

Written materials relating to an item on this agenda that are distributed to the legislative bodies within 72 hours before the item is to be considered at its regularly scheduled meeting will be made available for public inspection at the Library, 251 South "A" Street and the City Clerk's Office, 305 West Third Street during customary business hours. Any materials to be presented at this meeting will be made available electronically 24 hours prior to the meeting, at the end of this agenda. The agenda reports are on the City of Oxnard web site at www.ci.oxnard.ca.us.



AGENDA

***OXNARD COMMUNITY DEVELOPMENT COMMISSION SUCCESSOR AGENCY**

***OXNARD FINANCING AUTHORITY**

***OXNARD HOUSING AUTHORITY**

Regular Meetings

City Council Chambers, 305 West Third Street, Oxnard

May 19, 2015

4:30 P.M. Closed Session

5:00 P.M. Open Session

A. ROLL CALL/POSTING OF AGENDA

*** The Oxnard Community Development Commission Successor Agency, the Oxnard Financing Authority and the Oxnard Housing Authority will not meet because there are no items requiring consideration on this date.**

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

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

C. CLOSED SESSION - (Please see Page 4 for a description of closed session items)

D. OPENING CEREMONIES – 5:00 P.M.

Pledge of allegiance to the flag of the United States.

SUBJECT: Introduction of Assistant City Manager, Maria Hurtado.

O. PUBLIC COMMENTS ON REPORTS

At this time, a person may address the legislative body only on matters appearing on the reports. The presiding officer shall permit a person to address the legislative body after the staff presentation on the report and before the consideration of the report by the legislative body. The presiding officer shall limit public comments to three minutes.

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

City of Oxnard internet address: www.ci.oxnard.ca.us.

L. REPORTSCity Manager Department

1. SUBJECT: Ventura County West Tourism Business Improvement District. (001)
RECOMMENDATION: 1) Adopt a resolution granting consent to the City of Ventura to renew the Ventura County West Tourism Business Improvement District and 2) Authorize the Chief Financial Officer to establish accounts and budget to accomplish the necessary receipt and subsequent transfer of the funds collected through this assessment.
Legislative Body: CC Contact: Grace Magistrale Hoffman Phone: 385-7430

City Treasurer Department

2. SUBJECT: Quarterly Investment Report for the Third Quarter Fiscal Year 2014-2015. (033)
RECOMMENDATION: Accept the Quarterly Investment Report for the Third Quarter Fiscal Year 2014-2015
Legislative Body: CC Contact: Danielle M. Navas Phone: 385-7810

Finance Department

3. SUBJECT: Budget Appropriation - Lease Revenue Project and Refunding Bonds, Series 2014. (041)
RECOMMENDATION: Approve a budget appropriation in the amount of \$1,662,801 from the Measure O Fund to pay for debt service in Fiscal Year 2014-2015 for the Lease Revenue Project and Refunding Bonds, Series 2014.
Legislative Body: CC Contact: Mike More Phone: 385-7480

E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of a Proclamation Designating the Week of May 17 through 23 as Emergency Medical Services Week.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA (30 Minutes)

At this time, the legislative body will consider public comments for a maximum of thirty minutes. A person may address the legislative body only on matters not appearing on the agenda and within the subject matter jurisdiction of the legislative body. A person not able to address the legislative body at this time because the thirty minutes expires may do so just prior to adjournment of the meeting. The legislative body cannot enter into a detailed discussion or take any action on any items presented during public comments at this time. Such items may only be referred to the City Manager/ Executive Director/Secretary for administrative action or scheduled on a subsequent agenda for discussion. Persons wishing to speak on public hearing items should do so at the time of the hearing. The presiding officer shall limit public comments to three minutes.

G. REVIEW OF INFORMATION/CONSENT AGENDA

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

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

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

I. INFORMATION/CONSENT AGENDA

City Manager Department

1. SUBJECT: Agreements for City Council Review. (043)

RECOMMENDATION: Pursuant to Ordinance 2835 and Resolution 13,932, approve and authorize the City Manager to execute the attached agreements/contracts and change orders/amendments in amounts more than \$25,000 but no more than \$250,000, which are described on the attached list.

Legislative Body: CC

Contact: Greg Nyhoff

Phone: 385-7430

J. PUBLIC HEARINGS – 6:15 P.M.

General Services Department

1. SUBJECT: Levy of 2015-2016 Assessments in Mandalay Beach Maintenance District. (045)

RECOMMENDATION: 1) Hold a public hearing to receive public testimony regarding the proposed Fiscal Year 2015-2016 assessments for the Mandalay Beach Maintenance District; and 2) Adopt a resolution fixing the special assessment tax in the Mandalay Beach Maintenance District for Fiscal Year 2015-2016.

Legislative Body: CC

Contact: Michael Henderson

Phone: 385-7950

Development Services Department

2. SUBJECT: Status Update of Local Coastal Plan (LCP) Update, NRG “Puente” Power Plant Proposal, Extension of Interim Urgency Ordinance Prohibiting the Expansion of Existing, or Development of New, Electrical Generating Facilities Within the Coastal Zone Pursuant to the Southern California Edison (SCE) Request For Offer (RFO) Process Pending Studies and Changes in the Local Coastal Program (LCP) and Zoning Ordinances and Other Land Use Regulations, and Provide Direction to Staff Regarding Issues Raised by the NRG proposal. (055)

RECOMMENDATION: 1) Receive a status update on the LCP Update; 2) Receive a status report on the NRG “Puente” power plant proposal; 3) Conduct a public hearing to consider extending Ordinance No. 2882; 4) Issue a written report describing the measures taken to alleviate the conditions which led to the adoption of Ordinance No. 2882; 5) Adopt an ordinance to extend the moratorium prohibiting the expansion of existing, or development of new, electrical generating facilities within the Oxnard Coastal Zone pursuant to the SCE RFO process pending studies and changes in the LCP, zoning ordinances, and other land use regulations for a period of 12 months from the date Ordinance No. 2882 is currently set to expire; and 6) Provide direction to staff regarding how to proceed should the Council adopt an ordinance to extend Ordinance No. 2882.

Legislative Body: CC

Contact: Chris Williamson

Phone: 385-8156

3. SUBJECT:. Appeal of the Planning Commission’s Denial of PZ Nos. 14-500-03 (Special Use Permit); and Recommendation to Deny PZ 14-535-02 (Density Bonus) and PZ 14-300-04 (Tentative Tract Map) Relating to a 1.82-acre Property Located at 5557 and 5527 Saviers Road. Filed by Henry Casillas of Aldersgate Investment, LLC on behalf of Aphanco 18, LLC. (149)

RECOMMENDATION: Adopt three separate resolutions upholding the action of the Planning Commission and denying the related site development entitlements.

Legislative Body: CC

Contact: Ashley Golden

Phone: 385-7882

4. **SUBJECT:** Appeal of the Planning Commission's Denial of PZ Nos. 14-550-02 (Major Modification to Special Use Permit No. 05-500-02); Relating to a 1.57-acre Property Located at 1971 N. Oxnard Boulevard. Filed by Robert Vermeltfoort of VAI Architects, Inc. on behalf of Upside Oxnard, LLC. (249)

RECOMMENDATION: Adopt a resolution upholding the action of the Planning Commission and denying the proposed use permits with related site development entitlements.

Legislative Body: CC

Contact: Ashley Golden

Phone: 385-7882

K. APPOINTMENT ITEMS

M. REPORT OF CITY MANAGER/EXECUTIVE DIRECTOR/SECRETARY

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

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

1. **SUBJECT:** Appointments of Councilmembers to Boards and Commissions. (313)

RECOMMENDATION: That the Mayor, with the approval of the City Council appoint members and alternates from the City Council to the: 1) Ventura Regional Sanitation District (appoint Councilmember Perello the member and Mayor Flynn the alternate) and 2) Carnegie Art Museum Cornerstones Board of Directors (appoint one or two Councilmembers to the Board).

Legislative Body: CC

Contact: Daniel Martinez

Phone: 385-7803

P. PUBLIC COMMENTS ON STUDY SESSION

At this time, a person may address the legislative body only on matters appearing on the study session agenda. The presiding officer shall permit a person to address the legislative body after the staff presentation on the item and before the consideration of the item by the legislative body. The presiding officer shall limit public comments to three minutes.

Q. STUDY SESSION

C. CLOSED SESSION – Continued from Page 1

CLOSED SESSION

1. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION.**

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

Name of case: City of Oxnard v. Dale Belcher, et al.

Ventura County Superior Court, Case No. 56-2014-00450216-CU-CO-VTA

The Interim City Attorney requested that this item be discussed in closed session under the Brown Act exception of Conference with Legal Counsel – Existing Litigation. The purpose of the closed session is to report to City Council on the status of the litigation.

R. ADJOURNMENT



Meeting Date: 5/19/2015

ACTION	TYPE OF ITEM
☐ Approved Recommendation	☐ Info/Consent
☐ Ord. No(s). _____	☒ Report
☐ Res. No(s). _____	☐ Public Hearing (Info/consent)
☐ Other _____	☐ Other _____

Prepared By: Grace Magistrale Hoffman, Deputy City ManagerAgenda Item No. L-1Reviewed By: City Manager MMCity Attorney SMTFinance JP

Other (Specify) _____

DATE: May 12, 2015

TO: City Council

FROM: Grace Magistrale Hoffman, Deputy City Manager
City Manager's Office

SUBJECT: Ventura County West Tourism Business Improvement District

RECOMMENDATION

That City Council:

1. Adopt a resolution granting consent to the City of Ventura to renew the Ventura County West Tourism Business Improvement District.
2. Authorize the Chief Financial Officer to establish accounts and budget to accomplish the necessary receipt and subsequent transfer of the funds collected through this assessment.

BACKGROUND

The existing District, the Ventura-Oxnard-Camarillo Tourism Business Improvement District has been renamed to the Ventura County West Tourism Business Improvement District (VCWTBID) during the renewal process. The new name reflects the geographical area where the District is located and represents all four included cities. Port Hueneme is being added to the VCWTBID in this renewal. The VCWTBID is a benefit assessment district, which will be renewed pursuant to the Property and Business Improvement District Law of 1994 (1994 Law). The purpose of the VCWTBID is to increase tourism in Ventura, Oxnard, Camarillo and Port Hueneme, by marketing it to potential visitors. The VCWTBID will continue to provide funding for marketing efforts, working to attract visitors to lodging establishments throughout Ventura County West, including Oxnard. If renewed, the VCWTBID will place an assessment of two percent (2%) of gross short-term (stays less than 31 days) room rental revenue on lodging businesses. The assessment shall be levied on hotels, motels, inns, and R.V. parks.

The 1994 Law allows for the renewal of multi-jurisdictional improvement districts, with consent of the included jurisdictions being granted to one "lead" jurisdiction (Streets and Highway Code Section 36620.5). The City of Ventura has requested consent to act as the lead jurisdiction in renewing the VCWTBID, as shown in the attached Management District Plan. Adopting the proposed resolution will

give the City of Ventura authority to include the City of Oxnard in the renewed VCWTBID. To renew the VCWTBID, the City of Ventura will follow the renewal proceedings specified in the 1994 Law, including accepting petitions, adopting a resolution declaring its intention to renew the district, holding a public meeting and public hearing to allow for comments, and adopting a resolution renewing the district.

DISCUSSION

Developed by the Ventura County Lodging Association (VCLA), the Ventura County West Tourism Business Improvement District (VCWTBID) is an assessment district proposed to help fund marketing and sales promotion efforts for assessed businesses. The District was created in 2011 as the Ventura-Oxnard-Camarillo Tourism Business Improvement District by Ventura City Council Resolution No. 2011-023 for a five (5) year term. Lodging businesses are now requesting to expand the District to include Port Hueneme, rename the District, renew the District for an additional ten (10) years, and increase the assessment from 1.5% to 2 %.

Location: The proposed VCWTBID includes all lodging businesses located within the boundaries of the cities of Ventura, Oxnard, Camarillo, and Port Hueneme.

Services: A sales and marketing program developed to increase hotel occupancy by promoting Ventura, Oxnard, Camarillo, and Port Hueneme hotels, motels, inns and R.V. parks.

Budget: The total VCWTBID annual budget for the initial year of its ten (10) year operation is anticipated to be approximately \$2,000,000. This budget is expected to fluctuate as room sales do, but is not expected to significantly change over the VCWTBID's term.

Cost: The annual assessment rate is two percent (2%) of gross short-term (stays less than 31 days) room rental revenue. Based on the benefit received, assessments will not be collected on stays of more than thirty (30) consecutive days, nor on stays by any federal or State of California officer or employee when on official business.

Collection: The cities will be responsible for collecting the assessment on a monthly basis (including any delinquencies, penalties, and interest) from each lodging business located within their jurisdiction.

Duration: The renewed VCWTBID will have a ten (10) year life, beginning July 1, 2015, through June 30, 2025. Once per year beginning on the anniversary of district renewal there is a 30-day period in which owners paying more than fifty percent (50%) of the assessment may protest and initiate a City Council hearing on district termination.

Management: Ventura County Lodging Association will serve as the VCWTBID's Owners' Association. The Owners' Association is charged with managing funds and implementing programs in accordance with this Plan, and must provide annual reports to the Ventura City Council. The Ventura City Clerk shall send copies of the annual report to the Oxnard, Camarillo, and Port Hueneme City Councils.

FINANCIAL IMPACT

The City will be reimbursed in the amount of 1% of total collected revenue for administrative expenses incurred in collecting the assessment, and forwarding it to the Ventura County Lodging Association.

Attachment #1 – Resolution Granting Consent
 #2 – VCWTBID Management District Plan

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
GRANTING CONSENT TO THE CITY OF VENTURA TO RENEW THE
VENTURA COUNTY WEST TOURISM BUSINESS IMPROVEMENT DISTRICT
(VCWTBID)

WHEREAS, the City of Ventura is beginning the process to renew the Ventura County West Tourism Business Improvement District (VCWTBID) pursuant to the Property and Business Improvement District Law of 1994, Streets and Highways Code section 36600 et seq., to promote tourism and the lodging businesses in Ventura, Oxnard, Camarillo and Port Hueneme; and

WHEREAS, the City Council of the City of Ventura has requested consent to renew the VCWTBID in the City of Oxnard with adoption of Ventura City Council Resolution No. 2015-020, dated April 27, 2015;

NOW, THEREFORE, the City Council of the City of Oxnard does hereby resolve that the above recitals are true and correct, that the City of Ventura is hereby granted consent to include the City of Oxnard in the VCWTBID for the renewal of the VCWTBID and future renewals, that the City Clerk is hereby directed to transmit a certified copy of this resolution to the Ventura City Clerk, and that this resolution is effective upon its adoption.

PASSED AND ADOPTED THIS _____ day of _____, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Tim Flynn, Mayor

ATTEST:

Daniel Martinez, City Clerk

Resolution No.
Page 2

APPROVED AS TO FORM:



Stephen M. Fischer, Interim City Attorney

2015-2025

**Ventura County West Tourism
Business Improvement District
Management District Plan**

ATTACHMENT 2
PAGE 1 OF 21

May 5, 2015

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Prepared by
Civitas



(800)999-7781
www.civitasadvisors.com

I. OVERVIEW

Developed by the Ventura County Lodging Association (VCLA), the Ventura County West Tourism Business Improvement District (VCWTBID) is an assessment district proposed to provide specific benefits to payors, by funding marketing and sales promotion efforts for assessed businesses. The District was created in 2011 as the Ventura-Oxnard-Camarillo Tourism Business Improvement District by Ventura City Council Resolution No. 2011-023 for a five (5) year term. Lodging businesses now wish to expand the District to include Port Hueneme, rename the District, and renew the District for an additional ten (10) years.

Location: The proposed VCWTBID includes all lodging businesses located within the boundaries of the cities of Ventura, Oxnard, Camarillo and Port Hueneme.

Services: The VCWTBID is designed to provide specific benefits directly to payors by increasing room night sales. Marketing and sales promotions will increase overnight tourism and market payors as tourist, meeting and event destinations, thereby increasing room night sales.

Budget: The total VCWTBID annual budget for the initial year of its ten (10) year operation is anticipated to be approximately \$2,000,000. This budget is expected to fluctuate as room sales do, but is not expected to significantly change over the VCWTBID's term.

Cost: The annual assessment rate is two percent (2%) of gross short-term (stays less than 31 days) room rental revenue. Based on the benefit received, assessments will not be collected on stays of more than thirty (30) consecutive days, nor on stays by any federal or State of California officer or employee when on official business and stays by any officer or employee of a foreign government who is exempt by reason of express provision of the federal law or international treaty.

Collection: The cities will be responsible for collecting the assessment on a monthly basis (including any delinquencies, penalties and interest) from each lodging business located within their jurisdiction. The cities shall take all reasonable efforts to collect the assessments from each lodging business.

Duration: The renewed VCWTBID will have a ten (10)-year life, beginning July 1, 2015 through June 30, 2025. Once per year beginning on the anniversary of district renewal there is a 30-day period in which owners paying more than fifty percent (50%) of the assessment may protest and initiate a City Council hearing on district termination.

Management: The Ventura County Lodging Association will serve as the VCWTBID's Owners' Association. The Owners' Association is charged with managing funds and implementing programs in accordance with this Plan, and must provide annual reports to the Ventura City Council.

II. ACCOMPLISHMENTS/IMPETUS

There are several reasons why now is the right time to renew a TBID in Ventura, Oxnard, Camarillo and Port Hueneme; the most compelling reasons are as follows:

1. *The Need to Increase Occupancy*

The renewal of the VCWTBID is a proactive effort to provide supplemental funding beyond that provided by the City. The funding will ensure that adequate financing exists for the investment required to increase occupancy in the lodging industry and be competitive in the conference segment of the tourism market. The investment will cover an expanded marketing and promotional budget needed to reach this market segment.

2. *An Opportunity for Increasing City Tax Revenues*

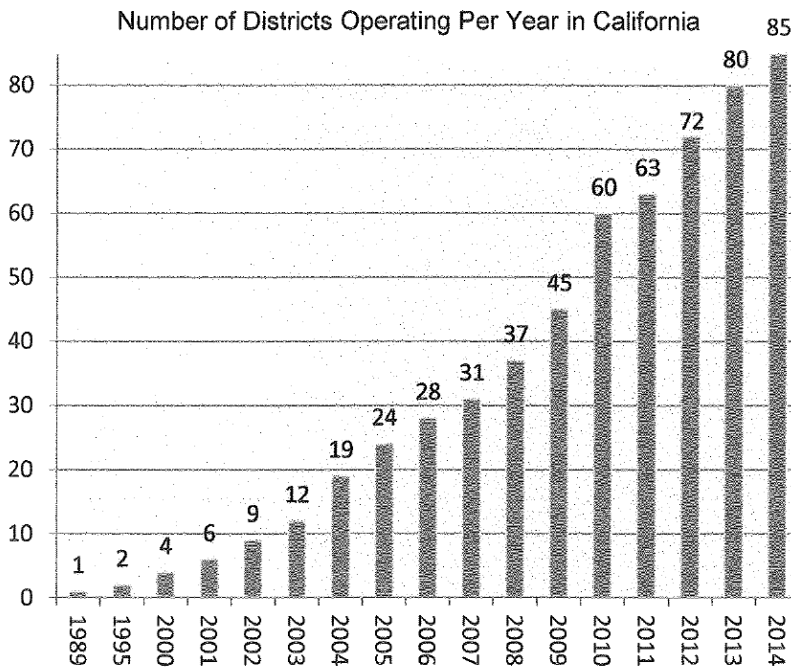
As occupancy rates increase, so too will the City's TOT revenue. With stable public/private funding for tourism marketing efforts, annual occupancy rates should increase significantly as new marketing and sales promotion programs are implemented. Greater occupancy will also produce an increase in sales tax revenues from tourist spending. This represents a substantial return to the City. The renewal of the VCWTBID in partnership with the VCLA creates a stable funding source tied directly to tourism promotion.

3. *Stable Funding for Tourism Promotion*

The VCWTBID will provide a stable source of funding for consistent tourism promotion efforts. The VCWTBID will provide funding for tourism promotion free of the political and economic circumstances that can reduce or eliminate government funding for tourism promotion.

III. BACKGROUND

TBIDs are an evolution of the traditional Business Improvement District. The first TBID was formed in West Hollywood, California in 1989. Since then, over eighty California destinations have followed suit. In recent years, other states have begun adopting the California model – Washington, Montana, and Texas have adopted TBID laws. Several other states are in the process of adopting their own legislation. And, some cities, like Portland, Oregon, have utilized their charter powers to create TBIDs without a state law.



California's TBIDs collectively raise over \$150 million for local destination marketing. With competitors raising their budgets, and increasing rivalry for visitor dollars, it is important that Ventura County West lodging businesses invest in stable, lodging-specific marketing programs.

TBIDs utilize the efficiencies of private sector operation in the market-based promotion

of tourism districts. TBIDs allow lodging business owners to organize their efforts to increase room night sales. Lodging business owners within the TBID pay an assessment and those funds are used to provide services that increase room night sales.

In California, TBIDs are formed pursuant to the Property and Business Improvement District Law of 1994. This law allows for the creation of a benefit assessment district to raise funds within a specific geographic area. *The key difference between TBIDs and other benefit assessment districts is that funds raised are returned to the private non-profit corporation governing the district.*

There are many benefits to TBID:

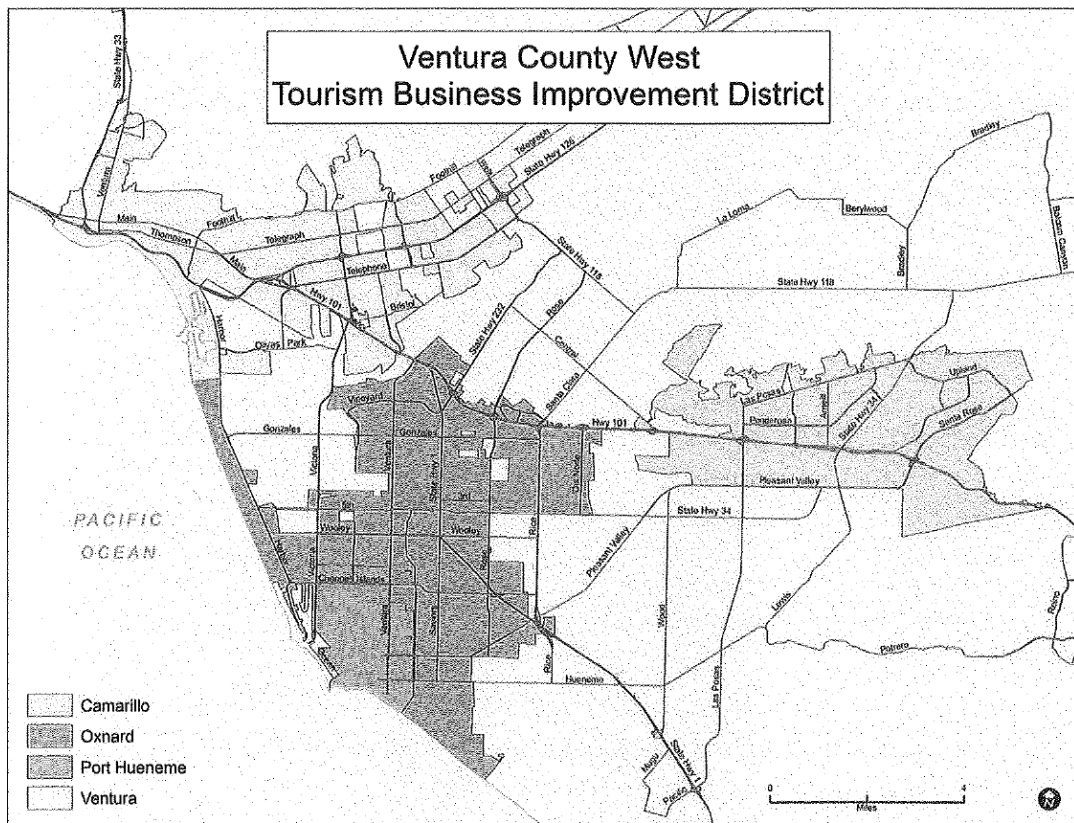
- * Funds must be spent on services and improvements that provide a specific benefit only to those who pay;
- * Funds cannot be diverted to general government programs;
- * They are customized to fit the needs of payors in each destination;
- * They allow for a wide range of services;
- * They are ***designed, created and governed by those who will pay*** the assessment; and
- * They provide a stable, long-term funding source for tourism promotion.

IV. BOUNDARY

The VCWTBID will include all lodging businesses, existing and in the future, available for public occupancy within the boundaries of the cities of Ventura, Oxnard, Camarillo, and Port Hueneme.

The VCWTBID will include all lodging businesses, including hotels, motels, inns, and r.v. parks, existing and in the future, available for public occupancy. The VCWTBID does not include vacation rentals.

The boundary, as shown in the map below, currently includes sixty-one (61) lodging businesses. A complete listing of lodging businesses within the proposed VCWTBID can be found in Appendix 2.

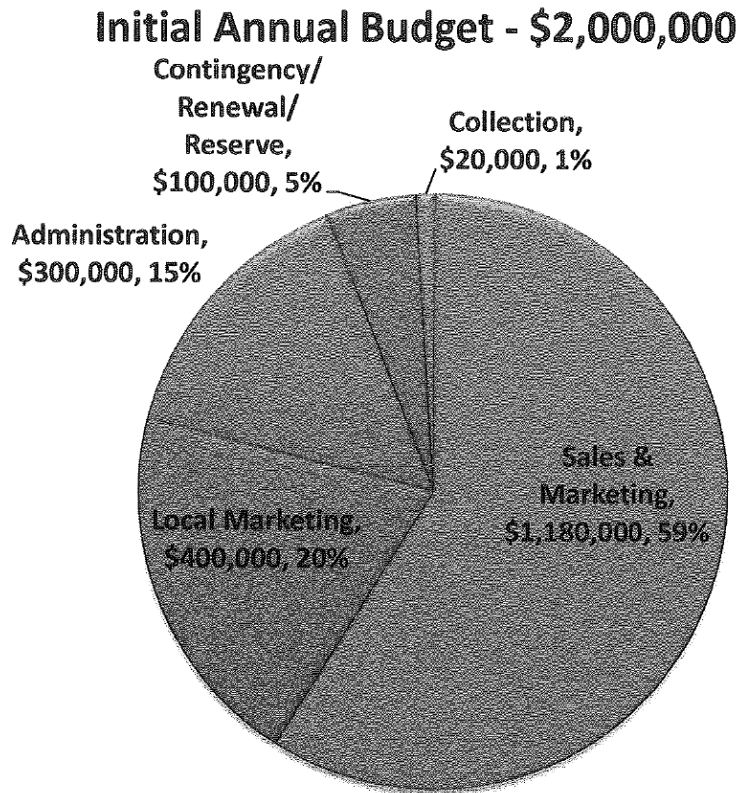


V. BUDGET AND SERVICES

A. Annual Service Plan

Assessment funds will be spent to provide specific benefits conferred or privileges granted directly to the payors that are not provided to those not charged, and which do not exceed the reasonable cost to the City of conferring the benefits or granting the privileges. The privileges and services provided with the VCWTBID funds are Sales and Marketing and Local Marketing programs available only to assessed businesses.

A service plan budget has been developed to deliver services that benefit businesses throughout the District. A detailed annual budget will be developed and approved by the Owners' Association. The graph below illustrates the initial annual budget allocations. The total initial budget is \$2,000,000.



Although actual revenues will fluctuate due to market conditions, the proportional allocations of the budget shall remain the same. However, the VCLA board shall have discretionary authority to adjust budget allocations between the categories by no more than fifteen percent (15%) of the total budget per year. Any adjustments will be reported in the Annual Report.

A description of the proposed improvements and activities for the initial year of operation is below. The same activities are proposed for subsequent years. In the event of a legal challenge against the VCWTBID, any and all assessment funds may be used for the costs of defending the VCWTBID.

Sales and Marketing

A sales and marketing program will promote assessed businesses as tourist, meeting, and event destinations. The sales and marketing program will have a central theme of promoting Ventura County West as a desirable place for overnight visits. The program will have the goal of increasing overnight visitation and room night sales at assessed businesses, and may include the following activities:

- Internet marketing efforts to increase awareness and optimize internet presence to drive overnight visitation and room sales to assessed businesses;
- Print ads in magazines and newspapers targeted at potential visitors to drive overnight visitation and room sales to assessed businesses;
- Television ads targeted at potential visitors to drive overnight visitation and room sales to assessed businesses;
- Radio ads targeted at potential visitors to drive overnight visitation and room sales to assessed businesses;
- Attendance of trade shows to promote assessed businesses;
- Sales blitzes for assessed businesses;
- Familiarization tours of assessed businesses;
- Preparation and production of collateral promotional materials such as brochures, flyers and maps featuring assessed businesses;
- Attendance of professional industry conferences and affiliation events to promote assessed businesses;
- Lead generation activities designed to attract tourists and group events to assessed businesses;
- Director of Sales and General Manager meetings to plan and coordinate tourism promotion efforts for assessed businesses;
- Education of hospitality staff on service and safety (related to alcohol and food) designed to create a visitor experience that will bring repeat visits to assessed businesses; and
- Education of lodging business management and the owners' association on marketing strategies best suited to meet assessed business's needs.

Local Marketing

Local marketing funds will be utilized to promote each individual City. Funds may be spent on local sales and marketing programs in accordance with the sales and marketing provisions of this Management District Plan. The local marketing funds will be spent to promote the hotels, motels, inns and r.v. parks in each City in equal proportions to the amount of local marketing funds collected from lodging businesses in each City.

A Local Marketing Committee for each City paying the VCWTBID assessment shall be formed. Each committee shall meet at least quarterly and be comprised of one representative from each city and two to three hoteliers. A majority of the committee's members shall constitute a quorum, and decisions must be approved by a majority of the quorum. The committees shall be charged with developing budgets and priorities for the local marketing funds with the focus to drive room night sales. The marketing and advertising opportunity shall be created and approved by the committee with final approval given by the full VLCA Board of Directors. VLCA will provide advice and direction on marketing programs to the committees, and staff support in reporting and following-up on committees meetings.

Local Marketing Committees must spend VCWTBID funds on programs that drive room night sales at assessed lodging businesses. Local Marketing funds are subject to the budgetary guidelines in this Plan; they must be spent only on sales and marketing programs as described above.

Administration and Operations

The administration and operations portion of the budget shall be utilized for administrative staffing costs, office costs, and other general administrative costs such as insurance, legal, and accounting fees.

City Administration Fee

Each city shall be paid a fee equal to 1% of the amount of assessment collected, within their respective jurisdictions, to cover its costs of collection and administration.

Contingency/Renewal/Reserve

The budget includes a contingency line item to account for uncollected assessments, if any. If there are contingency funds collected, they may be held in a reserve fund or utilized for program costs at the discretion of the Owners' Association. If, near the expiration of the District, lodging businesses wish to renew, remaining contingency funds may be used for the costs of renewing the District. At its discretion, the Owners' Association's board may establish a reserve fund within the contingency/renewal/reserve budget line item, subject to limitations as the Board deems fit.

B. California Constitutional Compliance

The VCWTBID assessment is not a property-based assessment subject to the requirements of Proposition 218. The Court has found, "Proposition 218 limited the term 'assessments' to levies on real property."¹ Rather, the VCWTBID is a business-based assessment, and is subject to Proposition 26. Pursuant to Proposition 26 all levies are a tax unless they fit one of seven exceptions. Two of these exceptions apply to the VCWTBID, a "specific benefit" and a "specific government service." Both require that the costs of benefits or services do not exceed the reasonable costs to the City of conferring the benefits or providing the services.

1. Specific Benefit

Proposition 26 requires that assessment funds be expended on, "a specific benefit conferred or privilege granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of conferring the benefit or granting the privilege."² The services in this Management District Plan are designed to provide targeted benefits directly to assessed lodging businesses, and are intended only to provide benefits and services directly to those businesses paying the assessment. These services are tailored not to serve the general public, businesses in general, or parcels of land, but rather to serve the specific lodging businesses within the District. The activities described in this Plan are specifically targeted to increase room night sales for assessed lodging businesses within the boundaries of the District, and are narrowly tailored. VCWTBID funds will be used exclusively to provide the specific benefit of increased room night sales directly to the assessees. For example, assessment funds shall not be used to feature non-assessed lodging businesses in VCWTBID programs. Further assessment funds, shall not be used to generate sales leads for non-assessed businesses. The activities paid for from assessment revenues are business services constituting and providing specific benefits to the assessed businesses.

¹ *Jarvis v. the City of San Diego* 72 Cal App. 4th 230

² Cal. Const. art XIII C § 1(e)(1)

The assessment imposed by this district is for a specific benefit conferred directly to the payors that is not provided to those not charged. The specific benefit conferred directly to the payors is an increase in room night sales. The specific benefit of an increase in room night sales for assessed lodging businesses will be provided only to lodging businesses paying the district assessment, with marketing and sales programs promoting lodging businesses paying the district assessment. The marketing and sales programs will be designed to increase room night sales at each assessed lodging businesses. Because they are necessary to provide the marketing and sales programs that specifically benefit the assessed lodging businesses, the administration, collection and contingency services also provide the specific benefit of increased room night sales to the assessed lodging businesses.

Although the District, in providing specific benefits to payors, may produce incidental benefits to non-paying businesses, the incidental benefit does not preclude the services from being considered a specific benefit. The legislature has found that, "A specific benefit is not excluded from classification as a 'specific benefit' merely because an indirect benefit to a nonpayor occurs incidentally and without cost to the payor as a consequence of providing the specific benefit to the payor."³

2. Specific Government Service

The assessment may also be utilized to provide, "a specific government service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of providing the service or product."⁴ The legislature has recognized that marketing and promotions services like those to be provided by the VCWTBID are government services. Further, the legislature has determined that "a specific government service is not excluded from classification as a 'specific government service' merely because an indirect benefit to a nonpayor occurs incidentally and without cost to the payor as a consequence of providing the specific government service to the payor."⁵

3. Reasonable Cost

District services will be implemented carefully to ensure they do not exceed the reasonable cost of such services. The full amount assessed will be used to provide the services described herein. Funds will be managed by the Owners' Association, and reports submitted on an annual basis to the City. Only assessed lodging businesses will be featured in marketing materials, receive sales leads generated from district-funded activities, be featured in advertising campaigns, and benefit from other district-funded services. Non-assessed lodging businesses will not receive these, nor any other, district-funded services and benefits.

The District-funded programs are all targeted directly at and feature only assessed businesses. It is, however, possible that there will be a spill over benefit to non-assessed businesses. If non-assessed lodging businesses receive incremental room nights, that portion of the promotion or program generating those room nights shall be paid with non-District funds. VCWTBID funds shall only be spent to benefit the assessed businesses, and shall not be spent on that portion of any program which generates incidental room nights for non-assessed businesses.

³ Government Code section 53758(a)

⁴ Cal. Const. art XIII C § 1(e)(2)

⁵ Government Code section 53758(b)

C. Assessment

The annual assessment rate is two percent (2%) of gross short term (stays less than 31 days) room rental revenue. Based on the benefit received, assessments will not be collected on stays of more than thirty (30) consecutive days, nor on stays by any federal or State of California officer or employee when on official business and stays by any officer or employee of a foreign government who is exempt by reason of express provision of the federal law or international treaty.

The term "gross room rental revenue" as used herein means: consideration charged, whether or not received, for the occupancy of space in a hotel valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits and property and services of any kind or nature, without any deduction therefrom whatsoever. In the case of timeshare facilities utilized other than as conventional hotel rooms, the rent shall be deemed to be the sum that would be charged for the unit were it being utilized as a conventional hotel room. Gross room rental revenue shall not include any federal, state or local taxes collected, including but not limited to transient occupancy taxes.

The amount of assessment, if passed on to each transient, shall be disclosed in advance and separately stated from the amount of rent charged and any other applicable taxes, and each transient shall receive a receipt for payment from the business. The assessment shall be disclosed as the "VCWTBID Assessment." The assessment shall not be considered revenue for any purposes, including calculation of transient occupancy taxes.

Bonds shall not be issued.

D. Penalties and Interest

1. Any lodging business which fails to remit any assessment imposed by this Plan within the time required shall pay a penalty of ten percent (10%) of the amount of the assessment in addition to the amount of the assessment.
2. Any lodging business which fails to remit any delinquent remittance on or before a period of thirty (30) days following the date on which the remittance first became delinquent shall pay a second delinquency penalty of ten percent (10%) of the amount of the assessment in addition to the amount of the assessment and the ten percent (10%) penalty first imposed.
3. If the collecting City determines that the non-payment of any remittance due under this Plan is due to fraud, a penalty of twenty-five percent (25%) of the amount of the assessment shall be added thereto in addition to the penalties stated in subsections 1 and 2 of this section.
4. In addition to the penalties imposed, any lodging business which fails to remit any assessment imposed by this article shall pay interest at the rate of one-half of one percent (0.5%) or fraction thereof on the amount of the assessment, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

E. Time and Manner for Collecting Assessments

The VCWTBID assessment will be implemented beginning July 1, 2015 and will continue for ten (10) years through June 30, 2025. Each City will be responsible for collecting the assessment on a monthly basis (including any delinquencies, penalties and interest) from each lodging business located within their respective boundaries, within the VCWTBID. Each City shall take all reasonable efforts to collect the assessments from each lodging business. Each City shall forward the assessments collected to the Owners' Association. Each City may retain the actual cost of collecting delinquent assessments from the penalties and interest collected. If Cities collect delinquent VCWTBID assessments and Transient Occupancy Tax concurrently, only the proportional cost of

collecting the delinquent VCWTBID assessment may be retained by the cities from the penalties and interest collected.

F. Annual Budget

The total ten (10) year improvement and service plan budget is projected at approximately \$2,000,000 annually, or \$20,000,000 through 2025. This amount may fluctuate as sales and revenue increase at assessed businesses, but is not expected to change significantly over the term.

VI. GOVERNANCE

A. Owners' Association

The Ventura City Council, through adoption of this Management District Plan, has the right, pursuant to Streets and Highways Code §36651, to identify the body that shall implement the proposed program, which shall be the Owners' Association of the VCWTBID as defined in Streets and Highways Code §36614.5. The City Council has determined that the Ventura County Lodging Association will serve as the Owners' Association for the VCWTBID.

B. Brown Act and California Public Records Act Compliance

An Owners' Association is a private entity and may not be considered a public entity for any purpose, nor may its board members or staff be considered to be public officials for any purpose. The Owners' Association is, however, subject to government regulations relating to transparency, namely the Ralph M. Brown Act and the California Public Records Act. These regulations are designed to promote public accountability. The Owners' Association acts as a legislative body under the Ralph M. Brown Act (Government Code §54950 et seq.). Thus, meetings of the VCLA board and certain committees must be held in compliance with the public notice and other requirements of the Brown Act. The Owners' Association is also subject to the record keeping and disclosure requirements of the California Public Records Act. Accordingly, the Owners' Association shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

C. Annual Report

The VCLA shall present an annual report at the end of each year of operation to the City Council pursuant to Streets and Highways Code §36650 (see Appendix 1). The San Buenaventura City Clerk shall send copies of the annual report to the Oxnard, Camarillo and Port Hueneme City Councils. The annual report shall include:

- Any proposed changes in the boundaries of the improvement district or in any benefit zones or classification of businesses within the district.
- The improvements and activities to be provided for that fiscal year.
- An estimate of the cost of providing the improvements and the activities for that fiscal year.
- The method and basis of levying the assessment in sufficient detail to allow each business owner to estimate the amount of the assessment to be levied against his or her business for that fiscal year.
- The amount of any surplus or deficit revenues to be carried over from a previous fiscal year.
- The amount of any contributions to be made from sources other than assessments levied pursuant to this part.

APPENDIX 1 – LAW

36600. Citation of part

This part shall be known and may be cited as the “Property and Business Improvement District Law of 1994.”

36601. Legislative findings and declarations

The Legislature finds and declares all of the following:

(a) Businesses located and operating within business districts in some of this state’s communities are economically disadvantaged, are underutilized, and are unable to attract customers due to inadequate facilities, services, and activities in the business districts.

(b) It is in the public interest to promote the economic revitalization and physical maintenance of business districts in order to create jobs, attract new businesses, and prevent the erosion of the business districts.

(c) It is of particular local benefit to allow business districts to fund business related improvements, maintenance, and activities through the levy of assessments upon the businesses or real property that receive benefits from those improvements.

(d) Assessments levied for the purpose of conferring special benefit upon the real property or businesses in a business district are not taxes for the general benefit of a city, even if property or persons not assessed receive incidental or collateral effects that benefit them.

(e) Property and business improvement districts formed throughout this state have conferred special benefits upon properties and businesses within their districts and have made those properties and businesses more useful by providing the following benefits:

(1) Crime reduction. A study by the Rand Corporation has confirmed a 12-percent reduction in the incidence of robbery and an 8-percent reduction in the total incidence of violent crimes within the 30 districts studied.

(2) Job creation.

(3) Business attraction.

(4) Business retention.

(5) Economic growth.

(6) New investments.

(f) With the dissolution of redevelopment agencies throughout the state, property and business improvement districts have become even more important tools with which communities can combat blight, promote economic opportunities, and create a clean and safe environment.

(g) Since the enactment of this act, the people of California have adopted Proposition 218, which added Article XIII D to the Constitution in order to place certain requirements and restrictions on the formation of, and activities, expenditures, and assessments by property-based districts. Article XIII D of the Constitution provides that property-based districts may only levy assessments for special benefits.

(h) The act amending this section is intended to provide the Legislature’s guidance with regard to this act, its interaction with the provisions of Article XIII D of the Constitution, and the determination of special benefits in property-based districts.

(1) The lack of legislative guidance has resulted in uncertainty and inconsistent application of this act, which discourages the use of assessments to fund needed improvements, maintenance, and activities in property-based districts, contributing to blight and other underutilization of property.

(2) Activities undertaken for the purpose of conferring special benefits upon property to be assessed inherently produce incidental or collateral effects that benefit property or persons not assessed. Therefore, for special benefits to exist as a separate and distinct category from general benefits, the incidental or collateral effects of those special benefits are inherently part of those special benefits. The mere fact that special benefits produce incidental or collateral effects that benefit property or persons not assessed does not convert any portion of those special benefits or their incidental or collateral effects into general benefits.

(3) It is of the utmost importance that property-based districts created under this act have clarity regarding restrictions on assessments they may levy and the proper determination of special benefits. Legislative clarity with regard to this act will provide districts with clear instructions and courts with legislative intent regarding restrictions on property-based assessments, and the manner in which special benefits should be determined.

36602. Purpose of part

The purpose of this part is to supplement previously enacted provisions of law that authorize cities to levy assessments within property and business improvement districts, to ensure that those assessments conform to all constitutional requirements and are determined and assessed in accordance with the guidance set forth in this act. This part does not affect or limit any other provisions of law authorizing or providing for the furnishing of improvements or activities or the raising of revenue for these purposes.

36603. Preemption of authority or charter city to adopt ordinances levying assessments

Nothing in this part is intended to preempt the authority of a charter city to adopt ordinances providing for a different method of levying assessments for similar or additional purposes from those set forth in this part. A property and business improvement district created pursuant to this part is expressly exempt from the provisions of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 (Division 4 (commencing with Section 2800)).

36603.5. Part prevails over conflicting provisions

Any provision of this part that conflicts with any other provision of law shall prevail over the other provision of law, as to districts created under this part.

36604. Severability

This part is intended to be construed liberally and, if any provision is held invalid, the remaining provisions shall remain in full force and effect. Assessments levied under this part are not special taxes.

36606. "Activities"

"Activities" means, but is not limited to, all of the following that benefit businesses or real property in the district:

- (a) Promotion of public events.
- (b) Furnishing of music in any public place.
- (c) Promotion of tourism within the district.
- (d) Marketing and economic development, including retail retention and recruitment.
- (e) Providing security, sanitation, graffiti removal, street and sidewalk cleaning, and other municipal services supplemental to those normally provided by the municipality.
- (f) Other services provided for the purpose of conferring special benefit upon assessed businesses and real property located in the district.

36606.5. "Assessment"

"Assessment" means a levy for the purpose of acquiring, constructing, installing, or maintaining improvements and providing activities that will provide certain benefits to properties or businesses located within a property and business improvement district.

36607. "Business"

"Business" means all types of businesses and includes financial institutions and professions.

36608. "City"

"City" means a city, county, city and county, or an agency or entity created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code, the public member agencies of which includes only cities, counties, or a city and county, or the State of California.

36609. "City council"

"City council" means the city council of a city or the board of supervisors of a county, or the agency, commission, or board created pursuant to a joint powers agreement and which is a city within the meaning of this part.

36609.4. "Clerk"

"Clerk" means the clerk of the legislative body.

36609.5. "General benefit"

"General benefit" means, for purposes of a property-based district, any benefit that is not a "special benefit" as defined in Section 36615.5.

36610. "Improvement"

"Improvement" means the acquisition, construction, installation, or maintenance of any tangible property with an estimated useful life of five years or more including, but not limited to, the following:

- (a) Parking facilities.
- (b) Benches, booths, kiosks, display cases, pedestrian shelters and signs.
- (c) Trash receptacles and public restrooms.
- (d) Lighting and heating facilities.
- (e) Decorations.
- (f) Parks.
- (g) Fountains.
- (h) Planting areas.
- (i) Closing, opening, widening, or narrowing of existing streets.
- (j) Facilities or equipment, or both, to enhance security of persons and property within the area.
- (k) Ramps, sidewalks, plazas, and pedestrian malls.
- (l) Rehabilitation or removal of existing structures.

36611. "Management district plan"; "Plan"

"Management district plan" or "plan" means a proposal as defined in Section 36622.

36612. "Owners' Association"

"Owners' association" means a private nonprofit entity that is under contract with a city to administer or implement improvements, maintenance, and activities specified in the management district plan. An owners' association may be an existing nonprofit entity or a newly formed nonprofit entity. An owners' association is a private entity and may not be considered a public entity for any purpose, nor may its board members or staff be considered to be public officials for any purpose. Notwithstanding this section, an owners' association shall comply with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code), at all times when matters within the subject matter of the district are heard, discussed, or deliberated, and with the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code), for all records relating to activities of the district.

36614. "Property"

"Property" means real property situated within a district.

36614.5. "Property and business improvement district"; "District"

"Property and business improvement district," or "district," means a property and business improvement district established pursuant to this part.

36614.6. "Property-based assessment"

"Property-based assessment" means any assessment made pursuant to this part upon real property.

36614.7. "Property-based district"

"Property-based district" means any district in which a city levies a property-based assessment.

36615. "Property owner"; "Business owner"; "Owner"

"Property owner" means any person shown as the owner of land on the last equalized assessment roll or otherwise known to be the owner of land by the city council. "Business owner" means any person recognized by the city as the owner of the business. "Owner" means either a business owner or a property owner. The city council has no obligation to obtain other information as to the ownership of land or businesses, and its determination of ownership shall be final and conclusive for the purposes of this part. Wherever this part requires the signature of the property owner, the signature of the authorized agent of the property owner shall be sufficient. Wherever this part requires the signature of the business owner, the signature of the authorized agent of the business owner shall be sufficient.

36615.5. "Special benefit"

"Special benefit" means, for purposes of a property-based district, a particular and distinct benefit over and above general benefits conferred on real property located in a district or to the public at large. Special benefit includes incidental or collateral effects that arise from the improvements, maintenance, or activities of property-based districts even if those incidental or collateral effects benefit property or persons not assessed. Special benefit excludes general enhancement of property value.

36616. "Tenant"

"Tenant" means an occupant pursuant to a lease of commercial space or a dwelling unit, other than an owner.

36617. Alternative method of financing certain improvements and activities; Effect on other provisions

This part provides an alternative method of financing certain improvements and activities. The provisions of this part shall not affect or limit any other provisions of law authorizing or providing for the furnishing of improvements or activities or the raising of revenue for these purposes. Every improvement area established pursuant to the Parking and Business Improvement Area Law of 1989 (Part 6 (commencing with Section 36500) of this division) is valid and effective and is unaffected by this part.

36620. Establishment of property and business improvement district

A property and business improvement district may be established as provided in this chapter.

36620.5. Requirement of consent of city council

A county may not form a district within the territorial jurisdiction of a city without the consent of the city council of that city. A city may not form a district within the unincorporated territory of a county without the consent of the board of supervisors of that county. A city may not form a district within the territorial jurisdiction of another city without the consent of the city council of the other city.

36621. Initiation of proceedings; Petition of property or business owners in proposed district

(a) Upon the submission of a written petition, signed by the property or business owners in the proposed district who will pay more than 50 percent of the assessments proposed to be levied, the city council may initiate proceedings to form a district by the adoption of a resolution expressing its intention to form a district. The amount of assessment attributable to property or a business owned by the same property or business owner that is in excess of 40 percent of the amount of all assessments proposed to be levied, shall not be included in determining whether the petition is signed by property or business owners who will pay more than 50 percent of the total amount of assessments proposed to be levied.

(b) The petition of property or business owners required under subdivision (a) shall include a summary of the management district plan. That summary shall include all of the following:

- (1) A map showing the boundaries of the district.
- (2) Information specifying where the complete management district plan can be obtained.
- (3) Information specifying that the complete management district plan shall be furnished upon request.

(c) The resolution of intention described in subdivision (a) shall contain all of the following:

(1) A brief description of the proposed improvements, maintenance, and activities, the amount of the proposed assessment, a statement as to whether the assessment will be levied on property or businesses within the district, a statement as to whether bonds will be issued, and a description of the exterior boundaries of the proposed district, which may be made by reference to any plan or map that is on file with the clerk. The descriptions and statements do not need to be detailed and shall be sufficient if they enable an owner to generally identify the nature and extent of the improvements, maintenance, and activities, and the location and extent of the proposed district.

(2) A time and place for a public hearing on the establishment of the property and business improvement district and the levy of assessments, which shall be consistent with the requirements of Section 36623.

36622. Contents of management district plan

The management district plan shall include, but is not limited to, all of the following:

(a) If the assessment will be levied on property, a map of the district in sufficient detail to locate each parcel of property and, if businesses are to be assessed, each business within the district. If the assessment will be levied on businesses, a map that identifies the district boundaries in sufficient detail to allow a business owner to reasonably determine whether a business is located within the district boundaries. If the assessment will be levied on property and businesses, a map of the district in sufficient detail to locate each parcel of property and to allow a business owner to reasonably determine whether a business is located within the district boundaries.

(b) The name of the proposed district.

(c) A description of the boundaries of the district, including the boundaries of benefit zones, proposed for establishment or extension in a manner sufficient to identify the affected property and businesses included, which may be made by reference to any plan or map that is on file with the clerk. The boundaries of a proposed property assessment district shall not overlap with the boundaries of another existing property assessment district created pursuant to this part. This part does not prohibit the boundaries of a district created pursuant to this part to overlap with other assessment districts established pursuant to other provisions of law, including, but not limited to, the Parking and Business Improvement Area Law of 1989 (Part 6 (commencing with Section 36500)). This part does not prohibit the boundaries of a business assessment district created pursuant to this part to overlap with another business assessment district created pursuant to this part. This part does not prohibit the boundaries of a business assessment district created pursuant to this part to overlap with a property assessment district created pursuant to this part.

(d) The improvements, maintenance, and activities proposed for each year of operation of the district and the maximum cost thereof. If the improvements, maintenance, and activities proposed for each year of operation are the same, a description of the first year's proposed improvements, maintenance, and activities and a statement that the same improvements, maintenance, and activities are proposed for subsequent years shall satisfy the requirements of this subdivision.

(e) The total annual amount proposed to be expended for improvements, maintenance, or activities, and debt service in each year of operation of the district. If the assessment is levied on businesses, this amount may be estimated based upon the assessment rate. If the total annual amount proposed to be expended in each year of operation of the district is not significantly different, the amount proposed to be expended in the initial year and a statement that a similar amount applies to subsequent years shall satisfy the requirements of this subdivision.

(f) The proposed source or sources of financing, including the proposed method and basis of levying the assessment in sufficient detail to allow each property or business owner to calculate the amount of the assessment to be levied against his or her property or business. The plan also shall state whether bonds will be issued to finance improvements.

- (g) The time and manner of collecting the assessments.
- (h) The specific number of years in which assessments will be levied. In a new district, the maximum number of years shall be five. Upon renewal, a district shall have a term not to exceed 10 years. Notwithstanding these limitations, a district created pursuant to this part to finance capital improvements with bonds may levy assessments until the maximum maturity of the bonds. The management district plan may set forth specific increases in assessments for each year of operation of the district.
- (i) The proposed time for implementation and completion of the management district plan.
- (j) Any proposed rules and regulations to be applicable to the district.
- (k) (1) A list of the properties or businesses to be assessed, including the assessor's parcel numbers for properties to be assessed, and a statement of the method or methods by which the expenses of a district will be imposed upon benefited real property or businesses, in proportion to the benefit received by the property or business, to defray the cost thereof.
- (2) In a property-based district, the proportionate special benefit derived by each identified parcel shall be determined exclusively in relationship to the entirety of the capital cost of a public improvement, the maintenance and operation expenses of a public improvement, or the cost of the activities. An assessment shall not be imposed on any parcel that exceeds the reasonable cost of the proportional special benefit conferred on that parcel. Only special benefits are assessable, and a property-based district shall separate the general benefits, if any, from the special benefits conferred on a parcel. Parcels within a property-based district that are owned or used by any city, public agency, the State of California, or the United States shall not be exempt from assessment unless the governmental entity can demonstrate by clear and convincing evidence that those publicly owned parcels in fact receive no special benefit. The value of any incidental, secondary, or collateral effects that arise from the improvements, maintenance, or activities of a property-based district and that benefit property or persons not assessed shall not be deducted from the entirety of the cost of any special benefit or affect the proportionate special benefit derived by each identified parcel.
- (l) In a property-based district, the total amount of all special benefits to be conferred upon the properties located within the property-based district.
- (m) In a property-based district, the total amount of general benefits, if any.
- (n) In a property-based district, a detailed engineer's report prepared by a registered professional engineer certified by the State of California supporting all assessments contemplated by the management district plan.
- (o) Any other item or matter required to be incorporated therein by the city council.

36623. Procedure to levy assessment

- (a) If a city council proposes to levy a new or increased property assessment, the notice and protest and hearing procedure shall comply with Section 53753 of the Government Code.
- (b) If a city council proposes to levy a new or increased business assessment, the notice and protest and hearing procedure shall comply with Section 54954.6 of the Government Code, except that notice shall be mailed to the owners of the businesses proposed to be assessed. A protest may be made orally or in writing by any interested person. Every written protest shall be filed with the clerk at or before the time fixed for the public hearing. The city council may waive any irregularity in the form or content of any written protest. A written protest may be withdrawn in writing at any time before the conclusion of the public hearing. Each written protest shall contain a description of the business in which the person subscribing the protest is interested sufficient to identify the business and, if a person subscribing is not shown on the official records of the city as the owner of the business, the protest shall contain or be accompanied by written evidence that the person subscribing is the owner of the business or the authorized representative. A written protest that does not comply with this section shall not be counted in determining a majority protest. If written protests are received from the owners or authorized representatives of businesses in the proposed district that will pay 50 percent or more of the assessments proposed to be levied and protests are not withdrawn so as to reduce the protests to less than 50 percent, no further proceedings to levy the proposed assessment against such businesses, as contained in the resolution of intention, shall be taken for a period of one year from the date of the finding of a majority protest by the city council.
- (c) If a city council proposes to conduct a single proceeding to levy both a new or increased property assessment and a new or increased business assessment, the notice and protest and hearing procedure for the property assessment shall comply with subdivision (a), and the notice and protest and hearing procedure for the business assessment shall comply with subdivision (b). If a majority protest is received from either the property or business owners, that respective portion of the assessment shall not be levied. The remaining portion of the assessment may be levied unless the improvement or other special benefit was proposed to be funded by assessing both property and business owners.

36624. Changes to proposed assessments

At the conclusion of the public hearing to establish the district, the city council may adopt, revise, change, reduce, or modify the proposed assessment or the type or types of improvements, maintenance, and activities to be funded with the revenues from the assessments. Proposed assessments may only be revised by reducing any or all of them. At the public hearing, the city council may only make changes in, to, or from the boundaries of the proposed property and business improvement district that will exclude territory that will not benefit from the proposed improvements, maintenance, and activities. Any modifications, revisions, reductions, or changes to the proposed assessment district shall be reflected in the notice and map recorded pursuant to Section 36627.

36625. Resolution of formation

(a) If the city council, following the public hearing, decides to establish a proposed property and business improvement district, the city council shall adopt a resolution of formation that shall include, but is not limited to, all of the following:

(1) A brief description of the proposed improvements, maintenance, and activities, the amount of the proposed assessment, a statement as to whether the assessment will be levied on property, businesses, or both within the district, a statement on whether bonds will be issued, and a description of the exterior boundaries of the proposed district, which may be made by reference to any plan or map that is on file with the clerk. The descriptions and statements need not be detailed and shall be sufficient if they enable an owner to generally identify the nature and extent of the improvements, maintenance, and activities and the location and extent of the proposed district.

(2) The number, date of adoption, and title of the resolution of intention.

(3) The time and place where the public hearing was held concerning the establishment of the district.

(4) A determination regarding any protests received. The city shall not establish the district or levy assessments if a majority protest was received.

(5) A statement that the properties, businesses, or properties and businesses in the district established by the resolution shall be subject to any amendments to this part.

(6) A statement that the improvements, maintenance, and activities to be conferred on businesses and properties in the district will be funded by the levy of the assessments. The revenue from the levy of assessments within a district shall not be used to provide improvements, maintenance, or activities outside the district or for any purpose other than the purposes specified in the resolution of intention, as modified by the city council at the hearing concerning establishment of the district.

(7) A finding that the property or businesses within the area of the property and business improvement district will be benefited by the improvements, maintenance, and activities funded by the proposed assessments, and, for a property-based district, that property within the district will receive a special benefit.

(8) In a property-based district, the total amount of all special benefits to be conferred on the properties within the property-based district.

(b) The adoption of the resolution of formation and, if required, recordation of the notice and map pursuant to Section 36627 shall constitute the levy of an assessment in each of the fiscal years referred to in the management district plan.

36626. Resolution establishing district

If the city council, following the public hearing, desires to establish the proposed property and business improvement district, and the city council has not made changes pursuant to Section 36624, or has made changes that do not substantially change the proposed assessment, the city council shall adopt a resolution establishing the district. The resolution shall contain all of the information specified in Section 36625.

36627. Notice and assessment diagram

Following adoption of the resolution establishing district assessments on properties pursuant to Section 36625 or Section 36626, the clerk of the city shall record a notice and an assessment diagram pursuant to Section 3114. No other provision of Division 4.5 (commencing with Section 3100) applies to an assessment district created pursuant to this part.

36628. Establishment of separate benefit zones within district; Categories of businesses

The city council may establish one or more separate benefit zones within the district based upon the degree of benefit derived from the improvements or activities to be provided within the benefit zone and may impose a different assessment within each benefit zone. If the assessment is to be levied on businesses, the city council may also define categories of businesses based upon the degree of benefit that each will derive from the improvements or activities to be provided within the district and may impose a different assessment or rate of assessment on each category of business, or on each category of business within each zone.

36628.5. Assessments on businesses or property owners

The city council may levy assessments on businesses or on property owners, or a combination of the two, pursuant to this part. The city council shall structure the assessments in whatever manner it determines corresponds with the distribution of benefits from the proposed improvements, maintenance, and activities, provided that any property-based assessment conforms with the requirements set forth in paragraph (2) of subdivision (k) of Section 36622.

36629. Provisions and procedures applicable to benefit zones and business categories

All provisions of this part applicable to the establishment, modification, or disestablishment of a property and business improvement district apply to the establishment, modification, or disestablishment of benefit zones or categories of business. The city council shall, to establish, modify, or disestablish a benefit zone or category of business, follow the procedure to establish, modify, or disestablish a property and business improvement district.

36630. Expiration of district; Creation of new district

If a property and business improvement district expires due to the time limit set pursuant to subdivision (h) of Section 36622, a new management district plan may be created and the district may be renewed pursuant to this part.

36631. Time and manner of collection of assessment; Delinquent payments

The collection of the assessments levied pursuant to this part shall be made at the time and in the manner set forth by the city council in the resolution levying the assessment. Assessments levied on real property may be collected at the same time and in the same manner as for the ad valorem property tax, and may provide for the same lien priority and penalties for delinquent payment. All delinquent payments for assessments levied pursuant to this part may be charged interest and penalties.

36632. Assessments to be based on estimated benefit; Classification of real property and businesses; Exclusion of residential and agricultural property

(a) The assessments levied on real property pursuant to this part shall be levied on the basis of the estimated benefit to the real property within the property and business improvement district. The city council may classify properties for purposes of determining the benefit to property of the improvements and activities provided pursuant to this part.

(b) Assessments levied on businesses pursuant to this part shall be levied on the basis of the estimated benefit to the businesses within the property and business improvement district. The city council may classify businesses for purposes of determining the benefit to the businesses of the improvements and activities provided pursuant to this part.

(c) Properties zoned solely for residential use, or that are zoned for agricultural use, are conclusively presumed not to benefit from the improvements and service funded through these assessments, and shall not be subject to any assessment pursuant to this part.

36633. Time for contesting validity of assessment

The validity of an assessment levied under this part shall not be contested in any action or proceeding unless the action or proceeding is commenced within 30 days after the resolution levying the assessment is adopted pursuant to Section 36626. Any appeal from a final judgment in an action or proceeding shall be perfected within 30 days after the entry of judgment.

36634. Service contracts authorized to establish levels of city services

The city council may execute baseline service contracts that would establish levels of city services that would continue after a property and business improvement district has been formed.

36635. Request to modify management district plan

The owners' association may, at any time, request that the city council modify the management district plan. Any modification of the management district plan shall be made pursuant to this chapter.

36636. Modification of plan by resolution after public hearing; Adoption of resolution of intention; Modification of improvements and activities by adoption of resolution after public hearing

(a) Upon the written request of the owners' association, the city council may modify the management district plan after conducting one public hearing on the proposed modifications. The city council may modify the improvements and activities to be funded with the revenue derived from the levy of the assessments by adopting a resolution determining to make the modifications after holding a public hearing on the proposed modifications. If the modification includes the levy of a new or increased assessment, the city council shall comply with Section 36623. Notice of all other public hearings pursuant to this section shall comply with both of the following:

(1) The resolution of intention shall be published in a newspaper of general circulation in the city once at least seven days before the public hearing.

(2) A complete copy of the resolution of intention shall be mailed by first class mail, at least 10 days before the public hearing, to each business owner or property owner affected by the proposed modification.

(b) The city council shall adopt a resolution of intention which states the proposed modification prior to the public hearing required by this section. The public hearing shall be held not more than 90 days after the adoption of the resolution of intention.

36637. Reflection of modification in notices recorded and maps

Any subsequent modification of the resolution shall be reflected in subsequent notices and maps recorded pursuant to Division 4.5 (commencing with Section 3100), in a manner consistent with the provisions of Section 36627.

36640. Bonds authorized; Procedure; Restriction on reduction or termination of assessments

(a) The city council may, by resolution, determine and declare that bonds shall be issued to finance the estimated cost of some or all of the proposed improvements described in the resolution of formation adopted pursuant to Section 36625, if the resolution of formation adopted pursuant to that section provides for the issuance of bonds, under the Improvement Bond Act of 1915 (Division 10 (commencing with Section 8500)) or in conjunction with Marks-Roos Local Bond Pooling Act of 1985 (Article 4 (commencing with Section 6584) of Chapter 5 of Division 7 of Title 1 of the Government Code). Either act, as the case may be, shall govern the proceedings relating to the issuance of bonds, although proceedings under the Bond Act of 1915 may be modified by the city council as necessary to accommodate assessments levied upon business pursuant to this part.

(b) The resolution adopted pursuant to subdivision (a) shall generally describe the proposed improvements specified in the resolution of formation adopted pursuant to Section 36625, set forth the estimated cost of those improvements, specify the number of annual installments and the fiscal years during which they are to be collected. The amount of debt service to retire the bonds shall not exceed the amount of revenue estimated to be raised from assessments over 30 years.

(c) Notwithstanding any other provision of this part, assessments levied to pay the principal and interest on any bond issued pursuant to this section shall not be reduced or terminated if doing so would interfere with the timely retirement of the debt.

36650. Report by owners' association; Approval or modification by city council

(a) The owners' association shall cause to be prepared a report for each fiscal year, except the first year, for which assessments are to be levied and collected to pay the costs of the improvements, maintenance, and activities

described in the report. The owners' association's first report shall be due after the first year of operation of the district. The report may propose changes, including, but not limited to, the boundaries of the property and business improvement district or any benefit zones within the district, the basis and method of levying the assessments, and any changes in the classification of property, including any categories of business, if a classification is used.

(b) The report shall be filed with the clerk and shall refer to the property and business improvement district by name, specify the fiscal year to which the report applies, and, with respect to that fiscal year, shall contain all of the following information:

(1) Any proposed changes in the boundaries of the property and business improvement district or in any benefit zones or classification of property or businesses within the district.

(2) The improvements, maintenance, and activities to be provided for that fiscal year.

(3) An estimate of the cost of providing the improvements, maintenance, and activities for that fiscal year.

(4) The method and basis of levying the assessment in sufficient detail to allow each real property or business owner, as appropriate, to estimate the amount of the assessment to be levied against his or her property or business for that fiscal year.

(5) The estimated amount of any surplus or deficit revenues to be carried over from a previous fiscal year.

(6) The estimated amount of any contributions to be made from sources other than assessments levied pursuant to this part.

(c) The city council may approve the report as filed by the owners' association or may modify any particular contained in the report and approve it as modified. Any modification shall be made pursuant to Sections 36635 and 36636.

The city council shall not approve a change in the basis and method of levying assessments that would impair an authorized or executed contract to be paid from the revenues derived from the levy of assessments, including any commitment to pay principal and interest on any bonds issued on behalf of the district.

36651. Designation of owners' association to provide improvements and activities

The management district plan may, but is not required to, state that an owners' association will provide the improvements, maintenance, and activities described in the management district plan. If the management district plan designates an owners' association, the city shall contract with the designated nonprofit corporation to provide services.

36660. Renewal of district; Transfer or refund of remaining revenues; District term limit

(a) Any district previously established whose term has expired, or will expire, may be renewed by following the procedures for establishment as provided in this chapter.

(b) Upon renewal, any remaining revenues derived from the levy of assessments, or any revenues derived from the sale of assets acquired with the revenues, shall be transferred to the renewed district. If the renewed district includes additional parcels or businesses not included in the prior district, the remaining revenues shall be spent to benefit only the parcels or businesses in the prior district. If the renewed district does not include parcels or businesses included in the prior district, the remaining revenues attributable to these parcels shall be refunded to the owners of these parcels or businesses.

(c) Upon renewal, a district shall have a term not to exceed 10 years, or, if the district is authorized to issue bonds, until the maximum maturity of those bonds. There is no requirement that the boundaries, assessments, improvements, or activities of a renewed district be the same as the original or prior district.

36670. Circumstances permitting disestablishment of district; Procedure

(a) Any district established or extended pursuant to the provisions of this part, where there is no indebtedness, outstanding and unpaid, incurred to accomplish any of the purposes of the district, may be disestablished by resolution by the city council in either of the following circumstances:

(1) If the city council finds there has been misappropriation of funds, malfeasance, or a violation of law in connection with the management of the district, it shall notice a hearing on disestablishment.

(2) During the operation of the district, there shall be a 30-day period each year in which assessee may request disestablishment of the district. The first such period shall begin one year after the date of establishment of the district and shall continue for 30 days. The next such 30-day period shall begin two years after the date of the establishment of the district. Each successive year of operation of the district shall have such a 30-day period. Upon

the written petition of the owners or authorized representatives of real property or the owners or authorized representatives of businesses in the area who pay 50 percent or more of the assessments levied, the city council shall pass a resolution of intention to disestablish the district. The city council shall notice a hearing on disestablishment.

(b) The city council shall adopt a resolution of intention to disestablish the district prior to the public hearing required by this section. The resolution shall state the reason for the disestablishment, shall state the time and place of the public hearing, and shall contain a proposal to dispose of any assets acquired with the revenues of the assessments levied within the property and business improvement district. The notice of the hearing on disestablishment required by this section shall be given by mail to the property owner of each parcel or to the owner of each business subject to assessment in the district, as appropriate. The city shall conduct the public hearing not less than 30 days after mailing the notice to the property or business owners. The public hearing shall be held not more than 60 days after the adoption of the resolution of intention.

36671. Refund of remaining revenues upon disestablishment or expiration without renewal of district; Calculation of refund; Use of outstanding revenue collected after disestablishment of district

(a) Upon the disestablishment or expiration without renewal of a district, any remaining revenues, after all outstanding debts are paid, derived from the levy of assessments, or derived from the sale of assets acquired with the revenues, or from bond reserve or construction funds, shall be refunded to the owners of the property or businesses then located and operating within the district in which assessments were levied by applying the same method and basis that was used to calculate the assessments levied in the fiscal year in which the district is disestablished or expires. All outstanding assessment revenue collected after disestablishment shall be spent on improvements and activities specified in the management district plan.

(b) If the disestablishment occurs before an assessment is levied for the fiscal year, the method and basis that was used to calculate the assessments levied in the immediate prior fiscal year shall be used to calculate the amount of any refund.

APPENDIX 2 – ASSESSED BUSINESSES

Business Name	Address	City, State, Zip		
Bella Capri Inn & Suites	2050 E. Ventura Blvd	Camarillo	CA	93010-7931
Best Western Camarillo Inn	295 E Daily Dr	Camarillo	CA	93010-5813
Baymont Inn & Suites	1405 Del Norte Rd	Camarillo	CA	93010-8437
Courtyard by Marriot Camarillo	4994 Verdugo Way	Camarillo	CA	93012-8637
Days Inn Camarillo	165 Daily Dr	Camarillo	CA	93010-5809
Good Nite Inn Camarillo	1100 Ventura Blvd	Camarillo	CA	93010-7752
Hampton Inn Suites Camarillo	50 W Daily Dr	Camarillo	CA	93010-5707
Holiday Inn Express & Suites Camarillo	4444 Central Ave	Camarillo	CA	93010-8305
Motel 6 Camarillo	1641 E Daily Dr	Camarillo	CA	93010-6209
Quality Inn & Suites Camarillo	984 W Ventura Blvd	Camarillo	CA	93010-8343
Residence Inn by Marriot Camarillo	2912 Petit St	Camarillo	CA	93012
Best Western Oxnard Inn	1156 S Oxnard Blvd	Oxnard	CA	93030-7418
Budget Gardens	1500 S. Oxnard Blvd.	Oxnard	CA	93030
City Center Motel	550 S Oxnard Blvd	Oxnard	CA	93030-7113
Courtyard by Marriott Oxnard	600 E Esplanade Dr	Oxnard	CA	93030-2403
Del Playa Inn	711 W Hueneme Rd	Oxnard	CA	93033-9019
Embassy Suites Mandalay Beach Hotel & Resort	2101 Mandalay Beach Rd	Oxnard	CA	93035-3638
Evergreen RV Park	2135 North Oxnard Blvd.	Oxnard	CA	93036
Flamingo Motel	421 N. Oxnard Blvd.	Oxnard	CA	93030
GrandStay Residential Suites Oxnard	2211 E Gonzales Rd	Oxnard	CA	93036-0620
Hampton Inn & Suites Channel Islands Harbor	3231 Peninsula Rd	Oxnard	CA	93035
Hilton Garden Inn Oxnard	2000 Solar Dr	Oxnard	CA	93036-2694
Homewood Suites	1950 Solar Dr	Oxnard	CA	93036
Palace Inn	1631 S Oxnard Blvd	Oxnard	CA	93030-7427
Ramada Inn Oxnard	1001 E Channel Islands Blvd	Oxnard	CA	93033-5508
Regal Lodge	1012 S Oxnard Blvd	Oxnard	CA	93030-7416
Residence Inn by Marriott at River Ridge	2101 West Vineyard Ave	Oxnard	CA	93036
Ros-Eda Motel	1155 Saviers Rd	Oxnard	CA	93033-1733
Vagabond Inn Oxnard	1245 N. Oxnard Blvd	Oxnard	CA	93030-4041
Bayshore Inn	3075 E. Main Street	Ventura	CA	93003
Bella Maggiore Inn	67 S California Street	Ventura	CA	93001-2801
Best Western Plus of Ventura	708 E. Thompson Blvd.	Ventura	CA	93001-2999
Clocktower Inn	181 E. Santa Clara St.	Ventura	CA	93001-2715
Comfort Inn of Ventura	2094 E. Harbor Blvd.	Ventura	CA	93001-3708
Country Inn & Suites Ventura	298 S. Chestnut St.	Ventura	CA	93001-2835
Crowne Plaza Ventura Beach Hotel	450 E. Harbor Blvd.	Ventura	CA	93001-2708
Crystal Lodge	1787 E. Thompson Blvd.	Ventura	CA	93001
Four Points by Sheraton Ventura Harbor	1050 Schooner Dr	Ventura	CA	93001-4273
Holiday Inn Express & Suites Ventura Harbor	1080 Navigator Dr	Ventura	CA	93001-4365
Inn on the Beach	1175 S. Seaward Ave.	Ventura	CA	93001-3875

La Quinta Inn Ventura	5818 Valentine Rd	Ventura	CA	93003-6638
Marriott Ventura Beach	2055 E. Harbor Blvd.	Ventura	CA	93001-3707
Mission Bell Motel	3237 E. Main St.	Ventura	CA	93003
Motel 6, Ventura South	3075 Johnson Dr.	Ventura	CA	93003-7258
Motel 6, Ventura Beach	2145 E. Harbor Blvd.	Ventura	CA	93001-3705
Rodeway Motel	1690 E. Thompson Blvd.	Ventura	CA	93001-3329
Pacific Inn	350 E. Thompson Blvd	Ventura	CA	93001-2727
Pierpont Inn	550 Sanjon Rd.	Ventura	CA	93001-3754
Rex Motel	2406 East Thompson Blvd.	Ventura	CA	93003-2730
Shores Inn and Suites	1059 S. Seaward Ave.	Ventura	CA	93001
Silver Sands Motel	3215 E. Main St	Ventura	CA	93003-4824
Travelers Beach Inn	929 E. Thompson Blvd	Ventura	CA	93001-3008
Vagabond Inn Ventura	756 E. Thompson Blvd.	Ventura	CA	93001-2916
Ventura Beach House Motel	1220 E. Thompson Blvd.	Ventura	CA	93001-3171
Ventura Beach RV Park	800 West Main Street	Ventura	CA	93001
Victorian Rose Bed & Breakfast	896 E. Main St.	Ventura	CA	93001
Viking Motel	2107 E. Thompson Blvd.	Ventura	CA	93001
Holiday Inn Express Port Hueneme	350 E. Port Hueneme Road	Port Hueneme	CA	93041
Casa Via Mar Inn & Tennis Club	377 W. Channel Islands Blvd	Port Hueneme	CA	93041
American's Best Value Inn	340 E. Pleasant Valley Rd.	Port Hueneme	CA	93041
Seaside Inn	645 E. Port Hueneme Road	Port Hueneme	CA	93041



Meeting Date: 05/19/2015

ACTION	TYPE OF ITEM
☐ Approved Recommendation	☒ Info/Consent
☐ Ord. No(s). _____	☒ Report
☐ Res. No(s). _____	☐ Public Hearing (Info/consent)
☐ Other _____	☐ Other _____

Prepared By: Danielle M. Navas

Agenda Item No. L-2

Reviewed By: City Manager

City Attorney

Finance

Other (Specify) _____

DATE: April 27, 2015**TO:** City Council**FROM:** Danielle M. Navas, City Treasurer

SUBJECT: Quarterly Investment Report for the Third Quarter F/Y 2014-2015**RECOMMENDATION**

That City Council accepts the quarterly Investment Report for the Third Quarter F/Y 2014-2015.

