

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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**RECORD PACKET COPY**

DATE: January 22, 2002

TO: Commissioners and Interested Parties

FROM: Chuck Damm, Senior Deputy Director
John Ainsworth, Supervising Coastal Program Analyst
Kara Kemmler, Coastal Program Analyst

SUBJECT: CITY OF OXNARD LOCAL COASTAL PROGRAM AMENDMENT NO. OXN-MAJ-1-00: NORTH SHORE AT MANDALAY BAY ANNEXATION for Public Hearing and Commission Action at the California Coastal Commission Hearing on February 5-8, 2002 to be held in San Diego.

SUMMARY OF LCP AMENDMENT REQUEST NO. OXN-MAJ-1-00

The City of Oxnard ("City") proposes to amend the City's certified Local Coastal Program (includes proposed changes to both the Land Use Plan, which is known as the Oxnard Coastal Plan (hereafter referred to as the "LUP/CP"), and to the Implementation Program, which is known as the Oxnard Coastal Zoning Ordinance (hereafter referred to as the "IP/CZO") to (1) amend Land Use Plan maps to reflect annexation of the North Shore site: Coastal Zone Map (map no. 2) for the McGrath-Mandalay area; Urban Rural Boundary (map no. 6) to include the recently annexed North Shore property; proposed Sensitive Habitats Map (map no. 7) to show Ventura Marsh Milk-Vetch habitat; proposed Coastal Access Map (map no. 12) to show linear park and trail along Reliant Energy Canal; and Land Use Map for the McGrath-Mandalay area to designate site as Planned Unit Development Residential; (2) add site specific development and access and recreation policies; (3) add site specific resource policies to include habitat preservation, restoration, mitigation and monitoring elements of the certified Final EIR, the MOU with CA Dept. of Fish & Game, the settlement agreement with CA Native Plant Society, and remediation and mitigation in the RAP approved by the Regional Water Quality Control Board; (4) amend Coastal Zoning Ordinance map to reflect zoning for the site; and (5) add site specific zoning ordinances to implement proposed Land Use Plan policies.

LCP Amendment OXN-MAJ-1-00 involves several changes to the certified LUP/CP and to the certified IP/CZO. On October 2, 2000, the Commission's South Central Coast office received copies of the Amendment, OXN-MAJ-1-00, from the City. On March 1, 2001, pursuant to section 13553 of the Commission's regulations, the Executive Director of the Commission determined the City's proposed changes to be "in proper order" and thus "submitted". On May 8, 2001, pursuant to Section 30517 of the Coastal Act, the Commission extended the 90-day time limit for action on amendment OXN-MAJ-1-00 for up to one year.

Description of the Proposed Amendments in OXN-MAJ-1-00

City of Oxnard's submitted LCP amendment OXN-MAJ-1-00 includes the following proposed changes:

Amend the Land Use Plan (LUP/CP) of the Oxnard Local Coastal Program to:

1. Amend the following maps:
 - Map No. 2- *The Coastal Zone Map*
 - Map No. 6- *The Urban-Rural Boundary Map*
 - Map No. 7- *The Sensitive Habitats Map*
 - Map No. 12- *The Coastal Access Map*
 - Map No. 19- *The Coastal Plan Land Use Map*
2. Propose Resource Policies specific to the North Shore at Mandalay Bay site.
3. Propose Development Policies specific to the North Shore at Mandalay Bay site.
4. Propose Coastal Access and Recreation Policies specific to the North Shore at Mandalay Bay site

Amend the Implementation portion (IP/CZO) of Oxnard's Local Coastal Program to:

1. Amend the existing Coastal Zoning Map (Appendix B-3) to reflect proposed zoning for the North Shore at Mandalay Bay site.
2. Revise Ordinance for Single-family Beach Sub-zone to include a provision for North Shore at Mandalay Bay site.
3. Revise Ordinance for Coastal Recreation Sub-zone to include a provision for North Shore at Mandalay Bay site and an additional permitted use.
4. Revise Ordinance for Coastal Resource Protection Sub-zone to include a provision for North Shore at Mandalay Bay site.
5. Incorporate the proposed site-specific policies into the Coastal Zoning Ordinance Appendix (4): Local Coastal Policies.

Staff Recommendation

The staff recommends denial of the LUP/CP amendments as submitted, followed by the approval of the amendments with suggested modifications. Similarly, the staff recommends denial of the IP/CZO amendments as submitted, followed by approval of the amendments with suggested modifications.

Some of the proposed changes are minor in nature and can be certified as submitted. However, some of the proposed changes will result in an amended LUP/CP that will be inconsistent with the Chapter 3 policies of the Coastal Act. Therefore, the Commission staff has recommended suggested modifications to bring the proposed LUP/CP changes into

conformity with the Coastal Act Chapter 3 policies, and to enable the proposed IP/CZO changes to adequately carry out the LUP/CP policies.

Public Participation

Section 30503 of the Coastal Act requires public input in preparation, approval, certification and amendment of any LCP. The City held a public hearing and received written comments regarding the project from concerned parties and members of the public. The hearing was duly noticed to the public consistent with Sections 13552 and 13551 of the California Code of Regulations. Notice of the subject amendment has been distributed to all known interested parties.

Procedural Requirements

Pursuant to Section 13551 (b) of the California Code of Regulations, the City resolution for submittal may submit a Local Coastal Program Amendment that will either require formal local government adoption after the Commission approval, or is an amendment that will take effect automatically upon the Commission's approval pursuant to Public Resources Code Sections 30512, 30513, and 30519. In this case, because this approval is subject to suggested modifications by the Commission, if the Commission approves this Amendment, the City must act to accept the certified suggested modifications before the Amendment will be effective. Pursuant to Section 13544, the Executive Director shall determine whether the City's action is adequate to satisfy all requirements of the Commission's certification order and report on such adequacy to the Commission. If the Commission denies the LCP Amendment, as submitted, no further action is required by either the Commission or the City.

Additional Information

For additional information, contact Kara Kemmler or John Ainsworth at the South Central Coast District Office: 89 S. California St., Ste. 200 Ventura, CA 93001 or 805-585-1800.

1.0 STAFF RECOMMENDATION, MOTIONS, AND RESOLUTIONS ON THE LAND USE PLAN/COASTAL PLAN (LUP/CP)

1.1 STAFF RECOMMENDATION TO DENY CERTIFICATION OF THE LUP/CP AS SUBMITTED

Motion I:

I move that the Commission certify Amendment OXN-MAJ-1-00 to the City of Oxnard Land Use Plan/Oxnard Coastal Plan as submitted by the City.

Staff Recommendation of Rejection:

Staff recommends a NO vote. The motion passes only by an affirmative vote of a majority of the appointed members of the Commission. Failure of the motion to pass will result in adoption of the following resolution.

Resolution to Deny Certification of the Land Use Plan as Submitted

The Commission hereby denies certification for Amendment OXN-MAJ-1-00 to the City of Oxnard Land Use Plan/Oxnard Coastal Plan for the specific reasons discussed below in the findings, on the grounds that, as submitted, it does not meet the requirements of, and is not in conformity with, Chapter 3 of the Coastal Act.

1.2 STAFF RECOMMENDATION TO CERTIFY THE LUP/CP IF MODIFIED

Motion II:

I move that the Commission certify Amendment OXN-MAJ-1-00 to the City of Oxnard Land Use Plan/Oxnard Coastal Plan as submitted by the City, if it is modified as suggested in this staff report.

Staff Recommendation to Certify if Modified

Staff recommends a YES vote. The motion passes only by an affirmative vote of a majority of the appointed members of the Commission. Passage of this motion will result in adoption of the following resolution.

Resolution to Certify the LUP/CP with Suggested Modifications

The Commission hereby certifies Amendment OXN-MAJ-1-00 to the City of Oxnard Land Use Plan/Oxnard Coastal Plan, if modified as suggested, for the reasons discussed in the findings below on the grounds that, as modified, the Land Use Plan/Coastal Plan, as amended, meets the requirements of Chapter 3 of the Coastal Act. This amendment, as modified, is consistent with the applicable decisions of the Commission that guide local government actions pursuant to Section 30625(c) and approval will not have significant environmental effects for which feasible mitigation measures have not been employed consistent with the California Environmental Quality Act.

2.0 STAFF RECOMMENDATION, MOTIONS, AND RESOLUTIONS ON THE IMPLEMENTATION PLAN/COASTAL ZONING ORDINANCE (IP/CZO)

2.1 STAFF RECOMMENDATION TO DENY CERTIFICATION OF THE IP/CZO AS SUBMITTED

Motion III:

I move that the Commission reject the City of Oxnard Implementation Program/Coastal Zoning Ordinance Amendment OXN-MAJ-1-00 as submitted.

Staff Recommendation of Rejection:

Staff recommends a YES vote. Passage of this motion will result in rejection of the Implementation Program/Coastal Zoning Ordinance amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Resolution to Deny Certification of the IP/CZO as Submitted:

The Commission hereby denies the City of Oxnard Implementation Program/Coastal Zoning Ordinance Amendment OXN-MAJ-1-00 as submitted by City of Oxnard, and adopts the findings set forth below on grounds that the Implementation Program/Coastal Zoning Ordinance as submitted is not consistent with and/or is not adequate to carry out the provisions of the certified Land Use Plan/Coastal Plan. Certification of the Implementation Plan/Coastal Zoning Ordinance would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Program/Coastal Zoning Ordinance as submitted.

2.2 STAFF RECOMMENDATION TO CERTIFY THE IP/CZO IF MODIFIED

Motion IV:

I move that the Commission certify the City of Oxnard Implementation Program/Coastal Zoning Ordinance Amendment OXN-MAJ-1-00 if it is modified as suggested in this staff report.

Staff Recommendation to Certify if Modified:

Staff recommends a YES vote. Passage of this motion will result in certification of the Implementation Program/Coastal Zoning Ordinance with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Resolution to Certify the IP/CZO with Suggested Modifications:

The Commission hereby certifies the City of Oxnard Implementation Program/Coastal Zoning Ordinance Amendment OXN-MAJ-1-00 if modified as suggested and adopts the findings set forth below on grounds that the Implementation Program/Coastal Zoning Ordinance with the

suggested modifications will be consistent with and adequate to carry out the requirements of the certified Land Use Plan/Coastal Plan. Certification of the Implementation Program/Coastal Zoning Ordinance if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program/Coastal Zoning Ordinance on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

3.0 SUGGESTED MODIFICATIONS TO THE LUP/CP

Note: The Commission's recommended modifications for changes to the City's LUP/CP as submitted in OXN-MAJ-1-00 are shown in underline for added text and ~~strikethrough~~ for deleted text.

Suggested LUP/CP Modification #1

2.2.3 Amendment to Proposed Sensitive Habitats Map

The area of Ventura Marsh Milk-vetch habitat and willow scrub, dune scrub, and saltgrass habitat restoration areas within the North Shore at Mandalay Bay site ~~are~~ LCP is added to Map No. 7 (see Exhibit 2.3 in City's LCP Amendment document and Exhibit 4 of this staff report, which reflects the Commission's suggested modifications).

Suggested LUP/CP Modification #2

2.2.4 Amendment to Proposed Coastal Access Map

The proposed linear park and public bicycle/hiking trail adjacent to the resource protection area along the Reliant Energy canal within the North Shore at Mandalay Bay site and the public bicycle lane on Harbor Blvd and West Fifth Street along the edges of the North Shore site are ~~is~~ added to Map No. 12 (see Exhibit 2.4 in City's LCP Amendment document and Exhibit 5 of this staff report, which reflects the Commission's suggested modifications).

Suggested LUP/CP Modification #3

2.2.5 Amendment to LCP Land Use Map

The LCP Land Use Map for McGrath/Mandalay Beach, Map No. 19, is amended (see Exhibit 2.5 in City's LCP Amendment document and Exhibit 6 of this staff report, which reflects the Commission's suggested modifications) to designate the North Shore at Mandalay Bay project site for Resource Protection Area, Recreation Area, and Planned Unit Development Residential. These Planned Unit Development Residential designation has historically been applied to new planned developments in the City, including the Mandalay Bay project south of the North Shore site, and the Colony Project north of Channel Islands Boulevard, with site specific policies for development. This designation is also consistent with the City of Oxnard's 2020 General Plan Land Use designation for the North Shore at Mandalay Bay project site of "Residential-Low", which permits a density of 3-7 dwelling units per gross acre.

Suggested LUP/CP Modification #4**SECTION 3.2: RESOURCE POLICIES****Subsection 3.2.2: Habitat Areas**

Local Coastal Policies:

(Add Policy #10.1 following existing Policy #10)

"10.1. The North Shore at Mandalay Bay project site, a 91-acre property located north of West Fifth Street, east of Harbor Boulevard and south and west of the Reliant Energy canal, has been designated Resource Protection Area, Recreation Area, and Planned Unit Development. The following policies shall apply specifically to this development area:

- a. Existing soil and groundwater contamination on the site shall be remediated in accordance with the Remedial Action Plan approved by the Regional Water Quality Control Board - Los Angeles Region (RWQCB). All other permits and authorizations from other agencies having oversight responsibility for the remediation process shall be obtained as required.
- b. Ventura Marsh Milk-vetch on-site habitat shall be protected and enhanced onsite within the 1.65 acre preservation area. The preservation area shall be surrounded by a 8.35 acre willow scrub and dune scrub restoration area. ~~preservation and mitigation shall be performed as set forth in the Memorandum of Understanding between the land owner and the California Department of Fish & Game (CDFG), dated July 27, 1999.~~

Onsite preservation and mMitigation shall include but not be limited to:

- 1) Establishment of a 100-foot soil remediation/excavation limit line around the existing Milk-vetch population. No ex-situ soil remediation shall occur within this 100-foot soil remediation/excavation limit line encompassing the 1.65 acre Milk-vetch preservation area.
- 2) Permanent protection and preservation of a 1.65 40.4-acre Milk-vetch preservation area surrounded by a 8.35 acre restoration area and (5.2 acres under the Memorandum of Understanding between the Landowner and State of California Department of Fish & Game, dated July 27, 1999, and an additional 4.9 acres under the Settlement Agreement between the City of Oxnard, California Native Plant Society, and North Shore at Mandalay Bay LLC, dated August 29, 2000) which includes the existing Milk-vetch and a 50 foot wide landscaped buffer between the restoration area plants and planned residential development. A fence shall be constructed around the 1.65 acre Milk-vetch preservation area to protect the Milk-vetch from human and/or domestic animal activities.
- 3) Restoration, management, maintenance and monitoring plans shall be developed for the Milk-vetch preserve area by a qualified biologist and/or resource specialist and shall be reviewed and approved by CDFG and the City of Oxnard. The plans shall at a minimum include procedures and technical specifications for planting; soil engineering and soil amendment criteria; identification of plant species and density; maintenance measures and schedules; temporary irrigation measures; restoration success criteria; measures to be implemented if success criteria are not met; and long-term adaptive management of the restored areas for a period of not less than 10 years.

- 4) Off-site Milk-vetch population locations and plans for establishment shall be performed as set forth in the Memorandum of Understanding between the landowner and approved by the California Department of Fish and Game, dated July 27, 1999.
- 5) Conservation easements (or other equivalent document) which serve to permanently protect the Milk-vetch preserve area shall be recorded prior to ground-disturbing activities.
- 6) The status of below-surface contaminants in the area around the Milk-vetch plants that will not be remediated (in order to avoid impacts to the plants) shall be monitored by groundwater monitoring wells installed around the preserve area.
- 7) Land use within the restoration area around the Milk-vetch preservation buffer area shall be restricted to the development and use of interpretive nature trails.
- c. The loss of Dune scrub, willow scrub, and saltgrass grassland habitat preservation and restoration shall be mitigated onsite at a replacement ratio of 1:1, performed as set forth in the Memorandum of Understanding between the Landowner and the State of California Department of Fish & Game, dated July 27, 1999.

Mitigation shall include, but not be limited to:

- ~~1) Dune scrub habitat creation at a maximum 1:1 ratio, through enhancement/restoration of preserved on-site habitat and enhancement/restoration of preserved off-site habitat.~~
- ~~2) On-site restoration which partially satisfies the mitigation requirement may be located on open space areas adjacent to West Fifth Street and surrounding the Milk-vetch Resource Protection area.~~
- ~~3) 1) Dune scrub, willow scrub, and saltgrass grassland habitat within the Milk-vetch preserve but outside of the fenced Milk-vetch setback shall be restored, enhanced and permanently protected.~~
- ~~4) Off-site restoration areas shall be identified and plans submitted for approval not later than 12 months after ground-disturbing activities are initiated.~~
- 5) 2) Dune scrub rRestoration, maintenance and monitoring plans shall be developed for the dune scrub, willow scrub, and saltgrass grassland restoration areas by a qualified biologist and/or resource specialist and shall be reviewed and approved by CDFG and the City of Oxnard. The plans shall at a minimum include procedures and technical specifications for planting; soil engineering and soil amendment criteria; identification of plant species and density; maintenance measures and schedules; temporary irrigation measures; restoration success criteria; measures to be implemented if success criteria are not met; and long-term adaptive management of the restored areas for a period of not less than 10 years.
- 6) 3) Conservation easements (or other equivalent document) which serve to permanently protect the restored areas shall be recorded over the on-site areas prior to ground-disturbing activities.

4) A landscaped 50 foot wide buffer area shall be established between the dune scrub, willow scrub, and saltgrass grassland restoration/resource protection areas and the planned residential development. The landscaped buffer area adjacent to the resource protection area along the canal shall also serve as a linear parkway and include the public trail.

~~d. Willow scrub and saltgrass grassland revegetation impacted by development shall be mitigated as set forth in the Memorandum of Understanding between the land owner and the State of California Department of Fish & Game, dated July 27, 1999.~~

Mitigation shall include but not be limited to:

~~1) Replacement habitat creation at a 1:1 ratio, unless lower quality habitat is restored to yield a significantly higher biological value than the habitat that is affected by project development.~~

~~2) On-site restoration which satisfies or partially satisfies the mitigation requirement may be located in the 70 foot wide easement along the Reliant Energy Canal, an open space lot in the northern portion of the site, and the northeastern portion of open space surrounding the Milk vetch Resource Protection area.~~

~~3) Off-site restoration areas shall be identified within six months of any CDFG determination that on-site restoration did not adequately mitigate impacts to willow scrub and saltgrass grassland.~~

~~4) Willow scrub and saltgrass restoration, maintenance and monitoring plans shall be developed for the restored areas and approved by CDFG and the City of Oxnard.~~

~~5) Conservation easements (or other instruments) which serve to permanently protect the restored areas shall be recorded over the on-site areas prior to ground-disturbing activities.~~

e.d. Preparation, review, and implementation of landscaping plans for the project shall include provisions for the control of invasive plant species to address the potential impacts of non-native plants colonizing adjacent native habitats. Covenants, Conditions and Restrictions shall be recorded specifying that landscaping for individual housing lots shall not include any exotic invasive plant species. The Covenants, Conditions and Restrictions shall be binding on each of the lots in the subdivision, shall run with the land affected by the subdivision, and shall be included or incorporated by reference in every deed transferring one or more of the lots in the subdivision.

f.e. Reliant Energy canal habitat protection measures shall be reviewed and approved by CDFG and the City of Oxnard as follows:

1) The public trail to be provided within the landscaped buffer/linear parkway adjacent to the resource protection area along the Reliant Energy canal shall be located away from the water area and as close to the housing lots as possible. In addition, shrubs and other vegetation shall be planted between the trail and the canal to serve as a visual buffer between human activity and wildlife associated with the canal.

2) Interpretive signs shall be placed in appropriate locations along the edges of nearby natural habitat resource protection areas explaining the sensitivity of natural habitats and the need to minimize impacts on these adjacent areas.

- 3) Adequate fencing will be provided between the designated recreation areas and resource protection areas edge of development and the banks of the Reliant Energy canal for the purpose of minimizing human and domestic animal presence in the restoration areas and along the canal.
- ~~4) Best runoff management practices will be utilized in drainage plans throughout the development and to minimize runoff of toxic wastewater and sedimentation into the Reliant Energy canal and street level water collection basins.~~
- 4) A Water Quality Control Plan (WQCP) shall be developed and implemented for the North Shore at Mandalay Bay project site to ensure that all approved development:
- ◆ Protect areas that provide important water quality benefits, that are necessary to maintain riparian and aquatic biota and/or that are particularly susceptible to erosion and sediment loss.
 - ◆ Limit disturbance of natural drainage features and vegetation.
 - ◆ Minimize the creation of impervious surfaces.
 - ◆ Reduce post-development loadings of Total Suspended Solids (TSS) so that the average annual TSS loadings are no greater than pre-development loadings.
 - ◆ Incorporate a combination of Best Management Practices (BMPs) best suited to reduce pollutant loading and minimize runoff and erosion. Source control BMPs shall be emphasized over treatment BMPs where feasible. The BMPs utilized shall be designed to treat, infiltrate, or filter stormwater runoff to meet the standards of the 85th percentile, 24-hour runoff event for volume-based BMPs and/or the flow of runoff produced from a rain event equal to at least two times the 85th percentile, 1-hour event for flow-based BMPs.
 - ◆ Include construction phase erosion control and polluted runoff control plans.
 - ◆ Include post-development phase drainage and polluted runoff control plans designed to control runoff using natural drainage and vegetation to the maximum extent practicable.
- 5) A Water Quality Monitoring Plan (WQMP) shall be developed and implemented for the North Shore at Mandalay Bay project site to evaluate the effectiveness of the WQCP in protecting the quality of surface and groundwater. The WQMP shall include, at a minimum, the following:
- ◆ Annual inspection and maintenance of the condition and operational status of all required BMPs. Major observations to be made during inspections shall include: location of discharges of sediment or other pollutants from the site; BMPs that are in need of maintenance; BMPs that are not performing, failing to operate, or inadequate; and locations where additional BMPs are needed. Verification of maintenance shall include the permittee's signed statement accepting responsibility for all structural and treatment control BMP maintenance until such a time as the property is transferred and another party takes responsibility.

- ♦ Monitoring to ensure that average annual TSS loadings are maintained at pre-development levels and do not exceed water quality standards. The WQMP shall specify sampling locations, sampling protocols, pre-development TSS levels and permitted standards for TSS. Monitoring shall be conducted annually for the first five years following the commencement of development and shall occur during the first significant storm event of the rainy season and each following month through the end of the rainy season. Following this initial monitoring period, monitoring shall be conducted at five-year intervals during the first significant storm event of the rainy season, provided average annual TSS loadings are determined not to exceed pre-development levels and/or water quality standards. If it is determined that pre-development levels and/or water quality standards are exceeded, the permittee shall conduct annual monitoring for a period of at least five years, or until it is determined that pre-development levels and water quality standards for TSS are not exceeded. The permittee shall assess the potential sources of the excessive TSS loadings, including inadequate or failed BMPs, and take corrective actions to remedy the water quality impacts. Verification of monitoring shall include the permittee's signed statement accepting responsibility for all monitoring until such a time as the property is transferred and another party takes responsibility.
- f. The street lighting and exterior residential lighting shall be limited in intensity and shielded in order to minimize impacts to wildlife within the designated resource protection areas and along the Reliant Energy Canal.

Suggested LUP/CP Modification #5

SECTION 3.5: DEVELOPMENT POLICIES

Local Coastal Policies:

(Add Policy #49.1 following existing Policy #49)

"49.1. The North Shore at Mandalay Bay project site, a 91-acre property located north of West Fifth Street, east of Harbor Boulevard and south and west of the Reliant Energy canal, has been designated Resource Protection Area, Recreation Area, and Planned Unit Development. The following policies shall apply specifically to this development area:

- a. Land uses shall consist of single-family residential development, a Milk-vetch habitat preserve area, dune scrub, willow scrub, and saltgrass restoration areas, and landscaped buffer areas, and a public trail within a the landscaped buffer/linear parkway along the Reliant Energy canal. The linear parkway shall serve as a landscape buffer to the resource protection areas, Reliant Energy canal and agricultural lands beyond the canal, and as a native habitat planting area.
- b. Existing overhead utility lines on and adjacent to the development on this property shall be placed underground in accordance with City ordinances in effect at the time of grading permit issuance.

Suggested LUP/CP Modification #6**SECTION 3.7: COASTAL ACCESS AND RECREATION POLICIES****Subsection 3.7.1: Access and Recreation**

Local Coastal Policies:

(Add Policy #82.1 following current Policy #82)

"82.1. The North Shore at Mandalay Bay project site, a 91-acre property located north of West Fifth Street, east of Harbor Boulevard and south and west of the Reliant Energy canal, has been designated Resource Protection Area, Recreation Area, and Planned Unit Development. The following policy shall apply specifically to this development area:

- a. Public coastal access and recreation facilities shall include:
 - 1) a 750-foot-wide landscaped buffer/linear parkway between the resource protection area along the Reliant Energy canal and the residential development, that includes a 15-foot-wide bicycle/pedestrian path; and
 - 2) a 6-foot-wide bicycle lane on both Harbor Boulevard and West Fifth Street, along the outside edges of the project site.

3.1 SUGGESTED MODIFICATIONS TO THE IP/CZO**IP/CZO Suggested Modification #1**

Note: The Commission's recommended modifications for changes to the City's IP/CZO as submitted in OXN-MAJ-1-00 are shown in underline for added text and ~~strikethrough~~ for deleted text.

2.3.1 Proposed LCP Zoning Map Amendment

As part of the LCP's Implementation Program, the proposed Zoning Map Amendment (see Exhibits 2.6 and 2.7 in City's LCP Amendment document and Exhibits 7 & 8 of this staff report, which reflects the Commission's suggested modifications) implements the LCP Land Use Plan and Policies, and applicable mitigation measures identified in the Final EIR, as well as the MOU, and RAP. In particular, LCP Land Use Plan policies for resource protection and the provision of coastal access and public open space and recreational opportunities are reflected in this Zoning Map Amendment for the property.

The three zones utilized on the Zoning Map Amendment for the North Shore at Mandalay Bay project already exist within the City's Coastal Zoning Ordinance, the purposes of which are summarized as follows:

•RP — Coastal Resource Protection Zone:

"The purpose of the RP zone is to protect, preserve, and restore environmentally sensitive habitat areas within the coastal zone of the City of Oxnard. The major resource or habitat areas within the City's coastal zone include but are not limited to wetlands, sand dunes, riparian

habitats, endangered species habitats and marine habitats. Development within the RP zone shall be consistent with Policy Nos. 6, 11, 12, 13, 16, and 20 of the certified Oxnard Coastal Land Use Plan and Section Nos. 30230, 30231, 30236, and 30240 of the 1976 Coastal Act." (Oxnard Coastal Zoning Ordinance Section 37-2.14.1)

•RC — Coastal Recreation Zone:

"The purpose of the RC zone is to provide open space for various forms of outdoor recreation of either a public or private nature. The intent is to encourage outdoor recreational uses which will protect and enhance areas which have both active and passive recreation potential. Such uses should offer recreational activities which complement and are appropriate to the area because of their natural resources and beauty. This zone is designed to implement the recreational policies of the Oxnard Coastal Land Use Plan, as outlined in Chapter 3.7.1." "Nothing in this [zoning] section shall restrict public or private access to recreational opportunities provided within the coastal zone of the City of Oxnard."

(Oxnard Coastal Zoning Ordinance Section 37-2.13.1)

•R-B-1— Single-Family Beach Zone:

"The purpose of the R-B-1 zone is to provide areas in which the low-profile, small scale character of existing single-family beach-oriented neighborhoods may be, preserved to provide reasonable protection to existing low to moderate income housing. Development within the R-B-1 zone shall be consistent with the policies of the Oxnard Coastal Land Use Plan."

(Oxnard Coastal Zoning Ordinance Section 37-2.1.1)

The portions of the property which have been zoned Resource Protection contains the 1.65 acre Ventura Marsh Milk-vetch and a 100-foot-wide fenced soil remediation/excavation limit preservation area and dune scrub, willow scrub, and saltgrass restoration areas. Additional area has been zoned Coastal Recreation to provide a substantial buffer between the Milk-vetch resource protection areas and the planned residential development on the property and to preserve as much of the existing vegetation and topography around the Milk-vetch plants as possible. These areas Milk-vetch preservation area and surrounding restoration area together comprise a 10.4 acres resource protection area (5.2 acres under the MOU and an additional 4.9 acres under the Settlement Agreement). The resource protection area along the Reliant Energy Canal encompasses 13.6 acres.

~~Additional areas zoned Coastal Recreation include: an open space area adjacent to West Fifth Street to preserve additional dune scrub (.88 acre as provided in the Settlement Agreement), an open space area on the northerly portion of the site (1.24 acres) and a linear park along the Reliant Canal (5.84 acres).~~

The balance of the Project site has been zoned Single-Family Beach.

IP/CZO Suggested Modification #2

Note: The Commission's recommended modifications for changes to the City's IP/CZO as submitted in OXN-MAJ-1-00 are shown in underline for added text and ~~strikethrough~~ for deleted text. The City's recommended modifications to the IP/CZO as submitted in OXN-MAJ-1-00 are shown in double underline for added text.

2. Ordinance Section 37-2.13.0: RC (Coastal Recreation Sub-zone)

Add a new Subsection 8 7 under Section 37-2.13.3 (Permitted Uses) as follows:

7. 8- Improved (paved) riding, hiking, biking and walking trails for North Shore at Mandalay Bay.

4.0 FINDINGS AND DECLARATIONS FOR THE LAND USE PLAN/COASTAL PLAN (LUP/CP)

The Commission hereby finds and declares as follows:

4.1 STANDARD OF REVIEW FOR THE LAND USE PLAN AMENDMENTS

The Coastal Act provides:

The commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200)... (Section 3051(c))

The standard of review that the Commission uses in reviewing the adequacy of the land use plan is whether the land use plan is consistent with the policies of Chapter 3 of the Coastal Act.

4.2 HISTORY AND BACKGROUND OF THE NORTH SHORE AT MANDALAY BAY SITE

Coastal Commission certified the City of Oxnard LCP (consisting of both the Coastal Plan ("CP") and Coastal Zoning Ordinance ("CZO")) in February of 1982, most recently amended by the City and certified by the Coastal Commission on July 1988. The purpose of this LCP Amendment is to annex the North Shore at Mandalay Bay site into the City and apply coastal land use policies and zoning specific to the site. This LCP Amendment was recommended for adoption by the Oxnard Planning Commission on August 3, 2000 (Resolution No. 2000-42) and adopted on September 12, 2000 by the Oxnard City Council (Ordinance No. 2537 and Resolution No. 11,817).

The City of Oxnard's LUP/CP is structured to correspond to the four geographic areas of the City of Oxnard coastline: McGrath-Mandalay, Oxnard Shores, Channel Islands, and Ormond Beach. The LUP/CP contains background information that describes the types of development and coastal zone resources located within each of the four geographic areas. It also provides the land use designations and development policies for development specific to the each of the geographic areas. This LCP Amendment will amend the maps and policies for the McGrath-Mandalay area through inclusion of the recently annexed North Shore at Mandalay Bay property with applicable coastal zone land use designations and site specific policies.

The proposed LCP amendment addresses a specific property known as the North Shore at Mandalay Bay. The project site encompasses approximately 91 acres located at the northeastern corner of the intersection of Harbor Boulevard and West Fifth Street, within the incorporated city limits of the City of Oxnard, California. Harbor Boulevard forms the western boundary and West Fifth Street is the southern boundary of the site. The Reliant Energy canal (formerly Southern California Edison) borders the site on the east and north (Exhibit 1).

The proposed LCP amendment addresses changes and additions to land use plan maps, zoning map, land use plan policies and implementing ordinances of the City of Oxnard LCP on a site specific basis. The North Shore at Mandalay Bay will be a master planned residential community consisting of approximately 300 residential units, resource protection areas and a linear park and bike path. Circulation will be provided by a series of looped internal residential streets with access onto Harbor Boulevard and West Fifth Street. The planned residential lots will range in size from 4,000 square feet to 6,000 square feet. The homes will be single family detached for-sale housing. The homes will range in size from 1,700 square feet to 3,200 square feet.

On April 19, 2000, the Ventura County Local Agency Formation Commission (LAFCO) approved the annexation of the North Shore site into the City of Oxnard, including the Reliant Energy Canal. This action was challenged and reconfirmed, exclusive of the Reliant Energy Canal on June 21, 2000. Prior to annexation of the North Shore site into the City, the site was under the jurisdiction of Ventura County. The site was designated as Open Space in the Ventura County Coastal Plan. For approximately thirty years the site was utilized in an oil field waste disposal facility from 1955 until its closure in 1982. This facility was a permitted use under the open space designation in the County's LCP. As a result of the historical oil waste disposal operations soil and ground water on the site are contaminated. It is estimated that approximately 400,000 cubic yards of soil is contaminated with primarily petroleum hydrocarbons. In addition, volatile organic compounds have been found along with small amounts of metals and other chemicals. Site records indicate that over the 28 years the site was operated as a disposal area, approximately 50 drilling companies deposited over 8.1 million barrels of waste at the site.

In order to clean up the petroleum hydrocarbon contamination from the soil, avoid additional contamination of the groundwater and make the site suitable for residential development the landowner is proposing to remediate the existing soil and groundwater contamination. A Remedial Action Plan (RAP) was approved by the Los Angeles Regional Water Quality Control Board in January, 1997. This plan defines the soil and groundwater remediation actions planned for the site. The primary objective of the RAP is to reduce the specific chemical concentrations in the soil and groundwater to levels that protect human health and the environment. Soil remediation is planned to prevent further contamination of groundwater as contaminated soil is the source of groundwater contamination on the site. Soil remediation will consist of above ground bioremediation. This method involves enhancing the naturally occurring bacteria in the soils which degrade petroleum hydrocarbons. Essentially, the entire site, with the exception of a preserve area, will be excavated in stages to an approximate depth of 20 feet and involve some 400,000 cubic yards of soil. Once the soil is remediated the soil will be used as compacted fill for future residential development and for resource mitigation areas.

The North Shore at Mandalay Bay site contains a small area (approximately 0.4 acre) of a special status plant species, the Ventura Marsh Milk-vetch, which was previously thought to be extinct. The milk-vetch population onsite consists of approximately 280 individual plants. The milk-vetch is growing in clay fill material brought on the site during the closure process of the oil waste facility. This clay material contains visible amounts of construction debris and rubble. It is postulated that the seed stock for these plants were contained in the clay material brought in and deposited as final cover material for the site. At some point, when moisture conditions in the clay were appropriate, the seeds germinated and established the population on the site. Petroleum hydrocarbon contamination in high concentrations exist at a depth of approximately

5 feet under the plant population. The contamination appears to be adversely impacting the health of the adult milk-vetch plants because the deeper tap roots are extending into the contaminated soil zone. Although the milk-vetch population is growing in a contaminated and disturbed environment this plant species is so rare and unique that this population is considered an Environmentally Sensitive Habitat Area as defined in the Coastal Act (discussed in detail in the Sensitive Resources Section below). The milk-vetch population will be preserved and enhanced in place and the area onsite is designated as a resource protection area/zone in the amended LCP.

The historical operation of the site as an oil field waste disposal facility substantially affected the original soil characteristics, topography and biological value of the site. The vegetation and wildlife currently on the site represent species that have re-established themselves on the site since the site was graded in 1982 as part of the closure of the oil field disposal operations. Prior to use of the site as an oil waste disposal facility, the property was part of a larger dune complex which is evident on adjacent properties. The plant communities onsite are difficult to categorize because of the overlap and mixture of exotic and native vegetation types. The dominant vegetation on the site is disturbed ice plant vegetation (approximately 48 acres). Other plant communities on site include coyote brush scrub, willow scrub, dune scrub and saltgrass plant communities in isolated patches. As a result of the past site disturbance these plant communities are fragmented and disturbed. In addition, invasive species, such as iceplant and myoporum exist onsite. In their current form and distribution, these plant communities have minimal ecological function and value. The soils supporting these plant communities are contaminated with petroleum hydrocarbons and do not provide a good substrate to sustain a healthy plant community.

There are basically three plant communities onsite that are considered sensitive and have ecological resource value. Those plant communities include willow scrub, dune scrub and saltgrass grassland. These plant communities have established themselves on the artificial landfill cap that was placed on the site when the oil waste disposal site was closed. These plant communities are typically considered ESHA due to their limited extent and high biological value within an ecosystem. However, in this case, because of the disturbed and dispersed nature of these plant communities on the site in conjunction with a highly contaminated soil and groundwater environment, the biological and ecological value of these communities is greatly diminished. Therefore, as described in detail in the Sensitive Resources Section below, these plant communities do not qualify as ESHA as defined by the Coastal Act. However, because these plant communities do provide some limited ecological function and biological value the loss of these plant communities to residential development or remediation activities requires mitigation. As described in detail below, the proposed LCP amendment includes policies that require mitigation for the loss of the willow scrub, dune scrub and saltgrass plant communities.

The annexation of the North Shore site and planned residential use requires the City to amend the urban-rural boundary to incorporate the property into the urban development area within the City as a part of this LCP amendment. The site was historically coastal sand dunes prior to oil waste disposal activities and has never been utilized for agricultural uses. The soils onsite are unsuitable for agriculture and the existing agricultural fields in the area lie east of the Reliant Energy Canal, which forms the eastern and northern border of the North Shore site, thus creating a logical border rural areas and urban development areas. The native habitat restoration area and the adjacent landscaped buffer zone along the canal, which are part of this amendment will provide a substantial buffer between the site's planned residential development

and the existing agricultural uses. (See the New Development and Cumulative Impacts Section below for a more detailed discussion.)

Also included as a part of this LCP amendment are three bike/pedestrian paths and a linear parkway to provide recreational opportunities for new residents and the general public. A 6 foot wide public bike path will be constructed on Harbor Blvd and West Fifth Street along the edges of the site. In addition, the landscaped buffer zone along the Reliant Canal will serve as a linear parkway in which a 15 foot wide public bike and pedestrian trail will be provided. This trail will connect at the ends to the bike trails along Harbor Blvd and Fifth Street, thus enhancing the public recreational opportunities in the area by providing a safer, more scenic alternative within the development.

The benefits of the proposed amendment include the creation of a stable and logical urban-rural boundary with defined buffers between urban and agricultural uses, water quality enhancement onsite and prevention of pollution of coastal waters offsite, enhancement of scenic resources along the coast, sensitive resource restoration and protection and enhancement of public access and recreation.

4.3 PROPOSED CHANGES TO THE MAPS AND POLICIES OF THE LUP/CP AND CONSISTENCY WITH CHAPTER 3 POLICIES OF THE COASTAL ACT

LCP Amendment OXN-MAJ-1-00 is intended to amend and update the City of Oxnard's LCP to reflect annexation of the North Shore at Mandalay Bay site. Thus, the amendment proposes modifications to the LUP/CP in order to incorporate the North Shore site into the City and apply land designations and site-specific policies.

The proposed changes to the LUP/CP are as follows:

1. Amend the following maps:
 - Map No. 2- *The Coastal Zone Map*
 - Map No. 6- *The Urban-Rural Boundary Map*
 - Map No. 7- *The Sensitive Habitats Map*
 - Map No. 12- *The Coastal Access Map*
 - Map No. 19- *The Coastal Plan Land Use Map*
2. Propose Resource Policies specific to the North Shore site.
3. Propose Development Policies specific to the North Shore site.
4. Propose Coastal Access and Recreation Policies specific to the North Shore site.

4.4 DISCUSSION AND FINDINGS

NEW DEVELOPMENT & CUMULATIVE IMPACTS

Proposed changes to map no. 2, The Coastal Zone Map (Exhibit 2), map no. 6, The Urban-Rural Boundary Map (Exhibit 3) and map no. 19, The Coastal Plan Land Use Map (Exhibit 6) shall reflect annexation of the North Shore site into the City of Oxnard, realignment of the urban-rural boundary line to include the site within the urban development area, and the three land use designations. In addition, the City proposes to incorporate site-specific development policies into the Land Use Plan. These proposed changes effectively convert existing open space land to primarily residential land. Such a conversion must be consistent with Coastal Act Sections 30241, 30242 and 30250. In addition, the North Shore site currently exists as a

vacant parcel upon which new planned residential development is proposed, thus, the development policies must be consistent with Section 30251 of the Coastal Act.

Section 30241 states, in relevant part:

The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy, and conflicts shall be minimized between agricultural and urban land uses....

(a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.

Section 30242 states:

All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

Section 30250 states, in relevant part:

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed 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.

Section 30251 states, in relevant part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

Suggested Modifications

The proposed amendment text for the above mentioned changes including the Commission's suggested modifications follows:

The Coastal Zone Map for the McGrath/Mandalay Beach Coastal Zone Area, Map No. 2, is amended (see Exhibit 2.1 in City's LCP Amendment document and Exhibit 2 of this staff report) to include the North Shore at Mandalay Bay property.

The Urban-Rural Boundary, Map No. 6, is amended (see Exhibit 2.2 in City's LCP Amendment document and Exhibit 3 of this staff report) to include the North Shore at Mandalay Bay within the urban development area.

The LCP Land Use Map for McGrath/Mandalay Beach, Map No. 19, is amended (see Exhibit 2.5 in City's LCP Amendment document and Exhibit 6 of this staff report, which reflects the

Commission's suggested modifications) to designate the North Shore at Mandalay Bay project site for Resource Protection Area, Recreation Area, and Planned Unit Development Residential. This Planned Unit Development Residential designation has historically been applied to new planned developments in the City, including the Mandalay Bay project south of the North Shore site, and the Colony Project north of Channel Islands Boulevard, with site specific policies for development. This designation is also consistent with the City of Oxnard's 2020 General Plan Land Use designation for the North Shore at Mandalay Bay project site of "Residential-Low", which permits a density of 3-7 dwelling units per gross acre.

"49.1. The North Shore at Mandalay Bay project site, a 91-acre property located north of West Fifth Street, east of Harbor Boulevard and south and west of the Reliant Energy canal, has been designated Resource Protection Area, Recreation Area, and Planned Unit Development. The following policies shall apply specifically to this development area:

- a. Land uses shall consist of single-family residential development, a Milk-vetch habitat preserve area, dune scrub, willow scrub, and saltgrass restoration areas, and landscaped buffer areas, and a public trail within a the landscaped buffer/linear parkway along the Reliant Energy canal. The linear parkway shall serve as a landscape buffer to the resource protection areas, Reliant Energy canal and agricultural lands beyond the canal, and as a native habitat planting area.
- b. Existing overhead utility lines on and adjacent to the development on this property shall be placed underground in accordance with City ordinances in effect at the time of grading permit issuance.

Coastal Act Consistency Discussion

The North Shore site is bordered by Harbor Blvd on the west and Fifth Street on the south. The Reliant Energy Canal forms the eastern and a portion of the northern border of the site. Agricultural fields are located to the east of the canal. The North Shore at Mandalay Bay project site has not historically sustained agricultural uses and the proposed amendment does not reduce or eliminate agricultural land use designations. The amended coastal zone map will reflect the annexation of the project site by the City of Oxnard and the resulting change in the City's boundary line. The urban-rural boundary map will also be adjusted to reflect the North Shore at Mandalay Bay annexation into the urban development area within the City of Oxnard.

The North Shore site does not meet the Coastal Act definition of prime agricultural land. The Oxnard-Ventura Greenbelt encompasses 4,600 acres of land. This Greenbelt is located east and north of the North Shore site and does not include the site or any other areas west of the canal or Harbor Blvd. The North Shore site is not suitable for agricultural use and has never been used for agricultural activities. The Soil Survey prepared by the U.S. Dept. of Agriculture Soil Conservation Service in April, 1970 classifies the soils on site as unsuitable for agricultural uses and the soils across the canal as suitable for most crops. The survey includes a map that illustrates a strip of land along the coast, which includes the North Shore site, considered unsuitable for farming while the areas to the east of the canal are considered very good to good for farming purposes. Further, the Soil Conservation Service designates the site as "other land", a non-agricultural category, while the areas east of the canal are designated as "farmland of statewide importance".

The City submitted an Urban-Rural Boundary Study prepared by Impact Sciences, Inc. dated March 2001 presenting information on the suitability of the North Shore site for agricultural use and the compatibility of the planned development/proposed land uses with existing agricultural areas located to the east of the North Shore site. This report includes historic aerial photographs, which show that in 1929, areas immediately east of the site that contained suitable soils were already under cultivation (Exhibit 14). The photograph from 1970 shows Harbor Blvd and W. Fifth St. fully constructed and the residential development that had been established in the Oxnard Shores and Oxnard Dunes areas, while the pattern of the agricultural use in the area remains unchanged (Exhibit 15). The canal was developed along the western edge of the agricultural fields establishing a border between the rural and urban development areas. Dark ponds of oil waste are visible on the North Shore site in this photograph.

The LCPA is consistent with the City Urban Restriction Boundary (CURB) approved by City of Oxnard voters in November, 1988. The CURB boundary line was proposed as a planning tool to contain urban growth and preserve open space. The purpose of the CURB was to define an urban development area envelope for a given time period, in this case through the year 2020. Although the North Shore at Mandalay Bay project lies within the CURB, virtually all adjacent or nearby agricultural and open space land lies outside of the CURB and could be developed for other uses in the City only following a citywide vote to amend the General Plan and an annexation. Thus, in accordance with Section 30241(a), the CURB, which follows the Reliant Energy Canal along the eastern and northern borders of the North Shore site creates a logical and stable boundary between urban and rural areas. For these reasons the development of the site is not likely to be growth inducing or to produce cumulative impacts on surrounding coastal resources.

The planned development is compatible with the existing agricultural areas located to the east of the canal. The North Shore site is currently separated from the agricultural fields to the east by existing vegetation and the Reliant Energy Canal. The planned residential development as proposed in this amendment will be separated from the nearest agricultural field adjacent to the site by a distance of approximately 300 feet. This 300 foot wide buffer includes the canal, the maintenance road for the canal, existing vegetation that will be preserved and enhanced, the proposed resource protection area and the adjacent recreation area, which will be composed of a landscaped buffer and public trail. In addition, the agricultural fields are at an elevation approximately 14 feet lower than the subject site.

North Shore is a unique site, having been used for the disposal of oil field waste from the mid-1950s through 1981. The proposed amendment would mandate the remediation of the site, which contains contaminated soil and groundwater. This remediation will preserve the integrity of the groundwater that the agricultural uses in the area depend on. In addition, the proposed adjustment of the urban-rural boundary would support the logical continuation of the historical pattern of residential development in non-agricultural areas along the Oxnard coast. Residential development historically has occurred to the west of the Reliant Energy Canal while agricultural uses have been located east of the canal. As the last site located west of the canal, the North Shore site represents a logical extension and completion of this development pattern and is consistent with the LAFCO Sphere of Influence Line, the CURB and the Oxnard-Ventura Greenbelt.

The proposed amendment would alter the current urban-rural boundary by extending it north at West Fifth Street along the Reliant Energy Canal to Harbor Blvd and south along Harbor to Fifth, as shown in Exhibit 3. This change in the urban-rural boundary represents a greater level

of urbanization within the City, however the extension of the boundary is not anticipated to result in further urbanization in the Coastal Zone surrounding the project area.

Further, site remediation required prior to residential development of the site will protect the groundwater aquifers which underlie the site but which also extend significantly inland and include coastal agricultural lands, thus enhancing rather than degrading any agricultural uses within the surrounding area. Overall, development of the site will have a positive effect on coastal resources by requiring the remediation of contaminated soils and groundwater that have the potential to migrate to Reliant Energy canal, and Pacific Ocean, and potentially to pollute deeper groundwater sources.

The North Shore at Mandalay Bay site will become the City's northernmost residential development in the coastal zone. The development is an infill project, which will clean up a long-contaminated area at the northern entry point to the City. The surrounding land uses include a mobile home park, single-family residential and visitor-serving commercial to the south, resource protection and recreation areas to the west, and energy facilities to the northwest. Agricultural land to the east is separated and buffered by the Reliant Energy canal and will be further buffered by the proposed resource protection area in combination with the landscaped buffer/ linear park area along the canal. The Oxnard 2020 General Plan designates the property Low Density Residential and includes provisions for required City services.

The project site, formerly operated as an oil waste site disposal facility, is currently vacant. The majority of the interior of the site consists of a relatively flat layer of clayey soils brought on site to fill in the waste disposal pits on the site when waste disposal operations ended in 1982. The edges of the site consist of disturbed dunes largely covered with iceplant. The willow, dune scrub and saltgrass vegetation onsite exists in a disturbed and fragmented state. Necessary remediation of the project site requires alteration of the current landscape for the benefit of public health and to reverse environmental degradation.

The amendment as originally proposed included planned residential development, a Milk-vetch preserve and buffer area and a public trail within the parkway, which was to serve as a native landscaped buffer to the canal and agricultural areas beyond. For reasons discussed below in the Sensitive Resources Section, the City and the Commission staff worked to define and enlarge the designated resource protection and recreation areas onsite resulting in the suggested modifications presented above and the creation of larger, more contiguous native vegetation areas, which contributes to the visual quality of the area.

In order to mitigate for the impacts due to site remediation, sensitive habitat restoration shall occur in designated resource protection areas onsite. In combination with designated recreation areas that will be planted with native vegetation and serve as landscaped buffer zones to the resource protection areas, the development of the site will result in the creation of healthy, functional native vegetation habitat areas onsite and thus, will enhance the visual resources in the immediate area. (Further, more detailed discussion of sensitive resources follows in the section below.) Other enhancement activities will include the removal of existing asphalt, fencing, and non-native plants.

In addition, the proposed undergrounding of overhead utility lines on and adjacent to the project site will enhance the scenic resources along the coast. Moreover, native landscaping onsite will

serve as screening and soften the visual impacts of the residential development. On balance, the proposed amendment will have a positive impact on the visual resources.

Therefore, due to all of the reasons set forth above, the Commission finds that the proposed changes are consistent with Sections 30241, 30242, 30250 and 30251 of the Coastal Act.

SENSITIVE RESOURCES

The City proposes changes to the Sensitive Habitats Map to reflect the Milk-vetch preservation area and resource protection areas, on site as shown in Exhibit 4. The City also proposes site-specific resource policies for the North Shore site to incorporate into the Land Use Plan. Since the North Shore site possesses unique characteristics related to sensitive resource issues: a long history of disturbance; contaminated soils and groundwater; the discovery of a rare and previously thought to be extinct plant; the presence of fragmented patches of sensitive vegetation types onsite; the existence of sensitive habitat areas adjacent to the site; and the potential occurrence of sensitive wildlife species onsite and nearby, the proposed land use policies regarding sensitive resources must be consistent with Coastal Act Sections 30230, 30231, 30233, and 30240.

Section 30230 states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30233(a) states, in relevant part:

The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following...

Section 30240 states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

Suggested Modifications

The proposed changes to the sensitive habitats map and the new sensitive resource policies including the Commission's suggested modifications are laid out below:

The area of Ventura Marsh Milk-vetch habitat and willow scrub, dune scrub, and saltgrass habitat restoration areas within the North Shore at Mandalay Bay site are LCP is added to Map No. 7 (see Exhibit 2.3 in City's LCP Amendment document and Exhibit 4 of this staff report, which reflects the Commission's suggested modifications).

"10.1. The North Shore at Mandalay Bay project site, a 91-acre property located north of West Fifth Street, east of Harbor Boulevard and south and west of the Reliant Energy canal, has been designated Resource Protection Area, Recreation Area, and Planned Unit Development. The following policies shall apply specifically to this development area:

- a. Existing soil and groundwater contamination on the site shall be remediated in accordance with the Remedial Action Plan approved by the Regional Water Quality Control Board - Los Angeles Region (RWQCB). All other permits and authorizations from other agencies having oversight responsibility for the remediation process shall be obtained as required.
- b. Ventura Marsh Milk-vetch on-site habitat shall be protected and enhanced onsite within the 1.65 acre preservation area. The preservation area shall be surrounded by a 8.35 acre willow scrub and dune scrub restoration area. ~~preservation and mitigation shall be performed as set forth in the Memorandum of Understanding between the land owner and the California Department of Fish & Game (CDFG), dated July 27, 1999.~~

Onsite preservation and mMitigation shall include but not be limited to:

- 1) Establishment of a 100-foot soil remediation/excavation limit line around the existing Milk-vetch population. No ex-situ soil remediation shall occur within this 100-foot soil remediation/excavation limit line encompassing the 1.65 acre Milk-vetch preservation area.
- 2) Permanent protection and preservation of a 1.65 ~~10.1~~-acre Milk-vetch preservation area surrounded by a 8.35 acre restoration area and ~~(5.2 acres under the Memorandum of Understanding between the Landowner and State of California Department of Fish & Game, dated July 27, 1999, and an additional 4.9 acres under the Settlement Agreement between the City of Oxnard, California Native Plant Society, and North Shore at Mandalay Bay LLC, dated August 29, 2000) which includes the existing Milk-vetch and a 50 foot wide landscaped~~ buffer between the restoration area plants and planned residential development. A fence shall be constructed around the 1.65 acre Milk-vetch preservation area to protect the Milk-vetch from human and/or domestic animal activities.
- 3) Restoration, management, maintenance and monitoring plans shall be developed for the Milk-vetch preserve area by a qualified biologist and/or resource specialist and shall be reviewed and approved by CDFG and the City of Oxnard. The plans shall at a minimum

include procedures and technical specifications for planting; soil engineering and soil amendment criteria; identification of plant species and density; maintenance measures and schedules; temporary irrigation measures; restoration success criteria; measures to be implemented if success criteria are not met; and long-term adaptive management of the restored areas for a period of not less than 10 years.

- 4) Off-site Milk-vetch population locations and plans for establishment shall be performed as set forth in the Memorandum of Understanding between the landowner and approved by the California Department of Fish and Game, dated July 27, 1999.
 - 5) Conservation easements (or other equivalent document) which serve to permanently protect the Milk-vetch preserve area shall be recorded prior to ground-disturbing activities.
 - 6) The status of below-surface contaminants in the area around the Milk-vetch plants that will not be remediated (in order to avoid impacts to the plants) shall be monitored by groundwater monitoring wells installed around the preserve area.
 - 7) Land use within the restoration area around the Milk-vetch preservation buffer area shall be restricted to the development and use of interpretive nature trails.
- c. ~~The loss of Dune scrub, willow scrub, and saltgrass grassland habitat preservation and restoration shall be mitigated onsite at a replacement ratio of 1:1, performed as set forth in the Memorandum of Understanding between the Landowner and the State of California Department of Fish & Game, dated July 27, 1999.~~

Mitigation shall include, but not be limited to:

- ~~1) Dune scrub habitat creation at a maximum 1:1 ratio, through enhancement/restoration of preserved on-site habitat and enhancement/restoration of preserved off-site habitat.~~
- ~~2) On-site restoration which partially satisfies the mitigation requirement may be located on open space areas adjacent to West Fifth Street and surrounding the Milk-vetch Resource Protection area.~~
- ~~3) 1) Dune scrub, willow scrub, and saltgrass grassland habitat within the Milk-vetch preserve but outside of the fenced Milk-vetch setback shall be restored, enhanced and permanently protected.~~
- ~~4) Off-site restoration areas shall be identified and plans submitted for approval not later than 12 months after ground-disturbing activities are initiated.~~
- 5) 2) Dune scrub rRestoration, maintenance and monitoring plans shall be developed for the dune scrub, willow scrub, and saltgrass grassland restoration areas by a qualified biologist and/or resource specialist and shall be reviewed and approved by CDFG and the City of Oxnard. The plans shall at a minimum include procedures and technical specifications for planting; soil engineering and soil amendment criteria; identification of plant species and density; maintenance measures and schedules; temporary irrigation measures; restoration success criteria; measures to be implemented if success criteria are not met; and long-term adaptive management of the restored areas for a period of not less than 10 years.

~~6)3) Conservation easements (or other equivalent document) which serve to permanently protect the restored areas shall be recorded over the on-site areas prior to ground-disturbing activities.~~

4) A landscaped 50 foot wide buffer area shall be established between the dune scrub, willow scrub, and saltgrass grassland restoration/resource protection areas and the planned residential development. The landscaped buffer area adjacent to the resource protection area along the canal shall also serve as a linear parkway and include the public trail.

