



Planning Division

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Juan Martinez, Associate Planner

DATE: July 7, 2011

SUBJECT: Planning and Zoning Permit No. 09-550-10, (Special Use Permit) CEMEX Construction Materials Pacific LLC, 540 Diaz Avenue.

- 1) **Recommendation:** That the Planning Commission adopts a resolution approving Planning and Zoning Permit No. 09-550-10 for a special use permit, subject to certain findings and conditions.

- 2) **Project Description and Applicant:** A request to permit and authorize CEMEX to expand and continue to use a 0.4 acre parcel located at 540 Diaz Avenue and situated directly adjacent to their existing concrete batch plant facility situated on a portion of 548 Diaz Avenue. The site will primarily be used for truck wash and clean-out operations and to park cement mixing trucks. The special use permit will permit ancillary activities proposed on the 0.4-acre parcel and incorporate existing concrete batch plant operations taking place on a portion (1.3-acres) of a 1.9-acre site. Filed by Benjamin A. Runnels with CEMEX Construction Material Pacific LLC, P.O. Box 1500 Houston, Texas 77251.

- 3) **Existing & Surrounding Land Uses:** CEMEX is currently licensed to operate their concrete batch plant within a portion of a 1.9-acre site (548 Diaz Avenue). Prior to CEMEX, the previous business operator (Team Transit) extended its business operations without permits into an adjacent 0.4-acre site (540 Diaz Avenue).

SURROUNDING LAND USES			
DIRECTION	ZONING	GENERAL PLAN	EXISTING ZONING
PROJECT SITE	M2 (Heavy Manufacturing)	Central Industrial Area	Non-Permitted Activities Related to 548 Diaz
North	M2 (Heavy Manufacturing)	Central Industrial Area	Quest Auto Parts
East	M2 (Heavy Manufacturing)	Central Industrial Area	Primary Energy EF Oxnard

South	M2 (Heavy Manufacturing)	Central Industrial Area	Primary Energy EF Oxnard/Packing House
West	M2 (Heavy Manufacturing)	Central Industrial Area	Industrial Auto Related

4) Background Information: In August of 2000, the Planning Manager approved a modification to the Special Use Permit and allow Team Transit (CEMEX - today) to operate a concrete batch plant and concrete recycling facility on a portion of 548 Diaz Avenue. In 2008, Team Transit was cited for expanding its operations into a northerly 0.4-acre parcel without filing for a special use permit as required by City Code Section No. 16-246 (Special Use Permit Requirement). However, in mid 2008, CEMEX purchased the operation along with the non-permitted activities taking place at 540 Diaz Avenue (0.4-acre site) and subsequently filed an application to permit ancillary activities within the subject parcel.

In 2002, Parcel Map No. 01-500-122 was approved, which subdivided a single 0.8-acre parcel into two parcels and created the subject 0.4-acre site (Parcel 2) which is now owned by CEMEX.

5) Environmental Determination: In accordance with Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, projects involving "existing facilities where there is negligible or no expansion of use" may be found to be exempt from the requirements of CEQA. This proposal proposes to legally expand into an adjacent undeveloped site by permitting truck parking and clean-out truck services. Therefore, staff has determined that there is no substantial evidence that the project may have a significant effect on the environment and recommends that Planning Commission accept the Notice of Exemption (see Attachment D).

6) Analysis:

a) General Discussion: In accordance with City Code Section No. 16-246, a special use permit is necessary since the site at 540 Diaz Avenue does not possess entitlement use approvals. The proposed special use permit will incorporate both properties on which CEMEX is conducting their operations. The subject parcel which is owned by CEMEX and a 1.37-acre leased portion of a 1.9-acre site owned by Hull Bros Commercial Properties.

CEMEX currently operates Monday through Saturday and annual productions are limited to a maximum of 250,000 cubic yards in accordance with the Ventura County Air Pollution Control District (APCD) permit. Loading activities per cement truck average about 15 minutes and deliveries occur throughout the day. Trucks returning go through a wash and clean-out process which takes approximately 20-minutes. Concrete solids are washed into recycle basins and the water is recycled by the plant. Recycle basins are cleaned and solids are removed on as needed basis and solids are hauled off-site to a CEMEX facility in Moorpark for recycling.

Concrete batch plant operations are housed within a 19,333 square foot building that includes a 2,781-square foot two story office area, a mixing hopper, several conveyors, radius

conveyor, bag house, dispatch center and a maintenance area. Outdoor facilities include loading area, concrete washout and settlement basins. In 2000, the City granted approval for the operator to install at the facility at 548 Diaz Avenue a 56-foot high loading hopper, drive through loading ramps, and four 43-foot high storage silos.

- b) General Plan Consistency:** The project site is zoned M-2 (Heavy Manufacturing) and is consistent with its General Plan Land Use Designation of Central Industrial. The Central Industrial zone is characterized by uses which often involve outdoor uses and storage activities, such as agricultural processing and service, vehicle and equipment storage and repair.
- c) Conformance with Zoning Development Standards:** The proposed development is located in the Heavy Manufacturing (M-2) zone district. The Heavy Manufacturing zone is characterized by heavy industrial uses involving outdoor storage, handling and manufacturing of hazardous material and activities. In accordance with City Code Section No. 16-246, the proposed expansion and use of the 0.4-acre site may be permitted provided that a special use permit is approved.
- d) Site Design:** The rectangular shaped 0.4-acre site is surrounded by developed properties; however, it is considered vacant and undeveloped. CEMEX is currently using the site to clean-out cement mixing trucks and park/store trucks after cleaning. Concrete blocks existing on site will be removed and a new wall will be installed along the north and west sides to accommodate screening of outdoor uses. Through access between the parcels is expected for ingress/egress. A shared reciprocal access agreement between the two properties will be required; since, the 1.37-acre site is leased and not owned by CEMEX. In addition, any equipment or utility services necessary to support the proposed ancillary uses will be required to record on title easements for property crossings and encroachments.

An underground water quality infiltration system will be installed within the subject 0.4-acre site and on-site trench drains will collect site flows and direct flows to the gravity infiltration basin. Surface flows and processed water will be collected in the basins and treated by an environmental separator which is an underground system that has chambers designed to separate solid matter (sand, gravel, etc) and water. This system will exist on each of the two parcels and the processed water will then be reused/recycled by the cement manufacturing process.

- e) Circulation and Parking:** The site is served by existing curb, gutter, and sidewalk conditions along Diaz Avenue. Truck ingress/egress will be provided via an existing curb cut along Diaz Avenue and lateral access between properties will be possible for truck queuing and loading operations. Trucks stacking and loading will occur onsite, along the southern side of the building.

The proposed site plan identifies ten (10) Ready Mix truck parking spaces, four (4) of which will be jointly used by drivers to park their personal vehicles. Associated Transportation Engineers (ATE) prepared a parking analysis dated February 2010, analyzing on-site parking demands for the project. The analysis concluded that 14 on-site parking spaces is adequate provided that CEMEX continues to implement its joint use parking plan as described on page 2 of the parking analysis. The analysis takes in to account that the facility does not generate customer drive-ins and the number of employees working on site. CEMEX currently employs twelve (12) full-time employees; Ten (10) ready mix truck drivers; One (1) plant manager; and One (1) yard man. Two (2) maintenance mechanics may come on-site on 'as needed' basis for servicing Plant equipment and/or fleet vehicles.

f) Landscaping and Open Space: Proposed improvements on the 0.4-acre site involve installation of a 10-foot wide planting area along the front of the property. In addition, a 6-foot high screen wall is proposed along the north and west property lines. The north elevation will include vine pockets with climbing vines to deter graffiti nuisance.

