



*Planning Division*

## PLANNING COMMISSION STAFF REPORT

**TO:** Planning Commission

**FROM:** Brian Foote, AICP, Associate Planner

**DATE:** April 21, 2011

**SUBJECT:** Planning and Zoning Permit Nos. 11-535-1 (Density Bonus), 11-540-1 (Planned Development), and 11-570-1 (Zone Change), Located at 5637 to 5727 Cypress Rd.

- 1) **Recommendation:** That the Planning Commission:
  - a) Adopt a resolution recommending that the City Council approve Planning and Zoning Permit No. 11-570-1 for a zone change, subject to certain findings and conditions; and,
  - b) Adopt a resolution recommending that the City Council approve Planning and Zoning Permit No. 11-535-1 for a density bonus, subject to certain findings and conditions; and,
  - c) Approve Planning and Zoning Permit No. 11-540-1 for a planned development, subject to certain findings and conditions.
  
- 2) **Project Description and Applicant:** A request to change the zone designation to Multiple-Family Residential (R-2-PD) for three parcels on the project site, and approve a Planned Development permit to construct 12 two-story structures with a total of 72 affordable apartment units and on-site amenities. The project includes a density bonus request for 13 dwelling units in addition to the 59 units allowed by City Code (a 22% density increase). The proposal includes a request for three concessions (side yard setback, rear yard setback, and dimensions of balconies) and to waive the requirement for parking garages, in accordance with State density bonus law. The project site consists of 4.93 acres located at 5637 to 5727 Cypress Road (see Attachment A). Filed by McCarthy Companies, on behalf of Ramona Properties LLC, 633 E. Ventura Blvd., Oxnard, CA 93036.
  
- 3) **Existing & Surrounding Land Uses:** The subject property is developed with 20 single-family residences. The following table summarizes the land uses and zones surrounding the project site.

Location	Zoning	Code Reference	Permitted Use
Project Site	R-1, R-2-PD, RPD	RLM & ILIM	Detached Single-Family Dwellings
North	MH-PD	RLM	Mobile Home Park
South	R-3-PD	RM	Attached Multi-Family Dwellings
East	M-1-PD	ILIM	Railroad Track, Canal, Single-Family Dwelling & Agricultural Storage
West	R-1-PD	RL	Single-Family Residential

**4) Background Information:**

- a) History: There are currently 20 single-family dwellings on the subject property, with 22 households (a total of 166 persons) residing on the site. There are no easements or other encumbrances on the property that would preclude development as proposed. The subject properties were acquired by the current property owner over a period of time, and the original intent was to construct a condominium project to replace the current housing units. Due to market conditions, the intended project was abandoned.

The landowner was then approached by a non-profit affordable housing developer to consider constructing an affordable housing project. Although that project did not move forward, the current property owner, Ramona Property Partners, LLC, realized that an affordable housing project was ideal for the site. McCarthy Companies subsequently became involved to help plan and spearhead the current project. Ramona Property Partners, McCarthy Companies, the Oxnard Housing Authority, and Las Cortes Inc., have agreed to form a public/private partnership to develop the proposed project that will help to meet the City’s affordable housing needs, provide financial benefits to the City of Oxnard, and increase the Housing Authority’s affordable housing portfolio.

- b) Density Bonus Law: On February 7, 2009, an updated City Ordinance that carries out current State law regarding Density Bonuses became effective after adoption by the City Council (City code sections 16-411 through 16-435). This ordinance specifies that the Planning Commission shall recommend to the City Council that a density bonus permit be granted if certain findings are made: 1) The project meets the State law criteria that at least 10% of units are for lower income households or five percent are for very low income households; 2) The applicant has proposed a satisfactory method to guarantee that the rental prices will be as stated in the application; 3) The applicant has agreed to execute an agreement regarding the affordability. This “permit” is an implementation procedure for the City’s density bonus ordinance. The project is consistent with these findings as discussed in this report. Pursuant to State law, this ordinance permits the applicant to request incentives for development of the affordable housing. This project is eligible to request a maximum of three incentives due to the high percentage of affordable units that are proposed. The ordinance requires the Planning Commission to recommend approval of the requested incentives unless substantial

evidence can support findings that: 1) the concession is not required to provide for affordable rents; 2) the incentive would have an adverse effect on public health and safety, the physical environment, or historic resources; or 3) the incentive would be contrary to State or federal law. These findings do not apply to this project as discussed in this report.

**5) Environmental Determination:** In accordance with Section 15332 of the California Environmental Quality Act (CEQA) Guidelines, in-fill development projects may be found to be exempt from the requirements of CEQA. This proposed project is located on less than five acres of land, consistent with the zoning and General Plan, surrounded by urban development, all public services and utilities are available, and no sensitive habitats or species exist on the property. Therefore, staff has determined that there is no substantial evidence that the project may have a significant effect on the environment, and recommends that the Planning Commission adopt the Notice of Exemption (Attachment C).

**6) Analysis:**

**a) General Discussion:** The proposed development will merge four lots into one lot, and construct a total of 72 affordable apartments. There are twelve structures proposed with six units per structure. One type of floor plan will be used for both the upper and lower floors, and each structure has the same floor plan or the reversed floor plan. The project will be constructed without phasing.

A	24	1,070 sq.ft.	3	2
B	24	925 sq.ft.	2	1
C	24	1,070 sq.ft.	3	2
<i>Total</i>	=	72		

All units will be rented at very-low or low rates. Low income is defined as 30 – 60% of Area Median Income (AMI), and 50 units will be provided. Very low income is defined as 30 – 50% of AMI, and 21 units will be provided. One unit will be provided rent-free for an on-site manager. Funding sources for this project will be tax-exempt bonds, tax credit equity, seller carry-back note, City of Oxnard in-lieu loan, Community Development Commission loan, and deferred developer/contractor fees. These funding sources require a 30-year affordability commitment. Additionally, this project has requested a density bonus permit that requires a minimum affordability commitment of 30 years pursuant to State law.

The applicant has submitted a “Residential Relocation Summary” (Attachment D) until such time as the Relocation Plan has been finalized and released to the public. A relocation consultant will be retained to assist the Housing Authority with interviewing on-site residents, determining eligibility for relocation assistance and related financial assistance, and complying with State relocation law. Upon completion of construction, a qualifying household will have the option to move into one of the new apartments.

**b) General Plan Consistency:** The 2020 General Plan designates 98.5% of the subject property as Residential Low-Medium (RLM) and is intended for lower-density apartments or condominiums, with a density of 7 to 12 dwelling units per acre. The southeasterly corner of the site (3,200 sq.ft. or 1.5%) was historically mapped as Industrial Limited (ILIM) due to the proximity of the existing railroad track near the subject property. The proposed site plan indicates that this 3,200 sq.ft. portion will be a driveway, with no permanent residential structures or uses at the southeast corner. The City Attorney’s office has determined that it can remain ILIM and the project will be consistent, and the ILIM designation can be changed during the upcoming 2030 General Plan Update.

Under the General Plan land use designation, the 4.93-acre parcel could accommodate 59 units. A density bonus pursuant to the City’s ordinance for “Incentives to Create Affordable Housing” (State Density Bonus law) is requested for 13 units to allow a total of 72 units. The City’s Ordinance mandates that the City provide a density bonus when ten percent of the total units in a housing development are for low-income households. The project proposes 100% of the units to be affordable, as well as a 22% density increase. Such a density bonus is consistent with the General Plan per State law. Therefore, the proposed development will be consistent with the applicable General Plan policies listed below.

POLICY	PROVISION
<p><b>Growth Management Policy #2(b)</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.</p>	<p>The proposed development is for an existing underutilized parcel surrounded by a residential neighborhood with existing public utilities and services in the vicinity. The project is conditioned to provide adequate public utilities and services. Therefore, consistency with this policy may be found.</p>
<p><b>Growth Management Policy #2(d)</b> (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.</p>	<p>The proposed development is for medium-density apartments within an existing residential neighborhood, and if approved, will implement the City’s policy. Therefore, consistency with this policy may be found.</p>
<p><b>Land Use Policy #2 “Other Infill Development”</b> (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.</p>	<p>The proposed project is infill development on an underutilized parcel within the Cypress neighborhood. Therefore, consistency with this policy may be found.</p>
<p><b>Housing Policy #2.2</b> (page V-8) encourages the production of housing that meets all economic segments including lower- and moderate-income housing.</p>	<p>The proposed project includes 72 affordable units for households of various income levels, with regulated rental rates as established by the Oxnard Housing Authority. Therefore, consistency with this policy may be found.</p>

<p><b>Housing Policy #2.3</b> (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.</p>	<p>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.</p>
<p><b>Housing Policy #3.1</b> (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.</p>	<p>The proposed project is for 72 affordable apartments, in and will be funded in part by grants from local and state agencies. Therefore, consistency with this policy may be found.</p>

- c) Zone Change:** The northerly half of the project site (APN's 222-0-070-110 and -190) is currently zoned Single Family Residential (R-1), and is proposed to change to Multiple-Family Residential Planned Development (R-2-PD). Approval of the zone change request will bring the property into conformance with the existing General Plan designation of Residential Low-Medium (RLM), as well as be consistent with the existing multi-family zoning to the north, south and east.

The southeasterly 3,200 sq.ft. corner of the project site (APN 222-0-070-155) is currently zoned Residential Planned Development (RPD) and is also proposed to change to Multiple-Family Residential Planned Development (R-2-PD). The proposed site plan indicates that the southeast corner of the site will be a driveway, with no permanent residential structures or uses. The City Attorney's office has determined that the proposed zoning (R-2-PD) will be consistent with the General Plan designation of ILIM. Therefore, staff supports the request to change the zone.

- d) Conformance with Zoning Development Standards:** If the zone change is approved, the development would be located in the Multiple-Family Residential Planned Development (R-2-PD) zone district. The zone change to R-2-PD will bring the property into conformity with the General Plan designation (Residential Low-Medium), to be consistent with the existing multi-family zones to the north and south of the project site, and to allow the proposed density and density bonus. Applicable development standards of the R-2-PD zone and the Attached Dwelling Unit standards have been compared with the proposed project as listed in the following table (next page).

The proposed project is consistent with most, but not all, of the applicable development standards as shown in the following table. For those standards for which the project does not conform, the applicant has requested concessions pursuant to Government Code §65915(d). The applicant requests three concessions: 1) side yard setback; 2) rear yard setback; and 3) the requirement that all second-story units have a balcony with minimum dimensions of 10'x10'.

EXISTING ZONING	PROPOSED ZONING	PROPOSED	COMMENTS
Max. building height §16-43	2 stories, not to exceed 25 feet	25'0" max.	Yes
Density §16-44	3,500 SF per D.U. No more than 6 units per building. <i>22% Density Bonus requested per Gov. Code §65915.</i>	3,012 SF per D.U. (14.6 D.U. per acre) Max. 6 units per bldg.	Yes, if PC approves density bonus
Front yard setback §16-45(A)	25% of lot depth, not to exceed 25 feet.	31'0" min.	Yes
Side yard setback §16-46(A)	10% of lot width, not less than 3 feet or more than 5. <i>Concession #1 requested per Gov. Code §65915.</i>	3'6" min. side yard; 54'0" min. to bldg.	Yes, with grant of concession
Rear yard setback §16-47	25% of lot depth, not to exceed 25 feet. <i>Concession #2 requested per Gov. Code §65915.</i>	8'0" min. rear yard; 61'0" min. to bldg.	Yes, with grant of concession
Interior Yard Space §16-48	30% of lot area. <i>Min. = 64,425 sq.ft.</i> Min. dimensions of 15' x 15'. Area open from ground to sky.	75,499 sq.ft. (35%) min.; dimensions 15' x 15' min. and open to sky	Yes
Parking spaces Resident §16-622	2 on-site uncovered spaces for each 2 to 3 BR unit, per Gov. Code §65915(p). <i>Min. = 144</i>	144	Yes, if PC approves density bonus
Parking spaces Visitor §16-622	Waived per Gov. Code §65915(p) <i>Min. = 0</i>	48	Yes, if PC approves density bonus
Parking spaces Handicap-accessible	151 to 200 spaces – requires 6 handicap-accessible spaces. <i>Min. = 6</i>	6	Yes
Parking landscaping §16-641	10-foot wide strip along any street or alley. For every 10 spaces, 9' island w/ 2 trees. Min. 5% of parking area to be landscape.	16,047 sq.ft. (23%)	Yes
Fences/hedges - front yard §16-308	Must be at least 50% open, and may not exceed 42 inches.	Not over 42 inches high	Yes
Fences/hedges - side & rear yards §16-309	Not to exceed 7 feet in height.	6 feet high	Yes

<b>ATTACHED DWELLING UNIT STANDARDS</b>			
Min. Dwelling Size §16-362(A)	One bedroom: 700 sq.ft. Two bedroom: 900 sq.ft.	2 BR = 925 sq.ft. 3 BR = 1,070 sq.ft.	Yes
Building Separation §16-362 (B)	Equal to the height of the taller structure. <i>Min. = 25'0"</i>	26' min.	Yes
Recreation Facilities §16-362 (C)	Include at least one of the following: Swimming pool, spa, tennis, basketball, or volleyball courts, BBQ/picnic area, recreation building, exercise equipment, children's play equipment, or others as approved by PC.	2 Tot Lots, built-in BBQ's in each courtyard, Community Plaza, Community Room, Computer Room, Arts/Crafts Room, Community Garden.	Yes
Open Area §16-362 (D)	One lawn area of not less than 2,500 sq.ft. & minimum dimensions of 35' x 35'.	2,529 sq.ft. min. and 50' x 50'	Yes
Distance to garage from DU 16-362 (E)	75' max. distance to parking space from any dwelling unit entry. Distance is measured from DU entry to space serving that unit. When a stairway provides the access, it shall be considered the entrance.	Parking plan provided, and will meet requirements.	Yes
Balconies & Patios §16-362 (F)	All 2 <sup>nd</sup> story dwelling units shall have at least one patio or balcony having minimum dimensions of 10' x 10'.  <b><i>Concession #3 requested per Gov. Code §65915.</i></b>	<b>1<sup>st</sup> Floor</b> A: 12'9" x 5'0" B: 12'0" x 5'0" C: 12'6" x 5'0" <b>2<sup>nd</sup> Floor</b> A: 14'6" x 5'0" B: 13'9" x 5'0" C: 12'6" x 5'0"	Yes, with grant of concession
Balcony Enclosure §16-362 (G)	All balconies and patios shall have railings or walls which provide at least 50% enclosure.	Enclosed with walls on all sides.	Yes
Storage Areas §16-362(H)	Each unit shall have a storage area of at least 225 cubic feet.	Min. 225 cubic feet per unit	Yes
Utility Meters §16-362 (J)	Wall mounted meters shall be screened or integrated into the building design.	Utility rooms provided and architecturally integrated.	Yes
Refuse Enclosures §16-362 (K)	Designed to reflect the major design elements or details of the residential units & provide pedestrian access separate from the refuse vehicle access.	Consistent with architecture & pedestrian access provided.	Yes

- e) **Site Design:** The project site boundaries are fixed and no changes are proposed. The proposed structures are arranged in pairs, with each building oriented towards an interior courtyard with amenities such as barbeque and seating area. Cypress Road will provide the only vehicular ingress and egress to a drive aisle designed to provide an interior loop around the structures.
  