~~d. Willow scrub and saltgrass grassland revegetation impacted by development shall be mitigated as set forth in the Memorandum of Understanding between the land owner and the State of California Department of Fish & Game, dated July 27, 1999.~~

Mitigation shall include but not be limited to:

~~1) Replacement habitat creation at a 1:1 ratio, unless lower quality habitat is restored to yield a significantly higher biological value than the habitat that is affected by project development.~~

~~2) On-site restoration which satisfies or partially satisfies the mitigation requirement may be located in the 70-foot wide easement along the Reliant Energy Canal, an open space lot in the northern portion of the site, and the northeastern portion of open space surrounding the Milk-vetch Resource Protection area.~~

~~3) Off site restoration areas shall be identified within six months of any CDFG determination that on-site restoration did not adequately mitigate impacts to willow scrub and saltgrass grassland.~~

~~4) Willow scrub and saltgrass restoration, maintenance and monitoring plans shall be developed for the restored areas and approved by CDFG and the City of Oxnard.~~

~~5) Conservation easements (or other instruments) which serve to permanently protect the restored areas shall be recorded over the on-site areas prior to ground-disturbing activities.~~

e.d. Preparation, review, and implementation of landscaping plans for the project shall include provisions for the control of invasive plant species to address the potential impacts of non-native plants colonizing adjacent native habitats. Covenants, Conditions and Restrictions shall be recorded specifying that landscaping for individual housing lots shall not include any exotic invasive plant species. The Covenants, Conditions and Restrictions shall be binding on each of the lots in the subdivision, shall run with the land affected by the subdivision, and shall be included or incorporated by reference in every deed transferring one or more of the lots in the subdivision.

f.e. Reliant Energy canal habitat protection measures shall be reviewed and approved by CDFG and the City of Oxnard as follows:

1) The public trail to be provided within the landscaped buffer/linear parkway adjacent to the resource protection area along the Reliant Energy canal shall be located away from the water area and as close to the housing lots as possible. In addition, shrubs and other vegetation shall be planted between the trail and the canal to serve as a visual buffer between human activity and wildlife associated with the canal.

- 2) Interpretive signs shall be placed in appropriate locations along the edges of ~~nearby natural habitat~~ resource protection areas explaining the sensitivity of natural habitats and the need to minimize impacts on these adjacent areas.
- 3) Adequate fencing will be provided between the designated recreation areas and resource protection areas ~~edge of development and the banks of the Reliant Energy canal~~ for the purpose of minimizing human and domestic animal presence in the restoration areas and along the canal.
- 4) ~~Best runoff management practices will be utilized in drainage plans throughout the development and to minimize runoff of toxic wastewater and sedimentation into the Reliant Energy canal and street-level water collection basins.~~
- 4) A Water Quality Control Plan (WQCP) shall be developed and implemented for the North Shore at Mandalay Bay project site to ensure that all approved development:
 - ◆ Protect areas that provide important water quality benefits, that are necessary to maintain riparian and aquatic biota and/or that are particularly susceptible to erosion and sediment loss.
 - ◆ Limit disturbance of natural drainage features and vegetation.
 - ◆ Minimize the creation of impervious surfaces.
 - ◆ Reduce post-development loadings of Total Suspended Solids (TSS) so that the average annual TSS loadings are no greater than pre-development loadings.
 - ◆ Incorporate a combination of Best Management Practices (BMPs) best suited to reduce pollutant loading and minimize runoff and erosion. Source control BMPs shall be emphasized over treatment BMPs where feasible. The BMPs utilized shall be designed to treat, infiltrate, or filter stormwater runoff to meet the standards of the 85th percentile, 24-hour runoff event for volume-based BMPs and/or the flow of runoff produced from a rain event equal to at least two times the 85th percentile, 1-hour event for flow-based BMPs.
 - ◆ Include construction phase erosion control and polluted runoff control plans.
 - ◆ Include post-development phase drainage and polluted runoff control plans designed to control runoff using natural drainage and vegetation to the maximum extent practicable.
- 5) A Water Quality Monitoring Plan (WQMP) shall be developed and implemented for the North Shore at Mandalay Bay project site to evaluate the effectiveness of the WQCP in protecting the quality of surface and groundwater. The WQMP shall include, at a minimum, the following:
 - ◆ Annual inspection and maintenance of the condition and operational status of all required BMPs. Major observations to be made during inspections shall include: location of discharges of sediment or other pollutants from the site; BMPs that are in need of maintenance; BMPs that are not performing, failing to operate, or inadequate; and locations where additional BMPs are needed. Verification of maintenance shall include the

permittee's signed statement accepting responsibility for all structural and treatment control BMP maintenance until such a time as the property is transferred and another party takes responsibility.

- ◆ Monitoring to ensure that average annual TSS loadings are maintained at pre-development levels and do not exceed water quality standards. The WQMP shall specify sampling locations, sampling protocols, pre-development TSS levels and permitted standards for TSS. Monitoring shall be conducted annually for the first five years following the commencement of development and shall occur during the first significant storm event of the rainy season and each following month through the end of the rainy season. Following this initial monitoring period, monitoring shall be conducted at five-year intervals during the first significant storm event of the rainy season, provided average annual TSS loadings are determined not to exceed pre-development levels and/or water quality standards. If it is determined that pre-development levels and/or water quality standards are exceeded, the permittee shall conduct annual monitoring for a period of at least five years, or until it is determined that pre-development levels and water quality standards for TSS are not exceeded. The permittee shall assess the potential sources of the excessive TSS loadings, including inadequate or failed BMPs, and take corrective actions to remedy the water quality impacts. Verification of monitoring shall include the permittee's signed statement accepting responsibility for all monitoring until such a time as the property is transferred and another party takes responsibility.

- f. The street lighting and exterior residential lighting shall be limited in intensity and shielded in order to minimize impacts to wildlife within the designated resource protection areas and along the Reliant Energy Canal.

Coastal Act Consistency Discussion

The amendment as proposed includes policies to address potential impacts to sensitive resources onsite: a remediation plan to clean up the existing contamination of the soil and groundwater underlying the site; preservation measures for the Ventura Marsh Milk-vetch community, mitigation measures for impacted willow, dune scrub and saltgrass habitats, landscaping plan provisions and canal habitat protection measures. The Commission's suggested modifications add to and enhance the resource policies in order to bring the proposed amendment into consistency with the Coastal Act. Listed in the table below (Table 4.1) are the highlights of the sensitive resource policies under the amendment as proposed and with suggested modifications.

Table 4.1

Sensitive Resource Issues	Proposed Amendment	Suggested Modifications
Sensitive Resources Map (Exhibit 4)	reflect milk-vetch location	reflect location of all resource protection areas including willow, dune scrub and saltgrass restoration areas and milk-vetch preservation area
Land use designations (Exhibit 6)	entire site: planned unit development	add resource protection areas (23.6 acres) & recreation areas (5.2 acres)
Soil and groundwater remediation	bioremediation in accordance with Remedial Action Plan	(no modification)
Preservation of Ventura Marsh Milk-vetch	1.65 acre fenced preservation area with surrounding 8.45 acre buffer area, maintenance and monitoring plan, offsite mitigation measures, conservation easement to protect preservation area	change surrounding buffer area to 8.35 acre resource protection area for restoration of willow, dune scrub habitat and add adjacent 1.54 acre recreation area to serve as 50 foot wide buffer (resulting in a total 9.89 acre milk-vetch buffer)
Willow scrub, dune scrub and saltgrass mitigation measures	maximum 1:1 mitigation ratio allowing on and offsite mitigation, maintenance and monitoring plans, conservation easements to protect restoration areas, total of 15.4 acres onsite restoration area	require all mitigation onsite at a ratio of 1:1, designate mitigation areas as resource protection areas, add requirements to maintenance and monitoring plans, add 50 foot wide landscaped buffer adjacent to all resource protection areas, total of 23.2 acres onsite restoration area
Landscaping plans	provisions for control of invasive plant species and to address impacts of non-native plants on native habitats	add CC&Rs provision to require landscaping plans for each individual housing lot in which invasive species shall not be used
Canal habitat protection measures	trail to be located in linear parkway as far from canal/close to housing lots as possible, planting between trail and canal, interpretive signs along habitat areas, fencing between canal and development	add designated resource protection area along canal and adjacent recreation area, which alters location of proposed trail (still located as close to housing lots as possible) and fencing (now located between resource protection and recreation areas), trail remains in linear parkway, which is designated recreation area/native landscaped buffer to resource protection area
Water quality	provision for drainage plans to minimize runoff and sedimentation	add more specific provisions for the development and implementation of a water quality control plan and a water quality monitoring plan
Lighting	(none proposed)	add lighting provision to limit intensity and direction to minimize impacts to wildlife

Sections 30230 and 30231 of the Coastal Act require that the biological productivity and quality of coastal waters, streams and the marine environment be maintained and, where feasible, restored through among other means, minimizing adverse effects of waste water discharge and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flows, and maintaining natural buffer areas. Section 30240 states that environmentally sensitive habitat areas (ESHAs) must be protected against disruption of habitat values. Further, Section 30233 sets forth limitations on uses allowable in wetlands.

Prior to any uses occurring on the North Shore site, it was a segment of a natural coastal sand dune complex (Exhibit 14). Transforming it from its natural state, approximately 50 drilling companies utilized the site as an oil field waste disposal facility and deposited over 8.1 million barrels of waste over approximately thirty years until its closure in 1982. As a result of the historical oil waste disposal operations soil and ground water on the site are highly contaminated.

As confirmed by studies completed between 1981 and 1996, due to continuous dumping operations conducted for almost a thirty year period, contaminants threaten both the perched and semi-perched aquifers on the site. If not addressed through remediation, the site will constitute a serious threat to groundwater resources. The first phase of the development of the site will prioritize the protection of coastal water quality consistent with Coastal Act §30231 through implementation of the Remedial Action Plan approved by the Regional Water Quality Control Board. The primary objective of the Remedial Action Plan is to reduce the specific chemical concentrations in the soil and groundwater to levels that protect human health and the environment. Soil remediation is planned to prevent further contamination of groundwater as contaminated soil is the source of groundwater contamination on the site. Soil remediation will consist of above ground bioremediation. This method involves enhancing the naturally occurring bacteria in the soils which degrade petroleum hydrocarbons. Essentially, the entire site with the exception of the milk-vetch preservation area, will be excavated in stages to an approximate depth of 20 feet and involve some 400,000 cubic yards of soil. Site remediation will eliminate pollutants from the terrestrial environment and prevent further contamination of groundwater and marine environments. Thus, the Commission finds that as proposed Policy 10.1(a) regarding the remediation of the site is consistent with Coastal Act §30230 and §30231.

In order to assess the biological value of current resources on the site, Coastal Commission staff biologist/ecologist, Jon Allen, visited the site on more than one occasion. Dr. Allen has reviewed the Environmental Impact Report, as well as, a number of other biological and environmental studies relative to the North Shore site. Dr. Allen's ecological analysis of the site is attached as Exhibit 12. The 91 acre North Shore Project site is without question a very strange and unique biological situation. The soil consists of a hydrocarbon-polluted deep layer covered with about five feet of clay and topsoil brought in as an artificial landfill cap when the when the oil waste disposal site was closed. The source of this fill material and the seed bank within it is unknown. Since the closing of the site in 1982, various plants have become established on the landfill in an almost random fashion that does not fit scientific classification schemes very well. The disturbed vegetation that occurs on site has been mapped in the Impact Sciences Report (revised vegetation map, Dec. 2001) (Exhibit 13) as:

- 1) Willow scrub: 0.9 acres
- 2) Willow/Coyote brush scrub: 5.7 acres
- 3) Open Willow/Coyote brush scrub: 3.3 acres

- 4) Willow/Myoporum: 1.2 acres
- 5) Willow clusters (3-8 individuals): 1.2 acres
- 6) Disturbed dune scrub: 5.4 acres
- 7) Disturbed dune/Iceplant scrub: 2.1 acres
- 8) Saltgrass: 3.4 acres
- 9) Ventura Marsh Milk-vetch: 0.4 acres

Coastal Act §30233 is not applicable to the North Shore development because there are no delineated wetlands on the site. The canal area just offsite is a wetland, however, the planned development will not directly impact the wetland as only habitat restoration will occur near the canal area.

Wetlands are defined in Section 30121 of the Coastal Act as follows:

'Wetland' means lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens.

The Commission regulations provide a more explicit definition of wetlands. Section 13577(b) of Title 14 of the California Code of Regulations defines wetlands as follows:

Wetlands are lands where the water table is at, near or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent or drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salt or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep water habitats.

The above definition requires the presence of one of three common wetland attributes of hydrology, hydrophytic vegetation, or hydric soils. While there are vegetation types present onsite that are typically associated with wetland habitat, studies indicate that due to the foreign clay soil, which was deposited as an artificial landfill cap upon the closure of the oil waste disposal facility, an impermeable subsoil layer created a suitable substrate to allow the growth of these moisture-loving plant types. The wetland associated vegetation that does occur onsite is scattered with no obvious zonation or supporting hydrology. Most of the existing vegetation was probably brought onto the site as a seed bank in the fill material. Moreover, much of this vegetation is stunted and does not appear to be surviving well. As discussed earlier, the contamination levels of the soils are such that they cannot support healthy, functional habitat and the occurrence of these plant communities are haphazard and not indicative of wetland habitat. The underlying contaminated hydrocarbon waste extends to a depth of approximately twenty feet that would pose a high risk of pollution to any consistently wet area. In addition, the historic aerial photographs of the site show that prior to the oil waste disposal activities the site used to be sand dunes, not wetlands. It is Dr. Allen's professional opinion that the vegetation at the North Shore site is an atypical situation because of the history of the site. And that the occurrence of some wetland plants there is a result of being imported within fill material and is not the result of a naturally occurring or normally functioning wetland. Thus, Dr. Allen has determined pursuant to Section 31021 that there are no wetlands present onsite.

By far the most unique and valuable biological resource on the North Shore site is a plant previously thought to be extinct, the Ventura marsh milk-vetch (*Astragalus pycnostachyus* var. *lanosissimus*). The last known population of this rare dune scrub plant was at McGrath State Beach, approximately 2 miles north of the North Shore site on Harbor Boulevard. The population at McGrath State Beach was reported destroyed in 1967, and since that time the species was presumed to be extinct. However in 1997 a population of this species was discovered in the North Shore site by USFWS biologist, Kate Symonds (USFWS, Federal Register, May 2001, 66(98):27901-27908). This initial population was believed to have germinated from the fill material brought in during the closure of the oil waste facility. The actual origin of this soil is unknown but is likely local considering the cost of transporting fill. Apparently the fill material contained a seed bank including the milk-vetch seeds that may have lain dormant for many (30 or more) years. Apparently, when the optimal conditions occurred on the site (an El Nino year?), many of the dormant seeds germinated. In 1997, 374 plants were discovered, 260 of which were small and thought to have germinated in the last year.

Since that time the milk-vetch plant community on the North Shore site has been preserved in a fenced off area (about 0.4 acre). Studies on the biology of the milk-vetch, funded by the landowner, are being conducted by Christina Sandoval at Coal Oil Point, UC Santa Barbara. These studies have shown that it is normal for this plant to produce predominately dormant seeds. Normally, only about 5% of the seeds germinate spontaneously, 95% being dormant. Most of the seeds have a heavy seed coat that must be broken open before germination can occur. At North Shore this may have occurred when earth-moving equipment moved the soil containing the milk-vetch seeds that then germinated during the wet winter of 1997.

Species that live in very harsh and uncertain conditions such as coastal dunes often evolve a "spreading of risk" or "hedging of bets" strategy that spreads reproduction over a very long time. That is, these species are reproductive opportunists that develop strategies in which the emergence of their offspring is spread over long time periods. Thus, it may be normal for the milk vetch to have many seeds that lie dormant in the coastal dune soil seed bank waiting for a opportune year to germinate. We do not know for sure how long these seeds can lie dormant. In the case at North Shore it was probably on the order of thirty years, but much longer time periods are certainly possible.

The milk-vetch preserve area including the existing plants and a surrounding soil excavation limit area (about 1.65 acres) must be declared ESHA in spite of the degraded nature of the site in other respects. This area must be protected from any type of disturbance, specifically soil remediation must not be conducted in this area. The area should be preserved in perpetuity because of the long-term seed bank strategy that this species employs. This strategy has saved it from apparent extinction and that serves as an example of why the whole area surrounding the milk-vetch plants should be considered sensitive. There are probably many seeds still remaining in this soil that will germinate in the coming years, not to mention more that have been deposited from the current crop of adult plants.

The Ventura Marsh Milk-vetch plant community that exists onsite is designated an environmentally sensitive habitat area due to the rare occurrence and sensitive nature of this plant species, and thus, will be preserved and protected in its current location, which lies within a designated resource protection area pursuant to the suggested modifications. Policy 10.1(b) 1-7 speaks to the preservation and mitigation of the Ventura Marsh milk-vetch. These policies are designed to preserve and protect the milk-vetch onsite and to establish a population of milk-vetch offsite in a more suitable environment to promote the health and distribution of the vetch.

Overall, these policies are found to be protective of the sensitive milk-vetch as required under Section 30240 of the Coastal Act. However, some suggested modifications are proposed to enhance the proposed protective measures and reflect changes resulting from the modifications to the policies regarding other sensitive resources onsite, such as the willow scrub, dune scrub and saltgrass communities, as described below.

The Memorandum of Understanding (MOU) between the landowner and the California Department of Fish and Game (CDFG) (Exhibit 10) and the Settlement Agreement between the landowner and the California Native Plant Society (Exhibit 11) were incorporated by reference into the proposed amendment policies. The Commission finds that the offsite mitigation required in the MOU involving the establishment of milk-vetch populations in more suitable environments is integral in preventing extinction of the milk-vetch species in conjunction with the preservation of the onsite population. However, the buffer required around the milk-vetch under those agreements, while protective of the milk-vetch, does not conform to the sensitive resource protection policies in regards to the other habitats onsite, which is discussed further below. In cooperation with the suggested modifications for other sensitive resource policies, the buffer around the milk-vetch preserve is composed of onsite restoration of willow, dune scrub and saltgrass habitats, thereby establishing a 10 acre resource protection area including and surrounding the 1.65 acre milk-vetch preservation area.

Included among the protective policies regarding the milk-vetch is the delineation of a 100 foot wide, 1.65 acre area designated as the milk-vetch preservation area, which shall be permanently protected, as proposed. No ex-situ remediation or other soil disturbing activities shall occur within this limit line. Fencing shall be constructed, as set forth in suggested modifications, around this delineated area to prevent any disturbance from humans or domestic animals. Since the vetch area will not be remediated due to the sensitive nature of the species, the installation of monitoring wells is proposed to monitor the status of below-surface contaminants in order to avoid future impacts to the plant population. Land use around the milk-vetch preserve is limited to interpretive nature trails to minimize impacts to the habitat area. Additionally, in order to ensure effective and lasting preservation of the milk-vetch, the proposed amendment requires maintenance and monitoring plans to be developed. The suggested modifications boost the effectiveness of those plans by incorporating additional requirements, such as having the plans prepared by a qualified biologist and/or resource specialist, specifying a 10 year period for the long term management of the restored areas, and including additional criteria in the plans. A conservation easement over the preservation areas is proposed to be recorded prior to any ground disturbing activities. The Commission finds that such protective measures, as modified, are adequate to carry out the intent of Section 30240 of the Coastal Act.

Ten special status invertebrate and vertebrate wildlife species, including 1 state and federally listed endangered species, were observed on or immediately adjacent to the North Shore site during recent surveys. In addition, a number of other special-status wildlife species are known to occur in the site vicinity and may potentially occur at some point on or in the immediate area of the site in the future based on the presence of suitable habitat, their known geographical range or historical observations in the vicinity. Numerous special status bird species were observed foraging in the canal area adjacent to the site, including the California least tern, a federal and state listed endangered species. This species has declined statewide due to extensive loss of habitat, particularly nesting sites. The canal provides saltwater habitat sheltered from ocean surge and winds that is ideal for supporting large schools of topsmelt, the primary forage species of least terns. The Globose dune beetle, a federal listed species of

concern was found onsite and in the immediate area. Coastal sand dune habitat for this species has been declining due to human disturbance and development. The San Diego black-tailed jackrabbit was also observed onsite within the sagebrush scrub vegetation.

Because of the unique requirements for remediation of the project site, preservation of existing willow scrub, degraded dunes, and saltgrass is not feasible, nor preferable. As such, there are 23.2 acres of willow, dune scrub and saltgrass habitats present onsite that will be impacted by the bioremediation of the site (revised vegetation map, Dec. 2001). These plant communities are in a degraded, disturbed state and thus, have reduced biological value. However, these vegetation types are typically considered to be ESHA due to their limited extent and high biological value within an ecosystem. Notably, the southern dune scrub is normally considered a sensitive biological resource because it has been severely depleted in Southern California and because of its value in supporting several special-status plant and wildlife species. In this case, however, because of the degraded and dispersed nature of these plant communities on the site in conjunction with the highly contaminated soil and groundwater environment, the biological and ecological value of these communities is greatly diminished. Therefore they do not fully qualify as ESHA in this situation. However, because these plant communities do provide some ecological function and biological value, their loss to residential development or soil remediation activities requires mitigation.

Since the impacted habitat does not possess full ecological value, a 1:1 mitigation ratio onsite for habitat loss due to site remediation has been imposed via suggested modifications to sensitive resources policies. The proposed amendment originally included two separate sets of policies to deal with dune scrub habitat and willow scrub and saltgrass grassland habitats. The suggested modifications collapse these two sets of policies into one set addressing the three sensitive habitat types together as they are found to have equal biological value, and thus, the mitigation and protection measures are universal. Both proposed sets of policies incorporated the mitigation measures in the MOU by reference. The Commission notes that the MOU allows for offsite mitigation for these habitats at undetermined locations in combination with possible onsite mitigation to result in a total mitigation ratio of 1:1, unless the created or restored habitat yields habitat of higher biological value, then the ratio may be less than 1:1. The Commission through past actions on LCPs and coastal development permits has found that mitigation should occur onsite where feasible, and as it is feasible and preferable to mitigate for the loss of sensitive resources onsite, the incorporation of the MOU into the amendment is not appropriate. Therefore, the suggested modifications eliminate the reference to mitigation requirements as set forth in the MOU and replace it with a requirement of mitigation onsite at a ratio of 1:1 for the loss of willow scrub, dune scrub and saltgrass habitat (Policy 10.1(c)). Next, Policy 10.1(c) 1 & 2 set forth provisions for carrying out a combination of on and offsite mitigation to satisfy a mitigation ratio of 1:1 maximum, which the Commission finds to be inadequate to protect sensitive resources, thus those are deleted through suggested modifications. As a result of the onsite mitigation at a replacement ratio of 1:1, restoration onsite will consist of willow scrub, dune scrub and saltgrass along the canal (17.5 acres) and willow scrub and dune scrub around the milk-vetch area (5.7 acres) for a total of 23.2 acres (equal to the impacted area). The restoration efforts within the project site will be located so as to create a contiguous habitat with existing dune habitat across West Fifth Street and on the adjacent parcel to the north as well as existing willow and wetland habitat along the canal. The restoration and creation of continuous willow scrub, dune scrub and saltgrass habitats adjacent to the wetlands of the canal area and the dune areas on adjacent properties will result in habitats with higher ecological function and value. As such, these restored habitats will qualify as environmentally sensitive habitat areas. The proposed amendment includes policy stating that these dune scrub, willow scrub and

saltgrass habitats shall be restored, enhanced and permanently protected. In order to ensure this level of protection the restored areas will be designated as resource protection areas and identified along with the milk-vetch preservation area on the Sensitive Habitats Map (Exhibit 4).

Additionally, in order to ensure effective and lasting restoration of these habitats, the proposed amendment requires maintenance and monitoring plans to be developed. The suggested modifications boost the effectiveness of those plans by incorporating additional requirements, such as having the plans prepared by a qualified biologist and/or resource specialist, specifying a 10 year period for the long term management of the restored areas, and including additional criteria in the plans. Conservation easements over the restoration areas are proposed to be recorded prior to any ground disturbing activities. Such permanent protection measures are found to carry out the intent of sensitive resource policies under the Coastal Act.

The Commission finds that buffer zones are critical to the protection of sensitive habitat areas from disturbance. As such, the suggested modifications require 50 foot wide buffers designated as recreation areas located adjacent to the designated resource protection areas to reduce impacts from the planned residential development. The recreation area/landscaped buffer adjacent to the resource protection area along the canal shall also serve as a linear parkway including the proposed public trail.

The entrance road to the site will be located in the southern portion of the site off Fifth Street bisecting the two restoration areas, however, the road must be constructed in this location because it is the preferable alternative with respect to public safety due to traffic and visibility issues on Harbor Blvd and Fifth Street. Also, the Commission notes that there is a small triangular area in the southeastern corner of the resource protection area that has been designated residential. This is the most logical and preferable location to construct the North Shore sewer lift station, which will serve to sewer the residential lots. The sewage from the site will collect in a series of underground pipes and gravity drain, following the proposed contour of the site from northwest to east, and collect at the pump station. The pump station is necessary to pump the sewage from the site to a 21" sewer line located at the intersection of West Fifth Street and Victoria Avenue. The City of Oxnard has requested this location for accessibility reasons and because it is the closest point on site to the tributary sewer pipeline in Victoria Avenue, thus reducing the chance of hydrogen sulfide production. Since it is located on the edge of the resource protection area and setback from the canal, the Commission finds that constructing the sewer station in this location will not have adverse impacts to sensitive resources.

The fifty foot wide buffers adjacent to the resource protection areas in conjunction with landscaping, lighting and fencing requirements to minimize disturbance to the sensitive habitat areas are found to be adequate to ensure protection of sensitive resources and therefore, consistent with Coastal Act Section 30240.

The Commission notes that no disturbance shall occur within the environmentally sensitive habitat area identified on site. The Commission also notes, however, that wetlands, such as the canal area located east and north of the subject site, provide important habitat for sensitive plant and animal species. It has been stated that no wetlands exist onsite, however, the canal area has been identified as a wetland area and new development adjacent to wetlands results in potential adverse impacts to sensitive habitat and marine resources from increased erosion, contaminated storm runoff, introduction of non-native and invasive plant species, disturbance of wildlife, and loss of sensitive plant and animal habitat.

The Commission also finds that potential adverse effects to the value and quality of the canal wetland habitat adjacent to the subject site and sensitive habitat within the resource protection areas onsite will be minimized through the implementation of landscaping plans utilizing native plant species within the landscaped buffer areas as well as on individual housing lots. The proposed amendment requires preparation and implementation of landscaping plans to include provisions for the control of invasive plant species and to address the impact of non-native plant on native habitats. This policy is insufficient to prevent the use of exotic invasive plant species onsite and does not address the landscaping on individual housing lots. The use of exotic plants in the landscaped buffer areas adjacent to the resource protection areas and for residential landscaping results in both direct and indirect adverse effects to native habitats. Adverse effects from such landscaping result from the direct occupation or displacement of native plant communities by new development and associated non-native landscaping. Indirect adverse effects include offsite migration and colonization of native plant habitat by non-native/invasive plant species (which tend to outcompete native species) adjacent to new development. The Commission notes that the use of exotic plant species for residential landscaping has already resulted in significant adverse effects to native plant communities in the coastal zone. Therefore, in order to prevent adverse effects to the onsite resource protection areas including the Milk-vetch preservation area and nearby sensitive habitat areas, such as the adjacent wetland area, suggested modifications to the landscaping plan requirements state that all landscaping consist primarily of native plant species and that invasive plant species shall not be used in the development of individual housing lots. Therefore, as proposed with suggested modifications, Policy 10.1(d) regarding landscaping plans is consistent with Coastal Act Section 30240.

The proposed amendment includes protective policies for the Reliant Energy Canal adjacent to the North Shore property. The canal area is a wetland that hosts several special status wildlife species, thus protection of water quality and sensitive habitat area along the canal from the planned residential development in conformance with Section 30240 is essential. Policies included in the proposed amendment require the proposed public trail to be located as close to the housing lots as possible and vegetation to be planted between the trail and the canal to serve as a visual and sound buffer between human activity and wildlife associated with the canal. The Commission supports this concept and only suggests minor modifications in order to accommodate the designated resource protection area between the canal and the adjacent recreation area, which will include the trail. As a result of the suggested modifications, the trail will still be located as close to the housing lots as possible and a buffer will still exist between the canal and any human or domestic animal activity, however, the designated recreation area will serve as this landscaped buffer. The recreation area will consist of native landscaping along the inner edge adjacent to the willow, dune scrub and saltgrass restored habitat/resource protection area and the trail along the outer edge closest to the residential development.

In addition, these policies provide for interpretive signs along the habitat areas to explain the sensitive nature of those areas and the need to minimize impacts on those habitats. Moreover, provisions are included for adequate fencing between the edge of development and banks of the canal for the purpose of minimizing disturbance in and along the canal. The suggested modifications alter the location of the fencing such that it lies between the designated resource areas and the recreation areas, completely outside of the canal area, to minimize disturbance from humans and domestic animals in the resource protection area as well as the canal area. The Commission notes that these policies with suggested modifications are protective of sensitive resources and consistent with Coastal Act resource protection policies.

The Commission recognizes that new development in the coastal zone has the potential to adversely impact coastal water quality through the removal of native vegetation, increase of impervious surfaces, increase of runoff, erosion, and sedimentation, introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutant sources. As mentioned above, the proposed amendment includes restoration and protection of sensitive habitat areas, construction of three public trails and planned residential development, which will involve construction of roads, development of approximately 300 individual housing lots and other associated development.

The planned development will result in an increase in impervious surface, which in turn decreases the infiltrative function and capacity of existing permeable land on site. The reduction in permeable space therefore leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site. Further, pollutants commonly found in runoff associated with residential use include petroleum hydrocarbons including oil and grease from vehicles; heavy metals; synthetic organic chemicals including paint and household cleaners; soap and dirt from washing vehicles; dirt and vegetation from yard maintenance; litter; fertilizers, herbicides, and pesticides; and bacteria and pathogens from animal waste. The discharge of these pollutants into coastal waters can cause cumulative impacts such as eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity which both reduce the penetration of sunlight needed by aquatic vegetation which provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; and acute and sublethal toxicity in marine organisms, leading to adverse changes in reproduction and feeding behavior. These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes; reduce optimum populations of marine organisms; and have adverse impacts on human health.

In addition, sedimentation directly affects wetland ecology by increasing water turbidity. Turbidity reduces the penetration of sunlight needed by aquatic vegetation, which translates to negative effects on plant establishment and overall productivity, which in turn impacts aquatic species that depend on such vegetation for food and cover. Further, aquatic animals are affected by turbidity in the following ways: reduced visibility for visual predators, such as birds and mammals; and inhibited feeding effectiveness for benthic filter feeding organisms. As such, it is imperative the water quality control and monitoring occurs as included in the suggested modifications to the resource policies to minimize impacts to coastal waters and sensitive habitat areas. The Commission notes that the water quality policy included in the amendment as proposed only required the use of best management practices in drainage plans throughout the development and did not include specific water quality measures and best management practices to fully address the protection of coastal water quality and the biological environment.

In order to find the proposed development consistent with the water and marine resource policies of the Coastal Act, the Commission suggests modifications to the proposed water quality measures to require the development and implementation of a water quality control plan and a water quality monitoring plan, which includes minimizing the creation of impervious surfaces. The plan also includes provisions for the incorporation of Best Management Practices designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. Critical to the successful function of post-construction structural BMPs in

removing pollutants in stormwater to the Maximum Extent Practicable (MEP), is the application of appropriate design standards for sizing BMPs. The majority of runoff is generated from small storms because most storms are small. Additionally, storm water runoff typically conveys a disproportionate amount of pollutants in the initial period that runoff is generated during a storm event. Designing BMPs for the small, more frequent storms, rather than for the large infrequent storms, results in improved BMP performance at lower cost.

The Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter or treat) the runoff from the 85th percentile storm runoff event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e. the BMP capacity beyond which, insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs. The plan also requires the selected post-development drainage and polluted runoff plans be designed to control runoff using natural drainage and vegetation to the maximum extent practicable, and finds this will ensure the proposed development will be designed to minimize adverse impacts to coastal resources in a manner consistent with the water and marine policies of the Coastal Act.

Furthermore, interim erosion control measure implemented during construction will serve to minimize the potential for adverse impacts to water quality resulting from drainage runoff during construction and in the post-development stage. Therefore, the suggested modifications require construction phase erosion control and polluted runoff control plans. Finally, the maintenance of water quality measures, including annual inspection and maintenance of BMPs, and monitoring of water quality at the site is necessary to evaluate the effectiveness of the water quality control plan.

The development and implementation of a water quality control plan and a water quality monitoring plan, as described in detail above, to reduce pollutants, minimize runoff and erosion, and monitor and maintain the quality of surface and groundwater, will serve to ensure the protection of coastal water quality and biological productivity. Also as set forth in the proposed resource policies, buffer areas will isolate sensitive habitat areas to provide additional protection for biological productivity and the quality of the coastal environment. The natural vegetation that occurs along the Reliant Energy canal will be retained where possible and otherwise restored and enhanced in conjunction with the creation of the resource protection area adjacent to the canal. The habitat restoration buffer along the edge of Reliant Energy canal along with best runoff management practices serves to minimize potential wastewater runoff and discharge into the waterway. Thus, the Commission finds that as proposed with suggested modifications, Policy 10.1(e) related to the Reliant Energy Canal habitat protection is consistent with Sections 30230, 30231 and 30240 of the Coastal Act.

Finally, the Commission has found that night lighting adjacent to sensitive habitat areas may alter or disrupt feeding, nesting, and roosting activities of native wildlife species. The planned residential development will be located adjacent to designated environmentally sensitive habitat area onsite and the canal just offsite, which acts as foraging area for numerous resident and migratory special status bird species. As the proposed amendment did not address the issue of lighting, the Commission suggested modifications to the resource policies to include limits on the street and exterior residential lighting as outlined in policy 10.1(f) in order to minimize impacts to wildlife within the sensitive habitat areas on and adjacent to the site. Thus, the Commission finds that Policy 10.1(f) imposing lighting restrictions as a suggested modification, is consistent with Section 30240 of the Coastal Act.

COASTAL ACCESS AND RECREATION

The City proposes to amend the Coastal Access Map to show the public biking and pedestrian trails along Fifth St. and Harbor Blvd. And on site. In addition, the City proposes site-specific coastal access and recreation Land Use Plan policies for the North Shore site.

Section 30210 states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30213 states, in relevant part:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30214(a) states:

The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place and manner of public access depending on the facts and circumstances in each case including but not limited to, the following:

- (1) Topographic and geologic site characteristics.*
- (2) The capacity of the site to sustain use and at what level of intensity.*
- (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.*
- (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.*

Section 30252 states, in relevant part:

The location and amount of new development should maintain and enhance public access to the coast by...(3) providing nonautomobile circulation within the development,...(6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Suggested Modifications

The following are land use map and land use policy suggested modifications related to access and recreation.

The proposed linear park and public bicycle/hiking trail adjacent to the resource protection area along the Reliant Energy canal within the North Shore at Mandalay Bay site and the public bicycle lane on Harbor Blvd and West Fifth Street along the edges of the North Shore site are is

added to Map No. 12 (see Exhibit 2.4 in City's LCP Amendment document and Exhibit 5 of this staff report, which reflects the Commission's suggested modifications).

"82.1. The North Shore at Mandalay Bay project site, a 91-acre property located north of West Fifth Street, east of Harbor Boulevard and south and west of the Reliant Energy canal, has been designated Resource Protection Area, Recreation Area, and Planned Unit Development. The following policy shall apply specifically to this development area:

- a. Public coastal access and recreation facilities shall include:
 - 1) a 750-foot-wide landscaped buffer/linear parkway between the resource protection area along the Reliant Energy canal and the residential development, that includes a 15-foot-wide bicycle/pedestrian path; and
 - 2) a 6-foot-wide bicycle lane on both Harbor Boulevard and West Fifth Street, along the outside edges of the project site.

Coastal Act Consistency Discussion

Coastal Act Section 30210 mandates that maximum public access and recreational opportunities be provided, consistent with public safety needs, the need to protect public rights, private property owners' rights and natural resource areas. Section 30213 mandates that lower cost visitor and recreational facilities, such as the proposed public pedestrian and biking trail, shall be protected, encouraged and provided, where feasible. This section also states that developments providing public recreational opportunities are preferred. Coastal Act Section 30214(a) addresses the appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.

As described in Section 3.1 above, the Zoning Map for the North Shore at Mandalay Bay designate three zones: *Single Family Beach*, *Coastal Recreation* and *Coastal Resource Protection*. As proposed, the amendment includes a 70 foot wide swath of land (approx. 6 acres) along the Reliant Energy Canal designated as *Coastal Recreation*. This area would serve as a linear park that includes a 15 foot wide bicycle/pedestrian path that connects to a 6 foot bike path along Harbor Blvd and Fifth Street. This area would also serve as a landscaped buffer area between the residential development and the sensitive wetland resources along the canal and as a mitigation site for the willow scrub.

As also discussed above, staff is recommending suggested modifications to the Land Use Map, Zoning Map and land use policies including designating a 13.6 acre swath of land adjacent to and along the canal as a resource protection area for onsite willow scrub, dune scrub and saltgrass mitigation and to serve as a natural buffer between the residential development and the sensitive wetland areas in and along the canal. In addition, a 50 foot wide landscaped buffer designated as a *Coastal Recreation* area (3.63 acres) is a suggested modification to the land use and zoning map to serve as a buffer between the residential development and the willow scrub, dune scrub and saltgrass mitigation area. Within this buffer area a 15 foot wide bicycle/pedestrian path is proposed on the outer margin adjacent to the residential area located approximately 35 feet from the *Resource Protection* zone along the Reliant Energy canal. The *Resource Protection* zone, containing willow scrub, dune scrub and saltgrass habitat, in

combination with the linear parkway along the canal form a substantial natural vegetation buffer for wildlife and wetland habitat in the canal and for agricultural land beyond the canal.

Designation of the area adjacent to the canal as *Resource Protection* zone as opposed to *Coastal Recreation* zone provides a higher level of protection for the willow scrub, dune scrub and saltgrass mitigation/restoration that is designated for this area. In addition, locating the pedestrian bike path outside of the *Resource Protection* zone and within in a landscaped buffer designated as *Coastal Recreation* will minimize direct human and domestic animal disturbance of the willow scrub mitigation area. In addition, pursuant to suggested modifications to the resource protection policies cited above, the *Single Family Beach and Coastal Recreation* zones will be separated from the *Resource Protection* zones by fencing to prevent and minimize human and domestic animal disturbance of the sensitive resource areas.

Section 30252 states that new development shall maintain and enhance public access to the coast, the means of which may include but are not limited to, providing non-automobile circulation within the development and providing onsite recreational facilities to serve the new development so as not to overburden nearby public recreational facilities with the needs of new residents.

The proposed amendment includes provisions for 6 ft. wide bicycle lanes on both Harbor Blvd and West Fifth Street along the outer edges of the North Shore site and an onsite 50 ft. wide public linear park including a 15 ft. wide bicycle/pedestrian trail. The proposed public recreational trails connect previously uncoupled segments of the Ventura County and City of Oxnard recreational trail systems. The onsite trail is part of a planned trail network along the Reliant Energy canal, eventually connecting residential areas along the inland waterway to McGrath State Beach, which includes a temporary bicycle camp.

The proposed recreational trail along the Reliant Energy Canal will enhance public access to coastal resources by providing a safer, more scenic route for bicyclists and pedestrians. The path will also serve as onsite recreation and non-automobile circulation within the development for the new residents as well as the general public. The path will offer views of adjacent agricultural areas and the Reliant Energy Canal, which sustains wetland habitat that hosts a variety of plant and animal species.

The Commission notes that the aspects of the proposed amendment regarding coastal access and recreation, as proposed, were consistent with coastal access and recreation policies of the Coastal Act, however, some minor suggested modifications were necessary to reflect changes related to sensitive resource and land use issues as presented in the two sections previous to this one. Therefore, due to the reasons discussed above, the Commission finds that the proposed amendment with suggested modifications is consistent with Coastal Act Sections 30210, 30213, 30214 and 30252.

5.0 FINDINGS AND DECLARATIONS FOR THE IMPLEMENTATION PROGRAM/COASTAL ZONING ORDINANCE (IP/CZO)

The Commission hereby finds and declares:

5.1 STANDARD OF REVIEW FOR THE IP/CZO

The Coastal Act provides:

The local government shall submit to the Commission the zoning ordinances, zoning district maps, and, where necessary, other implementing actions that are required pursuant to this chapter...

The Commission may only reject ordinances, zoning district maps, or other implementing action on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. If the Commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection, specifying the provisions of the land use plan with which the rejected zoning ordinances do not conform, or which it finds will not be adequately carried out, together with its reasons for the action taken.

The Commission may suggest modifications in the rejected zoning ordinances, zoning district maps, or other implementing actions, which, if adopted by the local government and transmitted to the Commission shall be deemed approved upon confirmation by the executive director. The local government may elect to meet the Commission's rejection in a manner other than as suggested by the Commission and may then resubmit its revised zoning ordinances, zoning district maps, and other implementing actions to the Commission.

The standard of review used by the Commission in reviewing the adequacy of zoning and other implementing measures is whether or not the implementing procedures are consistent with and adequate to carry out the land use plan.

5.2 LUP/CP POLICIES AND THE STRUCTURE OF THE CERTIFIED IP/CZO

Oxnard's Coastal Zoning Ordinance implements the City's Coastal Land Use Plan and policies. It serves to integrate the City of Oxnard Coastal Land Use Plan with the adopted Oxnard General Plan and Zoning Ordinance as applied to the Coastal Zone. The Coastal Zoning Regulations and Maps set forth regulations, standards, and procedural requirements for development within the Coastal Zone and establish required consistency with the policies of the LCP Land Use Plan.

5.3 PROPOSED CHANGES TO THE CERTIFIED IP/CZO

LCP Amendment OXN-MAJ-1-00 proposes modifications to the IP/CZO in order to amend the zoning map to reflect the annexation of the site into the City and apply specific zoning ordinances to the North Shore site.

The proposed changes to the IP/CZO are as follows:

1. Amend the existing Coastal Zoning Map (Appendix B-3) to reflect proposed zoning for the North Shore at Mandalay Bay site.
2. Revise Ordinance for Single-family Beach Sub-zone to include a provision for North Shore at Mandalay Bay site.

3. Revise Ordinance for Coastal Recreation Sub-zone to include a provision for North Shore at Mandalay Bay site and an additional permitted use.
4. Revise Ordinance for Coastal Resource Protection Sub-zone to include a provision for North Shore at Mandalay Bay site.
5. Incorporate the proposed site-specific policies into the Coastal Zoning Ordinance Appendix (4): Local Coastal Policies.

5.4 DISCUSSION AND FINDINGS

IP/CZO Change #1

Article 2 of the Coastal Zoning Ordinance establishes the purpose, permitted uses, development standards, and procedural/permit requirements for various zones, including the three zones that will apply to the North Shore at Mandalay Bay property:

- ◆ R-B-1 - Single-Family Beach Zone:
Development within the R-B-1 zone shall be consistent with the policies of the Oxnard Coastal Land Use Plan.
- ◆ RC - Coastal Recreation Zone:
This zone is designed to implement the recreational policies of the Oxnard Coastal Land Use Plan.
- ◆ RP - Coastal Resource Protection Zone:
Development within the RP zone shall be consistent with Policies 6, 11, 12, 13, 16, and 20 of the certified LCP Land Use Plan and Sections 30230, 30231, 30236, and 30240 of the Coastal Act.

Below is the description of the proposed changes to the zoning maps with the Commission's suggested modifications:

The portions of the property which have been zoned Resource Protection contains the 1.65 acre Ventura Marsh Milk-vetch and a 100-foot-wide fenced soil-remediation/excavation limit preservation area and dune scrub, willow scrub, and saltgrass restoration areas. Additional area has been zoned Coastal Recreation to provide a substantial buffer between the Milk-vetch resource protection areas and the planned residential development on the property and to preserve as much of the existing vegetation and topography around the Milk-vetch plants as possible. These areas Milk-vetch preservation area and surrounding restoration area together comprise a 10.4 acres resource protection area (5.2 acres under the MOU and an additional 4.9 acres under the Settlement Agreement). The resource protection area along the Reliant Energy Canal encompasses 13.6 acres.

~~Additional areas zoned Coastal Recreation include: an open space area adjacent to West Fifth Street to preserve additional dune scrub (.88 acre as provided in the Settlement Agreement), an open space area on the northerly portion of the site (1.24 acres) and a linear park along the Reliant Canal (5.84 acres).~~

The balance of the project site has been zoned Single-Family Beach.

The proposed zoning map is attached as Exhibit 9. The suggested modifications to the zoning maps as described above are reflected Exhibits 7 & 8. The proposed zoning designations correspond to the proposed land use designations for the site, hence, the proposed zoning map changes reflect the proposed land use map changes and are therefore, consistent with the Land Use Plan as proposed to be amended.

IP/CZO Change #2, 3 & 4

Ordinance Section 37-2.1.0: R-B-1 (Single-family Beach Sub-zone)

Revise existing Section 37-2.1.1 (Purpose) to read as follows:

"The purpose of the R-B-1 zone is to provide areas in which the low-profile, small scale character of existing single-family beach-oriented neighborhoods may be preserved to provide reasonable protection to existing low to moderate income housing and in which to designate areas of future development for low density residential use. Development within the R-B-1 zone shall be consistent with the policies of the Oxnard Coastal Land Use Plan."

"In particular, development within the North Shore at Mandalay Bay shall be consistent with LCP Land Use Plan Policy No. 49.1."

Ordinance Section 37-2.13.0: RC (Coastal Recreation Sub-zone)

(a) Add a new sentence at the end of existing Section 37-2.13.1 (Purpose) to read as follows:

"In particular, public coastal access and recreation within North Shore at Mandalay Bay shall be consistent with LCP Land Use Plan Policy No. 82.1."

(b) Add a new Subsection 8 ~~7~~ under Section 37-2.13.3 (Permitted Uses) as follows:

8. ~~7.~~ Improved (paved) riding, hiking, biking and walking trails for North Shore at Mandalay Bay.

Ordinance Section 37-2.14.0: RP (Coastal Resource Protection Sub-zone)

Add a new sentence at the end of existing Section 37-2.14.1 (Purpose) to read as follows:

"Additionally, resource protection and development within North Shore at Mandalay Bay shall be consistent with LCP Land Use Plan Policy No. 10.1."

The proposed addition to the permitted uses under the Coastal Recreation Sub-zone Section 37-2.13.3 allows development of the public trail provided for in the proposed LUP coastal recreation policies. The proposed zoning ordinances incorporate by reference the proposed site-specific policies in the LUP, thus the proposed changes are consistent with the LUP as proposed to be amended.

IP/CZO Change #5

Coastal Zoning Ordinance Appendix (4): City of Oxnard Municipal Code (Local Coastal Policies; pp. LCP-1 through LCP-22)

Add to this comprehensive policy set all of the new LCP Land Use Plan Policies adopted for the LCP Amendment for the North Shore at Mandalay Bay project, specifically Resource Policy No. 10.1 (a) through (f); Development Policy No. 49.1 (a) through (b); and Coastal Access and Recreation Policy 82.1(a).

The City of Oxnard's Coastal Zoning Ordinance incorporates as implementing regulations the Land Use Plan Policies that are applicable to each of the land use zone districts shown on the City's Zoning Map, and also incorporates the entire set of LCP Land Use Plan policies as a component of the City's Municipal Code.

Because this LCP organization directly links LUP Policies and Zoning Regulations, the amendments and additions to the Coastal Zoning Ordinance consist largely of references to the new North Shore at Mandalay Bay policies in the Land Use Plan and incorporation of all of these new policies into the LCP policy set reiterated and adopted as part of the City's Municipal Code.

Therefore, the Commission finds that all of the above proposed changes to the IP/CZO as amended by the Commission's suggested modifications are consistent with and adequate to carry out the LUP/CP.

