

Planning Director Staff Report – Hearing on September 24, 2015

County of Ventura · Resource Management Agency · Planning Division 800 S. Victoria Avenue, Ventura, CA 93009-1740 · (805) 654-2478 · ventura.org/rma/planning

81 SANTA MONICA AVENUE REMODEL, PL15-0033

A. PROJECT INFORMATION

- Request: The applicant requests approval of a Planned Development (PD)
 Permit to remodel an existing, non-conforming single-family dwelling that will
 include a new rooftop deck and interior improvements (PL15-0033).
- 2. Applicant: Anthony Bennett, 960 S. Westlake Boulevard, Suite #201, Westlake, CA 93161
- 3. Property Owner: LOC Equities, Attn.: Cameron Broumand, 3511 Union Ave., Bakersfield, CA 93305
- 4. Decision-Making Authority: Pursuant to the Ventura County Coastal Zoning Ordinance (CZO) (§ 8174-5 and § 8181-3 et seq.), the Planning Director is the decision-maker for the requested PD Permit.
- 5. Project Site Size, Location, and Parcel Number: The 0.03-acre project site is located at 81 Santa Monica Avenue, near the intersection of Santa Monica Avenue and Ocean Drive, in the Silver Strand Beach area, in the unincorporated area of Ventura County. The Tax Assessor's parcel numbers for the parcels that constitute the project site are 206-0-147-250 (Exhibit 2).
- 6. Project Site Land Use and Zoning Designations:
 - a. <u>Countywide General Plan Land Use Map Designation</u>: Existing Community (Exhibit 2)
 - b. <u>Coastal Area Plan Land Use Map Designation</u>: Residential High 6.1-36 dwelling units/acre (DU/AC) (Exhibit 2)
 - c. Zoning Designation: RBH (Residential Beach Harbor) (Exhibit 2)

7. Adjacent Zoning and Land Uses/Development (Exhibit 2):

Location in Relation to the Project Site	Zoning	Land Uses/Development
North	RBH	Single-family dwelling
East	RBH	Single-family dwelling
South	RBH	Santa Monica Avenue/Single-family dwelling

Location in Relation to the Project Site	Zoning	Land Uses/Development
West	COS-10ac-sdf (Coastal Open Space, 10 acre minimum lot size)	Beach

- **8. History:** Planning staff researched the permitting and violation history of the subject property. The subject property has a limited permitting history. On July 10, 1967, the County issued Zoning Clearance Case No. ZC21212 for the construction and use of a single-family dwelling and office. On July 7, 2014, the County confirmed that a Zoning Violation (Case No. CV14-0324) existed on the property due to the property owner's failure to keep exterior storage neat and orderly and within setback requirements. However, the property owner abated the violation and the County closed the violation case on December 17, 2014.
- **9. Project Description:** The applicant is requesting approval of a PD Permit to remodel an existing, non-conforming single-family dwelling that will include a new rooftop deck and interior improvements.

The existing structure is non-conforming with respect to the maximum building coverage, front setback, and side setback requirements. The existing structure is non-conforming with regard to:

- maximum building coverage regulations (Ventura County CZO, §§ 8175-2 and 8175-2.1), as the permissible coverage is 65% and the current building coverage is 73%;
- minimum front setback requirements (Ventura County CZO, § 8175-2), by occupying all but 1'-2.5" of the required 20 foot front setback; and,
- minimum side setback requirements (Ventura County CZO, § 8175-2), by occupying the entirety of both required 3 foot side setbacks.

The proposed remodel will not include the expansion of, or addition to, the existing structure in any way that would increase the existing non-conforming features of the structure. After accounting for the proposed remodel of the existing, non-conforming structure, the structure will be 21'-8.5" tall at the top of the railing of the proposed new roof deck, which is less than the maximum building height of 28 feet permissible in the RBH zone.

The subject property is developed with the existing 2,266 square foot single-family dwelling. The Channel Islands Beach Community Services District will continue to provide water and the City of Oxnard will continue to provide sewage disposal service for the continued residential use of the property. Santa Monica Avenue will continue to provide access to the site (Exhibit 3).

B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE

Pursuant to CEQA (Public Resources Code § 21000 et seq.) and the CEQA Guidelines (Title 14, California Code or Regulations, Division 6, Chapter 3, § 15000 et seq.), the subject application is a "project" that is subject to environmental review.

The State Legislature through the Secretary for Resources has found that certain classes of projects are exempt from CEQA environmental impact review because they do not have a significant effect on the environment. These projects are declared to be categorically exempt from the requirement for the preparation of environmental impact documents.

The proposed project qualifies for a Class 1 (Existing Facilities) Categorical Exemption pursuant to § 15301 of the CEQA Guidelines. The Class 1 exemption applies to projects that involve the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. As stated in § A.9 of this staff report (above), the proposed project consists of the remodel of an existing single-family dwelling, and will not involve an expansion of the nonconforming aspects of the existing structure. Furthermore, the proposed project does not involve a change in, or intensification or expansion of, the existing residential use of the property. Furthermore, none of the exceptions set forth in § 15300.2 of the CEQA Guidelines that would disallow the use of the § 15301 Categorical Exemption, apply to the proposed project. Therefore, this project is categorically exempt pursuant to § 15301 of the CEQA Guidelines.

C. CONSISTENCY WITH THE GENERAL PLAN

The Ventura County General Plan Goals, Policies and Programs (2015, page 4) states:

...in the unincorporated area of Ventura County, zoning and any permits issued thereunder, any subdivision of land, any public works project, any public (County, Special District, or Local Government) land acquisition or disposition, and any specific plan, must be consistent with the Ventura County General Plan Goals, Policies and Programs, and where applicable, the adopted Area Plan.

Furthermore, the Ventura County CZO (§ 8181-3.5.a) states that in order to be approved, a Coastal PD Permit must be found consistent with all applicable policies of the Ventura County Coastal Area Plan.

Evaluated below is the consistency of the proposed project with the applicable policies of the General Plan *Goals, Policies and Programs* and *Coastal Area Plan*.

1. Resources Policy 1.1.2-1: All General Plan amendments, zone changes and discretionary development shall be evaluated for their individual and cumulative

impacts on resources in compliance with the California Environmental Quality Act.

Resources Policy 1.1.2-2: Except as otherwise covered by a more restrictive policy within the Resources Chapter, significant adverse impacts on resources identified in environmental assessments and reports shall be mitigated to less than significant levels or, where no feasible mitigation measures are available, a statement of overriding considerations shall be adopted.

As discussed in Section B of this staff report (above), the proposed project's individual impacts and contribution to cumulative impacts on resources have been evaluated in compliance with CEQA. The proposed project is categorically exempt from environmental review pursuant to § 15301 (Existing Structures) of the CEQA Guidelines, and will not create a significant adverse impact to resources.

Based on the discussion above, the proposed project is consistent with Policies 1.1.2-1 and 1.1.2-2.

2. Resources Policy 1.3.2-4: Discretionary development shall not significantly impact the quantity or quality of water resources within watersheds, groundwater recharge areas or groundwater basins.

The proposed project does not include any changes to the existing use of the subject property. As the proposed project does not include any new development beyond the remodel, it will not create any new impacts with regard to stormwater runoff (e.g., increase in pollutant loading or changes to the volume or rate of runoff). Furthermore, the Channel Islands Community Services District will continue to provide water for the property, and the City of Oxnard will continue to provide sewage disposal service for the use of the subject property. Therefore, the proposed project will not significantly impact the quantity or quality of water resources.

Based on the discussion above, the proposed project is consistent with Policy 1.3.2-4.

3. Resources Policy 1.7.2-1: Notwithstanding Policy 1.7.2-2, discretionary development which would significantly degrade visual resources or significantly alter or obscure public views of visual resources shall be prohibited unless no feasible mitigation measures are available and the decision-making body determines there are overriding considerations.

The proposed project involves exterior alterations to the existing structure and will include an increase to the height of the structure and an addition of a new roof deck. The proposed project will increase the height of the structure from 19' to 21'-8.5" tall, measured to the top of the railing of the proposed new roof deck.

However, the new height of the structure, including the new roof deck, will not exceed the 28' maximum permissible height for structures located within the RBH zone and will not create a substantial new obstruction to views of the beach or Pacific Ocean. Furthermore, the proposed project does not involve any development that could remove or otherwise adversely affect the physical characteristics of a visual resource. Therefore, the proposed project will not significantly degrade visual resources or significantly alter or obscure public views of visual resources such as the coastline or ocean.

Based on the discussion above, the proposed project is consistent with Policy 1.7.2-1.

4. Resources Policy 1.8.2-1: Discretionary developments shall be assessed for potential paleontological and cultural resource impacts, except when exempt from such requirements by CEQA. Such assessments shall be incorporated into a Countywide paleontological and cultural resource database.

The proposed project does not include grading or other types of ground disturbance and, therefore, does not have the potential to adversely affect subsurface paleontological or archaeological resources that may exist on-site. Furthermore, there are no designated or eligible historical resources located on the subject property.

Based on the discussion above, the proposed project is consistent with Policy 1.8.2-1.

5. Resources Policy 1.10.2-1: Discretionary development which would cause significant impacts to coastal beaches or sand dunes shall be prohibited unless the development is conditioned to mitigate the impacts to less than significant levels.

Resources Policy 1.10.2-2: Discretionary developments which would result in the removal of dune vegetation shall be conditioned to replace the vegetation.

The proposed remodel of the existing single-family dwelling would not have impacts that extend beyond the subject property (Exhibit 4, Condition No. 5), on the adjacent beach or within areas that have dune vegetation. Therefore, the proposed project will not cause significant impacts to coastal beaches or result in the removal of dune vegetation.

