

## **Attachment E**

### Resolutions

RESOLUTION NO. 2012 – [PZ 12-300-1]

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING APPROVAL OF A TENTATIVE PARCEL MAP (PLANNING AND ZONING PERMIT NO.12-300-1), FOR PROPERTY LOCATED AT 130, 150, 250, & 300 W. ESPLANADE DRIVE (APN 142-0-010-435; -205; & -415), SUBJECT TO CERTAIN CONDITIONS. FILED BY THE KROGER COMPANY, GREG PETERS, 1100 WEST ARTESIA BLVD, COMPTON, CA 90220.

WHEREAS, the Planning Commission of the City of Oxnard has considered the tentative parcel map (Planning and Zoning Permit No. 12-300-1), filed by The Kroger Company, Greg Peters 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, in accordance with the California Environmental Quality Act, the Planning Manager provided public notice of the intent of the City to adopt a mitigated negative declaration (MND -12-01) for this project, and the Planning Commission has considered the proposed mitigated negative declaration before making its recommendation herein; and

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

WHEREAS, the Planning Commission finds that the proposed site is suitable for the type and density of development requested and is not likely to cause substantial environmental damage, serious public health problems or conflict with any publicly acquired easements or access; 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; and

WHEREAS, the Planning Commission finds that the proposed use and vacation of public right of way is in conformance with the 2030 General Plan and other adopted standards of the City of Oxnard.

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:

**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*).

<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

**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 November 15, 2012 (“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. Developer agrees, as a condition of adoption of this resolution, at Developer’s own expense, to indemnify, defend and hold harmless the City and its agents, officers and employees from and against

any claim, action or proceeding to attack, review, set aside, void or annul the approval of the resolution or any condition attached thereto or any proceedings, acts or determinations taken, done or made prior to the approval of such resolution that were part of the approval process. Developer's commencement of construction or operations pursuant to the resolution shall be deemed to be an acceptance of all conditions thereof. (CA, G-6)

6. Any covenants, conditions, and restrictions (CC&Rs) applicable to the project property shall be consistent with the terms of this permit and the City Code. If there is a conflict between the CC&Rs and the City Code or this permit, the City Code or this permit shall prevail. (CA, G-7)
7. Developer shall complete the "Notice of Land Use Restrictions and Conditions" form, using the form provided by the City, for recording with the Ventura County Recorder. Before the City issues building permits, Developer shall submit the original completed, signed and notarized document, together with the required fees to the Planning Manager. (PL, G-8)
8. Developer shall not permit any combustible refuse or other flammable materials to be burned on the project property. (FD, G-12)
9. 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)
10. If Developer, owner or tenant fails to comply with any of the conditions of this permit, the Developer, owner or tenant shall be subject to a civil fine pursuant to the City Code. (CA, G-14)

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

11. Prior to recordation of the parcel map, Developer shall pay a document imaging fee for the planning files in an amount calculated by planning staff based on fees then in effect. (PL)
12. 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)
13. 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)
14. This permit is granted subject to the City's approval of a planned development permit for the subject properties. (PL)
15. 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-10)

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

16. 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)
17. 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)
18. 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)
19. 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)
20. Developer shall protect building pads from inundation during a 100year storm. (DS-5)
21. Developer shall remove and replace all improvements that are damaged during construction. (DS-6)
22. Each structure shall be served by separate sewer and water services. There shall be no interconnections between structures. (DS-8)
23. 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)
24. 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 onsite water plan. (DS-11)
25. 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)

26. 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 onsite and offsite 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)
27. 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)
28. Developer shall process permanent master planned improvements that are eligible for reimbursement in accordance with City policies, resolutions, and ordinances in effect at the time of recordation of the final map or parcel map or if there is no such map, then at the time of public improvement plan approval. (DS-17)
29. 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)
30. 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)
31. 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)
32. Developer shall pay the cost of all inspections of onsite and offsite improvements. (DS-22)
33. Developer shall be responsible for all projectrelated actions of Developer's employees, contractors, subcontractors, and agents until City accepts the improvements. (DS-23)

34. 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)
35. "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)
36. 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 "asbuilt" plans after project completion. Developer's submittal of the certified "asbuilt" plans is a condition of City's final acceptance of the project. (DS-29)
37. 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)
38. Storm drain, sewer and water facilities shall conform to applicable City Master Plans. Developer shall prepare plans for these facilities in accordance with City's engineering design criteria in effect at the time of improvement plan submittal. Developer shall submit plans with pertinent engineering analyses and design calculations for review and approval by the City Engineer prior to issuance of a site improvement permit. (DS-34)
39. 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)
40. 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)
41. 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)

42. 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)
43. 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)
44. Developer shall install City approved backflow prevention devices for water connections if so ordered by the City Engineer. (DS-45)
45. Prior to designing the water system for the project, Developer shall have a certified fire flow test performed to determine existing water pressure and flow characteristics. The water system shall be designed to allow for a 10 psi drop in the static water pressure measured during the fire flow test. After construction and before City issues a certificate of occupancy, the City Engineer may require a second test. Before performing the tests, Developer shall obtain permits from the City Engineer. Developer shall have all tests certified by a mechanical, civil, or fire protection engineer and provide written results of all tests to the City Engineer. (DS-47)
46. Developer shall submit a landscape irrigation plan prepared by a licensed professional, showing proper water meter size, backflow prevention devices, and crossconnection control. (DS-59)
47. 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)
48. Developer shall provide adequate vehicle sight distance as specified by CalTrans specifications at all driveways and intersections. (TR-71)
49. Developer shall install bike racks in accordance with City standards at locations approved by City Traffic Engineer. (TR-73)
50. Prior to issuance of a building permit, all traffic signal, pavement marking and sign plans shall be prepared by a registered California traffic engineer and approved by the City Engineer prior to issuance of a grading, site improvement or a building permit. (TR-74)
51. Prior to issuance of an encroachment permit, Developer's shall obtain City's approval of a contractor qualified to install traffic signals, pavement markings and signs. (TR-76)

#### **STORMWATER QUALITY CONDITIONS**

52. Using forms provided by the Development Services Division, Developer shall submit a stormwater quality control measures maintenance program ("the Program") for this project. If the BMPs

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

53. Developer shall clean on-site storm drains at least twice a year; once immediately before the first of October (the beginning of the rainy season) and once in January. The City Engineer may require additional cleaning. (DS-83)
54. 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)
55. Prior to issuance of a certificate of occupancy, on-site storm drain inlets shall be labeled "Don't Dump - Drains to Ocean" in accordance with City standards. Before City issues a site improvement permit, the requirement to label storm drain inlets shall be shown on the civil engineering plans. (DS-85)
56. Prior to issuance of a grading permit or commencement of any clearing, grading or excavation, Developer shall provide the City Engineer with a copy of a letter from the California State Water Resources Control Board, Storm Water Permit Unit assigning a permit identification number to the Notice of Intent (NOI) submitted by Developer in accordance with the NPDES Construction General Permit. Developer shall comply with all additional requirements of the General Permit, including preparation of a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP shall identify potential pollutant sources that may affect the quality of discharges to stormwater and shall include the design and placement of recommended Best Management Practices (BMPs) to effectively prohibit pollutants from the construction site entering the storm drain system. Developer shall keep the SWPPP updated to reflect current site conditions at all times and shall keep a copy of the SWPPP and the NOI on the site and make them available for City or designated representative to review upon request. (DS-86)

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

57. Developer shall pay to the County of Ventura a road mitigation fee in accordance with the agreement between the City and the County of Ventura. Proof of payment shall be provided to the Development Services Division prior to issuance of a building permit. (DS-105)
58. Parcel map shall irrevocably offer an easement for a Class 1 Multi-use trail ("MUT") generally in the alignment indicated on the tentative map as a "proposed 12-foot city pedestrian easement". Final location of the MUT segment near the connection with Wagon Wheel Road shall be redesigned to

provide a flared section over the final 25 feet to provide room for both left and right turning movements of bicyclist joining the MUT parallel to Wagon Wheel Road. Final alignment to be approved by the Development Services Director. (DS)

