



Planning Division

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Douglas Spondello, Assistant Planner *DS*

DATE: March 18, 2010

SUBJECT: Planning and Zoning Permit No. 09-550-13 (Major Modification to Special Use Permit No. 479), Located at 2251 North Oxnard Boulevard.

- 1) **Recommendation:** That the Planning Commission approve Planning and Zoning Permit No. 09-550-13 for a major modification permit, subject to certain findings and conditions.
- 2) **Project Description and Applicant:** A request to construct and operate an automatic carwash, dryer, and associated equipment at an existing service station (Chevron), located at 2251 North Oxnard Boulevard. The new structure comprises 1,070 square feet of building area and includes a drive-through lane, four parking stalls, and two vacuum units. The project is exempt from environmental review under Section 15303(c) of the CEQA Guidelines. Filed by Designated Agent Mark DiCecco, AIA, 5416 North Commerce Avenue, Moorpark, CA 93021.

- 3) **Existing & Surrounding Land Uses:** The one acre site is developed with a Chevron service station, convenience market (with multiple vendors), and Subway restaurant. The following table describes the land uses immediately adjacent to the site:

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
Project Site	General Commercial Planned Development (C-2-PD)	Commercial: Specialized (CS-RS)	Service Station and Restaurant
North	C-2-PD	CSRS	Fast Food and Shopping Center
South	Garden Apartment Planned Development (R-3-PD)	Commercial General	Mobile Home Park
East	Heavy Manufacturing (M-2)	Open Space Buffer	Railway Route
West	C-2-PD	CS-RS	Restaurant

- 4) **Background Information:** The subject site was previously situated on two separate properties. On September 21, 1972, the City approved Special Use Permit (SUP) No. 479, with Resolution No. 3849, to allow construction of a carwash and gas station located on the northern

parcel. In 1997, these structures were demolished and the property was cleared of all improvements.

The existing commercial building, located on the southerly of the two properties, was originally approved as an office building in September of 1973 (Resolution No. 4201) by Planned Development Permit No. 231. On July 20, 1993 and with Resolution No. 10,603, the City Council approved SUP No. 1447 for the conversion of this structure to a convenience store selling beer and wine.

On June 18, 1998 and with Resolution No. 98-19, the Planning Commission approved Major Modification (MJMD) No. 98-700-02. This modification merged the north and south parcels (and the previous land use entitlements) and allowed for remodeling of the commercial building and construction of the gas pumps and associated canopy. Following the consolidation of the two properties by the MJMD, there have been numerous minor modifications approved for changes to the site, buildings, and signage.

5) Environmental Determination: In accordance with Section 15303(c) of the California Environmental Quality Act (CEQA) Guidelines, projects involving the “installation of small new equipment and facilities in small structures” may be found to be exempt from the requirements of CEQA. This proposal qualifies for this exemption because it is a small addition to the existing service station and retail use. Furthermore, the addition itself is significantly smaller (at 1,070 square feet) than the 10,000 square foot threshold for the Class 3 (new construction or conversion of small structures) exemption. 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 “C”).

6) Analysis:

a) General Discussion: The 1,070 square foot, single-vehicle carwash building is proposed as an ancillary use to the existing Chevron service station. The carwash and drying features provided at the interior of the building are completely automated. Proposed hours of operation are between 7:00 AM and 10:00 PM, daily. A new trash bin and two vacuum units are located at the south of the wash building, adjacent to four new parking spaces.

Information provided by the applicant estimates that approximately 83% (29 gallons) of the water used per wash will be reclaimed and reused.

b) General Plan Consistency: The 2020 General Plan Land Use designation for the subject parcel is Commercial: Specialized. According to the General Plan, the Commercial: Specialized designation may include “general commercial uses in special or unique settings”. The subject request does not change the current commercial land use on-site. Therefore, this project is consistent with the General Plan designation.

c) Conformance with Zoning Development Standards: The proposed development is located in the General Commercial Planned Development (C-2-PD) zone district. In

accordance with the City Code, the existing development was permitted with an approved special use permit. For the addition to the existing use, a major modification is required. The project complies with all applicable development standards of the C-2 zone and they have been compared, as follows:

Max. building height (16-137)	2 stories or 35 feet	23 feet	Yes
Front yard setback (Vineyard Ave.) (16-139)	10 feet from property line	>10 feet	Yes
Side yard setback (from N. Oxnard Boulevard and N/S Frontage Rd.) (16-140)	5 feet	>55 feet	Yes
Rear yard setback (Frontage Rd. to the south) (16-141)	15 feet	>200 feet	Yes
Offstreet parking: Handicapped Motorcycle (16-264) Bicycle (16-623 & 16-637)	Total Spaces Required for all uses onsite: 21 (new use accounts for 2 spaces of total)	34 spaces	Yes
Drive-Thru Facilities (16-647)	Drive-thru lane to be separated from access routes into and out of the property or any parking space	Separated as described	Yes
	Drive-thru lanes to be striped, marked or otherwise distinctly delineated	Lane distinguished by colored concrete	Yes
	Pedestrian access must not cross drive-thru lane	No pedestrian access	N/A
Parking space sizes & design (16-636 & 16-638)	• 9'W x 19'L (standard)	9'W x 19'L (standard)	Yes
	• 9'W x 23'L (parallel)	9'W x 23'L (parallel)	Yes
Parking area Landscape Req. (16-	• Min. 10' wide strip. • Min. 5' wide in	Minor improvements at an existing facility.	Yes