DISCUSSION

The City Treasurer will continue to provide this quarterly report to keep you informed of the status of the investment portfolio, however, it is no longer required by state law. This is one of many previously reimbursable state mandated items not required due to lack of state funding. The Investment Policy was presented to City Council with the Annual Report of Investment Policy on September 23, 2014. The City of Oxnard Treasurer's Office Market Report as of March 31, 2015 is provided as Attachment 1. The source of the market values is Sungard, the vendor of the City's investment reporting system. Investments in the City's portfolio meet the requirements of the City of Oxnard's adopted investment policy. Detailed information regarding individual investments is maintained in the City Treasurer's Office.

The following statistics provide a summary on the status of the portfolio as of March 31, 2015:

Original cost of investments	\$ 123,229,729	Book Value
Total to be received at maturity	\$ 123,230,000	Par Value
If sold on March 31, 2015	\$ 123,269,203	Market Value
Gain/ (Loss) if sold on March 31, 2015	\$ 39,474*	

*All investments purchased are held to maturity. Sufficient liquidity is maintained for unexpected needs so that sale of an investment may not be necessary. Any gain or loss related to changing market value is only a "paper" gain or loss, not an increase or decrease in the funds of the City.

Total earnings (3rd quarter)	\$ 266,273	
Average yield (3rd quarter)	.90%	(for the month .87%)
Average days to maturity (3rd quarter)	708	(for the month 708 days)

Subject: Quarterly Investment Report for the Third Quarter F/Y 2014-2015

April 27, 2015

Page 2

The quarterly average yield on the portfolio was .90 percent compared with the Local Agency Investment Fund (LAIF) yield of .26 percent for the same period. The LAIF portfolio is comprised of public funds invested on a short-term basis with priority of safety first followed by need for liquidity and yield, the priorities of the City Treasurer's Investment Policy.

The federal funds rate remains unchanged at .00 to .25 percent.

In compliance with California Government Code section 53646, adequate funds are available to meet the anticipated expenditure requirements for the next six months.

FINANCIAL IMPACT

None at this time.

Attachment #1 –Investment Inventory as of March 31, 2015

Attachment #2 – Benchmark Rate Comparison



Inventory by Market Value

As Of Date: 03/31/2015

Date Basis: Settlement

City of Oxnard - Treasurer's Office

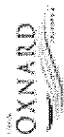
Inv. No.	Description	CUSIP	Purchase Maturity	Coupon YTM TR	Current Par / Share Current Book	Market Value Market Price	Curr Accr Int Price Source
Inv Type: 12 FEDERAL HOME LOAN BANK BONDS							
16938	FHLB	313381RE7	01/30/2013	1.000000	2,000,000.00	1,995,980.00	3,388.89
			01/30/2018	1.000000	2,000,000.00	99,799,000	SUNGARD
16951	FHLB	313383AV3	06/12/2013	1.000000	2,000,000.00	1,991,520.00	6,055.56
			06/12/2018	1.000000	2,000,000.00	99,576,000	SUNGARD
16952	FHLB	313383A68	06/13/2013	1.080000	2,000,000.00	1,993,540.00	6,480.00
			06/13/2018	1.080000	2,000,000.00	99,677,000	SUNGARD
16954	FHLB	313383HQ7	06/27/2013	1.200000	2,000,000.00	2,008,060.00	6,266.67
			06/27/2018	1.200000	2,000,000.00	100,403,000	SUNGARD
16955	FHLB	313383HQ7	06/27/2013	1.200000	2,000,000.00	2,008,060.00	6,266.67
			06/27/2018	1.200000	2,000,000.00	100,403,000	SUNGARD
16978	FHLB	3130A45D0	02/20/2015	1.250000	2,000,000.00	1,998,460.00	2,847.22
			02/20/2019	1.250000	2,000,000.00	99,923,000	SUNGARD
16979	FHLB	3130A4BA9	02/27/2015	1.500000	2,000,000.00	2,003,640.00	2,833.33
			08/27/2018	1.500000	2,000,000.00	100,182,000	SUNGARD
Subtotal				1.175714	14,000,000.00	13,999,260.00	34,138.34
				1.175714	14,000,000.00	99,994,714	

Inv Type: 13 FEDERAL NATIONAL MORTGAGE ASSN

16935	FNMA	3136G02U4	11/14/2012	.625000	2,000,000.00	1,999,920.00	4,756.94
			11/14/2016	.625000	2,000,000.00	99,996,000	SUNGARD
16936	FNMA	3136G04S7	11/21/2012	.750000	2,000,000.00	2,001,680.00	1,666.67
			02/21/2017	.750000	2,000,000.00	100,084,000	SUNGARD
16939	FNMA	3135G0TV5	01/30/2013	1.030000	2,000,000.00	2,001,520.00	3,490.56
			01/30/2018	1.030000	2,000,000.00	100,076,000	SUNGARD
16942	FNMA	3136G1BK4	02/05/2013	1.000000	2,000,000.00	1,990,040.00	3,111.11
			02/05/2018	1.000000	2,000,000.00	99,502,000	SUNGARD
16947	FNMA	3136G1LE7	05/15/2013	1.010000	1,000,000.00	993,290.00	3,815.56
			05/15/2018	1.010000	1,000,000.00	99,329,000	SUNGARD
16948	FNMA	3135G0XG3	05/21/2013	1.000000	1,000,000.00	993,950.00	3,611.11
			05/21/2018	1.000000	1,000,000.00	99,395,000	SUNGARD
16972	FNMA	3136G2T9	09/30/2014	2.050000	2,000,000.00	2,016,480.00	113.89
			09/30/2019	2.050000	2,000,000.00	100,824,000	SUNGARD
16977	FNMA	3136G2CM7	01/30/2015	1.500000	2,000,000.00	2,011,180.00	5,083.33
			01/30/2019	1.500000	2,000,000.00	100,559,000	SUNGARD
Subtotal				1.137143	14,000,000.00	14,008,060.00	25,649.17
				1.137143	14,000,000.00	100,057,571	

Inv Type: 17 FEDERAL FARM CREDIT BANK BONDS

16928	FFCB	3133EAP28	08/22/2012	1.100000	2,000,000.00	1,998,660.00	2,383.33
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Inventory by Market Value

As Of Date: 03/31/2015

Date Basis: Settlement

City of Oxnard - Treasurer's Office

Inv. No.	Description	CUSIP	Purchase Maturity	Coupon YTM TR	Current Par /Share Current Book	Market Value Market Price	Curr Accr Int Price Source
16929	FFCB	3133EAP28	08/22/2017	1.100000	2,000,000.00	99.933000	SUNGARD
			08/22/2012	1.100000	2,000,000.00	1,998,660.00	2,383.33
16933	FFCB	3133EA3J5	08/22/2017	1.100000	2,000,000.00	99.933000	SUNGARD
			10/10/2012	.900000	2,000,000.00	1,991,860.00	8,550.00
16934	FFCB	3133EA4H8	10/10/2017	.900000	2,000,000.00	99.593000	SUNGARD
			10/11/2012	.820000	2,000,000.00	1,992,300.00	3,644.44
			07/11/2017	.820000	2,000,000.00	99.615000	SUNGARD
16940	FFCB	3133ECEQ3	02/06/2013	1.100000	2,000,000.00	2,000,220.00	3,361.11
			02/06/2018	1.100000	2,000,000.00	100.011000	SUNGARD
16941	FFCB	3133ECEQ3	02/06/2013	1.100000	2,000,000.00	2,000,220.00	3,361.11
			02/06/2018	1.100000	2,000,000.00	100.011000	SUNGARD
16944	FFCB	3133ECL44	04/11/2013	1.000000	2,000,000.00	1,994,640.00	9,444.44
			04/11/2018	1.000000	2,000,000.00	99.732000	SUNGARD
16949	FFCB	3133ECQ56	05/22/2013	1.080000	2,000,000.00	1,994,680.00	7,740.00
			05/22/2018	1.080000	2,000,000.00	99.734000	SUNGARD
16950	FFCB	3133ECRP1	06/11/2013	1.150000	1,250,000.00	1,257,962.50	4,392.36
			06/11/2018	1.150000	1,250,000.00	100.637000	SUNGARD
16953	FFCB	3133ECSQ8	06/25/2013	1.375000	2,000,000.00	1,997,020.00	7,333.33
			06/25/2018	1.375000	2,000,000.00	99.851000	SUNGARD
16964	FFCB	3133EDHGO	03/19/2014	1.390000	2,000,000.00	2,000,280.00	926.67
			03/19/2018	1.390000	2,000,000.00	100.014000	SUNGARD
16965	FFCB	3133EDCJ9	12/26/2013	1.180000	2,000,000.00	2,000,240.00	327.78
			09/26/2017	1.180000	2,000,000.00	100.012000	SUNGARD
16968	FFCB	3133EDKR2	04/30/2014	1.870000	2,000,000.00	2,002,920.00	15,687.22
			04/30/2019	1.870000	2,000,000.00	100.146000	SUNGARD
16969	FFCB	3133EDLX8	05/21/2014	1.320000	2,000,000.00	2,020,760.00	9,533.33
			05/21/2018	1.320000	2,000,000.00	101.038000	SUNGARD
16970	FFCB	3133EDN81	06/12/2014	1.850000	2,000,000.00	2,004,760.00	11,202.78
			06/12/2019	1.850000	2,000,000.00	100.238000	SUNGARD
16971	FFCB	3133EDP48	06/24/2014	1.970000	2,000,000.00	2,007,060.00	10,616.11
			06/24/2019	1.970000	2,000,000.00	100.353000	SUNGARD
16975	FFCB	3133EELA6	01/22/2015	1.790000	2,000,000.00	2,001,640.00	6,861.67
			10/22/2019	1.790000	2,000,000.00	100.082000	SUNGARD
16976	FFCB	3133EEKX7	01/22/2015	1.540000	2,000,000.00	2,001,420.00	5,903.33
			01/22/2019	1.540000	2,000,000.00	100.071000	SUNGARD
Subtotal				1.316525	35,250,000.00	35,250,302.50	113,652.34
				1.316525	35,250,000.00	100.043411	

Inv Type: 23 OTHER GOVERNMENT AGENCIES



Inventory by Market Value

As Of Date: 03/31/2015

Date Basis: Settlement

City of Oxnard - Treasurer's Office

Inv. No.	Description	CUSIP	Purchase Maturity	Coupon YTM TR	Current Par /Share Current Book	Market Value Market Price	Curr Accr Int Price Source
16922	FHLMC	3134G3UQ1	05/15/2012	1.150000	2,000,000.00	2,002,020.00	8,688.89
			05/15/2017	1.150000	2,000,000.00	100.101000	SUNGARD
16927	FHLMC	3134G3ZR4	08/07/2012	1.000000	2,000,000.00	2,001,620.00	3,000.00
			08/07/2017	1.000000	2,000,000.00	100.081000	SUNGARD
16945	FHLMC	3134G42G2	04/30/2013	1.050000	2,000,000.00	1,990,560.00	8,808.33
			04/30/2018	1.050000	2,000,000.00	99.528000	SUNGARD
16967	FHLMC	3134G4Z43	04/17/2014	1.375000	2,000,000.00	2,001,060.00	12,527.78
			04/17/2018	1.375000	2,000,000.00	100.053000	SUNGARD
16974	FHLMC	3134G5W43	12/30/2014	1.050000	2,000,000.00	2,000,000.00	5,308.33
			06/30/2017	1.050000	2,000,000.00	100.000000	SUNGARD
			Subtotal	1.125000	10,000,000.00	9,995,260.00	38,333.33
				1.125000	10,000,000.00	99.952600	

Inv Type: 60 NEGOTIABLE CERTIFICATE OF DEPO

16959	NCD	17284CTY0	11/14/2013	2.150000	245,000.00	245,000.00	1,991.55
			11/14/2018	2.150000	245,000.00	100.000000	BOOK
16960	NCD	0606247G2	11/12/2013	2.200000	245,000.00	245,000.00	2,067.40
			11/13/2018	2.200000	245,000.00	100.000000	BOOK
16961	NCD	795450RJ6	11/13/2013	2.000000	245,000.00	245,000.00	1,866.03
			11/13/2018	2.000000	245,000.00	100.000000	BOOK
			Subtotal	2.116667	735,000.00	735,000.00	5,924.98
				2.116667	735,000.00	100.000000	

Inv Type: 62 NEGOTIABLE CERTIFICATE MONTHLY

16980	NCD	43738AFU5	03/30/2015	1.500000	245,000.00	245,000.00	20.14
			03/29/2019	1.500000	245,000.00	100.000000	BOOK
			Subtotal	1.500000	245,000.00	245,000.00	20.14
				1.500000	245,000.00	100.000000	

Inv Type: 85 DEPOSIT NOTES

16943	MTN	25468PCV6	03/05/2013	1.100000	2,000,000.00	2,001,080.00	7,333.33
			12/01/2017	1.100000	2,000,000.00	100.054000	SUNGARD
			Subtotal	1.100000	2,000,000.00	2,001,080.00	7,333.33
				1.100000	2,000,000.00	100.054000	

Inv Type: 86 DEPOSIT NOTES QUARTERLY

16932	MTN	36962G5Y6	06/07/2012	1.450000	2,000,000.00	2,020,240.00	2,575.01
			05/30/2017	1.456211	1,999,729.04	101.012000	SUNGARD
			Subtotal	1.450000	2,000,000.00	2,020,240.00	2,575.01
				1.456211	1,999,729.04	101.012000	

Inv Type: 99 LAIF

16434	LOCAL AGENCY INVEST		07/01/2002	.260000	45,000,000.00	45,000,000.00	28,672.37
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Inventory by Market Value

As Of Date: 03/31/2015

Date Basis: Settlement

City of Oxnard - Treasurer's Office

Inv. No.	Description	CUSIP	Purchase Maturity	Coupon YTM TR	Current Par / Share Current Book	Market Value Market Price	Curr Accr Int Price Source
			04/01/2015	.260000	45,000,000.00	100.000000	BOOK
			Subtotal	.260000	45,000,000.00	45,000,000.00	28,672.37
Grand Total			Count 45	882582	123,230,000.00	123,269,202.50	256,299.01
				882683	123,229,729.04	100.031812	

*Includes Accrued Discount: \$329.04
Earned Interest Yield This Period: 0.87%

Inventory by Market Value

As Of Date: 03/31/2015

Date Basis: Settlement

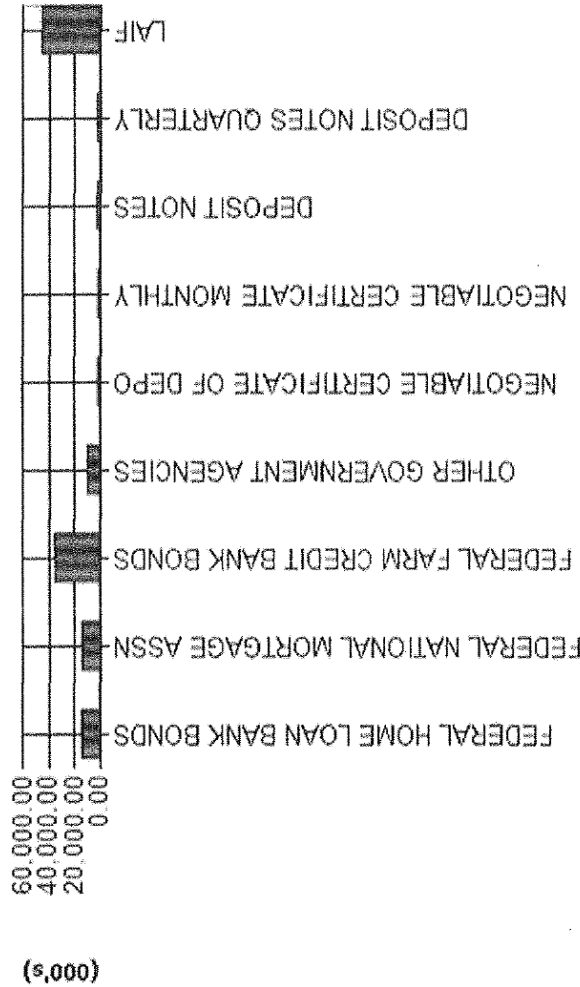
Run: 04/07/2015 04:31:04 PM

Reporting Currency: Local

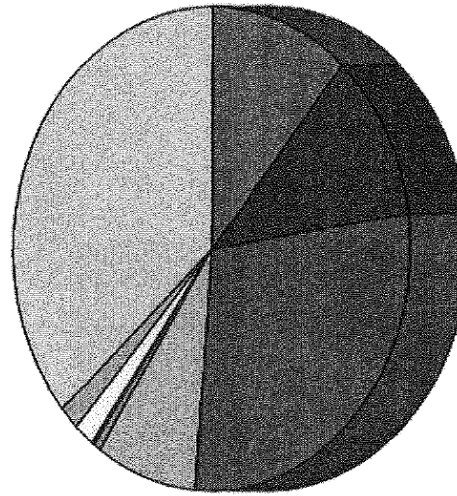
City of Oxnard - Treasurer's Office

Assets	Current Par	Current Book	Market	MKT/Book	Yield
FEDERAL HOME LOAN BANK BONDS	14,000,000.00	14,000,000.00	13,999,260.00	99.99%	1.18%
FEDERAL NATIONAL MORTGAGE ASSN	14,000,000.00	14,000,000.00	14,008,060.00	100.06%	1.14%
FEDERAL FARM CREDIT BANK BONDS	35,250,000.00	35,250,000.00	35,265,302.50	100.04%	1.32%
OTHER GOVERNMENT AGENCIES	10,000,000.00	10,000,000.00	9,995,260.00	99.95%	1.13%
NEGOTIABLE CERTIFICATE OF DEPO	735,000.00	735,000.00	735,000.00	100.00%	2.12%
NEGOTIABLE CERTIFICATE MONTHLY	245,000.00	245,000.00	245,000.00	100.00%	1.50%
DEPOSIT NOTES	2,000,000.00	2,000,000.00	2,001,080.00	100.05%	1.10%
DEPOSIT NOTES QUARTERLY	2,000,000.00	1,999,729.04	2,020,240.00	101.03%	1.46%
LAIF	45,000,000.00	45,000,000.00	45,000,000.00	100.00%	0.26%
Totals	123,230,000.00	123,229,729.04	123,269,202.50	100.03%	0.88%

Asset Allocation



CURRENT PAR%



- FEDERAL HOME LOAN BANK BONDS - 11%
- FEDERAL NATIONAL MORTGAGE ASSN - 11%
- FEDERAL FARM CREDIT BANK BONDS - 29%
- OTHER GOVERNMENT AGENCIES - 8%
- NEGOTIABLE CERTIFICATE OF DEPO - 1%
- NEGOTIABLE CERTIFICATE MONTHLY - 0%
- DEPOSIT NOTES - 2%
- DEPOSIT NOTES QUARTERLY - 2%
- LAIF - 37%

Par Book Market

**CITY OF OXNARD BENCHMARK COMPARISON
VS. LAIF AND 2-YR TREASURIES
as of March 31, 2015**

<u>FISCAL YEAR</u>		<u>CITY</u>	<u>LAIF</u>	<u>2 YR TREASURY</u>
2013/14	12 mo avg	1.26	0.25*	0.34*
2012/13	12 mo avg	0.91	0.25	0.30
2011/12	12 mo avg	1.34	0.38	0.28
2010/11	12 mo avg	2.02	0.49	0.55
2009/10	12 mo avg	2.34	0.65	0.86
2008/09	12 mo avg	3.79	2.16	1.51
2007/08	12 mo avg	4.68	3.11	3.08

<u>Quarterly Average FY 2014-15</u>		<u>CITY</u>	<u>LAIF</u>	<u>2 YR TREAS</u>
First Quarter	July-September 2014	0.85	0.25	0.51
Second Quarter	October- December 2014	0.92	0.26	0.52
Third Quarter	January- March 2015	0.90	0.26	0.60
Fourth Quarter	April-June 2015			

CITY = CITY OF OXNARD

LAIF = STATE LOCAL AGENCY INVESTMENT FUND

2 YR TREASURY = U S GOVERNMENT TREASURY BILLS - 2 YR MATURITY

* Revised due to the sum of the quarterly rate erroneously listed instead of the annual average rate.



Meeting Date: 05/19/15

ACTION	TYPE OF ITEM
☐ Approved Recommendation	☒ Info/Consent
☐ Ord. No(s). _____	☒ Report
☐ Res. No(s). _____	☐ Public Hearing
☐ Other _____	☐ Other _____

Prepared By: Michael More, Financial Services Manager *MM* Agenda Item No. L-3Reviewed By: City Manager *JM* City Attorney *SME* Finance *JD* Other (Specify) _____

DATE: May 06, 2015

TO: City Council

FROM: *DM* Dave Millican, Interim Chief Financial Officer
Finance Department

SUBJECT: Budget Appropriation - Lease Revenue Project and Refunding Bonds, Series 2014

RECOMMENDATION

That City Council approve a budget appropriation in the amount of \$1,662,801 from the Measure O Fund to pay for debt service in Fiscal Year 2014-15 for the Lease Revenue Project and Refunding Bonds, Series 2014.

DISCUSSION

On October 21, 2014, City Council approved the Lease Revenue Project and Refunding Bonds, Series 2014 for reconstruction of various streets throughout the City through utilizing Measure 'O' funds as a repayment source. Measure 'O' funds were approved to provide \$20 million to fund the neighborhood resurfacing projects.

Debt service payments for the Lease Revenue Project and Refunding Bonds, Series 2014 commence June 1, 2015. An appropriation in the amount of \$1,662,801 is necessary in the current fiscal year related to the portion of the debt payment associated with the neighborhood resurfacing projects.

FINANCIAL IMPACT

\$1,662,801 will be transferred-out from "Measure O" fund 2014 Lease Revenue Street Bond (Project 15IN52) to COFA Debt Service fund to satisfy \$1,210,000 in principal payment and \$452,801 in interest payment due June 1, 2015.

MM

Attachments

#1 – Budget Appropriation

REQUEST FOR BUDGET APPROPRIATION

Department: Finance
Project/Program _____
Manager: Mike More

Date: May 6, 2015
Phone: 385-7480

Reason for Appropriation:

Budget Appropriation for 2014 Lease Revenue Project and Refunding Bonds Debt Service Payments

Accounts and Descriptions

AMOUNT

Fund: **HALF CENT SALES TAX (104)**

Expenditures/Transfers Out

2014 LEASE REV. STREET BOND (15IN52)	1,662,801
104-3155-808-8734 Transfers-Out to COFA	
Sub-total Expenditures	1,662,801

Net Change to Fund Balance (1,662,801)

Fund: **COFA Debt Service Fund (801)**

Revenues/Transfers In

Reserves & Transfers (1002)	
801-1002-711-7937 Transfer- In from Measure O	1,662,801
Sub-total Revenues	1,662,801

Expenditures

Street Improvements (3024)	
801-3024-895-8501 COFA Principal Payment	1,210,000
801-3024-895-8502 COFA Interest Payment	452,801
Sub-total Expenditures	1,662,801

Net Change to Fund Balance 0

Net Appropriation Change 3,325,602

Approvals

Department Director

Chief Financial Officer

City Manager

ATTACHMENT NO. 1
PAGE 1 OF 1

ACTION	TYPE OF ITEM
☐ Approved Recommendation	☒ Info/Consent
☐ Ord. No(s). _____	☐ Report
☐ Res. No(s). _____	☐ Public Hearing (Info/consent)
☐ Other _____	☐ Other _____

Prepared By: Greg Nyhoff, City Manager

Agenda Item No. I-1Reviewed By: City Manager SMCity Attorney SMFFinance JD

Other (Specify) _____

DATE: May 11, 2015**TO:** City Council**FROM:** Greg Nyhoff, City Manager
City Manager's Office**SUBJECT:** Agreements for City Council Review**RECOMMENDATION**

That City Council, pursuant to Ordinance 2835, and Resolution No. 13,932, approve and authorize the City Manager to execute the agreements/contracts and change orders/amendments in amounts more than \$25,000 but no more than \$250,000, which are described on the attached list.

DISCUSSION

On November 16, 2010, the City Council approved changes to the City's Purchasing Procedures reducing the threshold for City agreements/contracts and change orders/amendments requiring City Council approval to \$25,000. The agreements/contract and change orders/amendments described on the attached list involve amounts above \$25,000 and up to \$250,000.

FINANCIAL IMPACT

Funding information is included on the attached list.

Attachment - #1 – List of Agreements/Contracts and/or Change Orders/Amendments

NOTE: Copies of the agreement/contracts and change orders/amendments on the list are available in the City Clerk's Office prior to the Council meeting.

City Manager Contract List for 05/19/2015

Item Type	Department/Contact	Vendor/Agreement Number	Description/Purpose	Amount
A Amendment	City Manager's Office Martin Erickson	Pollinate Agreement No. 6966-14-CM	Ormond Beach Consulting Services This is a second amendment to a consulting services contract for the Ormond Beach Project. Pollinate will promote the Ormond Beach restoration project, a plan to permanently protect and restore up to 1000 acres of coastal wetlands along the south Oxnard coast. This contract provides for an Ormond Beach Project Coordinator that will coordinate goals and activities within the City and among Ormond Beach stakeholders and partners, help develop an Ormond Beach strategic working plan, and work with staff to analyze issues of concern and prepare and implement recommendations to resolve those issues. This will include monitoring existing and emerging issues concerning the Ormond Beach Project, and conducting outreach to stakeholders, partners, decision makers, elected officials, and community members. Pollinate was selected due to its unique experience with Ormond Beach and similar projects. Because this is a professional services agreement, no RFP is required.	\$25,000
	385-7870	Amendment 2	Total Contract Amount: \$49,500 FundingSource: General Fund	



Meeting Date: 5 / 19 / 15

ACTION	TYPE OF ITEM
☐ Approved Recommendation	☐ Info/Consent
☐ Ord. No(s). _____	☐ Report
☐ Res. No(s). _____	☒ Public Hearing (Info/consent)
☐ Other _____	☐ Other _____

Prepared By: Sergio Cervantes *sc* Agenda Item No. J-1Reviewed By: City Manager *MM* City Attorney *SMF* Finance *PD* Other (Specify) _____

DATE: April 6, 2015

TO: City Council

FROM: Michael Henderson, General Services Director
General Services Department *MHA*

SUBJECT: Levy of 2015-2016 Assessments in Mandalay Beach Maintenance District

RECOMMENDATION

That City Council:

1. Hold a public hearing to receive public testimony regarding the proposed FY 2015-2016 assessments for the Mandalay Beach Maintenance District.
2. Adopt a resolution fixing the special assessment tax in the Mandalay Beach Maintenance District for FY 2015-2016.

SUMMARY

The assessment district for the maintenance of the beachfront and landscaping on public rights-of-way within Tract No. 2923, the Mandalay Beach Maintenance District was established in November 1983 by Resolution No. 8586. The proposed resolution fixes the assessments to be collected via tax rolls for FY 2015-2016 for this district. The assessments have not increased over the assessments fixed for FY 2014-2015. After Council adopts the resolution, assessment data will be delivered to the County Auditor-Controller's Office for processing and collection of FY 2015-2016 assessments.

DISCUSSION

On November 22, 1983, an assessment district was formed pursuant to the Improvement Act of 1911 in order to recover the cost of the City's maintenance of a 36-acre beach area, plus landscaping on public rights-of-way within Tract No. 2923, the Mandalay Beach Maintenance District. This district was required as a condition to development imposed by the Coastal Commission and as a provision of a development agreement with the City. The assessments are exempt from Article XIII D of the California Constitution by reason of Section 5 thereof. The City's responsibility to maintain the above-mentioned areas became effective on July 1, 1986. On July 5, 1988, City Council adopted Resolution No. 9500, which shifted the bulk of the District's beach maintenance costs from The Colony residents to the Mandalay Beach Resort Hotel. The assessment rate for FY 2015-2016 is computed as follows:

1. LANDSCAPE MAINTENANCE

Parks Division staff has determined that the District will maintain 66,660 square feet of public landscaping. This includes landscape areas along Falkirk Avenue, Harbor Boulevard, Mandalay Beach Road, Costa del Oro, and the bikeway/greenbelt along the southerly property line.

The City's recommended budget for landscaping maintenance costs for fiscal year 2015-2016 for this district is \$21,293, plus the County's collection fee of \$53, for a net fiscal cost of \$21,346. Based on an agreement between the residential developers and the Mandalay Beach Resort Hotel, executed in February 1984, 75.4 percent of the \$21,346 cost is allocated to The Colony (\$16,095), and 24.6 percent to the Hotel (\$5,251).

2. BEACH MAINTENANCE

Prior agreements between the City and the developers, based on the relative length of beach area fronting the Hotel and the public beach park property, call for the District to bear 60 percent of the beach maintenance cost. Of this cost, based on Resolution No. 9500, 75.4 percent is borne by the Hotel and 24.6 percent by The Colony. The remaining 40 percent is borne by the City as part of the total operating cost of Oxnard Beach Park.

The annual beach maintenance cost has been updated as follows:

	<u>District's</u>	<u>City's</u>
Annual Cleaning Costs	\$ 30,092	\$ 30,092
	<u>x 60%</u>	<u>x 40%</u>
FY 2015-2016 District and City Costs	\$ 18,055	<u>\$ 12,037</u>
County Collection Fee	<u>45</u>	
District's Total Beach Maintenance Cost	<u>\$ 18,100</u>	
Hotel's portion (75.4%)	13,647	
Colony's portion (24.6%)	4,453	
District's Total Beach Maintenance Cost	<u>\$ 18,100</u>	

The cost to the District for both landscaping and beach maintenance is \$39,446. A breakdown of individual assessments is provided at the conclusion of this report.

3. CONCLUSION

The Hotel property owner, which occupies assessor's parcel number 191-0-380-105, will be assessed \$18,898 (24.6%, or \$5,251, for landscape maintenance and 75.4%, or \$13,647, for beach maintenance). The Hotel's total costs are equal to the Hotel's costs for FY 2014-2015.

City Council

Subject: **Levy of 2015-2016 Assessments in Mandalay Beach Maintenance District**

April 6, 2015

Page 3

The Colony, whose individual parcel numbers are shown on Attachment No. 2, will be assessed \$20,548 (75.4%, or \$16,095, for landscape maintenance and 24.6%, or \$4,453, for beach maintenance). The 440 individual property owners within The Colony will each be assessed \$46.70 for FY 2015-2016, which is equal to the assessments for FY 2014-2015.

FINANCIAL IMPACT

The City will assess property owners in FY 2015-2016 to pay landscape maintenance costs and 60 percent of beach maintenance costs for the Mandalay Beach Maintenance District. The City's portion of the beach maintenance, 40 percent, will be included in the FY 2015-2016 budget.

Attachment 1 - Resolution Fixing Assessments

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
OXNARD LEVYING A SPECIAL ASSESSMENT TAX FOR
FISCAL YEAR 2015-2016 WITHIN THE MANDALAY BEACH
MAINTENANCE DISTRICT

WHEREAS, by Resolution No. 8586, adopted November 22, 1983, the City Council formed the Mandalay Beach Maintenance District ("the District") pursuant to the maintenance district provisions of the Improvement Act of 1911 (Streets and Highways Code section 5820 et. seq.); and

WHEREAS, formation of the District was required as a condition to development imposed by the California Coastal Commission and also as part of a development agreement between the City and the developer owning all of the parcels subject to assessment at the time assessments were initially imposed; and

WHEREAS, the City Council is required by Streets and Highways Code section 5830 to estimate the cost of maintaining and operating the improvements within the District, to decide whether the cost of such maintenance and operation shall be borne wholly or partially by the District, and to levy a special assessment tax within the District sufficient to raise the money to pay for such cost; and

WHEREAS, the City Council wishes to levy such assessments for FY 2015-2016 in an amount sufficient to cover all of the expense of maintaining the landscaping and to cover 60% of the expense of maintaining the beach area, with the City paying the remaining 40% of the latter expense; and

WHEREAS, assessments existed in the District throughout FY 2014-2015, and such assessments are not proposed to increase in FY 2015-2016; and

WHEREAS, the assessments are imposed exclusively to finance the capital costs and maintenance and operation expenses for sidewalks, streets, water, flood control, drainage systems and vector control, inasmuch as the beach is public right of way that serves much as a street, manages water and is part of the flood control and drainage systems in the District, and the landscaping is located in or adjacent to sidewalks, streets and other public rights of way and maintenance of the landscaping involves irrigation and vector control; and

WHEREAS, for the foregoing reasons, the assessments are exempt from Article XIII D of the California Constitution, by reason of section 5 thereof; and

WHEREAS, a description of the improvements and the proposed special assessment taxes on real property in the district is contained in the agenda report dated April 6, 2015 on file with the City Clerk ("the agenda report").

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

1. The City Council estimates the cost of maintaining and operating the improvements within the District for FY 2015-2016 at \$51,483, with \$39,446 to be paid from assessments and \$12,037 to be paid by the City, as more particularly set out in the agenda report. The \$39,446 is allocated as follows:

100% of landscape maintenance costs	\$21,346
60% of beach maintenance costs	<u>18,100</u>
Total	\$39,446

2. The \$39,446 is apportioned among the property owners within the District, as follows:

24.6% of landscape maintenance costs to hotel parcel (APN #191-0-380-105)
75.4% of landscape maintenance costs to Colony condominium parcels (440 APNs)
24.6% of beach maintenance costs to Colony condominium parcels (440 APNs)
75.4% of beach maintenance costs to hotel parcel (APN #191-0-380-105)

3. The City Council levies a special assessment tax for FY 2015-2016 on the real property in the District as follows and attached herein:

APN #191-0-380-105	\$18,898
\$46.70 on each of 440 Colony APNs	\$20,548

4. In accordance with Government Code section 36936.1, the City Clerk is instructed to cause this resolution to be published one time in a newspaper of general circulation within the City within 15 days after adoption.

5. In accordance with Government Code section 53901, the City Clerk is instructed to immediately file with the Ventura County Auditor a certified copy of this resolution.

PASSED AND ADOPTED THIS _____ day of _____, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Tim Flynn, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, Interim City Attorney

MANDALAY BEACH ASSESSMENTS

<u>APN</u>	<u>DIST.</u>	<u>ZONE</u>	<u>AMOUNT</u>	<u>APN</u>	<u>DIST.</u>	<u>ZONE</u>	<u>AMOUNT</u>
1910380105	12	49	\$ 18,898.00	1910430165	12	49	\$ 46.70
1910390015	12	49	\$ 46.70	1910430175	12	49	\$ 46.70
1910390025	12	49	\$ 46.70	1910430185	12	49	\$ 46.70
1910390035	12	49	\$ 46.70	1910430195	12	49	\$ 46.70
1910390045	12	49	\$ 46.70	1910430205	12	49	\$ 46.70
1910390055	12	49	\$ 46.70	1910430215	12	49	\$ 46.70
1910390065	12	49	\$ 46.70	1910430225	12	49	\$ 46.70
1910390075	12	49	\$ 46.70	1910430235	12	49	\$ 46.70
1910390085	12	49	\$ 46.70	1910430245	12	49	\$ 46.70
1910390095	12	49	\$ 46.70	1910430255	12	49	\$ 46.70
1910390105	12	49	\$ 46.70	1910430265	12	49	\$ 46.70
1910390115	12	49	\$ 46.70	1910430275	12	49	\$ 46.70
1910390125	12	49	\$ 46.70	1910430285	12	49	\$ 46.70
1910390135	12	49	\$ 46.70	1910430295	12	49	\$ 46.70
1910390145	12	49	\$ 46.70	1910430305	12	49	\$ 46.70
1910390155	12	49	\$ 46.70	1910430315	12	49	\$ 46.70
1910390165	12	49	\$ 46.70	1910430325	12	49	\$ 46.70
1910390175	12	49	\$ 46.70	1910430335	12	49	\$ 46.70
1910390185	12	49	\$ 46.70	1910430345	12	49	\$ 46.70
1910390195	12	49	\$ 46.70	1910430355	12	49	\$ 46.70
1910390205	12	49	\$ 46.70	1910430365	12	49	\$ 46.70
1910390215	12	49	\$ 46.70	1910430375	12	49	\$ 46.70
1910390225	12	49	\$ 46.70	1910430385	12	49	\$ 46.70
1910390235	12	49	\$ 46.70	1910430395	12	49	\$ 46.70
1910390245	12	49	\$ 46.70	1910430405	12	49	\$ 46.70
1910390255	12	49	\$ 46.70	1910430415	12	49	\$ 46.70
1910390265	12	49	\$ 46.70	1910430425	12	49	\$ 46.70
1910390275	12	49	\$ 46.70	1910430435	12	49	\$ 46.70
1910390285	12	49	\$ 46.70	1910430445	12	49	\$ 46.70
1910390295	12	49	\$ 46.70	1910430455	12	49	\$ 46.70
1910390305	12	49	\$ 46.70	1910430465	12	49	\$ 46.70
1910390315	12	49	\$ 46.70	1910430475	12	49	\$ 46.70
1910390325	12	49	\$ 46.70	1910430485	12	49	\$ 46.70
1910390335	12	49	\$ 46.70	1910430495	12	49	\$ 46.70
1910390345	12	49	\$ 46.70	1910430505	12	49	\$ 46.70
1910390355	12	49	\$ 46.70	1910430515	12	49	\$ 46.70
1910390365	12	49	\$ 46.70	1910430525	12	49	\$ 46.70
1910390375	12	49	\$ 46.70	1910430535	12	49	\$ 46.70
1910390385	12	49	\$ 46.70	1910430545	12	49	\$ 46.70
1910390395	12	49	\$ 46.70	1910430555	12	49	\$ 46.70
1910390405	12	49	\$ 46.70	1910430565	12	49	\$ 46.70
1910390415	12	49	\$ 46.70	1910430575	12	49	\$ 46.70
1910390425	12	49	\$ 46.70	1910430585	12	49	\$ 46.70
1910390435	12	49	\$ 46.70	1910430595	12	49	\$ 46.70
1910390445	12	49	\$ 46.70	1910430605	12	49	\$ 46.70
1910390455	12	49	\$ 46.70	1910430615	12	49	\$ 46.70
1910390465	12	49	\$ 46.70	1910430625	12	49	\$ 46.70
1910390475	12	49	\$ 46.70	1910430635	12	49	\$ 46.70
1910390485	12	49	\$ 46.70	1910430645	12	49	\$ 46.70
1910390495	12	49	\$ 46.70	1910430655	12	49	\$ 46.70
1910390505	12	49	\$ 46.70	1910430665	12	49	\$ 46.70
1910390515	12	49	\$ 46.70	1910430675	12	49	\$ 46.70
1910390525	12	49	\$ 46.70	1910430685	12	49	\$ 46.70
1910390535	12	49	\$ 46.70	1910430695	12	49	\$ 46.70
1910390545	12	49	\$ 46.70	1910430705	12	49	\$ 46.70

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MANDALAY BEACH ASSESSMENTS

<u>APN</u>	<u>DIST.</u>	<u>ZONE</u>	<u>AMOUNT</u>	<u>APN</u>	<u>DIST.</u>	<u>ZONE</u>	<u>AMOUNT</u>
1910390555	12	49	\$ 46.70	1910430715	12	49	\$ 46.70
1910390565	12	49	\$ 46.70	1910430725	12	49	\$ 46.70
1910390575	12	49	\$ 46.70	1910440015	12	49	\$ 46.70
1910390585	12	49	\$ 46.70	1910440025	12	49	\$ 46.70
1910390595	12	49	\$ 46.70	1910440035	12	49	\$ 46.70
1910390605	12	49	\$ 46.70	1910440045	12	49	\$ 46.70
1910390615	12	49	\$ 46.70	1910440055	12	49	\$ 46.70
1910390625	12	49	\$ 46.70	1910440065	12	49	\$ 46.70
1910390635	12	49	\$ 46.70	1910440075	12	49	\$ 46.70
1910390645	12	49	\$ 46.70	1910440085	12	49	\$ 46.70
1910390655	12	49	\$ 46.70	1910440095	12	49	\$ 46.70
1910390665	12	49	\$ 46.70	1910440105	12	49	\$ 46.70
1910390675	12	49	\$ 46.70	1910440115	12	49	\$ 46.70
1910390685	12	49	\$ 46.70	1910440125	12	49	\$ 46.70
1910390695	12	49	\$ 46.70	1910440135	12	49	\$ 46.70
1910390705	12	49	\$ 46.70	1910440145	12	49	\$ 46.70
1910390715	12	49	\$ 46.70	1910440155	12	49	\$ 46.70
1910390725	12	49	\$ 46.70	1910440165	12	49	\$ 46.70
1910390735	12	49	\$ 46.70	1910440175	12	49	\$ 46.70
1910390745	12	49	\$ 46.70	1910440185	12	49	\$ 46.70
1910390755	12	49	\$ 46.70	1910440195	12	49	\$ 46.70
1910390765	12	49	\$ 46.70	1910440205	12	49	\$ 46.70
1910390775	12	49	\$ 46.70	1910440215	12	49	\$ 46.70
1910390785	12	49	\$ 46.70	1910440225	12	49	\$ 46.70
1910390795	12	49	\$ 46.70	1910440235	12	49	\$ 46.70
1910390805	12	49	\$ 46.70	1910440245	12	49	\$ 46.70
1910390815	12	49	\$ 46.70	1910440255	12	49	\$ 46.70
1910390825	12	49	\$ 46.70	1910440265	12	49	\$ 46.70
1910390835	12	49	\$ 46.70	1910440275	12	49	\$ 46.70
1910390845	12	49	\$ 46.70	1910440285	12	49	\$ 46.70
1910390855	12	49	\$ 46.70	1910440295	12	49	\$ 46.70
1910390865	12	49	\$ 46.70	1910440305	12	49	\$ 46.70
1910390875	12	49	\$ 46.70	1910440315	12	49	\$ 46.70
1910390885	12	49	\$ 46.70	1910440325	12	49	\$ 46.70
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1910390935	12	49	\$ 46.70	1910440375	12	49	\$ 46.70
1910390945	12	49	\$ 46.70	1910440385	12	49	\$ 46.70
1910390955	12	49	\$ 46.70	1910440395	12	49	\$ 46.70
1910390965	12	49	\$ 46.70	1910440405	12	49	\$ 46.70
1910390975	12	49	\$ 46.70	1910440415	12	49	\$ 46.70
1910390985	12	49	\$ 46.70	1910440425	12	49	\$ 46.70
1910400015	12	49	\$ 46.70	1910440435	12	49	\$ 46.70
1910400025	12	49	\$ 46.70	1910440445	12	49	\$ 46.70
1910400035	12	49	\$ 46.70	1910440455	12	49	\$ 46.70
1910400045	12	49	\$ 46.70	1910440465	12	49	\$ 46.70
1910400055	12	49	\$ 46.70	1910440475	12	49	\$ 46.70
1910400065	12	49	\$ 46.70	1910440485	12	49	\$ 46.70
1910400075	12	49	\$ 46.70	1910440495	12	49	\$ 46.70
1910400085	12	49	\$ 46.70	1910440505	12	49	\$ 46.70
1910400095	12	49	\$ 46.70	1910440515	12	49	\$ 46.70
1910400105	12	49	\$ 46.70	1910440525	12	49	\$ 46.70
1910400115	12	49	\$ 46.70	1910440535	12	49	\$ 46.70

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MANDALAY BEACH ASSESSMENTS

<u>APN</u>	<u>DIST.</u>	<u>ZONE</u>	<u>AMOUNT</u>	<u>APN</u>	<u>DIST.</u>	<u>ZONE</u>	<u>AMOUNT</u>
1910400125	12	49	\$ 46.70	1910440545	12	49	\$ 46.70
1910400135	12	49	\$ 46.70	1910440555	12	49	\$ 46.70
1910400145	12	49	\$ 46.70	1910440565	12	49	\$ 46.70
1910400155	12	49	\$ 46.70	1910440575	12	49	\$ 46.70
1910400165	12	49	\$ 46.70	1910440585	12	49	\$ 46.70
1910400175	12	49	\$ 46.70	1910440595	12	49	\$ 46.70
1910400185	12	49	\$ 46.70	1910440605	12	49	\$ 46.70
1910400195	12	49	\$ 46.70	1910440615	12	49	\$ 46.70
1910400205	12	49	\$ 46.70	1910440625	12	49	\$ 46.70
1910400215	12	49	\$ 46.70	1910440635	12	49	\$ 46.70
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1910400235	12	49	\$ 46.70	1910440655	12	49	\$ 46.70
1910400245	12	49	\$ 46.70	1910440665	12	49	\$ 46.70
1910400255	12	49	\$ 46.70	1910440675	12	49	\$ 46.70
1910400265	12	49	\$ 46.70	1910440685	12	49	\$ 46.70
1910400275	12	49	\$ 46.70	1910450015	12	49	\$ 46.70
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1910400305	12	49	\$ 46.70	1910450045	12	49	\$ 46.70
1910400315	12	49	\$ 46.70	1910450055	12	49	\$ 46.70
1910400325	12	49	\$ 46.70	1910450065	12	49	\$ 46.70
1910400335	12	49	\$ 46.70	1910450075	12	49	\$ 46.70
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1910400355	12	49	\$ 46.70	1910450095	12	49	\$ 46.70
1910400365	12	49	\$ 46.70	1910450105	12	49	\$ 46.70
1910400375	12	49	\$ 46.70	1910450115	12	49	\$ 46.70
1910400385	12	49	\$ 46.70	1910450125	12	49	\$ 46.70
1910400395	12	49	\$ 46.70	1910450135	12	49	\$ 46.70
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1910400415	12	49	\$ 46.70	1910450155	12	49	\$ 46.70
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1910400435	12	49	\$ 46.70	1910450175	12	49	\$ 46.70
1910400445	12	49	\$ 46.70	1910450185	12	49	\$ 46.70
1910400455	12	49	\$ 46.70	1910450195	12	49	\$ 46.70
1910400465	12	49	\$ 46.70	1910450205	12	49	\$ 46.70
1910400475	12	49	\$ 46.70	1910460015	12	49	\$ 46.70
1910400485	12	49	\$ 46.70	1910460025	12	49	\$ 46.70
1910400495	12	49	\$ 46.70	1910460035	12	49	\$ 46.70
1910400505	12	49	\$ 46.70	1910460045	12	49	\$ 46.70
1910400515	12	49	\$ 46.70	1910460055	12	49	\$ 46.70
1910400525	12	49	\$ 46.70	1910460065	12	49	\$ 46.70
1910400535	12	49	\$ 46.70	1910460075	12	49	\$ 46.70
1910400545	12	49	\$ 46.70	1910460085	12	49	\$ 46.70
1910400555	12	49	\$ 46.70	1910460095	12	49	\$ 46.70
1910400565	12	49	\$ 46.70	1910460105	12	49	\$ 46.70
1910400575	12	49	\$ 46.70	1910460115	12	49	\$ 46.70
1910400585	12	49	\$ 46.70	1910460125	12	49	\$ 46.70
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1910410035	12	49	\$ 46.70	1910460195	12	49	\$ 46.70
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1910410055	12	49	\$ 46.70	1910460215	12	49	\$ 46.70
1910410065	12	49	\$ 46.70	1910460225	12	49	\$ 46.70
1910410075	12	49	\$ 46.70	1910460235	12	49	\$ 46.70
1910410085	12	49	\$ 46.70	1910460245	12	49	\$ 46.70
1910410095	12	49	\$ 46.70	1910460265	12	49	\$ 46.70
1910410105	12	49	\$ 46.70	1910460275	12	49	\$ 46.70
1910410115	12	49	\$ 46.70	1910460285	12	49	\$ 46.70

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MANDALAY BEACH ASSESSMENTS

<u>APN</u>	<u>DIST.</u>	<u>ZONE</u>	<u>AMOUNT</u>	<u>APN</u>	<u>DIST.</u>	<u>ZONE</u>	<u>AMOUNT</u>
1910410125	12	49	\$ 46.70	1910460295	12	49	\$ 46.70
1910410135	12	49	\$ 46.70	1910460305	12	49	\$ 46.70
1910410145	12	49	\$ 46.70	1910460315	12	49	\$ 46.70
1910410155	12	49	\$ 46.70	1910460325	12	49	\$ 46.70
1910410165	12	49	\$ 46.70	1910460335	12	49	\$ 46.70
1910410175	12	49	\$ 46.70	1910460345	12	49	\$ 46.70
1910410185	12	49	\$ 46.70	1910460355	12	49	\$ 46.70
1910410195	12	49	\$ 46.70	1910460365	12	49	\$ 46.70
1910410205	12	49	\$ 46.70	1910460375	12	49	\$ 46.70
1910410215	12	49	\$ 46.70	1910460385	12	49	\$ 46.70
1910410225	12	49	\$ 46.70	1910460395	12	49	\$ 46.70
1910410235	12	49	\$ 46.70	1910460405	12	49	\$ 46.70
1910410245	12	49	\$ 46.70	1910460415	12	49	\$ 46.70
1910410255	12	49	\$ 46.70	1910460425	12	49	\$ 46.70
1910410265	12	49	\$ 46.70	1910460435	12	49	\$ 46.70
1910410275	12	49	\$ 46.70	1910460445	12	49	\$ 46.70
1910410285	12	49	\$ 46.70	1910460455	12	49	\$ 46.70
1910410295	12	49	\$ 46.70	1910460465	12	49	\$ 46.70
1910410305	12	49	\$ 46.70	1910460475	12	49	\$ 46.70
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1910410325	12	49	\$ 46.70	1910460495	12	49	\$ 46.70
1910410335	12	49	\$ 46.70	1910460505	12	49	\$ 46.70
1910410345	12	49	\$ 46.70	1910460515	12	49	\$ 46.70
1910410355	12	49	\$ 46.70	1910460525	12	49	\$ 46.70
1910410365	12	49	\$ 46.70	1910460535	12	49	\$ 46.70
1910410375	12	49	\$ 46.70	1910460545	12	49	\$ 46.70
1910410385	12	49	\$ 46.70	1910460555	12	49	\$ 46.70
1910410395	12	49	\$ 46.70	1910460565	12	49	\$ 46.70
1910410405	12	49	\$ 46.70	1910460575	12	49	\$ 46.70
1910410415	12	49	\$ 46.70	1910460585	12	49	\$ 46.70
1910410425	12	49	\$ 46.70	1910460595	12	49	\$ 46.70
1910410435	12	49	\$ 46.70	1910460605	12	49	\$ 46.70
1910410445	12	49	\$ 46.70	1910460615	12	49	\$ 46.70
1910410455	12	49	\$ 46.70	1910460625	12	49	\$ 46.70
1910410465	12	49	\$ 46.70	1910460635	12	49	\$ 46.70
1910410475	12	49	\$ 46.70	1910460645	12	49	\$ 46.70
1910410485	12	49	\$ 46.70	1910460655	12	49	\$ 46.70
1910430015	12	49	\$ 46.70	1910460665	12	49	\$ 46.70
1910430025	12	49	\$ 46.70	1910460675	12	49	\$ 46.70
1910430035	12	49	\$ 46.70	1910460685	12	49	\$ 46.70
1910430045	12	49	\$ 46.70	1910460695	12	49	\$ 46.70
1910430055	12	49	\$ 46.70	1910460705	12	49	\$ 46.70
1910430065	12	49	\$ 46.70	1910460715	12	49	\$ 46.70
1910430075	12	49	\$ 46.70	1910460725	12	49	\$ 46.70
1910430085	12	49	\$ 46.70	1910460735	12	49	\$ 46.70
1910430095	12	49	\$ 46.70				
1910430105	12	49	\$ 46.70				
1910430115	12	49	\$ 46.70				
1910430125	12	49	\$ 46.70				
1910430135	12	49	\$ 46.70				
1910430145	12	49	\$ 46.70				
1910430155	12	49	\$ 46.70				



ACTION	TYPE OF ITEM
☐ Approved Recommendation	☐ Info/Consent
☐ Ord. No(s). _____	☐ Report
☐ Res. No(s). _____	☒ Public Hearing
☐ Other _____	☐ Other _____

Prepared By: Christopher Williamson, AICP

Agenda Item No. J-2Reviewed By: City Manager [Signature] City Attorney SMF Finance [Signature] Other (Specify) _____**DATE:** May 8, 2014**TO:** City Council**FROM:** Stephen M. Fischer, Interim City Attorney
City Attorney

SUBJECT: Status update of Local Coastal Plan (LCP) Update, NRG "Puente" Power Plant Proposal, Extension of Interim Urgency Ordinance Prohibiting the Expansion of Existing, or Development of New, Electrical Generating Facilities Within the Coastal Zone Pursuant to the Southern California Edison (SCE) Request For Offer (RFO) Process Pending Studies and Changes in the Local Coastal Program (LCP) and Zoning Ordinances and Other Land Use Regulations, and Provide Direction to Staff Regarding Issues Raised by the NRG proposal.

RECOMMENDATION

That City Council:

1. Receive a status update on the LCP Update.
2. Receive a status report on the NRG "Puente" power plant proposal.
3. Conduct a public hearing to consider extending Ordinance No. 2882.
4. Issue a written report describing the measures taken to alleviate the conditions which led to the adoption of Ordinance No. 2882.
5. Adopt an ordinance to extend the moratorium prohibiting the expansion of existing, or development of new, electrical generating facilities within the Oxnard Coastal Zone pursuant to the SCE RFO process pending studies and changes in the LCP, zoning ordinances, and other land use regulations for a period of 12 months from the date Ordinance No. 2882 is currently set to expire.
6. Provide direction to staff regarding how to proceed should the Council adopt an ordinance to extend Ordinance No. 2882.

DISCUSSION

Status of the LCP Update – The Coastal Commission has approved the scope of tasks and deliverables that are the work program for the Oxnard LCP Update. Staff will soon prepare a request for proposal (RFP), distribute the RFP, and accept proposals over a 30-day period and select an expert LCP Update

consultant team by mid-summer. Preliminary sea-level rise mapping is largely complete. During the RFP period, staff will begin to form an agency, technical and public outreach program. Attachment 1 is a report of activities completed by City staff and/or consultants and special counsel between July 30, 2014 and the present related to the LCP Update.

Status of the NRG "Puente" Power Plant Proposal – Staff will provide a verbal update on the SCE and NRG applications for a new 262 MW generation station named "Puente" (Spanish for "bridge") filed with the California Public Utilities Commission (CPUC) and the California Energy Commission (CEC). SCE filed with the CPUC for approval of the NRG award on November 26, 2014. On December 23, 2014, City Council adopted a resolution authorizing the Mayor to execute a Protest and for the City to become a party in the CPUC proceedings. On March 13, 2015, the CPUC issued a scoping memo that requested formal testimony for Evidentiary Hearings scheduled for May 27 to 29, 2015, at the CPUC Commission Courtroom in San Francisco. As part of the Local Coastal Program (LCP) Update and in anticipation of the SCE approval of the NRG proposal, two expert studies were submitted on April 8, 2015 to the CPUC as the City's Protest testimony. The two studies are: "Vulnerabilities of the Proposed Mandalay Generating Station to Existing and Future Coastal Hazards and Sea Level Rise" by Dr. David Revell, and "Sea Level Rise Vulnerability Assessment: Tsunami Analysis Mandalay Bay Generating Station" by David Cannon, M.C.E., P.E. Both studies utilize best-available data and California Coastal Commission guidance regarding sea-level rise risks to critical infrastructure such as a power plant, and consistent with the California Geological Survey's tsunami guidance using the Goleta 2 Landslide scenario for emergency evacuation and coastal planning purposes. The March 13, 2015 CPUC scoping memo included a local Public Participation Hearing in the Oxnard area at a date and time to be determined. Staff is working with the CPUC to secure a large local venue and date in mid-July.

NRG filed for an Application for Certification (AFC) with the CEC on April 15, 2015. The CEC assigned the NRG "Puente" power plant application to a CEC Project Manager, Jon Hilliard. The first step in the CEC review process is to determine whether or not the NRG application contains all CEC required information and data. When the CEC deems the application complete, staff will begin the discovery and issue analysis phases. Over the coming months, the Energy Commission CEC will conduct local public hearings to provide the public the opportunity to ask questions and provide input on the proposed NRG project. No dates have been set as of May 7, 2015.

Development Moratorium Extension Process – On July 1, 2014, the City Council unanimously adopted Ordinance No. 2882, an interim urgency measure imposing a moratorium on the approval of any special use permit, coastal development permit or any other discretionary City permit or approval for the construction, expansion, replacement, modification or alteration of any facilities for the on-site generation of electricity with a capacity greater than 25 MW on any property located within the Oxnard Coastal Zone. On July 29, 2014, the City Council unanimously adopted Ordinance No. 2884, which extended Ordinance 2882 to June 30, 2015. The proposed action is the second and final extension for 12 months allowed by Government Code Section 65858. An interim urgency measure imposing a moratorium may be extended after a noticed public hearing and requires a four-fifths vote of the City Council for adoption.

Notices of the public hearing to extend the moratorium were published in accordance with Government Code Section 65090 (Attachment 2). The attached ordinance to extend the moratorium restates the findings of Ordinance No. 2882 regarding the current and immediate threat to public health, safety and welfare as required by State law (Attachment 3).

LCP Update Report – Attachment 1 is a report of activities completed by City staff and/or consultants and special counsel between July 30, 2014 and the present related to the moratorium.

Direction to Staff – Should Council decide to extend Ordinance No. 2882, City staff requests Council direction on how the City should proceed. Preliminary analyses has indicated that the proposed Puente facility may be vulnerable to coastal hazards and has a significant aesthetic impact. During the extended moratorium, the Council may wish to implement regulatory or other actions that address these effects or decide to take no further action.

CEQA Applicability – Adoption of the proposed extension of the urgency ordinance would not be considered a project within the meaning of Public Resources Code Section 21065 and Section 15378 of the State CEQA Guidelines because it does not have the potential to result in a direct or reasonably foreseeable indirect physical change in the environment. Rather the extension of the urgency ordinance would only temporarily prevent certain physical changes in the environment pending completion of the City's review and possible amendment of the regulations applicable to applications for development of electrical generating facilities in the Coastal Zone in response to SCE's RFO.

FINANCIAL IMPACT

There is no financial impact from adopting the extension of the urgency ordinance.

CW/SMF

Attachment #1 - Report on Status of Actions Related to LCP Update and Moratorium
Attachment #2 - Public Hearing Notices
Attachment #3 - Ordinance Extending Interim Urgency Ordinance

City of Oxnard, California

Development Services Department, Planning Division

May 13, 2015

Report on Status of Actions Related to Moratorium (Ordinance 2882)

Purpose: On July 29, 2014, the City Council of the City of Oxnard (City) unanimously adopted Ordinance No. 2884, an interim urgency measure extending to June 30, 2015 the moratorium adopted on July 1, 2014 by Ordinance No. 2882 on the approval of any special use permit, coastal development permit or any other discretionary City permit or approval for the construction, expansion, replacement, modification or alteration of any facilities for the on-site generation of electricity on any property located within the Oxnard Coastal Zone. During the period of the moratorium, the City will study, draft and adopt changes to the Oxnard Local Coastal Program (LCP), zoning ordinances, and other land use regulations regarding electrical generating facilities within the Coastal Zone.

Pursuant to Government Code Section 65858, this document is the second progress report prepared prior to the expiration of the first extension period ending June 30, 2015.

Between July 29, 2014 and May 13, 2015, City staff initiated and/or completed the following actions:

1. A joint grant application to the Ocean Protection Council and Coastal Commission for a total of \$150,000 to supplement the City's \$133,000 set aside to update the Oxnard LCP, including a complete a sea level rise (SLR) analysis and development of adaptations, was awarded to the City by the Coastal Commission and the Ocean Protection Council. The Coastal Commission has approved the LCP Update scope of work. The City is preparing and will issue a Request for Proposal to retain expert consultants by the end of May, with the goal of initiating initial public outreach in July, 2015.
2. On September 23, 2014, staff presented a LCP Update: Tasks and Schedule, report to City Council.
3. On October 22, 2015, staff authorized Rincon Consultants, Inc. to prepare three expert studies related to sea level rise, coastal hazards and risks, and environmentally sensitive habitat (ESHA) for the Oxnard Coastal Zone, and that the initial studies would focus on the NRG Mandalay Generation Station existing and proposed power plant.
4. On December 16, 2014, staff presented a summary of the California Energy Commission's (CEC) power plant site permit review process to the City Council.
5. In late December with City Council direction, the City Attorney retained special counsel with experience before the CA Public Utilities Commission (CPUC) and CEC to advise and represent the City before the CPUC and CEC.
6. On January 6, 2015, the City filed a Motion to Become a Party and a Protest with the California Public Utilities Commission (CPUC) in response to Southern California Edison's (SCE) filing with the CPUC for approval of SCE's award of a contract to NRG to build a new 262 MW power generation facility adjacent to the Mandalay Generating Station located at 393 North Harbor Blvd.
7. On April 8, 2015, the City filed Protest testimony with the CPUC following direction of a CPUC scoping memo establishing Evidentiary Hearings on the City's Protest in late May, 2015. The testimonies are incorporated as pages 2 to 47 (Testimony of Dr. David Revell, "Vulnerabilities of the Proposed Mandalay Generating Station to Existing and Future Coastal Hazards and Sea Level Rise") and pages 48 to 83 (Testimony of Dr. David Cannon, "Sea Level Rise Vulnerability Assessment: Tsunami Analysis Mandalay Bay Generating Station") of this report.
8. Staff began review of the NRG Application for Certification (AFC) filed with the CEC in April, 2015.

1 **BEFORE THE PUBLIC UTILITIES COMMISSION**
2 **OF THE STATE OF CALIFORNIA**

3 Application of Southern California Edison
4 Company (U338E) for Approval of the
5 Results of Its 2013 Local Capacity
6 Requirements Request for Offers for the
7 Moorpark Sub-Area.

Application 14-11-016
(Filed November 26, 2014)

Assigned Commissioner: Michel P. Florio
Assigned ALJ: Regina M. DeAngelis

8
9
10 **TESTIMONY OF DR. DAVID REVELL**
11 **ON BEHALF OF THE CITY OF OXNARD**

12
13 ELLISON FOLK (SBN 149232)
14 EDWARD T. SCHEXNAYDER (SBN 284494)
15 SHUTE, MIHALY & WEINBERGER LLP
16 396 Hayes Street
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28
Date: April 8, 2015

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1 **BEFORE THE PUBLIC UTILITIES COMMISSION**
2 **OF THE STATE OF CALIFORNIA**

3 Application of Southern California Edison
4 Company (U338E) for Approval of the
5 Results of Its 2013 Local Capacity
6 Requirements Request for Offers for the
Moorpark Sub-Area.

Application 14-11-016
(Filed November 26, 2014)

7
8 **TESTIMONY OF DR. DAVID REVELL**
9 **ON BEHALF OF THE CITY OF OXNARD**
10

11 **Please state your name, place of employment, and business address.**

12 My name is Dr. David Revell. I am a Principal at Revell Coastal, which is located at 125
13 Pearl Street, Santa Cruz, CA 95060.
14

15 **What is the purpose of this testimony?**

16 This testimony assesses the vulnerability of the Proposed Mandalay Generating Station
17 ("Generating Station") to existing and future coastal hazards and climate change impacts. It
18 identifies the potential inundation and hazard impacts to the Generating Station under a variety
19 of current and future sea level scenarios. It also considers the regional coastal processes which
20 could further exacerbate the identified hazards. Any evaluation of the Generating Station's safe
21 and reliable operations must consider potential coastal hazards that could result from siting
22 critical power infrastructure along the Oxnard coast.
23

24 **Please describe your qualifications for providing this testimony.**

25 I am a coastal geomorphologist who studies marine, coastal, and estuarine processes,
26 with a particular focus on the science and management of coastal processes and climate change.
27 I received my doctorate from UC Santa Cruz and have over 15 years of experience in the field. I
28 have included a copy of my CV and Firm Qualifications as Exhibit CO-3.

1 **Please describe your technical evaluation and findings.**

2 I have prepared a report that draws upon recent sea level rise studies, local mapping
3 efforts, regulatory guidance, and academic papers to evaluate coastal hazards in the coastal area
4 surrounding and including the Generating Station. This report elaborates upon work that I
5 prepared with ESA PWA in 2013. I've included this report as part of this testimony (Exhibit
6 CO-4).

7 The report finds that portions of the Generating Station's site are exposed to coastal
8 flooding hazards under existing conditions. The report also finds that the site's flood risk will
9 increase with expected sea level rise, so that much of the Generating Station site will be exposed
10 to coastal hazards by 2030, and almost the entire site will face hazard exposure by 2060. Finally,
11 the report notes that the coastal hazard risk to the Generating Station will increase substantially
12 if the current dredging operations at Ventura Harbor cease.

13
14 **Aside from the information contained in Exhibit CO-4, does this conclude your opening**
15 **testimony?**

16 Yes.

17
18 Attachments

19 Exhibit CO-3: Resume of Dr. David Revell and Firm Qualifications

20 Exhibit CO-4: Vulnerabilities of the Proposed Mandalay Generating Station to Existing and
21 Future Coastal Hazards and Sea Level Rise

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Exhibit CO-3

Attachment _____
Page 6 of 83

DAVID L. REVELL, Ph.D.

Principal / Chief Coastal Scientist

Dr. David Revell is a coastal geomorphologist with 15 years experience studying marine, coastal and estuarine processes, in particular in the science and management of coastal processes and climate change. He has been involved in a wide variety of community stakeholder processes ranging from evaluating erosion hazard alternatives to climate change vulnerability impacts to fisheries management, water quality, and marine spatial planning. Much of his work has involved using Geographical Information Systems (GIS) to facilitate communication of science to inform decision making. He received his M.S. in 2000 from Oregon State University in Marine Resource Management with an Emphasis on Earth Science Information and Technology. He received his Ph.D. in Coastal Geology in 2007 from UC Santa Cruz with his research focusing on climate change, shoreline evolution, storm response, and coastal monitoring in Santa Barbara and Ventura Counties. He has served as a science advisor on a range of topics related to ocean and coastal management especially at the intersection of how physical processes and alterations affect habitats, sensitive species, and human use. David served as a technical advisor to the Oregon Coastal Management Program on regional coastal hazards assessments and GIS. David currently advises multiple local jurisdictions on climate change, beach, dune and coastal sediment management, and lagoon processes and inlet management.

Education

Ph.D., Earth Sciences,
University of California,
Santa Cruz

M.S., Marine Resource
Management, Oregon State
University

B.A.s, Geography and
Environmental Studies,
University of California,
Santa Barbara

Selected Work Experience

Principal and Chief Scientist, Revell Coastal, LLC July 2014 - Present

Founded company to provide scientific and technical consulting services to coastal management agencies, local jurisdictions and non-profit organizations. Communicates the best available science to inform better coastal management decisions. Specific project work includes climate change vulnerability and adaptation planning, regional sediment management, and coastal lagoon management and restoration.

Senior Coastal Geomorphologist, Environmental Science Associates (formerly Philip Williams & Associates), Jan. 2008 – July 2014

Managed projects and lead technical analyses on projects related to climate change, coastal lagoons, coastal restoration, sea level rise vulnerabilities, adaptation planning and coastal regional sediment management.

Adjunct Professor, Monterey Institute of International Studies, Aug. 2013 to May 2014

Co-instructed graduate level courses on International Marine Science and Policy and Sustainable Coastal Management. Assist with framing the strategic planning for the Center for the Blue Economy with specific emphasis on climate change opportunities.

Project Scientist, Marine Science Institute, UC Santa Barbara – June 2009 – Present

Coastal research scientist collaborating on a Seagrant investigation of changes to the sandy beach ecosystems in Southern California. Responsible for physical process field data collection, evaluation of historic trends in shoreline and sand volume changes to integrate with ecological changes. Managed graduate student researcher summer 2009 and 2010.

Relevant Experience (Continued)

Coastal Scientist, CoastalCOMs & Business Development, Coastal Watch USA, Jan. 2008 – May 2012

International business development of coastal monitoring systems for integrated coastal observation. Identification and development of coastal management data products. Applications of video imagery to nearshore processes, coastal engineering, and marine protected areas with an emphasis on integrating ocean and coastal observations. Focus on coastal processes, ports and harbors, socio-economic data collection. Supported USGS data collection efforts for projects in TRNERR, Goleta Beach, and Surfers' Point.

Postdoctoral Scholar/Research Associate – Institute of Marine Sciences, UCSC Apr. 2007 – April 2008

Researched historic shoreline change along Santa Barbara and Ventura County coasts using a variety of GIS, remote sensing and field collection techniques. Collaborated with USGS, USACE, and BEACON to assess coastal hazards and model sediment transport along the Santa Barbara coast.

Surf 2 Sea Consulting, GIS, Marine and Coastal Processes Consultant – Aug. 2002 – Dec. 2007

Sole proprietor consultant. Contracted with Ecoshore International to develop a beach and groundwater monitoring plan for a passive beach dewatering system in Hillsboro FL (2007). Subconsulted with Moffat and Nichols on Coastal Processes Section of Goleta Beach Environmental Impact Report (2006). Collaborated with PWA on historic shoreline changes to Goleta Beach County Park in Santa Barbara, and helped identify alternative solutions to park protection (2004-05). Worked for oceanfront property owners to assess coastal erosion alternatives and processes affecting property boundaries (2005). Created GIS and planning databases for the City of Bandon in Oregon (2000-03). ---Completed an inventory for the Council for Environmental Cooperation on whale watch operators and guidelines (2002). --- Coordinated the Port Orford Ocean Resources Team GIS project, a community based management effort that interviewed 33 local fishermen and recreational users regarding ocean use, harvest practices, and marine conservation. Digitized interviews into GIS and facilitated socio-economic analyses with Ecotrust (2002-03).

NOAA Coastal Management Fellowship – Aug. 2000 – Aug. 2002

Received a NOAA Fellowship through an extended application process working as a technical advisor to the Oregon Coastal Management Program on littoral cell management planning. Developed coastal hazard GIS inventories for five jurisdictions - Coos, Curry, Lincoln, and Tillamook Counties and City of Bandon. Conducted a hazard assessment for the Bandon Littoral cell. Worked on the Oregon Coastal Atlas project as a member of the Project Development Team. This project collects pertinent GIS and database information for ocean areas, rocky shores, sandy shores, and estuaries, and facilitates various spatial analyses such as hazard assessment through a regional Internet Map Server.

Graduate Research Assistant – Oregon State University - July 1998 – July 2000

Constructed the Netarts Littoral Cell Coastal Hazard GIS inventory for Oregon Sea Grant, Oregon Parks and Recreation Department, Oregon Coastal Management Program, and Tillamook County. This involved survey fieldwork, data processing, map making, and project management. Conducted local stakeholder workshops to educate, facilitate and receive feedback on GIS design and hazard avoidance strategies. Recommended mitigation alternatives to State Parks regarding the Cape Lookout Dune Restoration Project - Section 227 - Army Corp of Engineers.

Selected Project Experience

City of Goleta, Local Coastal Program Climate Change Update. Project Director

Revell Goleta worked for the City of Goleta to incorporate climate change and coastal hazards into the Local Coastal Program. This work was focused on the City's Safety and Conservation Elements from their General Plan and included additional technical fieldwork and review of existing scientific literature.



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City of Santa Cruz, San Lorenzo Lagoon Outlet Channel. *Project Director*

During emergency lagoon flooding conditions amidst a regulatory stalemate, Revell Coastal provided on site guidance to construct a temporary outlet channel and reduce lagoon water levels to alleviate flooding while avoiding a rapid dewatering to the lagoon which could have resulted in take of multiple listed species.

Goleta Slough Management Committee. Goleta Slough Ecosystem Management Plan Update and Sea Level Rise Study, Santa Barbara, California. *Project Manager.*

Dr. Revell working with ESA PWA conducted a sea level rise vulnerability and adaptation study for the Goleta Slough. This sea level rise study is being incorporated into the Ecosystem Management Plan Update. The work consisted of evaluation of climate related impacts including identification of vulnerabilities to both infrastructure and habitats. Following a series of focus groups, a series of appropriate adaptation strategies were identified including proposed revisions to relevant policies. The entire processes included substantial outreach and education of technical information to planners, elected officials and regulatory agencies.

The Nature Conservancy, Ventura Climate Change Ecological Vulnerability Assessment, Ventura, CA. *Project Manager.* Dr. Revell working with ESA PWA conducted climate change modeling that examines changes to coastal hazards of flooding and erosion from sea level rise and increased storminess on the Ventura coast. This included modeling changes to sediment yield and fluvial flooding using HEC-RAS by examining changes to precipitation. The coastal and fluvial changes were used as inputs to drive an ecological vulnerability assessment using SLAMM (Sea Level affecting Marsh Model). The technical modeling supports community adaptation planning as well as The Nature Conservancy conservation acquisition program along the Ventura County coast and Santa Clara River Parkway.

Santa Barbara County Land Trust and UCSB. Ocean Meadows Golf Course – Upper Devereux Slough Restoration, UC Santa Barbara, California. *Project Manager.* Dr. Revell working for ESA PWA conducted three phases of conceptual design work to inform the restoration of the Upper Devereux Slough which had been filled in the 1960s to construct a golf course. These first three phases of work improved upon a 2000 Bren School report on the restoration. The first phase evaluated the historic ecology and provided geomorphic interpretation to support restoration of an upland mesa adjacent to the golf course and to ascertain whether the volume of material estimated in the Bren report to be excavated from the golf course could be accommodated on the upland mesa site. The second phase included geomorphic interpretation and initial engineering including conceptual design and cost estimates of an initial grading plan for the upper slough restoration based on the findings that the volume of material required for excavation from the golf course were about half of that calculated in the Bren School report. The third phase focused on hydraulic analyses to specifically examine the potential impacts of the restoration both from the potential to cause scour and damages to the primary access bridge and to also model future water levels and likely functioning of the slough. This work also provided input and guidance on necessary technical studies and recommendations on consideration for future engineering and design.

Monterey Bay Sanctuary Foundation, Monterey Bay Sea Level Rise Vulnerability Assessment, Monterey County, CA. *Project Manager.* With funding from the California Coastal Conservancy, the Natural Capital Project, and the City of Capitola, Dr. Revell working with ESA PWA modeled projected climate change impacts to the coast of Monterey Bay at a scale suitable for planning purposes. Projected future coastal hazards were mapped which represented an integrated approach of stepping through time eroding the coast and flooding newly eroded areas through hydraulic connectivity. The project was advised by a Monterey Bay region wide technical advisory group comprised of research institutions (UCSC, Naval Postgraduate School, Moss Landing, CSUMB and USGS), local planning agencies (Santa Cruz, Monterey Counties, Cities of Monterey, Santa Cruz, Seaside, Sand City, Capitola), and other technical experts. The study provided estimates of future erosion rates, flood elevations and depths of flooding at various planning horizons into the future. Uncertainty in the projections was addressed by developing a variety of projected impacts then overlapping them and developing an uncertainty index that shows relative risk of impact.

