



COMMUNITY DEVELOPMENT DIRECTOR STAFF REPORT

TO: Vyto Adomaitis, Community Development Director

FROM: Juan Martinez, Associate Planner

DATE: January 31, 2022

SUBJECT: **Project Name: Keyser Residence:** Planning and Zoning Permit Nos. 21-200-05 (Development Design Review) & 21-131-03 (Accessory Dwelling Unit); Proposal to convert a former church structure into a residential dwelling unit and convert a single story, detached structure into an accessory dwelling unit on a site located at 527 North McKinley Avenue (APN 201-0-031-320).

- 1) **Recommendation:** That the Community Development Director (“**Director**”) find the Project to be Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 (New Construction or Conversion of Small Structures) and adopt a Resolution approving Planning and Zoning Permit No. 21-200-05 (Development Design Review Permit) and 21-131-03 (Accessory Dwelling Unit), subject to certain findings and conditions.
- 2) **Project Description and Applicant:** A request to convert a former church structure into a three bedroom, 1,490 square-foot single family house and designate a detached 640 square-foot structure as a two bedroom, Accessory Dwelling Unit (ADU). The conversion proposes interior alterations to existing open floor areas and improvements to accommodate habitable areas that will consist of a new kitchen, living room, dining room, bathroom and three bedrooms. The 4,800 square foot developed lot is located at 527 North McKinley Avenue, within La Colonia Neighborhood in the Single Family Residential (R-1) zone (Attachment A). For the purposes of this staff report, the foregoing project description shall be referred to as the “**Project**.” Filed by Ronald Keyser, on behalf of Provident Trust Group LLC, Property Owner, 316 El Tuaca Court, Camarillo, California 93010 (“**Applicant**”).

Please see the reduced Project plans (Attachment B) for more details.

- 3) **Existing & Surrounding Land Uses:** The 4,800 square foot lot is located along North McKinley Avenue, between Camino Del Sol and Colonia Road within La Colonia Neighborhood. The rectangular shaped lot is consistent with neighboring properties that were subdivided in 1943. The community is part of La Colonia Subdivision No. 6, which created typical 40-foot wide lots by 120-feet in depth with alley access.

The following table lists and identifies the General Plan Land Use Designations, Zoning Designations, and existing land uses of the Project site and properties immediately adjacent to the site, which are also illustrated in Attachment A:

LOCATION	GENERAL PLAN	ZONING	EXISTING LAND USE
Project Site	Residential Low (RL)	Single Family Residential	Single Family Home
North	Residential Low (RL)	Single Family Residential	Single Family Home
South	Residential Low (RL)	Single Family Residential	Single Family Home
East	Residential Low (RL)	Single Family Residential	Single Family Home
West	Residential Low (RL)	Single Family Residential	Single Family Home

- 4) **Background Information:** Historical records show that the 1,490 square foot church structure has been occupied by various church groups over the years. The permit and construction history was not readily available for the original construction. According to the County Assessor's online information, the structure was built in 1947. The building is currently vacant.

On October 17, 2017, City Council adopted Ordinance #2925, updating the City Code to be in compliance with Government Code 65852.2 as it related to Accessory Dwelling Units.

On September 1, 2020, City Council adopted Ordinance #2984, updating the Accessory Dwelling Unit Sections of the Oxnard City Code (OCC) to be in compliance with the State of California legislature passed in 2019. The OCC was updated and created Accessory Dwelling Unit (ADU) Types and established the permitting requirements for reviewing and approving to be in compliance with the State legislature. The proposal includes an application for a Type 2A ADU to convert and designate an existing detached structure as the ADU to the primary dwelling unit.

ACCESSORY DWELLING TYPES	
1	New Detached ADU-Only Structure With or Without Garage
2A	Conversion of Detached Accessory Structure to ADU
2B	Conversion of Primary Unit's Attached Garage to ADU
2C	Conversion of Existing Non-Residential Structure to Primary Dwelling Unit with ADU
3	ADU Attached to Primary Unit
4	ADU Fully Within Existing Primary Unit
5	Junior (Jr) ADU Within Primary Dwelling Unit
6	Conversion of Multi-Family Structure Areas Not Used as Livable Space
7	Mixed ADU Types 1 to 4

- 5) **Environmental Determination:** In accordance with Section 15303, Class 3 (New Construction or Conversion of Small Structures) of the State California Environmental

Quality Act (CEQA) Guidelines, projects involving “conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure” such as apartments, duplexes and similar structures designed for not more than six dwelling units may be found to be exempt from the requirements of CEQA. The Project proposes to convert an existing non-residential structure that was formerly used as a church into a single family residence and convert an existing detached structure as the ADU. No Exceptions to the Exemptions (Section 15300.2) apply to defeat the Exemption. Therefore, staff has determined that there is no substantial evidence that the Project will have a significant effect on the environment and recommends that the Director direct the Planning & Environmental Services Manager to file a Notice of Exemption (Attachment C) with the Ventura County Clerk pursuant to Section 15062 of the State CEQA Guidelines within five (5) working days of passage, approval and adoption of the Project.

6) Analysis

- a) **General Discussion:** The applicant is seeking approval of a Development Design Review (DDR) permit to convert a former church structure into a three bedroom, 1,490 square-foot single family house. The single-story structure fronts North Mckinley Avenue and the lot and two structures on the site are consistent with the community setting and lot configuration. The detached structure will be converted and designated as a 640 square-foot two bedroom ADU. The conversion of the church structure proposes interior alterations to the existing open floor areas and improvements to accommodate habitable living areas that will include a new kitchen, living and dining, bathroom and three bedrooms.

Pursuant to Section 16-466 of the City Code, applications to convert an existing non-residential structure to a residential use that includes a Type 2C accessory dwelling unit are not subject to the 60-day ministerial approval and may include an application to include a separate ADU. However, the 60-day permit approval will begin from the date the Community Development Director approved the converted structure. Pursuant to Section 16-466(F), the Project includes a separate application (PZ 21-131-03) for a Type 2A ADU that proposed to convert and designate an existing detached structure as an accessory dwelling unit.

- b) **General Plan Consistency:** The City’s 2030 General Plan land use designation for the subject site is for Residential Low, which allows for up to seven units per acre. The Residential Low designation stipulates that single-family homes should be detached with front, side, and rear setback requirements, and may include patio and zero lot line homes and planned unit developments. The Project proposes to convert to a single family house an existing structure that was formerly used as a church. The conversion to single family residence with a detached accessory dwelling unit will be consistent with 2030 General Plan and the Project’s zoning designation as it further described in Section 6c.

Consistency with the 2030 General Plan is defined by the relationship between 2030

General Plan policies and the proposed project. The three consistency classification levels are:

- I. Direct Applicability to a Proposed Project or Program (full text of the policy and an explanation).
- II. Related or Indirect Applicability to the Proposed Project or Program (policy title and an explanation for each or groups of related or indirectly related policies).
- III. No or Distant Applicability to the Proposed Project or Program (all policies not listed as Level I and II are assumed to be consistent).

