



**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Juan Martinez, Associate Planner

DATE: February 2, 2012

SUBJECT: Planning and Zoning Permit No. 11-300-05 (Tentative Parcel Map for a Parcel Map Waiver), Located at 1701, 1721, and 1741 Ventura Boulevard

- 1) **Recommendation:** That the Planning Commission approve Planning and Zoning Permit No. 11-300-05 for a Parcel Map Waiver, subject to certain findings and conditions.

- 2) **Project Description and Applicant:** A request to subdivide a developed 5.37 acre site into three separate parcels to accommodate the sale of three existing buildings. The property has existing infrastructure and site improvements that are currently serving three existing buildings totaling 80,290 square feet in area (7,000, 23,250, and 50,040 square feet). The site is located within the Rose-Santa Clara Corridor Specific Plan area and is addressed 1701, 1721, and 1741 Ventura Boulevard. Filed by Darrel Wright with Oxnard Redhill Partners, 1096 Coast Village Road, Suite B, Montecito, California 93108.

Parcel No	Size	Address	Existing Business	Bldg SF
A	2.93 AC	1721 Ventura Blvd	Wickes Furniture (Former)	50,040 sf
B	1.77 AC	1741 Ventura Blvd	Guitar Center & Premier Furniture	23,250 sf
C	0.67 AC	1701 Ventura Blvd	Howard's Carpet One	7,000 sf

- 3) **Existing & Surrounding Land Uses:** Specialty shopping center known as Plaza del Norte Home Furnishing Center.

Direction	Specific Plan Land Use	General Plan	Existing Land Use
PROJECT SITE	Specialized Commercial	Commercial Regional	Plaza del Norte Home Furnishings Center

Direction	Specific Plan Land Use	General Plan	Existing Land Use
North	Auto Sales and Service	Commercial Regional	Automotive Dealership
East	Retail Commercial	Commercial Regional	Market Place of Oxnard Shopping Center
South	Specialized Commercial	Commercial Regional	Restaurant
West	Auto Sales and Service	Commercial Regional	Automotive Dealership

4) Background Information: The project is located within the Rose-Santa Clara Corridor Specific Plan, which was adopted in August of 1986, in accordance with City Ordinance No. 2085. In 1988, City Council approved a specific plan amendment conditionally allowing specialized commercial uses on the subject site. In 1989, the Planning Commission approved Special Use Permit No. 1359 for development of the existing 80,290 square foot retail and commercial center. Several administrative minor modification approvals have been subsequently approved for exterior adjustments (e.g., new color schemes and façade improvement updates).

5) Environmental Determination: In accordance with Section 15315 of the State CEQA Guidelines, projects involving “the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels” may be found to be exempt from the requirements of the California Environmental Quality Act (CEQA). This proposal proposes to subdivide an already developed 5.37-acre site into three parcels. 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) General Discussion: The subdivision of land requires the recordation of a parcel map when the request involves four or fewer parcels. In situations where all public services are available on-site and sufficient environmental protections are in place, Section 15-11(C) of the City Code authorizes the Planning Commission to grant a parcel map waiver. A parcel map waiver simplifies the subdivision process in applicable situations such as with this request.

Once the Planning Commission approves the Tentative Parcel Map for a 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 Development Services Director certifies compliance with the conditions set forth in the Planning Commission’s resolution by granting a *Certificate of Approval for the Parcel Map Waiver*. Both the Certificate and the Parcel Map Waiver are recorded with the Ventura County Recorder’s office.

b) General Plan, Zoning and Specific Plan Consistency: The land use designation of the City's 2030 General Plan designates the project site for Commercial General and the Rose-Santa Clara Corridor Specific Plan designation is Auto Sales and Service. Existing development and uses of the subject parcels are consistent the adopted specific plan. Therefore, the project is in conformance with the General Plan and Specific Plan land use designation for the property.

