



**Planning Division**

**PLANNING COMMISSION  
STAFF REPORT**

**TO:** Planning Commission

**FROM:** Winston Wright, Associate Planner

**DATE:** August 21, 2008

**SUBJECT:** Planning and Zoning Permit No. 08-400-03 (Coastal Development Permit) for the Demolition of a 1,600 sq. ft. Beachfront Single-Family Residence and the Construction of a 4,022 Single-Family Residence Located at 1225 Capri Way

**1) Recommendation:** That the Planning Commission approve Planning & Zoning Permit No. 08-400-03, a coastal development permit (CDP), subject to certain findings and conditions.

**2) Project Description and Applicant:** The proposed project is a request to demolish a 1,600 sq. ft. beachfront single-family residence with a detached three-car garage and build a 4,022 sq. ft. single-family residence with an attached two-car garage and 1,596 sq. ft of decking in its place. The subject parcel is zoned RB-F (Beachfront Residential) and is located in the Oxnard Shores Neighborhood at 1225 Capri Way (Tract 1277-1, Lot 246). This case may be appealed to the California Coastal Commission as outlined in Section 17-58(K) of the City Coastal Zoning Ordinance. The proposed project is exempt from environmental review under Sections 15301(l)(1) and 15303(a) of the CEQA Guidelines. Filed by Peter Kelly, 196 North Canyon View Drive, Los Angeles, CA 90049.

**3) Existing & Surrounding Land Uses:** The subject property is developed with a 1,600 sq. ft. beachfront single-family residence with a detached three-car garage.

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
Project Site	R-BF	Residential Low-Med (8-12 DU/Acre)	Beachfront Single-Family Residential
North	R-BF	Residential Low-Med (8-12 DU/Acre)	Beachfront Single-Family Residential
South	R-BF	Residential Low-Med (8-12 DU/Acre)	Beachfront Single-Family Residential
East	R-B1	Residential Low-Med (8-12 DU/Acre)	Single-Family Residential
West	NA	Pacific Ocean	Oxnard Beach Park

**4) Background Information:** The subject parcel was recorded as Lot No. 246 of Tract 1277 on September 1, 1960 in Ventura County’s Office of the Surveyor, Map of Record Book 29 page 62. The property has a recorded dimension of 40 feet wide and 252 feet deep, extending from Capri Way to the recorded mean high tide of the Pacific Ocean. The existing single-family residence was constructed in 1962 under Building Permit No. 13225. The existing single-family residence extends 134 feet from Capri Way towards the Pacific Ocean with the existing deck extending an additional 18 feet. Therefore, the existing development is approximately 100 feet away from the recorded mean high tide. These measurements are confirmed by a survey and with field measurements.

**5) Environmental Determination:** In accordance with Sections 15301 (l) (1) and 15303(a) of the California Environmental Quality Act (CEQA) Guidelines, projects involving “existing facilities” and “new construction or conversion of small structures” may be found to be exempt from the requirements of CEQA. The project consists of the demolition of a single-family residence which is specifically exempt under section 15301 (l) (1) and the construction of one single-family residence is specifically exempt under section 15303(a). The proposed development will extend no further westward, towards the ocean, than the existing house or the development in the immediate vicinity. The new structure will be built on pilings in accordance with the City Code and the recommendations found in a Coastal Hazard and Wave Run-up Study prepared by a State of California Registered Professional Engineer. The one existing specimen tree on site will be retained. There is no native vegetation on site. No invasive plant species are proposed. Therefore, staff has determined that there is no substantial evidence that the project may have a significant effect on the environment and recommends that the Planning Commission accept the Notice of Exemption (see Attachment C) attached to the staff report.

**6) Analysis:**

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

**b) General Plan Consistency:**

POLICY	DISCUSSION
<p><b>Local Coastal Policy No. 1</b> (page III-5) states that “<i>All urban development shall be restricted to the area within the urban-rural boundary, as defined by Map 1 and the Land Use Map.</i>”</p>	<p>The subject property is within the area noted as urban by Map 1 in the Coastal Land Use Plan and the Land Use Map specifically notes that urban residential uses are concentrated in the Oxnard Shores area (page II-1).</p>
<p><b>Local Coastal Policy No. 6</b> (page III-10) defines the type of uses permitted in areas designated as environmentally sensitive.</p>	<p>The subject property is not in an area that is designated as environmentally sensitive, there is no native vegetation onsite, and there are no wetlands within the vicinity of the proposed development.</p>

<p><b>Local Coastal Policy No. 39</b>(page III-24) states that <i>“All applications for grading and building permits and subdivisions shall be reviewed for threats from hazards such as seismic activity, liquefaction, tsunami run-up, seiche, beach erosion, flood, storm wave runup, and expansive soils. Geologic reports may be required in known hazard areas. Appropriate mitigation measures shall be applied to minimize threats from any hazards.”</i></p>	<p>The beachfront property is subject to threats from seismic activity, liquefaction, tsunami run-up, beach erosion, and storm wave runup. A <i>Geotechnical Engineering Report</i> (Earth Systems Southern California October 4, 2007) and a <i>Coastal Hazard &amp; Wave Runup Study</i> (GeoSoils, Inc. November 2007) were prepared for the project. The structure will be built on piles and elevated above the storm wave runup threat. The piles will be driven deep enough to address the liquefaction and beach erosion threats. Additionally, the engineering for the structure will be reviewed in accordance with the California Building Code and all recommendations made in the <i>Geotechnical Engineering Report</i> and <i>Coastal Hazard &amp; Wave Runup Study</i> will be incorporated into the engineering to mitigate the threat of natural hazards to the maximum amount possible.</p>
<p><b>Local Coastal Policy No. 40</b> (page III-25) states that <i>“If new development is located within the 100-year flood and storm wave runup area...it shall be designed and engineered to withstand the effects of the flooding and wave runup without the use of seaways or other protective structures...Any person developing property within the 100-year flood line shall agree to indemnify and hold the City harmless from any liability or damages resulting from the construction of his development...Any development located on the beach shall be designed to assure lateral access.”</i></p>	<p>The structure will be elevated high enough on the piles to allow storm waves to run under and around it. In the event of a storm event with significant wave runup, this design will prevent the need for protective devices, such as rock or concrete barriers. The proposed development is 100 feet from the recorded mean high tide. Therefore, the development would not block lateral access along the coastline and the need for a protective barrier that would block lateral access has been eliminated.</p> <p>Given that every beachfront structure is inherently prone to natural hazards, such as catastrophic storm events and tsunami; the City of Oxnard requires that the Developer agree to indemnify and hold harmless from any liability (see condition no(s). 6 &amp; 13).</p>
<p><b>Local Coastal Policy No. 72</b> (page III-53) state that <i>“Public access to and along the shoreline and the Inland Waterway shall be required as a condition of permit approval for all new developments between the shoreline an the first public roadway inland from the shore, except as provided.....Exceptions for vertical access-ways may be made when adequate vertical access exists nearby (500 feet).”</i></p>	<p>Permanent public access to the Pacific Ocean is provided for at the end of Capri Way 240 feet to the south of the subject parcel and a 24-foot wide beach access path is 216 feet to the north; therefore, the proposed development would not inhibit access to the public beach to the west. Additionally, all of the proposed development is located within the footprint of an existing structure on a lot of record. The recorded mean high tide line is 100 feet to the west of the proposed development and prior to the issuance of building permits, the applicant must grant an easement to the City of Oxnard so that the public will not be inhibited from enjoying the full use of the beach westward of the site (condition no. 57).</p>