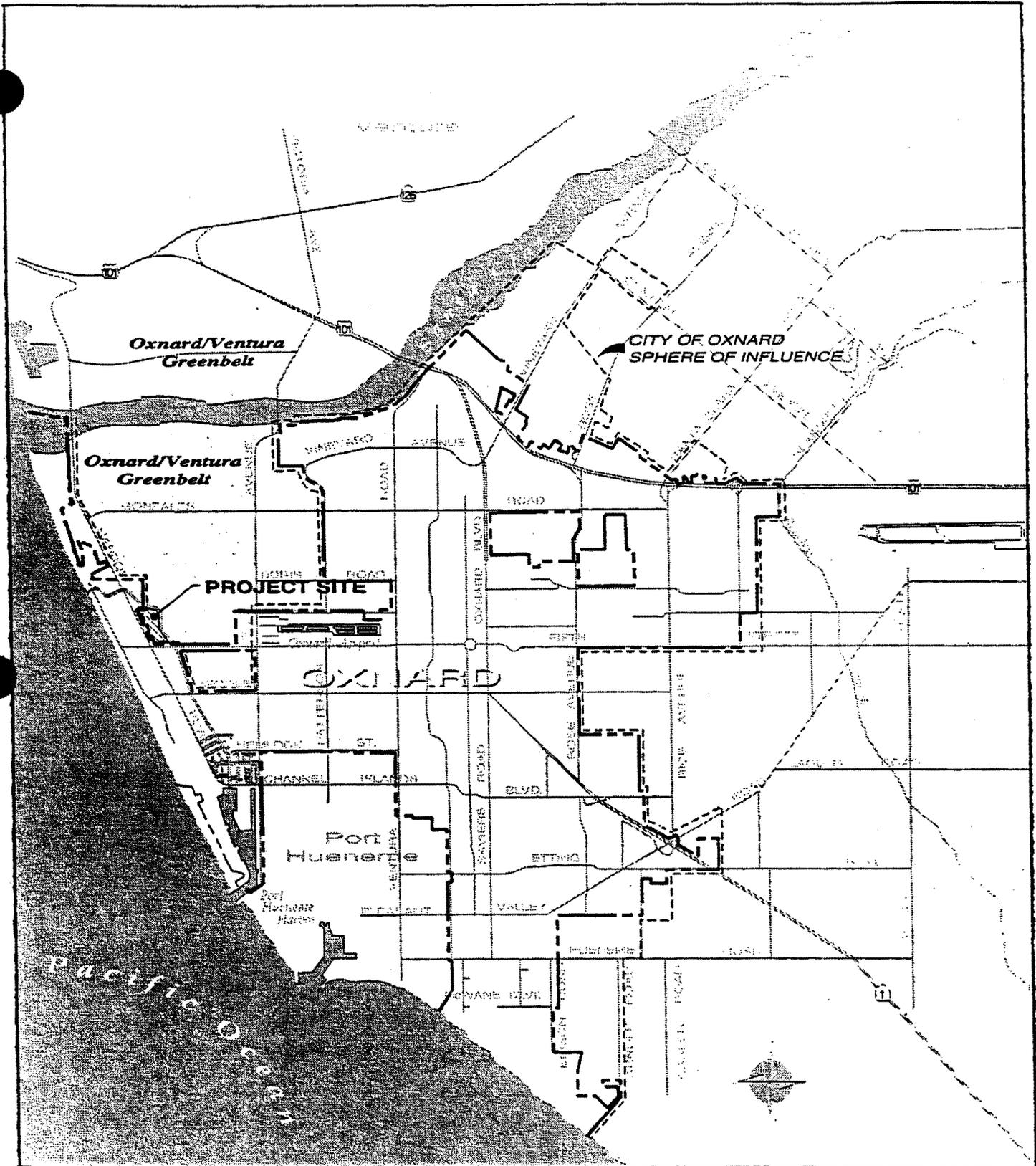
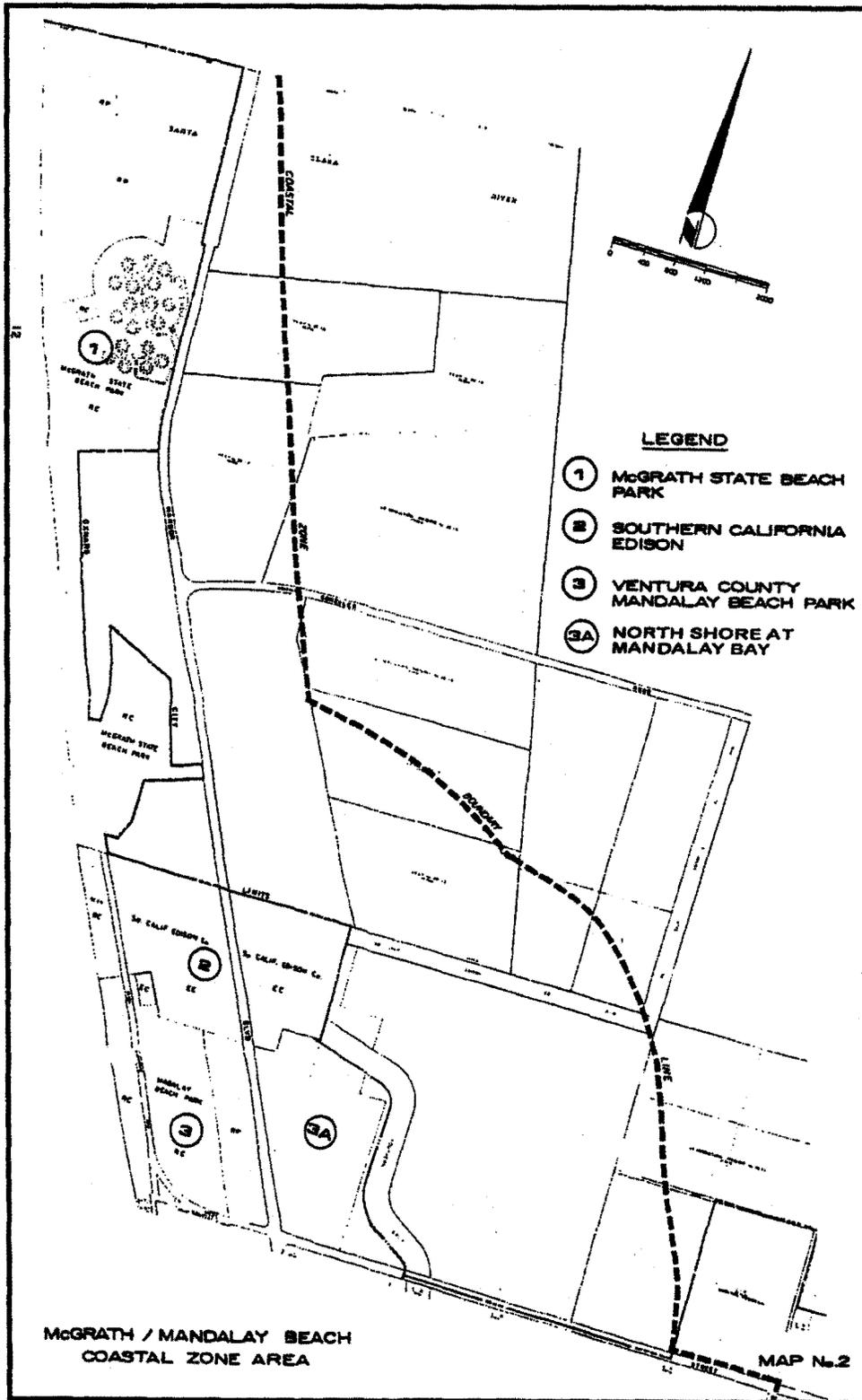


FIGURE I

Project Vicinity Map



**EXHIBIT 2.1
SE PLAN AMENDMENT**

Exhibit No. 2
LCPA No. OXN-MAJ-1-00
Coastal Zone Map,
McGrath-Mandalay Beach Area

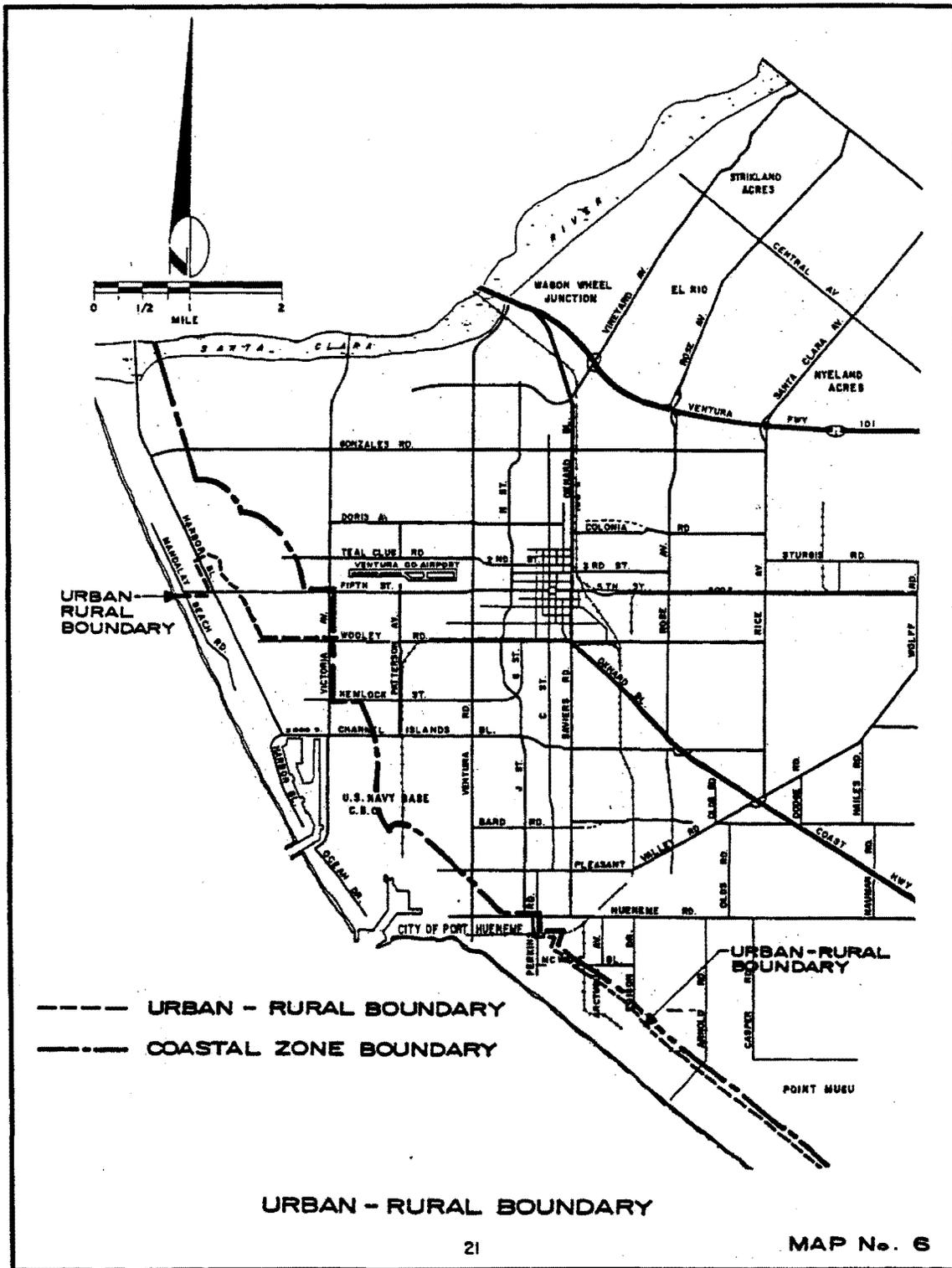


EXHIBIT 2.2
 URBAN/RURAL BOUNDARY AMENDMENT

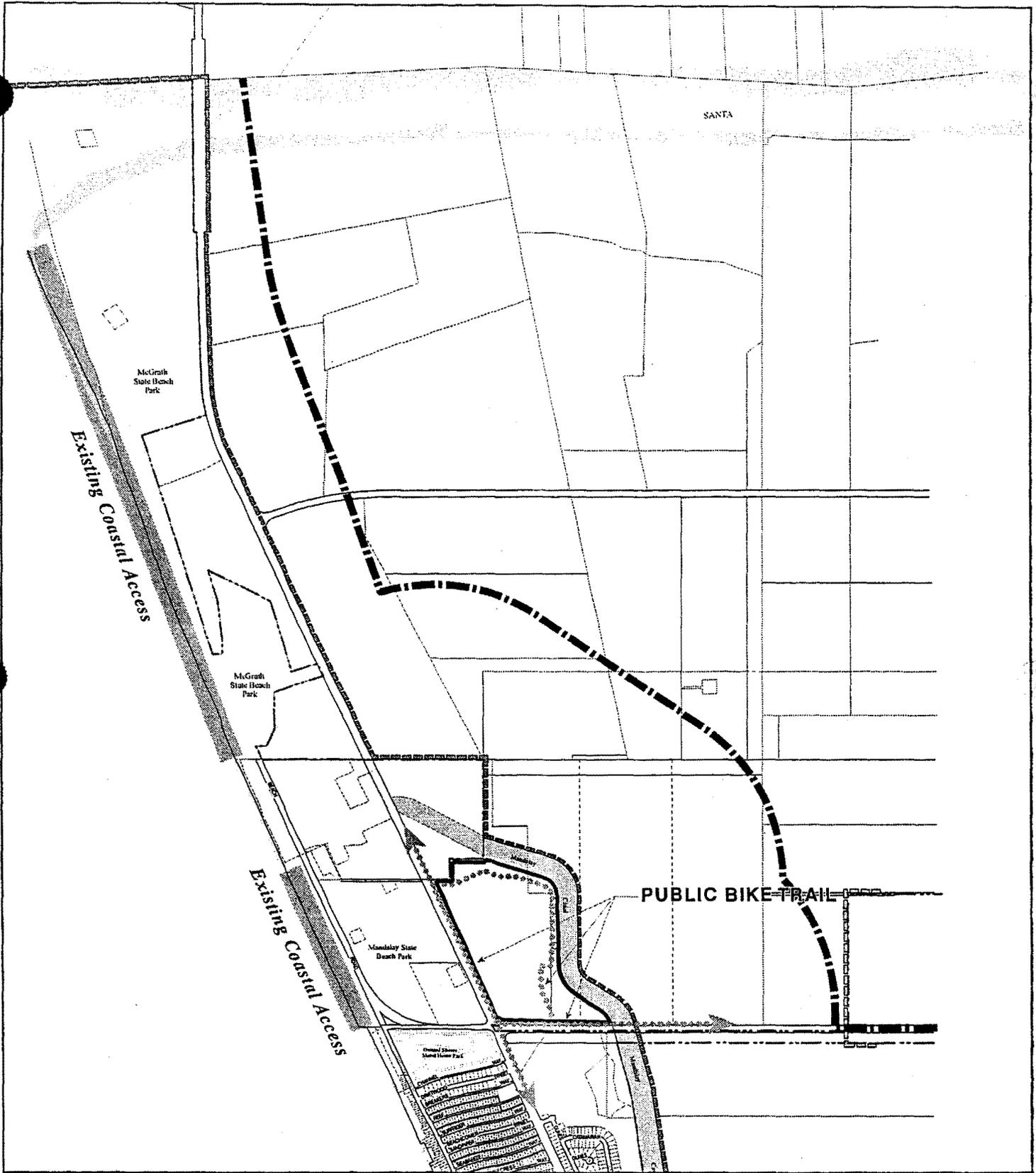


exhibit 2.4
 Coastal Access Map Amendment
 LCP AMENDMENT • NORTH SHORE AT MANDALY BAY

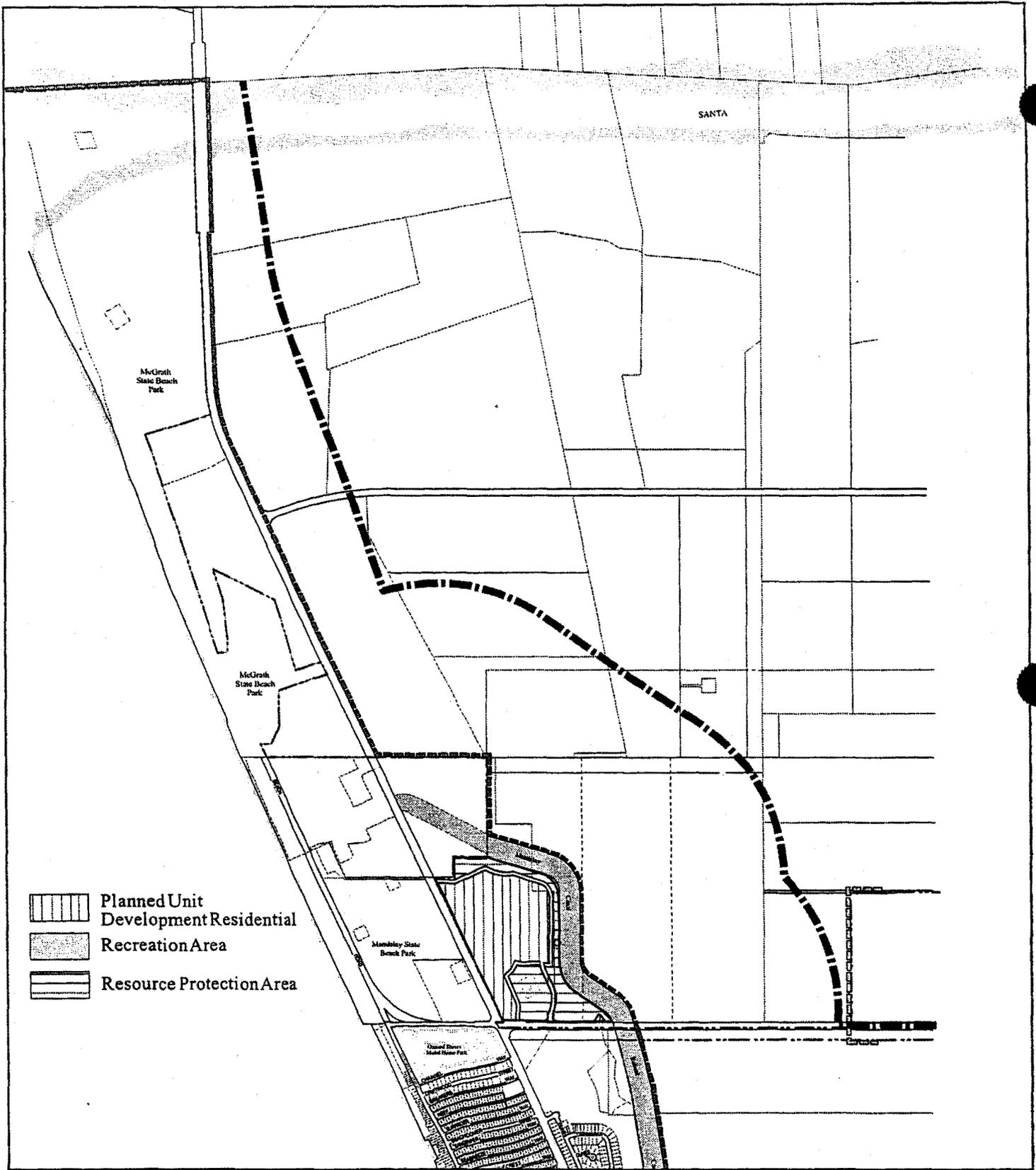


exhibit 2.5

Coastal Land Use Map Amendment
 LCP AMENDMENT • NORTH SHORE AT MANDALY BAY

Exhibit No. 6
 LCPA No. OXN-MAJ-1-00
 Coastal Plan Land Use Map

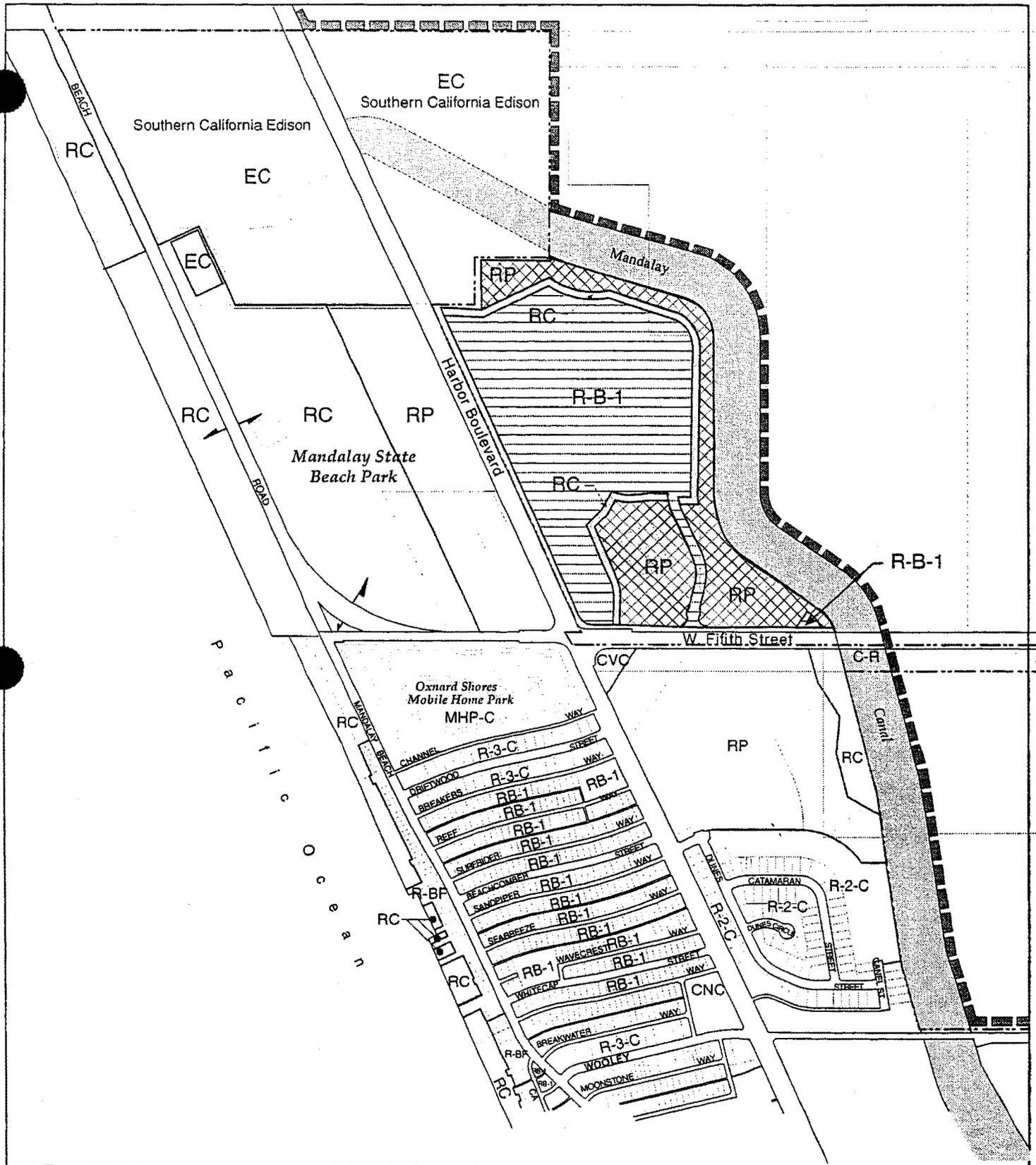
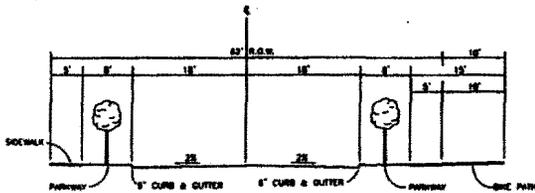
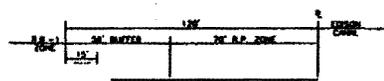


exhibit 2.7
Proposed Coastal Zone Map Amendment
 LCPA AMENDMENT • NORTH SHORE AT MANDALAY BAY

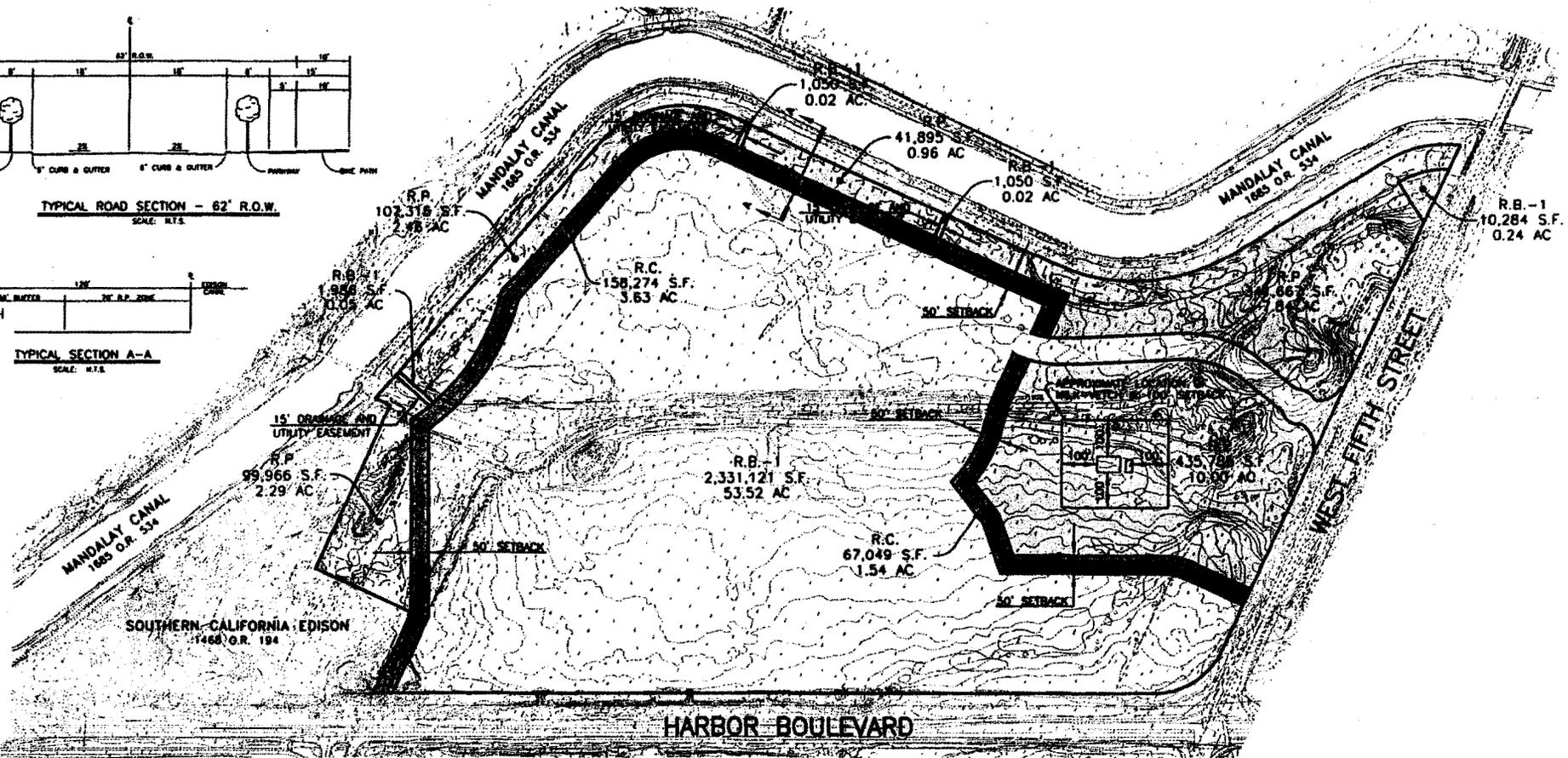


TYPICAL ROAD SECTION - 62' R.O.W.
SCALE: N.T.S.



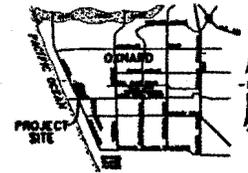
TYPICAL SECTION A-A
SCALE: N.T.S.

Exhibit No. 8
 LCPA No. OXN-MAJ-1-00
 Coastal Zoning Map, North Shore site



LEGEND

- BOUNDARY
-  R.P. ZONE (23.6 ACRES)
-  R.B.-1 ZONE (53.9 ACRES)
-  R.C. ZONE (5.2 ACRES)



VICINITY MAP
SCALE: N.T.S.

**PROPOSED ZONING EXHIBIT
 NORTH SHORE @ MANDALAY BAY
 APN 183-010-30, -32, -33, -38
 DECEMBER 2001**

EXHIBIT 1

Penfield & Smith
 ENGINEERS • SURVEYORS



11811.01 11811EX1.DWG SCALE: 1"=300'

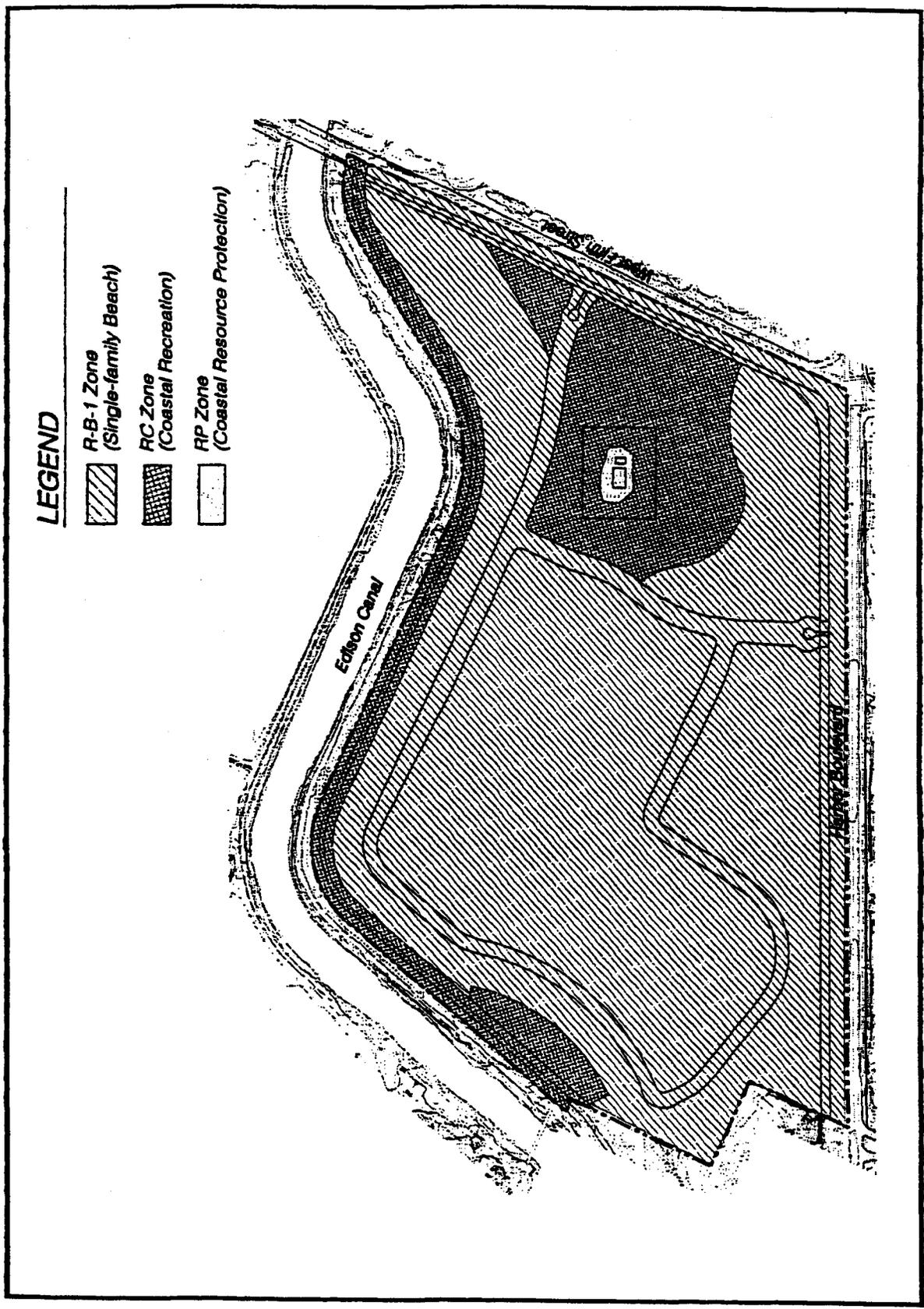


EXHIBIT 2.6
PROPOSED COASTAL ZONE MAP

Exhibit No. 9
LCPA No. OXN-MAJ-I-00
Coastal Zoning Map, North Shore site
(as proposed without modifications)

ORIGINAL

MEMORANDUM OF UNDERSTANDING

BETWEEN NORTH SHORE AT MANDALAY BAY, L.L.C. AND STATE OF CALIFORNIA DEPARTMENT OF FISH AND GAME REGARDING ADDITIONAL MITIGATION MEASURES FOR THE NORTH SHORE PROJECT SITE

This Memorandum of Understanding ("MOU") is entered as of July 27, 1999 by and between North Shore at Mandalay Bay, L.L.C. ("North Shore") and the State of California Department of Fish and Game ("CDFG") in consideration of the following facts:

0 RECITALS

- 1.1 North Shore is proposing to develop a residential project (the "Project") in the City of Oxnard ("City"). The Project site is the former location of an oil field waste disposal facility. As part of the Project, North Shore proposes to expend funds and other resources to remediate the contaminated soils at the Project site in accordance with waste discharge requirements of the Regional Water Quality Control Board, Project approval conditions adopted by the City of Oxnard, and this MOU.
- 1.2 The Project site contains the Ventura marsh milk-vetch, degraded dune scrub, willow scrub, and saltgrass vegetation, and other biological resources. Approximately 13.3 acres of willow scrub, 2.08 acres of saltgrass vegetation, 8.15 acres of dune scrub, some of which have been degraded from past disturbance including 25 years of oil field disposal activities on the Project site, will be removed or disturbed as a result of the development of the Project. North Shore, CDFG, and the City have consulted with each other concerning measures to be implemented as part of the Project to minimize and mitigate the effects of the Project on the Ventura marsh milk-vetch, disturbed dune scrub, willow scrub, and saltgrass grassland.
- 1.3 CDFG has participated extensively, as a responsible and trustee agency, in the California Environmental Quality Act review of the Project. The Planning Commission of the City certified the Environmental Impact Report ("EIR") for the Project on April 15, 1999. Two appeals on the certification were denied by the City Council on June 15, 1999. Project approval has yet to be finalized with the City of Oxnard City Council ("City Council").
- 1.4 This MOU sets forth the understanding between North Shore and CDFG regarding additional mitigation and minimization measures to be implemented by North Shore as part of the Project for potential and expected impacts to Ventura Marsh milk-vetch, willow scrub, saltgrass grassland, and disturbed dune scrub habitat. It is understood that the measures contained in this MOU, except as otherwise noted, will supplement and not replace mitigation measures for biological resources and issues previously identified in the Draft and Final EIR for the Project. It is also understood that the measures contained in this MOU will be made conditions of approval of the Project before final project approval is granted by the City Council.

0 DEFINITIONS

- 2.1 Project. The term "Project" means the North Shore project in the City of Oxnard.
- 2.2 Milk-vetch. The term "milk-vetch" means the plant species Ventura Marsh milk-vetch (*Astragalus pycnostachyus* var. *lanosissimus*). The milk-vetch was believed to be extinct until it was observed on the Project site in 1997. The milk-vetch was listed as a "candidate" for endangered status, pursuant to the California Endangered Species Act, by the California Fish and Game Commission on

February 4, 1999. It was proposed for federal listing as endangered, pursuant to the federal Endangered Species Act, by the U.S. Fish and Wildlife Service on May 25, 1999.

- 2.3 Milk-vetch Preserve. The term "milk-vetch preserve" refers to the approximately 5.2-acre conservation area containing the Ventura Marsh milk-vetch population on the Project site that will be preserved as part of the Project design.
- 2.4 MOU. The term "MOU" means this Memorandum of Understanding as it may from time to time be amended.
- 2.5 Colony A, Colony B and Colony C. The terms "Colony A," "Colony B" and Colony "C" refer to the population of milk-vetch plants on the Project site. Colony A is contained within approximately 496 square feet of land. Colony B is contained within approximately 2,700 square feet of land. Colony A and Colony B are approximately 20 feet apart. As of April 14, 1999, a total of 214 milk-vetch plants were within Colonies A and B. Colony C is an area of potential seed bank approximately 300 square feet in size and approximately 97 feet to the southwest of Colony A and Colony B.
- 2.6 EIR. The term "EIR" means the Project environmental impact report certified by the City of Oxnard as it is defined in the California Environmental Quality Act.
- 2.7 Ground-disturbing activities. The term "ground-disturbing activities" means Project grading and all other Project activities that disturb the soils and/or vegetation on the Project site, except that the term does not include soil testing or sampling conducted prior to soil remediation that may be required by the Regional Water Quality Control Board for compliance with a waste discharge or other cleanup order.

NOW THEREFORE, the parties to this Memorandum of Understanding agree as follows:

D WILLOW SCRUB AND SALTGRASS GRASSLAND REVEGETATION

North Shore agrees to carry out the following measures in conjunction with the Project:

- 3.1 North Shore shall mitigate the loss of 13.3 acres of willow scrub and 2.08 acres of saltgrass vegetation by replacing and preserving these habitats at a 1:1 ratio, for a total of 15.38 acres, if the replacement habitat is of similar value to the habitat that is affected by the development. However, fewer than 15.38 acres may be preserved if lower quality habitat is restored to yield a significantly higher biological value than the habitat that is affected by Project development, as determined by CDFG. Approximately 7.2 acres of habitat is available on the Project site for restoration of these communities. Restoration of these 7.2 acres will adequately mitigate the loss of 15.38 acres of the lower quality willow scrub and saltgrass vegetation on the site if CDFG determines that five years of monitoring shows that overall biological values of these communities have been adequately increased over pre-restoration levels. Increased values will be accomplished through restoring willow scrub and saltgrass grassland plant communities and associated wildlife habitat values using complements of species comparable in composition and densities to native willow scrub and saltgrass communities.
- 3.2 North Shore intends to restore the following on-site areas (See Exhibit A) in satisfying or partially satisfying the mitigation requirement in Section 3.1:

The approximately 70-foot wide easement (less 15 feet for the proposed bike path) that is part of the Project site between the lot lines and the Edison Canal (approximately 4.2 acres).

The open space lot adjacent to this easement in the northern portion of the Project site (approximately 1.5 acres).

The northeastern portion of the Milk-vetch preserve that is located east of the topographical ridge on the site (approximately 1.5 acres).

3.3 North Shore shall develop one or more detailed restoration, maintenance and monitoring plans for the willow scrub and saltgrass grassland restoration ("WS/SG Restoration Plans") that include procedures for planting, identification of plant species and density, maintenance measures and schedules, restoration success criteria, measures to be implemented if success criteria are not met, and long term management of the restored areas. North Shore shall submit a WS/SG Restoration Plan for on-site restoration to CDFG within 120 days after the City Council's approval of the Project if that approval is not appealed or challenged in court, or, if an appeal or challenge is filed, within 90 days after the appeal or challenge is resolved. CDFG shall provide its initial comments within 45 days after the plan has been submitted, and CDFG approval of the plan shall be obtained within 6 months of plan submittal. CDFG approval of the on-site WS/SG Restoration Plan for the 7.2 acres referenced in Section 3.1, which shall not be unreasonably withheld, shall be obtained prior to ground-disturbing activities. If North Shore provides off-site mitigation for willow scrub and saltgrass grasslands pursuant to Section 3.1, North Shore shall also prepare and submit for CDFG approval, which shall not be unreasonably withheld, one or more WS/SG Restoration Plans for the off-site lands within 90 days of identifying off-site lands that will be restored. CDFG's comments and approval of any off-site plan will be due within the time frames described above for the on-site restoration plan. Off-site restoration sites, if any, shall be identified within six months of any CDFG determination that on-site restoration did not adequately mitigate impacts to willow scrub and saltgrass grassland as described in Section 3.1. North Shore will fund the development and implementation of the plans and will provide for the permanent preservation of the restored areas by recording conservation easements (or other instruments) approved by CDFG. Easements or their equivalent shall be recorded over the on-site areas prior to ground-disturbing activities.

DUNE SCRUB PRESERVATION AND RESTORATION

North Shore agrees to carry out the following measures in conjunction with the Project:

- 4.1 The loss of approximately 8.15 acres of disturbed dune scrub habitat on the project site shall be mitigated at a 1:1 ratio through enhancement/restoration of preserved on-site habitat and enhancement/restoration of preserved off-site habitats. Dune scrub is a rare natural community in California.
- 4.2 North Shore shall permanently protect the conservation values of approximately 1.5 acres south/southeast of the Milk-vetch preserve shown on Exhibit B. This area is situated next to Fifth Street and will provide connectivity between the milk-vetch population and the preserved dune scrub to the open space and dune scrub communities across Fifth Street. If the 1.5-acre site is included in the soil remediation work, North Shore shall restore the site as dune scrub. If soils on the site are not remediated, North Shore shall enhance the dune scrub habitat on the 1.5 acres.
- 4.3 Dune scrub habitat within the milk-vetch preserve but outside of the fenced Ventura Marsh milk-vetch set-back will be restored, enhanced and permanently protected. The preserve area is currently characterized as coyote brush scrub, iceplant scrub, and small areas of disturbed dune scrub.
- 4.4 Because of the small amount of suitable habitat on-site for dune scrub enhancement and restoration, off-site dune scrub habitat will also need to be permanently preserved and enhanced/restored to mitigate the loss of dune scrub habitat on the site. Enhancement/restoration shall include the removal of non-native invasive plant species and planting of native dune scrub species, as appropriate. North Shore will make every effort to identify suitable off-site locations for the enhancement/restoration efforts prior to ground-disturbing activities. However, due to the uncertainty of identifying suitable off-site locations, ground-disturbing activities may be initiated before suitable off-site locations are approved provided that adequate security, as identified in Section 6.0, has been provided by North Shore for the off-site effort. Even if adequate security is provided, suitable locations for the off-site enhancement/restoration effort shall be identified by North Shore and submitted to CDFG for approval no later than 12 months after ground-disturbing activities are initiated. CDFG will assist North Shore in identifying suitable locations for the off-site effort. North Shore is investigating the following sites.

which may contain dune scrub habitat with characteristics similar to that which occurs on the Project site, as potential candidates for off-site dune scrub enhancement/restoration:

- Dune scrub habitat within approximately 2 acres of in-holdings currently owned by the McGrath family within Mandalay State Park; and
- Dune scrub habitat being considered for purchase by the Coastal Conservancy in the Project site vicinity.

4.5 North Shore shall develop detailed dune scrub restoration, maintenance and monitoring plans ("Dune Scrub Restoration Plans") that include procedures for restoration, identification of plant species and density, maintenance measures and schedules, restoration success criteria, measures to be implemented if success criteria are not met, and long term management of the restored areas. North Shore shall submit a Dune Scrub Restoration Plan for on-site restoration to CDFG within 120 days after the City Council's approval of the Project if that approval is not appealed or challenged in court, or, if an appeal or challenge is filed, within 90 days after the appeal or challenge is resolved. CDFG shall provide its initial comments within 45 days after the plan has been submitted, and CDFG approval of the plan shall be obtained within 6 months of plan submittal. CDFG approval of the plan, which shall not be unreasonably withheld, shall occur prior to ground-disturbing activities. North Shore shall also prepare and submit for CDFG approval a Dune Scrub Restoration Plan for each off-site restoration site within 90 days of identifying off-site lands that will be restored. CDFG's comments and approval of any off-site plan will be due within the time frames described above for the on-site restoration plan. North Shore shall fund the development and implementation of the plans and shall provide for the permanent preservation of the restored areas by recording conservation easements (or other instruments) approved by CDFG. Easements or their substitute shall be recorded over the on-site areas prior to ground-disturbing activities.

VENTURA MARSH MILK-VETCH PRESERVATION AND MITIGATION

North Shore agrees to carry out the following measures in conjunction with the Project:

Soil Remediation

- 5.1 North Shore shall design and implement soil remediation, site grading, and construction so that any existing milk-vetch plants in colonies A, B or C will be fully preserved in place while new, viable populations are attempted to be established in suitable off-site locations.
- 5.2 North Shore shall establish a soil remediation/excavation limit line around the milk-vetch population at a distance of 100 feet around Colonies A and B, and 30 feet around Colony C. Because Colony C is approximately 97 feet south/southwest of Colonies A and B, the 30-foot setback will create a "bubble" that will extend the larger 100-foot setback on the south/southwest side of the plants to include any seedbank at Colony C. North Shore and CDFG will use their best efforts to obtain approval of Regional Water Quality Control Board (RWQCB) for these setbacks.

Monitoring Wells

- 5.3 North Shore shall install five 2-inch diameter groundwater monitoring wells around the entire milk-vetch population (Colony A, Colony B and Colony C) to monitor the status of below surface contaminants (see Exhibit B). Specifically, North Shore shall install three wells approximately 100 feet north, northeast, and southeast of the population. Each of these wells will be upslope of the milk-vetch population. North Shore shall install two monitoring wells downslope of Colony A, approximately 100 feet west and 100 feet southwest of the colony. The drilling rig for well installation will be positioned such that the truck portion of the rig will not be within the 100-foot and 30-foot setbacks around colonies A, B and C.

Monitoring and Education Program

- 5.4 North Shore shall select and retain a qualified biologist to serve as a monitor on the site during all activities related to the installation of the groundwater monitoring wells, as well as during soil remediation adjacent to the plant populations, to ensure that the incidental impacts to the milk-vetch plants are avoided. Additionally, the biologist/monitor will conduct a machine operator and worker education program to alert on-site workers to the sensitivity of the milk-vetch population, to identify work zones and restricted areas, and to discuss construction and plant avoidance procedures and protocols. The City of Oxnard and CDFG will approve the selection of the biologist/monitor.

Milk-vetch Preserve

- 5.5 North Shore shall permanently preserve an approximate 5.2-acre area around the existing milk-vetch population to serve as a buffer between the plants and planned residential development on the Project site. The Milk-vetch preserve shall be designed such that the milk-vetch population will be approximately centered in the preserve area to maximize the distance between the plants and developed areas. North Shore shall leave the 5.2 acres around the milk-vetch population as a protected conservation area pursuant to Section 5.8 below.
- 5.6 North Shore shall construct a setback fence along the soil remediation line described in Section 5.2 to protect the milk vetch plants and surrounding area from human and/or domestic animal activities.
- 5.7 North Shore shall monitor and maintain the on-site milk-vetch plants; shall prepare an initial restoration, maintenance and monitoring plan that provides for, among other things, the long-term management and monitoring of the milk-vetch preserve ("On-site Milk-Vetch Plan"); and shall adapt this plan as may be appropriate in response to information obtained from the results of research and monitoring of the population. North Shore shall implement and fund the On-site Milk-Vetch Plan. The initial On-site Milk-Vetch Plan shall be submitted for CDFG's approval within 120 days after the City Council's approval of the Project if that approval is not appealed or challenged in court, or, if an appeal or challenge is filed, within 90 days after the appeal or challenge is resolved. CDFG shall provide its initial comments within 45 days after the plan has been submitted, and CDFG approval of the plan shall be obtained within 6 months of plan submittal. CDFG's approval of the plan, which shall not be unreasonably withheld, for the initial On-site Milk-Vetch Plan shall occur prior to ground-disturbing activities. The On-site Milk-Vetch Plan may provide for a reduced level of management and monitoring after five years to include minimal maintenance measures such as periodic clearing of debris, fence repairs, and removal of dead vegetation if, in the judgment of North Shore and CDFG, the plan has been successful and if a reduced level of management and monitoring will not place the population at greater risk.
- 5.8 The milk-vetch preserve will be protected in perpetuity through recordation of a conservation easement prior to ground-disturbing activities. CDFG and North Shore agree that this conservation easement may contain terms that allow cancellation of the easement and alternative use of the milk-vetch preserve area if it is determined by qualified experts, with CDFG's concurrence, that the milk-vetch population on the site is no longer viable and self-sustaining; if CDFG determines that the success of off-site populations will ensure that cancellation of the easement will not jeopardize the continued

existence of the species; and if other conservation values within the preserve (e.g., dune scrub habitat) are replaced by North Shore. The parties to this agreement will meet in good faith after five years from execution of this agreement, and periodically thereafter if necessary, to review the viability status of both the on-site milk-vetch population and the established off-site populations (see below) to determine the success of the mitigation approach described in this agreement and the appropriateness of additional measures, if any, based on this review.

Establishment of Off-Site Milk-Vetch Populations

5.9 North Shore shall develop one or more plans for the establishment of two self-perpetuating, viable off-site populations of Ventura Marsh milk-vetch ("Off-site Milk-Vetch Plan"). North Shore will make every effort to identify suitable off-site locations for two new milk-vetch populations prior to ground-disturbing activities. However, due to the uncertainty of identifying suitable off-site locations, ground-disturbing activities may be initiated before suitable off-site locations are approved provided that adequate security, as identified in Section 6.0, has been provided by North Shore for the milk-vetch effort. Even if adequate security is provided, suitable locations shall be identified by North Shore and submitted to CDFG for approval no later than 12 months after ground-disturbing activities are initiated. CDFG will assist North Shore in identifying the two suitable locations for establishment of milk-vetch populations and in developing the plan. Candidate sites include the Carpinteria Natural Reserve and a site in or near the City of Oxnard. North Shore shall prepare and submit for CDFG approval an Off-site Milk-Vetch Plan within 90 days of obtaining approval of a suitable site. CDFG shall provide its initial comments within 45 days after the plan has been submitted, and CDFG approval of the plan shall be obtained within 6 months of plan submittal. CDFG shall not unreasonably withhold approval of the Off-site Milk-Vetch Plans. North Shore shall fund and implement the plan(s) and shall ensure that the populations are permanently protected and managed. Each off-site population will contain a minimum of 75 to 100 reproductive adult plants occupying an area of about 2,000 square feet with demonstrated recruitment, seedling establishment, and stable to increasing population trends over at least five years without major manipulations of the habitat or population (e.g., no recontouring, watering, inoculations of plant material, revegetation efforts, etc.). To ensure that the off-site populations are permanently managed, North Shore will provide the Department with \$50,000 for establishment of an endowment to fund long-term management and maintenance efforts of the populations. The Department will make interest from these funds available for maintenance and management of the off-site populations in the years after North Shore successfully completes implementation of the Off-site Milk-Vetch Plan(s). Because North Shore is providing an endowment, North Shore shall not be responsible for management or maintenance of the off-site populations after it successfully implements the Off-site Milk Vetch Plan(s), including attainment of the success criteria outlined in this section. If one or more off-site population fails to meet success criteria after 10 years of implementation of the Off-site Milk Vetch Plan(s), North Shore will be released from further obligations to establish self-perpetuating off-site populations provided that North Shore has fully implemented the Off-site Milk-Vetch Plan(s) approved by CDFG and that failure of the off-site effort is due to factors beyond North Shore's reasonable control. In the event North Shore is released after 10 years from further obligations to establish off-site populations, CDFG shall receive 50 percent of the security originally provided for the off-site milk-vetch work for CDFG use in establishing off-site milk-vetch populations.

SECURITY

rior to commencing ground-disturbing activities, North Shore shall provide CDFG with security in an amount adequate to cover the estimated costs of complying with this MOU, including all plans required pursuant to this MOU. To determine the amount of security, North Shore will develop an estimate of the cost of completing all obligations and submit the estimate for CDFG's review and concurrence. The security shall be in the form approved by CDFG, but generally may be a trust or escrow account in favor of CDFG or an irrevocable letter of credit. Security shall be reduced or released upon, and in proportion to, the successful completion of specific goals, tasks, and/or phases of habitat and plant restoration and protection, as set forth in this MOU and in subsequently approved restoration and milk-vetch plans. At least 50 percent of the security provided for establishment of off-site milk-vetch populations shall be

retained until CDFG and North Shore determine that North Shore has attained the success criteria for those populations.

) CITY CONDITIONS OF APPROVAL

North Shore shall instruct the City to include Sections 3, 4, 5 and 6 of this MOU as conditions of approval at the time the City Council approves the Project.

) CDFG AGREEMENT

CDFG believes that successful implementation of the measures described herein and measures that will be included in CDFG-approved restoration plans and milk-vetch plans will reduce any potential impacts of development with regard to biological resources on the Project site to a level of insignificance with respect to the California Environmental Quality Act. CDFG also agrees that if the measures described in this MOU and in all CDFG-approved restoration and milk-vetch plans are successfully implemented, CDFG will not seek additional mitigation measures for the on-site biological resources described herein during subsequent CDFG review of the project or during the regulatory approvals of other public entities.

ASSIGNMENT AND RELEASE

9.1 Any assignment of this MOU or any of the rights or obligations under the MOU is void absent the written consent of the Parties; provided, however, that no consent shall be required for assignment or pledge made by North Shore, with written notice to the Department, (a) to any company that shall succeed by purchase, merger or consolidation to the properties of North Shore; or (b) as security for a debt under the provision of any mortgage, deed of trust, indenture, bank credit agreement, or similar instrument.

9.2 CDFG recognizes that the restoration plans and milk-vetch plans approved and implemented pursuant to this MOU will contain long-term obligations for maintenance and monitoring. CDFG also recognizes that some of these long-term obligations may appropriately be assigned to special district, a homeowners association or another entity that receives fee title to the on-site restored areas and is responsible for maintenance of these areas. North Shore shall be released from its obligations under this MOU to carry out and fund long-term obligations, or any other relevant obligations, at the time and to the extent those obligations are expressly assigned to another entity with CDFG's approval pursuant to Section 9.1.

) MISCELLANEOUS

10.1 Integration

This MOU embodies the entire and integrated understanding between the parties to this MOU regarding the matters contemplated herein and supersedes all prior negotiations, representations, proposals or understandings, either oral or written. This MOU may only be amended by a written instrument executed by all of the parties. From time to time, the parties shall by mutual agreement execute such instruments and other documents, and take such other actions, as may be reasonably necessary to carry out the terms of this MOU in a manner consistent with state and federal law. If any condition of approval imposed on the Project conflicts with this MOU in a way that prevents North Shore from implementing any portion of this MOU, including the setbacks described in Section 5.2, this MOU shall be considered null and void unless the parties agree to an MOU amendment that resolves the conflict.

10.2 Multiple Originals

Multiple copies of this MOU may be executed, and any such executed copy shall be deemed an original for all purposes.

10.3 Effective Date

This MOU shall become effective upon its execution by North Shore and the CDFG.

10.4 Force Majeure

In the event that North Shore's performance under this MOU is interrupted or delayed by acts of god, acts of war, labor disputes, or delays as a result of the acts of third parties, (collectively "occurrences"), then North Shore shall be excused from any further performance for whatever period of time after the occurrences is reasonably necessary to remedy the effects of the occurrences.

10.5 Existing Law

Nothing in this MOU is intended to amend, supersede or modify any provision of state or federal law. North Shore and CDFG are responsible for complying with all applicable laws, including the California Fish and Game Code and Public Resources Code, in carrying out the Project, implementing the mitigation measures described in this MOU, and approving plans required by the MOU.

10.6 CDFG Access

North Shore agrees to permit CDFG personnel to enter the Project site at reasonable times in order to inspect biological resources described in this MOU and to monitor compliance with and to otherwise enforce the terms of any conservation easements, provided that CDFG shall not unreasonably interfere with North Shore's use and quiet enjoyment of the property.

10.7 Default

In the event North Shore or the Department defaults on any of its material obligations under this MOU, the other party shall have all remedies available at law or in equity, including but not limited to specific performance and injunction. In the event North Shore defaults, the Department shall also have all rights with respect to any security provided pursuant to this MOU, including all rights of a secured party pursuant to the California Uniform Commercial Code.

California Department of Fish and Game

By: Charles Raysbrook Date: July 29, 1999
Charles Raysbrook
Regional Manager

North Shore at Mandalay Bay, LLC

R.A. Smith and Associates, Member
North Shore at Mandalay Bay, L.L.C.

By: Ron Smith Date: July 27, 1999
Ron Smith
Its President

Aspen Members, L.L.C., Member
North Shore at Mandalay Bay, L.L.C.

By: H. Roger Heartman Date: July 27, 1999
H. Roger Heartman
Its President

California Nevada Developments, L.L.C., Member
North Shore at Mandalay Bay, L.L.C.

By: Larry Faigh Date: July 27, 1999
Larry Faigh
President

SETTLEMENT AGREEMENT

This Settlement Agreement ("Agreement") dated August 17, 2000, is entered into between Petitioner and Plaintiff California Native Plant Society, a California non-profit corporation ("CNPS"), Respondents and Defendants City of Oxnard and City Council of the City of Oxnard (collectively, the "City"), and Real Party in Interest North Shore at Mandalay Bay, LLC ("North Shore"). Each party to this Agreement may be referred to herein as a "Party" and all parties to this Agreement may be collectively referred to herein as "Parties."

RECITALS

A. North Shore is the applicant for a project consisting of 347 residential dwelling units on an approximately ninety-one (91) acre site at the intersection of Harbor Boulevard and Fifth Street directly adjacent to the current municipal boundary of the City (the "Project").

B. On April 15, 1999, the Planning Commission of the City certified that the Final Environmental Impact Statement ("FEIR") for the Project was completed in compliance with the California Environmental Quality Act ("CEQA").

C. The City Council approved the Project on July 27, 1999, adopted findings regarding the significant environment effects of the Project, adopted a Statement of Overriding Considerations, and adopted a Mitigation and Monitoring Program. In connection with its approval of the Project, the City Council also approved a coastal development permit, a tentative subdivision tract map, a pre-zone, an amendment to the City's Local Coastal Program and an amendment to the City's General Plan. A Notice of Determination was properly posted beginning July 30, 1999.

D. Additional approval by the California Coastal Commission is necessary before construction can commence on the Project.

E. CNPS filed a Petition for Writ of Mandate and Complaint For Injunctive Relief on August 30, 1999 ("Petition") alleging violations of CEQA in that City failed to evaluate and avoid or minimize certain environmental effects, failed to prepare a subsequent or supplemental

Environmental Impact Report, and made findings not supported by substantial evidence. In particular, the Petition raised issues related to environmental documentation and mitigation of impact to the Ventura Marsh Milk-vetch ("Milk-vetch") and coastal dune scrub habitat present on the Project site.

F. The Petition sought, inter alia, to command City to set aside certification of the FEIR and Project entitlements, and to prepare a legally adequate Environmental Impact Report.

G. The Parties have engaged in settlement discussions since that time, desire to avoid further litigation, and agree that the following terms represent a fair and equitable resolution of their differences.

AGREEMENT

NOW, THEREFORE, in consideration of the above and the terms and conditions set forth below, the Parties hereby agree as follows:

1. CNPS will dismiss the above-entitled Petition. If the California Coastal Commission ("Commission") subsequently fails to approve the Project or approves it with conditions which (i) accomplish in a substantially different manner the goals of this Agreement, (ii) are inconsistent with this Agreement, or (iii) require substantially greater costs and obligations on the part of North Shore than provided for in this Agreement, then North Shore, at its sole discretion, may terminate this Agreement or seek to amend it in a manner both satisfactory to all Parties and consistent with Commission action. Should North Shore seek to amend this Agreement pursuant to the terms of this paragraph, CNPS and the City shall engage in good faith to reach a mutually satisfactory amended Agreement.

2. North Shore will, after Commission approval consistent with this Agreement, or such amended Agreement as the Parties reach, submit and, if approved, record a revised Tentative Tract Map for the Project in substantial conformance with that tract map attached hereto as Exhibit "A" and which designates on the Project site the area for preservation of the Milk-vetch ("the Milk-vetch preservation area").

3. A biological review committee ("Review Committee") has been established by North Shore to determine the nature, characteristics and timing of mitigation for both on-site Milk-vetch populations and populations at other properties off the site to be acquired by North Shore pursuant to paragraph 10. The Review Committee shall consist of no more than one representative, with appropriate rare plant and habitat mitigation experience, of the following: California Department of Fish and Game ("CDFG"), the United States Fish and Wildlife Service, the University of California, the Santa Barbara Botanic Garden, CNPS, and North Shore. Decisions of the Review Committee will be made by consensus to the extent possible, but decisions may be made by a majority of the committee. In no circumstances will a single member of the Review Committee have veto power over committee decisions or have sole authority for any such decision.

4. CNPS shall also have the right to participate in the review of all on-site biological resource plans for the Project, including landscaping, median planting plans and construction monitoring.

5. North Shore agrees to prepare a detailed habitat delineation and functional assessment prior to site disturbance that evaluates in greater detail than the FEIR the biological value and ecological function of the current habitat areas. The assessment will be used to assist in the development of mitigation measures for impacts on coastal dune scrub habitats, calculating replacement ratios, and to create a baseline against which to measure future plantings and restoration efforts. The assessment will be reviewed and approved by CDFG with input from CNPS.

6. For Project mitigation involving the establishment of new coastal dune scrub habitat, mitigation ratios will be calculated on the basis of functional equivalency as approved by CDFG, with input from CNPS.

7. CNPS shall be guaranteed all access to the Milk-vetch preserve area on the Project site and to the off-site Milk-vetch relocation mitigation areas for conservation, monitoring, and research purposes. CNPS' right of access shall be binding on and noticed to any successors-in-interest to North Shore, including homeowners associations.

8. North Shore shall implement all of the conditions of a Memorandum of Understanding between North Shore and the California Department of Fish and Game, dated July 27, 1999 ("MOU") and attached hereto as Exhibit "B." To the extent any provision of this Agreement and/or California Coastal Commission approval of the Project are inconsistent with the MOU, North Shore will make a good-faith effort to modify the MOU to be consistent with this Agreement and/or California Coastal Commission approval.

9. A permanent conservation easement shall be established for the on-site Milk-vetch preserve area as identified in Exhibit "A." The easement shall be managed by a credible land trust or other entity familiar with managing biological habitats, which shall be selected by mutual agreement by the Parties.

10. North Shore will acquire conservation easements or other property interests off the Project site for Milk-vetch relocation and mitigation, to the extent feasible given ownership and specific biological attributes of the off-site areas. The purpose of any off-site conservation easements is to insure continued habitat availability and protection and such easements may be terminable by North Shore if the Review Committee determines that the Milk-vetch cannot as a practical matter survive in that area. The easements or other interest shall expressly provide for use of the site as a Milk-vetch preserve, including rights of access and maintenance as deemed necessary by the Review Committee.

11. The Parties acknowledge that certain areas within the on-site Milk-vetch preserve area and the on-site coastal dune scrub habitat adjacent to Fifth Street have lower levels of groundwater and soils contamination than the remainder of the Project site. North Shore shall use its best good-faith effort to obtain Los Angeles Regional Water Quality Control Board ("LARWQCB") permission to use groundwater monitoring devices for those areas of lower contamination as remediation, instead of land-farming or other remediation which could destroy existing Milk-vetch plants or coastal dune scrub habitat.

12. The Parties enter into this Agreement for the sole purpose of settling and resolving this action and the issues raised therein, including the Project's impacts to and appropriate mitigation for the Milk-vetch, coastal dune scrub, and willow scrub habitats. To the extent that any aspect of the Project is subject to additional environmental review under CEQA, this Agreement shall not limit the right of any Party to comment on such environmental review for the purpose of exhausting their administrative remedies, to the extent such comments relate to issues not resolved in this action.

13. Nothing in this Agreement shall prohibit CNPS from submitting comments to the LARWQCB concerning remediation of groundwater pollution for the Project site as it may affect the Milk-vetch and coastal dune scrub habitat.

14. Nothing in the Agreement shall prohibit CNPS from submitting comments to public agencies other than the LARWQCB concerning the impacts of proposed agency requirements on environmentally sensitive areas within the Project site or off-site mitigation areas, to the extent such requirements are additional or differ substantially from the provisions of

this Agreement. Such comments may include, for example, those which may be made to the City's Fire Department regarding brush clearance requirements.

