



Planning Division

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Justin Beranich, Assistant Planner

DATE: October 7, 2010

SUBJECT: Planning and Zoning Permit No. 10-500-04, (Special Use Permit), Located at the southeast corner of Cooper Road and North Roosevelt Avenue.

- 1) **Recommendation:** That the Planning Commission adopt a resolution approving Planning and Zoning Permit No. 10-500-04 for a special use permit, subject to certain findings and conditions.

- 2) **Project Description and Applicant:** A request for a planned residential group to redevelop a property located at the southeast corner of Cooper Road and Roosevelt Avenue. The site currently contains four residential buildings, all of which will be demolished and replaced by a two-story, mixed-use structure. The applicant is proposing to re-locate the existing tenants off-site. The proposed building will include 3 one-bedroom units over two commercial tenants, on the ground level. Three garages are provided on the first-floor for the residential units. The applicant also requests a front yard setback reduction from 20 feet to 10 feet, a side yard setback reduction from 7'6" to zero along the east property line, interior yard space, an on-street loading zone and a reduction of visitor spaces and off-street commercial parking spaces from six to four. Filed by designated agent Jaime Parga, on behalf of Heliodoro Avalos, 151 Bellafonte Court, Camarillo, CA 93012.

- 2) **Existing & Surrounding Land Uses:** The 7,622 square foot lot is developed with four residential buildings. The following table describes the land uses immediately adjacent to the project site:

3)

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
Project Site	C-2 (Commercial General)	Commercial General	Multi-family residential
North	C-2(Commercial General)	Commercial General	Commercial retail
South	R-PD (Residential Planned)	Residential Low Medium	Alley with residential beyond

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
	Development)		
East	C-2(Commercial General)	Commercial General	Commercial retail
West	C-2(Commercial General)	Commercial General	Residential use

4) **Background Information:** On July 17, 2003, the Planning Commission approved Special Use Permit No. 01-500-59, via Resolution No. 2003-56, for the construction of a two-story mixed use building with administrative relief for decreased setbacks and parking. The permit has since expired and that project was not constructed. This request submitted is similar to that previous approval.

5) **Environmental Determination:** In accordance with Section Nos. 15301 and 15303 of the California Environmental Quality Act (CEQA) Guidelines, the proposed project is within the class of projects determined not to have a significant impact on the environment. Section 15301 states the “demolition and removal of individual small structures...in urban areas...where not more than six dwelling units will be demolished,” may be found to be exempt from the requirements of CEQA. The proposal consists of the demolition of four, small residential units. Section 15303 exempts new construction projects that include “multi-family residential structures totaling no more than four dwelling units... and retail uses totaling no more than 2,500 square feet of floor area.” The project involves of a mixed-use building with three residential units above 1,658 square feet of commercial floor area. Therefore, staff recommends that the Planning Commission recommend adoption of the Notice of Exemption (Attachment E).

6) **Analysis:**

a) **General Discussion:** The Planning Commission may approve residential uses within the C-2 General Commercial zone, as part of a special use permit. According to the Applicant, the property owner has offered to relocate the existing tenants to other properties that he owns. The proposed residential apartment units are comprised of one bedroom and one bathroom, and range in size from 706 to 767 square feet of floor area. Two retail tenants are proposed on the ground floor, each with nearly 830 square feet of floor area. These tenant spaces have street frontage facing Cooper Road. Three garage spaces for residential use are proposed at the rear of the retail space.

b) **General Plan Consistency:** The land use map of the City’s 2020 General Plan designates the subject cite for General Commercial development and uses. The subject site is zoned General Commercial (C-2).

POLICY	DISCUSSION
<i>Land Use Policy #1 (page V-22) states that “the city shall encourage the development of mixed uses in</i>	The proposal is a two-story mixed use building that provides three residential units above two commercial spaces. Therefore, consistency with this policy may be

POLICY	DISCUSSION
appropriate areas to reduce commuting”	found.
Growth Management Policy #C(2) (page IV-17) states “permit development that can be served by existing facilities, transportation and service”	The project is proposing to re-develop an existing lot of record, served by existing services, streets and facilities. Therefore, consistency with this policy may be found.

c) Conformance with Zoning Development Standards: The proposed development is located in the General Commercial (C-2) zone district. In accordance with the City Code, the proposed mixed-use building may be permitted with an approved special use permit. The Applicant is requesting a special use permit for a planned residential group, City Code Section 16-445, that may vary the development standards and parking requirements of the zone provided the Planning Commission finds there is a substantial improvement of the land with no detrimental effect on the surrounding area, the residential use is permitted in the zone, structures substantially conform to the plans submitted for review and the proposed use is served by existing public facilities. In accordance with Section 16-136, the applicable development standards of the R3 Garden Apartment zone and the C2 General Commercial Zone have been compared with the proposed project, as follows:

DEVELOPMENT STANDARD	REQUIREMENT	PROPOSED	COMPLIANT?
Max. building height	2 stories or 35 feet. Additional stories may be permitted as part of an SUP (16-530—16-553)	2 stories 29 ft 6 in	Yes
Front yard setback	Commercial: 10 feet Residential: 20 feet	Commercial: 10 feet Residential: 10 feet*	Yes, with Planning Commission approval of special use permit.
Side yard setback	Commercial: 5 feet. Zero when abuts another C-2 zoned lot. Residential: 7’6”	Commercial: 5 feet and zero Residential: 7’7” and zero*	
Rear yard setback	None if =<16 feet in height; 15 feet if >16 feet in height; 10 feet if abuts an alley.	55 ft to building	Yes
Interior Yard Space	30% of the lot area, open from ground to	381 square feet of balcony area*	Yes, with Planning

DEVELOPER REQUEST	PROPOSED RESPONSE	PROPOSED	COMMISSION RESPONSE
	sky, located behind the front setback line.		Commission approval of special use permit.
Off-street parking	1 garage space for each one bedroom unit and 1 visitor space per residential unit; 1 space per 300sq/ft of retail floor area. 1,658 Sq/ft = 6 spaces 3 one bedroom units = 3 spaces Total = 3 garage spaces and 9 open spaces	3 garage spaces are proposed for residential units; 5 off-street parking spaces are proposed for retail uses. A condition of approval requires the Applicant to provide 7 spaces off-street. (See Section 6(e) of staff report.	Yes, with Planning Commission approval of Special Use Permit.
Loading Zone	12 feet by 40 feet	On-street loading zone is proposed as condition of approval.	
Landscaping	10 feet along street frontages, minimum 5 feet along side, 5% of vehicle parking areas	10 feet along Cooper Road and Roosevelt Avenue, 5 feet width along interior property lines.	Yes, as conditioned.
Rooftop equipment	May not protrude above height of parapet.	Screened from view by parapet	Yes
Lighting	Comply with Section 16-320 of the City Code.	On-site lighting will be reviewed at time of building permit plan check	Yes, as conditioned

*The applicant seeks approval for variations to the Code-required setbacks as a planned residential group (Code Section 16-445)

- d) **Site Design:** The subject property is surrounded by development on all sides. On site lighting is proposed and shall be reviewed for conformance to the City Code at the time of building permit issuance. The city code states on-site lighting shall not exceed seven

foot candles, nor be less than one foot candle at any point. At minimum, a photometric site plan will be required at that time.

- e) **Circulation and Parking:** Vehicular access to the site is provided from Roosevelt Avenue. The site layout does not support a secondary access. Gates at the vehicular driveway are not proposed as part of this project request.

The project's conformance with the on-site parking requirements of the City Code are summarized as follows:

Land Use	Code Requirement	Spaces Required
Three 1-Bedroom Units	1 garage space/unit 1 visitor space/unit	3 garage spaces 3 visitor spaces
Retail (1,658 SF)	1 space/300 SF	6 spaces

Total required parking = 3 garage spaces and 9 open spaces.

