



**PLANNING COMMISSION  
STAFF REPORT**

**TO:** Planning Commission

**FROM:** Douglas Spondello, Associate Planner

**DATE:** November 15, 2012

**SUBJECT:** Planning and Zoning Permit Nos. 12-500-03, (Special Use Permit) and 12-300-02 (Tentative Parcel Map), Southeast intersection of West Pleasant Valley Road and Charles Street.

- 1) Recommendation:** That the Planning Commission:
- a) Approve Planning and Zoning Permit No. 12-500-03 for a special use permit, subject to certain findings and conditions; and
  - b) Adopt a resolution recommending that the City Council approve Planning and Zoning Permit No. 12-300-02 for a tentative parcel map, subject to certain findings and conditions.
- 2) Project Description and Applicant:** A request to subdivide two lots (Assessor’s Parcel Nos. 222-0-102-240 and 222-0-102-260) located approximately 100 feet southeast of the intersection of West Pleasant Valley Road and Charles Street into four and construct four single-family residences on .3 acres of vacant property, zoned General Commercial Planned Development (C-2-PD). The request also includes reductions to the rear yard setback and interior yard space requirements. Filed by Designated Agent Jacob Lukiewski, M3 Civil, Inc., 400 Rosewood Avenue, Suite 201, Camarillo, CA 93010, on behalf of the property owner.
- 3) Existing & Surrounding Land Uses:** The 14,868 square foot project site is vacant and unimproved. A dirt parkway, five-foot concrete sidewalk, and single curb cut are installed along Charles Street.

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
Project Site	General Commercial Planned Development (C-2-PD)	Commercial General (CG)	Vacant
North	C-2-PD	CG	Vacant
South	C-2-PD	CG	Multi-Family Residential
East	C-2-PD	CG	Best Breakfast Restaurant
West	C-2-PD	CG/Residential Medium	Victory Outreach Church

**4) Background Information:** Several proposals have been submitted in the past to develop the property for residential and mixed uses. None have been pursued and there are no standing planning entitlements issued to the property.

**5) Environmental Determination:** In accordance with Section 15315 of the State CEQA Guidelines, projects involving “minor land divisions” of property into four or fewer parcels within urbanized areas may be found to be exempt from the requirements of the California Environmental Quality Act (CEQA). The proposed tentative map involves dividing two parcels into four within a developed urban area. Furthermore, Section 15332 of the State CEQA Guidelines, projects involving “in-fill development” may be found to be exempt from the requirements of CEQA. This project is located within a developed urban area. In light of these findings, 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 floor space, lot placement, and building envelope of the four homes are identical. The two-story residences are 2,745 square feet and feature an oversized two-car garage with laundry facilities, three bedrooms, three bathrooms, a kitchen, dining and living rooms, and a 207 square foot deck.

The Applicant intends to sell the proposed residences at market-rate. The development is not subject to Quimby Fees as the Quimby ordinance applies to projects of five or more units. Similarly the project is not subject to the Affordable Housing Requirements as that ordinance applies to proposals of ten or more dwelling units. Finally, the project is subject to Public Art fees which will be due prior to the issuance of a building permit.

**b) General Plan Consistency:** The City’s 2030 General Plan land use designation for the subject site is for Commercial General which allows for residential uses at a maximum of 18 dwelling units per acre. The project has been determined to be consistent with the General Plan and the property’s land use designation.

Consistency with the 2030 General Plan is defined by the relationship between 2030 General Plan policies and the proposed project. The three consistency classification levels are:

- I. Direct Applicability to Proposed Project
- II. Related or Indirect Applicability to the Proposed Project
- III. No/Distant Applicability to the Proposed Project

POLICY	LEVEL	POLICY OR TITLE	EXPLANATION
<p>CD 1.5</p> <p>CD 3.1</p> <p>CD 3.2</p> <p>ICS 9.2</p>	<p>I</p>	<p>Housing Variety: Promote the development of a variety of housing types</p> <p>Neighborhood Preservation: Protect existing residential neighborhoods</p> <p>Encourage Planned Development Code Provisions for Revitalization: PD provisions within the Zone Code to provide flexibility</p> <p>Development Has Adequate Parking</p>	<p>The subject property is adjacent to a residential community and the addition of four single-family homes would be compatible with these existing uses. The project seeks reductions to the required interior yard space area and rear yard setbacks under the planned development provisions of the code. The project would develop an existing dirt lot into homes with landscaped yards. In addition, adequate parking is provided to support the residential use.</p>
<p>CD 14.1</p> <p>CD 14.2</p> <p>ICS 14.3</p> <p>ICS 19.2</p> <p>ICS 20.8</p> <p>ICS 11.10</p>	<p>II</p>	<p>Design Review Process</p> <p>Development Advisory Committee (DAC) Function</p> <p>New Development Requirements</p> <p>Police Review of Development Projects</p> <p>Development Review (Fire Protection)</p> <p>Water Supply Findings for Smaller Projects</p>	<p>The project was reviewed by the DAC and complies with all applicable City design policies, plans and guidelines. The DAC includes representatives from the Police and Fire Departments.</p> <p>The approving resolution includes a finding ensuring adequate water supply for the proposed development.</p>
<p>All others</p>	<p>III</p>	<p>All policies not listed above</p>	<p>No or distant applicability to the project.</p>

