



Meeting Date: 7 / 25 / 2006

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input type="checkbox"/> Info/Consent
<input type="checkbox"/> Ord. No(s). _____	<input type="checkbox"/> Report
<input type="checkbox"/> Res. No(s). _____	<input checked="" type="checkbox"/> Public Hearing (Info/consent)
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____

Prepared By: Christopher Williamson, Senior Planner *CW* Agenda Item No. K-1  
 Reviewed By: City Manager *[Signature]* City Attorney *[Signature]* Finance *[Signature]* Other (Specify) \_\_\_\_\_

DATE: July 13, 2006

TO: City Council

FROM: Susan L. Martin, AICP *[Signature]*  
Planning and Environmental Services Manager

SUBJECT: **Planning and Zoning Permit Nos. 05-300-21 (Tentative Subdivision Map for Tract No. 5669 for Condominium Purposes) and 06-580-1 (Zone Text Amendment)**

**RECOMMENDATION**

That City Council:

1. Adopt the first reading by title only and subsequent adoption of an ordinance for Zone Text Amendment PZ 05-580-1.
2. Adopt a resolution approving a tentative subdivision map for Tract No. 5669 for condominium purposes (PZ 05-300-21) for a parcel located at 2201 Statham Boulevard.
3. Adopt a resolution upholding the Planning Commission's approval of a Special Use Permit PZ 05-500-21 for 2201 Statham Boulevard.

**DISCUSSION**

The subject site is a 1.04 acre parcel located at 2201 Statham Boulevard (APN 220-0-010-365) which is fully developed with a single-story, 17,790 square foot manufacturing/warehouse structure and 47 parking spaces. The proposed project involves the reconstruction of the existing building into 18 individual live/work condominium units of about 1,000 square feet each. Each unit would have a minimum of 400 square feet of optional living area (a 100 square foot small kitchen on the main level and 350 square feet, including ¾ bath, in the mezzanine), and about 600 square feet of open work area, including a handicap accessible ½ bath. The building footprint would remain the same. Garages for 18 vehicles would be constructed over existing parking spaces and all unpaved areas would be landscaped. The intent of the applicant is to have artists working in studio spaces who may use the accessory living areas as occasional or permanent residences. All occupied units would have to maintain a business license, and the project's Homeowner's Association would have City-approved rules regarding allowed uses, subletting, parking, and so on.

000075

The zone text amendment (PZ 05-580-1) would define live/work as a land use, create development standards and findings, and allow live/work only in the Limited Manufacturing (ML) zone with a special use permit. Staff's analysis in Negative Declaration (ND) 06-01 concluded that few existing ML buildings would be economically feasible to convert to live/work and the design standards and required findings further limit potential live/work units to only those areas near residential neighborhoods. Any proposed live/work use, either as new construction, addition to an existing ML use, or as a remodel similar to the current proposal would require a special use permit. In each live/work situation, the Planning Commission would have to find that the location of the live/work development is adequately near residentially-oriented public and private services so that the quality of life of the live/work residents is similar to that of the majority of city residents.

On July 6, 2006, the Planning Commission approved the project (Special Use Permit PZ 05-500-21, which was appealed by staff for the City Council's consideration with the other actions) and recommended that the City Council approve the Tentative Subdivision Map (PZ 05-300-21). The Planning Commission also recommended the zone text amendment (PZ 06-580-1) be adopted by the City Council, and adopted ND 06-01. The project approval is not valid without the zone text amendment.

## **FINANCIAL IMPACT**

The project would pay Quimby park fees and in-lieu affordable housing fees.

cw/cw .

- Attachment #1 - Planning Commission staff report (includes project plans and ND 06-01)
- #2 - Planning Commission minutes of July 6, 2006 (draft)
- #3 - Zone Text Amendment ordinance
- #4 - Tentative Subdivision Map resolution
- #5 - Resolution to uphold approval of the Special Use Permit

Note: Attachment #1 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 Friday.

