



Planning Division

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission
FROM: Justin Beranich, Assistant Planner
DATE: April 16, 2009
SUBJECT: Planning and Zoning Permit No. 07-520-03, (Special Use Permit), for outdoor display and sales, located at 3400 Ventura Boulevard.

- 1) **Recommendation:** That the Planning Commission approve Planning and Zoning Permit No. 07-520-03 for a Special Use Permit, subject to certain findings and conditions.
- 2) **Project Description and Applicant:** Request to permit outdoor storage, display, and retail sales of ornamental landscape on the easterly portion of site. No new structures are proposed, however improvements to landscaping, parking, loading, and drive aisle surfaces are included. The property is located at 3400 East Ventura Boulevard (APN149-0-021-130). Filed by Martin Villa, 3022 West Juniper Avenue, Phoenix, AZ 85053.
- 3) **Existing & Surrounding Land Uses:** The 1.6 acre site is partially developed with two single story buildings, landscaping, and parking. The property and buildings are currently unoccupied.

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
Project Site	General Commercial	Commercial General	Vacant commercial buildings
North	County of Ventura	County of Ventura	Agricultural
South	Highway 101	Highway 101	State Highway
East	County of Ventura	County of Ventura	Agricultural
West	County of Ventura	County of Ventura	Residential

- 4) **Background Information:** The subject site and existing buildings were annexed into the city by Annexation 69-12. On February 15, 1996, the Planning Commission approved Special Use Permit No. 95-500-46 to develop a double faced billboard sign on the western portion of the property. The eastern portion of the property has been previously used as a water pumping station.

5) Environmental Determination: In accordance with Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, projects involving “operation, repair, maintenance, permitting, leasing, or minor alteration of existing...structures [or] facilities” may be found to be exempt from the requirements of CEQA. The request is for outdoor storage, display, and retail sales of ornamental landscape structures. Therefore, staff has determined that there is no substantial evidence that the project may have a significant effect on the environment and recommends that Planning Commission accept the Notice of Exemption (see Attachment C).

6) Analysis:

a) General Discussion: The applicant requests to operate a retail business of ornamental landscape structures within the eastern portion of the subject property. The items include fountains and statuary that will be stored and displayed outdoors. The proposed hours of operation are Monday through Sunday 8a.m. through 5p.m.

This site will be affected by the construction of the future Del Norte Boulevard and Highway 101 interchange. Based on the projected timeline for the interchange, the project is conditioned to expire 7 years from the date of this permit (Condition No. 41).

b) General Plan Consistency:

POLICY	REQUIREMENT
<i>Land Use Policy #2 (page XI-16) states that “the city will encourage the development of a balanced mix of residential, retail, commercial and industrial sectors of the economy”</i>	The project is contributing to the retail and commercial sectors of the economy by providing a retail commercial business. Therefore, consistency with this policy may be found.

c) Conformance with Zoning Development Standards: The proposed development is located in the General Commercial Planned Development (C2PD) zone district. In accordance with the City Code, the proposed outdoor use may be permitted with an approved Special Use Permit. Applicable development standards of the general commercial zone have been compared with the proposed project, as follows:

Development Standard	Code Requirement	Proposed	Complies
Maximum Building Height	Two stories, or 35 feet	Existing 16’, single story	Yes
Front Yard Setback	Minimum 10 feet	Existing, 25’	Yes
Side Yard Setback	Minimum 5 feet	Existing, minimum 30’	Yes

Development Standard	Code Requirement	Proposed	Complies
Rear Yard Setback	None required for structures less than 16' feet high	Existing, minimum 10'	Yes
Parking	9 spaces required based on the following uses: - 400 sq. ft. of office (1/250 sq. ft. = 2 spaces) - 900 sq. ft. of warehouse (1/1000 sq. ft. = 1 space) - 6,210 sq. ft. of outdoor storage/display area (1/1,000 sq. ft. of open area = 6 spaces)	9 parking spaces	Yes
Handicap Parking	1 space required (of the 9 total)	1 space provided	Yes
Bicycle & Motorcycle Parking	None required (16-623 & 16-624)	None provided	Yes
Parking Lot Striping	19' long, 9' wide, with 12" wide stripe	19' long, 9' wide, with 12" wide stripe	Yes
Parking Area Landscape Requirements	- 10-foot wide landscape strip along property line parallel to public street, and 5% of off-street parking access area shall be landscaped (Section 16-641(A))	10 foot wide landscaping strip is provided along Ventura Boulevard, parking lot landscaped planter provided.	Yes
Loading Zone	One 12'x40' space required	One 12'x40' space provided	Yes
Trash Enclosure	Constructed to City Standard Plate No. 605	One double yard trash enclosure to City Standard Plate No. 605	Yes
Utilities	Installed according to Code and screened from view	Existing water and electric services	Yes

d) **Site Design:** The subject portion of the site is developed with two one-story buildings with display area along the west and south property lines. An existing six foot high block wall encloses the portion of the site under this request and screens the proposed display areas.