Relevant Experience (Continued)

Mission Creek Lagoon and Laguna Channel Restoration, Santa Barbara, CA. *Technical Advisor*

Dr. Revell working with ESA PWA summarized the relevant regional and local site conditions to inform the conceptual level restoration design. This work included review and analysis of relevant historic, existing and future coastal processes along the Santa Barbara Waterfront. Restoration designs are still under consideration by the City of Santa Barbara.

Audubon California, the California State Coastal Conservancy and the Department of Fish and Game, Lower Santa Ynez River Estuary Restoration, Santa Barbara, CA. *Project Manager*

Dr. Revell working with PWA documented historic changes in land uses, hydrology and lagoon functioning to identify potential restoration opportunities to improve the ecological health of the Lower Santa Ynez River Estuary. This assessment summarized the functioning and evolution of habitats based on existing available information and field data. The goal of this project was to identify restoration opportunities to enhance the ecologic value and ensure sustainability of native habitats in the lower Santa Ynez River corridor and estuary (approx. four river miles). One of these restoration actions was funded for design and permitting to improve southern Steelhead habitat. Funding for preliminary design was acquired from California Dept of Fish and Wildlife and design completed before Vandenberg Air Force Base decided to remove support for the project.

Scott & Waddell Creeks Bridge Realignment, Santa Cruz County, CA. *Caltrans Project Manager*

Currently, Highway 1 crosses Scott Creek and Waddell Creek at the interface between the ocean and the creeks' lagoons in Santa Cruz County. Dr. Revell working with ESA PWA evaluated the impact of the existing bridges and various alternative bridge designs and alignments to provide recommendations to Caltrans on design criteria to reduce long term maintenance and impacts to the coastal lagoon habitats of the planned replacement of two bridges located on Highway 1.

Surfrider Foundation, Malibu Lagoon Restoration – Impact Assessment to Surfing Resources, Malibu, CA. *Project Manager*

Dr. Revell reviewed technical studies related to the 2012 Malibu Lagoon restoration to assess the potential impacts of the restoration on surfing and beach conditions. Assessment included review of sediment transport, coastal processes and lagoon breaching dynamics and provided recommendations to alter the project slightly to improve benefits to surfing conditions without disrupting the project permitting and schedule.

Santa Barbara County Parks and Recreation, Goleta Beach Erosion Mitigation, Goleta, CA. *Project Manager*. Studied coastal processes responsible for erosion hotspot at Goleta Beach County Park. Presented research results to stakeholder groups, and participated in technical discussions evaluating erosion mitigation alternatives. Reviewed and commented on Environmental Impact Report. Developed a reconfiguration alternative to avoid erosion hazards through appropriate setbacks, and reviewed technical modeling.

The Association of Monterey Bay Area Governments and the Monterey Bay National Marine Sanctuary, Coastal Regional Sediment Management Plan for Southern Monterey Bay, CA. *Project Manager*. Development of a coastal regional sediment management (RSM) plan for southern Monterey Bay and evaluation of a range of erosion mitigation strategies. RSM plans take a system wide approach to identifying sources of sediment and implementation of strategies to ensure that sediment delivery to the beaches continues.

Neskowin Shoreline Assessment, Neskowin, OR. Tillamook County, *Project Manager*. In response to a high rate of erosion that has diminished the beaches and now threatens homes and roads in Neskowin, OR, ESA analyzed the viability of various coastal erosion mitigation strategies to an eroding shore, utilizing existing information from local academics (Oregon State University) and agencies (including the Geology and Mineral Industries Department), as well as applying our experience completing assessments for similar high-energy wave-exposed coastal areas. The community is striving to find a balance of private property protection with maintenance of a sandy beach to support the tourist economy.

Santa Barbara and Ventura County Coastal Processes Study, CA. Project Manager. UC Santa Cruz project manager for collaborative USGS study, involving field data collection to determine historic and seasonal changes to beaches in SB and Ventura Counties.

BEACON Regional Sediment Management Plan. Dr. Revell summarized long term trends, erosion hotspots, quantified the sediment budget, recommended changes to the monitoring program and identified opportunistic project locations.

Ocean Protection Council. Coastal Infrastructure and Vulnerability Impacts Assessment. Project Manager. Mapped coastal erosion hazards resulting from sea level rise scenarios, evaluated geomorphic response of various backshore types by applying a total water level methodology, collaborated with climate change researchers at Scripps, organized and engaged peer review team on methods and results, collaborated with Pacific Institute to vulnerability assessment associated with coastal hazards.

Selected Publications

Weaver, C.P., C. Brown, J.A. Hall, R. Lempert, **D. L. Revell**, D. Sarewitz, and J. Shukla, 2013. Climate Modeling Needs for Supporting Robust Decision Frameworks. *WIRE's Climate Change*

Revell, D.L., R.Battalio, B. Spear, P. Ruggiero, and J. Vandever, 2011. A Methodology for Predicting Future Coastal Hazards due to Sea-Level Rise on the California Coast. *Climatic Change* 109:S251-S276. DOI 10.1007/s10584-011-0315-2.

Orme, A.R., Griggs, G.B., **Revell, D.L.**, Zoulas, J.G., Chenault, C., Koo, H. 2011. Beach changes along the southern California coast during the twentieth century: A comparison of natural and human forcing factors. *Shore and Beach*

Revell, D.L., Dugan, J.E., and Hubbard, D.M. 2011. Physical and ecological responses of sandy beaches to the 1997-98 ENSO. *Journal of Coastal Research*. 27(4)718-730

Barnard, P.L., **Revell, D.L.**, Hoover, D., Warrick, J., Brocatus, J., Draut, A.E., Dartnell, P., Elias, E., Mustain, N., Hart, P.E., and Ryan, H.F., 2009, Coastal processes study of Santa Barbara and Ventura Counties, CA: U.S. Geological Survey Open-File Report 2009-1029, <http://pubs.usgs.gov/of/2009/1029/>

Revell, D.L., Barnard, P. and Mustain, N. 2008. Influence of Harbor Construction on Downcoast Morphological Evolution: Santa Barbara, California. Published in Coastal Disasters '08 Conference, April 2008 North Shore, HI.

Dugan, J.E., Hubbard, D.M., Rodil, I., and **Revell, D.L.** 2008. Ecological Effects of Coastal Armoring on Sandy Beaches. *Marine Ecology*.

Revell, D.L., Marra, J.J., and Griggs, G.B. 2007. Sandshed Management. Special issue of Journal of Coastal Research - Proceedings from International Coastal Symposium 2007, Gold Coast, Australia.

Revell, D. L and Griggs, G.B. 2006. Beach Width and Climate Oscillations along Isla Vista, Santa Barbara, California. *Shore and Beach*. 74(3)8-16.

Revell, D.L., Komar, P.D., Sallenger, A.H. Fall 2002. *An Application of LIDAR to Analyses of El Niño Erosion in the Netarts Littoral Cell, Oregon. Journal of Coastal Research*, ACEC Vol. 18 4:702-801.

FIRM PROFILE AND QUALIFICATIONS

Revell Coastal, LLC is a coastal management firm that specializes in coastal geomorphology, coastal lagoon dynamics, beach and dune sediment management, and climate change vulnerability and adaptation planning with expertise along the entire U.S. West Coast. Revell Coastal approaches projects by applying the best available science on climate change to interpret the potential hazards and vulnerabilities, and provides recommendations on adaptation strategies tailored to fit local jurisdictions needs and political realities across multiple planning horizons. The firm focuses on improving the use of science in coastal management decisions and provides scientific facilitation, expert witness, technical analysis, field surveying and planning services. Revell Coastal, LLC was founded in 2014 by Dr. David Revell in Santa Cruz, California.

Dr. Revell has been involved in coastal management and coastal process assessments for over 20 years. He has been pioneering climate related work beginning in 2008 with the initial technical hazard analysis and vulnerability assessment for the Pacific Institute study "*The Impacts of Sea Level Rise to the Coast of California*." Dr. Revell has also completed hazard modeling for the *Coastal Resilience Ventura* project for the Nature Conservancy (2013), and the *Monterey Bay Sea Level Rise Vulnerability Assessment* (2014), for the California Coastal Conservancy. Dr. Revell has led an interdisciplinary team of economists, legal scholars, and engineers to evaluate potential erosion mitigation (adaptation strategies) strategies in Southern Monterey Bay (2012).

SELECT FIRM EXPERIENCE

City of Imperial Beach Sea Level Rise Study: "Adaptive" Vulnerability and Adaptation Planning

Lead: Revell Coastal, LLC

Firm Project Manager: Dr. David Revell

Client Project Manager: Jim Nakagawa, Principal Planner, City of Imperial Beach, 619-628-1355,
jnakagawa@imperialbeachca.gov

Award Date: September 2014

Completion Date: December 2015 (anticipated)

Project Description: Revell Coastal, LLC teamed with USC Seagrant is conducting a Sea Level Rise Vulnerability and Adaptation Study in Imperial Beach, San Diego, CA. With funding from the State Coastal Conservancy, Revell Coastal, is leading the City through a facilitated sprocess to characterize existing and future vulnerabilities, identify potential adaptation strategies, and then help educate the local community to garner support for implementing of prioritized actions. Part of the project is to build technical capacity within the City to support future incorporation of new relevant data. The vulnerability assessment will utilize CoSMoS 3.0 for the final analysis of vulnerabilities (CoSMoS 2.0 = Our Coast Our Future). Key partners in the initiative include the Tijuana River National Estuarine Research Reserve, the Port of San Diego, and the U.S. Navy.



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Website: www.revellcoastal.com

City of Goleta: Incorporating Climate Change into the Local Coastal Program

Lead: Revell Coastal, LLC

Firm Project Manager: Dr. David Revell

Client Project Manager: Chandra Slaven (formerly Krout), Senior Planner, City of Goleta 805-961-7544, cslaven@cityofgoleta.org

Award Date: July 2014

Completion Date: April 2015 (anticipated)

Project Description: Revell Coastal is working for the City of Goleta to update and draft their LCP to include climate change impacts and be consistent with the California Coastal Commission DRAFT Guidance on Sea Level Rise. This includes reviewing technical background materials, conducting a high reconnaissance level vulnerability assessment, identifying adaptation strategies and policy recommendations and drafting sections of the Local Coastal Program related to coastal hazards, specifically in the open space, safety and conservation elements. Revell Coastal will be developing a summary report for use in internal City capacity building and externally as outreach and educational materials. Funding for this work was acquired from the California Coastal Commission through their climate granting program.

Goleta Slough Sea Level Rise Vulnerability and Adaptation Study and Ecosystem Management Plan Update

Lead: ESA (former employer of Dr. Revell)

Firm Project Manager: Dr. David Revell

Client Project Manager: Rachel Couch, California Coastal Conservancy for the Goleta Slough Management Committee, 805-845-8853 rcouch@scc.ca.gov

Award Date: October 2012

Completion Date: October 2014 (scheduled)

Project Description: The Goleta Slough Ecosystem Management Plan was prepared by the Goleta Slough Management Committee and adopted by the City of Santa Barbara in 1997. As part of an update to the Management Plan, the Coastal Conservancy is funding a vulnerability and adaptation study to re-evaluate the study area based on projected sea level rise. Through a facilitated stakeholder process and technical analyses, the study is assessing vulnerability and risk to both natural and human resources and infrastructure. Based on results of the vulnerability assessment a series of adaptation strategies are being recommended that include both capital improvements and policy recommendations. Dr. Revell has managed the project, the stakeholder process, led the technical analyses and provided guidance and direction to the subcontractors.

Monterey Bay Sea Level Rise Vulnerability Assessment, Monterey and Santa Cruz Counties

Lead: ESA (former employer of Dr. Revell)

Firm Project Manager: Dr. David Revell

Client Project Manager: Dennis Long, Executive Director, Monterey Bay Sanctuary Foundation (831) 647-4209, dennis@mbnmsf.org

Award Date: June 2012

Completion Date: June 2014

Project Description: With funding from the California Coastal Conservancy, the Natural Capital Project, and the City of Capitola, ESA PWA (former employer of Dr. Revell) modeled projected climate change



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impacts to the coast of Monterey Bay at a scale suitable for planning purposes. Deliverables included projected future coastal hazards which include a new integrated approach of stepping through time eroding the coast and flooding newly eroded areas through hydraulic connectivity. The project was being advised by a Monterey Bay region wide technical advisory group comprised of research institutions (UCSC, Naval Postgraduate School, Moss Landing, CSUMB and USGS), local planning agencies (Santa Cruz, Monterey Counties, Cities of Monterey, Santa Cruz, Seaside, Sand City, Capitola), and other technical experts. Uncertainty in the sea level rise projections were represented by projection a variety of projected impacts then overlapping them and developing an uncertainty index that showed relative risk of coastal hazard impacts. Dr. Revell managed the project and led the technical work for ESA.

The Nature Conservancy's Coastal Resilience Program

Lead: ESA (former employer of Dr. Revell)

Firm Project Manager: Dr. David Revell

Client Project Manager: Sarah Newkirk, J.D., Coastal Programs Director, (415) 730-7437,
snewkirk@tnc.org

Award Date: September 2012

Completion Date: July 2014

Project Description: The Coastal Resilience Ventura (www.coastalresilience.org) project encompasses the entire Ventura County coastline, including Mugu Wetlands, the Santa Clara River, and the Ventura River. Working through an interactive stakeholder process with multiple agencies, local government representatives, and several non-profit organizations, Dr. Revell led a technical team which modeled current and potential future coastal and fluvial hazards for a variety of climate change scenarios, including sea level rise and changes to rainfall and sediment delivery. We applied a habitat evolution model (Sea Level Affecting Marsh Migration - SLAMM) to predict long-term wetland conversion with sea level rise, as well as to identify areas of ecological vulnerability based on potential adaptation strategies. SLAMM model results were then used to calculate the greenhouse gas emissions related to multiple adaptation strategies. The results are being used by local communities and the Department of Defense to evaluate vulnerabilities and consider adaptation strategies. Dr. Revell was the project manager, led the technical modeling, and worked with the client on a project development team and as a co-facilitator for the stakeholder process.

Goleta Beach Erosion Projects for the County of Santa Barbara

Lead: PWA, ESA, UCSC (former employers of Dr. Revell)

Firm Project Manager: Dr. David Revell

Client Project Manager: (multiple) Current project manager is Alex Tuttle, Planner, Development Review County of Santa Barbara, 805-884-6844, atuttle@countyofsb.org

Award Date: September 2003

Completion Date: April 2014

Project Description: The 1997-98 El Niño catalyst an erosion wave which caused substantial erosion to Goleta Beach County Park in Santa Barbara County. Dr. Revell has been involved in multiple stakeholder processes and technical studies over the last 11 years working primarily for the County of Santa Barbara. These studies have included peer reviewed scientific research, technical studies on various adaptation strategies with several alternative park reconfigurations and managed retreat options. Dr. Revell also peer reviewed other technical modeling and led a technical team to conduct wave run-up and climate change



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modeling to support the Environmental Impact Report on a managed retreat strategy. Throughout the process, Dr. Revell has presented research results to stakeholder group.

Neskowin Shoreline Assessment, Neskowin, Tillamook County, Oregon

Lead: ESA (former employer of Dr. Revell)

Firm Project Manager: Dr. David Revell

Client Project Manager: Patrick Corcoran, Oregon Seagrass Coastal Hazard Specialist, 503-325-8573,
patrick.corcoran@oregonstate.edu

Award Date: August 2012

Completion Date: May 2013

Project Description: In response to high rates of erosion and sea level rise that have diminished the beaches and now threatens homes and roads in Neskowin, OR, ESA analyzed the viability of various coastal erosion mitigation strategies on an eroding shore, utilizing existing information from local academics (Oregon State University) and agencies (including the Department of Geology and Mineral Industries), as well as applying our experience completing assessments for similar high-energy wave-exposed coastal areas. We applied modeling to evaluate physical changes from various adaptation strategies and provided conceptual level engineering cost estimates for each strategy to inform community decision making. The community was striving to find a balance of private property protection with maintenance of a sandy beach to support the tourist economy. Dr. Revell managed the project, led the technical analyses and co-facilitated the community process.

Technical Evaluation of Erosion Mitigation Alternatives and Regional Sediment Management Plan for Southern Monterey Bay

Lead: PWA (former employer of Dr. Revell)

Firm Project Manager: Dr. David Revell

Client Project Manager: Brad Damitz, Natural Resource Specialist, 415-250-8406
brad.damitz@noaa.gov

Award Date: October 2010

Completion Date: May 2012

Project Description: The Evaluation of Erosion Mitigation Alternatives for Southern Monterey Bay (Alternatives Study - <http://montereybay.noaa.gov/research/techreports/esapwa2012.pdf>) provided an assessment of various erosion mitigation measures (adaptation strategies) to support development of a regional strategy to address coastal hazards. In this study, 22 different erosion mitigation measures including land use planning tools, soft engineering solutions and hard engineering solutions. The measures were compared using a variety of criteria including an innovative effectiveness criteria which compared each measures merit at protecting upland property and beach widths (a highly valued community resource). The Study then compared the costs and benefits of each measure over multiple time horizons by tracking the physical impacts of each measure on the beach and upland through time. The holistic cost/benefit analysis included accounting for beach recreation and ecosystem services in addition to traditional storm damages. While this initial study did not include climate impacts directly, it began to

Attachment 1 of 4 Page
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inform adaptation strategies across the region and was the basis for a recently kicked off project called Adapt Monterey Bay funded by the California Coastal Conservancy Climate Ready Grant Program. Dr. Revell managed the project for ESA and led the technical work as well as contributed to the successful Climate Ready grant proposal.

Coastal Infrastructure and Vulnerability Impacts Assessment for the Pacific Institute

Lead: Pacific Institute

Firm Project Manager: Dr. David Revell (working for Philip Williams and Associates)

Client Project Manager: Matt Heberger, P.E., Water Resource Associate/Climate Program Coordinator, Pacific Institute, 510-251-1600, mheberger@pacinst.org

Award Date: June 2008

Completion Date: January 2009

Project Description: With funding from the Ocean Protection Council as part of the 2008 California Climate Impacts Assessment through the California Energy Commission, PWA conducted the first California statewide coastal hazard assessment resulting from sea level rise. This groundbreaking project, the first of its kind on the U.S. West Coast, mapped projected future coastal erosion and coastal flooding hazards. (<http://www.energy.ca.gov/2009publications/PWAOPC-1000-2009-013/PWAOPC-1000-2009-013.PDF>) To complete this project, PWA (led by Dr. Revell) developed a new methodology which evaluated geomorphic response of various backshore types by applying a total water level methodology (Revell *et al* 2011); collaborated with climate change researchers at Scripps, USGS, and Oregon State; organized and engaged a technical and regulatory peer review team on methods and results; then collaborated with Pacific Institute to vulnerability assessment associated with coastal hazards which were published in the Pacific Institute Report: *The Impacts of Sea Level Rise to the California Coast*. Dr. Revell managed the project and led the technical work for PWA.

USGS-UCSC Coastal Processes Study for Santa Barbara and Ventura Counties

Lead: USGS

Firm Project Manager: Dr. David Revell (for University of California Santa Cruz)

Client Project Manager: Dr. Patrick Barnard, Coastal Hazards Scientist, USGS 831-460-7556, pbarnard@usgs.gov

Award Date: October 2005

Completion Date: December 2007

Project Description: The USGS and UCSC collaborated on a large scale coastal process study of the Santa Barbara littoral cell. <http://pubs.usgs.gov/of/2009/1029/> .Building on research by Dr. Revell (formerly at UCSC) assessing the long term changes to beaches from climate change and human impacts, the study examined seasonal changes through extensive field data collection campaigns and conducted numerical modeling to further inform observations of short term and seasonal changes and provide insights into long term shoreline evolution. Dr. Revell, conducted research and managed the UCSC research team led by Dr. Gary Griggs.

Exhibit CO-4

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Vulnerabilities of the Proposed Mandalay Generating Station to Existing and Future Coastal Hazards and Sea Level Rise

By

David Revell, PhD.

4/6/2015

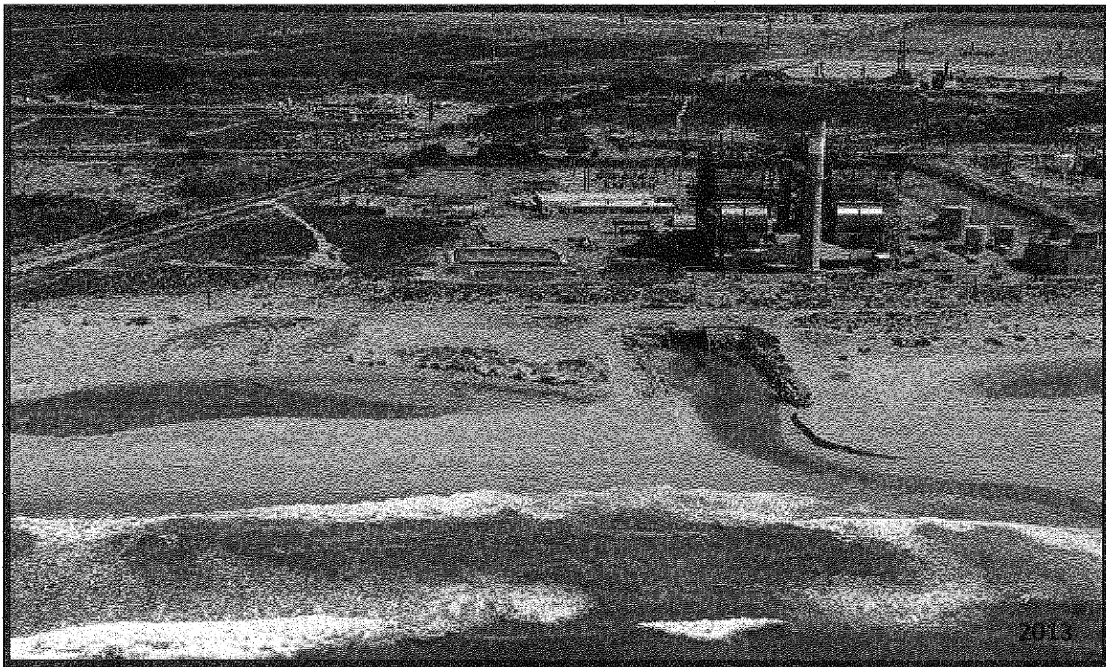


Photo Courtesy of California Coastal Records Project



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Attachment 1
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Vulnerabilities Of The Proposed Mandalay Generating Station To Existing And Future Coastal Hazards And Sea Level Rise

1.0 ENVIRONMENTAL SETTING AND BACKGROUND

The City of Oxnard is located about 60 miles northwest of Los Angeles along the Pacific Ocean coastline (Figure 1). Oxnard lies at the western edge of Ventura County with a 10.5 mile Pacific Ocean coastline between the Santa Clara River on the north and the Ormond Beach wetlands on the south.

The coast of Oxnard lies within the Santa Barbara Channel and is part of the larger Santa Barbara littoral cell that extends from at least Point Conception to Point Mugu Submarine Canyon southeast of the study sites. The presence of the Channel Islands to the South and Point Conception to the west create a narrow swell window through which waves must pass. This wave direction sets up a dominant sand transport from NW to SE along the Oxnard coast.

Beach and dune sand for this site is derived from upcoast watershed inputs which provides a natural defense from waves and coastal erosion. Sand on the beaches and in the dunes fronting the site come from a combination of upcoast beaches watershed delivery from the Ventura and Santa Clara Rivers, and cliff erosion. This sand moves south with littoral (wave driven) currents and is trapped on the north side of the Ventura Harbor by the harbor jetties and breakwater. Currently the U.S. Army Corps of Engineers operates a maintenance dredging program to bypass sand from one side of the harbors to the other. The width and buffering capacity of the beaches are dependent on the continuous bypass of sand across each of the federal navigation channels (Figure 1).

The State of California is directing local coastal governments to take more proactive steps to address sea-level rise due to the significant impacts sea level rise may have on the economy, natural systems, the built environment, and human health. In 2012, the National Research Council published a scientific report on expected sea level rise along the coasts of California, Oregon, and Washington (NRC 2012). In October, 2013, the California Coastal Commission building on the National Research Council science report, issued a DRAFT Sea Level Rise Policy Guidance (Guidance) document that provides a step-by-step guidance on how to address Sea level rise in new and updated Local Coastal Programs and Coastal Development Permits (CCC 2013). Several aspects of the Coastal Commission guidance document are relevant to this vulnerability assessment. First, there is specific guidance for critical public infrastructure to consider the worst case scenario of sea level rise. Second, the Guidance document outlines an analysis of future potential hazards to the development and future impacts to coastal resources, along with identification of potential adaptation strategies. Much of this analysis is dependent on identification of an economic life expectancy of this structure. This report is intended to meet the guidance document criteria for vulnerability assessment for a coastal development permit.

Figure 1. Mandalay Generating Station Regional Setting



2.0 PURPOSE

This study conducts a vulnerability assessment of the existing and future coastal hazards and climate change impacts for the proposed Mandalay Generating Station Facility. Specifically the vulnerability assessment is intended to evaluate potential impacts to the facility. The study uses the best-available information and science that have identified various coastal processes (i.e. coastal erosion, flooding, wave impacts, tidal inundation) that create coastal process hazards to determine to what extent is the proposed coastal power plant site presently vulnerable to damage from existing coastal process hazards, and to what extent do their respective vulnerabilities change with sea level rise?

3.0 VULNERABILITY ANALYSIS SCOPE AND LIMITATIONS

This vulnerability assessment conducted by Revell Coastal utilized several primary data sources. The coastal hazards modeling analysis results (ESA PWA 2013), FEMA's effective flood maps (FEMA 2010), the spatial infrastructure and locational data available from ESRI and TNC (2015), and the proposed location of the NRG energy facility. Climate change impacts to coastal hazards and sea level rise are from Coastal Resilience Ventura: Technical Report for Coastal Hazards Mapping (ESA PWA 2013).
http://maps.coastalresilience.org/ventura/methods/CRV_Hazards_Mapping_Technical_Report.pdf

The Coastal Resilience Ventura initiative was started by the Nature Conservancy in 2011 to join regional partners to plan for coastal hazards and climate change (www.coastalresilience.org/ventura). The primary goals of Coastal Resilience Ventura are to assess the vulnerabilities of human and natural



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resources, and identify solutions that help nature help people. A steering committee comprised of the cities of Oxnard and Ventura as well as Ventura County, along with state and federal agency representatives, local non-profit and non-governmental organizations, and regional technical experts, helped to guide the project¹. In particular the steering committee identified particular planning needs and data products related to technical analysis on coastal hazards, climate change, habitat evolution, planning and adaptation strategies.

The existing and future coastal hazard modeling methods and assumptions are summarized briefly below and readers are encouraged to read the technical documentation for further technical details (ESA PWA 2013).

The modeling work in Coastal Resilience Ventura included modeling of the following coastal processes:

1. **Coastal King Tide flooding** - based on an expected monthly recurrence
2. **High tide coastal flooding** - based on the largest El Niño storm on record (January 1983) this included storm surge and large waves with sea level rise
3. **Wave impacts** - Wave impacts similar to the historic January 1983 storm with sea level rise
4. **Coastal Erosion** – loss of fronting dunes based on a 100 or 500 year wave event.

Hazard Modeling

The localized coastal hazard modeling methodology relies on a detailed parcel level backshore characterization that includes backshore type, geology, and local geomorphology (i.e., elevations, beach slopes). The backshore characterization was analyzed at each ~100 yard spacing and then statistically represented at a ~500 yard alongshore distance. Calculations of wave run-up and tides are combined into a total water level elevation which then drives coastal erosion and shoreline response models (Pacific Institute 2009, Revell et al 2011). Climate change impacts, assessed using a series of sea level rise, wave climate, and precipitation scenarios, projected potential future coastal erosion and flooding hazards (ESA PWA 2013). Projected impacts were evaluated at four planning horizons: existing (2010), 2030, 2060, and 2100. All hazards were mapped on the California Coastal LIDAR Digital Elevation model (available from NOAA Digital Coast website).

Scenarios

Scenarios for the climate change modeling considered sea level rise, wave climate, and precipitation. Scenarios were selected prior to release of the Draft Guidance document but meetings were held with the Coastal Commission staff so as to be consistent with the intent of the California Coastal Commission draft guidance on sea level rise (CCC 2013), the National Research Council (NRC 2012), and the U.S. Army Corps of Engineers guidance (USACE 2011). However, as a result some of the specific numbers used in the analysis are not the same as those listed in the draft guidance. Instead of using the subsidence south of Cape Mendocino rates (NRC 2012), the sea level rise curves were adjusted using vertical land motion reported at the Santa Monica Bay tide gage. The specific scenarios used in the modeling are shown in Table 1 and Figure 2.

¹ A complete list of the steering committee membership organizations can be found at:
<http://coastalresilience.org/project-areas/ventura-county-introduction/>

Figure 2. Sea Level Rise scenarios used in the coastal hazard modeling adjusted for vertical land motion relative to 2010 (ESA PWA 2013).

NRC 2012: Global SLR from table 5.2. Polynomial (order 2) fit to obtain global SLR for intermediate years. This curve was shifted by 1.5 mm/year subsidence to get local SLR (Table A.1, Santa Monica).

USACE 2011 Curve: NRC 1987 curve 1, adjusted to local SLR by replacing global SLR (1.7 mm/year, IPCC 2007) with local sea level rise for Santa Monica (1.42 mm/yr, Gill/NOAA 2011).

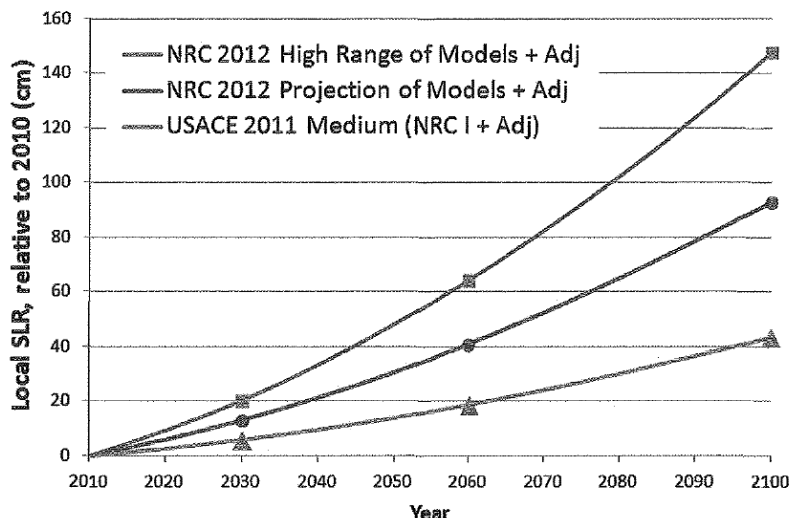


Table 1. Sea Level Rise Scenario elevations by planning horizon

Year	Low SLR	Medium SLR	High SLR*
2030	2.3 inches	5.2 inches	8.0 inches
2060	7.4 inches	16.1 inches	25.3 inches
2100	17.1 inches	36.5 inches	58.1 inches

*The NRC 2012 High scenario for the South of Cape Mendocino is 2030- 11.8inches, 2100 – 65.5inches

Coastal Erosion

The coastal dune erosion hazard modeling considered three components, erosion due to sea level rise, erosion due to historic trends in shoreline change (as a proxy for sediment supply), and erosion due to a large storm wave event. Three scenarios of changes to waves were modeled including: no changes in historic wave conditions, a 500 year ArkStorm event (USGS 2010), and a doubling of the El Niño storm frequency to represent some of the uncertainty associated with increasing storm intensity.

The potential inland erosion caused by sea level rise and a large storm wave event was projected using a geometric model of dune erosion originally proposed by Komar et al (1999) and applied with different slopes to make the model more applicable to sea level rise (Revell et al 2011). This method is consistent with the FEMA Pacific Coast Flood Guidelines for storm induced erosion (FEMA 2005).

Coastal Storm Flooding

The coastal storm flood modeling was consistent with FEMA's Pacific Coastal Flood Guidelines (FEMA 2005). The high tide coastal storm flood modeling was integrated with the coastal erosion hazard zones. Every 10 years, erosion projections were made and the coastal storm flood model considered areas that were eroded during this time period and thus exposed to wave flooding through enhanced hydraulic connectivity. For the coastal storm flooding, the storm of record was used; a large historic storm event that occurred during the strong El Nino winter of 1982/1983 on January 27, 1983 during which wave heights reached 25 feet at 22 seconds (ESA PWA 213, Seymour 1996).

Coastal Wave Impact

Wave impact modeling assessed the inland extent of wave velocity and inland extents of flooding using the method of Hunt (1959) and supported in the Shore Protection Manual (USACE 1984). This method calculated the dynamic water surface profile, the nearshore depth limited wave, the wave run-up elevation and inland extent at the end of each representative profile. This hazard was requested by the steering committee who requested the modeling to identify a future FEMA velocity wave impact zone (aka V-Zone).

Coastal Inundation

Tidal inundation modeling represents the Extreme Monthly High Water level (EMHW) or what areas are projected to get wet once a month. This modeling is similar to a King Tide. This monthly elevation was averaged from the maximum monthly water level from the Rincon Island tide gauge (EMHW = 6.56ft NAVD88 or 9.3ft MSL) and it was applied to each of the sea level rise scenarios.

Combined Hazards

For each planning horizon, projected hazards were combined into a single layer using a process called "spatial aggregation" (ESA PWA 2013). This layer represents the overlap in all of the hazard zones and shows how many of the various sea level rise and wave condition scenarios impact specific areas. For example, an area mapped under three scenarios indicates that the area was hazardous during that planning horizon for all scenarios.

Critical Modeling Assumptions

As with all modeling, assumptions had to be made to complete the work. Below are some of the critical modeling assumptions made in the ESA PWA 2013 work. These assumptions are discussed in the context of the proposed power plant site on the Mandalay Generating Station parcel.

- **Coastal erosion and flood hazard projections do not consider existing coastal armoring** – the coastal hazard projections did not consider the influence of the existing water outfall structure on changes to coastal erosion and coastal flood hazard projections;
- **Modeling and hazard identification did not consider tsunamis** – this modeling was not part of the scope of work but should be considered as part of a full coastal hazards investigation. Such a consideration would include existing harbor dredging and without harbor dredging practices;
- **Projections of potential erosion do not account for uncertainties in the duration of a future storm** – the erosion projections assumes that the coast would respond to the combination of high tides and large waves inducing wave run-up. Instead of predicting future storm specific characteristics (waves, tides, and duration), the potential erosion projection assumes that the coast would erode under a maximum high tide and storm wave event with undefined duration;
- **Modeling does not consider future changes to supply of sediment from the watersheds** – while some fluvial modeling was completed for the project there remain large uncertainties in projections of future precipitation frequency and magnitude. Downscaled global climate models show

precipitation changes between a 23% increase and a -14% decrease from existing conditions. Using USGS sediment rating curves this translates precipitation changes to the following projected changes in sediment yield (Table 2).

Table 2. Relative Change in Annual Watershed Sediment Yield from the Santa Clara over Time

	Time Horizon	A2 Scenario	B1 Scenario
% Change relative to 1980-2010 average	2030	69.5%	11.4 %
	2060	0.5 %	-20 %
	2100	-17.7 %	-31.9 %

(Adapted from ESA PWA 2013)

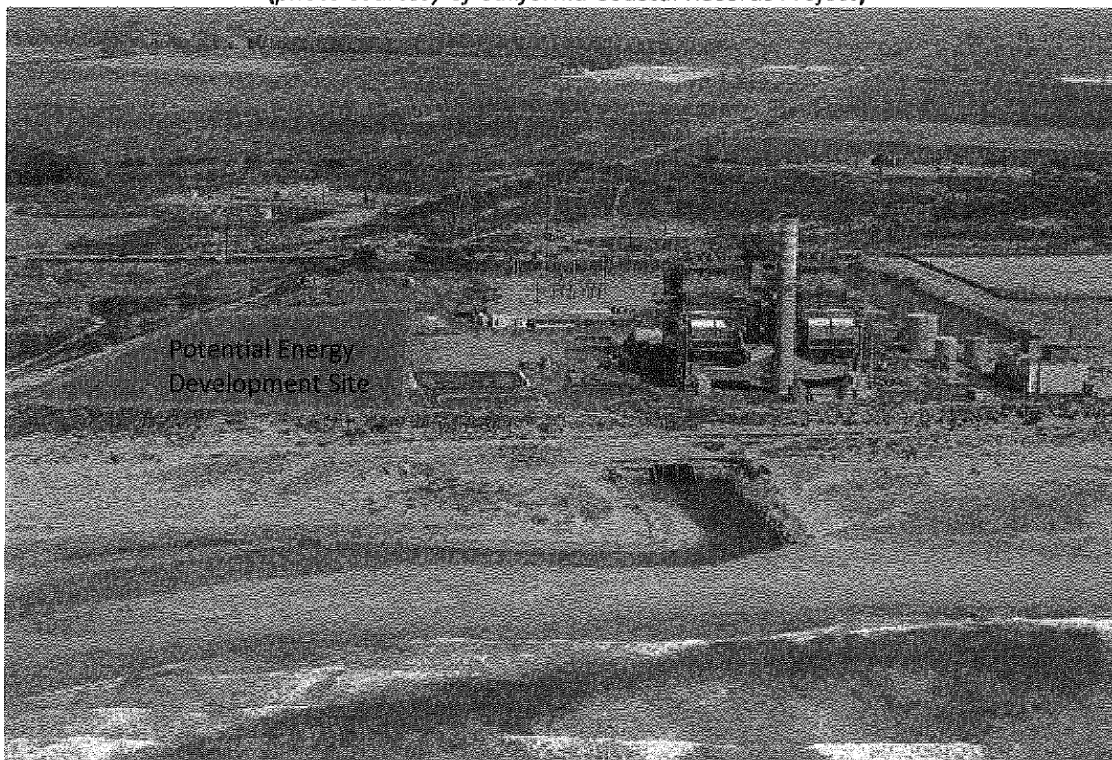
Given the wide variability and uncertainty in watershed land use changes ESA PWA assumed that there was no substantive changes. However a long term decline in sediment yield from the watershed would be expected to result in narrower beaches, shrinking sand dunes, and an increase in the coastal processes hazards to the proposed site. This would increase exposure to coastal hazards at the Mandalay Generating Station.

- **Modeling assumes that the existing dredge practices at all of the harbors continue** – currently the Ventura Harbor bypasses/dredges ~600,000 yards of sand annually from the sand trap on the north side of the harbor over the navigation channel to the south side, just updrift from the Mandalay Generating Station. This continuing supply of sand helps to maintain the wide beaches and dune fields fronting the Mandalay Generating Station. If this harbor bypass/dredging stops, then beaches and dunes currently fronting the facility would narrow exposing the site to an increase in coastal process hazards (see Environmental Setting section below).

4.0 MANDALAY GENERATING STATION ENVIRONMENTAL SETTING

The Mandalay Beach Generating Station (MGS) is located next to the beach at the western terminus of the Oxnard plain. It is directly south and downdrift from the Ventura Harbor and the Santa Clara River (Figure 3). The site is exposed to long period westerly swells that typically occur during the fall to spring months. In 2009, the available elevation data shows MGS is located behind a wide beach (~ 300+ feet) with some protective dunes. This wide beach though is based largely on continuous dredging and can be substantially narrower (Figure 5). In 2009, the average crest of the dunes fronting the MGS is up to 22 feet above MSL (25 feet NAVD88). The ground floor elevation of the existing power plant site is on average ~11 feet above MSL (14 feet NAVD88). The power plant receives its cooling water through the Edison canal which connects to Channel Islands Harbor, this tidally influenced channel is ~120 feet in width and terminates at the power plant. Once through cooling water is returned to the ocean from the outfall on the beach.

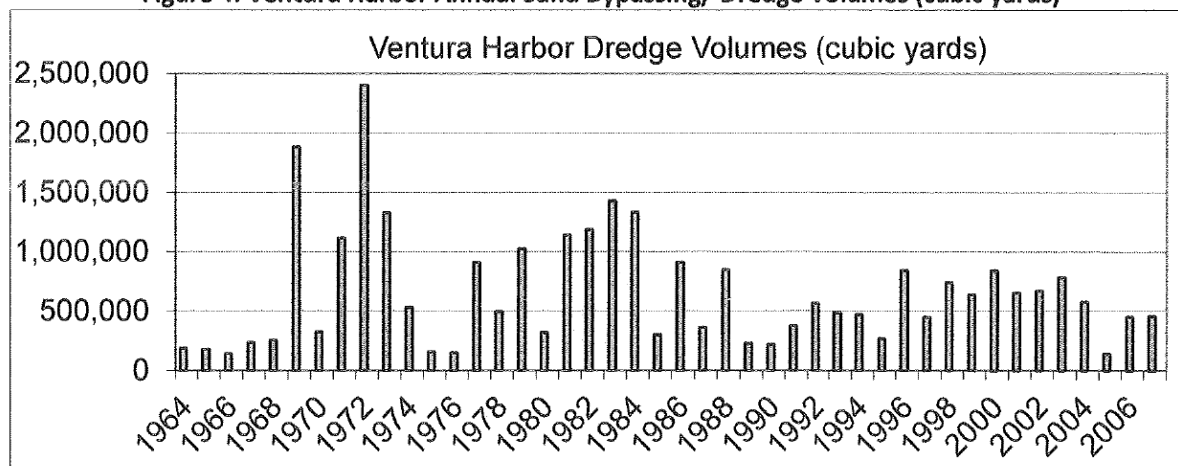
Figure 3. Proposed Site of New Energy Plant at Mandalay Generating Station
(photo courtesy of California Coastal Records Project)



Harbor Dredging/Sand Bypassing

Beach and dune sand for this site is derived from upcoast watershed inputs and cliff erosion. These beaches and dunes provide a natural defense from waves and coastal erosion. Sand found on the beaches moves south with littoral (wave driven) currents and depends heavily on sand bypassed over the Ventura Harbor navigation channel. The Ventura Harbor dredges an average of ~600,000 cubic

Figure 4. Ventura Harbor Annual Sand Bypassing/ Dredge Volumes (cubic yards)



yards of sand per year (Figure 4) to maintain the supply of sediment. Following flood events, additional sand is provided by river discharge from the Santa Clara River.

Following construction of Ventura harbor, sand moving down the coast was trapped on the north side of the harbor. The impoundment of sand updrift of the harbor caused disruption of longshore sand transport and caused an erosion wave downcoast (Adams 1976). Without dredging to bypass sand from the north to the south side of the harbor beaches in front of the Mandalay Generating Station narrowed to the minimum beach width observed since the harbor was constructed. Figure 5 shows the comparison between the 1966 beach width in front of the outfall in Figure 5A with the same beach width in 2012 Figure 5B. This shows a narrower beach by at least 200 feet without sand bypassing from Ventura Harbor. A narrower beach such as that shown in Figure 5A is not currently represented in the in the 2009 LIDAR digital elevation data. A narrower beach would likely have much more substantive erosion and coastal flooding impacts.

Figure 5. Mandalay Generating Station in 1966(A) and 2012 (B)



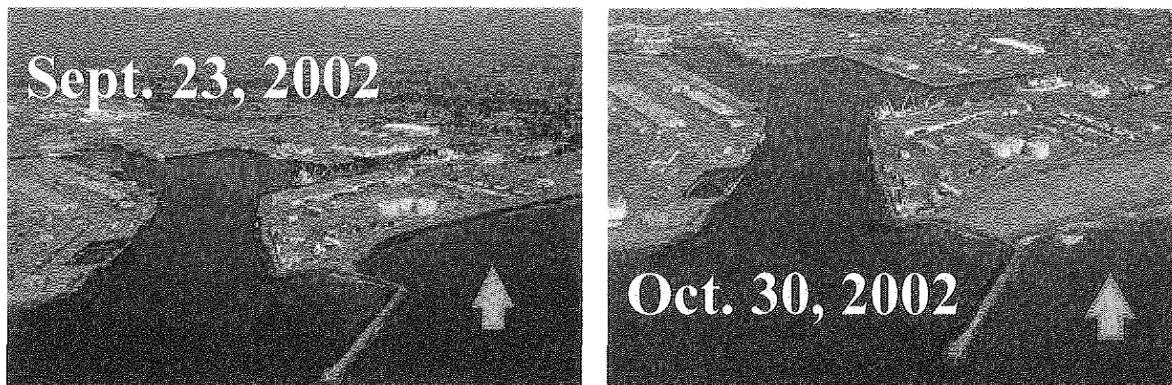
In recent years, the Army Corp of Engineers budget for dredging of the Ventura Harbor has been relatively flat. This level funding means that as the cost of dredge operations has risen with increasing fuel costs and environmental monitoring, the volume of sand dredged from the harbor has declined. Since 2008, the volume of sand dredged had been insufficient to remove the annual accumulation of sand. In the FY2013 budget there was no funding for any dredging of the Ventura Harbor. This story is consistent with small harbors around the country as dredge funding has declined except for the biggest commercial ports.

Due to downcoast erosion impacts observed at Port Hueneme (see below), local, State and Federal elected officials lobbied effectively for additional funding for dredging. In FY2015, funding was granted

to Ventura harbor to completely clear out the sand from the north side of the Harbor entrance. However, there is no guarantee that this funding will continue.

An example just downcoast of Mandalay provides insights to what could occur at the Mandalay site should dredge practices change or cease. Port Hueneme dredges episodically around Channel Islands Harbor, which dramatically widen the beaches downcoast along the City of Port Hueneme (pre -Figure 6A, post Figure 6B).

Figure 6. Beach width pre (A: September 23, 2002) and post dredging (B: October 30, 2002) downcoast of Port Hueneme (photos courtesy of California Coastal Records Project)



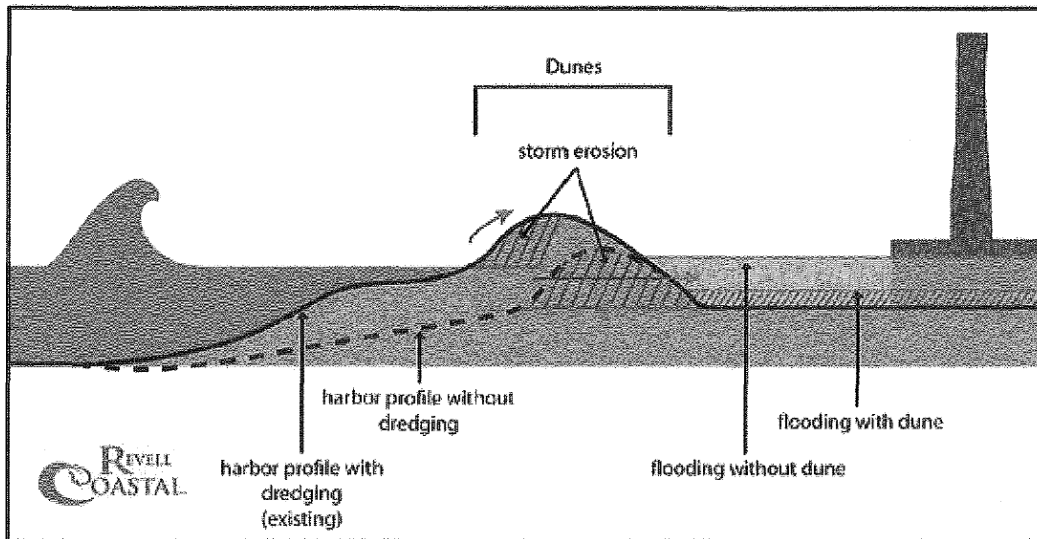
In 2013, after several years without any dredging the city of Port Hueneme started to suffer substantial erosion which caused them to request an emergency revetment (Figure 7.)

Figure 7. Erosion at City of Port Hueneme following a multi-year gap in dredging (photo courtesy Ventura County Star)



In addition, the modeling assumes that the sand bypass operations at the Ventura Harbor continue. If the dredge operations stop or shut down for several years, then the beach and dunes in front of the facility are likely to narrow and substantially increase the exposure to coastal process hazards. This would narrow the beach, lower the sand dunes and allow coastal erosion to reduce the buffering capacity of the beach and dunes which could lead to increased exposure to wave impacts, coastal erosion, and depth of coastal flooding (Figure 10, 11).

Figure 9. Conceptual differences between a beach and dune system maintained by the harbor dredging compared with a profile without sand dredging



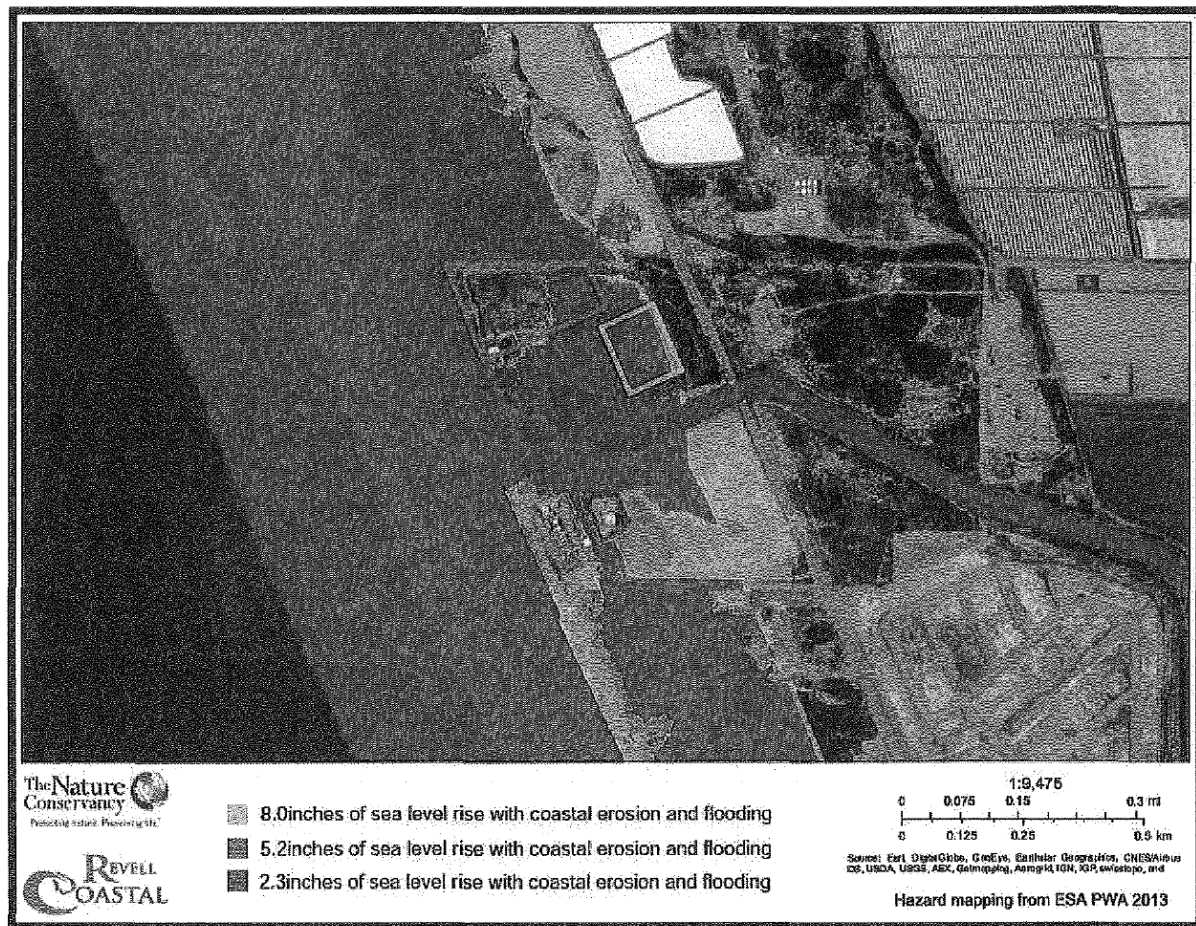
VULNERABILITIES WITH UP TO 8 INCHES OF SEA LEVEL RISE (2030 +/-)

With sea level rise, projections of coastal processes related hazards are expected to increase. By 2030, the sea level rise is projected to increase between 2.3 and 8.0 inches. Figure 10 shows the combined hazards of coastal erosion, coastal flooding and wave impacts at 2030. While the actual footprint of the proposed new power facility is approximated presently, it should be noted that portions of this undeveloped section of the parcel are projected to experience coastal storm flooding under even the lowest sea level rise scenario. These existing and future hazards also affect the Southern California Edison grid where the new plant would tie into the transmission grid. This same hazard also extends to the connection between the proposed plant and the Southern California Edison Big Creek/Moorpark Sub-Area grid.

By 2030, the modeling does not show impact to emergency or first responder access aside from potential coastal flooding on the site itself (Figure 10; Table 4). The depth of flooding and inland extents of wave impacts are likely to increase at the Mandalay Beach Generating Station over time (Table 3; Figure 11, 12).

The extent and magnitude of these impacts would be much worse than mapped if the dredge operations which bypass sand around Ventura Harbor and maintain the fronting beach and protective dunes were reduced or ceased. A 100 year wave erosion event could remove up to 125 feet of the protective dunes and leave the site vulnerable to subsequent storm events.

Figure 10. Combined Coastal Erosion, Flooding and Wave Impact Hazards in 2030



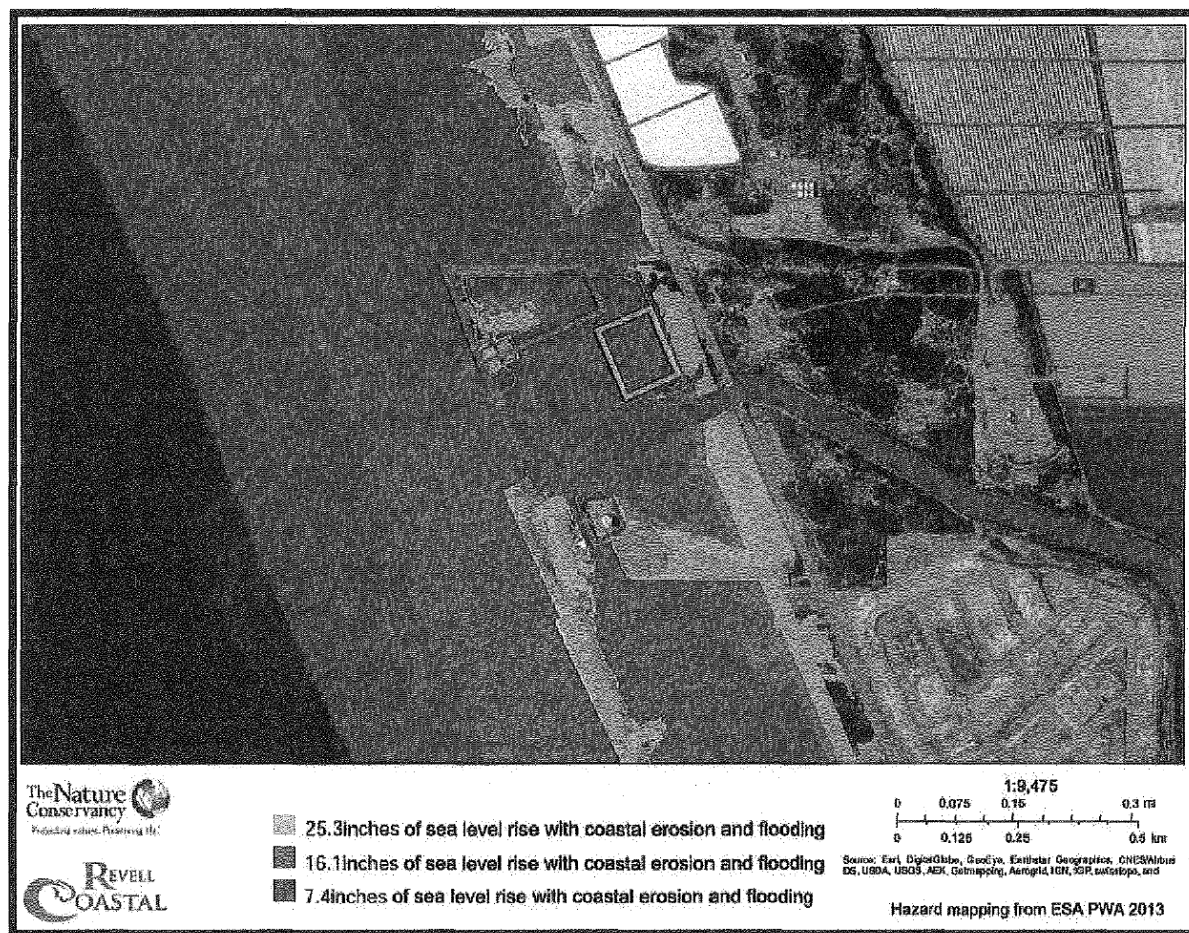
VULNERABILITIES WITH UP TO 25 INCHES OF SEA LEVEL RISE (2060 +/-)

By 2060, the sea level rise is projected to increase between 7.4 and 25.3 inches. Figure 11 shows the combined hazards of coastal erosion, coastal flooding and wave impacts at 2060. By 2060 almost the entire undeveloped portion of the Mandalay Beach Generating Station site is exposed to coastal process hazards under the high sea level rise scenario. Even the low sea level rise scenario shows the majority of the undeveloped portion of the site exposed to coastal process hazards (Table 3). Under the approximate proposed facility location, the facility would be exposed to coastal storm flooding during both the medium and high sea level rise scenario.

Under the Year 2060 high sea level rise scenario (25.3 inches), the access road between the facility and Harbor Blvd is likely to experience flooding during coastal storm flooding events. This would impair emergency and first responder access to the facility (Table 4).

The extent and magnitude of these impacts would be much worse than mapped if the dredge operations which bypass sand around Ventura Harbor and maintain the fronting beach and protective dunes were reduced or ceased. A 100 year wave erosion event could remove up to 125 feet of the protective dunes and leave the site vulnerable to subsequent storm events.

Figure 11. Combined coastal hazards by 2060 for all sea level rise scenarios



VULNERABILITIES WITH UP TO 58.1 INCHES OF SEA LEVEL RISE (2100 +/-)

By 2100, the sea level rise is projected to increase between 17.1 and 58.1 inches. Figure 12 shows the combined hazards of coastal erosion, coastal flooding and wave impacts at 2100. By 2100 the entire Mandalay Beach Generating Station site is exposed to coastal process hazards (Table 3).

Under the year 2100 high sea level rise scenario (58.1 inches), Harbor Boulevard is projected to experience flooding during coastal storm events. By 2100, both the access road and Harbor Boulevard would have impaired access that would impact emergency and first responder access to the facility (Figure 12, Table 4).

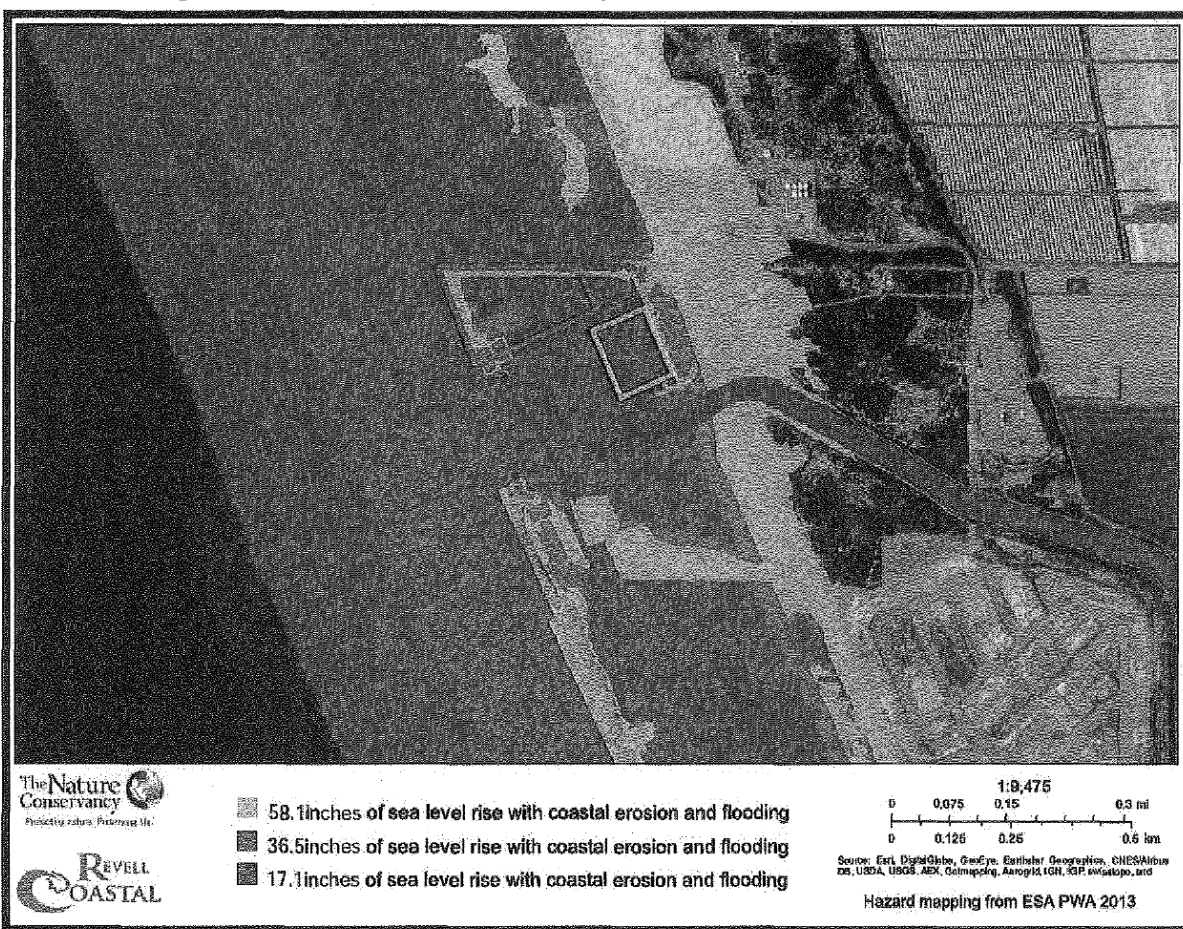


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The extent and magnitude of these impacts would be much worse than mapped if the dredge operations which bypass sand around Ventura Harbor and maintain the fronting beach and protective dunes were reduced or ceased. A 100 year wave erosion event could remove up to 125 feet of the protective dunes and leave the site vulnerable to subsequent storm events.

Figure 12. Combined coastal hazards by 2100 for all sea level rise scenarios



SUMMARY OF VULNERABILITIES: PROPOSED MANDALAY BEACH GENERATING STATION EXPANSION

Table 4 summarizes the timing of the exposure to various coastal process hazards at future time horizons. All of the coastal process hazards except for monthly tidal inundation currently threaten portions of the facility. Over time the extent and magnitude of the exposure increases which would increase the likelihood of damages to the facility interrupting energy supply and impacting the environment.

Table 3. Timing of Exposure to Coastal Hazards for the Proposed Mandalay Generating Station Expansion

Coastal Process Hazards	Existing conditions	2030	2060	2100
Coastal erosion	_*	_*	_*	_*
Coastal storm flooding	H	H,M	H,M,L	H,M,L
Tidal inundation	-	-	-	-
Wave impact	H	H,M	H,M,L	H,M,L

(H = High sea level rise scenario, M = Medium sea level rise scenario, L = Low sea level rise scenario)

*based on assumption that current dredge practices continue

Table 4 shows the timing of potential impacts of the coastal process hazards impairing emergency and other access to the facility.

Table 4. Timing of impacts on emergency access to the proposed Mandalay Generating Station

Coastal Process Hazards	Existing conditions	2030	2060	2100
Coastal erosion	-	-	-	-
Coastal storm flooding	-	-	H	M,H
Tidal inundation	-	-	-	-
Wave impact	-	-	H	H

(H = High sea level rise scenario, M = Medium sea level rise scenario, L = Low sea level rise scenario)

6.0 SUMMARY

- Any future development should consider the existing climate change modeling information and complete additional engineering level vulnerability analysis as necessary to be consistent with the California policies for incorporating climate change into coastal permitting.
- A large storm wave erosion event is capable of removing 125 feet of dunes.
- Currently the entire site is mapped in the 500 year Coastal Flood Hazard zone by FEMA.
- By 2030, portions of the site are exposed to additional coastal storm flooding including portions of the proposed facility expansion.

- Model projections show that by 2060 the entire proposed expansion site may be affected by coastal flood hazards during storm events. By 2100, the entire proposed site would likely be further impacted by additional frequency of storms and depths of flooding.
- By 2060, the access road to the facility for emergency response begins to be affected. By 2100 not only the access road to the site, but also Harbor Blvd is subject to coastal flooding that could impair access and emergency response to the site during storm events.
- It is recommended that future development avoid future hazards to minimize the likelihood of impacts to the facility and the related impacts to energy supply and the environment.
- The beach and dunes in front of the proposed Mandalay Generating Station expansion require continuation of the harbor dredge/sand bypassing to maintain the existing widths and dune crest elevations. If the dredging ceases, the beaches should be expected to narrow and dunes reduce in height similar to the immediate post construction of the Ventura Harbor, which would magnify the possibility of coastal hazards impacting the expansion site.

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APPENDICES

- Appendix A. Coastal Process Hazards from Proposed Mandalay Generating Station

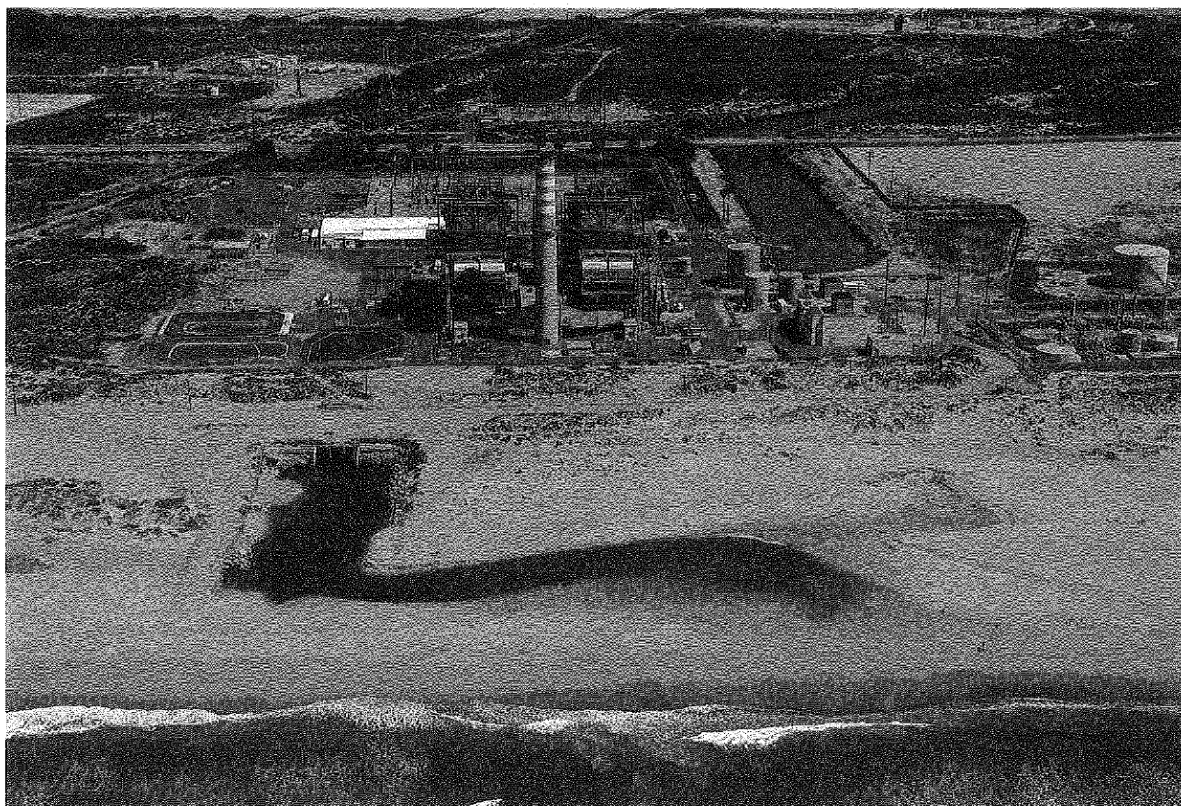
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Appendix A

Mandalay Generation Station

Coastal Hazard Vulnerabilities



Surf. Sand. Sustainability

Attachment 1
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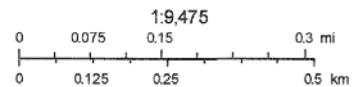
Mandalay Existing Wave Impact Hazards



The Nature Conservancy
Protecting nature. Preserving life.

REVELL
COASTAL

Wave Conditions:
25 feet at 22 seconds from 279 degrees



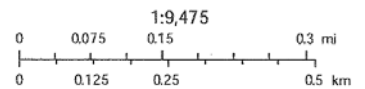
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Hazard mapping from ESA PWA 2013

Mandalay Existing Coastal Flooding



Wave Conditions:
25 feet at 22 seconds from 279 degrees



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and

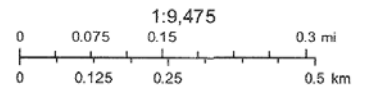
Hazard mapping from ESA PWA 2013



Mandalay Combined Hazards 2030



- 8.0 inches of sea level rise with coastal erosion and flooding
- 5.2 inches of sea level rise with coastal erosion and flooding
- 2.3 inches of sea level rise with coastal erosion and flooding



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and

Hazard mapping from ESA PWA 2013

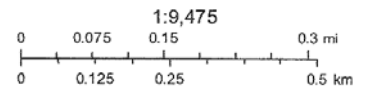
Mandalay Combined Hazards 2060



The Nature Conservancy
Protecting nature. Preserving life.

REVELL
COASTAL

- 25.3 inches of sea level rise with coastal erosion and flooding
- 16.1 inches of sea level rise with coastal erosion and flooding
- 7.4 inches of sea level rise with coastal erosion and flooding



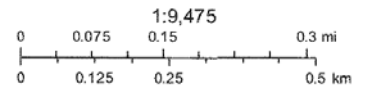
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Hazard mapping from ESA PWA 2013

Mandalay Combined Hazards 2100



- 58.1 inches of sea level rise with coastal erosion and flooding
- 36.5 inches of sea level rise with coastal erosion and flooding
- 17.1 inches of sea level rise with coastal erosion and flooding



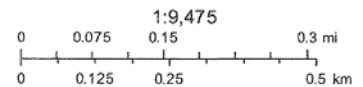
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and

Hazard mapping from ESA PWA 2013

Mandalay Coastal Flooding 2030 High SLR



 Flood Inundation (large storm)_2030_High



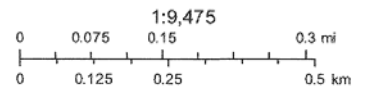
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Hazard mapping from ESA PWA 2013

Mandalay Coastal Flooding 2060 High SLR



■ Flood Inundation (large storm)_2060__High



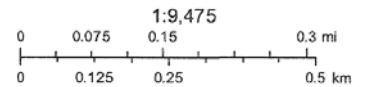
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Hazard mapping from ESA PWA 2013

Mandalay Coastal Flooding 2100 High SLR



■ Flood Inundation (large storm)_2100__High



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and

Hazard mapping from ESA PWA 2013

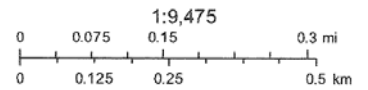
Mandalay Wave Impacts 2030 High SLR



Attachment
Page 45 of 83



Wave Conditions:
25 feet at 22 seconds from 279 degrees
Sea Level Rise - 8 inches



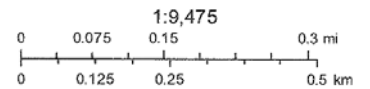
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Hazard mapping from ESA PWA 2013

Mandalay Wave Impacts 2060 High SLR



Wave Conditions:
25 feet at 22 seconds from 279 degrees
Sea Level Rise - 25.3 inches



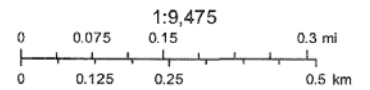
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Hazard mapping from ESA PWA 2013

Mandalay Wave Impacts 2100 High SLR



Wave Conditions:
25 feet at 22 seconds from 279 degrees
Sea Level Rise - 58.1 inches



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and

Hazard mapping from ESA PWA 2013

1 **BEFORE THE PUBLIC UTILITIES COMMISSION**
2 **OF THE STATE OF CALIFORNIA**

3 Application of Southern California Edison
4 Company (U338E) for Approval of the
5 Results of Its 2013 Local Capacity
6 Requirements Request for Offers for the
7 Moorpark Sub-Area.

 Application 14-11-016
 (Filed November 26, 2014)

8 Assigned Commissioner: Michel P. Florio
9 Assigned ALJ: Regina M. DeAngelis

10 **TESTIMONY OF DAVID CANNON**
11 **ON BEHALF OF THE CITY OF OXNARD**

12
13 ELLISON FOLK (SBN 149232)
14 EDWARD T. SCHEXNAYDER (SBN 284494)
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16 396 Hayes Street
17 San Francisco, California 94102
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20 folk@smwlaw.com
21 schexnayder@smwlaw.com

22 Attorneys for the City of Oxnard

23 Date: April 8, 2015
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Application 14-11-016
(Filed November 26, 2014)

7
8 **TESTIMONY OF DAVID CANNON**
9 **ON BEHALF OF THE CITY OF OXNARD**
10

11 **Please state your name, place of employment, and business address.**

12 My name is David Cannon. I am the President of Everest International Consultants,
13 which is located at 444 West Ocean Boulevard, Suite 1104, Long Beach, CA 90802.
14

15 **What is the purpose of this testimony?**

16 Southern California Edison has selected an NRG proposal for a new 262 megawatt gas
17 fired generating station ("Project") as part of this RFO proceeding. This testimony assesses
18 potential inundation of the Project site from future tsunami events that could impact the
19 California coast near the City of Oxnard. It also discusses the importance of continuing existing
20 levels of sediment supply for reducing potential tsunami and other coastal hazards, and the
21 uncertainties regarding future sediment supply for the Oxnard coast.
22

23 **Please describe your qualifications for providing this testimony.**

24 I am a registered Professional Engineer (Civil) with the State of California and I have
25 over 26 years of professional experience in coastal study and design projects. I manage and
26 direct coastal engineering, shore protection, hydraulics, and wetland restoration projects, and
27 have experience with residential shore protection, shoreline preservation (beach building), and
28 pier design. I also have extensive experience studying coastal sediment supply and transport

1 along the California coast. I have attached as Exhibit CO-1 a copy of my resume that includes a
2 selection of my relevant professional experience.

3
4 **Please describe your evaluation of potential tsunami impacts to the Project site and**
5 **summarize your findings.**

6 As part of this testimony, I prepared a report that evaluates the threat that tsunami events
7 could pose to the Project site. The report discusses different impacts from tsunamis triggered by
8 local and distant sources. The report also considers how sea level rise would increase the
9 likelihood of inundation from a tsunami event. I have included this report in my testimony as
10 Exhibit CO-2.

11 The report finds that the Project site would be exposed to impacts from a potential local-
12 source tsunami event like the Goleta 2 landslide scenario. The report also shows that a distant
13 source tsunami, like the 2011 Japanese Tsunami, would impact portions of the Project site under
14 future sea level rise conditions.

15
16 **How does coastal sediment supply influence protection of the Project site from tsunamis**
17 **and other coastal hazards?**

18 The beaches and dunes bordering the Project site receive sediment that migrates from
19 north to south along the coast. The two primary sources of sediment are ongoing dredging
20 practices around Ventura Harbor and, to a lesser extent, flooding of the Santa Clara River. For
21 the Ventura Harbor dredging, the U.S. Army Corps of Engineers removes sand that is trapped on
22 the northern side of the harbor and pumps it down the coast towards Oxnard.