59. Final delineation of proposed right-of-way vacation (Vineyard Avenue and Wagon Wheel Road) and various utility easement vacations are subject to approval of the Development Services Director. (DS)
60. Developer shall dedicate sufficient right-of-way along the Vineyard Avenue frontage of the project to accommodate (measured from the existing easterly Vineyard Avenue curb) one 12-foot right-through lane, three 11-foot through lanes, two 10-foot left turn lanes, a 4-foot raised median in the northbound direction, one 12-foot through lane, two 11-foot through lanes, and a 6-foot bike lane in the southbound direction. Additionally, Developer shall dedicated sufficient right-of-way for an 8-foot bus pull-out in the southbound direction and an 8 foot sidewalk adjacent to Vineyard Avenue. (TR)
61. Developer shall dedicate sufficient right-of-way along Esplanade Drive westerly of the proposed signalized driveway to accommodate (measured from the existing northerly curb) one 6-foot bike lane, a 19-foot through lane in the westbound direction, one 10-foot left-turn lane, two 11-foot through lanes, one 4-foot bike lane, one 10-foot right turn lane, and an 8-foot sidewalk in the eastbound direction. (TR)
62. Developer shall dedicate sufficient right-of-way along Esplanade Drive between the proposed signalized driveway and the most easterly Esplanade project driveway to accommodate (measured from the existing northerly curb) one 10-foot right turn pocket, one 4-foot bike lane at intersection, one 12-foot through lane, one 10-foot left-turn lane/two-way left-turn lane in the westbound direction, one 6-foot bike lane, two 11-foot through lanes, and an 8 foot sidewalk in the eastbound direction. In addition, dedication shall be widened to accommodate an 8-foot bus pull-out as indicated on the project site plan. The width of the two-way-left-turn lane shall be maintained at its current width but never less than 10 feet wide. Bike lane shall be a minimum of 6 feet wide approaching right turn pockets and transition to 4 feet wide where the right-turn pocket begins. (TR)
63. Developer shall dedicate sufficient right-of-way along Esplanade Drive from the most easterly project driveway to the Vineyard Avenue intersection to accommodate a variable width free right turn lane and two 12-foot through lanes (measured from the existing island curb) in the westbound direction. The dedication shall also accommodate two 10-foot left-turn lanes, one 12-foot through lane, one 4-foot bike lane at intersection, one 12-foot right turn lane, and an 8-foot sidewalk in the eastbound direction. The bike lane shall be 6-feet wide approaching the eastbound right turn pocket and transition to 4-feet wide parallel to the right-turn pocket. (TR)
64. The final extent of right-of-way dedication shall be approved by the City Traffic Engineer. (TR)

65. Developer shall dedicate sufficient right-of-way along Wagon Wheel Road to accommodate one 18-foot receiving lane in the southbound direction and one 10-foot left turn lane, one 11-foot through lane, and one 12-foot right turn lane in the northbound direction. (TR)
66. Parcel map shall effectuate the vacation of City owned utility easements (including right-of-way) that are no longer required due to utility line relocations or street realignments to the extent allowed under section 66445 of the Subdivision Map Act. Developer shall prepare a separate legal description (and pay all fees associated with processing) for any easement vacation not processed on the parcel map. (DS)
67. Developer shall provide a written evaluation to determine if the proposed property lines create, modify, or intensify any violations of the California Building Code or City Code based on their proximity to existing buildings. The evaluation shall be prepared by a California Registered Architect (or other approved professional) and shall be submitted concurrently with the initial parcel map submittal. Prior to recordation of a parcel map, Developer shall prepare plans, obtain permits, and construct all mitigations determined necessary to comply with applicable codes. No parcel map shall be recorded if it creates or intensifies any code violations. (DS)

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 15<sup>th</sup> 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. 2012 – [PZ 12-500-1]

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 12-500-1 (SPECIAL USE PERMIT), TO ALLOW A 14-PUMP SERVICE STATION (GAS STATION) AS PART OF THE REDEVELOPMENT OF THE FOOD 4 LESS/TARGET SITE (A 159,954 SQUARE FOOT SHOPPING CENTER, ASSOCIATED PARKING, LANDSCAPING AND CIRCULATION IMPROVEMENTS). LOCATED AT THE CORNER OF VINEYARD AVENUE AND WEST ESPLANADE DRIVE (130, 150, 250, & 300 W. ESPLANADE DRIVE; APNS 142-0-010-435; 142-0-010-205; 142-0-010 -415), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY THE KROGER COMPANY, GREG PETERS, 1100 WEST ARTESIA BLVD, COMPTON, CA 90220.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 12-500-1, filed by the Kroger Company in accordance with Section 16-530 through 16-553 of the Oxnard City Code; and

WHEREAS, in accordance with the State California Environmental Quality Act, the Planning Division Manager provided public notice of the intent of the City to adopt a negative declaration for this project, and the Planning Commission considered the proposed negative declaration, together with any comments received during the public review process, finds on the basis of the whole record before it (including the initial study and any comments received) that there is no substantial evidence that the project will have a significant effect on the environment, further finds that the negative declaration reflects the independent judgment of the City, and adopts the mitigation monitoring and reporting program and negative declaration (MND 12-01); and

WHEREAS, the documents and other materials that constitute the record of proceedings upon which the decision to adopt the negative declaration is based is located in the Planning Division of the City of Oxnard, and the custodian of the record is the Planning Manager; and

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

1. The proposed use is in conformance with the General Plan and other adopted policies of the City of Oxnard.
2. The proposed use will not adversely affect or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare.
3. The site for the proposed use is adequate in size and shape to accommodate the setbacks, parking, landscaping, and other City standards except as may be specifically excepted by the special findings and conditions of this resolution.

- 4. The site for the proposed use will be served by streets and highways adequate in width and structure to carry the kind and quantity of traffic such use will generate.
- 5. The site for the proposed use will be provided with adequate sewerage, water, fire protection and storm drainage facilities.

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

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

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

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

<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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**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 November 15, 2012 (“the plans”) on file with the Planning Division. The project shall conform to the plans, except as otherwise specified in these conditions, or unless a minor modification to the plans is approved by the Planning and Environmental Services Manager (“Planning Manager”) or a major modification to the plans is

approved by the Planning Commission. A minor modification may be granted for minimal changes or increases in the extent of use or size of structures or of the design, materials or colors of structures or masonry walls. A major modification shall be required for substantial changes or increases in such items. (PL, G-2)

3. This permit shall automatically become null and void 36 months from the date of its issuance, unless Developer has diligently developed the proposed project, as shown by the issuance of a grading, foundation, or building permit and the construction of substantial improvements. (PL, G-3)
4. All required off-site and on-site improvements for the project, including structures, paving, and landscaping, shall be completed prior to occupancy unless the Development Services Manager allows Developer to provide security or an executed agreement approved by the City Attorney to ensure completion of such improvements. (DS, G-4)
5. By commencing any activity related to the project or using any structure authorized by this permit, Developer accepts all of the conditions and obligations imposed by this permit and waives any challenge to the validity of the conditions and obligations stated therein. (CA, G-5)
6. Developer agrees, as a condition of adoption of this resolution, at Developer's own expense, to indemnify, defend and hold harmless the City and its agents, officers and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of the resolution or any condition attached thereto or any proceedings, acts or determinations taken, done or made prior to the approval of such resolution that were part of the approval process. (CA, G-6)
7. Any covenants, conditions, and restrictions (CC&Rs) applicable to the project property shall be consistent with the terms of this permit and the City Code. If there is a conflict between the CC&Rs and the City Code or this permit, the City Code or this permit shall prevail. (CA, G-7)
8. Developer shall complete the "Notice of Land Use Restrictions and Conditions" form, using the form provided by the City, for recording with the Ventura County Recorder. Before the City issues building permits, Developer shall submit the original completed, signed and notarized document, together with the required fees to the Planning Manager. (PL, G-8)
9. Developer shall provide off-street parking for the project, including the number of spaces, stall size, paving, striping, location, and access, as required by the City Code. (PL/B, G-9)
10. Before placing or constructing any signs on the project property, Developer shall obtain a sign permit from the City. Except as provided in the sign permit, Developer may not change any signs on the project property. (PL/B, G-10)
11. Developer shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, G-11)

12. Developer shall not permit any combustible refuse or other flammable materials to be burned on the project property. (FD, *G-12*)
13. Developer shall not permit any materials classified as flammable, combustible, radioactive, carcinogenic or otherwise potentially hazardous to human health to be handled, stored or used on the project property, except as provided in a permit issued by the Fire Chief. (FD, *G-13*)
14. If Developer, owner or tenant fails to comply with any of the conditions of this permit, the Developer, owner or tenant shall be subject to a civil fine pursuant to the City Code. (CA, *G-14*)
15. Prior to issuance of building permits, Developer shall correct all violations of the City Code existing on the project property for which the Code Compliance Division has open cases. (PL, *G-15*).

**SPECIAL CONDITION**

16. All conditions adopted with Planning Commission action related to PZ 12-540-1 (Planned Development) for the redevelopment of the Food 4 Less Site, pertain to the development associated with the subject service station use request.
17. This use permit is granted subject to the City's approval of a Planned Development (PD) permit (12-540-1). The PD permit contains the associated site work and right-of-way improvements necessary for the initiation of the service station use. City shall issue building permits only after such PD approval. Before occupying any structures or initiating any use approved by this permit, Developer shall comply with all conditions of PD Permit. (PL/DS)
18. Before the City issues building permits, Developer shall include a reproduction of all conditions of PD 12-540-1 and the subject 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*)

Resolution No.  
Page 5

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 15<sup>th</sup> 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. 2012 – PZ 12-510-1

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 12-510-1 (SPECIAL USE PERMIT FOR ALCOHOL), TO ALLOW FOOD 4 LESS GROCERY STORE (BUILDING D) TO SELL ALCOHOL FOR OFF-SITE CONSUMPTION, LOCATED AT THE CORNER OF VINEYARD AVENUE AND WEST ESPLANADE DRIVE (150 W. ESPLANADE DRIVE), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY THE KROGER COMPANY, GREG PETERS, 1100 WEST ARTESIA BLVD, COMPTON, CA 90220.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 12-510-1, filed by the Kroger Company in accordance with Section 16-530 through 16-553 of the Oxnard City Code and City Council Resolution No. 11,896; and

WHEREAS, in accordance with the California Environmental Quality Act, the Planning Manager provided public notice of the intent of the City to adopt a mitigated negative declaration for this project, and the Planning Commission considered the proposed mitigated negative declaration, together with any comments received during the public review process, finds on the basis of the whole record before it (including the initial study and any comments received) that with the imposition of mitigation measures as conditions of approval, there is no substantial evidence that the project will have a significant effect on the environment, further finds that the mitigated negative declaration reflects the independent judgment of the City, and adopts the mitigation monitoring and reporting program and mitigated negative declaration (MND 12-01); and

WHEREAS, the documents and other materials that constitute the record of proceedings upon which the decision to adopt the mitigated negative declaration is based is located in the Planning Division of the City of Oxnard, and the custodian of the record is the Planning Manager; and

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

1. The proposed use is in conformance with the General Plan and other adopted policies of the City of Oxnard.
2. The proposed use will not adversely affect or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare.
3. The site for the proposed use is adequate in size and shape to accommodate the setbacks, parking, landscaping, and other City standards except as may be specifically excepted by the special findings and conditions of this resolution.