Special Use Permit No. 1359 entitled the development improvements of the subject property and the special use permit and conditions are applicable to the site. The property has existing landscaping, lighting, and signage standards that are in place for the benefit of the center. A reciprocal access and parking agreement along with the underlying Special Use Permit conditions will be in place to provide controls and measures over the property that will enable benefits, restrictions, and obligations affecting and necessary to the parcels created. Although, the site will be divided with three separate owners, the Special Use Permit, its design and common access agreement will ensure the property continues to operate as a cohesive commercial retail center.

c) Site Design: Site design changes are not proposed with this application. However, building permits for structural alterations (e.g., fire walls) to the existing buildings may be necessary to avoid conflicts with California Building Code (CBC) due to new property lines. The site is oriented toward the Ventura Freeway (Highway 101), and two buildings backing up to a common driveway shared with the Market Place of Oxnard (commercial shopping center) to the east. The three buildings are provided with shared parking conditions and a reciprocal access and parking agreement is required to establish easements for ingress and egress, parking, shared access, drainage and various existing utilities.

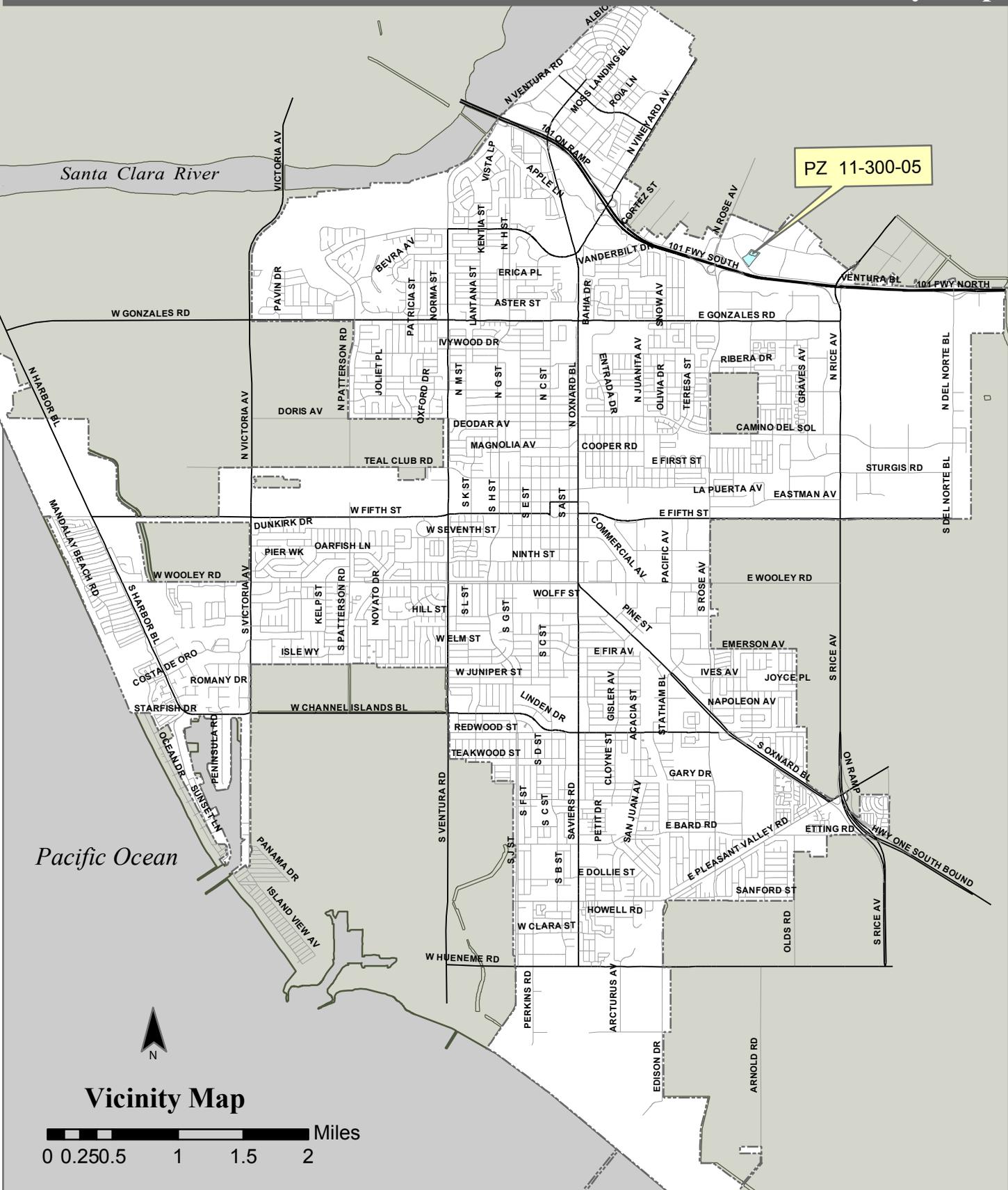
7) Appeal Procedure: In accordance with Section 15-25 of the City Code, an appeal from the Planning Commission's action may be taken in the manner provided by Cal. Gov.Code Section 66452.5.