23 If the supply of sediment from these sources is reduced, it would likely decrease the
24 width of the beach and the height of the dunes bordering the Project site. The existing dunes are
25 the site's primary protection from potential coastal impacts. Consequently, a reduced dune
26 height would greatly increase the Project site's exposure to potential tsunami inundation and
27 other coastal hazards.

1 **Are these harbor dredging processes guaranteed to continue?**

2 No, there is uncertainty surrounding the future of dredging and associated sand bypassing
3 activities at Ventura Harbor. The U.S. Army Corps of Engineer's budget for nationwide
4 dredging operations has faced significant shortfalls in recent years. Additionally, Congress must
5 appropriate this dredging funding annually. As a result, dredging activities at Ventura Harbor
6 have decreased in recent years and dredging activities in the future are not guaranteed.

7
8 **Aside from the information contained in Exhibit CO-2, does this conclude your opening**
9 **testimony?**

10 Yes.

11
12 Exhibit CO-1: Resume of David Cannon

13 Exhibit CO-2: Sea Level Rise Vulnerability Assessment: Tsunami Analysis Mandalay Bay
14 Generating Station

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Exhibit CO-1

DAVID G. CANNON, *PRESIDENT/PRINCIPAL ENGINEER*

EDUCATION

Master of Civil Engineering – University of Delaware, Newark, Delaware, 1990
Bachelor of Civil Engineering – University of Delaware, Newark, Delaware, 1986

REGISTRATION

Registered Professional Engineer (Civil), California, #C47116

EXPERIENCE SUMMARY

Mr. Cannon has over 26 years of professional experience with coastal study and design projects. His primary area of interest has been in the field of wetlands restoration planning and design, with additional experience in shoreline preservation and coastal sedimentation. Mr. Cannon manages and directs coastal engineering, shore protection, hydraulics, and wetland restoration projects. His experience also includes projects involving marina planning, residential shore protection, navigation channel and river slope protection, shoreline preservation (beach building), and pier design.

Mr. Cannon has extensive experience in the planning and design of wetland restoration projects. To successfully complete these types of projects, Mr. Cannon has undertaken and/or supervised tidal hydraulic modeling studies, flood control investigations, grading plan development, and cost estimate preparation. He has managed multidisciplinary project teams involving civil engineers, geologists, coastal engineers, biologists, geotechnical engineers, archaeologists, urban planners, permit specialists, and structural engineers to the successful completion of biological and physical project goals.

EXPERIENCE

San Diego South Bay Western Salt Pond Restoration, Imperial Beach, California

Project Engineer under contract to the Southwest Wetlands Interpretative Association (SWIA) for restoration of the Western Salt Ponds (Ponds 10, 10a, and 11) located within the South San Diego Bay Unit of the San Diego National Wildlife Refuge. Mr. Cannon was responsible for leading all engineering aspects of the preliminary design, final engineering design, and construction support of this 200+ acre restoration/dredging project. The project involved the characterization and subsequent dredging of 150,000 cubic yards of material and subsequent disposal within waters of the U.S. as well as coordination of disposal of an additional 60,000 cubic yards of material coming from another project within the area. Mr. Cannon assisted with the development of the sediment Sampling and Analysis Plan (SAP) and subsequent agency approval of the SAP. He was responsible for overseeing the preparation of construction drawings and specifications for all project components including the tide gate structure, earthwork/dredging, and siphon demolition as well as emergency sand bag construction and demolition. In addition, he was responsible for the preparation of construction quantities and cost estimates. Mr. Cannon assisted SWIA with construction bid document development, construction bid review, and contractor selection. During construction, Mr. Cannon assisted the construction manager in verifying that construction activities were being conducted in accordance with the design drawings, including the verification of pay quantities and amounts based on bathymetric surveys and site observations. David was responsible for client interaction, agency presentations, project planning, staff management, budget preparation and control, and schedule monitoring during all phases of this project.

Otay River Estuary Restoration Project, San Diego Bay, California. Project Engineer assisting Poseidon Water LLC and USFWS with restoration of the Otay River Floodplain (ORF) Site (80 acres) and Salt Pond 15 (85 acres), two non-contiguous sites located within the South San Diego Bay Unit of the San Diego Bay National Wildlife Refuge. The project involves excavation of a portion of ORF and placement of excavated material in Salt Pond 15 to create subtidal, intertidal mudflat, intertidal coastal salt marsh, and upland habitats. Mr. Cannon has provided engineering and planning expertise to support alternative development, including the co-development of a soil sampling and analysis program to characterize soils to be excavated from the project for the purpose of determining beneficial reuse and disposal options. He has been overseeing a fluvial hydraulic analysis aimed at evaluating project-induced impacts to flooding and soil erosion/sedimentation. In addition, Mr. Cannon has led the development of construction methods and associated preliminary construction cost estimates for this 160-acre project.

Channel Islands Harbor Circulation Improvement Study, Oxnard, California

Project Manager for a study being conducted for the Ventura County Harbor District to develop circulation improvement alternatives aimed at improving the water quality within Channel Islands Harbor to meet AB411 indicator bacteria criteria. Responsible for managing a multidisciplinary team consisting of hydrologists, hydraulic engineers, marine biologists, civil engineers, and toxicologists from Battelle Memorial Institute and the University of California, Irvine. Mr. Cannon oversaw a numerical modeling analysis of the harbor using the RMA2 and RMA4 components of the Surface Water Modeling System (SMS) developed by Brigham Young University and the U.S. Army Corps of Engineers Waterways Experiment Station. The numerical model was used to simulate the harbor hydraulics (RMA-2) and contaminant dispersal (RMA-4) under existing conditions and to evaluate the effectiveness of circulation improvement alternatives (e.g., pumping) at reducing the number of beach closures for two local recreational beaches (Kiddie Beach and Hobie Beach) associated with indicator bacteria levels that exceed the AB411 criteria. A field program consisting of water velocity, bacteria level, and dye tracking measurements was conducted to develop linkages between circulation and bacteria transport.

San Elijo Lagoon Railroad Double Track Project, San Diego County, California

Study Manager for the coastal and fluvial hydraulic engineering analyses for use by the prime consultant (HDR) in developing bridge designs for the replacement and expansion of the existing railroad bridge that runs across the San Elijo Lagoon in the City of Encinitas. During the design phase of the double-tracked railroad bridge, the San Elijo Lagoon restoration project is simultaneously being developed by others. The study therefore includes scenarios that consider the proposed bridge conditions as well as with and without proposed lagoon conditions. A 2-D model, TUFLOW, was chosen to model the dynamic conditions of the flow in this tidally influenced multi-directional flow lagoon. Model results were then processed and used in the scour and erosion protection analyses and design for the proposed railroad bridge and the tidal inlet channel downstream of the proposed bridge. Mr. Cannon coordinates with other members of the project team and the Lagoon restoration design team, as well as directs the preparation of engineering and environmental technical reports to support the development and submission to SANDAG of the 60%, 90% 100% and Bid ready plans, specifications and

cost estimates. In addition, Mr. Cannon helped identify and develop the appropriate base water elevations to use for assessing the impact of future rises in mean sea level on the flood and inlet channel modeling.

Orange County Coastal Regional Sediment Management Plan, California. Project Manager for the Coastal Sediment Management Plan for Orange County (the Plan). This Plan was created to provide sufficient information for decision makers to develop policies and/or execute management sub-plans to restore and preserve the future vitality of Orange County beaches and coastal areas. Specifically, the Plan includes a comprehensive approach for the conservation, restoration, and preservation of the valuable sediment resources throughout the coastal sedimentsheds of Orange County. The Plan was developed in cooperation with multiple stakeholder groups including the California Coastal Sediment Management Workgroup (co-chaired by the US Army Corps of Engineers and the California Natural Resources Agency), the County of Orange, scientists, planners, elected and appointed officials, and non-government organizations. The Plan addresses coastal maintenance needs through a multi-pronged approach ranging across geographic regions and utilizing many methods ranging from studies, policy changes, construction projects, and development of a joint powers authority. The project purposes, goals, process, data sources, physical, biological, economical, and regulatory aspects, as well as Plan activities and recommendations were summarized in a report and various public presentations.

Del Mar Bluffs Stabilization, Preserving Track Bed Support, Del Mar, San Diego County, California

Coastal Engineer for a project to stabilize the bluffs that provide track bed support for the portion of the coastal rail corridor that runs through the City of Del Mar in San Diego County, California. David was primarily responsible for issues related to coastal processes and coastal engineering. David reviewed the initial set of conceptual bluff stabilization methods to provide coastal engineering input in terms of issues that would need to be addressed during subsequent phases of the project., which included input regarding the need to develop design ocean water levels and wave loads for the seawall alternative as well as the information that would be needed to design the beach nourishment alternative. David was able to develop the necessary rationale to eliminate the seawall and beach nourishment options from further consideration allowing the team to focus their efforts on more promising options. The initial type selection report prepared for the project by other team members was not written in a clear and concise manner and this resulted in delays during negotiations with the City of Del Mar staff. To address this issue, NCTD/SANDAG staff directed SWE to have David reorganize the type selection report and to rewrite portions of the document while editing other portions. In addition, David led the development of an alternative analysis and evaluation process that was used to rank the various stabilization methods in the type selection report. The result of this effort was a report that, after subsequent input from NCTD/SANDAG, was effective in communicating the methods, results, conclusions, and recommendations of the type selection process, thereby allowing the project to move forward. David attended key meetings with the City of Del Mar during the alternative development process to present information and discuss issues related to the coastal processes and coastal engineering aspects of the project, including the consistency of the project with the City's beach preservation ordinance. David was able to complete the work required

to advance the project well within the initial budget (approx. \$100,000) established for the work through adaptive management and interpretation of the scope such that, in the end, only \$28,000 had to be expended to complete the work necessary to advance the project. Upon completion of David's work the project moved forward to final design and construction.

San Dieguito River Bridge Hydraulic Analysis, San Diego County, California

Study Manager for a hydraulic analysis of the San Dieguito River conducted for the North County Transit District (NCTD) to analyze flood elevations and velocities for use by the prime consultant (David Evans and Associates) in developing bridge designs for the replacement of the existing railroad bridge that runs across the San Dieguito River in Del Mar. The analysis was conducted with the unsteady flow version of the hydraulic flow model known as HEC-RAS, which is a fluvial processes model approved for use by the Federal Emergency Management Agency (FEMA). The unsteady flow version was chosen to more accurately model the dynamic conditions of the river in this location since river flows and tidal flows are comingled in this portion of the river channel. In addition, David helped identify and develop the appropriate base water elevations to use for assessing the impact of future rises in mean sea level on the flood modeling.

Encinitas & Solana Beach Shoreline Protection EIS/EIR, San Diego County, California

Coastal Engineer responsible for assisting the U.S. Army Corps of Engineers, Los Angeles District with the preparation of a joint EIS/EIR for the Encinitas & Solana Beach Shoreline Protection. Everest is serving as the prime consultant with Anchor Environmental (Anchor), Chambers Group (Chambers), and Science Applications International Corporation (SAIC) providing services as subconsultants. Mr. Cannon is responsible for evaluating impacts to oceanographic and coastal processes and for working with the project biologist (Karen Green – SAIC) to analyze impacts to nearshore habitat (kelp, reef, and surfgrass). In this role, Mr. Cannon is responsible for the shoreline morphology analyses necessary to support the preliminary engineering design, economic analysis, and nearshore habitat impact assessment. The nearshore habitat impact methodology, which was developed jointly by SAIC and Everest, is based on the methodology utilized successfully to obtain environmental approvals for the SANDAG Regional Beach Sand Project in 2000.

Buena Vista Lagoon Restoration Feasibility Study, Carlsbad, California

Project Manager for a study aimed at determining the feasibility of restoring the 220-acre Buena Vista Lagoon, which is located at the border of Oceanside and Carlsbad in San Diego County. Mr. Cannon was responsible for managing a multidisciplinary team of hydrologists, biologists, ecologists, engineers, and regulatory specialists as well as coordinating study activities with a Technical Advisory Committee. The existing lagoon is a fresh water hydrologic regime that provides habitat for fresh water fish and invertebrates, migratory birds, and waterfowl, including several threatened and/or endangered species. The study involved development of restoration goals/objectives, characterization of existing conditions (wildlife surveys, vegetation surveys, habitat mapping, dredged material characterization, and upstream watershed assessment), identification of restoration opportunities/constraints, development of restoration alternatives, evaluation of restoration alternatives, agency coordination, and public

involvement. A unique aspect of the study was the need to help decision makers determine the hydrologic regime that the Lagoon should be maintained under in the future and the Study Team developed a unique analysis and alternative development approach to address this unique aspect of the study. In addition to his role in managing the multidisciplinary study team, Mr. Cannon was also responsible for developing the content of public workshops and for presenting the material to agency representatives and members of the interested public.

Huntington Beach Bluff Top Park Storm Damage Reduction Feasibility Study, Huntington Beach, California

Study Manager for a feasibility study (F3 milestone) to establish baseline, without project conditions for the Huntington Beach Bluff Top Park in Huntington Beach, California. The study involved identifying existing conditions, analyzing historical aerial photographs (shoreline and bluff top position), estimating future bluff top erosion, conducting economic analyses, and preparing three reports (Aerial Photograph and Shoreline Mapping Appendix, Coastal Engineering Appendix, and F3 Main Report). A unique aspect of this project was the use of a risk-based method to analyze storm damage costs and benefits. The methodology was based on the use of a Monte Carlo model that linked extreme bluff top erosion events to economic damages over a 50-year simulation period. The bluff top erosion event information was developed by relating historical bluff erosion to storm wave energy to arrive at erosion values for a given return period (e.g., 50-year erosion value). Since a portion of the bluff top is armored with concrete rubble, separate erosion events were developed for the armored and unarmored areas (a.k.a., non-embayment and embayment). David was responsible for managing all aspects of the feasibility study, overseeing the economics analysis conducted by David Miller & Associates, and presenting the study methods and results at meetings with the local sponsor (City of Huntington Beach). He also wrote and/or edited the Aerial Photograph and Shoreline Mapping Appendix, Coastal Engineering Appendix, and F3 Main Report.

Agua Hedionda Lagoon Northern Jetty Restoration, Carlsbad, California

Project Engineer for restoration of a 200-foot long section of the northern inlet jetty along Agua Hedionda Lagoon in the City of Carlsbad, California. The project involved preliminary engineering design, environmental review, permitting, and final design. Mr. Cannon was responsible for directing all of the study components related to engineering. This included design wave analysis, stone size selection, cross-section design, construction method development, and cost estimate preparation. In addition, the one-line numerical model known as GENESIS, was utilized to perform a shoreline impact assessment. The assessment was used to estimate the potential impacts of the project on adjacent shorelines (i.e., erosion and accretion) and to develop mitigation measures (e.g., initial beach fill) aimed at reducing the potential impacts to levels considered insignificant. Mr. Cannon was responsible for presenting the engineering and coastal processes components of the project studies to the regulatory agencies (e.g., USACE, SLC, and CCC), local government entities (e.g., City of Carlsbad), resource agencies (e.g., USFWS, NMFS, and CDFG), and environmental action groups (e.g., Agua Hedionda Lagoon Foundation).

Orote Point Landfill Revetment, Guam, U.S. Trust Territory

Project Manager for a shore protection design project on the Island of Guam. Management responsibilities included project planning, client interaction, budget control, and schedule management. Technical elements included wave runup analyses using numerical and physical models, as well as seawall and revetment alternative development and evaluation. Stringent design criteria had to be developed since the purpose of the shore protection device was to maintain the integrity of a landfill containing contaminated and hazardous material that was located adjacent to a marine preserve. An engineering cost analysis of the various alternatives was performed to determine the most cost-effective solution for implementation by the U.S. Navy. A revetment composed of concrete armor units (cubes) and stone underlayer was selected for design. Mr. Cannon was responsible for the preparation of the engineering plans and specifications that were ultimately included in the bid document package.

Batiquitos Lagoon Enhancement Project, Carlsbad, California

Coastal Engineer for a physical model study of cobble transport associated with the Batiquitos Lagoon Enhancement Project. Mr. Cannon was responsible for evaluating the dynamics of the Batiquitos Lagoon cobble beach in Carlsbad, California. The purpose of this study was to determine the effectiveness of shore-perpendicular jetties at reducing cobble infilling of a proposed tidal inlet. The study results were also used to estimate bridge soffit elevations by providing additional information regarding the design water elevation.

Marina Del Rey Dredged Material Management Plan Development, Marina Del Rey, California

Mr. Cannon served as project manager for the technical studies used by the U.S. Army Corps of Engineers to develop a Dredged Material Management Plan for Marina Del Rey, California. Mr. Cannon was responsible for client interaction, scope development, staff management, schedule performance, and budget control. He authored the technical feasibility report that was used to develop the F-4 planning report by the USACE project manager. Coastal engineering elements of the project included alternative plan development, sediment budget development, river sedimentation estimation, two-dimensional tidal hydraulic modeling (SMS with RMA-2), two-dimensional transport modeling of heavy metals (SMS with RMA-4), shoaling rate calculation, dredged material disposal alternatives analysis (e.g., confined aquatic disposal, upland placement, offshore disposal, confined upland disposal), construction method development, and cost estimate preparation. When Mr. Cannon took control of this four-month project it was in the third month and only 35 percent of the work tasks were complete. Under his leadership, the draft report was completed on the scheduled due date, just over one month from the time he became the designated project manager. Coordinating and managing staff to meet this schedule was complicated by the fact that the final due date was in early January just after the holiday season.

Lomas Santa Fe Drive Grade Separation, Solana Beach, California

Project Manager and Coastal Engineer for design of the beach disposal component of the Lomas Santa Fe Drive Grade Separation Project in Solana Beach, California. This project involved physical and chemical sediment sampling, testing, and analysis to determine beach disposal compatibility. Since the regulatory agencies did not have sediment

sampling, testing, and analysis guidelines for beneficial use of terrestrial material at the time, the project required extensive coordination between the client, regulatory/resource agencies, and project team members. Mr. Cannon was responsible for scheduling and facilitating project team meetings, keeping all constituencies informed of progress, and managing action items to completion. Additional project management responsibilities included agency coordination, budget control, schedule maintenance, client interaction, and regulatory agency and City Council (City of Solana Beach) presentations. Developed a sediment sampling and analysis plan (SAP) and coordinated with resource and regulatory agency personnel to gain SAP approval. Coastal engineering responsibilities included physical analysis of sediment quality data (e.g., grain size, contaminant concentrations), conceptual sand placement plans, permit preparation, and preparation of engineering plans, specifications, and construction cost estimates. Mr. Cannon was also responsible for conducting site observations during construction to make sure that the project was constructed in substantial accordance with the design. This proved very cost effective as Mr. Cannon was able to get the U.S. Army Corps of Engineers to reduce the level of monitoring from two locations (sediment source and receiver site) to one location, thereby lowering construction monitoring costs.

Santa Barbara Harbor Dredging Management Feasibility Study, Santa Barbara, California

Coastal Engineer for an alternative dredging program study of Santa Barbara Harbor. Performed a littoral transport study, which involved analysis of wave climate including island sheltering, angular spreading, refraction, and shoaling.

Flood Protection Feasibility Study, Seal Beach, California

Coastal Engineer of a flood protection feasibility study conducted for the City of Seal Beach. Assisted in the development of conceptual alternatives including a manmade reef to reduce coastal flooding of private residences due to concurrent high tides and waves. Evaluation of alternatives was based on wave runup reduction, maintenance requirements, constructability, and economic considerations.

Small Craft Marina Design, Commencement Bay, Port of Tacoma, Washington

Project Engineer for a 200-boat small craft marina located within Commencement Bay near the Port of Tacoma. Oceanographic design criteria including winds, water levels, and waves were developed and used to estimate the wind and wave loads on the dock system.

Pebbly Beach Small Craft Marina Feasibility Study, Avalon, California

Coastal Engineer for the feasibility study of a small craft marina located in the vicinity of Pebbly Beach on Catalina Island. The project involved the development of wave reduction structure concepts and preparation of associated cost estimates.

Shore Protection Structures, Ebeye, Marshall Islands

Coastal Engineer for the design and analysis of shore protection structures to protect a causeway from wave action in the North Pacific. The study included wave climate analyses, wave runup and overtopping analyses, water level analyses, shore protection design, and cost estimate preparation. An innovative feature of this project was the design and construction of a dynamically stable revetment for shore protection.

Santa Monica Breakwater Restoration Feasibility Study, Santa Monica, California

Project Engineer for an economic storm damage assessment study of the Santa Monica Pier conducted for the U.S. Army Corps of Engineers. Responsibilities included client interaction, budget tracking, and cost estimate preparation. Also assisted in the development of an economic model to estimate storm damage to the pier and assign costs to those damages.

Waterfront Development Feasibility Study, Island of Molokai, Hawaii

Project Engineer for a proposed 125-acre waterfront development project along the west coast of Molokai. Responsibilities included conducting wave transformation studies, developing marina concepts, performing boat distribution analyses, and preparing cost estimates.

Marina Development Feasibility Study, Kohanaiki, Island of Hawaii, Hawaii

Project Engineer involved in the development of alternative concepts for a proposed marina on the west coast of Hawaii. Prepared cost estimates and assisted in basin layout and boat distribution, as well as, analysis of wave-induced basin oscillations.

Small Craft Marina and Residential Development Feasibility Study, La Salina, Baja Mexico

Coastal Engineer for a proposed small-craft marina and residential development located along the Pacific Coast in Baja Mexico between Tijuana and Ensenada. Responsibilities included determination of wave climate, design water levels, and design wave conditions for use in developing preliminary ocean entrance configurations and designing the corresponding ocean entrance structures.

San Malo Shoreline Protection Device Design, Oceanside, California

Coastal Engineer involved in the design of a stone revetment to protect the San Malo Residential Complex in Oceanside, California from ocean waves and inundation. Analyses included determination of water level statistics, design wave conditions, wave runoff, wave overtopping, and stable revetment structure.

Coastal Flood Water Elevation Study. Huntington Beach, California

Coastal Engineer responsible for determining ocean water levels in the Talbert Channel during the January and March 1983 storms. These water levels were used in a backwater analysis of the Talbert Channel to determine areas of channel overflow. Analyses included determination of extreme waves, storm surge, pressure and astronomical tides, and wave setup, as well as conducting wave transformation.

PUBLICATIONS AND PRESENTATIONS

Cannon, D. "Orange County Coastal Regional Sediment Management Plan", presented at American Shore and Beach Preservation Association (ASBPA)'s 2012 National Coastal Conference: "Rising to the Challenge", San Diego, October 9-12, 2012.

Cannon, D., Y. Poon, and S. Innes "SANDAG Regional Beach Sand Project II: Shoreline and Profile Modeling", presented at American Shore and Beach Preservation

Association (ASBPA)'s 2011 National Coastal Conference: "Expanding Coastal Horizons", New Orleans, October 18-21, 2011.

Cannon, D. "*Project Incorporation of Global Mean Sea Level Rise*", presented at Port of San Diego Tenants Association, August 29, 2011.

Cannon, D. "*Dredging, Filling, and Breaching Solar Salt Ponds to Restore Tidal Salt Marsh in San Diego Bay*", presented at Headwaters to Oceans (H2O) Conference, San Diego, May 23-26, 2011.

Cannon, D. "*Incorporation of Sea Level Rise into Local, State, and Federal Projects*", presented at San Diego Association of Governments (SANDAG) Shoreline Preservation Working Group (SPWG) Meeting, San Diego, December 3, 2009.

Cannon, D. "*Considering Sea Level From Science To Guidelines To Project Definition*", presented at Headwaters to Oceans (H2O) Conference, Long Beach, October 27-29, 2009.

Cannon, D. "*Beach Restoration Regulatory Guide*", presented at Headwaters to Oceans (H2O) Conference, Long Beach, October 24-26, 2007.

Cannon, D., D. Davenport, and J. Gurish "*Sediment Master Plan Policies, Procedures, and Regulations (PPR) Analysis*", presented at California and the World Ocean (CWO) Conference, Long Beach, September 17-20, 2006.

Cannon, D., "*Sediment Management - Policies, Procedures and Regulations*," presented at Headwaters to Oceans (H2O) Conference, Huntington Beach, California, October 26-28, 2005.

Nathan, R., D. Cannon, "*Articulating Block Mat Revetment For Whaler's Village*", presented at the ASCE Coastal Engineering Practice '92 Conference and published in the proceedings, 1992.

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Exhibit CO-2

**SEA LEVEL RISE VULNERABILITY ASSESSMENT: TSUNAMI ANALYSIS
MANDALAY BAY GENERATING STATION**

FINAL REPORT

Prepared For:

City of Oxnard
214 South C Street
Oxnard, California 93030

Contact: Chris Williamson, AICP

Prepared By:

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444 West Ocean Boulevard, Suite 1104
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April 8, 2015

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1. PURPOSE AND OBJECTIVES

The purpose of the analysis presented in this report is to determine the degree of potential inundation at the Mandalay Bay Generating Station (MBGS) site associated with tsunamis both without and with sea level rise. The following objectives were established to fulfill the purpose:

- Select tide condition
- Select future sea level rise conditions
- Select tsunami events
- Determine the extent of potential tsunami-induced inundation

2. APPROACH

Potential tsunami inundation elevations were determined based on selected tide elevations and tsunami wave heights. These potential tsunami inundation elevations were then mapped at the generating station site using GIS and topographic/bathymetric data to evaluate areas with the potential to be inundated by a tsunami occurring in Year 2015 without sea level rise consideration and a tsunami occurring in Years 2030, 2060, and 2100 with sea level rise consideration.

3. FLOOD ELEVATIONS

3.1 TIDES

Tide levels are monitored by the National Oceanic and Atmospheric Administration (NOAA) along the California coastline at designated tide stations. The Santa Barbara station (Station 9411340) and Santa Monica station (Station 9410840) are the two NOAA stations closest to the generating station. Tidal datums obtained from NOAA for these two stations are shown in Table 1 with elevations in feet relative to the North American Vertical Datum of 1988 (NAVD88). These tidal datums represent long term average water levels for the latest National Tidal Datum Epoch from Years 1983 to 2001. Since the generating facility is approximately equal distance from these two NOAA stations, the average tide elevation at the two tide stations was used for this analysis. For the tsunami potential inundation analysis, Mean Higher High Water (MHHW) was selected as the tide condition for the historical tsunami (2011 Japanese Tsunami) while Mean Sea Level (MSL) was selected as the tide condition for the local source generated tsunami.

Table 1. NOAA Tidal Datums for Santa Barbara and Santa Monica

TIDE	ELEVATION (FEET, NAVD88)	
	SANTA BARBARA (STATION 9411340)	SANTA MONICA (STATION 9410840)
Highest Observed Water Level	7.26	8.31
Mean Higher High Water (MHHW)	5.27	5.24
Mean High Water (MHW)	4.51	4.50
Mean Sea Level (MSL)	2.66	2.60
Mean Low Water (MLW)	0.85	0.74
North American Vertical Datum – 1988 (NAVD88)	0.00	0.00
Mean Lower Low Water (MLLW)	-0.13	-0.19
Lowest Observed Water Level	-3.02	-3.03

3.2 SEA LEVEL RISE

To be consistent with the study conducted by Revell Coastal (2015) on the vulnerability of the generating station to coastal hazards and climate change, the same sea level rise projections for Years 2030, 2060, and 2100 used for that study were used for this analysis to define future mean sea level conditions. These sea level rise projections are provided in Table 2.

3.3 TSUNAMIS

The 2010 Chilean and 2011 Japanese tsunamis were the most significant tsunamis to hit California since the 1964 Alaska tsunami. The 2010 Chilean tsunami was generated by a magnitude 8.8 earthquake on February 26, 2010 at the Maule region near central Chile, and the tsunami subsequently reached the Los Angeles region around noon on February 27, 2010. On March 11, 2011, a magnitude 9.0 earthquake struck the east coast of the Tohoku region in Japan, and it generated a large tsunami that reached the Los Angeles region at around 8:40 am on March 11, 2011.

The NOAA ocean water level data collected at the Santa Barbara and Santa Monica gages for these two tsunami events were downloaded and analyzed for this analysis. Figure 1 shows the marigrams at Santa Monica and Santa Barbara for the 2010 Chilean event. In the figure, the blue line shows the measured ocean water level and the green line shows the predicted ocean water level. The difference between the measured and predicted tide (shown as the red line in the figure) primarily represents the tsunami wave. Based on the data, the maximum measured tsunami amplitude was approximately 1.61 ft at Santa Monica and 1.91 ft at Santa Barbara. Similar plots for the 2011 Japanese tsunami are shown in Figure 2. For this tsunami event, the maximum tsunami amplitude at Santa Monica was about 2.43 ft and 2.39 ft at Santa Barbara. The tsunami wave amplitude off the shoreline of the generating station is likely between those measured at Santa Monica and Santa Barbara so an average value was calculated for these two locations (1.75 ft for the 2010 Chilean event and 2.41 ft for the 2011 Japanese event) to represent the tsunami amplitude. For this analysis, the 2011 Japanese event tsunami amplitude was used since it represented the higher tsunami wave condition.

Given the lack of information for historical tsunami events and potential for extreme tsunami events that have not been captured in the historical record, consideration was given to potential tsunamis that could be generated by distant sources and local sources. The State of California conducted an analysis of tsunamis that could be generated by numerous distant sources (e.g., Cascadian Subduction Zone earthquake) and local sources (e.g., Goleta 2 Landslide). A numerical model was used in the analysis conducted by the State of California to determine the maximum potential tsunami elevation for each individual source and then the maximum tsunami elevation was identified for each source type (distant and local). The results were provided for different locations along the California coast, including the Oxnard area. For the Oxnard area, the maximum tsunami height from the Goleta 2 Landslide source was reported as +10 ft (California Geological Survey, 2014). There was no vertical datum associated with this tsunami height; however, it mentions in the report that the tsunami heights were obtained from the state tsunami hazard mapping conducted in 2009, which were based on a vertical datum of Mean High Water (MHW) so the tsunami elevation is +10 ft, MHW. Since MHW is approximately 2 feet above MSL (see Table 1), the tsunami elevation associated with the Goleta 2 Landslide source is approximately +12 ft, MSL. This tsunami was selected for inclusion in the analysis presented herein to allow consideration of a potentially large tsunami not captured in the historical record that could strike the Oxnard coast in the future. Consistent with the California Geological Survey's tsunami guidance report, the City of Oxnard is using the Goleta 2 Landslide scenario for emergency evacuation and coastal planning purposes.

3.4 POTENTIAL INUNDATION ELEVATIONS

The tsunami potential inundation elevations for the 2011 Japanese tsunami and Goleta 2 Landslide tsunami are summarized in Table 2 and Table 3, respectively. The values in Table 2 are based on the tsunami occurring during a high tide condition of MHHW under Year 2015 current sea level condition and future sea level conditions (i.e., with sea level rise) in Years 2030, 2060, and 2100. The values in Table 3 are based on the tsunami occurring during a tide condition of MSL under Year 2015 current sea level condition and future sea level conditions (i.e., with sea level rise) in Years 2030, 2060, and 2100.

Table 2. 2011 Japanese Tsunami Potential Inundation Elevations

YEAR	MHHW (FT, NAVD88)	Tsunami AMPLITUDE (FT)	SEA LEVEL RISE (FT)	INUNDATION ELEVATION (FT, NAVD88)
2015	5.26	2.4	0.00	7.7
2030	5.26	2.4	0.67	8.3
2060	5.26	2.4	2.11	9.8
2100	5.26	2.4	4.84	12.5

Table 3. Goleta 2 Landslide Tsunami Potential Inundation Elevations

YEAR	Tsunami NEARSHORE HEIGHT (ELEVATION)		SEA LEVEL RISE (FT)	INUNDATION ELEVATION (FT, NAVD88)
	(FT, MSL)	(FT, NAVD88)		
2015	12.0	14.63	0.00	14.6
2030	12.0	14.63	0.67	15.3
2060	12.0	14.63	2.11	16.7
2100	12.0	14.63	4.84	19.5

4. DATA USED IN GIS-AIDED INUNDATION ANALYSIS

4.1 IMAGERY: WORLD IMAGERY

The imagery "World Imagery" is available as a basemap in ESRI ArcGIS (ESRI, 2015). World Imagery provides one meter or better satellite and aerial imagery in many parts of the world and lower resolution satellite imagery worldwide. The map features 0.3 meter (m) resolution imagery in the continental United States.

4.2 TOPOGRAPHIC/BATHYMETRIC DATA: 2013 NOAA COASTAL CALIFORNIA TOPOBATHY MERGED PROJECT

The raster data set was downloaded from the NOAA Digital Coast Data Access Viewer (NOAA, 2015). Data providers include the California State Coastal Conservancy, California Ocean Protection Council, and California Department of Water Resources. The data was extracted from a larger classified data set and only includes points classified as Ground, Model Key-point (mass point), Bathymetric Lidar Points, and Acoustic Bathymetry (bare earth) within the requested geographic bounds. This project merged recently collected topographic, bathymetric, and acoustic elevation data along the entire California coastline from approximately the 10 m elevation contour out to the three-mile State water's boundary.

The topographic Lidar data used in this merged project was the 2009-2011 California State Coastal Conservancy Lidar Project. The bathymetric Lidar data used in this merged project was 2009-2010 U.S. Army Corps of Engineers (USACE) Joint Airborne Lidar Bathymetry Center of Expertise (JALBTCX) Lidar, provided by JALBTCX. The data were collected for the California Coastal Mapping Project. The multibeam acoustic data used in this merged project were provided by the California Seafloor Mapping Program, Ocean Protection Council and NOAA's National Geophysical Data Center. Vertical accuracy of the topographic data is reported at 4.8 centimeters (cm) root mean square error (RMSE). JALBTCX bathymetric data is reported at 15 cm RMSE. As multiple multibeam acoustic datasets from multiple sources were used, the vertical accuracy varies. Horizontal accuracy is 100 cm.

5. TSUNAMI POTENTIAL INUNDATION AREAS

Tsunami potential inundation elevations accounting for tide, tsunami wave amplitude/height, and sea level rise for Years 2015, 2030, 2060, and 2100 were superimposed on topographic maps for the area in the vicinity of the generating station to determine the area that may be inundated if there are hydraulic connections between the tsunami wave and low lying areas.

An example of a hydraulic connection would be breaches in the beach dune system that lies between the ocean and generating stations. Such breaches could occur during a tsunami with the initial tsunami waves eroding the beach and breaching the dune system. In addition, such breaches could occur in the future due to gradual erosion of the dune system associated with decreases in sand supply. These reductions would include natural reductions in sand transported to the ocean via rivers (e.g., Santa Clara River) and changes in sand bypassed around Ventura Harbor upcoast from MBGS. Given recent reductions in maintenance bypassing by the U.S. Army Corps of Engineers in the area, the future viability of such activities is uncertain.

5.1 2011 JAPANESE TSUNAMI

Tsunami potential inundation maps for the MBGS for Years 2015, 2030, 2060, and 2100 are shown in Figures 3, 4, 5, and 6, respectively. The areas in the vicinity of the MBGS below 7.7 ft, NAVD88 (potential inundation elevation for Year 2015) are shaded blue in Figure 3. As shown in the figure, the MBGS facility is above 7.7 ft, NAVD88; hence, it is unlikely to be inundated during a tsunami event in Year 2015. As shown in Figures 4 and 5, the ground elevations of the MBGS facility are higher than the corresponding potential inundation elevations for Years 2030 and 2060 so these areas are also not likely to be inundated by this tsunami even if a hydraulic connection becomes established between the ocean and this area. In Figure 6, the areas below 12.5 ft, NAVD88 (potential inundation elevation for Year 2100) are shaded blue. A significant portion of the MBGS facility is lower than the potential inundation elevation for Year 2100 so this area has the potential to be inundated by this tsunami if a hydraulic connection becomes established between the ocean and this area. Some of the existing parking area is lower than the Year 2100 inundation elevation, but the access roads leading to/from the MBGS are above 12.5 ft, NAVD88, so this tsunami would not likely impact access to the MBGS facility even under the Year 2100 sea level rise condition.

5.2 GOLETA 2 LANDSLIDE TSUNAMI

Tsunami potential inundation maps for the MBGS for Years 2015, 2030, 2060, and 2100 are shown in Figures 7, 8, 9, and 10, respectively. The areas in the vicinity of the MBGS below 14.6 ft, NAVD88 (inundation elevation for Year 2015) are shaded blue in Figure 7. As shown in the figure, most of the MBGS facility is below 14.6 ft, NAVD88; hence, it is likely to be inundated during this tsunami event if it occurred in Year 2015. The amount and extent of inundation is expected to increase in Year 2030, Year 2060, and Year 2100 as sea level increases. Some portions of the access roads leading to/from the MBGS are below 14.6 ft, NAVD88 so it is likely that this tsunami would start to impact access to the MBGS facility if it

occurred in Year 2015. The impact to access to/from the MBGS increases in Year 2030, Year 2060, and Year 2100 as sea level rises.

6. SUMMARY

Based on the results of the tsunami potential inundation analysis, the MBGS is not likely to experience substantial inundation by a tsunami similar to the 2011 Japanese tsunami if it occurred in Year 2015 with a hydraulic connection between the ocean and generating station site. Although sea level rise is likely to result in increased potential inundation during this tsunami at the generating station, the effect is not expected to be substantial between Year 2015 and Year 2060. However, by Year 2100 tsunami-induced potential inundation has the potential to impact operations at the site. The year at which impacts to operations would be expected is not known but it would likely occur sometime between Year 2060 and Year 2100.

Based on the results of the tsunami potential inundation analysis, the MBGS is likely to experience substantial inundation by a tsunami generated by the Goleta 2 Landslide if a hydraulic connection is established between the ocean and generating station site. Potential inundation would likely occur in Year 2015 with the amount and extent of potential inundation increasing in the future as sea level increases in accordance with sea level rise projections.

7. REFERENCES

California Geological Survey, California Governor's Office of Emergency Services, and National Oceanic Atmospheric Administration. 2014. "Tsunami Emergency Response Playbooks and FASTER Tsunami Height Calculation: Background Information and Guidance for Use." Funded by the National Tsunami Hazard Mitigation Program. California Geological Survey Special Report 236. November 13, 2104.

ESRI 2015. http://services.arcgisonline.com/ArcGIS/rest/services/World_Imagery/MapServer

NOAA 2015. <http://coast.noaa.gov/dataviewer/>

Revell Coastal. 2015. "Vulnerability of Mandalay Generating Station to Existing and Future Coastal Hazards and Sea Level Rise," Prepared for City of Oxnard, April 2015.

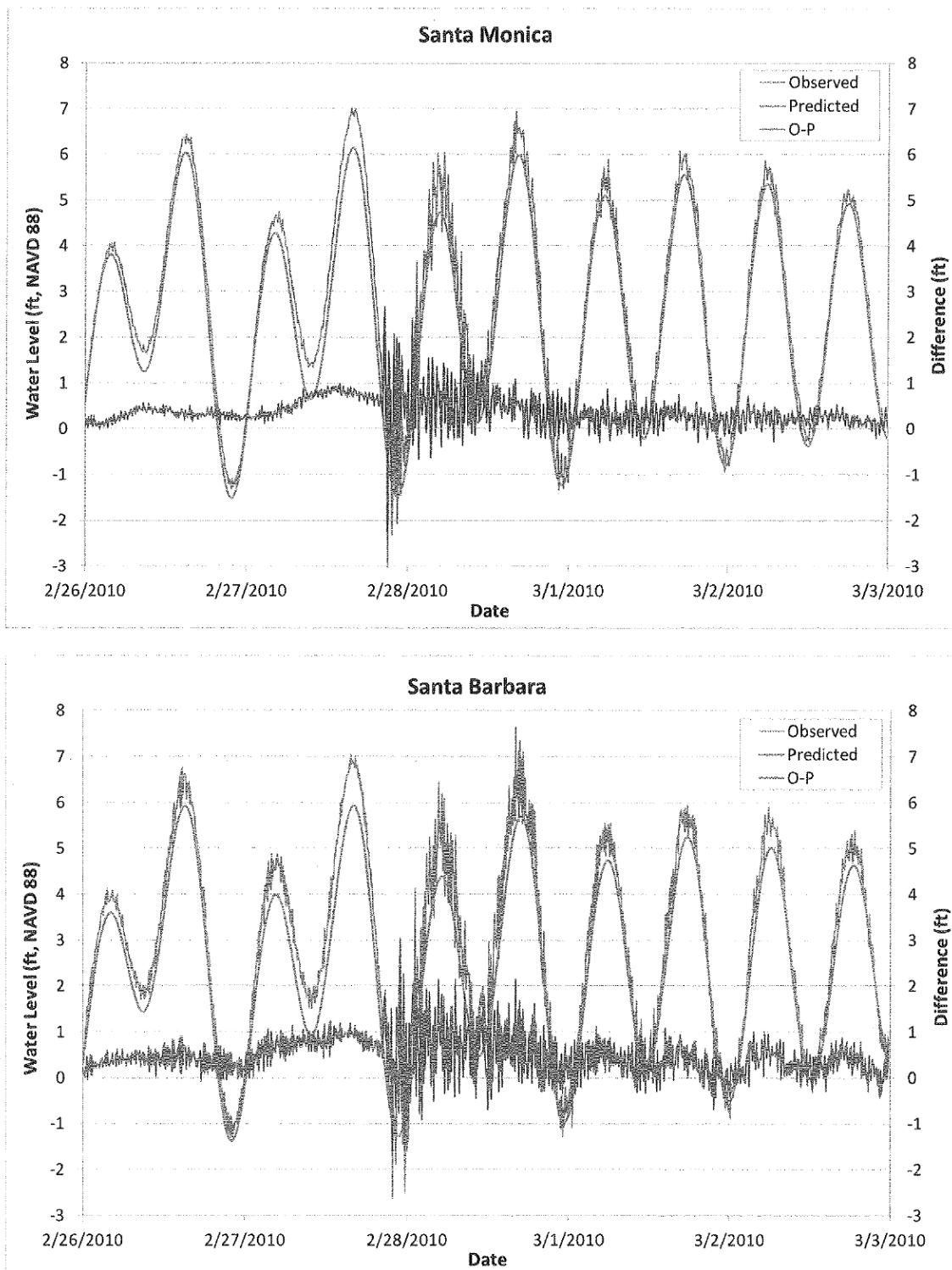


Figure 1. Marigrams for Santa Monica and Santa Barbara during the February 27, 2010 Chilean Tsunami

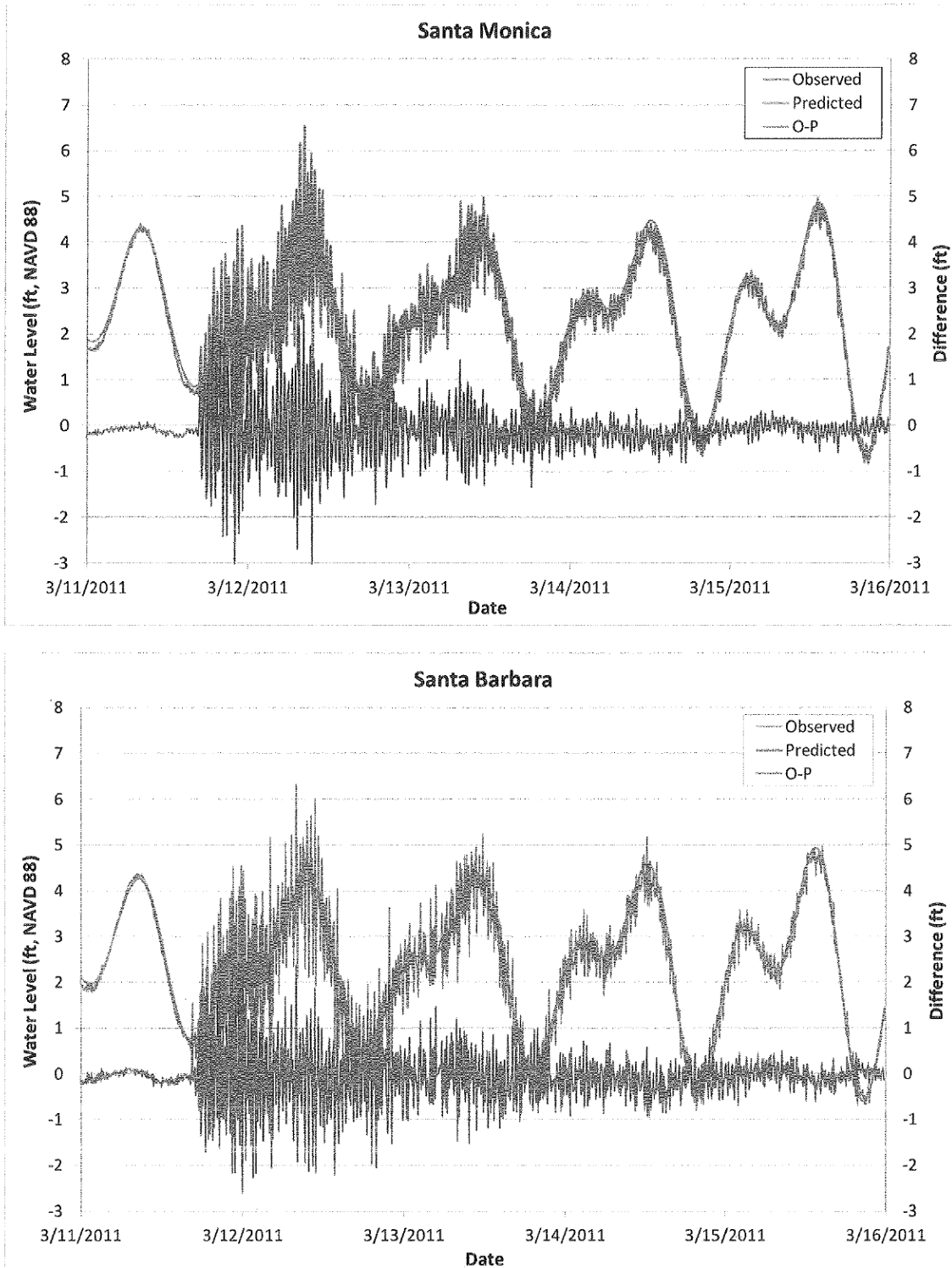


Figure 2. Marigrams for Santa Monica and Santa Barbara during the March 11, 2011 Japanese Tsunami



Figure 3. Mandalay Bay Generating Station for 2011 Japanese Tsunami in 2015



Figure 4. Mandalay Bay Generating Station for 2011 Japanese Tsunami in 2030



* Arrow locations are for illustration purpose only. If actual hydraulic connections occur, the locations may be different from arrow locations shown.



Figure 5. Mandalay Bay Generating Station for 2011 Japanese Tsunami in 2060



Figure 6. Mandalay Bay Generating Station for 2011 Japanese Tsunami in 2100

Sea Level Rise Vulnerability Assessment: Tsunami Analysis
Mandalay Bay Generating Station



0 250 500
Feet

Figure 7. Mandalay Bay Generating Station for Goleta 2 Landslide Tsunami in 2015



Figure 8. Mandalay Bay Generating Station for Goleta 2 Landslide Tsunami in 2030



Figure 9. Mandalay Bay Generating Station for Goleta 2 Landslide Tsunami in 2060



Figure 10. Mandalay Bay Generating Station for Goleta 2 Landslide Tsunami in 2100

City of Oxnard, California
Development Services Department, Planning Division

May 13, 2015

END OF REPORT

In the Superior Court of the State of California

IN AND FOR THE COUNTY OF VENTURA

CERTIFICATE OF PUBLICATION

TYPE OF NOTICE

NOTICE OF PUBLIC HEARING

SECOND EXTENSION OF INTERIM
URGENCY ORDINANCE PROHIBITING
THE EXPANSION OF EXISTING, OR
DEVELOPMENT OF NEW

STATE OF CALIFORNIA

COUNTY OF VENTURA

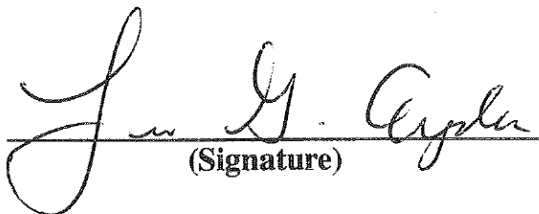
I Luis Ayala

hereby certify that Ventura County VIDA Newspaper, is a newspaper of general circulation within the provision of the Government Code of the State of California, printed and published in the County of Ventura, State of California; that I am the Principal Clerk of said newspaper; that the annexed clipping is a true printed copy and published in said newspaper on the following dates, to wit.

May 7, 2015

I certify under penalty of perjury that the foregoing is true and correct, at Oxnard, County of Ventura, State of California, on the

7th day of May 2015


(Signature)

NOTICE OF PUBLIC HEARING

The Oxnard City Council will conduct a public hearing to consider the following matter on Tuesday, May 19, 2015 at 6:15 p.m. or as soon thereafter as the matter may be heard, in the Council Chambers, 305 W. Third Street, Oxnard.

SECOND EXTENSION OF INTERIM URGENCY ORDINANCE PROHIBITING THE EXPANSION OF EXISTING, OR DEVELOPMENT OF NEW ELECTRICAL GENERATING FACILITIES WITHIN THE COASTAL ZONE PURSUANT TO THE SOUTHERN CALIFORNIA EDISON REQUEST FOR OFFER PROCESS PENDING STUDIES AND CHANGES IN THE LOCAL COASTAL PROGRAM AND ZONING ORDINANCES AND OTHER LAND USE REGULATIONS. The proposal is to extend the interim urgency ordinance for a period of 12 months from the date the ordinance is currently set to expire. This interim urgency ordinance is not a project within the meaning of Public Resources Code Section 21065 and State CEQA Guidelines Section 15378 because it has no potential for resulting in physical change to the environment, either directly or indirectly.

At the public hearing you may appear and be heard or you may write to the City Clerk's Office at 305 West Third Street, Oxnard, California, 93030, in support of or in opposition to this matter. If you plan to attend the hearing, staff suggests that you contact the City Clerk's Office at 385-7803 the Thursday prior to the scheduled date to confirm that the hearing has not been rescheduled.

If you challenge the City Council's decision on this matter in court, you may be limited to raising only those issues that were raised at this public hearing or in written correspondence delivered to the City Clerk at or before the hearing.

Beginning at 6:00 p.m., Channel 10 will broadcast the meeting at which the public hearing will be conducted. For further information, contact Stephen Fischer, Interim City Attorney, 300 West Third Street, Oxnard, at (805) 385-7483.

Published VCVN Date: 5/07/15

ATTACHMENT 2
PAGE 1 OF 11

CITY COUNCIL OF THE CITY OF OXNARD

UNCODIFIED ORDINANCE NO.

ORDINANCE OF THE CITY OF OXNARD, CALIFORNIA, EXTENDING THE INTERIM URGENCY ORDINANCE PROHIBITING THE EXPANSION OF EXISTING, OR DEVELOPMENT OF NEW, ELECTRICAL GENERATING FACILITIES WITHIN THE COASTAL ZONE PURSUANT TO THE SOUTHERN CALIFORNIA EDISON REQUEST FOR OFFER PROCESS PENDING STUDIES AND CHANGES IN THE LOCAL COASTAL PROGRAM AND ZONING ORDINANCES AND OTHER LAND USE REGULATIONS.

THE CITY COUNCIL OF THE CITY OF OXNARD DOES HEREBY FIND AS FOLLOWS:

WHEREAS, the California Coastal Act ("Coastal Act") was enacted to protect and preserve the California Coastal Zone as an environmental, recreational and economic resource for the benefit of all Californians; and

WHEREAS, Section 30001.5(d) of the Coastal Act states the Legislature's finding that one of the basic goals of the State for the coastal zone is to "[a]ssure priority for coastal-dependent and coastal-related development over other development on the coast;" and

WHEREAS, Section 30004(a) of the Coastal Act states the Legislature's finding that "[t]o achieve maximum responsiveness to local conditions, accountability, and public accessibility, it is necessary to rely heavily on local government and local land use planning procedures and enforcement;" and

WHEREAS, Section 30006 of the Coastal Act states the Legislature's finding that "the public has a right to fully participate in decisions affecting coastal planning, conservation, and development; that achievement of sound coastal conservation and development is dependent upon public understanding and support; and that the continuing planning and implementation of programs for coastal conservation and development should include the widest opportunity for public participation;" and

WHEREAS, Section 30006.5 of the Coastal Act states the Legislature's finding that "sound and timely scientific recommendations are necessary for many coastal planning, conservation, and development decisions;" and

WHEREAS, four electrical generating facilities are currently located in the City's coastal zone, two of which are once-through cooling ("OTC") facilities that use ocean water for cooling and were originally built by Southern California Edison ("SCE") prior to enactment of the Coastal Act and certification of the Oxnard Local Coastal Program ("LCP"); and

WHEREAS, on May 4, 2010, the State Water Resources Control Board adopted Resolution No. 2010-0020, generally requiring that the use of existing OTC systems that rely on natural ocean waters be terminated throughout the State of California by 2020; and

WHEREAS, the expansion, alteration or addition of any electrical generating facility that does not require OTC would not be a coastal dependent facility within the meaning of the Coastal Act, and would therefore be inconsistent with the development policies and priorities of the Coastal Act; and

WHEREAS, the Oxnard 2030 General Plan established the City's commitment to updating the Oxnard LCP with consideration of climate change, particularly to clarify that "non Coastal-dependent energy facilities are not allowed in the Energy Coastal zone with exceptions for renewable energy installations such as solar panels and wind turbines under certain conditions and consistent with the Coastal Act" (CD-21.2) and that the LCP update "has the intent and effect of eventual decommissioning of the [electrical generating facilities] by: 1) land use designation change, 2) amortization, 3) revised development standards, 4) transferable development rights and/or other methods (CD-21.3);" and

WHEREAS, Goal SC-2 of the Oxnard 2030 General Plan states that "[s]ea level rise is routinely considered relative to coastal areas and other City decisions, as relevant" and Policy SC-2.3 implements this goal by directing the City to "[e]nsure that all planning, public works, and related decisions take rising sea level into consideration and take steps to reduce risk of damage or loss of life and property;" and

WHEREAS, the Oxnard 2030 General Plan included Figure 2-1 entitled "California Flood Risk: Sea Level Risk Oxnard Quadrangle" prepared by the Pacific Institute in 2009, which clearly shows all four electrical generating facilities as within an area mapped as "Current Coastal Base Flood (approximate 100-year flood extent)" or "Sea Level Rise Scenario Coastal Base Flood + 1.4 meters (55 inches)," clearly requiring the City to implement Policy SC-2.3 and evaluate risk of damage or loss of life and property for all decisions related to the facilities; and

WHEREAS, the California Coastal Commission prepared the "Draft Sea-Level Rise Policy Guidance, Public Review Draft" in March 2013, has received numerous public comments, and anticipates adopting a final Sea-Level Rise Policy Guidance document in 2015 that includes specific guidance to local governments to consider the highest sea level rise ("SLR") scenarios when considering plans and permits related to critical public infrastructure and electric generating facilities; and

WHEREAS, on February 13, 2013, the California Public Utilities Commission ("CPUC") issued D.13-02-015 (the "**Track 1 decision**") in the Long Term Procurement Plan proceeding; and

WHEREAS, the Track 1 decision ordered SCE to procure between 215 and 290 Megawatts ("MW") of electrical capacity in the Moorpark sub-area of the Big Creek/Ventura local reliability area to meet long-term local capacity requirements by 2021, largely due to the expected retirement of OTC systems; and

WHEREAS, the Track 1 decision also ordered SCE to file an application for approval of all cost-of-service contracts entered into as a result of the procurement process for new capacity in the Moorpark sub-area; and

WHEREAS, SCE has solicited proposals through a Request for Offer process ("RFO") for additional electrical generating facility projects pursuant to the CPUC's Track 1 decision, reviewed proposals and subsequently awarded the operator of the existing OTC electrical generating facilities a cost-of-service contract for the development of a new 262 MW GFG facility to be located adjacent to the existing NRG Mandalay Generating Station, which is within the City's coastal zone; and

WHEREAS, on November 26, 2014, SCE filed with the CPUC its formal request for CPUC approval of the NRG cost-of-service contract and, on December 23, 2014, the City Council adopted a resolution authorizing the Mayor to execute the City's protest and staff's preparation of a motion for the City of Oxnard to become a party in the proceedings; and

WHEREAS, based on two City-initiated sea-level rise expert studies entitled "Vulnerabilities of the Proposed Mandalay Generating Station to Existing and Future Coastal Hazards and Sea Level Rise" by Dr. David Revell, and "Sea Level Rise Vulnerability Assessment: Tsunami Analysis Mandalay Bay Generating Station" by David Cannon, M.C.E., P.E., which both studies utilize best-available data and California Coastal Commission guidance regarding sea-level rise risks to critical infrastructure such as a power plant and are consistent with the California Geological Survey's tsunami guidance using the Goleta 2 Landslide scenario for emergency evacuation and coastal planning purposes, the City prepared and filed testimony in CPUC Proceeding A.14-11-016 that will be heard at an Evidentiary Hearing on May 27 to 29, 2015, at the CPUC in San Francisco; and

WHEREAS, the City will issue a Request for Proposal in May, 2015 for expert consultants to continue the comprehensive LCP update that will almost certainly lead to changes in coastal land use designation and regulations to include adaptation measures, new or revised policies, and/or ordinances that protect energy infrastructure from expected impacts of SLR or prohibit critical energy infrastructure in areas or situations where SLR adaptation measures are not available; and

WHEREAS, at least twelve California cities and counties with LCP's have or are developing and incorporating SLR projections, adaptations, and changes to land uses and development regulations at the direction of the Coastal Commission, and

WHEREAS, on or around April 15, 2015, NRG filed an "Application for Certification" with the California Energy Commission ("CEC") that begins the CEC review process for the entitling permit review process for the proposed "Puente" NRG power plant; and

WHEREAS, in order to follow specific Coastal Commission SLR evaluation policies, implement policies of the Oxnard 2030 General Plan, and protect the public health, safety and welfare it is now necessary for the City to continue to review and revise applicable provisions of

the City's LCP and other City planning policies and land use regulations so that the City may properly analyze whether applications for electrical generating facilities in the City's coastal zone are consistent with the policies of the Coastal Act, Coastal Commission SLR policies, and the Oxnard 2030 General Plan; and

WHEREAS, the proposed NRG electrical generating "Puente" facility submitted through the RFO process will have generating capacity of 262 MW, and that installation of other types of electrical generating facilities, such as solar panels, would have a lower generating capacity and, thus, would not be proposed through the RFO process; and

WHEREAS, a plain interpretation of the best-available scientific information available to the City clearly indicates that development of any new electrical generating facility or alterations to any existing electrical generating facility in the City's coastal zone poses an immediate threat to the public health, safety, and welfare, in that approval of such application would result in potential placement of a critical infrastructure facility that would be subject to failure due to storm surge, wave run-up, erosion, or earthquake-generated Tsunami inundation; and

WHEREAS, Government Code section 65858 provides that a city council may adopt by a four fifths vote as an urgency measure an interim ordinance prohibiting any uses that may be in conflict with a general plan or zoning measures that the city is considering or studying or intends to study within a reasonable time; and

WHEREAS, on July 1, 2014, the City Council adopted Ordinance No. 2882, imposing a 45-day moratorium on the approval of any special use permit, coastal development permit or any other discretionary City permit or approval for the construction, expansion, replacement, modification or alteration of any facilities for the on-site generation of electricity on any property located within the coastal zone, as designated by the California Coastal Act, within the City of Oxnard; and

WHEREAS, Ordinance No. 2882 was set to expire on August 15, 2014 unless extended in accordance with Government Code section 65858; and

WHEREAS, on July 29, 2014, the City Council issued a written report describing the measures taken to alleviate the conditions which led to the adoption of Ordinance No. 2882 in accordance with Government Code section 65858; and

WHEREAS, on July 29, 2014, the City Council held a public hearing, duly noticed in accordance with Government Code section 65090, to consider the extension of Ordinance No. 2882 for a period of 10 months and 15 days from the date said Ordinance would otherwise expire, in accordance with Government Code section 65858; and

WHEREAS, on July 29, 2014, the City Council adopted Ordinance No. 2884, extending Ordinance No. 2882 for a period of 10 months and 15 days from the date Ordinance No. 2882 would otherwise expire; and

WHEREAS, Ordinance No. 2882 is set to expire on June 30, 2015 unless extended in accordance with Government Code section 65858; and

WHEREAS, on May 19, 2015, the City Council issued a written report describing the measures taken to alleviate the conditions which led to the adoption of Ordinance No. 2882 in accordance with Government Code section 65858; and

WHEREAS, on May 19, 2015, the City Council held a public hearing, duly noticed in accordance with Government Code section 65090, to consider the extension of Ordinance No. 2882 for a period of one (1) year from the date said Ordinance would otherwise expire, in accordance with Government Code section 65858; and

WHEREAS, this extension of Ordinance No. 2882 is not a project within the meaning of Public Resources Code Section 21065 and CEQA Guidelines section 15378 because it has no potential for resulting in a physical change to the environment, either directly or indirectly.

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

Part 1. The moratorium imposed by Ordinance No. 2882 on the approval of any special use permit, coastal development permit or any other discretionary City permit or discretionary approval for the construction, expansion, replacement, modification or alteration of any facilities for the on-site generation of electricity on any property located within the coastal zone, as designated by the California Coastal Act, within the City of Oxnard is hereby extended for a period of one (1) year from the date Ordinance No. 2882 would otherwise expire; provided that the moratorium shall not apply to permits for SCE's McGrath Peaker Plant (Coastal Development Permit No. A-4-OXN-07-096) that are consistent with the Settlement Agreement between the City and SCE executed in October of 2011 (Agreement No. A-7451).

Part 2. It is the intent of the City Council that any proposal for new or modified non-coastal dependent electrical generating facilities within the City's coastal zone during the period of the moratorium shall be considered inconsistent with this Ordinance and with the City's land use policies and zoning regulations for all purposes, and by all agencies charged with reviewing any application for such use.

Part 3. The City Council hereby finds that the above recitals are true and correct and incorporates the recitals herein by reference as if set forth in full.

Part 4. This Ordinance is hereby declared to be an interim urgency measure to protect the public health, safety and welfare and shall take effect immediately upon its adoption. The findings constituting the urgency are set forth above in the recitals to this Ordinance and represent a current and immediate threat to the public health, safety or welfare in that approval of additional development or expansion of energy generating facilities within the Coastal Zone while the City's LCP update is pending would result in potential placement of a critical infrastructure facility that would be subject to failure due to storm surge, wave run-up, erosion, or Tsunami inundation.

Part 5. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that anyone or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

Part 6. This Ordinance shall be effective immediately upon passage.

Part 7. Within fifteen (15) days after passage, the City Clerk shall cause this Ordinance to be published one time in a newspaper of general circulation, published and circulated in the City.

PASSED, APPROVED, AND ADOPTED this 19th day of May, 2015.

AYES:

NOES:

ABSENT:

ABSTAIN:

Tim Flynn, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Stephen M. Fischer, Interim City Attorney

EXHIBIT 3
PAGE 6 OF 6

ACTION	TYPE OF ITEM
☐ Approved Recommendation	☐ Info/Consent
☐ Ord. No(s). _____	☐ Report
☐ Res. No(s). _____	☒ Public Hearing
☐ Other _____	☐ Other _____

Prepared By: Jasch Janowicz, Contract Planner

Agenda Item No. 5-3Reviewed By: City Manager JMCity Attorney JOBFinance JP

Other (Specify) _____

DATE: May 6, 2015**TO:** City Council**FROM:** Ashley Golden, Planning Manager
Development Services Department Ashley Golden**SUBJECT:** Appeal of the Planning Commission's Denial of PZ Nos. 14-500-03 (Special Use Permit); and Recommendation to Deny PZ 14-535-02 (Density Bonus) and PZ 14-300-04 (Tentative Tract Map) Relating to a 1.82-acre Property Located at 5557 and 5527 Saviers Road. Filed by Henry Casillas of Aldersgate Investment, LLC on behalf of Apchanco 18, LLC.**RECOMMENDATION**

That City Council adopt three separate resolutions upholding the action of the Planning Commission and denying the related site development entitlements.

DISCUSSION

Planning Commission Review and Action - On April 2, 2015, the Planning Commission held a public hearing and considered the entitlement applications requesting development of a vacant 1.82-acre site located along Saviers Road and Courtland Street (5557 and 5527 Saviers Road). Development improvements include five, three-story structures with a total of 40 attached two- and three-bedroom units. The proposed project includes a density bonus request for 7 residential units in addition to the 33 residential allowed by City Code under the R-3 zoning designation.

State Density Bonus Law (Government Code § 65915-§ 65918) stipulates that additional dwelling units shall be allowed over the otherwise maximum allowable residential density identified in the General Plan, for projects which provide affordable housing for families defined as low-, very low-, or moderate-income households. The number of additional dwelling units is determined by the percentage of base zoning and the total number of units that are restricted as very low-, low-, or moderate-income units. Government Code § 65915(f) provides the formula with which to calculate the density bonus. The density bonus formula is based upon a sliding scale, where the density bonus percentage available to an applicant increases based upon the number of non-market rate units proposed. The applicant is proposing to designate 8 out of the 33 units allowed under the R-3 zoning designation for low income families, or 24.2 percent, which allows up to a 35% increase in density pursuant to Government Code § 65915(f). Although a total of 44 units could be developed on-site, the applicant is proposing to develop only 40 units (a 21 percent increase in density).

Applicants for a density bonus may also request specific incentives or concessions when the required percentage of affordable housing is proposed. Government Code § 65915 requires that the City not only grant the density bonus, but provide additional incentives or concessions based on the percentage of low income housing unit. A concession or incentive includes a reduction in site development standards, or a modification of zoning code or architectural design requirement. As with the density bonus calculation, the number of incentives to which a developer is entitled depends on the percentage of very low-, low-, or moderate-income units provided. One incentive is required for projects that include at least 10% of the total units for low-income. Two incentives are required for projects that include at least 20% of the total units for low-income. The project applicant proposes to construct 8 units for low-income families (20% of the total units) and therefore has requested two incentives. The incentives include: 1) a reduction interior yard space, and 2) a reduction in building separation.

Government Code § 65915(b)(1) of the State Density Bonus Law provides that requests for a density bonus and incentives must be granted “when an applicant for a housing development seeks and agrees to construct a housing development” that meets one or more of the statute’s thresholds. Moreover, the applicant has a right of action (i.e., can bring a lawsuit) if the City denies a density bonus request. If a court finds that the refusal to grant a requested density bonus, incentive, or concession is in violation of the State Density Bonus Law, the court shall award the plaintiff reasonable attorney’s fees and costs of suit.

Staff has confirmed that the proposed density bonus and request for concessions is consistent with the State Density Bonus Law thresholds. Therefore, at the April 2, 2015 Planning Commission meeting, Staff recommended that the Planning Commission approve PZ Nos. 14-500-03 (SUP), 14-535-02 (Density Bonus), and 14-300-04 (Tentative Tract Map).

At the public hearing held on April 2, 2015, the Planning Commission considered Staff’s recommendation along with oral and written presentation by persons who attended the meeting. The Commission’s discussion, comments and concerns centered on the following issues:

1. The multi-family development impacts a prominent corner (Hueneme Road and Saviers Road) and whether the multi-family residential use is compatible with the surrounding Southwinds single-family residential neighborhood;
2. Concerns regarding existing and future water supplies within the City and whether the residential use is appropriate given current drought conditions;
3. Concerns regarding the proposed density and parking supply given that parking within the surrounding residential neighborhoods is in short supply; and
4. Concerns regarding the ability of the City to apply affordability restrictions for the proposed 8 for-sale affordable units.

After the close of the public hearing and Commission deliberation, the Planning Commission voted (4-3) to deny staff’s recommendation of approval of the special use permit, density bonus, and tentative tract map for the proposed multi-family residential project.

On April 21, 2015, the applicant, Ernest T. Mansi, with Aldersgate Investment, LLC filed an appeal of the Planning Commission's denial of the special use permit, density bonus, and tentative tract map for the development of the 40 attached two- and three-bedroom residential units, with 32 market rate units and 8 affordable units. The appeal request includes a summary of the project's consistency with the General Plan, the City's Housing Element, underlying zoning designation, the applicable design standards, and the surrounding land uses. The appeal request goes on to summarize the project's consistency with the State density bonus law and Oxnard Municipal Code Section 16-149, subdivision (C). Finally, the appeal suggests that the Planning Commission denial was not properly supported by findings and that the Planning Commission denial was based upon opinion and not substantial evidence.

If the City Council continues to have concerns about the issues previously raised after public comment and Council deliberation, City staff recommends that the City Council take the following actions:

1. Adopt a resolution upholding the decision of the Planning Commission and denying Planning and Zoning Permit No. 14-500-03 (SUP) to allow development of five residential structures with a total of 32 market rate and 8 affordable condominium units and on-site amenities on a 1.82-acre site located at 5557 and 5527 Saviers Road, subject to findings and conditions.
2. Adopt a resolution upholding the decision of the Planning Commission and denying Planning and Zoning Permit No. 14-535-02 (Density Bonus) to allow a 21 percent increase over the otherwise maximum allowable density and two incentives/concessions to permit construction of five residential structures with a total of 32 market rate and 8 affordable condominium units and on-site amenities on a 1.82-acre site located at 5557 and 5527 Saviers Road, subject to findings and conditions.
3. Adopt a resolution upholding the decision of the Planning Commission and denying Planning and Zoning Permit No. 14-300-04 (Tentative Tract Map) to subdivide two 0.91-acre parcels into one 1.82-acre parcel for condominium purposes located at 5557 and 5527 Saviers Road, subject to certain findings and conditions.

Should the Oxnard City Council decide to uphold the action of the Planning Commission and deny approval of Planning and Zoning Permit Nos. 14-500-03 (SUP); PZ 14-300-04 (Tentative Tract Map); and PZ 14-535-02 (Density Bonus), the Project is exempt from environmental review pursuant to Sections 15061(b)(4) and 15270(a) of the State CEQA Guidelines.

Alternative - If the City Council wishes to overturn the Planning Commission decision of April 2, 2015, City staff recommends that the City Council take the following actions:

1. Adopt a resolution overturning the decision of the Planning Commission and approving Planning and Zoning Permit No. 14-500-03 (SUP) to allow development of five residential structures with a total of 32 market rate and 8 affordable condominium units and on-site amenities on a 1.82-acre site located at 5557 and 5527 Saviers Road, subject to findings and conditions.

2. Adopt a resolution overturning the decision of the Planning Commission and approving Planning and Zoning Permit No. 14-535-02 (Density Bonus) to allow a 21 percent increase over the otherwise maximum allowable density and two incentives/concessions to permit construction of five residential structures with a total of 32 market rate and 8 affordable condominium units and on-site amenities on a 1.82-acre site located at 5557 and 5527 Saviers Road, subject to findings and conditions.
3. Adopt a resolution overturning the decision of the Planning Commission and approving Planning and Zoning Permit No. 14-300-04 (Tentative Tract Map) to subdivide two 0.91-acre parcels into one 1.82-acre parcel for condominium purposes located at 5557 and 5527 Saviers Road, subject to certain findings and conditions.

Should the Oxnard City Council decide to overturn the action of the Planning Commission and approve Planning and Zoning Permit Nos. 14-500-03 (SUP); PZ 14-300-04 (Tentative Tract Map); and PZ 14-535-02 (Density Bonus), the Project is exempt from environmental review pursuant to Sections 15332 of the State CEQA Guidelines.

FINANCIAL IMPACT

If the project is approved, the project will be subject to payment of applicable development and impacts fees and development will contribute to future property tax revenues.

AG

Attachment

- #1 - Planning Commission Staff Report (April 2, 2015, w/out Draft Resolutions- Attachment D, E, and F)
- #2 - PowerPoint Presentation (Hearing of April 2, 2015)
- #3 - Notice of Appeal Filed by Ernest T. Mansi, Aldersgate Investment, LLC
- #4 - Planning Commission Resolutions No. 2015-12, 13, & 14 Denying the Project.
- #5 - City Council Resolution: Denial PZ 14-500-03 (SUP)
- #6 - City Council Resolution: Denial PZ 14-535-02 (DB)
- #7 - City Council Resolution: Denial PZ 14-300-04 (TTM)
- #8 - City Council Resolution: Approval PZ 14-500-03 (SUP)
- #9 - City Council Resolution: Approval PZ 14-535-02 (DB)
- #10 - City Council Resolution: Approval PZ 14-300-04 (TTM)

Note: Attachment # 1 has been provided to City Council under separate cover. Copies for review are available at the Help Desk in the Library after 6:00 p.m. on Thursday prior to the Council meeting and in the City Clerk's Office after 8:00 a.m. on Friday prior to the Council meeting.



**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Jasch Janowicz, Contract Planner

DATE: April 2, 2015

SUBJECT: Planning and Zoning Permit Nos. 14-500-03 (Special Use Permit), 14-535-02 (Density Bonus), and 14-300-04 (Tentative Tract Map) located at 5557 and 5527 Saviers Road

- 1) **Recommendation:** That the Planning Commission:
 - a) Adopt a resolution approving Planning and Zoning Permit No. 14-500-03 (Special Use Permit), subject to certain findings and conditions.
 - b) Adopt a resolution recommending that the City Council approve Planning and Zoning Permit No. 14-535-02 (Density Bonus), subject to certain findings and conditions.
 - c) Adopt a resolution recommending that the City Council approve Planning and Zoning Permit No. 14-300-02 (Tentative Parcel Map), subject to certain findings and conditions.
- 2) **Project Description and Applicant:** A request to subdivide two parcels and develop a 1.82-acre vacant thru-lot with five, three-story structures with a total of 40 attached two- and three-bedroom dwellings (32 market rate and 8 affordable [20% of the total dwellings]) and site improvements and amenities located along Saviers Road and Courtland Street (5557 and 5527 Saviers Road). The project includes a density bonus request for 7 dwelling units in addition to the 33 dwelling units allowed by City Code under the R-3 standards (a 21% increase in density). The proposal includes a request for two concessions (building separation and interior yard space) in accordance with State density bonus law. For purposes of this Staff Report, the foregoing project description shall be referred to as the "Project." Filed by Henry Casillas of Aldersgate Investments, LLC. on behalf of Apchanco 18, LLC, 8213 White Oak Avenue, Rancho Cucamonga, California 91730 (the "Applicant").
- 3) **Existing & Surrounding Land Uses:** The vacant 1.8 acre site is located within the Southwinds neighborhood. The following table lists the surrounding land uses immediately adjacent to the site.

Location	General Plan Land Use Designation	Zoning	Existing Land Use
Project Site	Commercial General (CG)	C-2	Undeveloped - Urban

Location	General Plan Land Use Designation	Zoning	Existing Land Use
North	Residential Low (RL),	R1-PD	Existing Southwinds Residential Dwellings
South	Hueneme Road ILT (Light Industrial)	M1-PD	Existing Industrial and Undeveloped Land
West	Residential Low (RL) Residential Medium High (RMH)	R1-PD R3 and R4	Existing Southwinds Single-Family and Multi-Family Residential
East	Residential Low (RL)	R1-PD	Existing Southwinds Single-Family Residential

- 4) **Background Information:** On May 28, 2014, the Applicant submitted the Planning and Zoning Permit application numbers 14-500-03, 14-535-02, and 14-300-04 requesting a Special Use Permit, Density Bonus, and Tentative Tract Map, respectively, to allow construction of the proposed multi-family residential project.
- 5) **Environmental Determination:** The Planning and Environmental Services Division has determined that the proposed Project is categorically exempt from environmental review pursuant to State CEQA Guidelines Section 15332.