POLICY	LEVEL	POLICY OR TITLE	EXPLANATION
CD-1.5	I	Promote the development of a variety of housing types throughout the City including apartments, condominiums, lofts, townhouses, and attached and detached single-family units.	The Project proposes to convert an existing church into a single family residence and preserve the existing character of the structure by limiting exterior changes and proposing interior improvements to accommodate the conversion to residential. The new single family house will contribute to the City's housing need within the immediate area.
CD-8.1	I	Continue to limit development to those areas that can be served by existing or planned utilities, transportation, and service systems.	The Project is surrounded by urban development, and existing utilities along North McKinley Avenue that can adequately serve the proposed Project.
CD-9.1	I	Recognize, preserve, and improve the visual identity and character of existing neighborhoods.	The Project will preserve the existing architectural character including distinctive church features; therefore, no visual impacts are expected to affect the existing neighborhood character.
CD-14.1	I	In the evaluation of development proposals, continue to ensure that public and private development Projects comply with City design policies, plans, and guidelines.	The Project includes development conditions to ensure that the Project complies with City permitting expectations and policies.
ISC-1.2	I	Review development proposals for their impacts on infrastructure (e.g., sewer, water, fire stations, libraries, streets) and require appropriate mitigation measures to ensure that proposed developments do not create substantial adverse impacts on existing infrastructure and that the necessary infrastructure will be in place to support the development.	The proposed development and associated improvements would tie into existing infrastructure, which have the capacity to provide service to the proposed residential dwellings. The project includes standard and special development project conditions by City Department representatives.
ER-9.2	I	Enhance neighborhood diversity and reinforce the desirable elements of neighborhood character and quality through incorporation of design	The Project, by design, will maintain existing neighborhood characteristics and no exterior design alterations are

		guidelines, use of landscape materials, and encouraging new developments to integrate historical and culturally significant elements into proposed Projects.	proposed. Project characteristics are further described in Section 6.
CD-9.2 ICS-8.5	II	"...promote the revitalization of residential... properties that are deteriorated or detract from the visual quality of the City" Consider and require where appropriate and feasible the enhancement of the pedestrian environment as part of private development and public works Projects, especially for public sidewalks.	The Project will remove and reconstruct the sidewalk, curb, and gutter along the frontage to improve pedestrian path and utility needs along McKinley Avenue.
CD-3.4 CD-14.1 CD-14.2 CD-14.3 ICS-11.10 ER-9.4 ER-10.1	II	Neighborhood Quality of Life Design Review Process Development Advisory Committee Functions Quality of Design Water Supply Findings for Smaller Projects Human Scale Development Promote Use of Native and Water Wise Plants	Select DAC members reviewed the project, and that process led to changes in the Project and/or conditions of approval that meet these Level II policies.

- c) **Conformance with Zoning Development Standards:** The property is zoned for Single Family Residential (R-1). The following table illustrates and compares the development Project against the City's required standard. Pursuant to Section 16-466 and 16-525 of the City Code, the Project may be considered and permitted by the Community Development Director via an administrative Development Design Permit. Applicable development standards of the R-1 zone have been analyzed and compared with the proposed Project. The following table lists and compares the development Project against the City's development standards.

DEVELOPMENT STANDARD	REQUIRED	PROPOSED	COMPLIES?
Minimum dwelling Size (§16-24)	1,000 square feet, exclusive of garages carports, and any accessory buildings	- 1,490 square feet - Main House - 640 square feet - Garage to be converted into an ADU (Existing Structures)	YES
Maximum building height (§16-25)	2 stories not to exceed 25 feet	- 1 Story - 24 feet - Finish Floor - 25 feet +/- top of public curb	YES (Existing)
Minimum lot area (§16-26)	6,000 square feet Required for newly created lots	- 4,800 square feet (existing lot) (1943 La Colonia Subdivision No. 6)	YES (Legal non-conforming)
Minimum lot dimensions: Frontage, Width & Depth (§16-27)	Frontage: 50 feet Width: Interior lots: no less than 60 feet	- 40 feet (existing lot) - 40 feet (existing lot) (1943 La Colonia Subdivision No. 6)	YES (Legal non-conforming)

§ 16-28 & §16-29)	Corner lots: no less than 75 feet	N/A	
	Depth: At least 100 feet	120 feet (existing lot)	
Front yard setback (§16-31)	No less than 20 feet; except houses constructed w/ swing (side facing) driveway 15 feet minimum Dwellings varying from the required setback, such setback shall determine the required setback if such dwellings comprise at least 60% of the block	- 10-feet (approx) NA	YES (Legal non-conforming)
Side yard setback (§16-32)	Corner and Interior Lots: 10% of lot width, not less than 3 feet or more than 5 Reverse Corner lots: Side yard on street side shall be no less than 50% of the required front yard. No accessory buildings within the front yard setback	Interior Lot - 7-feet (Main House) - 3 feet (ADU) NA	YES (Existing)
Rear yard setback (§16-33)	Rear yard of no less than 25% of the lot's depth, but need not exceed 25 ft. Additions to existing house; 15-foot setback to rear property line for lots not abutting a street or alley and 5-feet when abutting a street or alley.	6-feet (+/-) approx	YES (Legal non-conforming)
Interior yard space (§16-34)	At least 15% of the lot area or 900 sf whichever is less and shall be open from ground to sky except for roof overhangs not exceeding 30 inches.	Exceed 15-percent (average range 1,085 square feet and 1,620 square feet 625 square-foot minimum 720 square-foot average Min Required: 575 square feet based on 3,838 square-foot lot (min lot size proposed)	YES (Legal non-conforming)
Parking spaces (§16-622F)	2-car garage spaces for each home (For up to 5 bedrooms)	2-car garage spaces with alley access for each 3-bedroom home. The 2-car garage is proposed to be converted into an ADU consistent with OCC regulations.	YES

- d) **Site Design:** The rectangular shaped Project site fronts North Mckinley Avenue and backs up to a 14-foot wide public alley.

No site changes or exterior changes are proposed to the site or the two existing structures

- e) **Circulation and Parking:** Vehicular access to the dwelling units will occur via the alley behind the residence. The existing structure in the rear of the property is designed as

a garage to meet the single-family parking requirements triggered when the church is converted into a single-family residence. However, the applicant proposes to convert the designed garage into an ADU at the same time the church is converted into a single-family residence as allowed by OCC Section 16-466(F). The project site will retain an existing concrete driveway, accessed from the alley, that provides parking for two tandem parking spaces.

