) Analysis:

a) General Discussion: City Code Section 15-11(C) states that the Planning Commission may grant a parcel map waiver “provided that the commission finds at the time of the waiver that the proposed division of land complies with requirements established by the Subdivision Map Act and this chapter, including but not limited to requirements as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability and environmental protection.” The existing development was constructed with appropriate planning and building permits, and the structure and site improvements meet all applicable regulations such as the California Building Code, the City Code and Zoning Code, etc.

Once the Planning Commission approves the parcel map waiver, the subdivider submits exhibits directly to the City Surveyor to assure that the map is technically correct. With the City Surveyor’s recommendation, the Director of Development Services certifies that the subdivider has complied with the conditions set forth in the Planning Commission resolution, and then a *Certificate of Approval for Parcel Map Waiver* is recorded with the Ventura County Recorder’s office.

b) General Plan Consistency: The proposed subdivision is consistent with the 2020 General Plan and conforms to the land use designation on the subject property. The 2020 General Plan designates the subject site for Commercial General land uses, which may “include higher density residential uses (up to 13-18 dwelling units per acre).” The current zoning of the property as General Commercial (C-2) is consistent with the General Plan designation. Two units on this lot results in a density equivalent to 16.8 units per acre, and is within the allowable range for the zoning and General Plan designations on the subject property.

c) Conformance with Zoning Development Standards: The proposed development is located in the General Commercial (C-2) zone district. The existing development complies with the applicable development standards of the C-2 zone, as follows:

REQUIREMENT	REQUIREMENT	PROPOSED	COMMENTS
Max. building height	2 stories or 35 feet.	2 stories, 23'4"	Yes
Minimum Lot Area/ Dwelling Unit	600 sq.ft. per D.U.	2,580 sq.ft. per D.U.	Yes
Front yard setback	15 feet	15'2"	Yes
Side yard setback	5 feet	5'0" (house) 4'2" (garage)*	Yes
Rear yard setback	25 feet	25'2"	Yes
Off-Street Parking	1 garage space per 1BR unit; 2 garage spaces per 2BR unit; 1 visitor space per unit.	1 single-car garage (lower unit) 1 two-car garage (upper unit) 1 visitor space per unit (driveways)	Yes

* Previously approved Zone Variance allows the reduced setback.

d) **Site Design Analysis:** As a subdivision request for condominium purposes, no new construction or site changes are proposed for the subject property. All site improvements, private and public utilities, parking, landscaping, etc., have been previously constructed.

7) **Development Advisory Committee:** The original SUP that approved the development was subject to DAC review. However, the conversion of the units to condominiums for sale is not subject to DAC comments. Conditions of approval from affected departments are included in the attached resolutions.

8) **Community Workshop:** The project was presented in a Community Workshop meeting on December 19, 2007, when the original SUP and variance applications were reviewed. The current application does not involve new construction, and was not scheduled for a meeting.