CEQA Guidelines 15332 – Infill Development Projects

A Class 32 categorical exemption under CEQA Guidelines Section 15332 consists of projects characterized as in-fill development meeting the conditions described below:

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value, as habitat for endangered, rare or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

The proposed Project meets the requirements of a Class 32 categorical exemption because it:

- (i) is consistent with the City of Oxnard 2030 General Plan designation and all applicable

General Plan policies for the reasons set forth below; (ii) occurs within the City limits on a site of no more than five acres; (iii) is located on a site with no value as habitat for endangered, rare or threatened species; (iv) would not result in any significant effects relating to traffic, noise, air quality, or water quality; and (v) would be adequately served by all required utilities and public services.

6) Analysis:

a) General Discussion: The proposed residential Project includes a total of 40 units with 2 and 3 bedroom units ranging in size from 1,532 square feet to 1,909 square feet. Of the 40 units, eight (8) would be affordable for low income families earning 80% of less than the area median income. The eight (8) affordable units would have a sales price of \$275,999. Each residential unit proposed as part of the project would include an attached two-car garage.

b) General Plan Consistency: The 2030 General Plan Land Use Designation for the subject property is CG (Commercial General) – This land use designation allows retail centers and free-standing commercial uses along arterials, may also include office, residential uses up to 18 dwelling units per acre, live/work, work/live, and mixed uses.

Under the General Plan land use designation, the 1.8-acre site could accommodate 33 units. A density bonus pursuant to the City's Ordinance for "Incentives to Create Affordable Housing" (State Density Bonus law) is requested for 7 units (21%) to allow a total of 40 units. The City's Ordinance mandates that the City provide a density bonus when 10% of the total units in a housing development are for low-income households. The project proposes 20% of the 40 total units as affordable, which permits a density bonus request up to 35%. Therefore, the density bonus request is consistent with the General Plan per State law. The proposed development would be consistent with the applicable General Plan policies listed below.

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

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

PZ 14-500-03 (SUP); 14-535-02 (Density Bonus), 14-300-04 (Tentative Tract Map)

April 2, 2015

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POLICY	LEVEL	POLICY OR TITLE	EXPLANATION
CD-1.5	I	Promote the development of a variety of housing types throughout the City including apartments, condominiums, lofts, townhouses, and attached and detached single family units	The development is proposed on an existing underutilized parcel surrounded by residential neighborhoods with existing public utilities and services in the vicinity.
CD-8.1	I	Continue to limit development to those areas that can be served by existing or planned utilities, transportation, and service systems.	The proposed project is surrounded by urban development and existing utilities within Saviers Road and Courtland Street can adequately serve the proposed project.
CD-14.1	I	In the evaluation of development proposals, continue to ensure that public and private development projects comply with City design policies, plans, and guidelines.	The project has been re-designed from 44 units to 40 units and has reconfigured the buildings and open space areas to conform to the recommendations provided by the Development Advisory Committee.
ISC-1.2	I	Review development proposals for their impacts on infrastructure (e.g., sewer, water, fire stations, libraries, streets) and require appropriate mitigation measures to ensure that proposed developments do not create substantial adverse impacts on existing infrastructure and that the necessary infrastructure will be in place to support the development.	The proposed Tentative Tract Map and the associated improvements would tie into existing infrastructure, which has the capacity to provide service to the proposed residential dwellings.
ICS-8.5	I	Consider and require where appropriate and feasible the enhancement of the pedestrian environment as part of private development and public works projects, especially for public sidewalks.	The proposed site design includes appropriate improvements for pedestrian and bicycle access, including prominent sidewalks and sidewalk landscaping, and bicycle parking.
ER-9.2	I	Enhance neighborhood diversity and reinforce the desirable elements of neighborhood character and quality through incorporation of design guidelines, use of landscape materials, and encouraging new developments to integrate historical and culturally significant elements into proposed projects.	The proposed project has incorporated open space, landscaping and building designs that enhance the aesthetic character of the existing neighborhood.
CD-3.4 CD-14.1 CD-14.2 CD-14.3 ICS-11.10 ER-9.4 ER-10.1	II	Neighborhood Quality of Life Design Review Process Development Advisory Committee Functions Quality of Design Water Supply Findings for Smaller Projects Human Scale Development Promote Use of Native and Water Wise Plants	The Development Advisory Committee (DAC) review process led to changes in the project and/or conditions of approval that meet these Level II policies

POLICY	LEVEL	POLICY OR TITLE	EXPLANATION
All Others	III	All policies not listed above	Assumed Consistent

c) Tentative Subdivision Map: The proposed Tentative Tract Map No. 5944 (PZ No. 14-300-04) establishes one lot for condominium purposes. The proposed project would connect to existing utilities and infrastructure located within Saviers Road and Courtland Street. New infrastructure improvements are proposed for the street frontage including public sidewalks and parkways, and the internal circulation routes have been designed to meet the City Fire Department's emergency access requirements. The internal streets also include internal paseos and walkways, power, sewer, and water lines, storm drainage and other utilities. The proposed tentative map was referred to various public utility companies, City departments, and the DAC for recommendations. The recommendations received are included as conditions of approval to be implemented during construction of the proposed project.

d) Conformance with Zoning Development Standards: The proposed Project is located in the Commercial General (C-2) zone district. City Code Section 16-136 allows residential uses permitted in the R-3 Garden Apartment Zone (up 18 units per acre). With approval of the Density Bonus request (from 33 units up to 40 units), the proposed project would be consistent with the applicable development standards as shown in the following table.

The project is consistent with most, but not all, of the applicable development standards shown in the following table. For those standards for which the project does not conform, the applicant requests two concessions pursuant to Government Code Section 65915(d): 1) building separation, and 2) interior yard space.

DEVELOPMENT STANDARD	REQUIREMENT	PROPOSED	COMPLIES ?
Max. building height 16-58	3 stories not to exceed 35 feet from top of curb	35 feet	Yes
Density 16-59	1 unit per 2,400 square feet lot area. No more than 2 du on any lot with an average width between 50'-60'; No more than 1 du on any lot with an average width less than 40'.	18 du/acre, plus 21% density bonus = 22 du/acre = 40 dwelling units	Yes, with City Council Approval of Density Bonus
Front yard 16-60	15 feet if access is provided from the alley.	West PL: 15 feet East PL: 15 feet	Yes
Side yard 16-61	7.5 feet for 2.5 story bldg..	South PL: 45 feet	Yes

DEVELOPMENT STANDARD	REQUIREMENT	PROPOSED	COMPLIES ?
Rear yard 16-62	25 feet	North PL: 26 feet	Yes
Interior yard space 16-63	30% of lot area = 23,857 s.f. with min. dimension of 15' x 15'. May not include vehicle parking or circulation areas. 25% of required IYS may be provided by deck space if minimum 10' x 10'. Area open from grnd to sky (see exceptions 16-304-16-307). Concession No. 1 Requested Per Gov. Code § 65915	15,725 s.f. (approx. 20%) proposed with minimum dimension of more than 15 feet x 15 feet. Patio areas are 10 feet x 10 feet.	Yes, with Density Bonus Concession No. 1
Parking spaces Resident 16-622	1 space in a garage for each 1-bedroom unit, and 2 spaces in a garage for each unit with 2 -5 bedrooms = 2 x 40 = 80 spaces	80 spaces in 40 two-car garages	Yes
Parking spaces Visitor 16-622	For 1 st 30 units, 1 visitor space for each unit, and 0.5 visitor spaces per unit thereafter. Not required/Waived Per State Government Code Section §65915	12 surface guest spaces provided	Yes, with City Council approval of Density Bonus
Fences/hedges - front yard 16-308	Must be at least 50% open, and may not exceed 42 inches. Or if solid wall, then may not exceed 18 inches.	50% open and 42 inches	Yes
Fences/hedges - side & rear yards 16-309	Not to exceed 7 feet in height.	North PL: wall up to 2 feet South PL: wall up to 4 feet	Yes
ATTACHED DWELLING UNIT STANDARDS			
Min. Dwelling Size 16-362(A)	One bedroom: 700 sq.ft Two bedroom: 900 sq.ft	Two bedroom: 1,532 s.f. minimum	Yes
Building Separation 16-362 (B)	Equal to the height of the taller structured = 35 feet Concession No. 2 Requested Per Gov. Code § 65915	20 feet	Yes, with Density Bonus Concession No. 2
Recreation Facilities (12 units or more only) 16-362 (C)	Include at least one of the following: Swimming pool, spa, tennis, basketball, or volleyball courts, BBQ/picnic area, recreation building, exercise course, children's play equipment, or other's as approved by PC	BBQ/Picnic Area, Children's Play Equipment	Yes
Open Area (12 units or more) 16-362 (D)	One landscape area of not less than 2,500 sq.ft. with minimum dimension of not less than 35'	2,500 s.f. with min. dimension of 35 feet	Yes
Distance to garage from DU 16-362 (E)	75'	Garage Parking provided for all units	Yes
Balconies & Patios 16-362 (F)	All 2 nd story dwelling units shall have at least one patio or balcony having a minimum dimension of 10'	1 st floor patio provided with dimensions 10' x 10'	Yes

DEVELOPMENT STANDARD	REQUIREMENT	PROPOSED	COMPLIES ?
Balcony Enclosure 16-362 (G)	All balconies and patios shall have railings or walls which provide at least 50% enclosure	Enclosed with walls on 3 sides	Yes
Storage Areas 16-362(H)	Each unit shall have a storage area of at least 225 cubic feet. Can't intrude into the minimum garage dimensions	Unit 1 = 225 cu. ft. Unit 2 = 226 cu.ft. Unit 3 = 231 cu.ft. Unit 4 = 241 cu.ft.	Yes
Garages 16-362(I)	Automatic garage door openers and architectural treatment or detail	Garages will have openers and include architectural treatment	Yes
Utility Meters 16-362 (J)	Wall mounted meters shall be screened or integrated into the building design	Meters integrated into building design	Yes
Refuse Enclosures 16-362 (K)	Designed to reflect the major design elements or details of the residential units & provide pedestrian access.	Consistent with architecture and pedestrian access provided	Yes

e) Site Design: The proposed structures are oriented towards the public streets (Saviers Road and Courtland Street) or around the proposed recreation area. Each dwelling has a partially enclosed patio area on the ground floor and pedestrian access is provided to the recreation area from each dwelling. Saviers Road and Courtland Street would provide both the primary and emergency vehicle access to the proposed structures. The parking areas for each individual dwelling would be provided by an alley and guest parking is provided along the primary entrance driveway.

f) Circulation and Parking: For projects requesting a Density Bonus, Government Code Section 65915(p) does not require covered parking as carports or enclosed garages for the residences and does not require on-site guest parking. Notwithstanding the Government Code allowed waiver, the applicant is providing a total of 80 on-site parking spaces (i.e. two spaces per unit) plus 12 on-site guest spaces. Ten (10) units would have a traditional side-by-side two car garage. The remaining 30 units would have a tandem two-car garage configuration. The 12 guest parking spaces are distributed along the main entrance driveway. One (1) accessible parking space would be provided on-site near the proposed recreation area. The proposed driveway improvements provide sufficient vehicle and emergency vehicle access, and vehicle stacking space. Bicycle parking spaces are also provided on-site within the proposed recreation area.

Sidewalk and landscaping improvements are proposed along Saviers Road and Courtland Street.

g) Building Design: The proposed architecture exhibits a Spanish Mediterranean design theme with arches, arcade/shaded patios, iron fixtures and lights, smooth stucco finish,

and other natural materials. The exterior walls include vertical and horizontal articulation with covered patios and balconies, and a partial parapet roof feature along the front elevation. Trim features consist of concrete window framing, window recesses, iron railing, and decorative wood corbels above garage and patio areas. Exterior light fixtures would not be substantially visible due to porches and overhangs, which would provide sufficient visibility at each entry but would not create excessive glare toward other units. The color palette emphasizes flat earth tones typical of Spanish Mediterranean architecture.

The front of the dwellings are either oriented toward Saviers Road or Courtland Street or around the landscaped courtyard. Each dwelling has a ground floor porch area, and each dwelling has a partially enclosed second floor deck.

- h) Landscaping and Open Space:** The project proposes to create 15,725 square feet of interior yard space, including some harscaped area (20% of the site). The total area of landscaped area, exclusive of hardscape area, would be 12,235 square feet (15.5% of the site). A total of 23,867 square feet of IYS is required. The applicant has requested relief from this requirement as Concession No. 1 per the density bonus request. The project provides a minimum of 2,500 square feet of recreation area as grassy open space in the central portion of the site. The Courtland Street streetscape design includes a 5 ft. wide landscaped parkway, a 5 ft. sidewalk and front yard landscaping at the back of the sidewalk. The Saviers Road streetscape design includes the construction of an 8 ft. sidewalk and removal and relocation of the existing street trees into the front yard landscaping area at the back of the sidewalk.

The site drainage would be directed toward grassy swales and infiltration trenches located beneath the grassy areas of the recreation area for filtration/percolation of stormwater. Any excess runoff will ultimately discharge into the storm drain system in Saviers Road.

- i) Density Bonus:** State density bonus law (Government Code § 65915-§ 65918) stipulates that additional dwelling units shall be allowed over the otherwise maximum allowable residential density identified in the General Plan, for projects which provide affordable housing for families defined as low-, very low-, or moderate-income households. The number of additional dwelling units and development concessions are determined by the percentage of base zoning and the total of units that are deed restricted as very low, low, or moderate income units. Government Code §65915(f) provides the formula with which to calculate the density bonus. The project proposes 8 of the 33 units allowed by the R-3 zoning designated as low income affordable for-sale units, or 24.2 percent, which allows for a 35 percent density bonus. The applicant proposes seven (7) additional units above the permitted base density of 33 units (a 21% increase). The applicant also proposes to restrict 8 dwellings units out of the 40 total dwelling units (20%) as affordable for low-income families. Therefore, staff finds that the project is consistent with the state density bonus law and therefore supports the 21% density bonus

for a total of 40 dwelling units; staff has also confirmed that the proposed project qualifies for the two development standard concessions.

- j) Development Advisory Committee:** The Development Advisory Committee (DAC) reviewed this Project on September 24, 2014, November 5, 2014, and December 17, 2014. Recommendations of the DAC are included in the attached resolution(s).
- 7) Community Workshop:** On February 12, 2015, the Applicant mailed notices of the Community Workshop meeting to all property owners within the Southwinds and Cypress Neighborhoods. A notice of this meeting was posted on the Project site with a brief description and contact information. The Community Workshop was conducted on Monday, February 23, 2015. Two people from the communities and the Project Applicant attended the meeting and the following items were noted as feedback and concerns:
- A community representative expressed concerns about the proposed density of the project.
- 8) Appeal Procedure:** In accordance with Section 16-545 of the City Code, the Planning Commission's action may be appealed to the City Council within 18 days after the decision date. Appeal forms may be obtained from the City Clerk and must be submitted with the appropriate fees before the end of the appeal period.

Attachments:

- A. Maps (Vicinity, General Plan, Zoning)
- B. Reduced Development Project Plans and Tract Map
- C. Notice of Exemption
- D. PZ 14-500-03 (SUP) Resolution
- E. PZ 14-535-02 (Density Bonus) Resolution
- F. PZ 14-300-04 (TTM) Resolution

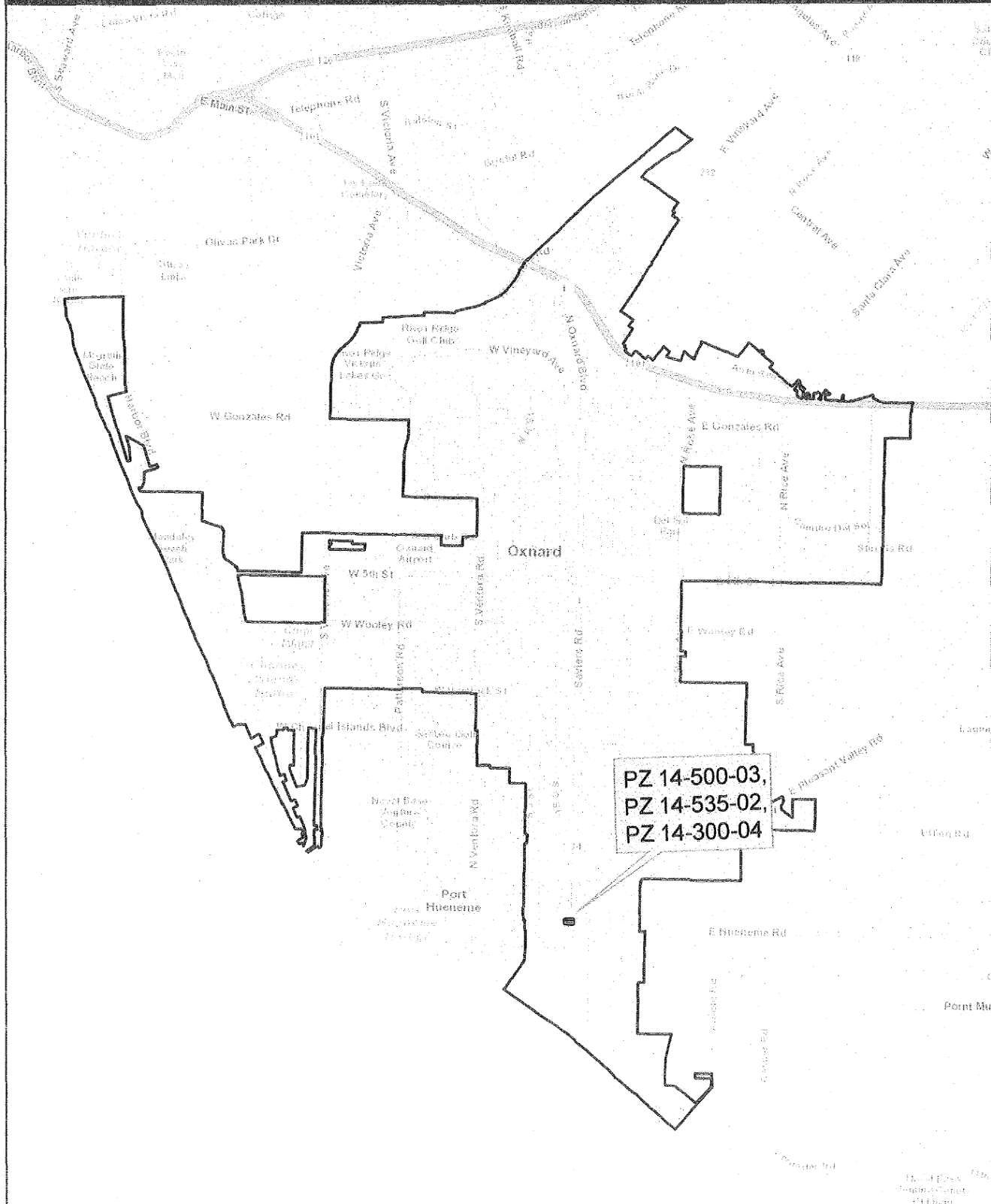
Attachment 1
Page 9 of 35

Prepared by:	 JJ
Approved by:	 AG

ATTACHMENT A

MAPS (VICINITY, ZONING, GENERAL PLAN MAP)

Vicinity Map



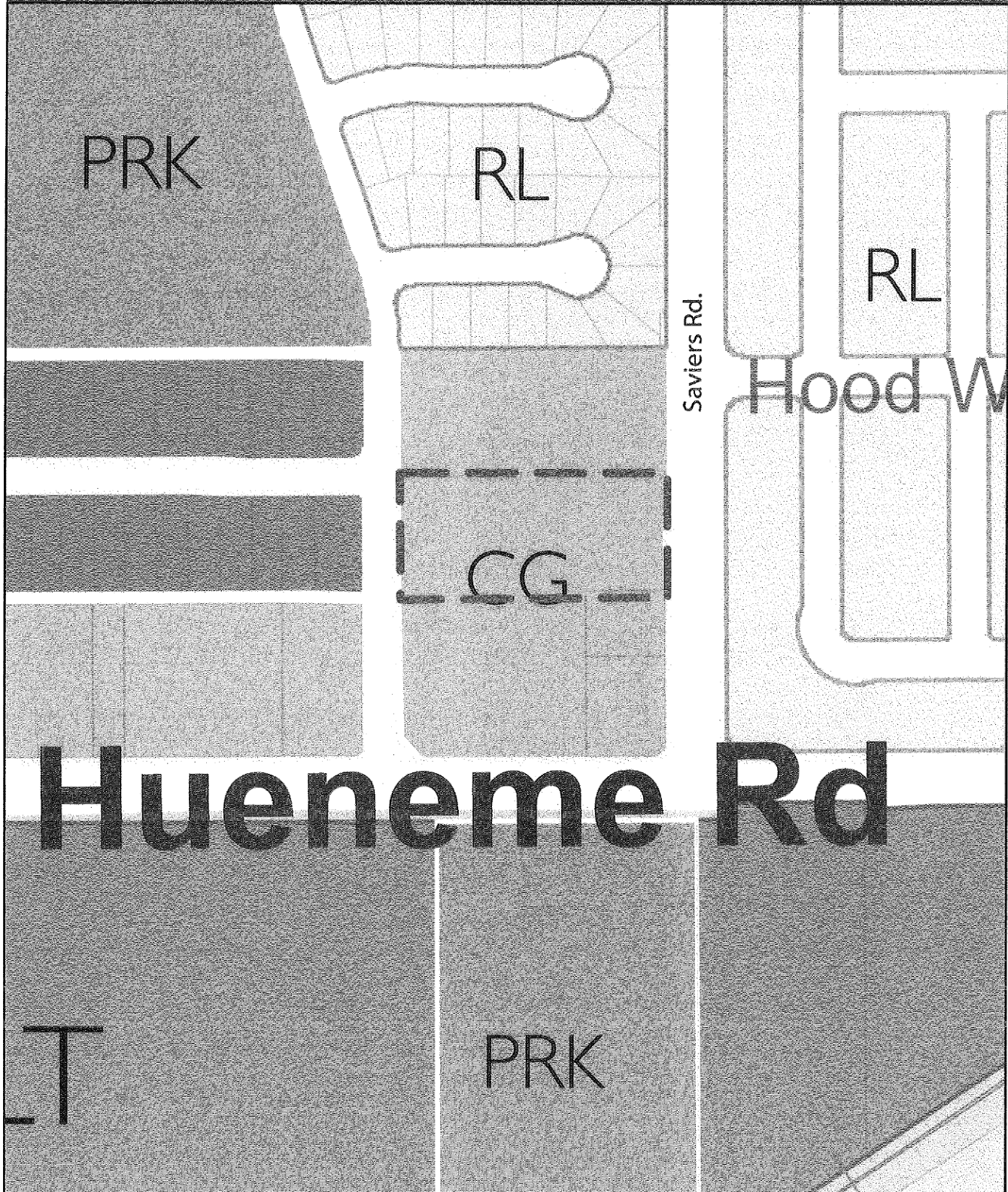
OXNARD
Oxnard Planning
March 23, 2015

PZ: 14-500-03, 14-535-02, 14-300-04
Location: 5557 and 5527 Saviers Road
APN: 2220011280, 2220011270

Vicinity Map

N
1:69,699

2030 General Plan Land Use Map



Oxnard Planning
March 23, 2015

PZ: 14-500-03, 14-535-02, 14-300-04
Location: 5557 and 5527 Saviers Road
APN: 2220011280, 2220011270

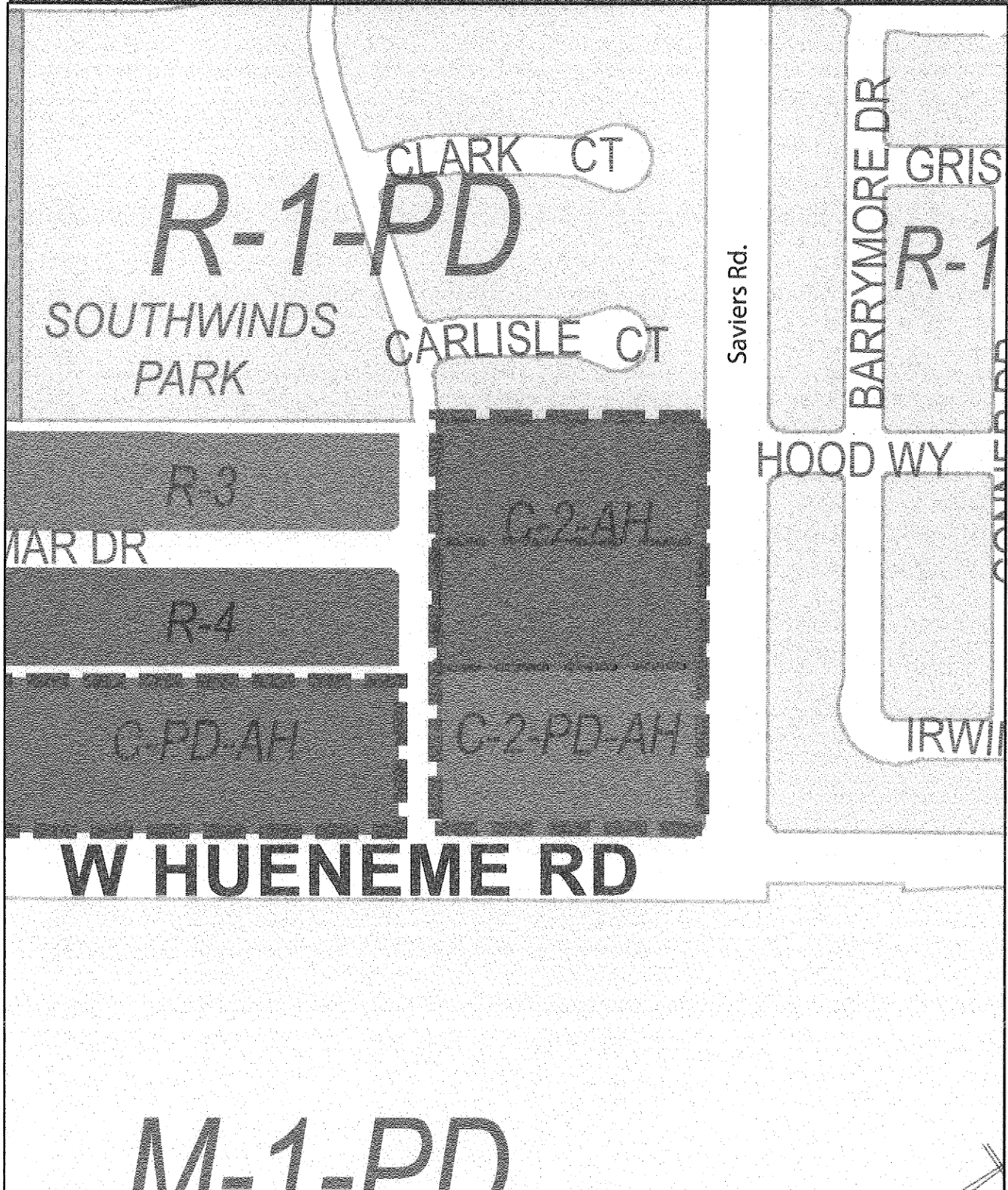
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2030 General Plan Land Use Map



1:2,500

Zoning/Specific Plan Map



City of
OXNARD
CALIFORNIA
Oxnard Planning
March 23, 2015

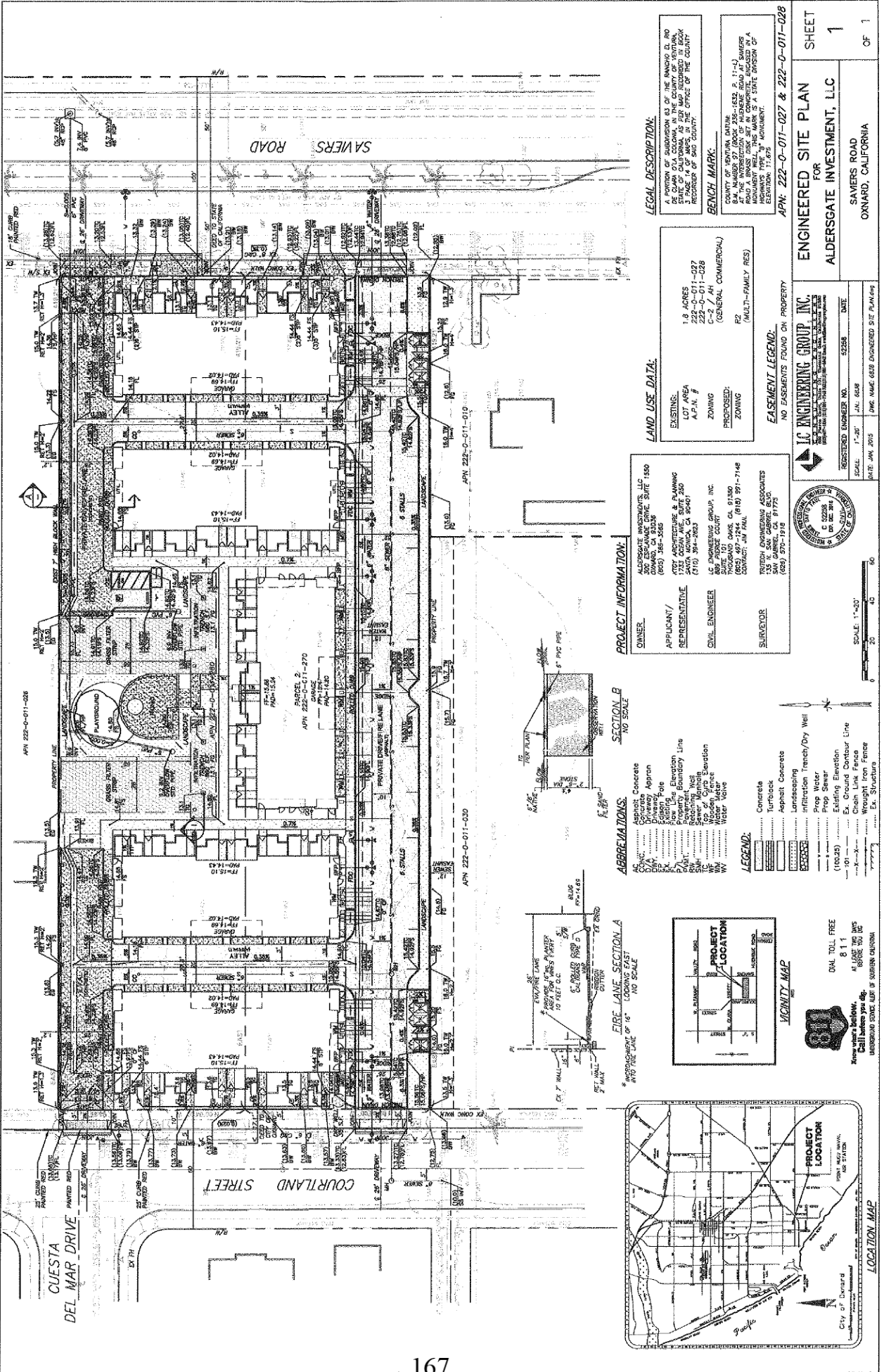
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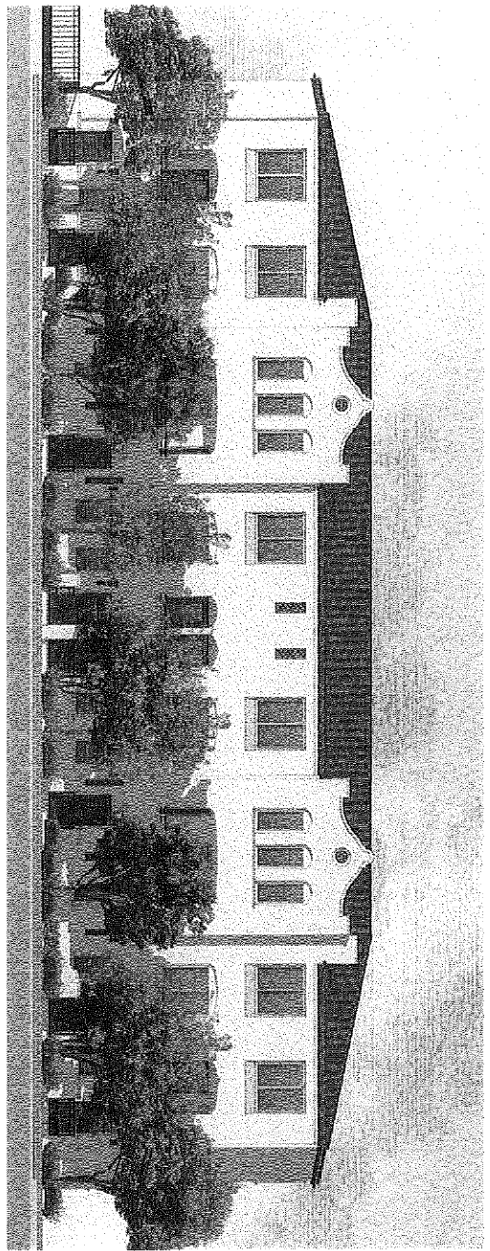
Zoning/Specific Plan Map

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ATTACHMENT B

REDUCED PROJECT PLANS





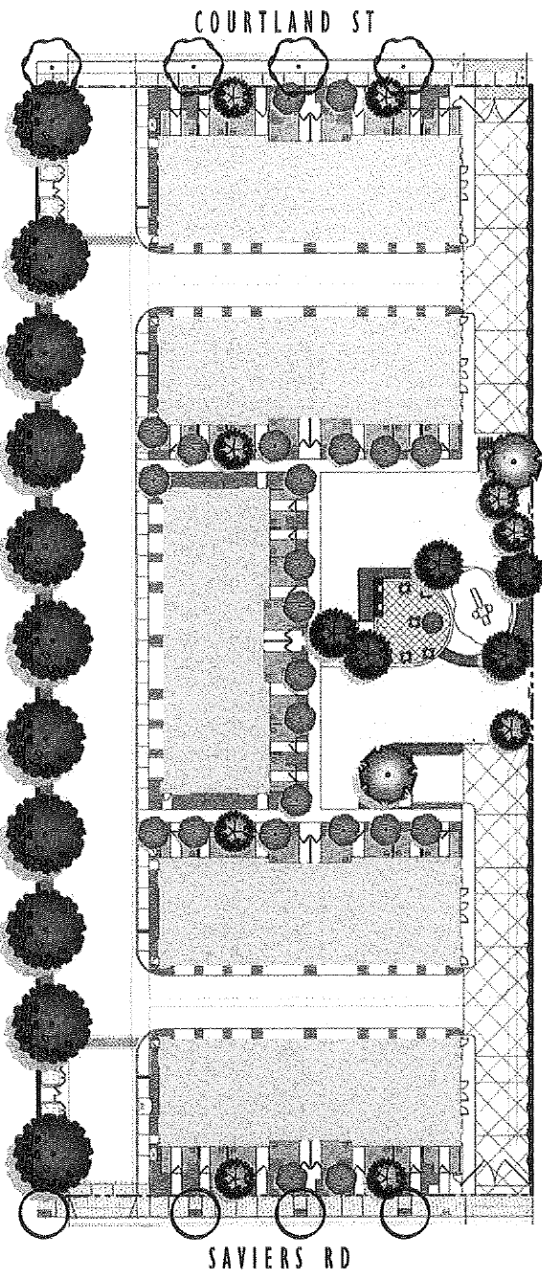
SHEET INDEX

Site Information

- SP-1 Architectural Site Plan
- SP-2 Site Section & Fire Access
- SP-3 Site Elevations

Architecture

- A1-1 8Plex Perspective - Front
- A1-2 8Plex Perspective - Rear
- A1-3 8Plex Elevations
- A1-4 8Plex Building Plans
- A1-5 Unit Plans 1 & 2
- A1-6 Unit Plan 3
- A1-7 Unit Plan 4
- A1-8 Trash Enclosure
- A1-9 Colors and Materials - Scheme 1
- A1-10 Colors and Materials - Scheme 2



Adriana Investment, LLC
300 Espinosa Drive, Suite 1550
Oxnard, CA 93036

VISTA PACIFICA

5571-5557 South Savers Rd
Oxnard, CA

LOT # 2015897

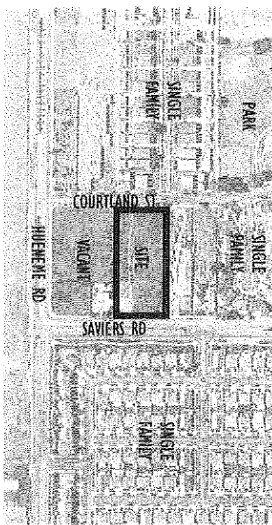
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CONCEPTUAL ARCHITECTURE

Architecture + Planning
1733 Ocean Ave., Suite 250
Santa Monica, CA 90401
kay.com
310 394 2623





VICINITY MAP

PROJECT SUMMARY

Total Site Area	1.8 Ac +/- 75,524 sq. ft.
Proposed Use	Accessory Townhouses
Total Units	40 DU
Density	22.2 DU/AC
Building Heights	3 Stories, 39' max.

PARKING CALCULATIONS

Parking Required	No. Beds	Ratio	No. Units	Spaces
Units 1 & 2	2	2	20	40
Units 3 & 4	2	2	20	40
Total Parking Spaces Required				80
Parking Provided				80
Garage Spaces Provided (2 per unit)				80
Open Spaces Provided (1 accessible)				13
Total Parking Spaces Provided				93

UNIT MIX

Unit Type	No. Units	No. Beds	No. Bath	Total Units	Mix
Unit 1	2	2	2	10	25%
Unit 2	2	2	2	10	25%
Unit 3	3	3	3	10	25%
Unit 4	3	3	3	10	25%
Total Units per Building				40	

FLOOR AREA CALCULATIONS BY UNIT TYPE

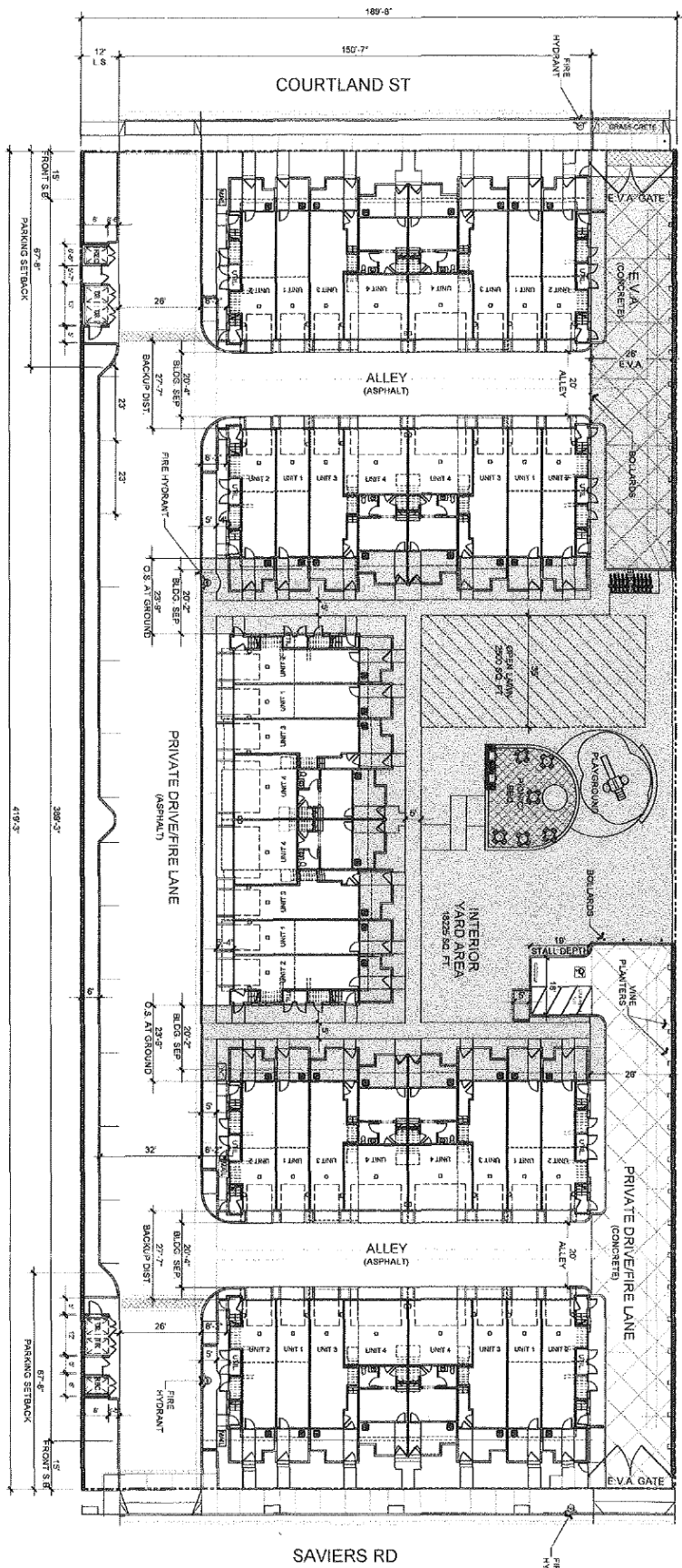
Unit Type	1st Floor (sq. ft.)	2nd Floor (sq. ft.)	Subtotal (sq. ft.)	Garage (sq. ft.)	Gross Area (sq. ft.)	No. Units	Floor Area (sq. ft.)
Unit 1	41	512	553	1,057	1,537	10	15,370
Unit 2	41	512	553	1,058	1,532	10	15,320
Unit 3	59	632	691	1,327	1,809	10	18,090
Unit 4	293	567	860	1,454	1,909	10	19,090
Total Floor Area							67,870

OPEN SPACE CALCULATIONS

Item	Area (sq. ft.)	No. Units	Total Area (sq. ft.)
Private Open Space	141	10	1,410
Public Open Space	163	10	1,630
Private Open Space	194	10	1,940
Public Open Space	174	10	1,740
Total Private Open Space			6,720
Total Public Open Space			2,500
Total Open Space			9,220
Percent of Site Area			23%

SITE COVERAGE CALCULATIONS

Item	Area (sq. ft.)	No. Units	Total Area (sq. ft.)	Percent of Site
Building Coverage	5,402	5	27,010	34.0%
Site Building Coverage	24,727	24	123,636	18.1%
Site Building Coverage	17,271	17	85,356	12.6%
Total Site Area			78,924	



ARCHITECTURAL SITE PLAN

557-5557 South Saviers Rd
 Oakland, CA
 94612

Architecture + Planning
 1733 Ocean Ave, Suite 250
 Santa Monica, CA 90401
 310 394 2623



VISTA PACIFICA
 Alencastro Investment LLC
 300 Esplanade, Suite 1550
 Oakland, CA 94606

SITE SECTION & FIRE ACCESS

5577-5557 South Street Rd
 Oakland, CA

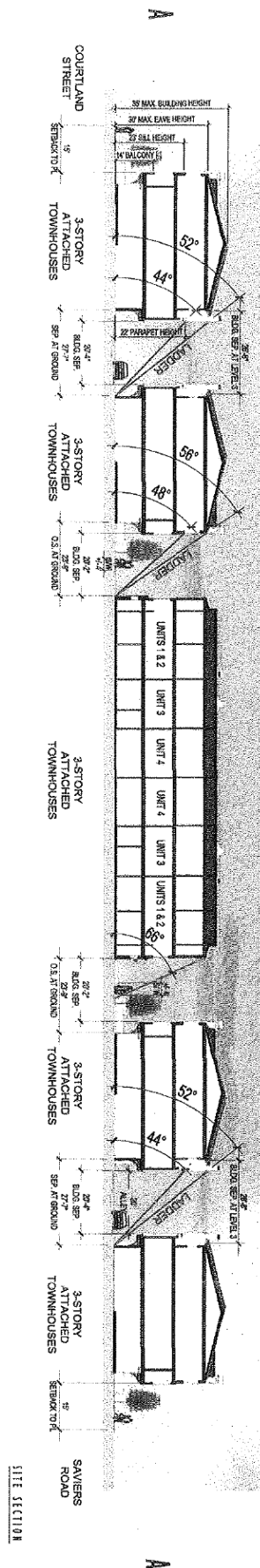
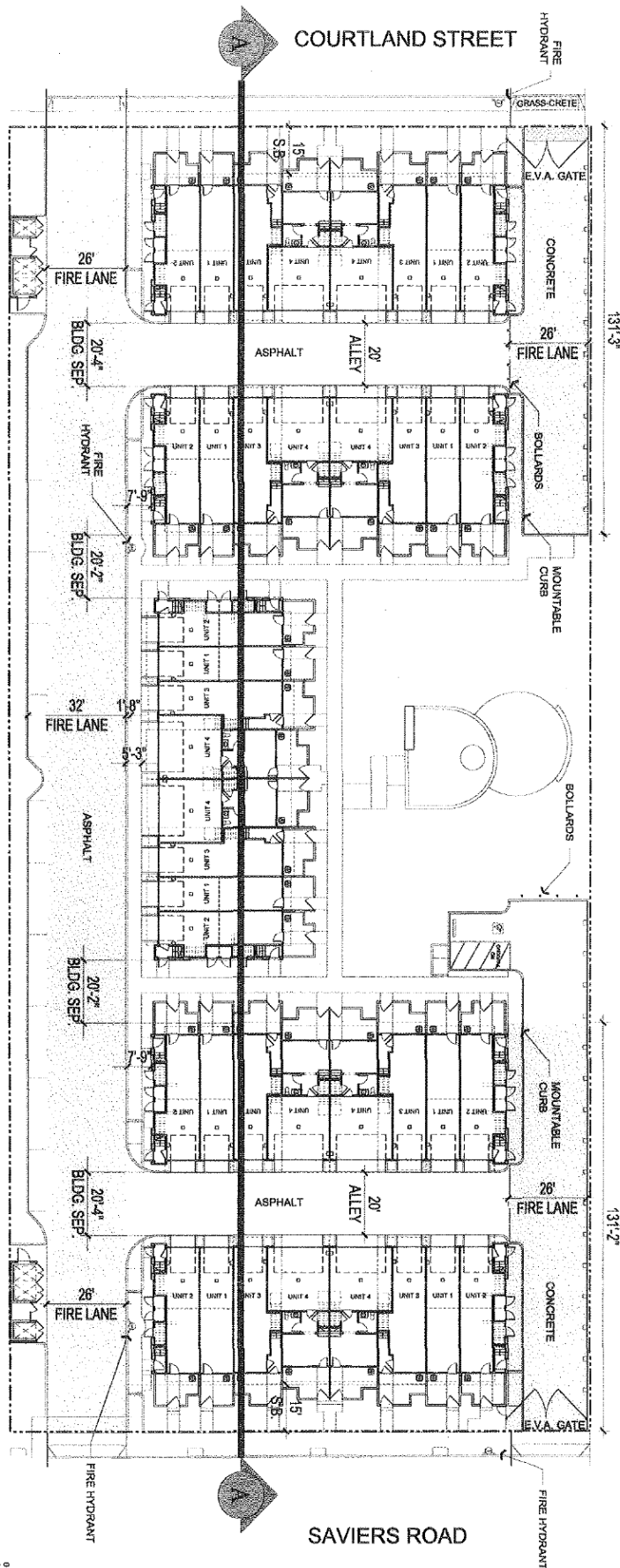
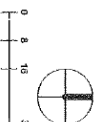
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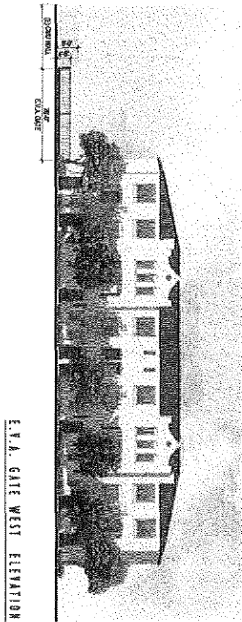
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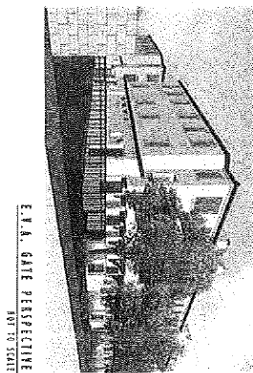
SITE SECTION

VISTA PACIFICA

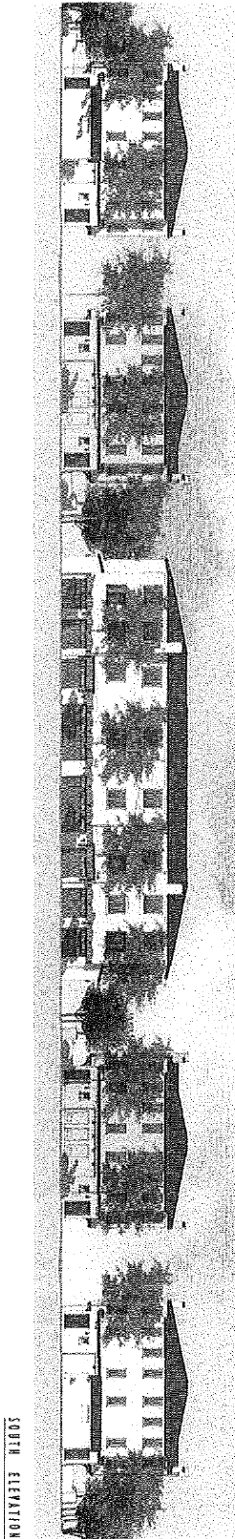
Aldersgate Investment, LLC
300 Esplanade Drive, Suite 1550
Oxnard, CA 93056



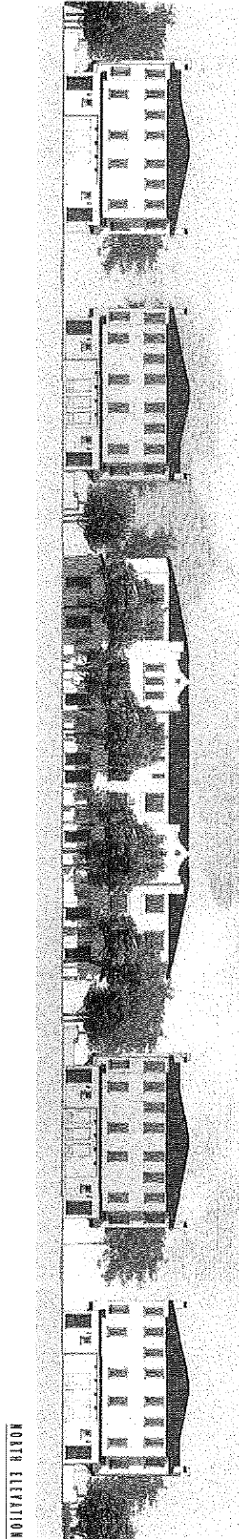
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E.V.A. GATE PERSPECTIVE
NOT TO SCALE



SOUTH ELEVATION

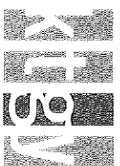


NORTH ELEVATION

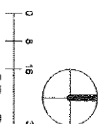
SITE ELEVATIONS

5527-5557 South Sutters Rd
Oxnard, CA
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310 394 2623



SP-3



FRONT



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300 Sepulveda Drive, Suite 1550
Oxnard, CA 93036

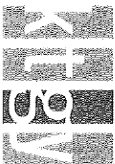
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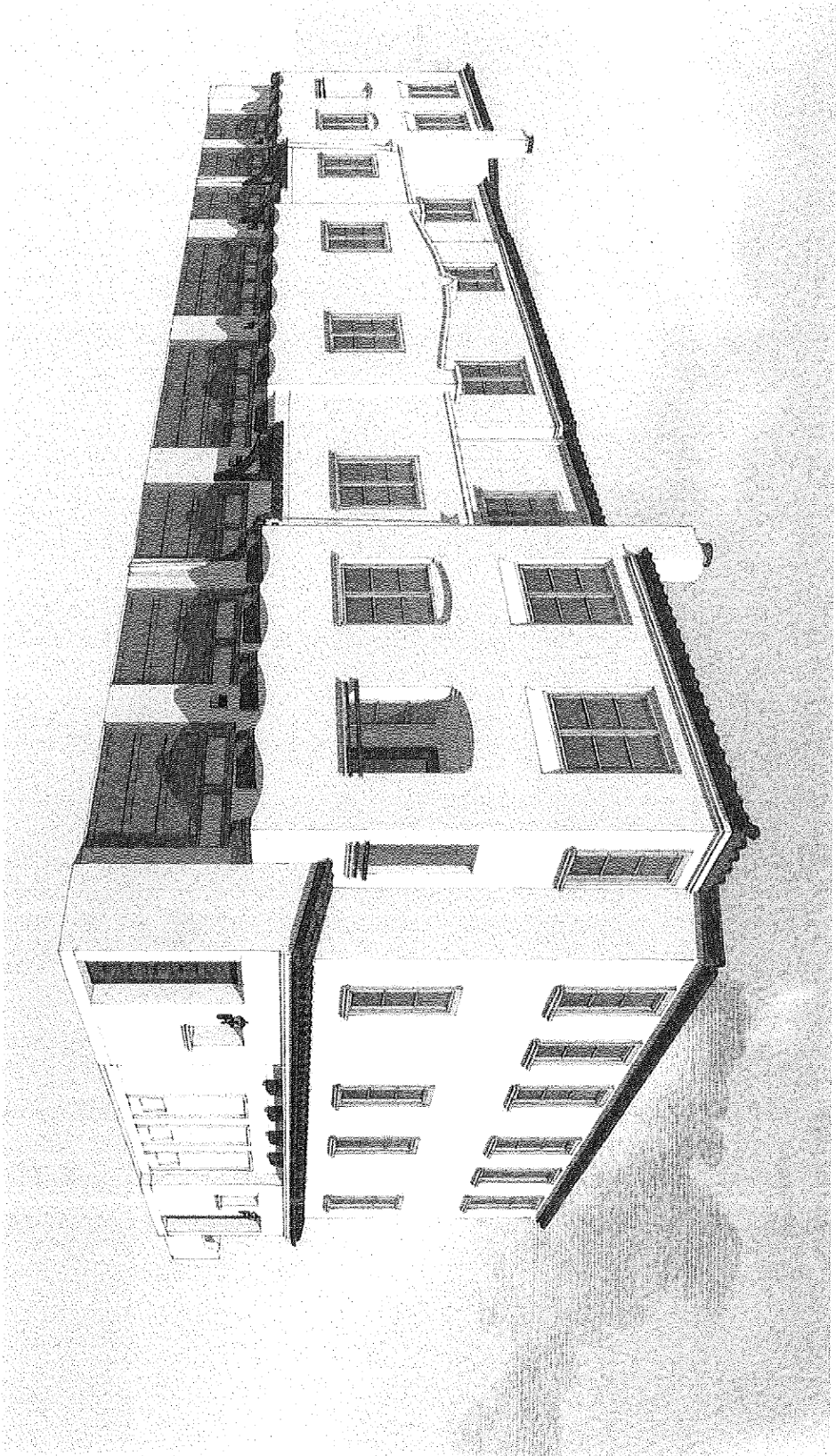
5577-5557 South Savers Rd
Oxnard, CA
Site # 3015497
B120215
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1733 Ocean Ave., Suite 250
Santa Monica, CA 90401
kkgg.com
310 394 2623

A-1

NOT TO SCALE





REAR

VISTA PACIFICA

Allegiance Investment, LLC
300 Esplanade Drive, Suite 1550
Oxnard, CA 93006

8- PLEX PERSPECTIVE

5527-5537 South Savers Rd
Oxnard, CA

1561 # 2616-5897

01.23.2015

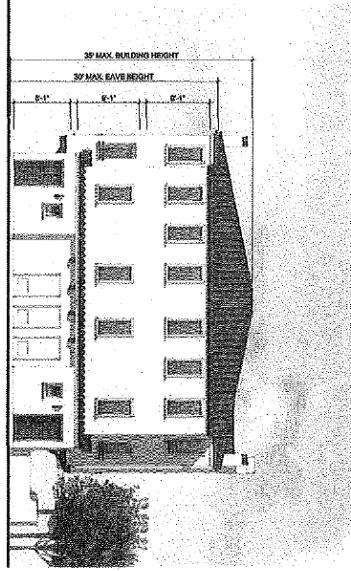
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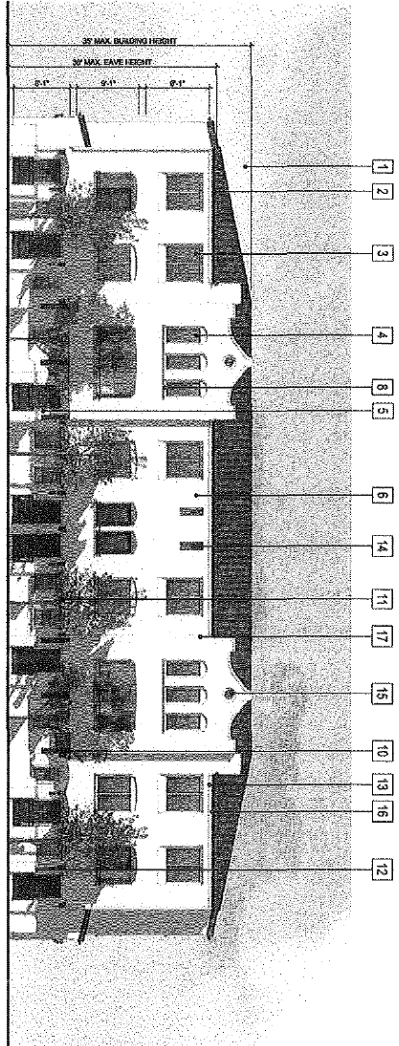


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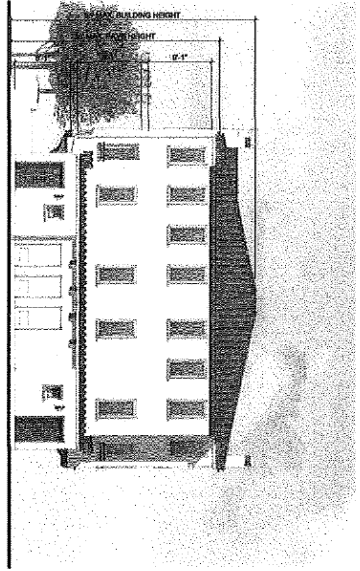
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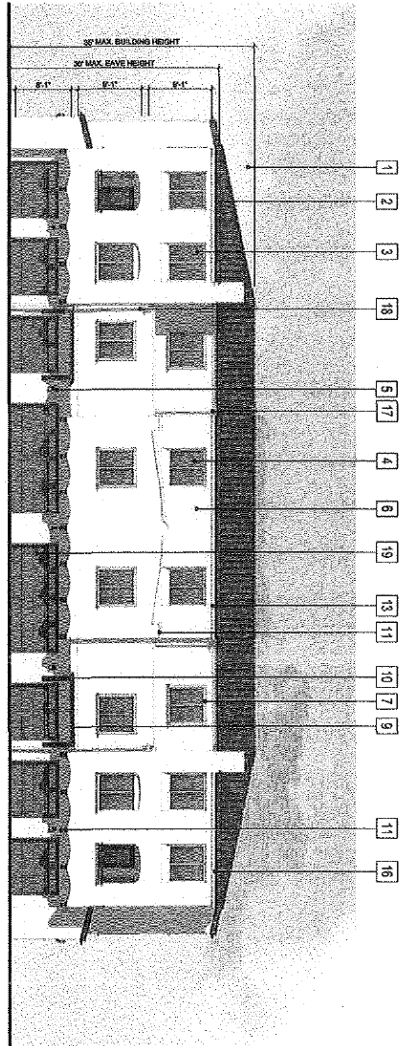
LEFT



FRONT



RIGHT



REAR

ELEVATION LEGEND (AS NOTED)

- | | | | | | | | | | |
|---|-------------------------|---|--------------------------|----|-------------------------------|----|------------------------------------|----|-----------------------------|
| 1 | CONCRETE S-TILE ROOFING | 5 | DECORATIVE LIGHT FIXTURE | 9 | WOOD TRELLIS | 13 | DECORATIVE CORNICE | 17 | DOWNSPOUT |
| 2 | PASCTA BOARD | 6 | STUCCO FINISH | 10 | DECORATIVE OUTLOOKER & KICKER | 14 | RECESSED DECORATIVE CLAY TILE VENT | 18 | SCUPPER & DOWNSPOUT |
| 3 | VIRTE WINDOW SYSTEM | 7 | STUCCO FINISH TRIM | 11 | DECORATIVE CORBEL | 15 | RECESSED STUCCO DETAIL | 19 | METAL SECTIONAL GARAGE DOOR |
| 4 | RECESSED WINDOW | 8 | STUCCO FINISH TRIM | 12 | DECORATIVE STUCCO CAP | 16 | GUTTER | | |

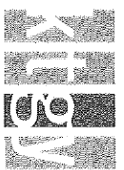
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Adersgate Investment, LLC
300 Esplanade Drive, Suite 1550
Oxnard, CA 93035

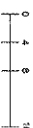
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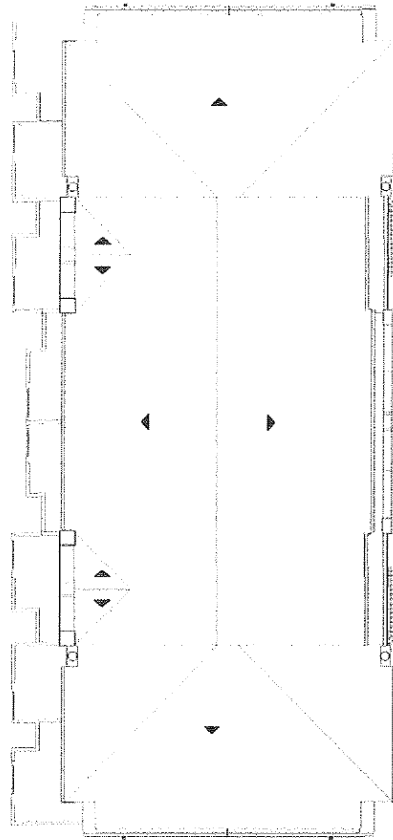
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Oxnard, CA
02/20/15
02/20/15

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1733 Ocean Ave., Suite 250
Santa Monica, CA 90401
kay@acp.com
310 394 2623

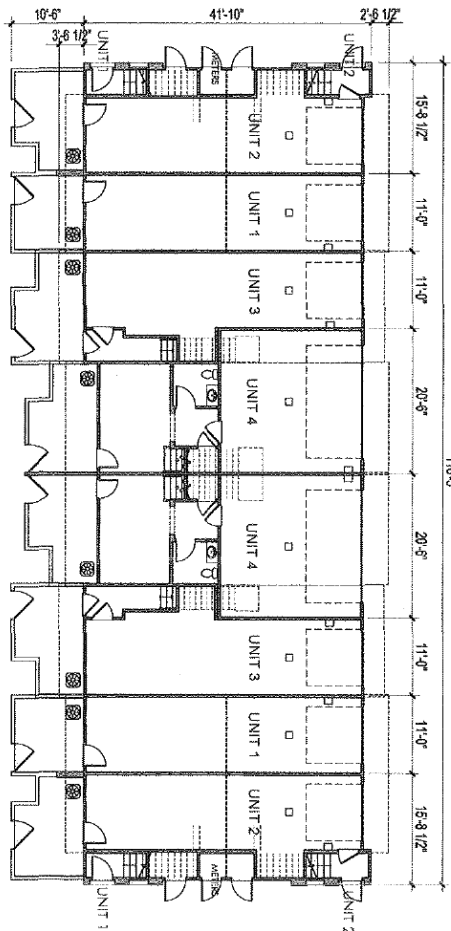


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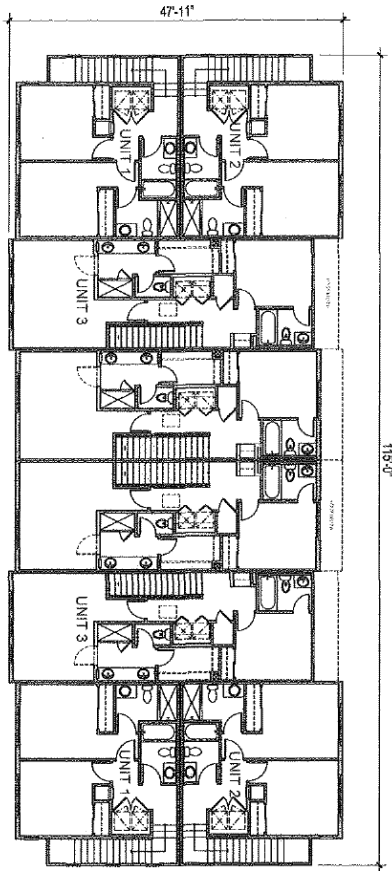




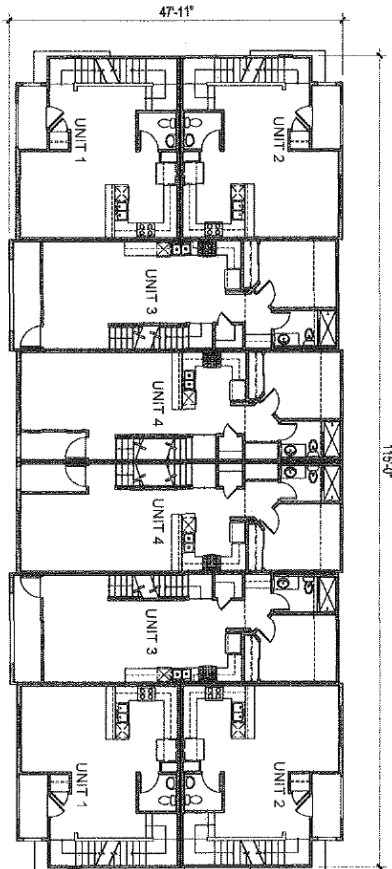
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1ST FLOOR



3RD FLOOR



2ND FLOOR

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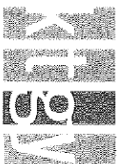
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300 Esplanade Drive, Suite 1550
Oxnard, CA 93035

8-PLEX BUILDING PLANS

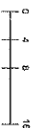
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Oxnard, CA
RFP # 2015087

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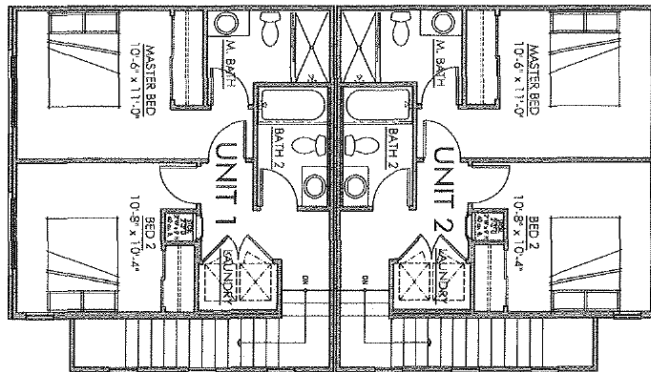
Architecture + Planning
1733 Ocean Ave., Suite 250
Santa Monica, CA 90401
RGP.com
310.394.2623



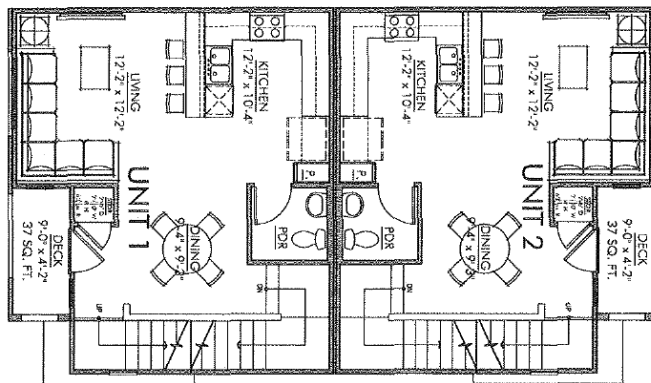
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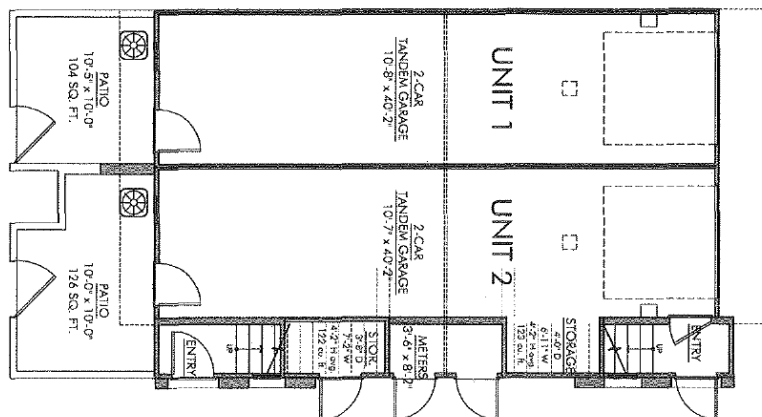
LEVEL 3



LEVEL 2



LEVEL 1



UNIT 2 GROSS SF	
LEVEL 1	4,500 SF
LEVEL 2	5,500 SF
LEVEL 3	5,500 SF
TOTAL UNIT	15,500 SF
STORAGE	4,000 SF
DECK	4,000 SF
PATIO	200 SF
TOTAL	23,000 SF

UNIT 1 GROSS SF	
LEVEL 1	4,500 SF
LEVEL 2	5,500 SF
LEVEL 3	5,500 SF
TOTAL UNIT	15,500 SF
STORAGE	4,000 SF
DECK	4,000 SF
PATIO	200 SF
TOTAL	23,000 SF

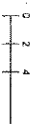
UNIT PLANS 1 & 2

5527-5557 South Savers Rd
 Oxnard, CA
 100 # 201697
 © 2016
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Architecture + Planning
 1733 Ocean Ave, Suite 250
 Santa Monica, CA 90401
 klp.com
 310 394 2823

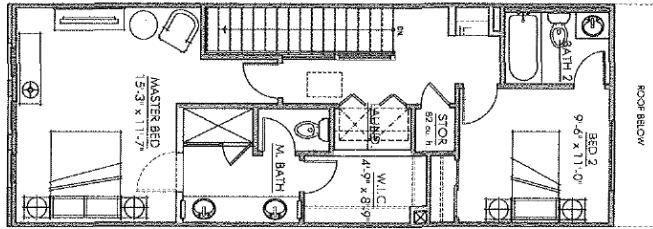


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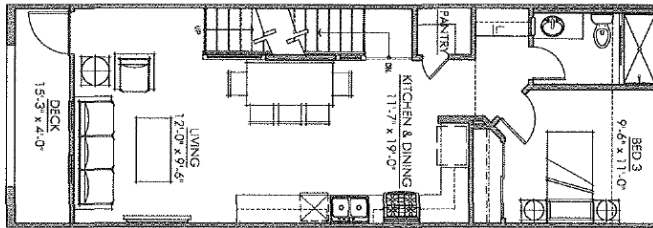


VISTA PACIFICA
 Allergan Investment, LLC
 300 Espanola Drive, Suite 1550
 Oxnard, CA 93036

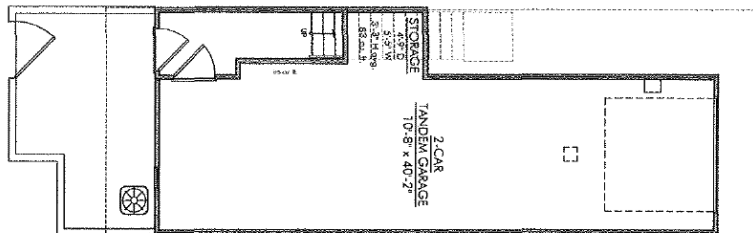
LEVEL 3



LEVEL 2



LEVEL 1



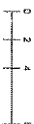
UNIT 3 GROSS SF	
LEVEL 1	1,000 SQ. FT.
LEVEL 2	600 SQ. FT.
LEVEL 3	600 SQ. FT.
TOTAL LIVING	1,200 SQ. FT.
GARAGE	480 SQ. FT.
PATIO	100 SQ. FT.
STORAGE	200 SQ. FT.

