

RESOLUTION NO. 2010 – 15

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 08-400-4 (COASTAL DEVELOPMENT PERMIT) TO ALLOW DEVELOPMENT OF 70 ATTACHED CONDOMINIUM UNITS WITHIN FIVE BUILDINGS AND ASSOCIATED INFRASTRUCTURE INCLUDING STREETS, SIDEWALKS, UTILITIES AND LANDSCAPING ON FIVE PROPOSED LOTS ON A VACANT 3.9 ACRE PROPERTY LOCATED AT THE NORTHEAST CORNER OF HARBOR BOULEVARD AND WOOLEY ROAD (APN 196-0-033-295), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY OXNARD SHORES COMPANY LLC, 1015 SOUTH HARBOR BLVD., OXNARD, CA 93035.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning & Zoning Permit No. 08-400-4 (Coastal Development Permit) filed by Oxnard Shores Company LLC, in accordance with Section 17-57 *et seq.* of the Oxnard City Code; and

WHEREAS, in accordance with the California Environmental Quality Act, the Planning Manager provided public notice of the intent of the City to adopt a mitigated negative declaration for this project, and the Planning Commission considered the proposed mitigated negative declaration, together with any comments received during the public review process, finds on the basis of the whole record before it (including the initial study and any comments received) that with Mitigation Monitoring/Reporting Program and imposition of 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 mitigated negative declaration reflects the independent judgment of the City, and adopts the mitigated negative declaration; and

WHEREAS, the Planning Commission has held a public hearing at which it received and considered oral and written testimony on Mitigated Negative Declaration No. 09-03 (State Clearinghouse No. 2010011069) 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 mitigated negative declaration 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 conditionally permitted within the subject sub-zone and complies with all of the applicable provisions of Chapter 17 of the Oxnard City Code.
2. The proposed use would not impair the integrity and character of the sub-zone in which would be located.
3. The subject site in terms of location and intensity of use would be physically suitable and would protect and maintain adjacent coastal resources for the land use being proposed.
4. The proposed use would be compatible with the land uses presently on the subject property.
5. The proposed use would be compatible with existing and future land uses within the sub-zone and the general area in which the proposed use would be located.
6. There are adequate public services for the proposed use, including, but not limited to, fire and police protection, water, sanitation and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety.
7. The proposed use will provide a type and level of public access consistent with the access policies and standards of the Oxnard Coastal Land Use Plan.
8. The proposed use would be appropriate in light of an established need, based upon the underlying goals and objectives of specific Oxnard Coastal Land Use Plan policies, applicable to the proposed location.
9. The proposed use would be consistent with all of the applicable policies of the certified Oxnard Coastal Land Use 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 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; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby approves this Coastal Development Permit, subject to the conditions of approval below. The Planning Commission adopts as additional findings the staff report, the Local Coastal Program consistency analysis, and the mitigated negative declaration. The decision of the Planning Commission is final unless appealed in accordance with the provisions of Section 17-58 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 July 8, 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. Developer shall provide off-street parking for the project, including the number of spaces, stall size, paving, striping, location, and access, as required by the City Code. (PL/B, G-9)
10. Before placing or constructing any signs on the project property, Developer shall obtain a sign permit from the City. Except as provided in the sign permit, Developer may not change any signs on the project property. (PL/B, G-10)
11. Developer shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, G-11)
12. Developer shall not permit any combustible refuse or other flammable materials to be burned on the project property. (FD, G-12)
13. Developer shall not permit any materials classified as flammable, combustible, radioactive, carcinogenic or otherwise potentially hazardous to human health to be handled, stored or used on the project property, except as provided in a permit issued by the Fire Chief. (FD, G-13)

14. If Developer, owner or tenant fails to comply with any of the conditions of this permit, the Developer, owner or tenant shall be subject to a civil fine pursuant to the City Code. (CA, G-14)
15. Prior to issuance of building permits, Developer shall correct all violations of the City Code existing on the project property. (PL, G-15)
16. The subject Coastal Development Permit shall not become effective until 20 working days have elapsed without appeal to the Coastal Commission following the proper receipt by the Coastal Commission's Executive Director of the notice of permit issuance pursuant to Section 13316 of the Coastal Commission Code of Regulations. Such notice to the Coastal Commission shall be given by Planning Division staff as described by Sections 17-58 H through J of the Oxnard City Code. (PL, G-17)

LANDSCAPE STANDARD CONDITIONS

17. 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)
18. 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)
19. 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)
20. 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)
21. 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)
22. 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

23. Developer shall pay Quimby Fees (fees for park Acquisition and Improvement) before issuance of building permits. The amount of the fee shall be determined by the Planning Division at the time of payment. (PK,B, PL-45)
24. 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.
25. Change the groundcover in the parkway on Harbor Blvd to a low shrub or to *Myoporum parvifolium* or to another groundcover approved by staff.
26. Any walls facing a public right of way shall be covered to the full height of the wall (except where signage occurs) with some combination of shrubs or vines to act as a graffiti deterrent.
27. Trees planted on the North side of Hobbs Way shall be maintained by the project Master Property Home Owner's Association or Condo Association.

FIRE DEPARTMENT STANDARD CONDITIONS

28. 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)
29. 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)
30. 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)
31. 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)
32. 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)

33. The project shall meet the minimum requirements of the "Fire Protection Planning Guide" published by the Fire Department. (FD, F-6)
34. At all times during construction, Developer shall maintain all-weather surfaces that provide access for fire fighting apparatus to all parts of the project property. (FD/DS, F-7)
35. Developer shall identify all hydrants and fire protection equipment on the project property as required by the Fire Chief. (FD, F-8)
36. Developer shall install security devices and measures, including walkway and vehicle control gates, entrance telephones, intercoms and similar features, subject to approval of the Police Chief and the Fire Chief. (FD/PD, F-9)
37. Developer shall provide central station monitoring of the fire sprinkler system and all control valves. (FD, F-10)
38. The turning radius of all project property driveways and turnaround areas used for emergency access shall be a minimum of 48 feet. (FD, F-11)
39. 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)
40. 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)
41. 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 DEPARTMENT SPECIAL CONDITIONS

42. 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.