Total parking provided = 3 garage spaces and 7 open spaces

As part of this permit, the Applicant is requesting administrative relief to allow for a decrease in the number of off-street parking spaces. A parking study, completed June 24, 2003 (Attachment C), indicates that the site can only support up to 1,440 square feet of retail floor area. The study also estimates that the highest peak hour demand for the proposed on-site uses is seven spaces. At 1,440 square feet, the retail parking demand is reduced to 5 open spaces.

The project is conditioned to revise the site plan at time of building permit plan check to reduce the retail floor area to 1,440 square feet and to remove the secondary residential trash enclosure to allow for two additional parking spaces on-site, bringing the total off-street, uncovered parking spaces, which would serve the resident visitor and retail demands, to 7 (Condition No. 75). With the reduction in retail floor area, the garages may be expanded to allow for the storage of trash enclosures within the garages. With those adjustments, the project has a deficit of one off-street parking space, which will be made up through an on-street parking space adjacent to the project site. On-street parking observations by city staff show there is at least one space available during the peak parking demand hours. The City's Traffic Engineer notes that there is currently no on-site parking for any of the four existing units and that the proposed project, by providing 3 garage spaces for the residents and 7 uncovered parking for visitors and retail users, substantially meets the project's parking demand.

In addition, the Applicant is requesting administrative relief for an on-site loading zone. A condition of approval is proposed that requires the developer to stripe an area to be

used as on-street loading along Cooper Road adjacent to the project site. (Condition No. 71). The 2003 parking study estimated the peak number of parking spaces required based on the proposed project; therefore revised parking counts are not required. The City's Traffic Engineer has determined the 2003 parking study satisfies the requirements of Oxnard City Code section 16-651(B)(4) and demonstrates that the off-street parking and loading zone requirements may be modified as the Applicant has requested.

- f) **Building Design:** The building design includes stucco walls finished with neutral grey tones, with two tower elements on the building frontage facing Cooper Road. The City's Development Advisory Committee Architect previously reviewed the project in 2003 and highly recommends that the pillars supporting the towers be more prominent than those of the colonnade along the building frontage. This treatment, along with a reinforced concrete base element, would provide additional massing at the store entries. A wrought iron element and heavy timber is recommended as well. A cornice treatment defines the tip of the building at approximately 30 feet. To further enhance the building, score lines and tile insets are recommended at the second floor façade. Finally, the proposed color scheme (grey tones with asphalt shingles) should be modified to a warmer sun or earth tone with Spanish or concrete roofing materials. Larger, more prominent exterior light fixtures should be included to provide additional interest. These architectural recommendations would create a more traditional Santa Barbara style building, and are therefore included as conditions of approval. A rendering of the artist's vision for the building façade is provided as Attachment D (Condition No. 76).
- g) **Signs:** Signage is conceptually proposed to be located on three locations of the building: over each of the retail entries and above the second floor colonnade between the towers. The dimensions, however, have not been analyzed for conformance with City Code. All signs at the subject site shall comply with the requirements of the City Code.
- h) **Landscaping and Open Space:** The city's landscape architect reviewed the proposed landscape plan. With the recommendations included as conditions of approval (Attachment F), staff finds that the project conforms to the City's landscaping requirements.
- 7) **Development Advisory Committee:** The Development Advisory Committee (DAC) reviewed this project at their July 11, 2001 and August 14, 2002 meetings. The current proposal was reviewed by DAC members on May 4, 2010 to receive current conditions of approval. The recommendations of the DAC are included in the attached resolution.
- 8) **Community Workshop:** On April 8, 2010, the applicant mailed notices of the Community Workshop meeting to all property owners within the Colonia Neighborhood. A notice of this meeting was posted on the project site with a brief description and contact information. The Community Workshop was conducted on April 19, 2010. The one member of the public in attendance supported the project.

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

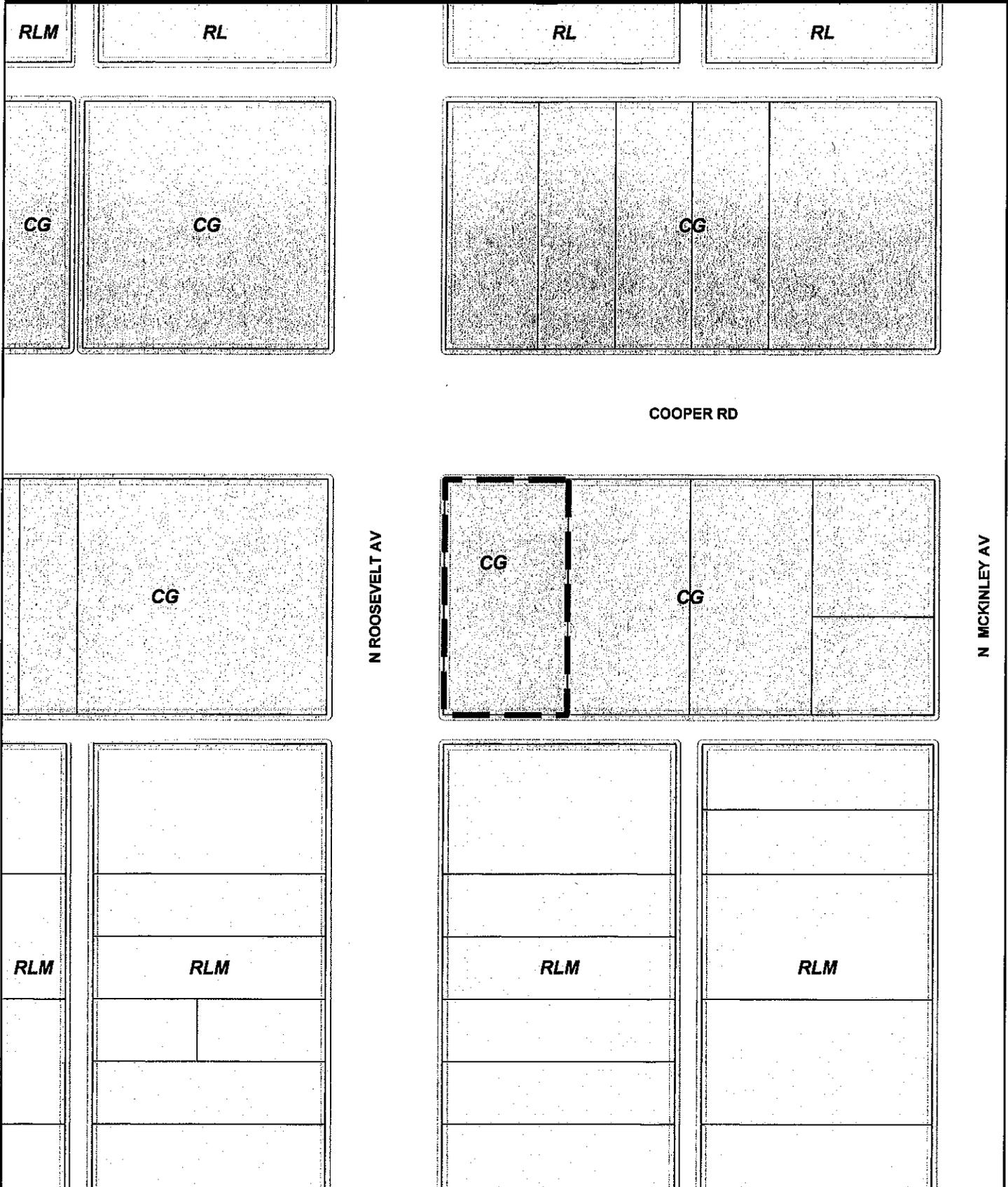
Attachments:

- A. Maps (Vicinity, General Plan, Zoning)
- B. Reduced Project Plans
- C. Parking Study (dated June 24, 2003)
- D. Architects rendering
- E. Notice of Exemption
- F. Resolution

