



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
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____

Prepared By: Ashley, Golden, Principal Planner

Agenda Item No. L-1

Reviewed By: City Manager [Signature] City Attorney [Signature] Finance [Signature] Other (Specify) _____

DATE: November 28, 2012

TO: City Council

FROM: Susan L. Martin, AICP, Planning Manager [Signature]
Development Services Department

SUBJECT: **Redevelopment of the Food 4 Less Gateway Plaza - Planning and Zoning Permit Nos. 12-540-1(PD), 12-500-1 (SUP), 12-510-1 (SUP for Alcohol), and 12-300-1 (TPM); Located at the southwest corner of Vineyard Avenue and West Esplanade Drive. Filed by The Kroger Company, Greg Peters, 1100 West Artesia Blvd, Compton, CA 90220.**

RECOMMENDATION

That City Council:

1. Adopt a resolution upholding the Planning Commission’s approval of Planning and Zoning Permit No. 12-540-1 (Planned Development Permit), subject to the conditions set forth in Planning Commission Resolution No. 2012-29; and
2. Adopt a resolution upholding the Planning Commission’s approval of Planning and Zoning Permit No. 12-500-1 (Special Use Permit), subject to the conditions set forth in Planning Commission Resolution No. 2012-30; and
3. Adopt a resolution upholding the Planning Commission’s approval of Planning and Zoning Permit No. 12-510-1 (Alcohol - Special Use Permit), subject to the conditions set forth in Planning Commission Resolution No. 2012-31; and
4. Adopt a resolution approving Tentative Parcel Map (Planning and Zoning Permit No. 12-300-1), subject to the conditions set forth in Planning Commission Resolution No. 2012-32.

DISCUSSION

The proposed 14.47 acre Food 4 Less Gateway Plaza project involves the demolition of the former Target building (117,534 square feet) and redevelopment and construction of a 159,954 square foot shopping center. The shopping center would be anchored by a Food 4 Less in a new 84,000 square foot building. The special use permits would allow for a 14-pump service station and the general sale of alcohol for off-site consumption (ABC Type 21) at the new Food 4 Less. The former 24 Hour Fitness

and existing Food 4 Less would be remodeled to match the three new buildings and service station constructed as part of this project. The planned development permit request includes a master sign program, changes to the landscape configuration, addition of transit enhancements, land dedications for roadway improvements, and a future multi-use trail are also proposed. A tentative parcel map would divide the three existing lots into six lots.

On November 15, 2012, the Planning Commission unanimously adopted Resolutions 2012-29 through 2012-32 approving the planned development permit and special use permits, and recommending that the City Council approve the tentative parcel map, all of which, in their entirety, would entitle the proposed Food 4 Less Gateway Plaza Project.

Mitigated Negative Declaration (MND) 12-01 was prepared for the project and circulated for review and comments from October 25, 2012 to November 13, 2012. Seven comment letters were received during the review period. The comment letters did not identify any new, avoidable significant effects, or result in new or altered mitigation measures or revisions to the project, and therefore do not require re-circulation of the MND. However, Section C) 1-3, page 13 of the initial study (Attachment 5) was amended in response to one comment letter to simply clarify that the project is consistent with the 2007 Air Quality Management Plan.

FINANCIAL IMPACT

The project will provide additional jobs in a sector that typically employs local residents rather than commuters. While this increase was not quantified as part of the planning review process, it is well documented that the economic activity generated by a development such as the Food 4 Less Gateway Plaza will spur additional economic activities that will further enhance the local economy.

In addition to the creation of jobs, the project has the beneficial impact of increasing sales tax revenues and increasing property taxes. The amount of these tax revenue increases is unknown at this time.

The Developer is required to pay an estimated \$79,000 into the Transportation Demand Management Fund which can be utilized to enhance public transit opportunities, improve bicycle and pedestrian facilities, or be used for other transit related programs that would improve air quality. Additional traffic impact fees will be paid to off-set impacts to local roads. Additionally, the Developer may pay a Public Art Fee, or provide public art on site.

(AG)

- Attachment #1- City Council Resolution (Planned Development Permit)
#2- City Council Resolution (Special Use Permit)
#3- City Council Resolution (Alcohol Special Use Permit)
#4- City Council Resolution (Tentative Parcel Map)
#5- Mitigated Negative Declaration 12-01 Revised 11.16.12
#6- PC Staff Report (without Attachments)
#7- Project Plans
#8- Sign Program
#9- Police Report
#10- Planning Commission Resolution Nos. 2012-29 through 2012-32

Note: Attachment 5 has been provided to City Council under separate cover. Copies for review are available at the Help Desk in the Library after 6:00 p.m. on Wednesday prior to the Council meeting and in the City Clerk's Office after 10:00 a.m. on Thursday prior to the Council meeting.

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING SPECIAL USE 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, on November 15, 2012 the Planning Commission of the City of Oxnard considered MND 12-01 and approved Planning and Zoning Permit No. 12-540-1 (Planned Development Permit) for the redevelopment and construction of the Food 4 Less Gateway Plaza Commercial Project for property located at the southwest corner of Vineyard Avenue and Esplanade Drive, filed by the Kroger Company.

WHEREAS, the City Council has carefully reviewed the Planning Commission action recommending approval thereof, subject to certain conditions, the staff report, and minutes of testimony at the public hearing; and

WHEREAS, on November 16, 2012, Planning Staff filed an appeal with the City Clerk requesting that the City Council review the Planning Commission November 15, 2012 decision to approve Planning and Zoning Permit No. 12-540-1 (Planned Development Permit) in order to provide an efficient and coordinated review of a multiple permit project; and

WHEREAS, the City Council has carefully reviewed the Planning Commission staff report, the minutes of testimony at the November 15, 2012 public hearing, and Planning Commission Resolution No. 2012-29 approving Planning and Zoning Permit No. 12-540-1 (Planned Development Permit) action recommending approval thereof, subject to certain conditions, the staff report, and minutes of testimony at the public hearing; and

WHEREAS, the City Council held a public hearing and received and reviewed written and oral comments related to proposed Planning and Zoning Permit No. 12-540-1 (Planned Development Permit); 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 City Council 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.

