



## Planning Director Staff Report – Hearing on January 28, 2016

County of Ventura • Resource Management Agency • Planning Division

800 S. Victoria Avenue, Ventura, CA 93009-1740 • (805) 654-2478 • [ventura.org/rma/planning](http://ventura.org/rma/planning)

### COASTAL PLANNED DEVELOPMENT (PD) PERMIT FOR 4189 OCEAN DRIVE, PL15-0159

#### A. PROJECT INFORMATION

1. **Request:** The applicant requests approval of a Coastal PD Permit (Case No. PL15-0159) for the replacement of an exterior stairway, the installation of a wind and privacy screen, and the addition of two canopies to an existing two-family dwelling ["Dwellings, Improvements to Residential Structures, Improvements to Other Dwellings and Accessory Structures" and, by reference, "Improvements to Structures, Other than Single Family Dwellings or Public Works Facilities;" Ventura County Coastal Zoning Ordinance (CZO), Section 8174-5].
2. **Applicant/Property Owner:** Richard J and Marie Mack, 4189 Ocean Drive, Oxnard, CA 93035
3. **Applicant's Representative:** Michael Faulconer, 790 E. Santa Clara Street #107, Ventura, CA 93001
4. **Decision-Making Authority:** Pursuant to the Ventura County CZO (Section 8174-5 and Section 8181-3 et seq.), the Planning Director is the decision-maker for the requested Coastal PD Permit.
5. **Project Site Size, Location, and Parcel Number:** The .06-acre property that constitutes the project site is located at 4189 Ocean Drive, approximately 792 feet from the intersection of Ocean Drive and Channel Islands Boulevard, near the City of Oxnard, in the unincorporated area of Ventura County. The Tax Assessor's parcel number for the parcel that constitutes the project site is 206-0-272-040 (Exhibit 2).
6. **Project Site Land Use and Zoning Designations:**
  - a. Countywide General Plan Land Use Map Designation: Existing Community – Urban Reserve (Exhibit 2)
  - b. Coastal Area Plan Land Use Map Designation: Residential High 6.1-36 DU/AC (dwelling units per acre) (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	Residential use
East	RBH	Residential use
South	RBH	Residential use
West	COS-10 ac-sdf (Coastal Open Space 10 acre minimum lot size, slope density formula)	Open space (beach)

- 8. History:** Planning Division staff reviewed the permitting and violation history of the subject property. Tax Assessor's records indicate that the parcel was originally part of the Patterson Ranch Subdivision Map. The map was recorded on June 9, 1924, in book 8, pages 1 to 9, of the Ventura County Official Records., prior to the enactment of the Ventura County Zoning Ordinance in 1947.<sup>1</sup> The Resource Management Agency, Building and Safety Division (collectively, "Building and Safety"), issued the property's first residential alteration on April 6, 1948.

The Planning Division issued a Zoning Clearance (ZC-81593) on August 1, 2000, to expand the first floor of the duplex. On June 20, 2001, the Resource Management Agency, Code Compliance Division opened a violation case on the property (V01-000231) due to a complaint that alleged illegal construction on the property was causing erosion. The Code Compliance Division later closed the violation case after staff investigated the complaint and determined that the property owners were conducting the construction activities in accordance with the permits that authorized the construction activities. No current, open violation cases are associated with the subject property.

The Building and Safety Division issued a combination building permit (C00-000396) on March 28, 2000, to remodel the 1,820 square-foot duplex, repipe the water and gas, and rewire electrical outlets. The Building and Safety Division later updated the combination building permit (C00-000396) on March 8, 2001, to include the addition of two skylights and the replacement of two fireplaces. The Building and Safety Division issued a second combination building permit (C00-001029) on September 13, 2000, to convert a second floor sundeck to a living space. The Building and Safety Division most recently issued a building permit (B15-000092), which included a residential alteration for the replacement of two windows, two sliding glass doors, and replacement of a wood railing with glass on March 17, 2015, with an additional window replacement added to the permit on October 7, 2015.

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<sup>1</sup> Ventura County Planning Division, Ventura County Coastal Zoning Ordinance (2013), p. ii.

- 9. Project Description:** The applicant requests approval of a Coastal PD Permit (Case No. PL15-0159) for “Dwellings, Improvements to Residential Structures, Improvements to Other Dwellings and Accessory Structures” and, by reference, “Improvements to Structures, Other than Single Family Dwellings or Public Works Facilities” (Ventura County CZO, Section 8174-5). More specifically, the proposed project consists of additions to an existing non-conforming two-family dwelling that will include the replacement of an existing exterior stairway, the installation of a new attached wind and privacy screen in the side yard, and the addition of two new attached, open 72 square-foot canopies. The new exterior stairway will replace an existing wooden stairway with steel and pre-cast stone materials. The proposed wind and privacy screen will include an aluminum frame and translucent glass. The wind and privacy screen will be affixed to the façade of the existing residential structure. The screen will be approximately 18 feet in height and will extend from the first floor to underneath the roof eave of the second floor. One canopy will be made of perforated steel and will be located over the existing side yard on the first floor. The other canopy will be made of teak lattice and will be located over the rear yard on the second floor balcony. The proposed two-family dwelling, as well as construction activities associated with the additions to the two-family dwelling, will not extend outside of the subject property.

The existing building footprint for the duplex is 1,596 square feet. The existing duplex includes approximately 2,420 square feet of floor space with an additional 576 square feet of garage space and 105 square feet of balcony space. The existing two-story residential duplex is 20 feet and 4 inches in height (to the parapet). The proposed project will not increase the height of the existing structure. Furthermore, the proposed project will not expand or otherwise change the existing residential use of the property.

The existing structure is non-conforming with respect to the minimum lot area, minimum parking, front setback, and side setback requirements. More specifically, the existing structure is non-conforming with regard to:

- minimum lot area requirements (Ventura County CZO, Section 8175-2), as the permissible minimum lot area is 3,000 square feet for a two-family dwelling, and the lot area for this two-family dwelling is 2,775 square feet;
- minimum parking requirements (Ventura County CZO, Section 8176-2), as the required parking is two covered parking spaces per unit and the current parking includes three parking spaces for a two-family dwelling;
- minimum front setback requirements (Ventura County CZO, Section 8175-2), by occupying a portion of the required 20-foot front setback; and
- minimum side setback requirements (Ventura County CZO, Section 8175-2), by occupying a portion of the required 3-foot side setback.

The proposed development 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.

No native vegetation will be removed as part of the proposed project. The proposed project will not include any grading, but will include ground disturbance associated with the installation of the footings for the wind and privacy screen and the replacement of the stairs. An existing, attached two-car garage, and an existing attached one-car garage, will continue to provide parking on-site. An existing, 26-foot and 3-inch wide driveway will continue to provide access from Ocean Drive to the project site. The Channel Islands Beach Community Services District will provide water and the City of Oxnard Sewer Service will provide wastewater disposal services for the continued residential use of the property (Exhibit 3).

## **B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE**

Pursuant to CEQA (Public Resources Code Section 21000 et seq.) and the CEQA Guidelines (Title 14, California Code of Regulations, Division 6, Chapter 3, Section 15000 et seq.), the subject application constitutes 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 project is eligible for a Class 1 Categorical Exemption, Existing Facilities, pursuant to CEQA Section 15301(a). The replacement of an exterior staircase and the addition of a new attached wind and privacy screen and two attached canopies are considered minor alterations to an existing structure. The proposed project will not expand or otherwise change the existing residential use of the subject property.

Therefore, this project is categorically exempt from CEQA review pursuant to Section 15301(a) of the CEQA Guidelines.

## **C. CONSISTENCY WITH THE GENERAL PLAN**

The Ventura County General Plan *Goals, Policies and Programs* (GPP) (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 (Section 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 (CAP).

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

- 1. GPP 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.*

**GPP 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 stated in Section A.9 of this staff report (above), the proposed project includes the replacement and addition of architectural features of an existing two-family dwelling. More specifically, the request includes a replacement staircase, as well as the addition of a wind and privacy screen and canopies. As discussed in Section B (above), the project is categorically exempt from CEQA review pursuant to Section 15301(a) since it does not have the potential to create a significant environmental impact. As such, no mitigation measures or a statement of overriding considerations must be adopted to approve the proposed project.

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

- 2. GPP Water Resources Policy 1.3.2-2:** *Discretionary development shall comply with all applicable County and State water regulations.*

**GPP Water 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.*

As discussed in Section A.9 (above), the Channel Islands Beach Community Services District currently provides water, and the City of Oxnard provides sewage disposal service, for the residential use of the project site. No new water demand or demand for additional sewage disposal service is anticipated as a result of the proposed project, given that the proposed project does not involve an expansion or change in use of the subject property. The Channel Islands

Beach Community Services District will continue to provide water,<sup>2</sup> and the City of Oxnard will continue to provide sewage disposal service, for the continued residential use of the subject property. The proposed project will not increase the amount of impervious surfaces on the project site. Therefore, the proposed project will not create a significant impact or result in any new impacts to water quality or quantity.

Based on the discussion above, the proposed project is consistent with the GPP Water Resources Policies 1.3.2-2 and 1.3.2-4.

- 3. GPP Scenic 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 consist of the addition of a new, attached 18-foot wind and privacy screen, two new canopies, and the replacement of an existing exterior staircase, to an existing duplex. The wind and privacy screen will be located in the side yard and affixed to the façade of the existing two-family dwelling. As such, the proposed project will not increase the height of the principal structure. The exterior alterations will not create a substantial new obstruction to views of the beach or Pacific Ocean. Furthermore, the proposed project will not involve any development that would 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 GPP Scenic Resources Policy 1.7.2-1.