**000076**

MINUTES

OXNARD PLANNING COMMISSION  
REGULAR MEETING  
JULY 6, 2006

**DRAFT**

A. ROLL CALL

At 7:10 p.m., the regular meeting of the Oxnard Planning Commission convened in the Council Chambers. Commissioners Michael Sanchez, Irene Pinkard, Sonny Okada, Chairman Ronald Fischer, Dale Dean, Saul Medina were present. Chair Fischer presided and called the meeting to order. Staff members present were: Susan Martin, Planning and Environmental Services Manager, Paul Wendt, Senior Civil Engineer; Edgar Hipolito, Assistant Traffic Engineer; James Rupp, Assistant City Attorney; Chris Williamson, Senior Planner, Linda Windsor, Associate Planner; Winston Wright, Associate Planner, and Lori Maxfield, Recording Secretary.

B. PUBLIC COMMENTS

Mr. Luciano Ortiz, no address given; Kayla and Paloma Ortiz, no address given, students at Pacifica High School, spoke in opposition to the proposed homes at Oxnard Boulevard and Gonzales Road and in support of the proposed sports park.

Mr. Jose Martinez, 1515 Vaquero Drive, Chairman West Village Neighborhood, thanked Commissioner Medina for all his work on the project at Oxnard Boulevard and Gonzales Road. He also encouraged the public to come to the City Council meeting on July 18, 2006 to speak against the proposed homes and support of the sports park.

Ms. Bernadette Ostrowski, no address given, spoke in opposition to the proposed rezoning of the property at Gonzales Road and Oxnard Boulevard.

C. READING OF AGENDA

Planning and Environmental Services Manager Martin reviewed the agenda.

D. CONSENT AGENDA

1. APPROVAL OF MINUTES – June 15, 2006

MOTION Commissioner Medina moved and Commissioner Dean seconded a motion to approve the minutes of June 15, 2006 with corrections. The question was called and the motion carried unanimously.

MOTION Commissioner Medina moved and Commissioner Okada seconded a motion to reorder the agenda to move Item D-2 (Capital Improvements Projects) as a public hearing.

000077

AGREEMENT 2  
PAGE 1 OF 7

MOTION Commissioner Sanchez moved and Commissioner Okada seconded a motion to reorder the agenda to move Item D-3 as a public hearing.

2. Report Concerning Conformance of the Proposed Amendment to the FY 2006-2007 Capital Improvements Projects-Program with the Adopted 2020 General Plan.

PROJECT PLANNER: Dennis Scala

Management Analyst Scala presented the staff report including the definition of Capital Improvements Projects; the Planning Process; the second year budget cycle; the Budget Process; and additional projects included.

MOTION Commissioner Medina moved and Commissioner Pinkard seconded a motion that the Proposed FY 2006-2007 Capital Improvements Projects and Programs were in conformance with the adopted 2020 General Plan. The question was called and the motion carried unanimously.

3. PLANNING AND ZONING PERMIT NO. 06-300-2 (Tentative Subdivision Map of Tract No. 5643), a request to subdivide 90.1-acres into 251 parcels for subsequent development into 187 single family residences and 485 attached condominiums, as well as open space, parks, local streets and easements. The permit requested at this time is for subdivision of the property only (not construction). The project site is located within Planning Districts H and I of the *RiverPark Specific Plan* area, north of Highway 101, and east of the Santa Clara River (APN: 133-001-001, 133-001-057, 133-001-060 and 132-02-038). An environmental impact report has been certified for the proposed project. Filed by Tony Talamante, RiverPark Legacy, LLC, 30699 Russell Ranch Road, Suite 290, Westlake Village, CA 91361.

PROJECT PLANNER: Linda Windsor

Chair Fischer opened the public hearing.

Mr. Tony Talamante, RiverPark Legacy, LLC, 30699 Russell Ranch Road, Suite 290, Westlake Village, California 91361, applicant, gave a brief presentation including the construction update; parks; walk-ability; live-ability; and displayed the site plan.

Ms. Trisha Munro, 221 Juneau Place, asked whether the park acreage was measured in gross or net, and indicated that there was no church site or community center proposed. She requested that the parks be made larger; be measured in net acreage; and asked that the kids and their park play area be remembered.