43. 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.
44. Before the City issues a certificate of occupancy, the Developer shall install a Knox Box key vault at a location on the building to be determined by the Fire Department.
45. Project Plans shall be modified to reflect Fire Department needs for ground ladder access to upper floors. These modifications to stairways were agreed upon in a meeting which took place between the developer and the Fire Department.

PLANNING STANDARD CONDITIONS

46. Plans submitted by Developer with building permit applications shall show on the building elevation sheets all exterior building materials and colors, including product and finish manufacturer name, color name and number, and surface finish type (such as: stucco with sand finish, plaster with smooth finish) to be used in construction. (PL/B, *PL-1*)
47. 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*)
48. 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*)
49. 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*)
50. 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*)
51. 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*)
52. During the plan check review process, the Developer shall provide a lighting plan that provides design details (light standards, bollards, wall mounted packs, etc.) and illumination site information within alleyways, pathways, streetscapes, and open spaces proposed throughout the development. An electrical engineer shall prepare the site lighting plan demonstrating that adequate lighting ranges will be provided throughout the

development without creating light spillover, light pollution, or conflicts with surrounding factors such as tree locations, off-site or adjacent lighting. (PL)

53. Prior to issuance of building permits, Developer shall demonstrate that light standards illustrated on conceptual lighting plan do not conflict with tree locations. Developer shall submit a plan showing both the lighting and landscape on the same sheet. (PL)
54. Project on-site lighting shall be of a type and in a location that does not constitute a hazard to vehicular traffic, either on private property or on adjoining streets. To prevent damage from vehicles, standards in parking areas shall be mounted on reinforced concrete pedestals or otherwise protected. Developer shall recess or conceal under-canopy lighting elements so as not to be directly visible from a public street. Developer shall submit a lighting plan showing standard heights and light materials for design review and approval of the Planning Division Manager. (PL/B, *PL-8*)
55. In order to minimize light and glare on the project property, all parking lot and exterior structure light fixtures shall be high cut-off type that divert lighting downward onto the property and shall not cast light on any adjacent property or roadway. (PL, *PL-9*)
56. 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 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, *PL-10*)
57. 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*)
58. 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*)
59. Developer shall provide elevators in structures of three stories or more, except where the third story consists entirely of upper levels of residence that have entrances at the first or second story. (PL/B, *PL-17*)
60. 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 Division Manager prior to issuance of building permits. (PL, *PL-18*)

61. Developer shall provide utility meters, mailboxes and address directories, placed in decorative cabinets and clustered for efficient access for residents and service persons. Developer shall coordinate placement and design of such items accordingly, with the Planning Division Manager, the appropriate utility service provider and the United States Postal Service, prior to issuance of building permits. (PL, *PL-19*)
62. Developer shall provide automatic garage door openers for all garages. (PL/B, *PL-20*)
63. Railings and enclosures for patios and balconies shall provide at least 50 percent enclosure for screening and privacy. Developer shall include details of the railings and enclosures on the construction documents. (PL/B, *PL-24*)
64. All residential dwelling unit developments shall include architectural articulation on all four sides of each unit. Such articulation shall include, but not be limited to, window treatment; trim and a variety of finishes matching front facades; and balconies, porches, and trellises. Developer shall submit elevations depicting such articulation to the Planning Division for approval prior to issuance of building permits. (PL, *PL-28*)
65. 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*)
66. Light standards illuminating interior walkways shall be no more than eight feet high. Light shall not intrude into private living or patio areas. Light standards serving recreational areas held in common shall be no more than 15 feet high. Light shall be directed away from dwelling units. (B, *PL-30*)
67. All drive lanes (alleys) shall be provided with independently metered lighting with automatic daylight sensors for dusk to dawn lighting within drive lanes. The maintenance and replacement of independently metered lighting (wall fixtures, light bollards) shall be the responsibility of the Home Owners' Association. Lighting responsibilities shall be provided within the CC&Rs for the development. (PL)
68. Developer shall provide masonry walls on street side yards and along project perimeter property lines, subject to the approval of the Planning Division Manager. (PL/B, *PL-31*)
69. Street side yard walls shall be of decorative masonry construction and shall be set back 10 feet from any public sidewalk. (PL/B, *PL-32*)
70. Developer shall establish a homeowners association and the association shall be responsible for the maintenance of parking, landscape, recreation and other interior areas held in common by the association and for the enforcement of Conditions Covenants & Restrictions related to property maintenance. (PL/DS, *PL-33*)

