



Planning Division

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission
FROM: Brian Foote, AICP, Associate Planner
DATE: September 16, 2010
SUBJECT: Planning & Zoning Permit No. 09-400-3 (Coastal Development Permit)

- 1) **Recommendation:** That the Planning Commission approve Planning and Zoning Permit No. 09-400-3 for a Coastal Development Permit (CDP), subject to the attached findings and conditions.
- 2) **Project Description and Applicant:** The applicant requests approval of a Coastal Development Permit to construct a two-story 4,585-sq.ft. single-family residence, an attached 1,120-sq.ft. three-car garage, and 388-sq.ft. of decks located at 1561 Mandalay Beach Road within the Oxnard Shores neighborhood in the Single-Family Beach (R-B-1) sub-zone. Filed by architect Roy Milbrandt, 254 Heidelberg Ave., Ventura, CA 93003.
- 3) **Existing & Surrounding Land Uses:** The subject parcel is vacant and unimproved, adjacent to the public beach and shoreline, and has sandy topsoil.

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
Project Site	R-B-1	RLM	Single-Family Residences
North	R-B-1	RLM	Single-Family Residences
South	R-B-1	RLM	Single-Family Residences
East	R-B-1	RLM	Single-Family Residences
West	R-B-1	RA	Public Beach

- 4) **Background Information:** The subject property was created as Lot 7 of Tract No. 3929 that recorded on June 6, 1985. The zoning designation at the time of recordation was Single-Family Beach (R-B-1), having been rezoned by Ordinance No. 1785 adopted on November 20, 1979.
- 5) **Environmental Determination:** The project is categorically exempt according to the California Environmental Quality Act (CEQA), Section 15303 for the "New Construction or Conversion of Small Structures." The construction of a single-family residence is specifically included in Section 15303. There is no substantial evidence that the proposed project may have a significant effect on the environment, and the project qualifies for exemption.

6) Analysis:

- a) **General Discussion:** A single-family dwelling in the R-B-1 sub-zone is a conditionally permitted use subject to approval of a Coastal Development Permit, in accordance with Section 17-10(C)(1) of the Coastal Zoning Ordinance.
- b) **Coastal Plan Consistency:** The proposed residential land use is consistent with Coastal Land Use Plan (Map No. 3) that indicates that the subject property is in the R-B-1 zone. The project will be consistent with several policies contained in the Coastal Land Use Plan:

POLICY	DISCUSSION
<p>Local Coastal Policy No. 1 (page III-5) states, "All urban development shall be restricted to the area within the urban-rural boundary, as defined by Map 1 and the Land Use Map."</p>	<p>The subject property is within the area defined as urban by Map No. 6 in the Coastal Land Use Plan. The Land Use Map notes that urban residential uses are concentrated in the Oxnard Shores neighborhood (page II-1).</p>
<p>Local Coastal Policy No. 39 (page III-24) states, "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."</p>	<p>The beachfront property may be subject to the effects of seismic activity, liquefaction, tsunami run-up, beach erosion, and storm wave run-up. A <i>Coastal Hazard & Wave Runup Study</i> (GeoSoils, Inc., December 2009) and a <i>Soils Engineering Investigation</i> report (Heathcote Geotechnical) were prepared for the project. The structure will be built on piles and elevated above any potential threat from storm wave run-up. The piles will be driven deep into the ground in order to mitigate any potential threats resulting from liquefaction and beach erosion. Additionally, the engineering design of the structure will be reviewed in accordance with the California Building Code, and all recommendations made in the soils report will be incorporated into the engineering in order to mitigate any potential threats to the maximum extent possible.</p>
<p>Local Coastal Policy No. 40 (a) (page III-25) states, "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</p>	<p>The structure will be elevated high enough on the piles to allow storm waves to run under and around the occupied structure. In the event of a storm event with significant wave run-up, this design will prevent the need for protective devices, such as rock or concrete armoring. The beach width fronting the project site is extensive and in excess of 500 feet wide. Therefore, the development would not block lateral access along the coastline. Given that every structure along the coast is inherently prone to natural hazards such as catastrophic storm events and tsunamis, the City</p>