- f) **Circulation and Parking:** A total of 144 on-site resident parking spaces (i.e. two spaces per unit) are required and provided. Government Code §65915(p) does not require covered parking such as carports or enclosed garages, and therefore, waives the requirement for garage parking that is contained in City Code §16-622(F). Government Code §65915(p) waives the requirement for on-site guest parking; however, the developer proposes a total of 48 guest spaces (or four spaces per building) distributed throughout the parking areas. In addition to the resident and guest parking, a total of six handicap-accessible spaces will be provided throughout the development. Bicycle racks will be provided in each courtyard for convenient access to the adjacent apartment buildings.

Improvements will be made to Cypress Road in front of the project site, including 80 lineal feet of 4-foot wide median to prevent left turns into and out of the southerly driveway nearest the railroad tracks. Frontage improvements also include a 40-foot long designated zone for school bus loading/unloading. A condition of approval (Condition 83) will require the developer to install crossing arms at the railroad crossing on Cypress Road located immediately south of the project site.

- g) **Building Design:** The proposed architecture exhibits a Mexican Hacienda design theme with exterior arches, arcade, shaded patios, iron fixtures and lights, and natural materials. The exterior walls include significant vertical articulation with protruding arches and covered balconies, which creates substantial shading for patios and entryways. The primary exterior finish material is stucco. Trim features consist of wood window framing, shutters, fascia, balcony posts, iron railing, and niches with inset square tiles. Exterior light fixtures will not be visible on exterior elevations due to porches and overhangs, which will provide sufficient visibility at doorways but not create excessive glare toward other units. The color palette emphasizes flat earth tones typical for Mexican Hacienda architecture, and is consistent with its emphasis on subdued tones and rugged simplicity.

The paved and uncovered interior courtyards are also consistent with the Mexican Hacienda design theme. The front of each building faces inward and doorways are oriented towards the courtyard. Each courtyard includes a built-in barbeque area, built-in tables and chairs, planters with low walls designed as outdoor seating, and a bike rack.

- h) Landscaping and Open Space:** The proposal complies with the landscaping and open space requirements. A minimum of 30% of the lot area must be provided as interior open space, and approximately 35% (75,499 square-feet) of landscaped open space will be provided. A minimum of 2,500 square-feet must be provided as grassy open area, and approximately 2,529 square-feet will be provided in the central area of the project site. In addition to the open area, a large paved plaza area and a Tot Lot are provided adjacent to the community rooms. Also, a minimum of 5% of the parking lot area must be landscaped, and approximately 23% (16,047 square-feet) is proposed. The parking lot drainage would be directed toward planters along the perimeter of the site for percolation, and any excess runoff will ultimately empty into the storm drain system in Cypress Road.
- i) Density Bonus:** State density bonus law (Government Code §65915 – §65918) stipulates that additional dwelling units shall be allowed over the otherwise maximum allowable residential density identified in the General Plan, for projects which provide affordable housing for families defined as low-, very low-, or moderate-income households. The number of additional units that may be constructed is related to the percentage of affordable units that will be included in the project. Government Code §65915(f) provides the formula with which to calculate the density bonus. For the proposed project, all apartments will be designated as affordable units, and will clearly meet the criteria for a density bonus. A total of 59 units are allowed by the base density of the R-2-PD zone, and the applicant proposes 13 additional units for a density bonus of 22% ( $13/59 = 0.22$ ). Therefore, staff supports the 22% density bonus and a total of 72 dwelling units.

The density bonus application includes a request for concessions pursuant to Government Code §65915(d) to modify specified development standards for affordable housing. Specifically, the concessions being requested are to allow modification of: a) side yard setback; b) rear yard setback; and c) the requirement for second-floor balconies to be a minimum of 10' wide and 10' deep, and instead allow a 5' minimum depth. Also, the application includes a request pursuant to Government Code §65915(p) to provide two on-site uncovered/unenclosed resident parking spaces per unit (i.e. no garages or carports).

- 7) Development Advisory Committee:** The Development Advisory Committee (DAC) reviewed this project on February 23, 2011. Recommendations of the DAC are included in the attached resolutions.
- 8) Community Workshop:** On March 9, 2011, the applicant mailed notices of the Community Workshop meeting to all property owners within the Cypress neighborhood. One sign was posted on the project site ten days prior to the meeting. The workshop was held on March 21, 2011, and 12 residents attended the meeting for this project. Questions were asked about the definition of low-income and affordability, on-site amenities, requested concessions, off-site street improvements, proposed services and activities in the community rooms, and the relocation plan. The applicant, architect, and Housing Authority representative responded to questions and concerns.

**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:**

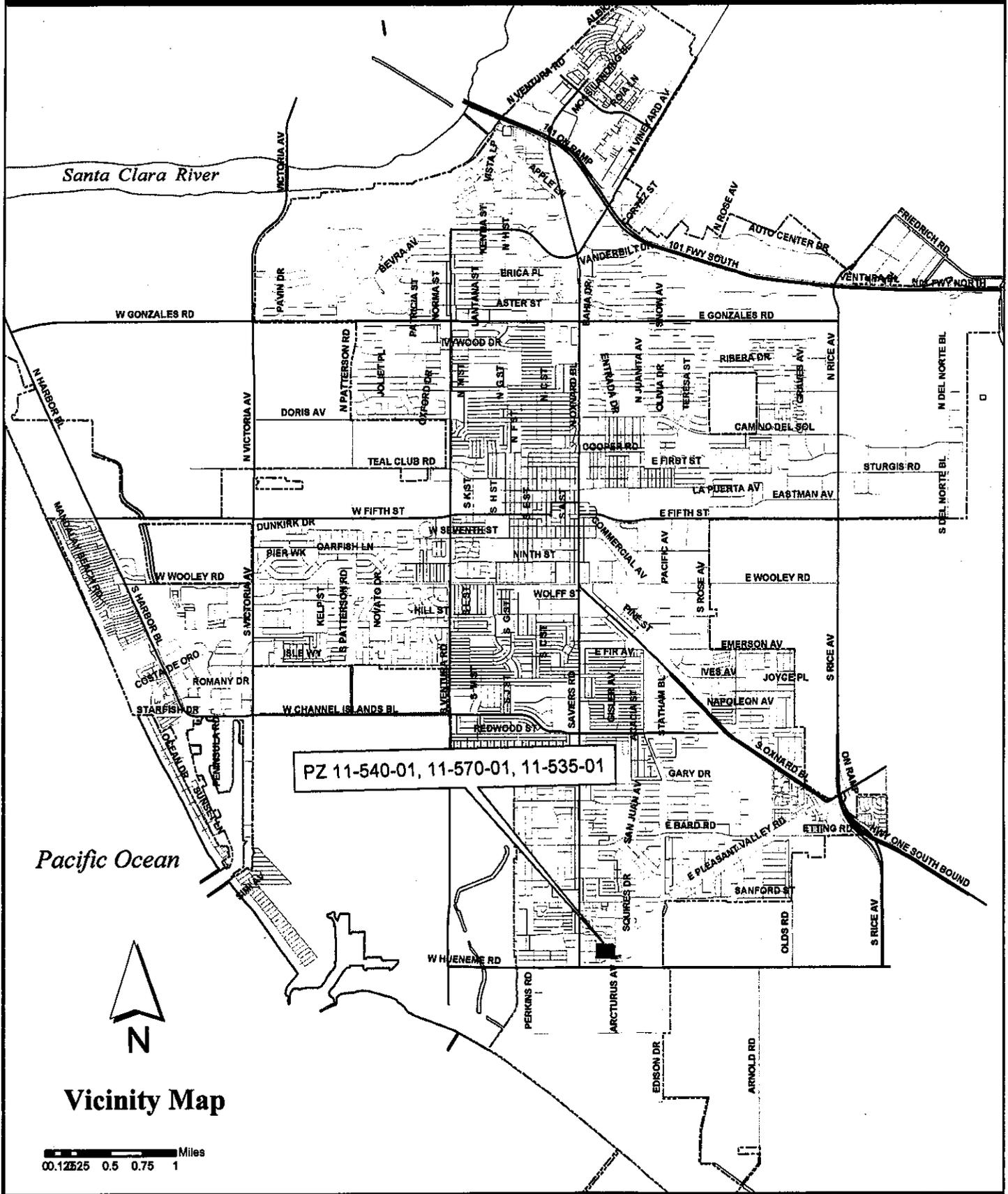
- A. Maps (Vicinity, General Plan, Zoning)
- B. Reduced Project Plans
- C. CEQA Notice of Exemption
- D. Residential Relocation Summary
- E. Resolutions

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

## **ATTACHMENT A**

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# Vicinity Map



PZ 11-540-01, 11-570-01, 11-535-01

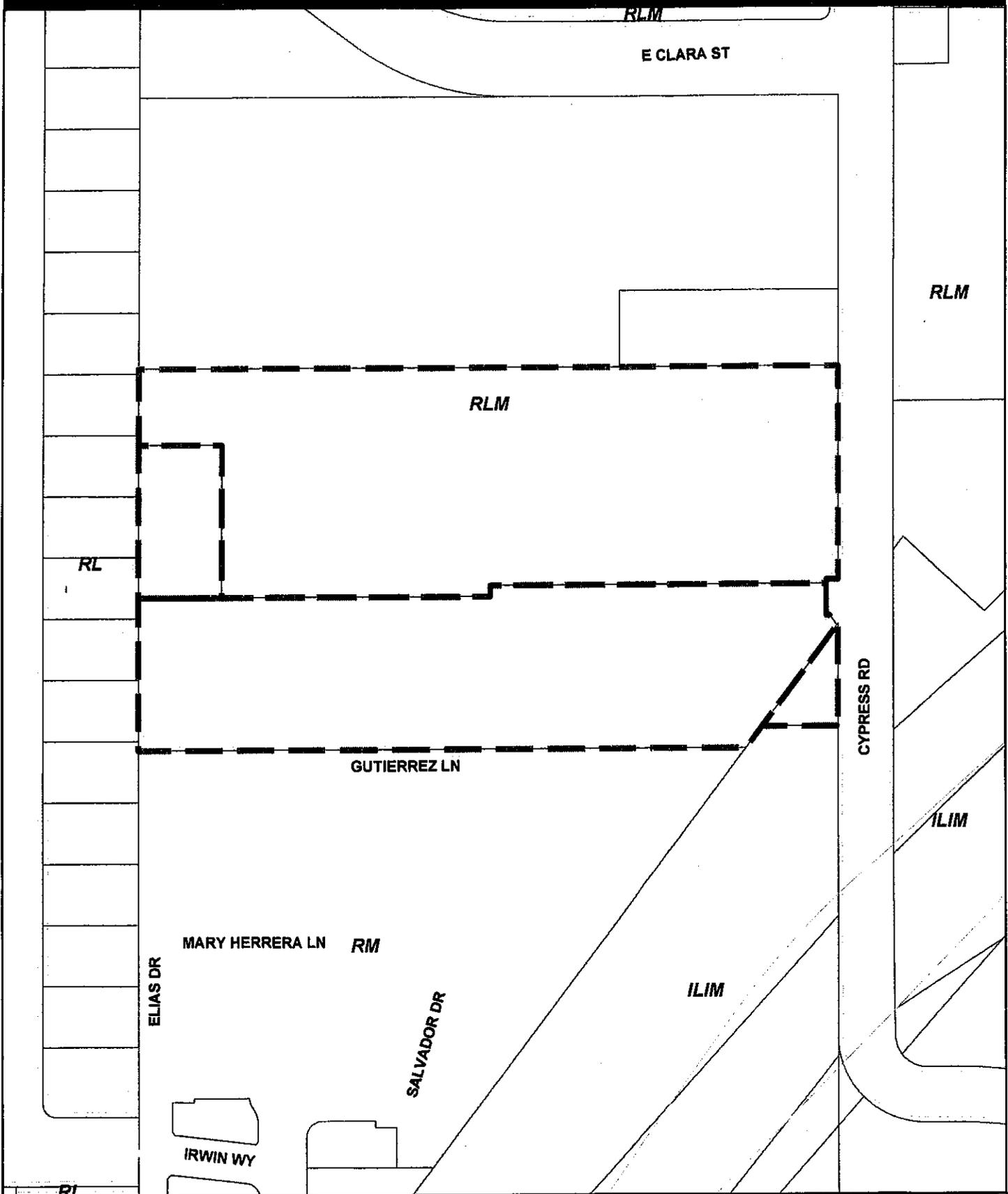
## Vicinity Map

0.125 0.5 0.75 1 Miles

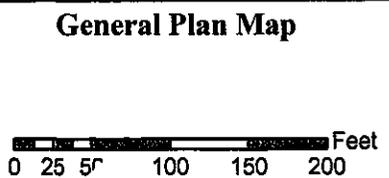


PZ 11-540-01, 11-570-01, 11-535-01  
 Location: 5693-5721 Cypress Av  
 APN: 222007011, 222007019, 222007015,  
 222007018, 222001016  
 Ramona Properties

