Planning Division

PLANNING COMMISSION
STAFF REPORT

TO: Planning Commission

FROM: Brian Foote, AICP, Associate Planner

DATE: February 17, 2011

SUBJECT: Planning and Zoning Permit No. 10-550-5 (Major Modification)

1) **Recommendation:** That the Planning Commission adopt a resolution approving PZ No. 10-550-5 for a major modification to PZ Nos. No. 10-535-01 (Density Bonus) and 10-540-1 (Planned Development), subject to certain findings and conditions.

2) **Project Description and Applicant:** A request for approval of a major modification to an approved Planned Development to eliminate a 2,014 square-foot rooftop terrace, and reduce the size of the required Interior Yard Space from 3,397 square-feet to 1,383 square-feet. The previously approved project was for a three-story 6,080 square-foot multifamily dwelling with seven apartments, rooftop terrace, and second-floor courtyard on a vacant lot. The project site is located at 610 Cuesta Del Mar Drive (APN 222-0-095-085). Filed by Rasmussen & Associates Architects, on behalf of the Oxnard Housing Authority, 21 S. California St., Ventura CA 93001.

3) **Existing & Surrounding Land Uses:** The project site is a 9,375 square-foot vacant lot surrounded on three sides by two-story multifamily apartment buildings in the Southwinds neighborhood. To the south of the project site, across the alley, is a retail shopping center.

Project Site	R-4-PD	Residential High	Vacant
North	R-4-PD	Residential High	Attached Multi-Family Apartments
South	C-2	Commercial General	Retail Shopping Center
East	R-4-PD	Residential High	Attached Multi-Family Apartments
West	R-4-PD	Residential High	Attached Multi-Family Apartments

4) **Background Information:** On August 19, 2010, the Planning Commission approved PZ 10-540-1 (Planned Development) and recommended approval of PZ Nos. 10-535-1 (Density Bonus) and 10-570-2 (Zone Change). On September 28, 2010, the City Council adopted Resolution Nos. 13,918 and 13,919 approving the density bonus and upholding the Planning Commission's approval of the planned development permit. On October 5, 2010, the Council adopted Ordinance No. 2831 changing the zoning of the subject property to R-4-PD.

5) **Environmental Determination:** On September 28, 2010, the City Council determined that the project was exempt from environmental review, in accordance with Sections 15192 and 15194 of the CEQA Guidelines for affordable housing projects. The proposed Major Modification satisfies all applicable threshold criteria listed in Section 15192 (Threshold Requirements for Exemptions for Agricultural Housing, Affordable Housing, and Residential Infill Projects) and Section 15194 (Affordable Housing Exemption). There is no substantial evidence that the project may have a potentially significant effect on the environment, and therefore, staff recommends that the Planning Commission adopt the Notice of Exemption (Attachment C).

6) **Analysis:**

   a) ***General Discussion:*** The approved project included a total of seven apartments, all units being defined as affordable for low income, very-low or moderate income households. The proposed Major Modification will not change the number of units or the affordability status of the project. The approved project also included three concessions pursuant to State law to reduce specified development standards, in this case: 1) front yard setback, 2) side-yard setbacks, and 3) allow the courtyard and rooftop terrace to provide the common open space areas. The Major Modification proposes to modify the third concession pertaining to common open space and reduce the total area to 1,383 square-feet (from the approved 3,397 square-feet) by eliminating the rooftop terrace. The rooftop terrace is being removed in order to comply with the California Building Code requirements for handicap accessibility to the common areas of the project. Providing an elevator to the rooftop terrace is not a feasible alternative for this project, and the applicant has no other option but to remove the terrace to achieve compliance.

   b) ***General Plan Consistency:*** The 2020 General Plan designates the subject property as Residential High (RH) and is intended for multi-family attached housing with density ranging between 18 to 30 dwelling units per acre. The project was approved for the equivalent of 32 units per acre (i.e. the approved project included a density bonus for the affordable dwelling units). The existing R-4-PD zoning is consistent with the Residential High (RH) General Plan designation. Therefore, the proposal is consistent with the General Plan.

c) ***Conformance with Zoning Development Standards:*** The Planning Commission previously approved three concessions pursuant to Government Code §65915: 1) front yard setback; 2) side yard setbacks; and 3) combine the areas of the courtyard and rooftop terrace to provide the required amount of Interior Yard Space, and also waive the requirement that private balconies be attached to each unit. The revised calculation for Interior Yard Space will be 1,491 square-feet (3,397 – 2,014 = 1,383) and would not meet the requirement for 30% of the lot area to be Interior Yard Space. Therefore, the applicant now requests further modification of the third concession to allow 14.8% as IYS (1,383 / 9,375 = 0.1475 x 100 = 14.8%) rather than the 30% required by Zoning Code §16-78. Staff supports the requested modification, as the development will have seven (100%) affordable units. The revised structure is proposed to be three stories and 34 feet high without the rooftop terrace, which would be a reduction of seven feet from the approved design.

[illegible]	[illegible]	[illegible]	[illegible]
Max. building height §16-73	4 stories or 45 feet max.	3 stories & 34 feet	Yes
Interior yard space §16-78	30% of lot area, with min. dimension of 15' x 15'. *Minimum of 2,812 sq.ft.*	1,383 sq.ft. total or 14.8% (Courtyard only)	Yes, if PC approves modification.

d) ***Site Design:*** No changes are proposed to the approved site plan or landscape plan.

e) ***Circulation and Parking:*** No changes are proposed to the approved site plan.

f) ***Building Design:*** The architectural theme will not change. The previously approved design theme features smooth plaster exterior finish, composite wood panels and fascia, and balconies. The only exterior change is that the rooftop now features a complete roof (rather than the terrace) and a 2'0" high parapet. The revised structure will be three stories high and 34 feet maximum, a reduction of seven feet from the previously approved height, and will comply with the standard of 45 feet maximum in the R-4-PD zone. Staff supports the requested modification.

7) **Development Advisory Committee:** As the major modification does not propose any new development, the current application was not scheduled for review by the Development Advisory Committee. Applicable conditions of approval from the Development Services Department and Fire Department are included in the attached resolution.

8) **Community Workshop:** As the major modification does not propose any new development, the current application was not scheduled for a Community Workshop meeting.

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

Attachments:

A. Maps (Vicinity, General Plan, Zoning)
B. Reduced Project Plans
C. CEQA Notice of Exemption
D. Planning Commission staff report of August 19, 2010
E. Resolution

Prepared by: BF

Approved by: SM

ATTACHMENT A

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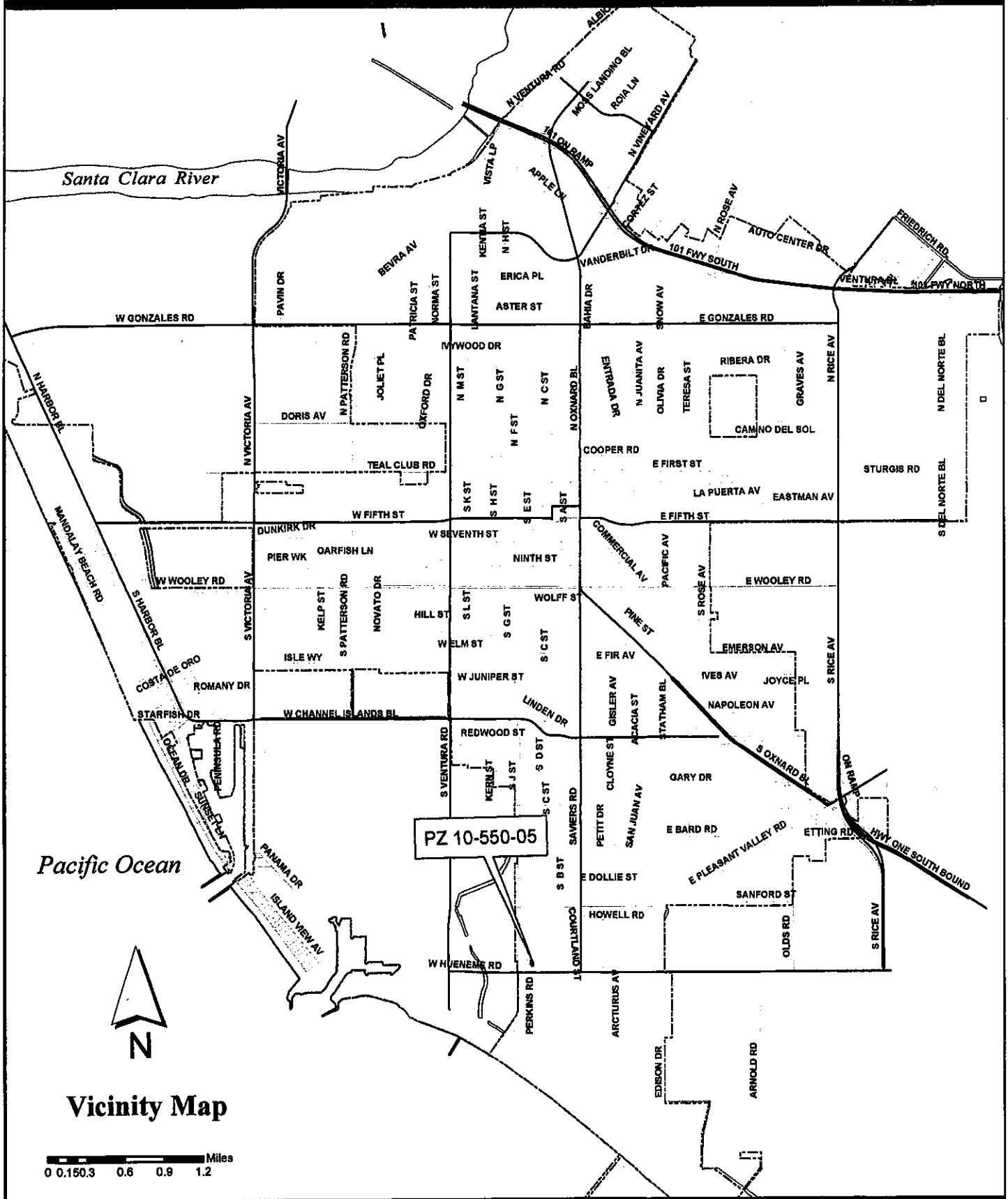
Vicinity Map

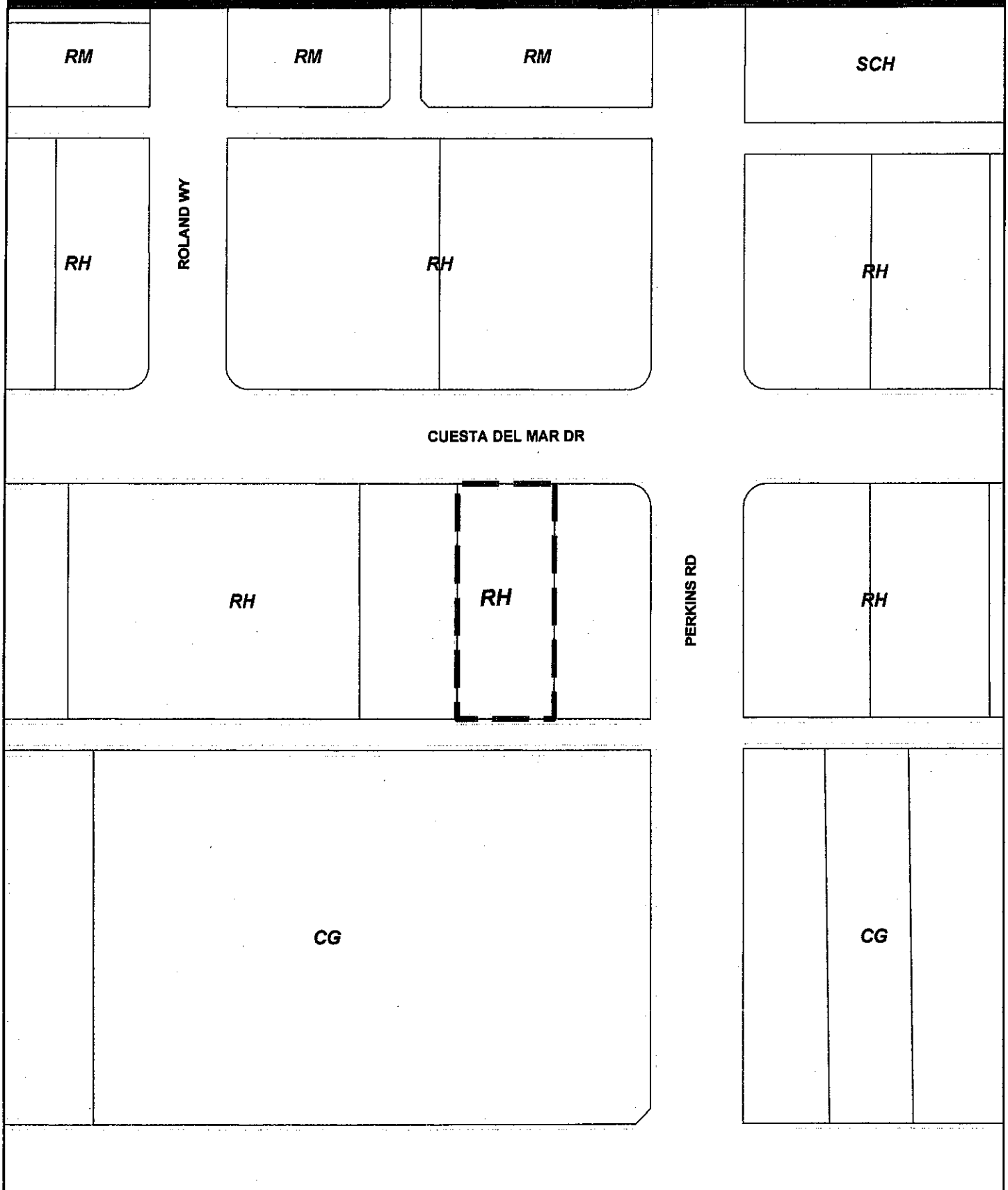


Oxnard Planning

January 31, 2011

PZ 10-550-05
Location: 610 Cuesta Del mar
APN: 222009508
Oxnard Housing Authority

General Plan Map



Oxnard Planning
January 31, 2011

PZ 10-550-05
Location: 610 Cuesta Del mar
APN: 222009508
Oxnard Housing Authority

