Planning Division

PLANNING COMMISSION
STAFF REPORT

TO: Planning Commission

FROM: Juan Martinez, Associate Planner

DATE: July 1, 2010

SUBJECT: **Planning and Zoning Permit No. 09-500-03 (Special Use Permit) and 09-590-02 (Zone Variance), 911-931 Richmond Avenue**

1) **Recommendation:** That the Planning Commission:
   a) Approve Planning and Zoning Permit No. 09-500-03 for a Special Use Permit, subject to certain findings and conditions; and

   b) Approve Planning and Zoning Permit No. 09-590-02 for a Zone Variance, subject to certain findings and conditions.

2) **Project Description and Applicant:** The Special Use Permit and Zone Variance, requests to improve an irregular shaped site for development and construction of a 20 stall parking lot addition to an existing food catering commissary (American Food Company). The undeveloped 15,992 square foot site is comprised of two lots that are zoned M-2 (Heavy Manufacturing), located at 911-931 Richmond Avenue. Filed Jeff Zook with Coastal Architects, 505 South A Street, Oxnard, CA 93030.

3) **Existing & Surrounding Land Uses:** The 15,992 square foot undeveloped site is comprised of two lots located adjacent and directly south of the existing food commissary. The site has been an on-going magnet that has attracted illegal dumping and non-permitted storage activities, including public nuisance conditions due to vehicle parking along the unimproved area between the fence and street pavement. The dirt parking area along the fence adjacent to the roadway has been poorly maintained, resulting in weed patches in several areas, accumulation of trash and debris, and damage to the existing chain link fence due to the close proximity of vehicle parking. The following table lists the surrounding zoning and existing land uses.

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
Project Site	M-2	Central Industrial	Undeveloped
North	M-2	Central Industrial	Produce Cooling House
South	M-2	Central Industrial	Ventura County Railway Co.
East	M-2	Central Industrial	Industrial: Advance Metal Forming..
West	M-2	Central Industrial	Ventura County Railway Co.

4) **Background Information:** The irregular shaped site was previously owned by the Ventura County Railroad Company, LLC, which still operates a railway line that runs along the western side of the property. The Ventura County Rail system connects from the harbor facilities and other private facilities to the main line railway in downtown Oxnard. The irregular shape of the site appears to be partly because of the existing railroad spur alignment. This angle condition continues and causes Richmond Avenue to angle before connecting to Wooley Road.

5) **Environmental Determination:**
In accordance with Section 15332 (Class 32) of Title 14 of the California Environmental Quality Act (CEQA) Guidelines, projects involving "in-fill development projects where the project is consistent with the applicable general plan designation policies as well as with applicable zoning designation and regulations; and the proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban areas; and the project site has no value, as habitat for endangered, rare or threatened species; and approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can be adequately served by all required utilities and public services" may be found to be exempt from the requirements of CEQA. This proposal involves the improvements to a vacant, irregular shaped site to develop and construct a parking lot. 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 proposed 20 parking stall parking lot will provide additional off-street parking opportunities for persons storing and operating food catering vehicles at the subject commissary (American Food Company). Currently, AFC rents out parking stalls to independent catering and ice cream truck operators to park and store at the premise. The facility is one of four commissaries licensed in the City of Oxnard. In accordance with the County of Ventura Environmental Health Department, all food catering trucks are required to utilize commissary mobile support services to store and stock-up prepackaged food, ice, and potable water for day to day operations. The facility is also the required premise where vehicles and utensils are cleaned and washed out daily; liquid and solid wastes are disposed of. In the case of AFC, vehicle services are limited to restocking of products and cleaning services involving day to day operations for mobile food services. The facility is not equipped or permitted to support mechanical or any service repairs to the vehicles.

b) ***General Plan Consistency:*** The project site is zoned M-2 (Heavy Manufacturing) and is consistent with its General Plan Land Use Designation of Central Industrial. The Central Industrial zone is characterized by uses which often involve outdoor use and storage, such as agricultural processing and service, vehicle parking and equipment storage.

c) ***Conformance with Zoning Development Standards:*** The proposed development is located in the Heavy Manufacturing (M-2) zone district. In accordance with the City Code, the proposed off-street parking may be permitted with an approved special use permit. New buildings are not proposed and the parking lot addition will satisfy off-street parking demands needed for existing truck parking and storage.

d) ***Circulation and Parking:*** The parking lot addition is designed to have vehicular ingress/egress with the existing operations and layout conditions of the facility to the north. The driveway connects with an existing driveway that runs parallel to the street and along the front of the building. This parallel drive connects the large catering truck storage area (approx 32 parking stalls) north of the building to existing and proposed parking areas to the south.

The zone variance would provide relief and allow deviation from the required and strict current parking lot design standards. The project site displays special circumstances due to the unusual shape and size of the lot, as well as its proximity to railroad uses. The shallow depth of the lot in relation to its linear and triangular design makes it difficult to construct a more conventional design that accommodates communicating drive aisles with a more consistent parking stall design pattern. A single row of parallel parking will be served by a one-way drive aisle. Although, the design is unconventional, persons using the lot are expected to be daily users familiar with the busy day to day activity at the site. Although, the proposed design inter mixes two-way direction and one-way traffic flows, heavy traffic conditions with oversized vehicles will principally take place along two-way drive aisles.

Development improvements involve the installation of a new curb, gutter, and sidewalk along the front portion of the proposed parking lot addition. Off-site improvements proposed will create a curb to curb condition of 44-feet and no on-street parking will be permitted on the project's side of the street. Restricting parking on one side of Richmond Avenue is expected to help an existing unsafe condition where parallel parked vehicles tend to get side swiped by south bound vehicles. Richmond Avenue to the north and south of the project site will maintain the existing condition of 50-feet with parking on both sides. This condition may exist due to a sudden angled turn where Richmond angles to intersect with Wooley Road. Therefore, restricting street parking is expected to prevent automotive collisions with parked cars, but also facility ingress/egress conditions for vehicles entering or exiting the proposed parking addition. In addition, narrowing the street width will allow a parkway (public right-of-way) landscaped condition between the sidewalk and the property line. This added landscaping will benefit the property by enhancing its visual character.

7) **Development Advisory Committee:** The Development Advisory Committee (DAC) reviewed this project on March 24, 2010. Recommendations of the DAC are included in the attached resolutions.

8) **Appeal Procedure:** In accordance with Section16-545 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. Notice of Exemption Form
D. Special Use Permit Resolution
E. Zone Variance Resolution

