

PLANNING COMMISSION MEETING

In compliance with Americans with Disabilities Act, If you need special assistance to participate in this meeting, please contact the Planning Secretary at (805) 524-1500 ext. 113, 48 hours prior to the meeting in order for the City to make reasonable arrangements to ensure accessibility to this meeting (28 CFR 35.102-35.104 ADA Title II).

No New Business will be Considered by the Planning Commission after the Hour of 11:00 p.m. unless a Majority of the Planning Commission Determines to Continue beyond that Hour.

Memorandums: Memorandums relating to agenda items are on file in the Planning Department. If you have questions regarding the agenda, you may call the Planning Dept. (805) 524-1500 ext. 113 or visit the Planning Dept. in City Hall for information. Materials related to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the Planning Dept. in City Hall during normal business hours.

AGENDA

ITEM

REFERENCE

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ORAL COMMUNICATIONS

This is the opportunity for citizen presentations or comments not related to agenda items, but within responsibility of the Planning Commission (please do not exceed 5 minutes per topic).

4. CONSENT CALENDAR

4a. Minutes of the November 17, 2010 Regular Planning Commission Meeting. **Copy**

5. PUBLIC HEARINGS – None.

6. BUSINESS ITEMS

6a. Screening 11-02 (SCR 11-02), Conceptual Proposal for Future Reuse of the Former Texaco Refinery Property Consisting of Approximately 60.25 Acres of Contiguous Property Adjacent to and East of the City Limits of Fillmore and East of the Pole Creek Channel and North of State Highway 126. **Memo**

Applicant: Chevron Industrial Development, LLC.
6001 Bollinger Canyon Rd.
San Ramon, CA 94583-2334

Purpose: Review concept and provide direction to staff.



- 6b.** Tentative Tract 5353 (TTR 5353) Located at the SW Corner of Central Ave. and River St., Approved Project Consisting of 110 Residential Units. **Memo**

Applicant: KB Home
27240 Turnberry Ln., Suite 100
Valencia, CA 91355

Purpose: Planning Commission to determine whether project is Active or Inactive.

Recommendation: Adopt Planning Commission Resolution 11-859, Finding Tentative Tract Map 5353 is Active. **Reso**

7. REPORTS and COMMUNICATIONS

7a. Community Development Director

Oral

7b. Planning Commission

Oral

8. ADJOURNMENT

8a. The Planning Commission adjourns to the next regular Planning Commission meeting scheduled for February 16, 2011, 6:30 p.m., in the City Council Chambers, 250 Central Ave., Fillmore, CA 93015.

**Next Regular City Council Meeting
January 25, 2010**

PLEASE NOTE: If you challenge the actions of the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in the public notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing (Calif. Gov't Code § 65009).

Any legal action by an applicant seeking to obtain judicial review of the Planning Commission's decision on a hearing listed on this agenda may be subject to the 90-day filing period of, and governed by, Code of Civil Procedure Section 1094.6.



**PLANNING COMMISSION
CITY OF FILLMORE
250 CENTRAL AVENUE
FILLMORE, CA 93015**

**NOVEMBER 17, 2010
REGULAR MEETING
6:30 PM**

MINUTES

CALL TO ORDER

6:30 p.m., Chair Douglas Tucker called the Planning Commission meeting to order and Commissioner McCall led the assembly in the Pledge of Allegiance. Planning Commissioners present were: Chair Douglas Tucker, Vice Chair Tom Fennell, Mark Austin, Vance Johnson and Dianne McCall. City Staff present were: Community Development Director Kevin McSweeney, City Attorney Theodore Schneider, City Engineer Tom Scott and Planning Secretary Denise Beauduy.

ORAL COMMUNICATIONS

There were no comments.

CONSENT CALENDAR -Approved

The Consent Calendar consisted of minutes from the October 20, 2010 Planning Commission meeting. The Consent Calendar was approved as submitted. Motion: Johnson; Second: McCall. Ayes: Austin, Fennell, Johnson, McCall and Tucker. Noes: None. Abstain: None. Absent: None. Motion Carried Unanimously. 5:0.

PUBLIC HEARING

Conditional Use Permit 10-02 (CUP10-02), Automobile Service/ Repair (Minor), 300 Santa Clara St., Zoning: Central Business District (CBD – transitional area). Sovantana Tan, 410 Lakeview Ct., Oxnard, CA 93036 and Jose Palacios, 371 E. Surfside Dr., Port Hueneme, CA 93041, Applicant.

6:31 pm., Chair Tucker opened the public hearing and Assistant Planner Manuel Minjares presented the Staff report. Mr. Minjares stated the Applicants are proposing an auto, minor repair and service, business to be located at 300 Santa Clara Street, which is zoned as Central Business District, but it is in the transitional area. Mr. Minjares stated the property is 6,250 square feet with a 2,280 square foot vacant industrial building located on the property. Per the Zoning Ordinance, the auto repair business requires a Conditional Use Permit, and because it is a change of use, the applicant is required to improve the parking lot on site. The Zoning Ordinance requires one parking space for every 500 square feet of gross floor area which equates to 5 parking spaces for this project. The Applicants are providing 3 spaces, including 1 handicapped space, in the parking lot and 2 spaces will be provided inside of the building. Mr. Minjares said the surrounding land uses are the train yard to the north; a mixed use of commercial and residential to the east; a commercial use west of the building; a residential use to the south. Mr. Minjares said Planning staff is concerned there will be issues with noise impacting the residential uses, and as a condition of approval, the Applicants will be required to install noise attenuation materials such as foam or panels, and the Applicants will be required to close doors and windows during noise generating

activities. The Applicants will indicate the type of noise attenuation materials that will be used when the construction plans are submitted. Mr. Minjares concluded the report and asked if there were questions from the Commission.

Commissioner Austin asked if the parking for the site is adequate and if the Applicants are in agreement with the Conditions of Approval. Mr. Minjares responded the parking meets the requirements of the Zoning Ordinance, and it is adequate. Mr. Tan, Applicant, responded they were in agreement with the Conditions of Approval.

Commissioner McCall asked about the fencing along the property in relation to noise attenuation. Mr. Minjares responded the fence is located along the easterly property line and will screen the property from public view, but its present location is off of the property line. Mr. Minjares said the Applicants will move the fence back to be coterminous to the east property line.

Commissioner Johnson stated the location of the existing fence makes it difficult to see on coming traffic, Commissioner Johnson asked about the Zoning Ordinance requirements for fencing on a corner lot and the line of site for traffic safety. Mr. Minjares responded the fence will be relocated 1-foot from the existing building and the fence will be angled at a 45 degree angle.

6:38 p.m., Chair Tucker invited public comment. There were no public comments, and the public hearing was closed.

Planning Commission Discussion

Commissioner Johnson referred to Condition S9 and said the condition calls for closing windows, but the condition should also include doors. Referring to Condition S12, hours of operation, Commissioner Johnson stated he would like to see the business closed on Sundays. Because of the residential uses surrounding the property, Commissioner Johnson said the business could be open from 7:00 a.m. – 8:00 p.m. Monday through Saturday and closed on Sunday.

Commissioner Austin commented if the Applicants have no problem with closing on Sundays then it should not be an issue.

6:40 p.m., Chair Tucker reopened the public hearing. Mr. Tan, Applicant, stated there was no issue with being closed on Sunday.

6:40 p.m., Chair Tucker closed the public hearing and entertained a motion.

ACTION

Planning Commission Resolution 10-857 was Adopted, Granting CUP10-02. It was moved and seconded to adopt Planning Commission Resolution 10-857, Granting Conditional Use Permit 10-02, subject to amended Conditions of Approval (revisions to Conditions S9 and S12). Motion: Johnson; Second: Fennell. Ayes: Austin, Fennell, Johnson, McCall and Tucker. Motion Carried. The vote was unanimous 5:0.

Closed Session

Conference with Legal Council - Existing Litigation (subdivision (a) of Section 54956.9): El Dorado Estates v. City of Fillmore, Case No. 56-2009-00358555-CUWM-VTA, Ventura County Superior Court.

6:43 p.m., the Planning Commission adjourned to closed session.

7:13 p.m., the Planning Commission reconvened.

PUBLIC HEARING

Vesting Tentative Tract Map 5844, Convert El Dorado Mobile Home Estates, a mobile home park for seniors, consisting of 302 spaces into a 302 lot subdivision with one common lot, located at 250 E. Telegraph Road, Zoning: Residential Medium (RM). El Dorado Estates, C/O The Star Companies, 1400 E. Fourth St., Santa Ana, CA 92701, Applicant.

7:14 p.m., Chair Tucker opened the public hearing. Community Development Director Kevin McSweeney presented the Staff report. Mr. McSweeney said he had distributed handouts of: Planning Commission Resolutions; a letter from the City to Mark Alpert, Attorney for the owners of El Dorado and a letter from Mark Alpert; Conditions of Approval for the project. The handouts were distributed to the Planning Commission and to the Applicant. Mr. McSweeney said the Planning Commission would review the item and make a recommendation to the City Council. The Council will be the final decision making body for this item, and Planning staff would like to present this item to the City Council on December 14, 2010. Mr. McSweeney said the Applicant had submitted an application to convert a mobile home park to condominiums; 302 rental spaces will be subdivided into lots with a common lot for the pool and recreation area. The application, said Mr. McSweeney, was submitted and reviewed by Planning staff approximately one year ago and deemed incomplete. Planning staff wrote a letter to the Applicant stating the items that were incomplete; there were thirty-three items that should have been addressed. The Applicant then appealed Planning staff's decision that the application was incomplete to the Planning Commission. The Planning Commission concurred with staff and deemed the application incomplete. Mr. McSweeney stated the Planning Commission's decision was then appealed to the City Council and the Council upheld the Planning Commission's decision that the application was incomplete. The Applicant filed a law suit against the City and the judge determined that the proposed project, the mobile home park conversion to condominiums, may only be reviewed for compliance with Government Code Section 66427.5, and the thirty-three items were not relevant to the application. Mr. McSweeney stated the City does not have the authority to review the project for compliance with the 1994 Zoning Ordinance in terms of development standards such as setbacks, parking and street widths. Mr. McSweeney stated the project will be reviewed tonight for compliance with Government Code Section 66427.5, and the City can review the project to ensure compliance with state and federal laws, so the project will be reviewed for compliance with FEMA to address flooding issues.

Mr. McSweeney said the application must comply with the requirements of Government Code Section 66427.5 and gave of summary of those requirements:

66427.5 (a). The Applicant is required to identify options to tenants if the application is approved. Mr. McSweeney said the Applicant has complied with the requirement.

66427.5 (b). The Applicant is required to provide an impact report to all of the tenants. Mr. McSweeney said the Applicant has complied with the requirement.

66427.5 (c). The Applicant is required to provide the impact report 15 days prior to public hearing. Mr. McSweeney said the Applicant provided the report 15 days prior to tonight's hearing.

66427.5 (d). The Applicant is required to survey the tenants to see if there is support for the condo conversion. Mr. McSweeney said the Applicant complied with the survey requirement. Mr. McSweeney said there were two surveys; the first survey was not counted due to a mishap with notification to the HOA.

66427.5 (e). Requires the application to be reviewed at a public hearing. Mr. McSweeney said the public hearing has been scheduled for tonight and the application will be reviewed tonight.

66427.5 (f). If approved, the condo conversion shall not cause economic displacement for low-income families. Mr. McSweeney stated that if the condo conversion is approved, City staff would like to add a condition that the Applicant will comply with Government Code Section 66427.5 (e).

Mr. McSweeney gave City staff's recommendation to condition the project to comply with FEMA and mitigate flooding issues if the project is approved. Mr. McSweeney said City Engineer Tom Scott would present a report of the flood hazard zone.

City Engineer Tom Scott spoke about the St. Francis Dam failure disaster of March 12, 1928. Mr. Scott said the disaster impacted the city because people were killed and people were injured by the water rushing through the Santa Clara River Valley, and because of that disaster, the State created the Board of Civil Engineers. Mr. Scott said there was a floodway map in 1978, El Dorado Estates was built in 1980, and the first FEMA map came about in 1984. Mr. Scott said the Planning Commission's recommendation tonight is to help protect and prevent flood damage from the Santa Clara River. As for the conditions for the project, Mr. Scott said all of the conditions for the project have to do with flooding. The conditions are in accordance with the City's Flood Prevention Ordinance and in compliance with the requirements mandated by FEMA in order for the City to be in their program. The goal is to protect the property from the 100-year frequency storm, which is the normal standard for FEMA. Mr. Scott said there are three areas that could cause flooding in El Dorado: the watershed from the mountain to the north of the park entrance; Pole Creek--the debris basin was built but has not been accepted or certified by the Ventura County Watershed Protection District; the western area of the park with approximately 100 units located in Flood Hazard Zone AE and need to be removed from that zone. The storm drain master plan has identified debris flows through El Dorado that have the potential to clog the storm drain. Mr. Scott said there have been instances when the residents of El Dorado were (voluntarily) evacuated because of flooding. Studies have been done in these three areas, but further studies need to be done to protect the property from floods.

Commissioner Tucker asked Mr. Scott to clarify his statement regarding certification of the Pole Creek debris basin. Mr. Scott responded the debris basin was built to an interim design and may not meet the standard to be accepted by the Ventura County Watershed Protection district.

Mr. Scott stated flood protection facilities need to be maintained. El Dorado is located within a storm drain assessment district. However, the City could move the property to another zone, which does not mandate that we collect additional money from this property but allows the City to collect additional money for maintenance. Mr. Scott said another alternative would be for the City to create a new district and collect the amount of money need to maintain the benefit given to this property to maintain the improvements.

Charmaine Buehner, Attorney with the offices of Myers, Widders, Gibson, Jones & Schneider, Ventura, CA. Ms. Buehner stated she has been involved, on behalf of the City of Fillmore, in the litigation with El Dorado Estates, and it is still pending. Ms. Buehner said that on July 9, 2010 the City of Fillmore and El Dorado Estates received a ruling from Judge Bysshe of the Ventura County Superior Court. Judge Bysshe determined what the City could consider when asking an applicant for information regarding a mobile home park conversion project. Judge Bysshe concluded that the City of Fillmore is prohibited from requesting information other than that which is mandated from Government Code Section 66427.5. The July 9th ruling said El Dorado Estates had not complied with Subdivisions A and D of Section 66427.5, providing information requested by the City. Ms. Buehner said the City worked with El Dorado to obtain additional information and determined that El Dorado was in compliance with Subdivision A, El Dorado Estates advised the residents of their options to either continue renting or buy the land for their coaches.

As for Subdivision D of Section 66427.5, regarding the resident survey, Ms. Buehner said El Dorado Estates said they had completed it, but the City concluded El Dorado Estates did not comply, and the court agreed. El Dorado Estates had taken a second survey and that survey complies with Subdivision D. Mr. Buehner stated there are two court opinions issued between July and October 2010 that have bearing on the El Dorado issue: Pacific Palisades Mobile Estates, LLC. v. the City of Los Angeles, and the Colony Cove Properties, LLC v. the City of Carson. Ms. Buehner said the Pacific Palisades opinion gave the City of Fillmore clarification that the City could impose the FEMA condition. Ms. Buehner stated the City could enact a more comprehensive flood prevention scheme than required by FEMA. Ms. Buehner referred to Federal Code Section 60.1 and the City of Fillmore Municipal Code Sections: 6.16.010; 6.16.200; 6.16.210.

Ms. Buehner stated after the first court decision on July 9, 2010, the City and El Dorado went back to the court on October 4th and both the City and El Dorado asked Judge Bysshe to modify the court decision. The City recommended the ruling state the City, in processing the application, must comply with the law instead of being confined to Government Code Section 66427.5. Ms. Buehner stated the recommendation is based on the Pacific Palisades and Colony Cove opinions.

Commissioner Austin commented the parking for the project is inadequate, but the Planning Commission is not allowed to use the information in the City's zoning ordinance to render a decision. Commissioner Austin said the Planning Commission's decision about the project must be based on the project's compliance with Government Code Section 66427.5 only; however, the Commission could impose conditions in compliance with state such as FEMA conditions. Ms. Buehner stated the Planning Commission is limited to evaluating the property owner's compliance with Government Code Section 66427.5. Beyond that, in light of the two recent opinions, we can look at conflicting state and federal authority that require additional information such as a flood issue.

Mr. Schneider questioned if the City can impose conditions if the owner of El Dorado is not proposing any physical changes to the mobile home park. Ms. Buehner stated it is the City's position that Title 44, Code of Federal Regulations, Section 60.1, allows the City to enact a more comprehensive flood scheme if the City chooses and consider the flood scheme as well as the federal law in connection with any land management decision. Ms. Buehner said the City of Fillmore Municipal Code also addresses Condo Conversions, and the City feels we can impose FEMA conditions.

As requested by Chair Tucker; Ms. Buehner summarized the items the Planning Commission could consider tonight to make a recommendation to the City Council.

Ms. Buehner referred to the subsections of Government Code 66427.5 (subsections a through f) beginning on page 27 of the Staff report and the FEMA flood conditions. Ms. Buehner said the Planning Commission can consider the results of the survey during deliberations, but the Commission can not deny the project based solely on the residents opposition to the condo conversion.

Robert Williamson, Attorney with Hart, King & Coldren, Orange County, CA. Mr. Williamson stated he represents the owners of El Dorado Mobile Home Estates. Mr. Williamson stated the Staff report that was presented by Mr. McSweeney was controlled by the courts decision in the pending case and the court's decision is that the Planning Commission's consideration of the application is limited to whether or not the Applicant has complied Government Code 66427.5. Based upon the information in the Staff report, the Applicant has complied with all the provisions of Code 66427.5 and there should be a recommendation for approval of the application. Mr. Williamson said the Staff report provided alternatives. The first recommendation, which Mr. Williamson said he supports, is to approve the application unconditionally. The second recommendation is to approve the application with a condition that the Applicant comply with 66427.5 (f), which, Mr. Williamson said is essentially state imposed rent control and there is no issue of compliance because that is what the statute requires. The third recommendation, said Mr. Williamson, is a condition that is being imposed based on two pending court cases under the jurisdiction of the appellate court, and relying on decisions that are not final would be suspect and risky. The Pacific Palisades case required replacement housing; this project does not require replacement housing, and imposing FEMA regulations creates a mandate that is in conflict with Government Code 66427.5. Mr. Williamson stated the project is a change of rentals to ownership; there are no new structures, and there are no substantial improvements. The City's code applies only to new structures so the City can not require the Applicant to make flood calculations and comply with flood control standards. Mr. Williamson stated the FEMA requirement is contrary to the court's ruling. The court's ruling stated the City erred in requiring thirty-three items to comply with Government Code 66427.5 including the FEMA requirement. All of the items, including the FEMA requirement, were rejected by the court. Mr. Williamson said the City vehemently argued the Pacific Palisades case to impose health and safety conditions. Mr. Williamson asked how the City could impose the same FEMA condition that was rejected by the court because it is beyond the scope of Government Code 66247.5 and all that could be considered at the public hearing is whether or not the Applicant is in compliance with Government Code 66427.5. It is an invitation to another court ruling on that issue.

Based upon the information in the Staff report, Mr. Williamson stated the Applicant has complied with all provisions of Government Code 66427.5, and the recommendation should be for approval of the application. Mr. Williamson stated that if there is a condition, it should be limited to compliance with subdivision 66427.5 (f), financial mitigation measures.

Commissioner Austin asked Mr. Williamson if the lots in El Dorado will be deed restricted for residents 55 and over forever or will it change over time. Commissioner Austin said this question has been asked many times but never answered by the Applicant. Commissioner Austin stated if there is a change in use then the project would not be exempt from CEQA. If there are two people currently occupying a unit and it changes to families where five people could be occupying the unit then there would be changes to traffic conditions on site; it changes student generation in the school district. Mr. Williamson responded the use will remain a mobile home park. As for age restriction, Mr. Williamson responded he wasn't sure if the question is within the scope of this hearing.

Chair Tucker asked Mr. Williamson how long it would take to have an answer as to whether or not El Dorado will be age restricted. Chair Tucker informed Mr. Williamson that the public hearing could be continued so the Applicant can provide the answer. Mr. Williamson responded that he did not believe age restriction was within the scope of the public hearing. Commissioner Austin stated he was an expert in CEQA, and if El Dorado changes from a senior park to a family park, it is a change in use and no longer exempt from CEQA. If the Applicant is claiming a CEQA exemption, then it is part of the record of the public hearing.

Commissioner Austin expressed his outrage over the letter the Planning Commission received from Mark Alpert of Hart, King & Coldren. Commissioner Austin read a paragraph stating the attorney will recommend to his client to initiate contempt proceedings if any commissioner who votes in support of the alternative recommendations or renders a decision inconsistent with the court's ruling.

Chair Tucker said the mobile home park was built prior to FEMA's existence, and there is the potential for flooding. Chair Tucker asked Mr. Williamson to put the cost aside and consider making the park safe from flooding. Chair Tucker asked isn't it worth considering the cost of human lives and the potential for people to lose their homes. Mr. Williamson responded not according to what the court says and what the statute says.

Kenneth Creason, 250 E. telegraph, space 310. Mr. Creason stated he has lived in El Dorado since March 28, 2000. Mr. Creason said there was no mention of the results of the resident survey; the vote was 190 no to 32 yes. Mr. Creason said as the rents have gone up over the years the value of the homes have gone down, and his equity has gone out the window because of raise in rents. Mr. Creason said a mobile home park in Santa Paula has rent control and they residents of the park have been able to maintain their equity. Mr. Creason said in time most of the residents will end up in a convalescent home and they would like to have equity from the sale of their home to help pay for convalescent care. Mr. Creason said the issue is about money; the property owner pays \$53,000 per year for taxes; if the average for the 300 spaces was \$200 per coach that equates to \$60,000 so the park residents are paying more in property taxes than the property owners. Mr. Creason said if the lots in the park sell for \$100,000 the value is \$30,000,000 and if the lots sell for \$150,000, the value is \$45,000,000. The residents of McGrath Park in Oxnard were told they could buy their lots for \$50,000 so they went along with the condo conversion. After the subdivision, the owner told the

residents the lots were \$150,000 so the residents had to pay or move out. Mr. Creason said the owner of El Dorado will do anything to avoid being put under rent control and has fought it many times; it is a matter of greed pure and simple. Mr. Creason asked the Planning Commission to deny the project based on the flooding issues alone, which more than outweigh their arguments.

Sandra Pella, Resident in El Dorado Estates. Ms. Pella referred to Government Code Section 66427.5 (d) and stated she, as a representative of the HOA, counted the second survey with El Dorado Park Manager, Helen Rossetti. Ms. Pella said the resident survey went out in February 2010 and was counted in March. Ms. Pella stated 221 ballots were submitted but 6 ballots were invalid for one reason or another. Of the 215 valid ballots submitted, 195 voted no, which is 91 percent opposed to the subdivision map. Ms. Pella, stated the citizens of Fillmore had spoken in November of 2009, when this issue was on the ballot as Measure F. The citizens of Fillmore voted against this subdivision; the count was 969 no votes and 159 yes votes. Ms. Pella said the people do not want it; it is not beneficial to them. There is no conceivable way seniors will buy the lots. The only persons who could buy the lots are families with two incomes and to make it an all age park. Banks will not give a long term loan to seniors. The residents want to keep it a senior park.

Mr. Schneider commented the results reported by Ms. Pella were the actual numbers that could be found in the Staff report on page 29.

Charles Richardson, Resident in El Dorado Estates. Mr. Richardson stated he agrees with Commissioner Austin. The key question is a senior park vs. an all age park. Mr. Richardson stated he personally has \$270,000 invested in his home, and he can not move it; he would like to see the park remain a senior park. Mr. Richardson said there is nothing to address what happens to his unit when he dies; he does not want to sell it to a family. Mr. Richardson asked the Planning Commission to pretend their parents lived there and what would they do. There is no where else to go except to another senior park. Mr. Richardson said it is a stressful situation.