Chair Fischer closed the public hearing.

Associate Planner Windsor explained that the parks are measured in gross acreage.

Discussion ensued regarding parks acreage; street widths; Smart Growth and quality of life; open space; and acknowledged the people who spoke on gross versus net acreage of parks.

MOTION Commissioner Okada moved and Commissioner Dean seconded a motion to adopt a resolution recommending City Council approval of PZ 06-300-2, a Tentative Subdivision Map of Tract No. 5643 for subdivision of approximately 90.1 acres into 271 lots and subsequent construction of 187 detached single family residences and 485 attached condominium dwelling units located within land use planning districts H1, H2, I1, I2, I3, and I4 of the RiverPark Specific Plan area. The question was called and the motion carried 5-1-0, Commissioner Medina voting no.

**DRAFT**

E. CONTINUED PUBLIC HEARINGS

1. PLANNING AND ZONING PERMIT NO. NOS. 05-500-2, 06-500-6 and 06-500-5(Special Use Permits) and 05-300-6 (Tentative Parcel Map) a request to construct a 228,773 square foot shopping center, with associated parking, landscaping and circulation, including a Lowe's Home Improvement store and a drive-through fast food restaurant, and a Tentative Parcel Map to divide the existing three lots into seven lots. The request also includes demolition of the existing 188,082 square foot shopping center, a phasing plan, a request to allow the off-site sale of beer, wine and spirits in an existing liquor store moving within the shopping center, a master sign program, a reduced number of parking spaces, reduced parking spaces size, change in the landscape configuration, and increased building height. The property is a 16.24-acre site located at the northwest corner of North Oxnard Boulevard and West Gonzales Road (APN: 139-0-250-175, 139-0-250-095, and 139-0-250-125). It is zoned General Commercial Planned Development (C2PD). The project is located in the Orchard Neighborhood. There is no substantial evidence that the proposed project may have a significant effect on the environment, and a mitigated negative declaration will be adopted. Filed by SDC-CT Properties, LLC, Attn: David Ball, 20151 SW Birch St #201, Newport Beach, CA 92660. PROJECT PLANNER: Linda Windsor

Associate Planner Windsor presented the staff report including phasing; zoning compliance; administrative relief for parking; buildings heights; parking; proposed signs; reciprocal access agreement; delivery hours; and displayed the vicinity, General Plan, and zoning maps; aerial and site photos; and elevations.

Assistant Traffic Engineer Hipolito discussed bike lanes/paths; traffic calming; and indicated the traffic mitigations were based on current occupancy.

Discussion ensued regarding traffic.

Commissioner Medina distributed pictures of the Lowe's in Ventura that depicts the type and size of cars that frequent the store.

Chair Fischer opened the public hearing.

Mr. Dave Ball, CT Realty, 20151 SW Birch Street, #201, Newport Beach, California 92660, applicant, gave a brief presentation including purchase of center; phasing; relocation of current tenants; and indicated he agreed to all proposed conditions.

000079

AGENDA 2  
PAGE 3 OF 7

# DRAFT

Mr. Brad Uri, applicant, indicated the number of employees, and requested that condition No. 74 regarding outdoor sales be modified to allow six events per year, rather than only one.

Mr. Mike Penrod, applicant, explained the thorough search for the location of the Lowe's site.

Planning and Environmental Services Manager Martin explained that the outdoor display use and sales were in accordance with the Temporary Use Permit Regulations of the City Code.

Mr. Daniel Harvey, 3660 Creekside Lane, spoke in opposition to the project due to traffic.

Ms. Zoe Ann Banker, 2081 Blackberry Circle, President of the Las Brisas Homeowners Association, spoke in favor of the project.

Mr. Larry Stein, 1965 Falkner Place, stated his concerns with traffic; the EIR should have been rejected; and suggested that the project be differed for three years.

Mr. Bert Perello, 2391 Redwing Lane, stated the parking spaces were less than standard size, and the proposal was a second class project being done with Redevelopment funds.

