



Planning Division

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Douglas Spondello, Assistant Planner

DATE: October 21, 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 of 29 parking spaces on-site during non-peak periods. Filed by Designated Agent Danielle Keys, Church Administrator, 2018 Rohdea Way, Oxnard, CA 93030.
- 3) **Existing & Surrounding Land Uses:** The church proposes to occupy a 3,328 square-foot tenant space within a multi-tenant industrial building. According to City records, there is currently one active business at the subject property, Group Alpha Solutions. The following table describes the land uses immediately adjacent to the site.

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USES
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	Undeveloped

- 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.

On August 5, 2010, the Planning Commission first considered this church use, and voted 4-1 to deny the request as well as the request for administrative relief to allow shared parking of 82 spaces on-site. This resolution was adopted on August 19, 2010. The Planning Commission's decision was based on concerns regarding the number of shared parking spaces requested and potential incompatibility of the parking impact with existing and future uses.

On August 27, 2010, Danielle Keys, Church Administrator, filed an appeal on the Planning Commission's action. 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. It was further clarified that the shared parking would not involve full use of the parking area, that a 410-seat sanctuary was not feasible within the subject tenant space.

On September 28, 2010, the City Council conducted a public hearing on the appeal request. In light of the subsequent project clarifications and revised parking study provided at that time, the City Council referred the project back to Planning Commission for re-consideration. These revisions are discussed in Section 6(c).

5) Environmental Determination: In accordance with Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, projects involving operational changes or minor alterations to existing facilities 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. Necessary improvements to address the change in occupancy are handled through the building permit process. 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 a church use, with an approved special use permit, per Section 16-186.1(B) of the City Code. 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 up to ten children and would be used only during worship services. This proposal does not involve a request for a school, child care facility, or any other uses not otherwise described and analyzed herein.

The Life of Victory Worship Center would operate, as follows:

Office/Administrative	Monday - Saturday	7:00 AM - 5:30 PM
Worship Services	Monday - Friday Saturday - Sunday	6:00 PM - 10:00 PM 8:00 AM - 10:00 PM (Two services provided on weekends)

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

In situations where a use may intensify the on-site parking demand, the City Code allows the opportunity for consideration of an alternative parking plan with a request for administrative relief from the parking requirements. In this case, the applicant requests administrative relief to consider shared parking on-site. Such requests are typically approved if it is demonstrated that shared parking will not result in any conflicts. For the requested administrative relief, Associated Transportation Engineers (ATE) prepared a parking analysis in May 2010, which was subsequently revised in September 2010. The plan for shared parking involve spaces used by the church during the established times, as shown above. Seven parking spaces are required by City Code for the allocated office space, and this operation would be conducted during typical work hours, or peak-demand periods. Worship services involving use of the sanctuary, whether for individuals or facilitated services for the entire congregation, are proposed and restricted to those dates and times when the on-site industrial tenants are not typically operating or non-peak demand periods.

The parking study previously presented to the Planning Commission projected a maximum congregation of 410 seats for all on-site parking spaces, thought to be 82 parking spaces at that time. Full utilization of all on-site parking would have hindered any other use from being conducted at the property when services were being held. Based on these concerns, the Planning Commission denied the request on the basis that the church use and parking required could potentially be incompatible with other future on-site uses. The applicant has since provided an updated parking study (Attachment "D") which clarifies the request is limited to a 145-seat sanctuary. At full occupancy, this proposal would require 29 parking spaces during evening and weekends, when on-site demand for parking is typically at its

lowest. At these times, 56 spaces would still be available for other uses on-site. During peak demand periods (generally considered weekdays, from 8:00 a.m. to 5:00 p.m.), the church would only utilize 1,737 square feet of office space, necessitating a demand for only seven parking spaces. This is less than the eight spaces allotted for this tenant spaces as a speculative user. The City's Traffic Engineer reviewed the parking study (Attachment "D") and determined that it is acceptable.

