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AGENDA
OXNARD CITY COUNCIL
OXNARD COMMUNITY DEVELOPMENT COMMISSION SUCCESSOR AGENCY
OXNARD FINANCING AUTHORITY
OXNARD HOUSING AUTHORITY
Council Chambers, 305 West Third Street
July 17, 2018
Regular Meeting - 6:00 PM
Closed Session - 5:00 PM

A. ROLL CALL/POSTING OF AGENDA

THE FOLLOWING LEGISLATIVE BODIES ARE MEETING: City Council.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

At this time, a person may address the legislative body only on matters appearing on the closed session agenda. The presiding officer shall limit public comments to three minutes.

C. CLOSED SESSION (5:00 PM)

1. Conference with Legal Counsel – Existing Litigation

CC (Government Code section 54956.9 (d)(1))

Name of case: City of Oxnard; et al. v. Aaron Starr

Ventura County Superior Court, Case No. 56-2016-00479696-CU-MC-VTA

The City Attorney requested that this item be discussed in closed session under the Brown Act authorization for the City Council to confer with its legal counsel regarding pending litigation.

2. Conference with Legal Counsel – Existing Litigation

CC (Government Code section 54956.9 (d)(1))

Name of case: Aaron Starr and Nancy Pedersen v. City of Oxnard

Ventura County Superior Court, Case No. 56-2018-00510828-CU-CO-VTA

The City Attorney requested that this item be discussed in closed session under the Brown Act authorization for the City Council to confer with its legal counsel regarding pending litigation.

D. OPENING CEREMONIES (6:00 PM)

Pledge of allegiance to the flag of the United States.

In compliance with the Americans with Disabilities Act, if you require special assistance to participate in a meeting, please contact the City Clerk's Office at 385-7803. Notice at least 72 hours prior to the meeting will enable the City to reasonably arrange for your accessibility to the meeting.

City of Oxnard internet address: www.oxnard.org.

E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of a Commendation to Future Leaders of America and Oxnard Union High School District for Aligning Graduation Courses with College Entrance Requirements.
2. SUBJECT: Presentation of a Commendation to the Public Works Employees who Repaired the 48-Inch Pipeline Bypass.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

At this time, the legislative body will consider public comments for a maximum of thirty minutes. A person may address the legislative body only on matters not appearing on the agenda and within the subject matter jurisdiction of the legislative body. Speaker cards will not be accepted after the beginning of the general public comment period. Based on the number of speaker cards submitted, the presiding officer may impose time limits per speaker. Typically, speakers are limited to three minutes, but shorter time may be established as deemed necessary. A person not able to address the legislative body at this time because the thirty minutes expires may do so just prior to adjournment of the meeting. The legislative body cannot enter into a detailed discussion or take action on any items presented during public comments at this time. Such items may only be referred to the City Manager/ Executive Director/Secretary for administrative action or scheduled on a subsequent agenda for discussion. Persons wishing to speak on public hearing items should do so at the time of the hearing.

G. REPORT OF CITY MANAGER/EXECUTIVE DIRECTOR/SECRETARY

The City Manager/Executive Director/Secretary shall report on items of interest to the legislative body occurring since the last meeting. The legislative body cannot enter into detailed discussion or take action on any item presented during this report. Such items may only be referred to the City Manager/Executive Director/Secretary for administrative action or scheduled on a subsequent agenda for discussion.

H. CITY COUNCIL/HOUSING AUTHORITY/SUCCESSOR AGENCY/FINANCING AUTHORITY BUSINESS/COMMITTEE REPORTS

At this time, a member of the legislative body may make a brief announcement, or make a brief report on his or her activities. Further, members of the legislative body may request to schedule consideration of whether to place an item on a future agenda. The legislative body cannot enter into detailed discussion or take action on any item presented during this report. The member's report shall not exceed three minutes, unless additional time is granted by the presiding officer.

I. REVIEW OF INFORMATION/CONSENT AGENDA

The members of the legislative body will consider whether to remove Information/Consent Agenda items for discussion later during the meeting.

J. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

At this time, a person may address the legislative body only on matters appearing on the information/consent agenda. The presiding officer shall limit public comments to three minutes.

K. INFORMATION CONSENT AGENDA**City Clerk Department**

1. **SUBJECT:** Approval of Minutes.

RECOMMENDATION: That the City Council approve the minutes of the June 12, 2018 Regular Meeting and June 13, 2018 Special Meeting as presented.

Legislative Body: CC

Contact: Michelle Ascencion

Phone: (805) 385-7805

City Manager Department

2. **SUBJECT:** Resolution of the City Council of the City of Oxnard Amending Resolution No. 15,152 (Authorization of Full-Time Equivalent Positions).

RECOMMENDATION: That City Council adopt the attached resolution amending the Position Control Resolution for the City of Oxnard related to the Special Districts Division moving from the Finance Department to the Public Works Department.

Legislative Body: CC

Contact: Rosemarie Gaglione

Phone: (805) 385-8055

Human Resources Department

3. **SUBJECT:** Second Amendment - York Insurance Services.

RECOMMENDATION: That City Council approve and authorize the Mayor to execute a Second Amendment to Agreement No. 7494-16-FN with York Insurance Services Group, Inc. in the amount of \$195,000, to a total value of \$585,000 for liability claims administration and adjustment services.

Legislative Body: CC

Contact: Steve Naveau

Phone: (805) 385-7947

L. PUBLIC HEARINGS**Development Services Department**

1. **SUBJECT:** Planning and Zoning Permit No. 17-500-17 (Special Use Permit) for the Property Located at 633 Ventura Boulevard (Dioji Dog Daycare) (5/5/5)

RECOMMENDATION: That the City Council adopt a resolution approving Planning and Zoning Permit Number 17-500-17 (Special Use Permit), subject to certain findings and conditions.

Legislative Body: CC

Contact: Ashley Golden

Phone: (805) 385-7882

Housing Department

2. **SUBJECT:** TEFRA Hearing - Garden City Special Needs Housing (5/10/10)

RECOMMENDATION: That the City Council:

1. Hold a public hearing regarding the issuance of up to \$5,250,000 of multifamily housing revenue bonds by the California Municipal Finance Authority to finance the development and construction of the Garden City Special Needs Housing Project, a 30-unit special needs rental housing project to be built at 5600/5690 Cypress Road, Oxnard CA; and
2. Adopt a resolution approving the issuance of bonds.

Legislative Body: CC

Contact: Arturo Casillas

Phone: (805) 385-8094

M. REPORTS**City Attorney Department**

1. **SUBJECT:** Response to Grand Jury Report - Campaign Signs. (5/10/5)
RECOMMENDATION: That City Council authorizes the Mayor, the City Clerk, and the City Attorney to respond, on behalf of the City Council, to the Grand Jury report titled "Campaign Signs" dated April 5, 2018, in the form included as Attachment A.
Legislative Body: CC Contact: Stephen M. Fischer Phone: (805) 385-7483
2. **SUBJECT:** Alcohol Possession and Consumption Ordinance. (5/5/10)
RECOMMENDATION: That City Council approve the first reading by title only and waive further reading of an ordinance amending Chapter 7, Article VIII, Section 7-125 of the Oxnard City Code regulating alcohol possession and consumption in public places.
Legislative Body: CC Contact: Stephen M. Fischer Phone: (805) 385-7483

Development Services Department

3. **SUBJECT:** Safe Homes Safe Families Program Ordinances and Resolution. (15/10/10)
RECOMMENDATION: That City Council:
 1. Approve the first reading by title only and waive further reading of an ordinance adding Article XXVII to Chapter 14 of the Oxnard City Code to establish a Safe Homes Safe Families, Repeat Offender Program;
 2. Approve the first reading by title only and waive further reading of an ordinance repealing uncodified Ordinance No. 2726, and adding Article XXVI to Chapter 14 of the Oxnard City Code to establish Tenant Relocation Assistance; and
 3. Approve the first reading by title only and waive further reading of an ordinance adding Article XXVIII to Chapter 14 of the Oxnard City Code related to substandard and improper occupancies; and
 4. Adopt a resolution amending the fee schedule for civil fines to include fines for properties registered in the Safe Homes Safe Families Program, and substandard conditions and improper occupancy fines.
Legislative Body: CC Contact: Ashley Golden Phone: (805) 385-7882

Police Department

4. **SUBJECT:** Gang Membership Determination Ordinance. (10/10/10)
RECOMMENDATION: That City Council approve the first reading by title only and waive further reading of an ordinance amending Chapter 7 of the Oxnard City Code to establish a hearing process to determine whether individuals are active gang members of a criminal street gang subject to a lawful gang injunction.
Legislative Body: CC Contact: Scott Whitney Phone: (805) 385-7624

N. ADJOURNMENT



**CITY COUNCIL
AGENDA REPORT**

TYPE OF ITEM: Info/Consent

AGENDA ITEM NO.: 1

DATE: July 17, 2018

TO: City Council

FROM: Michelle Ascencion
City Clerk

SUBJECT: Approval of Minutes.

CONTACT: Michelle Ascencion, City Clerk
Michelle.Ascencion@oxnard.org, (805) 385-7805

RECOMMENDATION:

That the City Council approve the minutes of the June 12, 2018 Regular Meeting and June 13, 2018 Special Meeting as presented.

STRATEGIC PRIORITIES:

This agenda item is a routine operational item that does not directly relate to the four strategic plans adopted by City Council on May 17, 2016. This agenda item does provide transparency of Council meetings to the public.

FINANCIAL IMPACT:

There is no financial impact.

ATTACHMENTS:

Attachment A: Minutes 06.12.2018 CC regular meeting

Attachment B: Minutes 06.13.2018 CC special meeting

MINUTES
 OXNARD CITY COUNCIL
 Regular Meeting
 June 12, 2018

A. ROLL CALL/POSTING OF AGENDA

At 4:34 p.m., Mayor Flynn called to order the regular meeting of the Oxnard City Council in the City Hall Council Chambers, 305 W. Third Street, Oxnard, California. The City Clerk called the roll and announced the posting of the agenda. Councilmembers Bryan A. MacDonald, Oscar Madrigal, Bert Perello, Mayor Pro Tem Carmen Ramirez, and Mayor Tim Flynn were present.

Staff members present were Stephen Fischer, City Attorney; Jesús Nava, Assistant City Manager; and Michelle Ascencion, City Clerk.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS (None received.)

C. CLOSED SESSION

Mayor Flynn read the following closed session statement:

“The City Council will recess to a closed session pursuant to Government Code section 54956.9(d)(2), based on existing facts and circumstances, there is significant exposure to litigation against the City in one potential case.

The City Council will also recess to a closed session, pursuant to Government Code section 54957.6(a), to review the status of labor negotiations and to review its available funds and funding priorities for the purpose of providing instructions to the City’s negotiator, Steve Naveau, Director of Human Resources, regarding the organizations specified in Item C-2 of the meeting agenda.”

At 4:35 p.m., the City Council recessed to a closed session. At 5:16 p.m. the City Council reconvened in open session in the Council Chambers. The City Attorney announced that there were no reportable actions out of closed session.

D. OPENING CEREMONIES

The flag salute was followed by a moment of silence.

Additional staff members present at this time were Ashley Golden, Interim Assistant City Manager; Ingrid Hardy, Cultural and Community Services Director; Jim Throop, Chief Financial Officer; Lisa Boerner, Purchasing Manager; Roger Brooks, Code Compliance Manager; Terrel Harrison, Recreation Manager; Shiri Klima, Assistant City Attorney; Chelsea Reynolds, PACC Manager; Mike Shaffer, Geographic Information Systems Manager; and Eric Sonstegard, Assistant Police Chief.

E. PUBLIC HEARING

Development Services Department

1. SUBJECT: Recovery of Civil Citation Fines.

RECOMMENDATION: That City Council: 1) conduct a public hearing to consider objections to the cost report of property owners whose property is to be assessed for civil citation fines, 2) approve the cost report, and 3) direct the City Manager or designee to file a certified copy of the cost report with the Ventura County Auditor-Controller.

The City Clerk announced the notification of the property owners and stated that no written communications had been received by the City Clerk's office.

The Code Compliance Manager gave a report.

Mayor Flynn opened the public testimony portion of the public hearing. No public comments were received. Without objection, the Council approved closing the public testimony portion of the public hearing. Discussion ensued among the Council and staff.

It was moved by Councilman MacDonald, seconded by Mayor Pro Tem Ramirez, to approve the recommended action as presented. VOTE: Flynn, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 5-0.

F. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of a Proclamation Designating June 16, 2018 as the "28th Annual Juneteenth Celebration."

Mayor Flynn read the proclamation and presented it to event co-chair Julia Dixon, who made some remarks.

G. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from Steve Kinney (new exhibit at Carnegie Art Museum), Becky Quinn (need for more police canines), Melissa Avila (transient problems at The Colony Mobile Home Park), Robert Franks (transient problems at The Colony Mobile Home Park, ongoing Infrastructure User Fee litigation), Jackie Tedeschi (residents' options for reporting illegal fireworks), Pat Brown (additional cars being imported into the Port of Hueneme), and Manuel Herrera (recent Oxnard Cruise Night event).

H. REPORT OF CITY MANAGER

The Assistant City Manager announced various upcoming meetings and special events, and provided program updates. He highlighted the FY 2-18-19 Budget approval schedule, the Fiber Master Plan kickoff, and upcoming Environmental Resources pass-through rates.

I. CITY COUNCIL REPORTS

Councilmember Madrigal reported on Eastside Little League players going to a Dodger Game, recent Cal Gisler and College Estates neighborhood meetings, the "Second Thursday" food truck event, an "Oxnard Plain" exhibit at the Carnegie Museum, the Curren School gardening program, an Oxnard/Pacifica Special Olympics basketball game, Oxnard Cruise Night, a Soria School fundraiser, neighborhood cleanups at Bartolo Square North and Hobson Park East, and congratulated high school graduates going off to college.

Mayor Pro Tem Ramirez congratulated recent graduates, commented on upcoming/recent meetings of SCAG, EDC-VC, APCD, and the HUD Continuum of Care review committee, and commented on Oxnard Cruise Night.

Councilman MacDonald commented on the Juneteenth celebration, the new Carnegie exhibit opening, an upcoming LOSSAN Board meeting, and congratulated the Oxnard Cruise Night organizers.

Councilmember Perello reported on the Philippine Independence Day ceremony, a recent pedestrian fatality on Channel Islands Boulevard, repairing street lights, fireworks fines, public records requests, the recent credit card breach, and police canines. He thanked departing employees Ingrid Hardy, Ralph Alamillo, and Tammy Gutierrez for their service.

Mayor Flynn commented on the Oxnard Cruise Night event, the Heritage Square summer concerts, and the City Manager recruitment. The City Attorney gave a brief report on the City Manager recruitment process and announced that the City Council is negotiating with Alexander Nguyen for the position. Discussion ensued among Council and staff.

City Attorney Department

1. **SUBJECT:** Appointment of Interim City Manager.
RECOMMENDATION: That City Council adopt **Resolution No. 15,135** appointing Jesús Nava to serve as Interim City Manager, effective close of business June 22, 2018, for a temporary period until a new City Manager appointed by the City Council commences City service, and during which period Mr. Nava shall receive a 10% temporary pay upgrade.

The City Attorney gave a report. Discussion ensued among the Council and staff. Public comments were received from Pat Brown, Roger Poirier, Jackie Tedeschi, Woodrow Thomas Sr., and J.R. Ruiz.

It was moved by Mayor Pro Tem Ramirez, seconded by Councilmember Perello, to approve the recommended action as presented. VOTE: Flynn, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 5-0.

City Manager Department

2. **SUBJECT:** Establish an Ad Hoc Committee Related to Education, Water, Wastewater and Port of Hueneme.
RECOMMENDATION: That City Council:
 1. Consider formation of an ad hoc committee of two Councilmembers to identify agenda topics for joint meetings with outside elected bodies, including:
 - a. Oxnard School District,
 - b. Oxnard Union High School District,
 - c. Oxnard Harbor District,
 - d. City of Port Hueneme, and
 - e. United Water Conservation District; and
 2. If such committee is formed, that the Mayor, with the approval of City Council, appoint two Councilmembers to constitute the committee.

Mayor Flynn gave a report. Discussion ensued among the Council and staff. Public comments were received from Daniel Chavez Jr. and Jackie Tedeschi. Further discussion ensued.

It was moved by Mayor Flynn, seconded by Mayor Pro Tem Ramirez, to form an ad hoc committee but remain sensitive/mindful of the timing of potential meetings. Further discussion ensued and the motions were withdrawn.

It was moved by Councilmember Perello, seconded by Mayor Flynn, to table the item to a future date uncertain. VOTE: Flynn, Madrigal, and Perello voted in favor; MacDonald and Ramirez voted against; the motion carried 3-2.

3. SUBJECT: Rating Agency Conference Call.

RECOMMENDATION: That City Council discuss an upcoming Standard & Poor's conference call scheduled for June 13, 2018, and determine whether individual Councilmembers should attend.

Mayor Flynn gave a report. Discussion ensued among the Council and staff. Public comments were received from Alicia Percell, Aaron Starr, Daniel Chavez Jr., and Jackie Tedeschi. Further discussion ensued. No action was taken.

J. REVIEW OF INFORMATION/CONSENT AGENDA

Mayor Flynn announced that item L-7 is removed from the agenda. Items L-1 and L-6 were discussed among the Council and staff.

K. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comments were received from Alicia Percell and Roger Poirier.

L. INFORMATION/CONSENT AGENDA

City Clerk Department

1. SUBJECT: Approval of Minutes.

RECOMMENDATION: That the City Council approve the minutes of the April 3, 2018 and April 10, 2018 Regular Meetings as presented.

2. SUBJECT: Resolutions to Call November 6, 2018 Municipal Election, and Calling of Election for Initiative Measures for CFD No. 3 and CFD No. 4 (Seabridge at Mandalay Bay).

RECOMMENDATION: That the City Council:

1. Adopt **Resolution No. 15,136** calling and giving notice of a municipal general election to be held on November 6, 2018, for the election of certain officers; consenting to and requesting election consolidation with the County of Ventura; requesting the County Clerk to render services and supplies; and authorizing the Board of Supervisors to canvass the returns;

2. Adopt **Resolution No. 15,137** establishing rules to govern submission by candidates of Candidate Statements;

3. Acting as the legislative body of City of Oxnard Community Facilities District Nos. 3 and 4 (Seabridge at Mandalay Bay), adopt **Resolution Nos. 15,138 and 15,139** ordering an election for ballot measures to consider adoption of Ordinances to reduce the amount of special taxes used to pay for overhead charges for CFD-3, and to reduce the portion of

the special tax utilized for Harbor Patrol costs in CFD-4; and requesting the County Clerk to conduct the election and authorizing the Board of Supervisors to canvass the returns.

City Manager Department

3. SUBJECT: Agreements for City Council Review.
RECOMMENDATION: That City Council, pursuant to Ordinance No. 2835, and Resolution No. 13,932, approve and authorize the City Manager to execute the following agreements/contracts and change orders/amendments in amounts more than \$25,000 but no more than \$250,000:
 - A. LexisNexis Risk Solutions (8233-18-PO) for analytical software license for the Oxnard Police Department to implement the Intelligence-led Policing (\$109,782).
 - B. Safety-Kleen Systems, Inc. (A-7988) for transportation and recycling of household hazardous waste material (\$100,000).

City Treasurer Department

4. SUBJECT: First Amendment to Agreement for Utility Bill and Business Tax Form Printing, Inserting and Mailing Services.
RECOMMENDATION: That City Council:
 1. Adopt **Resolution No. 15,140** permitting extension of Agreement No. A-7828 beyond three years.
 2. Approve and authorize the Mayor to execute an amendment to the agreement with InfoSend, Inc. for printing, inserting and mailing services (Agreement No. A-7828) to increase the amount by \$597,000, resulting in a total contract amount of \$1,523,923, extend the expiration date to June 30, 2020, and allow for change in the equipment used to produce utility bills and business tax renewals.

Cultural and Community Services Department

5. SUBJECT: Acceptance of Senior Nutrition Grant Funds from the Ventura County Area Agency on Aging (VCAAA).
RECOMMENDATION: That the City Council:
 1. Authorize the City Manager or designee to execute Ventura County Area Agency on Aging Grant Contract No. for the Provision of Services (Senior Nutrition Program) ("Senior Nutrition Program Grant Agreement") and any other document or instrument necessary to carry out the purposes of Senior Nutrition grant; the Chief Financial Officer or designee to submit financial reports, grant claims and approve budget adjustments for the use of Senior Nutrition grant funds; and
 2. Approve a budget appropriation to recognize the Senior Nutrition grant award in the amount of \$103,550 and program donations in the amount of \$15,000 for the FY 2018-2019 Senior Nutrition Program.
6. SUBJECT: Performing Arts Center Agreement Extension.
RECOMMENDATION: That City Council approves and authorizes the Mayor to execute an extension of the Agreement between the City and the Oxnard Performing Arts Center Corporation (A-5904) for the operation, maintenance and management of the Performing Arts and Convention Center through June 30, 2019.

Public Works Department

7. SUBJECT: Second Amendment to Agreement No. 6552-14-PW with the Groundskeeper, Inc. for Landscape Maintenance Services to Public Works Facilities.

(This item was removed from the agenda.)

8. SUBJECT: Fourth Amendment to Agreement No. 7592-16-PW with Kelly Cleaning & Supplies, Inc.

RECOMMENDATION: That City Council approve and authorize the Mayor to execute a Fourth Amendment to the Kelly Cleaning & Supplies, Inc. Agreement No. 7592-16-PW for Janitorial Services at Public Works Facilities, extending the contract termination date to November 26, 2018 and increasing the contract by \$95,000 for a new total not to exceed of \$339,400.

It was moved by Councilman MacDonald, seconded by Mayor Pro Tem Ramirez, to approve the Information/Consent items as presented [without item L-7, which was removed from the agenda]. VOTE: Flynn, MacDonald, and Ramirez voted in favor; Madrigal abstained on item L-1; Perello voted against item L-6. The motion carried 4-0-1 on item L-1; 4-1 on item L-6; and 5-0 on the remaining items.

M. REPORTS

Cultural and Community Services Department

1. SUBJECT: Hueneme Elementary and Oxnard School District After School Education and Safety Grant.

RECOMMENDATION: That City Council:

1. Approve and authorize the Mayor to execute the Memorandum of Understanding (A-8068) and Partnership Agreement (A-8069) with the Hueneme Elementary School District (HESD) for the City of Oxnard to receive the total amount of \$2,526,870 to provide services under the California After School Education and Safety (ASES) program at ten (10) HESD schools during FY 18-19, FY 19-20 and FY 20-21; and
2. That the City Council approve and authorize the Mayor to execute an agreement with the Oxnard School District (OSD) (A-8071) for the City to receive an amount not to exceed \$2,425,000. Primary Services shall not exceed \$2,120,000 and "Additional Services" for summer school not to exceed \$105,000, and Intercession not to exceed \$200,000.

The Recreation Manager gave a report. Public comments were received from Ray Tejada, Daniel Chavez Jr., Gabriel Teran, Leonor Fernandez, and J.R. Ruiz. Discussion ensued among the Council and staff.

It was moved by Councilman MacDonald, seconded by Councilmember Madrigal, to approve the recommended action as presented. VOTE: Flynn, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 5-0.

Finance Department

2. SUBJECT: Purchasing Ordinance Amendment.

RECOMMENDATION: That the City Council:

1. Approve the introduction and first reading by title only and waive further reading of an ordinance amending Chapter 4 of the City Code regarding the performance of public projects, the purchase of supplies and equipment, contracting for services, and the leasing of real property;
2. Adopt **Resolution No. 15,141** repealing former purchasing and procurement resolutions; and
3. Repeal the City's current Purchasing Manual.

The Purchasing Manager and Assistant City Attorney gave a report. Discussion ensued among the Council and staff. No public comments were received.

It was moved by Councilman MacDonald, seconded by Councilmember Madrigal, to approve the recommended action as presented. VOTE: Flynn, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 5-0.

Information Technology Department

3. SUBJECT: Oxnard 311 - Second Anniversary Performance Update.

RECOMMENDATION: That City Council receive an update on the second year performance of the Oxnard 311 App.

The Geographic Information Systems Manager gave a report. Public comments were received from Jackie Tedeschi and Dan Pinedo. Discussion ensued among the Council and staff. No action was taken.

CONTINUATION OF PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Public comments were received from Richard Kristofferson.

N. ADJOURNMENT

There being no further business on the agenda, and without objection, Mayor Flynn adjourned the meeting at 10:17 p.m.

MICHELLE ASCENCION, CMC
City Clerk

TIM FLYNN
Mayor

MINUTES
 OXNARD CITY COUNCIL
 Special Meeting
 June 13, 2018

A. ROLL CALL/POSTING OF AGENDA

At 5:34 p.m., Mayor Flynn called to order the special meeting of the Oxnard City Council in the Civic Center Annex - Human Resources Activity Room, 300 W. Third Street, Oxnard, California. The City Clerk called the roll and announced the posting of the agenda. Councilmembers Bryan A. MacDonald, Oscar Madrigal, Bert Perello, Mayor Pro Tem Carmen Ramirez, and Mayor Tim Flynn were present.

Staff members present were Scott Whitney, Interim City Manager/Police Chief; Stephen Fischer, City Attorney; and Michelle Ascencion, City Clerk.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS (None received.)

C. CLOSED SESSION

Mayor Flynn read the following closed session statement:

“The City Council will recess to a closed session, pursuant to Government Code section 54957.6(a), to provide instructions to the City’s negotiators regarding the position of City Manager and for the City Council to consider City Manager candidates.”

At 5:36 p.m., the City Council recessed to a closed session. At 6:57 p.m. the City Council reconvened in open session. The City Attorney announced that there were no reportable actions out of closed session.

D. ADJOURNMENT

There being no further business on the agenda, and without objection, Mayor Flynn adjourned the meeting at 6:57 p.m.

MICHELLE ASCENCION, CMC
 City Clerk

TIM FLYNN
 Mayor

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**CITY COUNCIL
AGENDA REPORT**

TYPE OF ITEM: Info/Consent

AGENDA ITEM NO.: 2

DATE: July 17, 2018

TO: City Council

THROUGH: Alexander Nguyen
City Manager

FROM: Rosemarie Gaglione
Public Works Director

SUBJECT: Resolution of the City Council of the City of Oxnard Amending Resolution No. 15,152 (Authorization of Full-Time Equivalent Positions).

CONTACT: Rosemarie Gaglione, Public Works Director
rosemarie.gaglione@oxnard.org, (805) 385-8055

RECOMMENDATION:

That City Council adopt the attached resolution amending the Position Control Resolution for the City of Oxnard related to the Special Districts Division moving from the Finance Department to the Public Works Department.

BACKGROUND

The Special Districts Division was formally established in Fiscal Year 2017-2018 under the Finance Department. As the Division has grown and positions have been established, it has become clear that the Division is more appropriately aligned with the Public Works Department. The Division is regularly working with Public Works staff as there is some overlap of responsibilities.

All positions within the Division will remain the same; there is no net change in full time equivalent positions. There are also no changes to union classifications.

STRATEGIC PRIORITIES

This agenda item is a routine operational item or does not relate to the four strategic plans

Amend Resolution No 15,152 Moving Special Districts Division from Finance to Public Works
 Department
 July 17, 2018
 Page 2

adopted by City Council on May 17, 2016.

FINANCIAL IMPACT

In the Adopted FY2018-19 Budget, the Special Districts division was reported under the Finance Department including Resolution No. 15,152 - Resolution of the Authorized Full-Time Equivalent (FTE) Positions adopted by City Council on June 26, 2018. With the recommended realignment and shift of the following seven (7) positions from Finance to Public Works, the total revised FTE count under Finance will be revised to 31 FTE from adopted 38 FTE and Public Works will be revised from 480 FTE to 487 FTE. The positions shifted are outlined as follow:

Department	Division	Classification Title	Current Allocation	Change	New Allocation
Finance	Special District	Special Districts Manager	1	-1	0
Finance	Special District	Project Manager	2	-2	0
Finance	Special District	Landscape Inspector II	3	-3	0
Finance	Special District	Administrative Tech	1	-1	0
Public Works	Special District	Special Districts Manager	0	1	1
Public Works	Special District	Project Manager	0	2	2
Public Works	Special District	Landscape Inspector II	0	3	3
Public Works	Special District	Administrative Tech	0	1	1

ATTACHMENTS:

Attachment A: Allocation Resolution

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING RESOLUTION NO. 15,152 PURSUANT TO CHAPTER 4 OF THE CITY PERSONNEL RULES AND REGULATIONS

WHEREAS, Chapter 4, Article 4.7 of the City of Oxnard Personnel Rules and Regulations provides that the City Manager from time to time may revise the number of positions in each classification as necessary to perform the work of the classification, provided that the total expense to be incurred for such work shall be limited to the amount appropriated by the City Council for the classification.

NOW, THEREFORE, the City Council of the City of Oxnard resolves to amend Resolution No. 15,152 with the shift of the following seven (7) positions from Finance to Public Works. With this amendment, the total Full-Time Equivalents positions of Finance will be revised from 38 to 31 and Public Works will be revised from 480 to 487.

Department	Classification Title	Current Allocation	Change	New Allocation
Finance	Special Districts Manager	1	-1	0
Finance	Project Manager	2	-2	0
Finance	Landscape Inspector II	3	-3	0
Finance	Administrative Tech	1	-1	0
Public Works	Special Districts Manager	0	1	1
Public Works	Project Manager	0	2	2
Public Works	Landscape Inspector II	0	3	3
Public Works	Administrative Tech	0	1	1

PASSED, APPROVED, and ADOPTED, this 24th day of July, 2018 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Tim Flynn, Mayor

ATTEST:

APPROVED AS TO FORM:

Michelle Ascencion, City Clerk

Stephen M. Fischer, City Attorney

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**CITY COUNCIL
AGENDA REPORT**

TYPE OF ITEM: Info/Consent

AGENDA ITEM NO.: 3

DATE: July 17, 2018

TO: City Council

THROUGH: Alexander Nguyen
City Manager

FROM: Steve Naveau
Director of Human Resources

A handwritten signature in black ink, appearing to read "Steve Naveau".

SUBJECT: Second Amendment - York Insurance Services.

CONTACT: Steve Naveau, Director of Human Resources
Steve.Naveau@oxnard.org, (805) 385-7947

RECOMMENDATION:

That City Council approve and authorize the Mayor to execute a Second Amendment to Agreement No. 7494-16-FN with York Insurance Services Group, Inc. in the amount of \$195,000, to a total value of \$585,000 for liability claims administration and adjustment services.

BACKGROUND

Staff is requesting authorization to enter into a Second Amendment to Agreement No. 7491-16-FN with York Insurance Services Group, Inc., to provide continuing liability claims management including investigative, adjustment, administrative and legal support services.

In April 2016, a Request for Proposal (RFP) was issued and advertised on the City's website and VIDA newspaper. The City received a total of five (5) proposals, and based upon the criteria identified in the RFP, York Insurance Services Group, Inc. was selected as the most qualified to perform the work. This Second Amendment represents the third year of this agreement, with a one-year term of July 1, 2018 to June 30, 2019.

STRATEGIC PRIORITIES

This agenda item is a routine operational item or does not relate to the four strategic plans

Second Amendment - York Insurance Services

July 17, 2018

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adopted by City Council on May 17, 2016.

FINANCIAL IMPACT

There is no additional financial impact as a result of the approval of this Second Amendment. The agreement will be paid from existing funds in the proposed FY2018-19 budget in the Liability Fund.

ATTACHMENTS:

7494-16-FN. 2nd Amendment

Agreement No. 7494-16-FN

SECOND AMENDMENT TO AGREEMENT FOR CONSULTING SERVICES

This Second Amendment ("Second Amendment") to the Agreement for Consulting Services ("Agreement") is made and entered into in the County of Ventura, State of California, this 1st day of July 2018, by and between the City of Oxnard, a municipal corporation ("City"), and York Insurance Services Group, Inc. ("Consultant"). This Second Amendment amends the Agreement entered into on July 1, 2016, by City and Consultant. The Agreement previously has been amended on July 1, 2017, by a First Amendment.

City and Consultant agree as follows:

1. In Section 12 of the Agreement, the date "June 30, 2018" is deleted and replaced with the date "June 30, 2019."
2. In Section 14 of the Agreement, the amount "\$390,000" is deleted and replaced with the amount "\$585,000."
3. As so amended, the Agreement remains in full force and effect.

[Signatures on next page]

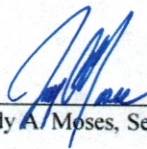
IN WITNESS WHEREOF, the parties hereto have executed the Agreement on the date first written above.

CITY OF OXNARD

VENDOR/CONTRACTOR/CONSULTANT

☐ Tim Flynn, Mayor

Date


Jody A. Moses, Senior Vice President

June 27, 2018
Date

ATTEST:

Michelle Ascencion, City Clerk

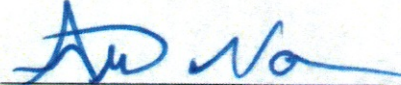
Date

APPROVED AS TO FORM:


Stephen M. Fischer, City Attorney

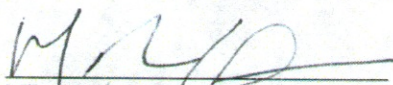
5/11/18
Date

APPROVED AS TO CONTENT:


Steve Naveau, Department Head

5/11/18
Date

APPROVED AS TO INSURANCE:


Mike More, Risk Manager

5/11/18
Date

The City requires the following for any contract:

- For a corporation, the signatures of the Board President, CEO or Vice President and of the Board Secretary, Assistant Secretary, CFO or Assistant Treasurer;
- For an LLC, the signatures of at least two managers of the LLC; or
- For a partnership, the signature of a partner. If the partnership is a limited partnership, the signer must be a general partner.

If the company has a different structure, or if the above-listed persons are not the appropriate signers, please submit to the City Attorney legally-binding documentation stating who can sign and bind your company.

PLEASE DO NOT
REMOVE THIS BOX



**CITY COUNCIL
AGENDA REPORT**

TYPE OF ITEM: Public Hearing
AGENDA ITEM NO.: 1

DATE: July 17, 2018

TO: City Council

THROUGH: Alexander Nguyen
City Manager

FROM: Ashley Golden
Development Services Director

A handwritten signature in black ink, appearing to read "Ashley Golden".

SUBJECT: Planning and Zoning Permit No. 17-500-17 (Special Use Permit) for the Property
Located at 633 Ventura Boulevard (Dioji Dog Daycare) (5/5/5)

CONTACT: Ashley Golden, Development Services Director
Ashley.Golden@oxnard.org, (805) 385-7882

RECOMMENDATION:

That the City Council adopt a resolution approving Planning and Zoning Permit Number 17-500-17 (Special Use Permit), subject to certain findings and conditions.