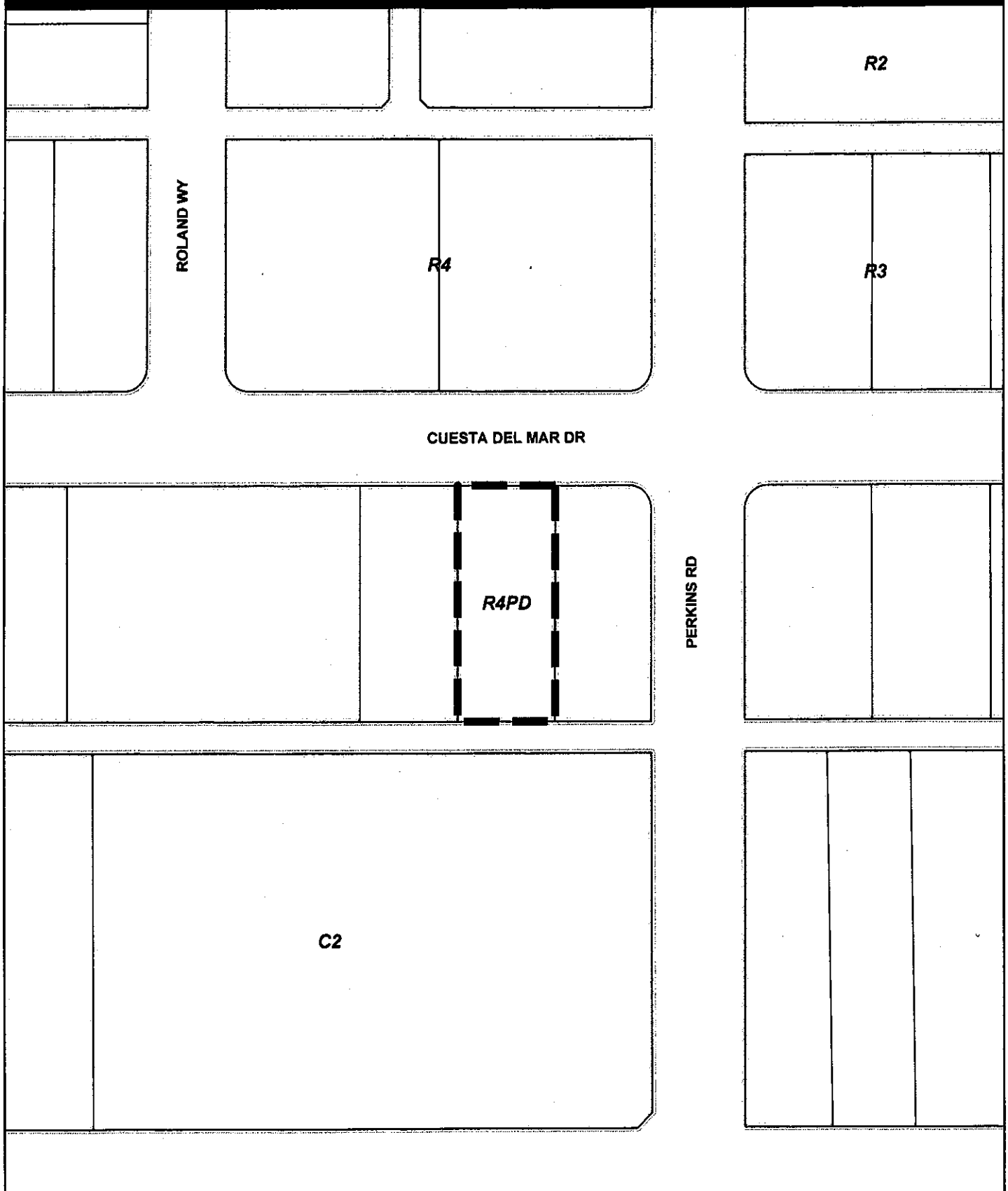
0 25 50 100 150 200 Feet

General Plan Map

N W E S

1:1,027

Zone Map



Oxnard Planning
January 31, 2011

PZ 10-550-05
Location: 610 Cuesta Del Mar
APN: 222009508
Oxnard Housing Authority

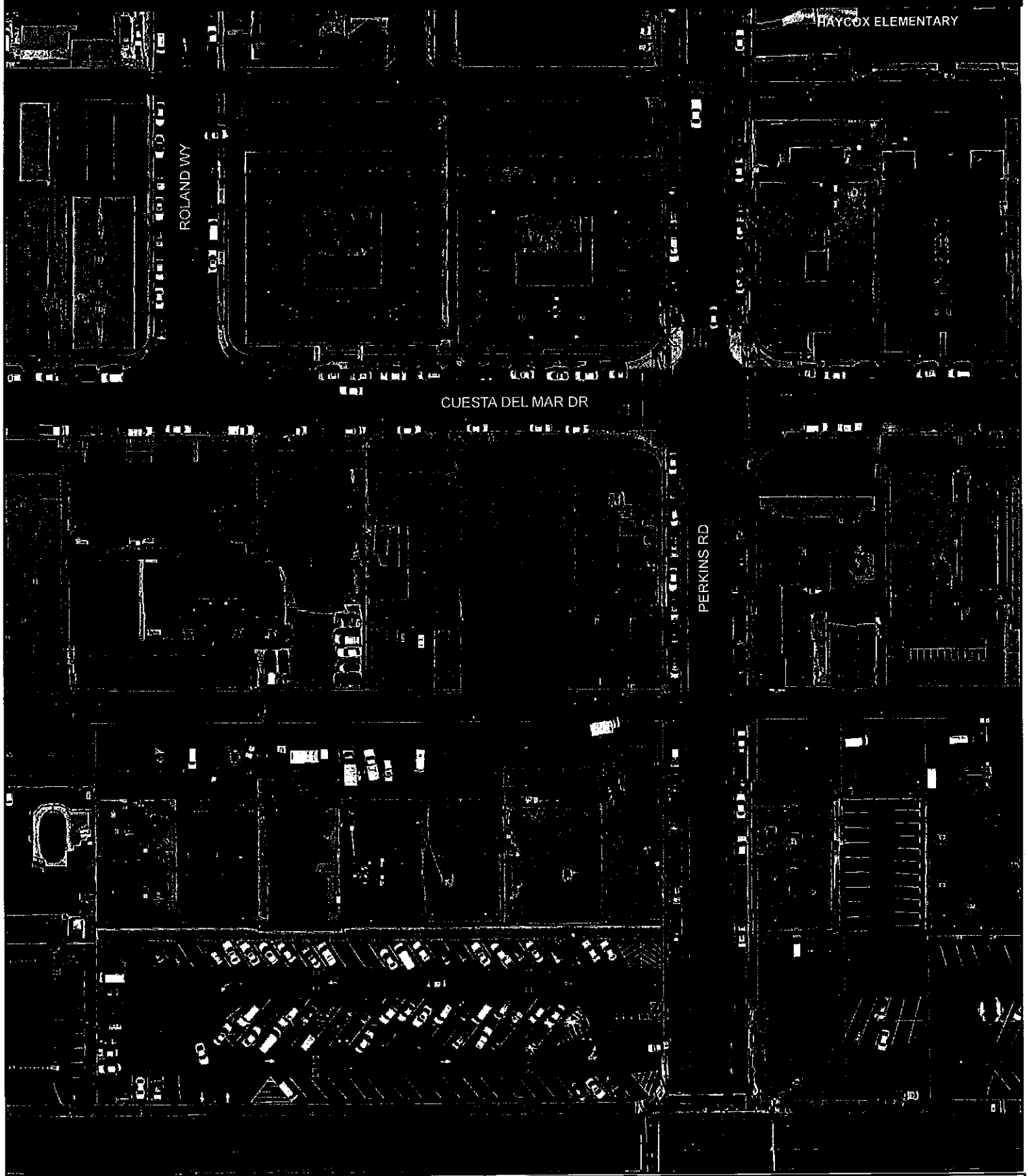
0 25 50 100 150 200 Feet

Zone Map

N W E S

1:1,031

Aerial Map



Oxnard Planning
January 31, 2011

PZ 10-550-05
Location: 610 Cuesta Del mar
APN: 222009508
Oxnard Housing Authority

Feet
0 15 30 60 90 120

Aerial Map

2007 Aerial
N W E S
1:978

ATTACHMENT B

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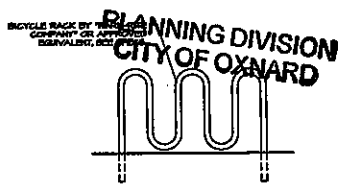
RECEIVED

DEC 06 2010

PLANNING DIVISION
CITY OF OXNARD



BICYCLE RACK
SCALE 1/2" = 1'-0"

GENERAL NOTES

1. ALL VEHICLE CONTROL ACCESS GATES SHALL BE OPERABLE BY EMERGENCY VEHICLE RADIO EQUIPMENT.
2. ALL EXTERIOR LIGHTING FIXTURES IN COMMON AREA SHALL BE INDEPENDENT FROM THE RESIDENTS CONTROL AND SHALL BE ON DURING ALL HOURS OF DARKNESS.
3. ADDRESS NUMBERS SHALL NOT BE AFFIXED TO INDIVIDUAL UNIT DOORS, RATHER, PLACED ADJACENT TO OR ABOVE DOORWAYS SO UNIT NUMBERS CAN BE DISCERNED WHEN DOORS ARE PROPPED OPEN.
4. POST ALL VEHICLE ENTRANCES IN COMPLIANCE WITH CALIFORNIA VEHICLE CODE 22658(a)(3). PERSONS IN LAWFUL POSSESSION OF THE PROPERTY MAY THEN CAUSE THE REMOVAL OF A VEHICLE PARKED ON THE PROPERTY TO THE NEAREST PUBLIC GARAGE IF PARKED WITHOUT THE OWNERS PERMISSION.
5. CONCRETE WALK SURFACE ON COURTYARD, WALKWAYS, AND EXTERIOR STAIRS WILL BE NON-SKID TYPE.
6. LANDSCAPE ADJACENT TO EAST WALL OF BUILDING SHALL BE LIMITED TO GROUND COVER FOR FIRE DEPARTMENT ACCESS.
7. FIRE DEPARTMENT CONNECTION SHALL BE CLEARLY VISIBLE FROM THE STREET AND NOT OBSCURED BY VEGETATION.

OUTDOOR LIGHTING CODE & GUIDELINE:

A. OUTDOOR LIGHTING SHALL COMPLY WITH TITLE 24, PART 6, OF THE CALIFORNIA CODE OF REGULATIONS, CALIFORNIA'S ENERGY EFFICIENCY STANDARDS FOR RESIDENTIAL AND NONRESIDENTIAL BUILDINGS.

OXNARD CITY CODE 16-820

B. LIGHTING WITHIN PHYSICAL LIMITS OF THE AREA REQUIRED TO BE LIGHTED SHALL NOT EXCEED SEVEN FOOT-CANDLES, NOR BE LESS THAN ONE FOOT-CANDLE AT ANY POINT. A LIGHT SOURCE SHALL NOT SHINE UPON, OR ILLUMINATE DIRECTLY ANY SURFACE OTHER THAN THE AREA REQUIRED TO BE LIGHTED. NO LIGHTING SHALL BE OF A TYPE OR IN A LOCATION THAT CONSTITUTES A HAZARD TO VEHICULAR TRAFFIC, EITHER ON PRIVATE PROPERTY OR ON ABUTTING STREETS. THE HEIGHT OF LIGHT STANDARDS SHALL NOT EXCEED 28 FEET. TO PREVENT DAMAGE FROM AUTOMOBILES, STANDARDS IN PARKING AREA SHALL BE MOUNTED ON REINFORCED CONCRETE PEDESTALS OR OTHERWISE PROTECTED.

APARTMENT AREAS

1 BEDROOM (UNITS 5 & 7)	700 S.F. MINIMUM REQUIRED 731 S.F. PROVIDED
2 BEDROOM (UNITS 2 & 4)	900 S.F. MINIMUM REQUIRED 901 S.F. PROVIDED
3 BEDROOM (UNITS 1 & 6)	1112 S.F. PROVIDED
ACCESSIBLE 1 BEDROOM (UNIT 1)	412 S.F. PROVIDED

STORAGE PER UNIT

126 CU. FT. AT PARKING STALL

69 CU. FT. AT COAT CLOSET

34 CU. FT. AT EXTERIOR ENTRY STORAGE

228 CU. FT. OF STORAGE PER APARTMENT

PROJECT DATA

SITE AREA:	0.22 ACRES (9,575 S.F.)	100%
BUILDING FOOTPRINT:	5,544 S.F.	57.54%
LANDSCAPE:	2,281 S.F.	24.53%
PAVEMENT:	1,700 S.F.	18.13%

ZONE: R3-PD EXISTING
R4 PROPOSED

BUILDING AREA:
APARTMENTS: (7 UNITS) 6,080 S.F.

REQUIRED INTERIOR YARD SPACE:
9,575 S.F. X .30 = 2,872 S.F.

REQUIRED PRIVATE YARD SPACE:
6 UNITS X 100 S.F. = 600 S.F.

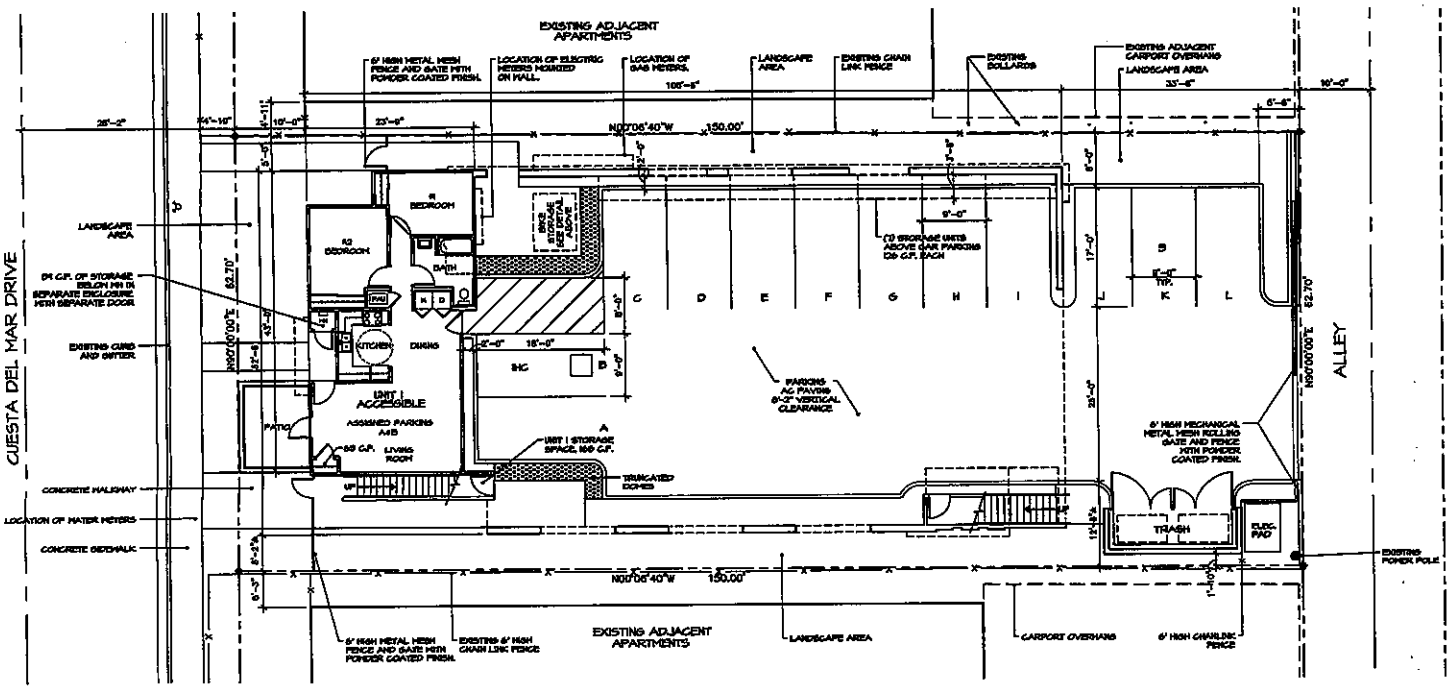
YARD SPACE PROVIDED: 1,491 S.F. (REDUCTION PER DENSITY BONUS CONCESSION)

BREAKDOWN OF YARD SPACE
FIRST FLOOR PRIVATE PATIO 106 S.F.
SECOND FLOOR COURTYARD 1,385 S.F.