**c) Conformance with Zoning Development Standards: Zoning Compliance:** The proposed development is located in the R-BF zone district. In accordance with the City Code, the proposed beachfront single-family residence may be permitted with a Coastal Development Permit. Applicable development standards of the R-BF zone have been compared with the proposed project, as follows:

DEVELOPMENT STANDARD	REQUIREMENT	PROPOSED	COMPLIES?
Max. building height	For lots wider than 33 feet, two-stories, not to exceed 25 feet from the bottom of the lowest shore parallel horizontal structural member to the highest peak of the roof.	Two-stories, 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	The proposed structure is setback 100 feet from the mean high tide, which is the current property line for the subject property. The proposed structure is within the footprint of the house to be demolished with the exception of a portion of the front that extends an additional two feet towards the Pacific Ocean to line up with the existing structure to the south. The both the proposed structure and deck are behind a string line that extends from corners of the adjacent development.	YES, with the use of a string line between adjacent structures and decks.
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 to structure; 20 feet to center of garage door	15 feet to structure; 20 feet to center of garage door	YES

DEVELOPMENT STANDARD	REQUIREMENT	PROPOSED	COMPLIES?
Off street parking	20' x20'- two-car garage.	20'x 20' – two-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 +15.00 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 November 2007.	YES
Garage floor elevation	Minimum + 13.0 feet NGVD	Minimum + 13.0 feet NGVD	YES

**d) Site Design:** The subject property currently has the mean high tide line as the westerly property boundary and the existing structure extends 134 feet towards the Pacific Ocean from Capri Way. The structure to the north of the subject property (1235 Capri Way) extends 148 feet towards the Pacific Ocean from Capri Way and the structure to the south (1241 Capri Way) extends 125 feet towards the Pacific Ocean. The decks associated with the adjacent development extend an additional 12 feet from both residential structures. The proposed structure is within the footprint of the structure to be demolished, with the exception of a portion of the front of the house that extends an additional two feet to line up with the house to the south. As illustrated in the plans, all of the proposed development would be constructed behind a “string line” alignment between the two adjacent structures and decks. The full extent of the new development would be 152 feet from Capri Way towards the Pacific Ocean which is situated further from other Pacific Ocean than other developed properties in the immediate area.

A boulder revetment was installed in front of the existing single-family residence, reportedly during or immediately after a large storm event in the 1980's, and the boulders were moved around on the beach illegally sometime between September 2003 and October 2005. With the rebuilt residence constructed on pilings the rocks no longer have a protective purpose. As a condition of approval, all of the boulders within the subject property lines must be removed from the beach and relocated to an approved receiver site prior to the issuance of building permits (condition no. 56). This will allow public access to all of the sandy area west of the development on Oxnard Shores Beach Park and protect the beach sand from wave erosion.

- e) **Beach Access:** Permanent public access to the Pacific Ocean is provided for at the end of Capri Way 240 feet to the south of the subject parcel and a 24-foot wide beach access path is 216 feet to the north; therefore, the proposed development would not inhibit access to the public beach to the west. Additionally, all of the proposed development is located within the footprint of existing development on a lot of record. The recorded mean high tide line is 100 feet to the west of the proposed development and prior to the issuance of building permits, the applicant must grant an easement to the City of Oxnard so that the public will not be inhibited from enjoying the full use of the beach westward of the site (condition no. 57). The boulder revetment in front of the proposed development extends 40 feet further toward the mean high tide. With their removal (condition no. 58) lateral access along the beach will be improved.
  
  - f) **Circulation and Parking:** Access to the proposed development site is via a new 16-foot 8-inch wide driveway from Capri Way and the proposed two-car garage provides for the required parking.
  
  - g) **Building Design:** The proposed single-family residence is Mediterranean in style with smooth stucco walls having a mottled tan color (“Golden Gate”), sandstone veneer accents on prominent walls, and a blended red-tile roof. Extensive detail work is extended to all four sides of the structure including exposed eave brackets, wrought iron handrails on balconies and stairs, pre-cast concrete columns, attached wood trellis work over windows, wood shutter window treatments with decorative hardware, wood framed windows and doors, and decorative light fixtures. A hip roof system set at various plate heights, interesting rafter work, gables, and a side courtyard are added to breakup the massing of the structure. Clear glass glazing and a large deck with glass railing are featured seaward. There are houses in the immediate vicinity of similar size and the design is consistent with the existing beachfront community.
- 7) **Landscaping and Open Space:** Landscaping is proposed within planter areas at the eastern corners and along the sides of the subject lot. A specimen *Metrosideros* tree located at the south property line will be retained and other plants of value are proposed to be transplanted. Several additional trees are proposed including two 12-foot tall brown trunk Mexican fan palms at Capri Way that will serve as street trees. The City’s landscape architect will review the proposed plant material prior to the issuance of building permits. The project has been conditioned to remove any shrubs that could result in a solid hedge higher than 16-inches (see condition no. 25) in order to address the Special Requirement of the R-BF zone [Sec. 17-25(E)] that no fences, walls, or hedges may be permitted at lot enclosures. Condition no. 25 also states that no fences, walls, or plants that could grow 16-inches or higher (planted in a hedge arrangement) may be added to the site that would enclose the lot.