641): <ul style="list-style-type: none"> • Along streets/alleys • Along interior PLs (for lots with 20 or more spaces) • Parking/vehicle area (16-641) • Landscape fingers (16-641) • Trees (for lots with 20+) 	<ul style="list-style-type: none"> • parking areas. • Minimum 5% of area, exclusive of any other required landscaped area abutting a street or alley. • 9'W x 20'L - every 10 spaces with 2 trees. • Min. 40' O.C. 	Existing and proposed is in compliance with Code and previous approval	
Trash enclosures & transformers	To be screened at installation.	Existing onsite	Yes
Fence (16-310)	<ul style="list-style-type: none"> • Cannot be located in the FY setback area • 8' max height 	5 ft 6 in Garden Wall, outside of FY setback area	Yes
Lighting 16-320	Comply with Section 16-320 of the City Code.	Wall mounted and recessed lighting on carwash building	Photometric information to be reviewed with building permit

d) Site Design: The existing site is developed with a 4,436 square foot commercial building, occupied by a Subway restaurant and a convenience market. To the north of the commercial building, a large canopy covers twenty fueling stations.

The carwash building is proposed parallel to the Vineyard Avenue property line in an area currently occupied by a propane tank, public telephone, an air and water machine, and three parking spaces. The propane tank would be relocated along Oxnard Boulevard, closer to the convenience store. Vehicles would enter the carwash from the west and exit to the east. A 52-foot long entry drive can accommodate the queuing of up to three vehicles for the carwash. A 298-square foot equipment storage room occupies the southern portion of the proposed building and is integrated into the building design. Four parking spaces are proposed at the south side of the carwash building featuring two vacuum units and a trash bin.

e) Circulation and Parking: According to the Police Department, the intersection of Vineyard Avenue and North Oxnard Boulevard has the highest frequency of accidents in the City. Currently, vehicles on Oxnard Boulevard have a tendency to stack into the intersection, as cars slow to turn into the subject property. To alleviate current traffic hazards, modifications to the existing driveway along Oxnard Boulevard are proposed. The existing two-way driveway along Oxnard Boulevard will be converted to allow for ingress only by

adding large landscaped bulb-outs to constrict the driveway width. Signage is proposed to show egress is not permitted. A new two-way driveway will be opened south of this driveway, on Oxnard Boulevard to provide drivers with an alternate means to access the site.

Conditions of approval require the existing westerly driveway, adjacent to the convenience market, to be aligned with the proposed driveway to the east along Oxnard Boulevard. The remaining driveways along the frontage road, at the southern and northwestern property lines, will not be altered.

The site provides an excess of six spaces for all existing and proposed uses. Three tandem spaces adjacent to the convenience market and four stalls south of the carwash are proposed. The following table illustrates the project's compliance with City standards for parking:

Fast Food (Subway)	250	1:50 sf	5
Commercial/Retail	4,186	1:300 sf	14
Automatic Carwash	772	2	2
Storage	298	1:1000 sf	0*
Total Required			21
Total Provided			34 (+12)

*Fractions less than .5 may be disregarded per Code Sec 16-620

- f) **Building Design:** Although existing, the commercial building and fuel canopy differ greatly in design, most notably in the colors and roof curves. The applicant's intention is to incorporate cues from the existing structures into the proposed carwash building. This is apparent in the rolled roof, squared window openings, and use of "Marine Green" as an accent color on the roof and projecting fascias. A condition of approval requires the applicant to paint the white portions of the fuel canopy and monument signs a beige color, "Minaki" (CL-1584D), which would enhance and unite the onsite improvements overall.

Afterhours, the carwash will be secured by roll-up doors at the entrance and exit. The doors will be painted to match the building's exterior walls.

- g) **Signs:** No signage is proposed on the carwash building. Any signs be proposed onsite in the future may be considered pursuant to the City Code requirements, at that time.
- h) **Noise:** An acoustical analysis was prepared, which analyzed the noise level anticipated with the addition of the wash and vacuum units and compares this to the level of ambient noise. The report found that the existing ambient noise level between 7:00 AM and 10:00 PM is 71.3 decibels (dBA), as measured at the property line. The report and computer modeling has predicted that peak noise levels associated with the wash and vacuums will be less than 70 dBA at the property line. In situations where the site ambient noise level exceeds the City

standard (65 dBA for commercial properties), the existing ambient noise level is the threshold. As such, noise associated with the proposed use falls within all allowed levels and conditions regulating noise reduction are not warranted.

- i) **Landscaping:** Additional landscaping and a five-foot six-inch garden wall are proposed adjacent to the carwash building, on Vineyard Avenue. These elements will soften the building and screen the interior of the wash, as well as the headlights of stacked vehicles, from the view of traffic on adjacent rights of way. At installation, the landscaping will be at a height of three and a half feet and shall be maintained at that height to provide adequate screening.

The existing propane tank along Vineyard Avenue will be relocated to the southeast corner of the property, near Oxnard Boulevard. Oversized plants will be required, at the time of installation, to completely screen the tank from view from public rights of way. City landscaping standards require a ten foot landscaped buffer from all property lines. The proposed tank location encroaches approximately five feet into the required buffer, along Oxnard Boulevard. However, the existing landscaped area is wider than required and staff considers the proposed landscape area to be consistent with the intent of the City Code. An existing tree in the area of the proposed propane tank will be removed and replaced by a new tree of equal size and health, located five feet to the south of the tank.