- f) **Building Design:** The existing single story structures were constructed with wood siding and pitched roof systems. The front structure is built on a raised foundation and has an existing cupola that extends over a roof area and building portion that varies in design from the back portion of the structure. There is a slight variation of the exterior wood siding between the front and back building portion that appears to indicate that the front portion of the structures may have been added or new siding was installed to the original design.

The owner is proposing minimal changes to the exterior of the church building. There is a 20-foot by 8-foot building area along the back of the church building that will be demolished. The 160 square foot addition was added to the original footprint of the main church building. The addition was designed with direct access from the church and it includes a kitchen and bathroom.

- g) **Cultural Heritage:** The property is not located within a designated historic district or landmark designation. The neighborhood is primarily made up of post-war residences built in the 1940's through the 1960's. According to the County Assessor's online information, the structure was built in 1947. Although the property has not been identified as a contributing resource or as a potential landmark resource, the project was referred to staff with the Ventura County Cultural Heritage office for input. Pursuant to a City/Ventura County agreement (CC Reso 10,135) that has been in place since April of 1991, due to their technical expertise, the Ventura County Cultural Heritage Board (VC-CHB) functions as the City of Oxnard Cultural Heritage Board/Staff.

Input provided by Cultural Heritage staff was generally favorable since minimal exterior changes are proposed. The back addition was identified as a later addition that was determined unlikely to be historic. The removal of any features or additions that are non-historic of the building or removal of non-contributing buildings in historic districts that have not gained significance in their own right to restore the property to its historic appearance. This scope of work qualifies for staff level approval only where non-historic features are removed, and those disturbed areas will be patched and repaired in conformance with the Secretary of the Interior's Standards (SOIS) Guidelines.

Cultural Heritage staff suggested that the demolition and repair of the back side of the building incorporate the following conditions to be consistent with the SOIS Guidelines,

and these have been incorporated as conditions of approval:

- 1) Reinstall wood siding where removed during demolition;
- 2) Repair and reinstall salvaged siding, where possible;
- 3) Where the removed siding was damaged, new siding to match the siding details is acceptable in modest quantities; and
- 4) Use replacement siding to match the finish, coating, or historic color of wood features.

- 7) **Development Advisory Committee:** The project was not formally reviewed by the Development Advisory Committee (DAC); however, select members of the DAC (Planning, Building & Engineering, Fire and Police) reviewed this project. The applicant team and select members of the DAC have refined the project and project conditions. Final recommendations of the DAC members are reflected in the final design of the Project and as proposed conditions of approval in the attached resolution.
- 8) **Community Workshop and Public Input:** The project is located within La Colonia Neighborhood. On May 7, 2021, the applicant mailed out approximately 1080 notices of the Community Workshop meeting to all property owners within La Colonia Neighborhood. A notice of this meeting was posted on the Project site along with a brief description and contact information. The Community Workshop was conducted on May 17, 2021. Staff and the applicant made a brief presentation; however, nobody in attendance to the virtual meeting had any questions or comments regarding the project.
- 9) **Appeal Procedure:** In accordance with Section 16-525 of the City Code, the Community Development Director's action may be appealed to the Planning Commission within 10 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. If an appeal to the Planning Commission is not filed within 10 working days of the Community Development Director's decision, the decision of the Community Development Director shall be considered final.

Attachments:

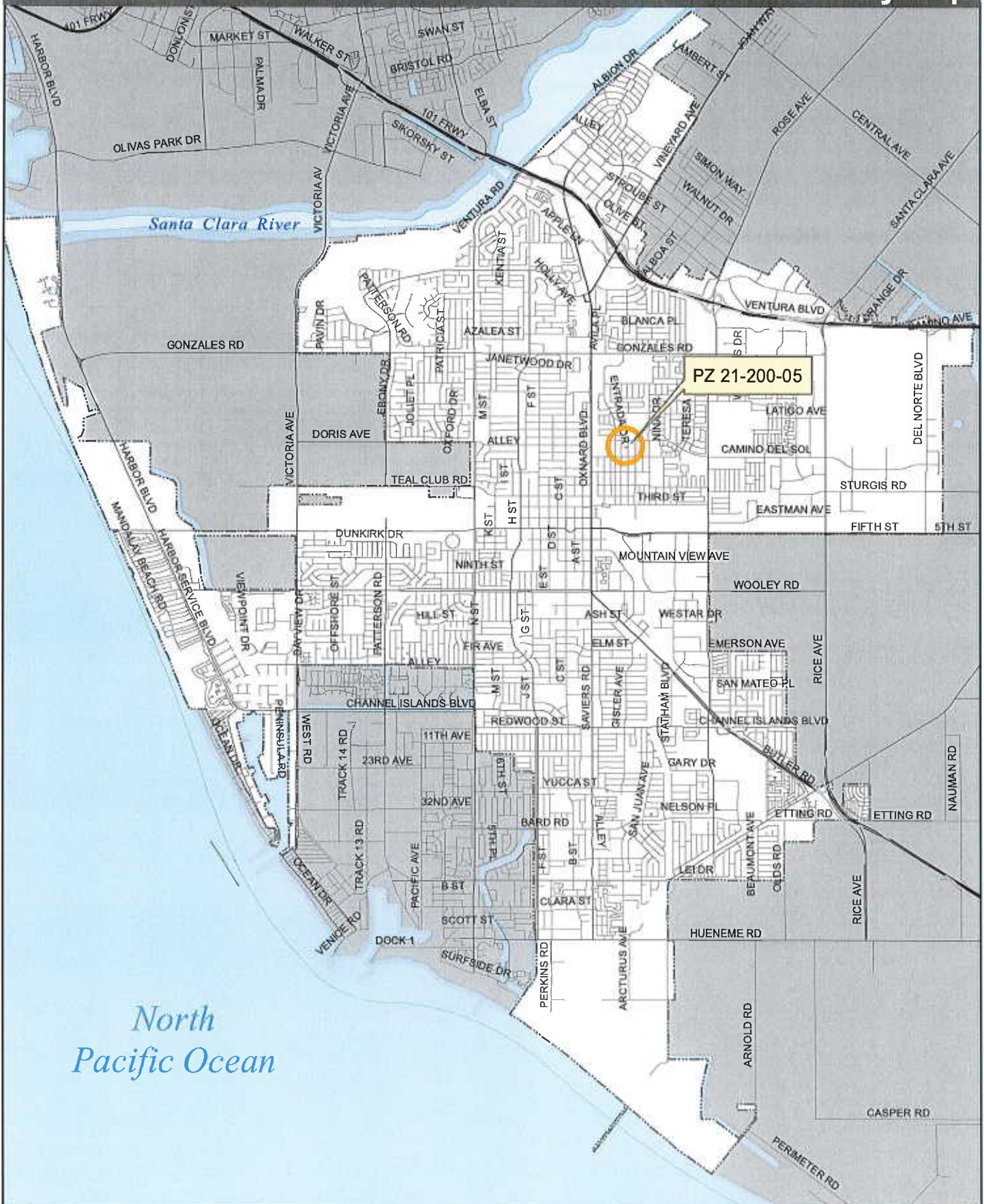
- A. Maps (Vicinity, General Plan, Zoning)
- B. Project Plans
- C. Notice of Exemption
- D. Resolution PZ Nos. 21-200-05 (Development Design Review) & 21-131-03 (Accessory Dwelling Unit-Type 2A)