BACKGROUND

On June 7, 2018 the Planning Commission voted 6-0, with one Commissioner absent to recommend City Council approval of the Special Use Permit to construct a canine resort with outdoor kennel facilities, play areas and associated on-site improvements (see Attachment C, Resolution Recommending Approval – Resolution 2018-14). The project is located at 633 Ventura Boulevard. No members of the public attended the public hearing regarding this matter. Additionally, at the Community Workshop for the project in February 2018, no members of the public attended or expressed concern regarding this item.

The proposed development is located in the General Commercial (C-2-PD) zoning district. A dog daycare is not a permitted or conditionally permitted use; further, the C-2-PD zoning district does not allow for the Planning Manager to characterize the use as a similar use allowed with a special use permit or allowed outright. Oxnard City Code (OCC) Section 16-135(B), stipulates: "No other uses shall be permitted in the C-2 zone without approval of the City Council."

Dioji Dog Daycare (5/5/5)

July 17, 2018

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ANALYSIS

The existing 2,814 square-foot building will be renovated and a 4,781 square-foot warehouse addition will be constructed on the northerly portion of the site. The project is a cage free dog daycare and boarding facility with an 870 square-foot retail shop and grooming area (see Attachment B, Planning Commission staff report).

The business, Dioji, will operate the facility with up to 25 employees, which will work in staggered shifts of no more than 6 people per shift. The business hours are 7 a.m. to 7 p.m. Monday through Saturday and 9 a.m. to 5 p.m. on Sunday. Dioji currently operates three other facilities (Goleta, Santa Barbara, and Agoura Hills). The maximum daytime capacity of the facility is 100 dogs and the maximum evening/overnight capacity of the facility is 75 dogs. This number may be reduced depending upon dog sizing and staffing. Through the night the dogs are moved into large sleeping rooms and employees stay with the dogs. The building has been designed to take into consideration proximity to residential uses and potential noise and odor impacts. The project has been designed to comply with all development standards.

STRATEGIC PRIORITIES

This agenda item supports the Economic Development strategy. The purpose of the Economic Development strategy is to develop and enhance Oxnard's business climate, promote the City's fiscal health, and support economic growth in a manner consistent with the City's unique character. This item supports the following goals and objectives:

Goal 1. Create vibrant and economically sustainable commercial, industrial and retail industries throughout the City.

Goal 2. Enhance business development throughout the City.

Objective 2a. Develop a strong citywide economy which attracts investment, increases the tax base, creates employment opportunities, and generates public revenue.

FINANCIAL IMPACT

All applicable permit processing and impact fees are required and will be paid.

ATTACHMENTS:

Attachment A: Draft CC resolution_conditions V2

Attachment B: PC staff report

Attachment C: Resolution of Approval 2018-14_ 17-500-17

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 17-500-17 (SPECIAL USE PERMIT) TO CONSTRUCT A CANINE RESORT WITH OUTSIDE KENNEL FACILITIES, PLAY AREAS AND ASSOCIATED ON-SITE IMPROVEMENTS ON A .78 ACRE LOT LOCATED AT 633 VENTURA BOULEVARD, SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY STEPHEN HEINZE, OWNER, 315 MEIGS ROAD, SUITE A #651, SANTA BARBARA, CA 93109.

WHEREAS, on November 16, 2017, Stephen Heinze, (the “**Applicant**”), submitted a request to construct a canine resort with outdoor play areas and associated on-site improvements; and

WHEREAS, on July 17, 2018, the City Council of the City of Oxnard (“**City Council**”) carefully reviewed the Planning Commission action recommending approval thereof, subject to certain conditions, and the staff report for the subject matter; and

WHEREAS, on July 17, 2018, the City Council of the City of Oxnard (“**City Council**”) conducted a duly noticed public hearing to consider Applicant’s request to approve Planning and Zoning Permit No. 17-500-17 (Special Use Permit), to renovate an existing 2,814 square-foot building located on a .78 acre lot and build a 4,781 square-foot warehouse addition (the “**Project**”) in accordance with Section 16-530 through 16-553 of the Oxnard City Code; 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 32 Categorical Exemption.

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

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

- (1) **The proposed use is in conformance with the City of Oxnard Land Use Plan and the elements thereof and other adopted standards.**

The proposed use is consistent with the 2030 General Plan, and the elements thereof and other adopted standards, as discussed in Section 6(b) of the Planning Commission Staff Report.

- (2) **The proposed use will not adversely affect or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare.**

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PZ 17-500-17 (SUP)
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The Project is designed to be architecturally compatible with the existing structure and will enhance and improve the existing conditions of the parcel. Care has been taken to mitigate the possibility of nuisance noise through architectural design, screening walls and the operations of the business as reviewed by the Development Advisory Committee.

- (3) **The site for the proposed use is 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 meets all pertinent development standards, discussed in greater detail in Section 6(c) of the Planning Commission Staff Report.

- (4) **The site for the proposed use will be served by highways adequate in width and improved as necessary to carry the kind and quantity of traffic such use will generate.**

The Project will be adequately served by all existing infrastructure as reviewed at the Development Advisory Committee meeting and will generate minimal impact of traffic on streets and highways as determined by the City Traffic Engineer.

- (5) **The site for the proposed use will be provided with adequate sewerage, water, fire protection and storm drainage facilities.**

The Project is in the annexation process to bring the property into the Calleguas Municipal Water District. The property is currently served by the Cloverdale Mutual Water Company. The property will be served by existing sewer connections. 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. In accordance with CEQA guidelines, §15332, the project qualifies as a Class 32 categorical exemption (Infill Development). This section pertains to infill development within urbanized areas subject to specific conditions. The Planning and Environmental Services Division is hereby authorized and directed to file a Notice of Exemption with the Ventura County Clerk pursuant to Section 15602 of the State CEQA Guidelines within five (5) working days of passage, approval and adoption of this Resolution.

SECTION 3. Based on the findings set forth herein, the City Council hereby approves Planning and Zoning Permit 17-500-17 (Special Use Permit), subject to the attached conditions of approval.

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

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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)
2. This permit is granted for the plans dated March 28, 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)
3. This permit shall automatically become null and void 36 months from the date of its issuance, unless Developer has diligently developed the proposed project, as shown by the issuance of a grading, foundation, or building permit and the construction of substantial improvements. (PL)
4. All required off-site and on-site improvements for the project, including structures, paving, and landscaping, shall be completed prior to occupancy unless the Development Services Manager allows Developer to provide security or an executed agreement approved by the City Attorney to ensure completion of such improvements. (DS)
5. By commencing any activity related to the project or using any structure authorized by this permit, Developer accepts all of the conditions and obligations imposed by this permit and waives any challenge to the validity of the conditions and obligations stated therein. (CA)

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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)
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)
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)
9. Developer shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B)
10. Developer shall not permit any combustible refuse or other flammable materials to be burned on the project property. (FD)
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)
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)

LANDSCAPE STANDARD CONDITIONS

13. 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)
14. 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)
15. 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)
16. 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 ensure compliance (PK, PK-4)

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17. Prior to the issuance of a certificate of occupancy, Developer shall provide a watering schedule to the building owner or manager and to Planning Division or designee. The irrigation system shall include automatic rain shut-off devices, or instructions on how to override the irrigation system during rainy periods. (PK, PK-5)
18. 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)
19. Developer shall install an irrigation system that includes a water sensor shut off device as a water conservation measure. (PK, PK-22)
20. 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)
21. 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)
22. 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-25)

FIRE DEPARTMENT STANDARD CONDITIONS

23. Developer shall construct all vehicle access driveways on the project property to be at least 25 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)
24. 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)
25. 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

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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)

26. 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)
27. 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)
28. The project shall meet the minimum requirements of the "Fire Protection Planning Guide" published by the Fire Department. (FD, F-6)
29. At all times during construction, developer shall maintain paved surfaces capable of handling loads of 76,000 pounds which will provide access for firefighting apparatus to all parts of the project property. (FD/DS, F-7)
30. Developer shall identify all hydrants, standpipes and other fire protection equipment on the project property as required by the Fire Chief. (FD, F-8)
31. Developer shall provide central station monitoring of the fire sprinkler system and all control valves. (FD, F-10)
32. 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)
33. Developer shall install in each structure in the project a detection/alarm system with a central station monitor that will automatically notify the Fire Department in the event of a fire in the structure. The alarm system shall include a UL or State Fire Marshal approved device, which shall not exceed design specifications, that reports the location of the fire and allows the central station monitor to inform the Fire Department of the point of entry into the structure that is nearest the fire. (FD, F-13)
34. 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

35. 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.

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36. 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.
37. 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.

POLICE DEPARTMENT CONDITIONS

38. The project must comply 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. All outdoor lighting shall be flat lens, full cut-off fixtures with the light source fully shielded with the exception of:
 - i. 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.
 - ii. 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 top 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.
39. Lighting instruments shall be metal halide, LED or similar in nature and spectrum (3,000K to 20,000K Correlated Color Temperature).
40. Lighting instruments shall installed so that light does not directly illuminate property outside the project site. Instruments shall not create glare for motorists or pedestrians.
41. Landscape elements shall be arranged to provide clear lines of sight and eliminate potential places of concealment.
42. Outdoor lighting shall be active at all times the public has access to the property. However, when the property is closed to the public, the staff of the facility may determine the best combination of exterior lighting that serves the safety staff and nighttime operation of security cameras.
43. Security camera system shall be installed and shall meet current industry standards and be capable of documenting activities that would be presentable in a court of law as evidence. Below are the current minimum standards for security camera systems:

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- a. Cameras and supporting equipment shall supply digital color images under normal lighting conditions. Greyscale images are expected for infra-red lighting.
 - b. Cameras shall be made by a reputable manufacturer and maintained to current industry standards.
 - c. Cameras shall have low light capability and able to identify persons on the property.
 - d. The video system shall utilize a Digital Video Recorder (DVR). VHS and other formats are prohibited.
 - e. The video system shall allow recording, live viewing and playback of recorded video for a period of at least 30 days.
 - f. Recorded images shall bear a date and time stamp that cannot be altered.
 - g. Signage shall be posted near the primary public entrance which states in 2" letters: "Security Cameras in Use".
 - h. Cameras in domed casings are highly encouraged as their area of focus is not easily determined by a casual observer.
 - i. A camera shall be placed inside the public reception area to capture images of the upper body and faces of persons entering the business.
 - j. A camera shall be installed to capture images of vehicles and vehicle license plates as they enter the site.
44. A security alarm system is required and shall be compliant with Oxnard City Code 11-95 through 11-100. Motion detection burglary or intrusion alarm systems shall utilize "Dual Technology" sensors capable of differentiating between human movement and non-human movement.
45. For the safety of the animals maintained at this facility, the facility shall be staffed 24-hours daily.
46. Dogs that bark excessively shall be managed in a prompt manner. Should the dog or dogs not be responsive to initial attempts to quieting, it/they shall be placed in an interior setting in order to avoid disturbing neighbors.
47. Controlled substances shall not be stored at the facility.
48. The business shall not offer for sale any products designed for cock-fighting.
49. A sign shall be posted in the public reception area that states: "Any complaint about this facility may be made to the City of Oxnard Pound Master at 385-7640."

PLANNING DIVISION STANDARD CONDITIONS

50. 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)
51. Any application for a minor modification requires a minor modification permit and payment of applicable processing fees. (PL, PL-2)

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52. 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*)
53. 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*)
54. 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*)
55. 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 or architect 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)
56. 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.
57. 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*)
58. Developer shall provide for dust control at all times during project property preparation and construction activities. (B/DS, *PL-13*)
59. 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*)
60. 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*)

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61. 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*).
62. 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*)
63. Exterior utility meter panels shall be located to take advantage of screening (e.g. landscaping or other building elements) so as not to be visible from public right-of-ways, to the maximum extent feasible. (PL, *PL-43*)
64. Prior to issuance of a certificate of occupancy, Developer shall remove all construction materials and vehicles from the subject property. (PL/B, *PL-47*)

PLANNING DIVISION SPECIAL CONDITIONS

65. 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)
66. 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)
67. 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)
68. 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)
69. Developer shall ensure that all construction equipment is maintained and tuned to recommended manufacture's specifications. (MND, C-1)
70. 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)

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71. 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)
72. 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)
73. 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)
74. 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)
75. 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)
76. 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)
77. 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)
78. 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)
79. A maximum of eight employees shall be permitted during any one shift (PL).

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80. A maximum of 100 dogs shall be kept at the project site during daytime hours (7:00 a.m. – 7:00 p.m.) A maximum of 75 dogs shall be kept at the project site during evening hours (7:00 p.m. – 7:00 a.m.) (PL).
81. A 9' x 25' loading and unloading area is permitted on the project site. It is understood that smaller box trucks or cargo vans will deliver to the site.
82. Dog waste shall be promptly removed within the 10 foot landscaped area parallel to the 6 foot sound wall. (PL)
83. Back shields shall be placed on the approximately 20 foot tall light poles which will be installed in the landscaped area along the northerly property line. (PL).

ENVIRONMENTAL RESOURCES DIVISION

84. 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.
85. 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.
86. 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.

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87. 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.
88. 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

89. 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)
90. 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)
91. 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)
92. 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)
93. Developer shall protect building pads from inundation during a 1% chance (100-year) storm. (DS-5)
94. Developer shall replace all broken, uplifted, or missing curb, gutter, or sidewalk along the street frontage(s) of the project. (DS-6)
95. Before connecting the project to existing sewer and water service laterals, Developer shall inspect (pothole or video) existing lateral(s) and arrange for City staff to view inspection

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- results. Developer shall make repairs to such facilities as determined necessary by City staff. Developer shall bring all existing water services into compliance with current City standards including removal of unused water or sewer laterals by disconnection at the main. (DS-7)
96. Each structure shall be served by separate sewer and water services in accordance with City Code. (DS-8)
 97. 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)
 98. Developer shall install on-site and off-site 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)
 99. 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)
 100. 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)
 101. 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)
 102. 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)
 103. 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

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discretion of the Development Services Manager issue a stop work order until such time as the graffiti is removed. (DS-20)

104. 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)
105. Developer shall pay the cost of all inspections of on-site and off-site improvements. (DS-22)
106. Developer shall be responsible for all project-related actions of Developer's employees, contractors, subcontractors, and agents until City accepts the improvements. (DS-23)
107. 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)
108. "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)
109. 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 "as-built" plans after project completion. Developer's submittal of certified "as-built" plans is a condition of City's final acceptance of the project and release of any associated security. (DS-29)
110. 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)
111. 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)
112. Prior to issuance of a site improvement permit, Developer shall provide to the City Engineer easements or written consent (as determined appropriate by the Development

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Services Director) from all affected landowners for any diversion of historical flows or change in drainage conditions caused by the project. (DS-36)

113. 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)
114. Developer shall install City approved backflow prevention devices for water connections if so ordered by the City Engineer. (DS-45)
115. 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)
116. 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)
117. 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)
118. Developer shall ensure adequate vehicle line of sight distance exists to safely exit the property. (TR-71)
119. Developer shall install bike racks in accordance with City standards at locations approved in the **Plans**. (TR-73)

STORMWATER QUALITY CONDITIONS

120. 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)
121. Developer shall construct single-bin trash enclosures with a solid non-combustible roof (8-foot minimum clearance) that prevents stormwater from entering the refuse bin. 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

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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)

122. 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)
123. 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)
124. 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)
125. Developer's engineer shall submit written confirmation that the project landscape drawings comply with the landscape requirements of the Technical Guidance Manual for Stormwater Quality Control Measures for all landscape based stormwater quality best management practices. (DS-84)
126. Developer shall provide pre-treatment for all infiltration based stormwater quality Best Management Practices ("BMPs"). Pre-treatment devices must effectively reduce sediment

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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)

127. 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 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

128. This project meets the definition of "Redevelopment" as defined in the current MS4 permit and associated 2011 Technical Guidance Manual for Stormwater Quality Control Measures ("TGM"). Because the area of disturbance exceeds 50% of the site, Developer shall provide stormwater mitigations (including stormwater infiltration) as required by the MS4 permit for the entire site. The final report is subject to approval of the Development Services Manager. (DS)
129. In accordance with the Stormwater Quality TGM, Developer must infiltrate a $\frac{3}{4}$ " storm event for all impervious areas (except 5% effective impervious area (EIA)) and must treat (but is allowed to release) the $\frac{3}{4}$ " storm event from the 5% EIA and all pervious portions of the site. The preliminary stormwater report and associated plans for the project do not meet these requirements and must be adjusted to comply. (DS)
130. Developer's stormwater quality control measures maintenance and operations plan shall include a section on the proper cleanup, handling, and disposal of dog waste (and any other use specific potential stormwater pollutant) to minimize the degradation of stormwater quality. (DS)
131. 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)
132. Developer shall design bioretention (INF-3 or similar) best management practices (BMPs) with a level bottom to spread stormwater infiltration evenly throughout the installation. The surface of the bioretention BMP may be either level or sloped depending on overall design. (DS)

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133. Developer's engineer shall provide City with written confirmation that they have reviewed the landscape construction drawings within the bioretention areas and that the proposed landscaping is appropriate for such installations. (DS)
134. Developer shall provide a 6" minimum vertical drop between the flow line of the parking lot concrete gutter and the flow line of the adjacent BMP at each location where stormwater enters the BMP. The transition between gutter flow line and swale flow line shall be constructed similar to a concrete ribbon gutter or shall be armored with rock. (DS)
135. 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)
136. Developer shall design onsite grading to provide a secondary overflow path that conveys stormwater to the street prior to flooding onsite structures if the proposed stormwater pump fails. (DS)
137. Prior to issuance of a grading/site improvement permit, Developer shall obtain a 'will-serve' letter from Ventura County for use of the County wastewater system. Developer shall also pay all additional sewer connection fees caused by the redevelopment of the site. (DS)
138. Developer shall design the project driveway curb cut in general conformance with City Standard Plate 115 modified to include a 'Y' dimension of 4-feet followed by a minimum 4-foot wide ADA compliant pedestrian path. (DS)
139. Developer shall dedicate sufficient right-of-way along the project's Ventura Road frontage to encompass the existing sidewalk, existing stormdrain facilities and proposed water improvements (Fire hydrant and water meters). (DS)
140. City records indicate that the existing fire hydrant along the frontage of the project is connected to a private mutual water company. Developer shall install a fire hydrant connected to the City of Oxnard water main in Ventura Boulevard to serve this property. Developer shall obtain written permission from the private mutual water company and remove the existing fire hydrant or a written request that the existing hydrant remain. If both hydrants remain, Developer shall coordinate with the Oxnard Fire Department to clearly identify the sources of water for each hydrant. (DS)
141. Existing structures on this site are currently provided water service by a private mutual water company. In accordance with City Code (Section 22-2), Developer proposes converting the project to water service provided by the City of Oxnard. All water service (domestic, irrigation, fire sprinkler, and onsite fire hydrants) for this project shall be sourced from the City of Oxnard including existing buildings. All existing meters and

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other appurtenances shall be upgraded to meet current City standards. Developer shall pay all applicable fees for new City water connections. (DS)

142. Prior to issuance of a site improvement permit, Developer shall provide the City Engineer with a written waiver from the private mutual water company currently serving the property for the loss of service area caused by this project being converted to service from City water. If Developer cannot obtain such a waiver, Developer shall execute an undertaking in a form approved by the City Attorney to indemnify, defend and hold harmless City and its officers, and employees as to all claims for compensation resulting from City's encroachment into the service area of the mutual water company. (DS)
143. Developer shall provide proof of an encroachment permit or similar approval document for connections to non-city wastewater system. (DS)
144. Developer shall pay utility underground in-lieu fees in accordance with City Code. (DS)
145. Developer shall install a marbelite luminaire pole with LED fixture (70 watt equivalent) within the adjacent Ventura Boulevard right-of-way. The new pole is to be located approximately 190 feet from the existing luminaire pole near the intersection of Balboa Street/Ventura Boulevard. Final design and location subject to approval of the Transportation Services Manager. (TR)

PASSED AND ADOPTED THIS 17th day of July, 2018 by the following vote:

AYES:

NOES:

ABSENT:

Tim Flynn, Mayor

ATTEST:

Michelle Ascencion, City Clerk

APPROVED AS TO FORM:

Stephen Fischer, City Attorney



PLANNING COMMISSION STAFF REPORT

TO: Planning Commission

FROM: Paul McClaren, Associate Planner

DATE: June 7, 2018

SUBJECT: Planning and Zoning Permit No. 17-500-17 (Special Use Permit), Property Located at 633 Ventura Boulevard.

- 1) Recommendation:** That the Planning Commission adopt a resolution recommending City Council approval of Planning and Zoning Permit Number 17-500-17 (Special Use Permit), subject to certain findings and conditions.
- 2) Project Description and Applicant:** A request to construct a canine resort with outdoor kennel facilities, play areas and associated on-site improvements. The existing 2,814 square-foot building located at 633 Ventura Boulevard will be renovated and a 4,781 square-foot warehouse addition will be constructed on the northerly portion of the site. Filed by Stephen Heinze, Owner, 315 Meigs Road, Suite A #651, Santa Barbara, CA 93109.
- 3) Existing & Surrounding Land Uses:** The proposed project lies approximately 100 feet to the northwest of the intersection of Ventura Boulevard and Balboa Street and is located in the El Rio neighborhood.

Surrounding Land Uses			
Direction	Zoning	General Plan	Land Use
Project	Commercial General (C-2-PD)	Commercial General (CG)	Office for a builder
North	County	Residential – Low (RL)	Single family residence
South	Single-Family Residential (R-1)	Residential – Low (RL)	Child Development Center – Multi-family Apartments across the 101 from the site
East	Commercial General (C-2-PD)	Commercial General (CG)	Sherwin Williams Retail Store
West	County	Commercial General (CG)	Building Supply Warehouse

- 4) Background Information:** This property was annexed into the City on August 24, 1993 and zoned General Commercial – Planned Development in 1994. The site has served as office and storage space for various general contractors since it was rezoned (see Attachment A).

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 Planning Commission Date: June 7, 2018
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5) Environmental Determination: In accordance with Section 15332, Class 32 of the California Environmental Quality Act Guidelines (CEQA), projects characterized as in-fill on less than five acres and that are consistent with the General Plan and zoning designation may be found to be exempt. The proposed project is a new commercial/retail use in a General Commercial zone on an established .78-acre lot. Therefore, staff has determined that there is no substantial evidence that the project will have a significant effect on the environment and recommends that Planning Commission accept the Notice of Exemption (see Attachment B).

6) Analysis:

a) General Discussion: The project is a cage free dog daycare and boarding facility with a 870 square-foot retail shop and grooming area; retail sales for non-dog borders is also proposed. The existing 2,814 square-foot building will be remodeled and 4,781 square feet will be constructed to facilitate operation of the single story dog daycare and boarding facility (see Attachment C).

Dioji will operate the facility with up to 25 employees which will work in staggered shifts of no more than 6 people per shift. The business hours are 7 a.m. to 7 p.m. Monday through Saturday and 9 a.m. to 5 p.m. on Sunday. Dioji currently operates three other facilities in Goleta, Santa Barbara, and Agoura Hills. During business hours dogs can be picked up and dropped off. At the time of arrival, dogs are segregated into dog rooms/run areas depending upon dog size. Dogs have access to outdoor courtyards via garage door type openings in the building (see Attachment B). Maximum boarding capacity is based upon dog size; the maximum daytime capacity of the facility is 100 dogs. Operationally, beginning at 7 p.m. the courtyard areas (outdoor dog run areas) are closed and the overnight dogs are transferred inside. The maximum evening/overnight capacity of the facility is 75 dogs; this number may be reduced depending upon dog sizing and staffing. Through the night the dogs are moved into large sleeping rooms and employees stay with the dogs. Dog waste will be disposed of in the City's refuse container; no special conditions or requirements are necessary to address this issue.

The closest residential use to the dog room/run area is 88 feet to the north. A 6-foot tall concrete wall will be constructed along the northerly property line and function as a buffer between the two uses. The dog run areas will be surrounded by an eight-foot tall redwood fence.

To evaluate noise impacts associated with the operations, the applicant hired an acoustical engineering firm to prepare a noise study (Dudek November 21, 2017; also see Executive Summary – May 29, 2018 see Attachment D). The study utilized operational data from existing facilities to extrapolate potential noise impacts associated with the use. The existing ambient noise level at the northerly most location (adjacent to the residential uses - Community Noise Equivalent Level (CNEL) is currently 64 A-weighted decibels (dBA - which filter out higher and lower frequencies to be more representative of the way humans hear). Based on measurements taken at Dioji's facility in Goleta, CA the extrapolated CNEL from the Dioji facility at the northerly property line of the Oxnard site is estimated

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expected to range from 42 to 58 dBA during peak hours when the dogs are in the dog runs. OCC Section 7-185 has set a maximum residential threshold of 55 dBA between 7 a.m. and 10 p.m. (at the northerly property line adjacent to residential uses). When the ambient noise level exceeds the threshold the ambient noise level becomes the new threshold (OCC Section 7-185(D)). The residential ambient noise level from 7 p.m. and 7 a.m. is 50 dBA. During this time, the dogs will be kept indoors and noise will be attenuated by the existing building, eight foot redwood wall, and northerly 6 foot solid wall. Noise associated with the use will comply with the City's a.m. and p.m. noise standards.

The project will be compliant with Title 24; Green Building standards and a report will be provided to demonstrate project compliance with California energy efficient standards.

- b) General Plan Consistency:** The City's 2030 General Plan land use designation for the subject site is for General Commercial uses which allows free-standing commercial uses along arterials. While not a by-right use or related use per the zoning code, the project will bring long term use and revitalize a dilapidated property. The owner will also bring a needed service to Oxnard. Approval of this Special Use Permit has been determined to be consistent with the General Plan and the property's land use designation.

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

- I. Direct Applicability to a Proposed Project or Program (full text of the policy and an explanation).
- II. Related or Indirect Applicability to the Proposed Project or Program (policy title and an explanation for each or groups of related or indirectly related policies).
- III. No or Distant Applicability to the Proposed Project or Program (all policies not listed as Level I and II are assumed to be consistent).

POLICY	LEVEL	POLICY OR TITLE	EXPLANATION
Community Development CD-9.2	I	Revitalization and Redevelopment	The project will take a dilapidated property and revitalize it by renovating the existing building and beautifying the property with landscaping without increasing the intensity of use.
Community Development CD-18.1	I	Attract New Business	Oxnard currently has few choices for drop off dog sitting and boarding services. Dioji successful operates three facilities in Agoura Hills, Santa Barbara and Goleta.

PZ 17-500-17, Dog Daycare

Planning Commission Date: June 7, 2018

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POLICY	LEVEL	POLICY OR TITLE	EXPLANATION
Infrastructure and Community Services ICS-8.6	I	Americans with Disabilities Handicapped Accessibility (ADA)	This project will make improvements to the public sidewalk by creating an ADA compliant public sidewalk.
Sustainable Community SC-4.1	I	Green Building Code Implementation	Project will comply with Title 24 Green Building Code
CD-3.4 CD-4.4 CD-14.1 CD-14.2 CD-14.3 Environmental Resources ER-7.2 ER-10.1	II	Neighborhood Quality of life. Commercial Area Aesthetics. Design Review Process Development Advisory Committee Functions (DAC) Quality of Design Design of Sound or Zone Walls Promote use of Native and Water Wise Plants	The Development Advisory Committee (DAC) review process led to changes in the project and/or conditions of approval that meet these Level II policies.
All others	III	All policies not listed above	No or Distant Applicability to the Proposed Project

- c) Conformance with Zoning Development Standards:** The proposed development is located in the General Commercial (C-2-PD) zoning district. A dog daycare is not a permitted or conditionally permitted use; further, the C-2-PD zoning district does not allow for the Planning Manager to characterize the use as a similar use allowed with a conditional use permit or allowed outright. Oxnard City Code (OCC) Section 16-135(B), stipulates: “No other uses shall be permitted in the C-2 zone without approval of the City Council.”

The building has been designed to take into consideration proximity to residential uses and potential noise and odor impacts. Applicable development standards of the C-2-PD zone have been compared with the proposed project, as follows:

DEVELOPMENT STANDARD	REQUIREMENT	PROPOSED	COMPLIES?
Max. building height	2 stories or 35 feet.	20 feet	YES
Front yard setback	10 feet from property line	16 feet, existing	YES

PZ 17-500-17, Dog Daycare

Planning Commission Date: June 7, 2018

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DEVELOPMENT STANDARD	REQUIREMENT	PROPOSED	COMPLIES?
Side yard setback	5 feet. Zero when abuts another C-2 zoned lot.	Zero feet on west and 25+ feet on the east	YES
Rear yard setback	15 feet if >16 feet in height;	17 feet rear yard set back	YES
Floor Area Ratio	0.35:1 max (per GP)	0.22:1	YES
Off-street parking:	Retail/Office 1500/250 = 6 spaces Warehousing 6095/800 = 8 spaces Total of 14 spaces required 1 Handicapped required 1 – 12' x 40' loading zone No bicycle parking required No motorcycle parking required	16 spaces 1 van-accessible space 2 bicycle parking areas With approval of the Planning Commission, reduced loading and unloading of 9' x 25'.	YES with Commission approval (see Circulation and Parking discussion below)
Parking area Landscape Req. • Along streets/alleys • Parking/vehicle area • If located adjacent to residential	• Min. 10' wide strip. • Minimum 5% of area, exclusive of any other required landscaped area abutting a street or alley.	10' strip in front 17' strip in back Various widths along side yards 10% of parking area	YES
Trash enclosures & transformers	To be screened at installation.	Screened	YES
Rooftop equipment	May not protrude above height of parapet.	Screened	YES
Fence	• Cannot be located in the front yard setback area • No chain link in FY • 8 feet max height	Block walls on three sides of the property 6 to 8 feet tall.	YES
Lighting	Comply with Section 16-320 of the City Code.	Conditioned to comply	YES

- d) **Site Design:** The project site is 98' x 345' in length; the long narrow parcel is flanked by commercial uses on the westerly and easterly sides on the project site. To facilitate

PZ 17-500-17, Dog Daycare

Planning Commission Date: June 7, 2018

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operation of the site, the driveway entrance will be widened and a decorative concrete finish will be applied. The long, narrow lot results in a linear design which places the majority of the parking at the northerly, back end of the property – as a buffer to the northerly residential use. The parking at the back accommodates the fire department’s hammerhead turn around and functions as a noise buffer between the residential uses and the outdoor dog areas. Adjacent to the six-foot wall is a ten-foot landscaped infiltration area. Wall sconces and approximately 20 foot tall light poles will be installed parallel to the proposed sound wall within the landscape area. The light poles will be conditioned to install back shields to restrict glare and spill over lighting. Wall mounted wall sconces will be installed at various points along the redwood wall. All lighting will be required to comply with the City’s lighting standards.

- e) Circulation and Parking:** Access to the site will be from Ventura Boulevard by making a right or left turn into the property. Three parking spaces are available near the front entrance for drop off/pick up of the dogs. The rest of the parking is at the northerly end of the property. The OCC does not contain a parking requirement for dog daycare therefore, a parking study was commissioned and prepared by Associated Traffic Engineers (October 23, 2017). The study was based on the Goleta site because it is similar in size and capacity to the proposed project. Parking surveys were conducted on a Friday and Saturday from 7 a.m. to 6 p.m. The survey results recorded that the peak parking demand for the proposed use was 6 parking spaces. Adjustments were made to compensate for the slightly larger foot print of the proposed project. The study conclusions determined that 14 spaces would be acceptable to accommodate the peak demand and employee parking. The City Traffic Engineer reviewed the study conclusions and agreed with the findings and recommendations contained in the parking study:

	Parking Rate	Square feet	Parking
Retail/office	1/250	1500 sf	6 spaces
Warehouse	1/800	6095 sf	8 spaces
Total Required			14 spaces
Parking provided			16 spaces

A traffic study was not required or prepared because the Oxnard Traffic Study Guidelines require that a traffic study be conducted when a commercial project will produce more than 100 new AM or PM trips, meets or exceeds 25,000 square-feet, or at the discretion of the Oxnard Public Works Director or Traffic Engineer. Based on the size of this project, the capacity of the facility, and the peak parking requirements from the parking study the City Traffic Engineer determined that a traffic study was not required.

Bicycle parking is provide to the right of the entrance and is accessible from the pedestrian walk in front of the property. The driveway entrance is being widened and the sidewalk along Ventura Boulevard will be made handicapped compliant.

PZ 17-500-17, Dog Daycare

Planning Commission Date: June 7, 2018

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OCC 16-644(A) requires one 12' x 40' loading area. However, OCC Section 16-644(B) allows a modification of the number and size of the loading zones with approval of either the Planning Commission or the Director in special circumstances based on the nature of the use or combination of uses, as well as the specific design characteristics of the project. The 12' x 40' loading and unloading space requirement is indicative of a loading space required for a semi-truck which would typically be required for a normal commercial use. The proposed dog daycare will provide a 9' x 25' loading and unloading area which is indicative of smaller box trucks or cargo vans which would deliver to the site. Based upon the anticipated occupancy, a retail area of 870 square-feet, excess parking capacity, and business operations at this location, the Development Advisory Committee was supportive of the proposed loading zone.

- f) **Building Design:** The existing 2,814 square-foot building to be remodeled is a Southwestern style stucco building with a red Spanish tile roof. The front elevation is being raised with a parapet wall topped with a decorative cornice to screen existing roof top equipment and an arching façade to create more presence and area for signage along Ventura Boulevard. The new arching façade will be the tallest part of the building at 20 feet (maximum height in the C-2 zone is 35 feet). The new building will add 4,781 square-feet and continues the Southwestern style and the decorative cornice. Awnings will be installed over entrances and will match the red color of the Spanish tile roof. The garage doors along the southeasterly façade will be screened from view by the eight-foot redwood fence that surrounds three 1,000 square-foot dog runs/ courtyards and a 1,350 square-foot pool. The lighting along the façade and fence retain the lighting style on the existing building and serves to light the pedestrian paths. This lighting is controlled by staff with switches and dimmers.
 - g) **Signs:** A condition has been imposed requiring compliance with OCC sign provisions. There is an existing 27-foot tall pylon sign that was installed prior to the property being annexed into the City in 1993. The OCC sign regulations do not permit a pylon sign on the project site due to the limited frontage. The sign is considered a legal non-conforming sign and provided no sign changes occur, other than re-facing the sign, the sign can continue as a legal non-conforming sign. Both faces of the pylon sign (48 total square feet) will count toward the properties total sign allowance of 186 square feet.
 - h) **Landscaping and Open Space:** One Mexican Fan Palm tree will be removed to widen the driveway on the project site. Five new trees will be installed on various locations on the project site. The existing landscaping at the front will be modified by trimming and cleaning and will remain. Including the dog yards, 29% of the lot is landscaped with drought tolerant plantings and efficient drip irrigation. As required by OCC landscape buffers are being installed along the perimeter of the project site. Approximately ten% of the parking lot will be landscaped, though only 5% are required.
- 7) **Development Advisory Committee:** The Development Advisory Committee (DAC) reviewed this project on February 7, 2018. Recommendations of the DAC are included in the attached resolution.