- 7) **Development Advisory Committee:** The Development Advisory Committee (DAC) reviewed this project on December 9, 2009. The recommendations of the DAC have been incorporated into the current proposal and are also included in the attached resolution.
- 8) **Community Workshop:** On January 25, 2010, the applicant mailed notices of the Community Workshop meeting to all property owners within the Orchard Neighborhood. A notice of this meeting was posted on the project site with a brief description and contact information. The Community Workshop was conducted on January 25, 2010. No comments were provided regarding this proposal by those in attendance at this meeting.
- 9) **Appeal Procedure:** In accordance with Section 16-545 of the City Code, the Planning Commission's action may be appealed to the City Council within 18 days after the decision date. Appeal forms may be obtained from the City Clerk and must be submitted with the appropriate fees before the end of the appeal period.

Attachments:

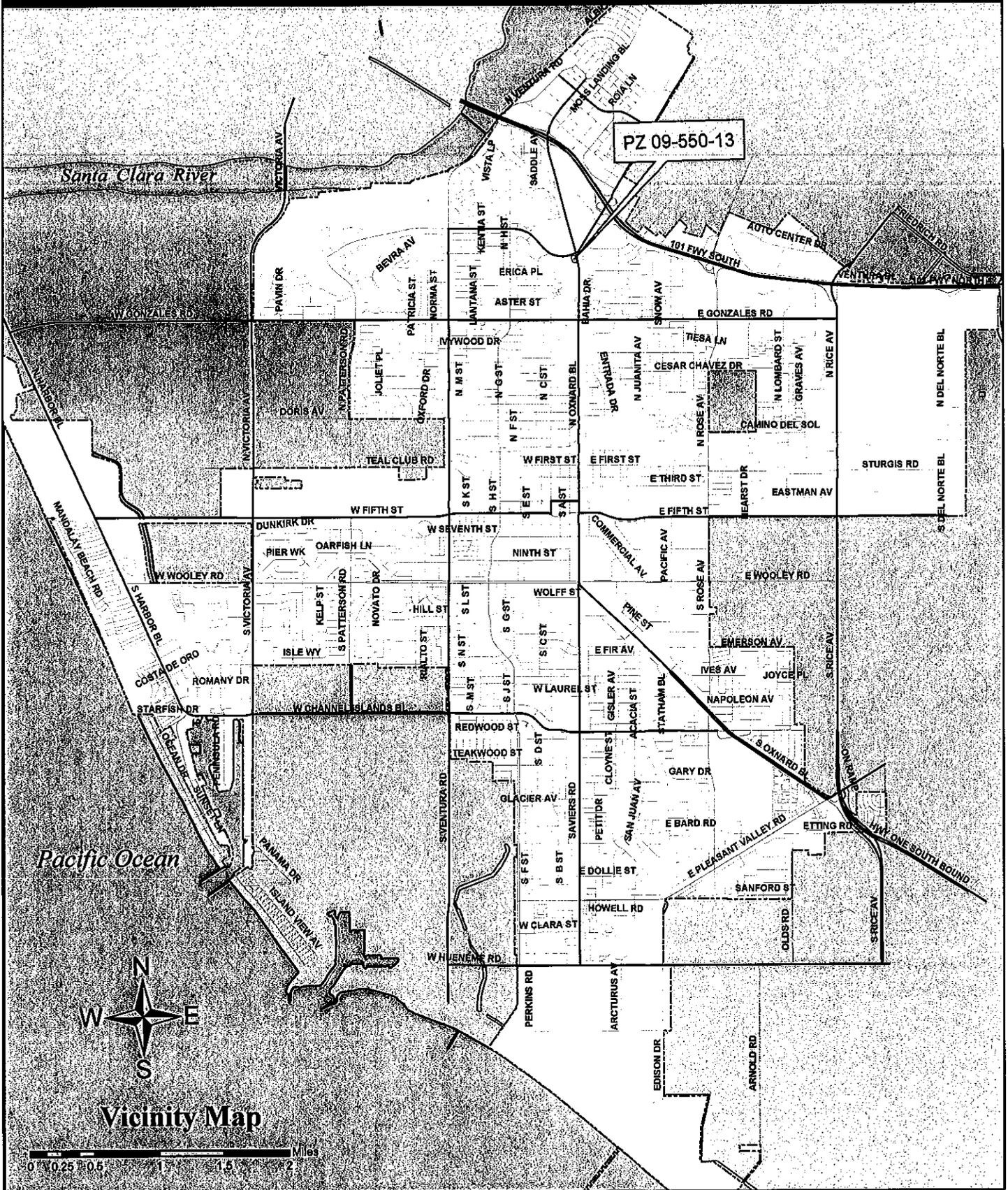
- A. Maps (Vicinity, General Plan, Zoning)
- B. Reduced Project Plans and Colored Exhibits
- C. Notice of Exemption
- D. Resolution