Improvements include slurry sealing the asphalt, re-stripping the parking lot, and constructing a new trash enclosure.

- e) **Circulation and Parking:** The site is accessed from Ventura Boulevard via two existing entrances. A 20 foot wide drive- aisle runs parallel to Ventura Boulevard connecting the two entrances to each other.

Customer parking is provided perpendicular to the drive-aisle and an existing loading space is located at the west end of the parking row. The parking requirement is as follows:

Use	Square Feet	Parking Required	Parking Provided
Office	400 sq/ft	1 space per 250 sq/ft of floor area	2 spaces
Warehouse	900 sq/ft	1 space per 1,000 sq/ft of floor area	1 space
Outdoor Display	6,210 sq/ft	1 space per 1,000 sq. ft. of display area	6 spaces
Total	7,510 sq/ft	9 spaces	9 spaces

To avoid traffic backing up onto the public rights-of-way, the easterly gate will be allowed for egress only. To accommodate commercial traffic entering and exiting the property, the applicant proposes to widen Ventura Boulevard to 40 feet by adding a dedicated left turn only lane (Condition No. 67). This will reduce the potential for collisions, minimize delay to thru traffic along Ventura Boulevard, and create a safe transition for vehicles entering the property. The proposed Rice Avenue interchange expansion will generate significantly more traffic to the area and the current situation is not safe to enter or exit the site. As such, the westerly driveway will be designated for entry and exiting and the easterly driveway for exiting only.

- f) **Building Design:** No changes are proposed to the two existing concrete block buildings.
- g) **Signs:** No signs are proposed as part of this permit. The existing billboard on the westerly portion of the subject site will remain, including conditions of approval from Resolution No. 96-11.
- h) **Landscaping and Open Space:** The easterly portion of the site is currently landscaped along the perimeter wall and contains mature trees among proposed display areas. There are existing trees along the west boundary wall and north property line that provide screening for the proposed display areas and also act as a graffiti deterrent. Landscaping improvements include cleaning up vegetative debris adjacent to Ventura

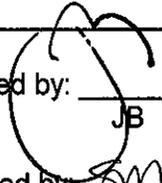
Boulevard, providing ground covers and shrubs to the easterly entrance, trimming and removing old growth from trees and providing an end finger planter in the row of parking stalls.

- 7) Development Advisory Committee:** The Development Advisory Committee (DAC) reviewed this project on March 26, 2008, July 2, 2008 and January 7, 2009. Recommendations of the DAC are included in the attached resolution.
- 8) Community Workshop:** On July 10, 2008, the applicant mailed notices of the Community Workshop meeting to all property owners within the Nyeland Acres Neighborhood. The applicant also posted such notice on the project site with a brief description of the project and contact information. The Community Workshop was conducted on July 21, 2008. No one from the community attended the workshop.

Appeal Procedure: In accordance with Section 16-545 of the City Code, the Planning Commission's action may be appealed to the City Council within 18 working days after the decision date. Appeal forms may be obtained from the City Clerk and must be submitted with the appropriate fees before the end of the appeal period.