71. 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)
72. 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)
73. Developer shall pay Quimby Fees (fees for park acquisition and improvement) before issuance of building permits. The amount of the fee shall be calculated by the Planning Division, and verified by the Parks Division at the time of payment. (PK/B, PL-36)
74. In accordance with City Council Ordinance No. 2615, or the ordinance in effect at the time building permits are issued, Developer shall pay the current in-lieu affordable housing fees, to be calculated at the time of building permit issuance. (PL, PL-37)
75. Developer shall post in the sales office of the project the latest City planning documents and maps that may affect the project and adjacent properties. At a minimum, this information shall include the 2020 Oxnard General Plan and General Plan Land Use Map showing all adjacent properties, a copy of the ordinances regulating the zone, and any specific plan that may apply to the project. Such documents may be purchased at cost from the Planning Division Manager. Developer shall require that all purchasers sign an affidavit declaring that they have familiarized themselves with the planning documents. Developer shall make such affidavits and planning information available for review upon reasonable request of the Planning Division Manager. (PL, PL-38)
76. 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)
77. Before or during escrow for the sale of property within the project, Developer shall give to each buyer a document disclosing, in large type, that:
 - (a) The property was formerly used for agricultural purposes, and is near or adjacent to, land that is currently used for agricultural operations; and
 - (b) The buyers may be subject to inconvenience or discomfort arising from agricultural operations on such nearby or adjacent land, including, but not limited to, frost protection measures, noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) at any hour of the day or night, storage of equipment and materials necessary to the agricultural operations, slow moving farm equipment, and spraying or other application of chemical fertilizers, soil amendments (such as manure, compost materials and mulches) and pesticides (such as herbicides, insecticides and fumigants); and

- (c) If the buyers complete the purchase of the property, the buyers should be prepared to accept such inconvenience and discomfort as a normal and necessary aspect of living near or adjacent to agricultural operations.

To show that the buyers have read the document, Developer shall require the buyers to sign the document. Developer shall retain all such documents for at least three years and shall allow the City to inspect and copy all such documents upon request. (PL)

78. Developer shall record a notice to appear in all deeds of property within the project that the project is within or proximate to the Oxnard Airport Sphere of Influence and inhabitants may be affected by the airport and aircraft operations. Before the City issues building permits, Developer shall provide evidence of recordation of such notice with the Ventura County Recorder's Office. (PL)

PLANNING SPECIAL CONDITIONS

79. This permit is granted subject to the approval of the Tentative Subdivision Map (PZ No. 09-300-01) and Coastal Zone Variance (PZ No. 09-510-01) for the project property. (PL)
80. This permit is granted subject to the approval of a Coastal Permit, if applicable, from the California Coastal Commission for the project property. (PL)
81. Developer shall install decorative concrete paving at each of the project entries, with the design and finish subject to approval of the Planning Manager and Development Services Director. (PL, DS)
82. Developer shall remove the name "Hobbs Way" from the site plan and elevation renderings. (PL)
83. Each unit shall be provided with a minimum of one designated private storage area, with a minimum area of 225 cubic feet, and with a minimum width of four feet. (PL)
84. Screen walls proposed to be placed around transformers within front yard areas shall not exceed 18 inches high pursuant to Zoning Code §16-308. (PL)
85. Signs on the project site shall comply with Zoning Code Article IX (Advertising Signs) including §16-605, and shall be subject to a sign permit issued by the Director. (PL)
86. Before or during escrow for the sale of property within the project, Developer shall give to each buyer a document disclosing, in large type, that:
- (a) Prior to 1949, the site was used for oil and gas production wastes and some farming and ranching operations. From 1950-1954, unspecified wastes were disposed on the site. From 1950-1981, the site was used for the disposal of oil field waste materials. The site was closed in 1982, and affected soil areas were covered with a cap consisting of 3-foot to 4-foot soil fill cap in the mid 1980's; and

- (b) Soils on the site have been remediated according to the requirements of a Remedial Action Plan (RAP) approved by the State of California, Department of Toxic Substances Control. The Department of Toxic Substances Control issued a letter on June 19, 1991, stating that the remediation of soils on the site has been completed in compliance with the requirements of the RAP, and the property was de-listed on July 29, 1991.

To show that the buyers have read the document, Developer shall require the buyers to sign the document. Developer shall retain all such documents for at least three years and shall provide the City with a copy all such documents upon request. (PL, PL-49)

MITIGATION MEASURES

Air Quality

87. The developer shall prepare and submit an Air Emissions Mitigation Plan for Dust Control. This Plan shall be included as part of the construction contract and submitted to the City of Oxnard for review and approval prior to the issuance of grading permits. This plan shall include the following elements. (MND - CI)
- Fugitive dust throughout the construction site shall be controlled by the use of a watering truck or equivalent means, generally at least three times a day (except during and immediately after rainfall). Water shall be applied to all unpaved roads, unpaved parking areas or staging areas, and active portions of the construction site. Environmentally-safe dust control agents may be used in lieu of watering.
 - Revegetate or apply APCD-approved chemical soil stabilizers to all inactive portions of the construction site that are inactive for four or more days.
 - Suspend or curtail all excavation, earth moving, and grading operations during episodes of high winds (i.e. wind speed sufficient to cause fugitive dust to impact adjacent properties) to prevent fugitive dust from being a nuisance or hazard.
 - Material transported in trucks off site shall comply with State Vehicle Code Section 23114, with special attention to Sections 23114(b)(F), (e)(2), and (e)(4) as amended. Material transported on site shall be sufficiently watered or secured to prevent fugitive dust.
 - Inform all employees involved in grading operations on the project to wear face masks during dry periods to reduce inhalation of dust.
 - Signs shall be posted on-site requiring traffic speeds to not exceed 15 miles per hour.
 - Sweep streets at the end of the day if visible soil material is carried over to adjacent streets and roads.
 - 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.