Dave Roegner, Resident in El Dorado Estates. Mr. Roegner provided handouts to the Commission and said the contents of the handouts were a letter from Mike Cirrillo to residents of the park and a copy of Government Code 66427.5 that was easy to read. Mr. Roegner stated he had done a lot of research on condo conversions. Mr. Roegner referred to the case of Carson Harbor Village v. the City of Carson and said it was decided in the federal appeals court that a city can deny a condo conversion if they can demonstrate the condo conversion is being done to avoid rent control and if the survey is against the condo conversion. Mr. Roegner indicated the park owner is trying to avoid rent control and read a paragraph from the letter signed by Mike Cirillo that stated: the threat of rent control within the City of Fillmore has caused the ownership of the park to consider options for the property in the event that rent control is adopted within the City. The ownership has concluded that a change in status from senior to all age and the condo conversion for the property represent viable economic options for this ownership... Mr. Roegner stated his opinion that the letter proves the Park owner is trying to avoid rent control. Mr. Roegner gave a brief history of the origin of Government Code Section 66427.5 saying it came about in the 1980's when residents wanted to buy their park. Then in the 90's the park owners started using the Code to do condo conversions and force it on people. The survey was supposed to be a survey of support which the park owners do not have. El Dorado claims only one person needs to support it. Mr. Roegner said he had spoken to attorneys about the condo conversion, and one of them suggested the firm of Woll Cunningham as the best attorney in the state for residents of mobile home parks.

Bill Thompson., Resident of El Dorado Estates Mr. Thompson said he would like to have a flood control map for the park. If he was buying the park, said Mr. Thompson, he would want to understand everything about flood control: the compaction of soil; what happens during an earthquake. Mr. Thompson said Lake Piru has 83,200 acre feet of water. There is currently one exit from the park. If the water from Piru rushes down there will be an enormous amount of destruction. People will panic and there will be no way out of park; the one exit will be blocked. Mr. Thompson spoke about the possibility of a collision on the highway with a truck carrying hazardous materials and if an explosion occurs; there is no way out of the park.

8:22 p.m., there were no other speakers. Chair Tucker closed the public comment portion of the hearing.

Chair Tucker informed the audience that they could contact City Engineer Tom Scott for flood information. Mr. Scott said the public may contact him; there is documentation on the City's FTP site, and he could arrange access to the site if anyone is interested.

Planning Commission Discussion

Commissioner Austin read Government Code Section 66427.5(d) referring to the survey. Commissioner Austin said based on the code section, the survey results should support the condo conversion and there is no support. Commissioner Austin stated the code also requires the results of the survey to be filed along with the tentative map to be considered as part of the subdivision map hearing. Based on those, Commissioner Austin said he would recommend denial. Commissioner Austin stated the applicant has not answered the question as to whether or not El Dorado will remain restricted to adults 55 and older. Commissioner Austin stated that if El Dorado is no longer age restricted then it is no longer exempt from CEQA. Commissioner Austin stated his recommendation is for this question will be answered before the City Council makes the final decision.

Commissioner Fennell stated his comments mirror Commissioner Austin's comments.

Commissioner Johnson said he supports Commissioner Austin's comment regarding CEQA. Commissioner Johnson agreed that the question of whether or not El Dorado will remain a park for seniors needs to be answered before this project goes to Council.

Commissioner McCall stated she also agreed with Commissioner Austin's comment regarding CEQA. Commissioner Austin clarified that he is denying the project based on the lack of support for the survey not on the CEQA exemption.

Chair Tucker asked Mr. Schneider to clarify the information the Commission could consider in order to make a recommendation to the City Council.

8:30 p.m., Chair Tucker adjourned the Planning Commission to closed session.

8:37 p.m., Chair Tucker reconvened the Planning Commission.

Mr. Schneider stated the Planning Commissioner could consider three options tonight to make a recommendation to the City Council:

1. Compliance with Government Code Section 66247.5 (d), the survey of the residents.
2. FEMA and flooding mitigations and the ruling on the Pacific Palisades case based on the authority given by Judge Bysshe.
3. Approve the project outright without conditions.

Chair Tucker stated his issues and concerns with the condo conversion project. Chair Tucker said he wished the applicant would determine whether or not the park will be age restricted. The City Council needs that information to make an informed decision. The vote did not support conversion. Chair Tucker said FEMA is an extremely important factor; lives are at risk and protection needs to be put in place. This is an opportunity to improve safety for the residents and to place FEMA requirements as Conditions of Approval will protect the park from being flooded well into the future.

Chair Tucker said his recommendation is to adopt resolution with conditions for FEMA.

Chair Tucker entertained a motion.

Commissioner McCall said the Commission was instructed to look at small scope of the information that was presented; i.e., the FEMA regulations; the court ruling by Judge Bysshe. By law, Commissioner McCall said she does not feel the survey alone is strong enough to deny the project. Commissioner McCall said in the best interest of the residents she recommends approval of the condo conversion with condition for FEMA attached. If the property turns into a 4 sale product any flooding issues the seller would have to be disclosed to a potential buyer.

ACTION

Planning Commission Resolution 10-858 was Adopted, Recommending City Council Conditionally Approve Vesting Tentative Tract Map 5584.

It was moved and seconded to adopt Planning Commission Resolution 10-858, recommending the City Council approve vesting Tentative Tract Map 5584 subject to Condition for FEMA. Motion: Tucker; Second: Johnson.

Ayes: Fennell, Johnson, McCall and Tucker. Noes: Austin. Abstain: None. Absent: None. Motion Carried 4:1.

Chair Tucker advised the Applicant has four weeks to determine whether or not the park will be age restricted before the item goes to City Council.

Mr. Schneider explained the Planning Commission's recommendation to the City Council. Mr. Schneider said the Planning Commission recommended the City Council approve the condo conversion application subject to conditions that the owner investigate the flooding hazards; provide studies to the City and analyze the measures to be taken to mitigate the flood risk..

REPORTS and COMMUNICATIONS

Mr. McSweeney provided update on several projects:

Taco Bell will be demolished and rebuilt with a pizza hut.

Capital Pacific is looking to purchase lots in the Bridges subdivision. Capital Pacific is happy with sales at the Bridges, and they are moving forward with constructing more units.

Chevron-Texaco submitted application for prescreening of the former Texaco site just east of the city limits. Chevron sent notices last week of its visionary process. They are proposing an industrial project.

Deuce of Spades movie premiered last Sunday and it was a very successful event.

The auto repair/towing yard on the west end of the city is stalled. City staff received code enforcement complaints about unsightliness of the yard and noise. The developer is considering an expansion with more buildings.

The Planning Commission had nothing to report.

ADJOURNMENT – 8:52

There being no further business to come before the Planning Commission, the meeting was adjourned to the next regular Planning Commission Meeting scheduled for January 19, 2011, 6:30 p.m. in the City Council Chambers, 250 Central Avenue, Fillmore, CA 93015.

Denise Beauduy
Planning Secretary

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CITY OF FILLMORE

CENTRAL PARK PLAZA

250 Central Avenue

Fillmore, California 93015-1907

(805) 524-3701 • FAX (805) 524-5707

Item 6a.

January 19, 2011

TO: Planning Commission

FROM: Kevin McSweeney,
Community Development Director 

SUBJECT: Business Item: Screening 11-02, Chevron i.e. Old Texaco Refinery

RECOMMENDATION

The Planning Department staff recommends the Planning Commission take the following action:

- Review the proposed concept and provide comments and direction.

BACKGROUND

The Applicant, Chevron Industrial Development, LLC is interested in determining what land uses can occur on the property they purchased from Texaco and have submitted a Screening application to be reviewed by City Staff, Planning Commission and City Council.

A Screening application is not a development application and there is no environmental review or analysis. The City can make nonbinding comments at this time.

This review is nothing more than a visionary tool to help the applicant focus on a land use they should pursue. The review is also an education tool for Chevron to explain that status of the site.

The applicant believes the highest and best use for the site is for manufacturing/Industrial uses with Commercial uses along the highway.

ANALYSIS

Attached to the staff report is a list of ideas, concerns, comments and list of issues that the City Staff knows needs to be part of a project review if a formal application is made. Most of the comments are obvious while other comments are very detailed.

There are few basic issues to keep in mind when reviewing this project.

Land Use

The property is not in City limits but is within the Sphere of Influence with the General Plan identifying the property as Open Space with the intended use as an RV park or campground.

Access

There is currently only one entrance and exit from the site.

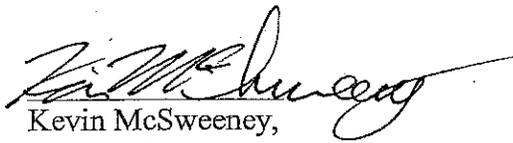
Contamination

The site is considered to have low level contamination that will dictate the type of land use that can be placed there. For instance, residential uses are not expected to be located on the old refinery site.

Flooding

The project site is adjacent to Pole Creek and Ventura County Watershed Protection District is expected to make some improvement to Pole Creek.

Please review the detailed SRC comments in the attachment.


Kevin McSweeney,
Community Development Director

Attachment

1. SRC comments
2. Proposed concept.

January 4, 2010

TO: City Council

FROM: Kevin McSweeney,
Community Development Director

SUBJECT: Screening 10-01, Chevron

City Council members,

Attached is the Screening Application for the old Texaco Refinery site that is now owned by Chevron.

A screening application is nothing more than a visionary tool for the City to provide comments to the applicant so that the applicant can gain a general idea of what are the desires of the City. The City's comments are nonbinding. There is no environmental analysis, land use analysis or engineering analysis.

The Screening Application process is reviewed by the City staff, Planning Commission and City Council. This is not a public hearing. This issue is going to the January 19, 2011 Planning commission and February 8 City Council meeting.

After the Screening Application, the applicant can determine if they desire to submit a full and complete application and at that time significant environmental analysis will be prepared, LAFCO and all the State agencies will review and comment on the project as well as the public.

Again, this is not a formal application for development but a courtesy review of the project.

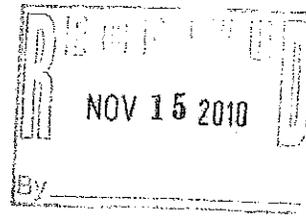
City staff reviewed the Screening application on March 2, 2009 and November 23, 2010. Staff's comments are listed below.

1. Overall, City staff is excited to see progress for a Brownfield that could provide a higher and better use that can be revenue generating for both the City and Chevron.
2. The property is not within the City Limits and will need to be annexed.
3. The property is within the Sphere of Influence.

4. The property is within the CURB.
5. The property is designated in the General Plan as Open Space with the expectation that the property is to be a recreational facility. The City should continue to pursue a recreational component.
6. Property is considered a Superfund site with land use limitations.
7. Chevron should provide a map of the known plume.
8. Chevron will not permit housing.
9. Pole Creek should be improved to a 100 year flood frequency. Ventura County Watershed Protection District, California Dept. of Fish and Game, U.S. Fish and Wildlife, FEMA and Army Corp should all be consulted to get an understanding of improvements that can happen to Pole Creek.
10. Include PanAmSat in the discussions of review.
11. Comply with Bike Master Plan. Bike Paths should be planned for each side of Pole Creek and the railroad right-of-way similar to Sespe Creek bike path and Old Telegraph Rd. bike path.
12. There should be a new alignment to the main entrance from Hwy 126 so that it is adjacent to Pole Creek to provide for a safe entrance.
13. An EIR will be required; Traffic Study, Hydrology Study, Geological Study, Noise Study, Contamination Study, biological study and debris flow study.
14. NEPA document should also be required due to federal superfund status.
15. The Scout House should be explored for an expanded use.
16. The Scout House Area would be a good site for a Community Garden.
17. The project site should have a trail head to mountain bike trail and hiking trails.
18. The project should be studied for a RV Park such as KOA.
19. Expand the railroad use to the site to allow for storage and heavy equipment.
20. Extend Sespe Ave. over Pole Creek to improve circulation to the site. At the moment, there is proposed to be only one entrance from Highway 126. This would mean that anyone who lives in the City will have to travel to the highway instead of a direct route through town. This also provides secondary access for emergency purposes.

21. Provide a pedestrian crossing over Pole Creek.
22. Provide a circulation plan that includes White Ranch.
23. The City should consider abandoning the Santa Clara intersection and consolidate the intersection with the main entrance to the project site to improve a safe access to highway 126.
24. Remove Kellogg St.
25. Second Street should be studied to extend over Pole creek for commuter traffic and not commercial traffic.
26. Connect Main St. with the alley to improve circulation.
27. The project site should be studied for adding a BMX park or mountain biking for recreational opportunities to the community.
28. Possibly allow a truck stop
29. Include a dog park in the area.
30. The Commercial Highway designation should be reduced.
31. Recreational opportunities for ball fields should be explored.
32. How many hours can people be exposed to the contaminated site.
33. If the site is ultimately determined to allow for industrial, the City has a strong demand for truck parking, construction storage and out door storage.
34. The site should be studied for solar power on roof tops of proposed buildings.

Kevin McSweeney,
Community Development Director



Pacific Coast Pipeline (PCPL) Site Fillmore, California



Dear neighbors,

My name is Leslie Klinchuch and I grew up here in Ventura County, not far from Fillmore. I'm Chevron's manager for the Pacific Coast Pipeline property and I'm happy to be working on a project so close to my home town.

The reason for this letter is to provide you with a little history, and to inform you about our plans for future work at the site and upcoming opportunities for public comment regarding those plans.

The Pacific Coast Pipeline (PCPL) property is a 56-acre site located just east of the city limits of Fillmore on Highway 126. For the majority of its operational history as a petroleum refinery and crude oil pumping station, the facility was owned and managed by Texaco, which merged with Chevron Corporation in 2001. Chevron's Environmental Management Company is now managing remediation efforts and looking to future beneficial uses of the site.

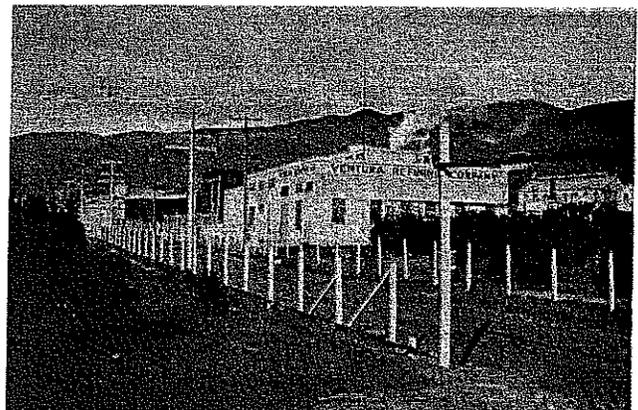
A bit of history...

From 1915 to 1950, the refinery mainly produced gasoline, diesel and fuel oil. Production increased during the war years, as the refinery contributed to the nation's domestic energy supply. Until the refinery was dismantled in 1951, refinery wastes were disposed of on-site in a large waste pit and eight smaller unlined pits distributed around the site. In 1952 the facility was converted to a crude oil pumping station, which operated until 2000. The remaining facilities were dismantled and removed by August of 2004.

It is safe for your health

Years of operations contaminated the soil and the groundwater beneath the site. The primary contaminants in the soil are inorganic lead (a heavy metal), and remnants of weathered petroleum compounds. The levels of contamination in the soil *do not* pose any immediate threat to human health, but for long-term use, they are above acceptable concentrations. We need to do more cleanup at the site.

Benzene is the contaminant of concern in the groundwater beneath the site. Years of groundwater monitoring have shown that the benzene is naturally biodegrading and is not a risk to groundwater that flows westerly toward Sespe Creek. Municipal drinking water wells downgradient of the site are not threatened.



Historic photograph of the Fillmore refinery as viewed from the South, circa 1929.



Aerial View of the Pacific Coast Pipeline site as viewed from the South. Chevron's Environmental Management Company manages the property on behalf of Texaco Downstream Properties Inc.

Cleanup Activities

In 1983, Texaco voluntarily conducted a soil assessment and began groundwater monitoring at the site, under the direction of the California Regional Water Quality Control Board and the California Department of Health Services. Texaco addressed the on-site waste disposal pits in 1986, removing 38,000 tons of waste and contaminated soils. Although concentrations of groundwater contamination decreased after the removal of refinery wastes from the site, contaminant levels still remained above drinking water standards.

Due to the two remaining plumes of groundwater contamination, the United States Environmental Protection Agency (USEPA) placed the site on the National Priorities List (Superfund) in 1989. In 1992, USEPA selected a groundwater cleanup method and issued its Record of Decision (ROD), directing Texaco to install a groundwater extraction and treatment system. Another component of the system was soil vapor extraction, to basically vacuum and remove soil gas so that it cannot impact groundwater. This system operated until 2002 at which time USEPA determined it had reached its effective limit.

The groundwater treatment system successfully reduced benzene concentrations in groundwater, however, the results remained above the cleanup goal established in the ROD.

Chevron Environmental Management Company
P.O. Box 1392
Bakersfield, CA 93302
Tel 661-654-7269

After the groundwater treatment system was shut off, Chevron voluntarily performed a variety of investigations, under the direction of USEPA, to address remaining soil and groundwater contamination.

Opportunities for you to comment

As I mentioned before, there are upcoming opportunities for you to review and comment on our proposed plans for remediation and reuse of the site, including additional cleanup work as directed by USEPA.

We have just submitted our prescreening application to the City of Fillmore proposing a conceptual plan for future reuse of the site. As part of the prescreening process, we'll be going in front of the City Council in the early part of next year.

Additionally, there will be a 30-day public comment period on cleanup activities overseen by USEPA, anticipated in the 1st quarter of 2011.

Working closely with USEPA and your city leaders, I will make sure that residents of Fillmore know when public meetings are held and that you are aware of official public comment periods. We will likely host an information session during the first half of 2011, which will be publicized and open to all residents.

The refinery and pumping station are a part of Fillmore's history. I'm here to make sure that the site is cleaned up and put to uses that will benefit the residents of Fillmore for years to come. If you have questions or comments, I welcome you to write to me at pcplsite@chevron.com or call me at 661-654-7269.

Regards,

Leslie Klinchuch

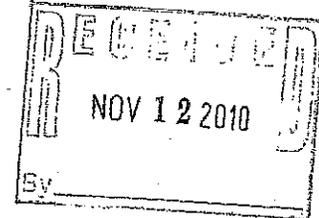


William J. Almas
Senior Project Manager

Land and Development
Chevron Business and Real Estate Services
4051 Broad Street, Suite 230
San Luis Obispo, CA 93406
Tel 805 546 6970
Fax 805 546 6900

November 8, 2010

City of Fillmore
Mr. Kevin McSweeney, Senior Planner
250 Central Avenue
Fillmore CA 93015-1907



RE: Screening Application for the Chevron Pacific Coast Pipeline

Dear Mr. McSweeney, Mayor Walker and City Council:

Texaco Downstream Properties Inc (TDPI) has granted a power of attorney to Chevron Industrial Development LLC ("Chevron") to file a Screening application with the City of Fillmore for the Pacific Coast Pipeline (PCPL) Site, a portion of which is located within the City and portion adjacent to and east of the City of Fillmore (Figure 1) (the "Property"). It is Chevron's intention to perform environmental remediation on the area affected by past refining and oil operations and then develop a commercial and light industrial park on the Site and annex the property to the City of Fillmore.

Site History

TDPI, a wholly owned subsidiary of Chevron, owns the Property comprising approximately 60.25 acres of contiguous property adjacent to and east of Fillmore and north of State Highway 126. The Property includes approximately 55.5 acres contiguous to the City of Fillmore, east of Pole Creek Channel in Ventura County, California (Figure 1) that was used as a part of the refining operations (the "PCPL Site"). The remainder of the Property is adjacent to the PCPL Site, but not considered part of the Superfund site managed by the US Environmental Protection Agency (USEPA).

The PCPL Site was formerly an oil refinery from circa 1916 until 1950. The refinery was shutdown in 1950, dismantled by 1951 leaving approximately eight (8) remaining aboveground storage tanks (AST), and converted to a crude oil pumping station by 1952. The pumping station contained crude oil pipelines connected to surrounding oilfields. Pumping station operations were discontinued in 2000 and nearly all of the remaining facilities were dismantled and removed by July 2002. The last remaining AST was dismantled and removed in August 2004.

Significant progress has been made on environmental cleanup of the PCPL Site in cooperation with Federal, State, and local agencies. As part of the environmental investigation and feasibility study on and around the PCPL Site, Chevron evaluated a number of land use possibilities compatible with the property after soil remediation is completed. Commercial and industrial uses were determined to be the most suitable for redevelopment of the property, and the Property will be deed-restricted for these types of uses with concurrence from USEPA. The development project submitted in this Screening Application is based on this study. Chevron anticipates that USEPA will issue an amendment to the current Record of Decision (ROD) on the Superfund site by late 2011, allowing Chevron to proceed with environmental remediation and site grading. Remediation activities are planned to commence in 2012 with site grading completed late 2012.

Development Project Description

In addition to the 55.5 PCPL Site, TDPI owns another 4.8 acres adjacent to the PCPL Site. A parcel approximately 2 acres in size is located south of the Fillmore & Western Railway within the City Limits of Fillmore and is currently zoned Highway Commercial (HC). Additionally, a 2.8 acre parcel located west of Pole Creek is currently within the City Limits with a zoning designation of Public Facilities. It is leased by the Lions Club Scout Foundation and occupied by the Boy Scouts of America (BSA). 51.8 acres of the 55.5-acre PCPL Site is outside of the City Limits, but within the Sphere of Influence and City Urban Restriction Boundary (CURB) of Fillmore and tentatively designated as Open Space in the City of Fillmore's General Plan Update – Land Use Element (2005). Refer to Figure 2 for a map showing parcel designations and Figure 3 showing current zoning of the property. Since the 2-acre property south of the railroad and the area leased by the BSA is not part of the PCPL Site and are within City Limits, they are not considered a part of the proposed development project (Project).

The Project consists of twenty-two (22) lots ranging from 0.3 to 2.8 acres in size and an additional open space area of 12.7 acres. Figures 4, and 5 show the proposed lot configurations. Five (5) lots on the southwest along the railroad track would be zoned Commercial and the remaining seventeen (17) lots zoned Manufacturing. The total anticipated square footage of commercial space is estimated at 92,500 square feet and the total manufacturing at 347,000 square feet. Construction would occur in three phases over a period as long as 15 years allowing the construction of roads and utilities in conjunction with development needs.

Traffic circulation would be facilitated by the construction of an improved road with a signalized rail road crossing and improved ingress and egress to Highway 126. Figure 6 shows the proposed location and preliminary design of the improved road. The Project also includes a bridge across Pole Creek entering the property from Main Street. The bridge is proposed as a pedestrian bridge capable of accommodating emergency and other vehicular traffic but restricted to pedestrian/bicycle traffic except under emergency conditions. It is hoped that a pedestrian bridge would encourage walking and bicycle commuting to work from town and minimize potential traffic issues along Main Street approaching the bridge.

Chevron envisions orientation and design features of the buildings to accommodate solar and energy conservation features as the location of the property is favorable for solar energy capture. Although design of the buildings has not yet been undertaken, Chevron anticipates exterior fixtures and design being consistent with the historic atmosphere existing in downtown Fillmore and the historic uses of the property. Chevron recognizes the opportunity that this property has to create a positive impression to travelers when entering Fillmore from the east on Highway 126. As the eastern "gateway" to Fillmore, the creation of an attractive industrial and commercial development and dedication of a small amount of land for the purpose of establishing a gateway feature would be an important aspect of the Project. It is thought that the approximately 13-acre hillside located on the eastern side of the property would become permanent open space either dedicated to the City or held by a land conservancy with potential public access to the scenic view via hiking trails.

Chevron has evaluated the market demand and economic sustainability of the Project, and expects it to be financially viable provided a recovery in the general economy takes place in the next four years. The goal for the property is to develop industrial and commercial space to accommodate smaller tenants not served by the new business park. Phased construction of the project will ensure that built space is provided on a demand basis and not built speculatively.

Kevin McSweeney
November 8, 2010

Reasons for Favorably Considering this Project

The PCPL Site has been idle and unoccupied except for environmental monitoring and remediation activities since July of 2000. Redevelopment of the Site would put this non-productive area back into commercial and industrial use. Benefits that redevelopment offers are listed below.

- Redevelopment would provide some 92,500 square feet of built commercial and 347,000 square feet of built manufacturing space to allow the establishment of small and medium size businesses contributing both to property and sales tax to the City of Fillmore and the general economic vitality of Fillmore
- The development of the property would result in improved access for vehicles to Highway 126 from properties northeast of Fillmore
- The development of the property would result in the creation of an attractive gateway from the east to the town of Fillmore
- The redevelopment would result in the offering of dedication of approximately 13 acres of open space
- The redevelopment is proposed to be developed by Chevron, a reliable partner with significant capability in project management and financial strength

Please consider this Screening application carefully and let me know if you have any questions or need additional information. Members of the Chevron Team will be attempting to meet with the City Council members and City Staff prior to public meetings to answer any questions you may have.