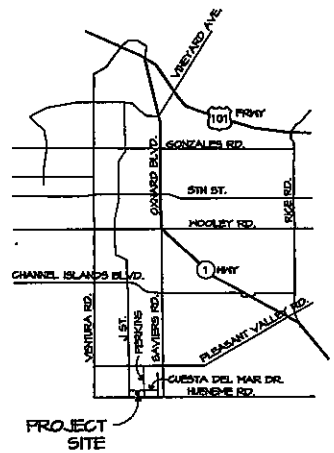
PARKING REQUIRED
(5) 2+3 BEDROOMS @ 2/UNIT = 10 SPACES
(2) 1 BEDROOM @ 1/UNIT = 2 SPACES
TOTAL = 12 SPACES

PARKING PROVIDED
STADARD SIZE 11 SPACES
HANDICAP 1 SPACES
TOTAL = 12 SPACES

SPRINKLERS
BUILDINGS, PARKING GARAGE AND TRASH ENCLOSURE SHALL BE FULLY SPRINKLERED



SITE AND FIRST FLOOR PLAN - 1 UNIT
SCALE 1/8" = 1'-0"



VICINITY MAP
SCALE : N.T.S.

CUESTA DEL MAR APARTMENTS - THE CITY OF OXNARD HOUSING AUTHORITY

610 CUESTA DEL MAR DRIVE, OXNARD, CALIFORNIA

REVISED NOVEMBER 15, 2010

RASMUSSEN & ASSOCIATES
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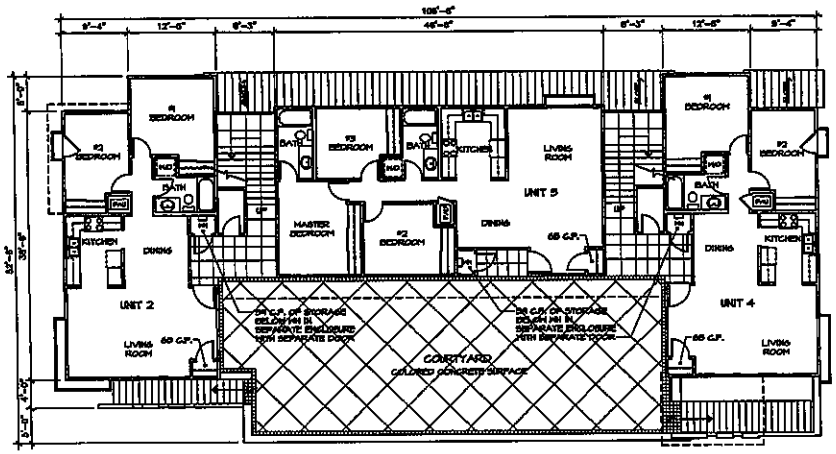
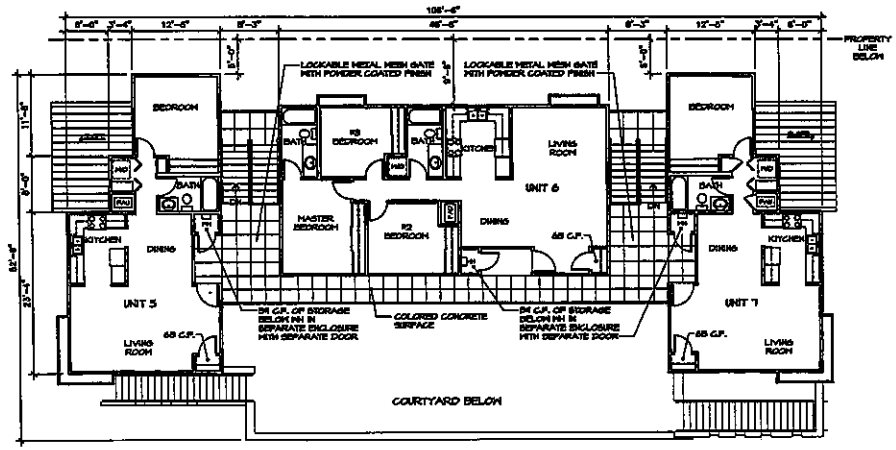


SECOND FLOOR PLAN - 3 UNITS
SCALE 1/8" = 1'-0"



THIRD FLOOR PLAN - 3 UNITS
SCALE 1/8" = 1'-0"

CUESTA DEL MAR APARTMENTS - THE CITY OF OXNARD HOUSING AUTHORITY

610 CUESTA DEL MAR DRIVE, OXNARD, CALIFORNIA

REVISED NOVEMBER 15, 2010

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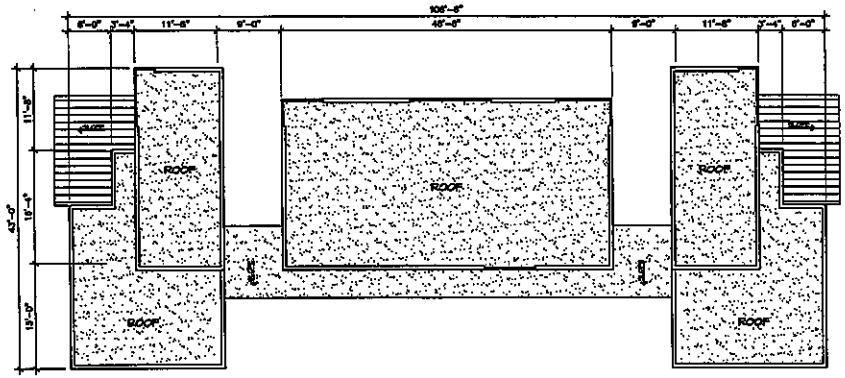

ROOF PLAN
SCALE 1/8" = 1'-0"

0 5 10 20

N

CUESTA DEL MAR APARTMENTS - THE CITY OF OXNARD HOUSING AUTHORITY

610 CUESTA DEL MAR DRIVE, OXNARD, CALIFORNIA

REVISED NOVEMBER 15, 2010

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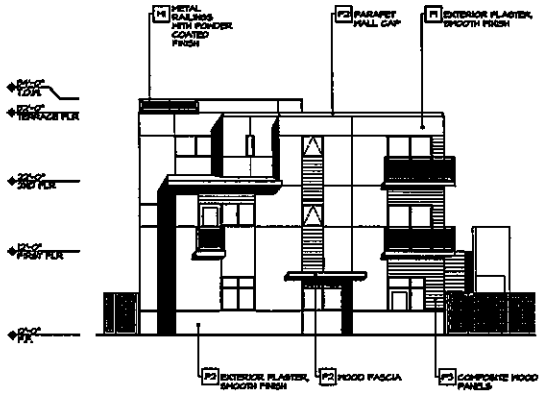
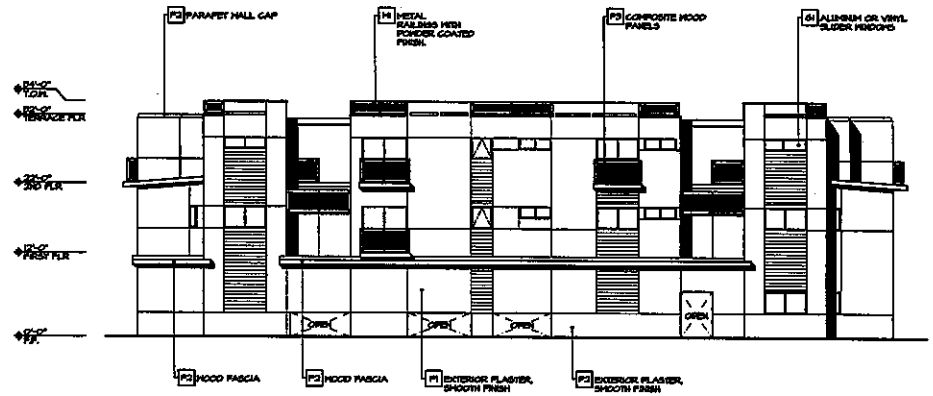
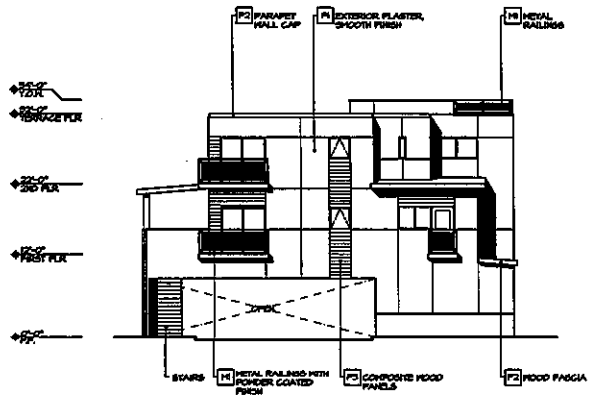


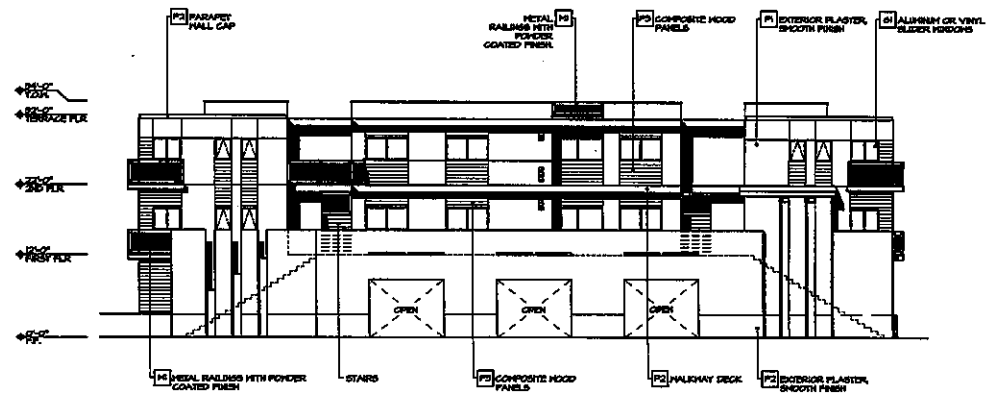
NORTH ELEVATION
SCALE 1/8" = 1'-0"



EAST ELEVATION
SCALE 1/8" = 1'-0"

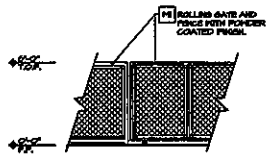


SOUTH ELEVATION
SCALE 1/8" = 1'-0"

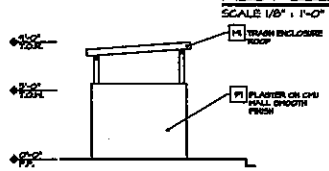


WEST ELEVATION
SCALE 1/8" = 1'-0"

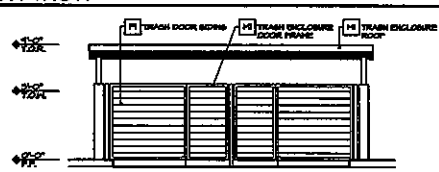
EXTERIOR ELEVATIONS
SCALE: 1/8" = 1'-0"



ROLLING GATE ELEVATION
SCALE 1/4" = 1'-0"



TRASH ENCLOSURE SIDE ELEVATION
SCALE 1/4" = 1'-0"



TRASH ENCLOSURE FRONT ELEVATION
SCALE 1/4" = 1'-0"

☐ COLOR / MATERIAL LEGEND

- P1 EXTERIOR PLASTER WALL FIELD: DUNN-EDWARDS, ALMOND LATTE, DE 6149
- P2 EXTERIOR PLASTER WALL BASE FIELD, WOOD FASCIA AND PARAPET WALL TOP: DUNN-EDWARDS, MINIST SILK, DE 6121
- P3 COMPOSITE WOOD SIDING PANELS, TRASH DOOR SIDING: DUNN-EDWARDS, TRINITY ISLANDS, DE 6244
- M1 TRASH ENCLOSURE ROOF AND DOOR FRAMES, HANDRAILS, RAILINGS: DUNN-EDWARDS, WILMOTTE, DE 6276
- M2 WROUGHT IRON FENCE, BUILDING DOORS: DUNN-EDWARDS, CHARCOAL SMUDGE, DE 6710
- G1 GLAZING: CLEAR

CUESTA DEL MAR APARTMENTS - THE CITY OF OXNARD HOUSING AUTHORITY

610 CUESTA DEL MAR DRIVE, OXNARD, CALIFORNIA

REVISED NOVEMBER 15, 2010

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CONTACT: SCOTT BOYDSTUN

ATTACHMENT C

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NOTICE OF EXEMPTION

Project Description:

PLANNING & ZONING PERMIT NOS. 10-550-5 (Major Modification) – A request for approval of a major modification to an approved Planned Development to eliminate a 2,014 square-foot rooftop terrace, and reduce the size of the required Interior Yard Space from 3,397 square-feet to 1,383 square-feet. The previously approved project was for a three-story 6,080 square-foot multifamily dwelling with seven apartments, rooftop terrace, and second-floor courtyard on a vacant lot. The project site is located at 610 Cuesta Del Mar Drive (APN 222-0-095-085). Filed by Rasmussen & Associates Architects, on behalf of the Oxnard Housing Authority, 21 South California Street, Ventura CA 93001.

Finding:

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

- ☒ Exempt from CEQA, Sections 15192 and 15194 – Affordable Housing Exemption
- ☐ Categorical Exemption
- ☐ Statutory Exemption
- ☐ Emergency Project
- ☐ Quick Disapproval [CEQA Guidelines §15270]
- ☐ No Possibility of Significant Effect [CEQA Guidelines §15061(b)(3)]

Supporting Reasons: In accordance with CEQA Sections 15192 and 15194, affordable housing projects that meet the specified criteria may be found to be exempt from environmental review. The project satisfies all criteria contained in Sections 15192 and 15194, and there is no substantial evidence that the project may have a potentially significant effect on the environment. Therefore, staff has determined that the project qualifies for exemption.