15. No site disturbance shall occur prior to approval of all biological mitigation plans, including agreement on estimated costs. If North Shore makes physical modifications to the site which adversely impact sensitive biological resources, and subsequently determines to exercise its right to withdraw from the Agreement under paragraphs 1 or 17, North Shore shall either restore the site to its pre-existing condition (based on the habitat delineation and functional assessment prepared pursuant to Paragraph 5) or, if that is no longer practical, restore the site to an equivalent level of ecological function (based on the habitat delineation and functional assessment prepared pursuant to Paragraph 5.) North Shore shall ensure that adequate funding exists in the security provided to CDFG pursuant to the MOU to accomplish restoration, and this security shall be available for site restoration if North Shore exercises its right to withdraw from this Agreement.

16. North Shore will establish a fund in an amount estimated to be sufficient to pay all prospective expenses connected with establishment of Milk-vetch populations off the Project site as provided in this Agreement. The expenses to be covered are those necessary to intensively monitor and manage the site or sites for five (5) years from the date of transfer/planting and to monitor and manage the site or sites at minimal levels for eleven (11) years thereafter. The protocols on which the monitoring and management will be based shall be determined by the Review Committee.

17. The Parties acknowledge that the amount of the fund referred in paragraph 16 above cannot be definitely established at this time. If based on the monitoring and management protocols determined by the Review Committee for which the fund is to be established, the estimated net present value of the fund is greater than what North Shore, in its sole discretion, determines is a reasonable and economically viable amount, then North Shore may elect to withdraw from this Agreement.

18. If, pursuant to paragraphs 1 or 17, North Shore elects to withdraw from this Agreement, or if for any other reason this Agreement cannot be implemented according to its terms, CNPS shall have the right to refile a petition for writ of mandate and complaint for

injunction relief based on alleged violations of CEQA. North Shore and City agree that they will not raise any defense to such subsequent litigation based on statute of limitations or other time-related defenses, except to the extent such defenses existed as of August 30, 1999. North Shore will establish a fund of \$2,000.00 to cover CNPS' expenses in connection with the Milk-vetch mitigation plan review and monitoring.

19. **Miscellaneous Provisions**

A. Incorporation of Recitals and Exhibits. Recitals A through G and *Exhibits "A" and "B"* attached hereto and referred to herein are incorporated in this Agreement as though fully set forth in the body hereof.

B. No Third Party Beneficiary. This Agreement is not intended, nor shall it be construed, to create any third-party beneficiary rights in any person who is not a party, unless expressly otherwise provided.

C. Entire Agreement. This Agreement sets forth and contains the entire understanding and agreement of the Parties, and there are no oral or written representations, understandings or ancillary covenants, undertakings or agreements which are not contained or expressly referred to herein. No testimony or evidence of any such representations, understandings or covenants shall be admissible in any proceeding of any kind or nature to interpret or determine the terms or conditions of this Agreement.

D. Severability. Invalidation of any of the provisions contained in this Agreement, or of the application thereof to any person, by judgment or court order shall in no way affect any of the other provisions hereof or the application thereof to any other person or circumstance, and the same shall remain in full force and effect, unless enforcement of this Agreement, as so invalidated, would be unreasonable or grossly inequitable under all the circumstances or would frustrate the purposes of this Agreement and the rights and obligations of the Parties hereto.

E. Construction of Agreement. The provisions of this Agreement and the Exhibits hereto shall be construed as a whole according to their common meaning and not strictly for or against any Party herein and are consistent with the provisions hereof, in order to

achieve the objectives and purposes. Wherever required by the context, the singular shall include the plural and vice versa, and the masculine gender shall include the feminine or neuter genders, or vice versa.

F. Section Headings. All section headings and subheadings are inserted for convenience only and shall not affect any construction or interpretation of this Agreement.

G. Applicable Law and Interpretation. This Agreement shall be construed and enforced in accordance with the laws of the State of California. This Agreement shall be construed as a whole according to its fair language and common meaning to achieve the objective and purposes of the parties hereto and the rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not be employed in interpreting this Agreement, all parties having been represented by counsel in the negotiation and preparation hereof.

H. Notices. Any notice shall be in writing and given by delivering the same in person or by sending the same by registered, or certified mail, return receipt requested, with postage prepaid, by overnight delivery, or by facsimile to the respective mailing addresses, as follows:

CNPS: California Native Plant Society
P.O. Box 5628
Ventura, California 93005
Attention: David Magney
Facsimile: 805/646-6975

Copy to: Environmental Defense Center
2021 Sperry, Suite 18
Ventura, California 93003
Attention: John T. Buse, Esq.
Facsimile: 805/677-2577

CITY: City Of Oxnard
305 W. Third Street
Oxnard, California 93030
Attention: James F. Rupp, Jr., Esq.
Facsimile: 805/385-8891; and
Attention: Gary Gillig, City Attorney
Facsimile: 805/385-7423

Copy to: Rupp & Holmberg
721 South A Street, 2nd Floor
Post Office Box 1426
Oxnard, California 93032-1426
Attention: James F. Rupp, Jr., Esq.
Facsimile: (805/385-8891)

NORTH SHORE: North Shore At Mandalay Bay
3030 Old Ranch Parkway, #450
Seal Beach, California 90740
Attention: Louise Rice-Lawson
Facsimile: (562) 430-4337

Copy to: Nossaman, Guthner, Knox & Elliott
18101 Von Karman Avenue, Suite 1800
Irvine, California 92612
Attention: Robert I. McMurry, Esq.
Facsimile: (949) 833-7878

Either CNPS, City or North Shore may change its mailing address at any time by giving written notice of such change to the other in the manner provided herein at least ten (10) days prior to the date such change is effected. All notices under this Agreement shall be deemed given, received, made or communicated on the earlier of the date personal delivery is effected or on the delivery date or attempted delivery date shown on the return receipt, air bill or facsimile.

I. Time is of the Essence. Time is of the essence of this Agreement and of each and every term and condition hereof.

J. City Contingency. This Agreement is contingent, at the sole discretion of CNPS, on a decision by the City to provide permanent protection through conservation easements, deed restrictions, or other means for certain City-owned parcels located immediately

south of the Project site on the southeast corner of the intersection of Fifth Street and Harbor Boulevard.

.K. Successors. This Agreement shall be binding on successors and assigns and shall run with the land.

Date: 17 AUGUST, 2000

CALIFORNIA NATIVE PLANT SOCIETY



By: DAVID L. MAGNEY
Its: California Native Plant Society

Date: _____, 2000

CITY OF OXNARD

By: _____
Its: _____

Date: _____, 2000

NORTH SHORE AT MANDALAY BAY

By: _____
Its: _____

south of the Project site on the southeast corner of the intersection of Fifth Street and Harbor Boulevard.

K. Successors. This Agreement shall be binding on successors and assigns and shall run with the land.

Date: _____, 2000

CALIFORNIA NATIVE PLANT SOCIETY

By: _____
Its: _____

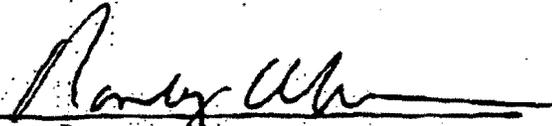
Date: _____, 2000

CITY OF OXNARD

By: _____
Its: _____

Date: August 17, 2000

NORTH SHORE AT MANDALAY BAY



By: Randy Wheeler
Its: Senior Vice President
of California/Nevada
Developments, LLC, a Member
of North Shore at Mandalay B

APPROVED AS TO FORM:

Date: _____, 2000

ENVIRONMENTAL DEFENSE CENTER

By: John T. Buse
Attorneys for Petitioner
California Native Plant Society

Date: _____, 2000

RUPP & HOLMBERG

By: James F. Rupp, Jr.
Attorneys for Respondents
City of Oxnard
City Council of the City of Oxnard

Date: August 17, 2000

NOSSAMAN, GUTHNER, KNOX &
ELLIOTT, LLP

Robert I. McMurry JF

By: Robert I. McMurry
Attorneys for Real Party in Interest
North Shore at Mandalay Bay, LLC

NOSSAMAN GUTHNER KNOX Fax:714-975-1321

Aug 17 '00

13:31

P.16/30

APPROVED AS TO FORM:

Date: 8-17 - 2000

ENVIRONMENTAL DEFENSE CENTER

John Buse

By: John T. Buse
Attorneys for Petitioner
California Native Plant Society

Date: _____ 2000

RUPP & HOLMBERG

By: James F. Rupp, Jr.
Attorneys for Respondents
City of Oxnard
City Council of the City of Oxnard

Date: _____ 2000

NOSSAMAN, GUTHNER, KNOX &
ELLIOTT, LLP

By: Robert E. McMurry
Attorneys for Real Party in Interest
North Shore at Mandalay Bay, LLC

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 641 - 0142



To: Kara Kemmler and Jack Ainsworth

From: Jon Allen, Staff Ecologist/Biologist

Subject: North Shore at Mandalay Bay Site, Ecological Findings

Date: 1/16/02

Documents Reviewed:

- 1) North Shore at Mandalay Bay Oxnard, CA. LCP Amendment and Coastal Consistency Analysis. City of Oxnard, Development Services Department, 305 W. 3rd Street, Oxnard, CA 93030. September 2000.
- 2) North Shore at Mandalay Bay, EIR, Vols. 1 & 2, State Clearinghouse No. 97061004. Impact Sciences. August 1998.
- 3) North Shore at Mandalay Bay, Final EIR, State Clearinghouse No. 97061004. Impact Sciences. March 1999.
- 4) Delineation and Classification of Willow Habitats, North Shore at Mandalay Bay Oxnard, CA. Impact Sciences, February 2001.
- 5) Characterization and Restoration of Willow Habitats, Impact Sciences, January 2001.
- 6) Summary of Soil Conditions, C. Richard Kelly, Environmental Engineering & Consulting, Oxnard, CA. January 2001.
- 7) Letter from CNPS on Vegetation at North Shore site. David Magney December 20, 2001.
- 8) Revised map of Proposed Restoration and Preservation on the North Shore site. Exhibit 1. December 2001.

Site Description and History

From 1955 until its closure in 1982 the 91-acre North Shore site was utilized as an oil field waste disposal facility, and as a result, soil and ground water on the site are heavily contaminated. Ground samples have indicated that approximately 400,000 yd³ of soil is contaminated primarily with petroleum hydrocarbons, but some other volatile organics, small amounts of metals and other chemicals are also found. Records indicate that over the 28 years of operation as a disposal area, approximately 50 drilling companies deposited over 8.1 million barrels of waste at the site. Because of the extensive pollution and soil contamination on the site, soil remediation is required under a Remedial Action Plan approved by the Los Angeles RWQCB. Soil remediation will consist of above ground bioremediation using naturally occurring soil bacteria that degrade hydrocarbons. All of the site except for a small preserve area for the Ventura marsh milk vetch will be excavated and treated in stages to a depth of approximately 20 feet, and the treated soil will be reused on the site for fill and resource mitigation areas.

Biological Resources on the Site

Vegetation Types Present

The 91-acre North Shore Project site is without question a very strange and unusual biological situation. The soil there consists of a hydrocarbon-polluted deep layer covered with about five feet of clay and topsoil brought in as an artificial landfill cap when the when the oil waste disposal site was closed. The source of this fill material and the seed bank within it is unknown. Since the closing of the site in 1982, various plants have become established on the landfill in an almost random fashion that does not fit scientific classification schemes very well. The impacted vegetation that occurs on site has been mapped in the Impact Sciences Report (Revised Vegetation map – Dec 2001) as:

- 1) Willow scrub (0.9 acres)
- 2) Willow/Coyote brush scrub (5.7 acres)
- 3) Open Willow/Coyote brush scrub (3.3 acres)
- 4) Willow/Myoporum (1.2 acres)
- 5) Willow cluster (3-8 individuals) (1.2 acres)
- 6) Disturbed dune scrub (5.4 acres)
- 7) Disturbed dune/Iceplant scrub (2.1 acres)
- 8) Saltgrass (15 scattered patches) (3.4 acres)
- 9) Ventura Marsh Milk Vetch Preserve (0.4 acres) (Protected in a Preserve)

The revised revegetation map (December 2001) shows 23.2 acres of these disturbed habitats will be impacted by the bioremediation of contaminated soil. The willow scrub, dune scrub and salt grassland are typically considered to be ESHA due to their limited extent and high biological value within an ecosystem. In this case, however because of the degraded and dispersed nature of these plant communities on the site in conjunction with the highly contaminated soil and groundwater environment, the biological and ecological value of these communities is greatly diminished. Therefore they do not fully qualify as ESHA in this situation. However, because these plant communities do provide some ecological function and biological value, their loss to residential development or soil remediation activities requires mitigation. Since the impacted habitat does not possess full ecological value, a 1:1 mitigation ratio (on site) for impacts is a suggested modification and this seems appropriate under these circumstances. Restoration on site will consist of willow scrub, dune scrub and saltgrass habitat for a total of 23.2 acres (equal to the impacted area). The restoration will occur within designated resource protection areas, which will consist of two areas of 10.00 and 13.6 acres bisected by an entrance road in the northeast corner of the site. Included is a 70-foot wide restored area of willow, dune scrub and saltgrass along the Mandalay canal. All of the restored areas will have a 50-foot buffer to reduce impacts from the residential development. The road bisecting the two areas in the northeast corner cannot be along the canal because this would create a dangerous blind intersection below the canal bridge if it were placed there.

Potential for Wetlands at North Shore

As explained in the Site Description and History section above the North Shore site is an atypical situation in which several feet of fill material of unknown origin overlies a severely contaminated oil field waste disposal site. From the wetland delineation data in Appendix B of the Final EIR (Reference 3 above) the soil in the fill material varies greatly over the site as would be expected of fill material. In addition although seven of the ten samples taken at the site have some wetland vegetation present, none of the other wetland criteria are met, and this vegetation is scattered over the site with no obvious zonation or supporting hydrology. Most of the existing vegetation was probably brought into the site in 1982 as a seed bank in the fill material, and this vegetation then grew its present state. Much of this vegetation is stunted and does not appear to be surviving well. Underlying this cap is very contaminated hydrocarbon waste to a depth of approximately twenty feet that would pose a high risk of pollution to any consistently wet area. It is my professional opinion that the vegetation at the North Shore site is an atypical situation because of the history of the site. And that the occurrence of some wetland plants there is a result of being transported in fill material and not the result of a normally functioning wetland.

The Ventura Marsh Milk Vetch

By far the most unusual and valuable biological resource on the North Shore site is a plant previously thought to be extinct, the Ventura marsh milk vetch (*Astragalus pycnostachyus* var. *lanosissimus*). The last known population of this rare dune scrub plant was at McGrath State Beach, approximately 2 miles north of the North Shore site on Harbor Boulevard. The population at McGrath State Beach was reported destroyed



Figure 1. Ventura Marsh Milk vetch seedling emerging at the North Shore Site, October 23, 2001.

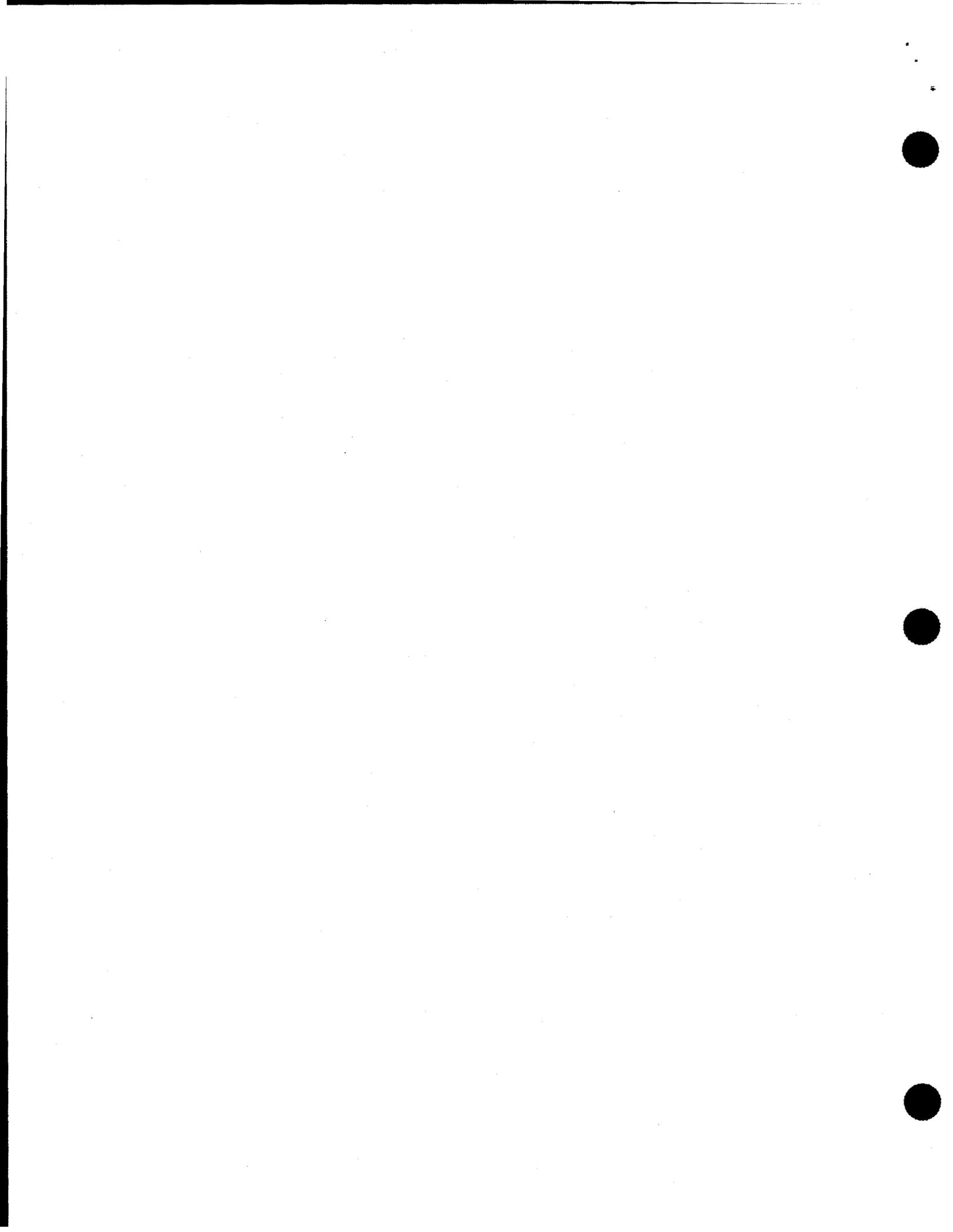
in 1967, and since that time the species was presumed to be extinct. However in 1997 a population of this species was discovered in the North Shore site by USFWS biologist, Kate Symonds (USFWS, Federal Register, May 2001, 66(98):27901-27908). (Ms Symonds is now with SAIC, Santa Barbara). This initial population was believed to have germinated from the final fill material brought in during the closure of the oil waste facility. The actual origin of this soil is unknown but is probably local due to the cost of transporting fill. Apparently the fill material contained a seed bank including the milk vetch seeds that may have lain dormant for many (30 or more) years. Apparently, when

the right conditions occurred on the site, (an El Nino year?), many of the dormant seeds germinated, and 374 plants were discovered in 1997, of which 260 were small, thought to have germinated in the last year.

Since that time the area (about 0.4 acre) of the North Shore site has been placed in a preserve area fenced off from the rest of the site. Studies on the biology of the milk vetch, funded by the developer, are being conducted by Christina Sandoval at Coal Oil Point, UC Santa Barbara. These studies have shown that it is normal for this plant to produce predominately dormant seeds. Normally, only about 5% of the seeds germinate spontaneously, 95% being dormant. Most of the seeds have a heavy seed coat that must be broken open before germination can occur. At North Shore this may have occurred when earth-moving equipment moved the soil containing the milk vetch seeds that then germinated during the wet winter of 1997.

Species that live in very harsh and uncertain conditions such a coastal dunes often evolve a "spreading of risk" or "hedging of bets" strategy that spreads reproduction over a very long time. That is, these species are reproductive opportunists that develop strategies that spread the emergence of their offspring over long time periods and many years. Thus, it may be normal for the milk vetch to have many seeds that lie dormant in the coastal dune soil seed bank waiting for a good year to germinate. We do not know for sure how long these seeds can lie dormant. In the case at North Shore it was probably on the order of thirty years, but much longer time periods are certainly possible.

Surely the preserve and the 100-foot buffer surrounding the milk vetch area must be declared ESHA in spite of the degraded nature of the site in other respects. This area must be preserved and soil remediation must not be conducted in this area. It is my opinion that the area should be preserved permanently because of the long-term seed bank strategy that this species employs. This strategy has saved it from apparent extinction, and that serves as an example of why the whole area surrounding the milk vetch plants should be considered sensitive. There are probably many seeds still remaining in this soil that will germinate in the coming years, not to mention more that have been deposited from the current crop of adult plants. I strongly support the efforts to establish this plant elsewhere, and establishing the milk vetch at other sites should be part of the mitigation effort. Self-sustaining populations (with recruitment) should be documented in coastal dune habitat in the area. I have seen the population of plants at Coal Oil Point, but apparently the *Carpenteria* population was not successful (Christina Sandoval, pers. comm). We will learn much from this research, and it should be supported and continued. I strongly support continued efforts to reestablish this plant in as many new locations as possible with self-sustaining populations.



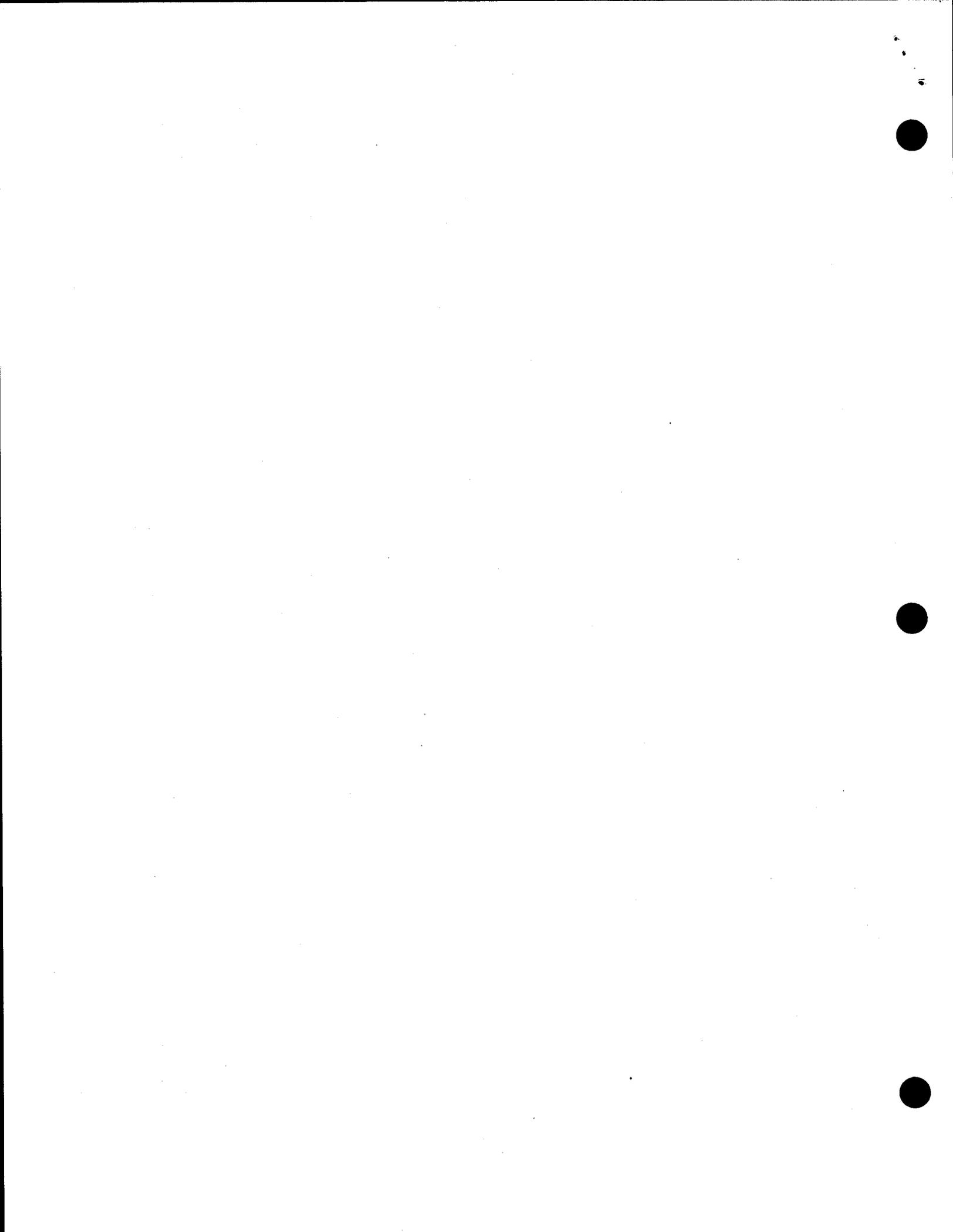


1929 Aerial Photograph

SOURCE: University of California Santa Barbara Photographic Repository

This photograph shows that the areas immediately east of the site with suitable soils for agricultural use were already under cultivation by the 1920s.

Exhibit No. 14
LCPA No. OXN-MAJ-1-00
1970 Aerial Photo

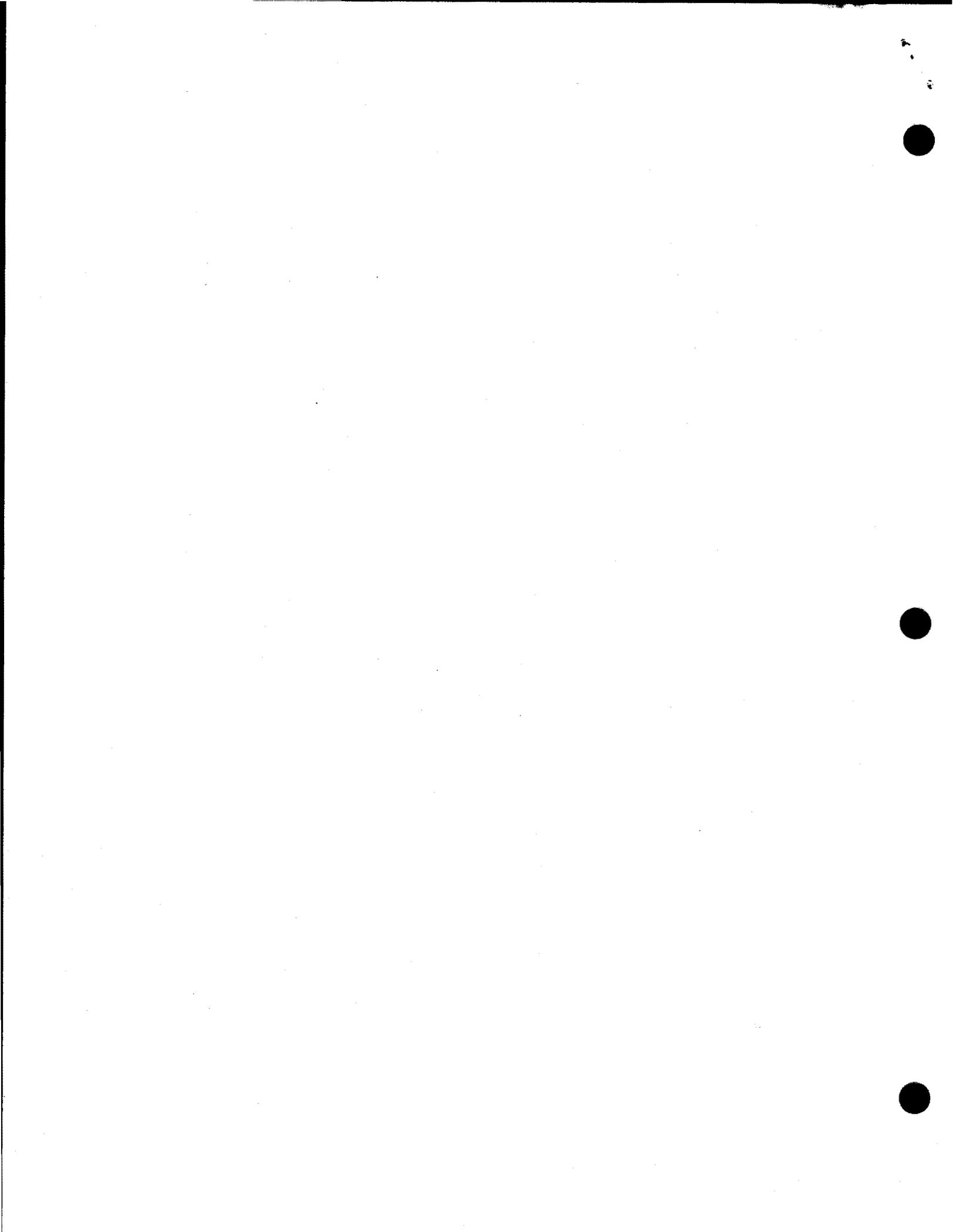


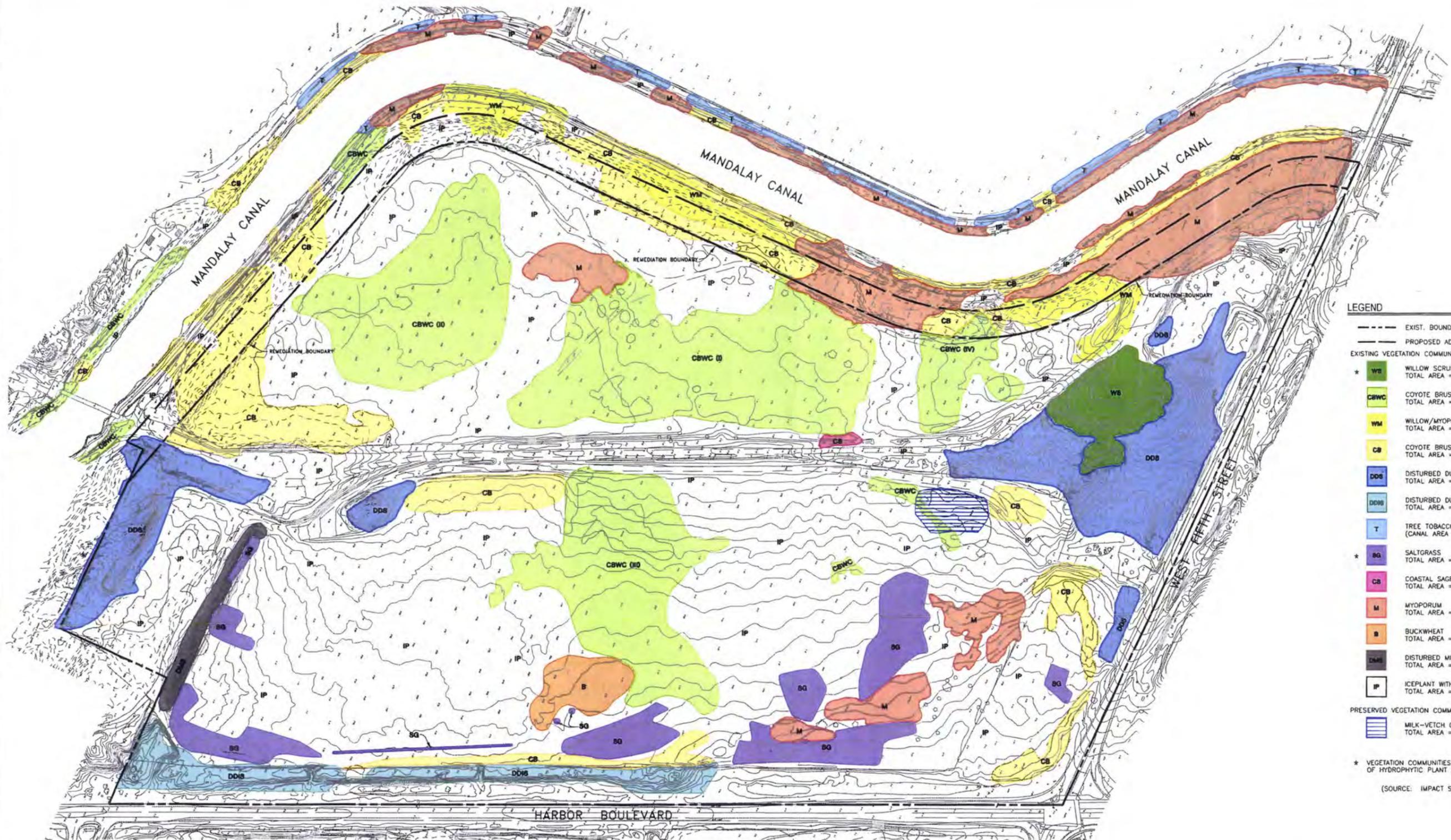


1970 Aerial Photograph

SOURCE: University of California Santa Barbara Photographic Repository

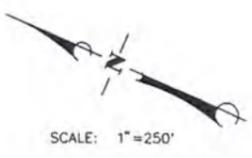
This 1970 aerial photograph shows the pattern of development in the area in relation to established agricultural areas. The Mandalay Bay Power Station is shown at the top of the photograph. As shown in the photo, the canal providing cooling water to the plant was developed along the existing edge of the agricultural fields. Harbor Blvd and West Fifth Street were also fully built by this date and residential development in the Oxnard Shores and Oxnard Dunes areas had been established. By this date, the oil field waste disposal activities, which began in the mid-1950s, had expanded to the majority of the North Shore site, as evidenced by the dark ponds of oil waste visible in the photograph. The pattern of agricultural use in the area remains unchanged from that shown in the 1929 aerial photo.





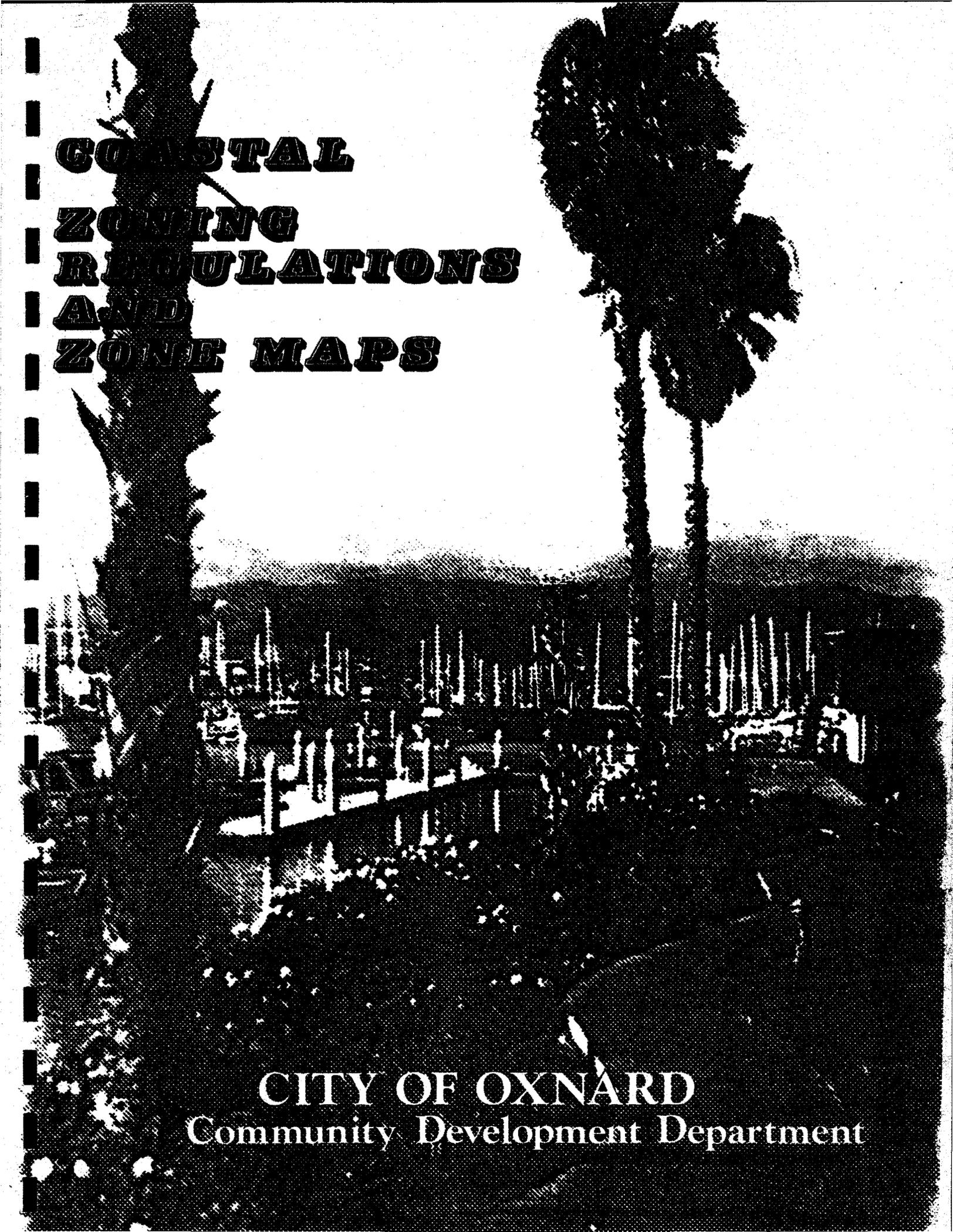
- LEGEND**
- EXIST. BOUNDARY LINE
 - PROPOSED ADJUSTED BOUNDARY LINE
 - EXISTING VEGETATION COMMUNITIES
 - * WS WILLOW SCRUB
TOTAL AREA = 1.2 ACRES (REMEDATION AREA ONLY)
 - CBWC COYOTE BRUSH/WILLOW CLUSTER
TOTAL AREA = 14.6 ACRES (REMEDATION AREA ONLY)
 - WM WILLOW/MYOPORUM
TOTAL AREA = 0.3 ACRES (REMEDATION AREA ONLY)
 - CB COYOTE BRUSH
TOTAL AREA = 4.1 ACRES (REMEDATION AREA ONLY)
 - DDs DISTURBED DUNE SCRUB
TOTAL AREA = 5.7 ACRES (REMEDATION AREA ONLY)
 - DDis DISTURBED DUNE/ICEPLANT SCRUB
TOTAL AREA = 2.0 ACRES (REMEDATION AREA ONLY)
 - T TREE TOBACCO
(CANAL AREA ONLY)
 - * BG SALTGRASS
TOTAL AREA = 3.2 ACRES (REMEDATION AREA ONLY)
 - CS COASTAL SAGEBRUSH
TOTAL AREA = 0.1 ACRES (REMEDATION AREA ONLY)
 - M MYOPORUM
TOTAL AREA = 2.6 ACRES (REMEDATION AREA ONLY)
 - B BUCKWHEAT
TOTAL AREA = 0.7 ACRES (REMEDATION AREA ONLY)
 - DMs DISTURBED MIXED SCRUB
TOTAL AREA = 0.4 ACRES (REMEDATION AREA ONLY)
 - IP ICEPLANT WITH BARE GROUND
TOTAL AREA = 36.4 ACRES (REMEDATION AREA ONLY)
 - PRESERVED VEGETATION COMMUNITIES
 - MLK-VETCH COMMUNITY
TOTAL AREA = 0.4 ACRES
 - * VEGETATION COMMUNITIES WITH PREVALENCE OF HYDROPHYTIC PLANT SPECIES.
- (SOURCE: IMPACT SCIENCES)

**VEGETATION COMMUNITIES
ON THE NORTH SHORE AT
MANDALAY BAY**



MARCH 2

EXHIBIT NO. 20
LCPA NO. OXN-MAJ-1-00
NORTH SHORE SITE
VEGETATION MAP



**COASTAL
ZONING
REGULATIONS
AND
ZONE MAPS**

CITY OF OXNARD
Community Development Department

CHAPTER 37

OXNARD COASTAL ZONING ORDINANCE

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CHAPTER 37

OXNARD COASTAL ZONING ORDINANCE

Article 1 General Provisions

Sec. 37-1.0.0 Title

The provisions contained in this chapter shall be known, and referred to, as the "Oxnard Coastal Zoning Ordinance," and shall only apply to properties within the City's coastal zone.

Sec. 37-1.0.1 Purpose

The purpose of this article is to implement the policies of the California Coastal Act of 1976, as amended, hereinafter referred to as the Coastal Act, as identified in the Oxnard Coastal Land Use Plan, as well as the following additional policies:

1. Assure orderly balance utilization and conservation of coastal zone resources, taking into account the social and economic needs of the people of this City and of the State.
2. Assure priority for coastal-dependent and coastal-related development over other development on the coast.
3. Provide a specific City program to implement development so as to guide the future growth of the City within the coastal zone.

It is the intent of this article to effectively integrate the City of Oxnard Coastal Land Use Plan with the officially adopted Oxnard General Plan and Zoning Ordinance as applied to the defined coastal zone. The Oxnard Coastal Zoning Ordinance in terms of both this chapter and related official City zoning maps has a boundary which is determined by the Coastal Act.

Sec. 37-1.2.0 Definitions

Sec. 37-1.2.1 Purpose

The purpose of this section is to provide a list of defined terms which apply to the City's coastal zone. In the event of a conflict between Section 34-3 of the Oxnard Zoning Ordinance and this section, the definitions provided by this section shall have priority with respect to matters related to the coastal zone of Oxnard.

Abutting land: A parcel of land having a common property line with another parcel.

Access - lateral: An area of land providing public access along the shoreline. Lateral accessways are to be used for public pass and repass passive recreational use or as otherwise designated in the Oxnard Land Use Plan.

Access - vertical: An area of land providing a connection between the first public road or use area nearest the sea and the publicly owned tidelands or established lateral accessway. A vertical accessway may be used for public pass and repass, passive recreation use or as otherwise designated in the Oxnard Coastal Land Use Plan.

Accessory building or structure: A detached building or structure containing no kitchen or cooking facilities, and located upon the same lot as the building or use to which it is accessory and the use of which is customarily incidental, appropriate and subordinate to the use of the principal building, or to the principal use of the land.

Accessory use: A use customarily incidental, appropriate and subordinate to the principal use of land or buildings located on the same lot.

Appealable development: In accordance with Public Resources Code Section 30603(2), any of the following shall constitute an appealable development:

1. Developments approved by the City which are located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.
2. Developments approved by the City not included within Paragraph (1) of this section, located in tidelands, submerged lands, or public trust lands any of which are within 100 feet of any wetland estuary or stream.
3. Any development which constitutes a major public works project or a major energy facility. The phrase "major public works project or a major energy facility" as used in Public Resources Code Section 30603(a)(5) in these regulations shall mean any proposed public works project as defined by Section 13012 of the Coastal Commission Regulations (Title 14, California Administrative Code Division 5.5), or energy facility, as defined by Public Resources Code Section 30107.

Approving authority: The City office, Land Use Advisors or City Council approving a coastal development permit.

Categorically excluded development: A development by which the Coastal Commission has determined pursuant to Section 30610(e) of the Public Resources Code to have no potential for significant adverse environmental affects.

Coastal Commission: The California Coastal Commission.

Coastal development permit: See Section 37-5.3.2, item 5.

Coastal Land Use Plan: Maps and text which indicate the kinds location and intensity of land uses, and including resource protection and development policies.

Coastal zone: That portion of the land and water area of the City shown on the official Land Use maps of the certified Oxnard Coastal Land Use Plan defined by the "Coastal Zone Maps" adopted by the California Coastal Commission.

Coastal-dependent development or use: Any development or use which requires a location on or adjacent to the sea to be able to function at all.

Coastal-dependent recreation: Activities which require a coastal location in order to occur (i.e., ocean swimming, surfing, scuba diving, fishing, boating, beach activities and nature study).

Coastal-related development or use: Any development or use that is associated by both proximity to and dependence on coastal-dependent development or use.

Cumulative effect: The incremental effects of an individual project to be reviewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

Decision, ministerial: Ministerial decisions are approved by a decision-making authority, based upon a given state of facts in a prescribed manner in obedience to the mandate of legal authority. In such cases, the authority must act upon the given facts without regard to its own judgment or opinion concerning the propriety of wisdom of the act although the statute, ordinance or regulation may require in some degree a construction of its language by the decision-making authority. In summary, a ministerial decision involves only the use of fixed standards or objective measurements without personal judgment. Examples of ministerial decisions made by the Community Development Director are development review permits zone clearances and sign permits.

Development: Pursuant to Section 30106 of the California Coastal Act, "development" means the placement or erection of any solid material or structure in or under water; discharge or disposal of any dredged material or of any gaseous liquid, solid or thermal waste; grading, removing, dredging, mining or extraction of any materials; change in the density or intensity of use of land including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water or of access thereto; construction, demolition, or alteration of the size of any structure, including any facility of any private, public or municipal utility and the removal or harvesting of any major vegetation other than for agricultural purposes and kelp harvesting. As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

Development review permit: See Section 37-5.3.2, item 4.

Energy facility: Any public or private processing, producing, generating, storing, transmitting or recovering facility for electricity, natural gas, petroleum, coal or other sources of energy.

Environmentally sensitive habitat area: Any area as identified by the Oxnard Coastal Land Use Plan in which plant or animal life or their habitats are rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and development.

Feasible: Capable of being accomplished in a successful manner within a reasonable period of time taking into account economic, environmental, social and technological factors.

Fill: Earth or any other substance or material, including pilings placed for the purpose of erecting structures thereon placed in a submerged area.

First public road paralleling the sea: The nearest road to the sea that is dedicated and suitable for public use, and which connects with another public road providing a continuous access system paralleling the shoreline.

Local Coastal Program (LCP): City of Oxnard's (a) land use plans (including maps and texts), (b) zoning ordinances, (c) zoning district maps and (d) other implementing actions required by the Coastal Act.

Mean high tide line: High watermark of the Pacific Ocean which is the normal or average inland extent of tidal action as officially determined by the State Lands Commission.

Prime agricultural land: Those lands defined in Section 51201 of the Government Code.

Public works: (a) All production, storage, transmission, and recovery facilities for water, sewage, telephone and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission except for energy facilities; (b) all public transportation facilities including streets, roads, highways, public parking lots, and structures, ports, harbors, airports, railroads and mass transit facilities and stations, bridges, trolley, wires and other related facilities; (c) all publicly financed recreational facilities, all projects of the State Coastal Conservancy and any development by a special district; and (d) all community college facilities.

Recreation active: Recreational activities of a group nature, such as team sports which require permanent aboveground improvements, such as campgrounds, recreational vehicle parking, rest rooms, picnic tables, etc.

Recreation passive: Recreational activities which are of a more individual nature, such as sunbathing, walking, hiking, nature study, etc., which do not require permanent aboveground improvements, such as picnicking.

Sea: The Pacific Ocean and all harbors, bays, canals, channels, estuaries, salt marshes, sloughs and other areas subject to tidal action through any connection with the Pacific Ocean, excluding non-estuary rivers, streams, tributaries, creeks, flood control and drainage channels.

Special District: Any public agency other than a local government as defined in this article which is formed pursuant to general law or special act for the purpose of performing local governmental or proprietary functions within limited boundaries. "Special District" includes, but is not limited to,

a County or City service area, a maintenance district or area, an improvement district, or improvement zone or any other zone or area formed for the purpose of designating an area within which a special or additional property tax rate may be levied to pay for a service or improvement benefiting that area.

Timeshare: A timeshare unit or project involves the marketing and sale of time segments of occupancy or ownership of dwelling units or commercial transient quarters (as hotels or motel rooms). Such time segments consist of a period of occupancy of not less than one week or not greater than 30 days with the annual right to use extended over a specified period of time. Thus a timeshare unit consists of at least twelve (12) increments of ownership or rights-to-use per year.

Use inauguration: The use of land or structure in a manner consistent with the approved application specifying the intended use including all conditions incorporated with project approval. Preparatory acts of engineering development or construction to that end do not constitute use inauguration.

Visitor-serving Service and Sales: Public and private developments that provide or accommodate food and service, including hotel, motel, campgrounds, restaurants and commercial recreation developments such as shopping, eating and amusement areas for tourists.

Wetland: Those lands defined pursuant to Policy 9, Chapter 3 of the Oxnard Coastal Land Use Plan.

Sec. 37-1.3.0 Establishment of Coastal Zone Districts

The City of Oxnard Coastal Zone is divided into the following zone districts:

- R-B-1 (Single-family Beach) Zone
- R-W-1 (Single-family Water-oriented) Zone
- R-W-2 (Townhouse Water-oriented) Zone
- R-2-C (Coastal Multiple-family) Zone
- R-3-C (Coastal Garden Apartment) Zone
- CPC (Coastal Planned Community) Zone
- MHP-C (Coastal Mobile Home Park) Zone
- CNC (Coastal Neighborhood Commercial) Zone
- CVC (Coastal Visitor-serving Commercial) Zone
- CDI (Coastal-dependent Industrial) Zone
- EC (Coastal Energy Facilities) Zone
- COD (Coastal Oil Development) Zone
- RC (Coastal Recreation) Zone
- RP (Coastal Resource Protection) Zone
- HCI (Harbor, Channel Islands) Zone
- R-BF (Beachfront Residential) Zone

Sec. 37-1.3.1 Adoption of Zoning Maps

The boundaries of the zone districts shall be as shown upon the Official Zoning Map of the City of Oxnard Coastal Zone, a copy which is attached and incorporated by this reference.

Sec. 37-1.3.2 Rules Applying to Uncertain Boundaries on Land Use Maps and Zoning Maps

Where uncertainty exists as to the boundaries of any Coastal zone district shown on the official zoning map, the following rules shall apply:

1. Where such boundaries are indicated as approximately following street and alley lines or lot lines, the centerline of such streets and alleys shall be construed to be such boundaries.
2. In an unsubdivided property or where a zone boundary divides a lot, the location of such boundary, unless indicated by dimension, determined by use of the scale appearing on the zoning map.

3. In case any uncertainty exists not addressed by this Section, the Land Use Advisors shall determine the precise location of boundaries.
4. Where any public street or alley is officially vacated or abandoned, the regulations applicable to abutting properties shall apply to such vacated or abandoned street or alley.
5. Where any dedicated or fee right-of-way of any street, railroad, transportation or public utility company is vacated or abandoned, said property shall be automatically classified as an RP zone. All property not otherwise designated shall be classified as an RP zone.

Sec. 37-1.4.0 General Requirements

Except as hereafter provided, land or buildings may be used and structures may be erected or altered only in accordance with the following provisions:

1. No building shall be erected and no existing building shall be moved, altered or enlarged, nor shall any land building or premises be used, designed or intended to be used for any purpose or in any manner other than a use listed in this article or amendments thereto, as permitted in the zone in which such land, building or premises is located.
2. No building shall be erected nor shall any existing building be moved, reconstructed or structurally altered to exceed in height the limit established by this article or amendment thereto for the zone in which such building is located. Furthermore, all such buildings shall conform to the City Building Code.
3. No building shall be erected nor shall any existing building be moved, altered, enlarged or rebuilt nor shall any open spaces surrounding any buildings be encroached upon or reduced in any manner, except in conformity with the building setback requirements outlined in Article 2 or amendments thereto for the zone in which such building is located.
4. No yard or open space provided adjacent to any building for the purpose of complying with the regulations of this article or amendments thereto, shall be considered as providing a yard or open space for any other building or structure.

Sec. 37-1.4.1 Conflicting Permits and Licenses to be Voided

All departments, officials and public employees of the City vested with the duty and authority to issue permits or licenses shall conform with the provisions of this article and shall issue no permits or licenses for uses, buildings or any purpose in conflict with the provisions of this article. Any such permit or license issued in conflict with this article shall be null and void.

Sec. 37-1.4.2 Administrative Authority

The Community Development Director may authorize a representative to carry out any of the duties and responsibilities delegated to him/her by this article.

Sec. 37-1.4.3 Zoning Clearance

Prior to issuance of a building permit, a zone clearance shall be issued by the Community Development Department certifying that said permit or use complies with all provisions of this article. A zone clearance shall be required for all building permits other than for interior modifications.

Sec. 37-1.4.4 Certificate of Occupancy

No structure hereafter erected or altered subject to a building permit shall be occupied or used until a certificate of occupancy has been issued by the Building Division.

Sec. 37-1.4.5 Change of Business or Use

In the event of a proposed change of use for commercial or industrial purposes on a parcel of land or of a building or portion thereof, no new use shall occupy or use any such parcel of land or building until a zone clearance has been issued for such use or tenancy. A zone clearance shall not be required for a change of residential occupancy except where required by this article.

Sec. 37-1.4.6 Violations of Ordinances

No certificate of occupancy shall be issued for any occupancy or use which is in violation of any applicable City ordinance or State law.

Sec. 37-1.4.7 Nonconforming Uses

Zone clearances for nonconforming uses existing at the time of adoption of this article may be issued by the Community Development Department and the certificate shall state that the use is a nonconforming use and does not conform with the provisions of this article.

Sec. 37-1.4.8 Uses Not Specifically Permitted in Stated Sub-zones

If a proposed use is not listed as permitted or conditionally permitted, it shall be assumed that it is prohibited unless it is determined by action of the City Council, following recommendations from the Land Use Advisors and a public hearing that the use is substantially the same as a listed use.

Sec. 37-1.4.9 Minimum Requirements

In interpreting, analyzing and applying the provisions of this article, unless otherwise stated, they shall be held to the minimum requirements for promotion of public health, safety, peace and general welfare.

Sec. 37-1.4.10 Conflict with Other Regulations

Where conflicts occur between the regulations of this article, the Coastal Land Use Plan, the Coastal Act and the Building Code or other regulations effective shall apply, unless the most restrictive regulation is inconsistent with the Coastal Act. Nothing contained in this article shall be deemed to repeal or amend any regulation of the City requiring a permit or license or both, for any business trade or occupation, nor shall anything in this article be deemed to repeal or amend the Building Code. If provisions of this article overlap or conflict, the most protective section or provision relating to the coastal resources shall apply.

It is not intended that this article shall interfere with, abrogate or annul any easement, covenant or other agreement now in effect, provided however, that where this article imposes a greater restriction upon the use of the buildings or land upon the height of buildings or require larger open spaces than are imposed or required by other ordinances, rules or regulations or by easements, covenants or agreements the provisions of this article shall apply.

Sec. 37-1.4.11 Number of Buildings on a Residentially Zoned Lot

Except in the case of the multiple-family zones, not more than one principal residential building shall be situated on a single lot of record in any residential zone.

Sec. 37-1.4.12 Consistency with the General Plan and the Coastal Land Use Plan

An application approved by any review body must be found consistent with the objectives, policies, general land uses and programs of the City General Plan and Coastal Land Use Plan. If there are any conflicts between the provisions or land use designations of the Coastal Land Use Plan and the General Plan, the Coastal Land Use Plan shall prevail.

Sec. 37-1.4.13 Partial Invalidity

If any article chapter, section, sub-section, sentence, clause or phrase of this article is for any reason declared by a court of competent jurisdiction to be invalid such decision shall not affect the validity of the remaining portions of this article. The City Council hereby declares that it would have adopted this article and each section, sub-section, sentence, clause and phrase thereof, irrespective of the fact that any one or more articles, chapters, sections, subsections, sentences, clauses and phrases may be declared invalid.

Sec. 37-1.4.14 Recordation of Easements and Dedication

Offers for or the execution of dedications or easements for coastal access, recreation or open space purposes shall be recorded prior to or simultaneously with the recordation of the related land division. Where no land division is involved or required, such easements and dedications shall be recorded prior to the issuance of building permits or initiation of use, whichever occurs first.

Article 2 Coastal Zones

Sec. 37-2.1.0 R-B-1 (Single-family Beach) Zone

Sec. 37-2.1.1 Purpose

The purpose of the R-B-1 zone is to provide areas in which the low-profile, small scale character of existing single-family beach-oriented neighborhoods may be preserved to provide reasonable protection to existing low- to moderate income housing. Development within the R-B-1 zone shall be consistent with the policies of the Oxnard Coastal Land Use Plan.