<p>damages resulting from the construction of his development.... Any development located on the beach shall be designed to assure lateral access.”</p>	<p>of Oxnard requires that the developer agree to indemnify and hold the City harmless from any liability (see Condition No. 16).</p>
<p>Local Coastal Policy No. 40 (b) (page III-25) states, “Any development located on the beach shall be designed to assure lateral beach access.”</p>	<p>Between the westerly boundary of the subject property and the mean high tide line is approximately 450 feet of beach previously dedicated to the public, which provides permanent lateral beach access to the public. Therefore, lateral access to the public beach will not be affected by this project. No conditions are required or recommended.</p>
<p>Local Coastal Policy No. 72 (page III-53) states, “Public access to and along the shoreline... shall be required as a condition of approval for all new developments between the shoreline and 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.”</p>	<p>The proposed development will not encroach into any access path. Approximately 100 feet to the north and to the south of the subject property are 20-foot wide access paths previously dedicated to the public, which provide permanent vertical access to the beach. Therefore, vertical access to the public beach will not be affected by this project. No conditions are required or recommended.</p>

c) Conformance with Zoning Development Standards: The proposed development is located in the Single-Family Beach (R-B-1) sub-zone, and complies with the applicable development standards as follows:

Development Standard	Proposed Development	Zoning Ordinance	Compliance
Max. building height §17-10(D)(1)	2 stories, not to exceed 25 feet	2 stories & 25'0"	Yes
Lot Area §17-10(D)(2)	4,000 sq.ft. minimum	6,170 sq.ft. (existing)	Yes
Lot Coverage §17-10(D)(3)	60% maximum	50%	Yes
Min. Distance Between Structures §17-10(D)(4)	6 feet	10'4" to neighboring residences	Yes
Lot Width §17-10(D)(5)	Lots westerly of the first public road: 35 feet minimum	49.64 feet (existing)	Yes
Front yard setback §17-10(D)(6)	20 feet minimum for properties located between the ocean and the	Structure: 20'0" Deck: 17'6"	Yes Yes

DEVELOPMENT STANDARD	REQUIREMENT	PROPOSED	COMPLY?
	first public road paralleling the sea and which have a front yard abutting a public beach or park.		
Rear yard setback §17-10(D)(7)	15 feet minimum	16'4"	Yes
Side yard setback §17-10(D)(8)	5 feet minimum	5'2"	Yes
Accessory buildings §17-10(D)(9)	6 feet minimum separation from main structure	None	N/A
Min. Distance to Garage Door §17-10(E)(3)	20 feet minimum between a garage door and the most parallel rear or front property line.	21'6"	Yes
Parking spaces Resident §16-622	5 bedrooms – 2 garage spaces; 6 bedrooms – 3 garage spaces.	3 garage spaces for 6 bedrooms	Yes

d) **Site Design:** The subject property is 125 feet long and 50 feet wide, with access taken directly from Mandalay Beach Road. The structure footprint is centered on the property, with the front facing the beach and shore, and the garage and rear elevation facing Mandalay Beach Road. The properties to the north, south, and east have been previously developed with detached single-family residences. Side setbacks will be provided with 5'2" on each side. The front setback (ocean side) is 20 feet to the exterior wall, and deck will encroach 30 inches into the setback (i.e. minimum 17'6") as permitted by Zoning Code §16-306. The minimum requirements will be met for the sides and rear setbacks. At the main entry on the north side of the structure are steps that will require a landing, and the landing will encroach 26 inches into the side setback (i.e. a minimum side setback of 3 feet adjacent to the steps) as permitted by Zoning Code §16-307.

e) **Circulation and Parking:** Resident parking will be provided by the proposed three-car garage, with an additional three parking spaces available in the driveway. Mandalay Beach Road has a paved roadway width of 40 feet, and is adequate to allow parking on both sides of the street in addition to two-way vehicular traffic. No parking restrictions or other conditions of approval are necessary in order to allow continued access to the public road.

f) **Building Design:** The single-family dwelling will have a contemporary design. The exterior around the first floor will be stone veneer (Carolina Rubble with "Dakota Brown" color). The exterior of the second floor will be shingle siding (Hardie Shingle Siding with "Cobblestone" color). Large fiberglass window panels are placed in the westerly elevation to provide scenic views of the ocean. Trim bands are wrapped around the roofline on all sides. Two small decks with white vinyl handrails extend off the second floor on the west and south elevations. The roofing tile will be black and non-reflective; no reflective materials or finishes shall be utilized. The driveway will be salt-washed concrete with brick trim. The proposal will be compatible with existing adjacent residential development.