4. The site for the proposed use will be served by streets and highways adequate in width and structure to carry the kind and quantity of traffic such use will generate.
5. The site for the proposed use will be provided with adequate sewerage, water, fire protection and storm drainage facilities.
6. The proposed use will not result in or add to an undue concentration of off-site consumption establishments selling alcoholic beverages within 1000 feet of the subject location, as there is no net increase of alcohol establishments since this is a request to transfer a valid Alcohol Beverage Control license within the subject shopping center.
7. The proposed use is not likely to create or significantly aggravate police problems within 1,000 feet of the location for which the special use permit is applied.

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

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

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

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

<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

### **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 November 15, 2012 (“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. 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*)
4. Developer agrees, as a condition of adoption of this resolution, at Developer’s own expense, to indemnify, defend and hold harmless the City and its agents, officers and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of the resolution or any condition attached thereto or any proceedings, acts or determinations taken, done or made prior to the approval of such resolution that were part of the approval process. (CA, *G-6*)
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. Developer shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, *G-11*)
9. Developer shall not permit any combustible refuse or other flammable materials to be burned on the project property. (FD, *G-12*)

10. 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*)
11. If Developer, owner or tenant fails to comply with any of the conditions of this permit, the Developer, owner or tenant shall be subject to a civil fine pursuant to the City Code. (CA, *G-14*)

#### **PLANNING DIVISION STANDARD CONDITIONS**

12. 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)
13. 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)
14. This permit shall automatically be null and void 12 months from the date of issuance, unless Developer has received from the State Department of Alcoholic Beverage Control a license to sell alcoholic beverages on the project property. (PL)

#### **POLICE CONDITIONS**

15. All managers or supervisors who are responsible for the daily coordination, supervision or managing of employees, shall complete an approved course in Responsible Beverage Sales and Service (RBSS) within sixty days of license granting and/or date of employment. Training can be arranged through the Oxnard Police Department. (PL/PD)
16. There shall be no advertising of alcoholic beverages visible from the outside of the establishment, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. (PL/PD)
17. The Police Chief or designee may immediately suspend operation of the uses approved by this permit pending a hearing on the revocation of this permit if the Chief finds that there have been significant violations of the use permit conditions and/or ABC permit, or there is a single serious violent crime or single significant incident to which multiple police units or multiple police jurisdictions respond associated with the operation of this use, which the Chief determines, after due process that shall include communication with the owner, is detrimental to the public safety or health. The Chief shall immediately inform the Planning and Environmental Services Manager of the suspension and the Manager shall schedule a hearing on the revocation of the permit by the Planning Commission to be held no more than 30 days after the suspension begins. (PD)

18. Any signs, advertisements or decorations placed upon the windows shall not exceed 20% of the overall window area. Additionally, there shall be no other obstructions placed near the windows that exceed 20% of the overall viewing area including display racks, stored products, shades or blinds.
19. Upon any individual transfer (person-to-person) of the subject Alcoholic Beverage Control License, or if the business is ever deemed a nuisance as defined by Oxnard City Code, the Police Department may initiate Planning Commission review of the existing SUP and the Planning Commission may apply or remove conditions as appropriate to mitigate existing or potential problems.
20. Any graffiti painted or marked upon the premises or on any adjacent area under the control of the Permittee shall be removed or painted over within twenty-four (24) hours of being applied. (PL/PD)
21. Permittee shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control. This includes the rear of the business. (PL/PD)
22. Any rear door of the premises shall be equipped on the inside with an automatic locking device, shall be closed at all times, and shall not be used as a means of access by patrons to and from the licensed premises. Temporary use of these doors for delivery of supplies or disposal of trash does not constitute a violation. (PD)
23. Employees involved in the sale or service of alcoholic beverages shall not be allowed to consume alcoholic beverages at any time during their shift. Employees shall not report to work with evidence of having consumed any intoxicants such as alcohol, illegal drugs or controlled substances. (PD)
24. The parking lot and adjacent areas of the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons on or about the area. This includes the rear of the business. (PL/PD)
25. There shall be no pay phones installed inside the premises nor shall there be any pay phones installed outside within 100 feet of the premises. (PL/PD)
26. Permittee shall regularly police the area under Permittee's reasonable control (including the rear of the business) and shall not permit the loitering of persons about the premises. (PL/PD)
27. In the areas surrounding the business the Permittee shall post prominent, permanent signs indicating that loitering, open containers and the consumption of alcoholic beverages is prohibited. This includes the parking lot and other adjacent areas under Permittee's reasonable control. (PD)
28. Coolers or displays containing alcoholic beverages shall be separated from other, non-alcoholic products and shall be positioned so as to allow maximum visibility to cashiers, clerks, associates or employees. Unless otherwise approved by the Police Department, alcohol displays shall not be positioned near customer entry/exit doors, nor shall they be in a location that allows for an easy and

unobstructed path to any entry or exit. It is recommended that the alcohol displays or coolers be positioned where employees have a clear view from their normal work stations of the activity of persons in the alcohol aisle. (PD)

29. There shall be no amusement machines or video devices maintained on the premises at any time. (PD)
30. Beer, malt beverages and wine coolers, in containers of 40oz in volume or less, cannot be sold by single containers, but must be sold in manufacturer pre-packaged multi-unit quantities.
31. No wine shall be sold with an alcoholic content of greater than 15% by volume except for "Dinner Wines" which have been aged two years or more and maintained in corked bottles (Port, Sherry, Saki, Marsala, Madiera, Muscat and Vermouth are permitted). (PD)
32. Prominent signs shall be posted stating, in effect, "No persons under 21 will be served alcoholic beverages" and "Valid ID is required to purchase alcoholic beverages". These signs shall, at a minimum, be posted at each point of sale and near any alcohol display or areas. (PD)
33. No open floor displays of alcoholic beverages are allowed, including but not limited to "beer mountains" and portable coolers. (PD)
34. Alcoholic beverages shall not be sold between the hours from 12:00 PM to 6:00 AM.
35. There shall be no self-service displays of any type of tobacco product including, but not limited to cigarettes, cigars and smokeless tobacco.
36. Security cameras shall be installed to monitor the premises and be positioned to monitor at minimum the entry/exit, all points of sale, alcohol coolers and the areas immediately surrounding the exterior of the business. The camera system shall comply with the following minimum standards: (PD)
37. The cameras shall be color cameras, made by a reputable manufacturer and maintained to current industry standards. They shall have low light capability and be capable of identifying persons conducting transactions at the stores' registers or entering/exiting the business.
38. The system shall utilize a Digital Video Recorder (DVR). The use of videocassette recorders (VHS and other formats) is prohibited. The DVR shall allow recording, live viewing and playback of recorded video for a period of least 30 days. DVR shall perform all recording, viewing (local and remote), playback (local and remote), queries and backup functions simultaneously, with no interruption of any other function.
39. Permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and thefts.