Sec. 37-2.1.2 Permitted Uses

1. Single-family dwelling
2. Accessory buildings and structures located on the same lot.
3. Residential care facilities operating 24 hours per day, serving no more than six persons.
4. Children's day-care facilities operating 12 hours per day or less, serving no more than six children.
5. Adult day-care facilities, serving no more than six adults.
6. Home Occupations.

Sec. 37-2.1.3 Conditionally Permitted Uses

The following uses are permitted, subject to the approval of a coastal development permit pursuant to the provisions of Article 5 (Administration):

1. Single-family dwelling
2. Public utility and municipal facilities.

Sec. 37-2.1.4 Property Development Standards

Maximum building height:	Two stories, not to exceed 25 feet
Minimum lot area:	4,000 square feet
Maximum lot coverage:	60 percent
Minimum distance between structures:	Six feet
Minimum lot width:	For lots easterly of the first public road: 40 feet For lots westerly of the first public road: 35 feet

Front yard setback:

1. Defined:

Front yards in the R-B-1 zone shall be defined as follows:

- a. For properties located between a public walkway and a 26-foot-wide public way of a 60-foot street, the front yard shall be the area between the walkway and the main structure.
- b. For properties located between a public way or alley and a 50- or 60-foot-wide public street, the front yard shall be the area between the public street and the main structure.

2. Required:

- a. For properties located easterly of the first public road paralleling the sea: 15 feet.
- b. For properties located between the Pacific Ocean and the first public road paralleling the sea and which front yard abuts a public beach, park or similar facility dedicated by easement or in fee: 20 feet.

Rear yard setback: 15 feet.

Side yard setback: 5 feet.

Accessory buildings: Shall observe same setbacks as main structure and shall be separated from the main structure by a minimum of six feet.

Sec. 37-2.1.5 Special Requirements

1. Off-street parking:

For those lots which abut a 26-foot-wide public way, a nine-foot paved parking strip shall be required along the way for the width of the lot. No fences, walls or structures shall be allowed within this nine-foot area.

2. Fencing in front yard:

Fences, walls, or hedges may be permitted in front yards of lots along public walkways, may be of solid construction and may exceed general height requirements, but shall not exceed six feet in height and shall provide a permanent means of access to any adjacent public right-of-way or access easement.

3. Minimum distance between a garage door and the most parallel rear or front property line shall be 20 feet.

Sec. 37-2.1.6 Applicable Regulations

All uses shall be subject to the applicable regulations of Chapter 37, including standards which are located in the following sections:

1. Sec. 37-1.4.0 General requirements
2. Article 3 Specific coastal development and resource standards
3. Article 4 General coastal development and resource standards
4. Article 5 Administration

Sec. 37-2.2.0 R-W-1 (Single-family Water-oriented) Zone

Sec. 37-2.2.1 Purpose

The purpose of the R-W-1 zone is to provide areas of low-density, single-family dwellings on parcels located in an established neighborhood with close proximity to dedicated inland coastal waterways. It is the intent of this zone to protect established single-family, water-oriented neighborhoods from land uses of higher density and intensity consistent with the policies of the Oxnard Coastal Land Use Plan.

Sec. 37-2.2.2 Permitted Uses

1. Single-family dwelling placed on a permanent foundation.
2. Accessory buildings and structures located on the same lot.
3. Residential care facilities operating 24 hours per day, serving no more than six persons.
4. Children's day-care facilities operating 12 hours per day or less, serving no more than six children.
5. Adult day-care facilities, serving no more than six adults.
6. Home occupations

Sec. 37-2.2.3 Property Development Standards

Maximum building height:	Two stories, not to exceed 28 feet.
Minimum lot area:	4,000 square feet for lots which directly abut a waterway; 6,000 square feet for lots which do not abut a waterway.
Minimum lot width:	40 feet
Interior yard space:	15 percent of the lot area. May include interior side yard. Need not exceed 600 square feet. Minimum dimension of eight feet.
Front yard setback:	15 feet; minimum of 20 feet to center of garage door for back-out driveways.
Rear yard setback:	12 feet for lots abutting a waterway; 20 feet for lots which do not abut a waterway.
Side yard setback:	Interior side yard: four feet. No side yard shall be required on one side of a lot where an eight foot side yard is provided on the other side.

Street side yard: five feet
Reverse corner side yard: One-half of front yard of abutting lot.

Sec. 37-2.2.4 Special Requirements

1. Mezzanine for attics may be constructed within roof areas, provided that there are no window openings above the attic or mezzanine floor except for openings facing the front property line and within 10 feet of the front setbacks.
2. No exterior decks are permitted above height of second floor.

Sec. 37-2.2.5 Applicable Regulations

All uses shall be subject to the applicable regulations of Chapter 37, including standards which are located in the following sections:

1. Sec. 37-1.4.0 General requirements
2. Article 3 Specific coastal development and resource standards
3. Article 4 General coastal development and resource standards
4. Article 5 Administration

Sec. 37-2.3.0 R-W-2 (Townhouse Water-oriented) Zone

Sec. 37-2.3.1 Purpose

The purpose of the R-W-2 zone is to provide areas of moderate density townhouse dwellings on parcels located in neighborhoods with close proximity to dedicated inland coastal waterways. It is the intent of this zone to protect established townhouse water-oriented neighborhoods from land uses of higher density and intensity consistent with the policies of the Oxnard Coastal Land Use Plan.

Sec. 37-2.3.2 Permitted Uses

1. Single-family dwelling placed on a permanent foundation.
2. Accessory buildings and structures located on the same lot.
3. Residential care facilities operating 24 hours per day, serving no more than six persons.
4. Children's day-care facilities operating 12 hours per day or less, serving no more than six children.
5. Adult day-care facilities serving no more than six adults.
6. Home occupations

Sec. 37-2.3.3 Conditionally Permitted Uses

The following uses are permitted subject to the approval of a coastal development permit pursuant to the provisions of Article 5 (Administration):

Townhouses, condominiums, and attached and semi-attached dwellings on a permanent foundation.

Sec. 37-2.3.4 Property Development Standards

- | | |
|--------------------------|--|
| Maximum building height: | Two stories, not to exceed 30 feet. |
| Minimum lot area: | 2,800 square feet |
| Minimum lot width: | 28 feet |
| Interior yard space: | 15 percent of the lot area. Minimum dimension of 10 feet. |
| Front yard setback: | 15 feet; minimum of 20 feet to center of garage door for back-out driveways. |
| Rear yard setback: | 12 feet for lots abutting a waterway; 20 feet for lots which do not abut a waterway. |

Side yard setback: Interior side yard: None required.
Street side yard: Five feet
Reverse corner side yard: One-half of front yard of abutting lot.

Sec. 37-2.3.5 Special Requirements

Townhouse building cluster, separation and parking: There shall be no more than six attached dwelling units in any building cluster. Building clusters shall have a 20-foot minimum separation. One off-street guest parking space shall be provided for every three dwelling units unless on-street parking is provided at the ratio of one space for each unit.

Sec. 37-2.3.6 Applicable Regulations

All uses shall be subject to the applicable regulations of Chapter 37, including standards which are located in the following sections:

1. Sec. 37-1.4.0 General requirements
2. Article 3 Specific coastal development and resource standards
3. Article 4 General coastal development and resource standards
4. Article 5 Administration

Sec. 37-2.4.0 R-2-C (Coastal Multiple-family) Zone

Sec. 37-2.4.1 Purpose

The purpose of the R-2-C zone is to provide areas of moderate density multiple-family dwellings of a residential character suitable for legally existing and new subdivisions located in areas adjacent to significant coastal resources both urban and natural in character. Development within the R-2-C zone shall be consistent with the policies of the Oxnard Coastal Land Use Plan.

Sec. 37-2.4.2 Permitted Uses

1. Single-family dwelling placed on a permanent foundation.
2. Accessory buildings and structures located on the same lot.
3. Residential care facilities operating 24 hours per day, serving no more than six persons.
4. Children's day-care facilities operating 12 hours per day or less, serving no more than six children.
5. Adult day-care facilities, serving no more than six adults.
6. Home occupations

Sec. 37-2.4.3 Conditionally Permitted Uses

The following uses are permitted subject to the approval of a coastal development permit pursuant to the provisions of Article 5 (Administration):

1. Duplex of multiple-family dwelling units either in separate buildings or combined in one or more main buildings to a maximum of six units per building.
2. Residential care facility serving more than six, but no more than 15, persons.
3. Children's day-care facilities serving more than six, but no more than 15, children.
4. Adult day-care facilities serving more than six, but no more than 15, persons.
5. Townhouses, condominiums, and attached and semi-attached dwellings on a permanent foundation.
6. Residential stock cooperatives and community apartments.

Sec. 37-2.4.4 Property Development Standards

Maximum building height: Two stories, not to exceed 25 feet.

Minimum lot area: 3,500 square feet per dwelling unit. One unit only permitted on lots of less than 7,000 square feet or whose average width is less than 50 feet. Lots of record prior to May 21, 1981, which have a minimum of 6,000 square feet may contain two dwelling units provided minimum width is met.

Minimum lot width: 50 feet

Interior yard space: 25 percent of the lot area. Minimum dimension of 15 feet.

Front yard setback: 20 feet

Rear yard setback: 25 feet

Side yard setback: Interior side yard: five feet
Street side yard: five feet
Reverse corner side yard: One-half of front yard of abutting lot.

Accessory buildings: May occupy any portion of rear yard provided such is located at least six feet from main structure, is not more than one story in height, and is set back a minimum of 15 feet from any alley or way.

Sec. 37-2.4.5 Special Requirements

Building Clusters: There shall be no more than six attached dwelling units attached in any building cluster.

Sec. 37-2.4.6 Applicable Regulations

All uses shall be subject to the applicable regulations of Chapter 37 including standards which are located in the following sections:

1. Sec. 37-1.4.0 General requirements
2. Article 3 Specific coastal development and resource standards
3. Article 4 General coastal development and resource standards
4. Article 5 Administration

Sec. 37-2.5.0 R-3-C (Coastal Medium Multiple-family) Zone

Sec. 37-2.5.1 Purpose

The purpose of the R-3-C zone is to provide an area of medium density multiple-family dwellings and new development for existing multiple-family residential neighborhoods, particularly with the respect to the preservation of existing lot to moderate income housing within the City's coastal zone. Development within the R-3-C zone shall be consistent with the policies of the Oxnard Coastal Land Use Plan.

Sec. 37-2.5.2 Permitted Uses

1. Single-family dwelling placed on a permanent foundation.
2. Accessory buildings and structures located on the same lot.
3. Residential care facilities operating 24 hours per day, serving no more than six persons.
4. Children's day-care facilities operating 12 hours per day or less, serving no more than six children.
5. Adult day-care facilities, serving no more than six adults.
6. Home occupations
7. Timeshare, subject to participation in the TDR program.

Sec. 37-2.5.3 Conditionally Permitted Uses

The following uses are permitted subject to the approval of a coastal development permit pursuant to the provisions of Article 5 (Administration):

1. Multiple-family dwellings
2. Residential care facility, serving more than six persons
3. Children's day-care facilities, serving more than six children
4. Adult day-care facilities, serving more than six adults
5. Townhouses, condominiums, community ownership projects, and attached and semi-attached dwellings on a permanent foundation
6. Residential stock cooperatives and community apartments
7. Vacation timeshare developments, subject to participation in the transfer of development rights program

Sec. 37-2.5.4 Property Development Standards

- Maximum building height: Three stories, not to exceed 35 feet.
- Minimum lot area: 2,400 square feet per dwelling unit. No more than two units on lots having an average width of less than 60 feet. No more than one unit on lots having an average width of less than 40 feet. Lots of record prior to May 21, 1981, which have a minimum of 4,800 square feet may contain three dwelling units provided minimum width is met.
- Minimum lot width: 60 feet
- Interior yard space: 25 percent of the lot area. Minimum dimension of 15 feet.
- Front yard setback: 20 feet; 15 feet if all vehicle access is off alley
- Rear yard setback: 25 feet
- Side yard setback: Interior and street side yard: five feet for one- and two-story structures; 10 feet for three-story structures
- Reverse corner side yard: One-half of front yard of abutting lot not to be less than 10 feet.
- Accessory buildings: May occupy any portion of rear yard provided such is located at least six feet from main structure, is not more than one story in height, and is set back a minimum of 15 feet from any alley or way.

Sec. 37-2.5.5 Special Requirements

Twenty-five percent of required interior yard space may be on building decks having minimum dimension of ten feet and minimum area of 200 square feet.

Sec. 37-2.5.6 Applicable Regulations

All uses shall be subject to the applicable regulations of Chapter 37 including standards which are located in the following sections:

1. Sec. 37-1.4.0 General requirements
2. Article 3 Specific coastal development and resource standards
3. Article 4 General coastal development and resource standards
4. Article 5 Administration

Sec. 37-2.6.0 CPC (Coastal Planned Community) Zone

Sec. 37-2.6.1 Purpose

The purpose of the CPC zone is to provide a method which will ensure the orderly development of a large-scale mixed-use planned development on property located in an area bounded by Wooley Road on the north, Edison Canal on the west, Hemlock Street on the south, and Victoria Avenue on the east in accordance with the provisions of the Oxnard Coastal Land Use Plan. The provisions of this zone shall apply exclusively to the property zoned CPC as designated on the official Oxnard Shores Land Use Map of the certified Oxnard Coastal Land Use Plan.

The CPC zone is further intended to provide for the integration of residential, and visitor-serving commercial, and public recreational and open space uses consistent with the certified Oxnard Coastal Land Use Plan and provide for appropriate public access to the extensions of the Inland Waterway; and to provide a development which will optimize the utilization of property to conserve energy and promote the efficient use of limited resources.

Sec. 37-2.6.2 Permitted Uses

1. Agriculture and aquaculture
2. Passive recreation uses both on land and water

Sec. 37-2.6.3 Other Uses - Coastal Development Permit or Development Permit Review Required

Residential, visitor-serving commercial, public passive and active recreation uses may be permitted subject to the adoption of a specific plan for the planned unit development which shall establish the development pattern for the project site. Permitted and conditionally permitted uses shall then be allowed subject to the provisions of the Oxnard Coastal Land Use Plan and the general provisions of this chapter. Permitted and conditionally permitted uses shall be only those allowed in the R-W-1, R-W-2, R-2-C, R-3-C, CNC, CVC, and RC zones.

Sec. 37-2.6.4 Specific Plan Required

Pursuant to the policies of the Oxnard Coastal Land Use Plan, a specific plan for the entire property designated PUD-C shall be prepared and adopted prior to the issuance of any development permits and land divisions for development on the project site. The specific plan shall provide for development of the property in accordance with Policies 4, 5, and 24 of the Oxnard Coastal Land Use Plan specifically and with other general policies of the LUP.

Sec. 37-2.6.5 Specific Plan Contents

A. The specific plan shall contain the following components:

1. Access and recreation component

The specific plan shall contain a component which identifies the location of standards for improvements, and quantification of the amount of land area provided for lateral and vertical access, and public recreation, and open space facilities and areas, including parks, beaches, public marinas, and bikeways. All access shall be in accordance with the certified Oxnard Coastal Land Use Plan.

2. Soil transfer program

The specific plan shall require the provision of a soil transfer program upon submittal of the tentative map for each phase as required by Policy 5 of the Oxnard Coastal Land Use Plan.

3. Project and use map

The specific plan shall contain a map of the location and amount of specific uses and densities for land and water areas as for the entire CPC designated property required by the Oxnard Coastal Land Use Plan. Uses within water areas shall also be quantified.

4. Circulation component

The specific plan shall contain a circulation plan which identifies all public streets which will support the proposed project. The circulation plan shall also identify the location of bike paths and other alternative circulation improvements including those related to public transportation. An accompanying text shall identify the types of street and intersection improvements that are necessary. Street cross sections shall be provided, and the location of all required or proposed public parking areas serving public accessways shall be shown.

5. Buffering and setback component

The specific plan shall contain illustrations and text establishing the nature and location of building setbacks from thoroughfare and collector streets and from the waterway. In addition, the plan shall include descriptions and cross sections of urban use buffers as required for the project by the Oxnard Coastal Land Use Plan in accordance with Policy 4.

6. Urban design and landscape component

The specific plan shall contain illustrations and text as necessary to identify the relationships between major design elements which shall establish the character of the development. Elements to be identified shall include but not be limited to: view corridors; access and circulation corridors; public recreation use area and facilities (including beaches, plaza, boardwalks, etc.); overall project landscaping character; overall project architectural character; preliminary streetscape plan; project entries; and gateways.

7. Master utility and drainage facility component

The specific plan shall contain illustrations and text indicating the preliminary proposals and phasing for interim and ultimate sewer and stormwater drainage facilities, and street improvements.

8. Phasing component

The specific plan shall contain illustrations and text indicating the phasing sequence for development and public access dedication and improvements.

- B. The specific plan for the planned unit development shall consist of text and illustrations providing adequate data and criteria to fully express the proposed standard and character of development.

Sec. 37-2.6.6 Land Use and Access

The specific plan for the planned unit development shall provide for the amounts of visitor-serving commercial, public recreation and water use areas as required by Policy 24 of the Oxnard Coastal Land Use Plan. The specific plan shall also provide for the amount of vertical and lateral access in accordance with Policy 24 of the Coastal Land Use Plan and consistent with the access provisions of this chapter.

Sec. 37-2.6.7 Findings

In addition to those findings contained in Sec. 37-5.3.0, the specific plan for the planned unit development may be approved only if the following findings of fact can be made:

1. The specific plan for the planned unit development provides the appropriate percentage of visitor-serving commercial, public recreation and water area as required by the Oxnard Coastal Land Use Plan.
2. The specific plan for the planned unit development provides the appropriate amount area of vertical and lateral access as required by the Oxnard Coastal Land Use Plan.
3. The specific plan for the planned unit development contains a soil transfer program consistent with the policies of the Oxnard Coastal Land Use Plan.
4. The specific plan for the planned unit development is consistent with all other applicable and general policies of the Oxnard Coastal Land Use Plan.

Sec. 37-2.6.8 Permits Required

No new development or initiation of any conditionally permitted use shall be allowed on any area covered by the planned unit development until the following actions have occurred:

1. The property proposed for development has been zoned CPC.
2. A specific plan in accordance with the provisions of this article and the policies of the Oxnard Coastal Land Use Plan has been prepared and adopted for the entire property designated CPC.
3. A coastal development or development permit review has been granted by the City in accordance with the provisions of this article.

Sec. 37-2.6.9 Application of Planned Unit Development

Concurrent with any application for a land division, or as required above, a coastal development permit shall be approved which shall serve as the application for a Planned Unit Development (PUD). Development standards and regulations which differ or vary from the standards of the coastal zones to be applied may be proposed and adopted as provisions of the coastal development permit.

Sec. 37-2.6.10 Applicable Regulations

All uses shall be subject to the applicable regulations of Chapter 37, including standards which are located in the following sections:

1. Sec. 37-1.4.0 General requirements
2. Article 3 Specific coastal development and resource standards
3. Article 4 General coastal development and resource standards
4. Article 5 Administration

Sec. 37-2.7.0 MHP-C (Coastal Mobile Home Park) Zone

Sec. 37-2.7.1 Purpose

The purpose of the MHP-C zone is to implement Policy No. 65 of the Oxnard Coastal Land Use Plan relating particularly to the preservation of low to moderate income housing within the city's coastal zone, which states: "existing mobile home parks shall not be demolished or converted to another use including purchase mobile home lots, unless an equal or greater number of comparably priced housing units are building in the coastal zone to replace the demolished or converted units."

Sec. 37-2.7.2 Permitted Uses

The following uses which shall not result in the reduction of two or more mobile home spaces are permitted only within existing mobile home parks:

1. Mobile homes for single-family use only
2. Common recreation facilities and structures
3. Accessory structures normally incidental to and contained within mobile home parks.

Sec. 37-2.7.3 Conditionally Permitted Uses

The following uses are permitted subject to the approval of a coastal development permit pursuant to the provisions of Article 5 (Administration):

Common recreational facilities, structures, and accessory uses normally associated with a mobile home park which would result in a reduction of two or more mobile home spaces within an existing mobile home park.

Sec. 37-2.7.4 Property Development Standards

Mobile home space requirements:

- | | |
|-------------------------------|--|
| Minimum mobile home lot area: | 3,000 square feet |
| Front yard setback: | 10 feet from mobile home space line |
| Side yard setback: | 10 feet from mobile home space line |
| Rear yard setback: | 10 feet from mobile home space line |
| Maximum space coverage: | 75 percent |
| Interior yard space: | 450 square foot minimum; per space minimum dimension of 15 feet. |

Off-street parking required: Two spaces on each mobile home lot; one guest parking space for each five mobile home lots.

Sec. 37-2.7.5 Special Requirements

1. Patio covers and parking space covers may extend up to five feet from side property line.
2. A six-foot-high masonry wall is required along all exterior mobile home park property lines. Such wall shall be set back a minimum of ten feet from any public right-of-way.

Sec. 37-2.7.6 Applicable Regulations

All uses shall be subject to the applicable regulations of Chapter 37 including standards which are located in the following sections:

1. Sec. 37-1.4.0 General requirements
2. Article 3 Specific coastal development and resource standards
3. Article 4 General coastal development and resource standards
4. Article 5 Administration

Sec. 37-2.8.0 CNC (Coastal Neighborhood Commercial) Zone

Sec. 37-2.8.1 Purpose

The purpose of the CNC zone is to protect an area of established convenience shopping and personal services to serve the existing coastal residential community of Oxnard Shores and the public who visits the area. Development within the CNC zone shall be compatible with the adjoining residential neighborhood and consistent with Policy 61 of the certified Oxnard Coastal Land Use Plan.

Sec. 37-2.8.2 Principally Permitted Uses

Uses within the following categories are subject to the approval of a development review permit, pursuant to the provisions of Section 37-5.3.0 of this chapter.

A. Neighborhood Commercial Services

Financial, Banks, Savings and Loans

Personal, Barber, Beauty Shop, Health Spa, Laundry

Professional, Real Estates, Medical

Public, Parking, Parks, Library

B. Neighborhood Commercial Sales

Eating/Drinking (nonalcoholic), Restaurant, Cafe

Neighborhood Retail, Market, Liquor, Pharmacy, Stationery, Florist, Baker, Book Stores

Sec. 37-2.8.3 Secondary Permitted Uses

The following categories are subject to the approval of a coastal development permit, pursuant to the provisions of Section 37.5.3.0 of this chapter.

A. Services

Commercial Recreation, Skating Rink, Amusement Center

Entertainment, Theater, Night Club

Motor Vehicle Service Station

B. Sales

Eating/Drinking (serving alcoholic beverages), Restaurant, Cocktail lounge

Sec. 37-2.8.4 Property Development Standards

- Maximum building height: Two stories or 35 feet; additional stories or height may be permitted subject to the granting of a coastal development permit.
- Minimum lot area: 15,000 square feet
- Front yard setback: 10 feet
- Rear yard setback: For lots abutting a public way or alley: 10 feet.
No setback is otherwise required.
- Side yard setback: Interior side yard: none required.
Street side yard: 10 feet.

Sec. 37-2.8.5 Applicable Regulations

All uses shall be subject to the applicable regulations of Chapter 37, including standards which are located in the following sections:

1. Sec. 37-1.4.0 General requirements
2. Article 3 Specific coastal development and resource standards
3. Article 4 General coastal development and resource standards
4. Article 5 Administration

Sec. 37-2.9.0 CVC (Coastal Visitor-serving Commercial) Zone

Sec. 37-2.9.1 Purpose

The purpose of the CVC zone is to provide coastal-dependent visitor-serving commercial/recreational opportunities for both the visiting public and the residents of the city. This zone is designed to assure an orderly and balanced utilization of Oxnard's coastal resources and provide maximum access enjoyment, and use of these resources by all segments of the public, while protecting scenic resources in environmentally sensitive habitat areas. Development within the CVC zone shall be consistent with the policies of the Oxnard Coastal Land Use Plan, including Policy 61.

Sec. 37-2.9.2 Principally Permitted Uses

The principally permitted uses are visitor-serving services and visitor-serving sales. The following categories are subject to the approval of a coastal development permit, pursuant to the provision of Section 37-5.3.0 of this chapter.

A. Visitor-serving Services

Commercial recreation, Skating Rink, Amusement Center, Campgrounds, Swim Club, Boat Rentals, Bike Rentals

Entertainment, Theater, Night Club

Motor Vehicle Service Station

Tourist, Hotels, Motels, Convention and Conference Facilities, and Vacation Timeshare Developments

B. Visitor-serving Sales

Eating/Drinking (serving alcoholic beverages), Restaurant, Cocktail Lounge

Marina Facilities, Sport Fishing, Boat Launching, Yacht and Boat Sales, Bait and Tackle Sales, Marina Supply Store

Eating/Drinking (nonalcoholic), Restaurant, Cafe

Sec. 37-2.9.3 Secondary Permitted Uses

The following categories are subject to the approval of a development review permit, pursuant to the provisions of Section 37.5.3.0 of this chapter.

A. Services

Financial, Banks, Savings and Loans

Personal, Barber, Beauty Shop, Health Spa, Laundry

Professional, Real Estate, Medical, Travel Agency

Public, Parking, Parks, Library

B. Sales

Drive-through Businesses and Facilities, Restaurant, Cafe

Specialty Shops, Antiques, Sporting Goods, Art, Cameras, Souvenirs

General Retail, Off-sale Liquor, Florist, Stationery Gifts, Automobile Rental Agency

Sec. 37-2.9.4 Property Development Standards

Maximum building height: Three stories or 35 feet; additional stories or height may be permitted subject to the granting of a coastal development permit.

Minimum lot area: 15,000 square feet

Front yard setback: 10 feet

Rear yard setback: For lots abutting a public way or alley: 10 feet.
No setback is otherwise required.

Side yard setback: Interior side yard: none required.
Street side yard: 10 feet.

Sec. 37-2.9.5 Applicable Regulations

All uses shall be subject to the applicable regulations of Chapter 37, including standards which are located in the following sections:

1. Sec. 37-1.4.0 General requirements
2. Article 3 Specific coastal development and resource standards
3. Article 4 General coastal development and resource standards
4. Article 5 Administration

Sec. 37-2.10.0 CDI (Coastal Dependent Industrial) Zone

Sec. 37-2.10.1 Purpose

The purpose of the CDI zone is to provide areas for those types of energy and industrial activities that require location adjacent to or in the vicinity of the sea to function. It is the intent of this zone to assure that energy and industrial land uses will neither generate environmental degradation nor otherwise adversely affect the public welfare. Development within the CDI zone shall be consistent with Policy No. 28 of the Oxnard Coastal Land Use Plan.

Sec. 37-2.10.2 Conditionally Permitted Uses

The following uses are illustrative of those permitted subject to the approval of a coastal development permit pursuant to the provisions of Article 5 (Administration):

1. Except in the Channel Islands Harbor, aquaculture and agriculture with structures.
2. Canneries and cold storage for ocean-based food processing and packaging.
3. Caretaker residence.
4. Except in the Channel Islands Harbor, coastal dependent industrial warehousing and outside storage.
5. Boat repair and service and, except in the Channel Islands Harbor, marina facilities, including commercial fishing and boat launching sales, and storage.
6. Oil and gas development, including storage of oil spill containment equipment and, except in the Channel Islands Harbor, tanker, refinery and petrochemical facilities, and associated pipelines and storage structures.
7. Except in the Channel Islands Harbor, salt water desalinization plant.

Sec. 37-2.10.3 Property Development Standards

- Maximum building height: 55 feet (additional height may be approved by coastal development permit).
- Minimum lot area: 15,000 square feet
- Minimum lot width: 100 feet; corner lots 150 feet
- Minimum lot depth: 150 feet
- Front yard setback: Minor street: 10 feet;
Thoroughfares: 20 feet
- Side yard setback: For lots adjacent to residentially zoned property: same as adjacent residential zone side yard setback. No setback otherwise required.

Rear yard setback: For lots adjacent to residentially zoned property: same as adjacent residential zone rear yard setback. No setback otherwise required.

Sec. 37-2.10.4 Performance Standards/Special Requirements

1. Electricity and radioactivity

No activity shall be permitted which causes electrical disturbances affecting the operation of any equipment located beyond the property line of such activity. In no event shall radioactivity when measured at each lot line, be in excess of 2.7×10^{11} microcuries per milliliter of air at any moment of time.

Radio and television transmitters shall be operated at the regularly assigned wave lengths (or within the authorized tolerances thereof) as assigned by the appropriate governmental agency. Subject to such exception, such transmitters shall be suitably wired, shielded and controlled so that in operation they shall not emit any electrical impulses or waves beyond the lot line which shall adversely affect the operation and control of any domestic household equipment or any other electronic devices and equipment.

2. Liquid and solid wastes

Liquid or solid wastes discharged from the premises shall be properly treated prior to discharge so as not to contaminate or pollute any watercourse or groundwater supply or interfere with bacterial processes in sewage treatment. Such operations shall comply with authorized governmental health and safety regulations of agencies having jurisdiction over such disposal activities. The disposal or dumping of solid wastes, such as slag, paper or fiber wastes, or other industrial wastes, shall not be permitted on any premises unless otherwise provided for in these regulations.

3. Performance standards - fire and explosive hazards

All activities involving the use or storage of combustible, flammable or explosive materials shall be in compliance with nationally recognized state-of-the-art standards, and shall be provided with adequate firefighting and fire-suppression equipment and devices in compliance with the current edition of the National Fire Protection Association regulations. Burning of waste materials in open fires is prohibited.

4. Smoke and particulates

Visible emissions of smoke shall not be permitted which exceed Ringlemann No. 1 on the Ringlemann Chart of the U.S. Bureau of Mines except for exhausts emitted by motor vehicles or other transportation facilities. This requirement shall also be applicable to the disposal of trash and waste materials. Windborne dust, dirt, fly ash, airborne solids, sprays and mists (except water vapor) originating from any use shall not be permitted.

5. Toxic or noxious matter

Toxic gas or noxious matter shall not be emitted which can cause any damage to human health, to animals, vegetation or property, or which can cause any excessive soiling beyond the lot line of the use.

6. Odorous matter

Operations, processes or products which emit odors that are detectable at any point beyond the property line from any use shall not be permitted.

7. Glare or heat

Any operation producing intense glare or heat shall be performed within an enclosed or screened area in such a manner that the glare or heat emitted shall not be discernable from the property line.

8. Vibration

Every use shall be so operated that the ground vibration generated by the use is not harmful or injurious to the use of the surrounding properties. No vibration shall be permitted which is perceptible without instruments at any point along the property line on which said use is located.

9. Noise

Baffling or muffling devices or other precautionary means shall be employed with processes or operations causing objectionable noise characteristics to prevent their being objectionable when measured at the property line during normal operation.

Sec. 37-2.10.5 Applicable Regulations

All uses shall be subject to the applicable regulations of Chapter 37, including standards which are located in the following sections:

1. Sec. 37-1.4.0 General requirements
2. Article 3 Specific coastal development and resource standards
3. Article 4 General coastal development and resource standards
4. Article 5 Administration

Sec. 37-2.11.0 EC (Coastal Energy Facilities) Zone

Sec. 37-2.11.1 Purpose

The purpose of the EC zone is to provide areas that allow for siting, construction, modification and maintenance of power generating facilities and electrical substations consistent with Policies 40 and 41 of the Oxnard Coastal Land Use Plan. Additionally, the EC zone is designed to provide a framework for coordinating the requirements and responsibilities of applicable city, state and federal regulatory agencies vested with the authority for reviewing energy facility development. To assure consistency with the Oxnard Coastal Land Use Plan, the following Coastal Act provisions and Land Use Plan policies shall apply:

1. Coastal-dependent energy facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth where consistent with this article. (Coastal Act, Section 30260)
2. All new energy-related development shall conform to the air quality regulations set forth by the Ventura County Air Pollution Control District, the Air Quality Management Plan and New Source Review Rule 26. (Policy 29)
3. Energy-related development shall not be located in coastal resource areas, including sensitive habitats recreational areas and archeological sites. All development adjacent to these resource areas or agricultural areas shall be designed to mitigate any adverse impacts. (Policy 30)
4. All new energy-related development shall be located and designed to minimize adverse affects upon public access to the beach. (Policy 32)
5. No energy-related development shall be located seaward of the 100-year flood/wave run-up line as designated by the U.S. Department of Housing Insurance Program Administration and the Land Use Map of the Oxnard Coastal Land Use Plan. (Policy 34)
6. Wastewater from any energy-related facilities shall be treated as necessary and put to re-use including, but not limited to the following:
 - a. Reinjection into the aquifer or ground water recharge system.
 - b. Recycling for industrial agricultural or urban use. (Policy 42)

Sec. 37-2.11.2 Conditionally Permitted Uses

The following uses are permitted subject to the approval of a coastal development permit pursuant to the provisions of Article 5 (Administration):

1. Off-street public parking facility
2. Electrical power generating plant and accessory uses normally associated with said power generating facility

3. Electrical sub-station

4. Natural gas pumping and extraction facilities

Sec. 37-2.11.3 Applicable Regulations

All uses shall be subject to the applicable regulations of Chapter 37, including standards which are located in the following sections:

1. Sec. 37-1.4.0 General requirements
2. Article 3 Specific coastal development and resource standards
3. Article 4 General coastal development and resource standards
4. Article 5 Administration

Sec. 37-2.12.0 COD (Coastal Oil Development) Zone

Sec. 37-2.12.1 Purpose

The purpose of the COD zone is to provide areas to explore for and develop known oil and natural gas resources. This zone shall only be applied to existing known fields as designated by the California State Division of Oil and Gas and shall not be applied in residential or environmentally sensitive habitat areas (Policy 37). In the event that oil and/or gas deposits are believed to be present in an area not presented designated for oil and gas production activities, an amendment to the Coastal Land Use Plan and re-zoning of the affected property will be required with appropriate permits prior to commencing with the exploration or production activities. All development within the COD zone shall be consistent with the policies of the Oxnard Coastal Land Use Plan (Chapter 3), while employing the best available control technology (BACT) to minimize adverse affects upon public access to the beach, as well as to protect visual resources and environmentally sensitive habitat areas.

Sec. 37-2.12.2 Conditionally Permitted Uses

The following uses are permitted subject to the approval of a coastal development permit pursuant to the provisions of Article 5 (Administration):

1. Off-street public parking facilities
2. Drilling, redrilling or reworking and pumping of wells for the production of petroleum and petroleum byproducts
3. Structures, equipment and other facilities incidental to subparagraph 3.
4. Injection wells and incidental equipment necessary for enhanced oil recovery or disposal of production waste. Equipment and facilities necessary for enhanced oil recovery including water flooding, steam injection, air injection, carbon dioxide injection, or introduction of polymers or other agents.
5. Storage tanks necessary or incidental to separation/treatment of oil and gas or temporary storage of separated hydrocarbons, and equipment for transfer of the produced hydrocarbons to pipelines or tanker trucks.
6. Pipelines necessary for oil and gas production operations within the coastal zone.

Sec. 37-2.12.3 Applicable Regulations

All uses shall be subject to the applicable regulations of Chapter 37, including standards which are located in the following sections:

1. Sec. 37-1.4.0 General requirements
2. Article 3 Specific coastal development and resource standards

3. Article 4 General coastal development and resource standards

4. Article 5 Administration

Sec. 37-2.13.0 RC (Coastal Recreation) Zone

Sec. 37-2.13.1 Purpose

The purpose of the RC zone is to provide open space for various forms of outdoor recreation of either a public or private nature. The intent is to encourage outdoor recreational uses which will protect and enhance areas which have both active and passive recreation potential. Such uses should offer recreational activities which complement and are appropriate to the area because of their natural resources and beauty. This zone is designed to implement the recreational policies of the Oxnard Coastal Land Use Plan, as outlined in Chapter 3.7.1.

Nothing in this section shall restrict public and private access to the recreational opportunities provided within the coastal zone of the City of Oxnard.

Sec. 37-2.13.2 Permitted Uses

The following uses which are coastal-dependent, open-space, and nonstructural in nature, are permitted in the RC zone:

1. Unimproved outdoor public and private passive recreational uses, e.g., parks and playgrounds
2. Unimproved riding, hiking, biking, and walking trails
3. Unlighted sand volleyball courts
4. Portable lifeguard stations of a seasonal nature
5. Temporary wind fences for seasonal beach sand stabilization not to exceed 36 inches in height, which will not interfere with lateral or vertical public access and related permitted uses
6. Unimproved, open air educational and scientific research

Sec. 37-2.13.3 Conditionally Permitted Uses

The following uses are permitted, subject to the approval of a coastal development permit pursuant to the provisions of Article 5 of this chapter.

1. Structures and facilities of an accessory nature required to support the recreational uses permitted in this zone, including, but not limited to, e.g., parking areas, water and sanitary facilities, boat launching facilities, barbecues and fire rings, bicycle parking facilities, ranger stations and limited concession facilities.
2. Swimming and tennis clubs
3. Public and private day-use picnic facilities
4. Public and private campgrounds (nonvehicular)

5. Recreational vehicle parks
6. Residential structure for a caretaker to protect human life and property
7. Oil and gas production activities within existing known fields, as identified by the California Division of Oil and Gas. (Policies 37 and 38)

Sec. 37-2.13.4 Applicable Regulations

All uses shall be subject to the applicable regulations of Chapter 37, including standards which are located in the following sections:

1. Sec. 37-1.4.0 General requirements
2. Article 3 Specific coastal development and resource standards
3. Article 4 General coastal development and resource standards
4. Article 5 Administration

Sec. 37-2.14.0 RP (Coastal Resource Protection) Zone

Sec. 37-2.14.1 Purpose

The purpose of the RP zone is to protect, preserve, and restore environmentally sensitive habitat areas within the coastal zone of the City of Oxnard. The major resource or habitat areas within the City's coastal zone include but are not limited to wetlands, sand dunes, riparian habitats, endangered species habitats and marine habitats. Development within the RP zone shall be consistent with Policy Nos. 6, 11, 12, 13, 16, and 20 of the certified Oxnard Coastal Land Use Plan and Section Nos. 30230, 30231, 30236 and 30240 of the 1976 Coastal Act.

Sec. 37-2.14.2 Conditionally Permitted Uses

The following uses, which are nonstructural in nature, are permitted subject to the approval of a Coastal Development Permit, pursuant to the provisions of Article 5 of this chapter:

1. Formal, ongoing education and scientific study
2. Formal, ongoing light recreation activities (e.g., bird watching or nature study)
3. Primitive nonvehicular, day-use picnic facilities
4. Diking, filling or dredging for restoration purposes only

Sec. 37-2.14.3 RP Zone When Used as an Interim Zoning Designation

Undeveloped parcels of land designated with two or more zone categories (including resource protection on the land use maps of the Oxnard Coastal Land Use Plan) shall be totally zoned RP on an interim basis until a specific plan is approved which is consistent with both the Oxnard Coastal Land Use Plan and all applicable provisions of this article.

Where a sensitive resource area comprises only a part of a parcel or parcels under contiguous ownership, the City may permit an increase in the allowable density of the nonresource areas in return for the permanent preservation of the resource area. Density increases shall only apply for allowable uses as designated by the land use map of the Oxnard Coastal Land Use Plan, and such density increases shall only be less environmentally damaging than the project of permitted density. Development adjacent to the resource area shall be sited and designed to mitigate any adverse impacts on the resource.

Sec. 37-2.14.4 Applicable Regulations

All uses shall be subject to the applicable regulations of Chapter 37, including standards which are located in the following sections:

1. Sec. 37-1.4.0 General requirements
2. Article 3 Specific coastal development and resource standards

3. Article 4 General coastal development and resource standards

4. Article 5 Administration

Section 37-2.15.0 HCI (Harbor, Channel Islands) Zone

Section 37-2.15.1 Purpose

The purpose of the HCI zone is to provide, protect and encourage commercial fishing, sport fishing, recreational boating, and related uses at the Channel Islands Harbor for both residents and nonresidents of the City. This zone is designed to assure that other uses do not preclude these uses, while allowing visitor uses which are incidental or subordinate to the principally permitted uses, consistent with the Policies of the Oxnard Coastal Land Use Plan.

Sec. 37-2.15.2 Permitted Uses

The principally permitted uses are commercial/sport fishing and recreational boating. The following categories are subject to the approval of a coastal development permit, pursuant to the provisions of Section 37-5.3.0 of this chapter.

1. Commercial/Sport Fishing

Launching, Dry Storage of Boats; Fish Receiving and Transferring Facilities including Storage, Wholesale and Retail Sales, Preparation for Retail Sales and Related Office; Hoist Facilities; Net Drying and Repair Areas; Icing Facilities.

2. Recreational Boating

Launching, Dry Storage of Boats, Parking of Boat Trailers, Washing of Boats and Salt Water Engine Cooling Systems (where launching systems exist), Boat and Boat Equipment Sales, Rentals Display, Brokerage Charter Offices, and Minor Repair.

Sec. 37-2.15.3 Conditionally Permitted Uses

The following categories are subject to the approval of a development review permit, pursuant to the provisions of Section 37-5.3.0 of this chapter.

1. Visitor-serving uses when clearly subordinate in their physical character, and incidental to, principally permitted uses:

Eating/Drinking (serving Alcoholic Beverages), Restaurant, Cocktail Lounge

Eating/Drinking (nonalcoholic), Restaurant, Cafe

Fast-food Facilities

Marine and Tourist-related Retail Shop

Marine-related Museum

Tourist Hotels and Motels

2. Commercial-fishing Support: Rest room, Shower, Laundry, Caretaker's Quarters, Office, Meeting Room

3. Other Harbor-related Uses:

Bait and Tackle Sale

Boating and Yacht Club and Clubhouse

Boat Sales Yard

Marine Electronics Sale and Repair

Marine Engineer Sale and Repair

Marine Fuel Sale

Marine Hardware and Chandlery

Marine Supply Store

Sailing or Scuba School

Sec. 37-2.15.4 Property Development Standards

Maximum building height: Three stories or 35 feet; additional stories or height may be permitted subject to the granting of a coastal development permit.

Minimum lot area: 15,000 square feet

Front yard setback: 10 feet

Rear yard setback: For lots abutting a public way or alley: 10 feet.
No setback is otherwise required.

Side yard setback: Interior side yard: none required.
Street side yard: 10 feet.

Sec. 37-2.15.5 Applicable Regulations

All uses shall be subject to the applicable regulations of Chapter 37, including standards which are located in the following sections:

1. Sec. 37-1.4.0 General requirements
2. Article 3 Specific coastal development and resource standards
3. Article 4 General coastal development and resource standards

4. Article 5 Administration

Sec. 37-2.15.6 Performance Standards/Special Requirements

No conditional use shall be permitted which causes the amount of harbor area developed for visitor-serving uses not directly related to boating to exceed 30 percent of the total harbor land area. As used in this provision, "harbor area" means the land area of the Channel Islands Harbor owned and operated by Ventura County, and neither just the land zoned Harbor nor the entire area of the City's Channel Islands Harbor LUP segment.

Sec. 37-2.16.0 R-BF (Beachfront Residential) zone

Sec. 37-2.16.1 Purpose

The purpose of the R-BF zone is to provide an area in which beachfront residential development consisting primarily of single-family beachfront, which is located between the Pacific Ocean and the first public road parallel thereto.

Sec. 37-2.16.2 Permitted Uses

1. Accessory buildings and structures
2. Residential care facilities operating up to 24 hours per day, serving no more than six persons.
3. Children's day-care facilities operating up to 12 hours per day, serving no more than six children.
4. Adult day-care facilities serving no more than six adults
5. Home occupations

Sec. 37-2.16.3 Conditionally Permitted Uses

The following uses are permitted subject to the approval of a Coastal Development Permit pursuant to the provisions of Article 5 (Administration):

1. Single-family dwelling. Single-family dwellings subject to a development agreement, dated October 31, 1989, Document 89-174512, shall be approved by the Community Development Director.
2. Lot 1 - Duplex or multiple-family dwelling units either in separate buildings or combined in one or more main buildings to a maximum of six units per building.
3. Public utility and municipal facilities.
4. Residential care facility serving more than six, but no more than 15, persons.
5. Children's day care facilities serving more than six, but no more than 15, children.
6. Adult day care facilities serving more than six, but no more than 15, persons.

Sec. 37-2.16.4 Property Development Standards

Minimum and maximum bottom of structure elevation:

The minimum elevation of the bottom of the lowest structural member, with a shore parallel component greater than three feet in length (see Figure 1) shall be +14.0 feet NGVD (National Geodetic Vertical Datum), or one foot above the calculate maximum wave run-up or wave crest elevation, whichever produces the highest elevation. The maximum elevation of the bottom of the lowest shore parallel structural member shall be +17.0 feet NGVD, unless a coastal engineering report substantiates the need for a higher elevation based on wave run-up and wave force rationale.

Maximum building height:

For lots wider than 33 feet, two stories, not to exceed 25 feet from the bottom of the lowest shore parallel horizontal structural member to the highest peak of roof.

For lots less than 33 feet wide, three stories, not to exceed 30 feet from the bottom of the lowest shore parallel horizontal structural member to the highest peak of roof, for up to a maximum of 50 percent of any roof. In no case shall the top of roof elevation exceed +47.0 feet NGVD. The remainder of the roof, where sloped, shall have a maximum average height of 27.5 feet above the bottom of the lowest shore parallel structural member. Where the remainder of the roof is a deck, the maximum average height of the top of the deck shall be 23.0 feet above the bottom of the lowest shore parallel structural member, exclusive of a railing not to exceed an additional four feet in height (see Figure 2).

Garage floor elevation:

Garage floors shall be a minimum elevation of +13.0 feet NGVD, and shall be high enough to provide a minimum downward slope of two percent for the driveway surface towards the street.

Front yard setback:

1. Defined:

The front yard shall be the area between the Pacific Ocean and the main structure.

2. Required:

Front yard setback: 0 feet

Rear yard setback: 15 feet; minimum of 20 feet to center of garage door for back-out driveways.

Side yard setback: Five feet for lots greater than 33 feet wide.

No side yard shall be required on one side of a lot where a five-foot side yard is provided on the other side for lots less than 33 feet wide.

Accessory building: Shall observe same setback as main structure, shall be separated from main structure by a minimum of six feet and shall not exceed one story in height.

Sec. 37-2.16.5 Special Requirements

1. Off-street parking:

Tandem driveway parking may be permitted for guest parking spaces for multiple-family dwelling units.

2. Fencing:

No fences, walls, or hedges may be permitted as lot enclosures.

3. Minimum distance between a garage door and the most parallel rear property line shall be 20 feet.

4. Multi-family development requirements:

- a. Lot No. 1, Tract No. 4380, may be developed to a maximum of 12 multiple-family dwelling units. There shall be no more than six attached dwelling units on pilings in any building cluster and there shall be a minimum of 20 feet separation between building clusters.
- b. Maximum building height, front yard, rear yard, side yard, and accessory building property development standards as required in Section 37-2.16.4 above shall apply to multi-family development of Lot No. 1.
- c. All dwellings shall be constructed on pilings.

Sec. 37-2.16.6 Applicable Regulations

All uses shall be subject to the applicable regulations of Chapter 37, including standards which are located in the following sections:

- 1. Sec. 37-1.4.0 General requirements
- 2. Article 3 Specific coastal development and resource standards
- 3. Article 4 General coastal development and resource standards
- 4. Article 5 Administration

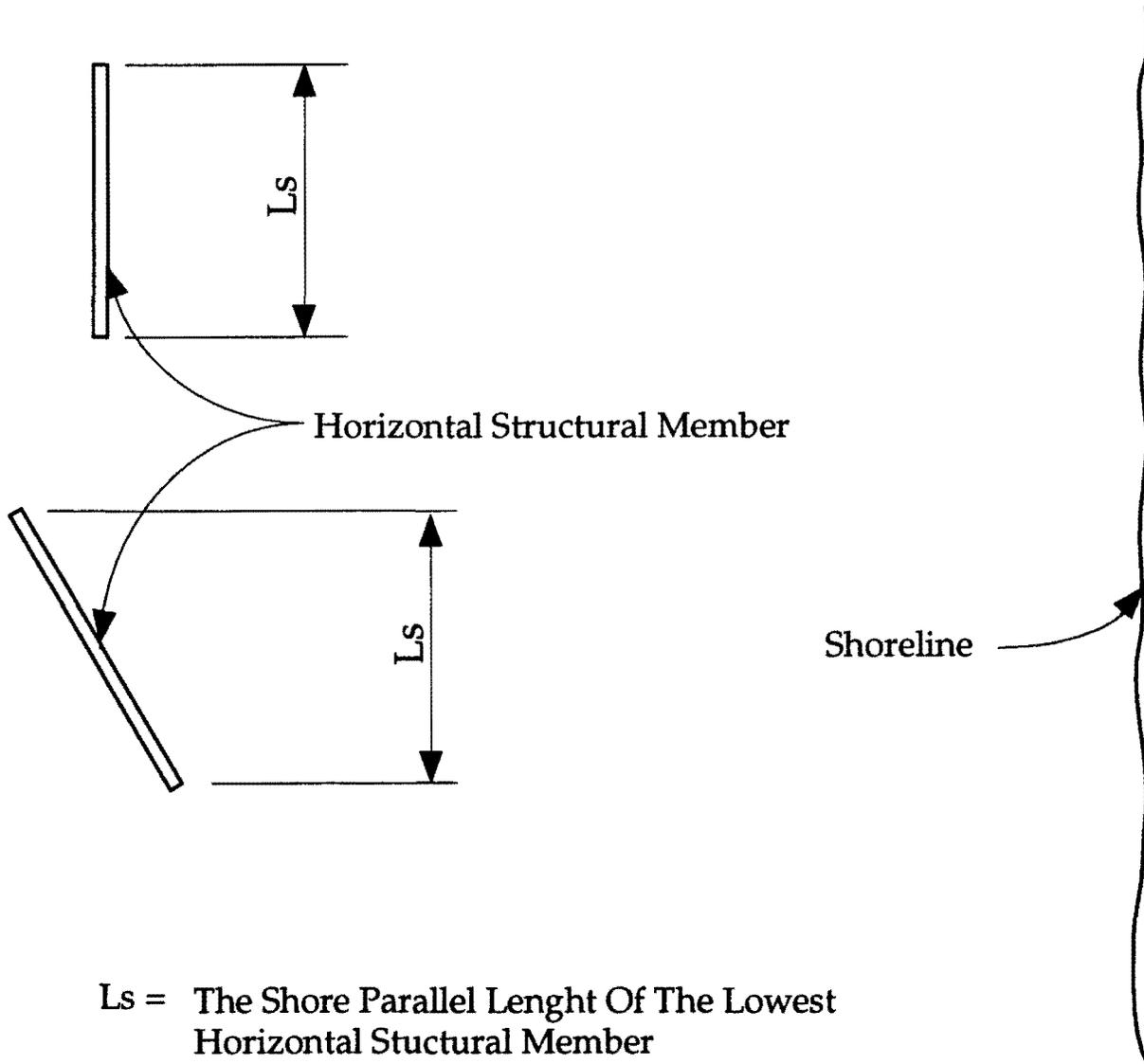
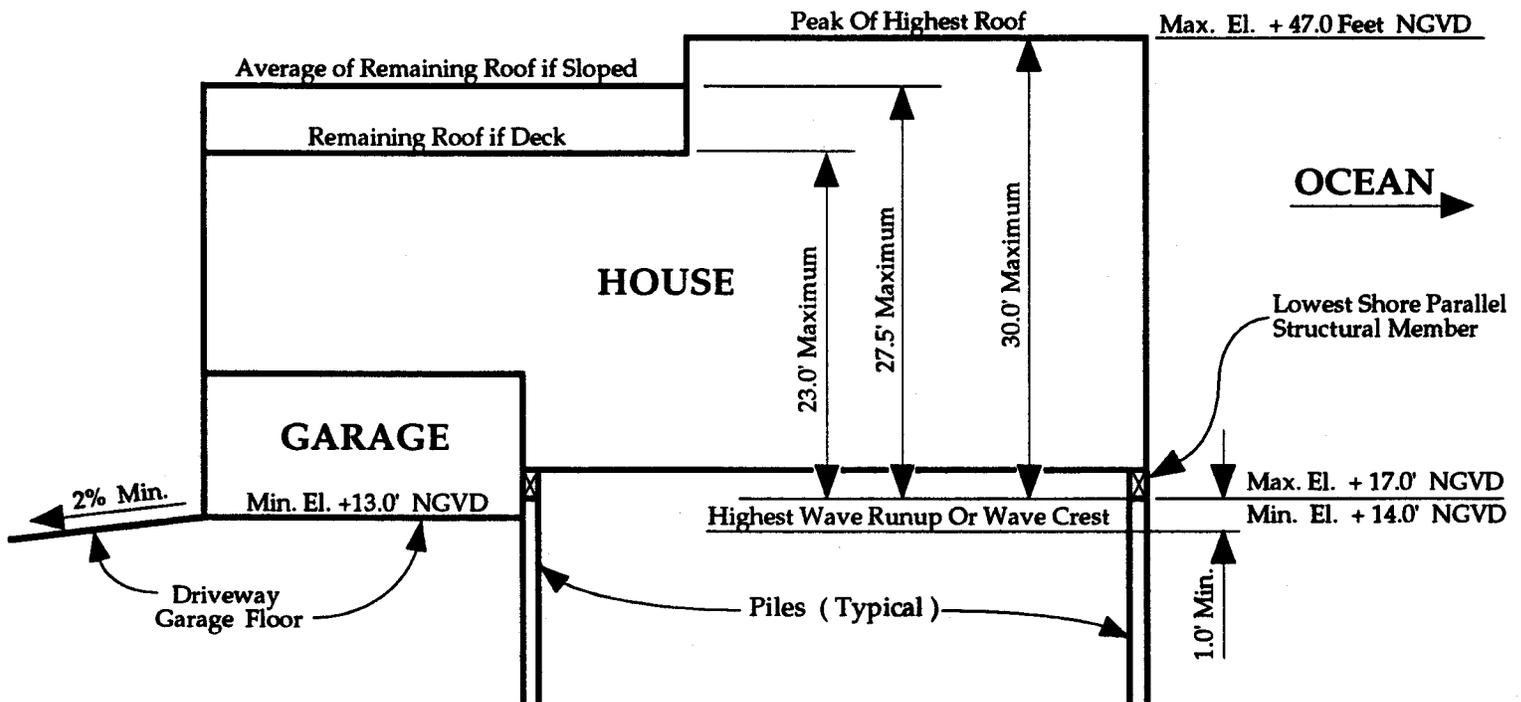


Figure 1

BUILDING HEIGHT LIMITATIONS



NOTE:

Where Two Criteria Are Given To Determine The Elevation Of A Building Element, The One Resulting In The Highest Elevation Shall Govern: Except, The Peak Of The Highest Roof Shall Not Exceed + 47.0 Feet NGVD.

Figure 2

Article 3 Specific Coastal Development and Resource Standards

Sec. 37-3.0.0 Purpose

The purpose of this article is to provide specific standards designed to protect and maintain, and enhance Oxnard's coastal resources consistent with the policies of the Oxnard Coastal Land Use Plan.

The standards identified in this article are organized under the following resource categories:

1. Habitat areas, including but not limited to wetlands estuaries streams, riparian habitats lakes, and portions of open coastal waters;
2. Diking, dredging, filling, and shoreline structures;
3. Visual resources;
4. Hazards, including significant geologic, seismic, beach erosion, storm wave run-up, and flooding;
5. Service inventories relating to service capacities, and their allocation on a priority basis;
6. Development and its impact on cultural resources;
7. Industrial and energy development relating to exploration and production of oil and natural gas resources;
8. Coastal access and recreation, to assure opportunities for public access to the Pacific Ocean and related recreational uses; and
9. Housing, including demolition, conversion or replacement, and preservation of sound and safe housing.

Sec. 37-3.0.1 Applicability

All development within the Oxnard coastal zone shall comply with the provisions of this article.