7) Development Advisory Committee: The Development Advisory Committee (DAC) reviewed this project in July of 2010. Recommendations of the DAC are included in the attached resolution.

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

Attachments:

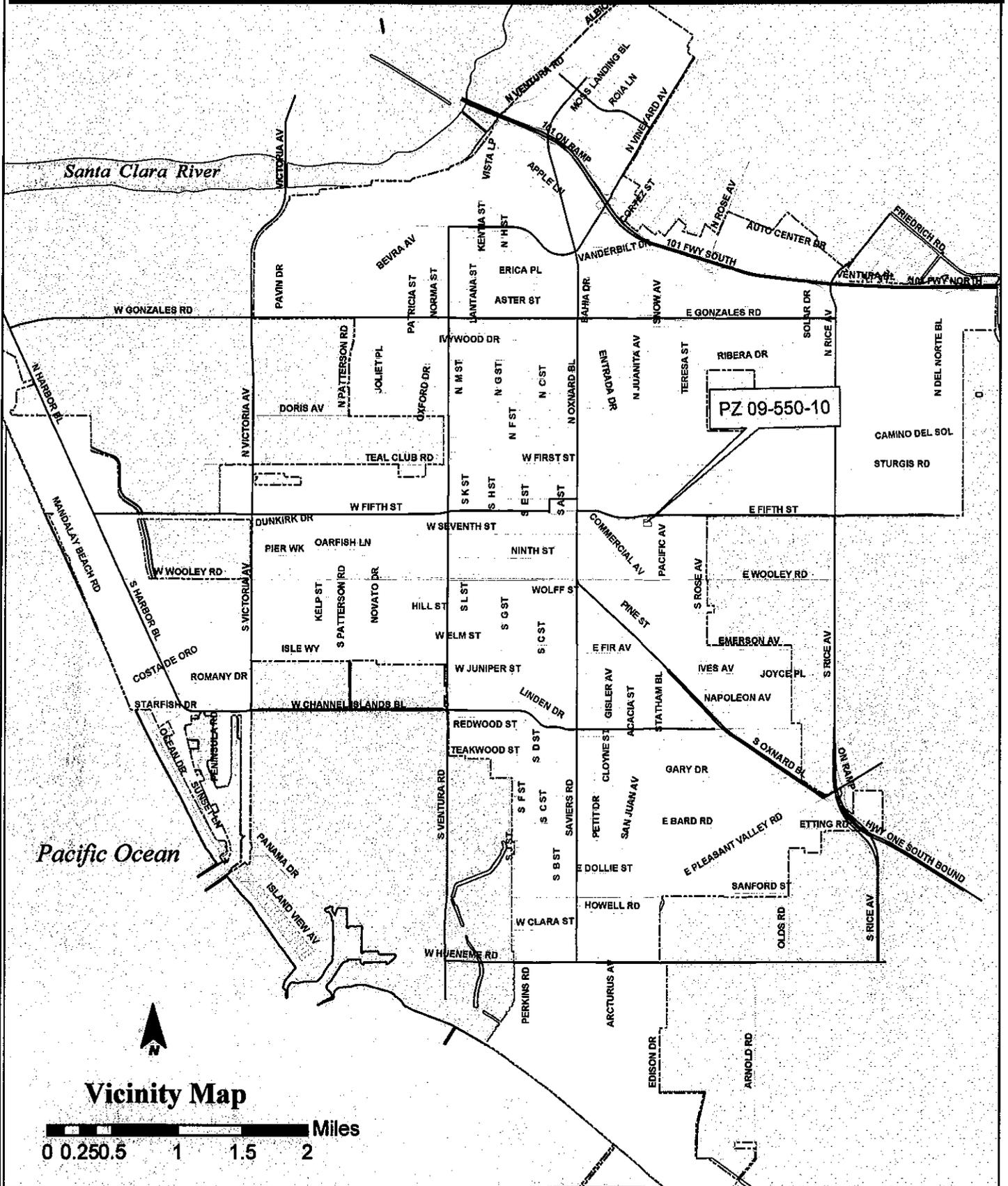
- A. Maps (Vicinity, General Plan, Zoning)
- B. Reduced Project Plans
- C. Parking Analysis
- D. Notice of Exemption
- E. Resolution