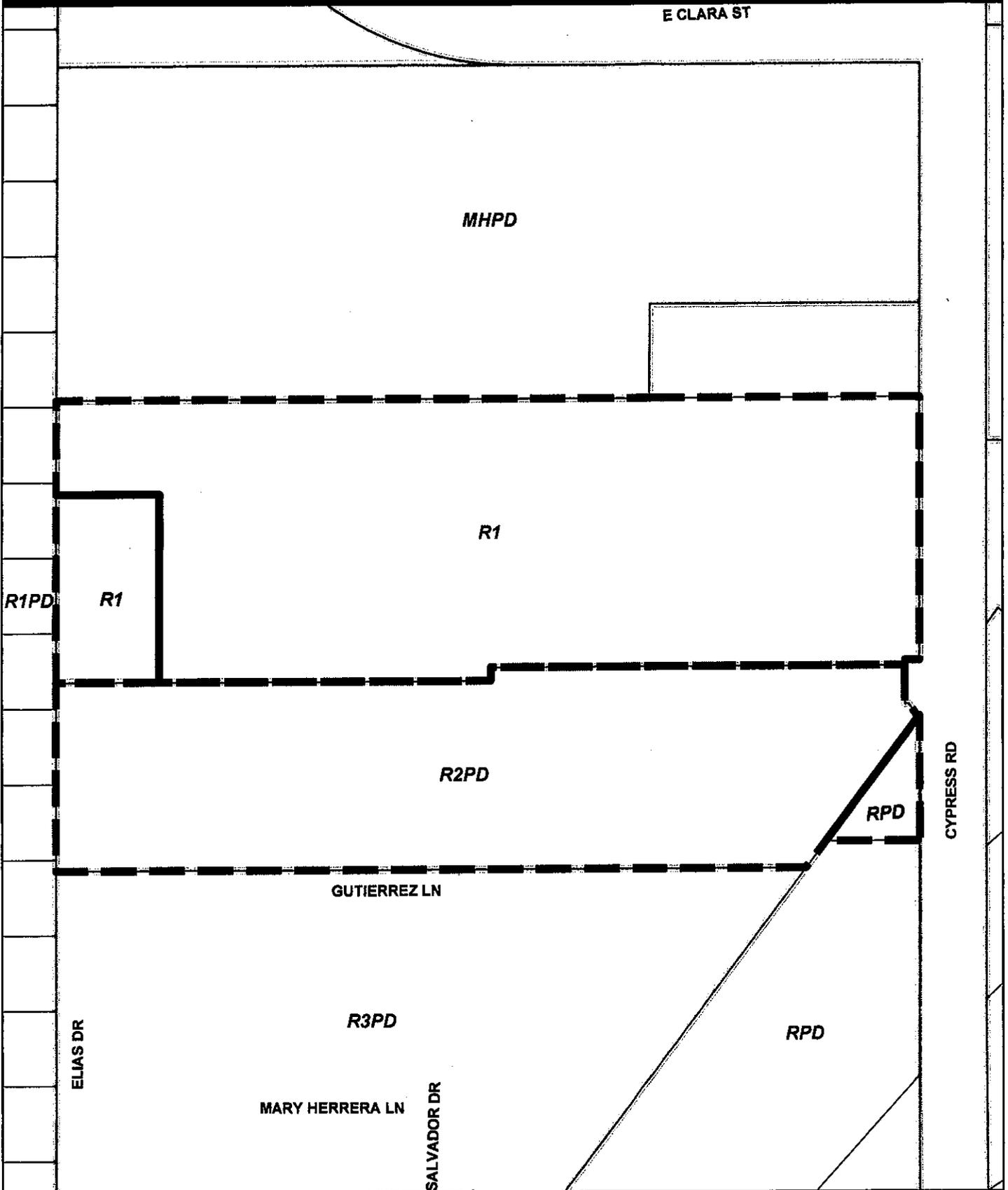
# General Plan Map



PZ 11-540-01, 11-570-01, 11-535-01  
Location: 5693-5721 Cypress Av  
APN: 222007011, 222007019, 222007015,  
222007018, 222001016  
Ramona Properties

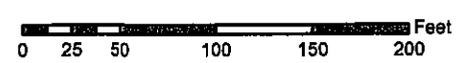


# Zone Map



PZ 11-540-01, 11-570-01, 11-535-01  
Location: 5693-5721 Cypress Av  
APN: 222007011, 222007019, 222007015,  
222007018, 222001016  
Ramona Properties

## Zone Map

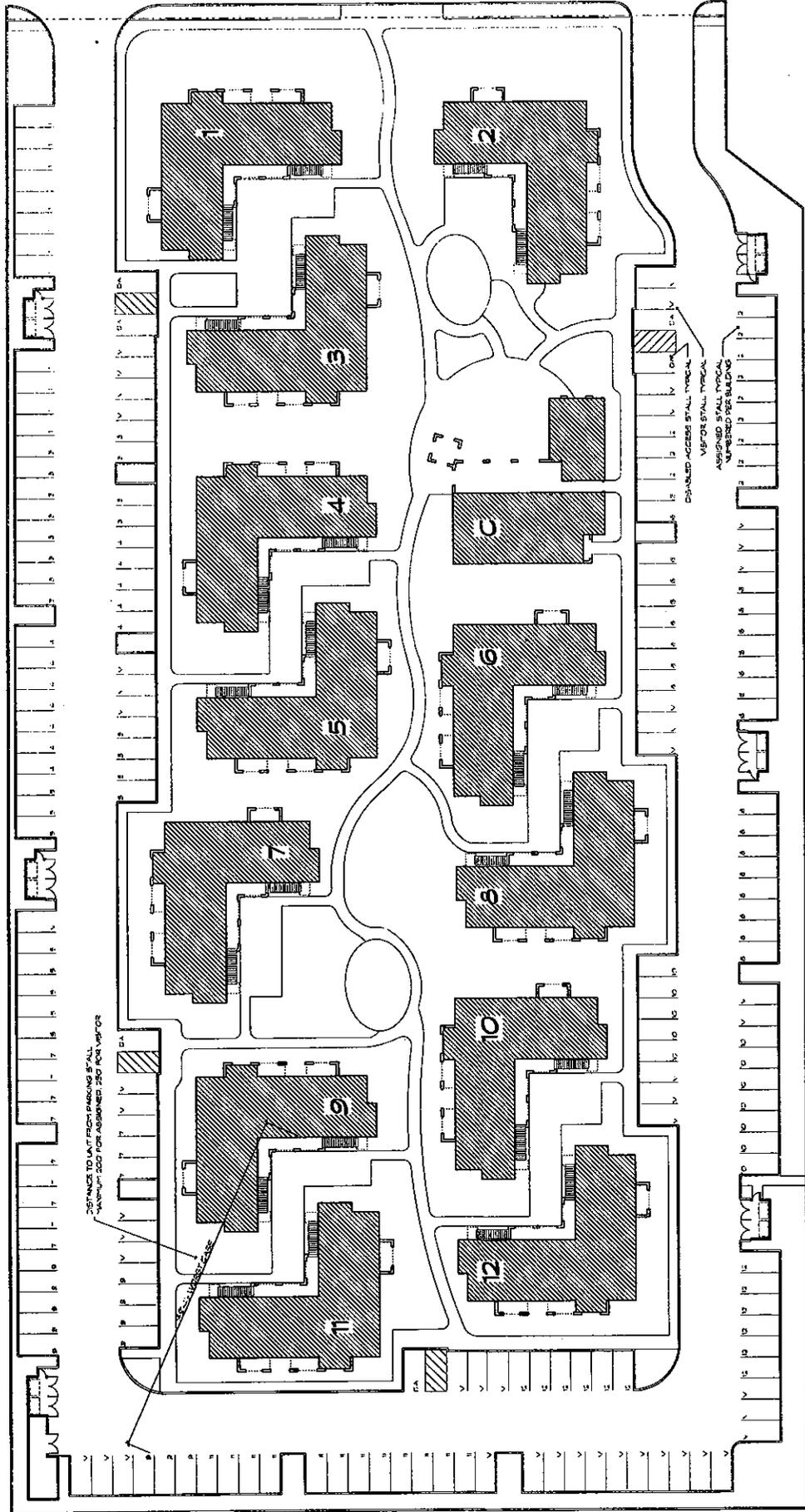


## **ATTACHMENT B**

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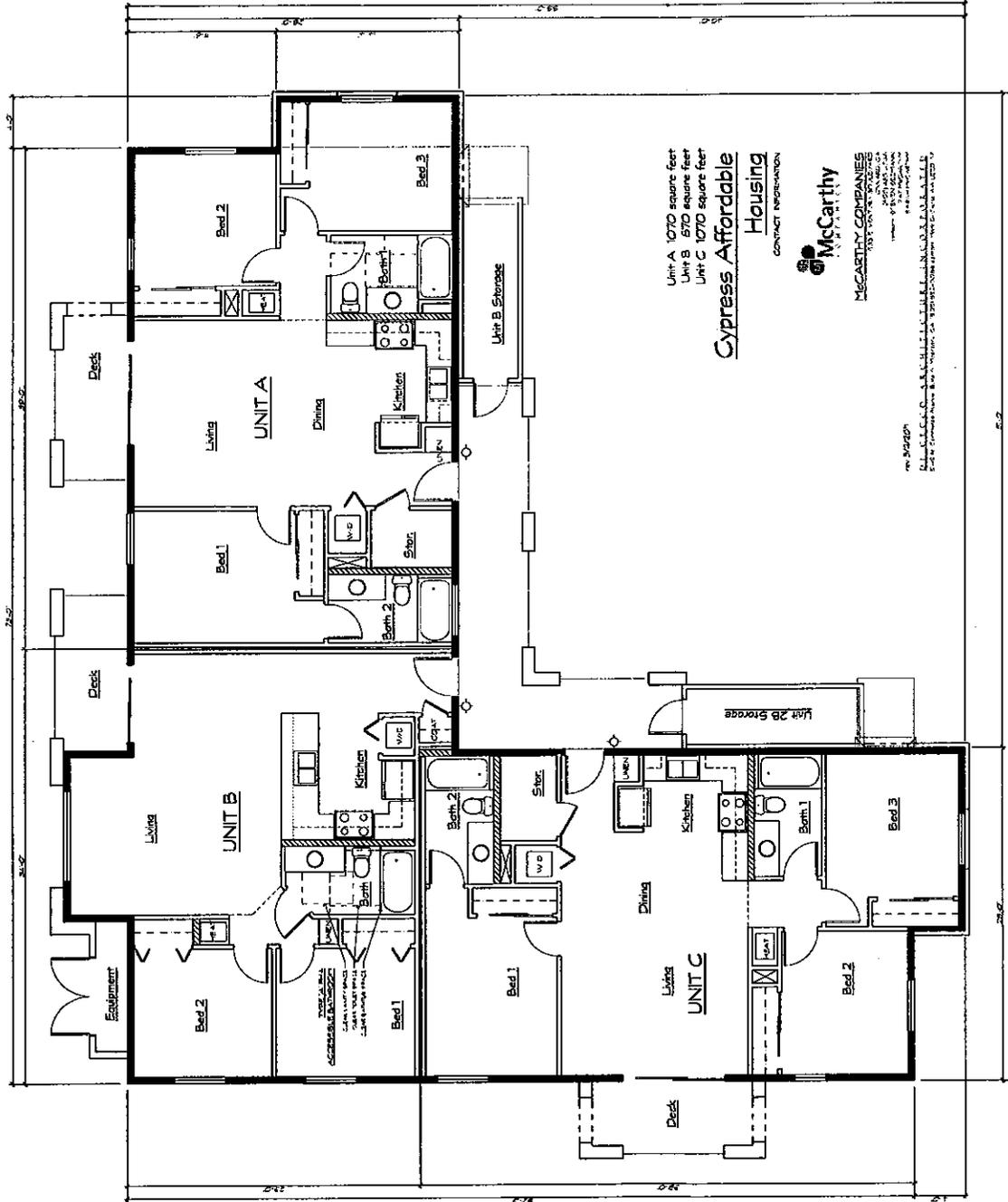