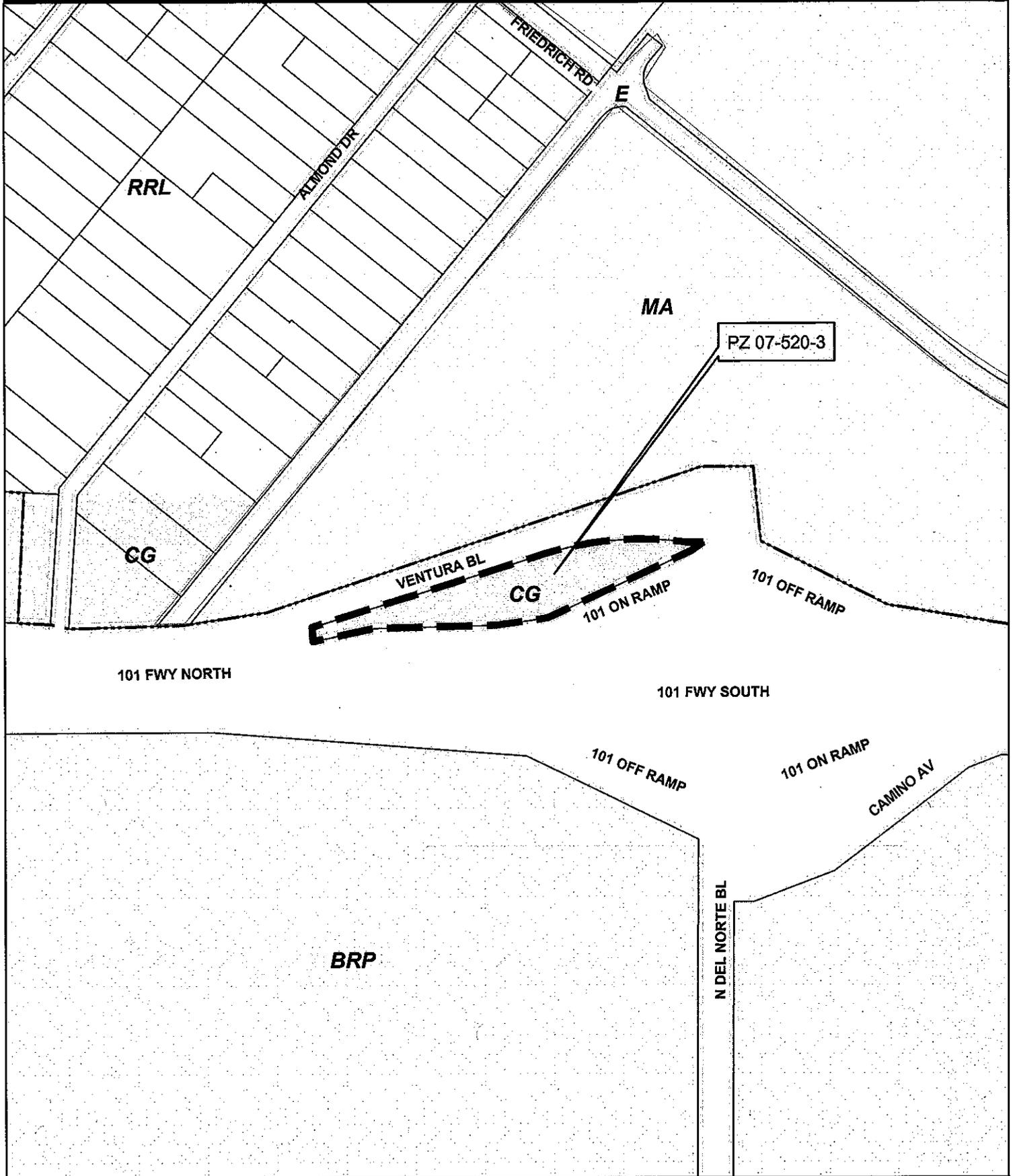
Attachments:

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

Prepared by: 
Approved by: 

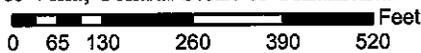
Attachment A

Maps (Vicinity, General Plan, Zoning)



