



Meeting Date: 04 / 24 / 2012

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input type="checkbox"/> Info/Consent
<input type="checkbox"/> Ord. No(s). _____	<input type="checkbox"/> Report
<input type="checkbox"/> Res. No(s). _____	<input checked="" type="checkbox"/> Public Hearing/ Info Consent
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____

Prepared By: Brian Foote, AICP, Associate Planner ~~B-333~~ Agenda Item No. K-1

Reviewed By: City Manager ABB City Attorney SME Finance AR Other (Specify) _____

DATE: April 16, 2012

TO: City Council

FROM: Susan L. Martin, AICP, Planning Manager SM
Development Services Department

SUBJECT: Tentative Map No. 5885 – Planning & Zoning Permit No. 10-300-05 (Tentative Subdivision Map) Located at 2600 Challenger Place and 150, 300, 350 & 400 Discovery Drive. Filed by Valerie Draeger, Triliad Development Inc., on behalf of PEGH Investments L.L.C.

RECOMMENDATION

That City Council adopt a resolution approving the Tentative Subdivision Map for Tract No. 5885 (Planning & Zoning Permit No. 10-300-05), subject to the conditions set forth in Planning Commission Resolution No. 2012-03.

DISCUSSION

The subject property is located at the northeast corner of East Fifth Street and Rice Avenue (see Attachment 1), approximately 32 gross acres in size, and vacant and unimproved except for the Jim Hall Kart Racing School on the easterly half of the property. The subject property is bounded by Fifth Street to the south, Rice Avenue to the west, and Sturgis Road to the north. A tentative map is requested to subdivide the property into six parcels varying in size between 2.4 and 10.8 acres each for future industrial development, plus one common lot for drainage and right-of-way purposes (see Attachment 2). No development is proposed at this time. The proposal conforms to the 2030 General Plan, zoning, and development standards applicable to the subject property.

At the Planning Commission hearing on March 15, 2012, the Commissioners had questions about future vehicle traffic, and commented favorably about the potential for future industrial development and employment opportunities, the potential for expansion of existing Oxnard businesses, compatibility with adjacent industrial development, and compatibility with the future State Route 1 designation along Rice Avenue. There were no speakers from the general public.

The Planning Commission adopted Resolution No. 2012-03 recommending that the City Council approve the proposed tentative map, and recommended adoption of Mitigated Negative Declaration No. 11-04 in accordance with the California Environmental Quality Act (CEQA). No potentially significant environmental impacts were identified, and mitigation measures will be applicable to the project. The

mitigation measures will be applicable for the future development of each lot, such as monitoring of on-site grading activities, construction of off-site roadway improvements, and payment of applicable development impact fees. The Planning Commission staff report, resolution, and meeting minutes are attached (Attachments 4, 5, 6).