**c) Conformance with Zoning Development Standards:** The project is located in the General Commercial Planned Development (C-2-PD) zone district. City Code Section 16-142 requires that buildings used exclusively for dwelling purposes comply with the setbacks of the R-3 zone. The proposed project is generally consistent with applicable development standards. Under the Planned Development additive zone, the applicant has requested variations to certain numerical standards by up to 25%, pursuant to Code Section 16-271. Specifically, a 24% reduction to the required rear yard setback to the home, a 25% reduction to the rear yard setback to future attached patio covers and a 9.4% reduction to the required interior yard space area. These are shown in italics in the following table:

DEVELOPMENT STANDARD	REQUIREMENT	PROPOSED	COMPLIES?
Max. building height 16-137	2 stories or 35 feet.	2 stories, 23 feet	Yes
Lot Area (residential uses) 16-138	600 sq.ft. per dwelling unit	Minimum of 3,669 sq. ft.	Yes
Front yard setback* 16-60	20 feet	20 feet	Yes
Side yard setback* 16-61	5 feet lot.	5 feet	Yes
Rear yard setback* 16-62	25 feet  15 feet for an attached patio cover	<i>19 feet (24% less than required)</i>  <i>Future patio covers with roof that is at least 50% open would be allowed at 11 feet 3 inches (25% less than required)</i>	<i>Yes, with PD modification</i>
Interior Yard Space* 16-63	30% of lot area, minimum dimensions of 15' x 15'. May not include vehicle parking or circulation areas. 25% of required IYS may be provided by deck space if min. 10' x 10' and 200 sq. ft. Area must be open from ground to sky (see exceptions in Sec. 16-304 and 16-307)	<i>Deck and rear yard IYS provided:</i>  <i>Lot 1: 1,015 (9.4% less than required)</i> <i>Lot 2: 1,009 (9.3% less than required)</i> <i>Lot 3: 1,009 (9.1% less than required)</i> <i>Lot 4: 1,047 (7.7% less than required)</i>	<i>Yes, with PD modifications</i>

DEVELOPMENT STANDARD	REQUIREMENT	PROPOSED	COMPLIES?
	Lot 1: 3,733 sq.ft./1,120 required Lot 2: 3,705 sq.ft./1,112 required Lot 3: 3,699 sq.ft./1,110 required Lot 4: 3,779 sq.ft./1,134 required		
Commercial General: Residential Density General Plan Page 3-15	18 dwelling units per acre  Max of 6 units on 14,916 square foot project site	Four units	Yes
Parking spaces, Resident 16-622	Two spaces in a garage for each unit with 2-5 bedrooms.	Lot 1: 3 bedrooms/two-car garage Lot 2: 3 bedrooms/two-car garage Lot 3: 3 bedrooms/two car garage Lot 4: 3 bedrooms/two car garage	Yes
Fence 16-310	<ul style="list-style-type: none"> <li>• Cannot be located in the FY setback area</li> <li>• No chain link in FY</li> <li>• 7' max height</li> </ul>	6' high CMU block along project perimeter/ 6' high wooden fence between proposed homes  Not in front yard	Yes

\* Indicates R-3 development standard is applicable per Code Section 16-142.

**d) Site Design:** Each of the four residences is located on a separate parcel. The homes will be oriented to Charles Street.

**e) Circulation and Parking:** Vehicular access to two-car garages will be provided via driveways off Charles Street. The driveways themselves can accommodate an additional two vehicles and there are four on-street parking spaces adjacent to the project.

**f) Building Design:** Two architectural treatments are provided for some variety of color and materials. Plan 1 is proposed on lots Lots 1 and 3 and will feature stucco painted beige (Botique Beige) with a dark iron (Iron Fixture) and Milk Glass contrasting colors for fascia, columns, window trim, and doors. Roofing material will be timberline shingles (Nantucket Morning). The style features banded stucco accent columns and paneled stucco guardrail enclosing the upstairs deck.