Prepared by:  JM
Approved by:  SM

**ATTACHMENT
A**

**MAPS
(VICINITY, ZONING, GENERAL PLAN MAP)**

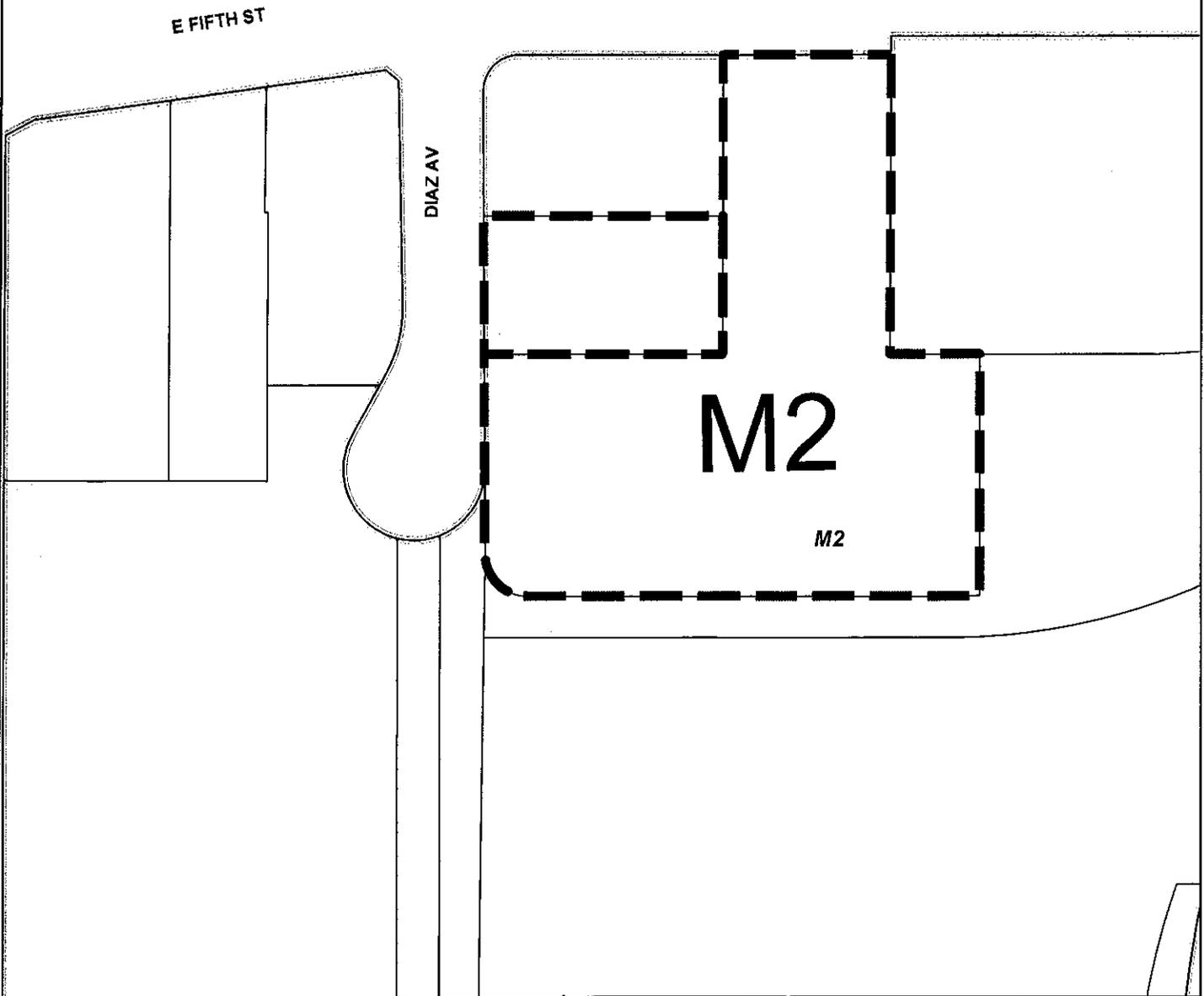
Vicinity Map



Oxnard Planning

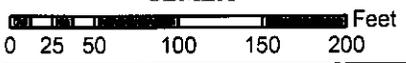
June 2, 2011

PZ 09-550-10
Location: 540 & 548 Diaz Ave
APN: 201023018, 201023016
CEMEX



Oxnard Planning
June 2, 2011

PZ 09-550-10
Location: 540 & 548 Diaz Ave
APN: 201023018, 201023016
CEMEX



Zone Map



1:1,362

General Plan Map

ILIM

CIA

E FIFTH ST

DIAZ AV

CIA

CIA



Oxnard Planning
June 2, 2011

PZ 09-550-10
Location: 540 & 548 Diaz Ave
APN: 201023018, 201023016
CEMEX

0 25 50 100 150 200 Feet

General Plan Map



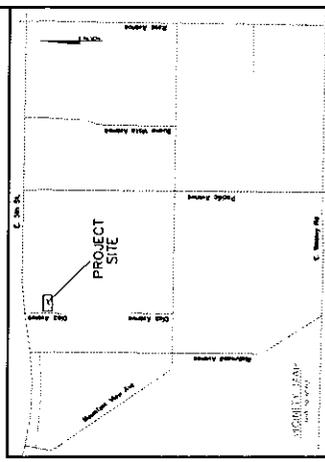
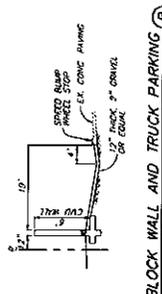
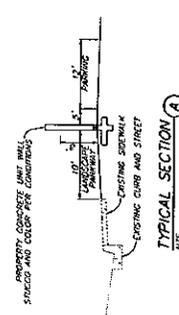
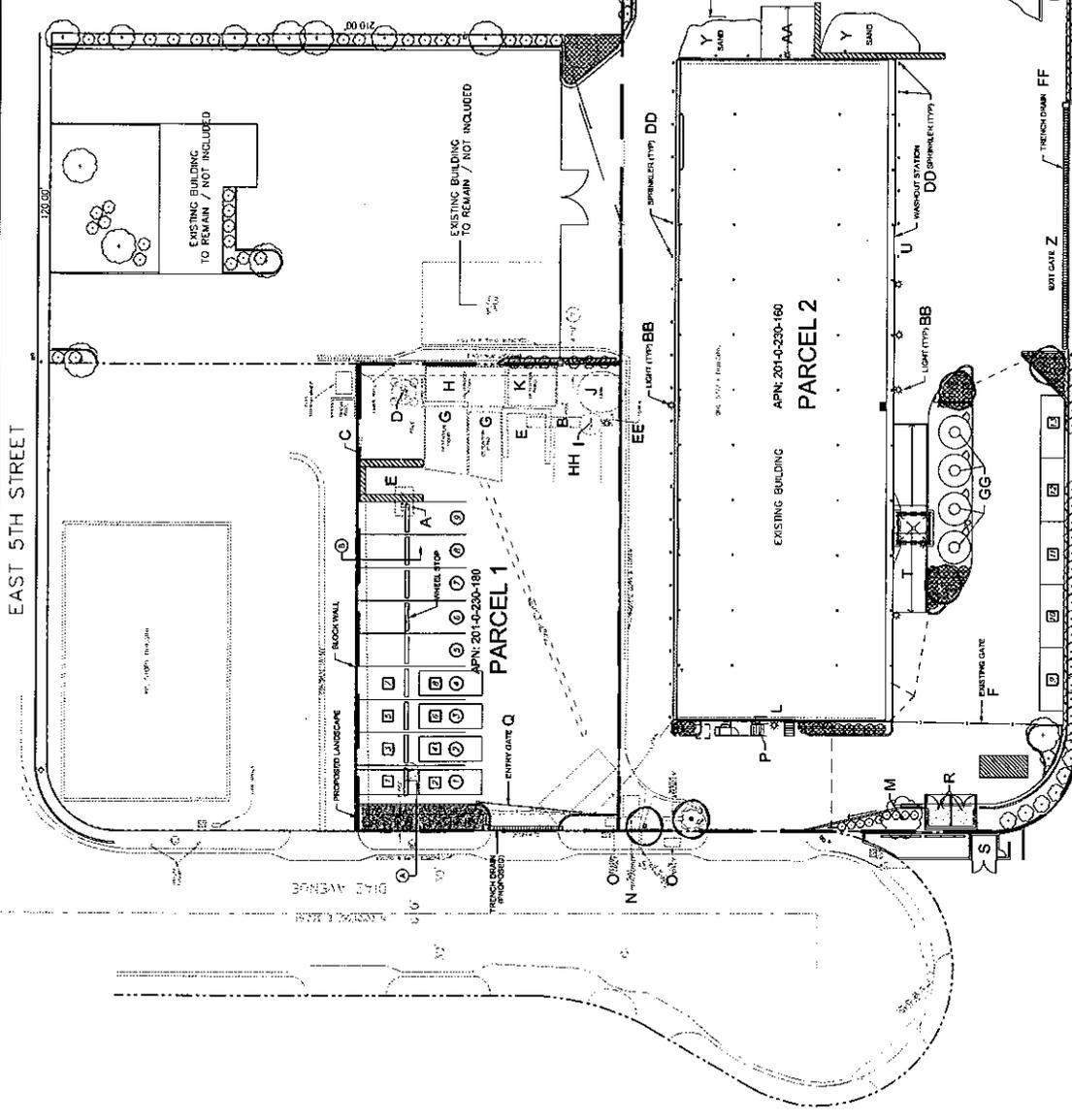
1:1,353