- 4. GPP Paleontological and Cultural 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 data base.*

As discussed in Section B (above), the project is categorically exempt from CEQA review pursuant to Section 15301(a) of the CEQA Guidelines. As discussed in Section A.9 (above), with the exception of the installation of the wind and privacy screen, the project will not include any activities that would result in an impact to paleontological and cultural resources. There are no known

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<sup>2</sup> Channel Islands Beach Community Services District Water Availability Letter, Final Report, dated May 5, 2015. Public Works Agency staff approved the final report on May 18, 2015.

archaeological, historical, or paleontological resources located on-site. Furthermore, it is unlikely that subsurface resources exist or will be encountered at the depth of ground disturbance that will occur, especially given that the ground disturbance will occur in areas that were previously disturbed as part of the development of the existing building that exists on-site. However, in the unlikely event that undocumented, subsurface resources are encountered during ground disturbance activities, the project will be subject to a condition of approval to require the applicant to: (1) cease ground disturbance activities; (2) retain an archaeologist, paleontologist, and/or Native American consultant (as applicable) to assess the find and provide recommendations on the proper disposition of the site; and (3) implement the recommendations to which the Planning Director agrees and imposes on the project (Exhibit 4, Condition No. 15). As such, no adverse impacts to paleontological and cultural resources are expected.

Based on the discussion above, the proposed project is consistent with GPP Paleontological and Cultural Resources Policy 1.8.2-1 listed above.

- 5. GPP Coastal Beaches and Sand Dunes 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.*

**GPP Coastal Beaches and Sand Dunes Resources Policy 1.10.2-2:** *Discretionary developments which would result in the removal of dune vegetation shall be conditioned to replace the vegetation.*

As discussed in Section A.9 (above), the proposed project consist of the addition of a new, attached 18-foot wind and privacy screen, two new canopies, and the replacement of an existing exterior staircase, to an existing duplex. Although the project site is located adjacent to Hollywood Beach, the proposed project will not include development activities that extend beyond the subject property (Exhibit 4, Condition No. 3), 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 GPP Coastal Beaches and Sand Dunes Resources Policy 1.10.2-1 and 1.10.2-2.

- 6. GPP 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 will not contribute significantly to beach erosion.*

The CAP identifies Hollywood Beach as an unincorporated area of the Central Coast. Erosion at Hollywood Beach is significantly minimized by the jetty at the north entrance of Channel Islands Harbor.<sup>3</sup> The two-family dwelling was built in 1927, so no Wave Run-up Study was prepared. A Wave Run-up Study was not required for the proposed discretionary development because: (1) the proposed project does not involve the demolition of the existing building; (2) the proposed project does not involve the construction of a new building or accessory structure; and (3) the subject property is neither protected by existing coastal protection measures (e.g., seawalls or rock revetments), 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 310 feet from the current shoreline. The proposed project will not include any new development beyond alterations to the existing two-family dwelling and, therefore, the proposed project will not have the potential to contribute to beach erosion or impact sensitive biological habitats by, for example, the construction of a new structure on the beach or the construction of a shoreline protection structure.

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

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

**GPP Public Facilities and Services 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 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.*

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<sup>3</sup> Ventura County Planning Division, Ventura County General Plan, Coastal Area Plan (2008), The Central Coast, Beach Erosion, p. 70.

**GPP Public Facilities and Services 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 stated in this staff report (above), the Channel Islands Beach Community Services District will continue to provide water to the subject property, and City of Oxnard Sewer Service will continue to provide sewage disposal for the property. No additional demand for water supply or sewage treatment services is anticipated, since the proposed project does not involve an expansion of the existing residential use, or the addition of an entirely new use, of the subject property.

The nearest fire station is the City of Oxnard Station No. 6, which is located approximately 0.6 miles away from the project site at 2601 Peninsula Road in Oxnard. Given the station's proximity to the project site, there will be adequate response time to provide fire protection services to the project site. Furthermore, the Ventura County Fire Protection District has reviewed the proposed project, and did not recommend conditions of approval for the proposed project.

Therefore, based on the discussion above, the proposed project is consistent with GPP Public Facilities and Services Policies 2.13.2-1, 4.3.2-1, and 4.8.2-1.

- 8. GPP 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 mitigating 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) Construction noise shall be evaluated and, if necessary, mitigated in accordance with the County Construction Noise Threshold Criteria and Control Plan.*

The existing residence is a noise-sensitive use; however, the dwelling is not located near highways, truck routes, heavy industrial activities, or other relatively continuous noise sources, such as railroads or airports. Additionally, the continued residential use of the property is not considered a noise generator that will adversely affect any nearby noise sensitive uses (e.g. existing, surrounding 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 GPP Hazards Policy 2.16.2-1.

**9. GPP 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 2,775 square feet in size, which is smaller than the 3,000 square feet minimum lot area required for a two-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 February 25, 2015. The subject property consists of Lot 70 and the northwesterly 2 feet of Lot 69 of the Hollywood Beach Tract as recorded in Book 13, Page 2 of Miscellaneous Records. Therefore, the proposed additions to the two-family dwelling may be permitted, so long as the remodel does not expand the nonconformance of the subject property. As stated in Section A.9 of this staff report (above), the proposed project will not increase the nonconforming aspects of the existing two-family dwelling.

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

**10. GPP Public Facilities and Services 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.*

**GPP Public Facilities and Services 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.*

**GPP Public Facilities and Services 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 will not result in the expansion of public facilities. As discussed in Section A.9 (above), the Channel Islands Beach Community Services District currently provides water, and the City of Oxnard provides sewage disposal service, for the residential use of the project site. No new water demand or demand for additional sewage disposal service is anticipated as a result of the proposed project, given that the proposed project does not involve an expansion or change in use of the subject property. The Channel Islands Beach Community Services District will continue to provide water,<sup>4</sup> and the City of Oxnard will continue to provide sewage disposal service, for the continued residential use of the subject property.

The proposed project will not require the installation of new utility lines or the relocation of existing utility lines. Furthermore, the proposed project will not expand or otherwise change the residential use of the property, thereby creating a corresponding increase in traffic generation and need for new public roadway facilities.

Based on the discussion above, the proposed project is consistent with GPP Public Facilities and Services Policies 4.1.2-1, 4.1.2-2, and 4.4.2-2.

**11. GPP Hazards Policy 2.1.2-1:** *Applicants for land use and development permits shall provide all necessary information relative to identified hazards that may*

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<sup>4</sup> Channel Islands Beach Community Services District Water Availability Letter, Final Report, dated May 5, 2015. Public Works Agency staff approved the final report on May 18, 2015.

*affect or be affected by their proposed project. Applicants shall also specify how they intend to mitigate identified hazards.*

**GPP Flood Hazards Policy 2.10.2-3:** *Development proposed within the floodplain shall be designed and built to standards intended to mitigate to the extent possible the impacts from the one percent annual chance storm.*

The proposed project is located within an area that is subject to groundshaking hazards. As stated previously, with the exception of the installation of the footings for the wind and privacy screen and replacement of the staircase, no new development, grading, or ground disturbance is proposed as part of this project. All of the proposed development will be subject to the Ventura County Building Code, which requires new development to be designed to withstand groundshaking hazards. As stated in this staff report (above), given the fire station's proximity to the project site, there will be adequate response time to provide fire protection services.

The entire subject property is located outside of the 100-year floodplain (i.e., areas that are likely to experience flooding from a one percent annual chance storm). However, due to inadequate site drainage throughout this coastal residential community, the proposed project will be subject to a condition of approval that will require a Floodplain Clearance (Exhibit 4, Condition No. 17).

Based on the discussion above, the proposed project is consistent with GPP Hazards Policy 2.1.2-1 and GPP Flood Hazards Policy 2.10.2-3.

**12.CAP – Shoreline Access Section 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.*

**CAP – Shoreline Access Section 30212(a):** *Public access from the nearest public roadway to the shoreline along the coast shall be provided in new development projects 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.*

**CAP – Central Coast Area Recreation and Access Policy B.2:** *For all new development between the first public road and the ocean, granting of lateral easements to allow for public access along the shoreline shall be mandatory unless subsection (a) below is found. In coastal areas where the bluffs exceed five feet in height, all beach seaward of the base of the bluff shall be dedicated. In coastal areas where the bluffs are less than five feet, the area to be dedicated*



*shall be determined by the County. At a minimum, the dedicated easement shall be adequate to allow for lateral access during the periods of high tide. In no case shall the dedicated easement be required to be closer than 10 feet to a residential structure. In addition, all fences, no trespassing signs, and other obstructions that may limit public lateral access shall be removed as a condition of development approval.*

- a. Findings are made, consistent with Section 30212 of the Coastal Act that access is inconsistent with public safety, military security needs, or that agriculture would be adversely affected.*

Mandalay Beach Road and Sunset Lane provide adequate public access from Ocean Drive to the nearest public beach located immediately adjacent to the subject property. A parking lot located at Mandalay Beach Road and Sunset Lane provides parking to facilitate public access to the beach. In addition, lateral access exists adjacent to the property on Hollywood Beach, which is a public beach that the Ventura County Harbor District maintains.

The proposed development will not increase the size of the existing two-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. 3). Therefore, the proposed development will not interfere with the public's right of access to the beach 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 Sections 30211 and 30212(a) of the Coastal Act, as well as CAP Central Coast Area Recreation and Access Policy B.2.

### **13. Coastal Area Plan – Beach Erosion and Shoreline Structures Section 30253:**

*New development shall:*

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazards.*
- (2) Assure stability and structural 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 or 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, as discussed in this staff report (above), the subject property is not located within the 100-year floodplain. The proposed development will not increase the size of the existing two-family dwelling and will not include development beyond the existing boundaries of the subject property (Exhibit 4, Condition No. 3). Furthermore, the proposed development will not require the construction of shorelines protective devices. Therefore, the proposed

development will not contribute to beach erosion or the alteration of natural landforms along the adjacent shoreline or require construction of shoreline protection devices.

Based on the discussion above, the proposed project is consistent with Section 30253 of the Coastal Act.

**14. Coastal Area Plan Housing Section 30250(a):** *"New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located in, contiguous with, or in close proximity to, existing development areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing development areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels will be no smaller than the average size of surrounding parcels."*

The proposed project is located within an area that is subject to the Existing Community – Urban Reserve General Plan designation and is surrounded on all sides, excluding the adjacent beach, by residential development. As discussed in this staff report (above), the proposed project consists of development that will not result in increased water demand, sewage generation, or traffic generation, when compared to existing conditions. Furthermore, the existing public services, including public roadways, are adequate to serve the existing development.

