



Planning Division

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Linda Windsor, Associate Planner

DATE: March 20, 2008

SUBJECT: Planning and Zoning Permit No. 07-500-16 (Special Use Permit) and 07-590-2 (Zone Variance), for a residential duplex located at 315 Cooper Road.

- 1) **Recommendation:** That the Planning Commission:
 - a) Approve Planning & Zoning Permit No. 07-500-16, a special use permit, subject to certain findings and conditions; and
 - b) Approve Planning & Zoning Permit No. 07-590-2, a zone variance, subject to certain findings and conditions.

- 2) **Project Description and Applicant:** A special use permit request to construct a two-story, two-unit residence on a 5,171 square foot lot, and reduce the required side yard set back for a portion of the project from 5 feet to 4 feet, located at 315 Cooper Road (APN: 201-0-053-170) in the General Commercial (C-2) zone, within La Colonia neighborhood. Filed by Habitat for Humanity, 167 Lambert Street, Oxnard CA 93036.

- 3) **Existing & Surrounding Land Uses:** The site is vacant.

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
Project Site	C-2	Commercial: General	Vacant
North	R-2	Residential: Low to Medium	Mix of Residences
South	C-2	Commercial: General	Retail
East	C-2	Commercial: General	Single family residence
West	C-2	Commercial: General	Single family residence

- 4) **General Plan Policies and Land Use Designation Conformance:** According to the Land Use chapter of the 2020 General Plan (Page V-57) General Commercial land use areas may "... include higher density residential uses (up to 13-18 dwelling units per acre)." The General Commercial (C-2) zone is consistent with the General Commercial Land Use Designation. Further, the C-2 zone permits residential development at the density standards for the Garden Apartment (R-3) zone standards. Two units on this lot results in a density of 16.8 dwelling units,

within the allowable range for the General Commercial Land Use Designation, and within the number of units allowed by the Zoning Ordinance for this size and width lot.

The Community Design Element includes an objective to “Revitalize areas of the City that are currently deteriorated or detract from the visual quality of the City.” Providing a new residence on this property serves to improve the appearance of this vacant site, consistent with this General Plan policy.

- 5) **Environmental Determination:** In accordance with Section 15302 of the California Environmental Quality Act (CEQA) Guidelines, projects involving construction of small structures, including up to six units in urbanized areas may be found to be exempt from the requirements of CEQA. This application consists of two dwelling units in a single building. 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 proposed project consists of two stacked units within a two-story structure. The lower residence (Unit 1) has one bedroom and an attached one-car garage. Unit 2 is on the second floor and has three bedrooms and a two-car garage, Laundry facilities and the units’ water heaters are located in the shared laundry room between the lower residence and the two-car garage.

The project has several aspects that reflect “Green” building elements, including photovoltaic cells for generating electricity, a permeable driveway surface and low-water using landscaping.

- b) **Relevant Project and Property History, Related Permits:** Two houses previously existed on the property and were demolished in 2006. The City obtained ownership of these houses following criminal proceedings related to illegal activities occurring on the property. The City then transferred the property to Habitat for Humanity to provide affordable housing. No discretionary permits have been submitted for this property prior to this special use permit and zone variance.
- c) **Zoning Compliance:** The proposed development is located in the C-2 zone district. In accordance with the City Code, the proposed residences may be permitted with a special use permit. Applicable development standards of the C-2 zone have been compared with the proposed project, as follows:

DEVELOPMENT STANDARD	REQUIREMENT	PROPOSED	COMPLIES?
Min. lot area/dwelling unit	600 square feet/dwelling unit	2580.48 sq ft/dwelling	YES
Max. building height	2 stories, max 35 ft (more by SUP)	2 stories; 23 ft 4 ¼ in	YES
Front yard setback (Cooper Rd)	15 ft	15 ft 1 ¾ in	YES
Side yard setback	5 ft	5 ft (at house) 4 ft 1 ¾ in (at garage)	YES, with Zone Variance
Rear Yard	25 ft	25 ft 1 ¾ in	YES
Max. lot coverage	No requirement	44%	NA
Interior Yard Space	Not required in C-2 zone	NA	NA
Parking	1 garage space/1 bedroom apartment (lower floor) 2 garage spaces for upper unit (>1 bedroom) 1 visitor parking space/unit	1 single-car garage (for lower unit) 1 two-car garage (for upper unit) 1 visitor parking space/unit (on driveway aprons)	YES

- d) **Site Design Analysis:** The building faces Cooper Road and the front doors for both units are under a covered porch facing Cooper Road. The upper unit's front door opens into a foyer leading to a stairway to the second floor, and the lower unit's front door is perpendicular to the upper unit's door. Access to the garages is from the adjacent alley. The trash cans for the units will be stored in a small enclosure between the driveway and the side property line.
- e) **Circulation and Parking Analysis:** As noted above, access to the garages is from the alley, in the rear of the property. Visitor parking is provided on the driveway areas in front of each garage, as allowed by Section 16-622 (F) of the City Code. No parking study was required for this project.
- f) **Building Design Analysis:** The building is a traditional style, with lap siding, wood trim and solar reflective roof tiles. Surrounding buildings are a combination of architectural styles, but are generally older with more traditional than contemporary styles. This building is therefore compatible with its surroundings. The City's architectural consultant and the applicant worked together to improve the overall appearance of the building, and staff recommends approval of the resulting proposed design.