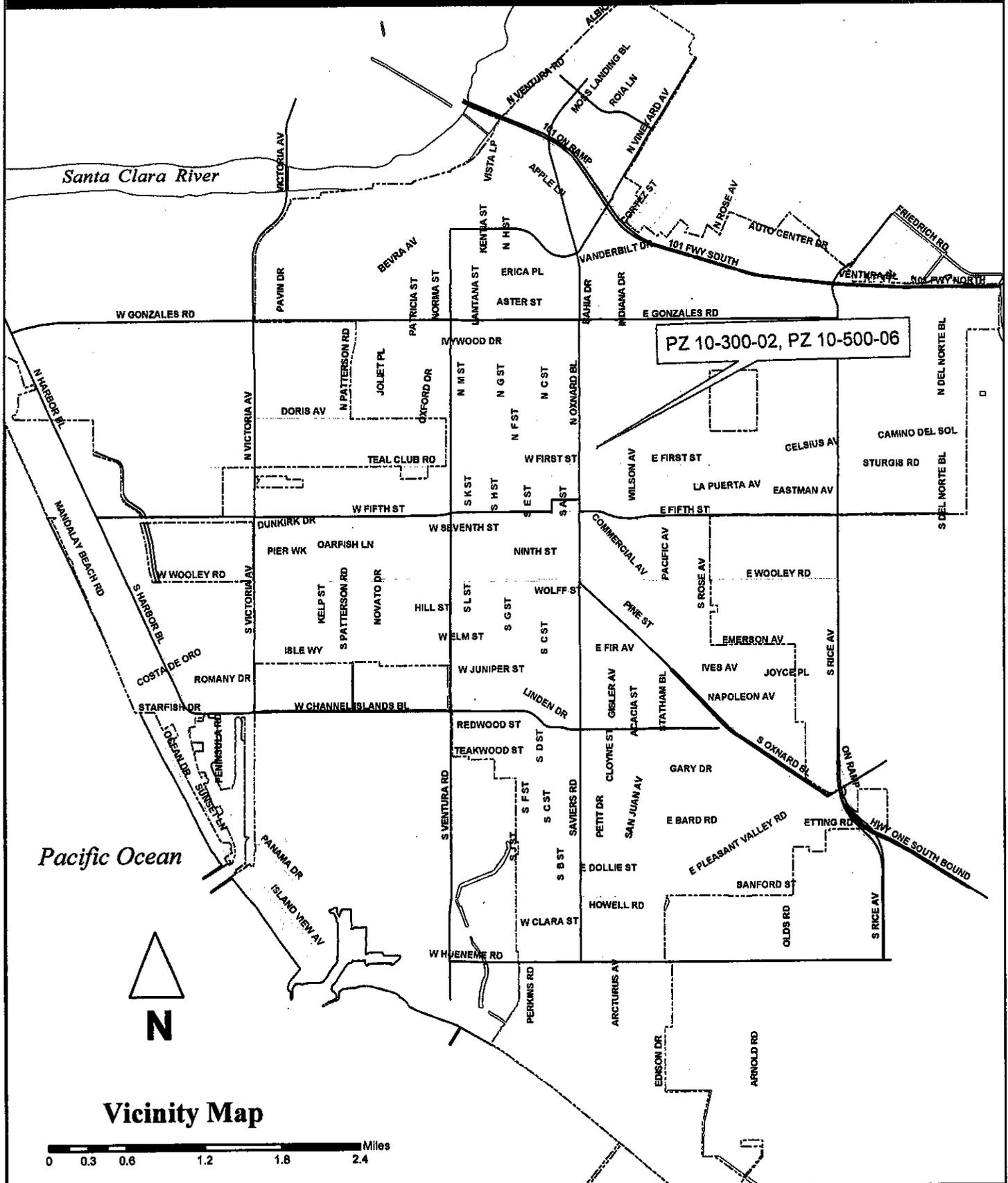
Appeal Procedure: In accordance with Section 16-545 of the City Code, the Planning Commission's action may be appealed to the City Council within 18 days after the decision date. Appeal forms may be obtained from the City Clerk and must be submitted with the appropriate fee prior to the end of the appeal period.

Attachments:

- A. Maps (Vicinity, General Plan, Zoning)
- B. Reduced Project Plans
- C. CEQA Exemption
- D. Resolutions

