



**Planning Division**

**PLANNING COMMISSION  
STAFF REPORT**

**TO:** Planning Commission

**FROM:** Ashley Golden, Principal Planner *AG*

**DATE:** April 15, 2010

**SUBJECT:** Planning and Zoning Permit Nos. 10-500-3, (Special Use Permit) and 10-300-1 (Tentative Map for a Parcel Map Waiver), Located at 2311, 2325 Statham Boulevard, APN No. 220-0-010-265, and APN No. 220-0-010-245.

- 1) **Recommendation:** That the Planning Commission:
  - a) Approve Planning and Zoning Permit No. 10-500-3 for a special use permit, subject to certain findings and conditions.
  - b) Approve Planning and Zoning Permit No. 10-300-1 for a tentative map for a parcel map waiver, subject to certain findings and conditions.
  
- 2) **Project Description and Applicant:** 10-500-3 (Special Use Permit) and 10-300-1 (Tentative Map for a Parcel Map Waiver) to re-subdivide three existing lots into two. The subject site, totaling 7.22 acres, consists of two structures on two parcels, and one parcel providing vehicular access from Statham Boulevard. The building addressed at 2311 Statham Boulevard will be merged with the access drive as part of this request into Parcel A (2.4 acres). This map application includes a request for condominium purposes for three tenant spaces within the building on Parcel A. In addition, the site will be upgraded with additional landscaping and parking area improvements. Parcel B (4.8 acres), a multi-tenant building, is addressed at 2325 Statham Boulevard. A small portion of this Parcel B will be merged into Parcel A. Filed by Gary Schein of Gruny LLC, 355 North Lantana Street #784, Camarillo, CA 93010.
  
- 3) **Existing & Surrounding Land Uses:** Parcels 2 and 3 are developed with multi-tenant industrial buildings. Parcel 4 is vacant and provides vehicular access to Parcels 2 and 3.

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
Project Site (Existing Parcel 2, 3 & 4; Proposed Parcels A & B)	M1	ILGT	Industrial Buildings; vehicular access to parcels 1-3.
North	M1	ILGT	Industrial Building
South	ML	ILGT	Vacant & Outdoor Storage

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
East	ML	ILIM	Industrial Building
West	ER	ER	Railroad

- 4) **Background Information:** City records do not include building permits for the original construction of the subject structures. Furthermore, there are no planning permits pertaining to the building or site development of the subject sites.

Final Parcel Map Nos. 72-22 and 76-3 created Parcels 1-4. Parcel 4 was dedicated “in fee” to the city on November 5, 1973 with a non-exclusive public utility easement and an ingress and egress and driveway easement for Parcels 1, 2, and 3. In 2007, Gruny LLC applied for a lot line adjustment (LLA) (PZ 07-310-2) to dedicate a 3.5’x 250’ landscape strip of land that is part of parcel 3 extending easterly (2311 Statham Blvd) to Statham Blvd. to the property owner to the north (2241 Statham Blvd.) Although the City approved this LLA, the applicant never recorded the document, and therefore the LLA never occurred. In October 2009, the City of Oxnard sold Parcel 4 to Gary Schein. The public utility and access easements on Parcel 4 were retained and will be a part of the new Parcel A.

In 2008, this original application request (PZ Nos. 08-500-4 and 08-300-6) included properties addressed at 2335 and 2345 Statham Boulevard. It was later determined that those parcels were not altered by this request, and the application was modified as currently presented.

- 5) **Environmental Determination:** In accordance with Sections 15301(k) and 15304(b) of the California Environmental Quality Act (CEQA) Guidelines, projects involving “subdivision of existing commercial or industrial buildings” and “new gardening or landscaping” may be found to be exempt from the requirements of CEQA. This proposal involves the re-subdivision of land, and landscaping and parking lot improvements. 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 project involves the following parcels:

Address	Existing Parcel	Proposed Parcel
2325 Statham Blvd	2	B
2311 Statham Blvd	3	A
APN 220-0-010-245 and 220-0-010-265	4	A

Although Parcel 4 is shaped and serves as a cul de sac, it is not a public roadway. Currently, eight (8) parking stalls serving Parcel 3 are located within Parcel 4. In addition, some parking for Parcel 1 (not part of this application) utilizes a portion of this

parcel for back-up purposes (see Attachment D). This request improves the setback and clearance issues by squaring off Parcels 2 and 3, and eliminates Parcel 4. Furthermore, an oddly configured landscape extension of Parcel 3 will be absorbed into Parcel A.

The request also includes a map for condominium purposes for three existing industrial tenant spaces on new Parcel A. No modifications to the existing building are proposed, but landscaping and parking area improvements are included. The re-subdivision will not affect the industrial uses on the site. In situations where a property complies with all City development standards, all public services are available and sufficient environmental protections are in place, the Planning Commission may grant a parcel map waiver. (OCC §15-11(C)) A parcel map waiver simplifies the subdivision process in the limited instances where this situation applies by allowing the remaining steps in the subdivision process to be handled administratively. As this application satisfies the requirements for a parcel map waiver, staff supports the requested approvals.