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

**ATTACHMENT A
MAPS (VICINITY, GENAL PLAN,
ZONING)**

General Plan Map



COOPER RD

N ROOSEVELT AV

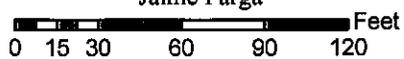
N MCKINLEY AV

General Plan Map



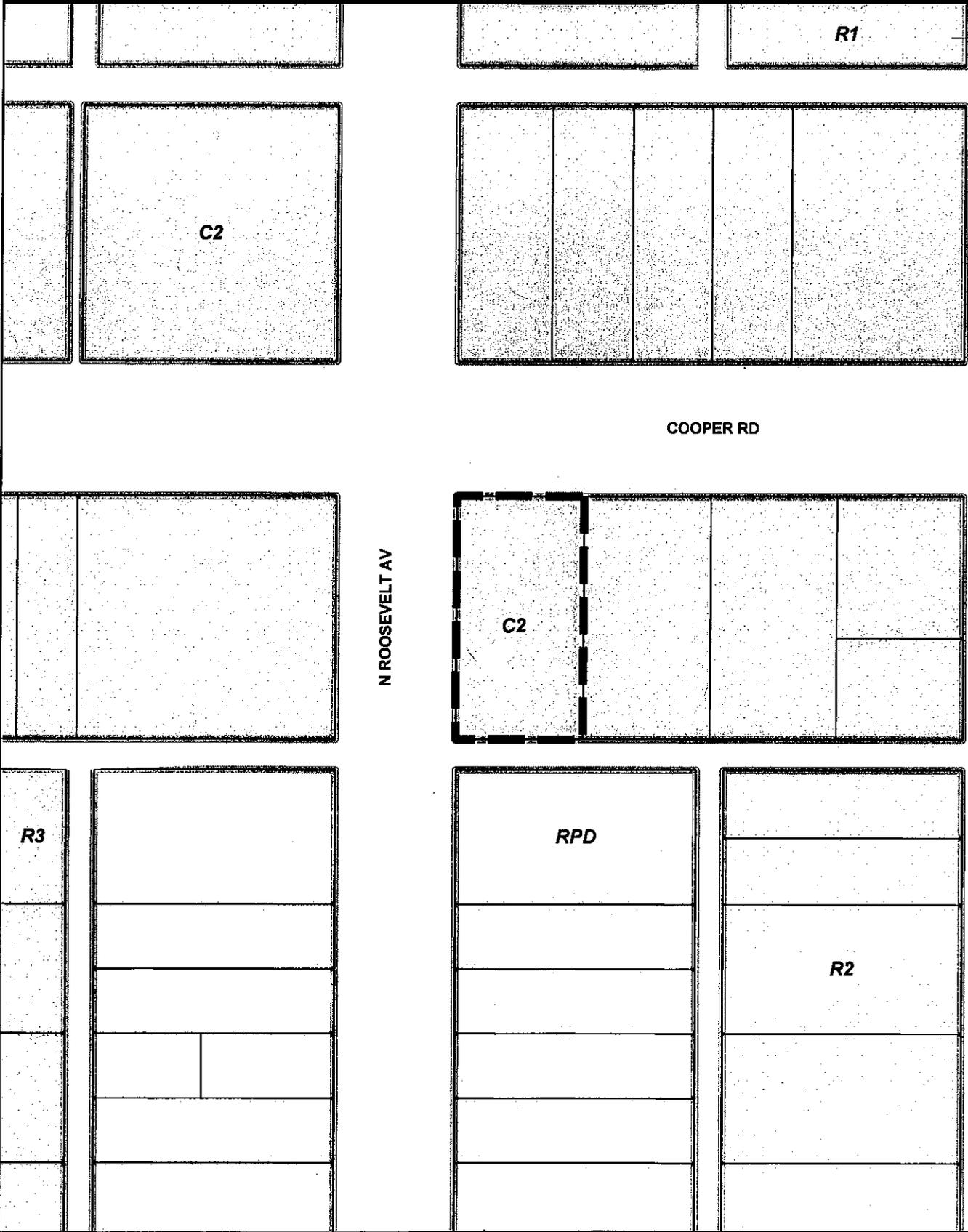
Oxnard Planning
April 1, 2010

PZ 10-500-04
Location: 600 Copper Rd
APN: 201012117
Jaime Parga



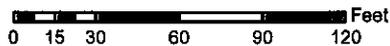
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Zone Map



Oxnard Planning
April 1, 2010

PZ 10-500-04
Location: 600 Copper Rd
APN: 201012117
Jaime Parga



Zone Map



1:824

**ATTACHMENT B
REDUCED PROJECT PLANS**

Floor Plan General Notes

1. 20'-0" DOUBLE END BAY/STAIRCASE APPROX.
2. 30'-0" CLEAR END SPACE PLUMB FOR WATER SUPPLY.
3. 30'-0" CLEAR END SPACE PLUMB FOR WATER SUPPLY.
4. 30'-0" CLEAR END SPACE PLUMB FOR WATER SUPPLY.
5. 30'-0" CLEAR END SPACE PLUMB FOR WATER SUPPLY.
6. 30'-0" CLEAR END SPACE PLUMB FOR WATER SUPPLY.
7. 30'-0" CLEAR END SPACE PLUMB FOR WATER SUPPLY.
8. 30'-0" CLEAR END SPACE PLUMB FOR WATER SUPPLY.
9. 30'-0" CLEAR END SPACE PLUMB FOR WATER SUPPLY.
10. 30'-0" CLEAR END SPACE PLUMB FOR WATER SUPPLY.
11. 30'-0" CLEAR END SPACE PLUMB FOR WATER SUPPLY.
12. 10'-0" FROM RISE TO RISE FOR WATER SUPPLY.
13. 10'-0" FROM RISE TO RISE FOR WATER SUPPLY.
14. 10'-0" FROM RISE TO RISE FOR WATER SUPPLY.
15. 10'-0" FROM RISE TO RISE FOR WATER SUPPLY.
16. 10'-0" FROM RISE TO RISE FOR WATER SUPPLY.
17. 10'-0" FROM RISE TO RISE FOR WATER SUPPLY.
18. 10'-0" FROM RISE TO RISE FOR WATER SUPPLY.
19. 10'-0" FROM RISE TO RISE FOR WATER SUPPLY.
20. 10'-0" FROM RISE TO RISE FOR WATER SUPPLY.
21. 10'-0" FROM RISE TO RISE FOR WATER SUPPLY.
22. 10'-0" FROM RISE TO RISE FOR WATER SUPPLY.
23. 10'-0" FROM RISE TO RISE FOR WATER SUPPLY.

Door and Window Schedule

EMERGENCY EGRESS NOTE (International Code)
 ONE EGRESS WINDOW SHALL HAVE NET CLEAR HEIGHT AND WIDTH OF AT LEAST 20'0" AND 24'0" RESPECTIVELY. THE WINDOW SHALL BE UNOBSTRUCTED AND UNGLAZED AT ALL TIMES. THE WINDOW SHALL BE UNGLAZED AT ALL TIMES. THE WINDOW SHALL BE UNGLAZED AT ALL TIMES.

