RESOLUTION NO. 2011 – 04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING CITY COUNCIL APPROVAL OF PLANNING AND ZONING PERMIT NO. 10-300-03 (TENTATIVE SUBDIVISION MAP) TO ALLOW SUBDIVISION OF APPROXIMATELY 6 ACRES OF VACANT LAND INTO 14 COMMERCIAL PARCELS PLUS ONE COMMON LOT, LOCATED AT 3600 & 3700 WEST FIFTH STREET (APN'S 185-0-170-085, -095), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY RICHARD RIDGWAY, INVESTEC RANCHO VICTORIA LLC, 200 EAST CARRILLO STREET, SUITE 200, SANTA BARBARA, CA 93101.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 10-300-03, filed by Richard Ridgway, Investec Rancho Victoria LLC, in accordance with Chapter 15 of the Oxnard City Code; and

WHEREAS, said Tentative Subdivision Map was referred to various public utility companies, City departments and the Development Advisory Committee for recommendations; and

WHEREAS, in accordance with the California Environmental Quality Act, the Planning Commission considered the project Initial Study and addendum, together with any comments received during the public hearing process, finds on the basis of the whole record before it that with the addendum and imposition of previous mitigation measures as conditions of approval, there is no substantial evidence that the project will have a significant effect on the environment, further finds that the addendum reflects the independent judgment of the City, and adopts the addendum; and

WHEREAS, the documents and other materials that constitute the record of proceedings upon which the decision to adopt the addendum is based are located in the Planning Division of the City of Oxnard, and the custodian of the record is the Planning Manager; and

WHEREAS, the Planning Commission has held a public hearing at which it received and considered oral and written testimony on the addendum to Mitigated Negative Declaration No. 05-09 for the proposed project; and

WHEREAS, the comments of the Planning Commissioners, members of the public, and interested groups and agencies have been adequately responded to; and

WHEREAS, the documents and other materials that constitute the record of proceedings upon which the decision to adopt the addendum is based are located in the Planning Division of the City of Oxnard, and the custodian of the record is the Planning Manager; and

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

WHEREAS, the Planning Commission finds that the Tentative Map, the proposed site, and the design and improvement of the development requested are consistent with the General Plan; and

WHEREAS, the Planning Commission finds that the proposed site is suitable for the type and density of development requested and is not likely to cause substantial environmental damage, serious public health problems or conflict with any publicly acquired easements or access; and

WHEREAS, the Planning Commission finds that the proposed division of land complies with the requirements established by the Subdivision Map Act and Chapter 15 of the Oxnard City Code, including but not limited to requirements as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability and environmental protection; and

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

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

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 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 December 30, 2010, ("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 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. (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&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*)

8. 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*)

9. 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*)

PLANNING STANDARD CONDITIONS

10. 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*)

PLANNING SPECIAL CONDITIONS

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

12. A property owner's association shall be established and shall be responsible for the maintenance of all parking, landscape, and other areas held in common by the association and for the enforcement of CC&R's related to property maintenance. (PL)

13. This permit is granted subject to the approval of a Special Use Permit (PZ No. 10-500-07) for the project property.

14. All mitigation measures adopted with Mitigated Negative Declaration No. 05-09 shall remain applicable to this project. (PL)

DEVELOPMENT SERVICES STANDARD CONDITIONS

15. 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*)

16. 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*)

17. Developer shall have the site improvement plans prepared on standard Development Services Division mylars by a civil engineer licensed in the State of California. The plans shall incorporate recommendations from soil engineering and geology reports. Prior to issuance of a grading permit, improvement plans must be approved by the City Engineer and the original ink-on-mylar plans filed with the Development Services Division. (*DS-3*)

18. 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*)

19. Developer shall protect building pads from inundation during a 100-year storm. (*DS-5*)

20. Developer shall remove and replace all improvements that are damaged during construction. (*DS-6*)

21. Each structure shall be served by separate sewer and water services. There shall be no interconnections between structures. (*DS-8*)

22. If the existing sewer lateral is larger than four inches in diameter, Developer's site improvement plans shall include an on-site sewer plan. (*DS-10*)

23. 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*)

24. Developer shall install on-site and off-site utility services underground in accordance with City ordinances in effect at the time City issues the building permit. Services shall be installed underground to the nearest suitable riser pole as determined by the appropriate utility service provider. (*DS-12*)

