



Meeting Date: March 21, 2006

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input type="checkbox"/> Info/Consent
<input type="checkbox"/> Res. No(s).	<input type="checkbox"/> Report
<input type="checkbox"/> Ord. No(s).	<input checked="" type="checkbox"/> Public Hearing
<input type="checkbox"/> Other	<input type="checkbox"/> Other

Prepared By: Winston Wright, Assistant Planner Agenda Item No. J-2

Reviewed By: City Manager [Signature] City Attorney Kimbrell [Signature] Finance N/A Other (Specify) N/A

DATE: March 10, 2006

TO: City Council

FROM: Susan L. Martin, AICP [Signature]
Planning and Environmental Services Manager

SUBJECT: **Appeal of Planning and Zoning Permit No. 05-400-6 (Coastal Development Permit). Filed by James A. Herzoff.**

RECOMMENDATION

That City Council adopt a resolution upholding the Planning Commission's approval of Coastal Development Permit (PZ 05-400-6), with an amendment to Condition No. 49 thereof, concerning property located at 1115 Capri Way.

DISCUSSION

On October 6, 2005, the Planning Commission approved a request by Phillip Jon Brown to partially demolish and rebuild a beachfront single-family dwelling located at 1115 Capri Way (APN 191-0-091-025). The Commission's approval included a special condition (No. 49) requiring alternative roof design, since the original proposal included metal on the roof, which currently is in conflict with the City's Coastal Zoning Ordinance. On October 24, 2005, the property owner, James Herzoff, filed a notice of appeal objecting to Condition No. 49 of Planning Commission Resolution No. 2005-67.

On November 22, 2005, the City Council considered the appeal at a public hearing. At that meeting, the Council recognized that the Coastal Zoning Ordinance (Section 17-46(F)) prohibits metal on roofs. Staff did not object to such architectural treatments, and pointed out that the California Coastal Commission may consider an amendment to Section 17-46(F) to delete the prohibition of metal roofs to be minor in nature, which could be approved administratively. At the meeting, Council directed staff to consult with the State agency to determine the feasibility of administrative approval.

Over the past 3 1/2 months, staff has worked with Coastal Commission staff to address minor amendments to the Coastal Zoning Ordinance (a component of the City's Local Coastal Program), including removing the prohibition against metal roofs. Staff anticipates a formal

request to the State will be submitted shortly. In the meantime, staff recommends that this appeal be addressed by modifying Condition No. 49, as follows (added language is underlined):

“Prior to building permit submittal, Developer shall propose an alternative design to the proposed roof that is consistent with Section 17-46(F) of the Oxnard City Code, subject to the approval of the Planning and Environmental Services Manager unless Section 17-46(F) of the Oxnard City Code to allow metal roofs has been approved by the Coastal Commission.”

FINANCIAL IMPACT

None.

Attachment 1 - City Council Resolution

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CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD UPHOLDING THE DECISION OF THE PLANNING COMMISSION APPROVING PLANNING AND ZONING PERMIT NO. 05-400-6 (COASTAL DEVELOPMENT PERMIT), TO ALLOW THE PARTIAL DEMOLITION OF AN EXISTING BEACHFRONT SINGLE-FAMILY DWELLING AND THE CONSTRUCTION OF A 4,342 SQUARE FOOT SINGLE-FAMILY DWELLING IN ITS PLACE, LOCATED AT 1115 CAPRI WAY (APN 191-0-091-025), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY JAMES HERZOFF, 1115 CAPRI WAY, OXNARD, CA 93035.

WHEREAS, on October 6, 2005, the Planning Commission adopted Resolution No. 2005-67 approving an application for Coastal Development Permit No. 05-400-6 filed by James Herzoff, for the partial demolition and construction of a single family beachfront home; and

WHEREAS, on October 24, 2005, the owner of the subject property appealed Planning Commission's decision to the City Council; and

WHEREAS, the City Council has carefully reviewed the Planning Commission decision approving the application, the staff report, and minutes of testimony at the Planning Commission public hearing; and

WHEREAS, the project is among the classes of projects listed in Article 19 (commencing with Section 15300) of Division 6 of Title 14 of the California Code of Regulations as categorically exempt from the requirements for the preparation of environmental documents imposed by the California Environmental Quality Act; and

WHEREAS, the City Council has conducted a hearing and received evidence in favor of and opposed to the application.

NOW, THEREFORE, the City Council of the City of Oxnard resolves that the Planning Commission's approval Coastal Development Permit No. 05-400-6 is hereby upheld subject to the conditions set forth in Planning Commission Resolution 2005-67 on file in the Planning and Environmental Services Division of the Development Services Department, except that Condition No. 49 has been amended to read;

"Prior to building permit submittal, Developer shall propose an alternative design to the proposed roof that is consistent with Section 17-46(F) of the Oxnard City Code, subject to the approval of the Planning and Environmental Services Manager unless an amendment to Section 17-46(F) of the Oxnard City Code to allow metal roofs has been approved by the Coastal Commission."

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ATTACHMENT 1
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Resolution No.
PZ 05-400-6
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PASSED AND ADOPTED this 21st day of March 2006, by the following vote:

AYES:

NOES:

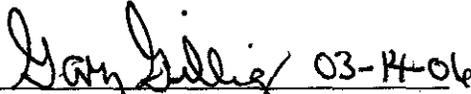
ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

 03-14-06

Gary L. Gillig, City Attorney

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ATTACHMENT 1
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