Mr. Luciano Ortiz, no address given, West Village representative, indicated that the developers never met with the neighborhood; it was the wrong location; and suggested other types of retailers, such as specialty stores.

Ms. Pat Brown, Royal Palms Mobile Home Park, discussed the size of the parking stalls; traffic problems; staging should be in the middle; and parking lot sales take up too much parking.

Ms. Nancy Pedersen, 514 East Kamala, discussed traffic; need for quality of life; wrong location for store; roundabout won't work; and suggested specialty stores instead.

Ms. Trisha Munro, 221 Juneau, asked if there would be a slip lane behind Lowe's; roundabout would be dangerous; and discussed the need for more parking lot space.

Mr. Charles Bowman, no address given, discussed traffic; parking spaces; and attention to detail.

Mr. Mike Penrod, applicant, responded to comments stating supermarket could not locate at the center for 20 years; would look at more landscaping; not a Redevelopment project; project was designed to accommodate the flyover; staging area would be fully enclosed with no deliveries at night.

Mr. Brad Uri, applicant, stated that Lowe's had over 1200 stores across the country and indicated that female shoppers were their target.

Chair Fischer closed the public testimony portion of the public hearing.

000080

4 2 7

Discussion ensued regarding traffic; parking stall size; reduction in parking stalls; roundabout; more landscaping; blighted area; project may be best opportunity for site; phasing; location being so close to Home Depot; alignment of streets; timing of truck arrival; and fewer contractors at Lowe's.

Assistant Traffic Engineer Hipolito discussed traffic solutions.

MOTION Commissioner Medina moved and Commissioner Sanchez seconded a motion to continue Item F-2 (PZ 04-550-14) to July 20, 2006. The question was called and the motion carried unanimously.

MOTION Commissioner Okada moved and Commissioner Pinkard seconded a motion to adopt resolutions granting PZ 05-500-02, a Special Use Permit to allow demolition of 188,082 square feet of an existing shopping center and construction of a 228,773 square foot shopping center; PZ 05-500-6, a Special Use Permit to allow demolition and rebuilding of an existing fast food restaurant with drive-through facilities; and PZ 05-500-5, a Special Use Permit to allow sales of beer, wine, and spirits for off-site consumption by an existing liquor store moving from with the Carriage Square Shopping Center to a new location, within Space D of Building 6; and adopt a resolution recommending City Council approval of PZ 05-300-6, a Tentative Parcel Map for property located at the northwest corner of Gonzales Road and Oxnard Boulevard. The question was called and the motion carried 5-1-0, Commissioner Sanchez voting no.

RECESS Chair Fischer called a recess at 10:00 p.m. The meeting reconvened at 10:06 p.m. with all Commissioners present.

## F. NEW PUBLIC HEARINGS

1. PLANNING AND ZONING PERMIT NO. 06-510-4 (Special Use Permit) to allow the sale of wine for off-site consumption (ABC license type 20) in an existing industrial building located at 701 North Del Norte Blvd, Suite 210, in the Light Manufacturing Planned Development (M1PD) zoning district. The proposed project is exempt from environmental review under CEQA Section 15301. Filed by Ben DeSantis, Grateful Palate, Inc., 701 North Del Norte Blvd, Suite 210, Oxnard, CA 93030.

PROJECT PLANNER: Winston Wright

Associate Planner Wright presented the staff report including the Police report; crime rate; and indicated the proposal was for an accessory use. He also displayed the General Plan and zoning maps; floor plans; and site photos.

Chair Fischer opened the public hearing.

Mr. Mark Sellers, representing the applicant, gave a description of the business, and asked about condition No. 32 regarding security cameras and location.

Associate Planner Wright stated that the applicant would work with Officer Waer of the Police Department on placement of the security cameras.

Mr. Ben DeSantis, applicant, indicated the hours of operation.

Ms. Pat Brown, Royal Palms Mobile Home Park, representing RAPAC, spoke in favor of the project.

Chair Fischer closed the public hearing.