DATE	01/11/11
BY	DI C E C C O
CHECKED BY	DI C E C C O
SCALE	AS SHOWN
PROJECT NO.	11-001
SHEET NO.	10

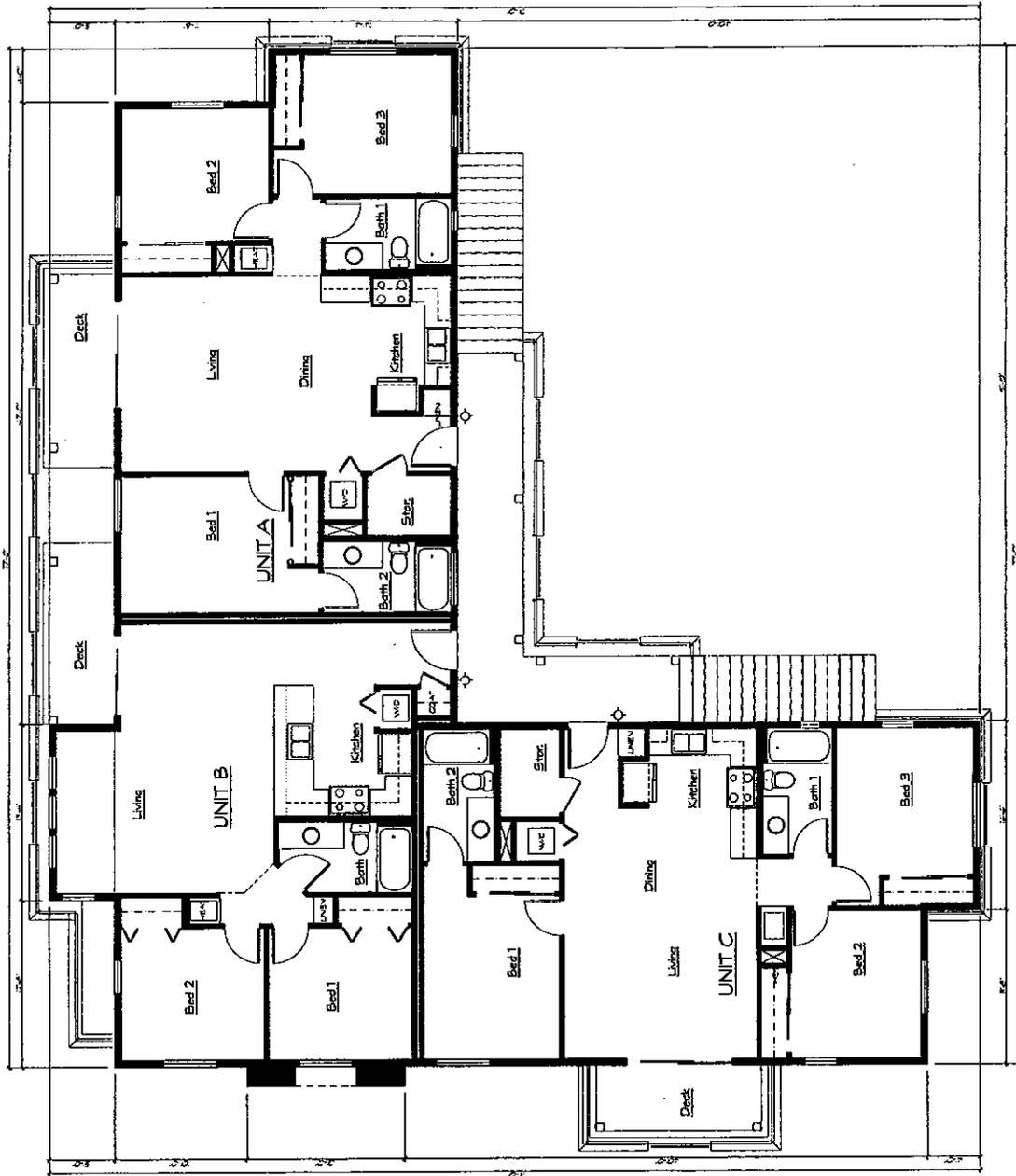


Parking Site Plan  
 Sheet 10 of 10

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	01/15/14
2	ISSUED FOR CONSTRUCTION	01/15/14
3	ISSUED FOR OCCUPANCY	01/15/14
4	ISSUED FOR RECORD	01/15/14
5	ISSUED FOR AS-BUILT	01/15/14
6	ISSUED FOR FINAL	01/15/14
7	ISSUED FOR ARCHIVE	01/15/14
8	ISSUED FOR CLOSURE	01/15/14
9	ISSUED FOR DESTRUCTION	01/15/14
10	ISSUED FOR REDEMPTION	01/15/14



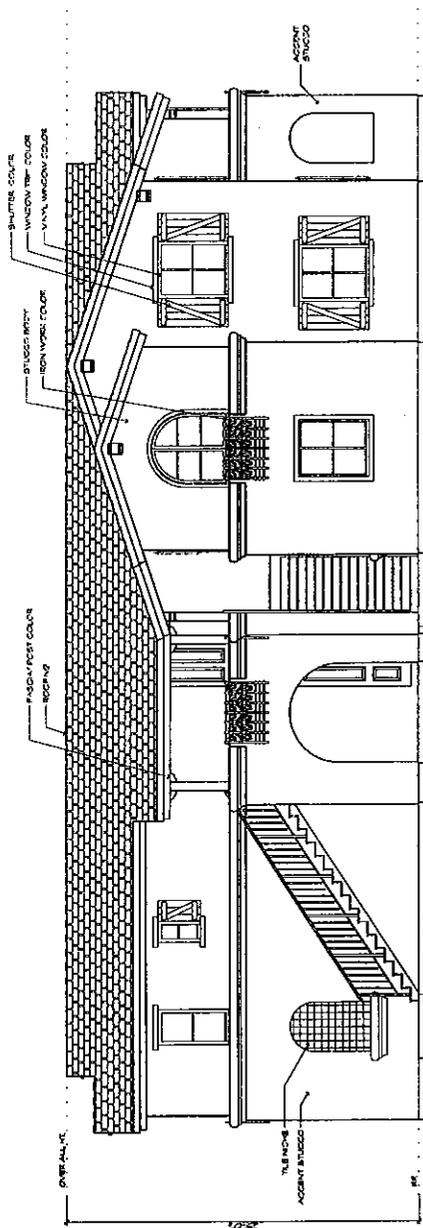
First Floor Plan  
Sheet 10 of 10



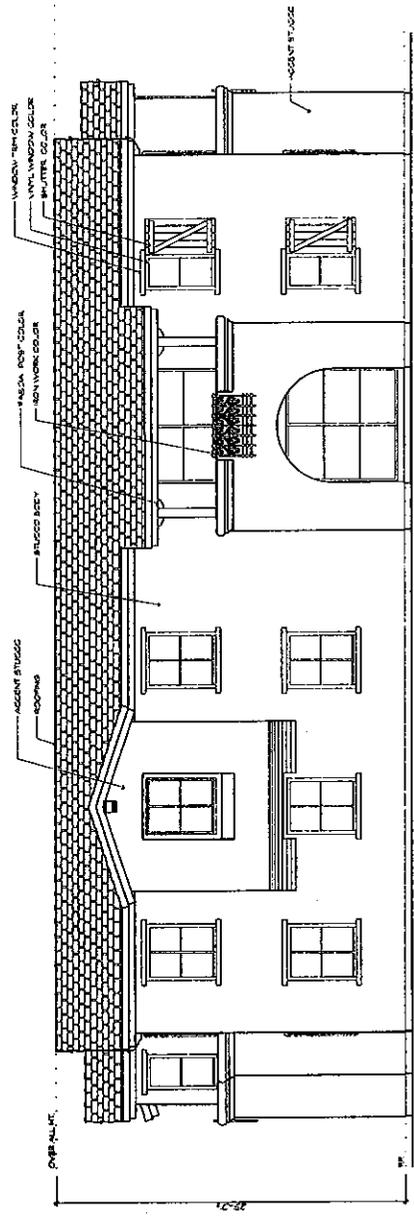
**Second Floor Plan**  
 Sheet No. 202



DATE	DESCRIPTION
11/15/17	CONCEPT DESIGN
12/15/17	SCHEMATIC DESIGN
01/15/18	PRELIMINARY DESIGN
02/15/18	FINAL DESIGN
03/15/18	CONSTRUCTION DOCUMENTS
04/15/18	CONSTRUCTION ADMINISTRATION
05/15/18	PROJECT CLOSEOUT
06/15/18	PROJECT COMPLETION
07/15/18	PROJECT ARCHIVE
08/15/18	PROJECT REVIEW
09/15/18	PROJECT EVALUATION
10/15/18	PROJECT REPORT
11/15/18	PROJECT SUMMARY
12/15/18	PROJECT CONCLUSION



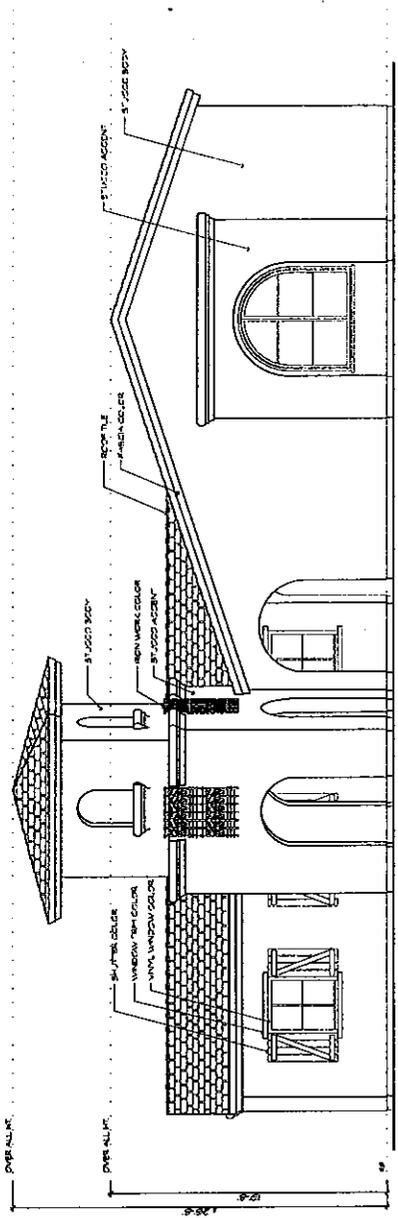
**East Elevation**  
 Size: 1/8" = 1'-0"



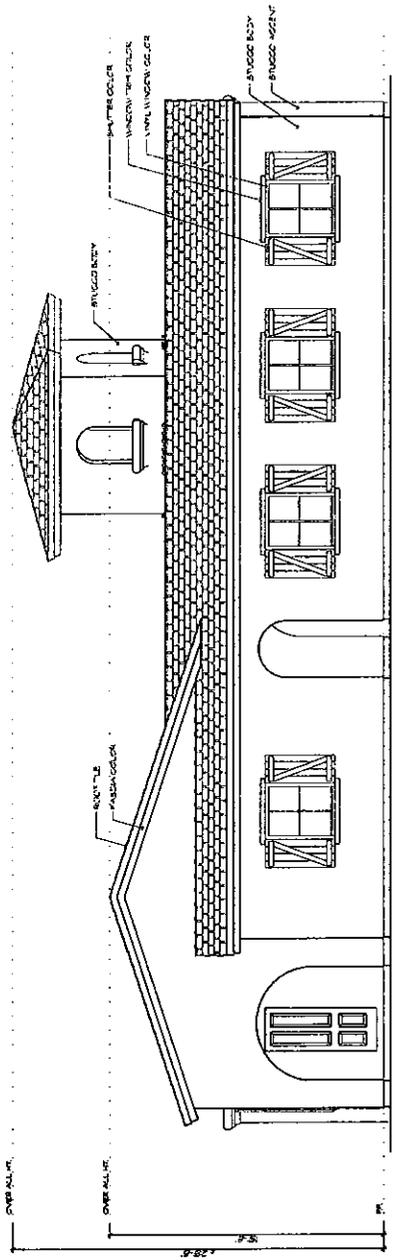
**West Elevation**  
 Size: 1/8" = 1'-0"



DATE	DESCRIPTION
01/15/2018	ISSUED FOR PERMITS
02/01/2018	REVISIONS
02/15/2018	REVISIONS
03/01/2018	REVISIONS
03/15/2018	REVISIONS
04/01/2018	REVISIONS
04/15/2018	REVISIONS
05/01/2018	REVISIONS
05/15/2018	REVISIONS
06/01/2018	REVISIONS
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11/01/2018	REVISIONS
11/15/2018	REVISIONS
12/01/2018	REVISIONS
12/15/2018	REVISIONS



**North Elevation**  
 SHEET # 1 OF 2



**South Elevation**  
 SHEET # 2 OF 2









## ATTACHMENT C

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## NOTICE OF EXEMPTION

### *Project Description:*

PLANNING & ZONING PERMIT NOS. 11-535-1 (Density Bonus), 11-540-1 (Planned Development) and 10-570-1 (Zone Change) – A request to change the zone designation to Multiple-Family Residential (R-2-PD) for three parcels on the project site, and approve a Planned Development permit to construct 12 two-story structures with a total of 72 affordable apartment units and on-site amenities. The project includes a density bonus request for 13 dwelling units in addition to the 59 units allowed by City Code (a 22% density increase). The proposal includes a request for three concessions (side yard setback, rear yard setback, and dimensions of balconies) and to waive the requirement for parking garages, in accordance with State density bonus law. The project site consists of 4.93 acres located at 5637 to 5727 Cypress Road (APN's: 222-0-070-110, -155, -185, -190). Filed by McCarthy Companies, agent for Ramona Property Partners LLP, 633 E. Ventura Blvd., Oxnard CA 93036.