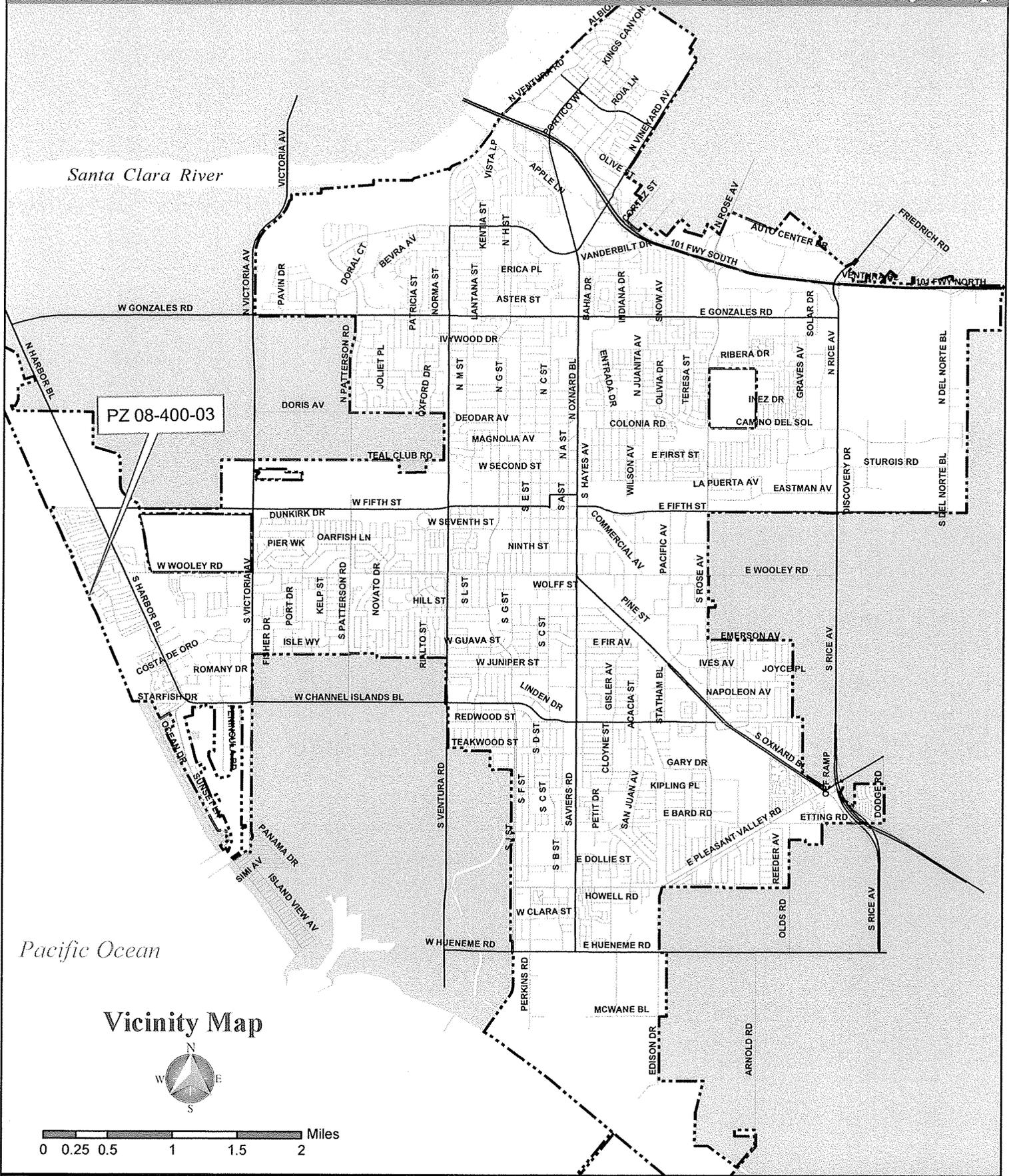
- 8) Development Advisory Committee:** The project was not presented at the Development Advisory Committee (DAC). However, Public Works and Parks reviewed the plans and provided conditions.
- 9) Community Workshop:** On June 6, 2008, the applicant mailed notices of the Community Workshop meeting to all property owners within the Oxnard Shores Neighborhood. The applicant also provided notice on the project site with a brief description of the project and contact information for the Community Workshop, conducted on June 16, 2008. One attendee wanted to know if the height of the structure was measured as designated by Oxnard Shores Home Owner Association requirements. The attendee was informed that Planning Staff does not review HOA covenants, conditions & restrictions. The City Code takes precedence over covenants, conditions, & restrictions. Nevertheless the applicant promised to investigate the question and address the attendees concerns directly.
- 10) Appeal Procedure:** In accordance with Section 17-58(J) of the City Code, the Planning Commission's decision may be appealed to the City Council within ten working days of the decision. In accordance with Section 17-58(K) of the City Code and pursuant to California Government Code Section 30603(a), the City Council's decision may be appealed to the California Coastal Commission within ten working days of the decision.

**Attachments:**

- A. Maps (Vicinity, General Plan, Zoning)
- B. Reduced Project Plans
- C. Notice of Exemption
- D. Resolution

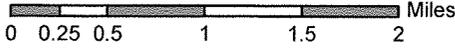
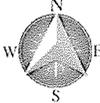
Prepared by: <u>WW</u> WW
Approved by: <u>SM</u> SM

**Attachment A**  
**Maps (Vicinity, Zone, & General Plan)**



PZ 08-400-03

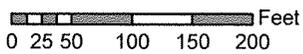
Vicinity Map





Oxnard Planning  
June 6, 2008

PZ 08-400-03  
Location: 1225 Capri Wy  
APN: 191009115  
Peter Kelly



Zone Map

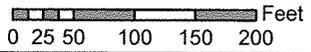


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Oxnard Planning  
June 6, 2008

PZ 08-400-03  
Location: 1225 Capri Wy  
APN: 191009115  
Peter Kelly



General Plan Map



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**Attachment B**  
**Project Plans**







OWNER:  
PETER AND DANIELA KELLY  
188 N. COLTON BLVD.  
LOS ANGELES, CA 90033  
310-467-2529

PROJECT TITLE:  
EXTERIOR ELEVATIONS  
1232 CARRIWAY  
OXNARD, CA 91320  
A.P.N.: 191-0-091-555 TRACT 1277-01 LOT 246

DATE: 07/22/2009  
DRAWING NO: 110-117-117

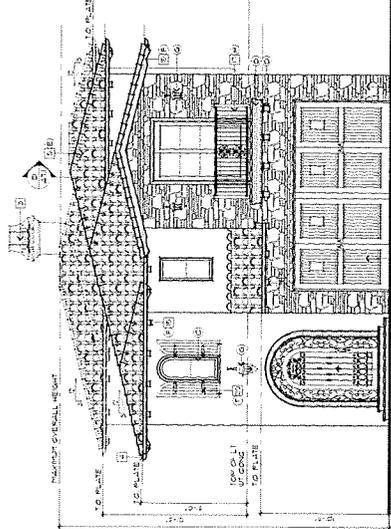
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**ELEVATION NOTES:**

