Planning and Environmental Services

PLANNING COMMISSION STAFF REPORT

TO: Planning Commission

FROM: Winston Wright, Associate Planner WW

DATE: November 16, 2006

SUBJECT: Planning and Zoning Permit No. 06-400-4 (Coastal Development Permit)

1. **Recommendation:** That the Planning Commission approve Planning and Zoning Permit No. 06-400-4, a coastal development permit (CDP), subject to the attached findings and conditions. The subject property is located at 905 Mandalay Beach Road, Oxnard, California (APN 191-0-051-050).

2. **Project Description and Applicant:** Planning and Zoning Permit No. 06-400-4 requests approval of a CDP for the demolition of an existing single family-residence and the construction of a 4,558 square foot single-family residence with an attached 904 square foot, 2-car garage and 613 square feet of decking. The proposed structure would be two-stories. The subject parcel is zoned R-BF (Beach Front Residential), is in the Oxnard Shores neighborhood, and is located at 905 Mandalay Beach Road; Mandalay Unit No. 1 Subdivision, Lot No. 25 as recorded in Map of Record Book 13 Page 60 on June 27, 1930 (APN 191-0-051-050). Filed by James Sandefer, 5386 N. Ventura Avenue, Ventura, CA 93001. This case may be appealed to the State Coastal Commission as established in Section 17-58(K) of the City of Oxnard Coastal Zoning Ordinance.

3. **Existing Land Use:** The subject parcel is developed with an existing beachfront, single-family dwelling with a detached garage.

4. **General Plan Policies and Land Use Designation Conformance:** The 2020 General Plan designation for the site is Residential Low-Medium Density (8-12 Dwelling Units/Acre) (RLM). The proposed use of the site is for a single-family residence built on pilings. The development is proposed on an existing lot of record, is consistent with the density indicated by the land use designation, and would not interfere with the adjacent recreational use of the beach west of the site; therefore, the project is consistent with the City's 2020 General Plan. The project also complies with all applicable Coastal Land Use Plan Policies.

5. **Environmental Determination:** The project is categorically exempt under Sections 15301(*l*)(1) & 15303(a) of Title 14 of the California Code of Regulations, "Demolition and Removal of Individual Small Structures" & "New Construction or Conversion of Small Structures." The demolition and reconstruction of a single-family residence is specifically included under these exemptions. Based on the above exemptions and in accordance with the California Environmental Quality Act ("CEQA"), it has been determined that there is no substantial evidence that the proposed project will have a significant effect on the environment.

6. **Surrounding Zoning and Land Uses:**

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
Project Site	R-BF	Residential Low-Med	Beachfront Single-Family Res.
North	R-BF	Residential Low-Med	Beachfront Single-Family Res.
South	R-BF	Residential Low-Med	Beachfront Single-Family Res.
East	R-B-1	Residential Low-Med	Single-Family Beach Res.
West	RC	Recreational Area	Oxnard Beach Park

7. **Analysis:**

a. ***General Discussion:*** A single-family residence located between the Pacific Ocean and the first parallel public road is a permitted land use in the R-BF (Residential Beachfront) zone district. The applicant proposes to demolish an existing single-family residence and build a new single-family residence within the footprint of the old structure on new pilings.

b. ***Relevant Project and Property History, Related Permits:*** The subject parcel was recorded as Lot No. 25 of the Mandalay Unit No. 1 Subdivision on June 27, 1930 in Ventura County's Office of the Surveyor, Map of Record Book 13, page 60. The property has a recorded dimension of 35 feet wide and 189 feet deep and extends from Mandalay Beach Road to the recorded mean high tide of the Pacific Ocean. The parcel was subsequently annexed to the City of Oxnard, Annexation 60-3, on August 11, 1960. The existing single-family residence was relocated onto the subject property from an adjacent parcel in 1972 under Building Permit No. 9052. The existing single-family residence extends approximately 150 feet from Mandalay Beach Road towards the Pacific Ocean and is situated approximately 65 feet away from the recorded mean high tide. On April 5, 1988, the City Council approved the Oxnard Shores agreement for settlement of litigation. This lot was not part of the Oxnard Shores agreement for settlement of litigation. However, the lot was rezoned along with other Oxnard Shores beachfront lots to R-BF.

c. ***Zoning Compliance:*** The proposed development satisfies the standards of the R-BF zoning designation of the City of Oxnard's Coastal Zoning Ordinance as it relates to parking, setbacks, bottom of structure height, building height, and landscaping.

DEVELOPMENT STANDARD	REQUIREMENT	PROPOSED	COMPLIES?
Max. building height	For lots wider than 33 feet, 2-stories, not to exceed 25 feet from the bottom of the lowest shore parallel horizontal structural member to the highest peak of the roof.	25 feet from the bottom of the lowest shore parallel horizontal structural member to the highest peak of the roof.	YES
Front yard setback	0 feet	Approximately 65 feet to mean high tide, which is the established property line. The proposed development would occur within the footprint of the existing structure.	YES
Side yard setback for a R-BF lot more than 33 feet wide	5 feet on each side	5 feet on each side	YES
Rear yard setback	15 feet; minimum 20 feet to center of garage door	16 feet to the cantilevered floor above the garage; 20 feet to the center of the garage door	YES
Off street parking	20' x20'- 2 car garage.	23'x24' – 2 car garage	YES
Minimum and maximum bottom of structure	The minimum elevation of the bottom of the lowest structural member shall be +14 feet National Geodetic Vertical Datum ("NGVD"), or 1 foot above the maximum wave runup or wave crest elevation, whichever produces the highest elevation. The maximum elevation of the bottom shall be +17.00 NGVD.	The bottom of the lowest structural member is +17.00 NGVD, which complies with the Coastal Zoning Ordinance and is consistent with the recommendations made in the Coastal Hazard and Wave Runup Study produced for the project site by GeoSoils, Inc in September 2006.	YES

DEVELOPMENT STANDARD	REQUIREMENT	PROPOSED	COMPLIES?
Garage floor elevation	Minimum + 13.0 feet NGVD	Minimum + 13.0 feet NGVD	YES