Oxnard Planning
September 13, 2007

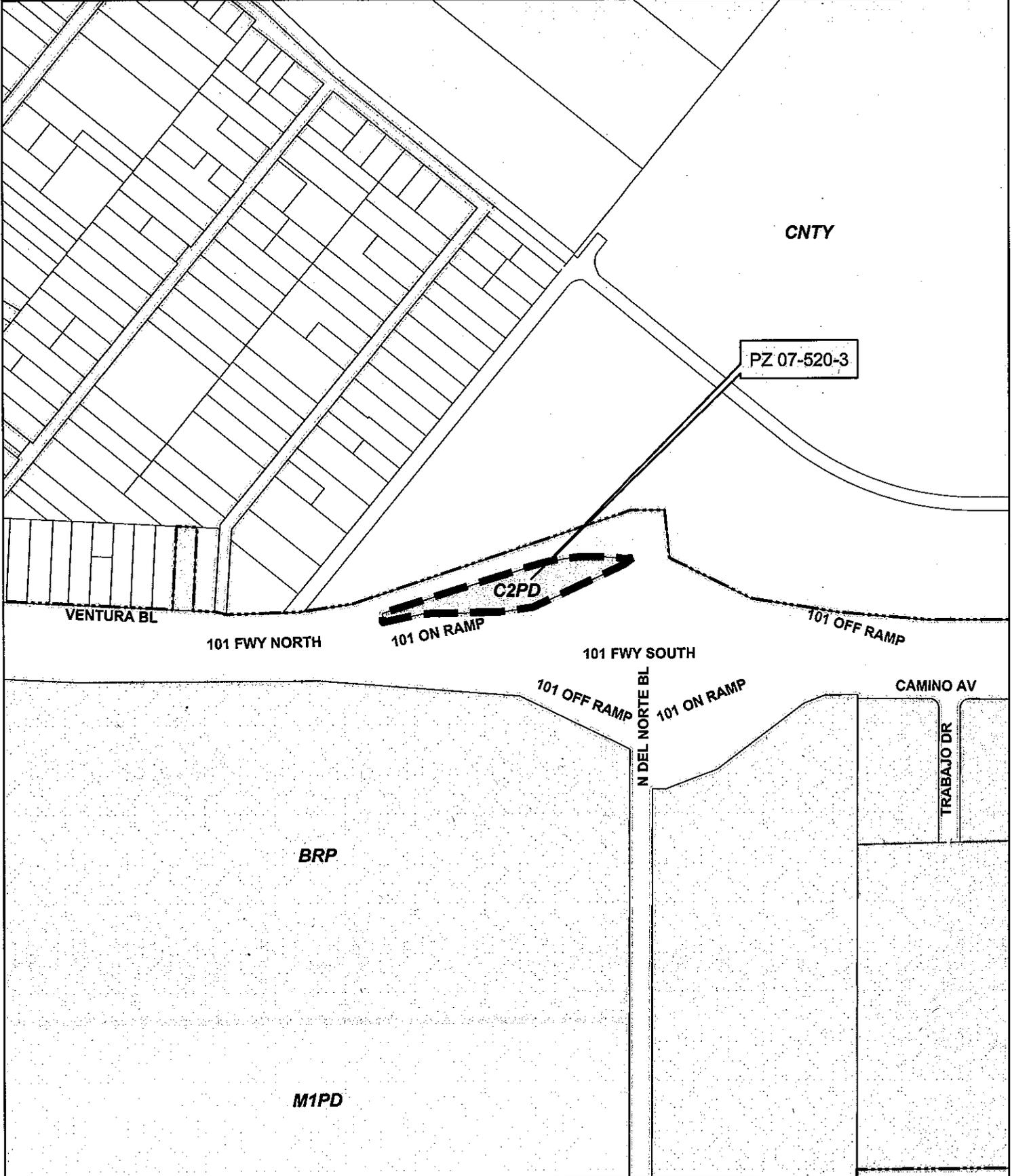
PZ 07-520-3 (MSUP)
Location: 3400 Ventura Bl
APN: 1491002113
Acosta & Villa, Central Stone & Ornamental Landscape