Plan 2 (Lots 2 and 4) features beige stucco (Terracotta Sand) and a sage (Meadowwood) accent color on doors and decorative window shutters. Columns, roof fascia and the guardrails will be painted white (Swiss Coffee). Roofing material will be timberline shingles (Adobe Sunset). The applicant is only showing shutters on the elevation facing Charles Street. In order to ensure the building design elements are consistent on all sides, Condition of Approval No. 101 of the special use permit requires that shutters are added to the north, south, and east elevations.

**g) Landscaping and Open Space:** The parkways in front of each home will be planted with sod and a 24 inch box size street tree (Pryus Kawakamii). Each front yard will also feature a 24 inch box size tree (Cassia Leptophylla), sod and a variety of shrubs. Rear yards will be planted with sod and shrubs.

Crawling vines (Ficus Pumila) will be installed to discourage graffiti on the 6-foot high block wall, adjacent to the vacant parcel directly north of the project.

**7) Development Advisory Committee:** The Development Advisory Committee (DAC) reviewed this project on June 13, 2012. Recommendations of the DAC have been incorporated into the plans and are included in the attached resolution.

**8) Community Workshop:** On August 6, 2012, the applicant mailed notices of the Community Workshop meeting to all property owners within the Southwinds 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 August 20, 2012. Eight people attended the meeting but no comments were provided for this project.

Planning staff was contacted in September by a resident who expressed concerns about a lack of parking in the neighborhood to the south of the project site. The proposed homes each feature a two-car garage and adequate driveway space to accommodate two additional spaces for off-street parking. As a result, staff does not anticipate the project will contribute to a lack of on-street parking.

**9) Appeal Procedure:** In accordance with Section 16-545 of the City Code, the Planning Commission's action on the special use permit 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. The Planning Commission's recommendation on the tentative map request will be considered by the City Council in a noticed public hearing at a later date.

**Attachments:**

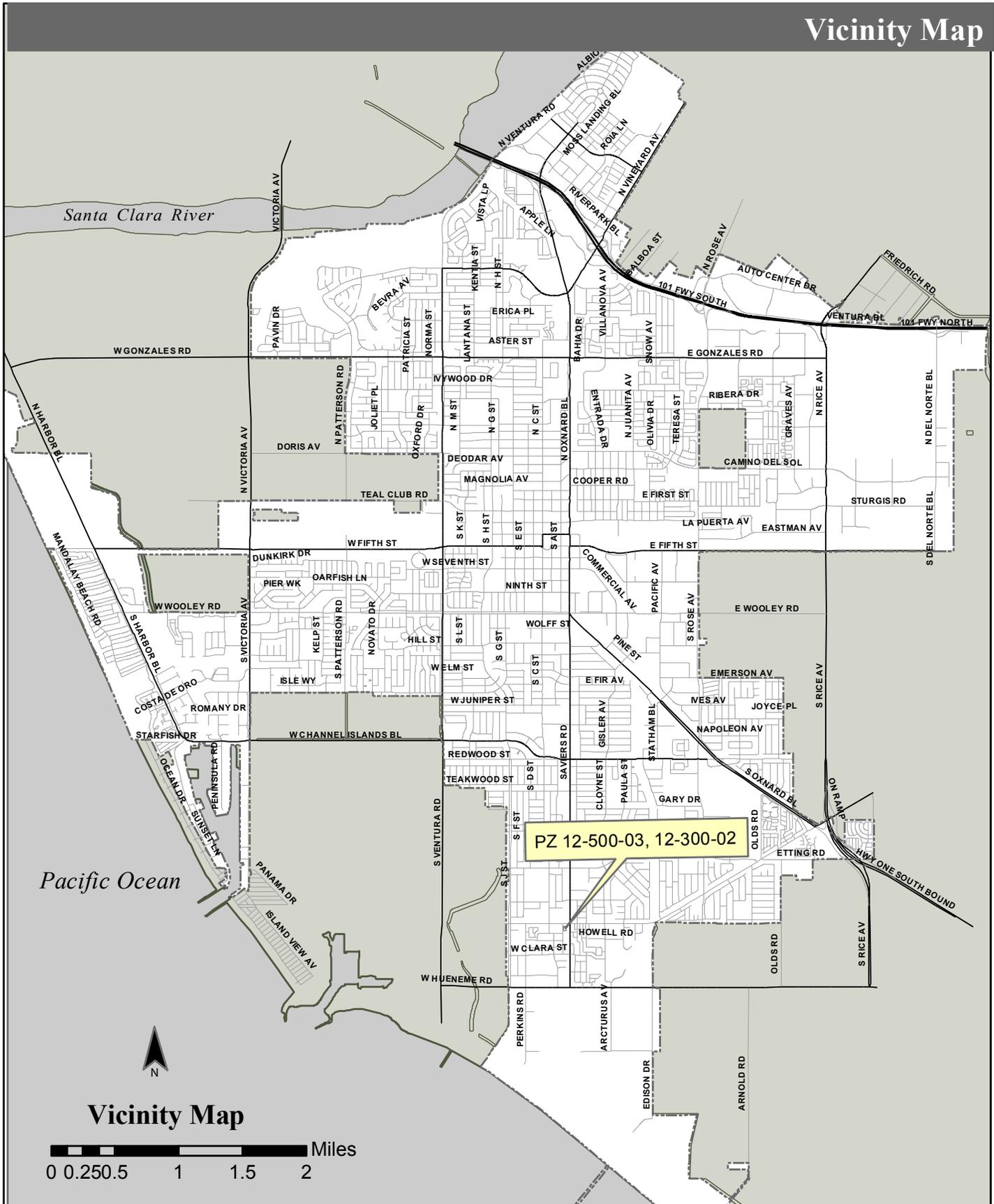
- A. Maps (Vicinity, General Plan, Zoning)
- B. Reduced Project Plans
- C. Notice of Exemption
- D. Resolutions