LOCATION	MATERIAL	BRAND NAME	COLOR
1 st Floor Exterior	Stone Veneer	Carolina Rubble	Dakota Brown
2 nd Floor Exterior	Manufactured Shingle	Hardie Shingle Siding	Cobblestone
Window Trim	Manufactured Wood	TruWood	White
Roof Tile	Asphalt Tile	Presidential Asphalt	Black
Deck Railing	Vinyl		White

g) Landscaping and Open Space: One landscape planter is proposed on each side of the driveway, abutting existing planters on the neighboring properties to the north and south. No landscaping is proposed for the front yard area facing the beach to the west.

h) Beach Access: The proposed project will not interfere with public access to the beach. The proposed residence will be constructed on a lot that is located 100 feet from two 20-foot wide sandy access easements that provide vertical access between the beach and Mandalay Beach Road. One easement is located 100 feet to the north, and the second easement is located 100 feet to the south. An existing Open-Space Easement provides extensive lateral access along the beach between the ocean and the westerly boundaries of Lots 1-14 of Tract 3929. The Open-Space Easement recorded as Instrument No. 85-29446 on March 25, 1985, was accepted by the City of Oxnard on March 14, 2006, and includes the two 20-foot wide vertical access easements in addition to lateral beach access.

Two other means of access located within 500 feet of the project site provide pedestrian access to the beach and shore. Oxnard Beach Park is located approximately 400 feet to the south of the project site on Mandalay Beach Road. Amalfi Way provides another access point located approximately 450 feet to the north of the project site.

7) Development Advisory Committee: The Development Advisory Committee did not review this project. However, the members representing Development Services, Fire, and Landscaping reviewed the project, and their recommendations are included in the attached resolution.

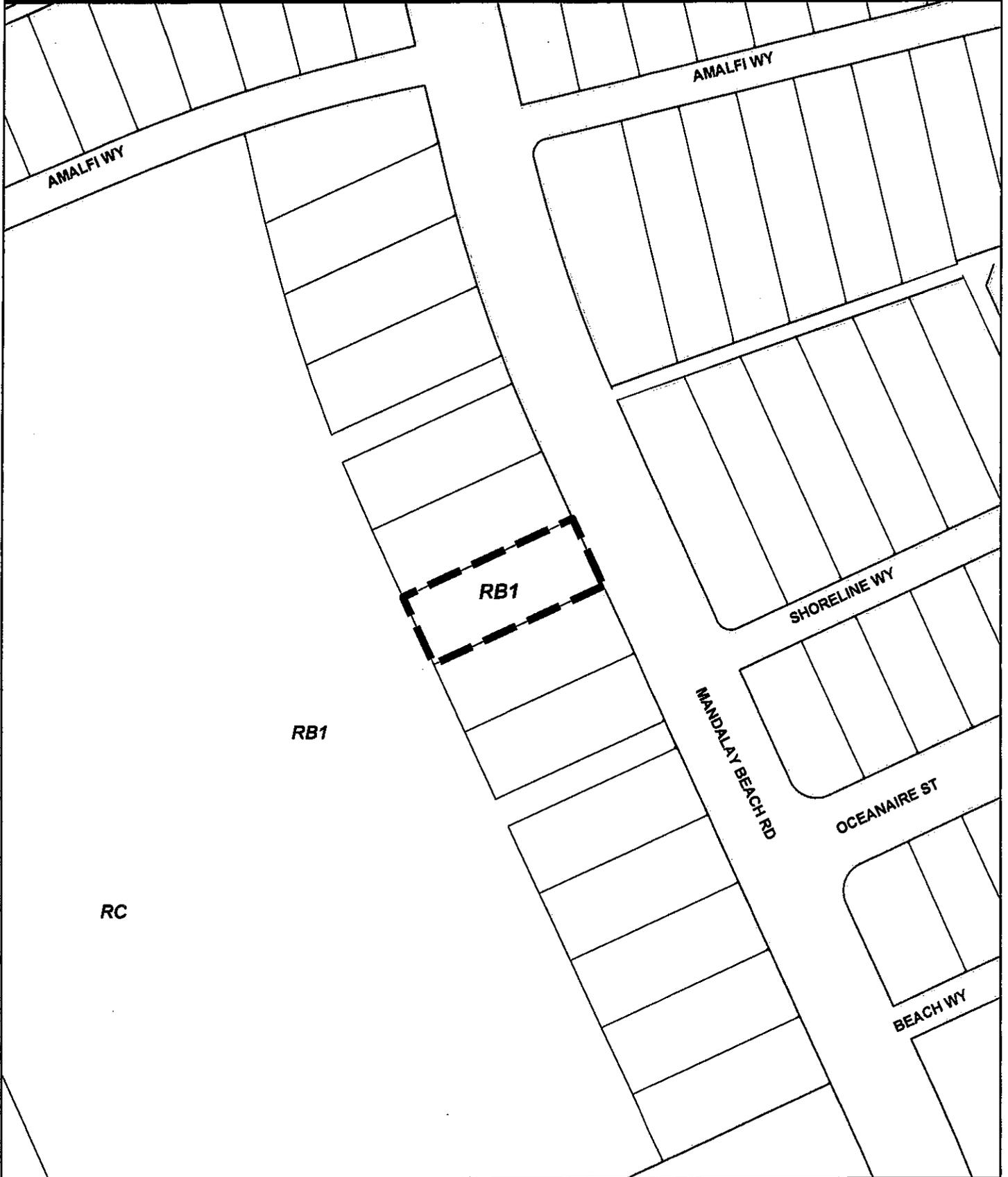
8) Appeal Procedure: In accordance with Section 17-58(J) of the Coastal Zoning Ordinance, the Planning Commission's action may be appealed to the City Council within 10 working days after the decision date. Appeal forms may be obtained from the City Clerk and must be submitted with the appropriate fees before the end of the appeal period. After all local appeals have been exhausted, any aggrieved person may file an appeal with the California Coastal Commission in accordance with Section 17-58(K) of the Coastal Zoning Ordinance.