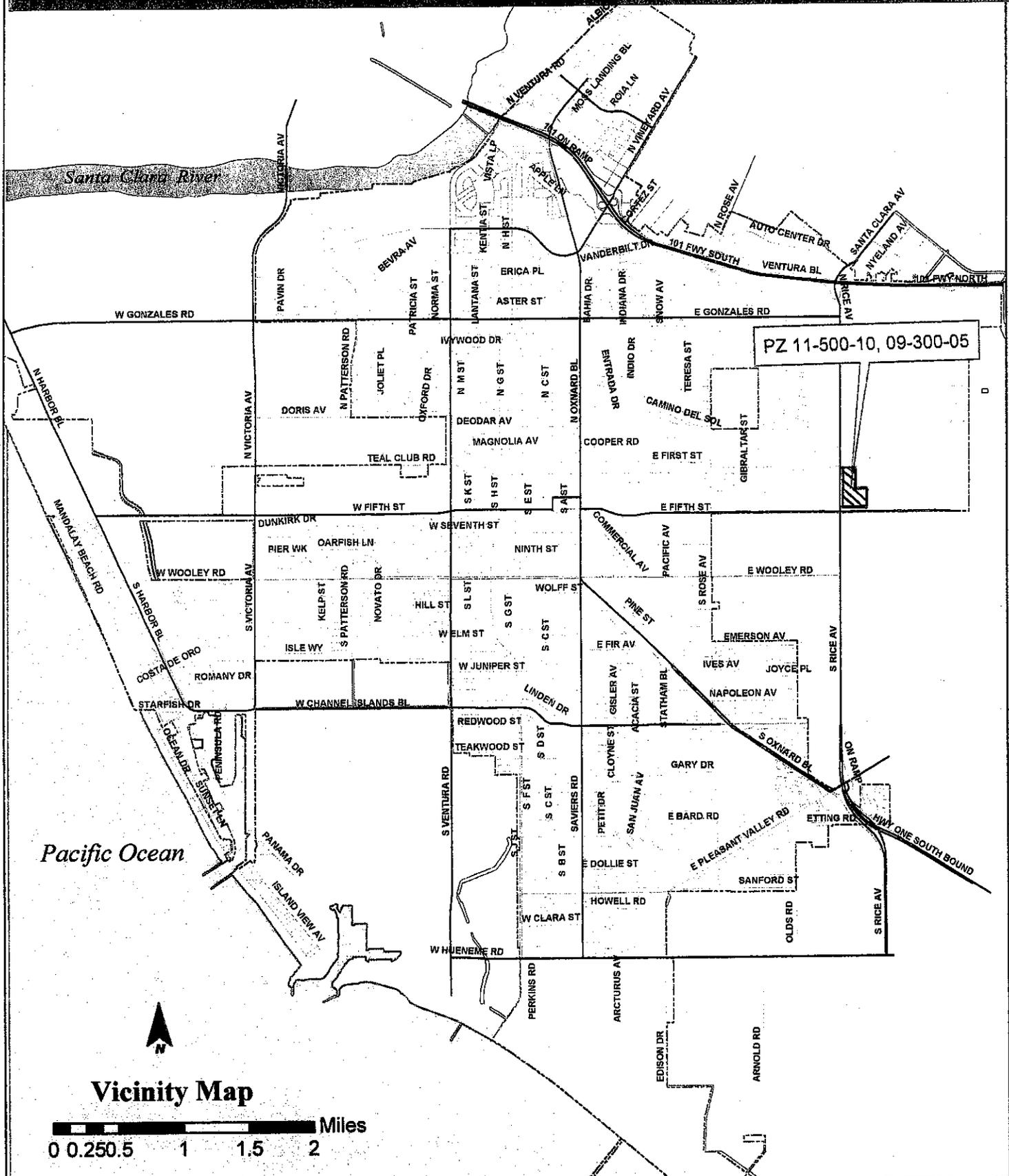
FINANCIAL IMPACT

At the time of future development, the applicable impact fees will be assessed and paid prior to issuance of building permits, including the traffic impact fee and Public Art Program fee. This project will result in various financial benefits to the City, including additional property taxes after future development.

- Attachment 1 - Location Map
2 - Tentative Subdivision Map for Tract No. 5885
3 - City Council Resolution, Tentative Subdivision Map
4 - Planning Commission Minutes
5 - Planning Commission Resolution
6 - Planning Commission Staff Report

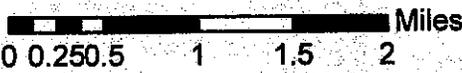
Note: Attachment 6 has been provided to the City Council under separate cover. Copies are available for review at the Circulation Desk in the Library after 6:00 p.m. on Thursday prior to the Council meeting, and at the City Clerk's Office after 8:00 a.m. on the Friday prior.