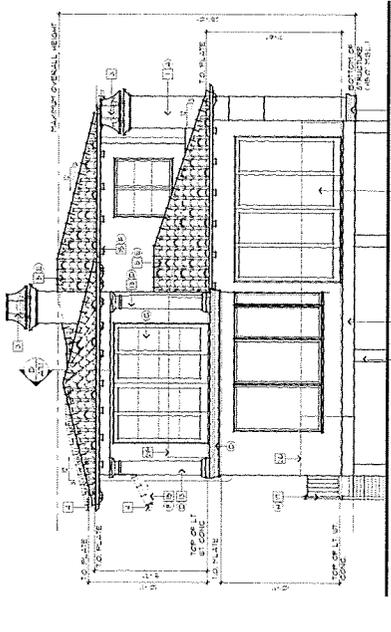
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**MATERIALS & COLORS:**

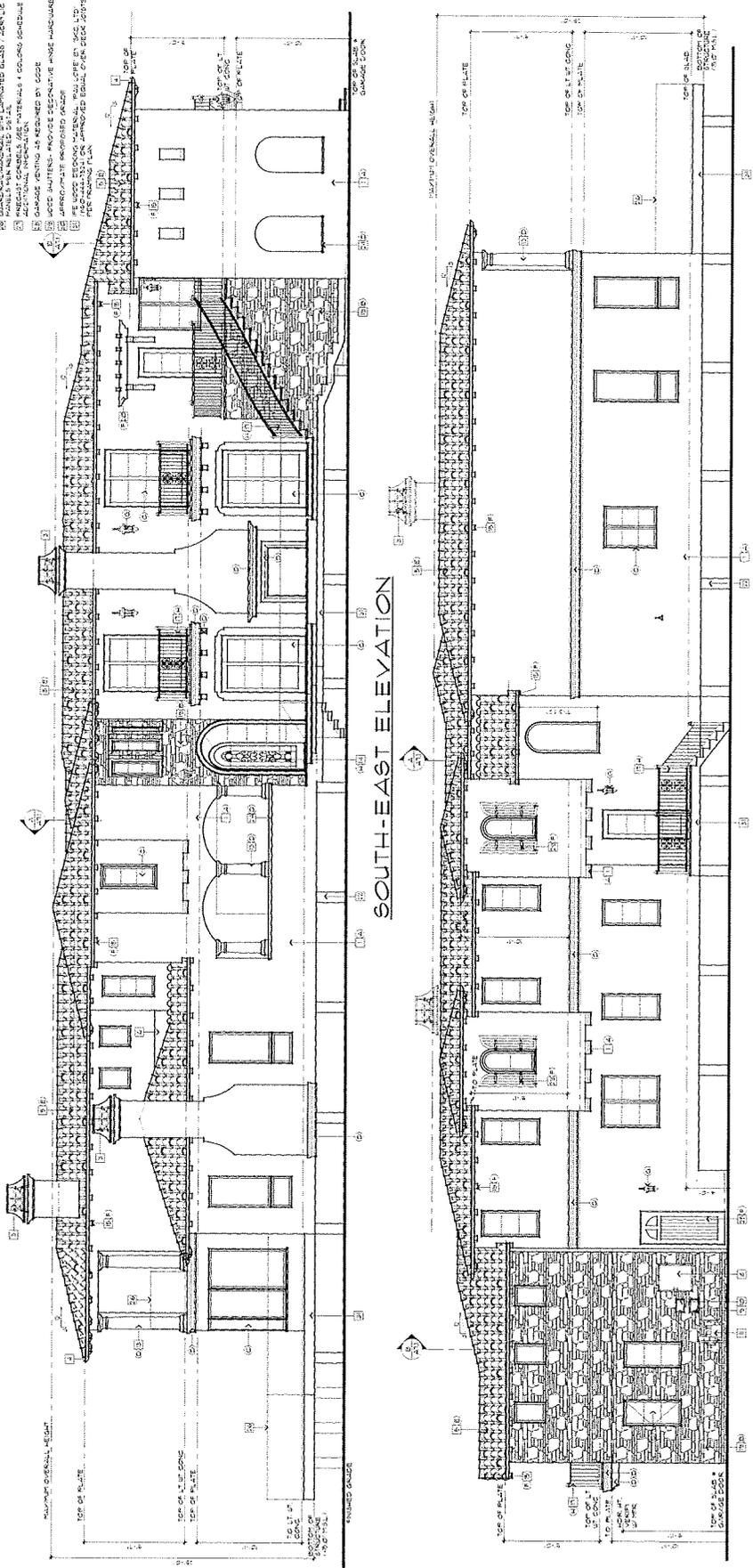
- STUCCO AND STONE AT WALLS:**
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**SOUTH-WEST ELEVATION**