(Date)	Susan L. Martin, AICP Planning Division Manager

ATTACHMENT D

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Planning Division

PLANNING COMMISSION STAFF REPORT

TO: Planning Commission

FROM: Brian Foote, AICP, Associate Planner

DATE: August 19, 2010

SUBJECT: Planning and Zoning Permit Nos. 10-535-1 (Density Bonus), 10-540-1 (Planned Development), and 10-570-2 (Zone Change).

1) **Recommendation:** That the Planning Commission:
   - **a)** Adopt a resolution recommending that the City Council approve Planning and Zoning Permit No. 10-570-2 for a zone change, subject to certain findings and conditions;
   - **b)** Adopt a resolution recommending that the City Council approve Planning and Zoning Permit No. 10-535-1 for a density bonus, subject to certain findings and conditions;
   - **c)** Approve Planning and Zoning Permit No. 10-540-1 for a planned development, subject to certain findings and conditions.

2) **Project Description and Applicant:** A request for approval of: a Planned Development to construct a 3-story 6,080 square-foot multifamily dwelling with seven apartments on a vacant 9,375 square-foot lot; a Density Bonus for seven (100%) affordable dwelling units; and change the zoning from R-3-PD to R-4-PD to be consistent with the General Plan and surrounding neighborhood. The application for the Density Bonus seeks concessions to modify certain development standards for front yard setback, side-yard setbacks, and permit the courtyard and rooftop terrace to provide the common open space areas. The project site is located at 610 Cuesta Del Mar Drive (APN 222-0-095-085). Filed by McCarthy Companies, on behalf of the Oxnard Housing Authority, 633 E. Ventura Blvd., Oxnard, CA 93036.

Unit Number(s)	Unit Size	# Bedrooms	# Bathrooms
1	912 sq.ft.	2	1
2 & 4	901 sq.ft.	2	1
3 & 6	1,112 sq.ft.	3	2
5 & 7	751 sq.ft.	1	1

3) **Existing & Surrounding Land Uses:** The project site is vacant and unimproved, and surrounded on three sides by two-story multifamily apartment buildings in the Southwinds neighborhood. To the south of the project site, across the alley, is a retail shopping center.

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
Project Site	R-3-PD	RH	Vacant
North	R-4-PD	RH	Attached Multi-Family Apartments
South	C-2	CG	Retail Shopping Center
East	R-4-PD	RH	Attached Multi-Family Apartments
West	R-4-PD	RH	Attached Multi-Family Apartments

4) **Background Information:** The project site is a vacant property with no history of prior permits. The existing parcel is a legal lot of record created as Lot 22 of Tract 1365 that recorded on June 29, 1961. There are no easements or other encumbrances on the property that would preclude development as proposed.

5) **Environmental Determination:** In accordance with Sections 15192 and 15194 of the California Environmental Quality Act (CEQA) Guidelines, affordable housing projects may be found to be exempt from the requirements of CEQA. The proposed project satisfies all applicable threshold criteria listed in Section 15192 (Threshold Requirements for Exemptions for Agricultural Housing, Affordable Housing, and Residential Infill Projects) and Section 15194 (Affordable Housing Exemption). There is no substantial evidence that the project may have a potentially significant effect on the environment, and therefore, staff recommends that the Planning Commission adopt the Notice of Exemption (Attachment C).

6) **Analysis:**

a) ***General Discussion:*** The proposed project will develop a 9,375 square-foot vacant property surrounded by the Southwinds neighborhood, and is considered an in-fill property in the neighborhood. The density bonus application includes a request pursuant to Government Code §65915 to allow modification of certain development standards for affordable housing. Specifically, the three concessions being requested are: reduced front yard setback, reduced side-yard setbacks, and permit the courtyard and rooftop terrace to provide the common open space areas rather than private balconies for each unit.

b) ***General Plan Consistency:*** The 2020 General Plan designates the subject property as Residential High (RH) and is intended for multi-family attached housing with density ranging between 18 to 30 dwelling units per acre. The project proposes the equivalent of 28 units per acre (or 32 units including the one additional affordable dwelling unit). Therefore, the proposed development will be consistent with the applicable General Plan policies listed below. Approval of the zone change application will bring the property into conformity with the existing General Plan designation of Residential High (RH), as well as be consistent with the existing R-4-PD zoning of the surrounding properties.

POLICY	DISCUSSION
Growth Management Policy #2(b) (page IV-21) states that the City will encourage in-fill development on vacant parcels that are adequately served by public utilities and services, which would result in a more compact urban form and reduce the need to expand current services.	The proposed development is for an existing vacant parcel surrounded by a high-density neighborhood with adequate public utilities and services already in place. Therefore, consistency with this policy may be found.
Growth Management Policy #2(d) (page IV-22) states that sufficient residential development opportunities will be allocated to realize the Housing Element's goal of providing a diversity of housing types required to meet the projected need.	The proposed development is for high-density apartments within an existing high-density neighborhood, and will implement the City's policy. Therefore, consistency with this policy may be found.
Land Use Policy #2 "Other Infill Development" (page V-23) states that there is development potential on small and medium-sized vacant and underutilized properties within established neighborhoods, and it is the City's policy to encourage development of these areas.	The proposed project is infill development on a vacant and underutilized parcel within the Southwinds neighborhood. Therefore, consistency with this policy may be found.
Housing Policy #2.2 (page V-8) encourages the production of housing that meets all economic segments including lower- and moderate-income housing.	The proposed project includes 7 units for low-income families, with regulated rental rates as established by the Oxnard Housing Authority. Therefore, consistency with this policy may be found.
Housing Policy #2.3 (page V-8) requires that sites for residential development have appropriate services and facilities, including sewage collection and treatment, domestic water supply, and other needed infrastructure.	The subject site is currently served by public and private utilities, including streets and sidewalks, storm drain facilities, water supply systems, and sewage collection systems. Therefore, consistency with this policy may be found.
Housing Policy #3.1 (page V-9) encourages the use of federal, state and local resources to support affordable housing production and set aside a portion of units for lower-income families.	The proposed project includes 100% affordable housing (i.e. 7 units) for low-income families, with collaboration and funding from the Oxnard Housing Authority. Therefore, consistency with this policy may be found.

c) ***Conformance with Zoning Development Standards:*** The project site is currently designated Garden Apartment (R-3-PD), and is surrounded by the High Rise Residential (R-4-PD) zone on three sides. The primary benefit of the zone change is to bring the property into conformity with the General Plan designation as Residential High (RH), and be consistent with the existing R-4-PD zoning of the surrounding residential neighborhood. The properties adjacent to the site on the east and west sides are zoned R-4-PD, have similar lot sizes (approximately 9,450 square-feet each), and have 12 and 10 dwelling units, respectively. The property to the north across Cuesta Del Mar Drive is in the R-4-PD zone, is approximately 21,900 square-feet in size, and has 26 dwelling units. Existing multifamily structures in the neighborhood are two stories in height.

Due to the small lot size, a number of development standards for R-4-PD reverts to the R-3-PD standards (denoted by * in the following table). The proposed project is consistent with some, but not all, of the applicable development standards as shown in the table below. For those standards for which the project does not conform, the applicant has requested either: a) a concession pursuant to Government Code §65915; or b) approval as a Planned Development with modification of certain numerical standards by up to 25% pursuant to Zoning Code §16-271. The applicant requests two concessions pursuant to Government Code §65915 for the front yard setback as well as the side yard setback (0 feet and 5 feet, respectively). The third concession pertains to the requirement that all second-story units have a patio/balcony with a minimum dimension of 10 feet. The applicant also requests an increase of 17% to the maximum structure height pursuant to Zoning Code §16-271.

DEVELOPMENT STANDARD	REQUIREMENT	PROPOSED	COMPLIES?
Max. building height §16-58*	3 stories or 35 feet max. *May be approved with PD modification of 17%.*	3½ stories & 41 feet	Yes, if P.C. approves
Density §16-74	1 unit per 1,500 square-feet of lot area. Any lot with an average width between 50 and 65' shall comply with the R3 zone standards.	1 unit per 1,340 sq.ft. of lot area. Lot width = 62.7' and R-3 standards are applicable.	Yes, if Density Bonus approved
Front yard §16-60*	20 feet; 15 feet if access is provided from the alley. *Concession requested per Gov. Code §65915*	10 feet to structure 0 feet to patio wall	Yes, if Density Bonus approved
Side yard §16-61*	5 feet for 1 & 2 stories; or 7.5 feet for 2½ stories. *Concession requested per Gov. Code §65915*	5 feet	Yes, if Density Bonus approved

DEVELOPMENT STANDARD	REQUIREMENT	PROPOSED	COMPLIES?
Rear yard §16-62*	25 feet; *Minimum 10 feet for 4 story*	33½ feet	Yes
Interior yard space §16-63*	30% of lot area, with min. dimension of 15' x 15'. *Minimum of 2,812 sq.ft.* 25% of required IYS may be provided by deck space if minimum 10' x 10' and 200 square feet and directly accessible from the units served. Areas must be open from ground to sky (see exceptions §16-304 thru §16-307). May not include vehicle parking or circulation areas.	3,397 sq.ft. total. Courtyard: 1,383 sq.ft. Roof terrace: 2,014 sq.ft.	Yes
Parking spaces, Resident §16-622	1 space in a garage for each 1-bedroom unit, and 2 spaces in a garage for each unit with 2 -5 bedrooms. *Min. 12 spaces.*	12 spaces	Yes
Parking spaces, Visitor §16-622	For first 30 units, 1 visitor space for each unit. *None per Gov. Code §65915(p)*	0	Yes, if Density Bonus approved
Fences/hedges - front yard §16-308	Must be at least 50% open, and may not exceed 42 inches. Or if solid wall, then may not exceed 18 inches.	6 ft. high metal mesh fence with gate adjacent to structure.	Yes, if Density Bonus approved
Fences/hedges - sides & rear §16-309	Not to exceed 7 feet in height.	6 ft. high chain link fence (existing on adjacent properties)	Yes
Parking lot landscaping §16-641	10-foot wide strip along any street or alley. 5% of parking area. *Minimum 100 sq.ft.*	4-foot wide planter along alley. Approx. 250 sq.ft. in parking lot area.	Yes, if Density Bonus approved
Extension of Uncovered Porches §16-307	Uncovered and unenclosed porches or landings may extend into any required front, side, or rear yard not more than 6 feet *May be waived per Gov. Code §65915.*	Patio w/ partial wall enclosure extends to the front property line within the required front yard setback area.	Yes, if Density Bonus approved

DEVELOPMENT STANDARD	REQUIREMENT	PROPOSED	COMPLIES?
ATTACHED DWELLING UNIT STANDARDS APPLIES TO PROJECTS OF 6 OR MORE UNITS			
Min. Dwelling Size §16-362(A)	One bedroom: 700 sq.ft Two bedroom: 900 sq.ft	One bedroom: 751 sq.ft. min. Two bedrooms: 901 sq.ft. min.	Yes
Distance to garage from DU §16-362 (E)	75 ft. When a stairway or elevator provides access to the dwelling units, it shall be considered to be the entrance for computing distances.	50' or less to stairways	Yes
Balconies & Patios §16-362 (F)	All 2nd story dwelling units shall have at least one patio or balcony having a minimum dimension of 10 feet. *Concession requested per Gov. Code §65915*	Balconies with 18 inches depth	Yes, if Density Bonus approved
Balcony Enclosure §16-362 (G)	All balconies and patios shall have railings or walls which provide at least 50% enclosure	Balconies & patio enclosed all sides.	Yes
Storage Areas §16-362(H)	Each unit shall have a storage area of at least 225 cubic feet. Cannot intrude into the minimum garage dimensions.	Unit 1: 295 c.f. Units 2 – 7 : 228 c.f.	Yes
Garages §16-362(I)	Automatic garage door openers and architectural treatment or detail	Automatic gate	Yes
Utility Meters §16-362 (J)	Wall mounted meters shall be screened or integrated into the building design	Side of building and screened.	Yes
Refuse Enclosures §16-362 (K)	Designed to reflect the major design elements or details of the residential units & provide pedestrian access.	Screened and consistent.	Yes

* Indicates R-3 development standard is applicable per §16-74.

d) ***Site Design:*** The project site boundaries are fixed and no changes are proposed with the development. The proposed structure faces Cuesta Del Mar Drive with vehicular access provided from the rear alley, similar to adjacent existing properties. The proposed drainage will be directed toward the sides of the lot for percolation, and any excess runoff will ultimately empty into the storm drain system (not to adjacent properties).

The applicant's request for two concessions pursuant to Government Code §65915 would: a) reduce the front yard setback to 10 feet for the exterior wall (from the 15-foot minimum), and b) reduce the side yard setback to 5 feet (from 7.5 feet minimum for 2½ stories or more). Subsequent to DAC review, the applicant met with the Fire Marshal to ensure that the conceptual site design and side setbacks would comply with the Fire Code. Prior to issuance of a building permit, the applicant will need to finalize the design of the first-floor parking garage (in terms of ventilation, size of wall openings, and building separation) in order to comply with the California Building Code.

e) ***Circulation and Parking:*** A total of 12 resident parking spaces are required and provided on-site, nine of which will be located within a partially-enclosed garage on the first floor. Access will be controlled by the use of a sliding locked gate at the alley entrance. No guest parking is provided on-site, and the applicant cites Government Code §65915(p) that waives the requirement for on-site guest parking.

f) ***Building Design:*** The proposed structure is 3½ stories in height, will have a modern design with smooth plaster exterior finish, and trim features consisting of composite wood panels and fascia. Balconies will be enclosed with metal railings and transparent mesh.

The applicant proposes providing a courtyard on the second floor and a rooftop terrace in order to provide the required Interior Yard Space, in lieu of a private balcony or patio for each unit that meets the minimum dimensional requirements. A combined total of 3,397 square-feet will be provided by the courtyard and terrace, and staff supports this request. The applicant requests an increase of 17% to the maximum structure height (from 35 feet to 41 feet) pursuant to Zoning Code §16-271 in order to accommodate the rooftop terrace and trellis. The maximum height of the roofline will be 32 feet, and the terrace railing will be 35.5 feet. The decks of the courtyard and roof terrace will have an acrylic textured coating.

The proposed enclosed patio adjacent to Unit 1 (the ADA accessible unit) extends to the front property line. The applicant requests a waiver from the requirement for the front setback pursuant to Government Code §65915. There will be 5 feet of landscaping between the public sidewalk and the wall enclosing the patio. The patio wall is shown at approximately 3.5 feet high and will have a smooth plaster finish matching the structure walls. Staff supports this request contingent on Unit 1 being a handicap-accessible unit only (i.e. the private patio will provide the outdoor open space for a resident who has limited accessibility), and that the patio will not be covered, enclosed, or converted to a room addition in the future. Condition No. 85 prohibits future patio enclosure.