WINDOW SCHEDULE

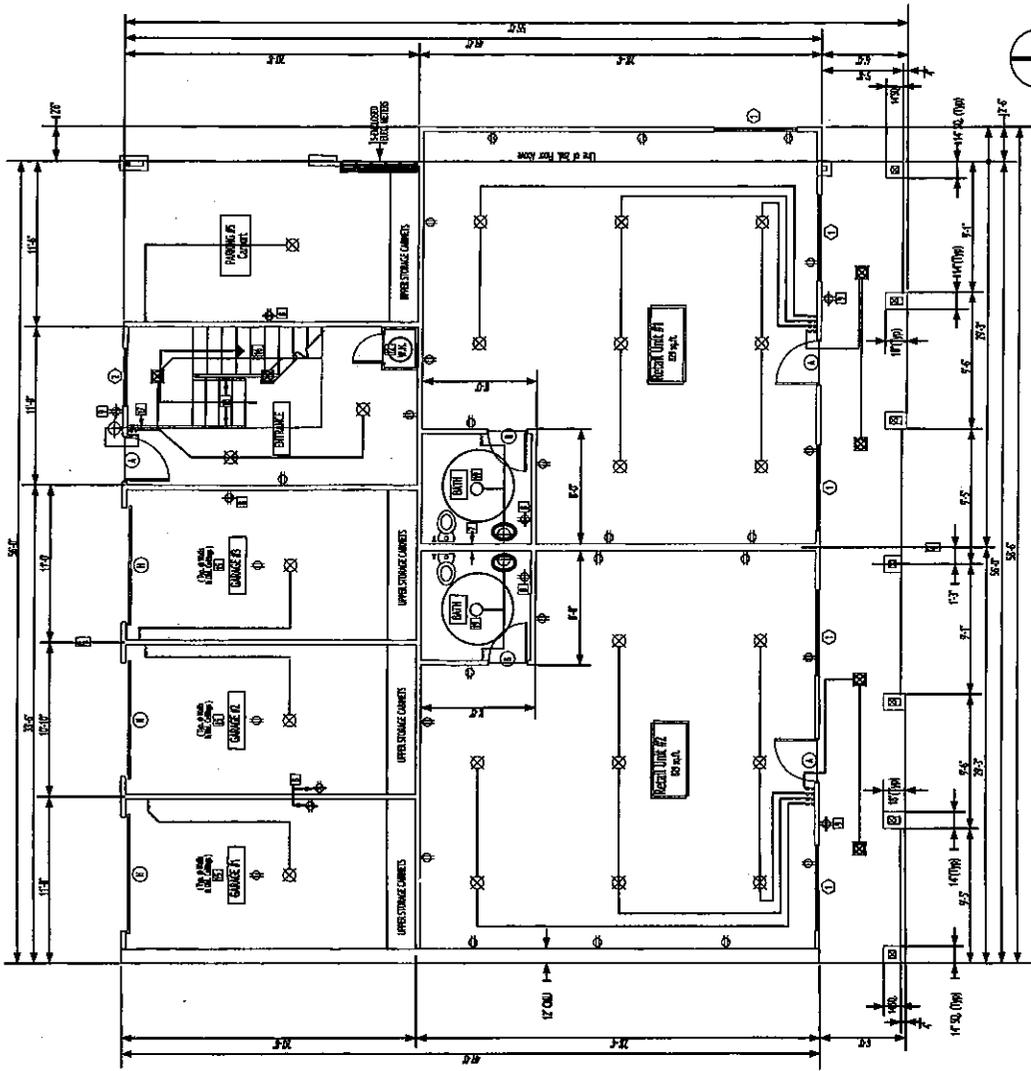
NO.	SIZE	DESCRIPTION	MARKING
1	30'x15'	1/2" TYP. IMPERIAL FRAME	1/2" TYP. IMPERIAL
2	30'x15'	1/2" TYP. IMPERIAL FRAME	1/2" TYP. IMPERIAL
3	30'x15'	1/2" TYP. IMPERIAL FRAME	1/2" TYP. IMPERIAL
4	30'x15'	1/2" TYP. IMPERIAL FRAME	1/2" TYP. IMPERIAL
5	30'x15'	1/2" TYP. IMPERIAL FRAME	1/2" TYP. IMPERIAL
6	30'x15'	1/2" TYP. IMPERIAL FRAME	1/2" TYP. IMPERIAL
7	30'x15'	1/2" TYP. IMPERIAL FRAME	1/2" TYP. IMPERIAL
8	30'x15'	1/2" TYP. IMPERIAL FRAME	1/2" TYP. IMPERIAL

DOOR SCHEDULE

NO.	SIZE	DESCRIPTION	MARKING
A	30'x15'	1/2" TYP. IMPERIAL FRAME	1/2" TYP. IMPERIAL
B	30'x15'	1/2" TYP. IMPERIAL FRAME	1/2" TYP. IMPERIAL
C	30'x15'	1/2" TYP. IMPERIAL FRAME	1/2" TYP. IMPERIAL
D	30'x15'	1/2" TYP. IMPERIAL FRAME	1/2" TYP. IMPERIAL
E	30'x15'	1/2" TYP. IMPERIAL FRAME	1/2" TYP. IMPERIAL
F	30'x15'	1/2" TYP. IMPERIAL FRAME	1/2" TYP. IMPERIAL
G	30'x15'	1/2" TYP. IMPERIAL FRAME	1/2" TYP. IMPERIAL

Electrical Legend

- RECEPTACLE
- 120V GFI PROTECTED
- WALL MOUNT LIGHT OUTLET
- RECESSED LIGHT
- RECESSED FLUORESCENT LIGHT
- SMALL PANE SWITCH
- WALL SWITCH
- CEILING MOUNT LIGHT OUTLET
- WALL MOUNT LIGHT OUTLET
- RECESSED LIGHT
- RECESSED FLUORESCENT LIGHT
- SMALL PANE SWITCH
- WALL SWITCH
- CEILING MOUNT LIGHT OUTLET



SCALE: 1/4" = 1'-0"

REVISIONS

NO.	DATE	DESCRIPTION
1		



USA Architects and Engineers
 1143 E. Main Street, San Buenaventura, CA 90001 (805) 448-1829

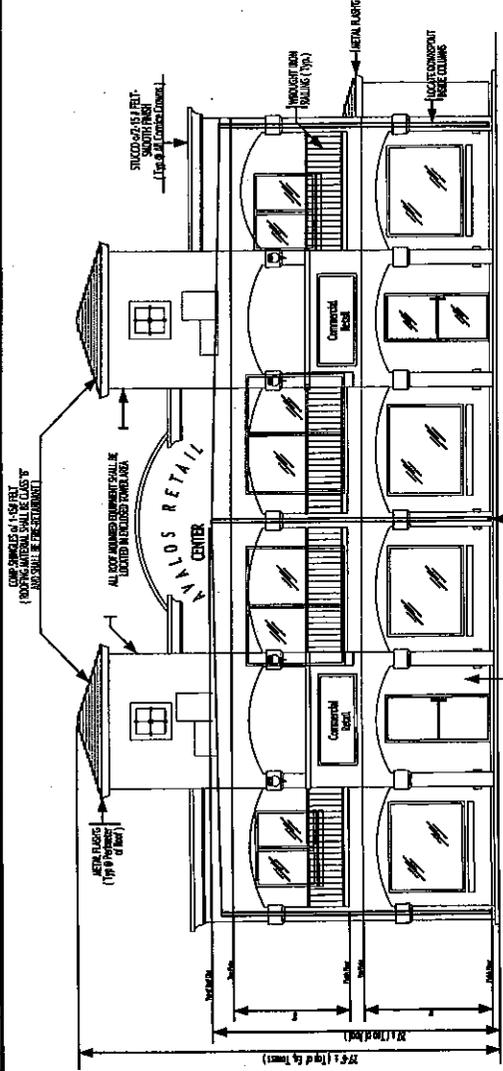
Owner
 Mr. Avalos
 600 Cooper Road
 Oxnard, CA 93030

Proposed Commercial Development for:
 Proposed Ground Level Floor Plan and Electrical Plan

Proposed Ground Level Floor Plan and Electrical Plan
 Drawing No. 02/27/08
 Project No. 20022