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

Vicinity Map



Vicinity Map

0 0.3 0.6 1.2 1.8 2.4 Miles



Oxnard Planning

July 15, 2010

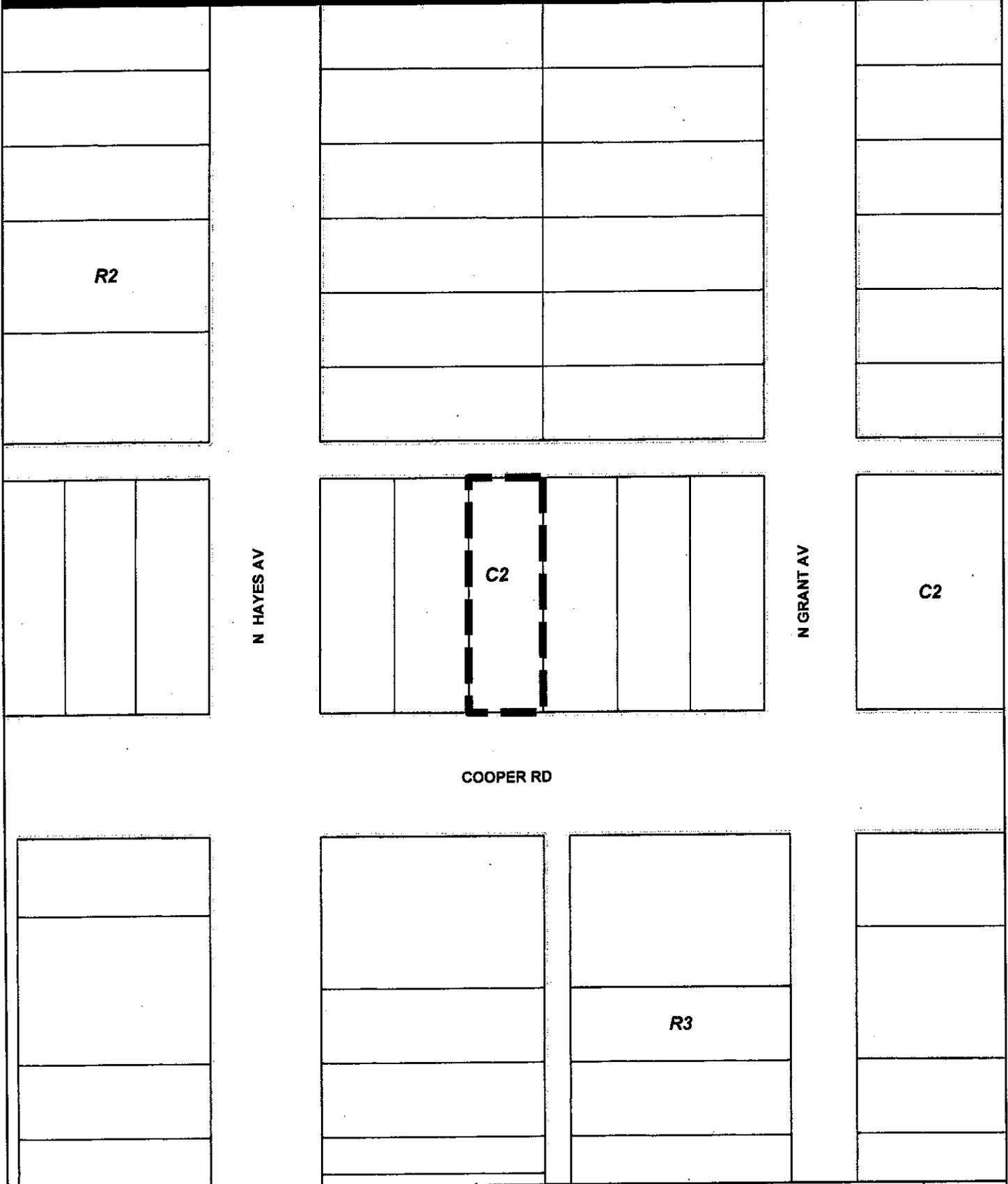
PZ 10-300-02, PZ 10-500-06

Location: 315 Cooper Rd

APN: 201005317

Habitat for Humanity

Zone Map



Oxnard Planning
July 15, 2010

PZ 10-300-02, PZ 10-500-06
Location: 315 Cooper Rd
APN: 201005317
Habitat for Humanity

