

**AMENDED AGENDA - TRANSMITTAL MEMO ADDED TO ITEM F-2
ERRATA MEMO ADDED TO ITEM F-4**

CITY OF OXNARD PLANNING COMMISSION AGENDA

REGULAR MEETING
Council Chambers, 305 West Third Street
Thursday, June 6, 2024, 6:00 p.m.

The public may view the meeting from home on the City's website at Oxnard.org/city-meetings, Spectrum Channel 10, Frontier Channel 35, or YouTube at Youtube.com/oxnardnews. Video recordings are typically available online following the meeting at the City's website at <http://www.oxnard.org/city-meetings>

YOU MAY PARTICIPATE IN THE MEETING IN THE FOLLOWING WAYS:

1. ATTEND THE MEETING AT THE LOCATION LISTED ABOVE: Submit a speaker card.
2. EMAILING COMMENTS OR REQUESTS TO SPEAK BEFORE THE MEETING
 - a. Submit an email to Planning@oxnard.org no later than 3:00 p.m. on the day of the meeting (Please indicate the agenda item number in the subject line). All email correspondence will be forwarded to the Planning Commission prior to the start of the meeting and made part of the legislative record.
 - b. Submit a request to speak by no later than 3pm on the day of the meeting by using the form <https://forms.gle/CYZCPrC2ykTKVEFbA> emailing the Planning office at planning@oxnard.org, or calling (805) 385-7858.
3. PROVIDING PUBLIC COMMENTS DURING THE MEETING
 - a. Speakers shall have up to three minutes to speak.
 - b. If you wish to speak during public comments or a particular item on the agenda, please follow the below instructions:
 1. Dial phone number (888) 475-4499
 2. Enter the meeting ID: 869 1542 7485
 3. Enter the meeting passcode: 792889
 4. Wait in the Zoom waiting room. Once the Chair calls for public speakers, press *9 to raise your hand to inform the recording secretary you would like to speak.
 - c. Public comments on items not on the agenda shall be taken at the beginning of the meeting. If there are more speakers than can be accommodated during thirty minutes, additional speakers who will be given an opportunity to speak at the end of the meeting.
 - d. Public comments on items on the agenda shall be taken following the announcement of the item.

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

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

A. ROLL CALL**B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES****C. PUBLIC COMMENTS - On Items Not On The Agenda**

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

D. CONSENT AGENDA

1. APPROVAL OF MINUTES – February 15, 2024

E. EX PARTE DECLARATIONS FOR PUBLIC HEARING ITEMS**F. PUBLIC HEARING**

1. **Project Name: 2030 General Plan and Local Coastal Plan Conformity Determination for the City of Oxnard Revised Capital Improvement Program (CIP) Fiscal Years (FY) 2025-2029.** The Planning Commission will review the CIP for FY 2025-2029 to confirm they are in conformance with the City of Oxnard 2030 General Plan and relevant Coastal Land Use Plan policies pursuant to Section 65401 of the Government Code. The CIP includes a range of roadway improvements, maintenance of public facilities, stormwater drainage improvements and other miscellaneous projects. The new proposed CIP projects are located throughout the City of Oxnard and vary in scope and funding. Filed by the City of Oxnard Public Works Department, 305 West Third Street - Third Floor, Oxnard, CA 93030. *(Item continued from Planning Commission scheduled for May 2, 2024 and May 16, 2024)*

City Staff: Morgan Kessler, City Engineer; Joe Pearson, Planning and Environmental Services Manager

Recommendation: That the Planning Commission:

- a. Find the Revised Capital Improvement Program (CIP) projects for FY 2025-2029 is not a “project” under the California Environmental Quality Act pursuant to section 15601 (b)(3) and 15378(b)(4); and
- b. Adopt Resolution 2024-XX finding that the proposed additional Capital Improvement Program (CIP) projects for FY 2025-2029 are in conformance with the City of Oxnard 2030 General Plan and relevant Coastal Land Use Plan policies pursuant to Section

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65401 of the Government Code.