Based on the discussion above, the proposed project is consistent with Policies 1.10.2-1 and 1.10.2-2.

6. Coastal Area Plan - Shoreline Access § 30211: Development shall not interfere with the public's right of access to the sea where acquired through use

or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Coastal Area Plan – Shoreline Access § 30212: Public access from the nearest public roadway to the shoreline along the coast shall be provided in new development project except where (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

Santa Monica Avenue provides public access from Ocean Drive to the nearest public beach located immediately adjacent to the subject property. The proposed development will not increase the size of the existing single-family dwelling, and will not involve development beyond the existing boundaries of the subject property, such that it would impede any shoreline access routes (Exhibit 4, Condition No. 5). Therefore, the proposed development will not interfere with the public's right of access to the sea and will not require the development of new, dedicated accessways to the public beach.

Based on the discussion above, the proposed project is consistent with §§ 30211 and 30212.

- 7. Coastal Area Plan Beach Erosion and Shoreline Structures § 30253: New development shall:
 - (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
 - (2) Assure stability and structure integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The subject property is not located within any high fire hazard areas or near any active geologic faults. Additionally, the subject property is not located within the 100 year flood plain. The proposed development will not increase the size of the existing single-family dwelling, and will not include development beyond the existing boundaries of the subject property (Exhibit 4, Condition No. 5). Furthermore, the proposed development will not require the construction of shoreline protective devices. Therefore, the proposed development will not contribute to beach erosion or alteration of natural landforms along the adjacent shoreline or require the construction of shoreline protection devices.

Based on the discussion above, the proposed project is consistent with the requirements to prevent beach erosion and alteration of shoreline structures of the Coastal Area Plan.

8. Hazards Policy 2.12.2-2: Discretionary development in areas adjacent to coastal beaches shall be allowed only if the Public Works Agency with technical support from the Ventura County Watershed Protection District, determines from the applicant's submitted Wave Run-up Study that wave action and beach erosion are not hazards to the proposed development, or that the hazard would be mitigated to a less-than-significant level, and that the project would not contribute to beach erosion.

The Public Works Agency determined that a Wave Run-up Study was not required for the proposed discretionary development because the subject property is neither protected by existing coastal protection measures such as seawalls, nor would the proposed project require alteration of existing coastal protection measures. Additionally, the subject property is located outside of the 100-year floodplain and approximately 450 feet from the current shoreline. The proposed project does not include any new development beyond alterations to the existing single-family dwelling and, therefore, does not have the potential to contribute to beach erosion by, for example, the construction of new structure on the beach.

Based on the discussion above, the proposed project is consistent with Policy 2.12.2-2.

9. Hazards Policy 2.13.2-1: All discretionary permits shall be required, as a condition or approval, to provide adequate water supply and access for fire protection and evacuation purposes.

As stated in this staff report (above), the Channel Islands Beach Community Services District will continue to provide water to the subject property. The Ventura County Fire Protection District (VCFPD) reviewed the proposed project, and determined that the existing water supply and Santa Monica Avenue are adequate for fire protection purposes.

Based on the discussion above, the proposed project is consistent with Policy 2.13.2-1.

10. Hazards Policy 2.16.2-1: All discretionary development shall be reviewed for noise compatibility with surrounding uses. Noise compatibility shall be determined from a consistent set of criteria based on the standards listed below. An acoustical analysis by a qualified acoustical engineer shall be required of discretionary developments involving noise exposure or noise generation in excess of the established standards. The analysis shall provide documentation of

existing and projected noise levels at on-site and off-site receptors, and shall recommend noise control measures for mitigation adverse impacts.

- (1) Noise sensitive uses proposed to be located near highways, truck routes, heavy industrial activities and other relatively continuous noise sources shall incorporate noise control measures so that:
 - a. Indoor noise levels in habitable rooms do not exceed CNEL 45.
 - b. Outdoor noise levels do not exceed CNEL 60 or Leq1H of 65 dB(A) during any hour.
- (2) Noise sensitive uses proposed to be located near railroads shall incorporate noise control measures so that:
 - a. Guidelines (1)a. and (1)b. above are adhered to
 - b. Outdoor noise levels do not exceed L10 of 60 dB(A)
- (3) Noise sensitive uses proposed to be located near airports:
 - a. Shall be prohibited if they are in a CNEL 65 or greater, noise contour.
 - b. Shall be permitted in the CNEL 60 to CNEL 65 noise contour area only if means will be taken to ensure interior noise levels of CNEL 45 or less
- (4) Noise generators, proposed to be located near any noise sensitive use, shall incorporate noise control measures so that ongoing outdoor noise levels received by the noise sensitive receptor, measured at the exterior wall of the building, does not exceed any of the following standards:
 - a. Leq1H of 55dB(A) or ambient noise level plus 3dB(A), whichever is greater, during any hour from 6:00 a.m. to 7:00 p.m.
 - b. Leq1H of 50dB(A) or ambient noise level plus 3dB(A), whichever is greater, during any hour from 7:00 p.m. to 10:00 p.m.
 - c. Leq1H of 45dB(A) or ambient noise level plus 3dB(A), whichever is greater, during any hour from 10:00 p.m. to 6:00 a.m.
 - Section 2.16.2(4) is not applicable to increased traffic noise along any of the roads identified within the 2020 Regional Roadway Network (Figure 4.2.3) Public Facilities Appendix of the Ventura County General Plan (see 2.16.2-1(1)). In addition, State and Federal highways, all railroad line operations, aircraft in flight, and public utility facilities are noise generators having Federal and State regulations that preempt local regulations.
- (5) Construction noise shall be evaluated and, if necessary, mitigated in accordance with the County Construction Noise Threshold Criteria and Control Plan.

The permitted use is a noise sensitive use but is not located near: highways, truck routes, heavy industrial activities, or other relatively continuous noise

sources; railroads; or airports. Additionally, the residential use of the property is not considered a noise generator that will adversely affect any nearby noise sensitive use (e.g., existing residences). However, the proposed project will involve noise-generating construction activities that have the potential to adversely affect surrounding residential uses. Therefore, pursuant to the requirements of the *Ventura County Construction Noise Threshold Criteria and Control Plan*, the proposed project will be subject to a condition of approval to limit noise-generating activities to the days and times when construction noise is least likely to adversely affect surrounding residential uses (Exhibit 4, Condition No. 16).

Based on the discussion above, the proposed project is consistent with Policy 2.16.2-1.

11. Land Use Policy 3.1.2-7: Nonconforming Parcel Size: The use or development of a parcel which is a legal lot for the purposes of the County Subdivision Ordinance, but which fails to meet the minimum parcel size requirements of the applicable land use category, shall not be prohibited solely by reason of such failure. However, this policy shall not be construed to permit the subdivision of any parcel into two or more lots if any of the new lots fails to meet the minimum parcel size requirements.

The subject property is 1,500 square feet in size, which is smaller than the 1,750 square feet lot size required for a single-family dwelling in the RBH zone. However, the subject property consists of a legal lot created in compliance with the Subdivision Map Act, pursuant to a Certificate of Compliance that the Ventura County Surveyor's Office recorded on March 9, 2015. The subject property consists of the entirety of Lot 55 and a portion of Lot 54, Silver Strand Tract as recorded in Book 15, Page 14 of Miscellaneous Records. Therefore, the proposed remodel of the single-family dwelling may be permitted so long as the remodel does not expand the nonconformance of the subject property; as stated in § A.9 of this staff report (above), the proposed project will not increase the nonconforming aspects of the existing single-family dwelling.

Based on the discussion above, the proposed project is consistent with Policy 3.1.2-7.

12. Public Facilities and Service Policy 4.1.2-1: Discretionary development shall be conditioned to contribute land, improvements or funds toward the cost of needed public improvements and services related to the proposed development.

The proposed project consists of alterations to, with no expansion of, the current single-family dwelling. As discussed in the proposed project description (§ A.9 of this staff report, above), the Channel Islands Beach Community Services District provides water and the City of Oxnard Sewer Service provides sewage disposal service for the subject property. Furthermore, an existing, private driveway to

Santa Monica Avenue will continue to provide access to the site. No expansion of public facilities is required in order to continue to allow the use and remodel of the existing single-family dwelling.

In addition, the proposed project does not include the expansion of the existing single-family dwelling beyond what is currently allowed. Therefore, the proposed project will not require any public improvements and services beyond what is currently available.

Based on the discussion above, the proposed project is consistent with Policy 4.1.2-1.

13. Public Facilities and Service Policy 4.1.2-2: Development shall only be permitted in those locations where adequate public services are available (functional), under physical construction or will be available in the near future.

As discussed in §§ C.8 and C.11 of this staff report (above), adequate public services are currently available (functional) to continue to serve the existing single-family dwelling. The Channel Islands Beach Community Services District and City of Oxnard Sewer Service provides sewage disposal, for the subject property. The proposed project will not increase water or sewage demand. Furthermore, the proposed project will not increase traffic along Santa Monica Avenue or other roads that afford public access to the project site. Therefore, no improvements to the existing public roadway system are required for the continued use of the single-family dwelling.

Based on the discussion above, the proposed project is consistent with Policy 4.1.2-2.

14. Public Facilities and Service Policy 4.3.2-1: Development that requires potable water shall be provided a permanent potable water supply of adequate quantity and quality that complies with applicable County and State water regulations. Water systems operated by or receiving water from Casitas Municipal Water District, the Calleguas Municipal Water District or the United Water Conservation District will be considered permanent supplies unless an Urban Water Management Plan (prepared pursuant to Part 2.6 of Division 6 of the Water Code) or a water supply and demand assessment (prepared pursuant to Part 2.10 of the Division 6 of the Water Code) demonstrates that there is insufficient water supply to serve cumulative development within the district's service area. When the proposed water supply is to be drawn exclusively from wells in areas where groundwater supplies have been determined by the Environmental Health Division or the Public Works Agency to be questionable or inadequate, the developer shall be required to demonstrate the availability of a permanent potable water supply for the life of the project.