UNIT PLAN 3
 5521-5557 South Savers Rd
 Oxnard, CA
 EIR # 2014-001
 © 2015
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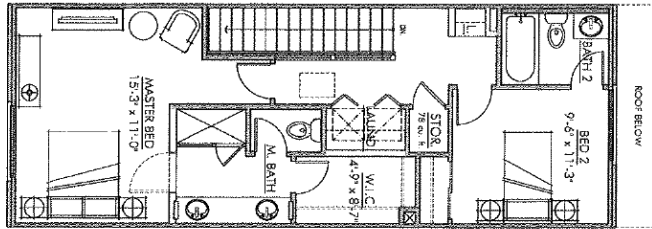
Architecture + Planning
 1733 Ocean Ave., Suite 250
 Santa Monica, CA 90401
 kopy.com
 310 394 2823



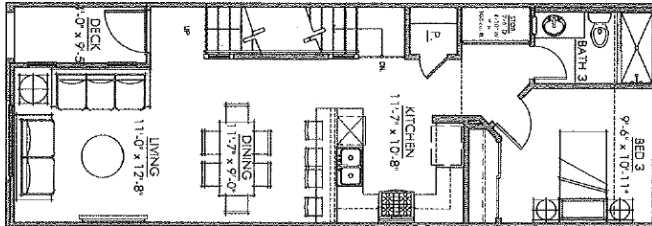
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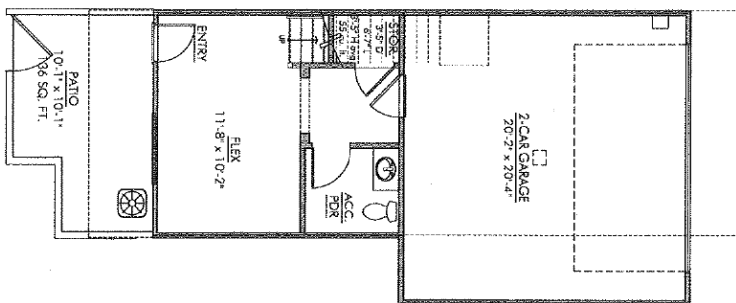
LEVEL 3



LEVEL 2



LEVEL 1



UNIT 4 GROSS SF	
LEVEL 1	282 SQ. FT.
LEVEL 2	697 SQ. FT.
LEVEL 3	694 SQ. FT.
TOTAL UNIT	1673 SQ. FT.
PATIO	136 SQ. FT.
DECK	90 SQ. FT.
STORAGE	241 SQ. FT. NET

UNIT PLAN 4

5527-5537 South Savers Rd
 Oxnard, CA
 04.2015
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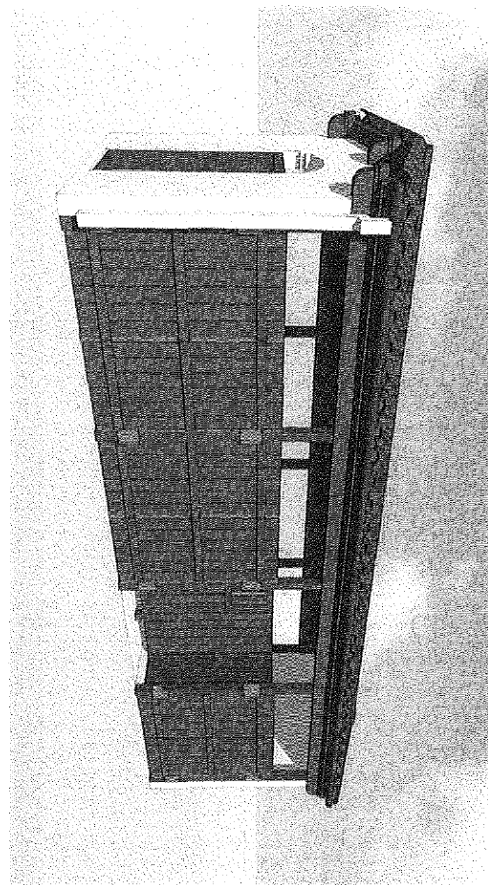
Architecture + Planning
 1733 Ocean Ave., Suite 250
 Santa Monica, CA 90401
 310.394.2623



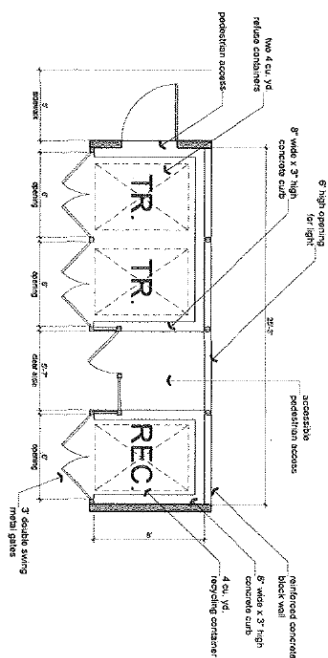
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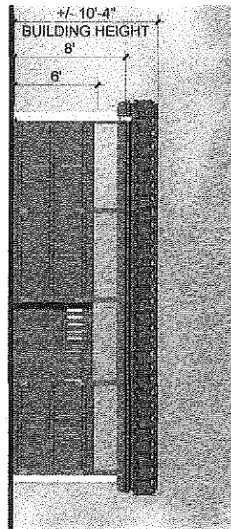
PERSPECTIVE



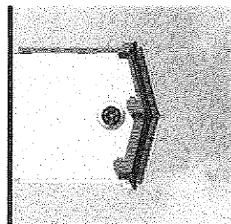
PLAN



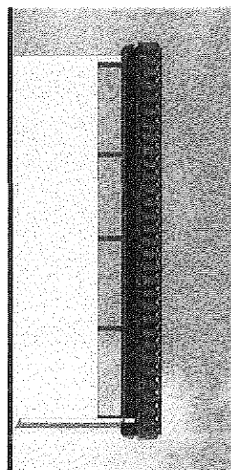
FRONT



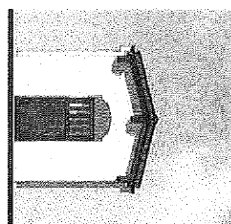
STREET SIDE



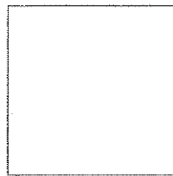
REAR



INTERIOR SIDE



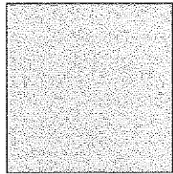
STUCCO



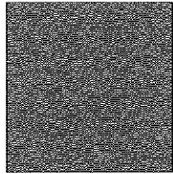
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80 D1074 Alpaca



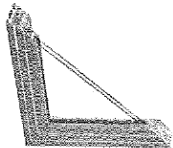
PAINT : TRIM,
WALL CAPS, SILLS



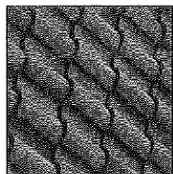
PAINT: ACCENTS,
GUTTERS, DOORS



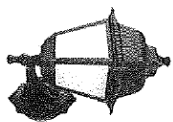
VINYL WINDOWS



CONCRETE ROOFING



ARCHITECTURAL
LIGHT FIXTURES



Omega
20/30 Sand Finish

Sherrin Williams
SW 7104 Cotton White

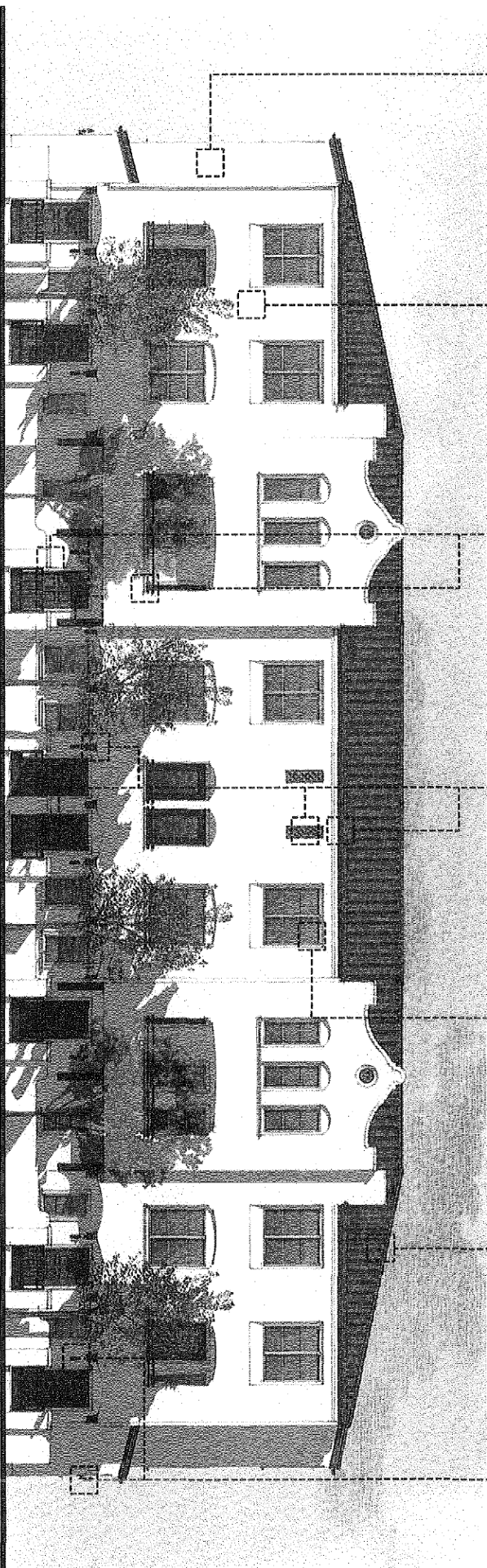
Benjamin Moore
1074 Alpaca

Sherrin Williams
SW 6103 Tea Chest

Milgard Monocle Series
Tan

Boral Barcelona 18GSA169
Gran Grande Blend

Hampton Bay
Model # GFC611P-2



VISTA PACIFICA

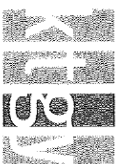
Adenage Investment, LLC
300 Esplanade Drive, Suite 1550
Oakland, CA 94606

SCHEME I COLORS AND MATERIALS

5517-5517 South Saviers Rd
Oakland, CA
161 # 2014891
01X3015

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Architecture + Planning
1733 Ocean Ave, Suite 250
Santa Monica, CA 90401
310 394 2623



Color and material selections may vary slightly during
final design and be substituted by Builder for equivalents.

VISTA PACIFICA

Atteridge Investment LLC
300 Esplanade Drive, Suite 1550
Oakland, CA 94606

SCHEME 2 COLORS AND MATERIALS

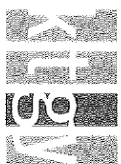
5527-5557 South Savers Rd
Oakland, CA

REV # 30 1/2/97

© 2013

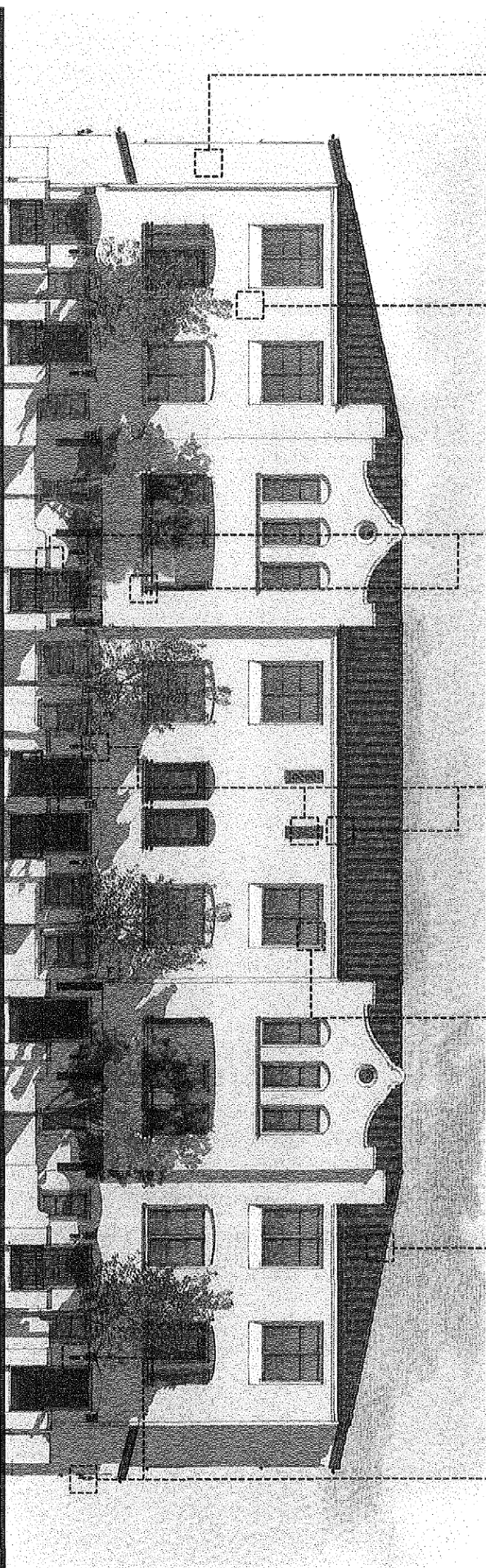
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Architecture + Planning
1733 Ocean Ave, Suite 250
Santa Monica, CA 90401
info@ap.com
310 394 2623

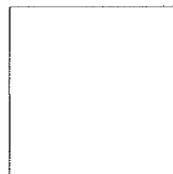


A-10

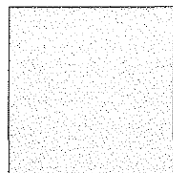
Color and material selections may vary slightly during final design and be substituted by Builder for equivalents.



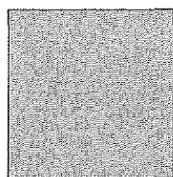
STUCCO



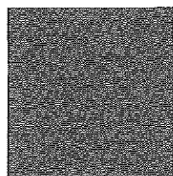
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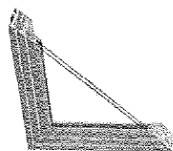
PAINT : TRIM,
WALL CAPS, SILLS



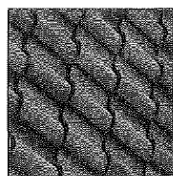
PAINT: ACCENTS,
GUTTERS, DOORS



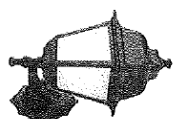
VINYL WINDOWS



CONCRETE ROOFING



ARCHITECTURAL
LIGHT FIXTURES



Omega
20/30 Sand Finish

Sherwin Williams
SW 7531 Canvas Tan

Sherwin Williams
SW 6100 Practical Beige

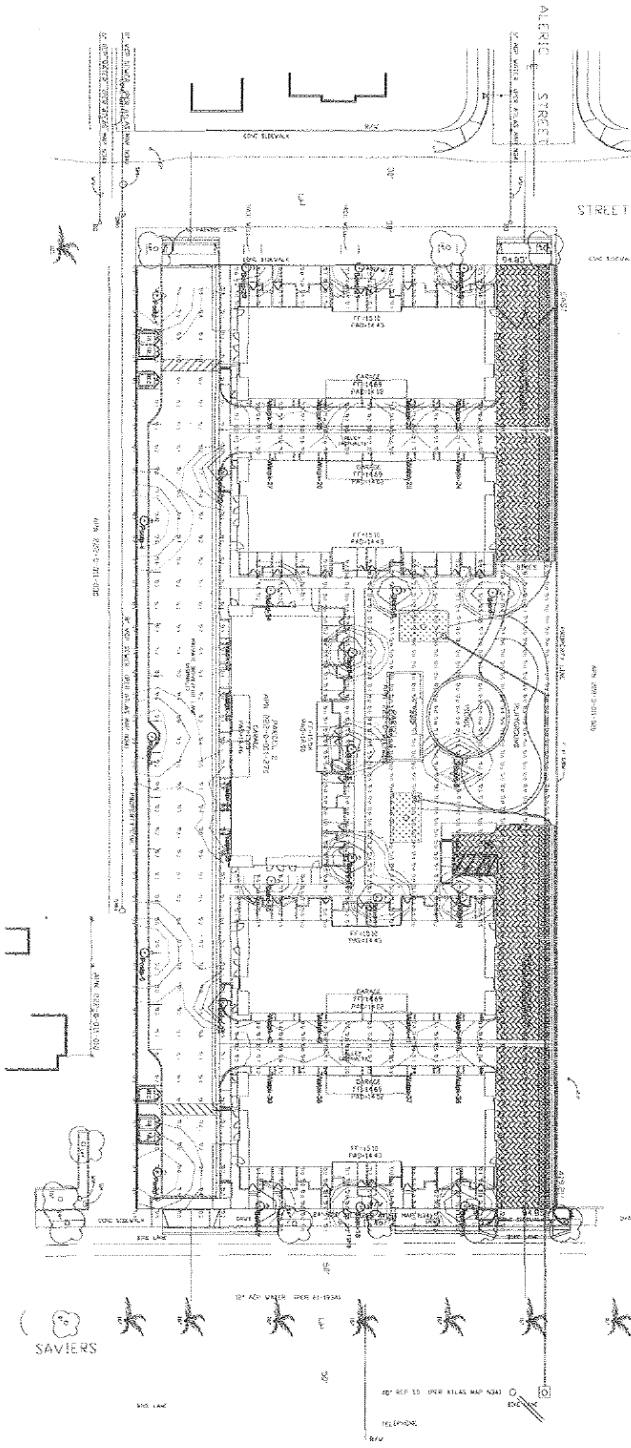
Sherwin Williams
SW 6103 Tea Chest

Milgard Montecito Series
Tan

Boral Barcelona 18C556169
Casa Grande Blend

Hampton Bay
Model # GFC161P-2

LUMINAIRE SCHEDULE									
Symbol	Label	Qty	Control System	Manufacturer	Label	Watt	Lumens	Life	Notes
☉	Panel 5	1	120V 150W	LED LIGHTING SOLUTIONS	LED	150W	1600	50,000	80-2
☉	Panel 10	1	120V 300W	LED LIGHTING SOLUTIONS	LED	300W	3200	50,000	80-2
☉	Panel 15	1	120V 450W	LED LIGHTING SOLUTIONS	LED	450W	4800	50,000	80-2
☉	Panel 20	1	120V 600W	LED LIGHTING SOLUTIONS	LED	600W	6400	50,000	80-2
☉	Panel 25	1	120V 750W	LED LIGHTING SOLUTIONS	LED	750W	7800	50,000	80-2
☉	Panel 30	1	120V 900W	LED LIGHTING SOLUTIONS	LED	900W	9600	50,000	80-2
☉	Panel 35	1	120V 1050W	LED LIGHTING SOLUTIONS	LED	1050W	11000	50,000	80-2
☉	Panel 40	1	120V 1200W	LED LIGHTING SOLUTIONS	LED	1200W	12800	50,000	80-2
☉	Panel 45	1	120V 1350W	LED LIGHTING SOLUTIONS	LED	1350W	14400	50,000	80-2
☉	Panel 50	1	120V 1500W	LED LIGHTING SOLUTIONS	LED	1500W	16000	50,000	80-2



Photometrics for Vista Pacifica

5528-5557 South Saviers Rd.
Oxnard, CA

Designer
KIM
Date
Jan 16, 2015
Scale

Drawing No

1 of 1

**ATTACHMENT
C
NOTICE OF EXEMPTION**

NOTICE OF EXEMPTION

Project Description:

Planning and Zoning Permit Nos. 14-500-03 (Special Use Permit); 14-535-02 (Density Bonus); PZ 14-300-04 (Tentative Tract Map), a request to subdivide two parcels into one parcel for condominium purposes and develop a 1.82-acre vacant site located at 5557 and 5527 Saviers Road with 5 three-story structures and a total of 40 attached two- and three-bedroom dwellings (32 market rate and 8 affordable) and associated amenities. Filed by Henry Casillas of Aldersgate Investments, LLC. on behalf of Aphanco 18, LLC, 8213 White Oak Avenue, Rancho Cucamonga, California 91730.

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 the California Environmental Quality Act Guidelines Section 15332 of the California Code of Regulations. A Class 32 categorical exemption under CEQA Guidelines Section 15332 consists of projects characterized as in-fill development meeting the conditions described below:

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value, as habitat for endangered, rare or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

The proposed Project meets the requirements of a Class 32 categorical exemption because it: (i) is consistent with the City of Oxnard 2030 General Plan designation and all applicable General Plan policies for the reasons set forth below; (ii) the proposed Project occurs within the City limits on a site of no more than five acres; (iii) the Project site has no value as habitat for

endangered, rare or threatened species; (iv) approval of the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality; (v) the Project site can be adequately served by all required utilities and public services.

(Date)

Ashley Golden,
Interim Planning Division Manager

Vista Pacifica Townhomes

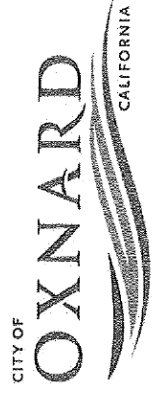
5557 Saviers Road

PZ No. 14-500-03 (SUP), 14-535-02 (Density Bonus), & 14-300-02 (Tentative Tract Map)

Apchanco 18, LLC

8213 White Oak, Ave.

Rancho Cucamonga, CA 91302

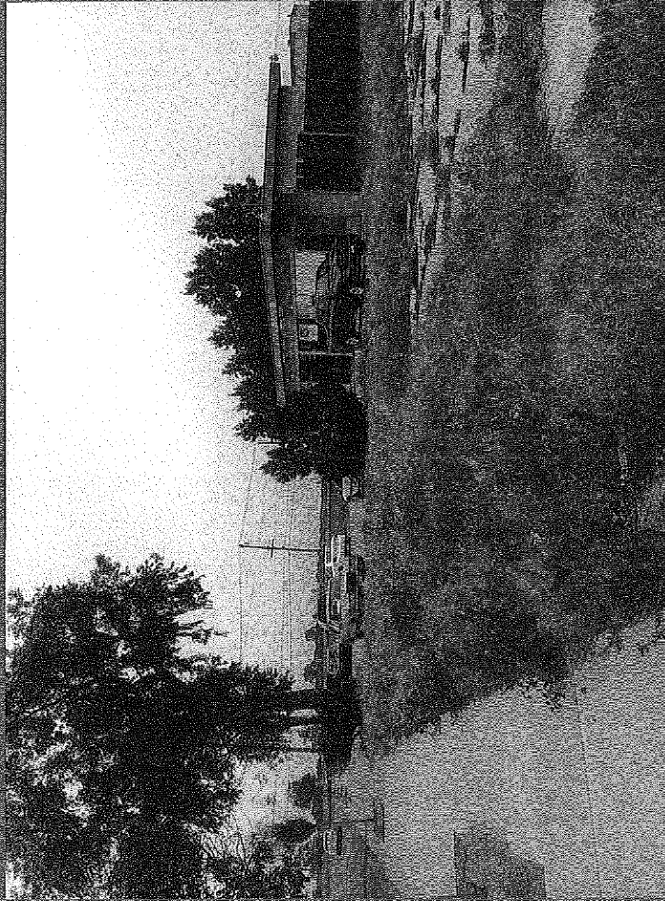


Planning Commission April 2, 2015

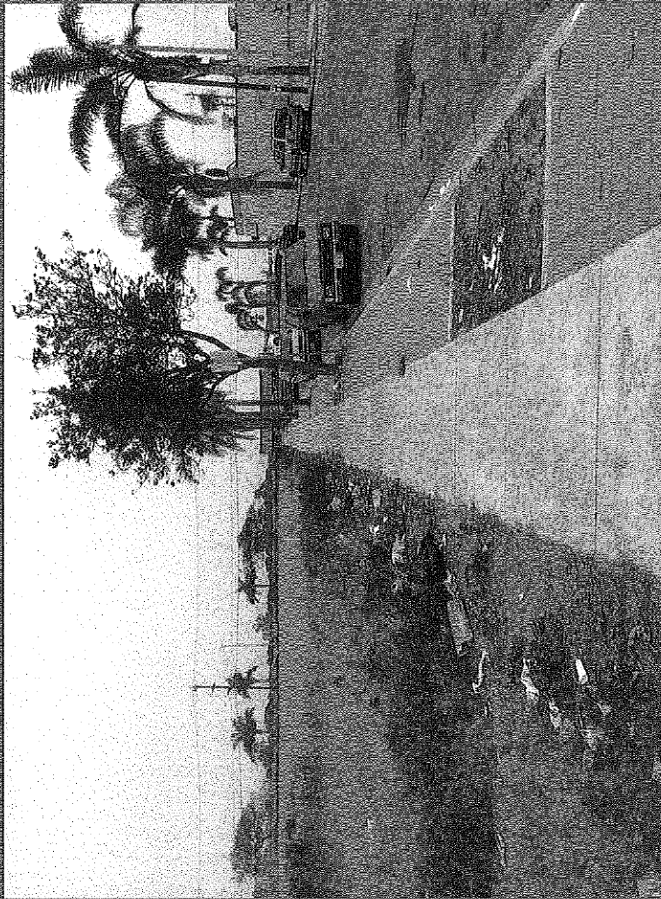
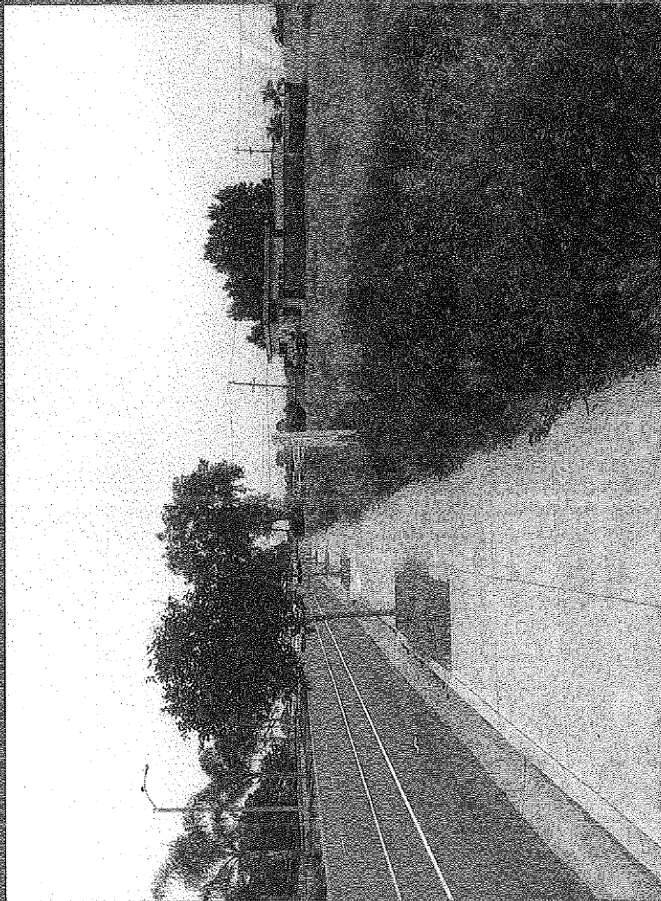
Vicinity Map



Site Photographs



Site Photographs



Background

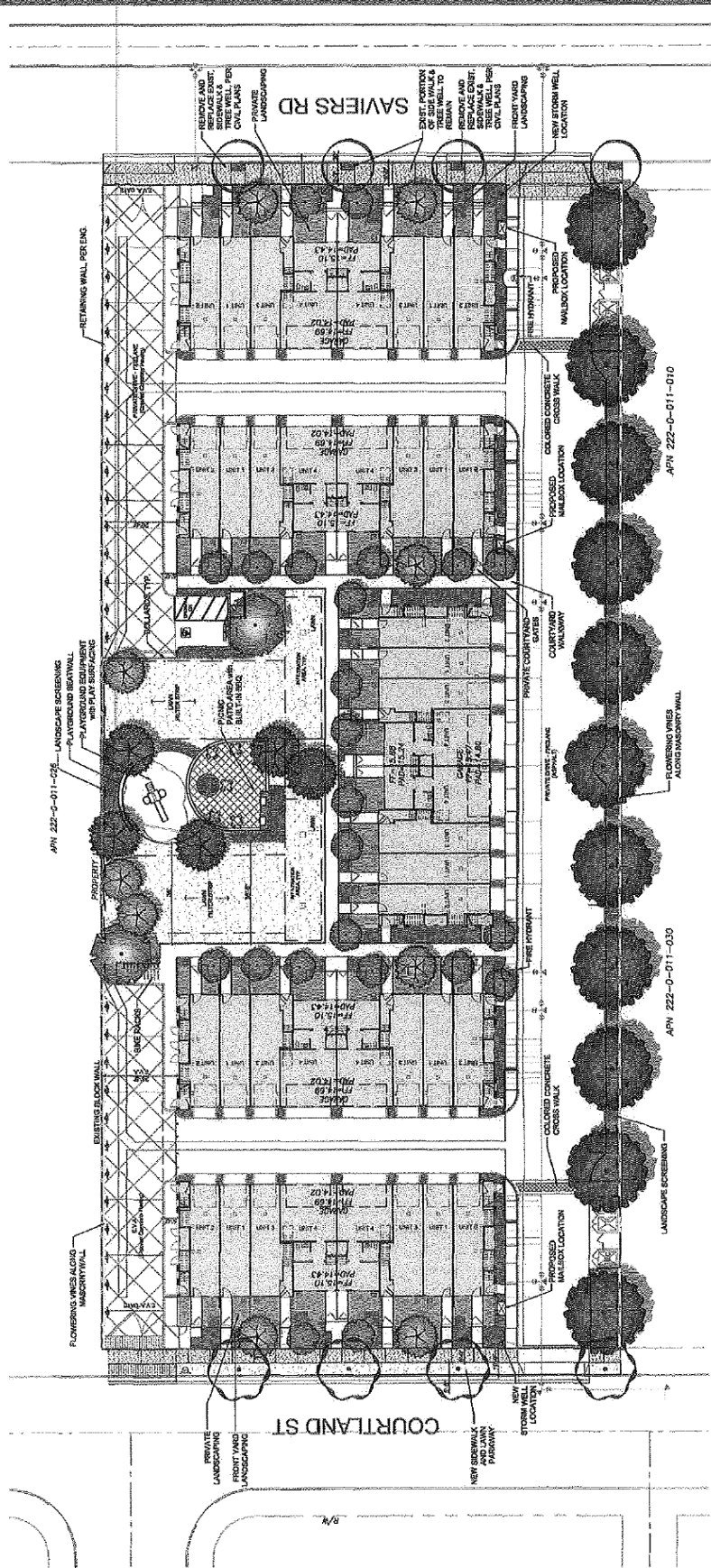
- Project originally included 44 units and no formal open space
- DAC meetings facilitated changes in site plan from 44 to 40 units to improve urban design and emergency access
- Buildings were reconfigured around central open space, emergency access was re-designed, and additional streetscape landscaping was provided

Project Development Summary

- Develop 1.82 acre site with 40 3-story structures (32 market rate, 8 affordable for low income families)
- 33 units are permitted by C-2/R-3 zoning, 21% Density Bonus request for 40 units
- 2/3 BR units and 4 floor plans from 1,532 to 1,909 sq. ft.
- Each unit has 2-car garage with 12 guest spaces provided along southern property line

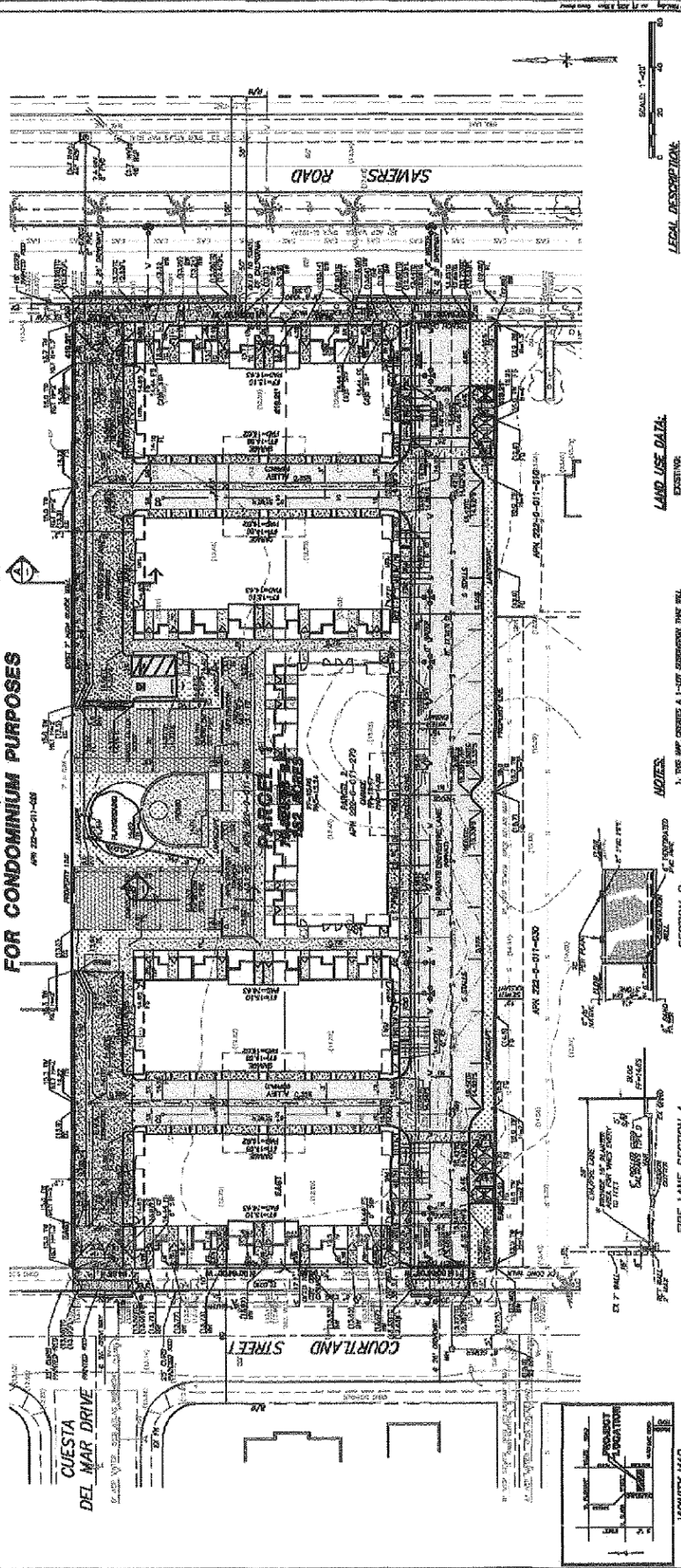


Site Plan

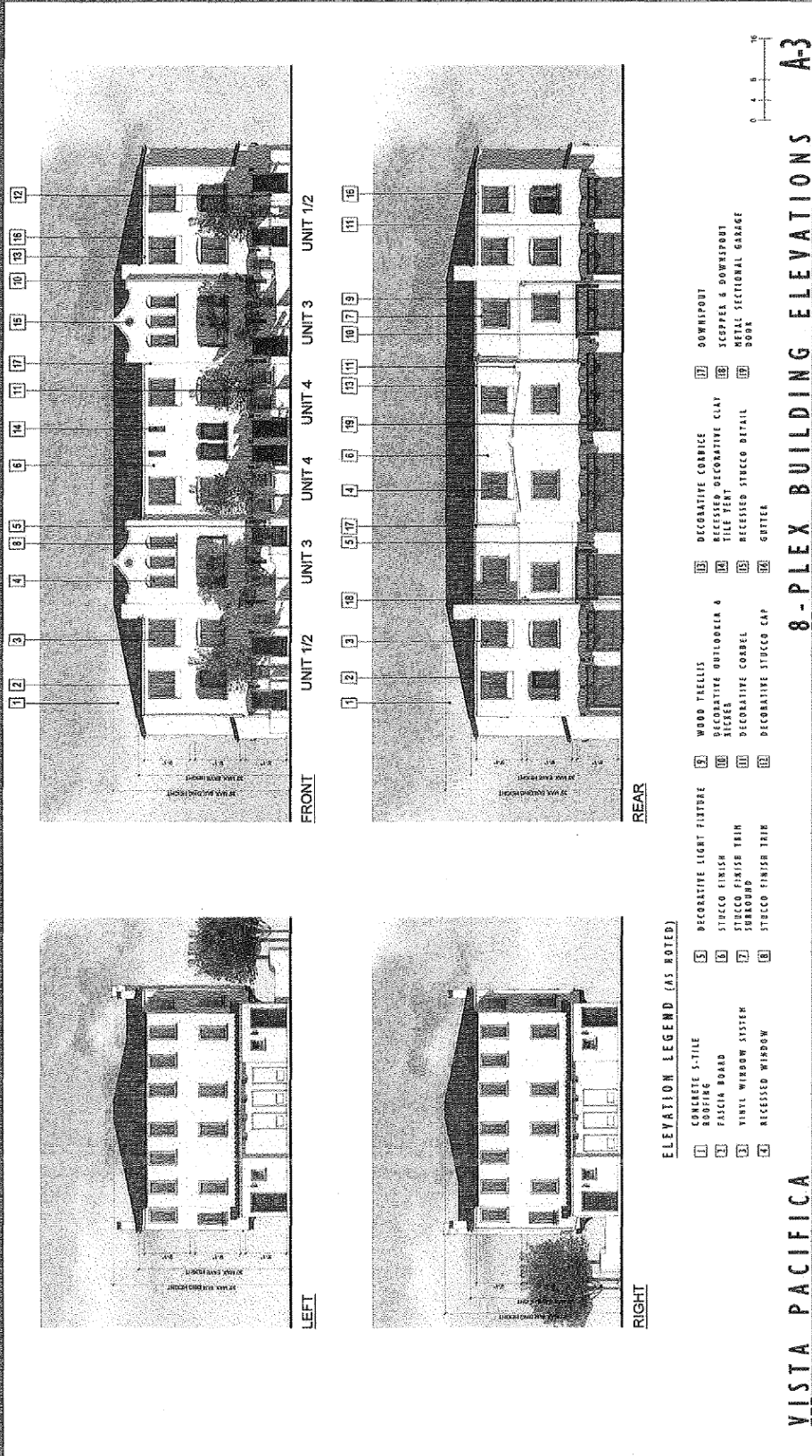


Tentative Tract Map

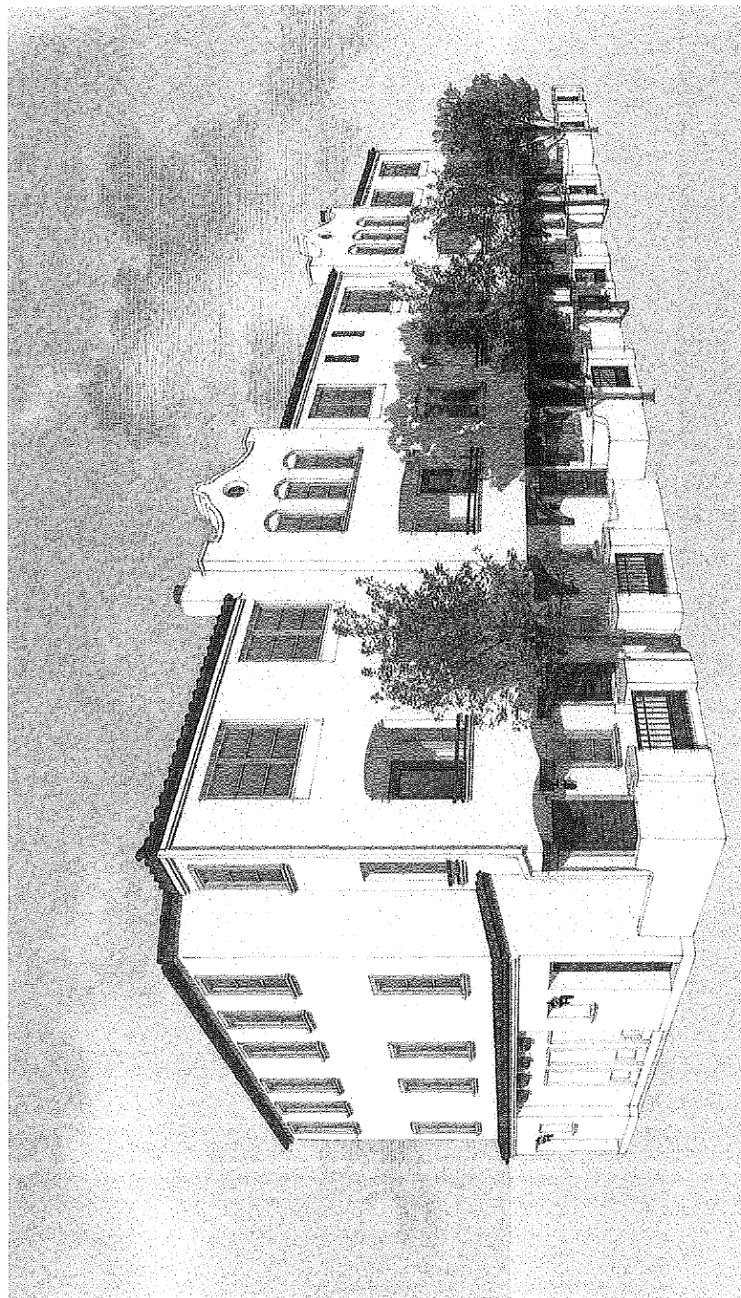
TENTATIVE TRACT MAP 5944 IN THE CITY OF OXNARD, COUNTY OF VENTURA FOR CONDOMINIUM PURPOSES



Building Elevations



Building Perspective



FRONT

NOT TO SCALE

VISTA PACIFICA

8-PLEX PERSPECTIVE

A-J



10

General Plan Consistency

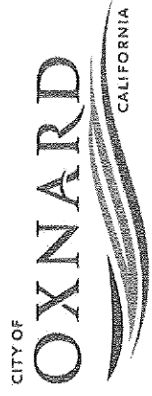
- CG designation allows residential up to 18 units per acre (33 units)
- 21% Density Bonus to 40 units with 20% low income units is consistent with City and State requirements
- Enhance neighborhood by developing underutilized site with mix of affordable/market rate housing with aesthetically pleasing architecture & landscaping



Zoning Code Consistency

- Per State Density Bonus Law, up to 3 concessions can be requested
- Project requests two concessions – (1) reduction in interior yard space & (2) reduction in building separation
- Project is consistent with all other development standards
- Considered Categorically Exempt from CEQA – Class 32

12



Recommendation

- Planning Commission adopt resolutions recommending that the City Council approve PZ. No. 14-500-03 (Special Use Permit), PZ 14-535-02 (Density Bonus), and PZ 14-300-04 (Tentative Tract Map) subject to certain findings and conditions

Checklist for Appeal of Planning Commission Decision

Date: April 22, 2015

This is a checklist to ensure that an appeal/review of a Planning Commission decision is properly processed. Please complete this checklist as appropriate and return it to the City Clerk's Office as soon as possible.

Date of Planning Commission meeting	04/16/15
Project Description	Project No. PZ 14-500-03, SUP 14-535-02, DB 14-300-04
Appellant	Aldergate Investment LLC
Address	300 E. Explanade Dre. Suite 1550, Oxnard, CA 93036
Applicant's name & address	
Planner to prepare analysis	
CC meeting date	
Agenda report due	
Legal counsel	
Pertinent Code section	
Legally required to be advertised/ _days before meeting*	
Date mailing labels due to Clerk (include applicant & special requests)	ASAP
Date notices should be mailed	
Other parties requesting notice (names & addresses)	

**Vida Newspaper* requires one full day notice prior to publication (only prints on Thursdays).
Please submit notice to City Clerk at least three days prior to desired publication date.**

(**Planning staff processes legal ads and mailed notices re reviews requested by Planning staff.
City Clerk staff processes legal ads and mailed notices on appeals.)

g:\appeal\checklist

**PLEASE PROVIDE AN ORIGINAL AND 2 COPIES
A \$692.19 FEE MUST ACCOMPANY THIS APPEAL**

TO: Oxnard City Clerk

NOTICE OF APPEAL
(from member of the public)

I, Ernest T. Mansi, am aggrieved or directly affected by
(name of person filing appeal)

and appeal the April 2, 16, 2015 decision from the Planning Commission regarding Project No.
(date of PC meeting)

[see attached], more particularly described as follows:

[see attached]

The grounds for appeal are:

[see attached]

I request the following relief:

[see attached]

E. Mansi
(signature)

Date: 4/22/15

300 East Esplanade Drive, #1550

Oxnard, CA 93036
(address)

cc: City Attorney
Project Planner
Development Services Department
Applicant

2015 APR 21 P 4:06

g:\appeal\appealpublic
07/2014

ALDERGATE INVESTMENT LLC

300 E. Esplanade Dr. Suite 1550

Oxnard, CA 93036

805-988-4114

matt@aldersgatellc.com

APPEAL DESCRIPTION

Project Description: This appeal arises from applications for Planning and Zoning Permit No. 14-500-03 (Special Use Permit), No. 14-535-02 (Density Bonus), and No. 14-500-04 (Tentative Tract Map) (collectively, the "Project") for property located at 5527 and 5557 Saviers Road (the "Property"). The proposed Project includes the development of five three-story structures for a total of 40 attached dwellings (two and three bedrooms each), including eight affordable units. The proposed Project includes a density bonus request for seven units.

Grounds for Appeal: The proposed Project is consistent with the General Plan designation for the Property, as enhanced by State and City provisions regarding density bonuses (Cal. Gov. Code, § 65915 et seq.; Oxnard Municipal Code, § 16-410 et seq.), as the Commercial General designation authorizes 33 residential dwelling units on the Property. The additional seven units are well within the permitted density bonus of 35%, as the Project proposes a 21% bonus. In addition to the staff report's discussion of the Project's consistency with the general Plan, note that the City's current Housing Element, which is Chapter 8 of the 2030 General Plan, provides that the Property and several adjacent parcels are "prime candidate[s] for new residential development."

The proposed Project is also consistent with the zoning designation for the Property, as the C-2 zone also authorizes the Project's density (as enhanced by the State and local density bonus provisions). (Oxnard Municipal Code, § 16-136(A)(2).) Additionally, the proposed Project is consistent with surrounding land uses, which includes single- and multi-family residential as well as light industrial uses. Moreover, as noted by City staff, the proposed Project complies with nearly all of the City's development standards. The proposed Project has requested, and is entitled to, two concessions from the City's standards regarding interior yard space and building separation. (Cal. Gov. Code, § 65915, subd. (d).)

Broadly speaking, the Government Code and Oxnard's implementing ordinance, "impose[] a clear and unambiguous mandatory duty on municipalities to award a density bonus when a developer agrees to dedicate a certain percentage of the overall units in a development to affordable housing." (*Latinos Unidos Del Valle De Napa Y Solano v. County of Napa* (2013) 217 Cal.App.4th 1160, 1167.) As set forth in the City's April 2, 2015 staff report, the proposed Project satisfies all State and City requirements for a density bonus. Importantly, then, Oxnard Municipal Code section 16-419, subdivision (C) provides that the City Planning Commission

2015 APR 21 PM 5:00
CITY OF OXNARD

was required to recommend approval of the density bonus unless the Commission made specific written findings based on substantial evidence. (See also Cal. Gov. Code, § 65589.5, subds. (b), (d) [regarding required findings under the Housing Accountability Act].) The Commission failed to make such findings, let alone support them with substantial evidence. (See *Wollmer v. City of Berkeley* (2011) 193 Cal.App.4th 1329, 1339-40.) Instead, the Planning Commission improperly relied on lay opinion that did not rise to substantial evidence. (See *id.* at pp. 1350-51.)

For at least the reasons above, the City Planning Commission violated the Government Code and the Oxnard Municipal Code when it recommended denial of the proposed Project and its density bonus.

Requested Relief: This appeal requests that the City of Oxnard City Council approve the proposed Project and approve Planning and Zoning Permit Nos. 14-500-03 (Special Use Permit), 14-535-02 (Density Bonus), and 14-300-04 (Tentative Tract Map).¹

Concurrent with those determinations, the City Council should affirm City staff's determination that the Project is categorically exempt from the provisions of the California Environmental Quality Act (Cal. Pub. Resources Code, § 21000 et seq., "CEQA") pursuant to CEQA Guidelines section 15332, which exempts certain in-fill development projects such as the proposed Project. (See *Wollmer, supra*, 193 Cal.App.4th at pp. 1348-49.)

¹ The Project applicant agrees to the conditions imposed by the resolutions proposed to the City Planning Commission on April 2, 2015.

RESOLUTION NO. 2015-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING DENIAL OF PLANNING AND ZONING PERMIT NO. 14-300-04 (TENTATIVE PARCEL MAP NO. 5944) TO SUBDIVIDE TWO 0.91-ACRE PARCELS INTO ONE 1.82-ACRE PARCEL FOR CONDOMINIUM PURPOSES LOCATED AT 5557 AND 5527 SAVIERS ROAD, SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY HENRY CASILLAS WITH ALDERSGATE INVESTMENT, LLC ON BEHALF OF APCHANCO 18, LLC, 8213 WHITE OAK AVENUE, RANCHO CUCAMONGA, CALIFORNIA 91730.

WHEREAS, on May 28, 2014, Henry Casillas with Aldersgate Investments, LLC on behalf of Apchanco 18, LLC (the “**Applicant**” and/or “**Permittee**”) submitted a request to subdivide two 0.91-acre parcels into one 1.82 acre parcel for condominium purposes located at 5557 and 5527 Saviers Road (APN 222-0-011-027 and -028); and

WHEREAS, on April 2, 2015, the Planning Commission of the City of Oxnard (“**Planning Commission**”) conducted a duly noticed public hearing to consider Applicant’s request to subdivide two 0.91-acre parcels into one 1.82 acre parcel for condominium purposes located at 5557 and 5527 Saviers Road (APN 222-0-011-027 and -028) (the “**Subdivision**”) in accordance with Section 16-530 through 16-553 of Oxnard City Code; and

WHEREAS, all persons wishing to testify in connection with the proposed Project were heard and the Planning Commission conducted a comprehensive review of the Subdivision; and

WHEREAS, it is appropriate for the Planning Commission to consider the interest of neighboring property owners in reaching a decision whether to grant or deny the Subdivision and the opinions of these individuals may constitute substantial evidence to support a particular finding the Planning Commission is required to make; and

WHEREAS, the Project was referred to various public utility companies, City departments and the Development Advisory Committee for recommendations.

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 recommends denial of Planning and Zoning Permit 14-300-04 (Tentative Parcel Map) since the site is not physically suitable for the proposed density of development.

SECTION 2. Based on the Planning Commission’s recommendation of denial, the Subdivision is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15061(b)(4) and 15270(a) of the State CEQA Guidelines.

Attachment 4
Page 1 of 6

SECTION 3. In accordance with Section 15-25(B) of the Oxnard City Code, Applicant may appeal the action of the Planning Commission in the manner provided by Government Code section 66452.5.

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

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Oxnard on this 16th day of April, 2015.

Vincent Stewart, Chair

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Oxnard at a meeting held on 16th day of April, 2015, and carried by the following vote:

AYES: Commissioner(s): Okada, Dozier, Nash, Stewart

NOES: Commissioner(s): None

ABSENT: Commissioner(s): Frank, Huber, Mullin

ABSTAIN: Commissioner(s): None

Ashley Golden, Secretary

RESOLUTION NO. 2015-13

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING DENIAL OF PLANNING AND ZONING PERMIT NO. 14-535-02 (DENSITY BONUS) TO AUTHORIZE A TWENTY-ONE PERCENT DENSITY INCREASE OVER THE OTHERWISE MAXIMUM ALLOWED DENSITY AND TWO INCENTIVES/CONCESSIONS TO PERMIT CONSTRUCTION OF FIVE STRUCTURES WITH A TOTAL OF 32 MARKET RATE AND 8 AFFORDABLE CONDOMINIUM UNITS AND ON-SITE AMENITIES ON A 1.82 ACRE SITE LOCATED AT 5557 AND 5527 SAVIERS ROAD (APN 222-0-011-027 AND -028), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY HENRY CASILLAS WITH ALDERSGATE INVESTMENT, LLC ON BEHALF OF APCHANCO 18, LLC, 8213 WHITE OAK AVENUE, RANCHO CUCAMONGA, CALIFORNIA 91730.

WHEREAS, on June 10, 2014, Henry Casillas with Aldersgate Investments, LLC on behalf of Apchanco 18, LLC (the “**Applicant**” and/or “**Permittee**”) submitted a request for a twenty-one percent (21%) density increase over the otherwise maximum allowed density and two (2) incentives/concessions to permit construction of five structures with a total of 32 market rate and 8 affordable condominium units and on-site amenities on a 1.82 acre site located at 5557 and 5527 Saviers Road (APN 222-0-011-027 and -028); and

WHEREAS, on April 2, 2015, the Planning Commission of the City of Oxnard (“**Planning Commission**”) conducted a duly noticed public hearing to consider Applicant’s request for a twenty-one percent (21%) density increase over the otherwise maximum allowed density and two (2) incentives/concessions to permit construction of five structures with a total of 32 market rate and 8 affordable condominium units and on-site amenities on a 1.82 acre site located at 5557 and 5527 Saviers Road (APN 222-0-011-027 and -028) (the “**Project**”) in accordance with Section 16-410 through 16-423 of Oxnard City Code; and

WHEREAS, all persons wishing to testify in connection with the proposed Project were heard and the Planning Commission conducted a comprehensive review of the Application; and

WHEREAS, it is appropriate for the Planning Commission to consider the interest of neighboring property owners in reaching a decision whether to grant or deny the Project and the opinions of these individuals may constitute substantial evidence to support a particular finding the Planning Commission is required to make; and

WHEREAS, the Project was referred to various public utility companies, City departments and the Development Advisory Committee for recommendations.

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

SECTION 1. The Planning Commission hereby recommends denial of Planning and Zoning Permit 14-535-02 (Density Bonus) to authorize a twenty-one percent (21%) density increase over the otherwise maximum allowed density and two (2) incentives/concessions to permit construction of five structures with a total of 32 market rate and 8 affordable condominium units

and on-site amenities on a 1.82 acre site located at 5557 and 5527 Saviers Road (APN 222-0-011-027 and -028).

SECTION 2. Based on the Planning Commission's recommendation of denial, the Project is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15061(b)(4) and 15270(a) of the State CEQA Guidelines.

SECTION 3. The Secretary shall certify the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Oxnard on this 16th day of April, 2015.

Vincent Stewart, Chair

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Oxnard at a meeting held on 16th day of April, 2015, and carried by the following vote:

AYES: Commissioner(s): Okada, Dozier, Nash, Stewart

NOES: Commissioner(s): None

ABSENT: Commissioner(s): Frank, Huber, Mullin

ABSTAIN: Commissioner(s): None

Ashley Golden, Secretary

RESOLUTION NO. 2015-12

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD DENYING PLANNING AND ZONING PERMIT NO. 14-500-03 (SPECIAL USE PERMIT) TO PERMIT CONSTRUCTION OF FIVE STRUCTURES WITH A TOTAL OF 32 MARKET RATE AND 8 AFFORDABLE CONDOMINIUM UNITS AND ON-SITE AMENITIES ON A 1.82 ACRE SITE LOCATED AT 5557 AND 5527 SAVIERS ROAD (APN 222-0-011-027 AND -028), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY HENRY CASILLAS WITH ALDERSGATE INVESTMENT, LLC ON BEHALF OF APCHANCO 18, LLC, 8213 WHITE OAK AVENUE, RANCHO CUCAMONGA, CALIFORNIA 91730.

WHEREAS, on May 28, 2014, Henry Casillas with Aldersgate Investments, LLC on behalf of Apchanco 18, LLC (the “**Applicant**” and/or “**Permittee**”) submitted a request to permit construction of five structures with a total of 32 market rate and 8 affordable condominium units and on-site amenities on a 1.82 acre site located at 5557 and 5527 Saviers Road (APN 222-0-011-027 and -028); and

WHEREAS, on April 2, 2015, the Planning Commission of the City of Oxnard (“**Planning Commission**”) conducted a duly noticed public hearing to consider Applicant’s request to permit construction of five structures with a total of 32 market rate and 8 affordable condominium units and on-site amenities on a 1.82 acre site located at 5557 and 5527 Saviers Road (APN 222-0-011-027 and -028) (the “**Project**”) in accordance with Section 16-530 through 16-553 of Oxnard City Code; and

WHEREAS, all persons wishing to testify in connection with the proposed Project were heard and the Planning Commission conducted a comprehensive review of the Application; and

WHEREAS, it is appropriate for the Planning Commission to consider the interest of neighboring property owners in reaching a decision whether to grant or deny the Project and the opinions of these individuals may constitute substantial evidence to support a particular finding the Planning Commission is required to make; and

WHEREAS, the Project was referred to various public utility companies, City departments and the Development Advisory Committee for recommendations.

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 that the proposed use will adversely affect and be materially detrimental to adjacent uses, buildings and structures, and the public health, safety and general welfare.

SECTION 2. Based on the findings set forth herein, the Planning Commission hereby denies Planning and Zoning Permit 15-500-03 (Special Use Permit).

SECTION 3. Based on the Planning Commission's denial of the Project, the Project is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15061(b)(4) and 15270(a) of the State CEQA Guidelines.

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.

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Oxnard on this 16th day of April, 2015.

Vincent Stewart, Chair

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Oxnard at a meeting held on 16th day of April, 2015, and carried by the following vote:

AYES: Commissioner(s): Okada, Dozier, Nash, Stewart

NOES: Commissioner(s): None

ABSENT: Commissioner(s): Frank, Huber, Mullin

ABSTAIN: Commissioner(s): None

Ashley Golden, Secretary

CITY COUNCIL OF THE CITY OF OXNARD
RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD UPHOLDING THE DECISION OF PLANNING COMMISSION AND DENYING PLANNING AND ZONING PERMIT NO. 14-500-03 (SPECIAL USE PERMIT) TO PERMIT CONSTRUCTION OF FIVE STRUCTURES WITH A TOTAL OF 32 MARKET RATE AND 8 AFFORDABLE CONDOMINIUM UNITS AND ON-SITE AMENITIES ON A 1.82 ACRE SITE LOCATED AT 5557 AND 5527 SAVIERS ROAD (APN 222-0-011-027 AND -028), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY HENRY CASILLAS WITH ALDERSGATE INVESTMENT, LLC ON BEHALF OF APCHANCO 18, LLC, 8213 WHITE OAK AVENUE, RANCHO CUCAMONGA, CALIFORNIA 91730.

WHEREAS, on May 28, 2014, Henry Casillas with Aldersgate Investment, LLC on behalf of Apchanco 18, LLC (the "Applicant" and/or "Permittee") submitted a request to permit construction of five structures with a total of 32 market rate and 8 affordable condominium units and on-site amenities on a 1.82 acre site located at 5557 and 5527 Saviers Road (APN 222-0-011-027 and -028); and

WHEREAS, on April 2, 2015, the Planning Commission of the City of Oxnard ("**Planning Commission**") conducted a duly noticed public hearing to consider Applicant's request to permit construction of five structures with a total of 32 market rate and 8 affordable condominium units and on-site amenities on a 1.82 acre site located at 5557 and 5527 Saviers Road (APN 222-0-011-027 and -028) (the "**Project**") in accordance with Section 16-530 through 16-553 of Oxnard City Code; and

WHEREAS, the Planning Commission considered Planning and Zoning Permit No. 14-500-03 (Special Use Permit) and took action to deny the Project; and

WHEREAS, the City Council has considered the appeal of the Planning Commission action to deny the Project, filed on April 21, 2015, by Applicant and has carefully reviewed the decision of the Planning Commission; and

WHEREAS, section 15270(a) of the State Guidelines to the California Environmental Quality Act (CEQA) provides that CEQA does not apply to projects that are disapproved.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Oxnard upholds the decision of the Planning Commission and denies Planning and Zoning Permit No. 14-500-03 (Special Use Permit) for the reasons set forth and described in Planning Commission Resolution No. 2015-0X.

[SIGNATURES ON FOLLOWING PAGE]

PASSED AND ADOPTED by the City Council of the City of Oxnard on the 19th day of May 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Tim Flynn, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Stephen M. Fischer, Interim City Attorney

CITY COUNCIL OF THE CITY OF OXNARD
RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD UPHOLDING THE DECISION OF PLANNING COMMISSION AND DENYING PLANNING AND ZONING PERMIT NO. 14-535-02 (DENSITY BONUS) TO AUTHORIZE A TWENTY-ONE PERCENT DENSITY INCREASE OVER THE OTHERWISE MAXIMUM ALLOWED DENSITY AND TWO INCENTIVES/CONCESSIONS TO PERMIT CONSTRUCTION OF FIVE STRUCTURES WITH A TOTAL OF 32 MARKET RATE AND 8 AFFORDABLE CONDOMINIUM UNITS AND ON-SITE AMENITIES ON A 1.82 ACRE SITE LOCATED AT 5557 AND 5527 SAVIERS ROAD (APN 222-0-011-027 AND -028), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY HENRY CASILLAS WITH ALDERSGATE INVESTMENT, LLC ON BEHALF OF APCHANCO 18, LLC, 8213 WHITE OAK AVENUE, RANCHO CUCAMONGA, CALIFORNIA 91730.

WHEREAS, on June 10, 2014, Henry Casillas with Aldersgate Investment, LLC on behalf of Apchanco 18, LLC (the “**Applicant**” and/or “**Permittee**”) submitted a request for a twenty-one percent (21%) density increase over the otherwise maximum allowed density and two (2) incentives/concessions to permit construction of five structures with a total of 32 market rate and 8 affordable condominium units and on-site amenities on a 1.82 acre site located at 5557 and 5527 Saviers Road (APN 222-0-011-027 and -028); and

WHEREAS, on April 2, 2015, the Planning Commission of the City of Oxnard (“**Planning Commission**”) conducted a duly noticed public hearing to consider Applicant’s request for a twenty-one percent (21%) density increase over the otherwise maximum allowed density and two (2) incentives/concessions to permit construction of five structures with a total of 32 market rate and 8 affordable condominium units and on-site amenities on a 1.82 acre site located at 5557 and 5527 Saviers Road (APN 222-0-011-027 and -028) (the “**Project**”) in accordance with Section 16-410 through 16-423 of Oxnard City Code; and

WHEREAS, the Planning Commission considered Planning and Zoning Permit No. 14-535-02 (Density Bonus) and took action to deny the Project; and

WHEREAS, the City Council has considered the appeal of the Planning Commission action to deny the Project, filed on April 21, 2015, by Applicant and has carefully reviewed the decision of the Planning Commission; and

WHEREAS, section 15270(a) of the State Guidelines to the California Environmental Quality Act (CEQA) provides that CEQA does not apply to projects that are disapproved.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Oxnard upholds the decision of the Planning Commission and denies Planning and Zoning Permit No. 14-535-02 (Density Bonus) for the reasons set forth and described in Planning Commission Resolution No. 2015-0X.

ATTACHMENT 60
PAGE 1 OF 2

PASSED AND ADOPTED by the City Council of the City of Oxnard on the 19th day of May 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Tim Flynn, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Stephen M. Fischer, Interim City Attorney

CITY COUNCIL OF THE CITY OF OXNARD
RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD UPHOLDING THE DECISION OF PLANNING COMMISSION AND DENYING PLANNING AND ZONING PERMIT NO. 14-300-04 (TENTATIVE TRACT MAP) TO SUBDIVIDE TWO 0.91-ACRE PARCELS INTO ONE 1.82-ACRE PARCEL FOR CONDOMINIUM PURPOSES LOCATED AT 5557 AND 5527 SAVIERS ROAD, SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY HENRY CASILLAS WITH ALDERSGATE INVESTMENT, LLC ON BEHALF OF APCHANCO 18, LLC, 8213 WHITE OAK AVENUE, RANCHO CUCAMONGA, CALIFORNIA 91730.

WHEREAS, on May 28, 2014, Henry Casillas with Aldersgate Investment, LLC on behalf of Apchanco 18, LLC (the “**Applicant**” and/or “**Permittee**”) submitted a request to subdivide two 0.91-acre parcels into one 1.82 acre parcel for condominium purposes located at 5557 and 5527 Saviers Road (APN 222-0-011-027 and -028); and

WHEREAS, on April 2, 2015, 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. 14-300-04 (Tentative Tract Map) to subdivide two 0.91-acre parcels into one 1.82 acre parcel for condominium purposes (the “**Subdivision**”) in accordance with Section 15-40 of Oxnard City Code; and

WHEREAS, the Planning Commission considered Planning and Zoning Permit No. 14-300-04 (Tentative Tract Map) and took action to recommend denial to the City Council; and

WHEREAS, the City Council has considered the appeal of the Planning Commission action to recommend denial of the Subdivision, filed on April 21, 2015, by Applicant and has carefully reviewed the decision of the Planning Commission; and

WHEREAS, section 15270(a) of the State Guidelines to the California Environmental Quality Act (CEQA) provides that CEQA does not apply to projects that are disapproved.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Oxnard upholds the decision of the Planning Commission and denies Planning and Zoning Permit No. 14-300-04 (Tentative Tract Map) for the reasons set forth and described in Planning Commission Resolution No. 2015-0X.

[SIGNATURES ON FOLLOWING PAGE]

PASSED AND ADOPTED by the City Council of the City of Oxnard on the 19th day of

May 2015, by the following vote:

AYES:

NOES:

ABSENT:

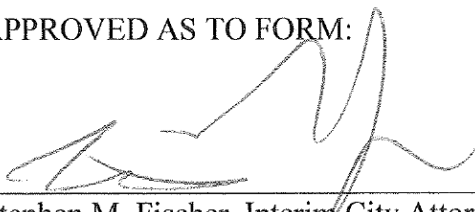
ABSTAIN:

Tim Flynn, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Stephen M. Fischer, Interim City Attorney

CITY COUNCIL OF THE CITY OF OXNARD
RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD OVERTURNING THE DECISION OF PLANNING COMMISSION AND APPROVING PLANNING AND ZONING PERMIT NO. 14-500-03 (SPECIAL USE PERMIT) TO ALLOW DEVELOPMENT AND CONSTRUCTION OF FIVE STRUCTURES WITH A TOTAL OF 32 MARKET RATE AND 8 AFFORDABLE CONDOMINIUM UNITS AND ON-SITE AMENITIES ON A 1.82 ACRE SITE LOCATED AT 5557 AND 5527 SAVIERS ROAD (APN 222-0-011-027 AND -028), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY HENRY CASILLAS WITH ALDERSGATE INVESTMENT, LLC ON BEHALF OF APCHANCO 18, LLC, 8213 WHITE OAK AVENUE, RANCHO CUCAMONGA, CALIFORNIA 91730.

WHEREAS, on May 28, 2014, Henry Casillas with Aldersgate Investments, LLC on behalf of Apchanco 18, LLC (the "**Applicant**" and/or "**Permittee**") submitted a request to permit construction of five structures with a total of 32 market rate and 8 affordable condominium units and on-site amenities on a 1.82 acre site located at 5557 and 5527 Saviers Road (APN 222-0-011-027 and -028); and

WHEREAS, on April 2, 2015, the Planning Commission of the City of Oxnard ("**Planning Commission**") conducted a duly noticed public hearing to consider Applicant's request to permit construction of five structures with a total of 32 market rate and 8 affordable condominium units and on-site amenities on a 1.82 acre site located at 5557 and 5527 Saviers Road (APN 222-0-011-027 and -028) (the "**Project**") in accordance with Section 16-530 through 16-553 of Oxnard City Code; and

WHEREAS, the Planning Commission considered Planning and Zoning Permit No. 14-500-03 (Special Use Permit) and took action to deny the Project; and

WHEREAS, the City Council has considered the appeal of the Planning Commission action to deny the Project, filed on April 21, 2015, by Applicant and has carefully reviewed the decision of the Planning Commission; and

WHEREAS, the Planning 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 categorical exemption; and

WHEREAS, the Project was referred to various public utility companies, City departments and the Development Advisory Committee for recommendations.

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

ATTACHMENT 8
PAGE 1 OF 21

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

- (1) **The proposed use in in conformance with the City of Oxnard 2030 General Plan and the elements thereof and other adopted standards.**

The proposed use is consistent with the 2030 General Plan since the use is consistent with the site's land use designation of Commercial General (C-2) zone and development policies of the 2030 General Plan.

- (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 proposed use is consistent with uses considered and permitted by the General Commercial (C-2) zone. Construction activities, anticipated uses, and development design will be subject to standard construction requirements of the Building, Fire, and Traffic Codes. Therefore, the proposed use and improvements are not expected to have adverse effects or be materially detrimental the adjacent uses, buildings or structures or to the public health, safety or general welfare.

- (3) **The site for the proposed use is adequate in size and shape to accommodate the setbacks, parking, landscaping, and other City standards except as may be specifically excepted by the special findings and conditions of this Resolution.**

Development as proposed will meet the development standards of the General Commercial (C-2) zone and R-3 zone, parking and landscape design standards as described and shown in Section 5c of the Planning Commission Staff Report. As such, the subject site is adequate in terms of size and as developed the development meets or exceeds City's design standards.

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

The development is located along two major thoroughfares in the City and as described in Section 5e of the Planning Commission Staff Report, the Project will construct an appropriately primary and emergency access driveways between Saviers Road and Courtland Street .As a result, the site has sufficient access to streets and highways that are adequate in size and after construction intersections considered in the review of the Project will operate at acceptable levels of service.

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

The Project is considered infill development that has been found to be consistent with anticipated development for this site. Furthermore, the Project will be served by existing water mains along Courtland Street and Saviers Road. Sewer connections serving the proposed parcel will be provided by an existing 8" sewer line in Courtland Street. In accordance with the Stormwater Quality Conditions of this Resolution, the Project's design will comply with stormwater control measures as required by the Los Angeles Regional Water Quality Control Board's municipal separate storm sewer system ("MS4") permit.

SECTION 2. The City Council, 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 15332 (In-Fill Development), Class 32 of the State CEQA Guidelines. This section pertains to projects found consistent with the applicable General Plan designation policies as well as with applicable zoning designation and regulations; and the proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban areas; and the project site has no value, as habitat for endangered, rare or threatened species; and approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can be adequately served by all required utilities and public services. The Planning 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 City Council hereby overturns the decision of the Planning Commission and approves Planning and Zoning Permit 14-500-03 (Special Use Permit), subject to the attached conditions of approval.

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 January 27, 2015 (architectural and landscaping plans) and January 2015 (engineered site plan and tentative tract map), ("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 Permittee 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 Permittee 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, Permittee 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. Permittee agrees, as a condition of adoption of this resolution, at Permittee'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. Permittee 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, Permittee shall submit the original completed, signed and notarized document, together with the required fees to the Planning Manager. (PL, G-8)
9. Permittee 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, expected as permitted per Government Code Section 65915 with approval of Density Bonus Permit No. 14-535-02 . (PL/B, G-9)
10. Before placing or constructing any signs on the project property, Permittee shall obtain a sign permit from the City. Except as provided in the sign permit, Permittee may not change any signs on the project property. (PL/B, G-10)
11. Permittee shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, G-11)
12. Permittee shall not permit any combustible refuse or other flammable materials to be burned on the project property. (FD, G-12)
13. Permittee shall not permit any materials classified as flammable, combustible, radioactive, carcinogenic or otherwise potentially hazardous to human health to be handled, stored or used on the project property, except as provided in a permit issued by the Fire Chief. (FD, G-13)
14. If Permittee, owner or tenant fails to comply with any of the conditions of this permit, the Permittee, owner or tenant shall be subject to a civil fine pursuant to the City Code. (CA, G-14)
15. Prior to issuance of building permits, Permittee shall correct all violations of the City Code existing on the project property for which the Code Compliance Division has open cases. (PL, G-15).

LANDSCAPE STANDARD CONDITIONS

16. Prior to submittal of landscape and irrigation plans, Permittee shall obtain approval of the Planning Manager or designee of a plan showing on the project property all existing trees and identifying the trees to be saved, transplanted or removed. (PK, PK-1)
17. Prior to issuance of building permits or the proposed use is initiated, whichever comes first, Permittee 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, Permittee shall install landscape and automatic irrigation systems that have been approved by Parks and Facilities Superintendent. (PK, PK-3)
19. Permittee shall properly maintain landscape planting and all irrigation systems as required by the City Code and as specified by this permit. Failure of Permittee to do so may result in the revocation of this permit and initiation of legal proceedings against Permittee to ensure compliance (PK, PK-4)
20. Prior to the issuance of City issues a certificate of occupancy, Permittee shall provide a watering schedule to the building owner or manager and to Planning Division or designee. The irrigation system shall include automatic rain shut-off devices, or instructions on how to override the irrigation system during rainy periods. (PK, PK-5)
21. At the time of planting, Permittee shall provide at least 24-ince box size for all new trees planted on the subject property. All shrubs and vines planted under the subject permit by the Permittee shall be at least five-gallon size, except as otherwise specified by this permit. (PK, PK-6)

LANDSCAPE SPECIAL CONDITIONS

22. Permittee shall remove the three (3) existing carrotwood trees from the tree wells along the Project's Saviers Road frontage. Permittee shall replace the carrotwood trees within the front yard landscaping area of the dwellings facing Saviers Road. Permittee shall provide at least 24-inch box size for the replacement carrotwood trees planted within the Project's Saviers Road front yard landscaping area.
23. Permittee shall remove the existing pavers from the parkway on Courtland Street and replace them with a 5 foot landscaped parkway. The 5 foot parkway along Courtland Street shall contain at least three carrotwood trees of at least 36-inch box size.

FIRE DEPARTMENT STANDARD CONDITIONS

24. Permittee shall construct all vehicle access driveways on the project property to be at least 26 feet wide. Permittee shall mark curbs adjacent to designated fire lanes in parking lots to prohibit stopping and parking in the fire lanes. Permittee shall mark all designated fire lanes in accordance with the California Vehicle Code. (FD/B, F-1)
25. 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)
26. Before the City issues building permits, Permittee 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)

27. At Permittee's expense, Permittee shall obtain two certified fire flow tests for the project property. The first test shall be completed before City approval of building plans and the second shall be completed after construction and prior to the issuance of a certificate of occupancy. A mechanical, civil, or fire protection engineer must certify the tests. Permittee shall obtain permits for the tests from the Engineering Division. Permittee shall send the results of the tests to the Fire Chief and the City Engineer. (FD/DS, F-4)
28. 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)
29. The project shall meet the minimum requirements of the "Fire Protection Planning Guide" published by the Fire Department. (FD, F-6)
30. At all times during construction, Permittee shall maintain paved surfaces capable of handling loads of 46,000 pounds which will provide access for fire fighting apparatus to all parts of the project property. (FD/DS, F-7)
31. Permittee shall identify all hydrants, standpipes and other fire protection equipment on the project property as required by the Fire Chief. (FD, F-8)
32. Permittee shall provide central station monitoring of the fire sprinkler system and all control valves. (FD, F-10)
33. The turning radius of all project property driveways and turnaround areas used for emergency access shall comply with the City of Oxnard track template standard. (FD, F-11)
34. Permittee 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)
35. Permittee shall install in each structure in the project a detection/alarm system with a central station monitor that will automatically notify the Fire Department in the event of a fire in the structure. The alarm system shall include a UL or State Fire Marshal approved device, which shall not exceed design specifications, that reports the location of the fire and allows the central station monitor to inform the Fire Department of the point of entry into the structure that is nearest the fire. (FD, F-13)
36. Permittee 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

37. Fire sprinkler coverage is required for:
- Patios, overhangs or any other projections that are 48" or more from the structure.
 - Open areas beneath stairs that serve a habitable space or when that area is accessible for storage or has mechanical equipment.
 - The protection of the forced air unit when located in the attic or other areas that are normally inaccessible.
38. The proposed final design and specifications of the emergency access along Saviers Road and Courtland Street, shall be approved by the Fire Marshal.