ATTACHMENT A

MAPS

(VICINITY, GENERAL PLAN MAP, ZONING, AERIAL)

Vicinity Map



2030 General Plan Land Use Map

CAMINO DEL SOL

ALLEY

ROOSEVELT AVE

MCKINLEY AVE

RL

RL

ALLEY

ALLEY

COLONIA RD

RM

ALLEY

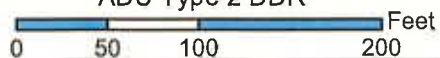
CG

RLM



Oxnard Planning
May 5, 2021

PZ 21-200-05
Location: 527 N McKinley Ave
APN: 2010031320
ADU Type 2 DDR

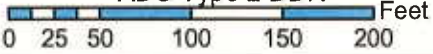
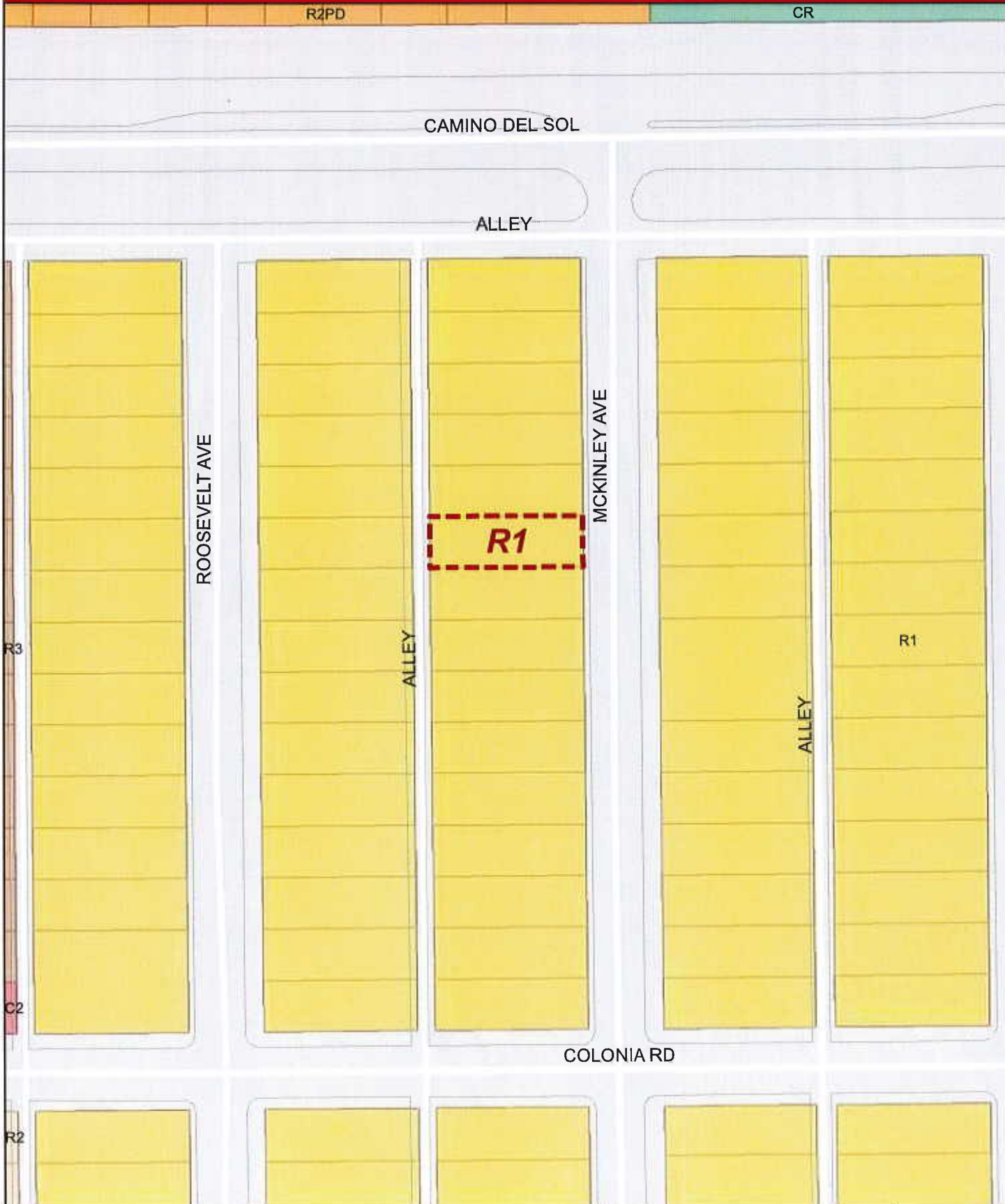


2030 General Plan Land Use Map



1:1,250

Zoning/Specific Plan Map



Aerial Map



ATTACHMENT B

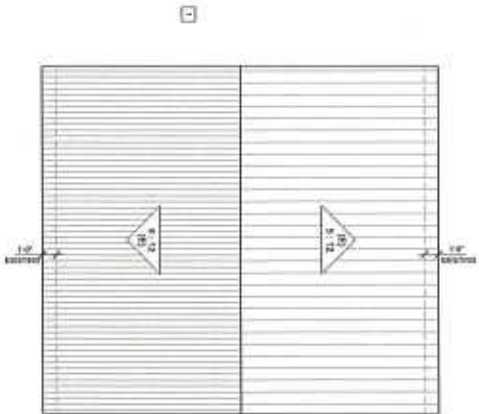
PROJECT PLANS

WALL LEGEND:



KEY NOTES:

1. ALL EXISTING CONSTRUCTION TO REMAIN UNCHANGED.



EXISTING A.D.U. ROOF PLAN
SCALE: 1/8" = 1'-0"



EXISTING A.D.U. TO REMAIN
(NOT A PART OF THIS PERMIT - FOR REFERENCE ONLY)



EXISTING A.D.U. FLOOR PLAN
SCALE: 3/8" = 1'-0"