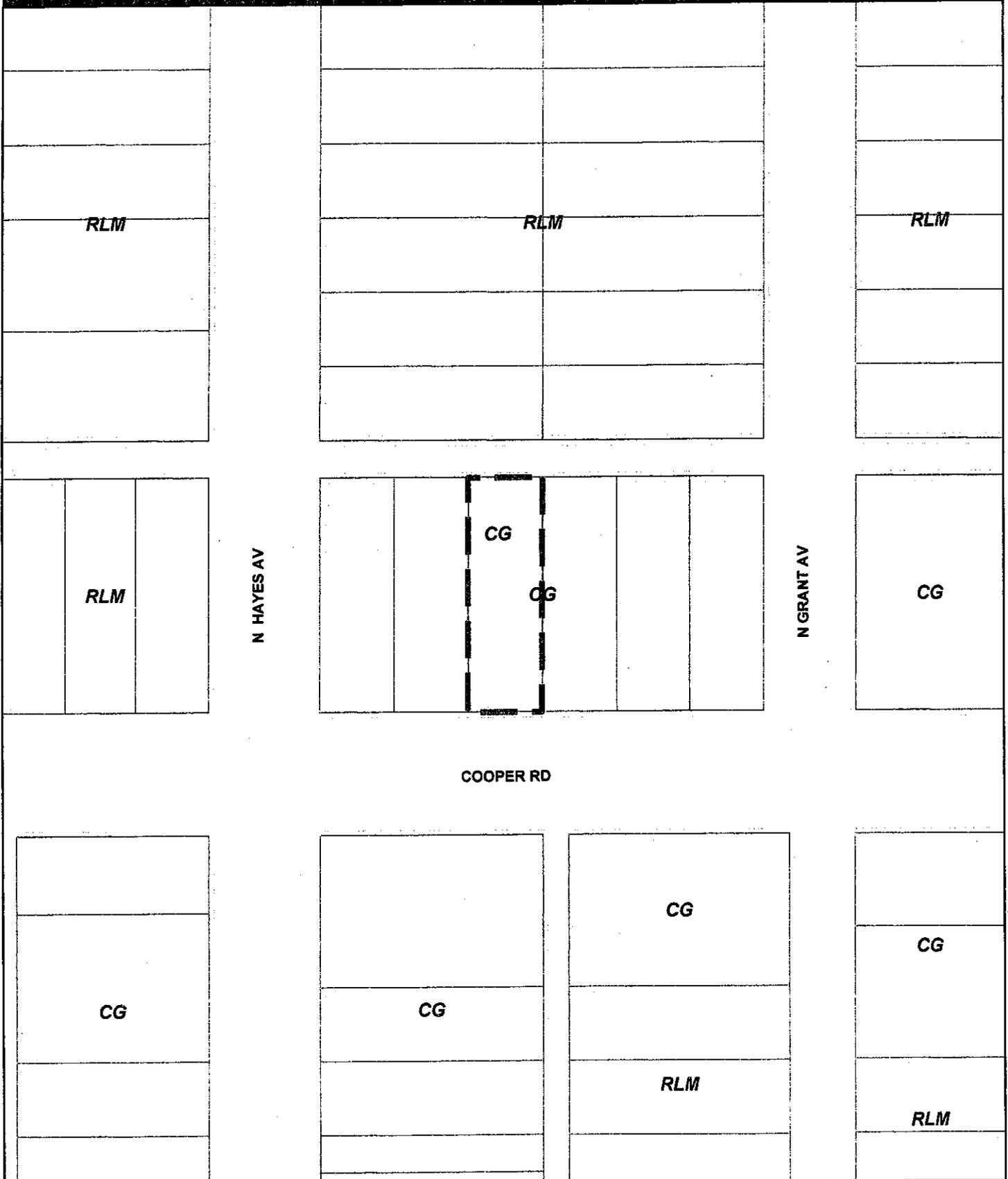


Zone Map



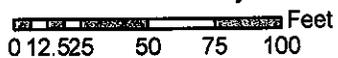
1:865

General Plan Map



Oxnard Planning
July 15, 2010

PZ 10-300-02, PZ 10-500-06
Location: 315 Cooper Rd
APN: 201005317
Habitat for Humanity