PLANNING DIVISION STANDARD CONDITIONS

39. Plans submitted by Permittee 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)
40. 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)
41. Before the City issues building permits, Permittee 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)
42. Before the City issues building permits, Permittee shall provide to the Planning Division Manager color photographic reductions (8 1/2" by 11") of full-size colored elevations and any other colored exhibit approved by the Planning Commission. Permittee may retain the full-size colored elevations after the reductions are so provided. (PL, PL-4)
43. Permittee acknowledges that because of population limitations placed on the City by the Air Quality Management Program, approval of this permit does not guarantee that the City will issue building permits. The City's issuance of building permits may be delayed as a result of implementation of an air quality plan. (PL, PL-5)
44. Permittee may not modify any use approved by this permit unless the Planning Division Manager determines that Permittee has provided the parking required by the City Code for the modified use. (PL, PL-7)
45. During the plan check review process, the Permittee shall provide a lighting plan that provides design details (light standards, bollards, wall mounted packs, etc.) and illumination site information within alleyways, pathways, streetscapes, and open spaces

- proposed throughout the development. An electrical engineer shall prepare the site lighting plan demonstrating that adequate lighting ranges will be provided throughout the development without creating light spillover, light pollution, or conflicts with surrounding factors such as tree locations, off-site or adjacent lighting. (PL)
46. Prior to issuance of building permits, Permittee shall demonstrate that light standards illustrated on conceptual lighting plan do not conflict with tree locations. Permittee shall submit a plan showing both the lighting and landscape on the same sheet.
 47. Project on-site lighting shall be of a type and in a location that does not constitute a hazard to vehicular traffic, either on private property or on adjoining streets. To prevent damage from vehicles, standards in parking areas shall be mounted on reinforced concrete pedestals or otherwise protected. Permittee shall recess or conceal under-canopy lighting elements so as not to be directly visible from a public street. Permittee shall submit a lighting plan showing standard heights and light materials for design review and approval of the Planning Division Manager. (PL/B, PL-8)
 48. In order to minimize light and glare on the project property, all parking lot and exterior structure light fixtures shall be high cut-off type that divert lighting downward onto the property and shall not cast light on any adjacent property or roadway. (PL, PL-9)
 49. Permittee shall provide graphic site directories at principal access walkway points. (PL/B, PL-10)
 50. During construction, Permittee 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)
 51. During construction, Permittee shall control dust by the following activities:
 - a. All trucks hauling graded or excavated material offsite shall be required to cover their loads as required by California Vehicle Code section 23114, with special attention to sub sections 23114(b)(2)(F), (e)(2) and (e)(4) as amended, regarding the prevention of such material spilling onto public streets and roads.
 - b. All graded and excavated material, exposed soils areas, and active portions of the construction site, including unpaved onsite roadways, shall be treated to prevent fugitive dust. Treatment shall include, but not necessarily be limited to, periodic watering, application of environmentally-safe soil stabilization materials, and/or roll-compaction as appropriate. Watering shall be done as often as necessary and reclaimed water shall be used whenever possible. (B/DS, PL-12)
 52. Permittee shall provide for dust control at all times during project property preparation and construction activities. (B/DS, PL-13)

53. Permittee 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)
54. 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)
55. Prior to issuance of building permits, Permittee 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).
56. Permittee 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)
57. Permittee 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. Permittee shall submit a plan and scheme for approval by the Planning Division Manager prior to issuance of building permits. (PL, PL-18)
58. Permittee shall provide utility meters, mailboxes and address directories, placed in decorative cabinets and clustered for efficient access for residents and service persons. Permittee 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)
59. Permittee shall provide automatic garage door openers for all garages. (PL/B, PL-20)
60. Railings and enclosures for patios and balconies shall provide at least 50 percent enclosure for screening and privacy. Permittee shall include details of the railings and enclosures on the construction documents. (PL/B, PL-24)
61. Walls separating the patio areas of different units shall be of solid construction, such as masonry, stucco, or wood over wood. Ground level patios shall be enclosed by walls not less than five feet high, except as otherwise approved by this permit. (PL/B, PL-25)
62. 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. Permittee shall submit elevations depicting such articulation to the Planning Division for approval prior to issuance of building permits. (PL, PL-28)
63. Prior to the close of escrow for each dwelling unit, Permittee shall provide the buyer with a written guarantee that the exterior finishes of the dwelling unit will remain in good condition for at least five (5) years from the final building permit inspection and sign off. Permittee shall provide a copy of the guarantee to Planning staff prior to final Planning Division inspection and sign off. (PL, PL-29)
 64. Light standards illuminating interior walkways shall be no more than eight feet high. Light shall not intrude into private living or patio areas. Light standards serving recreational areas held in common shall be no more than 15 feet high. Light shall be directed away from dwelling units. (B, PL-30)
 65. All drive lanes (alleys) shall be provided with independently metered lighting with automatic daylight sensors for dusk to dawn lighting within drive lanes. The maintenance and replacement of independently metered lighting (wall fixtures, light bollards) shall be the responsibility of the Home Owners' Association. Lighting responsibilities shall be provided within the CC&Rs for the development. (PL)
 66. Permittee shall establish a homeowners association and the association shall be responsible for the maintenance of parking, landscape, recreation and other interior areas held in common by the association and for the enforcement of Conditions Covenants & Restrictions related to property maintenance. (PL/DS, PL-33)
 67. Permittee shall construct each dwelling unit with separate utility systems and meters. Permittee shall paint utility meter panels to match structures upon which it is located. Such panels shall be located to take advantage of screening (e.g. landscaping or other building elements) from public right-of-ways, to the maximum extent feasible. (DS/B, PL-34)
 68. Permittee shall include in all deeds for the project and in the Conditions Covenants & Restrictions a prohibition against parking recreational vehicles over 20 feet long in the project. (CE/PL, PL-35)
 69. Permittee shall pay Quimby Fees (fees for park acquisition and improvement) before issuance of building permits. The amount of the fee shall be calculated by the Planning Division, and verified by the Parks Division at the time of payment. (PK/B, PL-36)
 70. In accordance with City Council Ordinance No. 2615, or the ordinance in effect at the time building permits are issued, Permittee shall provide 7 affordable units onsite for low income families (80% AMI), as adjusted for family size as provided in 25 California Code of Regulations Section 6932 .

71. Permittee shall post in the sales office of the project the latest City planning documents and maps that may affect the project and adjacent properties. At a minimum, this information shall include the 2030 Oxnard General Plan and General Plan Land Use Map showing all adjacent properties, a copy of the ordinances regulating the zone, and any specific plan that may apply to the project. Such documents may be purchased at cost from the Planning Division Manager. Permittee shall require that all purchasers sign an affidavit declaring that they have familiarized themselves with the planning documents. Permittee shall make such affidavits and planning information available for review upon reasonable request of the Planning Division Manager. (PL, PL-38)
72. Where feasible, Permittee shall locate individual unit plumbing within individual unit walls, as opposed to common or shared walls, and shall paint roof vents to match the roofing material. (PL/B, PL-40)

PLANNING DIVISION SPECIAL CONDITIONS

73. An approved tentative map shall expire thirty-six (36) months after its approval, unless an extension is applied for and approved by the City Council pursuant to Section 15-46 of the City Code. (PL)
74. This permit is granted subject to the City's approval of a tentative map and final map and recordation of the final map. The City shall issue building permits only after such recordation, unless otherwise approved by both the Planning Division Manager and the Development Services Manager. Before occupying any structures or initiating any use approved by this permit, Permittee shall comply with all conditions of the tentative and final map. (PL/DS)
75. This permit is granted subject to the City's approval of Density Bonus Permit No. 14-535-02 and Tentative Tract Map Permit No. 14-300-04.

ENVIRONMENTAL RESOURCES DIVISION

76. Covenants, conditions and restrictions ("CC&Rs") shall be developed for the project that require the homeowner's association to make provisions to divert at least 50% of the material through source reduction, recycling, reuse, and/or green waste programs. Permittee shall submit a "City of Oxnard C&D Environmental Resources Management & Recycling Occupancy Plan" ("Occupancy Plan") to the City's Environmental Resources Division. An Occupancy Plan must be submitted and approved prior to issuance of a final inspection. The CC&Rs shall require the homeowner's association to submit to the Environmental Resources Division a "City of Oxnard C&D Environmental Resources Management & Recycling Occupancy Report" annually on the anniversary date of the certificate of the final inspection for approval.

77. Permittee 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

78. Permittee 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)
79. Permittee's Engineer shall design parking lot structural sections based on an analysis of the soils R-value and a traffic index (T.I.) approved by the City Engineer. The minimum structural section for parking lots is two inches of asphalt on four inches of base material. Permittee shall indicate the proposed structural section and design T.I. on the site improvement plans. (DS-2)
80. Permittee shall have the site improvement plans prepared using standard Development Services Division format(s) by a civil engineer licensed in the State of California. The plans shall incorporate recommendations from soil engineering and geology reports. Prior to issuance of a grading permit, improvement plans must be approved by the City Engineer and ink-on-mylar plans filed with the Development Services Division. (DS-3)
81. Permittee shall submit improvement plans and drainage calculations demonstrating that storm drain runoff from the project property and all upstream areas will be safely conveyed to an approved drainage facility. The design and conveyance route shall be compatible with the City's Master Plan of Drainage and shall be approved by the City Engineer prior to approval of improvement plans. (DS-4)
82. Permittee shall protect building pads from inundation during a 1% chance (100-year) storm. (DS-5)
83. Permittee shall replace all broken, uplifted, or missing curb, gutter, or sidewalk along the street frontage(s) of the project. (DS-6)
84. 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)
85. Permittee's site improvement plans shall include an on-site sewer plan. (DS-10)
86. Permittee 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)

87. Permittee shall enter into an agreement, approved as to form by the City Attorney, to install and construct all public improvements required by this permit and by the City Code. Permittee shall post security satisfactory to the Finance Director, guaranteeing the installation and construction of all required improvements within the time period specified in the agreement or any approved time extension. (DS-14)
88. A California licensed civil engineer shall prepare the public improvement plans and documents for this project in accordance with City standards and shall submit all such plans to the City Engineer. Submittal shall include, but not necessarily be limited to, grading, street, drainage, sewer, water and other appurtenant improvement plans, construction cost estimates, soils reports, and all pertinent engineering design calculations. City will not approve a parcel map or final map nor issue a grading, site improvement or building permit until the City Engineer has approved all improvement plans. (DS-15)
89. Prior to issuance of a site improvement permit, Permittee shall provide to the Development Services Division a compact Disc (CD) containing digital copies of all project maps, address map, and/or civil improvements drawings in DWG format. Prior to improvement bond release, Permittee shall provide an updated CD containing all changes that occur during construction. (DS-16)
90. Permittee shall provide all necessary easements for streets, highways, alleys, sidewalks, parkways, landscaping, utilities, drainage facilities, or other improvements as required by City. If such easements cannot be obtained from the property owner by negotiation, City may acquire them at the expense of Permittee by exercise of the power of eminent domain. Permittee shall bear all costs of eminent domain proceedings, including appraisal, acquisition, attorney's fees, and court costs. Before City issues a site improvement permit, Permittee shall dedicate all required easements to City. (DS-19)
91. Permittee shall remove graffiti from the project, including graffiti on offsite public infrastructure under construction by Permittee, within 24 hours of its appearance. If Permittee fails to remove graffiti in accordance with this condition, the City may at the discretion of the Development Services Manager issue a stop work order until such time as the graffiti is removed. (DS-20)
92. 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)
93. Permittee shall pay the cost of all inspections of on-site and off-site improvements. (DS-22)
94. Permittee shall be responsible for all project-related actions of Permittee's employees, contractors, subcontractors, and agents until City accepts the improvements. (DS-23)

95. Prior to beginning construction, Permittee shall designate in writing an authorized agent who shall have complete authority to represent and to act for Permittee. The authorized agent shall be present at the work site whenever work is in progress. Permittee 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 Permittee's expense. (DS-24)
96. "Standard Specifications for Public Works Construction" latest edition (including modifications thereto by City) and applicable City Standard Plates and Design Criteria shall be the project specifications, except as noted otherwise on the approved improvement plans. City reserves the right to upgrade, add to, or revise these specifications and plans and all other City ordinances, policies, and standards. If the improvements required of this project are not completed within 12 months from the date of City's approval of the improvement plans, Permittee shall comply with and conform to any and all upgraded, additional or revised specifications, plans, ordinances, policies and standards. (DS-27)
97. Permittee shall retain a California licensed Civil Engineer to ensure that the construction work conforms to the approved improvement plans and specifications and to provide certified "as-built" plans after project completion. Permittee's submittal of certified "as-built" plans is a condition of City's final acceptance of the project and release of any associated security. (DS-29)
98. All grading shall conform to City's standard grading notes, City Code, and recommendations of Permittee's soils engineer as approved by the City Engineer. (DS-30)
99. Permittee shall construct sufficient drainage facilities concurrent with rough grading operations to mitigate any potential flooding or erosion affecting adjacent properties and public rights-of-way,. (DS-31)
100. Permittee shall design all slopes steeper than 5 (horizontal) to 1 (vertical) with a minimum 18 inch wide level area (at both top and bottom of slope) where it adjoins a wall, fence, sidewalk, trail, curb or similar improvement. (DS-32)
101. Prior to issuance of a site improvement permit, Permittee shall provide to the City Engineer easements or written consent (as determined appropriate by the Development Services Director) from all affected landowners for any diversion of historical flows or change in drainage conditions caused by the project. (DS-36)
102. Permittee 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)

103. Permittee shall install water mains, fire hydrants and water services in conformance with City standard plates, design criteria and specifications as directed by the City Engineer. (DS-41)
104. Permittee shall install adequately sized water services and meters to each lot or unit in accordance with City standards in effect at the time of building permit issuance. There shall be no interconnections between structures. (DS-42)
105. Prior to issuance of building permits, Permittee shall present to the City Engineer a "Proof of Payment - Authorization for Building Permits" form issued by the Calleguas Municipal Water District. (DS-44)
106. Permittee shall install City approved backflow prevention devices for water connections if so ordered by the City Engineer. (DS-45)
107. Prior to designing the water system for the project, Permittee shall have a certified fire flow test performed to determine existing water pressure and flow characteristics. The water system shall be designed to allow for a 10 psi drop in the static water pressure measured during the fire flow test. After construction and before City issues a certificate of occupancy, the City Engineer may require a second test. Permittee shall obtain permits from the City Engineer prior to performing tests. Permittee shall have all tests certified by a mechanical, civil, or fire protection engineer and provide written results of all tests to the City Engineer. (DS-47)
108. Permittee shall dedicate and improve to City standards all sidewalks, parkways, streets, alleys, utilities and street appurtenances as directed by the Development Services Director. City will name all streets in accordance with adopted City guidelines. (DS-49)
109. Street and road improvements shall conform to City standard plates, design criteria and policies. Improvements shall include upgrading of existing pavement along the project frontage to City standards by removing and replacing or overlaying, as directed by the City Engineer. (DS-51)
110. Permittee shall submit a landscape irrigation plan prepared by a licensed professional, showing proper water meter size, backflow prevention devices, and cross-connection control. (DS-59)
111. Permittee 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)
112. Permittee shall provide adequate vehicle sight distance as specified by CalTrans specifications at all driveways and intersections. (TR-71)

113. Permittee shall install bike racks in accordance with City standards at locations approved by City Traffic Engineer. (TR-73)

STORMWATER QUALITY CONDITIONS

114. Permittee shall design project to minimize degradation of stormwater quality by complying with the applicable sections of the Los Angeles Regional Water Quality Control Board's municipal separate storm sewer system ("MS4") permit (Order R4-2010-0108 including all revisions) for new development and redevelopment projects. Permittee shall submit stormwater quality calculations and associated construction plans demonstrating compliance with the MS4 permit. Calculations shall generally be organized to follow the steps outlined in Chapter 2 of the 2011 Technical Guidance Manual for Stormwater Control Measures ("2011 TGM"). (DS-78)
115. Permittee shall construct double-bin trash enclosures (one bin for recycle use) with a solid non-combustible roof (8-foot minimum clearance) that prevents stormwater from entering the refuse bins. Permittee shall construct all other components of the trash enclosure in accordance with the approved City Standard Plan on file with the Development Services Division. Permittee shall finish the trash enclosure to match the major design elements of the main structure subject to approval by the Planning Division. The location and configuration of the enclosure shall be approved by the Environmental Resources Division. All site refuse bins shall be stored in an approved enclosure. No objects other than refuse bins may be stored in the enclosure without the written permission of the Environmental Resources Division. (DS-79)
116. Permittee's stormwater quality calculations shall include site specific analysis and recommendations from a geotechnical engineer, and if applicable, a landscape architect for design and implementation of stormwater treatment and infiltration devices. Geotechnical Engineering analysis and recommendations shall include, but not necessarily be limited to, determination of site specific soil infiltration rates, depth to permeable soil layers, methods to reach permeable soil layers, appropriate compaction rates, recommendations to enhance infiltration, and other requirements of the 2011 TGM. Landscape architectural recommendations shall include, but not necessarily be limited to, suggestions regarding appropriate vegetation and soil amendments for vegetated infiltration devices. Project plans shall implement approved design recommendations. (DS-81)
117. Using forms provided by the Development Services Division, Permittee shall submit a stormwater quality control measures maintenance and operations plan ("the Plan") for this project. If the BMPs implemented with this project include proprietary products that require regular replacement and/or cleaning, Permittee shall provide proof of a contract with an entity qualified to provide such periodic maintenance. The property owner is responsible for the long-term maintenance and operation of all BMPs included in the project design. Upon request by City, property owner shall provide written proof of ongoing BMP maintenance operations. No grading or building permit shall be issued until

the Development Services Manager approves the Plan and Permittee provides an executed copy of the City's stormwater covenant with the Plan included as an exhibit for recordation by the City. (DS-82)

118. Permittee's stormwater quality control measures maintenance and operations plan shall include: 1) Requirement to clean on-site storm drains at least twice a year; once immediately before the first of October (the beginning of the rainy season) and once in January. The City Engineer may require additional cleaning; 2) Requirement to maintain parking lots free of litter and debris. Permittee shall sweep sidewalks, drive aisles, and parking lots regularly to prevent the accumulation of litter and debris. When swept or cleaned, debris must be trapped and collected to prevent entry into the storm drain system. Permittee may not discharge any cleaning agent into the storm drain system; 3) Requirement to label all on-site storm drain inlets with the message "Don't Dump - Drains to Ocean" in accordance with City standards. (DS-83)
119. Permittee's engineer shall submit written confirmation that the project landscape drawings comply with the landscape requirements of the Technical Guidance Manual for Stormwater Quality Control Measures for all landscape based stormwater quality best management practices. (DS-84)
120. Permittee shall provide pre-treatment for all infiltration based stormwater quality Best Management Practices ("BMPs"). Pre-treatment devices must effectively reduce sediment load entering infiltration BMPs to minimize occlusion of underlying soils and reduce long term maintenance requirements and thereby maintain the infiltration capacity of the BMP. 2011 TGM compliant pre-treatment such as vegetated swales are an approved form of pre-treatment. Proprietary pre-treatment devices must be capable of removing 80% of 50 micron particles to be considered adequate pre-treatment. Typical catch basin inserts do not provide the sufficient sediment storage to provide pre-treatment. (DS-85)
121. Prior to issuance of a grading, building or demolition permit and prior to commencement of any clearing, grading or excavation, Permittee shall provide evidence of assignment of a permit identification number by the California State Water Resources Control Board indicating submittal of a Notice of Intent (NOI) by the Permittee in accordance with the NPDES Construction General Permit. Permittee shall comply with all requirements of the General Permit and the Ventura Countywide MS4 Permit, including preparation of a Stormwater Pollution Prevention Plan (SWPPP). Permittee shall keep the SWPPP updated to reflect current site conditions and a copy of the SWPPP shall be kept onsite and available for City or designated representative to review upon request. (DS-86)

DEVELOPMENT SERVICES DIVISION SPECIAL CONDITIONS

122. Permittee shall construct proposed walkways that cross vehicular drive aisles of colored enhanced concrete. The concrete color shall contrast with the parking lot paving material to clearly identify pedestrian areas. (DS-101)
123. Permittee shall pay to the County of Ventura a road mitigation fee in accordance with the agreement between the City and the County of Ventura. Proof of payment shall be provided to the Development Services Division prior to issuance of a building permit. (DS-105)
124. Permittee shall obtain approval of the final map for Tract 5944 (PZ 14-300-004) concurrent with the improvement plans for this permit. (DS)
125. Permittee shall locate water meter boxes in the adjacent sidewalk (not landscaping) unless directed otherwise by the Development Services Manager. (DS)
126. Permittee shall construct a new 8-inch diameter water line in Courtland Street interconnecting the waterlines in Cuesta Del Mar and the alley to the south. The installation shall be designed for future extension to the north and south including installation of appropriate fittings (tees) at the terminal ends and valves as directed by the Development Services Manager. (DS)
127. Permittee shall provide onsite fire hydrants such that all points of all structures are within one hundred fifty (150) feet of a fire hydrant, or as otherwise approved by the Fire Department. Fire hydrant line improvements shall be designed in accordance with City standards and shall be a minimum of 8 inches in diameter. Water line construction shall be shown on the civil engineer's improvement plans prior to issuance of a site improvement/grading permit. Permittee shall provide the City with an easement over the waterline using standard City format. (DS)
128. Permittee shall design the onsite wastewater conveyance system in accordance with City public wastewater standards but shall be privately owned and maintained. (DS)
129. Permittee shall explore viability of connecting project storm drain system to the existing City storm drain line under adjacent Saviers Road sidewalk in lieu of connecting to 48-inch pipe on easterly side of Saviers Road. (DS)
130. Permittee shall construct storm drain improvements within Saviers Road in accordance with City public storm drain standards. These standards include, but are not limited to, pipe materials and minimum pipe diameters. (DS)
131. Permittee shall construct proposed walkways that cross vehicular drive aisles of colored enhanced concrete. The concrete color shall contrast with the parking lot asphalt to clearly identify pedestrian areas. (DS)

132. Permittee shall construct Saviers Road and Courtland Street driveway entrances in general conformance with City of Oxnard Standard plate 115. (DS)
133. Permittee shall remove and replace the full width and length of sidewalk along the Saviers Road frontage of the project. The new sidewalk shall not contain any tree wells or cutouts. Existing trees from tree wells shall be relocated as directed by the Planning Division. (DS)
134. Permittee shall remove the existing pavers from the parkway on Courtland Street and replace them with landscaping as directed by the Planning Division. (DS)
135. Permittee's engineer shall provide percolation tests for the project that implement the requirements of the Los Angeles County Department of Public Works Guidelines for Low Impact Best Management Practice Guideline for Design, Investigation, and Reporting regarding testing procedures and reduction factors.
136. Permittee shall include a note on the improvement plans requiring the Project Geotechnical Engineer to inspect the bottom of infiltration facilities and provide a written opinion that the exposed soil layer is suitable for the bottom of a stormwater infiltration facility based on review of the existing site geotechnical reports, percolation tests, and characteristics of the exposed soil layer. (DS)
137. Permittee shall install a minimum of two (2) signs notifying residents of the site infiltration areas. The signs shall have a minimum area of two (2) square feet and shall contain a message similar to: "NOTICE This area has been designed as a storm water infiltration area and is subject to periodic ponding to a depth of ____ inches." The material, design, size, and number of signs are subject to the review and approval of the City Engineer. Signs and posts shall be constructed of metal or other long lasting material. All information regarding required detention basin signage shall be included on the grading/site improvement plans. (DS)
138. Permittee shall design proposed stormwater quality filter strips to evenly distribute the stormwater flow over the full width of the strip. (DS)
139. Permittee acknowledges that Saviers Road and Courtland Street were repaved/repared within the past 10 years and that all utility trenches and other street cuts shall be repaired in accordance with City standard plate 602 sheet 2 of 3 for streets less than 10 years old. (DS)
140. Permittee shall install "EMTRAC" emergency detection system on the traffic signal at the intersection of Saviers Road and Hueneme Road. Specifications of the systems and the location of antenna to be approved by the City Traffic Engineer. (TR)
141. Permittee shall paint 30 feet of curb red northerly of the non-gated Saviers Road driveway. (TR)

142. Permittee shall paint 20 feet of curb red both northerly and southerly of the non-gated Courtland Street driveway. (TR)
143. Permittee shall install a sign reading "Emergency Vehicle Access Only" at each of the gated emergency driveways. (TR)

PASSED AND ADOPTED by the City Council of the City of Oxnard on the 19th day of May 2015, by the following vote:

AYES:

NOES:

ABSENT:

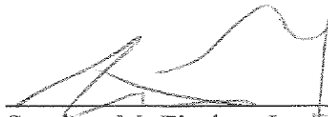
ABSTAIN:

Tim Flynn, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Stephen M. Fischer, Interim City Attorney

CITY COUNCIL OF THE CITY OF OXNARD
RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD OVERTURNING THE DECISION OF PLANNING COMMISSION AND APPROVING PLANNING AND ZONING PERMIT NO. 14-535-02 (DENSITY BONUS) TO AUTHORIZE A TWENTY-ONE PERCENT DENSITY INCREASE OVER THE OTHERWISE MAXIMUM ALLOWED DENSITY AND TWO INCENTIVES/CONCESSIONS TO PERMIT CONSTRUCTION OF FIVE STRUCTURES WITH A TOTAL OF 32 MARKET RATE AND 8 AFFORDABLE CONDOMINIUM UNITS AND ON-SITE AMENITIES ON A 1.82 ACRE SITE LOCATED AT 5557 AND 5527 SAVIERS ROAD (APN 222-0-011-027 AND -028), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY HENRY CASILLAS WITH ALDRSGATE INVESTMENT, LLC ON BEHALF OF APCHANCO 18, LLC, 8213 WHITE OAK AVENUE, RANCHO CUCAMONGA, CALIFORNIA 91730.

WHEREAS, on June 10, 2014, Henry Casillas with Aldersgate Investments, LLC on behalf of Apchanco 18, LLC (the “**Applicant**” and/or “**Permittee**”) submitted a request for a twenty-one percent (21%) density increase over the otherwise maximum allowed density and two (2) incentives/concessions to permit construction of five structures with a total of 32 market rate and 8 affordable condominium units and on-site amenities on a 1.82 acre site located at 5557 and 5527 Saviers Road (APN 222-0-011-027 and -028); and

WHEREAS, on April 2, 2015, the Planning Commission of the City of Oxnard (“**Planning Commission**”) conducted a duly noticed public hearing to consider Applicant’s request for a twenty-one percent (21%) density increase over the otherwise maximum allowed density and two (2) incentives/concessions to permit construction of five structures with a total of 32 market rate and 8 affordable condominium units and on-site amenities on a 1.82 acre site located at 5557 and 5527 Saviers Road (APN 222-0-011-027 and -028) (the “**Project**”) in accordance with Section 16-410 through 16-423 of Oxnard City Code; and

WHEREAS, the Planning Commission considered Planning and Zoning Permit No. 14-535-02 (Density Bonus) and took action to deny the Project; and

WHEREAS, the City Council has considered the appeal of the Planning Commission action to deny the Project, filed on April 21, 2015, by Applicant and has carefully reviewed the decision of the Planning Commission; and

WHEREAS, the Planning 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 categorical exemption; and

WHEREAS, the Project was referred to various public utility companies, City departments and the Development Advisory Committee for recommendations.

ATTACHMENT 9

PAGE 1 OF 5

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

SECTION 1. The City Council, 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 15332 (In-Fill Development), Class 32 of the State CEQA Guidelines. This section pertains to projects found consistent with the applicable General Plan designation policies as well as with applicable zoning designation and regulations; and the proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban areas; and the project site has no value, as habitat for endangered, rare or threatened species; and approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can be adequately served by all required utilities and public services. The Planning 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 2. Based on the entire record before the City Council and all written and oral evidence presented, including the Planning Commission Staff Report and all attachments thereto, the City Council hereby overturns the decision of the Planning Commission and approves Planning and Zoning Permit 14-535-02 (Density Bonus), a request for a twenty-one percent (21%) density increase over the otherwise maximum allowed density and two (2) incentives/concessions to permit construction of five structures with a total of 32 market rate and 8 affordable condominium units and on-site amenities on a 1.82 acre site located at 5557 and 5527 Saviers Road (APN 222-0-011-027 and -028) in accordance with Section 16-410 through 16-423 of Oxnard City Code and the State Density Bonus Law (Gov. Code, § 65915), subject to the attached conditions of approval.

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

DEPARTMENTS AND DIVISIONS			
PK	Landscape Design	CE	Code Compliance

GENERAL PROJECT CONDITIONS

1. This permit is granted for the property described in the application on file with the Planning Division, and may not be transferred from one property to another. (PL, G-1).
2. This permit is granted for the plans dated January 27, 2015 (architectural and landscaping plans) and January, 2015 (engineered site plan and tentative tract map), ("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 shall complete the "Notice of Land Use Restrictions and Conditions" form, using the form provided by the City, for recording with the Ventura County Recorder. Before the City issues building permits, Developer shall submit the original completed, signed and notarized document, together with the required fees to the Planning Manager. (PL, G-8)
7. This permit is granted subject to approval of Special Use Permit No. 14-500-03 and Tentative Tract Map Permit No.14-300-04.
8. Prior to final map or parcel map approval, Developer shall enter into an agreement in a form approved by the City Attorney to ensure the continued affordability of the 8 units

which qualified Developer for a density bonus. The affordability shall be as follows: 8 units for lower income households, as defined in Section 50079.5 of the Health and Safety Code. The agreement shall be recorded in the Office of the Ventura County Recorder. The agreement shall comply with the requirements of Section 16-421 of the Oxnard City Code and Government Code section 65915, subdivision (c).

9. 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)

PASSED AND ADOPTED by the City Council of the City of Oxnard on the 19th day of May 2015, by the following vote:

AYES:

NOES:

ABSENT:

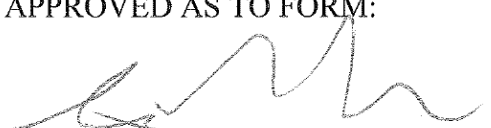
ABSTAIN:

Tim Flynn, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Stephen M. Fischer, Interim City Attorney

CITY COUNCIL OF THE CITY OF OXNARD
RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD OVERTURNING THE DECISION OF PLANNING COMMISSION AND APPROVING PLANNING AND ZONING PERMIT NO. 14-300-04 (TENTATIVE TRACT MAP) TO SUBDIVIDE TWO 0.91-ACRE PARCELS INTO ONE 1.82-ACRE PARCEL FOR CONDOMINIUM PURPOSES LOCATED AT 5557 AND 5527 SAVIERS ROAD, SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY HENRY CASILLAS WITH ALDERSGATE INVESTMENT, LLC ON BEHALF OF APCHANCO 18, LLC, 8213 WHITE OAK AVENUE, RANCHO CUCAMONGA, CALIFORNIA 91730.

WHEREAS, on May 28, 2014, Henry Casillas with Aldersgate Investment, LLC on behalf of Apchanco 18, LLC (the “**Applicant**” and/or “**Permittee**”) submitted a request to subdivide two 0.91-acre parcels into one 1.82 acre parcel for condominium purposes located at 5557 and 5527 Saviers Road (APN 222-0-011-027 and -028); and

WHEREAS, on APRIL 2, 2015, 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. 14-300-04 (Tentative Tract Map) to subdivide two 0.91-acre parcels into one 1.82 acre parcel for condominium purposes (the “**Subdivision**”) in accordance with Section 15-40 of Oxnard City Code; and

WHEREAS, the Planning Commission considered Planning and Zoning Permit No. 14-300-04 (Tentative Tract Map) and took action to recommend denial of the Subdivision; and

WHEREAS, the City Council has considered the appeal of the Planning Commission action to deny the Subdivision, filed on April 21, 2015 by Applicant and has carefully reviewed the decision of the Planning Commission; and

WHEREAS, the Planning Division has completed a preliminary environmental assessment of the Subdivision in accordance with the California Environmental Quality Act (CEQA) and determined that the Subdivision is subject to a categorical exemption; and

WHEREAS, the Subdivision was referred to various public utility companies, City departments and the Development Advisory Committee for recommendations.

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

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

- (1) **That the proposed map is consistent with the City of Oxnard 2030 General Plan and any applicable specific plan.**

ATTACHMENT 10
PAGE 1 OF 6

The proposed Tentative Parcel Map is consistent with the policies and provisions of the City of Oxnard 2030 General Plan because the proposed Project will allow for development that conforms and is consistent with the City of Oxnard 2030 General Plan's planned location, type and intensity and development policies.

- (2) **That the design or improvement of the proposed subdivision is consistent with the City of Oxnard 2030 General Plan and any applicable specific plan.**

The design and improvement of the proposed one parcel division is consistent with applicable provisions of the City of Oxnard 2030 General Plan because the proposed lot division for condominium purposes supports the proposed development improvements with intended uses with necessary infrastructure.

- (3) **That the site is physically suitable for the type of development.**

The site is physically suitable for the proposed type of development because the division of land includes proposed development consistent with the General Commercial (C-2) zoning standards.

- (4) **That the site is physically suitable for the proposed density of development.**

The site is physically suitable for the proposed density of development because the Project, with approval of the Density Bonus, meets zoning standards, parking, circulation and infrastructural needs.

- (5) **That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage nor likely to substantially and avoidably injure fish or wildlife or their habitat.**

The design of the proposed land division and parcel improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because it is located within a developed urban area of the City that contains no environmentally sensitive habitat and/or species.

- (6) **That the design of the subdivision or type of improvements is not likely to cause serious public health problems.**

The design of the proposed land division and parcel improvements is not likely to cause serious public health problems because the Project conforms with the uses intended with General Commercial (C-2) zone. In addition, site improvements will be in compliance with applicable development, building, and fire safety standards.

- (7) **That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision; provided, however, that approval may be granted if it is found that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to the ones previously acquired by the public.**

The design of the proposed land division and parcel improvements will not

conflict with easements because the Project site is currently vacant and there is no through access serving adjacent properties or right-of-ways.

SECTION 2. The City Council, in accordance with the California Environmental Quality Act (CEQA), determines that the Subdivision will not have a significant impact on the environment and is categorically exempt from CEQA pursuant to Article 19, Section 15332 (In-Fill Development), Class 32 of the State CEQA Guidelines. This section pertains to Projects found consistent with the applicable General Plan designation policies as well as with applicable zoning designation and regulations; and the proposed development occurs within city limits on a Project site of no more than 5 acres substantially surrounded by urban areas; and the Project site has no value, as habitat for endangered, rare or threatened species; and approval of the Project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can be adequately served by all required utilities and public services. The Planning 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 City Council hereby overturns the decision of the Planning Commission and approves Planning and Zoning Permit 14-300-04 (Tentative Tract Map), subject to the attached conditions of approval.

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 January 27, 2015 (architectural and landscaping plans) and January 2015 (engineered site plan and tentative tract map) (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, Permittee 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. Permittee 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, Permittee shall submit the original completed, signed and notarized document, together with the required fees to the Planning Manager. (PL, G-8)
5. If Permittee, owner or tenant fails to comply with any of the conditions of this permit, the Permittee, owner or tenant shall be subject to a civil fine pursuant to the City Code. (CA, G-14)

PLANNING DIVISION SPECIAL CONDITIONS

6. An approved tentative map shall expire thirty-six (36) months after its approval, unless an extension is applied for and approved by the City Council pursuant to Section 15-46 of the City Code. (PL)
7. This permit is granted subject to the City's approval of Density Bonus Permit No. 14-535-02 and Special Use Permit No. 14-500-03.

DEVELOPMENT SERVICES DIVISION STANDARD CONDITIONS

8. Permittee 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)
9. Permittee agrees, as a condition of approval of this resolution, to indemnify, defend and hold harmless, at Permittee's expense, City and its agents, officers and employees from and against any claim, action or proceeding commenced within the time period provided for in Government Code Section 66499.37, to attack, review, set aside, void or annul the approval of this resolution or to determine the reasonableness, legality or validity of any condition attached thereto. City shall promptly notify Permittee of any such claim, action or

proceeding of which City receives notice, and City will cooperate fully with Permittee in the defense thereof. Permittee shall reimburse City for any court costs and attorney's fees that City may be required to pay as a result of any such claim, action or proceeding. City may, in its sole discretion, participate in the defense of any such claim, action or proceeding, but such participation shall not relieve Permittee of the obligations of this condition. Permittee's acceptance of this resolution or commencement of construction or operations under this resolution shall be deemed to be acceptance of all conditions thereof. (DS-18)

10. Prior to approval of the final map or parcel map, Permittee shall provide the City Engineer with written evidence from the Ventura County Clerk's Office that Permittee has executed and filed with the Clerk all certificates, statements and securities required by Government Code Sections 66492 and 66493. (DS-26)
11. Permittee shall dedicate to the City all water rights for the Project property by title sheet dedication on the final map or parcel map. (DS-39)
12. Prior to release of the final map or parcel map for recordation, Permittee shall provide the City Engineer with a 100-scale base map for addressing purposes. The map shall be drawn on 18-inch by 24-inch mylar and shall show the standard address map title block, north arrow, street names, tract number, phase boundary and lot numbers. The City will assign all addresses. (DS-56)
13. Prior to release of the final map or parcel map for recordation, Permittee shall post security satisfactory to the City Attorney guaranteeing that all survey monuments will be set as required by the Government Code and the City Code. (DS-57)

DEVELOPMENT SERVICES DIVISION SPECIAL CONDITIONS

14. Developer shall process and submit for recordation of the final map for this project concurrent with the improvement plans for Planning and Zoning Permit 14-500-003. (DS)

[SIGNATURES ON FOLLOWING PAGE]

PASSED AND ADOPTED by the City Council of the City of Oxnard on the 19th day of May 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Tim Flynn, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Stephen M. Fischer, Interim City Attorney

ACTION	TYPE OF ITEM
☐ Approved Recommendation	☐ Info/Consent
☐ Ord. No(s). _____	☐ Report
☐ Res. No(s). _____	☒ Public Hearing
☐ Other _____	☐ Other _____

Prepared By: Jasch Janowicz, Contract Planner Agenda Item No. J-4

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

DATE: May 6, 2015

TO: City Council

FROM: Ashley Golden, Planning Manager [Signature]
Development Services Department

SUBJECT: Appeal of the Planning Commission's Denial of PZ Nos. 14-550-02 (Major Modification to Special Use Permit No. 05-500-02); Relating to a 1.57-acre Property Located at 1971 N. Oxnard Boulevard. Filed by Robert Vermeltfoort of VAI Architects, Inc. on behalf Upside Oxnard, LLC.

RECOMMENDATION

That City Council adopt a resolution upholding the action of the Planning Commission and denying the proposed use permits with related site development entitlements.

DISCUSSION

Planning Commission Review and Action - On April 2, 2015, the Planning Commission held a public hearing and considered the entitlement applications requesting development of a vacant 1.57-acre site located at the southwest corner of Citrus Grove Lane and Oxnard Boulevard (1971 N. Oxnard Boulevard). Development improvements include a 4,675 square foot drive through, self-serve car wash with 19 covered parking stalls for vacuum stations, including 1 van accessible parking stall and 4 employee parking stalls, associated vehicle circulation improvements, and landscaping. Staff recommended approval of PZ No. 14-550-02 subject to certain findings and conditions of approval.

At the public hearing held on April 2, 2015, the Planning Commission considered Staff's recommendation along with oral and written presentation by persons who attended the meeting. The Commission's discussion, comments and concerns centered on the following issues:

1. The car wash use is proposed on a prominent corner and therefore the Commission expressed concerns whether the proposed car wash use would be an appropriate addition to the Lowe's Shopping Center given its size and prominent location and whether the proposed car wash would be compatible with existing car wash uses in the vicinity of the project site;
2. Concerns regarding future water supplies within the City and whether a car wash use is appropriate given current drought conditions; and

3. Concerns regarding potential traffic impacts at nearby intersections and the potential for a shortage of on-site vehicle parking.

After the close of the public hearing and Commission deliberation, the Planning Commission voted (4-3) to deny staff's recommendation of approval of the special use permit for the proposed car wash project.

On April 23, 2015, the applicant, Robert Vermeltfoort, with VAI Architects, Inc. filed an appeal of the Planning Commission's denial of the special use permit for the development of the car wash. The appeal request includes a summary of the application review process, which involved multiple rounds of review by the Development Advisory Committee (DAC) and revisions to the site plan and architectural elevations in response to comments received during DAC. The appeal request goes on to suggest that the Planning Commission denial was not properly supported by findings and that the Planning Commission arbitrarily denied the entitlement request even though the project was in conformance with all of the City's development standards. The project applicant also cited claims by the property owner that the previously approved office building for the site is no longer financially feasible.

Finally, the appeal documentation compares the project's anticipated water use calculations with typical water use statistics from older car washes and typical at home car washing. These applicant prepared statistics state that the proposed car wash water use rates would be 13-15 gallons per car compared to 60-90 gallons per car for older car wash facilities and 40-130 gallons per car for typical at home car washing activities.

If the City Council continues to have concerns about the issues previously raised after public comment and Council deliberation, City staff recommends that the City Council take the following actions:

1. Adopt a resolution upholding the decision of the Planning Commission and denying Planning and Zoning Permit No. 14-550-02 (Major Modification to Special Use Permit No. 05-500-02) to allow development and operation of a 4,675 square foot drive through, self-serve car wash with 19 covered parking stalls for vacuum stations, including 1 van accessible parking stall and 4 employee parking stalls, associated vehicle circulation improvements, and landscaping on a 1.57-acre site.

Should the Oxnard City Council decide to uphold the action of the Planning Commission and deny approval of Planning and Zoning Permit Nos. 14-550-02 (MJMD), the Project would be exempt from environmental review pursuant to Sections 15061(b)(4) and 15270(a) of the State CEQA Guidelines.

Alternative - If the City Council wishes to overturn the Planning Commission decision of April 2, 2015, City staff recommends that the City Council take the following actions:

1. Adopt a resolution overturning the decision of the Planning Commission and approving Planning and Zoning Permit No. 14-550-02 (Major Modification to Special Use Permit No. 05-500-02) to allow development and operation of a 4,675 square foot drive through, self-

serve car wash with 19 covered parking stalls for vacuum stations, including 1 van accessible parking stall and 4 employee parking stalls, associated vehicle circulation improvements, and landscaping on a 1.57-acre site, subject to certain findings and conditions.

Should the Oxnard City Council decide to overturn the action of the Planning Commission and approve Planning and Zoning Permit Nos. 14-550-02 (MJMD), the Project would be exempt from environmental review pursuant to Sections 15303(c) of the State CEQA Guidelines.

FINANCIAL IMPACT

If the project is denied there is no estimated financial impact to the current FY 2014-2015 budget. If the project is approved, the project will be subject to payment of applicable development and impacts fees and development will contribute to future property and sales tax revenues.

Attachment

- #1 - Planning Commission Staff Report (April 2, 2015, w/out Draft Resolutions-Attachment E)
- #2 - PowerPoint Presentation (Hearing of April 2, 2015)
- #3 - Notice of Appeal Filed by Robert Vermeltfoort of VAI Architects, Inc. on behalf Upside Oxnard, LLC
- #4 - Planning Commission Resolution No. 2015-2015-15 Denying the Project.
- #5 - City Council Resolution: Denial PZ 14-550-02 (MJMD)
- #6 - City Council Resolution: Approval PZ 14-550-02 (MJMD)

Note: Attachment # 1 has been provided to City Council under separate cover. Copies for review are available at the Help Desk in the Library after 6:00 p.m. on Thursday prior to the Council meeting and in the City Clerk's Office after 8:00 a.m. on Friday prior to the Council meeting.



**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Jasch Janowicz, Contract Planner

DATE: April 2, 2015

SUBJECT: Planning and Zoning Permit No. 14-550-02 (Major Modification to Special Use Permit No. 05-500-02); Surf Thru Car Wash, 1971 N. Oxnard Boulevard

- 1) **Recommendation:** That the Planning Commission adopt a resolution approving Planning and Zoning Permit No. 14-550-02 (Major Modification to Special Use Permit No. 05-500-02), subject to certain findings and conditions.
- 2) **Project Description and Applicant:** A request to construct and operate a new drive-through self-serve car wash in the northwest corner of the Lowe's Shopping Center on a 1.57 acre site located at 1971 N. Oxnard Boulevard adjacent to the existing O'Reilly Auto Parts store. The car wash project would involve the demolition and reconstruction of approximately 13,800 square feet of the parking lot used by O'Reilly Auto Parts, construction of a single-story 4,675 square foot car wash building, 19 covered parking stalls for vacuum stations including 1 van accessible parking stall, 4 employee parking stalls including 1 van accessible stall, associated vehicle circulation improvements, and landscaping. For purposes of this Staff Report, the foregoing project description shall be referred to as the "**Project.**" Filed by Robert Vermeltfoort of VAI Architects, Inc. on behalf of Upside Oxnard, LLC, 23875 Ventura Boulevard, Suite 101, Calabasas, California 91302 (the "**Applicant**").
- 3) **Existing & Surrounding Land Uses:** The previously graded 1.57 acre site is located within the Orchard neighborhood at the southwest corner of Citrus Grove Lane and Oxnard Boulevard. The following table lists the surrounding land uses immediately adjacent to the Project site.

Direction	Zoning	General Plan	Existing Land Use
Project Site	C-2-PD	Commercial Community	Developed – Lowe's Shopping Center
North	C-2-PD, R3-PD	Commercial Community	Shopping Center, Multi-Family Residential

Direction	Zoning	General Plan	Existing Land Use
South	C-2-PD R-L	Commercial General Residential Low	Shopping Center, Single-Family Residential
East	C-2-PD R3-PD	Commercial General, Residential Low Medium	Shopping Center, Single-Family Residential
West	C-2-PD R3-PD	Public Semi Public Residential Medium High	Post Office, Office, Multi-Family Residential

- 4) **Background Information:** On July 6, 2006, the Planning Commission adopted Resolution Nos. 2006-39, -40, -41 and -42, approving PZ Nos. 05-500-2, 06-510-5, 06-500-6 (Special Use Permits) and recommended that the City Council approve a Tentative Parcel Map (PZ No. 05-300-6) for the redevelopment of the Carriage Square shopping center. On December 7, 2006, the City Council approved resolutions Nos. 13,176, 13,177, and 13,179 upholding the Planning Commission's approval of the three special use permits and approving the tentative parcel map (Resolution No. 13,178). Special Use Permit No. 05-500-2 included demolition of the former Carriage Square shopping center buildings, except for the IHOP restaurant located approximately 270 feet south of the Project site. The existing 188,082 square foot shopping center was replaced with a 228,773 square foot shopping center, including the Lowe's home improvement store, with associated parking, landscaping and circulation, and up to 33,000 square feet of commercial office uses on the Project site. Special Use Permit No. 06-500-6 allowed onsite relocation of the existing KFC fast food restaurant with drive-through facilities (now completed). A subsequent Tentative Parcel Map was approved by the City Council on December 7, 2010 which divided the existing three lots into seven lots.

On May 20, 2014, the Applicant submitted the Planning and Zoning Permit application (Permit No. 14-550-02) requesting a Major Modification to Special Use Permit (SUP 05-500-02) to allow construction of the proposed car wash in-lieu of the approved 33,000 commercial office building. As such, the conditions for Special Use Permit No. 05-500-02 shall remain in full force and effect along with the recommended conditions for this request.

- 5) **Environmental Determination:** The Planning and Environmental Services Division has determined that the proposed Project is categorically exempt from environmental review pursuant to State CEQA Guidelines Section 15303 (c). Development on the Project site was also previously analyzed in the Initial Study-Mitigated Negative Declaration prepared for the Lowe's Shopping Center project (PZ Nos. 05-500-2, 06-510-5, and 06-500-6). After imposition of the mitigation measures as conditions of approval, the environmental impacts were determined to be less than significant.

CEQA Guidelines Section 15303 – New Construction or Conversion of Small Structures

A Class 3 categorical exemption under CEQA Guidelines Section 15303 consists of projects characterized as construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. The example that applies to this development is described below:

- (c) A store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2,500 square feet in floor area. In urbanized areas, the exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.

The proposed Project meets the requirements of a Class 3 categorical exemption because: (i) the proposed Project occurs on an infill site within the urbanized area of the City of Oxnard; (ii) the proposed Project is located on a parcel zoned General Commercial (C-2); (iii) the Proposed Project includes a 4,675-square foot building, not exceeding 10,000 square feet in floor area; (iv) the Project site has no value as habitat for endangered, rare or threatened species; (v) the proposed Project does not involve the use of significant amounts of hazardous substances; and (vi) the Project site can be adequately served by all required utilities and public services.

6) Analysis:

- a) **General Discussion:** The project site has been previously graded as part of the Lowe's Shopping Center project and is surrounded by existing commercial uses. No goods would be sold on-site; however, vending machines are proposed along the northern wall of the car wash building. The hours of operation would be from 7AM to 9PM and a minimum of three employees would be present during operation (5-10 employees per day). Employees would oversee, safeguard and manage day to day car wash operations.
- b) **General Plan Consistency:** The City's 2030 General Plan land use designation for the subject site is Commercial: Community (CC) which allows for two or more anchor retailers located at the intersection of arterials. Residential up to 18 dwelling units per acre, live/work, and mixed uses are also allowed. Approval of the Project entitlement has

been determined to be consistent with the General Plan and the property's land use designation.

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

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

POLICY	LEVEL	POLICY OR TITLE	EXPLANATION
CD-1.2	I	Promote the efficient use of larger vacant parcels and vacant areas of the City of encouraging infill development, with a priority to mixed uses that reduce vehicle trips and GHG emissions and promote sustainable development goals and objectives	The proposed project site is surrounded by existing commercial development and the proposed car wash use is complementary to the existing commercial uses located within the shopping center.
ICS-3-3	I	Determine as part of the development review and approval process that intersections associated with new development operate at a level of service "C" or better.	The City's General Plan Update EIR (2009) did not identify significant impacts at the intersection of Oxnard Boulevard and Gonzales after implementation of the City's Traffic Mitigation Plan. In addition, the previously prepared IS-MND for the Lowe's Shopping Center concluded that traffic impacts at affected intersections would be less than significant after mitigation. The project's trip generation study determined that the net addition of 32 P.M. peak hour trips would not significantly impact the adjacent intersections or street segments.
ER-6.5	I	Control of Lighting and Glare: Require that all outdoor light fixtures including street lighting, externally illuminated signs, advertising	The proposed Project would provide lighting that is hooded and so arranged

POLICY	LEVEL	POLICY OR TITLE	EXPLANATION
		displays, and billboards use low-energy, shielded light fixtures which direct light downward and, where public safety would not be compromised, encourage the use of low-pressure sodium lighting for all outdoor light fixtures.	and controlled so as not to cause a nuisance to vehicle traffic.
CD-3.4 CD-4.4 CD-14.1 CD-14.2 CD-14.3 ICS-11.10 ER-10.1	II	Neighborhood Quality of Life Commercial Area Aesthetics Design Review Process Development Advisory Committee Functions Quality of Design Water Supply Findings for Smaller Projects Promote Use of Native and Water Wise Plants	The Development Advisory Committee (DAC) review process led to changes in the project and/or conditions of approval that meet these Level II policies
All Others	III	All policies not listed above	Assumed Consistent

c) Conformance with Zoning Development Standards: The proposed Project is located in the Commercial General (C-2-PD) zone district, and is consistent with the applicable development standards as shown in the following table. City Code Section 16-136(A)(9) of the General Commercial (C-2) zone permits drive-through or mechanical car washes subject to the approval of a special use permit.

DEVELOPMENT STANDARD	REQUIREMENTS	PROPOSED	COMPLIES?
Max. building height	35 Feet/2 Stories	34 feet (architectural projections)	Yes
Front yard setback	10 Feet	75'3" Feet (car wash building to property line on Oxnard Blvd)	Yes
Side yard setback	5 Feet except where abuts another C-2 zoned lot	95'-3" Feet (car wash building to north property line on Citrus Grove Lane)	Yes
Rear yard setback	15 Feet	63'-5" Feet (car wash building to west property line)	Yes
Parking	1 space per 250 square feet (19 spaces)	4 employee parking spaces, including 1 van accessible space 19 covered vacuum stations, including 1 van accessible space	Yes

DEVELOPMENT STANDARD	REQUIREMENTS	PROPOSED	COMPLIES?
Trash Enclosures	Trash Collection and Collection of Recyclable materials area must be property screened from public streets by 6' fencing	Trash enclosures are screened by a concrete block wall and landscaping from Oxnard Boulevard and screened by the proposed building from Citrus Grove Lane	Yes
Parking Lot Landscaping	Landscape Plan 10 foot landscape strip along the property lines parallel street and alley	Landscape Plan shows 22' minimum landscaping along Oxnard Boulevard and 17' minimum landscaping along Citrus Grove Lane Landscaping throughout parking area and proposed ingress and egress routes from car wash Landscaping includes mixture of trees and shrubs	Yes
Loading Zone	One 40-foot long x 12-foot wide loading zone.	Shared loading zone with O'Reilly Auto Parts	Yes
Bike Racks	One rack for 5 bikes at each building	5 bike parking spaces	Yes

- d) **Site Design:** The 68,342 square foot Project site is irregularly shaped and is bounded by two roadways: Oxnard Boulevard to the east and Citrus Grove Lane to the north. The proposed self-service car wash would connect to existing utility infrastructure serving the shopping center uses (water, wastewater, drainage, and gas/electrical service). In addition, the proposed Project would be integrated into the existing O'Reilly Auto parts store parking areas and the overall vehicle travel lanes for the overall Lowe's Shopping Center.

The interior floor space of the car wash building would be largely occupied by car wash equipment. The original site design included a separate bathroom building and a separate pay station building. However, the bathroom facilities have been relocated to inside the car wash building and the pay station building was removed as part of the currently proposed site plan. By design, the building and vehicle parking areas would be sufficiently screened by landscaping (31.68% of the site), and thus would maintain a consistent streetscape landscaping theme along Oxnard Boulevard and Citrus Grove Lane.

- e) Circulation and Parking:** Development of the proposed drive-through self-serve car wash would require the demolition and reconstruction of approximately 13,800 square feet of the existing O'Reilly Auto Parts parking lot and the removal of existing parking spaces. After development of the proposed Project, the O'Reilly Auto parts store would retain 42 parking spaces, which would still exceed the 27 required on-site parking spaces. The proposed driveway improvements provide sufficient vehicle and emergency vehicle access, sufficient vehicle stacking space, and sufficient on-site parking. Primary vehicle access would be provided by either Citrus Grove Lane or the existing access driveway along Oxnard Boulevard south of the O'Reilly Auto Parts store. The existing loading zone for the O'Reilly Auto Parts would also serve the proposed project. Additional emergency access to Citrus Grove Lane is proposed near the north east property corner. This access point has been delineated by red painted rolled curbs/fire lane markings, "grass-crete" pavers, and blue raised pavement markings.

The City's Traffic Engineer has reviewed and accepted the trip generation study (August 1, 2014) prepared by Associated Traffic Engineers. The study concluded that the proposed car wash would generate 536 more daily trips than the previously contemplated 33,000 square foot commercial office building. However, the proposed project would generate 15 less AM peak hour trips and 32 more PM peak hour trips, which would not significantly impact the adjacent street segments or intersections. This conclusion was confirmed by the City's Traffic Engineer.

- f) Building Design:** The proposed single-story car wash structure has tower elements that are up to 34 feet tall. The primary parapet roof ridge is 25 feet tall. The exterior building walls would be plastered with a sand finish with score lines and molding accents to compliment the building's design and appearance. Cultured stone veneer would be applied to the base of the building to match the existing Lowe's Shopping Center building. An "S-Type" concrete roof material is proposed to match the adjacent shopping center buildings. Exterior columns are proposed to support the building overhangs and covered parking area.
- g) Signs:** The proposed building elevations currently illustrate building mounted signage on the north, south, and west elevations. A new monument sign is also proposed at the corner of Citrus Grove Lane and Oxnard Boulevard. The signage for the proposed Project would be reviewed and approved as part of a separate sign permit and would require review for consistency with the Carriage Square Master Sign Program approved by the City on January 2011. Per the approved Carriage Square Master Sign program, the project site is entitled to approximately 413 square feet of signage.
- h) Landscaping and Open Space:** City Code Section 16-641(A) requires a minimum of 5% landscape area within parking lots, and 31.68% is proposed overall. The proposed Project also exceeds the requirement to provide a 10 foot landscape strip along property

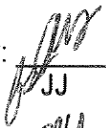
lines parallel to any public street; a 17 foot landscaping strip is proposed along Citrus Grove Lane and a minimum 22 foot landscaping strip is proposed along Oxnard Boulevard. Pedestrian walkways are incorporated within landscaped planting areas, which connect to the existing sidewalk located along Oxnard Boulevard.

- 7) **Development Advisory Committee:** The Development Advisory Committee (DAC) reviewed this Project on September 3, 2014, November 5, 2014, and December 17, 2014. Recommendations of the DAC are included in the attached resolution(s).
- 8) **Community Workshop:** On January 14, 2015, the Applicant mailed notices of the Community Workshop meeting to all property owners within Orchard and Carriage Square Neighborhoods. A notice of this meeting was posted on the Project site with a brief description and contact information. The Community Workshop was conducted on Monday, January 26, 2015. One person from the Carriage Square Neighborhood, the Project Applicant, and architect attended the meeting and the following items were noted as feedback and concerns:
- A community representative expressed concerns about the proposed car wash potentially impacting the existing car wash located near Oxnard Boulevard and 1st Street.
- 9) **Appeal Procedure:** In accordance with Section 16-545 of the City Code, the Planning Commission's action may be appealed to the City Council within 18 days after the decision date. Appeal forms may be obtained from the City Clerk and must be submitted with the appropriate fees before the end of the appeal period.

Attachments:

- A. Maps (Vicinity, General Plan, Zoning)
- B. Reduced Development Project Plans
- C. Trip Generation Study (August 1, 2014)
- D. Notice of Exemption
- E. Resolution

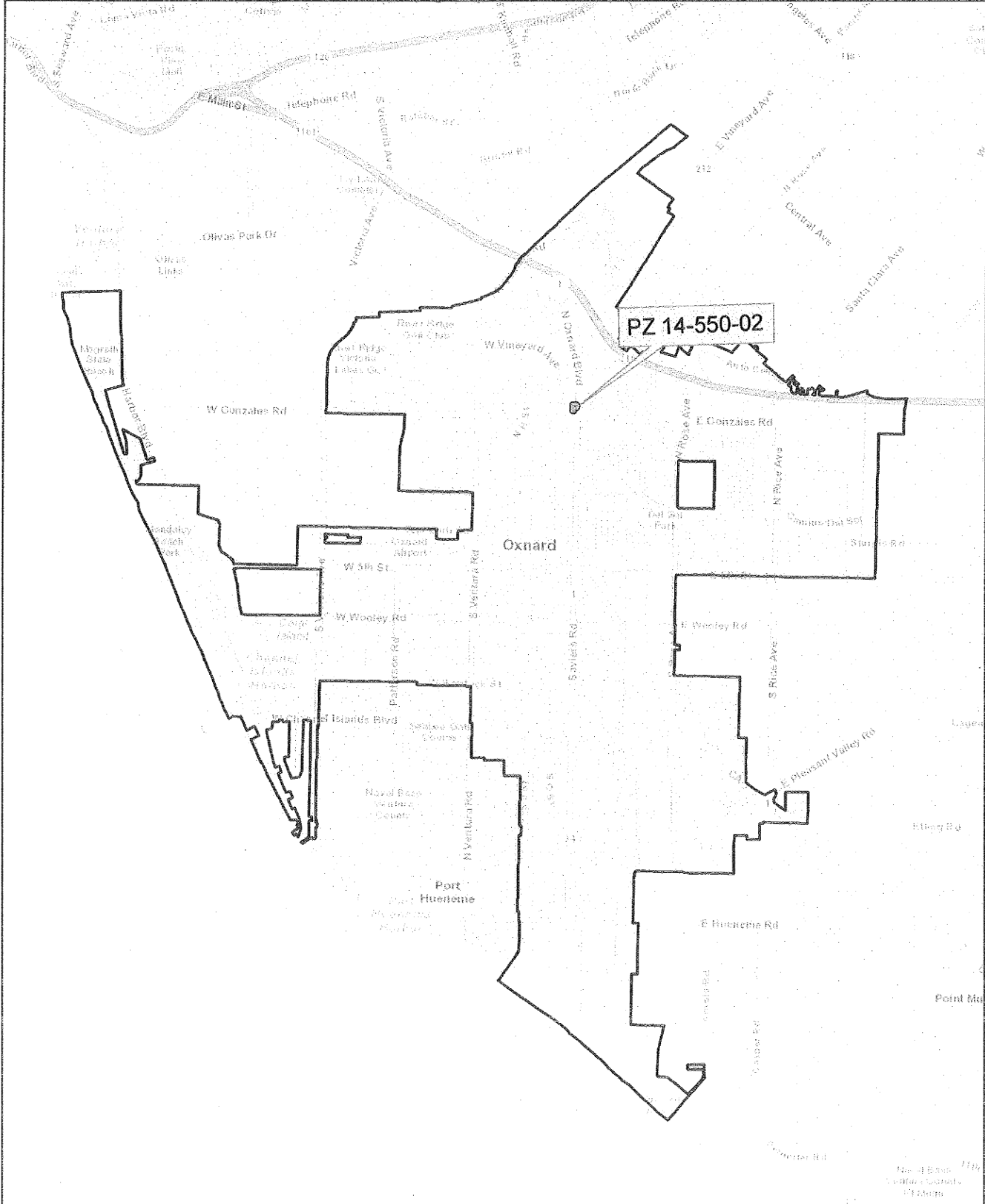
Attachment 1
Page 8 of 23

Prepared by:	
Approved by:	
	AG

ATTACHMENT A

MAPS (VICINITY, ZONING, GENERAL PLAN MAP)

Vicinity Map



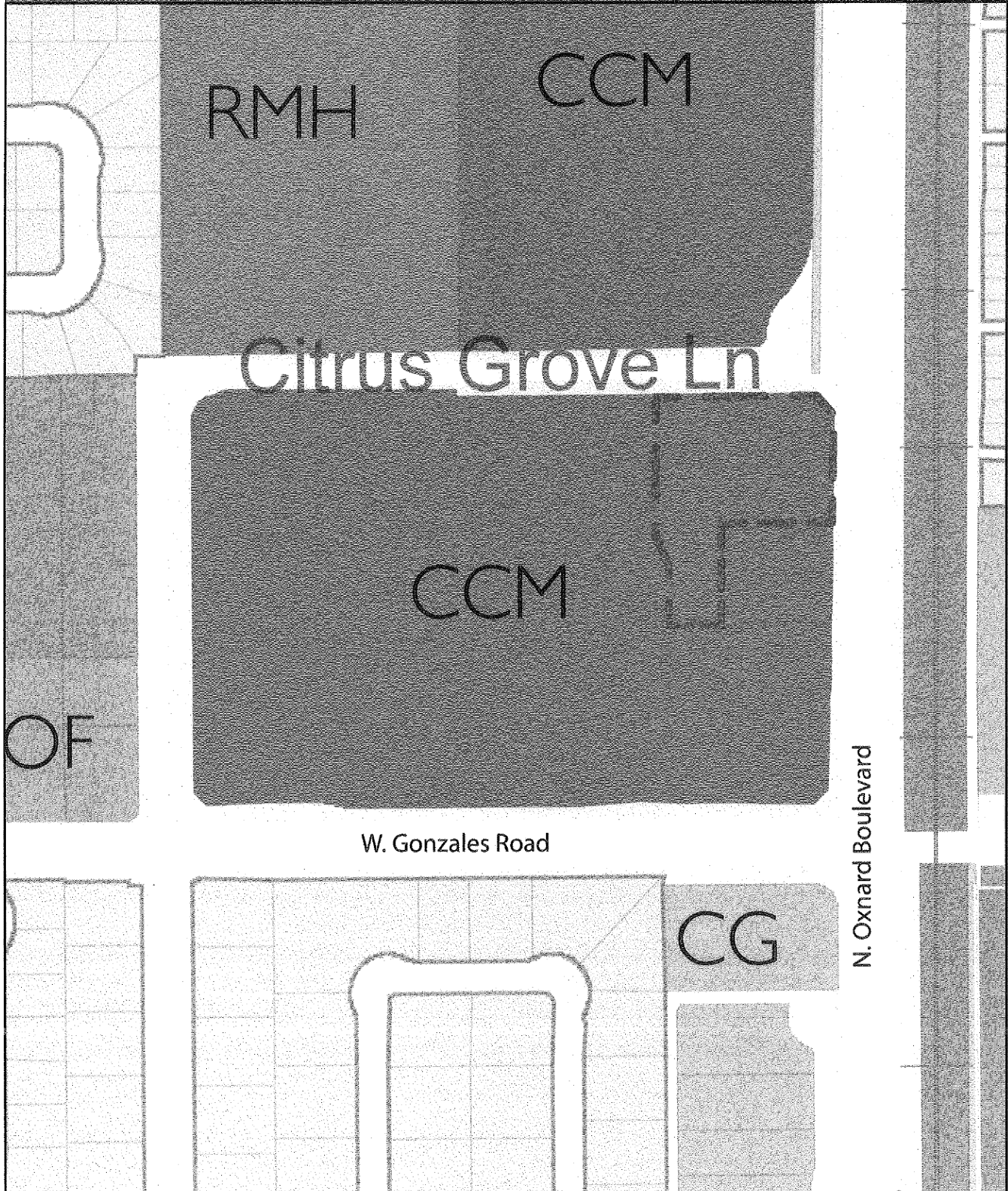
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Oxnard Planning
March 23, 2015

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Location: 1971 N. Oxnard Blvd.
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Vicinity Map

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2030 General Plan Land Use Map

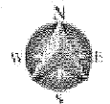


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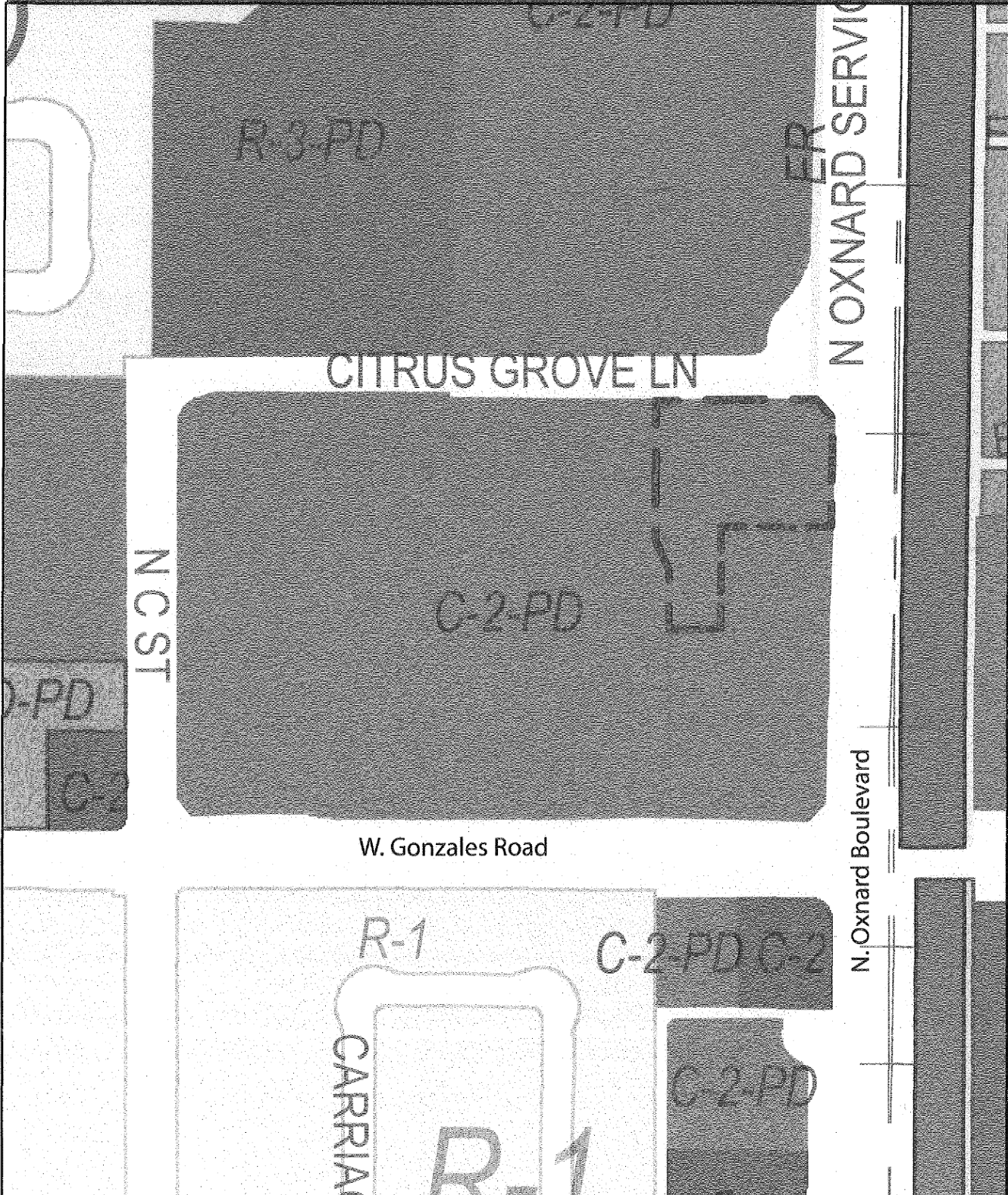
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2030 General Plan Land Use Map



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Zoning/Specific Plan Map



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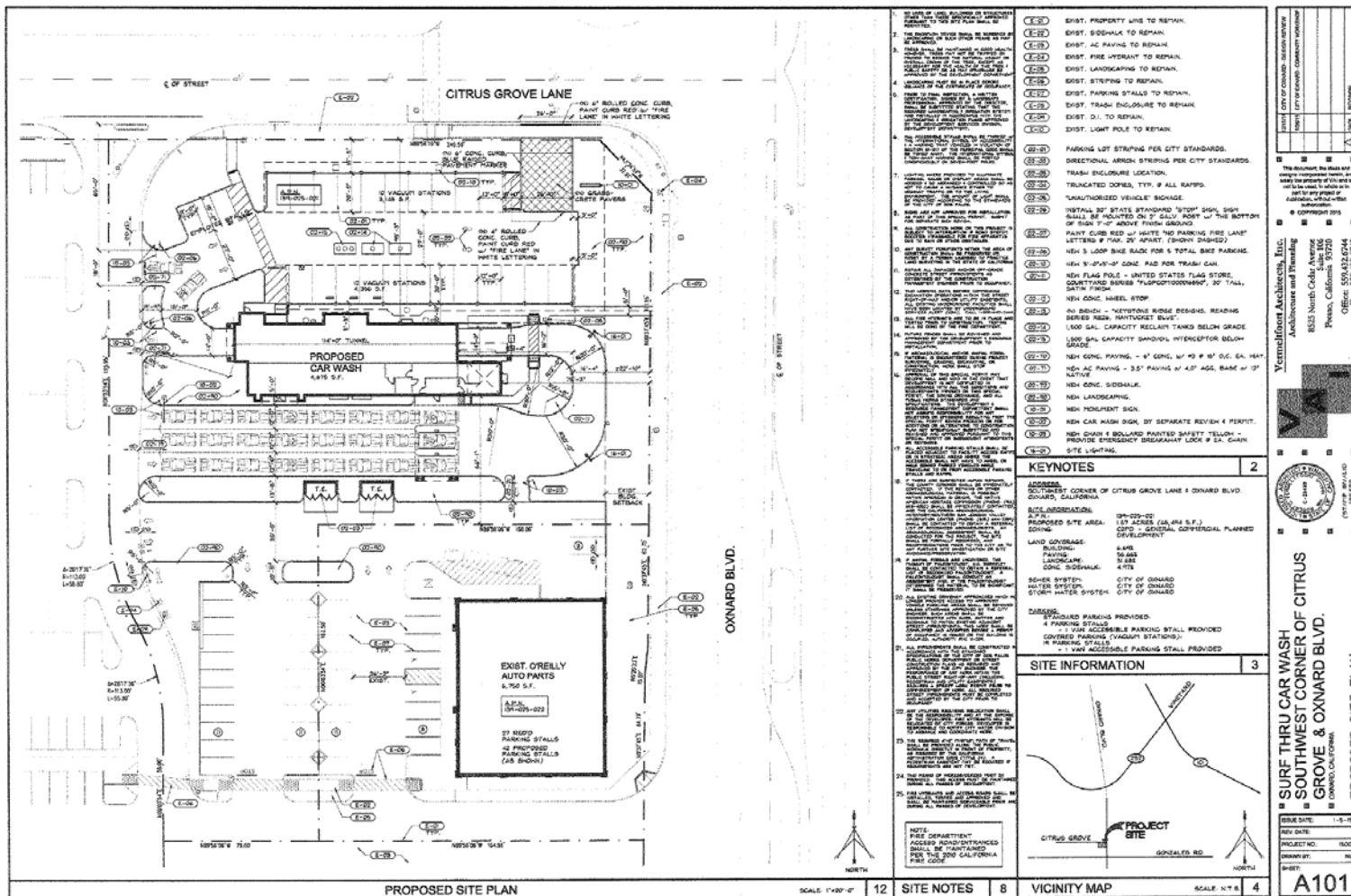
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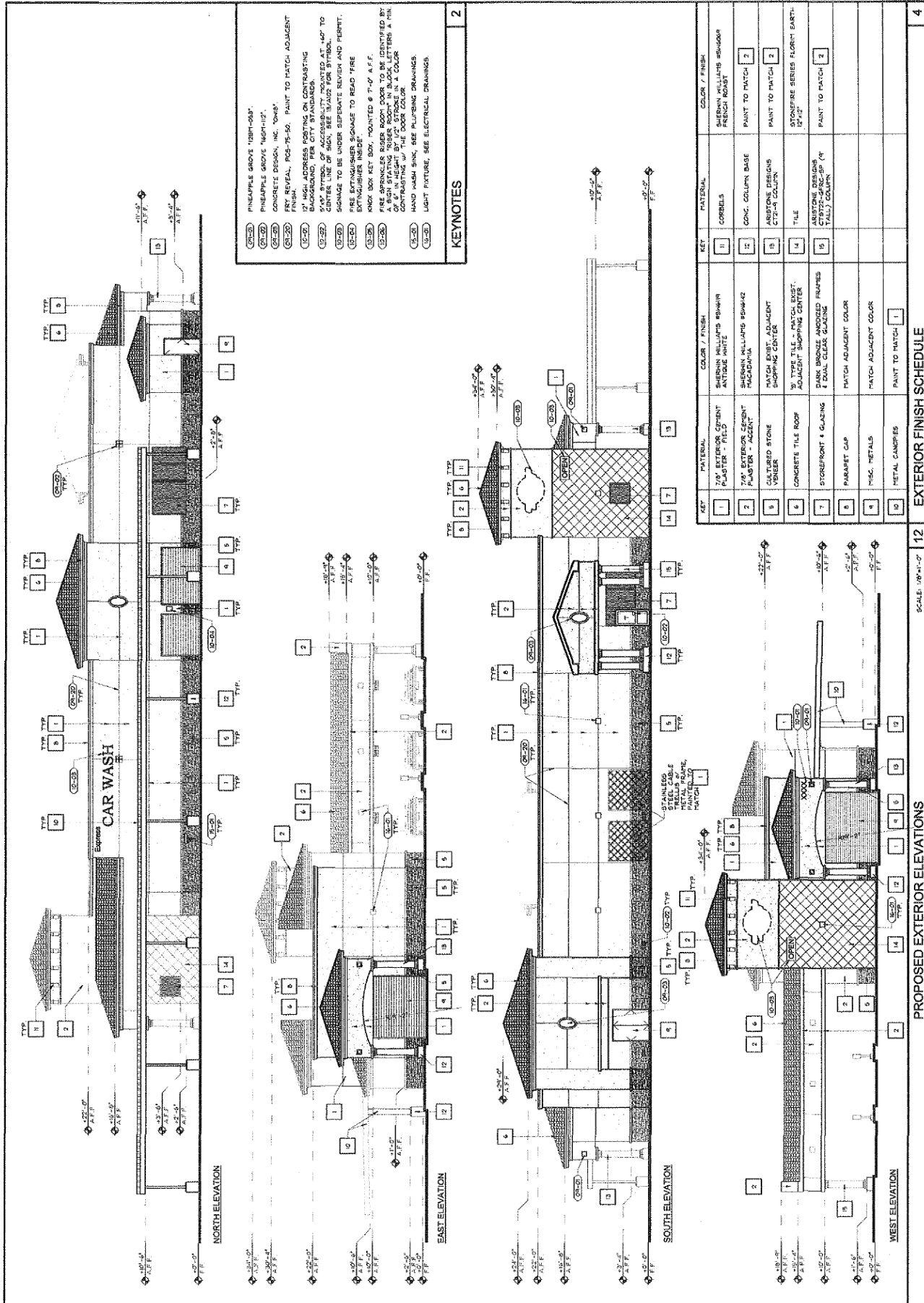
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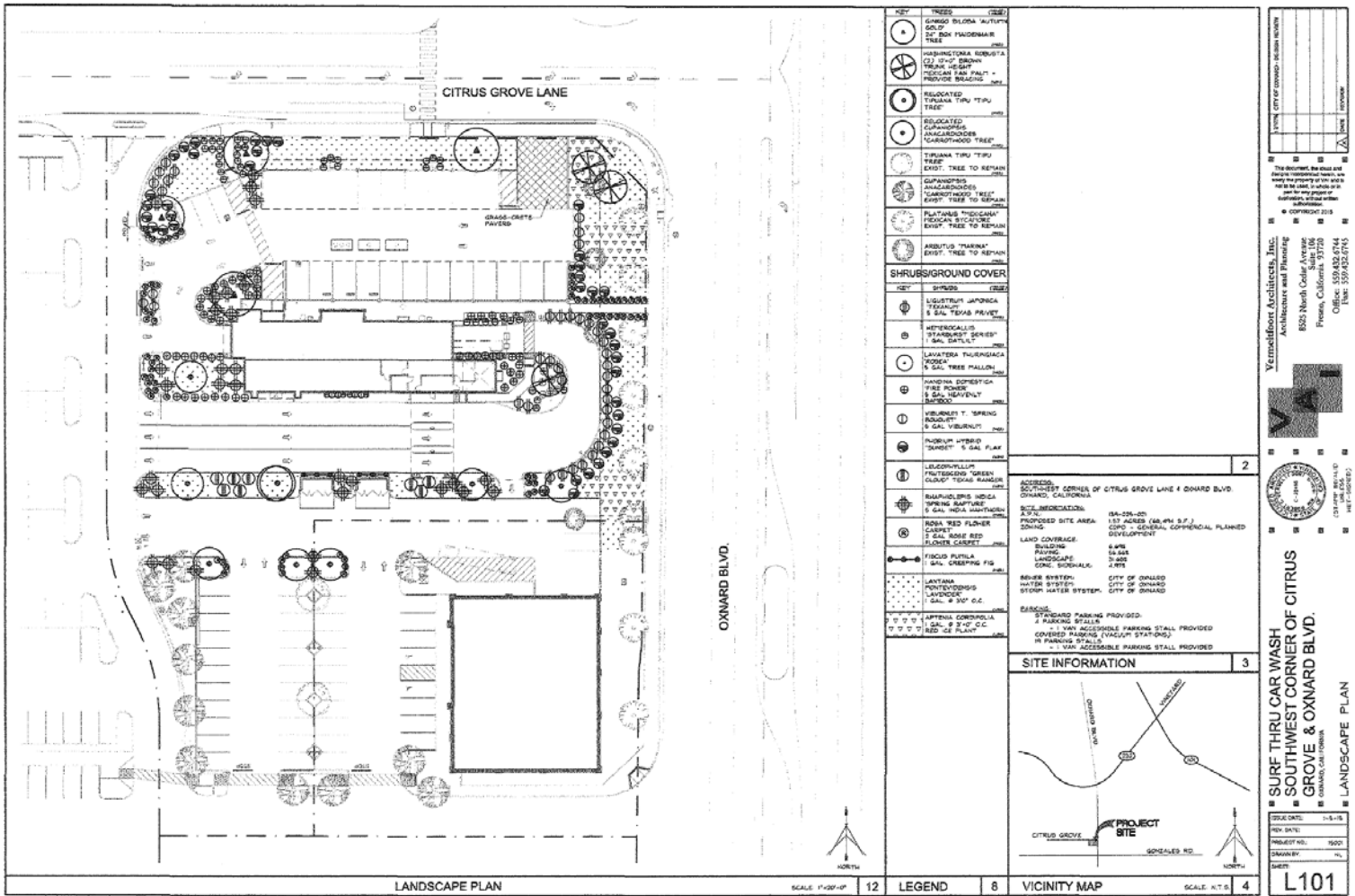
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ATTACHMENT B

REDUCED PROJECT PLANS







CONSTRUCTION NOTES: ON-SITE

- 1. CONSTRUCT PERMITTED AND APPROVED GRADING PLAN.
- 2. CONSTRUCT PERMITTED AND APPROVED EROSION CONTROL PLAN.
- 3. CONSTRUCT PERMITTED AND APPROVED LANDSCAPE PLAN.
- 4. CONSTRUCT PERMITTED AND APPROVED SITE PLAN.
- 5. CONSTRUCT PERMITTED AND APPROVED TRUCK TRAIL PLAN.
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EARTHWORK QUANTITIES:

NOTE: ALL QUANTITIES ARE IN CUBIC YARDS (CY) UNLESS OTHERWISE NOTED. QUANTITIES PROVIDED AS A GUIDE ONLY. QUANTITIES TO BE OBTAINED BY THE OWNER AND ARE FOR BIDDING AND PLAN CHECK PURPOSES ONLY.