NOW, THEREFORE, the City Council of the City of Oxnard resolves:

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 Planning Commission Resolution No. 2012-29.
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.

NOW, THEREFORE, the City Council of the City of Oxnard does hereby resolve to adopt the mitigation monitoring and reporting program and MND 12-01, and approve Planning & Zoning Permit No. 12-540-1 (Planned Development Permit) subject to the conditions set forth in Planning Commission Resolution No. 2012-29, on file in the Planning Division, and incorporated herein by reference.

PASSED AND ADOPTED this 11th day of December, 2012, by the following vote:

AYES:

NOES:

ABSENT:

Tim Flynn, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING SPECIAL USE 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, on November 15, 2012 the Planning Commission of the City of Oxnard considered MND 12-01 and approved Planning and Zoning Permit No. 12-500-1 (Special Use Permit) for a service station associated with the Food 4 Less Gateway Plaza Commercial Project for property located at the southwest corner of Vineyard Avenue and Esplanade Drive, filed by the Kroger Company.

WHEREAS, the City Council has carefully reviewed the Planning Commission action recommending approval thereof, subject to certain conditions, the staff report, and minutes of testimony at the public hearing; and

WHEREAS, on November 16 2012, Planning Staff filed an appeal with the City Clerk requesting that the City Council review the Planning Commission November 15, 2012 decision to approve Planning and Zoning Permit No. 12-500-1 (Special Use Permit) in order to provide an efficient and coordinated review of a multiple permit project; and

WHEREAS, the City Council has carefully reviewed the Planning Commission staff report, the minutes of testimony at the November 15, 2012 public hearing, and Planning Commission Resolution No. 2012-30 approving Planning and Zoning Permit No. 12-500-1 (Special Use Permit) action recommending approval thereof, subject to certain conditions, the staff report, and minutes of testimony at the public hearing; and

WHEREAS, the City Council held a public hearing and received and reviewed written and oral comments related to proposed Planning and Zoning Permit No. 12-500-1 (Special Use Permit)

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 City Council 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.

NOW, THEREFORE, the City Council of the City of Oxnard resolves:

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 Planning Commission Resolution No. 2012-30.
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.

NOW, THEREFORE, the City Council of the City of Oxnard does hereby resolve to approve Planning & Zoning Permit No. 12-500-1 (Special Use Permit) subject to the conditions set forth in Planning Commission Resolution No. 2012-30, on file in the Planning Division, and incorporated herein by reference.

PASSED AND ADOPTED this 11th day of December, 2012, by the following vote:

AYES:

NOES:

ABSENT:

Tim Flynn, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING SPECIAL USE 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, on November 15, 2012 the Planning Commission of the City of Oxnard considered MND 12-01 and approved Planning and Zoning Permit No. 12-510-1 (Special Use Permit for Alcohol) to allow the general sale of alcohol for off-site consumption (ABC Type 21) within a grocery store as part of the Food 4 Less Gateway Plaza Commercial Project for property located at the southwest corner of Vineyard Avenue and Esplanade Drive, filed by the Kroger Company.

WHEREAS, the City Council has carefully reviewed the Planning Commission action recommending approval thereof, subject to certain conditions, the staff report, and minutes of testimony at the public hearing; and

WHEREAS, on November 16, 2012, Planning Staff filed an appeal with the City Clerk requesting that the City Council review the Planning Commission November 15, 2012 decision to approve Planning and Zoning Permit No. 12-510-1 (Special Use Permit for Alcohol) in order to provide an efficient and coordinated review of a multiple permit project; and

WHEREAS, the City Council has carefully reviewed the Planning Commission staff report, the minutes of testimony at the November 15, 2012 public hearing, and Planning Commission Resolution No. 2012-31 approving Planning and Zoning Permit No. 12-510-1 (Special Use Permit for Alcohol) action recommending approval thereof, subject to certain conditions, the staff report, and minutes of testimony at the public hearing; and

WHEREAS, the City Council held a public hearing and received and reviewed written and oral comments related to proposed Planning and Zoning Permit No. 12-510-1 (Special Use Permit for Alcohol); 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 City Council 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.

NOW, THEREFORE, the City Council of the City of Oxnard resolves:

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 Planning Commission Resolution No. 2012-31.
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.

NOW, THEREFORE, the City Council of the City of Oxnard does hereby resolve to approve Planning & Zoning Permit No. 12-510-1 (Special Use Permit) subject to the conditions set forth in Planning Commission Resolution No. 2012-31, on file in the Planning Division, and incorporated herein by reference.

PASSED AND ADOPTED this 11th day of December, 2012, by the following vote:

AYES:

NOES:

ABSENT:

Tim Flynn, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING 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, on November 15, 2012 the Planning Commission of the City of Oxnard considered MND 12-01 and an application for the Food 4 Less Gateway Plaza Commercial Project for property located at the southwest corner of Vineyard Avenue and Esplanade Drive, filed by the Kroger Company, and made a recommendation of approval for Planning and Zoning Permit No. 12-300-1 (Tentative Parcel Map).

WHEREAS, the City Council has reviewed Planning & Zoning Permit No. 12-300-1 (Tentative Map) for property located at the southwest corner of Vineyard Avenue and Esplanade Drive, filed by the Kroger Company.

WHEREAS, the City Council has carefully reviewed Planning Commission Resolution No.2012-32, 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 and the design and improvement of the proposed development 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 the development will not cause substantial environmental damage, serious public health problems or conflict with any public utility or service easements; 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 City Council 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

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PZ 12-300-1
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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.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OXNARD DOES HEREBY RESOLVE AS FOLLOWS:

Tentative Parcel Map is hereby approved, subject to the conditions set forth in Planning Commission Resolution No. 2012-32.