A2

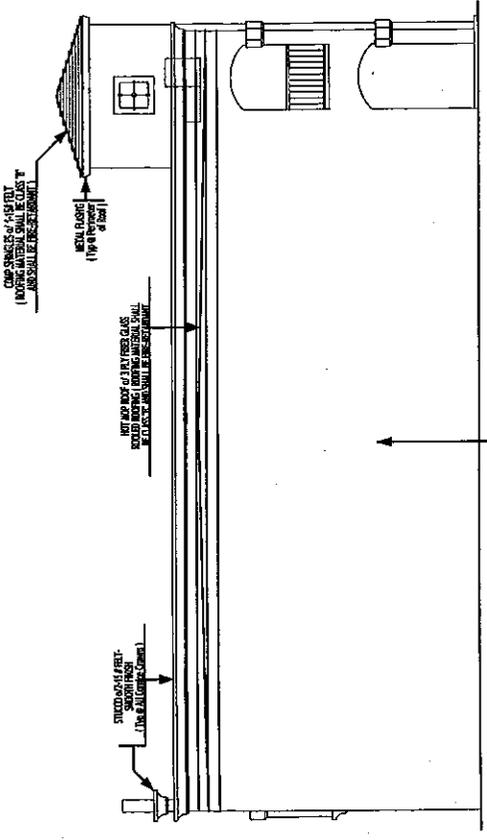
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1
SCALE: 1/4" = 1'-0"

Front (North) Elevation

REF: Floor Plan on A2



2
SCALE: 1/4" = 1'-0"

Left (East) Elevation

REF: Floor Plan on A2

Proposed Commercial Development for:
Mr. Avalos
600 Cooper Road
Oxnard, CA 93030

Owner

USA Architects and Engineers
1143 E. Main Street, San Bernardino, CA 92401 (626) 640-1800

Proposed Exterior Elevations:
Front and Left

Project No. 2003
Drawing Title
Date
Scale
Sheet No.

USA Architects and Engineers, Inc.
OCT 14 2008

**ATTACHMENT C
PARKING STUDY
(Dated June 24, 2003)**



ASSOCIATED TRANSPORTATION ENGINEERS

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

Maynard Keith Franklin, P.E.
Richard L. Pool, P.E.
Scott A. Schell, AICP

June 24, 2003

03069L01.LTR

Jaime Parga
Parga Construction
1100 Mountain View Avenue, Suite "A"
Oxnard, CA 93030

PARKING STUDY FOR THE 600 COOPER ROAD MIXED-USE PROJECT - CITY OF OXNARD

Associated Transportation Engineer's (ATE) has prepared the following parking study for 600 Cooper Road Mixed-Use Project, located in the City of Oxnard. This parking study evaluates parking demands generated at the 600 Cooper Road parcel.

PROJECT DESCRIPTION

The project is proposing to construct a two story mixed-use commercial/residential development. The commercial component on the ground floor will have a maximum of 1,440 square feet retail/commercial units. The residential component on the second floor will consist of three new apartment units each with a one-car attached garage on the first level.

Jaime Parga

Page 2

June 25, 2003

CITY OF OXNARD ZONING ORDINANCE PARKING REQUIREMENTS

The City's Zoning Ordinance parking requirements were calculated for the parcel as shown below in Table 1.

**Table 1
City Zoning Ordinance Parking Requirements**

Land Use	Size	Zoning Ordinance Requirement	Parking Requirement
Apartment	1 bedroom	2.0 spaces/unit	2.0 spaces
Apartment	1 bedroom	2.0 spaces/unit	2.0 spaces
Apartment	1 bedroom	2.0 spaces/unit	2.0 spaces
Retail	1,440 sq. ft.	1.0 space/300 sq. ft.	5.0 spaces

3 spaces
+
4
Commercial

The data presented in Table 1 indicate the City's Zoning Ordinance parking requirement for the proposed project at 600 Cooper Road is 11 parking spaces. This parking requirement would be not be satisfied by the on-site parking provided.

PROJECT PARKING DEMANDS

8

Parking demand estimates were developed for the project based on the parking rates presented in the following source documents:

- o Parking Generation Report, Institute of Transportation Engineers (ITE).
- o Shared Parking Report, Urban Land Institute (ULI).
- o Recommended Zoning Ordinance Provisions for Parking and Off-Street Loading Spaces, Parking Consultants Council/National Parking Association.

The data presented in Table 2 illustrates the weekday hourly parking demands for the mixed-use project at 600 Cooper Road. The weekday hourly parking demand estimates calculated for the parcel were based on the rates derived from the referenced sources.

Table 2
600 Cooper Road Project Estimated Weekday Parking Demands

Hour of Day	Retail	Apartment	Total Parking
6:00 A.M.	0	3	3
7:00 A.M.	0	3	3
8:00 A.M.	1	2	3
9:00 A.M.	2	2	4
10:00 A.M.	4	2	6
11:00 A.M.	5	2	7
12:00 Noon	5	2	7
1:00 P.M.	5	1	6
2:00 P.M.	5	1	6
3:00 P.M.	5	1	6
4:00 P.M.	5	2	7
5:00 P.M.	4	2	6
6:00 P.M.	4	2	6
7:00 P.M.	4	3	7
8:00 P.M.	4	3	7
9:00 P.M.	3	3	6
10:00 P.M.	2	3	5
11:00 P.M.	1	3	4
12:00 Midnight	0	3	3

The data presented in Table 2 illustrates the hourly parking demands for the mixed-use project at 600 Copper Road. The estimated parking demand for the retail component will be accommodated by the proposed 4 on-site parking spaces, providing that the carport is designated for the retail/commercial use. The parking demand for the three apartment units will be accommodated by the three garage units.

Jaime Parga

Page 4

June 25, 2003

SUMMARY

The parking provided on the site will satisfy the parking demand for the mixed use site based upon the ULI Shared Parking and the ITE Parking Generation data with the provision that the carport is available/designated for use by the retail/commercial element of the project.