Prepared by:  DS
Approved by:  SM

**Attachment “A”: Maps (Vicinity, General
Plan, Zoning)**

Vicinity Map

PZ 09-550-13



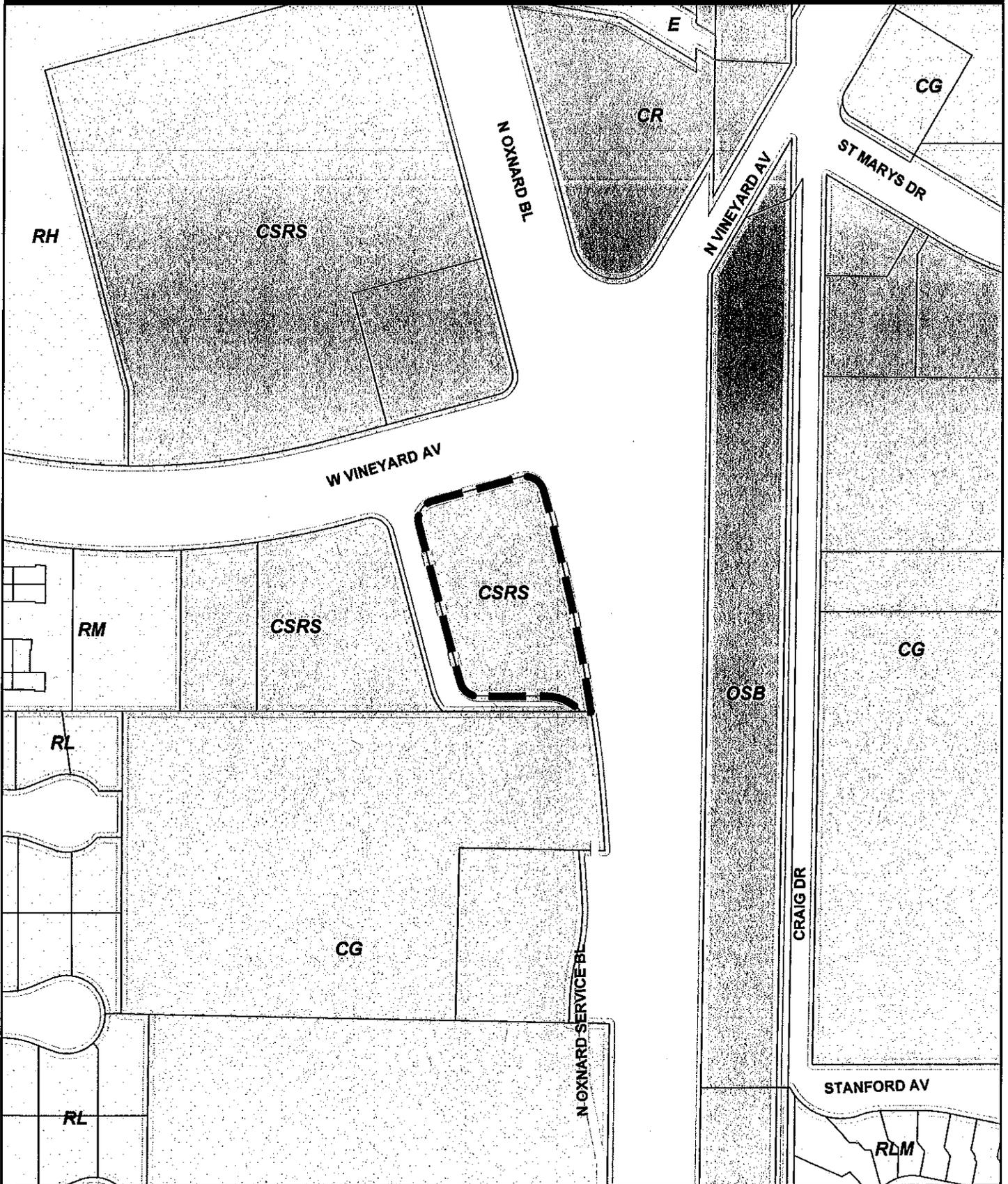
Vicinity Map



Oxnard Planning
March 8, 2010

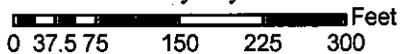
PZ 09-550-13
Location: 2251 N Oxnard Bl
APN: 139026024
Oxnard Carwash

General Plan Map



Oxnard Planning
March 8, 2010

PZ 07-550-05
Location: 2101 Mandalay Beach Rd
APN: 191038010
Mandalay Bay Suites

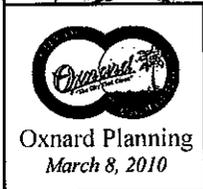
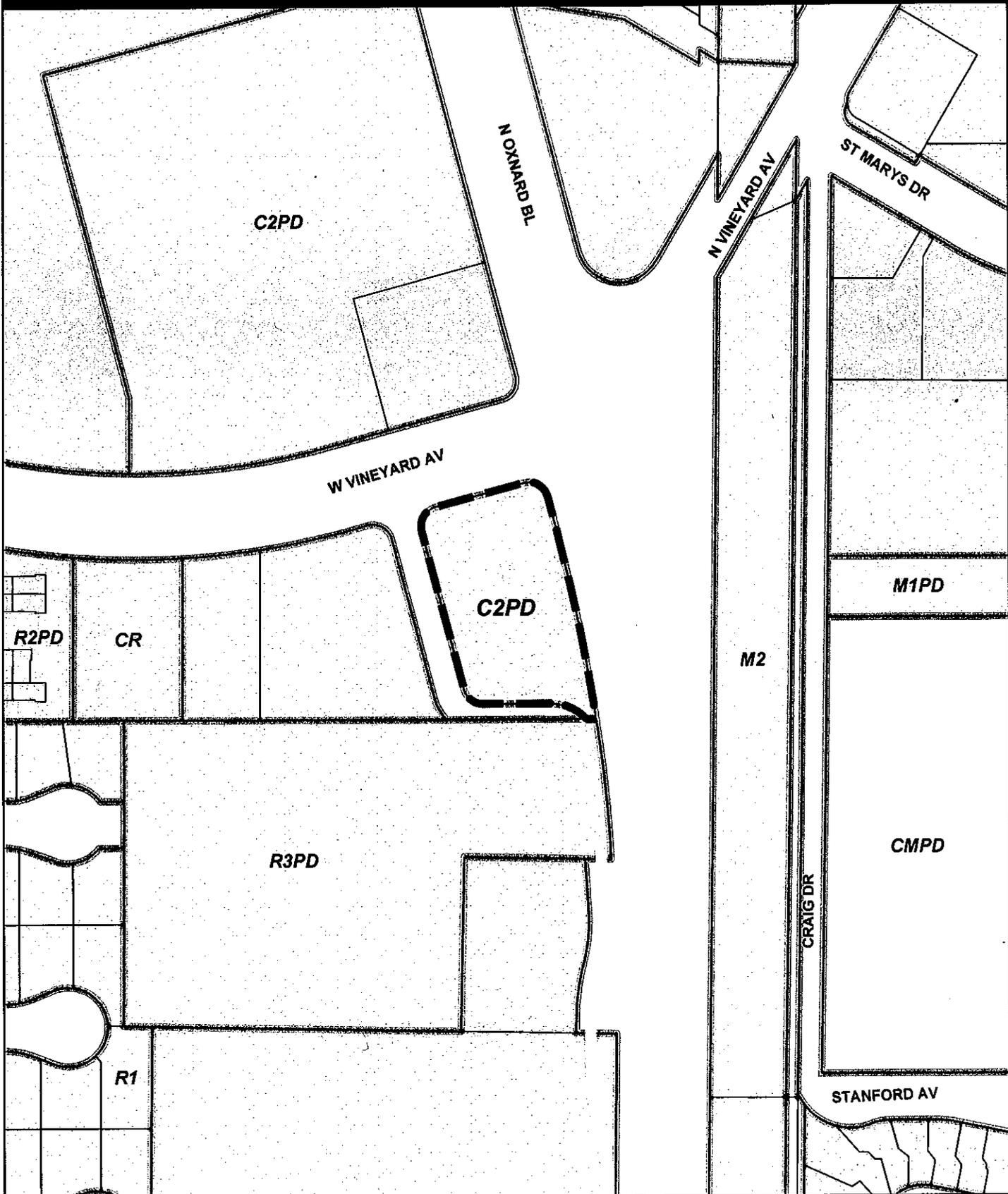