**ATTACHMENT
B**

REDUCED PROJECT PLANS

Item	Description	Quantity	Unit	Notes
1	ASPH/FLY	1000	SQ YD	DRIVEWAY
2	ASPH/FLY	1000	SQ YD	PARKING
3	ASPH/FLY	1000	SQ YD	TRUCK PARKING
4	ASPH/FLY	1000	SQ YD	EMPLOYEE PARKING
5	ASPH/FLY	1000	SQ YD	CONCRETE DRIVEWAY
6	ASPH/FLY	1000	SQ YD	CONCRETE DRIVEWAY
7	ASPH/FLY	1000	SQ YD	CONCRETE DRIVEWAY
8	ASPH/FLY	1000	SQ YD	CONCRETE DRIVEWAY
9	ASPH/FLY	1000	SQ YD	CONCRETE DRIVEWAY
10	ASPH/FLY	1000	SQ YD	CONCRETE DRIVEWAY
11	ASPH/FLY	1000	SQ YD	CONCRETE DRIVEWAY
12	ASPH/FLY	1000	SQ YD	CONCRETE DRIVEWAY
13	ASPH/FLY	1000	SQ YD	CONCRETE DRIVEWAY
14	ASPH/FLY	1000	SQ YD	CONCRETE DRIVEWAY
15	ASPH/FLY	1000	SQ YD	CONCRETE DRIVEWAY
16	ASPH/FLY	1000	SQ YD	CONCRETE DRIVEWAY
17	ASPH/FLY	1000	SQ YD	CONCRETE DRIVEWAY
18	ASPH/FLY	1000	SQ YD	CONCRETE DRIVEWAY
19	ASPH/FLY	1000	SQ YD	CONCRETE DRIVEWAY
20	ASPH/FLY	1000	SQ YD	CONCRETE DRIVEWAY
21	ASPH/FLY	1000	SQ YD	CONCRETE DRIVEWAY
22	ASPH/FLY	1000	SQ YD	CONCRETE DRIVEWAY
23	ASPH/FLY	1000	SQ YD	CONCRETE DRIVEWAY
24	ASPH/FLY	1000	SQ YD	CONCRETE DRIVEWAY
25	ASPH/FLY	1000	SQ YD	CONCRETE DRIVEWAY
26	ASPH/FLY	1000	SQ YD	CONCRETE DRIVEWAY
27	ASPH/FLY	1000	SQ YD	CONCRETE DRIVEWAY
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31	ASPH/FLY	1000	SQ YD	CONCRETE DRIVEWAY
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41	ASPH/FLY	1000	SQ YD	CONCRETE DRIVEWAY
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45	ASPH/FLY	1000	SQ YD	CONCRETE DRIVEWAY
46	ASPH/FLY	1000	SQ YD	CONCRETE DRIVEWAY
47	ASPH/FLY	1000	SQ YD	CONCRETE DRIVEWAY
48	ASPH/FLY	1000	SQ YD	CONCRETE DRIVEWAY
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50	ASPH/FLY	1000	SQ YD	CONCRETE DRIVEWAY

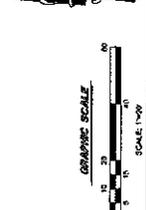
PARKING TABLE
 10 TRUCK PARKING SPACES
 13 EMPLOYEE PARKING SPACES



CITY OF Oxnard	
Development Services	
648 PALM AVENUE	
SITE PLAN	
PROJECT NO.	201-10-230-180
DATE	11/20/11
SCALE	AS SHOWN
DESIGNED BY	SESPER CONSULTING, INC.
CHECKED BY	SESPER CONSULTING, INC.
APPROVED BY	SESPER CONSULTING, INC.

RECORD DRAWING
 I HEREBY CERTIFY THAT THE WORK SHOWN ON DRAWING NO. 201-10-230-180-01 IS ACCURATE AND COMPLETE AND CONFORMS WITH ALL CITY AND COUNTY ORDINANCES AND REGULATIONS. ANY CHANGES MADE TO THIS DRAWING SHALL BE INDICATED BY A REVISION TABLE AND SHALL BE APPROVED BY THE CITY ENGINEER.
 DATE: 11/20/11
 SIGNATURE: [Signature]
 TITLE: [Title]

SESPER CONSULTING, INC.
 301 E. Main Street, Suite 200, Oxnard, CA 93030
 (805) 325-1111
 www.seesper.com



PARCEL 1
 PROPOSED ADDITIONAL SITE FOR PARKING, WATER RECLAMATION AND MATERIAL.

PARCEL 2
 EXISTING BUILDING, WOODS MAINTENANCE & OFFICE, OIL CHANGING, PARKING, MATERIAL STORAGE, WATER RECLAMATION. SEE SHEET 5 FOR ARCHITECT'S DRAWINGS.

VALVE CHART

VALVE NO.	FLOW (GPM)	SIZE (INCHES)
A1	7.69	1"
A2	7.50	1"

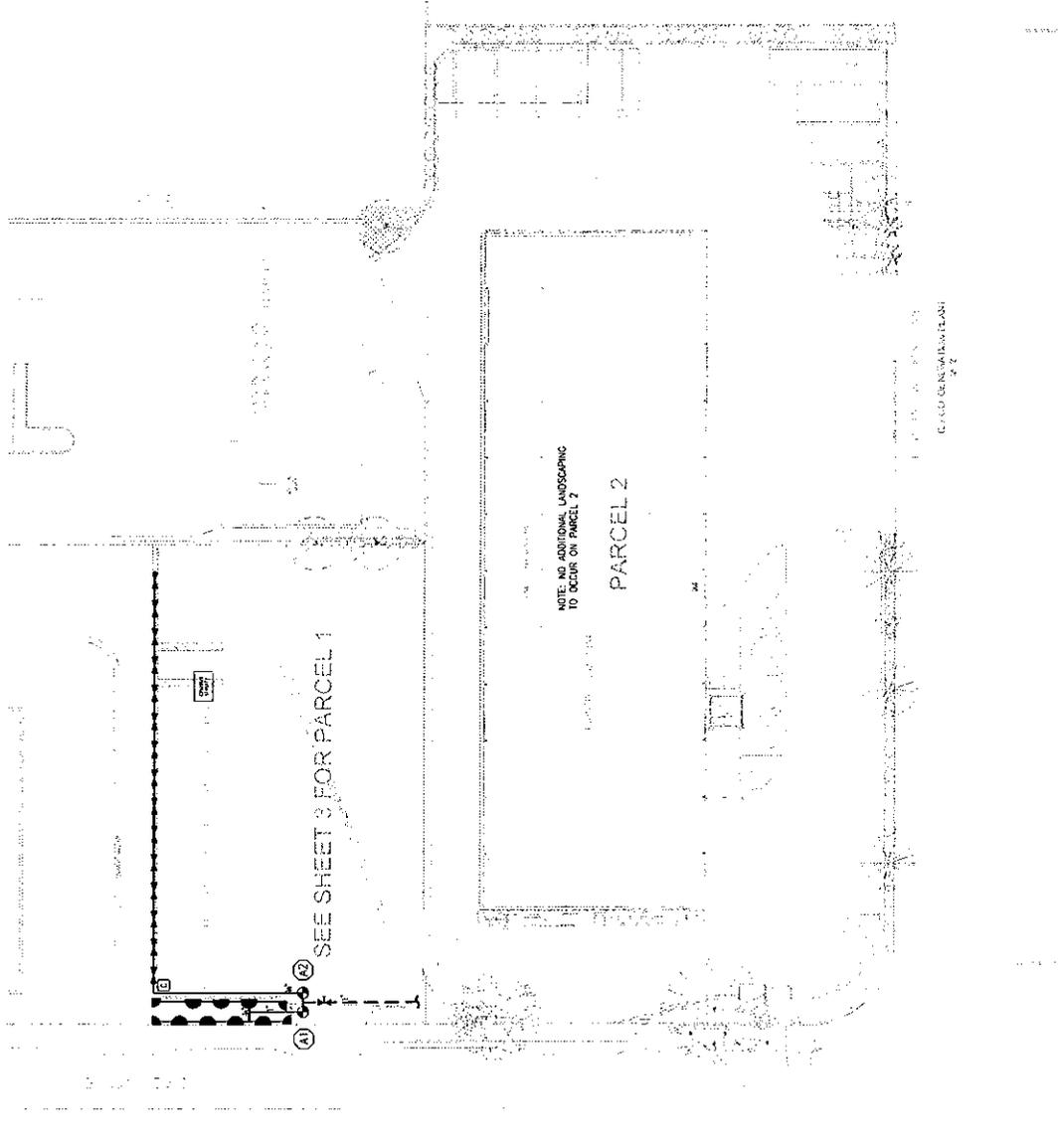
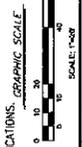
IRRIGATION LEGEND