25. 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*)

26. 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*)

27. Prior to issuance of a site improvement permit, Developer shall provide to the Development Services Division a compact Disc (CD) containing digital copies of the final subdivision map, address map, and civil improvements drawings in DWG format. Prior to improvement bond release, Developer shall provide an updated CD containing all changes that occur during construction. (*DS-16*)

28. Developer agrees, as a condition of approval of this resolution, to indemnify, defend and hold harmless, at Developer's expense, City and its agents, officers and employees from and against any claim, action or proceeding commenced within the time period provided for in Government Code Section 66499.37, to attack, review, set aside, void or annul the approval of this resolution or to determine the reasonableness, legality or validity of any condition attached thereto. City shall promptly notify Developer of any such claim, action or proceeding of which City receives notice, and City will cooperate fully with Developer in the defense thereof. Developer shall reimburse City for any court costs and attorney's fees that City may be required to pay as a result of any such claim, action or proceeding. City may, in its sole discretion, participate in the defense of any such claim, action or proceeding, but such participation shall not relieve Developer of the obligations of this condition. Developer's acceptance of this resolution or commencement of construction or operations under this resolution shall be deemed to be acceptance of all conditions thereof. (*DS-18*)

29. 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*)

30. 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*)

31. 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*)

32. Developer shall pay the cost of all inspections of on-site and off-site improvements. (*DS-22*)

33. Developer shall be responsible for all project-related actions of Developer's employees, contractors, subcontractors, and agents until City accepts the improvements. (*DS-23*)

34. 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*)

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

36. "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*)

37. 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*)

38. 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*)

39. 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*)

40. 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*)

41. 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*)

42. 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*)

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

44. 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*)

45. Developer shall install adequately sized water services and meters to each lot or unit in accordance with City standards in effect at the time City issues building permits. There shall be no interconnections between structures. (*DS-42*)

46. 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*)

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

48. 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*)

49. Prior to release of the final map or parcel map for recordation, Developer shall provide the City Engineer with a 100-scale base map for addressing purposes. The map shall be drawn on 18-inch by 24-inch mylar and shall show the standard address map title block, north arrow, street names, tract number, phase boundary and lot numbers. The City will assign all addresses. (*DS-56*)

50. Prior to release of the final map or parcel map for recordation, Developer shall post a bond or other security satisfactory to the City Attorney, guaranteeing that all monuments will be set as required by the Government Code and the City Code. (*DS-57*)

51. 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*)

52. 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*)

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

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

55. Developer shall construct double-bin trash enclosures (one bin for recycle use) with a solid non-combustible roof (8-foot minimum clearance) that prevents stormwater from entering the refuse bins. Developer shall construct all other components of the trash enclosure in accordance with the approved City Standard Plan on file with the Development Services Division. Developer shall finish the trash enclosure to match the major design elements of the main structure. The finish and roof appearance shall be indicated on the building plans and are subject to approval by the Planning Division. The location and configuration of trash enclosures shall be reviewed and approved by the Environmental Resources Division. All refuse bins on the site shall be stored in an approved trash enclosure. No objects other than refuse bins may be stored in the trash enclosure without the written permission of the Environmental Resources Division. (*DS-79*)

56. Developer shall design parking lot and other drive areas to minimize degradation of stormwater quality. Using Best Management Practices (BMPs), such as oil and water separators, sand filters, landscaped areas for infiltration, basins or approved equals, Developer shall intercept and effectively prevent pollutants from discharging to the storm drain system. The stormwater quality system design shall be approved by the City Engineer prior to the issuance of a site improvement permit. (*DS-81*)

57. Using forms provided by the Development Services Division, Developer shall submit a stormwater quality control measures maintenance program ("the Program") for this project. If the BMPs implemented with this project include proprietary products that require regular replacement and/or cleaning, Developer shall provide proof of a contract with an entity qualified to provide such periodic maintenance. The property owner is responsible for the long-term maintenance and operation of all BMPs included in the project design. Upon request by City, property owner shall provide written proof of ongoing BMP maintenance operations. No grading or building permit shall be issued until the Development Services Manager approves the Program and Developer provides an executed copy for recordation. (*DS-82*)