40. Permittee shall bolt down or otherwise secure all cash registers to service counters in order to prevent the entire device from being stolen during a burglary or robbery.
41. Permittee shall have drop-safes installed or establish other responsible cash handling procedures to allow employees to deposit daily receipts throughout the day as the amounts exceed allowable levels in the register (typically \$50).
42. When used, Permittee shall install signage which indicates that employees do not possess keys to safes and that minimal levels of cash are available in register.
43. Permittee shall install height gauges at all exit doors.
44. Permittee shall install an electronic intrusion detection system (burglary alarm) that detects portal openings, glass break, and interior motion.
45. Permittee shall equip each point of sale with a silent robbery alarm that complies with Oxnard City Ordinance No. 2601 or develop and implement critical incident protocols that provide an efficient method for alerting police and others to a potential threat without unnecessarily putting the employees at risk.
46. A copy of these conditions must be maintained on the premises and made available upon the demand of any peace officer at all times. (PL/PD)

#### **POLICE SPECIAL CONDITIONS**

47. Coolers, containers or displays of alcoholic beverages shall be locked or inaccessible during hours of prohibited sale (12:00 PM to 6:00 AM) if the business is open to the general public during those times. (PD)
48. The sale of energy drinks that contain any amount of alcohol is prohibited. (PD)
49. The self-checkout of alcoholic beverages is strictly prohibited. All transactions involving alcohol shall be completed by an employee who is responsible to ensure the customer is aged 21 or older and that they are not obviously intoxicated. (PD)
50. Any display of distilled spirits shall be maintained in locked cabinets at all times or under the direct control of employees. No distilled spirits shall be accessible to customers at any time without assistance from an employee unless other anti-theft strategies are implemented. These alternate security measures must be approved by the Chief of Police or designee as part of the security plan. (PD)
51. The sale of single serving containers of distilled spirits is prohibited. (PD)

52. Permittee shall develop a security plan that is approved by the Chief of Police or his designee and that includes comprehensive anti-theft strategies to minimize the risk of thefts related to the availability of alcohol. Such strategies may include but are not limited to anti-theft tags or sensors, product checks by staff at the exits, cart stopping devices and CCTV. Strategies that minimize the likelihood for sales of alcohol to underage customers shall be part of this plan. (PD)

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

AYES: Commissioners

NOES: Commissioners

ABSENT: Commissioners

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Anthony R. Murguia, Chairman

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

RESOLUTION NO. 2012 – [PZ 12-540-1]

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 12-540-1 (PLANNED DEVELOPMENT PERMIT), TO REDEVELOP THE FOOD 4 LESS/TARGET SITE INCLUDING DEMOLITION OF THE FORMER TARGET BUILDING AND CONSTRUCTION OF A 159,954 SQUARE FOOT SHOPPING CENTER, ASSOCIATED PARKING, LANDSCAPING AND CIRCULATION IMPROVEMENTS. LOCATED AT THE CORNER OF VINEYARD AVENUE AND WEST ESPLANADE DRIVE (130, 150, 250, & 300 W. ESPLANADE DRIVE; APNS 142-0-010-435; 142-0-010-205; 142-0-010-415), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY THE KROGER COMPANY, GREG PETERS, 1100 WEST ARTESIA BLVD, COMPTON, CA 90220.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 12-540-1, filed by the Kroger Company in accordance with Section 16-530 through 16-553 of the Oxnard City Code; and

WHEREAS, in accordance with the California Environmental Quality Act, the Planning Manager provided public notice of the intent of the City to adopt a mitigated negative declaration for this project, and the Planning Commission considered the proposed mitigated negative declaration, together with any comments received during the public review process, finds on the basis of the whole record before it (including the initial study and any comments received) that with the imposition of mitigation measures as conditions of approval, there is no substantial evidence that the project will have a significant effect on the environment, further finds that the mitigated negative declaration reflects the independent judgment of the City, and adopts the mitigation monitoring and reporting program and mitigated negative declaration (MND 12-01); and

WHEREAS, the documents and other materials that constitute the record of proceedings upon which the decision to adopt the mitigated negative declaration is based are located in the Planning Division of the City of Oxnard, and the custodian of the record is the Planning Manager; 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, in allowing 5-foot by 5-foot “diamond” planters in all the parking lot rather than requiring exclusively 9-foot by 19-foot “finger planters” the Planning Commission finds that the site plan on file with the Planning Division:

1. Provides an equal to or greater amount of landscaping than would result with the installation of 9-foot by 19-foot “finger planters”, and
2. The modification will not be detrimental to the public health, safety or welfare.

WHEREAS, in approving a sign program for the site the Planning Commission finds:

1. The project subject to the master sign program has been approved subject to a specific plan, development plan, planned development permit, or special use permit;
2. The amount of sign area does not exceed that which would be allowed by this chapter and otherwise meets the intent of the sign provisions of this chapter;
3. The type and appearance of the proposed signs is consistent with the design guidelines or architectural character of the development; and
4. The master sign program provides for a unique and unified sign program that cannot be accommodated through strict application of the provisions of this chapter.

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

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

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

Note: The abbreviations below identify the City department or division responsible for determining compliance with these standard conditions. The first department or division listed has responsibility for compliance at plan check, the second during inspection and the third at final inspection, prior to issuance of a certificate of occupancy, or at a later date, as specified in the condition. If more

than one department or division is listed, the first will check the plans or inspect the project before the second confirms compliance with the condition. The italicized code at the end of each condition provides internal information on the source of each condition: Some are standard permit conditions (e.g. *G-1*) while some are taken from environmental documents (e.g. *MND-S2*).

DEPARTMENTS AND DIVISIONS			
CA	City Attorney	PL	Planning Division
DS	Dev Services/Eng Dev/Inspectors	TR	Traffic Division
PD	Police Department	B	Building Plan Checker
SC	Source Control	FD	Fire Department
PK	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 November 15, 2012 (“the plans”) on file with the Planning Division. The project shall conform to the plans, except as otherwise specified in these conditions, or unless a minor modification to the plans is approved by the Planning and Environmental Services Manager (“Planning Manager”) or a major modification to the plans is approved by the Planning Commission. A minor modification may be granted for minimal changes or increases in the extent of use or size of structures or of the design, materials or colors of structures or masonry walls. A major modification shall be required for substantial changes or increases in such items. (PL, *G-2*)
3. This permit shall automatically become null and void 36 months from the date of its issuance, unless Developer has diligently developed the proposed project, as shown by the issuance of a grading, foundation, or building permit and the construction of substantial improvements. (PL, *G-3*)
4. All required off-site and on-site improvements for the project, including structures, paving, and landscaping, shall be completed prior to occupancy unless the Development Services Manager allows Developer to provide security or an executed agreement approved by the City Attorney to ensure completion of such improvements. (DS, *G-4*)
5. By commencing any activity related to the project or using any structure authorized by this permit, other than the continued operation of the existing Food 4 Less market at its current location, Developer accepts all of the conditions and obligations imposed by this permit and waives any challenge to the validity of the conditions and obligations stated therein. (CA, *G-5*)
6. Developer agrees, as a condition of adoption of this resolution, at Developer’s own expense, to indemnify, defend and hold harmless the City and its agents, officers and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of the

resolution or any condition attached thereto or any proceedings, acts or determinations taken, done or made prior to the approval of such resolution that were part of the approval process. (CA, G-6)

7. Any covenants, conditions, and restrictions (CC&Rs) applicable to the project property shall be consistent with the terms of this permit and the City Code. If there is a conflict between the CC&Rs and the City Code or this permit, the City Code or this permit shall prevail. (CA, G-7)
8. Developer shall complete the "Notice of Land Use Restrictions and Conditions" form, using the form provided by the City, for recording with the Ventura County Recorder. Before the City issues building permits, Developer shall submit the original completed, signed and notarized document, together with the required fees to the Planning Manager. (PL, G-8)
9. Developer shall provide off-street parking for the project, including the number of spaces, stall size, paving, striping, location, and access, as required by the City Code. (PL/B, G-9)
10. Before placing or constructing any signs on the project property, Developer shall obtain a sign permit from the City. Except as provided in the sign permit, Developer may not change any signs on the project property. (PL/B, G-10)
11. Developer shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, G-11)
12. Developer shall not permit any combustible refuse or other flammable materials to be burned on the project property. (FD, G-12)
13. Developer shall not permit any materials classified as flammable, combustible, radioactive, carcinogenic or otherwise potentially hazardous to human health to be handled, stored or used on the project property, except as provided in a permit issued by the Fire Chief. (FD, G-13)
14. If Developer, owner or tenant fails to comply with any of the conditions of this permit, the Developer, owner or tenant shall be subject to a civil fine pursuant to the City Code. (CA, G-14)
15. Prior to issuance of building permits, Developer shall correct all violations of the City Code existing on the project property for which the Code Compliance Division has open cases. (PL, G-15).

#### **LANDSCAPE STANDARD CONDITIONS**

16. Prior to submittal of landscape and irrigation plans, Developer shall obtain approval of the Planning Manager or designee of a plan showing on the project property all existing trees and identifying the trees to be saved, transplanted or removed. (PK, PK-1)
17. Prior to issuance of building permits or the proposed use is initiated, whichever comes first, Developer shall submit two copies of landscape and irrigation plans, along with the appropriate

- permit application and fees, to the Development Services Division and obtain approval of such plans. (PK/DS, *PK-2*)
18. Prior to issuance of a certificate of occupancy, Developer shall install landscape and automatic irrigation systems that have been approved by Parks and Facilities Superintendent. (PK, *PK-3*)
  19. Developer shall properly 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 may result in the revocation of this permit and initiation of legal proceedings against Developer to ensue compliance (PK, *PK-4*)
  20. Prior to the issuance of a certificate of occupancy, Developer shall provide a watering schedule to the building owner or manager and to Planning Division or designee. The irrigation system shall include automatic rain shut-off devices, or instructions on how to override the irrigation system during rainy periods. (PK, *PK-5*)
  21. At the time of planting, Developer shall provide at least 24-inch box size for all new trees planted on the subject property. All shrubs and vines planted under the subject permit by the Developer shall be at least five-gallon size, except as otherwise specified by this permit. (PK, *PK-6*)
  22. Developer shall install an irrigation system that includes a water sensor shut off device as a water conservation measure. (PK, *PK-22*)
  23. At time of submittal to the Building and Engineering Division for plan check, Developer's Landscape Architect or Architect shall provide the City with written confirmation that they have reviewed the civil engineering construction drawings and that the NPDES requirements are not in conflict with meeting the City's landscape requirements. (PK, *PK-23*)
  24. Developer shall include a note on the Landscape Plans submitted to the Building and Engineering Division for a building permit that "All landscaping and irrigation comply with Ordinance No. 2822", which adopted the City of Oxnard Landscape Water Conservation Standards. (PK, *PK-24*)

#### **LANDSCAPE SPECIAL CONDITIONS**

25. Staff accepts the arborist's report dated April 2012 and the appraisal value of the trees removed to be \$738,509.01. The economic appraisal value of the trees removed for project impacts and design (\$543,684.08, i.e. not trees for the future multi-use trail (MUT), bus stop pull-outs or ultimate 2030 land dedications) shall be incorporated into increased tree sizes for the project and shall be in addition to meeting the City's minimum tree size of 24-inch box. Developer shall pay to the City any economical value of the trees removed remaining after onsite trees are upsized, unless other terms of agreement can be met to increase the landscape value on or adjacent to the project site to the satisfaction of the Development Services Director or designee.