### *Finding:*

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

- Exempt from CEQA, Section 15332 – In-Fill Development Projects
- 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 Section 15332, projects qualify for exemption if located in urbanized areas within city limits, on less than five acres of land, consistent with the zoning and General Plan, surrounded by urban development, all public services and utilities are available, and no sensitive habitats or species exist on the property. Therefore, staff has determined that there is no substantial evidence that the project may have a significant effect on the environment. Therefore, staff has determined that the project qualifies for exemption.

(Date)

Susan L. Martin, AICP  
Planning Division Manager

Planning Division

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

## **ATTACHMENT D**

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**Residential Relocation Summary**

**for**

**Las Villas de Paseo Nuevo**

Prepared for  
The McCarthy Companies

and  
Presented by

Tracey Taylor

January 19, 2011

Reviewed By: \_\_\_\_\_

Date: \_\_\_\_\_

Approved By: \_\_\_\_\_

Date: \_\_\_\_\_

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### **Scope of Project**

The proposed Las Villas de Paseo Nuevo project will create 72 affordable two and three bedroom apartments for low-income residents in Oxnard, California. The result of a public/private partnership—Oxnard Housing Authority, McCarthy Companies, and Las Cortes, Inc.—the effort will redevelop an existing blighted community in South Oxnard and increase the City's affordable housing stock. Thus, providing ample opportunity for the existing households who currently reside on the site to return to new and affordable apartments subject to certain residency restrictions. Residents will share use of a community building, tot lot, with recreational and barbeque areas.

The objective of this proposal and this partnership will be to relocate the existing households to comparable, decent, safe, and sanitary housing, with the goal of each returning with minimal disruption and undue hardship. The relocation plan will focus on the needs and preferences of the existing households, to minimize the impact and inconvenience of having to relocate family and personal belongings, and develop mobilized resident stakeholders who can anticipate and visualize living in quality affordable housing they can be proud of.

We will accomplish with this by developing an outreach plan that focuses on existing households and area neighbors. Individually, each play a role crucial to the project's completion, and working together they will ensure the project's long-term success.

The project must first receive required approvals from the City of Oxnard before moving forward with implementing the relocation plan. Existing households have been notified in writing via a General Information Notice describing the proposed project and their possible displacement pending the City's approvals.

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### **Locale Description**

The property address is 5701-5721, 5655 & 5667, 5637-5693 Cypress Road in Oxnard, California 93036. The lot size is 4.93 acres, with a buildable area of 75,184 square feet. The planned development will conform with existing neighborhood uses with the anticipated zoning change for the southern portion of the lot from R-1 to R-2.

The site is located in an area of Oxnard which is home to an established rental apartment market with an outstanding demand for affordable housing opportunities—the Oxnard Housing Authority reports over 2,300 families are currently on waiting lists for subsidized housing. The proposed project will target households with incomes between 30% and 60% of Area Median Income. We expect many of the existing families, if not all, to have household incomes within this range if not lower. Thus, the proposed units should market well and rent up smoothly.

Service amenities in close proximity to the project include grocery stores, pharmacies, libraries, parks, a regional medical center, community health clinics and shopping centers. Julien Hathaway Elementary School, Charles Blackstock Junior High School, EO Green Junior High School and Hueneme High School are all within 1.2 miles of the project. Oxnard College and the University of LaVerne are within 1.5 miles from the project, with three additional institutions of higher learning within 6 miles.

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### **Outreach**

#### **Tenants**

We will interview each tenant household to identify detailed household compositions, preferences, and specific needs. Each household will be asked a series of questions in the form of a prepared questionnaire. Household income will be determined based on the eligible income earned by adults eighteen years of age or older.

As a collective, the tenant population will be invited to discuss the project and hear the owners' vision and objective to maximize the return of as many existing households as possible. Separately, each household will be interviewed to identify specific needs and preferences, and receive a thorough explanation of relocation assistance potentially available to them.

The goal is for the tenants to identify themselves as stakeholders and beneficiaries of the proposed project. Residents will have the opportunity to help improve their community and live in larger, newly constructed, and affordable units.

The current residents will have an opportunity to view floor plans, elevations, and unit plans.

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### **Relocation Summary**

The Relocation Plan will demonstrate the owners' commitment to providing advisory services in a manner that is fair, uniform and equitable for all persons to be relocated by this project consistent with California State Relocation Law. Together with assistance of the relocation staff, the owners will work to ensure the successful relocation of the existing households with the goal of their ultimate return to newly constructed and affordable homes if eligible.

The relocation consultant will ask the owner for contact information for the tenants, to explain and discuss the relocation plan, their eligibility for relocation assistance, household needs, and preferences. Households will receive:

1. Relocation Brochure- **(Delivered and acknowledged in December 2010.)**
2. General Information Notice - **(Delivered and acknowledged December 2010.)**
3. Explanation of all potential benefits (verbally and in writing)
4. Notification of Relocation Eligibility in Writing
5. 90, 60, and 30-Day Notices to Vacate<sup>1</sup>

Households will be offered relocation assistance and referrals to comparable replacement dwellings in compliance with applicable State laws.

The following is a list of major tasks necessary to carryout the relocation project expeditiously. Additional tasks or variations may be required once the process is underway.

1. Participate in site inspections with owners, tenants, and relocation staff.
2. Interview and explain the relocation plan to existing households.
3. Determine whether or not the residential occupants are, in fact, domiciled.
4. Obtain necessary documentation to establish payment eligibility and benefits.
5. Identify relocation special needs, concerns or problems and make recommendations for resolution of all issues.
6. Compute moving payment allowances for each existing household.
7. Deliver relocation notices.
8. Provide an explanation of residential move options (e.g. self move vs. commercial movers) and determine amount of moving assistance payments.
9. Complete claim forms and submit for payment in a timely manner.
10. Provide advisory services to existing households including recommendations to community services.

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<sup>1</sup> Unusual circumstances may require an occupant to vacate with less than 90-Day notice, which will require a determination to vacate based on substantial danger to health or safety and must be documented in the household file. No emergency displacements have been identified at this time and none are anticipated.

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11. Provide existing households affordable replacement housing referrals and transportation to sites.
12. Refer existing households to public housing and/or tenant based section 8 voucher program if available.
13. Inspect replacement household for DS&S, functional equivalency and other conditions that meet the definition of comparable per California State Law.
14. Coordinate the actual move process.
15. Assist households in the preparation of appeals if needed.

The Las Villas de Paseo Nuevo Relocation Plan will be a public document available to all interested parties. However, the confidential information contained in each relocation file (e.g. income, age, disability, household composition, familial status, estimate of move payments, etc.) will be maintained in separate files and available only to the relocation specialists, owners, and City staff monitoring the relocation program. Each existing household may view their own relocation file, but will be restricted from accessing any other files.

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### **Residential Advisory Assistance**

The Las Villas de Paseo Nuevo project will relocate 22 households who reside in two bedrooms apartments currently. The immediate area appears to have sufficient comparable replacement dwellings to accommodate all tenants. We will need to compare current market rents to existing rents, and determine how many existing households qualify as low income.

Rent supplement payments must include eligible utility costs.

Tenants deemed eligible for relocation benefits may qualify for tenant based Section 8 vouchers (if household income does not exceed 50% Area Median Income), or receive rent supplement payments in accordance with California Relocation Law. These payments must factor in eligible utility costs.

Tenants eligible for relocation benefits will receive moving assistance payments. Tenants may select a "self-move" and receive payment for actual moving and related expenses, or receive fixed payment based on the most recent edition of the Fixed Residential Moving Cost Schedule. See FHWA website at: <http://www.fhwa.dot.gov>.

Every effort will be made to accommodate the preferences and special needs of each household. Referrals to community services and transportation to potential replacement dwelling sites will be provided to households free of charge.

If a household feels there is an inappropriate or inadequate determination of its eligibility or relocation payment, they may file a written appeal with the owners within 60 days after they receive written notification of the determination of their claim. They may inspect and copy all materials pertinent to their appeal, except materials, which are classified as confidential by the owners.

The Housing Director of the Oxnard Housing Authority, or his designee, and someone not directly involved with the matter being appealed will review each appeal. The household may request a formal hearing within fifteen (15) days of receipt of their appeal to owners and the Oxnard Housing Authority. A written decision of the matters being appealed will be issued no later than thirty (30) days after the letter of the end of the fifteen (15) day hearing request period, or close of the requested appeal hearing. The written findings shall explain the basis for the decision. If the relief sought is granted the matter will be considered closed. If the relief sought is denied, the appellant(s) shall be advised of their right to seek legal remedy.

*This Residential Relocation Summary is not intended to be a Relocation Plan. A Relocation Plan for public dissemination will be prepared following the completion of tenant interviews, the compilation and analysis of information gathered in the tenant interview process, and a cursory market analysis to identify the availability and cost of*

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*comparable replacement housing. This is intended to be only an interim report to facilitate the project predevelopment planning and entitlement process.*

**\*Please see the following attached below:**

Attachment A: General Information Notice (English & Spanish)

Attachment B: General Statistics on Occupied Units

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**ATTACHMENT A: GENERAL INFORMATION NOTICE**  
**DO NOT MOVE: THIS NOTICE DOES NOT REQUIRE YOU TO MOVE AT THIS TIME. IF YOU MOVE PRIOR TO RECEIVING A NOTICE OF ELIGIBILITY YOU WILL NOT BE ELIGIBLE FOR RELOCATION BENEFITS**

December 3, 2010

Family  
5637 Cypress Road  
Oxnard, CA 93030

Dear Tenant:

Ramona Property Partners, LLC, a California limited liability company, and Martin J. Marietta, Trustee of the Martin J. Marietta Living Trust dated November 30, 1996 are interested in redeveloping the property you currently occupy at 5701-5721, 5655 & 5667, 5637-5693 Cypress Road in Oxnard, CA 93030 for a proposed project of 72 affordable two and three bedroom apartments for low income families.

If the project is awarded required approvals from the City of Oxnard, you will be required to move so that the demolition and new construction can be completed. Suitable housing will be made available to you and you will be reimbursed for all reasonable out of pocket expenses, including moving costs and any increase in housing costs. You will need to continue to pay your rent and comply with all other lease terms and conditions until further notice.

Upon completion of the project, you will be able to lease and occupy your present apartment or another suitable, decent, safe and sanitary apartment in the same building/complex under reasonable terms and conditions. \*

In the State of California, as residential tenants you may be eligible for relocation assistance payments for a comparable unit. You must occupy a decent, safe, and sanitary dwelling within one year after vacating your current (displacement) residence to receive a relocation assistance payment. **No person who is lawfully occupying real property required for the project will be asked to move without first being given at least ninety (90) days advance notice, in writing.** No occupants of any type dwellings, eligible for relocation payments, will be required to move unless adequate, decent, safe, and sanitary replacement housing, which is open to all persons regardless of race, color, religion, sex, or national origin, has been made available to them. You will also have the right to appeal any determination of eligibility for relocation assistance, if you feel that your application for assistance was not properly considered.

If federal financial assistance is provided for the proposed project, you will be protected by a federal law known as the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA).

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**Legal Residency-** ALL households to be relocated will be asked to certify that they are, in fact, legally present in the U.S. Given that this certification will be required of ALL households, such request will be made without bias or discriminatory practice. Residents not lawfully present in the United States are ineligible for relocation payments and assistance. Ineligible residents with qualifying household members may be eligible for benefits.

We urge you not to move at this time. If you choose to move before a notice of eligibility is issued, you will not be provided relocation assistance.

Please remember:

- **This is not a notice to vacate the premises.**
- **This is not a notice of relocation eligibility.**

You will be contacted soon so that we can provide you with more information about the proposed project. If the project is approved, we will make every effort to accommodate your needs. In the meantime, if you have any questions about our plans, please contact: Denise Paul at (805) 485-4646, office located at 633 East Ventura Blvd., CA 93036.

Sincerely,

Denise Paul  
Owner Designee/Property Manager

Enclosure: "Relocation Assistance to Tenants Displaced from Their Homes" in English and Spanish.

\*\*\*

I have received the enclosed brochure "Relocation Assistance to Tenants Displaced from Their Homes," I have read the above information, and I understand the conditions outlined above (with the assistance of a translator when needed).

_____ Tenant Name (Print)	_____ Tenant Signature	_____ Date
_____ Tenant Name (Print)	_____ Tenant Signature	_____ Date
_____ Tenant Name (Print)	_____ Tenant Signature	_____ Date
_____ Proof of Service Print Name, and Title	_____ Signature	_____ Date

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Translator (Yes/No?)