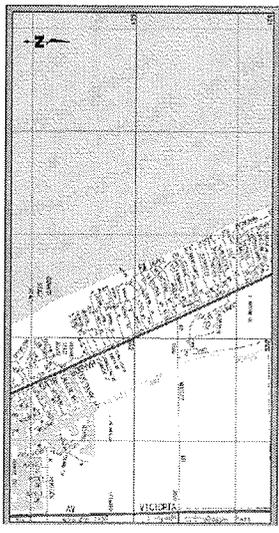
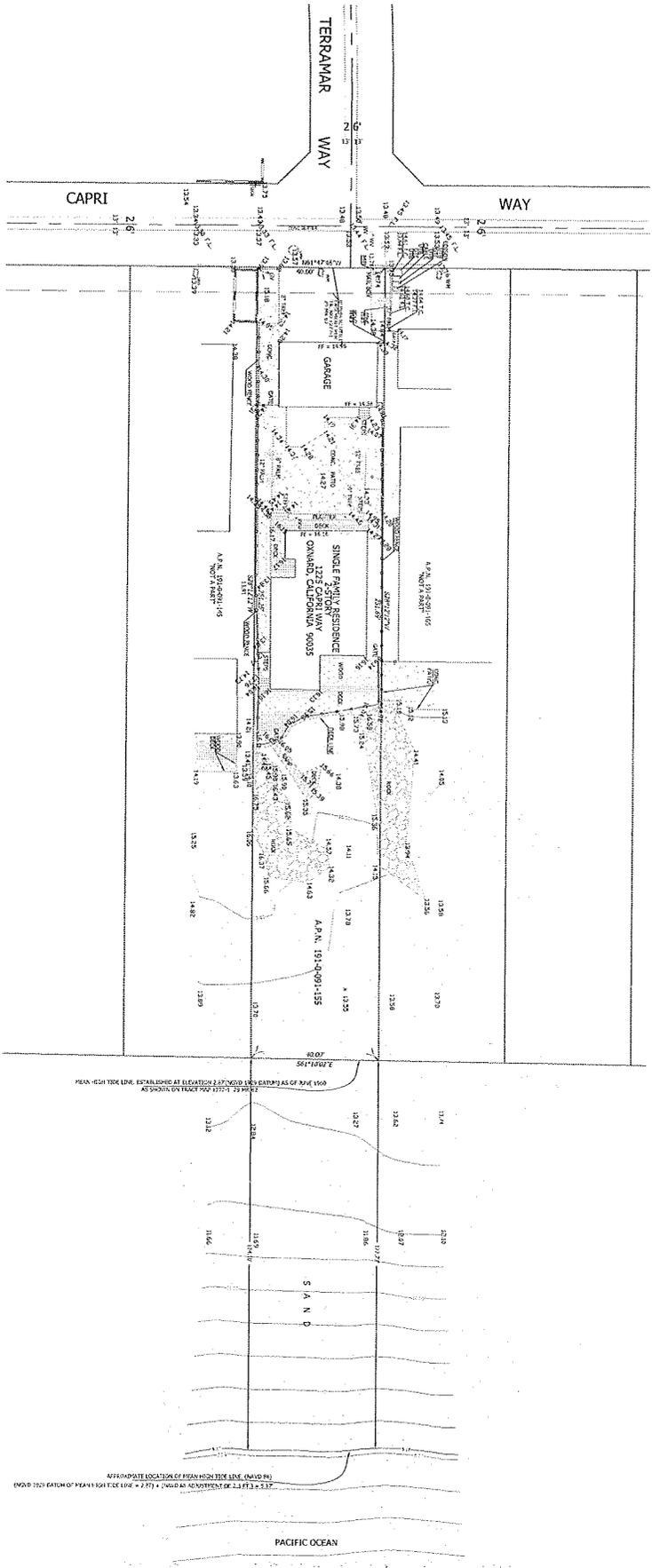


**NORTH-EAST ELEVATION**



**SOUTH-EAST ELEVATION**

**NORTH-WEST ELEVATION**



- NOTES:
1. THIS MAP HAS BEEN REPRODUCED WITHOUT THE BENEFIT OF A TITLE REPORT. ADDITIONAL REQUIREMENTS (IF ANY) ARE NOT SHOWN.
  2. DIMENSIONS SHOWN HEREIN ARE FROM RECORDS.
  3. THE EASING'S SPAN HEREIN ARE ON AN ASSUMED DUALITY.
  4. UNDERGROUND UTILITIES (IF ANY) ARE NOT SHOWN.
  5. UNDEVELOPED AND UNIMPROVED AREAS ARE SHOWN WITHIN THE PROPERTY AND ARE NOT SHOWN.
  6. TIRELINE DIMENSIONS ARE NOT ACCURATE.



BOOK MARK:  
 AT THE NORTHWEST CORNER OF THE INTERSECTION OF HARBOR OULAVARD AND MOULDER ROAD, 654 FEET WESTERN FROM THE CENTER OF HARBOR OULAVARD AND MOULDER ROAD, 148 FEET WESTERN FROM THE CENTER OF MOULDER RD.  
 ELEV = 12.11 VERT  
 MAND 88 (1989)

LEGEND:

AC	ASPHALT PAVEMENT
CC	CONCRETE PAVEMENT
CF	CONCRETE FLOOR
FL	FLOOR LINE
FS	FLOOR SPACE
LA	LAND & TRUCK
MA	MANHOLE
MI	INDICATES STREET LIGHT
TC	TOP OF CURB
TM	TOP OF WALL
OT	OUTLET BOX
WX	WATER MAIN
SSCO	SEWER MAIN
SM	SEWER MANHOLE

OF 1 SHEETS  
 SHEET NO.  
**1**

JOB NO. 07-1718  
 SCALE: 1" = 16'  
 DATE: OCT. 2007

ARCHITECTURAL SITE SURVEY  
 LOT 246 TR 1277-01  
 1225 CAPRI WAY  
 OXNARD, CALIFORNIA 90035

PREPARED FOR:  
**PETER & PAMELA KELLY**  
 196 N. CANYON VIEW DR.  
 LOS ANGELES, CALIFORNIA 90049

PREPARED BY:  
**Chris Nelson & Associates, Inc.**  
 PROFESSIONAL LAND SURVEYORS  
 21308 Via Gehring, Suite 104 Ventura, CA 91362  
 Voice: 818-991-1040 Fax: 818-991-0514