58. Developer shall clean on-site storm drains at least twice a year; once immediately before the first of October (the beginning of the rainy season) and once in January. The City Engineer may require additional cleaning. (*DS-83*)

59. Developer shall maintain parking lots free of litter and debris. Developer shall sweep sidewalks, drive aisles, and parking lots regularly to prevent the accumulation of litter and debris. When swept or cleaned, debris must be trapped and collected to prevent entry into the storm drain system. Developer may not discharge any cleaning agent into the storm drain system. (*DS-84*)

60. Prior to issuance of a certificate of occupancy, on-site storm drain inlets shall be labeled "Don't Dump - Drains to Ocean" in accordance with City standards. Before City issues a site improvement permit, the requirement to label storm drain inlets shall be shown on the civil engineering plans. (*DS-85*)

61. Prior to issuance of a grading permit or commencement of any clearing, grading or excavation, Developer shall provide the City Engineer with a copy of a letter from the California State Water Resources Control Board, Storm Water Permit Unit assigning a permit identification number to the Notice of Intent (NOI) submitted by Developer in accordance with the NPDES Construction General Permit. Developer shall comply with all additional requirements of the General Permit, including preparation of a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP shall identify potential pollutant sources that may affect the quality of discharges to stormwater and shall include the design and placement of recommended Best Management Practices (BMPs) to effectively prohibit pollutants from the construction site entering the storm drain system. Developer shall keep the SWPPP updated to reflect current site conditions at all times and shall keep a copy of the SWPPP and the NOI on the site and make them available for City or designated representative to review upon request. (*DS-86*)

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

DEVELOPMENT SERVICES SPECIAL CONDITIONS

63. Site improvement construction permits for Planning and Zoning Permit No. 10-500-007 shall be issued concurrent with recordation of the final map for this tract. (DS)

64. Developer shall provide onsite fire hydrants such that all points of all proposed structures are within one hundred fifty (150) feet of a fire hydrant, or as otherwise approved by the Fire Department. Fire hydrant line improvements shall be designed in accordance with City standards and shown on the civil engineer's improvement plans prior to issuance of a site improvement/grading permit. Developer shall provide the City with an easement over the waterline using standard City format. (DS)

65. Developer shall eliminate the proposed westerly waterline connection to Fifth Street and instead extend the waterline westerly to connect to the existing waterline at the west project boundary. Final layout subject to approval of the Development Services Manager. (DS)

66. Developer shall provide the City with an easement from the adjacent property owner for the proposed waterline connection to the existing waterline on Jolly Roger Way using standard City format. (DS)

67. Developer shall provide onsite water system calculations to determine if the easterly connection to Fifth Street can be eliminated. (DS)

68. Developer shall minimize the number of utility cuts in Fifth Street by locating water meter laterals within the internal drive aisles where practical. Developer shall provide each structure or condominium unit with a separate domestic water meter in accordance with City Ordinance. (DS)

69. 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)

70. Developer shall provide pedestrian access to all trash enclosures from the adjacent building. Access shall be provided separate from areas provided for vehicular access except at locations where crossing drive aisles. (DS)

71. Developer shall provide ADA compliant pedestrian access from Building 3 to adjacent buildings and the public sidewalk along Fifth Street. Final design of this access to be approved by the Development Services Manager. (DS)

72. Developer shall set back all trash enclosures a minimum of 5 feet from any drive aisle. (DS)

73. Developer shall construct a minimum 7 foot wide sidewalk at all locations where the sidewalk is constructed adjacent to the front of parking spaces. (DS)

74. Developer shall construct proposed walkways that cross vehicular drive aisles of colored enhanced concrete. The concrete color shall contrast with the parking lot asphalt to clearly identify pedestrian areas. (DS)

75. Developer shall redesign the parking lot at the southeast corner of the property to provide a pedestrian connection between the project and the existing sidewalk at the east end of Jolly Roger Way. The redesign of the southerly end of the parking aisle shall also incorporate a turnaround that accommodates passenger vehicles. The turnaround shall be designed to minimize the potential for use as a parking space. The final design may result in a reduction of parking spaces and is subject to approval of the Development Services Manager. (DS)

76. Developer shall design the onsite wastewater system in conformance with City public wastewater standards but the system shall be privately owned and maintained. (DS)