SYMBOL	MFG./MODEL/NOZZLE	PATTERN	FLOW (GPM)	PSI	NOTES
●	RAINBIRD 1812-PRS-10H	10'R	0.79	30	USE SA-12-5050 SWING JOINT
●	RAINBIRD 1812-PRS-100	10'R	0.39	30	USE SA-12-5050 SWING JOINT
●	RAINBIRD 1812-SCST-B	5'R	0.50	30	USE SA-12-5050 SWING JOINT. INSTALL EQUALLY SPACED BETWEEN VINES.
●	RAINBIRD 100-PEB REMOVE CONTROL VALVE				INSTALL PRS-D MODULE WHEN STATIC PRESSURE AT THE VALVE EXCEEDS 80 PSI
⊠	NIBCO T-113 BRASS GATE VALVE				1". INSTALL IN SEPARATE VALVE BOX.
---	LATERAL LINE, CLASS 200 PVC				PROVIDE 12" OF COVER FROM FINISH GRADE TO TOP OF PIPE.
---	PRESSURE MAIN LINE, SCH 40 PVC				PROVIDE 18" OF COVER FROM FINISH GRADE TO TOP OF PIPE.
===	SLEEVE				4" DIA. MIN. SCH 40 PVC FOR MAIN LINE AND LATERALS BENEATH SIDEWALK, 6" DIA. MIN. SCH 80 PVC FOR MAIN LINE AND LATERALS BENEATH DRIVEWAY. 4" DIA. MIN. SCH 40 PVC FOR CONTROL PIPES. PROVIDE 30" OF COVER FROM FINISH GRADE TO TOP OF PIPE.

IRB RAINBIRD ESP-4M CONTROLLER (IF REQUIRED)

IRRIGATION NOTES

1. SYSTEM DESIGN IS BASED ON P.S.I. AND G.P.M. AVAILABLE AT DISCHARGE SIDE OF METER OR OTHER POINT OF CONNECTION. CONTRACTOR SHALL VERIFY SAME AND NOTIFY LANDSCAPE ARCHITECT IF SUCH DATA ADVERSELY AFFECTS THE OPERATION OF THE SYSTEM. SUCH NOTICE SHALL BE MADE IN WRITING AND PRIOR TO COMMENCING ANY IRRIGATION WORK.
2. CONTRACTOR SHALL VERIFY LOCATION OF ALL ON-SITE UTILITIES. RESTORATION OF DAMAGED UTILITIES SHALL BE MADE AT THE CONTRACTOR'S EXPENSE TO THE SATISFACTION OF THE CITY.
3. SYSTEM FEATURES ARE SHOWN SCHEMATICALLY FOR GRAPHIC CLARITY. INSTALL ALL SPRING AND VALVES IN COMMON TRENCHES WHERE FEASIBLE AND INSIDE PLANTING AREAS WHENEVER POSSIBLE. ALL VALVES SHALL BE LOCATED IN GROUND COVER OR SHRUB AREAS WHENEVER POSSIBLE AT LEAST 6' FROM PAVING AND CURBS.
4. IRRIGATION SYSTEM SHALL BE INSTALLED IN ACCORDANCE WITH ALL LOCAL CODES AND MANUFACTURER'S SPECIFICATIONS. NOTIFY LANDSCAPE ARCHITECT BY TELEPHONE AND IN WRITING OF ANY CONFLICTS PRIOR TO INSTALLATION.
5. CONTRACTOR SHALL ADEQUATELY SIZE ALL SLEEVES AS REQUIRED UNDER PAVING. SLEEVES SHALL BE INSTALLED AT THE NECESSARY DEPTHS PRIOR TO PAVEMENT CONSTRUCTION. SLEEVES SHALL EXTEND 1'-0" FROM EDGE OF PAVING INTO LAWN OR PLANTING AREA AND SHALL HAVE ENDS CLEARLY MARKED ABOVE GRADE.
6. CONNECT NEW MAIN LINE TO EXISTING MAIN LINE ON OUTLET SIDE OF EXISTING BACKFLOW PREVENTER.
7. VERIFY PROPER OPERATION AND SIZE OF EXISTING IRRIGATION CONTROLLER AND CONTROL TWO (2) ZONES. IF NECESSARY, CONTRACTOR SHALL REPLACE EXISTING CONTROLLER WITH NEW ONE. IF NECESSARY, INSTALL NEW CONTROLLER, 4'-0" ABOVE FLOOR OR FINISHED GRADE (WHERE APPLICABLE) AND FASTEN SECURELY TO WALL. ALL ABOVE-GRADE CONDUIT, EITHER 24V OR 120V, SHALL BE RIGID STEEL AND SECURELY FASTENED TO STRUCTURE AND TO CONTROLLER. PROVIDE ADD ALTERNATE PRICE TO OWNER.
8. SHOULD THE MAINLINE BREAK OR THE EXISTING IRRIGATION SYSTEM BE SHUT OFF FOR ANY REASON DURING THE COURSE OF CONSTRUCTION THE CONTRACTOR SHALL MAINTAIN WATER ALL EXISTING TREES, SHRUBS, TURF, AND GROUND COVER THAT THE EXISTING IRRIGATION SYSTEM WATERS. THE CONTRACTOR SHALL CONTINUE TO DO SO UNTIL THE IRRIGATION SYSTEM IS OPERABLE.
9. INSTALL ALL IRRIGATION EQUIPMENT PER MANUFACTURERS DETAILS AND SPECIFICATIONS.



RECORD DRAWING

1. I HEREBY CERTIFY THAT THE WORK SHOWN ON DRAWING NO. _____ IS ACCURATE AND CORRECTLY REPRESENTS THE WORK DONE BY ME OR UNDER MY SUPERVISION AND IN ACCORDANCE WITH THE CITY OF LOS ANGELES ORDINANCES, REGULATIONS, SPECIFICATIONS AND APPROVED CODES, ORDINANCES, REGULATIONS AND APPROVED SPECIFICATIONS.