The Channel Islands Beach Community Services District currently serves, and will continue to serve, the project site. The proposed project does not include an expansion or change in use of the existing single-family dwelling and, therefore, does not have the potential to increase water demand.

Based on the discussion above, the proposed project is consistent with Policy 4.3.2-1.

15. Public Facilities and Service Policy 4.4.2-2: Any subdivision, or discretionary change in land use having a direct effect upon the volume of sewage, shall be required to connect to a public sewer system. Exceptions to this policy to allow the use of septic systems may be granted in accordance with County Sewer Policy. Installation and maintenance of septic systems shall be regulated by the County Environmental Health Division in accordance with the County's Sewer Policy, County Building Code, and County Service Area 32.

The proposed project consists of the continued use of an existing single-family dwelling that the City of Oxnard Sewer Service currently serves. The proposed project will not have a direct effect upon the volume of sewage as there will be no new development (e.g., the construction and use of a new dwelling unit) that will generate additional sewage volume. Furthermore, the Resource Management Agency, Environmental Health Division staff reviewed the proposed project and determined that the existing sewer connection is adequate to continue to serve the single-family dwelling.

Based on the discussion above, the proposed project is consistent with Policy 4.4.2-2.

16.Public Facilities and Service Policy 4.8.2-1: Discretionary development shall be permitted only if adequate water supply, access and response time for fire protection can be made available.

As discussed in this staff report (above), the Channel Islands Beach Community Services District will continue to provide water to the project site. The nearest full-time fire station to the project site is City of Oxnard Station #6 which is located approximately 2.5 miles away from the project site via Channel Islands Boulevard, Victoria Avenue, Island View Avenue, and Santa Monica Avenue. The Ventura County Fire Protection District (VCFPD) reviewed the proposed project, and found that adequate water supply, access, and response time exist to serve the proposed project.

Based on the discussion above, the proposed project is consistent with Policy 4.8.2-1.

D. ZONING ORDINANCE COMPLIANCE

The proposed project is subject to the requirements of the Ventura County CZO.

Pursuant to the Ventura County CZO (§ 8174-4), the proposed use is allowed in the RBH zone district with the granting of a PD Permit. Upon the granting of the PD Permit, the proposed project will comply with this requirement.

The proposed project includes the use and remodel of buildings and structures that are subject to the development standards of the Ventura County CZO (§ 8175-2). Table 1 lists the applicable development standards and a description of whether the proposed project complies with the development standards.

Table 1 – Development Standards Consistency Analysis

Type of Requirement	Zoning Ordinance Requirement	Complies?
Minimum Lot Area (Gross)	1,750 square feet	No, the subject property is 1,500 square feet. However, as discussed in § C.10 of this staff report (above), pursuant to the Ventura County General Plan Goals, Policies, and Programs Land Use Policy 3.1.2-7, the subject property is a legal lot and may be developed despite its existing nonconformance.
Maximum Percentage of Building Coverage	65%	No, the existing single-family dwelling footprint is 1,165 square feet, covering 78% of the subject property. However, pursuant to the Ventura County CZO (§ 8182-6.3.1), expansions of, or alterations to, the existing structure are permissible if they do not expand the nonconforming aspects of the existing single-family dwelling. As stated in this staff report (above), the proposed project will not expand the nonconforming aspects of the existing single-family dwelling.
Minimum Lot Width	25'	Yes
Front Setback	20'	No, the existing single-family dwelling occupies a majority of the 20' front setback. However, pursuant to the Ventura County CZO (§ 8182-6.3.1), expansions of, or alterations to, the existing structure are permissible if they do not expand the nonconforming aspects of the

Table 1 – Development Standards Consistency Analysis

Type of Requirement	Zoning Ordinance Requirement	Complies?
		existing single-family dwelling. As stated in this staff report (above), the proposed project will not expand the nonconforming aspects of the existing single-family dwelling.
Side Setback	3'	No, the existing single-family dwelling occupies the entirety of both 3' side setbacks. However, pursuant to the Ventura County CZO (§ 8182-6.3.1), expansions of, or alterations to, the existing structure are permissible if they do not expand the nonconforming aspects of the existing single-family dwelling. As stated in this staff report (above), the proposed project will not expand the nonconforming aspects of the existing single-family dwelling.
Rear Setback	6'	Yes
Maximum Building Height	28'	Yes

E. PD FINDINGS AND SUPPORTING EVIDENCE

The Planning Director must make certain findings in order to determine that the proposed project is consistent with the permit approval standards of the Ventura County CZO (§ 8181-3.5 et seq.). The proposed findings and supporting evidence are as follows:

1. The proposed development is consistent with the intent and provisions of the County's Certified Local Coastal Program [§ 8181-3.5.a].

Based on the information and analysis presented in Sections C and D of this staff report, the Planning Director can make the finding that the proposed development is consistent with the intent and provisions of the County's Certified Local Coastal Program.

2. The proposed development is compatible with the character of surrounding development [§ 8181-3.5.b].

The proposed project consists of a request to allow the remodel of an existing single-family dwelling in the Silver Strand Beach area. The immediately surrounding parcels to the north, east, and south support similar single-family dwellings, whereas to the west of the project site is beach.

As discussed in Section C of this staff report (above), the proposed project does not include a change of use that has the potential to create any land use conflicts with surrounding residential and beach development, generate new traffic, or introduce physical development that is incompatible with the surrounding, legally established development. Furthermore, as discussed in Section C.9 of this staff report (above)—with the adoption of the recommended condition of approval to limit the days and times of noise-generating construction activities—the proposed project will not generate noise that is incompatible with surrounding residential and beach uses. Therefore, the remodel of the existing single-family dwelling will be consistent with the character of surrounding, legally established development.

Based on the discussion above, this finding can be made.

3. The proposed development, if a conditionally permitted use, is compatible with planned land uses in the general area where the development is to be located [§ 8181-3.5.c].

The proposed project consists of a request for approval of a PD Permit to remodel an existing single-family dwelling. This use is not a conditionally permitted use, and therefore, the requirement of this finding does not apply.

4. The proposed development would not be obnoxious or harmful, or impair the utility of neighboring property or uses [§ 8181-3.5.d].

The proposed remodel of the existing single-family dwelling will not expand or alter the current permitted use of the subject property. As discussed in Section C of this staff report (above), the proposed project does not include any new physical development beyond the existing single-family dwelling that may interfere with surrounding residential and beach uses on other properties located within the vicinity of the subject property. Therefore, the remodel of the existing single-family dwelling will not be obnoxious or harmful, or impair the utility of neighboring property or uses.

Based on the discussion above, this finding can be made.

5. The proposed development would not be detrimental to the public interest, health, safety, convenience, or welfare [§ 8181-3.5.e].

The proposed remodel of the existing single-family dwelling will not expand or alter the current permitted use of the subject property. As discussed in Section C of this staff report, adequate public resources and infrastructure exist to continue to serve the single-family dwelling. The Channel Islands Beach Community Services District will continue to provide water, and the City of Oxnard Sewer Service will continue to provide sewage disposal to the subject property. Furthermore, the proposed project will not generate new traffic, and Santa Monica Avenue and the surrounding public road network are adequate to

continue serving the single-family dwelling. Therefore, the proposed remodel of the single-family dwelling will not be detrimental to the public interest, health, safety, convenience, or welfare.

Based on the discussion above, this finding can be made.

F. PLANNING DIRECTOR HEARING NOTICE, PUBLIC COMMENTS, AND JURISDICTIONAL COMMENTS

The Planning Division provided public notice regarding the Planning Director hearing in accordance with the Government Code (§ 65091), Ventura County CZO (§ 8181-6.2 et seq.). The Planning Division mailed notice to owners of property within 300 feet and residents within 100 feet of the property on which the project site is located and placed a legal ad in the *Ventura County Star*. As of the date of this document, the Planning Division has not received any comments.

The project site is located within the City of Oxnard's Area of Interest. Therefore, on July 15, 2015, Planning Division staff notified the City of Oxnard of the proposed project and requested the City of Oxnard to submit any comments that the City might have on the proposed project. As of the date of this document, the Planning Division has not received comments from the City of Oxnard.

G. RECOMMENDED ACTIONS

Based upon the analysis and information provided above, Planning Division Staff recommends that the Planning Director take the following actions:

- CERTIFY that the Planning Director reviewed and considered this staff report and all exhibits thereto and considered all comments received during the public comment process;
- 2. **FIND** that this project is categorically exempt from CEQA pursuant to § 15301 of the CEQA Guidelines.
- 3. **MAKE** the required findings to grant a PD Permit pursuant to § 8181-3.5 of the Ventura County CZO, based on the substantial evidence presented in § E of this staff report and the entire record;
- 4. **GRANT** the PD Permit (Case No. PL15-0033), subject to the recommended conditions of approval (Exhibit 4); and
- 5. **SPECIFY** that the Clerk of the Planning Division is the custodian, and 800 S. Victoria Avenue, Ventura, CA 93009 is the location, of the documents and materials that constitute the record of proceedings upon which this decision is based.

The decision of the Planning Director is final unless appealed to the Planning Commission within 10 calendar days after the PD Permit has been approved, conditionally approved, or denied (or on the following workday if the 10th day falls on a weekend or holiday). Any aggrieved person may file an appeal of the decision with the Planning Division. The Planning Division shall then set a hearing date before the Planning Commission to review the matter at the earliest convenient date.