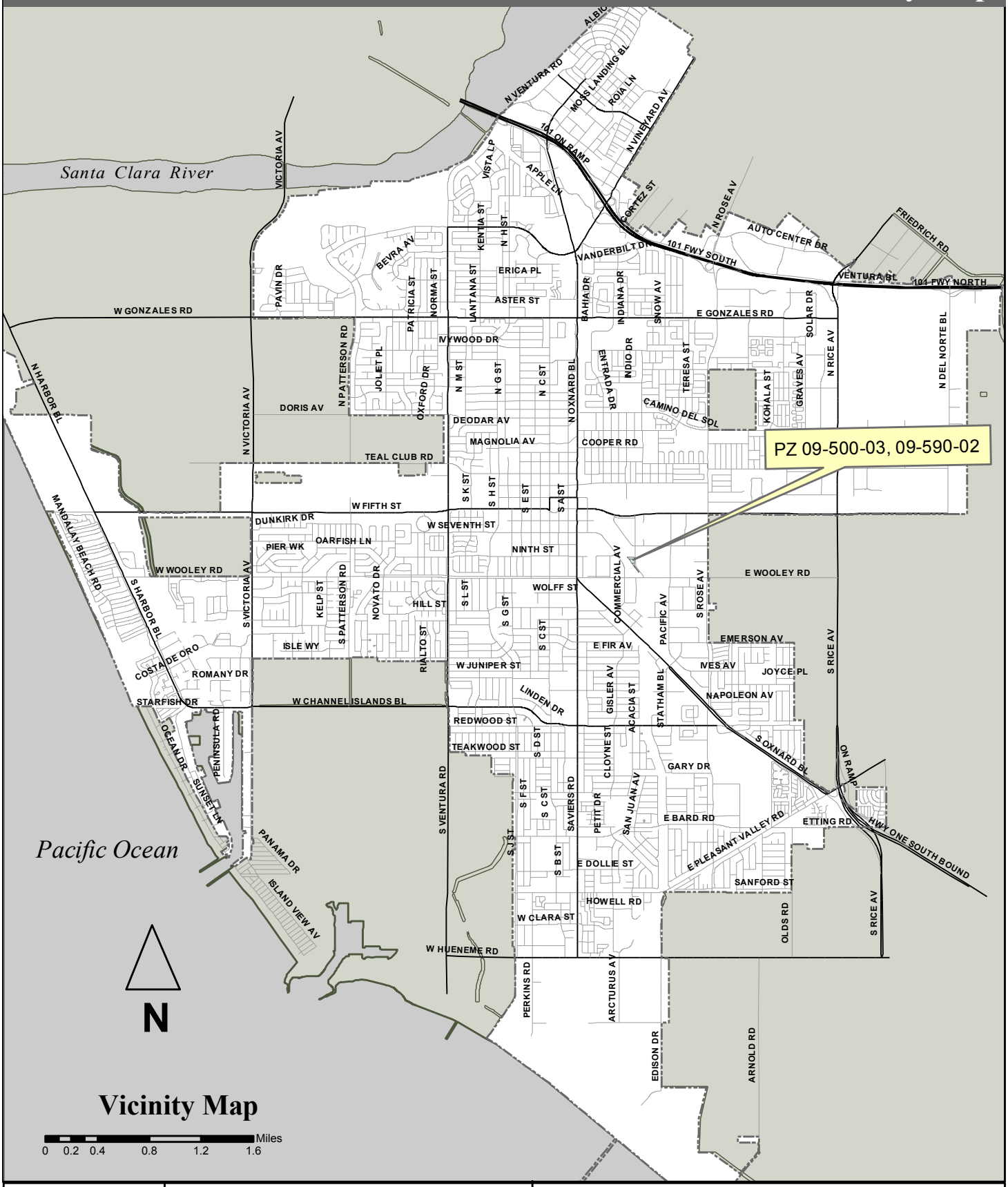
Prepared by: JM
JM

Approved by: SM
SM

ATTACHMENT
A

MAPS
(VICINITY, ZONING, GENERAL PLAN MAP)

Vicinity Map



Vicinity Map

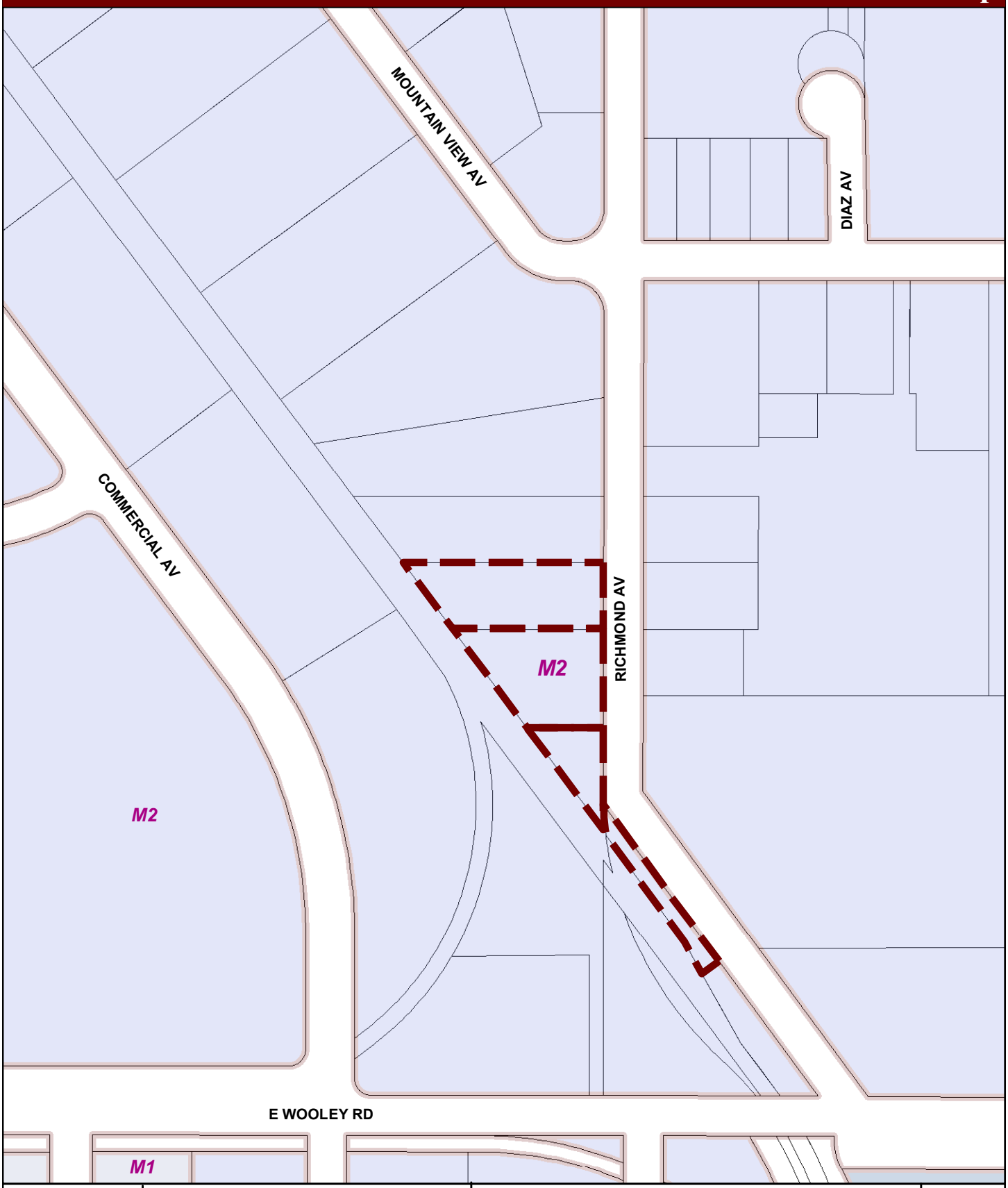
0 0.2 0.4 0.8 1.2 1.6 Miles

Oxnard Planning

June 15, 2010

PZ 09-500-03, 09-590-02
Location: 931 Richmond Av
APN: 201020011, 201020017,
201020018, 201020335
Jeff Zook

Zone Map



Oxnard Planning
June 15, 2010

PZ 09-500-03, 09-590-02
Location: 931 Richmond Av
APN: 201020011, 201020017
201020018, 201020035
Jeff Zook

