Planning Commission Packet
February 20, 2020

Agenda

CITY OF OXNARD
PLANNING COMMISSION
AGENDA

REGULAR MEETING
Council Chambers, 305 West Third Street
Thursday, February 20, 2020, 6:00 p.m.

A. ROLL CALL

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

C. PUBLIC COMMENTS - On Items Not On The Agenda

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

D. CONSENT AGENDA

1. APPROVAL OF MINUTES – February 6, 2020

E. EX PARTE DECLARATIONS FOR PUBLIC HEARING ITEMS

F. PUBLIC HEARING

1. **Project Name: Boxstein Triplex** – PLANNING AND ZONING PERMIT NO. 18-400-06 (Coastal Development Permit). A request to construct an 8,371 square-foot three-story residential triplex building with a roof deck on an 8,016 square-foot undeveloped lot. Each dwelling unit will have a two-car garage, one guest parking space and will be one story ranging in size from 959 square feet to 2,880 square feet. The project is located at 5231 Neptune Square (APN: 191-0-095-025) within the Coastal Medium Density Multiple Family (R-3-C) zone. Filed by Rick Moraga, designated agent (the "**Applicant**") for David Boxstein, 327 North Alta Vista, Los Angeles, CA 90036, property owner.
   Project Planner: Veronica Ortiz, Contract Planner

   Recommendation:
   That the Planning Commission approve the Project, as submitted, finding the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15303 (New Construction or Conversion of Small Structures), and Adopt Resolution 2020-XX for Planning and Zoning Permit No. 18-400-06 (Coastal Development Permit), subject to certain findings and conditions.

2. **Project Name: Oakmont at Riverpark Alcohol License** – PLANNING AND ZONING PERMIT NO. 19-510-04 (Special Use Permit – Alcohol). A request to allow the sale of beer, and wine for on-site consumption (Alcohol and Beverage Control License Type-63 -

On-Sale Special Beer and Wine Hospital) at a proposed 88,446 square-foot senior care facility (Oakmont of Riverpark), located at 901 Town Center Drive (APNs: 132-0-470-025 & 132-0-470-015) within the Riverpark Specific Plan, Planning District C: West Corridor Commercial zone. Alcohol service will take place within the private senior care facility in the community lounge, outdoor courtyard, and residential units. The proposed hours of operation are 4:00 PM to 10:00 PM daily. Filed by James M. Lawson ("**Applicant**"), 901 Town Center Drive, Oxnard, California 93036, on behalf of the property owner.
Project Planner: Jose Coyotl, Associate Planner

Recommendation:
That the Planning Commission approve the Project, as submitted, finding the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities), and Approve Resolution 2020-XX for Planning and Zoning Permit No. 19-510-04 (Special Use Permit – Alcohol), subject to certain findings and conditions.

G. STUDY SESSION/REPORTS

H. PLANNING COMMISSION BUSINESS

I. COMMUNITY DEVELOPMENT STAFF UPDATES

J. ADJOURNMENT

FUTURE MEETINGS

Thursday, March 5, 2020, 6:00 p.m., City Council Chambers

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

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

Draft Minutes

MINUTES
OXNARD PLANNING COMMISSION
REGULAR MEETING
February 6, 2020
DRAFT

A. ROLL CALL

1. At 6:00 p.m., the regular meeting of the Oxnard Planning Commission convened in the Council Chambers.

2. Chair Frank, Vice Chair Chua, Commissioners Chavez, Dozier, Fuhring, Meyer and Sanchezand were present.

3. Staff members present were: Scott Kolwitz, Planning & Environmental Services Manager; Veronica Ortiz DeAnda, Contract Planner; Scott Swenson, Alcohol Compliance Specialist; Sergeant Dale McAlpine, Oxnard Police; Ken Rozell, Chief Assistant City Attorney; Dee Lai and Michelle Travis, Recording Secretaries.

4. Chair Frank presided and called the meeting to order.

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

1. Commissioner Fuhring led the pledge of allegiance.

C. PUBLIC COMMENTS - On Items Not On The Agenda

1. Jackie Tedeschi (Oxnard). She spoke about the Inter Neighborhood Council Organization (INCO) townhall held on February 5, 2020. She invited the Planning Commission to attend the next Southbank Community meeting on February 20, 2020, stating guest speaker be Adam Smith will be providing a Quimby Fund presentation. Ms. Tedeschi raised concerns about the road striping near the Southbank Community

D. CONSENT AGENDA

1. APPROVAL OF MINUTES - January 9, 2020

MOTION: Commissioner Meyer moved and Chair Frank seconded a motion to approve the minutes of January 9, 2020, as submitted.

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

[1] In Favor: Against: Absent: Abstain: Recused

2. APPROVAL OF MINUTES - January 16, 2020

MOTION: Commissioner Chavez moved and Chair Frank seconded a motion to approve the minutes of January 16, 2020, as submitted.

VOTE: Chair Frank, Vice Chair Chua, Commissioners Chavez, Meyer and Sanchez voted in favor. Commissioners Dozier and Fuhring abstained. The motion carries 5:0:0:2:0[2].

E. EX PARTE DECLARATIONS FOR PUBLIC HEARING ITEMS

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

F. PUBLIC HEARING

1. **Project Name: Wagon Wheel Alcohol Special Use Permit** – PLANNING AND ZONING PERMIT NO. 19-510-05 (Special Use Permit - Alcohol) A request for preliminary approval of the sale and service of alcoholic beverages for on-site consumption in up to seven (7) future commercial businesses, and alcohol sales for one (1) off-site consumption future business within commercial spaces in the Village Specific Plan (also known as the Wagon Wheel Project Area). The proposed sales of alcohol would be allowed to occur during the hours of 7:00 a.m. to 12:00 a.m. (midnight) Sunday through Thursday and 7:00 a.m. to 1:00 a.m. on Friday and Saturday. Business tenants seeking to open an alcohol outlet in any one of these eight (8) commercial spaces would be required to obtain a Minor Modification to this Special Use Permit (SUP). Filed by Corey Harpole, 64 Maxwell, Irvine, CA 92618, on behalf of Oxnard CRFL Partners, LLC, the property owner.
Project Planner: Veronica Ortiz DeAnda, Contract Planner

Recommendation:
That the Planning Commission approve the Project, as conditioned, finding the Project does not necessitate any substantial changes to the certified Supplemental EIR and that no additional review is required for the proposed use pursuant to Public Resources Code Section 21166 and Sections 15162 through 15164 of the CEQA Guidelines, and Approve Resolution 2020-04 for Planning and Zoning Permit No. 19-510-05 (special Use Permit - Alcohol), subject to certain findings and conditions.

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

Contract Planner, Veronica Ortiz DeAnda, provided a PowerPoint presentation outlining the request.

[2] In Favor: Against: Absent: Abstain: Recused

The applicant, Corey Harpole (on behalf of Oxnard CRFL Partners, LLC, the property owner), spoke on behalf of the project, but he did not provide a PowerPoint presentation.

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

Public verbal comments were received in favor of the project from the following people: Jackie Tedeschi (Oxnard) and Pat Brown (Oxnard).

No public verbal comments were received against Item F-1.

No public written comments were received in support of or against Item F-1.

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

Discussion ensued among the Commissioners and staff.

MOTION: Chair Frank moved and Commissioner Dozier seconded a motion to adopt a resolution approving the **Wagon Wheel Alcohol Special Use Permit** PZ No. 19-510-05 (Special Use Permit - Alcohol) with the following edits to Resolution number 2020-04:

1. Planning Special Condition number 14 shall read as:
    a. "Business establishments proposing indoor or outdoor live music, or any type of amplified sound may be required to submit a noise study with their application for a Minor Modification for staff review and approval. Sound shall be attenuated to the City's adopted interior and exterior thresholds as contained within the Oxnard City Code."
2. Condition number 21 shall be deleted:
    a. "~~Sales of alcohol may only occur between the hours of 7:00 am and 12:00 am (midnight) or as otherwise specified below. Hours may be extended by a one-day permit as described under Special Conditions.~~"

VOTE: Chair Frank, Vice Chair Chua, and Commissioners Dozier, Fuhring, Meyer and Sanchez voted in favor. Commissioner Chavez voted against. The motion carried 6:1:0:0:0[3].

G. STUDY SESSION/REPORTS

1. None.

[3] In Favor: Against: Absent: Abstain: Recused

H. PLANNING COMMISSION BUSINESS

1. **Reconsideration, Nomination and Election of the Planning Commission Vice Chair to Serve for Calendar Year 2020.**

VICE CHAIR NOMINATIONS:

Chair Frank opened the nomination for the new Vice Chair.

1. Vice Chair Chua nominated Commissioner Sanchez for the new Vice Chair.

Chair Frank closed the nominations for the new Vice Chair. The Chair then called a vote.

VOTE: Chair Frank, Vice Chair Chua, Commissioners Dozier, Fuhring, Meyer and Sanchez voted in favor for Commissioner Sanchez to be the 2020 Vice Chair. Commissioner Chavez voted against. The motion carried 6:1:0:0:0[4].

I. COMMUNITY DEVELOPMENT STAFF UPDATES

1. Scott Kolwitz, Planning & Environmental Services Manager announced:
   i. On January 28, 2020, the City Council Housing & Economic Development Committee discussed the formation of a Property and Business Improvement District (PBID) and creating a zocalo in South Oxnard.
   ii. On February 4, 2020, the City Council:
      1. Approved the Rio Urbana Project located at 2714 East Vineyard Avenue. The associated Annexation (PZ 17-610-01) request is to be forward to the Local Agency Formation Commission (LAFCo).
      2. Continued the 2900 Saviers Road 7-Eleven Appeal (PZ 18-500-12) to a date uncertain, at the request of the Applicant / Appealant.
   iii. The next Planning Commission meeting will be held on February 20, 2020.

J. ADJOURNMENT

1. At 7:08 p.m., the Planning Commission concurred to adjourn.

FUTURE MEETINGS

Thursday, February 20, 2020, 6:00 p.m., City Council Chambers

_____ ATTEST _____

Deirdre Frank, Chair

Scott Kolwitz, Planning & Environmental Services Manager

[4] In Favor: Against: Absent: Abstain: Recused

PZ 19-510-04 Oakmont
Staff Report

CITY OF OXNARD CALIFORNIA

PLANNING COMMISSION
STAFF REPORT

TO: Planning Commission

FROM: Veronica Ortiz-De Anda, Consultant Planner

DATE: February 20, 2020

SUBJECT: Project Name: Boxstein Triplex; Planning and Zoning Permit No. 18-400-06 (Coastal Development Permit); Property Located at 5231 Neptune Square (APN: 191-0-095-025)

1) Recommendation: That the Planning Commission adopt a resolution approving Planning and Zoning Permit No. 18-400-06 (Coastal Development Permit), subject to certain findings and conditions.

2) Project Description and Applicant: A request to construct an 8,371 square-foot three-story residential triplex building with a roof deck on an 8,016 square-foot undeveloped lot. Each dwelling unit will have a two-car garage, one guest parking space and will be one story ranging in size from 959 square feet to 2,880 square feet. For purposes of this staff report, the foregoing project description shall be referred to as the "**Project**". Filed by Rick Moraga, designated agent (the "**Applicant**") for David Boxstein, 327 North Alta Vista, Los Angeles, CA 90036, property owner.

3) Existing & Surrounding Land Uses: The Project site is a vacant residential lot located in the southwest region of the City in the Oxnard Shores residential neighborhood within the Coastal Zone (see Attachment A). The following table summarizes existing land uses, zoning, and 2030 General Plan designations of the Project site and adjacent properties, which are also shown in Attachment A:

LOCATION	GENERAL PLAN	ZONING	EXISTING LAND USE
Project Site	Residential Existing (REX)	R-3-C Coastal Medium Density Multiple Family	Vacant
North	Residential Existing (REX)	R-3-C Coastal Medium Density Multiple Family	Undeveloped
South	Residential Existing (REX)	R-3-C Coastal Medium Density Multiple Family	Residential three-story Tri-plex Building
East	Residential Existing (REX)	R-3-C Coastal Medium Density Multiple Family	Two and Three Story Residential Multi-Family Buildings
West	Residential Existing (REX)	R-B-1 Single Family Beach	Two-Story Single-Family Dwellings

4) **Background Information:** The Project site is located on one of the few remaining undeveloped parcels in Oxnard Shores. The Project site is lot 262 of Tract No. 1277-2 which was recorded on June 15, 1961. The Applicant filed the application on July 23, 2018, was reviewed by the Development Advisory Committee (DAC) on December 12, 2018, revised plans were subsequently submitted on October 21, 2019, and the revised plans were presented at Community Workshop on December 16, 2019.

5) **Environmental Determination:** In accordance with Section 15303(b) (New Construction or Conversion of Small Structures) of the California Environmental Quality Act (CEQA), the Project as proposed is exempt from further review, because the Project consists of construction of a multi-family residential structure with fewer than six dwellings in an urbanized area with similar development, on a lot that is devoid of any natural resource value. Staff has determined that there is no substantial evidence that the Project will have a significant effect on the environment and no Exceptions to the Exemptions (Section 15300.2) apply to defeat the Exemption. Therefore, staff recommends the Planning Commission approve the filing of a Notice of Exemption (see Attachment B) attached to the staff report.

6) **Analysis:**

a) ***General Discussion:*** The Project consists of approval of a Coastal Development Permit (CDP) to construct an 8,371 square-foot, three-story residential triplex on an undeveloped lot in the Oxnard Shores neighborhood. Each dwelling unit will be one-story and will be provided with garaged parking and one guest parking space. Access to a roof deck will be available to the occupants of the second and third-story units. The Project as proposed is not a condominium development. No "affordable units" are included in the Project as Oxnard's Affordable Housing Program does not apply to projects with fewer than 10 residential units.

b) ***General Plan and Local Coastal Program (LCP) Consistency:*** The City's 2030 General Plan land use designation for the subject site is Residential Existing (REX) which allows residential uses. Approval of this CDP would be consistent with the 2030 General Plan and LCP land use designations. Consistency with the 2030 General Plan and LCP is defined by the relationship between applicable 2030 General Plan and LCP policies and the proposed Project.

The three 2030 General Plan 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
SH-6.4		Require that proposed development Projects not generate more noise on nearby property than that classified as "satisfactory" based on adopted CEQA Thresholds of significance.	Project construction periods are limited by City Code to not exceed decibel thresholds. A condition of approval requires posting of a noise complaint phone number on the site during construction. The Project is infill development and is a triplex with each unit on one story.
CD-1.2, 1.5	I	In-Fill Development & Housing Variety	
CD-9.1		Neighborhood Identity	The Project provides a high quality design and is compatible with existing development in the Coastal Zone in that neighborhood.
CD-16.6		Provide a Diversity of Housing Choices	The Project contributes to the diversity of City housing supply.
CD-3.4, 14.1, 14.2, 14.3 ICS-11.10 ER-10.1	II	Neighborhood Quality of life. Design Review Process Development Advisory Committee (DAC) Quality of Design Water Supply Findings for Smaller Projects Promote use of Native and	The DAC review process led to changes in the Project and/or conditions of approval that meet these Level II policies.

		Water Wise Plants	
All Others	III	All policies not listed above	No or Distant Applicability to the Proposed Project

The proposed project's consistency with the applicable LCP policies is discussed in the following table:

POLICY	SUMMARY	EXPLANATION
LCP No. 3 (Page III-5)	All urban development shall be restricted to the area within the urban-rural boundary, as defined by Map 1 and the Land Use Map.	The subject property is within the area noted as "Urban" by Map 6 in the Coastal Land Use Plan, and the Land Use Map specifically notes that urban residential uses are concentrated in the Oxnard Shores area (page II-1). Therefore, the Project is consistent with this policy.
LCP No. 6 (Page III-10)	Identifies the type of uses permitted in areas designated as environmentally sensitive.	The subject property is not in an area that is designated as environmentally sensitive, there is no sensitive habitat or native vegetation on-site, and there are no wetlands I the vicinity of the proposed development. Therefore, the Project is consistent with this policy.
LCP No. 37 (Page III-23)	All new development in the coastal zone shall be designed to minimize impacts on the visual resources of the area. Particular care should be taken in areas of special quality, such as those identified in the LCP	The Project provides a high quality design and is compatible with existing development in the Coastal Zone in that neighborhood. Therefore, the Project is consistent with this policy.
LCP No. 38 (Page (III-23)	Height restrictions as defined by the City Zoning Ordinance shall be used to avoid obstruction of views.	The Project has been designed to be consistent with the maximum building heights allowed in the R-3-C zone. Therefore, the Project is consistent with this policy.
LCP No. 39 (Page (III-24)	All applications for grading and building permits and subdivisions shall be reviewed for threats from hazards such as seismic activity, liquefaction, tsunami run-up, seiche, beach erosion, flood and expansive soils. Geologic reports may be required in known hazard areas. Appropriate measures shall be applied to minimize threats from any hazards.	A Drainage Assessment Post-Construction Storm Water Management report (*Civil Formations, Inc. May 22, 2018*) was prepared for the Project. The residential structure will be constructed in such a manner as to be free from hazards associated with drainage.

		The structure will be engineered to comply with the California Building Code and, as applicable, FEMA regulations to address potential threat of natural hazards to the maximum extent possible. Therefore, the Project is consistent with this policy.
LCP No. 41 (Page III-28)	All new development in the Coastal Zone shall employ the most recent water conservation methods, including (but not limited to): a. low-flow pipes and toilets; b. flow restrictions on all shower heads; c. underground drip irrigation systems; and d. use of low-water use vegetation for landscaping.	The Project has been conditioned to be provide each of these elements (Condition Nos. 24, 26, 27, 29, & 68,). Therefore, the Project is consistent with this policy.
LCP No. 42 (Page III-28)	Consideration of all proposed Projects in the Coastal Zone shall include consideration of the remaining water and sewer capacities. This shall include a calculation of the proposed Project's use of remaining capacity in percent. Projects shall be approved only when sufficient water and sewer services are available.	The Project has been reviewed by the Public Works Department as part of the DAC review and sufficient water and sewer services are available. Therefore, the Project is consistent with this policy.

The proposed Project complies with the above seven LCP policies as the Project is fully consistent with development standards of the R-3-C subzone, as shown below, which implements the above LCP policies.

c) *Conformance with Zoning Development Standards:* The proposed development is located in the R-3-C Coastal Medium Density Multiple Family subzone within the Coastal Zone. In accordance with the Oxnard City Code Section 17-14 (C)(1) the proposed multi-family land use is conditionally permitted with an approved CDP. Applicable development standards of the R-3-C subzone have been compared with the proposed Project. As proposed, the Project complies with all the development standards (see table below):

DEVELOPMENT STANDARD	REQUIRED	PROPOSED	COMPLIES?
Maximum Building Height, Section 17-14(D)(1)	3-stories, not to exceed 35 feet.	3-stories; 35 feet to top of rail of roof deck. Chimneys are allowed above 35-foot limit.	Yes
Minimum Lot Area, Section 17-14(D)(2)	Legal lots prior to 5/21/81 with a min. 4,800 sq.ft. may have 3 units.	8,016 sq.ft. (.18 acres) parcel	Yes
Minimum Lot Width, Section 17-14(D)(3)	60 feet	65 feet	Yes
Interior Yard Space, Section 17-14(D)(4)	25% of lot area with minimum 15 ft. dimensions; 25% maximum of interior yard space requirement can be counted on decks with a minimum dimension of 10 ft. and 200 sq.ft. minimum area; Therefore, 2,004 sq.ft. minimum required of which up to 501 sq.ft. can be counted by decks/balconies and 1,503sq.ft ground area minimum).	Approximately 1,675 sq.ft. of ground open space area (excluding front yard); Deck/balconies approx. 1,600 sq.ft. (900 sq.ft. roof deck + 700 sq.ft. balcony on 3rd floor)	Yes
Front Yard Setback, Section 17-14(D)(5)	20 feet or 15 feet if all vehicle access is off an alley or 30 feet when abutting designated scenic corridors.	15 feet (garages from rear). Not abuting a scenic corridor.	Yes
Rear Ya Setback, Section 17-14(D)(6)	25 feet minimum	25 feet	Yes
Side Yard Setbacks for Interior Lots with 3-story Structures, Section 17-14(D)(7)	10 feet minimum	At least 10 feet on each side	Yes
Fences/Hedges - Front Yard Section 17-47 & Section 16-308	Must be at least 50% open, and may not exceed 42 inches. Or if solid wall, then may not exceed 18 inches.	None proposed in the front yard	N/A
Fences/Hedges - Side & Rear Yards Section 17-47 & Section 16-309	Not to exceed 7 feet in height.	Six feet wall indicated on plans on north property line	Yes
Parking Section 17-49 & Section 16-622	2-car garage spaces per dwelling; 1 visitor stall for each dwelling (driveway can count towards this requirement).	2-car garage parking for two units and 2 one-car garages parking for the ground unit; 3 off-street guest spaces.	Yes
Design Standards Section 17-46	Pursuant to Section 17-46.	Mediterranean Revival with a variety of materials and colors.	Yes

Landscaping Standards; per section 17-47 (B) Chap. 16 standards apply	1 street tree required.	No parkway exists on the sidewalk on this street	N/A

d) ***Site Design, Circulation, and Parking:*** The Project layout provides occupants to access the driveway into their respective garages from Sealane Way similarly to other development in the neighborhood. Their guests can park on the driveway as is allowed by the City's off-street parking requirements. The ground floor unit will have one attached garage with direct access into the unit while the units on the second and third story will need to use the elevator or stairway to access their unit. As proposed, the Project complies with the City's parking requirement of garaged parking for each unit and one off-street guest parking space for each unit.

Occupants living on the second and third-story would have access to the roof deck for beach views and balconies for outdoor respite while the ground-floor unit will have direct access to the open space from their garage. The ground-floor unit would have two-bedrooms and the units above would both have four bedrooms each. All the units would have their own interior laundry room.

e) ***Building Design:*** The Applicant uses a "Mediterranean Revival" design for the three story building. Typical of this design are stone quoin caps vertically laid along selected building corners for a "belt course" effect, clay tile roof, stucco wall finish, masonry stone veneer on selected window walls including the segmented bay windows, doors with a wood-like finish material, and balconies.

f) ***Landscaping and Open Space:*** The applicant has identified a range of drought tolerant plant species to use throughout the property including the Mexican Fan Palm, New Zealand Christmas tree, Indian Hawthorn shrub, Purple Fountain Grass shrub, Natal Plum, and Trailing Gazania and Ornamental Strawberry for groundcover. The final landscape plan will be reviewed by the City for conformance with water conservation requirements, compatibility with the coastal micro-climate, and existing nearby landscaping.

7) **Development Advisory Committee:** The Development Advisory Committee (DAC) reviewed this Project on December 12, 2018, and revised plans were subsequently submitted on October 21, 2019. Recommendations of the DAC were incorporated into the revised plans by the Applicant and conditions of approval are included in the attached resolution for the Coastal Development Permit PZ No. 18-400-06 (Attachment D).

8) **Community Workshop and Public Input:** The Applicant properly completed the notice mail out to the neighborhood and a sign notice of the meeting was posted on the Project site with a brief description and contact information at least 10 days before the meeting date of December 16, 2019. Two community members who reside in the neighborhood attended the meeting and asked about the design of the building, duration and timeline of construction and

whether the construction would necessitate pile driving, as well as access to the garages, and if the site is going to be affected by the anticipated new FEMA guidelines for construction in the coastal areas.