PASSED AND ADOPTED this 11th day of December 2012, by the following vote: _____

AYES:

NOES:

ABSENT:

Tim Flynn, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney

ATTACHMENT 4
PAGE 2 OF 2

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Ashley Golden, Principal Planner

DATE: November 15, 2012

SUBJECT: Redevelopment of the Food 4 Less Site - Planning and Zoning Permit Nos. 12-540-1(PD), 12-500-1 (SUP), 12-510-1 (SUP for Alcohol), and 12-300-1 (TPM); Located at the corner of Vineyard Avenue and West Esplanade Drive.

1) Recommendation: That the Planning Commission adopt resolutions:

- a. Approving a planned development permit for redevelopment of an existing shopping center, subject to certain findings and conditions;
- b. Approving a special use permit for a service station, subject to certain findings and conditions;
- c. Approving a special use permit for sale of alcoholic beverages (beer, wine and spirits) from a grocery store for off-site consumption, subject to certain findings and conditions; and
- d. Recommending approval of a tentative parcel map, subdividing three lots into six lots, subject to certain findings and conditions.

2) Project Description and Applicant: A request to for a planned development permit to redevelop the Food 4 Less/Target site at the corner of Vineyard Avenue and West Esplanade Drive. The subject site is also bounded by Wagon Wheel Road (bridge) and North Oxnard Boulevard to the north and the railroad right-of-way to the west. The former Target building (117,534 SF) would be demolished and the site will be redeveloped with construction of a 159,954 square foot shopping center, associated parking, landscaping and circulation improvements. The project includes a new Food 4 Less grocery store with alcohol sales for off-site consumption, a 14- pump service station, two new retail buildings, and the rehabilitation of two existing buildings (former 24 Hour Fitness building and current Food 4 Less building). A tentative parcel map would divide the three existing lots into six lots. A master sign program, changes to the landscape configuration, addition of transit enhancements, land dedications for roadway improvements, and a future multi-use trail are also proposed. The 14.47-acre site is addressed at 130, 150, 250, & 300 W. Esplanade Drive. The Planning Commission's action on the tentative parcel map request is a recommendation to the City Council. Filed by The Kroger Company, Greg Peters, 1100 West Artesia Blvd, Compton, CA 90220.

3) Existing & Surrounding Land Uses: The site is currently occupied with a shopping center consisting of three buildings totaling 177,495 square feet.

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
PROJECT SITE	C-2-PD	Commercial General	Shopping Center
North	C-2-PD	Commercial Regional	Across Esplanade Drive: The Esplanade Shopping Center.
East	C-2-PD	Commercial Office	Across Vineyard Avenue: Service Station and Financial Towers/Office Buildings
South	C-2-PD	Commercial General	West side of Vineyard Ave: Vacant Site General Commercial; Commercial/Office Uses.
West	CR/M-1-PD & C-2-PD	Easement & Commercial General	Union Pacific Railroad: vacant Commercial Building (former Levitz)

4) Background Information: In February 1963 the City approved Annexation No. 62-27, bringing the subject parcel within the city limits. In March 1963, a building permit allowed a 114,000 square foot building and a 7,600 square foot covered area (for a nursery) with site improvements consisting of 967 parking spaces (known as the former Target Building). In November 1968, PD 82 allowed for a Mobil Service Station on what used to be part of the subject site. In 1976, Parcel Map 75-8 split off the service station from the rest of the subject parcel. The service station has since been demolished, but the easements granted under PM 75-8 are still valid. Various modifications and sign permits were granted for the former Target building.

PD 403, approved on April 21, 1983, allowed for construction of a 40,000 square foot Ralphs Grocery Store (now Food 4 Less). In 1988 Ralphs received a State Alcohol Beverage Control Permit for off-site sale of alcohol. Subsequent minor modification permits have resulted in minor site and building improvements. In March 1988, the City approved a minor modification for the recycling center in the Food 4 Less parking lot.

On October 16, 1986, Planning Commission approved PD 436 allowing construction of an 18,432 office supply store (SW intersection of Wagon Wheel Road and Esplanade Drive). This building was most recently occupied by 24 Hour Fitness.

5) Environmental Determination: The project is subject to review per the California Environmental Quality Act (CEQA). In accordance with CEQA, an initial study was prepared to determine if the project may result in potentially significant adverse effects on the environment. Upon completing the initial study, four areas were identified as potentially being affected: 1) Short and long-term air quality impacts (significant impact from construction-related dust and emissions from construction equipment; significant air emissions from vehicle traffic generated by the project); 2) Cultural Resources (Native American); 3) Geology and Soils; and 4) Noise (short-term: construction related).

Mitigation measures identified in the Initial Study, and included in the Mitigation Monitoring Program and conditions of approval, reduce these impacts to less than significant. The applicant has agreed to incorporate these mitigation measures into the project.

A Mitigated Negative Declaration (MND) was prepared for the project and circulated for review and comments from October 25, 2012 to November 13, 2012. At the time of writing this report, staff received a comment letter from Susie Ruiz supporting the inclusion of mitigation measure E-1, requiring that a Native American Monitor be onsite during grading activities.

There is no substantial evidence that the proposed project may have a significant effect on the environment, and a mitigated negative declaration (MND 12-01) will be adopted. The mitigated negative declaration was provided to the Planning Commission on October 25, 2012 and is available on the city's planning website (<http://developmentservices.cityofoxnard.org/7/76/364/>).

6) Analysis:

- a) **General Discussion:** At the time of application submittal (March 23, 2012), the Food 4 Less shopping center was 23% occupied (See Table 1). 24 Hour Fitness vacated building E in January 2009 and Target vacated the site in July 2011.

