

CITY OF OXNARD

PLANNING COMMISSION

AGENDA

REGULAR MEETING

Council Chambers, 305 West Third Street
Thursday, November 21, 2019, 6:00 p.m.

A. ROLL CALL

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

C. PUBLIC COMMENTS - On Items Not On The Agenda

At this time, a person may address the Planning Commission on matters within the jurisdiction of the Planning Commission, including information/consent items and any item not appearing on the agenda. The Chair shall limit public comments to three (3) minutes. The Planning Commission cannot take action on any item presented during public comments that is not on the agenda and such item may only be referred to the Commission Secretary. Persons wishing to speak on public hearing items should do so at the time of the public hearing.

D. CONSENT AGENDA

1. APPROVAL OF MINUTES – October 3, 2019
2. APPROVAL OF MINUTES – October 17, 2019

E. PUBLIC HEARING

1. **Project Name: Romero Duplex – PLANNING AND ZONING PERMIT NO. 17-500-14** (Special Use Permit) request for denial to establish a Planned Residential Group (PRG) for the conversion of an existing two-story 3,244 square-foot medical commercial building to a residential duplex. The proposed duplex includes a 1,635 square-foot unit and a 1,202 square-foot unit with a detached three-car carport on a 4,110 square-foot parcel. Pursuant to Oxnard City Code (OCC) § 16-445, the project includes the following modifications to the development standards of the R-2 zoning district: 1) increase in density; 2) reduction of the required interior yard space; 3) reduction in front yard setback; 4) reduction in side yard setback; 5) relief from garage parking; 6) relief from off-street visitor parking; and 7) reduction in parking area landscaping. The project is located at 212 East First Street (APN 201-0-115-240) in the Multiple Family (R-2) zone. Filed by Jeff Valenzuela on behalf of property owner Juan Romero, 971 Gill Avenue, Port Hueneme, California 93041.
Project Planner: Jay Dobrowalski

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in a meeting, you should contact the office of the City Clerk at (805) 385-7803. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

Written materials relating to an item on this agenda that are distributed to the Planning Commission within 72 hours before the item is to be considered at its regularly scheduled meeting will be made available for public inspection at 214 South C Street, during customary business hours.

Recommendation:

Deny the Project, as submitted, finding the Project to be Statutorily Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15270 (Projects Which are Disapproved), and Approve Resolution 2019-XX for Planning and Zoning Permit Number 17-500-14 (Special Use Permit, Planned Residential Group), denying the Project as the Planning Commission is unable to make all of the Findings required by Oxnard City Code Section 16-445 and Sections 16-530 through 16-553 of the Oxnard City Code in order to grant a Special Use Permit, Planned Residential Group.

2. **Project Name: Public Works Integrated Master Plan Project Programmatic Environmental Impact Report No. 2019-01** – Pursuant to the California Environmental Quality Act (CEQA), the City of Oxnard (City) has prepared a Programmatic Environmental Impact Report (PEIR) on its Public Works Integrated Master Plan (PWIMP) Project. The City is the lead agency under CEQA. The purpose of the PWIMP is to provide a central planning document to guide improvements to the City's water infrastructure through the planning horizon. Specifically, the PWIMP addresses future planning needs including infrastructure additions and upgrades for City's water, wastewater, recycled water, and stormwater utilities. The PWIMP builds upon previous planning efforts using a coordinated methodology, which will allow the City to take full advantage of potential linkages and synergies between the four water utility systems. In addition, the PWIMP is also coordinated with a street improvement plan in an attempt to allow timing of future street upgrades to be tied together with infrastructure upgrades. The PWIMP provides a phased program over the next 15-20 years for constructing improvements to the City's infrastructure facilities that will accommodate planned growth while maintaining treatment reliability, meeting future regulatory requirements, and optimizing costs through the City's 2030 planning horizon. Specifically, the PWIMP addresses future planning needs including infrastructure additions and upgrades for City's water, wastewater, recycled water, and storm water utilities.

The Final PEIR is comprised of the Draft PEIR, response to comments and Draft PEIR comments letters, and the Mitigation Monitoring and Reporting Program. Filed by Thien Ng, Assistant Public Works Director.

Project Planner: Kathleen Mallory, Planning & Sustainability Manager

Recommendation:

Adopt a resolution recommending City Council approval of the Final Programmatic Environmental Impact Report (Final PEIR - No. 2019-01) for the City of Oxnard's (City) Proposed Public Works Integrated Master Plan (PWIMP).

3. **Project Name: Roussey Tentative Parcel Map – PLANNING AND ZONING PERMIT NO. 17-300-09, Tentative Parcel Map for a Parcel Map Waiver: A request to**

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subdivide a 4.19-acre site located at 3501 South Saviers Road, and commonly known as the Swap Meet, into two parcels. Parcel A would be a 3.14-acre lot and Parcel B would be a 1.05-acre lot. No development is proposed at this time. The proposed project is exempt from environmental review pursuant to Section 15315, Minor Land Divisions, Class 15 of the CEQA Guidelines. Filed by David Kesterson of Lauterbach & Associates, 300 Montgomery Avenue, Oxnard, CA 93036.

Project Planner: Paul McClaren

Recommendation:

Approve the Project, as submitted, finding the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15315 (Minor Land Divisions), and Approve Resolution 2019-XX for Planning and Zoning Permit Number 17-300-09 (Tentative Parcel Map for a Parcel Map Waiver), subject to certain findings and conditions.

4. **Project Name: Rio Urbana Development – PLANNING AND ZONING PERMIT PZ NO. NOS. 17-610-01 (Annexation); 17-620-01 (General Plan Amendment), 17-560-01 (Pre-Zoning), 17-300-03 (Tentative Subdivision Map for Tract No. 5998), 17-500-05 (Special Use Permit – Office), 17-500-13 (Special Use Permit - Residential), and 17-535-02 (Density Bonus);** requests to annex a 10.5 acre parcel located at 2714 East Vineyard Avenue (APN 145-0-232-010) to the City of Oxnard, amend the General Plan land use designation to General Commercial; pre-zone to General Commercial-Planned Development (C-2-PD); subdivide and develop a 1.12 acre “Parcel 1” with a two-story, 15,000 gsf office building with 61 standard parking spaces; and a 9.1 acre “Parcel 2” with 167 one- to three-bedroom attached apartment condominiums in eight three-story structures (36 feet in height) that includes a fitness center, 17 low income deed-restricted units (10% of all units), 1,068 gsf recreation pavilion, four refuse structures, 169 resident garages, 163 surface parking spaces, 99 guest parking spaces, stormwater retention and treatment facilities, on-site utilities and off-site connections, landscaping, seven play areas and a tot lot, small dog run; relocate four Southern California Edison (SCE) 66kV power poles; and widen and improve Vineyard Avenue by 23 feet along the property frontage (48,999 sf dedication). The project will maintain parking and access to abutting properties along Rio School Lane which will become a drive aisle. A Density Bonus of two percent (2%) allows for three additional residential units and reduction of the interior yard space development standard from 30% to 24% of the parcel area. The Tentative Subdivision Map (TSM) for Tract No. 5998 creates Parcels 1 and 2 and 167 condominium parcels and a common area parcel on Parcel 2. Filed by Rio School District, 2500 E. Vineyard Ave., Oxnard, CA and The Pacific Companies, 430 E. State Street #100, Eagle, Idaho.
- Project Planner: Chris Williamson, Consulting Planner**

Recommendation:

- a) Adopt a resolution recommending that the City Council adopt Mitigated Negative Declaration (MND) 2017-04 and approve Planning and Zoning Permit No. 17-610-

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- 01 (Annexation) to add the project area to Oxnard municipal boundaries within City Council District No. 2; and Planning and Zoning Permit No. 17-620-01 (General Plan Amendment) to change the land use designation from School to Commercial General, and
- b) Adopt a resolution recommending that the City Council approve Planning and Zoning Permit No. 17-560-01 (Pre-Zoning) to General Commercial Planned Development (C2-PD), and
 - c) Adopt a resolution recommending that the City Council approve Planning and Zoning Permit Nos. 17-300-03 (Tentative Subdivision Map for Tract No. 5998), and 17-535-02 (Density Bonus), subject to certain findings and conditions, and
 - d) Adopt a resolution Approving Planning and Zoning Permit No. 17-500-05 (Special Use Permit - Office), subject to certain findings and conditions, and
 - e) Adopt a resolution Approving Planning and Zoning Permit No. 17-500-13 (Special Use Permit – Residential), subject to certain findings and conditions.

H. STUDY SESSION/REPORTS**I. PLANNING COMMISSION BUSINESS****J. PLANNING MANAGER COMMENTS****K. ADJOURNMENT****FUTURE MEETINGS**

Thursday, December 5, 2019, 6:00 p.m., City Council Chambers

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in a meeting, you should contact the office of the City Clerk at (805) 385-7803. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

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MINUTES
OXNARD PLANNING COMMISSION
REGULAR MEETING
October 3, 2019
DRAFT

A. ROLL CALL

At 6:01 p.m., the regular meeting of the Oxnard Planning Commission convened in the Council Chambers. Chair Frank, Vice Chair Chua, Commissioners Chavez, Dozier, Meyer and Sanchez were present. Commissioners Fuhring was absent. Staff members present were Jeffrey Lambert, Community Development Director; Scott Kolwitz, Planning & Environmental Services Manager; Chris Williamson, Consulting Planner; Ken Rozell, Chief Assistant City Attorney; Ryan Kim, City Traffic Engineer; and Maria Santana, Recording Secretary. Chair Frank presided and called the meeting to order.

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

Commissioner Meyer led the pledge of allegiance.

C. Public Comments – On Items Not On the Agenda

No public comments were received for items not on the agenda.

D. CONSENT AGENDA

1. APPROVAL OF MINUTES September 5, 2019

MOTION: Commissioner Chavez moved and Commissioner Sanchez seconded a motion to approve the minutes of September 5, 2019, with the following two edits:

1. Modify references to the date from August 1, 2019 to August 15, 2019
2. Modify references to Commissioner Meyer from absent to being present for votes and voting In Favor for Items E.1.

Chair Frank, Vice Chair Chua, Commissioners Chavez, Dozier, Meyer and Sanchez voted in favor. Commissioner Fuhring was absent. The motion carried 6:0:1:0¹.

E. PUBLIC HEARING

1. **Project Name: Rio Urbana Development – PLANNING AND ZONING PERMIT**
PZ NO. NOS. 17-610-01 (Annexation); 17-620-01 (General Plan Amendment), 17-560-01 (Pre-Zoning), 17-300-03 (Tentative Subdivision Map for Tract No. 5998), 17-

¹ In Favor: Against: Absent: Recused

500-05 (Special Use Permit – Office), 17-500-13 (Special Use Permit - Residential), and 17-535-02 (Density Bonus): requests to annex a 10.24 acre parcel located at 2714 East Vineyard Avenue (APN 145-0-232-010) to the City of Oxnard, amend the General Plan land use designation to General Commercial; pre-zone to General Commercial-Planned Development (C-2-PD); subdivide and develop a 1.12 acre “Parcel 1” with a two-story, 15,000 gsf office building with 61 standard parking spaces; and a 9.12 acre “Parcel 2” with 167 one- to three-bedroom attached apartment condominiums in eight three-story structures (38 feet in height) that includes a fitness center, 17 low income deed-restricted units (10% of all units), 1,068 gsf recreation pavilion, four refuse structures, 169 resident garages, 163 surface parking spaces, 99 guest parking spaces, stormwater retention and treatment facilities, on-site utilities and off-site connections, landscaping, seven play areas and a tot lot, small dog run; relocate four Southern California Edison (SCE) 66kV power poles; and widen and improve Vineyard Avenue by 23 feet along the property frontage (48,999 sf dedication). The project will maintain parking and access to abutting properties along Rio School Lane which will become a drive aisle. A Density Bonus of two percent (2%) allows for three additional residential units and reduction of the interior yard space development standard from 30% to 24% of the parcel area. The Tentative Subdivision Map (TSM) for Tract No. 5998 creates Parcels 1 and 2 and 167 condominium parcels and a common area parcel on Parcel 2. Filed by Rio School District, 2500 E. Vineyard Ave., Oxnard, CA and The Pacific Companies, 430 E. State Street #100, Eagle, Idaho.

Project Planner: Chris Williamson, Consulting Planner

Recommendation:

That the Planning Commission:

- a) Adopt a resolution recommending that the City Council adopt Mitigated Negative Declaration (MND) 2017-04 and approve Planning and Zoning Permit No. 17-610-01 (Annexation) to add the project area to Oxnard municipal boundaries within City Council District No. 2; and Planning and Zoning Permit No. 17-620-01 (General Plan Amendment) to change the land use designation from School to Commercial General, and
- b) Adopt a resolution recommending that the City Council approve Planning and Zoning Permit No. 17-560-01 (Pre-Zoning) to General Commercial Planned Development (C2-PD), and
- c) Adopt a resolution recommending that the City Council approve Planning and Zoning Permit Nos. 17-300-03 (Tentative Subdivision Map for Tract No. 5998), and 17-535-02 (Density Bonus), subject to certain findings and conditions, and
- d) Adopt a resolution Approving Planning and Zoning Permit No. 17-500-05 (Special Use Permit - Office), subject to certain findings and conditions, and
- e) Adopt a resolution Approving Planning and Zoning Permit No. 17-500-13 (Special Use Permit – Residential), subject to certain findings and conditions.

Planning Commissioners did not have any ex parte communications to report for item E.1.

Consulting Planner Chris Williamson provided a PowerPoint presentation outlining the request.

Tony Talamante (Pacifica Companies & Talamante Project Delivery) and Joel Kirschenstein (El Rio School District Representative), did not provide a PowerPoint presentation; however, they responded to questions.

Chair Frank opened the public comments portion of the public hearing, but no members of the public provided verbal or written comments. Chair Frank closed the public comments portion of the public hearing.

Discussion ensued among the Commissioners and staff.

MOTION: Commissioner Chavez moved and Commissioner Dozier seconded a motion motion to continue the **Rio Urbana Development** PZ Nos. 17-610-01 (Annexation); 17-620-01 (General Plan Amendment), 17-560-01 (Pre-Zoning), 17-300-03 (Tentative Subdivision Map for Tract No. 5998), 17-500-05 (Special Use Permit – Office), 17-500-13 (Special Use Permit - Residential), and 17-535-02 (Density Bonus to a date certain of November 7, 2019, with responses to the following comments to be provided:

1. Update the Mitigated Negative Declaration text to:
 - a. Clarify and correct the water supply discussion;
 - b. Clarify and correct the wastewater/sewer line capacity information;
 - c. Clarify and correct the storm drain capacity information;
 - d. Augment the Public Safety (Police and Fire) discussion; and
 - e. Clarify the Traffic Levels-of-Service (LOS) for the Vineyard/Ventura Avenue/Riverpark Boulevard intersection, identify when the traffic counts were taken, confirm traffic study consistency with other traffic studies, confirm what Vineyard Avenue improvements were completed by the RiverPark project, confirm the adequacy of sidewalks connecting the Project to Stroube Street, identify what improvements were considered for Stroube Street (such as high visibility crosswalks and speedbumps), and identify Traffic Impact Fees.
2. The applicant is asked to consider modifying the following six Project design components:
 - a. Could elevators be added, perhaps to selected buildings, considering the Project amenities emphasize families for whom using staircases with strollers would be very difficult?
 - b. Could additional solar panels be incorporated into the roofs or

- on carports? Does the State have a solar panel requirement?
- c. Can a swimming pool be introduced into the Project?
- d. Can the palm trees be removed from the Project?
- e. Could three additional moderate-income units be included resulting in 20 total Affordable units within the Project?
- f. Is there an agreement with Vallarta Market for pedestrian access? How will shopping carts be managed at the connection point?
- 3. Update the Office SUP Resolution (PZ 17-500-05) to include the following Condition of Approval:
 - a. Developer shall place existing overhead utility lines on and adjacent to the project underground in accordance with City Code in effect at the time City issues a grading/site improvement permit. The current City Code does not require the placement of lines conducting in more than 33kv underground. Prior to issuance of the grading/site improvement permit, Developer shall post security satisfactory to the Finance Director guaranteeing utility relocation including the cost of any required pole relocation.

VOTE: Chair Frank, Vice Chair Chua, Commissioners Chavez, Dozier, Meyer and Sanchez voted in favor. Commissioner Fuhring was absent. The motion carried 6:0:1:0².

F. STUDY SESSION/REPORTS

None.

G. PLANNING COMMISSION BUSINESS

None.

H. PLANNING MANAGER COMMENTS

Scott Kolwitz, Planning & Environmental Services Manager, announced:

1. The City provided Regional Housing Needs Assessment (RHNA) comments to the Southern California Association of Governments (SCAG) on September 11, 2019, identifying concerns with RHNA methodologies. A series of SCAG and California Department of Housing and Community Development (HCD) RHNA meetings are scheduled between October 7, 2019 and November 7, 2019. Final RHNA numbers in February 2020.
2. The City Council's Housing and Economic Development Committee reviewed the Short Term Vacation Rental (STR) Ordinance on September 24, 2019. The STR item will be heard by the City Council on November 5, 2019.

² In Favor: Against: Absent: Recused

3. The City Council approved the first reading of the Citywide General Plan Consistency Zone Change Program Ordinance on October 1, 2019. The second reading of the Ordinance is scheduled for October 15, 2019.
4. The Planning Commission's next meeting is scheduled for October 17, 2019.

I. ADJOURNMENT

At 8:59 p.m., the Planning Commission concurred to adjourn.

Deirdre Frank, Chair

ATTEST:

Jeffrey Lambert, Community Development Director

MINUTES
OXNARD PLANNING COMMISSION
REGULAR MEETING
October 17, 2019
DRAFT

A. ROLL CALL

At 6:02 p.m., the regular meeting of the Oxnard Planning Commission convened in the Council Chambers. Chair Frank, Vice Chair Chua, Commissioners Chavez and Fuhring were present. Commissioners Dozier, Meyer and Sanchez were absent. Staff members present were Jeffrey Lambert, Community Development Director; Scott Kolwitz, Planning & Environmental Services Manager; Jay Dobrowalski, Associate Planner; Veronica Ortiz-DeAnda, Contract Planner; Ken Rozell, Chief Assistant City Attorney; and Maria Santana, Recording Secretary. Chair Frank presided and called the meeting to order.

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

Vice Chair Chua led the pledge of allegiance.

C. Public Comments – On Items Not On the Agenda

Public comments were received for items not on the agenda from: Michael Sudjati (Oxnard).

D. CONSENT AGENDA

1. APPROVAL OF MINUTES September 19, 2019

MOTION: Commissioner Chavez moved and Vice Chair Chua seconded a motion to approve the minutes of September 19, 2019, as submitted. Commissioners Dozier, Meyer and Sanchez were absent. The motion carried 4:0:3:0¹.

E CONTINUED PUBLIC HEARING

1. **Project Name: 7-Eleven** – PLANNING AND ZONING PERMIT PZ NO. 18-500-12 (Special Use Permit) A request to demolish an existing four-story 27,450 square-foot office building and construct a gas fueling facility with six fuel dispenser stations and 12 pumps; construct a one-story 3,000 square-foot convenience store (7-Eleven) operating 24-hours; permit a Type-20 alcohol license for the sale of beer and wine for off-site consumption during the hours of 7:00 a.m. and 12:00 a.m.; approve a street dedication of 3.5 feet along Saviers Road; approve a street dedication of 1.35 feet along Channel Islands Boulevard; and construct associated parking and landscaping improvements on a 1.05 acre (45,738 square feet) site located at 2900 Saviers Road (APN 219-018-035) in the General Commercial (C-2) zone. Filed by Greg Fick of Tait and Associates, 701 N. Parkcenter Drive, Santa Ana, CA 92705.

¹ In Favor: Against: Absent: Recused

Project Planner: Veronica Ortiz-DeAnda

Recommendation:

Deny the Project, as submitted, finding the Project to be Statutorily Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15270 (Projects Which are Disapproved), and Approve Resolution 2019-XX for Planning and Zoning Permit Number 18-500-12 (Special Use Permit), denying the Project as the Planning Commission is unable to make all of the Findings required by Oxnard City Code Section 16-531 and City Council Resolution No. 11,896 in order to grant a Special Use Permit.

Planning Commissioners did not have any ex-parte communications to report for item E.1.

Contract Planner Veronica Ortiz-De Anda provided a PowerPoint presentation outlining the request.

The applicant team did not attend the meeting.

Chair Frank opened the public comments portion of the public hearing.

No public verbal comments were received in favor of the project / against the denial.

No public written comments were received in favor of the project / against the denial.

Public verbal comments were received from the following people against the project / in favor of the denial: Pat Brown, Jon Huyke, Nancy Rahn, and Yaderi Salazar.

Public written comments were received from the following people against the project / in favor of the denial: Pat Farrell.

Chair Frank closed the public comments portion of the public hearing.

Discussion ensued among the Commissioners and staff.

MOTION: Commissioner Chavez moved and Commissioner Fuhring seconded a motion to Deny the Project, as submitted, finding the Project to be Statutorily Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15270 (Projects Which are Disapproved), and Approve Resolution 2019-XX for Planning and Zoning Permit Number 18-500-12 (Special Use Permit), denying the Project as the Planning Commission is unable to make all of the Findings required by Oxnard City Code Section 16-531 and City Council Resolution No. 11,896 in order to grant a Special Use Permit.

VOTE: Chair Frank, Vice Chair Chua, Commissioners Chavez and Fuhring voted in favor of the motion (to Deny the Project). Commissioners Dozier, Meyer and Sanchez were absent. The motion carried 4:0:3:0².

² In Favor: Against: Absent: Recused

F. PUBLIC HEARING

1. **Project Name: Romero Duplex** – PLANNING AND ZONING PERMIT NO. 17-500-14 (Special Use Permit) Request for approval to establish a Planned Residential Group (PRG) for the adaptive reuse of an existing two-story 3,244 square-foot industrial building to a residential duplex. The proposed duplex includes a 1,635 square-foot unit and a 1,202 square-foot unit with a detached three-car carport on a 4,110 square-foot parcel. Pursuant to Oxnard City Code (OCC) § 16-445, the project includes the following modifications to the development standards of the Multiple Family (R-2) zoning district:

- 1) increase in density (from 3,500 square-feet of lot area per dwelling unit required to 2,055 square-feet of lot area per dwelling unit provided);
- 2) reduction of the required interior yard space (from 1,233 square-feet with minimum dimensions of 15 feet by 15 feet required to 759 square-feet without the 15 feet by 15 feet minimum dimensions provided);
- 3) reduction in front yard setback (from 25 feet required to 9 feet and 8 inches provided);
- 4) reduction in side yard setback (from 4 feet to none along the southern property line provided);
- 5) increase in height of front yard fence (from 42 inches required to 6 feet provided);
- 6) relief from required resident off-street parking (4 garage parking spaces required to 3 carport parking spaces provided);
- 7) relief from required visitor parking (from two off-street visitor parking spaces required to zero off-street visitor parking spaces provided); and
- 8) relief from landscaping (from 10-foot parking area landscaping required to 1 foot and 10 inch parking area landscaping provided).

For the purposes of this staff report, the foregoing project description shall be referred to as “the Project.” The project is located at 212 East First Street (APN 201-0-115-240) in the Multiple Family (R-2) zone. Filed by Jeff Valenzuela on behalf of property owner Juan Romero, 971 Gill Avenue, Port Hueneme, California 93041.

Project Planner: Jay Dobrowalski

Recommendation:

Approve the Project, as submitted, finding the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15303 (New Construction or Conversion of Small Structures), and Approve Resolution 2019-XX for Planning and Zoning Permit Number 17-500-14 (Special Use Permit), subject to certain findings and conditions..

Planning Commissioners did not have any ex-parte communications to report for item F.1.

Associate Planner Jay Dobrowalski provided a PowerPoint presentation outlining the request.

Juan Romero (property owner) and David Kesterson (Lauterbach & Associates, Architects), did not provide a PowerPoint presentation; however, they responded to questions.

Chair Frank opened the public comments portion of the public hearing.

No public verbal comments were received in favor of the project.

No public written comments were received in favor of the project.

Public verbal comments were received from the following person against the project: Pat Brown.

No public written comments were received against the project.

Chair Frank closed the public comments portion of the public hearing.

Discussion ensued among the Commissioners and staff.

MOTION: Commissioner Chavez moved and Commissioner Fuhring seconded a motion of intent to deny the Project as they could not make all of the Findings required to grant the Planned Residential Group and Special Use Permit in accordance with Oxnard City Code Section 16-445 and 16-531, and they continued the hearing to November 21, 2019 to ratify the action by approving a resolution of denial.

VOTE: Chair Frank, Vice Chair Chua, Commissioners Chavez and Fuhring voted in favor of the motion (to Deny the Project). Commissioners Dozier, Meyer and Sanchez were absent. The motion carried 4:0:3:0³.

G. STUDY SESSION/REPORTS

None.

H. PLANNING COMMISSION BUSINESS

Chair Frank notified City staff that a huge wedding was held on the weekend of October 5-6 on the beach in Oxnard Shores without permit. The wedding included catering, amplified music and alcohol on the beach and valet parking. Chair Frank stated these events are disruptive to the neighborhood.

I. PLANNING MANAGER COMMENTS

Jeff Lambert, Community Development Director announced:

1. The City of Oxnard is hosting “The Disruption of Autonomous Cars, Traffic, and Parking: Discussing public policy choices in the new era of mobility” with special guest speaker Jessica Robinson of the Michigan Mobility Institute at Oxnard College on November 13, 2019. RSVPs are required.

2. The City Council is scheduled to review the Short Term Rental Ordinance on November 5, 2019.

³ In Favor: Against: Absent: Recused

3. The City Council is scheduled to review the Fisherman's Wharf project at a special meeting on November 7, 2019. The Planning Commission meeting scheduled for that same evening is cancelled. The Rio Urbana project previously scheduled for this date will be continued to the Planning Commission's meeting of November 21, 2019.

Scott Kolwitz, Planning & Environmental Services Manager, announced:

1. The 2019 California legislative session has come to a close, and Governor Newsom has signed 18 additional housing bills into law. These range from funding sources, streamlining, accessory dwelling units, density bonuses, and etcetera. Staff is reviewing these laws, and staff will bring forward Ordinance Amendments in the coming year as part of the 2020 Work Plan.

2. The City Council approved the second reading of the Citywide General Plan Consistency Zone Change Program Ordinance on October 15, 2019. These changes become effective on November 14, 2019. Maps are being updated accordingly.

3. The City Council is to review the Retail Cannabis Ordinance Amendment on October 22, 2019.

4. The City Council is to receive a presentation regarding California housing legislation, the City's Housing Element, and the Regional Housing Needs Assessment (RHNA) on October 29, 2019.

5. The Planning Commission's next meeting is scheduled for November 21, 2019.

J. ADJOURNMENT

At 7:42 p.m., the Planning Commission concurred to adjourn.

Deirdre Frank, Chair

ATTEST:

Jeffrey Lambert, Community Development Director



PLANNING COMMISSION MEMORANDUM

TO: Planning Commission

FROM: Jay Dobrowalski, Associate Planner

DATE: November 21, 2019

SUBJECT: **Project Name: Romero Duplex:** Planning and Zoning Permit No. 17-500-14 (Special Use Permit, Planned Residential Group); for property Located at 212 East First Street

Summary

On October 17, 2019, the Planning Commission (the "Commission") considered Planning and Zoning Permit No. 17-500-14 (Special Use Permit, Planned Residential Group).¹ The Commission made a motion of intent to deny the Project as they could not make all of the Findings required to grant the Special Use Permit and Planned Residential Group in accordance with Oxnard City Code Section 16-445 and Sections 16-530 through 16-553. The Commission also made a motion to continue the hearing to November 21, 2019 to ratify the action by approving a resolution of denial. The motion passed unanimously.

Staff has prepared the resolution of denial for the proposed Project (Attachment A). Additionally, draft Planning Commission Minutes for the meeting of October 17, 2019 are attached to this memo (Attachment B).

Appeal Process

A decision by the Planning Commission may be appealed to the City Council pursuant to Oxnard City Code Section 16-545. The appeal must be filed with the City Clerk no later than 18 days after the date of the decision.

Attachments

A – Resolution for Denial of PZ 17-500-14

B – Planning Commission Draft Minutes for the October 17, 2019 Meeting

¹ To allow the adaptive reuse of an industrial building into a residential duplex with modifications to the R-2 zoning district standards for density, interior yard space, front yard setbacks, side yard setbacks, height of front yard fence, relief from resident parking, relief from visitor parking, and relief from landscaping requirements.

ATTACHMENT A

**RESOLUTION FOR DENIAL
PLANNING AND ZONING PERMIT NO. 17-500-14**

RESOLUTION NO. 2019 – XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD DENYING PLANNING AND ZONING PERMIT NO. 17-500-14 (SPECIAL USE PERMIT, PLANNED RESIDENTIAL GROUP) TO ALLOW THE ADAPTIVE REUSE OF A 3,244 SQUARE-FOOT INDUSTRIAL BUILDING INTO A RESIDENTIAL DUPLEX WITH MODIFICATIONS TO THE R-2 STANDARDS FOR DENSITY, INTERIOR YARD SPACE, FRONT YARD SETBACKS, SIDE YARD SETBACKS, HEIGHT OF FRONT YARD FENCE, RELIEF FROM RESIDENT PARKING, RELIEF FROM VISITOR PARKING, AND RELIEF FROM LANDSCAPING REQUIREMENTS. PROJECT IS LOCATED AT 212 EAST FIRST STREET (APN: 201-0-115-240), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY JEFF VALENZUELA ON BEHALF OF PROPERTY OWNER JUAN ROMERO, 971 GILL AVENUE, PORT HUENEME, CALIFORNIA 93030.

WHEREAS, on October 18, 2017, Juan Romero (the “**Applicant**” or “**Permittee**”) submitted a request to allow the adaptive reuse of a 3,244 square-foot industrial building into a residential duplex with modifications to the R-2 standards for density, interior yard space, front yard setbacks, side yard setbacks, height of front yard fence, relief from resident parking, relief from visitor parking, and relief from landscaping requirements, located at 212 East First Street (APN: 201-0-115-240); and

WHEREAS, on October 17, 2019, the Planning Commission of the City of Oxnard (“**Planning Commission**”) conducted a duly noticed public hearing to consider Applicant’s request to approve Planning and Zoning Permit No. 17-500-14 (Special Use Permit, Planned Residential Group) to allow the conversion of a 3,244 square-foot industrial building into a residential duplex with modifications to the R-2 standards for density, interior yard space, front yard setbacks, side yard setbacks, height of front yard fence, relief from resident parking, relief from visitor parking, and relief from landscaping requirements, located at 212 East First Street (APN: 201-0-115-240) (the “**Project**”) in accordance with Section 16-445 and Sections 16-530 through 16-553 of Oxnard City Code; and

WHEREAS, on October 17, 2019, the Planning Commission also reviewed all of the information provided in the staff report and considered the testimony given at the public hearing, including all written communications to the Planning Commission, as well as other pertinent information; and

WHEREAS, on October 17, 2019, the Planning Commission deliberated on the merits of the Project and made a motion of intent to deny the Project, subject to the preparation of a written resolution of denial to be considered at the Planning Commission meeting on November 21, 2019.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF OXNARD:

SECTION 1. Based on the entire record before the Planning Commission and all written and oral evidence presented, including the Planning Commission Staff Report and all attachments thereto, the Planning Commission finds:

- (1.1) **Oxnard City Code Section 16-531(B). The site that is subject to the special use permit shall be adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and items which may be required by section 16-532.**

The Planning Commission finds that:

A. The Project is a request for a Planned Residential Group (PRG) use. The applicant requests a PRG in order to adaptively reuse the existing industrial building for residential use. The residential use of the existing industrial building in its current configuration requires the following modifications to the R-2 zone which were discussed in greater detail in Sections 6(c) through 6(h) of the Planning Commission Staff Report dated October 17, 2019:

- 1) increase in density (from 3,500 square-feet of lot area per dwelling unit required to 2,055 square-feet of lot area per dwelling unit provided);
- 2) reduction of the required interior yard space (from 1,233 square-feet with minimum dimensions of 15 feet by 15 feet required to 759 square-feet without the 15 feet by 15 feet minimum dimensions provided);
- 3) reduction in front yard setback (from 25 feet required to 9 feet and 8 inches provided);
- 4) reduction in side yard setback (from 4 feet to none along the southern property line provided);
- 5) increase in height of front yard fence (from 42 inches required to 6 feet provided);
- 6) relief from required resident off-street parking (4 garage parking spaces required to 3 carport parking spaces provided);
- 7) relief from required visitor parking (from two off-street visitor parking spaces required to zero off-street visitor parking spaces provided); and
- 8) relief from landscaping (from 10-foot parking area landscaping required to 1 foot and 10 inch parking area landscaping provided).

B. Pursuant to the Oxnard City Code (OCC) (§ 16-445.B), a Special Use Permit for a PRG may vary the density, area, yards, height, parking and fencing requirements of the zone when such action is in accordance with the basic principles and intent of the OCC and the commission can make four additional

findings. The Planning Commission cannot make two of these four additional findings as described below. As the Planning cannot make two of these four additional findings, the Planning Commission determines the Project is not adequate in size and shape to accommodate the yards, walls, fences, parking and landscaping as required by Section 16-532:

- 1) **Oxnard City Code Section 16-445(B)(1). A substantial improvement of the use of the land will be thereby effected, and there will not be any detrimental effect upon the surrounding area;**

The Planning Commission finds that:

A. The Project will not result in a substantial improvement of the use of the land because there are other adaptive reuses that are a better fit for the land which could comply with the Oxnard City Code. Specifically, the Planning Commission found the structure could be adaptively reused as a single-family dwelling which is a use permitted by right in the R-2 Multiple-Family Zone (Sections 16-41(A) and 16-21(B)(14).

B. Furthermore, the Project will result in a detrimental effect upon the surrounding area because the Project will adversely impact the existing conditions which consist of a dense neighborhood with a lack of on-site and off-site parking in the neighborhood. The Project seeks relief from providing required resident off-street parking (4 garage parking spaces required to 3 carport parking spaces provided) and relief from required visitor parking (from two off-street visitor parking spaces required to zero off-street visitor parking spaces provided). The Project will result in a higher number of motor vehicles coming to the project site, but a shortage of on-site parking will result in a detrimental effect upon off-site parking in the surrounding area.

- 2) **Oxnard City Code Section 16-445(B)(3). Building will substantially conform with plot plans and elevations submitted in support of the special use permit; and**

The Planning Commission finds that:

A. The Applicant, who requested eight reductions to the R-2 Zone standards, has not demonstrated justification for the requested reductions. Furthermore, if granted, the requested Special Use Permit will provide a special privilege on the property due to the adaptive reuse of the existing development with a use which does not comply with current Code requirements. The Planning Commission finds that there are other

adaptive reuses that are a better fit for the land which could comply with the Oxnard City Code. Specifically, the Planning Commission found the structure could be adaptively reused as a single-family dwelling which is a use permitted by right in the R-2 Multiple-Family Zone (Sections 16-41(A) and 16-21(B)(14))

SECTION 2. Based on the findings set forth above, each of which provides a separate and distinct basis for denial, the Planning Commission hereby denies Planning and Zoning Permit No. 17-500-14 (Special Use Permit, Planned Residential Group), as the Planning Commission is unable to make all of the Findings required by Section 16-445 and Sections 16-530 through 16-553 of Oxnard City Code in order to grant a Special Use Permit, Planned Residential Group.

SECTION 3. The proposed project is statutorily exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15270 (“Projects Which are Disapproved”) because the proposed Project is denied.

SECTION 4. The decision of the Planning Commission shall be final unless an appeal of the action is filed in accordance with the provisions of Section 16-545 of the Oxnard City Code.

SECTION 5. The Secretary shall certify the adoption of this Resolution.

[signatures on next page]

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Oxnard
on this 21st day of November, 2019.

Deirdre Frank, Chair

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Oxnard at a meeting held on the 21st day of November, 2019, and carried by the following vote:

AYES: Commissioner(s):

NOES: Commissioner(s):

ABSENT: Commissioner(s):

ABSTAIN: Commissioner(s):

Scott Kolwitz, Secretary

ATTACHMENT B

**PLANNING COMMISSION DRAFT MINUTES
OCTOBER 17, 2019 HEARING**

MINUTES
OXNARD PLANNING COMMISSION
REGULAR MEETING
October 17, 2019
DRAFT

A. ROLL CALL

At 6:02 p.m., the regular meeting of the Oxnard Planning Commission convened in the Council Chambers. Chair Frank, Vice Chair Chua, Commissioners Chavez and Fuhring were present. Commissioners Dozier, Meyer and Sanchez were absent. Staff members present were Jeffrey Lambert, Community Development Director; Scott Kolwitz, Planning & Environmental Services Manager; Jay Dobrowalski, Associate Planner; Veronica Ortiz-DeAnda, Contract Planner; Ken Rozell, Chief Assistant City Attorney; and Maria Santana, Recording Secretary. Chair Frank presided and called the meeting to order.

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

Vice Chair Chua led the pledge of allegiance.

C. Public Comments – On Items Not On the Agenda

Public comments were received for items not on the agenda from: Michael Sudjati (Oxnard).

D. CONSENT AGENDA

1. APPROVAL OF MINUTES September 19, 2019

MOTION: Commissioner Chavez moved and Vice Chair Chua seconded a motion to approve the minutes of September 19, 2019, as submitted. Commissioners Dozier, Meyer and Sanchez were absent. The motion carried 4:0:3:0¹.

E. CONTINUED PUBLIC HEARING

1. **Project Name: 7-Eleven** – PLANNING AND ZONING PERMIT PZ NO. 18-500-12 (Special Use Permit) A request to demolish an existing four-story 27,450 square-foot office building and construct a gas fueling facility with six fuel dispenser stations and 12 pumps; construct a one-story 3,000 square-foot convenience store (7-Eleven) operating 24-hours; permit a Type-20 alcohol license for the sale of beer and wine for off-site consumption during the hours of 7:00 a.m. and 12:00 a.m.; approve a street dedication of 3.5 feet along Saviers Road; approve a street dedication of 1.35 feet along Channel Islands Boulevard; and construct associated parking and landscaping improvements on a 1.05 acre (45,738 square feet) site located at 2900 Saviers Road (APN 219-018-035) in the General Commercial (C-2) zone. Filed by Greg Fick of Tait and Associates, 701 N. Parkcenter Drive, Santa Ana, CA 92705.

¹ In Favor: Against: Absent: Recused

Project Planner: Veronica Ortiz-DeAnda

Recommendation:

Deny the Project, as submitted, finding the Project to be Statutorily Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15270 (Projects Which are Disapproved), and Approve Resolution 2019-XX for Planning and Zoning Permit Number 18-500-12 (Special Use Permit), denying the Project as the Planning Commission is unable to make all of the Findings required by Oxnard City Code Section 16-531 and City Council Resolution No. 11,896 in order to grant a Special Use Permit.

Planning Commissioners did not have any ex-parte communications to report for item E.1.

Contract Planner Veronica Ortiz-De Anda provided a PowerPoint presentation outlining the request.

The applicant team did not attend the meeting.

Chair Frank opened the public comments portion of the public hearing.

No public verbal comments were received in favor of the project / against the denial.

No public written comments were received in favor of the project / against the denial.

Public verbal comments were received from the following people against the project / in favor of the denial: Pat Brown, Jon Huyke, Nancy Rahn, and Yaderi Salazar.

Public written comments were received from the following people against the project / in favor of the denial: Pat Farrell.

Chair Frank closed the public comments portion of the public hearing.

Discussion ensued among the Commissioners and staff.

MOTION: Commissioner Chavez moved and Commissioner Fuhring seconded a motion to Deny the Project, as submitted, finding the Project to be Statutorily Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15270 (Projects Which are Disapproved), and Approve Resolution 2019-XX for Planning and Zoning Permit Number 18-500-12 (Special Use Permit), denying the Project as the Planning Commission is unable to make all of the Findings required by Oxnard City Code Section 16-531 and City Council Resolution No. 11,896 in order to grant a Special Use Permit.

VOTE: Chair Frank, Vice Chair Chua, Commissioners Chavez and Fuhring voted in favor of the motion (to Deny the Project). Commissioners Dozier, Meyer and Sanchez were absent. The motion carried 4:0:3:0².

² In Favor: Against: Absent: Recused

F. PUBLIC HEARING

1. **Project Name: Romero Duplex** – PLANNING AND ZONING PERMIT NO. 17-500-14 (Special Use Permit) Request for approval to establish a Planned Residential Group (PRG) for the adaptive reuse of an existing two-story 3,244 square-foot industrial building to a residential duplex. The proposed duplex includes a 1,635 square-foot unit and a 1,202 square-foot unit with a detached three-car carport on a 4,110 square-foot parcel. Pursuant to Oxnard City Code (OCC) § 16-445, the project includes the following modifications to the development standards of the Multiple Family (R-2) zoning district:

- 1) increase in density (from 3,500 square-feet of lot area per dwelling unit required to 2,055 square-feet of lot area per dwelling unit provided);
- 2) reduction of the required interior yard space (from 1,233 square-feet with minimum dimensions of 15 feet by 15 feet required to 759 square-feet without the 15 feet by 15 feet minimum dimensions provided);
- 3) reduction in front yard setback (from 25 feet required to 9 feet and 8 inches provided);
- 4) reduction in side yard setback (from 4 feet to none along the southern property line provided);
- 5) increase in height of front yard fence (from 42 inches required to 6 feet provided);
- 6) relief from required resident off-street parking (4 garage parking spaces required to 3 carport parking spaces provided);
- 7) relief from required visitor parking (from two off-street visitor parking spaces required to zero off-street visitor parking spaces provided); and
- 8) relief from landscaping (from 10-foot parking area landscaping required to 1 foot and 10 inch parking area landscaping provided).

For the purposes of this staff report, the foregoing project description shall be referred to as “the Project.” The project is located at 212 East First Street (APN 201-0-115-240) in the Multiple Family (R-2) zone. Filed by Jeff Valenzuela on behalf of property owner Juan Romero, 971 Gill Avenue, Port Hueneme, California 93041.

Project Planner: Jay Dobrowalski

Recommendation:

Approve the Project, as submitted, finding the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15303 (New Construction or Conversion of Small Structures), and Approve Resolution 2019-XX for Planning and Zoning Permit Number 17-500-14 (Special Use Permit), subject to certain findings and conditions..

Planning Commissioners did not have any ex-parte communications to report for item F.1.

Associate Planner Jay Dobrowalski provided a PowerPoint presentation outlining the request.

Juan Romero (property owner) and David Kesterson (Lauterbach & Associates, Architects), did not provide a PowerPoint presentation; however, they responded to questions.

Chair Frank opened the public comments portion of the public hearing.

No public verbal comments were received in favor of the project.

No public written comments were received in favor of the project.

Public verbal comments were received from the following person against the project: Pat Brown.

No public written comments were received against the project.

Chair Frank closed the public comments portion of the public hearing.

Discussion ensued among the Commissioners and staff.

MOTION: Commissioner Chavez moved and Commissioner Fuhring seconded a motion of intent to deny the Project as they could not make all of the Findings required to grant the Planned Residential Group and Special Use Permit in accordance with Oxnard City Code Section 16-445 and 16-531, and they continued the hearing to November 21, 2019 to ratify the action by approving a resolution of denial.

VOTE: Chair Frank, Vice Chair Chua, Commissioners Chavez and Fuhring voted in favor of the motion (to Deny the Project). Commissioners Dozier, Meyer and Sanchez were absent. The motion carried 4:0:3:0³.

G. STUDY SESSION/REPORTS

None.

H. PLANNING COMMISSION BUSINESS

Chair Frank notified City staff that a huge wedding was held on the weekend of October 5-6 on the beach in Oxnard Shores without permit. The wedding included catering, amplified music and alcohol on the beach and valet parking. Chair Frank stated these events are disruptive to the neighborhood.

I. PLANNING MANAGER COMMENTS

Jeff Lambert, Community Development Director announced:

1. The City of Oxnard is hosting “The Disruption of Autonomous Cars, Traffic, and Parking: Discussing public policy choices in the new era of mobility” with special guest speaker Jessica Robinson of the Michigan Mobility Institute at Oxnard College on November 13, 2019. RSVPs are required.

2. The City Council is scheduled to review the Short Term Rental Ordinance on November 5, 2019.

³ In Favor: Against: Absent: Recused

3. The City Council is scheduled to review the Fisherman's Wharf project at a special meeting on November 7, 2019. The Planning Commission meeting scheduled for that same evening is cancelled. The Rio Urbana project previously scheduled for this date will be continued to the Planning Commission's meeting of November 21, 2019.

Scott Kolwitz, Planning & Environmental Services Manager, announced:

1. The 2019 California legislative session has come to a close, and Governor Newsom has signed 18 additional housing bills into law. These range from funding sources, streamlining, accessory dwelling units, density bonuses, and etcetera. Staff is reviewing these laws, and staff will bring forward Ordinance Amendments in the coming year as part of the 2020 Work Plan.

2. The City Council approved the second reading of the Citywide General Plan Consistency Zone Change Program Ordinance on October 15, 2019. These changes become effective on November 14, 2019. Maps are being updated accordingly.

3. The City Council is to review the Retail Cannabis Ordinance Amendment on October 22, 2019.

4. The City Council is to receive a presentation regarding California housing legislation, the City's Housing Element, and the Regional Housing Needs Assessment (RHNA) on October 29, 2019.

5. The Planning Commission's next meeting is scheduled for November 21, 2019.

J. ADJOURNMENT

At 7:42 p.m., the Planning Commission concurred to adjourn.

Deirdre Frank, Chair

ATTEST:

Jeffrey Lambert, Community Development Director



PLANNING COMMISSION STAFF REPORT

TO: Planning Commission

FROM: Kathleen Mallory, Planning & Sustainability Manager
Thien Ng, Assistant Public Works Director
Steve Brown, Principal, SMB Environmental Consulting

DATE: November 21, 2019

SUBJECT: Final Programmatic Environmental Impact Report (Final PEIR No. 2019-01) for the City of Oxnard's (City) Proposed Public Works Integrated Master Plan (PWIMP)

- 1) Recommendation:** That the Planning Commission adopt a resolution recommending City Council approval of the Final Programmatic Environmental Impact Report (Final PEIR - No. 2019-01) for the City of Oxnard's (City) Proposed Public Works Integrated Master Plan (PWIMP). The Final PEIR is attached.
- 2) Background and Project Description:** The City issued a Notice of Availability of the Draft PEIR for the PWIMP on July 15, 2019. The 45-day public comment period ended on August 30, 2019. On August 15, 2019, the Planning Commission held a public hearing to receive public comments on the Draft PEIR; a copy of this staff report is attached (see Attachment No. 1). At this meeting, the Planning Commission received a presentation from the City's Environmental Consultant. No members of the public asked any questions nor provided any input on the Draft PEIR. The Commission asked general questions regarding the Draft PEIR. During the 45-day public review period, the City received four (4) comment letters from public agencies. All comments were non-substantive. None of the comments changed any of the outcomes or conclusions in the Draft PEIR. Comments were received from the California Division of Safety of Dams (DSOD); the Ventura County Air Pollution Control District (VAPCD); the Ventura County Public Works Department (VCPWD); and the Fox Canyon Groundwater Management Agency (FCGWMA). The actual letters and the City's responses to their comments are available for review in the attached Final PEIR (see Attachment No. 2). Provided below, City Staff has summarized these non-substantive comments along with a summary of our response. For the full comments and responses, please refer to the attached Final PEIR.
 - California Division of Safety of Dams (DSOD) - This comment letter requested more information regarding a proposed stormwater detention basin. City Staff explained that the proposed stormwater detention basin was still in early concept development and details for the project would not be ready for 10- to 15-years and that the City would work with DSOD if the project falls within the size of a facility

under their regulatory authority. DSOD's comments did not result in any substantive changes to the PEIR.

- Ventura County Air Pollution Control District (VAPCD) - The VAPCD generally concurred with the air quality impact, climate change, and greenhouse gas emissions determinations, but suggested that a few outdated air quality data should be updated. City Staff agreed and the minor changes are reflected in Chapter 4 of the attached Final PEIR. VAPCD's comments did not result in any substantive changes to the PEIR.
- Ventura County Public Works Department (VCPWD) – The VCPWD expressed concerns that some of the projects in the PWIMP could impact roads and roadways in VCPWD's jurisdiction and would require permits from them. City Staff agreed with these concerns. The City will apply for the required permits from VCPWD. Further, City Staff updated the permits table in the Final PEIR to reflect those permits/authorizations; this is reflected in Chapter 4 of the attached Final PEIR. VCPWD's comments did not result in any substantive changes to the PEIR.
- Fox Canyon Groundwater Management Agency (FCGWMA) – The FCGWMA expressed concerns that some of the groundwater-related projects could affect groundwater in the groundwater basin(s) that they have jurisdiction over. City Staff agreed with some of these concerns. The City will apply for the required permits from FCGWMA in the future, and will work with them accordingly. Further, City Staff updated the permits table in the Final PEIR to reflect those permits/authorizations and this is reflected in Chapter 4 of the attached Final PEIR. FCGWMA's comments did not result in any substantive changes to the PEIR.

As stated above, none of the comments, nor the City's responses, changed any of the outcomes or conclusions in the Draft PEIR, which would require the re-circulation or cancellation of the Draft EIR.

In accordance with the California Environmental Quality Act (CEQA), responses to comments are required to be distributed no less than 10-days in advance of the Planning Commission meeting. On October 28, 2019, City Staff provided each commenting agency with a copy of the attached Final PEIR, including notification of the Planning Commission's upcoming November 21, 2019 public hearing.

Attachments:

1. August 15, 2019 Planning Commission Staff Report
2. Final PEIR, including Revision Pages, Responses to Comments, and Mitigation Monitoring and Reporting Program
3. Resolution of Approval and CEQA Findings of Fact

ATTACHMENT 1

August 15, 2019 Planning Commission Staff Report



PLANNING COMMISSION STAFF REPORT

TO: Planning Commission

FROM: Kathleen Mallory, AICP, Planning & Sustainability Manager
Steve Brown, Principal, SMB Environmental Consulting (Consultant to Public Works Department)

DATE: August 15, 2019

SUBJECT: Public Hearing to Received Public Comments on Draft Programmatic Environmental Impact Report (Draft PEIR) No. 2019-01 for the City of Oxnard's Proposed Public Works Integrated Master Plan (PWIMP)

- 1) **Recommendation:** That the Planning Commission hold a public hearing on August 15, 2019 to receive public comments on the Draft Programmatic Environmental Impact Report (Draft PEIR – 2019-01) for the City of Oxnard's (City) proposed Public Works Integrated Master Plan (PWIMP). An Executive Summary of the PEIR is attached (see Attachment A). The PEIR and the PWIMP can be viewed and/or downloaded from the City's website at <https://www.oxnard.org/city-department/public-works/public-works-integrated-master-plan/> and <https://www.oxnard.org/city-department/community-development/planning/environmental-documents/>. The City is the lead agency under the California Environmental Quality Act (CEQA).
- 2) **Background and Project Description:** The City has jurisdictional authority to provide potable water, wastewater, recycled water, and storm water services⁽¹⁾ to its nearly 209,000 citizens and numerous industrial and commercial users. The City's Public Works Department oversees the water, wastewater, recycled water, and storm water utilities throughout the City and faces many challenges in managing these four utilities and its future water resources. These challenges include identifying the best response to immediate drought conditions while planning for long-term water needs, reducing dependence on costly imported water, addressing aging infrastructure and reliability concerns, pursuing aggressive goals for energy efficiency and sustainable solutions, as well as maintaining compliance with changing regulatory requirements.

Given the City's challenges and opportunities to meet them, the PWIMP develops long-term recommendations for policies, programs, and goals that successfully address the challenges

¹ The City manages most of the storm water facilities and the County of Ventura manages the major canals.

and opportunities in a holistic and integrated way. Opportunities to meet these challenges range from institutional and non-structural approaches (policies and programs) to technical and structural approaches (capital projects). The PWIMP will help the City respond to planned population increase, challenges from new regulatory requirements, drought conditions, aging infrastructure, and reliability concerns. In addition, the PWIMP documents the policy decisions, goals, and objectives to help protect public health while balancing the environmental, social, and financial impacts of the City's water resources management.

The PWIMP provides a phased program over the next 15-20 years for constructing improvements to the City's infrastructure facilities that will accommodate planned growth while maintaining treatment reliability, meeting future regulatory requirements, and optimizing costs through the City's 2030 planning horizon. Specifically, the PWIMP addresses future planning needs including infrastructure additions and upgrades for City's water, wastewater, recycled water, and storm water utilities. The PWIMP builds upon previous planning efforts using a coordinated methodology, which will allow the City to take full advantage of potential linkages and synergies between the four water utility systems. In addition, the PWIMP is also coordinated with a streets plan in an attempt to allow timing of future streets upgrades to be tied together with infrastructure upgrades.

- 3) Environmental Analysis:** The Project is subject to review in accordance with the California Environmental Quality Act (CEQA). The City issued a Notice of Preparation (NOP) of the PEIR on July 27, 2016 (SCH #: 2016071078). The NOP was circulated to the public, local, state and federal agencies, and other interested parties to solicit comments on the Proposed Project during the 30-day comment period. During the scoping period, the City held two (2) scoping meetings on August 24, 2016 in the City of Oxnard's Human Resources (HR) Activity/Community Room to discuss the Proposed Project and to solicit public input as to the scope and content of the PEIR. The NOP, the NOP, presentation, and comments received are available for review in Appendix B of the PEIR. The City issued a Notice of Availability of the Draft PEIR on July 15, 2019. The public comment period for the Draft EIR ends on August 30, 2019.

As described in Chapter 2, Project Description of the PWIMP and summarized above, the PWIMP establishes how the City's water, recycled water, wastewater, and storm water systems would be upgraded and expanded in the coming years to meet the City's anticipated demands through buildout of the City's 2030 General Plan. However, the design details, final options, and the timing of the project-level projects are not precisely known at this time and will likely change significantly. As such, the environmental impact analysis has been prepared at a programmatic level of detail as it addresses the full range of potential environmental effects associated with implementation of the PWIMP, but in some cases the analysis is general and more qualitative than quantitative. This approach is consistent with the State CEQA Guidelines provisions for a Program EIR, as described in Section 15168, which suggests that the level of detail is dictated by "ripeness"; detailed analysis should be reserved for issues that are ripe for consideration.

As such, it is expected that each of the future project-level projects within the PWIMP will

require further environmental and project-level analysis to be compliant with CEQA. These future project-level projects would tier-off of the PEIR for the full range of direct, indirect, cumulative, and growth inducing impacts. Depending on the type, location, timing, and potential environmental impacts of these future project-level projects, CEQA compliance can be achieved by a combination of individual project specific Addendums, Categorical Exemptions, Initial Study/Mitigated negative Declarations, and/or focused EIRs.

Table ES-1 of the Draft EIR summarizes the potential environmental impacts and recommended mitigation measures identified for the construction and operation of the PWIMP. In short, the environmental resources areas evaluated include:

- 3.1 Aesthetics/Visual Resources
- 3.2 Agricultural and Soil Resources
- 3.3 Air Quality
- 3.4 Biological Resources
- 3.5 Climate Change and Greenhouse Gases
- 3.6 Cultural, Paleontological, and Tribal Resources
- 3.7 Geology, Seismic, and Soils Hazards
- 3.8 Hazards and Hazardous Wastes
- 3.9 Hydrology, Water Quality, and Water Utilities
- 3.10 Land Use Planning
- 3.11 Mineral Resources
- 3.12 Noise
- 3.13 Traffic and Transportation

In summary, the construction of the PWIMP could result in short-term/temporary construction related impacts that can be reduced to less-than-significant impacts with the implementation of mitigation measures and best construction practices. Operations would also generally result in less-than-significant impacts and/or any potentially significant impacts could be reduced to less-than-significant levels with the implementation of mitigation measures and best practices.

The PWIMP does not directly create or induce growth in the Oxnard area because it does not provide a significant number of additional permanent jobs nor does it approve land development. Only the City or the County, through their general planning, zoning and permitting authority can directly induce growth. Therefore, the PWIMP, in and of itself, does not directly affect or foster growth in the surrounding environment. With that said, the implementation of the PWIMP could have an *Indirect Significant and Unavoidable Impact* with *Indirect Growth Inducing Effects* as it would remove a barrier to growth by providing improved water supplies and utilities to support the current, planned, and 2030 growth. In as such, it would then be reasonable conclude that the implementation of the PWIMP would contribute to the same indirect significant and unavoidable growth inducing impacts as identified in the 2030 General Plan EIR and previously approved by the City Council.

This Public Hearing/Meeting is not intended to be an open discussion and/or a debate on the

merits of the Proposed PWIMP. Instead, it will be informational in nature and the Commission and public are encouraged to provide written comments for consideration prior to the end of the 45-day public review period which ends on August 30, 2019 at 5 p.m. Written comments will be addressed and responded to in the Final PEIR. This document will be prepared for Planning Commission consideration, with a recommendation on the Final PEIR forwarded to the City Council.

Attachments:

A. Executive Summary of Public Works Integrated Master Plan, Draft Programmatic EIR.

Executive Summary

The City of Oxnard (City) has prepared this Programmatic Draft Environmental Impact Report (Program EIR, PEIR, DPEIR, and/or Draft PEIR) to provide the public and responsible agencies with information about the potential environmental effects of the City's proposed Public Works Integrated Master Plan (PWIMP, Project, and/or Proposed Project). Please see Appendix A for the PWIMP and supporting engineering reports. The City will be the lead agency under the California Environmental Quality Act (CEQA).

ES.1 Purpose of the Program Environmental Impact Report

The purpose of this PEIR is to provide the public and responsible and trustee agencies with information about the potential environmental effects of the Proposed Project. This Draft PEIR was prepared in compliance with the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000et seq.) of 1970 (as amended), and the CEQA Guidelines (California Code of Regulations, Title 14). As described in CEQA guidelines Section 15121(a), an EIR is a public information document that assesses potential environmental effects of the Proposed Project, and identifies mitigation measures and alternatives to the Proposed Project that would reduce or avoid adverse environmental impacts. CEQA requires that state and local government agencies consider the environmental consequences of projects over which they have discretionary authority.

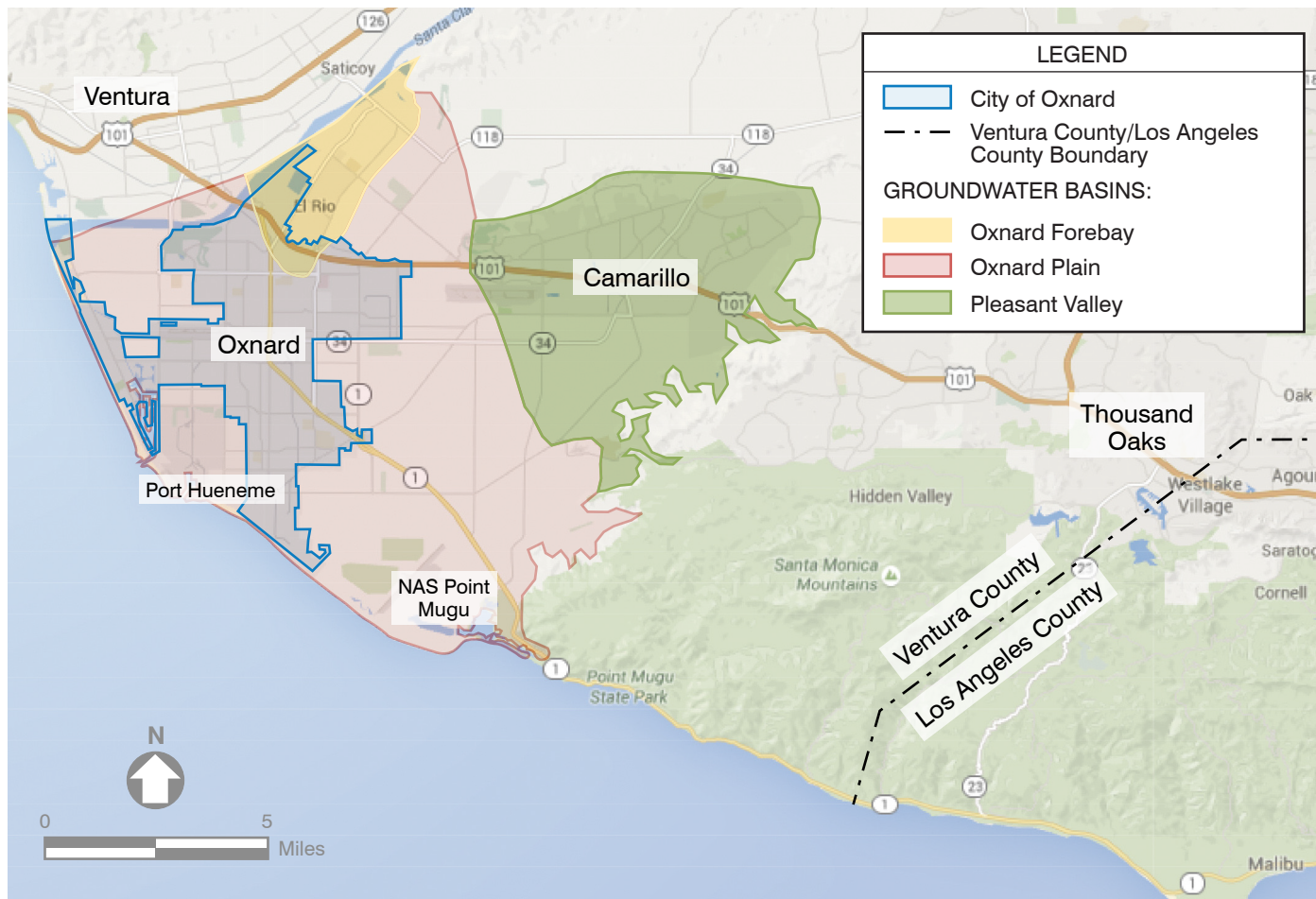
ES.2 Project Location and Background

As shown in Figure ES-1, the City is located along the Pacific Ocean coastline in Southern California, just northwest of Los Angeles. Oxnard is the largest city in Ventura County and is at the center of a regional agricultural industry with a growing business center. The City has jurisdictional authority to provide potable water, wastewater, recycled water, and stormwater services to its nearly 200,000 citizens and numerous industrial and commercial users.

The City's Public Works Department oversees the water, wastewater, recycled water, and stormwater utilities¹ throughout the City and faces many challenges in managing these four utilities and its future water resources. These challenges include identifying the best response to immediate drought conditions while planning for long-term water needs, reducing dependence on costly imported water, addressing aging infrastructure and reliability concerns, pursuing aggressive goals for energy efficiency and sustainable solutions, as well as maintaining compliance with changing regulatory requirements.

Given the City's challenges and opportunities to meet them, the PWIMP develops long-term recommendations for policies, programs, and goals that successfully address the challenges and opportunities in a holistic and integrated way. Opportunities to meet these challenges range from institutional and non-structural approaches (policies and programs) to technical and structural approaches (capital projects). The PWIMP will help the City respond to planned population increase, challenges from new regulatory requirements, drought conditions, aging infrastructure, and reliability concerns. In addition, the PWIMP documents the policy decisions, goals, and objectives to help protect public health while balancing the environmental, social, and financial impacts of the City's water resources management.

¹ The City manages most of the stormwater facilities and the County of Ventura manages the major canals.



PROJECT AREA FOR INTEGRATED MASTER PLAN

FIGURE ES-1

CITY OF OXNARD

ENVIRONMENTAL IMPACT REPORT



ES.3 Proposed Project Vision, Purpose, Need, Goals, and Objectives

The PWIMP provides a phased program over the next 15-20 years for constructing improvements to the City's infrastructure facilities that will accommodate planned growth while maintaining treatment reliability, meeting future regulatory requirements, and optimizing costs through the City's 2030 planning horizon. Specifically, the PWIMP addresses future planning needs including infrastructure additions and upgrades for City's water, wastewater, recycled water, and stormwater utilities. The PWIMP builds upon previous planning efforts using a coordinated methodology, which will allow the City to take full advantage of potential linkages and synergies between the four water utility systems. In addition, the PWIMP is also coordinated with a streets plan in an attempt to allow timing of future streets upgrades to be tied together with infrastructure upgrades.

This Draft PEIR document is being circulated to local, state, and federal agencies as well as to interested organizations and individuals who may wish to review and comment on the report and Proposed Project. Publication of this Draft PEIR marks the beginning of a 45-day public review period. The City will hold a public hearing on the Draft PEIR during the 45-day public review period.

Date: August 15, 2019
Time: 7:00 pm
Location: City of Oxnard
City Council Chambers
305 West Third Street
Oxnard, CA 93030

During this review period, written comments will be received by the City from July 15, 2019 up until, but no later than, close of business on August 30, 2019 at the following address:

Kathleen Mallory, Planning & Sustainability Manager
City of Oxnard
214 "C" Street
Oxnard, CA 93030
kathleen.mallory@oxnard.org

ES.4 Proposed Project Description

The City's proposed Project is to construct and operate the City's Public Works Integrated Master Plan (PWIMP), which is comprised of improvements to the City's Water Supply System, Recycled Water System, Wastewater System, and Stormwater System. Each is summarized below.

WATER SYSTEM IMPROVEMENTS

The goal of the proposed improvements to the City's water system is to increase the City's water supply by 12,000 acre-feet per year to offset future groundwater pumping restrictions and planned growth. These improvements include Water Supply and Quality Improvements and Water Supply Distribution Improvements. These are summarized below.

- **Water Supply and Quality Improvements.** The proposed water supply/quality improvements include: 6 new 2,000 gallons per minute (gpm) water supply wells; a new 2.0 million gallon (MG) storage tank; a 7.5 million gallon per day (mgd) expansion of the existing 7.5 mgd Desalter Facility in two 3.75 mgd phases for an overall capacity of 15 mgd (i.e. approximately 16.8 acre-

feet per year); and the construction of a new 32,100 linear foot (LF) Brine Line from BS 1/6 to the City's Ocean Outfall from the OWTP (14- to 24-inches in diameter).