**b) General Plan Consistency:**

POLICY	DISCUSSION
<i>Economic Development Policy #2 (page XI-16) states that "the City will encourage a balanced mix of residential, commercial and industrial sectors of the economy"</i>	The proposed subdivision of an existing industrial building into condominium workplaces allows a variety of small businesses to grow. Therefore, consistency with this policy may be found.
<i>Growth Management Policy #2 (page IV-17) states that "development shall be encouraged that can be served by existing utilities, transportation and service systems"</i>	The subject site is currently served by utilities, transportation and service systems. Therefore, consistency with this policy may be found.

**c) Conformance with Zoning Development Standards:** The proposed development is located in the Light Manufacturing (M-1) zone district. New Parcel B will not be significantly altered by this proposal and there is no change to the zoning conformity. Applicable development standards of the M-1 zone have been compared with the proposed project on new Parcel A, as follows:

M-1 DEVELOPMENT STANDARD	REQUIREMENT	PROPOSED	COMPLIES?
Min. lot area (16-230)	15,000 square feet	82,150 sf	Yes
Min. lot width (16-230)	100 feet;	278'	Yes
Min. lot depth (16-230)	150 feet	285'	Yes
Max. building height (16-231)	55 feet	17' (existing).	Yes
Front yard setback (16-232)	10 feet	71' (existing)	Yes
Side yard setback (16-232)	None if interior abuts M-1 or M-2 parcel.	West = 5' East = 44'	Yes
Rear yard setback (16-232)	Not less than height of building; 17'	61'	Yes
Max. lot coverage (16-233)	Ground floor of structures shall not exceed 70% of total area	43%	Yes

M-1 DEVELOPMENT STANDARD	REQUIREMENT	PROPOSED	COMPLIES?
Walls (16-234 & 16-311)	8' max height	Existing 6' chain link -(along north and portion of east property lines)	Yes
Site access (16-235)	Curb cuts min. 30 feet wide,	Access from new Parcel C (32'-39' curb cuts) (existing and new access)	Yes
Site landscaping	Front yard setback area, with the exception of that area provided for vehicle access.	Front yard landscaping proposed	Yes
Utilities, lighting, trash (16-37)	In accordance with City Code.	New covered trash enclosure Existing lighting to remain	Yes
Off-street parking: Handicapped Motorcycle (16-624) Bicycle (16-623 & 16-637) Loading (16-644)	Total Required = 69 <i>Office</i> = 1/250 sqft (5,696 sqft = 23 stalls)  <i>Manufacturing</i> = 1/500 sqft (15,392 sqft = 31 stalls)  <i>Warehousing</i> = 1/1000 sqft (15,392 sqft = 15 stalls)	Total provided = 80 spaces Standard = 75 Handi. = 4 Motorcycle = 1 Bicycle = 5 Loading = 4	Yes
Parking space sizes & design: • Standard (16-636 & 16-638) • Loading (16-644)	• 9'W x 19'L • 12'W x 40'L x 14'H	• 9'W x 19'L • 12'W x 40'L x 14'H (min)	Yes
Parking area Landscape Req. (16-641): • Along streets/alleys  • Along interior PLs (for lots with 20 or more spaces)  • Parking/vehicle area (16-641) • Landscape fingers (16-641)  • Trees	• Min. 10' wide strip.  • Min. 5' wide in parking areas.  • Minimum 5% of area  • 9'W x 20'L - every 10 spaces  • Min. 40' O.C.	• N/A (Parcel C is not a street or alley) • 0' wide  • 6% of area  • Provided in new parking area; 2 proposed w/o trees • No perimeter trees proposed	• N/A • Legal non conforming* • Yes, and Legal non conforming* • Yes  • Legal non-conforming*  • Legal non-conforming*

\*Building Permits approved in 1989 and 2000 show the lot with this configuration and landscaping.

- d) Circulation and Parking:** Parcel A will serve as the vehicular driveway for Parcels A, B, and existing Parcel 1 (not a part of this permit) and provide a connection to Statham Boulevard. Several access points will service parking, loading zone, and refuse areas on new Parcel A. Parcel A requires 69 parking stalls and provides 80 parking stalls (see table in section 6c above). Four loading zones are provided for the 3 industrial spaces. With this map request all the required parking for this building and use will be provided.
- e) Signs:** Signs are not proposed as part of these permits. As provided for in City Code Section 16-608(A)(3) business without building frontage on a public road shall be allocated ½ square foot of sign area per linear foot of building frontage. Parcels A and B do not have frontage on a public road. Parcel A's sign area shall be limited to 114 square feet. Parcel B's sign area shall be limited to 239 square feet. These sign areas are limited to attached signs only.
- f) Landscaping and Open Space:** The special use permit request includes the enlargement and or addition to all the landscape areas in the southerly parking field. Additionally the applicant will upgrade the existing landscape planters on the easterly property line. Although City Code requires a 5 foot wide landscape strip throughout the parking area, this property is considered to be legal non-conforming as an existing building. It is not feasible to require the requisite landscape without reducing the drive aisles to widths unacceptable for emergency vehicle access. Furthermore, the City of Oxnard approved building permits in 1989 and 2000 that did not include landscaping in these areas. The applicant's proposal improves the current situation to the maximum extent feasible.
- g) City Code Compliance:** The Planning Commission can grant a parcel map waiver *"provided that the commission finds at the time of the waiver that the proposed division of land complies with requirements established by the Subdivision Map Act and this chapter, including but not limited to requirements as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability and environmental protection"* [Section 15-11(C)]. The existing developments do not have planning permits; however building permit records show that the buildings and site improvements met city standards at the time, or were found to otherwise be legal nonconforming. If, in the future, the owner of Parcel B requests condominiums for that site, upgrades to the site may be required.