Please contact Bill Almas at (805) 546-6970 or Leslie Klinchuch at (661) 654-7269 with questions or if you need additional information.

Very truly yours,



William J. Almas

Attachments



CITY OF FILLMORE
CENTRAL PARK PLAZA
250 Central Avenue
Fillmore, California 93015-1907
(805) 324-3701 • FAX (805) 324-7058

Application Numbers: _____

Planning Permit Application

To be completed by staff:

TRUST ACCOUNT NUMBER: _____

- | | | |
|---|--|---|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Modification | <input type="checkbox"/> Tract Map |
| <input type="checkbox"/> Appeal | <input type="checkbox"/> Minor (Admin) | <input type="checkbox"/> Tentative |
| <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Planning Comm'n | <input type="checkbox"/> Final |
| <input type="checkbox"/> Minor (Admin) | <input type="checkbox"/> Parcel Map | <input type="checkbox"/> Vesting |
| <input type="checkbox"/> Planning Comm'n | <input type="checkbox"/> Tentative | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Development Permit | <input type="checkbox"/> Final | <input type="checkbox"/> Minor (Admin) |
| <input type="checkbox"/> Director (Admin) | <input type="checkbox"/> Screening | <input type="checkbox"/> Planning Comm. |
| <input type="checkbox"/> Planning Comm'n | <input type="checkbox"/> Specific Plan | <input type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Time Extension | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Interpretation | | |

Fee Worksheet	\$ _____	Community Development Subtotal	\$ _____
	\$ _____	Engineering Review Fee	\$ _____
	\$ _____	Environmental Review Fee	\$ _____
	\$ _____	TOTAL:	\$ _____

(Development Impact Fees and Building Permit Fees not included)

Accepted by: _____

Date: _____

To be completed by Applicant:

Project Description:

former Refinery redevelopment project - see attached

Project Site:

Address/Location: Highway 126 @ City County line
Assessor Parcel No: see below
Present Land Use: vacant - former refinery site
Zoning/General Plan: highway commercial - public facilities

Applicant:

Name: Chevron Industrial Development LLC
Address: 6001 Bollinger Canyon Rd
City: San Ramon CA 94583-2324
Phone: 925 842-5413

Property Owner:

Name: Texaco Downstream Properties Inc.
Address: 6001 Bollinger Canyon Road V1340B
City: San Ramon CA 94583-2324
Phone: 925 842-5413

Architect:

Name: _____
Address: _____
City: _____
Phone: _____

Engineer:

Name: Cannon Associates
Address: 1050 Southwood Drive
City: San Luis Obispo, CA 93401
Phone: (805) 544-7407
John Evans, Project Engineer

APN: 041-0-250-080, 053-0-030-230, 053-0-030-220, 053-0-160-205, 053-0-202-200 in City
041-0-250-210, 041-0-250-110, 041-0-250-120, 041-0-250-190 in sphere of influence of City of Fillmore

Applicant's Certification:

All applicants for any land use related permit or entitlement must sign this form.

The undersigned is hereby informed, and acknowledges having been so informed, regarding the following:

1. All City-issued permits and entitlements are issued pursuant to the authority and subject to the restrictions contained in federal, state, county, special district, and City codes, and in accordance with written policies and procedures adopted by the City Council, and subject to specific written conditions and exactions applicable to the requested permit or entitlement.
2. Statements or representations by City employees concerning the foregoing permits/entitlements, codes, policies, standards, and procedures are intended to be accurate. However, such accuracy is not guaranteed, and permit/entitlement applicants are warned not to rely on such statements, but are urged to refer directly to the codes, written policies, and procedures applicable to the request. These are available in the office of the City Clerk, in the department in which the department is titled, or in the case of federal, state, or county requirements, in the public library or county law library. You are expressly cautioned not to rely on any oral statements of any City employee concerning the content or requirements of any code or City policy or procedure. You are also expressly cautioned that all applications are subject to the ordinances, policies, and procedures which are in effect at the time the application is deemed complete, unless a development agreement expressly provides otherwise. Thus, a lengthy application preparation/submission timeframe could result in the City's periodic development of code revisions or other policy/procedure revisions applying difference development standards to your application than those in effect at the early application stage. This is especially true with regard to 'Screening' applications.
3. City employees are authorized to explain to you, based upon their knowledge of City requirements and their experience with permit/entitlement processing, what your proposal should contain in order to receive a staff recommendation for approval and what the ultimate decision-making body may be expected to require for approval. However, the Applicant is expressly cautioned that such explanations by City employees are merely opinions, and do not constitute assurances or promises that the proposal will be approved under any circumstances. It is expressly understood that staff recommendations are merely that...recommendations...and that the decision-making bodies are not bound by any such recommendations, but that they may exercise their sole and full discretion concerning the permit/entitlement request and they may approve, conditionally approve, continue, or deny the request.
4. Discussions between City employees and applicants during which applicants agree to revise or include in their application any amenities or development standards/features or any other things of value or otherwise, do not constitute 'negotiations', but merely constitute an effort by City staff to better inform applicants of approval requirements and standards. Agreement on the part of an applicant to revise or augment the application in response to a City staff member's suggestion or comments shall not constitute 'consideration', nor shall such discussions/revisions be claimed or deemed to have created any contract or agreement between the Applicant and the City, except as expressly provided in the Development Agreement Statute (Government Code Section 65864 et. seq.) or as otherwise expressly provided by law and reduced to writing accordingly, executed by the parties, and formally approved by the City Council.
5. The City's issuance of a permit does not authorize any activity otherwise prohibited by law.

- 6. No permit or entitlement approved or issued by the City shall create or constitute a contractual obligation on the part of the City, unless a formal written agreement pursuant to Government Code Section 65864 et. seq. is entered into and approved by the City Council as authorized and required by law. A development permit or other permit which is approved or issued by the City is not a contract between the permittee and the City. Accordingly, it is expressly understood that conditions imposed upon development approvals do not constitute contractual consideration, but are imposed by the City for the sole purpose of ensuring compliance with all applicable standards, and for the protection and promotion of the public health, safety, and welfare.
- 7. *I understand the foregoing is its entirety, and I have been afforded a full opportunity to review it with counsel of my own choosing and in my sole discretion.*

APPLICANT: CHEVRON INDUSTRIAL DEVELOPMENT, LLC

Signature:  Date: 11/4/2010
 Name: DON MEANS
 Address: 6001 BOLLINGER CANYON RD
 City: SAN RAMON, CA

APPLICANT:

Signature: _____ Date: _____
 Name: _____
 Address: _____
 City: _____

LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS that, **Texaco Downstream Properties Inc.**, a Delaware corporation (the "Corporation") acting herein through its duly authorized officer does hereby constitute, make and appoint any officer of **Chevron Industrial Development L.L.C.** a Delaware limited liability company, or such officer's designee, its true and lawful attorney-in-fact, and in such capacity is hereby authorized and directed, for and in this Corporation's name, place and stead, to do and perform the following acts and only the following acts in connection with that certain real property situated in the City of Fillmore, County of, State of California (the "Property") as described on Exhibit "A" attached hereto and a part hereof and in carrying out such responsibilities, to act as the agent of this Corporation in the discharge of the aforementioned responsibilities:

Execute, acknowledge, deliver, file, process, amend, accept, assign, extend, modify, cancel, terminate and withdraw or release a Screening Application for the Property with the City of Fillmore.

EXCEPT no authority is conferred by this Limited Power of Attorney for execution of any of the following:

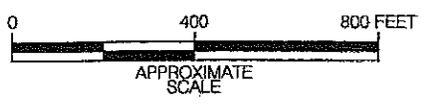
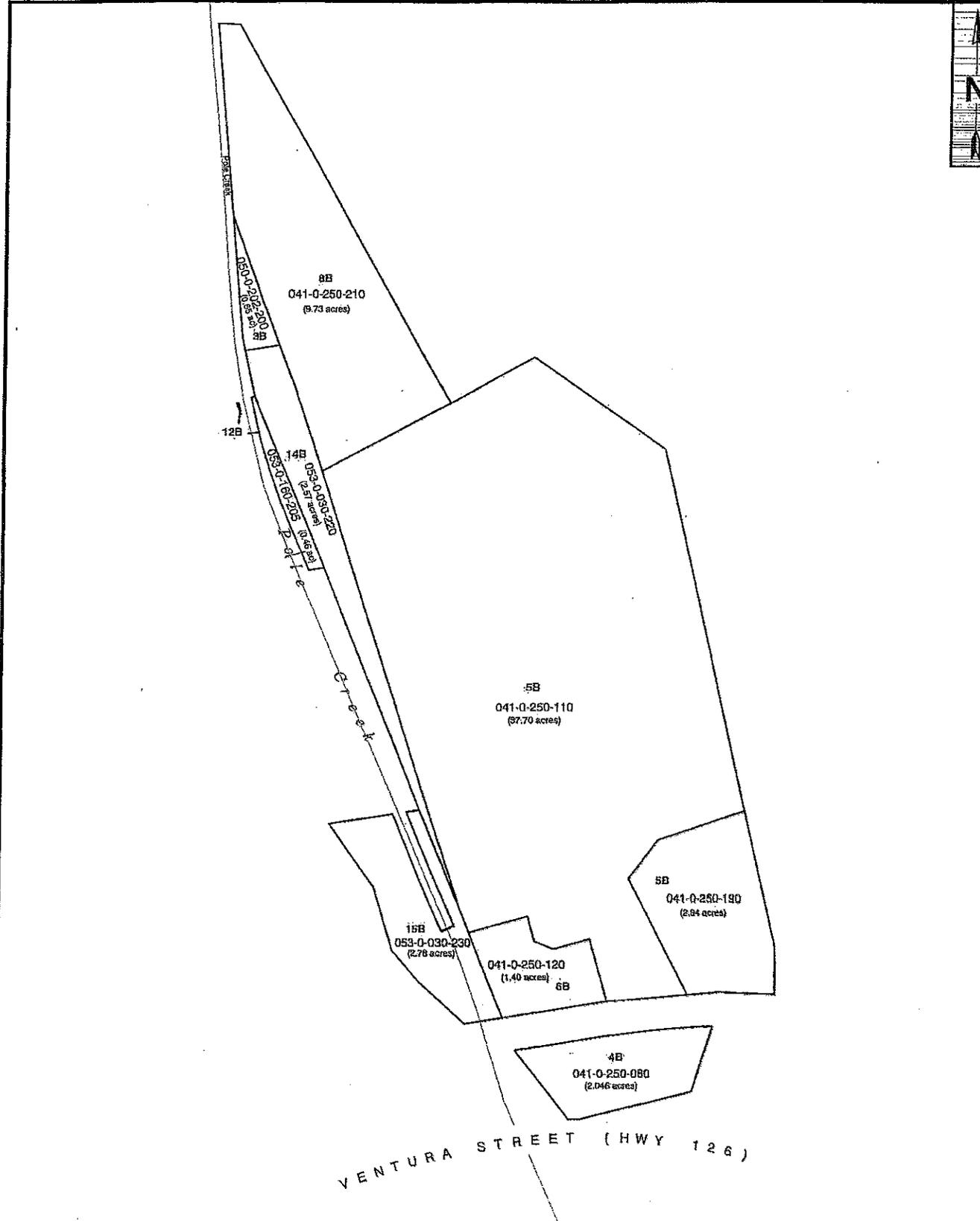
1. leases to others covering oil, gas or other hydrocarbon or non-hydrocarbon minerals underlying fee lands of this Corporation, other than rights of way and similar easements, where either book value or sale price exceeds \$500,000;
2. documents, instruments or promissory notes in support of any borrowings, provided, however, that the promissory notes and other documents given as consideration for the acquisition of real or operational property shall not be deemed to constitute a borrowing;
3. documents or agreements establishing bank accounts in the name of this Corporation, or withdrawing funds or closing any bank account of this Corporation.

This Limited Power of Attorney shall be effective from November 1, 2010 to and including April 1, 2011, unless earlier revoked.

EXECUTED the 3RD day of November, 2010.

Texaco Downstream Properties Inc.
a Delaware corporation

By: 
Don Means
Title: Assistant Secretary



1B = EXHIBIT #
[Solid line] CITY PARCELS
[Dashed line] COUNTY PARCELS

FIGURE 2
PARCEL MAP
PACIFIC COAST PIPELINE SUPERFUND
FILLMORE, CALIFORNIA

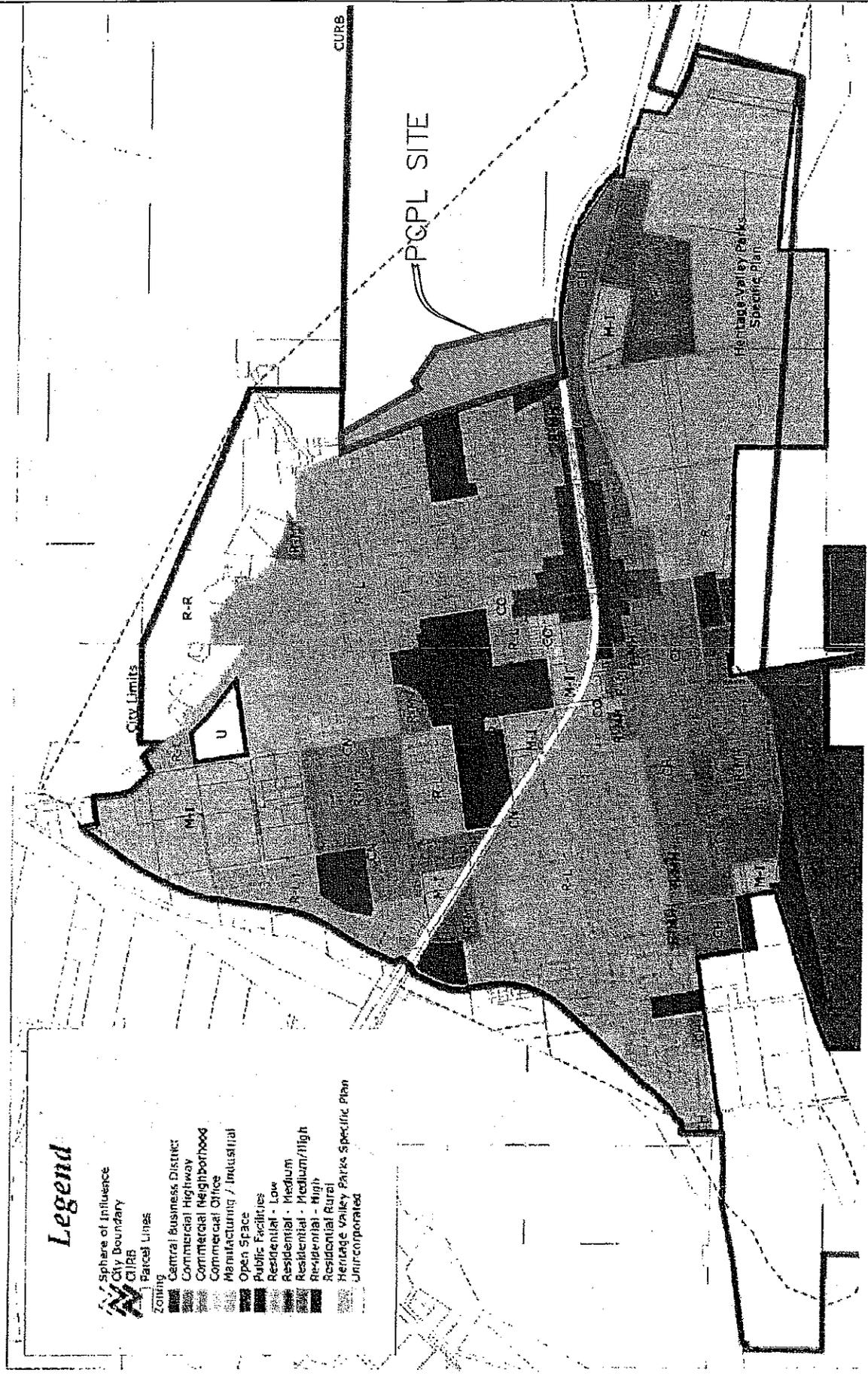


FIGURE 3



CITY OF FILLMORE

CENTRAL PARK PLAZA
250 Central Avenue
Fillmore, California 93015 -1907
(805) 524-3701 • FAX (805) 524-5707

January 19, 2011

TO : Planning Commission

FROM: Kevin McSweeney,
Community Development Director *MM*

SUBJECT: Business Item: To Determine if Development Permit 01-16 to
Modification #2 of Tract 5353 is considered active or inactive.

RECOMMENDATION

The Planning Department recommends that the Planning Commission take the following action:

1. Adopt Planning Commission resolution 11-859, determining that Development Permit 01-16 to Modification #2 of Tract 5353 is considered active.

BACKGROUND

In September of 2010, the applicant, KB HOME, requested an extension to an existing affordable housing Redevelopment Agency (RDA) Participation Agreement, the terms of which contributed \$500,000 toward the construction of four (4) affordable housing for sale units and four (4) affordable detached rear yard granny flats within the project. The RDA Participation Agreement which was executed on August 1, 2007, was scheduled to expire by December 31, 2010, unless an extension was granted by the RDA prior to the expiration date. On December 14, 2010, the RDA granted the applicant a two month extension.

The purpose of the two month extension was to allow City staff the opportunity to review the project file and provide a recommendation to the Planning Commission to determine if the Development Permit issued for the project should be considered "active" or "inactive". The Development Permit itself pertains to all the physical features of the project such as site layout, lot configuration, architectural design of the product, site landscaping, street layout, building materials, colors, etc. The Development Permit shall be considered either active or inactive based on the aggregate amount and frequency of activity conducted by the applicant during the course of the project.

Pursuant to Conditions of Approval Item #H as it relates to the Development Permit, it states, "This permit shall be substantially initiated or it shall expire on May 22, 2005. Substantial initiation of this permit shall be determined in the sole discretion of the City. Any extensions of this permit shall be processed per Section 6.04.6650 of the Fillmore Municipal Code."

Based on the chronology of events and history of the project as presented in the attachment to this report and actions taken by the applicant mentioned hereafter over the course of the project,

City staff believes the applicant has shown ongoing diligence in its efforts to improve and maintain the property. Consequently, pursuant to Conditions of Approval Item #H, City staff believes the Development Permit should be deemed active.

If the Planning Commission determines that the Development Permit is active, then the RDA Participation Agreement will be returned to the RDA for their review and determination as to whether they will grant applicant's request for an extension to the RDA Participation Agreement. Furthermore, the applicant will be capable of immediately resuming completion of the infrastructure and building construction once the building plans are updated to the 2010 UBC.

If the Planning Commission determines that the Development Permit is inactive, then the Development Permit will be deemed expired resulting in the expiration of the RDA Participation Agreement and will result in the applicant needing to file for a new Development Permit. This will subject the project applicant to development delays, cost overruns, the imposition of new conditions, project specifications and approvals resulting in the potential redesign and reconstruction of the project.

PROJECT SUMMARY

The current entitlements granted in conjunction with the zoning and environmental project approval are as follows:

- 1) Issuance of Development Permit 01-16
- 2) Modification #2 to the Tentative Tract Map
- 3) Recordation of Final Tract Map 5353 and Condominium Plans

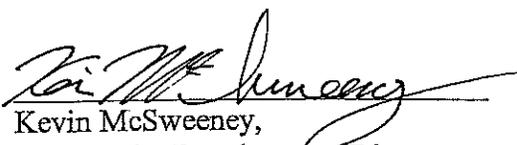
In 2002, the City Council approved the Karasiuk Courtyards project that consisted of 110 residential units. The project included 96 for-sale townhomes, 10 duplexes and 4 granny flats. The project was then sold to Lewis Latimer in 2003. On October 25, 2005, the City Council approved Modification #2 as requested by the project applicant, Lewis Latimer. KB HOME purchased the project in 2006.

Since the purchase of the site by KB HOME in 2006, KB HOME has completed the following:

- 1) Processing and final approval of all land development infrastructure plans (sewer, water, storm drain, streets, grading, HOA site landscaping, fencing, levee plans, Levee groins and palisades plan.)
- 2) Processing and final approval of the architectural building plans including structural, title 24.
- 3) Current submittal and processing of the levee landscaping plan
- 4) Processing and approval of the CLOMR with FEMA
- 5) Processing of the LOMR – review pending.
- 6) Recordation of the Final Tract Map and Condominium Plans
- 7) Completion of Rough Grading of Site inclusive of raising the site to achieve the minimum flood hazard elevation per FEMA guidelines
- 8) Completion of construction of the Santa Clara River Levee along the Easterly side of the project site to eliminate the flood hazard from the site.

- 9) Installation of fire hydrants along tract perimeter
- 10) Installation of water trunk lines.
- 11) Installation of mainline sewer
- 12) Installation of Central Avenue Storm Drain
- 13) Reconstruction of the Central Avenue Storm Drain to accommodate the Heritage Valley Parks Specific Plan Levee.
- 14) Installation of water recycling lines along River Street
- 15) Reconstruction, widening and paving of the southerly alleyway between the subject site and the adjacent apartment complex.
- 16) Submittal and maintenance of all subdivision improvement bonds – all kept current.
- 17) Annexation of the property into the Lighting and Landscape Assessment District
- 18) Annexation of the property into Community Facilities District #4 based on current approved product.
- 19) Maintenance and extension to December 2013 of all environmental permits including: ACOE, CDF&G, RWQCB, VCWPD.
- 20) Maintain active WDID construction permit with CA Regional Water Control Board

Many of the items mentioned above were completed during 2006-2007 which included a total expenditure of \$7.4 million in hard and soft costs during such period. In late 2007, the economy significantly worsened and home prices in the region dropped by 50%. KB HOME continued to process many of the building plans to approval during 2008 and 2009 to be in a position to immediately commence building construction once approved. During 2008-2010 KB HOME spent an additional \$475, 000 in maintenance, processing and other related soft costs. The supporting documentation of such costs is attached. KB HOME is presently conducting financial modeling and marketing analysis of the site to determine the optimal strategy for re-entering the market. In the meantime, KB HOME continues to serve as an active member of the community by promptly and expeditiously maintaining the site on a weekly basis.


Kevin McSweeney,
Community Development Director

Attachment:

1. History of Project Site
2. KB HOME Expenditure Log 12/1/07-1/13/11
3. Conditions of Approval
4. PC Resolution 11-859

History of the Project Site

1990 Del Development:

In 1990, Del Development proposed an 88 unit apartment complex. The proposed project was approved in 1992 with a certified EIR. The importance of the approval was that a "Significant Habitat Boundary" was determined through biological surveys per the General Plan (1988) policy. Part of the approval also included a zone change from R-1 (7du/acre) to R-2 (11du/acre).

1994 Cabrillo Economic Development Corporation:

In 1994, Cabrillo Economic Development Corporation submitted an application to modify the 1992 approved project to construct a 60 unit apartment complex. This was reviewed by the Planning Commission in 1994 but the applicant withdrew the application before City Council was to review the project and therefore the project was never approved. However, the southerly parcel of the project was annexed into the City in 1994 and designated as Open Space.

1995 Termination of Del Development Project:

In 1995, the City terminated the Del Development project that was approved in 1992 due to a lack of diligent pursuit of development.

2002 Karasiuk Courtyards:

In 2002, the City Council approved the Karasiuk Courtyards project that consisted of 110 residential units. The project included 96 for sale townhouses, 10 duplexes, 4 granny flats. The project was controversial with the surrounding neighbors from the Rosewood subdivision because they perceived the project has a HUD apartment complex for low-income families. They assumed there would be insufficient parking, increase in crime and traffic congestion caused by the density of the project.

The project was ultimately approved by the City due to the innovative design of the buildings and the building layout in a courtyard fashion. The City Council certified a Focused EIR which studied the biological impact.

2003 Latimer Townhomes at the River:

In 2003, Lewis Latimer (current property owner and applicant), submitted an application to modify the approved 2002 Courtyard project. The modification consisted of new architecture and a new tract map but the street layout, levee location and number of units essentially remained the same. The project was no longer designed in a courtyard fashion but instead took some elements of the courtyard design and incorporated into the project. The result was a conventional townhouse project with porches, stoops, balconies, turrets, towers and buildings placed at varied grade elevations. The project also significantly reduced the linear park along the levee.

2003-2005 Latimer Townhomes at the River:

The applicant submitting plans and permit applications to the Army Corp, Regional Water Quality Control Board, California Department of Fish and Game and to the City of Fillmore. The applicant submitted a "mass grading permit" to the City to import soil and conduct all the mass grading that needs to occur with this project.