PZ 17-500-17, Dog Daycare
Planning Commission Date: June 7, 2018
Page 8

8) Community Workshop and Public Input: On February 16, 2018, the applicant mailed 1,245 notices of the Community Workshop meeting to all property owners within the El Rio Neighborhood. A notice of this meeting was posted on the project site with a brief description and contact information. The Community Workshop was conducted on February 26, 2018. To date, no members of the public commented for or against this project at that meeting.

9) Appeal Procedure: The Planning Commission's action is a recommendation and the matter will be considered by the City Council at a later date.

Attachments:

- A. Maps (Vicinity, General Plan, Zoning)
- B. Notice of Exemption
- C. Project Plans
- D. Noise Study and Executive summary
- E. Resolution of approval

Prepared by: _____
PM

Approved by: _____
KM

ATTACHMENT “A”

Maps (Vicinity, General Plan, Zoning)

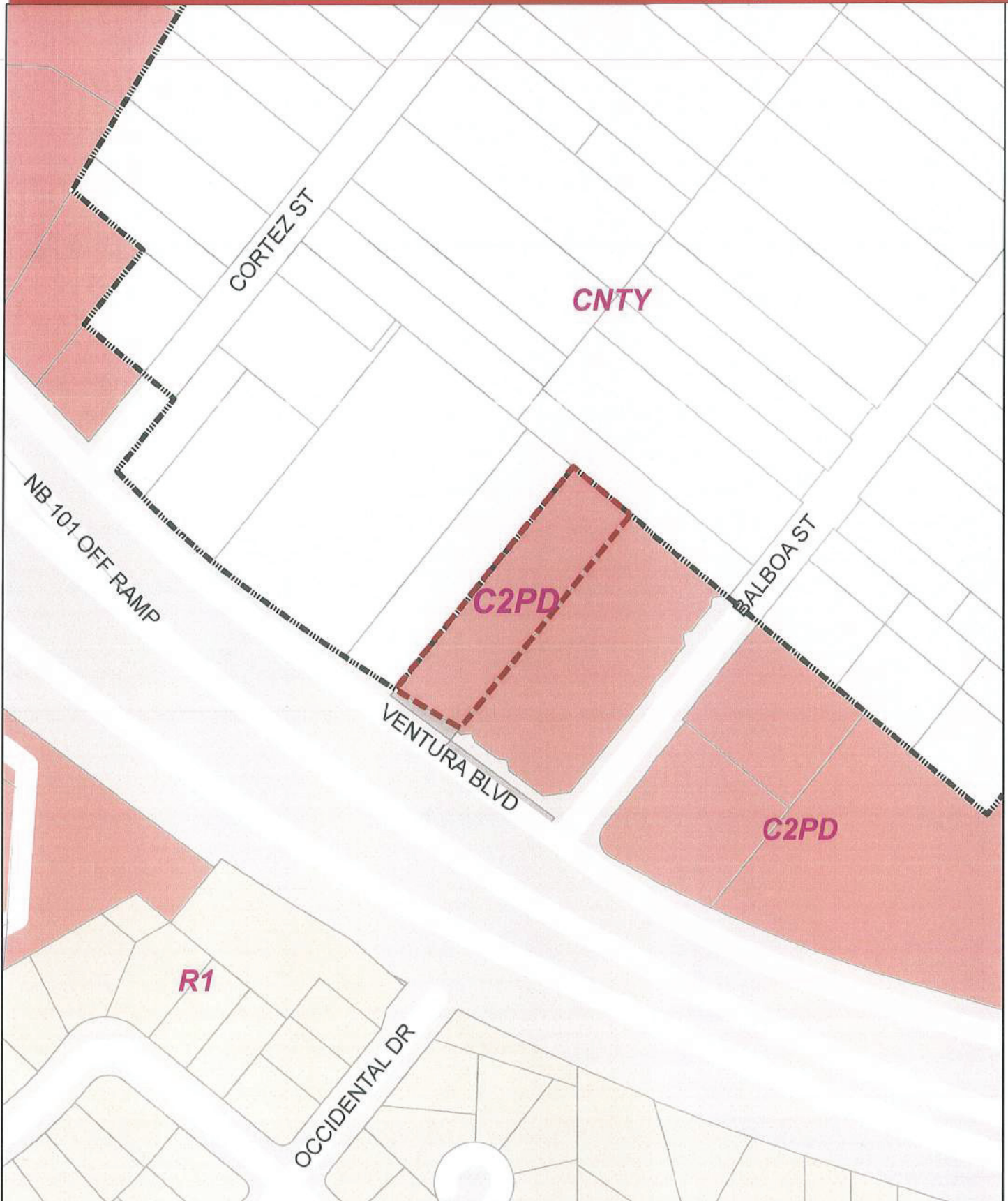
Vicinity Map



Aerial Map



Zoning/Specific Plan Map



Oxnard Planning
February 20, 2018

PZ 17-500-17
Location: 633 Ventura Bl
APN: 1450212385
Dioji

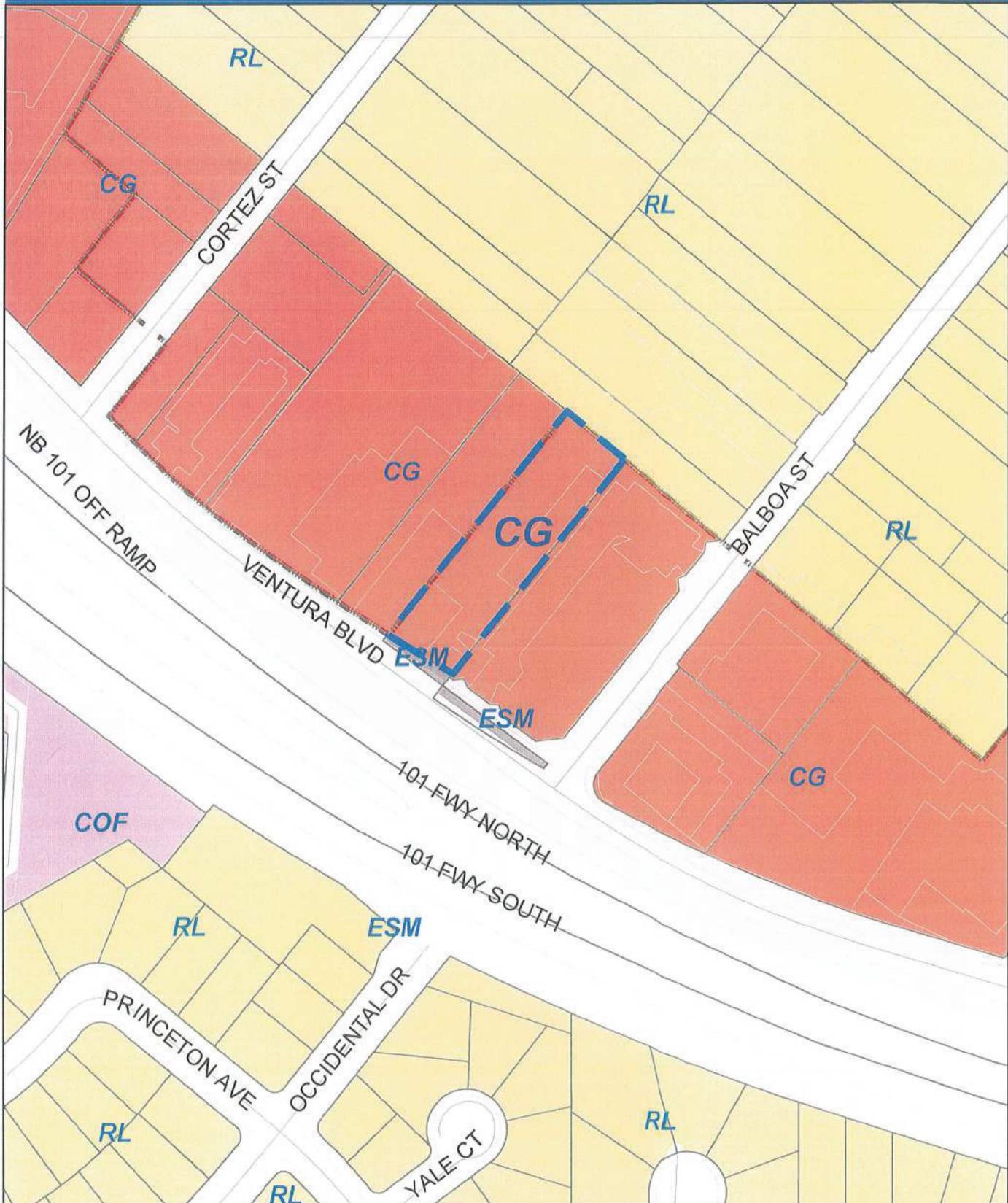
0 37.5 75 150 225 300 Feet

Zoning/Specific Plan Map



1:2,000

2030 General Plan Land Use Map



Oxnard Planning
February 20, 2018

PZ 17-400-02
Location: 5000/5004 Catamarann St
APN: 1960023035

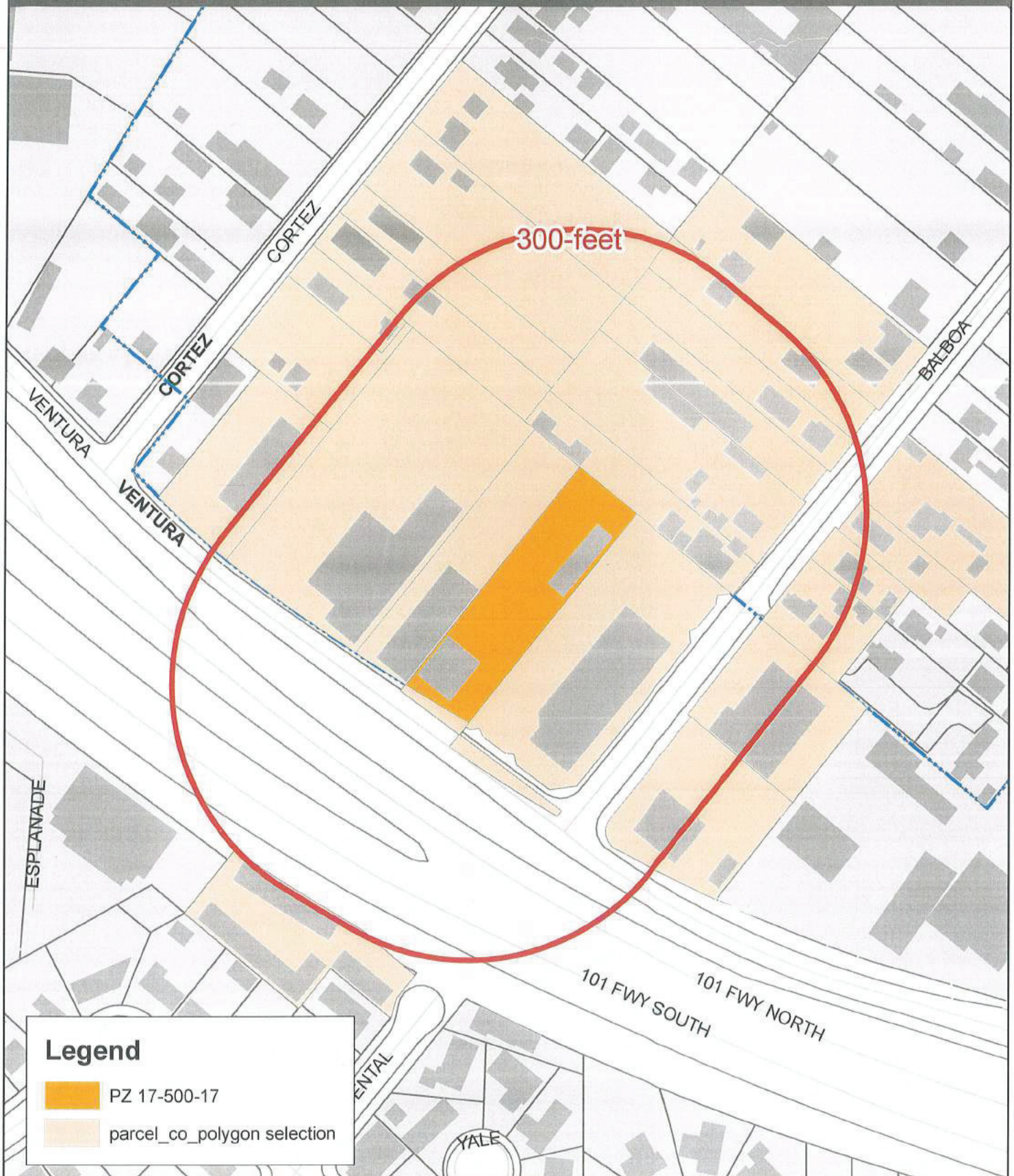
0 37.575 150 225 300 Feet

2030 General Plan Land Use Map



1:2,000

Radius Map



CITY OF
OXNARD
CALIFORNIA

Oxnard Planning
February 20, 2018

PZ 17-500-17
Location: 633 Ventura Bl
APN: 1450212385
Dioji

0 37.5 75 150 225 300 Feet

Radius Map

2010 Aerial



ATTACHMENT “B”

Notice of Exemption

OXNARD PLANNING DIVISION
214 SOUTH C STREET
OXNARD, CALIFORNIA 93030



NOTICE OF EXEMPTION

Project Description:

PZ No. 17-500-17 (SPECIAL USE PERMIT) A request to construct a canine resort with outside kennel facilities, play areas and associated on-site improvements. The existing 2,814 square-foot building located at 633 Ventura Boulevard will be renovated and a 4,781 square-foot warehouse addition will be constructed on the northerly portion of the site. Filed by Stephen Heinze, Owner, 315 Meigs Road, Suite A #651, Santa Barbara, CA 93109.

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 15332, Class 32 of the State California Environmental Quality Act Guidelines (CEQA), for projects characterized as in-fill development that are consistent with the General Plan and zoning designation this project may be found to be exempt. The proposed project is a new commercial/retail use in a General Commercial zone on an established .78 acre lot.

(Date)

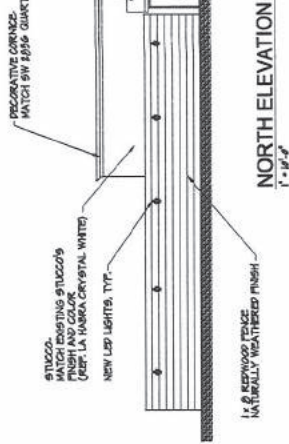
Kathleen Mallory, AICP
Planning and Environmental Services
Manager

ATTACHMENT “C”

Project Plans

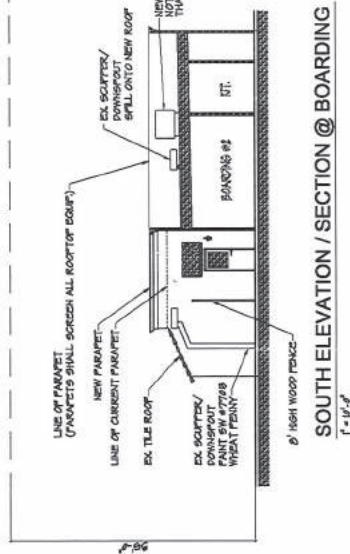


MAXIMUM ALLOWABLE HEIGHT OF STRUCTURE = 59'-0"

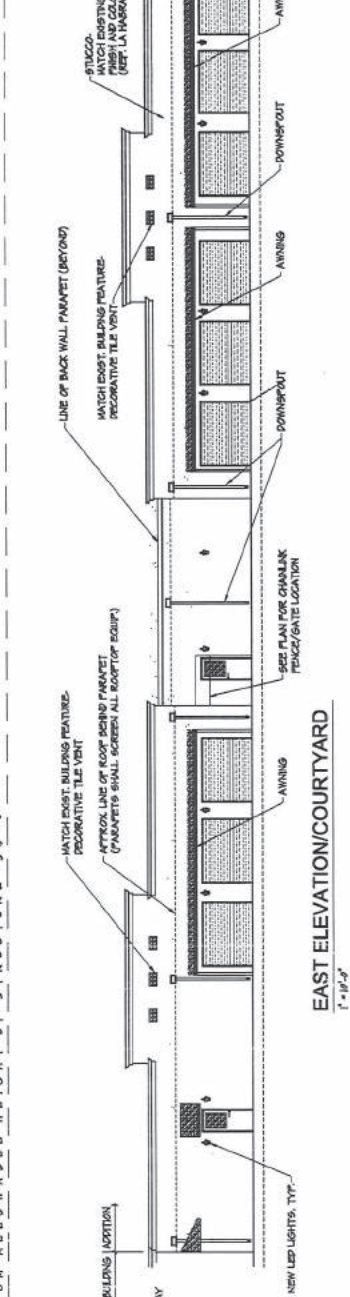


WEST ELEVATION
1" = 10'-0"

MAXIMUM ALLOWABLE HEIGHT OF STRUCTURE = 59'-0"

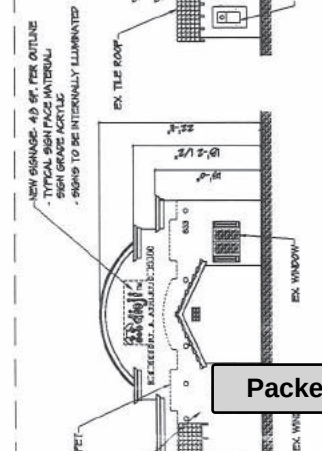


SOUTH ELEVATION / SECTION @ BOARDING
1" = 10'-0"

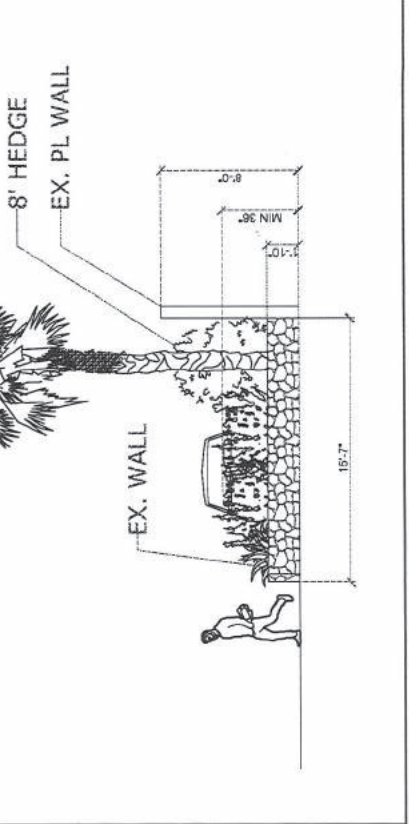


EAST ELEVATION/COURTYARD
1" = 10'-0"

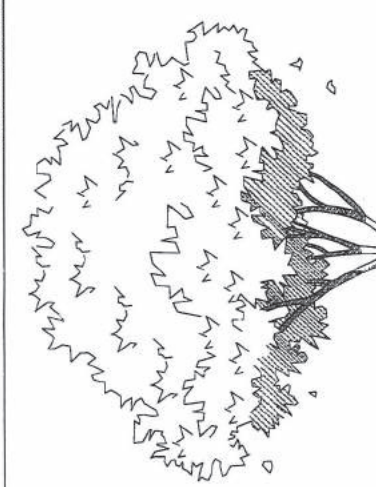
MAXIMUM ALLOWABLE HEIGHT OF STRUCTURE = 59'-0"



EAST ELEVATION
1" = 10'-0"



FRONT STREET ADJACENT PARKING LOT VISUAL SCREENING SCALE: 1/4"=1'-0"



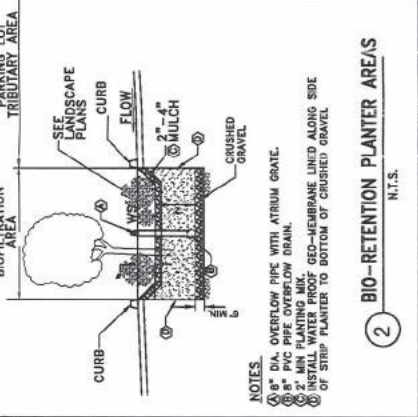
VEGETATED SWALE

VEGETATED SWALE, REFER TO CHANGING PLAN, TYP.

PLANT NAME	COST	WATER USE	QTY	
ITALIAN WILLOW	36" BOX	LOW	5	
MEXICAN PIN PALM	EXISTING		1	
PLANT NAME	SIZE	WATER USE	SPACING	QTY
ORANGE CROSS / ORANGE CROSS HANGARDO PAW	5 GAL	MEDIUM	24" o.c.	31
LEAFY / CAPE RUSH	5 GAL	LOW	42" o.c.	118
LEAFY STAR / ELECTRIC STAR GRASS TREE	5 GAL	LOW	36" o.c.	14
LEAFY / BLUE CAT GRASS	5 GAL	LOW	24" o.c.	19
LEAFY / TROPIC BELLE NAT RUSH	5 GAL	LOW	36" o.c.	18
LEAFY	5 GAL	LOW	42" o.c.	40
GRASS	5 GAL	LOW	24" o.c.	74
LEAFY	15 GAL	LOW	96" o.c.	44
LEAFY	5 GAL	LOW	36" o.c.	41
LEAFY	5 GAL	LOW	48" o.c.	33
LEAFY	EXISTING		60" o.c.	1
PLANT NAME	SIZE	WATER USE	SPACING	QTY
LEAFY	1 GAL	LOW	32" o.c.	74

Packet Pg. 64

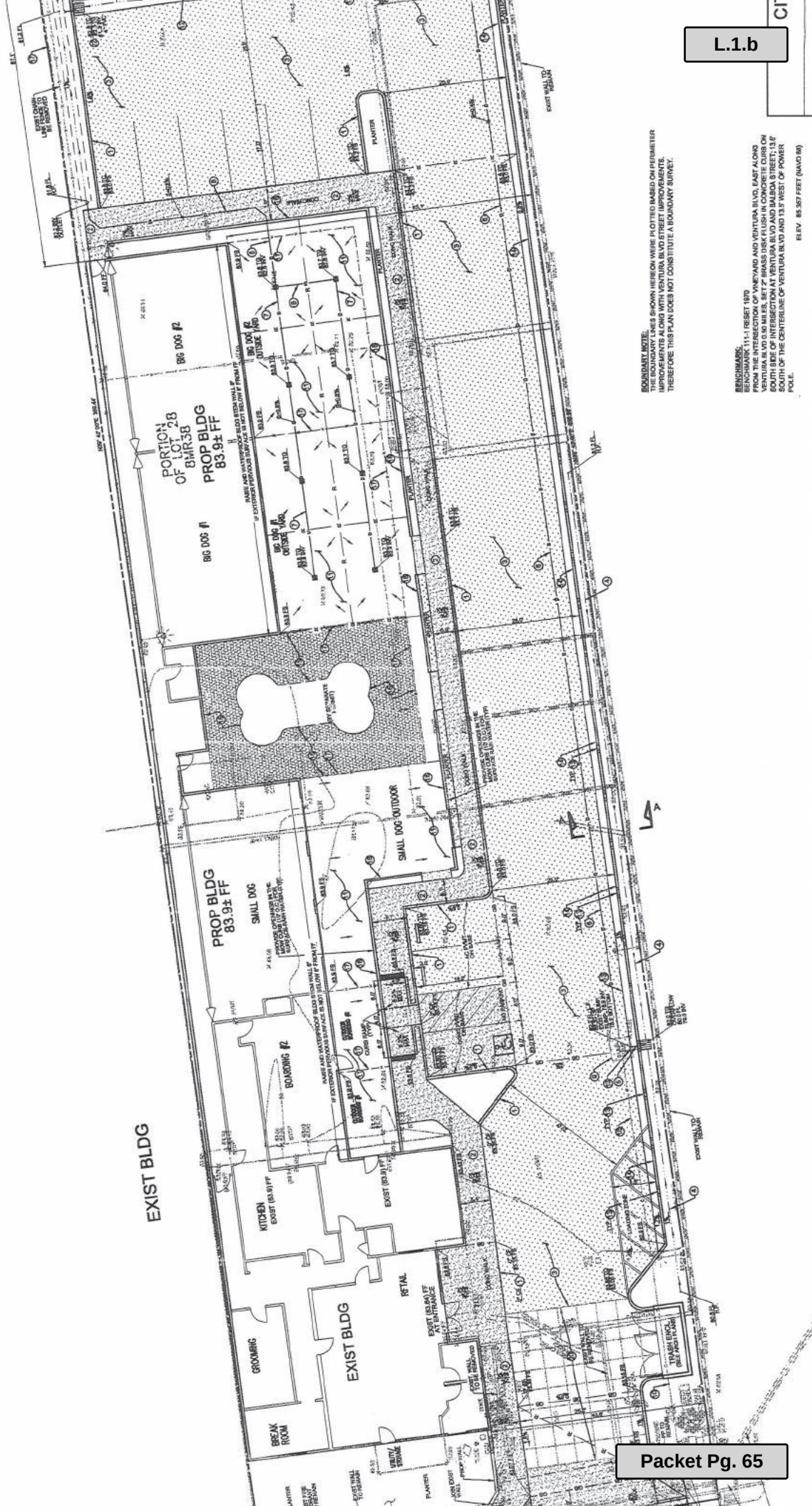
N.T.S.



BIO-RETENTION PLANTER AREAS

N.T.S.

N.T.S.



BOUNDARY NOTE:
THE BOUNDARY LINES SHOWN HEREON WERE PLOTTED BASED ON PERIMETER IMPROVEMENTS ALONG WITH VENTURA BLVD STREET IMPROVEMENTS. THEREFORE THIS PLAN DOES NOT CONSTITUTE A BOUNDARY SURVEY.

BENCHMARK:

BENCHMARK:
BENCHMARK 111-1 RESET 1970

BENCHMARK 111-1-1 RESET TO 0
FROM THE INTERSECTION OF VINEYARD AND VENTURA BLVD. EAST ALONG
VENTURA BLVD 0.0 MILES, SET 2" BRASS DISK PLUSH IN CONCRETE CURB ON
SOUTH SIDE OF INTERSECTION AT VENTURA BLVD AND BALBOA STREET; 13.8'
SOUTH OF THE CENTERLINE OF VENTURA BLVD AND 13.5' WEST OF POWER
POLE.
E1 D.V. 88 567 5527 (NAD) 831.

ATTACHMENT “D”

Noise Study and Executive Summary



621 CHAPALA STREET
SANTA BARBARA, CALIFORNIA 93101
T 805.963.0651 F 805.963.2074

May 29, 2018

Mr. Steve Heinze
Dioji K-9 Resort & Athletic Club
7340 Hollister Avenue
Goleta, CA 93117

***SUBJECT: Proposed Dioji Facility, Oxnard, California
Noise Ordinance Compliance Evaluation
Executive Summary***

Dear Mr. Heinze:

Dudek completed an acoustical evaluation of your proposed Dioji Canine Resort to be located at 633 Ventura Boulevard, in the City of Oxnard (Dudek, November 21, 2017). The focus of our noise study was to predict sound levels associated with the operation of the proposed facility, for determination of compliance with the Oxnard Municipal Code noise level restrictions.

The City of Oxnard has requested we provide an Executive Summary to accompany the report, succinctly identifying whether the proposal would comply with applicable provisions of the Oxnard Municipal Code. Please accept this letter to function as the requested Executive Summary.

Municipal Code Noise Restriction Compliance

The exterior sound level limit for a commercial property is 65 dBA in the period from 7 a.m. to 10 p.m., and 60 dBA in the period from 10 p.m. to 7 a.m. With an 8-foot wooden fence along the northern side of the closest play yard, day-time operational noise from Dioji at the northern property line would be expected to range from **42 to 58 dBA** _{LEQ HOUR}. These levels would generally fall below the range of existing hourly traffic noise levels during the day, and would therefore largely be masked by the traffic noise.

Executive Summary
Noise Study – Dioji Canine Spa – 633 Ventura Blvd., Oxnard, California

Because the hourly average sound levels for Dioji operations at the adjacent residential property boundary would be similar to those already existing from traffic noise sources, we would expect Dioji operations would be compliant with each of the requirements found in OMC SEC. 7-185(C), as adjusted for ambient sound levels.

Should you have any questions regarding the above information, please do not hesitate to contact me at (805) 308-8527 or jleech@dudek.com.

Respectfully submitted,

DUDEK



JONATHAN V. LEECH, INCE

Senior Environmental Planner / Acoustician



621 CHAPALA STREET
SANTA BARBARA, CALIFORNIA 93101
T 805.963.0651 F 805.963.2074

November 21, 2017

Mr. Steve Heinze
Dioji K-9 Resort & Athletic Club
7340 Hollister Avenue
Goleta, CA 93117

***SUBJECT: Proposed Dioji Facility, Oxnard, California
Noise Ordinance Compliance Evaluation***

Dear Mr. Heinze:

Dudek has completed an acoustical evaluation of your proposed Dioji Canine Resort to be located at 633 Ventura Boulevard, in the City of Oxnard. The focus of our noise study was to predict sound levels associated with the operation of the proposed facility, for determination of compliance with the Oxnard Municipal Code noise level restrictions. Since published data is not readily available for exercise/play yards at a canine facility such as this, we used sound level measurement data we collected at your existing Dioji facility in Goleta, California to predict noise levels from operation of the proposed Simi Valley facility.

This report presents a discussion of the Project Background and Vicinity Conditions (Section 1), Noise Criteria (Section 2), Reference Noise Levels - Goleta Dioji Facility Sound Measurement Summary (Section 3), Facility Operations Predicted Sound Levels (Section 4), and Noise Policy/Ordinance Compliance Analysis (Section 5). Attachment 1 contains acoustic terminology and definitions.

1. PROJECT BACKGROUND AND EXISTING CONDITIONS

Site Description

The proposed Dioji Canine Resort and Athletic Club would be developed on the property identified as 622 Ventura Boulevard, in the City of Oxnard. The regional and local context for the project site are illustrated on Figure 1 and 2, respectively. Existing adjacent land uses include a roofing material supply store and artificial turf supplier to the west/northwest, Ventura Boulevard and US Highway 101 to the south, a Dunn Edwards paint store to the east/southeast, and existing

Noise Study – Dioji Canine Spa – 633 Ventura Blvd., Oxnard, California

residences to the north/northeast. The existing residential neighborhood north/northeast of the project site is the only land use in the vicinity of the project considered to be noise-sensitive.

The project site is zoned “General Commercial Planned Development” as are the parcels to the west and east which contain the construction materials supply businesses. The property to the north, currently developed with multi-family residences, carries zoning of “Limited Industrial, 10,000 sq. ft. parcel size (M2-10,000 sq. ft.).” This adjacent residential property is in the El Rio community of Ventura County.

Project Description

The proposed Site Plan for the facility is provided in Figure 3. As illustrated in Figure 3, a structure is proposed to occupy the southerly $\frac{3}{4}$ of the site, constructed along the westerly property boundary. Outdoor play yards for dogs would extend from the easterly side of the expanded building, while a parking lot would occupy approximately the northerly $\frac{1}{4}$ of the parcel.

The distance between the closest outdoor play yard and the residential property line to the north would be approximately 85 feet; the distance from the center of the closest play yard to the residential property line would be 105 feet. The outdoor play yards would operate between the hours of approximately 7 AM and 7 PM Monday through Friday, and between 9 AM and 5 PM Saturday and Sunday. Overnight boarding for a limited number of dogs would be provided, within dedicated interior areas of the building. Canine guests would not be left in exterior portions of the site later than 7 PM. The building does not include residential space or sleeping quarters for employees.

Existing Noise Levels

Transportation noise sources affecting the Dioji Oxnard project site include vehicular traffic along Ventura Boulevard and US Highway 101, which are both adjacent to the southerly property boundary for the site. In order to characterize existing noise levels on the project site, Dudek conducted a 24-hour sound level measurement from November 17 – 18, 2017. The location of the sound level measurement is illustrated on Figure 4. The microphone height was 5 feet above the ground on a tripod and the microphone was equipped with a windscreen. The sound level meter used for the survey was set to the “slow” time response and the A-weighting scale for the noise measurement. To ensure accuracy, the calibration of the meter was field checked before and after the measurement using a portable acoustical calibrator.

The 24-hour sound level measurement (Figure 4) was intended to address existing noise levels along the northern property boundary, from traffic noise sources along Ventura Boulevard and US Highway 101. The recorded noise levels should be indicative of the traffic noise exposure levels for the adjacent residences. The 24-hour measurement was conducted using a SoftDB

Noise Study – Dioji Canine Spa – 633 Ventura Blvd., Oxnard, California

Piccolo Model 3 integrating sound level meter, which meets the ANSI specification for a Type 2, general purpose meter. The log for the Piccolo meter with hourly data over the 24-hour measurement period is provided in Attachment 2. Attachment 2 also provides a worksheet for the calculation of the existing CNEL value at the measurement location, based upon the recorded hourly noise averages ($L_{EQ \text{ HOUR}}$). The calculated CNEL value for the 24-hour measurement is illustrated in Table 1.

Table 1 summarizes the results of the sound level measurement program for the Dioji site, in terms of the CNEL value at the measurement location.

Table 1 Existing CNEL at Measurement Location Dioji Oxnard Site (633 Ventura Boulevard)	
Location	CNEL (dBA)
Northerly Fence Line	64

Recorded hourly average noise levels during the day (i.e., from 7 a.m. to 10 p.m.) ranged from 54 to 63 dBA $L_{EQ \text{ HOUR}}$. Hourly average noise levels during the night (i.e., from 10 p.m. to 7 a.m.) ranged from 51 to 62 dBA $L_{EQ \text{ HOUR}}$.

2. NOISE CRITERIA

Oxnard Municipal Code (OMC)

The City of Oxnard Noise Ordinance (Municipal Code Chapter 7, Article XI) regulates the generation of noise within the City. The following sections are applicable to the proposed project.

SEC. 7-184. DESIGNATED SOUND ZONES.

The properties hereinafter described are hereby assigned to the following sound zones:

- (A) Sound Zone I - Residential property: R-1, R-2, R-3, R-4, R-B-1, R-W-1, R-W-2, R-2-C, R-3-C, MH-P, MHP-C, R-P-D, CPC, R-BF, CBD, C-O, C-1, C-2, CVC, CNC, BRP, HCI, and any of the above zones with a PD suffix.
- (B) Sound Zone II - Commercial property: C-1, C-2, CBD, CVC, CNC, BRP, RP, RC, HCI, and any of the preceding zones with a PD suffix.
- (C) Sound Zone III - Industrial property: M-L, M-1, M-2, M-P-D, CR, CDI, EC, COD, and any of the preceding zones with a PD suffix.

Noise Study – Dioji Canine Spa – 633 Ventura Blvd., Oxnard, California

- (D) Sound Zone IV - All property within the contours around a roadway, railroad track, or the Oxnard Airport as identified in Figure IX-2 of the Noise Element of the 2020 General Plan.

('64 Code, Sec. 19-60.5) (Ord. No. 2292)

SEC. 7-185. EXTERIOR SOUND STANDARDS.

