Meeting Date: 10/24 /06

ACTION	TYPE OF ITEM
☐ Approved Recommendation	☐ Info/Consent
☐ Ord. No(s). _____	☐ Report
☐ Res. No(s). _____	X Public Hearing (Info/consent)
☐ Other _____	☐ Other _____

Prepared By: Winston Wright, Associate Planner Agenda Item No. K-1

Reviewed By: City Manager Jim Rupp, Esq. City Attorney Finance Other *(Specify)*

DATE: October 24, 2006

TO: City Council

FROM: Susan L. Martin, AICP
Planning and Environmental Services Manager

SUBJECT: **Planning and Zoning Permit Nos. 06-500-3 (Special Use Permit) & 06-300-7 (Tentative Subdivision Map for Tract No. 5691 for Condominium Purposes). Filed by Shawn Anderson, 2835 Surfrider Avenue, Ventura, CA 93001.**

RECOMMENDATION

That City Council:

1. Adopt a resolution upholding the Planning Commission's approval of Planning and Zoning Permit No. 06-500-3 (special use permit), subject to the conditions set forth in Planning Commission Resolution No. 2006-50 for the partition of eight condominium workspaces on property located at 2231-2247 Statham Boulevard.

2. Adopt a resolution approving Tentative Subdivision Map for Tract No. 5691 for condominium purposes (Planning and Zoning Permit No. 06-300-7), subject to the conditions set forth in Planning Commission Resolution No. 2006-51.

DISCUSSION

On October 5, 2006, the Planning Commission approved a special use permit and recommended to City Council the approval of a tentative subdivision map to allow the partition of eight (8) condominium workspaces out of an existing 36,556 square foot industrial building. The subject property is located at 2231-2247 Statham Blvd (APN 220-0-010-135). The City's *2020 General Plan* designates the subject site for Industrial Limited uses and the zoning is M1 (Light Industrial). The proposed community ownership of the site will not affect the existing or future industrial uses on the subject property. Therefore, the project is consistent with the 2020 General Plan policies and conforms to its land use designation.

FINANCIAL IMPACT

The sale of the workspace condominiums will result in a negligible increase in property tax revenue.

Attachment #1- Resolution (Special Use Permit)
#2- Resolution (Tentative Subdivision Map)
#3- Vicinity Map
#4- General Plan Map
#5- Zoning Map
#6- PC Resolution No. 2006-50 approving PZ 06-500-3
#7- PC Resolution No. 2006-51 approving PZ 06-300-7
#8- PC Staff Report

Note: The Planning Commission Staff Report has been provided to the City Council. Copies are available for review at the Circulation Desk in the Library after 6:00 p.m. on the Thursday prior to the Council meeting and at the City Clerk's Office after 8:00 a.m. on Monday.

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD UPHOLDING PLANNING COMMISSION APPROVAL OF PLANNING AND ZONING PERMIT NO. 06-500-3 (SPECIAL USE PERMIT) TO ALLOW THE REDEVELOPMENT OF AN EXISTING 36,556 SQUARE FOOT INDUSTRIAL BUILDING INTO EIGHT WORKSPACE CONDOMINIUMS, FOR PROPERTY LOCATED AT 2231-2247 STATHAM BOULEVARD. FILED BY SHAWN ANDERSON, 2835 SURFRIDER AVENUE, VENTURA, CA 93001.

WHEREAS, on October 5, 2006, the Planning Commission adopted Resolution No. 2006-50, approving Planning and Zoning Permit No. 06-500-3 to allow the redevelopment of an existing 36,556 square foot industrial building into eight workspace condominiums located at 2231-2247 Statham Boulevard, filed by Shawn Anderson, in accordance with sections 16-530 through 16-561 of the Oxnard City Code; and

WHEREAS, the City Council has considered the appeal of the Planning Commission's decision filed by the Planning and Environmental Services Division, and carefully reviewed the decision of the Planning Commission; and

WHEREAS, the City Council has conducted a hearing and received evidence in favor of and opposed to the application for a Planning and Zoning Permit No. PZ 06-500-3 (Special Use Permit); and

WHEREAS, in accordance with the California Environmental Quality Act ("CEQA"), the Planning and Environmental Services Division has determined that the proposed project is exempt from environmental review. In accordance with Sections 15301(a), 15301(k), and 15304(b) of Title 14 of the California Code of Regulations, projects involving the minor alteration of existing structures involving negligible or no expansion of use may be found to be exempt from the requirements of CEQA. The proposed project involves façade and landscape improvements and the division of an existing industrial building into common-interest ownership. Based on the above exemptions and in accordance with CEQA, the Planning and Environmental Services 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.