Sec. 37-3.1.0 Habitat Areas

Sec. 37-3.1.1 Purpose

The purpose of this section is to provide standards designed to protect and where possible restore Oxnard's environmentally sensitive habitat areas which include, but are not limited to: wetlands estuaries, streams, riparian habitats, lakes and portions of open coastal waters. Moreover, the water quality of the coastal zone containing these habitat areas shall be maintained and, where feasible, restored in a manner consistent with the standards contained in this section, other general and

specific coastal development, and resource standards contained in this chapter, as well as all applicable provisions and policies of the Oxnard Coastal Land Use Plan.

Sec. 37-3.1.2 Applicability and Specific Standards

All development within the Oxnard coastal zone which is in, adjacent to, or having an affect upon, an environmentally sensitive habitat area shall comply with the provisions of this section. Refer to Policy Nos. 6, a, c, d, 3, and f, and 10 a-g of the Oxnard Coastal Land Use Plan for specific standards.

Sec. 37-3.2.0 Diking, Dredging, Filling, and Shoreline Structures

Sec. 37-3.2.1 Purpose

The purpose of this section is to provide standards regarding diking, dredging, filling, and shoreline structure and restoration activities within Oxnard's coastal zone in a manner consistent with the standards contained in this section, other general and specific coastal development, and resource standards contained in this chapter, as well as all applicable provisions and policies of the Oxnard Coastal Land Use Plan.

Sec. 37-3.2.2 Applicability and Specific Standards

All development and restoration projects located within, adjacent to, or having a direct affect upon Oxnard's coastal zone, shall comply with all provisions of this section. Furthermore, diking and filling shall be limited to the uses consistent with the provisions of Article 2 (Coastal Zones) and shall be permitted only when no other less environmentally damaging alternative exists, and, where feasible, mitigation measures have been provided to minimize adverse environmental impacts. Specific standards are contained in Policy Nos. 11, 12, and 13 and appendices Policy Nos. 1-3 and 5-8 of the Oxnard Coastal Land Use Plan.

Sec. 37-3.3.0 Visual Resources

Sec. 37-3.3.1 Purpose

The purpose of this section is to provide standards to ensure that the scenic and visual qualities of Oxnard's coastal zone are considered and protected as a resource of public importance, in a manner consistent with the standards contained in this section, and other general and specific coastal development and resource standards contained in this chapter, as well as all applicable provisions and policies of the Oxnard Coastal Land Use Plan.

Sec. 37-3.3.2 Applicability and Specific Standards

All new development in Oxnard's coastal zone shall be designed to protect views to and along the ocean and scenic coastal areas.

Specific standards are outlined in Policy Nos. 16, 17 and 35 of the Oxnard Coastal Land Use Plan as well as those contained in the Channel Islands Harbor zone.

Sec. 37-3.4.0 Wetland Restoration Plan

The purpose of these procedures is to provide regulations for the development, content, review and approval of a required wetland restoration plan in conjunction with permitted wetland fills. These procedures shall apply to all wetland restoration as required by Policy Nos. 11, 12 and 13 of the Oxnard Coastal Land Use Plan.

- A. Whenever wetland restoration is required by the Oxnard Coastal Land Use Plan, a tentative wetland restoration plan shall be submitted to the Community Development Department, along with the required permit application for the related wetland fill. The Community Development Department shall not accept the tentative restoration plan for review if it does not comply with the form information analysis and other requirements for the content of a tentative restoration plan.
- B. The restoration plan shall include a detailed description that includes provisions for restoration to at least the minimum required standards of the Oxnard Coastal Land Use Plan and permanent protection of the restoration area. The restoration plan shall also include a description of how the restoration project will provide equal or greater biological productivity in the area to be filled.
 1. A complete inventory and assessment of plant, fish and wildlife habitat values which would be affected by the filling, including:
 - a. Any changes in plant and animal natural species diversity abundance, any composition and an assessment of how, if at all, these affect the long-term stability of the ecosystem (i.e., natural species, diversity abundance and composition are generally unchanged as a result of the project);
 - b. Any impacts to rare or endangered species or their habitat;
 - c. Any impacts to a species or habitat essential to the natural biological functioning of the wetland or the estuary ecosystem; and
 - d. Any significant reduction to consumptive values, such as fishing hunting, clamming, or nonconsumptive values, such as water quality and research opportunity, values of the wetland or estuary ecosystem.
 2. A clear statement of the habitat restoration and management proposed, including their ability to compensate for the habitat damage described in the resource inventory section in conformance with the required standards and to include development of specific biological criteria for restoration site and design.
 3. A recommended restoration site and project design, including maps at no greater than one inch equals 200 feet scale.
 4. A preliminary proposal for the long-term management of the restoration project.

5. Restoration shall occur simultaneously with project construction and be completed prior to commencement of operation of the proposed project.
6. The Land Use Advisors shall review the Tentative Restoration Plan in conjunction with the required coastal development permit.
7. A Final Restoration Plan shall be prepared by the applicant based on the City's approved or conditionally approved tentative restoration plan. In addition, the final plan shall include all of the following:
 - a. A complete statement of the restoration objectives.
 - b. A complete description of the restoration site, including a map of the project site, at a mapping scale no smaller than one inch equals 200 feet.
 - c. A complete restoration description, including scaled, detailed diagrams, and including:
 - 1) A grading plan depicting any alterations to topography, natural landforms, and drainage channels and areas where existing fill and debris will be removed;
 - 2) A vegetation plan, including a list of plant species to be eliminated and a list of plant species to be introduced on the restoration site and describing the methods and proposing a schedule for eliminating and establishing vegetation;
 - 3) A clear statement of when restoration work will commence and be completed;
 - 4) Provisions of public access, where appropriate, for public recreation, scientific, and educational use;
 - 5) Other measures necessary to achieve restoration objectives and to protect the restoration site from adverse impacts of adjacent development and use; and
 - 6) Provisions for mosquito and vector control.
 - d. Provision for Long-term Management of the Restoration Site.

The final plan shall describe the applicant's responsibilities in assuring that the project will be successful, including monitoring and evaluation, and that the restored area is maintained consistent with the plan's restoration objectives. The plan shall include provisions for making repairs or modifications to the restoration site necessary to meet the project objectives. The final plan shall provide either that the restoration site shall be owned in fee by an agency or nonprofit organization having among its principal purposes the conservation and a management of fish and wildlife or other habitat resources, or shall provide for dedication of an open space or conservation easement over the restoration area to such an agency or organization.

8. Review and Approval of Final Restoration Plan

- a. Following staff review of the final restoration plan for conformance with the approved or conditionally approved Tentative Restoration Plan, the Community Development Director shall determine if the Final Restoration Plan is in substantial conformance with the approved tentative plan.
- b. Notice of Final Restoration Plan resubmittal shall be in accordance with the requirements of Section 37-5.4.3.
- c. The Community Development Director's determination that the Final Restoration Plan is in substantial conformance with the approved tentative plan may be appealed pursuant to the appeals procedures of Section 37-5.4.9.

Sec. 37-3.5.0 Hazards

Sec. 37-3.5.1 Purpose

The purpose of this section is to provide standards to minimize risks to life and property in areas of high geologic, seismic, beach erosion, storm wave run-up and flood hazards in a manner consistent with the standards contained in this section, and other general and specific coastal development and resource standards contained in this chapter, as well as all applicable provisions and policies of the Oxnard Coastal Land Use Plan.

Sec. 37-3.5.2 Applicability and Specific Standards

All development shall ensure 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 of protective devices that would substantially alter natural landforms along the Coast.

Specific standards are contained in Policy Nos. 18 and 19 of the Oxnard Coastal Land Use Plan.

Sec. 37-3.6.0 Service Inventories

Sec. 37-3.6.1 Purpose

The purpose of this section is to provide standards to ensure that the City's limited service capacities are conserved and allocated on a priority basis giving the highest value to coastal-dependent land uses in a manner consistent with the standards contained in this section and other general and specific coastal development and resource standards contained in this chapter, as well as all applicable provisions and policies of the Oxnard Coastal Land Use Plan.

Sec. 37-3.6.2 Applicability and Specific Standards

All new development shall be based upon the prioritization of service allocation in the Oxnard coastal zone and be reviewed in terms of coastal dependency consistent with the following priorities of the Oxnard Local Coastal Program.

Specific standards are contained in Policy Nos. 20, 21, and 23 of the Oxnard Coastal Land Use Plan.

Sec. 37-3.7.0 Cultural Resources and Development

Sec. 37-3.7.1 Purpose

The purpose of this section is to provide standards designed to avoid or minimize the impact of new development upon a cultural resource within the coastal zone in a manner consistent with the standards contained in this section, and other general and specific coastal development and resource standards contained in this chapter, as well as all applicable provisions and policies of the Oxnard Coastal Land Use Plan.

Sec. 37-3.8.0 Oil/Energy Recovery

Sec. 37-3.8.1 Purpose

The Oxnard coastal zone exhibits significant potential for exploration and production of oil and gas resources. The purpose of this section is to provide minimum operational standards to assure compatibility of oil and gas development with valuable coastal resources which include, but are not limited to, recreation and scenic resources, environmentally sensitive habitat areas and public access, as well as with all applicable provisions and policies of the Oxnard Coastal Land Use Plan. Oil and gas development shall be permitted in accordance with Section 30260 of the Coastal Act, in addition to the standards outlined below.

Sec. 37-3.8.2 Applicability and Specific Standards

1. No well shall be drilled and no accessory equipment or facility shall be permanently located within:
 - a. 100 feet of any dedicated public street or highway
 - b. 100 feet of any building or dwelling not a part of the operation of the well
 - c. 300 feet of any building used as a place of public assembly, recreation or school
 - d. 300 feet of a stream or mean high tide line, river, wetland, lake, or channel appearing on the most current U.S. Geological Service 2,000 scale Topographic Map as a blue line, except where an applicant has demonstrated that the subject can be safely located near a water course without creating a risk of water pollution damage to wildlife and habitat, and impairment of flood control interests. In no case shall setbacks from streams or channels be less than 50 feet.
 - e. The applicable setbacks for accessory structures for the zone in which the use is located
2. Drill sites and access roads shall not obstruct natural drainage courses.
3. All site preparation, drilling, and production operations shall be conducted in such a manner as to eliminate as far as practicable, dust, noise, vibration or noxious odors, and shall be in accordance with the best accepted practices for drilling and production of oil, gas and other hydrocarbon substances and shall comply with current standards set forth in all applicable state laws regulating oil and gas development. Generally accepted and used technological improvements for reducing factors of nuisance and annoyance shall be employed by the permittee.
4. Drilling, re-drilling, and maintenance work on approved wells shall be conducted with the use of potable equipment only. No permanent derrick shall be installed unless otherwise allowed by the permit or required by the State Division of Oil and Gas. All equipment used for such

purposes shall be removed from the site within 30 days of the completion of such work and shall not be stored to the site, unless a time extension is approved by the Land Use Advisors.

5. Oil, produced water, drilling fluids, cuttings, and other contaminants associated with the drilling, production, storage and transport of oil shall be contained on the site in steel-lined tanks, unless properly transported off-site or injected into a well. The Community Development Director shall be furnished with a plan for controlling oil spillage and preventing saline and other polluting or contaminating substances from reaching surface or sub-surface waters. The plan shall be consistent with the requirements of the City, County, State and Federal Government and shall be subject to the approval of the Community Development Director.
6. No earthen sump shall be used and all wastewater, mud, oil, or any other waste produced from the drilling operation shall be accumulated in steel tanks. Such steel tanks may be placed in excavations for the purpose of providing gravity flow, but shall not be permitted to overflow at any time, and all such tanks which extend above the natural surface of the ground less than five feet shall be considered as debris basins and shall be entirely enclosed by a chain link fence or equal six feet in height erected in a substantial manner. Such tanks or the waste material therein shall be hauled away from the drilling site for disposal at an approved waste disposal site. The hauling or disposal contractor shall be notified by the operator in writing of these requirements with a copy to the Community Development Director.
7. Upon issuance of a drilling permit and prior to drilling operations thereunder, the City Council shall be provided with a bond issued by a company authorized to do business in the State of California, guaranteeing the faithful performance of each and every development standard and condition set forth in said permit. The bond shall be maintained constantly until released by the City Council. The amount of the bond shall be established by the Coastal Permit for each controlled drilling site. The surface of the roads to be used are to be examined prior to use in connection with the permit and an additional bond for each controlled drilling site made working days which shall include, but not be limited to, a description of the facts of the incident, the corrective measures used, and the steps taken to prevent recurrence of the accident.
8. The drill site and all road or hauling routes located between the City right-of-way and the site shall be oiled, paved, chipped, sealed or otherwise treated as required by the City Public Works Department, and maintained as necessary to prevent dust.
9. Light shall be controlled so as not to produce annoying levels of glare or abnormal light levels directed at any neighboring uses, or rights-of-way.
10. The operator shall immediately notify the Community Development Director and Fire Department, Department of Fish and Game, Regional Water Quality Control Board, and other applicable agencies in the event of any fires, spills or hazardous conditions. Upon request of any City department, the operator shall provide a written report of any incident within five working days which shall include, but not be limited to, a description of the facts of the incident, the corrective measures used, and the steps taken to prevent recurrence of the accident.
11. Drilling production of maintenance operations associated with an approved permit shall not produce noise measured at a point five feet away from the outside wall of an occupied residence,

school, health care facility or place of public assembly that exceeds the following standards as defined and measured in accordance with National Standards Institute Criteria and Methodologies:

Time Period	Peak Noise Levels
Day (7:00 a.m. to 10:00 p.m.)	55dB(A)
Night (10:00 p.m. to 7:00 a.m.)	45dB(A)

In the event that ambient noise levels exceed these limits, the maximum allowable day/night noise levels may be increased to the ambient day/night noise level. Ambient noise levels shall be determined by measuring the noise levels in a manner prescribed by the Community Development Director. Measurements for said ambient noise levels shall be taken at a point five feet away from the outside wall of an occupied residence or school. Once the operator has been notified by the Community Development Director that the operation is in violation of the applicable noise standards, he/she shall have until 10:00 p.m. of that day to comply with the standards or cease the operations that are the source of the noise. The Community Development Director may waive this requirement if upon the advice of the State Division of Oil and Gas the cessation of the subject operations would lead to an unsafe operation.

12. If drilling, redrilling or maintenance operations, such as pulling pipes or pumps are located within 1,600 feet of an occupied dwelling, school, health care facility or other place of public assembly, the work platform, engine base and draw works, crown block, power source(s), pipe rack and other probable noise sources associated with a drilling or maintenance operation shall be enclosed with soundproofing, sufficient to ensure that expected noise levels do not exceed the noise limits set forth herein, or in the conditions of the permit. Requirements may be waived by the Community Development Director if it can clearly be demonstrated that such measures have no adverse impact upon adjacent sensitive habitat or residential areas. Residents within the prescribed distance may submit a waiver exempting the drilling operation from such requirements. All required soundproofing shall be installed prior to drilling.
13. All permanent facilities and structures on the site shall be painted a neutral color so as to blend in with natural surroundings. Said color shall be approved by the Community Development Director prior to the painting of said facilities.
14. The area shall be maintained in a neat and orderly manner so as not to create any hazardous or unsightly conditions such as debris, pools of oil water or other liquids, weeds, brush and trash. No equipment shall be stored on the site which is not essential to the regular operation of the oil well located thereon. Lumber pipes and casings shall not be left on the site except when drilling operations are being conducted.
15. Within 90 days after a revocation, expiration or surrender of any permit, the abandonment of use or after the wells on a site have been shut in or have been suspended for 90 days, the premises shall be restored and revegetated to as nearly the original condition as is practicable. Upon completion of production, the oil and gas production facility area shall be returned as much as is possible to either its natural state or to be in conformance with the surrounding topography

and uses by contouring, seeding and landscaping, except as may otherwise be permitted by conditions of an approved coastal development permit.

16. The operator shall maintain for the life of the permit liability insurance of not less than \$500,000 for one person, \$1 million for all persons, and \$2 million for property damage. This requirement does not preclude the option of self-insurance.
17. The only processing operations permitted at the well site are the separation of produced water and natural gas from crude oil and those processing operations required for injection purposes and for the transportation of production products from the site, unless otherwise required by the California State Division of Oil and Gas.
18. The permit shall become null and void if a zone clearance for site preparation and drilling of at least one well has not been issued within one year of the granting of the original permit. Failure of the City to notify the permittee of the imminent expiration shall not be grounds for continuation beyond this deadline.
19. Upon the filing of a renewal application at least six months prior to expiration, the permittee shall be eligible to continue normal operations until the request is acted upon and all administrative appeals are heard, even though the permit being renewed has expired. The permittee/operator of record is solely responsible for the application for renewal of the permit. Failure of the City to notify said parties of the expiration shall not be grounds for the use's continued operation after the expiration.
20. All facilities and uses other than those specifically identified in the approved permit are prohibited until, and unless, they have been authorized by the Land Use Advisors. All proposed changes to the permit or to the existing proposed uses, facilities, structures, or improvements (including construction of pipelines to and from the site) shall be presented in written and map form to the Community Development Director who shall determine what type of permits, if any, the proposal requires. The Community Development Director may grant a minor change to allow for the redrilling of existing wells if there would be no significant changes in the land use on adjacent areas. No permit shall be required for the maintenance and normal operations of existing facilities.
21. The Community Development Director shall be provided with the current names, addresses and phone numbers of the permittee's agents or representatives who shall receive all orders and notices, as well as all communications regarding matters of condition and code compliance at the site. This information shall be provided for both the field agent at the site and an agent at the office headquarters. If the names, addresses or phone numbers of the agents should change, the permittee shall provide the Community Development Director with the new information within 30 days.
22. The permittee shall provide copies of the conditions applicable to the permit, to the owner of record, and drilling contractor. A current set of conditions shall be posted and maintained at the drill site for use by persons participating in the drilling of said well.

23. The permittee agrees as a condition of issuance (or renewal) and use of the permit to defend at his/her sole expense any action brought against the City because of issuance (or renewal) of the permit or in the alternative to relinquish the permit. Upon demand of the City, the permittee shall reimburse the City for any court costs and/or attorney's fees which the City may be required by a court to pay as a result of any such action. The City may at its sole discretion participate in the defense of any such action, but such participation shall not relieve the permittee of his/her obligations under this requirement.
24. The permittee's acceptance of the permit and/or commencement of construction and/or operations shall be deemed to be acceptance of all standards and conditions required of the permit.
25. Neither the issuance of a permit hereunder, nor compliance with the conditions thereof, shall relieve an operator from any responsibility otherwise imposed by law for damage to persons or property, nor shall the issuance of any permit hereunder serve to impose any liability upon the City of Oxnard, its officers or employees for injury or damage to persons or property.
26. The Community Development Director may suspend, following a duly noticed hearing, all or a portion of the operations until such time as the violations in question is(are) corrected. If the suspension of well operation(s) is ordered by the Community Development Director, it shall only occur after consulting with the State Division of Oil and Gas about the implications of such a suspension. Approval of any other city permits requested by the permittee may also be withheld until any violation(s) in question is(are) corrected.
27. The permittee shall bear the full cost incurred by the City or its consultants for the review of material submitted, monitoring and enforcement of the requirements of the subject permit and a resolution of valid complaints attributed to the permittee. To ensure that the funds are available for costs incurred, the permittee shall deposit \$1,000.00 with the City prior to the issuance of a zoning clearance. The funds shall be used for at least three (3) inspections of the project during the following phases of the project site preparation: drilling, production, and/or rehabilitation of the site if a producing well was not achieved.

The funds shall also cover the cost for any other necessary inspections or the resolution of valid complaints that may occur. Once the project is in the production phase the required deposit fee may be reduced by the Community Development Director to an amount commensurate with the anticipated cost of monitoring and enforcing the permit. One deposit may be made to cover all of the permittee's various permits. Upon receiving notice from the City that the required deposit fee is below the required level, the permittee shall have 30 days to bring the deposit fee up to the required level or pay the cost billed to him/her. Failure to pay the required bill or maintain the required deposit fee balance shall be grounds for suspension or revocation of the permit. Prior to the City engaging any independent consultants or contractor pursuant to this section and standard city building procedures, the City shall confer with such work; however, the permittee may hire private consultants to undertake work required by the City provided that the consultant and the proposed scope of work are acceptable to the City.

28. Unless otherwise advised by the applicable State agencies, rotary mud, produced water, drill cuttings or liquid hydrocarbons, and all other oil field waste derived or resulting from the drilling

or reworking of any well shall not be discharged onto beneath or outside of the site in any form or manner, and shall only be discharged from the drilling activities and shall be transported to a state-approved Class I dump site.

29. Each producing well site shall be completed in such a manner that all production equipment and facilities shall be recessed, covered or otherwise screened from view. Trees or shrubbery shall be planted and maintained so as to develop attractive landscaping and to screen the site and production equipment, structures, tanks and facilities thereon from public view unless such equipment, structures, tanks and facilities are screened from public view by reason of an isolated location, existing trees or shrubbery, intervening surface contours or a wall constructed as herein provided. This provision need not apply to wells in an existing field subject to approval by the Land Use Advisors.
30. No sign shall be constructed, erected or maintained on the property encompassed by the permit except those required by law or allowed by the City's sign ordinance. Wells shall be marked in a conspicuous place with the name of the operator and other pertinent information as necessary. This marker shall be maintained at all times.
31. Any production shipping tank(s) installed on the site shall have a rated capacity of not more than 3,000 barrels per site and said tank(s) and appurtenances shall be painted in accordance with the paint scheme approved by the Land Use Advisors within 30 days of erection of said tanks. Said tanks shall be kept painted and maintained in good condition at all times.
32. All equipment necessarily incidental to production shall be completely enclosed in a building. The plans for such building are to be approved by the Building Division, Fire Department and Community Development Department. Said building shall be of a permanent type, of attractive design and constructed in a manner that will eliminate as far as practicable dust, noise, noxious odors, and vibrations or other conditions which are offensive to the senses, and shall be equipped with such devices as are necessary to eliminate the objectionable features mentioned above. The architectural treatment of the exterior of such building shall also be subject to approval by the Community Development Department.
33. Only electrical power shall be utilized in all pumping and production operations. Power shall not be generated on the drilling site. Alternative power sources may be allowed by an approved coastal development permit.
34. If the City receives a complaint about noise originating from the permitted operation, the Community Development Director may require a noise evaluation be made by qualified noise experts at the permittee's expense. Until such time as a determination is made regarding the validity of the complaint, the operator shall, unless otherwise ordered by the State Division of Oil and Gas, take steps to minimize any ongoing noise such as, but not limited to, the cessation of:
 - a. Hammering on pipe
 - b. Racking or making up of pipe

- c. Acceleration
 - d. Acceleration of engines or motors
 - e. Drilling assembly rotational speeds that cause more noise than necessary and could be reasonably reduced by use of a slower rotational speed
 - f. Picking up or laying down of drill pipe, casing, tubing or rods into or out of the drill hole
 - g. Work, except for the continued circulation of fluids within the well, unless such succession would endanger the well
35. All nonemergency maintenance of a well, such as the pulling of pipe and replacement of pumps, shall be limited to the hours of 8:00 a.m. to 8:00 p.m. if the well site is located within 3,000 feet of an occupied residence.
36. Drilling activities shall be limited to the hours of 7:00 a.m. and 10:00 p.m. when they are located less than 800 feet from an occupied residence.
37. No one shall reside on the area under permit except those individuals who are required to be on the site 24 hours a day. Those individuals include, but are not limited to, the foreman, drilling mud specialist, mud logger and directional drilling technicians.
38. During drilling operations, sealing of the formation-casing, annular well space from ground surface through the base of fresh water shall be performed to prevent degradation of ground water quality.
39. If archaeological or historical artifacts are uncovered, the operator shall immediately notify the Community Development Director and preserve the site until a qualified archaeologist can recommend the proper disposition of the site consistent with the policies of the Oxnard Coastal Land Use Plan.
40. The permittee shall clean and restore all streets, sidewalks and other places constituting public property which may have been disturbed or damaged in connection with any operations associated with the use, including operations for the abandonment of the uses except for ordinary wear and tear of public streets and highways, to substantially the same condition that existed at the time of use inauguration.
41. Any machinery used in production and/or processing shall be so designed and housed that noise and vibration shall be reduced to a minimum of the surrounding area.
42. The permittee shall prepare an Oil Spill Control Plan for review and approval by the City, as lead agency, and the Department of Fish and Game and any other applicable agency, as determined by the Community Development Director.

Sec. 37-3.9.0 Coastal Access and Recreation

Sec. 37-3.9.1 Purpose

The coastal zone includes substantial opportunities for public access to the ocean and related recreational uses. The purpose of this section is to guide the acquisition and development of access facilities and vertical and lateral easements for public use within the coastal zone as part of a comprehensive program for implementing the Oxnard Coastal Land Use Plan.

Sec. 37-3.9.2 Applicability and Specific Standards

All development within the Oxnard coastal zone which would have an affect on public access to and enjoyment of the coastline shall comply with the provisions of this section.

1. Specific standards are contained in Policy Nos. 51, 52, and 55 and appendices Policy Nos. 22 and 23 of the Oxnard Coastal Land Use Plan. In addition, the provisions in Paragraphs B, C, D, and all other applicable LUP policies shall apply.
2. Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development except where:
 - a. It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources.
 - b. Adequate access exists nearby consistent with applicable policies of the certified Oxnard Coastal Land Use Plan.
 - c. Agriculture would be adversely affected.
3. Dedicated accessways shall not be required to be open to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessways.
4. For the purposes of this section, new development as defined by Section 30212(b) of the Coastal Act does not include the following:
 - a. Structures destroyed by natural disaster

Replacement of any structure pursuant to the provisions of subsection (g) of Section 30610 of the Coastal Act.

b. Demolition and reconstruction

The demolition and reconstruction of a single-family residence, provided that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.

c. Improvements

Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height or bulk of the structure by more than 10 percent, which do not block or impede access, and which do not result in a seaward encroachment by the structure.

d. Repair and maintenance

Any repair or maintenance activity for which the City has determined pursuant to Section 30610 of the Coastal Act that a coastal development permit will not be required unless the Land Use Advisors determine that such activity will have an adverse impact on lateral public access along the beach.

Sec. 37-3.9.3 Waiver of Access Requirements

Pursuant to Section 30214 of the Coastal Act with respect to regulating the time, place and manner of public access, the requirements for vertical access may be waived for specific development applications only when the reviewing body vested with the authority to approve the request finds that adequate vertical access is provided offsite but within the immediate area. Such waiver may be granted subject to the specific finding that the presence of public beach with adequate access facilities nearby (within 500 feet), reduces the needed frequency of vertical accessways in coastal residential areas.

A granting of a waiver for lateral access is deemed inconsistent with the policies of the Oxnard Coastal Land Use Plan and therefore shall be prohibited.

Sec. 37-3.9.4 General Coastal Access Standards

The following standards apply to all new development subject to Policy Nos. 1-34 (Appendix III-Access) of the certified Oxnard Coastal Land Use Plan, the provisions of Chapter 34 and are intended to provide for the establishment of access right-of-way designations dedications and easements on both public and private lands:

1. Coastal access facilities shall be located where they safely accommodate public use and should be distributed throughout an area to prevent crowding, parking congestion, and misuse of coastal resources. Accessways shall be sited and designated:
 - a. To minimize alteration of natural land forms conforming to the existing contours of the land and be subordinate to the character of their setting;
 - b. To prevent unwarranted hazards to the land and public safety;
 - c. To provide for the privacy of adjoining residences and to minimize conflicts with adjacent or nearby established uses;
 - d. To be consistent with military security needs;

- e. To prevent misuse of environmentally sensitive habitat areas; and
 - f. To ensure that agriculture will not be adversely affected.
2. Public access to the environmentally sensitive habitat areas such as wetlands, sand dunes, tidelands or riparian areas, shall be evaluated on a case-by-case basis. Such accessways shall be designed and constructed so as to avoid adverse affects on the resources consistent with Policy Nos. 1, 2, 4, 6, 12, 13, 16, 20, and 21 of the certified Coastal Land Use Plan.
 3. Coastal accessways located in areas of erosion hazard shall be constructed and managed in a manner that does not increase the hazard potential. Access facilities on productive agricultural land can be temporarily closed during harvest or pesticide times. Where appropriate coastal accessways shall be designed to correct abuses resulting from existing use.
 4. Access facilities constructed on access easements should be no wider than necessary to accommodate the numbers and types of users that can be reasonably expected.
 5. The design and placement of accessways shall provide for the privacy of adjoining residences. Each vertical access easement in a residential area shall be sufficiently wide to permit the placement of an appropriate accessway facility, such as a stairway, ramp, walkway and fencing, and/or landscape buffer as necessary to ensure privacy and security. Depending on local considerations in a single-family residential neighborhood, vertical accessways may be fenced on the property line and use restricted to daylight hours.
 6. Unless otherwise authorized in a specific zone, use of lateral accessways shall be limited to the right of public pass and repass, active and passive recreational use, or as otherwise designated by the certified Oxnard Coastal Land Use Plan.

Sec. 37-3.9.5 Establishing Access Areas

The establishment of required vertical and lateral accessways shall be accomplished in one of the following methods:

1. Deed restriction. This method may be used only where an owner, association, or corporation agrees to assume responsibility for the maintenance and liability of the public accessway. City approval is first required of the person or entity assuming responsibility.
2. Grant of fee interest. This method may be used when a public agency or private organization approved by the City is willing to assume responsibility for ownership, maintenance and liability for the public accessway.
3. Grant of easement. This method may be used in the same instances as those identified above.
4. Offer of dedication. This method is to be used when no public agency, private organization or individual is available to accept the granting of fee interest or easement and the owner is not

willing to accept responsibility for the accessway. Any offer of dedication shall not be accepted until responsibility for maintenance and liability is provided.

Sec. 37-3.9.6 Specific Coastal Access Standards

The standards for the location and distribution of both vertical and lateral accessways involving public and private lands contained in this section shall apply to all new development within the City's coastal zone.

Sec. 37-3.9.7 Lateral Access

1. Lateral accessways shall include a minimum width of 25 feet of dry sandy beach to the extent feasible, given periodic climatic conditions, or should include the entire sandy beach area if the width of said beach is less than 25 feet. Said accessways should not extend further landward than the foot of an existing shoreline protective device or be closer than 10 feet to an existing single-family residence unless another distance is specified by the Oxnard Coastal Land Use Plan. Where development poses a greater burden on public access, a larger accessway shall be provided.
2. Lateral accessways shall be located on all waterfront land to provide continuous and unimpeded lateral access along the entire reach of the sandy beach area or other usable recreational shoreline. Exceptions to this standard may include military installations where public access would compromise military security, industrial developments and operations that would be hazardous to the public safety and developments where topographic features, such as river mouths, could be hazardous to public safety.
3. The proximity of the Pacific Ocean periodically precludes any development on these narrow accessways other than portable support facilities, such as trash receptacles, picnic tables and benches, or retractable ramps or boardwalks designed for use by persons with disabilities.

Sec. 37-3.9.8 Vertical Access

1. Vertical accessways shall be a minimum of 10 feet wide.
2. Accessway surface materials shall be as follows:
 - a. Where the nature soil is sand, no other surfacing material is required unless accessway is in a dune habitat, then wooden planking shall be required.
 - b. Where accessways are to be constructed in areas where sand does not exist, or where conditions required an improved accessway one of the following materials shall be used:
 - 1) Asphalt or concrete
 - 2) Masonry paving units including flat stone, concrete blocks, bominite, stamped concrete or other similar materials which provide a smooth, even surface

- 3) Smooth, rounded gravel, which is approximately one-half inch in diameter or less, laid to a minimum depth of five inches within an area contained by wood or concrete headers. Gravel shall be underlaid with plastic which is at least four mil thick.
 - 4) Wood platform or walkways, provided that the wood shall be treated and waterproofed
 - 5) Other materials or systems may be approved by the Land Use Advisors.
- c. All accessways in designated wetlands or resource protection areas shall be subject to the granting of a coastal development permit.
3. Vertical accessways shall be established in all beachfront areas and should be evenly distributed and carefully located throughout such area to the maximum extent feasible. They should be located where they provide access to onshore or offshore recreational areas.
 4. Where single-family development exists or is planned, vertical accessways should be located where streets end at the shoreline, once every six residential parcels or not less than once every 500 feet. New multiple-family residential projects of five dwelling units or more should provide sufficient open space within the project for a vertical accessway public parking area and for construction of the access facility.
 5. Visitor-serving commercial or recreational developments on shoreline parcels shall enhance the shoreline experience by providing (or preserving) view of the ocean, vertical access through the project, and accessway facilities and maintenance as part of the project. Industrial development near beachfront parcels shall provide vertical access and parking improvements appropriate to safe public shoreline use and equal to the potential public use of the shoreline displaced by the industrial facility.
 6. Subdivision of beachfront parcels shall provide a vertical accessway to the beach area either as a separate parcel or as an easement over the parcels to be created.
 7. Vertical accessways may be developed with a range of facilities including stairways, ramps, trails, right-of-way overpasses and underpasses or any combination thereof. Vertical accessways shall include design features which minimize bluff and shoreline erosion. This may include, but not be limited to, drainage systems, planting of native cover, fencing, and elevation of stairways away from bluff area. Vertical accessways shall include appropriate support facilities, such as signs and fencing.
 8. In determining the specific siting of an accessway the protection of the right-of-privacy of the adjacent residence shall be considered. Where a residential structure is located on the beach with no physical barrier such as a seawall separating the residential structure from the accessway, said accessway shall not extend any closer than 10 feet to the occupied residential structure. In such cases, the area from 10 to 20 feet from the residential structure may be used for pass and repass with all areas seaward of the 20-foot line available for passive recreational use. In determining an appropriate access buffer, the need for privacy should be considered in light of the public's right to obtain access and use along the shoreline. The buffered area should not act to preclude the public's right of access to and use of publicly owned tidelands.

Where a vertical accessway for pedestrian use is sited on a parcel where a residential structure exists or is anticipated for construction in the proposed project, the access shall not be sited any closer than five feet from the residential structure. This five-foot buffer shall be provided to protect the privacy rights of the residents of the site. In some instances, re-siting of the proposed project may be required to provide the needed access corridor and still allow for a buffer between the accessway and the residential structure.

Sec. 37-3.10.0 Housing Demolition, Conversion or Replacement

Sec. 37-3.10.1 Purpose

The purpose of this section is to provide standards designed to preserve sound and safe housing for low and moderate income families in this section, other general and specific coastal development and resource standards contained in this chapter, and all applicable provisions and policies of the Housing Element of the Oxnard General Plan.

Sec. 37-3.10.2 Applicability and Specific Standards

Specific standards are contained in Policy Nos. 63, 64, 65, and 66, and 67 of the Oxnard Coastal Land Use Plan.

Sec. 37-3.11.0 Recordation of Land Restrictions

Sec. 37-3.11.1 Purpose

The purpose of this section is to provide for timely compliance with permit condition requirements, recordation of land restrictions and ensure full compliance with the Oxnard Certified Coastal Program.

Sec. 37-3.11.2 Responsibilities

Any permit requiring recordation (or any other similar legal form) of land restrictions imposed pursuant to this article shall not be issued until said recordation (or other similar legal form) is duly accomplished and finalized.

Article 4 General Coastal Development and Resource Standards

Sec. 37-4.1.0 Condominium Conversions

Sec. 37-4.1.1 Purpose

The purpose of this section is to provide standards designed to preserve sound and safe housing for low and moderate income families in a manner consistent with the standards contained in the general and specific coastal development and resource standards contained in this section and all applicable policies of the Oxnard Coastal Land Use Plan.

Sec. 37-4.1.2 Applicability and Specific Standards

In order to provide for appropriate protection for existing housing stock, any application for a conversion from apartments to condominium ownership shall be subject to the specific standards outlined in Sections 34-220 through 34-229 inclusive, of the Oxnard City Code.

Sec. 37-4.2.0 Design Standards

Sec. 37-4.2.1 Purpose

Design review shall be required in order to assure that new or modified uses and development will produce an environment of stable, desirable character which will be in harmony with the existing or potential development of the surrounding neighborhood to ensure the compatibility of development proposed adjacent to resource protection and recreation areas and to avoid excessive similarity or dissimilarity in the appearance of buildings. These provisions are also intended to implement the goals and policies contained in the Oxnard Coastal Land Use Plan.

Sec. 37-4.2.2 Applicability and Specific Standards

Any coastal permit shall be subject to the design review standards set forth in this section.

While encouraging the broadest possible range of individual and creative design, the Land Use Advisors, or the Community Development Director, where authorized, may grant design review approval only if the proposal conforms to all of the following standards:

1. The proposed development will be of a quality and character which is compatible with the surrounding area and harmonizes with existing development.
2. The design will improve community appearances by avoiding excessive variety and monotonous repetition.
3. Proposed signage will be an integral architectural feature which does not overwhelm or dominate the structure or object it is attached to.
4. Lighting will be stationary and is deflected away from adjacent properties.

5. Mechanical equipment, storage and trash areas and utilities will be architecturally screened from view.
6. The proposed plans indicate proper consideration for the relationship between the existing and finished grades of the site to be improved and adjacent properties.
7. The proposed development or modification will not, in its exterior design and appearance, be so at variance with the appearance of existing buildings and development in the neighborhood so as to cause the nature of the local environment to materially depreciate in appearance.
8. The proposed design is compatible with existing development in the area in terms of scale, height, bulk, materials, cohesiveness, colors and the preservation of privacy.
9. The proposed design promotes a harmonious transition in terms of scale and character between areas of different land use designations.
10. All building elevations have been architecturally treated in a uniform manner including the incorporation within the side and rear building elevations of some or all of the design elements used for the primary facades.
11. The proposed plans provide for adequate on-site vehicular and pedestrian circulation.
12. The main entrance to the dwelling unit(s) or commercial or industrial building(s) provides for independent access to the physically impaired.

Sec. 37-4.2.3 Approval

Conditions of approval may be applied when the proposed design does not comply completely with the above standards and shall be sufficient to bring said design into conformity. When the proposed design does not meet the above standards, and cannot be conditioned or modified to comply with said standards, the plan shall be disapproved and referred to the applicant for redesign and resubmittal.

Sec. 37-4.2.4 Solar Energy Systems Design Standards

These provisions are intended to incorporate, to the extent feasible, passive heating and cooling opportunities into the design of residential developments. They are further designed to assure that solar energy systems are protected from shading and conform in appearance to the surrounding neighborhood.

1. Solar collectors shall be roof-mounted and shall be placed in the most obscure location without reducing the operating efficiency of the collectors.
2. Collectors shall be mounted at the same angle as the pitch of the roof, but shall allow for water sheet flow between the roof and collector.

3. Appurtenant equipment, particularly plumbing and related fixtures, shall be installed in the attic, where feasible.
4. Large accessory fixtures which must be exposed shall be screened through architectural features that harmonize with other design elements of the structure.
5. Exterior surfaces shall have a matte finish and shall be color coordinated to harmonize with roof materials or other dominant colors of the structure.

Sec. 37-4.2.5 Protection of Solar Access

No building, wall, fence or other structure or part of a structure shall be constructed or modified and no vegetation may be placed or allowed to grow so as to increase the consumption of airspace over a lot in a manner that obstructs solar access to a solar energy system on a neighboring lot such that more than 10 percent of the absorption area would be shaded at any time.

Sec. 37-4.2.6 Design Standards for Single-family Dwellings

Each single-family dwelling shall incorporate all of the following design features:

1. A minimum eave projection of two and one-half feet on at least two opposite sides.
2. A roof constructed of fire resistant, asphalt composition shingle, tile, or similar fire resistant roofing material (excepting metal).
3. Exterior siding of brick, wood, stucco, plaster, concrete, metal or similar material which is finished in a nonglossy and nonreflective manner.

Sec. 37-4.3.0 Landscaping Standards

Sec. 37-4.3.1 Purpose

The purpose of this section is to provide standards designed to enhance the appearance of development within the City by requiring for the placement and maintenance of landscaping for aesthetic and screening purposes, and to provide for areas of improved open space consistent with the Oxnard Coastal Land Use Plan with special concern for the coastal zone.

Sec. 37-4.3.2 Applicability and Specific Standards

The landscaping standards shall apply where landscaping is required by this chapter as part of a project or permit condition of approval and to all areas where landscaping is proposed by the project proponent.

All landscaping shall be installed and maintained in accordance with Section 34-9.2 of Chapter 34 of the Oxnard City Code.

Sec. 37-4.4.0 Sign Standards

Sec. 37-4.4.1 Purpose

The purpose of this section is to provide appropriate standards for the identification of businesses and development which will promote the appearance of the City as an attractive place to live and work, and to establish signs which will not create public safety hazards while at the same time encouraging functional flexibility, design, and compatibility, which will maintain the positive visual aspects of the coastal zone consistent with the Oxnard Coastal Land Use Plan.

Sec. 37-4.4.2 Applicability and Specific Standards

The following regulations shall apply to all outdoor signs proposed for the identification of development or businesses and informational and directional signs related thereto.

1. Standards for all signs in all coastal zones are found in Sections 34-179 through 34-182 inclusive of Chapter 34 of the Oxnard City Code.
2. Specific sign standards for the Coastal zones shall be in accordance with the following sections of Chapter 34.

Zone District

Applicable City Code Provisions

RBF, R-B-1, R-W-1, R-W-2 and R-2-C Section 34-183(c)

R-3-C and MHP-C Section 34-183(b)

PUD-C Section 34-183(a) for residential uses and Section 34-186 for commercial uses or according to a master sign program.

CNC, CVC and CDI Section 34-186

Signs for uses in EC, COD, RC, and RP Zones shall be approved at the time of approval of coastal development permits.

Sec. 37-4.5.0 Off-street Parking and Loading Standards

Sec. 37-4.5.1 Purpose

The purpose of this section is to provide regulations designed to achieve the following objectives:

1. To ensure accessible, attractive, and well-maintained parking and loading facilities
2. To reduce traffic congestion and hazards
3. To protect neighborhoods from the effects of vehicular noise and traffic generated by adjacent nonresidential districts
4. To provide parking in proportion to the needs generated by varying types of land use consistent with the Oxnard Coastal Land Use Plan and in recognition of the coastal community with established and anticipated parking problems and use

Sec. 37-4.5.2 Applicability and Specific Standards

Every use legally established, and every building or structure erected or altered, shall have permanently maintained off-street parking areas.

The provision and development of parking and loading areas for uses in the coastal zone shall be in accordance with Section 36-7.0 of Chapter 36 of the Oxnard City Code.

Sec. 37-4.6.0 Nonconforming Buildings and Uses

Sec. 37-4.6.1 Purpose

The purpose of this section is to provide for the administration of nonconforming buildings and uses in order to promote the public health, safety, and general welfare and to bring such buildings and uses into conformity with the goals and policies of the Oxnard Coastal Land Use Plan. This chapter is intended to prevent the expansion of nonconforming buildings and uses, establish the circumstances under which they may be continued and provide for the removal, correction or change of such buildings and uses. The provisions of this article shall apply to buildings and uses in the coastal zone.

Sec. 37-4.6.2 Nonconforming Buildings

A legal nonconforming building is a structure which is lawfully existing prior to the effective date of this chapter, but by reason of the adoption of this chapter, or any amendment thereto, fails to conform to the present requirements of the zoning district in which it is located.

Sec. 37-4.6.3 General Requirements

- A. A nonconforming building which is damaged to the extent of one-half or more of its replacement cost immediately prior to such damage may be restored only if made to conform to all provisions of this chapter. The replacement cost shall be determined by the City Building Official, whose decision may be appealed to the City Council.
- B. Changes to interior partitions or other nonstructural improvements and repairs may be made to a nonconforming building.
- C. Structural elements may be modified where the Oxnard Building Official determines such modification is immediately necessary to protect the health and safety of the public or occupants of the nonconforming building or adjacent property.
- D. Exterior modifications, or additions of nonconforming buildings used for residential, commercial, or industrial purposes may be permitted providing the following conditions are met:
 - 1. The addition or enlargement does not increase the degree of nonconformity by extending horizontally or laterally any structural nonconformity.
 - 2. The addition or enlargement does not increase the requirement for off-street parking.
- E. Buildings used for commercial or industrial purposes which are nonconforming due to setbacks or parking may be allowed to expand or enlarge provided that said enlargement conforms with the applicable provisions of this chapter and parking in accordance with this chapter is provided for the addition pursuant to a development review permit.

Sec. 37-4.6.4 Nonconforming Uses

A legal nonconforming use is one which lawfully existed prior to the effective date of this chapter, but which is not now permitted or conditionally permitted in this zone in which it is located.

Sec. 37-4.6.5 General Requirements

- A. Change of ownership, tenancy or management of a nonconforming use shall not affect its legal nonconforming status.
- B. A nonconforming use may be continued, provided that a nonconforming use which ceases for a continuous period of six months shall lose its nonconforming status, and the premises on which the nonconforming use was located shall from then on be used for conforming uses only.
- C. A lot occupied by a nonconforming use may be further developed by the addition of conforming uses and structures pursuant to the granting of a modification permit.
- D. Any nonconforming use which is nonconforming only because of the absence of a City-approved permit shall be deemed a conforming use upon securing the approval of such permit.
- E. Any nonconforming use may be changed to a conforming use provided that all applicable permit requirements and standards of this chapter are satisfied. If a nonconforming use is converted to a conforming use, the nonconforming use may not be resumed.

Sec. 37-4.6.6 Nonconforming Lots

Any lot, the area, dimension, or location of which was lawful on the effective date of this chapter, but which fails by reason of such adoption or amendment to conform to the present requirements of the zoning district, shall be considered buildable for the purposes of this chapter.

Sec. 37-4.7.0 General Standards

Sec. 37-4.7.1 Purpose

The purpose of this section is to provide for the administration and regulation of general standards relating to fencing, building heights, zone walls, on-site lighting, architectural features and similar provisions which generally apply to all development within the coastal zone.

Sec. 37-4.7.2 Applicability and Specific Standards

Except as otherwise provided for in this chapter, the following general standards of Chapter 34 (Zoning) shall apply to development in the coastal zone:

Sec. 34-7 Parking of Vehicles on Residential Front Yards and Street Side Yards

Sec. 34-8 Building Heights

Sec. 34-9.1 Zone Wall

Sec. 34-9.2 Exemption for Accessory Structures

Sec. 34-9.3 On-site Lighting

Sec. 34-9.4 Trash and Reclaimable Disposal Areas

Sec. 34-13 Use of Garage for Other than Storage of Vehicles

Sec. 34-17 Requirements for Cornices, Etc.

Sec. 34-18 Extension of Fire Escapes Into Yards

Sec. 34-19 Extension of Open Stairways and Balconies

Sec. 34-20 Extension of Uncovered Porches

Sec. 34-21 Hedges, Fences, Etc. - Height Limitations - Front Yards

Sec. 34-22 Hedges, Fences, Etc. - Height Limitations - Side and Rear Yards

Sec. 34-22.7 Commercial Zones: Fence Limitations

Sec. 34-22.9 Industrial Zones: Fence Limitations

Sec. 34-23 Types Prohibited and Exemptions

Sec. 34-24 Maintenance Requirement

Sec. 34-25 Public Property

Sec 34-27 Safety or Emergency Fences

Article 5 Administration

Sec. 37-5.1.0 Home Occupations

Sec. 37-5.1.1 Purpose

The purpose of this section is to provide for the conduct of home occupations, in any residential structures in any residential zone, which are incidental to, and compatible with surrounding residential uses. A home occupation is gainful employment engaged in by the occupant(s) of a dwelling. A home occupation shall not generate frequent customer access or have associated characteristics which would reduce the residents enjoyment of their neighborhood.

Sec. 37-5.1.2 Permit Required

The conduct of a home occupation requires the approval of a home occupation permit by the Community Development Director, who may establish additional conditions to further the intent of the Oxnard Coastal Land Use Plan. An application for such permit shall be in a form prescribed by and filed with the Community Development Department.

Sec. 37-5.1.3 Operating Standards

1. A home occupation shall not be permitted if it violates any other section of this chapter.
2. The home occupation shall not alter the appearance of the dwelling unit. No structural alterations shall be permitted within the dwelling unit to separate any area used for a home occupation from the dwelling space. No area used for a home occupation shall be subleased or rented to another party.
3. There shall be no sales of goods or displays of goods on the premises.
4. There shall be no signing permitted for a home occupation.
5. There shall be no advertising which identifies the home occupation by street address.
6. The home occupation shall be conducted indoors and confined completely to one room within the dwelling which space shall not occupy an area equivalent to more than 25 percent of the gross area of one floor thereof.
7. Use of a garage for home occupation purposes shall not interfere with the permanent maintenance of two parking spaces. No portion of any other accessory structure shall be used for home occupation purposes.
8. Horticulture activities may be conducted outdoors but within the rear one-third of the lot.
9. A single vehicle no larger than a three-quarter ton truck may be used in connection with a home occupation.

10. The home occupation shall not encroach into any required parking, yard, or open space area.
11. Parking for the vehicle used in connection with the home occupation shall be provided in addition to parking required for the residents.
12. Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises nor use utilities in amounts greater than normally provided for residential use.
13. No use shall create or cause noise, dust, vibration, smell, smoke, glare or electrical interference or other hazards or nuisances.
14. No employees other than residents of the dwelling shall be allowed in connection with a home occupation, except that baby sitters or domestic servants shall not be considered employees of a home occupation.
15. There shall be no customers or clients calling upon the premises arriving either by vehicle or as a pedestrian.
16. If the home occupation is to be conducted on rental property, the property owner's authorization for the proposed use shall be obtained prior to the issuance of a home occupation permit.
17. Where the person conducting the home occupation serves as an agent or intermediary between outside suppliers and outside customers, all articles, except for samples, shall be received, stored and sold directly to customers at an off-premise location.
18. There shall be no use of material or mechanical equipment not recognized as being part of a normal household or hobby use.

Sec. 37-5.1.5 Revocation

A home occupation permit may be revoked if the Community Development Director finds that one or more of the following conditions exist:

1. That any condition of the permit or any of the operating standards has been violated.
2. That the use has become detrimental to the public health or safety or constitutes a nuisance.
3. That the permit was obtained in a fraudulent manner.
4. That the use for which the permit was granted has ceased or was suspended for six or more successive calendar months.
5. That the condition of the premises, or the area of which it is a part, has changed so that the use is no longer justified under the meaning and intent of this chapter.

Sec. 37-5.2.0 Temporary Use Permits

Sec. 37-5.2.1 Purpose

The purpose of this section is to provide short-term placement or occurrence of activities which may be appropriate when regulated so as to avoid incompatibility between such uses and surrounding uses. The provisions of this article shall apply only to temporary use permits within the coastal zone.

Sec. 37-5.2.2 Permitted Uses

A temporary use permit may be issued by the Community Development Director for the following uses pursuant to Section 34-4.1 of the Oxnard City Code.

1. Real estate sales offices within approved development projects.
2. Christmas tree sales lots; however, a permit shall not be required when such sales are in conjunction with an established commercial business holding a valid city business license, provided such activity shall be permitted for a period not to exceed 30 consecutive calendar days.
3. Temporary outdoor display/sales of merchandise in any commercial zone, provided such merchandise is customarily sold on the premises, and that such premises are utilized for a permanently established business.
4. Other seasonal product sales, such as sale of pumpkins, flowers and fruit
5. Circuses and carnivals
6. Fairs, festivals, rodeos, and concerts, when not held within premises designed to accommodate such events, such as auditoriums, stadiums or other public assembly facilities.
7. On- and off-site contractors' construction yards
8. Similar temporary uses which, in the opinion of the Community Development Director, are compatible with the zone and surrounding land uses
9. Youth, charitable or nonprofit organization projects

Sec. 37-5.2.3 Required Permits

A temporary use permit approved by the Community Development Director shall be required for all uses listed in this section, issued prior to the commencement of the use. Applications for said permits shall be secured and filed with the Community Development Department pursuant to Article 5 (Administration). A permit shall not be required for events which occur in theaters, meeting halls or other permanent public assembly facilities. Temporary uses may be subject to additional permits,

other departmental approvals and licenses and inspections as required by any applicable laws or regulations.

Sec. 37-5.2.4 Findings

The Community Development Director may approve a temporary use permit application only when all of the following findings can be made in a positive manner:

1. That the operation of the requested use at the location proposed and within the time period specified will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
2. That the proposed site is adequate in size and shape to accommodate the temporary use.
3. That the proposed site is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that such temporary use will or could reasonably generate.
4. That adequate temporary parking to accommodate vehicular traffic to be generated by such use will be available either on-site or at alternate locations acceptable to the Community Development Director.
5. That the use would not jeopardize the public peace, safety or general welfare, or be injurious or detrimental to properties adjacent to or in the vicinity of, the proposed location of the activity.

Sec. 37-5.2.5 Conditions of Approval

In approving an application for a temporary use permit, the Community Development Director may impose such conditions as are deemed necessary to insure that the permit will be in accordance with the findings required by Section 37-5.2.4. These conditions may involve any pertinent factors affecting the operation of the temporary use, and may include, but are not limited to:

1. Provision of temporary parking facilities, including vehicular access and egress.
2. Regulations of nuisance factors such as, but not limited to, the prevention of glare or direct illumination of adjacent properties, noise vibrations, smoke, dust, dirt, odors, gases, and heat.
3. Regulation of temporary buildings, structures and facilities, including placement, height and size, location of equipment and open spaces, including buffer areas and other yards.
4. Provision of sanitary and medical facilities
5. Provision of solid waste collection and disposal
6. Provision of security and safety measures

7. Regulation of signs
8. Regulation of operating hours and days, including limitation of the duration of the temporary use to a shorter time period than that requested
9. Submission of a performance bond or other surety devices to ensure that any temporary facilities or structures used for such proposed temporary use will be removed from the site within a reasonable time following the event and that the property will be restored to its former condition.
10. Submission of a site plan indicating any information required by this chapter.
11. A requirement that the approval of the temporary use permit is contingent upon compliance with applicable provisions of other ordinances.
12. Such other conditions which will ensure the operation of the proposed temporary use in an orderly and efficient manner and in accordance with the intent and purpose of this chapter.

Sec. 37-5.2.6 Revocation

A temporary use permit may be revoked if the Community Development Director finds that one or more of the following conditions exists:

1. That circumstances have changed to such a degree that one or more of the findings contained in Sec. 37-5.2.4 can no longer be made in a positive manner.
2. That the temporary use permit was obtained in a fraudulent manner.
3. That one or more conditions of the temporary use permit have not been complied with.

Sec. 37-5.3.0 Coastal Permit Procedures

Sec. 37-5.3.1 Purpose

The purpose of this section is to describe procedures and various land use permit options available for application within the coastal zone, and further to provide for amendments to the land use and zoning designations on properties where such change is warranted. At the time of application, a review of the location, design, configuration and impact of the proposal shall be conducted by comparing said proposal to established standards, consistent with the policies of the Oxnard Coastal Land Use Plan.

Sec. 37-5.3.2 Applicability

The following eight categories of review represent the primary range of procedures for addressing land use opportunities within Oxnard's coastal zone:

1. Exempt development

The following types of development are exempt from the requirement for a development review permit or coastal development, and therefore permitted, subject to the provisions of Chapter 37 (a zone clearance must still be issued where appropriate):

- a. Improvements to existing single-family residences not located on a beach, wetlands, or seaward of the mean high tide line, except for those classes or development which require a coastal development permit because they involve a risk of adverse environmental effect which is subject to the provisions of Section 13250(b)2, 3, 4, and 6 of the California Coastal Regulations.
- b. Lot line adjustments resulting in the creation of any new lot(s).
- c. Repair and maintenance activities that do not result in addition to or enlargement or expansion of, the object of such repair or maintenance activity, or which do not include extraordinary methods of repair and maintenance such as stated in Section 13252-1-A, B, C, D, -2-A, B, C, -3-A, and B of the California Coastal Regulations.
- d. Fences and walls (not including seawalls) of six feet or less in height except within an appealable area or when such fence or wall will obstruct public access or view to the beach.
- e. Installation of irrigation lines.
- f. Maintenance dredging of existing navigation channels to original contours or moving dredge material from such channels to a disposal area outside the coastal zone, pursuant to a permit from the United States Army Corps of Engineers.
- g. Installation, testing, placement in service or the replacement of any necessary utility connection between an existing service facility and any development that has been granted a coastal development permit.