The Applicant explained the proposed building design and how occupants can access their garages and their respective units including where guest parking would be provided. He estimated that construction may take about year and it would start about six months after permits are issued. As for the new FEMA Map / Guidelines, staff explained that the City has not yet received any details about how coastal development will be affected. The Public Works Department confirmed that only the beachfront properties would be affected by the new FEMA Map / Guidelines. To date, staff has not received public comments, in favor or against, the proposed Project.

9) **Appeal Procedure:** In accordance with Section 17-58(H) of the City Code, the Planning Commission's action may be appealed to the City Council within 10 working days after the decision date. Appeal forms may be obtained from the City Clerk and must be submitted with the appropriate fees before the end of the appeal period. In accordance with Section 15-25 of the City Code, an appeal from the Planning Commission's action may be taken in the manner provided by Cal. Gov. Code Section 66452.5.

Attachments:

A. Maps (Vicinity, Aerial, General Plan, Zoning)
B. Notice of Exemption
C. Reduced Project Plans
D. Draft Resolution PZ 18-400-06 (Coastal Development Permit)

ATTACHMENT “A”

Maps
(Vicinity, Aerial, General Plan, Zoning)

Vicinity Map

Oxnard Planning
February 13, 2020

PZ 18-400-06
Location: 5231 Neptune Sg
APN: 191009502
Triplex

Vicinity Map

0 0.5 1 1.5 2 Miles

N

1:70,000

Aerial Map

CITY OF OXNARD CALIFORNIA

Oxnard Planning

February 13, 2020

PZ 18-400-06
Location: 5231 Neptune Sg
APN: 191009502
Triplex

0 15 30 60 90 120 Feet

Aerial Map

N W E S

2030 General Plan Land Use Map

OXNARD

Oxnard Planning

February 13, 2020

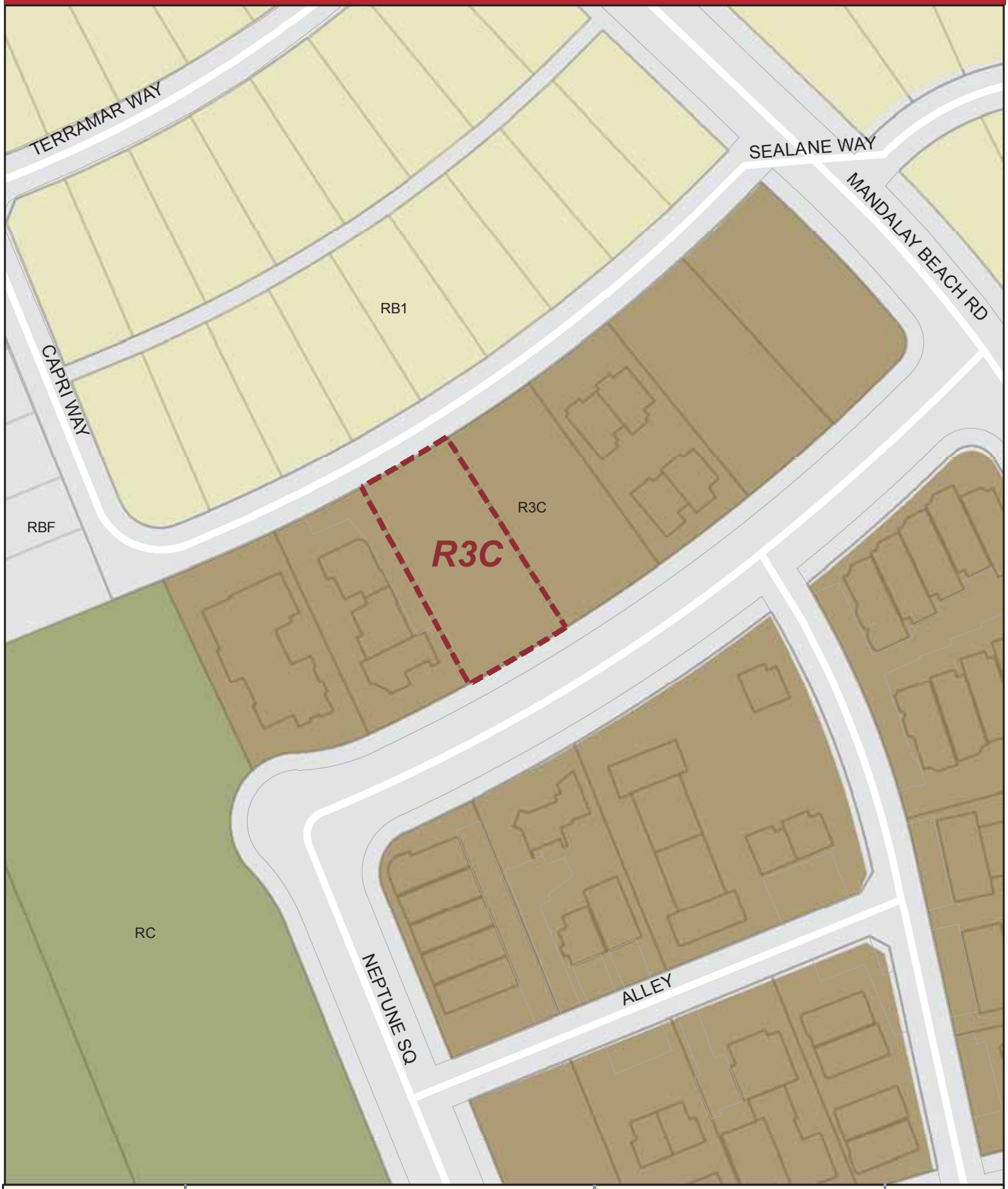
PZ 18-400-06
Location: 5231 Neptune Sq
APN: 191009502
Triplex

0 25 50 100 Feet

2030 General Plan Land Use Map

1:912

Zoning/Specific Plan Map



OXNARD

Oxnard Planning

February 13, 2020

PZ 18-400-06
Location: 5231 Neptune Sq
APN: 191009502
Triplex

0 15 30 60 90 120 Feet

Zoning/Specific Plan Map

N W E S

1:912

ATTACHMENT “B”

Notice of Exemption

OXNARD PLANNING DIVISION
214 SOUTH C STREET
OXNARD, CALIFORNIA 93030

CITY OF OXNARD CALIFORNIA

NOTICE OF EXEMPTION

Project Description:
PLANNING AND ZONING PERMIT NO. 18-400-06 (COASTAL DEVELOPMENT PERMIT): A request to construct an 8,371 square-foot three-story residential triplex building with a roof deck on an 8,016 square-foot undeveloped lot. Each dwelling unit will have a two-car garage, one guest parking space and will be one story ranging in size from 959 square feet to 2,880 square feet. The project is located at 5231 Neptune Square (APN: 191-0-095-025) within the Coastal Medium Density Multiple Family (R-3-C) zone. Filed by Rick Moraga, designed agent for David Boxstein, 327 North Alta Vista Boulevard, Los Angeles, CA 90036.

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 CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures) of the California Environmental Quality Act (CEQA) Guidelines, the project qualifies as a Class 3 Categorical Exemption. This section applies to development of a duplex or similar multi-family structure with six or fewer dwelling units in an urbanized area. This project qualifies for this exemption because the proposed use is allowed by zoning, the residential structure will provide three dwelling units, the project complies with all the development standards of the underlying zoning district, and the project site is devoid of natural habitat and/or resources because it is surrounded by urban development. No Exceptions to the Exemptions (Section 15300.2) apply to defeat the Exemption. Based on the above exemption and in accordance with CEQA, the Planning Commission has determined that there is no substantial evidence that the project may have a significant effect on the environment and hereby authorizes and directs the Planning and Environmental Services Manager to file a Notice of Exemption with the Ventura County Clerk.

(Date)

Scott Kolwitz
Planning and Environmental Services Manager

ATTACHMENT “C”

Reduced Project Plans

A PROPOSED TRIPLEX FOR:

MR. DAVID BOXSTEIN

5231 NEPTUNE SQUARE,
OXNARD, CA 93035

ITEM	DATE	REVISIONS
1		PLANCHECK CORRECTIONS
2		
3		
4		
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12		
13		
14		

DATE 11-18-15 | REVISION | DRAWN BY | CHECKED BY | APPROVED

R.G.M. RICKY G. MORAGA
ARCHITECTURE & PLANNING
350 N. LANTANA STREET, SUITE 222 CAMARILLO, CA 93010 805-482-1836

PROPOSED TRIPLEX FOR:
DAVID BOXSTEIN
5231 NEPTUNE SQUARE, OXNARD, CA 93035
LOT 262 TRACT 1277-2, A.P.N. 191-0-095-025

Sheet 1 /7

ADDRESS

ADDRESS:

A. THE ADDRESS SHALL BE VISIBLE AND LEGIBLE FROM THE STREET OR FRONTAGE ROAD (L.E.D. BACKLIT)
B. THE ADDRESS NUMBERS SHALL BE OF MINIMUM OF FOUR INCHES (4") IN HEIGHT.
C. THE ADDRESS NUMBERS SHALL BE OF CONTRASTING COLOR TO THEIR BACKGROUND. BRASS OR GOLD NUMBERS SHALL NOT BE POSTED. (ADDRESS NUMBERS ON CURBS ARE NO NOT ACCEPTABLE).
D. PERMANENT ADDRESS NUMBERS SHALL BE PROVIDED ON THE MAILBOX OR ON A PERMANENT SIGN OR POST ADJACENT TO THE DRIVEWAY ENTRANCE OF A FLAG LOT.

POLICE DEPARTMENT NOTES:
A. EXTERIOR LIGHTING SHALL BE ON A "HOUSE CIRCUIT". LUMINAIRES SHALL BE LED PROVIDING 1 TO 7-FOOT CANDLES INCLUDING THE CARPORT AREA.
B. EXTERIOR DOORS AND ACCESS SHALL BE PROVIDED WITH BACKLIT SIGNAGE VIEWABLE FROM STREET THAT DETERMINE WHICH DOOR BELONGS TO WHICH UNIT.
C. DOOR TO THE FOYER/ELEVATOR LOBBY IS A SECURE WITH KEY LOCK BOXES FOR SECOND & THIRD FLOOR UNITS.
D. ROOF PLAN PROVIDED WITH L.E.D. WALL MOUNTED SCONCE LIGHTING (10 WATTS) AND ARE SCREENED FROM VIEW OF ADJACENT LOTS.
E. BUILDING AND UNITS TO BE PROVIDED WITH L.E.D. LIGHTED ADDRESS NUMBERS.
F. PLEASE BE ADVISED THAT A CONDITION OF APPROVAL MAY BE IMPOSED REQUIRING LEASE AGREEMENTS TO INCLUDE LANGUAGE RELATED TO THE USE OF THE OUTDOOR COMMON SPACES SO AS TO PREVENT DISPUTES AMONGST THE OCCUPANTS.

FIRE DEPARTMENT:
A. A FIRE FLOW TEST OF THE EXISTING HYDRANT ON THE STREET WILL BE REQUIRED.
B. THIS PROJECT MUST MEET ALL REQUIREMENTS PER THE OXNARD FIRE DEPARTMENT FIRE PROTECTION GUIDE.
C. A NFPA 13R SPRINKLER SYSTEM IS REQUIRED FOR THE BUILDING.
D. 150' FOOT RADIUS OF COVERAGE FROM HYDRANTS BEING PROPOSED FOR THE PROJECT PROVIDED SHALL BE REQUIRED AS A CONDITION OF THIS APPROVAL.
E. AN ALARM MONITORING SYSTEM IS REQUIRED AS SEPARATE SUBMITTAL.

VICINITY MAP

CITY REQS.

ZONING: R-3-C
GENERAL PLAN: REX (RESIDENTIAL EXISTING)

NEIGHBORHOOD: OXNARD SHORES

OCCUPANCY: R3/U

CONST. TYPE: V-B (SPRINKLERED)
THREE STORY RESIDENCE

FIRE DIST.: "A FIRE SPRINKLER SYSTEM IS REQUIRED TO BE INSTALLED IN THE RESIDENCE AND GARAGE. SEPARATE FIRE SPRINKLER PLANS ARE TO BE SUBMITTED AND PERMIT OBTAINED FROM BUILDING AND SAFETY LOCATED AT CITY OF OXNARD, 214 S. C ST., OXNARD, (805) 385-7925

GRADING REQUIRED: YES

GUTTERS AND DOWNSPOUTS: YES

STRUCTURAL OBSERV. REQ'D.: YES

ALL WORK SHALL CONFORM TO THE 2016 CBC, 2016 CRC, 2016 CPC, 2016 CMC, 2016 CEC, 2016 CA ENERGY CODE, 2016 CA GREEN CODE AND CITY ORDINANCES.

NOTE: THE CALCULATED SIZE OF THE WATER METER MUST BE INCREASED IN SIZE (NEXT SIZE UP) FOR THE ADDITION OF FIRE SPRINKLERS.

PROJECT DATA

SCOPE: PROPOSED 3-STORY RESIDENTIAL TRIPLEX

LEGAL DESC.: LOT 262 OF TRACT 1277-02, APN NO. 191-0-095-025

LEGAL OWNER: DAVID BOXSTEIN

JOB ADDRESS.: 5231 NEPTUNE SQUARE, OXNARD, CA 93035

CONSTRUCTION AREA ANALYSIS:

AREA ANALYSIS:

UNIT "A" (2-BEDROOMS)

1ST FLOOR LIVING AREA	959 S.F.
1ST FLOOR GARAGES	1,478 S.F.
1ST FLOOR CIRCULATION	291 S.F.
	2728 S.F.

UNIT "B" (4-BEDROOMS)

2ND FLOOR LIVING AREA	2880 S.F.
2ND FLOOR DECKS	304 S.F.
	3184 S.F.

UNIT "C" (4-BEDROOMS)

3RD FLOOR LIVING AREA	2763 S.F.
3RD FLOOR DECKS	372 S.F.
	3135 S.F.

ROOF DECK

ROOF DECK 977 S.F.

LOT AREA	.18 ACRES (8,016 S.F.)
HOUSE	2,728 SQ. FT.
HARDSCAPE	3,455 SQ. FT.
PERVIOUS	2,009 SQ. FT.
IMPERVIOUS	2,009 SQ. FT.
25% IMPERVIOUS	
BLDG. FOOTPRINT	2,728 S.F. (32% < 60%)

GARAGE AREAS:	1,478 S.F.
CIRCULATION AREAS:	291 S.F.
TOTAL BUILDING AREA:	8371 S.F.

SHEET INDEX

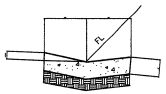
1. COVER SHEET
G1. GRADING PLAN
G2. GRADING PLAN
G3. GRADING PLAN
G4. GRADING PLAN
G5. GRADING PLAN
T1. TOPOGRAPHIC SURVEY
2. SITE PLAN
3. 1ST FLOOR PLAN
4. 2ND FLOOR PLAN
5. 3RD FLOOR PLAN
6. ROOF PLAN
7. BUILDING SECTIONS
8. BUILDING ELEVATIONS
9. BUILDING ELEVATIONS
L1. LANDSCAPE PLAN
L2. LANDSCAPE PLAN

OWNER:
DAVID BOXSTEIN
5231 NEPTUNE SQUARE ST.
OXNARD, CA 93035

ARCHITECT:
RICKY G. MORAGA, LIC. No. C26008
350 N. LANTANA STREET, STE 222
CAMARILLO, CALIF. 93010
(805) 482-1836
LIC. NO. C26008

CIVIL ENGINEER:
CIVIL FORMATIONS, INC.
155 GRANADA STREET
SUITE J
CAMARILLO, CA 93010
(805) 484-4880
KATH MCCUNNEY, RCE No. RPE 43604

PHILIP S. MILLER & ASSOCIATES
LANDSCAPE ARCHITECTURE
6203 CALLE BODEGA, CAMARILLO, CA 93012. (805) 383-7591
PHILIP S. MILLER, LIC. NO. 3559



24" CONC. GUTTER DETAIL (1)

SCALE: N.T.S.

"NO GRADING REQUIRED, EARTH MOVING QUANTITY LESS THAN 50 CUBIC YARDS, HEIGHT OF FILL LESS THAN 3'. HEIGHT OF CUT CLOPE LESS THAN 5' AND SLOPE LESS STEEPER THAN 1-1/2- HORIZONTAL TO 1 VERTICAL" CBC APPENDIX 3306.

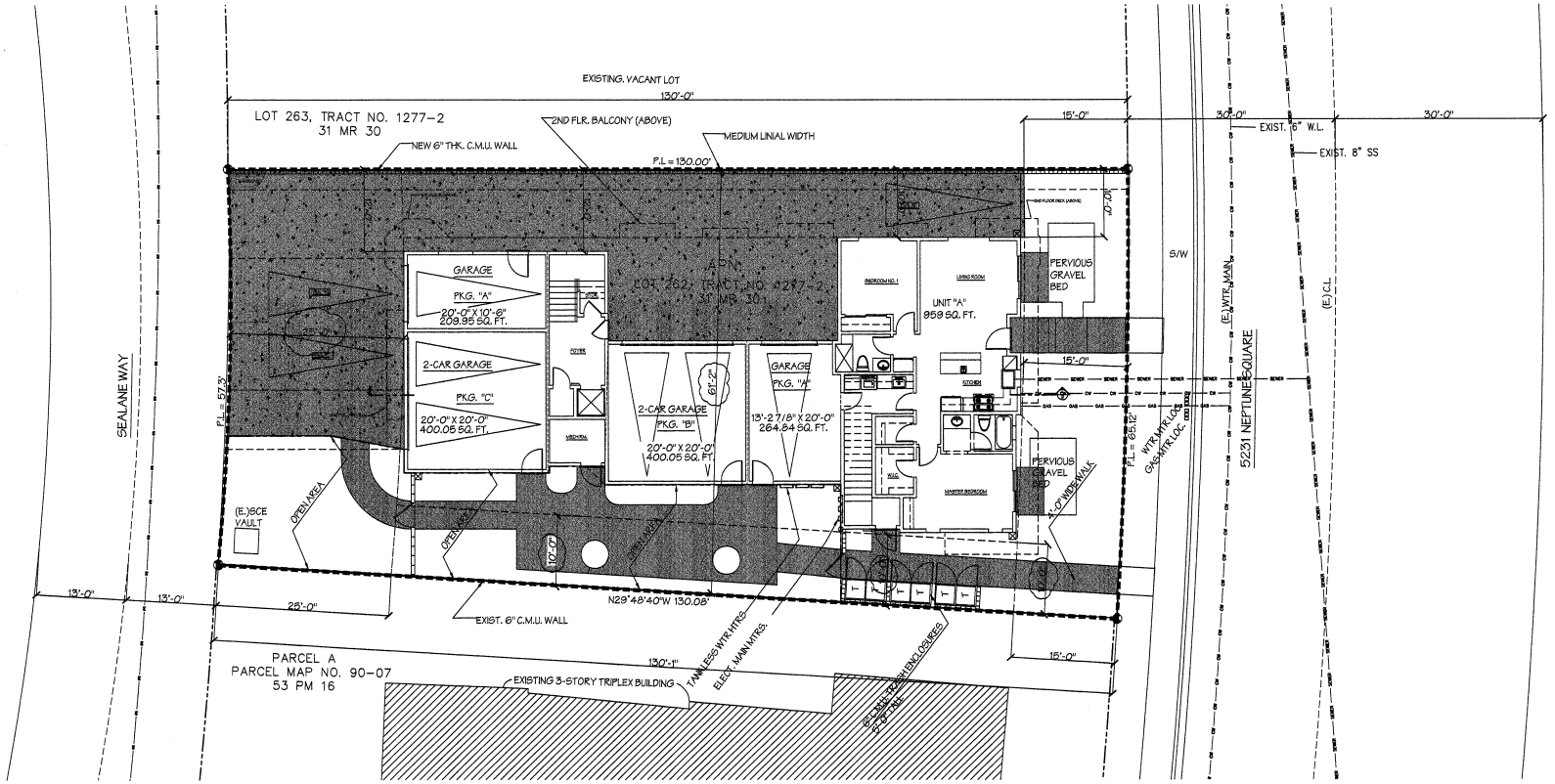
GRADING PERMIT NO. _____

PROPOSED 3-STORY RESIDENCE

NOTE: "GRADE SHALL FALL A MINIMUM OF 6 INCHES WITHIN THE FIRST 10 FEET."

NOTE: PROPOSED CONSTRUCTION WILL DISTURB LESS THAN 1 ACRE OR SOIL AND IS NOT PART OF A LARGER COMMON PLAN OF DEVELOPMENT THEREFORE, SHALL MANAGE STORM WATER DRAINAGE DURING CONSTRUCTION.

NOTE: PROPOSED DEVELOPMENT SHALL MANAGE ALL SURFACE FLOWS TO KEEP WATER FROM ENTERING BUILDINGS.