26. At the time of Plan Check submittal, the landscape plans shall contain an exhibit titled "Tree Tabulation Chart". The Tree Tabulation Chart, shall be to the satisfaction of the Planning Manager or designee, and shall contain a listing of all existing trees on site and shall refer to them by number as identified in the Arborist's Tree Report. The Tree Tabulation Chart shall clearly list all trees to remain, be removed or be transplanted. The Chart shall contain the Arborist's economic appraisal value of each tree(s) removed as well as computations and calculations showing how the value of the removed tree(s) was put back into new tree sizes for the project that are in addition to meeting the City's minimum tree size of 24" box. (PK)
27. Prior to issuance of the certificate of occupancy of Building D, Developer shall remove all trees within the City right of way required for the ultimate 2030 build out and roadway improvements along Esplanade Drive and Vineyard Avenue (tree numbers 36, 48, 49, 51-58, 60, 126-128, 156-159, per the Arborist Report dated April 2012). Such trees shall be removed at the Developer's expense; however the value of the trees need not be put back into the project site.
28. Prior to issuance of the certificate of occupancy of Building B, Developer shall remove all trees within the 12' easement area for a future multi-use trail (tree numbers 1, 166, 173, 174, 180-184, 190-192, 194, 195, per the Arborist Report dated April 2012). Such trees shall be removed at the Developer's expense; however the value of the trees need not be put back into the project site.
29. Prior to issuance of the certificate of occupancy of Building D, Developer shall remove all trees within the City right of way required for the project improvements along Esplanade Drive (tree numbers 59, 61, 129-131, 139-149, per the Arborist Report dated April 2012). Such trees shall be removed at the Developer's expense, and the value of the trees shall be put back into the project site by upsizing the required onsite trees and as provided in Condition No. 25.
30. Prior to issuance of certificate of occupancy, Developer shall install or plant a solid continuous 36" high visual screen at time of planting to help screen parked cars in parking lots from adjacent public streets. Such screen may be achieved by using 15-gallon plants and/or a 36" high decorative masonry screen wall with vine planting.
31. All diamond shaped tree planters installed by the Developer shall provide a minimum of 5'x 5' clear ground space (25 square feet of plantable space) for success of plant materials and trees indicated on the landscape plan.
32. Upon Site Improvement Plan submittal, Developer shall revise Section A of sheet 25 to show an 18" area adjacent to a new chain link fence.
33. Upon Site Improvement Plan submittal, Developer shall revise Section B & C of sheet 25 to show that the "2' car overhang area" contains landscaping. The landscape choice is subject to the approval of the Planning Manager or designee and shall be consistent with the landscaping throughout the site.

34. Provided there is adequate truck turning movement area, Developer shall lengthen the taper of the westerly end finger planter to parallel the MUT. Developer shall landscape and irrigate this area in a design consistent with the site development.
35. Developer shall provide vines 10' o.c. in 16" by 16" vine planter pockets within an 18" area adjacent to subject property's western property line (between the MUT area and property line). Such vines shall be irrigated and maintained by the Developer. At no time shall the Developer allow the vines to encroach into the 12' MUT easement area.
36. Developer shall plant evergreen shrubs (minimum 5-gallon size) maintained 3' – 5' in height adjacent to the trash enclosure walls. Such plant material shall be installed prior to final inspection and certification of each trash enclosure required per phase of the development.
37. Developer shall plant evergreen self clinging vines (minimum 5-gallon size) that attach to the exterior walls of the loading zone area walls. Such plant material shall be installed prior to final inspection and certification of each trash enclosure required per phase of the development.
38. Developer shall install landscaping including shrubs and vines trained to grow upon a trellis along the west side of building C (side elevation) and west (railroad side) and north (street side) of building D (railroad side). (PK)

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

39. Developer shall construct all vehicle access driveways on the project property to be at least 26 feet wide. Developer shall mark curbs adjacent to designated fire lanes in parking lots to prohibit stopping and parking in the fire lanes. Developer shall mark all designated fire lanes in accordance with the California Vehicle Code. (FD/B, *F-1*)
40. 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*)
41. 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*)
42. At Developer's expense, Developer shall obtain two certified fire flow tests for the project property. The first test shall be completed before City approval of building plans and the second shall be completed after construction and prior to the issuance of a certificate of occupancy. A mechanical, civil, or fire protection engineer must certify the tests. Developer shall obtain permits for the tests from the Engineering Division. Developer shall send the results of the tests to the Fire Chief and the City Engineer. (FD/DS, *F-4*)

43. 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*)
44. The project shall meet the minimum requirements of the “Fire Protection Planning Guide” published by the Fire Department. (FD, *F-6*)
45. At all times during construction, Developer shall maintain paved surfaces capable of handling loads of 46,000 pounds which will provide access for fire fighting apparatus to all parts of the project property. (FD/DS, *F-7*)
46. Developer shall identify all hydrants, standpipes and other fire protection equipment on the project property as required by the Fire Chief. (FD, *F-8*)
47. Developer shall provide central station monitoring of the fire sprinkler system and all control valves. (FD, *F-10*)
48. The turning radius of all project property driveways and turnaround areas used for emergency access shall be a minimum of 48 feet outside diameter for a semi-trailer. (FD, *F-11*)
49. 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*)
50. Developer shall install in each structure in the project a detection/alarm system with a central station monitor that will automatically notify the Fire Department in the event of a fire in the structure. The alarm system shall include a UL or State Fire Marshal approved device, which shall not exceed design specifications, that reports the location of the fire and allows the central station monitor to inform the Fire Department of the point of entry into the structure that is nearest the fire. (FD, *F-13*)
51. All signalized intersections shall be equipped with pre-emption equipment. (FD/TR, *F-15*)
52. Developer shall comply with Certified Unified Program Agency (CUPA) requirements regarding the storage, handling and generation of hazardous materials or waste. Prior to the issuance of building permits, Developer shall contact the CUPA division of the Fire Department to ensure that such requirements are followed. (FD, *F-16*)

#### **FIRE DEPARTMENT SPECIAL CONDITIONS**

53. Fire sprinkler coverage is required for:
  - a. Patios, overhangs or any other projections that are 48” or more from the structure.
  - b. Open areas beneath stairs that serve a habitable space or when that area is accessible for storage or has mechanical equipment.
  - c. The protection of the forced air unit when located in the attic or other areas that are normally inaccessible.

54. Before the City issues a certificate of occupancy, the Developer shall install a Knox key vault at a location to be determined by the Fire Department.
55. Developer shall ensure Fire Department access through man-gates, either by Knox lock devices or other Fire Department approved means.
56. Developer shall install a temporary hammerhead behind building B to provide turn around ability for fire apparatus. Such hammer-head shall be removed by the Developer, when access to the adjacent property is provided. At time of removal, Developer shall install parking stalls (5) and a planter, per the approved plans, in the area previously used for the hammerhead. (FD)
57. At time of building permit submittal, Developer shall design for a fire hydrant to serve building C located one finger planter west of its existing location (currently shown adjacent to the trash enclosure), unless otherwise waived by the Fire Chief or designee. (FD)

#### **PLANNING DIVISION STANDARD CONDITIONS**

58. 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)
59. 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)
60. 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)
61. 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)
62. 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)
63. 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)

64. 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)
65. 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.
66. 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*)
67. 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*)
68. Developer agrees to participate in a water conservation program that includes refitting water fixtures existing on the project property with water conserving devices within 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*)
69. 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*)
70. 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*).
71. 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*)

72. 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*)
73. 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*)
74. Prior to issuance of a certificate of occupancy, Developer shall remove all construction materials and vehicles from the subject property. (PL/B, *PL-47*)

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

75. In accordance with City Council Resolution No. 14,124, Developer shall participate in the City's Public Art Program. Such participation shall be through the payment of the Public Art fee prior to issuance of building permits, installing art onsite, or a combination of payment of fee and installation of art, subject to the approval of the Development Services Director. Prior to the Director's determination the Developer shall submit the details and design elements of the "entry feature" to determine if such feature constitutes public art as defined and described in City Council Resolution No. 14,124.
76. The master sign program for the site (Food 4 Less Gateway Plaza) is limited to a total of 2,002 square feet. Sign area shall be allocated and installed as shown in the "Food 4 Less Gateway Plaza" sign program. Prior to issuance of the first building permit for the site, Developer shall amend the sign program to reflect technical changes regarding individual building sign allocations and the format of the sign program. Such changes are subject to the approval of the Planning Manager. Developer may request amendments to the sign program through a minor modification permit, provided the program meets the regulations of the City Code.
77. Prior to issuance of the first building permit associated with the service station, Developer shall provide a revised sign design on the fuel pricing ground sign. The sign shall include architectural detailing, consistent with the freestanding and ground signs in the "Food 4 Less Gateway Plaza" sign program and meet the provisions of City Code, subject to the approval of the Planning Manager.
78. Prior to issuance of the first building permit associated with the ground or freestanding signs, Developer shall provide additional details on the sign panels to ensure a high quality product, subject to the approval of the Planning Manager.
79. The ground signs shall not exceed 7' in height as measured from the adjacent curb, as long as there are not safety concerns or line of sight issues as determined by the Planning Manager and Traffic

Engineer. The overall structure of the sign shall meet the specifications outlined in the “Food 4 Less Gateway Plaza” sign program and not exceed 6’ in height.