As clarified, staff feels the previous concerns regarding full utilization of the on-site parking areas by the church are now mitigated by the reduced parking demand. A number of special project conditions are included to restrict the church use as presented, including Condition No. 17, which limits the maximum occupancy of the sanctuary to 145 persons. With the clarification and project conditions in place, staff would support this request.

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.

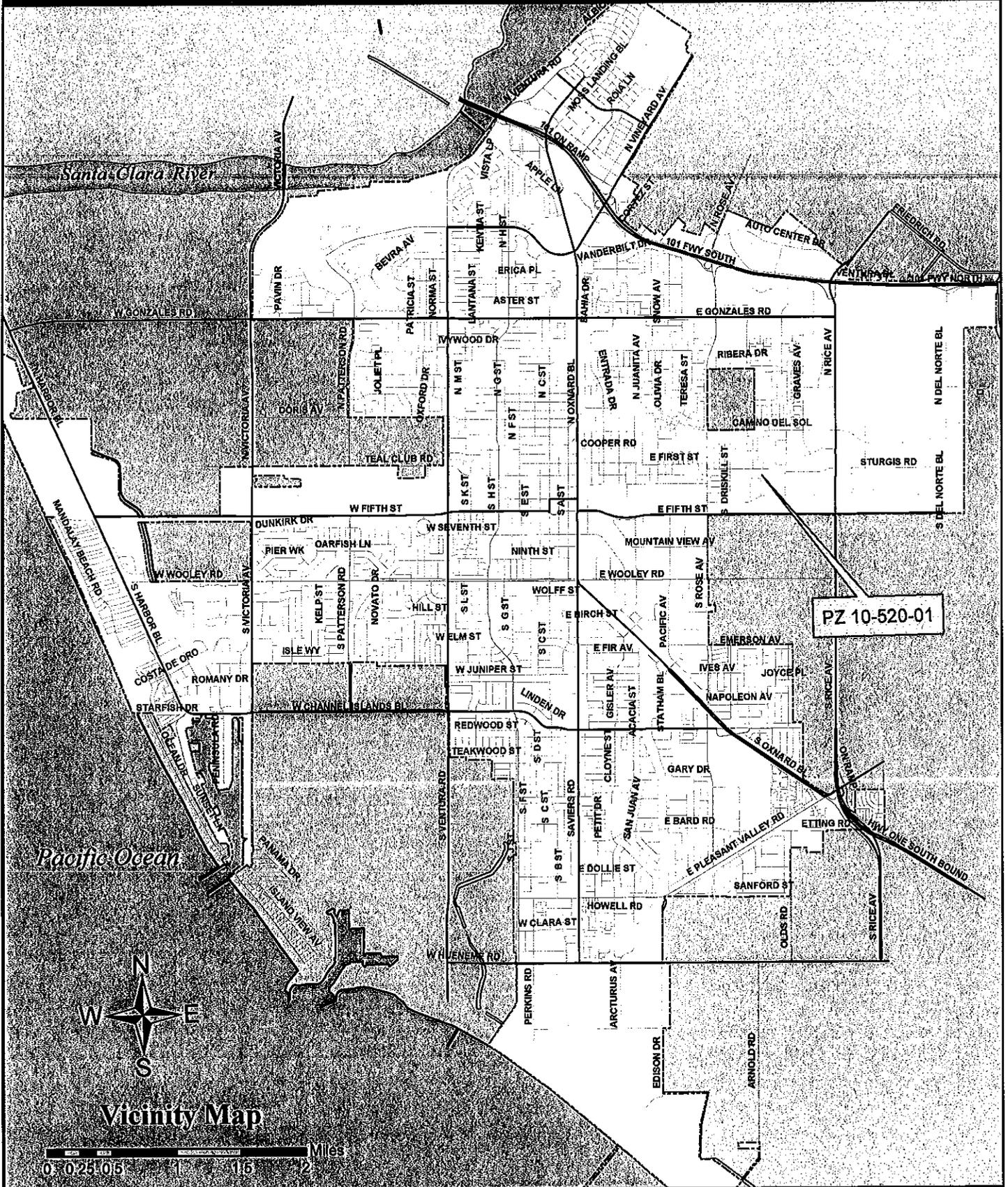
Attachments:

- A. Maps (Vicinity, General Plan, Zoning)
- B. Reduced Project Plans
- C. Notice of Exemption
- D. Parking Study (Revised September 14, 2010)
- E. Resolution

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

Attachment "A": Maps
(Vicinity, General Plan, and Zoning)

Vicinity Map



PZ 10-520-01

Vicinity Map



Oxnard Planning
April 14, 2010

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

General Plan Map

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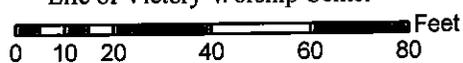
CABOT PL IRVING DR

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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



General Plan Map



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Zone Map

RPD

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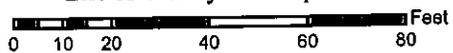
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CABOT PL IRVING DR



Oxnard Planning
April 14, 2010

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

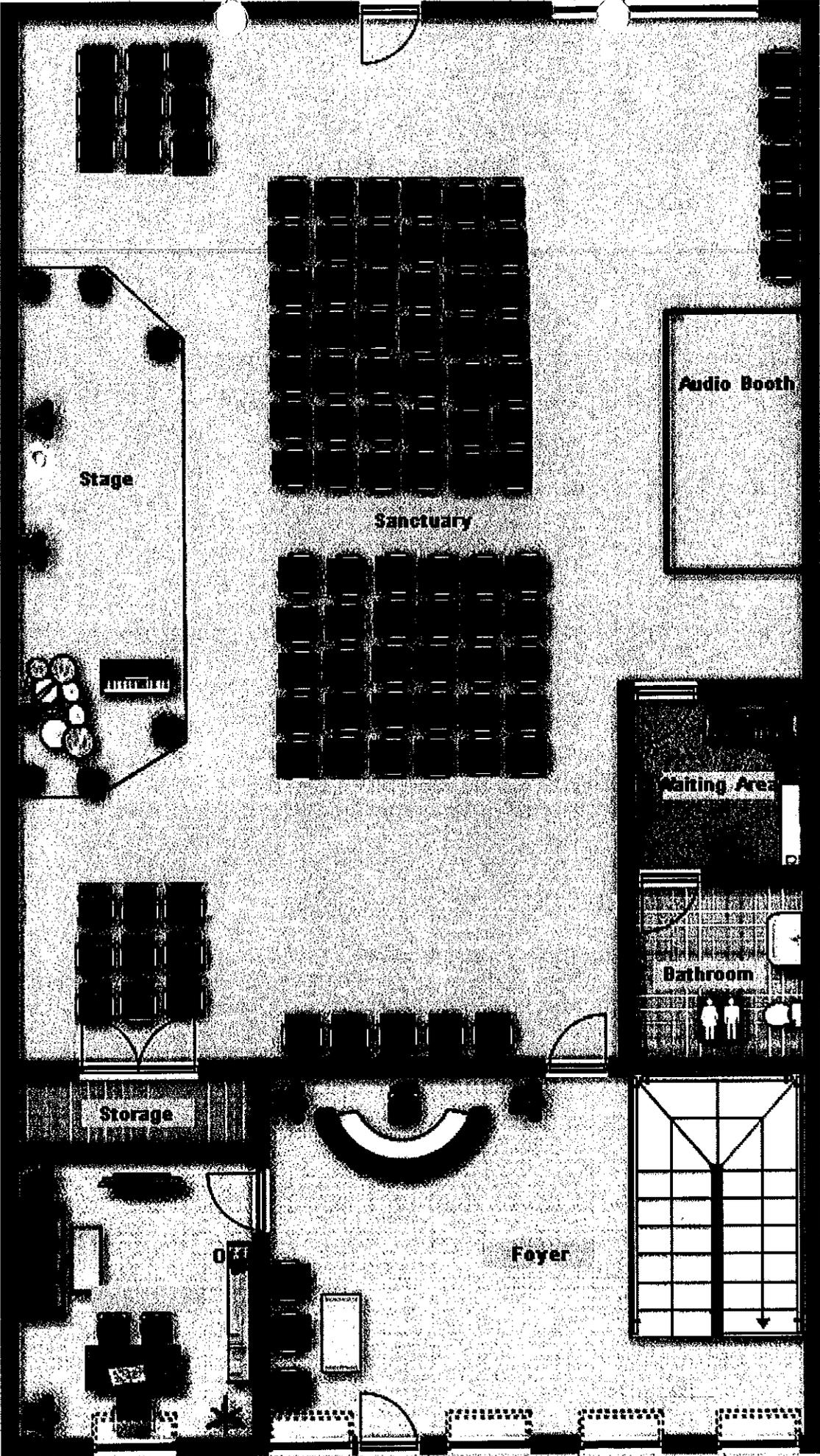


Zone Map



1:466

Attachment "B": Reduced Project Plans

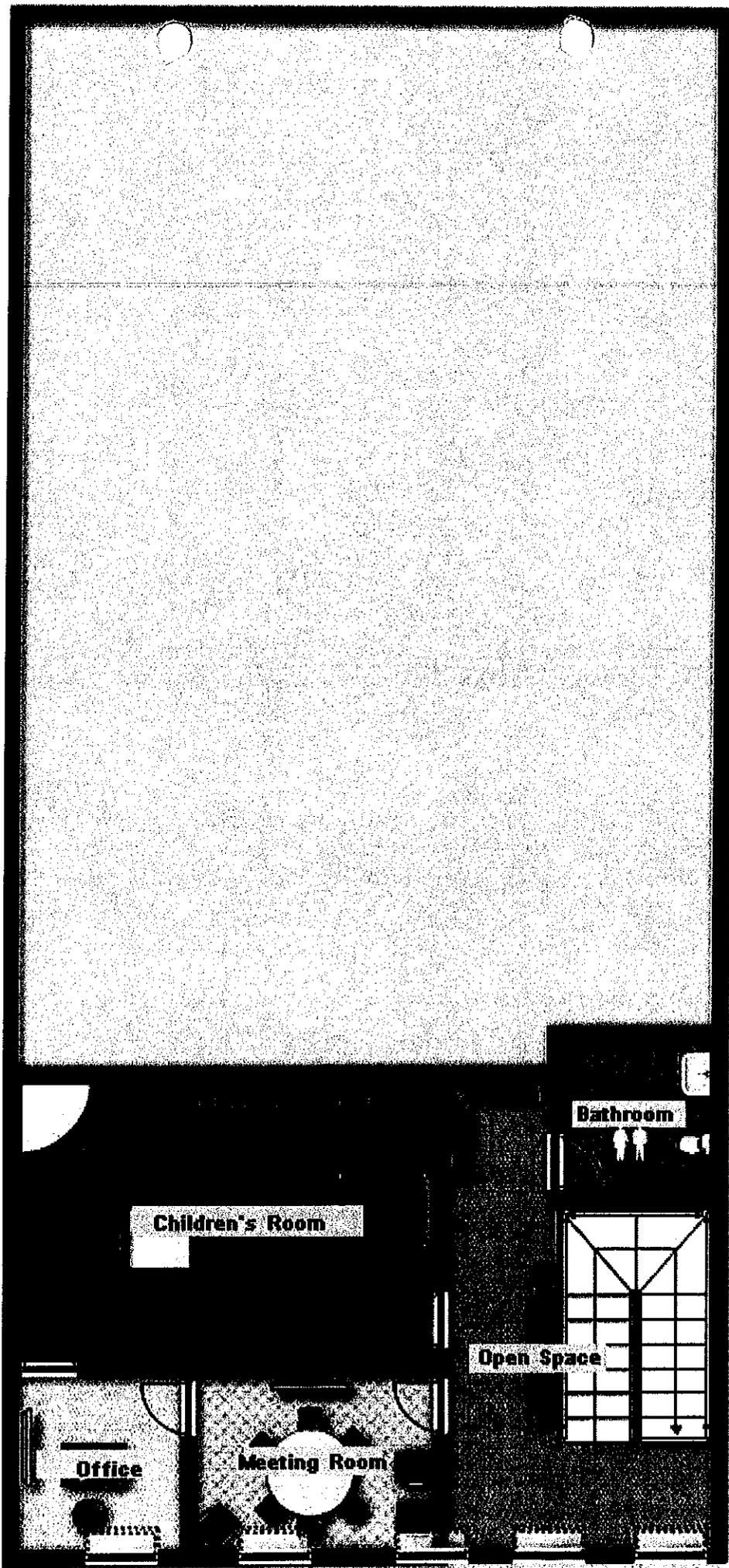


Life of Victory Worship Center
FISRT FLOOR PLAN

RECEIVED
 APR 17 2011
 PLANNING DIVISION
 CITY OF OXNARD



Life of Victory Worship Center
SECOND FLOOR PLAN



RECORDED

MAR 19 1968

PLANNING DIVISION
CITY OF CHICAGO



Attachment "C": Notice of Exemption



NOTICE OF EXEMPTION

Project Description:

PLANNING & 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. Filed by Designated Agent Elizabeth Callahan, 400 Esplanade Drive, Suite 301, Oxnard, CA 93036.