During this "plan check" period, the applicant, Lewis Latimer and the City Manager agreed to change the diagonal parking along Willow St. and Heritage Valley Parkway to parallel parking.

2006 KB Home

Project entered into a RDA Participation Agreement of \$500,000 to help construct low-income units. All construction plans have been plan checked and approved.

KB Home
 The Meadows - 180350
 Development Spending 12/1/07 - 1/13/11

Account #	Account Description	DT	Document	Date	Explanation	Explanation	Batch	Subledger	Debit	Credit	Deposit
1542.02450	Landscape Architect	OV	4193284	4/16/2008	Robert Mitchell & Associates	Contract 5102198 OS		11959859	3,137.50		
1542.02450	Landscape Architect	OV	4193285	4/16/2008	Robert Mitchell & Associates	Contract 5102198 OS		11959859	3,056.75		
1542.02450	Landscape Architect	OV	4193286	4/16/2008	Robert Mitchell & Associates	Contract 5102198 OS		11959859	1,712.50		
1542.02450	Landscape Architect	OV	4193287	4/16/2008	Robert Mitchell & Associates	Contract 5102198 OS		11959859	715.00		
1542.02450	Landscape Architect	OV	4193288	4/16/2008	Robert Mitchell & Associates	Contract 5102198 OS		11959859	550.00		
1542.02450	Landscape Architect	OV	4199866	5/22/2008	Robert Mitchell & Associates	Contract 5102198 OS		12026179	50.00		
1542.02450	Landscape Architect	OV	4199867	5/22/2008	Robert Mitchell & Associates	Contract 5102198 OS		12026179	770.00		
1542.02450	Landscape Architect	OV	4199868	5/22/2008	Robert Mitchell & Associates	Contract 5102198 OS		12026179	1,112.50		
1542.02450	Landscape Architect	OV	4199869	5/22/2008	Robert Mitchell & Associates	Contract 5102198 OS		12026179	1,265.00		
1542.02450	Landscape Architect	OV	4199871	5/22/2008	Robert Mitchell & Associates	Contract 5102198 OS		12026179	3,560.00		
1542.02450	Landscape Architect	OV	4217425	9/5/2008	Robert Mitchell & Associates	Contract 5102198 OS		12208249	1,587.50		
1542.02450	Landscape Architect	OV	4252429	6/4/2009	Robert Mitchell & Associates	Contract 5102198 OS		12592063 CDR 006 X	680.00		
1542.02450	Landscape Architect	OV	4255196	7/2/2009	Robert Mitchell & Associates	Contract 5102198 OS		12624440 CDR 007 X	446.25		
1542.02450	Landscape Architect	OV	4257294	7/22/2009	Robert Mitchell & Associates	Contract 5102198 OS		12644768 CDR 008 X	2,275.75		
1542.02525	DRE Consultant	SV	25408232	6/26/2008	Merit Association Services, In	Budget Revisions		12088660	391.59		
1542.02530	EIR Consultant	SV	24576506	12/11/2007	Griffith Wildlife Biology	SCR FILL3 07-2, BALANCE DUE		11699723	9,040.00		
1542.02530	EIR Consultant	OV	4170155	1/2/2008	Rincon Consultants	Contract 5102201 OS		11736720	756.25		
1542.02530	EIR Consultant	OV	4182165	2/22/2008	Rincon Consultants	Contract 5102201 OS		11849402	2,380.00		
1542.02530	EIR Consultant	SV	24928117	2/28/2008	Griffith Wildlife Biology	BROWNHEADED COWBIRD TRAPP		11860376	9,000.00		
1542.02530	EIR Consultant	OV	4188242	3/21/2008	Rincon Consultants	Contract 5102201 OS		11909162	1,996.25		
1542.02530	EIR Consultant	OV	4210527	7/24/2008	Rincon Consultants	Contract 5102201 OS		12134604	1,436.25		
1542.02530	EIR Consultant	OV	4217423	9/5/2008	Rincon Consultants	Contract 5102201 OS		12208249	2,711.25		
1542.02530	EIR Consultant	OV	4220652	9/24/2008	Rincon Consultants	Contract 5102201 OS		12232267	1,781.43		
1542.02530	EIR Consultant	OV	4225117	10/22/2008	Rincon Consultants	Contract 5102201 OS		12277068	651.25		
1542.02530	EIR Consultant	OV	4229444	11/20/2008	Rincon Consultants	Contract 5102201 OS		12326561	1,126.25		
1542.02530	EIR Consultant	SV	26089557	12/10/2008	Griffith Wildlife Biology	SCR FILL3 08-2 4/1-11/30/08		12360547	9,000.00		
1542.02530	EIR Consultant	OV	4234302	12/31/2008	Rincon Consultants	Contract 5102201 OS		12381952	617.50		
1542.02530	EIR Consultant	OV	4239167	2/11/2009	Rincon Consultants	Contract 5102201 OS		12441011	4,758.73		
1542.02530	EIR Consultant	OV	4241381	3/3/2009	Rincon Consultants	Contract 5102201 OS		12471207 CDR 004 X	585.00		
1542.02530	EIR Consultant	OV	4246378	4/9/2009	Rincon Consultants	Contract 5102201 OS		12518124 CDR 004 X	1,083.75		
1542.02530	EIR Consultant	OV	4251777	5/29/2009	Rincon Consultants	Contract 5102201 OS		12580005 CDR 004 X	1,842.26		
1542.02530	EIR Consultant	OV	4254511	6/24/2009	Rincon Consultants	Contract 5102201 OS		12610559 CDR 004 X	2,287.50		
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1542.02540	SWPP Consultant	OV	4259021	8/5/2009	Alegre Environmental, LLC	Contract 5248165 OS		12665718	500.00		
1542.02540	SWPP Consultant	OV	4259022	8/5/2009	Alegre Environmental, LLC	Contract 5248165 OS		12665718	525.00		
1542.02540	SWPP Consultant	OV	4260885	8/20/2009	Alegre Environmental, LLC	Contract 5248165 OS		12681048	300.00		
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1542.02540	SWPP Consultant	OV	4300954	9/29/2010	Alegre Environmental, LLC	Contract 5272970 OS		13145348 CDR 000C X	900.00		
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1542.02540	SWPP Consultant	OV	4300959	9/29/2010	Alegre Environmental, LLC	Contract 5272970 OS		13145348 CDR 000C X	675.00		
1542.02540	SWPP Consultant	OV	4300959	9/29/2010	Alegre Environmental, LLC	Contract 5272970 OS		13145348 CDR 000I X	100.00		
1542.02540	SWPP Consultant	OV	4304025	11/5/2010	Alegre Environmental, LLC	Contract 5272970 OS		13187800 CDR 000C X	450.00		
1542.02540	SWPP Consultant	OV	4304026	11/5/2010	Alegre Environmental, LLC	Contract 5272970 OS		13187800 CDR 000C X	675.00		
1542.02540	SWPP Consultant	OV	4305604	11/24/2010	Alegre Environmental, LLC	Contract 5272970 OS		13207392 CDR 000C X	450.00		
1542.02540	SWPP Consultant	OV	4305605	11/24/2010	Alegre Environmental, LLC	Contract 5272970 OS		13207392 CDR 000C X	450.00		
1542.02540	SWPP Consultant	OV	4307080	12/10/2010	Alegre Environmental, LLC	Contract 5272970 OS		13226190 CDR 000C X	450.00		
1542.02540	SWPP Consultant	OV	4307080	12/10/2010	Alegre Environmental, LLC	Contract 5272970 OS		13226190 CDR 000D X	600.00		
1542.02540	SWPP Consultant	OV	4307080	12/10/2010	Alegre Environmental, LLC	Contract 5272970 OS		13226190 CDR 000E X	250.00		
1542.02570	Utility Consultant	SV	25327384	6/6/2008	BJ Palmer & Associates	Work order split Change order		12059249	3,450.00		
1542.02630	Legal Fees	JE	3187472	7/15/2008	Goadwin Procter, LLP	Fillmore CFD No. 4		12120746	211.20		
1542.02630	Legal Fees	JE	3217175	9/8/2008	Cox, Castle & Nicholson	Fillmore Meadows		12226464	399.14		
1542.02630	Legal Fees	JE	3298349	3/23/2009	Crowell & Moring LLP	Fillmore Project		12495933	4,042.46		
1542.02630	Legal Fees	JE	3312260	4/29/2009	Crowell & Moring LLP	Fillmore Project		12542627	42,487.46		
1542.02630	Legal Fees	JE	3312295	4/29/2009	COX, CASTLE & NICHOLSON LLP	Fillmore Meadows		12542757	91.00		
1542.02630	Legal Fees	JE	3312310	4/29/2009	COX, CASTLE & NICHOLSON LLP	Fillmore Meadows		12542792	1,392.00		
1542.02630	Legal Fees	JE	3318260	5/8/2009	Crowell & Moring LLP	Fillmore Project		12563676	1,822.94		
1542.02630	Legal Fees	JE	3334094	6/26/2009	COX, CASTLE & NICHOLSON LLP	Fillmore Meadows		12616061	136.50		
1542.02630	Legal Fees	JE	3335722	6/30/2009	COX, CASTLE & NICHOLSON LLP	SV 26587791 FillrMdw		12621506	8.84		
1542.02630	Legal Fees	JE	3339243	7/1/2009	CROWELL & MORING LLP	SV 26592199		12632143	75.96		
1542.02630	Legal Fees	JE	3339243	7/1/2009	CROWELL & MORING LLP	SV 26592303		12632143	1,870.12		
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1542.02630	Legal Fees	JE	3396580	12/8/2009	CROWELL & MORING LLP	SV 27097074		12818924	1,900.65		
1542.02630	Legal Fees	JE	3430178	3/30/2010	Larber Greenfield	SV 27342160		12934198	140.16		
1542.02630	Legal Fees	JE	3479858	8/17/2010	Larber Greenfield	Griffin Ind 27775986		13103242	502.92		
1542.02630	Legal Fees	JE	3478318	8/18/2010	R/C Larber Greenfield	Griffin Ind 27679714		13097508	64.00		
1542.02630	Legal Fees	JE	3510459	11/16/2010	LORBER GREENFIELD	Griffin Industries		13205250	98.50		
1542.02630	Legal Fees	JE	3087188	12/13/2007	R/C Robert Mitchell	SV24589911		11746070	448.88		
1542.02710	Blueprints	SV	24589847	12/13/2007	KTGY Group, Inc.	Reimbursable Expenses/Plotting		11704711	11.16		
1542.02710	Blueprints	SV	24589866	12/13/2007	KTGY Group, Inc.	Reimbursable Expense/Plotting		11704711	11.16		
1542.02710	Blueprints	SV	24589922	12/13/2007	Robert Mitchell & Associates	Reimbursable/Cadd Plotter 6/30		11704711	96.00		
1542.02710	Blueprints	SV	24589932	12/13/2007	Robert Mitchell & Associates	Reimbursable/Blueprinting & Plott		11704711	576.00		
1542.02710	Blueprints	SV	24647593	12/27/2007	Reliable Graphics	1059714-5		11725034	28.17		

Account #	Account Description	DT	Document	Date	Explanation	Explanation	Batch	Subledger	Debit	Credit	Deposit
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1542.02710	Blueprints	SV	24647629	12/27/2007	Reliable Graphics	10448106-3		11725034	16.29		
1542.02710	Blueprints	SV	24647640	12/27/2007	Reliable Graphics	10443589-3		11725034	262.51		
1542.02710	Blueprints	SV	24647646	12/27/2007	Reliable Graphics	1092897-5		11725034	29.08		
1542.02710	Blueprints	SV	24647652	12/27/2007	Reliable Graphics	1059700-5		11725034	21.05		
1542.02710	Blueprints	SV	24647657	12/27/2007	Reliable Graphics	1059687-5		11725034	39.24		
1542.02710	Blueprints	JE	3103824	1/30/2008	R/C Robert Mitchell &	MV24797763		11811059	84.13		
1542.02710	Blueprints	JE	3103824	1/30/2008	R/C Robert Mitchell &	MV24797764		11811059	250.00		
1542.02710	Blueprints	SV	24797142	1/30/2008	Reliable Graphics	WO #1092861-5		11798889	57.92		
1542.02710	Blueprints	SV	24797146	1/30/2008	Reliable Graphics	WO #1020157-6		11798889	139.48		
1542.02710	Blueprints	SV	24798001	1/30/2008	KTGY Group, Inc.	11/17-12/14 Reimbursable Expen		11799567	62.40		
1542.02710	Blueprints	SV	24918447	2/27/2008	Robert Mitchell & Associates	Reimbursables - Jan 2008		11858725	104.83		
1542.02710	Blueprints	SV	25139978	4/18/2008	Robert Mitchell & Associates	Cadd Plotter 2/29		11864614	822.50		
1542.02710	Blueprints	SV	25139981	4/18/2008	Robert Mitchell & Associates	Cadd Plotter 2/29		11864614	70.00		
1542.02710	Blueprints	SV	25159461	4/24/2008	OCB Reprographics, Inc.	E948874-6		11974919	57.93		
1542.02710	Blueprints	SV	25209457	5/7/2008	Reliable Graphics	1065960-5		12001899	54.67		
1542.02710	Blueprints	SV	25212355	5/8/2008	Reliable Graphics	WORK ORDER 1112172-5		12002397	29.67		
1542.02710	Blueprints	SV	25467966	7/11/2008	Reliable Graphics	1173979-5		12115793	559.91		
1542.02710	Blueprints	SV	25467969	7/11/2008	Reliable Graphics	1174563-5		12115793	63.33		
1542.02710	Blueprints	SV	25497702	7/18/2008	Reliable Graphics	977104-5		12125654	27.39		
1542.02710	Blueprints	SV	25497707	7/18/2008	Reliable Graphics	977107-5		12125654	86.48		
1542.02710	Blueprints	SV	25500054	7/18/2008	Reliable Graphics	1173123-5		12126882	91.50		
1542.02710	Blueprints	SV	25715285	9/5/2008	Robert Mitchell & Associates	Reimb		12208088	457.23		
1542.02710	Blueprints	SV	25715286	9/5/2008	Robert Mitchell & Associates	Reimb		12208088	1,173.77		
1542.02710	Blueprints	MV	25765773	9/17/2008	Reliable Graphics	Meadows Bond		12221854	16.24		
1542.02710	Blueprints	MV	25865985	10/9/2008	Reliable Graphics	Meadows		12260106	39.94		
1542.02710	Blueprints	MV	25866002	10/9/2008	Reliable Graphics	Meadows		12260106	16.24		
1542.02710	Blueprints	MV	25866003	10/9/2008	Reliable Graphics	Meadows		12260106	434.19		
1542.02710	Blueprints	MV	26196555	1/28/2009	Reliable Graphics	Meadows		12419410	296.49		
1542.02710	Blueprints	MV	26230010	2/11/2009	RBF Consulting	Reimbursables		12441110	9.21		
1542.02710	Blueprints	MV	26275673	3/3/2009	Reliable Graphics	Account Ledger Pri		12471227	40.59		
1542.02710	Blueprints	MV	26275675	3/3/2009	Reliable Graphics	the meadows		12471227	154.15		
1542.02710	Blueprints	MV	26275678	3/3/2009	Reliable Graphics	fillmore swppp		12471227	64.95		
1542.02710	Blueprints	MV	26417262	4/29/2009	Reliable Graphics	Meadows 1247184-5		12541085	552.63		
1542.02710	Blueprints	SV	26443413	5/8/2009	JLC Associated Services, Inc.	Sterling Oct-Dec Reimbursables		12556923	170.48		
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1542.02710	Blueprints	MV	26595182	7/2/2009	Reliable Graphics	Meadows 1280838-5		12624499	53.49		
1542.02710	Blueprints	SV	26653058	7/22/2009	Robert Mitchell & Associates	Reimb 1280891-5		12644769	89.80		
1542.02710	Blueprints	MV	26682439	7/30/2009	Reliable Graphics	Meadows 1280830-5		12655923	72.83		
1542.02710	Blueprints	SV	26704812	8/6/2009	Storm Water Resources	Meadows 8/09		12667259	20.70		
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1542.02710	Blueprints	SV	26972643	10/23/2009	Reliable Graphics	wo #1303109-5		12756953	21.35		
1542.02710	Blueprints	SV	27151779	1/6/2010	First American Title Company-L	file#nh2352805/condo plans		12844317	1,455.00		
1542.02710	Blueprints	MV	27636780	6/25/2010	Reliable Graphics	wo #1318697-5		13063707	77.42		
1542.02710	Blueprints	MV	27940485	10/18/2010	Reliable Graphics	Job: Meadows Tr#5953		13165524	150.56		
1542.03100	Civil Engineer	OV	4169610	12/27/2007	RBF Consulting	Contract 5102196 OS		12727033	3,483.45		
1542.03100	Civil Engineer	OV	4176950	1/30/2008	RBF Consulting	Contract 5102196 OS		11800843	262.63		
1542.03100	Civil Engineer	OV	4177512	2/1/2008	RBF Consulting	Contract 5102196 OS		11809600	900.00		
1542.03100	Civil Engineer	OV	4184861	3/6/2008	RBF Consulting	Contract 5102196 OS		11882294	1,023.44		
1542.03100	Civil Engineer	OV	4184863	3/6/2008	RBF Consulting	Contract 5102196 OS		11882297	1,500.00		
1542.03100	Civil Engineer	OV	4184865	3/6/2008	RBF Consulting	Contract 5102196 OS		11882297	1,200.00		
1542.03100	Civil Engineer	OV	4197320	5/8/2008	RBF Consulting	Contract 5102196 OS		12003052	2,000.00		
1542.03100	Civil Engineer	OV	4207228	7/3/2008	RBF Consulting	Contract 5102196 OS		12106456	6,235.50		
1542.03100	Civil Engineer	OV	4207229	7/3/2008	RBF Consulting	Contract 5102196 OS		12106456	181.78		
1542.03100	Civil Engineer	OV	4218331	9/11/2008	RBF Consulting	Contract 5102196 OS		12215556	203.79		
1542.03100	Civil Engineer	OV	4219994	9/27/2008	RBF Consulting	Contract 5102196 OS		12222819	2,730.68		
1542.03100	Civil Engineer	OV	4223384	10/10/2008	RBF Consulting	Contract 5102196 OS		12260870	9,026.32		
1542.03100	Civil Engineer	OV	4230289	11/25/2008	RBF Consulting	Contract 5102196 OS		12335014	482.00		
1542.03100	Civil Engineer	OV	4235441	1/13/2009	RBF Consulting	Contract 5102196 OS		12398700	925.50		
1542.03100	Civil Engineer	OV	4239177	2/11/2009	RBF Consulting	Contract 5102196 OS	12441036 CO #012 X		500.00		
1542.03100	Civil Engineer	OV	4252508	6/5/2009	Pacific Advanced Civil Enginee	Contract 5102197 OS	12592400 CO# 008 X		500.00		
1542.03100	Civil Engineer	OV	4292256	6/30/2010	Forma Engineering	Contract 5216866 OS	13041811 CO# 001 X		4,000.00		
1542.03201	Consulting Service	SV	26148136	1/6/2009	Heffernan, Charles	Consulting 12/14-12/31		12392165	516.63		
1542.03201	Consulting Service	SV	26200507	1/29/2009	Heffernan, Charles	Consulting 1/1-1/15		12422211	681.63		
1542.03201	Consulting Service	SV	26207920	2/2/2009	Heffernan, Charles	Consulting NLA 1/16-1/31		12429332	881.70		
1542.03201	Consulting Service	SV	26256940	2/23/2009	Heffernan, Charles	NLA Consulting 2/1-2/15		12454151	1,486.58		
1542.03201	Consulting Service	SV	26292442	3/10/2009	Heffernan, Charles	Consulting 2/16-2/28		12479283	1,439.58		
1542.03201	Consulting Service	SV	26367952	4/9/2009	Heffernan, Charles	Consulting 3/1-3/15		12519285	764.13		
1542.03201	Consulting Service	SV	26399549	4/22/2009	Heffernan, Charles	Consulting 3/16-3/31		12531691	948.75		
1542.03201	Consulting Service	SV	26473851	5/20/2009	Heffernan, Charles	Consulting 4/1-4/25		12569853	412.50		
1542.03201	Consulting Service	SV	26487171	5/26/2009	Heffernan, Charles	Consulting 4/16-4/30		12575048	866.25		
1542.03201	Consulting Service	SV	26502146	6/1/2009	Heffernan, Charles	Consulting 5/1-5/15		12586930	245.39		
1542.03201	Consulting Service	SV	26526960	6/10/2009	Heffernan, Charles	Consulting 5/16-5/31		12596535	577.50		
1542.03201	Consulting Service	SV	26588749	6/30/2009	Heffernan, Charles	Consulting 6/1-6/15		12620193	204.14		
1542.03201	Consulting Service	SV	26592116	7/1/2009	Stewart, Karen	PERMIT CONSULTING 6/16-6/30/1		12623263	120.00		
1542.03201	Consulting Service	SV	26625431	7/13/2009	Heffernan, Charles	NLA Consult 6/16-6/30		12634873	185.63		
1542.03201	Consulting Service	SV	26790477	8/31/2009	Heffernan, Charles	NLA Consulting 7/16-7/31		12685946	536.25		
1542.03201	Consulting Service	SV	26790478	8/31/2009	Heffernan, Charles	NLA Consulting 8/1-8/30		12695946	371.25		
1542.03201	Consulting Service	SV	26918771	10/8/2009	Heffernan, Charles	Consulting 9/1-9/25		12740903	123.75		
1542.03550	Soils Engineer	OV	4176774	1/30/2008	AGI Geotechnical, Inc.	Contract 5102203 OS		11799264	3,248.38		
1542.04568	Plan Check	SV	25926780	10/23/2008	City of Fillmore	Pln Chk Feet		12279604	6,048.00		
1542.04593	Title 24 Calcs	OV	4167199	11/19/2007	KTGY Group, Inc.	Contract 5102205 OS		11704691	560.00		
1542.04593	Title 24 Calcs	OV	4167200	12/13/2007	KTGY Group, Inc.	Contract 5102205 OS		11704691	3,570.00		