General Plan Map



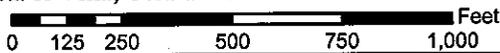
Zone Map



Oxnard Planning
September 13, 2007

PZ 07-520-3 (MSUP)
Location: 3400 Ventura Bl
APN: 1491002113

Acosta & Villa, Central Stone & Ornamental Landscape

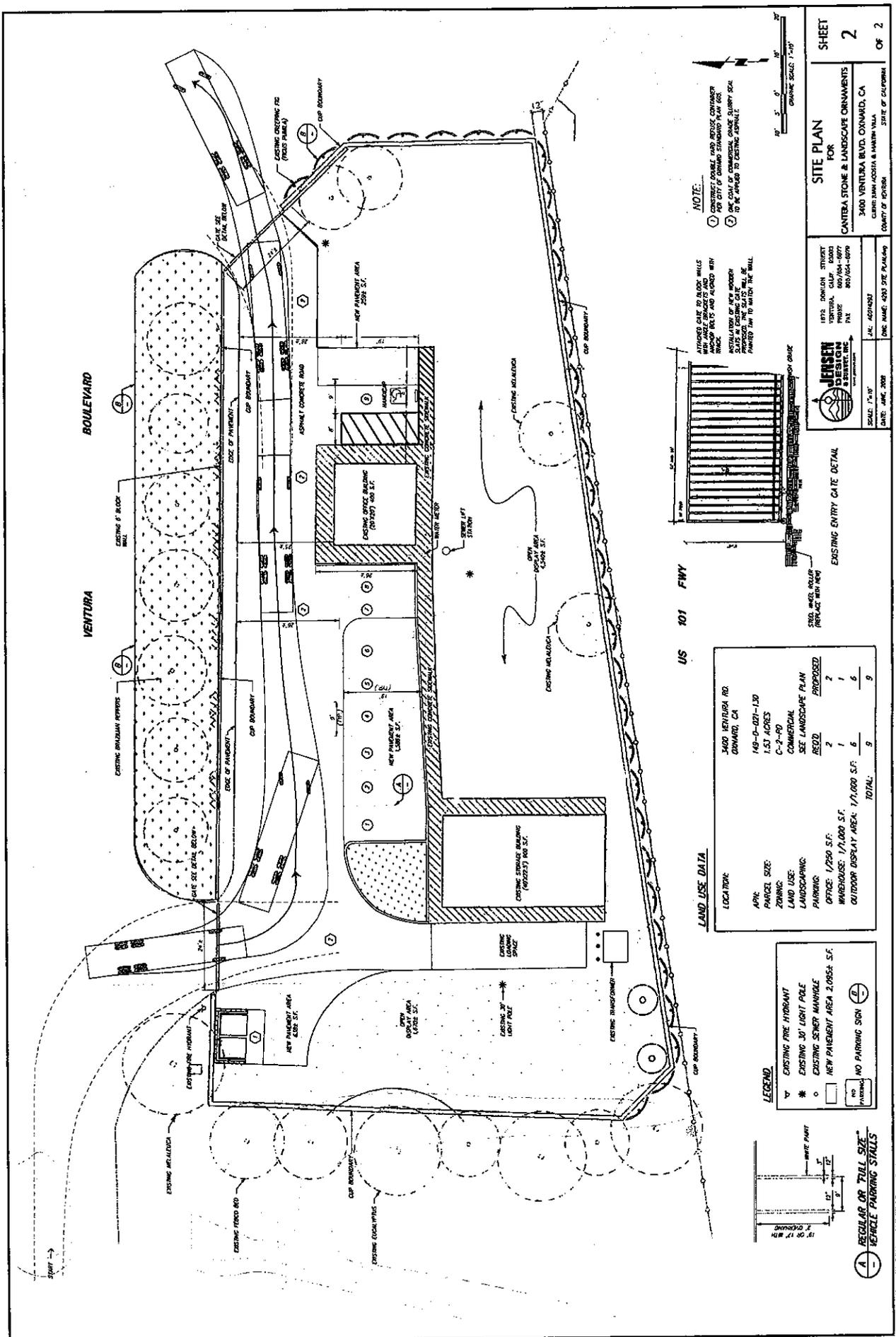


Zone Map



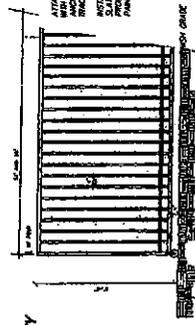
Attachment B

Reduced Project Plans



NOTE:

- ① CONTRACTOR SHALL VERIFY ALL UTILITIES AND RECORD TO DATE.
- ② CONTRACTOR SHALL VERIFY ALL UTILITIES AND RECORD TO DATE.
- ③ CONTRACTOR SHALL VERIFY ALL UTILITIES AND RECORD TO DATE.



SITE PLAN FOR
CANTERA STONE & LANDSCAPE ORNAMENTS
 3400 VENTURA BLVD, OAKLAND, CA
 COUNTY OF ALBANY

1875 DOWDIN STREET
 OAKLAND, CA 94612
 PHONE: 415/764-8877
 FAX: 415/764-8876

JAN. ADRIAN
 DATE: JAN. 2008

SCALE: 1" = 30'
 DATE: JAN. 2008

EXISTING ENTRY GATE DETAIL

US 101 FWY

LAND USE DATA

LOCATION:	3400 VENTURA RD, OAKLAND, CA
APR:	149-0-021-130
PARCEL SIZE:	1.57 ACRES
ZONING:	C-2-RD
LAND USE:	SEE LANDSCAPE PLAN
PARKING:	SEE LANDSCAPE PLAN
OFFICE:	10,507 S.F.
WAREHOUSE:	17,000 S.F.
OUTDOOR DISPLAY AREA:	17,000 S.F.
TOTAL:	51,007 S.F.

LEGEND

▽	EXISTING FIRE HYDRANT
*	EXISTING JOI LIGHT POLE
○	EXISTING SENIOR MANHOLE
□	NEW PAVEMENT AREA 2,084 S.F.
○	NO PARKING SIGN



REGULAR OR FULL SIZE VEHICLE PARKING STALLS

Attachment C

Notice of Exemption



NOTICE OF EXEMPTION

Project Description:

PLANNING & ZONING PERMIT NO. 07-520-03 (Special Use Permit), is a request to permit outdoor storage, display, and retail sales of ornamental landscape structures at an existing facility owned by the County of Ventura, no new structures are proposed. Improvements to landscaping, parking, loading, and drive aisle surfaces are included. The property is located at 3400 East Ventura Boulevard (APN149-0-021-130). The proposed project is exempt from environmental review under Section 15301 of the CEQA Guidelines. Filed by Mr. Martin Villa, 3022 West Juniper Avenue, Phoenix, AZ 85053.