88. Maintain equipment engines in good condition and in proper tune as per manufacturer's specifications. Minimize idling time. Prohibit the use of on-site electric generators, and connect to utility lines adjacent to the project site. (MND - C2)
89. If feasible, use alternatively fueled construction equipment, such as compressed natural gas (CNG), liquefied natural gas (LNG), or electric. (MND - C3)
90. During construction, contractors 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. (MND - C4)
91. A temporary fence around the project site shall include an opaque visual barrier up to 6 feet high. The fence shall include signs identifying the name, telephone number, and emergency contact information for the contractor(s) responsible for the site, construction activities, and rectifying any nuisance conditions. (MND - C5)
92. Prior to grading permit approval, Developer shall include on the grading plans a reproduction of all conditions of this permit pertaining to dust control requirements. (MND - C6)
93. As stated in the APCD Guidelines, applicants are required to mitigate environmental impacts associated with their projects to the greatest extent feasible. The following are those measures that could be feasibly implemented to mitigate operational phase air quality impacts of the proposed project. (MND - C7)
 - Lighting for public streets, parking areas, and recreational areas shall utilize energy-efficient mechanical, computerized, or photo cell switching devices to reduce energy usage.
 - Energy-efficient, automated controls for air conditioners shall be installed into proposed buildings to reduce energy consumption and emissions.
 - Automatic lighting on/off controls and energy-efficient lighting shall be installed into proposed buildings to reduce electricity consumption and associated emissions.
 - Light-colored roofing materials as opposed to dark roofing materials shall be used on proposed buildings. Light colored materials reflect sunlight and minimize heat gains in buildings. This measure would lessen the overall demand for mechanical air conditioning systems.
 - Wall and attic insulation shall be provided in proposed buildings beyond the requirements of Title 24, *California Code of Regulations*.
 - Built-in energy-efficient appliances shall be installed into proposed buildings.
 - Special sunlight filtering window coatings or double-paned windows shall be installed into proposed buildings to reduce thermal gain in hot weather and loss in the cold weather, thus reducing emissions associated with heaters and air conditioners.
94. The design of the swimming pool building shall incorporate solar panels to the maximum extent feasible for pool water heating. (MND - C8)

95. All project construction and site preparation operations shall be conducted in compliance with all applicable Ventura County APCD Rules and Regulations with emphasis on Rule 50 (Opacity), Rule 51 (Nuisance), Rule 55 (Fugitive dust), and Rule 10 (Permits Required). (MND - C9)

Biological Resources

96. The developer shall avoid grubbing or grading the site during the breeding season (i.e. February 15 through August 31) as the preferred mitigation. If avoidance is not feasible and grubbing/grading will occur during the breeding season, then the project site shall be surveyed by a qualified biologist for the presence of nesting birds prior to removal of vegetation. The developer shall be required to submit a report documenting the findings of the site survey to the Planning Division for review and approval. The site survey shall be conducted within 30 days of the beginning of any grubbing/grading activity. If any active nests are detected, then a 300-foot buffer (or as otherwise deemed appropriate by the biological monitor) shall be placed around the nest site until the nestlings have successfully fledged. (MND - D1)
97. Focused pre-construction surveys for the Least Bell's Vireo (LBV) will be conducted in suitable habitat within 500 linear feet of construction activities. The surveys will follow agency protocol as to survey methodology (i.e. time of day and climatic conditions). However, a modified survey schedule is appropriate given the site-specific circumstances. Therefore, surveys of the area within 500 feet of construction activities and the area where LBV has been reported will be initiated if commencement of construction is to occur during the breeding season for the species (April 10 to July 31). If no LBV are detected within 500 feet of the construction activities during any of the three survey bouts, no further action is required. If, however, LBV are detected within 500 feet of construction activities, CDFG and the U.S. Fish & Wildlife Service (USFWS) will be contacted to determine what, if any, actions need to be taken to avoid adverse effects on the species. Such actions, if necessary, may include one or more of the following: phasing the construction activities to avoid certain construction activities within 500 feet of occupied LBV habitat until after the breeding season has ended; noise monitoring; and nest monitoring. If LBV is detected in suitable habitat farther away than 500 feet, these areas will be monitored during each of the three survey bouts so as to gain assurances that occupied habitat remains more than 500 feet from construction activities. The findings of the surveys will be documented and submitted to the City within 10 days of completion, as well as CDFG and USFWS as applicable. (MND - D2)
98. Prior to the initiation of construction activities, a temporary silt fence will be installed along the project site's easterly boundary to prevent ingress of Silvery Legless Lizards (SLL) onto the site for the duration of construction activities. The fencing will be keyed into the ground to a depth of at least three inches. Preconstruction surveys for SLL will then be conducted within areas of the site that could be used by the species. The surveys will be conducted according to the following protocol provided by CDFG. Surveys will be conducted on a warm day (70 to 80 degrees Fahrenheit) in the mid-morning and no longer than two weeks prior to the commencement of soil disturbance activities. Relative soil

moisture should be approximately 65% to 80% with soil temperature being 60 to 70 degrees Fahrenheit. Two person teams will work together with one person using a hand rake to gently rake the loose litter and soil down to substrate. The other person will search the areas being raked for SLL. Surveys will employ a "three-pass" methodology to locate as many SLL as possible. If SLL are found during the first pass, an overnight period of no disturbance will occur before the second pass. Similarly, if SLL are found during the second pass, another overnight period of no disturbance will occur before the third pass. If during any pass no SLL are found, the survey will be concluded. Any SLL found will be placed in a lidded, vented box containing clean sand. Areas of moist and dry sand will be present in the box. Boxes will be kept out of direct sunlight and protected from temperatures over 72 degrees Fahrenheit. The temperatures of the sand in the box will be kept under 66 degrees Fahrenheit. Information on each lizard captured will be recorded, including date of capture, location, length, color, age, and tail condition. All lizards will be relocated to suitable off-site habitat the same day as capture. GPS location of released lizards will be recorded. CDFG will be notified about any injured SLL. All work will be performed by personnel who hold active permits from CDFG in order to conduct the work. At the conclusion of the surveys, documentation of survey results and associated records will be submitted to the City within 10 days of completion, as well as to CDFG. (MND – D3)