Based on the discussion above, the proposed project is consistent with Section 30250(a) of the Coastal Act.

#### **D. ZONING ORDINANCE COMPLIANCE**

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

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

The proposed project includes the construction and use of building additions that are subject to the development standards of the Ventura County CZO (Section 8175-2). The table below lists the applicable development standards and a description of whether the proposed project complies with the development standards.

Type of Requirement	Zoning Ordinance Requirement	Complies?
Minimum Lot Area (Gross)	3,000 square feet per two-family dwelling	No, the subject property is 2,775 square feet. However, as discussed in Section C.9 of this staff report (above), pursuant to 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 percent	Yes, after accounting for the proposed development, the two-family dwelling will cover 57.5 percent of the subject property.
Front Setback	20 feet	No, the two-family dwelling is set back 9 feet and 6 inches from the front property line. However, 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 feet	No, the existing two-family dwelling occupies a portion of the 4 foot side setback along the northern property line. However, 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 feet	Yes, the two-family dwelling is set back 7 feet and 6 inches from the rear property line.
Maximum Building Height	28 feet	Yes, the two-family dwelling is 20 feet and 4 inches in height. The wind and privacy screen will be approximately 18 feet in height, located in the side yard (yet outside of the side yard setback area), and affixed to the façade of the two-family dwelling.
Minimum Parking Requirements	2 covered spaces per unit	No, the two-family dwelling includes an attached two-car

Type of Requirement	Zoning Ordinance Requirement	Complies?
		garage, and an attached one-car garage. However, as stated in this staff report (above), the proposed project will not expand the nonconforming aspects of the existing single-family dwelling and, consequently, will not require the provision of two covered spaces per dwelling unit.

## E. COASTAL PD PERMIT FINDINGS AND SUPPORTING EVIDENCE

The Planning Division must make certain findings in order to determine that the proposed project is consistent with the permit approval standards of the Ventura County CZO (Section 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 [Section 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 [Section 8181-3.5.b].

The proposed project consists of a request to replace an existing stairway, install a new attached wind and privacy screen, and add two new canopies. Similar residential development is located on the parcels immediately surrounding the property to the north, east, and south, and a public beach is located on the property located to the west of the project site.

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.8 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. Finally, the proposed project will not increase the height of the existing building or increase the massing of the existing building,

such that it would be inconsistent with the massing of residential buildings on property located within proximity to the project site. Therefore, the proposed project will be consistent with the character of the 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 [Section 8181-3.5.c].**

The proposed project consists of a request for approval of a Coastal PD Permit to replace an existing exterior stairway, install a new attached wind and privacy screen, and add two new canopies. The residential use of the subject property is not a conditionally permitted use, and, therefore, the requirement of this finding does not apply to the proposed project.

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

The proposed project will not expand or otherwise alter the current permitted residential 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 two-family dwelling that may interfere with surrounding residential and beach uses on other properties located within the vicinity of the subject property. The proposed project will not increase traffic, water demand, or demand for sewage disposal services. Existing public services are adequate to serve the proposed development along with existing residential development on neighboring property. Additionally, as discussed in Section C.8 of this staff report above, the continued residential use of the property is not considered a noise generator that will adversely affect any nearby noise sensitive uses (e.g. existing, surrounding residences), and a condition of approval will be imposed on the Coastal PD Permit to limit noise-generating construction activities to the days and times when the surrounding noise-sensitive receptors are least sensitive to noise. Therefore, the proposed project will not be obnoxious or harmful, or impair the utility of neighboring properties 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 [Section 8181-3.5.e].**

The proposed project will not expand or otherwise change the current permitted use of the subject property. As discussed in Section C of this staff report (above), the proposed project includes the addition or replacement of architectural features to an existing dwelling already serviced by public resources and

infrastructure. Adequate public resources and infrastructure exist to continue to serve the residential use of the subject property. 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 Ocean Drive and the surrounding public road network are adequate to continue serving the residential use of the property. Therefore, the proposed project 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 (Section 65091) and Ventura County CZO (Section 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 Sphere of Influence and Area of Interest. Therefore, on October 12, 2015, the Planning Division 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. Chris Williamson, Principal Planner for the City of Oxnard, responded on October 20, 2015, via email that the City of Oxnard had reviewed the proposed project and had no comment or recommended conditions of approval for the proposed project (Exhibit 5).

#### **G. RECOMMENDED ACTIONS**

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


1. **CERTIFY** that the Planning Director has reviewed and considered this staff report and all exhibits thereto, and has considered all comments received during the public comment process;
2. **FIND** that this project is categorically exempt from CEQA pursuant to Section 15301(a) of the CEQA Guidelines;
3. **MAKE** the required findings to grant a Coastal PD permit pursuant to Section 8181-3.5 of the Ventura County CZO, based on the substantial evidence presented in Section E of this staff report and the entire record;

4. **GRANT** Coastal PD Permit Case No. PL15-0159, subject to the 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 Coastal PD Permit has been approved, conditionally approved, or denied (or on the following workday if the tenth 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 Sarah McGurk at (805) 654-3136 or [sarah.mcgurk@ventura.org](mailto:sarah.mcgurk@ventura.org).

Prepared by:

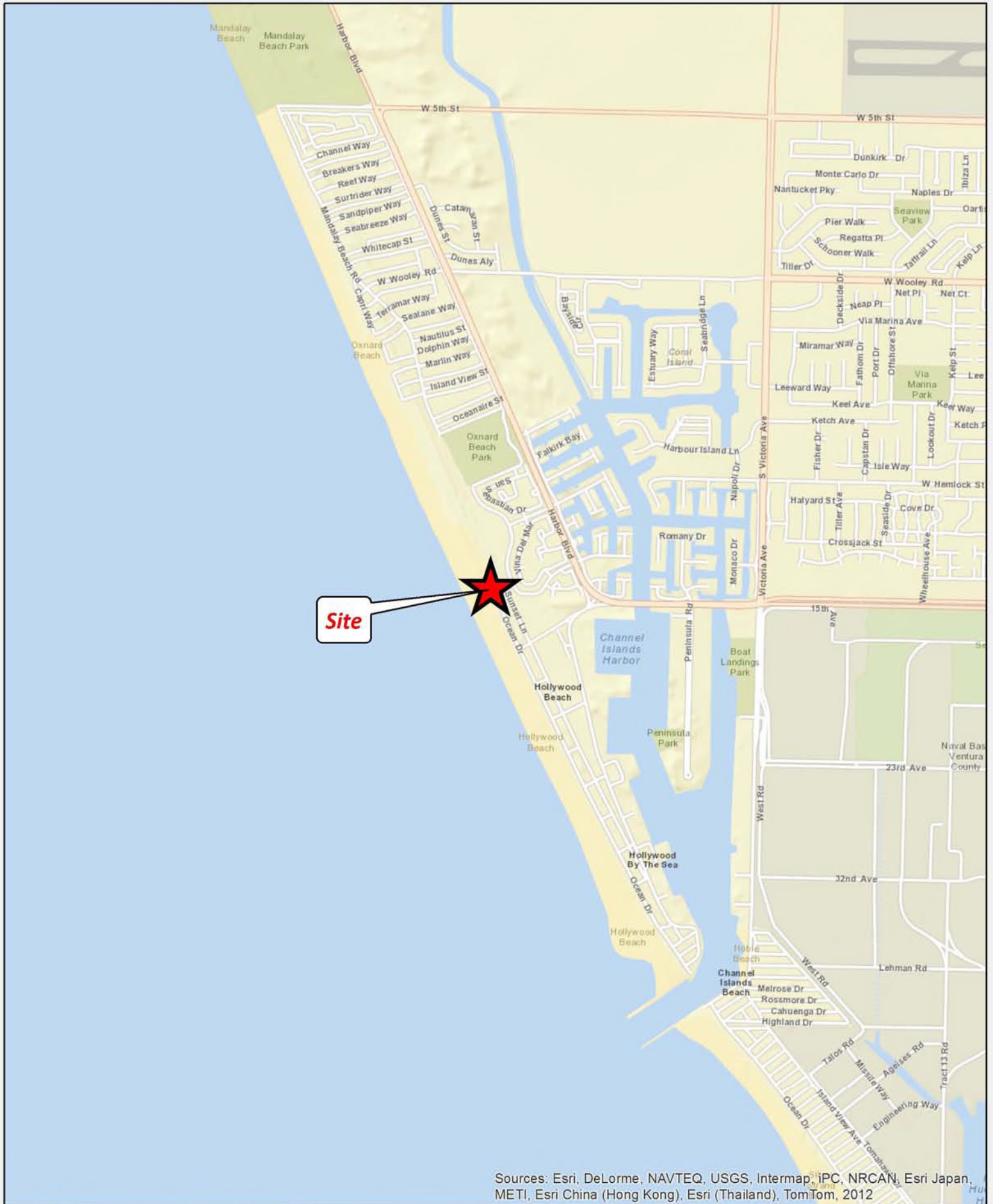
  
\_\_\_\_\_  
Sarah McGurk, Case Planner  
Residential Permits Section  
Ventura County Planning Division

Reviewed by:

  
\_\_\_\_\_  
Daniel Klemann, Manager  
Residential Permits Section  
Ventura County Planning Division

**EXHIBITS**

- Exhibit 2 - Aerial Location, General Plan and Zoning Designations, and Land Use Maps
- Exhibit 3 - Plans
- Exhibit 4 - Conditions of Approval
- Exhibit 5 - Email Correspondence from Chris Williamson to Sarah McGurk, dated October 20, 2015



Sources: Esri, DeLorme, NAVTEQ, USGS, Intermap, iPC, NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, 2012



Ventura County  
Resource Management Agency  
Information Systems GIS Services  
Map created on 12/30/2015