Vicinity Map



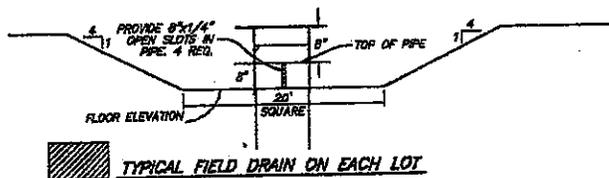
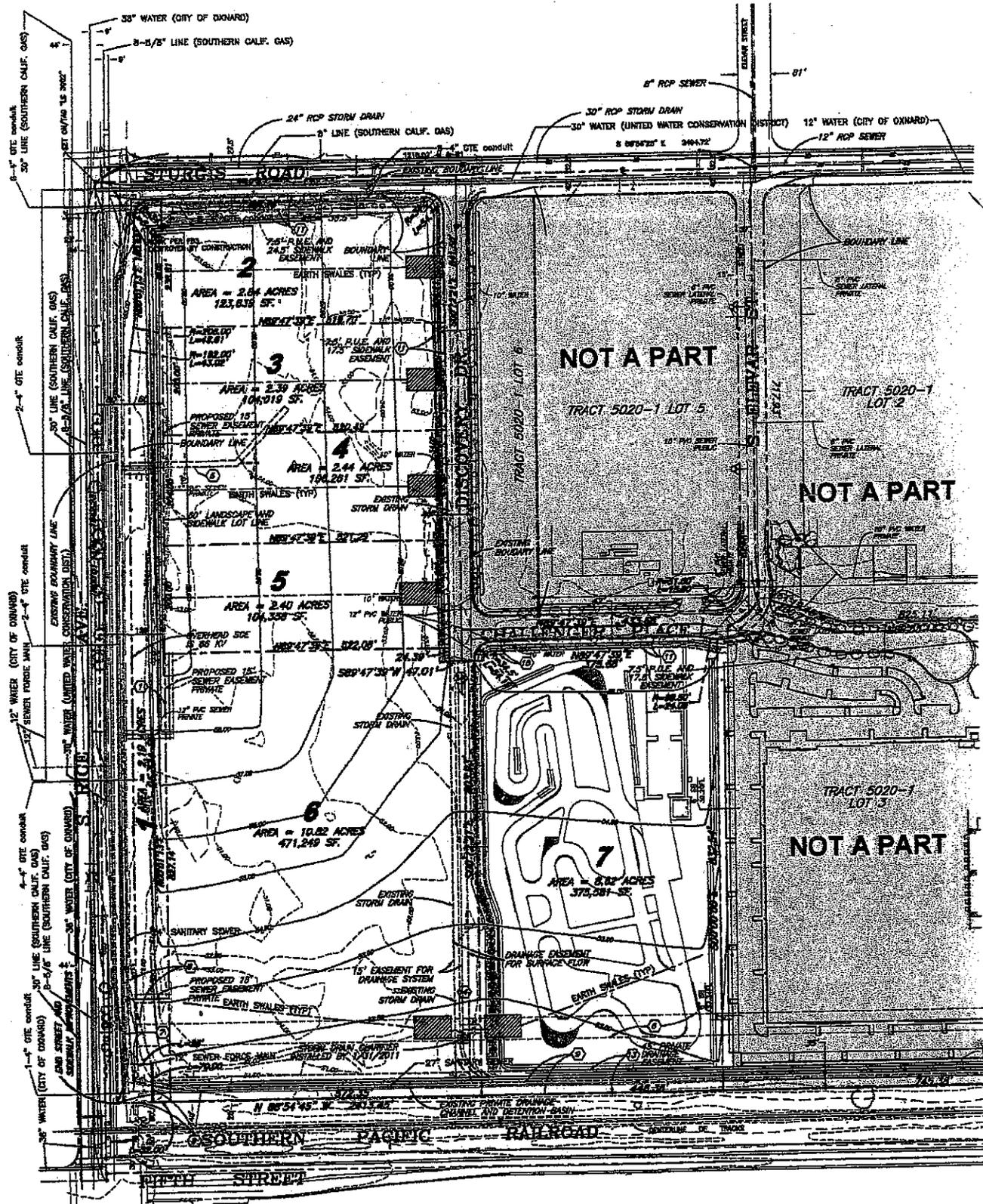
PZ 11-500-10, 09-300-05

Vicinity Map



PZ 11-500-10, 09-300-05
Location: 2600 Challenger Pl
APN: 216016040
Triliad Development Inc.

