



*Planning Division*

## PLANNING COMMISSION STAFF REPORT

**TO:** Planning Commission

**FROM:** Linda Windsor, Associate Planner

**DATE:** August 6, 2009

**SUBJECT:** Planning and Zoning Permit No. 09-550-4 (Major Modification to Special Use Permit No. 05-500-10), Located at 5587 Saviers Road.

- 1) **Recommendation:** That the Planning Commission approve Planning and Zoning Permit No. 09-550-4 for a major modification to a special use permit, subject to certain findings and conditions.:
- 2) **Project Description and Applicant:** A request for a three-year time extension for an approved, but not yet built, 8,431 square foot commercial building for a veterinary hospital and general office use. The project site, located at 5587 Saviers Road (APN 222-0-011-110), is vacant and within the Southwinds Redevelopment Area. The Planning Commission previously approved the project in 2006, and building permits were not secured prior to expiration of the special use permit. The application was filed by Dragonfly Development, LLC, c/o Dr. Marti Armington, 701 E. Hueneme Road, Port Hueneme, CA 93041.
- 3) **Background Information:** On April 20, 2009, the Planning Commission adopted Resolution No. 2006-24, approving PZ 05-500-10, a Special Use Permit to allow construction of a two-story office building, including a veterinary hospital on the first floor. Prior to expiration of the special use permit's 24-month term, the applicant applied for, and the Planning Manager approved, a one-year administrative time extension of the special use permit. During the past three years, the applicant has diligently pursued issuance of building and grading permits for the project, but was not able to obtain building or grading permits.
- 4) **Environmental Determination:** In accordance with Section 15061(b) (3) of the California Environmental Quality Act (CEQA) Guidelines (the "General Rule" exemption), the proposed time extension ("the project") is not subject to environmental review. This exemption states that when it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the project is not subject to CEQA. The subject time extension does not change the previously-approved project in its intensity, site configuration, building design, operations, or land uses, and

therefore would not create a significant effect on the environment. Staff recommends that the Planning Commission accept the Notice of Exemption (see Attachment C).

The previous approval identified the project as categorically exempt under Section 15303(c) of the CEQA Guidelines, which excludes small new development (including up to four commercial buildings not exceeding 10,000 square feet in urbanized areas) from environmental review. A notice of exemption was prepared, since there was no substantial evidence that the previously-approved project would have a significant adverse effect on the environment.

- 5) Analysis:** No changes have been made to the previously approved project, and the conditions of approval as previously approved are current and still applicable. The attached draft resolution extends the time limit of the special use permit for three years from April 20, 2009, and incorporates all conditions previously adopted by Resolution 2006-24 for the project. The staff report from the April 6, 2006 Planning Commission meeting, and as the memo to the Commission from the April 20, 2006 Planning Commission meeting, are attached to this report for reference.

General plan consistency, conformance with zoning standards, site design, circulation and parking, signs, and landscaping have not changed since project approval. Circumstances in the project vicinity have not altered drastically, and staff supports the requested time extension.

**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 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. April 6, 2009 Planning Commission staff report
- E. April 20, 2009 memo to Planning Commission
- F. Resolution

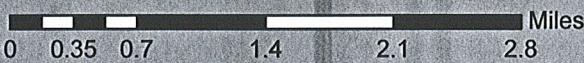
Prepared by: <u>LJW</u> LJW
Approved by: <u>SM</u> SM

# Vicinity Map



PZ 09-550-04

## Vicinity Map



PZ 09-550-04  
Location: 5587 Saviers Rd  
APN: 222001111  
Dragonfly Development

# General Plan Map



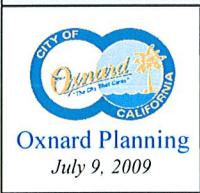
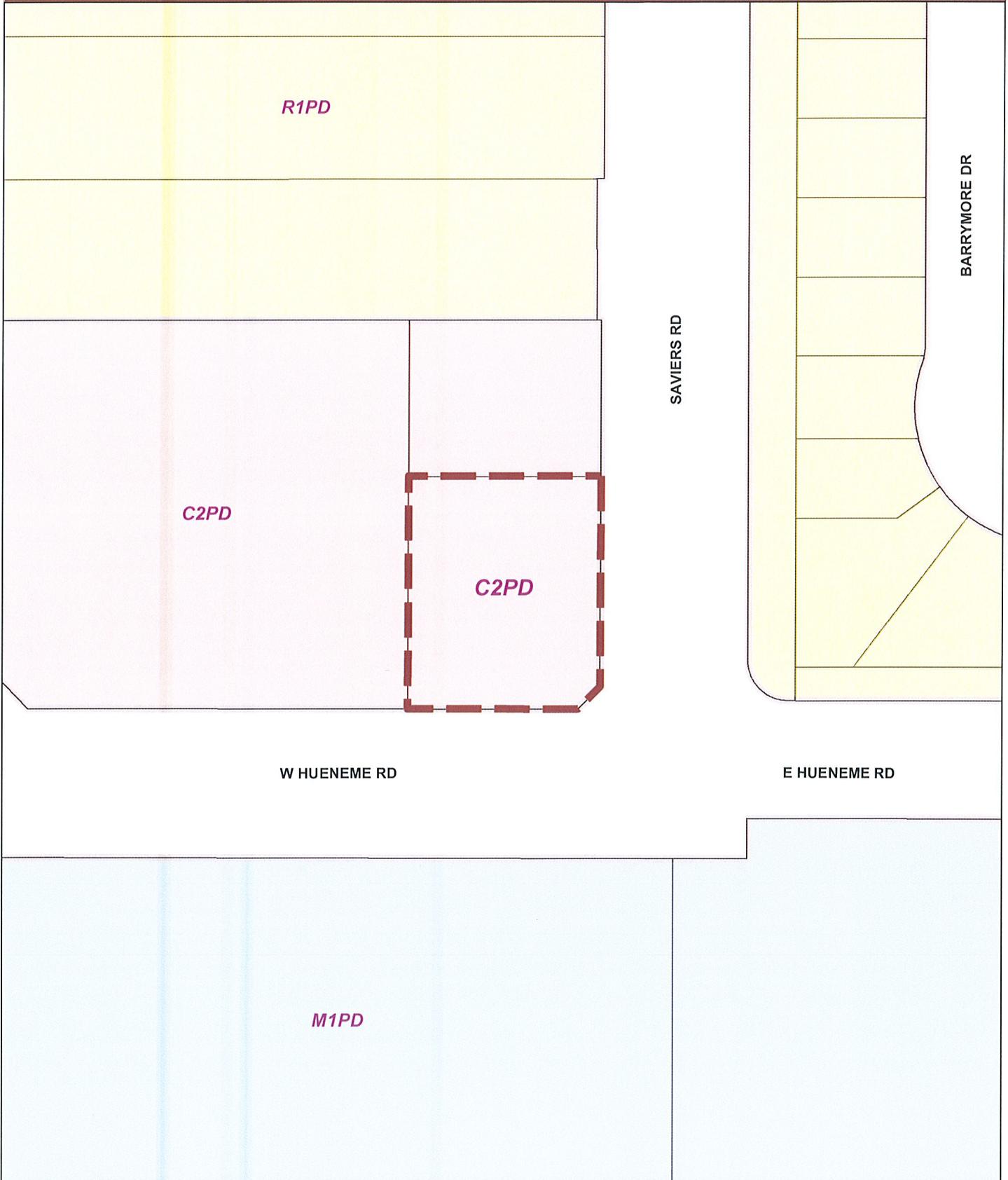
PZ 09-550-04  
Location: 5587 Saviers Rd  
APN: 222001111  
Dragonfly Development