Cultural Resources

99. Based on the recognized sensitivity for the occurrence of buried sites and artifacts and as mandated by the City of Oxnard archaeological guidelines, Developer shall pay for monitoring by a qualified Archaeologist and Native American Monitor (specifically a qualified Ventureno Chumash descendant). A contract with the Archaeologist shall be presented to the City prior to issuance of grading permits. Monitoring shall be required during all activity involving soil disturbance including grading (cut and fill) or other excavation (e.g., trenching). Should movement of soils during grading for re-compaction activities show no evidence of an archaeological site or artifacts, and with the concurrence of the City of Oxnard Planning and Environmental Services Division and the on-site Native American Monitor, further monitoring at this location by the Archaeologist may no longer be required. In the event that a prehistoric site or historic remains older than 50 years is identified during monitoring, the Archaeologist and/or Native American Monitor shall be empowered to stop all construction activities in the vicinity of the find. The Archaeologist shall document, identify, and evaluate the potential significance of any find. Such evaluation may require a Phase II site subsurface excavation and evaluation program. Should any remains prove to be significant, avoidance of the resource is the preferred mitigation. If avoidance through project redesign is not feasible, further investigations in the form of a Phase III data recovery program will be implemented to mitigate impacts to the identified resource. The Native American Monitor shall remain on-site throughout any necessary site documentation, evaluation, and mitigation processes.

Contracts shall include weekly reports from the archaeological monitor to the Planning Division summarizing the Archaeologist's activities during the reporting period. A copy of the contract for these services shall be submitted to the Planning and Environmental

Services 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 occupancy for each building. (MND – E1)

Geology & Soils

100. The developer shall be required to incorporate a mat foundation into each building according to the recommendations of the *Preliminary Soils Engineering Investigation, Portions of Lots 90, 91 and 92 of the Patterson Ranch* (by Subsurface Designs, Inc. November 28, 2008). A pile foundation shall be prohibited. (MND – F1)

Hydrology & Water Quality

101. Developer shall submit a Storm Water Pollution Prevention Plan (SWPPP) to demonstrate compliance with National Pollutant Discharge Elimination System (NPDES) requirements prior to issuance of building permits. (MND – H1)
102. Prior to issuance of any permits, the Developer shall submit documentation agreeing to indemnify and hold the City of Oxnard harmless from any liability or damages resulting from the construction of the project. (MND – H2)

Noise

103. The developer shall be required to incorporate a mat foundation into each building according to the recommendations of the *Preliminary Soils Engineering Investigation, Portions of Lots 90, 91 and 92 of the Patterson Ranch* (by Subsurface Designs, Inc. November 28, 2008) A pile foundation shall be prohibited. (MND – K1)
104. Prior to issuance of the first Certificate of Occupancy, the applicant shall contribute \$4,875 to a designated City fund for the Decksides Villas that is to be used only for soundwall-related expenses. (MND – K2)
105. Prior to issuance of the first Certificate of Occupancy, the developer shall record on all properties an Avigation Easement granting the County of Ventura an Avigation Easement for the operation of the Oxnard Airport. The Avigation Easement shall be consistent with the FAA model Avigation Easement. (MND – K3)

Public Services

106. Prior to issuance of any building permits, the developer shall pay the mandatory impact fees to the school district and present evidence of payment. (MND – M1)
107. Prior to issuance of any building permits, the developer shall pay the mandatory Quimby Fee. (MND – M2)
108. Prior to issuance of any building permits, the Developer shall pay the following mandatory development impact fees: *Planned Traffic Circulation System Facilities Fees; Planned*

Water Facilities Fee; Planned Wastewater Facilities Fee; Planned Drainage Facilities Fee; and Growth Requirement Capital Fee. (MND – M3)

Recreation

109. The developer shall be required to pay the mandatory Quimby Fee prior to issuance of any building permits. *(MND – N1)*

Transportation/Traffic

110. Developer shall dedicate to the City the right-of-way along Wooley Road and Harbor Boulevard associated with the road widening under this project. *(MND – O1)*
111. Developer shall modify the traffic signal at Wooley Road/Harbor Boulevard associated with the proposed road widening. The signal modification shall include provision of a traffic signal battery back-up system, new service equipment enclosure and emergency vehicle detection system. *(MND – O2)*
112. Developer shall design and reconstruct the curb ramp at the southeast corner of Wooley Road and Harbor Boulevard. The redesign shall comply with disabled access requirements and address the sand accumulation problem at the ramp. *(MND – O3)*
113. Developer shall place existing overhead utility lines (except electrical lines in excess of 33KV) on and adjacent (as defined in City ordinance) to the project (including Wooley Road, Harbor Boulevard and the canal easterly of the project) underground in accordance with City ordinance. Before issuance of a site improvement permit or recordation of a final map, Developer shall post security satisfactory to the Finance Director guaranteeing utility relocation. *(MND – O4)*
114. Developer shall install a wireless, solar powered, in-pavement crosswalk warning light system on the easterly leg of the Wooley Road/Canal Street intersection along with associated striping and signage, including advanced warning signage and markings, to enhance the safety for pedestrian crossing of Wooley Road. Final design of the crosswalk warning light system to be approved by the City Traffic Engineer. *(MND – O5)*
115. Developer shall design the walls at the entry and exit gate of the Ground Parking Level of Buildings 1 and 4 to provide additional corner visibility similar to that provided on Buildings 2 and 3. Final design shall be approved by the City Traffic Engineer. *(MND – O6)*
116. Developer shall pay the applicable County/City Traffic Impact Fee(s) prior to issuance of a building permit. *(MND – O7)*

Utilities & Service Systems

117. The developer shall pay the applicable Calleguas Capital Construction charges prior to issuance of a building permit. *(MND – P1)*

ENVIRONMENTAL RESOURCES DIVISION

118. 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.
119. 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.
120. 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.
121. 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.
122. 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.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 5th day of August, 2010, by the following vote:

AYES: Commissioners: Mullin, Okada, Frank, Dean, Elliott.