- g) **Landscaping & Open Space Compliance:** The C-2 zone does not have specific requirements for the amount of landscaping, interior yard space or private open space of residential developments. Landscaping occupies 27% of the project site. In addition, the applicant has proposed using pervious pavement material instead of impervious concrete to reduce the amount of runoff from the project into the City's stormdrain system. The original proposal was for grass pavers. However, grass paver systems work better for infrequently used parking areas (such as overflow parking for special events) than for frequently used driveways because of the damage caused by vehicles parking on them and the recovery time required for the plants. In addition, this system requires more than ordinary maintenance (mowing, watering, etc.). In particular, watering is a problem, since vehicles might be parked on the surface during watering times, which would prevent the plants from receiving water. While staff commends the applicant for the intent of reducing impervious surfaces, the applicant and staff have agreed that a grass paver system is not appropriate for this project. The City's Landscape Architect has therefore written a special condition requiring either a pervious concrete driveway or pavers for the driveways leading to the garages.

Open space is provided on a patio for the first floor unit and a common open space area in the area between the lower unit and the garages. Two decks are provided for the upper unit

- h) **Zone Variance Request:** The applicant requests a reduction of the 5-foot required side yard setback by 11 inches. The proposed sideyard setback of 4 feet 1 inch would apply only to the garage portions of the building. As required by Section 16-565 of the City Code, the Planning Commission must make the following findings in order to approve the Zone Variance request:

- (1) Application of the zoning regulations would deprive property of the uses enjoyed by nearby, similarly zoned lands because of the shape, topography, location or surroundings;
- (2) That granting the variance will not be detrimental to public interest, safety, health or welfare, and will not be injurious to property or improvements in the vicinity or in the same zone in which the property is located;
- (3) Restrictions have been imposed to ensure that the variance will not be a grant of special privilege; and
- (4) The variance approval will not be inconsistent with the General Plan.

This 40-foot wide lot is typical in the area, where lots are narrower than most in the City. If a commercial use, consistent with the zoning designation, were proposed on-site, no side yard setbacks would be required, even though residential properties currently border this site. As such, the proposed duplex is more in line with the nearby residential uses and is consistent with the density allowed by the General Plan.

As proposed, the development meets all setbacks and development standards, except for the garage portion of the building. In order to provide the required parking onsite, approval of the requested variance is necessary. Redevelopment of the subject site is important to the

community. Staff recommends approval of the requested variance, with the condition that approval of the zone variance request is contingent upon approval of the special use permit.