\_\_\_\_\_  
Translator Name (Print)

\_\_\_\_\_  
Translator Signature

\_\_\_\_\_  
Date

Additional Spaces If Needed:

\_\_\_\_\_  
Tenant Name (Print)

\_\_\_\_\_  
Tenant Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Tenant Name (Print)

\_\_\_\_\_  
Tenant Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Tenant Name (Print)

\_\_\_\_\_  
Tenant Signature

\_\_\_\_\_  
Date

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**ANUNCIO DE INFORMACIÓN GENERAL**

**NO RETIRE: ESTE AVISO NO LE SOLICITA QUE USTED SE MUDE EN ESTE MOMENTO. SI USTED SE MUDA ANTES DE RECIBIR UN AVISO DE ELEGIBILIDAD, USTED NO PODRÁ RECIBIR LOS BENEFICIOS DE REUBICACIÓN**

3 de diciembre, 2010

Familia  
5637 Cypress Road  
Oxnard, CA 93030

Estimados inquilinos:

Ramona Property Partners, LLC, una compañía de California de responsabilidad limitada (LLC, por sus siglas en inglés), y Martin J. Marietta, administrador del Fideicomiso Martin Marietta J., fechado el 30 de noviembre de 1996, están interesados en volver a desarrollar las propiedades que ocupan en la actualidad ubicadas en 5701 a 5721, 5655 y 5667, 5637-5693 Cypress Road en Oxnard, CA 93030 para un proyecto de 72 apartamentos asequibles de dos y tres dormitorios para familias de bajos ingresos.

Si el proyecto recibe las aprobaciones requeridas por la ciudad de Oxnard, usted tendrá que mudarse para que la demolición y nueva construcción se pueda llevar a cabo. Una vivienda adecuada se pondrá a su disposición además de ser reembolsado por todos los gastos (siempre y cuando estos sean razonables), incluyendo gastos de traslado y cualquier aumento en los costos de vivienda. Usted tendrá que seguir pagando el alquiler y cumplir con todos los otros términos del contrato y las condiciones hasta nuevo aviso.

Una vez finalizado el proyecto, usted podrá alquilar y ocupar de nuevo el mismo apartamento u otro apartamento que sea adecuado, decente, seguro e higiénico en el mismo edificio / recinto bajo términos y condiciones razonables.

Como inquilino de vivienda en el Estado de California, usted puede ser elegible para recibir pagos de asistencia para ser reubicado a una unidad comparable. Para calificar, Después de haber desocupado su actual residencia, usted debe alquilar por un año una vivienda en buenas condiciones, segura y sanitaria para recibir un pago de asistencia de reubicación. **Ninguna persona que esté legalmente alquilando una de las unidades que podrían ser remodeladas tendrá que mudarse sin antes haber recibido notificación por escrito de por lo menos noventa (90) días de anticipación.** A ningún inquilino de cualquier tipo de viviendas, y que sea elegible para los pagos de reubicación, se le requerirá que se mude a otra vivienda a menos de que ésta esté en buenas condiciones, que sea segura y sanitaria. Dicha opción está abierta a todas las personas independientemente de su raza, color, religión, sexo u origen nacional. Si usted siente que su solicitud de ayuda no se consideró adecuadamente, tiene el derecho de apelar cualquier determinación.

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Si el gobierno federal proporciona asistencia financiera para el proyecto propuesto, usted estará protegido por una ley federal conocida en inglés como “*Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA)*”.

**Residencia legal:** A TODOS los hogares que serán reubicados se les pedirá que certifiquen su residencia legal en los Estados Unidos. Dicha certificación es requisito para todos los hogares, tal petición se hará sin prejuicios o prácticas discriminatorias. Los residentes que no estén legalmente en los Estados Unidos no podrán calificar para los pagos de reubicación y asistencia. Las personas que sean legales, pero que vivan con miembros de la familia que no lo son, pueden calificar para recibir los beneficios.

Le instamos a que no se mude en este momento. Si opta por mudarse antes de recibir una notificación de elegibilidad, no recibirá asistencia para su reubicación.

Por favor, recuerde:

- **Esto no es un aviso de desalojo.**
- **Esto no es un aviso de elegibilidad de reubicación.**

Nos pondremos en contacto pronto para que podamos ofrecerle más información sobre el proyecto propuesto. Si el proyecto es aprobado, haremos todo lo posible para satisfacer sus necesidades. Mientras tanto, si usted tiene alguna pregunta acerca de nuestros planes, por favor comuníquese con:

Denise Paul-Elliott en (805) 483-5899, extension #103 oficina ubicada en 335 North A Street, Oxnard CA 93030.

Atentamente,

Denise Paul-Elliott  
Propietario Designado / Encargado de Propiedad

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Documentos adjuntos: "Asistencia para la reubicación de los inquilinos desplazados de sus hogares" en Inglés y Español.

\*\*\*

He recibido el folleto adjunto "Asistencia para la Reubicación de los inquilinos desplazados de sus hogares," He leído la información anterior, y entiendo las condiciones descritas anteriormente (con la ayuda de un intérprete cuando sea necesario).

\_\_\_\_\_  
Nombre del inquilino (letra de molde)      Firma del inquilino      Fecha

\_\_\_\_\_  
Nombre del inquilino (letra de molde)      Firma del inquilino      Fecha

\_\_\_\_\_  
Prueba de servicio escriba el      Firma      Fecha  
Nombre, título y fecha

Traductor (Sí/No?)

\_\_\_\_\_  
Nombre del traductor (letra de molde)      Firma del traductor      Fecha

Espacio adicional, si es necesario:

\_\_\_\_\_  
Nombre del inquilino (letra de molde)      Firma del inquilino      Fecha

\_\_\_\_\_  
Nombre del inquilino (letra de molde)      Firma del inquilino      Fecha

\_\_\_\_\_  
Nombre del inquilino (letra de molde)      Firma del inquilino      Fecha

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ATTACHMENT B: Existing Households & Physical Unit Statistics To-Date

UNIT#	#BEDRMS	# PERSONS	CONTRACT RENT	TENANT PAYMT	SUBSIDY
5637	2+1, w/ shared 2-car garage	10	1130	1130	0
5639	2+1, w/ shared 2-car garage	6	1130	1130	0
5643	2+1, w/ 1-car garage	6	1100	1100	0
5645	2+1, w/ 2-car garage	2	1200	1200	0
5653	2+1	7	1300	1300	0
5655	2+1, w/ 1-car garage	11	1350	1350	0
5657	2+1	4	1000	1000	0
5661	2+1+den	6	1135	1135	0
5665	3+1	8	1350	1350	0
5669	2+1	10	1130	1130	0
5671	2+1	6	850	850	0
5673	1+1	6	885	885	0
5693	2+1, w/ 1-car garage	5	1085	1085	0
5701	2+1, w/ detached garage	7	975	975	0
5703	3+1	10	1150	1150	0
5705	2+1	5	850	850	0
5709	3+2, w/ detached garage	5	960	960	0
5711	2+1	9	920	920	0
5713	2+1, w/ detached garage	5	950	950	0
5715	2+1, w/ detached garage	11	950	950	0
5717	2+1, w/ detached garage	4	815	815	0
5727	1+1	3	800	800	0

## **ATTACHMENT E**

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RESOLUTION NO. 2011 –

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING TO THE CITY COUNCIL ADOPTION OF PLANNING & ZONING PERMIT NO. 11-570-01 (ZONE CHANGE), TO CHANGE THE ZONE DISTRICT TO MULTIPLE-FAMILY RESIDENTIAL PLANNED DEVELOPMENT (R-2-PD) FOR A.P.N.'S 222-0-070-110, 222-0-070-155 AND 222-0-070-190, LOCATED ON CYPRESS ROAD, SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY MCCARTHY COMPANIES ON BEHALF OF RAMONA PROPERTY PARTNERS LLP, 633 VENTURA BOULEVARD, OXNARD, CA 93036.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning & Zoning Permit No. 11-570-01, filed by the McCarthy Companies on behalf on behalf of Ramona Property Partners LLP, to amend the zoning of Assessor Parcel Numbers 222-0-070-110 and 222-0-070-190 from Single Family Residential (R-1) to Multiple-Family Residential Planned Development (R-2-PD), and to amend the zoning of Assessor Parcel Number 222-0-070-155 from Residential Planned Development (RPD) to Multiple-Family Residential Planned Development (R-2-PD); and

WHEREAS, the California Environmental Quality Act (CEQA) provides categorical exemption from preparation of environmental review pursuant to Section 15332 for in-fill development projects, and satisfies all criteria for this exemption; and

WHEREAS, the Planning Commission has held public hearings and received and reviewed written and oral comments related to proposed Planning & Zoning Permit No. 11-570-01; and

WHEREAS, the Planning Commission finds after due study and deliberation that the proposed zoning designation of Multiple-Family Residential Planned Development (R-2-PD) will bring the subject properties into conformance with the General Plan designation of Residential Low-Medium.

WHEREAS, the Planning Commission finds after due study and deliberation that the public interest and general welfare require the adoption of Planning & Zoning Permit No. 11-570-01.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby recommends to the City Council adoption of Planning & Zoning Permit No. 11-570-01, amending the City's official Zoning Map to change the zoning designation of said parcels 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 21<sup>st</sup> day  
of April, 2011, by the following vote:

AYES: Commissioners

NOES: Commissioners

ABSENT: Commissioners

\_\_\_\_\_  
Patrick Mullin, Chair

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

EXHIBIT A

All that certain real property situated in the County of Ventura, State of California, described as follows:

Assessor's Parcel No. 222-0-070-110

A part of Lot 10 of Garden City Acres, in the City of Oxnard, County of Ventura, State of California, as per Map recorded in Book 11, Page 104 of Maps, in the office of the County Recorder of said County, described as follows:

Beginning at a point on the Westerly line of said Lot 10, distant Southerly thereon 68.55 feet from the Northwesterly corner thereof;

- 1<sup>st</sup>: South 0° 02' East 137.11 feet; thence,
- 2<sup>nd</sup>: North 89° 53' East 75.00 feet; thence, parallel with the Westerly line of said Lot;
- 3<sup>rd</sup>: North 0° 02' West 137.11 feet; thence, parallel with the Northerly line of said Lot;
- 4<sup>th</sup>: South 89° 53' West 75 feet to the point of beginning.

---

Assessor's Parcel No. 222-0-070-155

A portion of Parcel C, Subdivision 83 of Rancho El Rio De Santa Clara O'La Colonia, in the City of Oxnard, County of Ventura, State of California, as per map recorded in Book 3 Page 14 of Maps, in the Office of the County Recorder of said County, more particularly described as follows:

Beginning at a point on the Westerly line of Cypress Road, 50.00 feet wide, as said road is shown on a map of Garden City Acres, in the City of Oxnard, County of Ventura, State of California, as per map recorded in Book 11 Page 104 of Maps, in the Office of the County Recorder of said County, said point also bears North 0° 02' 00" West 96.63 feet from the Northwesterly line of that strip of land 25.00 feet wide as conveyed to Ventura County Railway, recorded in Book 106 Page 540 of Deeds; thence from said Point of beginning,

- 1st: South 89° 58' 00" West 56.92 feet to a point on the Southwesterly line of Lot 10 of said Garden City Acres; thence along said Southeasterly line,
- 2nd: North 37° 10' 45" East 94.15 feet to a point on the Westerly line of said Cypress Road; thence along said Westerly line,
- 3rd: South 0° 02' 00" East 75.00 feet to the point of beginning.

Except therefrom Parcels 1 thru 6 above all water pipe lines, gates and valves and other property now installed in, through and across said land which belong to or comprise portions of the irrigation and/or water systems used in connection with said Subdivision, as reserved by Mary Farrell, a widow, in deed recorded June 9, 1943 in Book 676 Page 6, of Official Records.

---

Assessor's Parcel No. 222-0-070-190

A part of Lot 10 of Garden City Acres, in the City of Oxnard, County of Ventura, State of California, as per Map recorded in Book 11, Page 104 of Maps, in the office of the County Recorder of said County, described as follows:

Beginning at a point on the Westerly line of said Lot 10, distant Southerly thereon 68.55 feet from the Northwesterly corner thereof;

- 1<sup>st</sup>: South 0° 02' East 137.11 feet; thence,
  - 2<sup>nd</sup>: North 89° 53' East 75.00 feet; thence, parallel with the Westerly line of said Lot;
  - 3<sup>rd</sup>: North 0° 02' West 137.11 feet; thence, parallel with the Northerly line of said Lot;
  - 4<sup>th</sup>: South 89° 53' West 75 feet to the point of beginning.
- 

End of Exhibit A

RESOLUTION NO. 2011 –

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING & ZONING PERMIT NO. 11-535-1 (DENSITY BONUS) FOR AN AFFORDABLE HOUSING PROJECT WITH A TOTAL OF 72 APARTMENT DWELLING UNITS ON EXISTING LOTS OF RECORD, LOCATED AT 5637 – 5727 CYPRESS ROAD (A.P.N.'S: 222-0-070-110, -155, -185, -190), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY MCCARTHY COMPANIES ON BEHALF OF RAMONA PROPERTY PARTNERS LLP, 633 VENTURA BOULEVARD, OXNARD, CA 93036.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning & Zoning Permit No. 11-535-01 (Density Bonus) filed by McCarthy Companies on behalf of Ramona Property Partners LLP, in accordance with Section 16-561 of the Oxnard City Code; and

WHEREAS, the California Environmental Quality Act (CEQA) provides categorical exemption from preparation of environmental review pursuant to Section 15332 for in-fill development projects, and satisfies all criteria for this exemption; 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 a total of seventy two (72) dwelling units for households defined as low- and very low-income.
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 seventy two (72) 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 incentive for the proposed development, in accordance with Section 16-419(C)the City Code : 1) allow a minimum width of 5 feet for the balcony or patio of each unit.