Once the Planning Commission approves the parcel map waiver, the subdivider submits exhibits directly to the City Surveyor to assure that the map is technically correct. With the City Surveyor's recommendation, the Director of Development Services certifies that the conditions set forth in the Planning Commission's resolution have been complied with and a *Certificate of Approval for Parcel Map Waiver* is recorded with the Ventura County Recorder's office.

- 7) Development Advisory Committee:** The Development Advisory Committee (DAC) informally reviewed the 2008 project request in March and September of 2009. The revised 2010 applications were not formally reviewed by the DAC. Recommendations of the DAC are included in the attached resolutions.
- 8) Community Workshop:** The subject site is not in a neighborhood. As such, a Community Workshop meeting was not held.

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

**Attachments:**

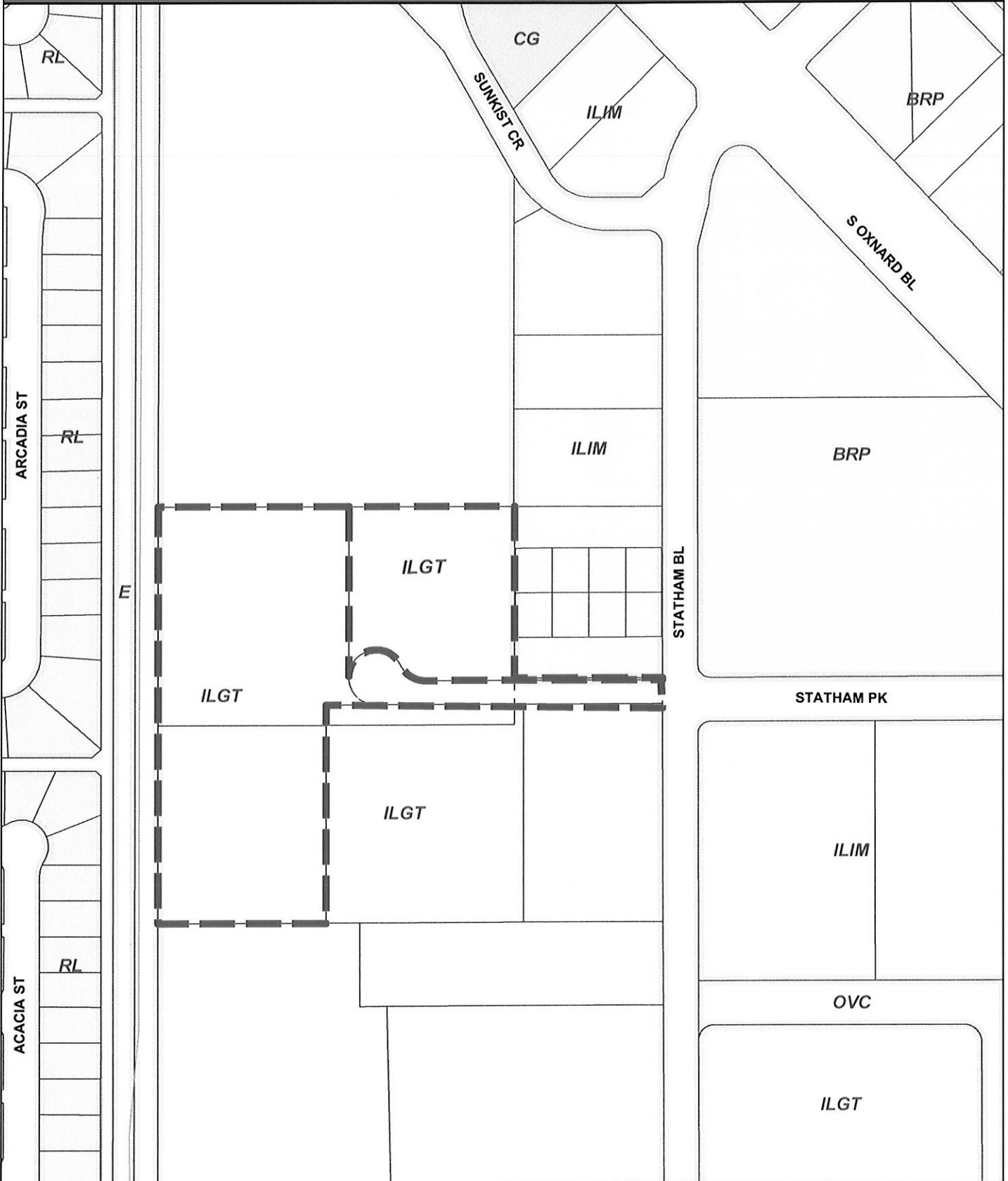
- A. Maps (Vicinity, General Plan, Zoning)
- B. Reduced Project Plans
- C. CEQA Exemption
- D. Existing Lot Configuration Exhibit
- E. Resolutions