Prepared by: _____ DS
Approved by: _____ SM

## **Attachment A**

Maps (Vicinity, General Plan, Zoning)

# Vicinity Map

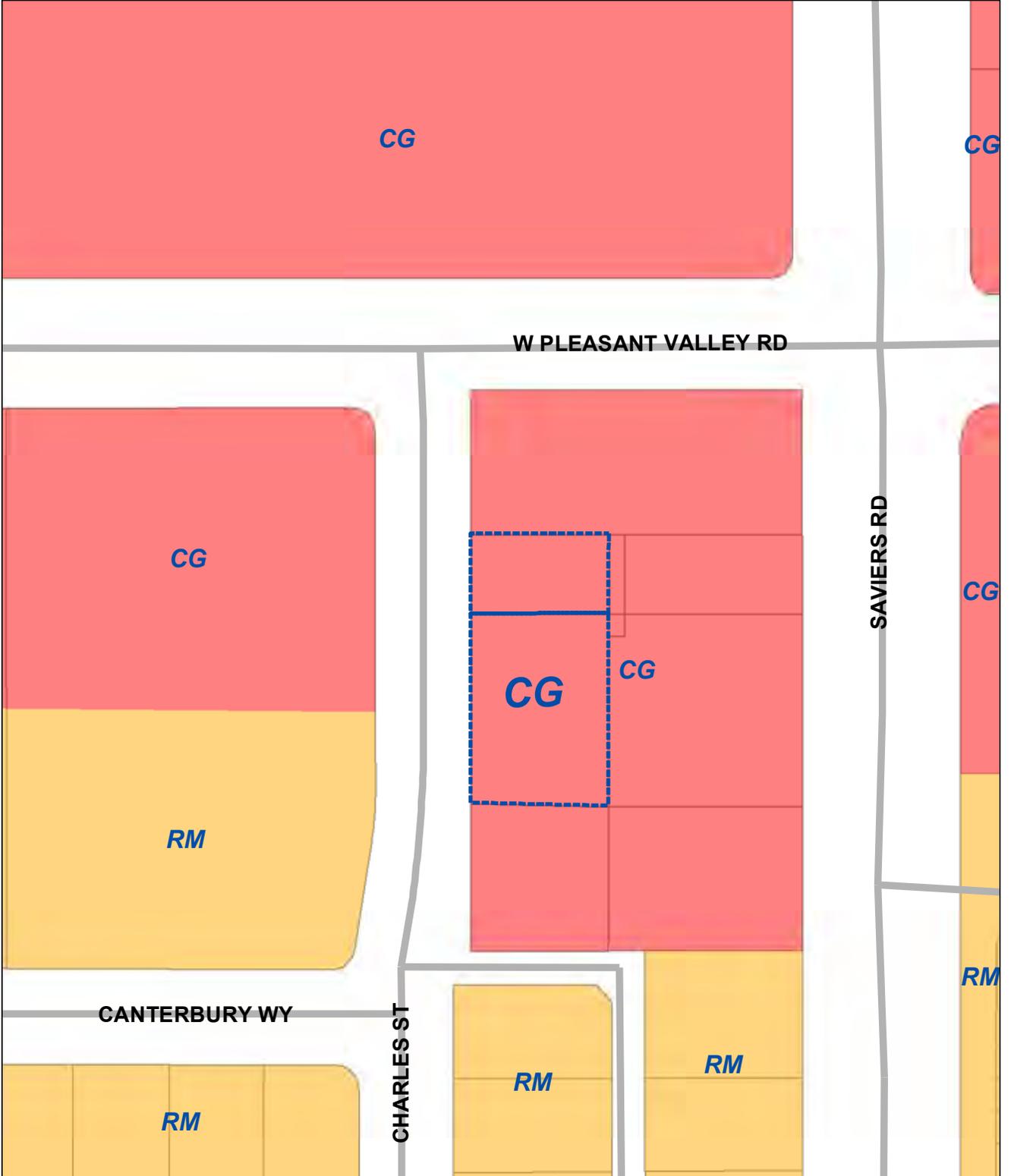


PZ 12-500-03, 12-300-02



PZ 12-500-03, 12-300-02  
Location: Charles St  
APN: 222010224, 222010226  
Jacob Lukiewski

# 2030 General Plan Land Use Map



PZ 12-500-03, 12-300-02  
Location: Charles St  
APN: 222010224, 222010226  
Jacob Lukiewski