If you have any questions concerning the information presented above, please contact Matt Sauter at (805) 654-2492 or matthew.sauter@ventura.org.

Prepared by:

Matt Sauter, Case Planner Residential Permits Section Ventura County Planning Division Dan Klemann, Manager Residential Permits Section Ventura County Planning Division

Reviewed by:

EXHIBITS

Exhibit 2 - Aerial Location, General Plan and Zoning Designations, and Land Use Maps

Exhibit 3 – Site Plans and Elevations

Exhibit 4 – Conditions of Approval



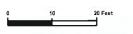


Ventura County, California Resource Management Agency IS Development & Mapping Services Map Created on 08-19-2015 This aerial imagery is under the copyrights of Pictometry Source: Pictometry, Jan. 2015



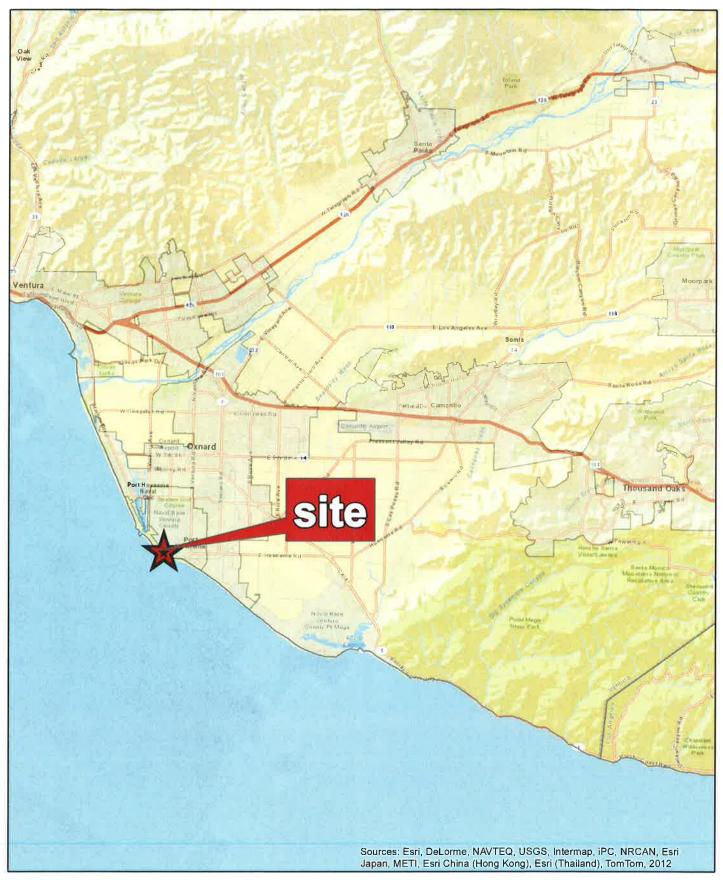
County of Ventura Planning Director Hearing PL15-0033

Aerial Photography



Disclaimer. This Map was created by the Ventura County Resour Management Agency, Mapping Services - Glos which is designed and operated solely for the convenience of the County and relate public agencies. The County does no havarant the accuracy of this mapand no decision involving a risk of economic loss or physical injury should be made in reliance libereon.







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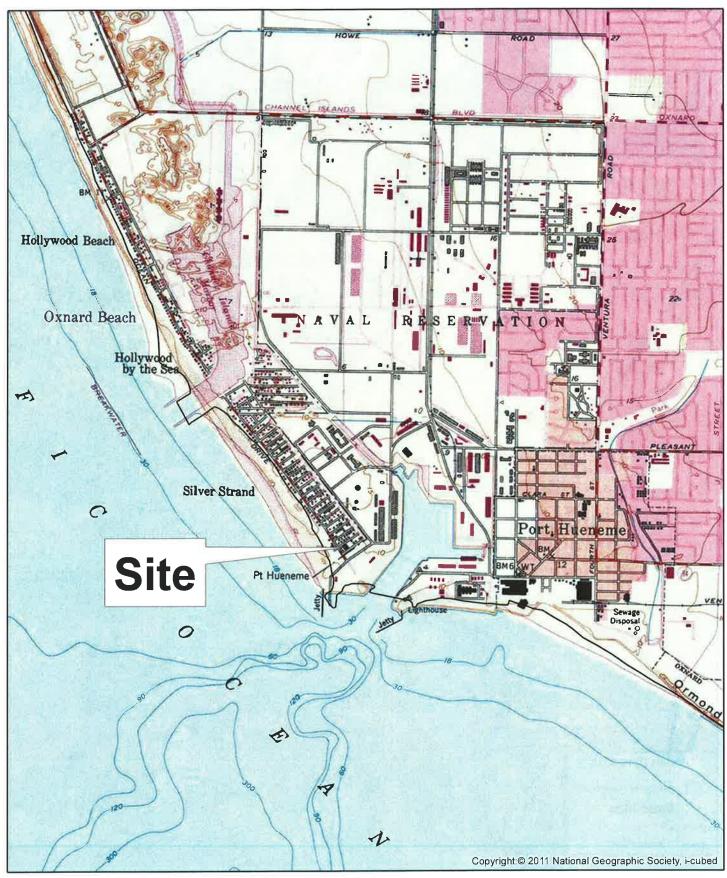


County of Ventura
Planning Director Hearing
PL15-0033
Location Map



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County of Ventura
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Map created on 08/19/2015
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Ventura County, California Resource Management Agency GIS Development & Mapping Services Map Created on 08-19-2015 This aerial imagery is under the copyrights of Pictometry Source: Pictometry, Jan. 2015



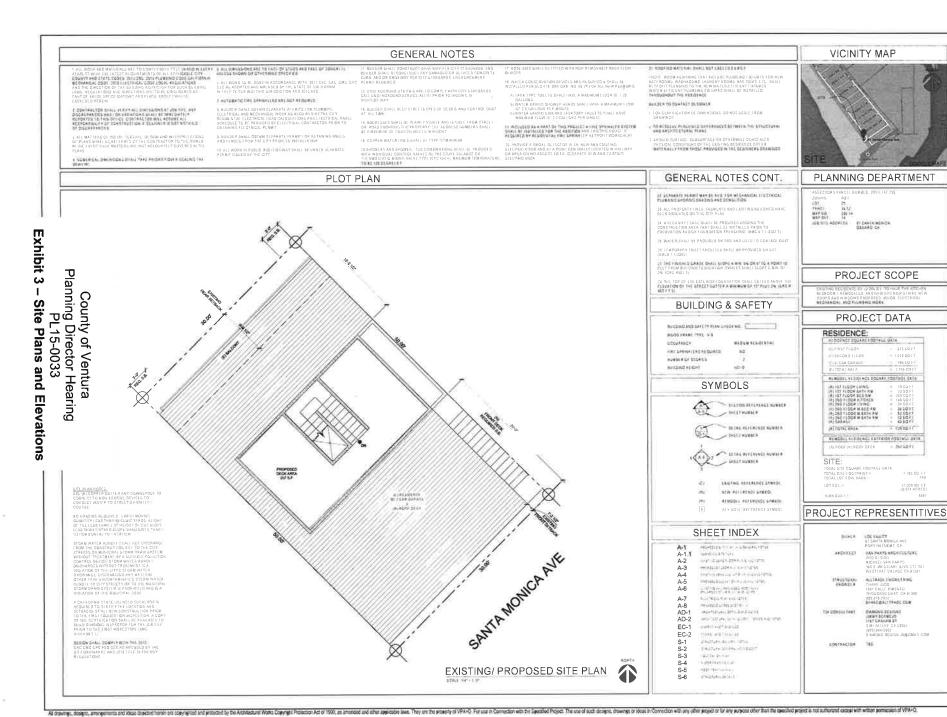
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General Plan & Zoning Map