80. The signs shown on the architectural elevations are conceptual only, and not part of the sign program. Future signage shall be regulated by the “Food 4 Less Gateway Plaza” sign program.
81. Prior to issuance of certificate of occupancy for the site improvements, Developer shall slurry seal the entire project. To maintain a cohesive look for the site, during times of site maintenance, Developer shall continue to slurry seal the whole site at one time.
82. Prior to issuance of certificate of occupancy for the site improvements, Developer shall provide a chain link fence, or equivalent, along the property line adjacent to the railroad. (PL)
83. Prior to issuance of building permits for the “entry feature” Developer shall submit a minor modification and associated permit fees for the design of this feature. With the exception of the maximum 2’ tall “City of Oxnard” wall sign, no portion of this feature shall encroach into the required 10’ front yard setback area. Such entry feature may be considered as public art, subject to the review and approval by the Development Services Director in compliance with the City Council Resolution No. 14,124.
84. Developer shall provide bicycle parking in accordance with the ratio defined within the Off-Street Parking Ordinance of the City Code. The location of the bike racks shall be shown on the construction plans. The locations and distribution of the bike racks shall be in accordance with the Oxnard Bicycle and Pedestrian Facilities Master Plan (2012), unless otherwise approved by the Planning Manager and Traffic Engineer. At a minimum the bike racks for buildings A – C shall be better distributed to conveniently serve customers of all the tenants and the bike racks for building D shall be located in a convenient and safe location for patrons to the satisfaction of the Planning Manager.
85. Outdoor storage or display of materials or goods is prohibited, unless a Temporary Use Permit is granted for uses and durations specified by City Code. (PL)
86. Developer shall diligently redevelop the site in its entirety (all phases specified on page 29 of the plans). If the Developer does not receive certificate of occupancy for all improvements, within 48 months, the Developer shall apply for a Major Modification to allow a time extension. (PL)
87. Prior to issuance of the first building permit for the site, Developer shall submit a final phasing plan for the entire site. Such plan shall clearly show what perimeter landscaping will be provided with which building occupancy. Such plan shall be subject to the approval of the Development Services Director or designee. In addition the plan shall clearly show that the code-required number of parking spaces and a loading zone be provided prior to occupancy of each building. (PL)

88. During the remodeling of building E Developer shall submit building permits for the reconstruction of the loading zone associated with said building. The loading zone shall provide adequate access and visibility for the MUT users. The fence surrounding the loading zone shall be wrought iron, or a similar material, and 50% open. If building E has not been remodel by the time the funds have been committed for the design of the MUT, the Developer shall reconstruct the loading zone within 180 days from the time the Developer receives notice of funding being obligated. (PL)
89. Developer shall provide three “breaks” in the MUT that contain pedestrian walkways from the MUT to the buildings (C, D, & E). Such breaks shall allow for a MUT user to exit the MUT and access a pedestrian walkway to get to them to on-site sidewalks. Developer shall construct these walkways of color-enhanced concrete. The concrete color shall contrast with the parking lot asphalt to clearly identify pedestrian areas. This condition in its entirety, or just a portion, can be waived by the Development Services Director or designee if it is determined that the MUT timeline is too speculative and the pedestrian connections would pose a safety concern.
90. Developer shall narrow the driveways in front of buildings A-C and building D from 30’ to 28’, unless otherwise approved by the Planning Manager. The land from the drive aisle may be put into the widening of the building sidewalks or the landscape planters, as approved by the Planning Manager. (PL)
91. Loading and deliveries shall not be conducted in any location other than those locations designated on the approved Site Plan. (PL)
92. Developer shall install toilets that have automatic flush sensors in all restrooms available primarily for customer usage (i.e restaurants, coffee shops). 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)
93. Developer shall install individual mirrors above each sink in public restrooms available primarily for customer usage (i.e restaurants, coffee shops) 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)
94. 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)
95. 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, washable paint and sealers on site signage as well as building and perimeter walls. Developer shall include the “entry feature” in the Graffiti Deterrent Plan. (PL)

96. This permit is granted subject to the City's approval of a tentative map and parcel map and recordation of the parcel map. The City shall issue building permits only after such recordation, unless otherwise approved by both the Planning Division Manager and the Development Services Manager. Before occupying any structures or initiating any use approved by this permit, Developer shall comply with all conditions of the tentative and parcel map. (PL/DS)

**PLANNING DIVISION RECYCLING CENTER CONDITIONS**

97. Any operations equipment and/or recyclable materials placed within approved staging area during the day shall be stored within the container or off-site upon end of operations on a daily basis.
98. Permittee shall ensure that the drive-aisles are kept clear at all times. Permittee shall not allow patrons to block drive aisles or to double park.
99. Permittee shall be responsible for maintaining free of litter the area adjacent to the premises over which Permittee has reasonable control; this includes any potential runoff from storage containers.
100. Before placing or constructing any signs on the project property, Developer shall obtain a sign permit from the City. Signs shall comply with sign program conditions.

**PLANNING DIVISION ENVIRONMENTAL CONDITIONS**

***AIR QUALITY***

101. Developer shall ensure that all construction equipment is maintained and tuned to recommended manufacturer's specifications. (MND, C-1)
102. At all times during construction activities, Developer shall minimize the area disturbed by clearing, grading, earth moving, or excavation operations to minimize excessive amounts of dust. (MND, C-2)
103. 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 be at least twice per day and shall penetrate sufficiently to minimize fugitive dust during grading activities. (MND, C-3)
104. 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-4)

105. 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-5)
106. 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-6)
107. The Permittee shall comply with the provisions of applicable VCAPCD Rules and Regulations, which include but are not limited to, Rule 50 (Opacity), Rule 51 (Nuisance), Rule 55(Fugitive Dust), and Rule 55.1(Fugitive Dust on Paved Roads and Public Unpaved Roads). (MND, C-7)
108. Prior to issuance of demolition permits for any structure on the site, Developer shall provide evidence of notifying the Air Pollution Control District of such demolition. Demolition and/or renovation activities shall be conducted in compliance with APCD regulations regarding Asbestos (Rule 62.7). (MND, C-8)
109. The Permittee shall comply with the provisions of applicable VCAPCD Rules and Regulations, which include but are not limited to Rule 74.2 (Architectural Coatings). (MND, C-9)
110. 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-10)

#### ***CULTURAL RESOURCES***

111. Developer shall contract with a Native American monitor to be present during all subsurface grading, trenching or construction activities on the project site. The contract shall include weekly reports from the monitor to the Planning Division summarizing the monitor's activities during the reporting period. A copy of the contract for these services shall be submitted to the Planning and Environmental Services 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 occupancy for each building. (MND, E-1)

#### ***GEOLOGY AND SOILS***

112. The applicant shall submit a site-specific soils investigation prepared by a licensed geotechnical engineer. At a minimum, the study shall include liquefaction and compressible soils characteristics on-site and shall identify any necessary construction techniques or other mitigation measures to prevent significant liquefaction/compressible soils impacts on the proposed project. All recommendations of said report shall be incorporated into the project. Developer shall submit the

report to the Building Official for review and approval prior to issuance of building permits (MND, G-1)

***NOISE***

113. During all excavation and grading on site, the project contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. (MND, L-1)
114. Construction times shall be limited to 7 a.m. to 7 p.m. daily or in accordance with City Ordinances restricting construction times at the time of construction, whichever is more restrictive. (MND, L-2)