- **Water Supply Distribution Improvements.** The proposed water supply distribution improvements include: replacing 14,198 LF of existing pipelines ranging from 8-30 inches in diameter; repairing and replacing the electrical, mechanical, auxiliary equipment at the existing blending stations (including adding cathodic protection); repairing and replacing 291,450 LF of existing pipelines throughout the City; and pressure zone and operational improvements for fire flow.

RECYCLED WATER SYSTEM IMPROVEMENTS

The proposed improvements to the City's recycled water system includes improvements to the City's recycled water system treatment facilities; recycled water pipeline distribution system; and Indirect Potable Recharge/Direct Potable Recharge facilities. These are summarized below.

- **Recycled Water Treatment System Improvements.** The proposed Recycled Water Treatment System Improvements include three (3) Phases of improvements. Phase 1 includes the conversion of the existing disinfection system to an Ultraviolet/Advanced Oxidation Process Treatment system. Phase 2 will expand the existing 6.25 mgd AWWP by an additional 6.25 mgd to 12.5 mgd. Phase 3 would expand the Phase 2 AWWP by another 6.25 mgd to a final capacity of 18.75 mgd.
- **Recycled Water Distribution System Improvements.** The proposed Recycled Water Distribution System Improvements include the construction of approximately 82,000 LF of new recycled water pipelines ranging in sizes of 20-24-30-, and 36-inches in diameter to deliver recycled water to agricultural users in the east and to the ASR wells; and four (4) 3.1 MG recycled water storage facilities at the AWWP for agricultural users and ASR sites.
- **Indirect Potable Recharge and Direct Potable Recharge Facilities and Improvements.** The IPR/ASR facilities will include the construction of ten (10) new 2,000 gpm ASR wells and standby wells – each with three (3) monitoring wells. Acquisition of property near BS No. 1/6 and BS No. 3 will be required.

WASTEWATER SYSTEM IMPROVEMENTS

The proposed improvements to the City's wastewater system improvements are discussed below.

- **Wastewater Collection System Improvements.** The proposed improvements to the City's wastewater collection system include rehabilitation and/or replacement of manholes and collection conduits to increase overall capacity throughout the City.
- **Wastewater Treatment System Improvements.** The City needs to decide if it will invest in the future of the aging existing OWTP or relocate the OWTP to an entirely new location – with entirely new facilities. Regardless, there are immediate rehabilitation and replacement project that need to be done to the OWTP. These include replacing equipment and making structural repairs. Facilities that are unsafe or are at the end of their useful lives, including the headworks, primary clarifiers, DAFTs, digesters, interstage pump station, effluent pump station, SCADA, and cogeneration facility will also need to be rehabilitated and/or replaced. If the City decides to invest in the existing OWTP, then there would be additional improvements needed to ensure its useful life for another 25-30 years. The relocation of the OWTP would require the acquisition of land suitable for such a facility and would require building all new facilities.

STORMWATER SYSTEM IMPROVEMENTS

The proposed stormwater system improvements include improvements to the City's existing stormwater collection system and the addition of new stormwater projects. These are discussed below.

- **Stormwater Collection System Improvements.** The proposed stormwater collection system improvements include rehabilitating and/or replacing of approximately 19,000 LF of existing pipeline/conduit throughout the City.
- **New Stormwater Projects and Improvements.** The New proposed Stormwater Projects include the construction of a new infiltration basin, a City-wide incentive stormwater reduction program, and a dry weather diversion program. The goal of these projects is to improve stormwater quality so it can be harvested as an additional water source and meet regulatory requirements. Each is described below.
 - *New Infiltration Basin.* The new proposed infiltration basin, recommended for TMDL compliance, is required to meet the Santa Clara River's indicator bacteria TMDL and would be sized to treat the 85th percentile stormwater volume from the local drainage area and would require approximately 85,000 square feet. It would be approximately 2-foot deep and infiltrate at a rate of 0.5-inches per hour.
 - *City-Wide Incentive Stormwater Reduction Program.* The proposed City-wide incentive program that would involve capturing stormwater to offset potable water use. This program would encourage new developers to invest in rainwater harvesting and onsite reuse. It would also give interested residents the opportunity to retrofit their homes with rain barrels or rain cisterns. These measures would lower the risk of flooding and would encourage residents and developers to take a proactive stance on stormwater. The City would encourage rainwater collection in several ways. It would provide discounted rain barrels and cisterns for purchase or offer a discount on water utilities bills. Such incentives could be provided for both existing landowners and developers. The cost for such an incentive program would depend entirely on its size and the amount the City is willing to offset.
 - *Dry Weather Diversion Program.* The proposed Dry Weather Diversion Program would divert dry weather stormwater channel flows to the OWTP to be treated and potentially reused at the AWPf. Dry weather flows include flow from irrigation runoff, pool draining, washdown water, construction work, and other related activities. In Oxnard, shallow groundwater infiltration is likely another component of dry weather 'stormwater' flow. Water could be diverted from the stormwater collection system in a number of ways. Typically, stormwater diversion structures in California are constructed to first screen water for trash and then pumping water from a stormwater pump station to a sanitary collection system. However, water can also be diverted in an open channel by installing an inflatable dam or mechanical gate. Water that builds up behind the dam or gate can then be pumped into the sanitary collection system. The diverted stormwater would be treated downstream at the OWTP and potentially the AWPf. A dry weather diversion could be used only when the OWTP has excess capacity. In Oxnard's case, storage would not be required because dry weather flows in stormwater channels occur year-round. To prevent significant water quality degradation of OWTP influent, however, dry weather diversions should be kept small in proportion to OWTP influent. Before this project could be implemented, the City should consider the effects removing this dry

weather storm channel flow could have on downstream habitat. Additionally, water quality implications should be studied further.

ES.5 Alternatives

As detailed in Chapter 3 – Environmental Analysis, the construction and operation of the PWIMP would have several potentially significant impacts to the environment. However, with the implementation of the identified and corresponding mitigation measures, all of the potentially significant impacts can be reduced to less-than-significant levels. As a result, the only alternative that needs to be evaluated in this Program EIR is the CEQA required No Project Alternative. Among others, alternatives considered, but eliminated from further consideration include the following:

- Relocation of the Oxnard Wastewater Treatment Facility;
- Alternative Locations for New PWIMP Facilities;
- Increased Groundwater Pumping;
- Purchase of Imported Water Supplies; and
- Seawater Desalination.

The No Project Alternative is discussed below.

NO PROJECT ALTERNATIVE

Section 15126.6 (e) of the CEQA Guidelines requires the analysis of a No Project Alternative. The purpose of describing and analyzing a No Project Alternative is to allow decision-makers the opportunity to compare the impacts of approving the proposed project with the impacts of not approving the proposed project. The CEQA Guidelines state that the No Project Alternative is the circumstance under which the project would not proceed. If the No Project Alternative would not result in the preservation of existing conditions, the consequences of not approving a project should also be discussed.

Under the No Project Alternative, the PWIMP would not be implemented. Construction of the expanded AWTP, desalter, and new water and DPR/IPR/ASR wells and other facilities would not occur. As a result, secondary effluent produced from the Oxnard WWTP would not be diverted from the existing ocean outfall for tertiary and advanced water treatment at the AWP facility. Further rehabilitation of the existing pipelines and conveyance facilities that are at the end of their useful lives would not occur. This would cause the need for emergency repairs rather than a planned, orderly, and cost-effective method for ensuring reliability with the various water, wastewater, recycled water, and stormwater pipeline and conveyance facilities.

Agricultural users would not be provided an alternative source of quality irrigation water and proposed new recycled water conveyance pipelines and storage would not be constructed. As a result, current groundwater pumping practices for irrigation would be continued as allowed by assigned allocations; unused groundwater pumping allocations (credits) would not be available for City use.

Groundwater injections afforded by new IPR/ASR would not occur, and over-drafted aquifer conditions would continue to occur or worsen. Additional potable water supplies potentially provided by treatment of extracted groundwater (allowed by transfer of unused groundwater pumping in lieu of groundwater recharge) would not be available for extraction and treatment by the proposed regional desalter expansion(s).

The No Project Alternative could result in a shortage in the amount of reliable and affordable water supplies available to meet both potable and non-potable demands. A shortage would require the City to consider other alternative solutions to meet the goal of the City to provide current and future residents and businesses with a reliable and affordable source of high-quality water.

The No Project Alternative was included as the Base Case Scenario in the groundwater flow modeling conducted for the PWIMP. The results of the modeling are discussed in the PWIMP, which is located in Appendix A. These results assist in understanding the potential condition of the groundwater aquifer in 2030 under the No Project Alternative (i.e., existing conditions). To summarize, groundwater aquifer conditions under the No Project Alternative in the lower aquifer system (LAS) in the Southern Oxnard Plain will remain significantly above sea level, only occasionally dropping to near sea level during extended drier climatic periods. These conditions would indicate a low potential for coastal landward flow (i.e., seawater intrusion). In contrast, groundwater aquifer conditions in the LAS in the Southern Oxnard Plain and Pleasant Valley areas would continue to experience severe overdraft conditions and water quality degradation in the LAS of the southern Oxnard Plain and Pleasant Valley areas.

The No Project Alternative would avoid the less-than-significant significant with mitigation impacts identified for the PWIMP Program. However, several of the beneficial impacts of the PWIMP related to groundwater recharge in the LAS would not be realized, including increased groundwater elevations, minimization of coastal landward flow of seawater, and reduction of severe overdraft conditions and water quality degradation. In addition, the No Project Alternative fails to meet any of the stated objectives for the Proposed Project.

ES.6 Summary of Environmental Impacts and Mitigation Measures

Table ES-1 provides a summary of the potential environmental impacts of the construction and operation of the Proposed Project as identified in this PEIR and the potential mitigation measures if required. The level of significance of each potential environmental impact is indicated before and after the application of any proposed or recommended mitigation measures.

Table ES-1 Summary of Environmental Impacts and Mitigation Measures			
Potential Environmental Impact	Level of Significance Before Mitigation	Mitigation Measure(s)	Level of Significance After Mitigation
3.1 Aesthetic/Visual Resources			
Impact 3.1-1: Construction associated with PWIMP facilities could temporarily degrade the existing visual character of a site or surroundings.	Less-than-Significant Impact	None Required	Less-than-Significant Impact
Impact 3.1-2: Permanent facilities could have an adverse effect on scenic vistas, damage scenic resources, or degrade the existing visual character or quality of the site and its surroundings.	Potential Significant Impact	Mitigation Measure 3.1-2a: Blend in with the Existing Environment. Mitigation Measure 3.1-2b: Fencing.	Less-than-Significant Impact
Impact 3.1-3: Exterior lighting associated with	Potential Significant Impact	Mitigation Measure 3.1-3a: Shielded Lighting.	Less-than-Significant Impact

Table ES-1 Summary of Environmental Impacts and Mitigation Measures			
Potential Environmental Impact	Level of Significance Before Mitigation	Mitigation Measure(s)	Level of Significance After Mitigation
proposed facilities would create new sources of light and glare in the surrounding areas.		Mitigation Measure 3.1-3b: Security Lighting.	
3.2 Agricultural and Soil Resources			
Impact 3.2-1: Construction and operation of the PWIMP and/or identified components/facilities could result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use.	No Impact	None Required	No Impact
Impact 3.2-2: Construction and operation of the PWIMP and/or identified components/facilities could conflict with existing zoning for agricultural use or an existing Williamson Act contract.	No Impact	None Required	No Impact
Impact 3.2-3: Construction and operation of the PWIMP and/or identified facilities could result in conversion of off-site farmland to non-agricultural use.	No Impact	None Required	No Impact
3.3 Air Quality			
Impact 3.3-1: Construction and operation of the PWIMP could conflict with population or other growth forecasts contained in the Ventura County AQMP or otherwise obstruct implementation of the Ventura County AQMP.	Less-than-Significant Impact	None Required	Less-than-Significant Impact
Impact 3.3-2: Construction and operation of the PWIMP and/or identified facilities could violate any federal or state air quality standard or contribute substantially to an existing or projected air quality standard violation.	Potential Significant Impact	Mitigation Measure 3.3-2a: Calculate Air Emissions. Mitigation Measure 3.3-2b: Construction Emissions Control Plan. Mitigation Measure 3.3-2c: Construction Fugitive Dust Control Plan. Mitigation Measure 3.3-2d: San Joaquin Valley Fever Prevention	Less-than-Significant Impact

Table ES-1 Summary of Environmental Impacts and Mitigation Measures			
Potential Environmental Impact	Level of Significance Before Mitigation	Mitigation Measure(s)	Level of Significance After Mitigation
		Plan. Mitigation Measure 3.3-2e: ROC and NOx Construction Measures.	
Impact 3.3-3: Construction and operation of the PWIMP and/or identified components/facilities could result in a net increase of any criteria air pollutant in excess of quantitative thresholds recommended by the VCAPCD.	Less-than-Significant Impact	None Required	Less-than-Significant Impact
Impact 3.3-4: Construction and operation of the PWIMP and/or identified components/facilities could expose sensitive receptors to pollutant concentrations exceeding state or federal standards or in excess of applicable health risk criteria for toxic air contaminants.	Less-than-Significant Impact	None Required	Less-than-Significant Impact
Impact 3.3-5: Construction and operation of the PWIMP and/or identified components/facilities could create objectionable odors affecting a substantial number of people.	Less-than-Significant Impact	None Required	Less-than-Significant Impact
3.4 Biological Resources			
Impact 3.4-1: Construction and operation of the PWIMP and/or identified components/facilities could have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.	Potential Significant Impact	Mitigation Measure 3.4-1a: Conduct Pre-construction Biological Survey(s).	Less-than-Significant Impact
Impact 3.4-2: Construction and operation of the PWIMP and/or identified	Potential Significant Impact	Mitigation Measure 3.4-2a: Avoid Construction Impacts on Riparian	Less-than-Significant Impact

Table ES-1 Summary of Environmental Impacts and Mitigation Measures			
Potential Environmental Impact	Level of Significance Before Mitigation	Mitigation Measure(s)	Level of Significance After Mitigation
components/facilities could have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations adopted by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.		Habitat. Mitigation Measure 3.4-2b: Avoid Construction Impacts on Critical Habitats.	
Impact 3.4-3: Construction and operation of the PWIMP and/or identified components/facilities could have a substantial adverse effect on federally protected waters of the U.S. as defined by Section 404 of the federal Clean Water Act or protected waters of the state as defined by Section 1600 et seq. of the California Fish and Game Code (including, but not limited to, marshes, vernal pools, and coastal wetlands) through direct removal, filling, hydrological interruption, or other means.	Potential Significant Impact	Mitigation Measure 3.4-3a: Avoid Federally Protected Wetlands and Waters of the U.S.	Less-than-Significant Impact
Impact 3.4-4: Construction and operation of the PWIMP and/or identified components/facilities could interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.	Potential Significant Impact	3.4-1a: Conduct Pre-construction Biological Survey(s).	Less-than-Significant Impact
Impact 3.4-5: Construction and operation of the PWIMP and/or identified components/facilities could conflict with any local policies or ordinances protecting biological resources.	No Impact	None Required	No Impact

Table ES-1 Summary of Environmental Impacts and Mitigation Measures			
Potential Environmental Impact	Level of Significance Before Mitigation	Mitigation Measure(s)	Level of Significance After Mitigation
Impact 3.4-6: Construction and operation of the PWIMP and/or identified components/facilities could conflict with an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.	No Impact	None Required	No Impact
3.5 Climate Change and Greenhouse Gases			
Impact 3.5-1: Construction and operation of the PWIMP and/or identified components/facilities could generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.	Potential Significant Impact	Mitigation Measure 3.5-1a: Calculate Air Emissions. Mitigation Measure 3.5-1b: Construction Emissions Control Plan. Mitigation Measure 3.5-1c: ROC and NOx Construction Measures. Mitigation Measure 3.5-1d: Purchase of GHG Offset Credits.	Less-than-Significant Impact
Impact 3.5-2: Construction and operation of the PWIMP and/or identified components/facilities could conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases or otherwise conflict with state goals for reducing GHG emissions in California.	Potential Significant Impact	Mitigation Measures 3.5-1a through 3.5-1d above.	Less-than-Significant Impact
Impact 3.5-3: Construction and operation of the PWIMP and/or identified components/facilities could contribute or be subject to potential secondary effects of climate change (e.g., sea level rise, increase fire hazard).	Potential Significant Impact	Mitigation Measures 3.5-1a through 3.5-1d above.	Less-than-Significant Impact
3.6 Cultural, Paleontological, and Tribal Resources			
Impact 3.6-1: Construction and operation of the PWIMP and/or identified components/facilities could cause a substantial adverse change in the significance of an historical	Potential Significant Impact	Mitigation Measure 3.6-1a: Pre-Construction Cultural Resources Survey(s). Mitigation Measure 3.6-1b: Avoidance. Mitigation Measure 3.6-1c:	Less-than-Significant Impact

Table ES-1 Summary of Environmental Impacts and Mitigation Measures			
Potential Environmental Impact	Level of Significance Before Mitigation	Mitigation Measure(s)	Level of Significance After Mitigation
resource as defined in State CEQA Guidelines Section 15064.5.		Evaluation for CRHR. Mitigation Measure 3.6-1d: Develop a Cultural Resources Treatment Plan (CRTP). Mitigation Measure 3.6-1e: Halt work if Cultural Resources are Discovered.	
Impact 3.6-2: Construction and operation of the PWIMP and/or identified components/facilities could cause a substantial adverse change in the significance of a unique archaeological resource pursuant to State CEQA Guidelines Section 15064.5.	Potential Significant Impact	Mitigation Measures 3.6-1a through 3.6-1e, above.	Less-than-Significant Impact
Impact 3.6-3: Construction and operation of the PWIMP and/or identified components/facilities could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.	Potential Significant Impact	Mitigation Measure 3.6-3a: Stop Work if Paleontological Remains are Discovered.	Less-than-Significant Impact
Impact 3.6-4: Construction and operation of the PWIMP and/or identified components/facilities could disturb any human remains, including those interred outside of formal cemeteries.	Potential Significant Impact	Mitigation Measure 3.6-4a: Halt Work if Human Remains are Discovered.	Less-than-Significant Impact
Impact 3.6-5: Construction and operation of the PWIMP and/or identified components/facilities could cause a substantial adverse change in the significance of a tribal cultural resource.	Potential Significant Impact	Mitigation Measure 3.6-5: Halt Work if Tribal Cultural Resources are Discovered.	Less-than-Significant Impact
3.7 Geologic, Seismic, and Soil Hazards			
Impact 3.7-1: Implementation of the PWIMP and/or identified components/facilities could expose people or structures to potential substantial adverse effects, including the risk of loss,	Potential Significant Impact	Mitigation Measure 3.7-1a: Conduct Appropriate Geotechnical Engineering Studies.	Less-than-Significant Impact

Table ES-1 Summary of Environmental Impacts and Mitigation Measures			
Potential Environmental Impact	Level of Significance Before Mitigation	Mitigation Measure(s)	Level of Significance After Mitigation
injury, or death involving earthquakes, landslides, liquefaction, and/or subsidence.			
3.8 Hazards and Hazardous Wastes			
Impact 3.8-1: Excavation and grading for the project could expose construction workers, the public, or the environment to hazardous materials that may be present in excavated soil or groundwater.	Potential Significant Impact	Mitigation Measure 3.8-1a: Conduct Phase I Environmental Site Assessment(s). Mitigation Measure 3.8-1b: Prepare Project-Specific Health and Safety Plan(s). Mitigation Measure 3.8-1c: Environmental Construction Monitor(s). Mitigation Measure 3.8-1d: Develop a Materials Disposal Plan(s).	Less-than-Significant Impact
Impact 3.8-2: Potential for accidental release of hazardous materials from construction activities.	Potential Significant Impact	Mitigation Measure 3.8-2a: Store, Handle, Use Hazardous Materials in Accordance with Applicable Laws. Mitigation Measure 3.8-2b: Properly Dispose of Contaminated Soil and/or Groundwater. Mitigation Measure 3.8-2c: Properly Dispose of Hydrostatic Test Water.	Less-than-Significant Impact
Impact 3.8-3: Handling and Use of Hazardous Materials within ¼-mile of a school during construction.	Potential Significant Impact	Mitigation Measures 3.8-1a through 3.8-1d and 3.8-2a through 3.8-2c, above.	Less-than-Significant Impact
Impact 3.8-4: Increased risk of wildland fires during construction in high fire hazard areas.	Potential Significant Impact	Mitigation Measure 3.8-4a: Fire Prevention and Control.	Less-than-Significant Impact
3.9 Hydrology, Water Quality, and Water Utilities			
Impact 3.9-1: Construction and operation of the PWIMP could cause a violation of any adopted water quality standards or waste discharge or treatment requirements.	Potential Significant Impact	Mitigation Measure 3.9-1a: Implement Construction Best Management Practices.	Less-than-Significant Impact
Impact 3.9-2: Construction and operation of the PWIMP could substantially deplete groundwater supplies or interfere with groundwater	Potential Significant Impact	Mitigation Measure 3.9-2a: Prepare Groundwater and Hydrogeological Plan and Modeling.	Less-than-Significant Impact

Table ES-1 Summary of Environmental Impacts and Mitigation Measures			
Potential Environmental Impact	Level of Significance Before Mitigation	Mitigation Measure(s)	Level of Significance After Mitigation
recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted).			
Impact 3.9-3: Construction and operation of the PWIMP could substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in on- or off-site flooding or exceed the capacity of existing or planned stormwater drainage systems.	Less-than-Significant Impact to Beneficial Impact	None Required.	Less-than-Significant Impact to Beneficial Impact
Impact 3.9-4: Construction and/or Operation of the PWIMP could: 1) Place new structures within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map; 2) Impede or redirect flood flows such that it would increase on- or off-site flood potential; 3) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam; and/or 4) Be exposed to a substantial risk related to inundation by seiche, tsunami, or mudflow.	Less-than-Significant Impact	None Required.	Less-than-Significant Impact
3.10 Land Use Planning			
Impact 3.10-1: Construction and operation of the PWIMP could conflict with an applicable land use plan, policy or regulation of the City or other agency with	Potential Significant Impact	Mitigation Measure 3.10-1a: Land Use Compatibility Review. Mitigation Measure 3.10-1b: New Pipeline Locations. Mitigation Measure 3.10-1c-:	Less-than-Significant Impact

Table ES-1 Summary of Environmental Impacts and Mitigation Measures			
Potential Environmental Impact	Level of Significance Before Mitigation	Mitigation Measure(s)	Level of Significance After Mitigation
jurisdiction over the project adopted for the purpose of avoiding or mitigating a significant environmental effect.		Return to Existing Conditions.	
Impact 3.10-2: Construction and operation of the PWIMP could involve land uses that are not allowed under an applicable airport land use compatibility plan.	Less-than-Significant Impact	None Required.	Less-than-Significant Impact
Impact 3.10-3: Construction and operation of the PWIMP could conflict with an applicable habitat conservation plan or natural community conservation plan.	No Impact	None Required.	No Impact
Impact 3.10-4: Construction and/or Operation of the PWIMP could physically divide an established community.	No Impact	None Required.	No Impact
3.11 Mineral Resources			
Impact 3.11-1: Construction and operation of the PWIMP could result in the loss of availability of a known mineral resource of value to the region or state.	No Impact	None Required.	No Impact
Impact 3.11-2: Construction and operation of the PWIMP could result in the loss of availability of a locally important mineral resource recovery site delineated in the 2030 General Plan or other adopted land use plan.	No Impact	None Required.	No Impact
3.12 Noise			
Impact 3.12-1: Construction and operation of the PWIMP could generate or expose persons to noise levels exceeding standards established in the Oxnard 2030 General Plan or Noise Ordinance, or applicable standards of other agencies.	Potential Significant Impact	Mitigation Measure 3.12-1a: Limit Construction Hours. Mitigation Measure 3.12-1b: Locate Staging Areas away from Sensitive Receptors. Mitigation Measure 3.12-1c: Maintain Mufflers on Equipment. Mitigation Measure 3.12-1d: Idling Prohibition and Enforcement.	Less-than-Significant Impact

Table ES-1 Summary of Environmental Impacts and Mitigation Measures			
Potential Environmental Impact	Level of Significance Before Mitigation	Mitigation Measure(s)	Level of Significance After Mitigation
		Mitigation Measure 3.12-1e: Equipment Location and Shielding. Mitigation Measure 3.12-1f: Notify Residents and Sensitive Receptors. Mitigation Measure 3.12-1g: Enclosed Noise Structures.	
Impact 3.12-2: Construction of the PWIMP could generate or expose persons to excessive groundborne vibration or groundborne noise levels.	Potential Significant Impact	Mitigation Measures 3.12-2a: Vibration Monitoring.	Less-than-Significant Impact
3.13 Traffic and Transportation			
Impact 3.13-1: Construction and operation of the PWIMP could cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections) based on adopted City of Oxnard level of service (LOS) standards.	Potential Significant Impact	Mitigation Measure 13.1-1a: Prepare and Implement Traffic Control Plan(s). Mitigation Measure 13.1b: Return Roads to Pre-construction Condition.	Less-than-Significant Impact
Impact 3.13-2: Construction of the PWIMP could exceed, either individually or cumulatively, an LOS standard established by the Ventura County Congestion Management Program (CMP) for designated roads or highways.	Potential Significant Impact	Mitigation Measure 13.1a, above.	Less-than-Significant Impact
Impact 3.13-3: Construction and operation of the PWIMP could result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.	No Impact	None Required.	No Impact
Impact 3.13-4: Construction and operation of the PWIMP could substantially	Less-than-Significant Impact	None Required.	Less-than-Significant Impact

Table ES-1 Summary of Environmental Impacts and Mitigation Measures			
Potential Environmental Impact	Level of Significance Before Mitigation	Mitigation Measure(s)	Level of Significance After Mitigation
increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).			
Impact 13.3-5: Construction and operation of the PWIMP could result in inadequate emergency access.	Potential Significant Impact	Mitigation Measure 13.1a, above.	Less-than-Significant Impact
Impact 13.3-6: Construction and operation of the PWIMP could conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks).	Potential Significant Impact	Mitigation Measure 13.1a, above.	Less-than-Significant Impact
Growth Inducement Effects			
Implementation of the PWIMP could be considered to have indirect growth inducing effects as it would remove a barrier to growth by providing improved water supplies and utilities to support the current, planned, and 2030 growth. In as such, it would then be reasonable conclude that the implementation of the PWIMP would contribute to the same indirect significant and unavoidable growth inducing impacts as identified in the 2030 General Plan EIR.	Indirectly contributes to the Significant and Unavoidable impacts identified in the 2030 General Plan	None Available.	Indirectly Significant and Unavoidable
	Directly only contributes to less-than-significant impacts	None Required.	Directly Less-than-Significant Impacts
Cumulative Effects			
Temporary construction of the PWIMP and facility(s) in conjunction with other undetermined projects over the next 15-to-20 years has the potential to have direct and/or indirect cumulative environmental impacts. These could result in potentially significant temporary impacts, perhaps even significant and	Potentially Significant Impact	Mitigation Measure: Prepare Project-level environmental documentation for each individual PWIMP Project and Implement mitigation measures identified in each resource chapter	Less-than-Significant Impact

Table ES-1 Summary of Environmental Impacts and Mitigation Measures			
Potential Environmental Impact	Level of Significance Before Mitigation	Mitigation Measure(s)	Level of Significance After Mitigation
unavoidable impacts on air quality, noise, and traffic and transportation - depending upon the other projects being constructed nearby at the same time.			

ES.7 Environmentally Superior Alternative

Section 15126.6(e)(2) of the CEQA Guidelines requires an EIR to identify an environmentally superior alternative. Of the two alternatives considered in this section (Proposed Project and the No Project Alternative), the Proposed PWIMP Project appears to be environmentally superior to the No Project Alternative. The No Project Alternative would not meet any of the goals and objectives of the PWIMP and would not allow the city to have reliable water, wastewater, recycled water and stormwater facilities to accommodate the planned and approved growth through the City's 2030 General Plan and planning process. Further, the Proposed PWIMP Project would meet all of the objectives, would have many beneficial long-term impacts to the City's water supplies and utilities/infrastructure, and would not result in any direct significant environmental impacts that could not reasonably be reduced to less-than-significant levels. The PWIMP would help contribute to indirect significant unavoidable impacts identified in City's 2030 General Plan as water would remove an obstacle for growth. However, the City has already approved this plan growth and commissioned the PWIMP and this environmental document to accommodate this planned and approved growth. As a result, the Proposed PWIMP Project is considered to be the environmentally superior alternative.

ATTACHMENT 2

**Final PEIR, including Revision Pages, Responses to Comments and
Mitigation Monitoring and Reporting Program**



**Final Programmatic
Environmental Impact Report**
Public Works Integrated Master Plan
(SCH #: 2016071078)

October 2019



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Chapter 1 Introduction

On July 15, 2019, the City of Oxnard (City) released for public review the Draft Programmatic Environmental Impact Report (Draft PEIR) (State Clearinghouse Number: 2016071078) to provide the public and responsible agencies with information about the potential environmental effects of the City's proposed Public Works Integrated Master Plan (PWIMP, Project, and/or Proposed Project). The City is the lead agency under the California Environmental Quality Act (CEQA) and has principal responsibility for approving the Proposed Project.

1.1 Purpose of the Program Environmental Impact Report

The purpose of the PEIR is to provide the public and responsible and trustee agencies with information about the potential environmental effects of the Proposed Project. The Draft PEIR was prepared in compliance with the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000et seq.) of 1970 (as amended), and the CEQA Guidelines (California Code of Regulations, Title 14). As described in CEQA guidelines Section 15121(a), an EIR is a public information document that assesses potential environmental effects of the Proposed Project, and identifies mitigation measures and alternatives to the Proposed Project that would reduce or avoid adverse environmental impacts. CEQA requires that state and local government agencies consider the environmental consequences of projects over which they have discretionary authority.

1.2 Public Review and Responses to Comments

In accordance with Sections 15087 and 15105 of the State CEQA Guidelines, the Draft PEIR was circulated for public review and comment to lead and responsible agencies, as well as members of the public, for 45-days (July 15 through August 30, 2019). The City also held a public meeting on August 15, 2019 to receive comments on the Draft PEIR. Written comment letters received on the Draft PEIR and a transcript of oral testimony provided at the public hearing are provided in their entirety in Chapter 2, "Comments and Responses to Comments." Responses to each of the comments received are provided in this document as part of the final programmatic environmental impact report (Final PEIR). Although some of the comments have resulted in changes to the text of the Draft EIR (see Chapter 3, "Corrections and Revisions to the Draft EIR"), none of the changes constitute "significant new information," which would require recirculation of the Draft PEIR. Significant new information is defined in Section 15088.5(a) of the State CEQA Guidelines as follows:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.
- (4) The Draft PEIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

None of these circumstances has arisen from comments on the Draft PEIR; therefore, recirculation is not required. The Draft PEIR, the Final PEIR, and applicable appendices are available for review on line on the City's website by going to www.oxnard.org – Departments – Community Development - Planning Division – left hand drop down, Environmental Documents – Environmental Posting. You can also secure it by going to: <https://www.oxnard.org/city-department/public-works/public-works-integrated-master-plan/> and also available at <https://www.oxnard.org/citydepartment/communitydevelopment/planning/environmental-documents/> and at the addresses below:

City of Oxnard
305 3rd Street
Oxnard, CA 9030

Downtown Main Library
251 S A Street
Oxnard, CA 93030

South Oxnard Branch Library
4300 Saviers Road
Oxnard, CA 93030

As required by State CEQA Guidelines Section 15088(b), the City has provided a hard or electronic copy (through the City's website; see prior discussion) to each public agency that submitted written comments on the Draft EIR with written responses to that public agency's comments at least 10 days prior to certifying the Final EIR.

1.3 Organization of the Responses to Comments

Chapter 2 of the Final PEIR consists of the written comments received on the Draft PEIR, and presents responses to environmental issues raised in the comments (as required by State CEQA Guidelines Section 15132). The focus of the responses to comments is on the disposition of significant environmental issues that are raised in the comments, as required by Section 15088(c) of the State CEQA Guidelines. Each comment letter has been given a letter designation in the order it was received and reproduced with individual comments bracketed and numbered. Responses to the comments follow each letter. For example, the response to the second comment of the first letter would be indicated as Response to Comment A-2. In some instances, clarifications of the text of the Draft PEIR may be required. In those cases, the text of the Draft PEIR is revised and the changes compiled in Chapter 3, "Corrections and Revisions to the Draft PEIR," to the Draft PEIR. The text deletions are shown in ~~strikeout~~ (strikeout) and additions are shown in double underline (double underline).

1.4 Project Decision Process

This document and the Draft PEIR together constitute the Final PEIR, which will be considered by the City prior to a decision on whether to approve the project. If deciding to approve the project, the City, as required by State CEQA Guidelines Section 15090, must first certify that the Final PEIR was completed in compliance with CEQA's requirements, was reviewed and considered by the City, and reflects the City's independent judgment and analysis. The City would then be required to adopt Findings of Fact (a separate Document) on the disposition of each significant environmental impact, as required by State CEQA Guidelines Section 15091. If significant and unavoidable impacts (those that cannot be mitigated to less than significant) would result from the project and the City chooses to approve the project, the City would need to adopt a statement of overriding considerations, pursuant to Section 15093, explaining the overriding factors that the City deems allow the project to move forward. A Mitigation Monitoring and Reporting Program, which is required by CEQA Guidelines Section 15091(d), has been included as part of Appendix A of this Final PEIR.

Chapter 2 Comments Received

During the 45-day public review period (July 15 through August 30, 2019) the City received a total of four (4) comment letters on the Proposed Project. The City also received a letter from the State of California's Governor's Office of Planning and Research (i.e. State Clearinghouse) confirming the end of the 45-day public review period. The City did not receive any verbal comments from the public at the Public Hearing on August 15, 2019. The City has reviewed and considered all of the comments received as follows in Table 2-1 below. The letters including the letter from the State Clearinghouse are attached.

TABLE 2-1 AGENCY COMMENT LETTERS RECEIVED		
Date	Commenting Agency	Comment Letter
August 2, 2019	Rick G. Draeger, Regional Engineer Department of Water Resources Division of Safety of Dams 1416 Ninth Street P.O. Box 942836 Sacramento, CA 94236-0001	A
August 29, 2019	Nicole Collazo, Planning Division Ventura County Air Pollution Control District 669 County Square Drive Ventura, CA 93003	B
August 29, 2019	Anitha Balan, Engineering Manager II County of Ventura Department of Public Works 800 South Victoria Avenue Ventura, CA 93009-1600	C
August 30, 2019	Kathleen Riedel, Groundwater Specialist Fox Canyon Groundwater Management Agency 800 South Victoria Avenue Ventura, CA 93009-1610	D

Letter A

DEPARTMENT OF WATER RESOURCES

1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA 94236-0001
(916) 653-5791



AUG 02 2019

Mr. Steve Brown, Planner
City of Oxnard
Post Office Box 381
Roseville, California 95661

Environmental Document Transmittal for the City of Oxnard Public Works Integrated
Master Plan Project SCH2016071078
Ventura County

Dear Mr. Brown:

The Division of Safety of Dams (DSOD) has reviewed the Notice of Completion and Environmental Document Transmittal for the City of Oxnard Public Works Integrated Master Plan Project for the above referenced project (Project) which describes a proposed construction of an infiltration basin, to be used for stormwater retention on the subject parcels.

Insufficient information is provided regarding the infiltration basin in the Project description to make an accurate jurisdictional determination with regards to the described work and it is unclear whether part or all the work will be subject to State jurisdiction for dam safety. The information provided mentions an infiltration basin, but design drawings were not provided. Therefore, the City of Oxnard needs to submit preliminary plans so that DSOD can make an accurate jurisdictional determination.

As defined in Sections 6002 and 6003, Division 3, of the California Water Code, dams 25 feet or higher with a storage capacity of more than 15 acre-feet, and dams higher than 6 feet with a storage capacity of 50 acre-feet or more are subject to State jurisdiction. The dam height is the vertical distance measured from the maximum possible water storage level to the downstream toe of the barrier.

If the dam is subject to State jurisdiction, a construction application, together with plans, specifications, and the appropriate filing fee must be filed with the Division of Safety of Dams for this project. All dam safety related issues must be resolved prior to approval of the application, and the work must be performed under the direction of a Civil Engineer registered in California. Erik Malvick, our Design Engineering Branch Chief, is responsible for the application process and can be reached at (916) 565-7840.

If you have any questions or need additional information, you may contact Field Engineer Ashley Moran at (909) 214-1503 or me at (916) 565-7827.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rick G. Draeger'.

Rick G. Draeger, Regional Engineer
Southern Region
Field Engineering Branch
Division of Safety of Dams

cc: (See Attached List)

A-1

Mr. Brown
AUG 02 2019
Page 2

cc: Governor's Office of Planning and Research
State Clearinghouse
state.clearinghouse@water.ca.gov



Letter B

VENTURA COUNTY AIR POLLUTION CONTROL DISTRICT Memorandum

TO: Kathleen Mallory, Planning & Sustainability Manager

DATE: August 29, 2019

FROM: Nicole Collazo, Planning Division

SUBJECT: Request for Comments on Draft Environmental Impact Report (DEIR) for the Proposed Oxnard Public Works Integrated Master Plan (RMA 16-019-1)

Air Pollution Control District (APCD) staff has reviewed the DEIR for the project referenced above. The proposed project is a public works project that would be implemented in phases through the City's 2030 planning horizon. The project will accommodate planned growth while maintaining treatment reliability, meeting future regulatory requirements, and optimizing costs, including infrastructure additions and upgrades for the City's water, wastewater, recycled, water, and stormwater utilities. The project location is within the City of Oxnard's Public Works infrastructure system. The Lead Agency for the project is the City of Oxnard.

GENERAL COMMENTS

As a recommending agency for the CEQA review of the DEIR, APCD concurs with the air quality impact and greenhouse gas emissions determinations. APCD would also like to note the following items in the DEIR.

Air Quality Section

Item 1- Page 3.3-6, AQMP. Since 1997, the APCD has adopted several Air Quality Management Plans (AQMP), including the 2004, 2007, and most recently, the 2016 AQMP. The 2016 AQMP presents Ventura County's strategy (including related mandated elements) to attain the 2008 federal 8-hour ozone standard by 2020, as required by the federal Clean Air Act Amendments of 1990 and applicable U.S. EPA clean air regulations. The 2016 AQMP uses an updated 2012 emissions inventory as baseline for forecasting data, SCAG RTP 2016 data, and CARB's EMFAC2014 emission factors for mobile sources.

B-1

Item 2- Page 3.3-7, Table 3.3-2. The air quality monitoring data presented in the discussion and Table 3.3-2 seems outdated (15-20 years old). We recommend obtaining more current air quality monitoring data as the air quality in the region has improved and does not reflect the current air quality in the region.

B-2

Item 3- Page 3.3-10, URBEMIS. The District and the California Air Pollution Control Officers Association (CAPCOA) recommends using the more updated air quality emissions estimation model CalEEMod Version 2016.3.2 for quantifying air emissions for discretionary projects. For more information on the model program, or to obtain a free downloadable copy, please click [here](#). **B-3**

Item 4- Page 3.3-12, MM 3.3-2e. The proposed construction mitigation measures are rightly taken from the APCD Air Quality Assessment Guidelines (AQAG), but the guidance document hasn't been updated in 16 years and more modern mitigation measures can be proposed that will minimize pollutant exposure to sensitive receptors within the vicinity of the project site. A fine example is using Tier 3 or Tier 4 for the off-road construction diesel equipment. We note compliance with the Off-Road state regulation already prohibits use of Tier 0, 1, and Tier 2 additions for medium and large fleets and Tier 2 phase-outs by 2023 for smaller fleets. This recommended measure is quite feasible due to the compliance requirements of the state Off-Road Diesel-Fueled Regulation. California Air Resources Board (CARB), which regulates mobile source emissions, has been mandated by the EPA to phase out older, dirtier on-road and off-road heavy-duty equipment via the Off-Road Diesel-Fueled Fleets Regulation and the On-Road Heavy-Duty Diesel Vehicles Regulation (more information for "[Off-Road](#)" and "[On-Road](#)" regulations). Some older-tiered equipment can still comply with the new air standards by retrofitting their equipment with DPM particulate filters and catalyst-based filters that incinerate NOx and other pollutants. **B-4**

Greenhouse Gas Emissions Section

Item 1- Page 3.5-10, Table 3.3-2. The air quality monitoring data presented in the discussion and Table 3.3-2 seems outdated (15-20 years old). We recommend obtaining more current air quality monitoring data as the air quality in the region has improved and does not reflect the current air quality in the region. **B-5**

Item 2- Page 3.5-13, URBEMIS. The District and the California Air Pollution Control Officers Association (CAPCOA) recommends using the more updated air quality emissions estimation model CalEEMod Version 2016.3.2 for quantifying air emissions for discretionary projects. For more information on the model program, or to obtain a free downloadable copy, please click [here](#). **B-6**

Item 3- Page 3.5-14, MM 3.5-1c. The proposed construction mitigation measures are rightly taken from the APCD Air Quality Assessment Guidelines (AQAG), but the guidance document hasn't been updated in 16 years and more modern mitigation measures can be proposed that will minimize pollutant exposure to sensitive receptors within the vicinity of the project site. A fine example is using Tier 3 or Tier 4 for the off-road construction diesel equipment. We note compliance with the Off-Road state regulation already prohibits use of Tier 0, 1, and Tier 2 additions for medium and large fleets and Tier 2 phase-outs by 2023 for smaller fleets. This recommended measure is quite feasible due to the compliance requirements of the state Off-Road Diesel-Fueled Regulation. California Air Resources Board (CARB), which regulates mobile source emissions, has been mandated by the EPA to phase out older, dirtier on-road and off-road heavy-duty equipment via the Off-Road Diesel-Fueled Fleets Regulation and the On-Road Heavy-Duty Diesel Vehicles Regulation (more information for "[Off-Road](#)" and "[On-Road](#)" regulations). Some older-tiered equipment can still comply with the new air standards by retrofitting their equipment with DPM particulate filters and catalyst-based filters that incinerate NOx and other pollutants. **B-7**

Long-Term Operational Impacts- We'd like to remind the City of Oxnard that any future emergency generators powered by diesel engines rated at or over 50 HP will require an APCD Permit to Operate. An Authority to Construct Application must be submitted to the District's Engineering Division prior to installation or construction of applicable diesel generators. **B-8**

Thank you for the opportunity to review this project's air quality impacts. If you have any questions, please call me at (805) 645-1426 or email nicole@vcapcd.org.

Letter C



County of Ventura
PUBLIC WORKS AGENCY
TRANSPORTATION DEPARTMENT
Traffic, Advance Planning & Permits Division
MEMORANDUM

DATE: 8/27/2019

TO: RMA Planning Division
Attention: Anthony Ciuffetelli

FROM: Anitha Balan, Engineering Manager II

A handwritten signature in blue ink, appearing to read "Anitha", is placed next to the "FROM:" line.

SUBJECT: **REVIEW OF DOCUMENT 16-019-1** Draft PEIR

Project: **City of Oxnard Public Works Integrated Master Plan**

Lead Agency: **City of Oxnard, Community Development**

The City of Oxnard's proposed project is to construct and operate the City's Public Works Integrated Master Plan (PWIMP), which is comprised of improvements to the City's Water Supply, Recycled Water, Wastewater, and Stormwater Systems.

APN# 2020091400

Pursuant to your request, the Public Works Agency - Transportation Department has reviewed the Draft PEIR for the City of Oxnard Public Works Integrated Master Plan.

The City of Oxnard's proposed Project is to construct and operate the City's Public Works Integrated Master Plan (PWIMP), which is comprised of improvements to the City's Water Supply System, Recycled Water System, Wastewater System, and Stormwater System.

Water System Improvements: The goal of the proposed improvements to the City's water system is to increase the City's water supply by 12,000 acre-feet per year to offset future groundwater pumping restrictions and planned growth. these improvements include Water Supply and Quality Improvements and Water Supply Distribution Improvements.

Recycled Water System Improvements: The proposed improvements to the City's recycled water includes improvements to the City's recycled water system treatment facilities; recycled water pipeline distribution system; and Indirect Potable Recharge/Direct Potable Recharge facilities.

Wastewater System Improvements: The proposed improvements to the City's wastewater system includes improvements to the City's wastewater collection system and wastewater treatment system.

Stormwater System Improvements: The proposed stormwater system improvements include improvements to the City's existing stormwater collection system and the addition of new stormwater projects.

We offer the following comment(s):

1. The Programmatic Environmental Impact Report (PEIR) is for a plan of multiple construction projects but is not an EIR for a specific construction project. The City of Oxnard should consider the following comments when the environmental studies are prepared for individual projects.
 - a. Any project constructed in the County of Ventura road Right-of-Way will require an encroachment permit, prior to any construction. The City of Oxnard should contact the County of Ventura, Public Works Agency, Transportation Department, (PWATD) Permits Section to obtain an Encroachment Permit. **C-1**
 - b. The City of Oxnard when preparing the EIR for individual project should consider impacts from construction and construction related trips. **C-2**
 - c. The City of Oxnard when considering the working time of the construction projects should have the majority of the construction trips outside the AM and PM Peak hours to minimize impacts to the Regional Road Network. **C-3**
 - d. The City should require the Contractor to protect all pavements, curb and gutter, sidewalks, and drainage structures from damage caused by trucks and construction related trips. Any damage to road structures caused by construction traffic should be replaced and/or repaired in accordance with standard construction methods. **C-4**
 - e. The PEIR proposes the construction of several CIP projects through the year 2040. These projects as a whole or individually may have the potential to create a significant cumulative adverse impact on the County Regional Road Network (RRN). County General Plan Section 4.2.2 and County Ordinance 4246 require all new development to pay a Traffic Impact Mitigation Fee (TIMF) to mitigate the cumulative adverse impacts of traffic on the RRN. By paying a TIMF, the cumulative traffic impacts can be mitigated to Less Than Significant levels. **C-5**
 - f. The City of Oxnard should consider the County of Ventura, Public Works Agency, Transportation Department's Five-Year Pavement Plan when proposing project in the County ROW. If a project is proposed to occur within five years of the roadway being re-paved the City of Oxnard should work with the PWATD to time the two projects appropriately. The City is made aware that according to Transportation Department policy, the City will be required to completely overlay any County road that has been overlaid within the past five years. **C-6**
 - g. The City of Oxnard should provide the County of Ventura adequate time to review the environmental impacts of each individual project prior to the start of project. **C-7**
2. The County of Ventura, Public Works Agency, Transportation Department would like to received a copy of the Final Programmatic Environmental Impact Report for the City of Oxnard's Public Works Integrated Master Plan. **C-8**

Our review is limited to the impacts this project may have on the County's Regional Road Network.

FOX CANYON
GROUNDWATER MANAGEMENT AGENCY
A STATE OF CALIFORNIA WATER AGENCY



BOARD OF DIRECTORS

Eugene F. West, Chair, *Camrosa Water District*
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Robert Eranio, *Director, United Water Conservation District*

EXECUTIVE OFFICER

Jeff Pratt, P.E.

August 30, 2019

Ms. Kathleen Mallory, Planning & Sustainability Manager
City of Oxnard
214 South C Street
Oxnard, CA 93030

SUBJECT: Comments Re. Programmatic Environmental Impact Report, Public Works Integrated Master Plan (SCH #: 2016071078), Public Draft dated July 2019

Dear Ms. Mallory:

The Fox Canyon Groundwater Management Agency (Agency) appreciates the opportunity to comment on the *Programmatic Environmental Impact Report, Public Works Integrated Master Plan* (PWIMP) (SCH #: 2016071078), Public Draft prepared by SMB Environmental for the City of Oxnard (City), dated July 2019. The Agency is both the Groundwater Management Agency established by the California Legislature, and the Groundwater Sustainability Agency under the Sustainable Groundwater Management Act for the Oxnard Subbasin (Subbasin). As such, groundwater extractions are allocated by, and reported to, the Agency.

The Agency has no comments on the proposed infrastructure improvements; however, portions of the analyses related to future groundwater supply is anticipated to be outdated within the coming months.

Per PWIMP Section 2.1.2.1 - Water Supply and Subsection - Volume of Supply, "projections for the PWIMP show a supply gap of between 3,800 and 10,700 AFY". The supply gap estimate is "based on available water quantity and groundwater pumping restrictions, which are expected to be between 50 and 75 percent of historical in the long term." The supply gap analysis appears to be based in part on current and past groundwater allocation systems and past groundwater extractions. Information regarding the City's current and past groundwater allocation are presented in PWIMP Summary Report Revised Final Draft (2017) Tables 4.4, 4.7 and 4.8, and Water Project Memoranda 2.1(2017) Table 2, 2.5 (2015) Tables 1 and 2. The City's past groundwater supply, as presented in PWIMP Summary Report Revised Final Draft (2017) Table 4.5, and Water Project Memorandum 2.2 (2015) Table 3, does not appear to be accurate as the annual volumes of groundwater supply are less than, and thus not consistent with, the City's reported groundwater extractions. The volume of water estimated for the future water supply is

D-1

D-2

anticipated to change with the adoption of the Subbasin Groundwater Sustainability Plan (GSP), anticipated to be adopted by the Agency Board in December 2019, and adoption of a new groundwater allocation system which is currently being developed. The projected water supply gap should be re-evaluated once the GSP and new allocation system are adopted as the existing analyses will then be based on obsolete allocation systems and an outdated understanding of the Subbasin.

The discussion of allocation transfers and storage credits described on Draft PEIR page 3.9-19 appear to allude to the accumulation and utilization of Recycled Water Pumping Allocation (Resolution No. 2013-02) and accumulation of injection credits associated with the proposed Aquifer Storage and Recovery (ASR) project. Based the City's past presentations to the Agency Board, the latter proposed ASR project which is to utilize Advanced Purified Water (associated with the Groundwater Recovery Enhancement and Treatment [GREAT] Program), is a pilot program and still in the design and permitting stage.

D-3

The Agency looks forward to working with the City of Oxnard on water supply projects that benefit the subbasin and participating in development of the City's Water Resources Management Plan. If you have any questions regarding the comments provided, please call me at (805) 654-2954.

Best regards,



Kathleen Riedel, P.G., C.E.G.
Groundwater Specialist

Cc: Jeff Pratt, P.E., Executive Officer

KR/kr/F:\gma\Business Administration\Correspondence\2019\190830 Ltr to City of Oxnard_ RE PEIR PW Integrated Master Plan.docx



Gavin Newsom
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Kate Gordon
Director

September 5, 2019

Steve Brown
Oxnard, City of
P.O. Box 381
Roseville, CA 95661

Subject: City of Oxnard Public Works Integrated Master Plan Project
SCH#: 2016071078

Dear Steve Brown:

The State Clearinghouse submitted the above named EIR to selected state agencies for review. The review period closed on 8/30/2019, and the comments from the responding agency (ies) is (are) available on the CEQA database for your retrieval and use. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

Check the CEQA database for submitted comments for use in preparing your final environmental document: <https://ceqanet.opr.ca.gov/2016071078/2>. Should you need more information or clarification of the comments, **we recommend that you contact the commenting agency directly.**

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

cc: Resources Agency

Chapter 3 Responses to Comments

This chapter evaluates the comments received during the 45-day public review period (July 15 through August 30, 2019). The City received four (4) comment letters and did not receive any verbal comments from the public at the Public Hearing on August 15, 2019. The City has reviewed and considered all of the comments received and provides a response to each of those comments as provided for below.

COMMENT LETTER A – DEPARTMENT OF WATER RESOURCES - DIVISION OF SAFETY OF DAMS

Comment A-1. Comment Noted. Thank you for your letter and the information regarding the size of dam and storage facilities that are subject to state regulation/jurisdiction. At the present time, the City does not have specific information as to the size and location of a possible stormwater detention basin(s). This Project is still at the concept planning level and is easily 5- to 10-years away from being seriously considered. Consistent with the intentions of the programmatic nature of this PEIR, the City will prepare site-specific plans and details of individual projects and then undergo project-specific environmental review and compliance in the future. As part of this the City will have a qualified engineer(s) that are registered in California prepare the detailed design drawings and feasibility report(s). In addition, the City will submit design drawings and pertinent information to the Division of Safety of Dams as appropriate and if the dam is 25-feet or higher with a storage capacity of more than 15 acre-feet or dams or if the dam is 6-feet or higher with a storage capacity of 50 acre-feet or more.

COMMENT LETTER B - VENTURA COUNTY AIR POLLUTION CONTROL DISTRICT

Comment B-1. Comment Noted. Thank you for your letter and concurrence with the air quality and greenhouse gas emission determinations. In addition, the City has updated the Draft PEIR with the specific updated information the Ventura Air Pollution Control District (VAPCD) provided on the Air Quality Management Plan (AQMP). Please see Chapter 4 for the minor revisions to the Draft PEIR, which do not change any of the determinations.

Comment B-2. Comment Noted. We agree and have provided updated air quality monitoring data. Please see Chapter 4 – Revision to the Draft PEIR for the specific and minor updates to Table 3.3-2 and corresponding/supporting text.

Comment B-3. Comment noted that the VAPCD and the California Air Pollution Control Officers Association (CAPCOA) recommends using the more updated air quality emissions estimation model CalEEMod Version 2016.3.2 for quantifying air emissions for discretionary projects. Please see Chapter 4 – Revision to the Draft PEIR for specific and minor changes to Mitigation Measure 3.3-2a noting that VAPCD and the California Air Pollution Control Officers Association (CAPCOA) recommends using the more updated air quality emissions estimation model CalEEMod Version 2016.3.2 for quantifying air emissions for discretionary projects.

Comment B-4. Comment Noted. Please see Chapter 4 – Revision to the Draft PEIR for specific and minor changes to Mitigation Measure 3.3-2e noting that ROC and NOx construction measures should be consistent with VAPCD's current Air Quality Assessment Guidelines and as updated.

Comment B-5. Comment Noted. We agree and have provided updated air quality monitoring data. Please see Chapter 4 – Revision to the Draft PEIR for the specific and minor updates to ~~Table 3.3-2~~ Table 3.5-2 and corresponding/supporting text.

Comment B-6. Comment noted that the VAPCD and the CAPCOA recommends using the more updated air quality emissions estimation model CalEEMod Version 2016.3.2 for quantifying air emissions for discretionary projects. Please see Chapter 4 – Revision to the Draft PEIR for specific and minor changes to Mitigation Measure 3.5-2a noting that VAPCD and the California Air Pollution Control Officers Association (CAPCOA) recommends using the more updated air quality emissions estimation model CalEEMod Version 2016.3.2 for quantifying air emissions for discretionary projects.

Comment B-7. Comment Noted. Please see Chapter 4 – Revision to the Draft PEIR for specific and minor changes to Mitigation Measure 3.5-2c noting that ROC and NOx construction measures should be consistent with VAPCD's current Air Quality Assessment Guidelines and as updated.

Comment B-8. Comment Noted. The City understands that any future emergency generators powered by diesel engines rate at or over 50 HP will require an VAPCD Permit to Operate. An Authority to Construct Application will be submitted to the District's Engineering Division prior to installation or construction of applicable diesel generators. Please see Chapter 4 – Revision to the Draft PEIR for specific and minor changes to Table 2-18 in Chapter 2 – Project Description to include VAPCD's Permit to Operate.

COMMENT LETTER C - COUNTY OF VENTURA DEPARTMENT OF PUBLIC WORKS

Comment C-1. Comment Noted. Thank you for your comment letter and information regarding the County of Ventura Public Works' (County) involvement in PWIMP projects that could affect the County's Regional Road Network. The County correctly points out that the PEIR is for a plan of multiple construction projects but is not an EIR for a specific construction project. As such, the City agrees that any project constructed in the County of Ventura road Right-of-Way will require an encroachment permit, prior to any construction. In this regard and as indicated in the revised Table 2-18, the City of Oxnard will contact the County of Ventura, Public Works Agency, Transportation Department, (PWATD) Permits Section to obtain an Encroachment Permit. Please see Chapter 4 – Revision to the Draft PEIR for specific and minor changes to Table 2-18 in Chapter 2 – Project Description to include the County's Encroachment Permit.

Comment C-2. Comment noted. When preparing environmental compliance documents for individual projects under the PWIMP umbrella, the City will consider impacts from construction and construction related trips.

Comment C-3. Comment Noted. When considering the working time of the construction projects the City will, to the extent possible or practical, seek to have the majority of the construction trips outside the AM and PM Peak hours to minimize impacts to the Regional Road Network.

Comment C-4. Comment Noted. The City will require the selected Contractor(s) to protect all pavements, curb and gutter, sidewalks, and drainage structures from damage caused by trucks and construction related trips. Any damage to road structures caused by construction traffic will be replaced and/or repaired in accordance with standard construction methods.

Comment C-5. Comment Noted. The commenter correctly points out that the PEIR proposes the construction of several CIP projects through the year 2040. These projects as a whole or individually may

have the potential to create a significant cumulative adverse impact on the County's Regional Road Network (RRN). The City understands that County General Plan Section 4.2.2 and County Ordinance 4246 require all new development to pay a Traffic Impact Mitigation Fee (TIMF) to mitigate the cumulative adverse impacts of traffic on the RRN. By paying a TIMF, the City agrees that cumulative traffic impacts would be mitigated to less-than-significant levels.

Comment C-6. Comment Noted. The City will consider the County of Ventura, Public Works Agency, Transportation Department's Five-Year Pavement Plan when proposing any projects in the County ROW. If a project is proposed to occur within five years of the roadway being re-paved, the City will work with the PWATD to time the two projects appropriately. The City is aware that according to Transportation Department policy, the City will be required to completely overlay any County road that has been overlaid within the past five years.

Comment C-7. Comment Noted. The City of Oxnard will provide the County of Ventura adequate time to review the environmental impacts of each individual project prior to the start of any PWIMP project.

Comment C-8. Comment Noted. As required by CEQA, the City will provide the County of Ventura, Public Works Agency, Transportation Department and any other commenting agency a copy of the Final Programmatic Environmental Impact Report for the City's Public Works Integrated Master Plan.

COMMENT LETTER D – FOX CANYON GROUNDWATER MANAGEMENT AGENCY

Comment D-1. Comment Noted. Thank you for your comment letter and the City looks forward to working with the Agency on water supply projects that benefit the Oxnard Subbasin. The City acknowledges that portions of the analyses related to future groundwater supply is anticipated to be outdated within the coming months and the City will continue to work with the Agency when implementing the individual PWIMP water supply and recycled water projects that could affect groundwater resources in the Oxnard Subbasin. Please see Chapter 4 – Revision to the Draft PEIR for specific changes to Table 2-18 in Chapter 2 – Project Description to include the Agency's Encroachment Permit.

Comment D-2. Comment Noted. The projected water supply gap will be re-evaluated with the Agency once the Oxnard Subbasin Groundwater Sustainability Plan (GSP) and new allocation system are adopted as the existing analyses will then be based on obsolete allocation systems and an outdated understanding of the Oxnard Subbasin.

Comment D-3. Comment Noted. The commenter correctly points out that based the City's past presentations to the Agency Board, the latter proposed ASR project which is to utilize Advanced Purified Water (associated with the Groundwater Recovery Enhancement and Treatment [GREAT] Program), is a pilot program and still in the design and permitting stage. Again, the City will continue to work with the Agency when implementing the individual PWIMP water supply and recycled water projects that could affect groundwater resources in the Oxnard Subbasin.

Chapter 4 Revisions to the Draft PEIR

This chapter shows revisions to the July 2019 Public Draft PEIR, subsequent to the document’s publication and public review. The revisions are primarily from comments received. Other minor edits that do not substantially change the importance of or conclusions made in the 2019 Draft PEIR have not been reflected in this document. The revisions are presented in the order in which they appear in the Public Draft PEIR and are identified by section and page number in respective chapters. These revisions are shown as excerpts from the Public Draft PEIR, with strikethrough (~~strikethrough~~) text to indicate deletions and underlined (underlined) text to indicate additions. The following revisions are shown below.

Chapter 2 Project Description

On page 2-716, Table 2-18 is hereby revised as follows:

Table 2-18 Potential Regulatory Requirements, Permits, and Authorizations for Project Facilities Public Works Implementation Plan City of Oxnard		
Agency	Permit or Approval	Activity Requiring Permit or Approval/Comment
Federal		
Bureau of Reclamation	Discretionary Funding Approval	Required if federal funding is used for construction of any PWIMP Program element
State		
California Coastal Commission	Coastal Development Permit	Required because portions of the projects would be located within the coastal zone
	Federal Consistency Review	Required if federal funding is used for construction of project facilities
California Department of Health Services	Domestic Water Permit Amendment	Required to add operation of new water supply facilities to the City of Oxnard’s current Domestic Water Permit
	Title 22 Engineering Report Approval	Required for approval to operate the water recycling element of the PWIMP
California Department of Transportation, District 7	Encroachment Permit	Required for use of Caltrans road right-of-ways
California Division of Occupational Safety and Health	Construction Permit	Required for construction of facilities
	Trenching and Excavation Permit	Required for the construction of conveyance pipelines
	Tunneling Permit	Required for portions of the water supply and/or recycled water delivery system that are tunneled beneath roadways or drainage crossings
California Regional Water Quality Control Board, Los Angeles Region (4)	National Pollutant Discharge Elimination System (NPDES) Permit	Required for discharges to surface or groundwater
	Waste Discharge Requirements (WDR)	Required for desalination and brine discharge
	Construction General Permit 99-08- DWQ	Required for projects that disturb more than 5 acres (including trenching and staging areas)

Table 2-18
Potential Regulatory Requirements, Permits, and Authorizations for Project Facilities
Public Works Implementation Plan
City of Oxnard

Agency	Permit or Approval	Activity Requiring Permit or Approval/Comment
Local		
County of Ventura Public Works	Encroachment Permit	Projects that could affect the County's Regional Roadway Network
Fox Canyon Groundwater Management Agency	Compliance with Oxnard Subbasin Groundwater Sustainability Plan	Water Supply and Recycled Water Project that could affect groundwater resources
Ventura County Air Pollution Control District	Permit to Operate	Any future emergency generators powered by diesel engines rate at or over 50 HP.

Section 3.3 Air Quality

On page 3.3-6, the second paragraph is hereby revised as follows:

The VCAPCD developed the 1991 Ventura County Air Quality Management Plan (AQMP) in response to the CCAA. The 1991 AQMP addressed attainment of the California air quality standards for ozone. The 1991 AQMP was amended in 1994, 1995, and 1997 to provide further emissions reduction guidance. ~~The VCAPCD is currently revising the AQMP to comply with the Federal requirements regarding conformity of transportation activities to federally approved air quality plans (transportation conformity).~~ Since 1997, the APCD has adopted several Air Quality Management Plans (AQMP), including the 2004, 2007, and most recently, the 2016 AQMP. The 2016 AQMP presents Ventura County's strategy (including related mandated elements) to attain the 2008 federal 8-hour ozone standard by 2020, as required by the federal Clean Air Act Amendments of 1990 and applicable U.S. EPA clean air regulations. The 2016 AQMP uses an updated 2012 emissions inventory as baseline for forecasting data, SCAG RTP 2016 data, and CARB's EMFAC2014 emission factors for mobile sources.

Starting on page 3.3-6, the section 3.3.3.2 is hereby revised as follows:

3.3.3.2 Existing Emission Sources and Emission Levels

Emissions are divided into two main categories: stationary and mobile. Stationary sources are those emission sources, such as industrial processes, burning crop residuals, and exposed soils/minerals (source of dust or Particulate Matter - PM₁₀) that are fixed in place. Within the City, stationary-source pollutants include ozone precursors associated with local industrial processes and PM₁₀ emissions associated with road dust, burning, construction and demolition activities, and fuel combustion (at stationary locations, such as industry residences). Natural sources of PM₁₀ emissions include those resulting from wildfires. The primary source of mobile emissions is vehicles (automobiles, passenger trucks, trucks, and buses). Vehicle emissions are also the primary source of ozone precursors.

The VCAPCD has established several monitoring stations in the South Central Coast Air Basin to measure air quality conditions. The nearest monitoring station to the City is located in El Rio, which is

adjacent and to the north of the City of Oxnard. Monitoring data from the El Rio monitoring station is shown in Table 3.3-2.

PM₁₀ and PM_{2.5}. The State 24-hour PM₁₀ standard was exceeded between 0 and 5 times from 1999 to 2004 at the El Rio monitoring station. There is no State 24-hour PM_{2.5} standard. ~~The Federal 24-hour PM_{2.5} standard was exceeded one time in 2003 and at no other time from 1999 to 2004.~~

Ozone. The State 1-hour ozone standard was exceeded once in ~~1999~~ 2014 and has not been exceeded since. ~~The State 8-hour standard is not expected to become effective until early 2006.~~ Initial 8-hour monitoring data indicates that the State 8-hour standard may occasional be exceeded at the El Rio monitoring station.

Table 3.3-2 Summary of PM10, PM2.5, and Ozone Air Quality Monitoring Data (1999-2004)									
Pollutant Monitoring Station		Standard		Year					
	Parameter	Federal	California	1999	2000	2001	2002	2003	2004
PM10 (µg/m³)									
El Rio	Annual geometric mean	NA	20	29	28	29	29	NA	29
	Annual arithmetic mean	50	NA	28	27	28	28	31	28
	24-hour maximum	150	50	50	52	53	100	127	59
	Days above State standards	-	-	0	1	3	2	5	1
PM2.5									
El Rio	Annual geometric mean	N/A	12	N/A	N/A	13	N/A	N/A	11
	Annual arithmetic mean	15	N/A	N/A	N/A	N/A	13	12	11
	24-hour maximum	65	N/A	37	46	41	29	82	29
	Days above State standards			0	0	0	0	1	0
Ozone (ppm)									
El Rio	1-hour maximum	NA	0.09	0.10	0.08	0.09	0.09	0.08	0.08
	Days above State Standards			1	0	0	0	0	0
	8-hour Maximum	0.08	0.076	0.08	0.07	0.07	0.07	0.07	0.08
	Days above State Standards			N/A	N/A	N/A	N/A	N/A	N/A

Table 3.3-2 Summary of PM10, PM2.5, and Ozone Air Quality Monitoring Data (1999-2004)								
Pollutant Monitoring Station		Standard		Year				
	Parameter	Federal	California	1999	2000	2001	2002	2003
Notes: N/A = not available. Days above standard means days with one or more exceedance of the 1 hour ozone standards. The State 8 hour ozone standard was approved by the CARB on April 28, 2005 and is expected to become effective in early 2006.								
Source: California Air Resources Board, 2016								

As of 2015, the Ventura County air basin is in attainment with, or is unclassified with respect to, all federal and state ambient air quality standards except for ozone and PM₁₀.