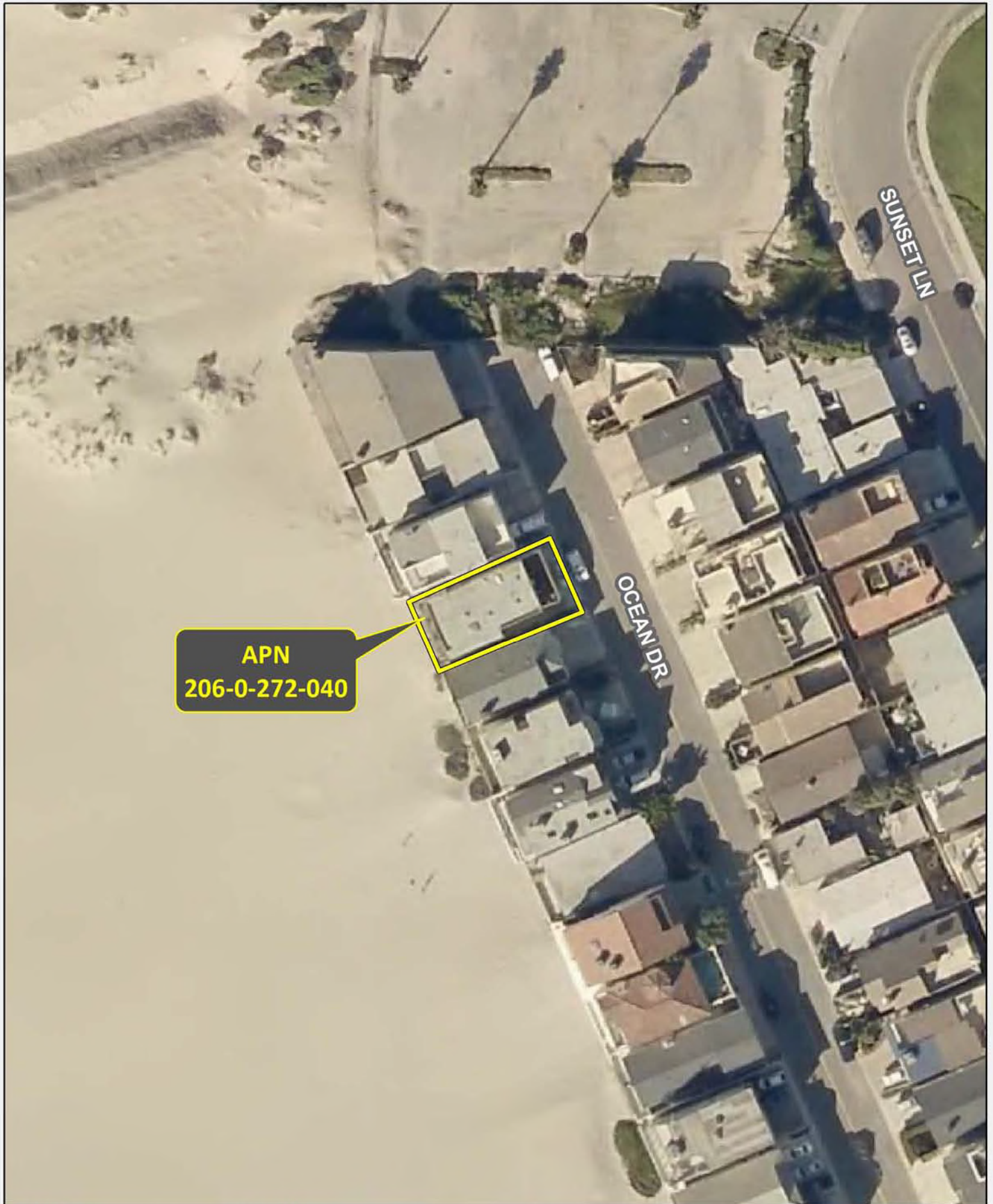
# County of Ventura Planning Director Hearing PL15-0159 Location Map

0 750 1,500 3,000 Feet

Disclaimer: this map was created by the Ventura County Resource Management Agency Information Systems GIS, which is designed and operated solely for the convenience of the County and related public agencies. The County does not warrant the accuracy of this map and no decision involving a risk of economic loss or physical injury should be made in reliance therein







**APN  
206-0-272-040**



Ventura County  
Resource Management Agency  
Information Systems GIS Services  
Map created on 12/30/2015  
Source: Pictometry®, February 2015



County of Ventura  
Planning Director Hearing  
PL15-0159  
**Aerial Location Map**



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Ventura County  
Resource Management Agency  
Information Systems GIS Services  
Map created on 12/30/2015  
Source: Pictometry®, February 2015



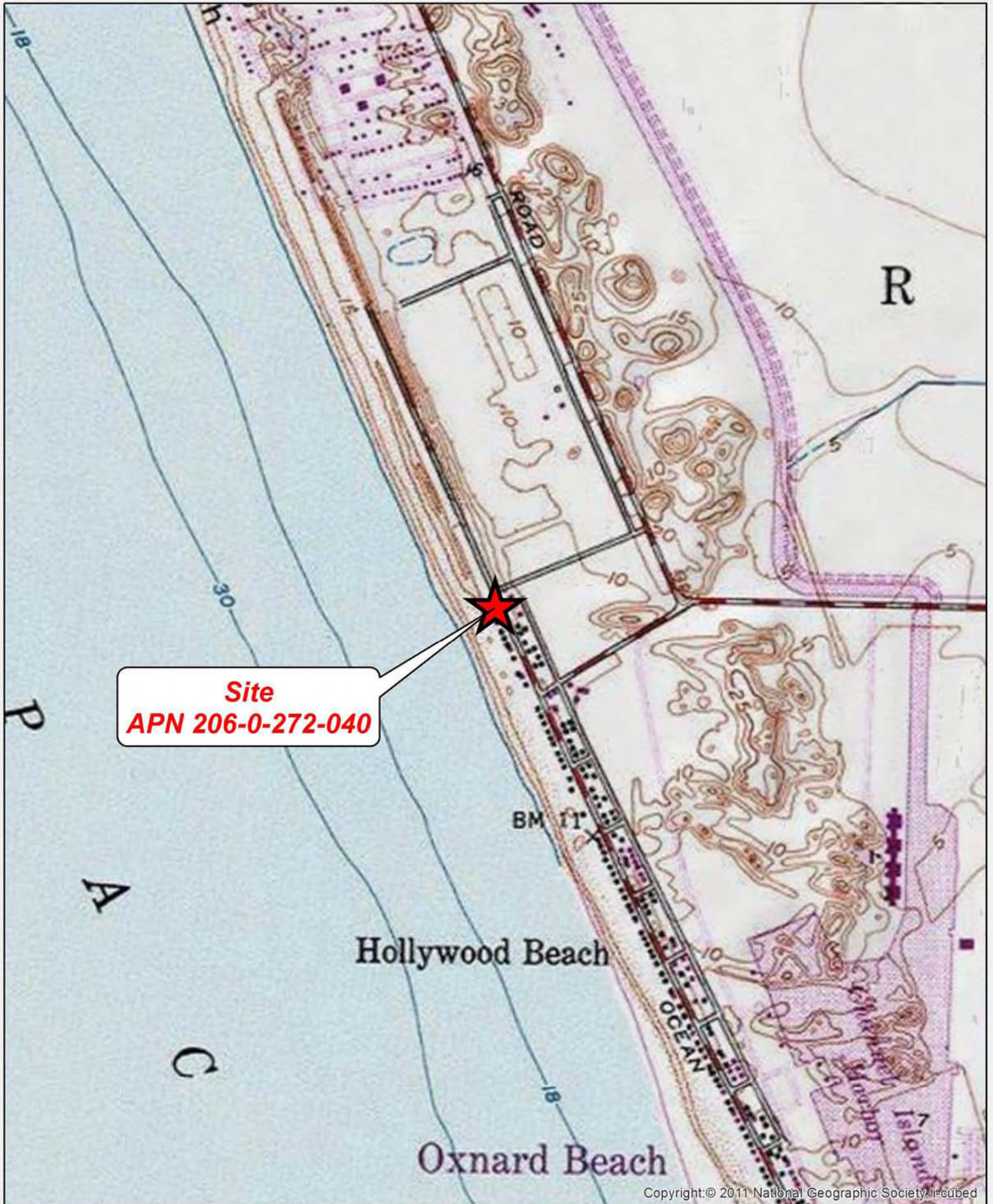
County of Ventura  
Planning Director Hearing  
PL15-0159  
**Land Use Map**

0 40 80 160 Feet

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Ventura County  
Resource Management Agency  
Information Systems GIS Services  
Map created on 12/30/2015  
Source: Oxnard U.S.G.S. Quadrangle  
Contour interval = 5 ft