MOTION Commissioner Dean moved and Commissioner Medina seconded a motion to adopt a resolution granting PZ 06-510-4, a Special Use Permit to allow the sale of wine for off-site consumption at an existing industrial site located at 701 North Del Norte Boulevard, Suite 210. The question was called and the motion carried unanimously.

2. PLANNING AND ZONING PERMIT NO. 04-550-14 (Major Modification to Special Use Permit 541), a request to demolish and rebuild the existing McDonald's restaurant located at 3120 Saviers Road. The proposed project is exempt from environmental review under CEQA Section 15302. Filed by L J Consulting Services, 2060 E. Avenida de Los Arboles, Thousand Oaks, CA 91362.

PROJECT PLANNER: Chris Williamson

Commissioner Sanchez recused himself due to a conflict of interest.

Senior Planner Williamson presented the staff report and displayed aerial and site photos; General Plan and zoning maps; site, floor, and landscape plans; and elevations.

Chair Fischer opened the public hearing.

Mr. Jeff Zook, Coastal Architects, 505 South A Street, Second Floor, applicant, stated he was available for questions.

Mr. Dave White, 2001 Statham Boulevard, #117, applicant, indicated this would be a new project for Ventura County, it would be under property management; and would improve a blighted area.

Ms. Shirley Godwin, 3830 San Simeon Avenue, stated the neighborhood council members had left due to the lateness of the hour, and indicated her concern that the public hearing was being held after 10:30. She stated that a packing plant was immediately adjacent to the project and people shouldn't be living there. She requested continuance to allow the public to comment.

Mr. Larry Godwin, 3830 San Simeon Avenue, stated the project was in the wrong location; no customers would be allowed, so there was no parking; and it was the wrong use.

000082

ATTACHMENT 2  
PAGE 6 OF 7

Mr. Larry Stein, 1965 Falkner Place, stated that there was no limitation on the number of people living in the unit; and the project should be continued to allow the public to participate in the process.

Ms. Pat Brown, Royal Palms Mobile Home Park, indicated there were big trucks in the area; dangerous for children; not conducive for housing; poor location; not appropriate use.

Mr. Dave Ball, applicant, stated the project conformed to the General Plan; a business license would be required; it went before the Development Advisory Committee twice; and explained that the project was designed for young entrepreneurs, with a living area, but primarily a business, which could apply for small business loans.

Chair Fischer closed the public hearing.

MOTION Commissioner Okada moved and Commissioner Medina seconded a motion to adopt a resolution granting PZ 05-500-21, a Special Use Permit; and PZ 05-300-21, recommending City Council approval of a Tentative Subdivision Map for Tract 5669, for property located at 2001 Statham Boulevard. The question was called and the motion carried unanimously.

G. PLANNING COMMISSION BUSINESS

H. PLANNING MANAGER COMMENTS

I. ADJOURNMENT

At 12:10 p.m., Commissioner Dean moved and Commissioner Medina seconded a motion to adjourn. The motion carried unanimously.

\_\_\_\_\_  
Ronald R. Fischer, Chairman

ATTEST: \_\_\_\_\_  
Susan L. Martin, Secretary

000083

\_\_\_\_\_  
2  
7 7

ORDINANCE OF THE CITY OF OXNARD

ORDINANCE NO. \_\_\_

ORDINANCE OF THE CITY OF OXNARD, CALIFORNIA, AMENDING  
ARTICLE 2 AND DIVISIONS 13 AND 14 OF ARTICLE 3 OF CHAPTER 16  
OF THE CITY CODE, CONCERNING LIVE/WORK USE

The City Council of the City of Oxnard makes the following findings:

1. A live/work use is sufficiently different from other residential, commercial, and industrial uses that it warrants definition and regulation as a unique land use.
2. There is increasing demand for live/work-style developments in residential, commercial, and limited industrial zones within the city.
3. A live/work residential use is compatible with limited industrial (ML) zone uses when the live/work use is limited in size relative to the limited industrial use floor area, the allowed limited industrial uses are further limited to those that do not present hazards to live/work unit residents, and the live/work development location is near residentially-oriented public and private services.
4. A live/work residential use is not compatible with light industrial (M-1) uses.