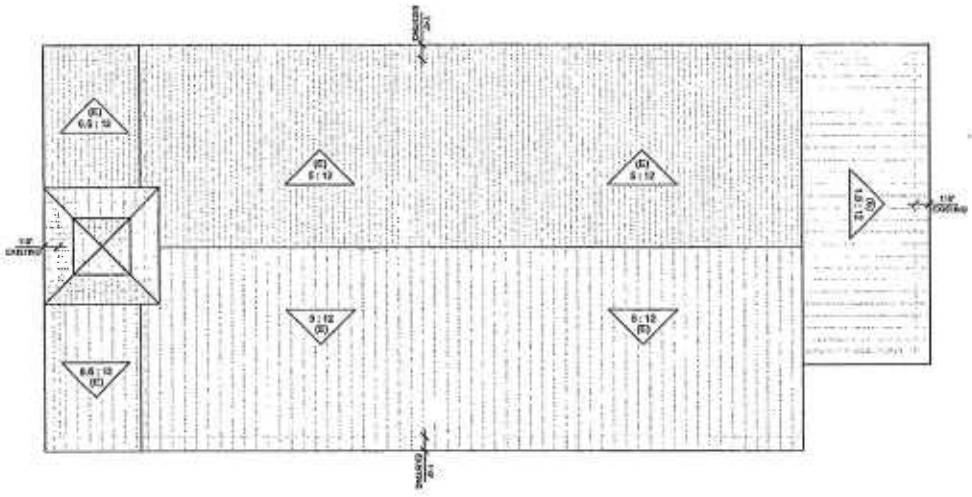
REVISION	DATE
1. (Change)	07-03-2013



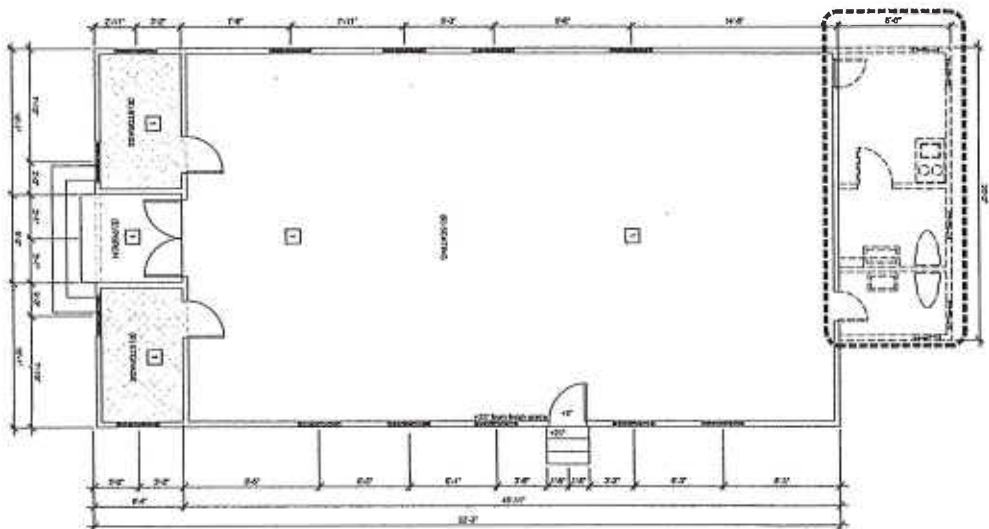
EXISTING A.D.U. PLAN REFERENCE ONLY
RESIDENTIAL REMODEL FOR:
KEYSER RESIDENCE
577 NORTH MCINLEY AVE., ORLAND, CA 93030

10/10/21

EXISTING CHURCH STRUCTURE ROOF
SCALE: 1/8" = 1'-0"



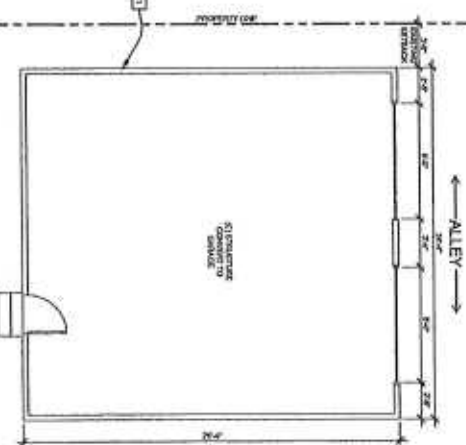
EXIST. / DEMO. FORMER CHURCH STRUCTURE
SCALE: 1/8" = 1'-0"



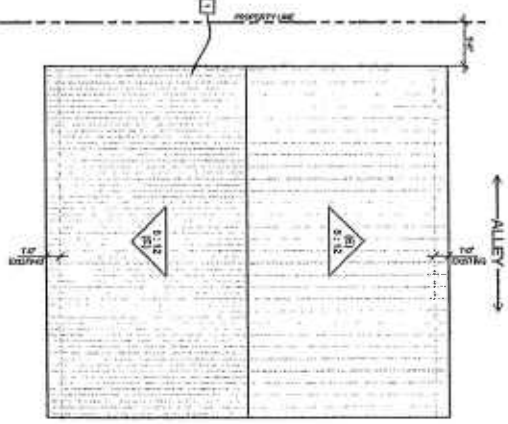
WALL LEGEND:
 --- EXISTING WALLS
 --- DEMO WALLS
 --- EXISTING WALLS TO REMAIN
 --- EXISTING WALLS TO REMAIN - 1/2" THICK
 --- EXISTING WALLS TO REMAIN - 1/2" THICK

KEY NOTES:
 1. EXISTING CONSTRUCTION TO REMAIN
 2. EXISTING WALLS - CONSTRUCTION / FINISHES TO BE DEMOLISHED
 3. EXISTING CONSTRUCTION

PROPOSED GARAGE FLOOR PLAN
SCALE: 1/8" = 1'-0"



EXISTING GARAGE ROOF PLAN
SCALE: 1/8" = 1'-0"



REVISIONS	DATE
1.1.2000	01/01/2001

ATTACHMENT C

NOTICE OF EXEMPTION

COMMUNITY DEVELOPMENT DEPARTMENT
OXNARD PLANNING DIVISION
214 SOUTH C STREET
OXNARD, CALIFORNIA 93030



NOTICE OF EXEMPTION

Project Description: **Project Name: Keyser Residence;** Planning and Zoning Permit Nos. 21-200-05 (Development Design Review) & 21-310-03 (Accessory Dwelling Unit), a request to permit and convert a former church structure into a three bedroom, 1,490 square-foot single family house and designate a detached 640 square-foot structure as a two bedroom, Accessory Dwelling Unit. The conversion proposes interior alterations to existing open floor areas and improvements to accommodate habitable areas that will consist of a new kitchen, living room, dining room, bathroom and three bedrooms. The 4,800 square foot developed lot is located at 527 North McKinley Avenue, within La Colonia Neighborhood in the Single Family Residential (R-1) zone. The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 (Existing Facilities) of the CEQA Guidelines. Filed by Ronald Keyser, on behalf of Provident Trust Group LLC, Property Owner, 316 El Tuaca Court, Camarillo, California 93010.