Associated Transportation Engineers



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



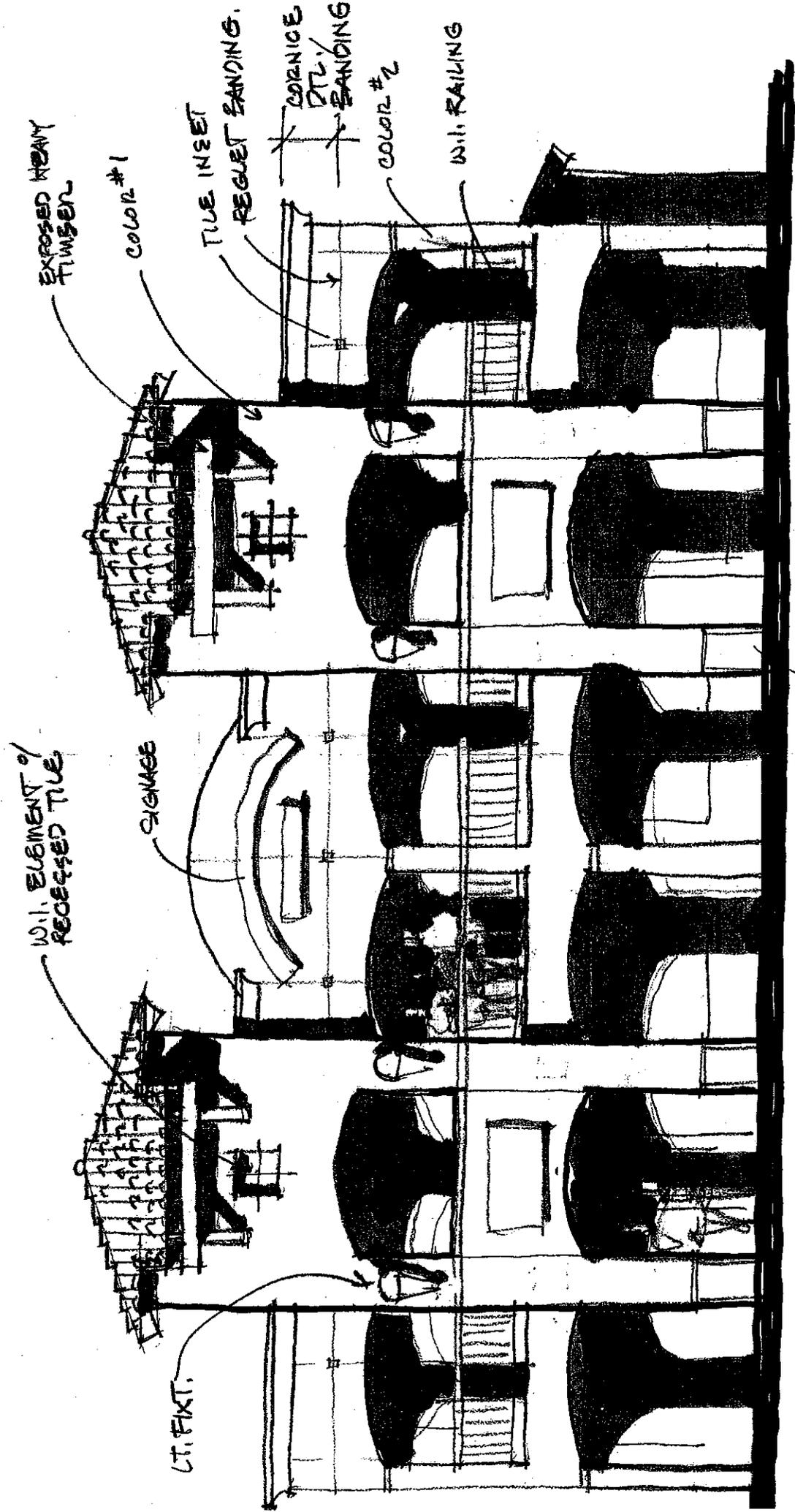
*Joe
6/25/03*

*1987 REPORT
this ~~is not~~
↑
Should not be
used as our City Code*

*I think the on-street parking
can serve as guest parking
for the 3 apts &
the one space short on retail
They need to do a field check
to state they are available.*

*Treat it as ~~a~~ EBD
to count on-street.*

ATTACHMENT D
ARCHITECTS RENDERING



EXPOSED HEAVY
TIMBER

COLOR #1

TILE INSET
REGRET BANDING.

CORNICHE
DTL. BANDING

COLOR #2

W.I.L. RAILING

W.I.L. ELEMENT OF
RECEIVED TILE

STORAGE

LT. FIXT.

GRFC BASE AT
TOWER ONLY.

ATTACHMENT E
NOTICE OF EXEMPTION



NOTICE OF EXEMPTION

Project Description:

A request for a planned residential group to redevelop a property located at the southeast corner of Cooper Road and Roosevelt Avenue. The site currently contains four residential buildings, all of which will be demolished and replaced by a two-story, mixed-use structure. The applicant is proposing to relocate the existing tenants off-site. The proposed building will include 3 one-bedroom units over two commercial tenants, on the ground level. Three garages are provided on the first-floor for the residential units. The applicant also requests a front yard setback reduction from 20 feet to 10 feet, a side yard setback reduction from 7'6" to zero along the east property line, interior yard space, an on-street loading zone and a reduction of visitor spaces and off-street commercial parking spaces from six to four. Filed by designated agent Jaime Parga, on behalf of Heliodoro Avalos, 151 Bellafonte Court, Camarillo, CA 93012.

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 the California Environmental Quality Act Guidelines and Section(s) 15301 and 15303 of the California Code of Regulations, projects involving the "demolition and removal of individual small structures...in urban areas...where not more than six dwelling units will be demolished," and "multi-family residential structures totaling no more than four dwelling units... and retail uses totaling no more than 2,500 square feet of floor area." may be found to be exempt from the requirements of CEQA. The project involves a mixed-use building with three residential units above 1,658 square feet of commercial floor area. 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 F
RESOLUTION**

RESOLUTION NO. 2010-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 10-500-04 (SPECIAL USE PERMIT), TO ALLOW CONSTRUCTION OF A TWO-STORY MIXED USE BUILDING, LOCATED AT 600 COOPER ROAD, (APN 201-0-121-170), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY DESIGNATED AGENT JAIME PARGA, 151 BELLAFONTE COURT, CAMARILLO, CA 93012.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 10-500-04, filed by Designated Agent Jaime Parga in accordance with Section 16-530 through 16-553 of the Oxnard City Code; and

WHEREAS, Sections 15301 and 15303 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, pursuant to Section 16-445 of the City Code, the Planning Commission has considered the request for a planned residential group granting a decrease in the required front yard setback (from 20 feet to 10 feet) and a side yard setback (from 7'6" to zero) of the residential floor and finds, after due study, deliberation and public hearing, that the following circumstances exist:

1. A substantial improvement of the use of the land will be thereby effected, and there will not be any detrimental effect upon the surrounding area.
2. The residential use proposed is permitted within the zone.
3. Building shall take place substantially in conformance with plot plans and

elevations submitted in support of the special use permit.

4. The applicant has demonstrated that population densities proposed are in conformance with existing and proposed public facilities such as streets, sewers, water, schools and parks.

WHEREAS, the Planning Commission, in accordance with Section 16-644(B)(1) of the Oxnard City Code, has reviewed the request for an on-street loading zone and has determined that the proposed location and size are appropriate based on the nature of the use or combination of uses, as well as the specific design characteristics of the project; and

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby approves this permit subject to the following conditions.

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 October 7, 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. 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)
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. 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)
6. Developer shall complete the "Notice of Land Use Restrictions and Conditions" form, using the form provided by the City, for recording with the Ventura County Recorder. Before the City issues building permits, Developer shall submit the original completed, signed and notarized document, together with the required fees to the Planning Manager. (PL, G-8)
7. 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)
8. 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)
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)

LANDSCAPE SPECIAL CONDITIONS

19. 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.
20. All landscaping and irrigation shall comply with Ordinance No. 2822, which adopted the City of Oxnard Landscape Water Conservation Standards.
21. Developer shall provide onsite irrigation system, which shall include a rain shut-off sensor device as a water conservation measure. Such device shall be a part of the irrigation plan submittal.
22. Selection of the street trees (trees planted on-site on Roosevelt Ave and Cooper Road) shall be designated by the City at time of landscape plan check submittal.
23. Developer shall install a 36" high continuous visual screen, at time of planting, along Roosevelt Avenue and the alleyway to help screen parked cars from the public street or alley.

FIRE DEPARTMENT STANDARD CONDITIONS

24. All roof covering materials on the project property shall be of non-combustible or fire retardant materials approved by the Fire Chief and in compliance with the City Code. (FD, *F-2*)
25. 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*)
26. 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*)
27. The project shall meet the minimum requirements of the "Fire Protection Planning Guide" published by the Fire Department. (FD, *F-6*)
28. Developer shall identify all hydrants, standpipes and other fire protection equipment on the project property as required by the Fire Chief. (FD, *F-8*)
29. Developer shall install security devices and measures, including walkway and vehicle control gates, entrance telephones, intercoms and similar features, subject to approval of the Police Chief and the Fire Chief. Vehicle control gates shall be operable by City approved radio equipment. (FD/PD, *F-9*)
30. Developer shall provide central station monitoring of the fire sprinkler system and all control valves. (FD, *F-10*)
31. Developer shall provide automatic fire sprinklers as required by the City Code and shall contact the Fire Chief to ascertain the location of all connections. (FD, *F-12*)
32. 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*)
33. Developer shall install a carbon monoxide detector on each level of the residence in accordance with the manufacturer's specifications. The detector shall be hardwired with a battery backup. (FD, *F-17*)

FIRE DEPARTMENT SPECIAL CONDITIONS

34. All emergency egress/Fire Department access windows or doors that serve any room that can be utilized for sleeping, shall have access to a public right-of-way without re-entering the structure.
35. Developer shall install NFPA 13 fire sprinkler systems.