Prepared by:	 AG
Approved by:	 SM

# Attachment A

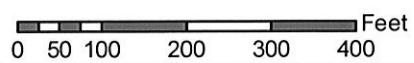


# General Plan Map



Oxnard Planning  
November 20, 2009

PZ 10-500-03 PZ 10-300-01  
Location: 2311, 2325 Statham Bl  
APN: 22001026, 22001024

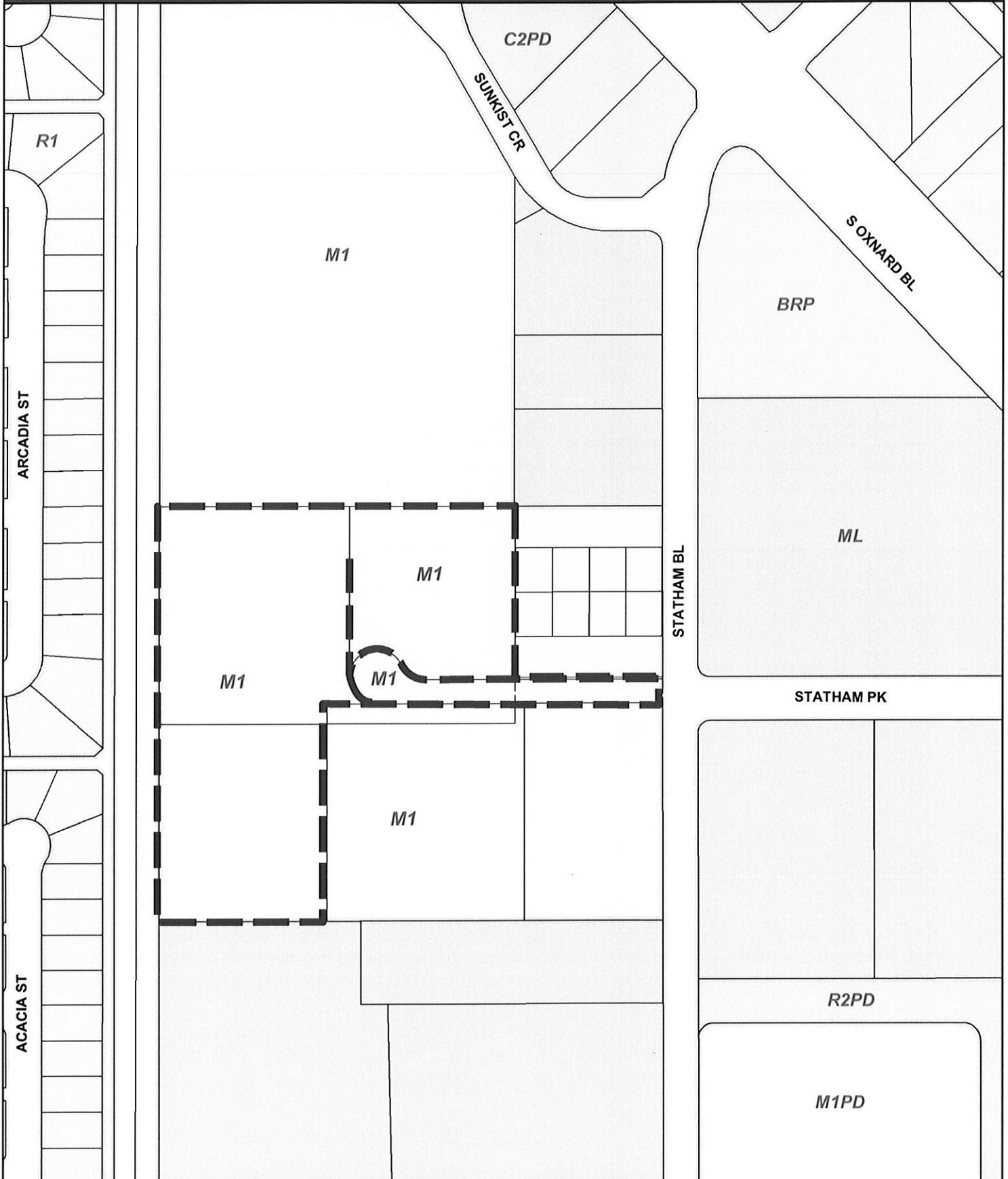


## General Plan Map



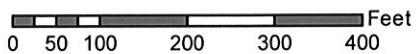
1:2,590

# Zone Map



Oxnard Planning  
November 20, 2009

PZ 10-500-03 PZ 10-300-01  
Location: 2311, 2325 Statham Bl  
APN: 22001026, 22001024



Zone Map



1:2,608

## **Attachment B**





# Attachment C



## NOTICE OF EXEMPTION

### *Project Description:*

PLANNING AND ZONING PERMIT NO. 10-500-3 (Special Use Permit) and 10-300-1 (Tentative Map for a Parcel Map Waiver) to re-subdivide three existing lots into two. The subject site, totaling 7.22 acres, consists of two structures on two parcels, and one parcel providing vehicular access from Statham Boulevard. The building addressed at 2311 Statham Boulevard will be merged with the access drive as part of this request into Parcel A (2.4 acres). This map application includes a request for condominium purposes for three tenant spaces within the building on Parcel A. In addition, the site will be upgraded with additional landscaping and parking area improvements. Parcel B (4.8 acres), a multi-tenant building, is addressed at 2325 Statham Boulevard. A small portion of this Parcel B will be merged into Parcel A. The proposed project is exempt from environmental review under Section 15301(k) and 15304(b) of the CEQA Guidelines. Filed by Gary Schein of Gruny LLC, 355 North Lantana Street #784, Camarillo, CA 93010.