SITEPLAN

SCALE: 1/8" = 1'-0"

NORTH

0 1 2 4 8 12

DATE	REVISION
12-15-14	

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LOT 262 TRACT 1277-2, A.P.N. 191-0-095-025

Sheet
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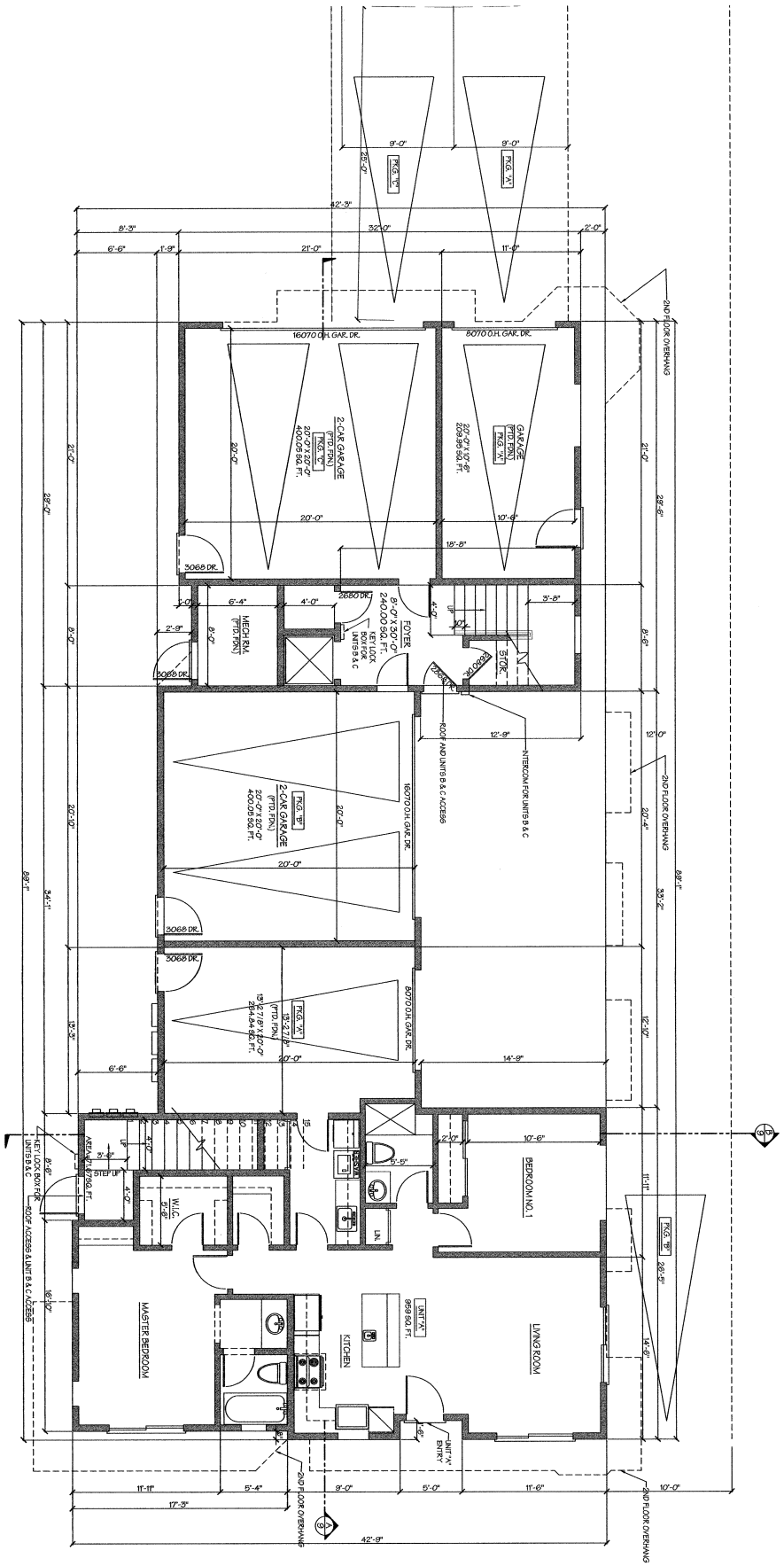

1ST FLOOR PLAN

SCALE: 1/4" = 1'-0"

0 1 2 4 8 12

NORTH

Sheet 3

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5231 NEPTUNE SQUARE, OXNARD, CA 93035
LOT 262 TRACT 1277-2, A.P.N. 191-0-095-025

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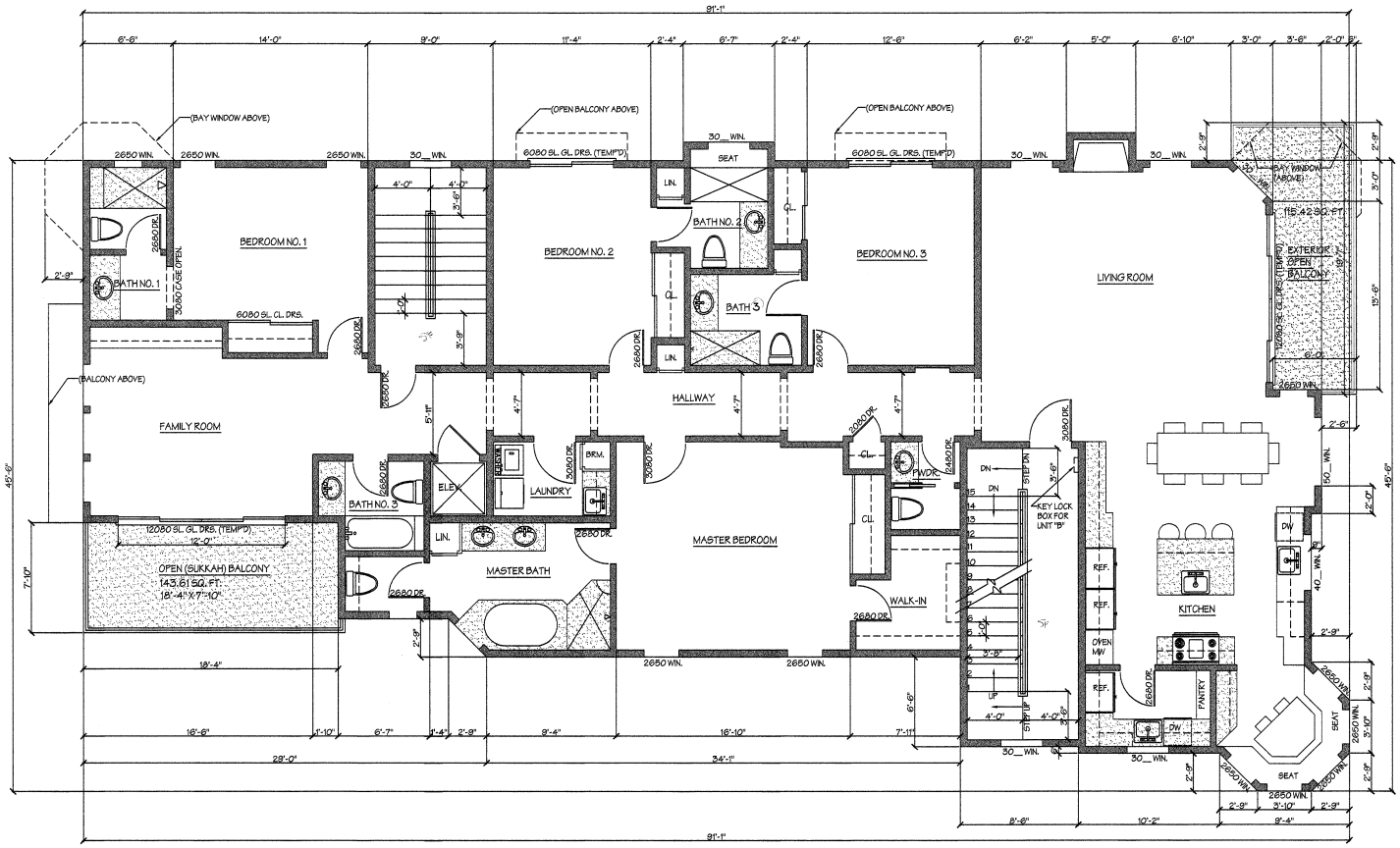

UNIT "B" (3128 SQ. FT.)

4-BEDROOM

5-FULL BATHROOMS, 1 POWDER ROOM W/ FAMILY ROOM

2ND FLOOR PLAN

SCALE: 1/4" = 1'-0"

NORTH

0 1 2 4 8 12

DATE	REVISION
10-18-13	

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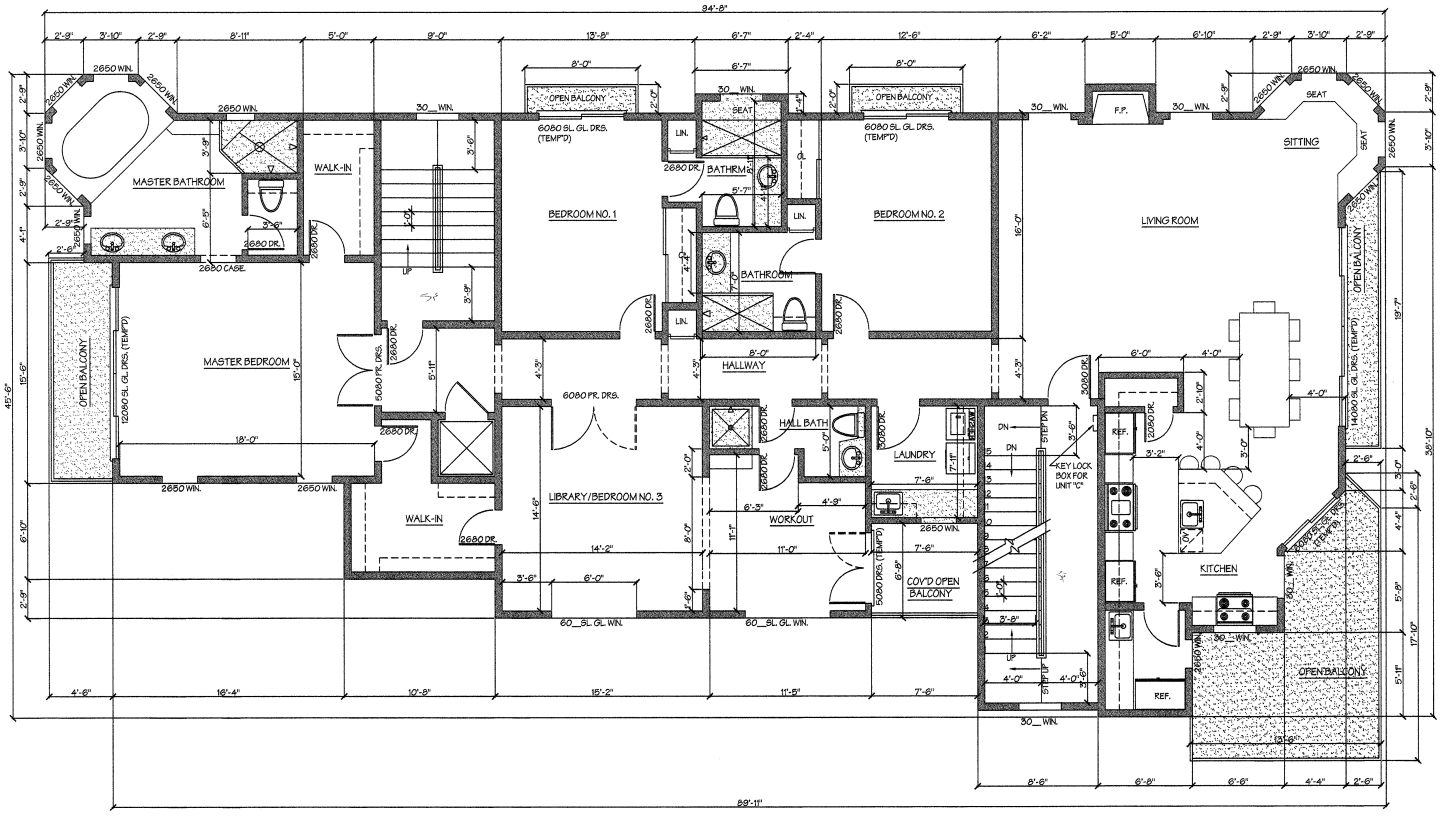

UNIT "C" (3053 SQ. FT.)

3-BEDROOM

4-FULL BATHROOMS W/LIBRARY PLUS WORKOUT ROOM.

3ND FLOOR PLAN

SCALE: 1/4" = 1'-0"

NORTH

0 1 2 4 8 12

DATE	REVISION
10-15-14	

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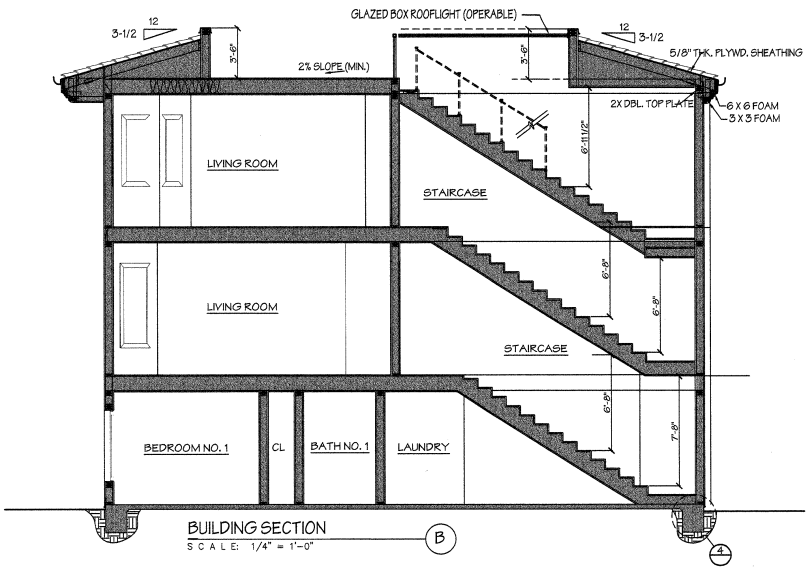


BUILDING SECTION
SCALE: 1/4" = 1'-0"

B

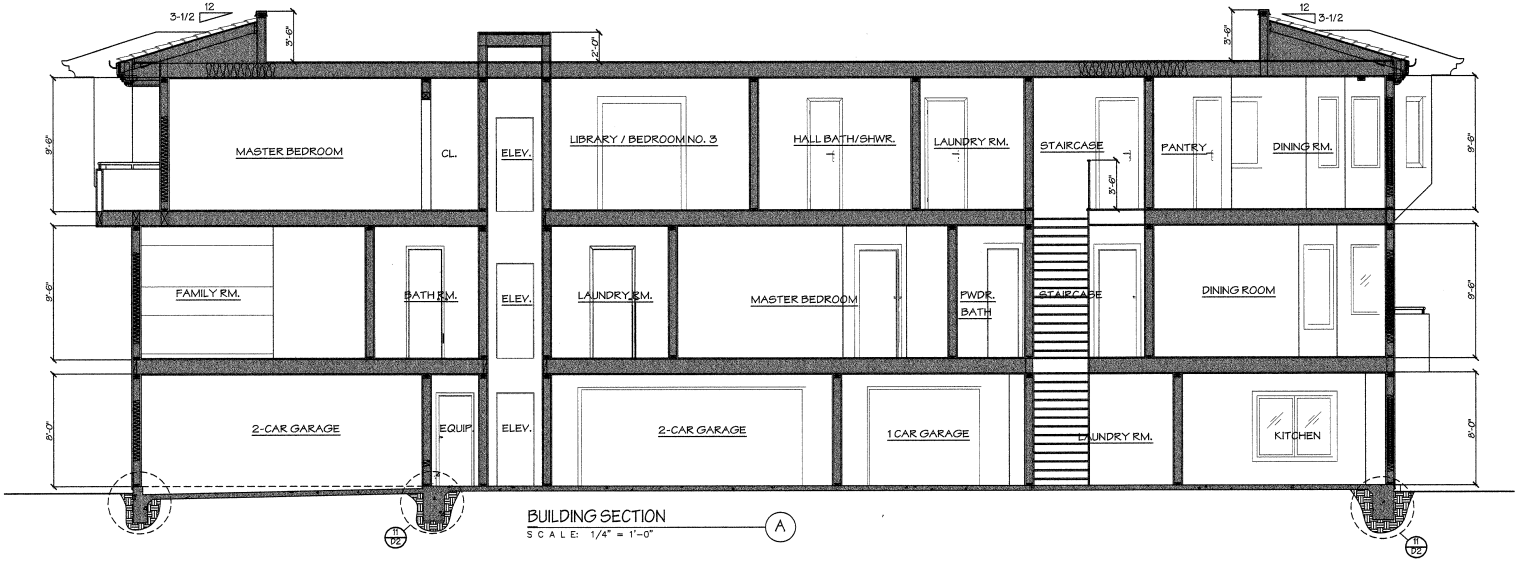
4

SECTION DETAIL NOTES:

- (TYP.) FRAMING 2 X 6 STUDS @ 16" O.C.
- 5/8" TYPE "X" GYP. BOARD OVER @ (STORAGE UNDER STAIRS) WALLS & CEILING. (@ GARAGE & STORAGE)
- RADIUSED BULLNOSE CORNERS AT INTERIOR (INCLUDING CLOSETS), WINDOWS, DOORS, AND U.N.O. INTERIOR OF GARAGE.
- TEXTURE LIGHT SPRAY SMOOTH FINISH AT WALLS AND CEILINGS.
- 5/8" THK. GYP. BOARD INTERIOR
- CLASS "A" ROOFING
- CONCRETE SLAB ON GRADE (REF. TO STRUCT. DETAILS)
- PROVIDE 26-GUAGE MINIMUM GALVANIZED WEEP SCREED AT FOUNDATION PLATE LINE. A). "WEEP SCREED SHALL BE PLACED A MINIMUM OF 4" ABOVE THE EARTH

NOTE: FIRE BLOCKING REQUIRED AT THE FOLLOWING LOCATIONS: [AS PER CRC 302.11]:
A) CONCEALED SPACES OF FLOOR AND CEILING AT 10'-0" MAXIMUM INTERVALS BOTH VERTICALLY AND HORIZONTALLY.
B) INTERCONNECTIONS BETWEEN CONCEALED VERTICAL AND HORIZONTAL SPACES,
C) CONCEALED SPACE BETWEEN STAIR STRINGERS AT TOP AND BOTTOM RUN,
D) AT OPENINGS AROUND VENTS, PIPES, DUCTS, AND CHIMNEYS (NON-COMBUSTIBLE MATERIALS),
E) AT OPENINGS BETWEEN ATTIC AND CHIMNEY CHASE FOR FACTORY-BUILT CHIMNEYS.

NOTE: "SEE ATTACHED FORM CF-1R ON SHTS. T-2.4 SPECIFYING THE REQUIRED ENERGY FEATURES FOR WALL/CEILING INSULATION, WINDOW AREAS AND TYPES, HVAC SYSTEMS, ALL LIGHTING AND SWITCHING, WATER HEATER TYPE AND INSULATION AND HERS RATER VERIFICATION (FORM CF-6R REQUIRED DURING FINAL INSPECTION)". [CONTRACTOR TO VERIFY]



BUILDING SECTION
SCALE: 1/4" = 1'-0"

A

BUILDING SECTIONS
SCALE: 1/4" = 1'-0"

NORTH

0 1 2 4 8 12

DATE	REVISION	DRAWN BY	CHECKED BY	APPROVED
10-18-94				

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Sheet
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ROOF PLAN NOTES

1 CLASS "A" ROOFING BY U.S. TILE BY BORAL ROOFING, INC., CLAY ROOF TILE. (ICC-ES EVALUATION REPORT NO. ESR 1017) MODEL: BORAL ROOFING: BORAL-CLAY TURINO BLEND, 2-PIECE W/ CB. INSTALL PER MANUFACTURER'S CALCULATIONS AND SPECIFICATIONS.

LEGEND

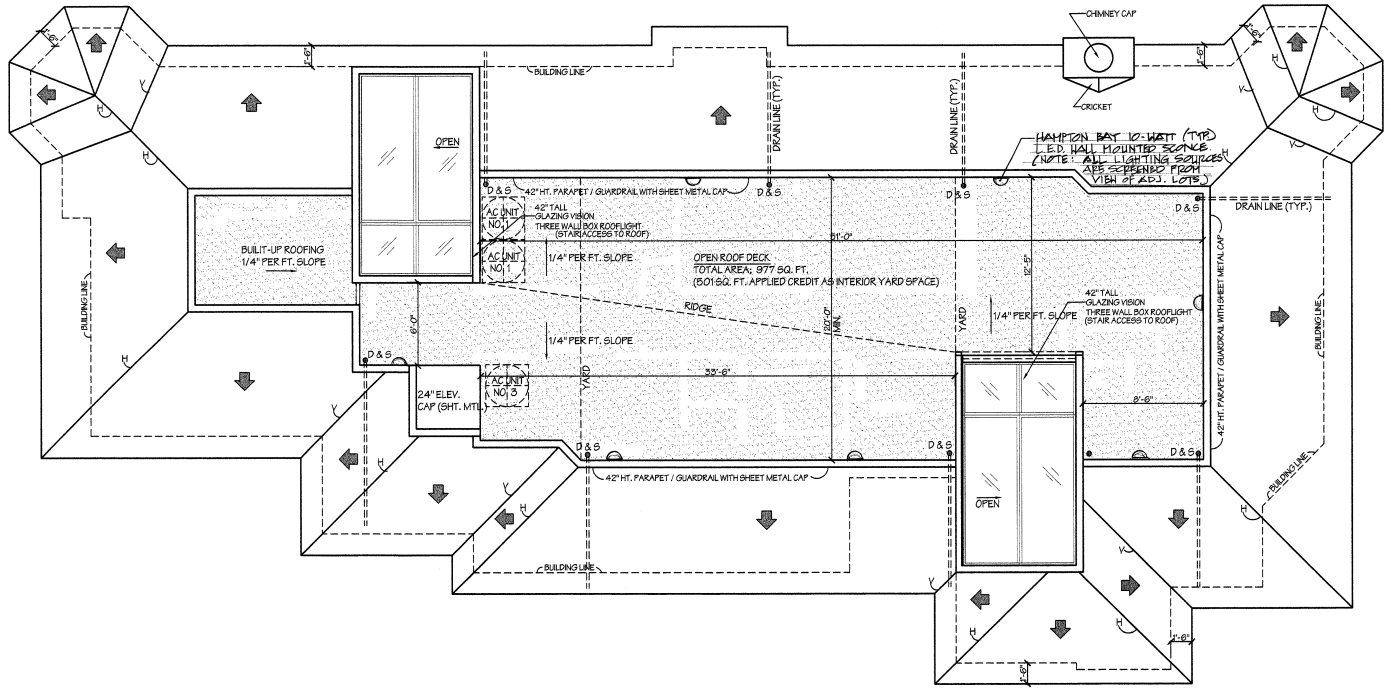
H - HIP

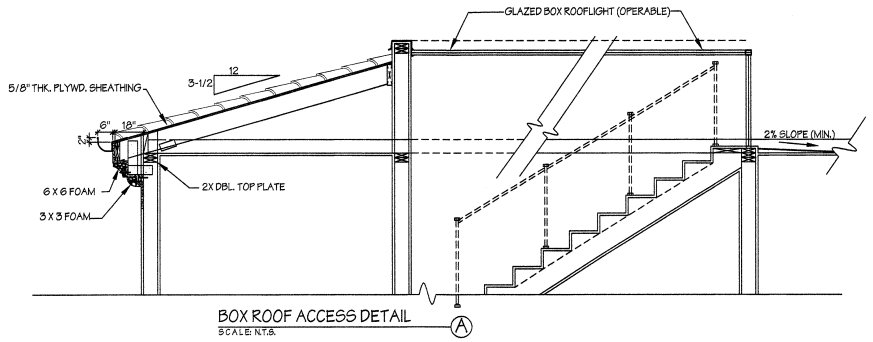
V - VALLEY

R - RIDGE

C - CRICKET

D&S - ROOF DRAIN AND SCUPPER





BOX ROOF ACCESS DETAIL
SCALE: N.T.S.