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 thirteen (13) additional units for a maximum of 72 dwelling units on the site, a 22% 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*).

<b>DEPARTMENTS AND DIVISIONS</b>			
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 March 16, 2011, (“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 11-540-01 and Zone Change PZ 11-570-1. (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 72 units which qualified the applicant for the density bonus. The affordability shall be as follows: 21 units for up to 50% AMI (very low income), 50 units for up to 60% AMI (low income), and one rent-free unit for an on-site property manager, as 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 (30) 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 construction 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 21<sup>st</sup> day of April, 2011, by the following vote:

AYES: Commissioners

NOES: Commissioners

ABSENT: Commissioners

\_\_\_\_\_  
Patrick Mullin, Chair

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

RESOLUTION NO. 2011 –

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING & ZONING PERMIT NO. 11-540-1 (PLANNED DEVELOPMENT) TO ALLOW THE CONSTRUCTION OF TWELVE STRUCTURES WITH A TOTAL OF 72 AFFORDABLE APARTMENT DWELLING UNITS, ON-SITE AMENITIES, AND COMMUNITY ROOMS ON EXISTING LOTS OF RECORD, LOCATED AT 5637 – 5727 CYPRESS ROAD (A.P.N.'S: 222-0-070-110, 222-0-070-155, 222-0-070-185, 222-0-070-190), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY MCCARTHY COMPANIES ON BEHALF OF RAMONA PROPERTY PARTNERS LLP, 633 VENTURA BOULEVARD, OXNARD, CA 93036.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning & Zoning Permit No. 11-540-1, filed by McCarthy Companies on behalf of Ramona Property Partners LLP, in accordance with Sections 16-530 through 16-553 of the Oxnard City Code; and

WHEREAS, the California Environmental Quality Act (CEQA) provides categorical exemption from preparation of environmental review pursuant to Section 15332 for in-fill development projects, and satisfies all criteria for this exemption; 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 March 16, 2011, (“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 obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, G-11)
10. Developer shall not permit any combustible refuse or other flammable materials to be burned on the project property. (FD, G-12)
11. Developer shall not permit any materials classified as flammable, combustible, radioactive, carcinogenic or otherwise potentially hazardous to human health to be handled, stored or used on the project property, except as provided in a permit issued by the Fire Chief. (FD, G-13)
12. If Developer, owner or tenant fails to comply with any of the conditions of this permit, the Developer, owner or tenant shall be subject to a civil fine pursuant to the City Code. (CA, G-14)

## **DEVELOPMENT SERVICES DIVISION STANDARD CONDITIONS**

13. 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)*
14. Developer's Engineer shall design parking lot structural sections based on an analysis of the soils R-value and a traffic index (T.I.) approved by the City Engineer. The minimum structural section for parking lots is two inches of asphalt on four inches of base material. Developer shall show the proposed structural section on the site improvement plans. *(DS-2)*
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. Each structure shall be served by separate sewer and water services. There shall be no interconnections between structures. *(DS-8)*
20. Curb cut widths and design shall conform to City ordinances, standards, and policies in effect at the time City issues an encroachment permit. *(DS-9)*
21. If the existing sewer lateral is larger than four inches in diameter, Developer's site improvement plans shall include an on-site sewer plan. *(DS-10)*
22. Where a separate loop or terminal line is required for water mains, fire hydrants or fire sprinkler systems, Developer's site improvement plans shall include an on-site water plan. *(DS-11)*
23. Developer shall install on-site and off-site utility services underground in accordance with City ordinances in effect at the time City issues the building permit. Services shall be installed underground to the nearest suitable riser pole as determined by the appropriate utility service provider. *(DS-12)*

24. Developer shall enter into an agreement, approved as to form by the City Attorney, to install and construct all public improvements required by this permit and by the City Code and shall post security satisfactory to the Finance Director, guaranteeing the installation and construction of all required improvements within the time period specified in the agreement or any approved time extension. *(DS-14)*
25. A civil engineer licensed in the State of California shall prepare the public improvement plans and documents for this project in accordance with City standards and shall submit all such plans to the City Engineer. Such plans and documents shall include, but not be limited to, grading, street, drainage, sewer, water and other appurtenant improvement plans; a master utility plan showing the layout and location of all on-site and off-site utility improvements that serve the project; construction cost estimates, soils reports, and all pertinent engineering design calculations. City will not accept an application for the final map or parcel map for the project or issue a grading, site improvement or building permit until the City Engineer has approved all improvement plans. *(DS-15)*
26. Prior to issuance of a site improvement permit, Developer shall provide to the Development Services Division a compact Disc (CD) containing digital copies of the final subdivision map, address map, and civil improvements drawings in DWG format. Prior to improvement bond release, Developer shall provide an updated CD containing all changes that occur during construction. *(DS-16)*
27. Developer shall provide all necessary easements for streets, highways, alleys, sidewalks, breezeways, parkways, landscaping, utilities, drainage facilities, and other improvements as required by City. If such easements cannot be obtained from the property owner by negotiation, City may acquire them at the expense of Developer by exercise of the power of eminent domain. Developer shall bear all costs of eminent domain proceedings, including appraisal, acquisition, attorney's fees, and court costs. Before City issues a site improvement permit, Developer shall dedicate all required easements to City. *(DS-19)*
28. 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)*
29. 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)*
30. Developer shall pay the cost of all inspections of on-site and off-site improvements. *(DS-22)*
31. Developer shall be responsible for all project-related actions of Developer's employees, contractors, subcontractors, and agents until City accepts the improvements. *(DS-23)*

32. 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)*
33. "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)*
34. 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)*
35. 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)*
36. In order to mitigate any potential flooding or erosion affecting adjacent properties and public rights-of-way, Developer shall construct required drainage facilities concurrently with the rough grading operations, or with prior approval of the City Engineer, provide interim drainage improvements on a temporary basis. *(DS-31)*
37. Storm drain, sewer and water facilities shall conform to applicable City Master Plans. Developer shall prepare plans for these facilities in accordance with City's engineering design criteria in effect at the time of improvement plan submittal. Developer shall submit plans with pertinent engineering analyses and design calculations for review and approval by the City Engineer prior to issuance of a site improvement permit. *(DS-34)*
38. 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)*

39. Developer shall dispose of sewage and solid waste from the project by City's wastewater and solid waste systems in a manner approved by the City Engineer. *(DS-38)*
40. 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)*
41. Developer shall install adequately sized water services and meters to each lot or unit in accordance with City standards in effect at the time City issues building permits. There shall be no interconnections between structures. *(DS-42)*
42. 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)*
43. Developer shall install City approved backflow prevention devices for water connections if so ordered by the City Engineer. *(DS-45)*
44. Prior to designing the water system for the project, Developer shall have a certified fire flow test performed to determine existing water pressure and flow characteristics. The water system shall be designed to allow for a 10 psi drop in the static water pressure measured during the fire flow test. After construction and before City issues a certificate of occupancy, the City Engineer may require a second test. Before performing the tests, Developer shall obtain permits from the City Engineer. Developer shall have all tests certified by a mechanical, civil, or fire protection engineer and provide written results of all tests to the City Engineer. *(DS-47)*
45. Developer shall construct all street and road improvements in conformance with the City Code, the City's 2020 General Plan, and any applicable specific plan. *(DS-48)*
46. Street and road improvements shall conform to City standards and policies. Improvements shall include upgrading of existing pavement along the project frontage to City standards by removing and replacing or overlaying, as directed by the City Engineer. *(DS-51)*
47. Developer shall provide soils reports, "R" value tests, and compaction tests for all streets. Determination of the actual structural sections shall be based on City's design procedure, applying the appropriate traffic index specified in City standards. *(DS-53)*
48. Developer shall install all water, gas, sewer, storm drain, electrical, cable television, and telephone lines before any paving is placed. *(DS-54)*
49. 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)*

50. As part of the master utility plans, Developer shall submit a street lighting plan. On City's approval of the plan, Developer shall install streetlights in accordance with the plan. *(DS-60)*
51. 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)*
52. Developer shall provide adequate vehicle sight distance as specified by CalTrans specifications at all driveways and intersections. *(TR-71)*
53. Developer shall install bike racks in accordance with City standards at locations approved by City Traffic Engineer. *(TR-73)*

### **STORMWATER QUALITY CONDITIONS**

54. 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)*
55. Developer shall design parking lot and other drive areas to minimize degradation of stormwater quality. Using Best Management Practices (BMPs), such as oil and water separators, sand filters, landscaped areas for infiltration, basins or approved equals, Developer shall intercept and effectively prevent pollutants from discharging to the storm drain system. The stormwater quality system design shall be approved by the City Engineer prior to the issuance of a site improvement permit. *(DS-81)*
56. Using forms provided by the Development Services Division, Developer shall submit a stormwater quality control measures maintenance program ("the Program") for this project. If the BMPs implemented with this project include proprietary products that require regular replacement and/or cleaning, Developer shall provide proof of a contract with an entity qualified to provide such periodic maintenance. The property owner is responsible for the long-term maintenance and operation of all BMPs included in the project design. Upon request by City, property owner shall provide written proof of ongoing BMP maintenance operations. No grading or building permit shall be issued until the Development Services Manager approves the Program and Developer provides an executed copy for recordation. *(DS-82)*

57. Developer shall clean on-site storm drains at least twice a year; once immediately before the first of October (the beginning of the rainy season) and once in January. The City Engineer may require additional cleaning. *(DS-83)*
58. Developer shall maintain parking lots free of litter and debris. Developer shall sweep sidewalks, drive aisles, and parking lots regularly to prevent the accumulation of litter and debris. When swept or cleaned, debris must be trapped and collected to prevent entry into the storm drain system. Developer may not discharge any cleaning agent into the storm drain system. *(DS-84)*
59. Prior to issuance of a certificate of occupancy, on-site storm drain inlets shall be labeled "Don't Dump - Drains to Ocean" in accordance with City standards. Before City issues a site improvement permit, the requirement to label storm drain inlets shall be shown on the civil engineering plans. *(DS-85)*
60. Prior to issuance of a grading permit or commencement of any clearing, grading or excavation, Developer shall provide the City Engineer with a copy of a letter from the California State Water Resources Control Board, Storm Water Permit Unit assigning a permit identification number to the Notice of Intent (NOI) submitted by Developer in accordance with the NPDES Construction General Permit. Developer shall comply with all additional requirements of the General Permit, including preparation of a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP shall identify potential pollutant sources that may affect the quality of discharges to stormwater and shall include the design and placement of recommended Best Management Practices (BMPs) to effectively prohibit pollutants from the construction site entering the storm drain system. Developer shall keep the SWPPP updated to reflect current site conditions at all times and shall keep a copy of the SWPPP and the NOI on the site and make them available for City or designated representative to review upon request. *(DS-86)*

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

61. Developer shall pay to the County of Ventura a road mitigation fee in accordance with the agreement between the City and the County of Ventura. Proof of payment shall be provided to the Development Services Division prior to issuance of a building permit. *(DS-105)*
62. Developer shall dedicate to the City approximately 4 feet of right-of-way along the entire Cypress Road frontage required to construct the improvements listed in these conditions of approval. (DS)
63. Developer shall reconstruct Cypress Road along the project frontage and provide approved transitions that result in a street half width of 18 feet (36' overall curb to curb width) with an additional 6 foot parkway and 5 foot sidewalk. Sidewalk and parkway configuration shall extend along the entire project frontage. Portions of the parkway may be paved to provide temporary transitions to adjacent existing sidewalks. (DS)

64. Developer shall construct a minimum 7 foot wide sidewalk at all locations where the sidewalk is constructed adjacent to the front of parking spaces. (DS)
65. Developer shall construct proposed walkways that cross vehicular drive aisles of colored enhanced concrete. The concrete color shall contrast with the parking lot asphalt to clearly identify pedestrian areas. (DS)
66. 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)
67. Developer shall construct all trash enclosures with a pedestrian entrance that does not require residents to open the main enclosure doors to deposit refuse. Pedestrian entrance shall include a self-closing door and shall be connected to an accessible pedestrian path from the project buildings. (DS)
68. Developer has opted to pursue obtaining water service from the City in lieu of service from the Cypress Mutual Water Company. Prior to issuance of a site improvement permit, Developer shall provide the City Engineer with a written waiver from the Cypress Mutual Water Company for loss of service area for the portion of this project that will be served with City water. If Developer cannot obtain such a waiver, the City may allow Developer to execute an undertaking in a form approved by the City Attorney to indemnify, defend, and hold harmless the City and its officers, and employees as to all claims for compensation resulting from City's encroachment into the service area of the mutual water company. Acceptance of the undertaking by City in lieu of a written waiver by the Cypress Mutual Water Company is at the sole discretion of the City. (DS)
69. Prior to issuance of a building permit, Developer shall provide proof that the property has been annexed into the Calleguas Municipal Water District if the project is served by the City Water system. (DS)
70. Developer shall construct all onsite distribution water pipes of a minimum 8 inch diameter. The pipeline within Cypress Road shall be constructed with a minimum of a 12 inch diameter. The Cypress Road pipeline shall be installed in the City's standard street location and shall extend at a minimum along the entire project frontage. If determined necessary by the City Engineer, Developer shall extend the waterline within Cypress Road northerly (approximately 180 feet) to the intersection of Clara Avenue and Cypress Road to connect to the waterline proposed at this intersection as depicted on drawing 2005-019A. (DS)
71. Developer shall provide onsite fire hydrants such that all points of all structures are within one hundred fifty (150) feet of a fire hydrant, or as otherwise approved by the Fire Department. Fire hydrant line improvements shall be designed in accordance with City standards (including minimum fire flows) and shown on the civil engineer's improvement plans prior to issuance of a site improvement/grading permit. Developer shall provide the City with an easement over the waterline using standard City format. (DS)