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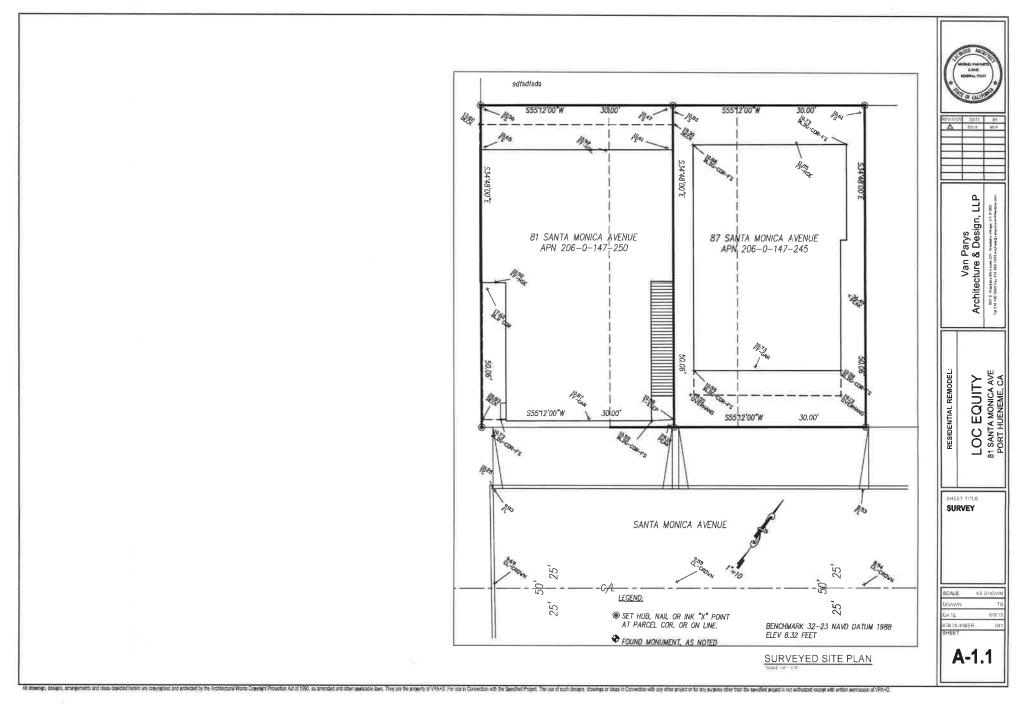
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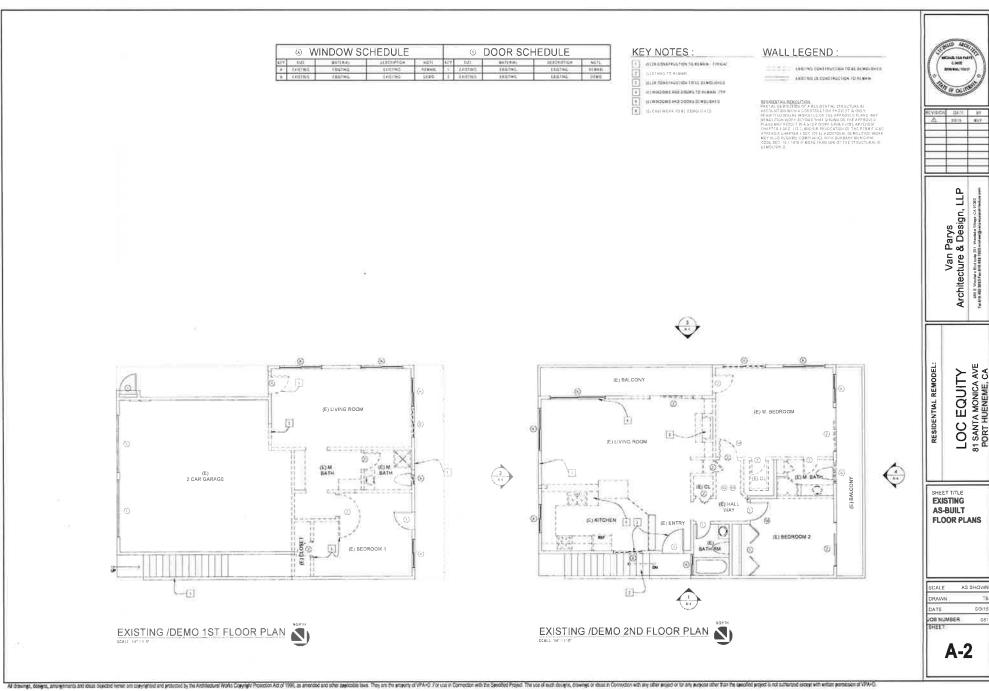
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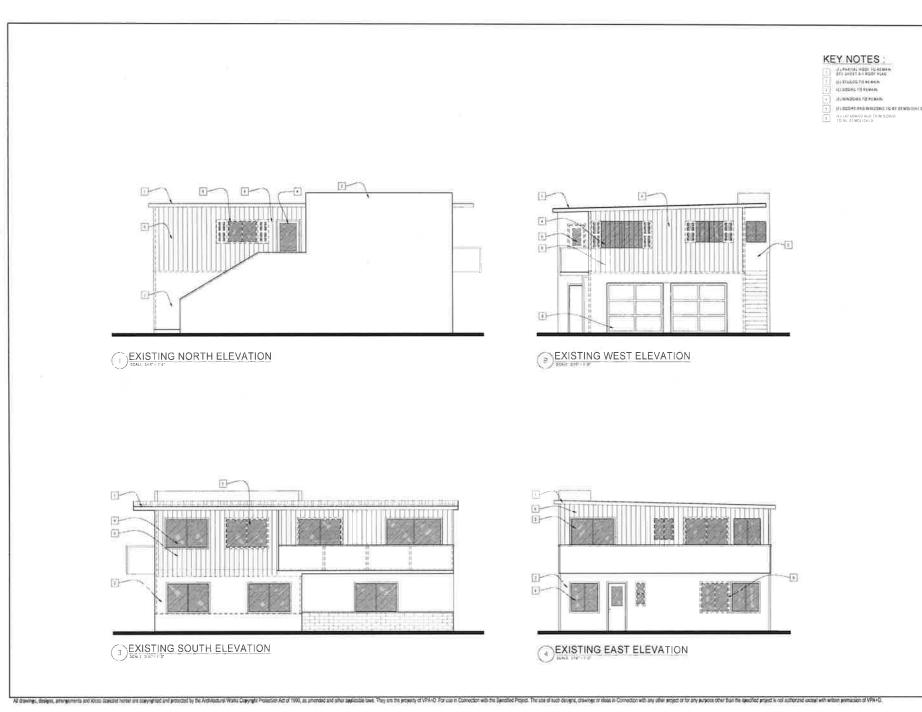
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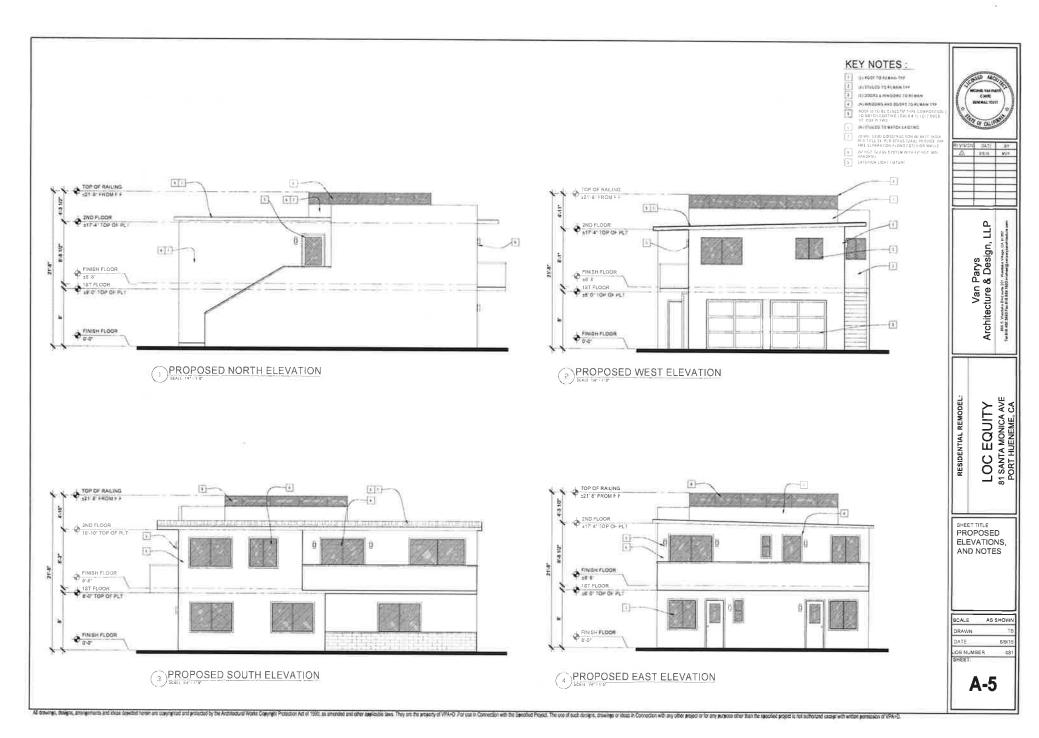
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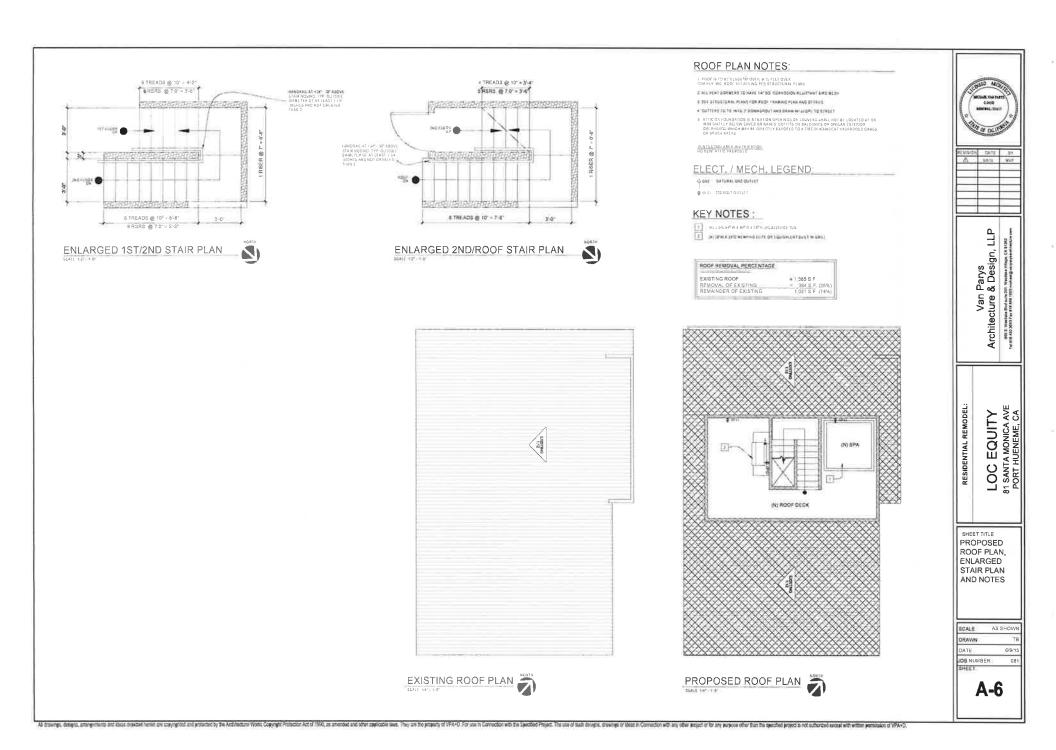
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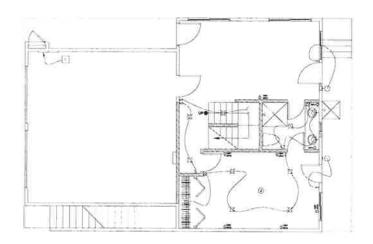
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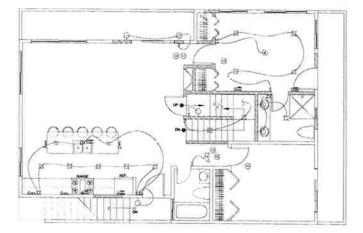
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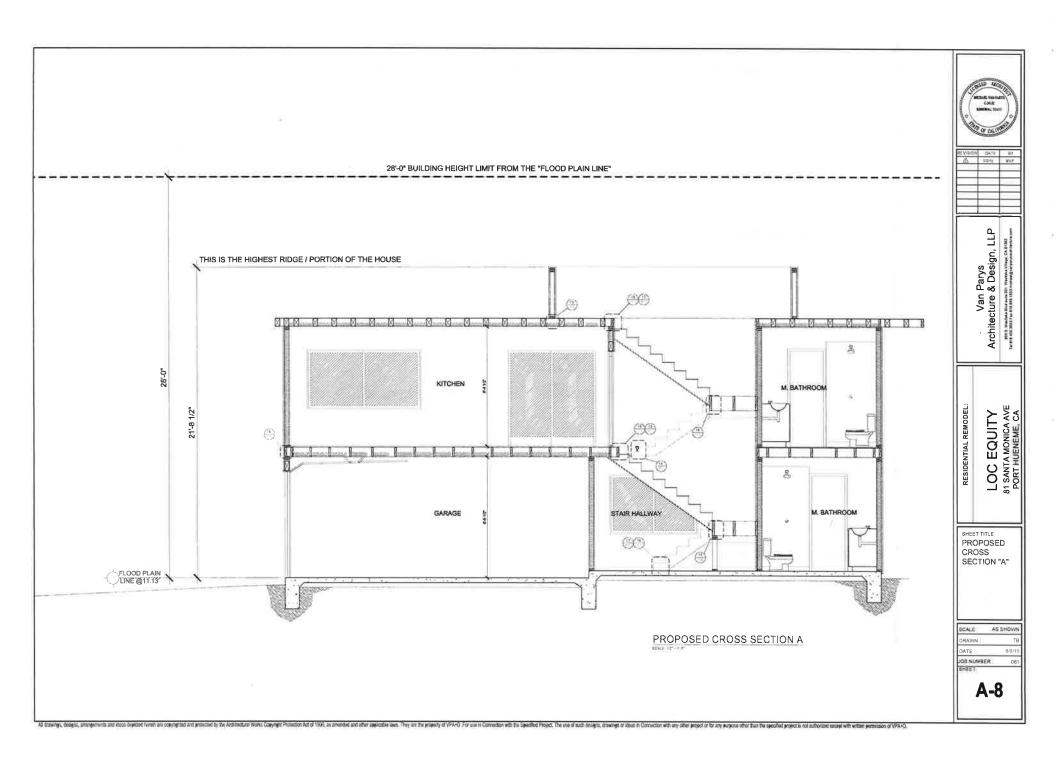