Now, therefore, the City Council of the City of Oxnard does ordain as follows:

Part 1. Subsection 16-10 (A)(37) is hereby added to the City Code to read as follows:

“(68) LIVE/WORK - A business establishment, part of which may be used as an accessory dwelling unit by the business operator or employee.”

Part 2. Subsections 16-190(C) of the City Code is hereby amended to read as follows:

“(C) Dwelling uses that are part of a live/work development, with a Special Use Permit; no other residential uses shall be permitted.”

Part 3. Subsection 16-226 (A) of the City Code is hereby amended to read as follows:

“(A) Single-family dwellings, except as provided in section 16-225, or live/work accessory use;”

000084

ADJUDICATION 3  
PAGE 1 OF 2

Part 4. Section 16-216 is hereby added to the City Code to read as follows:

**“SEC. 16-216. LIVE/WORK UNITS.**

“(A) Live/work units in the ML zone shall have a minimum residential use-only floor area of 400 square feet and not more than 1,200 square feet arranged so that residents’ living, eating, and sleeping areas are functionally separate from the non-residential floor area. The residential floor area shall not exceed 45 percent of the entire unit floor area, including area designated for work use only. Each unit shall have at least one designated garage parking space for the exclusive use of the unit owner or tenant occupant. Each occupied unit shall have an active business license at all times. Other parking requirements are governed by Code Sections 16-615 to 16-651.

“(B) The developer shall record a Notice of Land Use Restrictions with the County Recorder, or record some other instrument to the satisfaction of the City Attorney, that restricts non-residential uses within the live/work development to those that do not pose an undue risk to the health, safety, and welfare of residents, as determined by the Planning and Environmental Services Manager.

“(C) The Planning Commission shall determine that the location of the live/work development is adequately near residentially-oriented public and private services so that the quality of life for the live/work residents is similar to that of the majority of city residents.”

Part 5. Within 15 days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation within the city. Ordinance No. \_\_\_\_\_ was first read on \_\_\_\_\_, 20\_\_ and finally adopted on \_\_\_\_\_, 20\_\_ to become effective thirty days thereafter.

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Dr. Thomas E. Holden, Mayor

ATTEST:

\_\_\_\_\_  
Daniel Martinez, City Clerk

APPROVED AS TO FORM:

  
Gary L. Gillig, City Attorney

**000085**

ATTACHMENT 3  
PAGE 2 OF 2

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 05-300-21 FOR A TENTATIVE SUBDIVISION MAP FOR CONDOMINIUM PURPOSES FOR TRACT NO. 5669, LOCATED AT 2201 STATHAM BOULEVARD (APN 220-0-010-365), SUBJECT TO CERTAIN FINDINGS. FILED BY COASTAL ARCHITECTS, 505 SOUTH A STREET, OXNARD, CA 93032.

WHEREAS, on July 6, 2006 the Planning Commission approved Resolution No. 2006-45 recommending that the City Council adopt a resolution approving Planning and Zoning Permit No. 05-300-21 (Tentative Subdivision Map for Tract No. 5669 for Condominium Purposes) filed by Coastal Architects; and

WHEREAS, the City Council has held a public hearing and received and reviewed written and oral comments related to proposed Tentative Subdivision Map No. 05-300-21 for Tract No. 5669 for Condominium Purposes; and

WHEREAS, Section 15302 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 City Council finds that the Tentative Subdivision Map complies with all requirements of the Subdivision Map Act and the Oxnard City Code; and

WHEREAS, the City Council finds that the Tentative Subdivision Map, the proposed site, and the design and improvement of the development requested 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 is not likely to cause substantial environmental damage, serious public health problems or conflict with any publicly acquired easements or access.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Oxnard hereby approves Tentative Subdivision Map for Tract No. 5669 for Condominium Purposes (PZ 05-300-21), subject to the following conditions:

**000086**

ATTACHMENT 4  
PAGE 1 OF 5

**CONDITIONS OF APPROVAL**  
**PZ 05-300-21**

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 dated July 1, 2005, ("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