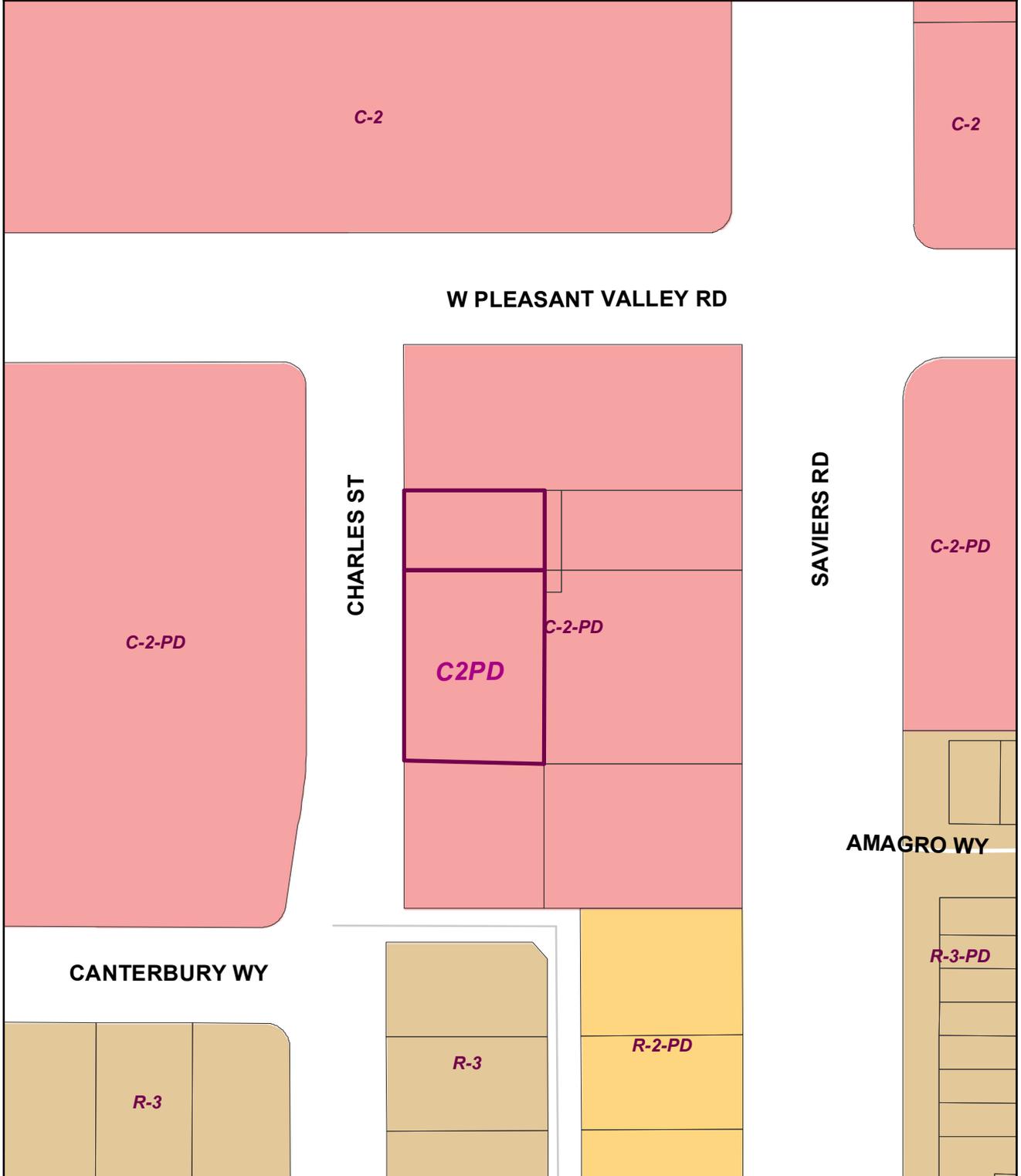
0 20 40 80 120 160 Feet

## 2030 General Plan Land Use Map



1:1,000