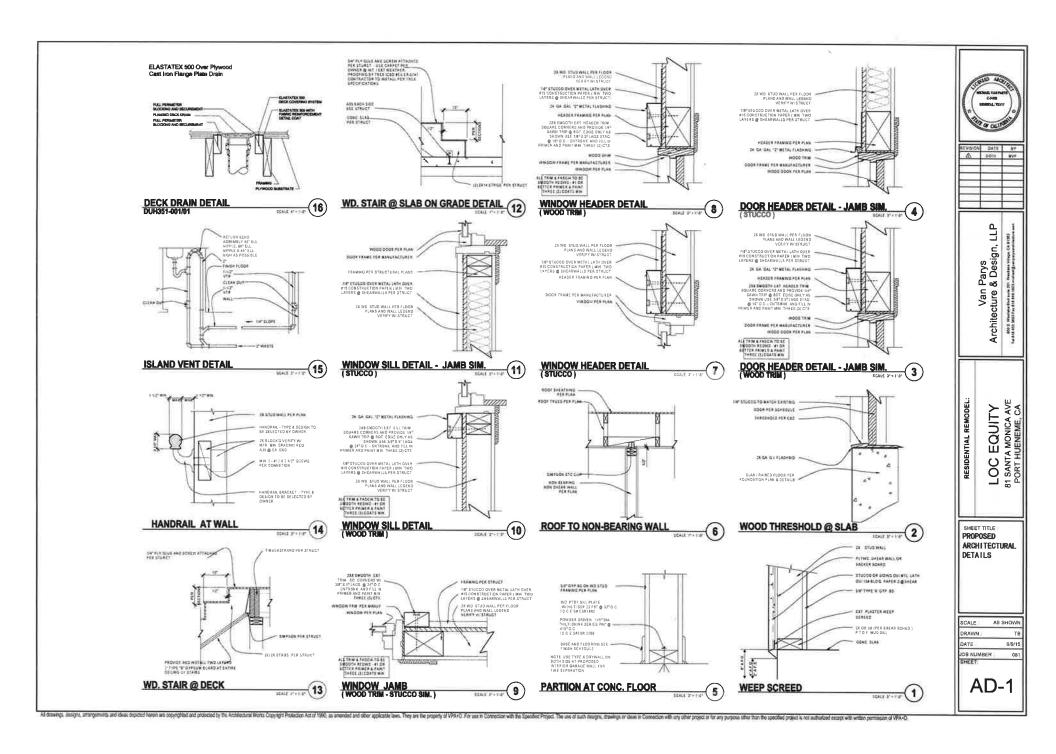


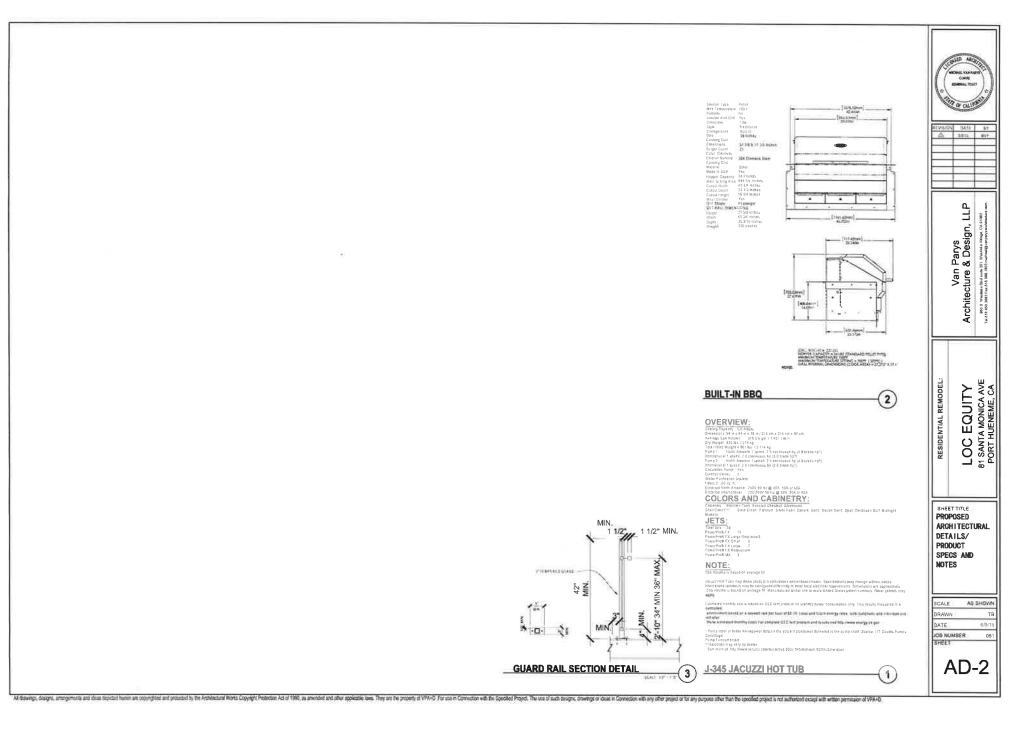


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Conditions for Discretionary Entitlement No. PL15-0033 Permittee: LOC Equities, LLC Date of Public Hearing: September 24, 2015 Location: 81 Santa Monica Ave, Oxnard, CA 93035 Date of Approval: [Date] Page 1 of 9

CONDITIONS OF APPROVAL FOR PLANNED DEVELOPMENT (PD) PERMIT CASE NO. PL15-0033

RESOURCE MANAGEMENT AGENCY (RMA) CONDITIONS

Planning Division (PL) Conditions

1. Project Description

This PD Permit is based on and limited to compliance with the project description stated in this condition below, all County land use hearing exhibits in support of the project marked Exhibits 1, 2, and 3, dated September 24, 2015, and conditions of approval set forth below. Together, these conditions and documents describe the "Project." Any deviations from the Project must first be reviewed and approved by the County in order to determine if the Project deviations conform to the Project as approved. Project deviations may require Planning Director approval for changes to the PD Permit or further California Environmental Quality Act (CEQA) environmental review, or both. Any Project deviation that is implemented without requisite County review and approval(s) may constitute a violation of the conditions of this PD Permit and applicable law.