### *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, Section 15270]
- No Possibility of Significant Effect [CEQA Guidelines, Section 15061(b)(3)]

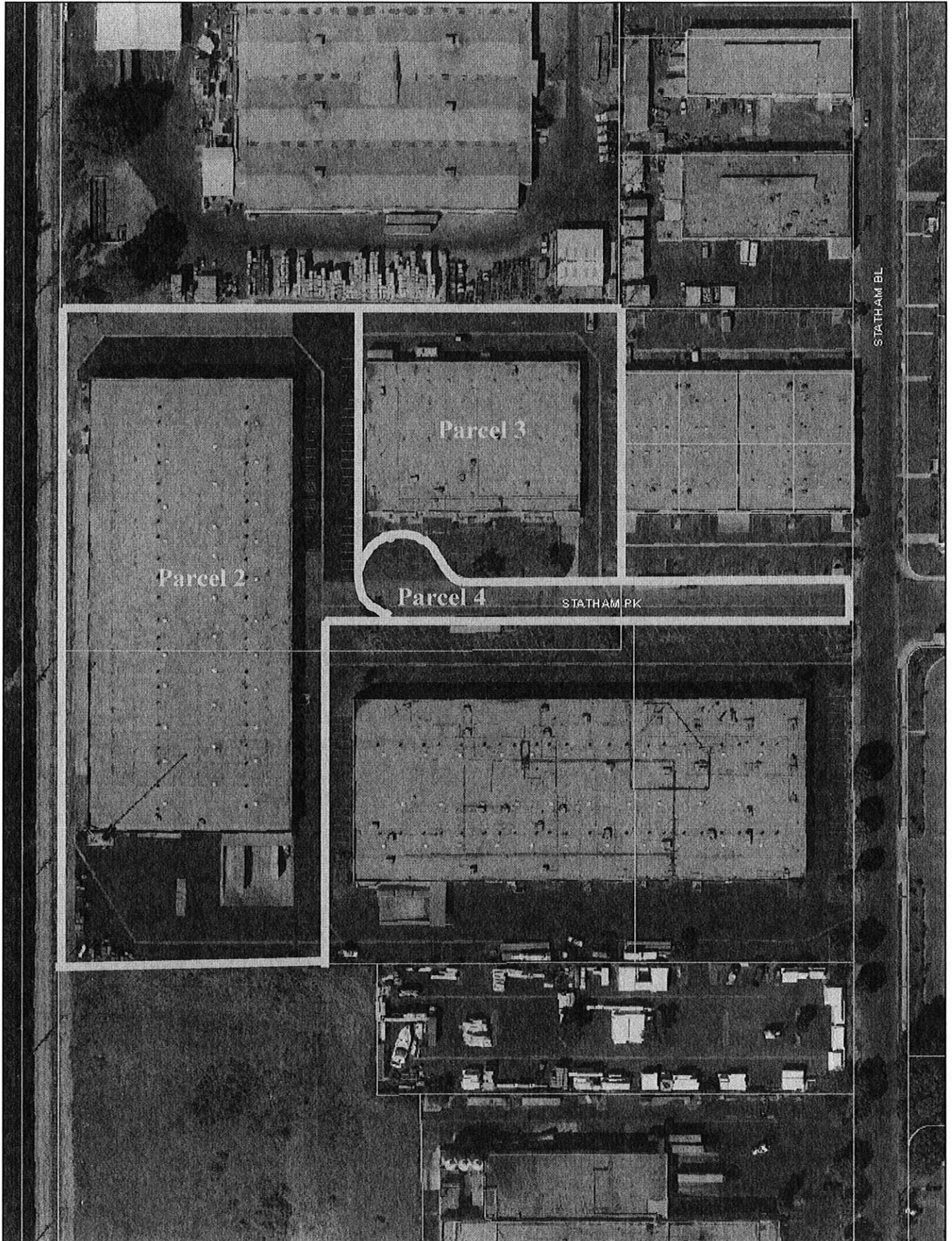
**Supporting Reasons:** In accordance with Sections 15301(k) and 15304(b) of the California Environmental Quality Act (CEQA) Guidelines, projects involving "Division of existing multiple family or single family residences into common-interest ownership and subdivision of existing commercial or industrial buildings..." and "new gardening or landscaping" may be found to be exempt from the requirements of CEQA. This proposal involves the re-subdivision of land and landscaping and parking lot improvements. 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**

Attachment D  
EXITING LOT CONFIGURATION



# Attachment E

RESOLUTION NO. 2010 – [PZ 10-500-3]

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 10-500-3 (SPECIAL USE PERMIT), TO ALLOW THE CONVERSION OF AN EXISTING INDUSTRIAL BUILDING INTO COMMUNITY OWNERSHIP UNITS AND RELATED SITE IMPROVEMENTS, LOCATED AT 2311 STATHAM BOULEVARD (APN 220-0-010-215), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY GARY SCHIEN REPRESENTING GRUNY LLC, 355 N. LANTAN STREET, #784 CAMARILLO, CA 93010.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 10-500-3 filed by Gruny LLC (“Developer”) in accordance with Section 16-530 through 16-553 of the Oxnard City Code; and

WHEREAS, Section 15301(k) and 15304(b) 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.