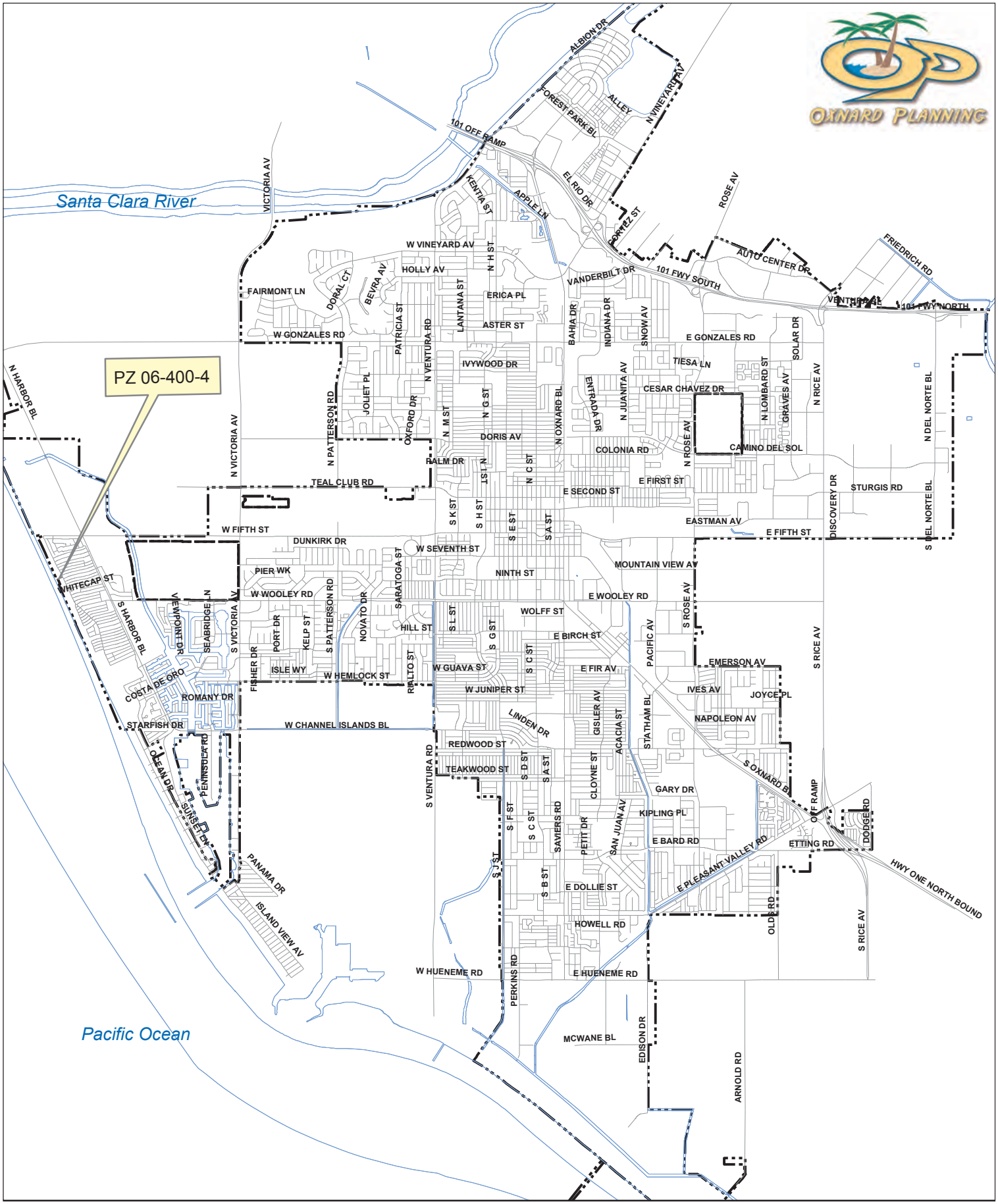
d. ***Site Design Analysis:*** The site design is consistent with the existing beachfront neighborhood. There are houses in the immediate vicinity of similar size, scale, and bulk. The proposed building footprint would occupy approximately 60% of the usable portion of the lot. Less than 50 cubic yards of grading will be required to prepare the site for the proposed development and no native vegetation or specimen trees would be impacted.

With public access ways to the Pacific Ocean provided for by a walkway 95 feet to the south and another walkway 225 feet to the north the proposed development would not inhibit access to the public beach to the west. With all the proposed development located within the existing development footprint on the site and the recorded mean high tide 65feet to the west, lateral access along the beach would not be impacted.

e. ***Circulation and Parking Analysis:*** Access to the proposed development site would be via a new 16-foot wide driveway from Mandalay Beach Road and the proposed two-car garage would provide for the required parking.

f. ***Architecture:*** The proposed structure consists of the contemporary architecture that is common along the beachfront at Oxnard Shores. The architect utilizes *Pueblo* (crème) colored stucco walls that have a float finish with copper roof and cornice elements added for an oxidized green weathered look. The main entry door faces the north side-yard property line and is recessed for a courtyard affect. The garage door facing Mandalay Beach Road is comprised of bronze colored glass bordered by a bronze anodized aluminum frame. The windows are bronzed colored framed in copper. Balconies with clear glass railings extend from both the east and west elevations. The driveway is textured concrete with *Charlie* brown brick trim. All proposed colors are of a natural tone and are consistent with the colors in the surrounding neighborhood.

g. ***Landscaping Code Compliance:*** Landscaping is located along the eastern property line adjacent to the sidewalk running along Mandalay Beach Road and the driveway. The landscaping is consistent with style and plant material used throughout the area and is comprised of non-invasive species. Two Mexican fan palms (*Washingtonia robusta)* with 12-foot tall brown trunks will be planted adjacent to the driveway and Mandalay Beach Road, which are required by the Parks Maintenance as street trees. No landscaping is proposed for the area fronting the beach to the west.