Account #	Account Description	DT	Document	Date	Explanation	Explanation	Batch	Subledger	Debit	Credit	Deposit
1542.04593	Title 24 Calcs	OV	4167202	12/13/2007	KTYG Group, Inc.	Contract 5102205 OS		11704691	2,240.00		
1542.04593	Title 24 Calcs	OV	4189829	2/29/2008	Hengstler/TMAD Engineers	Contract 5102207 OS		11864803	3,405.39		
1542.04593	Title 24 Calcs	OV	4219366	9/17/2008	KTYG Group, Inc.	Contract 5102205 OS		12222634	556.39		
1542.04810	Other Fees	SV	24657667	12/28/2007	First American Title Company-L	1336-133610326 PREUM REPORT		11729876	500.00		
1542.04810	Other Fees	MV	24914587	2/26/2008	State Water Resources Control	7/1/07-6/30/08 4a567500097		11856129	3,437.00		
1542.04810	Other Fees	MV	24914588	2/26/2008	State Water Resources Control	7/1/07-6/30/08 4a567500186		11856129	3,437.00		
1542.04810	Other Fees	MV	24914589	2/26/2008	State Water Resources Control	7/1/07-6/30/08 4a567500100		11856129	3,437.00		
1542.04810	Other Fees	MV	24914590	2/26/2008	State Water Resources Control	7/1/07-6/30/08 4a567500134		11856129	3,437.00		
1542.04810	Other Fees	MV	24914591	2/26/2008	State Water Resources Control	7/1/04-6/30/08 4a567500058		11856129	5,688.00		
1542.04810	Other Fees	SV	25140098	4/18/2008	State Water Resources Control	4/1-3/31 456c340814		11964640	474.00		
1542.04810	Other Fees	SV	25386745	6/20/2008	City of Fillmore	PLAN CHECK FEE		12079565	1,131.71		
1542.04810	Other Fees	SV	25714908	9/5/2008	City of Fillmore	Plann 601-0000-2829-200		12207941	320.00		
1542.04810	Other Fees	MV	25799740	9/24/2008	City of Fillmore	Acct 601-0000-2829-100		12232657	3,000.00		
1542.04810	Other Fees	SV	26094630	12/11/2008	State Water Resources Control	4A567500058 7/1/8-6/30/9		12363049	6,970.00		
1542.04810	Other Fees	SV	26094631	12/11/2008	State Water Resources Control	4A567500186 7/1/8-6/30/9		12363049	4,211.00		
1542.04810	Other Fees	JE	3292440	2/27/2009	Cash Transfer - Ventura County	Tract & Parcel Maps		12469160	296.00		
1542.04810	Other Fees	SV	26397175	4/21/2009	County of Ventura	Subdivision Fee and CAM Fee		12530346	2,946.40		
1542.04810	Other Fees	SV	26399203	4/22/2009	State Water Resources Control	456c340814 4/1-3/31/10		12531373	578.00		
1542.04810	Other Fees	SV	26588493	6/30/2009	First American Title Co.-NIVER	Record, Guarantee, Process Map		12619474	664.00		
1542.04810	Other Fees	SV	27309340	3/17/2010	State Water Resources Control	Strm Wtr Fees 7/1-6/30		12920343	6,970.00		
1542.04810	Other Fees	SV	27570933	6/4/2010	State Water Resources Control	Meadows NOI Filing		13015154	578.00		
1542.04810	Other Fees	SV	27637054	6/25/2010	State Water Resources Control	Meadows - NOI Filing		13036569	578.00		
1542.04810	Other Fees	SV	27570933	6/29/2010	State Water Resources Control	Meadows NOI Filing		13015154		(578.00)	
1542.04810	Other Fees	SV	28055725	12/15/2010	State Water Resources Control	SWCRS ANNUAL PERMIT FEE		13230583	6,970.00		
1542.04830	Reimbursements	JE	3470607	7/1/2010	Legal Settlement-"The Wedge"	Storm Drain		13070532		(50,266.67)	X
1542.04830	Reimbursements	JE	3470607	7/1/2010	Legal Settlement-"The Wedge"	Pipa		13070532		(7,500.00)	X
1542.04830	Reimbursements	JE	3505920	11/1/2010	R/C settlement transaction \$	The wedge costs		13189889	1,753.00		
1542.04935	Performance Bonds	JE	3102115	1/30/2008	4th Quarter LOC Fees	LOC#3080205		11807589	294.62		
1542.04935	Performance Bonds	JE	3149159	4/28/2008	1st Quarter LOC Fees	LOC#3080205		11983856	283.21		
1542.04935	Performance Bonds	JE	3191237	7/23/2008	Q208 LOC FEES	LOC#3080205		12136256	64.73		
1542.04935	Performance Bonds	JE	3191237	7/23/2008	Q208 LOC FEES	LOC#3080205		12136256	125.42		
1542.04935	Performance Bonds	JE	3191237	7/23/2008	Q208 LOC FEES	LOC#3080205		12136256	156.85		
1542.04935	Performance Bonds	JE	3240952	10/24/2008	Q3 08 LOC FEES	LOC #3080205		12299272	90.46		
1542.04935	Performance Bonds	JE	3240952	10/24/2008	Q3 08 LOC FEES	LOC #3080205		12299272	214.74		
1542.04935	Performance Bonds	JE	3240952	10/24/2008	Q3 08 LOC FEES	LOC #3080205		12299272	225.94		
1542.04935	Performance Bonds	SV	26928623	11/19/2008	ADN Risk Services Inc.	New Business / Renewal		12324794	25,199.00		
1542.04935	Performance Bonds	JE	3278056	1/26/2009	BW 3276452 Q408 LOC FEES	LC # 3080205		12422612	668.08		
1542.04935	Performance Bonds	JE	3300397	3/20/2009	Q4 08 LOC FEES - Supp Invoice	LC#3087968		12502248	841.52		
1542.04935	Performance Bonds	JE	3302524	3/20/2009	R/C Q4 08 LOC FEES	LC #3080205		12507058	86.31		
1542.04935	Performance Bonds	JE	3302524	3/20/2009	R/C Q4 08 LOC FEES	LC #3087968		12507058		(841.52)	
1542.04935	Performance Bonds	JE	3309425	4/15/2009	Cash Transfers LOC fees Q1 09	LC#3087968		12534685	17,747.23		
1542.04935	Performance Bonds	JE	3310594	4/15/2009	R/C CASH TRANSFERS LOC FEES Q1	LC#3080205		12538417	653.56		
1542.04935	Performance Bonds	JE	3310594	4/15/2009	R/C CASH TRANSFERS LOC FEES Q1	LC#3087968		12538417		(17,747.23)	
1542.04935	Performance Bonds	SV	26411627	4/27/2009	ADN Risk Service, Inc.	ACCT #570000022213		12536182	2,486.00		
1542.04935	Performance Bonds	JE	3318926	5/12/2009	Q1 2009 LOC Fees	LC 3080205		12566030	93.38		
1542.04935	Performance Bonds	JE	3346147	7/23/2009	Q2 2009 LOC Fees		3091226	12655558	1,486.33		
1542.04935	Performance Bonds	JE	3346147	7/23/2009	Q2 2009 LOC Fees		3080205	12655558	755.22		
1542.04935	Performance Bonds	JE	3375543	10/15/2009	Q3 2009 LOC Fees		3091226	12751362	1,702.67		
1542.04935	Performance Bonds	JE	3375543	10/15/2009	Q3 2009 LOC Fees		3080205	12751362	763.52		
1542.04935	Performance Bonds	JE	3411644	1/25/2010	Q4 2009 - LOC Commitment Fees		3091226	12869514	1,502.67		
1542.04935	Performance Bonds	JE	3411644	1/25/2010	Q4 2009 - LOC Commitment Fees		3080205	12869514	763.52		
1542.04935	Performance Bonds	JE	3432380	3/31/2010	Q1 2010 LOC Commitment Fees		8091226	12940482	1,395.50		
1542.04935	Performance Bonds	JE	3432380	3/31/2010	Q1 2010 LOC Commitment Fees	Account Ledger Pri		12940482	709.57		
1542.04935	Performance Bonds	SV	27881474	9/24/2010	ADN Risk Service, Inc.	Arch Capital		13139232	6,030.00		
1542.04935	Performance Bonds	SV	27881474	9/24/2010	ADN Risk Service, Inc.	Arch Capital		13139232	2,070.68		
1542.04935	Performance Bonds	SV	27881474	9/24/2010	ADN Risk Service, Inc.	Arch Capital		13139232	2,047.00		
1542.04935	Performance Bonds	SV	27881474	9/24/2010	ADN Risk Service, Inc.	Arch Capital		13139232	1,263.00		
1542.04935	Performance Bonds	SV	27881474	9/24/2010	ADN Risk Service, Inc.	Arch Capital		13139232	1,054.00		
1542.04935	Performance Bonds	SV	27881474	9/24/2010	ADN Risk Service, Inc.	Arch Capital		13139232	100.00		
1542.04935	Performance Bonds	SV	27881474	9/24/2010	ADN Risk Service, Inc.	Arch Capital		13139232	100.00		
1542.05500	Construction Water	SV	26341985	1/6/2009	Rain for Rent	hydrant rental 11/26-12/23		12391342	128.70		
1542.05655	Erosion Control	OV	4167096	12/13/2007	Landscape Development, Inc.	Contract 5084915 OS		11704028	306.00		
1542.05655	Erosion Control	OV	4168081	12/19/2007	Landscape Development, Inc.	Contract 5097395 OS		11713768 00-019 X	86.00		
1542.05655	Erosion Control	OV	4169989	12/31/2007	Landscape Development, Inc.	Contract 5097395 OS		11732426 00-015 X	1,435.66		
1542.05655	Erosion Control	OV	4169989	12/31/2007	Landscape Development, Inc.	Contract 5097395 OS		11732426 00-018 X	4,911.55		
1542.05655	Erosion Control	OV	4174380	1/18/2008	Landscape Development, Inc.	Contract 5097395 OS		11775548 00-019 X	400.76		
1542.05655	Erosion Control	OV	4174541	1/18/2008	Landscape Development, Inc.	Contract 5097395 OS		11776081 00-019 X	360.00		
1542.05655	Erosion Control	OV	4188004	3/21/2008	Landscape Development, Inc.	Contract 5097395 OS		11907364 00-015 X	298.75		
1542.05655	Erosion Control	OV	4188852	3/26/2008	Storm Water Resources	Contract 5097396 OS		11916158 00-002 X	1,500.00		
1542.05655	Erosion Control	OV	4188853	3/26/2008	Storm Water Resources	Contract 5097396 OS		11916158 00-002 X	1,050.00		
1542.05655	Erosion Control	OV	4190646	4/3/2008	Storm Water Resources	Contract 5097396 OS		11966832 00-002 X	750.00		
1542.05655	Erosion Control	OV	4193709	4/18/2008	Landscape Development, Inc.	Contract 5097395 OS		11963765 00-019 X	278.11		
1542.05655	Erosion Control	OV	4193709	4/18/2008	Landscape Development, Inc.	Contract 5097395 OS		11963765 01-001 X	442.89		
1542.05655	Erosion Control	OV	4197164	5/7/2008	Storm Water Resources	Contract 5097396 OS		12001837	1,523.00		
1542.05655	Erosion Control	OV	4198793	5/16/2008	Landscape Development, Inc.	Contract 5097395 OS		12015999 00-019 X	524.00		
1542.05655	Erosion Control	OV	4202578	6/6/2008	Landscape Development, Inc.	Contract 5097395 OS		12059482 00-015 X	566.00		
1542.05655	Erosion Control	OV	4212166	8/1/2008	Landscape Development, Inc.	Contract 5097395 OS		12151093 00-015 X	1,800.00		
1542.05655	Erosion Control	OV	4212935	8/6/2008	Storm Water Resources	Contract 5097396 OS		12161059	1,075.00		
1542.05655	Erosion Control	OV	4212936	8/6/2008	Storm Water Resources	Contract 5097396 OS		12161059	975.00		
1542.05655	Erosion Control	OV	4216206	8/28/2008	Storm Water Resources	Contract 5097396 OS		12190847	421.00		
1542.05655	Erosion Control	OV	4216206	8/28/2008	Storm Water Resources	Contract 5097396 OS		12190947 00-002 X	554.00		
1542.05655	Erosion Control	OV	4216207	8/28/2008	Storm Water Resources	Contract 5097396 OS		12190947	975.00		
1542.05655	Erosion Control	OV	4217560	9/5/2008	Storm Water Resources	Contract 5097396 OS		12208721	29.00		

Account #	Account Description	DT	Document	Date	Explanation	Explanation	Batch	Subledger	Debit	Credit	Deposit
1542.05655	Erosion Control	OV	4217560	9/5/2008	Storm Water Resources	Contract 5097396 OS	12208721	CO#002 X	946.00		
1542.05655	Erosion Control	OV	4217562	9/5/2008	Storm Water Resources	Contract 5097396 OS	12208721	CO#002 X	975.00		
1542.05655	Erosion Control	OV	4226340	10/29/2008	Storm Water Resources	Contract 5233431 OS	12288932	SWPPPS X	487.50		
1542.05655	Erosion Control	OV	4226452	10/29/2008	Oakridge Landscape, Inc.	Contract 5233830 OS		12289646	19,064.00		
1542.05655	Erosion Control	MV	25982533	11/6/2008	Sunsign Graphics	Sign Meadows		12907916	392.32		
1542.05655	Erosion Control	OV	4230928	11/25/2008	Storm Water Resources	Contract 5233431 OS	12335014	CO# 001 X	450.00		
1542.05655	Erosion Control	OV	4230928	11/25/2008	Storm Water Resources	Contract 5233431 OS	12335014	RAIN/EV X	800.00		
1542.05655	Erosion Control	OV	4230928	11/25/2008	Storm Water Resources	Contract 5233431 OS	12335014	SWPPPS X	487.50		
1542.05655	Erosion Control	OV	4232427	12/11/2008	Storm Water Resources	Contract 5233431 OS	12363039	RAIN/EV X	800.00		
1542.05655	Erosion Control	OV	4232427	12/11/2008	Storm Water Resources	Contract 5233431 OS	12363039	SWPPPS X	975.00		
1542.05655	Erosion Control	OV	4233049	12/17/2008	Oakridge Landscape, Inc.	Contract 5233830 OS		12369373	10,729.26		
1542.05655	Erosion Control	OV	4236340	1/21/2009	Storm Water Resources	Contract 5233431 OS	12409249	RAIN/EV X	600.00		
1542.05655	Erosion Control	OV	4236340	1/21/2009	Storm Water Resources	Contract 5233431 OS	12409249	SWPPPS X	778.50		
1542.05655	Erosion Control	OV	4236689	1/21/2009	Oakridge Landscape, Inc.	Account Ledger Pri		12411827	487.50		
1542.05655	Erosion Control	OV	4240689	2/25/2009	Oakridge Landscape, Inc.	Contract 5233830 OS		12458093	390.00		
1542.05655	Erosion Control	OV	4241467	3/3/2009	Storm Water Resources	Contract 5233431 OS	12472117	CO# 001 X	400.00		
1542.05655	Erosion Control	OV	4241467	3/3/2009	Storm Water Resources	Contract 5233431 OS	12472117	RAIN/EV X	900.00		
1542.05655	Erosion Control	OV	4241467	3/3/2009	Storm Water Resources	Contract 5233431 OS	12472117	SWPPPS X	487.50		
1542.05655	Erosion Control	OV	4243482	3/3/2009	Oakridge Landscape, Inc.	Contract 5233830 OS		12472138	1,245.00		
1542.05655	Erosion Control	OV	4244734	3/27/2009	Storm Water Resources	Contract 5233431 OS	12499438	SWPPPS X	1,319.95		
1542.05655	Erosion Control	OV	4245279	3/31/2009	Oakridge Landscape, Inc.	Contract 5233830 OS		12505202	1,040.00		
1542.05655	Erosion Control	OV	4247764	4/22/2009	Storm Water Resources	Contract 5233431 OS	12531210	RAIN/EV X	500.00		
1542.05655	Erosion Control	OV	4247764	4/22/2009	Storm Water Resources	Contract 5233431 OS	12531210	SWPPPS X	487.50		
1542.05655	Erosion Control	OV	4248101	4/24/2009	Oakridge Landscape, Inc.	Contract 5233830 OS		12535482	520.00		
1542.05655	Erosion Control	OV	4250764	5/19/2009	Storm Water Resources	Contract 5233431 OS	12567028	RAIN/EV X	200.00		
1542.05655	Erosion Control	OV	4250764	5/19/2009	Storm Water Resources	Contract 5233431 OS	12567028	SWPPPS X	487.50		
1542.05655	Erosion Control	OV	4253106	6/11/2009	Storm Water Resources	Contract 5233431 OS	12598003	SWPPPS X	243.75		
1542.05655	Erosion Control	OV	4261043	8/21/2009	Landscape Development, Inc.	Contract 5097395 OS	12682634	00-019 X	36.00		
1542.05655	Erosion Control	OV	4273164	12/8/2009	Oakridge Landscape, Inc.	Contract 5233830 OS	12815628	CO# 001 X	1,195.00		
1542.05655	Erosion Control	SV	27342958	3/30/2010	Andy Gump, Inc.	meadows @ fillmore 03/18-04/14		12934531	365.02		
1542.05655	Erosion Control	SV	27432870	4/27/2010	Andy Gump, Inc.	Meadows @ Fillmore 4/15-5/12		12964482	365.02		
1542.05655	Erosion Control	SV	27530098	5/24/2010	Andy Gump, Inc.	Meadows @ Fillmore 5/13-6/9/10		12996153	365.02		
1542.05655	Erosion Control	MV	27605194	6/16/2010	Andy Gump, Inc.	Meadows @ Fillmore 6/10-7/7/10		13024913	365.02		
1542.05655	Erosion Control	MV	27709760	7/23/2010	Andy Gump, Inc.	Meadows @ Fillmore 7/8-8/4/10		13069014	365.02		
1542.05655	Erosion Control	SV	27773428	8/16/2010	Andy Gump, Inc.	8/5-9/1 Fence Rent		13095146	365.02		
1542.05655	Erosion Control	OV	4300105	9/22/2010	Landscape Development, Inc.	Contract 5097395 OS	13137005	CO #003A X	154.00		
1542.05655	Erosion Control	OV	4300105	9/22/2010	Landscape Development, Inc.	Contract 5097395 OS	13137005	CO #003B X	44.50		
1542.05655	Erosion Control	OV	4300105	9/22/2010	Landscape Development, Inc.	Contract 5097395 OS	13137005	CO #003C X	28.25		
1542.05655	Onsite Erosion Control	OV	4303009	10/25/2010	Landscape Development, Inc.	Contract 5097395 OS	13171710	CO #004A X	308.00		
1542.05655	Onsite Erosion Control	OV	4303009	10/25/2010	Landscape Development, Inc.	Contract 5097395 OS	13171710	CO #004B X	400.00		
1542.05655	Onsite Erosion Control	OV	4303009	10/25/2010	Landscape Development, Inc.	Contract 5097395 OS	13171710	CO #004C X	350.00		
1542.05655	Onsite Erosion Control	OV	4303009	10/25/2010	Landscape Development, Inc.	Contract 5097395 OS	13171710	CO #004D X	190.71		
1542.05655	Onsite Erosion Control	OV	4303009	10/25/2010	Landscape Development, Inc.	Contract 5097395 OS	13171710	CO #004E X	108.00		
1542.06009	Sewer-Mains/Laterals	OV	4166190	12/10/2007	Camarillo Engineering Inc.	Contract 5097968 OS	11696212		3,348.64		
1542.06009	Sewer-Mains/Laterals	OV	4166191	12/10/2007	Camarillo Engineering Inc.	Contract 5097968 OS	11696212		3,138.00		
1542.06009	Sewer-Mains/Laterals	OV	4166192	12/10/2007	Camarillo Engineering Inc.	Contract 5097968 OS	11696212		33,622.58		
1542.07009	Water-Mains & Lateral	OV	4231920	12/10/2008	Camarillo Engineering Inc.	Contract 5097968 OS	12360232	CO #012 X	2,400.00		
1542.07009	Water-Mains & Lateral	PD	4233787	12/24/2008	Oakridge Landscape, Inc.	Contract 4724245 BX		12376406		(1,690.00)	
1542.08005	Storm Drains	JE	3120824	2/29/2008	R/C BOFA DEP 2/29/08	Giffin Homebuilding		11874617		(75,000.00)	X
1542.08005	Storm Drains	JL	3141641	4/8/2008	Bofa DEPOSIT	GRIFFIN HOMEBUILDING GROUP		11955674		(75,000.00)	X
1542.08005	Storm Drains	JL	3162318	5/22/2008	BOFA DEPOSIT	GRIFFIN HOMEBUILDING GROUP		12032444		(75,000.00)	X
1542.08005	Storm Drains	JL	3196518	7/29/2008	R/C BOFA DEP 7/29/08	The Griffin Homebuilding Group		12151058		(20,000.00)	X
1542.10150	A.C. Paving	OV	4166189	12/10/2007	Camarillo Engineering Inc.	Contract 5097968 OS	11696212		5,005.33		
1542.10150	A.C. Paving	OV	4188185	3/21/2008	Asphalt Professionals	Contract 5127502 OS	11908910		16,814.10		
1542.11515	Perimeter Landscaping	JE	3372068	10/6/2009	R/C OV 4056160		12737348		1,303.46		
1542.11525	Water/Power Usage	SV	27841491	9/9/2010	Andy Gump, Inc.	Meadows@Fillmore 9/2-29/10		13124806	365.02		
1542.11525	Water/Power Usage	SV	27881477	9/24/2010	Andy Gump, Inc.	Meadows @ Fillmore 9/10-29/10		13199232	182.03		
1542.11525	Water/Power Usage	MY	27918179	10/8/2010	Andy Gump, Inc.	Meadows@Fillmore 9/30-10/27/10		13157697	865.40		
1542.11525	Water/Power Usage	MV	28078871	1/4/2011	Andy Gump, Inc.	Meadows @ Fillmore 11/25-12/2		13246225	279.61		
1542.11525	Water/Power Usage	SV	28086500	1/10/2011	Andy Gump, Inc.	Meadows @ Fillmore 10/28-11/2		13251369	1,223.11		
1542.11525	Water/Power Usage	SV	28086502	1/10/2011	Andy Gump, Inc.	Meadows @ Fillmore 12/3/10 Repair		13251369	150.00		
1542.12630	Perimeter Wall - Other	SV	25036852	3/26/2008	Heffernan, Charles	Gate Chain Lock Fillmore		11917079	33.25		
1542.12820	Dust Control	OV	4172386	1/10/2008	Gothic Landscaping	Contract 5148683 OS		11758900	680.00		
1542.12820	Dust Control	OV	4172387	1/10/2008	Gothic Landscaping	Contract 5148683 OS		11758900	680.00		
1542.12820	Dust Control	OV	4256955	7/16/2009	Gothic Landscaping	Contract 5148683 OS	12640639	CO #003 X	4,500.00		
1542.12820	Dust Control	OV	4256955	7/21/2009	Gothic Landscaping	Contract 5148683 OS	12640639	CO #003 X		(4,500.00)	
1542.12820	Dust Control	OV	4257907	7/22/2009	Gothic Landscaping	Contract 5148683 OS	12644852	CO #003 X	4,500.00		
1542.12820	Dust Control	OV	4296901	8/18/2010	Gothic Landscaping	Contract 5148683 OS	13097610	CO #004 X	100.00		
1542.12820	Dust Control	OV	4296901	8/20/2010	Gothic Landscaping	Contract 5148683 OS	13097610	CO #004 X		(100.00)	
1542.12820	Dust Control	OV	4297169	8/20/2010	Gothic Landscaping	Contract 5148683 OS	13100243	CO #004 X	6,800.00		
									502,779.25	(330,345.14)	
									Net Development Spending/Refunds 12.1.07 to 1.13.11	172,484.11	
									Exclude (add back) Deposits Received	302,766.67	
									Total Development Spending 12.1.07 to 1.13.11	475,250.78	

EXHIBIT "COA"

***MODIFIED CONDITIONS OF APPROVAL
6/29/05**

**TENTATIVE TRACT MAP NO. 5353
DEVELOPMENT PERMIT 01-16**

**RIVER CENTRAL INVESTEMENTS, INC.
APPLICANT**

RECITALS

A. AUTHORITY FOR THIS DOCUMENT

The conditions and terms contained in this exhibit are applied to permit "TTR 5353" (THIS PERMIT) and are applied under the City's authority regarding discretionary permits (Section 6.040210 of the Fillmore Zoning Ordinance).

B. IDENTIFICATION OF THE SUBJECT PROPERTY

The subject property is located at the southwest corner of River St. and Central Ave. and is identified as Assessor Parcel Numbers 053-0-140-040, 041-0-290-030 and 041-0-290-525. The subject property is subject to the conditions and terms contained in THIS PERMIT.

***C. DESCRIPTION OF PROJECT AUTHORIZED BY THIS PERMIT**

The PROJECT consists of 96 town home units and 10 duplexes and 4 granny flats zero to be implemented in ~~two (2)~~ *one (1)* phase. All conditions of THIS PERMIT are applicable upon implementation of Phase One, unless so specified in this document.

***D. RESPONSIBILITY OF APPLICANT**

The following conditions are the responsibility of the Applicant (RIVER CENTRAL INVESTEMENTS, INC), or any of their successors or assigns.

E. BASIS UPON GRAPHIC ILLUSTRATIONS ("THE PLANS")

THIS PERMIT is based on the following PLANS referred to as exhibits "TTR" (Tentative Tract Map), "G" (Preliminary Grading Plan), "S" (Site Plan), "E" (ELEVATION PLAN) "F" (FLOOR PLAN) and "L" (Landscape Plan). These exhibits represent the minimum information that is to be expected on subsequent construction documents that are used to implement the project. All interpretations and construction documents shall be based on the above Exhibits (dated October, 2005).

F. BASIS UPON WRITTEN DOCUMENTS

THIS PERMIT is based on the following written documents referred to as exhibits "COA" (conditions of approval), "MND" (environmental document), "MMP" (Mitigation Monitoring Plan AND Mitigation Measures) and, "SR" (Staff Reports). All activity on the subject property is to be in compliance with all requirements and direction, as set forth in the above Exhibits.

The conditions and terms in this document shall prevail over all omissions, conflicting notations, specifications, dimensions, typical sections and the like, which may or may not be shown on the PLANS.

G. LIFE OF THIS PERMIT

The conditions and terms contained in this PERMIT apply to the subject property indefinitely or, until such time that this document is modified according to the process identified in paragraph "I" of this document. THIS PERMIT IS NOT TRANSFERRABLE TO ANOTHER PROPERTY.