The proposed balconies will be 18 inches in depth for decorative purposes, and the dimensions do not allow functional use by the residents of the respective units. The three balconies on the front (north) elevation will encroach 18 inches into the front setback, which is allowable pursuant to Zoning Code §16-306. At the first floor entrance on the front elevation, the wood fascia extends 24 inches into the front setback, which is allowable pursuant to Zoning Code §16-304.

g) ***Landscaping and Open Space:*** A 10-foot wide landscape strip is required in the parking are along any street or alley, and 4 feet is proposed adjacent to the alley entrance. The minimum parking requirement for 12 spaces makes a 10-foot wide planter infeasible. A minimum of 5% or 100 square-feet (based on the total area of the outdoor uncovered parking lot) must be landscaped, and approximately 250 square-feet is proposed. Government Code §65915 exempts the project from Zoning Code requirements (e.g. increasing landscape or planter areas) that would have the effect of precluding the construction of affordable housing units.

7) **Development Advisory Committee:** The Development Advisory Committee (DAC) reviewed this project on April 7, 2010, and June 2, 2010. Recommendations of the DAC are included in the attached resolutions.

8) **Community Workshop:** On June 9, 2010, the applicant mailed notices of the Community Workshop meeting to all property owners within the Southwinds neighborhood. One sign and notice was posted on the project site ten days prior to the meeting. The workshop was held on June 21, 2010, and a total of 35 residents attended the meeting, three of whom attended for this project. Concerns focused on the proposed number of units, the proposed height and compatibility with adjacent two-story structures, and the low-income affordability of the units.

9) **Appeal Procedure:** In accordance with Section 16-545 of the City Code, the Planning Commission's action on the planned development request may be appealed to the City Council within 18 days after the decision date. Appeal forms may be obtained from the City Clerk and must be submitted with the appropriate fees before the end of the appeal period. The Planning Commission's action on the zone change and density bonus requests are recommendations and the matter will be considered by the City Council in a noticed public hearing at a later date.

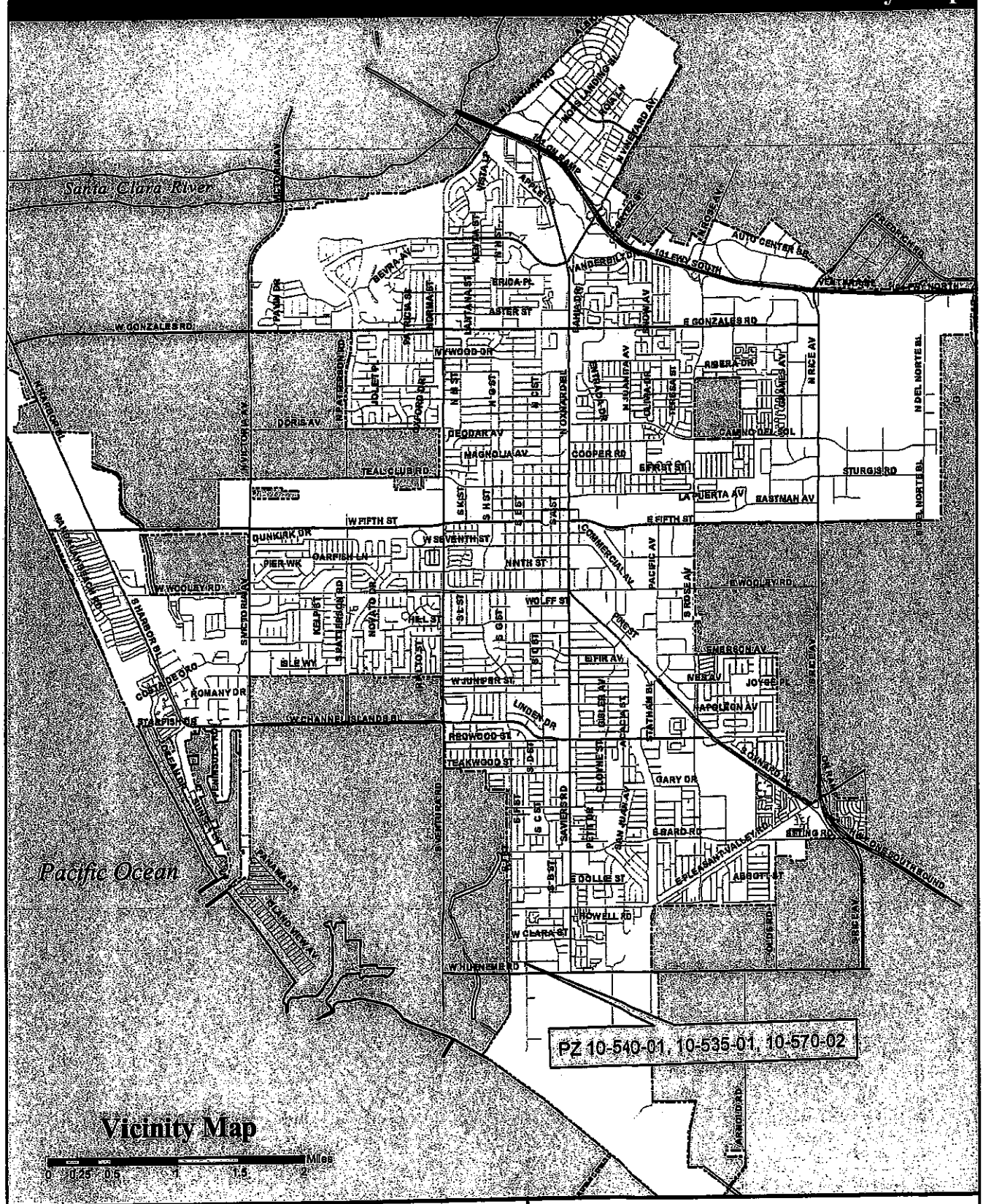
Attachments:

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

Prepared by: BF
BF

Approved by: SM
SM

Vicinity Map

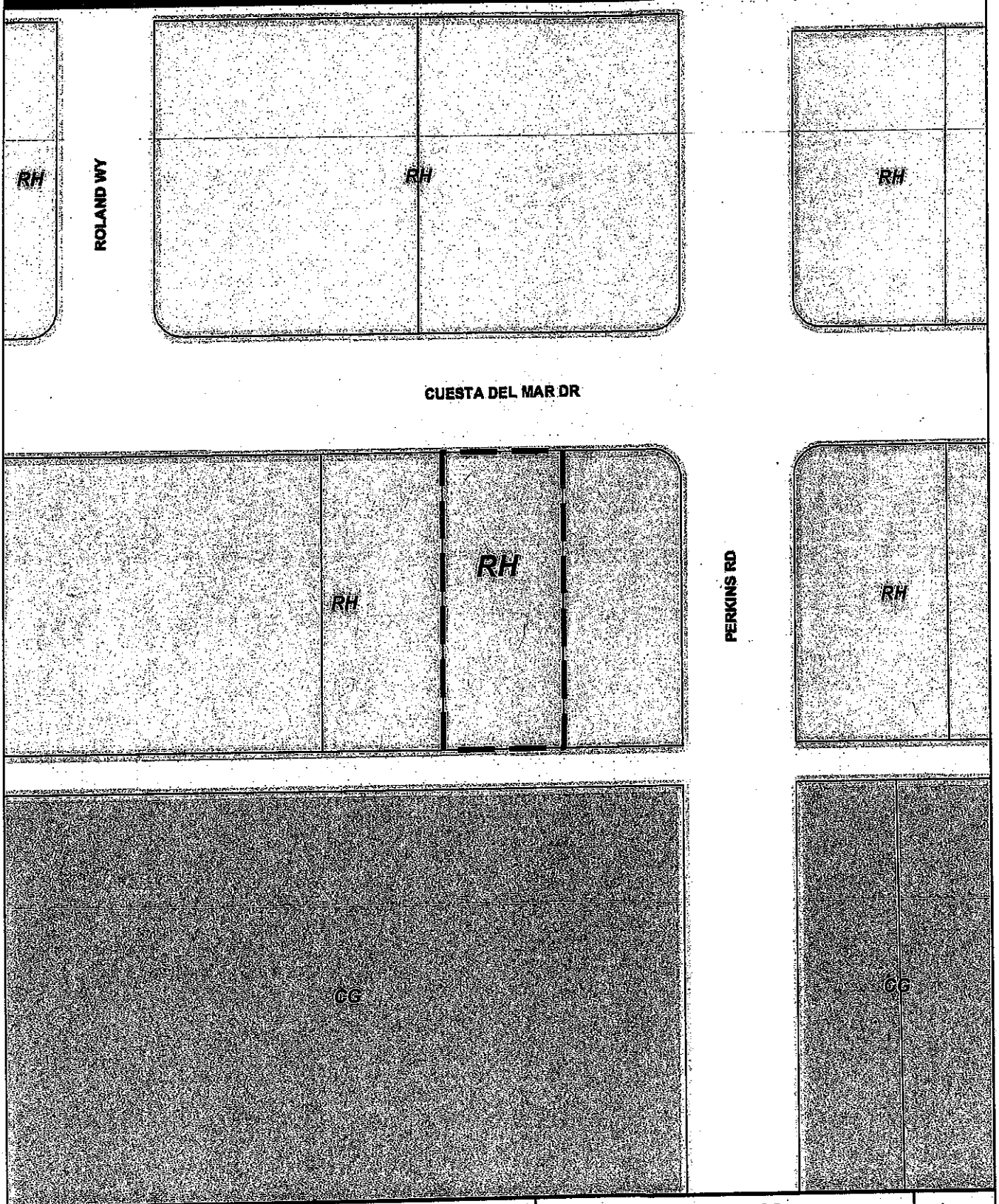


Oxnard Planning

June 3, 2010

PZ 10-540-01, 10-535-01, 10-570-02
Location: 610 Cuesta Del Mar
APN: 222009509
McCarthy Companies

General Plan Map



Oxnard Planning
April 19, 2010

PZ 10-540-01, 10-535-01, 10-570-02
Location: 610 Cuesta Del Mar
APN: 222009508
Cuesta Del Mar

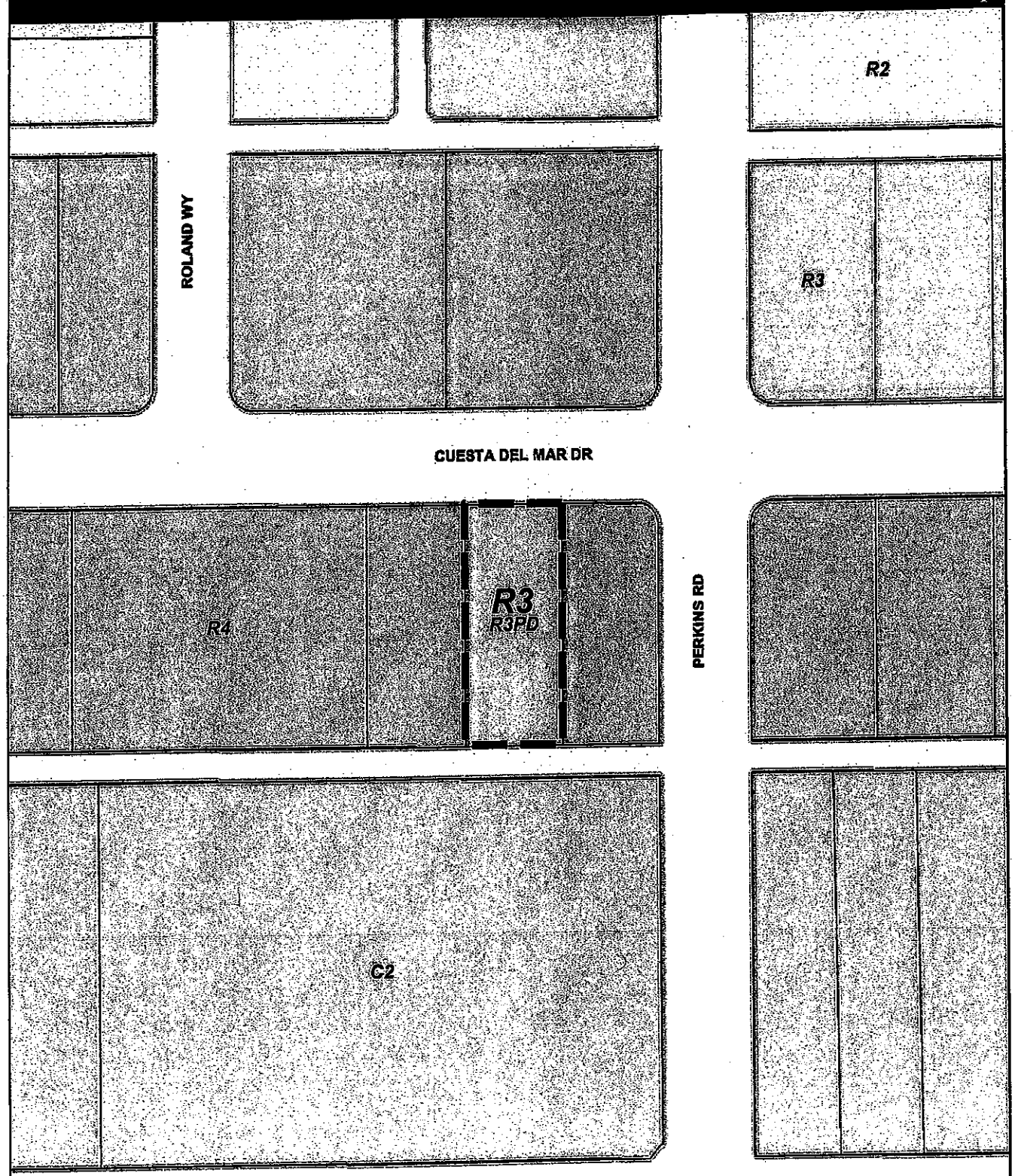
0 12.525 50 75 100 Feet

General Plan Map

N W E S

1:820

Zone Map



Oxnard Planning
April 19, 2010

PZ 10-540-01, 10-535-01, 10-570-02
Location: 610 Cuesta Del Mar
APN: 222009508
Cuesta Del Mar

0 20 40 80 120 160 Feet

Zone Map

N W E S

1:1,029

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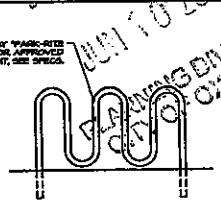
PLANNING DIVISION
CITY OF OXNARD

BICYCLE RACK BY "PARK-RITE COMPANY" OR APPROVED EQUIVALENT; SEE SPECS.



BICYCLE RACK

SCALE 1/2" = 1'-0"

GENERAL NOTES

1. ALL VEHICLE CONTROL ACCESS GATES SHALL BE OPERABLE BY EMERGENCY VEHICLE RADIO EQUIPMENT.
2. ALL EXTERIOR LIGHTING FIXTURES IN COMMON AREA SHALL BE INDEPENDENT FROM THE RESIDENT'S CONTROL AND SHALL BE ON DURING ALL HOURS OF DARKNESS.
3. ADDRESS NUMBERS SHALL NOT BE APPLIED TO INDIVIDUAL UNIT DOORS, RATHER, PLACED ADJACENT TO OR ABOVE DOORWAYS SO UNIT NUMBERS CAN BE DISCERNED WHEN DOORS ARE PROPPED OPEN.
4. POST ALL VEHICLE ENTRANCES IN COMPLIANCE WITH CALIFORNIA VEHICLE CODE 22658(a)(3). PERSONS IN LAWFUL POSSESSION OF THE PROPERTY MAY WISH CAUSE THE REMOVAL OF A VEHICLE PARKED ON THE PROPERTY TO THE NEAREST PUBLIC GARAGE IF PARKED WITHOUT THE OWNERS PERMISSION.
5. CONCRETE WALK SURFACE ON COURTYARD, ROOF TERRACE, WALKWAYS, AND EXTERIOR STAIRS WILL BE NON-SKID TYPE.
6. LANDSCAPE ADJACENT TO EAST WALL OF BUILDING SHALL BE LIMITED TO GROUND COVER FOR FIRE DEPARTMENT ACCESS.
7. FIRE DEPARTMENT CONNECTION SHALL BE CLEARLY VISIBLE FROM THE STREET AND NOT OBSCURED BY VEGETATION.