MICHAEL CLINT

LANDSCAPE ARCHITECT  
726 - WEST 47 STREET  
PLAZA ONE SUITE 201 CAL 90609  
THE PALM BEACH GARDENS

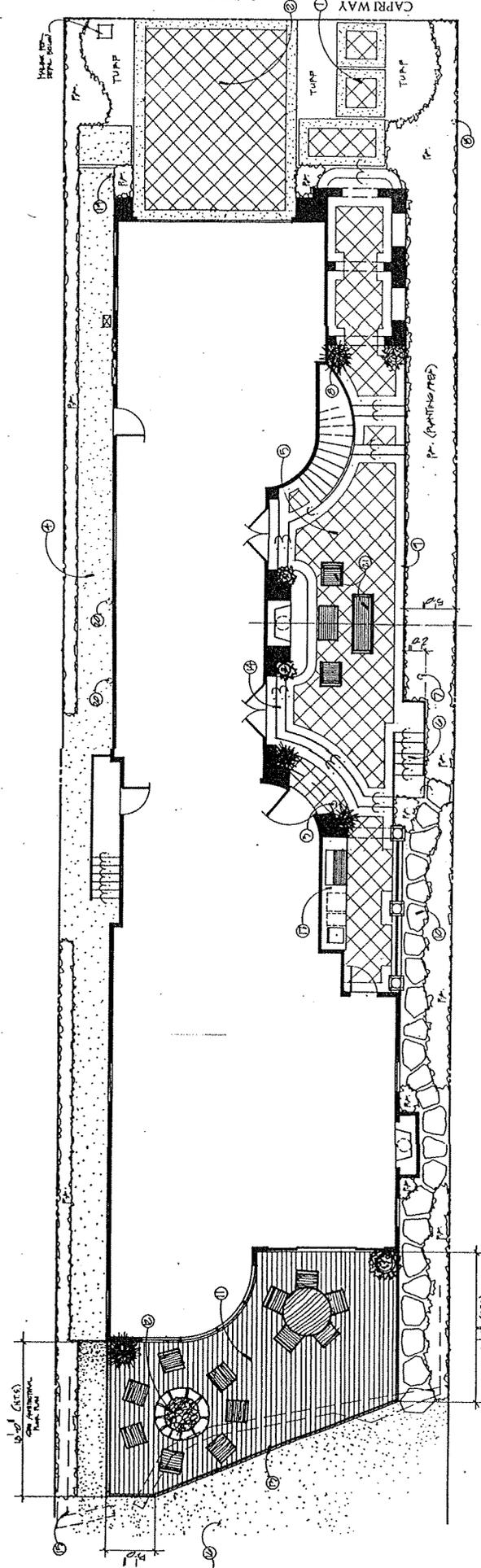
PRELIMINARY DESIGN

SHEET TITLE

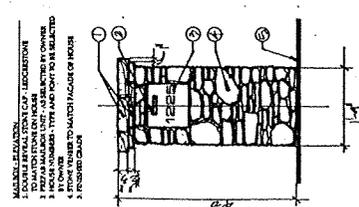
KEILEY RESIDENCE  
1223 CAPRI WAY, OLYMPIA, WA 98513  
APN: 191-0091 TRACT 1274-1 LOT 2A  
OWNER: PETER & PAMELA KEILEY  
105 ANGELUS, CA 90009  
196 - N. CANYON TRAIL DR.

PROJECT	
DATE	
SCALE	
DRAWN BY	
CHECKED BY	
DATE	
PROJECT NO.	
SHEET NO.	
TOTAL SHEETS	

PD-1  
SHEET  
OF 2 SHEETS



- KEY PLAN NOTES**
1. ENTRY WALK - STRIPPED PAVED WITH TILE PAVES AND 1/2" CONCRETE
  2. EXISTING WALK - STRIPPED PAVED WITH TILE PAVES AND 1/2" CONCRETE
  3. EXISTING WALK - STRIPPED PAVED WITH TILE PAVES AND 1/2" CONCRETE
  4. EXISTING WALK - STRIPPED PAVED WITH TILE PAVES AND 1/2" CONCRETE
  5. EXISTING WALK - STRIPPED PAVED WITH TILE PAVES AND 1/2" CONCRETE
  6. EXISTING WALK - STRIPPED PAVED WITH TILE PAVES AND 1/2" CONCRETE
  7. EXISTING WALK - STRIPPED PAVED WITH TILE PAVES AND 1/2" CONCRETE
  8. EXISTING WALK - STRIPPED PAVED WITH TILE PAVES AND 1/2" CONCRETE
  9. EXISTING WALK - STRIPPED PAVED WITH TILE PAVES AND 1/2" CONCRETE
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  12. EXISTING WALK - STRIPPED PAVED WITH TILE PAVES AND 1/2" CONCRETE
  13. EXISTING WALK - STRIPPED PAVED WITH TILE PAVES AND 1/2" CONCRETE
  14. EXISTING WALK - STRIPPED PAVED WITH TILE PAVES AND 1/2" CONCRETE
  15. EXISTING WALK - STRIPPED PAVED WITH TILE PAVES AND 1/2" CONCRETE
  16. EXISTING WALK - STRIPPED PAVED WITH TILE PAVES AND 1/2" CONCRETE
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  19. EXISTING WALK - STRIPPED PAVED WITH TILE PAVES AND 1/2" CONCRETE
  20. EXISTING WALK - STRIPPED PAVED WITH TILE PAVES AND 1/2" CONCRETE
  21. EXISTING WALK - STRIPPED PAVED WITH TILE PAVES AND 1/2" CONCRETE
  22. EXISTING WALK - STRIPPED PAVED WITH TILE PAVES AND 1/2" CONCRETE



- MATERIALS**
1. CONCRETE
  2. STONE
  3. PAVED
  4. PAVED
  5. PAVED

1/2" (SEE) 1/2" (SEE)  
1/2" (SEE) 1/2" (SEE)  
1/2" (SEE) 1/2" (SEE)



**Attachment C**  
**Notice of Exemption**



## NOTICE OF EXEMPTION

**Project Description:** PLANNING & ZONING PERMIT NO. 08-400-03 (Coastal Development Permit) a request to demolish a 1,600 sq. ft. beachfront single family residence and build a 4,022 sq. ft. single-family residence with an attached two-car garage and 1,596 sq. ft of decks in the footprint of the structure to be demolished. The subject parcel is zoned RB-F (Beachfront Residential) and is located in the Oxnard Shores Neighborhood at 1225 Capri Way (Tract 1277-1, Lot 246). This case may be appealed to the California Coastal Commission as outlined in Section 17-58(K) of the City Coastal Zoning Ordinance. The proposed project is exempt from environmental review under Sections 15301(I)(1) & 15303(a) of the CEQA Guidelines. Filed by Peter Kelly, 196 North Canyon View Drive, Los Angeles, CA 90049.

**Finding:** The Planning Division of the Development Services Department of the City of Oxnard has reviewed the above proposed project and found it to be exempt from the provisions of the California Environmental Quality Act (CEQA).

- Ministerial Project
- Categorical Exemption
- Statutory Exemption
- Emergency Project
- Quick Disapproval [CEQA Guidelines, 14 Cal. Code of Regs. 15270]
- No Possibility of Significant Effect [CEQA Guidelines, 14 Cal. Code of Regs. 15061(b)(3)]

**Supporting Reasons:** In accordance with Sections 15301 (I) (1) and 15303(a) of the California Environmental Quality Act (CEQA) Guidelines, projects involving “existing facilities” and “new construction or conversion of small structures” may be found to be exempt from the requirements of CEQA. The project consists of the demolition of a single-family residence, which is specifically exempt under section 15301 (I) (1), and the construction of one single-family residence, is specifically exempt under section 15303(a).