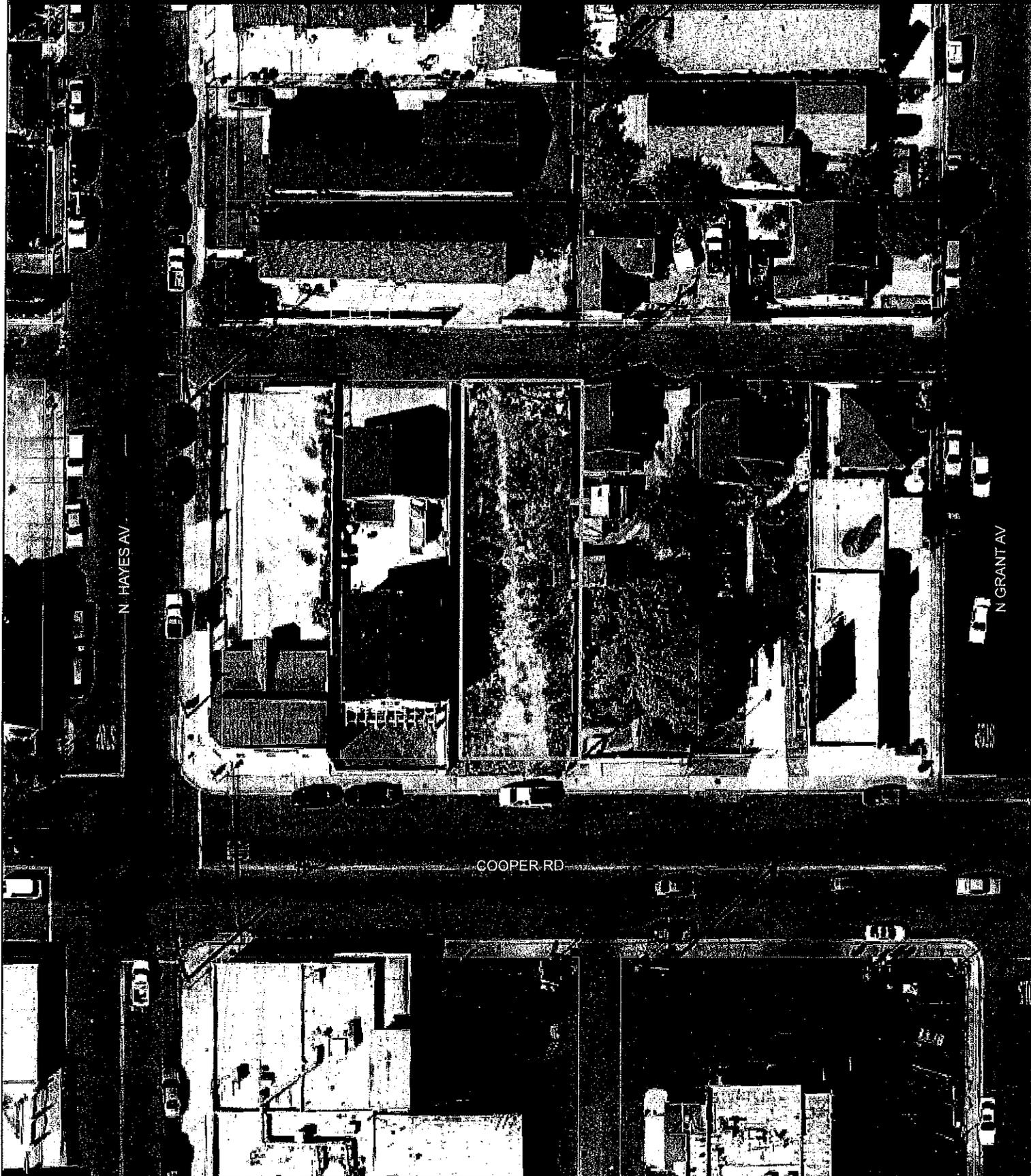


General Plan Map



1:863

Aerial Map



Oxnard Planning
July 15, 2010

PZ 10-300-02, PZ 10-500-06
Location: 315 Cooper Rd
APN: 201005317
Habitat for Humanity
 Feet
0 5 10 20 30 40

Aerial Map

2007 Aerial



1:525

PZ 10-500-6 (SUP) & 10-300-2 (TSM)

PROPOSAL
for
HABITAT FOR HUMANITY - 2-FAMILY RESIDENCE
315 Cooper Street
Oxnard, CA

Submitted by
HABITAT FOR HUMANITY
167 Lambert Street
Oxnard, CA

ROY E COLBERT
ARCHITECTURE
PLANNING
DESIGN
1891 GOODYEAR AVE. #607
VENTURA, CA 93003
805.462.1962 FX
805.462.1962 FX
roy@roycolbert.com
CALIFORNIA LICENSE C11610
REGISTERED ARCHITECT



HABITAT FOR HUMANITY
167 Lambert Street
Oxnard, CA 93030

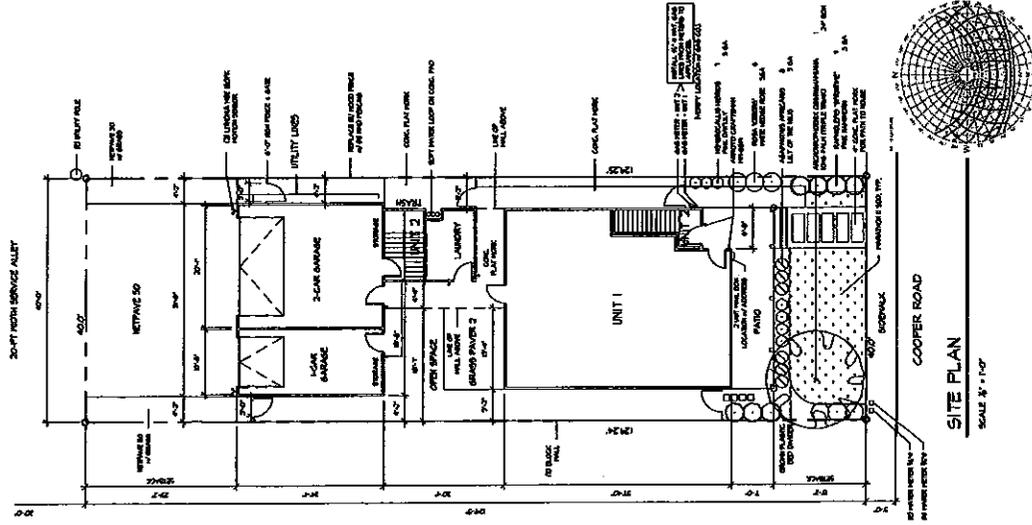
**2-UNIT
RESIDENCE**
315 Cooper Street
Oxnard, CA 93030

PROJECT DIRECTORY
2000
2001
2002
2003
2004
2005
2006
2007
2008
2009
2010
2011
2012
2013
2014
2015
2016
2017
2018
2019
2020
2021
2022
2023
2024
2025