OUTDOOR LIGHTING CODE & GUIDELINE

A. OUTDOOR LIGHTING SHALL COMPLY WITH TITLE 24, PART 6, OF THE CALIFORNIA CODE OF REGULATIONS, CALIFORNIA ENERGY EFFICIENCY STANDARDS FOR RESIDENTIAL AND NONRESIDENTIAL BUILDINGS.

OXNARD CITY CODE 16-520

B. LIGHTING WITHIN PHYSICAL LIMITS OF THE AREA REQUIRED TO BE LIGHTED SHALL NOT EXCEED SEVEN FOOT-CANDLES, NOR BE LESS THAN ONE FOOT-CANDLE AT ANY POINT. A LIGHT SOURCE SHALL NOT SHINE UPON, OR ILLUMINATE DIRECTLY ANY SURFACE OTHER THAN THE AREA REQUIRED TO BE LIGHTED. NO LIGHTING SHALL BE OF A TYPE OR IN A LOCATION THAT CONSTITUTES A HAZARD TO VEHICULAR TRAFFIC, EITHER ON PRIVATE PROPERTY OR ON ADJACENT STREETS. THE HEIGHT OF LIGHT STANDARDS SHALL NOT EXCEED 26 FEET. TO PREVENT DAMAGE FROM AUTOMOBILES, STANDARDS IN PARKING AREA SHALL BE MOUNTED ON REINFORCED CONCRETE PEDESTALS OR OTHERWISE PROTECTED.

APARTMENT AREAS

1 BEDROOM (UNITS 5 & 7)	700 S.F. MINIMUM REQUIRED 751 S.F. PROVIDED
2 BEDROOM (UNITS 2 & 4)	900 S.F. MINIMUM REQUIRED 901 S.F. PROVIDED
3 BEDROOM (UNITS 3 & 6)	1112 S.F. PROVIDED
ACCESSIBLE 1 BEDROOM (UNIT 1)	912 S.F. PROVIDED

STORAGE PER UNIT

126 CU. FT. AT PARKING STALL

63 CU. FT. AT COAT CLOSET

34 CU. FT. AT EXTERIOR ENTRY STORAGE

226 CU. FT. OF STORAGE PER APARTMENT

PROJECT DATA

SITE AREA:	0.22 ACRES (9,575 S.F.)	100%
BUILDING FOOTPRINT:	5,944 S.F.	51.54%
LANDSCAPE:	2,281 S.F.	24.93%
PAVEMENT:	1,100 S.F.	10.13%

ZONE: R3-PD EXISTING; R4 PROPOSED

BUILDING AREA:

APARTMENTS: (7 UNITS) 6,080 S.F.

YARD SPACE REQUIRED

INTERIOR YARD SPACE:

9,575 S.F. X .30 = 2,872 S.F.

REQUIRED PRIVATE YARD SPACE:

6 UNITS X 100 S.F. = 600 S.F.

TOTAL YARD SPACE REQUIRED = 3,472 S.F.

YARD SPACE PROVIDED: 9,505 S.F.

BREAKDOWN OF YARD SPACE

FIRST FLOOR PRIVATE PATIO	108 S.F.
SECOND FLOOR COURTYARD	1,383 S.F.
FOURTH FLOOR ROOF TERRACE	2,014 S.F.

PARKING REQUIRED

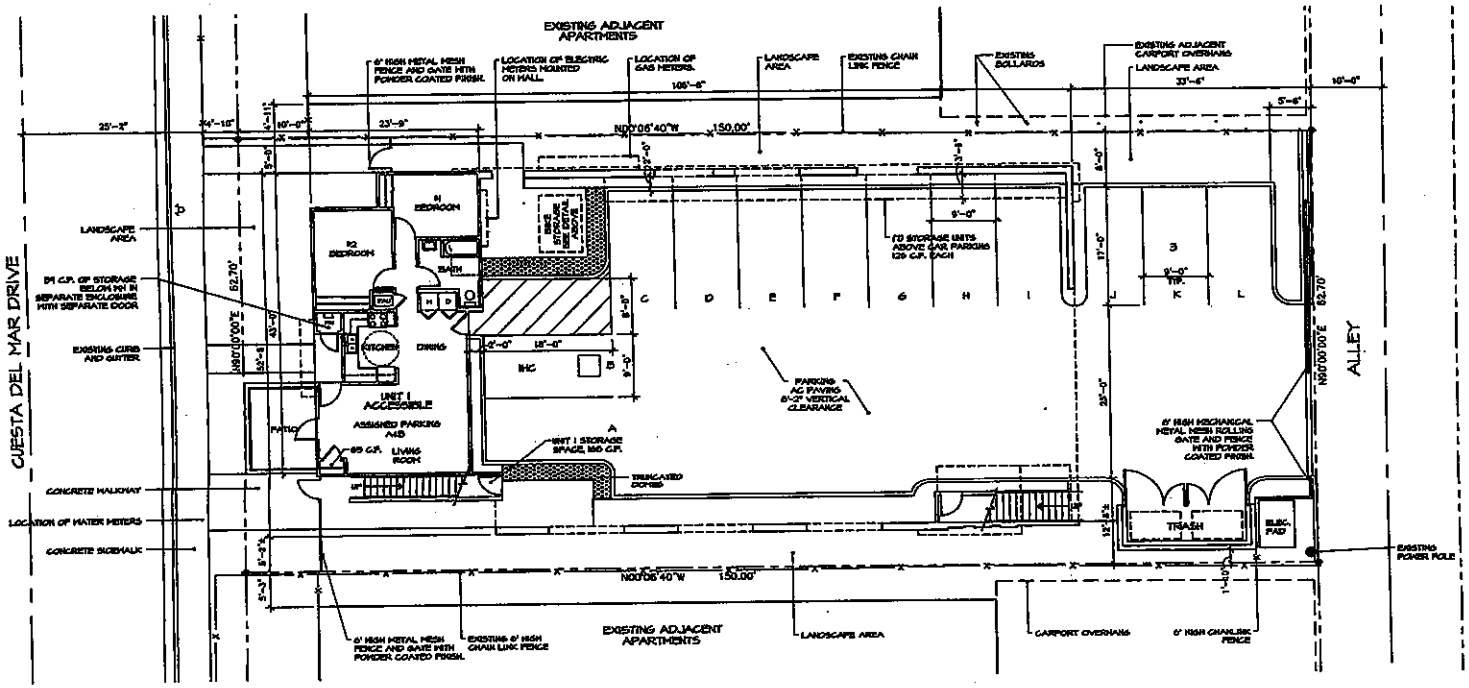
(5) 2+3 BEDROOMS @ 2/UNIT =	10 SPACES
(2) 1 BEDROOM @ 1/UNIT =	2 SPACES
TOTAL =	12 SPACES

PARKING PROVIDED

STADARD SIZE	11 SPACES
HANDICAP	1 SPACES
TOTAL =	12 SPACES

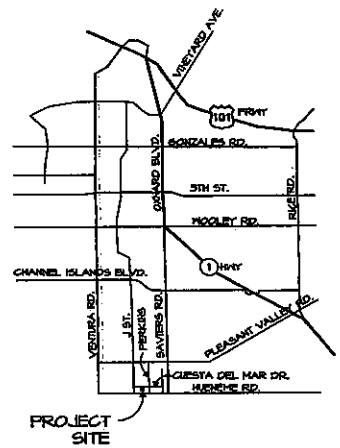
SPRINKLERS

BUILDING, PARKING GARAGE AND TRASH ENCLOSURE SHALL BE FULLY SPRINKLERED



SITE AND FIRST FLOOR PLAN - 1 UNIT

SCALE 1/8" = 1'-0"



VICINITY MAP

SCALE : N.T.S.

SITE AND FLOOR PLAN

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

CUESTA DEL MAR APARTMENTS - THE CITY OF OXNARD HOUSING AUTHORITY

610 CUESTA DEL MAR DRIVE, OXNARD, CALIFORNIA

REVISED JUNE 9, 2010

RASMUSSEN & ASSOCIATES
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CONTACT: SCOTT RASMUSSEN

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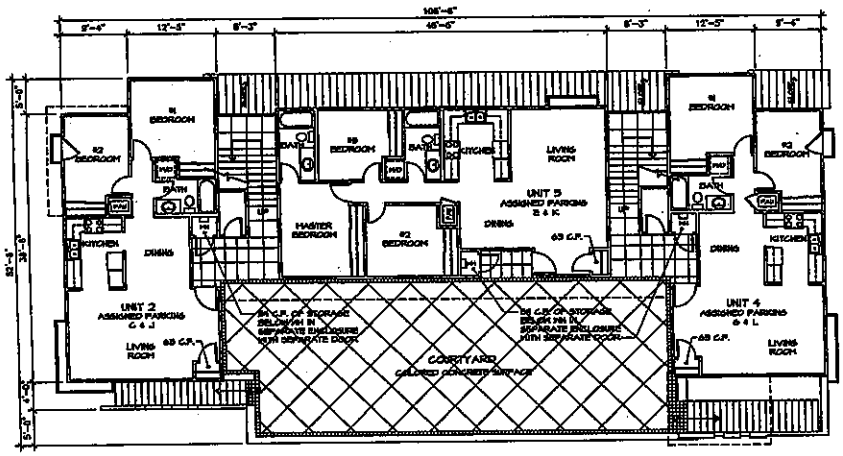
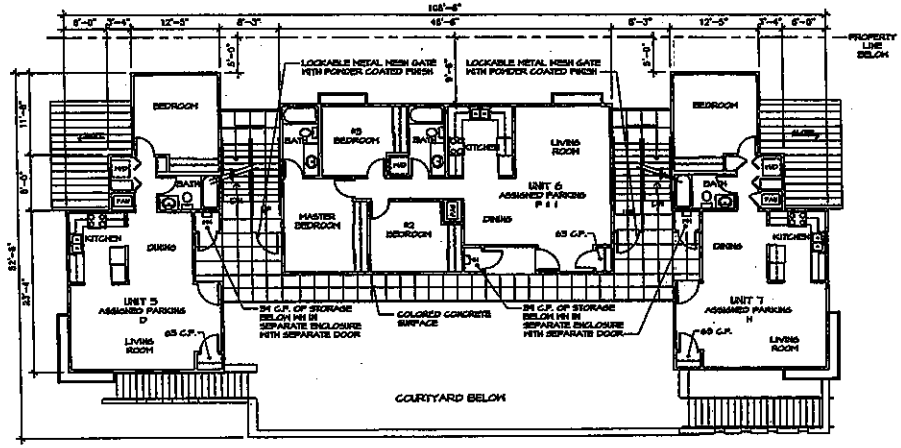
CITY OF OXNARD



SECOND FLOOR PLAN - 3 UNITS
SCALE 1/8" = 1'-0"



THIRD FLOOR PLAN - 3 UNITS
SCALE 1/8" = 1'-0"

SECOND AND THIRD FLOOR PLANS
SCALES 1/8" = 1'-0"

CUESTA DEL MAR APARTMENTS - THE CITY OF OXNARD HOUSING AUTHORITY

610 CUESTA DEL MAR DRIVE, OXNARD, CALIFORNIA

REVISED JUNE 4, 2010

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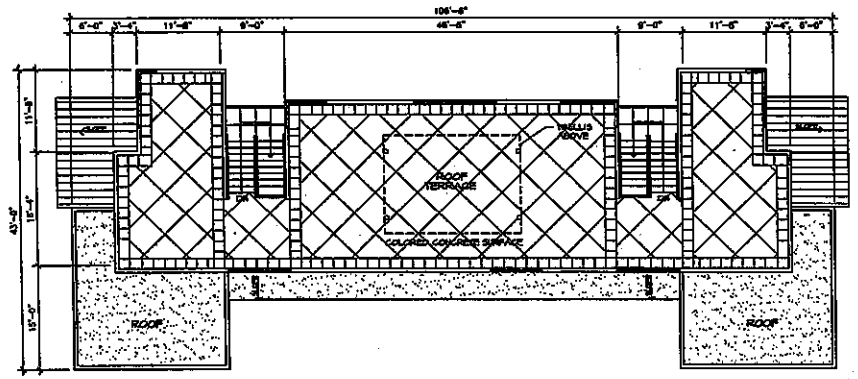
CITY OF OXNARD



ROOF TERRACE PLAN
SCALE 1/8" = 1'-0"

0 5 10 20

N

ROOF TERRACE PLAN
SCALE 1/8" = 1'-0"

CUESTA DEL MAR APARTMENTS - THE CITY OF OXNARD HOUSING AUTHORITY

610 CUESTA DEL MAR DRIVE, OXNARD, CALIFORNIA

REVISED JUNE 9, 2010

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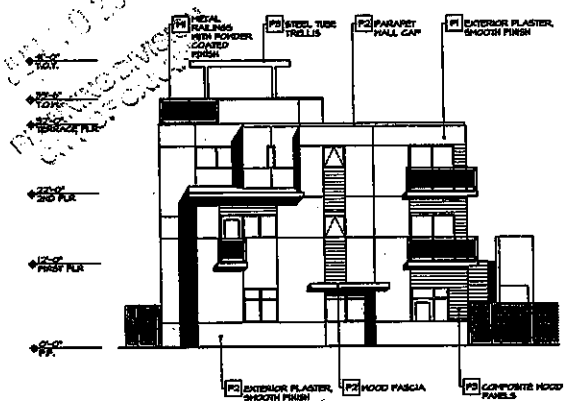

NORTH ELEVATION
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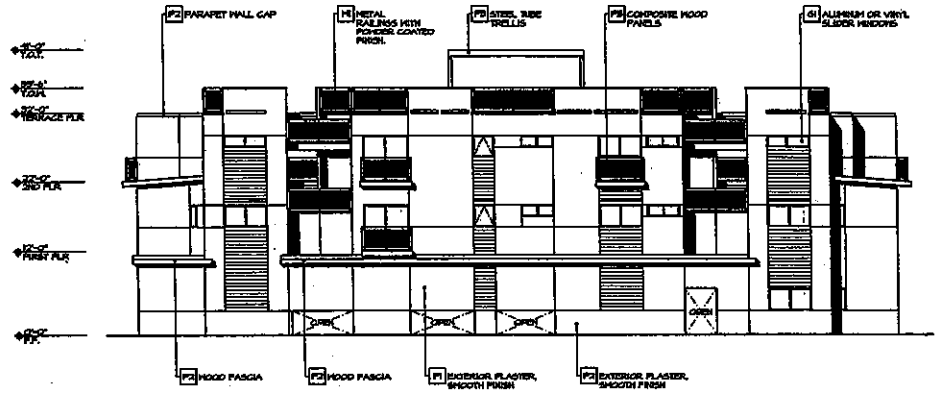