- (A) The following standards, unless otherwise specifically indicated, shall apply to all property within the designated sound zone:

<i>Sound Zone</i>	<i>Type of Land Use</i>	<i>Allowable Exterior Sound Level</i>	
		<i>7:00 a.m. to 10:00 p.m.</i>	<i>10:00 p.m. to 7:00 a.m.</i>
I	Residential	55 dBA	50 dBA
II	Commercial	65 dBA	60 dBA
III	Industrial	70 dBA	70 dBA
IV	As identified in Figure IX-2 of the 2020 General Plan		

- (B) Each of the sound levels specified shall be reduced by five dBA for impulse sound and simple tone noise, or for sounds consisting of speech or music, provided, however, that if the ambient sound level exceeds the allowable exterior sound level, the ambient sound level shall be the standard.
- (C) No person at any location within the city shall create, maintain, cause or allow any sound on property which causes the sound level, when measured on any other property, to exceed:
- (1) The allowable exterior sound level for a cumulative period of more than 30 minutes in any hour;
 - (2) The allowable exterior sound level plus five dBA for a cumulative period of more than 15 minutes in any hour;
 - (3) The allowable exterior sound level plus ten dBA for a cumulative period of more than five minutes in any hour;
 - (4) The allowable exterior sound level plus 15 dBA for a cumulative period of more than one minute in any hour; or
 - (5) The allowable exterior sound level plus 20 dBA for any period of time.
- (D) In the event the ambient sound level exceeds any of the first four sound level categories in subsection (C) above, the allowable exterior sound level applicable to the category shall be increased to reflect ambient sound level. In the event the ambient sound level exceeds the fifth category, the maximum allowable exterior sound level under the category shall be increased to reflect the maximum ambient sound level.

Noise Study – Dioji Canine Spa – 633 Ventura Blvd., Oxnard, California

- (E) If the measurement location is on a boundary between two different sound zones, the lower allowable exterior sound level applicable to the sound zone shall apply.
- (F) If the intruding sound level is continuous and cannot be reasonably discontinued or stopped for a time period whereby the ambient sound level may be determined, then the measured sound level obtained while the sound source is in operation shall be compared directly to the allowable exterior sound level. The allowable exterior sound level shall be the one applicable to the type of land use at the location of the measurement and the time of day.
- (G) The reasonableness of temporarily discontinuing the sound generated by an intruding sound source shall be determined by the director for the purpose of establishing the existing ambient sound level at the measurement location.

('64 Code, Sec. 19-60.6) (Ord. No. 2292)

3. REFERENCE NOISE LEVELS – GOLETA DIOJI FACILITY

Because the proposed Dioji facility is a unique operation, published reference noise levels are not available to predict sound generation from the outdoor activity areas of the facility. However, there is a Dioji facility in operation in Goleta California, which is very similar to the facility proposed for Oxnard. Dudek completed a noise measurement program for the outdoor play areas of the Goleta facility to use as a reference noise level for the proposed Oxnard facility.

3.1 NOISE MEASUREMENTS – OUTDOOR PLAY/EXERCISE YARD GOLETA DIOJI

The exercise/play area is located outdoors, and measures approximately 70 feet by 70 feet. Wood fencing 8 feet in height is located along the eastern, southern, and western side of the play area, a structure abuts the northern side of the play area.

In order to quantify sound levels associated with the exercise play yard, Dudek completed a 24-hour sound level measurement at two representative locations at the Dioji Goleta facility. The first location was approximately 5 feet east of the western property boundary, near the western edge of the play/exercise area. This location was selected to evaluate sound levels along the margin of the play/exercise area.

The second location was ten feet further west, on the opposite site of the perimeter wood fence from the first sound meter location described above. This location was selected to evaluate the attenuation performance of the simple wood fence barrier.

Dudek monitored noise levels on Tuesday September 27 and Wednesday September 28, 2016. The measurements were taken with a calibrated SoftdB Model Piccolo 3 integrating sound level meter equipped with a ½-inch pre-polarized condenser microphone with pre-amplifier. This sound

Noise Study – Dioji Canine Spa – 633 Ventura Blvd., Oxnard, California

level meter meets the current American National Standards Institute standard for a Type 2 general purpose sound level meter.

The sound level meters automatically recorded the average hourly noise level ($L_{eq \text{ hour}}$) for each hour of the 24-hour measurement period. The sound level measurement results for the ambient noise environment evaluation are included in Attachment 3. During the hours of operation for the facility (7 AM to 7 PM), the recorded average noise levels ranged from 65 dBA to 72 dBA $L_{eq \text{ hour}}$ at the measurement location near the play area western margin. At the sound measurement location west of the perimeter fence, the recorded average noise levels ranged from 61 dBA to 70 dBA $L_{eq \text{ hour}}$ during the facility operating hours.

The $L_{eq \text{ hour}}$ value difference between the recorded sound levels at the two locations during facility operating hours ranged from a low of 1 dBA to a high of 8 dBA. When the difference in values is very low, it indicates the presence of an external noise source(s) which is increasing the background noise levels, such as heavy traffic along Hollister Avenue, or a greater number of airplane overflights during the hour. These noise contributions are captured by the sound level meters, along with the noise generated by activities in the play/exercise yard. The hours with the greatest difference in the recorded values of the two measurements indicate background noise levels low enough to have little influence on the recorded values.

3.2 NOISE CALCULATION – CNEL

Using the recorded hourly average noise level data for the Goleta Dioji facility, Dudek calculated the CNEL for the sound measurement location along the western margin of the play/exercise area. The calculated CNEL is presented in Table 2. See Attachment 3 for the accompanying worksheets for existing condition CNEL calculation.

Table 2 Existing CNEL for Goleta Dioji Facility 7340 Hollister Avenue	
Location	CNEL (dBA)
Western Margin Play/Exercise Area Measurement Location	69

The above calculation of the existing CNEL includes background noise levels during the period from 7 PM to 7 AM, when the facility is not operational and therefore not generating noise within the play/exercise area.

Noise Study – Dioji Canine Spa – 633 Ventura Blvd., Oxnard, California

The CNEL value based only upon the recorded average noise levels while the facility is in operation was also calculated, this value is 67 dBA CNEL. In terms of the proposed Oxnard Dioji facility, the noise level associated with the outdoor play/exercise area would be based upon the CNEL value for the operating schedule of the facility, or a **CNEL of 67 dBA** at 30 feet from the center of the play/exercise area.

3.3 NOISE MEASUREMENTS – DISTANCE ATTENUATION & FENCE PERFORMANCE

Sound attenuation due to distance, for a point source (which is applicable to the play/exercise area) is calculated with the equation:

$$SPL_1 = SPL_2 - 20\log(D_2/D_1)$$

Where:

- SPL₁ is the calculated sound pressure level (in dB) at specified distance [D₂]
- SPL₂ is a known (measured) sound pressure level at a known distance [D₁]
- D₁ is distance from source to measured sound pressure level
- D₂ is distance from source to location of calculated sound pressure level

With dogs able to move throughout the play area, activity levels at any point within the play area would vary. At certain times of the hour, many dogs might be playing close to one side of the play area, and at other times, they might be playing near the opposite side of the play area. The physical center point of the play area represents an average of all the locations within the play/exercise area where activity could occur, and this is therefore considered the acoustic center of the play/exercise area. The sound measurement location within the play/exercise area is approximately 30 feet from the acoustic center of the play/exercise area. The western fence (property boundary) of the Dioji Goleta facility is approximately 35 feet from the acoustic center of the play area. Using the above formula, the calculated CNEL at 35 feet from the center of the play area (i.e., the western property line of the Goleta Dioji facility) is **65 dBA** (this is the CNEL based upon operating hours of the facility alone, and not existing background noise contributions when the facility is closed).

The second sound level measurement location for this assessment was located approximately 40 feet from the acoustic center, and on the opposite side of the wood fence which exists on the western property boundary. During the hour with the greatest difference in recorded sound level values between the two measurement locations, the difference was 8 dBA *Leq hour*. Using the above outdoor distance attenuation formula, the standard attenuation for an increase from 30 feet to 40 feet from the point source would be approximately 3 dBA. Therefore, the wood fence is providing approximately 5 dBA additional attenuation, over that which would occur absent the fence.

Noise Study – Dioji Canine Spa – 633 Ventura Blvd., Oxnard, California

4. DIOJI OXNARD FACILITY OPERATIONS PREDICTED SOUND LEVEL

Based on the play/exercise area noise levels monitored at the Dioji Goleta facility, we calculated the CNEL from facility operations (7 AM to 7 PM) alone to be 65 dBA CNEL at 35 feet from the center of the outdoor exercise/play area. At the Oxnard Dioji facility, the center of the closest play yard would be approximately 105 feet to the property line for adjacent residences to the north. Based on the attenuation formula presented in Section 3.3 (above), and a distance of 105 feet, the Dioji exterior exercise/play area noise level would be **56 dBA CNEL** at the residential property line to the north. If an 8 foot high wood fence is provided along the north side of the exercise/play areas, the Dioji facility operational sound level at the residential property line would be **51 dBA CNEL**.

The existing traffic noise at the property line between the Dioji site and the adjacent residential property was calculated to be 64 dBA CNEL; this is more than 10 dBA CNEL greater than the predicted Dioji operational noise levels at the property line (51 dBA CNEL). Consequently, the combined Dioji facility operations and existing traffic noise levels at the residential property line would not result in any increase to the existing CNEL value at the property line (when noise sources are 10 dBA or greater apart, their sum is equal to the larger of the two values).

5. NOISE ORDINANCE COMPLIANCE ANALYSIS

Municipal Code Noise Restriction Compliance

The exterior sound level limit for a commercial property is 65 dBA in the period from 7 a.m. to 10 p.m., and 60 dBA in the period from 10 p.m. to 7 a.m. Based upon the noise measurements performed at the Dioji Goleta facility, and adjusting for the 105 foot distance from the center of the closest play area to the adjacent residential property line, noise levels during the day from Dioji operations would be expected to range from 47 to 63 dBA $L_{EQ\ HOUR}$ at the residential property line. **With an 8-foot wooden fence along the northern side of the closest play yard, day-time operational noise from Dioji at the northern property line would be expected to range from 42 to 58 dBA $L_{EQ\ HOUR}$. These levels would generally fall below the range of existing hourly traffic noise levels during the day, and would therefore largely be masked by the traffic noise.**

The maximum sound level recorded during each of the hours of operation at the Goleta Dioji facility ranged up to 97 dBA L_{MAX} . Converting this sound level using distance attenuation to the residential property line from the center of the closest play area, and considering attenuation from an 8-foot high wood fence along the north side of the play area, the maximum noise level at the adjacent residential property line from Dioji operations would be **85 dBA (L_{MAX})**. This sound level is compliant with the requirements found in OMC SEC. 7-185(C).

Noise Study – Dioji Canine Spa – 633 Ventura Blvd., Oxnard, California

Because the hourly average sound levels for Dioji operations at the adjacent residential property boundary would be similar to those already existing from traffic noise sources, we would expect Dioji operations would be compliant with each of the requirements found in OMC SEC. 7-185(C), as adjusted for ambient sound levels.

This completes the noise study prepared by Dudek for the proposed Oxnard Dioji Canine Resort. Should you have any questions regarding the above information, please do not hesitate to contact me at (805) 308-8527 or jleech@dudek.com.

Respectfully submitted,

DUDEK



JONATHAN V. LEECH, INCE
Senior Environmental Planner / Acoustician

Encl.: Figures 1 - 4

Attachment 1 – Acoustic Terminology

Attachment 2 – Recorded Sound Level Data for Ambient Noise Level & CNEL Worksheets

Attachment 3 – Goleta Dioji Sound Level Measurement Data

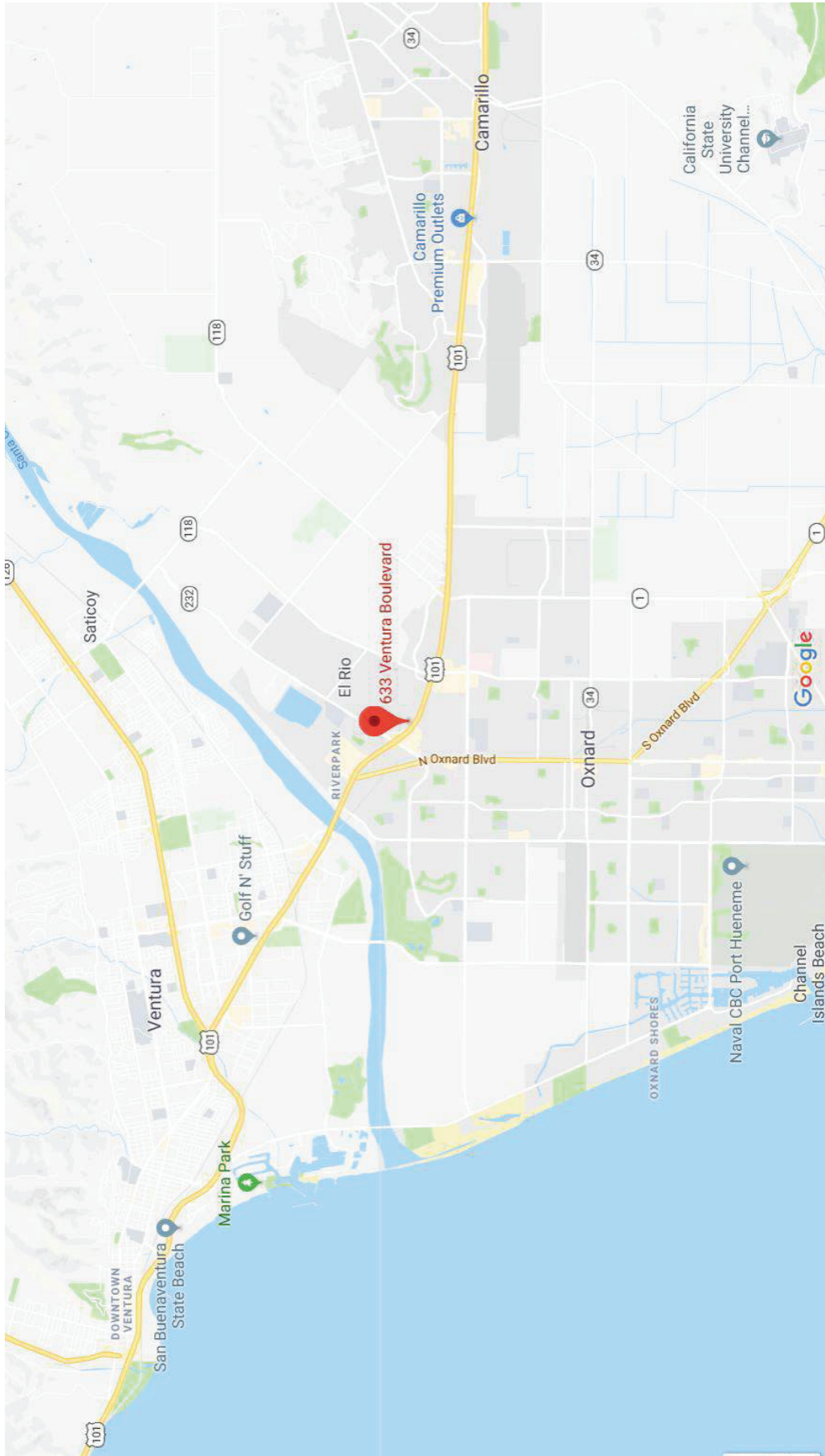


FIGURE 1

REGIONAL SETTING

DIOJI OXNARD NOISE REPORT

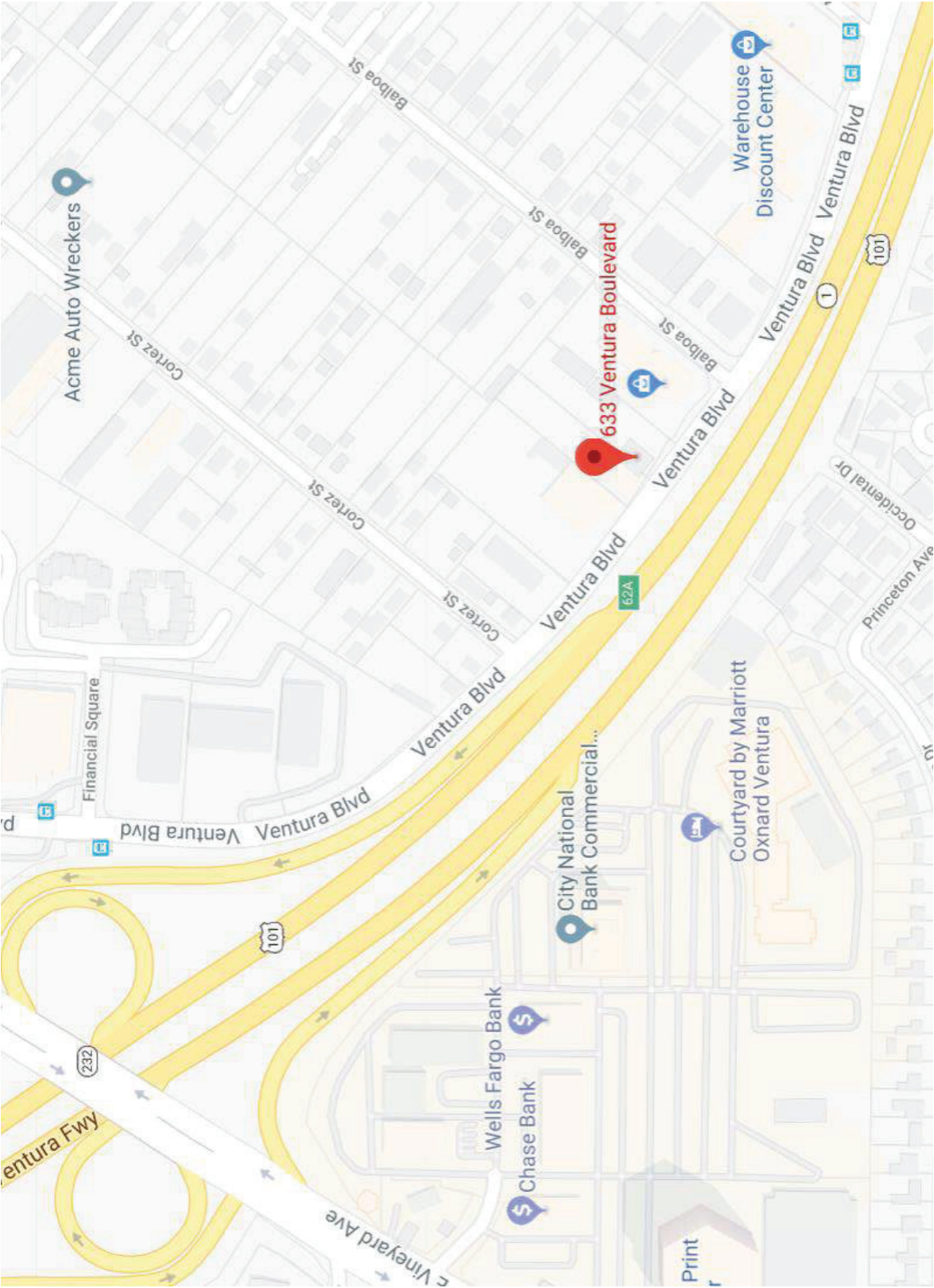


FIGURE 2

LOCAL SETTING

DIOJI OXNARD NOISE REPORT

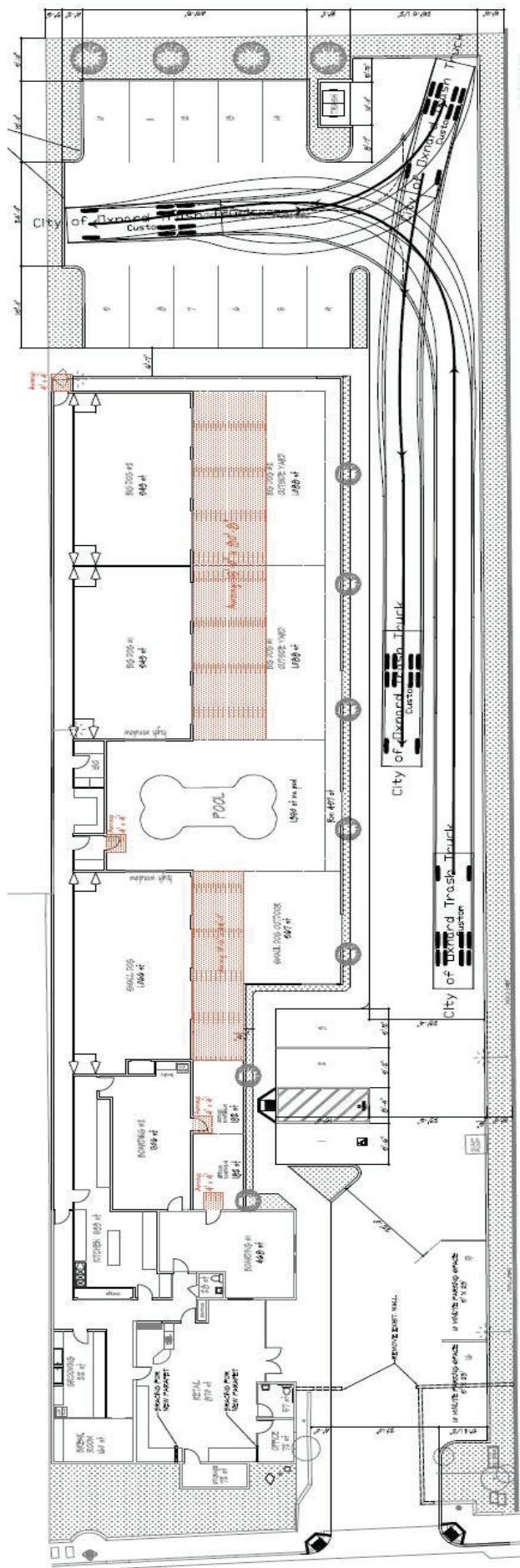
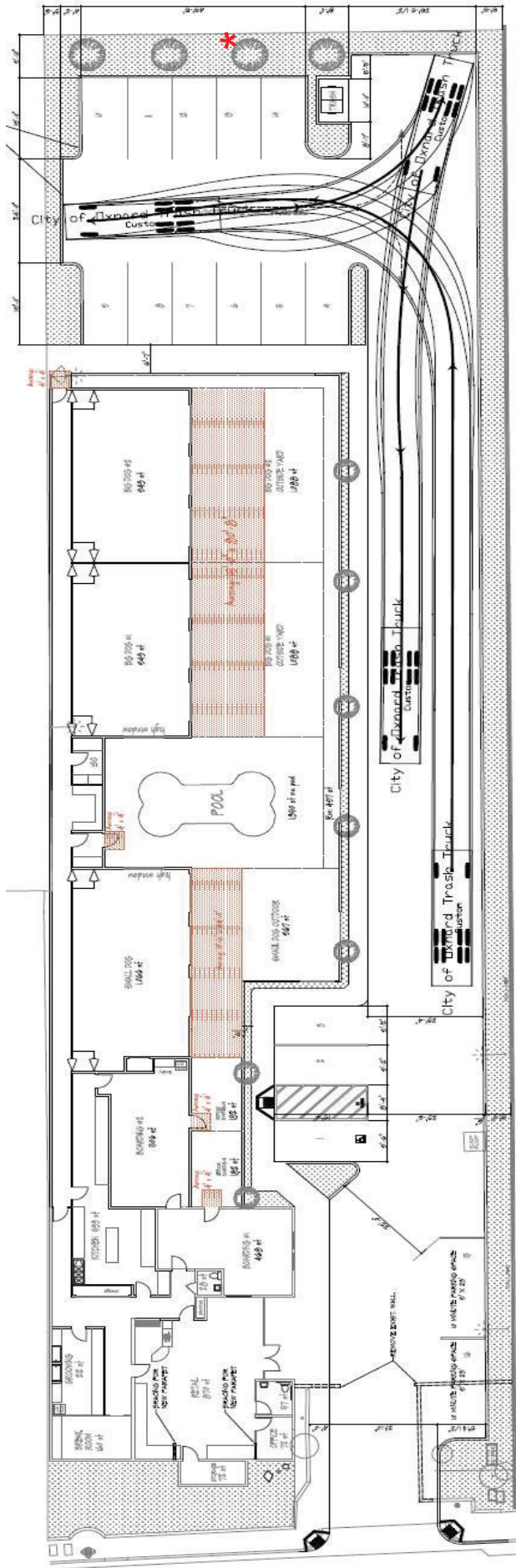


FIGURE 3

SITE PLAN

DIOJI OXNARD NOISE REPORT



LEGEND

* 24-Hour Sound Level Measurement Location

FIGURE 4

NOISE MEASUREMENT LOCATIONS

DIOJI SIMI VALLEY NOISE REPORT

Noise Study – Dioji Canine Spa – 633 Ventura Blvd., Oxnard, California

ATTACHMENT 1
DEFINITIONS

Term	Definition
Ambient Noise Level	The composite of noise from all sources near and far. The normal or existing level of environmental noise at a given location.
A-Weighted Sound Level, (dB[A])	The sound pressure level in decibels as measured on a sound level meter using the A-weighted filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the frequency response of the human ear and correlates well with subjective reactions to noise.
Community Noise Equivalent Level, (CNEL)	is the A-weighted equivalent continuous sound exposure level for a 24-hour period with a ten dB adjustment added to sound levels occurring during nighttime hours (10 pm to 7 am) and a five dB adjustment added to the sound levels occurring during the evening hours (7 pm to 10 pm).
Decibel, (dB)	A unit for measuring sound pressure level, equal to 10 times the logarithm to the base 10 of the ratio of the measured sound pressure squared to a reference pressure, which is 20 micropascals.
Time-Average Sound Level, (TAV)	The sound level corresponding to a steady state sound level and containing the same total energy as a time varying signal over a given sample period. TAV is designed to average all of the loud and quiet sound levels occurring over a specific time period.
Sound Transmission Class, (STC)	A single number rating of the noise reduction of a building element.

Noise Study – Dioji Canine Spa – 633 Ventura Blvd., Oxnard, California

ATTACHMENT 2
SOUND METER DATA LOGS
AND
EXISTING CNEL WORKSHEETS
OXNARD SITE

Existing Sound Levels

Date hh:mm:ss	Slow Response LeqPeriod Leq	dBA weighting		2.0 dB resolution stats			
		Lmax	Lmin	L10%	L50%	L90%	
11/17/2017 15:42	1.0 hour	60.2	76.7	56.4	61	59	57
11/17/2017 16:42	1.0 hour	58.6	74.4	52.5	59	57	55
11/17/2017 17:42	1.0 hour	56	68.2	52.3	57	55	53
11/17/2017 18:42	1.0 hour	59	73.4	53.7	59	57	55
11/17/2017 19:42	1.0 hour	59.7	71.4	53.2	61	59	55
11/17/2017 20:42	1.0 hour	55.1	66.4	48.2	57	53	51
11/17/2017 21:42	1.0 hour	53.7	66.2	47.6	55	53	51
11/17/2017 22:42	1.0 hour	53.5	65.5	47.8	55	53	51
11/17/2017 23:42	1.0 hour	53.3	70.5	47.5	53	51	49
11/18/2017 0:42	1.0 hour	52	68.3	46.3	53	51	47
11/18/2017 1:42	1.0 hour	51.5	66.2	45.4	53	49	47
11/18/2017 2:42	1.0 hour	51.2	63.4	44	53	49	47
11/18/2017 3:42	1.0 hour	52.2	59.6	45.1	53	51	47
11/18/2017 4:42	1.0 hour	55.5	66.7	49.4	57	53	51
11/18/2017 5:42	1.0 hour	58.9	68.1	53.5	59	57	55
11/18/2017 6:42	1.0 hour	62.2	73.1	56.8	63	61	59
11/18/2017 7:42	1.0 hour	63.3	81.2	57.4	67	65	65
11/18/2017 8:42	1.0 hour	62.2	70.6	55.1	67	65	63
11/18/2017 9:42	1.0 hour	61.2	77.5	54.3	65	63	63
11/18/2017 10:42	1.0 hour	61.7	72.9	54.2	65	65	63
11/18/2017 11:42	1.0 hour	57.2	72.8	50.4	59	55	53
11/18/2017 12:42	1.0 hour	56.7	75.7	50.8	57	55	53
11/18/2017 13:42:4	1.0 hour	59.6	73	53.2	61	59	55
11/18/2017 14:42:	1.0 hour	60.4	75.2	56.7	61	59	57

633 Ventura Road
Rear (Residential) Property Line

Existing Sound Levels

CNEL Calculation

Leq	Time	Adjustment				
52	Midnight	10	62	62		
51.5	1	10	61.5	61.5		
51.2	2	10	61.2	61.2		
52.2	3	10	62.2	62.2		
55.5	4	10	65.5	65.5		
58.9	5	10	68.9	68.9		
62.2	6	10	72.2	72.2		
63.3	7am		63.3	63.3		
62.2	8		62.2	62.2		
61.2	9		61.2	61.2		
61.7	10		61.7	61.7		
57.2	11		57.2	57.2		
56.7	noon		56.7	56.7		
59.6	1		59.6	59.6		
60.4	2		60.4	60.4		
60.2	3		60.2	60.2		
58.6	4		58.6	58.6		
56	5		56	56		
59	6		59	59		
59.7	7	5	64.7	59.7		
55.1	8	5	60.1	55.1		
53.7	9	5	58.7	53.7		
53.5	10	10	63.5	63.5		
53.3	11	10	63.3	63.3		
			63.6	63.4		
			CNEL	LDN		

Noise Study – Dioji Canine Spa – 633 Ventura Blvd., Oxnard, California

ATTACHMENT 3
DIOGI GOLETA FACILITY
SOUND LEVEL MEASUREMENT DATA

Rec 1 to 24	Slow Response	dBA weighting		
Date hh:mm:ss	LeqPeriod Leq	Lmax	Lmin	
9/27/2016 6:31	1.0 hour	64.2	90.9	50.2
9/27/2016 7:31	1.0 hour	71.8	91.8	52
9/27/2016 8:31	1.0 hour	71.3	90.4	49.9
9/27/2016 9:31	1.0 hour	70.9	92.8	48
9/27/2016 10:31	1.0 hour	70.7	91.4	47.5
9/27/2016 11:31	1.0 hour	68.1	94.1	44.5
9/27/2016 12:31	1.0 hour	65.3	87.5	46.4
9/27/2016 13:31	1.0 hour	71.4	95.1	45.4
9/27/2016 14:31	1.0 hour	69.8	95.9	48.8
9/27/2016 15:31	1.0 hour	71.5	92.7	47.7
9/27/2016 16:31	1.0 hour	72.1	97.1	47.3
9/27/2016 17:31	1.0 hour	71.3	94	47.4
9/27/2016 18:31	1.0 hour	69.8	92.9	44
9/27/2016 19:31	1.0 hour	60	75.9	46.4
9/27/2016 20:31	1.0 hour	58.6	76.9	43.9
9/27/2016 21:31	1.0 hour	56.3	72.2	40.2
9/27/2016 22:31	1.0 hour	55.4	76.2	42.8
9/27/2016 23:31	1.0 hour	53.7	70.5	42.4
9/28/2016 0:31	1.0 hour	51.6	68.3	37.9
9/28/2016 1:31	1.0 hour	49.8	72	39.9
9/28/2016 2:31	1.0 hour	48.8	64.2	39.3
9/28/2016 3:31	1.0 hour	50.2	64.9	40.1
9/28/2016 4:31	1.0 hour	53.4	69.7	40.9
9/28/2016 5:31	1.0 hour	59.1	74.6	43.8

Rec 1 to 24	Slow Response	dBA weighting		
Date hh:mm:ss	LeqPeriod Leq	Lmax	Lmin	
9/27/2016 6:37	1.0 hour	63.7	84.9	48.9
9/27/2016 7:37	1.0 hour	67.8	86.4	49
9/27/2016 8:37	1.0 hour	68.3	86.9	44.1
9/27/2016 9:37	1.0 hour	69.2	86.7	45.4
9/27/2016 10:37	1.0 hour	68.5	85.6	43.9
9/27/2016 11:37	1.0 hour	67.1	84.5	42.7
9/27/2016 12:37	1.0 hour	62.4	82.2	43.6
9/27/2016 13:37	1.0 hour	66.1	85	43
9/27/2016 14:37	1.0 hour	61.5	81.6	44.4
9/27/2016 15:37	1.0 hour	70	85.9	44.3
9/27/2016 16:37	1.0 hour	70.2	85.9	43.6
9/27/2016 17:37	1.0 hour	63.6	84.6	44.8
9/27/2016 18:37	1.0 hour	61.4	77	42.5
9/27/2016 19:37	1.0 hour	58.4	71.9	44.5
9/27/2016 20:37	1.0 hour	56.7	74.5	43.2
9/27/2016 21:37	1.0 hour	55.2	69.9	40
9/27/2016 22:37	1.0 hour	55.2	81	41
9/27/2016 23:37	1.0 hour	52.4	66.8	42.3
9/28/2016 0:37	1.0 hour	50.6	69.4	39.9
9/28/2016 1:37	1.0 hour	48.6	67.3	40.3
9/28/2016 2:37	1.0 hour	48.9	62.1	40.7
9/28/2016 3:37	1.0 hour	51.1	67	42.5
9/28/2016 4:37	1.0 hour	52.2	67.3	41.3
9/28/2016 5:37	1.0 hour	58.6	76.4	44.1

Dioji Goleta Facility

Ambient

Existing Location
With Ambient

Leq	Time	Adjustment				
53.7	Midnight	10	63.7	63.7		
51.6	1	10	61.6	61.6		
49.8	2	10	59.8	59.8		
48.8	3	10	58.8	58.8		
50.2	4	10	60.2	60.2		
53.4	5	10	63.4	63.4		
59.1	6	10	69.1	69.1		
64.2	7am		64.2	64.2		
71.8	8		71.8	71.8		
71.3	9		71.3	71.3		
70.9	10		70.9	70.9		
70.7	11		70.7	70.7		
68.1	noon		68.1	68.1		
65.3	1		65.3	65.3		
71.4	2		71.4	71.4		
69.8	3		69.8	69.8		
71.5	4		71.5	71.5		
72.1	5		72.1	72.1		
71.3	6		71.3	71.3		
69.8	7	5	74.8	69.8		
60	8	5	65	60		
58.6	9	5	63.6	58.6		
56.3	10	10	66.3	66.3		
55.4	11	10	65.4	65.4		
			69.0	68.5		
			CNEL	LDN		

Dioji Goleta Facility

Facility Operation Only

Existing Location

Leq	Time	Adjustment				
0	Midnight	10	10	10		
0	1	10	10	10		
0	2	10	10	10		
0	3	10	10	10		
0	4	10	10	10		
0	5	10	10	10		
0	6	10	10	10		
64.2	7am		64.2	64.2		
71.8	8		71.8	71.8		
71.3	9		71.3	71.3		
70.9	10		70.9	70.9		
70.7	11		70.7	70.7		
68.1	noon		68.1	68.1		
65.3	1		65.3	65.3		
71.4	2		71.4	71.4		
69.8	3		69.8	69.8		
71.5	4		71.5	71.5		
72.1	5		72.1	72.1		
71.3	6		71.3	71.3		
0	7	5	5	0		
0	8	5	5	0		
0	9	5	5	0		
0	10	10	10	10		
0	11	10	10	10		
			67.4	67.4		
		CNEL	LDN			

Noise Study – Dioji Canine Spa – 633 Ventura Blvd., Oxnard, California

ATTACHMENT 1
DEFINITIONS

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Noise Study – Dioji Canine Spa – 633 Ventura Blvd., Oxnard, California

ATTACHMENT 2
SOUND METER DATA LOGS
AND
EXISTING CNEL WORKSHEETS
OXNARD SITE

Noise Study – Dioji Canine Spa – 633 Ventura Blvd., Oxnard, California

ATTACHMENT 3
DIOGI GOLETA FACILITY
SOUND LEVEL MEASUREMENT DATA

Attachment E of the staff report is removed and replaced with Attachment B – the Signed Resolution of Approval 2018-14.