0 25 50 100 150 200 Feet

**General Plan Map**



# Zone Map



PZ 09-550-04  
Location: 5587 Saviers Rd  
APN: 222001111  
Dragonfly Development

0 20 40 80 120 160 Feet

**Zone Map**









**J.E. ARMSTRONG  
ARCHITECT, INC**  
LICENSE C22069  
2300 KNOWL DRIVE, SUITE A  
VENTURA, CA 93003  
805-644-8180



**KEYNOTE LEGEND**

1. CLAY TILE ROOF, TYPE 'S'. SEE ROOF PLAN (E)
2. 5' HALF-ROUND PREFINISH METAL OUTER, TYP. (A)
3. 3" PREFINISHED METAL DOWNSPOUT (A)
4. 7/8" 3-COAT STUCCO MISSION ROLLED FINISH TO BE PAINTED. (B)
5. DECORATIVE WROUGHT IRON RAILINGS TO 36" HIGH WITH LESS THAN 4" OPENINGS BETWEEN VERTICAL ELEMENTS. SEE DETAIL 12/A2.0
6. 50 SQUARE FOOT AREA FOR SIGNAGE WITH 12" LETTERS, UNDER SEPARATE PERMIT
7. 7/8" 3-COAT STUCCO MISSION ROLLED FINISH WANSLOT. SEE 1/A2.1 (D)
8. CORBELLED RAFTERS TALS (A)
9. ALUMINUM WINDOW FACTORY FINISH. SEE DETAILS 2.3/A2.1, MATCH (A)
10. ALUMINUM STOREFRONT DOOR, FACTORY FINISH, MATCH (A)
11. EXPOSED WOOD TRELIS W/ CORBELLED BEAM ENDS (A)
12. RAISED METAL LETTERING FOR NUMERIC ADDRESS IDENTIFICATION
13. DECORATIVE WROUGHT IRON GUARDRAIL TO 42" HIGH WITH LESS THAN 4" OPENINGS BETWEEN VERTICAL ELEMENTS. SEE DETAIL 12/A2.0
14. DOOR WITH LOUVERS. SEE MECHANICAL DRAWINGS FOR LOUWER SIZE REQUIREMENTS. PAINT TO MATCH ADJACENT WALL (A)
15. DECORATIVE WROUGHT IRON GRILL. SEE DETAIL 4/A2.1
16. 7/8" 3-COAT STUCCO MISSION ROLLED FINISH (B)

NO.	DESCRIPTION
(A)	PAINT AT TIME WINDOW AND DOORS EXTERIOR (EMERALD) INTERIOR (PEARL) SMOKE
(B)	EMERALD (EMERALD) INTERIOR (PEARL) SMOKE EMERALD (EMERALD) INTERIOR (PEARL) SMOKE
(C)	PAINT AT STUCCO EMERALD (EMERALD) INTERIOR (PEARL) SMOKE
(D)	EMERALD (EMERALD) INTERIOR (PEARL) SMOKE EMERALD (EMERALD) INTERIOR (PEARL) SMOKE
(E)	STANDARD RED BY IRELAND CLAY TILE GLAZED, FLORIP PANEL NEEDED, PER PERMISSION OF LOCAL

**ATTIC VENTILATION**

SEE ROOF PLAN SHEET A2.2

**EXTERIOR ELEVATIONS**

PROJECT TITLE: **EMERALD PROFESSIONAL BUILDING**  
DR. MARTI ARMSTRONG  
OWNER: 595 SAVIERS ROAD, BOSTON, CA 93024

SHEET TITLE:

REVISIONS:

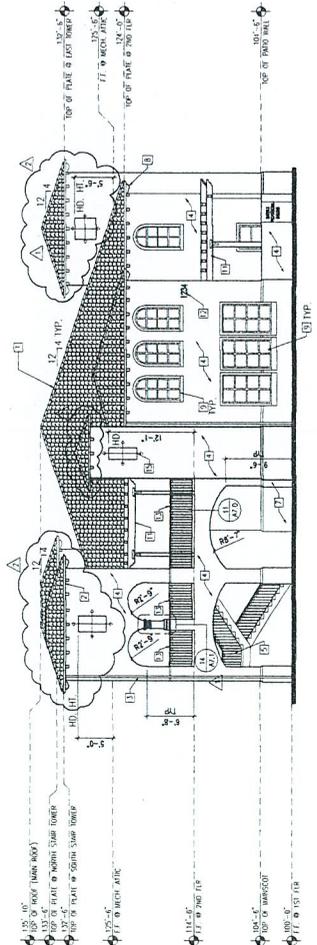
△	PLAN CHECK CORRECTIONS
△	12/08/07
△	12/08/07
△	12/08/07

OWNERSHIP OF DOCUMENTS:  
I, THE ARCHITECT, HEREBY CERTIFY THAT I AM THE AUTHOR OF THE ORIGINAL DESIGN AND CONSTRUCTION DOCUMENTS FOR THIS PROJECT AND THAT I AM NOT PROVIDING THESE DOCUMENTS TO ANY OTHER PARTY WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECTURAL FIRM.