Attachments:

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

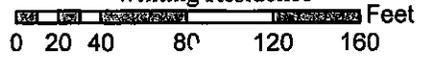
Prepared by:  BF
Approved by:  SM

Zone Map



Oxnard Planning
March 29, 2010

PZ 09-400-03
Location: 1561 Mandalay Beach Rd
APN: 191042007
Whiting Residence



Zone Map



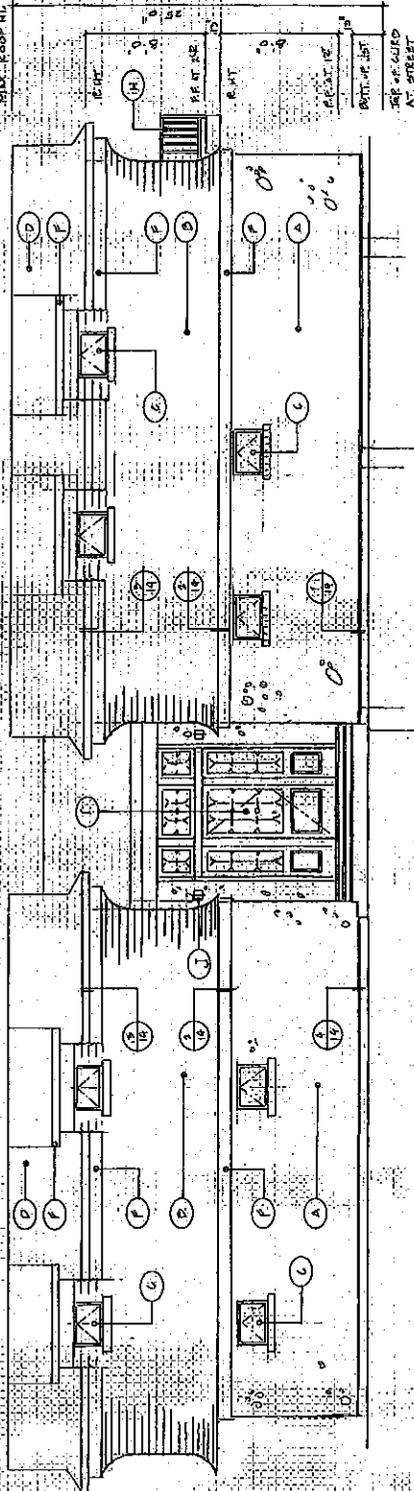
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ELEVATIONS