Vicinity Map

PZ 06-400-4
Location:905 Mandalay Beach Rd
APN: 191005105

Miles
0 0.5 1 2 3 4

N W E S

October 9, 2006

2005 Aerial

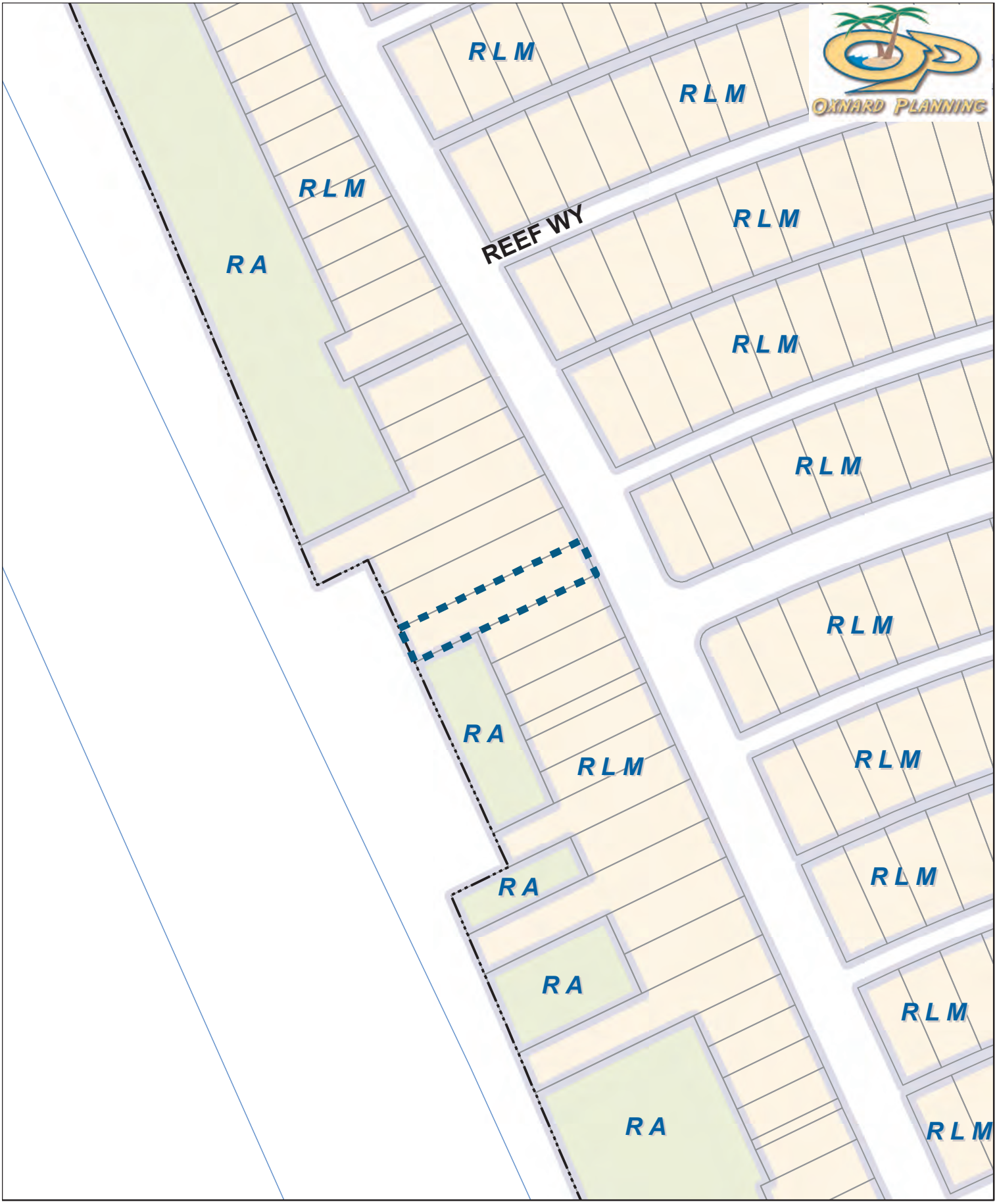
Aerial Map

PZ 06-400-4
Location:905 Mandalay Beach Rd
APN: 191005105

0 25 50 100 150 200 Feet

N W E S

October 9, 2006



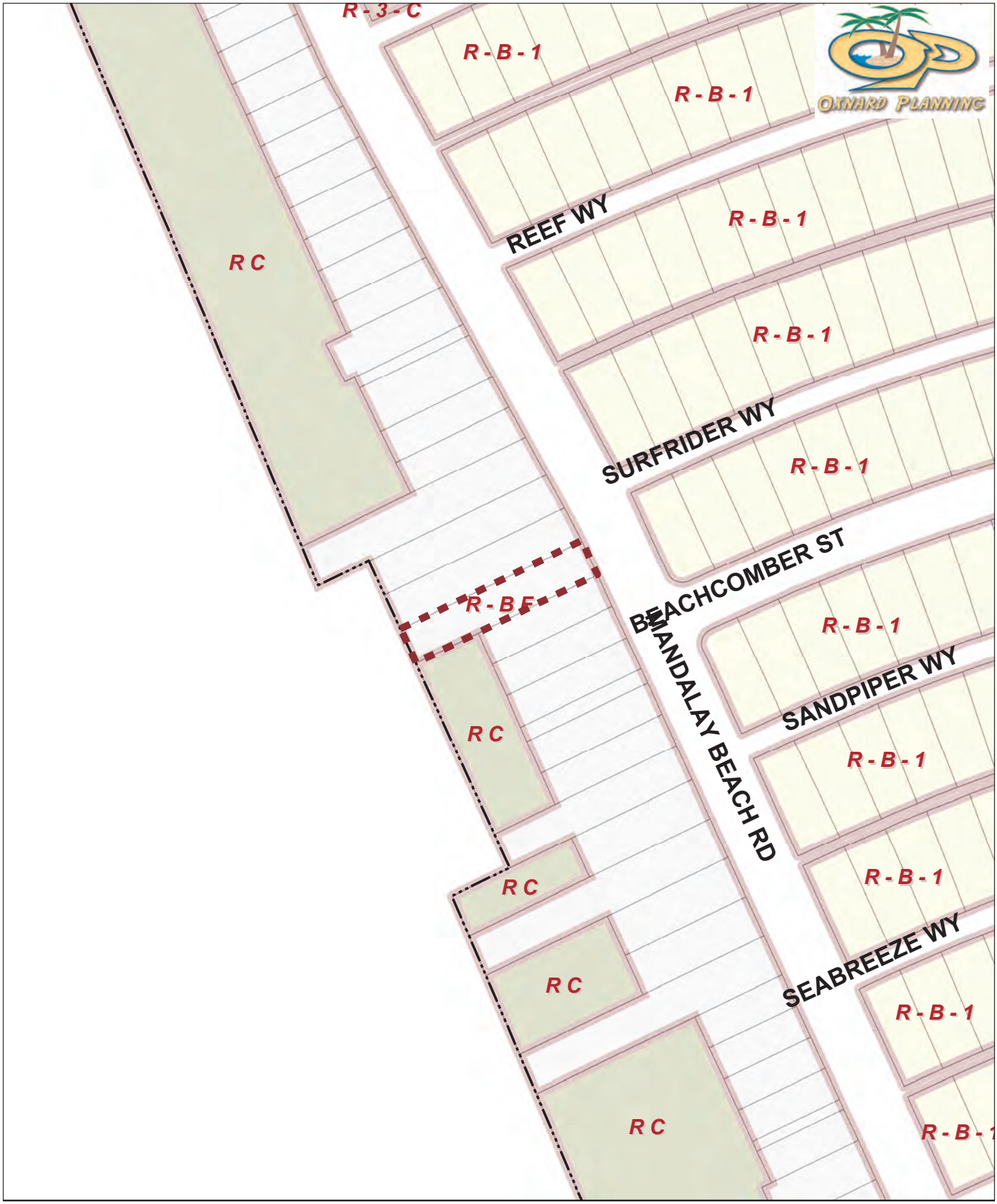
2020 General Plan Map

PZ 06-400-4
Location:905 Mandalay Beach Rd
APN: 191005105

0 50 100 200 300 400 Feet

N W E S

October 9, 2006