77. Developer shall include calculations in the project drainage report demonstrating the existing storm drain system can accommodate the proposed deviations from the original drainage report. Developer shall provide proof of recordation of a stormwater acceptance agreement (or easement) with the adjacent southerly property owner for connection to any storm drain system not already extended into this property. (DS)

78. Developer's drainage report shall include calculations demonstrating that the existing downstream stormwater quality devices are appropriately sized to meet the NPDES permit requirements for this project when combined with existing drainage to the devices. (DS)

79. Developer shall redesign the site drainage system to include significant stormwater infiltration. This requirement can be met by paving the site with pervious concrete, routing stormwater into underground infiltration chambers, or similar structural improvements. Design proposal for infiltration implementation shall be discussed with Development Services Department before preparation of construction drawings. (DS)

80. Developer shall provide site specific analysis and recommendations from a geotechnical engineer and a landscape architect for design and implementation of proposed stormwater infiltration devices. Geotechnical Engineering analysis and recommendations shall include, but not be limited to, determination of site soil infiltration rates, depth to permeable soil layers, methods to reach permeable soil layers, appropriate compaction rates, recommendations to enhance infiltration, and methods (e.g. Pre-treatment) to minimize long-term occlusion of soil porosity. Landscape architectural recommendations shall include, but not be limited to, suggestions regarding appropriate vegetation and soil amendments for any vegetated infiltration devices. Design plans shall implement approved design recommendations. (DS)

81. Developer shall provide and maintain an area for the washing/steam cleaning of equipment, floor mats, and accessories within any tenant space used for food preparation. This area shall be self-contained and connected to the project grease interceptor. (DS)

82. Developer shall provide proof of recordation of a document that holds all property owners subject to this resolution and all other properties served by the same downstream Stormwater Quality Devices, equally responsible for implementation and perpetual maintenance of all long-term post-construction BMPs serving this project. The document shall be recorded in a manner that provides notice of this requirement to all future owners of affected lots. (DS)

83. Developer shall dedicate an easement for a future bus shelter on Fifth Street. The easement shall be approximately 2 feet by 20 feet and located directly adjacent to the existing bus pull-out fronting the property. (DS)

84. Prior to recordation of the final map, subdivider shall provide proof of recordation of an agreement with adjacent westerly parcels regarding reciprocal vehicular access and shared underground utility (Drainage, Stormwater Quality, Wastewater) maintenance. (DS)

TRAFFIC ENGINEERING SPECIAL CONDITIONS

85. Developer shall supply and install a standard City of Oxnard bus shelter, bench, trash container, and bike rack located on the northwest corner of Fifth Street and Southampton Place. (TR)

86. Developer shall modify the parking lot configuration west of Building 14 to provide approximately seven (7) perpendicular parking stalls oriented east-west in lieu of the existing most westerly seven (7) parking stalls. The remaining asphalt shall be converted to landscaping. (TR)

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 17th day of February, 2011, by the following vote:

AYES: Commissioners: Guevara, Huber, Murguia, Nash, Stewart, Medina, Mullin

NOES: Commissioners: None

ABSENT: Commissioners: None

Patrick Mullin, Chair

ATTEST:

Susan L. Martin, Secretary

RESOLUTION NO. 2011 – 05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 10-500-7 (SPECIAL USE PERMIT) TO ALLOW DEVELOPMENT OF A 53,016 SQUARE-FOOT OFFICE/RETAIL CENTER ON 6 ACRES, LOCATED AT 3600 & 3700 WEST FIFTH STREET (APN'S 185-0-170-085, -095), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY RICHARD RIDGEWAY, INVESTEC RANCHO VICTORIA LLC, 200 EAST CARRILLO STREET, SUITE 200, SANTA BARBARA, CA 93101.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 10-500-7, filed by Richard Ridgway, Investec Rancho Victoria LLC, in accordance with Section 16-530 through 16-553 of the Oxnard City Code; and

WHEREAS, in accordance with the California Environmental Quality Act, the Planning Commission considered the project Initial Study and addendum, together with any comments received during the public hearing process, finds on the basis of the whole record before it that with the addendum and imposition of previous mitigation measures as conditions of approval, there is no substantial evidence that the project will have a significant effect on the environment, further finds that the addendum reflects the independent judgment of the City, and adopts the addendum; and