ATTACHMENT 1
PAGE 1 OF 1



STORM WATER QUALITY
 EACH LOT OF THIS PROJECT WILL BE DESIGNED TO MEET REQUIREMENTS OF THE VENTURA COUNTY MUNICIPAL STORMWATER PERMIT UNDER THE EFFECTIVE DATE CLAUSE OF CONSTRUCTION ORDER (44-2010-0106) BOARD ORDER THE PROJECT IS SUBJECT TO MEETING THE REQUIREMENTS OF THE 2008 TECHNICAL MANUAL AND RELATED VENTURA COUNTY STORMWATER QUALITY URBAN IMPACT MANAGEMENT PLAN (SQUMP).
 THIS INCLUDES THE CONTROL MEASURES SPECIFIED IN THE 2008 TECHNICAL GUIDANCE MANUAL FOR TREATMENT CONTROL MEASURES. THOSE MEASURES INCLUDE SITE DESIGN, SITE-SPECIFIC SOURCE CONTROL AND TREATMENT CONTROL MEASURES. THE HIGHEST SUPERIOR QUALITY SERVICES TO THE MAXIMUM EXTENT PRACTICABLE. EMPHASIS SHALL BE ON THE USE OF 80-50 FILTER-BASED TREATMENT CONTROLS, SUCH AS BIO-FILTRATION GARDENS, PERVIOUS CONCRETE, GRASSY SALES, ALTERNATIVE OR PROPRIETARY TREATMENT CONTROLS NOT DESCRIBED IN THE TECHNICAL MANUAL MAY BE CONSIDERED ON A CASE-BY-CASE BASIS PROVIDED THE PROJECT PROPONENT CAN DEMONSTRATE THAT TREATMENT EQUIPMENT TO APPROVED METHODS IS ACHIEVABLE AND THE CITY ENGINEER APPROVES THE ALTERNATIVE CONTROL MEASURE.

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 10-300-05 (TENTATIVE SUBDIVISION MAP) FOR TRACT NO. 5885, TO SUBDIVIDE A 31.7-ACRE PROPERTY INTO SIX INDUSTRIAL PARCELS PLUS ONE COMMON LOT, LOCATED AT 2600 CHALLENGER PLACE AND 150, 300, 350 & 400 DISCOVERY DRIVE (APN: 216-0-160-405), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY TRILIAD DEVELOPMENT INC., ON BEHALF OF PROPERTY OWNER PEGH INVESTMENTS L.L.C., 270 CONEJO RIDGE AVENUE, SUITE 200, THOUSAND OAKS, CALIFORNIA 91361-4944.

WHEREAS, City Council has carefully reviewed Planning & Zoning Permit No. 10-300-05 (Tentative Map No. 5885) located at 2600 Challenger Place and 150, 300, 350 & 400 Discovery Drive, filed by Valerie Draeger, Triliad Development, Inc., designated agent for PEGH Investments L.L.C.; and

WHEREAS, the City Council has carefully reviewed Planning Commission Resolution No. 2012-03, recommending approval of the Tentative Map, subject to certain conditions; and

WHEREAS, the City Council finds that the Tentative Map complies with all requirements of the Subdivision Map Act and the Oxnard City Code; and

WHEREAS, the City Council finds that the Tentative Map, the proposed site, and the design and improvement of the development requested are consistent with the General Plan; and

WHEREAS, the City Council 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 City of Oxnard Planning Manager has determined that, with the incorporation of certain mitigation measures, there is no substantial evidence that the project may have a significant effect on the environment; and

WHEREAS, Planning Manager has also determined that a mitigated negative declaration should be adopted for the project; and

WHEREAS, in accordance with the California Environmental Quality Act ("CEQA"), an initial study and proposed mitigated negative declaration (MND No. 11-04) for the project was prepared, notice that the City proposes to adopt MND No. 11-04 was provided to the public as required by the State CEQA Guidelines, and a period for public review of MND No. 11-04 was provided as required by Section 15073 of the State CEQA Guidelines; and

WHEREAS, the City Council has considered MND No. 11-04, together with any comments received during the public review process, and finds on the basis of the whole record before it (including the initial study and any comments received) that with the imposition of the mitigation measures as conditions of approval, there is no substantial evidence that the project will have a significant effect on the environment, and further finds that MND No. 11-04 reflects the independent judgment of the City; and

WHEREAS, the documents and other materials that constitute the record of proceedings upon which the decision to adopt MND No. 11-04 is based are located in the Planning Division of the City of Oxnard, and the custodian of the record is the Planning Division Manager; and

NOW, THEREFORE, the City Council of the City of Oxnard resolves that MND No. 11-04 and the mitigation monitoring/reporting program for the changes to the project imposed as conditions of project approval are hereby adopted, and Tentative Subdivision Map for Tract No. 5885 is hereby approved, subject to the conditions set forth in Planning Commission Resolution No. 2012-03.