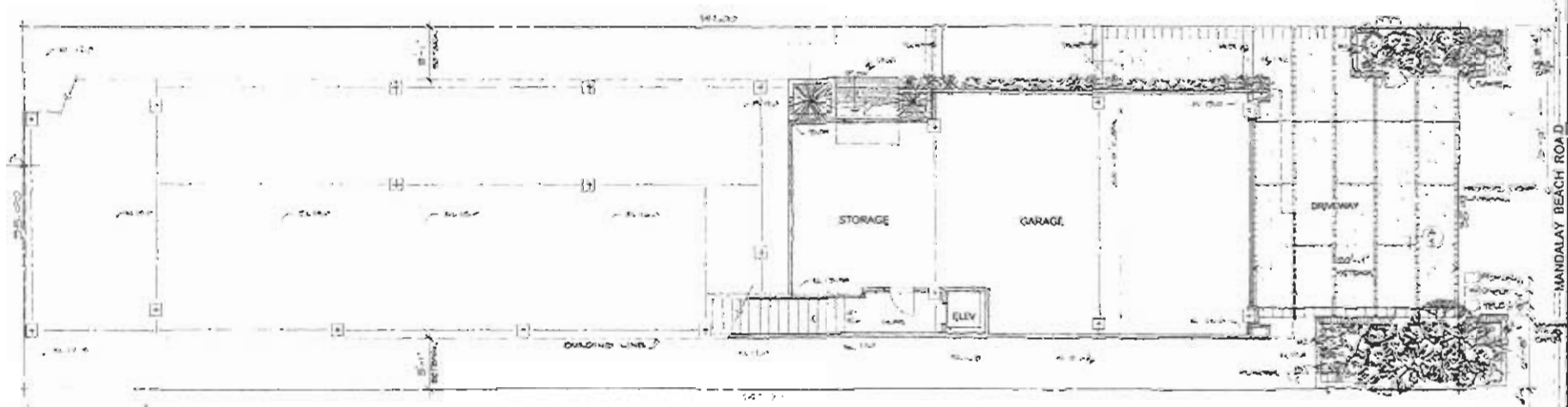
PZ 06-400-4
Location:905 Mandalay Beach Rd
APN: 191005105

Feet
0 50 100 200 300 400

Zone Map

N W E S

October 9, 2006



SITE PLAN
AND GROUND FLOOR PLAN

VICINITY MAP

LANDSCAPE MATERIAL

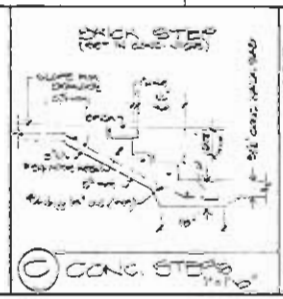
TRACT 4380 LOT 15

SITE DATA

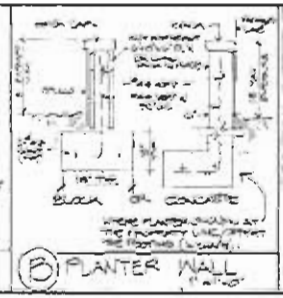
LOT AREA	4996
BUILDING FOOTPRINT	2965
LANDSCAPE	393
PAVING	633
SIDE YARD	1099
1ST FLOOR	2008
2ND FLOOR	2500
TOTAL AREA	4508
GARAGE AREA	600
STORAGE	304