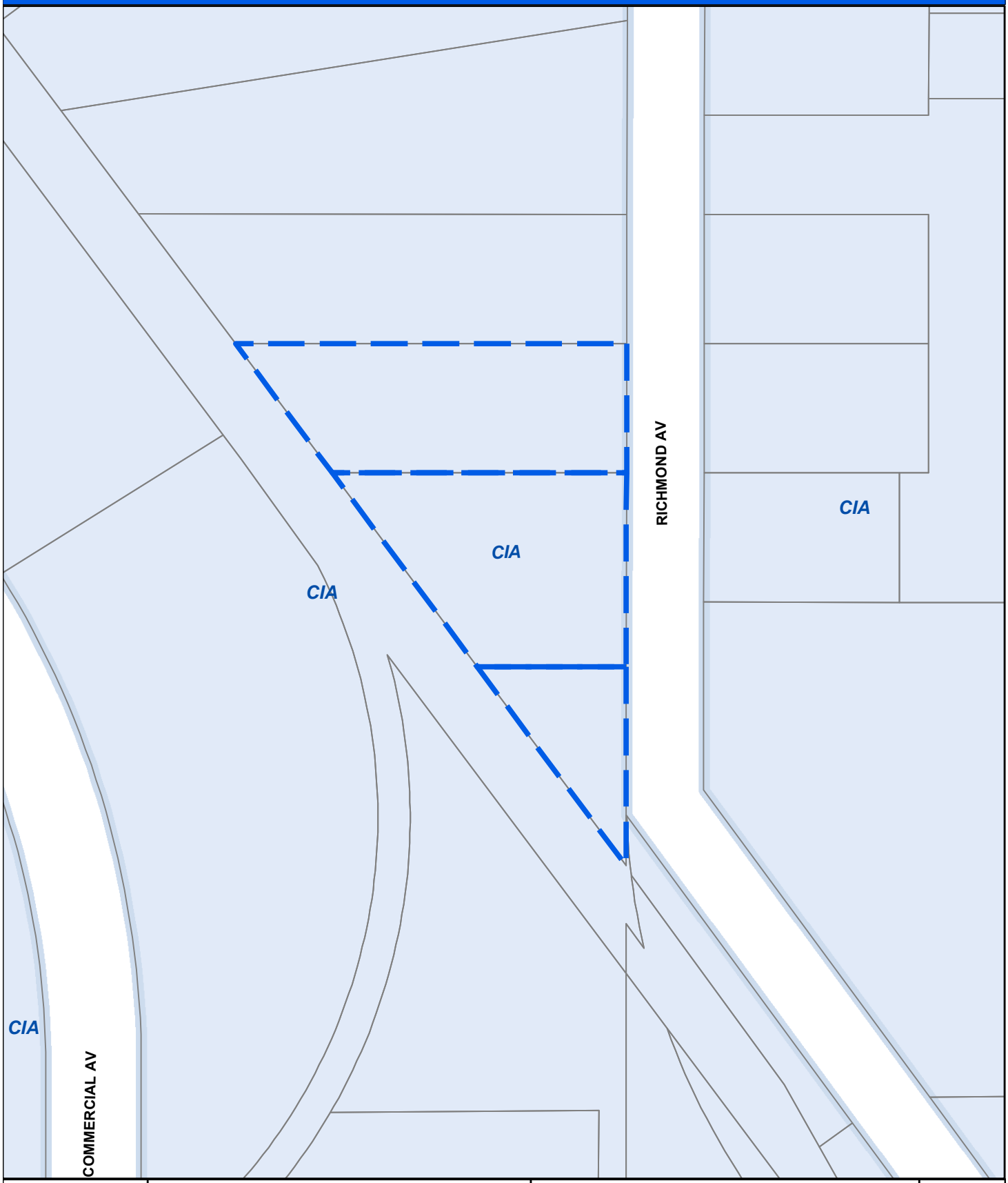
0 50 100 200 300 400 Feet

Zone Map

N W E S

1:2,416

General Plan Map



Oxnard Planning
June 15, 2010

PZ 09-500-03, 09-590-02
Location: 931 Richmond Av
APN: 201020011, 201020017
201020018, 201020035
Jeff Zook

0 25 50 100 150 200 Feet

General Plan Map

N W E S

1:1,229

ATTACHMENT
B

REDUCED PROJECT PLANS

CITY OF Oxnard

AFC WAREHOUSE
921 RICHMOND AVENUE
OXNARD, CALIFORNIA

ABBREVIATIONS:

ACP	ASPHALT PIPE
AC	ASPHALTIC CONCRETE
ARHM	ASPHALT RUBBER HOT MIX
AB	AGGREGATE BASE
BC	BEGINNING OF CURVE
BCR	BEGINNING OF CURB RETURN
C	CURB FACE
C&G	CURB AND GUTTER
℄	CENTER LINE
CMP	CORRUGATED METAL PIPE
CO	CONCRETE
CATV	CABLE TELEVISION
CUM	CUBIC YARD
D	DEFLECTION LINE
EC	END CURVE
ECR	END OF CURB RETURN
EL	ELEVATION
EW	EXCAVATION TRENCH WIDTH
EJ	EXPANSION JOINT
FG	FINISHED GRADE
FH	FIRE HYDRANT
FL, FW	FLOW LINE
G	GAS LINE
GB	GRADE
GV	GATE VALVE
I	INVERTED LINE
INV	INVERT
PCC	PORTLAND CEMENT CONCRETE
PL, PROP	PROPERTY LINE
PNG	PROPOSED NATURAL WATERS
PP	POWER POLE
PRC	POINT OF REVERSE CURVE
PRWY	PARKWAY
R	RADIUS
RCP	REINFORCED CONCRETE PIPE
RECONST	RECONSTRUCT
ROW	RIGHT OF WAY
S	SLOPE
SD	STORM DRAIN
SS	SANITARY SEWER
TOW	TOWER
SW	SIDEWALK
T	TELEPHONE LINE
TC	TOP OF CURB
TG	TOP OF GRADE
TW	TOP OF WALL
VC	VALVE BOX
VERT	VERTICAL
W	WATER LINE

MAPPING SYMBOLS

- ANGLE
- BENCH MARK
- FLOW DIT
- CLEAN OUT
- DECIM
- FENCE (WIRE) (LABEL HEIGHT AND TYPE)
- FENCE (WOOD) (LABEL HEIGHT AND TYPE)
- HEDGE (LABEL TYPE AND SIZE)
- TREE (LABEL TYPE AND SIZE)

FIRE HYDRANTS (wet barrel)

- FIRE HYDRANT
- FIRE HYDRANT
- FIRE HYDRANT

MANHOLES

- ELECTRIC
- GAS
- SANITARY SEWER
- STORM DRAIN
- TELEPHONE

METERS

- GAS
- WATER
- SANITARY SEWER

POLES

- COMBINATION POWER AND TELEPHONE
- GUY ANCHOR
- STREET LIGHT
- POWER
- TELEPHONE

IMPROVEMENT PLAN STANDARD SYMBOLS

CROSS SECTION

- PROPOSED NATURAL WATERS
- MORTAR CONCRETE
- PORTLAND CEMENT CONCRETE
- SAND
- EXISTING NATURAL WATERS

- CENTER LINE
- NEW TOP PROPERTY LINE
- CITY BOUNDARY
- TAPERS FEATURE

UTILITY LINETYPES

- STORM DRAIN
- SANITARY
- NATURAL GAS
- SEWER
- ELECTRIC
- TELEPHONE
- WATER
- TELEVISION

SHEET INDEX

C1 TITLE SHEET
C2 GRADING PLAN AND DETAILS

CAUTION: UNDERGROUND STRUCTURES

ALL UNDERGROUND UTILITIES OR STRUCTURES REPORTED BY THE OWNER OR THOSE SHOWN ON RECORDS EXAMINED ARE INDICATED WITH THEIR APPROXIMATE LOCATION AND EXTENT. THE CONTRACTOR BY ACCEPTING THIS PLAN, OR PROCEEDING WITH IMPROVEMENTS PURSUANT THERETO, UNDERSTANDS THAT THEY HOPE TO ASSUME LIABILITY AND AGREE TO HOLD THE UNDERSIGNED HARMLESS FOR ANY LIABILITY FOR DAMAGE RESULTING FROM THE EXISTENCE OF UNDERGROUND UTILITIES OR STRUCTURES NOT REPORTED TO THE UNDERSIGNED, NOT INDICATED ON THE PUBLIC RECORDS EXAMINED, LOCATED AT VARIANCE WITH THAT REPORTED OR SHOWN ON RECORDS EXAMINED. THE CONTRACTOR IS REQUIRED TO TAKE DUE PRECAUTIONARY MEASURES TO PROTECT THE UTILITIES OR STRUCTURES FOUND AT THE SITE. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE OWNERS OF THE UTILITIES CONCERNED BEFORE STARTING TO WORK.