EAST ELEVATION
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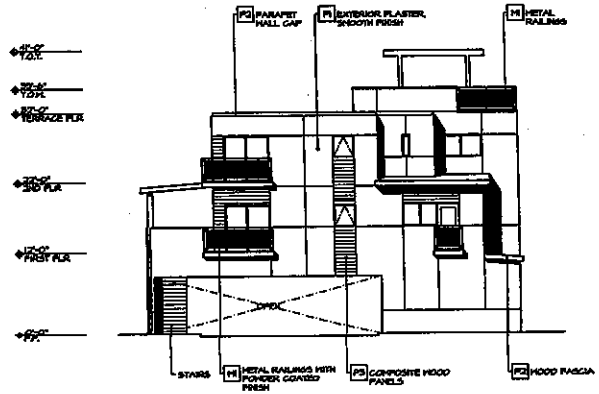

SOUTH ELEVATION
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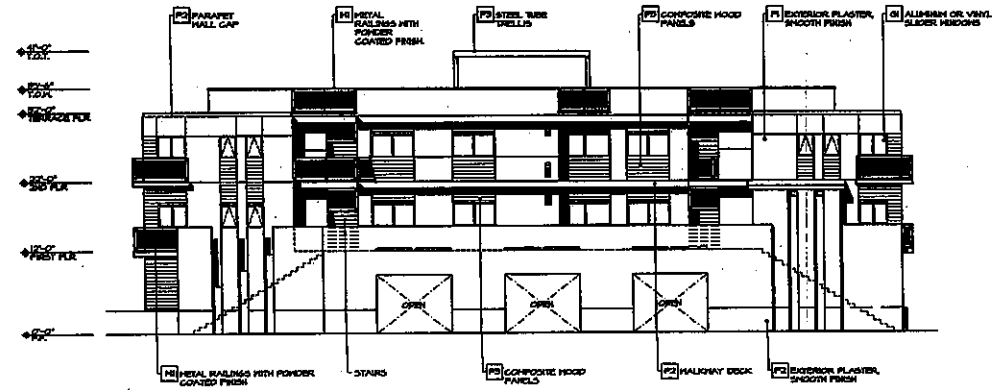

WEST ELEVATION
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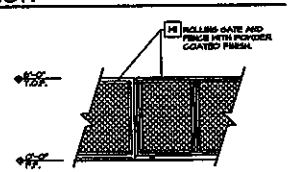

ROLLING GATE ELEVATION
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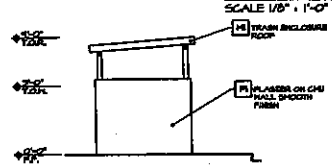
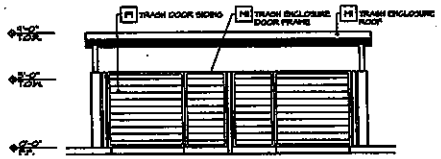


TRASH ENCLOSURE SIDE ELEVATION
SCALE 1/4" = 1'-0"



TRASH ENCLOSURE FRONT ELEVATION
SCALE 1/4" = 1'-0"

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

☐ COLOR / MATERIAL LEGEND

- P1 EXTERIOR PLASTER WALL FIELD. DUNN-EDWARDS, ALMOND LATTE, DE 6148
- P2 EXTERIOR PLASTER WALL BASE FIELD, WOOD FASCIA AND PARAPET WALL TOP. DUNN-EDWARDS, FINISH BRIC, DE 6127
- P3 COMPOSITE WOOD SIDING PANELS, TRASH DOOR SIDING, TERRACE TRELLIS. DUNN-EDWARDS, TRINITY ISLANDS, DE 6249
- M1 TRASH ENCLOSURE TRELLIS AND DOOR FRAMES, HANDRAILS, RAILINGS. DUNN-EDWARDS, BLACKETTE, DE 6276
- M2 WROUGHT IRON FENCE, BUILDING DOORS. DUNN-EDWARDS, CHARCOAL SHEDDE, DE 6210
- G1 GLAZING. CLEAR

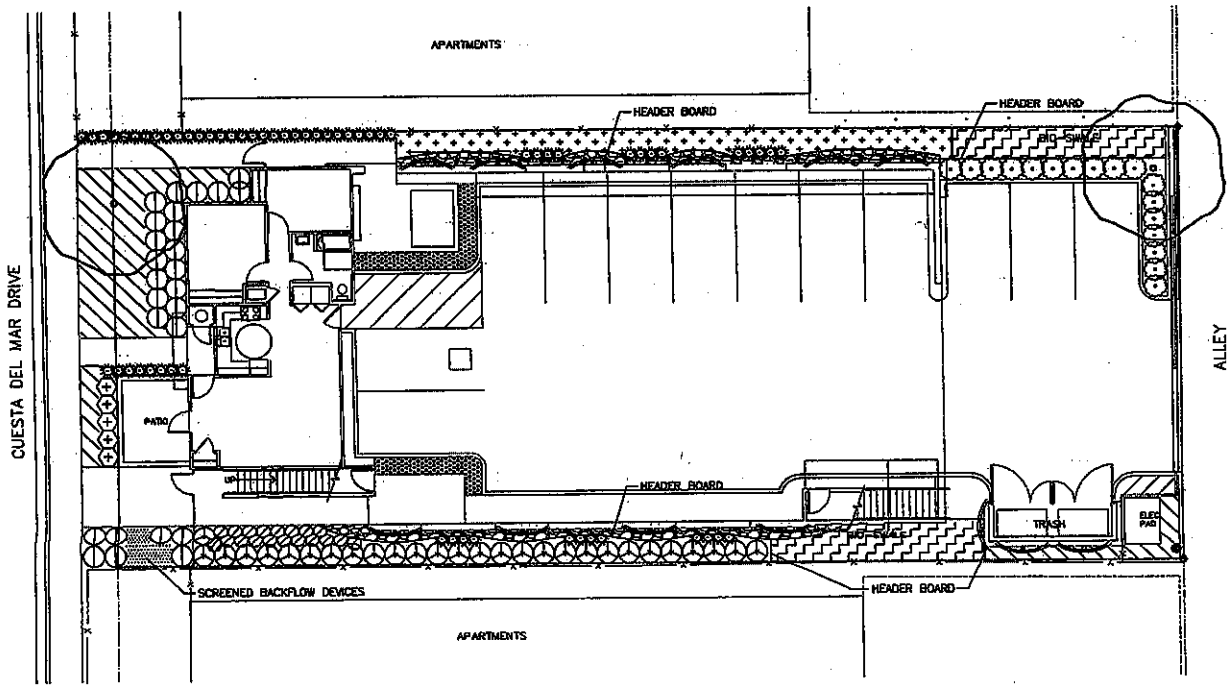
CUESTA DEL MAR APARTMENTS - THE CITY OF OXNARD HOUSING AUTHORITY

610 CUESTA DEL MAR DRIVE, OXNARD, CALIFORNIA

REVISED JUNE 9, 2010

RASMUSSEN & ASSOCIATES
Architecture
Planning
Interiors
248 SOUTH MILLS RD.
VENTURA, CA 93003
VOICE: (805) 644-7347
FAX: (805) 644-9032
CONTACT: SCOTT GOTOSTUN

RECEIVED
PLANNING DIVISION
CITY OF OXNARD



PLANT LEGEND

TREES

SYMBOL	BOTANICAL NAME / COMMON NAME	SIZE DESCRIPTION	QTY	HT. X SD.	DETAIL REFERENCE
	METROSIDEROS EXCELSUS NEW ZEALAND CHRISMAS TREE	24" BOX STANDARD	2	9-10'X4-5'	

SHRUBS

SYMBOL	BOTANICAL NAME / COMMON NAME	SIZE DESCRIPTION	QTY	DETAIL REFERENCE
	SANSEVIERIA TRIFASCIATA SNAKE PLANT	1 GAL	63	
	CLIVIA MINIATA CLIVIA	1 GAL	19	
	PITTOSPORUM TOBIRA 'TURNER'S DWARF' DWARF VARIGATED PITTOSPORUM	5 GAL	28	
	MAHONIA AQUIFOLIUM OREGON GRAPE	5 GAL	5	
	BUXUS JAPONICA BOXWOOD	5 GAL	17	
	RHAPHIOLEPIS I. 'ENCHANTRESS' RHAPHIOLEPIS	5 GAL	25	

VINES

SYMBOL	BOTANICAL NAME / COMMON NAME	SIZE DESCRIPTION	QTY	DETAIL REFERENCE
	PARTHENOCUSSUS TRICUSPIDATA BOSTON IVY	5 GAL	13	

GROUND COVERS

SYMBOL	BOTANICAL NAME / COMMON NAME	SIZE DESCRIPTION
	6-8" RIVER STONE ON WEED FABRIC	AS PER SPECIFICATIONS
	UC VERDE BUFFALO GRASS	PLUGS 8" O.C.
	HEMEROCALLIS 'STELLA DE ORO' DWARF DAYLILY	1 GAL @ 12" O.C.
	TRACHELOSPERMUM JASMINOIDES STAR JASMINE	5 GAL @ 24" O.C.
	BARK MULCH ON WEED FABRIC	AS PER SPECIFICATIONS
	HEDERA HELIX 'NEEDLEPOINT' NEEDLEPOINT IVY	FLATS @ 12" O.C.

NOT FOR BID
NOT FOR CONSTRUCTION

GRAPHIC SCALE

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

UNDERGROUND SERVICE ALERT
CALL : TOLL FREE 1-800-227-2600
TWO WORKING DAYS BEFORE YOU DIG

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(805) 642-3641 FAX (805) 643-8814

REVISIONS

NO.	DATE	BY	DESCRIPTION
1			

CLIENT
RASMUSSEN & ASSOCIATES
248 South Mills Road
Ventura, CA. 93003

SHEET TITLE
PRELIMINARY PLAN

PROJECT
CUESTA DEL MAR
Cuesta Del Mar Drive
Oxnard, California

DRAWN: EGB
CHECKED: MB

Printed ERR: ___ DATE
PLAN CHECK: ___ DATE
BID: ___ DATE
CONSTRUCTION: ___ DATE

DRAWING
L.P.1
SHEET XX OF XX
PROJECT No. 10.07

RESOLUTION NO. 2010 – 22

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 10-540-1 (PLANNED DEVELOPMENT) TO ALLOW THE CONSTRUCTION OF ONE MULTI-FAMILY STRUCTURE WITH SEVEN APARTMENT DWELLING UNITS ON AN EXISTING LOT OF RECORD, LOCATED AT 610 CUESTA DEL MAR DRIVE (APN: 222-0-095-085), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY MCCARTHY COMPANIES ON BEHALF OF THE OXNARD HOUSING AUTHORITY, 633 VENTURA BOULEVARD, OXNARD, CA 93036.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 10-540-1, filed by McCarthy Companies on behalf of the Oxnard Housing Authority, in accordance with Section 16-530 through 16-553 of the Oxnard City Code; and

WHEREAS, the California Environmental Quality Act (CEQA) provides a statutory exemption from CEQA pursuant to Sections 15192 and 15194 for construction of affordable housing projects in urban areas and all findings for this exemption can be made; and

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

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

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

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

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

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

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

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

STANDARD CONDITIONS OF APPROVAL FOR LAND USE PERMITS

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

DEPARTMENTS AND DIVISIONS			
CA	City Attorney	PL	Planning Division
DS	Dev Services/Eng Dev/Inspectors	TR	Traffic Division
PD	Police Department	B	Building Plan Checker
SC	Source Control	FD	Fire Department
PK	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 June 10, 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. Developer shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, *G-11*)

11. Developer shall not permit any combustible refuse or other flammable materials to be burned on the project property. (FD, *G-12*)

12. Developer shall not permit any materials classified as flammable, combustible, radioactive, carcinogenic or otherwise potentially hazardous to human health to be handled, stored or used on the project property, except as provided in a permit issued by the Fire Chief. (FD, *G-13*)

13. If Developer, owner or tenant fails to comply with any of the conditions of this permit, the Developer, owner or tenant shall be subject to a civil fine pursuant to the City Code. (CA, *G-14*)

DEVELOPMENT SERVICES DIVISION STANDARD CONDITIONS

14. 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*)

15. 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*)

16. 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*)

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

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

19. Before connecting the project to existing sewer and water service laterals, Developer shall arrange for City staff to inspect such facilities. Developer shall make such repairs to such facilities as City staff determines to be necessary. Developer shall bring all existing water services into compliance with City standards. (*DS-7*)

20. 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*)

21. 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*)

22. 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*)

23. 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*)

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

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

26. 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*)

27. "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*)

28. 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*)

29. 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*)

30. 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*)

31. 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*)

32. 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*)

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

34. 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*)

35. 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*)

36. Developer shall improve and upgrade the alley adjacent to the project property to City standards in effect at the time Developer submits grading or site improvement plans to City for approval. *(DS-66)*

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

STORMWATER QUALITY CONDITIONS

38. 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)*

DEVELOPMENT SERVICES DIVISION SPECIAL CONDITIONS

39. Developer shall provide Refuse Division with access to onsite refuse enclosure by programming electrical gate with appropriate access codes activated by refuse truck radio frequency. (DS)

40. Developer's engineer shall design the landscaping within the proposed "bio-swales" to comply with the applicable landscape requirements of the Technical Guidance Manual for Stormwater Quality Control Measures. Design is not required to comply with the stormwater quantity or treatment length requirements of the Technical Manual. Developer's engineer shall provide City with written confirmation that the landscape construction drawings for the "bio-swale" area for compliance with SQUIMP standards for grass filter swales. (DS)

41. Developer shall construct a concrete apron along the length of the trash enclosure opening that extends a minimum of 15 feet from the face of the enclosure. (DS)

42. Developer shall locate proposed fire hydrant to comply with disabled access clearance requirements along the public sidewalk. Developer shall provide City with a waterline easement using standard City format if the hydrant cannot be located within the existing public right-of-way. Final location of the hydrant to be approved by the Development Services Manager. (DS)

43. In accordance with City standards, Developer shall abandon existing sewer and water laterals along the project frontage not proposed for re-use. Abandonment shall be indicated on the civil/site improvement plans. (DS)

LANDSCAPE STANDARD CONDITIONS

44. 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*)

45. 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*)

46. 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*)

47. 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*)

48. 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*)

49. 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

50. Developer shall pay Park Mitigation 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.

51. 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.