H. TIME TO EXERCISE THIS PERMIT

THIS PERMIT shall be substantially initiated or it shall expire on May 22, 2005. Substantial initiation of THIS PERMIT shall be determined at the sole discretion of the CITY. Any extension of THIS PERMIT shall be processed per Section 6.04.6650 of the Fillmore Municipal Code.

I. PROCEDURE FOR MODIFICATION OF THIS PERMIT

Any proposed modification of THIS PERMIT shall be processed per Section 6.04.6645 of the Fillmore Municipal Code.

J. INDEMNIFICATION AND HOLD-HARMLESS STATEMENT

The APPLICANT shall indemnify, exonerate and hold harmless, the CITY and all officers and employees thereof, against all claims, demands and causes of action arising out of improvements constructed within the project.

The APPLICANT agrees as a condition of approval of THIS PERMIT, to defend, at the sole expense of the APPLICANT, any action brought against the CITY based upon approval of THIS PERMIT. The APPLICANT shall reimburse the CITY for any costs and attorney's fees that the CITY may be required to pay as a result of any such action. The CITY may, as its sole discretion, participate in the defense of such action, but such participation shall not relieve the APPLICANT of the above obligations.

Any activity or structure pursued by the APPLICANT, authorized by THIS PERMIT shall further constitute acceptance of all conditions and obligations imposed by the CITY on THIS PERMIT. The APPLICANT, by said acceptance, waives any challenges as to the validity of THIS PERMIT.

K. COMPLIANCE WITH THIS PERMIT PRIOR TO AUTHORIZED ACTIVITY/USE

The APPLICANT shall comply with and satisfy all applicable conditions of THIS PERMIT prior to being authorized to begin construction activity or prior to being allowed to occupy any structures.

Authorization to begin construction is to be granted by the Building Official upon presenting the Administrative Clearance Form to the Building Official with all required signatures.

Authorization for occupancy is to be granted by the Building Official upon having a final occupancy inspection conducted by the Building Inspector and Fire Chief, and then having the Building Official issue a Certificate of Occupancy. Any required public improvements are to be completed to the satisfaction of the City Engineer prior to the Building Official issuing a Certificate of Occupancy.

Authorization shall not be granted if the proper and requested information is not presented in a neat and timely manner.

L. COMPLIANCE WITH ALL APPLICABLE CODES AND REGULATIONS

All activity and construction pursuant to THIS PERMIT shall comply with all applicable codes and regulations including, but not limited to, the Fillmore General Plan, the Fillmore Zoning Ordinance, the Uniform Building Code (1997 version), the Uniform Fire Code, the Subdivision Map Act, and the "Standard Specifications for Public Works Construction".

M. PAYMENT OF FEES/DEPOSITS

Unless otherwise provided all required Fees shall be paid by the APPLICANT prior to the issuance of a building permit. Such fees shall be in accordance with City Council Resolution 01-2519, SCHEDULE OF FEES AND CHARGES FOR CITY SERVICES or the latest update to said resolution. Such fees include but are not be limited to the following: General Services Fees, Fire Department Fees, Planning Department Fees, Engineering Plan Checking, Map Checking and Construction Inspection; Building/Safety fees and Public Works Department Fees. In addition to City fees outside agencies will also charge fees such as the Fillmore Unified School District, Ventura County Flood Control District, Ventura County Transportation Department, etc.

N. PHASING

The subdivision shall be completed in one Phase.

CONDITIONS

The following conditions are organized by CITY Department.

ENGINEERING AND PUBLIC WORKS

- *E1. Separate public improvement plans shall be prepared by a registered California Civil Engineer and shall be subject to the review and approval of the City Engineer. The plans at time of submittal may include, but not be limited to, grading, landscaping and irrigation, street, drainage, sewer, water, and appurtenant improvements. The submittal shall also include construction cost-estimates, plan check fees, a soil report and all pertinent engineering design calculations. The rough grading plans, utility plan, fine grading, landscape plans and other plans may be submitted to the City separately for review.
- E2. Theses Conditions of Approval shall take precedence over the improvements and notes of the Tentative Tract Map. All design, material workmanship and construction shall conform to the latest version of (1). the City of Fillmore Standard Specifications, (2). the City of Fillmore Standard Plans (3). the Standard Specifications for Public Works Construction (4). Standard Plans for Public Works Construction (5). County of Ventura Standards (6). and Caltrans Standards. The improvement plans shall include and conform to the items listed in the City of Fillmore Improvement Plan Checklist and City of Fillmore General Notes for construction. The above items are listed in order of precedence.
- E3. The Applicant shall enter into a contract with the City to perform the installation and construction of all public improvements and landscaping as contained in the conditions of

approval and shall post a bond guaranteeing the installation and construction of all required public improvements and landscaping within the time period specified herein. The Performance Bond shall be for 100% of the public improvements cost, the Labor and Materials Bond shall be for 50% of the public improvement cost estimate and the Monument Bond shall be for 100% of the cost to set monuments. The Applicant may build the public improvements contained in the approved plans at their own risk prior to recordation of the Subdivision Maps.

- E4. The Applicant shall retain A Registered California Civil Engineer: 1) assure that the construction work conforms to the approved public improvement plans and specifications and, 2) to provide certified as-built plans after project completion in both mylar and electronic format to the City. Submittal of the certified as-built plans is required prior to and as a condition of the final acceptance of the development by the City.
- *E5. Public improvements shall be completed prior to the City's acceptance of the improvements. Temporary occupancy permits may be permitted at the sole discretion of the City.
- *E5a. The subdivision shall consist of ~~two~~ (2) ~~one~~ (1) phase
- E6. The Applicant shall be responsible for all actions of their contractor and subcontractor until such time as the City has accepted the improvements defined in the Subdivision Map Act. The Applicant shall designate, in writing, before starting such improvement work, an authorized representative who shall have complete authority to represent and act for the Applicant. Said authorized representative shall be present at the site of the work at all times while such work is actually in progress on the subdivision. During periods when work is suspended, arrangements acceptable to the City Engineer shall be made for any emergency work, which may be required. Whenever the Applicant or their authorized representative is not present on any particular part of the work where it may be desired to be give direction, orders will be given by the City Engineer which shall be received and obeyed by the superintendent or foreman who may have charge of the particular work in reference to which orders are given. Whenever orders are given to the Applicant's representative or superintendent or foreman to do work required for the convenience and safety of the general public because of inclement weather or any other cause and such orders are not immediately acted upon by such person, the City may do or have such work done by others at the Applicant's expense.
- E7. If the City contributes funds for a public improvement, the Applicant shall obtain at least three (3) competitive bids and the bid process shall comply with the law for public works contracts. The City Engineer prior to award of contract by Applicant shall approve the bidding process and documents.
- E8. Up until the time of City approval of the tentative map (Ref. Sec. 66474-2, Subdivision Map Act), the City of Fillmore reserves the right to upgrade or add to City standards and specifications for land development related to public improvements.

- E9. The Applicant shall submit the actual costs of each of the sewer and water improvements to the City Engineer prior to final acceptance of the public improvements by the City of Fillmore. The detailed cost breakdown shall be in accordance with the format approved by the City Engineer.
- E10. The Applicant shall provide all necessary rights-of-way in fee to the City for streets, highways, sidewalks, curb ramps, sidewalk warps, breezeways, parkways, landscaping, alleys, sewers, water facilities, utilities, drainage facilities, bike paths and other public facilities as required by the City. These rights-of-way are to be shown and dedicated on the Subdivision Maps.
- E11. All Public Utility Easements and offsite easements for sewer, water and storm drainage shall be no less than 15 feet in width and centered over the utility. Utility easement shall be contained on one property if possible and the City will require additional width for easements that straddle property lines or are not centered over utilities.
- E12. The Applicant shall repair any street, alley, sidewalk, curb or other public facility that is damaged by the Applicant or the applicants' agent(s)/employees
- E13. The Applicant shall not commence any construction until a preconstruction conference has been held between the Applicant, the Applicant's engineer, contractor and subcontractors, and the City Engineer or City staff appointed by him.
- E14. The Applicant shall pay the cost of revising the City's Water, Sewer and Storm Drain Atlas and City GIS Base Map to reflect the new public improvements constructed by this project and the new parcel data created by this subdivision.
- E15. Prior to obtaining building permits for each individual lot, the Applicant shall pay the most current Development Impact Fees as required by the current Fillmore City Council Resolution regarding Development Impact Fees. Said Development Impact Fees may be deferred until close of escrow or issuance of the Certificate of Occupancy on each unit by separate agreement between the City and the lot owner, provided said agreement is executed by the lot owner and approved by the City Council prior to issuance of building permits.
- E16. The Applicant shall secure an encroachment permit from all agencies requiring permits, prior to performing any work in the City Right-of-Way, easement, or City facility, or other agency jurisdiction. The Applicant shall comply with all conditions of the permits.
- E17. All utility distribution facilities shall be placed underground except for surface mounted transformers, pedestal mounted terminals boxes, meter cabinets, fire hydrants, and streetlights. Appropriate easements shall be provided to facilitate these installations.

GRADING

- E18. Prior to submission of the Subdivision Map, the Applicant shall file with the Building Official a soils report prepared by a Geotechnical Engineer, who is registered in the State

of California. The recommendations contained within the report shall be made part of these conditions.

- E19. The soils report shall include at a minimum geotechnical investigation of liquefaction, expansive soils, seismic safety, and R-value testing. The grading plan shall incorporate the recommendations of the approved soils report.
- E20. All grading shall be done per the approved grading plan, and conform to Chapter 33 of the Uniform Building Code and/or as recommended by the Soils Report submitted for the project, with the prior approval by the City. The procurement of a grading permit for the proposed project shall be a condition of the Tentative Tract Map.
- E21. All grading work shall be shown on the grading plan incorporated in the improvement plans. Grading sections, details, typical sections, and spot elevations shall be sufficient to delineate the existing and finished extents of grading.
- E22. The grading plan shall clearly show all existing survey monuments and property corners. All existing monuments shall be protected or shall be tied and reset by registered land Surveyor or Engineer qualified to practice surveying in the State of California.
- E23. All abandoned irrigation lines, other pipelines and other obstructions on the project site shall be completely removed and properly disposed of from the site. Abandoned concrete irrigation lines may be crushed in place with the approval of the City Engineer. Proper backfill and compaction of voids shall be subsequently accomplished to provide protection against settlement.
- E24. It is the contractor's responsibility to use watering, street vacuum sweeping, dust fences or other methods as necessary to control dust throughout the construction operation to the satisfaction of the City Engineer.
- E25. All grading/construction debris shall be removed from the project site and disposed into a dumpsite prior to any excavation or fill operations and/or as directed by the City Engineer. The Applicant, his agents or employees shall be responsible for the immediate removal and clean up of materials or debris on public streets during the grading operation.
- E26. Where the difference in average elevations between adjacent lots is in excess of six (6) inches, a retaining wall or 4 to 1 slope shall be required. The retaining wall shall extend at least four (4) inches above the higher finished grade. Should the retaining wall exceed four (4) feet in height, a double wall with a minimum three (3) foot wide planter strip will be required. This condition shall not apply to the rear property line when the rear setback is greater than 15 feet to the toe of slope for the lower elevation home.

SEWER

- E27. The method of sewage and waste disposal shall be by means of a connection to the City's wastewater system. All sewer system improvements shall meet or exceed the City's standards, and the necessary separations between water mains and sanitary sewers shall be

maintained as required by the California Department of Health Services. Sewers shall also have separation from other utilities per the City's requirement.

- E28. All sewer mains shall be video taped after backfilling but prior to street paving. All sags deeper than 1/2" shall be removed and reconstructed. Off site sewer pipes in public rights of way shall be tested for deflection using a properly calibrated deflection mandrel. Deflections greater than 5% shall be removed and reconstructed.
- E29. All sewer mains and manholes shall be sealed and pressure tested per City Engineer's pressure testing requirements.
- E30. Manholes shall be placed at all changes in sewer alignment. Manholes shall be placed at a minimum of every 400 feet. Dead end sewers over 200 feet shall terminate in a manhole.

WATER

- E31. To ensure municipal water service to this development, the water rights for this property shall be dedicated to the City of Fillmore by Title Sheet Dedication on the Subdivision Map.
- E32. All on-site wells within the subdivision tract shall be filled, capped and abandoned in conformance with Ventura County Ground Water Section requirements and specifications.
- E33. The Applicant shall install a looped water main system and fire hydrants and services in conformance with the City of Fillmore Engineering Department requirements. Public water mains outside the public street are not allowed without special permission from the City Engineer.
- E34. The Applicant shall install adequately sized water services and water meters per current City of Fillmore standards.
- E35. A backflow prevention device shall be installed for all irrigation lines by the Ventura County Cross-Connected Control Inspector and the Public Works Superintendent. Applicant shall notify and register new backflow devices with County Cross Connection Control Inspector.
- E36. Individual water meters shall be installed for each unit. All meters shall be located in a bank at the building they serve unless otherwise stated in the special conditions.
- E37. The Applicant shall complete all water main improvements, including pressure and bacterial testing prior to connection to the City water system. The testing procedure for water facilities shall be provided by the City of Fillmore.
- E38. Mainline water valves shall be installed at all pipe junctions and will be located at the face of curb extension where feasible. A minimum of three (3) mainline valves is required for tee junctions and four (4) valves are required for cross-junctions, unless otherwise

approved by the City Engineer. Valves within 250 feet of a junction may be considered a junction valve.

DRAINAGE

- E39. On-site and off-site drainage facilities, compatible with the adopted City of Fillmore Drainage Master Plan, shall be provided and constructed as directed by the City Engineer.
- E40. The Applicant shall install the required permanent and temporary NPDES and erosion control facilities concurrently with rough grading operations. Erosion control measures shall be in place and maintained for the period of October 15 through April 15.
- E41. On-site and off-site drainage plans, all pertinent engineering analysis and design calculations shall be prepared in accordance with the City's current engineering design criteria and shall be submitted by the Applicant to the City Engineer for review and approval.
- E42. The Applicant shall submit to the City for review and approval, drainage plans, hydrologic and hydraulic calculations prepared by a Registered Civil Engineer. All catch basins shall intercept a 50-year flow. The 10-year hydraulic grade line for the storm drain system shall be a minimum of two feet below the gutter flow line unless the downstream control for the HGL in an existing storm drain causes a higher HGL. The VCFCD plastic placard "Do Not Dump, Drains to River" shall be mounted on the top and curb face of the catch basins.
- *E43. Each finished floor shall be at least one foot above a 100-year frequency storm. Collector streets shall have 24 feet of dry access during a 10-year frequency storm. A 16-foot dry access shall be provided on all interior streets during a 10-year frequency storm. The alleys shall have 10 years dry access according to the requirements of the City Engineer. The garage is not considered a finished floor and finished floor may be less than one foot above the 100-year frequency storm provided wood construction is raised one foot above the 100-year flood elevation. Living space at the garage level shall also be raised or flood protected not less than one foot above 100-year frequency storm. The finished floor elevation and protection from the 100-year frequency storm shall be as approved by the City Engineer.
- E44. The Applicant shall provide a permanent path of drainage for the 100-year storm flows.
- E45. Each parcel shall be designed to drain into a street, alley or City approved drain in such a manner that there will not be any undrained depressions of land within the development.
- E46. No cross-lot drainage will be permitted unless approved by the City Engineer in which case storm water the property owner must provide easements between the lots acceptable to the City Attorney. City Attorney fees will be the responsibility of the Applicant.
- E47. No cross gutters will be permitted in the subdivision unless otherwise approved by the City Engineer.

- E48. The Applicant shall procure easements or consents from all affected landowners downstream for any diversion of historical flows, changes in drainage conditions or acceptance of any additional water flowing over the subject party. Easements and consent documents shall be reviewed and approved acceptable to the City Attorney. City Attorney fees will be the responsibility of the Applicant.
- E49. Drainage gradients around all building pads shall not be less than 1% percent nor greater than 2% percent. If flat pads are utilized, lots will have drainage swales at not less than one percent and shall connect to the required yard drains.
- E50. The applicant shall obtain a NPDES permit from the Los Angeles Regional Water Quality Control Board for the construction of the project and shall provide a copy of the approved permit to the City Engineer.
- E51. The Applicant shall submit a storm water NPDES plan for the permanent storm water best management practices that will be implemented with this development.
- E52. Storm drain manholes shall be provided if required by the City Engineer at junctions, at intervals not exceeding 660 feet, at locations where the conduit changes size, and points where changes in pipeline slopes occur.
- E53. Two (2) yard drains shall be installed for each duplex home lot from the curb face to the back yard per City Engineer standard plate 601 unless the side yard set back is larger than 15 feet and an alternative design for adequate drainage and access around the side of the home is approved by the City Engineer.
- E54. Runoff from paved areas shall be drained into landscaped areas (bio filters) prior to leaving the site. The minimum flowage area of the biofilter shall be 1,000 square feet per acre of impervious area. If biofilters are not workable the Applicant may submit other options to the City Engineer for consideration. Nuisance water shall be collected prior to biofilters and treated in a treatment wetlands or other method approved by the City Engineer.

STREETS

- E55. Prior to sale of any unit the Applicant shall annex this project into the City's Street Light and Landscape Maintenance Assessment District. The Applicant shall pay all annexation costs. The district shall pay for street light maintenance, public landscape maintenance costs associated with the project including street trees and graffiti removal. Street tree maintenance shall include sidewalk and street maintenance associated with root damage.
- E56. The stub ends of all streets planned for future continuation shall be signed in accordance with Ventura County Standard Plate F-1 or as approved by the City Engineer.
- E57. The Applicant shall improve to City standards, all sidewalks, parkways, streets and alleys.

E58. The City will not accept chipped curbs. Curbs that have been chipped or damaged by the construction shall be removed and replaced in whole to the satisfaction of the City Engineer prior to occupancy or final approval.

E59. All streets shall be designed and installed in conformance with minimum design standards set by the County of Ventura Road Standards and as noted in the special conditions.

E60. Soil reports, "R" value, and compaction tests will be required on all proposed streets or portions of streets requiring repair. Determination of actual structural sections to be constructed shall be based on State Highway design procedure, with the specified traffic index in the current Ventura County Road Standards designed for a 40-year life. A 1.5 - inch thick rubberized asphalt-wearing surface shall be added on top of the structural section. The top twelve (12) inch portion of soil (more if necessary) of the subgrade material shall be reworked and recompact to 90% density at the optimum moisture content shown in the R-value test. The Applicant shall pay all testing and inspection costs associated with the asphalt paving.

E61. All streets, alleys, sidewalks, curbs and gutters adjacent to the development shall be improved per Exhibit "TTR", or as necessary to provide safe vertical and horizontal transitions which connect improvements constructed within this project to existing improvements, as directed by the City Engineer.

E62. The Applicant shall pay for and install, street name signs, traffic regulatory and warning signs, and any necessary street striping and markings as required by the City Engineer. All signs shall conform to the City of Fillmore Public Works Department requirements. Striping and signing plans shall be made a part of the improvement plans.

E63. All striping shall be thermoplastic except for centerline markings.

E64. Sidewalks shall be scored with square score marks with a score mark in the center of the sidewalk parallel to the street. Each square shall be 2.5 feet by 2.5 feet for a 5-foot wide sidewalk.

E65. Each street tree planted within 6-feet of a sidewalk or curb shall include a ten foot long, 18-inch deep tree-root barrier, centered on the tree. The root barrier shall be cast into the concrete of the sidewalk, driveway and curb. Two perforated irrigation pipes 3-foot in length and 4-inches in diameter, filled with gravel, shall be installed adjacent to the tree and irrigated with a bubbler.

E66. Curb ramps shall be per Standard Plans for Public Works Construction, Standard Plan 111-2, Type 3 at curb returns.

GAS, ELECTRIC, CABLE, TELEPHONE AND OTHER UTILITIES

E67. All utility plans shall be coordinated with the respective utility companies. Preliminary utility designs shall be submitted for review and approval to the City Engineer prior to final utility designs. All utility boxes shall be precisely located on the utility plans. All such

improvement work and other work specified by the City Engineer shall be accomplished by the Applicant as the prime contractor and under permit issued to said Applicant by the City.

- E68. Prior to Subdivision Map recordation, the Applicant shall pay all energy costs associated with street lighting for a period of one year after the initial energizing of the streetlights.
- E69. Existing overhead power lines 16KV or smaller, telephone lines, cable lines shall be placed underground. The undergrounding shall extend along the project street frontage to the nearest utility pole(s) outside of the project site. The Applicant shall be entitled to enter into a reimbursement agreement with the City for fair share reimbursement from adjacent properties for undergrounding of overhead lines.
- E70. Streetlights shall be installed in accordance with a street lighting plan prepared by the Applicant and approved by the City Engineer. The Street Lighting plan shall be made a part of the Master Utility Plan. Interior streetlights shall be Edison Nostalgic with a height of 17'9" poles with 333 color (green) and amershield coating. The luminare shall be 208 volts and 150 Watts. In general the lighting pattern shall be I.E.S. type III illumination pattern. Refractors shall be installed to shield housing. Lights shall be staggered, and at 150 foot spacing. Intersections on collector streets shall receive 30-foot marbolite poles with 9,500 lumens.
- E71. A Master Utility Map shall be made a part of the improvement plans. Natural gas, electric, telephone, street trees, and cable TV lines shall be shown on the plan prior to obtaining the encroachment permits for the installation of these utilities. No utilities shall be constructed prior to obtaining an encroachment permit from the City of Fillmore Public Works Department.
- E72. All new utilities shall be installed underground and shall be constructed and extended to all tract boundaries unless otherwise approved by the City Engineer.
- E73. All underground utilities in public rights of way such as: water, natural gas, sewer, electrical, CATV, telephone, or drain lines shall be installed prior to paving any street or portion of a street. Utility stub connections to property boundaries of each lot may be omitted only with the expressed written permission of the City Engineer.

SUBDIVISION MAP

- E74. The applicant shall prepare a Subdivision Map as defined in the State Subdivision Map Act Condominium Map and prepared by a licensed land surveyor or engineer, showing all parcels, right-of-way and easement(s) shall be filed with the City of Fillmore Engineer's Office. The Subdivision Map shall conform to the requirements of the State Subdivision Map Act and the City's Subdivision Ordinance. Said filed map shall be mylar. An electronic copy of the approved map shall be submitted to the City Engineer. Separate Subdivision Maps shall be prepared for each phase of the improvements.
- E75. All lot corners of lots within the subdivision shall be monumented with no less than 1-20" long by 1/2" diameter galvanized steel pipe imbedded no less than 18" into the earth. Lot

corners shall not be located in the public sidewalk, curb, or parkway. Street monuments shall conform to Ventura County monument well standards and be located at all intersections, middle of cul-de-sacs and beginning and end of curves. All monuments shall be shown on the map with a distinct symbol for each type of monument.

- E76. The Subdivision Map shall show the following:
- (a) Total area of land being subdivided (in acres).
 - (b) Total number of lots and parcels being created.
- E77. The Subdivision Map shall also contain and provide all information shown on the City of Fillmore Final Map checklist.
- E78. The certificates shall conform to the City of Fillmore Engineer's Office requirements.
- E79. Public Utility Easements shall be provided as requested by the Public Utility Companies and shall be offered for dedication on the map. The language of the Public Utility Easement shall be acceptable to the City Engineer.
- E80. The Applicant shall set all monuments as required by the State Subdivision Map Act and the City of Fillmore.
- E81. Permanent benchmarks shall be set at locations designated by the City Engineer. Coordinate system shall be established in conformance with 3rd Order Leveling Specifications and Procedures to incorporate electronic digital/bar code leveling system.

BUILDING & SAFETY

- B1. With the first submittal of construction documents, a reproduction of this document (Exhibit "COA") shall be incorporated as a full-sized page into all sets of the construction documents.
- B2. Before starting any work, the Applicant shall designate in writing, an authorized representative who shall have complete authority to represent and act for the applicant. Such written authorized shall be submitted to the Community Development Department. Said authorized representative shall be present at the site of work at all times while work is actually in process on the development. During periods when work is suspended, arrangements acceptable to the City shall be made for any emergency work, which may be required.

URGENT WORK - Whenever orders by the City to the applicant's representative, Superintendent, or Foreman, to do work required for the convenience and safety of the general public because of inclement weather or any other dangerous condition, and said orders are not immediately acted upon by such person, the City may do, or have such work done, by others at the applicant's expense.