72. Developer shall locate all fire department connections (FDCs) in locations that are easily accessible to a fire engine and shall not be located behind a vehicle parking space. (DS)
73. Project drainage report shall include an evaluation of the drainage pattern of the properties northerly of this project to determine if any stormwater is currently conveyed onto this property. Developer is responsible for conveying any historic discharge to a safe point of disposal. (DS)
74. Developer shall design the grass swale filter in accordance with the 2002 Technical Guidance Manual for Stormwater Quality Control Measures. Design calculations shall be included in the project drainage report. (DS)
75. Developer's engineer shall provide City with written confirmation that they have reviewed the landscape construction drawings within the NPDES grass swale filter areas and that the proposed landscaping conforms to SQUIMP standards for grass swale filters. (DS)
76. Developer shall provide a 6 inch minimum vertical drop between the flow line of the parking lot concrete gutter and the flow line of the grass swale filter at each location where stormwater enters the filter swale. The transition between gutter flow line and swale flow line shall be constructed similar to a concrete ribbon gutter. (DS)
77. Developer shall install a perforated underdrain below all grass swale filter constructed with a longitudinal slope of less than 1%. Underdrain shall connect to a point of safe discharge as approved by the Development Services Manager. (DS)
78. If Developer constructs infiltration based treatment BMPs (e.g. infiltration trenches, basins, or proprietary infiltration devices) then Developer shall provide site specific analysis and recommendations from a geotechnical engineer and a landscape architect for design and implementation of proposed stormwater infiltration devices. Geotechnical Engineering analysis and recommendations shall include, but not be limited to, determination of site soil infiltration rates, depth to permeable soil layers, methods to reach permeable soil layers, appropriate compaction rates, recommendations to enhance infiltration, and methods (e.g. Pre-treatment) to minimize long-term occlusion of soil porosity. Landscape architectural recommendations shall include, but not be limited to, suggestions regarding appropriate vegetation and soil amendments for vegetated infiltration devices. Design plans shall implement approved design recommendations. Grading plans shall implement temporary fencing or other similar barriers to prevent compaction of the soil in the infiltration devices during construction. (DS)
79. Developer shall stripe and sign a school bus stop along the project frontage. Final design and location of the bus stop shall be approved by the City Traffic Engineer. (DS)
80. Prior to issuance of a site improvement/grading permit, Developer shall provide proof that all underlying lots of this project have been merged into one legal lot. (DS)

81. Prior to issuance of a site improvement/grading permit, Developer shall provide a 100-scale base map for addressing purposes. The map shall be drawn on 18” by 24” mylar and shall show the standard address and title block, north arrow, street names, tract numbers, and lot numbers. The City will assign all addresses. (DS)
82. Developer shall clearly mark visitor parking spaces with the painted designation “Visitors Only” per Section 16-622 of the City Code. Project management regulations shall include the requirement to maintain visitor designation and actively prohibit use of visitor parking stalls by residents. (TR)
83. Developer shall supply and install crossing arms and associated safety equipment in both directions for the nearby Cypress Road railroad crossing. Developer may explore other traffic control systems in accordance with the California Manual on Uniform Traffic Control Devices. All proposed traffic control systems, including installation of crossing arms, shall be determined by an engineering study and are subject to approval by the railroad owner and the City Traffic Engineer. (TR)

#### **LANDSCAPE STANDARD CONDITIONS**

84. 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)
85. 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)
86. 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)
87. 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)
88. 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)
89. 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

90. 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. (PK)
91. Prior to issuance of a building permit, the Quimby Fee calculation worksheet shall be reviewed and verified by the Development Services Landscape Architect. (PK)
92. The Developer's Landscape Architect or Architect shall provide the City with written confirmation that they have reviewed the civil engineering construction drawings and that the NPDES requirements are not in conflict with meeting the City's landscape requirements. (PK)
93. All landscaping and irrigation shall comply with Ordinance No. 2822, which adopted the City of Oxnard Landscape Water Conservation Standards. (PK)
94. Within sixty days of approval of the project, the Developer shall provide the Parks and Facilities Superintendent with a complete, detailed Landscape Maintenance District Master Plan for all phases of the project and shall deposit fees (not to exceed \$13,700) as directed by Parks and Facilities Superintendent. Deposit fee is to pay for staff time, attorney time, and the engineer's report necessary to prepare all documents and hold hearings in order to join the existing assessment district #58 and impose an assessment formula and assessments on property within the project to pay the costs of maintaining the designated landscaping in the district. (PK)
95. The Landscape Maintenance District Master Plan shall be drawn at an approved scale, clearly designating areas of maintenance responsibility assumed by: (a) a landscape maintenance district; (b) a homeowners association; and/or (c) the City. After Superintendent approves such plan, Developer shall provide to Superintendent a mylar (minimum 3 mil) original drawing of the maintenance district master plan. (PK)
96. At the time of Plan Check submittal, the developer shall provide written documentation from the Parks and Facilities Superintendent that confirms that the developer is in the process of joining the existing Landscape Maintenance District #58. (PK)
97. Staff concurs with the Arborist's Tree Report appraisal value of \$45,067 as the value of the trees which are designated to be removed from the site. The value of \$45,067 shall be put back into new tree sizes for the project and shall be in addition to meeting the City's minimum tree size of 24" box. (PK)
98. At the time of Landscape/ Irrigation Plan Check submittal, the landscape plans shall contain a Tree Tabulation Calculation Chart showing how the removed tree value is being put back into new tree sizes for the project in addition to meeting the City's minimum tree size of 24" box. A priority shall be given to upsizing trees along the frontage of the project and then all other tree within the project. (PK)

## **FIRE DEPARTMENT STANDARD CONDITIONS**

99. Developer shall mark all designated fire lanes in accordance with the California Vehicle Code. (FD/B, *F-1*)
100. 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*)
101. 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*)
102. 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*)
103. 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*)
104. The project shall meet the minimum requirements of the "Fire Protection Planning Guide" published by the Fire Department. (FD, *F-6*)
105. At all times during construction, Developer shall maintain paved surfaces capable of handling loads of 46,000 pounds which will provide access for fire fighting apparatus to all parts of the project property. (FD/DS, *F-7*)
106. Developer shall identify all hydrants and fire protection equipment on the project property as required by the Fire Chief. (FD, *F-8*)
107. Developer shall provide central station monitoring of the fire sprinkler system and all control valves. (FD, *F-10*)
108. The turning radius of all project property driveways and turnaround areas used for emergency access shall be approved by the City Traffic Engineering Department. (FD, *F-11*)
109. 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*)
110. 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*)

111. 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**

112. Fire sprinkler coverage is required for the following. (FD)
- 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.
113. Before the city issues a certificate of occupancy, the developer shall install a Knox key vault at a location to be determined by the Fire Department. (FD)
114. Developer shall ensure Fire Department access through man-gates, either by Knox lock devices or other Fire Department approved means. (FD)
115. Developer shall provide a minimum ten foot separation between service/maintenance enclosure and trash enclosure on northeast corner of project property. (FD)
- a. Service building and trash enclosure must be of non-combustible construction.
  - b. Service building must be less than 500 square feet, and is restricted to storage only. No maintenance or repair of gasoline powered equipment shall be allowed.

#### **PLANNING DIVISION STANDARD CONDITIONS**

116. 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*)
117. 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*)
118. 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*)

119. Before the City issues building permits, Developer shall provide to the Planning Division Manager color photographic reductions (8 1/2" by 11") of full-size colored elevations and any other colored exhibit approved by the Planning Commission. Developer may retain the full-size colored elevations after the reductions are so provided. (PL, *PL-4*)
120. 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*)
121. 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*)
122. Developer shall provide graphic site directories at principal access walkway points. (PL/B, *PL-10*)
123. Developer shall provide for dust control at all times during project property preparation and construction activities. (B/DS, *PL-13*)
124. Developer agrees to participate in a water conservation program that includes refitting water fixtures existing on the project property with water conserving devices within residences or businesses in the City's water service area, if such a program is in effect when building permits are issued for this project. Among the requirements of such a program might be refitting existing toilets, faucets, shower heads, landscaping irrigation or other fixtures and items that consume water within the structure. (PL, *PL-14*)
125. 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*)
126. 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*)
127. 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*)
128. 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*)

129. 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*)
130. All residential dwelling unit developments shall include architectural articulation on all four sides of each unit. Such articulation shall include, but not be limited to, window treatment; trim and a variety of finishes matching front facades; and balconies, porches, and trellises. Developer shall submit elevations depicting such articulation to the Planning Division for approval prior to issuance of building permits. (PL, *PL-28*)
131. Light standards illuminating interior walkways shall be no more than eight feet high. Light shall not intrude into private living or patio areas. Light standards serving recreational areas held in common shall be no more than 15 feet high. Light shall be directed away from dwelling units. (B, *PL-30*)
132. Developer shall construct each dwelling unit with separate utility systems and meters. Developer shall paint utility meter panels to match structures upon which it is located. Such panels shall be located to take advantage of screening (e.g. landscaping or other building elements) from public right-of-ways, to the maximum extent feasible. (DS/B, *PL-34*)
133. Developer shall prohibit the parking of recreational vehicles in the project. (B, *PL-39*)
134. 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**

135. This permit is granted subject to the approval of a Zone Change (PZ No. 11-570-1) for the project property. (PL)
136. This permit is granted subject to the approval of a Density Bonus (PZ No. 11-535-1) for the project property. The density bonus approval pursuant to Government Code §65915 includes one concession to allow modification of the development standard pertaining to dimensions of balconies and patios (City Code §16-362 (F)) to permit less than 10 feet in depth.
137. Unless otherwise exempted by the State density bonus law (Government Code Sections 65915 – 65918), Developer shall provide off-street parking for the project, including the number of spaces, stall size, paving, striping, location, and access, as shown on the site plan dated March 16, 2011. (PL)

138. Developer shall remove any and all graffiti from the project premises, including but not limited to graffiti within the building, such as in restrooms or fitting rooms, within 24 hours of its appearance. The surface of such affected areas shall be matched to blend in with the underlying colors and/or design, and shall not look like a paint patch. (PL)
139. 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)

### *Air Quality*

140. Developer shall ensure that all construction equipment is maintained and tuned to meet applicable Environmental Protection Agency (EPA) and California Air Resources Board (CARB) emission requirements. At such time as new emission control devices or operational modifications are found to be effective, Developer shall immediately implement such devices or operational modifications on all construction equipment. (PL)
141. At all times during construction activities, Developer shall minimize the area disturbed by clearing, grading, earth moving, or excavation operations to prevent excessive amounts of dust. (PL)
142. During construction, Developer shall water the area to be graded or excavated prior to commencement of grading or excavation operations. Such application of water shall penetrate sufficiently to minimize fugitive dust during grading activities. (PL)
143. During construction, Developer shall control dust by the following activities. (PL)
  - a. All trucks hauling graded or excavated material offsite shall be required to cover their loads as required by California Vehicle Code §23114, with special attention to Sections 23114(b)(F), (e)(2) and (e)(4) as amended, regarding the prevention of such material spilling onto public streets and roads.
  - b. All graded and excavated material, exposed soils areas, and active portions of the construction site, including unpaved onsite roadways, shall be treated to prevent fugitive dust. Treatment shall include, but not necessarily be limited to, periodic watering, application of environmentally-safe soil stabilization materials, and/or roll-compaction as appropriate. Watering shall be done as often as necessary and reclaimed water shall be used whenever possible.
144. During construction, Developer shall post and maintain onsite signs, in highly visible areas, restricting all vehicular traffic to 15 miles per hour or less. (PL)
145. 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)

***Cultural Resources***

146. Developer shall contract with a Native American monitor to be present during all subsurface grading, trenching or construction activities on the project site. The monitor shall provide a monthly report to the Planning Division summarizing the activities during the reporting period. A copy of the contract for these services shall be submitted to the Planning Division Manager for review and approval prior to issuance of any grading permits. The monitoring report(s) shall be provided to the Planning Division prior to approval of final building permit signature. (PL)

***Noise***

147. 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)
148. All habitable structures shall comply with the recommendations for noise reduction contained in the noise report dated July 27, 2007, prepared by Rincon Consultants Inc. (PL)

***Geology & Soils***

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

***Traffic & Transportation***

150. Prior to issuance of a building permit, the Developer shall pay the applicable City and County cumulative impact traffic mitigation fee. (PL)

**ENVIRONMENTAL RESOURCES DIVISION**

151. 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.

152. 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.
153. 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.
154. 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.
155. 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.
156. 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 21<sup>st</sup> day of April, 2011, by the following vote:

AYES: Commissioners

NOES: Commissioners

ABSENT: Commissioners

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Patrick Mullin, Chair

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