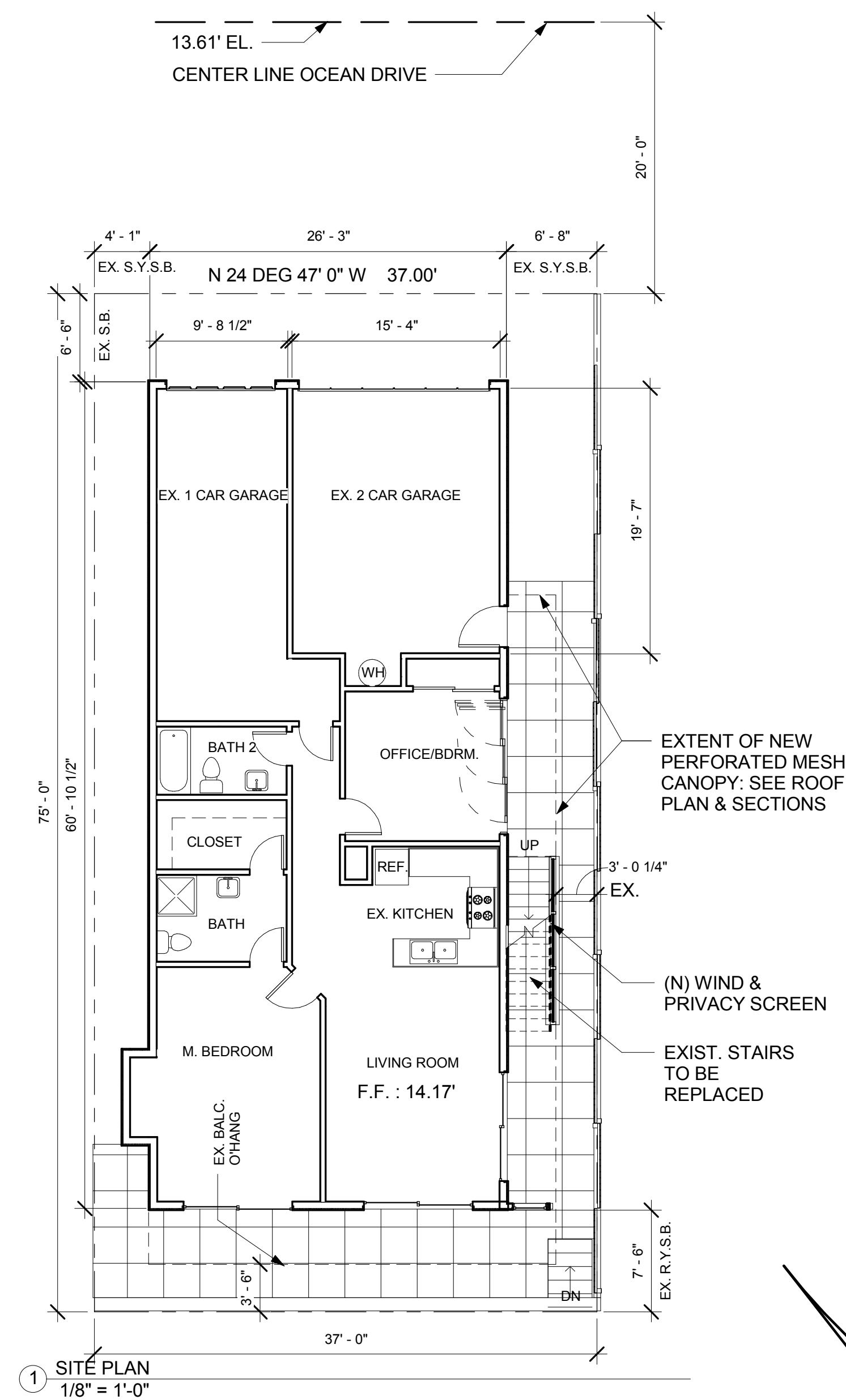
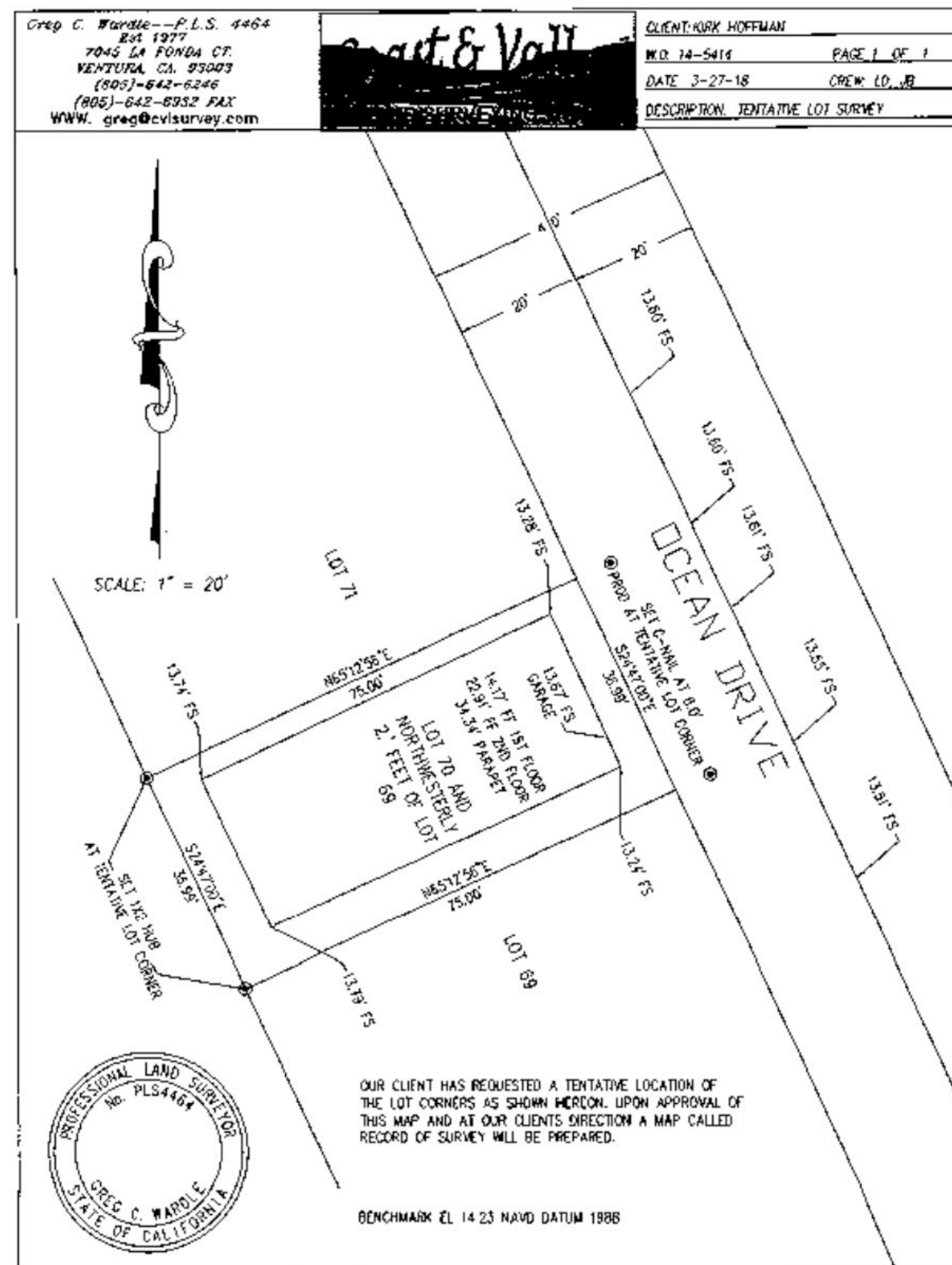
County of Ventura  
Planning Division  
PL15-0159  
**U.S.G.S. Topographic Map**

0 400 800 1,600 Feet

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## PROJECT INFORMATION

APN: 206-0-272-040

GENERAL PLAN DESIGNATION: EXIST. COMMUNITY URBAN RESERVE

ZONING: RBH

LOT AREA: 2,775 S.F.

LOT COVERAGE:

EXIST. BLDG. FOOTPRINT: 1,596 S.F. 57.5%

EXIST. BALCONY/STAIRS: 211 S.F. 7.6%

TOTAL LOT COVERAGE:                    1,807 S.F.      65.1%

## EXISTING BUILDING AREAS

1ST FLOOR HABITABLE: 1,032 S.F.

2ND FLOOR HABITABLE: 1,388 S.F.

EXIST. 3 GAR GARAGE: 576 S.F.

EXIST. REAR BALCONY: 105 S.F.

NEW PERFORATED MESH CANOPY: 72 S.F.

PARKING REQ'D.: 2 CAR GARAGE + 1 CAR GARAGE

PARKING PROVIDED: SAME AS REQUIRED

OUTDOOR USE: LANDSCAPE & RECREATIONAL: 990 S.F.

EXIST. IMPERVIOUS SURFACES: 940 S.F.

EXIST. PERVIOUS SURFACES: 240 S.F.

PLANS ARE PREPARED UNDER MY DIRECT SUPERVISION.

**FAULCONER & ASSOCIATES**  
ARCHITECTS & PLANNERS

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e: [faulconeraja@gmail.com](mailto:faulconeraja@gmail.com) w: [www.faulconerarchitects.com](http://www.faulconerarchitects.com)

STAIR  
REPLACEMENT &  
CANOPY ADDITION

4189 OCEAN DR.  
OXNARD CA 93035

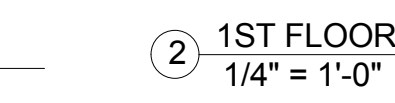
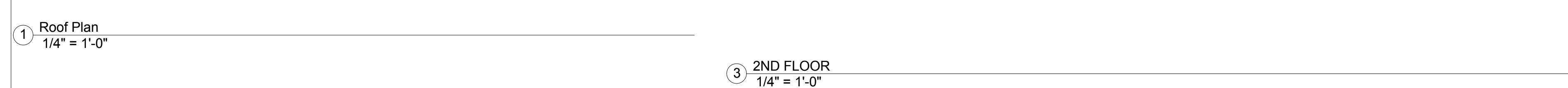
**RICK & MARIE MACK**  
**4189 OCEAN HOLLYWOOD**  
**BEACH 93035**

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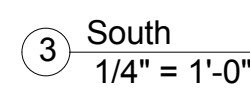
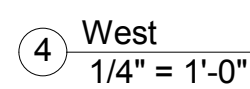
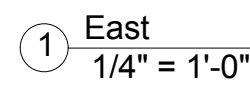
PROJECT ADDRESS :  
STAIR  
REPLACEMENT &  
CANOPY ADDITION  
4189 OCEAN DR.  
OXNARD CA 93035

PROJECT OWNER :  
**RICK & MARIE MACK**  
**4189 OCEAN HOLLYWOOD**  
**BEACH 93035**

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NO.	REVISIONS	DATE	
SHEET INFO			
DATE	8-12-15		



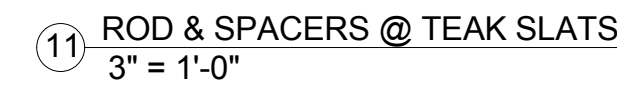
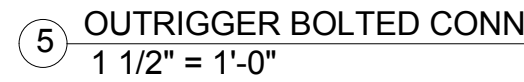
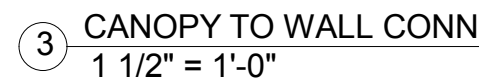
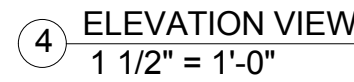