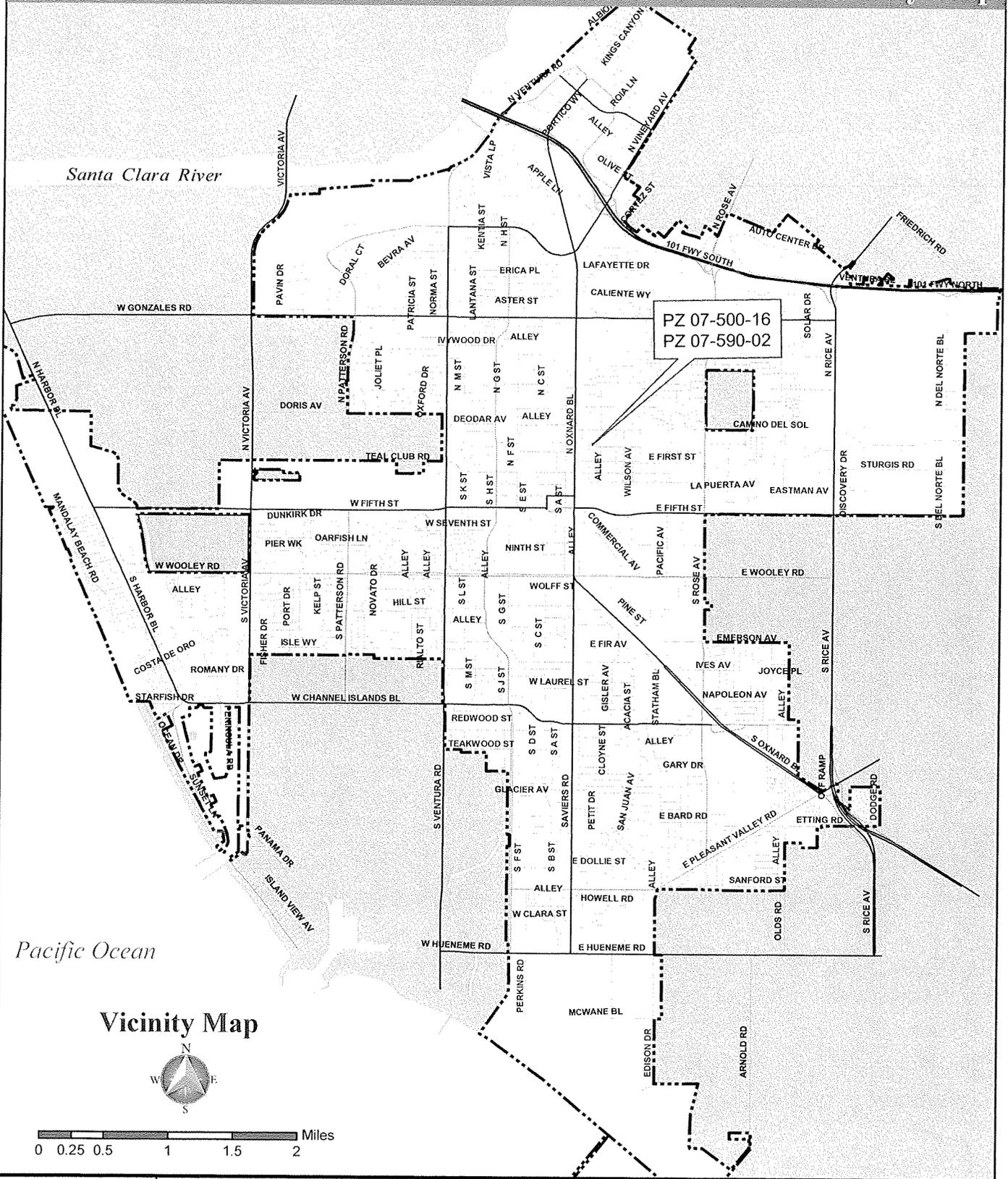
- 7) **Development Advisory Committee (DAC) Consideration:** The Development Advisory Committee (DAC) reviewed this project on November 7, 2007. The DAC recommended conditions in the attached resolution.
- 8) **Community Input:** The proposed project was reviewed at a Community Workshop on December 19, 2007. The applicant mailed notices to the La Colonia Neighborhood and posted the site for the Community Workshop on December 9, 2007. One person attended the workshop to learn about this project.

9) **Attachments:**

- A. Maps (Vicinity, General Plan, Zoning)
- B. Reduced Project Plans
- C. Notice of Exemption
- D. Resolutions (2)

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

Vicinity Map



PZ 07-500-16
PZ 07-590-02

Vicinity Map



0 0.25 0.5 1 1.5 2 Miles

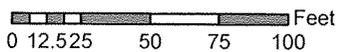


Oxnard Planning
March 3, 2008

PZ 07-500-16, 07-590-02
Location: 315 Cooper Rd
APN: 201005317
Habitat for Humanity



PZ 07-500-16, 07-590-2
 Location: 315 Cooper Rd
 APN: 201005317
 Habitat for Humanity



General Plan Map



R2

ALLEY

N HAYES AV

C2

N GRANT AV

C2

COOPER RD

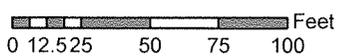
R3

ALLEY



Oxnard Planning
March 3, 2008

PZ 07-500-16, 07-590-2
Location: 315 Cooper Rd
APN: 201005317
Habitat for Humanity



Zone Map



1:835

PROJECTIONS
 DATE: 06-08-08
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]

PROJECTIONS
 ARCHITECTURE: ROY E COLBERT
 PLANNING: 181 COOPER AVE., #207
 DESIGN: VENTURA, CA 93003
 PHONE: 805.461.1111
 FAX: 805.461.1112
 WEBSITE: www.roycolbert.com

PROJECT DIRECTORY
 PROJECT: HABITAT FOR HUMANITY
 ADDRESS: 315 COOPER STREET
 CITY: ONTARIO, CA 93003

CLIENT
 RESURANCE
 315 COOPER STREET
 ONTARIO, CA 93003

SCALE
 AS SHOWN
 DATE: 06-08-08
 SHEET: A-1
 TOTAL SHEETS: 00

PROCEEDINGS
 DATE: 06-08-08
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]

PROJECTIONS
 ARCHITECTURE: ROY E COLBERT
 PLANNING: 181 COOPER AVE., #207
 DESIGN: VENTURA, CA 93003
 PHONE: 805.461.1111
 FAX: 805.461.1112
 WEBSITE: www.roycolbert.com