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Attachments:

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

Prepared by: _____ JM
Approved by: _____ SM



PZ 11-300-05

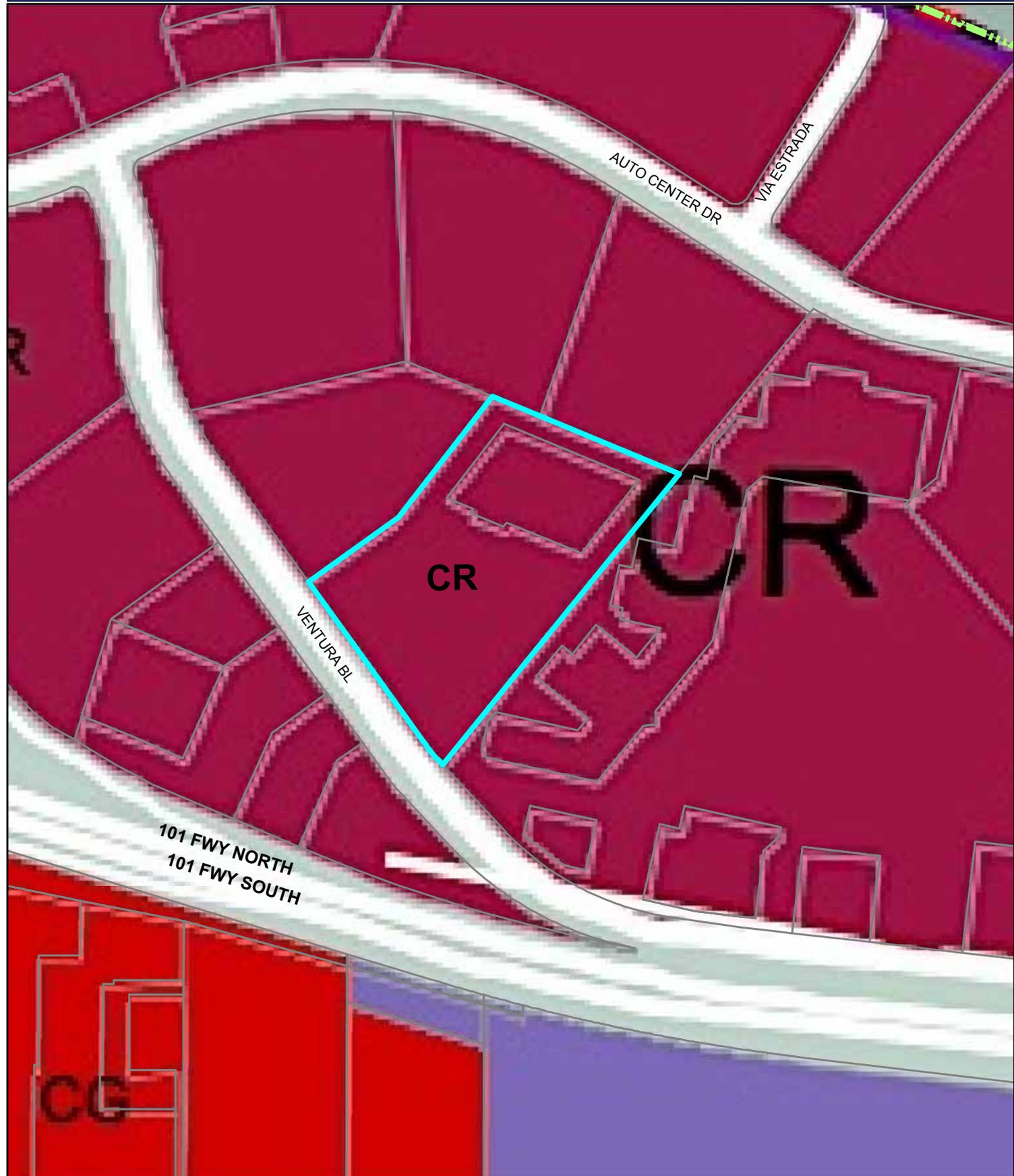
Pacific Ocean

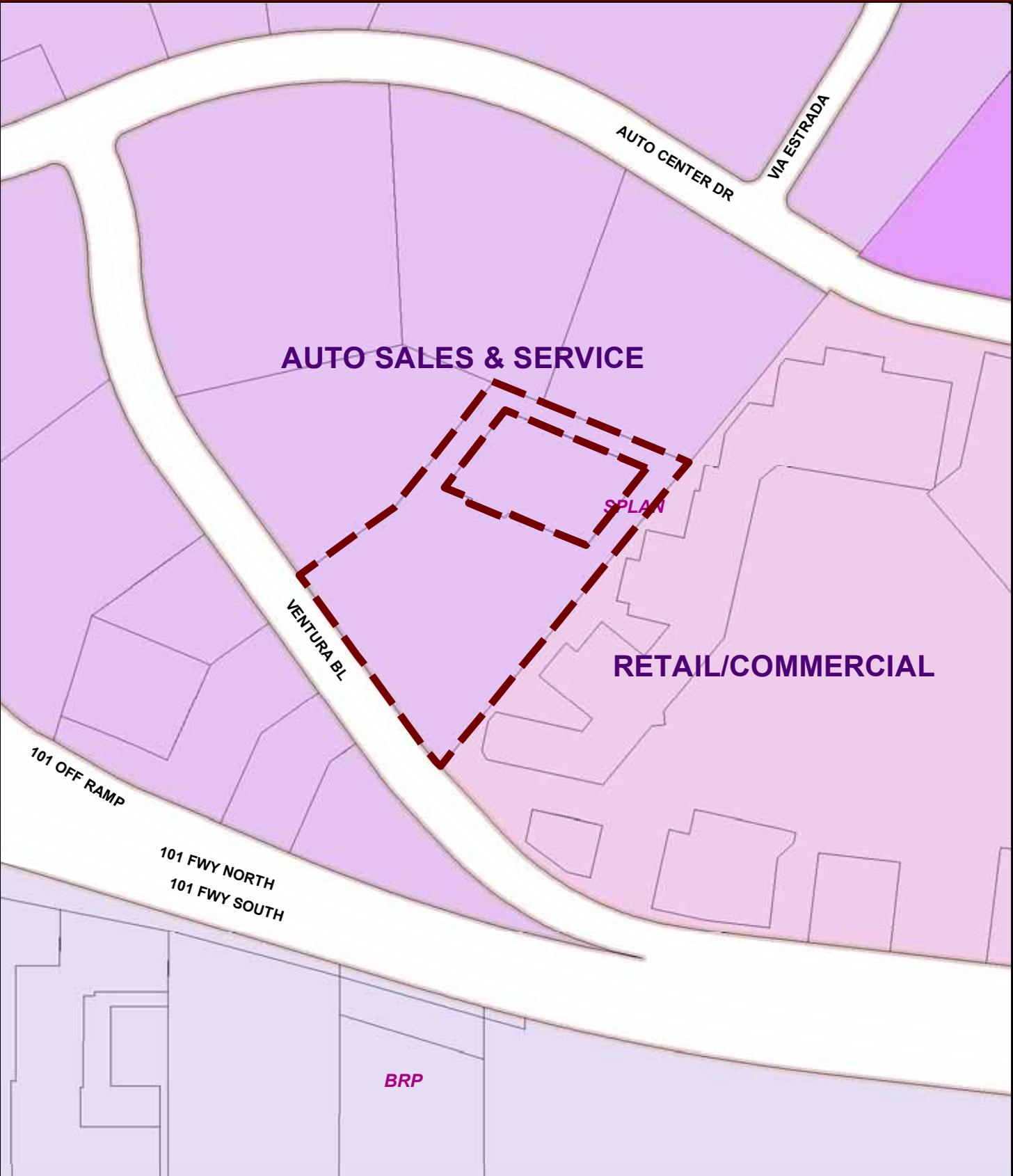


Vicinity Map

Miles

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NOTICE OF EXEMPTION

Project Description:

Planning and Zoning Permit No. 11-300-05 (Tentative Parcel Map for a Parcel Map Waiver), a request to subdivide a developed 5.37 acre site into three separate parcels to accommodate the sale of three existing buildings. The property has existing infrastructure and site improvements that are currently serving three existing buildings totaling 80,290 square feet in area (7,000, 23,250, & 50,040 square feet). The site is located within the Rose-Santa Clara Corridor Specific Plan area and is addressed 1701, 1721, and 1741 Ventura Boulevard. Filed by Darrel Wright with Oxnard Redhill Partners, 1096 Coast Village Road, Suite B Montecito, California 93108.

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 Section 15315 of the State CEQA Guidelines, projects involving “the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels” may be found to be exempt from the requirements of the California Environmental Quality Act (CEQA). Based on the above exemption and in accordance with CEQA, the Planning Division Manager has determined that there is no substantial evidence that the proposed project may have a significant effect on the environment and that a notice of exemption may be filed

Signature on file with Planning Division

(Date)

Susan L. Martin, AICP
Planning Division Manager

RESOLUTION NO. 2012-__

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. PZ 11-300-05 (TENTATIVE PARCEL MAP FOR A PARCEL MAP WAIVER), FOR PROPERTY LOCATED AT 1701, 1721, AND 1741 VENTURA BOULEVARD SUBJECT TO CERTAIN CONDITIONS. FILED BY DARREL WRIGHT WITH OXNARD REDHILL PARTNERS, 1096 COAST VILLAGE ROAD, SUITE B MONTECITO, CALIFORNIA 93108.

WHEREAS, the Planning Commission of the City of Oxnard has considered the tentative parcel map for a parcel map waiver (PZ 11-300-05), filed by Darrel Wright with Oxnard Redhill Partners; and

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

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

WHEREAS, Section 15315 of the State CEQA Guidelines exempts the project from the requirement for the preparation of environmental documents imposed by the State 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, visit or live in this subdivision in particular.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard finds 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, and 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 listed below indicate which City group or program has responsibility to insure compliance with these conditions. The first agency listed has responsibility at plan check, the second at inspection and the third at final inspection, prior to certificate of occupancy, or at a later date, as specified in the condition.

Departments and Divisions

CA	City Attorney	PL	Planning Division
DS	Development Service/Eng Development	TR	Traffic
PD	Police Department	BI	Building Inspector
SC	Source Control	FD	Fire Prevention
PK	Parks Division	CE	Code Enforcement

If more than one agency is listed, the first department or division listed must check the plans or inspect the project before the second may approve compliance with the condition.

PLANNING STANDARD 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 February 2, 2012, (“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 Division 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. 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)
4. Subdivider shall complete the “Notice of Land Use Restrictions and Conditions” form, using the form provided by the City, for recording with the Ventura County Recorder. Before the City issues building permits, Subdivider shall submit the original completed, signed and notarized document, together with the required fees to the Planning Manager. (PL, G-8)
5. If Subdivider, owner or tenant fails to comply with any of the conditions of this permit, the Subdivider, owner or tenant shall be subject to a civil fine pursuant to the City Code. (CA, G-14)

PLANNING SPECIAL CONDITIONS

6. Approved tentative parcel map for the parcel map waiver shall expire thirty-six (36) months after its approval if a Certificate of Approval for the Parcel Map Waiver is not recorded with the Ventura County Recorder’s Office. (PL)

7. Except as modified by this request, all permit conditions of Special Use Permit No. 1359 shall remain in full force and effect. (PL)
8. Subdivider shall establish a property owner's association and the association shall be responsible for the maintenance of parking, landscaping, lighting and other common areas and facilities held in common by the association and for the enforcement of CC&R's related to property maintenance.
9. Subdivider shall submit to Planning staff an application and 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's Office. (PL)