WHEREAS, the Planning Commission has held a public hearing at which it received and considered oral and written testimony on the addendum to Mitigated Negative Declaration No. 05-09 for the proposed project; and

WHEREAS, the comments of the Planning Commissioners, members of the public, and interested groups and agencies have been adequately responded to; and

WHEREAS, the documents and other materials that constitute the record of proceedings upon which the decision to adopt the addendum is based are located in the Planning Division of the City of Oxnard, and the custodian of the record is the Planning Manager; and

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

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

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

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

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

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

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

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

STANDARD CONDITIONS OF APPROVAL FOR LAND USE PERMITS

Note: The abbreviations below identify the City department or division responsible for determining compliance with these standard conditions. The first department or division listed has responsibility for compliance at plan check, the second during inspection and the third at final inspection, prior to issuance of a certificate of occupancy, or at a later date, as specified in the condition. If more than one department or division is listed, the first will check the plans or inspect the project before the second confirms compliance with the condition. The italicized code at the end of each condition provides internal information on the source of each condition: Some are standard permit conditions (e.g. *G-1*) while some are taken from environmental documents (e.g. *MND-S2*).

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PK	Public Works, Landscape Design	CE	Code Compliance

GENERAL PROJECT CONDITIONS

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

2. This permit is granted for the plans dated December 30, 2010 ("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. 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*)

4. 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*)

5. 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*)

6. 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*)

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 City Code. (CA, *G-14*)

PLANNING DIVISION STANDARD CONDITIONS

8. 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*)

PLANNING DIVISION SPECIAL CONDITIONS

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

10. A property owner's association shall be established and shall be responsible for the maintenance of all parking, landscape, and other areas held in common by the association and for the enforcement of CC&R's related to property maintenance. (PL)

11. Developer shall provide a minimum of seven bicycle parking spaces to comply with Zoning Code §16-623 and §16-637. (PL)

12. 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*)

13. Developer shall install all roof and building drainpipes and downspouts inside building elements. These items shall not be visible on any exterior building elevations. (PL, *PL-42*)

14. 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*)

15. Before the City issues building permits, Developer shall submit and obtain approval from the Planning Commission of a master sign program for the project, which shall indicate on the site plan the elevations, the size, placement, materials, and color of all proposed free-standing and building signs. The square footage of all signs for the project shall not exceed the square-footage listed in Table 1 (page 8) of the master sign program, calculated in accordance with the City Code. (PL/B, *PL-46*)

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

17. Developer shall install toilets that have automatic flush sensors in all 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)

18. Developer shall install individual mirrors above each sink in a public restroom to the satisfaction of the Planning Division 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)

19. Developer shall remove any and all graffiti from the project premises, including but not limited to graffiti within the building, such as in restrooms or fitting rooms, within 24 hours of its appearance. The surface of such affected areas shall be matched to blend in with the underlying colors and/or design, and shall not look like a paint patch. (PL)

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

Air Quality

21. Developer shall ensure that all construction equipment is maintained and tuned to meet applicable Environmental Protection Agency (EPA) and California Air Resources Board (CARB) emission requirements. At such time as new emission control devices or operational modifications are found to be effective, Developer shall immediately implement such devices or operational modifications on all construction equipment. (PL, *MND-C1*)

22. During smog season (May through October), Developer shall lengthen the construction period so as to minimize the number of vehicles and equipment operating at the same time. (PL, *MND-C2*)

23. At all times during construction activities, Developer shall minimize the area disturbed by clearing, grading, earth moving, or excavation operations to prevent excessive amounts of dust. (PL, *MND-C3*)

24. 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. (PL, *MND-C4*)

25. 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 §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.
    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. (PL, *MND-C5*)

26. During construction, Developer shall post and maintain onsite signs, in highly visible areas, restricting all vehicular traffic to 15 miles per hour or less. (PL, *MND-C6*)

27. During periods of high winds (i.e. wind speed sufficient to cause fugitive dust to impact adjacent properties), Developer shall cease all clearing, grading, earth moving, and excavation operations to prevent fugitive dust from being a nuisance or creating a hazard, either onsite or offsite. (PL, *MND-C7*)

28. Throughout construction, Developer shall sweep adjacent streets and roads at least once per day, preferably at the end of the day, so that any visible soil material and debris from the construction site is removed from the adjacent roadways. (PL, *MND-C8*)