PROJECT DIRECTORY
 PROJECT: HABITAT FOR HUMANITY
 ADDRESS: 315 COOPER STREET
 CITY: ONTARIO, CA 93003

CLIENT
 RESURANCE
 315 COOPER STREET
 ONTARIO, CA 93003

SCALE
 AS SHOWN
 DATE: 06-08-08
 SHEET: A-1
 TOTAL SHEETS: 00

PROPOSAL
 for
2-FAMILY RESIDENCE
 315 Cooper Street
 Ontario, CA

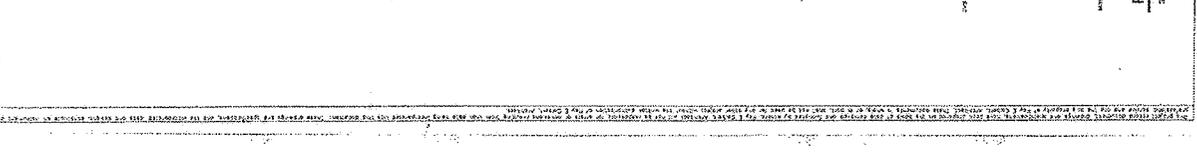
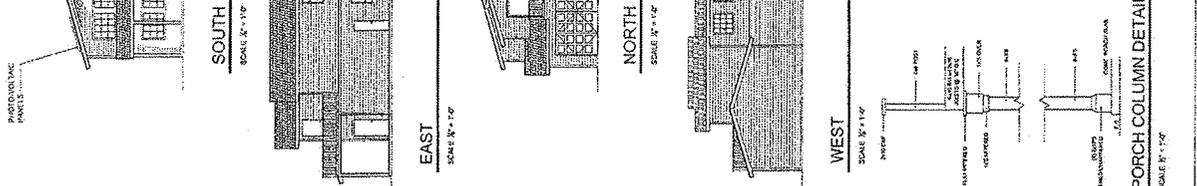
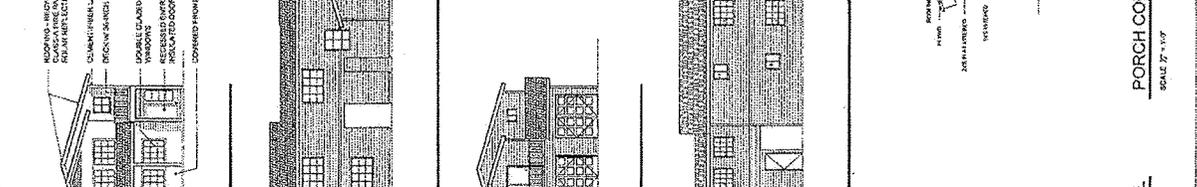
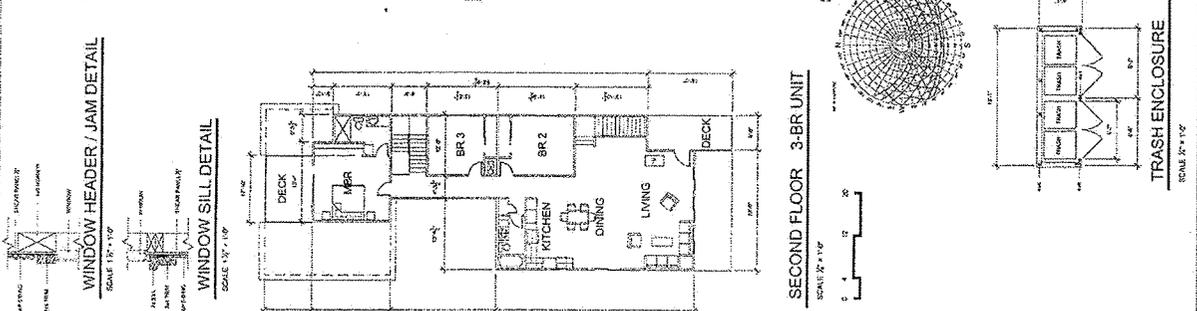
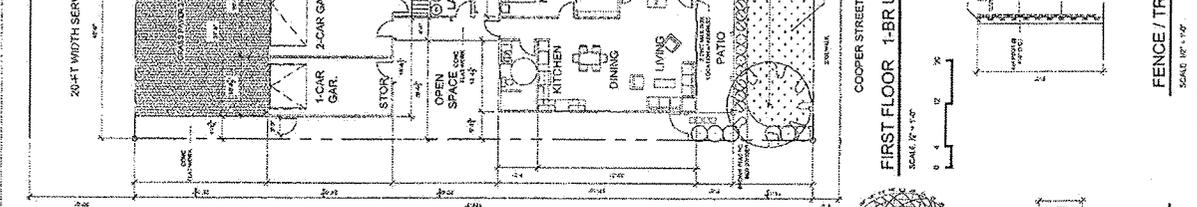
Submitted by
HABITAT FOR HUMANITY
 187 Lambert Street
 Ontario, CA

PROJECTIONS
 ARCHITECTURE: ROY E COLBERT
 PLANNING: 181 COOPER AVE., #207
 DESIGN: VENTURA, CA 93003
 PHONE: 805.461.1111
 FAX: 805.461.1112
 WEBSITE: www.roycolbert.com