ARCHITECTURAL ENGINEER
REGISTERED ARCHITECT
REGISTERED PLANNING
REGISTERED DESIGNER
REGISTERED INTERIOR DESIGNER
REGISTERED LANDSCAPE ARCHITECT
REGISTERED CIVIL ENGINEER
REGISTERED ELECTRICAL ENGINEER
REGISTERED MECHANICAL ENGINEER
REGISTERED CHEMICAL ENGINEER
REGISTERED INDUSTRIAL ENGINEER
REGISTERED AERONAUTICAL ENGINEER
REGISTERED AGRICULTURAL ENGINEER
REGISTERED METALLURGICAL ENGINEER
REGISTERED NUCLEAR ENGINEER
REGISTERED PETROLEUM ENGINEER
REGISTERED SURVEYING ENGINEER
REGISTERED TRANSPORTATION ENGINEER
REGISTERED WATER RESOURCES ENGINEER
REGISTERED WIND ENGINEER
REGISTERED POLYMER ENGINEER
REGISTERED FOOD ENGINEER
REGISTERED TEXTILE ENGINEER
REGISTERED FIBER ENGINEER
REGISTERED PAPER ENGINEER
REGISTERED CHEMICAL ENGINEER
REGISTERED ENVIRONMENTAL ENGINEER
REGISTERED SAFETY ENGINEER
REGISTERED SYSTEMS ENGINEER
REGISTERED SOFTWARE ENGINEER
REGISTERED COMPUTER ENGINEER
REGISTERED ELECTRICAL ENGINEER
REGISTERED MECHANICAL ENGINEER
REGISTERED CHEMICAL ENGINEER
REGISTERED INDUSTRIAL ENGINEER
REGISTERED AERONAUTICAL ENGINEER
REGISTERED AGRICULTURAL ENGINEER
REGISTERED METALLURGICAL ENGINEER
REGISTERED NUCLEAR ENGINEER
REGISTERED PETROLEUM ENGINEER
REGISTERED SURVEYING ENGINEER
REGISTERED TRANSPORTATION ENGINEER
REGISTERED WATER RESOURCES ENGINEER
REGISTERED WIND ENGINEER
REGISTERED POLYMER ENGINEER
REGISTERED FOOD ENGINEER
REGISTERED TEXTILE ENGINEER
REGISTERED FIBER ENGINEER
REGISTERED PAPER ENGINEER

**SITE PLAN /
ROOF PLAN**

AS SHOWN
06 - 00X
A-101
00



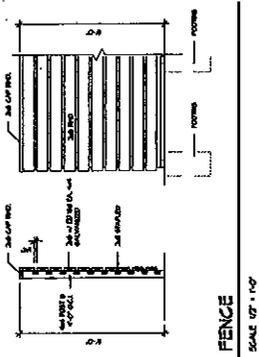
PROJECT ANALYSIS

APN	20-0-003-10
LOT AREA	5711 SQ. FT.
LOT COVERAGE	32.80%
LOT COVERABLE	32.80%
LANDSCAPING	22.28%
DECKS	3
REQUIRED	3
PROVIDED	3

SOLAR RADIATION CALCULATIONS	
UNIT 1	1042 sq. ft.
UNIT 2	1071 sq. ft.
TOTAL	2113 sq. ft.
UNIT 1	1071 sq. ft.
UNIT 2	1042 sq. ft.
TOTAL	2113 sq. ft.
LAUNDRY	123 sq. ft.
COVERED PORCH	243 sq. ft.

ROOF VENT CALCULATION:
ROOF AREA: 2113 SQ. FT.
MIN. VENT AREA: 2113 SQ. FT. / 150 = 14.08 SQ. FT.
TOTAL VENT AREA PROVIDED: 14.08 SQ. FT. (MEETS REQUIREMENT)

WIND VENT CALCULATION:
WIND AREA: 14.08 SQ. FT. / 150 = 0.094 SQ. FT.
TOTAL WIND AREA PROVIDED: 0.094 SQ. FT. (MEETS REQUIREMENT)



THIS PLAN IS BASED UPON DATA COMPILED AND FORWARDED BY OTHERS.

PRELIMINARY - NOT FOR CONSTRUCTION



NOTICE OF EXEMPTION

Project Description:

PLANNING & ZONING PERMIT NOS. 10-300-02 (Parcel Map Waiver) and 10-500-06 (Special Use Permit) – A request for approval of a tentative subdivision map and special use permit to subdivide one existing duplex into two residential condominiums for sale. No construction or site improvements are proposed. The project is exempt from environmental review pursuant to Section 15301(k) of the California Environmental Quality Act (CEQA) Guidelines. Filed by Habitat for Humanity of Ventura County, 435 South D Street, 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 15301(k) of CEQA, projects involving subdivision of existing multi-family or single-family residences into common-interest ownership may be found to be exempt from the requirements of CEQA. 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

RESOLUTION NO. 2010 –

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING APPROVAL OF PLANNING & ZONING PERMIT NO. 10-300-02 (PARCEL MAP WAIVER), TO ALLOW THE CONVERSION OF AN EXISTING DUPLEX INTO COMMON-INTEREST OWNERSHIP CONDOMINIUM UNITS, LOCATED AT 315 COOPER ROAD (APN: 201-0-053-170), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY HABITAT FOR HUMANITY OF VENTURA COUNTY, 435 SOUTH D STREET, OXNARD, CA 93030.