Table 1 – Existing Land Use (Available and Occupied Building Area)

Land Use	Available Building Area (Square Feet)	Occupied Building Area as of 3/23/12 (sq ft)
Retail (Food 4 Less)	41,529	41,529
Retail (Target)	117,534	0
Retail (24 Hour Fitness)	18,432	0
Total	177,495	41,529

Redevelopment of the existing shopping center would include demolition of the former 117,534 square foot Target building. An 84,000 square foot building, to be occupied by Food 4 Less, would be constructed in generally the same location as the former Target building. Food 4 Less is requesting to sell alcohol for off site consumption and would operate between 6 a.m. and 12 p.m.. Two new buildings would be constructed on both sides of the 41,429 square foot building currently occupied by Food 4 Less. A service station, operated by Kroger, would be constructed north of the existing Food 4 Less. The existing Food 4 Less and former 24 Hour Fitness buildings would be remodeled to match the new design of the shopping center. Table 2 describes the proposed project by building and land use type. Build-out of the proposed project will result in an overall *decrease* in building area of 17,517 square feet.

Table 2 – Proposed Shopping Center

Building/Land Use	New/Existing/Replacement	Square Feet
Bldg A: Retail/ Restaurant	New	6,695
Bldg B: Retail	Existing	41,529
Bldg C: Retail	New	9,120
Bldg D: Retail (Grocery)	Replacement	84,000
Bldg E: Retail/Office/Medical	Existing	18,432
Bldg F: Service Station	New	178
Recycling Containers	Replacement	384
Total		159,954

The redevelopment of the site also includes reconfiguration of most of the parking field as well as roadway improvements, transit improvements, and dedication of 12' of land adjacent to the railroad for the City's future construction of a multi-use trail (MUT) (See **Section e Circulation and Parking**).

Phasing: At this time, development of the project is anticipated in six phases over a period of 62 weeks as follows:

- Phase 1 demolition of the former Target building;
- Phase 2 construction of the new Food 4 Less building (D);
- Phase 3 site improvements;
- Phase 4 construction of buildings A & C and the rehabilitation of building E;
- Phase 5 construction of the service center (F);
- Phase 6 rehabilitation of the existing Food 4 Less building (B) and remaining site improvements.

A condition of approval requires the developer to provide a detailed phasing plan and schedule to ensure adequate access, site improvements, and condition compliance with each phase.

Tentative Parcel Map: The Tentative Parcel Map proposes to divide the property into six lots. Ordinarily, a land division creating five or more lots would require approval of a Tentative Subdivision Map and Final Map. However, Section 66426 (c) and (f) of the Subdivision Map Act permits use of a Parcel Map for land divisions with 5 or more lots if the parcels have approved access to a public street or highway, are on land zoned for commercial development, and the street alignments and widths are approved by the governing body. All of these circumstances are met by this project, and therefore a tentative parcel map and parcel map is the appropriate subdivision procedure (OCC 15-11(A)). The mitigation measures for the project and standard and special conditions are included in the

tentative parcel map resolution. The map includes vacation of public right of way in conformance with the 2030 General Plan and other adopted standards of the City of Oxnard.

b) General Plan Consistency: The City’s 2030 General Plan land use designation for the subject site is General Commercial (CG) which allows retail centers and free-standing commercial uses along major corridors. The proposed uses are retail commercial, and the project is consistent with the 2030 General Plan, as shown below. Approval of development and sale of alcohol for off-site consumption is also consistent with the 2030 General Plan and the property’s land use designation.

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

- I. Direct Applicability to a Proposed Project or Program
- II. Related or Indirect Applicability to the Proposed Project or Program
- III. No or Distant Applicability to the Proposed Project or Program (all policies not listed as Level I and II are assumed to be consistent).

POLICY	LEVEL	POLICY OR TITLE	EXPLANATION
CD – 4.2 CD – 4.4	I	<p>Commercial Revitalization and Redevelopment: Encourage upgrading, beautification, revitalization, and appropriate reuse of existing commercial areas and shopping centers and, especially within redevelopment project areas, continue to develop and implement programs that link commercial areas with their adjoining neighborhoods and increase overall jobs, sales and property valuation.</p> <p>Commercial Area Aesthetics: Require that older commercial development upgrade/improve landscaping and architecture, if warranted, during discretionary review opportunities</p>	The site was developed between 1963 and 1986, and two of the three buildings are currently vacant. This project would beautify and revitalize this existing commercial area. Furthermore, it would provide general commercial uses (retail, office, restaurants) and revitalize this gateway intersection into the city.
CD-1.3 CD -18.1 ICS – 6.1 ICS – 8.9	II	<p>Redevelopment to Mixed Use-</p> <p>Attract New Business</p> <p>Transit Facilities for New Developments</p> <p>Street Crossings</p>	Redevelopment of the existing shopping center for a grocery store, service station, and various retail uses will facilitate attracting new retail businesses to the city and provide services to the existing neighborhood. In addition the project includes off-site transit improvements for

POLICY	LEVEL	POLICY OR TITLE	EXPLANATION
			the local bus service as well as roadway improvements and land dedication for a future City Multi-Use Trail.
All others	III	All policies not listed above	No or Distant Applicability to the Proposed Project

c) Conformance with Zoning Development Standards: The proposed development is located in the General Commercial Planned Development (C2-PD) zone district. In accordance with the City Code, the project as proposed may be permitted with an approved planned development permit (PD). Tenants for majority of the shopping center are unknown at this time. However, typical uses permitted in the C-2 zone can be anticipated and include retail, office, and food establishments. A grocery store is a permitted land use in the C2PD zone district; however, the request to sell alcohol for off-site consumption and the service station require separate special use permits. Applicable development standards of the C2 zone and the Planned Development designation have been compared with the proposed project, as follows:

DEVELOPMENT STANDARD	REQUIREMENT	PROPOSED	COMPLIES ?
Max. building height 16-137	2 stories or 35 feet.	Not to exceed 35'	Y
Front yard setback 16-139	10 feet from property line	Minimum 20'	Y
Side yard setback (16-140)	Zero when abuts another C-2 zoned lot.	5'	Y
Rear yard setback 16-141	15 feet if >16.1 feet in height; 0 feet if < 16 feet in height or less	Min 15'	Y
Off-street parking: Standard Motorcycle (16-264) Bicycle (16-623 & 16-637) Loading (16-644)	Total stalls required: 1/250SF: 640 Motorcycle: 3/100 :19 Bicycle: one space/33 automobile: 19 Loading: 5	Standard: 644 Handicap: 19 Motorcycle: 25 Bike: 22 Loading: 5*	Yes*, with approval of the PD per 16-644 (B)(1)
Parking space sizes & design: • Standard (16-636 & 16-638) • Loading (16-644) • Motorcycle • Compact	• 9'W x 19'L & 9'W x 23'L • 12'W x 40'L x 14'H ; alt size with PC approval • 4'6" W x 7'L • 8' W x 16'L	• 9'W x 19'L* • 12'W x 40'L x 14'H ; & 12'W x 38" 1* • 4'6" W x 7'L • 8' W x 16'L	Yes*, with approval of the PD per 16-644 (B)(1) & COA to increase parallel stall

DEVELOPMENT STANDARD	REQUIREMENT	PROPOSED	COMPLIES ?
Parking area Landscape Req. (16-641): <ul style="list-style-type: none"> • Along streets/alleys • Along interior property lines (for lots with 20 or more spaces) • Landscape fingers (16-641) • Parking/vehicle area (16-641) • Trees (for lots with 20+ parking stalls) 	<ul style="list-style-type: none"> • Min. 10' wide strip. • Min. 5' wide in parking areas. • 9'W x 20'L - every 10 spaces with 2 trees. • Minimum 5% of area, exclusive of any other required landscaped area abutting a street or alley. • Trees Min. 40' on center (O.C.) along the street frontage and interior property lines (99 trees required). 	<ul style="list-style-type: none"> • 10' -25 ' along the streets • Not provided along railroad property line • 5' x 5' diamond planters and end finger planters • 8.6% of the lot • 66 trees provided. 	length to 23' Yes, with approval of PD. See discussion in Landscape section
Site Fencing (16-310)	<ul style="list-style-type: none"> • Cannot be located in the front yard setback area • No chain link in front yard • 8' max height 	No fencing in the front yard. Chain link along the side and rear property lines.	Y

The project meets or exceeds all applicable zoning standards, except configuration of landscape planters, location and spacing of perimeter trees, and size of the loading zone (see Circulation and Parking Analysis, below).

d) **Site Design:** The site is surrounded on three sides by public streets, with the primary frontage along Esplanade Drive. Buildings A-C are setback from Esplanade Drive with the main parking field between the buildings and Esplanade Drive. The new Food 4 Less (Building D) is located along Esplanade Drive, but the entrance faces Vineyard Avenue, with its main parking field between the building and Buildings A-C. Building E's primary frontage is along Esplanade Drive, with the parking field between Building E and Building D. The service station is parallel to Esplanade Drive, north of Building C. Pedestrian walkways lead from both Esplanade Drive and Vineyard Avenues to the buildings and between the buildings.

e) Circulation and Parking:

Circulation: Traffic impacts of the project are discussed in the Initial Study and are considered less than significant. Intersections in the project vicinity operated between a LOS A to LOS C in the peak hours. This project is expected to increase net peak trips by 37 trips, which does not reach the city's threshold to require a traffic study (increase in 50 peak trips).

The Initial Study includes an analysis of the increase in traffic attributable to the project as compared to traffic generated with 100% occupancy of the existing shopping center. This analysis is important because the applicant could completely lease the existing shopping center buildings without any discretionary permits and without triggering environmental review. 24 Hour Fitness vacated building E in January 2009. Target vacated the site in July 2011.

This project will dedicate the land for the 2030 General Plan improvements for Esplanade Drive and Vineyard Avenue. The Esplanade Drive dedication will allow for 3 left turn pockets, a thru lane, a right turn pocket and a bike lane. The dedication on Vineyard Avenue will allow for a bike lane and bus pull out. A condition of approval requires the project to contribute to the City of Oxnard Traffic Impact Fee and County traffic fees prior to issuance of a building permit. The City will continue to seek funding, including traffic impact fees and grants, for the 2030 improvements for Vineyard Avenue and Esplanade Drive.

The project curb cuts, driveways, interior circulation and site access are designed to meet City engineering standards and City Fire Department standards to ensure fire apparatus can reach all parts of the site, and no safety issues have been identified. The project provides for a future access point to the property southeast of the project. Until the adjacent property develops this project will provide a temporary hammerhead to allow the city fire apparatus to turn around and stage safely in this area (behind Building B). This hammerhead results temporary loss of five (5) parking stalls and landscape area (see further discussion in the **Parking** section below).

Driveways onto the site are provided along Esplanade Drive and Vineyard Avenue, with turning movement limitations on most of the driveways leading onto and from the site. The restricted turning movements at the site driveways are designed to prevent traffic conflicts between vehicles accessing the project site and vehicles traveling on the surrounding streets.

Location	No left turn in	No left turn out
Esplanade Drive (Driveway 1*, proposed signal)		
Esplanade Drive (Driveway 2*)		X
Esplanade Drive (Driveway 3*)	X	X
Esplanade Drive (west of driveway 1)		
Vineyard Avenue (Driveway 4)	X	X

*per Kimley- Horn and Associates, Inc., *Evaluation of Site Circulation Changes*, May 2012, page 2.

City staff had a concern with allowing left-turns into the site at driveway 2. The left-turning traffic using this driveway would be a combination of traffic destined for the service station, as well as retail traffic for the rest of the site. As designed, staff supported the left-turning movement, but a condition of approval is included that allows the traffic engineer to restrict access into this site if it is observed that the driveway is exceeding the capacity of the two-way left-turn lane.