PROJECT DIRECTORY
 PROJECT: HABITAT FOR HUMANITY
 ADDRESS: 315 COOPER STREET
 CITY: ONTARIO, CA 93003

CLIENT
 RESURANCE
 315 COOPER STREET
 ONTARIO, CA 93003

SCALE
 AS SHOWN
 DATE: 06-08-08
 SHEET: A-1
 TOTAL SHEETS: 00



PRELIMINARY - NOT FOR CONSTRUCTION



NOTICE OF EXEMPTION

Project Description:

PLANNING & ZONING PERMIT NO. 07-500-16 (special use permit) and PLANNING & ZONING PERMIT NO. 07-590-2 (zone variance), a request to construct a two-story, two-unit residence on a 5,171 square foot lot, and reduce the required side yard set back for a portion of the project from 5 feet to 4 feet 1 inch, located at 315 Cooper Road (APN: 201-0-053-170) in the General Commercial (C-2) zone, within La Colonia Neighborhood. Filed by Habitat for Humanity of Ventura County, 167 Lambert Street, Oxnard CA 93036.

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 15303 of the California Code of Regulations, projects involving construction of small structures up to six residential units in urbanized areas may be found to be exempt from the requirements of CEQA. The proposed project is a residential duplex consisting of two residential units. 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

RESOLUTION NO. 2008 – 07-500-16

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 07-500-16 (SPECIAL USE PERMIT), TO ALLOW CONSTRUCTION OF A RESIDENTIAL DUPLEX, LOCATED [AT 315 COOPER ROAD, (APN 201-0-053-170), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY HABITAT FOR HUMANITY OF VENTURA COUNTY, 167 LAMBERT STREET, OXNARD, CA 93036.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 07-500-16, filed by Habitat for Humanity of Ventura County in accordance with Section 16-530 through 16-553 of the Oxnard City Code; and

WHEREAS, Section 15302 of Title 14 of the California Code of Regulations exempts the project from the requirement for the preparation of environmental documents imposed by the California Environmental Quality Act; and

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

1. The proposed use is in conformance with the General Plan and other adopted policies of the City of Oxnard.
2. The proposed use will not adversely affect or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare.
3. The site for the proposed use is adequate in size and shape to accommodate the setbacks, parking, landscaping, and other City standards except as may be specifically excepted by the special findings and conditions of this resolution.
4. The site for the proposed use will be served by streets and highways adequate in width and structure to carry the kind and quantity of traffic such use will generate.
5. The site for the proposed use will be provided with adequate sewerage, water, fire protection and storm drainage facilities.

WHEREAS, the Planning Commission finds that the applicant agrees with the necessity of and accepts all elements, requirements, and conditions of this resolution as being a reasonable manner of preserving, protecting, providing for, and fostering the health, safety, and welfare of the citizenry in general and the persons who 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 and Environmental Services Division (“Planning Division”), and may not be transferred from one property to another. (PL, *G-1*).
2. This permit is granted for the plans dated January 10, 2008, (“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. By commencing any activity related to the project or using any structure authorized by this permit, Developer accepts all of the conditions and obligations imposed by this permit and waives any challenge to the validity of the conditions and obligations stated therein. (CA, *G-5*)

5. Developer agrees, as a condition of adoption of this resolution, at Developer's own expense, to indemnify, defend and hold harmless the City and its agents, officers and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of the resolution or any condition attached thereto or any proceedings, acts or determinations taken, done or made prior to the approval of such resolution that were part of the approval process. Developer's commencement of construction or operations pursuant to the resolution shall be deemed to be an acceptance of all conditions thereof. (CA, G-6)
6. Any covenants, conditions, and restrictions (CC&Rs) applicable to the project property shall be consistent with the terms of this permit and the City Code. If there is a conflict between the CC&Rs and the City Code or this permit, the City Code or this permit shall prevail. (CA, G-7)
7. Developer shall complete the "Notice of Land Use Restrictions and Conditions" form, using the form provided by the City, for recording with the Ventura County Recorder. Before the City issues building permits, Developer shall submit the original completed, signed and notarized document, together with the required fees to the Planning Manager. (PL, G-8)
8. Developer shall provide off-street parking for the project, including the number of spaces, stall size, paving, striping, location, and access, as required by the City Code. (PL/B, G-9)
9. Developer shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, G-11)
10. Developer shall not permit any combustible refuse or other flammable materials to be burned on the project property. (FD, G-12)
11. Developer shall not permit any materials classified as flammable, combustible, radioactive, carcinogenic or otherwise potentially hazardous to human health to be handled, stored or used on the project property, except as provided in a permit issued by the Fire Chief. (FD, G-13)
12. If Developer, owner or tenant fails to comply with any of the conditions of this permit, the Developer, owner or tenant shall be subject to a civil fine pursuant to the City Code. (CA, G-14)
13. Prior to issuance of building permits, Developer shall correct all violations of the City Code existing on the project property. (PL, G-15).

LANDSCAPE STANDARD CONDITIONS

14. Before the City issues building permits, 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 final building inspection, 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)

LANDSCAPE SPECIAL CONDITIONS

19. Developer shall provide a pervious concrete driveway or concrete driveway pavers (as approved by Development Services) in lieu of the proposed grass pavers. (PK, DS)
20. The concrete paving proposed for the east and west side of the driveway shall be replaced with groundcovers, shrubs and a tree. Some paving is permitted between the trash enclosure and the rear yard gate location.