Please click the following link to view the required Measure M pre-recorded presentation video: https://youtu.be/_If3vEDnuCI

2. **Project Name: 2310 Saviers Apartments** - Planning and Zoning Permit No. PZ 18-500-09 (Special Use Permit); Property located at 2310 Saviers Road (APN: 204-0-134-190). A request for a Special Use Permit to demolish a 928 square-foot detached garage for the construction of a two-story 2,742 square-foot dwelling unit consisting of four bedrooms and garages able to accommodate five cars on a 16,700 square-foot lot and for the construction of a new retaining wall located at the front property line. The resulting property will consist of a total of three units and a total of six garage spaces. The project is exempt from environmental review pursuant to Section 15303 New Construction or Conversion of Small Structures of the California Environmental Quality Act (CEQA) Guidelines. Filed by Anthony Benavidez, on behalf of property owner Khing Investments, LLC, 1440 Morris Street, Oxnard, CA 93033. *(Item continued from Planning Commission scheduled for May 16, 2024)*

City Staff: Malinda Lim, Contract Planner; Joe Pearson, Planning and Environmental Services Manager

Recommendation: That the Planning Commission:

- a. Find the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15303 (New Construction or Conversion of Small Structures); and
- b. Adopt Resolution 2024-XX approving Planning and Zoning Permit No. PZ 18-500-09 (Special Use Permit), subject to certain findings and conditions.

Please click the following link to view the required Measure M pre-recorded presentation video: <https://youtu.be/tfjISLa5JSI>

3. **Project Name: Auto Center Sign Modification** - Planning and Zoning Permit No. 24-550-01 (Major Modification); Property located at 1740 East Ventura Boulevard (APN: 144-0-134-095). A request for a Major Modification Permit to modify the Oxnard Auto Center freeway sign. The text of "Oxnard Auto Center" will be reduced from 231 square feet to 178 square feet per sign frontage and the digital display will be enlarged from 552 square feet to 672 square feet per sign frontage. The total signage area for each side of the freeway sign will be 850 square feet for an overall total of 1,700 square feet. No changes are proposed for the height or size of the monument sign structure. The project is exempt from environmental review pursuant to Section 15301 (Existing Facilities) and Section

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15311(a) (On-Premise Signs) of the California Environmental Quality Act (CEQA) Guidelines. The Project site is located within the Rose-Santa Clara Corridor Specific Plan (RSCCSP) and designated as Auto Sales and Service. Filed by George Saelzler, 731 W. 11th Street, Claremont, CA 91711. *(Item continued from Planning Commission scheduled for May 16, 2024)*

City Staff: Malinda Lim, Contract Planner; Joe Pearson, Planning and Environmental Services Manager

Recommendation: That the Planning Commission:

- a. Find the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities) and Section 15311(a) (On-Premise Signs); and
- b. Adopt Resolution 2024-XX Approving Planning and Zoning Permit No. 24-550-01 (Major Modification), subject to certain findings and conditions.

Please click the following link to view the required Measure M pre-recorded presentation video: <https://youtu.be/sQFshPJY0qs>

4. **Project Name: Solar Pacific Professional Development** - Planning and Zoning Permit No. 23-500-05 (Special Use Permit) and 22-300-02 (Tentative Tract Map); Property located at 1750 Solar Drive (APN: 213-0-070-055). A request to construct a medical office complex, consisting of eight single-story buildings. The eight-building development will total approximately 40,000 square feet with building areas ranging between 3,008 and 8,519 square feet. The project also includes the request for a tentative subdivision map proposed to subdivide the 3.69 acre site into nine parcels and permit the individual sale of the eight buildings that are proposed on separate lots within a commonly owned parcel (containing parking, driveways, landscaping and pedestrian pathways). The project is exempt from environmental review pursuant to 15332 (In-Fill Development) of the California Environmental Quality Act (CEQA) Guidelines. Filed Martin Teitelbaum, 29601 Agoura Road, Agoura Hills, CA 91301, designated agent on behalf of Solar Pacific Investors, 29601 Agoura Road, Agoura Hills, CA 91301, property owner.