Table 3.3-2 Summary of PM10, PM2.5, and Ozone Air Quality Monitoring Data (2013-2018)									
Pollutant Monitoring Station		Standard		Year					
	Parameter	Federal	California	2013	2014	2015	2016	2017	2018
PM10 (µg/m³)									
El Rio	Annual Average	N/A	20	24.3	27.4	25.6	N/A	29.0	26.6
	24-hour	150	50	183.4	115.3	92.0	101.6	286.0	208.4
	Days above State 24-hour standard			4	7	6	14	29	21
PM2.5 (µg/m³)									
El Rio	Annual Average	15	12	9.0	9.4	9.6	8.1	N/A	8.3
	24-hour	35	N/A	19.9	22.2	25.5	22.7	81.3	41.2
	Days above National 24-hour standard			0	0	0	0	4	1
Ozone (ppm)									
El Rio	1-hour	N/A	0.09	0.067	0.112	0.070	0.084	0.084	0.072
	Days above State 1-hour Standard			0	1	0	0	0	0
	8-hour	0.070	0.070	0.063	0.077	0.066	0.071	0.072	0.062
	Days above State 8-hour Standard			0	2	0	1	1	0
Notes: N/A = not available. Days above standard means days with one or more exceedance of the 1-hour ozone standards – The national 1-hour ozone standard was revoked in June 2005. On October 2015, the EPA revised the 2008 national 8-hour ozone standard. Values in bold are in excess of the applicable standard.									
Source: California Air Resources Board, 2019									

On page 3.3-11, Mitigation Measure 3.3-2a is hereby revised as follows:

Mitigation Measure 3.3-2a: Calculate Air Emissions. For each individual or group of PWIMP projects to be constructed, the City shall calculate air quality emissions using an appropriate air emissions computer program, as appropriate. ~~VCAPCD recommends using the URBEMIS computer program that was originally developed by the California Air Board.~~ VAPCD and the California Air Pollution Control

Officers Association (CAPCOA) recommends using the more updated air quality emissions estimation model CalEEMod Version 2016.3.2 for quantifying air emissions for discretionary projects. However, other models such as the Sacramento Metropolitan Air Quality Management District's (SMAQMD) Roadway Construction Emissions Model can be effective in assessing the emissions of linear construction projects. The model run(s) will establish estimated construction emissions, which will be used to establish a construction emissions control plan as described in Mitigation Measure 3.3-2b below.

On page 3.3-13, Mitigation Measure 3.3-2e is hereby revised as follows:

Mitigation Measure 3.3-2e: ROC and NOx Construction Measures. For each individual or group of PWIMP projects to be constructed, the City shall, to the extent applicable and possible, require its construction contractor(s) to implement ROC and NOx construction measures, consistent with VAPCD's current Air Quality Assessment Guidelines and as updated.

- Minimize equipment idling time.
- Maintain equipment engines in good condition and in proper tune as per manufacturers' specifications.
- Lengthen the construction period during smog season (May through October), to minimize the number of vehicles and equipment operating at the same time.
- Use alternatively fueled construction equipment, such as compressed natural gas (CNG), liquefied natural gas (LNG), or electric, if feasible.

Section 3.5 Greenhouse Gases

Starting on page 3.5-10, the section 3.5.3.2 is hereby revised as follows:

3.5.3.2 Existing Emission Sources and Emission Levels

Emissions are divided into two main categories: stationary and mobile. Stationary sources are those emission sources, such as industrial processes, burning crop residuals, and exposed soils/minerals (source of dust or Particulate Matter - PM₁₀) that are fixed in place. Within the City, stationary-source pollutants include ozone precursors associated with local industrial processes and PM₁₀ emissions associated with road dust, burning, construction and demolition activities, and fuel combustion (at stationary locations, such as industry residences). Natural sources of PM₁₀ emissions include those resulting from wildfires. The primary source of mobile emissions is vehicles (automobiles, passenger trucks, trucks, and buses). Vehicle emissions are also the primary source of ozone precursors.

The VCAPCD has established several monitoring stations in the South Central Coast Air Basin to measure air quality conditions. The nearest monitoring station to the City is located in El Rio, which is adjacent and to the north of the City of Oxnard. Monitoring data from the El Rio monitoring station is shown in ~~Table 3.3-2~~ Table 3.5-2.

PM₁₀ and PM_{2.5}. The State 24-hour PM₁₀ standard was exceeded between 0 and 5 times from 1999 to 2004 at the El Rio monitoring station. There is no State 24-hour PM_{2.5} standard. The Federal 24-hour PM_{2.5} standard was exceeded one time in 2003 and at no other time from 1999 to 2004.

Ozone. The State 1-hour ozone standard was exceeded once in 1999 2014 and has not been exceeded since. ~~The State 8-hour standard is not expected to become effective until early 2006.~~ Initial 8-hour

monitoring data indicates that the State 8-hour standard may occasional be exceeded at the El Rio monitoring station.

Table 3.3-2 Summary of PM10, PM2.5, and Ozone Air Quality Monitoring Data (1999-2004)									
Pollutant Monitoring Station	Parameter	Standard		Year					
		Federal	California	1999	2000	2001	2002	2003	2004
PM10 (µg/m³)									
El Rio	Annual geometric mean	NA	20	29	28	29	29	NA	29
	Annual arithmetic mean	50	NA	28	27	28	28	31	28
	24-hour maximum	150	50	50	52	53	100	127	59
	Days above State standards	-	-	0	1	3	2	5	1
PM2.5									
El Rio	Annual geometric mean	N/A	12	N/A	N/A	13	N/A	N/A	11
	Annual arithmetic mean	15	N/A	N/A	N/A	N/A	13	12	11
	24-hour maximum	65	N/A	37	46	41	29	82	29
	Days above State standards			0	0	0	0	1	0
Ozone (ppm)									
El Rio	1-hour maximum	NA	0.09	0.10	0.08	0.09	0.09	0.08	0.08
	Days above State Standards			1	0	0	0	0	0
	8-hour Maximum	0.08	0.076	0.08	0.07	0.07	0.07	0.07	0.08
	Days above State Standards			N/A	N/A	N/A	N/A	N/A	N/A
Notes: N/A = not available. Days above standard means days with one or more exceedance of the 1-hour ozone standards – The State 8-hour ozone standard was approved by the CARB on April 28, 2005 and is expected to become effective in early 2006.									
Source: California Air Resources Board, 2005									

Table 3.5-2									
Summary of PM10, PM2.5, and Ozone Air Quality Monitoring Data (2013-2018)									
Pollutant Monitoring Station		Standard		Year					
	Parameter	Federal	California	2013	2014	2015	2016	2017	2018
PM10 (µg/m³)									
El Rio	Annual Average	N/A	20	24.3	27.4	25.6	N/A	29.0	26.6
	24-hour	150	50	183.4	115.3	92.0	101.6	286.0	208.4
	Days above State 24-hour standard			4	7	6	14	29	21
PM2.5 (µg/m³)									
El Rio	Annual Average	15	12	9.0	9.4	9.6	8.1	N/A	8.3
	24-hour	35	N/A	19.9	22.2	25.5	22.7	81.3	41.2
	Days above National 24-hour standard			0	0	0	0	4	1
Ozone (ppm)									
El Rio	1-hour	N/A	0.09	0.067	0.112	0.070	0.084	0.084	0.072
	Days above State 1-hour Standard			0	1	0	0	0	0
	8-hour	0.070	0.070	0.063	0.077	0.066	0.071	0.072	0.062
	Days above State 8-hour Standard			0	2	0	1	1	0
Notes: N/A = not available. Days above standard means days with one or more exceedance of the 1-hour ozone standards – The national 1-hour ozone standard was revoked in June 2005. On October 2015, the EPA revised the 2008 national 8-hour ozone standard. Values in bold are in excess of the applicable standard.									
Source: California Air Resources Board, 2019									

As of 2015, the Ventura County air basin is in attainment with, or is unclassified with respect to, all federal and state ambient air quality standards except for ozone and PM₁₀.

On Page 3.5-12, Mitigation Measure 3.5-1a is hereby revised as follows:

Mitigation Measure 3.5-1a: Calculate Air Emissions. For each individual PWIMP project(s), set of Projects, and/ or construction activity, the City shall calculate air quality emissions using an appropriate air emissions computer program, as appropriate. ~~VCAPCD recommends using the URBEMIS computer program that was originally developed by the California Air Board.~~ VAPCD and the California Air Pollution Control Officers Association (CAPCOA) recommends using the more updated air quality emissions estimation model CalEEMod Version 2016.3.2 for quantifying air emissions for discretionary projects. However, other models such as the Sacramento Metropolitan Air Quality Management District's (SMAQMD) Roadway Construction Emissions Model can be effective in assessing the emissions of linear construction projects. The model run(s) will establish estimated construction emissions, which will be used to establish a construction emissions control plan as described in Mitigation Measure 3.5-1b below.

On Page 3.5-14, Mitigation Measure 3.5-1c is hereby revised as follows:

Mitigation Measure 3.5-1c: ROC and NOx Construction Measures. For each individual PWIMP Project(s), set of Projects, and/ or construction activity, the City shall, to the extent applicable and possible, require its construction contractor(s) to implement ROC and NOx construction measures, consistent with VAPCD's current Air Quality Assessment Guidelines and as updated.

- Minimize equipment idling time.
- Maintain equipment engines in good condition and in proper tune as per manufacturers' specifications.
- Lengthen the construction period during smog season (May through October), to minimize the number of vehicles and equipment operating at the same time.
- Use alternatively fueled construction equipment, such as compressed natural gas (CNG), liquefied natural gas (LNG), or electric, if feasible.

Section 3.9 Hydrology and Water Quality

Starting on page 3.9-36, the Mitigation Measure 3.9-2a is hereby revised as follows:

Mitigation Measure 3.9-2a: Prepare Groundwater/Hydrogeologic Plan and/or Monitoring/Modeling. The City shall, in conjunction with the requirements of SGMA and other local requirements, prepare an implementation plan for the groundwater that is extracted and recharged from this Project in the PWIMP planning area and including on the southern Oxnard Plain and Pleasant Valley areas. This plan will provide the details of how groundwater will be recovered and the best management practices that will be implemented, including, but not limited to:

- The City shall coordinate with FCGWMA and will continue to contribute to the ~~UWCD~~ ongoing basin-wide groundwater monitoring program for the Oxnard Plain and Pleasant Valley areas program to assist with the collection of data that are necessary to monitor and evaluate the effects from groundwater that is extracted and recharged by the PWIMP facilities. It is assumed that the City will have full access to the ~~UWCD~~ groundwater monitoring database to assist the City with performing the routine annual evaluation described below.
- The City shall ~~perform annual groundwater/hydrogeologic evaluations and prepare annual evaluation reports~~ coordinate with FCGMA to help document the groundwater/hydrogeologic conditions and effects from implementation of the PWIMP facilities including but not limited to surface and groundwater interactions, seawater intrusion, and water quality impacts such as turbidity, taste, odor, nutrients, and TDS. ~~These reports will be submitted to UWCD, FCGMA, and other interested stakeholders involved with water resources management in the Oxnard Plain and Pleasant Valley areas.~~
- As necessary, the City shall adjust the groundwater that is extracted and/or recharged on the southern Oxnard Plain and Pleasant Valley areas to reduce potential significant impacts to groundwater resources. These adjustments, in part, will be based on comments received by ~~UWCD~~, FCGMA, and other interested stakeholders involved with water resources management in the Oxnard Plain and Pleasant Valley areas.

Significance after Mitigation: Less than Significant.

Chapter 5 PWIMP and PEIR Preparers

This section presents preparers and reviewers of the PWIMP and the Program EIR.

City of Oxnard

City Manager's Office
300 West Third Street – 4th Floor
Oxnard, CA 93030

- Scott Whitney, Former Interim City Manager
- Alexander Nguyen, Current City Manager

Office of the City Attorney
300 West Third Street – 4th Floor
Oxnard, CA 93030

- LeAnne Daly, Law Office Manager

City Public Works Administration
305 West Third Street – 3rd Floor
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- Thein Ng, P.E., Assistant Public Works Director

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214 South C Street
Oxnard, CA 93030

- Ashley Golden, Assistant City Manager
- Kathleen Mallory, Planning and Sustainability Manager
- Isidro Figueroa, Principal Planner

Carollo Engineers

Public Works Integrated Master Plan Preparers
2700 Ygnacio Valley Road, Suite 300
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- Tracy Warriner, Program Manager
- Elizabeth Charbonnet, Senior Engineer

SMB Environmental, Inc.

PEIR Preparers
P.O. Box 381
Roseville, CA 95661

- Steve Brown, Project Manager and Principal Preparer
- Dan Jones, Air Quality
- Daniel Shoup, Cultural and Tribal Resources
- Terra Stoddard, Biological Resources

Appendix A

Mitigation Monitoring and Reporting Program

MITIGATION MONITORING AND REPORTING PROGRAM

City of Oxnard Public Works Integrated Master Plan Final Programmatic Environmental Impact Report

SCH#: 2016071078

Prepared for:

City of Oxnard
214 South "C" Street
Oxnard, CA 93030

Prepared by:



SMB Environmental, Inc.

October 2019

INTRODUCTION

On July 15, 2019, the City of Oxnard (City) released for public review the Draft Programmatic Environmental Impact Report (Draft PEIR) (State Clearinghouse Number: 2016071078) to provide the public and responsible agencies with information about the potential environmental effects of the City's proposed Public Works Integrated Master Plan (PWIMP, Project, and/or Proposed Project). The City is the lead agency under the California Environmental Quality Act (CEQA) and has principal responsibility for approving the Proposed Project.

The purpose of the PWIMP is to provide a central planning document to guide improvements to the City's water infrastructure through the planning horizon (2030). Specifically, the PWIMP addresses future planning needs including infrastructure additions and upgrades for City's water, wastewater, recycled water, and stormwater utilities.

CEQA Guidelines require public agencies to adopt a Mitigation Monitoring and Reporting Program (MMRP) for changes to the project, which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment. A MMRP is required for the Proposed Project because the Draft PEIR identifies potentially significant adverse impacts related to project implementation, and mitigation measures have been identified to reduce those impacts.

On July 15, 2019, to initiate public review of the Draft PEIR, the City filed a Notice of Completion (NOC) for the project with the Governor's Office of Planning and Research (State Clearinghouse or SCH) and a Notice of Availability (NOA) with the County of Ventura and released the Draft PEIR for a 45-day public review. The State Clearinghouse identified the project with SCH #2016071078. The 45-day public review period was established between July 15 and August 30, 2019, with copies of the Draft PEIR available for review on the City's website at www.oxnard.org; the City's front desk at 214 South "C" Street, Oxnard, CA 93030; Downtown Main Library, 251 S A Street, Oxnard, CA 93030 and the South Oxnard Branch Library, 4300 Saviers Road, Oxnard, CA 93030.

In September 2019, the City prepared a Final PEIR according to CEQA Guidelines and incorporated all comments received by the State Clearinghouse and the City during the 45-day public review period. As a result, some of the mitigation measures identified in the Public Draft PEIR have been revised to

reflect those comments. Based on the Final PEIR, the Proposed Project would not result in new significant impacts, substantially increase the severity of previously disclosed impacts, or involve any of the other conditions related to changed circumstances or new information that can require recirculation pursuant to Section 15088.5(a) of the State CEQA Guidelines.

PURPOSE OF MITIGATION MONITORING AND REPORTING PROGRAM

This MMRP has been prepared to ensure that all required mitigation measures are implemented and completed in a satisfactory manner before and during project construction and operation. The MMRP may be modified by the City during project implementation, as necessary, in response to changing conditions or other refinements. Table A (included at the end of this document) has been prepared to assist the responsible parties in implementing the mitigation measures. The table identifies individual mitigation measures, monitoring/mitigation timing, responsible person/agency for implementing the measure, monitoring and reporting procedure, and space to confirm implementation of the mitigation measures. The numbering of mitigation measures follows the numbering sequence found in the Public Draft PEIR.

ROLES AND RESPONSIBILITIES

Unless otherwise specified herein, the City is responsible for taking all actions necessary to implement the mitigation measures under its jurisdiction according to the specifications provided for each measure and for demonstrating that the action has been successfully completed. The City, at its discretion, may delegate implementation responsibility or portions thereof to a licensed contractor or other designated agent. The City would be responsible for overall administration of the MMRP and for verifying that City staff members and/or the construction contractor has completed the necessary actions for each measure.

The City would designate a project manager to oversee implementation of the MMRP. The City is primarily responsible for implementing the mitigation measures for the Proposed Project as described in this MMRP. Duties of the project manager include the following:

- Ensure that routine inspections of the construction site are conducted by appropriate City staff; check plans, reports, and other documents required by the MMRP; and conduct report activities.

- Serve as a liaison between the City and the contractor or project applicant regarding mitigation monitoring issues.
- Complete forms and maintain reports and other records and documents generated by the MMRP.
- Coordinate and ensure that corrective actions or enforcement measures are taken, if necessary.

The responsible party for implementation of each item shall identify the staff members responsible for coordinating with the City on the MMRP.

REPORTING

The City's Director of Public Works shall prepare a monitoring report, upon completion of the project, on the compliance of the activity with the required mitigation measures. Information regarding inspections and other requirements shall be compiled and explained in the report. The report shall be designed to simply and clearly identify whether mitigation measures have been adequately implemented. At a minimum, each report shall identify the mitigation measures or conditions to be monitored for implementation, whether compliance with the mitigation measures or conditions has occurred, the procedures used to assess compliance, and whether further action is required.

MITIGATION MONITORING AND REPORTING PLAN TABLE

The categories identified in Table A are described below.

- **Mitigation Measure** – This column provides the text of the mitigation measures identified in the Draft PEIR.
- **Timing** – This column identifies the time frame in which the mitigation will take place.
- **Implementation** – This column identifies the party responsible for implementing compliance with the requirements of the mitigation measure
- **Enforcement** – This column identifies the party responsible for enforcing compliance with the requirements of the mitigation measure.

- **Dated Signature for Verification of Compliance** – This column is to be dated and signed by the person (either project manager or his/her designee) responsible for verifying compliance with the requirements of the mitigation measure.

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Mitigation Measure	Timing	Implementation ¹	Enforcement ¹	Dated Signature for Verification of Compliance
3.1 AESTHETICS/VISUAL RESOURCES				
Mitigation Measure 3.1-2a: Blend in with the Existing Environment. The City shall implement architectural features into the facility(s) design so they complement the building styles of the community and minimize visual mass. Exterior finishes should avoid reflective surfaces. Colors for larger visible tanks and structures should be earth tones to reduce contrasts with the ground plain and increase compatibility with the visual setting. Primary structures should combine multiple complementary colors such in ranges of browns, tans, greys, greens, or other colors agreed upon with the appropriate permitting agency.	Prior to construction of PWIMP Projects that have a visual impact.	City of Oxnard	City of Oxnard	
Mitigation Measure 3.1-2b: Fencing. The City shall design fencing to be minimally intrusive to the community yet complementary to the architectural character of the facility and the community. Fencing will be coordinated with landscaping and facility design to help further enhance the local aesthetics and to blend the facility with the surrounding community and/or natural setting. Vegetative screening using native plants, trees or shrubs will be used if it is not out of character with the site setting, and walled perimeters will be avoided in natural settings to minimize the dominance of structures in the scene.	Prior to construction of PWIMP Projects that have a visual impact.	City of Oxnard	City of Oxnard	
Mitigation Measure 3.1-3a: Shielded Lighting. To ensure that the project's exterior lighting does not spill over onto the adjacent uses, all exterior light fixtures, including street lighting, shall be shielded or directed away from adjoining uses.	Prior to construction of PWIMP Projects that have a visual impact.	City of Oxnard	City of Oxnard	
Mitigation Measure 3.1-3b: Security Lighting. Outdoor light intensity shall be limited to that necessary for adequate security and safety. All outside lighting shall be directed to prevent spillage onto adjacent properties and shall be shown on the site plan and elevations.	Prior to construction of PWIMP Projects that have a visual impact.	City of Oxnard	City of Oxnard	
3.3 AIR QUALITY				
Mitigation Measure 3.3-2a: Calculate Air Emissions. For each individual or group of PWIMP projects to be constructed, the City shall calculate air quality emissions using an appropriate air emissions computer program, as appropriate. VCAPCD and the California Air Pollution Control Officers Association (CAPCOA) recommends using the more updated air quality emissions estimation model CalEEMod Version 2016.3.2 for quantifying air	During the planning and environmental compliance studies of	City of Oxnard	City of Oxnard Ventura County Air Pollution Control District	

¹ The City of Oxnard's Director of Public Works is primarily responsible for implementing the mitigation measures for the Proposed Project as described in this MMRP.

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emissions for discretionary projects. However, other models such as the Sacramento Metropolitan Air Quality Management District's (SMAQMD) Roadway Construction Emissions Model can be effective in assessing the emissions of linear construction projects. The model run(s) will establish estimated construction emissions, which will be used to establish a construction emissions control plan as described in Mitigation Measure 3.3-2b below.	individual PWIMP Projects			
Mitigation Measure 3.3-2b: Construction Emissions Control Plan. For each individual or group of PWIMP projects to be constructed, the City shall prepare a Construction Emissions Control Plan that outlines an approach for phasing construction activities to ensure that daily construction emissions do not exceed the VCAPCD's significance thresholds for construction activities. The plan shall be submitted to the VCAPCD for review and approval at least 30 days prior to the estimated start of construction activities. The City shall require the approved plan to be implemented during all construction activities by including the approved plan in construction contracts. The plan shall include, at a minimum, a detailed description of the construction equipment inventory and use requirements for each component of the project, including daily activity phasing. The plan shall include documentation that the equipment used to construct the project(s) is properly maintained and shall include the maintenance schedule of the equipment, consistent with manufacturers' specifications. To ensure that emissions remain below VCAPCD's daily significance threshold of 25 pounds per day of ROC and NOx, the plan shall be designed to achieve emission levels that are no higher than 22.5 pounds per day of ROC and NOx (i.e., 90 percent of the daily threshold). All aspects of construction activity, including but not limited to truck trips per day, miles per trip, miles of dirt road travel per day, daily equipment inventories, equipment hours, and amounts of total areas and volumes of material to be disturbed shall be clearly defined in the plan and implemented in the field so that it can be determined by a third party construction monitor that the agreed upon plan is adequately implemented.	During the planning and environmental compliance studies of individual PWIMP Projects	City of Oxnard	City of Oxnard Ventura County Air Pollution Control District	
Mitigation Measure 3.3-2c: Construction Fugitive Dust Control Plan. For each individual or group of PWIMP projects to be constructed, the City shall, to the extent applicable, require its construction contractor(s) to implement a dust control plan that shall include a minimum of the following dust control measures. - The area disturbed by clearing, grading, earth moving, or excavation operations shall be minimized to prevent excessive amounts of dust. - Pre-grading/excavation activities shall include watering the area to be graded or excavated before commencement of grading or excavation	During the planning and environmental compliance studies of individual PWIMP Projects	City of Oxnard	City of Oxnard Ventura County Air Pollution Control District	

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operations. Application of water (preferably reclaimed, if available) should penetrate sufficiently to minimize fugitive dust during grading activities. • Fugitive dust produced during grading, excavation, and construction activities shall be controlled by the following activities: ○ All trucks shall be required to cover their loads as required by California Vehicle Code §23114. ○ All graded and excavated material, exposed soil areas, and active portions of the construction site, including unpaved on-site 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. • Graded and/or excavated inactive areas of the construction site shall be monitored by the City (or designee) at least weekly for dust stabilization. Soil stabilization methods, such as water and roll-compaction, and environmentally-safe dust control materials, shall be periodically applied to portions of the construction site that are inactive for over four days. If no further grading or excavation operations are planned for the area, the area should be seeded and watered until grass growth is evident, or periodically treated with environmentally-safe dust suppressants, to prevent excessive fugitive dust. • Signs shall be posted on-site limiting traffic to 15 miles per hour or less. • During periods of high winds (i.e., wind speed sufficient to cause fugitive dust to impact adjacent properties), all clearing, grading, earth moving, and excavation operations shall be curtailed to the degree necessary to prevent fugitive dust created by on-site activities and operations from being a nuisance or hazard, either off-site or on-site. The site superintendent/supervisor shall use his/her discretion in conjunction with the Ventura County APCD in determining when winds are excessive. • Adjacent streets and roads shall be swept at least once per day, preferably at the end of the day, if visible soil material is carried over				

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to adjacent streets and roads. Personnel involved in grading operations, including contractors and subcontractors, should be advised to wear respiratory protection in accordance with California Division of Occupational Safety and Health regulations.				
Mitigation Measure 3.3-2d: San Joaquin Valley Fever Prevention Plan. For each individual or group of PWIMP projects to be constructed, the City shall, to the extent applicable and possible, require its construction contractor(s) to implement a San Joaquin Valley Fever Prevention Plan that shall include a minimum of the following measures. - Restrict employment to persons with positive coccidioidin skin tests (since those with positive tests can be considered immune to reinfection). - Hire crews from local populations where possible, since it is more likely that they have been previously exposed to the fungus and are therefore immune. - Require crews to use respirators during project clearing, grading, and excavation operations in accordance with California Division of Occupational Safety and Health regulations. - Require that the cabs of grading and construction equipment be air-conditioned. - Require crews to work upwind from excavation sites. - Pave construction roads. - Where acceptable to the fire department, control weed growth by mowing instead of discing, thereby leaving the ground undisturbed and with a mulch covering. - During rough grading and construction, the access way into the project site from adjoining paved roadways should be paved or treated with environmentally-safe dust control agents.	During the planning and environmental compliance studies of individual PWIMP Projects	City of Oxnard	City of Oxnard Ventura County Air Pollution Control District	
Mitigation Measure 3.3-2e: ROC and NOx Construction Measures. For each individual or group of PWIMP projects to be constructed, the City shall, to the extent applicable and possible, require its construction contractor(s) to implement ROC and NOx construction measures, consistent with VAPCD's	During construction of each individual PWIMP Project	City of Oxnard	City of Oxnard Ventura County Air Pollution Control District	

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current Air Quality Assessment Guidelines and as updated. - Minimize equipment idling time. - Maintain equipment engines in good condition and in proper tune as per manufacturers' specifications. - Lengthen the construction period during smog season (May through October), to minimize the number of vehicles and equipment operating at the same time. - Use alternatively fueled construction equipment, such as compressed natural gas (CNG), liquefied natural gas (LNG), or electric, if feasible.				
3.4 BIOLOGICAL RESOURCES				
Mitigation Measure 3.4-1a: Conduct Pre-construction Biological Survey(s). For each individual or group of PWIMP projects to be constructed, the City shall have the project site and area screened by a qualified biologist to determine whether biological resources may be affected by construction activities. In the event further investigation is necessary, the City will comply with all requirements for investigation, analysis and protection of biological resources. The biologist will review standard information sources to determine special status species with the potential to occur on the project site. The biologist would carry out a site survey by walking or driving over the project site, as appropriate, to note the general resources and whether any habitat for special-status species is present. The biologist would then document the survey with a brief letter report or memo, setting forth the date of the visit, whether habitat for special-status species is present, providing a map or description showing where sensitive areas exist within the site, and identifying any appropriate avoidance measures.	Prior to construction of each individual PWIMP Project	City of Oxnard	City of Oxnard California Department of Fish and Wildlife	
Mitigation Measure 3.4-2a: Avoid Construction Impacts on Riparian Habitat. PWIMP Project facilities and construction activities shall be designed in a manner that avoids and/or minimizes impacts on riparian habitats to the maximum extent feasible. Temporary disturbance and/or permanent loss of riparian habitat requires a Streambed Alteration Agreement from the California Department of Fish and Wildlife (CDFW) and ESA Section 7 or 10 consultation with USFWS and NMFS if there is a potential impact to listed species or critical habitat. Unavoidable impacts on riparian habitat shall be formally assessed to satisfy the requirements of the California Department of Fish and Game (CDFW) 1601 Streambed Alteration Agreement) and federal consultation, which typically include compensatory mitigation. Acceptable riparian mitigation ratios shall be based on habitat quality characteristics, such as vegetation structure and	Prior to construction of each individual PWIMP Project	City of Oxnard	City of Oxnard California Department of Fish and Wildlife	

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complexity, that correspond to fish and wildlife habitat value. Impact ratios of 3:1, 2:1, and 1:1 shall be applied for impacts on high-, medium-, and low-quality habitats, respectively: • <i>High-Quality Habitat</i> – Native overstory with continuous understory or occurring in dense thickets; dense native overstory with sparse, non-native, or no understory; and native willow thicket. • <i>Medium Quality Habitat</i> – Sparse native overstory with sparse, non-native, or no understory; non-native overstory with native understory; and dense non-native overstory with sparse, non-native, or no understory. • <i>Low Quality</i> – Sparse non-native overstory with sparse, non-native, or no understory; and any areas not included in the medium- or high-quality habitats that will be covered with riprap, gabions, etc. (e.g., ruderal habitat and bare ground). Furthermore, impacts from encroachment into riparian buffer zones may be considered significant. Appropriate riparian setbacks can be as great as 100-feet and are assessed on a case-by-case basis. A Riparian Restoration Plan shall be prepared by the City and approved by the USFWS, NMFS, and CDFW as appropriate.				
Mitigation Measure 3.4-2b: Avoid Construction Impacts on Critical Habitats. The USFWS and CDFW indicated that the PWIMP Study Area overlaps critical habitat for Southwestern Willow Flycatcher, Ventura Marsh Milk-vetch, and Western Snowy Plover habitat. In addition, the PWIMP facilities could also disturb other migratory birds within the area. As a result, and in conjunction with Mitigation Measure 3.4-1a above, construction activities for new facilities and conveyance systems shall be sited in a manner that avoids sensitive upland habitats to the maximum extent feasible. Sensitive upland habitats shall be preserved where possible through facility siting within degraded or non-native vegetation. Sensitive areas shall be flagged for avoidance to minimize the possibility of inadvertent encroachment during construction. Construction staff shall be educated on the sensitive habitats located within and adjacent to the Project's footprint, and a biological monitor shall be present to ensure compliance with off-limits areas. When avoidance is not feasible during construction activities; sensitive upland habitats temporarily disturbed during construction activities shall be quantified and appropriate restoration strategies shall be set forth in a Habitat Restoration Plan which shall be developed in consultation with the USFWS and the CDFW. The	Prior to construction of each individual PWIMP Project	City of Oxnard	City of Oxnard California Department of Fish and Wildlife	

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Plan shall include the following elements: specific location of restoration site, details on soil preparation, seed collection, planting, maintenance, and monitoring, and quantitative success criteria. At a minimum, temporarily disturbed areas shall be restored by the Applicant to the natural (preconstruction) conditions, which may include the following actions: salvage and stockpiling of topsoil from maritime chaparral, central dune scrub, and oak woodland; re-grading of disturbed sites with salvaged topsoil; and re-vegetation with native, locally collected species. Where restoration is not feasible (i.e., the impact is permanent), the City shall purchase and/or preserve similar undisturbed habitat off-site, or restore nearby disturbed areas at a ratio to be determined by the USFWS, CDFW, and other responsible resource agencies with jurisdiction over the project area.				
Mitigation Measure 3.4-3a: Avoid Federally Protected Wetlands and Waters of the U.S. In conjunction with Mitigation Measure 3.4-1a above, the City shall implement the following measures for those PWIMP facilities sited on or adjacent to wetlands. - The PWIMP project facilities shall avoid areas of potentially jurisdictional wetland habitats to the maximum extent feasible through Project siting and construction avoidance. The project shall implement Best Management Practices² during construction to minimize impacts associated with erosion and sediment deposition into wetland and aquatic habitats. Temporary disturbance and/or permanent loss of wetlands or other waters of the U.S. require permits from both the U.S. Army Corps of Engineers (USACE) and (for areas within the Coastal Zone) the California Coastal Commission (CCC) as well as the Regional Water Quality Control Board (RWQCB). - A wetland delineation per the USACE Wetland Delineation Manual, and using the one- parameter approach in areas within the Coastal Zone, shall be conducted prior to construction. - A delineation report shall be prepared and submitted to the USACE and CCC for verification, and approval. Through this process, final calculations of wetland area present in the Project area would be obtained for Project permitting. In addition, plans for proposed	Prior to construction of each individual PWIMP Project	City of Oxnard	City of Oxnard California Department of Fish and Wildlife U.S. Army Corps of Engineers California Coastal Commission Regional Water Quality Control Board	

² Best Management Practices are subject to review and approval, and may be expected to include BMPs as described in Caltrans (2003) Caltrans Storm Water Quality Handbooks; *Construction Site Best Management Practices Manual*.

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alteration to any watercourse shall be submitted to the CDFW for review. - The wetland habitat that would be lost under any given project element shall be functionally replaced as part of the Mitigation and Monitoring Plan required for permit issuance. In-kind and on-site replacement of lost wetland habitats must be done where possible. If multiple impacts on wetlands occur from the construction of facilities, larger wetland mitigation areas shall be created that provide greater functions and values than numerous small mitigation sites. The determination of wetland impacts and the subsequent location and design of potential mitigation sites shall be determined by qualified biologists in coordination with resource agency personnel. Mitigation and Monitoring Plans shall require the following of the City: - Replacement of lost acreage and functions of wetland habitat; - Identification of the restoration opportunities, complete with an analysis of the technical approach to create high quality wetlands; - Prior to construction of any project element that may impact wetland habitats, obtaining any necessary permits from the USACE, RWQCB or the CCC; - Preparation of detailed plans for wetland mitigation construction that include excavation elevations, location of hydrologic connections, planting plans, and soil amendments, if necessary; preparation of maintenance and monitoring plans in consultation with a qualified habitat restoration specialist; monitoring of any mitigation wetlands for a period of 5 years, during which the site will achieve the target jurisdictional acreage by Year 5; and determination of specific performance criteria and monitoring for site success; provision of annual monitoring reports to the appropriate resource agencies.				
3.5 CLIMATE CHANGE AND GREENHOUSE GASES				
Mitigation Measure 3.5-1a: Calculate Air Emissions. For each individual PWIMP project(s), set of Projects, and/ or construction activity, the City shall calculate air quality emissions using an appropriate air emissions computer program. VAPCD and the California Air Pollution Control Officers Association (CAPCOA) recommends using the more updated air quality emissions estimation model CalEEMod Version 2016.3.2 for	During construction of the Proposed Project/Action	City of Oxnard	City of Oxnard Ventura County Air Pollution Control District	

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quantifying air emissions for discretionary projects. However, other models such as the Sacramento Metropolitan Air Quality Management District's (SMAQMD) Roadway Construction Emissions Model can be effective in assessing the emissions of linear construction projects. The model run(s) will establish estimated construction emissions, which will be used to establish a construction emissions control plan as described in Mitigation Measure 3.5-1b below.				
Mitigation Measure 3.5-1b: Construction Emissions Control Plan. For each individual PWIMP project(s), set of Projects and/ or construction activity, the City shall prepare a Construction Emissions Control Plan that outlines an approach for phasing construction activities to ensure that daily construction emissions do not exceed the VCAPCD's significance thresholds for construction activities. The plan shall be submitted to the VCAPCD for review and approval at least 30 days prior to the estimated start of construction activities. The City shall require the approved plan to be implemented during all construction activities by including the approved plan in construction contracts. The plan shall include, at a minimum, a detailed description of the construction equipment inventory and use requirements for each component of the project, including daily activity phasing. The plan shall include documentation that the equipment used to construct the project(s) is properly maintained and shall include the maintenance schedule of the equipment, consistent with manufacturers' specifications. To ensure that emissions remain below VCAPCD's daily significance threshold of 25 pounds per day of ROC and NOx, the plan shall be designed to achieve emission levels that are no higher than 22.5 pounds per day of ROC and NOx (i.e., 90 percent of the daily threshold). All aspects of construction activity, including but not limited to truck trips per day, miles per trip, miles of dirt road travel per day, daily equipment inventories, equipment hours, and amounts of total areas and volumes of material to be disturbed shall be clearly defined in the plan and implemented in the field so that it can be determined by a third party construction monitor that the agreed upon plan is adequately implemented.	During construction of the Proposed Project/Action	City of Oxnard	City of Oxnard Ventura County Air Pollution Control District	
Mitigation Measure 3.5-1c: ROC and NOx Construction Measures. For each individual PWIMP Project(s), set of Projects, and/ or construction activity, the City shall, to the extent applicable and possible, require its construction contractor(s) to implement ROC and NOx construction measures, consistent with VAPCD's current Air Quality Assessment Guidelines and as updated. - Minimize equipment idling time. - Maintain equipment engines in good condition and in proper tune as per manufacturers' specifications. - Lengthen the construction period during smog season (May through October), to minimize the number of vehicles and equipment operating at the same time. Use alternatively fueled construction equipment, such as compressed natural gas (CNG), liquefied natural gas (LNG), or electric, if feasible	During construction of the Proposed Project/Action	City of Oxnard	City of Oxnard Ventura County Air Pollution Control District	
3.6 CULTURAL AND TRIBAL RESOURCES				

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Mitigation Measure 3.6-1a: Pre-Construction Cultural Resources Survey(s). The City shall perform pre-construction archaeological surveys for all PWIMP project components that require ground-disturbing activities including, but not limited to facility footprints, construction right-of-way corridors, staging areas, and access roads. Where proposed project areas are composed entirely of impervious surfaces, a historic archaeological and geoarchaeological sensitivity analysis may be substituted for surface survey. If resources or highly sensitive areas are identified during survey, Mitigation Measure 3.6-1b shall be implemented wherever possible.	During the planning and environmental compliance studies of individual PWIMP Projects	City of Oxnard	City of Oxnard	
Mitigation Measure 3.6-1b: Avoidance. The City will seek to avoid cultural resources as the preferred mitigation measure. Avoidance of cultural resources would result in less-than-significant levels of impacts to identified cultural resources. All design-level engineering and construction drawings will be prepared in consultation with a cultural resource specialist. Facilities, staging areas, and any activity involving ground disturbance shall be located to avoid resources. To ensure that no inadvertent damage occurs to avoided cultural resources, exclusion zones covering the resource and a 100-foot buffer around it will be marked both on the ground and on construction maps.	During the planning and environmental compliance studies of individual PWIMP Projects	City of Oxnard	City of Oxnard	
Mitigation Measure 3.6-1c: Evaluation for CRHR. If avoidance is determined to be infeasible, the City shall retain a qualified archaeologist (for archaeological resources) or architectural historian (for built environment resources) to evaluate the resources for eligibility to the CRHR. In the case of historic or prehistoric archaeological sites, evaluation may be completed by examining existing records and reports, by detailed recording, and/or by excavation to determine data potential of the sites. Resources found to be ineligible for CRHR would require no further management. If a CEQA historic resource or unique archaeological resource is determined to exist, then Mitigation Measure 3.6-1d will be used to reduce impacts to less-than-significant levels.	During the planning and environmental compliance studies of individual PWIMP Projects	City of Oxnard	City of Oxnard	
Mitigation Measure 3.6-1d: Develop a Cultural Resources Treatment Plan (CRTP). The City shall develop a Cultural Resources Treatment Plan (CRTP) for all known and newly discovered CEQA historic resources or unique archaeological resources within areas of direct impact of project activities. The plan will include, at minimum: Procedures for protection and avoidance of environmentally sensitive areas (ESAs), including archaeological monitoring protocols;	During the planning and environmental compliance studies of individual PWIMP Projects	City of Oxnard	City of Oxnard	

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- Procedures for evaluating inadvertent discoveries of archaeological resources, including research, recording, or test excavations; - Procedures for mitigating impacts to CEQA archaeological resources (including Native American burials) through data recovery excavations; - Provisions and procedures for Native American consultation; - Training for construction personnel on their responsibilities to identify and protect cultural resources; - Curation of any cultural materials collected during the project; and - Specification that archaeologists and other disciplinary specialists hired for the project meet the appropriate Professional Qualifications Standards mandated by the California Office of Historic Preservation (OHP).				
Mitigation Measure 3.6-1e: Halt Work if Cultural Resources are Discovered. If prehistoric or historic subsurface cultural resources are discovered during ground-disturbing activities, all work within 100 feet of the resources shall be halted and after notification, the City shall consult with a qualified archaeologist to assess the significance of the find. If any find is determined to be significant historical resource (CEQA Guidelines §15064.5(a)(3) and/or unique archaeological resource (PRC §21083.2), representatives of the City and a qualified archaeologist shall meet to determine the appropriate course of action. In considering any suggested mitigation proposed by the consulting archaeologist in order to mitigate impacts to historical resources or unique archaeological resources, the lead agency shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for historical resources or unique archaeological resources is carried out.	During construction of individual PWIMP Projects	City of Oxnard	City of Oxnard	
Mitigation Measure 3.6-4: Halt Work if Human Remains are Discovered. If buried human remains are encountered during construction, work shall be <i>immediately</i> halted, and the City and the Ventura County Coroner shall be <i>immediately</i> notified. If the remains are determined to be Native American, then the Native American Heritage Commission (NAHC) will be notified within 24 hours as required by Public Resources Code 5097. The NAHC shall designate a Most Likely Descendant, who will be responsible for providing	During construction of individual PWIMP Projects	City of Oxnard	City of Oxnard	

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recommendations for the treatment of the remains within 48 hours of being granted access to the find.				
Mitigation Measure 3.6-5: Halt Work if Tribal Cultural Resources are Discovered. In the event that any tribal cultural resources are discovered during ground disturbing activities, all work within 100-feet of the resources shall be halted and after notification, the City shall consult with a qualified archaeologist and local tribes to assess the significance of the find. If any find is determined to be significant as a unique tribal cultural resource, the City shall treat the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including to, but not limited to, the following: - Protecting the cultural character and integrity of the resource; - Protecting the traditional use of the resource; and - Protecting the confidentiality of the resource. In considering any suggested mitigation proposed by the consulting archaeologist and/or the appropriate tribe in order to mitigate impacts to any tribal cultural resources find, the City shall determine whether avoidance is feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery) shall be instituted and coordinated with the appropriate tribe(s). Work may proceed on other parts of the project site while mitigation measures for tribal cultural resources or other unique archaeological resources are carried out.	During construction of individual PWIMP Projects	City of Oxnard	City of Oxnard	
3.7 GEOLOGIC, SEISMIC, AND SOIL HAZARDS				
Mitigation Measure 3.7-1a: Conduct Appropriate Geotechnical Engineering Studies. A California licensed geotechnical engineer or engineering geologist will conduct geotechnical investigations of all PWIMP facilities prior to the final design and prepare recommendations applicable to foundation design, earthwork, backfill and site preparation prior to or during the project design phase. The investigations will specify seismic and geologic hazards including potential ground movements and co-seismic effects (including liquefaction). The recommendations of the geotechnical engineer will be incorporated into the design and specifications in accordance with California Geological Survey Special Publication 117 and shall be implemented by the construction contractor. The construction manager will conduct inspections and certify that all design	During the planning and environmental compliance studies of individual PWIMP Projects	City of Oxnard	City of Oxnard	

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criteria have been met in accordance with the California Building Code as well as applicable City and County ordinances. All PWIMP elements and pipeline facilities will comply with applicable policies and appropriate engineering investigation practices necessary to reduce the potential detrimental effects of expansive soils, and corrosivity. Appropriate geotechnical studies will be conducted by California licensed geotechnical engineers or engineering geologists using generally accepted and appropriate engineering techniques for determining the susceptibility of the sites to unstable, weak or corrosive soils in accordance with the most recent version of the California Building Code. A licensed geotechnical engineer or engineering geologist will prepare recommendations applicable to foundation design, earthwork, and site preparation prior to or during the project design phase. Recommendations will address mitigation of site-specific, adverse soil and bedrock conditions that could hinder development. Project engineers will implement the recommendations and incorporate them into project specifications. Geotechnical design and design criteria will comply with the most recent version of the California Building Code and applicable local construction and grading ordinances. Once appropriately designed and subsequently constructed, in accordance with local and state building code requirements, the resultant improvements will have the structural fortitude to withstand the potential hazards of expansive soils or corrosivity without significant damage. During the design phase for all PWIMP components that require ground-breaking activities, the project applicant will perform site-specific design- level geotechnical evaluations which will include slope stability conditions and provide recommendations to reduce and eliminate any potential slope hazards, if any, in the final design and if necessary, throughout construction. For all pipelines located in landslide hazard areas, appropriate piping material with the ability to deform without rupture (e.g. ductile steel) will be used. For all other facilities, a geotechnical evaluation will be conducted and the geotechnical evaluations will include detailed slope stability evaluations, which could include a review of aerial photographs, field reconnaissance, soil testing, and slope stability modeling. Facilities design and construction will incorporate the slope stability recommendations contained in the geotechnical analysis conducted by California licensed geotechnical engineers or engineering geologists. Final slope stabilization measures, determined by the licensed geotechnical engineer or engineering geologist in accordance with California Building Code requirements, may include, without limitation, one or more of the following:				

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• Appropriate slope inclination (not steeper than 2 horizontal to 1 vertical) • Slope terracing • Fill compaction • Soil reinforcement • Surface and subsurface drainage facilities • Engineered retaining walls • Buttresses • Erosion control measures Mitigation measures included in the geotechnical report will be incorporated into the project construction specifications and become part of the project.				
3.8 HAZARDS AND HAZARDOUS MATERIALS				
Mitigation Measure 3.8-1a: Conduct Phase I Environmental Site Assessment(s). Within one year prior to construction of facilities requiring excavation of more than 50-cubic yards of soil, the contractor shall retain a qualified environmental professional to conduct a Phase I Environmental Site Assessment in conformance with ASTM Standard 1527-13 to evaluate subsurface conditions that could be expected during construction. For all pipeline/conveyance facility alignments, the contractor shall retain a qualified environmental professional to update the environmental database review to identify environmental cases, permitted hazardous materials uses, and spill sites within one- quarter mile of the pipeline/conveyance facility alignment. Regulatory agency files shall be reviewed for those sites that could potentially affect soil and groundwater quality within the project alignment. If these preliminary environmental reviews indicate that a release of hazardous materials could have affected soil or groundwater quality at a project site, the contractor shall retain a qualified environmental professional to conduct a Phase II environmental site assessment to evaluate the presence and extent of contamination at the site, in conformance with state and local guidelines and regulations. If the results of the subsurface investigation(s) indicate the presence of hazardous materials, additional site remediation may be required by the applicable state or local regulatory agencies, and the contractors shall be required to comply with all regulatory requirements for facility design or site remediation.	During the planning and environmental compliance studies of individual PWIMP Projects	City of Oxnard	City of Oxnard	

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Mitigation Measure 3.8-1b: Prepare Project-Specific Health and Safety Plan(s). Based on the findings of the environmental review required by Mitigation Measure 3.8-1a, the City or its contractor shall prepare a project-specific Health and Safety Plan (HSP) in accordance with 29 CFR 1910 to protect construction workers and the public during all excavation, grading and construction services. The HSP shall identify the following, but not be limited to: • A summary of all potential risks to construction workers and maximum exposure limits for all known and reasonably foreseeable site chemicals; • Specified personal protective equipment and decontamination procedures, if needed Safety procedures to be followed in the event suspected hazardous materials are encountered; • Emergency procedures, including route to the nearest hospital; and • The identification of a site health and safety officer and responsibilities of the site health and safety officer	During the planning and environmental compliance studies of individual PWIMP Projects	City of Oxnard	City of Oxnard	
Mitigation Measure 3.8-1c: Environmental Construction Monitor(s). Based on the findings of the environmental review required by Mitigation Measure 3.8-1a, the City or its contractor shall have a site health and safety supervisor fully trained pursuant to the HAZWOPER standard (29 CFR 1910.120) be present during excavation, grading, trenching, or cut and fill operations to monitor for evidence of potential soil contamination, including soil staining, noxious odors, debris or buried storage containers. The site health and safety supervisor must be capable of evaluating whether hazardous materials encountered constitute an incidental release³ of a hazardous substance or an emergency spill. The site health and safety supervisor shall direct procedures to be followed in the event that a hazardous materials release with the potential to impact worker health and safety is encountered. These procedures shall be in accordance with hazardous	During construction of individual PWIMP Projects	City of Oxnard	City of Oxnard	

³ An incidental release is a release of a hazardous substance, which does not pose a significant safety or health hazard to employees in the immediate vicinity or to the employee cleaning it up, nor does it have the potential to become an emergency within a short time frame. Incidental releases are limited in quantity, exposure potential, or toxicity and present minor safety and health hazards to employees in the immediate work area or those assigned to clean them up.

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waste operations regulations and specifically include, but are not limited to, the following: - Immediately stopping work in the vicinity of the unknown hazardous materials release, and notifying MCDEH, and - Retaining a qualified environmental firm to perform sampling and remediation.				
Mitigation Measure 3.8-1d: Develop a Materials Disposal Plan(s). For each individual PWIMP project (as applicable), the City or its contractor shall develop a materials disposal plan specifying how the applicant or its contractor would remove, handle, transport, and dispose of all excavated material in a safe, appropriate, and lawful manner. The plan must identify the disposal method for soil and the approved disposal site, and include written documentation that the disposal site would accept the waste. The applicant or its contractor shall develop a groundwater dewatering control and disposal plan specifying how the applicant or its contractor would remove, handle, and dispose of groundwater impacted by hazardous substances in a safe, appropriate and lawful manner. The plan must identify the locations at which potential groundwater impacts are likely to be encountered (based on the results of Mitigation Measure 3.8-1a), the method to analyze groundwater for hazardous materials, and the appropriate treatment and/or disposal methods.	During the planning and environmental compliance studies of individual PWIMP Projects	City of Oxnard	City of Oxnard	
Mitigation Measure 3.8-2a: Store, Handle, Use Hazardous Materials in Accordance with Applicable Laws. The City shall ensure that all construction-related and operational hazardous materials and hazardous wastes shall be stored, handled, and used in a manner consistent with relevant and applicable federal, state, and local laws. In addition, construction-related and operational hazardous materials and hazardous wastes shall be staged and stored away from stream channels and steep banks to keep these materials a safe distance from near-by residents and prevent them from entering surface waters in the event of an accidental release.	During construction of individual PWIMP Projects	City of Oxnard	City of Oxnard	
Mitigation Measure 3.8-2b: Properly Dispose of Contaminated Soil and/or Groundwater. If contaminated soil and/or groundwater is encountered or if suspected contamination is encountered during project construction, work shall be halted in the area, and the type and extent of the contamination shall be identified. A contingency plan to dispose of any contaminated soil or groundwater will be developed through consultation with appropriate regulatory agencies.	During construction of individual PWIMP Projects	City of Oxnard	City of Oxnard	

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Mitigation Measure 3.8-2c: Properly Dispose of Hydrostatic Test Water. Dewatering of the pipeline during hydrostatic testing during construction, as well as any dewatering as a result of operations and maintenance activities, shall be discharged to land or the sanitary sewer system and not into any creeks, drainages, or waterways and shall require prior approval from the Los Angeles Regional Water Quality Control Board.				
Mitigation Measure 3.8-4a: Fire Prevention and Control. The City shall comply with all federal, state, county and local fire regulations pertaining to burning permits and the prevention of uncontrolled fires. The following measures shall be implemented to prevent fire hazards and control of fires: • A list of relevant fire authorities and their designated representative to contact shall be maintained on site by construction personnel. • Adequate firefighting equipment shall be available on site in accordance with the applicable regulatory requirements. • The level of fire hazard shall be posted at the construction office (where visible for workers) and workers shall be made aware of the hazard level and related implications. • The City or its contractor shall provide equipment to handle any possible fire emergency. This shall include, although not be limited to, water trucks; portable water pumps; chemical fire extinguishers; hand tools such as shovels, axes, and chain saws; and heavy equipment adequate for the construction of fire breaks when needed. Specifically, the City or its contractor shall supply and maintain in working order an adequate supply of fire extinguishers for each crew engaged in potentially combustible work such as welding, cutting, and grinding. • All equipment shall be equipped with spark arrestors. • In the event of a fire, the City or its contractor shall immediately use resources necessary to contain the fire. The City or contractor shall then notify local emergency response personnel. • Any and all tree-clearing activities (if any) are to be carried out in accordance with local rules and regulations for the prevention of forest fires. • Burning shall be prohibited. • Flammable wastes shall be removed from the construction site on a	During planning and construction of individual PWIMP Projects	City of Oxnard	City of Oxnard	

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regular basis. Flammable materials kept on the construction site must be stored in approved containers away from ignition sources.				
3.9 HYDROLOGY, WATER QUALITY, AND WATER UTILITIES				
Mitigation Measure 3.9-1a: Implement Construction Best Management Practices. To reduce potentially significant erosion and siltation, the City and/or its selected contractor(s) shall obtain a Stormwater Pollution Prevention Permit(s) (SWPPP) and implement Best Management Practices and erosion control measures as required by the Los Angeles RWQCB. Best Management Practices to reduce erosion and siltation shall include the following measures: Avoidance of construction activities during inclement weather; limitation of construction access routes and stabilization of access points; stabilization of cleared, excavated areas by providing vegetative buffer strips, providing plastic coverings, and applying ground base on areas to be paved; protection of adjacent properties by installing sediment barriers or filters, or vegetative buffer strips; stabilization and prevention of sediments from surface runoff from discharging into storm drain outlets; use of sediment controls and filtration to remove sediment from water generated by dewatering; and returning all drainage patterns to pre-existing conditions.	During planning and construction of individual PWIMP Projects	City of Oxnard	City of Oxnard	
Mitigation Measure 3.9-2a: Prepare Groundwater/Hydrogeologic Plan and/or Monitoring/Modeling. The City shall, in conjunction with the requirements of SGMA and other local requirements, prepare an implementation plan for the groundwater that is extracted and recharged from this Project in the PWIMP planning area and including on the southern Oxnard Plain and Pleasant Valley areas. This plan will provide the details of how groundwater will be recovered and the best management practices that will be implemented, including, but not limited to: - The City shall coordinate with FCGWMA and will continue to contribute to the ongoing basin-wide groundwater monitoring program for the Oxnard Plain and Pleasant Valley areas program to assist with the collection of data that are necessary to monitor and evaluate the effects from groundwater that is extracted and recharged by the PWIMP facilities. It is assumed that the City will have full access to the groundwater monitoring database to assist the City with performing the routine annual evaluation described below. - The City shall coordinate with FCGMA to help document the groundwater/hydrogeologic conditions and effects from	During planning and construction of individual PWIMP Projects	City of Oxnard	City of Oxnard	

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implementation of the PWIMP facilities including but not limited to surface and groundwater interactions, seawater intrusion, and water quality impacts such as turbidity, taste, odor, nutrients, and TDS. As necessary, the City shall adjust the groundwater that is extracted and/or recharged on the southern Oxnard Plain and Pleasant Valley areas to reduce potential significant impacts to groundwater resources. These adjustments, in part, will be based on comments received by FCGMA; and other interested stakeholders involved with water resources management in the Oxnard Plain and Pleasant Valley areas.				
3.10 LAND USE PLANNING				
Mitigation Measure 3.10-1a: Land Use Compatibility Review. For each PWIMP project to be constructed and/or operated, the City shall review the land use compatibility on a project-level basis through a subsequent environmental document to ensure that the proposed individual project does not conflict with an existing land use compatibility or cause a significant environmental impact that cannot be reduced to a less than significant level(s). In addition, the City shall obtain all necessary easements for any and all temporary construction activities.	During planning of individual PWIMP Projects	City of Oxnard	City of Oxnard	
Mitigation Measure 3.10-1b: New Pipeline Locations. Any new PWIMP pipelines and/or conveyance facilities that cross any agricultural fields or private property shall be located in an area or buried at a depth that would not interfere with the use of the land, such as agricultural tilling, grading, planting, etc.	During planning and construction of individual PWIMP Projects	City of Oxnard	City of Oxnard	
Mitigation Measure 3.10-1c: Return to Existing Conditions. For all PWIMP pipeline or conveyance facility construction activities, soil shall be stockpiled and replaced once installed, unless soil contamination is expected. If soil contamination is detected, then mitigation measures in 3.8 Hazards and Hazardous Wastes. The construction area shall be returned to preconstruction conditions and grade.	During planning and construction of individual PWIMP Projects	City of Oxnard	City of Oxnard	
3.12 NOISE				
Mitigation Measure 3.12-1a: Limit Construction Hours. To the extent possible, construction activities will be limited to the least noise-sensitive times and will comply with the City's noise ordinances. Construction, alteration, and other related activities shall be allowed on weekdays between the hours of 8 a.m. and 5 p.m., and on Saturdays between the hours of 10 a.m. and 6 p.m. Construction activities shall not exceed the outdoor ambient sound level (dBA)	During construction of individual PWIMP Projects	City of Oxnard	City of Oxnard	

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of 86 dBA. Nighttime construction would require specific and special approval from the City. Temporary hotel accommodations shall be provided to all residents located within 100-feet of a designated construction area where construction activity would occur on a 24-hour continuous basis. The accommodations shall be provided for the duration of the 24-hour construction activities.				
Mitigation Measure 3.12-1b: Locate Staging Areas away from Sensitive Receptors. The City's construction specifications shall require that the contractor select staging areas as far as feasibly possible from sensitive receptors. Currently, planned staging areas are at the City's existing WWTP, water, and stormwater yards/facilities.	During construction of individual PWIMP Projects	City of Oxnard	City of Oxnard	
Mitigation Measure 3.12-1c: Maintain Mufflers on Equipment. The City's construction specifications shall require the contractor to maintain all construction equipment with manufacturer's specified noise-muffling devices. The City shall ensure that the contractor(s) construction equipment with internal combustion engines have sound control devices at least as effective as those provided by the original equipment manufacturer. No equipment shall be permitted to have an un-muffled exhaust.	During construction of individual PWIMP Projects	City of Oxnard	City of Oxnard	
Mitigation Measure 3.12-1d: Idling Prohibition and Enforcement. The City shall prohibit and enforce unnecessary idling of internal combustion engines. In practice, this would mean turning off equipment if it will not be used for five or more minutes.	During construction of individual PWIMP Projects	City of Oxnard	City of Oxnard	
Mitigation Measure 3.12-1e: Equipment Location and Shielding. Locate all stationary noise-generating construction equipment such as air compressors and standby power generators as far as possible from homes and businesses. Contractor specifications shall include a requirement that construction equipment located within 500-feet of noise-sensitive receptors shall be equipped with noise reducing engine housings or other noise reducing technology such that equipment noise levels are no more 85-dBA at 50-feet. The line of sight between construction within 500-feet of sensitive receptors and nearby sensitive receptors shall be blocked by portable acoustic barriers and/or shields to reduce noise levels by at least an additional 10-dBA.	During construction of individual PWIMP Projects	City of Oxnard	City of Oxnard	
Mitigation Measure 3.12-1f: Notify Residents and Sensitive Receptors. Residences and other sensitive receptors within 500-feet of a construction area	During construction of	City of Oxnard	City of Oxnard	

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shall be notified of the construction schedule in writing, at least two weeks prior to the commencement of construction activities. The City or the contractor(s) shall designate a noise disturbance coordinator who would be responsible for responding to complaints regarding construction noise. The coordinator shall determine the cause of the complaint and ensure that reasonable measures are implemented to correct the problem. A contact number for the noise disturbance coordinator shall be conspicuously placed on construction site fences and included in the construction schedule notification sent to nearby residences. The notice to be distributed to residences and sensitive receptors shall first be submitted to the City for review and approval.	individual PWIMP Projects			
Mitigation Measure 3.12-1g: Enclosed Noise Structures. All stationary noise sources (e.g., pump stations, permanent and emergency power generators, electrical gear, motors, etc.) shall be located within enclosed structures with adequate setback and screening, as necessary, to achieve acceptable regulatory noise standards for industrial uses as well as to achieve acceptable levels at the property lines of nearby residences and commercial uses, as determined by the City or Ventura County, as appropriate. Noise enclosures shall be designed to reduce equipment noise levels by at least 20-dBA. Once the stationary noise sources have been installed, noise levels shall be monitored to ensure compliance with local noise standards. If PWIMP facility(s) stationary noise sources exceed the applicable noise standards, an acoustical engineer shall be retained to install additional noise attenuation measures in order to meet the applicable noise standards.	During planning and construction of individual PWIMP Projects	City of Oxnard	City of Oxnard	
Mitigation Measures 3.12-2a: Vibration Monitoring. Vibration monitoring shall be conducted for any and all PWIMP construction activities within 10-feet of buildings to confirm vibration levels do not exceed 0.1 in/sec PPV. If vibration levels exceed the limits of this mitigation measure, then construction practices shall be modified to use smaller types of construction equipment, operate the equipment in a manner to reduce vibration, or use alternate construction methods, and monitoring shall continue for an additional 200-feet or until construction practices meet the required vibration levels. The monitoring in this mitigation measure shall be repeated if the construction methods change in a manner that would increase vibration levels, or when structures are closer to the limits of construction than previous vibration monitoring have confirmed is below the vibration thresholds. Smaller vibratory rollers shall be used to minimize vibration levels during repaving activities where needed to meet vibration limits.	During construction of individual PWIMP Projects	City of Oxnard	City of Oxnard	
3.13 TRAFFIC AND TRANSPORTATION				

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Mitigation Measure 13.1-1a: Prepare and Implement Traffic Control Plan(s). As is consistent with existing policy, the City shall require the contractor to prepare and implement effective traffic control plans to show specific methods for maintaining traffic flows for each PWIMP project to be constructed. Examples of traffic control measures to be considered include: 1) use of flaggers to maintain alternating one-way traffic while working on one-half of the street; 2) use of advance construction signs and other public notices to alert drivers of activity in the area; 3) use of "positive guidance" detour signing on alternate access streets to minimize inconvenience to the driving public; 4) provisions for emergency access and passage; and 5) designated areas for construction worker parking.	During planning of individual PWIMP Projects	City of Oxnard	City of Oxnard	
Mitigation Measure 13.1b: Return Roads to Pre-construction Condition. Following construction, the City shall ensure that road surfaces that are damaged during construction are returned to their pre-construction condition or better.	During construction of individual PWIMP Projects	City of Oxnard	City of Oxnard	

ATTACHMENT 3

Resolution of Approval and CEQA Findings of Fact

RESOLUTION NO. 19-XXX

RESOLUTION OF THE CITY OF OXNARD PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL ADOPT A PROGRAMMATIC ENVIRONMENTAL IMPACT REPORT IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FOR THE PUBLIC WORKS INTEGRATED MASTER PLAN PROJECT, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM. FILED BY CITY OF OXNARD, THIEN NG, ASSISTANT PUBLIC WORKS DIRECTOR.

WHEREAS, the City of Oxnard (City) prepared a Programmatic Environmental Impact Report for the Public Works Integrated Master Plan Project (PWIMP or Proposed Project) in accordance with the requirements of the California Environmental Quality Act of 1970, as amended (“CEQA”), and state and local guidelines implementing CEQA; and

WHEREAS, the City is the CEQA Lead Agency on the Proposed Project, and the City Planning Commission is an advisory committee for the City Council, which is the ultimate decision-making body for the Proposed Project; and

WHEREAS, the City has jurisdictional authority to provide potable water, wastewater, recycled water, and stormwater services to its nearly 200,000 citizens and numerous industrial and commercial users; and

WHEREAS, the City’s Public Works Department oversees the water, wastewater, recycled water, and stormwater utilities throughout the City and faces many challenges in managing these four utilities and its future water resources; and

WHEREAS, these water resources challenges include identifying the best response to immediate drought conditions while planning for long-term water needs, reducing dependence on costly imported water, addressing aging infrastructure and reliability concerns, pursuing aggressive goals for energy efficiency and sustainable solutions, as well as maintaining compliance with changing regulatory requirements; and

WHEREAS, given the City's challenges and opportunities to meet them, the PWIMP develops long-term recommendations for policies, programs, and goals that successfully address the challenges and opportunities in a holistic and integrated way; and

WHEREAS, the opportunities to meet these challenges range from institutional and non-structural approaches (policies and programs) to technical and structural approaches (capital projects); and

WHEREAS, the PWIMP will help the City respond to planned population increase, challenges from new regulatory requirements, drought conditions, aging infrastructure, and reliability concerns; and

WHEREAS, the PWIMP also documents the policy decisions, goals, and objectives to help protect public health while balancing the environmental, social, and financial impacts of the City's water resources management; and

WHEREAS, the PWIMP provides a phased program over the next fifteen (15) to twenty (20) years for constructing improvements to the City's infrastructure facilities that will accommodate planned growth while maintaining treatment reliability, meeting future regulatory requirements, and optimizing costs through the City’s 2030 planning horizon; and

WHEREAS, the PWIMP addresses future planning needs including infrastructure additions and upgrades for City’s water, wastewater, recycled water, and stormwater utilities; and

WHEREAS, the PWIMP builds upon previous planning efforts using a coordinated methodology, which will allow the City to take full advantage of potential linkages and synergies between the four water utility systems; and

WHEREAS, the PWIMP is also coordinated with a Street Plan in an attempt to allow timing of future upgrades to road infrastructure to be tied together with water resources infrastructure upgrades; and

WHEREAS, the City issued a Notice of Preparation (NOP) of the PEIR on July 27, 2016 (SCH #:2016071078); and

WHEREAS, the NOP was circulated to the public, local, state and federal agencies, and other interested parties to solicit comments on the Proposed Project during the 45-day comment period; and

WHEREAS, during the scoping period, the City held two (2) scoping meetings on August 24, 2016 in the City of Oxnard's H.R Activity/Community Room to discuss the Proposed Project and to solicit public input as to the scope and content of the PEIR; and

WHEREAS, the NOP, the NOP Presentation, and comments received are available for review in Appendix B of the PEIR; and

WHEREAS, the City issued a Notice of Availability (NOA) and released the Draft PEIR on July 15, 2019 for the CEQA required 45-day Public Review Period which ended on August 30, 2019; and

WHEREAS, on August 15, 2019 at the Planning Commission, the City and its consultants conducted a Public Hearing on the Public Draft PEIR and received no public comments; and

WHEREAS, during the 45-day Public Review Period the City received four (4) comment letters from public agencies on the Public Draft PEIR including from, the California Division of Safety of Dams (DSOD), the Ventura County Air Pollution Control District (VAPCD), the Ventura County Public Works Department (VCPWD), and the Fox Canyon Groundwater Management Agency (FCGWMA); and

WHEREAS, none of the comments, nor the City's responses change any of the outcomes or conclusions in the Public Draft PEIR, would require the re-circulation or cancellation of the Draft EIR and PWIMP; and

WHEREAS, all of the commenters on the Draft PEIR have been given a copy of the Final PEIR with the City's responses to those comments and have been invited to this Planning Commission Meeting on November 21, 2019 and any subsequent City Council Meeting to express any issues and concerns they may have; and

WHEREAS, no public comments were received from the four (4) public agencies in regard to the City's responses to their comments in the Final PEIR; and

WHEREAS, the construction of the PWIMP could result in short-term/temporary construction related impacts that can be reduced to less-than-significant impacts with the implementation of mitigation measures and best construction practices as identified in the Mitigation Monitoring and Reporting Program (MMRP) in the Final PEIR; and

WHEREAS, operations of the PWIMP could also generally result in less-than-significant impacts and/or any potentially significant impacts and would be reduced to less-than-significant levels with the implementation of mitigation measures and best practices as identified in the MMRP in the Final PEIR; and

WHEREAS, the City prepared a Final PEIR document that responded to all of the comments received during the 45-day public review process and also prepared a MMRP to ensure compliance with the identified mitigation measures identified and proposed in the Draft PEIR, and

WHEREAS, in connection with the approval of a project involving the preparation of a Draft PEIR that identifies one or more significant environmental effects, CEQA requires the decision-making body of the lead agency to incorporate feasible mitigation measures that would reduce those significant environment effects to a less-than-significant level; and

WHEREAS, whenever a lead agency approves a project requiring the implementation of measures to mitigate or avoid significant effects on the environment, CEQA also requires a lead agency to adopt a Mitigation Monitoring and Reporting Program to ensure compliance with the mitigation measures during project implementation; and

WHEREAS, the City has reviewed and considered the Draft and Final PEIR and related Mitigation Monitoring and Reporting Program for the Project and intends to take actions on the Proposed Project in compliance with CEQA and state and local guidelines implementing CEQA; and

WHEREAS, the Draft and Final PEIR and the Mitigation Monitoring and Reporting Program for the Proposed Project are, by this reference, incorporated into this Resolution as if fully set forth herein; and

WHEREAS, the Proposed Project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the California Department of Fish and Game Code; and

WHEREAS, the PWIMP does not directly create or induce growth in the Oxnard area because it does not provide a significant number of additional permanent jobs nor does it approve land development; and

WHEREAS, only the City or the County, through their general planning, zoning and permitting authority can directly induce growth; and

WHEREAS, the PWIMP, in and of itself, does not directly affect or foster growth in the surrounding environment; and

WHEREAS, the implementation of the PWIMP could, however, have an *Indirect Significant and Unavoidable Impact* with *Indirect Growth Inducing Effects* as it would remove a barrier to growth by providing improved water supplies and utilities to support the current, planned, and 2030 growth; and

WHEREAS, the PWIMP would contribute to the same indirect significant and unavoidable growth inducing impacts as identified in the 2030 General Plan EIR and previously approved by the City Council; and

WHEREAS, the City is obligated to adopt a *Statement of Overriding Considerations* for the indirect growth inducing potential of the PWIMP as a condition of approving the Proposed Project as it indirectly contributes to the planned and approved growth inducement effects identified in the City's 2030 General Plan.