29. Developer shall mitigate air quality emissions associated with development of the subject site through a contribution to the City's Transportation Demand Management (TDM) program. Such fee shall be calculated at the time of building permit issuance in accordance with the Ventura County Air Quality Assessment Guidelines, as amended. Such fee shall be collected in full prior to building permit issuance. (PL, *MND-C9*)

Biological Resources

30. Developer shall prepare a mailing to all residential units within 300 feet of the south and east property lines giving the approximate start and stop dates, days per week, and daily hours of operation for each phase of grading, and include a toll-free phone number for residents to call if grading noise or vibrations become excessive, in the residents' opinion. A 4 X 8 foot sign shall also be posted near the corner of the project site with the same information. The wording of the mailing and signs shall be first approved by Planning staff. Developer shall maintain a record of all complaint calls and provide the record and the Developer's response to Planning staff upon request. Should the number of legitimate complaints exceed five per day (or another number agreed to by Planning staff and the Developer), Planning staff shall have the option of: 1) suspending grading activities, and/or 2) require less intense grading activity (such as only one bulldozer instead of two), and/or 3) require that the Developer hire a third party complaint monitor, at the Developer's expense and with Planning staff approval, to liaison with those who have called in complaints and work out acceptable arrangements to complete grading on a reasonable schedule with a minimum of disruption to nearby residences. The Grading Liaison, if necessary, shall be knowledgeable of grading and with no financial relationship with the Developer or area residents. Decisions of the Grading Liaison shall be binding on both the Developer and area residents, and shall be considered a last resort option. (PL, *MND-D2*)

Cultural Resources

31. Developer shall contract with a qualified archaeologist to conduct a Phase I cultural resources survey of the project site prior to issuance of any grading permits. The survey shall include: (1) an archaeological and historical records search through the California Historical Resources Information System at Cal State Fullerton; and (2) a field inspection of the project site. Upon completion, the Phase I survey report shall be submitted to the Planning Division for compliance verification. A copy of the contract for these services shall be submitted to the Planning Division Manager for review and approval prior to initiation of the Phase I activities.

    The contract shall include provisions in case any cultural resources are discovered onsite. In the event that any historic or prehistoric cultural resources are discovered, work in the vicinity of the find shall be halted immediately. The archaeologist shall evaluate the discovery and determine the necessary mitigations for successful compliance with all applicable regulations. Developer or its successor in interest shall be responsible for paying all salaries, fees and the cost of any future mitigation resulting from the survey. (PL, *MND-E1*)

32. 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 monthly 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 Division 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. (PL, *MND-E2*)

Geology & Soils

33. Developer shall submit a site-specific soils investigation, which shall be prepared by a licensed geotechnical engineer. At a minimum, such study shall include liquefaction and compressible soil characteristics on the subject site, and shall identify any necessary construction techniques or other mitigation measures to prevent significant liquefaction/ compressible soils impacts upon the proposed project. All recommendations of said report shall be incorporated in the project. Developer shall submit the report to the Building Official for review and approval prior to issuance of building permits. (PL, *MND-F1*)

34. Developer shall seed, and maintain with adequate irrigation and maintenance either or both of the commercial lots on Fifth Street immediately after final grading unless Developer supplies a letter indicating Developer intends to progress to actual construction within 60 days from completion of final grading. Completion of final grading to be determined by the assigned City building inspector. Should either or both lots not progress to actual construction within 120 days of final grading, Developer shall sod one or both lots within 30 days. Irrigation and plant materials subject to approval by the Parks and Facilities Department. (PL, *MND-F2*)

Hazards & Hazardous Materials

35. Prior to issuance of building permits the developer shall file a Form 7460-1, "Notice of Proposed Construction or Alteration" with the Federal Aviation Administration (FAA), and provide a copy to the Planning Division, that enables the FAA to review the development for any hazards to airport/aviation purposes. (PL, *MND-G2*)

Noise

36. No construction or delivery vehicles shall use Dunkirk Street east of the project site at any time. All deliveries and staging shall utilize Fifth Street access only. (PL, *MND-K2*)

Transportation/Traffic

37. Prior to issuance of building permits, the Developer shall pay applicable City and County cumulative impact traffic mitigation fees. (PL, *MND-T2*)

LANDSCAPE STANDARD CONDITIONS

38. 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*)