NUISANCE WORK - When the project causes a nuisance to the public and the City notifies the Applicant in writing of the nuisance, the Applicant shall resolve the problem

causing the nuisance within 36 hours. If the Applicant fails to correct the nuisance in a timely manner the City may do or have such work done by others at the Applicant's expense.

PLANNING

- P1. Landscaping and automatic irrigation shall be installed in landscaped areas to be dedicated to the City, per an approved landscaping and irrigation plan prepared by a registered landscape architect, licensed to work in California. Building permits will not be issued, and no landscaping is to be installed until the City's landscape architect approves the subject landscaping plans.
- P2. Front yards and parkways for each unit of each phase shall be installed, and inspected by the Building Inspector and City Landscape Architect, prior to the issuance of a certificate of occupancy.
- P3. A minimum size street tree of 24-inch box with a minimum 2-inch trunk diameter shall be required for each street tree, and each street tree shall be 8 to 12 feet tall with a minimum 4 foot wide head at the time of planting and all shrubs and vines shall be 5-gallon size (minimum) except as specified by the Community Development Director. All plant materials shall remain tagged with the species type until inspection of landscaping occurs.

FIRE

- F1. If any hazardous waste is encountered during the construction of this project, all work shall be immediately stopped and Ventura County Environmental Health Department, the Fire Department, the Sheriff's Department and the City Inspector shall be notified immediately. Work shall not proceed until the clearance has been issued by all these agencies.
- F2. The Applicant shall obtain two certified fire flow tests at the Applicant's expense to determine and check for compliance with fire flow requirements. The first test shall be conducted prior to approval of improvement plans and the second test after construction of the subject improvements but prior to issuance of a certificate of occupancy. A Fire Protection Engineer must certify the tests. A minimum fire flow of 1,500 gallons per minute shall be provided at the subject site. The foregoing is subject to reduction or modification by the City Fire Chief.
- F3. Fire hydrants shall conform to the minimum standards of the Ventura County Water Works Manual and the City of Fillmore Public Works Department Standards.

Hydrants shall be brass Clow model 2060 or Jones J3765R with two, 2 ½ inch outlets and one, 4-inch outlet. Required flow shall be achieved at no less than 20-psi (pounds per square inch) residual pressure. Fire Hydrants shall be spaced 500 feet on center, and so located that no structure will be farther than 250 feet from one hydrant. Hydrants shall be located no less than three (3) feet nor more than five (5) feet from any curb.

- F4. A permit shall be obtained from the Fillmore Fire Chief and the Ventura County Air Pollution Control District (APCD) for the handling, storage and use of all flammable, combustible and hazardous materials.
- F5. All roof-covering materials shall consist of State Fire Marshall-approved, noncombustible, fire retardant materials.
- F6. Address numbers, a minimum of six (6) inches in height shall be installed prior to occupancy and shall be internally illuminated.
- F7. Street signs shall be installed on all streets for which occupancy of homes is requested.
- F8. Prior to combustible construction the Applicant shall install the water mains and fire hydrants or equivalent protection, as determined by the Fire Chief. All weather road surfaces capable of supporting fire vehicular access shall be provided and maintained by the applicant to all buildings and fire hydrants prior to "dropping-lumber" on site.
- F9. Smoke detectors, approved by the State Fire Marshall, shall be installed in all areas leading to sleeping rooms.
- F10. All brush and grass determined to be a fire hazard by the Fire Chief, shall be cleared to a minimum distance of 100 feet from all proposed structures, prior to beginning framing of any combustible construction.
- F11. In accordance with the California Administrative Code, Title 24, Section B1419, an approved spark arrester shall be installed on the chimney of any structure.
- F12. Fire hydrant valves shall be maintained free of all obstructions in a manner deemed satisfactory by the Fire Chief.
- F13. No burning of combustible refuse material shall be permitted on the subject property.

RECYCLING

- R1. The Applicant shall provide adequate access to a side yard to each lot for all trash and recycling containers.

SPECIAL CONDITIONS

PROCESS

- S1. This permit is granted subject to the recordation of the Subdivision Map. Building permits shall be issued only after recordation. All conditions shall be agreed to prior to the recordation of the Subdivision Map unless otherwise specified. The Applicant shall provide a separate map showing the street address and the square footage of the individual lots certified by a land surveyor.

STREETS

S2. The streets shall be built as follows:

a) Willow Street the north south mid-block street shall have a 72-foot Right of Way, 5-foot wide sidewalks, 7-foot wide parkways, 20-foot wide parallel parking and through lanes and an 8-foot wide median. The traffic index shall be 5.5. Curb and gutter shall be per SPPWC standard plan 120-1 type A2-150 (6) with 1.5-foot gutters. The minimum asphalt thickness shall be 2.5-inches of conventional asphalt with a 1.5-inch rubberized asphalt cap.

b) River Street shall have a 63.5 foot Right of Way with a 3.5-foot R/W dedication by the Applicant on the south side. The street shall have 5-foot wide sidewalks, 8.5-foot wide parkways, and 20-foot pavement south of the existing centerline for parking and through lanes. A 3-foot public utility easement shall be dedicated adjacent to the southern right of way for dry utilities. The traffic index shall be 7.0 curb and gutter shall be per SPPWC standard plan 120-1 type A2-150 (6) with 1.5-foot gutters. The minimum asphalt thickness shall be 3.5-inches conventional with a 1.5-inch rubberized asphalt cap in the travel lane.

c) *Central Avenue shall have a 20-foot parking and travel lane, 5-foot wide noncontiguous sidewalks and 8-foot wide parkways on the west side of the centerline. Central Avenue on the east side of the centerline shall have a 20 foot travel lane. Central Avenue shall connect to Heritage Valley Parkway with two lanes of travel as approved by the City Engineer. The traffic index shall be 7.0. Curb and gutter on the east side of Central Avenue shall be per SPPWC standard plan 120-1 Type A2-150 (6) with 1.5-foot gutters. The minimum asphalt thickness shall be 3.5-inches of conventional asphalt with a 1.5-inch rubberized asphalt cap. On the north 150-feet of Central Avenue the City shall abandon 7-feet of existing R/W. On the southerly 330-feet the applicant shall dedicate the west 33-feet and adequate R/W for the Round-A-Bout as proposed in the Heritage Valley Specific Plan and either construct their portion of the Round A Bout as required by the City Engineer or have agreement with adjacent property owner for the full construction of the Round-A-Bout or make payment in cash to the City for the applicants portion of the Round-A-Bout construction.

d) The private lanes shall have a public utility easement from building face to building face, dedicated on the Subdivision Map. The minimum asphalt thickness shall be 2-inches of conventional asphalt with a 1.5-inch rubberized asphalt cap.

e) At the west end of Heritage Valley Parkway, the most southerly east west street on the project, a 40-foot radius turn around shall be provided or a 20-foot public access easement shall be obtained along the westerly boundary of the project to connect to River Street.

f) *Heritage Valley Parkway, the most southerly east west street on the project, shall have a Right of Way starting from the back of sidewalk at the north side of the street to the back of curb on the south side of the street and defined as follows: The north side of the centerline shall have 16 feet of pavement, 5-foot wide non contiguous sidewalk *and*

6-foot wide parkway, The south side of the centerline shall have 16 feet of pavement and 12 feet of parallel parking area at various locations as acceptable to the City Engineer. The traffic index shall be 5.5. Curb and gutter on each side of the street shall be per SPPWC standard plan 120-1 type A2-150 (6) with 1.5-foot gutters. The minimum asphalt thickness shall be 2.5-inches of conventional asphalt with a 1.5-inch rubberized asphalt cap.

- S3. Adequate parking and access shall be provided in accordance with the City Engineer and Planning Director's requirements.
- S4. Prior to final acceptance of the public improvements the Applicant shall construct a bike path across the southern portion of the property. The location of the path cannot be determined at this time because the location of the bank protection has not yet been determined. The Community Development Director shall designate the location of the path. If the Right of Way is made available between this tract and the existing bike path at Hwy 23 the applicant shall connect this bike path to the existing bike path at Hwy 23.
- S5. Class I bike paths shall be constructed of asphalt or concrete with thickness design to carry street sweeper, be 12-foot wide with 2-foot shoulders, where the bike path has grass adjacent to it the 2-foot shoulder shall be grass. City Standard pressure treated wood rail fence shall be installed on one side. The geometric design shall conform to Caltrans Standards unless the City Engineer allows a variance. The bike path may be built with a future Community Facilities District that the Applicant may participate in.
- S6. The Applicant shall reimburse the Fillmore Redevelopment Agency \$48,800 for the cost of the street improvements on the south side of River Street that were constructed with the Balden Town Shopping Center.
- S7. Adequate area shall be provided to allow fire engine and trash truck turning movements at the intersections and corners of the private alley ways. Truck sizes and dimensions shall be provided by Engineering Department, Waste Management and Fire Department. Applicants engineer shall provide an exhibit showing the turning movements to be approved by Engineering Department, Waste Management and Fire Department.
- S7a. The Applicant shall dedicate in fee Parcel 6 as shown on the Tentative Tract Map 5353 to the City for future and proposed bike path, recreational linear park and levee.

WATER

- S8. An 8" water line shall be installed in Heritage Valley Parkway and stubbed out to the west and east for future connection. The 12" water line in Central Avenue shall be extended to Heritage Valley Parkway.
- S9. If real time weather controlled irrigation controllers are available for this project in time for their installation the Applicant shall install the radio controlled irrigation controllers.

*S9a. Median areas shall be irrigated with a drip system if they are not planted with grass.

SEWER

- S10. The Applicant shall participate in the established City of Fillmore Interim Sewer Subscription Program (ISSP). Any ISSP fees for participation are in addition to the usual Sewer Development Impact Fee (DIF). The application shall pay the cash subscription fee for all Equivalent Residential Units (ERUs) in the project, and post cash, surety bonds or bank letters of credit financially guaranteeing future potential payments in accordance with the ISSP Fee Pro-Rata-Amount(s). Financial Guarantees are due by June 15, 2005. Delay in posting the guarantee(s) beyond that date could result in uncertainty in availability for sewage treatment capacity and will not obligate the City to provide service. The City intends to abolish the ISSP when the new Water Recycling Plant is placed into service. If the applicant's project is not connected to the public sewer at that time, the Applicant shall pay the then current Sewer Development Impact Fee.
- S11. The Applicant shall reimburse the Fillmore Redevelopment Agency \$59,250 for the cost of the 15-inch sewer main installed in River Street with the Balden Town Shopping Center.
- S12. Prior to issuance of a building permit for the first unit the Waste Water Treatment Plant shall have adequate capacity to serve this project. In the event that the Plant does not have adequate capacity, the Applicant may submit proposals for consideration by the City Manager for alternatives that will allow connection to the sewer and produce zero impact on the Plant.
- *S12a. Omitted.
- *S12b. Heritage Valley Parkway, levee improvements, bike path and landscaping shall be subject to design modification acceptable to the Community Development Director prior to recordation of Phase-2 Subdivision Map in order to properly accommodate the design with the traffic circle of the Heritage Parks Specific Plan on Central Avenue and changes in the FEMA Floodway alignment.
- S12 c. To help reduce chloride levels at the Waste Water Treatment Plant the Applicant shall not plumb the units for brine discharging water softeners and shall provide canister type water softener systems to each living unit. The applicant shall also offer to first owners 90 days of free canister water softener service with an option for the owner to use the same service for 9 additional months at the same cost provided to the developer/applicant.

DRAINAGE

- S13. The Applicant shall provide 100-year flood protection for the development for the following scenarios: 1) A 100-year frequency flood in the Santa Clara River with a 10-year frequency flood in the City. 2) A 10-year frequency flood in the Santa Clara River with a 100-year frequency flood in the City. In both cases the homes shall be 1-foot above the 100-year flood elevation to which the buildings are exposed.

- *S14. The Applicant shall build 1,200-feet of permanent soil cement bank protection, a permanent storm water treatment device, and irrigation system for the soil cement bank protection as required by the City Engineer prior to occupancy of any home.
- *S15. This tract shall have a 100-year bank protection and an approved Conditional Letter of Map revision revising the Floodway and Flood Plain issued by FEMA prior to issuance of a grading permit. The bank protection shall be completed prior to close of escrow or occupancy of any of the units. The bank protection shall be constructed ~~on the Floodway alignment~~ as approved by VCFCD, the City of Fillmore and FEMA. If necessary the City will use its power of Eminent Domain to acquire the land necessary to accommodate the required alignment. The Applicant shall pay all costs associated with the Eminent Domain process. If the alignment of the bank protection is significantly different from that shown on the tentative map the Applicant shall process the necessary supplemental environmental document. The Applicant may enter into a reimbursement agreement for a fair share reimbursement of environmental document, land and bank protection construction costs associated with the bank protection if other properties benefit.
- *S16. The Applicant shall construct a soil cement bank protection to provide 100-year flood protection for the project. The bank protection shall be constructed as a split bank protection with a 5:1 to 3:1 front face protected with soil cement groins or an equivalent design approved by the City Engineer. The bank protection toe shall be extended 10-feet below the lowest record river flow line elevation. The bank protection shall have a minimum of 1-foot of freeboard above the ultimate 100-year design flow as set by the Ventura County Flood Control District (VCFCD) and calculated using the VCFCD design flow line with a natural river bed cross section plotted on it. The soil cement shall have a minimum 7 day compressive strength of 750 PSI, have a minimum of 8-foot horizontal thickness and shall be mixed with a pug mill. The bank protection may have a 1:1 front face slope and shall not be trimmed to create a smooth front face. The upstream end of the bank protection shall be tied into a bank protection to the east or extended 300-feet north into the existing bank. The downstream end of the bank protection shall be extended at least 300-feet downstream of the westerly property line of this development and on the approved Floodway alignment or to the satisfaction of the City Engineer.
- *S17. The river face of the bank protection shall be completely covered with soil with a maximum slope of 3:1 to 5:1. The slope and 20-feet at the base shall be planted with willows, cottonwoods, sycamores at a density recommended by the City Engineer. 50% of Willows and cottonwoods may be planted from cuttings; all other trees shall be 1-gallon size. The plantings shall be watered until acceptance of the tract by overhead sprinklers or drip system. Irrigation lines shall be buried to protect from all terrain vehicular traffic. Plantings shall be performed between April and June. The Applicant shall maintain the plantings for one year and through one complete rainy season (October 15 to April 15), and if washed out, the Applicant shall restore the plants and slope.
- *S18. The Applicant shall pay for the formation of a Storm Drain Maintenance District for this tract. The District shall pay for the maintenance cost of the storm drain system, permanent storm water pollution prevention measures, street sweeping and bank protection

maintenance and permits required from agencies for regular maintenance. The bank protection maintenance cost shall include the maintenance of the bank protection itself, the soil cover over the bank protection and the irrigation system and vegetation on the soil cover. The City of Fillmore shall provide maintenance of the bank protection with the costs paid for by the Storm Drain Maintenance District. The assessment district shall build up a reserve account to approximately \$150,000 for levee maintenance over a period of 15 years. The Applicant shall process for the City the bank protection maintenance permits with Fish and Game, Army COE Regulatory Branch and VCFCD for the future maintenance of the soil covering over the bank protection and the restoration of the vegetation and related irrigation systems.

*S19. The applicant shall dedicate the land for the bank protection to the City in fee or if the land is not under the control of the Applicant an easement must be obtained either by the Applicant or, if necessary, through the City's power of Eminent Domain. The applicant shall pay all costs associated with the eminent domain process. The bank protection area shall consist of a linear strip of land extending 40-feet north of the top edge of the bank protection to 125-feet south, along with ingress and egress areas for bank protection access and maintenance as determined by the City Engineer.

*S19a. The applicant shall install the permanent storm water treatment system. ~~with Phase 2 construction.~~

*S19b. The applicant shall dedicate a drainage easement to the satisfaction of the City Engineer to contain the flow of the 100 year storm over the private property to the south of Phase 1. The flow and easement shall terminate in approved storm drain or location to the satisfaction of the City Engineer. The easement shall be dedicated on the Phase 1 Subdivision Map.

S20. Storm water pollution treatment shall be provided by the following methods:

- a. Trash removal shall be by a screening device at the end of the storm drain.
- b. Treatment shall be by installing a sewer system quality lift station at the downstream end of the local storm drain and pumping the drainage water into a treatment wetlands. An engineering firm acceptable to the City shall design the treatment wetlands.
- c. A pipe shall be installed from the storm water lift station to the nearest sewer main for potential future discharge to the sewer main.
- d. *As an alternative the Applicant can provide other treatment methods with the approval of the City Engineer. The other methods of treatment may require Applicant to provide plans for future demolition and improvements of the developments storm drain treatment facility that shall occur when City has permanent Central Avenue Storm Drain treatment facility. The Applicant may be responsible for deposit of funds for removal and improvements of this projects storm drain treatment facility prior to occupancy. Applicant shall provide Central Avenue Storm Drain with acceptable outlet and design to the satisfaction of the City Engineer for future removal of the storm water for treatment.

S21. The Applicant shall install or contribute a fair share to a flood warning system to warn of possible dam failure. The flood warning system shall meet the Fire Chief's requirements.

S21a. The Applicant shall extend the Central Avenue Storm Drain to the southern end of the improvements of this project in accordance with the City Engineer's requirements.

S21b. No ribbon gutters or cross gutters shall be placed on public streets unless specifically approved by the City Engineer.

SOILS

*S21c. Omitted.

SUBDIVISION MAP

S21d. Condominium buildings shall be tied to the parcels in two locations and shown on the Subdivision Map.

WATER

*S21e. Blow offs shall be placed at the ends of water line stubs.

S21f. If prior to Final Map, the City Council determines that a city wide irrigation system is needed to minimize the impact of new development water demand on the domestic water supply the Applicant shall do the following:

- a. Contribute a fair share cost to the preliminary engineering of the system to develop the construction and operating costs.
- b. Contribute a fair share cost of the construction of the system.

UTILITIES

S22. The Lighting and Landscape Maintenance Assessment District for this tract shall pay for all maintenance for street trees and public landscaping installed by this tract including a fair share portion of the maintenance costs of the future linear park and bike path along the south portion of this project.

S23. The Applicant shall reimburse the Fillmore Redevelopment Agency \$28,500 for the cost of the utility undergrounding on River Street that was constructed with the Balden Town Shopping Center.

S24. All above ground utility boxes shall have decorative covers that look like rocks.

MISCELLANEOUS ITEMS

- S24a. Applicant shall relocate green truss bridge sections to location approved by the City Engineer.
- S25. Subject to an MOU between the Applicant and the City the Applicant may participate in a Community Facilities District for the construction of bank protection. The MOU shall be finalized prior to issuance of building permits.
- S26. The Applicant shall comply with Exhibit "L" (Landscape Plans) for all parkways, linear park, landscaped public right-of-way and river revegetation area as approved by the City Council dated October 19, 2005.
- S27. The Applicant shall comply with the California Department of Fish and Game Streambed Alteration requirements, the United States Fish and Wildlife Section 7 or 10 and Incidental Take Permit requirements, the Regional Water Quality Control Board water quality certification requirements and the Army Corps of Engineers Nationwide or Individual Permit and procure said permits and approvals as a condition of approval of this Tentative Tract Map. All regulatory agency permits shall be on file with the City of Fillmore Planning Department prior to the issuance of grading permits.
- S28. The Applicant shall install slump stone block walls or an alternative fence material with equivalent sound attenuation qualities to block walls as approved by the Community Development Director (excluding wood fences) for interior property lines of each duplex lot.
- S29. The City retains the right to review, approve and hold final decision-making authority regarding additions, alterations or replacements to the exterior of any residence that have been approved first by the Architectural Control Committee and the Board of Directors of the Homeowner's Association. Plans and specifications showing the nature, kind, shape, color, size, materials and location of such improvements, alterations or other modifications shall be submitted to the City for approval as to the quality of workmanship and design and harmony of external design with existing structures, and as to location in relationship to surrounding structures, topography, and finish grade elevations.
- S30. All garage doors shall be roll-up doors.
- S31. The Applicant shall notify all home buyers and submit to the Planning Department with the homeowner signature acknowledging that: a) public access and public use of the linear park will occur and is permitted through the neighborhood, c) emergency procedures in the event of dam failures, d) the property is in a Lighting and Landscaping Assessment District, f) the property is in a Storm Drain Assessment District, g) each unit will be limited to two vehicles and no boats or recreational vehicles will be allowed to be permanently parked on site h) Home Owners Association may impose a requirement that no unit shall have a cat or dog) housing units may require flood insurance.

S32. All front yards shall be landscaped with automatic irrigation and installed by the applicant before Certificate of Occupancy is issued.

S33. Street parkways shall have automatic irrigation from the most adjacent lot and maintained by the homeowner or homeowners association to the satisfaction of the City.

S34. The applicant shall submit a minimum of three (3) different colors for roof materials to be approved by the Community Development Director before building permits are issued.

S35. River St. shall be planted with London Plane sycamore trees at 40' on center.

S36. The Applicant shall install benches, trash cans etc. in the public landscaping as determined necessary by the Planning Director.

S37. The public landscaping shall be plumbed with an irrigation system designed as a reclaimed irrigation system. Reclaimed water system standards shall be approved by the City Engineer. The applicant shall install an irrigation water main sized and located per the City Engineer's specifications from the east to west side of the property. All public landscaping shall be irrigated from this irrigation water main.

S37a. The applicant shall architecturally enhance the building elevations that are within view from the public ROW as approved by the City Planner.

S37b. The applicant shall provide within a model home options for handicap amenities such as wider hall, doors and fixtures.

TECHNOLOGY

S38. For basic services each home shall be provided with dual RG6 Quad or Tri shielded coax cable and dual CAT5e from demarcation block panel.

S39. For satellite services each home shall be provided with a minimum of two dual RG6 with ground wire from structured wiring panel terminating in a weather tight J-Box. J-Box location should be located towards rear of home on the south side of the structure.

S40. For wireless services each home shall be provided with a minimum of dual RG6 and dual CAT5e with ground wire from structured wiring panel terminating in a weather tight J-Box. J-Box location shall be located facing designated area for wireless antennas that serve the area.

S41. For inside the home dual RG6 Quad or Tri shielded coax cable and Dual CAT5e shall be installed to at least one location per room.

S42. All wiring shall be terminated, tested and labeled from structured wiring panel to the end of the line.

S43. Structured wiring panel with modules shall be installed to support basic services. All panels shall have at least one duplex installed, on a dedicated circuit.

S44. A surround sound system must be provided for the entertainment center by means of one (1) pair of 16-gauge speaker wire. It shall be installed in a location approved by the Building Official.

AFFORDABLE HOUSING

S45. Prior to issuance of building permits for Phase 1 of the project, the Applicant shall enter into an agreement with the Fillmore Redevelopment Agency to designate and restrict eight (8) of the residential units to be constructed on lots 1-29, 31-49 and the guesthouse (granny flat) units on lots 101-104. The eight (8) residential units to be restricted shall be restricted to "Persons and Families of Very-Low Income." The term "Persons and Families of Very-Low Income" means persons and families whose income does not exceed 50% of "Area Median Income." The term "Area Median Income" means the median family income, as adjusted for family size, for the Ventura Standard Metropolitan Statistical Area, as annually estimated by the United States Department of Housing and Urban Development, pursuant to Section 8 of the United States Housing Act of 1937, and as permitted by the regulations of the California Department of Housing and Community Development.

Seven (7) of the eight (8) units to be restricted shall also be determined to comply with the requirements for the project's density bonus in accordance with Government Code Section 65915 and shall meet the requirements for very low income households as defined in Health and Safety Code Section 50105.

MITIGATION MEASURES APPLIED TO THE PROJECT

The following mitigation measures are specifically incorporated into the project to adequately address the identified potential adverse effects on the environment, as listed below. The Applicant is fully responsible for the diligent implementation of said mitigation measures with monitoring of said implementation to be done by the City of Fillmore, or as appointed by the City, at the expense of the Applicant. Said measures are equally binding on any successors in interest or assigns on the project.