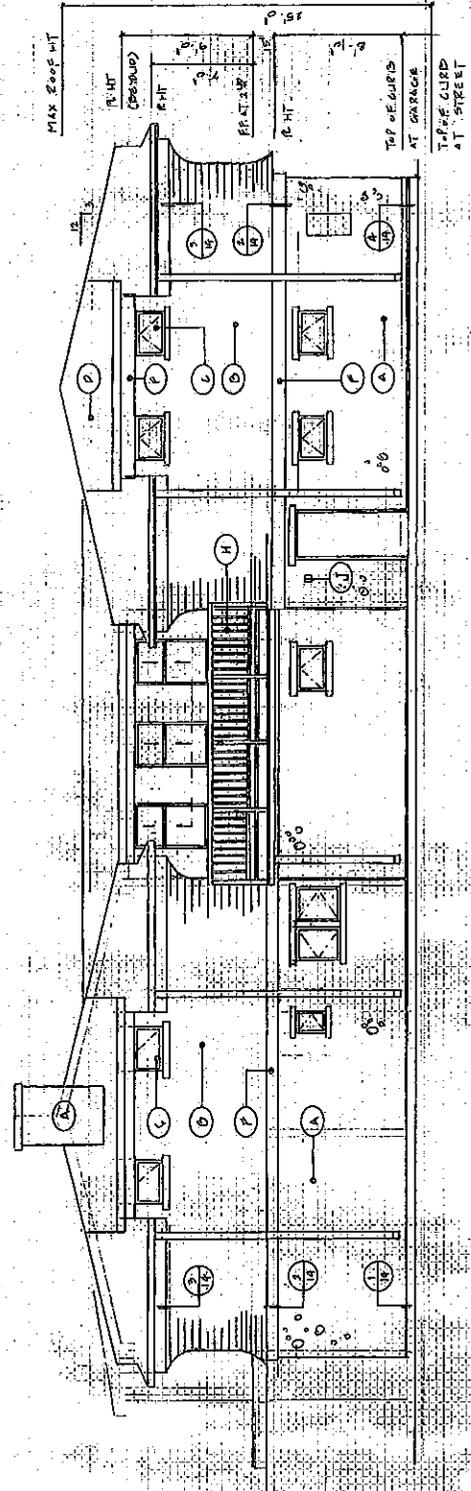
REVISIONS	DATE	DESCRIPTION

Elevation Notes

- ① FIRST FLOOR WALLS
 1/2" COPPER CLADDING
 TRIMMED WITH 1/2" x 1/2" x 1/2" MITERED
 CORNER PLINTELS
 STAIN - CANTONWOOD STAIN
 COLOR - PRAIRIEWOOD
- ② SECOND FLOOR WALLS
 1/2" COPPER CLADDING
 TRIMMED WITH 1/2" x 1/2" x 1/2" MITERED
 CORNER PLINTELS
 STAIN - CANTONWOOD STAIN
 COLOR - PRAIRIEWOOD
- ③ WINDOWS
 ALUMINUM
 FINISH - BRASS
 HARDWARE - BRASS
- ④ ROOF
 PRESIDENTIAL ASPHALT
 SHINGLES - 30 YEAR
 ON 2" x 8" RAFTERS
 COLOR - CHARCOAL BLACK
- ⑤ SECTIONAL OIL ROOF
 CEDAR CLAD WITH
 STAIN TO MATCH SIDING
- ⑥ TRIM
 TRU WOOD TRIM
 PAINTED WHITE
- ⑦ ROOF METAL
 ROOF FLASHING CUTTER
 2" x 2" RAKE TRIM
 TO ONE COPPER
- ⑧ HANDRAIL
 1/2" HIGH VINYL HANDRAIL
 2" x 2" BAILS
 COLOR WHITE
- ⑨ BUTLER DOOR
 1/2" HIGH VINYL HANDRAIL
 2" x 2" BAILS
 AT BOTH DOOR & STAIRS
 LINES
- ⑩ EXTERIOR LIGHT
 MINOR GROUP
 DELANCO WALL MOUNT
 1/2" x 1/2" x 1/2"