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e faulconeraia@gmail.com www.faulconerarchitects.com

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## ELEVATIONS



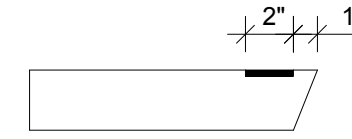
PROJECT OWNER : **BRICK & MARIE MACK**  
**4189 OCEAN HOLLYWOOD**  
**BEACH 93035**

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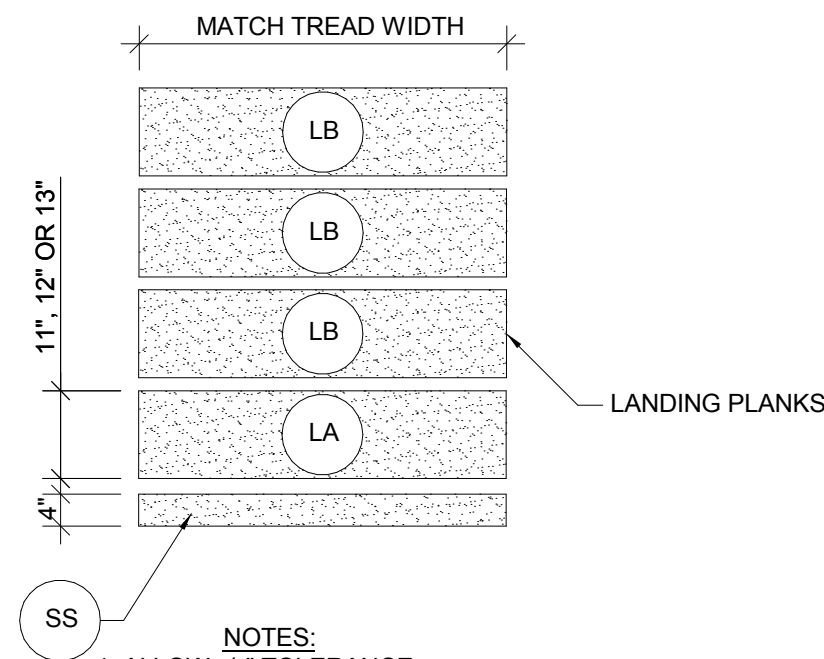
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## DETAILS

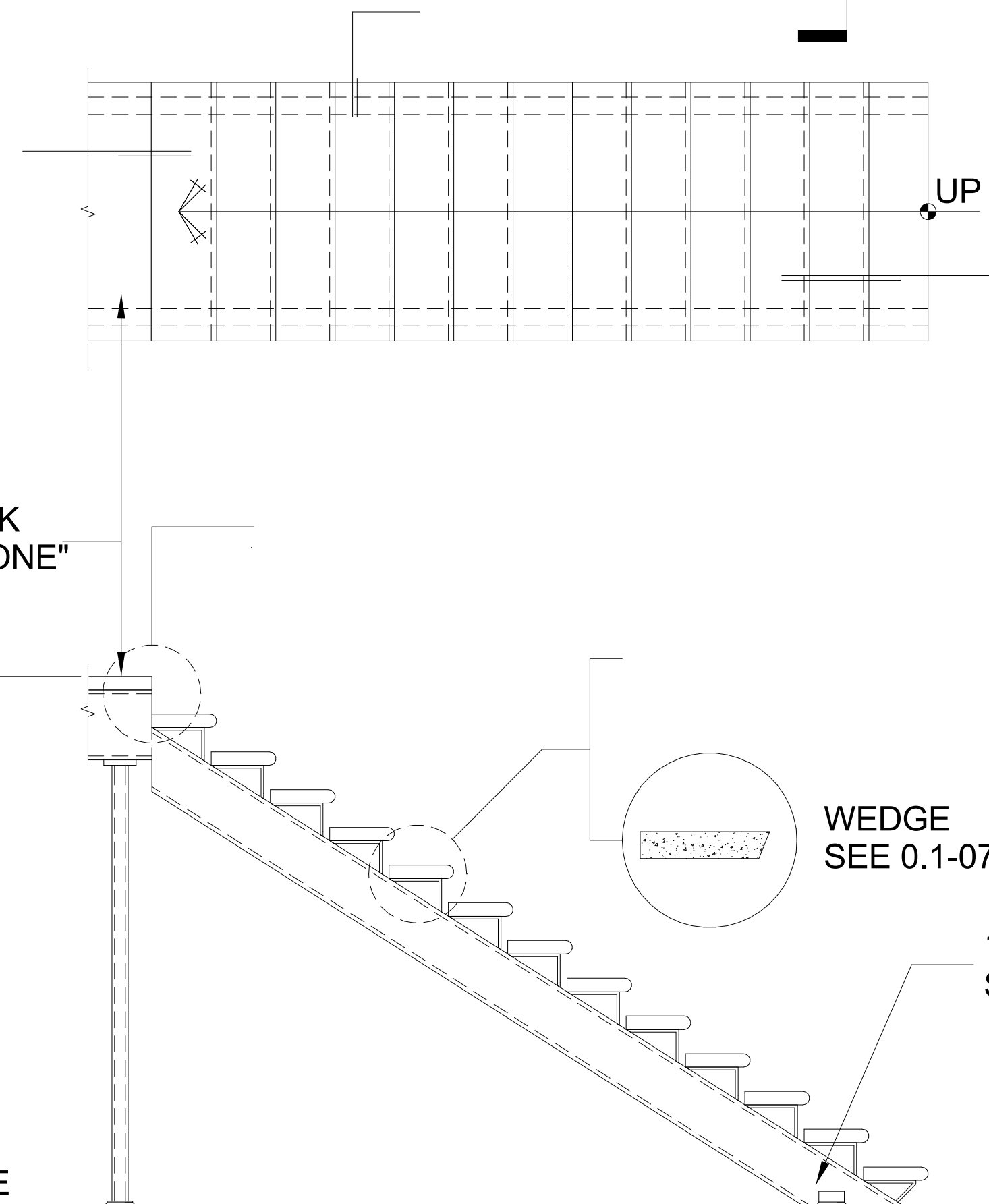
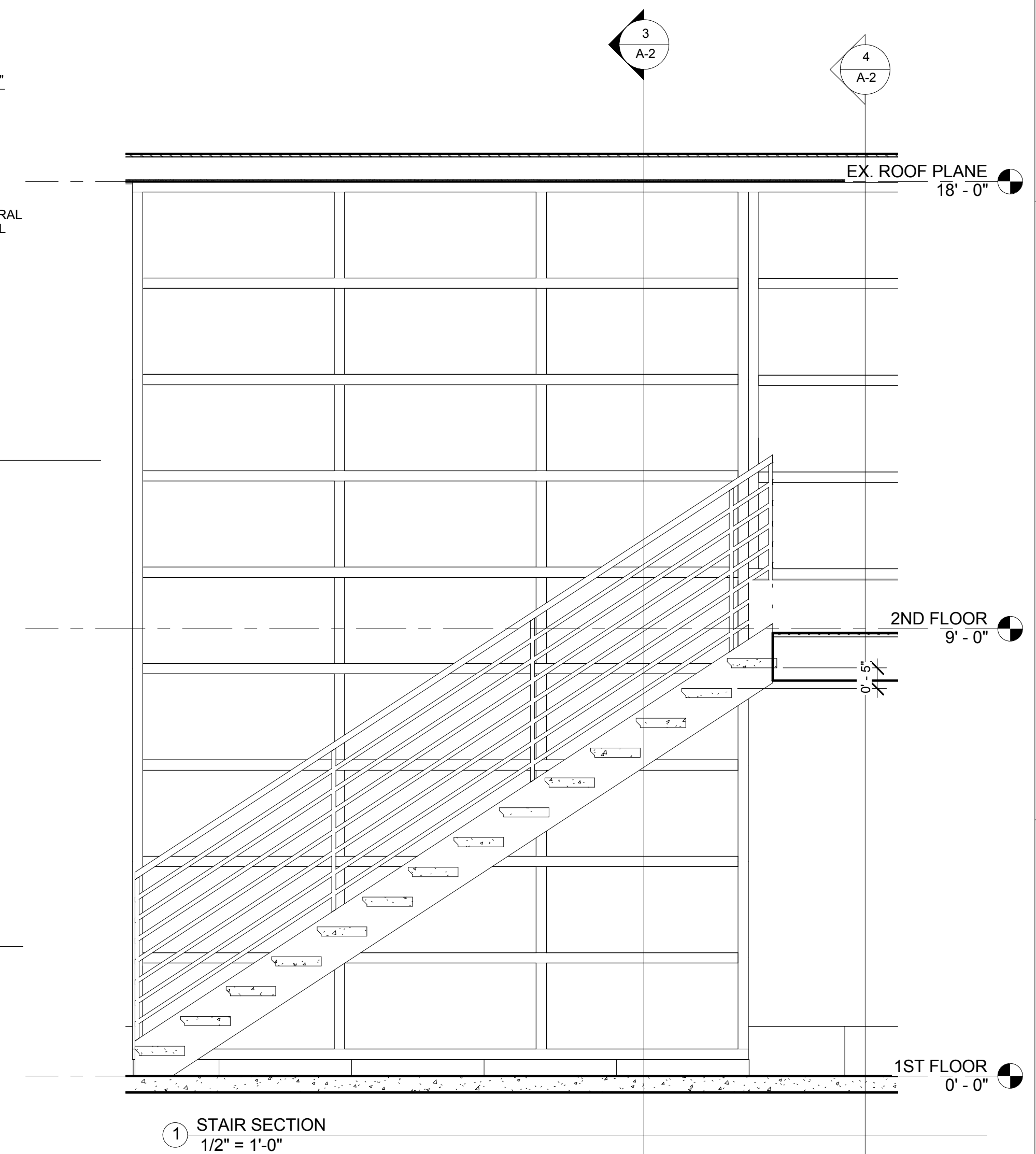
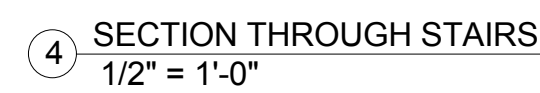
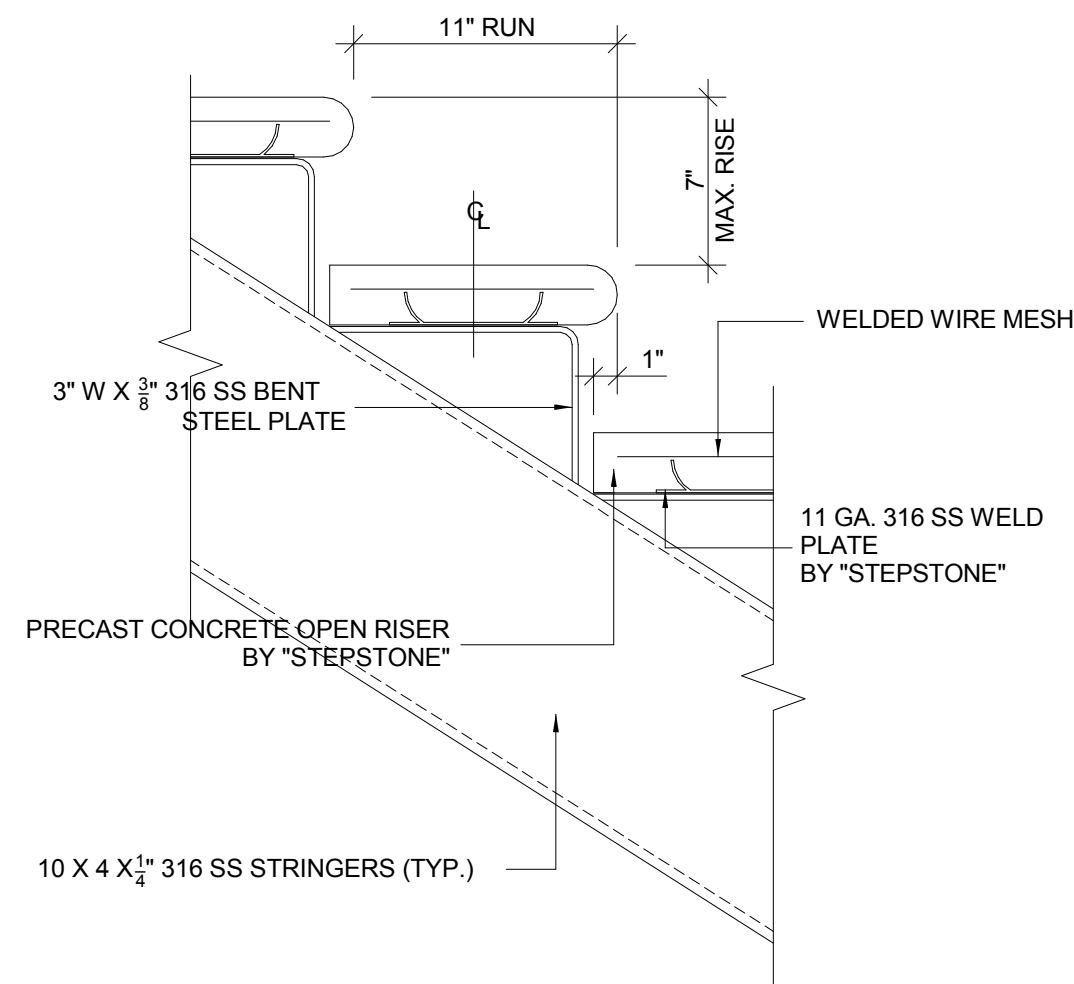