NOW THEREFORE BE IT RESOLVED BY THE CITY OF OXNARD PLANNING COMMISSION AS FOLLOWS:

Section 1. That the Planning Commission hereby recommends that the City Council make the following findings: (1) it has independently reviewed and analyzed the Draft and Final PEIR and other information in the record and has considered the information contained therein, prior to acting upon or approving the Project; (2) the Draft and Final PEIR prepared for the Proposed Project has been completed in compliance with CEQA and consistent with state and local guidelines implementing CEQA; and (3) the Draft and Final PEIR represents the independent judgment and analysis of the City as lead agency for the Proposed Project. The City Council designates the City's Director of Public Works Department as the custodian of documents and records of proceedings on which this decision is based.

Section 2. That the Planning Commission hereby recommends that the City Council adopt the Mitigation Monitoring and Reporting Program prepared for the Proposed Project. The Draft, Final PEIR, and Mitigation Monitoring and Reporting Program are: (1) on file with the City at its Public Works Department at 305 3rd Street Oxnard, California 93030 and (2) available for inspection by any interested person.

Section 3. That the Planning Commission hereby recommend that the City Council adopt the CEQA Findings of Fact (a copy of which is attached as "A" and incorporated by this reference), including the *Statement of Overriding Considerations* that has been prepared for the Proposed Project. The CEQA

Findings of Fact, including the Statement of Overriding Considerations are: (1) on file with the City at its Public Works Department at 305 3rd Street Oxnard, California 93030 and (2) available for inspection by any interested person.

Section 4. That the Planning Commission hereby recommend that the City Council Certify the Draft and Final PEIR, including adoption of Findings of Fact.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Oxnard on this 21st day of November, 2019.

I hereby certify that the foregoing is a true copy of the Resolution adopted by the Planning Commission of the City of Oxnard at a meeting on the 21st day of November, 2019, and carried by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Deirdre Frank, Chair

ATTEST:

XXXXXXXXXX,
City Secretary

Attachment A
Findings of Fact



CEQA Findings of Fact
Public Works Integrated Master Plan
Final Programmatic Environmental Impact Report
(SCH #: 2016071078)

October 2019



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1.0 Introduction

A Programmatic environmental impact report (PEIR) was prepared for the City of Oxnard's (City) proposed Public Works Integrated Master Plan (PWIMP, Project and/or Proposed Project) and circulated for a 45-day public review to solicit agency and public input on the analysis of the potential environmental effects associated with construction and operation of the Project. The Findings of Fact (Findings) and Statement of Overriding Considerations (SOC) presented herein address the environmental effects associated with the Proposed Project that are described and analyzed within the Final PEIR. These Findings have been made pursuant to California Environmental Quality Act (CEQA; California Public Resources Code Section 21000 et seq.), specifically Public Resources Code Sections 21081 and 21081.6, as well as the CEQA Guidelines (14 CCR 15000 et seq.) Sections 15091 and 15093.

Public Resources Code Section 21081 and CEQA Guidelines Section 15091 require that the City of Oxnard (City) as the Lead Agency for this Project, prepare written findings for any identified significant environmental effects along with a brief explanation of the rationale for each finding. Specific findings under CEQA Guidelines Section 15091(a) are:

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final PEIR.

Further, in accordance with Public Resources Code Section 21081 and CEQA Guidelines Section 15093, whenever significant effects cannot be mitigated to below a level of significance, the City as the decision-making agency is required to balance, as applicable, the benefits of the project against its unavoidable environmental risks when determining whether to approve the project. If the benefits of a project outweigh the unavoidable adverse environmental effects, the adverse effects may be considered "acceptable," in which case the lead agency must adopt a formal statement of overriding considerations.

The Final EIR identified potentially significant environmental effects that could result from construction and implementation of the Proposed Project. Those effects were related to biological resources (sensitive vegetation communities), paleontological resources, and noise (noise standards and temporary noise), which would be reduced to below a level of significance. A significant unmitigable impact of indirectly contributing to planned and approved growth as consistent with the City's General Plan was identified and thus a statement of overriding considerations is required.

2.0 Project Goals and Objectives

The PWIMP provides a phased program for constructing improvements to the City's infrastructure facilities that will accommodate planned growth while maintaining treatment reliability, meeting future regulatory requirements, and optimizing costs through the City's 2030 planning horizon. Specifically, the PWIMP addresses future planning needs including infrastructure additions and upgrades for City's water, wastewater, recycled water, and stormwater utilities¹. The PWIMP builds upon previous planning efforts using a coordinated methodology, which will allow the City to take full advantage of potential linkages and synergies between the four water utility systems. In addition, the PWIMP is also coordinated with a streets

¹ The City does not have a separate Stormwater Utility and shares responsibility with the County of Ventura, which oversees and manages the major canal systems.

plan in an attempt to allow timing of future streets upgrades to be tied together with infrastructure upgrades.

3.0 Project Description

As described in Chapter 2, Project Description of the Draft PEIR, the PWIMP establishes how the City's water, recycled water, wastewater, and stormwater systems would be upgraded and expanded in the coming years to meet the City's anticipated demands through build-out of the City's 2030 General Plan.

4.0 Programmatic Nature of the Draft PEIR

As described in Chapter 2, Project Description and above, the PWIMP establishes how the City's water, recycled water, wastewater, and stormwater systems would be upgraded and expanded in the coming years to meet the City's anticipated demands through build-out of the City's 2030 General Plan. However, the design details, final options, and the timing of the project-level projects are not precisely known at this time and will likely change significantly. As such, the environmental impact analysis has been prepared at a programmatic level of detail as it addresses the full range of potential environmental effects associated with implementation of the PWIMP, but in some cases the analysis is general and more qualitative than quantitative. This approach is consistent with the State CEQA Guidelines provisions for a Program EIR, as described in Section 15168, which suggests that the level of detail is dictated by "ripeness"; detailed analysis should be reserved for issues that are ripe for consideration.

It is expected that each of the future project-level projects within the PWIMP will require further environmental and project-level analysis to be compliant with CEQA. These future project-level projects would tier off of this document for the full range of direct, indirect, cumulative, and growth inducing impacts. Depending on the type, location, timing, and potential environmental impacts of these future project-level projects, CEQA compliance can be achieved by a combination of individual project specific Addendums, Categorical Exemptions, Initial Study/Mitigated negative Declarations, and/or focused EIRs.

5.0 Findings of Fact

Having received, reviewed, and considered the information in the Final PEIR for this Project, as well as the supporting administrative record, the City hereby makes findings pursuant to, and in accordance with, Sections 21081, 21081.5, and 21081.6 of the Public Resources Code.

5.1 Environmental Effects Found Not to be Significant

Through project scoping and the environmental analysis contained within the Final EIR, it was determined that the Proposed Project would not result in a potential significant effect on the environment with respect to agricultural and soil resources; mineral resources; population and housing; public services; recreation; socioeconomics; utilities and service systems; and direct growth inducing effects. A summary of the reasons for this determination can be found in Chapter 3, 5, and 6 the Draft PEIR. No further findings are required for these subject areas.

5.2 Findings for Significant but Mitigated Effects

The following findings have been made for the significant environmental effects identified in the EIR related to aesthetics/visual resources; air quality; biological resources; climate change and greenhouse gases; cultural, paleontological, and tribal resources; geology, seismic, and soils; hazards and hazardous wastes; hydrology, water quality, and water utilities; land use planning, noise; traffic and transportation; and cumulative effects.

Aesthetics/Visual Resources

Implementation of the PWIMP and/or individual PWIMP projects could result in temporary potentially significant impacts to aesthetic resources as follows:

Impact 3.1-2: Permanent facilities could have an adverse effect on scenic vistas, damage scenic resources, or degrade the existing visual character or quality of the site and its surroundings.

Impact 3.1-3: Exterior lighting associated with proposed facilities would create new sources of light and glare in the surrounding areas.

Finding:

Changes or alterations have been required in, or incorporated into, the Proposed Project which would avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. (*Section 15091(a)(1)*).

Mitigation Measures:

Pursuant to CEQA Guidelines Section 15091, the following mitigation measures have been included in the Mitigation Monitoring and Reporting Program (MMRP) that is to be adopted concurrently with these findings.

Mitigation Measure 3.1-2a: Blend in with the Existing Environment. The City shall implement architectural features into the facility(s) design so they complement the building styles of the community and minimize visual mass. Exterior finishes should avoid reflective surfaces. Colors for larger visible tanks and structures should be earth tones to reduce contrasts with the ground plain and increase compatibility with the visual setting. Primary structures should combine multiple complementary colors such in ranges of browns, tans, greys, greens, or other colors agreed upon with the appropriate permitting agency.

Mitigation Measure 3.1-2b: Fencing. The City shall design fencing to be minimally intrusive to the community yet complementary to the architectural character of the facility and the community. Fencing will be coordinated with landscaping and facility design to help further enhance the local aesthetics and to blend the facility with the surrounding community and/or natural setting. Vegetative screening using native plants, trees or shrubs will be used if it is not out of character with the site setting, and walled perimeters will be avoided in natural settings to minimize the dominance of structures in the scene.

Mitigation Measure 3.1-3a: Shielded Lighting. To ensure that the project's exterior lighting does not spill over onto the adjacent uses, all exterior light fixtures, including street lighting, shall be shielded or directed away from adjoining uses.

Mitigation Measure 3.1-3b: Security Lighting. Outdoor light intensity shall be limited to that necessary for adequate security and safety. All outside lighting shall be directed to prevent spillage onto adjacent properties and shall be shown on the site plan and elevations.

Significance after Mitigation:

With the incorporation of the above mitigation measures, significant environmental effects to aesthetics/visual resources would be reduced to less-than-significant.

Air Quality

Implementation of the PWIMP and/or individual PWIMP projects could result in temporary potentially significant impacts to air quality as follows:

Impact 3.3-2: Construction and operation of the PWIMP and/or identified facilities could violate any federal or state air quality standard or contribute substantially to an existing or projected air quality standard violation.

Finding:

Changes or alterations have been required in, or incorporated into, the Proposed Project which would avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. (*Section 15091(a)(1)*).

Mitigation Measures:

Pursuant to CEQA Guidelines Section 15091, the following mitigation measures have been included in the Mitigation Monitoring and Reporting Program (MMRP) that is to be adopted concurrently with these findings.

Mitigation Measure 3.3-2a: Calculate Air Emissions. For each individual or group of PWIMP projects to be constructed, the City shall calculate air quality emissions using an appropriate air emissions computer program, as appropriate. VAPCD and the California Air Pollution Control Officers Association (CAPCOA) recommends using the more updated air quality emissions estimation model CalEEMod Version 2016.3.2 for quantifying air emissions for discretionary projects. However, other models such as the Sacramento Metropolitan Air Quality Management District's (SMAQMD) Roadway Construction Emissions Model can be effective in assessing the emissions of linear construction projects. The model run(s) will establish estimated construction emissions, which will be used to establish a construction emissions control plan as described in **Mitigation Measure 3.3-2b** below.

Mitigation Measure 3.3-2b: Construction Emissions Control Plan. For each individual or group of PWIMP projects to be constructed, the City shall prepare a Construction Emissions Control Plan that outlines an approach for phasing construction activities to ensure that daily construction emissions do not exceed the VCAPCD's significance thresholds for construction activities. The plan shall be submitted to the VCAPCD for review and approval at least 30 days prior to the estimated start of construction activities. The City shall require the approved plan to be implemented during all construction activities by including the approved plan in construction contracts. The plan shall include, at a minimum, a detailed description of the construction equipment inventory and use requirements for each component of the project, including daily activity phasing. The plan shall include documentation that the equipment used to construct the project(s) is properly maintained and shall include the maintenance schedule of the equipment, consistent with manufacturers' specifications. To ensure that emissions remain below VCAPCD's daily significance threshold of 25 pounds per day of ROC and NO_x, the plan shall be designed to achieve emission levels that are no higher than 22.5 pounds per day of ROC and NO_x (i.e., 90 percent of the daily threshold). All aspects of construction activity, including but not limited to truck trips per day, miles per trip, miles of dirt road travel per day, daily equipment inventories, equipment hours, and amounts of total areas and volumes of material to be disturbed shall be clearly defined in the plan and implemented in the field so that it can be determined by a third party construction monitor that the agreed upon plan is adequately implemented.

Mitigation Measure 3.3-2c: Construction Fugitive Dust Control Plan. For each individual or group of PWIMP projects to be constructed, the City shall, to the extent applicable, require its construction contractor(s) to implement a dust control plan that shall include a minimum of the following dust control measures.

- The area disturbed by clearing, grading, earth moving, or excavation operations shall be minimized to prevent excessive amounts of dust.

- Pre-grading/excavation activities shall include watering the area to be graded or excavated before commencement of grading or excavation operations. Application of water (preferably reclaimed, if available) should penetrate sufficiently to minimize fugitive dust during grading activities.
- Fugitive dust produced during grading, excavation, and construction activities shall be controlled by the following activities:
 - All trucks shall be required to cover their loads as required by California Vehicle Code §23114.
 - All graded and excavated material, exposed soil areas, and active portions of the construction site, including unpaved on-site 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.
- Graded and/or excavated inactive areas of the construction site shall be monitored by the City (or designee) at least weekly for dust stabilization. Soil stabilization methods, such as water and roll-compaction, and environmentally-safe dust control materials, shall be periodically applied to portions of the construction site that are inactive for over four days. If no further grading or excavation operations are planned for the area, the area should be seeded and watered until grass growth is evident, or periodically treated with environmentally-safe dust suppressants, to prevent excessive fugitive dust.
- Signs shall be posted on-site limiting traffic to 15 miles per hour or less.
- During periods of high winds (i.e., wind speed sufficient to cause fugitive dust to impact adjacent properties), all clearing, grading, earth moving, and excavation operations shall be curtailed to the degree necessary to prevent fugitive dust created by on-site activities and operations from being a nuisance or hazard, either off-site or on-site. The site superintendent/supervisor shall use his/her discretion in conjunction with the Ventura County APCD in determining when winds are excessive.
- Adjacent streets and roads shall be swept at least once per day, preferably at the end of the day, if visible soil material is carried over to adjacent streets and roads.
- Personnel involved in grading operations, including contractors and subcontractors, should be advised to wear respiratory protection in accordance with California Division of Occupational Safety and Health regulations.

Mitigation Measure 3.3-2d: San Joaquin Valley Fever Prevention Plan. For each individual or group of PWIMP projects to be constructed, the City shall, to the extent applicable and possible, require its construction contractor(s) to implement a San Joaquin Valley Fever Prevention Plan that shall include a minimum of the following measures.

- Restrict employment to persons with positive coccidioidin skin tests (since those with positive tests can be considered immune to reinfection).
- Hire crews from local populations where possible, since it is more likely that they have been previously exposed to the fungus and are therefore immune.
- Require crews to use respirators during project clearing, grading, and excavation operations in accordance with California Division of Occupational Safety and Health regulations.
- Require that the cabs of grading and construction equipment be air-conditioned.

- Require crews to work upwind from excavation sites.
- Pave construction roads.
- Where acceptable to the fire department, control weed growth by mowing instead of discing, thereby leaving the ground undisturbed and with a mulch covering.

During rough grading and construction, the access way into the project site from adjoining paved roadways should be paved or treated with environmentally-safe dust control agents.

Mitigation Measure 3.3-2e: ROC and NOx Construction Measures. For each individual or group of PWIMP projects to be constructed, the City shall, to the extent applicable and possible, require its construction contractor(s) to implement ROC and NOx construction measures, consistent with VAPCD's current Air Quality Assessment Guidelines and as updated.

- Minimize equipment idling time.
- Maintain equipment engines in good condition and in proper tune as per manufacturers' specifications.
- Lengthen the construction period during smog season (May through October), to minimize the number of vehicles and equipment operating at the same time.

Use alternatively fueled construction equipment, such as compressed natural gas (CNG), liquefied natural gas (LNG), or electric, if feasible.

Significance after Mitigation:

With the incorporation of the above mitigation measures, significant environmental effects to air quality would be reduced to less-than-significant.

Biological Resources

Implementation of the PWIMP could result in temporary potentially significant impacts to biological resources as follows:

Impact 3.4-1: Construction and operation of the PWIMP and/or identified components/facilities could have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

Impact 3.4-2: Construction and operation of the PWIMP and/or identified components/facilities could have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations adopted by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

Impact 3.4-3: Construction and operation of the PWIMP and/or identified components/facilities could have a substantial adverse effect on federally protected waters of the U.S. as defined by Section 404 of the federal Clean Water Act or protected waters of the state as defined by Section 1600 et seq. of the California Fish and Game Code (including, but not limited to, marshes, vernal pools, and coastal wetlands) through direct removal, filling, hydrological interruption, or other means.

Impact 3.4-4: Construction and operation of the PWIMP and/or identified components/facilities could interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

Finding:

Changes or alterations have been required in, or incorporated into, the Proposed Project which would avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. (*Section 15091(a)(1)*).

Mitigation Measures:

Pursuant to CEQA Guidelines Section 15091, the following mitigation measures have been included in the Mitigation Monitoring and Reporting Program (MMRP) that is to be adopted concurrently with these findings.

Mitigation Measure 3.4-1a: Conduct Pre-construction Biological Survey(s). For each individual or group of PWIMP projects to be constructed, the City shall have the project site and area screen by a qualified biologist to determine whether biological resources may be affected by construction activities. In the event further investigation is necessary, the City will comply with all requirements for investigation, analysis and protection of biological resources. The biologist will review standard information sources to determine special status species with the potential to occur on the project site. The biologist would carry out a site survey by walking or driving over the project site, as appropriate, to note the general resources and whether any habitat for special-status species is present. The biologist would then document the survey with a brief letter report or memo, setting forth the date of the visit, whether habitat for special-status species is present, providing a map or description showing where sensitive areas exist within the site, and identifying any appropriate avoidance measures.

Mitigation Measure 3.4-2a: Avoid Construction Impacts on Riparian Habitat. PWIMP Project facilities and construction activities shall be designed in a manner that avoids and/or minimizes impacts on riparian habitats to the maximum extent feasible. Temporary disturbance and/or permanent loss of riparian habitat requires a Streambed Alteration Agreement from the California Department of Fish and Game (CDFW) and ESA Section 7 or 10 consultation with the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) if there is a potential impact to listed species or critical habitat.

Unavoidable impacts on riparian habitat shall be formally assessed to satisfy the requirements of the CDFW 1601 Streambed Alteration Agreement and federal consultation, which typically include compensatory mitigation. Acceptable riparian mitigation ratios shall be based on habitat quality characteristics, such as vegetation structure and complexity, that correspond to fish and wildlife habitat value. Impact ratios of 3:1, 2:1, and 1:1 shall be applied for impacts on high-, medium-, and low-quality habitats, respectively:

- *High-Quality Habitat* – Native overstory with continuous understory or occurring in dense thickets; dense native overstory with sparse, non-native, or no understory; and native willow thicket.
- *Medium Quality Habitat* – Sparse native overstory with sparse, non-native, or no understory; non-native overstory with native understory; and dense non-native overstory with sparse, non-native, or no understory.
- *Low Quality* – Sparse non-native overstory with sparse, non-native, or no understory; and any areas not included in the medium- or high-quality habitats that will be covered with riprap, gabions, etc. (e.g., ruderal habitat and bare ground).

Furthermore, impacts from encroachment into riparian buffer zones may be considered significant. Appropriate riparian setbacks can be as great as 100-feet and are assessed on a case-by-case basis.

A Riparian Restoration Plan shall be prepared by the City and approved by the USFWS, NMFS, and CDFW as appropriate.

Mitigation Measure 3.4-2b: Avoid Construction Impacts on Critical Habitats. The USFWS and CDFW indicated that the PWIMP Study Area overlaps critical habitat for Southwestern Willow Flycatcher, Ventura Marsh Milk-vetch, and Western Snowy Plover habitat. In addition, the PWIMP facilities could also disturb other migratory birds within the area. As a result, and in conjunction with **Mitigation Measure 3.4-1a** above, construction activities for new facilities and conveyance systems shall be sited in a manner that avoids sensitive upland habitats to the maximum extent feasible. Sensitive upland habitats shall be preserved where possible through facility siting within degraded or non-native vegetation. Sensitive areas shall be flagged for avoidance to minimize the possibility of inadvertent encroachment during construction. Construction staff shall be educated on the sensitive habitats located within and adjacent to the Project's footprint, and a biological monitor shall be present to ensure compliance with off-limits areas.

When avoidance is not feasible during construction activities; sensitive upland habitats temporarily disturbed during construction activities shall be quantified and appropriate restoration strategies shall be set forth in a Habitat Restoration Plan which shall be developed in consultation with the USFWS and the CDFW. The Plan shall include the following elements: specific location of restoration site, details on soil preparation, seed collection, planting, maintenance, and monitoring, and quantitative success criteria. At a minimum, temporarily disturbed areas shall be restored by the Applicant to the natural (preconstruction) conditions, which may include the following actions: salvage and stockpiling of topsoil from maritime chaparral, central dune scrub, and oak woodland; re-grading of disturbed sites with salvaged topsoil; and re-vegetation with native, locally collected species.

Where restoration is not feasible (i.e., the impact is permanent), the City shall purchase and/or preserve similar undisturbed habitat off-site, or restore nearby disturbed areas at a ratio to be determined by the USFWS, CDFW, and other responsible resource agencies with jurisdiction over the project area.

Mitigation Measure 3.4-3a: Avoid Federally Protected Wetlands and Waters of the U.S. In conjunction with **Mitigation Measure 3.4-1a** above, the City shall implement the following measures for those PWIMP facilities sited on or adjacent to wetlands.

- The PWIMP project facilities shall avoid areas of potentially jurisdictional wetland habitats to the maximum extent feasible through Project siting and construction avoidance. The project shall implement Best Management Practices² during construction to minimize impacts associated with erosion and sediment deposition into wetland and aquatic habitats. Temporary disturbance and/or permanent loss of wetlands or other waters of the U.S. require permits from both the U.S. Army Corps of Engineers (USACE) and (for areas within the Coastal Zone) the California Coastal Commission (CCC) as well as the Regional Water Quality Control Board (RWQCB).
- A wetland delineation per the USACE Wetland Delineation Manual, and using the one-parameter approach in areas within the Coastal Zone, shall be conducted prior to construction.
- A delineation report shall be prepared and submitted to the USACE and CCC for verification, and approval. Through this process, final calculations of wetland area present in the Project area would be obtained for Project permitting. In addition, plans for proposed alteration to any watercourse shall be submitted to the CDFW for review.

² Best Management Practices are subject to review and approval, and may be expected to include BMPs as described in Caltrans Caltrans Storm Water Quality Handbooks; *Construction Site Best Management Practices Manual*.

- The wetland habitat that would be lost under any given project element shall be functionally replaced as part of the Mitigation and Monitoring Plan required for permit issuance. In-kind and on-site replacement of lost wetland habitats must be done where possible. If multiple impacts on wetlands occur from the construction of facilities, larger wetland mitigation areas shall be created that provide greater functions and values than numerous small mitigation sites. The determination of wetland impacts and the subsequent location and design of potential mitigation sites shall be determined by qualified biologists in coordination with resource agency personnel. Mitigation and Monitoring Plans shall require the following of the City:
 - Replacement of lost acreage and functions of wetland habitat;
 - Identification of the restoration opportunities, complete with an analysis of the technical approach to create high quality wetlands;
 - Prior to construction of any project element that may impact wetland habitats, obtaining any necessary permits from the USACE, RWQCB or the CCC;
 - Preparation of detailed plans for wetland mitigation construction that include excavation elevations, location of hydrologic connections, planting plans, and soil amendments, if necessary; preparation of maintenance and monitoring plans in consultation with a qualified habitat restoration specialist; monitoring of any mitigation wetlands for a period of 5 years, during which the site will achieve the target jurisdictional acreage by Year 5; and determination of specific performance criteria and monitoring for site success; provision of annual monitoring reports to the appropriate resource agencies.

Climate Change and Greenhouse Gases

Implementation of the PWIMP could result in temporary potentially significant impacts to climate change and greenhouse gases as follows:

Impact 3.5-1: Construction and operation of the PWIMP and/or identified components/facilities could generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

Impact 3.5-2: Construction and operation of the PWIMP and/or identified components/facilities could conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases or otherwise conflict with state goals for reducing GHG emissions in California.

Impact 3.5-3: Construction and operation of the PWIMP and/or identified components/facilities could contribute or be subject to potential secondary effects of climate change (e.g., sea level rise, increase fire hazard).

Finding:

Changes or alterations have been required in, or incorporated into, the Proposed Project which would avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. (*Section 15091(a)(1)*).

Mitigation Measures:

Pursuant to CEQA Guidelines Section 15091, the following mitigation measures have been included in the Mitigation Monitoring and Reporting Program (MMRP) that is to be adopted concurrently with these findings.

Mitigation Measure 3.5-1a: Calculate Air Emissions. For each individual PWIMP project(s), set of Projects, and/ or construction activity, the City shall calculate air quality emissions using an

appropriate air emissions computer program. VAPCD and the California Air Pollution Control Officers Association (CAPCOA) recommends using the more updated air quality emissions estimation model CalEEMod Version 2016.3.2 for quantifying air emissions for discretionary projects. However, other models such as the Sacramento Metropolitan Air Quality Management District's (SMAQMD) Roadway Construction Emissions Model can be effective in assessing the emissions of linear construction projects. The model run(s) will establish estimated construction emissions, which will be used to establish a construction emissions control plan as described in Mitigation Measure 3.5-1b below.

Mitigation Measure 3.5-1b: Construction Emissions Control Plan. For each individual PWIMP project(s), set of Projects and/ or construction activity, the City shall prepare a Construction Emissions Control Plan that outlines an approach for phasing construction activities to ensure that daily construction emissions do not exceed the VCAPCD's significance thresholds for construction activities. The plan shall be submitted to the VCAPCD for review and approval at least 30 days prior to the estimated start of construction activities. The City shall require the approved plan to be implemented during all construction activities by including the approved plan in construction contracts. The plan shall include, at a minimum, a detailed description of the construction equipment inventory and use requirements for each component of the project, including daily activity phasing. The plan shall include documentation that the equipment used to construct the project(s) is properly maintained and shall include the maintenance schedule of the equipment, consistent with manufacturers' specifications. To ensure that emissions remain below VCAPCD's daily significance threshold of 25 pounds per day of ROC and NOx, the plan shall be designed to achieve emission levels that are no higher than 22.5 pounds per day of ROC and NOx (i.e., 90 percent of the daily threshold). All aspects of construction activity, including but not limited to truck trips per day, miles per trip, miles of dirt road travel per day, daily equipment inventories, equipment hours, and amounts of total areas and volumes of material to be disturbed shall be clearly defined in the plan and implemented in the field so that it can be determined by a third party construction monitor that the agreed upon plan is adequately implemented.

Mitigation Measure 3.5-1c: ROC and NOx Construction Measures. For each individual PWIMP Project(s), set of Projects, and/ or construction activity, the City shall, to the extent applicable and possible, require its construction contractor(s) to implement ROC and NOx construction measures, consistent with VAPCD's current Air Quality Assessment Guidelines and as updated.

- Minimize equipment idling time.
- Maintain equipment engines in good condition and in proper tune as per manufacturers' specifications.
- Lengthen the construction period during smog season (May through October), to minimize the number of vehicles and equipment operating at the same time.

Use alternatively fueled construction equipment, such as compressed natural gas (CNG), liquefied natural gas (LNG), or electric, if feasible.

Significance after Mitigation:

With the incorporation of the above mitigation measures, significant environmental effects to climate change and greenhouse gases would be reduced to less-than-significant.

Cultural, Paleontological, and Tribal Resources

Implementation of the PWIMP could result in temporary potentially significant impacts to Cultural, Paleontological, and Tribal Resources as follows:

Impact 3.6-1: Construction and operation of the PWIMP and/or identified components/facilities could cause a substantial adverse change in the significance of an historical resource as defined in State CEQA Guidelines Section 15064.5.

Impact 3.6-2: Construction and operation of the PWIMP and/or identified components/facilities could cause a substantial adverse change in the significance of a unique archaeological resource pursuant to State CEQA Guidelines Section 15064.5.

Impact 3.6-3: Construction and operation of the PWIMP and/or identified components/facilities could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Impact 3.6-4: Construction and operation of the PWIMP and/or identified components/facilities could disturb any human remains, including those interred outside of formal cemeteries.

Impact 3.6-5: Construction and operation of the PWIMP and/or identified components/facilities could cause a substantial adverse change in the significance of a tribal cultural resource.

Finding:

Changes or alterations have been required in, or incorporated into, the Proposed Project which would avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. (*Section 15091(a)(1)*).

Mitigation Measures:

Pursuant to CEQA Guidelines Section 15091, the following mitigation measures have been included in the Mitigation Monitoring and Reporting Program (MMRP) that is to be adopted concurrently with these findings.

Mitigation Measure 3.6-1a: Pre-Construction Cultural Resources Survey(s). The City shall perform pre-construction archaeological surveys for all PWIMP project components that require ground-disturbing activities including, but not limited to facility footprints, construction right-of-way corridors, staging areas, and access roads. Where proposed project areas are composed entirely of impervious surfaces, a historic archaeological and geo-archaeological sensitivity analysis may be substituted for surface survey. If resources or highly sensitive areas are identified during survey, **Mitigation Measure 3.6-1b** shall be implemented wherever possible.

Mitigation Measure 3.6-1b: Avoidance. The City will seek to avoid cultural resources as the preferred mitigation measure. Avoidance of cultural resources would result in less-than-significant levels of impacts to identified cultural resources. All design-level engineering and construction drawings will be prepared in consultation with a cultural resource specialist. Facilities, staging areas, and any activity involving ground disturbance shall be located to avoid resources. To ensure that no inadvertent damage occurs to avoided cultural resources, exclusion zones covering the resource and a 100-foot buffer around it will be marked both on the ground and on construction maps.

Mitigation Measure 3.6-1c: Evaluation for CRHR. If avoidance is determined to be infeasible, the City shall retain a qualified archaeologist (for archaeological resources) or architectural historian (for built environment resources) to evaluate the resources for eligibility to the CRHR. In the case of historic or prehistoric archaeological sites, evaluation may be completed by examining existing records and reports, by detailed recording, and/or by excavation to determine data potential of the sites. Resources found to be ineligible for CRHR would require no further management. If a CEQA historic resource or unique archaeological resource is determined to exist, then Mitigation Measure 3.6-1d will be used to reduce impacts to less-than-significant levels.

Mitigation Measure 3.6-1d: Develop a Cultural Resources Treatment Plan (CRTP). The City shall develop a Cultural Resources Treatment Plan (CRTP) for all known and newly discovered CEQA historic resources or unique archaeological resources within areas of direct impact of project activities. The plan will include, at minimum:

- Procedures for protection and avoidance of environmentally sensitive areas (ESAs), including archaeological monitoring protocols;
- Procedures for evaluating inadvertent discoveries of archaeological resources, including research, recording, or test excavations;
- Procedures for mitigating impacts to CEQA archaeological resources (including Native American burials) through data recovery excavations;
- Provisions and procedures for Native American consultation;
- Training for construction personnel on their responsibilities to identify and protect cultural resources;
- Curation of any cultural materials collected during the project; and
- Specification that archaeologists and other disciplinary specialists hired for the project meet the appropriate Professional Qualifications Standards mandated by the California Office of Historic Preservation (OHP).

Mitigation Measure 3.6-1e: Halt Work if Cultural Resources are Discovered. If prehistoric or historic subsurface cultural resources are discovered during ground-disturbing activities, all work within 100-feet of the resources shall be halted and after notification, the City shall consult with a qualified archaeologist to assess the significance of the find. If any find is determined to be a significant historical resource (CEQA Guidelines §15064.5(a)(3) and/or unique archaeological resource (PRC §21083.2), representatives of the City and a qualified archaeologist shall meet to determine the appropriate course of action. In considering any suggested mitigation proposed by the consulting archaeologist in order to mitigate impacts to historical resources or unique archaeological resources, the lead agency shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for historical resources or unique archaeological resources is carried out.

Mitigation Measure 3.6-4: Halt Work if Human Remains are Discovered. If buried human remains are encountered during construction, work shall be *immediately* halted, and the City and the Ventura County Coroner shall be *immediately* notified. If the remains are determined to be Native American, then the Native American Heritage Commission (NAHC) will be notified within 24 hours as required by Public Resources Code 5097. The NAHC shall designate a Most Likely Descendant, who will be responsible for providing recommendations for the treatment of the remains within 48 hours of being granted access to the find.

Mitigation Measure 3.6-5: Halt Work if Tribal Cultural Resources are Discovered. In the event that any tribal cultural resources are discovered during ground disturbing activities, all work within 100-feet of the resources shall be halted and after notification, the City shall consult with a qualified archaeologist and local tribes to assess the significance of the find. If any find is determined to be significant as a unique tribal cultural resource, the City shall treat the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including to, but not limited to, the following:

- Protecting the cultural character and integrity of the resource;

- Protecting the traditional use of the resource; and
- Protecting the confidentiality of the resource.

In considering any suggested mitigation proposed by the consulting archaeologist and/or the appropriate tribe in order to mitigate impacts to any tribal cultural resources find, the City shall determine whether avoidance is feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery) shall be instituted and coordinated with the appropriate tribe(s). Work may proceed on other parts of the project site while mitigation measures for tribal cultural resources or other unique archaeological resources are carried out.

Significance after Mitigation:

With the incorporation of the above mitigation measures, significant environmental effects to Cultural, Paleontological, and Tribal Resources would be reduced to less-than-significant.

Geologic, Seismic, and Soil Hazards

Implementation of the PWIMP could result in temporary potentially significant impacts to Geologic, Seismic, and Soil Hazards as follows:

Impact 3.7-1: Implementation of the PWIMP and/or identified components/facilities could expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving earthquakes, landslides, liquefaction, and/or subsidence.

Finding:

Changes or alterations have been required in, or incorporated into, the Proposed Project which would avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. (*Section 15091(a)(1)*).

Mitigation Measures:

Pursuant to CEQA Guidelines Section 15091, the following mitigation measures have been included in the Mitigation Monitoring and Reporting Program (MMRP) that is to be adopted concurrently with these findings.

Mitigation Measure 3.7-1a: Conduct Appropriate Geotechnical Engineering Studies. A California licensed geotechnical engineer or engineering geologist will conduct geotechnical investigations of all PWIMP facilities prior to the final design and prepare recommendations applicable to foundation design, earthwork, backfill and site preparation prior to or during the project design phase. The investigations will specify seismic and geologic hazards including potential ground movements and co-seismic effects (including liquefaction). The recommendations of the geotechnical engineer will be incorporated into the design and specifications in accordance with California Geological Survey Special Publication 117 and shall be implemented by the construction contractor. The construction manager will conduct inspections and certify that all design criteria have been met in accordance with the California Building Code as well as applicable City and County ordinances.

All PWIMP elements and pipeline facilities will comply with applicable policies and appropriate engineering investigation practices necessary to reduce the potential detrimental effects of expansive soils, and corrosivity. Appropriate geotechnical studies will be conducted by California licensed geotechnical engineers or engineering geologists using generally accepted and appropriate engineering techniques for determining the susceptibility of the sites to unstable, weak or corrosive soils in accordance with the most recent version of the California Building Code. A licensed geotechnical engineer or engineering geologist will prepare recommendations applicable to

foundation design, earthwork, and site preparation prior to or during the project design phase. Recommendations will address mitigation of site-specific, adverse soil and bedrock conditions that could hinder development. Project engineers will implement the recommendations and incorporate them into project specifications. Geotechnical design and design criteria will comply with the most recent version of the California Building Code and applicable local construction and grading ordinances. Once appropriately designed and subsequently constructed, in accordance with local and state building code requirements, the resultant improvements will have the structural fortitude to withstand the potential hazards of expansive soils or corrosivity without significant damage.

During the design phase for all PWIMP components that require ground-breaking activities, the project applicant will perform site-specific design-level geotechnical evaluations which will include slope stability conditions and provide recommendations to reduce and eliminate any potential slope hazards, if any, in the final design and if necessary, throughout construction. For all pipelines located in landslide hazard areas, appropriate piping material with the ability to deform without rupture (e.g. ductile steel) will be used. For all other facilities, a geotechnical evaluation will be conducted and the geotechnical evaluations will include detailed slope stability evaluations, which could include a review of aerial photographs, field reconnaissance, soil testing, and slope stability modeling. Facilities design and construction will incorporate the slope stability recommendations contained in the geotechnical analysis conducted by California licensed geotechnical engineers or engineering geologists. Final slope stabilization measures, determined by the licensed geotechnical engineer or engineering geologist in accordance with California Building Code requirements, may include, without limitation, one or more of the following:

- Appropriate slope inclination (not steeper than 2 horizontal to 1 vertical)
- Slope terracing
- Fill compaction
- Soil reinforcement
- Surface and subsurface drainage facilities
- Engineered retaining walls
- Buttresses
- Erosion control measures

Mitigation measures included in the geotechnical report will be incorporated into the Project construction specifications and become part of the Project.

Significance after Mitigation:

With the incorporation of the above mitigation measures, significant environmental effects to Geologic, Seismic, and Soil Hazards would be reduced to less-than-significant.

Hazards and Hazardous Wastes

Implementation of the PWIMP could result in temporary potentially significant impacts to Hazards and hazardous wastes as follows:

Impact 3.8-1: Excavation and grading for the project could expose construction workers, the public, or the environment to hazardous materials that may be present in excavated soil or groundwater.

Impact 3.8-2: Potential for accidental release of hazardous materials from construction activities.

Impact 3.8-3: Handling and Use of Hazardous Materials within ¼-mile of a school during construction.

Impact 3.8-4: Increased risk of wildland fires during construction in high fire hazard areas.

Finding:

Changes or alterations have been required in, or incorporated into, the Proposed Project which would avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. (*Section 15091(a)(1)*).

Mitigation Measures:

Pursuant to CEQA Guidelines Section 15091, the following mitigation measures have been included in the Mitigation Monitoring and Reporting Program (MMRP) that is to be adopted concurrently with these findings.

Mitigation Measure 3.8-1a: Conduct Phase I Environmental Site Assessment(s). Within one year prior to construction of facilities requiring excavation of more than 50-cubic yards of soil, the contractor shall retain a qualified environmental professional to conduct a Phase I Environmental Site Assessment in conformance with ASTM Standard 1527-13 to evaluate subsurface conditions that could be expected during construction. For all pipeline/conveyance facility alignments, the contractor shall retain a qualified environmental professional to update the environmental database review to identify environmental cases, permitted hazardous materials uses, and spill sites within one-quarter mile of the pipeline/conveyance facility alignment. Regulatory agency files shall be reviewed for those sites that could potentially affect soil and groundwater quality within the project alignment.

If these preliminary environmental reviews indicate that a release of hazardous materials could have affected soil or groundwater quality at a project site, the contractor shall retain a qualified environmental professional to conduct a Phase II environmental site assessment to evaluate the presence and extent of contamination at the site, in conformance with state and local guidelines and regulations. If the results of the subsurface investigation(s) indicate the presence of hazardous materials, additional site remediation may be required by the applicable state or local regulatory agencies, and the contractors shall be required to comply with all regulatory requirements for facility design or site remediation.

Mitigation Measure 3.8-1b: Prepare Project-Specific Health and Safety Plan(s). Based on the findings of the environmental review required by Mitigation Measure 3.8-1a, the City or its contractor shall prepare a project-specific Health and Safety Plan (HSP) in accordance with 29 CFR 1910 to protect construction workers and the public during all excavation, grading and construction services. The HSP shall identify the following, but not be limited to:

- A summary of all potential risks to construction workers and maximum exposure limits for all known and reasonably foreseeable site chemicals;
- Specified personal protective equipment and decontamination procedures, if needed Safety procedures to be followed in the event suspected hazardous materials are encountered;
- Emergency procedures, including route to the nearest hospital; and
- The identification of a site health and safety officer and responsibilities of the site health and safety officer.

Mitigation Measure 3.8-1c: Environmental Construction Monitor(s). Based on the findings of the environmental review required by Mitigation Measure 3.8-1a, the City or its contractor shall have a site health and safety supervisor fully trained pursuant to the HAZWOPER standard (29 CFR 1910.120) be present during excavation, grading, trenching, or cut and fill operations to monitor for

evidence of potential soil contamination, including soil staining, noxious odors, debris or buried storage containers. The site health and safety supervisor must be capable of evaluating whether hazardous materials encountered constitute an incidental release³ of a hazardous substance or an emergency spill. The site health and safety supervisor shall direct procedures to be followed in the event that a hazardous materials release with the potential to impact worker health and safety is encountered. These procedures shall be in accordance with hazardous waste operations regulations and specifically include, but are not limited to, the following:

- Immediately stopping work in the vicinity of the unknown hazardous materials release, and notifying MCDEH, and
- Retaining a qualified environmental firm to perform sampling and remediation.

Mitigation Measure 3.8-1d: Develop a Materials Disposal Plan(s). For each individual PWIMP project (as applicable), the City or its contractor shall develop a materials disposal plan specifying how the applicant or its contractor would remove, handle, transport, and dispose of all excavated material in a safe, appropriate, and lawful manner. The plan must identify the disposal method for soil and the approved disposal site, and include written documentation that the disposal site would accept the waste.

- The applicant or its contractor shall develop a groundwater dewatering control and disposal plan specifying how the applicant or its contractor would remove, handle, and dispose of groundwater impacted by hazardous substances in a safe, appropriate and lawful manner. The plan must identify the locations at which potential groundwater impacts are likely to be encountered (based on the results of Mitigation Measure 3.8-1a), the method to analyze groundwater for hazardous materials, and the appropriate treatment and/or disposal methods.

Mitigation Measure 3.8-2a: Store, Handle, Use Hazardous Materials in Accordance with Applicable Laws. The City shall ensure that all construction-related and operational hazardous materials and hazardous wastes shall be stored, handled, and used in a manner consistent with relevant and applicable federal, state, and local laws. In addition, construction-related and operational hazardous materials and hazardous wastes shall be staged and stored away from stream channels and steep banks to keep these materials a safe distance from near-by residents and prevent them from entering surface waters in the event of an accidental release.

Mitigation Measure 3.8-2b: Properly Dispose of Contaminated Soil and/or Groundwater. If contaminated soil and/or groundwater is encountered or if suspected contamination is encountered during project construction, work shall be halted in the area, and the type and extent of the contamination shall be identified. A contingency plan to dispose of any contaminated soil or groundwater will be developed through consultation with appropriate regulatory agencies.

Mitigation Measure 3.8-2c: Properly Dispose of Hydrostatic Test Water. Dewatering of the pipeline during hydrostatic testing during construction, as well as any dewatering as a result of operations and maintenance activities, shall be discharged to land or the sanitary sewer system and not into any creeks, drainages, or waterways and shall require prior approval from the Los Angeles Regional Water Quality Control Board.

Mitigation Measure 3.8-4a: Fire Prevention and Control. The City shall comply with all federal, state, county and local fire regulations pertaining to burning permits and the prevention of uncontrolled fires. The following measures shall be implemented to prevent fire hazards and control

³ An incidental release is a release of a hazardous substance, which does not pose a significant safety or health hazard to employees in the immediate vicinity or to the employee cleaning it up, nor does it have the potential to become an emergency within a short time frame. Incidental releases are limited in quantity, exposure potential, or toxicity and present minor safety and health hazards to employees in the immediate work area or those assigned to clean them up.

of fires:

- A list of relevant fire authorities and their designated representative to contact shall be maintained on site by construction personnel.
- Adequate firefighting equipment shall be available on site in accordance with the applicable regulatory requirements.
- The level of fire hazard shall be posted at the construction office (where visible for workers) and workers shall be made aware of the hazard level and related implications.
- The City or its contractor shall provide equipment to handle any possible fire emergency. This shall include, although not be limited to, water trucks; portable water pumps; chemical fire extinguishers; hand tools such as shovels, axes, and chain saws; and heavy equipment adequate for the construction of fire breaks when needed. Specifically, the City or its contractor shall supply and maintain in working order an adequate supply of fire extinguishers for each crew engaged in potentially combustible work such as welding, cutting, and grinding.
- All equipment shall be equipped with spark arrestors.
- In the event of a fire, the City or its contractor shall immediately use resources necessary to contain the fire. The City or contractor shall then notify local emergency response personnel.
- Any and all tree-clearing activities (if any) are to be carried out in accordance with local rules and regulations for the prevention of forest fires.
- Burning shall be prohibited.
- Flammable wastes shall be removed from the construction site on a regular basis.
- Flammable materials kept on the construction site must be stored in approved containers away from ignition sources.

Significance after Mitigation:

With the incorporation of the above mitigation measures, significant environmental effects to Hazards and hazardous wastes would be reduced to less-than-significant.

Hydrology, Water Quality, and Water Utilities

Implementation of the PWIMP could result in temporary potentially significant impacts to Hydrology, Water Quality, and Water Utilities as follows:

Impact 3.9-1: Construction and operation of the PWIMP could cause a violation of any adopted water quality standards or waste discharge or treatment requirements.

Impact 3.9-2: Construction and operation of the PWIMP could substantially deplete groundwater supplies or interfere with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted).

Impact 3.9-3: Construction and operation of the PWIMP could substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in on- or off-site flooding or exceed the capacity of existing or planned stormwater drainage systems.

Impact 3.9-4: Construction and/or Operation of the PWIMP could: 1) Place new structures within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood

Insurance Rate Map or other flood hazard delineation map; 2) Impede or redirect flood flows such that it would increase on- or off-site flood potential; 3) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam; and/or 4) Be exposed to a substantial risk related to inundation by seiche, tsunami, or mudflow.

Finding:

Changes or alterations have been required in, or incorporated into, the Proposed Project which would avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. (*Section 15091(a)(1)*).

Mitigation Measures:

Pursuant to CEQA Guidelines Section 15091, the following mitigation measures have been included in the Mitigation Monitoring and Reporting Program (MMRP) that is to be adopted concurrently with these findings.

Mitigation Measure 3.9-1a: Implement Construction Best Management Practices. To reduce potentially significant erosion and siltation, the City and/or its selected contractor(s) shall obtain a Stormwater Pollution Prevention Permit(s) (SWPPP) and implement Best Management Practices and erosion control measures as required by the Los Angeles RWQCB. Best Management Practices to reduce erosion and siltation shall include the following measures: Avoidance of construction activities during inclement weather; limitation of construction access routes and stabilization of access points; stabilization of cleared, excavated areas by providing vegetative buffer strips, providing plastic coverings, and applying ground base on areas to be paved; protection of adjacent properties by installing sediment barriers or filters, or vegetative buffer strips; stabilization and prevention of sediments from surface runoff from discharging into storm drain outlets; use of sediment controls and filtration to remove sediment from water generated by dewatering; and returning all drainage patterns to pre-existing conditions.

Mitigation Measure 3.9-2a: Prepare Groundwater/Hydrogeologic Plan and/or Monitoring/Modeling. The City shall, in conjunction with the requirements of SGMA and other local requirements, prepare an implementation plan for the groundwater that is extracted and recharged from this Project in the PWIMP planning area and including on the southern Oxnard Plain and Pleasant Valley areas. This plan will provide the details of how groundwater will be recovered and the best management practices that will be implemented, including, but not limited to:

- The City shall coordinate with FCGWMA and will continue to contribute to the ongoing basin-wide groundwater monitoring program for the Oxnard Plain and Pleasant Valley areas program to assist with the collection of data that are necessary to monitor and evaluate the effects from groundwater that is extracted and recharged by the PWIMP facilities. It is assumed that the City will have full access to the groundwater monitoring database to assist the City with performing the routine annual evaluation described below.
- The City shall coordinate with FCGMA to help document the groundwater/hydrogeologic conditions and effects from implementation of the PWIMP facilities including but not limited to surface and groundwater interactions, seawater intrusion, and water quality impacts such as turbidity, taste, odor, nutrients, and TDS.
- As necessary, the City shall adjust the groundwater that is extracted and/or recharged on the southern Oxnard Plain and Pleasant Valley areas to reduce potential significant impacts to groundwater resources. These adjustments, in part, will be based on comments received by FCGMA, and other interested stakeholders involved with water resources management in the

Oxnard Plain and Pleasant Valley areas.

Significance after Mitigation:

With the incorporation of the above mitigation measures, significant environmental effects to Hydrology, Water Quality, and Water Utilities would be reduced to less-than-significant.

Land Use Planning

Implementation of the PWIMP could result in temporary potentially significant impacts to land use planning as follows:

Impact 3.10-1: Construction and operation of the PWIMP could conflict with an applicable land use plan, policy or regulation of the City or other agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating a significant environmental effect.

Finding:

Changes or alterations have been required in, or incorporated into, the Proposed Project which would avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. (*Section 15091(a)(1)*).

Mitigation Measures:

Pursuant to CEQA Guidelines Section 15091, the following mitigation measures have been included in the Mitigation Monitoring and Reporting Program (MMRP) that is to be adopted concurrently with these findings.

Mitigation Measure 3.10-1a: Land Use Compatibility Review. For each PWIMP project to be constructed and/or operated, the City shall review the land use compatibility on a project-level basis through a subsequent environmental document to ensure that the proposed individual project does not conflict with an existing land use compatibility or cause a significant environmental impact that cannot be reduced to a less than significant level(s). In addition, the City shall obtain all necessary easements for any and all temporary construction activities.

Mitigation Measure 3.10-1b: New Pipeline Locations. Any new PWIMP pipelines and/or conveyance facilities that cross any agricultural fields or private property shall be located in an area or buried at a depth that would not interfere with the use of the land, such as agricultural tilling, grading, planting, etc.

Mitigation Measure 3.10-1c: Return to Existing Conditions. For all PWIMP pipeline or conveyance facility construction activities, soil shall be stockpiled and replaced once installed, unless soil contamination is expected. If soil contamination is detected, then mitigation measures in 3.8 Hazards and Hazardous Wastes. The construction area shall be returned to preconstruction conditions and grade.

Significance after Mitigation:

With the incorporation of the above mitigation measures, significant environmental land use planning effects would be reduced to less-than-significant.

Noise

Implementation of the PWIMP could result in temporary potentially significant noise impacts as follows:

Impact 3.12-1: Construction and operation of the PWIMP could generate or expose persons to noise levels exceeding standards established in the Oxnard 2030 General Plan or Noise Ordinance, or applicable standards of other agencies.

Finding:

Changes or alterations have been required in, or incorporated into, the Proposed Project which would avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. (*Section 15091(a)(1)*).

Mitigation Measures:

Pursuant to CEQA Guidelines Section 15091, the following mitigation measures have been included in the Mitigation Monitoring and Reporting Program (MMRP) that is to be adopted concurrently with these findings.

Mitigation Measure 3.12-1a: Limit Construction Hours. To the extent possible, construction activities will be limited to the least noise-sensitive times and will comply with the City's noise ordinances. Construction, alteration, and other related activities shall be allowed on weekdays between the hours of 8 a.m. and 5 p.m., and on Saturdays between the hours of 10 a.m. and 6 p.m. Construction activities shall not exceed the outdoor ambient sound level (dBA) of 86 dBA. Nighttime construction would require specific and special approval from the City. Temporary hotel accommodations shall be provided to all residents located within 100-feet of a designated construction area where construction activity would occur on a 24-hour continuous basis. The accommodations shall be provided for the duration of the 24-hour construction activities.

Mitigation Measure 3.12-1b: Locate Staging Areas away from Sensitive Receptors. The City's construction specifications shall require that the contractor select staging areas as far as feasibly possible from sensitive receptors. Currently, planned staging areas are at the City's existing WWTP, water, and stormwater yards/facilities.

Mitigation Measure 3.12-1c: Maintain Mufflers on Equipment. The City's construction specifications shall require the contractor to maintain all construction equipment with manufacturer's specified noise-muffling devices. The City shall ensure that the contractor(s) construction equipment with internal combustion engines have sound control devices at least as effective as those provided by the original equipment manufacturer. No equipment shall be permitted to have an un-muffled exhaust.

Mitigation Measure 3.12-1d: Idling Prohibition and Enforcement. The City shall prohibit and enforce unnecessary idling of internal combustion engines. In practice, this would mean turning off equipment if it will not be used for five or more minutes.

Mitigation Measure 3.12-1e: Equipment Location and Shielding. Locate all stationary noise-generating construction equipment such as air compressors and standby power generators as far as possible from homes and businesses. Contractor specifications shall include a requirement that construction equipment located within 500-feet of noise-sensitive receptors shall be equipped with noise reducing engine housings or other noise reducing technology such that equipment noise levels are no more 85-dBA at 50-feet. The line of sight between construction within 500-feet of sensitive receptors and nearby sensitive receptors shall be blocked by portable acoustic barriers and/or shields to reduce noise levels by at least an additional 10-dBA.

Mitigation Measure 3.12-1f: Notify Residents and Sensitive Receptors. Residences and other sensitive receptors within 500-feet of a construction area shall be notified of the construction schedule in writing, at least two weeks prior to the commencement of construction activities. The City or the contractor(s) shall designate a noise disturbance coordinator who would be responsible for responding to complaints regarding construction noise. The coordinator shall determine the cause of the complaint and ensure that reasonable measures are implemented to correct the problem. A contact number for the noise disturbance coordinator shall be conspicuously placed on construction site fences and included in the construction schedule notification sent to nearby

residences. The notice to be distributed to residences and sensitive receptors shall first be submitted to the City for review and approval.

Mitigation Measure 3.12-1g: Enclosed Noise Structures. All stationary noise sources (e.g., pump stations, permanent and emergency power generators, electrical gear, motors, etc.) shall be located within enclosed structures with adequate setback and screening, as necessary, to achieve acceptable regulatory noise standards for industrial uses as well as to achieve acceptable levels at the property lines of nearby residences and commercial uses, as determined by the City or Ventura County, as appropriate. Noise enclosures shall be designed to reduce equipment noise levels by at least 20-dBA. Once the stationary noise sources have been installed, noise levels shall be monitored to ensure compliance with local noise standards. If PWIMP facility(s) stationary noise sources exceed the applicable noise standards, an acoustical engineer shall be retained to install additional noise attenuation measures in order to meet the applicable noise standards.

Mitigation Measures 3.12-2a: Vibration Monitoring. Vibration monitoring shall be conducted for any and all PWIMP construction activities within 10-feet of buildings to confirm vibration levels do not exceed 0.1 in/sec PPV. If vibration levels exceed the limits of this mitigation measure, then construction practices shall be modified to use smaller types of construction equipment, operate the equipment in a manner to reduce vibration, or use alternate construction methods, and monitoring shall continue for an additional 200-feet or until construction practices meet the required vibration levels. The monitoring in this mitigation measure shall be repeated if the construction methods change in a manner that would increase vibration levels, or when structures are closer to the limits of construction than previous vibration monitoring have confirmed is below the vibration thresholds. Smaller vibratory rollers shall be used to minimize vibration levels during repaving activities where needed to meet vibration limits.

Significance after Mitigation:

With the incorporation of the above mitigation measures, significant environmental noise effects would be reduced to less-than-significant.

Traffic and Transportation

Implementation of the PWIMP could result in temporary potentially significant impacts to traffic and transportation as follows:

Impact 3.13-1: Construction and operation of the PWIMP could cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections) based on adopted City of Oxnard level of service (LOS) standards.

Impact 3.13-2: Construction of the PWIMP could exceed, either individually or cumulatively, a LOS standard established by the Ventura County Congestion Management Program (CMP) for designated roads or highways.

Impact 13.3-5: Construction and operation of the PWIMP could result in inadequate emergency access.

Impact 13.3-6: Construction and operation of the PWIMP could conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks).

Finding:

Changes or alterations have been required in, or incorporated into, the Proposed Project which would avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. (*Section 15091(a)(1)*).

Mitigation Measures:

Pursuant to CEQA Guidelines Section 15091, the following mitigation measures have been included in the Mitigation Monitoring and Reporting Program (MMRP) that is to be adopted concurrently with these findings.

Mitigation Measure 13.1-1a: Prepare and Implement Traffic Control Plan(s). As is consistent with existing policy, the City shall require the contractor to prepare and implement effective traffic control plans to show specific methods for maintaining traffic flows for each PWIMP project to be constructed. Examples of traffic control measures to be considered include: 1) use of flaggers to maintain alternating one-way traffic while working on one-half of the street; 2) use of advance construction signs and other public notices to alert drivers of activity in the area; 3) use of “positive guidance” detour signing on alternate access streets to minimize inconvenience to the driving public; 4) provisions for emergency access and passage; and 5) designated areas for construction worker parking.

Mitigation Measure 13.1b: Return Roads to Pre-construction Condition. Following construction, the City shall ensure that road surfaces that are damaged during construction are returned to their pre-construction condition or better.

Significance after Mitigation:

With the incorporation of the above mitigation measures, significant environmental effects on traffic and transportation would be reduced to less-than-significant.

Cumulative Effects

Implementation of the PWIMP could result in temporary potentially significant impacts to traffic and transportation as follows:

Temporary construction of the PWIMP and facility(s) in conjunction with other undetermined projects over the next 15-to-20 years has the potential to have direct and/or indirect cumulative environmental impacts. These could result in potentially significant temporary impacts, perhaps even significant and unavoidable impacts on air quality, noise, and traffic and transportation - depending upon the other projects being constructed nearby at the same time.

Finding:

Changes or alterations have been required in, or incorporated into, the Proposed Project which would avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. (*Section 15091(a)(1)*).

Mitigation Measures:

Pursuant to CEQA Guidelines Section 15091, the following mitigation measures have been included in the Mitigation Monitoring and Reporting Program (MMRP) that is to be adopted concurrently with these findings.

Mitigation Measure CE: Prepare Project-level Environmental Documentation. For each individual PWIMP Project prepare Project-level environmental documentation and Implement mitigation measures identified in each resource chapter.

Significance after Mitigation:

With the incorporation of the above mitigation measures, significant cumulative effects would be reduced to less-than-significant.

5.3 Findings for Significant and Unavoidable Effects

Public Resources Code 21081 and 21081.5, and CEQA Guidelines Section 15093, require that the City balance economic, legal, social, technological, or other benefit(s) of a proposed project against its unavoidable environmental effects when determining to approve a project. If specific economic, legal, social, technological, or other benefit(s) outweigh the unavoidable adverse environmental effect, the adverse effects may be considered “acceptable”.

The Proposed Project or PWIMP does not directly create or induce growth in the Oxnard area because it does not provide a significant number of additional permanent jobs nor does it approve land development. Only the City or the County, through their general planning, zoning, and permitting authority can directly induce growth. Therefore, the PWIMP, in and of itself, does not directly affect or foster growth in the surrounding environment. However, a significant and unavoidable effect related to indirectly contributing to growth was identified for the Proposed Project. The following findings and statement of overriding considerations outlines the specific reasons to support the City's approval of the Proposed Project.

Indirect Growth Inducement Effects

The main objective of the Proposed Project or PWIMP is to make significant improvements to the City's water related utilities including the City's water, wastewater, recycled water, and stormwater systems in order to meet current demand and planned growth as identified in the City's 2030 General Plan which was approved by the City Council in 2011.

The General Plan EIR identified several significant unavoidable impacts associated with the implementation of the 2030 General Plan, which include significant unavoidable impacts to agricultural resources, air quality, noise, and traffic and transportation. As a result, implementation of the PWIMP could be considered to have indirect growth inducing effects as it would remove a barrier to growth by providing improved water supplies and utilities to support the current, planned, and 2030 growth. In as such, it would then be reasonable to conclude that the implementation of the PWIMP would indirectly contribute to the same indirect significant and unavoidable growth inducing impacts as identified in the 2030 General Plan EIR. These include, but not limited to, the following:

- Lack of transportation facilities for the population to travel between their place of employment, recreational facilities, service facilities, shopping and their homes;
- Lack of educational facilities including elementary and high school facilities, secondary education facilities, and vocational institutions;
- Employment patterns such as high unemployment or limited employment opportunities within the region;
- Availability of housing to accommodate all income categories;
- Availability of wastewater treatment capacity;
- Availability of emergency services such as police, fire, and medical facilities;
- Availability of electricity; and/or
- Availability of water supply and distribution.

Water availability removes a barrier to growth. However, it is but one of many such barriers, all of which combine to control where and to what extent growth occurs.

Finding:

Changes or alterations have been required in, or incorporated into, the Proposed Project which would avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. (*Section 15091(a)(1)*).

Mitigation Measures:

Pursuant to CEQA Guidelines Section 15091, the following mitigation measures have been included in the Mitigation Monitoring and Reporting Program (MMRP) that is to be adopted concurrently with these findings.

There are no applicable mitigation measures that are available to adequately reduce or change the indirect growth impacts identified as a result of the implementation of the 2030 General Plan.

Significance after Mitigation:

There are no applicable mitigation measures that are available to adequately reduce or change the indirect growth impacts identified as a result of the implementation of the 2030 General Plan. As a result, implementation of the Proposed Project or PWIMP would indirectly contribute to the approved growth as planned in the 2030 General Plan and is therefore considered significant and unavoidable.

5.4 Mitigation Monitoring and Reporting Program and Project Design Features

As referenced above in the findings, a MMRP has been prepared for the project and is to be adopted concurrently with these findings and statement of overriding considerations pursuant to Public Resources Code Section 21081(a)(1). The MMRP is a separate stand-alone document that will be used by the City to track compliance with the project mitigation measures. The MMRP will remain available for public review during the compliance period, which includes pre-construction coordination, construction, and post-construction documentation.

6.0 Project Alternatives

Where the City has determined that, even after the adoption of all feasible mitigation measures, the Project would still cause one or more significant environmental impacts that cannot be avoided or lessened to below a level of significant, the City must determine if there is a project alternative that is both environmentally superior and feasible. An alternative may be “infeasible” if it fails to achieve the most basic project objectives identified within the EIR. Further, “feasibility” under CEQA encompasses the desirability of the project “based on a reasonable balancing of the relevant economic, environmental, social, and technological factors” of a project (*City of Del Mar, supra*, 133 Cal.App.3d at p. 417; see also *Sequoiah Hills, supra*, 23 Cal.App.4th at p. 715).