The Project description is as follows:

A Planned Development permit to remodel to an existing, non-conforming single-family dwelling that will include a new rooftop deck and interior improvements.

The existing structure is non-conforming with respect to the maximum building coverage, front setback, and side setback requirements. The existing structure is non-conforming with regard to:

- maximum building coverage regulations (Ventura County CZO, §§ 8175-2 and 8175-2.1), as the permissible coverage is 65% and the current building coverage is 73%;
- minimum front setback requirements (Ventura County CZO, § 8175-2), by occupying all but 1'-2.5" of the required 20 foot front setback; and,
- minimum side setback requirements (Ventura County CZO, § 8175-2), by occupying the entirety of both required 3 foot side setbacks.

The project does not include the expansion of, or addition to, the existing structure in any way that increases the existing non-conforming features of the structure. The remodeled structure will be 21'-8" tall at the top of the railing of the new roof deck which is less than the maximum building height of 28 feet in the RBH zone.

The subject property is developed with the existing 2,266 square foot single-family dwelling. The Channel Islands Beach Community Services District will continue to provide water and the City of Oxnard will continue to provide sewage disposal service for the

Conditions for Discretionary Entitlement No. PL15-0033 Permittee: LOC Equities, LLC Date of Public Hearing: September 24, 2015 Location: 81 Santa Monica Ave, Oxnard, CA 93035 Date of Approval: [Date] Page 2 of 9

continued residential use of the property. Santa Monica Avenue will continue to provide access to the site.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and all approved County land use hearing exhibits in support of the Project and conditions of approval below. (PL-1)

2. Required Improvements for PD Permit

Purpose: To ensure the Project site conforms to the plans approved at the Planning Director hearing in support of the Project.

Requirement: The Permittee shall ensure that all required on-site improvements for the Project are completed in conformance with the approved plans stamped as Exhibit 3 of the Planning Director hearing on September 24, 2015. The Permittee shall submit all final building and site plans for the County's review and approval in accordance with the approved plans.

Documentation: The Permittee shall obtain Planning Division staff's stamped approval on the Project plans and submit them to the County for inclusion in the Project file. The Permittee shall submit additional plans to the Planning Division for review and stamped approval (e.g., tree protection and landscape plans) for inclusion in the Project file as necessary.

Timing: Prior to the issuance of a Zoning Clearance for construction the Permittee shall submit all final development plans to the Planning Division for review and approval. Unless the Planning Director and Public Works Agency Director allow the Permittee to provide financial security and a final executed agreement, approved as to form by County Counsel, that ensures completion of such improvements, the Permittee shall complete all required improvements prior to occupancy. The Permittee shall maintain the required improvements for the life of the PD Permit.

Monitoring and Reporting: The County Building Inspector, Public Works Agency Grading Inspector, Fire Marshall, and/or Planning Division staff has the authority to conduct periodic site inspections to ensure the Permittee's ongoing compliance with this condition consistent with the requirements of § 8183-5 of the *Ventura County Coastal Zoning Ordinance*. (PL-3)

3. Site Maintenance

Purpose: To ensure that the Project site is maintained in a neat and orderly manner so as not to create any hazardous conditions or unsightly conditions which are visible from outside the Project site.

Requirement: The Permittee shall maintain the Project site in compliance with the described uses outlined in Condition No. 1 (Project Description). Only equipment and/or materials which the Planning Director determines to substantially comply with Condition No. 1 (Project Description), or which are authorized by any subsequent amendments to this PD Permit, shall be stored on the property during the life of this PD Permit.

Conditions for Discretionary Entitlement No. PL15-0033 Permittee: LOC Equities, LLC Date of Public Hearing: September 24, 2015 Location: 81 Santa Monica Ave, Oxnard, CA 93035 Date of Approval: [Date] Page 3 of 9

Documentation: Pursuant to Condition No. 1 (Project Description), the PD Permit and any amendments thereto.

Timing: Prior to occupancy and for the life of the PD Permit.

Monitoring and Reporting: The County Building Inspector, Public Works Agency Grading Inspector, Fire Marshall, and/or Planning Division staff has the authority to conduct periodic site inspections to ensure the Permittee's ongoing compliance with this condition consistent with the requirements of § 8183-5 of the *Ventura County Coastal Zoning Ordinance*. (PL-4)

4. PD Permit Modification

Prior to undertaking any operational or construction-related activity which is not expressly described in these conditions or Project Description, the Permittee shall first contact the Planning Director to determine if the proposed activity requires a modification of this PD Permit. The Planning Director may, at the Planning Director's sole discretion, require the Permittee to file a written and/or mapped description of the proposed activity in order to determine if a PD Permit modification is required. If a PD Permit modification is required, the modification shall be subject to:

- a. The modification approval standards of the Ventura County Ordinance Code in effect at the time the modification application is acted on by the Planning Director; and,
- b. Environmental review, as required pursuant to the California Environmental Quality Act (CEQA; California Public Resources Code, § 21000-21178) and the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, § 15000-15387), as amended from time to time. (PL-5)

5. Construction Activities

Prior to any construction, the Permittee shall obtain a Zoning Clearance for construction from the Planning Division, and a Building Permit from the Building and Safety Division.

The Permittee shall not store or locate vehicles, equipment, or materials used during construction of the single-family dwelling outside the subject property, or in any way that blocks access to public rights of way, driveways, sidewalks, or the public beach. (PL-6)

6. Acceptance of Conditions and Schedule of Enforcement Responses

The Permittee's acceptance of this PD Permit and/or commencement of construction and/or operations under this PD Permit shall constitute the Permittee's formal agreement to comply with all conditions of this PD Permit. Failure to abide by and comply with any condition of this PD Permit shall constitute grounds for enforcement action provided in the *Ventura County Coastal Zoning Ordinance* (2012, Article 13), which shall include, but is not limited to, the following:

- a. Public reporting of violations to the Planning Commission and/or Board of Supervisors;
- b. Suspension of the permitted land uses (Condition No. 1);
- c. Modification of the PD Permit conditions listed herein;

Conditions for Discretionary Entitlement No. PL15-0033 Permittee: LOC Equities, LLC Date of Public Hearing: September 24, 2015 Location: 81 Santa Monica Ave, Oxnard, CA 93035 Date of Approval: [Date] Page 4 of 9

- d. Recordation of a "Notice of Noncompliance" on the deed to the subject property;
- e. The imposition of civil administrative penalties; and/or
- f. Revocation of this PD Permit.

The Permittee is responsible for being aware of and complying with the PD Permit conditions and all applicable federal, state, and local laws and regulations. (PL-7)

7. Time Limits

- a. At the conclusion of the local appeal period set forth in the *Ventura County Coastal Zoning Ordinance* (§ 8181-9.2), or following a final decision on a filed appeal, the Planning Division shall send a Notice of Final Decision to the California Coastal Commission (CCC). The CCC may set another appeal period pursuant to terms and conditions set forth in the California Coastal Act (Pub. Res. Code, § 30000 et seq.). Following the expiration of the CCC's appeal period, and if no appeals are filed, the decision regarding the PD Permit will be considered "effective." Once the approval decision becomes effective, the Permittee must obtain a Zoning Clearance for construction in order to conduct the construction activities set forth in Condition No. 1 (Project Description).
- b. This PD Permit shall expire and become null and void if the Permittee fails to obtain a Zoning Clearance for construction within one year from the date the approval decision of this PD Permit becomes effective. The Planning Director may grant a one year extension of time to the Permittee in order to obtain the Zoning Clearance for construction if the Permittee can demonstrate to the satisfaction of the Planning Director that the Permittee has made a diligent effort to conduct the construction activities, and the Permittee has requested the time extension in writing at least 30 days prior to the one year expiration date.
- c. Prior to the issuance of the Zoning Clearance for construction, all fees and charges billed to that date by any County agency, as well as any fines, penalties, and sureties, must be paid in full. After issuance of the Zoning Clearance for construction, any final billed processing fees must be paid within 30 days of the billing date or the County may revoke this PD Permit.

8. <u>Documentation Verifying Compliance with Other Agencies' Requirements Related</u> to this PD Permit

Purpose: To ensure compliance with and notification of federal, state, or local government regulatory agencies that have requirements that pertain to the Project (Condition No. 1, above) that is the subject of this PD Permit.

Requirement: Upon the request of the Planning Director, the Permittee shall provide the Planning Division with documentation (e.g., copies of permits or agreements from other agencies, which are required pursuant to a condition of this PD Permit) to verify that the Permittee has obtained or satisfied all applicable federal, state, and local entitlements and conditions that pertain to the Project.

Conditions for Discretionary Entitlement No. PL15-0033 Permittee: LOC Equities, LLC Date of Public Hearing: September 24, 2015 Location: 81 Santa Monica Ave, Oxnard, CA 93035 Date of Approval: [Date] Page 5 of 9

Documentation: The Permittee shall provide this documentation to the County Planning Division in the form that is acceptable to the agency issuing the entitlement or clearance, to be included in the Planning Division Project file.

Timing: The documentation shall be submitted to the Planning Division prior to the issuance of the Zoning Clearance for construction.