# Zone Map



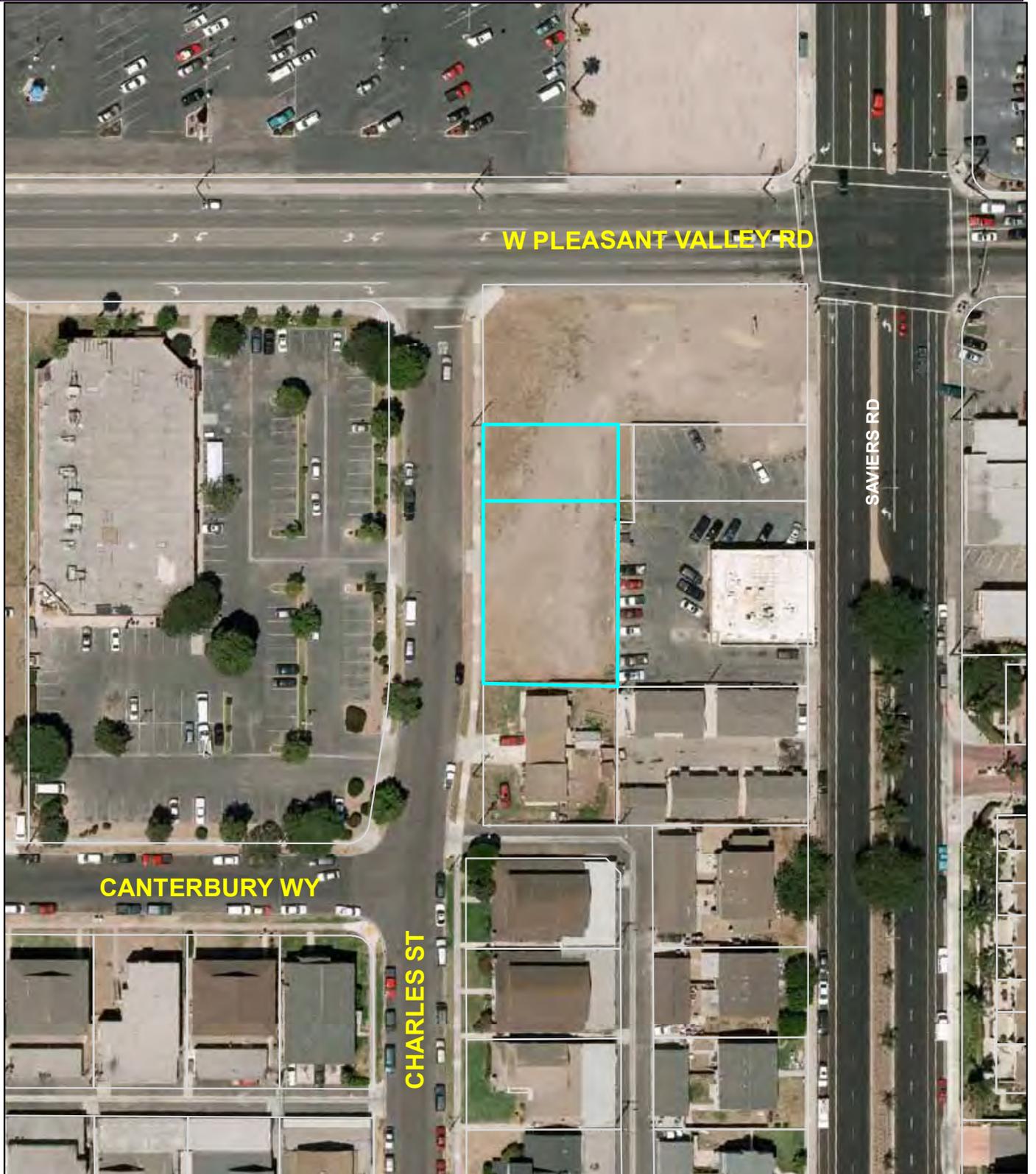
PZ 12-500-03, 12-300-02  
Location: Charles St  
APN: 222010224, 222010226  
Jacob Lukiewski