Transit Enhancements: Gold Coast Transit bus service is provided along both Esplanade Drive and Vineyard Avenue. This project is conditioned to provide land dedication and the design of the bus pullouts. Through grant money awarded to the City specific to these bus stops, the City will construct the bus pullouts and provide the bus stop amenities which may include benches, shelters, trash receptacles, and bike racks.

Multi-Use Trail (MUT)/Bike Improvements: As part of the tentative map the developer is providing an irrevocable offer for a 12' wide stretch of land parallel to the railroad for the City's future construction of a MUT. The MUT was approved in the City's Bicycle and Pedestrian Facilities Master Plan (2012). The future construction of this MUT would allow users to exit the trail to access the businesses. At this time the City does not have funds to design or build the trail. Until such time as the City accepts the land, the 12' area will be maintained by the Developer. Conditions of approval are included to address this area (tree removal, loading zone impacts, lighting, landscape maintenance).

Per City Code the development of this site as a shopping center requires 19 bicycle parking spaces and 22 are provided. City Code further requires that the bike parking be located near the primary building entrances. A condition of approval is included requiring the developer to better distribute the bike parking for the development. Section A.6.1.1 of the City's Bicycle and Pedestrian Facilities Master Plan (2012) recommends bike parking be located within 50' of the building entrance. Staff will use this parameter during the final approval of the bike parking distribution.

Loading Zones/Deliveries: Five loading zones are required and provided for the proposed development. The existing loading zone for building E is conditioned to be reconstructed to accommodate the land dedication for the MUT. After reconstruction, the loading area will continue to meet the loading zone size requirements. The loading zone proposed to service building A is substandard in size (12' x 38'), however, the Planning Commission may modify these requirements based on the nature of the user or combination of uses. The Traffic Engineer supports the slightly smaller loading zone length and feels that the deliveries associated with a food user, which is envisioned to occupy building A, can safely use this smaller loading zone.

The circulation evaluation provided for the project envisioned delivery trucks using Wagon Wheel Road to access Esplanade Drive. City staff does not support a truck route through Wagon

Wheel Road, and a condition of approval is included requiring all deliveries to access Esplanade Drive via Vineyard Avenue or Oxnard Boulevard.

Parking: The project requires a total of 640 parking stalls and the proposed site plan provides 688 parking stalls (a combination of standard, ADA, and motorcycle stalls). A condition of approval requires the applicant to redesign the five (5) proposed parallel stalls which are substandard in length. The increase from the proposed 19' to the standard 23' length will result in a loss of at least two (2) parking stalls. A condition of approval also requires the five (5) standard parking stalls, provided behind Building B, to be temporarily striped and designed to accommodate a hammerhead to allow the City fire apparatus to turn around and stage safely in this area (See discussion above **e) Circulation and Parking**). The overall loss of stalls associated with the redesign of the parallel stalls and the temporary hammerhead will still result in an over-parked site.

Parking Requirements (1/250 sqft)	Required	Provided
Standard	608	644
Disabled	15	19
Motorcycle	17	25
Total	640	688

- f) **Building Design:** The existing Food 4 Less (Building B) and the former 24 Hour Fitness (Building E) will be given façade upgrades to coordinate with the new buildings. The architecture is modern with warm, earth tone colors and a variety of materials and architectural elements to create interest and break up building massing. The materials include simulated wood siding, decorative metal, glass storefronts, and plaster wall surfaces. Additionally, landscape elements such as well-mounted vine trellises and decorative accent lighting is proposed.
- g) **Entry Feature & Art in Public Places:** Per City Council Resolution 14,124 all new development is required to participate in the Public Art Program through the payment of \$0.20 per square foot of roofed building area or for master planned projects the installation of public art on site. This project includes an entry feature at the corner of Vineyard Avenue and Esplanade Drive. A concept plan has been submitted for this feature, which includes a “City of Oxnard” sign, seating, and landscaping. A condition of approval requires the Developer to submit additional details for the entry feature for approval by the Development Services Director or designee. The Developer requested that this feature count towards the requirement of Public Art. After review of the additional entry feature details, the Development Services Director will determine if the feature meets the criteria of a public art piece. If so determined, the entry feature may serve to meet all, or a portion of, the required public art. Regardless if the entry feature is determined to be public art, the entry feature will be installed as part of the project.

- h) Landscaping and Open Space:** As noted in the Zoning Compliance section, the proposed project complies with the intent of the landscape requirements for the site and the parking areas, with the exception of the parking lot finger planter requirement and provision for perimeter trees. The City Code requires one 9-foot by 19-foot “finger planter” for every single row of ten parking spaces (or a 39-foot by 9-foot finger planter for a double row of twenty spaces. The applicant has requested use of 5-foot by 5-foot diamond-shaped planters instead of finger planters in parts of the parking field away from the perimeter areas. In most cases standard size (or larger) finger planters are proposed at the end of each row of parking spaces. This configuration allows for more parking spaces, since a 9-foot by 19-foot finger planter would occupy a parking space, but the diamond planters would straddle the parking space lines, not interfering with parking. Each diamond would have a tree in it, providing shade and interrupting the expanse of paving created by the parking lot. The diamond configuration provides nine (9) less trees than if typical end and finger planters were installed.

Based on street frontage and interior property lines the project would be required to place a total of 99 trees spaced 40’ on center (O.C.) along the property lines. The applicant is proposing a total of 66 trees along the street and interior property lines. The request for the reduction of perimeter trees is primarily a result of the 12’ land dedication along the railroad for the future MUT, where no trees are provided along the property line.

Although the parking configuration results in nine less trees, and the project is short 33 perimeter trees, there are 32 trees provided throughout the site that are otherwise not required. Even with the requested reductions, the project provides 3.6% more site landscape than required by city code (5% required and 8.6% is provided). Staff supports approval of this alternate configuration of parking lot landscape planters, as it provides a cohesive look with the Esplanade Shopping Center across Esplanade Drive and allows for adequate parking onsite. In addition staff supports the request to eliminate the trees along the MUT as it could cause maintenance and safety concerns for the MUT.