PASSED AND ADOPTED this day of , 2012, by the following vote:

AYES:

NOES:

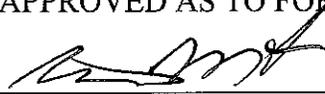
ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney

MINUTES

OXNARD PLANNING COMMISSION
REGULAR MEETING
March 15, 2012

A. ROLL CALL

At 7:00 p.m., the regular meeting of the Oxnard Planning Commission convened in the Council Chambers. Commissioners Stephen Huber, Anthony Murguia, Gilbert Guevara, Saul Medina, Vincent Stewart, and Steven Nash were present. Chairman Murguia presided and called the meeting to order. Staff members present were: Susan Martin, Planning Manager, Paul Wendt, Senior Civil Engineer; Jason Samonte, Traffic Engineer; Stephen Fischer, Assistant City Attorney; Chris Williamson, Principal Planner, Brian Foote, Associate Planner; Senior Officer Cliff Waer, Police; and Lori Maxfield, Recording Secretary.

B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES

Commissioner Nash led the pledge of allegiance.

C. PUBLIC COMMENTS

D. READING OF AGENDA

Planning Manager Martin reviewed the agenda including staff's recommendation to continue Item G-2 (PZ 11-500-07) off calendar; and continue Item G-3 (PZ 08-550-03) to April 5, 2012.

MOTION Commissioner Nash moved and Commissioner Guevara seconded a motion to continue Item G-2 (PZ 11-500-07) off calendar; and continue Item G-3 (PZ 08-550-03) to April 5, 2012. The question was called and the motion carried 6-0-1, Commissioner Mullin absent.

E. CONSENT AGENDA

1. APPROVAL OF MINUTES – February 2, 2012

MOTION Commissioner Nash moved and Commissioner Huber seconded a motion to approve the minutes of February 2, 2012 as presented. The question was called and the motion carried 6-0-1, Commissioner Mullin absent.

F. CONTINUED PUBLIC HEARINGS

1. PLANNING AND ZONING PERMIT NO. 10-300-05 (Tentative Subdivision Map), a request to subdivide approximately 32 acres into seven parcels varying in size between 2.19 and 10.82 acres each, for future industrial development consistent with the M-1-PD zone. No development is

proposed at this time. There is no substantial evidence that the proposed project may have a significant effect on the environment, and a mitigated negative declaration (MND # 11-04) will be adopted. Located at 2600 Challenger Place and 150, 300, 350 & 400 Discovery Drive. Filed by Valerie Draeger, Triliad Development, Inc., on behalf of owner PEGH Investments LLC, 270 Conejo Ridge Ave., Suite 200, Thousand Oaks, CA 91361-4944.

PROJECT PLANNER: Brian Foote

Associate Planner Foote presented the staff report including the surrounding uses; no development is currently proposed; and Mitigated Negative Declaration 11-04 with traffic study, archaeological survey, air quality, hydrology and drainage, and geotechnical engineering report. He also displayed the location, vicinity, General Plan, zoning; and tentative maps.

Traffic Engineer Samonte explained the basis for the increase in traffic.

Chairman Murguia opened the public testimony.

Ms. Valerie Draeger, Triliad Development, gave a brief presentation.

Chairman Murguia closed the public testimony.

MOTION Commissioner Nash moved and Commissioner Stewart seconded a motion to adopt a resolution recommending City Council approval of PZ 10-300-05, a Tentative Subdivision Map to allow subdivision of approximately 32 acres on vacant land into six parcels for future industrial development plus one common lot, located at 2600 Challenger Place and 150, 300, 350, and 400 Discovery Drive, subject to certain findings and conditions. The question was called and the motion carried 5-1-1, Commissioner Medina voting no, Commissioner Mullin absent.

NEW PUBLIC HEARINGS

1. **PLANNING AND ZONING PERMIT NO. 11-550-1 (Major Modification)**, a request for approval of a major modification to Special Use Permit No. 04-500-28, to remove one interior wall between dining rooms and reconfigure one existing bar in Ruby's Café. The project site is located at 348 and 350 South Oxnard Boulevard. This project is exempt from environmental review pursuant to Sections 15301 of the California Environmental Quality Act (CEQA) Guidelines. Filed by Coastal Architects, on behalf of property owner Guadalupe Martinez, 505 South A Street, Suite #200, Oxnard, CA 93030.