0 20 40 80 120 160 Feet

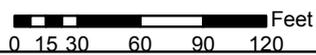
## Zone Map



1:1,000



PZ 12-500-03, 12-300-02  
Location: Charles St  
APN: 222010224, 222010226  
Jacob Lukiewski



Aerial Map

2007 Aerial



**Attachment B**

Reduced Project Plans



















**Attachment C**

Notice of Exemption

## NOTICE OF EXEMPTION

### *Project Description:*

**Planning and Zoning Permit Nos. 12-500-03, (Special Use Permit) and 12-300-02 (Tentative Parcel Map):** A request to subdivide two lots (Assessor's Parcel Nos. 222-0-102-240 and 222-0-102-260) located approximately 100 feet southeast of the intersection of West Pleasant Valley Road and Charles Street into four and construct four single-family residences on .3 acres of vacant property, zoned General Commercial Planned Development (C-2-PD). The request also includes reductions to the rear yard setback and interior yard space requirements. Filed by Designated Agent Jacob Lukiewski, M3 Civil, Inc., 400 Rosewood Avenue, Suite 201, Camarillo, CA 93010, on behalf of the property owner.

### *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 15315 of the State CEQA Guidelines, projects involving "minor land divisions" of property into four or fewer parcels within urbanized areas may be found to be exempt from the requirements of the California Environmental Quality Act (CEQA). The proposed tentative map involves dividing two parcels into four within a developed urban area. Furthermore, Section 15332 of the State CEQA Guidelines, projects involving "in-fill development" may be found to be exempt from the requirements of CEQA. This project is located within a developed urban area. In light of these findings, Staff has determined that there is no substantial evidence that the project may have a significant effect on the environment

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(Date)

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Susan L. Martin, AICP  
Planning Division Manager

RESOLUTION NO. 12-300-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING APPROVAL OF A TENTATIVE PARCEL MAP (PLANNING AND ZONING PERMIT NO. 12-300-02), FOR PROPERTY LOCATED APPROXIMATELY 100 FEET SOUTHEAST OF THE INTERSECTION OF CHARLES STREET AND WEST PLEASANT VALLEY ROAD (ASSESSOR'S PARCEL NOS. 222-0-102-240 and 222-0-102-260), SUBJECT TO CERTAIN CONDITIONS. FILED BY DESIGNATED AGENT JACOB LUKIEWSKI.

WHEREAS, the Planning Commission of the City of Oxnard has considered the tentative parcel map (Planning and Zoning Permit No. 12-300-02), filed by Designated Agent Jacob Lukiewski, on behalf of the property owners in accordance with Chapter 15 of the Oxnard City Code; and

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

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

WHEREAS, Sections 15315 and 15332 of Title 14 of the California Code of Regulations exempts the project from the requirement for the preparation of environmental documents imposed by the California Environmental Quality Act; and

WHEREAS, the Planning Commission finds that 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 subdivision in particular.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby recommends to the City Council the approval of the tentative parcel map, subject to the following conditions:

<b>DEPARTMENTS AND DIVISIONS</b>			
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

**PLANNING DIVISION SPECIAL CONDITIONS**

1. An approved tentative map shall expire thirty-six (36) months after its approval, unless an extension is applied for and approved by the City Council pursuant to Section 15-46 of the City Code. (PL)

**DEVELOPMENT SERVICES STANDARD CONDITIONS**

2. 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)
3. 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)
4. 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)
5. Developer agrees, as a condition of approval of this resolution, to indemnify, defend and hold harmless, at Developer's expense, City and its agents, officers and employees from and against any claim, action or proceeding commenced within the time period provided for in Government Code Section 66499.37, to attack, review, set aside, void or annul the approval of this resolution or to determine the reasonableness, legality or validity of any condition attached thereto. City shall promptly notify Developer of any such claim, action or proceeding of which City receives notice, and City will cooperate fully with Developer in the defense thereof. Developer shall reimburse City for any court costs and attorney's fees that City may be required to pay as a result of any such claim, action or proceeding. City may, in its sole discretion, participate in the defense of any such claim, action or proceeding, but such participation shall not relieve Developer of the obligations of this condition. Developer's acceptance of this resolution or commencement of construction or operations under this resolution shall be deemed to be acceptance of all conditions thereof. (DS-18)
6. Prior to approval of the final map or parcel map, Developer shall provide the City Engineer with written evidence from the Ventura County Clerk's Office that Developer has executed and filed with the Clerk all certificates, statements and securities required by Government Code Sections 66492 and 66493. (DS-26)