City Staff: Kaneca Pompey, Contract Planner; Joe Pearson, Planning and Environmental Services Manager

Recommendation: That the Planning Commission:

- a. Find the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15332 (In-Fill

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Development), and

- b. Adopt Resolution 2024-XX recommending the City Council Approve Planning and Zoning Permit No. 23-300-02 (Tentative Tract Map 6078), subject to certain findings and conditions, and
- c. Adopt Resolution 2024-XX Approving Planning and Zoning Permit No. 23-500-05 (Special Use Permit), subject to certain findings and conditions.

Please click the following link to view the required Measure M pre-recorded presentation video: <https://youtu.be/Le2w5oFajok>

G. STUDY SESSION/REPORTS

H. PLANNING COMMISSION BUSINESS

I. COMMUNITY DEVELOPMENT STAFF UPDATES

J. ADJOURNMENT

FUTURE MEETINGS

Regular Meeting: Thursday, June 20, 2024, 6:00 p.m., Council Chambers

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<http://www.oxnard.org>

DRAFT
OXNARD PLANNING COMMISSION
Thursday, February 15, 2024

A. ROLL CALL

1. At 6:00 pm the Oxnard Planning Commission convened in the Oxnard Chambers.
2. Chair Arruejo, Vice Chair Dr. Stewart, and Commissioners Dr. Lopez, Nash, Zielsdorf, Connelly, and Schuelke were present.
3. Staff members present were: Joe Pearson II, Planning & Environmental Services Manager; Ken Rozell, Chief Assistant City Attorney; Daniel Houck, Associate Planner; and Christen Guzman, Administration Services Technician.
4. Chair Arruejo presided and called the meeting to order.

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

1. Commissioner Schuelke led the Pledge of Allegiance.

C. PUBLIC COMMENTS - On Items Not On The Agenda

1. None

D. CONSENT AGENDA

1. None

E. NOMINATIONS AND ELECTIONS

1. Nomination and Election of the Planning Commission Chair and Vice Chair to Serve for Calendar Year 2024

CHAIR NOMINATIONS:

Commissioner Nash moved and Commissioner Dr. Stewart seconded a nomination for Chair Arruejo to serve as Chair for Calendar year 2024.

VOTE:

Chair Arruejo, Vice-Chair Dr. Stewart and Commissioners Dr. Lopez, Connelly, Zielsdorf, Schuelke, and Nash voted in favor. The motion carried 7:0:0:0:0¹.

VICE CHAIR NOMINATIONS:

¹ In Favor: Against: Absent: Abstain: Recused

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Commissioner Nash moved and Commissioner Dr. Lopez seconded a nomination for Commissioner Stewart to serve as Vice Chair for Calendar year 2024.

VOTE:

Chair Arruejo, Vice-Chair Dr. Stewart and Commissioners Dr. Lopez, Connelly, Zielsdorf, Schuelke, and Nash voted in favor. The motion carried 7:0:0:0:0².

F. EX PARTE DECLARATIONS FOR PUBLIC HEARING ITEMS

1. None

F. PUBLIC HEARING

1. **Project Name: Dish Wireless Mono-Eucalyptus;** Planning and Zoning Permit No. 23-530-03 (Special Use Permit - Wireless); Property located at 1301 West Channel Islands Boulevard (APN: 205-0-580-065). A request to construct a 70-foot tall wireless communication facility designed to resemble a eucalyptus with an associated ground equipment enclosure on a 1.57 acre lot in the C-2 zone. The request includes the allowance for an increase in height from 35 feet to 70 feet. The project is exempt from environmental review pursuant to Section 15303, Class 3 (New Construction) of the California Environmental Quality Act (CEQA) Guidelines. Filed by designated agent Adrian Culici, Eukon Group, 65 Post, Suite 1000, Irvine, CA, 92618 on behalf of Dish Wireless, on behalf of the property owner Port Place Shoppers LLC, 1341 W. Channel Islands Blvd, Oxnard, CA 93030.