NOW, THEREFORE, the City Council of the City of Oxnard resolves that the Planning Commission's approval of Planning and Zoning Permit No. PZ 06-500-3 (Special Use Permit) is upheld, subject to the conditions set forth in Planning Commission Resolution No. 2006-50.

PASSED AND ADOPTED this 24th of October 2006, by the following vote:

AYES:

NOES:

ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

James T. Rupp, Jr. for
Gary L. Gillig, City Attorney

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD UPHOLDING PLANNING COMMISSION APPROVAL OF PLANNING AND ZONING PERMIT NO. 06-300-7 TO PERMIT THE TENTATIVE SUBDIVISION MAP FOR TRACT NO. 5691 TO SUBDIVIDE AN EXISTING INDUSTRIAL BUILDING INTO EIGHT CONDOMINIUM WORKSPACES, FOR PROPERTY LOCATED AT 2231-2247 STATHAM BOULEVARD (APN 220-0-010-135). FILED BY SHAWN ANDERSON, 2835 SURFRIDER AVENUE, VENTURA, CA 93001.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 06-300-7, a tentative subdivision map for eight industrial condominium workspaces, filed by Shawn Anderson, and recommend approval thereof in Planning Commission Resolution No. 2006-51; and

WHEREAS, the City Council has reviewed the application in accordance with Chapter 15 of the Oxnard City Code and the California Subdivision Map Act; and

WHEREAS, the City Council finds that the Tentative Subdivision Map complies with all the requirements of the Oxnard City Code and the California Subdivision Map Act; and

WHEREAS, the City Council finds that the Tentative Subdivision Map and the design of the improvements of the proposed project are consistent with the General Plan; and

WHEREAS, the City Council finds that the proposed site is suitable for the type and density of development requested and the development will not cause substantial environmental damage, serious public health problems or conflict with any public utility or service easements; and

WHEREAS, in accordance with the California Environmental Quality Act ("CEQA"), the Planning and Environmental Services Manager has determined that the proposed project is exempt from environmental review. In accordance with Sections 15301(a), 15301(k), and 15304(b) of Title 14 of the California Code of Regulations, projects involving the minor alteration of existing structures involving negligible or no expansion of use may be found to be exempt from the requirements of CEQA. The proposed project involves façade and landscape improvements and the division of an existing industrial building into common-interest ownership. Based on the above exemptions and in accordance with CEQA, the Planning and Environmental Services 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.

NOW, THEREFORE, the City Council of the City of Oxnard does hereby resolve to approve Planning & Zoning Permit No. 06-300-7 (Tentative Subdivision Map No. 5691) subject to the conditions set forth in Planning Commission Resolution No. 2006-51, on file in the Planning and Environmental Services Division, and incorporated herein by reference.

PASSED AND ADOPTED this 24th day of October 2006, by the following vote:

AYES:

NOES:

ABSENT:

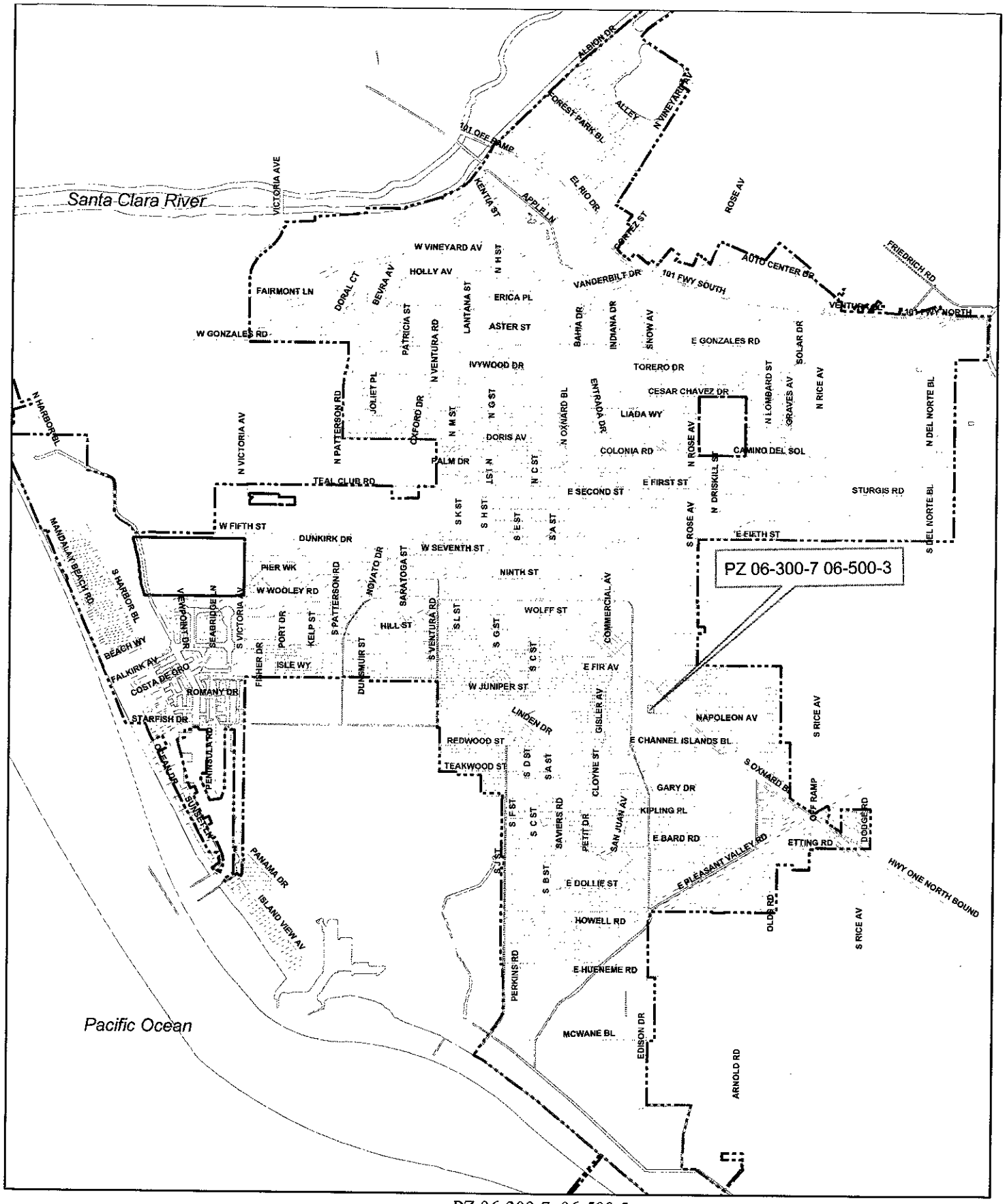
Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

James T. Rupp Jr. for
Gary L. Gillig, City Attorney



PZ 06-300-7, 06-500-3
Location: 2231-2247 Statham Bl.
APN: 220001013
Shawn Anderson