General Plan Map

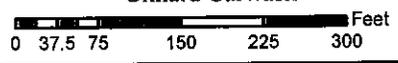


1:2,067

Zone Map



PZ 09-550-13
Location: 2251 N Oxnard Bl
APN: 139026024
Oxnard Carwash



Zone Map



Attachment "B": Reduced Project Plans and Colored Exhibits

Attachment "C": Notice of Exemption



NOTICE OF EXEMPTION

Project Description:

PLANNING & ZONING PERMIT NO. 08-550-13 (Major Modification) A request to construct and operate an automatic carwash, dryer, and associated equipment at an existing service station (Chevron), located at 2251 North Oxnard Boulevard. The new structure comprises 1,070 square feet of building area and includes a drive-through lane, four parking stalls, and two vacuum units. The project is exempt from environmental review under Section 15301 of the CEQA Guidelines. Filed by Designated Agent Mark DiCecco, AIA, 5416 North Commerce Avenue, Moorpark, CA 93021.

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 15303 (C) of the California Environmental Quality Act (CEQA) Guidelines, projects involving the “installation of small new equipment and facilities in small structures” may be found to be exempt from the requirements of CEQA. This proposal qualifies for this exemption because it is a small addition to the existing service station and retail use. Furthermore, the addition itself is significantly smaller (at 1,070 square feet) than the 10,000 square foot threshold for the Class 3 (new construction or conversion of small structures) exemption. Therefore, staff has determined that there is no substantial evidence that the project may have a significant effect on the environment.

(Date)

Susan L. Martin, AICP
Planning Division Manager

Attachment "D": Resolution

RESOLUTION NO. 2010-(09-550-13)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 09-550-13 (MAJOR MODIFICATION TO SPECIAL USE PERMIT NOS. 479), TO ALLOW CONSTRUCTION AND OPERATION OF AN AUTOMATIC CARWASH AND ASSOCIATED EQUIPMENT AT AN EXISTING SERVICE STATION (CHEVRON), LOCATED AT 2251 NORTH OXNARD BOULEVARD, (APN 139-0-260-245), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY DESIGNATED AGENT MARK DI CECCO, AIA, DI CECCO ARCHITECTURE, INC., 5146 NORTH COMMERCE AVENUE, SUITE A, MOORPARK, CA 93021.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 09-550-13, filed by Designated Agent Mark Di Cecco in accordance with Section 16-530 through 16-553 of the Oxnard City Code; and

WHEREAS, Section 15303(c) of Title 14 of the California Code of Regulations exempts the project from the requirement for the preparation of environmental documents imposed by the California Environmental Quality Act; 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.
6. The proposed development is in conformance with Special Use Permit No. 479 and all subsequent modifications thereto.

WHEREAS, the Planning Commission finds that the applicant agrees with the necessity of and accepts all elements, requirements, and conditions of this resolution as being a reasonable manner of preserving, protecting, providing for, and fostering the health, safety, and welfare

of the citizenry in general and the persons who work, visit or live in this development in particular.