Monitoring and Reporting: The Planning Division maintains the documentation provided by the Permittee in the respective Project file. In the event that the federal, state, or local government regulatory agency prepares new documentation due to changes in the project or the other agency's requirements, the Permittee shall submit the new documentation within 30 days of receipt of the documentation from the other agency. (PL-9)

10. Financial Responsibility for Compliance Monitoring and Enforcement

- a. Cost Responsibilities: The Permittee shall bear the full costs of all County staff time, materials and County-retained consultants associated with condition compliance review and monitoring, other permit monitoring programs, and enforcement activities, actions and processes conducted pursuant to the *Ventura County Coastal Zoning Ordinance* (§ 8183-5) related to this PD Permit. Such condition compliance review, monitoring and enforcement activities may include but are not limited to: periodic site inspections; preparation, review and approval of studies and reports; review of permit conditions and related records; enforcement hearings and processes; drafting and implementing compliance agreements; and attending to the modification, suspension or revocation of permits. Costs will be billed at the rates set forth in the Planning Division or other applicable County Fee Schedule, and at the contract rates of County-retained consultants, in effect at the time the costs are incurred.
- b. Billing Process: The Permittee shall pay all Planning Division invoices within 30 days of receipt thereof. Failure to timely pay an invoice shall subject the Permittee to late fees and charges set forth in the Planning Division Fee Schedule, and shall be grounds for suspension, modification, or revocation of this PD Permit. The Permittee shall have the right to challenge any charge or penalty prior to payment. (PL-12)

11. Defense and Indemnify

As a condition of PD Permit issuance and use including adjustment, modification, or renewal thereof, the Permittee agrees to:

a. Defend, at the Permittee's sole expense, against any claim, action or proceeding brought against the County by a third party challenging either the County's decision to issue this PD Permit, or the manner in which the County is interpreting or enforcing the conditions of this PD Permit. The County shall promptly notify the Permittee of any such claim, action or proceeding and shall cooperate fully in the defense. Conditions for Discretionary Entitlement No. PL15-0033 Permittee: LOC Equities, LLC Date of Public Hearing: September 24, 2015 Location: 81 Santa Monica Ave, Oxnard, CA 93035 Date of Approval: [Date] Page 6 of 9

- b. Indemnify the County against any settlements, awards, or judgments, including attorney's fees, arising out of, or resulting from, any claim, action or proceeding described in Condition 11.a (above). Upon written demand from the County, the Permittee shall reimburse the County for any and all court costs and/or attorney's fees which the County may be required by a court to pay as a result of any such claim, action or proceeding the Permittee defended pursuant to Condition 11.a (above). The County may, at its sole discretion, participate in the defense of any such claim, action or proceeding through its own legal counsel, but such participation shall not relieve the Permittee of the Permittee's obligations under this condition.
- c. Except with respect to claims arising from the County's sole negligence or intentional misconduct, the Permittee shall also indemnify, defend, and hold harmless the County, its officers, agents, and employees from any and all claims, actions, proceedings, demands, costs, and expenses, including attorney's fees, judgments, fines or liabilities arising out of the construction, maintenance, or operations described in Condition No. 1 (Project Description), as it may be subsequently modified pursuant to the conditions of this PD Permit. The County shall promptly notify the Permittee of any such claim, action or proceeding and shall cooperate fully in the defense. The County may, at its sole discretion, participate in the defense of any such legal action through its own legal counsel, but such participation shall not relieve the Permittee of the Permittee's obligations under this condition.
- d. Neither the issuance of this PD Permit, nor compliance with the conditions thereof, shall relieve the Permittee from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of this PD Permit serve to impose any liability upon the County of Ventura, its officers, or employees for injury or damage to persons or property. (PL-13)

12. Permittee's Consent to Site Inspections

Pursuant to the Ventura County Coastal Zoning Ordinance (§ 8183-5.4), the Planning Division conducts periodic site inspections of permitted facilities and land uses to monitor compliance with the conditions of County-issued permits and the County zoning ordinance. The Permittee hereby consents to the inspection of all property, facilities, operations and events comprising the Project that is the subject of this PD Permit. Said inspections may occur at any time the Planning Division deems necessary to fully and effectively monitor the Project, including on nights or weekends. Upon the Planning Division's provision of reasonable notice, the Permittee agrees to provide access to Planning Division personnel to conduct the above-described inspections for the sole and exclusive purpose of monitoring compliance with this PD Permit and the County zoning ordinance. (PL-13b)

13. Invalidation of Conditions

If any of the conditions or limitations of this PD Permit are held to be invalid in whole or in part by a court of competent jurisdiction, that holding shall not invalidate any of the remaining PD Permit conditions or limitations. In the event that any condition imposing a

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fee, exaction, dedication, or other mitigation measure is challenged by the Permittee in an action filed in a court of competent jurisdiction, or threatened to be filed therein, the Permittee shall be required to fully comply with this PD Permit, including without limitation, by remitting the fee, exaction, dedication, and/or by otherwise performing all mitigation measures being challenged. This PD Permit shall continue in full force unless, until and only to the extent invalidated by a final, binding judgment issued in such action.

If a court of competent jurisdiction invalidates any condition in whole or in part, and the invalidation would change the findings and/or the mitigation measures associated with the approval of this PD Permit, at the discretion of the Planning Director, the Planning Director, may review the Project and impose substitute feasible conditions/mitigation measures to adequately address the subject matter of the invalidated condition. The Planning Director shall make the determination of adequacy. If the Planning Director cannot identify substitute feasible conditions/mitigation measures to replace the invalidated condition, and cannot identify overriding considerations for the significant impacts that are not mitigated to a level of insignificance as a result of the invalidation of the condition, then this PD Permit may be revoked. (PL-14)

14. Relationship of PD Permit Conditions, Laws, and Other Permits

The Permittee shall design, maintain, and operate the Project site and any facilities thereon in compliance with all applicable requirements and enactments of federal, state, and local authorities. In the event of conflict between various requirements, the more restrictive requirements shall apply. In the event the Planning Director determines that any PD Permit condition contained herein is in conflict with any other PD Permit condition contained herein, when principles of law do not provide to the contrary, the PD Permit condition most protective of public health and safety and environmental resources shall prevail to the extent feasible.

No condition of this PD Permit for uses allowed by the Ventura County Ordinance Code shall be interpreted as permitting or requiring any violation of law, lawful rules or regulations, or orders of an authorized governmental agency. Neither the issuance of this PD Permit, nor compliance with the conditions of this PD Permit, shall relieve the Permittee from any responsibility otherwise imposed by law for damage to persons or property. (PL-16)

15. Change of Owner and/or Permittee

Purpose: To ensure that the Planning Division is properly and promptly notified of any change of ownership or change of Permittee affecting the Project site.

Requirement: The Permittee shall file, as an initial notice with the Planning Director, the new name(s), address(es), telephone/FAX number(s), and email addresses of the new owner(s), lessee(s), operator(s) of the permitted uses, and the company officer(s). The Permittee shall provide the Planning Director with a final notice once the transfer of ownership and/or operational control has occurred.

Documentation: The initial notice must be submitted with the new Property Owner's and/or Permittee's contact information. The final notice of transfer must include the effective date and time of the transfer and a letter signed by the new Property Owner(s),

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lessee(s), and/or operator(s) of the permitted uses acknowledging and agreeing to comply with all conditions of this PD Permit.

Timing: The Permittee shall provide written notice to the Planning Director 10 calendar days prior to the change of ownership or change of Permittee. The Permittee shall provide the final notice to the Planning Director within 15 calendar days of the effective date of the transfer.

Monitoring and Reporting: The Planning Division maintains notices submitted by the Permittee in the Project file and has the authority to periodically confirm the information consistent with the requirements of § 8183-5 of the *Ventura County Coastal Zoning Ordinance*. (PL-20)

16. Construction Noise

Purpose: In order for this Project to comply with the Ventura County General Plan Goals, Policies and Programs (2015) Noise Policy 2.16.2-1(5) and the County of Ventura Construction Noise Threshold Criteria and Control Plan (Amended 2010).

Requirement: The Permittee shall limit construction activity for site preparation and development to the hours between 7:00 a.m. and 7:00 p.m., Monday through Friday, and from 9:00 a.m. to 7:00 p.m. Saturday, Sunday, and State holidays. Construction equipment maintenance shall be limited to the same hours. Non-noise generating construction activities such as interior painting are not subject to these restrictions.

Documentation: The Permittee shall post a sign stating these restrictions in a conspicuous on-site location visible to the general public. The sign must provide a telephone number of the site foreman, or other person who controls activities on the jobsite, for use for complaints from the affected public.

Timing: The sign shall be installed prior to the issuance of a building permit and throughout grading and construction activities. The Permittee shall maintain a "Complaint Log," noting the date, time, complainant's name, nature of the complaint, and any corrective action taken.

Monitoring and Reporting: The Permittee shall provide photo documentation showing posting of the required signage to the Planning Division prior to the commencement of grading or construction activities. (PL-59)

17. Advisory for Remodeling of Non-Conforming Structures

Purpose: To ensure that the Permittee acknowledges that should the remodel of the existing, non-conforming structure result in 50 percent or greater removal or destruction of the roof or floor, the entire structure must be brought into conformance.

Requirement: The Permittee shall provide a copy of the "Advisory Notice Regarding Remodeling of Structures" signed by the: (1) property owner; and (2) architect or designer.

Documentation: The Permittee shall provide the signed "Advisory Notice Regarding Remodeling of Structures" to the County Planning Division to be included in the Planning Division Project file.

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Timing: The Permittee shall provide a copy of the "Advisory Notice Regarding Remodeling of Structures," signed by the property owner and architect or designer, to the Planning Division prior to the issuance of a Zoning Clearance for construction.

Monitoring and Reporting: The Planning Division maintains the documentation provided by the Permittee in the respective Project file. In the event that 50% or greater of the roof or floor of the non-conforming structure is destroyed or removed constituting new construction, the property owner must obtain a new PD Permit for the development of the new structure.