Finding: The Planning Division of the Community Development 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: Pursuant to Section 15303, Class 3 (New Construction or Conversion of Small Structures) of the State California Environmental Quality Act (CEQA) Guidelines, projects involving "conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure" such as apartments, duplexes and similar structures designed for not more than six dwelling units may be found to be exempt from the requirements of CEQA. The Project proposes to convert an existing non-residential structure that was formerly used as a church into a single family residence and convert an existing detached structure as the ADU. No Exceptions to the Exemptions (Section 15300.2) apply to defeat the Exemption. Based on the above exemption and in accordance with CEQA, the Community Development Director has determined that there is no substantial evidence that the proposed project may have a significant effect on the environment, the project is Categorical Exempt from the provisions of CEQA, there is no requirement to prepare an environmental document, and that a notice of exemption may be filed with the Ventura County Clerk.

Date

Scott Kolwitz,
Planning & Environmental Services Manager

ATTACHMENT D

DRAFT RESOLUTION

**PZ No. 21-200-05
(DEVELOPMENT DESIGN REVIEW PERMIT)**

&

**PZ No. 21-131-03
(ACCESSORY DWELLING UNIT - TYPE 2A)**

RESOLUTION NO. PZ Nos. 21-200-05 & 21-131-03
(DEVELOPMENT DESIGN REVIEW & ACCESSORY DWELLING UNIT)

A RESOLUTION OF THE COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 21-200-05 (DEVELOPMENT DESIGN REVIEW) AND 21-131-03 (ACCESSORY DWELLING UNIT) TO CONVERT A FORMER CHURCH STRUCTURE INTO A THREE BEDROOM, 1,490 SQUARE-FOOT SINGLE FAMILY HOUSE AND DESIGNATE A DETACHED 640 SQUARE-FOOT STRUCTURE AS A TWO BEDROOM, ACCESSORY DWELLING UNIT (ADU) ON A 4,800 SQUARE FOOT LOT LOCATED AT 527 NORTH MCKINLEY AVENUE (APN 201-0-031-320), WITHIN LA COLONIA NEIGHBORHOOD IN THE SINGLE FAMILY RESIDENTIAL (R-1) ZONE, SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY RONALD KEYSER, ON BEHALF OF PROVIDENT TRUST GROUP LLC, PROPERTY OWNER, 316 EL TUACA COURT, CAMARILLO, CALIFORNIA 93010

WHEREAS, on May 5, 2021, Ronald Keyser, on behalf of Provident Trust Group LLC, Property Owner (the “**Applicant**” and/or “**Developer**”) submitted a request to permit and convert a former church structure into a three bedroom, 1,490 square-foot single family house and designate a detached 640 square-foot structure as a two bedroom, Accessory Dwelling Unit (ADU) on a 4,800 square foot site located at 527 North Mckinley Avenue; and

WHEREAS, the Oxnard City Code (OCC) Section 16-525 and 16-466, designates the Community Development Director of the City of Oxnard (“**Director**”) as the approving authority for the Development Design Review Permit; and

WHEREAS, on January 31, 2022, the Director conducted a duly noticed public hearing to consider the Applicant’s request to approve Planning and Zoning Permit Nos. 21-200-05 (Development Design Review) & 21-131-03 (Accessory Dwelling Unit-Type 2A) to convert a former church structure into a three bedroom, 1,490 square-foot single family house and designate a detached 640 square-foot structure as a two bedroom, ADU on a 4,800 square foot site located at 527 North Mckinley Avenue (the “**Project**”) in accordance with the Section 16-525 of the Oxnard City Code; and

WHEREAS, the Project was not formally reviewed by the Development Advisory Committee (DAC); however, select members of the DAC (Planning, Fire, Building & Engineering) reviewed the project and prepared conditions of approval that are incorporated within the recommended permits; and

WHEREAS, on May 20, 2021, pursuant to City Council Resolution No. 10,135, the Project was referred for review by Staff with the Ventura County Cultural Heritage Review Board

which functions as the City of Oxnard Cultural Heritage Board/Staff; and comments were incorporate into the draft conditions of approval; and

WHEREAS, the Director finds that the Project conforms to the City of Oxnard 2030 General Plan elements thereof and the Oxnard City Code for the reasons set forth in the Planning Commission Staff Report; and

WHEREAS, the Planning Division has completed a preliminary environmental assessment of the Project in accordance with the California Environmental Quality Act (CEQA) and determined that the Project is subject to a Class 3 Categorical Exemption (Section 15303). Further, the project does not trigger any of the Exceptions to the Exemptions (Section 15300.2) to defeat the Exemption:

- (a) Location. Class 11 is qualified by consideration of where the project is to be located -- a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply to all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.**

The project site has a General Plan land use designation of Residential Low (RL) and is in the Single Family Residential (R-1) zone. The project is surrounded by urban development. The Project site is developed with two existing structures that will be converted to residential dwelling units consistent with the General Plan and the Oxnard City Code (OCC). The Project is surrounded by residential development to the north, south, east, and west. The project site and adjacent sites do not contain any known environmental resource of hazardous or critical concern. Therefore, the project will have no impact on an environmental resource of hazardous or critical concern.

- (b) Cumulative Impact. All exemptions of the classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.**

The proposed retention and re-purposing of the existing structures to a principle single family house and ADU with existing utility services is consistent with the 2030 General Plan, the OCC and is compatible with the physical scale and character of other residential development in the project area. Any projects requiring discretionary approval would be analyzed with the 2030 General and the Oxnard City Code for consistency and CEQA for any potential impacts. Therefore, the project will have no significant cumulative impact.

- (c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.**

The Project will not result in an unusual circumstance that would cause the Project to have a significant effect on the environment. The project will not alter the urban character of the surrounding development as determined by the 2030 General Plan and the property does not contain any unusual environmental characteristics as the property is generally surrounded by residential development. Therefore, the project will not have a significant effect on the environment due to unusual circumstances.

- (d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements, which are required as mitigation by an adopted negative declaration or certified EIR.**

The project is not located in or adjacent to a state designated scenic highway.

- (e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site, which is included on any list compiled pursuant to Section 65962.5 of the Government Code.**

The proposed project site is not included on any list compiled pursuant to Section 65962.5 of the Government Code as confirmed by staff on June 21, 2021.

- (f) Historical Resources. A categorical exemption shall not be used for a project, which may cause a substantial adverse change in the significance of a historical resource.**

The property is not located within a designated historic district or landmark designation. The neighborhood is primarily made up of post-war residences built in the 1940's through the 1960's. According to the County Assessor's online information, the structure was built in 1947. Although the property has not been identified as a contributing resource or as a potential landmark resource, the project was referred to staff with the Ventura County Cultural Heritage office for input. Pursuant to a City/Ventura County agreement (CC Reso 10,135) that has been in place since April of 1991, due to their technical expertise, the Ventura County Cultural Heritage Board (VC-CHB) functions as the City of Oxnard Cultural Heritage Board/Staff.