ROOF PLAN
SCALE: 1/4" = 1'-0"

NORTH
0 1 2 4 8 12

DATE	REVISION	DRAWN BY	CHECKED BY	APPROVED
1/7/18-R1				

R. G. M. ARCHITECTURE & PLANNING
RICKY G. MORAGA
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LOT 262 TRACT 1277-2, A.P.N. 191-0-095-025

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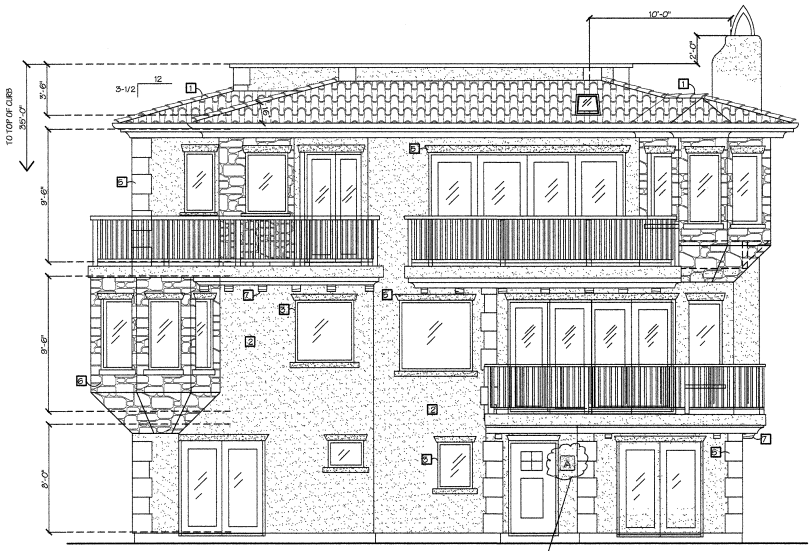

SOUTH (FRONT) ELEVATION [VIEW FROM NEPTUNE SQUARE]

SCALE: 1/4" = 1'-0"

ELEVATION NOTES:

1. CLASS "A" ROOFING BY BORAL ROOFING INDUSTRIES. ICC-ES REPORT NO. ESR-1017. CLAY TILE "US TILE" TURINO BLEND, 2-PIECE W/ CB
2. EXTERIOR STUCCO BY:
   STYLE: MERLEX COLOR: WRIGHTWOOD
   7/8" THK. STUCCO OVER TWO LAYERS #30 MINUTE TYPE D PAPER AND POWER STAPLE LATH ATTACHMENT. 20/30 SAND FINISH INTEGRAL COLOR. COAT EVE CORNICE DETAIL, AND FRONT ELEVATION WINDOW/DOOR DETAIL FOAM INCLUDED WITH STUCCO.
3. WINDOW FRAMES BY:
   MILGARD WINDOWS VINYL
   COLOR: "TAN"
4. EXTERIOR PAVERS AND CONC. ACCENT: BY OLSEN PAVINGSTONE
   PATTERN: BRICK
   COLOR: ADOBE
5. PRECAST: HEADS, CAPS & COINS
   "VENTURA CAST STONE"
   COLOR: SANTA BARBARA
6. MASONRY VENEER BY: CORONADO STONE
   STYLE: "ASHLAR & RUBBLE SERIES"
   COLOR: OSAGE-FOSSIL BAY
7. EXTERIOR WOOD FINISH BY: DUNN EDWARDS, INC.
   COLOR: BLACK WALNUT-13
8. CHIMNEY CAPS: BURNISHED PRAGUE: BROWN PATINA.
   GUTTERS AND DOWNSPOUTS TO MATCH.

EAST (SIDE) ELEVATION [VIEW FROM BEACH SIDE]

SCALE: 1/4" = 1'-0"

DATE	REVISION
12-15-14	

DRAWN BY | CHECKED BY | APPROVED

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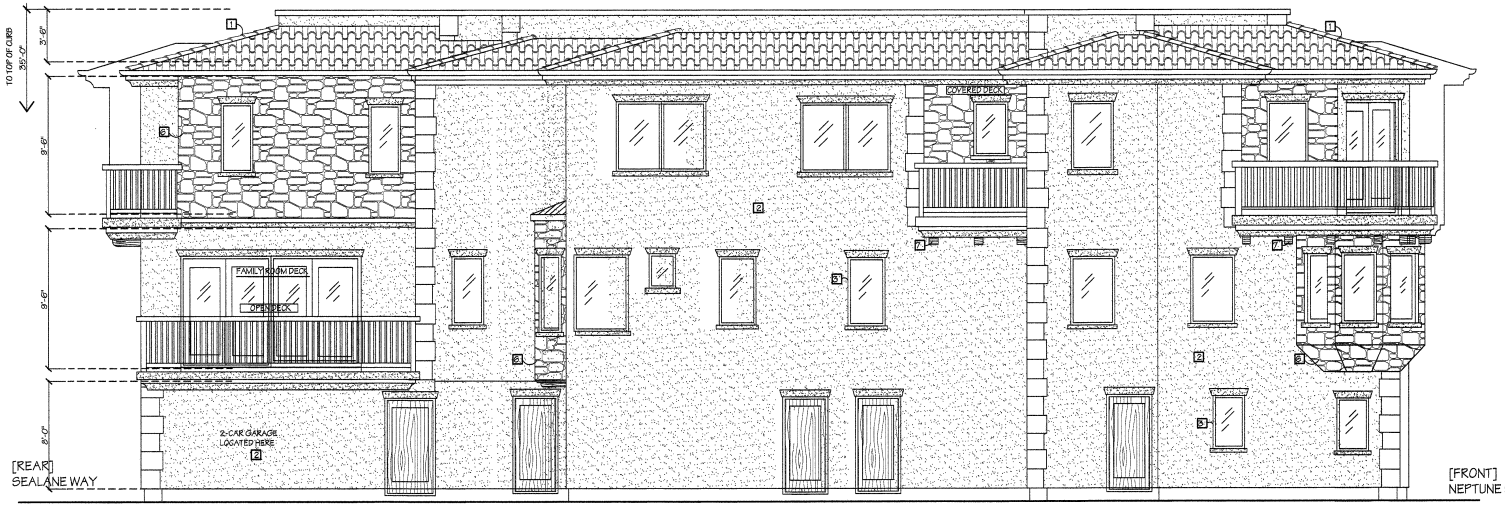
Sheet
7

NORTH (REAR) ELEVATION [VIEW FROM SEALANE WAY]

SCALE: 1/4" = 1'-0"

ELEVATION NOTES:

1. CLASS "A" ROOFING BY BORAL ROOFING INDUSTRIES. ICC-ES REPORT NO. ESR-1017. CLAY TILE "US TILE" TURINO BLEND, 2-PIECE W/ CB
2. EXTERIOR STUCCO BY:
   STYLE: MERLEX COLOR: WRIGHTWOOD
   7/8" THK. STUCCO OVER TWO LAYERS GO MINUTE TYPE D PAPER, AND POWER STAPLE LATH ATTACHMENT. 20/30 SAND FINISH INTEGRAL COLOR, COAT EVE CORNICE DETAIL, AND FRONT ELEVATION WINDOW/DOOR DETAIL FOAM INCLUDED WITH STUCCO.
3. WINDOW FRAMES BY:
   MILGARD WINDOWS VINYL
   COLOR: "TAN"
4. EXTERIOR PAVERS AND CONC. ACCENT: BY OLSEN PAVINGSTONE
   PATTERN: BRICK
   COLOR: ADOBE
5. PRECAST: HEADS, CAPS & COINS
   "VENTURA CAST STONE"
   COLOR: SANTA BARBARA
6. MASONRY VENEER BY: CORONADO STONE
   STYLE: "ASHLAR & RUBBLE SERIES"
   COLOR: OSAGE-FOSSIL BAY
7. EXTERIOR WOOD FINISH BY: DUNN EDWARDS, INC.
   COLOR: BLACK WALNUT-13
8. CHIMNEY CAPS: BURNISHED PRAGUE: BROWN PATINA,
   GUTTERS AND DOWNSPOUTS TO MATCH.



WEST ELEVATION

SCALE: 1/4" = 1'-0"

DATE	REVISION	DRAWN BY	CHECKED BY	APPROVED
10-15-14				

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LOT 262 TRACT 1277-2, A.P.N. 191-0-095-025

Sheet
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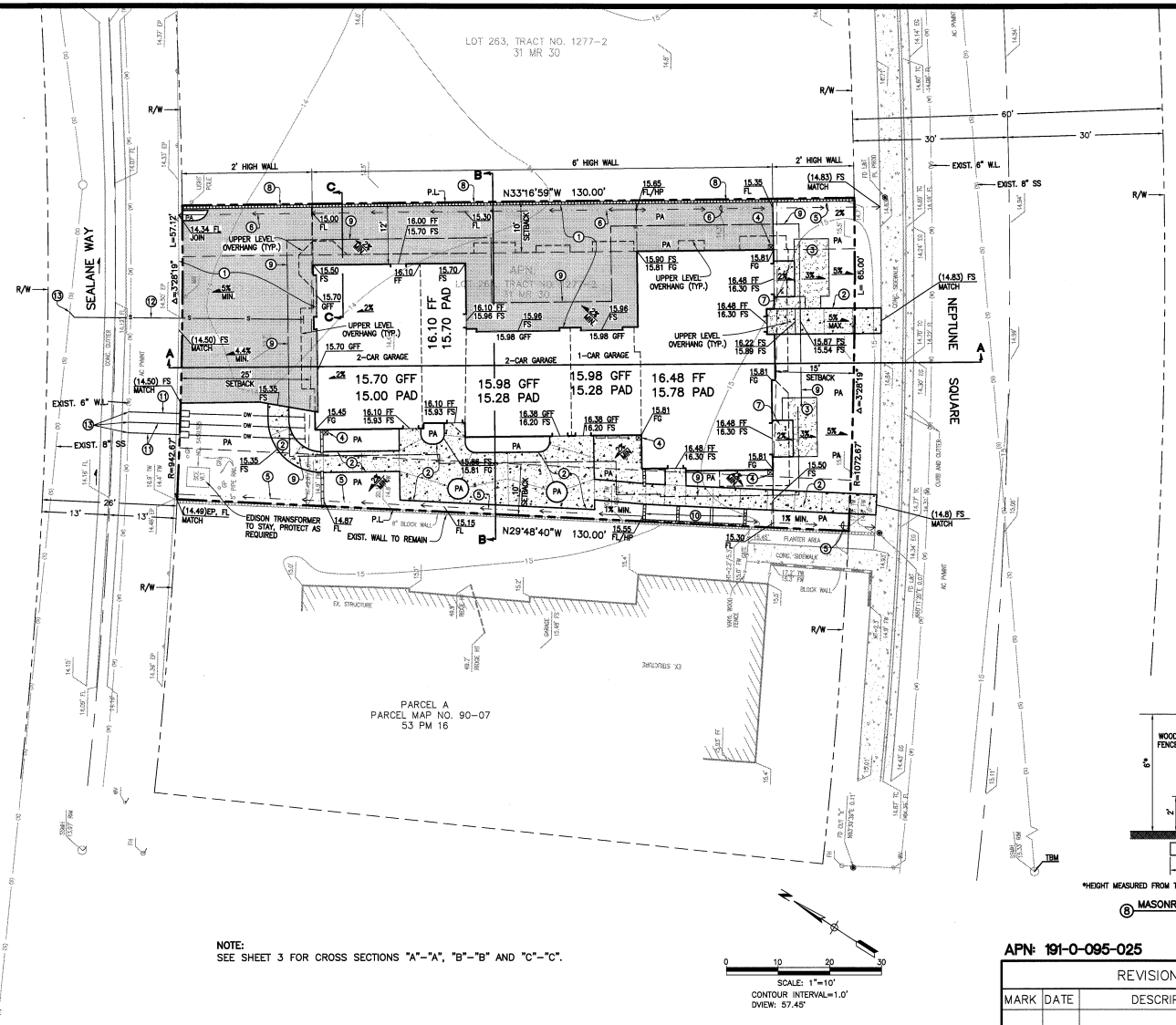

NOTE:
SEE SHEET 3 FOR CROSS SECTIONS "A"-"A", "B"-"B" AND "C"-"C".

CONSTRUCTION LEGEND

10-18-19

1. CONSTRUCT 6" THICK REINFORCED CONCRETE PAVEMENT.
2. CONSTRUCT 4" THICK CONCRETE WALKWAY PER LANDSCAPE ARCHITECT'S PLAN.
3. CONSTRUCT COMPACTED DECOMPOSED GRANITE PER LANDSCAPE ARCHITECT'S PLANS.
4. INSTALL RAIN BARREL CISTERN FOR STORMWATER HARVESTING, WHERE SHOWN.
5. CONSTRUCT EARTHEN DRAINAGE SWALE, 1% MINIMUM SLOPE.
6. CONSTRUCT DRAINAGE FLOWLINE WITH CONCRETE DRIVE.
7. CONSTRUCT 4" THICK CONCRETE LANDING, SEE ARCHITECTURAL PLANS.
8. CONSTRUCT MASONRY GARDEN WALL WITH WOOD FENCE ABOVE. SEE DETAIL HEREON.
9. REMOVE AND RECOMPACT SOILS WITHIN BUILDING AREA 3' BELOW EXISTING AND FUTURE SITE GRADE, AND A MINIMUM OF 1' BELOW THE BOTTOM OF FOUNDATIONS WHICHEVER IS DEEPER. EXTEND LIMITS 5' BEYOND OUTSIDE PERIMETER OF FOUNDATIONS. SEE GEOTECHNICAL ENGINEERING REPORT.
10. CONSTRUCT TRASH ENCLOSURES PER ARCHITECTURAL PLANS, 1% MINIMUM SLOPE TOWARD WALKWAY.
11. INSTALL 3-1" DOMESTIC WATER SERVICE LATERALS AND WATER METERS PER CITY OF OXNARD STANDARD PLAN PLATE 318.
12. INSTALL 6" SANITARY SEWER LATERAL PER CITY OF OXNARD STANDARD STANDARD PLAN PLATE 405.
13. CONTRACTOR TO VERIFY DEPTH OF SEWER AND WATER MAINS PRIOR TO COMMENCING CONSTRUCTION, (15.33') RIM ELEVATION.

LEGEND

AC	ASPHALTIC CONCRETE
BM	BENCHMARK
CO	CLEANOUT
EG	EDGE OF GUTTER
EP	EDGE OF PAVEMENT
FF	FINISH FLOOR
FG	FINISH GRADE
FH	FIRE HYDRANT
FL	FLOWLINE
FS	FINISH SURFACE
GFF	GARAGE FINISH FLOOR
GM	GAS METER
GP	GUARD POST
ICB	IRRIGATION CONTROL BOX
ICV	IRRIGATION CONTROL VALVE
IP	IRON PIPE
L&T	LEAD & TAG
MB	METER BOX
MH	MANHOLE
PA	PLANTER AREA
PL	PROPERTY LINE
PVMNT	PAVEMENT
R/W	RIGHT OF WAY
SCE	SOUTHERN CALIFORNIA EDISON
SCO	SEWER CLEAN OUT
SSMH	SANITARY SEWER MANHOLE
TC	TOP CURB
TELE	TELEPHONE
TW	TOP WALL
WM	WATER METER
WV	WATER VALVE
XX.XX'	PROPOSED FINISHED SURFACE ELEVATION
XX.X'	PROPOSED FINISHED GRADE ELEVATION
	PROPERTY LINE (PL)
	CENTER LINE
	FLOWLINE
	EDGE PAVEMENT (EP)
	EXISTING WALL
(W)	EXISTING WATERLINE
(S)	EXISTING SEWER LINE
	PROPOSED CONCRETE (4" THICK)
	PROPOSED REINFORCED CONCRETE (6" THICK)
	PROPOSED WALL

APN: 191-0-095-025

LAND DEVELOPMENT PERMIT NO. _____

DIGALERT
DIAL TOLL FREE 811
AT LEAST TWO DAYS BEFORE YOU DIG
UNDERGROUND SERVICE ALERT(USA) OF SOUTHERN CALIFORNIA

BENCHMARK:
VCPID 426 STAMPING 100-10 1968
NAVD 88 ELEVATION = 16.07'

IN AREA OF CRITICAL DESIGN, TOPOGRAPHICAL FEATURES SHOULD BE REVERIFIED PRIOR TO CONSTRUCTION.

SURVEY MONUMENTS FOUND IN THE COURSE OF THIS SURVEY ARE SET BY OTHERS, AND HAVE BEEN USED AS REFERENCE FOR THE PLOTTING OF RECORD BOUNDARY INFORMATION.

PREPARED FOR:
MR. SOL MAJER/
DR. DAVID BOXSTEIN
327 N. ALTA VISTA BLVD.
LOS ANGELES, CA 90036

PLACE THE ENGINEER'S SEAL IN THIS SPACE

REGISTERED PROFESSIONAL ENGINEER KATHERINE M. McCUNNEY NO. 43604 EXP. 12-31-20 CIVIL STATE OF CALIFORNIA

PREPARED BY: J.N. 17.69 Grading_Neptune.dwg
CIVIL FORMATIONS, INC.
Consulting Civil Engineers
155 GRANADA STREET, SUITE J
CAMARILLO, CA 93010
PH:(805) 484-4880 MOBILE: (805) 469-2208

KATHERINE M. McCUNNEY — DATE
43604 — 12-31-2020
R.C.E. No. — EXP. DATE

REVISIONS

MARK	DATE	DESCRIPTION	BY

REVIEWED BY: _____ DATE
_____ DATE

DEVELOPMENT SERVICES DEPARTMENT

GRADING AND DRAINAGE PLAN
LOT 262 TRACT 1277-2, 31 MR 30
5231 NEPTUNE SQUARE, OXNARD

APPROVED: _____
CITY ENGINEER R.C.E. 41083 EXP. DATE 3/31/21 DATE

SCALE: HORIZ.: 1"=10'
VERT.: NONE
SHEET No. 3A OF 3
DESIGN BY:
DRAWING NUMBER G2
CHECKED BY:

These drawings are the property of Philip S. Miller and Associates. All rights are reserved and shall not be used on any other project except by written agreement with Philip S. Miller and Associates. Written dimensions to take precedent over scaled dimensions and shall be verified on the job site. Any discrepancies shall be brought to the attention of Philip S. Miller and Associates prior to the commencement of any work.

Water Efficient Landscape Worksheet

Reference Evapotranspiration (ETo) 42.3 Neptune

hydrozone# planting description	plant factor (PF)	irrig method	Irrig Efficiency (IE)	ETAF (PF/IE)	(A) LA-landscape area in sq. ft.)	(B) ETAF x LA	ETWU (annual gallons req'd)
All Planters	.3	drip	.81	.37	2009	743	19, 486
Average ETAF (B/A) = .37				totals	(A) 2009	(B) 743	
						ETWU total	19, 486
					MAWA (annual gallons allowed)		23, 710
Plant Factor: very low 0- 1, low .1- 3, medium .4- 6, high .7-1.0						ETWU = (42.3)(0.62)(ETAF x LA) MAWA = (42.3)(0.62)(.45 x LA)	

Planting Notes

1. The work to be performed under this contract shall include furnishing all labor, material, tools, machinery and equipment necessary to completely install plants, turf, mowstrips, etc. as shown on the plans.
2. Landscape contractor and all of his subcontractors shall comply with all state and local codes, ordinances and regulations.
3. All plant material shall be well established, vigorous, of normal growth habit and free of disease and insect infestation. Plants shall have normal healthy root systems filling their container but not rootbound. Plants not fulfilling these conditions shall be removed from the site at no cost to the owner.
4. Each separate plant species to have a minimum of 70% of the total number of plants tagged with the complete botanical name.
5. In case of discrepancy, plants actually shown on the plan shall take precedent over the plant count shown in the legend. Landscape Contractor is responsible for supplying all plants shown on plan.
6. MULCH- Topdress all shrub areas receiving groundcover with 1" of Aged Landscape Wood by AGROMIN. Topdress all shrub areas without groundcover with 3" of Aged Landscape Wood.
7. SOIL AMENDING- Contractor to provide and pay for a soils test performed by a local laboratory-FRUITGROWERS LAB INC. or other certified lab. Perform as early as possible. Send results to Landscape Architect as soon as possible. Do not amend or fertilize soils.

Irrigation

NOTE: All planting areas to be irrigated with an automatic irrigation system.

Root Barriers

For trees within 5 feet of sidewalk or curb, place root barrier panels as manufactured by Deep Root Corp., Model#UB24-2. Place against concrete walk, curb, wall, etc. adjacent to tree. Typical length is 16' overall, centered on tree(8' to either side). DeepRoot.Com.

Conceptual Landscape Plan

Majer/Boxstein Residence

Neptune Square Oxnard, CA

Owners:

Sol Majer, David Boxstein

Architect:

Rick Moraga
RGM Architecture and Planning
(805) 482-1836

Building & Engineering Div. Water Ordinance Note

"All landscaping and irrigation complies with Ordinance No. 2822, which adopted the City of Oxnard Landscape Water Conservation Standards, and applicable water conservation requirements of the State of California".

PSMiller
Philip S. Miller, Landscape Architect

NPDES Requirement Note

The Landscape Architect has reviewed the Civil Engineer's construction drawings and determined that the NPDES requirements are NOT in conflict with meeting the City's landscape equirements.

PSMiller
Philip S. Miller, Landscape Architect

Accessibility Requirements

Walks and paths are designed to comply with current universal accessibility requirements.

REVISIONS: 12-18-19 | DATE: | BY:

LANDSCAPE ARCHITECT PSMiller 21 June 19 LICENSED

Philip S. Miller & Associates
site planning
landscape architecture
6203 calle bodega camarillo, ca 93012 805.383.7591 #3559
philipmiller@verizon.net

SHEET: Cover Sheet-Conceptual Landscape Plan

PROJECT: Majer/Boxstein Residence
Neptune Square Oxnard, CA

PROJECT NAME: Majer/Boxstein
DATE: Feb 15, 2018
SCALE: 3/16"=1'-0"
SHEET NUMBER: L1
OF

10/11/2019 9:10 AM MajerBoxstein Concept191008.dwg

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PLANTING LEGEND

NOTE: Trees shown at approx. 20 year width.