As part of the application process, an Arborist Report was prepared for the project. There are 199 trees on site with a total value of \$868,188.19. Only 27 existing trees will remain. The remaining 172 trees are either removed within the project site (136 trees), city street and transit improvements (27 trees), or for the future MUT (9 trees). A condition of approval requires the value of the 136 trees removed specifically for the redevelopment of the project (\$543,684.08) be put back into the site.

- i) Signs:** Approval of a sign program is part of this planned development permit request. The signs shown on the architectural elevations are conceptual only, and not part of the sign program. Future signage will be regulated by the “Food 4 Less Gateway Plaza” sign program. City Code section 16-608(J) allows the Planning Commission to approve sign programs that include sign types and configurations not otherwise permitted. Based on the building area primary frontage the site is entitled to 2,002 square feet. The sign program

allocates 1949.25 square feet of sign area. The sign program meets the regulations of the city code and allows for:

- i) **Building signs** are provided for based on 2 square feet of sign area for each lineal foot of building on the principal street (OCC §16-608(A)(1)&(B)(1)).
 - (1) Buildings B, C and D contain more than 300 square feet of sign area per building face, but are setback an appropriate distance per OCC §16-608(B)(1) to allow for this increase sign area.
- ii) **One (1) Free-standing sign** not exceeding 24' in height located in a landscape area at least 200 square feet.
- iii) **Three (3) Ground signs** are provided for along Esplanade Drive and are separated from the free-standing sign by more than 150 feet (OCC § 16-608(H)(3, 5, & 6)).
 - (1) The proposed monument sign structures at 6' in height. City Code requires the measurement of a sign be from adjacent curb height. The sign program and a condition of approval 7'. The sign area does not increase with this allowance, but does allow the sign to be placed on landscape berm.

A condition of approval requires the applicant to provide additional minor technical and architectural details for the sign program. Staff therefore recommends approval of the sign program, with the minor architectural enhancements subject to the Planning Manager approval.

- j) **Alcohol Sales for Off-Site Consumption:** The request to sell alcohol for off-site consumption is limited to Food 4 Less, and will be a transfer of their State Alcohol Beverage Control (ABC) license from their existing location within the shopping center. The existing Food 4 Less predates the City's requirement to obtain a special use permit (SUP) from for alcohol sales, but has maintained a current ABC license since 1988. Since this grocery store does not currently have a SUP for alcohol sales and a SUP is required for off-site alcohol sales in the C2 zone, it is a non-conforming use. The subject SUP allows the Police Department to impose current standard operational conditions for the new location. A future user of Building B (existing Food 4 Less location) will not be able to sell alcohol without first obtaining an SUP from the City.

The applicant has requested an ABC License Type-21, Off-Sale License that allows for the retail sale of beer, wine and distilled spirits, and a special use permit (SUP) from the City of Oxnard, since there previous location predated the City's requirement to obtain an SUP. The Oxnard Police Department's (OPD) statistical analysis shows the area to have a crime rate that is approximately 54% higher than the city-wide average, which is generally considered to be significant. The elevated crime rate is typical of areas where there are large commercial centers and significant retail activity.

The Beat Coordinator who is responsible for monitoring and managing the day-to-day police activity near the location said that the area immediately surrounding the proposed site is not considered to be a policing problem. The area is not considered to be over-saturated with off-

sale alcohol outlets and there are no similar uses within 350 feet of the site. This business currently operates near the newly proposed site and has a valid ABC license Type-21. They will simply be transferring their existing ABC license to the new building. Therefore, the alcohol outlet density for the area will not increase. There are two alcohol outlets within 1000' of the establishment (Cost Plus World Market (off-sale beer and wine) and BJ's Brewery (on-sale general)).

The Police Department's experience is that this type of license (Type 21 – Off-Sale Beer, Wine and Spirits), when properly regulated through conditions imposed by the Planning Commission, does not normally aggravate police and community issues as long as the establishment complies with these regulations and operates responsibly. The Police Department is not opposed to this use and recommends adoption of all of the standard and special conditions listed in the attached Special Use Permit Planning Commission resolution.

- 7) **Development Advisory Committee:** The Development Advisory Committee (DAC) reviewed this project on May 2, 2012, July 11, 2012 and September 26, 2012. Recommendations of the DAC are included in the attached resolution.
- 8) **Community Workshop:** On June 29, 2012, the applicant mailed notices of the Community Workshop meeting to all property owners within the Wagon Wheel and Rio Lindo Neighborhoods. A notice of this meeting was posted on the project site with a brief description and contact information. The Community Workshop was conducted on July 16, 2012. Four members of the community attended, who generally lent their support to the project.
- 9) **Appeal Procedure:** In accordance with Section 16-545 of the City Code, the Planning Commission's action may be appealed to the City Council within 18 days after the decision date. Appeal forms may be obtained from the City Clerk and must be submitted with the appropriate fees before the end of the appeal period.

Attachments:

- A. Maps (Vicinity, General Plan, Zoning)
- B. Reduced Project Plans
- C. Sign Program
- D. Police Report
- E. Resolutions

Prepared by: _____ AG
Approved by: _____ SM



Police Department

Jeri Williams, Police Chief

Date: October 22, 2012
To: Ashley Golden, Principal Planner
From: Cliff Waer, Senior Alcohol Compliance Officer
Subject: 150 W. Esplanade Drive (Food-4-Less)

Site Information:

The proposed site is an existing, vacant building that was most recently occupied by a Target department store. The building is expected to be razed as part of a redevelopment plan for the overall commercial center and a new building is to be constructed in essentially the same footprint. Food-4-Less operates a store in the same commercial center and will relocate to the new site.