BENCH MARK

BRASS DISK STAMPED "# 1100 LOCATED AT THE NORTHEAST CORNER OF THE JUNCTION OF OXNARD BLVD. AND WOOLEY ROAD AND SANDERS ROAD

ELEVATION 42.01 ft (NGVD 29)

PREPARED BY
MATILIJA CONSULTING
365 ENCINO DRIVE
OAK VIEW, CA. 93022
(805) 377-4284

APPROVED BY: _____ RCE 15308 EXP. 6/30/2011 DATE

RECOMMENDED FOR APPROVAL	RECOMMENDED FOR APPROVAL
N/A VERIZON DATE	PLANNING DIVISION DATE
RECOMMENDED FOR APPROVAL	RECOMMENDED FOR APPROVAL
N/A ADELPHIA DATE	TRAFFIC DIVISION DATE
RECOMMENDED FOR APPROVAL	RECOMMENDED FOR APPROVAL
N/A SOUTHERN CALIFORNIA EDISON DATE	PUBLIC WORKS DATE
RECOMMENDED FOR APPROVAL	RECOMMENDED FOR APPROVAL
N/A SOUTHERN CALIFORNIA GAS CO. DATE	FIRE DEPARTMENT DATE

DIGALERT

CALL TOLL FREE 1-800-422-4133 AT LEAST TWO DAYS BEFORE YOU DIG

RECORD DRAWING

I HEREBY CERTIFY THAT THE WORK SHOWN ON DRAWING No. _____ SHEET No. _____ THROUGH _____ WHICH IS RECORD DRAWING, HAS BEEN CONSTRUCTED IN CONFORMANCE WITH LINES AND GRADES AS SHOWN ON THIS PLAN, DRAWINGS, INSTRUMENTS SPECIFICATIONS, AND APPROVED CHANGE ORDERS, AS INDICATED IN THE REVISION BLOCK.

DATE _____ SIGNATURE _____

NAME _____ POSITION _____

REVISIONS

DATE	BY	DESCRIPTION	BY

REVIEWED BY _____ DATE _____

CHECKED BY _____ DATE _____

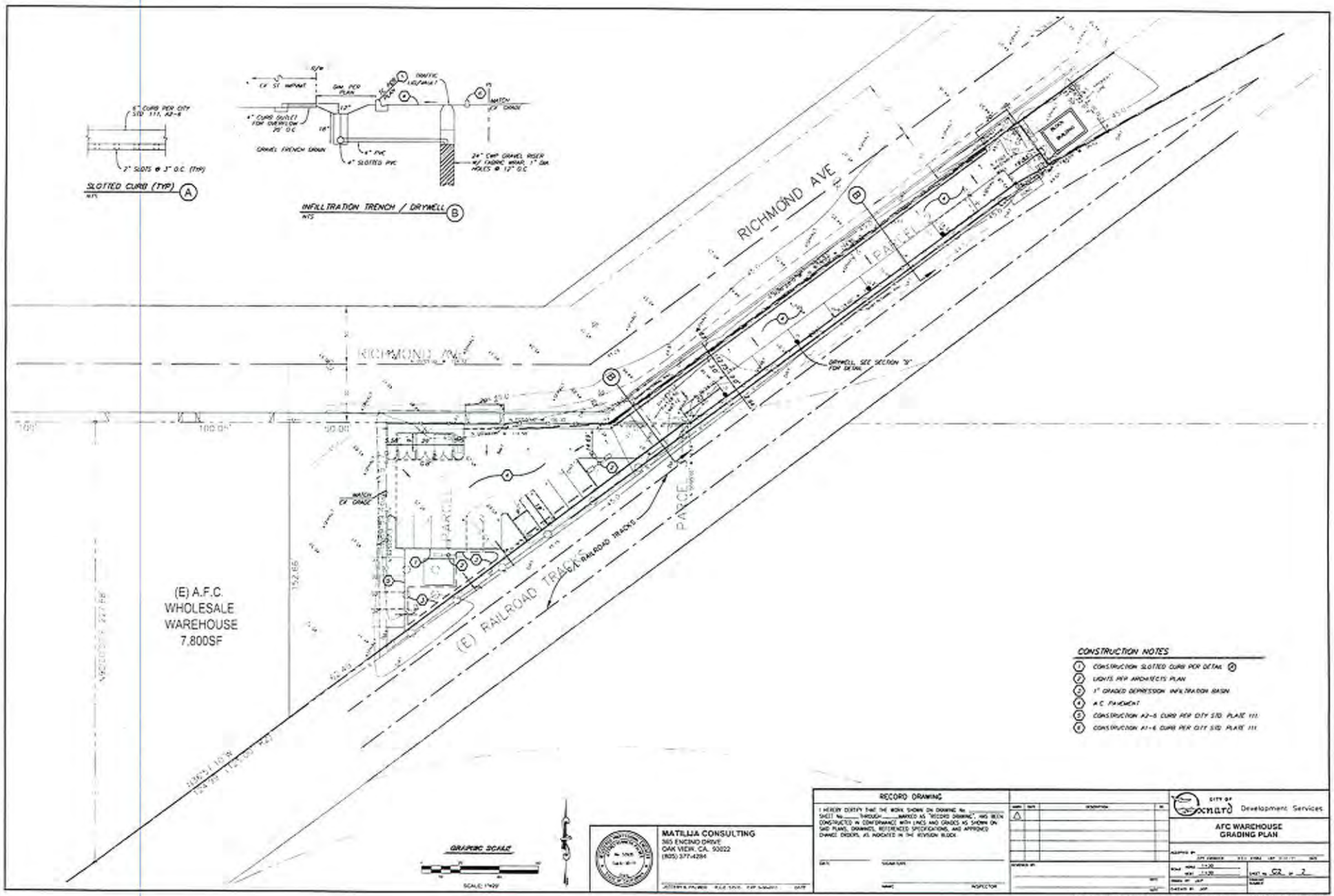
CITY OF Oxnard Development Services

AFC WAREHOUSE
TITLE SHEET

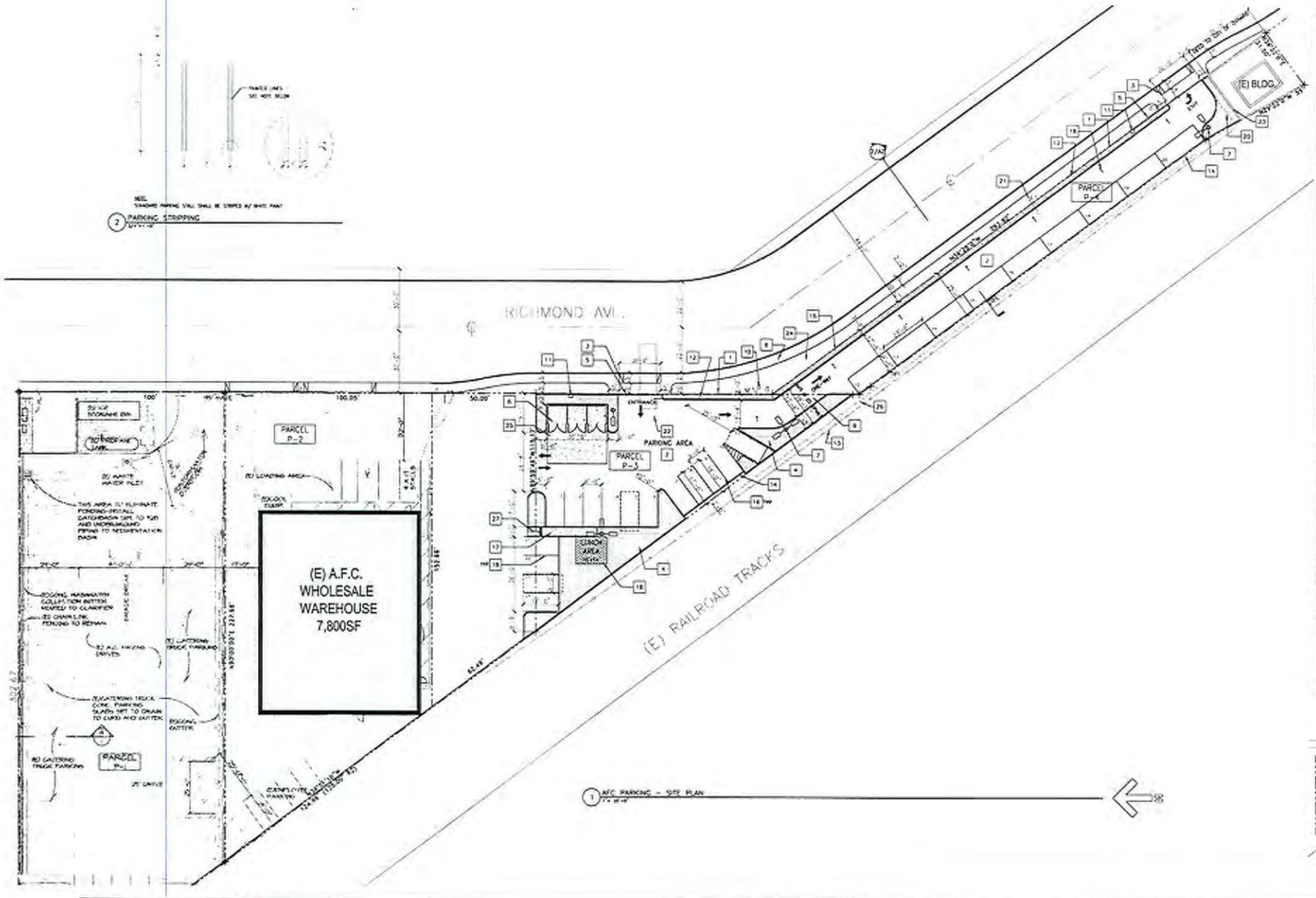
PROJECT NO. _____ APPROVED BY _____ RCE 15308 EXP. 6/30/2011 DATE _____