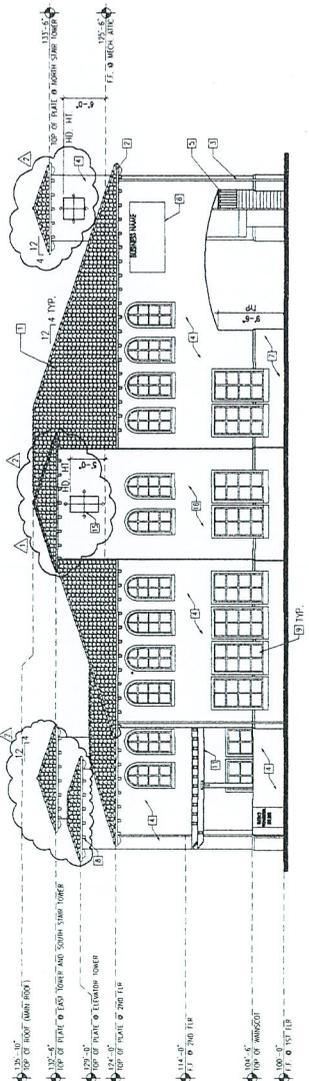
DATE: 06-23-2006  
FILE NAME: 06-23-2006\_ARCHDING  
JOB'S PROJECT #: 06-23-2006  
DRAWN BY: JEA  
CHECKED BY: JEA  
REVIEWED BY: JEA

SCALE: 1/8" = 1'-0"

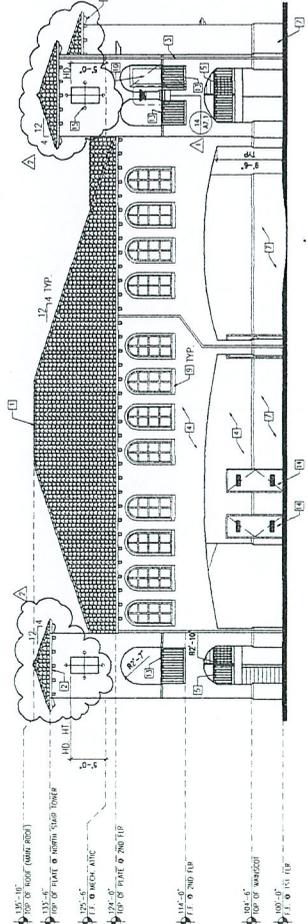
**A5.0**  
SHT. 15 OF 18



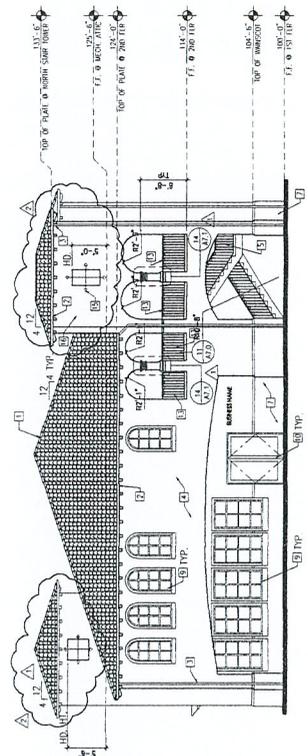
**A SOUTH ELEVATION - HUENEME ROAD**  
SCALE: 1/8" = 1'-0"



**B EAST ELEVATION - SAVIERS ROAD**  
SCALE: 1/8" = 1'-0"



**C WEST ELEVATION**  
SCALE: 1/8" = 1'-0"



**D NORTH ELEVATION**  
SCALE: 1/8" = 1'-0"





## NOTICE OF EXEMPTION

### *Project Description:*

PLANNING AND ZONING PERMIT NO. 09-550-04 (Major Modification to Special Use Permit No. 05-500-10 ) a request for a time extension for an approved, but not yet built, 8,431 square foot commercial building for a veterinary hospital and general office use. The project site, located at 5587 Saviers Road, in the General Commercial Planned Development zone, is vacant and within the Southwinds Redevelopment Area. The Planning Commission previously approved the project in 2006, and building permits were not secured prior to expiration of the special use permit. The project is exempt from environmental review under Section 15061(b)(3) ("General Rule" exemption) of the CEQA Guidelines. The application was filed by Dragonfly Development, LLC, c/o Dr. Marti Armington, 701 E. Hueneme Road, Port Hueneme, CA 93041.

### *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 15061(b)(3) of the California Code of Regulations, when it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, these projects may be found to be exempt from the requirements of CEQA. This proposal consists of a time extension of an approved project, involving no physical changes to the project. 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

Planning Division

214 South C Street, Oxnard, CA 93030 ♦ (805) 385-7858 ♦ FAX (805) 385-7417



*Planning and Environmental Services*

## PLANNING COMMISSION STAFF REPORT

**TO:** Planning Commission  
**FROM:** Linda Windsor, Associate Planner  
**DATE:** April 6, 2006  
**SUBJECT:** Planning and Zoning Permit No. 05-500-10 (Special Use Permit)