Vicinity Map

0 0.5 1 3 4 Miles

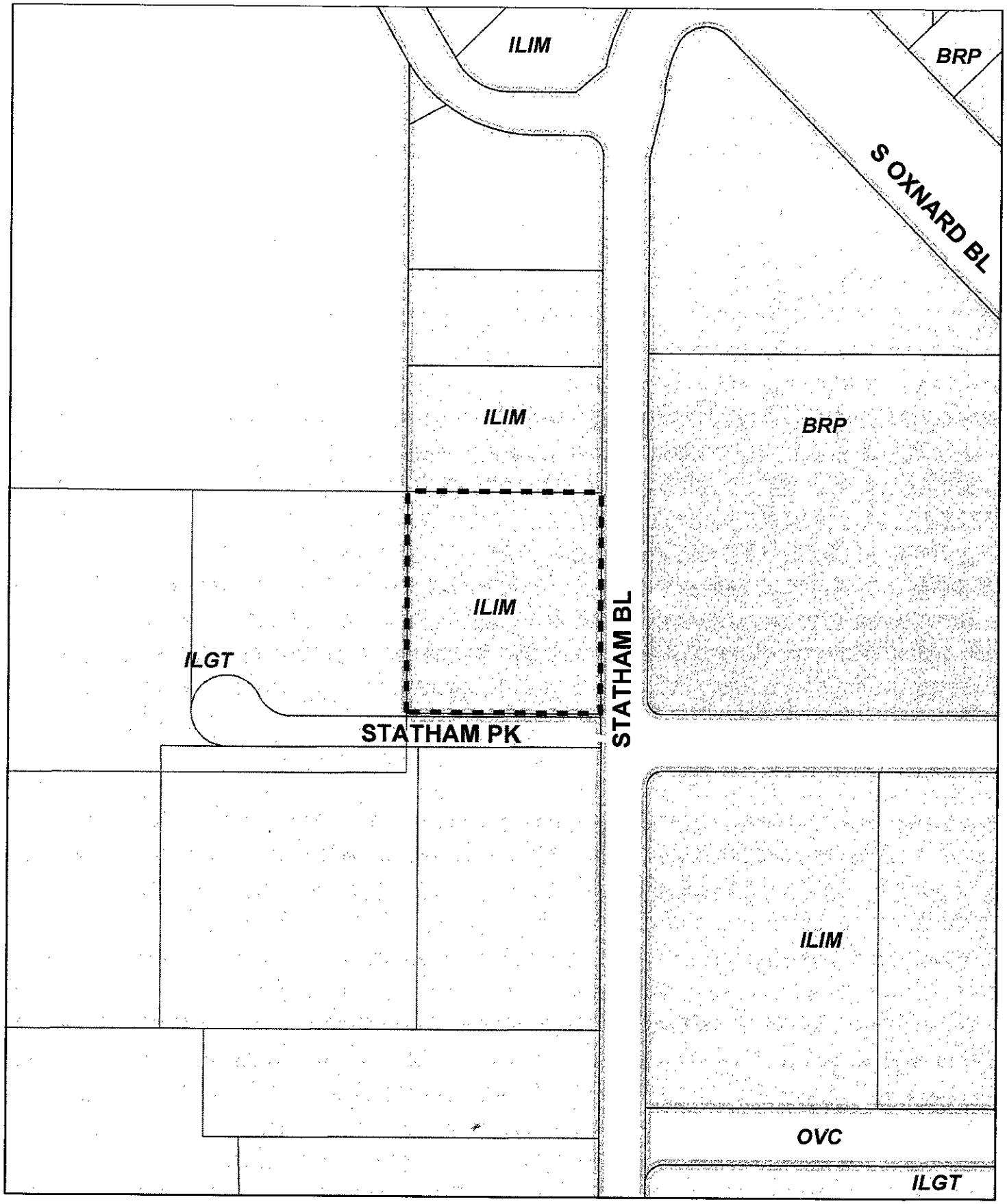
N W E S

Planning & Environmental Services

June 7, 2006

000051

Attachment #3



PZ 06-300-7, 06-500-3
Location: 2231-2247 Statham Bl.
APN: 220001013
Shawn Anderson