North Elevation



South Elevation

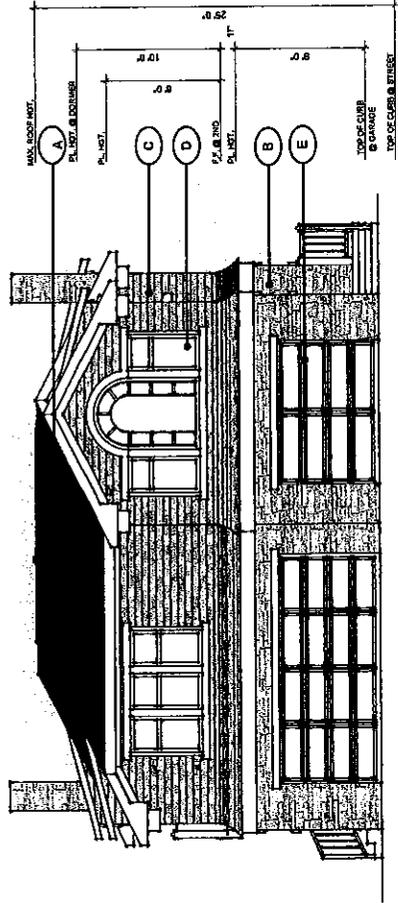
REVISIONS	BY

ELEVATIONS

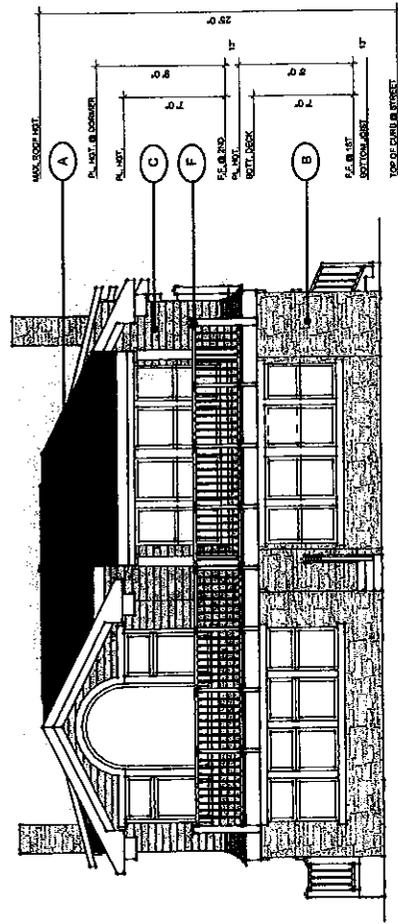
Whiting Residence
1561 Mandalay Beach Road
Oxnard, CA 93035

Roy Milbrandt, Architect
Ventura, CA 93003
805-477-8757

Date	
Scale	
Drawn	
Job	
Sheet	4



EAST ELEVATION
SCALE 1/8" = 1'-0"



WEST ELEVATION
SCALE 1/8" = 1'-0"

ELEVATION NOTES

- (A) ROOF SYSTEM
PRESIDENTIAL ASPHALT SHINGLE ON 30# FELT
COLOR: CHARCOAL BLACK
- (B) 1ST STORY WALLS
THINSET CORONADO STONE ON 7/8" EXT. CEMENT PLASTER
STYLE: COLORADO RUBBLE - COLOR: DAKOTA BROWN

- (C) 2ND STORY WALLS
CONCRETE HARDYS-ANGLE SIDING ON TYVEK
COLOR: COBBLESTONE
- (D) WINDOWS
FIBERGLASS FRAME WITH LOW-E GLASS
WITH WHITE TRUWOOD TRIM

- (E) GARAGE DOOR
SECTION OF OVERHEAD FIBERGLASS DOOR
COLOR: WHITE
- (F) HANDRAIL
4" HIGH MAVA HANDRAIL WITH 4" CLEAR
COLOR: WHITE