- 1. Recommendation:** That the Planning Commission adopt a resolution approving a special use permit for construction of a new commercial building, subject to certain findings and conditions.
- 2. Project Description and Applicant:** A Special Use Permit to allow construction of a two-story, 8431 square foot commercial building for veterinary and general office use, on a vacant site, with associated landscaping, parking and circulation. The application also includes a request to allow a veterinary clinic. The project site is located at the northwest corner of Saviers Road and Hueneme Road (APN 222-0-011-110), in the General Commercial Planned Development (C2PD) zone in the Southwinds Neighborhood. Construction of a two-story commercial building, on a vacant site, with associated landscaping, parking and circulation. The application was filed by Chris Kalla, 1825 E. Ventura Boulevard, Oxnard, CA 93030.
- 3. Existing Land Use:** Vacant.
- 4. General Plan Policies and Land Use Designation Conformance:** The General Plan Land Use designation is *General Commercial*, and the property is not within a specific plan area. The General Plan describes this General Plan designation allows "established retail centers and freestanding commercial uses along thoroughfares." The property is across Hueneme Road from the Ormond Beach and Southwinds Neighborhood "Major Study Areas" identified by the General Plan. Use of this site for an office building would be consistent with the General Plan policies for these areas in that it represents an improvement in the appearance of this site.
- 5. Environmental Determination:** The project is among the classes of projects listed in Section 15303(c) of the California Environmental Quality Act (CEQA) Guidelines, which categorically exempts small new development (including up to four commercial buildings not exceeding 10,000 square feet in urbanized areas) from environmental review. Since there is no substantial evidence that the proposed project may have a significant adverse effect on the environment, a notice of exemption will be filed.

6. **Surrounding Zoning and Land Uses:**

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
Project Site	C-2-PD	General Commercial	Vacant
North	C-2-PD	General Commercial	Auto repair (non-conforming)
South	M-1-PD	Residential Medium	Vacant /Ormond Beach Specific Plan Area (pending)
East	R-1-PD	Residential Low	Single Family residential subdivision
West	C-2-PD	General Commercial	Vacant

7. **Analysis:**

- a) **General Discussion:** The subject parcel is vacant and consists of 19,938 square feet on a corner lot located at the northwest corner of Saviers Road and Hueneme Road. This would be the first building to be built on this site.

This site is within the Southwinds Redevelopment Area.

- b) **Relevant Project and Property History, Related Permits:** None.

- c) **Zoning Compliance:** A veterinary clinic is a Related Use in the C-2-PD zone and therefore requires Planning Commission approval of a Special Use Permit. Applicable development standards of the General Commercial Planned Development (C2-PD) zone district have been compared with the proposed project, as follows:

DEVELOPMENT STANDARD	REQUIRED	PROPOSED	COMPLIES
Min. lot area	No minimum lot size	19,938 sq ft	N/A
Min. lot width	No minimum lot width	128.78 feet	N/A
Min. lot depth	No minimum lot depth	155 feet	N/A
Max. Building height	2 stories / 35 feet, additional by SUP	37.5 feet	NO* (with SUP approval)
Front setback	10 feet	11 feet	YES
Side setback	10 feet (along Saviers Rd)	11 feet (1 ft eaves)	YES
Rear setback	15 feet	48 feet	YES
Lot coverage	None specified	26.8%	N/A
Landscaping (Section No. 16-641)	10 ft wide landscape area required along streets	11 ft. to 13 ft 7 in.	YES
	5 ft along interior property lines	5 ft	YES
	Screen parking areas w/36-inch tall landscape/berm	36-in.tall landscaping/ berm	YES

DEVELOPMENT STANDARD	REQUIRED	PROPOSED	COMPLIES
	5% of parking area	5.1%	YES
Utilities	Aboveground utility structures shall be screened	Transformer and trash enclosure in rear corner of site; backflow preventer to be screened by landscaping.	YES
Parking spaces	33 (office & vet ratio: 1 parking space/250 sf = 38);	28	NO**
	1 motorcycle parking space	1 motorcycle parking space	YES
	No bicycle requirement	Bike rack provided	YES
Loading Areas	1 (12 X 40 ft)	1 (11' 5" X 22' 2" ft)	NO**

\*Since this project is within a Planned Development zone, the applicant may request and the Planning Commission may grant a variation in building height of up to 25% of the standard. The applicant has requested an increase of 2 ½ feet (7%), which is much less than could be approved. See *Building Design Analysis* on page 4.

\*\*See *Circulation and Parking Analysis* section (below).

- d) **Site Design Analysis:** The building is situated along the corner street frontages, with parking tucked behind the building, and landscaping separating the building from the adjacent public sidewalk. The main entrance to the veterinary clinic is on the north elevation, with a secondary access door on the west side of the building. Access to the offices is proposed from exterior stairwells on the northwest and southwest corners of the building and via an exterior elevator on the south side of the building.
- e) **Circulation and Parking Analysis:** One driveway from each street provides access to the site: These driveways meet the City's standards for sizing and spacing. Parking is located on the north and west sides of the building, and along the property boundaries.

The applicant first submitted the proposal as a 9542 square foot building, in approximately the same location and with the same site plan arrangement as the plan being reviewed in this report. As part of the proposal, the applicant prepared a parking study showing that the number of parking spaces proposed (30) was adequate to serve the proposed veterinary clinic and general office uses (42 spaces were required by Code). The City Traffic Engineer approved the parking study, recommending approval of the number of parking spaces proposed. After the parking study was prepared, the applicant reduced the building size by 1111 square feet. For the smaller building, the City Code requires four fewer parking spaces (38), and 28 parking spaces have been proposed. This is two spaces less

than in the original proposal. The City Traffic Engineer reviewed the revised plans, and determined that the number of parking spaces proposed for the revised proposal would adequately serve the project since the size of the building decreased proportionately less than the number of parking spaces provided. Staff therefore recommends approval of the project with 28 parking spaces, as proposed. The resolution includes a condition (# 43) that requires that the Planning and Environmental Services Manager approve any change in use of the building to ensure adequate parking exists for the new use.

The standard size for a loading area, as required by the City Code, is 12 feet by 40 feet. The Code allows the applicant to request that the Planning Commission approve a smaller loading space (11 feet 5 inches by 22 feet 2 inches) for this project. According to the City Traffic Engineer, the space provided would accommodate a vehicle such as a FEDEX or UPS truck, which would be consistent with the type of office uses proposed. Staff therefore recommends approval of this smaller loading area.