FIRE DEPARTMENT STANDARD CONDITIONS

21. 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)
22. 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)
23. 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)
24. The project shall meet the minimum requirements of the "Fire Protection Planning Guide" published by the Fire Department. (FD, F-6)

25. At all times during construction, developer shall maintain paved surfaces capable of handling loads of 46,000 pounds which will provide access for fire fighting apparatus to all parts of the project property. (FD/DS, *F-7*)
26. Developer shall identify all hydrants, standpipes and other fire protection equipment on the project property as required by the Fire Chief. (FD, *F-8*)
27. 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*)
28. Developer shall install a carbon monoxide detector on each level of the residence in accordance with the manufacturer's specifications. The detector shall be hardwired with a battery backup. (FD, *F-17*)

FIRE DEPARTMENT SPECIAL CONDITIONS

29. 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.
30. All emergency egress/Fire Department access windows or doors that serve any room that can be utilized for sleeping shall have access to a public right-of-way without re-entering the structure.

POLICE DEPARTMENT CONDITIONS

31. Developer shall comply with Outdoor Lighting Code & Guidelines:
 - (a) Outdoor lighting shall comply with Title 24, Part 6, of the California Code of Regulations: California's Energy Efficiency Standards for Residential Buildings.
 - (b) Unless approved as a specific exception to this guideline, all outdoor lighting shall be flat lens, full cut-off fixtures with the light source fully shielded, with the following exceptions:
 1. Luminaires with a maximum output of 260 lumens per fixture, regardless of number of bulbs (equal to one 20-watt incandescent light), may be left unshielded provided the fixture has an opaque top to keep light from shining directly up.
 2. Luminaires that have a maximum output of 1,000 lumens per fixture, regardless of number of bulbs (equal to one 60-watt incandescent light) may be partially shielded provided the bulb is not visible, and the fixture has an opaque top to keep light from shining directly up.

- (c) Oxnard City Code 16-320: Lighting within physical limits of the area required to be lighted shall not exceed seven foot-candles, nor be less than one foot-candle at any point. A light source shall not shine upon, or illuminate directly any surface other than the area required to be lighted. No lighting shall be of a type or in a location that constitutes a hazard to vehicular traffic, either on private property or on abutting streets.
32. Provide cut sheets for exterior lighting fixtures including photometrics for each type of fixture.
 33. Exterior lighting shall be on photocells and shall be on during all hours of darkness.
 34. Lighting instruments over the garage should be flat-lens full cut-off and mounted above or to the side of the door headers.
 35. Sodium bulbs are not acceptable. Luminaires shall provide high quality color rendition.
 36. Any electronic security system must comply with Oxnard City Ordinance No. 2601 (available online at <http://oxnardpd.org/documents/alarm-ordinance-2002.pdf>) and must be properly permitted by the City of Oxnard (application available at <http://oxnardpd.org/documents/alarm-permit.pdf>).
 37. Provide a landscape plan which includes exterior lighting instruments and a call outs for various types of instruments. Take steps to ensure that mature landscaping does not interfere with lighting instruments.
 38. Address numbers for each unit shall be self-illuminated, numbers should be 3" tall, and each address shall be visible from the street. Address numbers are also required on the alley exposure.

PLANNING DIVISION STANDARD CONDITIONS

39. 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*)
40. 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*)
41. 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*)
42. Before the City issues building permits, Developer shall provide to the Planning Division 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*)

43. 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*)
44. 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*)
45. 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. Developer shall submit a lighting plan showing standard heights and light materials for design review and approval of the Planning Division Manager. (PL/B, *PL-8*)
46. In order to minimize light and glare on the project property, all 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*)
47. 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*)
48. During construction, Developer shall control dust by the following activities:
 - a. All trucks hauling graded or excavated material offsite shall be required to cover their loads as required by California Vehicle Code section 23114, with special attention to sub sections 23114(b)(2)(F), (e)(2) and (e)(4) as amended, regarding the prevention of such material spilling onto public streets and roads.
 - b. 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*)
49. Developer shall provide for dust control at all times during project property preparation and construction activities. (B/DS, *PL-13*)
50. 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, showerheads, landscaping irrigation or other fixtures and items that consume water within the structure. (PL, *PL-14*)