DATE _____ SCALE _____ DRAWN BY _____ CHECKED BY _____ SHEET NUMBER C1 OF 2

C:\Jobs Projects 2008\Matilija Consulting AFC\AFC.dwg Feb 12/2010 3:59:20 PM PST



SLOTTED CURB (TYP) A
INFILLTRATION TRENCH / DRYWELL B
RICHMOND AVE
RICHMOND AVE
PARCEL
PARCEL
PARCEL
(E) RAILROAD TRACKS
(E) A.F.C.
WHOLESALE
WAREHOUSE
7,800SF
DRYWELL, SEE SECTION "B" FOR DETAIL
CONSTRUCTION NOTES
1 CONSTRUCTION SLOTTED CURB PER DETAIL A
2 LIGHTS PER ARCHITECTS PLAN
3 1" GRADED DEPRESSION INFILTRATION BASIN
4 A.C. PAVEMENT
5 CONSTRUCTION A2-6 CURB PER CITY STD. PLATE 111
6 CONSTRUCTION A1-6 CURB PER CITY STD. PLATE 111
GRAPHIC SCALE
SCALE: 1"=20'
MATILIJA CONSULTING
365 ENCINO DRIVE
OAK VIEW, CA. 93022
(805) 377-4284
RECORD DRAWING
I HEREBY CERTIFY THAT THE WORK SHOWN ON DRAWING No. ____ SHEET No. ____ THROUGH ____ MARKED AS "RECORD DRAWING", HAS BEEN CONSTRUCTED IN CONFORMANCE WITH LINES AND GRADES AS SHOWN ON SAID PLANS, DRAWINGS, REFERENCED SPECIFICATIONS, AND APPROVED CHANGE ORDERS, AS INDICATED IN THE REVISION BLOCK.
CITY OF Oxnard Development Services
AFC WAREHOUSE
GRADING PLAN
SHEET No. C2 OF 2



PROJECT DATA

PARCEL 2
A.P.N. 201-0-290-145
AREA 8,847 SF
PARCEL 3
A.P.N. 201-0-200-355
AREA 7,145 SF

ADDRESS 921 RICHMOND AVE.
ZONING M-2

SITE DATA

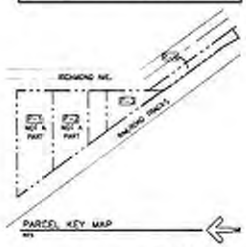
AREA OF (E) PAVING TO BE REMOVED = 5,864 SF
AREA OF NEW PAVING = 11,242 SF
AREA OF NEW POROUS PAVEMENT= 224 SF
AREA OF NEW LANDSCAPE = 2,694 SF
AREA OF NEW CONC. WALK = 190 SF

KEY NOTES

1. WROUGHT IRON FENCING PER DETAIL 3/A2
2. NEW ASPHALT PAVING
3. PROPOSED DRIVEWAY PER CITY STD. PLATES
4. PROPOSED LANDSCAPE AREA
5. PROPOSED SLIDING GATE
6. TRIPLE 8H MASONRY TRASH ENCLOSURE, PER CITY STDS. SEE 1/A2
7. PROPOSED POLE MOUNTED LIGHTING STD. 24' MAX HEIGHT, TYP.
8. PROPOSED SIDEWALK AND GUTTER PER CITY STD PLATES. 2% MAX CROSS SLOPE ON SIDEWALK
9. EXISTING ASPHALT PAVING TO BE DEMO
10. EXISTING UTILITIES TO REMAIN
11. AUTOMATIC GATE OPENER
12. GRASS LINED CHANNEL PER 2/A2, AND CIVIL DRAWINGS
13. EXISTING 6'H. CHAIN-LINK FENCE TO REMAIN
14. CONTINUOUS CURB PER CIVIL PLANS
15. CHAIN-LINK FENCE AND CURB TO REMOVED
16. PARKING STRIPING PER DETAIL 2/--
17. 4" THICK CONCRETE WALKWAY, SLOPE TO DRAIN
18. LUNCH PATIO, INTERLOCKING PAVERS OVER LAYER OF SAND
19. INDICATES DIRECTION OF DRAINAGE, TYP. PER CIVIL
20. EXISTING LANDSCAPE AREA TO BE MODIFIED AND ENLARGED AS SHOWN
21. EXISTING LIGHT STANDARD TO REMAIN
22. CITY OF OXNARD GARBAGE TRUCK PARKING
23. 6' H. MASONRY WALL TO REMAIN
24. CITY ROW - LANDSCAPE AREA, PER LANDSCAPE PLAN
25. 15' WIDE CONCRETE APRON ALONG ENTIRE FRONTAGE OF TRASH ENCLOSURE
26. EXISTING SHORT RETAINING WALL TO REMAIN
27. CONCRETE CURB RAMP PER CITY OXNARD PLATES AND SLOPE 8%

LEGEND

- CONCRETE WALKWAY
- ASPHALT PAVING
- LANDSCAPE AREA, SEE LANDSCAPE PLAN
- EXISTING PAVING TO BE REMOVED



SITE PLAN A1

MAY 03, 2009

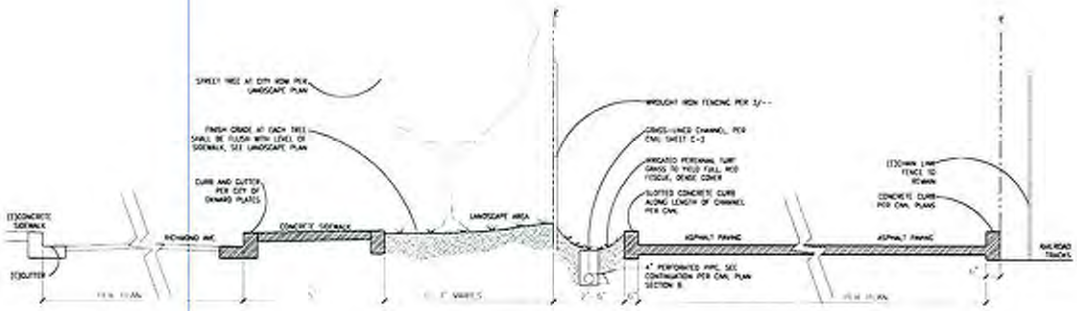
A.F.C. WHOLESALE
921 RICHMOND AVE. OXNARD, CA 93030