39. 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*)

40. 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*)

41. 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*)

42. 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*)

43. 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

44. All landscaping and irrigation shall comply with Ordinance No. 2822, which adopted the City of Oxnard Landscape Water Conservation Standards. (PK)

45. Developer's Landscape Architect or Architect shall provide the City with written confirmation that they have reviewed the civil engineering construction drawings and that the NPDES requirements are not in conflict with meeting the City's landscape requirements. (PK)

46. Add one tree to the parking lot landscape finger planter located northwest of building #5. (PK)

47. Replace *Agonis* from the Plant Legend with a tree species approved on the adopted Landscape Master Plan for the site. Coordinate selection with City Plan Checker, Larry Thompson, 805-385-3938. (PK)

48. Prior to final Landscape Plan Check submittal, meet with City Plan Checker, 805-385-3938, to review condition of existing perimeter Fifth Street landscaping between the curb and the meandering sidewalk to determine plant materials needing to be replaced as a part of this project. (PK)

49. At time of Plan Check submittal, the applicant shall present written proof that they have met with City Landscape Maintenance District Supervisor (Phone 207-1436) and have agreed to pay all appropriate fees to join and to support maintenance of the existing Landscape Maintenance District for the median fronting their project on Fifth Street. (PK)

FIRE STANDARD CONDITIONS

50. Developer shall construct all vehicle access driveways on the project property to be at least 26 feet wide. Developer shall mark curbs adjacent to designated fire lanes in parking lots to prohibit stopping and parking in the fire lanes. Developer shall mark all designated fire lanes in accordance with the California Vehicle Code. (FD/B, *F-1*)

51. 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*)

52. 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*)

53. 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. The tests must be certified by a mechanical, civil, or fire protection engineer. 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*)

54. 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*)

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

56. 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*)

57. Developer shall identify all hydrants and fire protection equipment on the project property as required by the Fire Chief. (FD, *F-8*)

58. Developer shall provide central station monitoring of the fire sprinkler system and all control valves. (FD, *F-10*)

59. The turning radius of all project property driveways and turnaround areas used for emergency access shall be approved by the City Traffic Engineering Department. (FD, *F-11*)

60. 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*)

61. Developer shall install in each structure in the project an alarm system with a central station monitor that will automatically notify the Fire Department in the event of a fire in the structure. The alarm system shall include a UL or State Fire Marshal approved device, which shall not exceed design specifications, that reports the location of the fire and allows the central station monitor to inform the Fire Department of the point of entry into the structure that is nearest the fire. (FD, *F-13*)

62. All signalized intersections shall be equipped with preemption equipment. (FD/TR, *F-15*)

63. Developer shall comply with Certified Unified Program Agency (CUPA) requirements regarding the storage, handling and generation of hazardous materials or waste. Prior to the issuance of building permits, Developer shall contact the CUPA division of the Fire Department to ensure that such requirements are followed. (FD, *F-16*)

FIRE SPECIAL CONDITIONS

64. Before the City issues a certificate of occupancy, the developer shall install a Knox key vault at a location to be determined by the Fire Department. (FD)

65. Developer shall insure Fire Department access through man-gates, either by Knox lock devices or other Fire Department approved means. (FD)

66. Developer shall modify the existing landscape island on Southampton Place as shown on the plans dated 12/30/2010. (FD)

DEVELOPMENT SERVICES SPECIAL CONDITIONS

67. Site construction permits for this project shall be issued concurrent with recordation of the final map for Tract 5877. (DS)

68. If a tenant conducting food preparation activities occupies a building or a portion of a building and the Source Control Division deems it necessary to install a grease interceptor, then Developer shall install in the trash enclosure, a traffic-rated drain outlet (or other approved drain). This drain shall be centered in the trash enclosure to catch all wash water from the trash enclosure and will connect to the sanitary sewer system via the grease interceptor. Developer shall construct all other components of the trash enclosure in accordance with the approved City Standard Plan on file with the Development Services Division. (DS)

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 17th day of February, 2011, by the following vote:

AYES: Commissioners: Guevara, Huber, Murguia, Nash, Stewart, Medina, Mullin

NOES: Commissioners: None

ABSENT: Commissioners: None

Patrick Mullin, Chair

ATTEST:
Susan L. Martin, Secretary