**000087**

ATTACHMENT 4  
PAGE 2 OF 5

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. Developer acknowledges that because of population limitations placed on the City by the Air Quality Management Program, approval of this permit does not guarantee that the City will issue building permits. The City's issuance of building permits may be delayed as a result of implementation of an air quality plan. (PL, PL-5)
13. 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)

**000088**

ATTACHMENT 4  
PAGE 3 OF 5

14. Developer shall pay Quimby Fees (fees for park acquisition and improvement) before issuance of building permits. The amount of the fee shall be calculated by the Planning Division, and verified by the Parks Division at the time of payment. (PK/B, PL-36)
15. In accordance with City Council Ordinance No. 2615, or the ordinance in effect at the time building permits are issued, Developer shall provide two affordable units onsite, to be calculated at the time of building permit issuance. (PL, PL-37)

#### **PLANNING SPECIAL CONDITIONS**

16. 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)
17. This permit is granted subject to the adoption by the City Council of zone text amendment PZ 06-580-1. (PL)
18. This permit is granted subject to the upholding of the Planning Commission's approval of PZ 05-500-21 (Special Use Permit) by the City Council. (PL)

#### **DEVELOPMENT SERVICES STANDARD CONDITIONS**

19. 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)
20. 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)
21. 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)

#### **DEVELOPMENT SERVICES SPECIAL CONDITIONS**

22. In accordance with City Code, Developer shall provide each condominium unit with a separate water meter. (DS)

**000089**

ATTACHMENT 4  
PAGE 4 OF 5

23. Developer shall process all associated site improvement drawings concurrently with final map review. Final map shall not record prior to substantial completion of site improvement drawings and provision of all security and improvement agreements required by planning and zoning permit 05-500-25. (DS)

PASSED AND ADOPTED this 25th day of July, 2006 by the following vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Dr. Thomas E. Holden, Mayor

ATTEST:

\_\_\_\_\_  
Daniel Martinez, City Clerk

APPROVED AS TO FORM:

*Gary L. Gillig*  
\_\_\_\_\_  
Gary L. Gillig, City Attorney

000090

ATTACHMENT 4  
PAGE 5 OF 5

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD UPHOLDING THE DECISION OF THE PLANNING COMMISSION APPROVING SPECIAL USE PERMIT NO. 05-500-21, FOR DEVELOPMENT OF 18 LIVE/WORK CONDOMINIUM UNITS AT 2201 STATHAM BOULEVARD (APN 220-0-010-365), SUBJECT TO CERTAIN CONDITIONS. FILED BY COASTAL ARCHITECTS, 505 SOUTH A STREET, 2<sup>ND</sup> FLOOR, OXNARD, CA 93032.

WHEREAS, on July 6, 2006, Planning Commission adopted Resolution No. 2006-44, approving an application for Planning and Zoning Permit No. 05-500-21 (Special Use Permit), filed by Coastal Architects; and

WHEREAS, the City Council has carefully reviewed the Planning Commission decision approving the application, the staff report, and minutes of testimony at the Planning Commission public hearing; and

WHEREAS, Section 15302 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 City Council has conducted a hearing and received evidence in favor of and opposed to the application.

NOW, THEREFORE, the City Council of the City of Oxnard resolves that the Planning Commission's approval of Planning and Zoning Permit No. 05-500-21 (Special Use Permit) is hereby upheld, subject to the conditions contained in Planning Commission Resolution No. 2006-44 on file in the Planning and Environmental Services Division of the Development Services Department, which is incorporated herein by reference.

PASSED AND ADOPTED this 25<sup>th</sup> day of July, 2006, by the following vote:

AYES:

NOES:

ABSENT:

---

Dr. Thomas E. Holden, Mayor

**000091**

ATTACHMENT 5  
PAGE 1 OF 2

ATTEST:

\_\_\_\_\_  
Daniel Martinez, City Clerk

APPROVED AS TO FORM:

  
Gary L. Gillig, City Attorney

000092

ATTACHMENT 5  
PAGE 2 OF 2