RESOLUTION NO. 2018-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING CITY COUNCIL APPROVAL OF PLANNING AND ZONING PERMIT NO. 17-500-17 (SPECIAL USE PERMIT) TO CONSTRUCT A CANINE RESORT WITH OUTSIDE KENNEL FACILITIES, PLAY AREAS AND ASSOCIATED ON-SITE IMPROVEMENTS ON A .78 ACRE LOT LOCATED AT 633 VENTURA BOULEVARD, SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY STEPHEN HEINZE, OWNER, 315 MEIGS ROAD, SUITE A #651, SANTA BARBARA, CA 93109.

WHEREAS, on November 16, 2017, Stephen Heinze, (the “**Applicant**”), submitted a request to construct a canine resort with outdoor play areas and associated on-site improvements; and

WHEREAS, on June 7, 2018, 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. 17-500-17 (Special Use Permit), to renovate an existing 2,814 square-foot building located on a .78 acre lot and build a 4,781 square-foot warehouse addition (the “**Project**”) in accordance with Section 16-530 through 16-553 of the Oxnard City Code; 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 32 Categorical Exemption.

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 Land Use Plan and the elements thereof and other adopted standards.**

The proposed use is consistent with the 2030 General Plan, and the elements thereof and other adopted standards, as discussed in Section 6(b) of the Planning Commission Staff Report.

- (2) **The proposed use will not adversely affect or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare.**

The Project is designed to be architecturally compatible with the existing structure and will enhance and improve the existing conditions of the parcel. Care has been taken to mitigate the possibility of nuisance noise through architectural design, screening walls and the operations of the business as reviewed by the Development Advisory Committee.

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- (3) **The site for the proposed use is 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 meets all pertinent development standards, discussed in greater detail in Section 6(c) of the Planning Commission Staff Report.

- (4) **The site for the proposed use will be served by highways adequate in width and improved as necessary to carry the kind and quantity of traffic such use will generate.**

The Project will be adequately served by all existing infrastructure as reviewed at the Development Advisory Committee meeting and will generate minimal impact of traffic on streets and highways as determined by the City Traffic Engineer.

- (5) **The site for the proposed use will be provided with adequate sewerage, water, fire protection and storm drainage facilities.**

The Project is in the annexation process to bring the property into the Calleguas Municipal Water District. The property is currently served by the Cloverdale Mutual Water Company. The property will be served by existing sewer connections. 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. In accordance with CEQA guidelines, §15332, the project qualifies as a Class 32 categorical exemption (Infill Development). This section pertains to infill development within urbanized areas subject to specific conditions. The Planning and Environmental Services Division is hereby authorized and directed to file a Notice of Exemption with the Ventura County Clerk pursuant to Section 15602 of the State CEQA Guidelines within five (5) working days of passage, approval and adoption of this Resolution.

SECTION 3. Based on the findings set forth herein, the Planning Commission hereby recommends City Council approval of Planning and Zoning Permit 17-500-17 (Special Use Permit), subject to the attached conditions of approval.

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

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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).
2. This permit is granted for the plans dated March 28, 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)
3. This permit shall automatically become null and void 36 months from the date of its issuance, unless Developer has diligently developed the proposed project, as shown by the issuance of a grading, foundation, or building permit and the construction of substantial improvements. (PL)
4. All required off-site and on-site improvements for the project, including structures, paving, and landscaping, shall be completed prior to occupancy unless the Development Services Manager allows Developer to provide security or an executed agreement approved by the City Attorney to ensure completion of such improvements. (DS)
5. By commencing any activity related to the project or using any structure authorized by this permit, Developer accepts all of the conditions and obligations imposed by this permit and waives any challenge to the validity of the conditions and obligations stated therein. (CA)

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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)
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)
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)
9. Developer shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B)
10. Developer shall not permit any combustible refuse or other flammable materials to be burned on the project property. (FD)
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)
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)

LANDSCAPE STANDARD CONDITIONS

13. 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)
14. 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)
15. 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)
16. 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 ensure compliance (PK, PK-4)

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17. Prior to the issuance of a certificate of occupancy, Developer shall provide a watering schedule to the building owner or manager and to Planning Division or designee. The irrigation system shall include automatic rain shut-off devices, or instructions on how to override the irrigation system during rainy periods. (PK, PK-5)
18. 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)
19. Developer shall install an irrigation system that includes a water sensor shut off device as a water conservation measure. (PK, PK-22)
20. 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)
21. 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)
22. 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-25)

FIRE DEPARTMENT STANDARD CONDITIONS

23. Developer shall construct all vehicle access driveways on the project property to be at least 25 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)
24. 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)
25. 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

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- 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)
26. 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)
 27. 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)
 28. The project shall meet the minimum requirements of the "Fire Protection Planning Guide" published by the Fire Department. (FD, F-6)
 29. At all times during construction, developer shall maintain paved surfaces capable of handling loads of 76,000 pounds which will provide access for firefighting apparatus to all parts of the project property. (FD/DS, F-7)
 30. Developer shall identify all hydrants, standpipes and other fire protection equipment on the project property as required by the Fire Chief. (FD, F-8)
 31. Developer shall provide central station monitoring of the fire sprinkler system and all control valves. (FD, F-10)
 32. 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)
 33. Developer shall install in each structure in the project a detection/alarm system with a central station monitor that will automatically notify the Fire Department in the event of a fire in the structure. The alarm system shall include a UL or State Fire Marshal approved device, which shall not exceed design specifications, that reports the location of the fire and allows the central station monitor to inform the Fire Department of the point of entry into the structure that is nearest the fire. (FD, F-13)
 34. 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

35. 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.

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36. 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.
37. 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.

POLICE DEPARTMENT CONDITIONS

38. The project must comply 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. All outdoor lighting shall be flat lens, full cut-off fixtures with the light source fully shielded with the exception of:
 - i. 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.
 - ii. 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 top 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.
39. Lighting instruments shall be metal halide, LED or similar in nature and spectrum (3,000K to 20,000K Correlated Color Temperature).
40. Lighting instruments shall installed so that light does not directly illuminate property outside the project site. Instruments shall not create glare for motorists or pedestrians.
41. Landscape elements shall be arranged to provide clear lines of sight and eliminate potential places of concealment.
42. Outdoor lighting shall be active at all times the public has access to the property. However, when the property is closed to the public, the staff of the facility may determine the best combination of exterior lighting that serves the safety staff and nighttime operation of security cameras.
43. Security camera system shall be installed and shall meet current industry standards and be capable of documenting activities that would be presentable in a court of law as evidence. Below are the current minimum standards for security camera systems:

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- a. Cameras and supporting equipment shall supply digital color images under normal lighting conditions. Greyscale images are expected for infra-red lighting.
 - b. Cameras shall be made by a reputable manufacturer and maintained to current industry standards.
 - c. Cameras shall have low light capability and able to identify persons on the property.
 - d. The video system shall utilize a Digital Video Recorder (DVR). VHS and other formats are prohibited.
 - e. The video system shall allow recording, live viewing and playback of recorded video for a period of at least 30 days.
 - f. Recorded images shall bear a date and time stamp that cannot be altered.
 - g. Signage shall be posted near the primary public entrance which states in 2" letters: "Security Cameras in Use".
 - h. Cameras in domed casings are highly encouraged as their area of focus is not easily determined by a casual observer.
 - i. A camera shall be placed inside the public reception area to capture images of the upper body and faces of persons entering the business.
 - j. A camera shall be installed to capture images of vehicles and vehicle license plates as they enter the site.
44. A security alarm system is required and shall be compliant with Oxnard City Code 11-95 through 11-100. Motion detection burglary or intrusion alarm systems shall utilize "Dual Technology" sensors capable of differentiating between human movement and non-human movement.
 45. For the safety of the animals maintained at this facility, the facility shall be staffed 24-hours daily.
 46. Dogs that bark excessively shall be managed in a prompt manner. Should the dog or dogs not be responsive to initial attempts to quieting, it/they shall be placed in an interior setting in order to avoid disturbing neighbors.
 47. Controlled substances shall not be stored at the facility.
 48. The business shall not offer for sale any products designed for cock-fighting.
 49. A sign shall be posted in the public reception area that states: "Any complaint about this facility may be made to the City of Oxnard Pound Master at 385-7640."

PLANNING DIVISION STANDARD CONDITIONS

50. 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)
51. Any application for a minor modification requires a minor modification permit and payment of applicable processing fees. (PL, PL-2)

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52. 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*)
53. 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*)
54. 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*)
55. 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 or architect 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)
56. 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.
57. 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*)
58. Developer shall provide for dust control at all times during project property preparation and construction activities. (B/DS, *PL-13*)
59. 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*)
60. 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*)

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61. 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*).
62. 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*)
63. Exterior utility meter panels shall be located to take advantage of screening (e.g. landscaping or other building elements) so as not to be visible from public right-of-ways, to the maximum extent feasible. (PL, *PL-43*)
64. Prior to issuance of a certificate of occupancy, Developer shall remove all construction materials and vehicles from the subject property. (PL/B, *PL-47*)

PLANNING DIVISION SPECIAL CONDITIONS

65. 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)
66. 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)
67. 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)
68. 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)
69. Developer shall ensure that all construction equipment is maintained and tuned to recommended manufacture's specifications. (MND, C-1)
70. 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)

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71. 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)
72. 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)
73. 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)
74. 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)
75. 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)
76. 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)
77. 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)
78. 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)
79. A maximum of eight employees shall be permitted during any one shift (PL).

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80. A maximum of 100 dogs shall be kept at the project site during daytime hours (7:00 a.m. – 7:00 p.m.) A maximum of 75 dogs shall be kept at the project site during evening hours (7:00 p.m. – 7:00 a.m.) (PL).
81. A 9' x 25' loading and unloading area is permitted on the project site. It is understood that smaller box trucks or cargo vans will deliver to the site.
82. Dog waste shall be promptly removed within the 10 foot landscaped area parallel to the 6 foot sound wall. (PL)
83. Back shields shall be placed on the approximately 20 foot tall light poles which will be installed in the landscaped area along the northerly property line. (PL).

ENVIRONMENTAL RESOURCES DIVISION

84. 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.
85. 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.
86. 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.

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87. 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.
88. 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

89. 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)
90. 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)
91. 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)
92. 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)
93. Developer shall protect building pads from inundation during a 1% chance (100-year) storm. (DS-5)
94. Developer shall replace all broken, uplifted, or missing curb, gutter, or sidewalk along the street frontage(s) of the project. (DS-6)
95. Before connecting the project to existing sewer and water service laterals, Developer shall inspect (pothole or video) existing lateral(s) and arrange for City staff to view inspection

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- results. Developer shall make repairs to such facilities as determined necessary by City staff. Developer shall bring all existing water services into compliance with current City standards including removal of unused water or sewer laterals by disconnection at the main. (DS-7)
96. Each structure shall be served by separate sewer and water services in accordance with City Code. (DS-8)
 97. 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)
 98. Developer shall install on-site and off-site 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)
 99. 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)
 100. 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)
 101. 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)
 102. 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)
 103. 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

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discretion of the Development Services Manager issue a stop work order until such time as the graffiti is removed. (DS-20)

104. 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)
105. Developer shall pay the cost of all inspections of on-site and off-site improvements. (DS-22)
106. Developer shall be responsible for all project-related actions of Developer's employees, contractors, subcontractors, and agents until City accepts the improvements. (DS-23)
107. 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)
108. "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)
109. 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 "as-built" plans after project completion. Developer's submittal of certified "as-built" plans is a condition of City's final acceptance of the project and release of any associated security. (DS-29)
110. 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)
111. 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)
112. Prior to issuance of a site improvement permit, Developer shall provide to the City Engineer easements or written consent (as determined appropriate by the Development

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Services Director) from all affected landowners for any diversion of historical flows or change in drainage conditions caused by the project. (DS-36)

113. 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)
114. Developer shall install City approved backflow prevention devices for water connections if so ordered by the City Engineer. (DS-45)
115. 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)
116. 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)
117. 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)
118. Developer shall ensure adequate vehicle line of sight distance exists to safely exit the property. (TR-71)
119. Developer shall install bike racks in accordance with City standards at locations approved in the **Plans**. (TR-73)

STORMWATER QUALITY CONDITIONS

120. 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)
121. Developer shall construct single-bin trash enclosures with a solid non-combustible roof (8-foot minimum clearance) that prevents stormwater from entering the refuse bin. 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

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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)

122. 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)
123. 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)
124. 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)
125. Developer's engineer shall submit written confirmation that the project landscape drawings comply with the landscape requirements of the Technical Guidance Manual for Stormwater Quality Control Measures for all landscape based stormwater quality best management practices. (DS-84)
126. Developer shall provide pre-treatment for all infiltration based stormwater quality Best Management Practices ("BMPs".) Pre-treatment devices must effectively reduce sediment

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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)

127. 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 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

128. This project meets the definition of "Redevelopment" as defined in the current MS4 permit and associated 2011 Technical Guidance Manual for Stormwater Quality Control Measures ("TGM"). Because the area of disturbance exceeds 50% of the site, Developer shall provide stormwater mitigations (including stormwater infiltration) as required by the MS4 permit for the entire site. The final report is subject to approval of the Development Services Manager. (DS)
129. In accordance with the Stormwater Quality TGM, Developer must infiltrate a $\frac{3}{4}$ " storm event for all impervious areas (except 5% effective impervious area (EIA)) and must treat (but is allowed to release) the $\frac{3}{4}$ " storm event from the 5% EIA and all pervious portions of the site. The preliminary stormwater report and associated plans for the project do not meet these requirements and must be adjusted to comply. (DS)
130. Developer's stormwater quality control measures maintenance and operations plan shall include a section on the proper cleanup, handling, and disposal of dog waste (and any other use specific potential stormwater pollutant) to minimize the degradation of stormwater quality. (DS)
131. 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)
132. Developer shall design bioretention (INF-3 or similar) best management practices (BMPs) with a level bottom to spread stormwater infiltration evenly throughout the installation. The surface of the bioretention BMP may be either level or sloped depending on overall design. (DS)

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133. Developer's engineer shall provide City with written confirmation that they have reviewed the landscape construction drawings within the bioretention areas and that the proposed landscaping is appropriate for such installations. (DS)
134. Developer shall provide a 6" minimum vertical drop between the flow line of the parking lot concrete gutter and the flow line of the adjacent BMP at each location where stormwater enters the BMP. The transition between gutter flow line and swale flow line shall be constructed similar to a concrete ribbon gutter or shall be armored with rock. (DS)
135. 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)
136. Developer shall design onsite grading to provide a secondary overflow path that conveys stormwater to the street prior to flooding onsite structures if the proposed stormwater pump fails. (DS)
137. Prior to issuance of a grading/site improvement permit, Developer shall obtain a 'will-serve' letter from Ventura County for use of the County wastewater system. Developer shall also pay all additional sewer connection fees caused by the redevelopment of the site. (DS)
138. Developer shall design the project driveway curb cut in general conformance with City Standard Plate 115 modified to include a 'Y' dimension of 4-feet followed by a minimum 4-foot wide ADA compliant pedestrian path. (DS)
139. Developer shall dedicate sufficient right-of-way along the project's Ventura Road frontage to encompass the existing sidewalk, existing stormdrain facilities and proposed water improvements (Fire hydrant and water meters). (DS)
140. City records indicate that the existing fire hydrant along the frontage of the project is connected to a private mutual water company. Developer shall install a fire hydrant connected to the City of Oxnard water main in Ventura Boulevard to serve this property. Developer shall obtain written permission from the private mutual water company and remove the existing fire hydrant or a written request that the existing hydrant remain. If both hydrants remain, Developer shall coordinate with the Oxnard Fire Department to clearly identify the sources of water for each hydrant. (DS)
141. Existing structures on this site are currently provided water service by a private mutual water company. In accordance with City Code (Section 22-2), Developer proposes converting the project to water service provided by the City of Oxnard. All water service (domestic, irrigation, fire sprinkler, and onsite fire hydrants) for this project shall be sourced from the City of Oxnard including existing buildings. All existing meters and

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other appurtenances shall be upgraded to meet current City standards. Developer shall pay all applicable fees for new City water connections. (DS)

142. Prior to issuance of a site improvement permit, Developer shall provide the City Engineer with a written waiver from the private mutual water company currently serving the property for the loss of service area caused by this project being converted to service from City water. If Developer cannot obtain such a waiver, Developer shall execute an undertaking in a form approved by the City Attorney to indemnify, defend and hold harmless City and its officers, and employees as to all claims for compensation resulting from City's encroachment into the service area of the mutual water company. (DS)
143. Developer shall provide proof of an encroachment permit or similar approval document for connections to non-city wastewater system. (DS)
144. Developer shall pay utility underground in-lieu fees in accordance with City Code. (DS)
145. Developer shall install a marbelite luminaire pole with LED fixture (70 watt equivalent) within the adjacent Ventura Boulevard right-of-way. The new pole is to be located approximately 190 feet from the existing luminaire pole near the intersection of Balboa Street/Ventura Boulevard. Final design and location subject to approval of the Transportation Services Manager. (TR)

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Oxnard on this 7th day of June, 2018.



Vincent Stewart, Chair

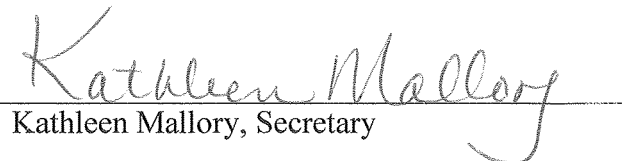
I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Oxnard at a meeting held on the 7th day of June, 2018, and carried by the following vote:

AYES: Commissioner(s): DOZIER, FRANK, FUHRING, HUBER,
SANCHEZ, STEWART

NOES: Commissioner(s):

ABSENT: Commissioner(s): CHUA

ABSTAIN: Commissioner(s):



Kathleen Mallory, Secretary

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**CITY COUNCIL
AGENDA REPORT**

TYPE OF ITEM: Public Hearing
AGENDA ITEM NO.: 2

DATE: July 17, 2018

TO: City Council

THROUGH: Alexander Nguyen
City Manager

FROM: Arturo Casillas
Housing Director

SUBJECT: TEFRA Hearing - Garden City Special Needs Housing (5/10/10)

CONTACT: Arturo Casillas, Housing Director
Arturo.Casillas@oxnard.org, (805) 385-8094

RECOMMENDATION:

That the City Council:

1. Hold a public hearing regarding the issuance of up to \$5,250,000 of multifamily housing revenue bonds by the California Municipal Finance Authority to finance the development and construction of the Garden City Special Needs Housing Project, a 30-unit special needs rental housing project to be built at 5600/5690 Cypress Road, Oxnard CA; and
2. Adopt a resolution approving the issuance of bonds.

BACKGROUND

The Garden City Special Needs Housing Project will consist of a privately-owned 30-unit lower income rental housing development proposed to be constructed at 5600/5690 Cypress Road in Oxnard. Castillo Cypress LLC or a related or affiliated entity (the "Borrower") is presenting an application to the California Municipal Finance Authority (CMFA) for a bond issuance to finance the development and construction of the Project. The Borrower has requested that the CMFA serve as the municipal issuer of the Bonds in an aggregate principal amount not to exceed \$5,250,000 of tax-exempt revenue bonds.

DISCUSSION

TEFRA Hearing - Garden City Special Needs Housing (5/10/10)

July 17, 2018

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In order for all or a portion of the Bonds to qualify as tax-exempt bonds, the City of Oxnard must conduct a public hearing under the Tax Equity Fiscal Responsibility Act (the “TEFRA Hearing”) providing members of the community an opportunity to speak in favor of or against the use of tax-exempt bonds for the financing of the Project. Prior to the TEFRA Hearing, reasonable notice must be provided to members of the community. Following the close of the TEFRA Hearing, an “applicable elected representative” of the governmental unit hosting the Project must provide its approval of the issuance of the Bonds for the financing of the Project.

The California Municipal Finance Authority (CMFA) was created in 1988 pursuant to California's Joint Exercise of Powers Act to provide California's local governments with an effective tool for the timely financing of community-based public benefit projects. Currently, more than 500 cities, counties and special districts have become Program Participants with CMFA, which serves as their conduit issuer and provides access to an efficient mechanism to finance locally-approved projects.

If approved by CMFA, the bond financing will permit Castillo Cypress LLC to construct thirty (30) housing units to be occupied by special needs residents, and to be owned by Castillo Cypress LLC or a related or affiliated entity. The state Health and Safety Code defines “special needs” housing as housing, including supportive housing, intended to benefit persons identified as having special needs relating to mental health, physical disabilities, developmental disabilities, or risk of homelessness.

Outside of holding the TEFRA hearing and adopting the required resolution, no other participation or activity of the City or the City Council with respect to the issuance of the Bonds is required.

STRATEGIC GOALS

This agenda item is presented under the City Council strategic priorities of Quality of Life and Economic Development. Completion of this project will improve the property, provide a visible upgrade to the neighborhood, and assist the City in meeting its goals of providing increased affordable housing opportunities for persons with special needs.

FINANCIAL IMPACT

There is no financial impact to the City in connection with the City Council’s adoption of a resolution approving the issuance of the bonds by the CMFA. There are also no costs associated with participation in the CMFA, and the City will not bear any responsibility for the tax-exempt status of the interest on the Bonds, the debt service on the Bonds or any other matter related to the Bonds.

TEFRA Hearing - Garden City Special Needs Housing (5/10/10)

July 17, 2018

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ATTACHMENTS:

Attachment A: GC -Final - TEFRA Resolution

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
APPROVING THE ISSUANCE BY THE CALIFORNIA MUNICIPAL
FINANCE AUTHORITY OF MULTIFAMILY HOUSING REVENUE
BONDS FOR THE PURPOSE OF FINANCING THE DEVELOPMENT
OF AND TO CONSTRUCT THE GARDEN CITY SPECIAL NEEDS
HOUSING PROJECT**

WHEREAS, the California Municipal Finance Authority (the “Authority”) is authorized to issue revenue bonds for the purpose of financing multifamily rental housing projects; and

WHEREAS, Castillo Cypress LLC or a related or affiliated entity (the “Borrower”) has requested that the Authority participate in the issuance of one or more series of revenue bonds issued from time to time, including bonds issued to refund such revenue bonds in one or more series from time to time, in an aggregate principal amount not to exceed \$5,250,000 (the “Bonds”) for the development of and to construct a 30-unit lower-income rental housing development for individuals who qualify for Special Needs Housing as defined by California Health and Safety Code Section 51312 to be located at 5600/5690 Cypress Road, Oxnard, California, generally known as Garden City Special Need Housing Project (the “Project”); and

WHEREAS, pursuant to Section 147(f) of the Internal Revenue Code of 1986 (the “Code”), the issuance of the Bonds by the Authority must be approved by the City of Oxnard (the “City”) because the Project is located within the territorial limits of the City; and

WHEREAS, the City Council of the City (the “City Council”) is the elected legislative body of the City and is one of the “applicable elected representatives” required to approve the issuance of the Bonds under Section 147(f) of the Code; and

WHEREAS, the Authority has requested that the City Council approve the issuance of the Bonds by the Authority in order to satisfy the public approval requirement of Section 147(f) of the Code and the requirements of Section 4 of the Joint Exercise of Powers Agreement Relating to the California Municipal Finance Authority, dated as of January 1, 2004 (the “Agreement”), among certain local agencies, including the City; and

WHEREAS, pursuant to Section 147(f) of the Code, the City Council has, following notice duly given, held a public hearing regarding the issuance of the Bonds, and now desires to approve the issuance of the Bonds by the Authority;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Oxnard as follows:

Section 1. The above recitals are true and correct and are incorporated into the operative provisions of this Resolution.

Section 2. The City Council hereby approves the issuance of the Bonds by the Authority. It is the purpose and intent of the City Council that this resolution constitute approval of the issuance of the Bonds by the Authority solely for the purposes of (a) Section 147(f) of the Code and (b) Section 4 of the Agreement.

Section 3. The issuance of the Bonds shall be subject to the approval of the Authority of all financing documents relating thereto to which the Authority is a party. The City shall have no responsibility or liability whatsoever with respect to the Bonds.

Section 4. The adoption of this Resolution shall not obligate the City or any department thereof to (i) provide any financing to acquire or construct the Project or any refinancing of the Project; (ii) approve any application or request for or take any other action in connection with any planning approval, permit or other action necessary for the acquisition, construction, rehabilitation, installation or operation of the Project; (iii) make any contribution or advance any funds whatsoever to the Authority; or (iv) take any further action with respect to the Authority or its membership therein.

Section 5. The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they deem necessary or advisable in order to carry out, give effect to and comply with the terms and intent of this resolution and the financing transaction approved hereby.

Section 6. The City Clerk shall forward a certified copy of this Resolution and a copy of the affidavit of publication of the hearing notice to Borrower's bond counsel: Stephen Melikan, Jones Hall, 475 Sansom Street, Suite 1700, San Francisco CA 94111.

Section 7. This resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the City Council of the City of Oxnard this 17th day of July, 2018, by the following vote.

AYES:

NOES:

ABSTAIN:

ABSENT:

Tim Flynn, Mayor

ATTEST:

Michelle Ascencion, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney

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**CITY COUNCIL
AGENDA REPORT**

TYPE OF ITEM: Report

AGENDA ITEM NO.: 1

DATE: July 17, 2018

TO: City Council

FROM: Stephen Fischer
City Attorney

A handwritten signature in dark ink, appearing to read "S. Fischer".

SUBJECT: Response to Grand Jury Report - Campaign Signs. (5/10/5)

CONTACT: Stephen Fischer, City Attorney
Stephen.Fischer@oxnard.org, (805) 385-7483

RECOMMENDATION:

That City Council authorizes the Mayor, the City Clerk, and the City Attorney to respond, on behalf of the City Council, to the Grand Jury report titled "Campaign Signs" dated April 5, 2018, in the form included as Attachment A.

BACKGROUND

The Ventura County Grand Jury recently published a report regarding campaign sign placement policies in five cities in the County of Ventura, including the City of Oxnard. The City is required to respond to certain findings, conclusions and recommendations in the Grand Jury report. The Grand Jury report (Attachment B) can be viewed online at: https://vcportal.ventura.org/GDJ/docs/reports/2017-18/GrandJuryReport_2017-2018_CampaignSigns.pdf.

The Grand Jury report found, concluded and recommended the following:

FA-04. The City of Oxnard provides political candidates with written policies related to sign placement within city limits. It also provides the County policies in the candidate manual.

C-03. The Grand Jury concluded the City of Oxnard's sign-placement policy provides insufficient direction regarding placement of campaign signs on private property.

R-01. The Grand Jury recommends that the County and the cities of Ventura, Oxnard, Camarillo,

Response to Grand Jury Report - Campaign Signs (5/10/5)

July 17, 2018

Page 2

and Thousand Oaks rewrite their campaign sign-placement regulations to provide more definitive direction to candidates. This is uniquely important for the City of Ventura, which is the only city to allow campaign signs on public property. The City of Simi Valley's policy is an example of clear and concise election sign rules and regulations.

The City agrees with the finding, conclusion and recommendation, and has implemented the recommendation by updating the election sign information provided to candidates in City elections to cite relevant City Code provisions and provide information in a format similar to the format recommended by the Grand Jury.

The City is required to respond by July 17, 2018, to certain findings and recommendations presented in the Grand Jury report. A draft of the response is presented as Attachment A.

STRATEGIC PRIORITIES

This agenda item is a routine operational item or does not relate to the four strategic plans adopted by City Council on May 17, 2016.

FINANCIAL IMPACT

There is no financial impact associated with responding to this Grand Jury report.

ATTACHMENTS:

Attachment A: Response to Grand Jury Form - Campaign Signs

Attachment B: GrandJuryReport_2017-2018_CampaignSigns (1)PDF

Response to Grand Jury Report Form

Report Title: Campaign Signs

Report Date: April 5, 2018

Response by: Tim Flynn

Title: Mayor

FINDINGS / CONCLUSIONS

- I (we) agree with the findings / conclusions numbered: FA-04 / C-03
- I (we) disagree wholly or partially with the Findings / Conclusions numbered: _____
 (Attach a statement specifying any portions of the Findings / Conclusions that are
 disputed; include an explanation of the reasons.)

RECOMMENDATIONS

- Recommendation number R-01 has been implemented.
 - A revised Election Sign Procedures summary has been added to the City Clerk's candidate manual for distribution to candidates for the November 2018 election. The revised summary is attached hereto.

Date: _____

Signed: _____
 Tim Flynn, Mayor

ATTEST:

 Michelle Ascencion, City Clerk

Date: _____

Signed: _____
 Stephen M. Fischer, City Attorney

Number of pages attached: 1

ELECTION SIGN PROCEDURES AND REGULATIONS

- The placement of election signs is subject to regulation by the City, the County, and the State of California.
- This information is provided as a courtesy to all candidates for public office who may post temporary signs within the City of Oxnard in connection with the November 2018 Election.
- Temporary, noncommercial signs, including election signs, are regulated under Oxnard City Code §§16-597, 16-602(D), and 16-605(A)(1-2).
 - City Code Website: http://www.amlegal.com/codes/client/oxnard_ca/

Election signs may be posted beginning:	Friday, September 7
Election signs must be removed by:	Friday, November 16

- A permit is not required for election signs, but the following standards must be met:
 - Signs are allowed in all zones for no more than 60 days prior to, and including the day of, the election and must be removed within 10 days after the date of the election.**
 - Freestanding signs must be no more than 6 square feet in size and shall not be located within 10 feet of any property line.
 - Signs are not allowed to be located in the public rights-of-way and will be removed without notice. This includes medians, parkways and easements, utility poles, fencing, trees, shrub, railroad crossings, or lighting systems. If you believe City staff has abated your sign and you wish to retrieve the sign, please contact the City Clerk at (805)385-7803 within 14 days of abatement. After 14 days, all abated signs are discarded.
 - Signs may only be placed on private property with the permission of the property owner or their designee.
 - Portable signs are prohibited.
- When Code Compliance Division verifies a sign complaint on private property, verbal notification will be given to the candidate or campaign headquarters (the contact identified by the candidate) to correct the sign violation(s) within a 24-hour notification period.
 - If the sign violation is abated, no further Code Compliance action will take place.
 - If the violation is not abated within the 24-hour notification, or if after being notified of the sign regulations there are repeat sign violations of the same nature on private property or in the public rights-of-way, Code Compliance will proceed with additional action, which may include abating the sign and charging the candidate/campaign representative for all costs associated with the abatement in accordance with the Oxnard City Code, and additional civil or legal action may be taken up to and including criminal prosecution for repeat violations.
- Section 1-10 and Article III of Chapter 7 of the Oxnard City Code address enforcement of violations of the City's sign regulations.



Final Report

Campaign Signs

April 5, 2018

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Campaign Signs

Summary

The 2017-2018 Ventura County Grand Jury (Grand Jury) conducted an investigation into political sign-placement policies in Ventura County (County). The Grand Jury investigated five cities: San Buenaventura (Ventura), Oxnard, Camarillo, Thousand Oaks, and Simi Valley.

The Grand Jury concluded four of the five cities' and the County's sign policies could be clearer and easier for candidates to follow. It is recommended that the County and the four cities rewrite their campaign sign-placement regulations to provide more definitive direction to candidates. The Grand Jury concluded the City of Simi Valley's policies are exemplary, presenting campaign sign information in a clear and concise manner.

Background

The Grand Jury received a complaint alleging unlawful removal of political signs.

Incorporated cities have their own policies regarding political sign placement. There are regulations as to how far in advance election signs can be placed and how quickly after an election they must be removed. The size and content of the signs, as well as the placement, may also be regulated.

The County has its own sign-placement policy for unincorporated areas. The State Department of Transportation, through the Outdoor Advertising Act, regulates the placement of signs near State or County highways.

Candidates and their designees are responsible for knowing the regulations and whom to contact in the appropriate jurisdiction if there is an issue or question. Failure to comply with regulations could result in the removal of signs, with possible penalties imposed.

Methodology

The Grand Jury reviewed the political sign-placement policies of the five largest incorporated cities in the County: Ventura, Oxnard, Camarillo, Thousand Oaks and Simi Valley. The Grand Jury contacted the Ventura County Clerk and the five City Clerks and requested sign-placement policies and/or candidate manuals.