City Staff: Daniel Houck, Associate Planner

Recommendation: That the Planning Commission:

- a. Find the project Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15303 Class 3 (New Construction); and
- b. Adopt Resolution 2024-03 approving Planning and Zoning Permit No. 23-530-03 (Special Use Permit Wireless), subject to certain findings and conditions.

² In Favor: Against: Absent: Abstain: Recused

Daniel Houck, Associate Planner provided the required Measure M pre-recorded presentation video outlining the request which was posted with the agenda: <https://youtu.be/cKprh6qzqqE>

City Staff including: Joe Pearson, Planning & Environmental Services Manager; Ken Rozell, Chief Assistant City Attorney; and Daniel Houck, Associate Planner were available for questions.

The applicant Sonal Thakur was available for questions.

Verbal comments and questions were received by Commissioner Dr. Lopez and Commissioners Nash on the requested height increase, noise of equipment, need for the new facilities and impacts of the lack of the facilities, services supported by antennas, number of trees, and tree screening were discussed.

No verbal comments received by public speakers

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

Discussion ensued among the Commissioners and staff about key topics, including: sound given proximity to housing and improved coverage.

MOTION:

Commissioner Dr. Lopez moved and Commissioner Connelly seconded the motion to find project Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15303 Class 3 (New Construction); and adopt Adopt Resolution 2024-03 approving Planning and Zoning Permit No. 23-530-03 (Special Use Permit Wireless), subject to certain findings and conditions.

MOTION VOTE:

Chair Arruejo, Vice Chair Dr. Stewart, Commissioners Nash, Dr. Lopez, Zielsdorf, Connelly, and Schuelke voted in favor. The motion carried 7:0:0:0:0.

G. STUDY SESSION/REPORTS

1. None

H. PLANNING COMMISSION BUSINESS

1. Commissioner Connelly introduced a young realtor Andrew Tilson. Commissioner Connelly noted that friends' homes were flooded during the December 2023 storms,

and wanted to thank Councilmember Teran for being the neighborhood checking on community members after the floods.

2. Commissioner Dr. Lopez thanked Chair Arruejo and Vice Chair Dr. Stewart for their past year of serving as Chair and Vice Chair and for accepting the positions moving forward. Dr. Lopez welcomed the new Commissioner Schuelke and Thanked the commission
3. Vice Chair Dr. Stewart thanked the commission for their confidence in him. Vice Chair Dr. Stewart asked about the impacts of Measure M as it relates to the ability to give presentations. He noted that Cal State Channel Islands is having super sunday at the Oxnard Performing Arts Center to talk about and encourage college attendance.
4. Commissioner Nash discussed the possibility of having live presentations in light of Measure M.
5. Arruejo recommended that the Commission adopt standing rules to have staff present before each agenda item and opened the floor to a motion.

MAIN MOTION:

Commissioner Nash moved and Vice Chair Dr. Stewart seconded the motion to have the staff present before each item and make it into a standing rule of the Commission.

MAIN MOTION VOTE

Chair Arruejo, Vice Chair Dr. Stewart, Commissioners Nash, Dr. Lopez, Zielsdorf, Connelly, and Schuelke voted in favor. The motion carried 7:0:0:0:0.

6. Chair Arruejo thanked the commission for appointing him to a second term. Provided clarification on parliamentary procedure and Robert's rules. Chair Arruejo recommended relooking at the by-laws and wanted to look at having study sessions and a non-binding resolution to recommend City Council provide a stipend to the Planning Commission. Mr. Rozell recommended that the items come back for discussion of future items at a subsequent meeting.

I. COMMUNITY DEVELOPMENT STAFF UPDATES

1. Joe Pearson II commented that the U-Haul project was scheduled to return to the City Council for final action in March.