- f) ***Building Design Analysis:*** The building proposed for this site is a Spanish style. The building is primarily off-white stucco with pale green and tan accent colors, along with an S-type clay tile on the roof elements. The building has windows with mullions and arched tops, exposed rafter tails, black metal accent elements and arched openings in the stair towers, consistent with this building style. A projecting wainscot accents the building base. The building has a hip roof line.

The building includes an outdoor patio area at the southeast corner of the first floor. This area is covered by a tiled roof and surrounded by a 6-foot high wall to provide privacy.

The second floor extends over the parking area on the north and west sides of the building, and open stairway towers (each with a matching tile roof) at the north and south ends of the building provide access to the second floor.

The applicant has requested a Planned Development bonus of 2 ½ feet (7%) to allow a higher roof ridge than the 35 feet allowed in the C2PD zone. The PD zone allows the Planning Commission to approve a variation in the building height by up to 25% as part of their consideration of this Special Use Permit. This additional height at the top of the roof plane allow complete screening of this project's roof mounted equipment (especially heating, ventilation and air conditioning units) without construction of separate roof screens. Staff recommends approval of this request as reasonable and consistent with the building's architecture and the goal of upgrading the appearance in this area of the City.

- g) ***Signs:*** Signs are proposed on the east and north elevations, and at the southeast corner of the building. The signs proposed for the east elevation are located on the upper portion of the building, near the north end of this elevation. A sign for the

building's architecture and the goal of upgrading the appearance in this area of the City.

- g) **Signs:** Signs are proposed on the east and north elevations, and at the southeast corner of the building. The signs proposed for the east elevation are located on the upper portion of the building, near the north end of this elevation. A sign for the veterinary office would be on the lower portion of the north elevation, adjacent to the clinic entrance. The third sign would be located on the wall surrounding the outdoor area at the southeast corner of the building. All signs would be made of individual metal letters. Staff recommends approval of the proposed signs as part of the Special Use Permit. A condition related to the signs is included in the resolution (#58).
- h) **Landscaping Code Compliance:** Based on the proposed plans and the conditions recommended by the Parks Division, the project will comply with applicable landscaping requirements.

8. **Development Advisory Committee (DAC) Consideration:** The DAC reviewed this project on June 1, 2005. The DAC architectural representative expressed concerns with the original architecture. This original design also created conflicts with parking visibility on the site, and had a large roof overhang which encroached into the front yard setback and prevented trees from being planted in front of the building. Other changes to the site plan were required to comply with applicable city standards related to stormwater drainage, traffic visibility, trash enclosure size and landscaping. A significant issue that came up during DAC review involved the project's connection to the City wastewater system. The City's sewer system extends to the adjacent property within 100 feet of this project and the applicant has obtained an easement from the adjacent property owner to connect to the existing system.

Staff has reviewed the applicant's revised plans and is satisfied that the applicant has resolved these issues as shown on the revised plans.

9. **Community Input:** The project was reviewed at a Community Workshop on January 23 2006. Twelve people attended the meeting and the project was favorably received as in improvement for this neighborhood and this area of the City.

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

Prepared by:	<u>LJW</u> LJW
Approved by:	<u>SM</u> SM



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April 20, 2006

**TO:** Planning Commission

**FROM:** Linda Windsor, Associate Planner

**SUBJECT:** PZ 05-500-10 (SUP)

Applicant: Dragonfly LLC (Chris Kalla)

2-story office building (NW Saviers Road & Hueneme Road)

The Planning Commission first reviewed this project at their meeting of April 6, 2006. The applicant agreed to a continuance to April 20, 2006. The concerns identified by the commission are discussed below.

**Reciprocal Parking and Access Agreement**

The majority of the commissioners stated that future vehicle and pedestrian connections between this property and the adjacent commercial parcels would be desirable for development of this area as a coordinated commercial project. The obstacle to this coordination is that the property owners of the adjacent property have stated that they are not interested in developing their respective properties in the near future.

At the previous hearing, the applicant expressed concern with the cost of such connections and the effect on the project's parking and circulation. At that time, the applicant was supportive of pedestrian connections, but not vehicular connections.

To achieve this connection, staff recommends the following condition, which the applicant has agreed to accept:

At the time a commercially zoned property adjacent to the subject property is developed with a commercial project, Developer shall enter into an agreement with the project proponent of such adjacent property for reciprocal access and parking on the adjacent property and the subject property, as determined to be appropriate and necessary by the Planning Manager. Details of such agreement shall be determined by the property owners involved at the time of execution of such agreement. In no case shall onsite parking on the subject property be reduced by more than three parking spaces. Such agreement may provide for shared use of other items including landscaping and refuse facilities. In any case, alterations to the approved landscaping shall be limited to those changes necessary to accommodate the changes to parking,

parking spaces. Such agreement may provide for shared use of other items including landscaping and refuse facilities. In any case, alterations to the approved landscaping shall be limited to those changes necessary to accommodate the changes to parking, access and trash facilities consistent with this condition. As part of the agreement, the project proponent of such adjacent property shall bear the costs of constructing and reconstructing the Developer's parking, access, landscaping, and refuse facilities and any other infrastructure changes made to accommodate the reciprocal access and parking. Such construction and reconstruction of facilities on the subject site related to the reciprocal access shall be completed in a timely manner, minimizing inconvenience to the subject applicant and including coordinating construction activities with the subject applicant.

### **Architecture**

The applicant has submitted revised building elevations (attached) in response to the commission's comments regarding architecture. The commission expressed concerns related to the window hierarchy, the minimal variation in vertical plane on the east building elevation and the inappropriateness of the roof material and shape over the patio area.

The revised elevations include reworking of the window arrangement and trim; increasing the depth and raising the height of the building pop-out on the east elevation; changing the form and materials of the cover over the outside ground floor patio area; and altering the trim details. In addition, the architect has reworked proportion and scale for several building elements, such as adding decorative metal railings in the second floor stairwell openings. Staff believes these changes address the commission's expressed concerns and recommends approval. A condition requiring submittal of revised hard-line elevations and site plan (the east elevation change results in a minor change to the site plan) prior to submittal of building permit application is included in the attached revised resolution.