Facts

FA-01. The County provides political candidates with a manual containing written policies related to sign placement within the unincorporated areas of the County. If questions arise, a phone number is provided to reach the Ventura County Planning Department. (Att-01)

FA-02. The City of Ventura provides political candidates with written policies related to sign placement within city limits. It also provides the County policies in the candidate manual. (Att-02)

- FA-03.** Of the five largest incorporated cities in the County, Ventura is the only city that allows campaign signs on public property within city limits.
- FA-04.** The City of Oxnard provides political candidates with written policies related to sign placement within city limits. It also provides the County policies in the candidate manual. (Att-03)
- FA-05.** The City of Camarillo provides political candidates with written policies related to sign placement. There are distinct policies for three defined zones within city limits: residential, commercial, and industrial/agricultural. The policies are nonspecific regarding timeframe for sign removal. County policies are also supplied in the candidate manual. The Code Enforcement Division phone number is provided with the policies. (Att-04)
- FA-06.** The City of Thousand Oaks provides political candidates with a two-page written policy composed of excerpts from the municipal code related to sign placement. The policy includes a website link to the entire municipal code. The City also provides the County policies in the candidate manual. (Att-05)
- FA-07.** The City of Simi Valley furnishes political candidates with written policies related to sign placement within city limits. It also provides the County policies in the candidate manual. Candidates are invited to a half-day orientation offering an overview of City government and policies. Prior to the start of the sign-posting period, letters and an illustrative flyer are mailed to candidates reminding them of City sign-posting regulations. (Att-06)

Conclusions

- C-01.** The Grand Jury concluded the County's restrictions on campaign sign posting are vague in the candidate manual. A complete list of restrictions can only be found on the actual political sign registration form. (FA-01)
- C-02.** The Grand Jury concluded the City of Ventura's sign-placement requirements for public property placement are unclear. For example, the regulation states signs may be placed in the public right-of-way, but should not "be located in a manner that may constitute a traffic hazard or create a hazardous condition for persons using the public right-of-way." (FA-02, FA-03)
- C-03.** The Grand Jury concluded the City of Oxnard's sign-placement policy provides insufficient direction regarding placement of campaign signs on private property. (FA-04)
- C-04.** The Grand Jury concluded the City of Camarillo's sign-placement policy is unnecessarily complicated because it requires candidates to know city zoning maps in order to comply with sign-placement regulations. (FA-05)
- C-05.** The Grand Jury concluded the City of Thousand Oaks' political sign-placement policy is insufficient as it relies solely on excerpts from the

municipal code. Although a link to the full municipal code is provided in the policy, it is difficult for candidates to navigate. (FA-06)

- C-06.** The Grand Jury concluded the City of Simi Valley's political sign-placement policy provides precise direction to candidates regarding sign placement. The written regulations, as well as a one-page illustrative flyer, make campaign sign requirements clear and concise. (FA-07)

Recommendation

- R-01.** The Grand Jury recommends that the County and the cities of Ventura, Oxnard, Camarillo, and Thousand Oaks rewrite their campaign sign-placement regulations to provide more definitive direction to candidates. This is uniquely important for the City of Ventura, which is the only city to allow campaign signs on public property. The City of Simi Valley's policy is an example of clear and concise election sign rules and regulations. (C-01, C-02, C-03, C-04, C-05, C-06)

Responses

Responses Required From:

City Council, City of Camarillo (C-04, R-01)

City Council, City of Oxnard (C-03, R-01)

City Council, City of Simi Valley (C-06, R-01)

City Council, City of Thousand Oaks (C-05, R-01)

City Council, City of San Buenaventura (C-02, R-01)

Board of Supervisors, Ventura County (C-01, R-01)

Attachments

Att-01. County of Ventura Campaign Sign-Placement Policy

Att-02. City of Ventura Campaign Sign-Placement Policy

Att-03. City of Oxnard Campaign Sign-Placement Policy

Att-04. City of Camarillo Campaign Sign-Placement Policy

Att-05. City of Thousand Oaks Campaign Sign-Placement Policy

Att-06. City of Simi Valley Campaign Sign-Placement Policy

Glossary

TERM

County

Grand Jury

Ventura

DEFINITION

County of Ventura

2017-2018 Ventura County Grand Jury

City of San Buenaventura

Attachment 01

County of Ventura Campaign Sign-Placement Policy

POLITICAL SIGNS

The placement of political signs is subject to regulation by the cities, county and state.

CITY

Consult the appropriate City Clerk for information concerning local sign ordinances.

COUNTY

The Ventura County Ordinance only regulates signs placed in the unincorporated areas of the county. You are encouraged to read it and if you have any questions relating to political signs, the staff of the Ventura County Planning Department will be happy to assist you. They can be reached at (805) 654-2488 or (805) 654-2451.

COUNTY SIGNS - STANDARDS AND PERMITS

County of Ventura Planning Code, Chapter 8, states:

§8110-6.8 - Political Signs

The purpose of this section is to prevent damage to Public property, protect the integrity of the electoral process and prevent the erosion of aesthetic quality and historic values within the County. It is specifically recognized that if temporary political signs on private property are not removed after the election is held, the deteriorating signs and accumulating debris become a blight, defacing the landscape. It is therefore an intent of this Article to make provision for the erection and removal of such signs after the election which they publicized has been held.

§8110-6.8.1 - Political Signs on Private Property

No temporary political sign face shall exceed thirty-two (32) square feet in area. The aggregate area of all temporary signs placed or maintained on any lot in one ownership shall not exceed ninety-six (96) square feet.

§8110-6.8.2 - Political Sign Registration

In order to keep track of the placement of temporary political signs to assure removal subsequent to an election, such signs shall be registered with the Planning Department by the candidate or his or her registered agent, or, when a ballot proposition is involved, by an authorized agent of the group or organization sponsoring the signs, prior to the distribution of such signs for the attachment or installation on any property. Registration of political signs shall be on forms available in the Planning Department and shall be accompanied by an agreement signed by the candidate or his or her authorized agent, or when a ballot proposition is involved, by an authorized agent of the group or organization sponsoring the signs, that within ten calendar days after the election all political signs shall be removed, and a certified statement by the registrant that consent will be obtained from each owner of the property on which a sign is to be posted.

§8110-6.8.3 - Location

Political signs may not be affixed, installed, or erected within 100 feet of a polling place or historic site, nor within the right of way of any highway, nor within 660 feet of the edge of a "Scenic Highway" or landscaped freeway, nor in any location where the sign will impair sight distance or create a hazard to traffic or pedestrians, nor on any telephone pole, lamppost, tree, wall, fence, bridge, bench, hydrant, curbstone, sidewalk or other structure in or upon any public right-of-way, nor upon any other public property.

§8110-6.8.4 - Time Frames

Temporary political signs shall not be posted sooner than 90 days prior to a scheduled election administered by the County Elections Department. Said signs shall be removed within 10 days after the election.

§8110-6.8.5 - Enforcement

Except for signs remaining posted after the post-election deadline, any political sign not posted in accordance with the provisions of this Article shall be deemed to be a public nuisance and shall be subject to removal by the candidate, property owner, or, when a ballot proposition is involved, the authorized agent of the group or organization sponsoring the sign or, upon their failure to do so after reasonable attempt at notice by the County, by County officers or zoning inspectors. Any political sign which is not removed within the specified period following an election shall be subject to summary removal and confiscation by the County.

STATE

As noted in the following letter from the State Department of Transportation, political signs within view of State or County highways are subject to the provisions of the Outdoor Advertising Act. The Division of Highways is prepared to answer questions about state regulation of campaign signs, call (916) 654-6473.

county of ventura



NOTICE TO ALL POLITICAL CANDIDATES

POLITICAL CAMPAIGN SIGNS AND ADVERTISING IN COUNTY ROAD RIGHT OF WAY

PUBLIC WORKS AGENCY
JEFF PRATT
Agency Director

Watershed Protection District
Tully R. Clifford, Director

Transportation Department
David L. Fleisch, Director

Engineering Services Department
Herbert L. Schirmer, Director

Water & Sanitation Department
David J. Samik, Director

Central Services Department
Janice E. Turner, Director

As we enter into the election season, it is appropriate to remind all candidates that it is a violation of the County Encroachment Ordinance (Division 12 of the Ventura County Ordinance Code) to place political campaign or other such advertisements or endorsements in the County road right-of-way. This includes the center medians, sidewalk or paths, and the portion of the County road right-of-way immediately adjacent to the pavement. (Note: The County Encroachment Ordinance applies only to the unincorporated area of the County; however, most cities have similar ordinances.)

Similarly, it is a violation to place campaign signs or other such advertisements on official traffic signs, public utility poles, or other improvements located in the County road right-of-way.

When placing any advertisements, banners, or signs on private property, please make sure that you obtain the property owner's permission. Also, please make sure these signs or banners do not interfere with motorist sight distance or pedestrian use of the right-of-way, including sidewalks and the like.

Public Works Agency does not have the resources to enforce all violations of the Encroachment Ordinance. However, if we observe them or receive notifications, we will try to notify you first and give you the opportunity to move the item. If the encroachment obstructs or interferes with the public's safe use of the right-of-way, we may have to immediately remove any such encroachment without notifying you.

We felt you would want to be aware of this Ordinance to ensure you and your supporters comply with the County's rules and regulations regarding political campaign signs and advertising. It would also be appreciated if, as soon as possible after the election is over – win or lose – all of your signs and/or banners were removed. We all take pride in the appearance of our County.

Should you have any questions, please feel free to contact me.

David Fleisch
Director
Transportation Department
(805) 654-2077, david.fleisch@ventura.org



In County road right-of-way



Hall of Administration L # 1600
800 S. Victoria Avenue, Ventura, CA 93009 • (805) 654-2018 • FAX (805) 654-3952 • <http://www.venturaonline.org>





Political Sign Registration

County of Ventura • Resource Management Agency • Planning Division

800 South Victoria Avenue, Ventura, CA 93009 • 805 654-2488 • <http://www.ventura.org/rma/planning>

CANDIDATE OR ISSUE: _____

APPLICANT: _____

MAILING ADDRESS: _____

PHONE NUMBER: _____

I hereby agree that:

1. The candidate or issue proponent has obtained the consent of all property owners to place political signs on their property.
2. That all signs will be removed within ten calendar days after the election.
3. That all signs will comply with Sec. 8110-4 (Prohibited Signs), Sec. 8110.6.8.2 (Location) and Sec. 8110-6.8 (Political Signs) of the Ventura County Zoning Ordinance.
4. No temporary political sign shall exceed 32 square feet in area. The aggregate area of all temporary signs placed or maintained on any lot in one ownership shall not exceed 96 square feet.
5. Sec. 8110-4 - Prohibited Signs

The following signs and sign types are prohibited:

- a. Sandwich-board, A-frame and portable freestanding signs;
- b. Bench signs, except at bus stops designated on a valid bus schedule;
- c. Signs which flash, scintillate, move or rotate, except for clocks and time and temperature signs;
- d. Banners, pennants, flags (except as permitted by Sec. 8110-3e; no other flags are permitted);
- e. Captive balloons or signs which change color or appear to change color or where the intensity of light changes or appears to change, except on a temporary basis in accordance with Sec. 8110-6.11;
- f. Portable or trailer-mounted off-site advertising or tract signs;
- g. Any sign which emits sound;
- h. Any sign erected in such a manner that any portion of the sign or its support is attached to or will interfere with the free use of any fire escape, exit or standpipe, or will obstruct any stairway, door, ventilator or window;
- i. Projecting signs, unless suspended from a canopy in accordance with Sec. 8110-6.2, or attached to a service station canopy roof in accordance with Sec. 8110-6.9.1;
- j. Roof signs;
- k. Any sign or sign structure which is structurally unsafe or constitutes a hazard to health or safety by reason of design, inadequate maintenance or dilapidation;

- l. Any sign erected or attached to any tree or utility pole within any public right-of-way, or any sign erected within the boundaries of the required right-of-way for any mapped road as shown on the Circulation Element of the Ventura County General Plan;
 - m. Any sign erected in such a manner that it will or may reasonably be expected to interfere with, obstruct, confuse or mislead traffic;
 - n. The use of any item of merchandise or other commodity related to the business as a sign, except as such commodity may be permanently incorporated into a sign structure as permitted by this Article;
 - o. Signs attached to the exterior surfaces of windows; (ADD. ORD. 3810 - 5/5/87);
 - p. Off-site signs, except as specifically permitted in Sections 8110-5.1 and 8110-5.6. (ADD. ORD. 3810 - 5/5/87).
6. Sec. 8110-6.8 - Political Signs
The purpose of this section is to prevent damage to Public property, protect the integrity of the electoral process and prevent the erosion of aesthetic quality and historic values within the County. It is specifically recognized that if temporary political signs on private property are not removed after the election is held, the deteriorating signs and accumulating debris become a blight, defacing the landscape. It is therefore an intent of this Article to make provision for the erection and removal of such signs after the election which they publicized has been held.
7. Sec. 8110-6.8.3 - Location
Political signs may not be affixed, installed, or erected within 100 feet of a polling place or historic site, nor within the right of way of any highway, nor within 660 feet of the edge of a "Scenic Highway" or landscaped freeway, nor in any location where the sign will impair sight distance or create a hazard to traffic or pedestrians, nor on any telephone pole, lamppost, tree, wall, fence, bridge, bench, hydrant, curbstone, sidewalk or other structure in or upon any public right-of-way, nor upon any other public property. (AM. ORD. 3730 - 5/7/85; AM. ORD. 4216 - 10/24/00)
8. Sec 8110-6.8.4 - Time Frames
Temporary political signs shall not be posted sooner than 90 days prior to a scheduled election administered by the County Elections Department. Said signs shall be removed within 10 days after the election. (ADD. ORD. 4216 - 10/24/00)
9. Sec. 8110-6.8.5 - Enforcement
Except for signs remaining posted after the post-election deadline, any political sign not posted in accordance with the provisions of this Article shall be deemed to be a public nuisance and shall be subject to removal by the candidate, property owner, or, when a ballot proposition is involved, the authorized agent of the group or organization sponsoring the sign or, upon their failure to do so after reasonable attempt at notice by the County, by County officers or zoning inspectors. Any political sign which is not removed within the specified period following an election shall be subject to summary removal and confiscation by the County. (AM. ORD. 3730 - 5/7/85; AM. ORD. 4216 - 10/24/00)

SIGNATURE (APPLICANT)_____
DATE_____
APPROVAL SIGNATURE_____
DATE

Political Sign Registration May-2008

Attachment 02

City of Ventura Campaign Sign-Placement Policy

POLITICAL SIGNS

The placement of political signs is subject to regulation by the City of San Buenaventura, County of Ventura, and State of California.

City Regulations

Temporary Political Sign

Temporary political signs shall not be installed more than six months prior to any national election or more than three months prior to any other election, and shall be removed within ten days of the completion of the subject election. Temporary political signs identifying campaign headquarters shall not be subject to Sections 24.420.100 through 24.420.250. Temporary political signs located on private property shall have the permission of the property owner. Temporary political signs may be located in a public right-of-way, such as within treewells, sidewalks, or parkways but not within medians or roadways. No temporary political sign on private property or in a public right-of-way shall be located in a manner that may constitute a traffic hazard or create a hazardous condition for persons using the public right-of-way.

(Excerpt from Municipal Code, Chapter 24.420.050, Paragraph 10)

Owner's Authorization

It shall be unlawful for any person or persons to post, stick, stamp, paint or otherwise affix, or cause to be done by another, any notice, placard, bill, poster, or advertisement to or upon any sidewalk, crosswalk, curbing, hydrant, tree, fence, inclosure or building, or upon any telegraph, telephone, or electrical lighting pole, without first obtaining the permission of the owner, agent or occupant thereof.

(Excerpt from Municipal Code, Section 18.220.010, Paragraph E)

Handbills

It shall be unlawful for any persons, either directly or indirectly, to distribute, deposit, place, throw, scatter, or cast, any handbill in or upon any public thoroughfare, park, ground, or other public place within the city or upon any private yard, grounds, walk, porch, steps, mailbox, vestibule, house, residence, building, or any other private property.

(Excerpt from Municipal Code, Section 18.220.010, Paragraph A)

Attachment 03
City of Oxnard Campaign Sign-Placement Policy

POLITICAL SIGNS

The placement of political signs is subject to regulation by the cities, county and state.

CITY In a further effort to make Oxnard more attractive, candidates and committees are requested to follow these guidelines for posting political signs:

1. Signs and bumper stickers should not be placed on public or private property without the owner's consent.
2. Signs and bumper stickers should not be placed so as to obstruct intersections, cover traffic signs, or otherwise constitute a safety hazard.
3. Signs and bumper stickers with adhesive backing should not be affixed to any structure.
4. Signs should be removed promptly within 10 days after the election.

Any inquires about political signs will be referred to the candidate by the City Clerk's Office.

Attachment 04
City of Camarillo Campaign Sign-Placement Policy

CITY OF CAMARILLO SIGN REGULATIONS DURING ELECTION PERIODS AND OTHER TIMES

This handout summarizes the City of Camarillo's Sign Code¹ provisions regarding "noncommercial signs"² that may be posted with campaign or political messages. Some noncommercial signs are permitted at any time, and other sign opportunities are only provided during an "election period," which is defined as "the period commencing 90 days before any national, state, or local election in which city electors may vote up through the date of the election."³

Temporary Noncommercial Sign Opportunities on a Parcel During an Election Period

<u>Residential Zones</u>	<u>Commercial Zones</u>	<u>Industrial & Agriculture Zones</u>
8 temporary freestanding noncommercial signs • 6 sq. ft. area/face • 4 feet max. height • Non-illuminated • Must be removed promptly after the election	8 temporary freestanding noncommercial signs • 32 sq. ft. area/face • No more than 4 feet high at the bottom of the sign • 10 feet maximum height • Non-illuminated • Must be removed promptly after the election	8 temporary freestanding noncommercial signs • 32 sq. ft. area/face • No more than 4 feet high at bottom of the sign • 10 feet maximum height • Non-illuminated • Must be removed promptly after the election

The Sign Code also provides the following noncommercial sign opportunities at all times.

Temporary Noncommercial Sign Opportunities on a Parcel at All Times

<u>Residential Zones</u>	<u>Commercial Zones</u>	<u>Industrial & Agriculture Zones</u>
2 temporary freestanding noncommercial signs (which may be for campaign messages) • 6 sq. ft. area • 4 feet height • Non-illuminated	N/A	N/A
1 temporary window sign (which may be a noncommercial/campaign sign) is permitted on each building frontage • 6 sq. ft. in area or 25% of the window area of any single window, whichever is greater	No more than 25% of the window area may be utilized for window signs, which may include noncommercial/campaign signs	1 temporary window sign (which may be a noncommercial/campaign sign) is permitted on each building frontage • 6 sq. ft. in area or 25% of the window area of any single window, whichever is greater

In addition to the above opportunities, and subject to the consent of the property owner, a noncommercial message of any type may be substituted for all or part of the commercial or noncommercial message on any sign allowed under the City's Sign Code. No special or additional approval is required to substitute a noncommercial message for any other message on a

¹ Camarillo Municipal Code (CMC) Chapter 17.04.

² CMC §17.04.020 (Definitions) defines a "noncommercial sign" as "a sign that does not name, advertise or call attention of a commercial or industrial business, commodity, product, good, service or other commercial or industrial activity for a commercial or industrial purpose." This definition include signs with political or campaign messages.

³ CMC §17.04.020.

CAM #4831-6922-0144 v3

permitted sign, provided the sign structure is already approved or exempt from the City's sign permit requirement and no structural or electrical change is made. (CMC §17.04.040.D.)

General Time, Place and Manner Sign Code Regulations Affecting Noncommercial Signs

Please note that:

- No sign may be placed or erected on private property without the full knowledge and consent of the lawful occupant or, if there is no lawful occupant, without the full knowledge and consent of the property owner. (CMC §17.04.040.B.)
- No sign may be placed in a manner that impedes, obstructs, denies or impairs the sight distance for safe pedestrian or vehicular traffic. If a residential property abuts a non-residential road, please make sure the sign is located on the private property and, if possible, set back at least 10 feet from the public road. (CMC §17.04.070.A.3; §17.04.130.M.)
- Signs may not be placed on any public property or in the public right-of-way, which includes, but is not limited to, any street, sidewalk, walkway, parkway, floodway, wall, or other city-owned structure. Signs also may not be posted in such a manner as to hang over or into a sidewalk or walkway area. (CMC §17.04.070.A.1.)
- Signs may not be attached to any other sign including any traffic sign or be posted in any way that would create a hazard for pedestrian or vehicular traffic. (CMC §17.04.130.M.)

Any sign not in compliance with the regulations above or other applicable provisions of the Camarillo Municipal Code may be removed by the City. Nothing prohibits the removal of any sign that is determined by the Public Works Director or Director of Community Development, or their designees, to be an immediate danger to persons or property. Additionally, any sign may be removed with the property owner's authorization. (CMC §17.04.140.) If a sign is removed by the City, it will be stored in the Community Development Department at City Hall. It is the candidate's responsibility to reclaim the sign.

If you have any questions, you can contact Elena in the Code Enforcement Division at (805) 383-5660.

Attachment 05
City of Thousand Oaks Campaign Sign-Placement Policy

POLITICAL SIGNS

City Council Candidates may elect to use campaign signs to promote their candidacy. The City asks that each candidate keep in mind the best interests of the community through compliance with the following excerpts from the Thousand Oaks Municipal Code for placing campaign signs. The City's desire is to maintain an aesthetically pleasing appearance in the City, while providing sufficient opportunity for each candidate to increase voter awareness.

Excerpts from the Thousand Oaks Municipal Code

Definition: A sign erected prior to an election to advise or identify a candidate, campaign issue, election proposition, or other related matters. [TOMC §9-4.2303]

Timing: Political Signs cannot be displayed sooner than (45) days before Election Day and must be removed no later than (7) days after election. [TOMC §9-4.2304(d)]

Unauthorized Removal of Signs: No person shall remove, destroy, relocate or otherwise disturb any political sign without the permission of the party who erected the sign. It shall be presumed, as to signs for political candidates, that the political candidate or his or her representative is the party who erected the sign. It shall further be assumed that the committee who has registered with the Secretary of the State to support a position on a ballot proposition is the party who erected the sign taking the position on a ballot measure. This subsection shall not prohibit the owner of a piece of property, or authorized representative, from removing a sign from property when the sign has been erected without consent; and provided, nothing in this subsection shall prevent the Thousand Oaks Community Development Director or authorized representative from taking action to abate sign violations pertaining to political signs pursuant to TOMC §9-4.2304(e). [TOMC §9-4.2304(f)]

Permitted Zones: Residential, trailer park development, commercial and industrial zones, per the following: [TOMC §9-4.2305, 9-4.2306, 9-4.2307, 9-4.2308 and 9-4.2309]

Size Requirements: Temporary political signs shall be permitted and shall not exceed twelve (12') square feet in area and six (6') feet in visible height. [As outlined in Permitted Zones.]

Placement: One political sign per candidate or position on a ballot issue shall be displayed on any one side of a parcel of record having frontage on a public street.

However, if the parcel has frontage along two public streets, two signs are permitted, one along each frontage---provided the distance between the two signs is not closer than 100 feet. [TOMC §9-4.2309(v)]

Political signs identifying more than one candidate qualify as a sign for each candidate. Therefore, candidates identified on a joint political sign are not permitted to place any other sign on a parcel fronting the same public street.

Political signs are permitted on existing advertising and/or directional signs of NEW subdivisions in residential zones. Political signs are permitted on existing off-site free standing signs in commercial and industrial zones. [TOMC §9-4.2306(a)(11) and 9-4.2309(v)]

Political signs may **not** be attached to real estate advertising signs, placed on public property or in public right of ways. [TOMC §9-4.2309(w)(3)(vi), 9-4.2309(v), and §9-4.2305]

The entire Municipal Code may be viewed online at:

http://www.amlegal.com/codes/client/thousand-oaks_ca/

Attachment 06
City of Simi Valley Campaign Sign-Placement Policy

SIGN PROCEDURES***City of Simi Valley Sign Regulations***

- The placement of political signs is subject to regulation by the City, the County, and the State of California.
- This information is provided as a courtesy to all candidates for public office who may post temporary signs within the City of Simi Valley in connection with the November 2016 Election.
- Temporary, non-commercial signs, including political signs, are regulated under Simi Valley Municipal Code §9-37.070 (Temporary Sign Standards).

Election signs may be posted beginning:	Friday, September 9
Election signs must be removed by:	Tuesday, November 15

- A permit is not required for non-commercial signs, but the following standards must be met:
 - **Signs are allowed in all zones for no more than 60 days prior to, and including the day of, the election and must be removed within 7 days after the date of the election.**
 - Freestanding signs must be no more than 12 square feet in size and shall not exceed a height of six feet, including the framework supporting the sign.
 - Signs are not allowed to be located in the public rights-of-way and will be removed without notice. This includes medians, parkways, and easements. If you believe City staff has abated your sign and you wish to retrieve the sign, please contact the Public Services Center at (805) 583-6400 within 14 days of abatement. After 14 days, all abated signs are discarded.
 - Signs may only be placed on private property with the permission of the property owner or their designee.
 - Signs placed on private property are required to include identification/contact information for the sign owner (candidate or campaign representative) affixed in the lower right hand corner of the sign or incorporated in the sign graphics. The required information includes name, address, and telephone number for the candidate/campaign representative. As an alternative, address information may be maintained on file with the organization, the individual, the campaign office, or the County of Ventura Elections Division and made easily accessible if verification of sign ownership is requested.

- Signs placed on commercial/industrial private property and residential vacant lots are required to have property owner permission and must have the property owner's name and phone number affixed to the lower right hand corner of the sign. As an alternative, the property owner's authorized representative (property manager or leaseholder) may provide permission for the sign placement and "Property Owner Permission on File" may be affixed to the sign instead of the owner's name and telephone number, provided that the contact information is maintained on file with the organization, the individual or the campaign office and made easily accessible if verification of property owner permission is requested.
- The property owner name and phone number is not required to be posted on election signs placed on single-family residential properties, since it is implied that the property owner is giving permission by the act of posting the sign in the front of their home on their property.
- Signs may not be placed on utility poles, fencing, trees, shrubs, railroad crossings, or lighting systems.
- Portable signs are prohibited.
- When Code Enforcement verifies a sign complaint on private property, verbal notification will be given to the candidate or campaign headquarters (the contact identified by the candidate) to correct the sign violation(s) within a 24-hour notification period.
 - If the sign violation is abated, no further Code Enforcement action will take place.
 - If the violation is not abated within the 24-hour notification, or if after being notified of the sign regulations there are repeat sign violations of the same nature on private property or in the public rights-of-way, Code Enforcement will proceed with additional action, which may include abating the sign and charging the candidate/campaign representative for all costs associated with the abatement in accordance with the Simi Valley Municipal Code, and additional civil or legal action may be taken up to and including criminal prosecution for repeat violations.
- Please be advised that Section 9-37.070.E of the Simi Valley Municipal Code prohibits the unauthorized removal or destruction of lawfully placed temporary signs.
- Section 9-37.090 of the Simi Valley Municipal Code addresses enforcement of violations of Chapter 9-37.
- The City of Simi Valley Temporary Sign Responsibility Form can be found on page 17.



September 1, 2016

Dear Candidate:

This letter is being sent as a courtesy to all candidates for public office who may post temporary signs within the City of Simi Valley in connection with the November 2016 Presidential and General Election. In an effort to ensure that your signs comply with the City's Municipal Code, I encourage you to review Chapter 37 of the Simi Valley Municipal Code, which regulates non-commercial temporary signs, including election signs. The following summarizes some of the regulations pertinent to election signs during this campaign season, and an illustrative flyer is included to assist in understanding these regulations. A permit is not required for non-commercial signs, however the following standards must be met:

- Freestanding signs must be no more than 12 square feet in size and shall not exceed a height of six feet, including the framework supporting the sign.
- Signs are not allowed to be located in the public rights-of-way and will be removed without notice. This includes medians, parkways, and easements. If you believe City staff has abated your sign and you wish to retrieve the sign, please contact the Public Services Center at (805) 583-6400 within 14 days of abatement. After 14 days, all abated signs are discarded.
- Signs are allowed in all zones for no more than 60 days prior to, and including the day of, the election and must be removed within 7 days after the date of the election.
- Signs may only be placed on private property with the permission of the property owner or their designee.
- Signs placed on private property are required to include identification/contact information for the sign owner (candidate or campaign representative) affixed in the lower right hand corner of the sign or incorporated in the sign graphics. The required information includes name, address, and telephone number for the candidate/campaign representative. As an alternative, address information may be maintained on file with the organization, the individual, the campaign office, or the County of Ventura Elections Division and made easily accessible if verification of sign ownership is requested.
- Signs placed on commercial/industrial private property and residential vacant lots are required to have property owner permission and must have the property owner's name and phone number affixed to the lower right hand corner of the sign. As an alternative, the property owner's authorized representative (property manager or leaseholder) may provide permission for the sign placement and "Property Owner Permission on File" may be affixed to the sign instead of the owner's name and telephone number, provided that the contact information is maintained on file with the organization, the individual or the campaign office and made easily accessible if verification of property owner permission is requested.

Bob Huber, Mayor Keith L. Mashburn, Mayor Pro Tem Glen T. Becerra, Council Member Steven T. Sojka, Council Member Mike Judge, Council Member

2929 Tapo Canyon Road, Simi Valley, CA 93063-2199 805.583.6700 www.simivalley.org

- The property owner name and phone number is not required to be posted on election signs placed on single-family residential properties, since it is implied that the property owner is giving permission by the act of posting the sign in the front of their home on their property.
- Signs may not be placed on utility poles, fencing, trees, shrubs, railroad crossings, or lighting systems.
- Portable signs are prohibited.

When Code Enforcement verifies a sign complaint on private property, verbal notification will be given to the candidate or campaign headquarters (the contact identified by the candidate) to correct the sign violation(s) within a 24-hour notification period. If the sign violation is abated, no further Code Enforcement action will take place. If the violation is not abated within the 24-hour notification or if after being notified of the sign regulations there are repeat sign violations of the same nature on private property or in the public rights-of-way, Code Enforcement will proceed with additional action, which may include abating the sign and charging the candidate/campaign representative for all costs associated with the abatement in accordance with the Simi Valley Municipal Code, and additional civil or legal action may be taken up to and including criminal prosecution for repeat violations.

Please be advised that Section 9-37.070.E of the Simi Valley Municipal Code prohibits the unauthorized removal or destruction of lawfully placed temporary signs. Section 9-37.090 of the Simi Valley Municipal Code addresses enforcement of violations of Chapter 9-37.

Enclosed you will find the City's Statement of Responsibility Form for Temporary Political Signs. Please complete this form and send it back to the City Clerk's Office at your earliest convenience.

Questions regarding the City's sign requirements and enforcement should be directed to Kevin Murphy at (805) 583-6319 or Nancy Cole at (805) 583-6386 in the Community Services Department. A copy of Simi Valley Municipal Code Chapter 9-37 (Signs) is available on the City's website, www.simivalley.org or at the City Clerk's Office, (805) 583-6748.

Your attention to this matter is appreciated.

Respectfully,



Ky Spangler
Deputy Director/City Clerk

Encl.

cc: City Manager
City Attorney
Director of Environmental Services
Director of Community Services
Director of Public Works
Deputy Director/City Planner
Deputy City Manager
Code Enforcement Manager

2016 General Election Candidate's Guide to Placing Campaign Signs in Simi Valley

Campaign signs may be posted on private property beginning Friday, September 9, 2016.

All signs must be removed no later than Tuesday, November 15, 2016.

The following information is required on signs:



Sign must be 12 square feet or less.

Identification

Name, telephone number, and address of the candidate or the campaign's telephone number and address affixed to the sign or incorporated in the sign's graphics or candidate contact information can be on file where City staff can access it.

Permission

Signs must have property owner permission to be posted on private property, and the phrase, "Property owner permission on file" must be affixed to the sign or the property owner's name or authorized representative's name and telephone number must be on the sign.

The identification requirements are not required to be affixed to the sign if the sign is posted on single family residential property. However, **no signs are allowed to be posted in medians or anywhere in the parkway areas (public right-of-way).**

Prohibited Signs:

- Signs in public rights-of-way
- Signs over 12 square feet
- Portables or A-frame signs
- Signs higher than six feet
- Signs that are attached to other signs, landscaping, fencing, or utility poles, or lighting systems
- Signs on private property without property owner or authorized representative's permission



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**CITY COUNCIL
AGENDA REPORT**

TYPE OF ITEM: Report

AGENDA ITEM NO.: 2

DATE: July 17, 2018

TO: City Council

FROM: Stephen Fischer
City Attorney

A handwritten signature in cursive script, appearing to read "S. Fischer".

SUBJECT: Alcohol Possession and Consumption Ordinance. (5/5/10)

CONTACT: Stephen Fischer, City Attorney
Stephen.Fischer@oxnard.org, (805) 385-7483

RECOMMENDATION:

That City Council approve the first reading by title only and waive further reading of an ordinance amending Chapter 7, Article VIII, Section 7-125 of the Oxnard City Code regulating alcohol possession and consumption in public places.

BACKGROUND

This amendment revises the existing Oxnard City Code ("OCC") section that concerns the consumption and possession of alcoholic beverages in public places. The amendment adds language that prohibits the possession of open containers of alcoholic beverages in public places.

In 1998, the City Council adopted Ordinance No. 2452, prohibiting the consumption of beverages containing more than .05% of alcohol by volume in public places. In 2008, the City Council adopted Ordinance No. 2774, prohibiting the possession of alcoholic beverages in City parks when such beverage receptacles have been opened, have a broken seal, or have had contents partially removed. Currently, the OCC reads:

"SEC. 7-125. POSSESSION AND CONSUMPTION OF ALCOHOL.

(A) No person shall consume any alcoholic beverage containing more than .05% of alcohol by volume, upon any public street, right-of-way, or public property.

(B) No person shall consume any alcoholic beverage containing more than .05% of alcohol by volume, upon any private street, building or private property within the city without the consent of the person or entity in possession or control thereof.

Alcohol Possession and Consumption Ordinance (5/5/10)

July 17, 2018

Page 2

(C) No person shall possess in any city park any can, bottle, or other receptacle containing any alcoholic beverage that has been opened, or a seal broken, or the contents of which have been partially removed.

(D) The city may issue a civil citation to any person who violates division (C) of this section or prosecute such violation as an infraction.

(E) A person shall not be in violation of division (C) of this section when that person is in possession of an alcoholic beverage container for the purpose of recycling or other related activity”

Section 7-125 is limited in that it only prohibits possession of an open container of alcoholic beverage in City parks. This has placed limitations on the enforcement of possession of open containers of alcoholic beverages in public places other than parks.

Possession of open containers of alcoholic beverages is viewed as a nuisance by the community and is of concern, as it is a predecessor of public alcohol consumption, public intoxication, and disorderly conduct. By adding a provision that allows the City to address open containers of alcoholic beverages in public places other than just City parks, officers would be able to better address public alcohol consumption, public intoxication, and other disorderly behaviors that threaten the safety and community life quality.

The proposed amendment to the code adds a prohibition on possession of alcoholic beverages on streets or other public places:

“SEC. 7-125. CONSUMPTION AND POSSESSION OF ALCOHOL

(A) Consumption of alcoholic beverages on streets and public places

No person shall consume beer, wine or other alcoholic beverage, as defined by the Alcoholic Beverage Control Act of the State of California:

(1) While upon any publicly owned property in the City, improved or unimproved, including, but not limited to, any of the following: public alleyways; public parking lots; public passageways; public streets; public rights-of-way; publicly owned, maintained or operated parks; publicly owned, maintained or operated landscaped areas or greenbelts; publicly owned, maintained or operated open spaces, including, but not limited to, those adjacent to City Hall or other public facilities or buildings of any kind; public sidewalks, curbs and gutters; public educational institutions; or other government owned, maintained or operated properties located within the City.

(2) Upon any private street, building or private property within the City without the consent of the person or entity in possession or control thereof.

(B) Possession of alcoholic beverages on streets or other public places

Alcohol Possession and Consumption Ordinance (5/5/10)

July 17, 2018

Page 3

(1) No person shall possess any can, bottle, or other receptacle containing any alcoholic beverage that has been opened, or a seal broken, or contents of which have been partially removed while upon any publicly owned property in the City, improved or unimproved, including, but not limited to, any of the following: public alleyways; public parking lots; public passageways; public streets; public rights-of-way; publicly owned, maintained or operated parks; publicly owned, maintained or operated landscaped areas or greenbelts; publicly owned, maintained or operated open spaces, including, but not limited to, those adjacent to City Hall or other public facilities or buildings of any kind; public sidewalks, curbs and gutters; public educational institutions; or other government owned, maintained or operated properties located within the city.

(2) This section does not apply when an individual is in the possession of an alcoholic beverage container for the purpose of recycling or other related activity.