WUCOLS Water Requirements for Oxnard, CA
L = low M = moderate

TREES

3	24" box	Metrosideros excelsus NZ Christmas Tree	M
2	10' bt	Washingtonia rob. Mex. Fan Palm	L
2	5' bt		

SHRUBS, PERENNIALS, GROUNDCOVERS

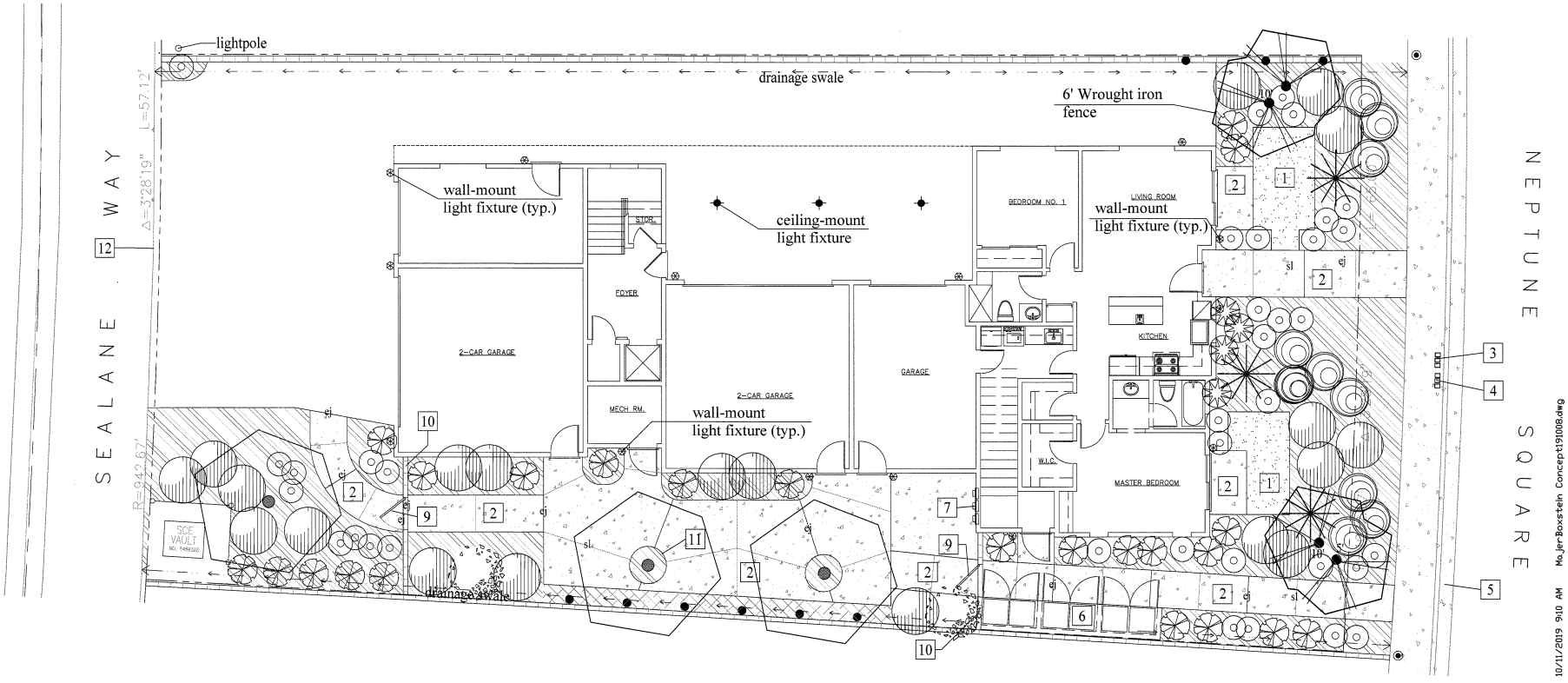
-	5 gal	Nandina d. 'Gulfstream' Heavenly Bamboo	L
-	5 gal	Pennisetum x adv. 'Rubrum' Purple fountaingrass	L
-	5 gal	Rhaphiolepis umbellatum Indian Hawthorn	L
-	15 gal	Trachelospermum jasminoides Star Jasmine Vine on Trellis	M
-	5 gal	Carissa 'Tuttlei' Natal Plum	L
-	5 gal	Limonium perezii Sea Lavendar	L
-	5 gal	Pittosporum crass. 'Compacta' ncn	L
-	5 gal	Westringia 'Smokey' Low Coast Rosemary	L
15" oc	flats	Gazania 'Trailing White' Trailing Gazania	L
12" oc	flats	Fragaria chiloense Ornamental Strawbeery	M

CONSTRUCTION LEGEND

1. Decomposed granite patio enclosed with 3.5" recycled plastic headerboard.
2. Light broom finished natural gray concrete.
3. Proposed Water meter.
4. Proposed Gas meter.
5. Curb and gutter.
6. Trash Enclosures.
7. Electric main meters.
8. unused.
9. Gates. Wrought iron painted black.
10. New blockwall to be stucco covered CMU with a precast cap.
11. Open planting space for tree. Mulch added to be level with surrounding concrete.
12. Edge of AC Pavement.

SQ. FOOTAGE

Lot=8016sf
House=2728sf
Hardscape=3455sf
Pervious=2009sf
Impervious=2009sf
25% impervious



Philip S. Miller & Associates
site planning
landscape architecture
6203 calle bodega camarillo, ca 93012 805.383.7591 #3559
philpmiller@verizon.net

SHEET: Conceptual Landscape Plan
PROJECT: Majer/Boxstein Residence
Neptune Square Oxnard, CA

PROJECT NAME: Majer/Boxstein
DATE: Feb 15, 2018
SCALE: 3/16"=1'-0"
SHEET NUMBER: L2
OF

REVISIONS: 10-16-19
DATE:
BY:

10/11/2019 9:10 AM MaJer-Boxstein Concept191008.dwg

ATTACHMENT “D”

Resolution for PZ 18-400-06

RESOLUTION NO. 2020-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 18-400-06 (COASTAL DEVELOPMENT PERMIT) TO CONSTRUCT AN 8,371 SQUARE-FOOT TRIPLEX, THREE-STORY RESIDENTIAL STRUCTURE ON A 8,016 SQUARE-FOOT UNDEVELOPED LOT LOCATED AT 5231 NEPTUNE SQUARE (APN 191-0-095-025). THE SITE IS ZONED COASTAL MEDIUM DENSITY MULTIPLE-FAMILY (R-3-C) AND IS LOCATED WITHIN THE OXNARD SHORES NEIGHBORHOOD. FILED BY RICK MORAGA, DESIGNATED AGENT FOR DAVID BOXSTEIN, 327 NORTH ALTA VISTA BOULEVARD, LOS ANGELES, CA 90036, PROPERTY OWNER

WHEREAS, on July 23, 2018 designated agent Rick Moraga (the **"Applicant"** and/or **"Permittee"**) submitted a request for a Coastal Development Permit, pursuant to Oxnard City Code Section 17-14 and 17-57 through 17-58, to allow the construction of a 8,371 square-foot triplex, three-story residential structure on a 8,016 square foot vacant lot, located at 5231 Neptune Square; and

WHEREAS, on February 20, 2020, 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. 18-400-06 (Coastal Development Permit) for the above cited proposal; 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 3 Categorical Exemption (Section 15303(b)). Further, the project does not trigger any of the Exceptions to the Exemptions (Section 15300.2) to defeat the Exemption:

(a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located. A project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

The project site is located within the 2030 General Plan/Local Coastal Plan land use designation of Residential Existing (REX) within the Coastal Medium Density Multiple Family (R-3-C) zone. The Project is surrounded by residential development. The project site and adjacent sites do not contain any known environmental resource of hazardous or critical concern. Therefore, the project will have no impact on an environmental resource of hazardous or critical concern.

(b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

The proposed Coastal Development Permit request for construction of an 8,371 square-foot three-story residential triplex building with a roof deck on an 8,016 square-foot undeveloped lot is consistent with the 2030 General Plan, Local Coastal Plan and the Oxnard City Code and is compatible with the physical scale and character of other residential development in the project area. Any projects requiring discretionary approval would be analyzed with the 2030 General, Local Coastal Plan and the Oxnard City Code for consistency and CEQA for any potential impacts. Therefore, the project will have no significant cumulative impact.

(c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

The proposed Coastal Development Permit request for construction of an 8,371 square-foot three-story residential triplex building with a roof deck on an 8,016 square-foot undeveloped lot will not result in an unusual circumstance that would cause the project to have a significant effect on the environment. The project will not alter the residential character of the surrounding development and the property does not contain any unusual environmental characteristics as the property is surrounded on all sides by residential development. Therefore, the project will not have a significant effect on the environment due to unusual circumstances.

(d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements, which are required as mitigation by an adopted negative declaration or certified EIR.

The project is not located in or adjacent to a state designated scenic highway.

(e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site, which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

The proposed project site is not included on any list compiled pursuant to Section 65962.5 of the Government Code.

(f) Historical Resources. A categorical exemption shall not be used for a project, which may cause a substantial adverse change in the significance of a historical resource.

The project site is undeveloped and does not contain an existing or potential landmark, point of interest, or historic resource, and it is not located within an existing, proposed, or potential Historic District. Therefore, the proposed project will not cause a substantial adverse change in the significance of a historical resource.

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 conditionally permitted within the subject (R-3-C) subzone and conforms with all of the applicable provisions of this chapter.**

As specified in Section 17-14 (C) (1) of the Oxnard City Code (OCC), multi-family residential is a conditionally permitted use in the R-3-C subzone with a Coastal Development Permit. The General Plan designation of the subject site is Residential Existing (REX). As discussed in the staff report, the proposed Project complies with all the development standards of the R-3-C subzone and applicable provisions of Chapter 17 of the Oxnard City Code.

(2) **The proposed use will not impair the integrity and character of the subject sub-zone.**

The Project design and use complies with the development standards of the R-3-C sub-zone as to setbacks, building height, interior yard space, parking and also complies with the design provisions of Section 17-46 (B) of the Oxnard City Code as to architectural design, building mass, lighting, color, and privacy. Similar multi-family development exists in the neighborhood. If implemented as proposed and with the conditions of approval the Project is not expected to negatively affect the integrity or character of the R-3-C sub-zone or immediate neighborhood.

(3) **The location and intensity of use of the subject site would be physically suitable and would protect and maintain adjacent coastal resources.**

The Project site is surrounded by existing urban development, mainly multi-family residential uses. The Local Coastal Program planned for this lot to be developed with multi-family uses. The lot is not adjacent to a beach public access way nor is it a beachfront lot. The lot is undeveloped and devoid of any coastal resources.

As discussed in the staff report, the proposed Project and use are consistent with uses considered and permitted by the Coastal Medium Density Multiple-Family (R-3-C) zone, including the design standards. Construction activities, anticipated uses, and development design will be subject to standard construction requirements of the Building and Fire Codes. The proposed use is compatible with existing surrounding uses and future development of the area. Therefore, the location and proposed intensity of the Project is suitable for the site and implementation would not affect coastal resources.

(4) The proposed use would be compatible with the land uses presently on the subject site.

The Project site is undeveloped and the lot was previously created for multi-family, condos, townhouses and other residential land uses. The subject site size and is adequate in terms of size, and is designed to meet the development standards prescribed in the R-3-C zone requirements. Therefore, the proposed triplex would be compatible with the land use presently on, and anticipated for, the subject property.

(5) The proposed use would be compatible with existing and future land uses within the sub-zone and the general area in which the proposed use would be located.

The proposed triplex is allowed in the R-3-C subzone. The surrounding lots are developed with residential development, and future uses on the adjacent R-3-C and R-B-1 parcels include residential development.

As proposed and conditioned, the Project will meet the development standards of the Coastal Medium Density Multiple-Family (R-3-C). The subject site size and is

adequate in terms of size, and is designed to meet the development standards prescribed in the R-3-C zone requirements.

Therefore, the proposed triplex will be compatible with the surrounding residential development and future land uses within the subzone and general area in which the proposed project would be located.

(6) **There are adequate public services for the proposed use, including, but not limited to fire and police protection, water, sanitation and public utilities and services to ensure that the proposed use will not be detrimental to public health and safety.**

The Project is considered planned infill development that has access to public services. Planned uses on and surrounding the site have been previously considered by the City in that the neighborhood has the needed services and utilities in place to accommodate for residential development including the proposed Project. The Project will be served by existing water and sewer mains along Neptune Square and/or Mandalay Beach Road. The surrounding development has adequate fire, police, water, sanitation, and utility services. The Project has been reviewed by the Development Advisory Committee, which include the Oxnard Police and Fire Departments, and was determined that it would have no significant impact on the public health, safety, or welfare. Additionally, and 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. Therefore, as proposed and as conditioned, there are adequate public services for the proposed use to ensure that the Project will not be detrimental to public health and safety.

(7) **The Proposed use will provide a type and level of public access consistent with the access policies and standards of the certified Oxnard Coastal Land Use Plan.**

Implementation of the proposed Project will not affect existing public access to the beach as the subject site is not a beach front lot nor is it located adjacent a beach public access way. Therefore, present public access to the beach would remain unchanged by this Project.

(8) **The proposed use will be appropriate in light of an established need, based upon the underlying goals and objectives of specific Oxnard Coastal Land Use Plan policies, applicable to the proposed location.**

The proposed Project would provide the City additional housing in the Coastal Zone. As indicated in Map 3 of the Oxnard Local Coastal Plan (LCP) the subject site is in the Oxnard Shores neighborhood, which is one of the areas planned in the Coastal Zone for as infill for residential development and identified in both the LCP and the General Plan as Residential Existing. Continued construction of residential developments on undeveloped coastal lots indicates a market demand and active interest from individuals who desire to live near the beach. Therefore, the proposed uses is appropriate in light of established need, based upon the goals and objectives in the LCP.

(9) **The proposed use would be consistent with all the applicable policies of the certified Oxnard Coastal Land Use Plan.**

The project site is an undeveloped lot surrounded by existing residential development. The proposed Project would provide the City additional housing in the Coastal Zone without endangering any natural habitats or resources. The Project would not impact public access to the beach. As discussed it the staff report, the Project complies with the zoning development standards and adheres to both General Plan the certified LCP policies for residential land uses.

SECTION 2. The Planning Commission, in accordance with the California Environmental Quality Act (CEQA), determines that the Project will not have a significant impact on the environment and is categorically exempt from CEQA pursuant to Article 19, Section 15303(b) (New Construction or Conversion of Small Structures) of the State CEQA Guidelines. The Project consists of construction of a multi-family residential structure with fewer than six dwellings in an urbanized area with similar development, on a lot that is devoid of any natural resource value. There is no substantial evidence that the Project will have a significant effect on the environment, and no Exceptions to the Exemptions (Section 15300.2) apply to defeat the Exemption. The Planning and Environmental Services Manager 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

approves Planning and Zoning Permit No. 18-400-06 (Coastal Development Permit), subject to the attached conditions of approval.

SECTION 4. The decision of the Planning Commission shall be final unless an appeal of the action is filed in accordance with the provisions of Section 17-58 of the Oxnard City Code.

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

STANDARD CONDITIONS OF APPROVAL FOR LAND USE PERMITS

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

DEPARTMENTS AND DIVISIONS			
CA	City Attorney	PL	Planning Division
DS	Dev Services/Eng Dev/Inspectors	TR	Traffic Division
PD	Police Department	B	Building Plan Checker
SC	Source Control	FD	Fire Department
PK	Landscape Design	CE	Code Compliance

GENERAL PROJECT CONDITIONS

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

2. This permit is granted for the architectural, civil, and conceptual landscape plans stamped February 20, 2020 ("the plans") on file with the Planning Division. The Project shall conform to the plans, except as otherwise specified in these conditions, or unless a minor modification to the plans is approved by the Planning and Environmental Services Manager ("Planning Manager") or a major modification to the plans is approved by the Planning Commission. A minor modification may be granted for minimal changes or increases in the extent of use or size of structures or of the design, materials or colors of structures or masonry walls. A major modification shall be required for substantial changes or increases in such items. (PL, *G-2*)

3. This permit shall automatically become null and void 36 months from the date of its issuance, unless Developer has diligently developed the proposed Project, as shown by the issuance of a grading, foundation, or building permit and the construction of substantial improvements. (PL, *G-3*)

4. All required off-site and on-site improvements for the Project, including structures, paving, and landscaping, shall be completed prior to occupancy unless the Development Services Manager allows Developer to provide security or an executed agreement approved by the City Attorney to ensure completion of such improvements. (DS, *G-4*)

5. By commencing any activity related to the Project or using any structure authorized by this permit, Developer accepts all of the conditions and obligations imposed by this permit and waives any challenge to the validity of the conditions and obligations stated therein. (CA, *G-5*)

6. Developer agrees, as a condition of adoption of this Resolution, at Developer's own expense, to indemnify, defend and hold harmless the City and its agents, officers, and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of the Resolution or any condition attached thereto or any proceedings, acts or determinations taken, done or made prior to the approval of such Resolution that were part of the approval process. (CA, G-6).

7. Any covenants, conditions, and restrictions (CC&Rs) applicable to the Project Property shall be consistent with the terms of this permit and the City Code. If there is a conflict between the CC&Rs and the City Code or this permit, the City Code or this permit shall prevail. (CA, *G-7*)

8. Developer shall complete the "Notice of Land Use Restrictions and Conditions" form, using the form provided by the City, for recording with the Ventura County Recorder. Before the City issues building permits, Developer shall submit the original completed, signed and notarized document, together with the required fees to the Planning Manager. (PL, *G-8*)

9. Developer shall provide off-street parking for the Project, including the number of spaces, stall size, paving, striping, location, and access, as required by the City Code. (PL/B, *G-9*)

10. Developer shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, *G-11*)

11. Developer shall not permit any combustible refuse or other flammable materials to be burned on the Project property. (FD, *G-12*)

12. Developer shall not permit any materials classified as flammable, combustible, radioactive, carcinogenic or otherwise potentially hazardous to human health to be handled, stored or used on the Project property, except as provided in a permit issued by the Fire Chief. (FD, *G-13*)

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

14. Prior to issuance of building permits, Developer shall correct all violations of the City Code existing on the Project property for which the Code Compliance Division has open cases. (PL, *G-15*).

15. Prior to issuance of building permits, Developer shall execute an agreement, in a form approved by the City Attorney, to hold harmless, indemnify and defend the City, its City Council, and each member thereof, and every officer, employee, representative or agent of City, from any and all liability, claims, demands, actions, damages (whether in contract or tort, including personal injury, death at any time, or property damage), costs and financial loss, including all costs and expenses and fees of litigation or arbitration, that arise directly or indirectly from the City's approval of this permit or other permits; from construction of the Project or any part thereof approved herein; and from land failure, erosion, inundation, or wave attacks on the subject property or on any property near or adjacent thereto, arising out of or resulting from or caused by work performed or authorized by Developer. (PL/CA, *G-16*)

16. The subject Coastal Development Permit shall become effective after 10 working days have elapsed without appeal to the Coastal Commission following the proper receipt by the Coastal Commission's Executive Director of the notice of permit issuance pursuant to Section 13316 of the Coastal Commission Code of Regulations or after 21 calendar days following the final city action. Notice to the Coastal Commission shall be given by Planning Division staff as described by Sections 17-58 H through J of the Oxnard City Code. (PL, *G-17*)

LANDSCAPE STANDARD CONDITIONS

17. Prior to issuance of building permits or the proposed use is initiated, whichever comes first, Developer shall submit two copies of landscape and irrigation plans, along with the appropriate permit application and fees, to the Development Services Division and obtain approval of such plans. (PK/DS, *PK-2*)

18. Prior to issuance of a certificate of occupancy, Developer shall install landscape and automatic irrigation systems that have been approved by Parks and Facilities Superintendent. (PK, *PK-3*)

19. Developer shall properly maintain landscape planting and all irrigation systems as required by the City Code and as specified by this permit. Failure of Developer to do so may result in the revocation of this permit and initiation of legal proceedings against Developer to ensue compliance (PK, *PK-4*)

20. Prior to the issuance of City issues a certificate of occupancy, Developer shall provide a watering schedule to the building owner or manager and to the Planning Division or designee. The irrigation system shall include automatic rain shut-off devices, or instructions on how to override the irrigation system during rainy periods. (PK, *PK-5*)

21. 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)

22. At the time of landscape plan check submittal, the landscape planting and irrigation plans shall comply with the current title 23 Model Water Efficient Landscape Ordinance (MWELO). (PK, PK-7.1)

23. Within sixty days after the first unit is occupied, Developer shall install all Project landscaping. (PK/ PL, *PK-10*)

24. Developer shall provide an automatic irrigation controller and a written seasonal watering schedule for all front yard and street side yard landscaping. The watering schedule shall include variations for seasonal changes, sun and shade exposure of plants, type of plants, duration and frequency of irrigation, and suggestions as to how to conserve water. As part of the landscape plan check submittal process, the Parks and Facilities Superintendent shall review the sufficiency of instructions for the operation of the irrigation controller and the watering schedule cycles. (PK, *PK-11*)

25. At the time of occupancy of each dwelling unit, Developer shall review with and provide instructions to each occupant concerning the irrigation controller operation and the watering schedule. (PK, *PK-12*)

26. Developer shall install sod or other alternative drought tolerant and California native friendly landscaping in the lawn areas. (PK, *PK-13*)

27. Developer shall install an irrigation system that includes a water sensor shut off device as a water conservation measure. (PK, *PK-22*).

28. 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)

29. 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)

30. Prior to issuance of the third certificate of occupancy, Developer shall submit the final "as planted" Landscape Plan to the Planning Manager that includes: 1) WOCALS values for all trees and shrubs selected for the Project, 2) total landscape square footage, and 3) water compliance calculations and a statement 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)

LANDSCAPE SPECIAL CONDITIONS

31. Landscape plans submitted for plan check must indicate whether the decomposed granite patio area is included in the pervious or impervious calculation.

32. If a trash enclosure is going to be utilized, the enclosure walls must be screened by evergreen shrubs and/or a vine. All irrigation controllers, backflow devices, electrical vents, equipment enclosures must be screened by shrubs of a minimum size 5 gallons.

FIRE DEPARTMENT STANDARD CONDITIONS

33. Developer shall construct all vehicle access driveways on the Project property to be at least 26 feet wide. Developer shall mark curbs adjacent to designated fire lanes in parking lots to prohibit stopping and parking in the fire lanes. Developer shall mark all designated fire lanes in accordance with the California Vehicle Code. (FD/B, *F-1*)

34. All roof covering materials on the Project property shall be of non-combustible or fire retardant materials approved by the Fire Chief and in compliance with the City Code. (FD, *F-2*)

35. Before the City issues building permits, Developer shall obtain the Fire Chief's approval of a plan to ensure fire equipment access and the availability of water for fire combat

operations to all areas of the project property. The Fire Chief shall determine whether or not the plan provides adequate fire protection. (FD/DS, *F-3*)

36. At Developer's expense, Developer shall obtain two certified fire flow tests for the project property. The first test shall be completed before City approval of building plans and the second shall be completed after construction and prior to the issuance of a certificate of occupancy. The tests must be certified by a mechanical, civil, or fire protection engineer. Developer shall obtain permits for the tests from the Engineering Division. Developer shall send the results of the tests to the Fire Chief and the City Engineer. (FD/DS, *F-4*)

37. All structures on the Project property shall conform to the minimum standards prescribed in Title 19 of the California Code of Regulations. (FD, *F-5*)

38. The Project shall meet the minimum requirements of the "Fire Protection Planning Guide" published by the Fire Department. (FD, *F-6*)

39. At all times during construction, Developer shall maintain paved surfaces capable of handling loads of 76,000 pounds which will provide access for fire fighting apparatus to all parts of the project property. (FD/DS, *F-7*)

40. Developer shall identify all hydrants and fire protection equipment on the project property as required by the Fire Chief. (FD, *F-8*)

41. Developer shall provide central station monitoring of the fire sprinkler system and all control valves. (FD, *F-10*)

42. The turning radius of all project property driveways and turnaround areas used for emergency access shall be approved by the City Traffic Engineering Department. (FD, *F-11*)

43. 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*)

44. Developer shall install in each structure in the project an 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. (FD, *F-13)*

45. 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*)

46. Developer shall install a carbon monoxide detector on each level of the residence in accordance with the manufacturer's specifications. The detector shall be hardwired with a battery backup. (FD, *F-17*)

FIRE DEPARTMENT SPECIAL CONDITIONS

47. Fire sprinkler coverage is required for:
    a. Patios, overhangs or any other Projections that are 48" or more from the structure.
    b. Open areas beneath stairs that serve a habitable space or when that area is accessible for storage or has mechanical equipment.
    c. The protection of the forced air unit when located in the attic or other areas that are normally inaccessible.
    d. 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.
    e. Any trash enclosures shall have fire sprinklers.