### **Adjacent Road Widths**

The City's Traffic Engineer reviewed this project during the Development Advisory Committee process and did not identify needs or future plans to widen Saviers Road. Hueneme Road is the ultimate width on the north side, and widening to accommodate future development would occur on the south side of Hueneme Road.

### **Parking**

The attached parking study shows that parking on the site would be sufficient to serve the proposed veterinary hospital. As stated in the parking study, the average parking demand at the existing veterinary hospital is four spaces. A maximum of seven parking spaces were used by the existing veterinary hospital (three to four customer cars and three employee cars) during one period that lasted 30 minutes. Though the hospital may see a maximum of 25 to 30 animals per day, the animals are seen by appointment only, with no more than 3 pets and their people in the waiting room at one time. Assuming a maximum of seven cars for the veterinary hospital, 21 spaces remain available for the office use, for a total of 28 spaces. Twenty-eight spaces are proposed, equal to the amount needed.

The applicant has stated that some of her customers walk their animals to the veterinary hospital, since the facility provides preventive medicine in addition to trauma and illness care.

### **Operation of Veterinary Hospital**

Hours for customers/pets to arrive: 8 am to 6 pm (Monday through Friday); 8 am to noon or 2 pm (Saturday).

### **Revised Resolution**

The revisions to the previous resolution include changing the reference from veterinary clinic to veterinary hospital in the resolution's preamble, changing Condition No. 2 to reflect the approval date of the plans, deleting Condition No. 52 (which applies only to residential development), and adding conditions regarding reciprocal access and submittal of revised plans. New wording and conditions are indicated with an underline; the deleted condition is indicated with strikeouts for ease of reference. These formatting marks (and the condition to be deleted) will be removed for the final resolution.

### *Attachments:*

- A. Parking Study (Penfield & Smith, May 18, 2005)
- B. Previously Proposed Building Elevations
- C. Revised Building Elevations
- D. Revised Resolution
- E. Planning Commission Staff report, dated April 6, 2006

RESOLUTION NO. 2009 – [PZ #]

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 09-550-04 (MAJOR MODIFICATION TO PZ 05-500-10), TO ALLOW A THREE-YEAR TIME EXTENSION OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT, LOCATED AT 5587 SAVIERS ROAD (APN 222-0-011-110), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY DRAGONFLY DEVELOPMENT, LLC, C/O DR. MARTI ARMINGTON, 701 E. HUENEME ROAD, PORT HUENEME, CA 93041.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 09-550-4, filed by Dragonfly Development, LLC, in accordance with Section 16-530 through 16-553 of the Oxnard City Code; and

WHEREAS, Section 15061(b)(3) 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 form, and fostering the health, safety, and welfare of the citizenry in general and the persons who work or visit 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	Landscape Design	CE	Code Compliance

**GENERAL PROJECT CONDITIONS**

1. This resolution supersedes Planning Commission Resolution No. 2006-24 (PZ 05-500-10).
2. This permit is granted for the plans date-stamped July 13, 2009 (“the plans”) on file with the Planning Division, as modified by the plans approved by the Planning Commission dated April 20, 2006 and finally approved by the Planning & Environmental Services Manager. 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 36 months from the date of its issuance, unless Developer has diligently developed the proposed project, as shown by the issuance of a grading, foundation, or building permit and the construction of substantial improvements, 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. 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)
7. 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)
8. 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)
9. 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)
10. 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)
11. Developer shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, G-11)
12. Developer shall not permit any combustible refuse or other flammable materials to be burned on the project property. (FD, G-12)
13. 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)
14. 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)

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

#### **LANDSCAPE STANDARD CONDITIONS**

16. 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*)
17. 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*)
18. 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*)
19. 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*)
20. 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*)
21. 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**

22. Street trees on Saviers Road and on Hueneme Road shall be *Cupaniopsis anacardioides*. The position of street trees on Saviers Road and Hueneme Road, as shown on the landscape plan dated March 10, 2006 shall not require CU-SOIL.
23. Developer shall provide a 36" high continuous visual screen at time of planting on the portion of Saviers Road and Hueneme Road adjacent to the parking to screen parked cars from public roadways.
24. Proposed bio filtration swale system shall not conflict with proposed landscape treatment for Saviers Road and Hueneme Road. Landscape plans to show a detail section through the bioswale area that demonstrates that the bioswale and required landscape can both be accommodated within the same landscape space. Parks Superintendent and Development Services Division may require alteration or relocation of the bioswale filtration system if it conflicts with the landscape treatment.

## **FIRE DEPARTMENT STANDARD CONDITIONS**

25. Developer shall construct all vehicle access driveways on the project property to be at least 25 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*)
26. 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*)
27. 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*)
28. 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*)
29. 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*)
30. The project shall meet the minimum requirements of the "Fire Protection Planning Guide" published by the Fire Department. (FD, *F-6*)
31. At all times during construction, Developer shall maintain all-weather surfaces that provide access for fire fighting apparatus to all parts of the project property. (FD/DS, *F-7*)
32. Developer shall identify all hydrants, standpipes and other fire protection equipment on the project property as required by the Fire Chief. (FD, *F-8*)
33. Developer shall provide central station monitoring of the fire sprinkler system and all control valves. (FD, *F-10*)
34. 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*)
35. Developer shall provide automatic fire sprinklers as required by the City Code and shall contact the Fire Chief to ascertain the location of all connections. (FD, *F-12*)

## **FIRE DEPARTMENT SPECIAL CONDITIONS**

36. Fire sprinkler coverage is required for:
  - a. Patios, overhangs or any other projections that are 48” or more from the structure.
  - b. Open areas beneath stairs that serve a habitable space or when that area is accessible for storage or has mechanical equipment.
  - c. The protection of the forced air unit when located in the attic or other areas that are normally inaccessible.
37. Developer shall install a fire hydrant on Hueneme Road just west of the driveway. The fire department connection for the sprinkler system shall also be installed at this location.