WHEREAS, the Planning Commission of the City of Oxnard has considered the parcel map waiver (Planning and Zoning Permit No. 10-300-02), filed by Habitat for Humanity of Ventura County in accordance with Chapter 15 of the Oxnard City Code; and

WHEREAS, said parcel map waiver was referred to various public utility companies, City departments and the Development Advisory Committee for recommendations; and

WHEREAS, the Planning Commission finds that the parcel map waiver complies with all requirements of the Subdivision Map Act and the Oxnard City Code; and

WHEREAS, the Planning Commission finds the parcel map waiver conforms to the City's General Plan and elements thereof; and

WHEREAS, the Planning Commission finds that the proposed division of land qualifies for a parcel map waiver as it complies with requirements established by the Subdivision Map Act and Chapter 15 of the Oxnard City Code, including but not limited to requirements as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability and environmental protection; and

WHEREAS, Section 15301(k) of Title 14 of the California Code of Regulations exempts the project from the requirement for the preparation of environmental documents imposed by the California Environmental Quality Act; and

WHEREAS, the Planning Commission finds that the applicant agrees with the necessity of and accepts all elements, requirements, and conditions of this resolution as being a reasonable manner of preserving, protecting, providing for, and fostering the health, safety, and welfare of the citizenry in general and the persons who work or visit in this subdivision in particular.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby approves of the parcel map waiver and authorizes the Planning Director to review and sign the Certificate of Approval for Parcel Map Waiver, subject to the following conditions:

**STANDARD CONDITIONS OF APPROVAL
FOR LAND USE PERMITS**

Note: The abbreviations below identify the City department or division responsible for determining compliance with these standard conditions. The first department or division listed has responsibility for compliance at plan check, the second during inspection and the third at final inspection, prior to issuance of a certificate of occupancy, or at a later date, as specified in the condition. If more than one department or division is listed, the first will check the plans or inspect the project before the second confirms compliance with the condition. The italicized code at the end of each condition provides internal information on the source of each condition: Some are standard permit conditions (e.g. *G-1*) while some are taken from environmental documents (e.g. *MND-S2*).

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

GENERAL PROJECT CONDITIONS

1. This permit is granted for the property described in the application on file with the Planning and Environmental Services Division (“Planning Division”), and may not be transferred from one property to another. (PL, *G-1*).
2. This permit is granted for the approved plans stamp dated June 16, 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 (“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, Developer 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. Any covenants, conditions, and restrictions (CC&Rs) applicable to the project property shall be consistent with the terms of this permit and the City Code. If there is a conflict between the CC&Rs and the City Code or this permit, the City Code or this permit shall prevail. (CA, *G-7*)

5. Developer shall record with the Ventura County Recorder a “Notice of Land Use Restrictions and Conditions” in a form acceptable to the City Attorney. Before the City issues building permits or allows Developer to occupy the project, Developer shall submit a copy of the recorded document to the Planning Division Manager. (PL, *G-8*)
6. If Developer, owner or tenant fails to comply with any of the conditions of this permit, the Developer, owner or tenant shall be subject to civil fine pursuant to the City Code. (CA, *G-14*)

PLANNING DIVISION STANDARD CONDITIONS

7. Developer shall establish a homeowners association and the association shall be responsible for the maintenance of parking, landscape, recreation and other interior areas held in common by the association and for the enforcement of Conditions Covenants & Restrictions related to property maintenance. (PL/DS, *PL-33*)

PLANNING DIVISION SPECIAL CONDITIONS

8. An approved parcel map waiver shall expire thirty-six (36) months after its approval, unless an extension is applied for and approved by the City Council pursuant to Section 15-46 of the City Code. (PL)
9. All conditions of PZ 10-500-6 (Special Use Permit), and Resolution Nos. 2008-12 and 2008-13 approving PZ 07-590-02 (Zone Variance) and PZ 07-500-16 (Special Use Permit), respectively, are herein incorporated by reference. (PL)
10. Subdivider shall submit to Planning staff the exhibits required for the Certificate of Approval of Parcel Map Waiver, Planning staff shall prepare the Certificate of Approval for Parcel Map Waiver, and Subdivider shall record the Certificate of Approval for Parcel Map Waiver with the Ventura County Recorder. (PL)