**POLICE DEPARTMENT CONDITIONS**

115. Light standards for the fuel station canopy shall be flush, or be recessed, with the canopy, and shall be subject to the approval of the Police Department.
116. Developer shall provide a photometric plan for the site that shows light levels, acceptable to the Police Department, for the entire project area. Site lighting shall illuminate all portions of the site, including the future MUT area. Lighting shall comply with the "Outdoor lighting Code and Guideline". (PD)
117. Developer shall ensure that the "skateboard deterrents" are flat stainless steel, not vertical. (PD/PL)
118. Developer shall ensure that the indentations on seat wall at the entry feature are a minimum of 5' apart. (PD/PL)
119. For the life of the project, Developer shall ensure that the any missing "City of Oxnard" letters be replaced within 72 hours. (PD)
120. Prior to certificate of occupancy, Developer shall install graffiti sealers on all planters and seat walls. Building permit plans shall state the requirement for the graffiti sealer. (PD/PL)
121. Developer shall install a gate to secure access to the proposed outdoor area for Building A. Such gate shall match the architecture of the building and is subject to Planning Division and Police Department approval.
122. Any signs, advertisements or decorations placed upon the windows shall not exceed 20% of the overall window area, if provided for in the sign program for the site. Additionally, there shall be no other obstructions placed near the windows that exceed 20% of the overall viewing area including display racks, stored products, shades or blinds. (PD/PL)
123. Developer shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control. This includes the rear of the business. (PL/PD)

124. There shall be no pay phones installed inside the premises nor shall there be any pay phones installed outside within 100 feet of the premises. (PL/PD)
125. There shall be no amusement machines or video devices maintained on the premises at any time. (PD)
126. Developer shall install graffiti/etching-resistant film application on accessible window panes in public areas including reflecting surfaces in public restrooms.
127. Developer shall post all vehicle entrances to the parking lot in compliance with California Vehicle Code §22658(a)(1). Persons in lawful possession of the property may then cause the removal of a vehicle parked on the property to the nearest public garage if parked without the owner's permission.
128. Any electronic security system installed must comply with Oxnard City Ordinance No. 2601 (available online at <http://oxnardpd.org/documents/alarm-ordinance-2002.pdf>) and must be properly permitted by the City of Oxnard.
129. If a video surveillance system is used for this property, it shall comply with "Oxnard Police Department Guidelines & Recommendations for Closed-Circuit Television (CCTV) surveillance Systems."
130. All landscape materials shall be maintained in a condition that does not interfere with the natural surveillance of the property or obstruct the ability to observe the activities of persons on or about the property.

#### **ENVIRONMENTAL RESOURCES DIVISION CONDITIONS**

131. 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.
132. 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.

133. 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.
134. 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.
135. 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**

136. 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)
137. 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)
138. 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)

139. 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)
140. Developer shall protect building pads from inundation during a 100year storm. (DS-5)
141. Developer shall remove and replace all improvements that are damaged during construction. (DS-6)
142. Each structure shall be served by separate sewer and water services. There shall be no interconnections between structures. (DS-8)
143. 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)
144. 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 onsite water plan. (DS-11)
145. 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)
146. 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 onsite and offsite 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)
147. 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)
148. Developer shall process permanent master planned improvements that are eligible for reimbursement in accordance with City policies, resolutions, and ordinances in effect at the time of recordation of the final map or parcel map or if there is no such map, then at the time of public improvement plan approval. (DS-17)

149. 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)
150. 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)
151. 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)
152. Developer shall pay the cost of all inspections of onsite and offsite improvements. (DS-22)
153. Developer shall be responsible for all project-related actions of Developer's employees, contractors, subcontractors, and agents until City accepts the improvements. (DS-23)
154. 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)
155. "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)
156. 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 "asbuilt" plans after project completion. Developer's submittal of the certified "asbuilt" plans is a condition of City's final acceptance of the project. (DS-29)
157. 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)
  158. Storm drain, sewer and water facilities shall conform to applicable City Master Plans. Developer shall prepare plans for these facilities in accordance with City's engineering design criteria in effect at the time of improvement plan submittal. Developer shall submit plans with pertinent engineering analyses and design calculations for review and approval by the City Engineer prior to issuance of a site improvement permit. (DS-34)
  159. 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)
  160. 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)
  161. 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)
  162. 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)
  163. 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)
  164. Developer shall install City approved backflow prevention devices for water connections if so ordered by the City Engineer. (DS-45)
  165. Prior to designing the water system for the project, Developer shall have a certified fire flow test performed to determine existing water pressure and flow characteristics. The water system shall be designed to allow for a 10 psi drop in the static water pressure measured during the fire flow test. After construction and before City issues a certificate of occupancy, the City Engineer may require a second test. Before performing the tests, Developer shall obtain permits from the City Engineer. Developer shall have all tests certified by a mechanical, civil, or fire protection engineer and provide written results of all tests to the City Engineer. (DS-47)

166. Developer shall submit a landscape irrigation plan prepared by a licensed professional, showing proper water meter size, backflow prevention devices, and crossconnection control. (DS-59)
167. 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)
168. Developer shall provide adequate vehicle sight distance as specified by CalTrans specifications at all driveways and intersections. (TR-71)
169. Developer shall install bike racks in accordance with City standards at locations approved by City Traffic Engineer. (TR-73)
170. Prior to issuance of a building permit, all traffic signal, pavement marking and sign plans shall be prepared by a registered California traffic engineer and approved by the City Engineer prior to issuance of a grading, site improvement or a building permit. (TR-74)
171. Prior to issuance of an encroachment permit, Developer's shall obtain City's approval of a contractor qualified to install traffic signals, pavement markings and signs. (TR-76)

#### **STORMWATER QUALITY CONDITIONS (DS)**

172. Using forms provided by the Development Services Division, Developer shall submit a stormwater quality control measures maintenance program ("the Program") for this project. If the BMPs implemented with this project include proprietary products that require regular replacement and/or cleaning, Developer shall provide proof of a contract with an entity qualified to provide such periodic maintenance. The property owner is responsible for the long-term maintenance and operation of all BMPs included in the project design. Upon request by City, property owner shall provide written proof of ongoing BMP maintenance operations. No grading or building permit shall be issued until the Development Services Manager approves the Program and Developer provides an executed copy for recordation. (DS-82)
173. Developer shall clean on-site storm drains at least twice a year; once immediately before the first of October (the beginning of the rainy season) and once in January. The City Engineer may require additional cleaning. (DS-83)
174. 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)
175. Prior to issuance of a certificate of occupancy, on-site storm drain inlets shall be labeled "Don't Dump - Drains to Ocean" in accordance with City standards. Before City issues a site improvement

permit, the requirement to label storm drain inlets shall be shown on the civil engineering plans. (DS-85)

176. Prior to issuance of a grading permit or commencement of any clearing, grading or excavation, Developer shall provide the City Engineer with a copy of a letter from the California State Water Resources Control Board, Storm Water Permit Unit assigning a permit identification number to the Notice of Intent (NOI) submitted by Developer in accordance with the NPDES Construction General Permit. Developer shall comply with all additional requirements of the General Permit, including preparation of a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP shall identify potential pollutant sources that may affect the quality of discharges to stormwater and shall include the design and placement of recommended Best Management Practices (BMPs) to effectively prohibit pollutants from the construction site entering the storm drain system. Developer shall keep the SWPPP updated to reflect current site conditions at all times and shall keep a copy of the SWPPP and the NOI on the site and make them available for City or designated representative to review upon request. (DS-86)

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

177. Developer shall pay to the County of Ventura a road mitigation fee in accordance with the agreement between the City and the County of Ventura. Proof of payment shall be provided to the Development Services Division prior to issuance of a building permit. (DS-105)
178. Developer shall design the project to minimize degradation of stormwater quality by complying with the applicable sections of the Los Angeles Regional Water Quality Control Board's municipal separate storm sewer system ("MS4") permit (Order R4-2010-0108 and any revisions) for redevelopment projects. Developer shall submit stormwater quality calculations and associated construction plans demonstrating compliance with the MS4 permit. Calculations shall generally be organized to follow the steps outlined in Chapter 2 of the 2011 Technical Guidance Manual for Stormwater Control Measures ("2011 TGM"). The previously provided draft MS4 compliance calculations shall be updated to reflect the final improvement plans. (DS)

#### **DEVELOPMENT SERVICES DIVISION SPECIAL STORMWATER QUALITY CONDITIONS (DS)**

179. Developer's stormwater quality calculations shall include site specific analysis and recommendations from a geotechnical engineer, and if applicable, a landscape architect for design and implementation of stormwater infiltration devices. Geotechnical Engineering analysis and recommendations shall include, but not be limited to, determination of site soil infiltration rates, depth to permeable soil layers, methods to reach permeable soil layers, appropriate compaction rates, recommendations to enhance infiltration, and other requirements of the 2011 TGM. Landscape architectural recommendations shall include, but not be limited to, suggestions regarding appropriate vegetation and soil amendments for vegetated infiltration devices. Design plans shall implement approved design recommendations. (DS)