J. ADJOURNMENT

1. At 6:43 pm., the Planning Commission concurred to adjourn.

FUTURE MEETINGS

Regular Meeting: Thursday, March 7, 2024, 6:00 p.m, Oxnard Chambers

Ronald Arruejo,
Chair

ATTEST _____
Joe Pearson II,
Planning & Environmental Services Manager

MEMORANDUM

Agenda Item No.: F2

Date: June 5, 2024

To: Planning Commission

From: Malinda Lim, Contract Planner (805) 385-8272
Joe Pearson II, Planning & Environmental Services Manager

Subject: Transmittal Memo No. 1 – 2310 Saviers Apartments - Planning and Zoning Permit No. PZ 18-500-09 (Special Use Permit); Property located at 2310 Saviers Road (APN: 204-0-134-190). A request for a Special Use Permit to demolish a 928 square-foot detached garage for the construction of a two-story 2,742 square-foot dwelling unit consisting of four bedrooms and garages able to accommodate five cars on a 16,700 square-foot lot and for the construction of a new retaining wall located at the front property line. The resulting property will consist of a total of three units and a total of six garage spaces. The project is exempt from environmental review pursuant to Section 15303 New Construction or Conversion of Small Structures of the California Environmental Quality Act (CEQA) Guidelines. Filed by Anthony Benavidez, on behalf of property owner Khing Investments, LLC, 1440 Morris Street, Oxnard, CA 93033.

Subsequent to the release of the Staff Report, staff has received 1 public comment from the public concerning the proposed project (attached).

Staff will provide a response as necessary.

Attachment

A. Public Comment Letter

Re: FW: PZ NO. 18-500-09 2310 (Revised E-Mail) [Public Comment for 2310 Saviers Rd. Project]

1 message

Pearson II, Joe <joe.pearson@oxnard.org>
To: Joe Pearson II <joe.pearson@oxnard.org>

Wed, Jun 5, 2024 at 9:47 AM

From: 101 Glass & Mirror <Glazingcontractor@live.com>
Sent: Monday, June 3, 2024 9:25 AM
To: Malinda Lim <mlim@interwestgrp.com>
Subject: PZ NO. 18-500-09 2310 (Revised E-Mail)

Hello Malinda Im Victor M Tenorio, and I live at 2233 San Marino St. I don't agree with the construction of this project for the following reasons:

1st- Parking. Minimal parking available in this area, even though the project says 5 car parking garage, we all know that is not reality, what do I mean with that? Eventually, once the permits get signed off and the investor rents out this unit, the garages are going to be living quarters as well. Currently with the apartments at 2230 Saviers Rd. (Their neighbors) It has been a struggle with tenants parking, often leading them to block the alley. I'm not sure why law enforcement doesn't warn them or cite them when they pass by and see those vehicles parked there which cause other vehicles to squeeze by to get through the alley. I brought up this issue and sent photos to Code Enforcement and they forwarded the photos and email to Mr. Alexander Nguyen and it got addressed. The current tenants stopped parking in the alley, but as soon as new tenants move in, we will have to address this issue again. Either the landlord does not let tenants know they cannot park in the alley, or the tenants don't abide by the "No parking" signs. Even though those tenants are lucky because it seems as if the small shopping center where Toppers Pizza is located, doesn't complain with them parking in the rear. If not, where would they park? Saviers Road does not allow parking on that part of the street. The reason I'm bringing this property up in this conversation is because this may compound the problem.

2nd - Traffic. It is extremely busy in this area. There are at least 2-3 accidents on the corner of Laurel and Saviers Rd. yearly and adding another minimum of 5 vehicles will not make it any better also taking in consideration that it will be a 4-bedroom home. How many people will be living in that home to be able to afford whatever rent the

investor is going to be charging? Most likely every adult will require a vehicle this creating more traffic as well as parking issues.