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

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

**STANDARD CONDITIONS OF APPROVAL  
FOR LAND USE PERMITS**

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

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

**GENERAL PROJECT CONDITIONS**

1. This permit is granted for the property described in the application on file with the Planning Division, and may not be transferred from one property to another. (PL, *G-1*).
2. This permit is granted for the plans dated 2-16-10 (“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. By commencing any activity related to the project or using any structure authorized by this permit, Developer accepts all of the conditions and obligations imposed by this permit and waives any challenge to the validity of the conditions and obligations stated therein. (CA, *G-5*)

5. Developer agrees, as a condition of adoption of this resolution, at Developer's own expense, to indemnify, defend and hold harmless the City and its agents, officers and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of the resolution or any condition attached thereto or any proceedings, acts or determinations taken, done or made prior to the approval of such resolution that were part of the approval process. Developer's commencement of construction or operations pursuant to the resolution shall be deemed to be an acceptance of all conditions thereof. (CA, G-6)
6. 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. Developer shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, G-11)
10. Developer shall not permit any combustible refuse or other flammable materials to be burned on the project property. (FD, G-12)
11. Developer shall not permit any materials classified as flammable, combustible, radioactive, carcinogenic or otherwise potentially hazardous to human health to be handled, stored or used on the project property, except as provided in a permit issued by the Fire Chief. (FD, G-13)
12. If Developer, owner or tenant fails to comply with any of the conditions of this permit, the Developer, owner or tenant shall be subject to a civil fine pursuant to the City Code. (CA, G-14)
13. Prior to issuance of building permits, Developer shall correct all violations of the City Code existing on the project property. (PL, G-15).

#### **LANDSCAPE STANDARD CONDITIONS**

14. 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*)

15. 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*)
16. 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*)
17. 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*)
18. 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*)
19. 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**

20. At time of Plan Check, 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.
21. Developer's Landscape Plan submittal to the Building and Engineering Department shall include the re-landscaping of existing areas that are deficient as well as any proposed new areas of landscaping. All landscaping shall meet the City of Oxnard Landscape Standards and shall include a combination of trees, shrubs, groundcovers and automatic irrigation system.
22. Developer shall comply with the City of Oxnard Water Efficient Landscape Ordinance and Landscape Water Conservation (Ordinance No. 2822).

#### **FIRE DEPARTMENT STANDARD CONDITIONS**

23. 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*)

### **FIRE DEPARTMENT SPECIAL CONDITIONS**

24. Prior to recordation of a Certificate of Approval of Parcel Map Waiver, Developer shall submit to the Fire Department a five year state fire sprinkler system certification. Such certification shall be provided by an approved, authorized fire sprinkler company.
25. Prior to recordation of a Certificate of Approval of Parcel Map Waiver, Developer shall provide a copy of a maintenance agreement shall for the maintenance of the fire sprinkler system. Such agreement shall include maintenance of a central station fire monitoring system.
26. Prior to recordation of a Certificate of Approval of Parcel Map Waiver, or issuance of Building Permits if the Fire Chief agrees to deferral, Developer shall remediate all outstanding permit and inspection deficiencies.

### **POLICE STANDARD CONDITIONS**

27. Prior to issuance of a building permits, Developer shall demonstrate compliance with the City of Oxnard's Outdoor Lighting Code & Guideline as follows:
  - (a) Outdoor lighting shall comply with Title 24, Part 6, of the California Code of Regulations: California's Energy Efficiency Standards for Residential and Nonresidential Buildings.
  - (b) Unless approved as a specific exception to this guideline, all outdoor lighting shall be flat lens, full cut-off fixtures with the light source fully shielded with the following exceptions:
    1. Luminaires with a maximum output of 260 lumens per fixture, regardless of number of bulbs (equal to one 20-watt incandescent light), may be left unshielded provided the fixture has an opaque top to keep light from shining directly up.
    2. Luminaires that have a maximum output of 1,000 lumens per fixture, regardless of number of bulbs (equal to one 60-watt incandescent light) may be partially shielded provided the bulb is not visible, and the fixture has an opaque top to keep light from shining directly up.
  - (c) Oxnard City Code 16-320: Lighting within physical limits of the area required to be lighted shall not exceed seven foot-candles, nor be less than one foot-candle at any point. A light source shall not shine upon, or illuminate directly any surface other than the area required to be lighted. No lighting shall be of a type or in a location that constitutes a hazard to vehicular traffic, either on private property or on abutting streets. The height of light standards shall not exceed 26 feet. To prevent damage from automobiles, standards shall be mounted on reinforced concrete pedestals or otherwise protected.
28. Prior to final inspection Developer shall install graffiti/etching-resistant film application on accessible window panes in public areas

29. Prior to final inspection Developer shall Post all vehicle entrances in compliance with California Vehicle Code §22658(a)(1). Persons in lawful possession of the property may then cause the removal of a vehicle parked on the property to the nearest public garage if parked without the owner's permission.
30. Developer shall include in the Conditions Covenants & Restrictions that at time of issuance of a business license and zone clearance tenants/owners of a business will contact the Oxnard Police Department's Crime Prevention Officer to discuss enrollment in and compliance with the Oxnard Police Department "Crime Free Business Program."
31. If Developer installs any electronic security system, it shall comply with Oxnard City Ordinance No. 2601 and be properly permitted by the City of Oxnard.