Input provided by Cultural Heritage staff was generally favorable since minimal exterior changes are proposed. The back addition was identified as a later addition that was determined unlikely to be historic. The removal of any features or additions that are non-historic of the building or removal of non-contributing buildings in historic districts that have not gained significance in their own right to restore the property to its historic appearance. This scope of work qualifies for staff level approval only where non-historic features are removed, and those disturbed areas will be patched and repaired in conformance with the Secretary of the Interior's Standards (SOIS) Guidelines.

Cultural Heritage staff suggested that the demolition and repair of the back side of the building incorporate the following conditions to be consistent with the SOIS Guidelines, and these have been incorporated as conditions of approval::

- 1) Reinstall wood siding where removed during demolition, where possible;
- 2) Repair and reinstall salvaged siding, where possible;
- 3) Where the removed siding was damaged, new siding to match the siding details is acceptable in modest quantities; and
- 4) Use replacement siding to match the finish, coating, or historic color of wood features.

Therefore, the proposed project will not cause a substantial adverse change in the significance of a historical resource.

WHEREAS, the Director 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.

WHEREAS, the proposed project is consistent with the prior recitals and following Findings.

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NOW, THEREFORE, BE IT RESOLVED BY THE COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF OXNARD:

SECTION 1. Based on the entire record before the Community Development Director and all written and oral evidence presented, including the Community Development Director Staff Report and all attachments thereto, the Community Development Director finds:

(1) The proposed use in conformance with the City of Oxnard 2030 General Plan and the elements thereof and other adopted standards.

As described in the staff report, the project consists of the conversion of a former church structure to a single-family residential dwelling unit and designates a detached 640 square-foot structure as a two bedroom ADU within the "Single Family Residential (R-1)" zone which is consistent with the 2030 General Plan land use designation of Residential Low (RL).

The City's 2030 General Plan land use designation for the subject site is Residential Low (1-7 dwelling units/acre) which allows single-family detached housing with front, side and rear yard setback requirements and ADUs. The project site is not subject to a Specific Plan. The proposed conversion to uses permitted by the General Plan and Zoning are found consistent with the General Plan and other adopted policies of the City of Oxnard and meets this Finding.

(2) The nature, condition, and development of adjacent uses, buildings, and structures shall be considered, and no proposed permit shall be granted if the approval body finds such use will adversely affect or be materially detrimental to such adjacent uses, buildings or structures or to the public health, safety or general welfare.

As described in the staff report, and Finding (1) above, the proposed land use is consistent with uses considered and permitted by the Single Family Residential Zone (R-1) zone that is the consistent zone designation for the General Plan Residential Low designation. The surrounding uses are characterized by single-family residential uses typical of this community with existing buildings that will be consistent and compatible with the surrounding area and the existing conditions of the site and neighborhood. Construction activities, anticipated uses, and development design associated with the proposed conversion from church to residential dwelling unit and the addition of the ADU will be subject to the City's standard construction requirements of the Building, Fire, and Traffic Codes. Therefore, as conditioned, the proposed use and improvements are not expected to have adverse effects or be materially detrimental to adjacent uses, buildings or

structures or to the public health, safety or general welfare. As such, this project meets this Finding.

- (3) **The site that is subject to the permit shall be adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and items which may be required by Section 16-532 (Conditions).**

As described in the staff report, and Finding (1) above, the, proposed Project as conditioned, will meet the development standards of the Single Family Zone (R-1) zone and ADU regulations. Vehicular access to the dwelling units will occur via the alley behind the residence. The existing structure in the rear of the property is designed as a garage to meet the single-family parking requirements triggered when the church is converted into a single-family residence. However, the applicant proposes to convert the designed garage into an ADU at the same time the church is converted into a single-family residence as allowed by OCC Section 16-466(F). The project site will retain an existing concrete driveway, accessed from the alley, that provides parking for two tandem parking spaces. Additionally, the project has been reviewed and conditioned by members of the Development Advisory Committee and was determined that it would have no significant impact on the public health, safety, or welfare and the project plans have been reviewed by all applicable departments and outside agencies, which include the Oxnard Police and Fire Departments. As such, the subject site is adequate in terms of size and as developed the development meets or exceeds City's design standards; therefore, the proposed project meets this Finding.

- (4) **The site that is subject to the permit shall be served by highways adequate in width and improved as necessary to carry the kind and quantity of traffic such use will generate.**

As described in the staff report, the 4,800 square foot lot is located along North McKinley Avenue, between Camino Del Sol and Colonia Road within La Colonia Neighborhood. The rectangular shaped lot is consistent with neighboring properties that were subdivided in 1943. The site is served by existing roadways, alleyways and related infrastructure improvements serving La Colonia Subdivision No. 6, which created typical 40-foot wide lots by 120-feet in depth with alley access. The project will contribute to existing traffic volumes within the neighborhood; however, the project has been reviewed for circulation and turning conflicts and determined the site has sufficient circulation, does not introduce turning conflicts, and the site has access to streets and highways that are adequate in size and existing intersections adjacent to the project site will operate at acceptable levels of service, as stipulated in the 2030 General Plan.. Therefore, this project meets this Finding.

(5) The site that is subject to the permit shall be provided with adequate sewerage, water, fire protection and storm drainage facilities.

As described in the Staff Report, the Project is converting existing buildings that are already connected and benefitting from City water, sewer, related utilities, and City services. The Fire Marshal has found the project site has adequate fire protection. In accordance with the Stormwater Quality Conditions of this Resolution, the Project's design will comply with stormwater control measures as required by the Los Angeles Regional Water Quality Control Board's municipal separate storm sewer system ("MS4") permit. Therefore, the site for the proposed use will be provided with adequate sewerage, water, fire protection and storm drainage facilities. As such, this project meets this finding.

SECTION 2. The Director, in accordance with Section 15303, Class 3 (New Construction or Conversion of Small Structures) of the State California Environmental Quality Act (CEQA) Guidelines, projects involving "conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure" such as apartments, duplexes and similar structures designed for not more than six dwelling units may be found to be exempt from the requirements of CEQA. The Project proposes to convert an existing non-residential structure that was formerly used as a church into a single family residence and convert an existing detached structure as the ADU. No Exceptions to the Exemptions (Section 15300.2) apply to defeat the Exemption. Therefore, the Director has determined that there is no substantial evidence that the Project will have a significant effect on the environment and recommends that the Planning Commission direct the Planning & Environmental Services Manager to file a Notice of Exemption with the Ventura County Clerk pursuant to Section 15062 of the State CEQA Guidelines within five (5) working days of passage, approval and adoption of the Project..

SECTION 3. Based on the findings set forth herein, the Community Development Director hereby approves Planning and Zoning Permit Nos. 21-200-05 (Development Design Review) & 21-131-03 (Accessory Dwelling Unit-Type 2A), subject to the attached conditions of approval.