PROJECT PLANNER: Brian Foote

Associate Planner Foote presented the staff report including the surrounding uses; parking study; access/exit doors; occupancy limits; Police Department not opposed to the project; and Condition No. 50 to be deleted. He also displayed the location, General Plan, and zoning maps; aerial and site photos; aerial photo of parking facilities; existing and proposed floor plans; interior photos;

Chairman Murguia opened the public testimony.

RESOLUTION NO. 2012 -- 03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING CITY COUNCIL APPROVAL OF PLANNING AND ZONING PERMIT NO. 10-300-05 (TENTATIVE SUBDIVISION MAP) TO ALLOW SUBDIVISION OF APPROXIMATELY 32 ACRES OF VACANT LAND INTO SIX PARCELS FOR FUTURE INDUSTRIAL DEVELOPMENT PLUS ONE COMMON LOT, LOCATED AT 2600 CHALLENGER PLACE AND 150, 300, 350 & 400 DISCOVERY DRIVE (APN 216-0-160-405), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY VALERIE DRAEGER, TRILIAD DEVELOPMENT INC., 270 CONEJO RIDGE AVENUE, SUITE 200, THOUSAND OAKS, CA 91361.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 10-300-05, filed by Valerie Draeger, Triliad Development Inc., in accordance with Chapter 15 of the Oxnard City Code; and

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

WHEREAS, in accordance with the California Environmental Quality Act, the Planning Commission considered the project Initial Study, together with any comments received during the public hearing process, finds on the basis of the whole record before it 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 Initial Study reflects the independent judgment of the City, and adopts the Mitigated Negative Declaration; 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 has held a public hearing at which it received and considered oral and written testimony on the addendum to Mitigated Negative Declaration No. 11-04 for the proposed project; and

WHEREAS, the comments of the Planning Commissioners, members of the public, and interested groups and agencies have been adequately responded to; and

WHEREAS, the documents and other materials that constitute the record of proceedings upon which the decision to adopt the addendum 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 that the Tentative Map complies with all requirements of the Subdivision Map Act and the Oxnard City Code; and

WHEREAS, the Planning Commission finds that the Tentative Map, the proposed site, and the design and improvement of the development requested are consistent with the General Plan; 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 proposed division of land 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 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 or visit in this subdivision in particular.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby recommends to the City Council the approval of the tentative subdivision 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*).

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 January 4, 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 Manager or a major modification to the plans is approved by the Planning Commission. A minor modification may be granted for minimal changes or increases in the extent of use or size of structures or of the design, materials or colors of structures or masonry walls. A major modification shall be required for substantial changes or increases in such items. (PL, G-2)
3. This permit shall automatically become null and void 36 months from the date of its issuance, unless Developer has diligently developed the proposed project, as shown by the issuance of a grading, foundation, or building permit and the construction of substantial improvements. (PL, G-3)
4. All required off-site and on-site improvements for the project, including structures, paving, and landscaping, shall be completed prior to occupancy unless the Development Services Manager allows Developer to provide security or an executed agreement approved by the City Attorney to ensure completion of such improvements. (DS, G-4)
5. By commencing any activity related to the project or using any structure authorized by this permit, Developer accepts all of the conditions and obligations imposed by this permit and waives any challenge to the validity of the conditions and obligations stated therein. (CA, G-5)
6. Developer agrees, as a condition of adoption of this resolution, at Developer’s own expense, to indemnify, defend and hold harmless the City and its agents, officers and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of the resolution or any condition attached thereto or any proceedings, acts or determinations taken, done or made prior to the approval of such resolution that were part of the approval process. Developer’s commencement of construction or operations pursuant to the resolution shall be deemed to be an acceptance of all conditions thereof. (CA, G-6)
7. Any covenants, conditions, and restrictions (CC&Rs) applicable to the project property shall be consistent with the terms of this permit and the City Code. If there is a conflict between the CC&Rs and the City Code or this permit, the City Code or this permit shall prevail. (CA, G-7)
8. Developer shall complete the “Notice of Land Use Restrictions and Conditions” form, using the form provided by the City, for recording with the Ventura County Recorder. Before the City issues building permits, Developer shall submit the original completed, signed and notarized document, together with the required fees to the Planning Manager. (PL, G-8)

9. Developer shall 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 STANDARD CONDITIONS

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

PLANNING SPECIAL CONDITIONS

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

DEVELOPMENT SERVICES STANDARD CONDITIONS

15. 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)
16. 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)
17. 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)