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

53. Groundcovers shall be low growing to provide Fire Department ladder access below bedroom three, unit six.

FIRE DEPARTMENT STANDARD CONDITIONS

54. Developer shall mark all designated fire lanes in accordance with the California Vehicle Code. (FD/B, *F-1*)

55. 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*)

56. 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*)

57. 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*)

58. 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*)

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

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

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

62. 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*)

63. 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*)

64. 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*)

65. Developer shall install a carbon monoxide detector on each level of the residence in accordance with the manufacturers specifications. It shall be hardwired with a battery backup.(FD, *F-17*)

FIRE DEPARTMENT SPECIAL CONDITIONS

66. 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.

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

68. Fire Department Connection may be part of the double detector check valve assembly or as a stand alone device located not more than 60 feet from the new fire hydrant.

PLANNING DIVISION STANDARD CONDITIONS

69. 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*)

70. 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*)

71. 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*)

72. 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*)

73. 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*)

74. 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*)

75. Developer shall provide for dust control at all times during project property preparation and construction activities. (B/DS, *PL-13*)

76. 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*)

77. 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*)

78. 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*)

79. 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)*

80. 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)*

81. 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*)

82. 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*)

83. 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*)

PLANNING DIVISION SPECIAL CONDITIONS

84. This permit is granted subject to the approval of a Zone Change (PZ No. 10-570-2) for the project property. (PL)

85. This permit is granted subject to the approval of a Density Bonus (PZ No. 10-535-1) for the project property. The Density Bonus approval shall include modification to the following development standards: a) minimum front setback shall be no less than 10 feet to structure exterior wall; b) minimum side setback shall be no less than 5 feet to structure exterior walls; c) guest parking shall not be required on-site; d) the second-floor courtyard and rooftop terrace with a combined size of 3,397 square-feet shall be provided in lieu of the required private open space areas. (PL)

86. Dwelling Unit 1 shall comply with the applicable requirements of the Americans with Disabilities Act (ADA) and be maintained as an accessible unit. The private patio adjacent to Unit 1 shall be permitted to provide the outdoor open space for the resident(s) of Unit 1 and shall not be covered, enclosed, converted to a room addition, or otherwise structurally modified. The patio may extend 10 feet into the required front yard setback (i.e. to the front property line), and a minimum of 5 feet of landscaping shall be maintained between the public sidewalk and patio wall. (PL)

87. Developer shall participate in the City's Art in Public Places Program in accordance with City Council Resolution No. 13,103. All new development shall pay a public art fee of $0.20 per square foot of roofed building area. Such fee shall be paid prior to the issuance of a building permit. (PL/DS)

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

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

90. Construction activities shall be subject to the City's noise ordinance contained in City Code Chapter 7, Article XI (Sound Regulation), and shall be limited to the hours of 7:00 a.m. to 6:00 p.m. on weekdays, including Saturday. (PL)

ENVIRONMENTAL RESOURCES DIVISION

91. To ensure that solid waste generated by the project is diverted from the landfill and reduced, reused or recycled, Developer shall submit a "Solid Waste Management & Recycling Plan" to the City for review and approval. The plan shall provide for at least 50% of the waste generated on the project be diverted from the landfill. Plans shall include the entire project area, even if tenants are pursuing or will pursue independent programs. The plan shall be submitted to Planning Division and Environmental Resources Division 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 Solid Waste Management and Recycling Plan form.

92. Developer shall follow the plan and provide for the collection, recycling, and/or reuse of materials (i.e., concrete, wood, metal, cardboard, green waste, etc.) and document results during construction and/or demolition of the proposed project. After completion of demolition and/or construction, Developer shall complete the Solid Waste Management & Recycling report and provide legible copies of weight tickets, receipts, or invoices for materials sent to disposal or reuse/recycling facilities. For other discarded or salvaged materials, Developer shall provide documentation, on the disposal facility's letterhead, identifying where the materials were taken, type of materials, and tons or cubic yards disposed, recycled or reused, and the project generating the discarded materials. Developer shall submit and obtain approval of the Solid Waste Management and Recycling C&D Report form prior to issuance of a certificate of occupancy.

93. 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.

94. 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.

95. Developer and operator shall install clearly labeled storage containers in the kitchen base cabinet within each apartment to facilitate separate disposal of recyclable and non-recyclable waste typically generated by residents. The location and specifications (size, materials, etc.) of such storage unit shall be shown on the construction document floor plans submitted to the City for building permits. Recycling guidelines shall be clearly posted on the door of the storage cabinet. The intent of this mitigation measure is to create a situation wherein recycling is as convenient for project guests as disposing of trash.

96. Developer and operator shall provide recycling containers near the point of use in common areas for residents to dispose of their recyclable waste (examples: indoors for newspapers and beverage containers; outdoors for beverage containers). Containers used exclusively for recycling shall be clearly identified as "recycling only" with clear icons or other graphics on each container appropriate to the container's content.

97. Developer and operator shall provide literature in each apartment (including on the door of the storage cabinet) explaining the importance of recycling, what can be recycled, and providing suggestions for source reduction, as well as water and energy conservation. City contacts for waste reduction, water conservation, and energy savings shall be listed in the literature.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 19th day of August, 2010, by the following vote:

AYES: Commissioners: Okada, Medina, Dean, Elliott

NOES: Commissioners: Frank

ABSENT: Commissioners: Mullin

Randall Elliott, Chair

ATTEST:
Christopher Williamson, Secretary

RESOLUTION NO. 2010 – 23

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING APPROVAL OF DENSITY BONUS PERMIT PZ 10-535-01 AND INCENTIVES FOR AN AFFORDABLE HOUSING DEVELOPMENT WITH SEVEN AFFORDABLE UNITS ON PROPERTY LOCATED AT 610 CUESTA DEL MAR DRIVE (APN: 222-0-095-085), FILED BY MCCARTHY COMPANIES ON BEHALF OF THE OXNARD HOUSING AUTHORITY, 633 VENTURA BOULEVARD, OXNARD, CA 93036.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for PZ No. 10-535-01 for the proposed development with seven (100%) affordable units, including certain incentives for affordable housing, filed by McCarthy Companies on behalf of the Oxnard Housing Authority, in accordance with Sections 16-410 through 16-422 of the Oxnard City Code; and

WHEREAS, CEQA provides a statutory exemption from the Environmental Quality Act (CEQA) pursuant to CEQA sections 15192 and 15194 for construction of affordable housing projects in urban areas and all findings for this exemption can be made; and

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

1. That the proposed use is in conformance with the General Plan and other adopted policies of the City of Oxnard, with the approval of the requested density bonus.

2. That the project meets the criteria set out in Government Code section 65915(b) as it provides seven affordable units.

3. The applicant has provided satisfactory method to guarantee that the rental prices will be established as stated in the application.

4. The applicant has agreed to execute the agreement referred to in section 16-421 of the City Code.

5. The seven affordable units have a proportionate number of bedrooms as other units in the development and do not differ in appearance, size and amenities from other units of the same size in the project.

WHEREAS, the Planning Commission recommends that the City Council approve the following density bonus incentives for the proposed development, in accordance with Section 16-419(C)the City Code :

1. Allow the front yard setback to be 10 feet to the structure exterior wall and 0 feet to the patio wall, rather than the required 15 feet.

2. Allow the side yard setbacks to be 5 feet to the structure exterior walls, rather than the required 7.5 feet.

3. Allow the second-floor courtyard and rooftop terrace to provide the mandatory Interior Yard Space (30% of lot area) rather than providing a landscape area or providing each unit with a balcony/patio that does not meet the minimum size or dimension requirements.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby recommends that the City Council grant a density bonus permit for the affordable housing development to allow one additional unit on the site, a 17% density increase, including the incentives listed above, subject to the conditions of approval listed below.

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 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 June 10, 2010, ("the plans") on file with the Planning Division. The project shall conform to the plans, except as otherwise specified in these conditions, or unless a minor modification to the plans is approved by the Planning and Environmental Services Manager ("Planning Manager") or a major modification to the plans is approved by the Planning Commission. A minor modification may be granted for minimal changes or increases in the extent of use or size of structures or of the design, materials or colors of structures or masonry walls. A major modification shall be required for substantial changes or increases in such items. (PL, *G-2*)

3. 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 shall complete the "Notice of Land Use Restrictions and Conditions" form, using the form provided by the City, for recording with the Ventura County Recorder. Before the City issues building permits, Developer shall submit the original completed, signed and notarized document, together with the required fees to the Planning Manager. (PL, *G-8*)

7. This permit is granted subject to the approval of Planned Development permit PZ 10-540-01 and Zone Change PZ 10-570-2. (PL)

8. Prior to issuance of building permits, developer shall enter an agreement in a form approved by both the City Attorney and the Housing Director ensuring the continued affordability of seven units which qualified the applicant for the density bonus. The affordability shall be as follows: seven units at 80% AMI, adjusted for family size as provided in 25 California Code of Regulations Section 6932. The agreement shall be recorded in the Office of the Ventura County Recorder. The term of the agreement shall be a minimum of thirty years.

   The agreement shall establish specific compliance standards and specific remedies available to the City if such compliance standards are not met. The agreement shall, among other

things, specify the number of very low and low income affordable units by number of bedrooms, standards for qualifying household incomes or other qualifying criteria, standards for maximum rents, a required annual report, and monitoring fees.

9. 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 and 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 constriction or operations pursuant to the resolution shall be deemed to be an acceptance of all conditions thereof. (CA, *G-6*)

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 19th day of August, 2010, by the following vote:

AYES: Commissioners: Okada, Medina, Dean, Elliott

NOES: Commissioners: Frank

ABSENT: Commissioners: Mullin

Randall Elliott, Chair

ATTEST: Christopher Williamson
Christopher Williamson, Secretary

RESOLUTION NO. 2010 – 24

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING TO THE CITY COUNCIL ADOPTION OF A ZONE CHANGE (PZ 10-570-02), TO CHANGE THE ZONE DISTRICT FROM R-3-PD (GARDEN APARTMENT) TO R-4-PD (HIGH RISE RESIDENTIAL). LOCATED AT 610 CUESTA DEL MAR DRIVE (APN 222-0-095-085), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY MCCARTHY COMPANIES, 633 EAST VENTURA BOULEVARD, OXNARD, CA 93036.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 10-570-02, filed by the McCarthy Companies on behalf of the Oxnard Housing Authority, to amend the zoning of the above-described property from R-3-PD (Garden Apartment) to R-4-PD (High Rise Residential); and

WHEREAS, the Planning Commission has held public hearings and received and reviewed written and oral comments related to proposed Planning and Zoning Permit No. 10-570-02; and

WHEREAS, the Planning Commission finds after due study and deliberation that the public interest and general welfare require the adoption of Planning and Zoning Permit No. 10-570-02; and

WHEREAS, the California Environmental Quality Act (CEQA) provides a statutory exemption from CEQA pursuant to Sections 15192 and 15194 for construction of affordable housing projects in urban areas and all findings for this exemption can be made.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby recommends to the City Council adoption of Planning and Zoning Permit No. 10-570-02, amending the City's official Zoning Map to change the zoning designation of said parcel as shown in Exhibit "A", attached hereto and incorporated herein by reference.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 19th day of August, 2010, by the following vote:

AYES: Commissioners: Okada, Medina, Dean, Elliott

NOES: Commissioners: Frank

ABSENT: Commissioners: Mullin

Randall Elliott, Chair

ATTEST:
Christopher Williamson, Secretary

Attachments: Exhibit "A"

ATTACHMENT E

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RESOLUTION NO. 2011 –

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING A MAJOR MODIFICATION TO A PLANNED DEVELOPMENT (PZ 10-540-01) AND DENSITY BONUS (PZ 10-535-01) FOR PROPERTY LOCATED AT 610 CUESTA DEL MAR DRIVE (APN: 222-0-095-085). FILED BY RASMUSSEN & ASSOCIATES ARCHITECTS, ON BEHALF OF THE OXNARD HOUSING AUTHORITY, 21 SOUTH CALIFORNIA STREET, VENTURA, CA 93001.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for PZ No. 10-550-05 (Major Modification) filed by Rasmussen & Associates Architects on behalf of the Oxnard Housing Authority, in accordance with Section 16-561 of the Oxnard City Code; and

WHEREAS, CEQA provides a statutory exemption from the Environmental Quality Act (CEQA) pursuant to CEQA sections 15192 and 15194 for construction of affordable housing projects in urban areas and all findings for this exemption can be made; and

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

1. The proposed major modification is in conformance with the Findings of Fact previously adopted by Planning Commission Resolution Nos. 2010–22, 2010–23, and 2010–24.

2. The proposed major modification is in conformance with the Findings of Fact previously adopted by City Council Resolution Nos. 13,918 and 13,919.

3. The proposed major modification is in conformance with the Findings of Fact previously adopted by Ordinance No. 2831.

4. The proposed major modification is permitted by Section 16-561 of the Oxnard City Code.

5. The proposed major modification does not change the type or intensity of land use previously approved by Planning and Zoning Permit No. 10-540-1 (Planned Development).

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby approves Planning & Zoning Permit No. 10-550-05 (Major Modification) to eliminate the rooftop terrace, reduce the height of the structure to 34 feet, and reduce the amount of required Interior Yard Space to 14.8% (1,383 square-feet) of the lot area. Except as modified by this Resolution, the conditions of approval imposed on Planning & Zoning Permit Nos. 10-535-01 (Density Bonus) and 10-540-1 (Planned Development) shall remain in full force and effect. The decision of the Planning Commission is final unless appealed in accordance with the provisions of Section 16-545 of the Oxnard City Code.

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

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

STANDARD CONDITIONS OF APPROVAL FOR LAND USE PERMITS

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

DEPARTMENTS AND DIVISIONS			
CA	City Attorney	PL	Planning Division
DS	Dev Services/Eng Dev/Inspectors	TR	Traffic Division
PD	Police Department	B	Building Plan Checker
SC	Source Control	FD	Fire Department
PK	Public Works, Landscape Design	CE	Code Compliance

GENERAL PROJECT CONDITIONS

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

2. This permit is granted for the plans dated December 6, 2010 ("the plans") on file with the Planning Division. The project shall conform to the plans, except as otherwise specified in these conditions, or unless a minor modification to the plans is approved by the Planning and Environmental Services Manager ("Planning Manager") or a major modification to the plans is approved by the Planning Commission. A minor modification may be granted for minimal changes or increases in the extent of use or size of structures or of the design, materials or colors of structures or masonry walls. A major modification shall be required for substantial changes or increases in such items. (PL, *G-2*)

PLANNING DIVISION STANDARD CONDITIONS

3. Any application for a minor modification to the project shall be accompanied by four copies of plans reflecting the requested modification, together with applicable processing fees. (PL, *PL-2*)

PLANNING DIVISION SPECIAL CONDITIONS

4. All conditions adopted with Resolution Nos. 2010–22 and 2010–23 shall remain applicable to the project, except as modified with this approval. (PL)

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

AYES: Commissioners

NOES: Commissioners

ABSENT: Commissioners

_____
Saul Medina, Chair

ATTEST: _____
Susan L. Martin, Secretary