LANDSCAPE NOTES

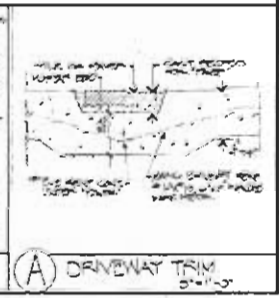
1. COMPLETED LANDSCAPE AND IRRIGATION SYSTEMS MUST BE INSPECTED AND APPROVED BY THE LANDSCAPE ARCHITECT (PRIOR TO)
2. UPON COMPLETION OF LANDSCAPING AND APPROVAL OF THE LANDSCAPE ARCHITECT, THE CITY OF ORANGE PARKS DIVISION MUST BE CONTACTED FOR AN INSPECTION MADE ON THE APPROVED PLANS. ONLY WITH COMPLETED LANDSCAPE AND IRRIGATION SYSTEMS ARE INSPECTED AND APPROVED BY THE DEPARTMENT OF PARKS AND RECREATION, CAN A CERTIFICATE OF OCCUPANCY BE ISSUED BY THE CITY.
3. CHANGES TO LANDSCAPING PLANS MUST BE APPROVED BY PARKS AND RECREATION DEPARTMENT PRIOR TO INSTALLATION.
4. THE LANDSCAPE CONTRACTOR SHALL SCREEN THE IRRIGATION CONTROLLER AND BACKFLOW DEVICE WITH SHRUBS OF 5 GALLON MINIMUM.
5. ALL STREET AND PARKWAY TREES SHALL BE APPROVED BY THE CITY'S PARKS AND RECREATION DEPARTMENT PRIOR TO PLANTING. (48 HOUR NOTICE IS REQUIRED)
6. ALL CONSTRUCTION SHALL CONFORM TO APPROPRIATE SECTIONS OF THE STANDARD SPECIFICATIONS OF PUBLIC WORKS DEPARTMENT LATEST EDITION (ON PUBLIC PROPERTY)
7. WATER CONSERVATION. THE IRRIGATION SYSTEM SHALL INCLUDE RAIN SHUT-OFF TO WHICH DEVICE. THE DEVICE SPECIFICATION SHALL BE A PART OF THE IRRIGATION PLAN SUBMITTAL PREPARED BY THE INSTALLER FOR CONSTRUCTION PERMIT.
8. ALL MATERIAL SHALL BE IRRIGATED BY AN AUTOMATIC SPRINKLER SYSTEM. THE INSTALLER SHALL PREPARE COMPLETE IRRIGATION PLANS FOR THE CONSTRUCTION PERMIT, SHOWING PIPING, BACKFLOW DEVICES, VALVES, SERVICING, CONTROLS, ETC. AS REQUIRED FOR A COMPLETE PLAN.
9. HOSE BIBBS (HB.) HOSE BIBBS SHALL BE FITTED WITH A MEANS OF BACKFLOW PREVENTION DEVICE



(C) CONC. STEP



(B) PLANTER WALL

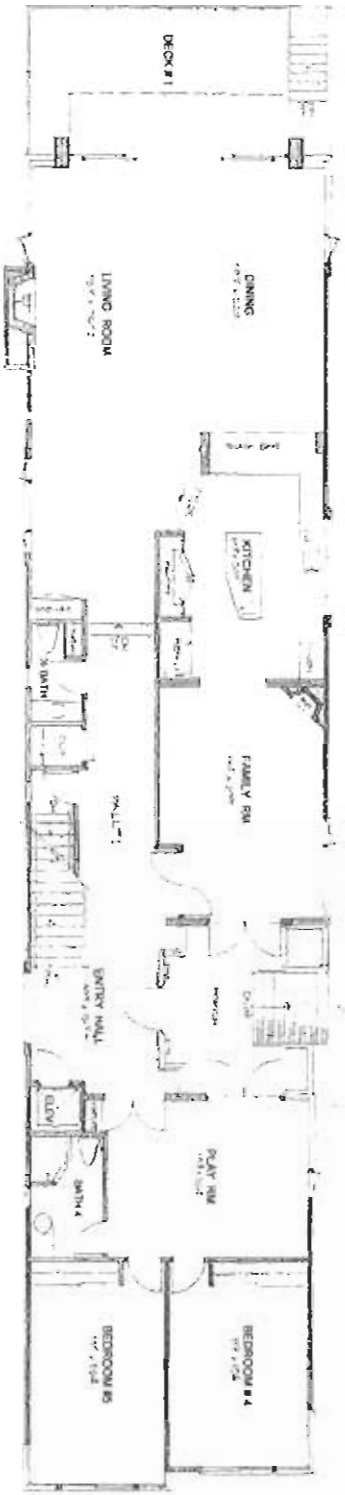


(A) DRIVEWAY TRIM

PHILLIP JON BROWN, ARCHITECT

SITE PLAN
AND LANDSCAPE PLAN
DATE: Aug 24, 06

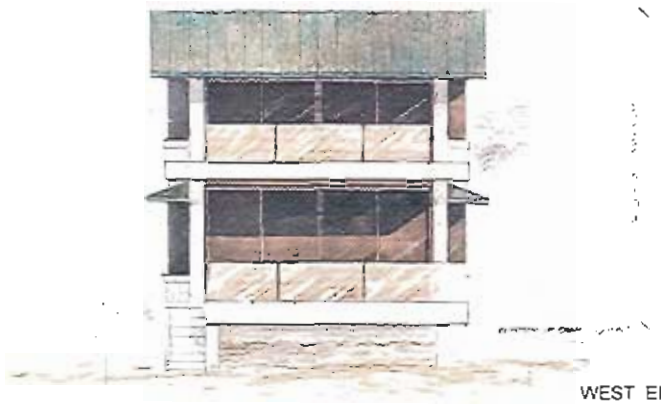
1



FIRST FLOOR PLAN ¼" = 1'-0"

SECOND FLOOR PLAN ¼" = 1'-0"