DATE: _____ SIGNATURE: _____ TITLE: _____

PROJECT NO. _____ SHEET NO. 12 OF 12

CITY OF LOS ANGELES
Development Services
848 OLIVE AVENUE
IRRIGATION PLAN

William H. Harkins, Landscape Architect
1000 Wilshire Blvd., Suite 1000, Los Angeles, CA 90017
Tel: (213) 724-1224
www.harkinslandscape.com

**ATTACHMENT
C**

NOTICE OF EXEMPTION



NOTICE OF EXEMPTION

Project Description:

Planning and Zoning Permit No. 09-550-10 for a special use permit, to permit and authorize CEMEX to expand and continue to use a 0.4 acre parcel located at 540 Diaz Avenue and situated directly adjacent to their existing concrete batch plant facility situated on a portion of 548 Diaz Avenue. The site will primarily be used for truck wash and clean-out operations and to park cement mixing trucks. The special use permit will permit ancillary activities proposed on the 0.4-acre parcel and incorporate existing concrete batch plant operations taking place on a portion (1.3-acres) of a 1.9-acre site. Filed by Benjamin A. Runnels with CEMEX Construction Material Pacific LLC, P.O. Box 1500 Houston, Texas 77251.

Finding:

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

- Ministerial Project
- Categorical Exemption
- Statutory Exemption
- Emergency Project
- Quick Disapproval [CEQA Guidelines, 14 Cal. Code of Regs. 15270]
- No Possibility of Significant Effect [CEQA Guidelines, 14 Cal. Code of Regs. 15061(b)(3)]

Supporting Reasons:

In accordance with Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, projects involving "existing facilities where there is negligible or no expansion of use" may be found to be exempt from the requirements of CEQA. This proposal proposes to legally expand into an adjacent undeveloped site by permitting truck parking and clean-out truck services. Based on the above exemption and in accordance with CEQA, the Planning Division Manager has determined that there is no substantial evidence that the proposed project may have a significant effect on the environment and that a notice of exemption may be filed

(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**

**PARKING ANALYSIS BY
ASSOCIATED TRANSPORTATION
ENGINEERS**



ASSOCIATED TRANSPORTATION ENGINEERS

100 N. Hope Avenue, Suite 4, Santa Barbara, CA 93110 • (805) 687-4418 • FAX (805) 682-8509

Richard L. Pool, P.E.
Scott A. Schell, AICP

February 8, 2010

10011L01.WP

Ms. Jane Farkas
Sespe Consulting
343 E. Main Street, Suite #201
Ventura, CA 93001

PARKING ANALYSIS FOR THE CEMEX CONCRETE BATCH PLANT SUP 1745 - CITY OF OXNARD

Associated Transportation Engineer's (ATE) has prepared the following parking analysis for the CEMEX Concrete Batch Plant in the City of Oxnard. The plant is located on adjacent properties at 540 & 548 Diaz Avenue south of East 5th Street. This parking analysis reviews the City of Oxnard Zoning Ordinance parking requirement for the plant and compares the requirement to the estimated parking demand to determine if relief from the Zoning Ordinance requirement can be supported.

PROJECT DESCRIPTION

The applicant is operating a 19,280 square foot concrete batch plant, Monday - Saturday up to 24 hours a day. The plant receives daily deliveries of raw materials but does not receive customer visits. The plant employs a total of 12 full-time employees. The employees consist of 10 ready-mix truck drivers, 1 on-site plant manager and 1 on-site yard man. Parking and truck staging for the plant is provided on-site. There are 17 on-site parking spaces which are allocated as follow: 10 ready-mix truck parking spaces, 4 of which are used by employee vehicles when ready-mix trucks are on the road making deliveries; 6 employee parking spaces; 1 handicapped parking space. The parking is provided on the two properties. The 6 employee parking spaces and 1 handicapped parking space are provided at 548 Diaz Avenue. The 10 ready-mix truck spaces are provided at 540 Diaz Avenue. The attached Figure 1 illustrates the 17 on-site parking spaces and Table 1 presents the parking provided.

**Table 1
Parking Provided**

Address	Parking Provided
540 Diaz Avenue	10 Ready-Mix Truck Parking Spaces - Includes 4 Joint -Use Parking Spaces Used For Employee Parking
548 Diaz Avenue	6 Parking Spaces 1 Handicapped Parking Space

PARKING DEMAND ANALYSIS

The City of Oxnard Zoning Ordinance parking requirement was calculated for the plant as shown below in Table 2.

**Table 2
City Zoning Ordinance Parking Requirements**

Land Use	Size	Zoning Ordinance		Parking Provided(a)
		Parking Rate	Required Spaces	
Industrial/Manufacturing	19,280 sq. ft.	1.0 space/500 sq.ft.	39 spaces	17 spaces

(a) Parking provided includes one handicapped space.

City's Zoning Ordinance parking requirement for the plant is 39 spaces as presented in Table 2. There are 17 parking spaces provided on-site.

To address the issue of employees parking on the adjacent street, CEMEX for the past few months has implemented the following joint use parking plan. When the 2 site operations employees and the first 2 ready-mix truck drivers arrive on-site, they park in spaces provided at 548 Diaz Avenue. When first 2 ready mix trucks are removed from their parking spaces, 4 employee joint use parking spaces become available for the next 4 arriving employees to tandem park at 540 Diaz Avenue. When the next 2 ready-mix trucks are removed from the parking spaces, 4 additional employee joint uses parking spaces become available. The joint use parking plan utilizes 4 ready-mix truck parking spaces for tandem employee parking. The parking plan leaves 6 parking spaces at 540 Diaz Avenue to be used to stage ready-mix trucks on-site. The concrete batch plant's parking demand is being accommodated by the joint parking plan being used on the site as illustrated on attached Figure 2.

The empirical demand data for Industrial/Manufacturing reported in the Institute of Transportation Engineers (ITE), Parking Generation, 3rd Edition, for the project is shown below in Table 2.

Table 2
ITE Estimated Peak Parking Demand

Land Use	Size	Peak Parking Demand		Parking Provided(a)
		Parking Rate	Required Spaces	
Industrial/Manufacturing	12 employees	1.14 space/employee	14 spaces	17 spaces

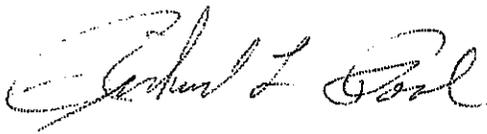
(a) Parking provided includes one handicapped space.

Based on empirical data the peak parking demand for the plant is estimated to be 14 spaces. The proposed parking would satisfy the ITE 85th percentile parking peak demand for the plant.

Summary

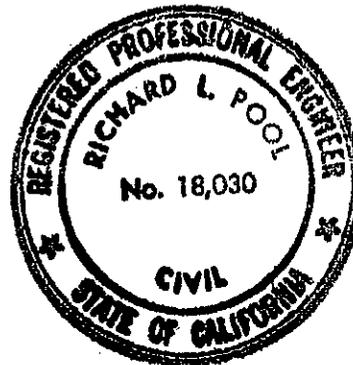
Given that CEMEX has implemented the joint use parking plan for the past few months and the empirical parking demand is 14 parking spaces, ATE has concluded that the 17 on-site parking spaces are adequate to satisfy the parking demand. Relief or modification of the Zoning Ordinance parking requirement can be supported.