POLICE DEPARTMENT CONDITIONS

48. This condition of approval requires compliance with the Outdoor Lighting Code & Guidelines:
    a) Outdoor lighting shall comply with Title 24, Part 6, of the California Code of Regulations: California's Energy Efficiency Standards for Residential and Nonresidential Buildings.
    b) Unless approved as a specific exception to this guideline, all outdoor lighting shall be flat lens, full cut-off fixtures with the light source fully shielded with the exceptions:
        1) Luminaires with a maximum output of 260 lumens per fixture, regardless of number of bulbs (equal to one 20-watt incandescent light), may be left unshielded provided the fixture has an opaque top to keep light from shining directly up.
        2) Luminaires that have a maximum output of 1,000 lumens per fixture, regardless of number of bulbs (equal to on 60-watt incandescent light) may be partially shielded provided the bulb is not visible, and the fixture has an opaque to keep light from shining directly up.
    c) Oxnard City Code 16-320: Lighting within physical limits of the area required to be lighted shall not exceed seven foot-candles, nor be less than one foot-candle at any point. A light source shall not shine upon, or illuminate directly any surface other than the area required to be lighted. No lighting shall be of a type or in a location that constitutes a hazard to vehicular traffic, either on private property or on the

abutting streets. The height of light standards shall not exceed 26 feet. To prevent damage from automobiles, standards shall be mounted on reinforced concrete pedestals or otherwise protected.

49. Exterior lighting of the site including parking areas shall be between 1 and 7-foot candles and shall be in harmony with existing adjacent lighting scheme.

50. Wall packs are not permitted.

51. Exterior lighting, excluding rooftop areas, shall be on a house circuit.

52. LED or similar in nature and spectrum (3,000K to 20,000K Correlated Color Temperature).

53. Lighting instruments shall be full cut-off and installed so that light does not directly illuminate property outside the project site. Instruments shall not create glare for motorists or pedestrians.

54. Lighting on the rooftop patios shall be below the height of the parapet and shall not trespass to neighboring properties.

55. Landscape elements shall be arranged to provide clear lines of sight and eliminate potential places of concealment.

56. Developer shall inform residents of the provisions of Oxnard City Ordinance 7-100 through 7-106 as it applies to hosting loud parties or events and, that should police respond to a disturbance multiple times, a service charge may be imposed.

57. All common area lighting shall operate from dusk to dawn.

58. Should an alarm system be installed on any units, it 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.

59. Lighted street address fixtures are required for the property and shall be clearly visible from the street. Numbers shall be a minimum of 4-inches in height. Each unit primary entry door shall be clearly identified with backlit signage to provide wayfinding for guests and first responders. Address fixtures and lighted directory signs shall be illuminated from dusk to dawn on a "house" circuit.

60. Landscaping within six feet of the front door of each unit and the approach to each door shall be low-profile (30"-height) to provide clear lines of sight.

61. Overhead garage doors shall have an electric opening system and the capability to be opened with a remote control.

PLANNING DIVISION STANDARD CONDITIONS

62. 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)

63. Any application for a minor modification to the Project shall be accompanied by four copies of plans reflecting the requested modification, together with applicable processing fees. (PL, *PL-2*)

64. 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*)

65. During construction, Developer shall water the area to be graded or excavated prior to commencement of grading or excavation operations. Such application of water shall be at least twice per day and shall penetrate sufficiently to minimize fugitive dust during grading activities. (B/DS*, PL-11*)

66. During construction, Developer shall control dust by the following activates:

    a. All trucks hauling graded or excavated material offsite shall be required to cover their loads as required by California Vehicle Code Section 23114, with special attention to subsections 23114(b)(2)(F), (e)(4) as amended, regarding the prevention of such material spilling onto public streets and roads.

    b. All graded and excavated material, exposed soil areas, and active portions of the construction site, including unpaved onsite roadways, shall be treated to prevent fugitive dust. Treatments shall include, but not necessarily be limited to, periodic watering, application of environmentally-safe soil stabilization materials, and/or roll-compaction as appropriate. Watering shall be done as often as necessary and reclaimed water shall be used whenever possible. (B/DS, *PL-12)*

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

68. Developer agrees to participate in a water conservation program that includes refitting water fixtures existing on the Project property with water conserving devices within 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*)

69. Because of water limitations placed upon the City by its water providers, approval of this permit does not guarantee that the City will issue building permits. Issuance of building permits may be delayed as a result of implementation of a water conservation or allocation plan. (PL, *PL-15*)

70. Prior to issuance of building permits, Developer shall pay a document imaging fee for the planning files in an amount calculated by planning staff at the time of building permit review based on fees then in effect. (PL/B, *PL-16*).

71. Developer shall install all roof and building rain gutters and downspouts to integrate as closely as possible with building design elements, including matching adjacent building colors as closely as possible. Developer shall submit a plan and scheme for approval by the Planning Division Manager prior to issuance of building permits. (PL, *PL-18)*

72. Developer shall provide utility meters, mailboxes and address directories, placed in decorative cabinets and clustered for efficient access for residents and service persons. Developer shall coordinate placement and design of such items accordingly, with the Planning Division Manager, the appropriate utility service provider and the United States Postal Service, prior to issuance of building permits. (PL, *PL-19)*

73. Developer shall provide automatic garage door openers for all garages. (PL/B, *PL-20*)

74. Garages closer than 23 feet to the front property line shall have sectional roll-up garage doors. (PL/B, *PL-21*)

75. Railings and enclosures for patios, areas designated as "dog run", and balconies shall provide at least 50 percent enclosure for screening and privacy. Developer shall include details of the railings and enclosures on the construction documents. (PL/B, *PL-24*)

76. Additions and patio covers shall conform to the requirements of the Coastal Medium Density Multiple-Family (R-3-C) zone setbacks, or as otherwise approved by this permit, and match the materials and style of the residence. (PL/B, *PL-27*)

77. All residential dwelling unit developments shall include architectural articulation on all four sides of each unit. Such articulation shall include, but not be limited to, window

treatment; trim and a variety of finishes matching front facades; and balconies, porches, and trellises. Developer shall submit elevations depicting such articulation to the Planning Division for approval prior to issuance of building permits. (PL, *PL-28*)

78. Developer shall participate in the City's Public Art Program by paying the Public Art fee prior to issuance of building permits, in accordance with City Council Resolution No. 14,124. (PL, *PL-50*)

79. All construction activities shall occur only between the hours of 7:00am to 6:00 pm Monday through Saturday in accordance with Section 7-188(D) of the Oxnard City Code.

PLANNING DIVISION SPECIAL CONDITION

80. Developer shall not obstruct pedestrian or vehicular traffic on Neptune Square or Sealane Way or the associated sidewalk during construction and maintenance activities. (PL)

81. Developer shall maintain the construction site free of litter and the accumulation of construction debris. (PL)

82. Developer shall paint utility meter panels to match structures upon which it is located. Such panels shall be located to take advantage of screening (e.g., landscaping or other building elements) from public right of ways, to the maximum extent feasible.

83. 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)

84. During all phases of construction beginning with grading, Applicant shall require a noise complaint sign with a contact name and phone number to be prominently placed on the construction site of a minimum size of 3 feet by 3 feet. The contact person shall be the general contractor, Project architect, or the Applicant. The sign shall note the days and times during which construction is allowed by Oxnard City Code (OCC) Chapter 7, Article XI "Sound Regulation" and specifically OCC Section 7-188(D), and the sign shall include language that directs a person who is not satisfied by whatever action is taken by the Project to contact the Code Compliance Division at (805) 385-7940. (PL)

85. If pile driving will be utilized as a method of construction, Developer acknowledges and agrees to complete the following steps to mitigate the impacts associated with pile driving:

    a. Developer shall distribute a written notice to all property owners within a 300-foot radius of the subject property informing them of the upcoming pile driving and providing the name and contact information for the Foreman and/or Developer. This notice shall be distributed no less than 60 days prior to pile driving. The City shall

furnish an updated mailing list with a 300-foot radius in an electronic format to the Developer within two weeks of the Developer requesting the mailing list. The City will not charge additional fees for the updated electronic mailing list. The Developer will be responsible for the costs associated with mailing the notifications. The Developer shall furnish a copy of the pile driving notification and a signed statement confirming mailed notices were sent to all property owners who were on the City furnished updated mailing list to the City at the preconstruction meeting referenced below. Developer shall also provide Planning Manager and Deputy Building Official with a written notification confirming that the notice has been completed prior to issuance of a building permit;

b. Prior to issuance of a building permit, Developer shall coordinate and attend a preconstruction meeting with the Building and Engineering Division to verify and review all pile driving requirements. Attendees shall include the pile driving/drilling Foreman, Developer, Deputy Inspector, Deputy Building Official and Case Planner. The request for this meeting shall be made to the Building and Engineering Division by the Developer or their designee and include a minimum 72 hours notice in advance of the meeting;

c. Developer shall prepare and submit a pre-drilling and noise mitigation plan for approval during the plan review process. This plan shall consist of: 1) an identification of methods used to reduce the driving duration, force, and resulting vibration impacts to surrounding properties during pile driving; and 2) an identification of methods used to reduce the noise impacts to surrounding properties during pile driving, including detailed description of any noise reduction techniques or equipment proposed, as verified by an acoustical report, technical report, or other objective data;

d. Developer shall limit pile driving activities to the hours of 9:00 a.m. through 4:30 p.m., Monday through Friday; and

e. Developer acknowledges that the approval of the Building Official is conditional and may be revoked immediately if the aforementioned requirements are not completed and strictly adhered to during construction. (PL/B)

86. 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)

87. 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). (PL)

88. 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)

89. Throughout construction, Developer shall sweep adjacent streets and roads at least once per day, preferably at the end of the day, so that any visible soil material and debris from the construction site is removed from the adjacent roadways. (PL)

90. Plans submitted by Developer with building permit applications shall include mailbox design with details that incorporate architectural design features that complement the building, subject to approval by the Planning Manager. (PL)

ENVIRONMENTAL RESOURCES DIVISION

91. 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.

92. 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.

93. 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.

94. 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

95. 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)

96. Developer shall protect building pads from inundation during a 1% chance (100-year) storm. (DS-5)

97. Developer shall replace all broken, uplifted, or missing curb, gutter, or sidewalk along the street frontage(s) of the project. (DS-6)

98. 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 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)

99. 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)

100. 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)

101. 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)

102. Developer shall pay the cost of all inspections of on-site and off-site improvements. (DS-22)

103. 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)

104. Developer shall dispose of sewage and solid waste from the project by City's wastewater and solid waste systems in a manner approved by the City Engineer. (DS-38)

105. 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)

106. Developer shall provide three City refuse containers for each lot or unit. An alternative number of containers may be approved by the Environmental Resources Division. (DS-67)

DEVELOPMENT SERVICES DIVISION SPECIAL CONDITIONS

107. Developer is hereby notified that the Federal Emergency Management Agency ('FEMA') is currently processing a revised Federal Insurance Rate Map ('FIRM') that is likely to significantly raise the Coastal Base Flood Elevation for beachfront properties. It is currently unknown when the revised FIRM will become effective but a draft version has been published by FEMA. Any rise in the Base Flood Elevation may affect the minimum allowed elevation of the finished floor for this structure. Revised minimum finished floor elevations will affect the ability of this structure to be constructed as approved by this permit when the revised FIRM becomes effective, unless the Developer has performed substantial work and incurred substantial liabilities in good faith reliance based upon the permit prior to the date that the revised FIRM becomes effective. (DS)

108. The Developer's architect and engineer shall provide written certification that the structure complies with all FEMA requirements. This shall include the filing of a FEMA "elevation certificate." (DS)

109. Developer shall repair and/or replace any existing broken or damaged sidewalk, curb gutter or asphalt paving adjacent to property as directed by the Construction Services Inspector. (DS)

110. Developer shall provide a separate water lateral and meter for each unit of the project. Manifold systems are not approved for connections to the City water main. (DS)

111. Developer shall construct a 6-foot by 3-foot level concrete pad for storage of two refuse containers for each unit out of view of the public street. Developer shall provide a paved path from the storage location to the street curb. All gates or doors along the path shall be constructed with a minimum of 36-inches of clear space to allow passage of the City issued containers. (DS)

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Oxnard on this 20th day of February 2020.

_____
Deirdre Frank, Chair

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Oxnard at a meeting held this 20th day of February 2020, and carried by the following vote:

AYES: Commissioner(s):

NOES: Commissioner(s):

ABSENT: Commissioner(s):

ABSTAIN: Commissioner(s):

RECUSED: Commissioner(s):

_____
Scott Kolwitz, Secretary

CITY OF OXNARD CALIFORNIA

PLANNING COMMISSION
STAFF REPORT

TO: Planning Commission

FROM: Jose E. Coyotl, Associate Planner

DATE: February 20, 2020

SUBJECT: Project Name: Oakmont at Riverpark Alcohol License; Planning and Zoning Permit No. 19-510-04 (Special Use Permit – Alcohol); Located at 901 Town Center Drive (APNs: 132-0-470-025 & 132-0-470-015).

1) **Recommendation:** That the Planning Commission adopt a resolution approving Planning and Zoning Permit No. 19-510-04 (Special Use Permit – Alcohol), subject to certain findings and conditions.

2) **Project Description and Applicant:** A request to allow the sale of beer, and wine for on-site consumption (Alcohol and Beverage Control (ABC) License Type-63 - On-Sale Special Beer and Wine Hospital[1]) at a proposed 88,446 square-foot senior care facility (Oakmont of Riverpark) within the facility in a community lounge, outdoor courtyard, and within the residential units, located at 901 Town Center Drive within the Riverpark Specific Plan, Planning District C: West Corridor Commercial zone with a General Plan Commercial Regional (CR) land use designation (Attachment A). Alcohol service would be provided between the hours of 4:00 p.m. to 10:00 p.m. daily. For the purposes of this Staff Report, the foregoing project description shall be referred to as the "**Project**" (Attachment B). Filed by James M. Lawson ("**Applicant**"), 9240 Old Redwood Highway, Suite 200, Windsor, CA 95492, on behalf of the property owner.

3) **Existing & Surrounding Land Uses:** The project site is located at 901 Town Center Drive. The 3.05-acre site is developed with an 88,446 square-foot senior care facility (Oakmount of Riverpark) with associated parking. The nearest residences are approximately 871 feet to the northeast of the project site. The nearest school is Rio Del Sol Academy (K-8th Grade) School, located approximately 0.29 miles northwest of the project site. The following table identifies the existing and surrounding General Plan and zoning designations as well as existing land uses:

[1] ABC License Type 63 (On-Sale Special Beer and Wine Hospital) Definition: This license allows for the sale and service of beer and wine to patients or residents of a licensed hospital, convalescent home or rest home.

Location	Zoning	General Plan	Specific Plan	Existing Land Use
Project Site	Specific Plan	Commercial: Regional (CR)	Riverpark Planning District C: West Corridor Commercial (Commercial Regional and Convention / Hotel)	Under Construction - Senior Care Facility
North	Specific Plan	Commercial: Regional (CR)	Riverpark Planning District A: Mixed Use / Office (Office)	Multi-tenant office building
South	Right-of-Way	Right-of-Way	Not Applicable	Caltrans drainage area and US-101 Freeway
East	Specific Plan	Commercial: Regional (CR)	Riverpark Planning District C: West Corridor Commercial (Commercial Regional and Convention / Hotel)	Commercial - two hotels are approved and undergoing plan check Two applications for commercial development (multi-tenant shopping center and restaurants) have been filed with the City
West	Specific Plan	Commercial Retail/Office	Riverpark Planning District B: West Peripheral Commercial	Undeveloped - An application for a 333-unit apartment has

			(Commercial Regional)	been filed with the City

4) **Background Information:** On July 26, 2017, the Development Services Director approved Development Design Review Permit PZ. 16-200-05 for the construction of an 85-unit senior residential care facility.

5) **Environmental Determination:** In accordance with Section 15301, Class 1 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines, projects involving "negligible or no expansion of use beyond that existing at the time of the lead agency's determination" may be found to be exempt from the requirements of the CEQA**.** This Project involves a request to sell beer and wine for on-site consumption and will not increase the square footage of the existing building. No Exceptions to the Exemptions (Section 15300.2) apply to defeat the Exemption.

   Therefore, Staff has determined that there is no substantial evidence that the project will have a significant effect on the environment and recommends that the Planning Commission accept the Notice of Exemption (Attachment C).

6) **Analysis:**

   a) **General Discussion:** Oakmont Senior Living is requesting the approval of a SUP to allow the sale of beer and wine for on-site consumption within an 88,446 square-foot senior residential care facility which is currently under construction. The senior residential care facility will serve beer and wine to residing residents within a 367 square-foot lounge, private courtyard, and within the 85-unit private residential units. The senior residential care facility is located adjacent to a commercial shopping center (The Landing) which applications have been submitted to develop commercial developments. The senior residential care facility operates one shift with two employees per shift. The Special Use Permit doesn't regulate the hours of the employee shifts; so the shifts may fluctuate over time. On the other hand, the proposed sale of alcohol would be allowed to occur only between the hours of 4:00 p.m. to 10:00 p.m. daily.

   b) **General Plan and Specific Plan Consistency:** The 2030 General Plan land use designation is consistent with the Project site's Riverpark Specific Plan designation of Planning District C: West Corridor Commercial District (Section 2.5.2.3). Planning District C is characterized by uses such as retail, banks, offices, hotels, residential live/work, work/live, and mixed uses. Alcohol on-site and off-site sales are allowed by issuance of a Special Use Permit. The Project does not propose any exterior alterations of modifications to the existing building.

   c) **Police Department Review:** The Oxnard Police Department provided a comprehensive report (Attachment D) in accordance with City Council Resolution

E No. 11,896 (Attachment E). The report analyzes the number of establishments selling alcoholic beverages within 350 feet and 1,000 feet of the Project site to determine whether a presumption of undue concentration exists, and whether approval of the SUP is likely to significantly affect policing problems. The Police Department's Report is broken down into an analysis of the concentration of alcohol outlets, crime statistics, police and community input, and conclusion. The table below summarizes the findings of the Police Department's Report:

Location	**Same Type Within 350 Feet?**	**Same Type Within 1,000 Feet?**	**Likely to Cause Police Problems?**	**Undue Concentration as Defined in Resolution 11,896?**
901 Town Center Drive	No	No	No, as conditioned	No

Concentration of Alcohol Outlets: According to the Police report, there are no establishments of the same type located within 1,000 feet of the subject property. There is one similar establishment located within 1,000 feet of the subject property operating with a Type 47 ABC license[2] (Clearwater at Riverpark Restaurant).

The Police Department has determined that as there are no alcohol establishments within 350 feet of the applicant's site, there is no presumption of undue concentration. Based on the crime statistics, the input from the community and the District Coordinator there is no reason to oppose this application.

Crime Statistic Review: For comparison purposes, the Police Department calculates the average number of Part I[3] and Part II[4] crimes that occur per reporting district (grid) during a selected twelve-month period. In the case of this report, all calculations are based on statistics from 2018. The citywide annular average of Part I and Part II crimes per grid is currently 80. The average number of Part I and II crimes occurring within 1,000 feet annular area of the proposed senior assisted living care facility was 13. This is 143% lower than the average crime rate citywide;

[2] ABC License Type 47 (On-Sale General - Eating Place) Definition: (Restaurant) Authorizes the sale of beer, wine and distilled spirits for consumption on the licensed premises. Authorizes the sale of beer and wine for consumption off the licensed premises. Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.
[3] Part I crimes include: murder, rape, robbery, theft, burglary, auto theft, assault, and arson.
[4] Part II crimes include: vandalism, weapons possession, sex offenses, drug abuse violations, driving under the influence, liquor laws, drunkenness, and disorderly conduct.

therefore, the local crime rate is significantly lower than other commercial and residential areas within the City.

Police & Community Input: The Beat Coordinator who is responsible for the day-to-day monitoring of activity and deployment of police resources for the surrounding area, identified that the location is not generally considered to be a policing problem and has not required any specific attention. Several business operators within the area were contacted and briefed concerning this application and the proposed operations related to hours and alcohol service. Of those interviewed, no one had concerns about the business having a license/permit to sell alcoholic beverages.

Conclusion**:** The statistical analysis within the Police Report identified that the area has a low crime rate as compared to citywide averages and generally not considered to be a policing problem. Based on the nature of the facility and the factors included within the Police report, this business, responsibly managed, is not likely to have an adverse impact on area crime or demand for police services. Several conditions of approval have been incorporated into the draft resolution of approval (Attachment F) in order to mitigate Police Department concerns in order to reduce the risk for potential policing problems in the future.

7) **Community Workshop and Public Input:** The project is located within the Riverpark Neighborhood. On November 7, 2019, the Applicant mailed notices of the Community Workshop meeting to all property owners within the Riverpark Neighborhood. The Applicant also provided notice on the Project site with a brief description of the project and contact information. The Community Workshop was conducted on November 18, 2019. No members of the public attend the Community Workshop. To date, there have not been any concerns or public comments about the proposed project. Following the Community Workshop the Applicant requested to change the alcohol serving hours from 7:00 a.m. to 1:00 a.m. to 4:00 p.m. to 10:00 p.m. due to staffing and onsite operational restrictions.

8) **Appeal Procedure:** In accordance with Section 16-545 of the Oxnard City Code, the Planning Commission's action may be appealed to the City Council within 18 days after the decision date. Appeal forms may be obtained from the City Clerk and must be submitted with the appropriate fee before the end of the appeal period.