(3) This section does not apply to possession and transport of a corked bottle of wine removed from a bona fide eating place pursuant to California Business and Professions Code Section 23396.5.

(4) This section is enacted pursuant to California Business and Professions Code Section 25620.

(C) Possession of alcoholic beverages adjacent to a licensed retail establishment

No person who has in his or her possession any can, bottle, or other receptacle containing any alcoholic beverage that has been opened, or a seal broken, or the contents of which have been partially removed, shall enter, be, or remain on the posted premises of, including the posted parking lot immediately adjacent to, any retail package off-sale alcoholic beverage licensee licensed pursuant to Division 9 (commencing with Section 23000) of the California Business and Professions Code.

(D) Penalty- Misdemeanor or infraction

(1) Any person violating any of the provisions of Section 7-125 division (A) shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed \$1,000 or be imprisoned in the county jail for a period not to exceed six months or both such fine and imprisonment.

(2) The City may issue a civil citation to any person who violates Section 7-125 division (B) or (C) or prosecute such violation as an infraction.

This section shall not be deemed to make punishable any act which is prohibited or expressly permitted by any law of the state of California; provided further that the provisions of this section shall not prohibit the holding, exercise of dominion over, or

Alcohol Possession and Consumption Ordinance (5/5/10)

July 17, 2018

Page 4

consumption of such beverages upon any premises licensed for the consumption of alcoholic beverages on the premises.”

Other jurisdictions, including the cities of Anaheim, San Luis Obispo, and Ventura, have provisions similar to that proposed here.

The recommended amendment to Oxnard City Code Section 7-125 is necessary for the better protection of the public peace, health, and safety within the City.

STRATEGIC PRIORITIES

This agenda item supports the Quality of Life strategy. The purpose of the Quality of Life strategy is to build relationships and create opportunities within the community for safe and vibrant neighborhoods, which will showcase the promising future of Oxnard. This item supports the following goals:

Goal 1. Improve community safety and quality of life through a combination of prevention, intervention, and suppression efforts that address crime and underlying issues.

Goal 3. Strengthen neighborhood development, and connect City, community and culture.

Objective 3a. Create a renewed focus on establishing a positive outlook and orientation of our City, neighborhoods and overall community.

FINANCIAL IMPACT

It is not anticipated that additional resources would be dedicated to enforcement.

ATTACHMENTS:

Attachment A: CONSUMPTION AND POSSESSION OF ALCOHOL ORDINANCE

Attachment B: CONSUMPTION AND POSSESSION OF ALCOHOL ORDINANCE
REDLINE

CITY COUNCIL OF THE CITY OF OXNARD
ORDINANCE NO.

ORDINANCE OF THE CITY OF OXNARD, CALIFORNIA, AMENDING SECTION 7-125
CONCERNING THE POSSESSION AND CONSUMPTION OF ALCOHOL IN PUBLIC
PLACES

WHEREAS, the City Council finds that the adoption and enforcement of this ordinance will assist in addressing the problems associated with the consumption and possession of alcoholic beverages in public, including vandalism, litter, trespassing, unlawful loitering, public urination, disturbing the peace and violence; and

WHEREAS, the City Council also finds that regulating and prohibiting consumption and possession of alcoholic beverages in public is necessary to preserve the public's health, safety and welfare by curbing the aforementioned activities which frequently accompany the consumption of alcohol in public places.

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

Part 1. Oxnard City Code ("OCC") Section 7-125 is hereby amended to read as follows:

"SEC. 7-125. CONSUMPTION AND POSSESSION OF ALCOHOL

(A) Consumption of alcoholic beverages on streets and public places

No person shall consume beer, wine or other alcoholic beverage, as defined by the Alcoholic Beverage Control Act of the State of California:

(1) While upon any publicly owned property in the City, improved or unimproved, including, but not limited to, any of the following: public alleyways; public parking lots; public passageways; public streets; public rights-of-way; publicly owned, maintained or operated parks; publicly owned, maintained or operated landscaped areas or greenbelts; publicly owned, maintained or operated open spaces, including, but not limited to, those adjacent to City Hall or other public facilities or buildings of any kind; public sidewalks, curbs and gutters; public educational institutions; or other government owned, maintained or operated properties located within the City.

(2) Upon any private street, building or private property within the City without the consent of the person or entity in possession or control thereof.

(B) Possession of alcoholic beverages on streets or other public places

(1) No person shall possess any can, bottle, or other receptacle containing any alcoholic beverage that has been opened, or a seal broken, or contents of which have been partially removed while upon any publicly owned property in the City, improved or unimproved,

including, but not limited to, any of the following: public alleyways; public parking lots; public passageways; public streets; public rights-of-way; publicly owned, maintained or operated parks; publicly owned, maintained or operated landscaped areas or greenbelts; publicly owned, maintained or operated open spaces, including, but not limited to, those adjacent to City Hall or other public facilities or buildings of any kind; public sidewalks, curbs and gutters; public educational institutions; or other government owned, maintained or operated properties located within the city.

(2) This section does not apply when an individual is in the possession of an alcoholic beverage container for the purpose of recycling or other related activity.

(3) This section does not apply to possession and transport of a corked bottle of wine removed from a bona fide eating place pursuant to California Business and Professions Code Section 23396.5.

(4) This section is enacted pursuant to California Business and Professions Code Section 25620.

(C) Possession of alcoholic beverages adjacent to a licensed retail establishment

No person who has in his or her possession any can, bottle, or other receptacle containing any alcoholic beverage that has been opened, or a seal broken, or the contents of which have been partially removed, shall enter, be, or remain on the posted premises of, including the posted parking lot immediately adjacent to, any retail package off-sale alcoholic beverage licensee licensed pursuant to Division 9 (commencing with Section 23000) of the California Business and Professions Code.

(D) Penalty- Misdemeanor or infraction

(1) Any person violating any of the provisions of Section 7-125 division (A) shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed \$1,000 or be imprisoned in the county jail for a period not to exceed six months or both such fine and imprisonment.

(2) The City may issue a civil citation to any person who violates Section 7-125 division (B) or (C) or prosecute such violation as an infraction.

This section shall not be deemed to make punishable any act which is prohibited or expressly permitted by any law of the state of California; provided further that the provisions of this section shall not prohibit the holding, exercise of dominion over, or consumption of such beverages upon any premises licensed for the consumption of alcoholic beverages on the premises.”

Part 2. If any section, sentence, clause or phrase of this Ordinance is determined to be invalid, illegal or unconstitutional by a decision or order of any court or agency of competent jurisdiction, then such decision or order will not affect the validity and enforceability of the

remaining portions of this Ordinance. The City Council declares that it would have passed and adopted the Ordinance, and each section, sentence, clause or phrase thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

Part 3. 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 _____, 2018, and finally adopted on _____, 2018, to become effective thirty days thereafter.

AYES:

NOES:

ABSENT:

ABSTAIN:

Tim Flynn, Mayor

ATTEST:

Michelle Ascencion, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney

CITY COUNCIL OF THE CITY OF OXNARD
ORDINANCE NO.

ORDINANCE OF THE CITY OF OXNARD, CALIFORNIA, AMENDING SECTION 7-125
CONCERNING THE POSSESSION AND CONSUMPTION OF ALCOHOL IN PUBLIC
PLACES

WHEREAS, the City Council finds that the adoption and enforcement of this ordinance will assist in addressing the problems associated with the consumption and possession of alcoholic beverages in public, including vandalism, litter, trespassing, unlawful loitering, public urination, disturbing the peace and violence; and

WHEREAS, the City Council also finds that regulating and prohibiting consumption and possession of alcoholic beverages in public is necessary to preserve the public's health, safety and welfare by curbing the aforementioned activities which frequently accompany the overconsumption of alcohol in public places.

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

Part 1. Oxnard City Code ("OCC") Section 7-125 is hereby amended to read as follows:

~~**"SEC. 7-125. POSSESSION AND CONSUMPTION OF ALCOHOL.**~~

~~—(A) No person shall consume any alcoholic beverage containing more than .05% of alcohol by volume, upon any public street, right of way, or public property.~~

~~—(B) No person shall consume any alcoholic beverage containing more than .05% of alcohol by volume, upon any private street, building or private property within the city without the consent of the person or entity in possession or control thereof.~~

~~—(C) No person shall possess in any city park any can, bottle, or other receptacle containing any alcoholic beverage that has been opened, or a seal broken, or the contents of which have been partially removed.~~

~~—(D) The city may issue a civil citation to any person who violates division (C) of this section or prosecute such violation as an infraction.~~

~~—(E) A person shall not be in violation of division (C) of this section when that person is in possession of an alcoholic beverage container for the purpose of recycling or other related activity.~~

SEC. 7-125. CONSUMPTION AND POSSESSION OF ALCOHOL

(A) Consumption of alcoholic beverages on streets and public places

No person shall consume beer, wine or other alcoholic beverage, as defined by the Alcoholic Beverage Control Act of the State of California:

(1) While upon any publicly owned property in the City, improved or unimproved, including, but not limited to, any of the following: public alleyways; public parking lots; public passageways; public streets; public rights-of-way; publicly owned, maintained or operated parks; publicly owned, maintained or operated landscaped areas or greenbelts; publicly owned, maintained or operated open spaces, including, but not limited to, those adjacent to City Hall or other public facilities or buildings of any kind; public sidewalks, curbs and gutters; public educational institutions; or other government owned, maintained or operated properties located within the City.

(2) Upon any private street, building or private property within the City without the consent of the person or entity in possession or control thereof.

(B) Possession of alcoholic beverages on streets or other public places

(1) No person shall possess any can, bottle, or other receptacle containing any alcoholic beverage that has been opened, or a seal broken, or contents of which have been partially removed while upon any publicly owned property in the City, improved or unimproved, including, but not limited to, any of the following: public alleyways; public parking lots; public passageways; public streets; public rights-of-way; publicly owned, maintained or operated parks; publicly owned, maintained or operated landscaped areas or greenbelts; publicly owned, maintained or operated open spaces, including, but not limited to, those adjacent to City Hall or other public facilities or buildings of any kind; public sidewalks, curbs and gutters; public educational institutions; or other government owned, maintained or operated properties located within the city.

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(3) This section does not apply to possession and transport of a corked bottle of wine removed from a bona fide eating place pursuant to California Business and Professions Code Section 23396.5.

(4) This section is enacted pursuant to California Business and Professions Code Section 25620.

(C) Possession of alcoholic beverages adjacent to a licensed retail establishment

No person who has in his or her possession any can, bottle, or other receptacle containing any alcoholic beverage that has been opened, or a seal broken, or the contents of which have been partially removed, shall enter, be, or remain on the posted premises of, including the posted parking lot immediately adjacent to, any retail package off-sale alcoholic beverage licensee licensed pursuant to Division 9 (commencing with Section 23000) of the California Business and Professions Code.

(D) Penalty- Misdemeanor or infraction

(1) Any person violating any of the provisions of Section 7-125 division (A) shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed \$1,000 or be imprisoned in the county jail for a period not to exceed six months or both such fine and imprisonment.

(2) The City may issue a civil citation to any person who violates Section 7-125 division (B) or (C) or prosecute such violation as an infraction.

This section shall not be deemed to make punishable any act which is prohibited or expressly permitted by any law of the state of California; provided further that the provisions of this section shall not prohibit the holding, exercise of dominion over, or consumption of such beverages upon any premises licensed for the consumption of alcoholic beverages on the premises.”

Part 2. If any section, sentence, clause or phrase of this Ordinance is determined to be invalid, illegal or unconstitutional by a decision or order of any court or agency of competent jurisdiction, then such decision or order will not affect the validity and enforceability of the remaining portions of this Ordinance. The City Council declares that it would have passed and adopted the Ordinance, and each section, sentence, clause or phrase thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

Part 3. 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 _____, 2018, and finally adopted on _____, 2018, to become effective thirty days thereafter.

AYES:

NOES:

ABSENT:

ABSTAIN:

Tim Flynn, Mayor

ATTEST:

Michelle Ascencion, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney

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**CITY COUNCIL
AGENDA REPORT**

TYPE OF ITEM: Report
AGENDA ITEM NO.: 3

DATE: July 17, 2018

TO: City Council

THROUGH: Alexander Nguyen
City Manager

FROM: Ashley Golden
Development Services Director

SUBJECT: Safe Homes Safe Families Program Ordinances and Resolution. (15/10/10)

CONTACT: Ashley Golden, Development Services Director
Ashley.Golden@oxnard.org, (805) 385-7882

RECOMMENDATION:

That City Council:

1. Approve the first reading by title only and waive further reading of an ordinance adding Article XXVII to Chapter 14 of the Oxnard City Code to establish a Safe Homes Safe Families, Repeat Offender Program;
2. Approve the first reading by title only and waive further reading of an ordinance repealing uncodified Ordinance No. 2726, and adding Article XXVI to Chapter 14 of the Oxnard City Code to establish Tenant Relocation Assistance; and
3. Approve the first reading by title only and waive further reading of an ordinance adding Article XXVIII to Chapter 14 of the Oxnard City Code related to substandard and improper occupancies; and
4. Adopt a resolution amending the fee schedule for civil fines to include fines for properties registered in the Safe Homes Safe Families Program, and substandard conditions and improper occupancy fines.

BACKGROUND

On May 17, 2016 the City Council adopted business plans with specific implementation steps that captured the City Council's agreed upon strategic priority focus for the coming two years

Safe Homes Safe Families Program (15/10/10)

July 17, 2018

Page 2

(FY 16/17 and FY 17/18). Within the Quality of Life Strategy, Council prioritized the development of a rental inspection program.

On May 2, 2017 the Council conducted a Study Session on a rental inspection program. After the Council Study Session staff presented the program to the Inter-Neighborhood Council Organization, Chamber of Commerce Business Advocacy Committee (formerly Land Use Committee), affordable housing advocates, and Ventura County Coastal Association of Realtors. Although there was support for the concept of the program, some raised concerns with overcrowding, displacement of tenants/owners, parking, the program start-up costs, staff's ability to inspect a large percentage of the units, and the costs to the property owners.

To address these concerns, staff continued engagement with the stakeholders and refining the program. A program focusing on repeat offenders was developed as a more efficient use of resources. Staff presented the program to the Measure O Committee, and on February 20, 2018 the City Council approved four new positions to implement the Safe Homes, Safe Families Program. In addition, \$100,000 was allocated for the program start-up costs for the positions and a vehicle. To date, the Code Compliance Inspector, Administrative Technician, Deputy City Attorney, and Paralegal recruitments have been launched and the vehicle for the Code Compliance Inspector has been purchased.

Safe Homes Safe Families Repeat Offender Program Ordinance

Overview

For residential uses, the City's Code Compliance Division enforces minimum standards for safe habitability. Code compliance inspectors inspect residential units for safe housing conditions, and depending on the severity of the conditions found, a code compliance inspector issues a warning notice, or a notice of violation requiring the owner to make the required corrections. The notice includes a fair and reasonable period of time for the property owner to make corrections taking all circumstances into account. Where the owner does not make timely and reasonable corrective actions and the deadlines stated in the notice pass without remedying the violations, the City can utilize the following enforcement remedies: administrative fines through citations; orders to vacate all or part of the premises; abatement of the nuisance and recovery of the costs from the property owner; criminal citations; or obtaining a court appointed receiver to take control of the property. If the property owner does not pay fines, the City may place a lien, or special assessment, on the property that is recorded with the county recorder.

The Safe Homes Safe Families Repeat Offender Program (the "Program") will focus on responsible persons who maintain repeated violations regarding substandard housing conditions. Substandard conditions include the following: people living in improper occupancies, unsafe or unpermitted construction, major or hazardous property maintenance issues and/or where the responsible person has been unresponsive towards compliance. The intent of the program is to implement specific tools and resources to gain compliance and improve the quality of our neighborhoods. Those tools include inspection fees as established by City Council resolution and

increased fine amounts for Program registrants.

Program Parameters

Under the proposed ordinance, registration into the Program will be required if any the following conditions are met:

1. Three or more separate confirmed code enforcement violations for conditions that are dangerous or impair habitability at the same property within a consecutive three year period; or
2. Three or more separate confirmed code enforcement violations for conditions that are dangerous or impair habitability at different properties owned by the same responsible person; or
3. A confirmed code enforcement violation for any condition that is dangerous or impairs habitability is issued at the property, and the violation remains unresolved for at least three years.

Preliminary code compliance records indicate approximately 325 owners and 550 locations may be eligible for the Program at this time. Approximately 115 of those locations maintain open cases, the remaining cases are closed or resolved, but the properties would still be placed in the program because of the history of the specific responsible person or property. Of the 19 Special Assessments that came before the City Council on June 12, 2018, 12 would have qualified for the Program.

Responsible persons may appeal a property's inclusion into the Program by filing a written request for an appeal before a hearing officer within fifteen (15) days of receiving a notice of inclusion into the Program.

Once enrolled into the Program, the responsible person will have a mandatory initial meeting with Code Compliance where the Program and steps to establish and maintain compliance will be outlined. All tenants will receive written information regarding the Program and inspections. The Program requires a mandatory yearly inspection of the subject properties, and potentially all properties owned by the same responsible person if major violations are found during initial inspections. To be removed from the Program, properties must pass at least two consecutive inspections within no less than twelve months of one another without violations noted.

Cities that have similar programs to the proposed Program include Fresno and Hayward. In preparation of the proposed ordinance, City staff solicited and received input from the Oxnard Chamber of Commerce, Ventura County Coastal Association of Realtors, and affordable housing advocates, among others.

Tenant Relocation Ordinance

Background

Under the state Tenant Relocation Assistance law (Health & Safety Code §§ 17975 et seq.), any tenant who is displaced from a residential rental unit as a result of an order to vacate issued by the local enforcement agency, is entitled to receive relocation benefits from the property owner. The order requiring the vacation of a residential unit must be the result of a violation so extensive, and of such a nature, that the immediate health and safety of the resident(s) is/are endangered. The tenant is not eligible for relocation benefits where the tenant caused or substantially contributed to the condition giving rise to the order to vacate. The property owner is also not liable for relocation benefits if the unsafe or hazardous conditions result from a fire, flood, earthquake, or other event beyond the control of the owner. The local enforcement agency determines the eligibility of tenants for benefits.

State law establishes the time for the property owner to pay the tenant relocation benefits, which is tied to the mailing and posting of the notice to vacate issued by the City. The relocation payment is equivalent to the amount of two months of the established fair market rent for the area as determined by Department of Housing and Urban Development (HUD). The payment also includes amounts sufficient for utility service deposits and any security deposits held by the owner. If the owner does not provide the payments to the tenant, he or she then becomes liable to the tenant for one and half times the relocation benefits. However, if the owner refuses to pay the tenant, the tenant's only recourse to obtain those funds may be to sue the owner.

Discussion and Analysis

State law authorizes the local enforcement agency to adopt an ordinance that advances the relocation payments to the tenant when the property owner fails, neglects, or refuses to pay the tenant. The local agency can then recover from the owner any amount paid to the tenant, plus the actual cost of administering benefits to the displaced tenant. In addition, the local agency is entitled to recover an additional amount equal to the sum of one-half the amount due, but not to exceed ten thousand dollars (\$10,000), as a penalty. If the owner does not pay the local agency when the amount is due, the total costs due to the local agency may be placed as a lien, or special assessment, against the property.

This item recommends that the City adopt such an ordinance. The ordinance includes provisions that reiterate state law; in short, meaning recovering from the owner any amount paid to the tenant, plus the actual cost of administering benefits to the displaced tenant, and placing a lien or special assessment against the property. The ordinance does not require the City to advance the relocation benefits to the tenants, but permits the City to establish a program to assist tenants. The recommended ordinance not only permits the City to recover from the owner the amounts it provides to tenants for relocation assistance, but also includes a penalty to discourage owners from ignoring their legal obligations to the tenants. The ordinance provides an avenue for the property owners to object to the City's determination of benefits.

Based on staff's outreach efforts for the Program, stakeholder groups were concerned about tenant displacement as a result of the Program. As such, as part of the FY 18-19 budget, Measure O funds totaling \$50,000 were allocated to provide upfront costs for any tenant

Safe Homes Safe Families Program (15/10/10)

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relocation needs. The \$50,000 is anticipated to be a one-time allocation, which may carry over from one fiscal year to the next. In the event money is allocated for tenant relocation, a lien or special assessment may be placed against a property. Funds recuperated from the property owner will be replenished back into the Tenant Relocation assistance fund.

Substandard and Improper Occupancy Ordinance

This ordinance provides additional tools for enforcement of improper occupancies and substandard conditions by codifying California Health and Safety Code regulations regarding buildings used for human habitation.

The ordinance makes it unlawful for a responsible person to maintain, after having been issued a notice of violation, any building or portion thereof in which there exists substandard conditions as defined in California Health and Safety Code Section 17920.3.

Further, the ordinance makes it unlawful to maintain any building or portion thereof in which there exists improper occupancy or improper occupancies. The ordinance also prohibits kitchens and non-habitable spaces from being used for sleeping purposes.

Schedule of Fines Resolution

Section 7-56 of Article 3 of Chapter 7 of the Oxnard City Code (“OCC”) allows the City Council to set the amount of civil fines for violations of the OCC by resolution.

The proposed resolution establishes double civil citation fine amounts for properties registered in the Safe Homes Safe Families Program. The proposed resolution also establishes civil citation fine amounts for violations of the OCC related to substandard and improper occupancies. The fines for violating the proposed OCC code sections related to substandard and improper occupancies would be \$250 for the first violation, \$500 for the second violation within twelve months, and \$1,000 for subsequent violations within twelve months.

If approved, the proposed resolution would become effective on August 24, 2018.

STRATEGIC PRIORITIES

This agenda item supports the Quality of Life strategy. The purpose of the Quality of Life strategy is to build relationships and create opportunities within the community for safe and vibrant neighborhoods, which will showcase the promising future of Oxnard. This item supports the following goals and objectives:

Goal 1. Improve community safety and quality of life through a combination of prevention, intervention, and suppression efforts that address crime and underlying issues.

Objective 3a. Create a renewed focus on establishing a positive outlook and orientation of our City, neighborhoods and overall community.

Safe Homes Safe Families Program (15/10/10)

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FINANCIAL IMPACT

As part of the FY 17-18 mid-year budget requests, Council approved \$100,000 of Measure O funding to kick off the Safe Homes Safe Families program (MO4301). That allocation was to cover the costs of purchasing a vehicle (estimated at \$25,000), and a portion of the salaries for 4 positions associated with the program. The FY 18-19 Measure O budget includes \$330,137 of program funding for a Deputy City Attorney, Paralegal, Code Compliance Inspector, and Administrative Technician associated with the program. The FY 18-19 budget also includes \$50,000 in one-time Measure O funding for the Tenant Relocation Assistance program costs (MO4302).

ATTACHMENTS:

Attachment A: Tenant Relocation Assistance Ordinance

Attachment B: Uncodified Tenant Relocation Assistance Ord. 2726

Attachment C: Tenant Relocation Assistance FAQ

Attachment D: Safe Homes Safe Families Repeat Offender Program Ordinance

Attachment E: Substandard and Improper Occupancy Ordinance

Attachment F- Schedule of Fines Resolution

CITY COUNCIL OF THE CITY OF OXNARD
ORDINANCE NO.

ORDINANCE OF THE CITY OF OXNARD, CALIFORNIA, REPEALING
UNCODIFIED ORDINANCE 2726 AND ADDING ARTICLE XXVI TO CHAPTER
14 OF THE OXNARD CITY CODE, TENANT RELOCATION ASSISTANCE

WHEREAS, some rental units in the City have code violations that threaten the health and safety of the tenants and require the units be vacated to allow for extensive repairs; and

WHEREAS, state law requires landlords to pay relocation costs to tenants displaced by an order of the City to vacate the residential unit for immediate health and safety reasons (Health and Safety Code Section 17975); and

WHEREAS, state law allows a city to advance the relocation benefits to qualified tenants when the landlord fails, neglects, or refuses to pay the relocation payments to the tenant where the city has adopted a policy (Health and Safety Code Section 17975.5); and

WHEREAS, it is the intention of the City Council by this Ordinance to create a policy that allows the City to advance relocation payments to displaced tenants when the property owner fails, neglects or refuses to do so and to collect from the property owner the payments advanced along with any costs or penalties.

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

Part 1. Uncodified Ordinance No. 2726, implementing provisions of Health and Safety Code 17975 et seq. is hereby repealed.

Part 2. Article XXVI of Chapter 14 is hereby added to the Oxnard City Code to read as follows:

“CHAPTER 14: BUILDING REGULATIONS

ARTICLE XXVI. TENANT RELOCATION ASSISTANCE

SEC. 14-96. FINDINGS

(A) Some rental units in Oxnard have severe code violations which threaten the health and safety of occupants and require the units or rooms to be vacated to allow for extensive repairs.

(B) Such code violations are often caused by deferred maintenance, and may breach the landlord’s implied warranty of habitability and sometimes constitute constructive eviction of the tenant household from its residence.

(C) Health and Safety Code Section 17975 requires the property owner to pay relocation payments to the tenant where the need to relocate arises from violations so extensive and of such

a nature that the immediate health and safety of the residents is endangered.

(D) Financial hardship arises because the tenant generally needs a large sum of money to relocate, often including first and last month's rent, deposits, moving expenses and utility deposits for a new residence. Low-income tenants are generally unable to obtain such sums and, as a result, are at great risk of becoming homeless.

(E) Health and Safety Code Sections 17975.1 and 17975.2 specify the timing and level of payments to be provided by the property owner. If a tenant is entitled to relocation benefits, the building official or designee provides written notice to the tenant of his or her entitlement to the benefits. Written notice may be satisfied by posting notice on the premises stating that tenants may be entitled to relocation benefits.

(F) Health and Safety Code Section 17975.5 authorizes the City to adopt an ordinance that allows the City to advance relocation payments to tenants where the landlord fails, neglects, or refuses to pay the displaced tenant and to later collect the amount paid to the displaced tenant, along with a penalty, from the property owner.

(G) This Article is adopted pursuant to Health and Safety Code Sections 17975 *et seq.*

SEC. 14-97. DEFINITIONS

For the purpose of this chapter, the following definitions apply:

(A) "Displaced" means a tenant that is ordered to move out of a residential unit or structure by an order to vacate issued by the City or by another enforcement agency.

(B) "Order to vacate" means the first notice sent by an authorized City official to the owner and posted on the affected property declaring that, due to failure to repair or maintain, the unit or structure shall be vacated.

(C) "Owner" means the owner of the property at the time the order to vacate is issued, as shown on the last equalized assessment roll, and any successor in interest.

(D) "Residential unit or structure" means any dwelling, apartment, room or place which is the place of permanent or customary and usual abode of any person or household. Residential unit or structure shall include mobile homes located in mobile home parks, provided that the City has assumed enforcement authority over such parks from the State Department of Housing and Community Development.

(E) "Tenant" means any resident of the affected property who is a tenant as that term is used in Chapter 2 of Title 5 of Part 4 of the California Civil Code (Section 1940, *et seq.*)

(F) “Vacation date” means the date by which a tenant is required to vacate a unit or structure, pursuant to an order by an authorized City official.

SEC. 14-98. ELIGIBILITY FOR RELOCATION BENEFITS AND APPEAL

(A) A tenant shall be eligible for relocation assistance and payments pursuant to this chapter and Health and Safety Code Sections 17975 *et seq.* when the City determines that the condition of a building or portion thereof is such that a residential unit cannot be safely occupied by that tenant while the building or portion thereof is being brought into code compliance.

(B) Exceptions: A tenant shall not be eligible for relocation assistance and payments under the following conditions:

(1) The property owner provides a replacement dwelling of comparable size and appurtenances to the tenant; or

(2) The tenant has caused or substantially contributed to the condition giving rise to the order to vacate or unreasonably prevented the property owner or designated agent from undertaking maintenance or repairs that would have prevented or rectified the code violation. Nor shall any relocation benefits be payable to a tenant if any guest or invitee of the tenant has caused or substantially contributed to the condition giving rise to the order to vacate, as determined by the building official or designee. The building official or designee shall make the determination whether a tenant, tenant's guest, or invitee caused or substantially contributed to the condition, giving rise to the order to vacate; or

(3) If the residential unit or structure becomes unsafe or hazardous as a result of a natural disaster or force majeure; or

(4) If the residential unit or structure is operated as an emergency or temporary shelter for homeless persons (whether such persons have assigned rooms or beds, and regardless of duration of stay by any occupant) by a nonprofit organization or public agency owning, leasing, or managing such dwelling unit; or

(5) If the tenant is in default in payment of rent, unless rent is being lawfully withheld by the tenant.

(C) The building official shall have sole discretion to determine the amount, type and duration of the relocation benefits pursuant to this chapter and Health and Safety Code Sections 17975 *et seq.* The property owner or designated agent and any displaced tenant or his or her representative shall be entitled to meet with the building official to present facts demonstrating that relocation benefits should or should not be paid. The building official or designee shall make a determination based on the provisions of this chapter, the rules and regulations adopted pursuant to this chapter, and the factual information submitted by the parties or otherwise readily

available and shall communicate his or her determination in writing to the tenant and the property owner or designated agent. When notice to the property owner of the building official's relocation benefits determination is not reasonably possible because immediate vacation is necessary, the property owner shall have only the appeal right set forth in Section 14-100.

(D) When the property owner or tenant wishes to contest a determination regarding eligibility or relocation payment amounts made by the building official, such party should file a written request for a hearing with the City Manager within ten (10) days of the determination. Any property owner requesting an appeal must first deposit with the building official the full unpaid amount in dispute, unless the property owner can demonstrate significant hardship or other extraordinary circumstances to the building official that would justify a waiver of such deposit. The City Manager or designee shall hold a hearing and shall use reasonable efforts to render his or her decision on any such appeal within 30 days of a timely hearing request. The City Manager's or designee's decision shall be final with no appeal to the City Council.

SEC. 14-99. PAYMENT RELOCATION COSTS BY CITY

(A) In the event the property owner or designated agent fails, neglects or refuses to pay relocation benefits as required by this chapter to a displaced tenant, the City may, within budgetary limitations, make payment of such relocation benefits as the building official or designee determines is necessary to assist the displaced tenant to relocate, up to the amount payable by the property owner under this chapter and Health and Safety Code Section 17975.2.

(B) The City may recover from the property owner any amount paid to a tenant pursuant to this chapter. The City shall also be entitled to recover from the property owner an additional amount, not to exceed \$10,000, equal to one-half the amount so paid as a penalty for failure to make timely payment to the displaced tenant.

(C) Any amount paid by the City and any applicable penalties and administrative costs shall be a personal obligation of the property owner and may be recorded as a special assessment against the property with the county recorder if the property owner fails to pay the City.

(D) Nothing contained in this chapter shall require the City to pay any relocation benefits to any tenant, or to assume any obligation, requirement, or duty of the property owner or designated agent pursuant to this chapter.

(E) The damages which a displaced tenant may receive from the property owner under Health and Safety Code Section 17975.2 shall be reduced by the amount of any benefits received from the City.

SEC. 14-100. RECOVERY OF RELOCATION COSTS BY CITY- NOTICE, HEARING, APPEAL

(A) Prior to instituting any action to collect relocation payments from the property owner or to record a special assessment pursuant to this chapter, the building official or designee shall send to the property owner by first-class mail, postage prepaid, at the property owner's address as shown on the last equalized assessment roll, an itemized accounting of all benefits paid by the City to the property owner's tenants, and any penalties or costs the City is seeking to recover.

(B) If the property owner contends that not all of the benefits are chargeable to the property owner because the recipients were not displaced tenants, or on other grounds, the property owner shall submit a written appeal to the building official within twenty (20) days after receipt of the itemized accounting. The building official, or designee, shall hold an administrative hearing for the purpose of determining the amount of benefits and any penalties or costs.

(C) The building official's decision may be appealed to the City Manager within ten (10) days of the date of the service of the building official's written decision. The City Manager may appoint a hearing officer in his or her discretion. The City Manager's or hearing officer's decision shall be final and conclusive, and shall be served no later than five (5) calendar days after the decision is signed and be sent first-class mail, postage prepaid to the property owner's address as shown on the last equalized assessment roll. The property owner shall pay the charge that was the subject of the appeal within 30 days after the date an adverse decision is mailed to the property owner. The decision shall be appealed pursuant to Code of Civil Procedure Section 1094.6 and review of the decision shall be in accordance with Code of Civil Procedure Section 1094.5. The decision shall include reference to this section and Code of Civil Procedure Section 1094.6.

(D) If the property owner fails to obtain a more favorable decision than that set forth in the itemized accounting, the property owner or designated agent shall be liable to the City for the costs of the administrative hearing and appeal, not to exceed \$5,000. The failure to receive the itemized accounting shall not relieve the property owner of any obligation to the City.

(E) Notwithstanding Section 14-99(B) of this chapter, if there are fewer than ten (10) days between the first posting and mailing of the order to vacate and the vacation date, and if the City advances relocation benefits to any tenant, no penalty shall be payable by the property owner if reimbursement is made to the City within thirty (30) days after the date an itemized accounting from the City is mailed as set forth in this section.

SEC. 14-101. REMEDIES CUMULATIVE

The remedies hereunder are cumulative and in addition to any other remedies available under law."

Part 3. If any section, subsection, sentence, clause, phrase, part or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance and each section,

subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one of more section, subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional.

Part 4. The City Council determines and finds that this ordinance is exempt from the California Environmental Quality Act under section 15061(b)(3) because the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Part 5. Pursuant to Government Code Section 36933(c)(1), the City Attorney was designated to prepare, and the City Clerk published, a summary of this ordinance, and a certified copy of the ordinance was posted in the Office of the City Clerk a minimum of five days before the City Council's adoption of the ordinance.

Part 6. The City Clerk shall certify as to the adoption of this ordinance and shall cause the summary thereof to be published within fifteen calendar (15) days of the adoption and shall post a certified copy of this ordinance, including the vote for and against the same, in the office of the City Clerk, in accordance with Government Code Section 36933. Ordinance No. __ was first read on _____, 2018, and finally adopted on _____, 2018, to become effective thirty (30) days thereafter.

AYES:

NOES:

ABSENT:

ABSTAIN:

Tim Flynn, Mayor

ATTEST:

Michelle Ascencion, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney

UNCODIFIED ORDINANCE OF THE CITY OF OXNARD

ORDINANCE NO. 2726

AN UNCODIFIED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
OXNARD IMPLEMENTING THE PROVISIONS OF HEALTH AND SAFETY
CODE SECTIONS 17975 ET SEQ.

WHEREAS, Health and Safety Code section 17975 makes a property owner liable for relocation payments to a residential tenant of such property upon certain findings by the building official or code compliance officer;

WHEREAS, the property owner must pay the residential tenant a relocation benefit, as set forth in Health and Safety Code section 17975.2, when: (1) the residential tenant is ordered by the building official or code compliance officer to vacate the residence as a result of a violation so extensive and of such a nature that the immediate health and safety of the resident is endangered, and (2) the building official or code compliance officer determines the tenant is entitled to benefits pursuant to Health and Safety Code sections 17975 et seq.;

WHEREAS, Health and Safety Code section 17975.2 requires the city to determine a dollar amount sufficient for the tenant to make utility service deposits; and

WHEREAS, Health and Safety Code section 17975.4 requires an administrative appeal process be afforded the property owner.