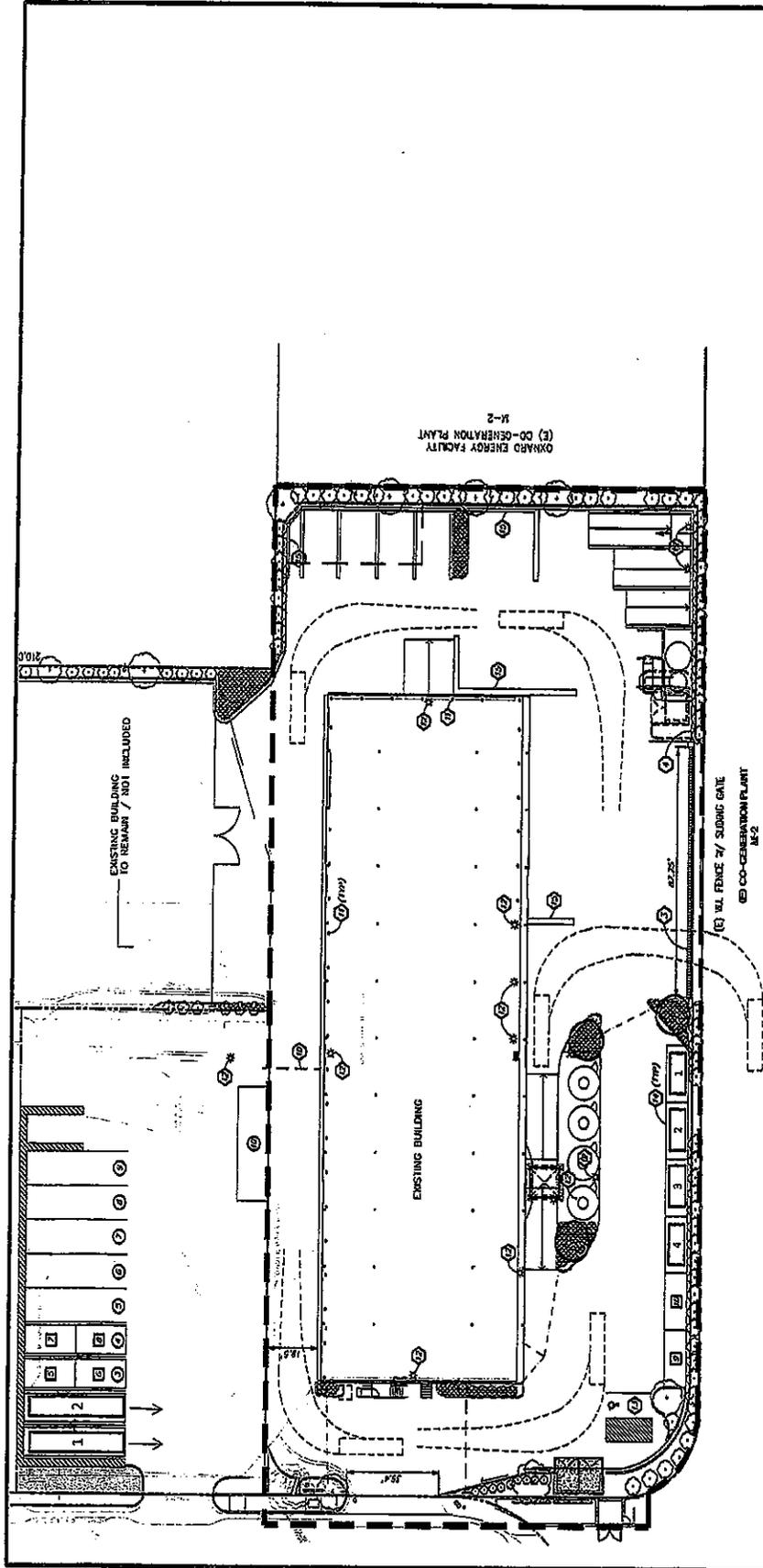
Associated Transportation Engineers

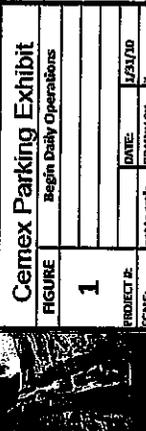


By: Richard L. Pool, P.E.
President

Attachment: Site Plans







SESPE

CONSULTING, INC.

Cemex Parking Exhibit	
FIGURE	Begin Daily Operations
1	
PROJECT #:	
SCALE:	As Shown
DATE:	12/1/70
DRAWN BY:	BP

**ATTACHMENT
E**

**SPECIAL USE PERMIT
RESOLUTION**

RESOLUTION NO. 2011-_____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 09-550-10 (SPECIAL USE PERMIT), A REQUEST TO PERMIT AND AUTHORIZE CEMEX TO EXPAND AND CONTINUE TO USE A 0.4 ACRE PARCEL LOCATED AT 540 DIAZ AVENUE DIRECTLY ADJACENT TO THEIR EXISTING CONCRETE BATCH PLANT FACILITY LOCATED AT 548 DIAZ AVENUE. THE SITE WILL PRIMARILY BE USED FOR TRUCK WASH CLEAN-OUT OPERATIONS AND TO PARK CEMENT MIXING TRUCKS. THE SPECIAL USE PERMIT WILL PERMIT ANCILLARY ACTIVITIES PROPOSED ON THE 0.4-ACRE PARCEL AND INCORPORATE EXISTING CONCRETE BATCH PLANT OPERATIONS TAKING PLACE ON A PORTION (1.3-ACRES) OF A 1.9-ACRE SITE. FILED BY BENJAMIN A. RUNNELS WITH CEMEX CONSTRUCTION MATERIAL PACIFIC LLC, P.O. BOX 1500 HOUSTON, TEXAS 77251.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 09-550-10, a Special Use Permit to permit and authorize CEMEX to expand and continue to use a 0.04-acre site in conjunction with existing concrete batch plant operations, filed by Benjamin A. Runnels with CEMEX Construction Material Pacific LLC; and

WHEREAS, the Planning Commission has held a public hearing on this application in accordance with Section 16-536 of the Oxnard City Code; and

WHEREAS, in accordance with Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, projects involving "existing facilities where there is negligible or no expansion of use" may be found to be exempt from the requirements of CEQA. This proposal proposes to legally expand into an adjacent undeveloped site by permitting truck parking and clean-out truck services. Based on the above exemption and in accordance with CEQA, the Planning Manager has determined that there is no substantial evidence that the proposed project may have a significant effect on the environment and that a notice of exemption may be filed; 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.
2. That 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. That 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. That 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. That 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 Planning and Zoning Permit No. PZ 10-550-10 (Special Use 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 July 7, 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. Any covenants, conditions, and restrictions (CC&Rs) applicable to the project property shall be consistent with the terms of this permit and the City Code. If there is a conflict between the CC&Rs and the City Code or this permit, the City Code or this permit shall prevail. (CA, G-7)
7. Developer shall complete the "Notice of Land Use Restrictions and Conditions" form, using the form provided by the City, for recording with the Ventura County Recorder. Before the City issues building permits, Developer shall submit the original completed, signed and notarized document, together with the required fees to the Planning Manager. (PL, G-8)
8. Developer shall provide off-street parking for the project, including the number of spaces, stall size, paving, striping, location, and access, as required by the City Code. (PL/B, G-9)
9. Before placing or constructing any signs on the project property, Developer shall obtain a sign permit from the City. Except as provided in the sign permit, Developer may not change any signs on the project property. (PL/B, G-10)