### **PLANNING DIVISION STANDARD CONDITIONS**

32. 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*)
33. 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*)
34. 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*)
35. If the project property is already occupied or use has already been initiated, Developer shall comply with all conditions of this permit prior to approval of the Certificate of Approval for the Parcel Map Waiver. (PL/B, *PL-6*)
36. 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*)
37. 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)

38. 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.
39. 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*)
40. 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*)
41. 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*)
42. 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*)
43. Developer shall provide for dust control at all times during project property preparation and construction activities. (B/DS, *PL-13*)
44. 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*)
45. 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*)

46. 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*).
47. 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 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*)
48. 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*)

#### **PLANNING DIVISION SPECIAL CONDITIONS**

49. Developer shall remove any and all graffiti from the project premises, including but not limited to graffiti within the building, within 24 hours of its appearance. The surface of such affected areas shall be matched to blend in with the underlying colors and/or design, and shall not look like a paint patch. (PL)
50. Developer shall submit to Planning staff an application and exhibits required for the Certificate of Approval of Parcel Map Waiver. Planning staff shall prepare the Certificate of Approval for Parcel Map Waiver, and Developer shall record the Certificate of Approval for Parcel Map Waiver with the Ventura County Recorder. (PL)
51. An approved tentative map shall expire thirty-six (36) months after its approval, unless an extension is applied for and approved by the City Council pursuant to Section 15-46 of the City Code. (PL)
52. This permit is granted subject to the City's approval of a tentative map and recordation of a Certificate of Approval of Parcel Map Waiver. The City shall issue building permits only after such recordation, unless otherwise approved by both the Planning Division Manager and the Development Services Manager. Prior to approval of the Certificate of Approval for the Parcel Map Waiver or otherwise initiating any use approved by this permit, Developer shall comply with all conditions of the tentative map. (PL/DS)

53. Parcel A shall be limited to 114 square feet of attached sign area. No other signs shall appear on the building. (PL)
54. Parcel B shall be limited to 239 square feet of attached sign area. No other signs shall appear on the building. (PL).

#### **ENVIRONMENTAL RESOURCES DIVISION**

55. 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.
56. 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.
57. 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.
58. 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.

59. Developer shall dispose of sewage and solid waste from the project by City's wastewater and solid waste systems in a manner approved by the City Engineer.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 15th day of April, 2010, by the following vote:

AYES: Commissioners

NOES: Commissioners

ABSENT: Commissioners

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Randall Elliott, Chair

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

RESOLUTION NO. 2010 – [PZ 10-300-1]

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 10-300-1 (TENTATIVE PARCEL MAP FOR A PARCEL MAP WAIVER), FOR PROPERTY LOCATED AT 2311, 2325, STATHAM BOULEVARD (APN 220-0-010-215, APN 220-0-010-225), APN 220-0-010-245, APN 220-0-010-265 SUBJECT TO CERTAIN CONDITIONS. FILED BY GARY SCHIEN REPRESENTING GRUNY LLC, 355 N. LANTAN STREET, #784 CAMARILLO, CA 93010.

WHEREAS, the Planning Commission of the City of Oxnard has considered the parcel map waiver (Planning and Zoning Permit No. 10-300-1), filed by Gruny LLC, (“Developer”) in accordance with Chapter 15 of the Oxnard City Code; and

WHEREAS, said parcel map waiver was referred to various public utility companies, City departments and the Development Advisory Committee for recommendations; and

WHEREAS, the Planning Commission finds the parcel map waiver conforms to the City's General Plan and elements thereof; and

WHEREAS, the Planning Commission finds that the proposed division of land qualifies for a parcel map waiver as it complies with requirements established by the Subdivision Map Act and Chapter 15 of the Oxnard City Code, including but not limited to requirements as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability and environmental protection; and

WHEREAS, Section 15301(k) 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 that Developer agrees with the necessity of and accepts all elements, requirements, and conditions of this resolution as being a reasonable manner of preserving, protecting, providing for, and fostering the health, safety, and welfare of the citizenry in general and the persons who work or visit in this subdivision in particular.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby approves of the parcel map waiver and authorizes the Planning Director to review and sign the Certificate of Approval for Parcel Map Waiver, subject to the following conditions:

**STANDARD CONDITIONS OF APPROVAL  
FOR LAND USE PERMITS**

Note: The abbreviations below identify the City department or division responsible for determining compliance with these standard conditions. The first department or division listed has responsibility for compliance at plan check, the second during inspection and the third at final inspection, prior to issuance of a certificate of occupancy, or at a later date, as specified in the condition. If more than one department or division is listed, the first will check the plans or inspect the project before the second confirms compliance with the condition. The italicized code at the end of each condition

provides internal information on the source of each condition: Some are standard permit conditions (e.g. *G-1*) while some are taken from environmental documents (e.g. *MND-S2*).