Now, therefore, the City Council of the City of Oxnard does ordain as follows:

Part 1. Within thirty days of city staff's mailing to the owner and posting on the premises an order to vacate the premises in accordance with Health and Safety Code section 17975.1(a), the property owner may file an appeal of such order with the City Clerk on the form posted and mailed with the order.

Part 2. The City Manager shall appoint a hearing officer to conduct the appeal hearing.

Part 3. (a) Within a reasonable time after being given notice of the appeal, the hearing officer shall notify the property owner by mail of the time and place for the hearing of the appeal. (b) The hearing officer shall conduct an appeal at the time and place designated in the notice unless the property owner and hearing officer agree to another date. (c) At the hearing, the hearing officer shall consider the reasons set forth in the appeal and all material evidence that a reasonable person would normally rely upon to make a significant decision. (d) The hearing officer shall make a written decision setting forth the reasons for the decision. (e) The hearing officer shall cause a copy of such

written decision to be mailed to the property owner within thirty days of the close of the hearing.

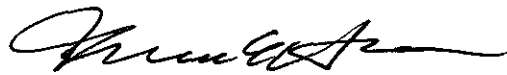
Part 4. The City Council shall adopt a resolution setting forth the dollar amount reasonably necessary for a tenant to make utility service deposits in accordance with Health and Safety Code section 17975.2.

Part 5. Within fifteen days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation with the city. Ordinance No. 2726 was first read on November 14 2006 and finally adopted on November 21, 2006 to become effective thirty days thereafter.

AYES: Councilmembers Herrera, Holden, Maulhardt, Zaragoza and Flynn.

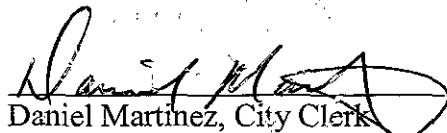
NOES: None.

ABSENT: None.

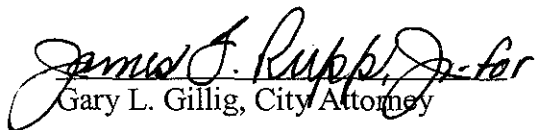


Dr. Thomas E. Holden, Mayor

ATTEST:


Daniel Martinez, City Clerk

APPROVED AS TO FORM:


Gary L. Gillig, City Attorney

Tenant Relocation Assistance



Health and Safety Code §§ 17975 et seq. Summary of Provisions

Under certain circumstances, state law requires that landlords provide monetary assistance for the relocation of tenants forced to leave rental housing. This document provides a summary of the laws governing tenant relocation in California. Additional information can be obtained by contacting the City of Oxnard Code Enforcement Division at (805) 385-7940.

1. UNDER WHAT CONDITIONS MUST LANDLORDS PROVIDE RELOCATION ASSISTANCE?

[HSC § 17975]

- a. Landlords are required to provide monetary relocation assistance when:
 - i. a tenant is or will be displaced from a residential rental unit; AND
 - ii. the displacement is caused by an order to vacate from a local enforcement agency for immediate health and safety concerns of the tenants.

2. EXCEPTIONS TO THE LANDLORD'S REQUIREMENT TO PROVIDE RELOCATION ASSISTANCE.

[HSC §§ 17975.4(a), 17975.4(b)]

- a. Landlords are not required to provide monetary relocation assistance to any tenant who:
 - i. caused or substantially contributed to the condition giving rise to the order to vacate (to be determined by the local enforcement agency); or has a guest or invitee who caused or substantially contributed to the condition giving rise to the order to vacate (to be determined by the local enforcement agency).
- b. Landlords are not required to provide monetary relocation assistance when the local enforcement agency determines the unit or structure became unsafe or hazardous as a result of:
 - i. a flood;
 - ii. a fire;
 - iii. an earthquake; or
 - iv. other event beyond the control of the owner/designated agent AND the owner/designated agent did not cause or contribute to the condition.

Tenant Relocation Assistance
 Health and Safety Code § 17975 et seq.
 Summary of Provisions

3. IS RELOCATION ASSISTANCE AVAILABLE IN THE EVENT OF A FIRE, FLOOD, EARTHQUAKE, OR EVENT?
 [HSC § 17975.4(c)]

- a. In the event of a fire, flood, earthquake or event, the local enforcement agency may elect, at its discretion, to pay relocation payments to tenants who:
 - i. did not cause or substantially contribute to the uninhabitable condition of the unit or structure.

4. TO WHAT AMOUNT OF ASSISTANCE ARE TENANTS ENTITLED?
 [HSC § 17975.2]

- a. The owner/designated agent shall pay the following amounts on a per unit basis:
 - i. a sum equal to two months of the established fair market rent for the area as determined by the Department of Housing and Urban Development (pursuant to 1437f of title 24 of the United States Code.); and
 - ii. an amount sufficient for utility service deposits as determined by the local enforcement agency; and
 - iii. the return of any security deposit held by the owner as required by law.

5. WHEN MUST ASSISTANCE BE PAID?
 [HSC 17975.1(a), 17975.1(b) & 17975.1(c)]

- a. If there are fewer than 10 days between the mailing/posting of the vacation order and the vacation date then:
 - i. the owner/designated agent must pay the tenant within 24 hours after the notice is mailed and posted on the premises.
- b. If there are 10 days or more between the mailing/posting of the vacation order and the vacation date, then payment must be made by whichever occurs latest:
 - i. within 10 days after the date the order to vacate is mailed to the owner and posted on the premises; or
 - ii. At least 20 days prior to the vacation date set forth in the order to vacate.

6. ARE THERE PENALTIES FOR LATE PAYMENTS?
 [HSC § 17975.3]

- a. Owners/designated agents must pay penalties equal to one and a half times the relocation benefit otherwise entitled with one exception:
 - i. The penalty does not apply when relocation benefits are payable fewer than 10 days after the date the order to vacate is mailed/posted on the premises IF the owner or designated agent makes the payment no later than 10 days after the order is first mailed/posted.

Tenant Relocation Assistance
Health and Safety Code § 17975 et seq.
Summary of Provisions

7. WHAT IF THE LANDLORD DOES NOT PAY?

[HSC § 17975.5(a), 17975.5(b), 17975.5(c)]

- a. If the owner or designated agent fails or refuses to pay assistance that is owed by him or her, then the local enforcement agency may advance the relocation payments.
- b. If the local enforcement agency advances payment, it is entitled to recover the amount advanced, plus a penalty equal to one-half the advancement (not to exceed \$10,000) and the local enforcement agency's actual costs including direct and indirect costs of administering the provision of benefits to the displaced tenant.
- c. The local enforcement agency may place a lien on the property to recover costs.
- d. The local enforcement agency shall provide owners/designated agents that have failed or refused to pay relocation payments with an itemized accounting of all benefits sought for recovery before instituting any action to collect.
 - i. If the owner/designated agent contends that not all of the benefits are chargeable to the owner/designated agent, a written appeal must be filed with the director of the local enforcement agency within 20 days after receipt by the owner or designated agent of the itemized accounting.
 - ii. If a timely appeal is filed an administrative hearing shall be held by the director or the director's designee to determine the amount of paid benefits that are chargeable to the owner/designated agent.
 1. If the owner fails to obtain a more favorable outcome, the owner/designated agent shall be liable to the local enforcement agency for the costs of the administrative hearing and appeal, not to exceed five thousand dollars (\$5,000).

8. ARE THERE OTHER OPTIONS FOR TENANTS?

[HSC § 17975. 7]

- a. Tenant relocation assistance remedies are cumulative in addition to any other remedies available under federal, state or local law.

THE CITY COUNCIL OF THE CITY OF OXNARD
ORDINANCE NO.
ORDINANCE OF THE CITY OF OXNARD, CALIFORNIA, ADDING ARTICLE XXVII TO
CHAPTER 14 OF THE CITY CODE ESTABLISHING THE SAFE HOMES SAFE FAMILIES
REPEAT OFFENDER PROGRAM

WHEREAS, the City of Oxnard (the “City”) is committed to ensuring that residential properties in the community are safe and maintained in accordance with the public health, safety, and property maintenance standards in the City Code.

WHEREAS, the City has an interest in ensuring residents have access to safe and habitable housing; and

WHEREAS, the City requires compliance from property owners or property managers (“responsible persons”) who are failing to maintain their residential properties and have repeatedly created health and safety hazards; and

WHEREAS, certain responsible persons have repeated violations regarding substandard conditions, including improper occupancies, unsafe or unpermitted construction, or major hazardous property maintenance issues; and

WHEREAS, staff has taken a holistic look at the City Council’s Quality of Life Strategy and developed a focused approach to eliminate substandard housing focusing on repeat offenders; and

WHEREAS, the Safe Homes Safe Families Repeat Offender Program (the “Program”) will be dedicated to improving the lives of City residents by encouraging voluntary code compliance, and initiating legal proceedings focusing on the worst violators of health and safety laws.

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

Part 1. The Program’s goal is to ensure habitable housing by pursuing violators to obtain code compliance, and initiating legal proceedings against repeat offenders of applicable health and safety laws. The Program may also pursue nuisance violations if they are in addition to health and safety violations and incidental to the goal of increasing ensuring habitable housing in the City.

Part 2. The Program’s identified violators shall consist of responsible persons who have at least three separate confirmed code enforcement violations within three years at the same location; or at least three separate confirmed code enforcement violations within three years at different locations under common ownership; or unresolved violations pending three years or more.

Part 3. Article XXVII of Chapter 14 is hereby added to the Oxnard City Code to read as follows:

“SEC. 14-102. PURPOSE

The purpose of this chapter is to protect the health and safety of all residential property dwellers in the City by establishing the Safe Homes Safe Families Repeat Offender Program.

SEC. 14-103. DEFINITIONS

- (A) **CODE OFFICIAL** - the Code Compliance Manager or his or her designee.
- (B) **DANGEROUS** - an imminent danger is present, or the conditions are able or likely to cause physical harm or injury to someone in the environment.
- (C) **DWELLING UNIT** - a residential unit providing complete, independent living facilities including permanent provisions for living, sleeping, eating, and cooking.
- (D) **EMERGENCY CONDITIONS** - include, but are not limited to, fire, natural disaster, flood, collapse, hazard, burst pipes, lack of working utilities, or other condition that requires an immediate response to prevent harm to the property, the tenants of the property, or the public.
- (E) **HABITABILITY** - conditions, including but not limited to, hot water, electric service, heating, electrical hazards and infestation, which impair the quality of life for the tenant.
- (F) **REPEAT OFFENDER** - a responsible person who has at least three or more confirmed code enforcement violations for conditions that are dangerous or impair habitability within three years at the same location; or at least three separate confirmed code enforcement violations within three years at different locations under common ownership; or unresolved violations pending three years or more.
- (G) **RESPONSIBLE PERSON** – a responsible person as defined in Section 7-51(J) of the Oxnard City Code.
- (H) **THE PROGRAM** – the Safe Homes Safe Families Repeat Offender program.
- (I) **NOTICE OF VIOLATION** - a written notice that a violation of the City Code exists.

SEC. 14-104. REPEAT OFFENDER REGISTRATION

- (A) Registration into the Program is required under this Chapter if any the following conditions are met:

1. Three or more separate confirmed code enforcement violations for conditions that are dangerous or impair habitability are issued at the same property within a consecutive three year period; or
 2. Three or more separate confirmed code enforcement violations for conditions that are dangerous or impair habitability are issued at different properties owned by the same responsible person; or
 3. A confirmed code enforcement violation for any condition that is dangerous or impairs habitability is issued at the property, and the violation remains unresolved for at least three years.
- (B) The Code Official shall notify the Repeat Offender by written notice that the property is enrolled in the Program.
- (C) All units within a multi-unit complex that have addresses registered in the Program shall be subject to inclusion in the Program.

SEC. 14-105. APPEAL OF REGISTRATION

- (A) A Repeat Offender having an objection to registration under this chapter shall file with the City Clerk a written request for an appeal before a hearing officer within fifteen (15) days of receiving a notice from the Code Official.
- (B) On receiving a request for an appeal hearing, the City Clerk shall send the request to the hearing officer. The hearing officer shall promptly schedule and conduct the matter for hearing. At least ten (10) days before the hearing, the hearing officer shall mail written notice of the date, time and place of hearing to the Repeat Offender.

SEC. 14-106. INSPECTIONS

- (A) Once a property has been identified by the Code Official for enrollment in the Program, the responsible person shall be required to attend an initial meeting with the Code Official.
- (B) Following the initial meeting, the Code Official shall register the property into the Program.
- (C) Once a property is registered into the Program, the Code Official shall perform an initial inspection of the registered property.
- (D) Following the initial inspection, the Code Official may issue a notice of violation or citation to the responsible person. The notice shall provide a reasonable time to make repairs or cure health and safety violations, not to exceed an initial thirty (30) days. Extensions may be granted by the Code Official or his or her designee for good cause.

- (E) The registered property shall be subjected to mandatory yearly inspections which shall include inspection fees established by City Council resolution.
- (F) If one or more significant or dangerous violations are found during an inspection of a registered property, the Code Official shall investigate the status of other properties in the City held by the same responsible person and determine if violations exist at the other properties. If the Code Official determines that violations exist at the other properties, an action may be brought to collectively address multiple properties of the same responsible person.
- (G) Properties registered in the Program are subject to double civil citation fine amounts, not to exceed \$1,000 per violation.
- (H) After re-inspection and finding all repairs have not been completed or health and safety violations cured, the City Attorney shall decide the proper course of action, including obtaining a court appointed receiver to take control of the property.
- (I) If an inspected property is determined not be a candidate for the Program, it may be assigned to the Code Enforcement division to conduct an inspection and pursue traditional code enforcement channels.
- (J) A responsible person may refuse consent to an inspection conducted by the Code Official. If consent is refused, the Code Official may seek an administrative search warrant pursuant to California Code of Civil Procedure Sections 1822.50 et. seq.

SEC. 14-107. REGISTRATION PERIOD

The property shall remain registered in the Program until the property has successfully undergone two consecutive inspections, no less than 12 months apart, without violations established by the Code Official.

If within 90 days following the sale of a registered property, the property becomes compliant, the property shall be removed from the Program.”

Part 4. If any section, subsection, sentence, clause, phrase, part or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one of more section, subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional.

Part 5. The City Council determines and finds that this ordinance is exempt from the California Environmental Quality Act under section 15061(b)(3) because the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the

activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Part 6. Pursuant to Government Code Section 36933(c)(1), the City Attorney was designated to prepare, and the City Clerk published, a summary of this ordinance, and a certified copy of the ordinance was posted in the Office of the City Clerk a minimum of five days before the City Council's adoption of the ordinance.

Part 7. The City Clerk shall certify as to the adoption of this ordinance and shall cause the summary thereof to be published within fifteen calendar (15) days of the adoption and shall post a certified copy of this ordinance, including the vote for and against the same, in the office of the City Clerk, in accordance with Government Code Section 36933. Ordinance No. __ was first read on _____, 2018, and finally adopted on _____, 2018, to become effective thirty (30) days thereafter.

AYES:

NOES:

ABSENT:

ABSTAIN:

Tim Flynn, Mayor

ATTEST:

Michelle Ascencion, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney

THE CITY COUNCIL OF THE CITY OF OXNARD
ORDINANCE NO. _____

ORDINANCE OF THE CITY OF OXNARD, CALIFORNIA, ADDING ARTICLE XXVIII TO
CHAPTER 14 OF THE CITY CODE ESTABLISHING REGULATIONS REGARDING
SUBSTANDARD AND IMPROPER OCCUPANCY CONDITIONS

WHEREAS, the existence of buildings that are substandard, unfit for human habitation and are hazardous to the public health, safety and welfare is a matter of legitimate concern in the City of Oxnard ("City"); and

WHEREAS, improper occupancies of buildings and structures may pose unsafe and dangerous conditions for Oxnard residence; and

WHEREAS, to promote the health, safety and welfare of Oxnard residence, the Oxnard City Council desires to specify its regulations regarding substandard conditions and improper occupancies.

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

Part 1. Article XXVIII of Chapter 14 is hereby added to the Oxnard City Code to read as follows:

"SEC. 14-110. SUBSTANDARD CONDITIONS

It shall be unlawful for any responsible person, as defined in Section 7-51(J) of the Oxnard City Code, to maintain, after having been issued a notice of violation, any building or portion thereof including any dwelling unit, guestroom or suite of rooms, or the premises on which the same is located, in which there exists substandard conditions as defined in California Health and Safety Code Section 17920.3.

SEC. 14-111. IMPROPER OCCUPANCY

It shall be unlawful for any responsible person, as defined in Section 7-51(J) of the Oxnard City Code, to maintain any building or portion thereof including any dwelling unit, guestroom or suite of rooms, or the premises on which the same is located, in which there exists improper occupancy or improper occupancies. Kitchens and non-habitable spaces shall not be used for sleeping purposes."

Part 2. If any section, subsection, sentence, clause, phrase, part or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one of more section, subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional.

Part 3. The City Council determines and finds that this ordinance is exempt from the California Environmental Quality Act under section 15061(b)(3) because the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Part 4. Pursuant to Government Code Section 36933(c)(l), the City Attorney was designated to prepare, and the City Clerk published, a summary of this ordinance, and a certified copy of the ordinance was posted in the Office of the City Clerk a minimum of five days before the City Council's adoption of the ordinance.

Part 5. The City Clerk shall certify as to the adoption of this ordinance and shall cause the summary thereof to be published within fifteen calendar (15) days of the adoption and shall post a certified copy of this ordinance, including the vote for and against the same, in the office of the City Clerk, in accordance with Government Code Section 36933. Ordinance No. __ was first read on ____, 2018, and finally adopted on ____, 2018, to become effective thirty (30) days thereafter.

AYES:

NOES:

ABSENT:

ABSTAIN:

Tim Flynn, Mayor

ATTEST:

Michelle Ascencion, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
OXNARD AMENDING THE FEE SCHEDULE FOR CIVIL
FINES FOR VIOLATION OF THE OXNARD CITY CODE

WHEREAS, the City Council adopted Ordinance No. 2488 which establishes civil fines for violations of the Oxnard City Code (“OCC”), and

WHEREAS, OCC Section 7-56 of Article 3 of Chapter 7 of the OCC, provides that the amount of the civil fines shall be adopted by resolution of the City Council.

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

Part 1. Effective August 24, 2018, Resolution No. 13,459 is hereby repealed.

Part 2. Effective August 24, 2018, the civil fines, interest and penalties and implementing provisions for violations of the OCC pursuant to Section 7-56 of Article 3 of Chapter 7 of the OCC, as it shall be amended and renumbered from time to time, shall be those specified in the Schedule of Fines attached hereto and incorporated in full herein by this reference.

PASSED and ADOPTED this ____ day of _____, 2018, by the following vote:

AYES:

NOES:

ABSENT:

Tim Flynn, Mayor

ATTEST:

Michelle Ascencion, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney

SCHEDULE OF FINES

FINES, INTEREST AND PENALTIES FOR VIOLATIONS OF THE OXNARD CITY CODE

A. Violators of the Oxnard City Code shall be subject to the fines listed below:

<u>Code Sections:</u>	<u>First violation:</u>	<u>Second violation within 12 months:</u>	<u>Subsequent violations within 12 months:</u>
Section 7802.3 of the 2001 California Fire Code for fireworks and Sections 7-82, 7-84(B), 7-86(A), 7-87, 7-88, and 7-89 of the Oxnard City Code	\$1,000	\$1,000	\$1,000
Section 7-147.1 of the Oxnard City Code for all fireworks other than those defined in section 12505 of the Health and Safety Code; Sections 7-148.2 and 7-148.3(A), 14-110, and 14-111 of the Oxnard City Code	\$250	\$500	\$1,000
All except those listed above	\$100	\$200	\$500

B. Violators of any permit, license, or other approval (including but not limited to subdivision maps, special use permits, and zoning clearances) shall be subject to the fines listed below:

<u>Permit, license, or other approval:</u>	<u>First violation:</u>	<u>Second violation within 12 months:</u>	<u>Subsequent violations within 12 months:</u>
All	\$100	\$200	\$500

C. Interest shall accrue upon all delinquent fines and penalties at the annual rate of ten percent.

D. A violator shall owe a \$25.00 late payment penalty for fines not paid within 30 days of the date such fine is due.

E. Interest and penalties may be waived by the City Manager upon a showing of

hardship or upon a showing that such waiver will further the collection of a fine and resolve the violation.

F. Properties registered in the Safe Homes Safe Families Program are subject to double fine amounts, not to exceed \$1,000 per violation.

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**CITY COUNCIL
AGENDA REPORT**

TYPE OF ITEM: Report
AGENDA ITEM NO.: 4

DATE: July 17, 2018

TO: City Council

THROUGH: Alexander Nguyen
City Manager

FROM: Scott Whitney
Police Chief

SUBJECT: Gang Membership Determination Ordinance. (10/10/10)

CONTACT: Scott Whitney, Police Chief
Scott.Whitney@OxnardPD.org, (805) 385-7624

RECOMMENDATION:

That City Council approve the first reading by title only and waive further reading of an ordinance amending Chapter 7 of the Oxnard City Code to establish a hearing process to determine whether individuals are active gang members of a criminal street gang subject to a lawful gang injunction.

BACKGROUND

In response to an increasing gang presence throughout the 1990's and early 2000's, the City of Oxnard obtained its first civil gang injunction against the Colonia Chiques gang in June of 2005. A second gang injunction was obtained against the Southside Chiques gang in October of 2006. Due to an issue with the wording of the curfew prohibition, the courts ruled that curfew prohibition was unconstitutional. This caused a rewrite of the two gang injunctions. In May of 2008, a Second Amended Colonia gang injunction was obtained with the rewrite of the curfew prohibition. In September of 2008, the Second Amended Southside gang injunction was obtained with the same rewrite of the curfew prohibition.

The two civil gang injunctions have proven to be an excellent tool in a comprehensive approach to reduce gang violence in Oxnard's neighborhoods. The Oxnard Police Department has taken a measured and thoughtful approach toward the management and enforcement of both civil gang

Gang Membership Determination Ordinance (10/10/10)

July 17, 2018

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injunctions. This approach has been rooted in a clear understanding and sensitivity to the ramifications and limitations gang injunctions place upon served individuals. There is also an understanding of the challenges enjoined individuals face when they are legitimately working toward getting off the injunction by living a crime-free lifestyle. Such considerations are a routine aspect of the decision to serve an individual with the gang injunction.

Oxnard's two civil gang injunctions have been models for other California jurisdictions and will remain intact moving forward. These two injunctions include an opt-out provision that allows an individual that has previously been served with one of the two injunctions to file a motion to be dismissed from the injunction. This motion shall include "Proof of Renunciation" in which the individual must declare that he/she: a) has not been arrested for the past five years; b) has not been documented by law enforcement in the company or association of other gang members; and c) has not obtained any new gang-related tattoos for the past five years.

As jurisdictions throughout the State of California continue to manage and enforce their civil gang injunctions in different manners, the courts have reviewed several cases which impact all civil gang injunctions. Two cases in particular (*People v. Sanchez (2017)* & *Vasquez v. Rackauckas (2013)*) have highlighted the manner in which individuals are enjoined to an injunction and whether they were provided basic due process. These court decisions led the Oxnard Police Department and the Ventura County District Attorney's Office to reexamine the manner in which individuals are subjected to the gang injunction.

Historically, a gang investigator with the Oxnard Police Department's Violent Crimes Unit would compile a "gang packet" (a documented history of the subject's gang involvement) and a decision would be made by the investigator and his/her supervisor on whether to serve ("enjoin") the individual with the civil gang injunction. The court decisions have stated that this is inadequate and individuals should be granted a "pre-deprivation" hearing – including access to the evidence against them and an opportunity to present their side of the story.

This proposed ordinance provides the framework for a pre-deprivation hearing ("Gang Determination Hearing") which would be conducted by a hearing officer. The City would have the burden of proof to present evidence to establish that the individual is an active gang member subject to a gang injunction. The hearing officer would consider many forms of evidence which may include, but would not be limited to: gang-related tattoos, admissions of gang membership or association, gang-related arrests or convictions, and wearing clothing associated with a criminal street gang. The individual would have no burden of proof or obligation to present any evidence at the hearing. Upon an administrative decision by the hearing officer, the individual would be able to seek judicial review of the hearing officer's decision by filing a petition with the Ventura County Superior Court.

STRATEGIC PRIORITIES

This agenda item supports the Quality of Life strategy. The purpose of the Quality of Life strategy is to build relationships and create opportunities within the community for safe and

Gang Membership Determination Ordinance (10/10/10)

July 17, 2018

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vibrant neighborhoods, which will showcase the promising future of Oxnard. This item supports the following goals and objectives:

Goal 1. Improve community safety and quality of life through a combination of prevention, intervention, and suppression efforts that address crime and underlying issues.

FINANCIAL IMPACT

The cost of a hearing officer to officiate a gang determination hearing is still undetermined. Once the process is fully implemented, the plan would be to conduct approximately 40-50 hearings per year. The approximate annual cost for conducting the hearings would be \$15,000, which would be funded from the General Fund Police Criminal Investigation Department Professional Contract (account no. 101-2102-802-8209).

<INSERT BODY HERE>

ATTACHMENTS:

Attachment A: Oxnard Gang Injunction Hearing Ordinance

THE CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO.

ORDINANCE OF THE CITY OF OXNARD, CALIFORNIA, ADDING ARTICLE XX TO
CHAPTER 7 OF THE CITY CODE ESTABLISHING A GANG INJUNCTION PRE-
DEPRIVATION HEARING PROCESS

WHEREAS, the Oxnard City Council is dedicated to ensuring that Oxnard residence are safe, secure, and free from fear, intimidation, and physical harm from criminal street gangs; and

WHEREAS, a gang injunction went into effect against certain members of the Colonia Chiques gang in 2005, and against certain members of the Southside Chiques gang in 2006; and

WHEREAS, due to recent court decisions, the City of Oxnard (“City”) is inclined to implement more robust due process procedures, affording individuals enjoined by a gang injunction the opportunity to contest their suspected gang involvement; and

WHEREAS, the City Council recognizes the importance of balancing the interests of the public with the individual rights of those subject to a lawful gang injunction; and

WHEREAS, before a gang injunction may be enforced, individuals subject to a lawful gang injunction must be afforded a fair, balanced and just hearing to determine whether or not those individuals are active criminal street gang members; and

WHEREAS, such hearings provide important procedural safeguards that facilitate the proper enforcement of gang injunctions designed to curtail the nuisance activities of active members of criminal street gangs whose participation is more than nominal or passive.

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

PART 1. Article XX of Chapter 7 is hereby added to the Oxnard City Code to read as follows:

“ARTICLE XX. GANG MEMBERSHIP DETERMINATION

SEC. 7-320. PURPOSE

The city council finds that criminal street gangs are a public nuisance and may be regulated within public space in combination with gang injunctions that create safety zones for the people of Oxnard to be safe, secure, and free from fear, intimidation, and physical harm from gangs. However, the city council recognizes the need to balance the best interests of the public with individuals’ rights, and the potential for those rights to be curtailed or impacted by gang injunctions. The city council further finds that before a gang injunction may be enforced against specific individuals, it is necessary to protect individuals’ rights and liberties by implementation of a fair, balanced and just pre-deprivation of rights hearing process to determine whether individuals are active gang members of a criminal street gang subject to a lawful gang injunction. These hearings provide important procedural safeguards that facilitate the proper enforcement of gang injunctions designed to curtail the nuisance activities of active members of criminal street gangs whose participation is more than nominal or passive.

SEC. 7-321. DEFINITIONS

For purposes of this article, the following terms have the following meanings:

- (A) **ACTIVE GANG MEMBER** - Includes all active members of a criminal street gang enjoined by a gang injunction whose participation is more than nominal or passive.
- (B) **CRIMINAL STREET GANGS** – Criminal street gangs as defined in Penal Code section 186.22 (f) and operating within city limits that are subject to a valid gang injunction.
- (C) **GANG INJUNCTION** – An injunction issued by the Superior Court against a criminal street gang and its members, applicable within designated areas or safety zones, as specified within such an injunction.
- (D) **CITY MANAGER** - The city manager or designee.
- (E) **HEARING OFFICER** - The person designated by the city manager to serve as the hearing officer for administrative hearings. The hearing officer shall have the powers defined in Chapter 1, Article III, Section 1-47.
- (F) **INDIVIDUAL** – The person who is in the Notice of Gang Membership Determination Hearing.

SEC. 7-322. REQUEST FOR GANG MEMBERSHIP DETERMINATION HEARING.

- (A) The police department, city attorney, or district attorney may request an administrative hearing to determine whether an individual is an active gang member subject to a gang injunction by personal service of a written notice upon the individual. The form and content of this written notice shall be approved by the city attorney prior to implementation.
- (B) The hearing officer shall set the date, time, and location for administrative hearings, which shall be no less than 30 days after service of the notice specified in paragraph (A). Unless the hearing is continued by the hearing officer, the served individual shall attend the hearing on the date, time, and location set by the hearing officer. If the individual does not attend the hearing, unless the hearing officer agrees in writing to continue the hearing, the hearing shall proceed in the individual's absence.

SEC. 7-323. GANG MEMBERSHIP DETERMINATION HEARING PROCEDURES.

- (A) All hearings shall be open to the public.
- (B) The administrative hearing shall be conducted by a hearing officer on the date, time, and location specified in the Notice of Gang Membership Determination Hearing.
- (C) The city manager shall ensure that materials relevant to the hearing are provided to the served individual prior to the hearing date. Copies of the materials, as defined below, shall be made available to the individual and provided upon request at the city attorney's office seven days after service of the Notice specified in paragraph (A), through the date

of the hearing. Upon written request of the individual, the city manager shall provide for an alternative method of timely delivery to the individual. The materials shall contain all of the following:

- (1) Law enforcement officer reports with victim, witness or other personal information redacted if reasonably necessary to protect their safety, that are relevant or exculpatory as to the individual's active membership in a criminal street gang;
 - (2) A summary of information indicating the presence or absence of gang membership indicators along with date, location, and time if applicable; and
 - (3) The served individual's criminal history, if any, including any pending cases or recent arrests.
- (D) The police department, city attorney, or district attorney has the burden of proof and shall first present evidence to establish by clear and convincing evidence that the individual is an active gang member subject to a gang injunction.
- (E) The hearing officer may consider evidence including, but not limited to, the following:
- (1) Whether the individual has associated with other known gang members other than in school or at school-related activities, religious gatherings, while engaging in legitimate employment, a business or a profession, or those who are related in the first or second degree by blood or marriage;
 - (2) Whether the individual has made admissions or denials regarding gang membership or association;
 - (3) Whether the individual has sought by words or actions to disassociate from the gang;
 - (4) Whether the individual has sustained any gang-related arrests or convictions;
 - (5) Whether the individual has any gang related tattoo(s);
 - (6) Whether the individual has been witnessed making any gang related gestures;
 - (7) Whether the individual has been witnessed wearing clothing associated with a criminal street gang;
 - (8) Whether the individual possessed gang-related letters or writings;
 - (9) Whether the individual has a gang-related moniker;
 - (10) Whether the individual has been observed at gang-related gatherings or within an area or safety zone, as defined by a gang injunction;
 - (11) Whether the individual has spray-painted, written or marked in any way, any gang-related graffiti on any public or private property.
- (F) The individual has no burden of proof, duty or obligation to present any evidence at the hearing. However, the individual shall be allowed to testify or present other evidence on the issue of whether he or she is an active gang member.
- (G) If a request is made setting forth good cause for a continuance, the hearing officer may continue an administrative hearing. Additional requests for continuances based on good cause may be granted in the hearing officer's sound discretion.
- (H) If a continuance is granted, a new hearing date shall be set within 14 days and shall be specified in the notice of continuance. If a continuance is denied, the administrative hearing shall proceed as scheduled. The decision of the hearing officer to grant or deny a continuance shall be final and is not subject to judicial review.

- (I) The hearing shall be conducted as provided in Government Code section 11513. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but over timely objection shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.
- (J) The hearing officer shall have the discretion to exclude evidence if its probative value is substantially outweighed by the probability that its admission will necessitate undue consumption of time.
- (K) All hearings shall be audio recorded. The city manager shall retain for three years the recordings of all matters in which the hearing officer finds the individual is an active gang member subject to a gang injunction. The recordings of all other hearings shall be retained for two years. The retention period of such recordings shall begin to run at the conclusion of the hearing.

SEC. 7-324. NOTICE OF DECISION.

Within 14 days of the conclusion of the hearing, the hearing officer shall issue and mail to the individual a written Notice of Decision containing a statement of the reasons on which the decision is based. The hearing officer shall serve a copy of the Notice of Decision on the city manager. The hearing officer's decision is final, subject to judicial review.

- (A) The hearing officer's Notice of Decision shall include a summary of the evidence introduced at the hearing, the hearing officer's findings and reasoning of the decision.
- (B) The Notice of Decision shall be served by mail on all parties by the city. If the decision finds the individual is an active gang member subject to a gang injunction, subject to the exception in subsection (1) below, the individual must receive actual notice by personal service before the individual may be subjected to prosecution for subsequent violation of the injunction's terms.
 - (1) Where an enforcement officer has attempted to personally serve the Notice of Decision upon the individual twice over a 14-day period and it has become unreasonably difficult or unsafe to serve him or her, the Notice of Decision may be served by any reasonable means such as service upon a family member or at the individual's last known address.

SEC. 7-325. JUDICIAL REVIEW.

The party against whom the administrative decision is made may seek judicial review of the hearing officer's decision by filing a petition for writ of administrative mandamus in accordance with Government Code Section 53069.4 with the Ventura County Superior Court Clerk within 20 calendar days after the party receives a copy of the Notice of Decision. Any petition filed with the superior court shall contain a proof of service showing that a copy of the appeal was served upon the city. The responsible person must

pay the appropriate filing fees.”

PART 2. If any section, subsection, sentence, clause, phrase, part or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one of more section, subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional.

PART 3. Pursuant to Government Code Section 36933(c)(l), the City Attorney was designated to prepare, and the City Clerk published, a summary of this ordinance, and a certified copy of the ordinance was posted in the Office of the City Clerk a minimum of five days before the City Council's adoption of the ordinance.

PART 4. The City Clerk shall certify as to the adoption of this ordinance and shall cause the summary thereof to be published within fifteen calendar (15) days of the adoption and shall post a certified copy of this ordinance, including the vote for and against the same, in the office of the City Clerk, in accordance with Government Code Section 36933. Ordinance No. __ was first read on _____, 2018, and finally adopted on _____, 2018, to become effective thirty (30) days thereafter.

AYES:

NOES:

ABSENT:

ABSTAIN:

Tim Flynn, Mayor

ATTEST:

Michelle Ascencion, City Clerk

APPROVED AS TO FORM

Stephen M. Fischer, City Attorney