The proposed development will extend no further westward, towards the ocean, than the existing development and will be built on pilings in accordance with the City Code and the recommendations found in a Coastal Hazard and Wave Run-up Study prepared by a State of California Registered Professional Engineer. There are no specimen trees or native vegetation on site that will be affected. No invasive plant species are proposed in the landscape plan that. Therefore, staff has determined that there is no substantial evidence that the project may have a significant effect on the environment.

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(Date)

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Susan L. Martin, AICP  
Planning Division Manager

**Attachment D**  
**Resolution**

RESOLUTION NO. 2008-[PZ NO. 08-400-03]

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 08-400-03 (COASTAL DEVELOPMENT PERMIT), TO ALLOW THE DEMOLITION OF A BEACHFRONT SINGLE-FAMILY RESIDENCE AND THE CONSTRUCTION OF A SINGLE-FAMILY RESIDENCE IN ITS PLACE, LOCATED AT 1225 CAPRI WAY (TRACT 1277-1, LOT 246), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY PETER KELLY, 196 NORTH CANYON VIEW DRIVE, LOS ANGELES, CA 90049.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 08-400-03 (Coastal Development Permit), filed by Peter Kelly, in accordance with 17-57(B)(5) of the Oxnard City Code; and

WHEREAS, Sections 15301(D)(1) and 15303(a) of Title 14 of the California Code of Regulations exempt the project from the requirement 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 Development Services Director is final unless appealed in accordance with the provisions of Section 17-58 of the Oxnard City Code.

Note: The abbreviations below identify the City department or division responsible for determining compliance with these standard conditions. The first department or division listed has responsibility for compliance at plan check, the second during inspection and the third at final inspection, prior to issuance of a certificate of occupancy, or at a later date, as specified in the condition. If more than one department or division is listed, the first will check the plans or inspect the project before the second confirms compliance with the condition. The italicized code at the end of each condition provides internal information on the source of each condition: Some are standard permit conditions (e.g. *G-1*) while some are taken from environmental documents (e.g. *MND-S2*).

<b>DEPARTMENTS AND DIVISIONS</b>			
CA	City Attorney	PL	Planning Division
DS	Dev Services/Eng Dev/Inspectors	TR	Traffic Division
PD	Police Department	B	Building Plan Checker
SC	Source Control	FD	Fire Department
PK	Public Works, Landscape Design	CE	Code Compliance

**GENERAL PROJECT CONDITIONS**

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

2. This permit is granted for the plans stamped approved August 21, 2008, (“the plans”) on file with the Planning Division. The project shall conform to the plans, except as otherwise specified in these conditions, or unless a minor modification to the plans is approved by the Planning and Environmental Services Manager (“Planning Manager”) or a major modification to the plans is approved by the Development Services Director. A minor modification may be granted for minimal changes or increases in the extent of use or size of structures or of the design, materials or colors of structures or masonry walls. A major modification shall be required for substantial changes or increases in such items. (PL, G-2)
3. This permit shall automatically become null and void 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)
4. All required off-site and on-site improvements for the project, including structures, paving, and landscaping, shall be completed prior to occupancy unless the Development Services Manager allows Developer to provide security or an executed agreement approved by the City Attorney to ensure completion of such improvements. (DS, G-4)
5. By commencing any activity related to the project or using any structure authorized by this permit, Developer accepts all of the conditions and obligations imposed by this permit and waives any challenge to the validity of the conditions and obligations stated therein. (CA, G-5)
6. Developer agrees, as a condition of adoption of this resolution, at Developer’s own expense, to indemnify, defend and hold harmless the City and its agents, officers and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of the resolution or any condition attached thereto or any proceedings, acts or determinations taken, done or made prior to the approval of such resolution that were part of the approval process. 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)
7. Any covenants, conditions, and restrictions (CC&Rs) applicable to the project property shall be consistent with the terms of this permit and the City Code. If there is a conflict between the CC&Rs and the City Code or this permit, the City Code or this permit shall prevail. (CA, G-7)
8. Developer shall complete the “Notice of Land Use Restrictions and Conditions” form, using the form provided by the City, for recording with the Ventura County Recorder. Before the City issues building permits, Developer shall submit the original completed, signed and notarized document, together with the required fees to the Planning Manager. (PL, G-8)
9. Developer shall provide off-street parking for the project, including the number of spaces, stall size, paving, striping, location, and access, as required by the City Code. (PL/B, G-9)

10. Before placing or constructing any signs on the project property, Developer shall obtain a sign permit from the City. Except as provided in the sign permit, Developer may not change any signs on the project property. (PL/B, *G-10*)
11. Developer shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, *G-11*)
12. Developer shall not permit any combustible refuse or other flammable materials to be burned on the project property. (FD, *G-12*)
13. 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*)
14. 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*)
15. 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*)
16. Prior to issuance of building permits, Developer shall correct all violations of the City Code existing on the project property. (PL, *G-15*).
17. 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 the Coastal Commission 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*)

### **LANDSCAPE STANDARD CONDITIONS**

18. 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)
19. Before the City issues a certificate of occupancy, Developer shall install landscape and automatic irrigation systems that have been approved by Parks and Facilities Superintendent. (PK, PK-3)
20. 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)
21. Before the City issues a certificate of occupancy, Developer shall provide a watering schedule to the building owner or manager and to the Parks and Facilities Superintendent. 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)
22. All trees planted or placed on the project property by Developer shall be at least 24-inch-box size. All shrubs and vines shall be at least five-gallon size, except as otherwise specified by this permit. (PK, PK-6)
23. Developer shall install an irrigation system that includes a water sensor shut off device as a water conservation measure. (PK, PK-22)

### **LANDSCAPE SPECIAL CONDITIONS**

24. Landscaping shall conform to the revised Landscape Plan dated 8/29/2007 and shall include at least two *Washingtonia robusta* palms (12' brown trunk) along with colorful 5 gallon and 1 gallon shrubs and groundcovers.
25. Any plant material shown on the landscape plans that may result in the establishment of a solid hedge higher than 16-inches must be replaced with a plant material with a lower height potential prior to the issuance of a building permit. This condition specifically applies to proposed rosemary, the Natal plum, and the *Rhapiolepis*. For the life of the project no walls, fences, or shrubs that could grow 16-inches or higher (planted in a hedge arrangement) may be added to the site that would enclose the lot.