As described in Chapter 1 – Introduction and Chapter 2 – Project Description of the Draft PEIR, the PWIMP provides a phased program for constructing improvements to the City's infrastructure facilities that will accommodate planned growth while maintaining treatment reliability, meeting future regulatory requirements, and optimizing costs through the City's 2030 planning horizon. Specifically, the PWIMP addresses future planning needs including infrastructure additions and upgrades for City's water, wastewater, recycled water, and stormwater utilities. The PWIMP builds upon previous planning efforts using a coordinated methodology, which will allow the City to take full advantage of potential linkages and synergies between the four water utility systems. In addition, the PWIMP is also coordinated with a streets plan in an attempt to allow timing of future streets upgrades to be tied together with infrastructure upgrades. As such, the PWIMP identified numerous alternatives to the various needs and improvements of each of the four water utilities and went through an elaborate and public driven workshop process for evaluating

them from a technical and economic perspective. The result of the PWIMP is the recommended improvements to move forward with and which is evaluated in the PEIR as the Proposed Project. Also, the majority of the individual components of the PWIMP is the rehabilitation and replacement of existing facilities of which there are no real alternatives, other than not rehabilitating and/or replacing the aging infrastructure. As detailed in Chapter 3 – Environmental Analysis of the Draft PEIR, the PWIMP would have several potentially significant impacts to the environment. However, with the implementation of the identified and corresponding mitigation measures, all of the potentially significant impacts can be reduced to less-than-significant levels, with the exception of indirectly contributing to the significant and unavoidable impacts of implementing the planned growth identified and approved in the City's 2030 General Plan. As a result, the only alternative that could avoid that significant impact is the No Project Alternative. The No Project Alternative is discussed below.

No Project Alternative

Section 15126.6 (e) of the CEQA Guidelines requires the analysis of a No Project Alternative. The purpose of describing and analyzing a No Project Alternative is to allow decision-makers the opportunity to compare the impacts of approving the proposed project with the impacts of not approving the proposed project. The CEQA Guidelines state that the No Project Alternative is the circumstance under which the project would not proceed. If the No Project Alternative would not result in the preservation of existing conditions, the consequences of not approving the Proposed Project should also be discussed.

Under the No Project Alternative, the basic objective of the Proposed Project or PWIMP to provide a phased program for constructing improvements to the City's infrastructure facilities to accommodate planned growth while maintaining treatment reliability, meeting future regulatory requirements, and optimizing costs through the City's 2030 planning horizon would not be met.

Under the No Project Alternative, the PWIMP would not be implemented. Construction of the expanded AWPf, desalter, and new water and IPR/ASR wells and other facilities would not occur. As a result, secondary effluent produced from the OWTP would not be diverted from the existing ocean outfall for tertiary and advanced water treatment at the AWPf facility. Further rehabilitation of the existing pipelines and conveyance facilities that are at the end of their useful lives would not occur. This would cause the need for emergency repairs rather than a planned, orderly, and cost-effective method for ensuring reliability with the various water, wastewater, recycled water, and stormwater pipeline and conveyance facilities.

Groundwater injections afforded by new IPR/ASR wells would not occur, and over-drafted aquifer conditions would continue to occur or worsen. Additional potable water supplies potentially provided by treatment of extracted groundwater (allowed by transfer of unused groundwater pumping in lieu of groundwater recharge) would not be available for extraction and treatment by the proposed regional desalter expansion(s).

The No Project Alternative could result in a shortage in the amount of reliable and affordable water supplies available to meet both potable and non-potable demands. A shortage would require the City to consider other alternative solutions to meet the goal of the City to provide current and future residents and businesses with a reliable and affordable source of high-quality water.

The No Project Alternative would avoid the less-than-significant significant with mitigation impacts identified for the PWIMP Program. However, several of the beneficial impacts of the PWIMP related to groundwater recharge in the LAS would not be realized, including increased groundwater elevations, minimization of coastal landward flow of seawater, and reduction of severe overdraft conditions and water quality degradation.

In summary, the No Project Alternative would not be considered a "feasible" project that could lessen or avoid the significant and unavoidable impacts that would occur as a result of the Proposed Project. Therefore, the City makes the finding that the project impacts are considered "acceptable" for the reasons outlined in the findings and the following statement of overriding considerations.

7.0 Statement of Overriding Consideration

Indirect growth inducement impacts cannot be fully mitigated with measures identified above in Section 5.3, and therefore, impacts related to contributing to the growth impacts identified as a result of supporting the implementation of the City's approved 2030 General Plan is considered to be significant and unavoidable. A finding consistent with Section 15091(a)(3), that specific economic, legal, social, technological, or other consideration, make infeasible any other mitigation measures or project alternatives that would avoid or lessen this impact to below a level of significance.

As a result, pursuant to Section 15093, the City must "balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or state-wide environmental benefits, of a proposed project against its unavoidable environmental risks, when determining whether to approve the project." Those specific reasons to support an action taken by the City must be included in a written statement of overriding considerations that is supported by substantial evidence within the administrative record.

In addition to the impacts being temporary, the City finds that the project would have the following economic, social, and technological benefits:

- The Proposed Project would provide a cost-effective solution for constructing improvements to the City's water, wastewater, recycled water and stormwater infrastructure facilities to accommodate planned growth while maintaining treatment reliability, meeting future regulatory requirements, and optimizing costs through the City's 2030 planning horizon. (*economical*)
- The Proposed Project would maintain the City's water, wastewater, recycled water, and stormwater systems for the City's residents and customers, thereby protecting public health. (*social*)
- The Proposed Project would improve the reliability of the City's water, wastewater, recycled water and stormwater infrastructure, facilities and systems and provide a permanent solution for a planned, orderly, and cost-effective method of ensuring reliability with the various water, wastewater, recycled water, and stormwater pipeline and conveyance facilities. (*technological*)

For each and all of these reasons, the City finds that the benefits of the Proposed Project outweigh the significant and unavoidable environmental effects related to indirect growth. Therefore, the adverse effects are considered "acceptable", given the importance of this Proposed Project. The City's overall mission is to provide a comprehensive integrated plan for constructing improvements to the City's water-related infrastructure facilities that will accommodate planned growth while maintaining treatment reliability, meeting future regulatory requirements, and optimizing costs through the City's 2030 planning horizon.

8.0 Statement of Location and Custodian of Documents

Public Resources Code Section 21081.6(a)(2) requires that the City, as the Lead Agency, specify the location and custodian of the documents of other materials that constitute the record of proceedings upon which its decision has been based. The following location is where review of the record may be performed:

City of Oxnard
Public Works Department
305 3rd Street
Oxnard, California 93030

The City has relied on all of the documents contained within the record of proceedings in reaching its decision on the project.



**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission
FROM: Paul McClaren, Associate Planner
DATE: November 21, 2019

SUBJECT: Planning and Zoning Permit No. 17-300-09 (Tentative Parcel Map for a Parcel Map Waiver), located at 3501 South Saviers Road

1) Recommendation: That the Planning Commission approve Planning and Zoning Permit No. 17-300-09 for a Parcel Map Waiver, Subject to certain findings and conditions.

2) Project Description and Applicant: A request to subdivide a 4.19 acre site, commonly known as the Swap Meet, into two parcels. Parcel A would be a 3.14 acre lot with 214.78 feet of frontage on Saviers Road and 375.41 feet of frontage on South A Street. Parcel A has been designed to retain a 16,600 square-foot commercial building and associated parking. Parcel B would be an undeveloped 1.05 acre lot with 160.63 feet of frontage on South Saviers Road and a depth of 287.00 feet. No development is proposed at this time. For the purposes of this staff report, the foregoing project description shall be referred to as "the Project." Filed by David Kesterson of Lauterbach & Associates, 300 Montgomery Ave, Oxnard, CA 93036.

3) Existing & Surrounding Land Uses: The project is located within the Bryce Canyon neighborhood. The property is developed with an existing 16,600 square foot Multi-tenant commercial retail center.

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
Project Site	General Commercial - All Affordable Housing Opportunity (C-2- AH) Commercial-Planned Development (C-PD)	Commercial General (CG)	16,600 square-foot multi-tenant commercial retail center
North	General Commercial (C- 2) Commercial-Planned Development (C-PD)	Commercial General (CG)	Ralph's Grocery Store
South	Single-family residential (R-1) General Commercial (C- 2)	Residential-Low (RL) Commercial General (CG)	Single-family residences to the southwest and a Restaurant along Saviers Road

East	General Commercial (C-2)	Commercial General (CG)	Restaurants, Retail, Laundry Mat & a Used Car Sales Center
West	Residential Planned Development (R-PD) Single-family residential (R-1)	Residential-Low (RL)	Multi-unit apartments and single family residences

4) Background Information: The building located at 3501 South Saviers Road was constructed for use as a supermarket in October 1959. On October 14, 1998, the applicant applied for City approval to use the building for swap meet purposes. This use was established when final occupancy was granted on December 3, 1998 (Building Permit Number 98-4232).

On July 29, 2005, a structure fire occurred within the building and a significant portion of the building was burned, and the use of the property as a swap meet was discontinued. The building caught fire six additional times from February 4, 2006 to March 24, 2006 due to warming and cooking associated with illegal vagrant activities occurring within the unsecured building.

The applicant, in 2008, applied to repair the building and reestablish the swap meet use. The application was denied. Shortly after the denial, a demolition permit was issued and the damaged portions of the building were removed. The undamaged portions became tenant spaces for various retail uses.

Currently the existing 16,600 square foot multi-tenant commercial building is occupied by Lassen's Health Foods, a staffing company, a thrift store and a salon and a large parking lot.

The proposed Parcel A is occupied by the remaining 16,600 square foot multi-tenant commercial building and a large parking lot. Both proposed parcels have existing infrastructure and site improvements that include power, water, gas, sewer and communications. Existing easements for utilities and access would be preserved. As a condition of approval, storm water drainage improvements would be installed so that each parcel's stormwater is separated. Parcel B has no proposed development at this time.

Additionally, as conditions of approval, Parcel A will make on-site improvements that will bring the parking, ADA accessibility, and site lighting into conformance with the Oxnard City Code based on the size of the remaining, existing structure. These onsite improvements will include resurfacing and restriping the parking lot, providing the appropriate number of handicapped spaces, creating ADA compliant ramps, creating a clear, ADA compliant path of travel from both South A Street and South Saviers Road to the front of the commercial building, and installation of the required number of short-term and long-term bicycle parking areas. Finally, a trash enclosure conforming to the City standards will be installed to serve the remaining, existing structure.

5) Environmental Determination: In accordance with Section 15315 (Minor Land Divisions, Class 15) of the State CEQA Guidelines, projects consisting of “the division of property in urbanized areas zoned for commercial use into four or fewer parcels” may be found to be exempt from the requirements of the California Environmental Quality Act (CEQA). This proposal creates two parcels that meet the required lot dimensions of the C-2 zoning and are compatible with the General Plan. No variances or exceptions are required or requested, all services and access exist to the parcels per City standards, the average slope is less than 20 percent and the property has not been involved in a previous subdivision within the last two years. Therefore, staff has determined that there is no substantial evidence that the project will have a significant effect on the environment and recommends that the Planning Commission accept the Notice of Exemption (see Attachment C).

6) Analysis:

a) General Discussion: The subdivision of land requires the recordation of a parcel map when the request involves four or fewer parcels. In situations where all public services are available on-site and sufficient environmental protections are in place, Section 15-11(C) of the City Code authorizes the Planning Commission to grant a parcel map waiver. A parcel map waiver simplifies the subdivision process in applicable situations such as with this request.

Once the Planning Commission approves the Tentative Parcel Map for a Parcel Map Waiver, the subdivider submits exhibits directly to the City Surveyor to assure that the map is technically correct. With the City Surveyor’s recommendation, the Development Services Director certifies compliance with the conditions set forth in the Planning Commission’s resolution by granting a Certificate of Approval for the Parcel Map Waiver. Both the Certificate and the Parcel Map Waiver are recorded with the Ventura County Recorder’s office.

The project has been conditioned to provide storm drainage improvements and other on-site improvements to parcel A.

b) General Plan Consistency: The City’s 2030 General Plan land use designation for the subject site is Commercial General uses which allows retail uses and shopping centers. The existing development and uses are consistent with these allowed uses and there are no development plans proposed. Therefore, the project is in conformance with the General Plan land use designation for the property.

c) Conformance with Zoning Development Standards: The property as it exists was developed in compliance with the zoning and development standards in place when developed. No new development is proposed and no changes are proposed to the existing development.

d) Site Design: The existing 16,600 square foot building is located in the northwest corner of the lot. The irregular rectangular building is 72 feet from the property line along South A Street, 23 feet from the northerly property line, 309 feet from property line along South Saviers Road, and 192 feet from the southerly property line. The rest of the lot is currently parking lot, a

trash enclosure, utility infrastructure, and a vacant building pad where the demolished, fire damaged building once stood. Proposed Parcel A has been designed to retain a 16,600 square-foot commercial building and associated parking which is compliant with C-2 development standards. Proposed Parcel B will be located in the southeast corner of the existing lot. Proposed Parcel B would be rectangular with the short side of the lot having 160 feet of frontage along Saviers Road and a depth of 287 feet.

e) Circulation and Parking: The site has 5 access points from the public right-of-way, two from South A Street and three from South Saviers Road. The southern driveway on South A Street is 34 feet wide but is currently blocked by a chain link fence on the property and will continue to be blocked until development is proposed for the property. The northern driveway on South A Street is a total of 43 feet wide but is a shared access driveway with the property to the north of 3501 Saviers Road. The southernmost driveway on South Saviers Road, is 28 feet wide and provides access to proposed Parcel B. This driveway is necessary to provide access to the parking for the restaurant on the adjacent property to the south. An existing easement to access the restaurant parking on the adjacent lot must be retained as a condition of approval. The central driveway on South Saviers Road is 39 feet wide. This driveway also provides access to proposed Parcel B. The northernmost driveway on South Saviers Road is 30 feet wide and accesses proposed Parcel A.

A reciprocal parking and access easement exists between 3501 South Saviers Road and 3301-3445 South Saviers Road, the property to the north. The property to the north can be accessed from 3501 Saviers Road on the western side of the property, behind the buildings and at two locations in the front of the building.

There are 41 parking spaces on the western side of the existing building on proposed Parcel A that are accessed primarily from South A Street. From this parking area there is a 23 foot wide drive aisle to the north of the building that allows access to the parking area at the front of the building. At the front of the building there are 142 parking spaces which include one American Disability Act (ADA) compliant space. 110 of these spaces, including the one ADA space, are located on proposed Parcel A. The total parking on parcel A is 151 spaces. A retail center that is 16,600 square feet requires 67 parking spaces, so there are 84 excess parking spaces on Proposed Parcel A. Parcel B has 32 parking spaces but no proposed development. Were Parcel B to be developed the development would need to provide the necessary parking per Oxnard City Code.

7) Development Advisory Committee: The Development Advisory Committee (DAC) reviewed this project on March 28, 2018. The plans brought to the DAC were reviewed and found to be extremely problematic. The proposed subdivision included the creation of four parcels. The proposed lots were oddly shaped and the configuration made providing utility access and ingress/egress access complicated. Additionally, no development was proposed so it was difficult to determine how the layout would affect future developments. When the applicant resubmitted the Tentative Parcel Map had been simplified creating just two parcels both with frontage on Saviers Road. When the new Tentative Parcel Map was circulated, it was determined that a second DAC meeting was not necessary and that the project should move forward to the Planning Commission for a Parcel Map Waiver.

8) Community Workshop and Public Input: The project, being a simple subdivision of a large parcel of land into smaller parcels, it was determined that the project did not require a Community Workshop.

9) Appeal Procedure: In accordance with Section 15-25 of the City Code, an appeal from the Planning Commission's action may be taken in the manner provided by Cal. Gov. Code Section 66452.5.

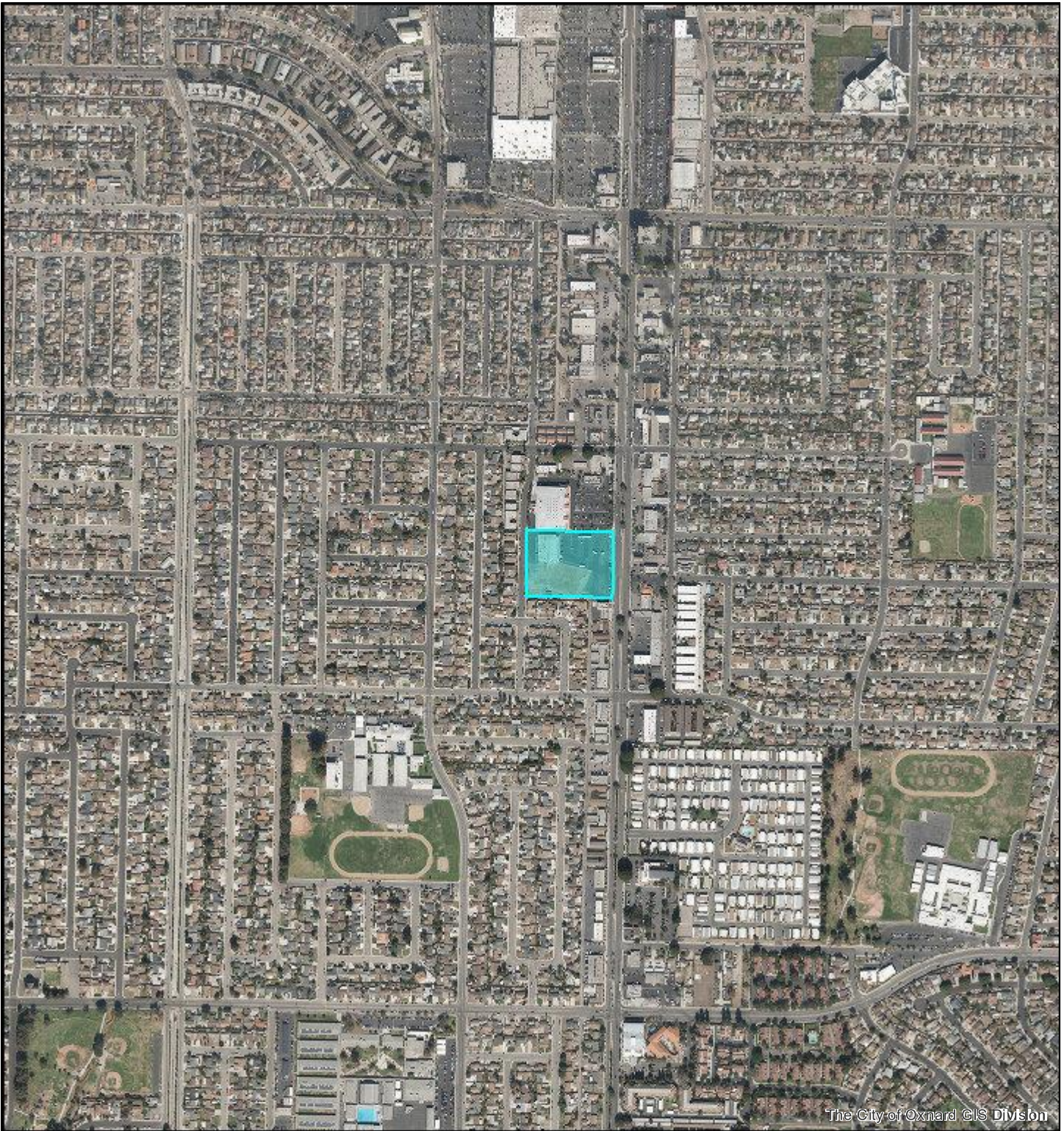
Attachments:

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

ATTACHMENT “A”

Maps (Vicinity, General Plan, Zoning)

Vicinity Map

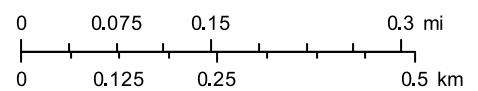


October 7, 2019

Parcels

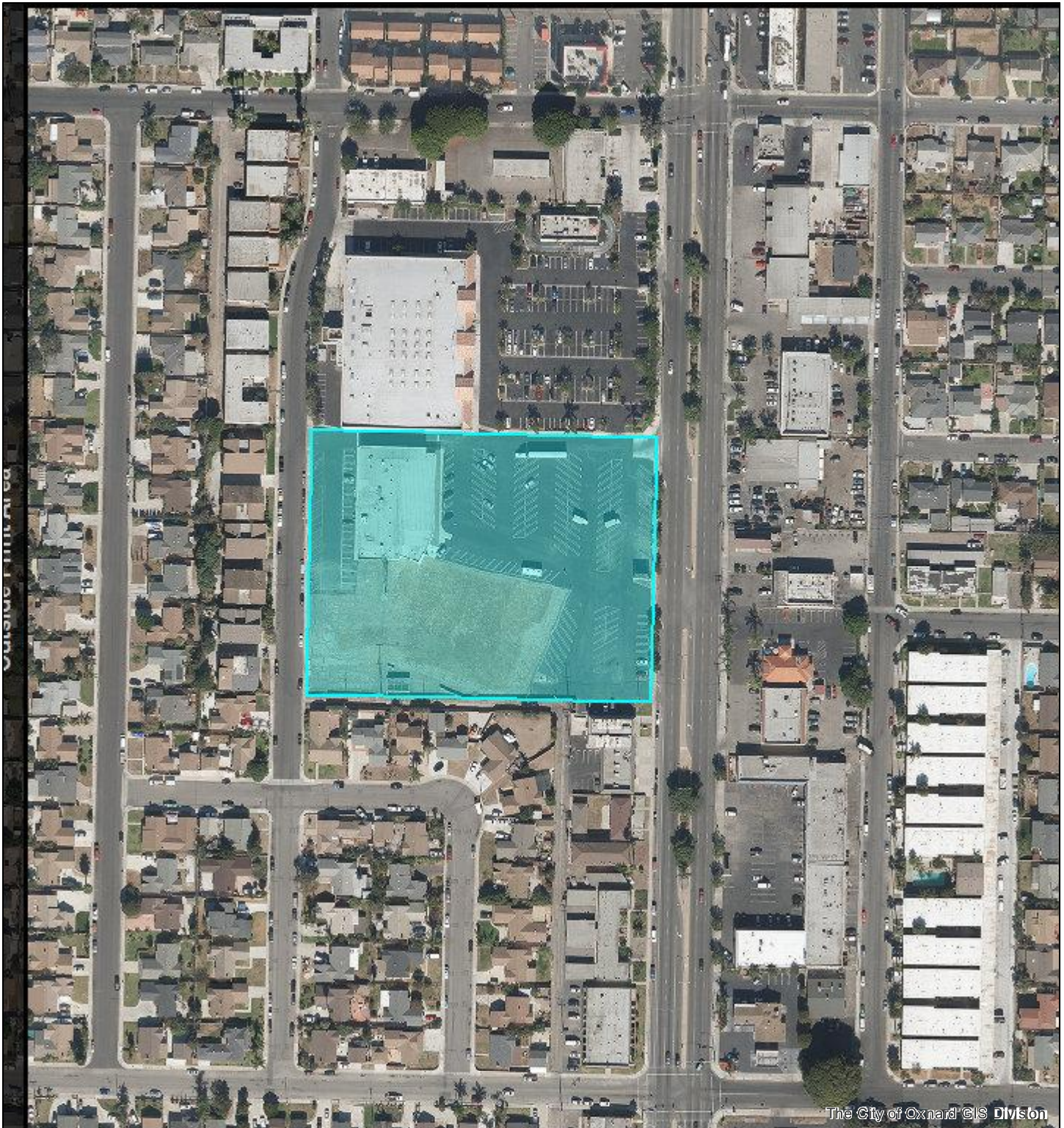
3501 Saviers Road

1:9,600



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Aerial Map

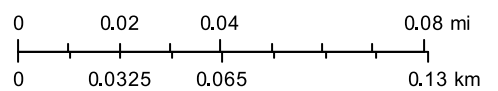


October 7, 2019

Parcels

3501 Saviers Road

1:2,400



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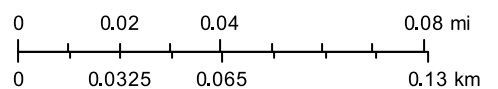
General Plan



October 7, 2019

1:2,400

Parcels		General Plan	
AC	AG	BRP	CBD
CCM			
CCV	CG	CIA	CN
COF	CR	DTE	
DTN	ESM	HCI	Hueneme
ILT	MHP	OS	PR
PRK	PSP	PUD	
PUE	REC	REX	RH
RHD	RL	RLM	
RM	RMH	RP	SCH
VSC			



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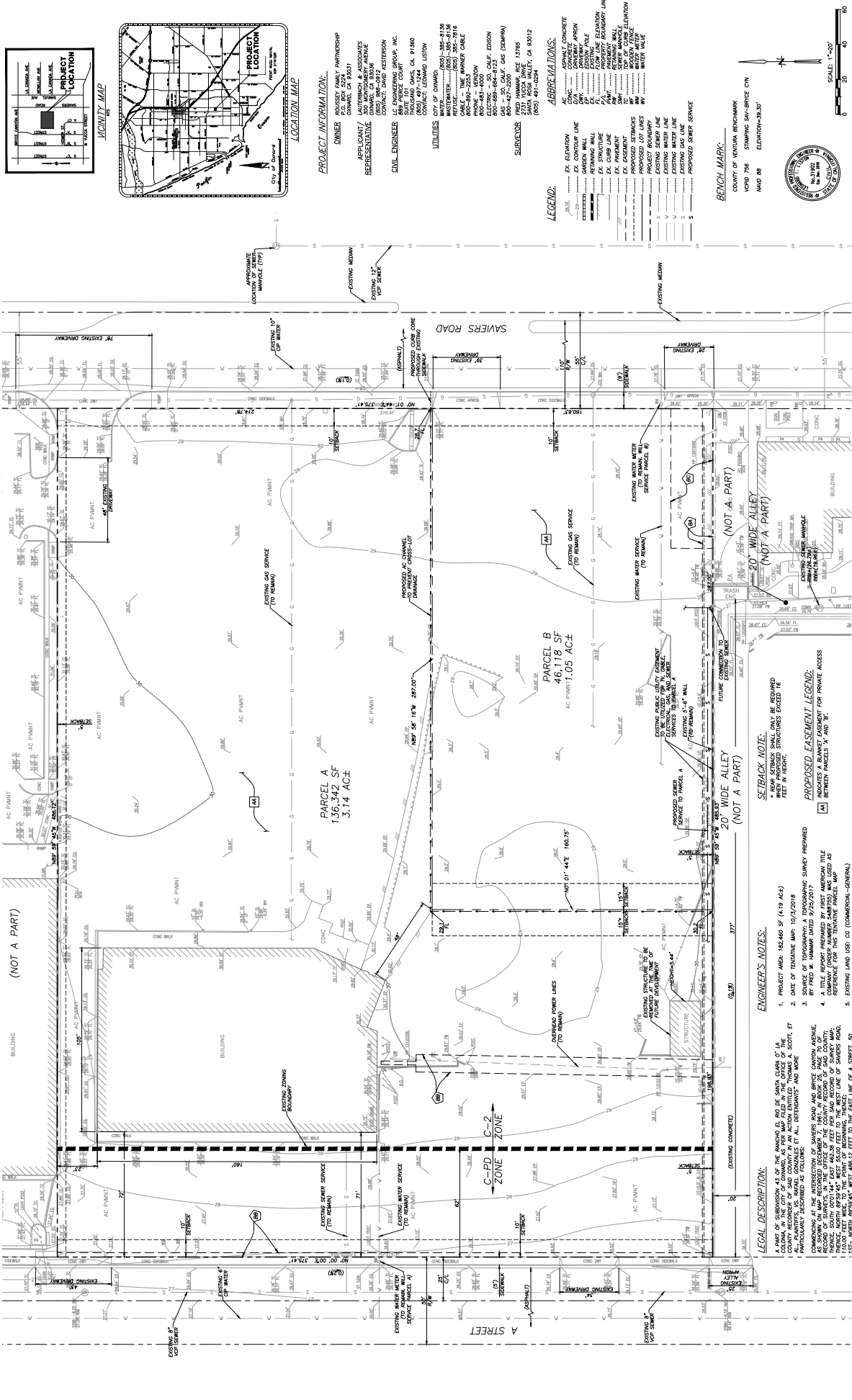
Zoning Map



ATTACHMENT “B”

Reduced Project Plans

TENTATIVE PARCEL MAP NO. 17-300-09 IN THE CITY OF OXNARD, COUNTY OF VENTURA



SCALE: 1"=20'

PROJECT INFORMATION:

OWNER: ROUSSEY FAMILY PARTNERSHIP
P.O. BOX 5254
OXNARD, CA 93024

APPLICANT / SURVEYOR & ENGINEER: 300 MARQUARDT AVENUE
OXNARD, CA 93024
(805) 305-8136
(805) 305-8137

REPRESENTATIVE: (805) 305-8136
(805) 305-8137

CIVIL ENGINEER: LEO J. ROUSSEY, INC.
10000 OXNARD AVENUE, SUITE 100
OXNARD, CA 93024
(805) 305-8136
(805) 305-8137

CONTACT: LEO J. ROUSSEY
OXNARD, CA 93024
(805) 305-8136
(805) 305-8137

UTILITIES: CITY OF OXNARD: (805) 305-8136
WASTEWATER: (805) 305-8136
WATER: (805) 305-8136
GAS: (805) 305-8136
CITY OF OXNARD: (805) 305-8136
WASTEWATER: (805) 305-8136
WATER: (805) 305-8136
GAS: (805) 305-8136

SURVEYOR: FRED HAMMAR, RLS 1795
10000 OXNARD AVENUE, SUITE 100
OXNARD, CA 93024
(805) 305-8136
(805) 305-8137

ABBREVIATIONS:
AC ASPHALT CONCRETE
C CONC
G GRASS
H HATCH
I IRON
M MASONRY
P PAVED
S SAND
V VENTILATION
W WOODEN
X X-TRA
Y YARD
Z ZONE

LEGEND:
AC ASPHALT CONCRETE
C CONC
G GRASS
H HATCH
I IRON
M MASONRY
P PAVED
S SAND
V VENTILATION
W WOODEN
X X-TRA
Y YARD
Z ZONE

BENCH MARK:
COUNTY OF VENTURA BENCHMARK
VPRD 756 STAMPING SHA-BRICE CYN
MWD 88 ELEVATION=35.37'

TENTATIVE PARCEL MAP NO. 17-300-09
FOR
ROUSSEY FAMILY PARTNERSHIP
3501 S SAVERS RD
OXNARD, CALIFORNIA
PLANNING & ZONING PERMIT NO. 17-300-09

REGISTERED ENGINEER NO. 52528
DATE 11/20/2018
SCALE: 1"=20'
DATE 11/20/2018
ENGINE NAME: 712 PM/AM

SHEET 1 OF 1

LEGAL DESCRIPTION:

1. PROJECT AREA 162,480 SF (4.19 AC±)
2. DATE OF TENTATIVE MAP: 10/2/2018
3. SOURCE OF TOPOGRAPHY: A TOPOGRAPHIC SURVEY PREPARED BY FRED W. HAMMAR DATED 8/25/2017
4. EXISTING ZONING: GENERAL COMMERCIAL (COMM-GEN)
5. EXISTING LAND USE: GENERAL COMMERCIAL (COMM-GEN)
6. EXISTING ZONING: GENERAL COMMERCIAL (COMM-GEN)
7. THERE IS NO ZONING OF GENERAL EASEMENT
8. THERE ARE NO IMPROVEMENTS TO THE PROJECT SITE OR ADJACENT AREAS AND NO EXISTING IMPROVEMENTS TO REMAIN.

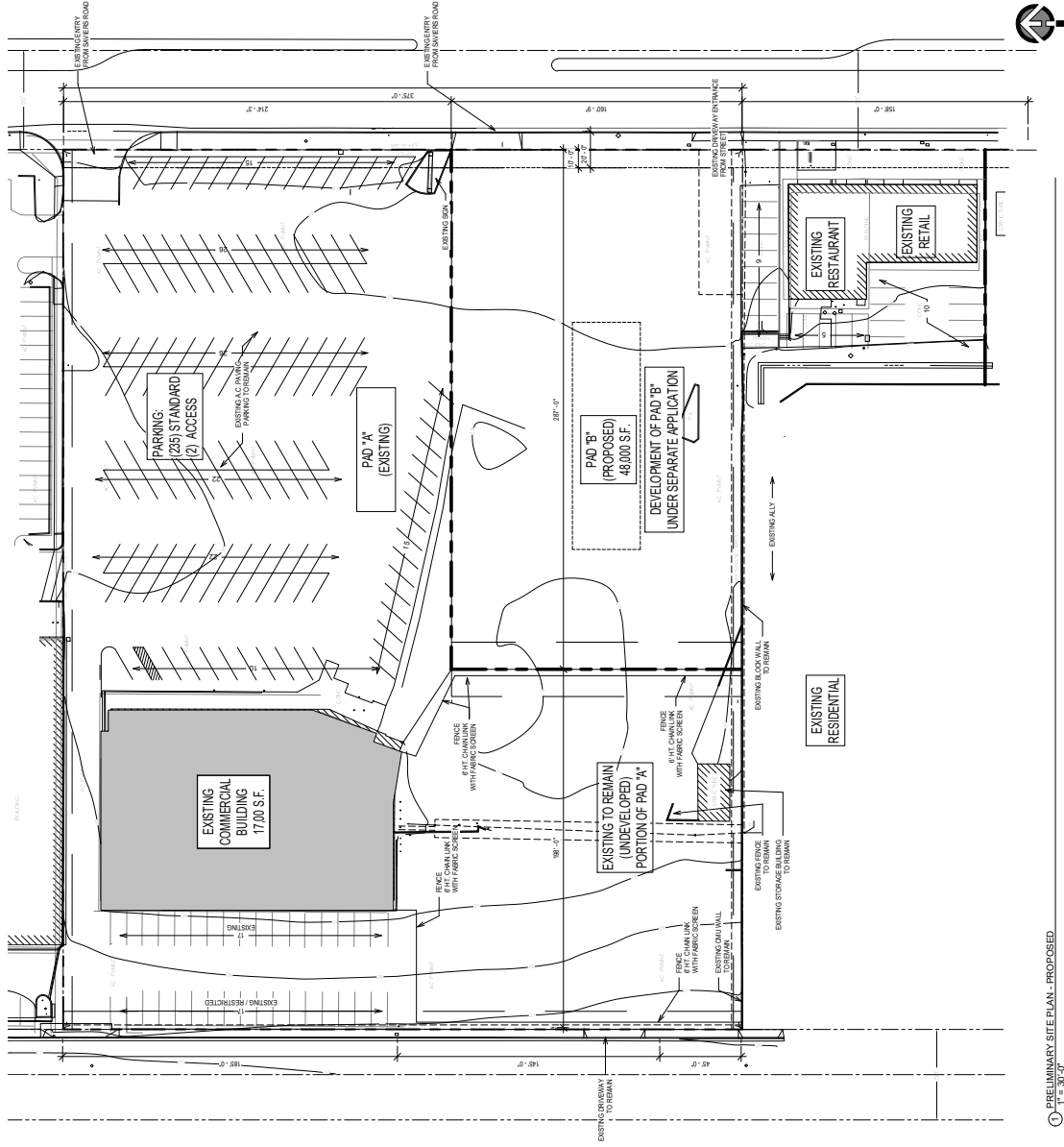
ENGINEER'S NOTES:

1. SETBACKS SHALL ONLY BE REQUIRED FOR EXISTING STRUCTURES EXCEED 18 FEET IN HEIGHT.
2. PROPOSED EASEMENT LEGEND:
A) INDICATES A MARKET EASEMENT FOR PRIVATE ACCESS BETWEEN PARCELS "A" AND "B".
3. EXISTING EASEMENT LEGEND:
A) INDICATES A MARKET EASEMENT FOR PRIVATE ACCESS BETWEEN PARCELS "A" AND "B".
4. THERE ARE NO IMPROVEMENTS TO THE PROJECT SITE OR ADJACENT AREAS AND NO EXISTING IMPROVEMENTS TO REMAIN.

SETBACK NOTES:

1. SETBACKS SHALL ONLY BE REQUIRED FOR EXISTING STRUCTURES EXCEED 18 FEET IN HEIGHT.
2. PROPOSED EASEMENT LEGEND:
A) INDICATES A MARKET EASEMENT FOR PRIVATE ACCESS BETWEEN PARCELS "A" AND "B".
3. EXISTING EASEMENT LEGEND:
A) INDICATES A MARKET EASEMENT FOR PRIVATE ACCESS BETWEEN PARCELS "A" AND "B".
4. THERE ARE NO IMPROVEMENTS TO THE PROJECT SITE OR ADJACENT AREAS AND NO EXISTING IMPROVEMENTS TO REMAIN.

PRELIMINARY SITE PLAN



ATTACHMENT “C”

Notice of Exemption



NOTICE OF EXEMPTION

Project Description:

PZ No. 17-300-09 (Tentative Map for a Parcel Map Waiver). A request to subdivide a 4.19 acre site located at 3501 Saviers Road into two parcels. Parcel A would be a 3.14 acre lot and Parcel B would be a 1.05 acre lot. No development is proposed at this time. Filed by David Kesterson of Lauterbach & Associates, 300 Montgomery Ave, Oxnard, CA 93036.

Finding:

The Planning Division of the Development Services Department of the City of Oxnard has reviewed the above proposed project and found it to be exempt from the provisions of the California Environmental Quality Act (CEQA).

- ☐ Ministerial Project
- ☒ Categorical Exemption
- ☐ Statutory Exemption
- ☐ Emergency Project
- ☐ Quick Disapproval [CEQA Guidelines, 14 Cal. Code of Regs. 15270]
- ☐ No Possibility of Significant Effect [CEQA Guidelines, 14 Cal. Code of Regs. 15061(b)(3)]

Supporting Reasons: In accordance with Section 15315 (Minor Land Divisions, Class 15) of the State CEQA Guidelines, projects consisting of “the division of property in urbanized areas zoned for commercial use into four or fewer parcels” may be found to be exempt from the requirements of the California Environmental Quality Act (CEQA). This proposal creates two parcels that meet the required lot dimensions of the C-2 zoning and are compatible with the General Plan. No variances or exceptions are required or requested, all services and access exist to the parcels per City standards, the average slope is less than 20 percent and the property has not been involved in a previous subdivision within the last two years. Therefore, the Planning Commission has determined that there is no substantial evidence that the project will have a significant effect on the environment.

(Date)

Paul McClaren,
Associate Planner

ATTACHMENT “D”

Resolution

RESOLUTION NO. 2019-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING TENTATIVE PARCEL MAP FOR A PARCEL MAP WAIVER (PLANNING AND ZONING PERMIT NO. PZ 17-300-09) A 4.19 ACRE SITE INTO TWO PARCELS (PARCEL A IS 3.14 ACRES, PARCEL B IS 1.05 ACRES) FOR A PROPERTY LOCATED AT 3501 SOUTH SAVIERS ROAD, (APN 205-0-443-085) SUBJECT TO CERTAIN CONDITIONS. FILED BY DAVID KESTERSON, LAUTERBACH & ASSOCIATES, ARCHITECTS, INC., 300 MONTGOMERY AVENUE, OXNARD, CA 93036.

WHEREAS, the Roussey Family Partnership owns a 4.19 acre parcel located at 3501 South Saviers Road (APN 205-0-443-085); and

WHEREAS, David Kesterson on behalf of the Roussey Family Partnership filed an entitlement application with the City of Oxnard on December 8, 2017 for a Tentative Map for a Parcel Map Waiver (PZ No. 17-300-09); and

WHEREAS, the Planning Commission of the City of Oxnard has considered the Tentative Parcel Map for a parcel map waiver (Planning and Zoning Permit No. 17-300-05), filed by David Kesterson, in accordance with Chapter 15 of the Oxnard City Code; and

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

WHEREAS, said Tentative Parcel 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 Parcel Map conforms to the City's 2030 General Plan and elements thereof; and

WHEREAS, the Planning and Environmental Services Division has completed a preliminary environmental assessment of the Project in accordance with the California Environmental Quality Act (CEQA) and determined that the Project is subject to a Class 15 "Minor Land Divisions" Categorical Exemption Guidelines exempts the project from the requirement for the preparation of environmental documents imposed by the California Environmental Quality Act; and

WHEREAS, the Planning Commission has held a duly noticed public hearing and received and reviewed written and oral comments related to the Project; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF OXNARD:

SECTION 1. The Planning Commission, in accordance with Section 15315 (Minor Land Divisions, Class 15) of the State CEQA Guidelines, projects consisting of “the division of property in urbanized areas zoned for commercial use into four or fewer parcels” may be found to be exempt from the requirements of the California Environmental Quality Act (CEQA). This proposal creates two parcels that meet the required lot dimensions of the C-2 zoning and are compatible with the General Plan. No variances or exceptions are required or requested, all services and access exist to the parcels per City standards, the average slope is less than 20 percent and the property has not been involved in a previous subdivision within the last two years. Therefore, the Planning Commission has determined that there is no substantial evidence that the project will have a significant effect on the environment

SECTION 2. Based on the entire record before the Planning Commission and all written and oral evidence presented, including the Planning Commission Staff Report and all attachments thereto, the Planning Commission finds:

Consistent with California Government Code Section 66474, a legislative body of a city or county shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it makes any of the following findings:

(a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.

The project’s commercial uses are consistent with the General Plan land use designation and zoning as discussed in great detail in Sections 6 (b), 6 (c), and 6 (e) and Section 7 of the Planning Commission Staff Report. The Project as designed and conditioned meets all applicable development standards. Therefore, the project is in conformance with the 2030 General Plan and the elements thereof and other adopted standards.

(b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

The design and improvements of the project will provide for development that furthers the intent of the General Plan to realize the potential of commercial and or housing improvements that increases housing in the Bryce Canyon Neighborhood and is consistent with the 2030 General Plan, as discussed above in Finding 2a.

(c) That the site is not physically suitable for the type of development.

The site is physically suitable for the proposed type of development because the site is relatively level and an environmental assessment of the site did not find any soil or geologic conditions that would make the site physically unsuitable for development. As the site is not subject to soil and/or geologic conditions indicating substrate instability, the site is suitable for the architectural design of the proposed development which is compatible with the character of the surrounding neighborhood

(d) That the site is not physically suitable for the proposed density of development.

The site is physically suitable for the proposed density of development because it is located within a developed urban area and will be served by existing adequate public utilities. The C-2 zone does not have minimum parcel size or width requirements. No development is proposed at this time; however, the Project as designed and conditioned would allow future development which could meet all applicable development standards.

(e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The Project would not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because no listed species are known or expected to occur at the project site and the project site is not considered to be conducive to important biological resources or their habitat. Additionally, the project site does not have any natural standing bodies of water, riparian habitat, or other sensitive natural communities. Federally protected wetland communities are not thought or known to exist on the site and the project site is not located within a Biological Resources Area which is known or thought to meet habitat needs for plants and animals or promote wildlife

(f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.

The design of the subdivision or type of improvements is unlikely to cause serious public health problems as the Project involves no development at this time; however, the Project as designed and conditioned would allow future development which could meet all applicable development standards. However, potentially hazardous materials such as fuels, lubricants, and solvents would be used during grading and construction of a future project, but their use and disposal would be to applicable standards and law so as to not create environmental or health issues. The design of the subdivision is not likely to cause serious public health problems because, as indicated by Finding 2.a above, it would utilize existing adequate public utilities, namely water and sewer.

(g) That the design of the subdivision or the type of improvements will conflict with

easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

The design of the subdivision does not conflict with easements, acquired by the public-at-large, for access through or use of property within the subdivision because, as conditioned, no buildings would be located in the area of the existing public utilities easements, all blanket easements or other easement that are no longer needed by the City shall be abandoned, and there is no need for new or additional easement(s) for the public-at-large.

The Planning Commission of the City of Oxnard finds that the proposed division of land complies with requirements established by the Subdivision Map Act and this chapter, 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 hereby approves of the parcel map waiver and authorizes the Planning Director to review and sign the Certificate of Approval for Parcel Map Waiver, subject to the conditions incorporated into this Resolution.

SECTION 3. Based on the findings set forth herein, the Planning Commission hereby recommends the City Council approve Planning and Zoning Permit No. Tentative Parcel Map for a parcel map waiver (Planning and Zoning Permit No. 17-300-05, subject to the attached conditions of approval.

SECTION 4. The Secretary shall certify the adoption of this Resolution.

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
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GENERAL PROJECT CONDITIONS

1. This permit is granted for the property described in the application on file with the Planning Division, and may not be transferred from one property to another. (PL, *G-1*).
2. This permit is granted for the plans dated October 3, 2018, (“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. 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*).
5. 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

6. 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*)
7. Prior to recordation of a Final Map, 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 for Parcel A with the understanding that Parcel B will be addressed when developed. An electrical engineer shall prepare the site lighting plan demonstrating that adequate lighting ranges, per City Code, will be provided for Parcel A without creating light spillover, light pollution, or conflicts with surrounding factors such as tree locations, off-site or adjacent lighting. (PL)
8. 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*)

9. 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*)

PLANNING DIVISION SPECIAL CONDITIONS

10. Approved tentative map for a Parcel Map Waiver shall expire thirty-six (36) months after its approval if a Certificate of Approval for the Parcel Map Waiver is not recorded with the Ventura County Recorder's Office. (PL)

11. The developer shall submit plans to resurface and restripe the parking areas of parcel A. At a minimum, the restriping plan will include 67 parking spaces. Three of the spaces must be ADA compliant to include one of the spaces being van accessible. One of the spaces must be a motorcycle parking space. The motorcycle parking space shall include a concrete pad and be labeled or include signage designating it as a motorcycle space. The restriping shall also include the designation of two 12' x 40' dedicated loading zones. The plans will also indicate striping or improvements that create an ADA compliant pedestrian path of travel from A Street and from Saviers Road to the front of the existing commercial building. Additionally, the plans shall include the installation of one or more ADA compliant ramps to the sidewalk along the existing store frontage. Finally, the plans shall include the installation of 2 long-term bicycle parking lockers and bike racks to accommodate 8 short-term bicycles. The short-term bike parking shall be evenly distributed into four groups along the frontage of the commercial building. Prior to approval of a parcel map the developer shall obtain all necessary permits and complete all required on-site improvements and have a Planner conduct a final inspection of said improvements.

12. All existing reciprocal access and parking agreements for the site with adjacent sites will remain in full force and effect and shall apply to Parcels A and B created by this Tentative Parcel Map. Said easements can only be vacated with the consent of all parties to include the City of Oxnard as the regulating authority. The easements cannot be vacated until alternatives are devised and approved by the City to accommodate parking and circulation on adjacent sites.

13. Prior to City's issuance of the Certificate of Approval for Parcel Map Waiver, Subdivider shall provide proof of recordation of a reciprocal access and parking agreement that is acceptable to the City Attorney's office for the proposed site affected by the newly created Parcels A & B. (PL)

14. Subdivider shall establish a property owner's association and the association shall be responsible for the maintenance of parking, landscaping, lighting and other common areas and facilities held in common by the association and for the enforcement of CC&Rs related to property maintenance.

15. Subdivider shall submit to Planning staff an application and exhibits required for the Certificate of Approval of Parcel Map Waiver. Planning staff shall prepare the Certificate of Approval for Parcel Map Waiver, and the Subdivider shall record the Certificate of Approval for Parcel Map Waiver with the Ventura County Recorder's Office. (PL)

16. These conditions of approval impose specific fees, dedications, reservations and/or other exactions. Pursuant to Government Code Section 66020, the 90-day period in which the Developer or applicant has to protest the imposed fees, dedications, reservations and/or other exactions has begun as of the date that the conditions of approval are approved.

ENVIRONMENTAL RESOURCES DIVISION

17. The developer will install on Parcel A a trash enclosure to serve the existing commercial building per City standards for trash enclosures. The location of the enclosure should be included on the restriping plans required in condition 11. The size and location of the trash enclosure shall be reviewed and approved by the Environmental Resources Division.

DEVELOPMENT SERVICES DIVISION STANDARD CONDITIONS

18. 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 permit issuance. (DS-1)

19. Developer shall have the site improvement plans prepared using standard Development Services Division format(s) 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 ink-on-mylar plans filed with the Development Services Division. (DS-3)

20. Developer's site improvement plans shall include an onsite sewer plan. (DS-10)

21. Prior to issuance of a site improvement permit, the Developer shall provide to the Development Services Division a compact Disc (CD) containing digital copies of all project maps, address map, and/or civil improvements drawings in DWG format. Prior to improvement bond release, the Developer shall provide an updated CD containing all changes that occur during construction. (DS-16)

22. Developer agrees, as a condition of approval of this resolution, to indemnify, defend and hold harmless, at the Developer's expense, City and its agents, officers and employees from and against any claim, action or proceeding commenced within the time period provided for in Government Code Section 66499.37, to attack, review, set aside, void or annul the approval of this resolution or to determine the reasonableness, legality or validity of any condition attached thereto. City shall promptly notify Developer of any such claim, action or proceeding of which City receives notice, and City will cooperate fully with Developer in the defense thereof. Developer shall reimburse City for any court costs and attorney's fees that City may be required

to pay as a result of any such claim, action or proceeding. City may, in its sole discretion, participate in the defense of any such claim, action or proceeding, but such participation shall not relieve Developer of the obligations of this condition. Developer's acceptance of this resolution or commencement of construction or operations under this resolution shall be deemed to be an acceptance of all conditions thereof. (DS-18)

23. 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)

24. Developer shall pay the cost of all inspections of onsite and offsite improvements. (DS-22)

25. Developer shall be responsible for all project related actions of Developer's employees, contractors, subcontractors, and agents until City accepts the improvements. (DS-23)

26. Prior to beginning construction, the 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 the 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)

27. Prior to approval of the final map or parcel map, the Developer shall provide the City Engineer with written evidence from the Ventura County Clerk's Office that Developer has executed and filed with the Clerk all certificates, statements and securities required by Government Code Sections 66492 and 66493. (DS-26)

28. "Standard Specifications for Public Works Construction" latest edition (including modifications thereto by City) and applicable City Standard Plates and Design Criteria 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, the Developer shall comply with and conform to any and all upgraded, additional or revised specifications, plans, ordinances, policies and standards. (DS-27)

29. Developer shall dedicate to the City all water rights for the project property by title sheet dedication on the final map or parcel map. (DS-39)

30. 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)

31. Prior to release of the final map or parcel map for recordation, the Developer shall provide the City Engineer with a 100 scale base map for addressing purposes. The map shall be drawn on 18 inch by 24 inch mylar and shall show the standard address map title block, north arrow, street names, tract number, phase boundary and lot numbers. The City will assign all addresses. (DS-56)

32. Prior to release of the final map or parcel map for recordation, the Developer shall post security satisfactory to the City Attorney guaranteeing that all survey monuments will be set as required by the Government Code and the City Code. (DS-57)

33. Prior to issuance of a grading, building or demolition permit and prior to commencement of any clearing, grading or excavation, Developer shall prepare a Local Stormwater Pollution Prevention Plan ("Local SWPPP"). The Local SWPPP shall be developed and implemented in accordance with the requirements of the Ventura Countywide MS4 Permit. The Local SWPPP shall be approved by the City Engineer prior to issuance of a site improvement/grading permit. Developer shall keep the Local SWPPP updated to reflect current site conditions and a copy of the Local SWPPP shall be kept onsite and available for City or designated representative to review upon request. (DS-87)

DEVELOPMENT SERVICES DIVISION SPECIAL CONDITIONS

34. In accordance with Government Code (Subdivision Map Act) Section 66411.1, Developer shall record an agreement that indicates the requirement for construction of onsite and offsite improvements prior to issuance of a permit or other grant of approval for any new development on any parcel of this parcel map. The required onsite and offsite improvements include: a) An onsite private sewer lateral serving proposed Parcel A and Parcel B generally as indicated on the tentative parcel map; b) A connection from the onsite private sewer lateral to the existing public sewer main in the nearby alley west of Saviers Road; c) Onsite private drainage infrastructure to eliminate cross-lot drainage between Parcels A and B unless an agreement is recorded between the affected parcels allowing for mutual conveyance of stormwater. Recordation of the referenced agreement is not required if the improvements are constructed prior to recordation of the parcel map. (DS)

35. All onsite sewer improvements shall be privately owned and maintained. (DS)

36. Developer shall provide evidence of approval of a Public Utility Easement owner before constructing additional facilities within the easement. (DS)

37. Developer shall construct all under-sidewalk (parkway) drains within the public right-of-way in accordance with City Standard Plate 124. (DS)

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 21st day of November, 2019, by the following vote:

Deidre Frank, Chair

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Oxnard at a meeting held this 21st day of November 2019, and carried by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioner(s):

Scott Kolwitz, Secretary

**PLANNING COMMISSION
MEMORANDUM**



TO: Planning Commission

FROM: Scott Kolwitz, Planning and Environmental Services Manager
Chris Williamson, AICP, Consultant Planner

DATE: November 21, 2019

SUBJECT: Rio Urbana Development Project: Requests for Planning and Zoning Permit Nos. 17-610-01(Annexation); 17-620-01 (General Plan Amendment), 17-560-01 (Pre-Zoning), 17-300-03 (Tentative Subdivision Map for Tract No. 5998), 17-500-13 (Special Use Permit – Residential), 17-500-05 (Special Use Permit - Office), 17-535-02 (Density Bonus), and Mitigated Negative Declaration (MND) No. 2017-04. Located at 2714 East Vineyard Avenue.

At the meeting of October 3, 2019, the Planning Commission received staff's presentation for the proposed Rio Urbana Development (Project) that required approvals for Annexation to the City of Oxnard (City), a General Plan Amendment, Pre-Zoning, a Tentative Subdivision Map, two Special Use Permits, a Density Bonus, and a Mitigated Negative Declaration (MND). In the deliberation that followed, Planning Commissioners raised several issues, asked specific questions that could not be readily addressed, and subsequently voted to continue the item to the Planning Commission's November 7, 2019 meeting as reflected in the Draft October 3, 2019 meeting minutes (Attachment A). The November 7, 2019 meeting was subsequently canceled due to unavailability of the Council Chambers, and the Planning Commission's meeting was rescheduled to November 21, 2019. As a continued agenda item, no additional mailed or published public notices were required. The on-site hearing notice signs were updated to indicate the November 21, 2019 continued hearing.

The Planning Commission may proceed with deliberation, conduct a public hearing, and consider a decision, at its pleasure. There are no changes to the Project's proposed site and civil plans or building designs and elevations distributed for the October 3, 2019 meeting.

The Planning Commissioners' issues and questions are posed below as questions and grouped by topic. Responses and/or references to attachments are provided by the applicant (Rio School District and The Pacific Companies), applicant's consultants, and / or City staff, as noted.

Traffic and Traffic Impact Fees:

- What does LOS actually measure?

Volume/Capacity Ratio (V/C) and LOS are widely used metrics for signalized intersections. Capacity is the number of average-size vehicles proceeding at an allowed speed within a traffic lane in the “green” time allotted by the signal, and overall signal cycle timing. The metric is ‘vehicles per hour (vph).’ Volume is the actual count of vehicles during the weekday am and pm peak periods. The volume to capacity ratio (V/C) is the mathematical result of dividing volume by capacity. For example, if the capacity is 100 vph and the actual count (volume) is 120 vehicles, the resulting V/C ratio is “1.2:1”, or just “1.2.” A V/C ratio over “1” is over capacity resulting in delays, and is assigned LOS “F.” Conversely, a V/C ratio of “0.5” shows that half the capacity is actually used, and is assigned LOS “A” with no delays. Slow drivers, trucks and busses, and weather may also create delay unrelated to the traffic signal.

For four-way signalized intersections with through, right, and left turn lanes, the V/C and LOS is an aggregated metric for all traffic movements in all directions. A signalized left turn may be over capacity at rush hour, meaning drivers wait more than one light cycle, but the through and right turn traffic is below capacity, moving freely. The overall LOS could be “A” even though one or two turning movements are “F.”

- When were the traffic counts taken?

The traffic counts used in the traffic study that was incorporated into the October 3, 2019 staff report and Mitigated Negative Declaration 2017-04 were completed on March 15, 2017. In response to questions received by the Planning Commission on October 3, 2019, new counts were completed on October 17, 2019.

- Are the Levels-of-Service (LOS) for the Vineyard/Ventura Avenue/Riverpark Boulevard intersection accurate? LOS “A” seems unrealistic.

Associated Traffic Engineers (ATE) completed new traffic counts on October 17, 2019, a Thursday, and recalculated the V/C Ratio and assigned the LOS “grade” for the Vineyard/Ventura Avenue/Riverpark Boulevard intersection using the City of Oxnard’s adopted V/C metrics. The Vineyard/Ventura Avenue/Riverpark Boulevard intersection morning and afternoon peak periods remain LOS “A” even though drivers may be delayed making signalized left-lane turns.

- Is the LOS consistent with other traffic studies?

The 2030 General Plan citywide traffic model was last calibrated and run in 2012 and the results indicated that Vineyard/Ventura Avenue/Riverpark Boulevard intersection is forecasted at LOS A in the morning and LOS C in the afternoon. The recent Campus at Topa Towers (2017) project traffic study included the Vineyard/Ventura Avenue/Riverpark Boulevard intersection also calculated LOS “A.”

- What Vineyard Avenue improvements were completed by the Riverpark project?

Vineyard Avenue was widened on the southbound side, and signals were modified between Forest Park Boulevard and Carnegie Street. Widening and signal modifications were also made at Riverpark Boulevard and Vineyard/Ventura Avenue/Riverpark Boulevard intersection.

- Are there adequate sidewalks connecting the Project to Stroube Street?

There is a paved sidewalk from the corner of Rio School Lane to Stroube Street that meets ADA standards and is considered adequate for use by Project residents.

- What is the project's estimated traffic impact fee? The City's Traffic Impact Fee for the Rio Urbana Development project would be calculated on the per residential unit and per 1,000 gsf of office space rates in effect at the time of issuance of building permits. As of September 2018, the "per condominium rate" is \$6,278.00 and the per 1,000 gsf of office space rate is \$7,899. Based on the project description, the residential traffic fee for 167 condominiums would be approximately \$1,048,426.00 and the 15,000 gsf office building fee would be \$118,485.00. The combined traffic fee would be \$1,166,911.00.

Project Design Components:

The Planning Commission asked the applicant to consider modifying six project design components. Staff provides a response in this memo, and the Applicant provided a more detailed response (Attachment C).

- Could elevators be added, perhaps to selected buildings, considering the Project amenities emphasize families for whom using staircases with strollers would be very difficult?

The Applicant does not plan to add elevators to any of the buildings.

- Could additional solar panels be incorporated into the roofs or on carports? Does the State have a solar panel requirement?

Solar panels will be installed on the eight residential buildings. There are no plans to add carport structures which are not required. There is no State requirement to include solar panels on any of the Project structures at this time. The California Buildings Standards Commission does require multifamily projects to be on low-rise multifamily buildings starting January 1, 2020.

- Can a swimming pool be introduced into the Project?

The applicant does not intend to incorporate a swimming pool at this time.

- Can the palm trees be removed from the Project?

Yes. A different type of palm tree or another species will be used in the landscape plan submitted as part of plan check.

- Could three additional moderate-income units be included?

Yes, the Applicant will add three additional moderate for-sale units to the 17 already designated, for a total of 20 affordable units.

- Is there an agreement with Vallarta Market for pedestrian access? How will shopping carts be managed at the connection point?

Yes. A recorded Property Access Agreement will be executed with Vallarta Markets.

Mitigated Negative Declaration 17-04:

Corrections and clarifications were made to the pages indicated below and are included within the MND (Attachment D). No new significant information has been added to the MND. None of the corrections or clarifications resulted in 1) a new significant environmental impact or mitigation measure or 2) an increase in the severity of an environmental impact. In short, the corrections and clarifications have not changed any of the outcomes or conclusions or mitigations in the MND. The entire MND with comments and responses to comments, as amended below, will be reprinted for the City Council:

Staff initiated corrections and clarifications:

- Cover Revised date from September to November, 2019
- Page 1 Added a short introduction at the top of the page.
- Pages 44-45 Added information to discussion of drainage compliance.
- Pages 62-63 Copied information related to police and fire service from Response 3.3
- Page 79 Added a sentence before Project Effects and Mitigation to emphasize mitigation measure W-1.
- Page 80 Added reference to update the conclusion regarding capacity in the City sewer line to serve the project.

Planning Commission initiated corrections and clarifications:

- Clarify/correct water supply discussion.
The water supply discussion is updated to indicate that the proposed transfer of groundwater pumping allocations from the Rio School District to the City is adequate to meet Project potable water demand. The Rio School District would apply to the Fox Canyon Groundwater Management Agency to approve the permanent transfer. Attachment D (pages 75 and 79) includes the amended MND 2017-04 page showing changed text related to this topic.
- Clarify/correct wastewater/sewer line capacity information.
The wastewater trunk line capacity discussion is updated to indicate that testing found adequate capacity. Attachment D (page 80) includes the amended MND 2017-04 page showing changed text related to this topic.
- Clarify/correct storm drain capacity information.

The storm drain capacity discussion is updated to indicate that the Project will not result in an increase in stormwater runoff compared to the existing property under the precipitation volume/storm event planning scenario required by the Watershed Protection District. Attachment D (page 45) includes the amended MND 2017-04 page showing changed text related to this topic.

- Augment the Public Safety (Police and Fire) discussion.

In the 2018 Municipal Services Review for the City of Oxnard, LAFCO indicated that the City employed 0.67 firefighters for every 1,000 residents (up from a ratio of 0.48 in 2000). The Police Department employed one officer for each 831 residents (LAFCO 2018:pages 11-12).

With respect to fire service, the project site is less than one mile from the City of Oxnard Fire Station No. 7, located at 3300 Turnout Park Circle. This proximity would allow a travel time well within the goal of 4 minutes. The City provides police services directly, including community patrol, criminal investigation, emergency communications, animal safety, and support services. The project site is located within Police Beat 14, Riverpark District. . Attachment D (page 63) includes the amended MND 2017-04 pages showing changed text related to these topics.

Entitlements:

- All Planning Commission Resolutions (Attachments D through I) have been updated to reflect multiple hearing dates and an approval date of November 21, 2019.
- Include “Residential” SUP Condition No. 229 within the “Office” SUP (Attachment H).

The conditions has been added and numbered “189.” Subsequent conditions have been renumbered accordingly.

- The Residential SUP (Attachment I) Condition No. 2 is amended to allow for the addition of elevators, a swimming pool, and/or roof alterations to accommodate solar panels or reduce height during the plan check process, provided the Planning Manager finds the proposed changes are in substantial conformance with the planning entitlements. The added text is:

The following project changes may be reviewed and approved during the plan check process and do not individually or cumulatively require a Minor or Major Modification permit subject to a substantial conformity finding by the Planning Manager and payment of incurred staff review time:

- *Addition of a elevators in any residential structure, and related changes to the floor plan, roof plan and elevations;*
- *Addition of a swimming pool and related changes to the site plan, utilities, lighting, irrigation, and landscape plans;*
- *Modifications to the pedestrian connection to the Vallarta Market property and related changes to the site plan, paving, utilities, lighting, irrigation, and landscape plans; and*
- *Modifications to roof structure design to either reduce overall height and/or incorporate solar panels and related equipment. (PL, G-2 modified)*

ATTACHMENTS:

- A. Draft October 3, 2019 meeting minutes.
- B. Associated Traffic Engineers' October 17, 2019 Traffic Counts and LOS.
- C. Applicant's October 16, 2019 "Response to Planning Commission Hearing Comments"
- D. MND 2017-04 Corrections and Clarifications
- E. Annexation, General Plan Amendment, City Council District Boundaries Resolution
- F. Pre-Zoning Resolution
- G. Tentative Subdivision Map and Density Bonus Resolution
- H. Special Use Permit - Office Resolution
- I. Special Use Permit - Residential Resolution

A. Draft October 3, 2019 meeting minutes.

MINUTES
OXNARD PLANNING COMMISSION
REGULAR MEETING
October 3, 2019
DRAFT

A. ROLL CALL

At 6:01 p.m., the regular meeting of the Oxnard Planning Commission convened in the Council Chambers. Chair Frank, Vice Chair Chua, Commissioners Chavez, Dozier, Meyer and Sanchez were present. Commissioners Fuhring was absent. Staff members present were Jeffrey Lambert, Community Development Director; Scott Kolwitz, Planning & Environmental Services Manager; Chris Williamson, Consulting Planner; Ken Rozell, Chief Assistant City Attorney; Ryan Kim, City Traffic Engineer; and Maria Santana, Recording Secretary. Chair Frank presided and called the meeting to order.

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

Commissioner Meyer led the pledge of allegiance.

C. Public Comments – On Items Not On the Agenda

No public comments were received for items not on the agenda.

D. CONSENT AGENDA

1. APPROVAL OF MINUTES September 5, 2019

MOTION: Commissioner Chavez moved and Commissioner Sanchez seconded a motion to approve the minutes of September 5, 2019, with the following two edits:

1. Modify references to the date from August 1, 2019 to August 15, 2019
2. Modify references to Commissioner Meyer from absent to being present for votes and voting In Favor for Items E.1.

Chair Frank, Vice Chair Chua, Commissioners Chavez, Dozier, Meyer and Sanchez voted in favor. Commissioner Fuhring was absent. The motion carried 6:0:1:0¹.

E. PUBLIC HEARING

1. **Project Name: Rio Urbana Development** – PLANNING AND ZONING PERMIT PZ NO. NOS. 17-610-01 (Annexation); 17-620-01 (General Plan Amendment), 17-560-01 (Pre-Zoning), 17-300-03 (Tentative Subdivision Map for Tract No. 5998), 17-

¹ In Favor: Against: Absent: Recused

500-05 (Special Use Permit – Office), 17-500-13 (Special Use Permit - Residential), and 17-535-02 (Density Bonus): requests to annex a 10.24 acre parcel located at 2714 East Vineyard Avenue (APN 145-0-232-010) to the City of Oxnard, amend the General Plan land use designation to General Commercial; pre-zone to General Commercial-Planned Development (C-2-PD); subdivide and develop a 1.12 acre “Parcel 1” with a two-story, 15,000 gsf office building with 61 standard parking spaces; and a 9.12 acre “Parcel 2” with 167 one- to three-bedroom attached apartment condominiums in eight three-story structures (38 feet in height) that includes a fitness center, 17 low income deed-restricted units (10% of all units), 1,068 gsf recreation pavilion, four refuse structures, 169 resident garages, 163 surface parking spaces, 99 guest parking spaces, stormwater retention and treatment facilities, on-site utilities and off-site connections, landscaping, seven play areas and a tot lot, small dog run; relocate four Southern California Edison (SCE) 66kV power poles; and widen and improve Vineyard Avenue by 23 feet along the property frontage (48,999 sf dedication). The project will maintain parking and access to abutting properties along Rio School Lane which will become a drive aisle. A Density Bonus of two percent (2%) allows for three additional residential units and reduction of the interior yard space development standard from 30% to 24% of the parcel area. The Tentative Subdivision Map (TSM) for Tract No. 5998 creates Parcels 1 and 2 and 167 condominium parcels and a common area parcel on Parcel 2. Filed by Rio School District, 2500 E. Vineyard Ave., Oxnard, CA and The Pacific Companies, 430 E. State Street #100, Eagle, Idaho.