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

STANDARD CONDITIONS OF APPROVAL FOR LAND USE PERMITS

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

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

GENERAL PROJECT CONDITIONS

1. This permit is granted for the property described in the application on file with the Planning Division, and may not be transferred from one property to another. (PL, *G-1*)
2. This permit is granted for the plans date stamped February 1, 2010 (“the plans”) on file with the Planning Division. The project shall conform to the plans, except as otherwise specified in these conditions, or unless a minor modification to the plans is approved by the Planning and Environmental Services Manager (“Planning Manager”) or a major modification to the plans is approved by the Planning Commission. A minor modification may be granted for minimal changes or increases in the extent of use or size of structures or of the design, materials or colors of structures or masonry walls. A major modification shall be required for substantial changes or increases in such items. (PL, *G-2*)
3. This permit shall automatically become null and void 36 months from the date of its issuance, unless Developer has diligently developed the proposed project, as shown by the issuance of a grading, foundation, or building permit and the construction of substantial improvements. (PL, *G-3*)
4. All required off-site and on-site improvements for the project, including structures, paving, and landscaping, shall be completed prior to occupancy unless the Development Services Manager

allows Developer to provide security or an executed agreement approved by the City Attorney to ensure completion of such improvements. (DS, G-4)

5. By commencing any activity related to the project or using any structure authorized by this permit, Developer accepts all of the conditions and obligations imposed by this permit and waives any challenge to the validity of the conditions and obligations stated therein. (CA, G-5)
6. Developer agrees, as a condition of adoption of this resolution, at Developer's own expense, to indemnify, defend and hold harmless the City and its agents, officers and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of the resolution or any condition attached thereto or any proceedings, acts or determinations taken, done or made prior to the approval of such resolution that were part of the approval process. Developer's commencement of construction or operations pursuant to the resolution shall be deemed to be an acceptance of all conditions thereof. (CA, G-6)
7. Any covenants, conditions, and restrictions (CC&Rs) applicable to the project property shall be consistent with the terms of this permit and the City Code. If there is a conflict between the CC&Rs and the City Code or this permit, the City Code or this permit shall prevail. (CA, G-7)
8. Developer shall complete the "Notice of Land Use Restrictions and Conditions" form, using the form provided by the City, for recording with the Ventura County Recorder. Before the City issues building permits, Developer shall submit the original completed, signed and notarized document, together with the required fees to the Planning Manager. (PL, G-8)
9. Developer shall provide off-street parking for the project, including the number of spaces, stall size, paving, striping, location, and access, as required by the City Code. (PL/B, G-9)
10. Before placing or constructing any signs on the project property, Developer shall obtain a sign permit from the City. Except as provided in the sign permit, Developer may not change any signs on the project property. (PL/B, G-10)
11. Developer shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, G-11)
12. Developer shall not permit any combustible refuse or other flammable materials to be burned on the project property. (FD, G-12)
13. Developer shall not permit any materials classified as flammable, combustible, radioactive, carcinogenic or otherwise potentially hazardous to human health to be handled, stored or used on the project property, except as provided in a permit issued by the Fire Chief. (FD, G-13)
14. If Developer, owner or tenant fails to comply with any of the conditions of this permit, the Developer, owner or tenant shall be subject to a civil fine pursuant to the City Code. (CA, G-14)
15. Prior to issuance of building permits, Developer shall correct all violations of the City Code on the project property. (PL, G-15)

LANDSCAPE STANDARD CONDITIONS

16. Before submitting landscape and irrigation plans, Developer shall obtain approval of the Parks and Facilities Superintendent or designee ("Superintendent") of a plan showing on the project property all existing trees and identifying the trees to be saved, transplanted or removed. (PK, *PK-1*)
17. Before the City issues building permits or the proposed use is initiated, Developer shall submit two copies of landscape and irrigation plans, along with the appropriate permit application and fees, to the Development Services Division and obtain approval of such plans. (PK/DS, *PK-2*)
18. Before the City issues a certificate of occupancy, Developer shall install landscape and automatic irrigation systems that have been approved by Parks and Facilities Superintendent. (PK, *PK-3*)
19. Developer shall maintain landscape planting and all irrigation systems as required by the City Code and as specified by this permit. Failure of Developer to do so will result in the revocation of this permit and initiation of legal proceedings against Developer. (PK, *PK-4*)
20. Before the City issues a certificate of occupancy, Developer shall provide a watering schedule to the building owner or manager and to the Parks and Facilities Superintendent. The irrigation system shall include automatic rain shut-off devices, or instructions on how to override the irrigation system during rainy periods. (PK, *PK-5*)
21. All trees planted or placed on the project property by Developer shall be at least 24-inch-box size. All shrubs and vines shall be at least five-gallon size, except as otherwise specified by this permit. (PK, *PK-6*)
22. Developer shall install an irrigation system that includes a water sensor shut off device as a water conservation measure. (PK, *PK-22*)

LANDSCAPE SPECIAL CONDITIONS

23. Developer'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 (DS/PK)
24. Relocate the one existing affected *Pinus canariensis* (Oxnard Boulevard frontage) to five feet south of the proposed relocated propane tank area. In lieu of relocated the existing *Pinus canariensis* tree, provide a new *Pinus canariensis* tree of equal height, spread and health to the Oxnard Boulevard frontage area, five feet south of the proposed relocated tank area. (PK)
25. The screen shrubs provided adjacent to the propane tank location shall be 15 gallon in size to help immediately screen the propane tank and the dispensing cabinet. (PK)

26. The first row of *Rhaphiolepis indica* 'pink lady' adjacent to the curbing at the stacking lane for the carwash shall be 15 gallon in size. The *Rhaphiolepis indica* in this location shall be installed and maintained at a consistent height of no less than three feet six inches. (PK)

FIRE DEPARTMENT STANDARD CONDITIONS

27. 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)
28. 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)
29. Before the City issues building permits, Developer shall obtain the Fire Chief's approval for 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)
30. At Developer's expense, Developer shall obtain two certified fire flow tests for the project property. The first test shall be completed before the 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 of 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)
31. All structures on the project property shall conform to the minimum standards prescribed in Title 19 of the California Code of Regulations. (FD, F-6)
32. The project shall meet the minimum requirements of the "Fire Protection Planning Guide", published by the Fire Department. (FD, F-6)
33. 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)
34. Developer shall identify all hydrants and fire protection equipment on the project property as required by the Fire Chief. (FD, F-8)
35. Developer shall provide central station monitoring of the fire sprinkler system and all control valves. (FD, F-10)
36. The turning radius of all project property driveways and turnaround areas used for access shall be approved by the City Traffic Engineering Department. (FD/DS)
37. 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)