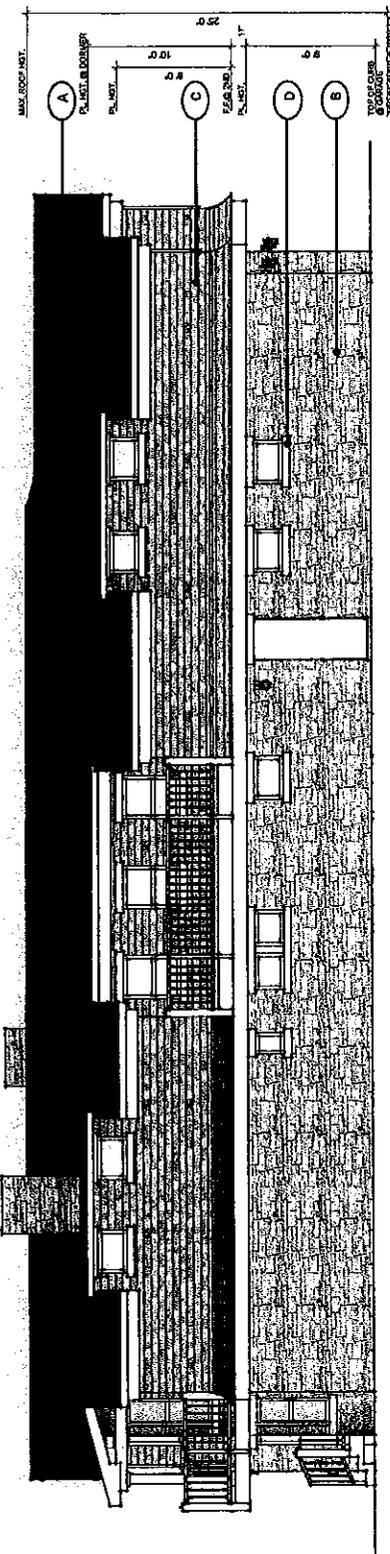
REVISIONS	BY

ELEVATIONS

Whiting Residence
1581 Mandalay Beach Road
Oxnard, CA 93035

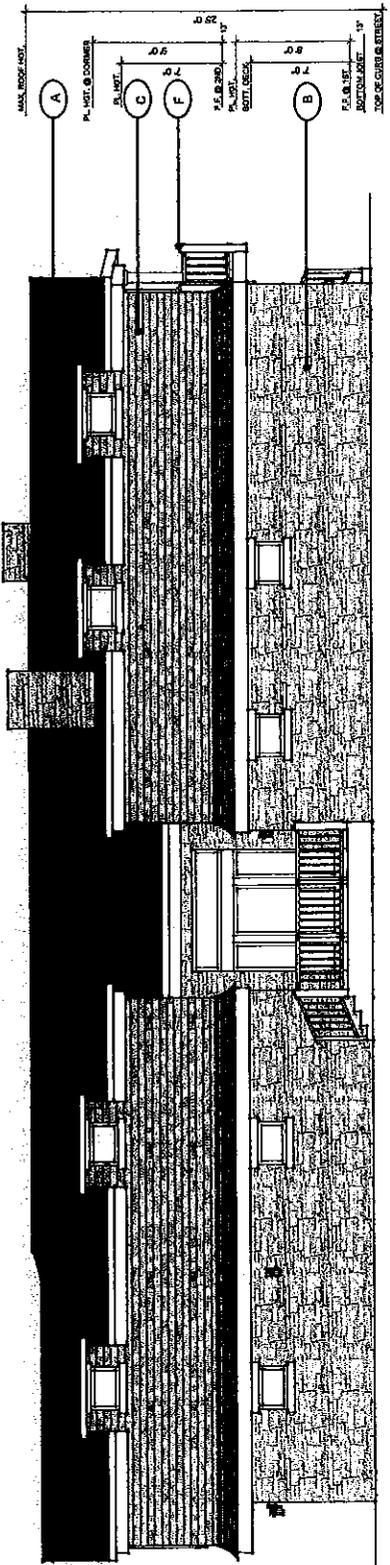
Roy Milbrandt, Architect
Ventura, CA 93003
805-477-8757

Date: _____
Scale: _____
Drawn: _____
Job: _____
Sheet: **5**



SOUTH ELEVATION

SCALE 1/4" = 1'-0"



NORTH ELEVATION

SCALE 1/4" = 1'-0"

ELEVATION NOTES

- (A) ROOF SYSTEM
PRESIDENTIAL ASPHALT SHINGLE ON 30# FELT
COLOR: CHARCOAL BLACK
- (B) 1ST STORY WALLS
THINSET CORONADO STONE ON 7/8" EXT. CEMENT PLASTER
STYLE: COLORADO RUBBLE - COLOR: DAKOTA BROWN
- (C) 2ND STORY WALLS
CONCRETE HARDY SHINGLE SIDING ON TYVEK
COLOR: COBBLESTONE
- (D) WINDOWS
FIBERGLASS FRAME WITH LOW E GLASS
WITH WHITE TRIMWOOD TRIM
- (E) GARAGE DOOR
SECTIONAL OVERHEAD FIBERGLASS DOOR
COLOR: WHITE
- (F) HANDRAIL
48" HIGH VINYL HANDRAIL WITH MAX 4" CLEAR
COLOR: WHITE
- (G) EXT. LIGHT
BLACK BRONZE UP - DELANCY WALL MOUNT
71181-AS7-PL



NOTICE OF EXEMPTION

Project Description:

PLANNING & ZONING PERMIT NO. 09-400-3 (Coastal Development Permit) – A request for approval for construction of a two-story 4,585-sq.ft. single-family residence, an attached 1,120-sq.ft. three-car garage, and 388-sq.ft. of decks located at 1561 Mandalay Beach Road within the Oxnard Shores neighborhood. Filed by architect Roy Milbrandt, 254 Heidelberg Ave., Ventura, CA 93003, on behalf of property owner Richard Whiting.

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, §15303 – New Construction of Small Structures
- Statutory Exemption
- Emergency Project
- Quick Disapproval [CEQA Guidelines §15270]
- No Possibility of Significant Effect [CEQA Guidelines §15061(b)(3)]

Supporting Reasons: In accordance with Section 15303 of CEQA, projects involving small structures may be found to be exempt from environmental review. The proposed project will construct one single-family detached residence on an existing lot of record, and there is no substantial evidence that the project may have a potentially significant effect on the environment. Therefore, staff has determined that the project qualifies for exemption.