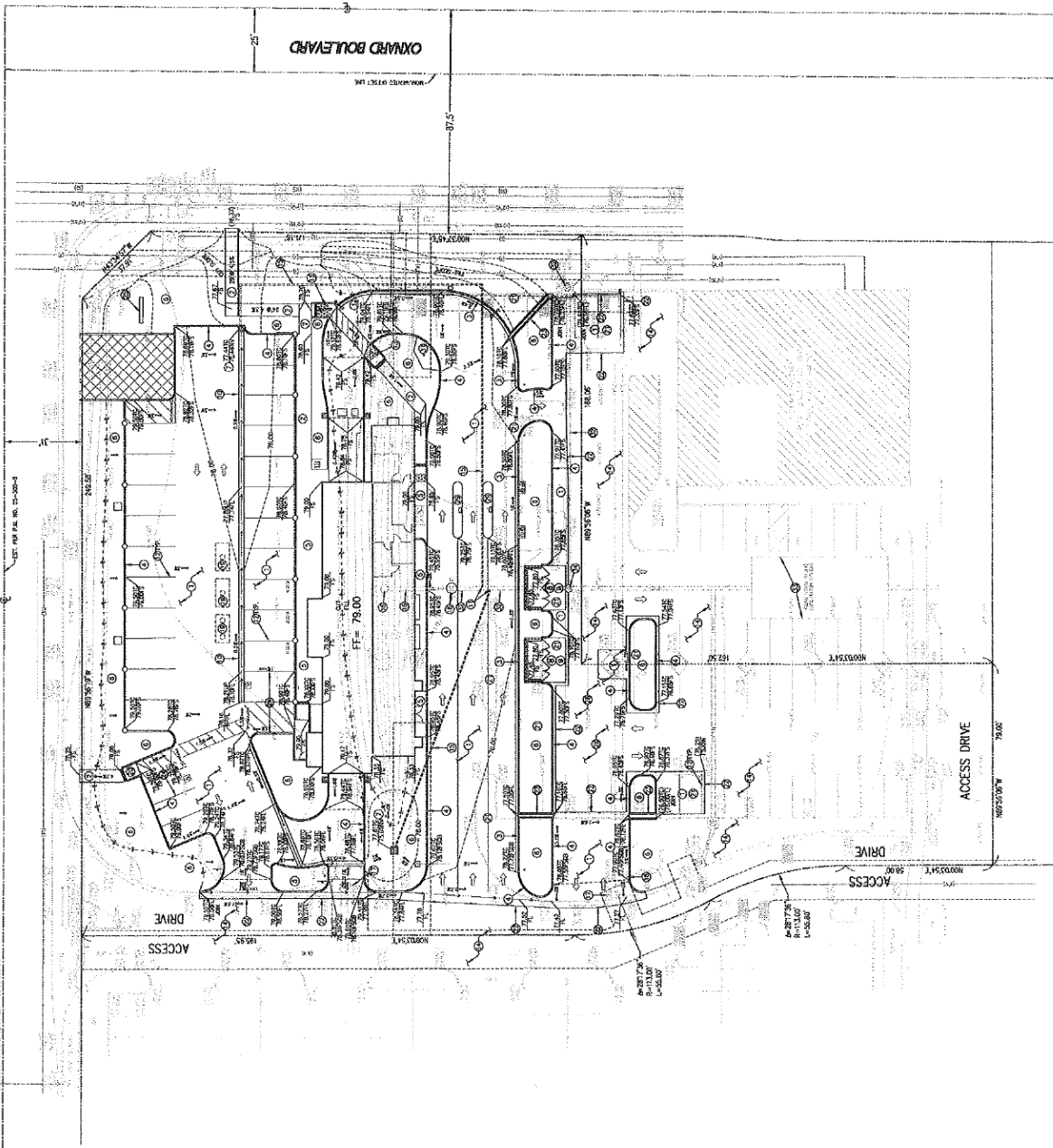
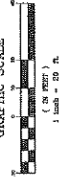
LEGEND:

- 1. EXISTING GRADE
- 2. PROPOSED GRADE
- 3. EXISTING PAVEMENT
- 4. PROPOSED PAVEMENT
- 5. EXISTING CURB
- 6. PROPOSED CURB
- 7. EXISTING SIDEWALK
- 8. PROPOSED SIDEWALK
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- 40. PROPOSED CEILING
- 41. EXISTING STAIR
- 42. PROPOSED STAIR
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- 47. EXISTING FIRE ALARM
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GRAPHIC SCALE



REVISIONS	
NO.	DESCRIPTION
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PROJECT NO.	2015-001
DATE	01/15/2015
DRAWN BY	XXX
CHECKED BY	XXX
APPROVED BY	XXX

PROJECT NAME	CONCEPTUAL GRADING PLAN
PROJECT LOCATION	SWC CITRUS GROVE AND OXNARD, OXNARD, CA
PROJECT OWNER	XXX
PROJECT ARCHITECT	VERMELTFOORT ARCHITECTS

PROJECT ENGINEER	XXX
PROJECT CIVIL ENGINEER	XXX
PROJECT LANDSCAPE ARCHITECT	XXX
PROJECT TRUCK TRAIL ENGINEER	XXX

PROJECT PERMITTING	XXX
PROJECT INSPECTION	XXX
PROJECT CONSTRUCTION	XXX
PROJECT COMPLETION	XXX

PROJECT CLOSEOUT	XXX
PROJECT AS-BUILT	XXX
PROJECT MAINTENANCE	XXX
PROJECT DEMOLITION	XXX

PROJECT REPAIR	XXX
PROJECT REPLACEMENT	XXX
PROJECT RENOVATION	XXX
PROJECT RESTORATION	XXX

PROJECT RECONSTRUCTION	XXX
PROJECT REDEMPTION	XXX
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**ATTACHMENT
C
TRIP GENERATION STUDY (AUGUST 1, 2014)**



Since 1978

ASSOCIATED TRANSPORTATION ENGINEERS

100 N. Hope Avenue, Suite 4, Santa Barbara, CA 93110 • (805) 687-4418 • FAX (805) 682-8509

Richard L. Pool, P.E.
Scott A. Schell, AICP, PTP

August 1, 2014

14053L01.LTR

Robert Vermeltfoort
Vermeltfoort Architects
8525 North Cedar, Suite #106
Fresno, CA 93720

TRIP GENERATION STUDY FOR THE SURF THRU CARWASH PROJECT, CITY OF OXNARD, CALIFORNIA

Associated Transportation Engineers (ATE) prepared a traffic and circulation study for the Lowes Shopping Center. Phase III of the shopping center redevelopment assumed a 33,000 square foot office would be built in the northeast quadrant. The current project would replace the office space with a 3,831 square foot automated car wash. The automated car wash would be open from 7 A.M. to 8 P.M., 7 days a week with up to 4 employees on-site. Figure 1 illustrates the project site plan (Attached).

The following trip generation analysis was prepared to address the City of Oxnard's concerns regarding the traffic generated by the proposed automated carwash project vs. the approved office space.

Project Trip Generation

Table 1 summarizes the average daily, A.M. and P.M. peak hour trip generation estimates for the approved office land use based on rates published in the Institute of Transportation (ITE), Trip Generation, 9th Edition. The office would generate 364 average daily, 51 A.M. and 49 P.M. peak hour trips as shown on Table 1. The average daily, A.M. and P.M. peak hour trip generation estimates for the automated car wash land use are based on rates published in the April 2002 San Diego Association of Governments (SANDAG), Traffic Generators. The automated car wash project would generate 900 average daily, 36 A.M. and 81 P.M. peak hour trips as shown on Table 1. It's reasonable to expect that some customers of the other

retail uses on-site would also be a customer of the car wash. So instead of two independent trips to the shopping center, there would be one linked internal trip to the shopping center.

Table 1
Project Trip Generation

Land Use	Size	Daily		A.M. Peak Hour		P.M. Peak Hour	
		Rate	Trips	Rate	Trips	Rate	Trips
Office	33,000 sq. ft.	11.03	364	1.56	51	1.49	49
Automated Car Wash	3,831 sq. ft.	900/Site	900	4% of ADT	36	9% of ADT	81
Net Trip Generation Difference:			+536		-15		+32

The proposed automated car wash would generate more traffic than the 33,000 square foot office land use that was approved to occupy the subject property. The automated car wash generates approximately 536 more average daily and 32 more P.M. peak hour trips than the approved office land use. The project would add less traffic to the adjacent streets during the A.M. peak hour period than the allowed office land use. The net addition of 32 P.M. peak hour trips generated by the automated car wash would not significantly impact the adjacent street system.

Associated Transportation Engineers

Richard L. Pool

Richard L. Pool, P.E.
President

RLP/DFN/wp

Attachment: Project Site Plan



**ATTACHMENT
D
NOTICE OF EXEMPTION**

OXNARD PLANNING DIVISION
214 SOUTH C STREET
OXNARD, CALIFORNIA 93030



NOTICE OF EXEMPTION

Project Description:

Planning and Zoning Permit Nos. 14-550-02 (Major Modification to Special Use Permit No. 05-500-02); a request to construct and operate a new drive-through self-serve car wash in the northwest corner of the Lowe's Shopping Center on a 1.57 acre site located at 1971 N. Oxnard Boulevard adjacent to the existing O'Reilly Auto Parts store. Development improvements include the demolition and reconstruction of approximately 13,800 square feet of the parking lot used by O'Reilly Auto Parts, construction of a 4,675 square foot car wash building, 19 covered parking stalls for vacuum stations including 1 van accessible parking stall, 4 employee parking stalls including 1 van accessible stall, associated vehicle circulation improvements, and landscaping. Filed by Robert Vermeltfoort of VAI Architects, Inc. on behalf of Upside Oxnard, LLC, 23875 Ventura Boulevard, Suite 101, Calabasas, California 91302.

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: Development of a commercial office building on the project site was considered by the previously prepared Initial Study-Mitigated Negative Declaration adopted for the Lowe's Shopping Center Project. In accordance with the California Environmental Quality Act Guidelines and Section 15303 of the California Code of Regulations, the proposed card wash project is characterized as construction and location of limited numbers of new, small facilities or structures not exceeding 10,000 square feet of floor area. Based on the above exemption and in accordance with CEQA, the Planning Division Manager has determined that there is on substantial evidence that the proposed project may have a significant effect on the environment and that a notice of exemption may be filed.

(Date)

Ashley Golden,
Planning Division Manager

Surf Thru Car Wash

1971 N. Oxnard Boulevard

PZ 14-550-02 (MJMD to SUP No. 05-500-02)

Upside Oxnard, LLC

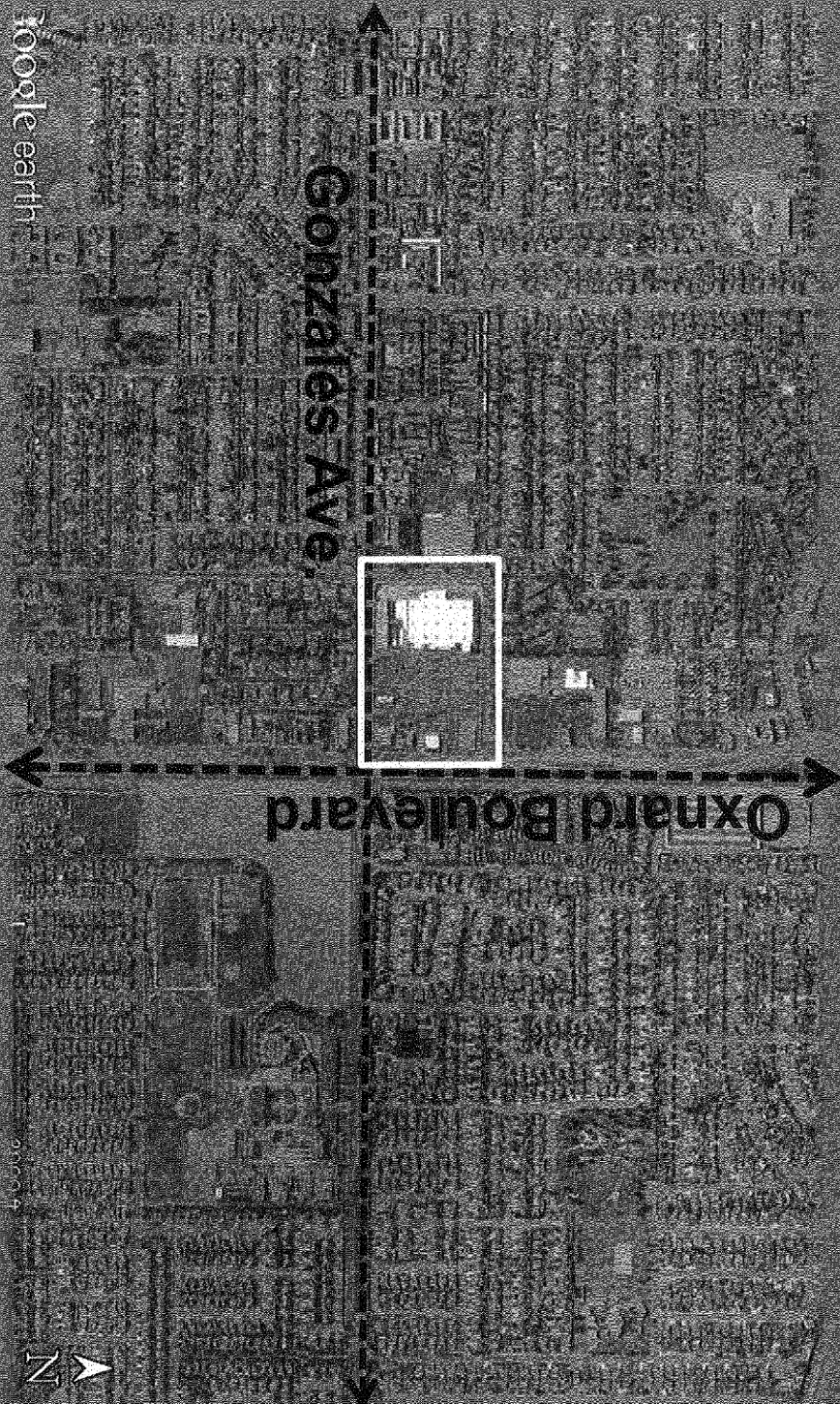
23875 Ventura Boulevard, Suite 101

Calabasas, CA 91302

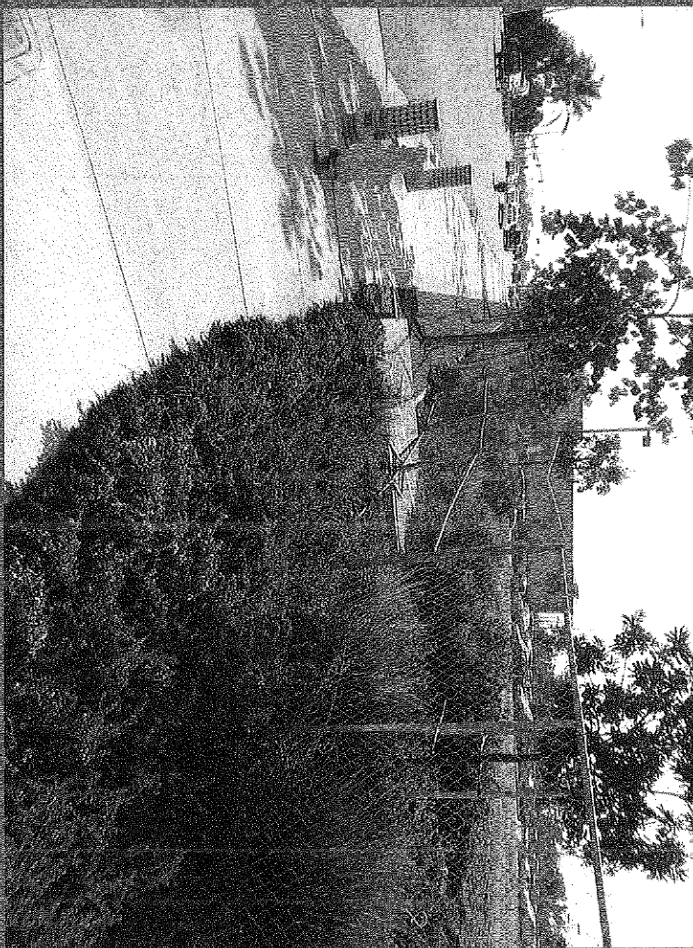
Planning Commission April 2, 2015



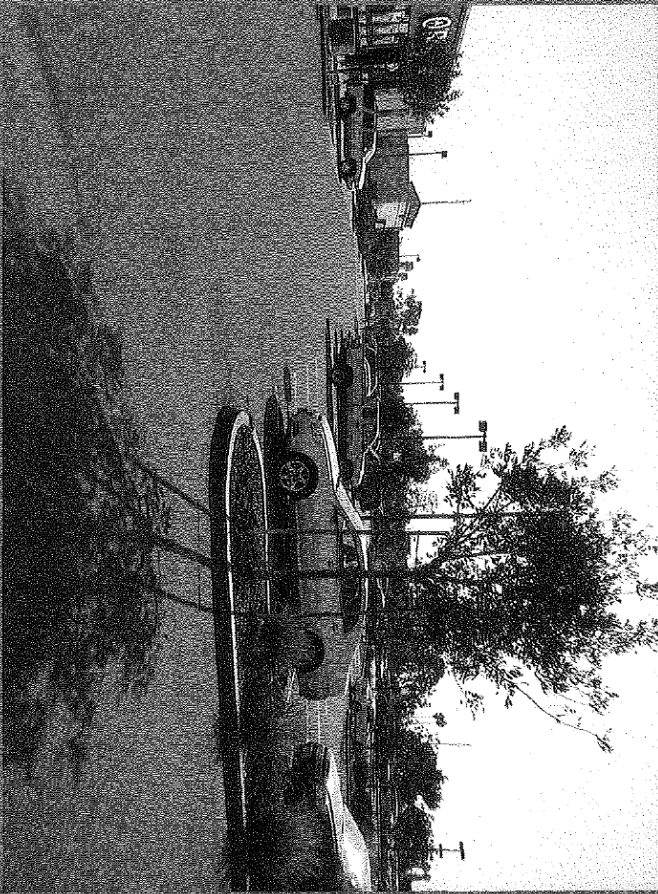
Vicinity Map



Site Photographs



Site Photographs



Background

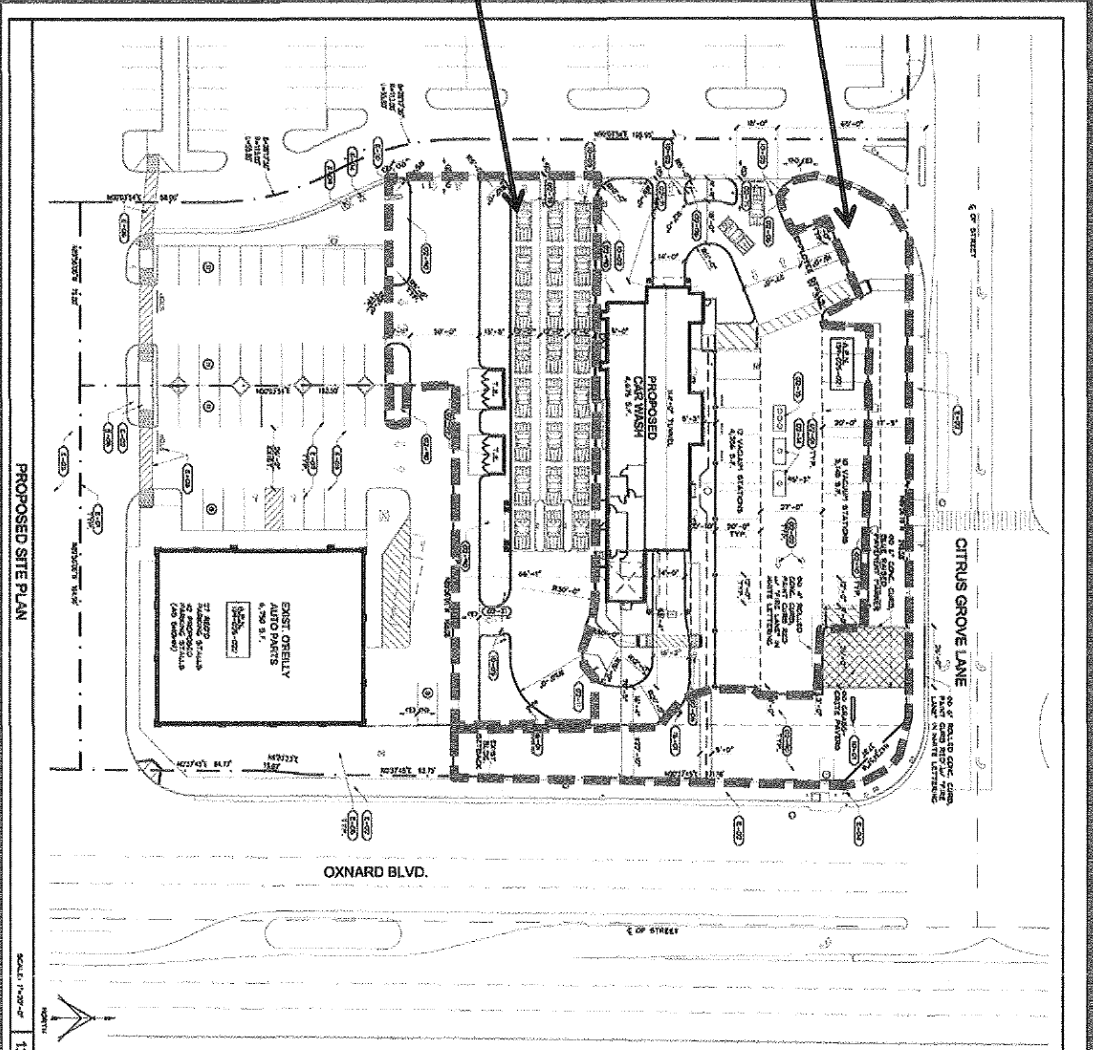
- Carriage Square Shopping Center Redevelopment approved in 2006
- Uses included Lowes, IHOP, O'Reilly Auto Parts, KFC, and other commercial uses
- Project site was previously approved for 33,000 sq. ft. of commercial office space
- Several site plans were considered by DAC and current site plan addressed traffic flow and emergency access

Project Development Summary

- Develop 1.57 acre site (previously approved for 33,000 sq. ft. office building)
- Remove Approx. 13,800 sq. ft. of existing parking lot adjacent to O'Reilly Auto Parts
- Construct 4,675 sq. ft. single-story car wash
- 19 covered customer parking spaces, 1 accessible space, and 4 employee spaces

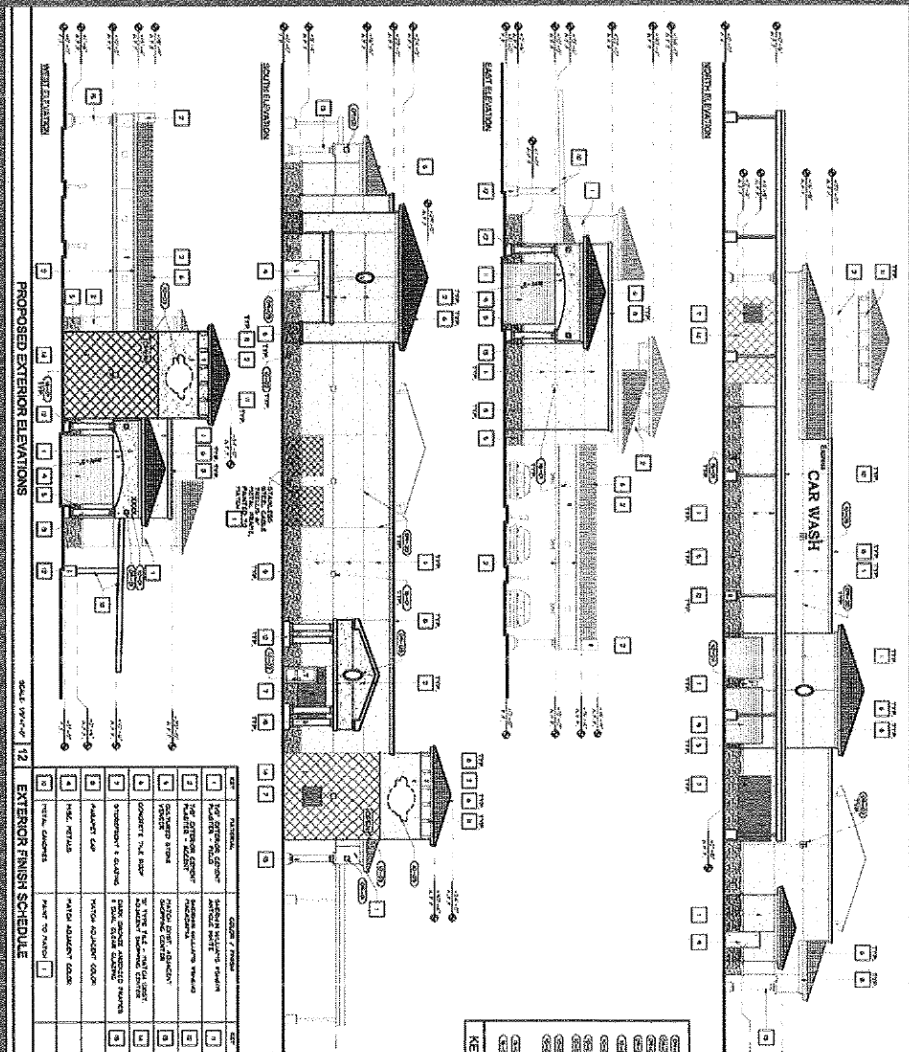
Site Plan

- Landscape screening along Oxnard Boulevard and Citrus Grove Lane
- Parking Lot/Drive Aisle area to be modified
- Sufficient emergency access from internal driveway and Citrus Grove Lane & shared loading zone



Building Elevations

- Tower elements up to 34 feet. Main roof of building at 25 feet.
- Stone veneer along base of building similar to existing buildings
- Mediterranean style architecture proposed to blend in with surrounding buildings



Zoning Code Consistency

- Setbacks: Yes
- Parking/Loading: Yes for both project site and O'Reilly Auto Parts
- Landscaping: Yes (31.68% of site)
- Signage: Yes per approved signage plan for overall shopping center (up to 413 square feet)
- Considered Categorically Exempt from CEQA

Recommendation

- Planning Commission adopt a resolution approving PZ. No. 14-550-02 (a Major Modification to Special Use Permit No. 05-500-02) subject to certain findings and conditions



April 27, 2015

**M
E
M
O**

TO: Juan Martinez

FROM: Lyn McGraw, Deputy City Clerk *LM*

SUBJECT: Appeal of Project Surf Thru Carwash

On April 23 2015 an appeal was filed by Robert Vermeltfoort along with a fee of \$692.19. The appellant is requesting an appeal of the April 2, 2015 Planning Commission decision regarding 14-550-02.

Also, attached is the Checklist for Appeal of Planning Commission Decision to be completed and returned to this office as soon as possible. Please also submit an electronic and hard copy Notice and letter to affected residents/property owners, together with labels to same.

cc: Ashley Golden, Planning & Environmental Services Manager
Matt Winegar, Development Services Director
Steve Fischer, City Attorney's Office

g:\appeal\notifystaff

PLEASE PROVIDE AN ORIGINAL AND 2 COPIES
A \$692.19 FEE MUST ACCOMPANY THIS APPEAL

TO: Oxnard City Clerk

NOTICE OF APPEAL
(from member of the public)

I, ROBERT VERMELTFORT, am aggrieved or directly affected by
(name of person filing appeal)

and appeal the 4.2.15 decision from the Planning Commission regarding Project No.
(date of PC meeting)

14-550-02, more particularly described as follows:

SURF THRU GARWASH

The grounds for appeal are:

THEY DID NOT SAY THAT ANY OF THE
STAFFS FINDINGS, SUPPORTING APPROVING
THE PROJECT WERE INCORRECT - THEY
JUST SAID THEY DID NOT WANT

I request the following relief:

THE GAR WASH

SEND ITEM TO CITY COUNCIL

(Signature)

Date: 4-17-15

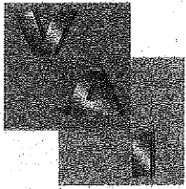
8525 N. CEDAR, SUITE 106
FRESNO, CA. 93720
(address)

cc: City Attorney
Project Planner
Development Services Department
Applicant

2015 APR 23 P 3:07

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APR 23 2015



Vermeltfoort
Architects Inc.
Architecture and Planning

City of Oxnard
Planning Division
Attention: Ashley Golden
214 South C. Street
Oxnard, CA 93030

April 14, 2015

RE: Planning and Zoning Permit No. 14-550-02

Dear Ms. Golden,

Please accept this letter as the appeal of the April 2, 2015 Planning Commission decision denying Applicant the right to proceed with the building of an express car wash in the Carriage Square shopping center development. The denial by Planning was not based on fact or law that could legitimately support a denial.

By way of history, Applicant had worked with City Staff for a long period to design a project that would meet the concerns and conditions of the City. Applicant and City Staff proceeded through 2 DAC meetings to address concerns of various departments with the result being full staff support upon submission to the planning commission. The process and team work between City Staff was exhaustive to create a quality project for Oxnard.

Despite staff support, the planning commission denied approval of the project in a split decision (4-3 vote). From the record, it appears that the Planning Commission denial was primarily based upon at least one commissioner's desire to have an office building on the project rather than a car wash. Another member indicated a preference to have a use that doesn't use any water. Neither reason is based upon fact or any law which would legally support denying the right of applicant or the land owner to develop the property.

First, a denial must be based on a set of findings that are factually based on the project itself and the set of laws governing the project. Simply preferring an undefined alternative use is not adequate grounds for a denial. The fact that planning commission would prefer an office building is not a legitimate denial. The planning commission has no legal basis for denying a project simply based upon an alternative use that a commissioner personally prefers. City Staff had exhaustively reviewed the ordinances and the design of the project, and the Commission arbitrarily denied the project and the right of applicant and the property owner to use the property. Further, according to the owner of the property, the office building that was approved for the site long ago is no longer feasible. Not only is there no longer a market for an office use on the site, but there is also insufficient parking available for an office use.

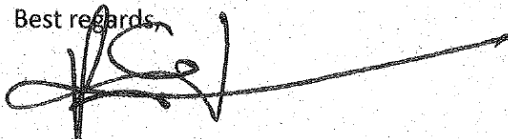
Second, addressing the other commissioner's preference to develop the property with a use that doesn't use water, that is obviously not a practical alternative. Ironically, Surf Thru is a cutting edge water saver who continues to voluntarily reduce water use on a per car basis by reclaiming, recycling,

and re-using water. The car wash industry has evolved from heavy water users to being an important water saver. Other communities have adopted measures to preserve water use, and to limit waste water flowing into our sewer systems. As community members lose the ability to wash their cars on their own, facilities such as this, where water is recycled and filtered, are the sustainable option. Traditionally, older car washes, will use 60-90 gallons of water in their process. People washing their cars at home can use 40-130 gallons of water with a hose. Surf Thru now has sites averaging 13-15 gallons per car. This average is not what is used for each car in the wash process but is the total usage when all water use including cleaning, toilets, sinks, and landscaping is included on a per car basis. It is undeniable that all business use water. It is also undeniable that a car wash like Surf Thru is a net water saver and a very important part of a community water savings strategy.

The owner of the property is Upside Investments of Oxnard. Surf Thru, Inc., and Upside have entered a long term ground lease of the property. Under the agreement, Surf Thru would build a state of the art, upscale, express car wash that will result in net water savings. The other tenants within Carriage Square have approved the use. Surf Thru prides itself on having nothing but the best in architectural design, state of the art equipment, and being a green friendly business by being a certified water saver, using green chemicals, using solar, and providing a system that ensures safe discharge into the sewer system.

The planning commission should have accepted staff recommendations and approved the project. Please get us scheduled as soon as possible for the City Council agenda.

Best regards,

A handwritten signature in black ink, appearing to read 'Robert Vermeltfoort', with a long horizontal line extending to the right.

Robert Vermeltfoort
Project Architect

Checklist for Appeal of Planning Commission Decision

Date: April 27, 2015

This is a checklist to ensure that an appeal/review of a Planning Commission decision is properly processed. Please complete this checklist as appropriate and return it to the City Clerk's Office as soon as possible.

Date of Planning Commission meeting	04/02/15
Project Description	Project No. 14-550-02
Appellant	Robert Vermeltfoort, Vermeltfoort Architects, Inc.
Address	8565 N. Cedar Suite 106, Fresno, CA 93720
Applicant's name & address	
Planner to prepare analysis	
CC meeting date	
Agenda report due	
Legal counsel	
Pertinent Code section	
Legally required to be advertised/ days before meeting*	
Date mailing labels due to Clerk (include applicant & special requests)	ASAP
Date notices should be mailed	
Other parties requesting notice (names & addresses)	

*Vida Newspaper requires one full day notice prior to publication (only prints on Thursdays). Please submit notice to City Clerk at least three days prior to desired publication date.**

(**Planning staff processes legal ads and mailed notices re reviews requested by Planning staff. City Clerk staff processes legal ads and mailed notices on appeals.)

g:\appeal\checklist

RESOLUTION NO. 2015-15

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD DENYING PLANNING AND ZONING PERMIT NO. 14-550-02 (MAJOR MODIFICATION TO SPECIAL USE PERMIT NO. 05-500-02) TO CONSTRUCT AND OPERATE A 4,675 SQUARE FOOT DRIVE-THROUGH, SELF-SERVE CAR WASH (SURF THRU CAR WASH) LOCATED ON A 1.57-ACRE SITE LOCATED IN THE LOWE'S SHOPPING CENTER, AT THE SOUTH WEST CORNER OF CITRUS GROVE LANE AND OXNARD BOULEVARD (1971 N. OXNARD BOULEVARD), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY ROBERT VERMELTFOORT WITH VAI ARCHITECTS, INC. ON BEHALF OF UPSIDE OXNARD, LLC, 23875 VENTURA BOULEVARD, SUITE 101, CALABASAS, CALIFORNIA 91302.

WHEREAS, on May 20, 2014 Robert Vermelfoort with Vai Architects, Inc. on behalf of Upside Oxnard, LLC (the "**Applicant**" and/or "**Permittee**") submitted a request to construct and operate a 4,675 square foot drive through, self-service car wash (Surf Thru Car Wash) located on a 1.57-acre site located in the Lowe's Shopping Center, at the south west corner of Citrus Grove Lane and Oxnard Boulevard (1971 N. Oxnard Boulevard); and

WHEREAS, on April 2, 2015, the Planning Commission of the City of Oxnard ("**Planning Commission**") conducted a duly noticed public hearing to consider Applicant's request to construct and operate a 4,675 square foot drive through, self-service car wash (Surf Thru Car Wash) located on a 1.57-acre site located in the Lowe's Shopping Center, at the south west corner of Citrus Grove Lane and Oxnard Boulevard (1971 N. Oxnard Boulevard) (the "**Project**") in accordance with Section 16-530 through 16-553 of Oxnard City Code; and

WHEREAS, all persons wishing to testify in connection with the proposed Project were heard and the Planning Commission conducted a comprehensive review of the Application; and

WHEREAS, it is appropriate for the Planning Commission to consider the interest of neighboring property owners in reaching a decision whether to grant or deny the Project and the opinions of these individuals may constitute substantial evidence to support a particular finding the Planning Commission is required to make; and

WHEREAS, the Project was referred to various public utility companies, City departments and the Development Advisory Committee for recommendations.

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 that the proposed use will adversely affect and be materially detrimental to adjacent uses and the public health, safety and general welfare.

SECTION 2. Based on the findings set forth herein, the Planning Commission hereby denies Planning and Zoning Permit 15-550-02 (Major Modification to Special Use Permit No. 05-500-02).

SECTION 3. Based on the Planning Commission's denial of the Project, the Project is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15061(b)(4) and 15270(a) of the State CEQA Guidelines.

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.

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Oxnard on this 16th day of April, 2015.

Vincent Stewart, Chair

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Oxnard at a meeting held on 16th day of April, 2015, and carried by the following vote:

AYES: Commissioner(s): Okada, Dozier, Nash, Stewart

NOES: Commissioner(s): None

ABSENT: Commissioner(s): Frank, Huber, Mullin

ABSTAIN: Commissioner(s): None

Ashley Golden, Secretary

CITY COUNCIL OF THE CITY OF OXNARD
RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD UPHOLDING THE DECISION OF PLANNING COMMISSION AND DENYING PLANNING AND ZONING PERMIT NO. 14-550-02 (MAJOR MODIFICATION TO SPECIAL USE PERMIT NO. 05-500-02) TO CONSTRUCT AND OPERATE A 4,675 SQUARE FOOT DRIVE-THROUGH, SELF-SERVE CAR WASH (SURF THRU CAR WASH) ON A 1.57-ACRE SITE LOCATED IN THE LOWE'S SHOPPING CENTER, AT THE SOUTHWEST CORNER OF CITRUS GROVE LANE AND OXNARD BOULEVARD (1971 N. OXNARD BOULEVARD), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY ROBERT VERMELTFOORT WITH VAI ARCHITECTS, INC. ON BEHALF OF UPSIDE OXNARD, LLC, 23875 VENTURA BOULEVARD, SUITE 101, CALABASAS, CALIFORNIA 91302.

WHEREAS, on May 20, 2014, Robert Vermelfoort with Vai Architects, Inc. on behalf of Upside Oxnard, LLC (the "**Applicant**" and/or "**Permittee**") submitted a request to construct and operate a 4,675 square foot drive through, self-service car wash (Surf Thru Car Wash) located on a 1.57-acre site located in the Lowe's Shopping Center, at the south west corner of Citrus Grove Lane and Oxnard Boulevard (1971 N. Oxnard Boulevard); and

WHEREAS, on April 2, 2015, the Planning Commission of the City of Oxnard ("**Planning Commission**") conducted a duly noticed public hearing to consider Applicant's request to construct and operate a 4,675 square foot drive through, self-service car wash (Surf Thru Car Wash) located on a 1.57-acre site located in the Lowe's Shopping Center, at the south west corner of Citrus Grove Lane and Oxnard Boulevard (1971 N. Oxnard Boulevard) (the "**Project**") in accordance with Section 16-530 through 16-553 of Oxnard City Code; and

WHEREAS, the Planning Commission considered Planning and Zoning Permit No. 14-550-02 (Major Modification to Special Use Permit No. 05-500-02) and took action to deny the Project; and

WHEREAS, the City Council has considered the appeal of the Planning Commission action to deny the Project, filed on April 23, 2015, by Applicant and has carefully reviewed the decision of the Planning Commission; and

WHEREAS, section 15270(a) of the State Guidelines to the California Environmental Quality Act (CEQA) provides that CEQA does not apply to projects that are disapproved.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Oxnard upholds the decision of the Planning Commission and denies Planning and Zoning Permit No. 14-550-02 (Major Modification to Special Use Permit No. 05-500-02) for the reasons set forth and described in Planning Commission Resolution No. 2015-0X.

PASSED AND ADOPTED by the City Council of the City of Oxnard on the 19th day of

Resolution No.
May 19, 2015
Page 2

May 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Tim Flynn, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Stephen M. Fischer, Interim City Attorney

CITY COUNCIL OF THE CITY OF OXNARD
RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD OVERTURNING THE DECISION OF PLANNING COMMISSION AND APPROVING PLANNING AND ZONING PERMIT NO. 14-550-02 (MAJOR MODIFICATION TO SPECIAL USE PERMIT NO. 05-500-02) TO CONSTRUCT AND OPERATE A 4,675 SQUARE FOOT DRIVE-THROUGH, SELF-SERVE CAR WASH (SURF THRU CAR WASH) ON A 1.57-ACRE SITE LOCATED IN THE LOWE'S SHOPPING CENTER, AT THE SOUTHWEST CORNER OF CITRUS GROVE LANE AND OXNARD BOULEVARD (1971 N. OXNARD BOULEVARD), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY ROBERT VERMELTFOORT WITH VAI ARCHITECTS, INC. ON BEHALF OF UPSIDE OXNARD, LLC, 23875 VENTURA BOULEVARD, SUITE 101, CALABASAS, CALIFORNIA 91302.

WHEREAS, on May 20, 2014, Robert Vermelfoort with Vai Architects, Inc. on behalf of Upside Oxnard, LLC (the "**Applicant**" and/or "**Permittee**") submitted a request to construct and operate a 4,675 square foot drive through, self-service car wash (Surf Thru Car Wash) located on a 1.57-acre site located in the Lowe's Shopping Center, at the south west corner of Citrus Grove Lane and Oxnard Boulevard (1971 N. Oxnard Boulevard); and

WHEREAS, on April 2, 2015, the Planning Commission of the City of Oxnard ("**Planning Commission**") conducted a duly noticed public hearing to consider Applicant's request to construct and operate a 4,675 square foot drive through, self-service car wash (Surf Thru Car Wash) located on a 1.57-acre site located in the Lowe's Shopping Center, at the south west corner of Citrus Grove Lane and Oxnard Boulevard (1971 N. Oxnard Boulevard) (the "**Project**") in accordance with Section 16-530 through 16-553 of Oxnard City Code; and

WHEREAS, the Planning Commission considered Planning and Zoning Permit No. 14-550-02 (Major Modification to Special Use Permit No. 05-500-02) and took action to deny the Project; and

WHEREAS, the City Council has considered the appeal of the Planning Commission action to deny the Project, filed on April 23, 2015, by Applicant and has carefully reviewed the decision of the Planning Commission; and

WHEREAS, the Planning 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 categorical exemption; and

WHEREAS, the Project was referred to various public utility companies, City departments and the Development Advisory Committee for recommendations.

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

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

- (1) **The proposed use is in conformance with the City of Oxnard 2030 General Plan and the elements thereof and other adopted standards.**

The proposed use is consistent with the 2030 General Plan since the proposed development is consistent with the site's land use designation of Commercial Community (C-2, P-D) zone and development policies of the 2030 General Plan..

- (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 proposed use is consistent with uses considered and permitted by the General Commercial, Planned-Development (C-2, P-D) zone. Construction activities, anticipated uses, and development design will be subject to standard construction requirements of the Building, Fire, and Traffic Codes. Therefore, the proposed use and improvements are not expected to have adverse effects or be materially detrimental the adjacent uses, buildings or structures or to the public health, safety or general welfare.

- (3) **The site for the proposed use is adequate in size and shape to accommodate the setbacks, parking, landscaping, and other City standards except as may be specifically excepted by the special findings and conditions of this Resolution.**

Development as proposed will meet the development standards of the General Commercial, Planned-Development (C-2, P-D) zone, parking and landscape design standards as described and shown in Section 6c of the Planning Commission Staff Report. As such, the subject site is adequate in terms of size and as developed the development meets or exceeds City's design standards and parking will be met on-site

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

The development is located along two major thoroughfares in the City and as described in Section 6e of the Planning Commission Staff Report, the Project will construct driveway improvements in accordance with the requirements of the City's Traffic Engineer and the City's Fire Department. As a result, the site has sufficient access to streets and highways that are adequate in size and after construction intersections considered in the review of the Project will operate at acceptable levels of service.

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

The Project is considered infill development that has been found to be consistent with anticipated development for this site. Furthermore, the Project will be served by existing water and sewer connections along the Lowe's Shopping Center drive aisle bordering the property to the west. In accordance with the Stormwater Quality Conditions of this Resolution, the Project's design will comply with stormwater control measures as required by the Los Angeles Regional Water Quality Control Board's municipal separate storm sewer system ("MS4") permit.

SECTION 2. The City Council, 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 (New Construction or Conversion of Small Structures), Class 3 of the State CEQA Guidelines. This section pertains to projects found consistent with the applicable General Plan designation policies as well as with applicable zoning designation and regulations; the proposed development would not exceed 10,000 square feet in floor area; the Project site has no value as habitat for endangered, rare or threatened species; the proposed Project does not involve the use of significant amounts of hazardous substances; and the Project site can be adequately served by all required utilities and public services. The Planning Manager is hereby authorized and directed to file a Notice of Exemption with the Ventura County Clerk pursuant to Section 15062 of the State CEQA Guidelines within five (5) working days of passage, approval and adoption of this Resolution.

SECTION 3. Based on the findings set forth herein, the City Council hereby approves Planning and Zoning Permit 14-550-02 (Major Modification to Special Use Permit 05-500-02), subject to the attached conditions of approval.

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 January 5, 2015, ("the plans") on file with the Planning Division. The project shall conform to the plans, except as otherwise specified in these conditions, or unless a minor modification to the plans is approved by the Planning and Environmental Services Manager ("Planning Manager") or a major modification to the plans is approved by the Planning Commission. A minor modification may be granted for minimal changes or increases in the extent of use or size of structures or of the design, materials or colors of structures or masonry walls. A major modification shall be required for substantial changes or increases in such items. (PL, *G-2*)
3. This permit shall automatically become null and void 36 months from the date of its issuance, unless Developer has diligently developed the proposed project, as shown by the issuance of a grading, foundation, or building permit and the construction of substantial improvements. (PL, *G-3*)
4. All required off-site and on-site improvements for the project, including structures, paving, and landscaping, shall be completed prior to occupancy unless the Development Services Manager allows Developer to provide security or an executed agreement approved by the City Attorney to ensure completion of such improvements. (DS, *G-4*)
5. By commencing any activity related to the project or using any structure authorized by this permit, Developer accepts all of the conditions and obligations imposed by this permit and

- waives any challenge to the validity of the conditions and obligations stated therein. (CA, G-5)
6. Developer agrees, as a condition of adoption of this resolution, at Developer's own expense, to indemnify, defend and hold harmless the City and its agents, officers and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of the resolution or any condition attached thereto or any proceedings, acts or determinations taken, done or made prior to the approval of such resolution that were part of the approval process. (CA, G-6)
 7. Any covenants, conditions, and restrictions (CC&Rs) applicable to the project property shall be consistent with the terms of this permit and the City Code. If there is a conflict between the CC&Rs and the City Code or this permit, the City Code or this permit shall prevail. (CA, G-7)
 8. Developer shall complete the "Notice of Land Use Restrictions and Conditions" form, using the form provided by the City, for recording with the Ventura County Recorder. Before the City issues building permits, Developer shall submit the original completed, signed and notarized document, together with the required fees to the Planning Manager. (PL, G-8)
 9. Developer shall provide off-street parking for the project, including the number of spaces, stall size, paving, striping, location, and access, as required by the City Code. (PL/B, G-9)
 10. Before placing or constructing any signs on the project property, Developer shall obtain a sign permit from the City. Except as provided in the sign permit, Developer may not change any signs on the project property. (PL/B, G-10)
 11. Developer shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, G-11)
 12. Developer shall not permit any combustible refuse or other flammable materials to be burned on the project property. (FD, G-12)
 13. Developer shall not permit any materials classified as flammable, combustible, radioactive, carcinogenic or otherwise potentially hazardous to human health to be handled, stored or used on the project property, except as provided in a permit issued by the Fire Chief. (FD, G-13)
 14. If Developer, owner or tenant fails to comply with any of the conditions of this permit, the Developer, owner or tenant shall be subject to a civil fine pursuant to the City Code. (CA, G-14)

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

LANDSCAPE STANDARD CONDITIONS

16. Prior to submittal of landscape and irrigation plans, Developer shall obtain approval of the Planning Manager or designee of a plan showing on the project property all existing trees and identifying the trees to be saved, transplanted or removed. (PK, PK-1)
17. Prior to issuance of building permits or the proposed use is initiated, whichever comes first, Developer shall submit two copies of landscape and irrigation plans, along with the appropriate permit application and fees, to the Development Services Division and obtain approval of such plans. (PK/DS, PK-2)
18. Prior to issuance of a certificate of occupancy, Developer shall install landscape and automatic irrigation systems that have been approved by Parks and Facilities Superintendent. (PK, PK-3)
19. Developer shall properly maintain landscape planting and all irrigation systems as required by the City Code and as specified by this permit. Failure of Developer to do so may result in the revocation of this permit and initiation of legal proceedings against Developer to ensue compliance (PK, PK-4)
20. Prior to the issuance of City issues a certificate of occupancy, Developer shall provide a watering schedule to the building owner or manager and to Planning Division or designee. The irrigation system shall include automatic rain shut-off devices, or instructions on how to override the irrigation system during rainy periods. (PK, PK-5)
21. At the time of planting, Developer shall provide at least 24-ince box size for all new trees planted on the subject property by. All shrubs and vines planted under the subject permit by the Developer shall be at least five-gallon size, except as otherwise specified by this permit. (PK, PK-6)
22. Developer shall install an irrigation system that includes a water sensor shut off device as a water conservation measure. (PK, PK-22)

LANDSCAPE SPECIAL CONDITIONS

23. All landscaping and irrigation shall comply with Ordinance No. 2822, which adopted the City of Oxnard Landscape Water Conservation Standards. (PK)
24. At the time of Plan Check submittal, the landscape plans shall contain an exhibit titled "Tree Tabulation Chart". The Tree Tabulation Chart shall contain a listing of all existing

trees on site and shall refer to them by number as identified in the Arborist's Tree Report. The Tree Tabulation Chart shall clearly list all trees to remain, be removed or transplanted. The Chart shall contain the Arborist's economic appraisal value of each tree(s) removed as well as computations and calculations showing how the value of the removed tree(s) was put back into new tree sizes for the project that are in addition to meeting the City's minimum tree size of 24" box. (PK)

25. A 36" high continuous visual screen shall be provided (at time of planting) to help screen on site cars from the adjacent roadways of Citrus Grove Lane and Oxnard Boulevard. (PK)

FIRE DEPARTMENT STANDARD CONDITIONS

26. 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)
27. 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)
28. 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)
29. 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)
30. 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)
31. The project shall meet the minimum requirements of the "Fire Protection Planning Guide" published by the Fire Department. (FD, F-6)
32. 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)
33. Developer shall identify all hydrants and fire protection equipment on the project property as required by the Fire Chief. Once the information is provided, additional hydrants may be

required per the Fire Chief. (FD, F-8)

34. Developer shall provide central station monitoring of the fire sprinkler system and all control valves. (FD, F-10)
35. 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)
36. 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)
37. 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)
38. Developer shall install in each structure in the project a system that automatically opens the skylights and/or smoke vents in areas affected by fire. If applicable. (FD, F-14)
39. Developer shall comply with Certified Unified Program Agency (CUPA) requirements regarding the storage, handling and generation of hazardous materials or waste. Prior to the issuance of building permits, Developer shall contact the CUPA division of the Fire Department to ensure that such requirements are followed. (FD, F-16)

FIRE DEPARTMENT SPECIAL CONDITIONS

40. Before the City issues a certificate of occupancy, the developer shall install a Knox key vault at a location to be determined by the Fire Department. (FD)
41. Developer shall ensure Fire Department access through man-gates, either by Knox lock devices or other Fire Department approved means. (FD)
42. Emergency access areas shall be marked and maintained in accordance to the requirement of the Fire Department. (FD)
43. The proposed final design and specifications of the emergency access along the frontage at Citrus Grove Lane, shall be approved by the Fire Marshal. (FD)

PLANNING DIVISION STANDARD CONDITIONS

44. 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)
45. 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)
46. 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)
47. Before the City issues building permits, Developer shall provide to the Planning Division Manager color photographic reductions (8 1/2" by 11") of full-size colored elevations and any other colored exhibit approved by the Planning Commission. Developer may retain the full-size colored elevations after the reductions are so provided. (PL, PL-4)
48. Developer acknowledges that because of population limitations placed on the City by the Air Quality Management Program, approval of this permit does not guarantee that the City will issue building permits. The City's issuance of building permits may be delayed as a result of implementation of an air quality plan. (PL, PL-5)
49. Developer may not modify any use approved by this permit unless the Planning Division Manager determines that Developer has provided the parking required by the City Code for the modified use. (PL, PL-7)
50. During the plan check review process, the Developer shall provide a lighting plan that provides design details (light standards, bollards, wall mounted packs, etc.) and illumination site information within alleyways, pathways, streetscapes, and open spaces proposed throughout the development. An electrical engineer shall prepare the site lighting plan demonstrating that adequate lighting ranges will be provided throughout the development without creating light spillover, light pollution, or conflicts with surrounding factors such as tree locations, off-site or adjacent lighting. (PL)
51. Prior to issuance of building permits, Developer shall demonstrate that light standards illustrated on conceptual lighting plan do not conflict with tree locations. Developer shall submit a plan showing both the lighting and landscape on the same sheet.
52. Project on-site lighting shall be of a type and in a location that does not constitute a hazard to vehicular traffic, either on private property or on adjoining streets. To prevent damage from vehicles, standards in parking areas shall be mounted on reinforced concrete pedestals or otherwise protected. Developer shall recess or conceal under-canopy lighting elements so as not to be directly visible from a public street. Developer shall submit a lighting plan

showing standard heights and light materials for design review and approval of the Planning Division Manager. (PL/B, *PL-8*)

53. In order to minimize light and glare on the project property, all parking lot and exterior structure light fixtures shall be high cut-off type that divert lighting downward onto the property and shall not cast light on any adjacent property or roadway. (PL, *PL-9*)
54. 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*)
55. During construction, Developer shall control dust by the following activities:
 - a. All trucks hauling graded or excavated material offsite shall be required to cover their loads as required by California Vehicle Code section 23114, with special attention to sub sections 23114(b)(2)(F), (e)(2) and (e)(4) as amended, regarding the prevention of such material spilling onto public streets and roads.
 - b. All graded and excavated material, exposed soils areas, and active portions of the construction site, including unpaved onsite roadways, shall be treated to prevent fugitive dust. Treatment shall include, but not necessarily be limited to, periodic watering, application of environmentally-safe soil stabilization materials, and/or roll-compaction as appropriate. Watering shall be done as often as necessary and reclaimed water shall be used whenever possible. (B/DS, *PL-12*)
56. Developer shall provide for dust control at all times during project property preparation and construction activities. (B/DS, *PL-13*)
57. 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*)
58. 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*)
59. 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*).

60. 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)
61. Developer shall recess or screen roof heating and cooling systems and other exterior mechanical equipment from adjoining property and public streets, as required by this permit. Plumbing vents, ducts and other appurtenances protruding from the roof of structures shall be placed so that they will not be visible from the front of the property or other major public vantage points. Developer shall include a note on the construction plumbing drawings of exterior elevations to indicate to contractors that roof features shall be grouped and located in the described manner. Roof vents shall be shown on construction drawings and painted to match roof material color. (PL/B, PL-41)
62. Developer shall install all roof and building drainpipes and downspouts inside building elements. These items shall not be visible on any exterior building elevations. (PL, PL-42)
63. For any exterior utility meter panels, Developer shall paint such panels to match the structure upon which it is located. Such panels shall be located to take advantage of screening (e.g. landscaping or other building elements) from public right-of-ways, to the maximum extent feasible. (PL, PL-43)
64. Prior to issuance of a certificate of occupancy, Developer shall remove all construction materials and vehicles from the subject property. (PL/B, PL-47)

PLANNING DIVISION SPECIAL CONDITIONS

65. Before the City issues building permits, Developer shall submit and obtain approval from Carriage Square (Upside Oxnard, LLC) of a master sign program for the project, which shall indicate on the site plan the elevations, the size, placement, materials, and color of all proposed free-standing and building signs. The square footage of all signs for the project shall not exceed 413.26 square feet, calculated in accordance with the City Code. (PL/ B, PL-46)
66. Car Wash operations shall be restricted to daily operational hours of 7:00 AM to 9:00 PM.
67. Developer shall install toilets that have automatic flush sensors in all public restrooms. Such toilets shall be included on the plans submitted for a building permit and shall be maintained and in working order at all times. (PL)
68. Developer shall install individual mirrors above each sink in a public restroom to the satisfaction of the Planning Division Manager. The details of such mirrors shall be approved prior to issuance of a building permit. Developer shall remove graffiti from the mirrors or replace the mirrors within 24 hours of graffiti appearance. (PL)

69. 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)
70. Before the City issues building permits, Developer shall provide a Graffiti Deterrent Plan, subject to the approval the Planning Division Manager. Such plan shall include such elements as clear film on windows and/or mirrors, as well as washable paint and sealers on the building and perimeter walls. (PL)

ENVIRONMENTAL RESOURCES DIVISION

71. To ensure that solid waste generated by the Project is diverted from the landfill and reduced, reused or recycled, Permittee 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. Permittee shall use the Plan form.
72. Permittee 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, Permittee 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, Permittee 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. Permittee shall submit and obtain approval of the Work Completed Report prior to issuance of a certificate of occupancy.
73. Permittee shall arrange for materials collection during construction, demolition, and occupancy with the City's Environmental Resources Division or Permittee shall arrange for self-hauling to an authorized facility.
74. Permittee shall make provisions to divert at least 50% of the waste material generated during occupancy through source reduction, recycling, reuse, and green waste programs.

Permittee shall complete and submit a "City of Oxnard C&D Environmental Resources Management & Recycling Occupancy Plan" ("Occupancy Plan") to the City's Environmental Resources Division. An Occupancy Plan must be submitted and approved prior to issuance of a certificate of occupancy. A "City of Oxnard C&D Environmental Resources Management & Recycling Occupancy Report" shall be submitted to the Environmental Resources Division annually on the anniversary date of the certificate of occupancy for approval.

DEVELOPMENT SERVICES DIVISION STANDARD CONDITIONS

75. Permittee 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)
76. Permittee's Engineer shall design parking lot structural sections based on an analysis of the soils R-value and a traffic index (T.I.) approved by the City Engineer. The minimum structural section for parking lots is two inches of asphalt on four inches of base material. Permittee shall indicate the proposed structural section and design T.I. on the site improvement plans. (DS-2)
77. Permittee shall have the site improvement plans prepared using standard Development Services Division format(s) by a civil engineer licensed in the State of California. The plans shall incorporate recommendations from soil engineering and geology reports. Prior to issuance of a grading permit, improvement plans must be approved by the City Engineer and ink-on-mylar plans filed with the Development Services Division. (DS-3)
78. Permittee shall submit improvement plans and drainage calculations demonstrating that storm drain runoff from the Project property and all upstream areas will be safely conveyed to an approved drainage facility. The design and conveyance route shall be compatible with the City's Master Plan of Drainage and shall be approved by the City Engineer prior to approval of improvement plans. (DS-4)
79. Permittee shall protect building pads from inundation during a 1% chance (100-year) storm. (DS-5)
80. Developer shall replace all broken, uplifted, or missing curb, gutter, or sidewalk along the street frontage(s) of the project. (DS-6)
81. 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)

82. 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)
83. Permittee's site improvement plans shall include an on-site sewer plan. (DS-10)
84. Permittee shall provide fire hydrants such that all points of all structures are within one hundred fifty (150) feet of a fire hydrant, or as otherwise approved by the Fire Department. Fire hydrant line improvements shall be designed in accordance with City standards and shown on the civil site improvement plans prior to issuance of a site improvement/grading permit. Permittee shall provide the City with an easement over on-site waterlines using standard City format. (DS-11)
85. Permittee 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)
86. A California licensed civil engineer shall prepare the public improvement plans and documents for this Project in accordance with City standards and shall submit all such plans to the City Engineer. Submittal shall include, but not necessarily be limited to, grading, street, drainage, sewer, water and other appurtenant improvement plans, construction cost estimates, soils reports, and all pertinent engineering design calculations. City will not approve a parcel map or final map nor issue a grading, site improvement or building permit until the City Engineer has approved all improvement plans. (DS-15)
87. Prior to issuance of a site improvement permit, Permittee shall provide to the Development Services Division a compact Disc (CD) containing digital copies of all Project maps, address map, and/or civil improvements drawings in DWG format. Prior to improvement bond release, Permittee shall provide an updated CD containing all changes that occur during construction. (DS-16)
88. Permittee shall remove graffiti from the Project, including graffiti on off-site public infrastructure under construction by Permittee, within 24 hours of its appearance. If Permittee fails to remove graffiti in accordance with this condition, the City may at the discretion of the Development Services Manager issue a stop work order until such time as the graffiti is removed. (DS-20)
89. 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)
90. Permittee shall pay the cost of all inspections of on-site and off-site improvements. (DS-22)

91. Permittee shall be responsible for all Project-related actions of Permittee's employees, contractors, subcontractors, and agents until City accepts the improvements. (DS-23)
92. Prior to beginning construction, Permittee shall designate in writing an authorized agent who shall have complete authority to represent and to act for Permittee. The authorized agent shall be present at the work site whenever work is in progress. Permittee 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 Permittee's expense. (DS-24)
93. "Standard Specifications for Public Works Construction" latest edition (including modifications thereto by City) and applicable City Standard Plates and Design Criteria shall be the Project specifications, except as noted otherwise on the approved improvement plans. City reserves the right to upgrade, add to, or revise these specifications and plans and all other City ordinances, policies, and standards. If the improvements required of this Project are not completed within 12 months from the date of City's approval of the improvement plans, Permittee shall comply with and conform to any and all upgraded, additional or revised specifications, plans, ordinances, policies and standards. (DS-27)
94. Permittee shall retain a California licensed Civil Engineer to ensure that the construction work conforms to the approved improvement plans and specifications and to provide certified "as-built" plans after Project completion. Permittee's submittal of certified "as-built" plans is a condition of City's final acceptance of the Project and release of any associated security. (DS-29)
95. All grading shall conform to City's standard grading notes, City Code, and recommendations of Permittee's soils engineer as approved by the City Engineer. (DS-30)
96. Permittee shall design all slopes steeper than 5 (horizontal) to 1 (vertical) with a minimum 18 inch wide level area (at both top and bottom of slope) where it adjoins a wall, fence, sidewalk, trail, curb or similar improvement. (DS-32)
97. Permittee 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)
98. Prior to issuance of building permits, Permittee shall present to the City Engineer a "Proof of Payment - Authorization for Building Permits" form issued by the Calleguas Municipal Water District. (DS-44)
99. Permittee shall install City approved backflow prevention devices for water connections if so ordered by the City Engineer. (DS-45)

100. Prior to designing the water system for the Project, Permittee shall have a certified fire flow test performed to determine existing water pressure and flow characteristics. The water system shall be designed to allow for a 10 psi drop in the static water pressure measured during the fire flow test. After construction and before City issues a certificate of occupancy, the City Engineer may require a second test. Permittee shall obtain permits from the City Engineer prior to performing tests. Permittee shall have all tests certified by a mechanical, civil, or fire protection engineer and provide written results of all tests to the City Engineer. (DS-47)
101. Permittee shall submit a landscape irrigation plan prepared by a licensed professional, showing proper water meter size, backflow prevention devices, and cross-connection control. (DS-59)
102. Permittee shall construct a concrete apron along the length of the trash enclosure opening that extends a minimum of 15 feet from the face of the enclosure. (DS-69)
103. Permittee shall provide adequate vehicle sight distance as specified by CalTrans specifications at all driveways and intersections. (TR-71)
104. Permittee shall install bike racks in accordance with City standards at locations approved by City Traffic Engineer. (TR-73)

STORMWATER QUALITY CONDITIONS

105. Developer shall construct double-bin trash enclosures (one bin for recycle use) with a solid non-combustible roof (8-foot minimum clearance) that prevents stormwater from entering the refuse bins. Developer shall construct all other components of the trash enclosure in accordance with the approved City Standard Plan on file with the Development Services Division. Developer shall finish the trash enclosure to match the major design elements of the main structure subject to approval by the Planning Division. The location and configuration of the enclosure shall be approved by the Environmental Resources Division. All site refuse bins shall be stored in an approved enclosure. No objects other than refuse bins may be stored in the enclosure without the written permission of the Environmental Resources Division. (DS-79)
106. Prior to issuance of a grading, building or demolition permit and prior to commencement of any clearing, grading or excavation, Developer shall provide evidence of assignment of a permit identification number by the California State Water Resources Control Board indicating submittal of a Notice of Intent (NOI) by the Developer in accordance with the NPDES Construction General Permit. Developer shall comply with all requirements of the General Permit and the Ventura Countywide MS4 Permit, including preparation of a Stormwater Pollution Prevention Plan (SWPPP). Developer shall keep the SWPPP updated to reflect current site conditions and a copy of the SWPPP shall be kept onsite and available for City or designated representative to review upon request. (DS-86)

DEVELOPMENT SERVICES DIVISION SPECIAL CONDITIONS

107. Developer shall pay to the County of Ventura a road mitigation fee in accordance with the agreement between the City and the County of Ventura. Proof of payment shall be provided to the Development Services Division prior to issuance of a building permit. (DS-105)
108. Developer shall construct proposed walkways that cross vehicular drive aisles of colored enhanced concrete. The concrete color shall contrast with the parking lot asphalt (or other surface) to clearly identify pedestrian areas. (DS)
109. Developer shall construct a minimum 7-foot wide sidewalk at all locations where the sidewalk is constructed adjacent to the front of parking spaces. (DS)
110. Developer shall abandon (by disconnection at the main) all water meter laterals that will not be used by the project. (DS)
111. Prior to issuance of a site improvement permit, Developer shall provide evidence of recordation of a reciprocal access agreement (or similar document) that provides for cross lot use of trash enclosures. (DS)
112. This development is a phase of Planning and Zoning permit 05-500-02 which meets exemption criteria allowing the project to provide stormwater quality treatment in accordance with the requirements of the July 2000 Municipal Separate Storm Sewer System (MS4), and associated 2002 Technical Guidance Manual ("TGM") based on the exception criteria included in the 2010 MS4 permit and associated 2011 TGM. Developer shall provide calculations verifying that previously constructed MS4 site improvements are designed to intercept and effectively prevent pollutants from discharging to the public storm drain system in accordance with the applicable MS4 permit and shall upgrade any improvements found to be inadequate. All stormwater quality system improvements shall be approved by the City Engineer prior to the issuance of an infrastructure improvement permit. (DS)
113. Developer shall provide proof of recordation of a document that holds this property owner responsible for implementation and perpetual maintenance of all long-term post-construction BMPs serving this project. (DS)
114. Developer shall redesign the site drainage at the reconstructed driveway serving the existing retail building to eliminate the "concrete channel" and associated cross gutter by addition of a catch basin connected to the site storm drain system. (DS)
115. Developer shall install "No Entry" signs at the drive aisle aligned with the exit from the car wash building and also at the exit from the vacuum station area. (TR)

116. Developer shall install "STOP" sign (R1-1) and associated pavement markings at the reconfigured drive aisle between the car wash and the existing retail building to the south.
(TR)
117. The grasscrete drive aisle shall be bordered on both sides by a concrete mow strip.
Developer shall delineate the emergency access aisle as directed by the Fire Department.
(TR)

PASSED AND ADOPTED by the City Council of the City of Oxnard on the 19th day of May 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Tim Flynn, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Stephen M. Fischer, Interim City Attorney



Meeting Date: 05/19/15

ACTION	TYPE OF ITEM
☐ Approved Recommendation	☐ Info/Consent
☐ Ord. No(s). _____	☐ Report
☐ Res. No(s). _____	☐ Public Hearing (Info/consent)
☐ Other _____	☒ Other City Council Business

Prepared By: Luly A. Lopez *L.L.*Agenda Item No. *N-1*Reviewed By: City Manager *JM*City Attorney *S.M.F.*Finance *[Signature]*

Other (Specify) _____

DATE: May 11, 2015**TO:** City Council**FROM:** Daniel Martinez, City Clerk *[Signature]*
City Clerk's Office**SUBJECT:** Appointments of Councilmembers to Boards and Commissions**RECOMMENDATION**

That the Mayor, with the approval of the City Council appoint members and alternates from the City Council to the:

1. Ventura Regional Sanitation District (appoint Councilmember Perello the member and Mayor Flynn the alternate).
2. Carnegie Art Museum Cornerstones Board of Directors ("Cornerstones") {appoint one or two Councilmembers to the Board}.

DISCUSSION

On January 27, 2015, appointments were made to the various boards and commission. Mayor Flynn was appointed the member and Councilmember Perello as the alternate to the Ventura Regional Sanitation District ("Board"). Because the Board meets the first and third Thursday of each month at 8:30 a.m., Councilmember Perello has been attending as the alternate. This action is to make Councilmember Perello the member and Mayor Flynn the alternate.

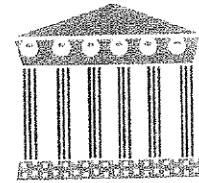
In July, 2010, the City Council and the Cornerstones commenced a 10-year contract for the Cornerstones to assume the management responsibility of the museum. The Cornerstones Board invites the City Council to appoint one or two members to participate on the Board.

FINANCIAL IMPACT

None.

DM:lal

Attachment #1 - Request from the Carnegie Art Museum Cornerstones for Representative



Carnegie Art Museum Cornerstones

**CAM Cornerstones
Board**

Jackson Wheeler
President

Steven L. Kinney
Past President

Cesar Perez
Vice President

Joseph A. Rund
Treasurer

Amy Cherot
Secretary

Suzanne Chadwick
(on leave of absence)

Virginia Espinoza

Marisa I. Lopez

Katrina Maksimuk

Cesar Perez

Kerry Roscoe

Donna Santo

February 2, 2015

Mayor Flynn and Members of Oxnard City Council
300 W. Third Street
Oxnard, CA 93030

RE: Representation on Carnegie Art Museum Board of Directors

Dear Mayor Flynn and Council Members:

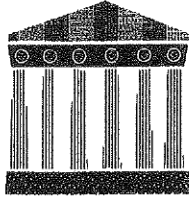
The Carnegie Art Museum Cornerstones Board of Directors has asked me to respond on its behalf to the query made by Councilmember Padilla on January 27, concerning interest in having City Council representation on the Board.

In short, we welcome your interest and participation in the governance of your museum. To refresh your knowledge of the current relationship, it was in July of 2010 that the City Council and the Cornerstones (previously the volunteer private fund-raising arm) commenced a 10-year contract for the Cornerstones to assume the management responsibility of the museum. At that time, by the attached letter to the City Council, the Cornerstones invited City Council to appoint one or two members to sit on the Cornerstones Board, and specifically structured our Bylaws so as to accommodate City Council membership.

Please review the 2010 letter, and know that nothing has changed from our original sentiments expressed there. The Carnegie Art Museum is a precious City asset, and your active involvement in its operation would be both natural and beneficial. The Board's invitation stands, and we look forward to hearing from you.

Sincerely,

Jackson Wheeler
President, Carnegie Art Museum Cornerstones



CARNEGIE ART MUSEUM CORNERSTONES

July 2, 2010

Mayor Holden and City Council
City of Oxnard
300 W. Third Street
Oxnard, CA 93030

RE: Carnegie Art Museum Board of Directors

Dear Mayor Holden and Members of City Council:

On the strength of your supportive action taken last month, the Cornerstones Board of Directors has taken the management reins of the Carnegie Art Museum, effective yesterday. We sincerely appreciate your confidence in our new role.

We are in the process of amending our Bylaws, which we expect to have accomplished at this month's Board meeting, to accommodate one or two City Council members on our Board. As we have discussed with you in the past, we view City Council participation on our Board of Directors as a simple but highly effective means of keeping a constant connection at the policy level between the goals and management issues of the Museum and the broader community picture held by the Council.

Therefore, I would like to invite you to select one or two among you to serve as the City Council representatives on the Cornerstones Board of Directors. We meet monthly (for now, possibly less often in the future) on the third Wednesday, from 5:00 p.m. to 6:30 p.m. at the Museum. I'd be happy to address any more specific questions you might have about Board participation.

Thank you again for supporting the concept of private-sector leadership at the Carnegie Art Museum, and our Board looks forward to welcoming you to our ranks.

Sincerely,

Stacy A. Roscoe
President, Carnegie Art Museum Cornerstones

cc: Edmund Sotelo, City Manager
Karen Burnham, Asst. City Manager
Suzanne Bellah, Museum Executive Director