Mitigation Measure
BIOLOGICAL RESOURCES
1. Prior to the issuance of grading or building permits for Phase 1 or Phase 2 of the development, the applicant shall obtain either a Nationwide or an Individual Permit from the Corps of Engineers (Clean Water Act 404 Permit), a Streambed Alteration Agreement (1601 or 1603 Permit) from the California Department of Fish and Game and a 401 Water Quality Certification from the Regional Water Quality Control Board as determined to be necessary by the aforementioned regulatory agencies. Landscaping treatment along the proposed bike path complying with the mitigation objectives of these responsible and trustee agencies shall be included in the project landscape plans. Copies of 401, 404, and 1603 permit applications shall be submitted to the City at the time of submittal to appropriate agencies. Copies of permits shall be submitted to the Fillmore Planning Department

Mitigation Measure

2. The applicant shall prepare a native habitat restoration plan and/or a habitat conservation plan for all graded areas, including slopes, in the area of the proposed levee and the Santa Clara River riparian corridor where disturbances will occur as a result of site preparation, grading, or drainage construction.
- a) The restoration and/or conservation plan shall conform, in areas of federal and state jurisdiction, to the requirements of the Department of Fish and Game, Regional Water Quality Control Board, U.S. Fish and Wildlife Service, and Army Corps of Engineers. In other areas, restoration requirements shall conform to City landscape restoration guidelines.
 - b) Restoration efforts shall incorporate native plants in locations on the levee that are suitable for the anticipated natural water regime. Those at the lower portions of the levee shall be suited to grow successfully in shallow well-graded riparian sandy soils and silts (particularly for the restoration of exposed slopes). The plant palette shall incorporate, but not be limited to, the following species:
 - *Populus fremontii* (Cottonwood);
 - *Platanus racemosa* (Sycamore);
 - *Sambucus mexicana* (Elderberry);
 - *Juglans californicus* (Walnut);
 - *Salix lasiolepis* (Arroyo willow); and
 - *Baccharis salicifolia* (Mulefat).
 - Oaks

Trees shall at a minimum be 5-gallon container specimens or a size determined to be acceptable by CDFG, the Army Corps of Engineers, and the U.S. Fish and Wildlife Service. A short-term supply of fresh (or reclaimed) water shall be provided to assure the perpetuity of the plants and to achieve deep rooting. Adequate root guard protection shall be provided to reduce mortality from rodent activity.
 - c) The final landscape restoration program shall be reviewed and approved by the Director of Planning and Building Services and a qualified biologist. The restoration program shall be incorporated into the landscape plans for the project and prepared as a separate document. The plan shall include, but not be limited to the following components:
 - 1) Performance criteria (i.e., what is an acceptable success level of revegetation in percent cover);
 - 2) Monitoring effort (who is to check on the success of the revegetation plan, how frequently);
 - 3) Contingency planning (if the effort fails to reach the performance criteria, what remediation steps need to be taken);
 - 4) Irrigation method /schedule for wetland elements (how much water is needed where and for how long); and
 - 5) Provisions for the removal of non-native invasive species (including details regarding the type and use of herbicides in and near aquatic habitat and sensitive species).

Mitigation Measure	
3.	<p>Prior to issuance of permits for any grading or development, an offsite mitigation plan, if determined to be necessary to meet the mitigation ratios of the regulatory agencies, shall also be developed and approved by the City, the CDFG and the USFWS. The plan shall, at a minimum, include:</p> <ul style="list-style-type: none"> • Identification of the location of the restoration area and restoration procedures. Depending on the present state of the selected area, restoration may require grading, soil alteration, planting and watering. The Plan shall include short and long-term restoration goals (including monitoring and reporting requirements) and contingency actions. To assure its conversion into useable vireo habitat, success shall be determined by the presence of nesting vireos, by the sustainable creation of suitable habitat and prey base, or by other measurable features identified during agency consultation. • Acquisition of land at a replacement ratio to be determined during consultation with regulating agencies. Ratios are expected to range between 3:1 and 5:1 for permanent loss of habitat and buffer. • Restoration of riparian communities for the purpose of mitigating loss of least Bell's vireo habitat shall include only areas that were historically riparian or could, through permanent modification of hydrology, result in a sustainable change in vegetation and prey base creating suitable for habitat for this species. • Funding for purchase, restoration and long-term monitoring must be in place before the plan is finalized. • The purchase, enhancement or protection of current vireo habitat shall not satisfy mitigation for loss. Removal of <i>Arundo donax</i>, in areas currently occupied by LBV, would not qualify as "restoration." Permanent removal of <i>Arundo donax</i> within the historic range of LBV, but unoccupied, would qualify and may be included in the plan. Such permanent removal shall be determined by a minimum seven year monitoring program.
	<ul style="list-style-type: none"> o The Applicant shall fund annual brown-headed cowbird trapping program, overseen by the USFWS or another appropriate public agency. The amount and duration of payment shall be determined in consultation with the CDFG under CESA, and either the ACOE or the FWS in conjunction with Section 7 or Section 10 of the federal Endangered Species Act respectively. o A Habitat Protection Plan shall be developed to protect LBV during construction and occupancy. The Plan shall include, at a minimum: <ul style="list-style-type: none"> a) Pre-Construction Surveys: Surveys for least Bell's vireos would be conducted in the early spring, following agency protocol, if construction is to occur during the nesting season. If active territories are located within 500 feet of proposed construction, construction will be delayed until after fledglings have left the nest. b) Temporary fencing shall be installed to delineate construction and work areas from adjacent natural habitats to be preserved. c) An Erosion Control Plan to reduce pollution loading during construction shall be submitted to the City. d) A third party biologist shall monitor the site during initial grading and periodically thereafter during construction that is within the river area. e) Long-term protection shall be conditioned on the project via the community's CC&R's or through other means approved by the City, CDFG and USFWS. Long-term protection shall include establishing a minimum 100 foot buffer (the engineered fill slope must be vegetated with native scrub species to be included in the buffer); removal of nonnative vegetation, most importantly <i>Arundo donax</i> (Giant Reed), from the buffer and treated for at least five years following recommended procedures; and permanent fencing established within 20 feet of the top of the levee slope to limit entry into significant habitat. Such fencing shall be at least six feet in height and shall be planted with spinescent plants such as wild rose, blackberry, or other suitable native species in a dense bramble.
6.	To reduce potential impacts to native species, the applicant shall include in the CC&R's a no cat or dog policy.
7.	Townhouse Units 85, 86, 94, and 95 and Duplex Units 109 and 110 shall be removed from the project or relocated so as to avoid encroachment into the 100-foot "Significant Habitat" buffer zone.
AIR QUALITY	

Mitigation Measure	
1.	All material excavated or graded, as well as unpaved and untreated roads, shall be sufficiently watered to prevent excessive amounts of dust. Watering shall occur at least twice daily with complete coverage, preferably in the late morning and after work is done for the day, or an APCD-approved dust palliative shall be used. If used to suppress dust, petroleum-based dust palliatives shall meet the road oil requirements of applicable County APCD rules.
2.	All clearing, grading, earth moving, or excavation activities shall cease during periods of high winds (i.e., greater than 20 mph averaged over one hour) to prevent excessive amounts of dust. Construction grading shall be discontinued on days forecasted for first stage ozone alerts (concentration of 0.20 ppm) as indicated at the County APCD air quality monitoring station closest to the City of Fillmore. Grading and excavation operations shall not resume until the first stage smog alert expires.
3.	To the maximum extent feasible, cut and fill shall be balanced onsite to reduce the amount of export needed. The area disturbed by clearing, grading, earth moving, or excavation operations shall be minimized to prevent excessive dust generation.
4.	All material transported to or from the site shall be covered with securely fastened tarps or watered down to prevent excessive amounts of dust. Plan Requirements: This condition shall be denoted on grading/building plans.
5.	All inactive portions of the construction site shall be seeded and watered until vegetative cover is restored.
6.	To prevent excessive dust generation, streets adjacent to the project site shall be swept as needed to remove silt that may have accumulated from construction activities.
7.	A construction traffic management plan shall be presented to City staff prior to issuance of a grading permit which limits, to the maximum extent possible, impacts on public streets from construction traffic. The plan shall include at a minimum the following provisions: 1) temporary traffic controls to be provided where activities may interfere with traffic; 2) onsite vehicle speed shall be limited to 15 mph; 3) all areas experiencing vehicle traffic, such as parking areas, dirt roads linking different construction areas, etc. shall be watered periodically; and, 4) construction parking areas shall be located so as to minimize traffic interference along public streets.
8.	Construction equipment engines shall be maintained in good condition and in proper tune as per manufacturer's specifications.
CULTURAL RESOURCES	
1.	If historic or prehistoric cultural deposits are encountered during grading, all construction work in the vicinity of the cultural remains shall be avoided pending consultation with the City's consulting CEQA resource specialists. If cultural deposits are encountered which are deemed significant under CEQA criteria, data recovery shall be performed in an expedited manner to recover material remains in a professional manner. All recovered materials shall be properly curated and reported upon using conventional standards and practices for emergency data recovery. The disposition of recovered artifacts will be in consultation with culturally affiliated Native Americans.
2.	All building envelopes, access road easements, subsurface structures, well sites, or other ground disturbances shall be subject to a Phase 1 archaeological survey pursuant to County Archaeological Guidelines and if required, Phase 2 and Phase 3 studies shall be performed if significant resources are encountered and potential impacts are unavoidable. All work shall be funded by the applicant.
3.	In the event archaeological remains are encountered during grading, work shall be stopped immediately or redirected until a City-qualified archaeologist and Native American representative are retained by the applicant to evaluate the significance of the find pursuant to Phase 2 investigations of the City Archaeological Guidelines. If remains are found to be significant, they shall be subject to a Phase 3 mitigation program consistent with City Archaeological Guidelines and funded by the applicant.
GEOLOGY AND SOILS	
1.	The applicant shall comply with all requirements of the City Building Code unless modifications are approved by the City Building Official or City Engineer.
2.	The applicant shall eliminate all geologic hazards associated with the proposed development, or delineate a restricted use area subject to review and approval by the City Engineer. The applicant shall dedicate to the City the right to prohibit the erection of buildings or other structures within the restricted use areas.
3.	All grading shall conform to City's grading requirements. A site grading and drainage plan shall be submitted for review and acceptance by the City Engineer. The grading plan shall be accompanied by an updated Soils Report prepared in accordance with the Guidelines for Geotechnical and Geological Reports in the City of Fillmore and signed by a California Registered Civil Engineer.
4.	The applicant shall prepare an erosion control plan to be implemented throughout construction. The plan shall be approved by City staff prior to issuance of a grading permit.

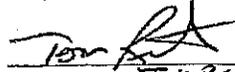
Mitigation Measure
5. A new Geological Technical Report for the proposed project shall be prepared (or the existing Geological Technical Report prepared by Buena Engineers shall be updated) to include a discussion of the following issues: customized Standard Grading Specifications, liquefaction and soil amplification problems in footing designs, the removal of existing septic systems and abandonment of existing water wells (if necessary).
HAZARDS AND HAZARDOUS MATERIALS
1. The applicant shall comply with all Fire Department requirements regarding fuel modification recommendations (including firebreaks), minimum fire flow requirements, and emergency vehicle accessibility. In addition, during grading and site clearance activities all earth-moving equipment shall be equipped with spark arrestors and at least two portable fire extinguishers per vehicle. Fire Department approval of these project features and any others deemed appropriate by the Fire Department, must be obtained prior to issuance of grading and building permits.
HYDROLOGY AND WATER QUALITY
1. The applicant shall submit a Sanitary Plan that details the connection plans to the waste treatment processing and domestic water systems serving the property.
2. The Applicant shall obtain a CLOMR from FEMA prior to commencement of grading on Phase 2 of the project. A copy of the CLOMR shall be on file with the City of Fillmore prior to issuance of the grading permit for Phase 2. A copy shall be on file in the Planning Department prior to grading permit for phase 2.
3. The Applicant shall comply with the SQUIMP.
AESTHETICS
1. Prior to issuance of grading permit, and in conjunction with City approval of the grading and landscape plans, the applicant shall submit to the City a final lighting and photometric plan which minimizes the degree and type of illumination of the public street, pathways, and building entries within the project boundary. Accent landscape lighting, the use of wall washes, and pedestrian level safety lighting shall be emphasized in the lighting design for the project. Street lighting shall be shielded and designed to prevent offsite light spillage. The plan submitted shall indicate the type of light fixtures to be used, the intensity of the lights, the location of each light and the height of each light fixture to be used for all outdoor lighting. Methods used to reduce the amount of light and glare that spill over onto neighboring properties could potentially include directional lighting, limiting light intensity, limiting the height of fixtures and using ground level lighting compatible with rural areas wherever possible. The intensity, placement and design of lighting elements throughout the project shall be designed and coordinated to balance function, safety and aesthetic considerations. Considerations that shall be thoughtfully incorporated into the lighting design (to the degree applicable) include: a. The design of light fixtures and their structural support shall be architecturally compatible with the architectural theme for the project and consistent with the goal of maintaining a rural aesthetic; b. Whenever appropriate, lights shall be integrated within the architectural design of buildings; c. All residential entrances shall be well lit. d. All lighting fixtures must be shielded or designed to confine light spread to within the project site boundaries. e. Provisions shall be made for dimming all lights not necessary for safety reasons after 10:00 p.m. f. Provisions to protect surrounding neighborhoods from significant changes in night lighting, including minimization of the use of pole heights over 15 feet at intersections; g. Provisions to include decorative, shielded lights into the design of the streetscape.
2. Utilities shall be underground in conformance with applicable codes. All necessary above-ground utility meters and related equipment shall be accessible to utility company and maintenance personnel, but shall be fully screened from adjacent properties, streets and neighborhood views. All screening devices shall be designed to complement adjacent architecture.
3. All trash enclosures and mechanical equipment shall be fully screened from view. Trash enclosures or mechanical equipment potentially visible from public streets shall have opaque or semi-opaque horizontal screen (such as a trellis) to mitigate unsightly views. All screening devices shall be designed to complement adjacent architecture. Clinging vines and/or vertical plantings shall be provided on trash enclosure walls and any other masonry walls where appropriate, as determined by City staff, to soften the visual effects of the structures and to discourage the occurrence of graffiti.

Mitigation Measure	
4.	Fences and walls shall be constructed of similar or complementary materials to those used on residential buildings. The use of decorative metal work or similar materials and appropriate landscaping as a buffer between houses is encouraged. The height, proportions and scale of walls must be sympathetic to the architecture of adjacent residential buildings. Landscape planters shall be installed adjacent to all building walls, garden walls, and fences visible from a public or private street. This landscaping shall be vertical, densely planted with large plant specimens.
5.	Prior to issuance of a building permit, final landscape/irrigation plans shall be submitted for approval by the City Planner. Construction plans for landscaping shall be included with the submittal of building permit applications. Final landscape/irrigation plans shall include a landscape and lighting maintenance program which shall be subject to approval by the City. The landscaping must adequately screen the project site, as well as the bank protection structure from surrounding land uses. Landscaping shall be compatible with the character of the surroundings and the architectural style of the structure. Parkways strips shall include design provisions to ensure smooth transitions between different types and patterns of landscaping on the public streetscape and private property; street trees and complementary pedestrian level landscaping shall be incorporated into the project landscape plan. To the degree feasible, the landscaping plan for streets and public spaces shall provide a buffer between pedestrians and vehicle traffic.
6.	The Homeowner's Association, applicant, or successor shall clean up any graffiti on private property within 72 hours. If the problem persists, as determined by City staff, a plan for preventing recurrence shall be submitted to the City for review and approval, and shall be implemented as approved. Suggested anti-graffiti measures include the use of vertical landscaping or vines along affected wall surfaces and/or the use of anti-graffiti paint.
7.	A street tree planting program shall be developed for the tract (and incorporated into the project landscape plans) to provide design coherence within the street grid. A variety of street trees shall be used in this plan in an effort to make the various streets within the development aesthetically unique.
8.	The applicant shall annex the property into a Landscaping and Lighting Assessment District.
9.	The Applicant shall revegetate the disturbed areas south of the proposed bank protection in accordance with the California Department of Fish and Game.
NOISE	
1.	Construction activities (including transportation of materials to and from the site) shall be limited to the following hours: 7:00 a.m. to 6:00 p.m. Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturday for interior and finish carpentry, installation of fixtures, etc., only. No heavy equipment construction work, framing, sheathing, roofing, or other similar work shall be permitted on weekends or holidays. Construction work on Saturday may be further restricted or prohibited should the City receive significant complaints from adjacent property owners. No construction work may occur on Sundays.
2.	The developer's Construction Project Manager and City Building Inspector shall ensure that construction equipment is fitted with modern sound reduction equipment.
3.	To minimize noise impacts, all stationary construction noise sources shall be sheltered or enclosed to minimize adverse effects on nearby offices, residences and adjacent neighborhoods. Generators and pneumatic compressors shall be noise protected in a manner that will minimize noise inconvenience on adjacent residences.
4.	Each internal combustion engine used for construction shall be equipped with a muffler of a type recommended by the manufacturer.
PUBLIC SERVICES	
1.	The applicant shall be required to pay all mandatory Public Facility, Statutory School, and Sewer Development Impact Fees and all other fees required by the City Engineer or Community Development Director to offset cumulative impacts to City provided public services.
RECREATION	
1.	Prior to issuance of a building permit, the applicant shall be required to pay all park and recreation fees consistent with the City of Fillmore requirements.
2.	The applicant shall make an irrevocable offer to dedicate a 50-foot wide easement along the southern boundary of the project for a recreational bike path to extend from the easterly boundary of the project site to the westerly boundary. The applicant shall be responsible for constructing the bike path and improving the path according to the City's standards prior to occupancy clearance of any units within the proposed project.
3.	The applicant shall construct a public linear park adjacent to the bike path. The park shall be designed in coordination with the City of Fillmore.
TRANSPORTATION/TRAFFIC	

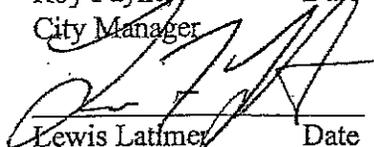
Mitigation Measure	
1.	The applicant shall pay the Transportation Development Impact Fee prior to issuance of a building permit.
2.	The applicant shall construct the traffic improvements recommended by Main Street Architects and Planners included in the Willdan Traffic Study dated February 2002, including: <ul style="list-style-type: none"> a) Placement of stop signs at each driveway for outbound traffic from the project site and at the intersection of New East-West Lane and New Street 1; b) The L-Type intersection at the intersection of New Street 2 and Central Avenue at the southwest corner of the project should be constructed to provide increased roadway width in accordance with Ventura County standards; c) A sight distance of 350 feet should be maintained at each intersection providing ingress and egress to River Street; d) Construct the portion of the extension of Central Avenue south of River Street to provide two-way traffic as shown in the site plan; and, e) Place a stop sign for future northbound traffic at the intersection of River Street and Central Avenue.
3.	The applicant shall pay a Reciprocal Access Fee prior to issuance of a building permit.
UTILITIES AND SERVICE SYSTEMS	
1.	The applicant shall comply with all planning, design, and implementation procedures for water, sewer, and flood control facilities set forth in the Water and Sewer Conditions of Approval recommended by the City Engineer. These conditions may address the need to obtain encroachment permits for storm water conveyance facilities and to design, install and repair a number of improvements to provide for site integration with the surrounding utility grid.
2.	Prior to issuance of building permits, the applicant shall be required to pay a Sewer Development Impact Fee in accordance with the City of Fillmore Resolution 98-2229.
3.	Prior to issuance of building permits for the project, adequate source separation, waste disposal, and household hazardous materials storage shall be incorporated into the site plan. The location and appearance of any source separation facilities shall be reviewed and approved by the Director of Planning and Building Services. The floor plans for individual residences shall provide adequate source separation, waste disposal and storage areas pursuant to the requirements of the City's zoning ordinance; site plans shall show the location and appearance of all trash enclosure facilities. Trash enclosure areas shall be shown on all building plans and shall be screened from public and private view corridors.
4.	Prior to issuance of building permits, the applicant shall provide a letter from a City-approved trash hauler as to how solid waste will be picked up within the project site and how any recycling programs will be implemented. Green waste removed from the property shall be properly recycled. Where feasible, the use of recycled building materials shall be included in the project. The solid waste program shall be subject to review and approval of the City Engineer and/or Community Development Director.
5.	The applicant, in coordination with the City Engineer shall include in the drainage plan, a biofilter at the outlet of the proposed storm drain system and the existing 48" storm drain.
6.	Prior to project occupancy, the applicant shall build at the applicant's expense a package sewage plant with sufficient capacity to serve the project at the existing Waste Water Treatment Plant or other zero impact mitigation as approved by the City Manager. The package plant would be an interim treatment measure to avoid further exceedance of BOD standards until a permanent solution to the BOD issue at the Waste Water Treatment Plant has been identified and implemented to achieve compliance with Regional Water Quality Control Board requirements.

* The above asterisked marked conditions are considered Minor Modifications to the original Conditions of Approval and have been approved by the Community Development Director in accordance with Section 6.04.60 of the Fillmore Zoning Ordinance.

In Agreement and Understanding



Roy Payne, Tom Ristau Date 3-23-06
City Manager



Lewis Latimer Date 03/26/06
Applicant

June 30, 2004

**CITY OF FILLMORE
PLANNING COMMISSION
RESOLUTION 11-859**

**DETERMINING
MODIFICATION #2 TO
DEVELOPMENT PERMIT 01-16
AS ACTIVE**

KB HOME, APPLICANT

WHEREAS, The Planning Commission has been requested to determine Modification #2 to Development Permit 01-16 as "active" per Condition of Approval #H which states,

"This permit shall be substantially initiated or it shall expire on May 22, 2005. Substantial initiation of this permit shall be determined in the sole discretion of the City. Any extensions of this permit shall be processed per Section 6.04.6650 of the Fillmore Municipal Code."

WHEREAS, Based upon the evidence presented, the Planning Commission makes the following findings of fact:

1. The subject property contains a total of 11.09 acres and located on the southwest corner of Central Ave. and the River St.
2. The properties are currently owned by the KB Home, 27240 Turnberry Ln Suite 100, Valencia, CA 91355
3. The proposed project as well as the permitted land uses for the subject property, conforms to the regulations contained within Chapter 6.04 of the Fillmore Municipal Code and with the adopted elements of the Fillmore 1989 General Plan and 2003 General Plan Update.

WHEREAS, The Planning Commission has determined that the applicant continues to make strides to develop based upon the following findings of fact;

- a) Processing and final approval of all land development infrastructure plans (sewer, water, storm drain, streets, grading, HOA site landscaping, fencing, levee plans, Levee groins and palisades plan.)

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Modification #2 to Development Permit 01-16
Active*

- b) Processing and final approval of the architectural building plans including structural, title 24.
- c) Current submittal and processing of the levee landscaping plan
- d) Processing and approval of the CLOMR with FEMA
- e) Processing of the LOMR – review pending.
- f) Recordation of the Final Tract Map and Condominium Plans.
- g) Completion of Rough Grading of Site inclusive of raising the site to achieve the minimum flood hazard elevation per FEMA guidelines.
- h) Completion of construction of the Santa Clara River Levee along the Easterly side of the project site to eliminate the flood hazard from the site.
- i) Installation of fire hydrants along tract perimeter.
- j) Installation of water trunk lines.
- k) Installation of mainline sewer.
- l) Installation of Central Avenue Storm Drain
- m) Reconstruction of the Central Avenue Storm Drain to accommodate the Heritage Valley Parks Specific Plan Levee.
- n) Installation of water recycling lines along River Street.
- o) Reconstruction, widening and paving of the southerly alleyway between the subject site and the adjacent apartment complex.
- p) Submittal and maintenance of all subdivision improvement bonds – all kept current.
- q) Annexation of the property into the Lighting and Landscape Assessment District.
- r) Annexation of the property into Community Facilities District #4 based on current approved product.
- s) Maintenance and extension to December 2013 of all environmental permits including: ACOE, CDF&G, RWQCB, VCWPD.
- t) Maintain active WDID construction permit with CA Regional Water Control Board

4. The Planning Commission reviewed and considered all oral and written testimony. Such testimony/comment has been appropriately incorporated into the project.

5. According to the certified EIR approved on October 9, 2002 for the project and, the design or proposed improvements are not expected to cause substantial environmental damage, or substantially and avoidably injure fish, wildlife or their habitats, or cause serious public health problems.

6. The certified EIR prepared for the project have been adequately prepared and are adequate for the provisions of CEQA.

NOW THEREFORE, be it resolved, that the Planning Commission does hereby determine that the Modification #2 to Development Permit 01-16 is considered as active

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Modification #2 to Development Permit 01-16
Active*

subject to Exhibit "COA" (conditions of Approval).

PASSED AND ADOPTED by the City Council this 19th day of January 2011, by the following votes:

Doug Tucker, Chair
Planning Commission

ATTEST:

Denise Beauduy
Planning Secretary

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Modification #2 to Development Permit 01-16
Active*