- h. The replacement of any structure other than a public works facility destroyed by natural disaster. Such replacement structure shall conform to applicable existing zoning requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area height or bulk of the destroyed structure by more than five percent, and shall be sited in the same location on the effective property as the destroyed structure.
- i. Home occupation permits.

2. Categorical Exclusions

The following list delineates development within prescribed geographical areas which are excluded from the permit provisions outlined in this section (a zone clearance must still be obtained where appropriate):

- a. Construction of walls, accessory structures, additions to and new single-family residences on existing lots, including additions to townhomes, patio homes and condominiums in the following areas:
 - 1) Oxnard Shores - The developed areas located in the area bounded by the first public road easterly of the Pacific Ocean on the west, Fifth Street on the north, Harbor Boulevard on the east, and Channel Islands Boulevard on the south.
 - 2) Oxnard Dunes - The developed areas located in the area bounded by Fifth Street on the north, the Edison Canal on the east, Wooley Road on the south, and Harbor Boulevard on the west.
 - 3) Mandalay Bay/Inland Waterway - The developed areas located in the area bounded by Eastbourne Bay and Hemlock Street on the north, Victoria Avenue on the east, Channel Islands Boulevard on the south, and Harbor Boulevard on the west.

3. Emergency permits

An emergency permit may be issued when immediate action by a person or a public agency performing a public service is required to protect life and property from eminent danger or to restore, repair or maintain public works utilities or services destroyed, damaged or interrupted by natural disaster, serious accident, or other cases of emergency. The requirements of obtaining a coastal development permit under this section may be waived by the Executive Director of the California Coastal Commission, pursuant to Public Resources Code Section 30611.

4. Development review permit

A development review permit is required of all development not classified as categorical exempt, excluded development, emergency permit, or subject to coastal development permit. This type of permit is required of all permitted uses as identified in the individual coastal zones of this chapter except for those in excluded areas, and is considered to be a ministerial decision.

5. Coastal development permit

A coastal development permit is required for all conditionally permitted uses, lot splits, and subdivisions within the individual coastal zones requiring a discretionary decision by the city, as well as all projects meeting the definition of appealable developments, pursuant to Public Resources Code Section 30603(a), as referenced by Section 37-5.4.0 (Hearings and appeals) of this chapter.

6. Variances

A request for a variance may be made whenever a property owner seeks adjustment to the development standards of this chapter which would otherwise prevent the reasonable use of property in the same manner that other property of like character in the same vicinity and zone can be used. A variance shall not be granted which confers a special privilege inconsistent with the limitations upon other properties in the same vicinity and coastal zone in which the subject property is situated or which authorizes a use or activity which is not otherwise expressly authorized by the zoning regulations governing the parcel or property. Variances shall be required for adjustments to the development standards of this chapter for which an administrative modification may not be granted.

7. Administrative modification

An administrative modification shall be required for routine and minor adjustments to specific development standards which may be approved by the Community Development Director in the following situations:

- a. To allow a decrease not exceeding 10 percent in required setbacks or other open space requirements;
- b. To allow walls, fences or hedges to exceed the height limit regulations by a maximum of 10 percent, and to permit them to be located within setback areas where consistent with safety and neighborhood appearance;
- c. To allow an increase not exceeding 10 percent in maximum lot coverage regulations;
- d. Decreases of not more than 10 percent of any development standard related to on-site improvements, excluding public access, imposed in a coastal development permit.

8. Coastal land use plan, zoning map and text amendments

A mechanism for amending Oxnard's certified Local Coastal Program, which consists of a land use plan, land use and zoning maps, zoning and other ordinances, and special programs pursuant to Public Resources Code Section 30514.

Sec. 37-5.3.3 Application Procedures

The following section outlines the procedures required to process the aforementioned eight categories of review. In all instances an application for each of the categories shall be filed pursuant to Section 37-5.7.0 (Applications and Fees).

1. Exempt development

A determination of whether a development is exempt shall be made by the Community Development Director at the time of application for development within the coastal zone is submitted. This determination shall be made with reference to the certified Oxnard Coastal Land Use Plan including any maps, categorical exclusions, land use designations, and the original permit and appeals jurisdiction map adopted by the Coastal Commission. Where a question arises as to the appropriate designation for the development, the following procedure shall be used to make the determination:

- a. The Director shall make a determination as to what type of development is being proposed and shall inform the applicant of the determination. The Community Development Director shall provide written notice of his determination to residents within 100 feet of the development and to persons known to be interested. The exemption shall not become effective until the Community Development Director has reported his determination to the Land Use Advisors at their next regularly scheduled meeting.
- b. If the determination of the Director is challenged by any person or if the Director wishes to have a Land Use Advisors determination as to the appropriate designation, the Director shall schedule the item before the Land Use Advisors at the next available public hearing.
- c. If the determination of the City is challenged by the applicant or an interested person or if the City wishes to have a Coastal Commission determination as to the appropriate designation, the City shall contact the Coastal Commission by telephone and request an Executive Director's opinion.
- d. The Executive Director shall within two working days of the City's request, or upon completion of a site inspection where such inspection is warranted, transmit a determination as to whether the development is exempt. Whereafter the Executive Director's investigation, the Executive Director's determination is not in accordance with the City determination, the Coastal Commission shall hold a hearing for purposes of determining the appropriate designation for the area. The Coastal Commission shall schedule the hearing on the determination for the next Commission meeting (in the appropriate geographic region of the State) following the City request.
- e. The City shall maintain a record for all permits issued for exemptions, which shall be made available to the Coastal Commission or any interested person upon request and may be in the form of any record of permits issued currently maintained by the City, provided that such record includes the applicant's name, an indication that the project is located in the coastal zone, the location of the project and a brief description of the project.

2. Categorical exclusions

All of the procedures outlined for exemption (Sec. 37-5.3.3[1]) shall apply to categorical exclusions, consistent with California Resources Code Section 30610 and California Administrative Code Sections 13240 through 13244.

3. Emergency permits

a. Investigation

Upon receipt of an application for an emergency permit, the Community Development Director shall verify the facts, including the existence and the nature of the emergency to assure the emergency is a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss of damage to life, health, property or essential public service.

Applications for an emergency permit shall be made by letter to the Community Development Director, or in person, or by telephone if time does not allow. The following information shall be provided to the Community Development Director at the time of the request.

- 1) Nature of the emergency;
- 2) Cause of the emergency, insofar as this can be established;
- 3) Location of the emergency;
- 4) The remedial, protective, or preventative work required to deal with emergency; and
- 5) The circumstances during the emergency that appeared to justify the clause(s) of action taken, including the probable consequences of failing to take action.

b. Findings

Based upon the information in the public record, the Community Development Director may approve and/or modify an emergency permit application, in whole or in part, with or without conditions only if all the following findings of fact are made:

- 1) An emergency exists that requires action more quickly than permitted procedures for administrative permits or for regular permits and the work will be completed within 30 days unless otherwise specified by the terms of the permit.
- 2) Public comment on the proposed emergency action has been reviewed if time allows.
- 3) The work proposed will be consistent with the policies of the certified Oxnard Coastal Land Use Plan.

Each emergency permit shall specify the time period in which a coastal permit shall be applied for to allow continuation of the emergency-related use or activity.

4. Development review permits

a. Investigation

The purpose of investigating a development review permit application is to provide evaluation by the Community Development Department for new construction projects for uses allowed by right within their respective zones which because of the type, scale or location of the development requires comprehensive review.

Investigation shall occur in order to assure with appropriate conditioning that new or modified uses will produce an environment of stable, desirable character which will be in harmony with existing or potential development of the surrounding neighborhood; to avoid excessive similarity or dissimilarity in the appearance of buildings; and to ensure the health, safety, and welfare of the general public.

b. Findings

Based upon the information in the public record, the Community Development Director may approve, modify, or deny a development review permit application, in whole or in part, with or without conditions, after making all of the following findings of fact in a positive manner:

- 1) The proposed use is one permitted within the subject zone and complies with all of the applicable provisions of this chapter.
- 2) The proposed use would not impair the integrity and character of the zone in which it would be located.
- 3) The subject site would be physically suitable for the land use being proposed and the proposed use will protect and maintain coastal resources, including environmentally sensitive areas, adjacent to the project site.
- 4) The proposed use would be consistent with all policies of the Oxnard Coastal Land Use Plan.

5. Coastal development permit

a. Investigation

Upon submittal of a complete application, the Community Development Department shall evaluate the proposal and prepare a comprehensive report containing all pertinent facts, a list of proposed findings, and a recommendation supported with conditions where appropriate for submittal to the Land Use Advisors.

b. Findings

Based upon the information in the public record, the Land Use Advisors may approve or modify a coastal development permit application, in whole or in part, with or without conditions, only after it makes all of the following findings:

- 1) The proposed use is conditionally permitted within the subject zone and complies with all of the applicable provisions of this chapter.
- 2) The proposed use would not impair the integrity and character of the zone in which it would be located.
- 3) The subject site, in terms of location, intensity of use would be physically suitable and would protect and maintain adjacent coastal resources for the land use being proposed.
- 4) The proposed use would be compatible with the land uses presently on the subject property.
- 5) The proposed use would be compatible with existing and future land uses within the zone and the general area in which the proposed use would be located.
- 6) There are adequate public services for the proposal, including, but not limited to, fire and police protection, water, sanitation and public utilities and services to insure that the proposed use would not be detrimental to public health and safety.
- 7) The proposed use will provide a type and level of public access consistent with the access policies and standards of the certified Oxnard Coastal Land Use Plan.
- 8) The proposed use would be appropriate in light of an established need, based upon the underlying goals and objectives of specific Oxnard Coastal Land Use Plan policies, applicable to the proposed location.
- 9) The proposed use would be consistent with all of the applicable policies of the certified Oxnard Coastal Land Use Plan.

6. Variances

a. Investigation

Investigation shall be identical to that specified for coastal development permits (Sec. 37-5.3.3[5]).

b. Findings

Based upon the information in the public record, the Land Use Advisors may approve and/or modify a variance application, in whole or in part, with or without conditions, only after it makes all of the following findings:

- 1) That strict interpretation and enforcement of the specified regulation deprives such property of privileges enjoyed by other property in the vicinity and under the identical coastal zone.
- 2) That there are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply to other properties in the vicinity and under the identical coastal zone.
- 3) That strict interpretation and enforcement of the specified regulation(s) would deprive the applicant of privileges enjoyed by the owners of other properties in the vicinity and identical coastal zone.
- 4) That the granting of the variance would not be detrimental to the protection and maintenance of adjacent resources or to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
- 5) The variance would not adversely affect access to or along the shoreline, including the physical and visual qualities of access.
- 6) The variance would not allow a use or activity not expressly authorized in the zone applicable to the property.
- 7) The proposed variance would be consistent with all applicable policies of the certified Oxnard Coastal Land Use Plan.

7. Administrative modification

a. Investigation

Upon submittal of a complete application for minor adjustments to specific development standards or conditions or approval of coastal permits, the Community Development Department shall evaluate the proposal, consistent with the procedures for a development review permit (Sec. 37-5.3.3[4]).

b. Findings

Based upon the information in the public record, the Community Development Director may approve, modify or deny an administrative modification application, in whole or in part, after making all the findings of fact in a positive manner identified for a coastal development review permit (Sec. 37-5.3.3[4, 5, 6]).

8. Coastal land use plan, zoning map, and zoning text amendments

a. Initiation

Amendments to the certified Coastal Land Use Plan may only be initiated in the following manner:

- 1) A resolution of intention of the Land Use Advisors;
- 2) A resolution of intention of the City Council; or
- 3) An application from any other person or agency pursuant to Sec. 37-5.7.0 (Applications and fees).

b. Investigation

Upon submittal of a complete application or proper initiation, the Community Development Department shall evaluate the proposal and prepare a comprehensive report consistent with the procedures outlined for coastal development permits, and those originally followed in the preparation of the Oxnard Coastal Land Use Plan.

c. Findings

Following a public hearing on the amendment application, the Land Use Advisors and City Council shall record their decision in writing and shall recite therein the findings of fact upon which the decision is based. The Advisors and County may approve or modify the amendment application, in whole or in part, only after it makes all of the following findings:

- 1) The proposed amendment to a zoning map or text would be consistent with the current certified Coastal Land Use Plan or said Coastal Land Use Plan shall be amended concurrently in order to maintain consistency pursuant to the Coastal Act.
- 2) The amendment request has been processed consistent with required procedures of Sec. 37-5.4.0 (Hearings and appeals).
- 3) Cumulative amendments or changes shall maintain or enhance the coastal resources as identified and protected in the originally certified Coastal Land Use Plan.
- 4) The proposed land use plan, zoning map designation, or zoning text amendment would be appropriate in light of the established need for the requested amendment at the time and location anticipated by the said amendment.
- 5) The proposed amendment would not be detrimental to the public interest, health, safety, convenience or welfare.
- 6) The proposed amendment maintains or enhances the provisions for public access within the coastal zone.

d. Number of amendments permitted

Amendments to the Coastal Land Use Plan, including changes in land use and designations and zoning and plan text amendments, shall only be considered and permitted a maximum of three times per calendar year. The Community Development Department shall establish a schedule and procedures for such amendments.

e. The proposed amendment shall not take effect until certified by the Coastal Commission.

Sec. 37-5.3.4 Pre-application Conference

A prospective applicant, or agent, may request a pre-application conference with the Community Development Director or staff member prior to formal submittal of an application for a coastal permit. At such conference, the designated planner shall acquaint the property owner with the Oxnard Coastal Land Use Plan and requirements as they apply to the property, if needed, suggest improvements to the proposed development based upon review of a sketch plan provided by the property owner, and inform the owner of the steps necessary prior to formal action on the proposal. The designated planner shall exercise discretion in granting requests for such conferences so as not to infringe upon other staff duties. A fee for such conferences may be applied pursuant to Sec. 37-5.7.0 (Applications and fees).

Sec. 37-5.3.5 Use of Property Before Final Decision

No building permit shall be issued for any building or use involved in an application or approval of any development permit required herein until and unless the same has become final, pursuant to Sec. 37-5.4.6 (Finality of decision).

Sec. 37-5.3.6 Notice After City Fails to Act

1. Notification by applicant

If the City has failed to act on an application within the time limits set forth in Government Code Sections 65950 through 65957.1, thereby approving the development by operation of law, the person claiming a right to proceed pursuant to Government Code Sections 65950 through 65957.1 shall notify, in writing, the City and the Coastal Commission of his or her claim that the development has been approved by operation of law. Such notice shall specify the application which is claimed to be approved.

2. Notification by the City

When the City or a court of law determines that the time limits established pursuant to Government Code Section 65950 through 65957.1 have expired, the City shall, within seven working calendar days of such determination, notify the Coastal Commission and any person entitled to receive notice pursuant to Section 13571(a) of the Administrative Code that the application has been approved by operation of law, and where applicable, that the application may be appealed to the Coastal Commission, pursuant to Administrative Code Section 13110. The appeal period for a project approved by operation of law shall begin to run only upon receipt of the notice in the Coastal Commission Office.

Sec. 37-5.3.7 Expiration

A coastal permit, excluding an emergency permit, shall expire 24 months from the date of issuance if the use, building, or structure for which the permit has been issued has not been established or commenced or for a length of time equal to the time limits provided for a concurrently approved

land division, pursuant to Section 66463.5 of the Government Code (State Subdivision Map Act). Each permit shall contain a statement that any request for an extension of time to establish said use shall be applied for prior to the expiration of the permit, and shall be limited to a maximum of 12 additional months for any one application.

Sec. 37-5.3.8 Compliance with conditions of approval

To assure continued compliance with the provisions of this section, a coastal permit may be conditioned to establish a specific time limit for operation at the end of which time the approved use shall be subject to review by the Land Use Advisors.

Sec. 37-5.3.9 Permit amendment

An application for an amendment may be submitted to the City by the permittee. Application for an action on an amendment shall be accomplished in the same manner as specified by this chapter for initial approval.

Sec. 37-5.3.10 Reapplication

No new application for any permit or variance shall be accepted or acted upon within year of a denial by the Land Use Advisors or the City Council of a similar application, which covers substantially the same real property, and which requests approval of substantially the same project unless either the Land Use Advisors or City Council permits such reapplication because of an expressed finding that one or more of the following applies:

1. That new evidence material to the decision will be presented that was unavailable or known to the applicant at the previous hearings and which could not have been discovered in the exercise of reasonable diligence by the applicant.
2. That there has been a substantial and permanent change of circumstances since the previous hearings, which materially affects the applicant's real property.
3. That a mistake in fact or law was made at the previous hearings which was a material factor in the denial of the previous application.

Sec. 37-5.3.11 Revocation

The Land Use Advisors on their own motion, may or, upon direction of the City Council, shall hold a public hearing upon the questions of revocation of a previously approved permit granted under or pursuant to the provisions of this chapter. Notice of such hearing shall be published once in a newspaper of general circulation within the City and shall be served in writing either in person or by registered mail on the owner and operator of the property for which such permit was granted at least 10 days prior to such public hearing. Permit may be revoked if the Land Use Advisors finds that one or more of the following conditions exist:

1. That circumstances have changed to such degree that one or more of the original findings of fact adopted by the approving authority can no longer be made in a positive manner.

2. That the permit was obtained in a fraudulent manner.
3. That the use for which the permit was granted had ceased or was suspended for six or more successive calendar months.
4. That one or more of the conditions of the permit have not been complied with.
5. That the use for which the permit was granted has been so exercised as to be detrimental to the public health, safety, or as to constitute a nuisance.

Sec. 37-5.4.0 Hearings and appeals

Sec. 37-5.4.1 Purpose

The purpose of these provisions is to provide minimum procedures for public hearings and to provide recourse if an applicant or interested party is aggrieved by any requirement, decision or determination made by the Community Development Director, Land Use Advisors or City Council in the administration or enforcement of this chapter, including final action taken on any application that is appealable to the Coastal Commission.

Sec. 37-5.4.2 Applicability

The determination of whether a project is nonappealable or appealable for purposes of notice, hearing, and appeals procedures shall be made by the Community Development Director at the time the application is submitted. This determination shall be made with reference to the certified Oxnard Coastal Land Use Plan, including any maps, categorical exclusions, land use designations and zoning ordinances which are adopted as part of the Coastal Land Use Plan. Challenges to this determination shall be resolved pursuant to California Administrative Code Section 13569.

Sec. 37-5.4.3 Hearing and Notice Requirements

Specific requirements for hearing and notice for each permit category will be as follows:

1. The Community Development Director shall provide written notice of his determination to residents within 100 feet of the development and to persons known to be interested. The exemption shall not become effective until the Community Development Director has reported his determination to the Land Use Advisors at its next regularly scheduled meeting.
2. For emergency permits, the Community Development Director shall provide public notice of the proposed emergency action with the extent and type of notice determined on the basis of the nature of the emergency, consistent with Public Resources Code Section 30624. Following issuance of an emergency coastal development permit, the City shall inform the Council and the Coastal Commission, in writing, the nature of the emergency and the work involved, and shall provide copies of this report to any person requesting a copy.

Each emergency permit shall specify the time period in which a coastal permit shall be applied for to allow continuation of the emergency use or activity. This period shall not exceed three months.

3. Review of development review permits and administrative modifications shall be provided by the Community Development Director in the following manner:

At least 10 calendar days prior to the City's decision on the application, the City shall provide notice by first class mail of pending development review. This notice shall be provided to all persons who have requested to be on the mailing list for that development project or for coastal decisions within the City's jurisdiction, and to all property owners within 300 feet of the perimeter of the parcel on which the development is proposed, and to the Coastal Commission.

The notice shall contain the following information:

- a. A statement that the development is within the coastal zone.
 - b. The date of filing of the application and the name of the applicant.
 - c. The case number assigned to the application.
 - d. A description of the development and its proposed location.
 - e. The date and time, when, and the place at which the application shall be heard by the City.
 - f. A brief description of the general procedure of the City concerning the submission of public comments whether in writing or orally prior to the City's decision.
 - g. A statement that a public comment period of sufficient time to allow for the submission of comments by mail will be held prior to the City's decision.
4. Review of coastal development permits and variances shall be conducted by the Land Use Advisors with notice being given at least 10 days prior to the scheduled public hearing in the following manner:
- a. Notice shall be published in a newspaper of general circulation.
 - b. Notice by first class mail to any person who has filed a written request therefore.
 - c. Notice by first class mail to property owners within 300 feet and residents within 100 feet of the proposed project.
 - d. Notice by first class mail to the Coastal Commission.

The notice shall contain the following information:

- a. A statement that the development is within the coastal zone.
- b. The name of the applicant
- c. The case number assigned to the application
- d. A description of the development and its proposed location
- e. The date and time, when, and the place at which the application shall be heard by the City
- f. A brief description of the general procedure of the City concerning the conduct of public hearings
- g. The system for City and Coastal Commission appeals, including any fees required

5. Hearings on land use plan, zoning map, and zoning text amendments shall be conducted by the Land Use Advisors with a recommendation for final determination by the City Council.

- a. Notice of each public hearing shall be given at least 10 days prior to each hearing in the same manner as prescribed for coastal development permits (Section 37-5.4.3[3]), except in the event that the number of owners to whom notice would be sent is greater than 1,000, the City may provide notice by placing a one-quarter page display advertisement in a newspaper of general circulation published and circulated in the City.

The notice shall contain the same information as prescribed for coastal development permits (Sec. 37-5.4.3[3]).

- b. Amendment review

The Land Use Advisors' recommendation shall be transmitted to the City Council by resolution of the Advisors carried by the affirmative vote of a majority of its total voting members. The resolution shall be accompanied by a statement outlining the Advisors' reasons and required findings for such recommendation. Within 40 days of receipt of the recommendation of the Land Use Advisors, the City Council shall hold a public hearing on the matter. Notice of the time and place of said hearing with the City Council shall be given in the same manner provided for notice of the hearing by the Land Use Advisors as specified in this article. The City shall assure the availability of documents related to the noticed item for public review prior to the scheduled public hearing. The City Council may approve, modify, or disapprove the recommendation of the Land Use Advisors provided that any desired modification to the proposed amendment by the City Council shall first be referred back to the City Council for a report and recommendation and that the Advisors shall not be required to hold a public hearing thereon. Failure of the Land Use Advisors to report within 40 days of the referral or such longer period as may be designated by the City Council shall be deemed to be approval of the proposed modification.

Sec. 37-5.4.4 Notice of Continued Public Hearing

If a decision on a coastal permit is continued to a time which has not been stated in the initial notice or at the public hearing, notice of the continued hearing shall be provided in the same manner and within the same time limits as outlined in Sec. 37-5.4.3(3).

Sec. 37-5.4.5 Notice of Final Action

Within 10 calendar days of a final City decision on any permit application the City shall provide notice of its action by first class mail to the applicant, the Coastal Commission and to any persons who specifically requested notice of such final action by submitting a self-addressed stamped envelope to the City. Such notice shall include conditions of approval and written findings and the procedures for appeal to the Coastal Commission.

However, any proposed amendment to the Oxnard Coastal Land Use Plan shall not take effect until it has been certified by the Coastal Commission. Therefore, any approval by the City of such a

proposed amendment to the Coastal Land Use Plan, zoning map, or zoning text shall be submitted to the Coastal Commission within 14 working days of the final approval by the City Council in accordance with Public Resources Code Sections 30512 and 30513.

Sec. 37-5.4.6 Finality of Decision

A City decision on any application previously outlined in this article shall be deemed final when:

1. The City's decision on the application has been made and all required findings have been adopted including specific factual findings supporting the legal conclusions that the proposal is or is not in conformity with the certified Oxnard Coastal Land Use Plan, and where applicable, the public access and recreation policies of Chapter 3 of the Coastal Act.
2. All rights of appeal to City appellate bodies (as established in Sections 37-5.4.7 and .8) have been exhausted as defined in California Administrative Code Section 13573.

Sec. 37-5.4.7 Effective Date of Finality of Decision

The City's final decision on an application for an appealable development shall become effective after the 10-working-day appeal period to the Coastal Commission has expired or after the 21st calendar day following the final local action, unless any of the following occur:

1. An appeal is filed with the Coastal Commission in accordance with Section 13111 of the California Administrative Code;
2. The notice of final City action is not received in the Coastal Commission office and/or not consistent with the provisions of Section 37-5.4.5 (Notice of final action) or distributed to interested parties in time to allow for a 10-working-day appeal period within 21 days after the local decision.

Where any of the circumstances outlined above occur, the Coastal Commission shall, within five working days of receiving notice of that circumstance, notify the City and the applicant that the effective date of the City action has been suspended.

Sec. 37-5.4.8 Appeals

The purpose of this section is to provide procedures for appeals to the Land Use Advisors and City Council and to establish the criteria for those developments that may be appealed to the Coastal Commission.

Sec. 37-5.4.9 Appeals of the Community Development Director to the Land Use Advisors

1. The decision of the Community Development Director on the issuance, revocation, or modification of any coastal permit may be appealed to the Land Use Advisors by the applicant or any aggrieved person. The appeal application must be filed with the secretary of the Advisors within 10 working days following notice of the decision of the Community Development Director to the applicant.

2. The appellant shall state specifically in the appeal where the decision of the Community Development Director is not in accordance with the purposes of this chapter, is inconsistent with the Oxnard Coastal Land Use Plan, or where it is claimed that there was an error or an abuse of discretion by the Community Development Director.
3. Prior to the hearing on said appeal the Community Development Director shall transmit to the Land Use Advisors copies of the permit application, including all maps, data, and a statement setting forth the reasons for the Department's decision.
4. The Land Use Advisors shall affirm, reverse or modify the decision of the Community Development Director at a regular public hearing. Notice of the time and place of the public hearing shall be given in a manner prescribed in this article in accordance with the manner outlined for coastal development permits. Notice shall also be mailed to the appellant.
5. The decision of the Land Use Advisors on appeals of the Director's action shall be final.

Sec. 37-5.4.10 Appeals of the Land Use Advisors to the City Council

1. The decision of the Land Use Advisors on permits which originate within the Advisors may be appealed to the City Council by the applicant, an aggrieved person or any member of the City Council. The appeal application must be filed with the City Clerk within 10 working days of the date of the Land Use Advisors' decision.
2. The appellant shall state specifically in the appeal where the decision of the Land Use Advisors is not in accordance with the purposes of this Chapter, is inconsistent with the Oxnard Coastal Land Use Plan or where it is claimed that there was an error or an abuse of discretion by the Land Use Advisors.
3. Prior to the hearing on said appeal, the City Clerk shall notify the Land Use Advisors that an appeal has been filed, after which the Land Use Advisors shall transmit to the City Council copies of the application, including all maps, data, and a statement of findings setting forth the reasons for the Land Use Advisors' decision.
4. The City Council shall affirm, reverse, or modify the decision of the Land Use Advisors at a regular public hearing. Notice of the time and place of the public hearing shall be given in a manner prescribed in this Article for coastal development permits (Section 37-5.4.3[3]). Notice shall also be mailed to the appellant.
5. The decision of the City Council on appeals of the Land Use Advisors' action shall be final.

Sec. 37-5.4.11 Appeals to the Coastal Commission

1. Pursuant to California Public Resources Code Section 30603(a), appeal of an action by the City Council on an "appealable" development may be filed with the Coastal Commission within 10 working days of the decision of the City Council by the applicant, an aggrieved person or any two members of the Coastal Commission.

Sec. 37-5.6.2 Responsibility

The Community Development Department shall be responsible for monitoring and enforcing the conditions and standards imposed on all land use permits granted by the City as outlined in this chapter. Any use which is established, operated, erected, moved, altered, enlarged or maintained, contrary to the provisions of this chapter is hereby declared to be unlawful and shall be subject to the remedies and penalties set forth in Section 1-10 and 34-1.1 of the City Municipal Code, or revocation procedures initiated pursuant to the following sections contained in said chapter:

Sec. 37-5.1.0 Home Occupation Permits

Sec. 37-5.2.0 Temporary Use Permits

Sec. 37-5.3.0 Coastal Permit Procedures

Sec. 37-5.7.0 Applications and Fees

Sec. 37-5.7.1 Purpose

The purpose of this section is to prescribe the process for filing of applications for permits, amendments, and approvals when required by this chapter.

Sec. 37-5.7.2 Filing

Application for permits, amendments, and approvals shall be filed with the Community Development Department on an application form prescribed by the Community Development Department together with all required plans, maps, and such other materials as are required by the Community Development Department. Applications shall be filed and processed as described in Section 27-4 of the City Municipal Code and as per Section 37-5.3.0 of this Ordinance. Such application shall be made by the owner(s) of the property for which the permit is sought, an authorized agent or an owner in escrow with written authorization by the legal owner. The lessee of a parcel of land upon which a permit is sought may file an application, provided that it is accompanied by written authorization of such filing by the owner of such property. In addition, prior to issuance of a coastal development permit or variance, the applicant shall demonstrate that authority to comply with all conditions of approval.

Sec. 37-5.7.3 Fees

The City Council shall by resolution establish a schedule of fees for permits, approvals and other matters pertaining to this chapter. The schedule of fees may be changed or modified only by resolution of the City Council. Until all applicable fees have been paid in full, no action shall be taken on any application, appeal, or other matter pertaining to this chapter for which a fee is required.



Article 6 Transfer of Development Rights

Sec. 37-6.1.0 Purpose and Findings

It is the purpose of this article to provide a mechanism for preservation of significant resource areas within the city, maximum public access and recreation at and near the ocean, and control of development in potentially hazardous areas by the transfer of rights to develop from properties in such areas to qualified properties in other parts of the city. This method is found to be a reasonable approach to achieve such purpose as indicated by the following:

1. A transfer of development rights system was determined to be feasible in a study entitled "Oxnard Shores Restoration Program Project Feasibility Report," dated July 18, 1983, and the City Council concurs in such determination; and
2. The transfer of development rights program has been incorporated into the Oxnard Shores Beach and Development Plan and is consistent with the General Plan and Local Coastal Program; and
3. The transfer of development rights program will assist the City in moving forward to implement its responsibilities under its Local Coastal Program; and
4. The authority to establish a transfer of development rights program is within the scope of the police power established in Article XI, Section 7 of the State Constitution.

Sec. 37-6.2.0 Definitions

1. Development rights: The potential value of development on a parcel of real property measured in dwelling units or units of commercial or industrial space. It is not the purpose of this ordinance to create any such potential which would not otherwise exist.
2. Sending area: (a) An area designated as a sensitive resource area; (b) an area containing potential development hazards in the City's adopted Coastal Land Use Plan; or (c) other areas designated by the City Council from which development rights may be transferred. A sending parcel or site is one located in a sending area.
3. Receiving area: An area that is designated as appropriate for development beyond its base density through the transfer of development rights. A receiving parcel or site is one located in a receiving area.
4. Base density: The number of dwelling units or units of commercial or industrial space permitted by the zoning classification of a parcel in a receiving area without the use of Transfer of Development Rights or other density bonuses.
5. Transfer units: The additional units of dwellings, commercial space or industrial space allowed on a receiving parcel over base density through the use of transferable development rights.
6. Conservation easement: As broadly defined in the California Conservation Easements Act of 1979 (Civil Code Sections 815 through 816), any restriction on real property imposed for conservation purposes. It is an interest in real property that is binding on future owners of the restricted land.

7. Open Space easement: As broadly defined in California Government Code Sections 51070 through 51097, a restriction on real property, which will preserve for public use or enjoyment the natural or scenic character of such open space land.
8. Exchange rate: The number of transfer units that can be built upon an acre of receiving area by extinguishing all of the transferable development rights on one sending parcel.

Sec. 37-6.3.0 Sending Area

Oxnard Shores. In order to preserve the beachfront area of Oxnard Shores as a sensitive resource area and an area needed for public access and recreation, and in order to prevent development subject to geologic hazard, all vacant lots located between the ocean and the first public street, and between Fifth Street and Amalfi Way are designated as sending areas.

- a. Interim determination of the development rights for a particular sending parcel shall be made by the Land Use Advisors upon application for a transfer of development rights. In any case, no more than six transferable development rights shall be assigned to any single legal parcel. Criteria used by the Advisors for assignment of transferable development rights to each parcel shall include the buildability of the parcel, lot size, existing zoning, exposure to wave run-up and other hazards, and the owner's distinct investment-backed expectations.
- b. Final determination of the development rights on each sending parcel shall be made by the Land Use Advisors upon completion of requisite analysis of all parcels.

Sec. 37-6.4.0 Receiving Areas

1. Criteria for Eligibility

- a. Additional units in the receiving area must be served within the existing or planned capacity of major infrastructure, including roads, sewer, water, and storm drainage systems.
- b. The higher density resulting from the addition of transfer units in a receiving area will not result in a significant change in the basic character of the neighborhood nor create a nuisance.
- c. The additions of transfer units in receiving areas will improve development patterns through providing an incentive for infill development.
- d. The transfer of development rights to any particular receiving area must provide a net public benefit and to overall reduction in cumulative impacts when compared to the alternative of development in both the sending and receiving areas.

2. Designated Receiving Areas. All of the land in the following zoning categories meet the criteria to be receiving areas and are so designated:

a. Coastal zone

- 1) R-W-2 (Townhouses, Water-oriented)
- 2) R-2-C (Low Density, Multiple-family)
- 3) R-3-C (Coastal, Medium Density, Multiple-family)
- 4) PUD-C (Coastal, Planned Unit Development)

b. Noncoastal Zone

- 1) R-2 (Low Density, Multiple-family)
- 2) R-3 (Garden Apartment Zone)
- 3) R-4 (High-rise Residential)

3. Other Receiving Areas. Eligibility for transfer of development rights to potential receiving areas in other zoning categories shall be determined on an individual case basis upon submittal of a special use permit application to the Land Use Advisors.

4. Exchange Rates

- a. Purchase of one transferable development right from a sending area shall entitle the owner of a receiving site to build one transfer unit.

- b. In all zoning categories which are designated receiving areas in this ordinance, the maximum number of transfer units that can be added to any receiving area is six per acre. This maximum insures that the criteria for receiving areas are met in any transfer of development rights. The number of transfer units to be added to any receiving area in other zoning categories shall be determined by the Land Use Advisors based on the same criteria.
- c. The exchange rate between the Oxnard Shores Sending Area and residentially zoned receiving areas shall be a maximum of six transfer unit per acre in the receiving area for purchase of all the transferable development rights on each individual lot of record in the sending area. The exchange rate between the Oxnard Shores Sending Area and other receiving areas shall be determined by the Land Use Advisors upon submittal of a special use permit application.

Sec. 37-6.4.1 In-lieu Fee Contributions

- 1. Fee contribution in lieu of the requirements of Section 37-6.5.0 may be approved by the City Council for the following types of development:
 - a. Vacation timeshare use and density bonus
 - b. Residential density bonus
- 2. Subject to a coastal development permit, the City Council may allow fee contributions in lieu of the requirements of Section 37-6.5.0. Where such a procedure is sought, the City Council shall consider the following:
 - a. The appropriate in-lieu fee contribution commensurate with the benefit and economic return of the contributor;
 - b. The land use impacts of the development for which the in-lieu fee contribution is sought.
- 3. Requirements for in-lieu fee contributions
 - a. For every timeshare unit constructed, one Transfer of Development Rights credit shall be secured.
 - b. For every additional timeshare or residential unit over that allowed by zoning, one Transfer of Development Rights credit shall be secured.
 - c. Each Transfer of Development Rights credit necessary to develop a project shall be secured prior to issuance of a building permit.
 - d. The value of contributing in-lieu of each Transfer of Development Rights credit shall be established by the Land Use Advisors at the time of consideration of a coastal development permit for the receiving project.
 - e. Funds received from in-lieu fee contributions shall be used by the City to purchase beachfront lots.

Sec. 37-6.5.0 Procedures and Requirements for Approval of Transfer of Development Rights

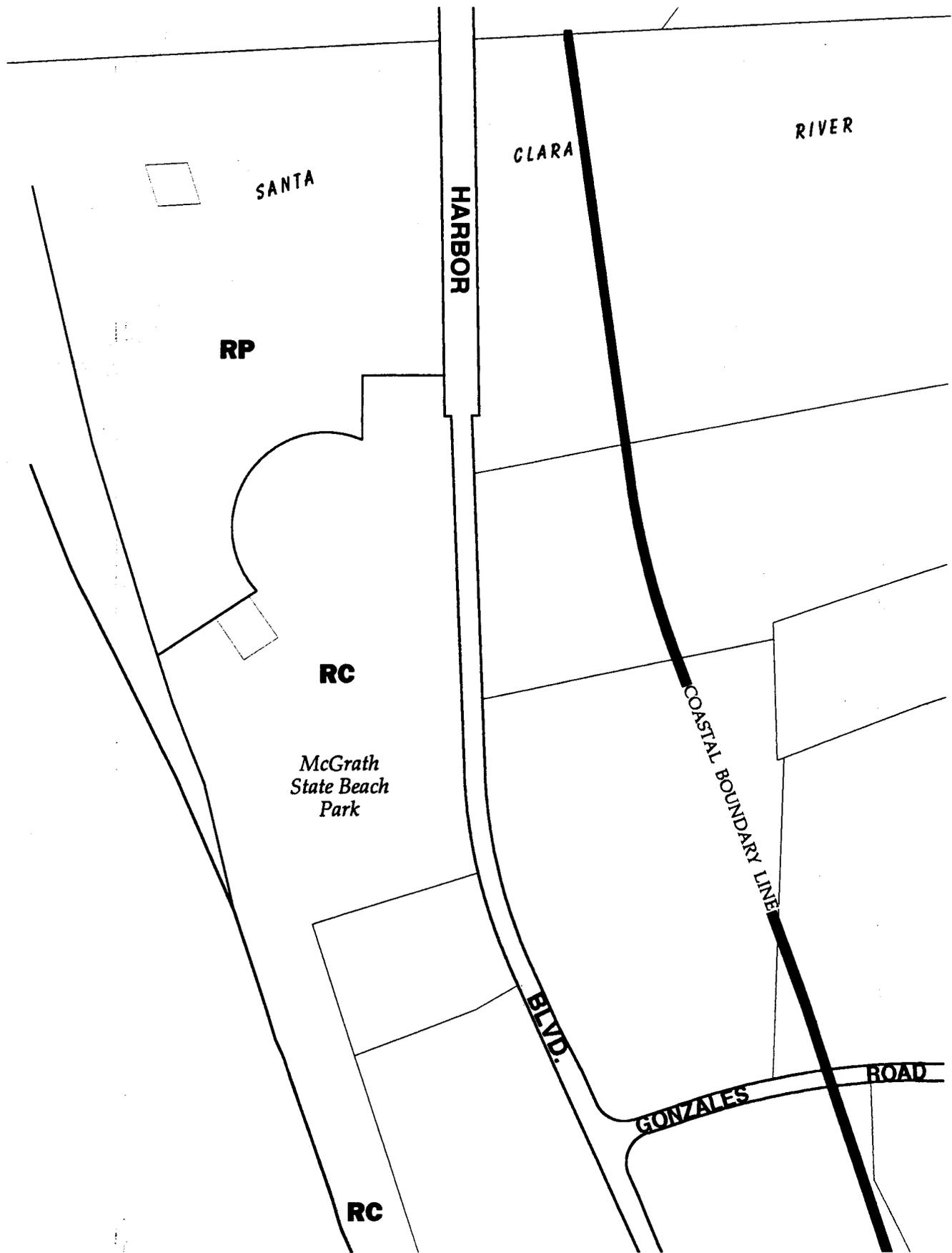
1. **Initiation.** An application for transfer of development rights shall be initiated as follows:
 - a. Prior to final determination of development rights for all sending parcels, the process of transferring development rights shall be initiated by submittal of an application for a special use permit by the owner of the receiving parcel to the Land Use Advisors.
 - b. Subsequent to final determination of development rights on sending parcels by the Land Use Advisors, the process of transferring development rights shall be initiated by an application by the owner of the receiving area property to the Community Development Director.
 - 1) If the application meets all the requirements of this ordinance and the receiving parcel is in a designated receiving area, the Community Development Director shall certify that the receiving parcel is now eligible to apply for a subdivision map building permit, special use permit, planned development, or other land use entitlement with the allowable base density and the additional transfer units.
 - 2) If the application meets all the requirements of this ordinance except that the receiving parcel is not within a designated receiving area, or the applicant requests changes in design standards or offstreet parking standards to accommodate the transfer units, the Community Development Director shall submit the application to the Land Use Advisors for approval as a special use permit.
2. **Submittal Requirements.** All applications for the transfer of development rights shall include the following:
 - a. A map showing the location and boundaries of the receiving parcel
 - b. The acreage of the receiving parcel
 - c. The zoning and current allowable base density of the receiving parcel
 - d. A site plan that demonstrates that all applicable design standards and offstreet parking requirements can be met with the additional transfer units
 - e. If the Land Use Advisors have not determined the development rights on the sending parcel, a map shall be submitted identifying the specific sending parcel from which the applicant intends to acquire development rights.
 - f. If the Land Use Advisors have determined the development rights on sending parcels, the applicant shall submit a copy of all agreements by which sufficient development rights will be required to allow the transfer units requested on the receiving parcel.
3. **Requirements for Final Approval.** Approval of transfer of development rights and issuance of a subdivision map or building permits for the receiving parcel shall not be finalized until such time as the following has been accomplished:

- a. Recordation of a deed of transferable development rights in Ventura County and submittal of a certified copy of that recorded deed to the Community Development Director. The deed shall be approved as to form and content by the City Attorney. The Community Development Director shall certify that the deed contains adequate development rights to allow development of the approved transfer units on the receiving parcel.
- b. Recordation of an open space or conservation easement on all of the sending parcels from which development rights are obtained. A copy of the recorded easement shall be submitted to the Community Development Director, who shall certify that all of the development rights on each sending parcel are removed and the easement has been granted to and accepted by the City of Oxnard, the County of Ventura, or the Ventura County Land Conservancy.
- c. The open space and conservation easement shall be approved by the City Attorney, who shall approve as to form and content. For all sending parcels in the Oxnard Shores area, the easement shall restrict all private residential or commercial development and provide for public access in perpetuity, pursuant to Section 170(h) of the Internal Revenue Code. Any easement granted in the manner provided for in this ordinance is approved pursuant to Section 51083.5 of the California Government Code and Section 421-4322 of the California Revenue and Taxation Code, provided that any prior conflicting rights in the property have been subordinated to the easement.

Sec. 37-6.6.0 Exemption from Fees

1. In order to encourage the use of the transfer of development rights program, approved transfer units shall be exempt from certain fees normally imposed by the City. Such exemption is appropriate because there is a clear public benefit to be gained through the program in the preservation of valuable environmental and recreational resources. In addition, exemptions from certain City fees will prevent a duplication of responsibility for owners of receiving parcels who are providing open space and recreation land through the purchase of transferable development rights.
2. Upon application for building permits or receipt of a tentative tract map, including transfer units the owner may make application to the Community Development Department for exemption from:
 - a. Quimby fees for local park acquisition
 - b. Growth development fee
 - c. Park tax
 - d. Plan check fees
3. The fee exemption shall not apply to units allowed under the base density of the receiving parcel.
4. The fee exemption shall be approved by the Community Development Director after all requirements have been met and final project approvals have been obtained.





City of
Oxnard

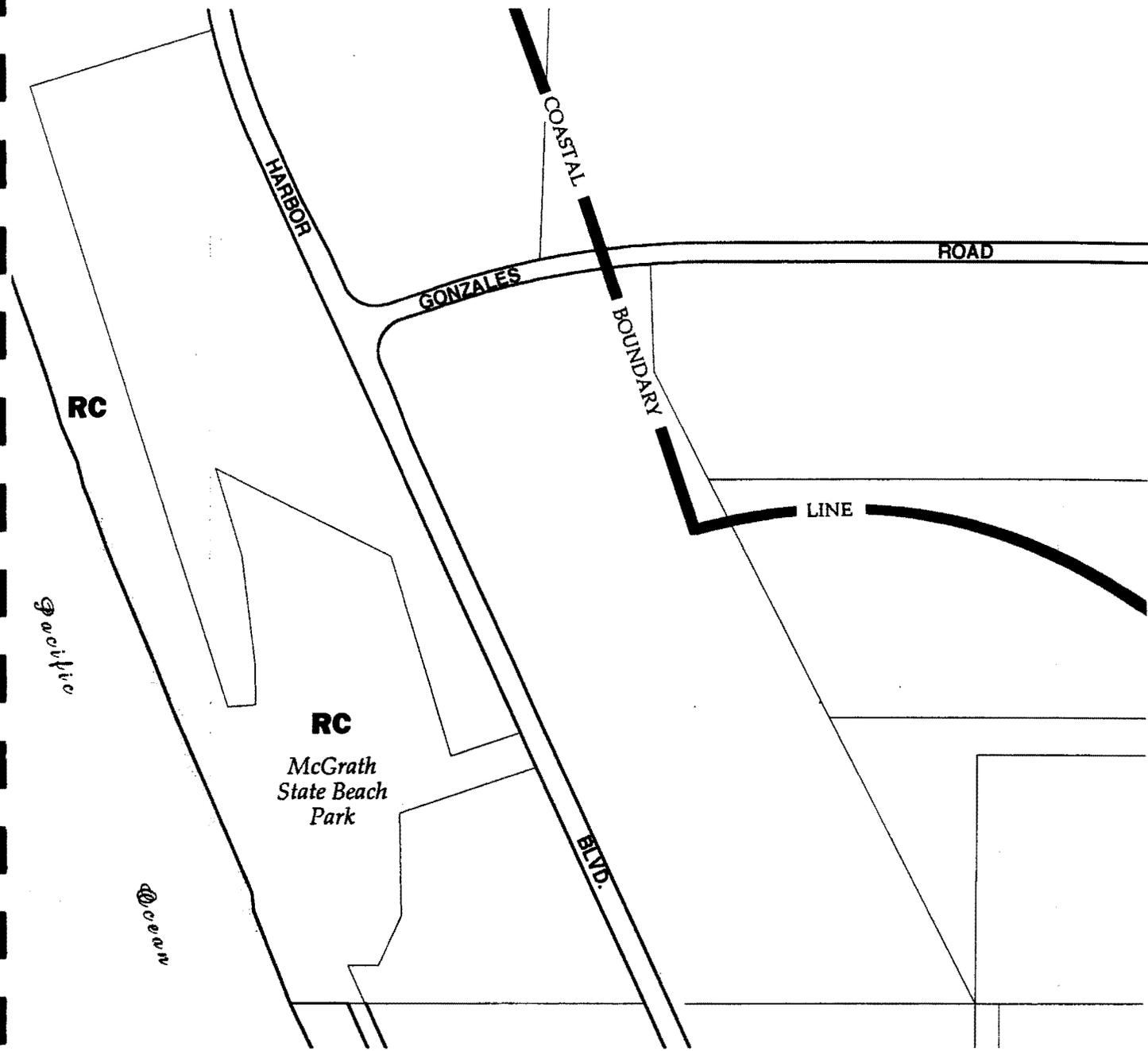
PLANNING AND ENVIRONMENTAL SERVICES

A-1



Prepared By:
E. Cavillo





City of
Oxnard

PLANNING AND ENVIRONMENTAL SERVICES

B-2



Prepared By:
E. Carrillo



RC

Southern California Edison Co.

EC

EC

HARBOR

EC

RC

RC

RP

Mandalay State Beach Park

Southern Calif. Edison Co. Canal

Ocean

FIFTH

STREET

Oxnard Shores Mobil Home Park

MHP-C

CVC

CR

RC

RP

RC

MANDALAY BEACH

R-3-C

R-3-C

RS-1

RC

Ocean

RC

BLVD.



PLANNING AND ENVIRONMENTAL SERVICES

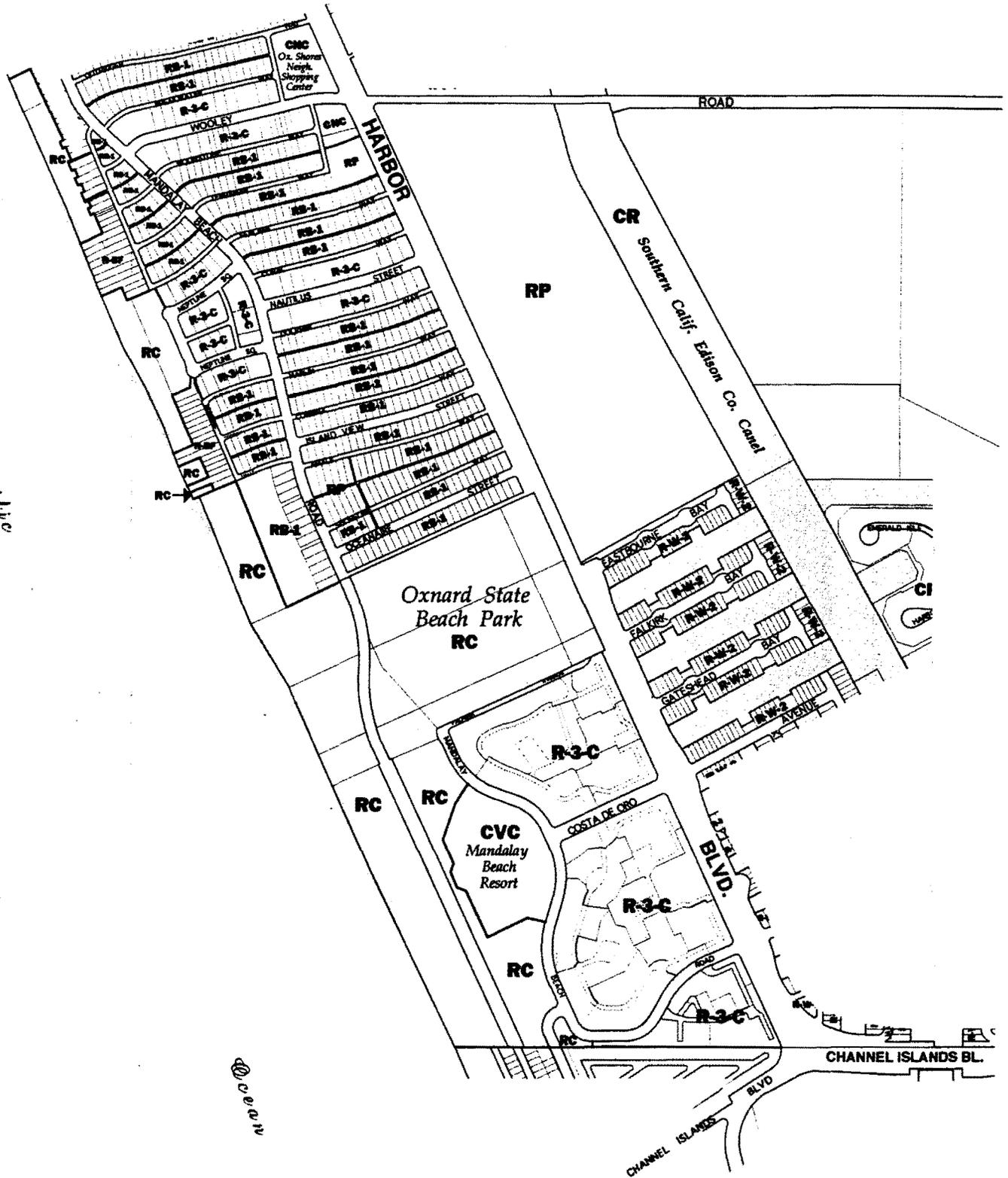
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Prepared By: E. Carrillo



ocean

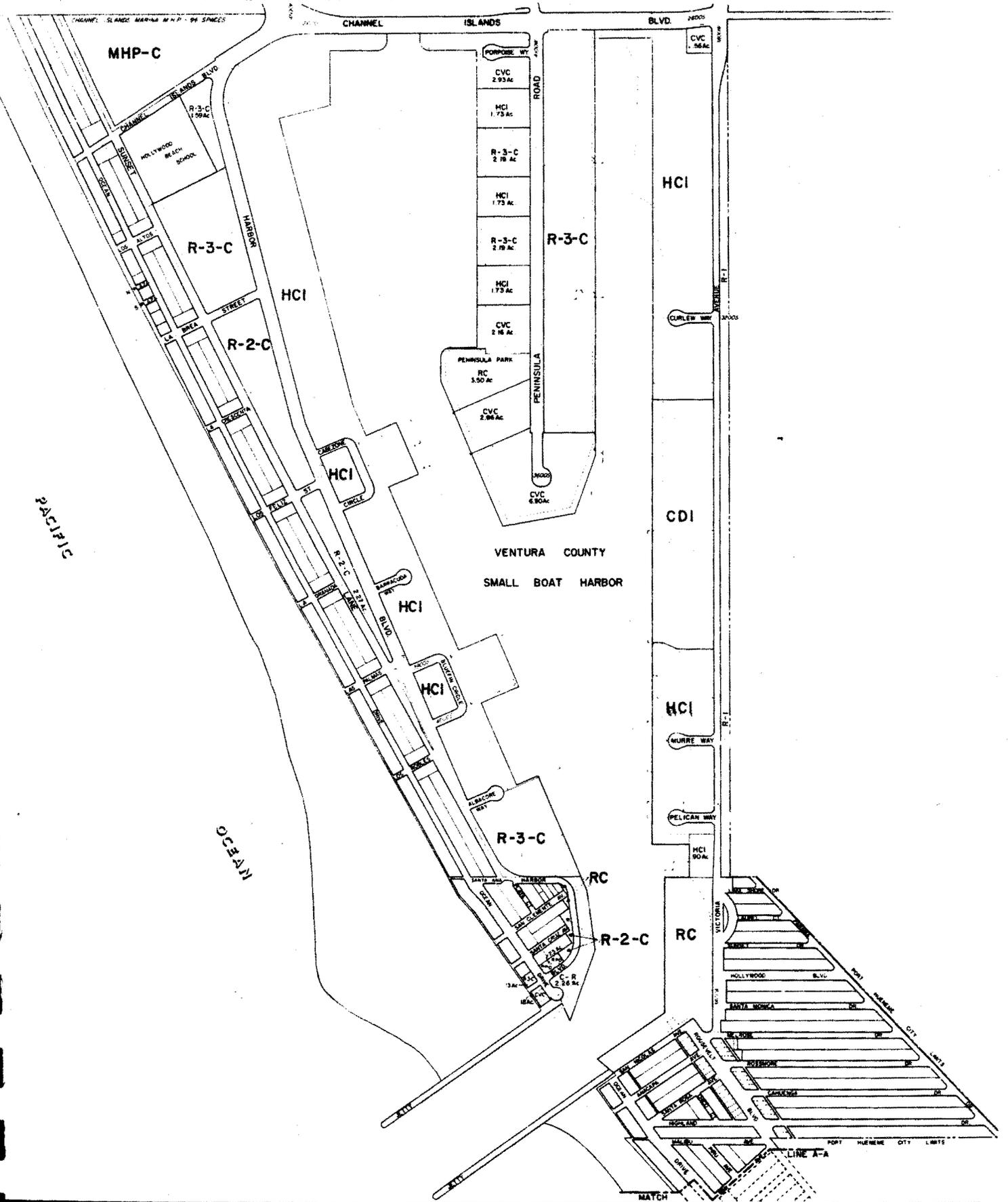


PLANNING AND ENVIRONMENTAL SERVICES

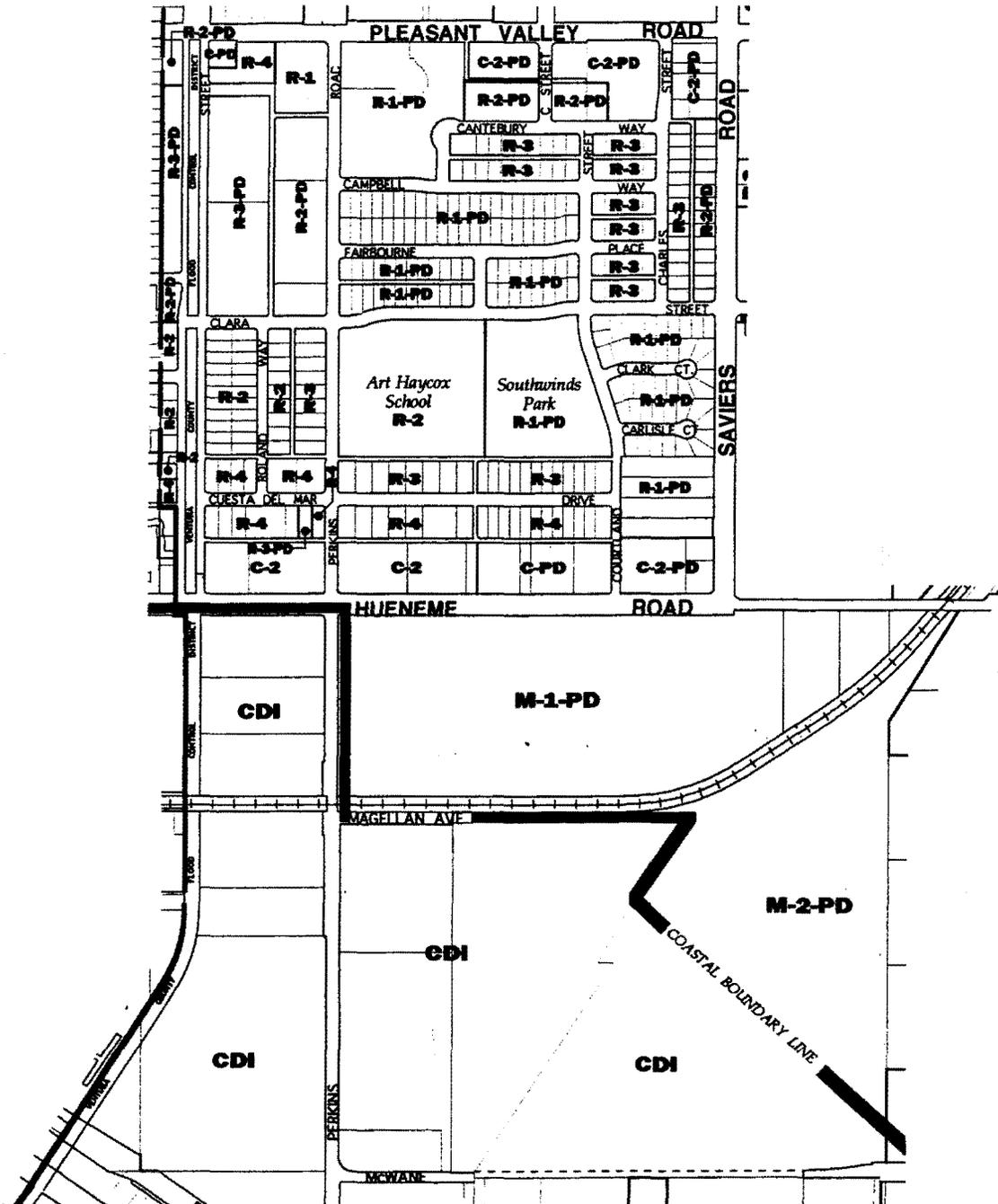
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Prepared By: *E. Canillo*