Attachments:

A. Maps (Vicinity, Aerial, General Plan, Zoning)
B. Reduced Project Plans
C. Notice of Exemption
D. Police Department Report
E. City Council Resolution No. 11,896
F. Draft Resolution of Approval PZ 19-510-04 (Special Use Permit - Alcohol)

ATTACHMENT “A”

Maps (Vicinity, Aerial, General Plan, Zoning)

Vicinity Map

CITY OF OXNARD CALIFORNIA
Oxnard Planning
February 6, 2020

PZ 19-510-04
Location: 901 Town Center Dr
APN: 2132047002
Oakmont

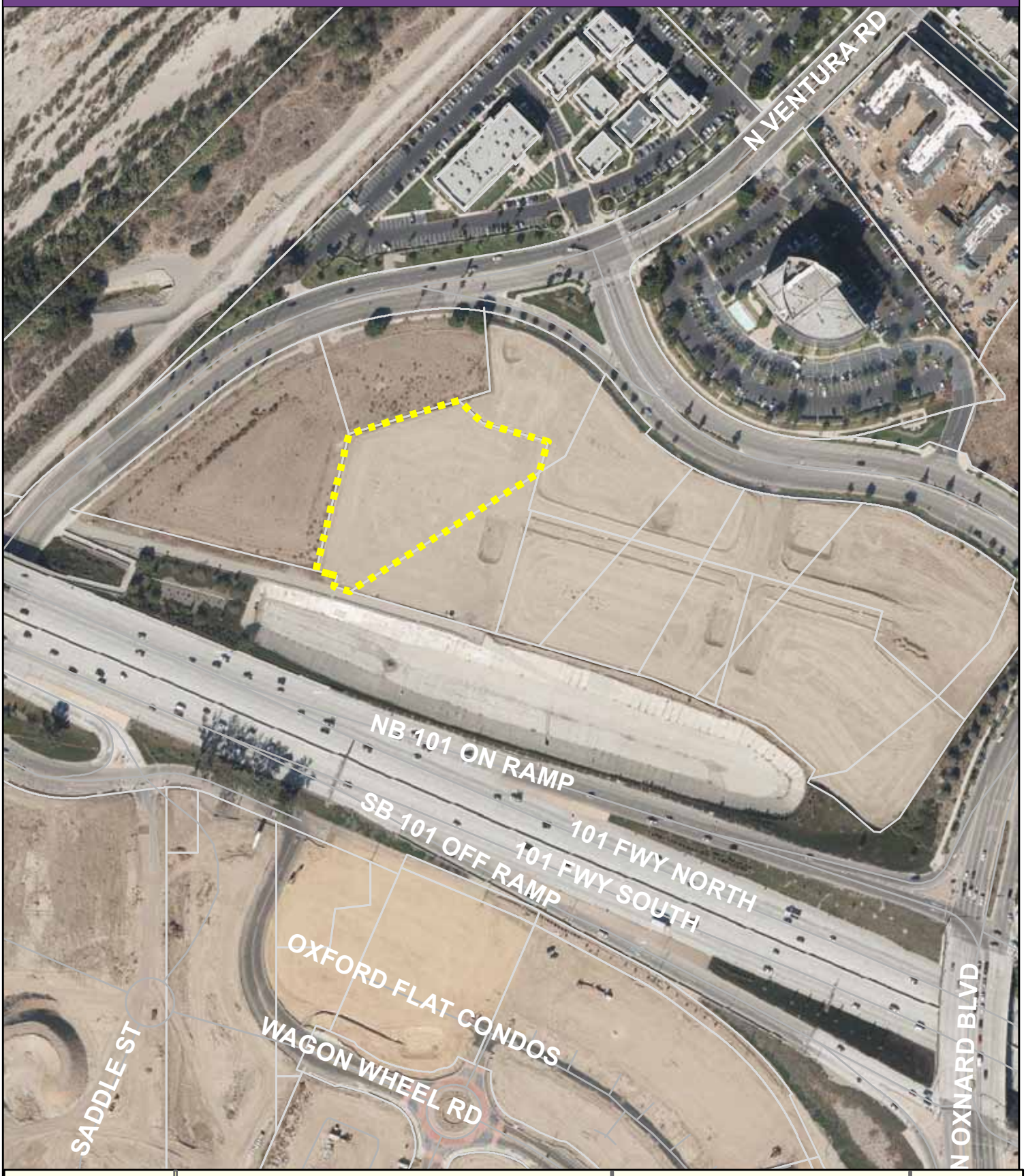
Vicinity Map

0 0.5 1 1.5 2 Miles

N

1:70,000

Aerial Map



OXNARD
CALIFORNIA

Oxnard Planning

February 6, 2020

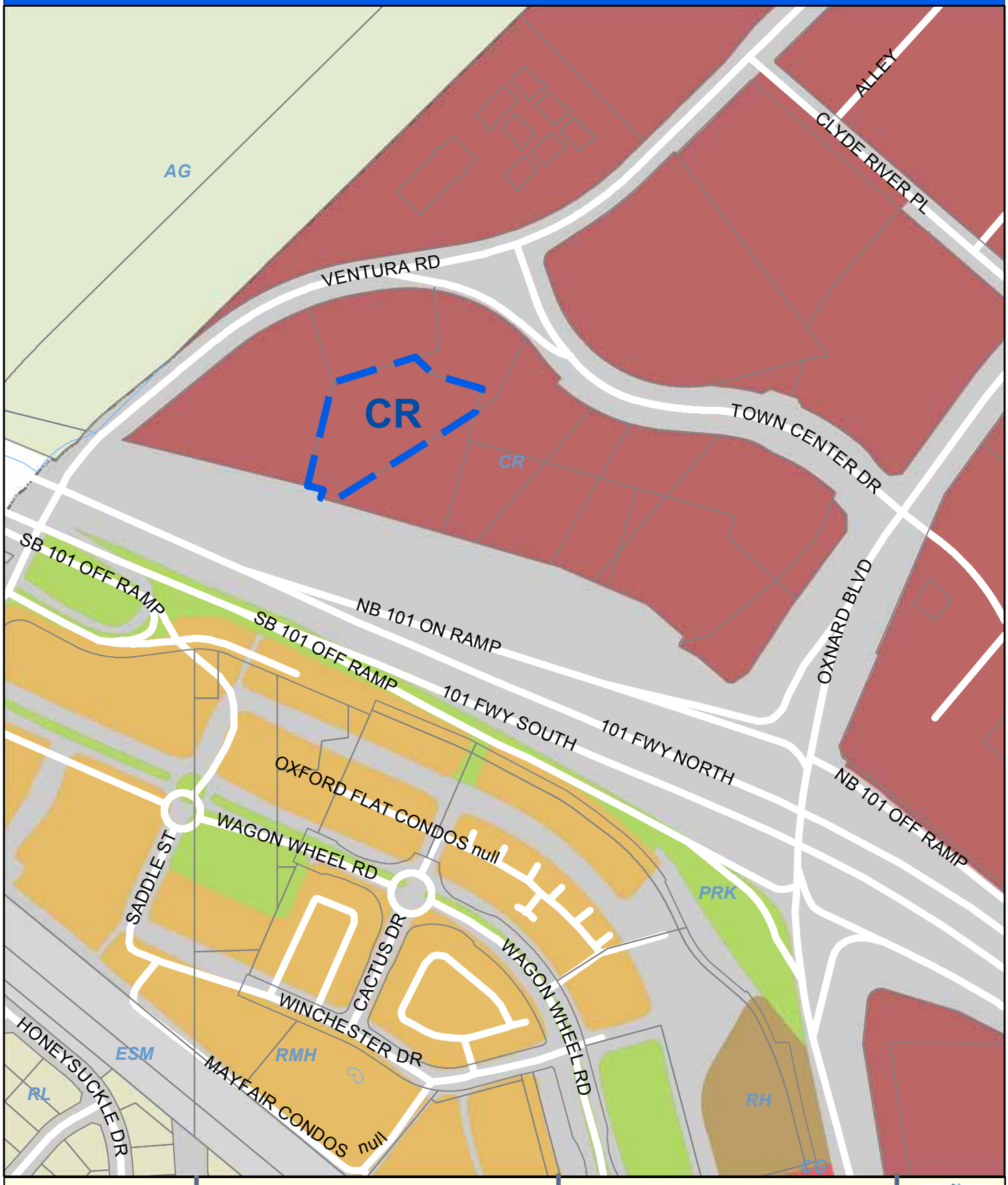
PZ 19-510-04
Location: 901 Town Center Dr
APN: 2132047002
Oakmont

0 75 150 300 450 600 Feet

Aerial Map

N
W E
S

2030 General Plan Land Use Map



OXNARD
Oxnard Planning
February 6, 2020

PZ 19-510-04
Location: 901 Town Center Dr
APN: 2132047002
Oakmont

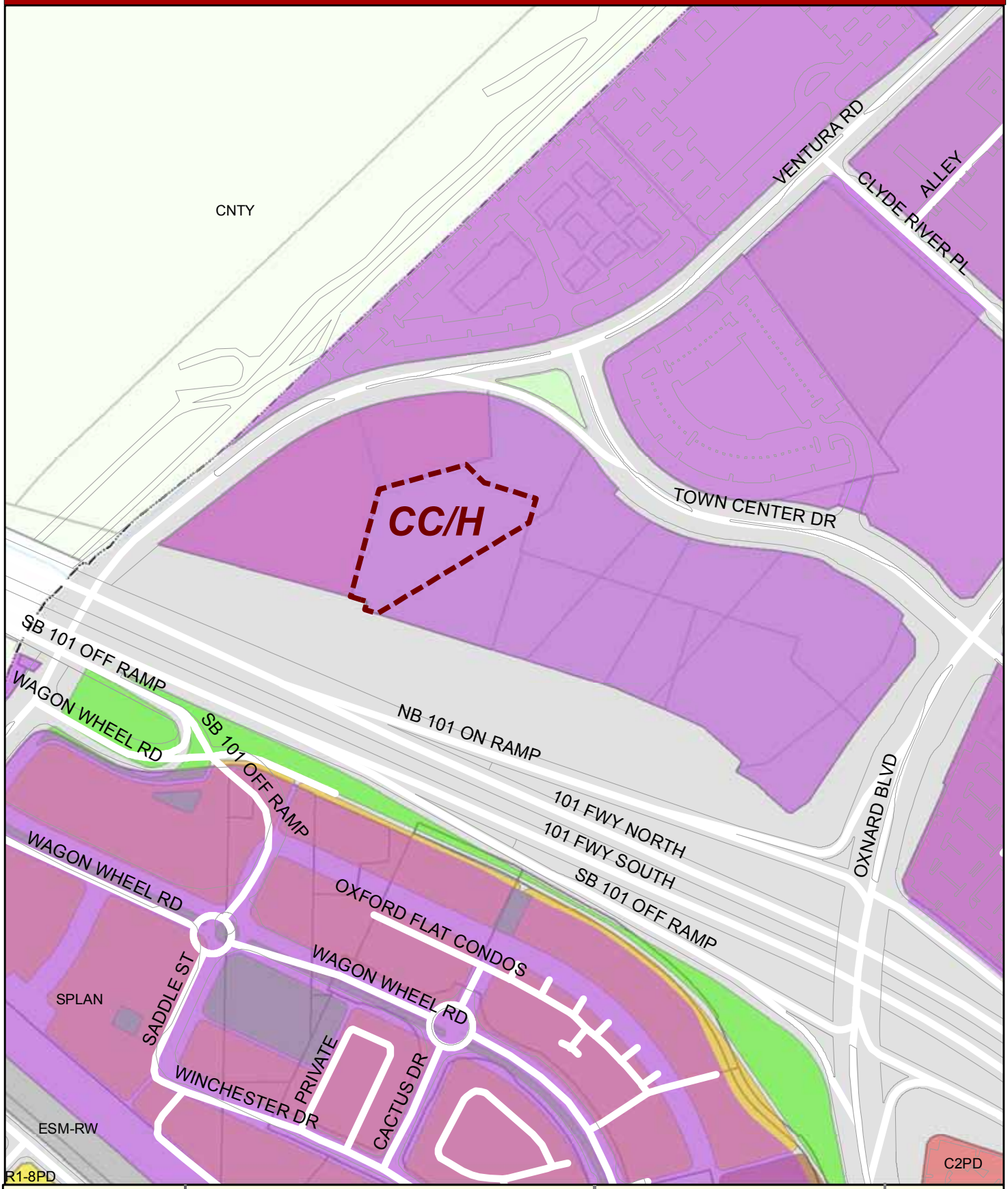
0 100 200 400 Feet

2030 General Plan Land Use Map

N W E S

1:4,000

Zoning/Specific Plan Map



OXNARD

Oxnard Planning

February 6, 2020

PZ 19-510-04
Location: 901 Town Center Dr
APN: 2132047002
Oakmont

0 62.5 125 250 375 500 Feet

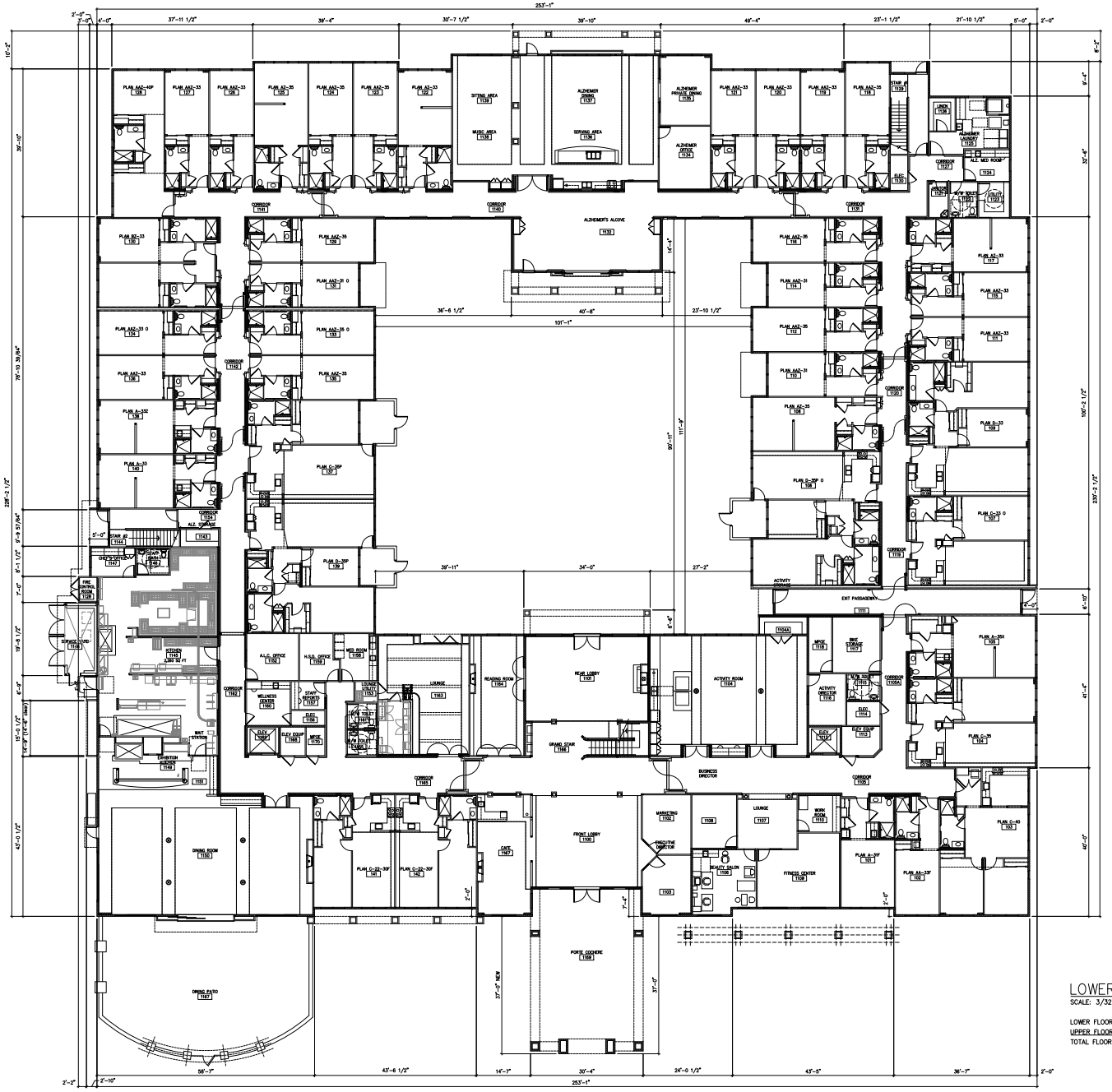
Zoning/Specific Plan Map

N W E S

1:3,814

ATTACHMENT “B”

Reduced Project Plans



LOWER FLOOR PLAN
SCALE: 3/32" =1'-0"

LOWER FLOOR AREA = 45,158 SQ. ST.
UPPER FLOOR AREA = 43,986 SQ. FT.
TOTAL FLOOR AREA = 88,446 SQ. FT

ALI IQBAL
9240 OLD REDWOOD HWY. STE. 200
WINDSOR, CA. 95492
PH: 707-535-3200

OAKMONT
Senior Living, LLC

LOWER FLOOR PLAN

OAKMONT OF RIVERPARK
901 TOWN CENTER DRIVE, OXNARD, CA 93036

JOB NO:

SCALE:
AS SHOWN
DRAWN BY:
N. MURRIN
DATE:
APRIL 1, 2017
COPYRIGHT

REVISIONS:
AUG. 27, 2019

SHEET NO:
A2.1

ATTACHMENT "C"

Notice of Exemption

OXNARD PLANNING DIVISION
214 SOUTH C STREET
OXNARD, CALIFORNIA 93030

NOTICE OF EXEMPTION

Project Description:
PLANNING AND ZONING PERMIT NO. 19-510-04 (Special Use Permit - Alcohol) A request to allow the sale of beer, and wine for on-site consumption (Alcohol and Beverage Control License Type-63 - On-Sale Special Beer and Wine Hospital) at a proposed 88,446 square-foot senior care facility (Oakmont of Riverpark) located at 901 Town Center Drive (APNs: 132-0-470-025 & 132-0-470-015) within the Riverpark Specific Plan, Planning District C: West Corridor Commercial zone. Alcohol service will take place within the private senior care facility in the community lounge, outdoor courtyard, and residential units. The proposed hours of operation are 4:00 PM to 10:00 PM daily. Filed by James M. Lawson, on behalf of the property owner.

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 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines, qualifies as a Class 1 Categorical Exemption. This section applies to projects involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. This project qualifies for this exemption because the proposal involves a request to sell beer and wine for on-site consumption and will not increase square footage of the existing building. No Exceptions to the Exemptions (Section 15300.2) apply to defeat the Exemption. Based on the above exemption and in accordance with CEQA, the Planning Commission has determined that there is no substantial evidence that the project may have a significant effect on the environment and hereby authorizes and directs the Planning and Environmental Services Manager to file a Notice of Exemption with the Ventura County Clerk.

_____ _____

(Date)

Scott Kolwitz
Planning and Environmental Services Manager

ATTACHMENT “D”

Police Department Report

CITY OF OXNARD CALIFORNIA

Police Department

Scott Whitney, Chief of Police

Date: October 25, 2019

To: Scott Kolwitz, Planning Manager
Jose Coyotl, Assistant Planner

From: Denise Shadinger, Patrol Support Division Commander
Scott Swenson, Neighborhood Safety & Alcohol Compliance Specialist

Subject: Alcohol SUP Review – Oakmont Senior Living, 901 Town Center Drive

Site Information:

The applicant's site is a newly constructed senior care facility located at 901 Town Center Drive. North, across Ventura Road is an office complex, east, is a project site for a hotel, south, is US 101, and west is Ventura Road and the Santa Clara River levee. The site includes a two-story, 88,000 square foot, senior living facility designed to have about 90 residents. The applicant will be using a Type-63 ABC License which is specifically for a senior care facility which serves meals to their clients. The license permits the sales and service of beer and wine. The intent of the applicant is to have the permit cover the entire facility so that alcoholic beverages can be served to tenants in their rooms as well as in a lounge and interior courtyard.

Alcohol outlets located within 350 feet of the establishment include:

None.

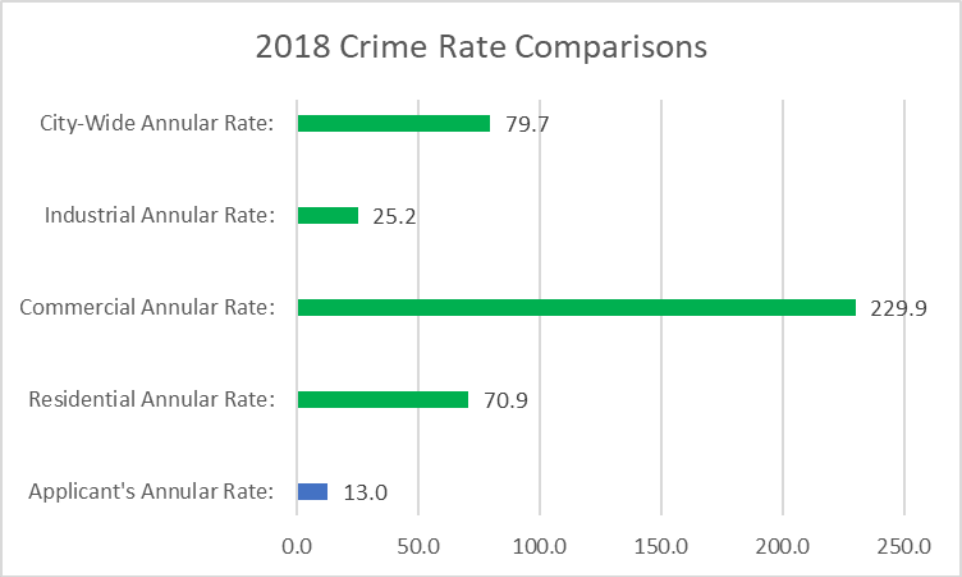
Alcohol outlets located between 350 and 1000 feet of the establishment include:

Business Name	Location	License Type	License Title	License Desc.	Alcohol Allowed
1. Clearwater at Riverpark	750 Clyde River Dr.	Type 47	On-Sale General Eating Place	Restaurant	Beer, Wine & Spirits

Crime Statistics Review:

For comparison purposes the Police Department calculates the average number of Part I and II crimes that occurred during a selected 12-month period. In the case of this report, all calculations are based on statistics from 2018. The average city-wide, annular average of Part I and II crimes is 80.

The number of Part I and II crimes in the applicant's 1000 feet annular area is 13. This is well under the commercial annular rate of 230. The crime statistics for this site can be best illustrated in the graph below:



For reference, the category of Part I crimes include: murder, rape, robbery, theft, burglary, auto theft, assault, and arson. Part II crimes include: vandalism, weapons possession, sex offenses, drug abuse violations, driving under the influence, liquor laws, drunkenness, and disorderly conduct.

Police Department Input:
The Beat Coordinator who is responsible for the day-to-day monitoring of activity and deployment of police resources for the surrounding area said that the location is not generally considered to be a policing problem and has not required any specific attention.

Community Input:
The neighborhood chairperson was contacted and informed of the applicant's request for an on-sale Alcohol Special Use Permit. There were no objections to the proposed permit by those persons interviewed.

Conclusion:
There are no alcohol establishments within 350-feet of the applicant's site so there is no presumption of undue concentration. Based on the nature of the facility and other

factors this business, responsibly managed, would not have an adverse impact on area crime or demand for police services. Recommended operating conditions are attached to provide a framework for best business practices related to alcohol service.

Police Operating Conditions

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1) The facility's food service manager shall complete a Oxnard Police Department approved course in Responsible Beverage Service (RBS) within sixty days of license granting and/or date of employment. Persons needing RBS training can contact the Alcohol Compliance Team at the Oxnard Police Department via email at specialprojects@oxnardpd.org to obtain information on RBS classes. (PL/PD)

2) The Police Chief or designee may immediately suspend operation of the uses approved by this permit pending a hearing on the revocation of this permit if the Chief determines, after due process that shall include discussions with the Permittee, that there have been significant violations of the use permit conditions and/or ABC permit, or there is a single serious violent crime or single significant incident to which multiple police units or multiple police jurisdictions respond associated with the operation of this use, which the Chief determines is detrimental to the public safety or health. The Chief shall immediately inform the Planning and Environmental Services Manager of the suspension and the manager shall schedule a hearing on the revocation of the permit by the Development Services Director to be held no more than 30 days after the suspension begins. (PD)

3) The premises shall be equipped with an adequate number of seats to accommodate all customers. There shall be no service area that is designed or used as a standing area only or as a combined standing and seating area. (PD)

4) The premises shall be equipped and maintained in good faith as a bona fide senior living food service facility and shall possess, in operative condition, such conveniences for cooking and storage of foods such as stoves, ovens, broilers, refrigeration or other devices, as well as pots, pans or containers which can be used for cooking or heating foods on the type heating device employed. (PL/PD)

5) The activity at the site and the use of any amplifying system or device shall not be disruptive to neighboring uses. (PD)

6) There shall be no advertising of alcoholic beverages visible from the outside of the establishment, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. (PL/PD)

7) Sales of alcohol may only occur between the hours of 7:00 am and 1:00 am.