10. Developer shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, G-11)
11. Developer shall not permit any combustible refuse or other flammable materials to be burned on the project property. (FD, G-12)
12. Developer shall not permit any materials classified as flammable, combustible, radioactive, carcinogenic or otherwise potentially hazardous to human health to be handled, stored or used on the project property, except as provided in a permit issued by the Fire Chief. (FD, G-13)
13. If Developer, owner or tenant fails to comply with any of the conditions of this permit, the Developer, owner or tenant shall be subject to a civil fine pursuant to the City Code. (CA, G-14)
14. Prior to issuance of building permits, Developer shall correct all violations of the City Code existing on the project property. (PL, G-15).

FIRE DEPARTMENT STANDARD CONDITIONS

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

PLANNING DIVISION STANDARD CONDITIONS

16. 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)
17. 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)
18. 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)
19. If the project property is already occupied or use has already been initiated, Developer shall comply with all conditions of this permit within 90 days of approval thereof. (PL/B, PL-6)

20. Developer may not modify any use approved by this permit unless the Planning Division Manager determines that Developer has provided the parking required by the City Code for the modified use. (PL, PL-7)
21. During the plan check review process, the Developer shall provide a lighting plan that provides design details (light standards, bollards, wall mounted packs, etc.) and illumination site information within alleyways, pathways, streetscapes, and open spaces proposed throughout the development. An electrical engineer shall prepare the site lighting plan demonstrating that adequate lighting ranges will be provided throughout the development without creating light spillover, light pollution, or conflicts with surrounding factors such as tree locations, off-site or adjacent lighting. (PL)
22. Prior to issuance of building permits, Developer shall demonstrate that light standards illustrated on conceptual lighting plan do not conflict with tree locations. Developer shall submit a plan showing both the lighting and landscape on the same sheet.
23. Project on-site lighting shall be of a type and in a location that does not constitute a hazard to vehicular traffic, either on private property or on adjoining streets. To prevent damage from vehicles, standards in parking areas shall be mounted on reinforced concrete pedestals or otherwise protected. Developer shall recess or conceal under-canopy lighting elements so as not to be directly visible from a public street. Developer shall submit a lighting plan showing standard heights and light materials for design review and approval of the Planning Division Manager. (PL/B, PL-8)
24. 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)
25. Developer shall provide for dust control at all times during project property preparation and construction activities. (B/DS, PL-13)
26. 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).
27. Developer shall limit outdoor storage of materials to the locations shown on the project plans. Developer shall screen storage areas from adjacent properties and streets by a wall or similar screening. All fence and wall materials shall match the predominant design and materials of the main structure on the project property. (PL/B, PL-48)

DEVELOPMENT SERVICES DIVISION STANDARD CONDITIONS

28. 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)
29. 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)
30. 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)
31. Developer shall remove and replace all improvements that are damaged during construction. (DS-6)
32. 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)
33. 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)
34. 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)
35. 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)
36. 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)
 37. 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)
 38. Developer shall pay the cost of all inspections of on-site and off-site improvements. (DS-22)
 39. Developer shall be responsible for all project-related actions of Developer's employees, contractors, subcontractors, and agents until City accepts the improvements. (DS-23)
 40. 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)
 41. "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)
 42. 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)
 43. 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)

44. 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)
45. Developer shall provide adequate vehicle sight distance as specified by CalTrans specifications at all driveways and intersections. (TR-71)
46. Developer shall install bike racks in accordance with City standards at locations approved by City Traffic Engineer. (TR-73)

STORMWATER QUALITY CONDITIONS

47. Developer shall comply with all National Pollutant Discharge Elimination System (NPDES) permit Best Management Practice (BMP) requirements in effect at the time of grading or building permit issuance. Requirements shall include, but not be limited to, compliance with the Ventura Countywide Stormwater Quality Urban Impact Mitigation Plan (SQUIMP). (DS-78)
48. 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)
49. 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)
50. 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)
51. 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

52. 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)
53. Developer shall reconstruct the existing Diaz Avenue driveway entrance serving Parcel 1 to provide a disabled access compliant path along the public sidewalk. (DS)
54. Using forms provided by the Development Services Division, Developer shall prepare a Declaration of Restrictive Covenant For Stormwater Quality Control Measures Maintenance and Access ("Stormwater Covenant") 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 Stormwater Covenant and Developer provides an executed copy for recordation. (DS)
55. Developer shall prepare a detailed NPDES operation and maintenance plan "O&M Plan" for project source and treatment control BMPs implemented on parcel 1 and/or 2 of this facility. Exhibits C of the Stormwater Covenant required by these conditions of approval shall reference this O&M Plan. The O&M Plan shall follow the general outline and requirements listed in appendix D of the Technical Guidance Manual for Stormwater Control Measures. The O&M plan shall also include, but not be limited to, the following; 1) The Property Owner's signed statement accepting responsibility for maintenance as described in the plan; 2) A requirement to periodically sweep or otherwise clean the adjacent public right-of-way if site operations result in material from the project being deposited in the right-of-way; 3) A method to keep stored site materials (sand, gravel, etc) contained within their respective storage enclosures that includes constant supervision and sweeping as necessary; and, 4) A requirement to provide the City with an annual report documenting all procedures and actions undertaken to comply with NPDES requirements and demonstrating proper maintenance and operations at the site. The O&M Plan shall be periodically updated as site operations change. A copy of the current O&M Plan and associated maintenance records shall be kept onsite for periodic review by City personnel or consultants. The O&M Plan shall be submitted for

review concurrent with site improvement plans and shall be approved by the Development Services Manager prior to site improvement permit issuance. (DS)

- 56. Developer shall provide pre-treatment prior to routing stormwater to any infiltration based water quality BMPs to minimize occlusion of soil porosity. Pre-treatment scheme shall be as approved by the Development Services Manager prior to issuance of a site improvement permit. (DS)
- 57. Developer shall provide site specific infiltration rate testing for any infiltration based water quality BMPs used on the site. Infiltration based BMPs shall be designed and constructed in conformance with the Technical Guidance Manual for Stormwater Quality Control Measures or other approved reference. (DS)
- 58. Site "rumble plate(s)" shall be located such that all vehicles exiting the site onto Diaz Avenue are required to traverse the full thirty (30) foot length of the plate. This can be accomplished by altering the existing rumble plate or by providing site improvements that force vehicles toward the existing plate. (DS)
- 59. Washout Station shall be re-designed to effectively eliminate water from leaving the site including the tracking of water off-site by vehicles. Developer's engineer shall meet with Development Services Engineering Division to discuss potential solutions prior to submittal of construction plans for review. (DS)

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 4th day of August 2011, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

Patrick Mullin, Chair

ATTEST: _____
Susan L. Martin, Secretary