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1. ALLOW 1/8" TOLERANCE BETWEEN LANDING PLANKS.
2. MAXIMUM SPAN IS 60" FOR CLOSED RISER TREADS, OPEN RISER TREADS AND LANDING PLANKS



10" X 4" X  $\frac{3}{8}$ " 316 SS  
STRINGERS

**FAULCONER & ASSOCIATES**  
ARCHITECTS & PLANNERS

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e [faulconerat@aol.com](mailto:faulconerat@aol.com) www.[faulconerarchitects.com](http://www.faulconerarchitects.com)

PROJECT ADDRESS :  
STAIR  
REPLACEMENT &  
CANOPY ADDITION  
4189 OCEAN DR.  
OXNARD CA 93035

PROJECT OWNER : **ERICK & MARIE MACK**  
**4189 OCEAN HOLLYWOOD**  
**BEACH 93035**

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## REVISIONS

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DATE	8-12-15

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## STAIR REPLACEMENT

## **EXHIBIT 4 – DRAFT CONDITIONS OF APPROVAL FOR COASTAL PLANNED DEVELOPMENT (PD) PERMIT CASE NO. PL15-0159**

### **RESOURCE MANAGEMENT AGENCY (RMA) CONDITIONS**

#### **Planning Division (PL) Conditions**

##### **1. Project Description**

This Coastal PD Permit is based on and limited to compliance with the project description found in this condition below, all County land use hearing exhibits in support of the project marked Exhibits 1, 2, and 3, dated January 28, 2016, and conditions of approval set forth below. Together, these 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 original approval. Project deviations may require Planning Director approval for changes to this Coastal 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) constitutes a violation of the conditions of this Coastal PD Permit.

The Project description is as follows:

The applicant requests approval of a Coastal PD Permit (Case No. PL15-0159) for “Dwellings, Improvements to Residential Structures, Improvements to Other Dwellings and Accessory Structures” and, by reference, “Improvements to Structures, Other than Single Family Dwellings or Public Works Facilities” (Ventura County CZO, Section 8174-5). More specifically, the Project consists of additions to an existing non-conforming two-family dwelling that will include the replacement of an existing exterior stairway, the installation of a new attached wind and privacy screen in the side yard, and the addition of two new attached, open 72 square-foot canopies. The new exterior stairway will replace an existing wooden stairway with steel and pre-cast stone materials. The proposed wind and privacy screen will include an aluminum frame and translucent glass. The wind and privacy screen will be affixed to the façade of the existing residential structure. The screen will be approximately 18 feet in height and will extend from the first floor to underneath the roof eave of the second floor. One canopy will be made of perforated steel and will be located over the existing side yard on the first floor. The other canopy will be made of teak lattice and will be located over the rear yard on the second floor balcony. The proposed two-family dwelling, as well as construction activities associated with the additions to the two-family dwelling, will not extend outside of the subject property.

The existing building footprint for the duplex is 1,596 square feet. The existing duplex includes approximately 2,420 square feet of floor space with an additional 576 square feet of garage space and 105 square feet of balcony space. The existing two-story residential duplex is 20 feet and 4 inches in height (to the parapet). The Project will not

increase the height of the existing structure. Furthermore, the Project will not expand or otherwise change the existing residential use of the property.

The existing structure is non-conforming with respect to the minimum lot area, minimum parking, front setback, and side setback requirements. More specifically, the existing structure is non-conforming with regard to:

- minimum lot area requirements (Ventura County CZO, Section 8175-2), as the permissible minimum lot area is 3,000 square feet for a two-family dwelling, and the lot area for this two-family dwelling is 2,775 square feet;
- minimum parking requirements (Ventura County CZO, Section 8176-2), as the required parking is two covered parking spaces per unit and the current parking includes three parking spaces for a two-family dwelling;
- minimum front setback requirements (Ventura County CZO, Section 8175-2), by occupying a portion of the required 20-foot front setback; and
- minimum side setback requirements (Ventura County CZO, Section 8175-2), by occupying a portion of the required 3-foot side setback.

The proposed development 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.

No native vegetation will be removed as part of the Project. The Project will not include any grading, but will include ground disturbance associated with the installation of the footings for the wind and privacy screen and the replacement of the stairs. An existing, attached two-car garage, and an existing attached one-car garage, will continue to provide parking on-site. An existing, 26-foot and 3-inch wide driveway will continue to provide access from Ocean Drive to the Project site. The Channel Islands Beach Community Services District will provide water and the City of Oxnard Sewer Service will provide wastewater disposal services for the continued residential use of the property.

The development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, 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 Coastal 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, including structures are completed in conformance with the approved plans stamped as hearing Exhibit 3. 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's stamped approval on the Project plans and submit them to the County for inclusion in the Project file.

**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 this Coastal 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 Section 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 Coastal PD Permit area.

**Requirement:** The Permittee shall maintain the Project site in compliance with the described uses outlined in Condition No. 1 (Permitted Land Uses). Only equipment and/or materials which the Planning Director determines to substantially comply with Condition No. 1 (Permitted Land Uses), or which are authorized by any subsequent amendments to this Coastal PD Permit, shall be stored on the property during the life of this Coastal PD Permit. All construction activities (e.g., ground disturbance), storage of construction materials, and storage of construction equipment shall be prohibited outside of the Project site.

**Documentation:** Pursuant to Condition No. 1 (Permitted Land Uses), the Coastal PD Permit and any amendments thereto.

**Timing:** The Permittee shall maintain the Project site in compliance with this condition and Condition No. 1 upon issuance of a Zoning Clearance for construction, and for the life of the Coastal 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 Section 8183-5 of the Ventura County Coastal Zoning Ordinance. (PL-4)

**4. Coastal 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 Coastal 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 Coastal PD Permit modification is required. If a Coastal 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, Sections 21000-21178) and the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, Sections 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 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 Coastal PD Permit and/or commencement of construction and/or operations under this Coastal PD Permit shall constitute the Permittee's formal agreement to comply with all conditions of this Coastal PD Permit. Failure to abide by and comply with any condition for the granting of this Coastal PD Permit shall constitute grounds for enforcement action provided in the Ventura County Coastal Zoning Ordinance (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 Coastal PD Permit conditions listed herein;

- 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 Coastal PD Permit.