3rd-Lack of interest in this area: Here is an example of what investors do in this area. At 204 Nectarine St. (Only a few blocks away from 2210 Saviers Rd.) a 4-bedroom home is located that has been converted into an 8-bedroom home by splitting each bedroom into 2 and converted the garage to a living quarter. How do I know? They recently advertised that they had a room for rent for 1,300.00, an acquaintance went to get information, finding out it was ½ a bedroom meaning it had been illegally split into 2. My point is Investors don't care about this neighborhood, they only care about their profit and how much revenue it creates, because they don't live in the neighborhood.

- I have a couple of questions; Will the entrance be through the alley? This is going to create a mess to all of us that live in this area. Creating a lot more traffic and absolutely having people parking in the alley and blocking it.

2.- Does the project owner live in this property? Doubt it! If so, he would not be trying to do this.

3.- Once again, a project like this should be considered in the outskirts of the city, not in the middle of the city, why would the City of Oxnard even consider allowing this here? How many of the board members live in this neighborhood? How many decision makers will this affect? You would have to be a responsible homeowner living in this neighborhood to know what I am talking about.

4.- Doesn't this property already have two homes built on it?

5.- This last one is just a comment, I know the City of Oxnard does not have a code on the number of tenants that can live in a property, so imagine the amount of people that will be living in this property. I am sure you know what I mean with all this.

Unfortunately, most everyone around this neighborhood are renters, with no property value, investors that don't care about the appearance and functionality of this part of Oxnard. Few homeowners like my neighbor David Salazar @ 2307 San Marino St. and myself still care about the appearance, we care about our properties because we live here.

Thank you,

Victor M. Tenorio

MEMORANDUM

Agenda Item No.: F.4

Date: June 5, 2024

To: Planning Commission

From: Kaneca Pompey, Contract Planner (805) 385-8272
Joe Pearson II, Planning & Environmental Services Manager

Subject: Errata Memo No. 1 – Solar Pacific Professional Development - Planning and Zoning Permit No. 23-500-05 (Special Use Permit) and 22-300-02 (Tentative Tract Map); Property located at 1750 Solar Drive (APN: 213-0-070-055). A request to construct a medical office complex, consisting of eight single-story buildings. The eight-building development will total approximately 40,000 square feet with building areas ranging between 3,008 and 8,519 square feet. The project also includes the request for a tentative subdivision map proposed to subdivide the 3.69 acre site into nine parcels and permit the individual sale of the eight buildings that are proposed on separate lots within a commonly owned parcel (containing parking, driveways, landscaping and pedestrian pathways). The project is exempt from environmental review pursuant to 15332 (In-Fill Development) of the California Environmental Quality Act (CEQA) Guidelines. Filed Martin Teitelbaum, 29601 Agoura Road, Agoura Hills, CA 91301, designated agent on behalf of Solar Pacific Investors, 29601 Agoura Road, Agoura Hills, CA 91301, property owner.

Subsequent to the release of the staff report, the Applicant team requested modifications to select conditions of approval to remove and/or replace conditions included within the draft Resolutions. City Departments and Divisions reviewed the request have agreed to the modified conditions as specified below in the body of this memo.

Attachment E Draft Resolution of Approval - PZ 23-500-05 (Special Use Permit)

Removed Conditions

Remove conditions 61, 75, and 185-193 in the draft Resolution:

- ~~61. Prior to issuance of a site improvement permit, Developer shall provide evidence of the recordation of a reciprocal access and parking agreement with the adjacent property owner. (DS-102)~~
- ~~75. Developer shall develop the site with the street names, as approved by the Street Naming Committee. (PL)~~