18. Developer shall remove and replace all improvements that are damaged during construction. (DS-6)
19. 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)
20. A civil engineer licensed in the State of California shall prepare the public improvement plans and documents for this project in accordance with City standards and shall submit all such plans to the City Engineer. Such plans and documents shall include, but not be limited to, grading, street, drainage, sewer, water and other appurtenant improvement plans; a master utility plan showing the layout and location of all on-site and off-site utility improvements that serve the project; construction cost estimates, soils reports, and all pertinent engineering design calculations. City will not accept an application for the final map or parcel map for the project or issue a grading, site improvement or building permit until the City Engineer has approved all improvement plans. (DS-15)
21. 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)
22. 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)
23. Developer agrees, as a condition of approval of this resolution, to indemnify, defend and hold harmless, at Developer's expense, City and its agents, officers and employees from and against any claim, action or proceeding commenced within the time period provided for in Government Code Section 66499.37, to attack, review, set aside, void or annul the approval of this resolution or to determine the reasonableness, legality or validity of any condition attached thereto. City shall promptly notify Developer of any such claim, action or proceeding of which City receives notice, and City will cooperate fully with Developer in the defense thereof. Developer shall reimburse City for any court costs and attorney's fees that City may be required to pay as a result of any such claim, action or proceeding. City may, in its sole discretion, participate in the defense of any such claim, action or proceeding, but such participation shall not relieve Developer of the obligations of this condition. Developer's acceptance of this resolution or commencement of construction or operations under this resolution shall be deemed to be acceptance of all conditions thereof. (DS-18)

24. 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)
25. 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)
26. 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)
27. Developer shall pay the cost of all inspections of on-site and off-site improvements. (DS-22)
28. Developer shall be responsible for all project-related actions of Developer's employees, contractors, subcontractors, and agents until City accepts the improvements. (DS-23)
29. 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)
30. Prior to approval of the final map or parcel map, Developer shall provide the City Engineer with written evidence from the Ventura County Clerk's Office that Developer has executed and filed with the Clerk all certificates, statements and securities required by Government Code Sections 66492 and 66493. (DS-26)
31. "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)

32. Developer shall retain a Civil Engineer licensed in the State of California to ensure that the construction work conforms to the approved improvement plans and specifications and to provide certified "as-built" plans after project completion. Developer's submittal of the certified "as-built" plans is a condition of City's final acceptance of the project. (DS-29)
33. 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)
34. In order to mitigate any potential flooding or erosion affecting adjacent properties and public rights-of-way, Developer shall construct required drainage facilities concurrently with the rough grading operations, or with prior approval of the City Engineer, provide interim drainage improvements on a temporary basis. (DS-31)
35. 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)
36. Each lot shall drain into a street, alley, or approved drain so that there will be no undrained depressions. (DS-35)
37. 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)
38. 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)
39. 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)
40. Developer shall construct all street and road improvements in conformance with the City Code, the City's 2030 General Plan, and any applicable specific plan. (DS-48)

41. Developer shall dedicate and improve to City standards all sidewalks, parkways, streets, alleys, and street appurtenances. City will name all streets in accordance with adopted City guidelines. (DS-49)
42. Street and road improvements shall conform to City standards and policies. Improvements shall include upgrading of existing pavement along the project frontage to City standards by removing and replacing or overlaying, as directed by the City Engineer. (DS-51)
43. Developer shall improve all streets, alleys, sidewalks, curbs, and gutters adjacent to the project in accordance with City standards, as necessary to provide safe vertical and horizontal transitions. (DS-52)
44. Developer shall provide soils reports, "R" value tests, and compaction tests for all streets. Determination of the actual structural sections shall be based on City's design procedure, applying the appropriate traffic index specified in City standards. (DS-53)
45. Developer shall install all water, gas, sewer, storm drain, electrical, cable television, and telephone lines before any paving is placed. (DS-54)
46. Prior to release of the final map or parcel map for recordation, Developer shall provide the City Engineer with a 100-scale base map for addressing purposes. The map shall be drawn on 18-inch by 24-inch mylar and shall show the standard address map title block, north arrow, street names, tract number, phase boundary and lot numbers. The City will assign all addresses. (DS-56)
47. Prior to release of the final map or parcel map for recordation, Developer shall post a bond or other security satisfactory to the City Attorney, guaranteeing that all monuments will be set as required by the Government Code and the City Code. (DS-57)
48. Developer shall submit a landscape irrigation plan prepared by a licensed professional, showing proper water meter size, backflow prevention devices, and cross-connection control. (DS-59)
49. As part of the master utility plans, Developer shall submit a street lighting plan. On City's approval of the plan, Developer shall install streetlights in accordance with the plan. (DS-60)
50. 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)
51. Developer shall provide adequate vehicle sight distance as specified by CalTrans specifications at all driveways and intersections. (TR-71)