Project Planner: Chris Williamson, Consulting Planner

Recommendation:

That the Planning Commission:

- a) Adopt a resolution recommending that the City Council adopt Mitigated Negative Declaration (MND) 2017-04 and approve Planning and Zoning Permit No. 17-610-01 (Annexation) to add the project area to Oxnard municipal boundaries within City Council District No. 2; and Planning and Zoning Permit No. 17-620-01 (General Plan Amendment) to change the land use designation from School to Commercial General, and
- b) Adopt a resolution recommending that the City Council approve Planning and Zoning Permit No. 17-560-01 (Pre-Zoning) to General Commercial Planned Development (C2-PD), and
- c) Adopt a resolution recommending that the City Council approve Planning and Zoning Permit Nos. 17-300-03 (Tentative Subdivision Map for Tract No. 5998), and 17-535-02 (Density Bonus), subject to certain findings and conditions, and
- d) Adopt a resolution Approving Planning and Zoning Permit No. 17-500-05 (Special Use Permit - Office), subject to certain findings and conditions, and
- e) Adopt a resolution Approving Planning and Zoning Permit No. 17-500-13 (Special Use Permit – Residential), subject to certain findings and conditions.

Planning Commissioners did not have any ex parte communications to report for item E.1.

Consulting Planner Chris Williamson provided a PowerPoint presentation outlining the request.

Tony Talamante (Pacifica Companies & Talamante Project Delivery) and Joel Kirschenstein (El Rio School District Representative), did not provide a PowerPoint presentation; however, they responded to questions.

Chair Frank opened the public comments portion of the public hearing, but no members of the public provided verbal or written comments. Chair Frank closed the public comments portion of the public hearing.

Discussion ensued among the Commissioners and staff.

MOTION: Commissioner Chavez moved and Commissioner Dozier seconded a motion motion to continue the **Rio Urbana Development** PZ Nos. 17-610-01 (Annexation); 17-620-01 (General Plan Amendment), 17-560-01 (Pre-Zoning), 17-300-03 (Tentative Subdivision Map for Tract No. 5998), 17-500-05 (Special Use Permit – Office), 17-500-13 (Special Use Permit - Residential), and 17-535-02 (Density Bonus to a date certain of November 7, 2019, with responses to the following comments to be provided:

1. Update the Mitigated Negative Declaration text to:
 - a. Clarify and correct the water supply discussion;
 - b. Clarify and correct the wastewater/sewer line capacity information;
 - c. Clarify and correct the storm drain capacity information;
 - d. Augment the Public Safety (Police and Fire) discussion; and
 - e. Clarify the Traffic Levels-of-Service (LOS) for the Vineyard/Ventura Avenue/Riverpark Boulevard intersection, identify when the traffic counts were taken, confirm traffic study consistency with other traffic studies, confirm what Vineyard Avenue improvements were completed by the RiverPark project, confirm the adequacy of sidewalks connecting the Project to Stroube Street, identify what improvements were considered for Stroube Street (such as high visibility crosswalks and speedbumps), and identify Traffic Impact Fees.
2. The applicant is asked to consider modifying the following six Project design components:
 - a. Could elevators be added, perhaps to selected buildings, considering the Project amenities emphasize families for whom using staircases with strollers would be very difficult?
 - b. Could additional solar panels be incorporated into the roofs or

- on carports? Does the State have a solar panel requirement?
- c. Can a swimming pool be introduced into the Project?
- d. Can the palm trees be removed from the Project?
- e. Could three additional moderate-income units be included resulting in 20 total Affordable units within the Project?
- f. Is there an agreement with Vallarta Market for pedestrian access? How will shopping carts be managed at the connection point?
- 3. Update the Office SUP Resolution (PZ 17-500-05) to include the following Condition of Approval:
 - a. Developer shall place existing overhead utility lines on and adjacent to the project underground in accordance with City Code in effect at the time City issues a grading/site improvement permit. The current City Code does not require the placement of lines conducting in more than 33kv underground. Prior to issuance of the grading/site improvement permit, Developer shall post security satisfactory to the Finance Director guaranteeing utility relocation including the cost of any required pole relocation.

VOTE: Chair Frank, Vice Chair Chua, Commissioners Chavez, Dozier, Meyer and Sanchez voted in favor. Commissioner Fuhring was absent. The motion carried 6:0:1:0².

F. STUDY SESSION/REPORTS

None.

G. PLANNING COMMISSION BUSINESS

None.

H. PLANNING MANAGER COMMENTS

Scott Kolwitz, Planning & Environmental Services Manager, announced:

1. The City provided Regional Housing Needs Assessment (RHNA) comments to the Southern California Association of Governments (SCAG) on September 11, 2019, identifying concerns with RHNA methodologies. A series of SCAG and California Department of Housing and Community Development (HCD) RHNA meetings are scheduled between October 7, 2019 and November 7, 2019. Final RHNA numbers in February 2020.
2. The City Council's Housing and Economic Development Committee reviewed the Short Term Vacation Rental (STR) Ordinance on September 24, 2019. The STR item will be heard by the City Council on November 5, 2019.

² In Favor: Against: Absent: Recused

3. The City Council approved the first reading of the Citywide General Plan Consistency Zone Change Program Ordinance on October 1, 2019. The second reading of the Ordinance is scheduled for October 15, 2019.
4. The Planning Commission's next meeting is scheduled for October 17, 2019.

I. ADJOURNMENT

At 8:59 p.m., the Planning Commission concurred to adjourn.

Deirdre Frank, Chair

ATTEST:

Jeffrey Lambert, Community Development Director

B.
Associated Traffic Engineers' October 17, 2019
Traffic Counts and LOS.

RIO URBANA (#17053)

REF: 03 AM

INTERSECTION CAPACITY UTILIZATION WORKSHEET

COUNT DATE: 10/17/019

TIME PERIOD: A.M. PEAK HOUR

N/S STREET: VINEYARD AVENUE

E/W STREET: RIVERPARK BOULEVARD

CONTROL TYPE: SIGNAL

TRAFFIC VOLUME SUMMARY

VOLUMES	NORTH BOUND			SOUTH BOUND			EAST BOUND			WEST BOUND		
	L	T	R	L	T	R	L	T	R	L	T	R
(A) EXISTING:	177	938	323	107	928	49	38	97	359	232	54	55

GEOMETRICS

LANE GEOMETRICS	NORTH BOUND			SOUTH BOUND			EAST BOUND			WEST BOUND		
	LL	TT	TR	L	TT	TR	LT	RR		L	LT	R

TRAFFIC SCENARIOS

SCENARIO 1 = EXISTING VOLUMES (A)

SCENARIO 2 = EXISTING + PROJECT VOLUMES (A+B)

SCENARIO 3 = CUMULATIVE (C)

SCENARIO 4 = CUMULATIVE + PROJECT VOLUMES (B+C)

LEVEL OF SERVICE CALCULATIONS

MOVE- MENTS	# OF LANES	CAPACITY	SCENARIO VOLUMES				SCENARIO V/C RATIOS					
			1	2	3	4	1	2	3	4		
NBL	2	3200	177				0.055					
NBT	3	4800	938				0.263 *					
NBR	0	0	323				-					
SBL	1	1600	107				0.067 *					
SBT	3	4800	928				0.204					
SBR	0	0	49				-					
EBL	0	0	38				-					
EBT	1	1600	97				0.084					
EBR	2	3200	359				0.112 *					
WBL	0	0	232				-					
WBT	3	4800	54				0.071 *					
WBR	0	0	55				-					
TOTAL INTERSECTION CAPACITY UTILIZATION:							0.51					
SCENARIO LEVEL OF SERVICE:							A					

NOTES:

RIO URBANA (#17053)

REF: 03 PM

INTERSECTION CAPACITY UTILIZATION WORKSHEET

COUNT DATE: 10/17/019

TIME PERIOD: P.M. PEAK HOUR

N/S STREET: VINEYARD AVENUE

E/W STREET: RIVERPARK BOULEVARD

CONTROL TYPE: SIGNAL

TRAFFIC VOLUME SUMMARY

VOLUMES	NORTH BOUND			SOUTH BOUND			EAST BOUND			WEST BOUND		
	L	T	R	L	T	R	L	T	R	L	T	R
(A) EXISTING:	390	1027	234	59	1065	99	63	75	369	357	144	73

GEOMETRICS

LANE GEOMETRICS	NORTH BOUND			SOUTH BOUND			EAST BOUND			WEST BOUND		
	LL	TT	TR	L	TT	TR	LT	RR		L	LT	R

TRAFFIC SCENARIOS

SCENARIO 1 = EXISTING VOLUMES (A)

SCENARIO 2 = EXISTING + PROJECT VOLUMES (A+B)

SCENARIO 3 = CUMULATIVE (C)

SCENARIO 4 = CUMULATIVE + PROJECT VOLUMES (B+C)

LEVEL OF SERVICE CALCULATIONS

MOVE- MENTS	# OF LANES	CAPACITY	SCENARIO VOLUMES				SCENARIO V/C RATIOS				
			1	2	3	4	1	2	3	4	
NBL	2	3200	390				0.122 *				
NBT	3	4800	1027				0.263				
NBR	0	0	234				-				
SBL	1	1600	59				0.037				
SBT	3	4800	1065				0.243 *				
SBR	0	0	99				-				
EBL	0	0	63				-				
EBT	1	1600	75				0.086				
EBR	2	3200	369				0.115 *				
WBL	0	0	357				-				
WBT	3	4800	144				0.120 *				
WBR	0	0	73				-				
TOTAL INTERSECTION CAPACITY UTILIZATION:							0.60				
SCENARIO LEVEL OF SERVICE:							A				

NOTES:

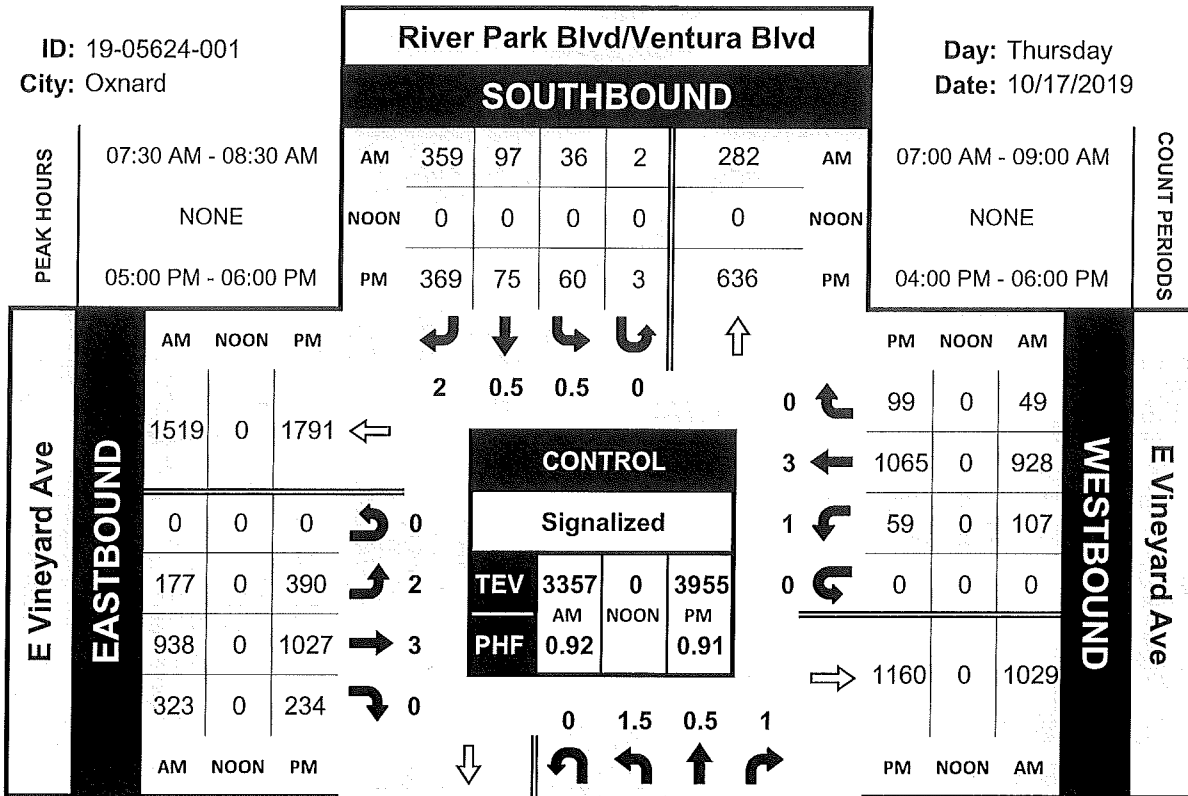
Printed: 10/25/19

River Park Blvd/Ventura Blvd & E Vineyard Ave

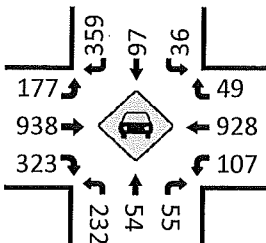
Peak Hour Turning Movement Count

ID: 19-05624-001
City: Oxnard

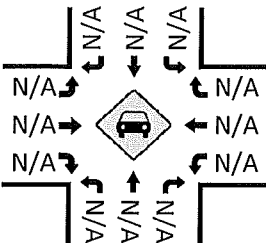
Day: Thursday
Date: 10/17/2019



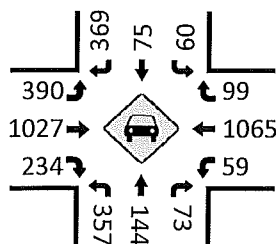
Total Vehicles (AM)



Total Vehicles (Noon)

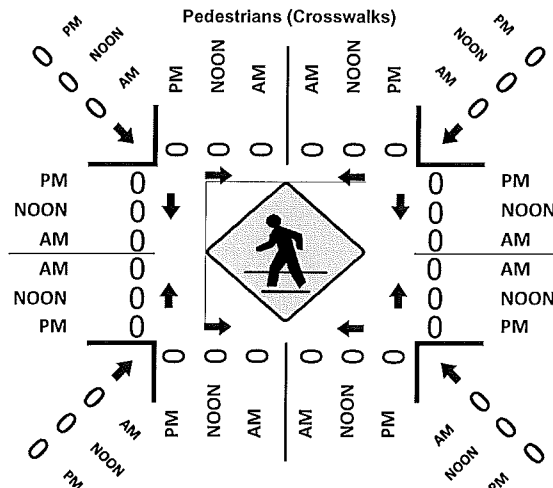


Total Vehicles (PM)

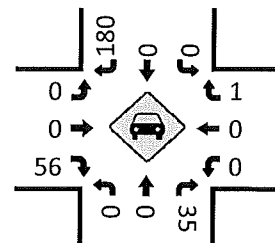


NORTHBOUND

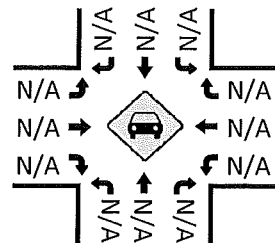
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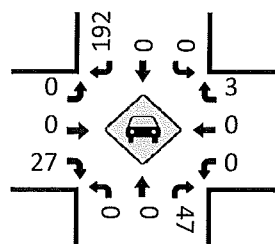
RTOR (AM)



RTOR (NOON)



RTOR (PM)



ITM Peak Hour Summary

Prepared by:

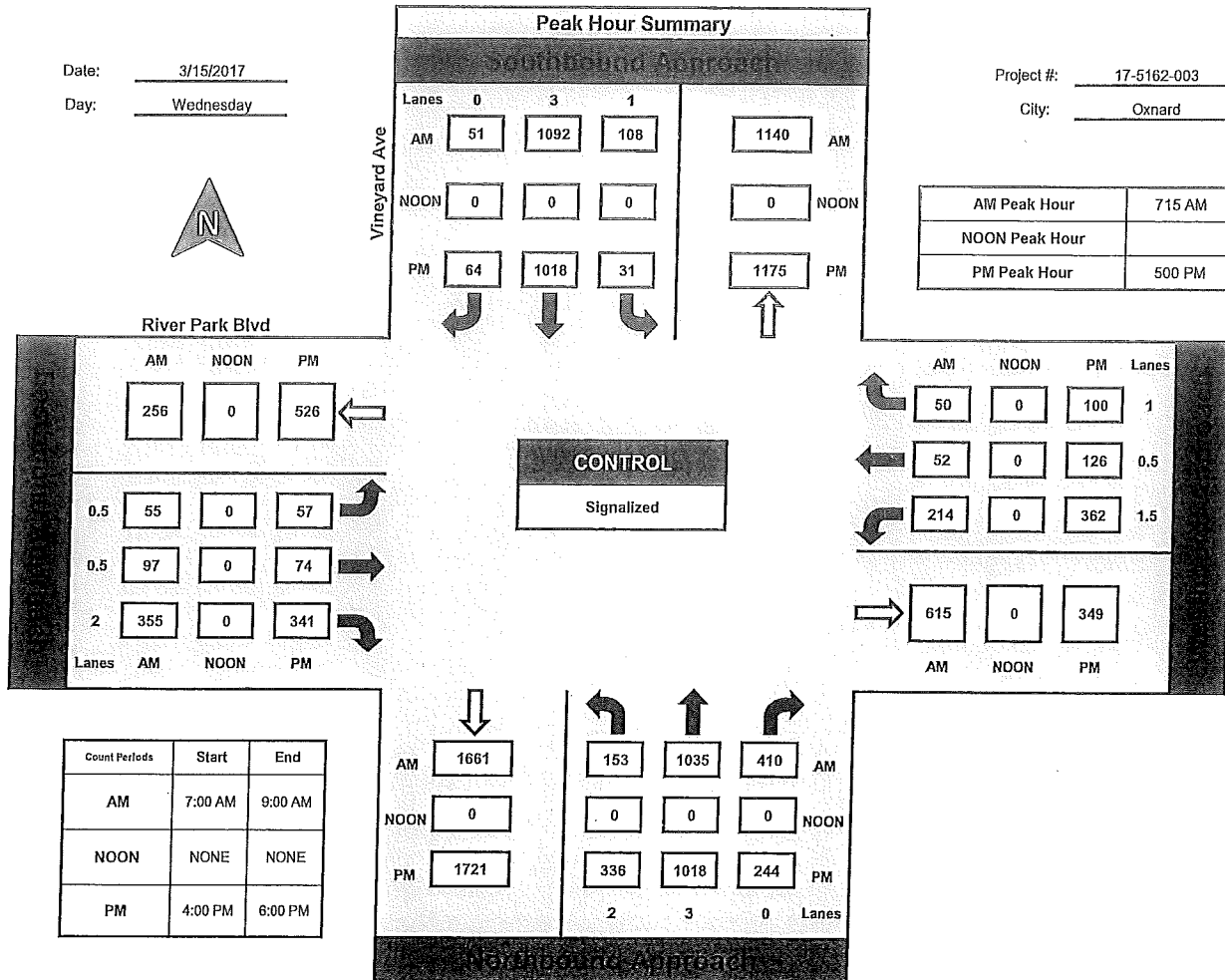


National Data & Surveying Services

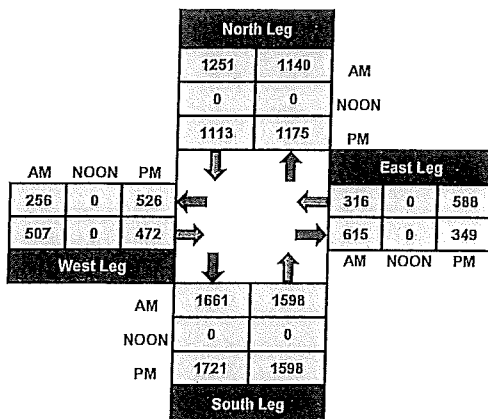
Vineyard Ave and River Park Blvd, Oxnard

Date: 3/15/2017
Day: Wednesday

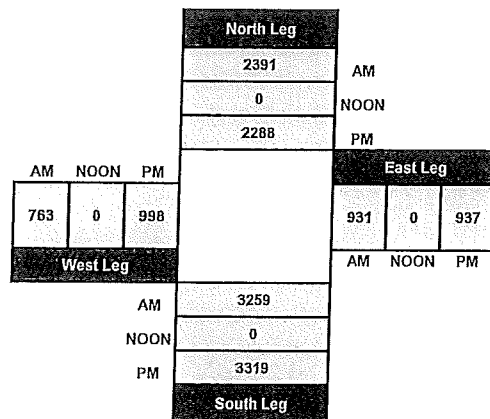
Project #: 17-5162-003
City: Oxnard



Total Ins & Outs



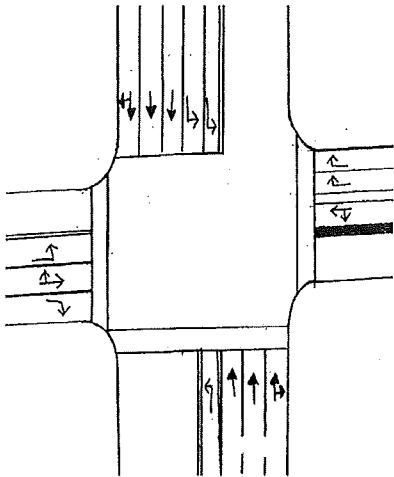
Total Volume Per Leg



Graphic Summary of Vehicle Movements

Job #: 19-5624-001	Date: 10/17/2019
N/S Street: River Park Blvd/Ventura Blvd	E/W Street: E Vineyard Ave
Counter:	City: Oxnard

↑
North



Control Type:

Signalized (V)	1-way Stop Sign ()	2-way Stop Sign ()	3-way Stop Sign ()	4-way Stop Sign ()
------------------	---------------------	---------------------	---------------------	---------------------

Lane Geometry:

NL	NT	NR	SL	ST	SR	EL	ET	ER	WL	WT	WR
1.5	0.5	1	0.5	0.5	2	2	3	0	1	3	0

Additional Notes:

Signal Phasing :- NL/NT

SL/ST

EL/WL

ET/WT

C.

**Applicant's October 16, 2019 "Response to Planning Commission
Hearing Comments"**

MEMORANDUM

Date: November 6, 2019

To: Scott Kowlitz, Planning Manager, City of Oxnard

From: Tony Talamante, Consultant and Project Applicant Representative, Pacific Companies

Copy: Jeff Lambert, Planning Director
Chris Williamson, Senior Planner, Consultant
Caleb Roope, Pacific Companies
Joel Kirschenstein, Consultant, Rio School District

Subject: Response to Planning Commission Hearing Comments,
October 3, 2019, Rio Urbana Project

Please find this Memorandum in response to questions and specific requests from the Planning Commission expressed at the October 3, 2019 hearing. The Project Applicant appreciates the questions and concerns discussed with the Planning Commission. The Commission requested the Project Applicant review the following items and potentially include in the project:

1. Add resident elevators to the buildings
2. Add solar panels to the roof or carport covers with solar panels
3. Add three additional affordable units for a total of twenty (20) units
4. Provide written confirmation to allow a resident pedestrian access through the property fence between the project and the Vallarta Market.
5. Remove palm trees that drop fronds.
6. Add a community swimming pool

Please find the following response:

1. Add resident elevators to the buildings

Response:

The for sale condominium unit buildings are three level and currently compliant with City and Building Code requirements. The proposed project objective is to construct the units of the highest quality to allow a market rate affordable project to the community. The addition of elevators to the buildings would require significant revision of the plans well beyond the location of an elevator, and extend to redesign for the entire building to be

compliant with all building code sections triggered by an elevator building. In addition it would have significant impact to long term affordability to residents due to the small number of units that would be responsible for the operation and maintenance of each elevator.

2. Add solar panels to the roof or carport covers with solar panels

Response:

Solar panels will be installed on the residential building roofs as indicated on the plans. The project architectural improvement plans will be submitted in compliance with the latest Title 24 requirements which go into effect in January 1, 2020

Covered car ports are not required or proposed for this project in order to maintain the estimated project construction costs and market sales pricing.

3. Add three additional affordable units for a total of twenty (20) units

Response:

Based on evaluation of project unit bedroom count and criteria for affordable units, the project will add three “moderate” income household units for a total of twenty (20) designated affordable units.

4. Provide written confirmation to allow a resident pedestrian access through the property fence between the project and the Vallarta Market.

Response:

Confirmation has been made Vallarta Market at the local and corporate level to allow a secure pedestrian gate through the improved property fence, see attached email confirmation. A recorded Property Access Agreement will be needed to identify how access and egress will occur and preventive measures to address grocery carts entering into the project through the gate. The gate access will be intended to allow secure resident access into the community from the Vallarta property.

5. Remove palm trees that drop fronds.

Response:

The current landscape design includes a small number of palm trees. The final design will either select a non-palm species for these locations, or substitute a palm species that does not drop fronds, as part of final landscape plan.

6. Add a community swimming pool

Response:

The current recreation and community area does not include a community private swimming pool. Due to the limited number of units in the community, the monthly forecast maintenance, and replacement costs, the Homeowners Monthly fees would be exceeding high. In addition the safety concerns for the residences would be of highest concern combined with the additional costs for liability insurance. In order to maintain homeowner association monthly fees at a projected and certain level, a swimming pool is not included.

D.
MND 2017-04 Corrections and Clarifications

Rio Urbana Project

Initial Study-Mitigated Negative Declaration

prepared by

City of Oxnard

Community Development Department

Planning Division

214 South C Street

Oxnard, California 93030

Contact: Chris Williamson, AICP

prepared with the assistance of

Rincon Consultants, Inc.

1530 Monterey Street, Ste. E

San Luis Obispo, California 93401

NovemberSeptember 2019



RINCON CONSULTANTS, INC.

Environmental Scientists | Planners | Engineers

rinconconsultants.com



CITY OF OXNARD CEQA INITIAL STUDY CHECKLIST

Introduction for the FINAL Initial Study-Mitigated Negative Declaration. The text in the Final Initial Study Checklist includes markings to insert additions and ~~deletions~~ from the draft that was circulated for public review from July 19 through August 19, 2019, and to indicate clarifications that have been made in response to questions from the Planning Commission on October 3, 2019.

Project Title: Rio Urbana Project (Tentative Subdivision Map No. 5998)

Lead Agency Name and Address:

City of Oxnard
Community Development Department
Planning Division
214 S. C Street
Oxnard, California 93030

City of Oxnard Contact Person and Phone Number:

Chris Williamson, AICP, Contract Planner
(805) 385-8156

Project Location:

2714 East Vineyard Avenue and Rio School Lane
Assessor's Parcel Number (APN) 145-0-232-01

Co-Applicants:

El Rio School District
2500 East Vineyard Avenue
Oxnard, California 93036

The Pacific Companies
430 East State Street, Suite #100
Eagle, Idaho 83616

Project Contacts:

Tony Talamante, P.E.
Caleb Roope

Oxnard General Plan Designation: SCH – School

Oxnard Zoning: N/A – Unincorporated (County of Ventura)

Project Description: The proposed project includes demolition of the existing school buildings onsite (formerly El Rio Elementary School) and subdivision of the approximately 10.5 acre parcel into two parcels. The project would develop 167 condominium units in eight, three-story buildings that include a

these existing requirements, would serve to mitigate the potential effects of the project on regional groundwater supplies.

With respect to potential localized effects on groundwater, Section 22-100 of the Oxnard Municipal Code requires that any existing water rights; groundwater pumping allocations from FCGWMA; and all wells, mains, easements and water production equipment or facilities, be assigned and transferred to the City of Oxnard. In addition, provisions of Article VII of the Municipal Code (starting at Section 22-110) regulate all well operations and require the destruction of any abandoned wells (Section 22-123). Because of these requirements, any wells that exist on the property and which may have been used in the past to serve the school facilities could not be used to serve the proposed development directly. For this reason, the project would not have any localized effects on groundwater withdrawals and would not adversely affect any other wells in the vicinity.

3. During operations of the project, surface water discharge would include minimal amounts of stormwater runoff generated during precipitation events. However, according to a letter prepared by Jensen Design & Survey, Inc. in January 2017 assessing required Ventura County Municipal Separate Storm Sewer Systems (MS4) permit compliance and on-site drainage, the project would increase stormwater flows on the project site. The MS4 compliance and drainage letter was revised in March 25, 2019, and is included in Appendix F of this Initial Study.

Given the nearly flat topography of the site, and landscaped and open space areas incorporated into the project design, precipitation would be expected to infiltrate or evaporate onsite more so than sheet flow over land and discharge offsite at substantial rates or volumes. The project would continue to use the existing stormwater system that is connected to the city's storm sewer system and consistent with applicable development standards and permits. The project would be subject to the requirements of a Ventura County MS4 permit. Site-specific BMPs would be designed by the contractor in compliance with all applicable regulations and conditions of the MS4 permit. More specifically, stormwater runoff would be directed to multiple inlets throughout the project site that connect to the onsite drainage system. The two proposed parcels (residential and office) would have individual drainage systems, a pollutant trap and separation unit, and an infiltration basin. Low flows entering the inlets would be routed through the separation unit before entering an infiltration basin. High flows that exceed the required volume of infiltration would be routed through the infiltration basin and released to the 54-inch City storm drain located in Vineyard Avenue. According to the MS4 compliance and drainage letter prepared for the project, this drain currently possesses excess capacity that would be sufficient to accommodate increased stormwater flows as a result of the project. The project would not include any unique components that would impact stormwater runoff quality. The project would also be required to comply with all standards requirements for a watercourse permit for potential project drainage effects on flows in the El Rio Drain, as implemented by the Ventura County Watershed Protection District, County of Ventura, and the City.

The County standard would require that the project not increase peak flows from 10-year, 25-year, and 100-year storms in the El Rio Drain. Section 202 of County Ordinance WP-2 requires County review and permit approval for any alteration in the characteristics of flow in channels under the County jurisdiction. Evidence of County review and issuance of written permission in compliance

with County Ordinance WP-2 will be required by the City prior to final approval of the project. Appendix F contains the updated drainage memo for the project prepared by Jensen Design & Survey, Inc., dated March 25, 2019. This study describes the combination of separation structures and infiltration systems that will keep peak flows from the developed project within current values and within the capacity of downstream drainage structures, consistent with requirements of both the City and the County of Ventura. Operation of the project would not be expected to violate any water quality standards or waste discharge requirements. The project would have less than significant impacts on water quality standards and discharge requirements.

- 4,5. The project site is located in an area mapped by the Federal Emergency Management Agency (FEMA) as Zone X, Area of Minimal Flood Hazard. The project site is not located in a 100-year flood hazard area. Additionally, the project site is an already developed site with existing structures. Redevelopment of the site for the project would not introduce any features or components that would impede or redirect flood flows such that it would increase on- or off-site flood potential. Impacts would be less than significant.

6. According to the Safety and Hazards chapter of the City of Oxnard General Plan Background Report (2006):

“Several dams are located at least 35 miles to the east and northeast of the city of Oxnard within Ventura and Los Angeles Counties. These include the Santa Felicia Dam at Lake Piru, the Castaic Lake Dam and the Pyramid Lake Dam. The major threat to Oxnard is upstream along the Santa Clara River corridor. Although the potential for a dam failure is considered low, should one or more of these dams fail, the entire city is located within the Dam Inundation Zone, also called Dam Failure Hazard Area. Damage to the city could be in the form of a wall of fast-moving water, mud, and debris.”

While potential failure of any of these dams could cause inundation of the City, including the project site, the Ventura County Hazard Mitigation Plan (2010) states that the probability of dam failure inundation is unknown, but would be the result of certain types of extreme storm events. The project would not exacerbate the potential for levee or dam failure and project-related impacts in relation to levee or dam failure would be less than significant.

7. Seiches are seismically induced waves that occur in large bodies of water, such as lakes and reservoirs. According to the City of Oxnard General Plan Background Report, the City’s Channel Islands Harbor and Mandalay Bay could be potentially impacted by seiches. The project site is not in proximity to a large body of water. Therefore, seiches are not a risk to the project site. No impacts would occur.

A tsunami is a tidal wave produced by off-shore seismic activity. The project site is not located in a tsunami inundation area as shown on the Ventura County Multi-Jurisdictional Hazard Mitigation Plan Update, and would not be subject to inundation by tsunami (County of Ventura 2010). No impacts would occur.

The project site is not located in an earthquake-induced landslide zone (California Geological Survey 2002). Landslides and mud flows are most likely to occur on or near a slope or hillside area, rather

XIV. PUBLIC SERVICES AND RECREATION	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Would the project increase demand for fire protection service such that new or expanded facilities would be needed to maintain acceptable service levels, the construction of which may have significant environmental effects?	☐	☐	☒	☐
2. Would the project increase demand for law enforcement service such that new or expanded facilities would be needed to maintain acceptable service levels, the construction of which may have significant environmental effects?	☐	☐	☒	☐
3. Would the project increase the use of existing park facilities such that substantial physical deterioration of the facilities would occur or be accelerated or that new or expanded park facilities would be needed to maintain acceptable service levels?	☐	☐	☒	☐
4. Would the project increase the need for or use of existing library or other community facilities such that substantial physical deterioration of the facilities would occur or be accelerated?	☐	☐	☒	☐
1. Upon annexation to the City of Oxnard, the project site and proposed development would be under the jurisdiction of the Oxnard Fire Department (OFD). The OFD fire station nearest to the project site is Station 7, located approximately 0.6 mile northeast of the site at 3300 Turnout Park Circle. The project would increase development density on the project site and result in new population in the City of Oxnard resulting in a potential increase in demand for OFD services. However, the population growth facilitated by the project would not substantially affect provision of fire protection given the location of the project in an urbanized area adjacent to the City and in close proximity to existing fire stations. <u>Additional information related to police and fire service is provided in Response 3.3 contained in Attachment 1, Responses to Comments. For clarification, that information is repeated here in the following paragraphs</u>				

In the 2018 Municipal Services Review for the City of Oxnard, LAFCO indicated that the City employed 0.67 firefighters for every 1,000 residents (up from a ratio of 0.48 in 2000). The Police Department employed one officer for each 831 residents (LAFCO 2018:pages 11-12).

With respect to fire service, the project site is less than one mile from the City of Oxnard Fire Station No. 7, located at 3300 Turnout Park Circle. The City Fire Department sets a goal of a 240 second (4 minute) travel time. Station No. 7 achieves this goal about 42% of the time. Station No. 7 is located approximately 0.7 miles to the northeast, just off of E. Vineyard Avenue. This proximity would allow a travel time well within the goal of 4 minutes. This City Fire Station No. 7 is located adjacent to the Ventura County Fire Station No. 51, located at 3302 Turnout Park Circle, which currently serves the unincorporated El Rio community (including the project site).

The City provides police services directly, including community patrol, criminal investigation, emergency communications, animal safety, and support services. The project site is located within Police Beat 14, Riverpark District. According to the LAFCO Municipal Services Review, the City of Oxnard 2017-2018 budget allowed for increased spending both for new vehicles and staffing to help maintain the police staffing ratio (Ventura LAFCO 2018:12).

The proposed development would be required to meet all fire and building code provisions to the satisfaction of the City and OFD. As such, the increase in demand for OFD services would not result in the need for new or expanded facilities to maintain acceptable service levels, the construction of which may have significant environmental effects. This impact would be less than significant.

2. Upon annexation to the City of Oxnard, the project site and proposed development would be under the jurisdiction of the Oxnard Police Department (OPD) for law enforcement protection services. OPD operates from its police station located at 251 South C Street, approximately 2.5 miles south of the project site. OPD also operates a police substation located within the Collection RiverPark center at 2751 Park View Court, less than one mile west of the project site. The City is divided into four police districts, each of which is further divided into smaller response beats. The project site is located in Beat 12, which is part of the North District. The project would increase development density on the project site and result in new population in the City of Oxnard resulting in a potential increase in demand for OPD services. However, the population growth facilitated by the project would not substantially affect provision of police protection given the location of the project in an urbanized area adjacent to the City and in close proximity to existing police stations. Additionally, construction of the project would incorporate various security features, such as fencing, surveillance cameras, and security lighting, to minimize trespassing, vandalism, and other uses that could place an additional demand on OPD. As such, the increase in demand for OPD services would not result in the need for new or expanded facilities to maintain acceptable service levels, the construction of which may have significant environmental effects. This impact would be less than significant.
3. Under the Quimby Act (California Government Code Section 66477), cities and counties in California may require that developers set aside land, donate conservation easements, or pay fees for park improvements in order to achieve a minimum of three acres per 1,000 residents. The goal of the Quimby Act is to require developers to assist in the mitigation of impacts associated with property improvements and development. According to Section 4.5.1 of the Background Report for the 2030 General Plan, the City of Oxnard operates 50 existing park facilities located in the City Planning Area. In total, the City Planning Area contains approximately 828 acres of parkland, including a 362-acre

arrangements for any allocation adjustments or transfers of water rights to the City, as set forth in Article VI, Section 22-100 Water Rights and Groundwater Pumping Allocations:

...the land owner ...shall transfer or assign to the city any water rights, water wells, mains, easements, and water production equipment or facilities which may be appurtenant to such property or which may be used exclusively thereon as follows:

...Any and all applicable groundwater pumping allocations and/or credits attributable to the property to be served by the city and available from the Fox Canyon Groundwater Management Agency, shall be transferred to the city by the property owner. The property owner shall be responsible for all fees and charges necessary to obtain the approval of the transfer of pumping allocations and/or credits from the Fox Canyon Groundwater Management Agency to the city;

The Rio Urbana development would be subject to other municipal code provisions that identify and prohibit wasteful use of water (Article VIII, beginning at Section 22-135)) and require conformance with water conservation measures that exist or may be declared by the City in the Future (Article IX, beginning at Section 22-150). These measures would reduce water consumption internally, but would not eliminate or necessarily guarantee a complete offset any new water use caused by the project. Therefore, additional measures would be necessary to mitigate the impact of increased water use by the project. These are discussed below under mitigation. Specifically, Mitigation W-1 addresses the provision of groundwater allocation to the City within the FCGWMA to provide for the project.

c. Project Effects and Mitigation

The Domestic Water Supply and Demand memorandum determined that the water demand for all proposed uses in the Rio Urbana project would amount to 40.399 acre-feet per year (AFY). As noted above, this memorandum also estimated that the maximum pumping allowed for the three active Rio School District wells under the current FCGWMA requirements is ~~52.074~~^{50.074} AFY. Therefore, without any offsets, or other mitigation measures, this estimated demand would be consistent with the City of Oxnard “net-zero” policy for water use by new development and would not be considered a significant impact.

In order to provide the necessary water supply to the City for the project, the Rio School District must arrange for an allocation and transfer of sufficient water rights to the City, consistent with the requirements and procedures of the FCGWMA.

Mitigation W-1. The applicant shall provide for the allocation of groundwater pumping rights sufficient to serve the development (40.399 acre feet per year) from the Fox Canyon Groundwater Management Agency to the City of Oxnard, consistent with the ordinances and requirements of the two agencies, prior to recording the final map for the project.

Implementation of this mitigation will ensure that the project complies with the “net-zero” water service policy in the City. Thus the potential impact on water service would be less than significant.

2. The project site is located in County Service Area (CSA) No. 34, in an area informally referred to as the El Rio community. On August 12, 1999, the Regional Water Quality Control Board (RWQCB)

amended the Water Quality Control Basin Plan for the Los Angeles Region and prohibited the use of septic systems in the Oxnard Forebay, including the El Rio area. CSA No. 34 was formed in December 2005 to provide administration, operations, and maintenance of a new sewer system in the area to bring the area in compliance with the State septic system prohibition. CSA No. 34 planned and constructed a sewer collection system in phases as funding was secured. All phases of the project were completed in April 2011. Phases 1 and 5D of the Sewer System Project established sewer lines adjacent to the project sites southern, western, and northern boundaries. Waste water discharged into these lines is sent to the City's Wastewater Treatment Plant for treatment and disposal. The project site is also included in the boundary area of the City of Oxnard's Wastewater Master Plan Update (September 2008). Land use projections used for creating the Wastewater Master Plan were based on the City's adopted 2020 General Plan in which the project site was identified as a Redevelopment Area.

Existing development on the project site currently disposes of wastewater into the existing sewer line in Rio School Lane via pump and force main. This sewer line in Rio School Lane enters the 10-inch trunk sewer line in Vineyard Avenue at a manhole near the intersection of the two roadways. There was is inconclusive data in the City's Wastewater Master Plan (2008) and the City's Integrated Waste Master Plan (2015) to determine the sewer capacity of the 10-inch trunk sewer line in Vineyard Avenue at the this time of project submittal. Response 3.9 in Attachment 1 provides updated information regarding sewer capacity in this line. Based on updated information in the revised 2018 Wet Utility Memo prepared for the project, the City determined that the sewer transmission capacity in this line was adequate to serve the project. The proposed development on the site would connect to the existing sewer system line in Rio School Lane. Although the project would increase the load on the sewer system, the applicant would be required to pay the City-required and CSA No. 34-required Sewer Connection Fees (SCF) and service charges that finance the operation and maintenance of the sewer system for all properties in the El Rio area. With payment of these fees, the project would not result in a significant adverse effect on the system and this impact would be less than significant.

- 3, 4. According to the City's 2017 CEQA Guidelines, the City's Environmental Resources Division oversees solid waste programs in the City, including residential waste collection and recycling programs. Commercial facilities in the City contract with private waste haulers. The City operates the Del Norte Regional Recycling and Transfer Station (also referred to as the Materials Recovery Facility [MRF]), which serves as the hub of the City's solid waste management system and serves as a resource for rest of the County. Solid waste that is incapable of being recycled is hauled to other landfill sites in Ventura County, primarily the Toland Road Landfill. As of 2017, the City meets or exceeds state mandated rates for diversion of solid waste from landfills via waste reduction, reuse, and recycling.

Solid waste generated from project demolition and construction activities would be segregated for recycling, where possible. Non-recyclable wastes would be placed in covered dumpsters and removed on a regular basis by a certified waste-handling contractor for disposal at the Toland Road Landfill. According to the CalEEMod output generated for the Air Quality Study for the project (Appendix A), the project would generate approximately 49.1 metric tons of solid waste per year, or

E.
Annexation, General Plan Amendment, City Council District
Boundaries Resolution

RESOLUTION NO. 2019-XX [PZ 17-610-01/17-620-01]

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING THAT THE CITY COUNCIL ADOPT MITIGATED NEGATIVE DECLARATION NO. 2017-04 FOR THE RIO URBANA PROJECT, PROCEED WITH ANNEXATION OF THE PARCEL LOCATED AT 2714 EAST VINEYARD AVENUE (APN 145-0-232-010), APPROVE A GENERAL PLAN LAND USE MAP AMENDMENT CHANGING THE LAND USE DESIGNATION OF THE SUBJECT PARCEL FROM SCHOOL TO COMMERCIAL GENERAL, AMEND THE NEIGHBORHOODS MAP TO PLACE THE SUBJECT PARCEL IN THE EL RIO WEST NEIGHBORHOOD, AND MODIFY CITY COUNCIL DISTRICT BOUNDARIES OF THE CITY OF OXNARD 2018 DISTRICTING MAP AS CODIFIED IN OXNARD CITY CODE CHAPTER 2, ARTICLE 1, DIVISION 1, APPENDIX A. FILED BY RIO SCHOOL DISTRICT, 2500 E. VINEYARD AVE., OXNARD, CA AND THE PACIFIC COMPANIES, 430 E. STATE STREET #100, EAGLE, IDAHO.

WHEREAS, the Rio School District (RSD) owns a 9.90 acre parcel located at 2714 East Vineyard Avenue (APN 145-0-232-010) abutting a 1) 0.34 acre portion of County of Ventura public right-of-way which is proposed to be included within the project area and that is coterminous with the north edge of the RSD parcel and 2) the City of Oxnard corporate limits that are coterminous with the south and west edges of the RSD parcel; and

WHEREAS, the RSD declared the closed El Rio Elementary School on the parcel located at 2714 East Vineyard Avenue as a surplus school site, completed a reuse feasibility study, and partnered with The Pacific Companies to propose redevelopment of the property; and

WHEREAS, the RSD and The Pacific Companies jointly filed entitlement applications with the City of Oxnard on March 28, 2017 for Annexation (PZ No. 17-610-01), General Plan Amendment (PZ No. 17-620-01), Pre-Zoning (PZ No. 17-560-01), two Special Use Permits (PZ Nos. 17-500-05 and 17-500-13), Density Bonus (PZ No. 17-535-02) and a Tentative Subdivision Map (PZ No. 17-300-03); and

WHEREAS, if the entitlement applications are collectively approved by the City of Oxnard and subsequently by the Ventura County Local Agency Formation Commission (LAFCo), the RSD and The Pacific Companies would develop a 1.12 acre "Parcel 1" with a two-story, 15,000 gsf office building and 60 standard parking spaces; develop a 9.12 acre "Parcel 2" with 167 one- to three-bedroom attached apartment condominiums in eight three-story structures (38 feet in height) that include a fitness center and 20 low income deed-restricted units (12% of all units), a 1,068 gsf recreation pavilion, four refuse structures, 169 resident garages and 163 parking spaces, 93 guest parking spaces, stormwater retention and treatment facilities, on-site utilities and off-site connections, landscaping, six play areas and a tot lot, dog run; relocate four Southern California Edison (SCE) 66kV power poles; and widen and improve Vineyard Avenue by 23 feet ("Project"); and

WHEREAS, related Project approvals are required by the County of Ventura, California Department of Transportation, Calleguas Municipal Water District, and the Metropolitan Water District of Southern California; and

WHEREAS, the Project was initially reviewed by the City Council as a Pre-Application in 2015 which identified parking, compatibility, and on-site recreational amenity issues that were addressed by changes to the Project; and

WHEREAS, the Project applicants participated in a Community Workshop on June 18, 2018 and made presentations to the El Rio Municipal Advisory Committee on June 21, 2018; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), the Community Development Director provided public notice of the intent of the City to adopt a Mitigated Negative Declaration (MND No. 2017-04) for the Project, the Project MND was circulated for public comment for 30 days between July 19, 2019 and August 19, 2019, and no comments were received that changed the four MND mitigations or findings; and

WHEREAS, the Planning Commission reviewed MND No. 2017-04 for potential environmental effects of the Project, and 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 and that MND No. 2017-04 reflects the independent judgment and analysis of the City; and

WHEREAS, the Planning Commission has considered MND No. 2017-04 before making its recommendation herein and the MND's Mitigation Monitoring and Reporting Program is included in the MND document and incorporated by reference in this and related resolutions and permits; and

WHEREAS, the Planning Commission is concurrently recommending the City Council approve the Pre-Zoning ordinance and recommending the City Council approve the Density Bonus and Tentative Subdivision Map; and

WHEREAS, the Planning Commission is concurrently approving Special Use Permit (PZ No. 17-500-05) for the office building on Parcel 1 and Special Use Permit (PZ No. 17-500-13) for the 167 condominium multifamily units on Parcel 2, subject to approval of the related actions within the Special Use Permits conditions of approval, respectively; and

WHEREAS, the Project has been reviewed by the Development Advisory Committee (DAC) and the DAC has prepared conditions of approval that are incorporated within the recommended permits; and

WHEREAS, the El Rio West neighborhood is the nearest City neighborhood to which the project may be attached by amending the Neighborhoods Map within the General Plan; and

WHEREAS, City Council District No. 2 is the nearest City Council District; and

WHEREAS, the Planning Commission has held a duly noticed public hearing on October 3, 2019 and received and reviewed written and oral comments, presented stadd and the Applicant with a series of questions; and continued the hearing to November 7, 2019; and

WHEREAS, the November 7, 2019 Planning Commission meeting was canceled and all agenda items continued to the meeting of November 21, 2019; and

WHEREAS, the Planning Commission considered replies to the October 3, 2019 questions, and accepted into the record corrections and clarification to MND 2017-04 in compliance with

CEQA; and

WHEREAS, the Planning Commission finds after due study and deliberation that the public interest and general welfare require the approval of an Annexation of the parcel located at 2714 East Vineyard Avenue and approval of a General Plan Amendment changing the land use map designation of said parcel from School to Commercial General; and

WHEREAS, the Planning Commission of the City of Oxnard having held a public hearing, reviewed the request, and having studied the land use of the area, finds that:

1. The location and topography of the proposed Annexation is within the natural area of development of the City of Oxnard and within the LAFCo Sphere of Influence that represents the probable future boundaries and service area of the City. The Annexation is consistent with LAFCo's Guidelines for Orderly Development as the development would occur within the incorporated City of Oxnard which provides a full range of municipal services.
2. The proposed Annexation is located within the City Urban Restriction Boundary established by the Save Open Space and Agricultural Resources uncodified ordinance and does not require voter approval for Annexation.
3. The proposed Annexation conforms in extent and purpose to the 2030 General Plan.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby recommends that the City Council:

Part 1: Adopt MND No. 2017-04, as amended, for the project described therein; adopt a Mitigation Monitoring and Reporting Program for the project described within MND No. 2017-04; and impose mitigation measures identified within MND No. 2017-04 on the parcel known as APN: 145-0-232-01 based upon the project description evaluated within IS/MND No. 2017-04; and find that CEQA requirements are met.

Part 2: Adopt 2030 General Plan Amendment PZ No. 17-620-01 changing the land use designation in Figure 3-1 in the Goals and Policies as shown in Exhibit "A" attached hereto and incorporated herein by reference and change Figure 3-4, Neighborhoods map, to designate the project area as part of the West El Rio neighborhood as shown in Exhibit "B" attached hereto and incorporated herein by reference

Part 3: Adopt Annexation PZ No. 17-610-01 changing the city limits as shown in Exhibit "A" attached hereto and incorporated herein by reference; and add the project area to Oxnard municipal boundaries within City Council District No. 2.

Part 4: Adopt a resolution directing the Development Services Department to proceed with an Annexation application to LAFCo on behalf of the Project.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 21st day of

November, 2019, by the following vote:

Deidre Frank, Chair

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Oxnard at a meeting held this 21st day of November, 2019, and carried by the following vote:

AYES: Commissioner(s):

NOES: Commissioner(s):

ABSENT: Commissioner(s):

ABSTAIN: Commissioner(s):

Scott Kolwitz, Secretary

EXHIBIT A

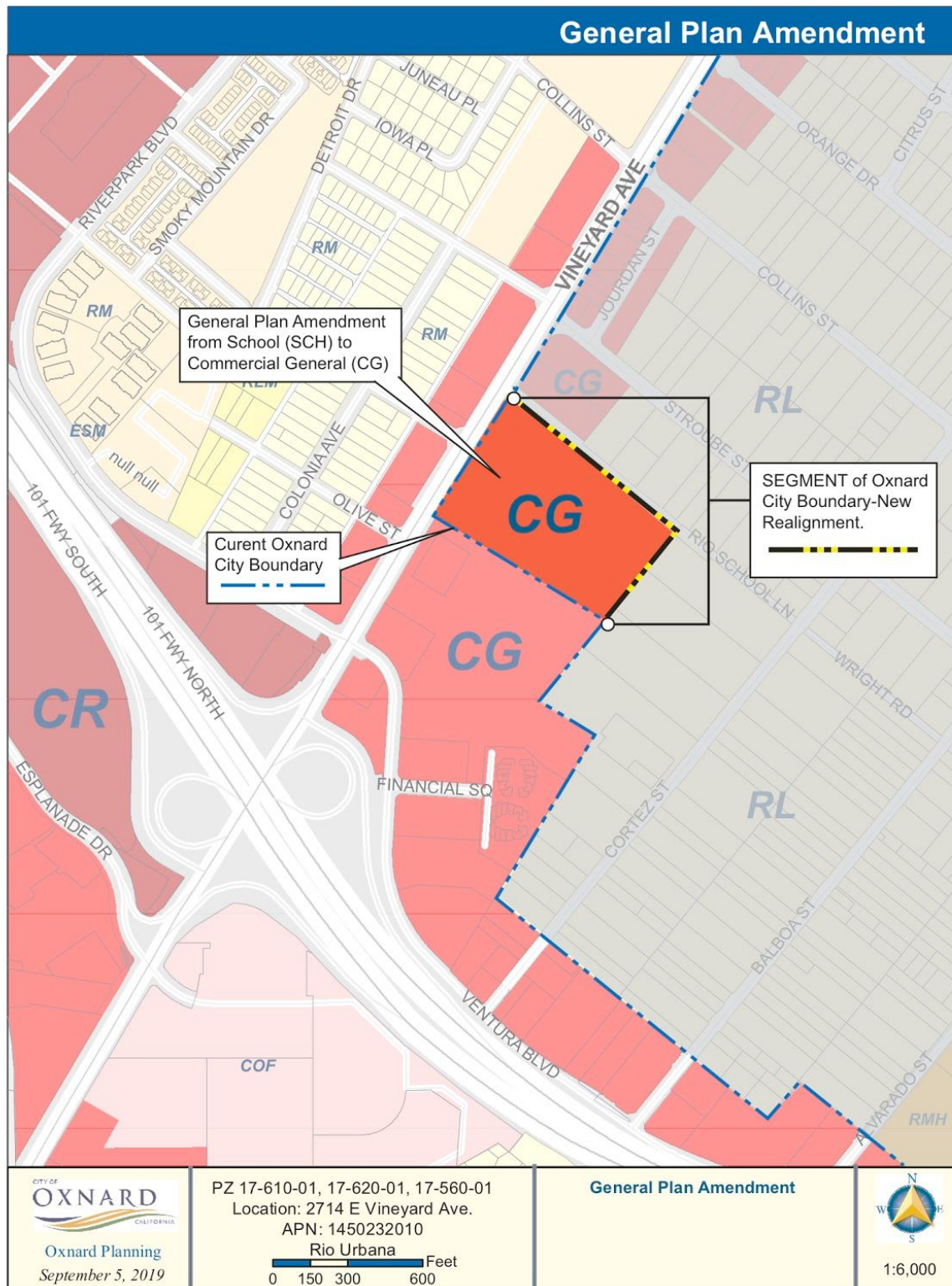
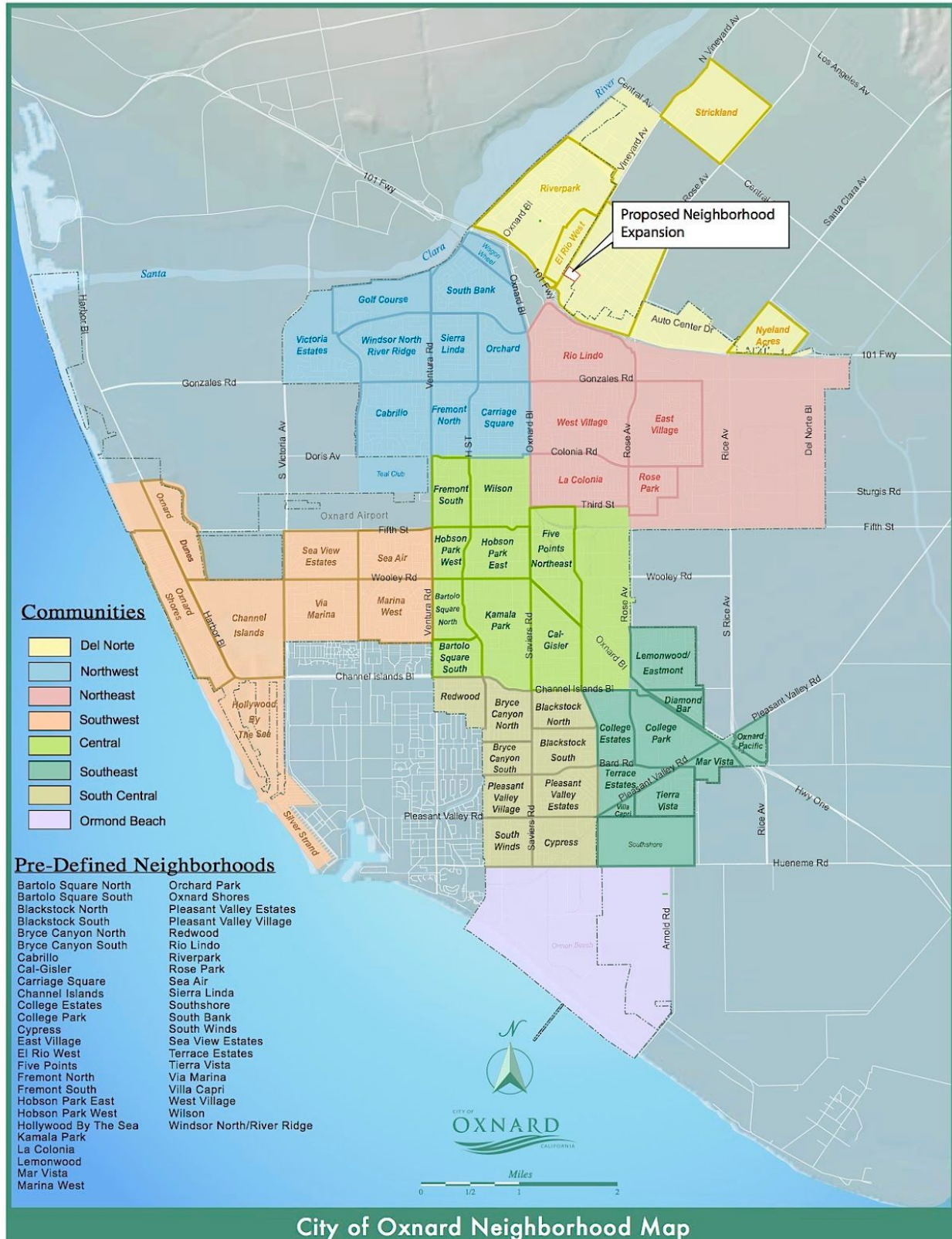


EXHIBIT B



F.
Pre-Zoning Resolution

RESOLUTION NO. 2019-XX [PZ 17-560-01]

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING APPROVAL OF PLANNING AND ZONING (PZ) PERMIT NO. 17-560-01 PRE-ZONING A PARCEL LOCATED AT 2714 EAST VINEYARD AVENUE TO GENERAL COMMERCIAL PLANNED DEVELOPMENT (C-2-PD) FOR PROPERTY LOCATED AT 2714 EAST VINEYARD AVENUE (APN 145-0-232-010). FILED BY RIO SCHOOL DISTRICT, 2500 E. VINEYARD AVE., OXNARD, CA AND THE PACIFIC COMPANIES, 430 E. STATE STREET #100, EAGLE, IDAHO.

WHEREAS, the Rio School District (RSD) owns a 9.90 acre parcel located at 2714 East Vineyard Avenue (APN 145-0-232-010) abutting a 1) 0.34 acre portion of County of Ventura public right-of-way which is proposed to be included within the project area and that is coterminous with the north edge of the RSD parcel and 2) the City of Oxnard corporate limits that are coterminous with the south and west edges of the RSD parcel; and

WHEREAS, the RSD declared the closed El Rio Elementary School on the parcel located at 2714 East Vineyard Avenue as a surplus school site, completed a reuse feasibility study, and partnered with The Pacific Companies to propose redevelopment of the property; and

WHEREAS, the RSD and The Pacific Companies jointly filed entitlement applications with the City of Oxnard on March 28, 2017 for Annexation (PZ No. 17-610-01), General Plan Amendment (PZ No. 17-620-01), Pre-Zoning (PZ No. 17-560-01), two Special Use Permits (PZ Nos. 17-500-05 and 17-500-13), Density Bonus (PZ No. 17-535-02), and a Tentative Subdivision Map (PZ No. 17-300-03); and

WHEREAS, the RSD and The Pacific Companies would develop a 1.12 acre “Parcel 1” with a two-story, 15,000 gsf office building with 60 standard parking spaces; develop a 9.12 acre “Parcel 2” with 167 one- to three-bedroom attached apartment condominiums in eight three-story structures (38 feet in height) that include a fitness center and 20 low income deed-restricted units (12% of all units), a 1,068 gsf recreation pavilion, four refuse structures, 169 resident garages and 163 parking spaces, 93 guest parking spaces, stormwater retention and treatment facilities, on-site utilities and off-site connections, landscaping, six play areas and a tot lot, dog run; relocate four Southern California Edison (SCE) 66kV power poles; and widen and improve Vineyard Avenue by 23 feet (“Project”); and

WHEREAS, related Project approvals are required by the Local Agency Formation Commission, County of Ventura, California Department of Transportation, Calleguas Municipal Water District, and the Metropolitan Water District of Southern California; and

WHEREAS, the Project was initially reviewed by the City Council as a Pre-Application in 2015 which identified parking, compatibility, and on-site recreational amenity issues that were addressed by changes to the Project; and

WHEREAS, the Project applicants participated in a Community Workshop on June 18, 2018 and made presentations to the El Rio Municipal Advisory Committee on June 21, 2018; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), the Development Services Director provided public notice of the intent of the City to adopt a Mitigated Negative Declaration (MND No. 2017-04) for the Project, the Project MND was circulated for public comment for 30 days between July 19, 2019 and August 19, 2019, and no comments were received that changed the MND mitigations or findings; and

WHEREAS, the Planning Commission has considered MND No. 2017-04 before making its recommendation herein and the MND's Mitigation Monitoring and Reporting Program is included in the MND document and incorporated by reference in this and related resolutions and permits; and

WHEREAS, the Planning Commission is concurrently recommending the City Council approve the resolutions recommending the City Council approve an Annexation, General Plan Amendment, Density Bonus, and a Tentative Subdivision Map; and

WHEREAS, the Planning Commission is concurrently approving Special Use Permit (PZ No. 17-500-05) for the office building on Parcel 1 and Special Use Permit (PZ No. 17-500-13) for the 167 condominium multifamily units on Parcel 2, subject to approval of the related actions within the Special Use Permits conditions of approval, respectively; and

WHEREAS, the Project has been reviewed by the Development Advisory Committee (DAC) and the DAC has prepared conditions of approval that are incorporated within the recommended permits; and

WHEREAS, the Planning Commission has held a duly noticed public hearing on October 3, 2019 and received and reviewed written and oral comments, presented staff and the Applicant with a series of questions; and continued the hearing to November 7, 2019; and

WHEREAS, the November 7, 2019 Planning Commission meeting was canceled and all agenda items continued to the meeting of November 21, 2019; and

WHEREAS, the Planning Commission considered replies to the October 3, 2019 questions, and accepted into the record corrections and clarification to MND 2017-04 in compliance with CEQA; and

WHEREAS, the Planning Commission finds after due study and deliberation that the public interest and general welfare require the pre-zoning of the parcel located at 2714 East Vineyard Avenue to General Commercial – Planned Development (C-2-PD).

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby recommends that the City Council pre-zone PZ 17-560-01 established as C-2-PD as shown on "Exhibit A," attached hereto.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 21st day of November, 2019, by the following vote:

Deidre Frank, Chair

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Oxnard at a meeting held this 21st day of November, 2019, and carried by the following vote:

AYES: Commissioner(s):

NOES: Commissioner(s):

ABSENT: Commissioner(s):

ABSTAIN: Commissioner(s):

Scott Kolwitz, Secretary

G.
Tentative Subdivision Map and Density Bonus Resolution

EXHIBIT A

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO. XXXX

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING PZ 17-560-01, TO PREZONE PROPERTY LOCATED AT 2714 EAST VINEYARD AVENUE (APN 145-0-232-010) TO GENERAL COMMERCIAL PLANNED DEVELOPMENT (C-2-PD). FILED BY RIO SCHOOL DISTRICT, 2500 E. VINEYARD AVE., OXNARD, CA AND THE PACIFIC COMPANIES, 430 E. STATE STREET #100, EAGLE, IDAHO.

WHEREAS, the owners of the unincorporated 9.90 acre parcel located at 2714 East Vineyard Avenue (APN 145-0-232-010) have filed Annexation Request No. PZ 17-610-01 to annex to the City of Oxnard (City), Calleguas Municipal Water District, and the Metropolitan Water District; and

WHEREAS, a 0.34 acre portion of County of Ventura public right-of-way is proposed to be included within the project area; and

WHEREAS, Annexation Request No. PZ 17-610-01 states the reasons for requesting annexation and describing the property and attaching a map thereof; and

WHEREAS, the owners have requested a concurrent pre-zoning of the property to C-2-PD (General Commercial Planned Development) consistent with the Oxnard 2030 General Plan land use designation of Commercial General; and

WHEREAS, on October 3, 2019 and November 21, 2019, the Planning Commission of the City of Oxnard held public hearings, reviewed the request, and recommended that the City Council approve the requested rezoning; and

WHEREAS, the City Council has carefully reviewed Planning Commission Resolution No. 2019-XX recommending approval of a rezoning for the subject property; and

WHEREAS, the City Council has held a public hearing and received and reviewed written and oral comments related to the proposed PZ No. 17-560-01; and

WHEREAS, the City Council finds after due study and deliberation that the public interest and general welfare require the adoption of PZ No. 17-560-01 and the rezoning to C-2-PD as shown on Attachment A hereto; and

WHEREAS, the City Council finds the rezoning is consistent with the 2030 General Plan; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), the Community Development Director provided public notice of the intent of the City to adopt a Mitigated Negative Declaration (MND No. 2017-04) for the Project, the Project MND was circulated for public comment for 30 days between July 19, 2019 and August 19, 2019, and no comments were received that changed the four MND mitigations or findings; and

WHEREAS, the Planning Commission has considered MND No. 2017-04, as amended at the November 21, 2019 Planning Commission, before making its recommendation herein and the MND's Mitigation Monitoring and Reporting Program is included in the MND document and incorporated by reference in this and related resolutions and permits; and

WHEREAS, Applicants agree, as a condition of adoption of this resolution at each Applicant's own expense, to indemnify, defend, and hold harmless 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 this resolution or any proceedings, acts, or determination taken, done, or made prior thereto that were part of the approval process.

NOW, THEREFORE, the City Council of the City of Oxnard does ordain as follows:

Part 1. PZ No. 17-560-01 (Rezoning) is approved, as shown on the map attached hereto as Attachment A and incorporated herein by reference.

Part 2. Within fifteen days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation, published and circulated in the City. Ordinance No. _____ was first read on _____, and finally adopted on _____, to become effective thirty days thereafter.