- ~~185. Developer shall pay plan check and processing fees in effect at the time of construction plan submittal and shall pay development fees, encroachment permit fees, and other applicable fees in effect at permit issuance. (DS-1)~~
- ~~186. Developer shall enter into an agreement, approved as to form by the City Attorney, to install and construct all public improvements required by this permit and by the City Code. Developer shall post security satisfactory to the Finance Director, guaranteeing the installation and construction of all required improvements within the time period specified in the agreement or any approved time extension. (DS-14)~~
- ~~187. Developer agrees, as a condition of approval of this resolution, to indemnify, defend and hold harmless, at Developer's expense, City and its agents, officers and employees from and against any claim, action or proceeding commenced within the time period provided for in Government Code Section 66499.37, to attack, review, set aside, void or annul the approval of this resolution or to determine the reasonableness, legality or validity of any condition attached thereto. City shall promptly notify Developer of any such claim, action or proceeding of which City receives notice, and City will cooperate fully with Developer in the defense thereof. Developer shall reimburse City for any court costs and attorney's fees that City may be required to pay as a result of any such claim, action or proceeding. City may, in its sole discretion, participate in the defense of any such claim, action or proceeding, but such participation shall not relieve Developer of the obligations of this condition. Developer's acceptance of this resolution or commencement of construction or operations under this resolution shall be deemed to be acceptance of all conditions thereof. (DS-18)~~
- ~~188. Developer shall provide all necessary easements for streets, highways, alleys, sidewalks, parkways, landscaping, utilities, drainage facilities, or other improvements as required by City. If such easements cannot be obtained from the property owner by negotiation, City may acquire them at the expense of Developer by exercise of the power of eminent domain. Developer shall bear all costs of eminent domain proceedings, including appraisal, acquisition, attorney's fees, and court costs. Before City issues a site improvement permit, Developer shall dedicate all required easements to City. (DS-19)~~
- ~~189. 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)~~
- ~~190. Prior to approval of the final map or parcel map, Developer shall provide the City Engineer with written evidence from the Ventura County Clerk's Office that Developer has executed and filed with the Clerk all certificates, statements and securities required by Government Code Sections 66492 and 66493. (DS-26)~~
- ~~191. Developer shall dedicate to the City all water rights for the project property by title sheet dedication on the final map or parcel map. (DS-39)~~
- ~~192. Prior to release of the final map or parcel map for recordation, Developer shall provide the City Engineer with a 100scale base map for addressing purposes. The map shall be~~

~~drawn on 18inch by 24inch mylar and shall show the standard address map title block, north arrow, street names, tract number, phase boundary and lot numbers. The City will assign all addresses. (DS-56)~~

- ~~193. Prior to release of the final map or parcel map for recordation, Developer shall post security satisfactory to the City Attorney guaranteeing that all survey monuments will be set as required by the Government Code and the City Code. (DS-57)~~

Attachment F Draft Resolution of Approval PZ 22-300-02 (Tentative Tract Map 6078)

Removed Conditions

Remove conditions 17, 18, 19, 20, 21, 22, 23, 24, and 25 in the draft Resolution:

Development Services Standard Conditions

- ~~17. Developer agrees, as a condition of approval of this resolution, to indemnify, defend and hold harmless, at Developer's expense, City and its agents, officers and employees from and against any claim, action or proceeding commenced within the time period provided for in Government Code Section 66499.37, to attack, review, set aside, void or annul the approval of this resolution or to determine the reasonableness, legality or validity of any condition attached thereto. City shall promptly notify Developer of any such claim, action or proceeding of which City receives notice, and City will cooperate fully with Developer in the defense thereof. Developer shall reimburse City for any court costs and attorney's fees that City may be required to pay as a result of any such claim, action or proceeding. City may, in its sole discretion, participate in the defense of any such claim, action or proceeding, but such participation shall not relieve Developer of the obligations of this condition. Developer's acceptance of this resolution or commencement of construction or operations under this resolution shall be deemed to be acceptance of all conditions thereof. (DS-18)~~
- ~~18. Prior to approval of the final map or parcel map, Developer shall provide the City Engineer with written evidence from the Ventura County Clerk's Office that Developer has executed and filed with the Clerk all certificates, statements and securities required by Government Code Sections 66492 and 66493. (DS-26)~~
- ~~19. Prior to final map recordation, Developer shall provide City with a copy of the Project Covenants, Conditions, and Restrictions (CC&Rs). (DS)~~
- ~~20. Project CC&Rs shall incorporate language regarding the easements and maintenance responsibilities for the common and shared subsurface, surface, and improvements. (DS)~~
- ~~21. Project CC&Rs shall incorporate language regarding the landscape irrigation and maintenance responsibilities for each lot for the common landscape area. (DS)~~