52. Developer, property owner or tenant shall participate in a Traffic Management Association (TMA) if one is formed and shall implement and participate in all programs and strategies established by the TMA. This condition shall be included in all leases and rental agreements for the project property. (TR-72)
53. Developer shall install bike racks in accordance with City standards at locations approved by City Traffic Engineer. (TR-73)
54. 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)
55. 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)
56. In non-residential developments where fifty or more persons are employed, Developer shall include a transportation information center stocked with bus schedules, rideshare information, and related information on alternative methods of transportation. Developer or owner shall update such information at least once a month. (TR-77)
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)

DEVELOPMENT SERVICES SPECIAL CONDITIONS

58. Subdivider shall dedicate a waiver of direct access (ingress and egress) rights to Rice Avenue from proposed lots 1 through 6. The dedication and acceptance shall occur on the final map. (DS)
59. Subdivider shall include on the final map the dedication of a non-exclusive sidewalk easement to City that encompasses the sidewalk along Rice Avenue. (DS)
60. Prior to, or concurrent with, recordation of the final map, Subdivider shall execute a Stormwater Acceptance Deed to perpetually accept stormwater runoff from Rice Avenue onto private property. In lieu of this deed, Subdivider may construct and dedicate a separate stormdrain system for dedication to the City. Deed shall include a standard hold harmless clause providing the City within indemnification for any damage caused by directing drainage onto private property. (DS)
61. Future projects within this subdivision are eligible to provide stormwater quality in accordance with the requirements of the July 2000 Municipal Separate Storm Sewer System (MS4) and associated 2002 TGM based on the exception criteria included in the 2010 MS4 permit and associated 2011 Technical Guidance Manual (TGM). (DS)

62. All future projects within this subdivision shall design proposed site improvements to promote significant infiltration as required by the 2002 TGM. (DS)
63. Subdivider shall provide sediment removal from stormwater runoff by constructing sediment basins designed to meet or exceed the standards of Fact Sheet SE-2 Sediment Basin distributed by CASQA on each lot. Alternative means of sediment removal may be approved by the Development Services Manager. (DS)
64. Developer shall widen northbound Rice Avenue to provide three 12-foot wide northbound through lanes, an 8 foot wide northbound bike lane, curb, gutter and a 6 foot wide meandering sidewalk. Improvements shall be modified at the intersection of Sturgis Road to include a 12 foot wide dedicated right turn pocket with the bicycle lane reduced to 6 feet wide. These improvements shall extend from Sturgis Road to the north property line of the railroad right-of-way. Final design is subject to approval of the City Traffic Engineer. The design and construction of the Rice Avenue improvements is not required until such time as a permit or other grant of approval for development of the first of Lots 1 through 6 is proposed. When a permit or other grant of approval for development of the first of Lots 1 through 6 is proposed, the entire Rice Avenue widening shall be completed. If Developer chooses to defer Rice Avenue improvements, Developer shall record a document providing notice to future purchasers of Lots 1 through 6 of this deferred improvement requirement. Developer shall enter into a subdivision improvement agreement and post security in accordance with Subdivision Map Act Section 66462 prior to recordation of the final map whether the improvements are proposed for immediate improvement or are deferred into the future. (TR/DS)

STORMWATER QUALITY CONDITIONS

65. 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)

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

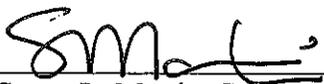
AYES: Commissioners: Nash, Stewart, Guevara, Huber, Murguia

NOES: Commissioner: Medina

ABSENT: Commissioner: Mullin



Anthony R. Murguia, Chair

ATTEST: 
Susan L. Martin, Secretary