Finding:

The Planning Division of the Development Services Department of the City of Oxnard has reviewed the above proposed project and found it to be exempt from the provisions of the California Environmental Quality Act (CEQA).

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

Supporting Reasons: In accordance with the California Environmental Quality Act Guidelines and Section 15301 of the California Code of Regulations, projects involving "operation, repair, maintenance, permitting, leasing, or minor alteration of existing...structures [or] facilities" may be found to be exempt from the requirements of CEQA. The proposed project requests outdoor storage, display, and retail sales of ornamental landscape structures. Therefore, staff has determined that there is no substantial evidence that the project may have a significant effect on the environment.

(Date)

Susan L. Martin, AICP
Planning Division Manager

Attachment D

Resolution

RESOLUTION NO. 2009 – PZ 07-520-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 07-520-03 (SPECIAL USE PERMIT), TO ALLOW THE OUTDOOR STORAGE AND DISPLAY, AND RETAIL SALES OF ORNAMENTAL LANDSCAPE STRUCTURES, LOCATED AT 3400 VENTURA BOULEVARD (APN 149-0-021-130), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY MARTIN VILLA 3022 WEST JUNIPER AVENUE, PHOENIX, AZ 85053.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 07-520-03, filed by Martin Villa in accordance with Section 16-530 through 16-553 of the Oxnard City Code; and

WHEREAS, Section 15301 of Title 14 of the California Code of Regulations exempts the operation, repair, maintenance, permitting, leasing, or minor alteration of existing structures or facilities involving negligible expansion of use beyond that existing 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, visit or live in this development in particular.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby approves this permit subject to the following conditions. The decision of the Planning Commission is final unless appealed in accordance with the provisions of Section 16-545 of the Oxnard City Code.

**STANDARD CONDITIONS OF APPROVAL
FOR LAND USE PERMITS**

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	Public Works, Landscape Design	CE	Code Compliance

GENERAL PROJECT CONDITIONS

1. This permit is granted for the property described in the application on file with the Planning Division, and may not be transferred from one property to another. (PL, *G-1*).
2. This permit is granted for the plans dated April 16, 2009, (“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 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. 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&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. 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)

LANDSCAPE STANDARD CONDITIONS

14. 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*)
15. 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*)
16. 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*)
17. 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*)
18. 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*)
19. Developer shall install an irrigation system that includes a water sensor shut off device as a water conservation measure. (PK, *PK-22*)

LANDSCAPE SPECIAL CONDITIONS

20. Prior to issuance of building permits, Developer's Landscape Architect or Architect shall provide the City with written confirmation that they have reviewed the civil engineering construction drawings and that the NPDES requirements are not in conflict with meeting the City's landscape requirements.
21. Prior to issuance of building permits, Applicant shall clean up the vegetative debris and overgrowth on the Ventura Blvd portion of the site replace the missing shrubs and groundcovers and leave the healthy trees in place.
22. Prior to issuance of building permits, Applicant shall clean up the miscellaneous debris on the westerly portion of the site; leave the healthy vegetation dense and thick to act as a graffiti deterrent for the adjacent wall.

23. Prior to issuance of building permits, Applicant shall provide a full landscape treatment of groundcovers, shrubs and trees to the easterly entrance to the site. Plant vines (5 gallon size at 10' on center spacing) against the wall to act as a graffiti deterrent.
24. Prior to issuance of building permits, Applicant shall replace the missing *Ficus pumila* vines (5 gallon size at maximum of 10' on center spacing) along the southerly property line wall to act as a graffiti deterrent.
25. Prior to issuance of building permits, Applicant shall trim and remove all the dead wood from the existing trees.
26. Prior to issuance of building permits, Applicant shall construct a parking lot end island landscape finger planter that shall have groundcovers, shrubs (5 gallon) and a tree (minimum 24" box size).