8) Alcoholic beverages shall not be offered at significantly reduced prices (typically more than a 25% reduction from regular prices) that are meant to encourage greater consumption of alcohol such as during "happy hour" type promotions. Permittee shall not develop any other promotional activity that is designed to encourage excessive drinking of alcoholic beverages. *Promoting a "happy hour" or other event that offers reduced prices on food or other items shall not be considered a violation of this condition and are actually encouraged.* (PD)

9) Alcoholic beverages shall be served in standard sizes that are consistent with the industry and shall not be served by the pitcher or similar high capacity containers exceeding 36oz total. (PD)

10) In the areas surrounding the business, not otherwise licensed by the Department of Alcoholic Beverage Control allowing the service of alcohol, Permittee shall post prominent, permanent signs indicating that loitering, open containers and the consumption of alcoholic beverages is prohibited. This includes the parking lot, walkways and other adjacent areas under Permittee's reasonable control. (PD)

11) Prominent signs shall be posted stating, in effect, "No persons under 21 will be served alcoholic beverages" (PD)

12) Prominent signs shall be posted on the inside of the business near or on each door used by the public stating: "No alcoholic beverages beyond this point".

13) Employees involved in the sale or service of alcoholic beverages shall not be allowed to consume alcoholic beverages at any time during their shift. Employees shall not report to work with evidence of having consumed any intoxicants such as alcohol, illegal drugs or controlled substances. (PD)

14) The subject Alcoholic Beverage Control License shall not be exchanged for any other type of Alcoholic Beverage Control License without Planning Department review and approval by the Police Chief or designee. (PD)

15) Upon any individual transfer (person-to-person) of the subject Alcoholic Beverage Control License, or if the business is ever deemed a nuisance as

defined in the Oxnard City Code, a review of the existing SUP shall be initiated and conditions may be added or removed as appropriate to mitigate existing or potential problems. (PD)

16) Any graffiti painted or marked upon the premises or on any adjacent area under the control of Permittee shall be removed or painted over within twenty-four (24) hours of being applied. (PL/PD)

17) The permittee shall maintain areas for which the business has reasonable control around the premises free of liter. (PL/PD)

18) The area surrounding premises under the reasonable control of Permittee (including the rear of the business) shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons in or about the area. (PL/PD)

19) Permittee shall regularly police the area under Permittee's control and shall not permit the loitering of persons about the premises. (PL/PD)

20) Permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and thefts. (PD)

21) A copy of these conditions must be maintained on the premises and made available upon the demand of any representative of the Oxnard Police Department at all times. (PL/PD)

22) Permittee shall not offer or provide alcoholic beverages for delivery outside the area licensed by the California Department of Alcoholic Beverage Control under its license for the facility. Alcoholic beverages served or purchased in the business may only be consumed in the business.

ATTACHMENT "E"

City Council Resolution No. 11,896

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. 11,896

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD ADOPTING STANDARDS FOR DETERMINING APPLICATIONS FOR SPECIAL USE PERMITS TO SELL ALCOHOLIC BEVERAGES

WHEREAS, any person wishing to sell alcoholic beverages in the State of California must obtain a license to do so from the Department of Alcoholic Beverage Control; and

WHEREAS, Business and Professions Code Section 23790 provides that the Department of Alcoholic Beverage Control shall not issue a retail license "for any premises which are located in any territory where the exercise of the rights and privileges conferred by the license is contrary to a valid zoning ordinance of any county or city"; and

WHEREAS, the City of Oxnard has enacted zoning ordinances restricting the sale of alcoholic beverages to certain zones and requiring that a person wishing to sell alcoholic beverages in such zones first obtain a special use permit; and

WHEREAS, section 34-147 of the Oxnard City Code provides in part:

"Before a special use permit may be granted, the applicant must show and the planning commission must find that the proposed use is in conformance with the general plan and other adopted standards and that the following conditions are met:

"(a) The nature, condition and development of adjacent uses, buildings and structures shall be considered, and no proposed special use permit shall be granted where the commission finds such use will adversely affect or be materially detrimental to such adjacent uses, buildings or structures or to the public health, safety or general welfare."

WHEREAS, based on the experience of the Police Department that there is a relationship between crime and the consumption of alcohol and that establishments selling alcohol are incompatible with certain adjacent uses, the City Council wishes to adopt standards for determining when granting applications for special use permits to sell alcoholic beverages would adversely affect or be materially detrimental to adjacent uses, buildings or structures or to the public health, safety and general welfare; and

WHEREAS, this resolution applies only to the determination required by subsection (a) of section 34-147 of the City Code, and does not dispense with the requirement that in order to grant a special use permit to sell alcoholic beverages the application must satisfy the remainder of section 34-147; and

WHEREAS, in accordance with the California Environmental Quality Act, the Planning and Environmental Services Manager provided public notice of the intent of the City to adopt a negative declaration for the adoption of this resolution ("the project"), and the City Council has considered the proposed negative declaration, together with any comments received during the public review process, finds on the basis of the initial study and any comments received that there is no substantial evidence that the project will have a significant effect on the environment, further finds that the mitigated negative declaration reflects the independent judgment of the City, and approves the negative declaration.

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

1. City Council Resolution No. 8597 is repealed.

2. The Planning and Environmental Services Division of the Development Services Department shall refer to the Police Department applications for special use permits to sell alcoholic beverages at retail. The Police Department shall prepare and submit to the secretary of the Planning Commission, at least ten calendar days before the date set for hearing on the special use permit, a written report on the following matters:

(a) The name and address and a description of the type of all establishments selling alcoholic beverages within 1,000 feet of the location for which the special use permit is applied. As used in this resolution, "the type" refers to the nature of the business (e.g., grocery store, liquor store, bar or restaurant), not to the type of State Alcoholic Beverage Control license issued to or sought for the business.

(b) The annual number of incidents involving police responses within 1,000 feet of the location for which the special use permit is applied and how this number compares to the City average of police responses.

(c) The likelihood that granting the application will create or significantly aggravate police problems at or near the subject location.

(d) A list of conditions recommended for inclusion in the special use permit to minimize police problems if the application is granted. One such condition shall be that the applicant provide Responsible Beverage Sales and Service (RBSS) training to all operators and employees of the establishment within 30 days of their employment. The applicant may apply to the Police Department for a waiver of RBSS training for temporary or short-term employees.

3. The Planning Commission shall consider the report, as well as any other relevant evidence, in determining whether, under subsection (a) of section 34-147 of the City Code, granting an application for a special use permit to sell alcoholic beverages at retail would adversely affect or be materially detrimental to adjacent uses, buildings or structures or to the

public health, safety or general welfare. Before making such determination, the Planning Commission shall make the following findings, as well as any other relevant findings:

(a) The proposed use is not likely to create or significantly aggravate police problems within 1000 feet of the location for which the special use permit is applied; and

(b) The proposed use will not result in or add to an undue concentration of establishments selling alcoholic beverages at retail within 1000 feet of the location for which the special use permit is applied. For purposes of making this determination, there is a presumption that an undue concentration will result or be added to if the establishment for which the special use permit is applied will be located less than 350 feet from another establishment of the same type, and there is a presumption that an undue concentration will not result or be added to if the establishment for which the special use permit is applied will be located 350 feet or more from another establishment of the same type. However, either presumption may be rebutted by a preponderance of the evidence, based on the facts of the particular case.

4. All of the procedures and other matters contained in section 34-146 et seq. of the City Code apply to applications for special use permits to sell alcoholic beverages at retail.

PASSED AND ADOPTED this 6th day of February, 2001, by the following vote:

AYES: Councilmembers Maulhardt, Pinkard, Zaragoza, Holden and Lopez.

NOES: None.

ABSENT: None.

Dr. Manuel M. Lopez, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

Gary L. Gillig, City Attorney

ATTACHMENT “F”

Draft Resolution of Approval PZ 19-510-04
(Special Use Permit - Alcohol)

RESOLUTION NO. 2020-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 19-510-04 (SPECIAL USE PERMIT - ALCOHOL) TO ALLOW THE SALE OF BEER AND WINE FOR ON-SITE CONSUMPTION (ALCOHOL AND BEVERAGE CONTROL LICENSE TYPE 63 - ON-SALE SPECIAL BEER AND WINE HOSPITAL) AT A PROPOSED 88,446 SENIOR CARE FACILITY (OAKMONT OF RIVERPARK), LOCATED AT 901 TOWN CENTER DRIVE WITHIN THE RIVERPARK SPECIFIC PLAN, PLANNING DISTRICT C: WEST CORRIDOR COMMERCIAL ZONE. FILED BY JAMES M. LAWSON, 9240 OLD REDWOOD HIGHWAY, SUITE 200, WINDSOR, CA 95492, ON BEHALF OF OAKMONT SENIOR LIVING LLC.

WHEREAS, on August 29, 2019, James N. Lawson (the "**Applicant**"), on behalf of Oakmont Senior Living LLC., submitted a request for a Special Use Permit, pursuant to Riverpark Specific Plan Section 7.9.2.3 to allow the sale of beer and wine for on-site consumption within a proposed 88,446 square-foot senior residential care facility (Oakmont of Riverpark), within the facility in a community lounge, outdoor courtyard, and within the residential units, located at 901 Town Center Drive (APNs: 132-0-470-025 & 132-0-470-015) within the Riverpark Specific Plan, Planning District C: West Corridor Commercial zone with a General Plan Commercial Regional (CR) land use designation; and

WHEREAS, on February 20, 2020, the Planning Commission of the City of Oxnard ("**Planning Commission**") conducted a duly notice public hearing to consider an application for Planning and Zoning Permit No. 19-510-04 (Special Use Permit - Alcohol) to allow the sale of beer and wine for on-site consumption at Oakmont of Riverpark, filed by James M. Lawson in accordance with Section 16-530 through 16-553 of the Oxnard City Code and City Council Resolution No. 11,896; 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 1 Categorical Exemption (Section 15301). Further, the project does not trigger any of the Exceptions to the Exemptions (Section 15300.2) to defeat the Exemption:

(a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -- a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

The project site is located within the 2030 General Plan land use designation of Commercial Regional (CR) within the Riverpark Specific Plan, Planning District

C: West Corridor Commercial zone. The Project is surrounded by commercial development. The project site and adjacent sites do not contain any known environmental resource of hazardous or critical concern. Therefore, the project will have no impact on an environmental resource of hazardous or critical concern.

(b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

The proposed Special Use Permit request for alcohol is consistent with the 2030 General Plan, Riverpark Specific Plan and the Oxnard City Code and is compatible with the physical scale and character of other commercial development in the project area. Any projects requiring discretionary approval would be analyzed with the 2030 General Plan and the Municipal Code for consistency and CEQA for any potential impacts. Therefore the project will have no significant cumulative impact.

(c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

The proposed Special Use Permit request for alcohol will not result in an unusual circumstance that would cause the project to have a significant effect on the environment. The project will not alter the commercial character of the surrounding development and the property does not contain any unusual environmental characteristics as the property is surrounded on all sides by commercial development. Therefore, the project will not have a significant effect on the environment due to unusual circumstances.

(d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements, which are required as mitigation by an adopted negative declaration or certified EIR.

The project is not located in or adjacent to a State designated scenic highway.

(e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site, which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

The proposed project site is not included on any list compiled pursuant to Section 65962.5 of the Government Code.

(f) Historical Resources. A categorical exemption shall not be used for a project, which may cause a substantial adverse change in the significance of a historical resource.

The project site does not contain an existing or potential landmark, point of interest, or historic resource, and it is not located within an existing, proposed, or potential Historic District. The commercial structure located on site is currently under construction. Therefore, the proposed project will not cause a substantial adverse change in the significance of a historical resource.

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 subject site is consistent with the 2030 General Plan since the proposed commercial use is consistent with the site's General Plan Commercial Regional (CR) land use designation and the Riverpark Specific Plan, Planning District C: West Corridor Commercial zoning designation. The proposed ancillary sales of alcoholic beverages would be consistent with District C of the Riverpark Specific Plan zoning, subject to approval of a Special Use Permit per Riverpark Specific Plan Section 7.9.2.3 . Therefore, the proposed sale of alcohol is in conformance with the 2030 General Plan and the elements thereof and other adopted standards. Therefore, this Project meets this finding.

(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 will allow the sale of beer and wine for on-site consumption within an senior residential care facility which is currently under construction. As conditioned, the Project will not aggravate policing issues when properly regulated through the imposition of and compliance with the conditions of approval. Based on these factors, this business, responsibly managed, would not have an adverse impact on area crime or demand for police services. As such, this Project meets this finding.

(3) **The proposed use will not result in or add to an undue concentration of off-site consumption establishments selling alcohol beverages within 350 feet of the subject location.**

As described in the Staff Report and Oxnard Police Department Alcohol SUP Report, there are no similar outlets within 350 feet of the Project site; therefore, there is not a presumption of undue concentration by local standards. Additionally, the business will be in a well-established, well-maintained commercial center where the crime rate is below the average for commercial properties. Therefore, this Project meets this finding.

(4) **The proposed use is not likely to create or significantly aggravate police problems within 1,000 feet of the location for which the special use permit is applied.**

The Project will not create, or significantly aggravate police problems within 1,000 feet of the location for which the special use permit is requested, as discussed in the Staff Report and Oxnard Police Department Alcohol SUP Report. As such, this Project meets this finding.

SECTION 2. The Planning Commission, in accordance with the California Environmental Quality Act (CEQA), determines that the Project will not have a significant impact on the environment and is categorically exempt from CEQA pursuant to Article 19, Section 15301 (Existing Facilities) of the State CEQA Guidelines. The Project consists of "negligible or no expansion of use beyond that existing at the time of the lead agency's determination" may be found to be exempt from the requirements of the CEQA**.** This Project involves a request to sell beer and wine for on-site consumption and will not increase the square footage of the existing building. There is no substantial evidence that the Project will have a

significant effect on the environment, and no Exceptions to the Exemptions (Section 15300.2) apply to defeat the Exemption. 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 approves Planning and Zoning Permit 19-510-04 (Special Use Permit - Alcohol), subject to the attached conditions of approval.

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

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

STANDARD CONDITIONS OF APPROVAL

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

DEPARTMENTS AND DIVISIONS			
CA	City Attorney	PL	Planning Division
DS	Dev Services/Eng Dev/Inspectors	TR	Traffic Division
PD	Police Department	B	Building Plan Checker
SC	Source Control	FD	Fire Department
PK	Landscape Design	CE	Code Compliance

GENERAL PROJECT CONDITIONS

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

2. This permit is granted for the plans dated August 29, 2019, ("the plans") on file with the Planning Division. The project shall conform to the plans, except as otherwise specified in these conditions, or unless a minor modification to the plans is approved by the Planning and Environmental Services Manager ("Planning Manager") or a major modification to the plans is approved by the Planning Commission. A minor modification may be granted for

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

3. By commencing any activity related to the project or using any structure authorized by this permit, Applicant accepts all of the conditions and obligations imposed by this permit and waives any challenge to the validity of the conditions and obligations stated therein (CA, *G-5*).

4. Applicant agrees, as a condition of adoption of this resolution, at Applicant's own expense, to indemnify, defend and hold harmless the City and its agents, officers and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of the resolution or any condition attached thereto or any proceedings, acts or determinations taken, done or made prior to the approval of such resolution that were part of the approval process (CA, *G-6*).

5. Any covenants, conditions, and restrictions (CC&Rs) applicable to the project property shall be consistent with the terms of this permit and the City Code. If there is a conflict between the CC&Rs and the City Code or this permit, the City Code or this permit shall prevail (CA, *G-7*).

6. Applicant 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, Applicant shall submit the original completed, signed and notarized document, together with the required fees to the Planning Manager (PL, *G-8*).

7. Before placing or constructing any signs on the project property, Applicant shall obtain a sign permit from the City. Except as provided in the sign permit, Applicant may not change any signs on the project property (PL/B, *G10*).

8. Applicant shall not permit any combustible refuse or other flammable materials to be burned on the project property (FD, *G-12*).

9. Applicant shall not permit any materials classified as flammable, combustible, radioactive, carcinogenic or otherwise potentially hazardous to human health to be handled, stored or used on the project property, except as provided in a permit issued by the Fire Chief (FD, *G-13*).

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

PLANNING DIVISION STANDARD CONDITIONS

11. Applicant may not modify any use approved by this permit unless the Planning Manager determines that Applicant has provided the parking required by the Oxnard City Code for the modification use (PL, *PL-7*).

PLANNING DIVISION SPECIAL CONDITIONS

12. This permit shall automatically be void 12 months from the date of issuance, unless the Applicant has received a Type-63 license from the State Department of Alcoholic Beverage Control to sell alcoholic beverages on the Project property (PL).

13. Unless the use is inaugurated no later than 12 months after this approval is granted and is diligently pursued thereafter, this approval will expire pursuant to the Oxnard City Code Section 16-553.

POLICE DEPARTMENT STANDARD CONDITIONS

14. The facility's food service manager shall complete an Oxnard Police Department approved course in Responsible Beverage Service (RBS), or equivalent, approved by the Oxnard Police Department within sixty days of license granting and/or date of employment. This condition is directed at those persons taking and/or delivering alcoholic beverages to the customers within the restaurant area. Persons needing RBS training can contact the Alcohol Compliance Team at the Oxnard Police Department via email at specialprojects@oxnardpd.org to obtain information on RBS classes (PL/PD).

15. The Police Chief or designee may immediately suspend operation of the uses approved by this permit pending a hearing on the revocation of this permit if the Chief determines, after due process that shall include discussions with the Permittee, that there have been significant violations of the use permit conditions and/or a permit issued by the California Department of Alcoholic Beverage Control ("ABC"), or there is a single serious violent crime or single significant incident to which multiple police units or multiple police jurisdictions respond associated with the operation of this use, which the Chief determines is detrimental to the public safety or health. The Chief shall immediately inform the Planning and Environmental Services Manager of the suspension and the manager shall schedule a hearing on the revocation of the permit by the Development Services Director to be held no more than 30 days after the suspension begins (PD).

16. The premises shall be equipped with an adequate number of seats to accommodate all customers. There shall be no service area that is designed or used as a standing area only or as a combined standing and seating area (PD).

17. The premises shall be equipped and maintained in good faith as a bona fide senior living food service facility and shall possess, in operative condition, such conveniences for

cooking and storage of foods such as stoves, ovens, broilers, refrigeration or other devices, as well as pots, pans or containers which can be used for cooking or heating foods on the type heating device employed (PL/PD).

18. The activity at the site and the use of any amplifying system or device shall not be disruptive to neighboring uses (PD).

19. There shall be no advertising of alcoholic beverages visible from the outside of the establishment, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages (PL/PD).

20. Sales of alcohol may only occur between the hours of 4:00 pm and 10:00 pm (PD).

21. Alcoholic beverages shall not be offered at significantly reduced prices (typically more than a 25% reduction from regular prices) that are meant to encourage greater consumption of alcohol such as during "happy hour" type promotions. Permittee shall not develop any other promotional activity that is designed to encourage excessive drinking of alcoholic beverages. *Promoting a "happy hour" or other event that offers reduced prices on food or other items shall not be considered a violation of this condition and are actually encouraged* (PD).

22. Alcoholic beverages shall be served in standard sizes that are consistent with the industry and shall not be served by the pitcher or similar high capacity containers exceeding 36oz total (PD).

23. In the areas surrounding the business, not otherwise licensed by the Department of Alcoholic Beverage Control allowing the service of alcohol, Permittee shall post prominent, permanent signs indicating that loitering, open containers and the consumption of alcoholic beverages is prohibited. This includes the parking lot, walkways and other adjacent areas under Permittee's reasonable control. (PD)

24. Prominent signs shall be posted on the inside of the business near or on each door used by the public stating, in effect, "No persons under 21 will be served alcoholic beverages" and "Valid ID is required to purchase or possess alcoholic beverages". (PD).

25. Prominent signs shall be posted on the inside of the business near or on each door used by the public stating: "No alcoholic beverages beyond this point" (PD).

26. Employees involved in the sale or service of alcoholic beverages shall not be allowed to consume alcoholic beverages at any time during their shift. Employees shall not report to work with evidence of having consumed any intoxicants such as alcohol, illegal drugs or controlled substances (PD).

27. The subject Alcoholic Beverage Control License shall not be exchanged for any other type of Alcoholic Beverage Control License without review and approval by the Police Chief or designee or designee and the Development Services Director as required by the City Code for the modified use (PD).

28. Upon any individual transfer (person-to-person) of the subject Alcoholic Beverage Control License, or if the business is ever deemed a nuisance as defined in the Oxnard City Code, a review of the existing SUP shall be initiated and conditions may be added or removed as appropriate to mitigate existing or potential problems (PD).

29. Any graffiti painted or marked upon the premises or on any adjacent area under the control of Permittee shall be removed or painted over within twenty-four (24) hours of being applied (PL/PD).

30. The Permittee shall be responsible for maintaining their areas of responsibility free of litter the area adjacent to the premises over which Permittee has reasonable control. (PL/PD)

31. The area surrounding premises under the reasonable control of Permittee (including the rear of the business) shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons in or about the area (PL/PD).

32. Permittee shall regularly police the area under Permittee's control and shall not permit the loitering of persons about the premises (PL/PD).

33. Permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and thefts (PD).

34. A copy of these conditions and a log of employees who have completed Responsible Beverage Service, or equivalent, training must be maintained on the premises and made available upon the demand of any representative of the Oxnard Police Department at all times (PL/PD).

35. Permittee shall not offer or provide alcoholic beverages for delivery outside the area licensed by the California Department of Alcoholic Beverage Control under its license for the facility. Alcoholic beverages served or purchased in the business may only be consumed in the business (PD).

36. Permittee shall install a video surveillance system that shall be maintained at a reasonable industry standard and shall be operated 24-hours a day to monitor, at a minimum, the entrances and exits, any centralized point of sale and areas immediately surrounding the exterior of the business. The specifics of the camera system, and any upgrades to the system, shall be developed by the applicant in consultation with and approved by the

Oxnard Police Department. Any video system installed to meet the requirement of these conditions shall meet the minimum standards listed below:

a. Cameras and supporting equipment shall supply high definition digital color images under normal lighting conditions. Grayscale images are required for infra-red lighting.
b. Cameras shall be made by a reputable manufacturer and maintained to current industry standards.
c. Cameras shall have sufficient low light capture ability to clearly monitor persons conducting transactions.
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. The digital recording system shall perform all recording, viewing (local and remote), playback (local and remote) queries, and backup functions simultaneously, with no interruption of any other function.
f. Recorded images shall bear a date and time stamp that cannot be altered.
g. At a minimum, one camera shall be dedicated to capturing head and upper body images of each person entering any public door to the business. The camera covering the east public door shall be mounted near the northeast corner of the lobby/public entry area and mounted between 7 and 8-feet above the floor. The camera dedicated to capturing images of persons entering the east public door shall be mounted about 7-feet above the floor near the northwest corner of the lobby/public dining area.
h. At a minimum, one camera shall be dedicated to capturing general activity in rear kitchen/food preparation area. (PD)
i. During normal business hours, the licensee shall provide access to the digital recordings for any and all enforcement purposes as determined by the City of Oxnard.

[SIGNATURES ON NEXT PAGE]

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Oxnard on this 20th day of February, 2020.

Deirdre Frank, Chair

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Oxnard at a meeting held on the 20th day of February, 2020, and carried by the following vote:

AYES: Commissioner(s):

NOES: Commissioner(s):

ABSENT: Commissioner(s):

ABSTAIN: Commissioner(s):

RECUSED: Commissioner(s):

Scott Kolwitz, Secretary