A.F.C. PARKING

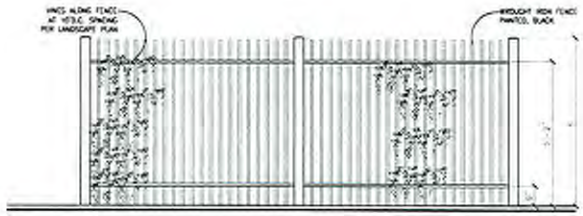
931 RICHMOND AVE. OXNARD, CA 93030

COASTAL ENGINEERING

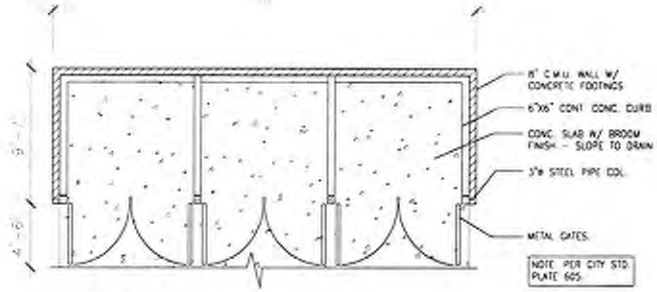
090103



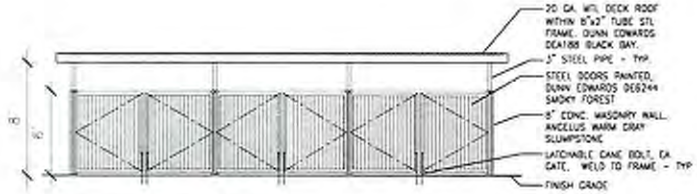
2 SECTION



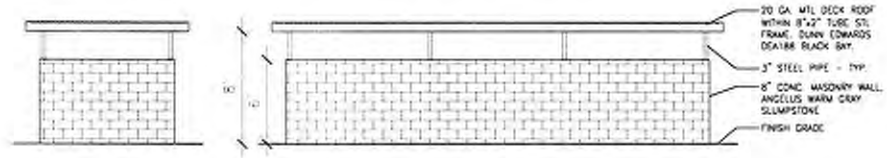
3 FENCE DETAIL



TRASH ENCLOSURE - FLOOR PLAN



TRASH ENCLOSURE - FRONT ELEVATION



TRASH ENCLOSURE - SIDE ELEVATION

TRASH ENCLOSURE - REAR ELEVATION

1 TRASH ENCLOSURE DETAILS

SITE DETAILS A2

MAY 03, 2009

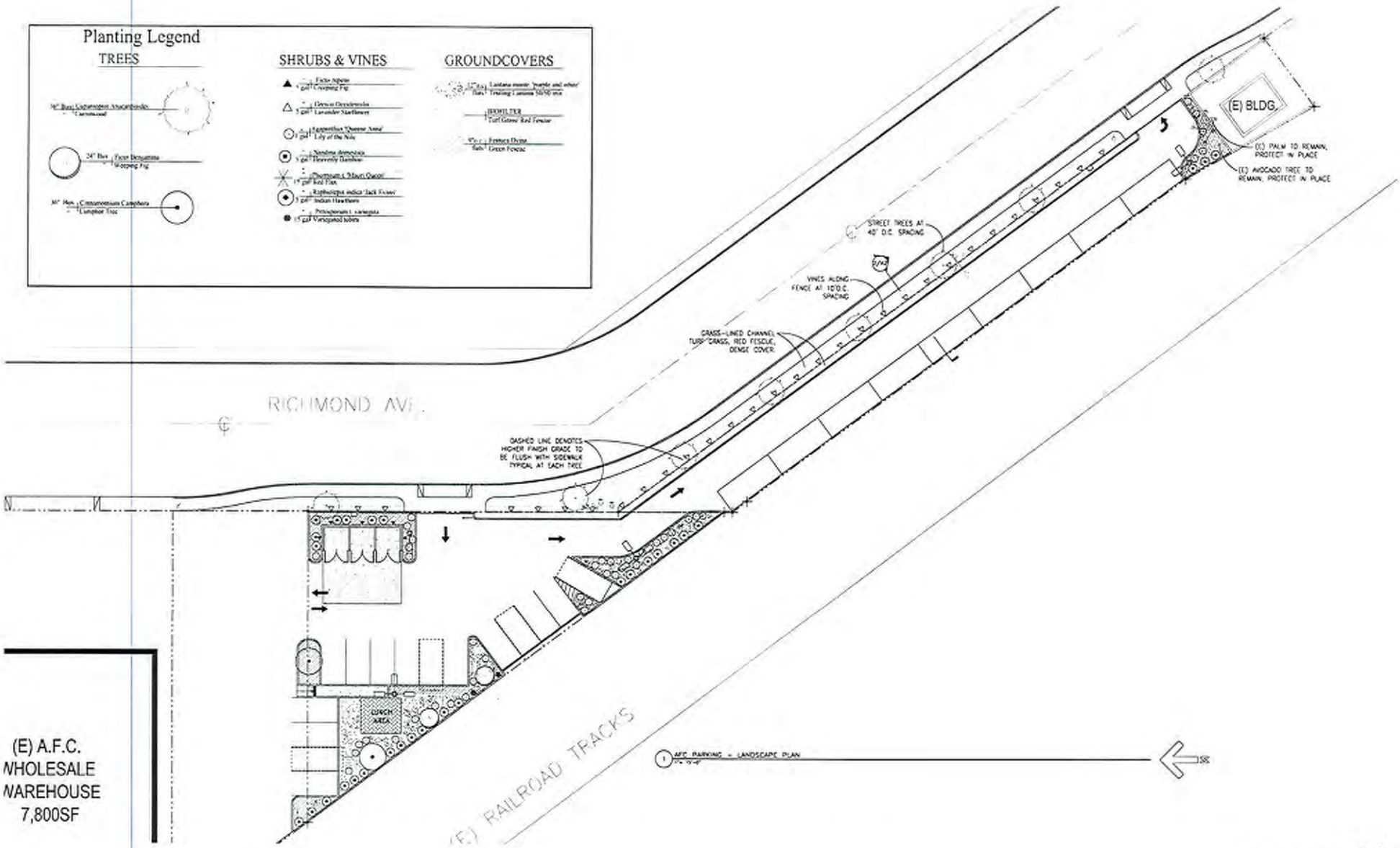
A.F.C. WHOLESALE
921 RICHMOND AVE. OXNARD, CA 93030

A.F.C. PARKING

931 RICHMOND AVE. OXNARD, CA 93030

COASTAL ARCHITECTS

090103



LANDSCAPE PLAN L1

MAY 03, 2009

A.F.C. WHOLESALE
921 RICHMOND AVE. OXNARD, CA 93030

A.F.C. PARKING

931 RICHMOND AVE. OXNARD, CA 93030

COASTAL

090103

ATTACHMENT C

NOTICE OF EXEMPTION

NOTICE OF EXEMPTION

Project Description:
Planning and Zoning Permit Nos. 09-500-03 (SUP) and 09-590-02 (ZV), requests to improve an irregular shaped site for development and construction of a 20 stall parking lot addition to an existing food catering commissary (American Food Company). The undeveloped 15,992 square foot site is comprised of two lots that are zoned M-2 (Heavy Manufacturing), located at 911-931 Richmond Avenue. Filed Jeff Zook with Coastal Architects, 505 South A Street, Oxnard, CA 93030.

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 15332 of the California Environmental Quality Act (CEQA) Guidelines, projects involving "in-fill development projects where the project is consistent with the applicable general plan designation policies as well as with applicable zoning designation and regulations; and the proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban areas; and the project site has no value, as habitat for endangered, rare or threatened species; and approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can be adequately served by all required utilities and public services" may be found to be exempt from the requirements of CEQA. This proposal involves the improvements to a vacant, irregular shaped site to develop and construct a parking lot. Based on the above exemption and in accordance with CEQA, the Planning Manager has determined that there is not substantial evidence that the proposed project may have a significant effect on the environment and that a notice of exemption may be filed

(Date)

Susan L. Martin, AICP
Planning Division Manager

ATTACHMENT D

SPECIAL USE PERMIT RESOLUTION

RESOLUTION NO. 2010-__

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING & ZONING PERMIT NO. 09-500-03 (SPECIAL USE PERMIT), TO IMPROVE AN IRREGULAR SHAPED SITE FOR DEVELOPMENT AND CONSTRUCTION OF A 20 STALL PARKING LOT ADDITION TO AN EXISTING FOOD CATERING COMMISSARY (AMERICAN FOOD COMPANY). THE UNDEVELOPED 15,992 SQUARE FOOT SITE IS COMPRISED OF TWO LOTS THAT ARE ZONED M-2 (HEAVY MANUFACTURING), LOCATED AT 911-931 RICHMOND AVENUE. FILED BY JEFF ZOOK WITH COASTAL ARCHITECTS, 505 SOUTH A STREET, OXNARD, CA 93030.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 09-500-03, a Special Use Permit to allow development and construction of a 20 stall parking lot addition on a 15,992 square foot irregular shaped site, filed by Jeff Zook with Coastal Architects on behalf of the owner and business operator of American Food Company, Seyed A. Azimi; and

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

WHEREAS, in accordance with Section 15332 of the California Environmental Quality Act (CEQA) Guidelines, projects involving "in-fill development projects where the project is consistent with the applicable general plan designation policies as well as with applicable zoning designation and regulations; and the proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban areas; and the project site has no value, as habitat for endangered, rare or threatened species; and approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can be adequately served by all required utilities and public services" may be found to be exempt from the requirements of CEQA. This proposal involves improvements to a vacant, irregular shaped site to develop and construct a parking lot. Based on the above exemption and in accordance with CEQA, the Planning Manager has determined that there is not substantial evidence that the proposed project may have a significant effect on the environment and that a notice of exemption may be filed; and

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

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby approves Planning and Zoning Permit No. PZ 09-500-03 (Special Use Permit), subject to the following conditions. The decision of the Planning Commission is final unless appealed in accordance with the provisions of Section 16-545 of the Oxnard City Code.