2	SFD Lot 25	FLOOR PLANS	PHILLIP JON BROWN, ARCHITECT	
	DATE Aug 24, 06	SCALE: ¼" = 1'-0"		



WEST ELEVATION

NORTH ELEVATION

PHILLIP JON BROWN, ARCHITECT

ELEVATIONS

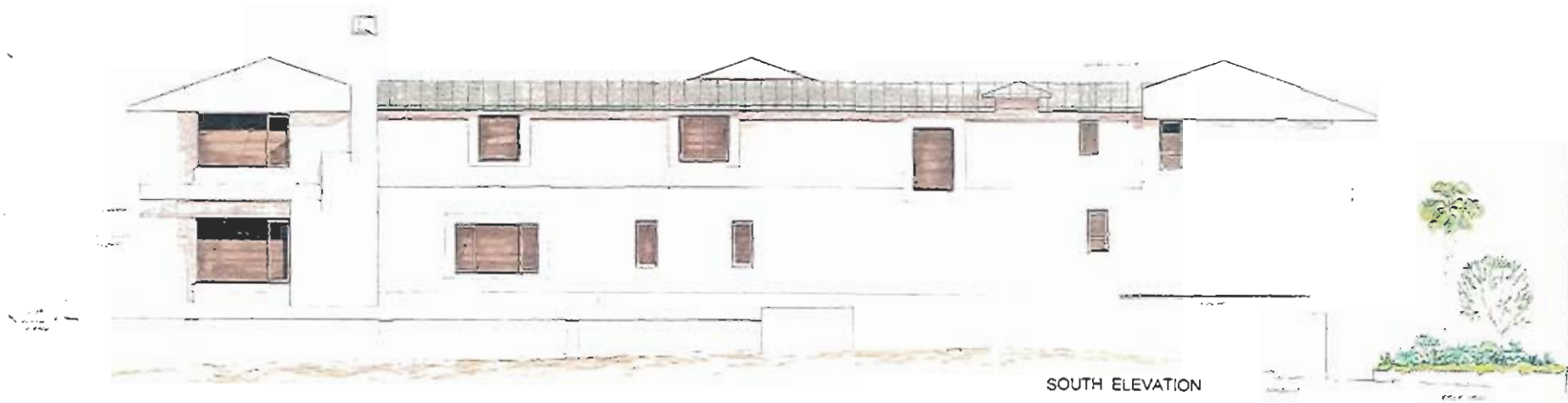
DATE Aug 24 06

3

BUILDING MATERIALS

Stucco	La Habra Stucco X-85 Pueblo A very light float finish
Windows	Pozzi, bronze/copper frames
Glass	Bronze
Roof	Copper
Decks	Tumbled Travertine
Balconies	Deck-outer: sand
Garage Door	Bronze Glass, bronze anodized alum
Driveway & Entry walk	Regular gray concrete with small pebble finely spread exposed aggregate
Driveway trim	Higgins brick (chatter brown)
Planter and Step trim	Higgins brick (chatter brown)

EAST ELEVATION



SOUTH ELEVATION

PHILLIP JON BROWN, ARCHITECT

ELEVATIONS

DATE May 24 '00

4

8. Attachments:

A. Maps (Vicinity, General Plan, Zoning)
B. Reduced Project Plans
C. Resolution

Prepared by: WW

Approved by: SM

RESOLUTION NO. PZ 06-400-4

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 06-400-4 (COASTAL DEVELOPMENT PERMIT) TO ALLOW THE DEMOLITION OF AN EXISTING BEACHFRONT SINGLE-FAMILY DWELLING AND THE CONSTRUCTION OF A 4,558 SQUARE FOOT SINGLE-FAMILY DWELLING IN ITS PLACE, LOCATED AT 905 MANDALAY BEACH ROAD NEAR THE WESTERN TERMINUS OF BEACHCOMBER STREET (APN 191-0-051-050), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY JAMES SANDEFER, 5386 N. VENTURA AVENUE, VENTURA, CA 93001.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 06-400-4, filed by James Sandefer in accordance with Section 17-57(B)(5) of the Oxnard City Code; and

WHERAS, 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 Planning Commission finds, after due study, deliberation and public hearing, that the following circumstances exist:

1. The proposed use is conditionally permitted within the subject sub-zone and complies with all of the applicable provisions of Chapter 17 of the Oxnard City Code.

2. The proposed use would not impair the integrity and character of the sub-zone in which it would be located.

3. The subject site in terms of location and intensity of use would be physically suitable and would protect and maintain adjacent coastal resources for the land use being proposed.

4. The proposed use would be compatible with the land uses presently on the subject property.

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

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

7. The proposed use will provide a type and level of public access consistent with the access policies and standards of the Oxnard Coastal Land Use Plan.

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

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

WHEREAS, the Planning Commission finds that the applicant agrees with the necessity of and accepts all elements, requirements, and conditions of this resolution as being a reasonable manner of preserving, protecting, providing for, and fostering the health, safety, and welfare of the citizenry in general and the persons who work, visit or live in this development in particular.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby approves this permit subject to the following conditions. The decision of the Planning Commission is final unless appealed in accordance with the provisions of Section 17-58 of the Oxnard City Code.

Note: The abbreviations listed below indicate which City group or program has responsibility to insure compliance with these conditions. The first agency listed has responsibility at plan check, the second at inspection and the third at final inspection, prior to certificate of occupancy, or at a later date, as specified in the condition.

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

If more than one agency is listed, the first department or division listed must check the plans or inspect the project before the second may approve compliance with the condition.

GENERAL PROJECT CONDITIONS

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

2. This permit shall automatically become null and void 24 months from the date of its issuance, unless Developer has diligently developed the proposed project, as shown by the issuance of a grading, foundation, or building permit and the construction of substantial improvements, or the beginning of the proposed use. (PL, *G-3*)

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

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

5. Developer agrees, as a condition of adoption of this resolution, at Developer's own expense, to indemnify, defend and hold harmless the City and its agents, officers and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of the resolution or any condition attached thereto or any proceedings, acts or determinations taken, done or made prior to the approval of such resolution that were part of the approval process. Developer's commencement of construction or operations pursuant to the resolution shall be deemed to be an acceptance of all conditions thereof. (CA, *G-6*)

6. Developer shall record with the Ventura County Recorder a "Notice of Land Use Restrictions and Conditions" in a form acceptable to the City Attorney. Before the City issues building permits or allows Developer to occupy the project, Developer shall submit a copy of the recorded document to the Planning and Environmental Services Manager. (PL, *G-8*)

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

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

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

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

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

12. The subject Coastal Development Permit shall not become effective until 20 working days have elapsed without appeal to the Coastal Commission following the proper receipt by the Coastal Commission's Executive Director of the notice of permit issuance pursuant to Section 13316 of Title 14 of the California Code of Regulations. Such notice to the Coastal Commission shall be given by Planning Division staff as described by Sections 17-58 H through J of the Oxnard City Code. (PL, *G-17*)

PARKS MAINTENANCE STANDARD CONDITIONS

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

14. Before the City issues a certificate of occupancy, Developer shall install landscape and automatic irrigation systems that have been approved by the Parks Manager. (PK, *PK-3*)

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

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

17. All trees planted or placed on the project property by Developer shall be at least 24-inch-box size. Palms must have a minimum of 12 ft long of trunks showing between the root ball and the fronds. All shrubs and vines shall be at least five-gallon size, except as otherwise specified by this permit. (PK, *PK-6*)

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

PARKS MAINTENANCE SPECIAL CONDITIONS

19. Landscaping shall be consistent with approved landscape/irrigation sheet submitted with the building plans and shall include two *Washingtonia robusta* at 12' trunk size, colorful shrubs at 5 gallon and 1 gallon size and flowering groundcovers planted at 8" C.O.