2020 General Plan Map

Planning & Environmental Services

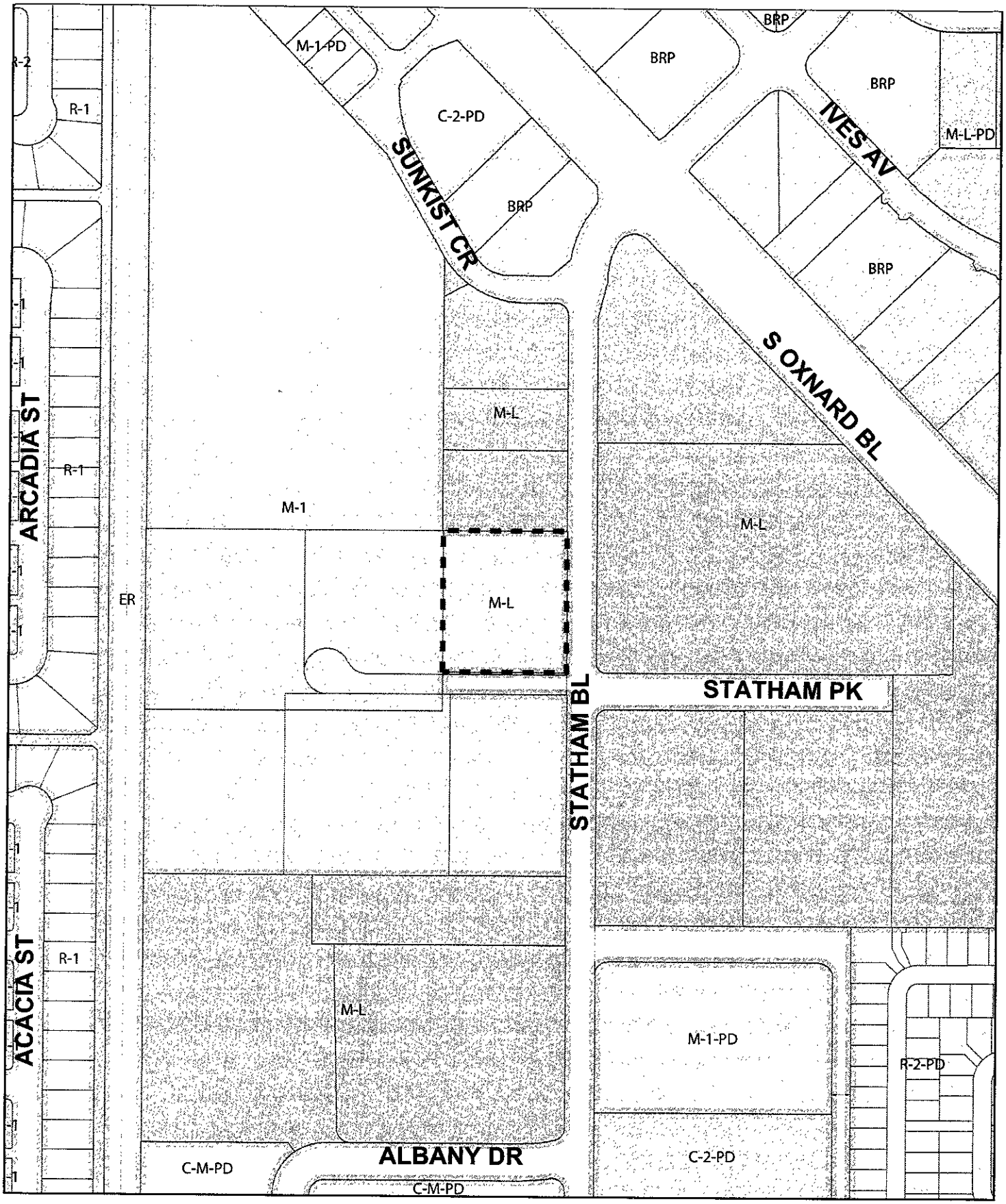
0 75 150 300 450 600 Feet

N W E S

June 7, 2006

000052

Attachment #4



PZ 06-300-7, 06-500-3
Location: 2231-2247 Statham Bl.
APN: 220001013
Shawn Anderson

Zone Map

0 112.5 225 450 675 900 Feet

N W E S

June 7, 2006

Planning & Environmental Services

000053

Attachment #5

RESOLUTION NO. 2006-50

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING SPECIAL USE PERMIT NO. PZ 06-500-3, FOR PROPERTY LOCATED AT 2231-2247 STATHAM BOULEVARD (APN 220-0-010-135). FILED BY SHAWN ANDERSON, 2835 SURFRIDER AVENUE, VENTURA, CA 93001.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for a special use permit to allow the redevelopment of an existing 36,556 square foot industrial building into eight (8) workspace condominiums located at 2231-2247 Statham Boulevard, filed by Shawn Anderson, in accordance with sections 16-530 through 16-561 of the Oxnard City Code; and

WHEREAS, Sections 15301 and 15304 of Title 14 of the California Code of Regulations exempts the project from the requirement for the preparation of environmental documents imposed by the California Environmental Quality Act; and

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

1. The proposed use is in conformance with the General Plan and other adopted policies of the City of Oxnard.

2. The proposed use will not adversely affect or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare.

3. The site for the proposed use is adequate in size and shape to accommodate the setbacks, parking, landscaping, and other City standards except as may be specifically excepted by the special findings and conditions of this resolution.

4. The site for the proposed use will be served by streets and highways adequate in width and structure to carry the kind and quantity of traffic such use will generate.

5. The site for the proposed use will be provided with adequate sewerage, water fire protection and storm drainage facilities.

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

WHEREAS, in approving five (5) compact parking stalls in place of three (3) standard sized parking stalls, the Planning Commission finds that the site plan on file with the Planning and Environmental Services Division.

1. Preserves the intent of the Parking Ordinance.
2. Provides sufficient parking to serve the intended use; and
3. The modification will not be detrimental to the public health, safety or welfare.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby approves this permit, and grants administrative relief from parking provisions of the City Code by allowing the use of compact parking spaces, subject to the following conditions. The decision of the Planning Commission is final unless appealed in accordance with the provisions of Section 16-545 of the Oxnard City Code.

STANDARD PROJECT CONDITIONS

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
DS	Dev Services/Eng Dev/Inspectors	TR	Traffic
PD	Police	B	Building Plan Checker
SC	Source Control	FD	Fire
PK	Parks	CE	Code Enforcement

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 stamped received August 4, 2006, ("the plans") on file with the Planning Division. The project shall conform to the plans, except as otherwise specified in these conditions, or unless a minor modification to the plans is approved by the Planning and Environmental Services Manager or a major modification to the plans is approved by the Planning Commission. A minor modification may be granted for minimal changes or increases in the extent of use or size of structures or of the design, materials or colors of structures or masonry walls. A major modification shall be required for substantial changes or increases in such items. (PL, *G-2*)

3. This permit shall automatically become null and void 24 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, or the beginning of the proposed use. (PL, *G-3*)

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. Developer's commencement of construction or operations pursuant to the resolution shall be deemed to be an acceptance of all conditions thereof. (CA, *G-6*)

6. 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*)

7. Developer shall record with the Ventura County Recorder a "Notice of Land Use Restrictions and Conditions" in a form acceptable to the City Attorney. Before the City issues building permits or allows Developer to occupy the project, Developer shall submit a copy of the recorded document to the Planning and Environmental Services Manager. (PL, *G-8*)

8. Other than approved by this permit, 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. Before placing or constructing any signs on the project property, Developer shall obtain a sign permit from the City. Except as provided in the sign permit, Developer may not change any signs on the project property. (PL/B, *G-10*)

10. Developer shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, *G-11*)

11. Developer shall not permit any combustible refuse or other flammable materials to be burned on the project property. (FD, *G-12*)

12. 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*)

13. 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*)

14. Prior to issuance of building permits, Developer shall correct all violations of the City Code existing on the project property. (PL, *G-15*).