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. 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)
42. 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)
43. 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.
44. 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)

45. 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*)
46. Developer shall provide graphic site directories at principal access walkway points. (PL/B, *PL-10*)
47. Developer shall provide for dust control at all times during project property preparation and construction activities. (B/DS, *PL-13*)
48. 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*)
49. 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*)
50. 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*).
51. Developer shall install all roof and building rain gutters and downspouts to integrate as closely as possible with building design elements, including matching adjacent building colors as closely as possible. Developer shall submit a plan and scheme for approval by the Planning Division Manager prior to issuance of building permits. (PL, *PL-18*)
52. Developer shall provide utility meters, mailboxes and address directories, placed in decorative cabinets and clustered for efficient access for residents and service persons. Developer shall coordinate placement and design of such items accordingly, with the Planning Division Manager, the appropriate utility service provider and the United States Postal Service, prior to issuance of building permits. (PL, *PL-19*)
53. Developer shall provide automatic garage door openers for all garages. (PL/B, *PL-20*)
54. Prior to issuance of fine grading plans, Developer shall provide at least two types of driveway finishes or decorative designs. The details of the driveways shall be to the satisfaction of the Planning Division Manager. (PL, *PL-22*)
55. Railings and enclosures for patios and balconies shall provide at least 50 percent enclosure for screening and privacy. Developer shall include details of the railings and enclosures on the construction documents. (PL/B, *PL-24*)

56. Walls separating the patio areas of different units shall be of solid construction, such as masonry, stucco, or wood over wood. Ground level patios shall be enclosed by walls not less than five feet high, except as otherwise approved by this permit. (PL/B, *PL-25*)
57. All residential dwelling unit developments shall include architectural articulation on all four sides of each unit. Such articulation shall include, but not be limited to, window treatment; trim and a variety of finishes matching front facades; and balconies, porches, and trellises. Developer shall submit elevations depicting such articulation to the Planning Division for approval prior to issuance of building permits. (PL, *PL-28*)
58. Prior to the close of escrow for each dwelling unit, Developer shall provide the buyer with a written guarantee that the exterior finishes of the dwelling unit will remain in good condition for at least five (5) years from the final building permit inspection and sign off. Developer shall provide a copy of the guarantee to Planning staff prior to final Planning Division inspection and sign off. (PL, *PL-29*)
59. Light standards illuminating interior walkways shall be no more than eight feet high. Light shall not intrude into private living or patio areas. Light standards serving recreational areas held in common shall be no more than 15 feet high. Light shall be directed away from dwelling units. (B, *PL-30*)
60. Developer shall establish a homeowners association and the association shall be responsible for the maintenance of parking, landscape, recreation and other interior areas held in common by the association and for the enforcement of Conditions Covenants & Restrictions related to property maintenance. (PL/DS, *PL-33*)
61. Developer shall construct each dwelling unit with separate utility systems and meters. Developer shall paint utility meter panels to match structures upon which it is located. Such panels shall be located to take advantage of screening (e.g. landscaping or other building elements) from public right-of-ways, to the maximum extent feasible. (DS/B, *PL-34*)
62. Developer shall include in all deeds for the project and in the Conditions Covenants & Restrictions a prohibition against parking recreational vehicles over 20 feet long in the project. (CE/PL, *PL-35*)
63. Developer shall pay Quimby Fees (fees for park acquisition and improvement) before issuance of building permits. The amount of the fee shall be calculated by the Planning Division, and verified by the Parks Division at the time of payment. (PK/B, *PL-36*)
64. In accordance with City Council Ordinance No. 2615, or the ordinance in effect at the time building permits are issued, Developer shall pay the current **in-lieu affordable housing** fees, to be calculated at the time of building permit issuance. (PL, *PL-37*)
65. Developer shall post in the sales office of the project the latest City planning documents and maps that may affect the project and adjacent properties. At a minimum, this information shall include the 2020 Oxnard General Plan and General Plan Land Use Map showing all adjacent properties, a copy of the ordinances regulating the zone, and any specific plan that may apply to the project. Such documents may be purchased at cost from

the Planning Division Manager. Developer shall require that all purchasers sign an affidavit declaring that they have familiarized themselves with the planning documents. Developer shall make such affidavits and planning information available for review upon reasonable request of the Planning Division Manager. (PL, *PL-38*)

66. All recreational vehicle parking spaces shall be designated by signs stating that the spaces are reserved exclusively for recreational vehicle parking. Developer shall prohibit the parking of recreational vehicles elsewhere in the project. (B, *PL-39*)
67. 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*)
68. Developer shall install all roof and building drainpipes and downspouts inside building elements. These items shall not be visible on any exterior building elevations. (PL, *PL-42*)
69. 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*)
70. Prior to issuance of a certificate of occupancy, Developer shall remove all construction materials and vehicles from the subject property. (PL/B, *PL-47*)
71. Developer shall stripe an on-site loading zone on Cooper Road. The design and dimensions shall be reviewed at the time of building permit plan check and be to the satisfaction of the City's Traffic Engineer.

PLANNING DIVISION SPECIAL CONDITIONS

72. Developer shall install toilets that have automatic flush sensors in all public restrooms. Such toilets shall be included on the plans submitted for a building permit and shall be maintained and in working order at all times. (PL)
73. Each garage space shall be assigned to one of the three residential units on-site, for the principal use of parking a motor vehicle.(PL)
74. Developer shall remove the residential trash enclosure shown on the site plan. Such space shall be allocated for 2 additional parking spaces on-site, with a five foot landscape planter along the eastern property boundary. These details shall be reviewed at the time of building permit plan check process, and shall be to the satisfaction of the Planning Manager. (PL)
75. Developer shall reduce the size of the proposed retail use as to not to exceed 1,440 square feet of gross floor area.(PL)

76. Developer shall incorporate the architectural recommendations, as described and illustrated in Attachment D of the staff report (dated September 21, 2010) for this project. These modifications shall include, at minimum: a) creating more massing through improvements to the tower elements; b) improve the building to further enhance the structures appearance; c) change the color palate to be more typical of Santa Barbara design; and d) install Spanish or concrete roof tiles. Such details shall be reviewed and approved by the Planning Manager prior to building permit issuance.(PL)
77. Developer shall install individual mirrors above each sink in a public restroom to the satisfaction of the Planning Division Manager. The details of such mirrors shall be approved prior to issuance of a building permit. Developer shall remove graffiti from the mirrors or replace the mirrors within 24 hours of graffiti appearance. (PL)
78. 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)
79. Before the City issues building permits, Developer shall provide a Graffiti Deterrent Plan, subject to the approval the Planning Division Manager. Such plan shall include such elements as clear film on windows and/or mirrors, as well as washable paint and sealers on the building and perimeter walls. (PL)
80. General condition (for all new construction and additions, except additions to a single family residence):
 - a. Developer shall participate in the City's Art in Public Places Program by paying the Public Art fee prior to issuance of building permits, in accordance with City Council Resolution No. 13,103.
81. Developer shall ensure that all construction equipment is maintained and tuned to meet applicable Environmental Protection Agency (EPA) and California Air Resources Board (CARB) emission requirements. At such time as new emission control devices or operational modifications are found to be effective, Developer shall immediately implement such devices or operational modifications on all construction equipment. (MND, C-1)
82. During smog season (May through October), Developer shall lengthen the construction period so as to minimize the number of vehicles and equipment operating at the same time. (MND, C-2)
83. At all times during construction activities, Developer shall minimize the area disturbed by clearing, grading, earth moving, or excavation operations to prevent excessive amounts of dust. (MND, C-3)
84. 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. (MND, C-4)

85. 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 §23114, with special attention to Sections 23114(b)(F), (e)(2) and (e)(4) as amended, regarding the prevention of such material spilling onto public streets and roads.
 - b. All graded and excavated material, exposed soils areas, and active portions of the construction site, including unpaved onsite roadways, shall be treated to prevent fugitive dust. Treatment shall include, but not necessarily be limited to, periodic watering, application of environmentally-safe soil stabilization materials, and/or roll-compaction as appropriate. Watering shall be done as often as necessary and reclaimed water shall be used whenever possible. (MND, C-5)
86. During construction, Developer shall post and maintain onsite signs, in highly visible areas, restricting all vehicular traffic to 15 miles per hour or less. (MND, C-6)
87. During periods of high winds (i.e. wind speed sufficient to cause fugitive dust to impact adjacent properties), Developer shall cease all clearing, grading, earth moving, and excavation operations to prevent fugitive dust from being a nuisance or creating a hazard, either onsite or offsite. (MND, C-7)
88. Throughout construction, Developer shall sweep adjacent streets and roads at least once per day, preferably at the end of the day, so that any visible soil material and debris from the construction site is removed from the adjacent roadways. (MND, C-8)
89. Developer shall mitigate air quality emissions associated with development of the subject site through a contribution to the City's Transportation Demand Management (TDM) program. Such fee shall be calculated at the time of building permit issuance in accordance with the Ventura County Air Quality Assessment Guidelines, as amended. Such fee shall be collected in full prior to building permit issuance. (MND, C-9)
90. 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)

Cultural Resources

91. Developer shall contract with a qualified archaeologist to conduct a Phase I cultural resources survey of the project site prior to issuance of any grading permits. The survey shall include: (1) an archaeological and historical records search through the California Historical Resources Information System at CalState Fullerton; and (2) a field inspection of the project site. Upon completion, the Phase I survey report shall be submitted to the Planning Division for compliance verification. A copy of the contract for these services shall be submitted to the Planning Division Manager for review and approval prior to initiation of the Phase I activities.