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

**GENERAL PROJECT CONDITIONS**

1. This permit is granted for the property described in the application on file with the Planning Division, and may not be transferred from one property to another. (PL, *G-1*).
2. This permit is granted for the plans dated 2-16-10 (“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. 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*)
4. 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*)
5. If Developer, owner or tenant fails to comply with any of the conditions of this permit, the Developer, owner or tenant shall be subject to a civil fine pursuant to the City Code. (CA, *G-14*)

### **PLANNING SPECIAL CONDITIONS**

6. An approved tentative map shall expire thirty-six (36) months after its approval, unless an extension is applied for and approved by the City Council pursuant to Section 15-46 of the City Code. (PL)
7. Developer shall provide proof of recordation of a reciprocal access agreement for proposed parcels A and B, and existing Parcel 1 over the former parcel 4 of the parcel map, filed in book 13, page 20 of parcel maps. (PL)
8. Developer shall establish a property owners association and the association shall be responsible for the maintenance of parking, landscape, and other areas and facilities held in common by the association and for the enforcement of CC&R's related to property maintenance. (PL/DS)
9. Developer shall submit to Planning staff an application and exhibits required for the Certificate of Approval of Parcel Map Waiver. Planning staff shall prepare the Certificate of Approval for Parcel Map Waiver, and Developer shall record the Certificate of Approval for Parcel Map Waiver with the Ventura County Recorder. (PL)
10. Parcel A shall be limited to 114 square feet of attached sign area. No other signs shall appear on the building. (PL)
11. Parcel B shall be limited to 239 square feet of attached sign area. No other signs shall appear on the building. (PL).

### **DEVELOPMENT SERVICES DIVISION STANDARD CONDITIONS**

12. 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)
13. 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)

14. 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)
15. Developer shall pay the cost of all inspections of on-site and off-site improvements. (DS-22)
16. Prior to approval of the Certificate of Approval of Parcel Map Waiver, Developer shall provide the City Engineer with written evidence from the Ventura County Clerk's Office that Developer has executed and filed with the Clerk all certificates, statements and securities required by Government Code Sections 66492 and 66493. (DS-26)
17. "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)
18. By title sheet dedication at the time of filing the application and exhibits required for the Certificate of Approval of Parcel Map Waiver, Developer shall dedicate all water rights for the project property to City. (DS-39)
19. Prior to release of the Certificate of Approval of Parcel Map Waiver for recordation, Developer shall post a bond or other security satisfactory to the City Attorney, guaranteeing that all monuments will be set as required by the Government Code and the City Code. (DS-57)
20. Developer shall provide adequate vehicle sight distance as specified by CalTrans specifications at all driveways and intersections. (TR-71)
21. Developer shall install bike racks in accordance with City standards at locations approved by City Traffic Engineer. (TR-73)
22. Prior to issuance of a building permit, all traffic signal, pavement marking and sign plans shall be prepared by a registered California traffic engineer and approved by the City Engineer prior to issuance of a grading, site improvement or a building permit. (TR-74)
23. Prior to issuance of an encroachment permit, Developer shall obtain City's approval of a contractor qualified to install traffic signals, pavement markings and signs. (TR-76)

24. In non-residential developments where fifty or more persons are employed, Developer shall include a transportation information center stocked with bus schedules, rideshare information, and related information on alternative methods of transportation. Developer or owner shall update such information at least once a month. (TR-77)

### **STORMWATER QUALITY CONDITIONS**

25. 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)

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

26. Developer shall provide proof of a separate water meter to each condominium unit unless the requirement is waived by the Public Works Director in accordance with City Code. Written proof of waiver shall be provided to the Development Services Manager prior to recordation of the parcel map. (DS)
27. Prior to issuance of the Certificate of Approval of Parcel Map Waiver, Developer shall provide City with a copy of project Covenants, Conditions, and Restrictions (or similar document) that provides for shared trash container usage and landscape irrigation meter water bill payment. (DS)
28. Developer shall construct a three-bin trash enclosure (including one bin for recycle use) with a solid non-combustible roof (8 foot minimum clearance) that prevents stormwater from entering the refuse bins. Developer shall construct all other components of the trash enclosure in accordance with the approved City Standard Plan on file with the Development Services Division as modified to enclose three bins. Developer shall finish the trash enclosure to match the major design elements of the main structure. The finish and roof appearance shall be indicated on the building plans and are subject to approval by the Planning Division. The location and configuration of trash enclosures shall be reviewed and approved by the Environmental Resources Division. All refuse bins on the site shall be stored in an approved trash enclosure. No objects other than refuse bins may be stored in the trash enclosure without the written permission of the Environmental Resources Division. (DS)
29. Prior to recordation of the parcel map waiver, Developer shall provide proof of recordation of a public utility easement to the City over the southerly 40 feet of former parcel 4 of the parcel map, filed in book 13, page 20 of parcel maps. (DS)
30. Prior to recordation of the parcel map waiver, Developer shall provide proof of recordation of an ingress and egress easement in favor of proposed parcel B over the somewhat triangular shaped portion of existing parcel 2 being conveyed to proposed parcel A. (DS)

Resolution No.

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PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 15th day of  
April, 2010, by the following vote:

AYES: Commissioners

NOES: Commissioners

ABSENT: Commissioners

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Randall Elliott, Chair

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