7. Each lot shall drain into a street, alley, or approved drain so that there will be no undrained depressions. (DS-35)
8. By title sheet dedication at the time of filing the subdivision map, Developer shall dedicate all water rights for the project property to City. (DS-39)
9. Prior to release of the final map or parcel map for recordation, Developer shall provide the City Engineer with a 100scale base map for addressing purposes. The map shall be drawn on 18inch by 24inch mylar and shall show the standard address map title block, north arrow, street names, tract number, phase boundary and lot numbers. The City will assign all addresses. (DS-56)
10. Prior to release of the final map or parcel map for recordation, Developer shall post a bond or other security satisfactory to the City Attorney, guaranteeing that all monuments will be set as required by the Government Code and the City Code. (DS-57)

**DEVELOPMENT SERVICES SPECIAL CONDITIONS**

11. Developer shall process the improvement plans for Planning and Zoning Permit No. 12-500-03 concurrent with the processing of this parcel map. (DS)

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 15th day of November, 2012, by the following vote:

AYES: Commissioners

NOES: Commissioners

ABSENT: Commissioners

\_\_\_\_\_  
Anthony R. Murguia, Chairman

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

RESOLUTION NO. 12-300-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING APPROVAL OF A TENTATIVE PARCEL MAP (PLANNING AND ZONING PERMIT NO. 12-300-02), FOR PROPERTY LOCATED APPROXIMATELY 100 FEET SOUTHEAST OF THE INTERSECTION OF CHARLES STREET AND WEST PLEASANT VALLEY ROAD (ASSESSOR'S PARCEL NOS. 222-0-102-240 and 222-0-102-260), SUBJECT TO CERTAIN CONDITIONS. FILED BY DESIGNATED AGENT JACOB LUKIEWSKI.

WHEREAS, the Planning Commission of the City of Oxnard has considered the tentative parcel map (Planning and Zoning Permit No. 12-300-02), filed by Designated Agent Jacob Lukiewski, on behalf of the property owners in accordance with Chapter 15 of the Oxnard City Code; and

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

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

WHEREAS, Sections 15315 and 15332 of Title 14 of the California Code of Regulations exempts the project from the requirement for the preparation of environmental documents imposed by the California Environmental Quality Act; and

WHEREAS, the Planning Commission finds that 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 subdivision in particular.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby recommends to the City Council the approval of the tentative parcel map, subject to the following conditions:

<b>DEPARTMENTS AND DIVISIONS</b>			
CA	City Attorney	PL	Planning Division
DS	Dev Services/Eng Dev/Inspectors	TR	Traffic Division
PD	Police Department	B	Building Plan Checker
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**DEVELOPMENT SERVICES STANDARD CONDITIONS**

2. 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)
3. 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)
4. 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)
5. Developer agrees, as a condition of approval of this resolution, to indemnify, defend and hold harmless, at Developer's expense, City and its agents, officers and employees from and against any claim, action or proceeding commenced within the time period provided for in Government Code Section 66499.37, to attack, review, set aside, void or annul the approval of this resolution or to determine the reasonableness, legality or validity of any condition attached thereto. City shall promptly notify Developer of any such claim, action or proceeding of which City receives notice, and City will cooperate fully with Developer in the defense thereof. Developer shall reimburse City for any court costs and attorney's fees that City may be required to pay as a result of any such claim, action or proceeding. City may, in its sole discretion, participate in the defense of any such claim, action or proceeding, but such participation shall not relieve Developer of the obligations of this condition. Developer's acceptance of this resolution or commencement of construction or operations under this resolution shall be deemed to be acceptance of all conditions thereof. (DS-18)
6. Prior to approval of the final map or parcel map, Developer shall provide the City Engineer with written evidence from the Ventura County Clerk's Office that Developer has executed and filed with the Clerk all certificates, statements and securities required by Government Code Sections 66492 and 66493. (DS-26)

7. Each lot shall drain into a street, alley, or approved drain so that there will be no undrained depressions. (DS-35)
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10. Prior to release of the final map or parcel map for recordation, Developer shall post a bond or other security satisfactory to the City Attorney, guaranteeing that all monuments will be set as required by the Government Code and the City Code. (DS-57)

**DEVELOPMENT SERVICES SPECIAL CONDITIONS**

11. Developer shall process the improvement plans for Planning and Zoning Permit No. 12-500-03 concurrent with the processing of this parcel map. (DS)

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 15th day of November, 2012, by the following vote:

AYES: Commissioners

NOES: Commissioners

ABSENT: Commissioners

\_\_\_\_\_  
Anthony R. Murguia, Chairman

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