51. 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*)
52. 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*).
53. Before the City issues building permits, Developer shall provide to the Planning Division Manager a disk in DWG format of a 100-foot scale site plan of the project as approved. (PL, *PL-50*)
54. Developer shall install all roof and building rain gutters and downspouts to integrate as closely as possible with building design elements, including matching adjacent building colors as closely as possible. Developer shall submit a plan and scheme for approval by the Planning Manager prior to issuance of building permits. (PL, *PL-18*)
55. Developer shall provide automatic garage door openers for all garages. (PL/B, *PL-20*)
56. Developer shall provide a rear patio concrete slab of at least 100 square feet. (PL/B, *PL-26*)
57. Additions and patio covers shall conform to the requirements of the C-2 zone setbacks, or as otherwise approved by this permit, and match the materials and style of the residence. (PL/B, *PL-27*)
58. Prior to the close of escrow for each dwelling unit, Developer shall provide the buyer with a written guarantee that the exterior finishes of the dwelling unit will remain in good condition for at least five (5) years from the final building permit inspection and sign off. Developer shall provide a copy of the guarantee to Planning staff prior to final Planning Division inspection and sign off. (PL, *PL-29*)
59. All lighting along the alleys shall be provided with solar powered lighting with automatic daylight sensors for dusk to dawn lighting within drive lanes. The maintenance and replacement of independently metered lighting shall be the responsibility of the Home Owners' Association. Lighting responsibilities shall be provided within the CC&Rs for the development. (PL)
60. Developer shall establish a homeowners association and the association shall be responsible for the maintenance of parking, landscape, and other common areas held in common by the association and for the enforcement of Conditions Covenants & Restrictions related to property maintenance. (PL/DS, *PL-33*)
61. Developer shall construct each dwelling unit with separate utility systems and meters. Developer shall paint utility meter panels to match structures 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. (DS/B, *PL-34*)

62. Developer shall include in all deeds for the project and in the Conditions Covenants & Restrictions a prohibition against parking recreational vehicles over 20 feet long in the project. (CE/PL, *PL-35*)
63. Where feasible, Developer shall locate individual unit plumbing within individual unit walls, as opposed to common or shared walls, and shall paint roof vents to match the roofing material. (PL/B, *PL-40*)
64. This permit is granted contingent upon approval of Planning & Zoning Permit No. 07-590-2 (Zone Variance). (PL)

PLANNING DIVISION SPECIAL CONDITIONS

65. Developer shall participate in the City's Art in Public Places Program by paying the Public Art fee prior to issuance of building permits, in accordance with City Council Resolution No. 13,103.
66. Developer shall provide self-illuminated address markers, controlled by a photocell and solar-powered, on the furthest forward portion of the front of the structure, and on the rear of the structure, facing and visible from the alley. Address numbers shall be at least 3 inches tall and contrast with the surface on which they are mounted.
67. Developer shall contract with a Native American monitor to be present during all subsurface grading, trenching or construction activities on the project site. The monitor shall provide a weekly report to the Planning Division summarizing the activities during the reporting period. A copy of the contract for these services shall be submitted to the Planning Manager for review and approval prior to issuance of any grading permits. The monitoring report(s) shall be provided to the Planning Division prior to approval of final building permit signature. (MND, E-2)

ENVIRONMENTAL RESOURCES DIVISION

68. To ensure that solid waste generated by the project is diverted from the landfill and reduced, reused or recycled, Developer shall complete and submit a "City of Oxnard C&D Environmental Resources Management & Recycling Plan" ("Plan") to the City for review and approval. The Plan shall provide that at least 50% of the waste generated on the project be diverted from the landfill. The Plan shall include the entire project area, even if tenants are pursuing or will pursue independent programs. The Plan shall be submitted to and approved by the Environmental Resources 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 Plan form.

69. Developer shall follow the approved "City of Oxnard C&D Environmental Resources Management & Recycling 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 and submit the "City of Oxnard C&D Environmental Resources Management & Recycling Report for Work Completed" ("Work Completed 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 Work Completed Report prior to issuance of a certificate of occupancy.
70. Developer shall arrange for materials collection during construction, demolition, and occupancy with the City's Environmental Resources Division or Developer shall arrange for self-hauling to an authorized facility.
71. FOR RESIDENTIAL PROJECTS: Covenants, conditions and restrictions ("CC&Rs") shall be developed for the project that require the homeowner's association to make provisions to divert at least 50% of the material through source reduction, recycling, reuse, and/or green waste programs. Developer shall submit a "City of Oxnard C&D Environmental Resources Management & Recycling Occupancy Plan" ("Occupancy Plan") to the City's Environmental Resources Division. An Occupancy Plan must be submitted and approved prior to issuance of a final inspection. The CC&Rs shall require the homeowner's association to submit to the Environmental Resources Division a "City of Oxnard C&D Environmental Resources Management & Recycling Occupancy Report" annually on the anniversary date of the certificate of the final inspection for approval.
72. 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.
73. Developer and shall install clearly labeled storage containers in the kitchen base cabinet within each unit to facilitate separate disposal of recyclable and non-recyclable waste typically generated by residents. The location and specifications (size, materials, etc.) of such storage unit shall be shown on the construction document floor plans submitted to the City for building permits. Recycling guidelines shall be clearly posted on the door of the storage cabinet. The intent of this mitigation measure is to create a situation wherein recycling is as convenient for project residents as disposing of trash.
74. Developer shall provide literature in each unit (including on the door of the storage cabinet) explaining the importance of recycling, what can be recycled, and providing suggestions for

source reduction, as well as water and energy conservation. City contacts for waste reduction, water conservation, and energy savings shall be listed in the literature.