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 21st day of October, 2010, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

Randall Elliott, Chair

ATTEST:

Susan L. Martin, Secretary

RESOLUTION NO. 2010 –

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING & ZONING PERMIT NO. 10-500-06 (SPECIAL USE PERMIT), TO ALLOW THE CONVERSION OF AN EXISTING DUPLEX INTO COMMON-INTEREST OWNERSHIP CONDOMINIUM UNITS, LOCATED AT 315 COOPER ROAD (APN: 201-0-053-170), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY HABITAT FOR HUMANITY OF VENTURA COUNTY, 435 SOUTH D STREET, OXNARD, CA 93030.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 10-500-06, filed by Habitat for Humanity of Ventura County in accordance with Sections 16-395 and 16-530 through 16-553 of the Oxnard City Code; and

WHEREAS, Section 15301(k) of Title 14 of the California Code of Regulations exempts the project from the requirement for the preparation of environmental documents imposed by the California Environmental Quality Act; and

WHEREAS, the Planning Commission finds, after due study, deliberation and public hearing that the following circumstances exist:

1. The proposed use is in conformance with the General Plan and other adopted policies of the City of Oxnard.
2. The proposed use will not adversely affect or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare.
3. The site for the proposed use is adequate in size and shape to accommodate the setbacks, parking, landscaping and other City standards except as may be specifically excepted by the special findings and conditions of this resolution.
4. The site for the proposed use will be served by streets and highways adequate in width and structure to carry the kind and quantity of traffic such use will generate.
5. The site for the proposed use will be provided with adequate sewerage, water, fire protection, and storm drainage facilities.

WHEREAS, the Planning Commission finds that the applicant agrees with the necessity of and accepts all elements, requirements, and conditions of this resolution as being a reasonable manner of preserving, protecting, providing for, and fostering the health, safety, and welfare of the citizenry in general and the persons who work, visit or live in this development in particular.

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

**STANDARD CONDITIONS OF APPROVAL
FOR LAND USE PERMITS**

Note: The abbreviations below identify the City department or division responsible for determining compliance with these standard conditions. The first department or division listed has responsibility for compliance at plan check, the second during inspection and the third at final inspection, prior to issuance of a certificate of occupancy, or at a later date, as specified in the condition. If more than one department or division is listed, the first will check the plans or inspect the project before the second confirms compliance with the condition. The italicized code at the end of each condition provides internal information on the source of each condition: Some are standard permit conditions (e.g. *G-1*) while some are taken from environmental documents (e.g. *MND-S2*).

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

GENERAL PROJECT CONDITIONS

1. This permit is granted for the property described in the application on file with the Planning and Environmental Services Division (“Planning Division”), and may not be transferred from one property to another. (PL, *G-1*)
2. This permit is granted for the approved plans stamp dated June 16, 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 (“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, Developer 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. Any covenants, conditions, and restrictions (CC&Rs) applicable to the project property shall be consistent with the terms of this permit and the City Code. If there is a conflict between the CC&Rs and the City Code or this permit, the City Code or this permit shall prevail. (CA, *G-7*)

5. Developer shall record with the Ventura County Recorder a “Notice of Land Use Restrictions and Conditions” in a form acceptable to the City Attorney. Before the City issues building permits or allows Developer to occupy the project, Developer shall submit a copy of the recorded document to the Planning Division Manager. (PL, G-8)
6. If Developer, owner or tenant fails to comply with any of the conditions of this permit, the Developer, owner or tenant shall be subject to a civil fine pursuant to the City Code. (CA, G-14)

PLANNING DIVISION STANDARD CONDITIONS

7. Prior to issuance of building permits, Developer shall pay a document imaging fee for the planning files in an amount calculated by planning staff at the time of building permit review based on fees then in effect. (PL/B, PL-16)
8. Developer shall establish a homeowners association and the association shall be responsible for the maintenance of parking, landscape, recreation and other interior areas held in common by the association and for the enforcement of Conditions Covenants & Restrictions related to property maintenance. (PL/DS, PL-33)

PLANNING DIVISION SPECIAL CONDITIONS

9. All conditions of PZ 10-300-2 (Parcel Map Waiver), and Resolution Nos. 2008-12 and 2008-13 approving PZ 07-590-02 (Zone Variance) and PZ 07-500-16 (Special Use Permit), respectively, are herein incorporated by reference. (PL)

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 21st day of October, 2010, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

Randall Elliott, Chair

ATTEST: _____
Susan L. Martin, Secretary