PARKS STANDARD CONDITIONS

15. Before the City issues building permits or the proposed use is initiated, Developer shall submit two copies of landscape and irrigation plans, along with the appropriate permit application and fees, to the Development Services Division and obtain approval of such plans. (PK/DS, *PK-2*)

16. Before the City issues a certificate of occupancy, Developer shall install landscape and automatic irrigation systems that have been approved by Parks and Facilities Superintendent. (PK, *PK-3*)

17. Developer shall maintain landscape planting and all irrigation systems as required by the City Code and as specified by this permit. Failure of Developer to do so will result in the revocation of this permit and initiation of legal proceedings against Developer. (PK, *PK-4*)

18. Before the City issues a certificate of occupancy, Developer shall provide a watering schedule to the building owner or manager and to the Parks and Facilities Superintendent. The irrigation system shall include automatic rain shut-off devices, or instructions on how to override the irrigation system during rainy periods. (PK, *PK-5*)

19. All trees planted or placed on the project property by Developer shall be at least 24-inch-box size. All shrubs and vines shall be at least five-gallon size, except as otherwise specified by this permit. (PK, *PK-6*)

20. Developer shall install an irrigation system that includes a water sensor shut off device as a water conservation measure. (PK, *PK-22*)

PARKS SPECIAL CONDITIONS

21. Developer shall screen the existing transformer on-site with shrubs prior to final inspection. (PK)

22. Developer shall plant *Ficus repens* vines along the trash enclosure walls prior to final inspection. (PK)

23. Developer shall plant 12-foot tall brown trunk Queen palms wherever Queen palms are noted on the plans. The palms shall be planted prior to final inspection. (PK)

24. Developer shall plant a new 36-inch box *Podocarpus gracilior* tree at the north driveway entrance where an existing tree is noted on the plans though not present on-site. (PK)

PLANNING STANDARD CONDITIONS

25. The final building plans submitted by Developer with the building permit application shall depict all building materials and colors to be used in construction. (PL/B, *PL-1*)

26. 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*)

27. 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*)

28. Before the City issues building permits, Developer shall provide to the Planning and Environmental Services Manager color photographic reductions (8 1\2" by 11") of full-size colored elevations and any other colored exhibit approved by the Planning Commission. Developer may retain the full-size colored elevations after the reductions are so provided. (PL, *PL-4*)

29. Project on-site lighting shall be of a type and in a location that does not constitute a hazard to vehicular traffic, either on private property or on adjoining streets. To prevent damage from vehicles, standards in parking areas shall be mounted on reinforced concrete pedestals or otherwise protected. Developer shall recess or conceal under-canopy lighting elements so as not to be directly visible from a public street. Developer shall submit a lighting plan showing standard heights and light materials for design review and approval of the Planning and Environmental Services Manager. (PL/B, *PL-8*)

30. In order to minimize light and glare on the project property, all parking lot and exterior structure light fixtures shall be high cut-off type that divert lighting downward onto the property and shall not cast light on any adjacent property or roadway. (PL, *PL-9*)

31. During construction, Developer shall water the area to be graded or excavated prior to commencement of grading or excavation operations. Such application of water shall penetrate sufficiently to minimize fugitive dust during grading activities. (B/DS, *PL-11*)

32. During construction, Developer shall control dust by the following activities:
    - All trucks hauling graded or excavated material offsite shall be required to cover their loads as required by California Vehicle Code §23114, with special attention to Sections 23114(b)(F), (e)(2) and (e)(4) as amended, regarding the prevention of such material spilling onto public streets and roads.
    - All graded and excavated material, exposed soils areas, and active portions of the construction site, including unpaved onsite roadways, shall be treated to prevent fugitive dust. Treatment shall include, but not necessarily be limited to, periodic watering, application of environmentally-safe soil stabilization materials, and/or roll-compaction as appropriate. Watering shall be done as often as necessary and reclaimed water shall be used whenever possible. (B/DS, *PL-12*)

33. Developer shall provide for dust control at all times during project property preparation and construction activities. (B/DS, *PL-13*)

34. 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*)

35. Because of 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*)

36. 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*).