38. Developer shall install in each structure in the project a detection/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)
39. Developer shall comply with Certified Unified Program Agency (CUPA) requirements regarding the storage, handling, and generation of hazardous materials or waste. Prior to the issuance of building permits, Developer shall contact the CUPA division of the Fire Department to ensure that such requirements are followed. (FD, F-16)

PLANNING DIVISION STANDARD CONDITIONS

40. The final building plans submitted by Developer with the building permit application shall depict on the building elevation sheets all building materials and colors to be used in construction. (PL/B, *PL-1*)
41. 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*)
42. 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*)
43. 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*)
44. 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*)
45. 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*)
46. 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)

47. Prior to issuance of building permits, Developer shall demonstrate that light standards illustrated on conceptual lighting plan do not conflict with tree locations. Developer shall submit a plan showing both the lighting and landscape on the same sheet. (PL)
48. 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 submit a lighting plan showing standard heights and light materials for design review and approval of the Planning Division Manager. (PL/B, PL-8)
49. 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)
50. 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. (B/DS, PL-11)
51. During construction, Developer shall control dust by the following activities:
 - a. All trucks hauling graded or excavated material offsite shall be required to cover their loads as required by California Vehicle Code section 23114, with special attention to sub sections 23114(b)(2)(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. (B/DS, PL-12)
52. Developer shall provide for dust control at all times during project property preparation and construction activities. (B/DS, PL-13)
53. 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)

54. 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*)
55. 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*)
56. Developer shall participate in the City's Art in Public Places Program by paying the Public Art fee prior to issuance of building permits, in accordance with City Council Resolution No. 13,103. (PL)
57. Developer shall recess or screen roof heating and cooling systems and other exterior mechanical equipment from adjoining property and public streets, as required by this permit. Plumbing vents, ducts and other appurtenances protruding from the roof of structures shall be placed to limit visibility to the maximum extent possible, so that they will not be visible from the front of the property or other major public vantage points. Developer shall include a note on the construction plumbing drawings of exterior elevations to indicate to contractors that roof features shall be grouped and located in the described manner. Roof vents shall be shown on construction drawings and painted to match roof material color. (PL/B, *PL-41*)
58. Developer shall install all roof and building drainpipes and downspouts inside building elements. These items shall not be visible on any exterior building elevations. (PL, *PL-42*)
59. For any exterior utility meter panels, Developer shall paint such panels to match the structure upon which it is located. Such panels shall be located to take advantage of screening (e.g. landscaping or other building elements) from public right-of-ways, to the maximum extent feasible. (PL, *PL-43*)
60. Prior to issuance of a certificate of occupancy, Developer shall remove all construction materials and vehicles related to this project from the subject property. (PL/B, *PL-47*)

PLANNING DIVISION SPECIAL CONDITIONS

61. Prior to the issuance of a certificate of occupancy for the carwash building, Developer shall paint the off-white colored portions of the fuel canopy and monument signs Miniki (CL-1584D) or an equivalent color, to complement the retail and wash building, to the satisfaction of the Planning Manager.
62. Prior to the issuance of a building permit for the carwash building, Developer shall remove all unpermitted tables and benches from the walkway adjacent to the east side of the commercial building.

ENVIRONMENTAL RESOURCES DIVISION

63. To ensure that solid waste generated by the project is diverted from the landfill and reduced, reused or recycled, Developer shall complete and submit a "City of Oxnard C&D Environmental Resources Management & Recycling Plan" ("Plan") to the City for review and approval. The Plan shall provide that at least 50% of the waste generated on the project be diverted from the landfill. The Plan shall include the entire project area, even if tenants are pursuing or will pursue independent programs. The Plan shall be submitted to and approved by the Environmental Resources Division prior to issuance of a building permit. The Plan shall include the following information: material type to be recycled, reused, salvaged or disposed; estimated quantities to be processed; management method used; destination of material including the hauler name and facility location. Developer shall use the Plan form.
64. Developer shall follow the approved "City of Oxnard C&D Environmental Resources Management & Recycling Plan" and provide for the collection, recycling, and/or reuse of materials (i.e., concrete, wood, metal, cardboard, green waste, etc.) and document results during construction and/or demolition of the proposed project. After completion of demolition and/or construction, Developer shall complete and submit the "City of Oxnard C&D Environmental Resources Management & Recycling Report for Work Completed" ("Work Completed Report") and provide legible copies of weight tickets, receipts, or invoices for materials sent to disposal or reuse/recycling facilities. For other discarded or salvaged materials, Developer shall provide documentation, on the disposal facility's letterhead, identifying where the materials were taken, type of materials, and tons or cubic yards disposed, recycled or reused, and the project generating the discarded materials. Developer shall submit and obtain approval of the Work Completed Report prior to issuance of a certificate of occupancy.
65. 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.
66. Developer shall make provisions to divert at least 50% of the waste material generated during occupancy through source reduction, recycling, reuse, and green waste programs. Developer shall complete and submit a "City of Oxnard C&D Environmental Resources Management & Recycling Occupancy Plan" ("Occupancy Plan") to the City's Environmental Resources Division. An Occupancy Plan must be submitted and approved prior to issuance of a certificate of occupancy. A "City of Oxnard C&D Environmental Resources Management & Recycling Occupancy Report" shall be submitted to the Environmental Resources Division annually on the anniversary date of the certificate of occupancy for approval.
67. 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.