180. Developer's improvement plans shall include a requirement for the project geotechnical engineer to inspect and provide an opinion on the suitability of the exposed soil layer at the bottom of each stormwater infiltration facility to provide the infiltration capacity assumed in the initial design. (DS)
181. Developer shall include 2011 TGM compliant pre-treatment for all infiltration based stormwater quality devices that will effectively reduce sediment load entering the infiltration device and maintain the infiltration rate of the facility. (DS)
182. Fueling areas (gas stations) shall be designed in compliance with Site-Specific Control Measure S-7 of Chapter 5 of the 2011 TGM. These requirements include, but are not limited to: 1) Fuel dispensing area (as defined in the TGM) must be paved with concrete; 2) Fuel dispensing area must be covered by a solid canopy; 3) Fuel dispensing area must be designed to prevent storm drain flow through; 4) Canopy downspouts must not drain onto the fuel dispensing area; 5) Fueling area must be graded to drain towards a dead-end sump. (DS)
183. Owner shall maintain fuel dispensing areas using dry cleanup methods such as sweeping for removal of litter and debris, or use of rags and absorbents for leaks and spills. Fueling areas shall never be washed down unless the wash water is collected and disposed of properly. (DS)
184. Owner shall "spot clean" leaks and drips routinely. Leaks are not considered cleaned up until the absorbent is picked up and disposed of properly. (DS)
185. Developer shall design depressed loading docks in compliance with Site-Specific Control Measure S-4 of Chapter 5 of the 2011 TGM. (DS)
186. Developer shall design the recycling center in general compliance with Site-Specific Control Measure S-2 of Chapter 5 of the 2011 TGM. Developer shall provide a traffic rated, grated drain (or other approved drain) centered in the enclosure to catch all wash water. (DS)
187. Each tenant space within the project that performs food preparation activities shall provide and maintain an area within that tenant space for the washing/steam cleaning of equipment, floor mats, and accessories. This area shall be self-contained and connected to the project grease interceptor. (DS)
188. Developer shall construct double-bin (or larger) trash enclosures (minimum 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 provide a traffic rated, grated drain (or other approved drain) centered in the enclosure to catch all wash water from the trash enclosure if the enclosure serves a grocery store, gas station, or food preparation tenant. This drain shall connect to the sanitary sewer system via a grease interceptor. 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)

189. Developer shall prepare a stormwater quality operation and maintenance plan for the site that complies with the requirements of Chapter 7 of 2011 TGM. (DS)

190. Developer shall provide proof of recordation of a document that perpetually holds all owners of property subject to this permit equally responsible for implementation and perpetual maintenance of all proposed long-term post-construction BMPs within this project. (DS)

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

191. Developer shall provide fire flow calculations (including fire flow tests) demonstrating that proposed water distribution system is capable of providing a minimum of 4500 gpm with 3 hydrants flowing (1500 gpm per hydrant at 20 psi residual.) Calculation shall be prepared by a registered engineer and provided prior to issuance of a grading or site improvement permit. (DS)

192. Developer shall abandon the existing Asbestos Cement waterline located under proposed parking spaces along the front of buildings A and B and construct a new PVC waterline within the adjacent drive aisle. Proposed waterline easements and easement vacations shall be adjusted accordingly. (DS)

193. Developer shall provide onsite fire hydrants such that all points of all structures are within one hundred fifty (150) feet of a fire hydrant, or as otherwise approved by the Fire Department. Fire hydrant line improvements shall be designed in accordance with City standards and shown on the civil engineer's improvement plans prior to issuance of a site improvement/grading permit. Developer shall provide the City with an easement over the waterline using standard City format. (DS)

#### **DEVELOPMENT SERVICES DIVISION STREET CONDITIONS**

194. Developer is responsible for construction of an eight (8) foot wide sidewalk adjacent to the curb along the Esplanade Drive and Vineyard Avenue frontages of the project with the exception of a section of sidewalk on Esplanade Drive between the westerly driveway and the west end of the new bus pull-out to the west. The section of sidewalk to remain at its current width and location shall have any uplifted, missing, damaged or non-ADA compliant portions removed and/or repaired. (DS)

195. Developer is responsible for construction of a twelve (12) foot wide shared use sidewalk adjacent to the curb along the Wagon Wheel Road frontage of the project generally as depicted on the tentative parcel map. (DS)

196. Developer shall coordinate construction of the Wagon Wheel Road, Esplanade Drive, and Vineyard Avenue frontage sidewalks with proposed City projects along the project frontage. Developer may be directed by the Development Services Director to delay removal of the existing sidewalks and instead provide a bond (or other financial instrument acceptable to the City Finance Director) to guarantee future construction by the Developer or provide sufficient funds to the City to construct the improvements as a part of the City project. If sidewalk improvements are delayed, Developer shall repair uplifted, missing, damaged or non-ADA compliant portions of the existing sidewalk as directed by the Development Services Director. (DS)
197. Developer shall design the bus pull out and associated improvements along Esplanade Drive and Vineyard Avenue. Such design may include redesign of portions of Wagon Wheel Road. Design of such improvements is subject to the approval of the Traffic Engineer and shall be provided to the City with the site improvement plants. At said time, Developer shall also provide the files in AutoCad format, subject to the Traffic Engineers specifications and recommendations. (TR)

**DEVELOPMENT SERVICES DIVISION PEDESTRIAN & MULTI-USE TRAIL (MUT) CONDITIONS**

198. Developer shall not construct any stormdrain inlets within the proposed MUT and shall minimize the construction of stormdrain manholes within the MUT. (DS)
199. Developer shall remove all existing above ground improvements (primarily pavement) from the limits of the MUT and the MUT area shall be left in a relatively level condition. Stormwater drainage from the MUT shall be conveyed to the Developer's site. The MUT shall not alter drainage from the adjacent railroad property. (DS)
200. Developer shall construct a minimum 7-foot wide sidewalk at all locations where the sidewalk is constructed adjacent to the front of parking spaces. (DS)
201. Developer shall construct proposed walkways that cross vehicular drive aisles of color-enhanced concrete. The concrete color shall contrast with the parking lot asphalt to clearly identify pedestrian areas. (DS)

**DEVELOPMENT SERVICES DIVISION SPECIAL TRAFFIC CONDITIONS**

202. Developer shall install a traffic signal at the intersection of Esplanade Drive and the driveway along the entrance of Building D (Food for Less). The traffic signal improvements shall include a battery back-up system, both video and wired loops for vehicle detection along with an emergency vehicle detection system. The entire signal design shall comply with specifications for the City's Intelligent Transportation System. (TR)

203. Developer shall construct a raised median diverter along Esplanade Drive at the easterly and westerly driveways serving the gas/service station that prohibit (block) outward bound left-turn movements from both driveways. Final design shall be approved by the City Traffic Engineer. (TR)
204. Developer acknowledges that if left-turning traffic from Esplanade Drive into the driveway serving the gas station is observed exceeding the capacity of the two-way left-turn lane, resulting in blocking the westbound through traffic, the City may alter Esplanade Drive to prohibit westbound left-turning movements into this driveway. City will discuss alternative solutions to address the potential queuing issue with the property owner prior to prohibiting left-turning movements. The City Traffic Engineer shall determine the effectiveness and reasonableness of any alternative solution proposed by the property owner. If no alternative solution to the queuing issue is acceptable to the City Traffic Engineer, Developer shall not object to the prohibition of westbound left-turning traffic into the gas station driveway. (TR)
205. Developer shall ensure that deliveries to the site access Esplanade Drive via Vineyard Avenue or Oxnard Boulevard and prohibit truck deliveries via Wagon Wheel Road. (TR)
206. Developer shall re-design all site parallel parking stalls to comply with City Standard sizing of 9 feet wide by 23 feet long. During the redesign of these stalls the end finger planters shall be increased to meet a minimum of 9' wide.(TR)

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

207. Developer shall construct a concrete apron along the length of all trash enclosure openings that extends a minimum of 15 feet from the face of the enclosure. (DS)
208. Prior to issuance of a grading or site improvement permit, Developer shall provide written authorization (or similar document) from affected property owner(s) for any offsite construction or construction negatively affecting adjacent parcels including the railroad right-of-way and property providing Vineyard Avenue driveway access. (DS)
209. Developer acknowledges that provision of a continuous unobstructed vehicular drive aisle along the west (rear) side of buildings B and C that results in a vehicular connection to the adjacent southerly parcel would be a benefit to the general circulation for this project. Developer shall not object to removal of the existing fence and provision of a vehicular connection constructed in accordance with good engineering practice when the adjacent property redevelops. (DS)
210. Prior to issuance of a grading or site improvement permit, Developer shall provide evidence of recordation of a reciprocal access, parking, drainage, utility, and site maintenance covenant (or similar document) encumbering all properties covered under this permit. (DS)
211. Developer shall phase construction in a manner that results in a minimum of two points of vehicular access to all parking lots serving occupied structures. (DS)

212. Developer shall construct the irrigation system serving the temporary “groundcover” area indicated on section D of conceptual landscape plan sheet 25 as a separate phase to allow for easy disconnection when the widening of Esplanade Drive is completed. (DS)
213. Developer shall remove the existing pavement, fence, and other existing improvements that encroach into the adjacent railroad property. After removal of these improvements, Developer shall install a chain link fence, or the equivalent, along the subject property line. The requirements of this condition may be waived if Developer provides written evidence that the railroad property owner specifically requests that the improvements remain or for other circumstances deemed acceptable to the Development Services Director. (DS)
214. Prior to issuance of a grading/site improvement permit, Developer shall submit parcel map 12-300-001 for recordation. (DS)
215. Developer shall not construct any site improvements that result in restricting access to the City’s existing storm drain system. (DS)

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

AYES: Commissioners  
NOES: Commissioners  
ABSENT: Commissioners

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Anthony R. Murguia, Chairman

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