FIRE DEPARTMENT STANDARD CONDITIONS

10. All structures on the project property shall conform to the minimum standards prescribed in Title 19 of the California Code of Regulations. (FD, *F-5*)
11. Subdivider shall identify all hydrants, standpipes and other fire protection equipment on the project property as required by the Fire Chief. (FD, *F-8*)
12. Subdivider shall provide central station monitoring of the fire sprinkler system and all control valves. (FD, *F-10*)
13. Subdivider shall install in each structure in the project a detection/alarm system with a central station monitor that will automatically notify the Fire Department in the event of a fire in the structure. The alarm system shall include a UL or State Fire Marshal approved device, which shall not exceed design specifications, that reports the location of the fire and allows the central station monitor to inform the Fire Department of the point of entry into the structure that is nearest the fire. (FD, *F-13*)
14. Subdivider shall comply with Certified Unified Program Agency (CUPA) requirements regarding the storage, handling and generation of hazardous materials or waste. Prior to the issuance of building permits, Subdivider shall contact the CUPA division of the Fire Department to ensure that such requirements are followed. (FD, *F-16*)

FIRE DEPARTMENT SPECIAL CONDITIONS

15. Prior to release of the Certificate of Approval for the Parcel Map Waiver, the Subdivider shall install a Knox key vault for each building at a location to be determined by the Fire Department.

DEVELOPMENT SERVICES STANDARD CONDITIONS

16. Subdivider agrees, as a condition of approval of this resolution, to indemnify, defend and hold harmless, at Subdivider's expense, City and its agents, officers and employees from and against any claim, action or proceeding commenced within the time period provided for in Government Code Section 66499.37, to attack, review, set aside, void or annul the approval of this resolution or to determine the reasonableness, legality or validity of any condition attached thereto. City shall promptly notify Subdivider of any such claim, action or proceeding of which City receives notice, and City will cooperate fully with Subdivider in the defense thereof. Subdivider shall reimburse City for any court costs and attorney's fees that City may be required to pay as a result of any such claim, action or proceeding. City may, in its sole discretion, participate in the defense of any such claim, action or proceeding, but such participation shall not relieve Subdivider of the obligations of this condition. Subdivider's acceptance of this resolution or commencement of construction or operations under this resolution shall be deemed to be acceptance of all conditions thereof. (DS-18)
17. Prior to release of the Certificate of Approval for the Parcel Map Waiver, Subdivider shall post a bond or other security satisfactory to the City Attorney, guaranteeing that all monuments will be set as required by the Government Code and the City Code. (DS-57)
18. Subdivider shall provide adequate vehicle sight distance as specified by CalTrans specifications at all driveways and intersections. (TR-71)

DEVELOPMENT SERVICES DIVISION SPECIAL CONDITIONS

19. Prior to City's issuance of the Certificate of Approval for Parcel Map Waiver, Subdivider shall provide evidence of CC&Rs (or similar document) that provides for: A) Reciprocal vehicular and pedestrian access from the public right of way to parking spaces and each building entrance; B) Utility easement rights from each building to the public wastewater, drainage, and water systems; C) Allocation of responsibility for private utility maintenance; D) Shared landscaped maintenance; E) Each parcel owner individually and collectively responsible for landscape water bill payment; F) Shared responsibility for maintenance of onsite detention basins within parking lot; G) Allocation of responsibility for private alley maintenance, and: H) Access rights across property lines to perform maintenance and/or alterations to walls at property lines. This document shall indicate how maintenance costs are allocated for facilities used by more than one parcel owner and which property owner(s) is responsible for initiating maintenance operations. (DS)
20. Subdivider shall provide a written evaluation of alterations required to existing structures to eliminate potential violations of the California Building Code ("CBC") caused by placement of new property lines. Subdivider shall obtain all required permits and finalize all alterations

prior to recordation of the parcel map waiver. The Development Services Manager shall make the final determination of compliance with CBC. (DS)

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 2nd day of February 2012, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

Patrick Mullin, Chair

ATTEST: _____
Susan L. Martin, Secretary