## **PLANNING STANDARD CONDITIONS**

38. The final building plans submitted by Developer with the building permit application shall depict on the building elevation sheets all building materials and colors to be used in construction. (PL/B, *PL-1*)
39. 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*)
40. 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*)
41. 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*)
42. 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*)
43. Developer may not modify any use approved by this permit unless the Planning and Environmental Services Manager determines that the proposed use complies with the parking and loading space size approved as part of this Special Use Permit. (PL, *PL-7*)
44. 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*)

45. 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*)
46. 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*)
47. 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*)
48. Developer shall provide for dust control at all times during project property preparation and construction activities. (B/DS, *PL-13*)
49. 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*)
50. 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*)
51. 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*).
52. Developer shall recess or screen 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*)

53. Developer shall paint all roof and building drainpipes, gutters, and downspouts to match adjacent building elements. These items shall not be visible on any street-facing exterior building elevations. (PL, *PL-42*)
54. 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*)
55. Developer shall install toilets that have automatic flush sensors in public restrooms. Such toilets shall be included on the plans submitted for a building permit and shall be maintained and in working order at all times. (PL, *PL-44*)
56. Developer shall install individual mirrors above each sink in a public restroom to the satisfaction of the Planning and Environmental Services Manager. The details of such mirrors shall be approved prior to issuance of a building permit. Developer shall remove graffiti from the mirrors or replace the mirrors within 24 hours of graffiti appearance. (PL, *PL-45*)
57. Building signs shall be installed in compliance with the sign program provided on the elevation plan date-stamped March 15, 2006. Square footage of signs on the second level of the east elevation shall not exceed 50 square feet (adjacent to the north corner of the building), and signs on the wall at the southeast corner of the building shall not exceed 31.5 square feet. Sign area on the north elevation shall not exceed 33.50 square feet. (PL/ B, *PL-46*)
58. Prior to issuance of a Certificate of Occupancy, Developer shall remove all construction materials and vehicles from the subject property. (PL/B, *PL-47*)

#### **PLANNING SPECIAL CONDITIONS**

59. Developer shall remove any and all graffiti from the project premises, including but not limited to graffiti outside and within the building, such as in restrooms, 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.
60. 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.

61. The applicant shall submit three sets of revised plans to the Planning & Environmental Services Manager for final approval prior to applying for building permits. The plans shall incorporate modifications resulting from changes to the building elevations approved by the Planning Commission, and shall include the site plan and elevations.
62. At the time a commercially zoned property adjacent to the subject property is developed with a commercial project, Developer shall enter into an agreement with the project proponent of such adjacent property for reciprocal access and parking on the adjacent property and the subject property, as determined to be appropriate and necessary by the Planning Manager. Details of such agreement shall be determined by the property owners involved at the time of execution of such agreement. In no case shall onsite parking on the subject property be reduced by more than three parking spaces. Such agreement may provide for shared use of other items including landscaping and refuse facilities. In any case, alterations to the approved landscaping shall be limited to those changes necessary to accommodate the changes to parking, access and trash facilities consistent with this condition. As part of the agreement, the project proponent of such adjacent property shall bear the costs of constructing and reconstructing the Developer's parking, access, landscaping, and refuse facilities and any other infrastructure changes made to accommodate the reciprocal access and parking. Such construction and reconstruction of facilities on the subject site related to the reciprocal access shall be completed in a timely manner, minimizing inconvenience to the subject applicant and including coordinating construction activities with the subject applicant.

#### **SOLID WASTE MANAGEMENT STANDARD CONDITIONS**

63. To ensure that solid waste generated by the project is diverted from the landfill and reduced, reused or recycled, Developer shall submit a "Solid Waste Management & Recycling Plan" to the City for review and approval. The plan shall provide for at least 50% of the waste generated on the project be diverted from the landfill. Plans shall include the entire project area, even if tenants are pursuing or will pursue independent programs. The plan shall be submitted to Planning & Environmental Services and Solid Waste Divisions and approved by the Solid Waste Division prior to issuance of a building permit. The plan shall include the following information: material type to be recycled, reused, salvaged or disposed; estimated quantities to be processed; management method used; destination of material including the hauler name and facility location. Developer shall use the Solid Waste Management & Recycling Plan form.
64. Developer shall follow the plan and provide for the collection, recycling, and/or reuse of materials (i.e., concrete, wood, metal, cardboard, green waste, etc.) and document results during construction and/or demolition of the proposed project. After completion of demolition and/or construction, Developer shall complete the Solid Waste Management & Recycling report and provide legible copies of weight tickets, receipts, or invoices for materials sent to disposal or reuse/recycling facilities. For other discarded or salvaged materials, Developer shall provide documentation, on the disposal facility's letterhead,

identifying where the materials were taken, type of materials, and tons or cubic yards disposed, recycled or reused, and the project generating the discarded materials. Developer shall submit and obtain approval of the Solid Waste Management & Recycling C&D Report form prior to issuance of a certificate of occupancy.

65. Developer shall arrange for materials collection during construction, demolition, and occupancy with either the City Solid Waste Reduction & Disposal Division or other City permitted hauling companies, or Developer shall arrange for self-hauling to an authorized facility.
66. If the project will generate waste on an ongoing basis during occupancy, Developer shall make provisions to divert at least 50% of the material through source reduction, recycling, reuse, and/or green waste programs. Developer shall submit an Occupancy Recycling Plan which shall include the following information: estimated quantities and materials to be generated, management method to be used to reduce landfill disposal; quantity, size and location of recycling and trash bins, destination of material including the names of haulers and facility locations. Developer shall use the attached Occupancy Recycling Plan form or a similar format. The Occupancy Plan form must be submitted and approved prior to issuance of a certificate of occupancy.

In addition, Developer shall submit an Occupancy Recycling Report annually to the Solid Waste Division on the anniversary date of the certificate of occupancy. The Report shall include the following information: material type recycled, reused, salvaged or disposed; quantities, management method, destination of material including hauler names and facility locations. Documentation must be included such as weight tickets or receipts regarding the above.