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

**7. Time Limits**

**a. Construction:**

- i. At the conclusion of the local appeal period set forth in the Ventura County Coastal Zoning Ordinance (Section 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, Section 30000 et seq.). Following the expiration of the CCC's appeal period, and if no appeals are filed, the decision regarding this Coastal PD Permit will be considered "effective." Once the approval decision becomes effective, the Permittee must obtain a Zoning Clearance for construction in order to initiate the land uses provided in Condition No. 1 (Project Description).
- ii. This Coastal 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 that the approval decision of this Coastal 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 inaugurate the permitted land use, and the Permittee has requested the time extension in writing at least 30 days prior to the one year expiration date.
- iii. 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 Coastal PD Permit. (PL-8)

8. Documentation Verifying Compliance with Other Agencies' Requirements Related to this Coastal 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 Coastal 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 Coastal 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.

**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 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)

9. Notice of Coastal PD Permit Requirements and Retention of Coastal PD Permit Conditions On-Site

**Purpose:** To ensure full and proper notice of permit requirements and conditions affecting the use of the subject property.

**Requirement:** The Permittee shall maintain a copy of the conditions of the Coastal PD Permit at the Project site and notify the contractor(s) responsible for the construction activities of the pertinent conditions of this Coastal PD Permit.

**Documentation:** The Permittee shall present to the Planning Division copies of the conditions, upon the Planning Division's request.

**Timing:** Upon issuance of a Zoning Clearance for construction and throughout the life of the Project.

**Monitoring and Reporting:** The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance with this condition consistent

with the requirements of Section 8183-5 of the Ventura County Coastal Zoning Ordinance. (PL-10)

**10. Defense and Indemnity**

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

- a. Defend, at the Permittee's sole expense, any action brought against the County by a third party challenging either the County's decision to issue this Coastal PD Permit or the manner in which the County is interpreting or enforcing the conditions of this Coastal PD Permit; and
- b. Indemnify the County against any settlements, awards, or judgments, including attorney's fees, arising out of, or resulting from, any such legal action. 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 legal action the Permittee defended or controlled the defense thereof pursuant to Section 10.a above. The County may, at its sole discretion, participate in the defense of any such legal action, but such participation shall not relieve the Permittee of the Permittee's obligations under this condition.

Neither the issuance of this Coastal 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 Coastal PD Permit serve to impose any liability upon the County of Ventura, its officers, or employees for injury or damage to persons or property.

Except with respect to the County's sole negligence or intentional misconduct, the Permittee shall indemnify, defend, and hold harmless the County, its officers, agents, and employees from any and all claims, demands, costs, and expenses, including attorney's fees, judgments, or liabilities arising out of the construction, maintenance, or operations described in Condition No. 1 (Permitted Land Uses), as it may be subsequently modified pursuant to the conditions of this Coastal PD Permit. (PL-13)

**11. Invalidation of Condition(s)**

If any of the conditions or limitations of this Coastal PD Permit are held to be invalid, that holding shall not invalidate any of the remaining Coastal PD Permit conditions or limitations. In the event the Planning Director determines that any condition contained herein is in conflict with any other condition contained herein, then where principles of law do not provide to the contrary, the conditions most protective of public health and safety and natural environmental resources shall prevail to the extent feasible.



In the event that any condition imposing a fee, exaction, dedication, or other mitigation measure is challenged by the Permittee in an action filed in a court of law, or threatened to be filed therein, which action is brought in the time period provided for by the *Code of Civil Procedures* (Section 1094.6), or other applicable law, this Coastal PD Permit shall be allowed to continue in force until the expiration of the limitation period applicable to such action, or until final resolution of such action, provided the Permittee has, in the interim, fully complied with the fee, exaction, dedication, or other condition being challenged.

If a court of law invalidates any condition, and the invalidation would change the findings associated with the approval of this Coastal PD Permit, at the discretion of the Planning Director, the Planning Director may review the Project and impose substitute feasible conditions 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 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 Coastal PD Permit may be revoked. (PL-14)

**12. Relationship of Coastal PD Permit Conditions, Laws and Other Permits**

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

No condition of this Coastal 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 Coastal PD Permit, nor compliance with the conditions of this Coastal PD Permit, shall relieve the Permittee from any responsibility otherwise imposed by law for damage to persons or property. (PL-16)

**13. Contact Person**

**Purpose:** To designate a person responsible for responding to complaints.

**Requirement:** The Permittee shall designate a contact person(s) to respond to complaints from citizens and the County which are related to the permitted uses of this Coastal PD Permit.

**Documentation:** The Permittee shall provide the Planning Director with the contact information (e.g., name and/or position title, address, business and cell phone numbers, and email addresses) of the Permittee's field agent who receives all orders, notices, and communications regarding matters of condition and code compliance at the Coastal PD Permit site.

**Timing:** Prior to the granting of the Coastal PD Permit, the Permittee shall provide the Planning Division the contact information of the Permittee's field agent(s) for the Project file. If the address or phone number of the Permittee's field agent(s) should change, or the responsibility is assigned to another person, the Permittee shall provide the Planning Division with the new information in writing within three calendar days of the change in the Permittee's field agent.

**Monitoring and Reporting:** The Planning Division maintains the contact information provided by the Permittee in the Project file. The Planning Division has the authority to periodically confirm the contact information consistent with the requirements of Section 8183-5 of the Ventura County Coastal Zoning Ordinance. (PL-17)

**14. 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 Coastal PD Permit 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) or lessee(s). The Permittee shall provide the Planning Director with a final notice once the transfer of ownership has occurred.

**Documentation:** The initial notice must be submitted with the new Property Owner's or lessee'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) or lessee(s), of the permitted uses acknowledging and agreeing to comply with all conditions of this Coastal 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 Section 8183-53 of the Ventura County Coastal Zoning Ordinance. (PL-20)

**15. Archaeological Resources Discovered During Grading**

**Purpose:** In order to mitigate potential impacts to archaeological resources discovered during ground disturbance.

**Requirement:** The Permittee shall implement the following procedures:

- a. If any archaeological or historical artifacts are uncovered during ground disturbance or construction activities, the Permittee shall:
  - i. Cease operations and assure the preservation of the area in which the discovery was made;
  - ii. Notify the Planning Director in writing, within three days of the discovery;
  - iii. Obtain the services of a County-approved archaeologist who shall assess the find and provide recommendations on the proper disposition of the site in a written report format;
  - iv. Obtain the Planning Director's written concurrence of the recommended disposition of the site before resuming development; and
  - v. Implement the agreed upon recommendations.
- b. If any human burial remains are encountered during ground disturbance or construction activities, the Permittee shall:
  - i. Cease operations and assure the preservation of the area in which the discovery was made;
  - ii. Immediately notify the County Coroner and the Planning Director;
  - iii. Obtain the services of a County-approved archaeologist and, if necessary, Native American Monitor(s), who shall assess the find and provide recommendations on the proper disposition of the site in a written report format;
  - iv. Obtain the Planning Director's written concurrence of the recommended disposition of the site before resuming development on-site; and
  - v. Implement the agreed upon recommendations.

**Documentation:** If archaeological remains are encountered, the Permittee shall submit a report prepared by a County-approved archaeologist including recommendations for the proper disposition of the site. Additional documentation may be required to

demonstrate that the Permittee has implemented any recommendations made by the archaeologist's report.

**Timing:** The archaeologist's report shall be provided to the Planning Division immediately upon completion.

**Monitoring and Reporting:** The Permittee shall provide any archaeologist's report prepared for the Project site to the Planning Division to be made a part of the Project file. The Permittee shall implement any recommendations made in the archaeologist's report to the satisfaction of the Planning Director. (PL-58)

#### 16. Construction Noise

**Purpose:** In order for this Project to comply with the Ventura County General Plan *Goals, Policies and Programs* (2011) 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)

### **PUBLIC WORKS AGENCY (PWA) CONDITION**

#### **Encroachment and Watercourse Permits Section (EWP) Condition**

#### 17. Hollywood Beach Coastal Communities

**Purpose:** To comply with the *Ventura County General Plan policy 2.10.2* and ensure that buildings are constructed in a reasonably safe manner from the potential impacts resulting from localized flooding conditions.

**Requirement:** The Public Works Agency shall issue a Floodplain Clearance. The Permittee is advised to minimize flooding on the first habitable floor. These recommendations include the following:

- a. the top of finished floor of the living area shall be constructed to a minimum elevation of 18-inches above the centerline of the fronting street, measured at mid-point of the subject property, or 18-inches above the local drainage escape route located nearest to the property; and,
- b. the top of garage floor slab shall be constructed to a minimum elevation of 12-inches above the centerline of the fronting street, measured at mid-point of the subject property, or 12-inches above the local drainage escape route located nearest to the property.

**Documentation:** A Floodplain Clearance shall be issued by the County Floodplain Manager.

**Timing:** The elevation determined by the Permittee's representative shall be reviewed and will be approved by the Public Works Agency prior to issuance of the Floodplain Clearance. A Floodplain Clearance shall be obtained prior to issuance of a Zoning Clearance for construction.

**Monitoring and Reporting:** Copies of the Floodplain Clearance will be provided to the Permittee and the County Building and Safety Department. The Permittee shall be responsible for incorporating the advised elevation in the design and construction of the proposed development. Copies of the Floodplain Clearance shall be provided to the Permittee and the County Building and Safety Department. The Permittee shall be responsible for incorporating the advised elevation in the design and construction of the proposed development. The Floodplain Clearance will be maintained in the case file with the Public Works Agency and by the Building and Safety Division. (EWP-7)

## McGurk, Sarah

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**From:** Chris Williamson <Chris.Williamson@ci.oxnard.ca.us>  
**Sent:** Tuesday, October 20, 2015 2:05 PM  
**To:** McGurk, Sarah  
**Subject:** PL15-0159 - 4189 Ocean Drive, Hollywood Beach - Coastal Permit

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Sarah:

Oxnard has reviewed the proposed project, and has no comment or requested conditions.

Chris Williamson, AICP, Principal Planner  
City of Oxnard Planning Division  
214 South C Street Oxnard, CA 93030  
805-385-8156

Live Long and Prosper !  
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