FIRE DEPARTMENT STANDARD CONDITIONS

27. Developer shall construct all vehicle access driveways on the project property to be at least 26 feet wide. Developer shall mark curbs adjacent to designated fire lanes in parking lots to prohibit stopping and parking in the fire lanes. Developer shall mark all designated fire lanes in accordance with the California Vehicle Code. (FD/B, *F-1*)
28. 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*)
29. Before the City issues building permits, Developer shall obtain the Fire Chief's approval of a plan to ensure fire equipment access and the availability of water for fire combat operations to all areas of the project property. The Fire Chief shall determine whether or not the plan provides adequate fire protection. (FD/DS, *F-3*)
30. At Developer's expense, Developer shall obtain two certified fire flow tests for the project property. The first test shall be completed before City approval of building plans and the second shall be completed after construction and prior to the issuance of a certificate of occupancy. A mechanical, civil, or fire protection engineer must certify the tests. Developer shall obtain permits for the tests from the Engineering Division. Developer shall send the results of the tests to the Fire Chief and the City Engineer. (FD/DS, *F-4*)
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. The turning radius of all project property driveways and turnaround areas used for emergency access shall be a minimum of 48 feet outside diameter for a semi-trailer. (FD, *F-11*)
34. Developer shall comply with Certified Unified Program Agency (CUPA) requirements regarding the storage, handling and generation of hazardous materials or waste. Prior to the issuance of building permits, Developer shall contact the CUPA division of the Fire Department to ensure that such requirements are followed. (FD, *F-16*)

PLANNING DIVISION STANDARD CONDITIONS

35. 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*)
36. 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*)
37. Developer may not modify any use approved by this permit unless the Planning Division Manager determines that Developer has provided the parking required by the City Code for the modified use. (PL, *PL-7*)
38. 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*)
39. 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*).
40. Developer shall limit outdoor storage of materials to the locations shown on the project plans. Developer shall screen storage areas from adjacent properties and streets by a wall or similar screening. All fence and wall materials shall match the predominant design and materials of the main structure on the project property. (PL/B, *PL-48*)

PLANNING DIVISION SPECIAL CONDITIONS

41. This special use permit is of limited duration (City Code Section 16-553) and shall expire upon the earlier of: (i) seven (7) years from the date of this approval, or (ii) following the fifth year after the effective date of this approval, six months after the City notifies Applicant that the use must cease. Following such expiration, the use shall cease. Prior to expiration, Applicant may seek a modification to extend the expiration date. (PL)

DEVELOPMENT SERVICES DIVISION STANDARD CONDITIONS

42. 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)
43. Developer's Engineer shall design parking lot structural sections based on an analysis of the soils R-value and a traffic index (T.I.) approved by the City Engineer. The minimum structural section for parking lots is two inches of asphalt on four inches of base material. Developer shall show the proposed structural section on the site improvement plans. (DS-2)
44. Developer shall have the site improvement plans prepared on standard Development Services Division mylars by a civil engineer licensed in the State of California. The plans shall incorporate recommendations from soil engineering and geology reports. Prior to issuance of a grading permit, improvement plans must be approved by the City Engineer and the original ink-on-mylar plans filed with the Development Services Division. (DS-3)
45. Developer shall remove and replace all improvements that are damaged during construction. (DS-6)
46. Developer shall enter into an agreement, approved as to form by the City Attorney, to install and construct all public improvements required by this permit and by the City Code and shall post security satisfactory to the Finance Director, guaranteeing the installation and construction of all required improvements within the time period specified in the agreement or any approved time extension. (DS-14)
47. A civil engineer licensed in the State of California shall prepare the public improvement plans and documents for this project in accordance with City standards and shall submit all such plans to the City Engineer. Such plans and documents shall include, but not be limited to, grading, street, drainage, sewer, water and other appurtenant improvement plans; a master utility plan showing the layout and location of all on-site and off-site utility improvements that serve the project; construction cost estimates, soils reports, and all pertinent engineering design calculations. City will not accept an application for the final map or parcel map for the project or issue a grading, site improvement or building permit until the City Engineer has approved all improvement plans. (DS-15)
48. Prior to issuance of a site improvement permit, Developer shall provide to the Development Services Division a compact Disc (CD) containing digital copies of the final subdivision map, address map, and civil improvements drawings in DWG format. Prior to improvement bond release, Developer shall provide an updated CD containing all changes that occur during construction. (DS-16)