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

AYES:

NOES:

ABSENT:

Tim Flynn, Mayor

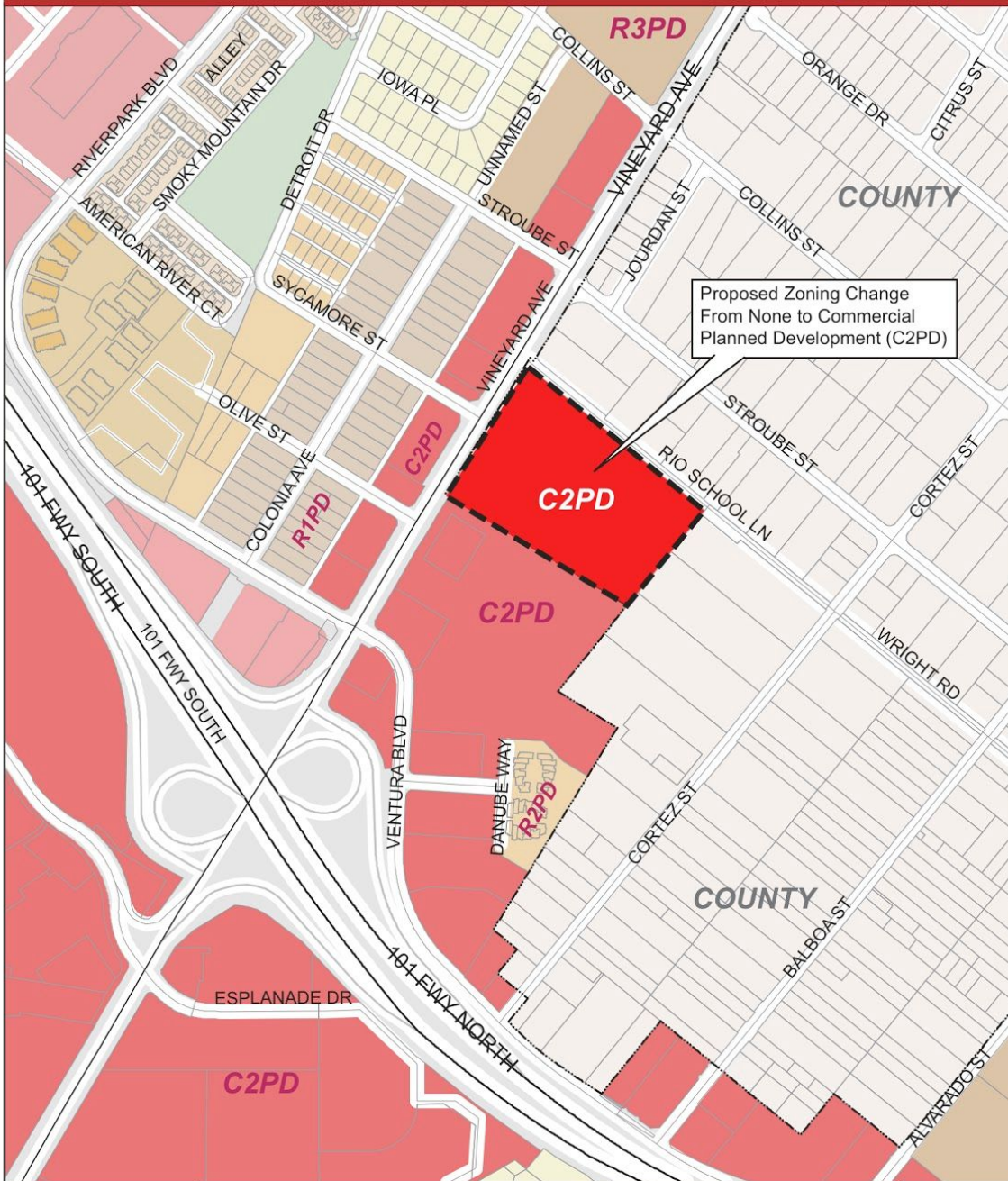
ATTEST:

Michelle Ascension, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney

Zoning Change



PZ 17-610-01, 17-620-01, 17-560-01
Location: 2714 E Vineyard Ave.
APN: 1450232010
Rio Urbana
 Feet

Zoning Change



1:6,000

RESOLUTION NO. 2019 –XX [PZ 17-300-03]

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING APPROVAL BY THE CITY COUNCIL OF PLANNING AND ZONING (PZ) PERMIT NO. 17-300-03 (TENTATIVE SUBDIVISION MAP FOR TRACT NO. 5998) TO SUBDIVIDE A PARCEL INTO “PARCEL 1” A 1.12-ACRE PARCEL AND “PARCEL 2” A 9.12-ACRE PARCEL FOR CONDOMINIUM PURPOSES (167 CONDOMINIUM UNITS) AND ASSOCIATED INFRASTRUCTURE AND DENSITY BONUS PZ NO. 17-535-02 FOR A 2% DENSITY BONUS (3 ADDITIONAL UNITS) AND ONE DEVELOPMENT CONCESSION REDUCING REQUIRED INTERIOR YARD SPACE FROM 30% TO 24% FOR THE RIO URBANA PROJECT LOCATED AT 2714 EAST VINEYARD AVENUE (APN 145-0-232-010), SUBJECT TO CERTAIN CONDITIONS. FILED BY RIO SCHOOL DISTRICT (RSD), 2500 E. VINEYARD AVE., OXNARD, CA AND THE PACIFIC COMPANIES, 430 E. STATE STREET #100, EAGLE, IDAHO.

WHEREAS, the Rio School District (RSD) owns a 9.90 acre parcel located at 2714 East Vineyard Avenue (APN 145-0-232-010) abutting a 1) 0.34 acre portion of County of Ventura public right-of-way which is proposed to be included within the project area and that is coterminous with the north edge of the RSD parcel and 2) the City of Oxnard corporate limits that are coterminous with the south and west edges of the RSD parcel; and

WHEREAS, the RSD declared the closed El Rio Elementary School on the parcel located at 2714 East Vineyard Avenue as a surplus school site, completed a reuse feasibility study, and partnered with The Pacific Companies to propose redevelopment of the property; and

WHEREAS, the RSD and The Pacific Companies jointly filed entitlement applications with the City of Oxnard on March 28, 2017 for Annexation (PZ No. 17-610-01), General Plan Amendment (PZ No. 17-620-01), Pre-Zoning (PZ No. 17-560-01), two Special Use Permits (PZ Nos. 17-500-05 and 17-500-13), Density Bonus (PZ No. 17-535-02) and a Tentative Subdivision Map (PZ No. 17-300-03); and

WHEREAS, the Planning Commission of the City of Oxnard has considered the Tentative Subdivision Map for Tract No. 5998 (PZ No. 17-300-03), filed by the RSD and The Pacific Companies 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 2030 General Plan and elements thereof; and

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 17-535-02 (Density Bonus); and

WHEREAS, the Planning Commission finds, after due study, deliberation and public hearing, that the project meets the criteria set out in California Government Code § 65915 to §

65918 and to the City's Density Bonus and Related Incentives and Concessions Program, OCC Section 16-410A to 16-410V, inclusive); and

WHEREAS, Government Code Section 65915 and Oxnard City Code (OCC) Sections 16-410M and 16-410O require that when a housing developer meets certain criteria for a Density Bonus, the local jurisdiction must grant one or more regulatory incentives or concessions unless the city makes a written finding that the concessions or incentives are not required in order to provide for affordable housing costs as defined by state law; and

WHEREAS, the Planning Commission finds that the Project meets all necessary criteria of Government Code Section 65915 and OCC Section 16-410H to be considered eligible for one incentive because the Developer has provided 20 low income for-sale residential units (12 percent of the Project total units); and

WHEREAS, the proposed Project is requesting reduction of the interior yard space development standard from 30 percent to 24 percent of the residential parcel created by the tentative subdivision map; and

WHEREAS, the Planning Commission finds that the requested incentive is not contrary to any federal or state law; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), the Community Development Director provided public notice of the intent of the City to adopt a Mitigated Negative Declaration (MND No. 2017-04) for the Project, the Project MND was circulated for public comment for 30 days between July 19, 2019 and August 19, 2019, and no comments were received that changed the MND mitigations or findings; and

WHEREAS, the Planning Commission has considered MND No. 2017-04 before making its recommendation herein and the MND's Mitigation Monitoring and Reporting Program is included in the MND document and incorporated by reference in this and related resolutions and permits; and

WHEREAS, the Planning Commission has held a duly noticed public hearing on October 3, 2019 and received and reviewed written and oral comments, presented staff and the Applicant with a series of questions; and continued the hearing to November 7, 2019; and

WHEREAS, the November 7, 2019 Planning Commission meeting was canceled and all agenda items continued to the meeting of November 21, 2019; and

WHEREAS, the Planning Commission considered replies to the October 3, 2019 questions, and accepted into the record corrections and clarification to MND 2017-04 in compliance with CEQA; and

WHEREAS, the Planning Commission finds that the applicant agrees with the necessity of and accepts all elements, requirements, and conditions of this resolution as being a reasonable manner of preserving, protecting, providing for, and fostering the health, safety, and

welfare of the citizenry in general and the persons who work, visit or live in this subdivision in particular.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF OXNARD:

SECTION 1. The Planning Commission, in accordance with the California Environmental Quality Act (CEQA), reviewed the Mitigated Negative Declaration (MND No. 2017-04) for potential environmental effects of the Project with corrections and clarifications, and 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 and that MND No. 2017-04 reflects the independent judgment and analysis of the City. As such, the Planning Commission hereby recommends the City Council (i) adopts MND No. 2017-04 with corrections and clarifications for the project described therein; (ii) adopts a Mitigation Monitoring and Reporting Program for the project described within MND No. 2017-04; and (iii) imposes mitigation measures identified within MND No. 2017-04 on the parcel known as APN: 145-0-232-01 based upon the project description evaluated within IS/MND No. 2017-04.

SECTION 2. Based on the entire record before the Planning Commission and all written and oral evidence presented, including the Planning Commission Staff Report and all attachments thereto, the Planning Commission finds:

Consistent with California Government Code Section 66474, a legislative body of a city or county shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it makes any of the following findings:

- (a) **That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.**

The project includes a General Plan Amendment to change the land use designation from School to Commercial General, and the project includes a Pre-Zoning of General Commercial Planned Development (C2-PD).

The project's commercial and residential uses are consistent with the General Plan land use designation and zoning as discussed in great detail in Sections 6 (c), 6 (d), and 6 (j) and Section 7 of the Planning Commission Staff Report. The project also includes a Density Bonus for a two percent density bonus (3 additional units), reduced parking standards, and a concession to reduce the Interior Yard Space requirement from 30 to 24 percent of the parcel area.

As discussed in greater detail in Sections 6 (c) through 6 (h) and Section 7 of the Planning Commission Staff Report, the Project as designed and conditioned meets all

applicable development standards with application of one Density Bonus permit concession for reduction of interior yard space, three PD standards adjustments for building height, number of stories and storage space size, and administrative relief under OCC 16-651(B)(2), “Off-site parking” for distance to condominium parking spaces.

Therefore, the project is in conformance with the 2030 General Plan and the elements thereof and other adopted standards.

(b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

The design and improvements of the project will provide for development that furthers the intent of the General Plan and Housing Element to realize the potential of neighborhood improvements that increases housing in the West El Rio Neighborhood and is consistent with the 2030 General Plan, as discussed above in Finding 2.a.

(c) That the site is not physically suitable for the type of development.

The site is physically suitable for the proposed type of development because the site is relatively level and an environmental assessment of the site did not find any soil or geologic conditions that would make the site physically unsuitable for development. As the site is not subject to soil and/or geologic conditions indicating substrate instability, the site is suitable for the architectural design of the proposed development which is compatible with the character of the surrounding neighborhood

(d) That the site is not physically suitable for the proposed density of development.

The site is physically suitable for the proposed density of development because it is located within a developed urban area and will be served by existing adequate public utilities as identified the Mitigated Negative Declaration. Additionally, there are no identified physical constraints that would prohibit development of the proposed commercial and residential project. The proposed project is consistent with Housing Element as it would provide add 167 new residential units, including 20 affordable low-income units, to the City's overall housing inventory and more specifically to the West El Rio Neighborhood. The project includes a “Local Preference for Affordable Units” condition of approval which requires an early advertisement to local residents in compliance with fair housing law.

(e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The Project would not likely cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because no listed species are known or expected to occur at the project site and the project site is not considered to be conducive to important biological resources or their habitat. Additionally, the project site does not have any natural standing bodies of water, riparian habitat, or other sensitive natural communities. Federally protected wetland communities are not thought or known to exist on the site and the project site is not located within a Biological Resources Area which is known or thought to meet habitat needs for plants and animals or promote wildlife migration or movement. With incorporation of the recommended mitigation measures, the project will reduce potential impacts to nesting birds to a less than significant level.

(f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.

The project would involve the construction of a 15,000 square foot office building and 167 new residential units, including 20 affordable low-income units, that are not anticipated to use or store large quantities of hazardous materials. However, potentially hazardous materials such as fuels, lubricants, and solvents would be used during grading and construction of the proposed project, but their use and disposal would be to applicable standards and law so as to not create environmental or health issues. The design of the subdivision is not likely to cause serious public health problems because, as indicated by Finding 2.a above, it would utilize existing adequate public utilities, namely water and sewer.

(g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

The design of the subdivision does not conflict with easements, acquired by the public-at-large, for access through or use of property within the subdivision because, as conditioned, no buildings would be located in the area of the existing public utilities easements, all blanket easements or other easement that are no longer needed by the City shall be abandoned, and there is no need for new or additional easement(s) for the public-at-large.

SECTION 3. This Resolution shall not become effective unless and until the City of Oxnard City Council approves the associated Annexation (PZ No. 17-610-01), General Plan Amendment (PZ No. 17-620-01), Pre-Zoning (PZ No. 17-560-01) and the Ventura County Local Agency Formation Commission (LAFCo) approves the Annexation. If the City Council or LAFCo fail to approve the Annexation, then this Resolution shall become null and void and be of no further force and effect.

SECTION 4. Based on the findings set forth herein, the Planning Commission hereby recommends the City Council approve Planning and Zoning Permit No. 17-300-03 (Tentative Subdivision Map) and 15-535-02 (Density Bonus), subject to the attached conditions of approval.

SECTION 5. The Secretary shall certify the adoption of this Resolution.

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 May 2, 2019, (“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. 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*)

5. 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)
6. 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)
7. 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)
8. 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).
9. 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)

PLANNING DIVISION STANDARD CONDITIONS

10. 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)
11. 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)
12. 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)
13. Developer agrees to participate in a water conservation program that includes refitting water fixtures existing on the project property with water conserving devices within residences or businesses in the City’s water service area, if such a program is in effect when building permits are issued for this project. Among the requirements of such a program might be refitting existing toilets, faucets, shower heads, landscaping irrigation or other fixtures and items that consume water within the structure. (PL, PL-14)

14. 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*)
15. 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*).
16. All residential dwelling unit developments shall include architectural articulation on all four sides of each building. Such articulation shall include, but not be limited to, window treatment; trim and a variety of finishes matching front facades; and balconies, porches, and trellises. Developer shall submit elevations depicting such articulation to the Planning Division for approval prior to issuance of building permits. (PL, *PL-28*)
17. Prior to the close of escrow for each dwelling unit, Developer shall provide the buyer with a written guarantee that the exterior finishes of the dwelling unit will remain in good condition for at least five (5) years from the final building permit inspection and sign off. Developer shall provide a copy of the guarantee to Planning staff prior to final Planning Division inspection and sign off. (PL, *PL-29*)
18. All drive lanes (alleys) shall be provided with independently metered lighting with automatic daylight sensors for dusk to dawn lighting within drive lanes. The maintenance and replacement of independently metered lighting (wall fixtures, light bollards) shall be the responsibility of the Home Owners' Association. Lighting responsibilities shall be provided within the CC&Rs for the development. (PL)
19. Developer shall establish a homeowners association and the association shall be responsible for the maintenance of parking, landscape, recreation and other interior areas held in common by the association and for the enforcement of Conditions Covenants & Restrictions related to property maintenance. (PL/DS, *PL-33*)
20. Developer shall construct each dwelling unit with separate utility systems and meters. Developer shall paint utility meter panels to match structures upon which it is located. Such panels shall be located to take advantage of screening (e.g. landscaping or other building elements) from public right-of-ways, to the maximum extent feasible. (DS/B, *PL-34*)
21. Developer shall include in all deeds for the project and in the Conditions Covenants & Restrictions a prohibition against parking recreational vehicles over 20 feet long in the project. (CE/PL, *PL-35*)

22. Developer shall pay Quimby Fees (fees for park acquisition and improvement) before issuance of building permits. The amount of the fee shall be calculated by the Planning Division, and verified by the Parks Division at the time of payment. (PK/B, *PL-36*)
23. In accordance with City Council Ordinance No. 2615, or the ordinance in effect at the time building permits are issued, Developer shall provide 17affordable units. (PL, *PL-37*)
24. Developer shall post in the sales office of the project the latest City planning documents and maps that may affect the project and adjacent properties. At a minimum, this information shall include the 2030 Oxnard General Plan and General Plan Land Use Map showing all adjacent properties, a copy of the ordinances regulating the zone, and any specific plan that may apply to the project. Such documents may be purchased at cost from the Planning Division Manager. Developer shall require that all purchasers sign an affidavit declaring that they have familiarized themselves with the planning documents. Developer shall make such affidavits and planning information available for review upon reasonable request of the Planning Division Manager. (PL, *PL-38*)
25. Where feasible, Developer shall locate individual unit plumbing within individual unit walls, as opposed to common or shared walls, and shall paint roof vents to match the roofing material. (PL/B, *PL-40*)

PLANNING DIVISION SPECIAL CONDITIONS

26. Developer shall provide electric meters, mailboxes and address directories, placed in decorative cabinets and clustered for efficient access for residents and service persons. Developer shall coordinate placement and design of such items accordingly, with the Planning Division Manager, the appropriate utility service provider and the United States Postal Service, prior to issuance of building permits. (PL, *PL-19 modified*)
27. Developer shall participate in the City's Public Art Program by paying the Public Art fee prior to issuance of building permits, in accordance with City Council Resolution No. 14,124. Upon assessment of the Public Art fee, the Developer may elect to purchase an existing artwork or commission an original artwork for donation as a gift to the City of Oxnard's public art collection with a value equal to or in excess of the Public Art fee. The value of the purchased and / or commissioned artwork will be determined by the Cultural Arts Commission and City Council. Donations to the City are reviewed by the Cultural Arts Commission and the City Council to determine the aesthetic quality of the donation, the work's maintenance requirements and the appropriateness of the donation to the overall goals of the Cultural Arts Commission. (PL, *PL-50 modified*)
28. This permit is granted subject to approval for annexation to the City of Oxnard by the Ventura County Local Agency Formation Commission (LAFCo) and related City of Oxnard permits (Planning and Zoning Permit Nos. 17-620-01 (General Plan Amendment),

17-560-01 (Pre-Zoning), 17-500-13 (Special Use Permit – Residential), 17-500-05 (Special Use Permit - Office) and 17-535-02 (Density Bonus). The City shall issue building permits only after such approval and Resolution and ordinance adoption. This Tentative Subdivision Map and Density Bonus shall expire at the end of 36 months from the effective date of the LAFCo Annexation unless Developer has diligently developed the proposed project, as shown by map recordation and / or the issuance of a grading, foundation, or building permit and the construction of substantial improvements. (PL)

29. Applicant shall deposit \$2,000 for mitigation monitoring and reporting associated with development project, PZ 17-300-03. Such funds shall be deposited prior to issuance of a grading permit or map recordation, whichever occurs first. (PL).
30. Applicant shall submit a check made out to the City of Oxnard in the amount to be determined for payment of outstanding discretionary permit and environmental processing fees associated with the development project. Funds shall be deposited prior to issuance of a grading permit or map recordation, whichever occurs first. Additional funds to be paid when hours or contract planner hours exceed deposited amounts. (PL).
31. Developer shall comply with the mitigation measures identified in the Initial Study/Mitigated Negative Declaration No. 2017-04 for all development within Tract 5998. (PL)
32. These conditions of approval impose specific fees, dedications, reservations and/or other exactions. Pursuant to Government Code Section 66020, the 90-day period in which the Developer or applicant has to protest the imposed fees, dedications, reservations and/or other exactions has begun as of the date that the conditions of approval are approved.
33. Prior to issuance of building permits Developer shall enter into an agreement in a form approved by the City Attorney ensuring the continued affordability of 17 units which qualified the applicant for a density bonus. The affordability shall be as follows: 17 units for up to 80% AMI (low income), as adjusted for family size as provided in 25 California Code of Regulations Section 6932. The agreement shall be recorded in the Office of the Ventura County Recorder. The term of the agreement shall be a minimum of 55 years.

The agreement shall establish specific compliance standards and specific remedies available to the City of such compliance standards are not met. The agreement shall, among other things, specify the number of low income affordable units by number of bedrooms, standards for qualifying household incomes or other qualifying criteria, standards for maximum sales price, a required annual report, and monitoring fees. Developer hereby agrees to deposit funds for any staff time expended for preparation of the agreement and subsequent compliance with said agreement.

34. Developer shall develop the site with the proposed street names, as approved by the Street Naming Committee. (PL)
35. This permit is granted subject to the City's approval of a tentative map and final map and recordation of the final map. The City shall issue building permits only after such recordation, unless otherwise approved by both the Planning & Environmental Services 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 final map. (PL/DS)
36. 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 APDC regularities regarding Asbestos (Rule 63.7). (MND, C-8)
37. Developer shall mitigate air quality emissions associated with development of the subject site through a contribution to the City's Transportation Demand Management (TDM) program. Such fee shall be calculated at the time of building permit issuance in accordance with the Ventura County Air Quality Assessment Guidelines, as amended. Such fee shall be collected in full prior to building permit issuance. (MND, C-9)

Air Quality

38. Developer shall ensure that all construction equipment is maintained and tuned to recommended manufacture's specifications. (MND, C-1)
39. At all times during construction activities, Developer shall minimize the area disturbed by clearing, grading, earth moving, or excavation operations to prevent excessive amounts of dust. (MND, C-2)
40. 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)
41. 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)

42. 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)
43. 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)
44. 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 (Removal of Visible Roadway Accumulations). ((MND, C-7)
45. 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 APDC regularities regarding Asbestos (Rule 63.7). (MND, C-8)
46. Developer shall mitigate air quality emissions associated with development of the subject site through a contribution to the City's Transportation Demand Management (TDM) program. Such fee shall be calculated at the time of building permit issuance in accordance with the Ventura County Air Quality Assessment Guidelines, as amended. Such fee shall be collected in full prior to building permit issuance. (MND, C-9)
47. Prior to grading permit approval, Developer shall include on the grading plans a reproduction of all conditions of this permit pertaining to dust control requirements. (PL)

Biological Resources

48. Nesting Bird and Raptor Survey and Avoidance. In the event that the proposed action is planned to occur within the general bird nesting season, a pre-construction nesting bird survey shall be conducted by a qualified biologist. The nesting season is generally considered February 1 through August 31, with a peak from March to June; however, these dates vary by year depending on prey availability, weather, and other factors. In the event an active bird is observed in the habitats to be removed or in other habitats within 100 feet for songbirds and 500 feet for raptors of the construction work areas, all construction work in the suitable habitat or within 100 feet/500 feet of the suitable habitat must be delayed until after September 1st, or surveys must be continued in order to locate any nests. If an active nest is found, clearing and construction within 100 feet/500 feet of the nest shall be

postponed until the nest is vacated and juveniles have fledged, and until there is no evidence of a second attempt at nesting. Limits of construction to avoid a nest site shall be established in the field with flagging and stakes or construction fencing. Construction personnel shall be instructed on the ecological sensitivity of the area. (BIO-1)

Cultural Resources

49. Developer shall contract with a qualified archaeologist to monitor all project-related ground-disturbing activities. In the unlikely event that potentially significant archaeological materials are encountered during construction, the applicant must comply with State regulations and City's standard condition of approval for handling such resources. (CUL-2)

Noise

50. The living areas for all residences in the project, including those adjacent to Vineyard Avenue, shall be constructed to include sufficient noise attenuation to reduce interior noise levels to a CNEL of 45 dBA, as required by California building standards. For the estimated exterior CNEL values of 65 dBA, this performance standard requires an exterior-to interior noise reduction of approximately 20 dBA. This noise reduction is routinely achieved in residential construction that is consistent with current California energy conservation standards, and involves measures such as exterior stucco walls with a Sound Transmission Class (STC) rating of 45, double-paned windows with an STC of 37, solid core exterior doors. Building permit applications shall include documentation that the interior standard of 45 dBA CNEL will be achieved through a combination of these or other measures. (N-1(a))
51. The living areas shall contain forced air ventilation. All duct work for ventilation shall include noise louvers at the exterior outlet and/or duct outlets shall be directed either opposite to or perpendicular to Vineyard Avenue. Upper level patio/deck areas shall not be positioned facing the Vineyard Avenue for residences along the western site boundary, or other mitigation to bring exterior living space within City Noise standard of 65 dBA, subject to a Noise Study reviewed and approved by the Planning Manager or designee. N-1(b))
52. Construction Noise Levels. For all construction-related activities, noise-attenuation techniques shall be employed as needed to ensure that noise remains as low as possible during construction, specifically at REC-1 through REC-3. The following noise-attenuation techniques shall be incorporated into contract specifications to reduce the impact of construction noise:
 - Ensure that construction equipment is properly muffled according to industry standards and in good working condition.
 - Place noise-generating construction equipment and locate construction-staging areas away from sensitive uses, where feasible.

- Schedule high noise-producing activities between the hours of 7:00 AM and 5:00 PM to minimize disruption on sensitive uses.
- Implement noise attenuation measures to the extent feasible, which may include but are not limited to temporary noise barriers or noise blankets around stationary construction noise sources.
- Use electric air compressors and similar power tools rather than diesel equipment, where feasible.
- All stationary construction equipment (e.g., air compressors, generators, impact wrenches, etc.) shall be operated as far away from residential uses as possible and shall be shielded with temporary sound barriers, sound aprons, or sound skins.
- Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than 30 minutes.
- Clearly post construction hours, allowable workdays, and the phone number of the job superintendent at all construction entrances to allow for surrounding owners to contact the job superintendent. If the City or the job superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action, and report the action taken to the reporting party.

Water

53. The applicant shall provide for the allocation of groundwater pumping rights sufficient to serve the development (40.399 acre feet per year) from the Fox Canyon Groundwater Management Agency to the City of Oxnard, consistent with the ordinances and requirements of the two agencies, prior to recording the final map for the project.

ENVIRONMENTAL RESOURCES DIVISION

54. 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.
55. 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.

56. 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. Regardless of hauling methods, all materials collected must be conveyed to the Del Norte Regional Recycling and Transfer Station.
57. 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. 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 and Recycling Occupancy Report” shall be submitted to the Environmental Resources Division annually for approval on the anniversary date of the certificate of occupancy or at any such time that the facility’s operational functions change significantly.
58. Covenants, conditions and restrictions (“CC&Rs”) shall be developed for the project that require the homeowner’s association to make provisions to divert at least 50% of the material through source reduction, recycling, reuse, and/or green waste programs. Developer shall submit a “City of Oxnard C&D Environmental Resources Management & Recycling Occupancy Plan” (“Occupancy Plan”) to the City’s Environmental Resources Division. An Occupancy Plan must be submitted and approved prior to issuance of a final inspection. The CC&Rs shall require the homeowner’s association to submit to the Environmental Resources Division a “City of Oxnard C&D Environmental Resources Management & Recycling Occupancy Report” annually for approval on the anniversary date of the certificate of occupancy or at any such time that the facility’s operational functions change significantly.

DEVELOPMENT SERVICES DIVISION STANDARD CONDITIONS

59. 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 permit issuance. (DS-1)
60. 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. Developer 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)
61. A California licensed civil engineer 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. Submittal shall include, but not necessarily be limited to, grading, street, drainage, sewer, water and other appurtenant improvement plans, construction cost estimates, soils reports, and all pertinent engineering design calculations. City will not approve a parcel map or final map nor issue a grading, site improvement or building permit until the City Engineer has approved all improvement plans. (DS-15)
62. 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 map, then at the time of public improvement plan approval. (DS-17)
63. Developer agrees, as a condition of approval of this resolution, to indemnify, defend and hold harmless, at Developer's expense, City and its agents, officers and employees from and against any claim, action or proceeding commenced within the time period provided for in Government Code Section 66499.37, to attack, review, set aside, void or annul the approval of this resolution or to determine the reasonableness, legality or validity of any condition attached thereto. City shall promptly notify Developer of any such claim, action or proceeding of which City receives notice, and City will cooperate fully with Developer in the defense thereof. Developer shall reimburse City for any court costs and attorney's fees that City may be required to pay as a result of any such claim, action or proceeding. City may, in its sole discretion, participate in the defense of any such claim, action or proceeding, but such participation shall not relieve Developer of the obligations of this condition. Developer's acceptance of this resolution or commencement of construction or operations under this resolution shall be deemed to be acceptance of all conditions thereof. (DS-18)

64. Prior to approval of the final map or parcel map, Developer shall provide the City Engineer with written evidence from the Ventura County Clerk's Office that Developer has executed and filed with the Clerk all certificates, statements and securities required by Government Code Sections 66492 and 66493. (DS-26)
65. Prior to recordation of the final map or parcel map, Developer shall annex the project property to the Calleguas Municipal Water District. (DS-43)
66. Developer shall provide soils reports, "R" value tests, and compaction tests for all streets. Determination of the actual structural sections shall be based on City's design procedure, "R" value tests of in-place soils, and approved traffic indices. (DS-53)
67. Developer shall install all water, gas, sewer, storm drain, electrical, cable television, and telephone lines before any paving is placed. (DS-54)
68. Prior to release of the final map or parcel map for recordation, Developer shall provide the City Engineer with a 100scale base map for addressing purposes. The map shall be drawn on 18inch by 24inch mylar and shall show the standard address map title block, north arrow, street names, tract number, phase boundary and lot numbers. The City will assign all addresses. (DS-56)
69. Prior to release of the final map or parcel map for recordation, Developer shall post security satisfactory to the City Attorney guaranteeing that all survey monuments will be set as required by the Government Code and the City Code. (DS-57)
70. Developer shall submit a street lighting plan as a part of the civil improvement plans. Developer shall install streetlights in accordance with the plan. (DS-60)
71. Developer shall provide adequate vehicle sight distance as specified by CalTrans specifications at all driveways and intersections. (TR-71)
72. Developer, property owner or tenant shall participate in a Traffic Management Association (TMA) if one is formed and shall implement and participate in all programs and strategies established by the TMA. This condition shall be included in all leases and rental agreements for the project property. (TR-72)
73. Developer shall install bike racks in accordance with City standards at locations approved by City Traffic Engineer. (TR-73)
74. 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)

75. In non-residential developments where fifty or more persons are employed, Developer shall include a transportation information center stocked with bus schedules, rideshare information, and related information on alternative methods of transportation. Developer or owner shall update such information at least once a month. (TR-77)

STORMWATER QUALITY CONDITIONS

76. Prior to issuance of a grading, building or demolition permit and prior to commencement of any clearing, grading or excavation, Developer shall provide evidence of assignment of a permit identification number by the California State Water Resources Control Board indicating submittal of a Notice of Intent (NOI) by the Developer in accordance with the NPDES Construction General Permit. Developer shall comply with all requirements of the General Permit and the Ventura Countywide MS4 Permit, including preparation of a Stormwater Pollution Prevention Plan (SWPPP). Developer shall keep the SWPPP updated to reflect current site conditions and a copy of the SWPPP shall be kept onsite and available for City or designated representative to review upon request. (DS-86)
77. Developer shall install 'Full Capture System Devices' ("Devices") certified by the State Water Resources Control Board Executive Director in compliance with the Statewide Trash Amendments ("Amendments") in all catch basins accepting stormwater runoff from any portion of this project that meets the definition of 'Priority Land Use' as defined by the Amendments at the time of issuance of a grading/site improvement permit. The Devices shall be sized and designed in accordance with requirements of the Amendments and the Technical Guidance Manual for Stormwater Quality Control Measures ("TGM"). (DS-88)
78. 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)
79. Developer shall ensure that the project landowner and Developer take all action necessary to transfer to City all water rights appurtenant to or associated with the project property and all Fox Canyon Groundwater Management Agency (GMA) groundwater pumping allocation (historical and baseline and credits accrued thereon) associated with groundwater extraction facilities used to irrigate the project property. Action necessary to transfer water rights and the GMA allocation shall include, but not be limited to, obtaining the necessary written approvals of the owners/operators of the groundwater extraction facilities and cooperating fully with City in obtaining written approval from the GMA for transfer of the GMA allocation. The transfer of water rights and the GMA allocation shall be completed and approved by the GMA to the satisfaction of City before City issues a site improvement permit to Developer. (DS-108)

80. Prior to recordation of the final map or parcel map, Developer shall cause the Assessment District Engineer to reapportion the existing assessments in accordance with the proposed re-subdivision. (DS-109)

DEVELOPMENT SERVICES DIVISION SPECIAL CONDITIONS

81. Developer shall place existing overhead utility lines on and adjacent to the project underground in accordance with City Code in effect at the time City issues a grading/site improvement permit. The current City Code does not require the placement of lines conducting in more than 33kv underground. Prior to recordation of the final map or issuance the grading/site improvement permit, Developer shall post security satisfactory to the Finance Director guaranteeing utility relocation including the cost of any required pole relocation.(DS)
82. Developer shall relocate existing high voltage (conducting in excess of 33kv) power poles to a location that is behind the proposed Vineyard Avenue sidewalk. (DS)
83. Developer shall process the final map associated with this permit concurrent with the site improvement plans for Planning and Zoning Permit 17-500-13. The final map shall be processed for recordation concurrent with approval of the PZ 17-500-13 site improvement plans. (DS)
84. Concurrent with recordation of the final map, Developer shall record an agreement (or similar document) between parcels 1 and 2 of Tract 5998 that provides for shared use and maintenance of the proposed shared onsite sewer main. (DS)
85. Developer shall include in the project drainage report an evaluation of the quantity of stormwater currently conveyed within Vineyard Avenue at the north property line of the project. If the quantity of stormwater exceeds City standards, Developer shall extend the proposed Vineyard Avenue stormdrain line to the north property line and construct a catch basin inlet to convey the stormwater underground. Final design of this system is subject to approval of the Community Development Director. (DS)
86. Developer's drainage study shall include a determination of the unused stormwater capacity of the existing 54-inch stormdrain line in Vineyard Avenue. Stormwater runoff from this project shall be designed as the lessor of the unused 54-inch pipe capacity or the discharge limits placed on the project by the Ventura County Watershed Protection Agency. (DS)
87. Developer shall reconstruct the northeast curb return at the existing Vineyard Avenue/Rio School Lane intersection to align with the proposed width of the new private drive aisle. Improvements shall include a new ADA compliant pedestrian ramp. (DS)

88. Improvements required of this map include the widening of Vineyard Avenue as generally indicated on the tentative map. Vineyard Avenue improvements shall include pavement, raised median, curb, gutter, sidewalk, underground utilities and relocation of the existing overhead utility lines. Developer shall obtain approval of the improvement plans and enter into a standard subdivision improvement agreement to guarantee construction of the Vineyard Avenue widening prior to recordation of the final map. (DS)
89. Developer is required to properly destroy all existing onsite water wells (whether operational or not) in accordance with the California Department of Water Resources standards. The City is currently aware that at least 2 water wells have been previously drilled on this site. (DS)
90. Developer shall install fire hydrants along the project's Vineyard Avenue frontage as directed by the Fire Marshall. (DS)
91. Developer shall provide evidence of issuance of a Caltrans encroachment permit for work under Caltrans jurisdiction (Vineyard Avenue) prior to issuance of a permit by the City. (DS)
92. Developer shall provide signing and striping along Vineyard Avenue to accommodate the proposed Vineyard Avenue widening. Developer shall prepare a plan showing the existing and proposed signing and striping along Vineyard Avenue. The plan shall include approximately 100-feet south of the Ventura Boulevard/Vineyard Avenue intersection to approximately 350-feet north of the Stroube Street/Vineyard Avenue intersection. The striping shall include a #3 northbound through lane beginning at Ventura Boulevard with a right turn lane at Stroube Street. Final striping and signing shall be approved by the City Traffic Engineer in cooperation with Caltrans. (TR)

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 21st day of November, 2019 by the following vote:

Deidre Frank, Chair

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Oxnard at a meeting held this 21st day of November 2019, and carried by the following vote:

AYES: Commissioner(s):

NOES: Commissioner(s):

ABSENT: Commissioner(s):

ABSTAIN: Commissioner(s):

Scott Kolwitz, Secretary

H.
Special Use Permit - Office Resolution

RESOLUTION No. 2019-XX [PZ 17-500-05]

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 17-500-05 (SPECIAL USE PERMIT) TO DEMOLISH FIVE FORMER EL RIO ELEMENTARY SCHOOL BUILDINGS AND TO ABANDON A WATER WELL AND TO ALLOW THE CONSTRUCTION OF 15,000 SQUARE FOOT (SF) TWO-STORY OFFICE BUILDING WITH ASSOCIATED PARKING AND SITE IMPROVEMENTS, IN CONJUNCTION WITH THE RIO URBANA PROJECT LOCATED AT 2714 EAST VINEYARD AVENUE, SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY RIO SCHOOL DISTRICT, 2500 E. VINEYARD AVE., OXNARD, CA AND THE PACIFIC COMPANIES, 430 E. STATE STREET #100, EAGLE, IDAHO.

WHEREAS, the Rio School District (RSD) owns a 9.90 acre parcel located at 2714 East Vineyard Avenue (APN 145-0-232-010) abutting a 1) 0.34 acre portion of County of Ventura public right-of-way which is proposed to be included within the project area and that is coterminous with the north edge of the RSD parcel and 2) the City of Oxnard corporate limits that are coterminous with the south and west edges of the RSD parcel; and

WHEREAS, the RSD declared the closed El Rio Elementary School on the parcel located at 2714 East Vineyard Avenue as a surplus school site, completed a reuse feasibility study, and partnered with The Pacific Companies to propose redevelopment of the property; and

WHEREAS, the RSD and The Pacific Companies jointly filed entitlement applications with the City of Oxnard on March 28, 2017 for Annexation (PZ No. 17-610-01), General Plan Amendment (PZ No. 17-620-01), Pre-Zoning (PZ No. 17-560-01), two Special Use Permits (PZ Nos. 17-500-05 and 17-500-13), Density Bonus (PZ No. 17-535-02) and a Tentative Subdivision Map (PZ No. 17-300-03); and

WHEREAS, the RSD and The Pacific Companies would develop a 1.12 acre “Parcel 1” with a two-story, 15,000 gsf office building with 60 standard parking spaces and one motorcycle space; develop a 9.12 acre “Parcel 2” with 167 one- to three-bedroom attached apartment condominiums in eight three-story structures (38 feet in height) that include a fitness center and 20 low income deed-restricted units, a 1,068 gsf recreation pavilion, four refuse structures, 169 resident garages and 163 parking spaces, 93 guest parking spaces, 6 motorcycle spaces, stormwater retention and treatment facilities, on-site utilities and off-site connections, landscaping, six play areas and a tot lot, dog run; relocate four Southern California Edison (SCE) 66kV power poles; and widen and improve Vineyard Avenue by 23 feet (“Project”); and

WHEREAS, related Project approvals are required by the Local Agency Formation Commission, County of Ventura, California Department of Transportation, Calleguas Municipal Water District, and the Metropolitan Water District of Southern California; and

WHEREAS, the Project was initially reviewed by the City Council as a Pre-Application in 2015 which identified parking, compatibility, and on-site recreational amenity issues that were addressed by changes to the Project; and

WHEREAS, the Project applicants participated in a Community Workshop on June 18, 2018 and made presentations to the El Rio Municipal Advisory Committee on June 21, 2018; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), the Community Development Director provided public notice of the intent of the City to adopt a Mitigated Negative Declaration (MND No. 2017-04) for the Project, the Project MND was circulated for public comment for 30 days between July 19, 2019 and August 19, 2019, and no comments were received that changed the MND mitigations or findings; and

WHEREAS, the Planning Commission has considered MND No. 2017-04 before making its recommendation herein and the MND's mitigation monitoring and reporting program is included in the MND document and incorporated by reference in this and related resolutions and permits; and

WHEREAS, the Planning Commission is concurrently recommending the City Council adopt MND 2017-04 and approve the Annexation, General Plan Amendment, Pre-Zoning, Density Bonus, and Tentative Subdivision Map; and

WHEREAS, the Planning Commission is concurrently considering a Special Use Permit (PZ No. 17-500-13) application for 167 condominium multifamily units on the remainder of the RSD parcel, subject to approval of the related actions within that special use permit's conditions of approval; and

WHEREAS, the Project has been reviewed by the Development Advisory Committee (DAC) and the DAC has prepared conditions of approval that are incorporated within the recommended permits; and

WHEREAS, the Planning Commission has held a duly noticed public hearing and received and reviewed written and oral comments related to the Project; and

WHEREAS, the Planning Commission has held a duly noticed public hearing on October 3, 2019 and received and reviewed written and oral comments, presented staff and the Applicant with a series of questions; and continued the hearing to November 7, 2019; and

WHEREAS, the November 7, 2019 Planning Commission meeting was canceled and all agenda items continued to the meeting of November 21, 2019; and

WHEREAS, the Planning Commission considered replies to the October 3, 2019 questions, and accepted into the record corrections and clarification to MND 2017-04 in compliance with CEQA; and

WHEREAS, the Planning Commission finds after due study and deliberation that the public interest and general welfare require the approval of Special Use Permit PZ No. 17-500-05 for development of a 15,000 sf two-story office building on a portion of the parcel located at 2714 East Vineyard Avenue.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF OXNARD:

SECTION 1. Based on the entire record before the Planning Commission and all written and oral evidence presented, including the Planning Commission Staff Report and all attachments thereto, the Planning Commission finds:

- (1) The proposed use is in conformance with the City of Oxnard General Plan and other adopted standards.**

The project includes a General Plan Amendment to change the land use designation from School to Commercial General, and the project includes a Pre-Zoning of General Commercial Planned Development (C2-PD).

The project's commercial and residential uses are consistent with the General Plan land use designation and zoning as discussed in great detail in Sections 6 (c), 6 (d), and 6 (j) and Section 7 of the Planning Commission Staff Report. The project also includes a Density Bonus for a two percent density bonus (3 additional units), reduced parking standards, and a concession to reduce the Interior Yard Space requirement from 30 to 24 percent of the parcel area.

As discussed in greater detail in Sections 6 (c) through 6 (h) and Section 7 of the Planning Commission Staff Report, the Project as designed and conditioned meets all applicable development standards with application of one Density Bonus permit concession for reduction of interior yard space, three PD standards adjustments for building height, number of stories and storage space size, and administrative relief under OCC 16-651(B)(2), "Off-site parking" for distance to condominium parking spaces.

Therefore, the project is in conformance with the 2030 General Plan and the elements thereof and other adopted standards.

- (2) The nature, condition, and development of adjacent uses, buildings, and structures shall be considered, and no proposed special use permit shall be granted if the approval body finds such use will adversely affect or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare.**

The use is consistent with uses considered and permitted by the General Commercial Planned Development (C-2-PD) zone that is the consistent zone designation for the General Plan Commercial General land use designation. The Project as designed and conditioned will be architecturally compatible with the surrounding area and will enhance and improve the existing conditions of the site and neighborhood. Construction activities, anticipated uses, and development design will be subject to standard construction requirements of the Building, Fire,

Traffic Codes and Planning Division requirements. Therefore, as conditioned, the use and improvements are not expected to have adverse effects or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare.

- (3) **The site that is subject to the special use permit shall be adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and all items required by the conditions of approval.**

The project as designed and conditioned meets the development standards of the General Commercial Planned Development (C2-PD) zone as described above in Finding Section 2(1). As such, the subject site is adequate in terms of size and as developed the development meets or exceeds City's design standards.

- (4) **The site that is subject to the special use permit shall be served by streets and highways adequate in width and improved as necessary to carry the kind and quantity of traffic such use will generate.**

The project will be accessed from Vineyard Avenue and the site has sufficient access to streets and highways that are adequate in size and existing intersections adjacent to the project site will operate at acceptable levels of service, as described in great detail in the Planning Commission Staff Report Sections 5 and 6 (g).

- (5) **The site for the proposed use will be provided with adequate sewerage, water, fire protection and storm drainage facilities.**

The Project is considered redevelopment that has been found to be consistent with anticipated reuse for this surplus school district site. Furthermore, the Project will be served by existing City of Oxnard water and sewer mains and adequate Fire Protection will be provided as determined by the Development Advisory Committee. In accordance with the Stormwater Quality Conditions of this Resolution, the Project's design will comply with stormwater control measures as required by the Los Angeles Regional Water Quality Control Board's municipal separate storm sewer system ("MS4") permit.

SECTION 2. This Resolution shall not become effective unless and until the City of Oxnard City Council adopts Mitigated Negative Declaration 2017-04, as amended, and approves the associated Annexation (PZ No. 17-610-01), General Plan Amendment (PZ No. 17-620-01), Pre-Zoning (PZ No. 17-560-01), Density Bonus (PZ No. 17-535-02) and Tentative Subdivision Map (PZ No. 17-300-03) and the Ventura County Local Agency Formation Commission (LAFCo) approves the Annexation. If the City Council or LAFCo fail to approve the Annexation, then this Resolution shall become null and void and be of no further force and effect.

SECTION 3. Based on the findings set forth herein, the Planning Commission hereby approves Planning and Zoning Permit No. 17-500-05 (Special Use Permit), subject to the attached conditions of approval.

SECTION 4. The decision of the Planning Commission shall be final unless an appeal of the action is filed in accordance with the provisions of Oxnard City Code Section 16-545.

SECTION 5. The Secretary shall certify the adoption of this Resolution.

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 May 2, 2019, (“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. (CA, G-6)

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

LANDSCAPE STANDARD CONDITIONS

14. 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)
15. 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*)

16. 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*)
17. 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*)
18. Prior to the issuance of City issues 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*)
19. All trees planted or placed on the property by Developer shall be at least 24-inch-box size. All shrubs and vines shall be at least five-gallon size, except as otherwise specified by this permit. (PK, *PK-6*)
20. At the time of landscape plan check submittal, the landscape planting and irrigation plans shall comply with the current title 23 Model Water Efficient Landscape Ordinance (MWELO). (PK, *PK-7.1*)

MEDIAN/PARKWAY

21. Developer shall submit four sets of median and parkway landscape and irrigation plans with the first submittal of public improvement plans. The City shall approve median and parkway landscape and irrigation plans when the City approves public improvement plans. Before the City issues a building permit, the irrigation plans must be approved for proper meter size, backflow prevention device, and cross connection control by the Water Production Supervisor or designee. (DS/ PK, *PK-14*)
22. Before the City accepts medians and parkways from Developer, the landscaping thereon must complete a plant establishment period of 90 days or such other time as specified in this permit. (PK/DS, *PK-15*)

WATER CONSERVATION

23. Developer shall install an irrigation system that includes a water sensor shut off device as a water conservation measure. (PK, *PK-22*)
24. 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)

25. 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, and applicable water conservation requirements of the State of California". (PK, PK-24)
26. At the time of Plan Check submittal, the landscape plans shall contain an exhibit titled "Tree Tabulation Chart". The Tree Tabulation Chart 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 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)

LANDSCAPE SPECIAL CONDITIONS

27. Sheet L-02. Planting to extend to substantially screen parking spaces.
 - a. A 36" high visual barrier shall be provided to screen parked cars from City streets. Barrier may be a wall or earthen berm with additional planting to achieve 36" height as measured from the top of the parking lot curb. Suitable sight-distance shall be maintained at corners and driveways. Parking lot screen hedges adjacent to the roadway shall be 36" in height at time of planting.
28. Sheets A-010 & L-02. Transformers shown in conflict with parking lot tree locations.
 - a. Tree finger planters required for every ten parking spaces and at ends of drive aisles. For every ten parking spaces in single-loaded parking bay row, at least one perpendicular or diagonal landscape planter shall be provided, having minimum dimensions of 9 feet wide by the length of the adjacent parking stall, measured from outside curb face to outside curb face, and containing one tree, shrubs, and groundcover. Configurations other than perpendicular or diagonal planters may be approved by the parks and facilities superintendent, planning director or planning commission.
 - b. All hardware, equipment enclosures, transformers, trash enclosures, gas meters, electrical vents, irrigation controllers, backflow devices, etc. in parking lot planters shall be substantially screened with shrubs and/or vines, 5 gallon size minimum. Trash enclosures to be screened with planting.
29. Show locations of light standards on landscape plan and tree locations on lighting plan. Identify and resolve any conflicts.

30. Written confirmation to be provided that the Landscape Architect or Architect has reviewed the civil engineer's construction drawings and that the NPDES requirements are not in conflict with meeting the City's landscape requirements.
31. Irrigation plan to be provided. Provide required water use calculations and water budget calculations for review. City "Statement of Compliance" signed by a California licensed Landscape Architect or Architect required. Confirm planting hydrozones.
32. At the time of plancheck submittal, the Landscape shall show that all plant material within a 30-foot triangle at the intersection of Vineyard Avenue and any driveway shall be no more than three feet in height at maturity above curb level.

FIRE DEPARTMENT STANDARD CONDITIONS

33. 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*)
34. 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*)
35. 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*)
36. 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*)
37. 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*)
38. The project shall meet the minimum requirements of the "Fire Protection Planning Guide" published by the Fire Department. (FD, *F-6*)
39. At all times during construction, developer shall maintain paved surfaces capable of handling loads of 76,000 pounds which will provide access for fire fighting apparatus to all parts of the project property. (FD/DS, *F-7*)

40. Developer shall identify all hydrants, standpipes and other fire protection equipment on the project property as required by the Fire Chief. (FD, *F-8*)
41. Developer shall install security devices and measures, including walkway and vehicle control gates, entrance telephones, intercoms and similar features, subject to approval of the Police Chief and the Fire Chief. Vehicle control gates shall be operable by City approved radio equipment. (FD/PD, *F-9*)
42. Developer shall provide central station monitoring of the fire sprinkler system and all control valves. (FD, *F-10*)
43. 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*)
44. 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*)
45. Developer shall install 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*)
46. 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

47. 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.
48. Coordinate the Landscape so it does not impinge on access to fire protection utilities and equipment.
49. Areas designated by the Fire Marshal as Fire Lanes shall be identified by a red curb and signage per the California Department of Motor Vehicles and in accordance to the fire

master.

50. The NFPA sprinkler system for this project will be in accordance to the determined classification of the buildings upon construction plans submittal.
51. 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.
52. Electrically operated vehicle entry gates require Click -2 Enter radio activated controls.
53. Class I wet standpipe system is required at every stairwell. Combined Sprinkler and standpipe system shall be required.
54. Trash enclosures shall have sprinklers.

POLICE CONDITIONS

55. A condition of approval requires compliance with the Outdoor Lighting Code & Guideline.
 - a) Outdoor lighting shall comply with Title 24, Part 6, of the California Code of Regulations: California's Energy Efficiency Standards for Residential and Nonresidential Buildings.
 - b) Unless approved as a specific exception to this guideline, all outdoor lighting shall be flat lens, full cut-off fixtures with the light source fully shielded with the exceptions:
 - 1) Luminaires with a maximum output of 260 lumens per fixture, regardless of number of bulbs (equal to one 20-watt incandescent light), may be left unshielded provided the fixture has an opaque top to keep light from shining directly up.
 - 2) Luminaires that have a maximum output of 1,000 lumens per fixture, regardless of number of bulbs (equal to one 60-watt incandescent light) may be partially shielded provided the bulb is not visible, and the fixture has an opaque to keep light from shining directly up.
 - c) Oxnard City Code 16-320: Lighting within physical limits of the area required to be lighted shall not exceed seven foot-candles, nor be less than one foot-candle at any point. A light source shall not shine upon, or illuminate directly any surface other than the area required to be lighted. No lighting shall be of a type or in a location that constitutes a hazard to vehicular traffic, either on private property or on the abutting streets. The height of light standards shall not exceed 26 feet. To prevent

- damage from automobiles, standards shall be mounted on reinforced concrete pedestals or otherwise protected. (PD)
56. Exterior lighting of the site including parking areas shall be between 1 and 7 foot candles and shall be in harmony with existing adjacent lighting scheme. (PD)
 57. LED or similar in nature and spectrum (3,000K to 20,000K Correlated Color Temperature). (PD)
 58. Lighting instruments shall be full cut-off and installed so that light does not directly illuminate property outside the project site. Instruments shall not create glare for motorists or pedestrians. (PD)
 59. All common area lighting shall operate from dusk to 9:00 dawn. (PD)
 60. Integrated landscape/lighting/photometric plan shall be submitted illustrating a 20-year tree maturity. This is to ensure that tree growth will not adversely impact future lighting and therefore site safety as the project matures. This plan shall be submitted and approved prior to the issuance of building permits. (PD)
 61. Landscape elements shall be arranged to provide clear lines of sight and eliminate potential places of concealment. (PD)
 62. Trees shall not be located where they would conflict with lighting instruments. Appropriate proximity is based a tree's canopy size at twenty-year maturity. (PD)
 63. Creeping fig or similar climbing vine shall be used to dissuade the application of graffiti on CMU walls. (PD)
 64. Developer and/or property manager shall post all entrances in compliance with California Vehicle Code 22658(a). 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. (PD)
 65. Developer and/or property manager shall post signs, each visible from the public right of way at each vehicular entrance, identifying the management company's name and phone number. (PD)

PLANNING STANDARD CONDITIONS

66. 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)

67. 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*)
68. 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*)
69. 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*)
70. 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*)
71. 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)
72. 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. (PL)
73. 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*)
74. 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*)
75. Developer shall provide graphic site directories at principal access walkway points. (PL/B, *PL-10*)

76. 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. (B/DS, *PL-11*)
77. 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 Section 23114, with special attention to Sections 23114(b)(2)(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. (B/DS, *PL-12*)
78. Developer shall provide for dust control at all times during project property preparation and construction activities. (B/DS, *PL-13*)
79. Developer agrees to participate in a water conservation program that includes refitting water fixtures existing on the project property with water conserving devices within residences or businesses in the City's water service area, if such a program is in effect when building permits are issued for this project. Among the requirements of such a program might be refitting existing toilets, faucets, shower heads, landscaping irrigation or other fixtures and items that consume water within the structure. (PL, *PL-14*)
80. 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*)
81. 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*).

COMMERCIAL/INDUSTRIAL

82. 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*)
83. 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*)
84. 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*)
85. Prior to issuance of a certificate of occupancy, Developer shall remove all construction materials and vehicles from the subject property. (PL/B, *PL-47*)
86. Developer shall limit outdoor storage of materials to the locations shown on the project plans. Developer shall screen storage areas from adjacent properties and streets by a wall or similar screening. All fence and wall materials shall match the predominant design and materials of the main structure on the project property. (PL/B, *PL-48*)
87. Developer shall stripe loading zones placed partly or wholly within a structure for loading and unloading activities only and post to prohibit storage or other non-loading activity within the loading zone. (PL/B, *PL-49*)

PLANNING SPECIAL CONDITIONS

88. Developer shall participate in the City's Public Art Program by paying the Public Art fee prior to issuance of building permits, in accordance with City Council Resolution No. 14,124. Upon assessment of the Public Art fee, the Developer may elect to purchase an existing artwork or commission an original artwork for donation as a gift to the City of Oxnard's public art collection with a value equal to or in excess of the Public Art fee. The value of the purchased and / or commissioned artwork will be determined by the Cultural Arts Commission and City Council. Donations to the City are reviewed by the Cultural Arts Commission and the City Council to determine the aesthetic quality of the donation, the work's maintenance requirements and the appropriateness of the donation to the overall goals of the Cultural Arts Commission. (PL, *PL-50 modified*)
89. This permit is granted subject to approved for annexation to the City of Oxnard by the Ventura County Local Agency Formation Commission (LAFCo), and subject to approval of related City of Oxnard permits [Planning and Zoning Permit Nos. 17-620-01 (General Plan Amendment), 17-560-01 (Pre-Zoning), 17-300-03 (Tentative Subdivision Map for Tract No. 5998), and 17-535-02 (Density Bonus)]. The City shall issue building permits only after such approval and Resolutions and ordinance adoption. (PL) This Special Use Permit shall expire at the end of 36 months from the effective date of the LAFCo Annexation unless Developer has diligently developed the proposed project, as shown by

map recordation and / or the issuance of a grading, foundation, or building permit and the construction of substantial improvements. (PL)

90. These conditions of approval impose specific fees, dedications, reservations and/or other exactions. Pursuant to Government Code Section 66020, the 90-day period in which the Developer or applicant has to protest the imposed fees, dedications, reservations and/or other exactions has begun as of the date that the conditions of approval are approved. (PL)
91. Applicant shall submit a check made out to the City of Oxnard in the amount to be determined for payment of outstanding discretionary permit and environmental processing fees associated with the development project. Funds shall be deposited prior to issuance of a grading permit. Additional funds to be paid when hours or contract planner hours exceed deposited amounts. (PL).
92. Developer shall comply with the mitigation measures identified in the Initial Study/Mitigated Negative Declaration No. 2017-04 for all development within Tract 5998. (PL)
93. Developer shall install toilets that have automatic flush sensors in all public restrooms. Such toilets shall be included on the plans submitted for a building permit and shall be maintained and in working order at all times. (PL)
94. Developer shall install individual mirrors above each sink in a public restroom to the satisfaction of the Planning Division Manager. The details of such mirrors shall be approved prior to issuance of a building permit. Developer shall remove graffiti from the mirrors or replace the mirrors within 24 hours of graffiti appearance. (PL)
95. 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)
96. 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)
97. This permit is granted subject to the City's approval of a tentative map and final map and recordation of the final 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 final map. (PL/DS)

98. Developer shall provide bicycle parking consistent with the bicycle and Pedestrian Master Plan as outlined in Appendix Pg. A-38. A minimum of 8 short term bicycle parking spaces and 2 longer term bicycle parking spaces (lockers or similar) shall be provided. (PL)
99. Developer shall provide a concrete curb at least six inches high around all planting areas adjacent to parking lots and drive aisles. The finished grade of the planted area shall be at least three inches below the top of the planter curbing where curbing abuts a public right-of-way. (PL)
100. At time of plan check review, all wall mounted and ground mounted equipment, utilities and meters shall be identified on building elevations and landscape plans and shall be integrated into the building design or effectively screened with shrubs and/or vines, 5 gallon size minimum, to the satisfaction of the Planning Manager. (PL)
101. At time of plan check review, Applicant shall provide an Irrigation plan, required water use calculations and water budget calculations for review. Applicant shall also provide the City's "Statement of Compliance" form signed by a California licensed Landscape Architect or Architect required. Confirm planting hydrozones. (PL)

Air Quality

102. Developer shall ensure that all construction equipment is maintained and tuned to recommended manufacture's specifications. (MND, C-1)
103. At all times during construction activities, Developer shall minimize the area disturbed by clearing, grading, earth moving, or excavation operations to prevent excessive amounts of dust. (MND, C-2)
104. 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)
105. 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)

106. 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)
107. 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)
108. 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 (Removal of Visible Roadway Accumulations). ((MND, C-7)
109. 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 APDC regularities regarding Asbestos (Rule 63.7). (MND, C-8)
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-9)
111. Prior to grading permit approval, Developer shall include on the grading plans a reproduction of all conditions of this permit pertaining to dust control requirements. (PL)

Biological Resources

112. Nesting Bird and Raptor Survey and Avoidance. In the event that the proposed action is planned to occur within the general bird nesting season, a pre-construction nesting bird survey shall be conducted by a qualified biologist. The nesting season is generally considered February 1 through August 31, with a peak from March to June; however, these dates vary by year depending on prey availability, weather, and other factors. In the event an active bird is observed in the habitats to be removed or in other habitats within 100 feet for songbirds and 500 feet for raptors of the construction work areas, all construction work in the suitable habitat or within 100 feet/500 feet of the suitable habitat must be delayed until after September 1st, or surveys must be continued in order to locate any nests. If an active nest is found, clearing and construction within 100 feet/500 feet of the nest shall be postponed until the nest is vacated and juveniles have fledged, and until there is no evidence of a second attempt at nesting. Limits of construction to avoid a nest site shall be established in the field with flagging and stakes or construction fencing. Construction personnel shall be instructed on the ecological sensitivity of the area. (BIO-1)

Cultural Resources

113. Developer shall contract with a qualified archaeologist to monitor all project-related ground-disturbing activities. In the unlikely event that potentially significant archaeological materials are encountered during construction, the applicant must comply with State regulations and City's standard condition of approval for handling such resources. (CUL-2)

Noise

114. The living areas for all residences in the project, including those adjacent to Vineyard Avenue, shall be constructed to include sufficient noise attenuation to reduce interior noise levels to a CNEL of 45 dBA, as required by California building standards. For the estimated exterior CNEL values of 65 dBA, this performance standard requires an exterior-to interior noise reduction of approximately 20 dBA. This noise reduction is routinely achieved in residential construction that is consistent with current California energy conservation standards, and involves measures such as exterior stucco walls with a Sound Transmission Class (STC) rating of 45, double-paned windows with an STC of 37, solid core exterior doors. Building permit applications shall include documentation that the interior standard of 45 dBA CNEL will be achieved through a combination of these or other measures. (N-1(a))
115. The living areas shall contain forced air ventilation. All duct work for ventilation shall include noise louvers at the exterior outlet and/or duct outlets shall be directed either opposite to or perpendicular to Vineyard Avenue. Upper level patio/deck areas shall not be positioned facing the Vineyard Avenue for residences along the western site boundary, or other mitigation to bring exterior living space within City Noise standard of 65 dBA, subject to a Noise Study reviewed and approved by the Planning Manager or designee. N-1(b))
116. Construction Noise Levels. For all construction-related activities, noise-attenuation techniques shall be employed as needed to ensure that noise remains as low as possible during construction, specifically at REC-1 through REC-3. The following noise-attenuation techniques shall be incorporated into contract specifications to reduce the impact of construction noise:
- Ensure that construction equipment is properly muffled according to industry standards and in good working condition.
 - Place noise-generating construction equipment and locate construction-staging areas away from sensitive uses, where feasible.
 - Schedule high noise-producing activities between the hours of 7:00 AM and 5:00 PM to minimize disruption on sensitive uses.
 - Implement noise attenuation measures to the extent feasible, which may include but are not limited to temporary noise barriers or noise blankets around stationary construction noise sources.
 - Use electric air compressors and similar power tools rather than diesel equipment, where feasible.

- All stationary construction equipment (e.g., air compressors, generators, impact wrenches, etc.) shall be operated as far away from residential uses as possible and shall be shielded with temporary sound barriers, sound aprons, or sound skins.
- Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than 30 minutes.
- Clearly post construction hours, allowable workdays, and the phone number of the job superintendent at all construction entrances to allow for surrounding owners to contact the job superintendent. If the City or the job superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action, and report the action taken to the reporting party. (N-2)

Water

117. The applicant shall provide for the allocation of groundwater pumping rights sufficient to serve the development from the Fox Canyon Groundwater Management Agency to the City of Oxnard, consistent with the MND and the ordinances and requirements of the two agencies, prior to recording the final map for the project. (W-1).

ENVIRONMENTAL RESOURCES DIVISION

118. 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.
119. 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.