The site is generally bordered by the Esplanade commercial center to the north, Vineyard Avenue to the south, commercial and Highway 101 to the east, and commercial to the west. The nearest residences are approximately 500 feet to the west across Oxnard Boulevard. The applicant has requested to obtain an ABC License Type-21 which is an Off-Sale License that allows for the sale of beer, wine and distilled spirits.

Alcohol outlets located within 1000 feet of the establishment also include:

BUSINESS NAME	LOCATION	LICENSE TYPE	LICENSE TITLE	LICENSE DESC.	ALCOHOL ALLOWED
1. Cost Plus World Market	2221 W. Esplanade	Type 20	Off-Sale Beer and Wine	Specialty Store	Beer and Wine
2. BJ's Brewery	461 W. Esplanade	Type-47	On-Sale General	Restaurant	Beer, Wine and Spirits

Crime Statistic Review:

For comparison purposes the Police Department calculates the average number of part I and II crimes that occur per reporting district (grid) during a selected 12-month period. The average city-wide, per grid base number of Part I and II crimes is currently 117.

The average number of Part I and II crimes in the *applicant's* reporting district and all other districts within 1000 feet of the applicant is 181 during the same 12-month time period. This is 54% higher than the average crime rate citywide which is generally considered to be significant. The elevated crime rate is typical of areas where there are large commercial centers and significant retail activity. The majority of the calls for service were generally property crimes or petty in nature. The number of disturbance calls and those that listed alcohol as a contributing factor were below the citywide average. The area is not considered to be a policing problem.

For reference, the category of part I crimes include: murder, rape, robbery, theft, burglary, auto theft, assault, and arson. Part II crimes include: vandalism, weapons possession, other sex offenses, drug abuse violations, driving under the influence, liquor laws, drunkenness, and disorderly conduct. Any reference above to "police calls for service" may include all types of police responses to the area, not just the Part I and II crimes that are reported to the federal Uniform Crime Report system (UCR). Such calls may include fights, loud noise, domestics and other disturbances not otherwise classified as Part I or II.

Police Department Input:

The Beat Coordinator who is responsible for monitoring and managing the day-to-day police activity near the location said that the area immediately surrounding the proposed site is not considered to be a policing problem. The area is not considered to be over-saturated with off-sale alcohol outlets and there are no similar uses within 350 feet of the site. This business currently operates near the newly proposed site and has a valid ABC license Type-21. They will simply be transferring their existing ABC license to the new building. Therefore, the alcohol outlet density for the area will not increase.

Conclusion:

The statistical analysis shows the area to have a crime rate that is approximately 54% higher than the city-wide average which is generally considered to be significant. However, the site is surrounded by a bustling commercial center where such elevated crime rates are not uncommon. The Beat Coordinator for the area said it is not considered to be a policing problem.

The Police Departments experience is that this type of license (Type 21 – Off-Sale Beer, Wine and Spirits), when properly regulated through conditions imposed by the Planning Commission, does not normally aggravate police and community issues, as long as the establishment complies with these regulations and operates responsibly. The Police Department is not opposed to this use and recommends adoption of all of the standard and special conditions listed in the attached Planning Commission resolution.

Police Standard Conditions

- 1) 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)
- 2) 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)
- 3) 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)
- 4) 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.
- 5) 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.
- 6) 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)
- 7) 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)
- 8) 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)

- 9) 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)
- 10) 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)
- 11) 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)
- 12) 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)
- 13) 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)
- 14) 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)
- 15) There shall be no amusement machines or video devices maintained on the premises at any time. (PD)
- 16) 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.
- 17) 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)
- 18) 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)

- 19) No open floor displays of alcoholic beverages are allowed, including but not limited to “beer mountains” and portable coolers. (PD)
- 20) Alcoholic beverages shall not be sold between the hours from 11:00 PM to 7:00 AM.
- 21) There shall be no self-service displays of any type of tobacco product including, but not limited to cigarettes, cigars and smokeless tobacco.
- 22) 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)
 - a. 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.
 - b. 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.
- 23) Permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and thefts.
- 24) 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.
- 25) 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).
- 26) 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.
- 27) Permittee shall install height gauges at all exit doors.
- 28) Permittee shall install an electronic intrusion detection system (burglary alarm) that detects portal openings, glass break, and interior motion.

- 29) 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.
- 30) 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

1. Coolers, containers or displays of alcoholic beverages shall be locked or inaccessible during hours of prohibited sale (11:00 PM to 7:00 AM) if the business is open to the general public during those times. (PD)
2. The sale of energy drinks that contain any amount of alcohol is prohibited. (PD)
3. 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)
4. 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. (PD)
5. The sale of single serving containers of distilled spirits is prohibited.
6. 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.

RESOLUTION NO. 2012 – 29

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 site 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 purposed 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 100-year 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 on-site 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 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)
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 on-site and off-site 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 "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)
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 cross-connection 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 plans. 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 15th day of November, 2012, by the following vote:

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

NOES: Commissioners: None

ABSENT: Commissioners: None

Anthony R. Murguia, Chairman

ATTEST: _____
Susan L. Martin, Secretary

RESOLUTION NO. 2012 – 30

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).

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, 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*)

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

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

NOES: Commissioners: None

ABSENT: Commissioners: None

Anthony R. Murguia, Chairman

ATTEST: _____
Susan L. Martin, Secretary

RESOLUTION NO. 2012 – 31

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*).

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. 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 15th day of November, 2012, by the following vote:

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

NOES: Commissioners: None

ABSENT: Commissioners: None

Anthony R. Murguia, Chairman

ATTEST: _____
Susan L. Martin, Secretary

RESOLUTION NO. 2012 – 32

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*).

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. 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 100-year 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 on-site 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 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)
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 on-site and off-site improvements. (DS-22)
33. Developer shall be responsible for all project-related 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 "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)
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 cross-connection 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 15th day of November, 2012, by the following vote:

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

NOES: Commissioners: None

ABSENT: Commissioners: None

Anthony R. Murguia, Chairman

ATTEST: _____
Susan L. Martin, Secretary