DEVELOPMENT SERVICES DIVISION STANDARD CONDITIONS

68. 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)
69. 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)
70. 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)
71. 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)
72. Developer shall protect building pads from inundation during a 100-year storm. (DS-5)
73. Developer shall remove and replace all improvements that are damaged during construction. (DS-6)
74. Before connecting the project to existing sewer and water service laterals, Developer shall arrange for City staff to inspect such facilities. Developer shall make such repairs to such facilities as City staff determines to be necessary. Developer shall bring all existing water services into compliance with City standards. (DS-7)
75. Each structure shall be served by separate sewer and water services. There shall be no interconnections between structures. (DS-8)
76. 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)
77. 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)
78. 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)

79. 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)
80. 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)
81. Developer agrees, as a condition of approval of this resolution, to indemnify, defend and hold harmless, at Developer's expense, City and its agents, officers and employees from and against any claim, action or proceeding commenced within the time period provided for in Government Code Section 66499.37, to attack, review, set aside, void or annul the approval of this resolution or to determine the reasonableness, legality or validity of any condition attached thereto. City shall promptly notify Developer of any such claim, action or proceeding of which City receives notice, and City will cooperate fully with Developer in the defense thereof. Developer shall reimburse City for any court costs and attorney's fees that City may be required to pay as a result of any such claim, action or proceeding. City may, in its sole discretion, participate in the defense of any such claim, action or proceeding, but such participation shall not relieve Developer of the obligations of this condition. Developer's acceptance of this resolution or commencement of construction or operations under this resolution shall be deemed to be acceptance of all conditions thereof. (DS-18)
82. 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)
83. 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)

84. 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)
85. Developer shall pay the cost of all inspections of on-site and off-site improvements. (DS-22)
86. Developer shall be responsible for all project-related actions of Developer's employees, contractors, subcontractors, and agents until City accepts the improvements. (DS-23)
87. 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)
88. "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)
89. 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)
90. 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)
91. 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)

92. 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)
93. 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)
94. Developer shall install City approved backflow prevention devices for water connections if so ordered by the City Engineer. (DS-45)
95. 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)
96. 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)
97. 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)
98. Developer shall provide adequate vehicle sight distance as specified by CalTrans specifications at all driveways and intersections. (TR-71)
99. Developer shall install bike racks in accordance with City standards at locations approved by City Traffic Engineer. (TR-73)
100. 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)
101. Prior to issuance of a grading permit or commencement of any clearing, grading or excavation, Developer shall prepare a Stormwater Pollution Control Plan ("SWPCP") on the form provided by City. The SWPCP shall be developed and implemented in accordance with

requirements of the Ventura Countywide Stormwater Quality Management Program, National Pollutant Discharge Elimination System Permit. The SWPCP 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. The SWPCP shall be reviewed and approved by the City Engineer prior to issuance of a site improvement/grading permit. Developer shall keep the SWPCP updated to reflect current site conditions at all times and shall keep a copy of the SWPCP on the site and make it available for City or designated representative to review upon request. (DS-87)

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

DEVELOPMENT SERVICES SPECIAL CONDITIONS

103. Developer shall adjust the location of the southerly driveway on Oxnard Boulevard approximately 10 feet northerly. Redesign shall include provision of a planted landscape area between the driveway and the existing pedestrian path between Oxnard Boulevard and the building entrance. The final design and location of the driveway is to be approved by the City Traffic Engineer. (DS)
104. Developer shall adjust the location of the southerly driveway on the frontage Road approximately 4 feet northerly. This redesign shall include adjustments to the landscape planters on each side of the driveway. The final design and location of the driveway is to be approved by the City Traffic Engineer. (DS)
105. Developer shall provide a disabled compliant pedestrian path between the new car wash disabled parking space and main entrance of the existing retail building in accordance with requirements of the California Building Code. (DS)
106. Using forms provided by the Development Services Division, Developer shall submit a post-construction stormwater quality control measures maintenance program ("The Program") for this project. The Program shall include, but not be limited to: a) cleaning of 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; b) Developer shall maintain parking lots free of litter and debris by sweeping sidewalks, drive aisles, and parking lot 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; and c) Developer install and maintain labeling on all on-site storm drain inlets with the message "Don't Dump - Drains to Ocean" in accordance with City standards. 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)

107. Developer shall provide proof of a contract with an entity qualified to provide periodic maintenance for all existing or proposed BMPs implemented on this property that require regular replacement and/or cleaning. The property owner is responsible for the long-term maintenance and operation of all BMPs included in the project design. Upon request by the City, property owner shall provide written proof of ongoing BMP maintenance operations. (DS)
108. Prior to issuance of a site improvement permit, Developer shall dedicate a sidewalk easement to City that encompasses all portions of the proposed or existing sidewalks along Oxnard Boulevard and the frontage road not within an existing City easement. (DS)
109. Prior to issuance of a site improvement permit, Developer shall provide proof of issuance of an encroachment permit for all improvements within CalTrans right-of-way. (DS)
110. Developer shall redesign the proposed easterly curb at the car wash exit to further enhance the right-turn only path for exiting vehicles. The final design of the curb is to be approved by the City Traffic Engineer. (TR)

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 18th day of March, 2010, by the following vote:

AYES: Commissioners

NOES: Commissioners

ABSENT: Commissioner

Randall Elliott, Chair

ATTEST: _____
Susan L. Martin, Secretary