49. Developer shall provide all necessary easements for streets, highways, alleys, sidewalks, breezeways, parkways, landscaping, utilities, drainage facilities, and other improvements as required by City. If such easements cannot be obtained from the property owner by negotiation, City may acquire them at the expense of Developer by exercise of the power of eminent domain. Developer shall bear all costs of eminent domain proceedings, including appraisal, acquisition, attorney's fees, and court costs. Before City issues a site improvement permit, Developer shall dedicate all required easements to City. (DS-19)
50. Developer shall remove graffiti from the project, including graffiti on offsite public infrastructure under construction by Developer, within 24 hours of its appearance. If Developer fails to remove graffiti in accordance with this condition, the City may at the discretion of the Development Services Manager issue a stop work order until such time as the graffiti is removed. (DS-20)
51. The conditions of this resolution shall prevail over all omissions, conflicting notations, specifications, dimensions, typical sections, and the like, that may or may not be shown on the improvement plans. (DS-21)
52. Developer shall pay the cost of all inspections of on-site and off-site improvements. (DS-22)
53. Developer shall be responsible for all project-related actions of Developer's employees, contractors, subcontractors, and agents until City accepts the improvements. (DS-23)
54. Prior to beginning construction, Developer shall designate in writing an authorized agent who shall have complete authority to represent and to act for Developer. The authorized agent shall be present at the work site whenever work is in progress. Developer or the authorized agent shall make arrangements acceptable to City for any emergency work. When City gives orders to the authorized agent to do work required for the convenience and safety of the general public because of inclement weather or any other cause, and the orders are not immediately acted upon by the authorized agent, City may do or have such work done by others at Developer's expense. (DS-24)
55. "Standard Specifications for Public Works Construction," latest edition, and any modifications thereto by City, and City of Oxnard Standard Land Development Specifications and all applicable City Standard Plans, shall be the project specifications, except as noted otherwise on the approved improvement plans. City reserves the right to upgrade, add to, or revise these specifications and plans and all other City ordinances, policies, and standards. If the improvements required of this project are not completed within 12 months from the date of City's approval of the improvement plans, Developer shall comply with and conform to any and all upgraded, additional or revised specifications, plans, ordinances, policies and standards. (DS-27)
56. Developer shall retain a Civil Engineer licensed in the State of California to ensure that the construction work conforms to the approved improvement plans and specifications and to

provide certified "as-built" plans after project completion. Developer's submittal of the certified "as-built" plans is a condition of City's final acceptance of the project. (DS-29)

57. All grading shall conform to City's grading ordinance and any recommendations of Developer's soils engineer that have been approved by the City Engineer. Developer shall conform to all applicable notes specified on the site improvement/grading plan cover sheet and grading permit. (DS-30)
58. Developer shall provide soils reports, "R" value tests, and compaction tests for all streets. Determination of the actual structural sections shall be based on City's design procedure, applying the appropriate traffic index specified in City standards. (DS-53)
59. Developer shall be responsible for and bear the cost of replacement of all existing survey monumentation (e.g., property corners) disturbed or destroyed during construction, and shall file appropriate records with the Ventura County Surveyor's Office. (DS-64)
60. Developer shall provide adequate vehicle sight distance as specified by CalTrans specifications at all driveways and intersections. (TR-71)
61. 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)
62. Prior to issuance of an encroachment permit, Developer shall obtain City's approval of a contractor qualified to install traffic signals, pavement markings and signs. (TR-76)

STORMWATER QUALITY CONDITIONS

63. Developer shall comply with all National Pollutant Discharge Elimination System (NPDES) permit Best Management Practice (BMP) requirements in effect at the time of grading or building permit issuance. Requirements shall include, but not be limited to, compliance with the Ventura Countywide Stormwater Quality Urban Impact Mitigation Plan (SQUIMP). (DS-78)

DEVELOPMENT SERVICES DIVISION SPECIAL CONDITIONS

64. 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)
65. Developer shall provide an evaluation prepared under the supervision of an engineer of the structural integrity of the existing onsite asphalt paving. Evaluation shall include recommendations for repairs or replacement and shall be subject to approval of the

Development Services Manager. Developer shall implement recommendations of the evaluation to the satisfaction of the Development Services Manager. (DS)

66. Developer shall construct double-bin trash enclosures (one bin for recycle use) with a solid non-combustible roof (8 foot minimum clearance) that prevents stormwater 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 Division. The location and configuration of trash enclosures shall be reviewed and approved by the Environmental Resources 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 Environmental Resources Division. (DS)
67. Developer shall design and construct the widening of Ventura Boulevard as required to accommodate a westbound left-turn pocket with a minimum width of ten (10) feet and a minimum storage length of one-hundred (100) feet that services the westerly project driveway. Final design of the road widening is subject to approval of the Development Services Manager. (TR)
68. The easterly driveway shall be operated by project occupants as an exit only. Developer shall sign and stripe this driveway accordingly. (TR)
69. Developer shall install "No Parking" signs along the northerly side of Ventura Boulevard for the length of the project frontage. (TR)
70. Developer shall install "No Parking" signs in the open area easterly of the project perimeter fence. (TR)
71. 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)

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 16th day of
April, 2009, by the following vote:

AYES: Commissioners

NOES: Commissioners

ABSENT: Commissioners

Deirdre Frank, Chair

ATTEST: _____
Susan L. Martin, Secretary