(Date)

Susan L. Martin, AICP
Planning Division Manager

Planning Division

214 South C Street, Oxnard, CA 93030 ♦ (805) 385-7858 ♦ FAX (805) 385-7417

RESOLUTION NO. 2010 -- _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 09-400-3 (COASTAL DEVELOPMENT PERMIT) TO ALLOW CONSTRUCTION OF A TWO-STORY 4,585 SQUARE-FOOT BEACHFRONT SINGLE-FAMILY RESIDENCE WITH AN ATTACHED 1,120 SQUARE-FOOT THREE-CAR GARAGE, LOCATED AT 1561 MANDALAY BEACH ROAD (TRACT 3929, LOT 7) SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY ARCHITECT ROY MILBRANDT, 254 HEIDELBERG AVENUE, VENTURA, CA 93003, ON BEHALF OF THE OWNERS.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 09-400-3 (Coastal Development Permit), filed by architect Roy Milbrandt in accordance with 17-57(B)(5) of the Oxnard City Code; and

WHEREAS, Section 15303 of Title 14 of the California Code of Regulations exempts 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 Planning Commission is final unless appealed in accordance with the provisions of Section 17-58 of the Oxnard City Code.

STANDARD CONDITIONS OF APPROVAL FOR LAND USE PERMITS

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*).

DEPARTMENTS AND DIVISIONS			
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 dated August 5, 2010, (“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. 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*)
14. 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*)
15. Prior to issuance of building permits, Developer shall correct all violations of the City Code existing on the project property. (PL, *G-15*).
16. 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*)
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. (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. Developer's Landscape Architect or Architect shall provide the City with written confirmation that they have reviewed the civil engineering construction drawings and that the NPDES requirements are not in conflict with meeting the City's landscape requirements.
25. All landscaping and irrigation shall comply with Ordinance No. 2822, which adopted the City of Oxnard Landscape Water Conservation Standards.
26. All landscaping shall conform to the landscaping contained on sheet 1 of the Plan Set dated 3/17/2010

FIRE DEPARTMENT STANDARD CONDITIONS

27. 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)
28. 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)
29. The project shall meet the minimum requirements of the "Fire Protection Planning Guide" published by the Fire Department. (FD, F-6)
30. 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)
31. Developer shall install a carbon monoxide detector on each level of the residence in accordance with the manufacturers specifications. It shall be hardwired with a battery backup.(FD, F-17)

PLANNING DIVISION STANDARD CONDITIONS

32. 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)

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

44. 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. (PL/DS)
45. 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)
46. Developer shall provide mailbox detail that is theme-coordinated with the architecture of the building, subject to approval by the Planning Manager. (PL)
47. Developer shall not obstruct automobiles and/or pedestrians on Mandalay Beach Road, or the associated sidewalk, during construction and maintenance activities. (PL)
48. Developer shall be responsible for maintaining the construction site free of litter and the accumulation of construction debris. (PL)
49. 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)
50. 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)
51. 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)
52. Prior to the issuance of a building permit, a reproduction of all conditions of this permit approval as adopted by resolution of the Director and/or 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)

53. 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)

DEVELOPMENT SERVICES DIVISION STANDARD CONDITIONS

54. 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)
55. Developer shall protect building pads from inundation during a 100-year storm. (DS-5)
56. Developer shall remove and replace all improvements that are damaged during construction. (DS-6)
57. 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)
58. 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)
59. 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)
60. Developer shall pay the cost of all inspections of on-site and off-site improvements. (DS-22)
61. 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)
62. 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)
63. 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)

64. 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)
65. 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)
66. 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 DIVISION SPECIAL CONDITIONS

67. 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)
68. 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)
69. 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)
70. Driveway curb cut width shall be reduced to a 25 feet maximum width in accordance with City Standards. (DS)
71. Developer shall design and construct a driveway curb cut that provides an ADA complaint pedestrian path (including 2% maximum cross-fall) along the public sidewalk. Final design to be approved by the Development Services Manager. (DS)
72. 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)

ENVIRONMENTAL RESOURCES DIVISION

73. 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.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 16th day of
September, 2010, by the following vote:

AYES: Commissioners

NOES: Commissioners

ABSENT: Commissioners

Randall Elliott, Chair

ATTEST:

Susan L. Martin, Secretary