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
- Statutory Exemption
- Emergency Project
- Quick Disapproval [CEQA Guidelines, 14 Cal. Code of Regs. 15270]
- No Possibility of Significant Effect [CEQA Guidelines, 14 Cal. Code of Regs. 15061(b)(3)]

Supporting Reasons: In accordance with the California Environmental Quality Act Guidelines and Section 15301 of the California Code of Regulations, projects involving existing building may be found to be exempt from the requirements of CEQA. The proposed project consists of allowing an assembly use at an existing industrial building. Therefore, staff has determined that there is no substantial evidence that the project may have a significant effect on the environment.

(Date)

Susan L. Martin, AICP
Planning Division Manager

**Attachment "D": Parking Study
(Revised September 14, 2010)**



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
Total Square Footage		3,328 SF

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	
Total:			82 spaces	85 spaces

(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.

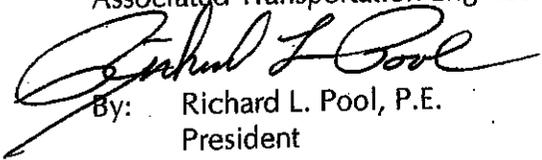
**Table 4
City of Oxnard Zoning Ordinance Parking Requirements
Evening and Weekend Uses**

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

A handwritten signature in black ink, appearing to read "Richard L. Pool", is written over the typed name and title.

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

RLP/DFN/wp

Attachment "E": Resolution

RESOLUTION NO. 2010 – [PZ 10-520-01]

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 10-520-01 (MINOR SPECIAL USE PERMIT), 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 DANIELLE KEYS, CHURCH ADMINISTRATOR, 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 Danielle Keys; 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's decision was appealed to the City Council; 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, at the aforementioned public hearing of the appeal, the City Council ordered the project return to be considered by the Planning Commission; 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. 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 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 repeals Resolution No. 2010-18 and 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.

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 Permittee agrees to cease any and all uses that demand a higher parking need than the eight spaces allotted for the tenant, within 12 months if a landowner should amend or terminate the agreement so that Permittee 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 6:00 PM to 10:00 PM and between 8:00 AM and 10:00 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 and hours. (PL)
17. Seating within the Church Sanctuary shall be limited to no more than 145 persons at any time, as depicted on the approved plans unless otherwise approved by a subsequent permit. (PL)
18. No child care services shall be offered unless they are provided during hours when worship is occurring in the sanctuary. Child care services shall function as an ancillary use.

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