STANDARD CONDITIONS OF APPROVAL FOR LAND USE PERMITS

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

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

GENERAL PROJECT CONDITIONS

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

2. This permit is granted for the plans dated July 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 existing on the project property. (PL, *G-15*).

LANDSCAPE STANDARD CONDITIONS

16. 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*)

17. 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*)

18. 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*)

19. 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*)

20. 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*)

21. 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

22. Developer's Landscape Architect or Architect shall provide the City with written confirmation that they have reviewed the civil engineering construction drawings and that the NPDES requirements are not in conflict with meeting the City's landscape requirements. (PK)

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

24. Plans submitted for plan check review shall incorporate the addition of shrubs (to groundcovers) to the landscape finger planter north of the lunch area. (PK)

25. Plans submitted for plan check review shall be revised to add shrubs (to the groundcovers) within the entry landscape planters which are north and south of the main driveway entrance off Richmond Ave. The north planter shall include shrubs for a distance of approximately 25 lineal feet from the driveway entrance; and the south planter shall include shrubs for a distance of approximately 45 lineal feet from the driveway entrance. (PK)

FIRE DEPARTMENT STANDARD CONDITIONS

26. 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*)

27. Before the City issues building permits, Developer shall obtain the Fire Chief's approval of a plan to ensure fire equipment access and the availability of water for fire combat operations to all areas of the project property. The Fire Chief shall determine whether or not the plan provides adequate fire protection. (FD/DS, *F-3*)

28. All structures on the project property shall conform to the minimum standards prescribed in Title 19 of the California Code of Regulations. (FD, *F-5*)

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

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

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

32. The turning radius of all project property driveways and turnaround areas used for emergency access shall be a minimum of 48 feet outside diameter for a semi-trailer. (FD, *F-11*)

33. 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*)

FIRE DEPARTMENT SPECIAL CONDITIONS

34. Developer shall install a new fire hydrant on the project's side of the street near the southernmost part of the project. (FD)

35. Vehicle gate at the Southern end of the project shall be accessible from the street by a Knox padlock or similar approved device. (FD)

PLANNING DIVISION STANDARD CONDITIONS

36. Plans submitted by Developer with building permit applications shall show on the building elevation sheets all exterior building materials and colors, including product and finish manufacturer name, color name and number, and surface finish type (such as: stucco with sand finish, plaster with smooth finish) to be used in construction. (PL/B, PL-1)

37. 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*)

38. 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*)

39. 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*)

40. 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*)

41. If the project property is already occupied or use has already been initiated, Developer shall comply with all conditions of this permit within 60-days of approval thereof. (PL/B, *PL-6*)

42. 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*)

43. 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)

44. 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.

45. 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*)

46. 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*)

47. 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*)

48. 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*)

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

50. 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*)

51. 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*)

52. 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*).

53. 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*)

54. Prior to issuance of a certificate of occupancy, Developer shall remove all construction materials and vehicles from the subject property. (PL/B, *PL-47*)

55. Developer shall stripe loading zones placed partly or wholly within a structure for loading and unloading activities only and post to prohibit storage or other non-loading activity within the loading zone. (PL/B, *PL-49*)

PLANNING DIVISION SPECIAL CONDITIONS

56. This permit is granted subject to the approval of Planning and Zoning Permit No. 09-590-02 for a Zone Variance. (PL)

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

58. The two parking lot addition parcels and all contiguous parcels to the north used and owned in common by American Food Company shall be merged as a single parcel. Developer shall submit and complete the lot merger application process with the Planning Division. Prior to the issuance of a building permit, a Certificate of Approval and shall be recorded with the Ventura County Recorder's Office. (PL)

59. Prior to grading permit approval, Developer shall include on the grading plans a reproduction of all conditions of this permit pertaining to dust control requirements. (PL)

60. Vehicle parking shall be limited and not exceed available parking stalls within the site. (PL)

61. Vehicle parking shall be restricted to operable vehicles that are operated in conjunction with a business having a valid City occupational license. (PL)

62. Parking surface areas shall be maintained free and clear of litter, oils, and any other materials considered trash or pollutants. (PL)

63. Vehicles repairs involving mechanical, engine, vehicle maintenance repairs or any other major repairs shall be conducted off-site in an approved facility designed to perform such repairs. (PL)

ENVIRONMENTAL RESOURCES DIVISION

64. 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.

65. 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.

66. 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.

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

73. 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)

74. 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)

75. 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)

76. 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)

77. 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)

78. 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)

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

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

81. 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)

82. "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)

83. 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)

84. 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)

85. 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)

86. Prior to issuance of a site improvement permit, Developer shall provide to the City Engineer easements or written consents from all affected landowners for any diversion of historical flows or change in drainage conditions caused by the project, as evidence that such landowners accept any additional water flowing over their property. (DS-36)

87. 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)

88. Developer shall install water mains, fire hydrants and water services in conformance with City Standard Plans and specifications as directed by the City Engineer. (DS-41)

89. 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)

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

91. Developer shall construct all street and road improvements in conformance with the City Code, the City's 2020 General Plan, and any applicable specific plan. (DS-48)

92. Street and road improvements shall conform to City standards and policies. Improvements shall include upgrading of existing pavement along the project frontage to City standards by removing and replacing or overlaying, as directed by the City Engineer. (DS-51)

93. Developer shall improve all streets, alleys, sidewalks, curbs, and gutters adjacent to the project in accordance with City standards, as necessary to provide safe vertical and horizontal transitions. (DS-52)

94. Developer shall provide soils reports, "R" value tests, and compaction tests for all streets. Determination of the actual structural sections shall be based on City's design procedure, applying the appropriate traffic index specified in City standards. (DS-53)

95. 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)

96. 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)

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

98. Developer shall install bike racks in accordance with City standards at locations approved by City Traffic Engineer. (TR-73)

STORMWATER QUALITY CONDITIONS

99. 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)

100. Using forms provided by the Development Services Division, Developer shall submit a stormwater quality control measures maintenance program ("the Program") for this project. If the BMPs implemented with this project include proprietary products that require regular replacement and/or cleaning, Developer shall provide proof of a contract with an entity qualified to provide such periodic maintenance. The property owner is responsible for the long-term maintenance and operation of all BMPs included in the project design. Upon request by City, property owner shall provide written proof of ongoing BMP maintenance operations. No grading or building permit shall be issued until the Development Services Manager approves the Program and Developer provides an executed copy for recordation. (DS-82)

101. Developer shall maintain parking lots free of litter and debris. Developer shall sweep sidewalks, drive aisles, and parking lots regularly to prevent the accumulation of litter and debris. When swept or cleaned, debris must be trapped and collected to prevent entry into the storm drain system. Developer may not discharge any cleaning agent into the storm drain system. (DS-84)

102. Prior to issuance of a certificate of occupancy, on-site storm drain inlets shall be labeled "Don't Dump - Drains to Ocean" in accordance with City standards. Before City issues a site improvement permit, the requirement to label storm drain inlets shall be shown on the civil engineering plans. (DS-85)