FIRE DEPARTMENT STANDARD CONDITIONS

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

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

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

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

24. Developer shall provide automatic fire sprinklers as required by the City Code and shall contact the Fire Chief to ascertain the location of all connections. (FD, *F-12*)

25. Developer shall install a carbon monoxide detector on each level of the residence in accordance with the manufacturers specifications. Such detector shall be hardwired with a battery backup. (FD, *F-17*)

FIRE DEPARTMENT SPECIAL CONDITIONS

26. Fire sprinklers coverage is required for:
    a. Patios, overhangs or any other projections that are 48" or greater from structure.
    b. Open areas beneath stairs that serve a habitable space or when that area is accessible for storage or has mechanical equipment.
    c. To protect the forced air unit when located in the attic or other areas that are typically "inaccessible." (FD)

27. All emergency egress/fire department access windows, or doors, that serve any room that can be utilized for sleeping, shall have access to a public right-of-way without re-entering the structure. (FD)

PLANNING DIVISION STANDARD CONDITIONS

28. The final building plans submitted by Developer with the building permit application shall depict all building materials and colors to be used in construction. (PL/B, *PL-1*)

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

30. Before the City issues building permits, Developer shall provide to the Planning and Environmental Services Manager color photographic reductions (8 1\2" by 11") of full-size colored elevations and any other colored exhibit approved by the Development Services Director. Developer may retain the full-size colored elevations after the reductions are so provided. (PL, *PL-4*)

31. Developer acknowledges that because of population limitations placed on the City by the Air Quality Management Program, approval of this permit does not guarantee that the City will issue building permits. The City's issuance of building permits may be delayed as a result of implementation of an air quality plan. (PL, *PL-5*)

32. Before the City issues building permits, Developer shall provide to the Planning and Environmental Services Manager a disk in DWG format of a 100-foot scale site plan of the project as approved. (PL, *PL-6*)

33. Developer shall recess or screen roof heating and cooling systems and other exterior mechanical equipment from adjoining property and public streets, as required by this permit. Plumbing vents, ducts and other appurtenances protruding from the roof of structures shall be placed so that they will not be visible from the front of the property or other major public vantage points. Developer shall include a note on the construction plumbing drawings of exterior elevations to indicate to contractors that roof features shall be grouped and located in the manner that was approved by the Development Services Director. Roof vents shall be shown on construction drawings and painted to match roof material color. (PL/B, *PL-15*)

34. For any exterior utility meter panels, Developer shall paint such panels to match the structure upon which it is located. Such panels shall be located to take advantage of screening (e.g. landscaping or other building elements) from public right-of-ways, to the maximum extent feasible. (PL, *PL-16*)

35. Developer shall provide for dust control at all times during project property preparation and construction activities. (B/DS, *PL-19*)

36. Developer agrees to participate in a water conservation program that includes refitting water fixtures existing on the project property with water conserving devices within residences or businesses in the City's water service area, if such a program is in effect when building permits are issued for this project. Among the requirements of such a program might be refitting existing toilets, faucets, shower heads, landscaping irrigation or other fixtures and items that consume water within the structure. (PL, *PL-24*)

37. Because of water limitations placed upon the City by its water providers, approval of this permit does not guarantee that the City will issue building permits. Issuance of building permits may be delayed as a result of implementation of a water conservation or allocation plan. (PL, *PL-25*)

38. Prior to issuance of building permits, Developer shall pay a document imaging fee for the Planning files in an amount calculated by Planning staff at the time of building permit review based on fees then in effect. (PL/B, *PL-26*).

39. Developer shall provide an automatic garage door opener for the garage door. (PL/B, *PL-27*)

40. Developer shall provide at least two types of driveway finishes or decorative designs. (PL, *PL-28*)

41. Developer shall provide storage areas for individual trash enclosures within the garage as approved on Plans. (PL/B, *PL-42*)

PLANNING DIVISION SPECIAL CONDITIONS

42. Developer shall participate in the City's Art in Public Places Program in accordance with City Council Resolution No. 13,103. All new development shall pay a public art fee of $0.20 per square foot of roofed building area. Such fee shall be paid prior to the issuance of a building permit.

43. Developer shall construct the improvements on driven pilings in accordance with Exhibit 6 of the settlement agreement in Oxnard Shores Oceanfront Lot Owners Association, et al. v. City of Oxnard, et al.. (PL/DS)

44. All roof and building drainpipes and downspouts shall be installed inside the building elements. No downspouts shall be visible on any exterior building elevations. (PL/B)

45. Developer shall provide mailbox detail that is theme-coordinated with the architecture of the building, subject to approval by the Planning and Environmental Services Manager. (PL)

46. Developer shall not obstruct automobiles and/or pedestrians on Mandalay Beach Road, or the associated sidewalk, during construction and maintenance activities. (PL)

47. Developer shall be responsible for maintaining the construction site free of litter and the accumulation of construction debris. (PL)

48. During construction, Developer shall water the area to be graded or excavated prior to commencement of grading or excavation operations. Such application of water shall penetrate sufficiently to minimize fugitive dust during grading activities. (PL)

49. During periods of high winds (i.e. wind speed sufficient to cause fugitive dust to impact adjacent properties), Developer shall cease all clearing, grading, earth moving, and excavation operations to prevent fugitive dust from being a nuisance or creating a hazard, either onsite or offsite. (PL)

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

51. Prior to the issuance of a building permit, a reproduction of all conditions of this permit approval as adopted by resolution of the Planning Commission shall be part of, and incorporated into, all sets of the construction documents and specifications for this project. A reproduction of all conditions shall be included on each set of the job/construction documents. (PL)