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

67. 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)
68. 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)
69. 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 Development Services. (DS-3)
70. Developer shall submit improvement plans and drainage calculations that demonstrate that storm drainage from the project property and all upstream areas will be safely conveyed to an

approved drainage facility. The design and conveyance route shall be compatible with the City's Master Plan of Drainage and shall be approved by the City Engineer prior to approval of improvement plans. (DS-4)

71. Developer shall protect building pads from inundation during a 100-year storm. (DS-5)
72. Developer shall remove and replace all improvements that are damaged during construction. (DS-6)
73. Before connecting the project to existing sewer and water service laterals, Developer shall arrange for City staff to inspect such facilities. Developer shall make such repairs to such facilities as City staff determines to be necessary. Developer shall bring all existing water services into compliance with City standards. (DS-7)
74. Curb cut widths and design shall conform to City ordinances, standards, and policies in effect at the time City issues an encroachment permit. (DS-9)
75. Where a separate loop or terminal line is required for water mains, fire hydrants or fire sprinkler systems, Developer's site improvement plans shall include an on-site water plan. (DS-11)
76. 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)
77. 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)
78. 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)

79. 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)
80. 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)
81. Developer shall pay the cost of all inspections of on-site and off-site improvements. (DS-22)
82. Developer shall be responsible for all project-related actions of Developer's employees, contractors, subcontractors, and agents until City accepts the improvements. (DS-23)
83. 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)
84. "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)
85. 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)
86. 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)
87. In order to mitigate any potential flooding or erosion affecting adjacent properties and public rights-of-way, Developer shall construct required drainage facilities concurrently with the

rough grading operations, or with prior approval of the City Engineer, provide interim drainage improvements on a temporary basis. (DS-31)

88. Storm drain, sewer and water facilities shall conform to applicable City Master Plans. Developer shall prepare plans for these facilities in accordance with City's engineering design criteria in effect at the time of improvement plan submittal. Developer shall submit plans with pertinent engineering analyses and design calculations for review and approval by the City Engineer prior to issuance of a site improvement permit. (DS-34)
89. Prior to issuance of a site improvement permit, Developer shall provide to the City Engineer easements or written consents from all affected landowners for any diversion of historical flows or change in drainage conditions caused by the project, as evidence that such landowners accept any additional water flowing over their property. (DS-36)
90. Developer shall dispose of sewage and solid waste from the project by City's wastewater and solid waste systems in a manner approved by the City Engineer. (DS-38)
91. Developer shall install water mains, fire hydrants and water services in conformance with City Standard Plans and specifications as directed by the City Engineer. (DS-41)
92. Prior to issuance of building permits, Developer shall present to the City Engineer a "Proof of Payment - Authorization for Building Permits" form issued by the Calleguas Municipal Water District. (DS-44)
93. Developer shall install City approved backflow prevention devices for water connections if so ordered by the City Engineer. (DS-45)
94. Prior to designing the water system for the project, Developer shall have a certified fire flow test performed to determine existing water pressure and flow characteristics. The water system shall be designed to allow for a 10 psi drop in the static water pressure measured during the fire flow test. After construction and before City issues a certificate of occupancy, the City Engineer may require a second test. Before performing the tests, Developer shall obtain permits from the City Engineer. Developer shall have all tests certified by a mechanical, civil, or fire protection engineer and provide written results of all tests to the City Engineer. (DS-47)
95. Street and road improvements shall conform to City standards and policies. Improvements shall include upgrading of existing pavement along the project frontage to City standards by removing and replacing or overlaying, as directed by the City Engineer. (DS-51)
96. Developer shall improve all streets, alleys, sidewalks, curbs, and gutters adjacent to the project in accordance with City standards, as necessary to provide safe vertical and horizontal transitions. (DS-52)

97. Developer shall submit a landscape irrigation plan prepared by a licensed professional, showing proper water meter size, backflow prevention devices, and cross-connection control. (DS-59)
98. 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)
99. Developer shall provide adequate vehicle sight distance as specified by CalTrans specifications at all driveways and intersections. (TR-71)
100. 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)
101. 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)

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

102. Prior to issuance of a site improvement permit, Developer shall provide to the Development Services Division a CD containing digital copies of the 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-101)
103. 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)
104. Developer shall design the grass swale filter in accordance with the Technical Guidance Manual for Stormwater Quality Control Measures. Design calculations shall be included in the project drainage report. (DS)
105. Developer's engineer shall provide City with written confirmation that they have reviewed the landscape construction drawings within the NPDES swale filter areas and that it is their opinion that the proposed landscaping is appropriate for use within swale filter. (DS)
106. Developer shall replace all broken, uplifted or missing sidewalk along the project's street frontages. Required repairs shall be shown on the grading/site improvement plan. (DS)
107. Developer shall construct a concrete apron along the length of the trash enclosure opening that extends a minimum of 15 feet from the face of the enclosure. (DS)

108. Developer shall design and construct a connection to the City's wastewater system for this project that complies with City standards. Developer shall not construct a force main within public right-of-way. Obtaining any offsite easements required to connect to the City's wastewater system are the sole responsibility of the Developer. (DS)
109. Developer's civil engineer shall provide an assessment of the disabled access around the existing traffic signal pole and control boxes at the northwest corner of Saviers Road and Hueneme Road. Developer shall provide additional concrete or other modifications to the existing sidewalk as required to meet current accessibility standards. (DS)
110. Developer shall install emergency vehicle pre-emption detectors in all directions, LED signals including pedestrian countdown signals, and battery backup at the signalized intersection of Saviers Road and Hueneme Road. (TR)
111. Developer shall install 3" traffic signal interconnect conduit with pull rope along property frontage on both Saviers Road and Hueneme Road. (TR)

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 6<sup>th</sup> day of August, 2009 by the following vote:

AYES: Commissioners

NOES: Commissioners

ABSENT: Commissioners

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Deirdre Frank, Chair

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