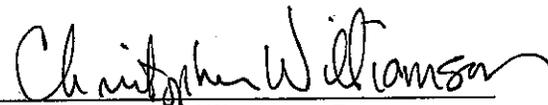
NOES: Commissioners: None

ABSENT: Commissioners: Medina



Randall Elliott, Chair

ATTEST:



Christopher Williamson, Secretary

RESOLUTION NO. 2010 – 16

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING CITY COUNCIL APPROVAL OF PLANNING AND ZONING PERMIT NO. 09-300-01 (TENTATIVE SUBDIVISION MAP) TO ALLOW SUBDIVISION OF APPROXIMATELY 3.9 ACRES OF VACANT LAND INTO FIVE RESIDENTIAL LOTS AND 70 CONDOMINIUM UNITS, LOCATED AT THE NORTHEAST CORNER OF HARBOR BOULEVARD AND WOOLEY ROAD (APN 196-0-033-295), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY OXNARD SHORES COMPANY LLC, 1015 SOUTH HARBOR BLVD., OXNARD, CA 93035.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 09-300-01, filed by Oxnard Shores Company 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 Manager provided public notice of the intent of the City to adopt a mitigated negative declaration for this project, and the Planning Commission considered the proposed mitigated negative declaration, together with any comments received during the public review process, finds on the basis of the whole record before it (including the initial study and any comments received) that with the Mitigation Monitoring/Reporting Program and imposition of 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 mitigated negative declaration reflects the independent judgment of the City, and adopts the mitigated negative declaration; and

WHEREAS, the Planning Commission has held a public hearing at which it received and considered oral and written testimony on Mitigated Negative Declaration No. 09-03 (State Clearinghouse No. 2010011069) 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 mitigated negative declaration 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 July 8, 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. 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. 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)
9. Developer shall establish a homeowners association and the association shall be responsible for the maintenance of parking, landscape, recreation and other interior areas held in common by the association and for the enforcement of Conditions Covenants & Restrictions related to property maintenance. (PL/DS, PL-33)

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. This permit is granted subject to the approval of the Coastal Development Permit (PZ No. 08-400-04) and Coastal Zone Variance (PZ No. 09-510-01) for the project property.
13. This permit is granted subject to the approval of a Coastal Permit, if applicable, from the California Coastal Commission for the project property.
14. Developer shall remove the name "Hobbs Way" from the subdivision map.

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. 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)
22. 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)
23. 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)
24. 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)
25. 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)
26. 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)
27. Developer shall process permanent master planned improvements that are eligible for reimbursement in accordance with City policies, resolutions, and ordinances in effect at the time of recordation of the final map or parcel map or if there is no such map, then at the time of public improvement plan approval. (DS-17)

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. Each lot shall drain into a street, alley, or approved drain so that there will be no undrained depressions. (DS-35)

42. 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)
43. 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)
44. 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)
45. 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)
46. 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)
47. 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)
48. Developer shall install City approved backflow prevention devices for water connections if so ordered by the City Engineer. (DS-45)
49. 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)
50. Developer shall construct all street and road improvements in conformance with the City Code, the City's 2020 General Plan, and any applicable specific plan. (DS-48)
51. Developer shall dedicate and improve to City standards all sidewalks, parkways, streets, alleys, and street appurtenances. City will name all streets in accordance with adopted City guidelines. (DS-49)
52. Street and road improvements shall conform to City standards and policies. Improvements shall include upgrading of existing pavement along the project frontage to City standards by removing and replacing or overlaying, as directed by the City Engineer. (DS-51)

53. Developer shall improve all streets, alleys, sidewalks, curbs, and gutters adjacent to the project in accordance with City standards, as necessary to provide safe vertical and horizontal transitions. *(DS-52)*
54. Developer shall provide soils reports, "R" value tests, and compaction tests for all streets. Determination of the actual structural sections shall be based on City's design procedure, applying the appropriate traffic index specified in City standards. *(DS-53)*
55. Developer shall install all water, gas, sewer, storm drain, electrical, cable television, and telephone lines before any paving is placed. *(DS-54)*
56. 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)*
57. 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)*
58. 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)*
59. As part of the master utility plans, Developer shall submit a street lighting plan. On City's approval of the plan, Developer shall install streetlights in accordance with the plan. *(DS-60)*
60. As a part of the site improvement plans, Developer shall submit a master utility plan that shows the relative location of all public and private utilities (including gas, electric, street lights, telephone and cable television lines) in accordance with City standard plans. *(DS-61)*
61. 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)*
62. Developer shall provide adequate vehicle sight distance as specified by CalTrans specifications at all driveways and intersections. *(TR-71)*
63. Developer shall install bike racks in accordance with City standards at locations approved by City Traffic Engineer. *(TR-73)*