### **FIRE DEPARTMENT STANDARD CONDITIONS**

26. 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)

27. 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*)
28. Developer shall install a carbon monoxide detector on each level of the residence in accordance with the manufacturer's specifications. The detector shall be hardwired with a battery backup. (FD, *F-17*)

#### **FIRE DEPARTMENT SPECIAL CONDITIONS**

29. Fire sprinkler coverage is required for:
  - a. Patios, overhangs or any other projections that are 48" or more from the structure.
  - b. Open areas beneath stairs that serve a habitable space or when that area is accessible for storage or has mechanical equipment.
  - c. The protection of the forced air unit when located in the attic or other areas that are normally inaccessible.
30. 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.

#### **PLANNING DIVISION STANDARD CONDITIONS**

31. The final building plans submitted by Developer with the building permit application shall depict on the building elevation sheets all building materials and colors to be used in construction. (PL/B, *PL-1*)
32. 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*)
33. Before the City issues building permits, Developer shall include a reproduction of all conditions of this permit as adopted by resolution of the Planning Commission and/or the City Council in all sets of construction documents and specifications for the project. (PL, *PL-3*)
34. Before the City issues building permits, Developer shall provide to the Planning Division Manager color photographic reductions (8 1/2" by 11") of full-size colored elevations and any other colored exhibit approved by the Planning Commission. Developer may retain the full-size colored elevations after the reductions are so provided. (PL, *PL-4*)
35. 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*)

36. 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. (B/DS, *PL-11*)
37. During construction, Developer shall control dust by the following activities:
  - a. All trucks hauling graded or excavated material offsite shall be required to cover their loads as required by California Vehicle Code section 23114, with special attention to sub sections 23114(b)(2)(F), (e)(2) and (e)(4) as amended, regarding the prevention of such material spilling onto public streets and roads.
  - b. All graded and excavated material, exposed soils areas, and active portions of the construction site, including unpaved onsite roadways, shall be treated to prevent fugitive dust. Treatment shall include, but not necessarily be limited to, periodic watering, application of environmentally-safe soil stabilization materials, and/or roll-compaction as appropriate. Watering shall be done as often as necessary and reclaimed water shall be used whenever possible. (B/DS, *PL-12*)
38. Developer shall provide for dust control at all times during project property preparation and construction activities. (B/DS, *PL-13*)
39. Developer agrees to participate in a water conservation program that includes refitting water fixtures existing on the project property with water conserving devices within residences or businesses in the City's water service area, if such a program is in effect when building permits are issued for this project. Among the requirements of such a program might be refitting existing toilets, faucets, shower heads, landscaping irrigation or other fixtures and items that consume water within the structure. (PL, *PL-14*)
40. Because of water limitations placed upon the City by its water providers, approval of this permit does not guarantee that the City will issue building permits. Issuance of building permits may be delayed as a result of implementation of a water conservation or allocation plan. (PL, *PL-15*)
41. Prior to issuance of building permits, Developer shall pay a document imaging fee for the planning files in an amount calculated by planning staff at the time of building permit review based on fees then in effect. (PL/B, *PL-16*).
42. Developer shall provide automatic garage door openers for the garage. (PL/B, *PL-20*)
43. Prior to issuance of building plans, Developer shall provide at least two types of driveway finishes or decorative designs. The details of the driveway shall be to the satisfaction of the Planning Division Manager. (PL, *PL-22*)
44. Developer shall provide storage areas for City sized trash enclosures within garage, patio, yard or storage areas out of public view. (PL/B, *PL-23*)

## PLANNING DIVISION SPECIAL CONDITIONS

45. 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.
46. 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)
47. 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)
48. 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)
49. Developer shall not obstruct automobiles and/or pedestrians on Capri Way, or the associated sidewalk, during construction and maintenance activities. (PL)
50. Developer shall be responsible for maintaining the construction site free of litter and the accumulation of construction debris. (PL)
51. 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)
52. 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)
53. 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)
54. 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)

55. 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. Exterior lighting shall be fixed in place and not able to be diverted off-site. (PL)
56. For the life of the project, absolutely no sand level decks or landings shall be installed westerly of the development approved in this development.(PL)
57. Prior to the issuance of building permits, Developer shall execute and deliver to the City Attorney an Easement Deed, in a form satisfactory to the City Attorney, unconditionally granting to the City of Oxnard an easement to use and maintain the land west of the most westerly structural member of the subject property as a public lateral access way to and along the Pacific Ocean. Building permits shall not be issued until the Mayor signs a Certificate of Acceptance of the Easement Deed and both such documents are recorded in the office of the Ventura County Recorder. (PL)
58. As part of the demolition permit and prior to the issuance of the building permit, Developer shall remove all of the large boulders from the subject property and the beach and relocate them to a receiver site approved by the Planning Division. If the receiver site is within the Coastal Zone as defined by the Local Coastal Plan, the relocation will require a coastal development permit. (PL)
59. As part of the demolition permit and prior to the issuance of the building permit, Developer shall demonstrate to Planning Division Staff, through a site visit, that all debris associated with the demolition has been removed from the site and has not been scattered onto the adjacent beach sand. The adjacent beach shall be cleaned and raked to the satisfaction of Planning Division Staff prior to the issuance of the building permit.

#### **ENVIRONMENTAL RESOURCES DIVISION**

60. 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 Planning Division and 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 Solid Waste Management and Recycling Plan form.

61. 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 and Recycling C&D Report form prior to issuance of a certificate of occupancy.
62. Developer shall arrange for materials collection during construction, demolition, and occupancy with either the City Solid Waste Reduction & Disposal Division or other City permitted hauling companies, or Developer shall arrange for self-hauling to an authorized facility.

#### **DEVELOPMENT SERVICES DIVISION STANDARD CONDITIONS**

63. 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)
64. Developer shall protect building pads from inundation during a 100-year storm. (DS-5)
65. Developer shall remove and replace all improvements that are damaged during construction. (DS-6)
66. 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)
67. 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)
68. Developer shall remove graffiti from the project, including graffiti on offsite public infrastructure under construction by Developer, within 24 hours of its appearance. If Developer fails to remove graffiti in accordance with this condition, the City may at the discretion of the Development Services Manager issue a stop work order until such time as the graffiti is removed. (DS-20)
69. 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)

70. 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)
71. 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)
72. 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)
73. 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)
74. 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)
75. 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**

76. 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)
77. 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)
78. 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)
79. Driveway shall be designed and constructed in accordance with City Standard Plate No. 115 modified to provide a disabled compliant pedestrian path along the public sidewalk. (DS)

80. 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)

81. 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)

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 21st day of August, 2008, by the following vote:

AYES: Commissioners

NOES: Commissioners

ABSENT: Commissioners

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Michael Sanchez, Chairman

ATTEST: 

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Susan L. Martin, Secretary