120. 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. Regardless of hauling methods, all materials collected must be conveyed to the Del Norte Regional Recycling and Transfer Station.
121. 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. 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 and Recycling Occupancy Report" shall be submitted to the Environmental Resources Division annually for approval on the anniversary date of the certificate of occupancy or at any such time that the facility's operational functions change significantly.
122. 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

123. 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 permit issuance. (DS-1)
124. 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 indicate the proposed structural section and design T.I. on the site improvement plans. (DS-2)
125. Developer shall have the site improvement plans prepared using standard Development Services Division format(s) 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 ink-on-mylar plans filed with the Development Services Division. (DS-3)
126. Developer shall submit improvement plans and drainage calculations demonstrating that storm drain runoff 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)

127. Developer shall protect building pads from inundation during a 1% chance (100year) storm. (DS-5)
128. 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)
129. Developer's site improvement plans shall include an onsite sewer plan. (DS-10)
130. Developer shall provide 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 site improvement plans prior to issuance of a site improvement/grading permit. Developer shall provide the City with an easement over onsite waterlines using standard City format. (DS-11)
131. Developer shall install onsite and offsite electric, cable, telephone and similar utility service laterals underground in accordance with City ordinances in effect at the time City issues a building permit. Services shall be installed underground to the nearest suitable riser pole as determined by the appropriate utility service provider. (DS-12)
132. 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. Developer 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)
133. A California licensed civil engineer 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. Submittal shall include, but not necessarily be limited to, grading, street, drainage, sewer, water and other appurtenant improvement plans, construction cost estimates, soils reports, and all pertinent engineering design calculations. City will not approve a parcel map or final map nor issue a grading, site improvement or building permit until the City Engineer has approved all improvement plans. (DS-15)
134. Prior to issuance of a site improvement permit, Developer shall provide to the Development Services Division a compact Disc (CD) containing digital copies of all project maps, address map, and/or 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)
135. 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 map, then at the time of public improvement plan approval. (DS-17)

136. Developer shall provide all necessary easements for streets, highways, alleys, sidewalks, parkways, landscaping, utilities, drainage facilities, or 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)
137. 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)
138. 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)
139. Developer shall pay the cost of all inspections of onsite and offsite improvements. (DS-22)
140. Developer shall be responsible for all project related actions of Developer's employees, contractors, subcontractors, and agents until City accepts the improvements. (DS-23)
141. 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)
142. "Standard Specifications for Public Works Construction" latest edition (including modifications thereto by City) and applicable City Standard Plates and Design Criteria 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)

143. Prior to issuance of a grading/site improvement permit, developer shall obtain Community Development Director approval for any proposed construction phasing. The improvement plans (and associated phasing plans) shall clearly indicate any interim or offsite improvements required by City. (DS-28)
144. Developer shall retain a California licensed Civil Engineer to ensure that the construction work conforms to the approved improvement plans and specifications and to provide certified "asbuilt" plans after project completion. Developer's submittal of certified "asbuilt" plans is a condition of City's final acceptance of the project and release of any associated security. (DS-29)
145. All grading shall conform to City's standard grading notes, City Code, and recommendations of Developer's soils engineer as approved by the City Engineer. (DS-30)
146. Developer shall construct sufficient drainage facilities concurrent with rough grading operations to mitigate any potential flooding or erosion affecting adjacent properties and public rights-of-way. (DS-31)
147. Developer shall design all slopes steeper than 5 (horizontal) to 1 (vertical) with a minimum 18 inch wide level area (at both top and bottom of slope) where it adjoins a wall, fence, sidewalk, trail, curb or similar improvement. (DS-32)
148. 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)
149. Prior to issuance of a site improvement permit, Developer shall provide to the City Engineer easements or written consent (as determined appropriate by the Community Development Director) from all affected landowners for any diversion of historical flows or change in drainage conditions caused by the project. (DS-36)
150. 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)
151. Developer shall install water mains, fire hydrants and water services in conformance with City standard plates, design criteria and specifications as directed by the City Engineer. (DS-41)
152. Developer shall install City approved backflow prevention devices for water connections if so ordered by the City Engineer. (DS-45)
153. 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. Developer shall obtain permits from the City Engineer prior to performing tests. 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)

154. Developer shall construct all street and road improvements in conformance with the City Code, the City's 2030 General Plan, and any applicable specific plan. (DS-48)
155. Street and road improvements shall conform to City standard plates, design criteria and policies. Improvements shall include upgrading of existing pavement along the project frontage to City standards by removing and replacing or overlaying, as directed by the City Engineer. (DS-51)
156. Developer shall improve all streets, alleys, sidewalks, curbs, and gutters adjacent to the project in accordance with City standards, as necessary to provide safe vertical and horizontal transitions. (DS-52)
157. Developer shall provide soils reports, "R" value tests, and compaction tests for all streets. Determination of the actual structural sections shall be based on City's design procedure, "R" value tests of in-place soils, and approved traffic indices. (DS-53)
158. Developer shall install all water, gas, sewer, storm drain, electrical, cable television, and telephone lines before any paving is placed. (DS-54)
159. 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)
160. Developer shall construct a concrete apron along the length of the trash enclosure opening that extends a minimum of 15 feet from the face of the enclosure. (DS-69)
161. Developer shall provide adequate vehicle sight distance as specified by CalTrans specifications at all driveways and intersections. (TR-71)
162. Developer shall install bike racks in accordance with City standards at locations approved by City Traffic Engineer. (TR-73)
163. 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)
164. 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

165. Developer shall design 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 including all revisions) for new development and 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"). (DS-78)
166. Developer shall construct double-bin trash enclosures (one bin for recycle use) with a solid non-combustible roof (8-foot minimum clearance) that prevents stormwater from entering the refuse bins. Developer shall construct all other components of the trash enclosure in accordance with the approved City Standard Plan on file with the Development Services Division. Developer shall finish the trash enclosure to match the major design elements of the main structure subject to approval by the Planning Division. The location and configuration of the enclosure shall be approved by the Environmental Resources Division. All site refuse bins shall be stored in an approved enclosure. No objects other than refuse bins may be stored in the enclosure without the written permission of the Environmental Resources Division. (DS-79)
167. 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 treatment and infiltration devices. Geotechnical Engineering analysis and recommendations shall include, but not necessarily be limited to, determination of site specific 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 necessarily be limited to, suggestions regarding appropriate vegetation and soil amendments for vegetated infiltration devices. Project plans shall implement approved design recommendations. (DS-81)
168. Using forms provided by the Development Services Division, Developer shall submit a stormwater quality control measures maintenance and operations plan ("the Plan") 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 Plan and Developer provides an executed copy of the City's stormwater covenant with the Plan included as an exhibit for recordation by the City. (DS-82)

169. Developer's stormwater quality control measures maintenance and operations plan shall include: 1) Requirement to 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; 2) Requirement to 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; 3) Requirement to label all on-site storm drain inlets with the message "Don't Dump - Drains to Ocean" in accordance with City standards. (DS-83)
170. Developer shall provide pre-treatment for all infiltration based stormwater quality Best Management Practices ("BMPs"). Pre-treatment devices must effectively reduce sediment load entering infiltration BMPs to minimize occlusion of underlying soils and reduce long term maintenance requirements and thereby maintain the infiltration capacity of the BMP. 2011 TGM compliant pre-treatment such as vegetated swales are an approved form of pre-treatment. Proprietary pre-treatment devices must be capable of removing 80% of 50 micron particles to be considered adequate pre-treatment. Typical catch basin inserts do not provide the sufficient sediment storage to provide pre-treatment. (DS-85)
171. Prior to issuance of a grading, building or demolition permit and prior to commencement of any clearing, grading or excavation, Developer shall provide evidence of assignment of a permit identification number by the California State Water Resources Control Board indicating submittal of a Notice of Intent (NOI) by the Developer in accordance with the NPDES Construction General Permit. Developer shall comply with all requirements of the General Permit and the Ventura Countywide MS4 Permit, including preparation of a Stormwater Pollution Prevention Plan (SWPPP). Developer shall keep the SWPPP updated to reflect current site conditions and a copy of the SWPPP shall be kept onsite and available for City or designated representative to review upon request. (DS-86)
172. Developer shall install 'Full Capture System Devices' ("Devices") certified by the State Water Resources Control Board Executive Director in compliance with the Statewide Trash Amendments ("Amendments") in all catch basins accepting stormwater runoff from any portion of this project that meets the definition of 'Priority Land Use' as defined by the Amendments at the time of issuance of a grading/site improvement permit. The Devices shall be sized and designed in accordance with requirements of the Amendments and the Technical Guidance Manual for Stormwater Quality Control Measures ("TGM"). (DS-88)
173. Developer shall construct proposed walkways that cross vehicular drive aisles of colored enhanced concrete. The concrete color shall contrast with the parking lot paving material to clearly identify pedestrian areas. (DS-101)
174. Developer shall pay to the County of Ventura a road mitigation fee in accordance with the agreement between the City and the County of Ventura. Proof of payment shall be

provided to the Development Services Division prior to issuance of a building permit. (DS-105)

DEVELOPMENT SERVICES DIVISION SPECIAL CONDITIONS

175. Developer shall process the final map for Tract 5998 (PZ 17-300-03) concurrent with the site improvement plans for this project. The final map shall be processed for recordation concurrent with approval of the site improvement plans for this project. (DS)
176. Developer's geotechnical engineer shall perform percolation tests on the exposed bottom of all infiltration facilities immediately prior to facility construction and provide the City with a written opinion that the exposed soil layer is suitable for the proposed infiltration facility based on review of the existing geotechnical reports, percolation tests, infiltration facility design, and characteristics of the exposed soil layer. The report shall be reviewed and approved by the project civil engineer. (DS)
177. The percolation tests for this project shall include implementation of the reduction factor specified in the "Guidelines for Design, Investigation, and Reporting for Low Impact Development Stormwater Infiltration" published in the Administrative Manual of the County of Los Angeles Department of Public Works. This reduction factor is in addition to the safety factor specified in the Technical Guidance Manual. (DS)
178. Developer shall provide evidence that all underground infiltration and/or detention systems constructed as part of this project are anticipated to have a minimum 75-year life expectancy. (DS)
179. Developer shall provide calculations demonstrating that the proposed in-line infiltration system (including pre-treatment device) is capable of safely conveying stormwater underground during a 10% chance (10-year) event without re-suspending pollutants. Calculations shall also demonstrate that nearby structures are protected during a 1% chance (100-year) event. (DS)
180. Developer shall include in the project drainage report an evaluation of the quantity of stormwater currently conveyed within Vineyard Avenue at the north property line of the project. If the quantity of stormwater exceeds City standards, Developer shall extend the proposed Vineyard Avenue stormdrain line to the north property line and construct a catch basin inlet to convey the stormwater underground. Final design of this system is subject to approval of the Development Services Manager. (DS)
181. Developer's drainage study shall include a determination of the unused stormwater capacity of the existing 54-inch stormdrain line in Vineyard Avenue. Stormwater runoff from this project shall be designed as the lessor of the unused 54-inch pipe capacity or the discharge limits placed on the project by the Ventura County Watershed Protection Agency. (DS)

182. Developer's engineer shall design the site grading to provide a secondary overflow path that will provide a safe drainage path if the underground drainage system becomes obstructed. Discussion of the secondary overflow path shall be included in the project drainage report. (DS)
183. Developer shall construct project trash enclosure sized to contain a minimum of two (2) 4-yard bins (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 design the trash enclosure in conformance with the approved City Standard Plan on file with the Building & Engineering Division. Developer shall finish the trash enclosure to match the major design elements of the main structure subject to approval by the Planning Division. The location and configuration of the enclosure shall be approved by the Environmental Resources Division. All site refuse bins shall be stored in an approved enclosure. No objects other than refuse bins may be stored in the enclosure without the written permission of the Environmental Resources Division. (DS)
184. Developer shall construct proposed walkways that cross vehicular drive aisles of colored enhanced concrete. The concrete color shall contrast with the parking lot asphalt to clearly identify pedestrian areas. (DS)
185. Developer shall properly abandon any existing sewer or water lateral extended to the site that is not used by the project. (DS)
186. Prior to issuance of a grading/site improvement permit, Developer shall provide evidence of recordation of an agreement (or similar document) between parcels 1 and 2 of Tract 5998 that provides for shared use and maintenance of the proposed shared onsite sewer main. (DS)
187. Prior to issuance of a site grading permit, Developer shall provide evidence that all existing onsite water wells (whether operational or not) have been properly destroyed in accordance with California Department of Water Resources standards. The City is currently aware that at least 2 water wells have been previously drilled on this site. (DS)
188. Prior to issuance of a grading/site improvement permit, Developer shall provide evidence of recordation of a reciprocal access agreement (or similar document) memorializing the proposed shared driveway between parcels 1 and 2 of Tract 5998. The document shall assign management of the maintenance to a specific lot. (DS)
189. Developer shall place existing overhead utility lines on and adjacent to the project underground in accordance with City Code in effect at the time City issues a grading/site improvement permit. The current City Code does not require the placement of lines conducting in more than 33kv underground. Prior to issuance of the grading/site improvement permit, Developer shall post security satisfactory to the Finance Director guaranteeing utility relocation including the cost of any required pole relocation. (DS)

190. Developer shall relocate existing high voltage (conducting in excess of 33kv) power poles to a location that is behind the proposed Vineyard Avenue sidewalk. (DS)
191. Developer shall install fire hydrants along the project's Vineyard Avenue frontage as directed by the Fire Marshall. (DS)
192. Developer shall install bike racks in accordance with the requirements of the City of Oxnard Bicycle & Pedestrian Facilities Master Plan. Bicycle racks shall be installed a maximum of 50-feet from the front entrance of the establishment where there is natural surveillance and adequate light during dark hours. Final location of the bike racks shall be approved by the City Traffic Engineer. (TR)

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 21st day of November, 2019, by the following vote:

Deidre Frank, Chair

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Oxnard at a meeting held this 21st day of November, 2019, and carried by the following vote:

AYES: Commissioner(s):

NOES: Commissioner(s):

ABSENT: Commissioner(s):

ABSTAIN: Commissioner(s):

Scott Kolwitz, Secretary

I.
Special Use Permit - Residential Resolution

RESOLUTION No. 2019-XX [PZ 17-500-13]

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 17-500-13 (SPECIAL USE PERMIT) TO DEMOLISH FIVE FORMER EL RIO ELEMENTARY SCHOOL BUILDINGS AND TO ABANDON A WATER WELL AND TO ALLOW THE CONSTRUCTION OF 167 ATTACHED CONDOMINIUMS, INCLUDING 20 LOW-INCOME DEED-RESTRICTED UNITS, IN EIGHT THREE-STORY STRUCTURES (38 FEET IN HEIGHT) THAT INCLUDE A FITNESS CENTER, A 1,068 GSF RECREATION PAVILION, FOUR REFUSE STRUCTURES, 169 RESIDENT GARAGES AND 163 SURFACE PARKING SPACES, 93 GUEST PARKING SPACES, STORMWATER RETENTION AND TREATMENT FACILITIES, ON-SITE UTILITIES AND OFF-SITE CONNECTIONS, LANDSCAPING, SIX PLAY AREAS AND A TOT LOT ON THE PROPERTY LOCATED AT 2714 EAST VINEYARD AVENUE, SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY RIO SCHOOL DISTRICT, 2500 E. VINEYARD AVE., OXNARD, CA AND THE PACIFIC COMPANIES, 430 E. STATE STREET #100, EAGLE, IDAHO.

WHEREAS, the Rio School District (RSD) owns a 9.90 acre parcel located at 2714 East Vineyard Avenue (APN 145-0-232-010) abutting a 1) 0.34 acre portion of County of Ventura public right-of-way which is proposed to be included within the project area and that is coterminous with the north edge of the RSD parcel and 2) the City of Oxnard corporate limits that are coterminous with the south and west edges of the RSD parcel; and

WHEREAS, the RSD declared the closed El Rio Elementary School on the parcel located at 2714 East Vineyard Avenue as a surplus school site, completed a reuse feasibility study, and partnered with The Pacific Companies to propose redevelopment of the property; and

WHEREAS, the RSD and The Pacific Companies jointly filed entitlement applications with the City of Oxnard on March 28, 2017 for Annexation (PZ No. 17-610-01), General Plan Amendment (PZ No. 17-620-01), Pre-Zoning (PZ No. 17-560-01), two Special Use Permits (PZ Nos. 17-500-05 and 17-500-13), Density Bonus (PZ No. 17-535-02) and a Tentative Subdivision Map (PZ No. 17-300-03); and

WHEREAS, the RSD and The Pacific Companies would develop a 1.12 acre "Parcel 1" with a two-story, 15,000 gsf office building with 60 standard parking spaces and one motorcycle space; develop a 9.12 acre "Parcel 2" with 167 one- to three-bedroom attached apartment condominiums in eight three-story structures (up to 38 feet in height) that include a fitness center and 20 low income deed-restricted units, a 1,068 gsf recreation pavilion, four refuse structures, 169 resident garages and 163 parking spaces, 93 guest parking spaces, 6 motorcycle spaces, stormwater retention and treatment facilities, on-site utilities and off-site connections, landscaping, six play areas and a tot lot, dog run; relocate four

Southern California Edison (SCE) 66kV power poles; and widen and improve Vineyard Avenue by 23 feet (“Project”); and

WHEREAS, related Project approvals are required by the Local Agency Formation Commission, County of Ventura, California Department of Transportation, Calleguas Municipal Water District, and the Metropolitan Water District of Southern California; and

WHEREAS, the Project was initially reviewed by the City Council as a Pre-Application in 2015 which identified parking, compatibility, and on-site recreational amenity issues that were addressed by changes to the Project; and

WHEREAS, the Project applicants participated in a Community Workshop on June 18, 2018 and made presentations to the El Rio Municipal Advisory Committee on June 21, 2018; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), the Community Development Director provided public notice of the intent of the City to adopt a Mitigated Negative Declaration (MND No. 2017-04) for the Project, the Project MND was circulated for public comment for 30 days between July 19, 2019 and August 19, 2019, and no comments were received that changed the MND mitigations or findings; and

WHEREAS, the Planning Commission has considered MND No. 2017-04 before making its recommendation herein and the MND’s mitigation monitoring and reporting program is included in the MND document and incorporated by reference in this and related resolutions and permits; and

WHEREAS, the Planning Commission is concurrently recommending the City Council adopt MND 2017-04 and approve the Annexation, General Plan Amendment, Pre-Zoning, Density Bonus, and Tentative Subdivision Map; and

WHEREAS, the Planning Commission is concurrently considering a Special Use Permit (PZ No. 17-500-05) application for a two-story 15,000 square foot office building on the northwest corner of the RSD parcel separate but connected to the present project, subject to approval of the related actions within that special use permit’s conditions of approval; and

WHEREAS, the Project has been reviewed by the Development Advisory Committee (DAC) and the DAC has prepared conditions of approval that are incorporated within the recommended permits; and

WHEREAS, the Planning Commission has held a duly noticed public hearing on October 3, 2019 and received and reviewed written and oral comments, presented staff and the Applicant with a series of questions; and continued the hearing to November 7, 2019; and

WHEREAS, the November 7, 2019 Planning Commission meeting was canceled and all agenda items continued to the meeting of November 21, 2019; and

WHEREAS, the Planning Commission considered replies to the October 3, 2019 questions, and accepted into the record corrections and clarification to MND 2017-04 in compliance with CEQA; and

WHEREAS, the Planning Commission finds after due study and deliberation that the public interest and general welfare require the approval of Special Use Permit PZ No. 17-500-13 for development of a 167 multifamily unit residential community on a portion of the parcel located at 2714 East Vineyard Avenue.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF OXNARD:

SECTION 1. Based on the entire record before the Planning Commission and all written and oral evidence presented, including the Planning Commission Staff Report and all attachments thereto, the Planning Commission finds:

- (1) **The proposed use in in conformance with the City of Oxnard General Plan and other adopted standards.**

The project includes a General Plan Amendment to change the land use designation from School to Commercial General, and the project includes a Pre-Zoning of General Commercial Planned Development (C2-PD).

The project's commercial and residential uses are consistent with the General Plan land use designation and zoning as discussed in great detail in Sections 6 (c), 6 (d), and 6 (j) and Section 7 of the Planning Commission Staff Report. The project also includes a Density Bonus for a two percent density bonus (3 additional units), reduced parking standards, and a concession to reduce the Interior Yard Space requirement from 30 to 24 percent of the parcel area.

As discussed in greater detail in Sections 6 (c) through 6 (h) and Section 7 of the Planning Commission Staff Report, the Project as designed and conditioned meets all applicable development standards with application of one Density Bonus permit concession for reduction of interior yard space, three PD standards adjustments for building height, number of stories and storage space size, and administrative relief under OCC 16-651(B)(2), "Off-site parking" for distance to condominium parking spaces.

Therefore, the project is in conformance with the 2030 General Plan and the elements thereof and other adopted standards.

- (2) **The nature, condition, and development of adjacent uses, buildings, and structures shall be considered, and no proposed special use permit shall be granted if the approval body finds such use will adversely affect or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare.**

The use is consistent with uses considered and permitted by the General Commercial-Planned Development (C-2-PD) zone that is the consistent zone designation for the General Plan Commercial General land use designation. The Project as designed and conditioned will be architecturally compatible with the surrounding area and will enhance and improve the existing conditions of the site and neighborhood. Construction activities, anticipated uses, and development design will be subject to standard construction requirements of the Building, Fire, Traffic Codes and Planning Division requirements. Therefore, as conditioned, the use and improvements are not expected to have adverse effects or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare.

- (3) **The site that is subject to the special use permit shall be adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and all items required by the conditions of approval.**

The project as designed and conditioned meets the development standards of the General Commercial Planned Development (C-2-PD) zone, “Garden Apartment Zone” (R-3) zone, and Attached Dwelling Units standards, as described above in Finding Section 2(1). As such, the subject site is adequate in terms of size and as developed the development meets or exceeds the City’s design standards.

- (4) **The site that is subject to the special use permit shall be served by streets and highways adequate in width and improved as necessary to carry the kind and quantity of traffic such use will generate.**

The project will be accessed from Vineyard Avenue and the site has sufficient access to streets and highways that are adequate in size and existing intersections adjacent to the project site will operate at acceptable levels of service, as described in great detail in the Planning Commission Staff Report Sections 5 and 6 (g).

- (5) **The site for the proposed use will be provided with adequate sewerage, water, fire protection and storm drainage facilities.**

The Project is considered redevelopment that has been found to be consistent with anticipated reuse for this surplus school district site. Furthermore, the Project will be served by existing City of Oxnard water and sewer mains and adequate Fire Protection will be provided as determined by the Development Advisory Committee. In accordance with the Stormwater Quality Conditions of this Resolution, the Project’s design will comply with stormwater control measures as required by the Los Angeles Regional Water Quality Control Board’s municipal separate storm sewer system (“MS4”) permit.

SECTION 2. This Resolution shall not become effective unless and until the City of Oxnard City Council adopts Mitigated Negative Declaration 2017-04, as amended, and approves the associated Annexation (PZ No. 17-610-01), General Plan Amendment (PZ No. 17-620-01), Pre-Zoning (PZ No. 17-560-01), Density Bonus (PZ No. 17-535-02) and Tentative Subdivision Map (PZ No. 17-300-03) and the Ventura County Local Agency Formation Commission (LAFCo) approves the Annexation. If the City Council or LAFCo fail to approve the Annexation, then this Resolution shall become null and void and be of no further force and effect.

SECTION 4. Based on the findings set forth herein, the Planning Commission hereby approves Planning and Zoning Permit No. 17-500-13 (Special Use Permit), subject to the attached conditions of approval.

SECTION 5. The decision of the Planning Commission shall be final unless an appeal of the action is filed in accordance with the provisions of Oxnard City Code Section 16-545.

SECTION 6. The Secretary shall certify the adoption of this Resolution.

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 May 2, 2019, (“the plans”) on file with the Planning Division. The project shall conform to the plans, except as otherwise specified in the exceptions listed below, 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. The following project changes may be reviewed and approved during the plan check process and do not individually or cumulatively require a Minor or Major Modification permit subject to a substantial conformity finding by the Planning Manager and payment of incurred staff review time:
 - a. Addition of a elevators in any residential structure, and related changes to the floor plan, roof plan dna elevations;
 - b. Addition of a swimming pool and related changes to the site plan, utilities, lighting, irrigation, and landscape plans;
 - c. Modifications to the pedestrian connection to the Vallarta Market property and related changes to the site plan, paving, utilities, lighting, irrigation, and landscape plans; and
 - d. Modifications to roof structure design to either reduce overall height and/or incorporate solar panels and related equipment. (PL, *G-2 modified*)

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. (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 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*)
9. 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*)
10. Developer shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, *G-11*)
11. Developer shall not permit any combustible refuse or other flammable materials to be burned on the project property. (FD, *G-12*)
12. 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*)

13. 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)
14. 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

15. 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)
16. 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)
17. Prior to issuance of a certificate of occupancy, Developer shall install landscape and automatic irrigation systems that have been approved by the Parks and Facilities Superintendent. (PK, PK-3)
18. 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)
19. Prior to the issuance of City issues 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)
20. All trees planted or placed on the property by Developer shall be at least 24-inch-box size. All shrubs and vines shall be at least five-gallon size, except as otherwise specified by this permit. (PK, PK-6)
21. At the time of landscape plan check submittal, the landscape planting and irrigation plans shall comply with the current title 23 Model Water Efficient Landscape Ordinance (MWELO). (PK, PK-7.1)

MEDIAN/PARKWAY

22. Developer shall submit four sets of median and parkway landscape and irrigation plans with the first submittal of public improvement plans. The City shall approve median and parkway landscape and irrigation plans when the City approves public improvement plans. Before the City issues a building permit, the irrigation plans must be approved for proper meter size, backflow prevention device, and cross connection control by the Water Production Supervisor or designee. (DS/ PK, PK-14)
23. Before the City accepts medians and parkways from Developer, the landscaping thereon must complete a plant establishment period of 90 days or such other time as specified in this permit. (PK/DS, PK-15)

WATER CONSERVATION

24. Developer shall install an irrigation system that includes a water sensor shut off device as a water conservation measure. (PK, PK-22)
25. 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)
26. 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, and applicable water conservation requirements of the State of California". (PK, PK-24)
27. At the time of Plan Check submittal, the landscape plans shall contain an exhibit titled "Tree Tabulation Chart". The Tree Tabulation Chart 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 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)

LANDSCAPE SPECIAL CONDITIONS

28. Sheet L-02. Planting to extend to fully screen parking spaces.
 - a. A 36" high visual barrier shall be provided to screen parked cars from City streets. Barrier may be a wall or earthen berm with additional planting to achieve

36” height as measured from the top of the parking lot curb. Suitable sight-distance shall be maintained at corners and driveways. Parking lot screen hedges adjacent to the roadway shall be 36” in height at time of planting. (PL)

29. Sheets A-010 & L-02. Transformers shown in conflict with parking lot tree locations.
 - b. Tree finger planters required for every ten parking spaces and at ends of drive aisles. For every ten parking spaces in single-loaded parking bay row, at least one perpendicular or diagonal landscape planter shall be provided, having minimum dimensions of 9 feet wide by the length of the adjacent parking stall, measured from outside curb face to outside curb face, and containing one tree, shrubs, and groundcover. Configurations other than perpendicular or diagonal planters may be approved by the parks and facilities superintendent, planning director or planning commission.
 - c. All hardware, equipment enclosures, transformers, trash enclosures, gas meters, electrical vents, irrigation controllers, backflow devices, etc. in parking lot planters shall be substantially screened with shrubs and/or vines, 5 gallon size minimum. Trash enclosures to be screened with planting. (PL)
30. Show locations of light standards on landscape plan and tree locations on lighting plan. Identify and resolve any conflicts. (PL)
31. Written confirmation shall be provided that the Landscape Architect or Architect has reviewed the civil engineer’s construction drawings and that the NPDES requirements are not in conflict with meeting the City’s landscape requirements. (PL)
32. Irrigation plan to be provided. Provide required water use calculations and water budget calculations for review. City “Statement of Compliance” signed by a California licensed Landscape Architect or Architect required. Confirm planting hydrozones. (PL)
33. At the time of plancheck submittal, the Landscape shall show that all plant material within a 30-foot triangle at the intersection of Vineyard Avenue and any driveway shall be no more than three feet in height at maturity above curb level.
34. Developer shall install sod or other alternative drought tolerant and California native friendly landscaping in the lawn areas. (PK, *PK-13, modified*)

FIRE DEPARTMENT STANDARD CONDITIONS

35. 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*)

36. 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*)
37. 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*)
38. 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*)
39. 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*)
40. The project shall meet the minimum requirements of the "Fire Protection Planning Guide" published by the Fire Department. (FD, *F-6*)
41. At all times during construction, developer shall maintain paved surfaces capable of handling loads of 76,000 pounds which will provide access for fire fighting apparatus to all parts of the project property. (FD/DS, *F-7*)
42. Developer shall identify all hydrants, standpipes and other fire protection equipment on the project property as required by the Fire Chief. (FD, *F-8*)
43. Developer shall provide central station monitoring of the fire sprinkler system and all control valves. (FD, *F-10*)
44. 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*)
45. 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*)
46. All signalized intersections shall be equipped with pre-emption equipment. (FD/TR, *F-15*)
47. 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*)

48. Developer shall install a carbon monoxide detector on each level of the residence in accordance with the manufacturer's specifications. The detector shall be hardwired with a battery backup. (FD, F-17)

FIRE DEPARTMENT SPECIAL CONDITIONS

49. 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. (FD)
50. Coordinate the Landscape so it does not impinge on access to fire protection utilities and equipment. (FD)
51. Areas designated by the Fire Marshal as Fire Lanes shall be identified by a red curb and signage per the California Department of Motor Vehicles and in accordance to the fire master. (FD)
52. The NFPA sprinkler system for this project will be in accordance to the determined classification of the buildings upon construction plans submittal. (FD)
53. 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. (FD)
54. Class I wet standpipe system is required at every stairwell. Combined Sprinkler and standpipe system shall be required. (FD)
55. Trash enclosures shall have sprinklers.(FD)
56. All emergency egress/Fire Department access windows or doors that serve any room that can be utilized for sleeping, shall have access to a public right-of-way without re-entering the structure. (FD)

POLICE DEPARTMENT CONDITIONS

57. A condition of approval requires compliance with the Outdoor Lighting Code & Guideline
 - a) Outdoor lighting shall comply with Title 24, Part 6, of the California Code of Regulations: California's Energy Efficiency Standards for Residential and Nonresidential Buildings.

- b) Unless approved as a specific exception to this guideline, all outdoor lighting shall be flat lens, full cut-off fixtures with the light source fully shielded with the exceptions:
 - 1) Luminaires with a maximum output of 260 lumens per fixture, regardless of number of bulbs (equal to one 20-watt incandescent light), may be left unshielded provided the fixture has an opaque top to keep light from shining directly up.
 - 2) Luminaires that have a maximum output of 1,000 lumens per fixture, regardless of number of bulbs (equal to one 60-watt incandescent light) may be partially shielded provided the bulb is not visible, and the fixture has an opaque to keep light from shining directly up.
 - c) Oxnard City Code 16-320: Lighting within physical limits of the area required to be lighted shall not exceed seven foot-candles, nor be less than one foot-candle at any point. A light source shall not shine upon, or illuminate directly any surface other than the area required to be lighted. No lighting shall be of a type or in a location that constitutes a hazard to vehicular traffic, either on private property or on the abutting streets. The height of light standards shall not exceed 26 feet. To prevent damage from automobiles, standards shall be mounted on reinforced concrete pedestals or otherwise protected. (PD)
- 58. Exterior lighting of the site including parking areas shall be between 1 and 7 foot candles and shall be in harmony with existing adjacent lighting scheme. (PD)
 - 59. LED or similar in nature and spectrum (3,000K to 20,000K Correlated Color Temperature). (PD)
 - 60. Lighting instruments shall be full cut-off and installed so that light does not directly illuminate property outside the project site. Instruments shall not create glare for motorists or pedestrians. (PD)
 - 61. All common area lighting shall operate from dusk to dawn. (PD)
 - 62. Integrated landscape/lighting/photometric plan shall be submitted illustrating a 20-year tree maturity. This is to ensure that tree growth will not adversely impact future lighting and therefore site safety as the project matures. This plan shall be submitted and approved prior to the issuance of building permits. (PD)
 - 63. Landscape elements shall be arranged to provide clear lines of sight and eliminate potential places of concealment. (PD)
 - 64. Trees shall not be located where they would conflict with lighting instruments. Appropriate proximity is based a tree's canopy size at twenty-year maturity. (PD)
 - 65. Creeping fig or similar climbing vine shall be used to dissuade the application of graffiti on CMU walls. (PD)

66. Developer and/or property manager shall inform tenants of the provisions of Oxnard City Ordinance 7-100 through 7-106 as it applies to hosting loud parties or events. And, that should police respond to a disturbance multiple times, a service charge may be imposed. (PD)
67. Developer and/or property manager will enroll project in and comply with the Oxnard Police Department "Crime Free Multi-Housing Program" as applicable to this housing development. For enrollment information, contact the Crime Prevention Officer at (805) 385-8349. (PD)
68. Developer and/or property manager shall post all entrances in compliance with California Vehicle Code 22658(a). 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. (PD)
69. CC&Rs or tenant rules shall require that garage and carport spaces are for the parking of motor vehicles. Such spaces shall be maintained so that there is space to park vehicles at all times. (PD)
70. Developer and/or property manager shall post signs, each visible from the public right of way at each vehicular entrance, identifying the management company's name and phone number. (PD)
71. If there is assigned parking on the site, the space or garage number shall not reflect the apartment number of the resident. (PD)
72. The applicant shall submit an addressing plan for the site and examples of lighted address signs for each unit. Submission and approval of addressing plan shall occur prior to the issuance of building permits. (PD)

PLANNING DIVISION STANDARD CONDITIONS

73. 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)
74. 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)
75. 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)

76. 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)
77. 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)
78. 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)
79. 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. (PL)
80. 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)
81. 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)
82. Developer shall provide graphic site directories at principal access walkway points. (PL/B, PL-10)
83. 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. (B/DS, PL-11)

84. 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 section 23114, with special attention to sub sections 23114(b)(2)(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. (B/DS, *PL-12*)
85. Developer shall provide for dust control at all times during project property preparation and construction activities. (B/DS, *PL-13*)
86. Developer agrees to participate in a water conservation program that includes refitting water fixtures existing on the project property with water conserving devices within residences or businesses in the City's water service area, if such a program is in effect when building permits are issued for this project. Among the requirements of such a program might be refitting existing toilets, faucets, shower heads, landscaping irrigation or other fixtures and items that consume water within the structure. (PL, *PL-14*)
87. 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*)
88. 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*).

RESIDENTIAL

89. Developer shall provide automatic garage door openers for all garages. (PL/B, *PL-20*)
90. Railings and enclosures for patios and balconies shall provide at least 50 percent enclosure for screening and privacy. Developer shall include details of the railings and enclosures on the construction documents. (PL/B, *PL-24*)
91. Walls separating the patio areas of different units shall be of solid construction, such as masonry, stucco, or wood over wood. Ground level patios shall be enclosed by walls not less than five feet high, except as otherwise approved by this permit. (PL/B, *PL-25*)

92. Additions and patio covers shall conform to the requirements of the “Garden Apartment Zone” (R-3) zone setbacks, or as otherwise approved by this permit, and match the materials and style of the residence. (PL/B, *PL-27*)
93. All residential dwelling unit developments shall include architectural articulation on all four sides of each unit. Such articulation shall include, but not be limited to, window treatment; trim and a variety of finishes matching front facades; and balconies, porches, and trellises. Developer shall submit elevations depicting such articulation to the Planning Division for approval prior to issuance of building permits. (PL, *PL-28*)
94. Prior to the close of escrow for each dwelling unit, Developer shall provide the buyer with a written guarantee that the exterior finishes of the dwelling unit will remain in good condition for at least five (5) years from the final building permit inspection and sign off. Developer shall provide a copy of the guarantee to Planning staff prior to final Planning Division inspection and sign off. (PL, *PL-29*)
95. Light standards illuminating interior walkways shall be no more than eight feet high. Light shall not intrude into private living or patio areas. Light standards serving recreational areas held in common shall be no more than 15 feet high. Light shall be directed away from dwelling units. (B, *PL-30*)
96. All drive lanes (alleys) shall be provided with independently metered lighting with automatic daylight sensors for dusk to dawn lighting within drive lanes. The maintenance and replacement of independently metered lighting (wall fixtures, light bollards) shall be the responsibility of the Home Owners’ Association. Lighting responsibilities shall be provided within the CC&Rs for the development. (PL)
97. Developer shall establish a homeowners association and the association shall be responsible for the maintenance of parking, landscape, recreation and other interior areas held in common by the association and for the enforcement of Conditions Covenants & Restrictions related to property maintenance. (PL/DS, *PL-33*)
98. Developer shall construct each dwelling unit with separate utility systems and meters. Developer shall paint utility meter panels to match structures upon which it is located. Such panels shall be located to take advantage of screening (e.g. landscaping or other building elements) from public right-of-ways, to the maximum extent feasible. (DS/B, *PL-34*)
99. Developer shall include in all deeds for the project and in the Conditions Covenants & Restrictions a prohibition against parking recreational vehicles over 20 feet long in the project. (CE/PL, *PL-35*)
100. Developer shall pay Quimby Fees (fees for park acquisition and improvement) before issuance of building permits. The amount of the fee shall be calculated by the Planning Division, and verified by the Parks Division at the time of payment. (PK/B, *PL-36*)

101. In accordance with City Council Ordinance No. 2615, or the ordinance in effect at the time building permits are issued, Developer shall provide 17 affordable units onsite. (PL, PL-37)
102. Developer shall post in the sales office of the project the latest City planning documents and maps that may affect the project and adjacent properties. At a minimum, this information shall include the 2030 Oxnard General Plan and General Plan Land Use Map showing all adjacent properties, a copy of the ordinances regulating the zone, and any specific plan that may apply to the project. Such documents may be purchased at cost from the Planning Division Manager. Developer shall require that all purchasers sign an affidavit declaring that they have familiarized themselves with the planning documents. Developer shall make such affidavits and planning information available for review upon reasonable request of the Planning Division Manager. (PL, PL-38)
103. All recreational vehicle parking spaces shall be designated by signs stating that the spaces are reserved exclusively for recreational vehicle parking. Developer shall prohibit the parking of recreational vehicles elsewhere in the project. (B, PL-39)
104. Where feasible, Developer shall locate individual unit plumbing within individual unit walls, as opposed to common or shared walls, and shall paint roof vents to match the roofing material. (PL/B, PL-40)

PLANNING DIVISION SPECIAL CONDITIONS

105. Developer shall install all roof and building rain gutters and downspouts to integrate as closely as possible with building design elements, including matching adjacent building colors or appropriate trim colors as closely as possible. Developer shall submit a plan and scheme for approval by the Planning Division Manager prior to issuance of building permits. (PL, PL-18 *modified*)
106. Developer shall provide electric meters, mailboxes and address directories, placed in decorative cabinets and clustered for efficient access for residents and service persons. Developer shall coordinate placement and design of such items accordingly, with the Planning Division Manager, the appropriate utility service provider and the United States Postal Service, prior to issuance of building permits. (PL, PL-19 *modified*)
107. Developer shall provide a patio concrete slab or pavers of at least 100 square feet. (PL/B, PL-26 *modified*)
108. Developer shall provide masonry and metal walls along project perimeter property lines, except as otherwise approved by this permit. Developer shall install interior lot line fences, to be constructed of wood or other material, subject to the approval of the Planning Division Manager. (PL/B, PL-31 *modified*)

109. Developer shall participate in the City's Public Art Program by paying the Public Art fee prior to issuance of building permits, in accordance with City Council Resolution No. 14,124. Upon assessment of the Public Art fee, the Developer may elect to purchase an existing artwork or commission an original artwork for donation as a gift to the City of Oxnard's public art collection with a value equal to or in excess of the Public Art fee. The value of the purchased and / or commissioned artwork will be determined by the Cultural Arts Commission and City Council. Donations to the City are reviewed by the Cultural Arts Commission and the City Council to determine the aesthetic quality of the donation, the work's maintenance requirements and the appropriateness of the donation to the overall goals of the Cultural Arts Commission. (PL, *PL-50 modified*)
110. This permit is valid only if the parcel is approved for annexation to the City of Oxnard by the Ventura County Local Agency Formation Commission (LAFCo) and subject to approval of related City of Oxnard permits [Planning and Zoning Permit Nos. 17-620-01 (General Plan Amendment), 17-560-01 (Pre-Zoning), 17-300-03 (Tentative Subdivision Map for Tract No. 5998), and 17-535-02 (Density Bonus). The City shall issue building permits only after such approval, Resolutions and ordinance adoption. This Special Use Permit shall expire at the end of 36 months from the effective date of the LAFCo Annexation unless Developer has diligently developed the proposed project, as shown by map recordation and / or the issuance of a grading, foundation, or building permit and the construction of substantial improvements. (PL)
111. Before occupying any structures or initiating any use approved by this permit, Developer shall comply with all conditions of the density bonus. (PL/DS)
112. These conditions of approval impose specific fees, dedications, reservations and/or other exactions. Pursuant to Government Code Section 66020, the 90-day period in which the Developer or applicant has to protest the imposed fees, dedications, reservations and/or other exactions has begun as of the date that the conditions of approval are approved. (PL)
113. Applicant shall submit a check made out to the City of Oxnard in the amount to be determined for payment of outstanding discretionary permit and environmental processing fees associated with the development project. Funds shall be deposited prior to issuance of a grading permit. Additional funds to be paid when hours or contract planner hours exceeds deposited amounts (PL).
114. Applicant shall deposit \$2,000 for mitigation monitoring and reporting associated with development project, PZ 17-500-13. Such funds shall be deposited prior to issuance of a grading permit. (PL).
115. Developer shall comply with the mitigation measures identified in the Initial Study/Mitigated Negative Declaration No. 2017-04 for the project. (PL)

116. Standpipe systems required by Fire Department shall be designed to be located within building areas, such as staircase or tuck under parking areas that will lend to visually screen. (PL)
117. At time of plan check review, roof top equipment provided on roofs shall be completely screened from all sides by a designed parapet or building element that extends above the height of the tallest part of such equipment. (PL)
118. Developer shall install toilets that have automatic flush sensors in all common restrooms, including the fitness center. 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)
119. Developer shall install individual mirrors above each sink in a common restroom to the satisfaction of the Planning Division Manager. The details of such mirrors shall be approved prior to issuance of a building permit. Developer shall remove graffiti from the mirrors or replace the mirrors within 24 hours of graffiti appearance. (PL)
120. Prior to issuance of site improvement permits, Developer shall provide a Phasing Plan for any proposed construction phasing. The phasing plans shall indicate site improvements, such as landscaping, parking and recreation equipment, that will be constructed concurrently with residential buildings in each phase. Phasing Plan is subject to review and approval of the Community Development Director or designee. (PL)
121. Community recreation uses/areas such the community fitness room and playground equipment shall be installed and ready for use within two months of the first tenant move in. If the Condominiums will be developed in phases, the recreation equipment and play areas shall be constructed concurrently with building construction per the Phasing Plan, and ready for use prior to issuance of occupancy permits for buildings within the applicable Phase. (PL)
122. 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)
123. 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)
124. This permit is granted subject to the City's approval of a tentative map and final map and recordation of the final 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 final map. (PL/DS)

125. Before or during escrow for the sale of property within the project, Developer shall give to the buyers a document disclosing, in large type, that:
- a. The property was formerly used for agricultural purposes, and is near or adjacent to, land that is currently used for agricultural operations; and
 - b. The buyers may be subject to inconvenience or discomfort arising from agricultural operations on such nearby or adjacent land, including, but not limited to, frost protection measures, noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) at any hour of the day or night, storage of equipment and materials necessary to the agricultural operations, slow moving farm equipment, and spraying or other application of chemical fertilizers, soil amendments (such as manure, compost materials and mulches) and pesticides (such as herbicides, insecticides and fumigants); and
 - c. If the buyers complete the purchase of the property, the buyers should be prepared to accept such inconvenience and discomfort as a normal and necessary aspect of living near or adjacent to agricultural operations.

To show that the buyers have read the document, Developer shall require the buyers to sign the document. Developer shall retain all such documents for at least three years and shall allow the City to inspect and copy all such documents upon request. (PL)

126. Developer shall provide a concrete curb at least six inches high around all planting area adjacent to parking lots and drive aisles. The finished grade of the planted area shall be at least three inches below the top of the planter curbing where curbing abuts a public right-of-way. (PL)
127. Developer shall provide bicycle parking consistent with the bicycle and Pedestrian Master Plan as outlined in Appendix Pg. A-38. A minimum of 21 short term bicycle parking spaces shall be provided. (PL)
128. Within each garage, developer shall install a storage area of at least 210 cubic feet. The storage area may be included in the garage area, but may not intrude into the minimum garage dimension (10 feet x 20 feet), except above 4 feet at the front of the stall. Alternatively, the storage unit may be located in immediate proximity to the garage. (PL)
129. Each dwelling unit will be assigned at least one garage space in the same building as the dwelling. Units with 2 or more bedrooms will be assigned a second reserved surface parking space located within approximately 85 feet of the building as measured under OCC Section 16-645(C). At time of plan check review, site plan will identify assigned parking spaces for each unit. (PL)

130. At time of plan check review, all wall mounted and ground mounted equipment, utilities and meters shall be identified on building elevations and landscape plans and shall be integrated into the building design or effectively screened with shrubs and/or vines, 5 gallon size minimum, to the satisfaction of the Planning Manager. (PL)
131. At time of plan check review, Applicant shall provide an Irrigation plan, required water use calculations and water budget calculations for review. Applicant shall also provide the City's "Statement of Compliance" form signed by a California licensed Landscape Architect or Architect required. Confirm planting hydrozones.

Affordable Housing Conditions

132. Prior to issuance of building permits, Developer shall enter into an Affordability Agreement in a form approved by the City Attorney ensuring the affordability of the 20 unit condominium units which qualified the applicant for a density bonus. The affordability shall be as follows: 20 units for up to 80% AMI (low income), as adjusted for family size as provided in 25 California Code of Regulations Section 6932. The agreement shall be recorded in the Office of the Ventura County Recorder. The term of the agreement shall be for a minimum of 55 years. (PL)

The agreement shall establish specific compliance standards and specific remedies available to the City of such compliance standards are not met. The agreement shall, among other things, specify the number of low income affordable units by number of bedrooms, standards for qualifying household incomes or other qualifying criteria, standards for maximum sales price, a required annual report, and monitoring fees. Developer hereby agrees to deposit funds for any staff time expended for preparation of the agreement and subsequent compliance with said agreement.

133. To the maximum extent permitted by applicable law, Developer will establish a preference for the sale of the Low Income Units to qualified and otherwise eligible low and very low income households, subject to other restrictions related to funding sources. Preference will be established as follows:

- a) Households that live and work in the City of Oxnard.
- b) Households that live or work in the City of Oxnard; and
- c) All other households.

Prior to offering any affordable unit to a buyer who neither lives nor works in Oxnard, the Developer/Project Owner/Property Manager will offer any available affordable unit or units to those eligible and otherwise qualified low and very low income applicants listed first in category a, and if any units are still available then to those applicants listed in category b.

The Housing Director shall monitor compliance with this condition. In addition to all other remedies, if the Housing Director determines that Developer is not meeting the

requirements of this condition, the Housing Director shall so notify Developer and the Development Services Manager in writing, and no more building permits shall be issued for the project until the Housing Director notifies the Development Services Manager in writing that Developer is meeting the requirements of this condition.

Air Quality

134. Developer shall ensure that all construction equipment is maintained and tuned to recommended manufacture's specifications. (MND, C-1)
135. At all times during construction activities, Developer shall minimize the area disturbed by clearing, grading, earth moving, or excavation operations to prevent excessive amounts of dust. (MND, C-2)
136. 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)
137. 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)
138. 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)
139. 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)
140. 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 (Removal of Visible Roadway Accumulations). ((MND, C-7)

141. 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 APDC regularities regarding Asbestos (Rule 63.7). (MND, C-8)
142. Developer shall mitigate air quality emissions associated with development of the subject site through a contribution to the City's Transportation Demand Management (TDM) program. Such fee shall be calculated at the time of building permit issuance in accordance with the Ventura County Air Quality Assessment Guidelines, as amended. Such fee shall be collected in full prior to building permit issuance. (MND, C-9)
143. Prior to grading permit approval, Developer shall include on the grading plans a reproduction of all conditions of this permit pertaining to dust control requirements. (PL)

Biological Resources

144. Nesting Bird and Raptor Survey and Avoidance. In the event that the proposed action is planned to occur within the general bird nesting season, a pre-construction nesting bird survey shall be conducted by a qualified biologist. The nesting season is generally considered February 1 through August 31, with a peak from March to June; however, these dates vary by year depending on prey availability, weather, and other factors. In the event an active bird is observed in the habitats to be removed or in other habitats within 100 feet for songbirds and 500 feet for raptors of the construction work areas, all construction work in the suitable habitat or within 100 feet/500 feet of the suitable habitat must be delayed until after September 1st, or surveys must be continued in order to locate any nests. If an active nest is found, clearing and construction within 100 feet/500 feet of the nest shall be postponed until the nest is vacated and juveniles have fledged, and until there is no evidence of a second attempt at nesting. Limits of construction to avoid a nest site shall be established in the field with flagging and stakes or construction fencing. Construction personnel shall be instructed on the ecological sensitivity of the area. (BIO-1)

Cultural Resources

145. Developer shall contract with a qualified archaeologist to monitor all project-related ground-disturbing activities. In the unlikely event that potentially significant archaeological materials are encountered during construction, the applicant must comply with State regulations and City's standard condition of approval for handling such resources. (CUL-2)

Noise

146. The living areas for all residences in the project, including those adjacent to Vineyard Avenue, shall be constructed to include sufficient noise attenuation to reduce interior noise levels to a CNEL of 45 dBA, as required by California building standards. For the estimated exterior CNEL values of 65 dBA, this performance standard requires an

exterior-to interior noise reduction of approximately 20 dBA. This noise reduction is routinely achieved in residential construction that is consistent with current California energy conservation standards, and involves measures such as exterior stucco walls with a Sound Transmission Class (STC) rating of 45, double-paned windows with an STC of 37, solid core exterior doors. Building permit applications shall include documentation that the interior standard of 45 dBA CNEL will be achieved through a combination of these or other measures. (N-1(a))

147. The living areas shall contain forced air ventilation. All duct work for ventilation shall include noise louvers at the exterior outlet and/or duct outlets shall be directed either opposite to or perpendicular to Vineyard Avenue. Upper level patio/deck areas shall not be positioned facing the Vineyard Avenue for residences along the western site boundary, or other mitigation to bring exterior living space within City Noise standard of 65 dBA, subject to a Noise Study reviewed and approved by the Planning Manager or designee. (N-1(b))
148. Construction Noise Levels. For all construction-related activities, noise-attenuation techniques shall be employed as needed to ensure that noise remains as low as possible during construction, specifically at REC-1 through REC-3. The following noise-attenuation techniques shall be incorporated into contract specifications to reduce the impact of construction noise:
- Ensure that construction equipment is properly muffled according to industry standards and in good working condition.
 - Place noise-generating construction equipment and locate construction-staging areas away from sensitive uses, where feasible.
 - Schedule high noise-producing activities between the hours of 7:00 AM and 5:00 PM to minimize disruption on sensitive uses.
 - Implement noise attenuation measures to the extent feasible, which may include but are not limited to temporary noise barriers or noise blankets around stationary construction noise sources.
 - Use electric air compressors and similar power tools rather than diesel equipment, where feasible.
 - All stationary construction equipment (e.g., air compressors, generators, impact wrenches, etc.) shall be operated as far away from residential uses as possible and shall be shielded with temporary sound barriers, sound aprons, or sound skins.
 - Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than 30 minutes.
 - Clearly post construction hours, allowable workdays, and the phone number of the job superintendent at all construction entrances to allow for surrounding owners to contact the job superintendent. If the City or the job superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action, and report the action taken to the reporting party. (N-2)

Water

149. The applicant shall provide for the allocation of groundwater pumping rights sufficient to serve the development from the Fox Canyon Groundwater Management Agency to the City of Oxnard, consistent with the MND and the ordinances and requirements of the two agencies, prior to recording the final map for the project. (W-1).

ENVIRONMENTAL RESOURCES DIVISION

150. 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.
151. 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.
152. 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. Regardless of hauling methods, all materials collected must be conveyed to the Del Norte Regional Recycling and Transfer Station.
153. Covenants, conditions and restrictions (“CC&Rs”) shall be developed for the project that require the homeowner’s association to make provisions to divert at least 50% of the material through source reduction, recycling, reuse, and/or green waste programs.

Developer shall submit a “City of Oxnard C&D Environmental Resources Management & Recycling Occupancy Plan” (“Occupancy Plan”) to the City’s Environmental Resources Division. An Occupancy Plan must be submitted and approved prior to issuance of a final inspection. The CC&Rs shall require the homeowner’s association to submit to the Environmental Resources Division a “City of Oxnard C&D Environmental Resources Management & Recycling Occupancy Report” annually for approval on the anniversary date of the certificate of occupancy or at any such time that the facility’s operational functions change significantly.

154. 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

155. 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 permit issuance. (DS-1)
156. 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 indicate the proposed structural section and design T.I. on the site improvement plans. (DS-2)
157. Developer shall have the site improvement plans prepared using standard Development Services Division format(s) 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 ink-on-mylar plans filed with the Development Services Division. (DS-3)
158. Developer shall submit improvement plans and drainage calculations demonstrating that storm drain runoff 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)
159. Developer shall protect building pads from inundation during a 1% chance (100year) storm. (DS-5)
160. 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)
161. Developer’s site improvement plans shall include an onsite sewer plan. (DS-10)
162. Developer shall provide 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 site improvement plans prior to issuance of a site improvement/grading permit. Developer shall provide the City with an easement over onsite waterlines using standard City format. (DS-11)

163. Developer shall install onsite and offsite electric, cable, telephone and similar utility service laterals underground in accordance with City ordinances in effect at the time City issues a building permit. Services shall be installed underground to the nearest suitable riser pole as determined by the appropriate utility service provider. (DS-12)
164. 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. Developer 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)
165. A California licensed civil engineer 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. Submittal shall include, but not necessarily be limited to, grading, street, drainage, sewer, water and other appurtenant improvement plans, construction cost estimates, soils reports, and all pertinent engineering design calculations. City will not approve a parcel map or final map nor issue a grading, site improvement or building permit until the City Engineer has approved all improvement plans. (DS-15)
166. Prior to issuance of a site improvement permit, Developer shall provide to the Development Services Division a compact Disc (CD) containing digital copies of all project maps, address map, and/or 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)
167. 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 map, then at the time of public improvement plan approval. (DS-17)
168. Developer shall provide all necessary easements for streets, highways, alleys, sidewalks, parkways, landscaping, utilities, drainage facilities, or 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)
169. 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)

170. 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)
171. Developer shall pay the cost of all inspections of onsite and offsite improvements. (DS-22)
172. Developer shall be responsible for all project related actions of Developer's employees, contractors, subcontractors, and agents until City accepts the improvements. (DS-23)
173. 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)
174. "Standard Specifications for Public Works Construction" latest edition (including modifications thereto by City) and applicable City Standard Plates and Design Criteria 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)
175. Prior to issuance of a grading/site improvement permit, developer shall obtain Community Development Director approval for any proposed construction phasing. The improvement plans (and associated phasing plans) shall clearly indicate any interim or offsite improvements required by City. (DS-28)
176. Developer shall retain a California licensed Civil Engineer to ensure that the construction work conforms to the approved improvement plans and specifications and to provide certified "asbuilt" plans after project completion. Developer's submittal of certified "asbuilt" plans is a condition of City's final acceptance of the project and release of any associated security. (DS-29)
177. All grading shall conform to City's standard grading notes, City Code, and recommendations of Developer's soils engineer as approved by the City Engineer. (DS-30)

178. Developer shall construct sufficient drainage facilities concurrent with rough grading operations to mitigate any potential flooding or erosion affecting adjacent properties and public rights-of-way. (DS-31)
179. Developer shall design all slopes steeper than 5 (horizontal) to 1 (vertical) with a minimum 18 inch wide level area (at both top and bottom of slope) where it adjoins a wall, fence, sidewalk, trail, curb or similar improvement. (DS-32)
180. 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)
181. Prior to issuance of a site improvement permit, Developer shall provide to the City Engineer easements or written consent (as determined appropriate by the Community Development Director) from all affected landowners for any diversion of historical flows or change in drainage conditions caused by the project. (DS-36)
182. 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)
183. Developer shall install water mains, fire hydrants and water services in conformance with City standard plates, design criteria and specifications as directed by the City Engineer. (DS-41)
184. Developer shall install adequately sized water services and meters to each lot or unit in accordance with City standards in effect at the time of building permit issuance. There shall be no interconnections between structures. (DS-42)
185. Developer shall install City approved backflow prevention devices for water connections if so ordered by the City Engineer. (DS-45)
186. 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. Developer shall obtain permits from the City Engineer prior to performing tests. 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)
187. Developer shall construct all street and road improvements in conformance with the City Code, the City's 2030 General Plan, and any applicable specific plan. (DS-48)

188. Street and road improvements shall conform to City standard plates, design criteria and policies. Improvements shall include upgrading of existing pavement along the project frontage to City standards by removing and replacing or overlaying, as directed by the City Engineer. (DS-51)
189. Developer shall improve all streets, alleys, sidewalks, curbs, and gutters adjacent to the project in accordance with City standards, as necessary to provide safe vertical and horizontal transitions. (DS-52)
190. Developer shall provide soils reports, "R" value tests, and compaction tests for all streets. Determination of the actual structural sections shall be based on City's design procedure, "R" value tests of in-place soils, and approved traffic indices. (DS-53)
191. Developer shall install all water, gas, sewer, storm drain, electrical, cable television, and telephone lines before any paving is placed. (DS-54)
192. 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)
193. Developer shall construct a concrete apron along the length of the trash enclosure opening that extends a minimum of 15 feet from the face of the enclosure. (DS-69)
194. Developer shall provide adequate vehicle sight distance as specified by CalTrans specifications at all driveways and intersections. (TR-71)
195. Developer, property owner or tenant shall participate in a Traffic Management Association (TMA) if one is formed and shall implement and participate in all programs and strategies established by the TMA. This condition shall be included in all leases and rental agreements for the project property. (TR-72)
196. Developer shall install bike racks in accordance with City standards at locations approved by City Traffic Engineer. (TR-73)
197. 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)

STORMWATER QUALITY

198. Developer shall design 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 including all revisions) for new development and 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"). (DS-78)

199. 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 treatment and infiltration devices. Geotechnical Engineering analysis and recommendations shall include, but not necessarily be limited to, determination of site specific 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 necessarily be limited to, suggestions regarding appropriate vegetation and soil amendments for vegetated infiltration devices. Project plans shall implement approved design recommendations. (DS-81)
200. Using forms provided by the Development Services Division, Developer shall submit a stormwater quality control measures maintenance and operations plan ("the Plan") 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 Plan and Developer provides an executed copy of the City's stormwater covenant with the Plan included as an exhibit for recordation by the City. (DS-82)
201. Developer's stormwater quality control measures maintenance and operations plan shall include: 1) Requirement to 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; 2) Requirement to 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; 3) Requirement to label all on-site storm drain inlets with the message "Don't Dump - Drains to Ocean" in accordance with City standards. (DS-83)
202. Developer shall provide pre-treatment for all infiltration based stormwater quality Best Management Practices ("BMPs".) Pre-treatment devices must effectively reduce sediment load entering infiltration BMPs to minimize occlusion of underlying soils and reduce long term maintenance requirements and thereby maintain the infiltration capacity of the BMP. 2011 TGM compliant pre-treatment such as vegetated swales are an approved form of pre-treatment. Proprietary pre-treatment devices must be capable of removing 80% of 50 micron particles to be considered adequate pre-treatment. Typical catch basin inserts do not provide the sufficient sediment storage to provide pre-treatment. (DS-85)

203. Prior to issuance of a grading, building or demolition permit and prior to commencement of any clearing, grading or excavation, Developer shall provide evidence of assignment of a permit identification number by the California State Water Resources Control Board indicating submittal of a Notice of Intent (NOI) by the Developer in accordance with the NPDES Construction General Permit. Developer shall comply with all requirements of the General Permit and the Ventura Countywide MS4 Permit, including preparation of a Stormwater Pollution Prevention Plan (SWPPP). Developer shall keep the SWPPP updated to reflect current site conditions and a copy of the SWPPP shall be kept onsite and available for City or designated representative to review upon request. (DS-86)
204. Developer shall install 'Full Capture System Devices' ("Devices") certified by the State Water Resources Control Board Executive Director in compliance with the Statewide Trash Amendments ("Amendments") in all catch basins accepting stormwater runoff from any portion of this project that meets the definition of 'Priority Land Use' as defined by the Amendments at the time of issuance of a grading/site improvement permit. The Devices shall be sized and designed in accordance with requirements of the Amendments and the Technical Guidance Manual for Stormwater Quality Control Measures ("TGM"). (DS-88)
205. Developer shall construct proposed walkways that cross vehicular drive aisles of colored enhanced concrete. The concrete color shall contrast with the parking lot paving material to clearly identify pedestrian areas. (DS-101)
206. Prior to issuance of a site improvement permit, Developer shall provide evidence of the recordation of a reciprocal access and drainage agreement with the adjacent property owner. (DS-104)

DEVELOPMENT SERVICES DIVISION SPECIAL CONDITIONS

STORM WATER QUALITY

207. Developer's geotechnical engineer shall perform percolation tests on the exposed bottom of all infiltration facilities immediately prior to facility construction and provide the City with a written opinion that the exposed soil layer is suitable for the proposed infiltration facility based on review of the existing geotechnical reports, percolation tests, infiltration facility design, and characteristics of the exposed soil layer. The report shall be reviewed and approved by the project civil engineer. (DS)
208. The percolation tests for this project shall include implementation of the reduction factor specified in the "Guidelines for Design, Investigation, and Reporting for Low Impact Development Stormwater Infiltration" published in the Administrative Manual of the County of Los Angeles Department of Public Works. This reduction factor is in addition to the safety factor specified in the Technical Guidance Manual. (DS)

209. Developer shall provide evidence that all underground infiltration and/or detention systems constructed as part of this project are anticipated to have a minimum 75-year life expectancy. (DS)
210. Developer shall provide calculations demonstrating that the proposed in-line infiltration system (including pre-treatment device) is capable of safely conveying stormwater underground during a 10% chance (10-year) event without re-suspending pollutants. Calculations shall also demonstrate that nearby structures are protected during a 1% chance (100-year) event. (DS)

STORM DRAIN CONDITIONS

211. Developer's engineer shall design the site grading to provide a secondary overflow path that will provide a safe drainage path if the underground drainage system becomes obstructed. Discussion of the secondary overflow path shall be included in the project drainage report. (DS)
212. Developer shall include in the project drainage report an evaluation of the quantity of stormwater currently conveyed within Vineyard Avenue at the north property line of the project. If the quantity of stormwater exceeds City standards, Developer shall extend the proposed Vineyard Avenue stormdrain line to the north property line and construct a catch basin inlet to convey the stormwater underground. Final design of this system is subject to approval of the Development Services Manager. (DS)
213. Developer's drainage study shall include a determination of the unused stormwater capacity of the existing 54-inch stormdrain line in Vineyard Avenue. Stormwater runoff from this project shall be designed as the lessor of the unused 54-inch pipe capacity or the discharge limits placed on the project by the Ventura County Watershed Protection Agency. (DS)
214. Developer's drainage study shall include an evaluation of the drainage patterns of adjacent parcels including, but not limited to, the parcels along the northern side of Rio School Lane. Drainage plan and report for the project shall accommodate all stormwater that enters the site and shall convey that stormwater to a safe point of discharge. (DS)

WASTEWATER CONDITIONS

215. The onsite sewer system shall be designed and constructed in accordance with public standards but shall be privately owned and maintained. (DS)
216. Prior to issuance of a grading/site improvement permit, Developer shall provide evidence of recordation of an agreement (or similar document) between parcels 1 and 2 of Tract 5998 that provides for shared use and maintenance of the proposed shared onsite sewer main. (DS)

217. Developer shall install fire hydrants along the project's Vineyard Avenue frontage as directed by the Fire Marshall. (DS)
218. Prior to submittal of site improvement plans, Developer's engineer shall propose alternative water line layouts for approval by the Development Services Manager that minimizes the length of water line constructed while accommodating the required fire hydrant and water meter locations and provides a well looped system. Water lines shall be located within paved areas of the site to greatest extent practical. (DS)
219. Developer shall redesign the proposed water system to minimize the amount of water line (including FH laterals) within landscape planters. (DS)
220. Developer shall redesign the location of proposed Fire Department Connections (FDCs) to eliminate access conflicts with parked cars. Final location to be approved by the Fire Marshall.(DS)

STREET CONDITIONS

221. Developer shall construct proposed walkways that cross vehicular drive aisles of colored enhanced concrete. The concrete color shall contrast with the parking lot asphalt to clearly identify pedestrian areas. (DS)
222. 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)
223. Developer shall construct all motorcycle stalls of concrete per City standards. (DS)
224. Prior to issuance of a grading/site improvement permit, Developer shall provide evidence of recordation of a reciprocal access agreement (or similar document) memorializing the proposed shared driveway between parcels 1 and 2 of Tract 5998. The document shall assign management of the maintenance to a specific lot. (DS)
225. Developer shall reconstruct the northeast curb return at the existing Vineyard Avenue/Rio School Lane intersection to align with the proposed width of the new private drive aisle. (DS)
226. Prior to issuance of a grading/site improvement permit, Developer shall provide evidence of recordation of a reciprocal access and parking agreement (or similar document) memorializing the proposed shared access and parking layout benefiting parcel 2 of Tract 5998 and the lot directly north of this parcel (Assessor Parcel #145-0-154-25) along Vineyard Avenue. This condition may be waived if alternative arrangements acceptable to the Community Development Director are proposed. (DS)

MISCELLANEOUS CONDITIONS

227. Developer shall process the final map for Tract 5998 (PZ 17-300-03) concurrent with the site improvement plans for this project. The final map shall be processed for recordation concurrent with approval of the site improvement plans for this project. (DS)
228. Developer shall construct project trash enclosures sized to contain a minimum of five (5) 4-yard bins (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 design the trash enclosure in general conformance with the approved City Standard Plan on file with the Building & Engineering Division except that it shall be elongated to enclose additional bins. Developer shall finish the trash enclosure to match the major design elements of the main structure subject to approval by the Planning Division. The location and configuration of the enclosure shall be approved by the Environmental Resources Division. All site refuse bins shall be stored in an approved enclosure. No objects other than refuse bins may be stored in the enclosure without the written permission of the Environmental Resources Division. (DS)
229. Developer shall place existing overhead utility lines on and adjacent to the project underground in accordance with City Code in effect at the time City issues a grading/site improvement permit. The current City Code does not require the placement of lines conducting in more than 33kv underground. Prior to issuance of the grading/site improvement permit, Developer shall post security satisfactory to the Finance Director guaranteeing utility relocation including the cost of any required pole relocation. (DS)
230. Developer shall relocate existing high voltage (conducting in excess of 33kv) power poles to a location that is behind the proposed Vineyard Avenue sidewalk. (DS)
231. Developer shall properly abandon any existing sewer or water lateral extended to the site that is not used by the project. (DS)
232. Prior to issuance of a site grading permit, Developer shall provide evidence that all existing onsite water wells (whether operational or not) have been properly destroyed in accordance with California Department of Water Resources standards. The City is currently aware that at least 2 water wells have been previously drilled on this site. (DS)

TRAFFIC CONDITIONS

233. Developer shall install LED solar lighting on the existing bus shelter located between Ventura Boulevard and the proposed project. Specification shall comply with City of Oxnard standards.
234. Developer shall install "Right Turn Only" signs and pavement marking at the project's driveway along Vineyard Avenue north of Building 1 and at the intersection of Rio School Lane and Vineyard Avenue. Final location and orientation of the signs shall be approved by the City Traffic Engineer. (TR)

235. Developer shall install bike racks in accordance with the requirements of the City of Oxnard Bicycle & Pedestrian Facilities Master Plan. Bicycle racks shall be installed a maximum of 50-feet from the front entrance of the establishment where there is natural surveillance and adequate light during dark hours. Final location shall be approved by the City Traffic Engineer. (TR)
236. All roadway features designed to calm traffic speeds on internal drive aisles are subject to the review and approval of the City Traffic Engineer. (TR)
237. Developer shall provide written documentation from Caltrans indicating that Caltrans will not authorize/approve a traffic signal at the intersection of Sycamore Street and Vineyard Avenue. (TR)

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 21st day of November, 2019, by the following vote:

Deidre Frank, Chair

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Oxnard at a meeting held this 21st day of November 2019, and carried by the following vote:

AYES: Commissioner(s):

NOES: Commissioner(s):

ABSENT: Commissioner(s):

ABSTAIN: Commissioner(s):

Scott Kolwitz, Secretary