64. Prior to issuance of a building permit, all traffic signal, pavement marking and sign plans shall be prepared by a registered California traffic engineer and approved by the City Engineer prior to issuance of a grading, site improvement or a building permit. (TR-74)
65. Prior to issuance of an encroachment permit, Developer's shall obtain City's approval of a contractor qualified to install traffic signals, pavement markings and signs. (TR-76)
66. Developer shall construct double-bin trash enclosures (one bin for recycle use) with a solid non-combustible roof (8-foot minimum clearance) that prevents stormwater from entering the refuse bins. Developer shall construct all other components of the trash enclosure in accordance with the approved City Standard Plan on file with the Development Services Division. Developer shall finish the trash enclosure to match the major design elements of the main structure. The finish and roof appearance shall be indicated on the building plans and are subject to approval by the Planning Division. The location and configuration of trash enclosures shall be reviewed and approved by the Environmental Resources Division. All refuse bins on the site shall be stored in an approved trash enclosure. No objects other than refuse bins may be stored in the trash enclosure without the written permission of the Environmental Resources Division. (DS-79)
67. 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)
68. 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)
69. 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)
70. 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)

71. 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)
72. 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)
73. 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

74. Developer shall place existing overhead utility lines (except electrical lines in excess of 33KV) on and adjacent (as defined in City ordinance) to the project (including Wooley Road, Harbor Boulevard and the canal easterly of the project) underground in accordance with City ordinance. Before issuance of a site improvement permit or recordation of a final map, Developer shall post security satisfactory to the Finance Director guaranteeing utility relocation. (DS)
75. Developer shall construct a minimum 7-foot wide sidewalk at all locations where the sidewalk is constructed adjacent to the front of parking spaces. All other sidewalks shall be a minimum of 5 feet wide except that walks may be 4 feet wide if they serve a single unit. (DS)
76. Developer shall construct proposed walks that cross vehicular drive aisles of enhanced concrete. The concrete color shall contrast with the parking lot asphalt to clearly identify pedestrian areas. (DS)
77. Developer shall construct a concrete apron along the length of each trash enclosure opening. Apron shall extend a minimum of 15 feet from the face of the enclosure. (DS)

78. Developer shall provide a minimum 5 foot setback (both sides) between a trash enclosure and the nearest vehicle parking space. All trash enclosures shall be constructed with a pedestrian access door that is located in accordance with City standard plates. Developer may construct trash enclosures in accordance with City standard plate 606 if a pedestrian access door centered in the rear wall of the enclosure is added. Use of modified plate 606 will facilitate compliance with 5 foot setback requirement. (DS)
79. Developer shall dedicate to the City all rights of ingress and egress to Wooley Road and Harbor Boulevard along the project frontages. (DS)

STORMWATER QUALITY CONDITIONS

80. Developer shall design the grass swale filter in accordance with the Technical Guidance Manual for Stormwater Quality Control Measures. Design calculations shall be included in the project drainage report. (DS)
81. Developer's engineer shall provide City with written confirmation that they have reviewed the landscape construction drawings within the NPDES grass swale filter areas and that the proposed landscaping conforms to SQUIMP standards for grass swale filters. (DS)
82. Developer shall install a perforated underdrain below all grass swale filter constructed with a longitudinal slope of less than 1%. Underdrain shall connect to a point of safe discharge as approved by the Development Services Manager. (DS)
83. Developer shall provide evidence that ongoing maintenance for stormwater treatment devices and infiltration devices are included as a separate line item in the property owners association financial paperwork filed with the department of real estate. Developer shall also include such maintenance responsibilities in the property owner CC&Rs. Preliminary versions of these documents are to be provided to the Development Services Manager for review prior to issuance of site improvement permits. (DS)

STORM DRAIN CONDITIONS

84. Developer shall construct a 1 foot wide level area behind the Wooley Road and Harbor Boulevard sidewalks with a slope flatter than 10%. This level area shall be clearly indicated on the site grading plan. All proposed infiltration trenches shall be located behind this level area. (DS)

WATER SPECIAL CONDITIONS

85. In accordance with City Code, Developer shall provide a separate water meter for each condominium unit. Location of water meters shall be approved by the City of Oxnard Water Division and the Development Services Manager. Locating water meters within building structures is at the option of the City and is subject to a covenant of agreement as directed by the City. (DS)

STREETS SPECIAL CONDITIONS

86. Developer shall construct a 7 foot wide sidewalk along the Wooley Road frontage of the project. Prior to issuance of a site improvement permit, Developer shall dedicate a sidewalk easement to City that encompasses all portions of the proposed sidewalk along the Wooley Road frontage not within proposed City right-of-way. (DS)
87. Developer shall include installation of street lighting along the project's Wooley Road and Harbor Boulevard frontages in conformance with City standards. Installation of these street lights is reimbursable under the Traffic Impact Fees to the extent that they are permanent. (DS)
88. Developer shall grind (0.13 foot minimum) and overlay the full width and length of Hobbs Way after installation of proposed water and sewer lines. (DS)
89. Developer shall reconstruct Hobbs Way (alley) entrances to provide ADA complaint path along the Canal Street and Harbor Boulevard public sidewalks. Reconstruction shall include a short sidewalk transition on Harbor Boulevard north of Hobbs Way. (DS)
90. Developer shall reconstruct Canal Street between Hobbs Way (alley) and Wooley Road as required to meet City street design requirements, including but not limited to, street cross-fall and street longitudinal grade. If this section of Canal Street is not completely reconstructed due to design requirements, Developer shall grind (0.13 foot minimum) and overlay the full width and length of this section of Canal Street after installation of proposed water, sewer, and stormdrain lines. (DS)

TRAFFIC SPECIAL CONDITIONS

91. Developer shall design the walls at the entry and exit gate of the Ground Parking Level of Buildings 1 and 4 to provide additional corner visibility similar to that provided on Buildings 2 and 3. Final design shall be approved by the City Traffic Engineer. (TR)
92. Developer shall install a wireless, solar powered, in-pavement crosswalk warning light system on the easterly leg of the Wooley Road/Canal Street intersection along with associated striping and signage, including advanced warning signage and markings, to enhance the safety for pedestrian crossing of Wooley Road. Final design of the crosswalk warning light system to be approved by the City Traffic Engineer. (TR)