SECTION 4. The decision of the Community Development Director shall be final unless an appeal of the action is filed in accordance with the provisions of Section 16-525(B) of the Oxnard City Code.

CONDITIONS OF APPROVAL

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	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 January 31, 2021, ("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 Community Development Director. 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. This permit shall automatically become null and void 36 months from the date of its issuance, unless Developer has diligently developed the proposed project, as shown by the issuance of a grading, foundation, or building permit and the construction of substantial improvements. An additional one year time extension can be granted upon receipt of an application, provided that the time extension request is reviewed and approved by the Planning Manager prior to the expiration of this permit. (PL)
4. 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*)

5. Developer agrees, as a condition of adoption of this resolution, at Developer'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. (CA, G-6)
6. 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)
7. Developer 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, Developer shall submit the original completed, signed and notarized document, together with the required fees to the Planning Manager. (PL, G-8)
8. 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)
9. Developer shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, G-11)
10. Developer shall not permit any combustible refuse or other flammable materials to be burned on the project property. (FD, G-12)
11. Developer 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)
12. 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)
13. Prior to issuance of building permits, Developer shall correct all violations of the City Code existing on the project property for which the Code Compliance Division has open cases. (PL, G-15).

PLANNING DIVISION STANDARD CONDITIONS

14. Plans submitted by Developer with building permit applications shall show on the building elevation sheets all exterior building materials and colors, including product and finish manufacturer name, color name and number, and surface finish type (such as: stucco with sand finish, plaster with smooth finish) to be used in construction. (PL/B, PL-1)
15. Any application for a Minor Modification to the project shall be accompanied by four copies of plans reflecting the requested modification, together with applicable processing fees. (PL, PL-2)
16. Before the City issues building permits, Developer shall include a reproduction of all conditions of this permit as adopted by resolution of the Planning Commission and/or the City Council in all sets of construction documents and specifications for the project. (PL, PL-3)
17. Developer agrees to participate in a water conservation program that includes refitting water fixtures existing on the project property with water conserving devices within residences or businesses in the City's water service area, if such a program is in effect when building permits are issued for this project. Among the requirements of such a program might be refitting existing toilets, faucets, shower heads, landscaping irrigation or other fixtures and items that consume water within the structure. (PL, PL-14)
18. Due to water limitations placed upon the City by its water providers, approval of this permit does not guarantee that the City will issue building permits. Issuance of building permits may be delayed as a result of implementation of a water conservation or allocation plan. (PL, PL-15)
19. 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).
20. If a garage exists on the property, Developer shall provide automatic garage door openers for all garages. (PL/B, PL-20)
21. If a garage exists on the property, garages closer than 23 feet to the front property line shall have sectional roll-up garage doors. (PL/B, PL-21)
22. Prior to issuance of a certificate of occupancy, Developer shall remove all construction materials and vehicles from the subject property. (PL/B, PL-47)
23. For any exterior utility meter panels, Developer shall paint such panels to match the structure upon which it is located. Such panels shall be located to take advantage of

screening (e.g. landscaping or other building elements) from public right-of-ways, to the maximum extent feasible. (PL, PL-43)

PLANNING DIVISION SPECIAL CONDITIONS

24. Developer shall remove any and all graffiti from the project premises within 24 hours of its appearance. The surface of such affected areas shall be matched to blend in with the underlying colors and/or design, and shall not look like a paint patch.
25. Fencing along the front yard shall meet the height restrictions set forth in Section 16-308 of the Oxnard City Code. Specifically, the fence along the front yard shall not exceed 42 inches in height and is to be 50 percent or more open.
26. The project shall follow the Secretary of the Interior's Standards regarding the demolition and repair of the back side of the building as follows:
 - 1) Reinstall wood siding where removed during demolition;
 - 2) Repair and reinstall salvaged siding, where possible;
 - 3) Where the removed siding was damaged, new siding to match the siding details is acceptable in modest quantities; and
 - 4) Use replacement siding to match the finish, coating, or historic color of wood features.

LANDSCAPE STANDARD CONDITIONS

27. The applicant shall include at least one 24" box size (minimum) tree within the front yard.
28. All landscaping and irrigation shall comply with Ordinance No. 2822, which adopted the City of Oxnard Landscape Water Conservation Standards. (PL/PK)
29. Consistent with the City Council Resolution 14,741 which declared a continuance of the Stage 2 water shortage condition within the City of Oxnard, the project is required to implement and maintain the following mandatory water conservation requirements for as long as City Council Resolution 14,741 is in effect:
 - a. The use of potable water in a fountain or other decorative water feature is prohibited, except where the water is part of a recirculating system.
 - b. Watering of lawns, ornamental turf, trees, shrubs, vegetation, landscape and other outside irrigation is prohibited except between 4:00 p.m. and 9:00 a.m. or 6:00 p.m. and 9:00 a.m. during daylight savings. Additionally, watering is limited to no more than twice a week and only on the designated days per odd and even addresses. Exceptions to allow for irrigation outside of the designated periods include (1) watering of newly installed, drought-tolerant landscapes for up to 1 year after planting, and (2) hand watering of potted plants or stressed vegetation with use of a container (e.g., bucket or watering can) or a hose fitted with a shut-off valve.

- c. Irrigation of newly constructed home and building exteriors with potable water is prohibited unless drip or microspray systems are used.
- d. Irrigation of ornamental turf on public medians with potable water is prohibited.
- e. Irrigation of park and school ground areas with potable water will only be permitted during the twice weekly designated irrigation periods noted above in this condition and only if necessary. Sport activity fields may irrigate more frequently, but only as necessary to maintain playing surface quality.
- f. Application of potable water to landscapes during and within 48 hours after measurable rainfall is prohibited.

FIRE DEPARTMENT STANDARD CONDITIONS

- 30. All roof covering materials on the project property shall be of non-combustible or fire retardant materials approved by the Fire Chief and in compliance with the City Code. (FD, F-2)
- 31. 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)
- 32. The project shall meet the minimum requirements of the "Fire Protection Planning Guide" published by the Fire Department. (FD, F-6)
- 33. Developer shall provide automatic fire sprinklers as required by the City Code and shall contact the Fire Chief to ascertain the location of all connections. (FD, F-12)
- 34. Developer shall install a carbon monoxide detector on each level of the residence in accordance with the manufacturer's specifications. The detector shall be hardwired with a battery backup. (FD, F-17)

DEVELOPMENT SERVICES DIVISION STANDARD CONDITIONS

- 35. Developer shall pay plan check and processing fees in effect at the time of construction plan submittal and shall pay development fees, encroachment permit fees, and other applicable fees in effect at permit issuance. (DS-1)

PASSED, APPROVED, AND ADOPTED by the Community Development Director of the City of Oxnard on this 31st day of January, 2022.

Vyto Adomaitis,
Community Development Director