52. In order to minimize light and glare on the project property, all parking lot and exterior structure light fixtures shall be high cut-off type that divert lighting downward onto the property and shall not cast light on any adjacent property, roadway, or public beach. (PL)

ENVIRONMENTAL RESOURCES DIVISION STANDARD CONDITIONS

53. To ensure that solid waste generated by the project is diverted from the landfill and reduced, reused or recycled, Developer shall submit a "Solid Waste Management & Recycling Plan" to the City for review and approval. The plan shall provide for at least 50% of the waste generated on the project be diverted from the landfill. Plans shall include the entire project area, even if tenants are pursuing or will pursue independent programs. The plan shall be submitted to the Planning Division and the Environmental Resources Division and approved by the Environmental Resources Division prior to issuance of a building permit. The plan shall include the following information: material type to be recycled, reused, salvaged or disposed; estimated quantities to be processed; management method used; destination of material including the hauler name and facility location. Developer shall use the attached Solid Waste Management & Recycling Plan form or a similar format.

54. Developer shall follow the plan and provide for the collection, recycling, and/or reuse of materials (i.e., concrete, wood, metal, cardboard, green waste, etc.) and document results during construction and/or demolition of the proposed project. After completion of demolition and/or construction, Developer shall complete the Solid Waste Management & Recycling report and provide legible copies of weight tickets, receipts, or invoices for materials sent to disposal or reuse/recycling facilities. For other discarded or salvaged materials, Developer shall provide documentation, on the disposal facility's letterhead, identifying where the materials were taken, type of materials, and tons or cubic yards disposed, recycled or reused, and the project generating the discarded materials. Developer shall submit and obtain approval of the Solid Waste Management & Recycling C&D Report form prior to issuance of a certificate of occupancy.

55. Developer shall arrange for materials collection during construction, demolition, and occupancy with either the City Environmental Resources Division or other City permitted hauling companies, or Developer shall arrange for self-hauling to an authorized facility.

DEVELOPMENT SERVICES STANDARD CONDITIONS

56. Developer shall pay plan check and processing fees in effect at the time of construction plan submittal and shall pay development fees, encroachment permit fees, and other applicable fees in effect at the time the City issues building permits. (DS-1)

57. Developer shall protect building pads from inundation during a 100-year storm. (DS-5)

58. Developer shall remove and replace all improvements that are damaged during construction. (DS-6)

59. Before connecting the project to existing sewer and water service laterals, Developer shall arrange for City staff to inspect such facilities. Developer shall make such repairs to such facilities as City staff determines to be necessary. Developer shall bring all existing water services into compliance with City standards. (DS-7)

60. Curb cut widths and design shall conform to City ordinances, standards, and policies in effect at the time City issues an encroachment permit. (DS-9)

61. The conditions of this resolution shall prevail over all omissions, conflicting notations, specifications, dimensions, typical sections, and the like, that may or may not be shown on the improvement plans. (DS-21)

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

63. Prior to beginning construction, Developer shall designate in writing an authorized agent who shall have complete authority to represent and to act for Developer. The authorized agent shall be present at the work site whenever work is in progress. Developer or the authorized agent shall make arrangements acceptable to City for any emergency work. When City gives orders to the authorized agent to do work required for the convenience and safety of the general public because of inclement weather or any other cause, and the orders are not immediately acted upon by the authorized agent, City may do or have such work done by others at Developer's expense. (DS-24)

64. Developer shall comply with all applicable requirements and laws of the State of California and any other governmental entity with jurisdiction over the project. (DS-25)

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

66. Prior to issuance of building permits, Developer shall present to the City Engineer a "Proof of Payment - Authorization for Building Permits" form issued by the Calleguas Municipal Water District. (DS-44)

67. Developer shall submit a landscape irrigation plan prepared by a licensed professional, showing proper water meter size, backflow prevention devices, and cross-connection control. (DS-59)

68. Developer shall be responsible for and bear the cost of replacement of all existing survey monumentation (e.g., property corners) disturbed or destroyed during construction, and shall file appropriate records with the Ventura County Surveyor's Office. (DS-64)

69. Developer shall provide a 105-gallon refuse container for each project property. Developer may not store refuse containers in the public right-of-way. (DS-67)

DEVELOPMENT SERVICES SPECIAL CONDITIONS

70. The Developer shall take sufficient precautions during construction to prevent ocean wave run-up from passing through the project site and into the street right-of-way. Failure to take adequate precautions will result in Developer being assessed street cleanup costs. (DS)

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

72. Developer shall pay to the City $1.1476 per square foot of floor area as payment for this project's share of the cost of placing utility lines in the Oxnard Shores Zone underground plus $0.1726 per square foot of floor area as payment for the Citywide utility undergrounding. This fee shall be paid prior the issuance of a building permit. (PL/DS)

73. Driveway shall be designed and constructed in accordance with City Standard Plate No. 115. (DS)

74. In accordance with City Code requirements, Developer shall have the space below the lowest floor (as defined in Oxnard City Code) free of obstructions or constructed with breakaway walls. The area below the lowest floor shall not be used for human habitation. (DS)

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

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

POLICE CONDITIONS

77. If electronic security systems are installed, the Developer shall install the electronic security systems to comply with Oxnard City Ordinance No. 2601 and the security system must be properly permitted by the City of Oxnard.

78. Unless otherwise approved, all exterior lighting shall be flat lens, full cut-off fixtures with the light source fully shielded with the following exceptions:
    (A) Luminaries with a maximum output of 260 lumens per fixture, regardless of number of bulbs (equal to one 20-watt incandescent light), may be left unshielded provided the fixture has an opaque top to keep light from shining directly up.
    (B) Luminaries that have a maximum output of 1,000 lumens per fixture, regardless of number of bulbs (equal to one 60-watt incandescent light) may be partially shielded provided the bulb is not visible and the fixture has an opaque top to keep light from shining directly up.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 16th day of November 2006, by the following vote:

AYES:

NOES:

ABSENT:

_____
Ronald R. Fischer, Chairman

ATTEST: _____
Susan L. Martin, Secretary