37. Developer shall recess or screen any new roof heating and cooling systems and other exterior mechanical equipment from adjoining property and public streets, as required by this permit. Plumbing vents, ducts and other appurtenances protruding from the roof of structures shall be placed so that they will not be visible from the front of the property or other major public vantage points. Developer shall include a note on the construction plumbing drawings of exterior elevations to indicate to contractors that roof features shall be grouped and located in the described manner. Roof vents shall be shown on construction drawings and painted to match roof material color. (PL/B, *PL-41*)

38. 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*)

39. Prior to issuance of a Certificate of Occupancy, Developer shall remove all construction materials and vehicles from the subject property. (PL/B, *PL-47*)

40. Developer shall stripe loading zones placed partly or wholly within a structure for loading and unloading activities only and post to prohibit storage or other non-loading activity within the loading zone. (PL/B, *PL-49*)

PLANNING SPECIAL CONDITIONS

41. Developer shall remove any and all graffiti from the project premises, including but not limited to graffiti within the building, such as in restrooms or fitting rooms, 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. (PL)

42. Before the City issues building permits, Developer shall provide a Graffiti Deterrent Plan, subject to the approval the Planning and Environmental Services Manager. Such plan shall include such elements as clear film on windows and/or mirrors, as well as washable paint and sealers on the building and perimeter walls. (PL)

43. This permit is granted subject to the City's approval of a tentative map and final map and recordation of the final map. The City shall issue building permits only after such recordation, unless otherwise approved by both the Planning and Environmental Services Manager and the Development Services Manager. Before occupying any structures or initiating any use approved by this permit, Developer shall comply with all conditions of the tentative and final map. (PL/DS)

44. No outside storage is approved as part of this permit. A major modification to the special use permit (PZ 06-500-3) would be required to allow outside storage on this property. (PL)

45. Developer shall increase the width of the northern drive aisle to 25 feet wide on the plans prior to building permit issuance. All required off-site and on-site improvements for the project, including structures, paving, and landscaping, shall be completed prior to occupancy unless the Development Services Manager allows Developer to provide security or an executed agreement approved by the City Attorney to ensure completion of such improvements. (PL/DS)

46. Developer shall provide a parking analysis for any future tenant improvements. No more than 20% of any tenant space shall be utilized for office use. Prior to the issuance of any building permits for tenant improvements, the Planning Manager shall review the

development to assure that there is sufficient parking on-site to accommodate the proposed use. (PL)

47. Developer shall increase the width of the handicap parking stalls on the plans to meet City Code prior to the issuance of building permits to the satisfaction of the Planning Manager. The parking stalls shall conform to the plans and be stripped accordingly prior to final inspection to the satisfaction of the Planning Manager.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 5th day of October 2006 by the following vote:

AYES: Commissioners: Okada, Medina, Sanchez, Dean, Pinkard, Frank, Fischer

NOES: Commissioners: None

ABSENT: Commissioners: None

Ronald R. Fischer, Chairman

ATTEST: _____
Susan L. Martin, Secretary

RESOLUTION NO. 2006-51

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING APPROVAL OF A TENTATIVE SUBDIVISION MAP FOR TRACT NO. 5691 (PLANNING AND ZONING PERMIT NO. 06-300-7, FOR PROPERTY LOCATED AT 2231-2247 STATHAN BOULEVARD (APN 220-0-010-135), SUBJECT TO CERTAIN CONDITIONS. FILED BY SHAWN ANDERSON, 2835 SURFRIDER AVENUE, VENTURA, CA 93001.

WHEREAS, the Planning Commission of the City of Oxnard has considered the tentative subdivision map of Tract No. 5691 (Planning and Zoning Permit No. 06-300-7), filed by Shawn Anderson, in accordance with Chapter 15 of the Oxnard City Code; and

WHEREAS, said tentative 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 2020 General Plan and elements thereof; and

WHEREAS, Sections 15301 and 15304 of Title 14 of the California Code of Regulations exempts the project from the requirement for the preparation of environmental documents imposed by the California Environmental Quality Act; and

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby recommends to the City Council the approval of the tentative subdivision map, subject to the following conditions:

CONDITIONS OF APPROVAL

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.

Agencies

CA	City Attorney	PL	Planning
DS	Dev Service/Eng Dev/Inspectors	TR	Traffic
PD	Police Department	B	Building Plan Checker
SC	Source Control	FD	Fire Prevention Bureau/Dept
PK	Parks Division	BI	Building Inspectors

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.