DEVELOPMENT SERVICES DIVISION STANDARD CONDITIONS

75. 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)
76. Developer shall protect building pads from inundation during a 100-year storm. (DS-5)
77. 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)
78. 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)
79. 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)
80. Developer shall pay the cost of all inspections of on-site and off-site improvements. (DS-22)
81. 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)
82. 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)
83. 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)
84. 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)

85. Developer shall provide a 105-gallon refuse container for each project property. Developer may not store refuse containers in the public right-of-way. (DS-67)

DEVELOPMENT SERVICES DIVISION SPECIAL CONDITIONS

86. Developer shall relocate the proposed trash can storage to a location that provides convenient access to Cooper Road. Trash pickup for this site is currently along Cooper Road. (DS)
87. Developer shall construct a level concrete pad for storage of three refuse containers (for each unit) out of view of the public street. The storage location shall not be within the garage. Developer shall provide a paved path from the storage location to the street curb that does not require entering the garage. All gates or doors along the path shall be constructed with a minimum of 36 inches of clear space to allow passage of the City issued containers. Storage location and path shall be shown on the fine grading plans. (DS)
88. Developer shall repair and/or replace any existing broken or damaged sidewalk, curb gutter or asphalt paving adjacent to property as directed by the Construction Services Inspector. (DS)

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 20th day of March, 2008, by the following vote:

AYES: Commissioners

NOES: Commissioners

ABSENT: Commissioners

Michael Sanchez, Chairman

ATTEST: _____
Susan L. Martin, Secretary

RESOLUTION NO. 2008 – 07-590-2

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 07-590-2 (ZONE VARIANCE), TO ALLOW CONSTRUCTION OF A RESIDENTIAL DUPLEX WITH A REDUCTION IN THE REQUIRED REAR YARD SETBACK FROM 5 FEET TO 4 FEET ON BOTH SIDES OF THE GARAGE STRUCTURE, LOCATED AT 315 COOPER ROAD (APN: 201-0-053-170), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY HABITAT FOR HUMANITY OF VENTURA COUNTY, 167 LAMBERT STREET, OXNARD, CA 93036.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 07-590-2 (Zone Variance), filed by Habitat for Humanity in accordance with Section 16-565 through 16-569 and Section 16-530 through 16-553 of the Oxnard City Code; and

WHEREAS, Section 15303 of Title 14 of the California Code of Regulations exempts the project from the requirement for the preparation of environmental documents imposed by the California Environmental Quality Act; and

WHEREAS, the narrow lot configuration and the requirements for a 5 foot landscape setback along the side property lines along the side of garage makes the subject parcel eligible for a variance to the side yard setback standard along the sides of the garage; and

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

1. That the variance granted is subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated; and
2. That because of special circumstance applicable to subject property, including size, shape, topography, location or surroundings, the strict application of the zoning regulations is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification; and
3. That granting the variance will not be detrimental to the public interest, safety, health or welfare and will not be detrimental or injurious to property or improvements at the same vicinity and zone in which the property is located; and
4. That granting of such a variance will not be contrary to the general plan.

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

GENERAL PROJECT CONDITIONS

1. This permit is granted for the property described in the application on file with the Planning Division, and may not be transferred from one property to another. (PL, *G-1*).
2. This permit is granted for the plans dated January 10, 2008, (“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 Special Use Permit (PZ 07-500-16) is approved by the Planning Manager or a major modification to the plans is approved by the Planning Commission. (PL, *G-2*)
3. This permit shall automatically become null and void 24 months from the date of its issuance, unless Developer has diligently developed the proposed project, as shown by the issuance of a grading, foundation, or building permit and the construction of substantial improvements, or the beginning of the proposed use. (PL, *G-3*)

- 4. By commencing any activity related to the project or using any structure authorized by this permit, Developer accepts all of the conditions and obligations imposed by this permit and waives any challenge to the validity of the conditions and obligations stated therein. (CA, G-5)
- 5. Developer agrees, as a condition of adoption of this resolution, at Developer's own expense, to indemnify, defend and hold harmless the City and its agents, officers and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of the resolution or any condition attached thereto or any proceedings, acts or determinations taken, done or made prior to the approval of such resolution that were part of the approval process. Developer's commencement of construction or operations pursuant to the resolution shall be deemed to be an acceptance of all conditions thereof. (CA, G-6)
- 6. 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)
- 7. 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)
- 8. Prior to issuance of building permits, Developer shall correct all violations of the City Code existing on the project property. (PL, G-15).

PLANNING SPECIAL CONDITIONS

- 9. This permit is granted subject to the approval of PZ No. 07-500-16 (Special Use Permit) for the project property.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 20th day of March, 2008, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

Michael Sanchez, Chairman

ATTEST: _____
Susan L. Martin, Secretary