- ~~22. Project CC&Rs shall incorporate language regarding the shared portion of the building components. (DS)~~
- ~~23. Project CC&Rs shall incorporate language regarding maintenance responsibilities for each water service for each condominium unit. Each unit shall have its own water service with backflow device. (DS)~~
- ~~24. Prior to release of the map for recordation, Developer shall provide the City Engineer with an updated 100-scale base map for addressing purposes that reflects the condominium units. The City will assign any new addresses. (DS)~~
- ~~25. Prior to release of the map for recordation, Developer shall post security satisfactory to the City Attorney guaranteeing that all survey monuments will be set as required by the Government Code and the City Code or shall set all such monuments prior to map recordation. (DS)~~

Added Conditions

Add conditions 17, 18, 19, 20, 21, 22, 23, 24, and 25 in the draft Resolution:

Development Services Standard Conditions

17. Developer shall pay plan check and processing fees in effect at the time of construction plan submittal and shall pay development fees, encroachment permit fees, and other applicable fees in effect at permit issuance. (DS-1)
18. Developer shall enter into an agreement, approved as to form by the City Attorney, to install and construct all public improvements required by this permit and by the City Code. Developer shall post security satisfactory to the Finance Director, guaranteeing the installation and construction of all required improvements within the time period specified in the agreement or any approved time extension. (DS-14)
19. Developer agrees, as a condition of approval of this resolution, to indemnify, defend and hold harmless, at Developer's expense, City and its agents, officers and employees from and against any claim, action or proceeding commenced within the time period provided for in Government Code Section 66499.37, to attack, review, set aside, void or annul the approval of this resolution or to determine the reasonableness, legality or validity of any condition attached thereto. City shall promptly notify Developer of any such claim, action or proceeding of which City receives notice, and City will cooperate fully with Developer in the defense thereof. Developer shall reimburse City for any court costs and attorney's fees that City may be required to pay as a result of any such claim, action or proceeding. City may, in its sole discretion, participate in the defense of any such claim, action or proceeding, but such participation shall not relieve Developer of the obligations of this condition. Developer's acceptance of this resolution or commencement of construction or operations under this resolution shall be deemed to be acceptance of all conditions thereof. (DS-18)

20. Developer shall provide all necessary easements for streets, highways, alleys, sidewalks, parkways, landscaping, utilities, drainage facilities, or other improvements as required by City. If such easements cannot be obtained from the property owner by negotiation, City may acquire them at the expense of Developer by exercise of the power of eminent domain. Developer shall bear all costs of eminent domain proceedings, including appraisal, acquisition, attorney's fees, and court costs. Before City issues a site improvement permit, Developer shall dedicate all required easements to City. (DS-19)
21. 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)
22. Prior to approval of the final map or parcel map, Developer shall provide the City Engineer with written evidence from the Ventura County Clerk's Office that Developer has executed and filed with the Clerk all certificates, statements and securities required by Government Code Sections 66492 and 66493. (DS-26)
23. Developer shall dedicate to the City all water rights for the project property by title sheet dedication on the final map or parcel map. (DS-39)
24. Prior to release of the final map or parcel map for recordation, Developer shall provide the City Engineer with a 100-scale base map for addressing purposes. The map shall be drawn on 18-inch by 24-inch mylar and shall show the standard address map title block, north arrow, street names, tract number, phase boundary and lot numbers. The City will assign all addresses. (DS-56)
25. Prior to release of the final map or parcel map for recordation, Developer shall post security satisfactory to the City Attorney guaranteeing that all survey monuments will be set as required by the Government Code and the City Code. (DS-57)