103. Prior to issuance of a grading permit or commencement of any clearing, grading or excavation, Developer shall provide the City Engineer with a copy of a letter from the California State Water Resources Control Board, Storm Water Permit Unit assigning a permit identification number to the Notice of Intent (NOI) submitted by Developer in accordance with the NPDES Construction General Permit. Developer shall comply with all additional requirements of the General Permit, including preparation of a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP shall identify potential pollutant sources that may affect the quality of discharges to stormwater and shall include the design

and placement of recommended Best Management Practices (BMPs) to effectively prohibit pollutants from the construction site entering the storm drain system. Developer shall keep the SWPPP updated to reflect current site conditions at all times and shall keep a copy of the SWPPP and the NOI on the site and make them available for City or designated representative to review upon request. (DS-86)

DEVELOPMENT SERVICES DIVISION SPECIAL CONDITIONS

104. Developer shall construct curb, gutter, sidewalk, and landscaping improvements along the project frontage of Richmond Avenue to provide a forty-four (44) foot curb-to-curb street section with a five foot wide sidewalk adjacent to the curb on the project side of the street. (DS)

105. Developer shall design and construct the southerly transition of the proposed curb, gutter, and sidewalk improvements as directed by the City Traffic Engineer to accommodate a future southbound right turn pocket. Developer's responsibility for improvements shall end at the southerly property line except as required to properly transition for safety or drainage requirements. (TR)

106. Developer shall design and construct the northerly transition of curb, gutter, and sidewalk to join existing curb, gutter, and sidewalk improvements approximately 40 feet north of property line. (DS)

107. Developer shall design the grass filter swales and/or infiltration trenches in accordance with the Technical Guidance Manual for Stormwater Quality Control Measures. Design calculations shall be included in the project drainage report. (DS)

108. Developer's engineer shall provide City with written confirmation that they have reviewed the landscape construction drawings within the NPDES grass filter swale and infiltration trench areas and that the proposed landscaping conforms to SQUIMP standards for such areas. (DS)

109. Developer shall provide a 4 inch minimum vertical drop between the flow line of the parking lot concrete gutter and the flow line of the grass filter swale and/or infiltration trench at each location where stormwater enters the filter swale. (DS)

110. Developer shall minimize or eliminate under sidewalk drains. Developer shall attempt to redirect such emergency overflow drainage to a driveway. Any under sidewalk drain that is approved shall be constructed in accordance with City standard plate 124. (DS)

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

112. Developer shall construct all new driveway curb cuts to comply with disabled access requirements for pedestrians using the public sidewalk. A minimum 4 foot wide pedestrian path shall be constructed across the driveway with a cross-fall that does not exceed 2%. (DS)

113. Developer shall follow parking lot layout indicated on the Architectural site plan when there are conflicts with the engineering site plan. (DS)

114. Developer shall construct triple-bin trash enclosures (one bin for recycle use) with a solid non-combustible roof (8 foot minimum clearance) that prevents stormwater from entering the refuse bins. Developer shall construct all other components of the trash enclosure in accordance with the approved City Standard Plan on file with the Development Services Division as modified to accommodate 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)

115. Developer shall install "No Parking" signs at back of sidewalk along Richmond frontage improvements. Location and number of signs to be as directed by the City Traffic Engineer. (TR)

116. Developer shall install signs and pavement markings to clearly identify the proposed one-way onsite vehicular circulation. (TR)

PASSED and ADOPTED by the Planning Commission of the City of Oxnard on this 1st day of July, 2010, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

_____
Randall Elliott, Chair

ATTEST: _____
Susan L. Martin, Secretary

ATTACHMENT E

ZONE VARIANCE RESOLUTION

RESOLUTION NO. 2010-__

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 09-590-02 (ZONE VARIANCE) TO PROVIDE RELIEF AND ALLOW DEVIATION FROM REQUIRED PARKING DESIGN STANDARDS TO CONSTRUCT A 20 STALL PARKING LOT ADDITION TO AN EXISTING FOOD CATERING COMMISSARY (AMERICAN FOOD COMPANY). THE UNDEVELOPED 15,992 SQUARE FOOT SITE IS COMPRISED OF TWO LOTS THAT ARE ZONED M-2 (HEAVY MANUFACTURING), LOCATED AT 911-931 RICHMOND AVENUE. APPLIED FOR BY JEFF ZOOK WITH COASTAL ARCHITECTS, 505 SOUTH A STREET, OXNARD, CA 93030.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 09-590-02 (Zone Variance), filed by Jeff Zook with Coastal Architects on behalf of the owner and business operator of American Food Company, Seyed A. Azimi in accordance with Section 16-565 through 16-569 and Section 16-530 through 16-553 of the Oxnard City Code; and

WHEREAS, the Planning Commission has held a public hearing on this application in accordance with Sections 16-565 through 16-569 of the Oxnard City Code; and

WHEREAS, in accordance with Section 15332 of the California Environmental Quality Act (CEQA) Guidelines, projects involving "in-fill development projects where the project is consistent with the applicable general plan designation policies as well as with applicable zoning designation and regulations; and the proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban areas; and the project site has no value, as habitat for endangered, rare or threatened species; and approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can be adequately served by all required utilities and public services" may be found to be exempt from the requirements of CEQA. This proposal involves improvements to a vacant, irregular shaped site to develop and construct a parking lot. Based on the above exemption and in accordance with CEQA, the Planning Manager has determined that there is not substantial evidence that the proposed project may have a significant effect on the environment and that a notice of exemption may be filed; and

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

1. That the variance granted is subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated; and

2. That because of special circumstance applicable to subject property, including size, shape, topography, location or surroundings, the strict application of the

zoning regulations is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. The property is irregularly shaped due to its proximity to railroad facilities. The irregular shape and location prevent the property from being developed in compliance with the development standards of the Zoning Code. Development of the property as a parking facility to serve the adjacent food commissary catering use will allow the owner to utilize the subject property in a manner similar to the use of other Heavy Manufacturing-zoned properties in the vicinity; and

3. That granting the variance will not be detrimental to the public interest, safety, health or welfare and will not be detrimental or injurious to property or improvements at the same vicinity and zone in which the property is located. The development of the property pursuant to the variance will remedy several existing substandard property maintenance conditions and will enhance neighborhood aesthetics; and

4. That granting of such a variance will not be contrary to the general plan.

5. The granting of this variance is necessary to assure that the spirit and purpose of Chapter 16 of the Oxnard City Code will be observed, the public safety and welfare secured, and substantial justice done.

6. The granting of this variance is necessary for the preservation and enjoyment of substantial property rights of the applicant.

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 form, and fostering the health, safety, and welfare of the citizenry in general and the persons who work, visit or live in this development in particular.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby approves Planning and Zoning Permit No. 09-590-02 (ZV), 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.

Note:

The abbreviations listed below indicate which City group or program has responsibility to insure compliance with these conditions. The first agency listed has responsibility at plan check, the second at inspection and the third at final inspection, prior to certificate of occupancy, or at a later date, as specified in the condition.

Agencies

CA	City Attorney	PL	Planning
DS	Devt Service/Eng Devt/Inspectors	TR	Traffic
PD	Police Department	B	Building Plan Checker
SC	Source Control	FD	Fire Prevention Bureau/Dept
PK	Parks Division	BI	Building Inspectors

If more than one agency is listed, the first department or division listed must check the plans or inspect the project before the second may approve compliance with the condition.

GENERAL PROJECT CONDITIONS

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

2. This permit is granted for the plans dated July 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 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, or the beginning of the proposed use. (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&R's) 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&R's and the City Code or this permit, the City Code or this permit shall prevail. (CA, *G-7*)

8. Developer shall record with the Ventura County Recorder a "Notice of Land Use Restrictions and Conditions" in a form acceptable to the City Attorney. Before the City issues building permits or allows Developer to occupy the project, Developer shall submit a copy of the recorded document to the Planning and Environmental Services 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 existing on the project property. (PL, *G-15*).

PLANNING DIVISION SPECIAL CONDITIONS

16. This permit is granted subject to the approval and conditions of Planning and Zoning Permit No. 09-500-03 for a Special Use Permit. (PL)

PASSED and ADOPTED by the Planning Commission of the City of Oxnard on this 1st day of July, 2010, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

_____
Randall Elliott, Chair

ATTEST: _____
Susan L. Martin, Secretary