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 stamped received August 4, 2006, ("the plans") on file with the Planning Division. The project shall conform to the plans, except as otherwise specified in these conditions, or unless a minor modification to the plans is approved by the Planning and Environmental Services Manager or a major modification to the plans is approved by the Planning Commission. A minor modification may be granted for minimal changes or increases in the extent of use or size of structures or of the design, materials or colors of structures or masonry walls. A major modification shall be required for substantial changes or increases in such items. (PL, *G-2*)

3. An approved tentative map shall expire thirty-six (36) months after its approval, unless an extension is applied for and approved by the City Council pursuant to Section 15-46 of the City Code. (PL)

4. All required off-site and on-site improvements for the project, including structures, paving, and landscaping, shall be completed prior to occupancy unless the Development Services Manager allows Developer to provide security or an executed agreement approved by the City Attorney to ensure completion of such improvements. (DS, *G-4*)

5. 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*)

6. 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*)

7. Developer shall record with the Ventura County Recorder a "Notice of Land Use Restrictions and Conditions" in a form acceptable to the City Attorney. Before the City issues building permits or allows Developer to occupy the project, Developer shall submit a copy of the recorded document to the Planning and Environmental Services 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 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*)

10. 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*)

11. Prior to issuance of building permits, Developer shall correct all violations of the City Code existing on the project property. (PL, *G-15*).

PLANNING STANDARD CONDITIONS

12. 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*)

13. Developer shall provide for dust control at all times during project property preparation and construction activities. (B/DS, *PL-13*)

14. 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*)

15. 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*).

16. 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*)

17. Prior to issuance of a Certificate of Occupancy, Developer shall remove all construction materials and vehicles from the subject property. (PL/B, *PL-47*)

18. Developer shall stripe loading zones placed partly or wholly within a structure for loading and unloading activities only and post to prohibit storage or other non-loading activity within the loading zone. (PL/B, *PL-49*)

PLANNING SPECIAL CONDITIONS

19. This tentative subdivision map is subject to the City's approval of a special use permit (PZ 06-500-3), a final map, and recordation of the final map. The City shall issue building permits only after such recordation, unless otherwise approved by both the Planning and Environmental Services Manager and the Development Services Manager. Before occupying any structures or initiating any use approved by this permit, Developer shall comply with all conditions of the tentative and final map. (PL/DS)

DEVELOPMENT SERVICES STANDARD CONDITIONS

20. 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 the time the City issues building permits. (DS-1)

21. Developer agrees, as a condition of approval of this resolution, to indemnify, defend and hold harmless, at Developer'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 Developer of any such claim, action or proceeding of which City receives notice, and City will cooperate fully with Developer in the defense thereof. Developer 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 Developer of the obligations of this condition. Developer'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)

22. Prior to approval of the final map or parcel map, Developer shall provide the City Engineer with written evidence from the Ventura County Clerk's Office that Developer has executed and filed with the Clerk all certificates, statements and securities required by Government Code Sections 66492 and 66493. (DS-26)

23. By title sheet dedication at the time of filing the subdivision map, Developer shall dedicate all water rights for the project property to City. (DS-39)

24. Developer shall install City approved backflow prevention devices for water connections if so ordered by the City Engineer. (DS-45)

25. Prior to release of the final map or parcel map for recordation, Developer 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)

26. Developer shall provide adequate vehicle sight distance as specified by CalTrans specifications at all driveways and intersections. (TR-71)

27. Developer shall install bike racks in accordance with City standards at locations approved by City Traffic Engineer. (TR-73)

28. Prior to issuance of a building permit, all traffic signal, pavement marking and sign plans shall be prepared by a registered California traffic engineer and approved by the City Engineer prior to issuance of a grading, site improvement or a building permit. (TR-74)

29. Prior to issuance of an encroachment permit, Developer's shall obtain City's approval of a contractor qualified to install traffic signals, pavement markings and signs. (TR-76)

30. Developer shall pay to the County of Ventura a road mitigation fee in accordance with the agreement between the City and the County of Ventura. Proof of payment shall be provided to the Development Services Division prior to issuance of a building permit. (DS-105)

DEVELOPMENT SERVICES SPECIAL CONDITIONS

31. Developer shall construct proposed trash enclosures with a solid roof (8-foot minimum clearance) that prevents storm water from entering the refuse bins. Developer shall construct all other components of the trash enclosure in accordance with the approved City Standard Plan on file with the Development Services Division. Developer shall finish the trash enclosure to match the major design elements of the main structure. The finish and roof appearance shall be indicated on the building plans and are subject to approval by the Planning and Environmental Services Division. The location and configuration of trash enclosures shall be reviewed and approved by the Solid Waste Collection Division. All refuse bins on the site shall be stored in an approved trash enclosure. No objects other than refuse bins may be stored in the trash enclosure without the written permission of the Solid Waste Collection Division. (DS)

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 5th day of October 2006, by the following vote:

AYES: Commissioners: Okada, Medina, Sanchez, Dean, Pinkard, Frank, Fischer

NOES: Commissioners: None

ABSENT: Commissioners: None

_____
Ronald R. Fischer, Chairman

ATTEST: _____
Susan L. Martin, Secretary