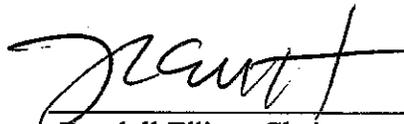
93. Developer shall modify the traffic signal at the Wooley Road and Harbor Boulevard intersection as required to implement the proposed road widening. The signal modification shall include provision of a traffic signal battery back-up system, new service equipment enclosure and emergency vehicle detection system. These improvements are reimbursable under the Traffic Impact Fees to the extent that they are permanent and master planned. Final design shall be approved by the City Traffic Engineer. (TR)
94. Developer shall install 2 inch conduit, pull rope and pull boxes to accommodate a future interconnect cable required under the Intelligent Transportation System ('ITS') program. The conduit shall run from the northeast corner of the Wooley Road and Harbor Boulevard intersection along the Wooley Road project frontage then across the bridge. The conduit shall then cross Wooley Road easterly of Chesapeake Drive and join the existing pull box for interconnect easterly of Tradewinds Drive. Maximum pull box spacing shall be 200 feet. The applicant is not responsible for these improvements if another applicant constructs the improvements. (TR)
95. Developer shall dedicate to the City the Right-of-Way along the Wooley Road and Harbor Boulevard project frontages associated with the road widening under this project. (TR)
96. Developer shall design and reconstruct the curb ramp at the southeast corner of Wooley Road and Harbor Boulevard. The redesign shall comply with disabled access requirements and address the sand accumulation problem at the existing ramp. (TR)

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 5th day of August, 2010, by the following vote:

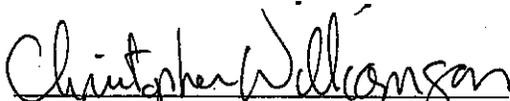
AYES: Commissioners: Mullin, Okada, Frank, Dean, Elliott

NOES: Commissioners: None

ABSENT: Commissioners: Medina



Randall Elliott, Chair

ATTEST: 
Christopher Williamson, Secretary

RESOLUTION NO. 2010 – 17

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 09-590-01 (COASTAL ZONE VARIANCE), TO ALLOW CONSTRUCTION OF 70 ATTACHED CONDOMINIUM UNITS WITHIN FIVE BUILDINGS WITH A REDUCTION IN THE SPECIFIED AREAS OF THE REQUIRED FRONT, SIDE AND REAR YARD SETBACKS LOCATED AT THE NORTHEAST CORNER OF HARBOR BOULEVARD AND WOOLEY ROAD (APN 196-0-033-295), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY OXNARD SHORES COMPANY LLC, 1015 SOUTH HARBOR BLVD., OXNARD, CA 93035.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 09-590-01 (Coastal Zone Variance), by Oxnard Shores Company LLC, in accordance with Section 17-57 through 17-58 and Section 16-530 through 16-553 of the Oxnard City Code; and

WHEREAS, in accordance with the California Environmental Quality Act, the Planning Manager provided public notice of the intent of the City to adopt a mitigated negative declaration for this project, and the Planning Commission considered the proposed mitigated negative declaration, together with any comments received during the public review process, finds on the basis of the whole record before it (including the initial study and any comments received) that with the Mitigation Monitoring/Reporting Program and imposition of 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 mitigated negative declaration reflects the independent judgment of the City, and adopts the mitigated negative declaration; and

WHEREAS, the documents and other materials that constitute the record of proceedings upon which the decision to adopt the mitigated negative declaration 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 narrow lot configuration and the requirements for the front, side and rear yard setbacks makes the subject parcel eligible for a variance to the specified areas subject to the setback standards; and

WHEREAS, the narrow lot configuration and the requirements for parking garage design makes the subject parcel eligible for a variance to the specified distance(s) between vehicle parking spaces and the units they serve; and

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

1. Strict interpretation and enforcement of the specified regulation deprives such property of privileges enjoyed by other property in the vicinity and under the identical coastal sub-zone.

2. Exceptional or extraordinary circumstances or conditions apply to the property involved that do not apply to other properties in the vicinity and under the identical coastal sub-zone.
3. Strict interpretation and enforcement of the specified regulations would deprive the applicant of privileges enjoyed by owners of other properties in the vicinity and under the identical coastal sub-zone.
4. The granting of the variance would not be detrimental to the protection and maintenance of adjacent resources or to public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
5. The variance would not adversely affect access to or along the shoreline, including the physical and visual qualities or access.
6. The variance would not allow a use or activity not expressly authorized in the sub-zone applicable to the property.
7. The proposed variance would be consistent with all applicable policies of the Oxnard Coastal Land Use 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 17-58 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 July 8, 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 Coastal Development Permit (PZ No. 08-400-04) 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 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. 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)

PLANNING SPECIAL CONDITIONS

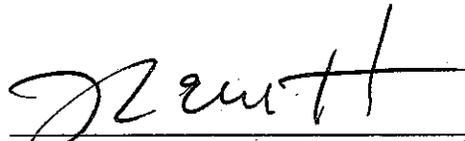
8. This permit is granted subject to the approval of the Coastal Development Permit (PZ No. 08-400-04) and Tentative Subdivision Map (PZ No. 09-300-01) for the project property.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 5th day of August, 2010, by the following vote:

AYES: Commissioners: Mullin, Okada, Frank, Dean, Elliott

NOES: Commissioners: None

ABSENT: Commissioners: Medina



Randall Elliott, Chair

ATTEST:



Christopher Williamson, Secretary