The contract shall include provisions in case any cultural resources are discovered onsite. In the event that any historic or prehistoric cultural resources are discovered, work in the vicinity of the find shall be halted immediately. The archaeologist shall evaluate the discovery and determine the necessary mitigations for successful compliance with all applicable regulations. Developer or its successor in interest shall be responsible for paying

all salaries, fees and the cost of any future mitigation resulting from the survey. (MND, E-1)

92. Developer shall contract with a Native American monitor to be present during all subsurface grading, trenching or construction activities on the project site. The monitor shall provide a daily report to the Planning Division summarizing the activities during the reporting period. A copy of the contract for these services shall be submitted to the Planning Division Manager for review and approval prior to issuance of any grading permits. The monitoring report(s) shall be provided to the Planning Division prior to approval of final building permit signature. (MND, E-2)

ENVIRONMENTAL RESOURCES DIVISION

93. 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.
94. 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.
95. 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.
96. 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.

97. Covenants, conditions and restrictions ("CC&Rs") shall be developed for the project that require the homeowner's association to make provisions to divert at least 50% of the material through source reduction, recycling, reuse, and/or green waste programs. Developer shall 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 final inspection. The CC&Rs shall require the homeowner's association to submit to the Environmental Resources Division a "City of Oxnard C&D Environmental Resources Management & Recycling Occupancy Report" annually on the anniversary date of the certificate of the final inspection for approval.
98. 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

99. 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)
100. 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)
101. 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)
102. 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)
103. Developer shall protect building pads from inundation during a 100-year storm. (DS-5)
104. Developer shall remove and replace all improvements that are damaged during construction. (DS-6)
105. Before connecting the project to existing sewer and water service laterals, Developer shall arrange for City staff to inspect such facilities. Developer shall make such repairs to such facilities as City staff determines to be necessary. Developer shall bring all existing water services into compliance with City standards. (DS-7)

106. Curb cut widths and design shall conform to City ordinances, standards, and policies in effect at the time City issues an encroachment permit. (DS-9)
107. If the existing sewer lateral is larger than four inches in diameter, Developer's site improvement plans shall include an on-site sewer plan. (DS-10)
108. Where a separate loop or terminal line is required for water mains, fire hydrants or fire sprinkler systems, Developer's site improvement plans shall include an on-site water plan. (DS-11)
109. 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)
110. 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)
111. 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)
112. 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)
113. Developer shall provide all necessary easements for streets, highways, alleys, sidewalks, breezeways, parkways, landscaping, utilities, drainage facilities, and other improvements as required by City. If such easements cannot be obtained from the property owner by negotiation, City may acquire them at the expense of Developer by exercise of the power of eminent domain. Developer shall bear all costs of eminent domain proceedings, including appraisal, acquisition, attorney's fees, and court costs. Before City issues a site improvement permit, Developer shall dedicate all required easements to City. (DS-19)
114. 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)

115. 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)
116. Developer shall pay the cost of all inspections of on-site and off-site improvements. (DS-22)
117. Developer shall be responsible for all project-related actions of Developer's employees, contractors, subcontractors, and agents until City accepts the improvements. (DS-23)
118. 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)
119. "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)
120. 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)
121. 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)
122. 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)
123. 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)

124. 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)
125. Developer shall install adequately sized water services and meters to each lot or unit in accordance with City standards in effect at the time City issues building permits. There shall be no interconnections between structures. (DS-42)
126. 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)
127. Developer shall install City approved backflow prevention devices for water connections if so ordered by the City Engineer. (DS-45)
128. 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)
129. 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)
130. Developer shall provide adequate vehicle sight distance as specified by CalTrans specifications at all driveways and intersections. (TR-71)
131. Developer, property owner or tenant shall participate in a Traffic Management Association (TMA) if one is formed and shall implement and participate in all programs and strategies established by the TMA. This condition shall be included in all leases and rental agreements for the project property. (TR-72)

STORMWATER QUALITY CONDITIONS

132. Developer shall construct double-bin trash enclosures (one bin for recycle use) with a solid non-combustible roof (8-foot minimum clearance) that prevents stormwater from entering the refuse bins. Developer shall construct all other components of the trash enclosure in accordance with the approved City Standard Plan on file with the Development Services Division. Developer shall finish the trash enclosure to match the major design elements of the main structure. The finish and roof appearance shall be indicated on the building plans and are subject to approval by the Planning Division. The location and configuration of trash enclosures shall be reviewed and approved by the Environmental Resources Division. All refuse bins on the site shall be stored in an approved trash enclosure. No objects other than refuse bins may be stored in the trash enclosure without the written permission of the Environmental Resources Division. (DS-79)
133. 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)

134. Prior to issuance of a grading permit or commencement of any clearing, grading or excavation, Developer shall prepare a Stormwater Pollution Control Plan ("SWPCP") on the form provided by City. The SWPCP shall be developed and implemented in accordance with requirements of the Ventura Countywide Stormwater Quality Management Program, National Pollutant Discharge Elimination System Permit. The SWPCP shall identify potential pollutant sources that may affect the quality of discharges to stormwater and shall include the design and placement of recommended Best Management Practices (BMPs) to effectively prohibit pollutants from the construction site entering the storm drain system. The SWPCP shall be reviewed and approved by the City Engineer prior to issuance of a site improvement/grading permit. Developer shall keep the SWPCP updated to reflect current site conditions at all times and shall keep a copy of the SWPCP on the site and make it available for City or designated representative to review upon request. (DS-87)

DEVELOPMENT SERVICES DIVISION SPECIAL CONDITIONS

135. Developer shall upgrade the existing disabled access ramp at the southeast corner of the Cooper Road and Roosevelt Avenue intersection to meet current standards. Developer shall relocate the existing utility pole at this location as required to provide a disabled compliant pedestrian path along the public sidewalk. (DS)
136. Prior to issuance of a site improvement permit, Developer shall dedicate a sidewalk easement to City that encompasses all portions of the proposed or existing sidewalk (if any) not within an existing City easement. (DS)
137. Developer shall remove and replace the existing public sidewalks along both the Cooper Road and Roosevelt Avenue frontages of the project. (DS)
138. Developer shall provide sufficient refuse storage area to serve both the residential and commercial portions of this project as determined by the Refuse Division. All occupants (residential and commercial) shall share 4-yard refuse bins and shall not have individual refuse cans unless an alternative written refuse plan is approved by the Refuse Division. Any alternative refuse plan shall incorporate provision of both refuse and recycle containers for all occupants as well as appropriate storage and pick up sites as approved by the Development Services Manager. (DS)
139. Developer shall abandon any unused water lateral to the site by disconnecting them at the main as directed by the Development Services Manager. (DS)

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 7th day of October, 2010, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

Randall Elliott, Chairman

ATTEST: _____