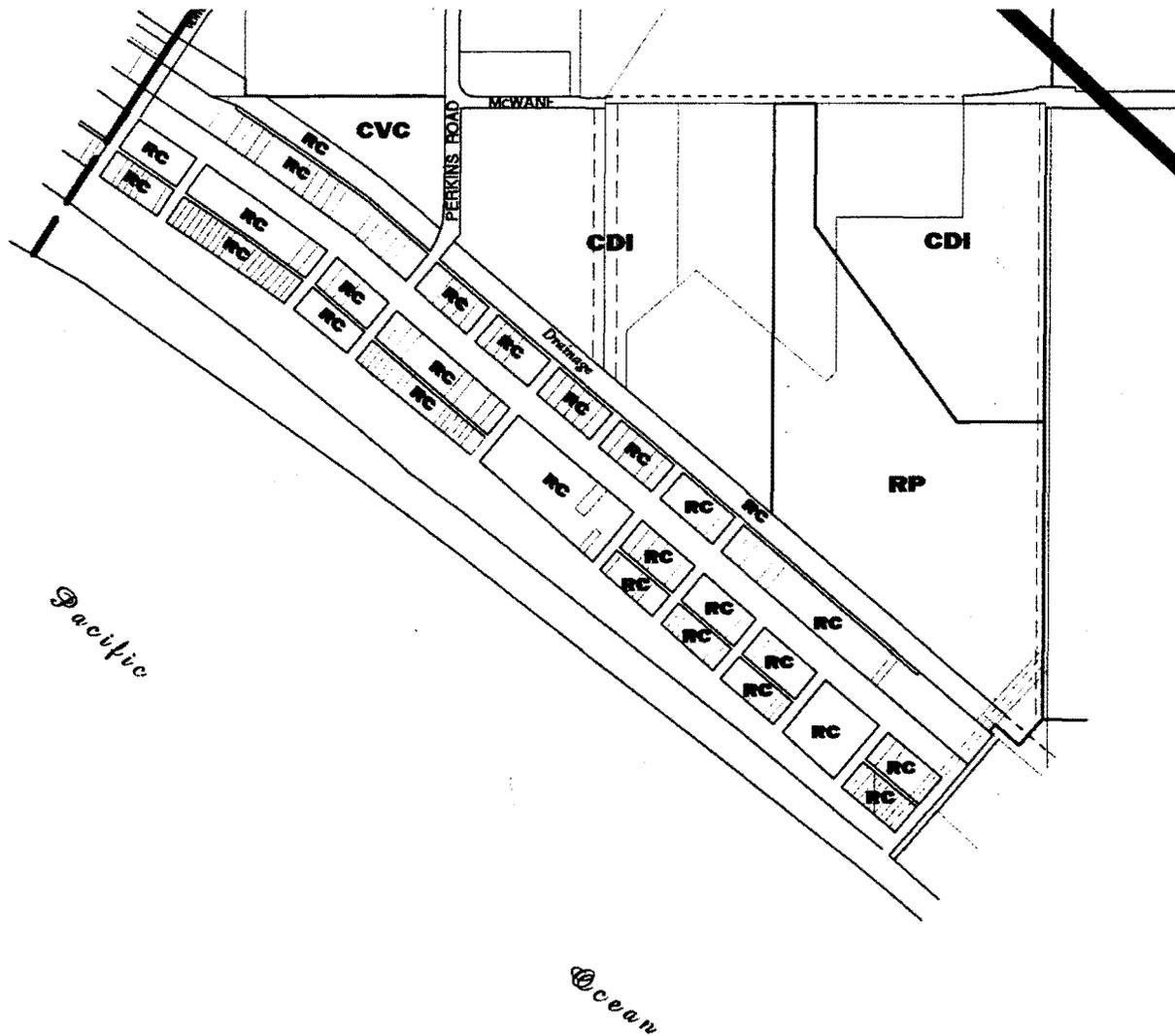
PLANNING AND ENVIRONMENTAL SERVICES

E-6



Prepared By: *E. Carrillo*



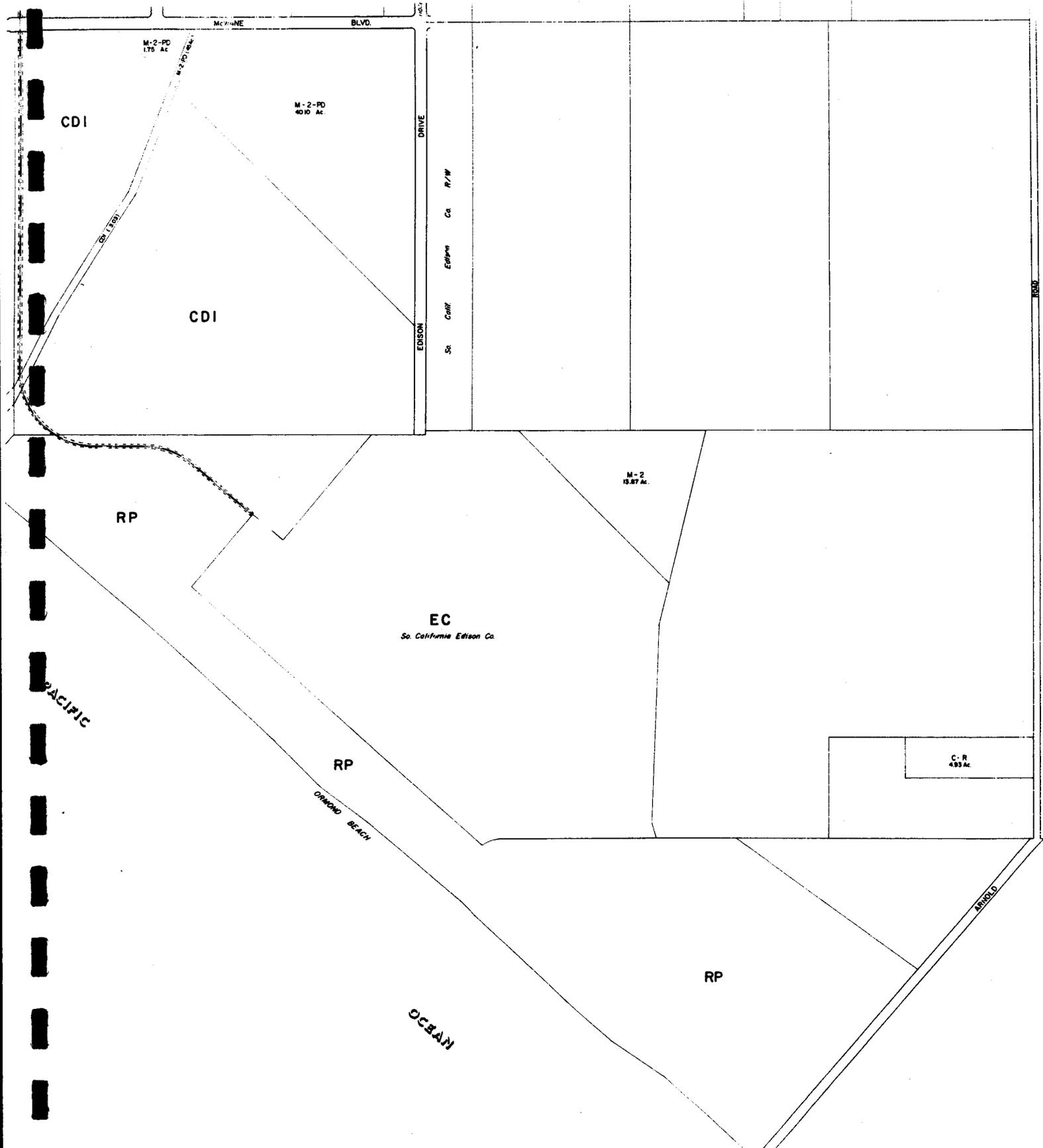


City of
Oxnard

PLANNING AND ENVIRONMENTAL SERVICES

E-7 
Prepared By: *E. Cavillo*







CALIFORNIA COASTAL

ADMINISTRATIVE

REGULATIONS

Section 13250(b)

- (2) Any significant alteration of land forms, including removal or placement of vegetation on a beach, wetland or sand dune, or within 50 feet of the edge of a coastal bluff, or in areas of natural vegetation designated by resolution of the commission or regional commission after public hearing as significant natural habitat;
- (3) The expansion or construction of water wells or septic systems;
- (4) On property located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant scenic resources areas as designated by the commission or regional commission, improvement that would result in an increase of 10 percent or more of internal floor area of an existing structure or an additional improvement of 10 percent or less where an improvement to the structure had previously been undertaken pursuant to Public Resources Code Section 30610(a), increase in height by more than 10 percent of an existing structure and/or any significant nonattached structure such as garages, fences, shoreline protective works or docks.
- (6) Any addition to a single-family residence where the development permit issued for the original structure by the commission or regional commission indicated that any future additions would require a development permit.

Section 13252.1

- (A) Repair or maintenance involving substantial alteration of the foundation of the protective work including pilings and other surface or subsurface structures;
- (B) The placement, whether temporary or permanent, of rip-rap, artificial berms of sand or other beach materials, or any other forms of solid materials, on a beach or in coastal waters, streams, wetlands, estuaries, and lakes or on a shoreline protective work, except for agricultural dikes within enclosed bays or estuaries;
- (C) The replacement of 20 percent or more of the materials of an existing structure with materials of a different kind; or
- (D) The presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area of bluff or within 20 feet of coastal waters or streams.

Section 13252.2

- (A) The dredging of 100,000 cubic yards or more within a 12-month period;
- (B) The placement of dredged spoils of any quantity within an environmentally sensitive habitat area, on any sand areas, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams; or
- (C) The removal, sale, or disposal of dredged spoils of any quantity that would be suitable for beach nourishment in an area the commission has declared by resolution to have a critically short sand supply that must be maintained for protection of structures, coastal access or public recreational use.

Section 13252.3

- (A) The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials;
- (B) The presence, whether temporary or permanent, of mechanized equipment or construction materials.

CITY OF OXNARD

MUNICIPAL CODE

Section 1-10 Violation of Code; General Penalty; Infractions; Continuing Violations

- (a) The violation of any provision of this code or other ordinance of the City is punishable by fine as an infraction or by fine or imprisonment, or both, as a general misdemeanor, as defined in Section 36900 of the California Government Code. A violation shall be deemed to be an infraction for all purposes if:
- (1) A judgment imposes a punishment of fine not exceeding 50 dollars in a case of first offense;
or
 - (2) The City Attorney files in municipal court a complaint specifying that the offense is an infraction.
- (b) The prosecution of a violation of this code shall be initiated by infraction complaint, except that prosecution may be initiated by misdemeanor complaint in cases where an offense charged is a second or subsequent offense or is a violation of any provision of Chapters 3, 4, 5, 9, 13, 14, 20, 27, or 34 of this code.
- (c) Every day a violation of this code or other ordinance of the City continues shall constitute a separate offense. The City Council finds and determines that the continuing violation of any provision of this code constitutes a public nuisance which may be redressed by civil action or abated by mandatory or prohibitory process of the superior court of the state (Ordinance No. 1393, par. 1; Ordinance No. 1568, Section 1; Ordinance No. 1616, Section 13, 6-22-76).

Section 34-1.1 Violation of License or Permit Condition

It is unlawful for any person to violate a provision of this chapter, or for any licensee or permittee thereunder to fail to perform or to violate any condition of a license or permit granted pursuant to this chapter. Violations of this chapter may be prosecuted as a violation of this code pursuant to Section 1-10 (Ordinance No. 1506, Section 1).

Section 27-4 Fees

There may be established and imposed by councilmanic resolution a requirement for the payment of fees for the purposes of defraying the actual or estimated costs of filing and processing subdivision and parcel maps, and of other procedures required or authorized by this chapter (Ordinance No. 1570, Section 1).



Local Coastal Policies

1. If policies of this plan overlap or conflict, the most protective policy of coastal resources shall prevail.
2. If there are any conflicts between the policies or land use designations of the Coastal Plan and the existing General Plan, the Coastal Plan shall prevail.
3. All urban development shall be restricted to the area within the urban-rural boundary, as defined by Map 1 and the Land Use Map.
4. The agricultural lands bordering the urban-rural boundary will require buffer measures in addition to the designated adjacent buffer-land uses in order to adequately protect their viability. Design features for the improvements required on Wooley Road as a result of urbanization to the south of Wooley Road shall include mitigation measures to buffer the urban uses from the agricultural lands. Possible design techniques which will provide the necessary mitigation measures include the following:
 - a. All widening shall occur on the south side of Wooley Road;
 - b. A grade difference shall be created between the road and the agricultural fields, with a drainage ditch located along the north side of the road;
 - c. There shall be no provision of turnout areas or on-street parking, minimal shoulders and construction of a curb along the northern edge of the roadbed;
 - d. All sidewalks and bicycle paths shall be located only on the south side of Wooley Road; and
 - e. A hedge or tree row, combined with an eight-foot fence, shall be located on the crop side on the north side of Wooley Road.
5. This policy shall apply only to that single, specific 220-acre property located north of Hemlock Street, south of Wooley Road, east of the Edison Canal, and west of Victoria Avenue, commonly known as the Mandalay Bay project. The purpose of this condition is, in part, to assure that the long-term agricultural productivity in the Oxnard area is not reduced. As a condition of development of prime agricultural soils, a "prime agricultural land maintenance program" shall be undertaken to assure that the overall amount of prime agricultural land is not reduced by urbanization. Therefore, prior to issuing any authorization for a planned unit development ("PUD") on the subject parcel, the city shall make written findings that the applicant for the PUD has obtained rights to deposit on a like amount of nonprime agricultural land, the prime soils to be taken from the subject site. The conversion of the prime agricultural soil on the Mandalay Bay site to urban uses is conditioned upon the approval of a planned unit development which satisfies all requirements of Policy 24 of this Land Use Plan.

Conditions of project approval shall, at a minimum, consist of the following actions and restrictions:

- a. The acreage of the recipient area shall equal or exceed the converted prime agricultural lands. If the recipient area consists of two or more parcels, each site shall contain a minimum of 40 contiguous acres to which the soil shall be applied. All acreage within the recipient sites shall consist of nonprime agricultural soils at the time of the approval and actual application of the soil transfer program.
- b. The recipient areas must be west of State Route 1, within that agricultural area directly influenced by coastal climatic conditions on the Oxnard Plain. Land to be upgraded located within the coastal zone must be identified for agricultural use within the Land Use Element of the applicable LCP. Land identified for upgrade status which is outside the coastal zone must be designated for agriculture in the applicable General Plan. The recipient area shall be restricted to exclusively agricultural use for a minimum of 25 years from the date of receipt of the transferred soil. This shall be accomplished by an agricultural easement in favor of the State of California, or a deed restriction.
- c. The City shall require that the following procedures be used on all recipient sites of the prime agriculture soil transferred from the Mandalay Bay project donor site.
 - 1) Clear recipient site of all debris
 - 2) Level land to desired farming and irrigation grade which shall be the final elevation.
 - 3) Uniformly overlay site with 12 inches below projected new surface.
 - 4) Slip plow or deep disc to 28 inches below projected new surface.
 - 5) Uniformly overlay site with 12 inches of imported soil.
 - 6) Farmer to subsoil and landplane as desired for intended crop.
 - 7) There shall be no stockpiling of transferred prime soils which shall be moved directly from the donor site to the recipient sites. Procedures shall be undertaken in such a way as to prohibit compacting of the newly deposited soils by heavy equipment and to otherwise protect their capabilities.
- d. Concurrent with the commencement of construction of each phase, the prime soils shall have been transferred to suitable recipient sites and returned to cultivation. As an alternative, a performance bond shall be posted to assure the transfer of soils and the restoration of the recipient sites.
- e. The applicant for the PUD permit shall establish a program for monitoring agricultural production on the recipient sites, and reporting resulting data to the Coastal Commission and the U.S. Soil Conservation Service. The SCS shall be consulted in the design of the monitoring and reporting program. The program shall continue for at least 10 years from the date of transfer of the soils and shall be fully funded by the applicant. The program shall develop and monitor data on all soil characteristics, crop types and yields, irrigation requirements, and the agricultural productivity of each donor site.

6. As a part of the Phase III Implementation portion of the LCP process, a resource protection ordinance will be created, defining the only uses permitted in the areas designated on the land use map with the Resource Protection Zone. The ordinance will incorporate the following policies which the City will implement to the extent of its legal and financial ability:
 - a. All nonauthorized motor vehicles shall be banned from sensitive areas.
 - b. Scientific, educational, and light recreational uses shall be conditionally permitted uses in all sensitive resource areas. Development shall be designed and sited to minimize impacts to the area. Permitted uses shall not be allowed to significantly disrupt habit values.
 - c. In sand dune areas, foot traffic shall be minimized, and allowed only on established paths or boardwalks. Disturbance or destruction of any dune vegetation shall be prohibited, unless no feasible alternative exists, and then only when revegetation with native California plants is a condition of approval.
 - d. New development adjacent to wetlands or resource protection areas shall be sited and designed to mitigate any adverse impacts to the wetlands or resource.

A buffer of 100 feet in width shall be provided adjacent to all resource protection areas. The buffer may be reduced to a minimum of 50 feet only if the applicant can demonstrate that the functional capacity of the resource protection area is maintained. The standards to determine the appropriate width of the buffer area are:

- 1) biological significance of the area
- 2) sensitivity of species to disruption
- 3) susceptibility to erosion
- 4) use of natural and topographic features to locate development
- 5) parcel configuration and location of existing development
- 6) type and scale of development proposed
- 7) use of existing cultural features to locate buffer zones

When a development is proposed within an environmentally sensitive habitat or a resource protection area, or within 100 feet of such areas, a biological report shall be prepared which includes applicable topographic, vegetative and soils information. The information shall include physical and biological features existing in the habitat areas. The report shall be prepared by a qualified biologist, and shall recommend mitigation measures to protect any impacted resources. All recommendations shall be made in cooperation with the State Department of Fish and Game. When applicable, restoration of damaged habitats shall be a condition of approval.

- e. When a development is proposed within or near an environmentally sensitive habitat area, applicable topographic, vegetative and soils information shall be provided. The information shall include physical and biological features existing in the habitat areas.

f. **Western LNG conditions:**

Prior to approval of a development permit for Parcel 1, Western LNG shall develop and assure implementation of a wetlands restoration and enhancement program which must be approved by the Executive Director of the Coastal Commission and the Department of Fish and Game. This program shall consist of the following elements and shall be completed in consultation with the Department of Fish and Game and local government.

- 1) Western LNG shall accept a deed restriction on Parcel 2, which is west and south of the 26.5-acre Parcel 1, limiting the future use of Parcel 2 to preservation as a wetland, subject to Western LNG's continued right to access to the beach for purposes of construction and utilizing a trestle for any future LNG terminal;
- 2) The restoration program shall include a cleanup program of existing trash deposited within Parcel 2.
- 3) The restoration program shall include the construction of a 50-foot buffer barrier on Parcel 2 adjacent to the northeast border of Parcel 2 which shall consist of two drainage channels separated by a vegetated berm and a security fence at least 48 inches high on the northeastern side of the buffer. The channels shall be adequately designed and constructed to allow drainage from adjacent lands through one or two culverts to Parcel 2.
- 4) The restoration program shall ensure that no harmful runoff of possible foreign liquid and solid materials will drain into Parcel 2 from Parcel 1.
- 5) The restoration program shall assure that operations and activities of the present property owners immediately west of Parcel 2 do not intrude on Parcel 2.
- 6) Western LNG or their lessee shall grade the elevation of specified portions of Parcel 2 down to a level sufficient to encourage restoration of health vegetation growth.
- 7) The restoration program shall identify any available water supplies in the immediate vicinity, determine the existing drainage flow of such water supplies which might be of benefit to the wetlands, and provide passage of such water to Parcel 2 wherever feasible.
- 8) Western LNG or their lessee shall restrict public access to Parcel 2 through the permitted utilization of those remaining lands on Western LNG's property, except under controlled conditions such as educational visits by supervised groups or established scholars observing the wetlands.
- 9) The restoration program shall study and implement additional means of limiting public trespass on Parcel 2 if measures specified in Item 8 prove inadequate.
- 10) The restoration program shall insure the maintenance and protection of the wetlands on Parcel 2.

- 11) Western LNG or their lessee shall ensure access by the Department of Fish and Game which shall conduct wildlife surveys in the area and work in cooperation with Western LNG to assure the wetlands viability.
7. The City shall also investigate all means of public acquisition of the areas designated for Resource Protection. As funds for this purpose become available, the city shall acquire, or shall request other public agencies acquire approximately 131 acres of wetlands in Ormond Beach and approximately 43 acres of dunes as shown on the Land Use Map. Because of a lack of resale data, the market values of these properties are unknown.
8. Where the sensitive resource area comprises only a part of a parcel or parcels under contiguous ownership, the City may permit an increase in the allowable density of the nonresource areas in return for the preservation of the resource area. Density increases shall only apply for allowable uses as designed to mitigate any adverse impacts on the resource.
9. Wetlands shall be defined as:

Land where the water table is at, near or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes. In certain types of wetlands, vegetation is lacking and soils are poorly developed or absent as a result of frequent and drastic fluctuations of surface-water levels, wave action, waterflow, turbidity or high concentrations of salts or other substances in the water or substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during the year, and their location within, or adjacent to, vegetated wetlands or deep-water habitats.
10. The water quality of the City's coastal waters shall be maintained, and where feasible, restored by the following:
 - a. The effects of wastewater discharges which release toxic substances into coastal waters, streams, wetlands, estuaries and lakes shall be minimized, and where feasible, toxic substances should be removed. Wastewater discharges which do not contain toxic substances and which are necessary to sustain the functional capacity of streams, wetlands, estuaries and lakes shall be maintained.
 - b. The entrainment of organisms (induction by subsurface cooling pipes and similar apparatus) shall be minimized.
 - c. The effects of increased amounts of runoff into coastal waters, streams, wetlands, estuaries, and lakes due to development shall minimize through, among other means, grading and other site development controls, and buffer zones.
 - d. Surface water discharge from streams and rivers shall be maintained at levels necessary to sustain the functional capacity of coastal waters, streams, wetlands, estuaries and lakes.
 - e. Naturally occurring vegetation that protects riparian habitats shall be maintained and, where feasible, restored.

- f. Alterations to natural streams shall be minimized to sustain the functional capacity of such areas.
 - g. Wastewater reclamation shall be encouraged through, among other means, using treated effluent to replenish groundwater supplies, and providing freshwater for the restoration of streams, wetlands, estuaries, and lakes.
11. New dikes or filling operations shall be permitted only when no other less environmentally damaging alternative exists, and shall be designed to mitigate adverse impacts. Dikes and filling shall not be permitted in wetland areas, unless done as part of a restoration project.

Diking and filling shall be limited to the following uses:

- a. New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.
- b. Maintaining existing or restoring previously dredged depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat-launching ramps.
- c. In wetland areas only, entrance channels for new or expanded boating facilities, and in a degraded wetland identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland provided, however, that in no event shall the size of the wetland area used for such boating facility, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, be greater than 25 percent of the total wetland area to be restored.
- d. In open coastal waters, other than wetlands, including streams, estuaries and lakes, new or expanded boating facilities.
- e. Incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.
- f. Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.
- g. Restoration purposes may include some fill for Visitor-serving Commercial uses if the wetlands are small, extremely isolated and incapable of being restored to biologically productive systems. They may be filled and developed for Visitor-serving Commercial use only if such actions establish stable and logical boundaries between developed uses and wetland areas and if an approved restoration program is conducted in the same general region to grant the exception. The following criteria must be satisfied in order to grant the exception:

- 1) The wetland to be filled is so small, isolated and not contiguous to a larger wetland that it is not capable of recovering and maintaining a high level of biological productivity without major restoration activities.
 - 2) The wetland does not provide significant habitat value to wetland fish and wildlife species, and must not be used by any species which is rare or endangered. (For example, a parcel that is partially or completely surrounded by commercial, residential or industrial development which is incompatible with the existence of the wetland as a significant habitat.)
 - 3) Restoration of another wetland to mitigate for fill on an acre-for-acre basis can most feasibly be achieved in conjunction with filling a small wetland.
 - 4) Restoration of wetland on an acre-for-acre basis to mitigate for the fill will occur next to a larger contiguous wetland area at Ormond Beach. Additional plans identifying the location and character of the restoration area will be submitted to the Coastal Commission as an amendment of the LUP prior to the filling of any wetland pursuant to this policy.
 - 5) The Department of Fish and Game and the U.S. Fish and Wildlife Service have determined that the proposed restoration project can be successfully carried out.
- h. Nature study, aquaculture, or similar resource-dependent activities.
- i. If the project involves filling of wetlands, required mitigation measures shall include the following:
- 1) If an appropriate restoration site is available, restoration of any equivalent area of equal or greater biological productivity and dedication of the land to the City of Oxnard or otherwise permanently restrict its uses for Open Space purposes. For the area to be of equal or greater biological productivity, it must provide at least equal surface area and equal or greater habitat values. The restoration plan shall be approved and initiated before the fill development may proceed.
 - 2) If no appropriate restoration sites are available, the applicant shall pay an in-lieu fee of sufficient value to the City of Oxnard for the purchase and restoration of an area of equivalent productive value or equivalent surface area. This option would be allowed only if the applicant is unable to find a willing seller of a potential restoration site.
 - 3) Plans for the restoration and management of the mitigation area shall be reviewed and approved by the City of Oxnard in conjunction with the Department of Fish and Game and the State Coastal Conservancy.
12. New dredging, other than existing maintenance operations, shall be designed to mitigate adverse impacts. Dredge spoils shall only be deposited in sites approved by the City Council and the appropriate local or state health agencies. The Council shall require test results from the Regional Water Quality Control Board that demonstrate the usability of the materials to be

placed on a site. These tests shall include an analysis of the materials dredged, and a comparison for compatibility with site materials.

13. The construction of shoreline structures such as, but not limited to, retaining walls, groins, revetments, and breakwaters shall not be permitted except where absolutely necessary to protect public safety, or to preserve existing public beaches, marinas, or structures. All permitted structures shall be designed to minimize adverse impacts, including those on both lateral and vertical access. Bulkheads shall be permitted in areas dredged as inland canals.
14. The Harbor is administered by Ventura County and within the city limits of Oxnard: The City shall encourage the protection and expansion of facilities for commercial fishing, sport fishing, recreational boating, and other Harbor-related activities within the Channel Islands Harbor, by working cooperatively with the county to prepare and process a Public Works Plan, to review and comment on proposed amendments to the Public Works Plan, and, where consistent with the policies of the City's LUP, to implement those provisions of the Public Works Plan applicable to the Harbor segment, pursuant to Section 30605 of the Coastal Act.
15. Commercial fishing operations shall not be permitted within the Inland Waterway.
16. As existing commercially development Harbor parcels recycle in terms of structures or uses, priority shall be given to commercial fishing support and recreational boating support facilities and services. As existing commercially development Commercial Visitor-serving parcels recycle or are redeveloped, priority shall be given to Commercial Visitor-serving uses. Development in the Harbor shall be limited so that no more than 30 percent of the Harbor's land area is visitor-serving commercial uses not directly related to boating.
17. As existing industrially developed parcels in the Harbor's industrial area recycle in terms of structures or uses, new development shall be limited to Coastal-dependent and Harbor-related Industrial Uses serving the Harbor.
18. Existing facilities serving commercial fishing, sport fishing, and recreational boating shall be maintained and expanded where appropriate.
19. Nonconforming uses shall be permitted to continue in their existing locations in conformance with the City Coastal Zoning Ordinance.
20. Fifty percent of the Harbor's water surface area shall be restrained as open water channels, in order to assure the safe circulation of a variety of commercial and recreational boats.
21. Maximum access, which shall be conspicuously supported, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, right of private property owners, and natural resource areas from overuse.
22. Development shall not interfere with the public's right of access to Harbor waters where acquired through use or legislative authorization including, but not limited to, the use of dry sand and rocky Harbor beaches to the first public right-of-way.

23. New multi-family residential and planned unit residential development shall be limited to a density of no more than 18 units per acre.
24. Harbor areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.
25. Harborfront land suitable for recreational use shall be protected for recreational use and related development, unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided in the Harbor area.
26. To ensure that lower cost recreational and visitor-serving Harbor facilities are available to all income groups, picnic tables, public rest rooms, pedestrian and bicycle accessways, pedestrian furniture bicycle storage racks, small boat sailing, renting and berthing areas shall be provided. In addition, the Harbor public park areas, which provide a lower cost recreational activity, shall be preserved for general public recreational use.
27. Commercial fishing, sport fishing and recreational boating facilities and areas shall be designed and situated so as not to interfere with each other, or existing residential uses. Adequate parking, at a ratio of 0.6 parking spaces per slip for recreational boats and two spaces per slip for commercial fishing boats shall be protected, and provided in any new marina development. Parking required to serve recreational boating, sport fishing, or commercial fishing shall not be eliminated or reduced by new development.
28. Monitoring of existing and proposed Harbor land and water uses must be continued between the county and city to ensure that no significant adverse accumulative impacts on adjacent coastal neighborhoods, resources or access occur.
29. The City shall coordinate with the South Coast Area Transit (SCAT) District to develop additional or expanded bus routes to the Harbor area as demand and funding allow. Expansion of bus service may include special, seasonal, or weekend routes, and possible shuttle or minibus service.
30. Provide adequate public parking facilities in all new or modified Harbor developments consistent with the City Land Use Plan and Zoning Ordinance.
31. Provide Harbor shoreline pedestrian access by incorporating shoreline pedestrian walkways into all new shoreline development, including the expansion of existing uses. Where existing buildings are found to interfere with lateral shoreline access, walkways shall be located as adjacent to the water as possible. All walkways are to be linked with adjacent walkways to ensure uninterrupted pedestrian movement.
32. Provide a Harbor bikeway system that incorporates access as part of the street system and, where feasible, along the shoreline.
33. Minimize conflicts between pedestrians, bicyclists and autos by separating pedestrian and bicycle lanes and providing bike paths in conjunction with the street system.

34. Provide maximum public access and/or protect Harbor areas, for reasons of public safety or fragile resources, by conspicuously posting well-designed directional signs in conjunction with new Harbor development. Directional signs shall also be posted throughout the Harbor to designate points of interest, public view areas, the public beach areas, parking, pedestrian and bicycle accessways. Said signing shall be compatible with the Harbor's seaside theme, consistent with the City Coastal Zoning Ordinance.
35. The visual quality of the Harbor shall be maintained by protecting unimpeded views to the water area from the Victoria Avenue and Channel Islands and Harbor Boulevards by retaining view corridors between the first main road and the water line. View corridors shall be landscaped to screen and soften views across paved areas and to frame and accentuate the view. Development in the Harbor shall not exceed two stories (25 feet in height) or, at the corner of Victoria Avenue and Channel Islands Boulevard, 35 feet in height.
36. Offshore oil support facilities or activities within the Harbor shall be limited to storage of oil spill containment facilities and other emergency response equipment, provided: (a) there is not less environmentally damaging feasible alternative location, (b) recreational boating, commercial fishing, or public recreation uses are not displaced or adversely affected, and (c) adverse impacts, if any, are mitigated to the maximum extent feasible.
37. All new development in the coastal zone shall be designed to minimize impacts on the visual resources of the area. Particular care should be taken in areas of special quality, such as those identified in the LCP.
38. Height restrictions as defined by City Zoning Ordinance shall be used to avoid blocking views.
39. All applications for grading and building permits and subdivisions shall be reviewed for threats from hazards such as seismic activity, liquefaction, tsunami run-up, seiche, beach erosion, flood, storm wave run-up, and expansive soils. Geologic reports may be required in known hazard areas. Appropriate mitigation measures shall be applied to minimize threat from any hazards.
40. a. If new development is located within the 100-year flood and storm wave run-up area as designated by the Department of Housing and Urban Development and on the land use map, it shall be designed and engineered to withstand the effects of the flooding and wave run-up without the use of seawalls or other protective structures. Particular care shall be given in protecting the necessary gas, electrical, sewer, and water connections from breaking in the event of heavy wave run-up. Any person developing property within the 100-year flood line shall agree to indemnify and hold the City harmless from any liability or damages resulting from the construction of this development.
 - b. Any development located on the beach shall be designed to assure lateral beach access.
 - c. Corrective measures to protect and restore the Oxnard Shores beach may be needed. Specific measures shall be investigated in Phase III.

41. All new development in the coastal zone shall employ the most recent water conservation methods, including (but not limited to):
 - a. low-flow pipes and toilets;
 - b. flow restrictions on all shower heads;
 - c. underground drip irrigation systems; and
 - d. use of low-water use vegetation for landscaping.
42. Consideration of all proposed projects in the coastal zone shall include consideration of the remaining water and sewer capacities. This shall include a calculation of the proposed project's use of remaining capacity, in percent. Projects shall be approved only when sufficient water and sewer services are available.
43. The City shall cooperate and coordinate with the 208 and 201 programs in designing and implementing a program to retard the seawater intrusion.
44. Based on Section 30254 of the Act and the limitation on service capacities, the following shall be the prioritization of service allocation within the coastal zone. If a use of a lower priority is approved, the finding must be made that approval does not restrict the availability of services for all higher priority uses designated on the land use plan but not yet constructed.

Priority I

- a. Coastal-dependent industries and agriculture
- b. Essential public services
- c. Basic industries essential for the region, state, or nation

Priority II

- a. Visitor-serving commercial and recreational uses
- b. Commercial and recreational uses serving persons of low to moderate income
- c. Low to moderate cost housing

Priority III

- a. Private residential
- b. General industrial
- c. General commercial

45. The Mandalay Bay project site, a 220-acre property located north of Hemlock Street, south of Wooley Road, and between the Edison Canal and Victoria Avenue, has been designated Planned Development. The purpose of the designation is to ensure the well-planned development of this large area which is proposed for water-oriented development. The following policies apply specifically to this development area:
 - a. The entire site shall be planned as a unit. A specific plan showing the ultimate development of the site shall be required prior to any project or subdivision approval.

- b. Overall densities shall not exceed those established in the land use plan. The site design shall include expansions of the existing Inland Water/Edison Canal system. Residences, both single-family or multiple units, shall be oriented to the waterway, and private docking facilities may be provided. Public vertical access to the waterway shall be required; the combined public vertical access frontage on the water shall not be less than 10 percent of the development's total linear waterfront footage, unless adequate access is provided nearby, and shall be included in the specific plan. The lateral access requirement shall be a minimum of 50 percent of the total linear frontage and shall be dedicated and available for public access. Exceptions to continuous lateral public access shall be allowed only for limited single-family waterfront home development where adequate alternative access exists nearby. All public accessways and facilities shall be provided in accordance with Policy 50. Recreational areas shall be distributed throughout the project with pedestrian and bicycle linkages between pocket parks, play areas, overlooks and other small-scale public areas offering the public and residents of the project recreational opportunities. No project on this site shall be approved without concurrent approval of all components of the "prime agricultural land maintenance program."

(Please refer to Policy 5 of this Plan)

- c. Common (nonpublic) open space shall be required for all multiple-family or attached units and shall include, but is not limited to, recreational facilities intended for the residents' use, including swimming pools, tennis courts, playgrounds, community gardens, or common landscaped areas. Street, driveways and parking lots shall not be considered as a common open space.
- d. Public open space shall include, but is not limited to, public parks other than identified neighborhood and community parks, beaches, parking lots for public use and access corridors, including pedestrian paths and bikeways. Streets, property for private use, sensitive habitat areas and other nonusable areas shall not be considered as public open space.
- e. At least 20 percent of the net area of the site shall be designated for common open space for multiple-family or attached-unit developments, unless adequate facilities are provided nearby. Not less than 20 percent of the net area of the site for all areas designated Planned Development on the land use map shall be public open space, unless adequate open space is provided nearby. Areas designated by the LCP as neighborhood or community parks shall not be included in the site area, and may not be counted towards the required percentage of public open space. The area of the waterway may be included in the tabulations.
- f. Land uses shall consist of a mix of visitor-serving commercial, residential and public recreational areas oriented to an expansion of the existing Inland Waterway. The visitor-serving commercial, public recreation and open water shall comprise at least 50 percent of the overall project area. At least 12.5 percent of the total project area shall be public recreation areas and at least 12.5 percent of the total project area shall be visitor-serving commercial. Water area shall comprise the remaining 50 percent of the visitor-serving commercial and public recreation area.

- o 220 acres (100 percent)
- o Area required for visitor-serving commercial public recreation and open water: 110 acres (50 percent)
- o 110 acres (50 percent)

BREAKDOWN OF PUBLIC AND VISITOR SERVING AREAS

<u>Element</u>	<u>Minimum Acreage</u>	<u>Percent Of Public Area</u>	<u>Percent of Total Project</u>
Visitor-serving, Commercial Public Recreation, and Open Water	110.0	100%	50.0%
a. Visitor-serving Commercial	27.5	25%	12.5%
b. Public Recreation	27.5*	25%	12.5%
c. Open Water**	55.0	50%	25.0%

- g. The development of an open body of water shall be an integral part of this land use designation. The development of this water area, however, may only proceed consistent with the other policies of this plan. A public launching ramp and boat docks for day use will also be provided. Fifty percent of the docking facilities provided in the project other than those provided with single-family residences shall be available for use by people not residing within the project. Full and unimpaired public access to and use of all open water areas, consistent with security and safety requirements, shall be assured. The location of and design of all development shall provide for public access and use of the project's water and immediate shore area.
- h. The project design shall also provide for significant buffer areas within the project, not including active public or visitor-serving uses, which will effectively protect all adjacent agricultural land uses from conflicts with urban uses and activities.
- i. For all PUD projects, the following requirements are imposed:
 - 1) A program of signing shall be developed and implemented to inform and direct the public as to the access and recreational opportunities and the public obligations and constraints. Public recreational areas shall be located and designed to provide for ready access and identification by the public.

*Must all be on land

**Up to 10 percent of open water may be devoted to public marinas, or boat slips available to the public

- 2) All public areas shall be offered for dedication for public use prior to issuance of a permit for development.
 - 3) Public improvements required of a development shall be developed concurrently and shall be completed prior to completion of the final project phase.
46. Areas designated for visitor-serving commercial uses shall be planned and designed to maximize aesthetics, have a common theme and blend with surrounding uses. Permitted uses include motels, hotels, restaurants and visitor-oriented retail commercial. Where designated, neighborhood convenience commercial may also be permitted, provided that the commercial uses remain predominantly visitor-oriented.
47. The Ventura County Air Quality Management Plan (AQMP) is incorporated into the LCP by reference. All new development located within the Coastal zone shall occur in a manner consistent with the AQMP.
48. Avoidance is the preferred mitigation in all cases where a proposed project would intrude on the known location of a cultural resource. Therefore, proposed project areas should be surveyed by a qualified archaeologist and resulting findings taken into account prior to issuing discretionary entitlements.

Should any object of potential cultural significance be encountered during construction, a qualified cultural resources consultant shall be contacted to evaluate the find and recommend any further mitigation needed. All potential impacts shall be mitigated to the maximum extent feasible.

Any unavoidable buried sites discovered during construction shall be excavated by a qualified archaeologist with an acceptable research design. During such site excavation, a qualified representative of the local descendants of the Chumash Indians shall be employed to assist in the study, to ensure the proper handling of cultural materials and the proper curation or reburial of finds of religious importance or sacred meaning.

49. The Colony, a 115-acre planned development site located between Harbor Boulevard and the Pacific Ocean, north of Channel Islands Boulevard and south of Falkirk Avenue, is a recognizable residential and resort facility. Public access to the beach is provided by means of a promenade and bike path which extends along the entire length of the overall development. The site consists of residential areas, hotel, and public beach with public parking facilities provided.
- a. Retain a public beach of 36 acres along the westerly ocean frontage.
 - b. Maintain the 45 acres of residential uses within the site having a net density of 9.5 to 11.1 dwelling units per acre.

- c. Retain the public linear pedestrian and bike path as located along the south property line for the length of the site at a width no less than 30 feet to provide public access and view to the ocean.
 - d. Adequate public parking facilities have been provided and are to be maintained as such. Development shall not interfere with the public's right of access to these parking facilities.
 - e. The Visitor-serving Commercial hotel facilities shall be maintained as a hotel facility and is not to be converted to permanent residential uses.
 - f. The development is to remain consistent with the specific plan and coastal development permit as adopted.
50. Coastal-dependent uses (as defined in Section 30101 of the Coastal Act) shall be a priority in all areas designated industrial. Coastal-dependent industrial uses shall be permitted in all areas designated as industrial.

Because of the industrial area's proximity to populated areas, and the potential for heavy recreational use of the Channel Islands Harbor and the Ormond Beach areas, new or expanded hazardous industries, or industries producing toxic wastes, shall not be permitted.

51. All new industrial and energy-related development shall conform to the air quality regulations set by the Ventura County Air Pollution Control District, the Air Quality Management Plan, and New Source Review Rule 26.
52. Industrial and energy-related development shall not be located in coastal resource areas, including sensitive habitats, recreational areas and archaeological sites. All development adjacent to these resource areas or agricultural areas shall be designed to mitigate any adverse impacts. All new industrial development shall be designed and screened to minimize aesthetic impacts. Screening shall be primarily vegetative.
53. All industrial development located in the Channel Islands Harbor shall be related to either the Harbor, boating, or commercial fishing.
54. All new industrial and energy-related development shall be located and designed to minimize adverse effects upon public access to the beach. Where appropriate, an access dedication shall be a condition of approval.
55. Residential and visitor-serving commercial uses shall not be considered compatible with industrial and energy facility zoning as neighboring uses or zoning designations.
56. No industrial or energy-related development shall be located seaward of the 100-year flood/wave run-up line as designated by the U.S. Department of Housing Insurance Program Administration and the Land Use Map.

57. If it is not possible to reroute pipelines around coastal resource areas, including habitat, recreational and archaeological areas, they shall be permitted to cross the areas with the following conditions:

Pipeline segments shall, in case of a break, be isolated by automatic shut-off valves or with other safety techniques approved by the City. If the City determines it is necessary, the valves may be located at intervals less than the maximum required by the Department of Transportation.

Any routing through resource areas shall be designed to minimize the impacts of a spill, should it occur, by considering spill volumes, durations and trajectories. Plans for appropriate measures for cleanup shall be submitted with permit applications for all pipeline project proposals.

Except for pipelines exempted from coastal development permits under Sections 30610(c) and (e) of the Coastal Act, as defined by the State Coastal Commission's Interpretive Guidelines, a survey shall be conducted along the route of any proposed new pipeline in the coastal zone to determine what, if any, coastal resources may be impacted by construction and operation of the proposed pipeline. The costs of this survey shall be borne by the applicant. This survey may be conducted as a part of environmental review if an EIR is required.

The survey shall be conducted by a consultant selected jointly by the applicant the City and the Department of Fish and Game. If it is determined that the area to be disturbed will not revegetate naturally or sufficiently quickly to avoid erosion or other damage, the applicant shall submit a revegetation plan. The plan shall also include provisions for restoration of any habitats disturbed by construction or operation of the proposed pipeline.

For projects where a revegetation plan and/or habitat restoration plan has been required, the area crossed by the pipeline shall be resurveyed one year after the completion of construction to determine the effectiveness of the plan. This survey shall continue on an annual basis to monitor progress in returning the site to preconstruction conditions until the City has determined that the vegetation restoration is complete.

The City shall require the posting of a performance bond by the applicant to ensure compliance with these provisions.

Herbicides shall not be used during pipeline construction. The sidecasting of soil may be restricted where the City deems necessary by removal of excess soil to an approved dumping site after the excavation has been backfilled and compacted. The City may require that the trenches be filled by replacing the soil horizons in sequence.

58. The Coastal Act's definition of "development" (Section 30106) shall be used to determine what operations will require a coastal development permit.

59. Oil and gas production activities shall be conditionally permitted uses in areas designated as an "Oil/Gas Drilling District." This designation shall only be applied to existing known fields, as

designated by the California Division of Oil and Gas, and shall not be applied in residential or environmentally sensitive habitat areas.

In the event that oil and/or gas are believed to be present in an area not presently designated for oil and gas production activities, an amendment to the Land Use Plan and rezoning of the affected property will be required prior to commencing production activities.

60. Oil and gas production activities shall require a special use permit in areas designated for recreational use. Expansion of existing oil and gas production facilities in recreational areas shall also require a special use permit.
61. A plan prepared by the applicant for the specific lease area shall accompany all applications for a coastal permit for oil and gas wells. The plan shall be either an exploratory plan for an exploratory well or a development plan for development wells. Both types of plans shall address the same issues, but the exploratory plan can be less detailed. The following shall be included:
 - a. The location of existing and proposed facilities, including drilling and production sites, storage tanks, pipelines, access roads and other structures.
 - b. The location of all natural features, including habitats, prime agricultural land, recreational areas, scenic resources, archaeological sites, and geologic hazards within 1000 feet of the well(s).
 - c. Measures to eliminate or substantially mitigate all adverse impacts on the area's resources due to siting, construction or operation.
 - d. Grading plans.
 - e. Methods of disposal of all wastes.
 - f. Methods of transporting all produced oil and gas off-site.
 - g. A risk management plan, including oil spill prevention measures, contingency plans and fire protection plans.
 - h. A development time table.
 - i. Plans for the maximum feasible consolidation of facilities, both for a single operator and with other operators.

Upon completion of production, the oil and gas production facility area shall be returned, as much as is possible, to either its natural state or to be in conformance with the surrounding topography and uses by contouring, seeding and landscaping.

62. Although authority for new power plant siting rests with the California Energy Commission and the City has expressed opposition to a new power plant in the City, if a new plant is to be sited

in the Ormond Beach area, the City shall encourage the use of the land immediately adjacent to the existing Ormond Beach station.

63. Except for oil and gas wells and accessory structures, all energy facilities proposed for the coastal zone shall be permitted uses only in the areas designated "Energy Development Areas" on the land use map. The concentration of these uses in the industrial development in the Ormond Beach area is in conformance with coastal policies requiring the concentration of development and facility consolidation (Sections 30260 and 30261).
64. It shall be a condition of approval that wherever possible, wastewater from any industrial or energy-related facility be treated as necessary and put to reuse including, but not limited to, the following: the reinjection into the aquifer or groundwater recharge system recycling for industrial use, agricultural use or urban services.
65. All oil and gas processing and shipping facilities shall be consolidated to the maximum extent feasible, as determined by the City, by multi-company use or development of facilities.
66. Pipelines shall be used to transport all petroleum products produced in the City's coastal zone to other areas for further processing. Existing pipelines shall be used, including multi-company use, wherever possible.
67. a. Access facilities for the new City/County Park at Fifth Street and Harbor Boulevard shall include ample parking, an access road, and day-use/group-use facilities. All facilities developed shall not be located within the sensitive habitats or sand dunes. Recreational uses shall include beach swimming, fishing and other related uses; day-use facilities such as picnic tables, fire pits, interpretive displays and limited children's play facilities. Other improvements should include parking and rest room facilities and boardwalk access trails across the sand dunes to the beach.

b. The Scenic Route designation for Mandalay Beach Road north of Fifth Street is deleted, and a north-south bike path shall be provided. The alignment shall avoid all sensitive habitat areas.
68. The City shall pursue entering into an agreement with Southern California Edison for a public access easement (pedestrian only) along Edison's 1,800 feet of beach frontage at the Ormond Beach Generating Station. These easements would permit public use of the beach, subject to limitations needed for the safe operation of the facilities. Such an agreement would also eliminate the need for a prescriptive rights determination for the properties.
69. If an agreement cannot be negotiated the City shall, in its permit process, ensure that evidence of prescriptive public use is protected according to Public Resources Code Section 30211. If prescriptive rights are determined not to exist, the property is recommended for acquisition by either the State, City or County.
70. The City shall support and encourage the State's expansion plans for McGrath State Beach Park, including the new bicycle path, the provision of day-use facilities and a bicycle camp, restriction of access to the Santa Clara River mouth and the new entrance to the park.

71. On vacant oceanfront lots in the Oxnard Shores Neighborhood, the City shall, in its permit process, ensure that evidence of public use is protected according to PRC 30211. In the event prescriptive rights are not fully established by a court of law, funds shall be sought for acquisition of these lots through the Transfer of Development Rights program. As funds designated for beach acquisition become available, the City shall attempt to acquire these vacant lots for public beach purposes. Once acquisition of the vacant lots is complete, the City may complete the linear park by acquiring the developed lots and removing the structures.

72. Public access to and along the shoreline and the Inland Waterway shall be required as a condition of permit approval for all new developments between the shoreline and the first public roadway inland from the shore, except as provided below:

Exceptions may be made when access would be inconsistent with public safety, military security, the protection of fragile coastal resources, or when agriculture would be adversely affected.

Exceptions for vertical accessways may be made when adequate vertical access exists nearby (500 feet).

For Mandalay Bay inland water development, exceptions to the requirement of continuous lateral public access may be made for single-family waterfront development, but in no case shall the total public lateral access be less than 50 percent of the total shoreline frontage of the project. All vertical access shall be located and designed to minimize impacts on surrounding residential areas (reference Policy No. 24).

Offers to dedicate public accessways and public facilities shall be recorded prior to the issuance of the permit and they shall be developed concurrently with the project. However, public access facilities need not be open to the public until a public agency or private association agrees to accept the responsibility for maintenance and liability of the access. Recorded offers of dedication shall not be revocable for 20 years.

73. Adequate public parking shall be provided in all new development with dedicated public access areas, and shall be in addition to the parking required for the new development, unless adequate facilities are provided nearby. All facilities shall be located and designed to avoid impacts on surrounding residential areas.

74. Bicycle routes shall be required in new developments wherever appropriate.

75. A bus route from the downtown area out Fifth Street, past the airport to the new City/County Park at Fifth and Harbor and onto McGrath State Beach Park would provide excellent low-cost access to a more remote section of the coast. Although not possible under SCAT's current funding structure it would be possible if it were to be jointly subsidized by State Parks, Oxnard Airport, the City and the County, and run by SCAT. Unlike other SCAT routes, this recreational route would run most frequently on summer weekends. This option should be explored further by the City.

76. The City and SCAT shall attempt to provide regular transit service in the coastal zone, consistent with demand and feasibility. A demand-responsive transit system providing service from other parts of the City to the coastal areas and connecting Visitor-serving Commercial developments with recreational areas of the coast shall be explored by the City.
77. Improvement of Perkins and Arnold Roads is needed to improve access in the Ormond Beach area. The City shall pursue all funding options to provide parking along these streets. New parking shall not be located in a sensitive resource area.
78. Both of the proposed coastal scenic routes in the Scenic Routes Element of the General Plan (Mandalay Beach Road north of Fifth Street, and the Ormond Beach route), shall be deleted from the element. Both routes endanger sensitive habitats and resource areas.
79. New day-use facilities should be included in both the improvements of the proposed park and the dedicated dry sandy beach on the Mandalay Associates property. No dune habitats shall be disturbed.
80. The proposed community park south of Wooley Road shall include day-use facilities and provide access to the Inland Waterway lagoon. Boating in the lagoon and facilities including boat launch ramps, boat rentals, fishing and swimming shall also be provided.
81. Recreation designated areas of the dunes parcels are also well-suited for water-oriented recreational development. Uses shall include a swim lagoon, small boat slips, fishing boat rental and a boat launch ramp. Picnic and barbecue areas shall also be appropriate in designated areas.
82. Adjacent to the dune preserve areas is an excellent location for an interpretive and educational center dealing with the dune habitat. A limited trail system around the dunes area, either on established trails or boardwalks shall also be established if the dunes are acquired.
83. Uses permitted in areas designated Visitor-serving Commercial shall be primarily visitor-serving in nature, including hotels, motels, restaurants and specialty retail. Neighborhood convenience uses may be conditionally permitted. Commercial areas shall be well-designed aesthetically. Possible techniques include innovative landscaping and theme architecture. Parking areas shall include bicycle parking facilities. It is the City's policy to encourage a mix of commercial visitor-serving uses to meet the needs of all economic groups. Thus, facilities that will be affordable to families of low and moderate income will be encouraged.
84. Visitor-serving facilities in the Inland Waterway shall be designed to include boat access.
85. Development of visitor-serving uses on a parcel at the terminus of Perkins Road in Ormond Beach will not be permitted until additional planning to establish standards for public access and recreation guidelines for site design, and a wetland restoration plan have been completed for the overall Ormond Beach area.
86. The City of Oxnard has traditionally provided housing for a substantial number of low and moderate income families. This has led to the City receiving a "Negative Fair Share" designation in the Southern California Association of Governments' (SCAG) Regional Housing

Allocation Plan. As a result, the City is now striving to achieve a better overall balance of housing types by encouraging the construction of new, high-quality units in certain areas. Thus, the City's overall policy will be to protect existing affordable housing in the coastal zone, and to provide for improved access from other parts of the City to the coast.

87. Existing housing within the low to moderate income price range, either rental or owner-occupied, shall not be demolished unless it is a health and safety hazard and cannot be rehabilitated, or unless an equal or greater number of housing units for people of low to moderate income are built within the coastal zone to replace the demolished units.
88. Existing mobile home parks shall not be demolished or converted to another use, including purchase mobile home lots, unless an equal or greater number of comparably priced housing units are built in the coastal zone to replace the demolished or converted units.
89. The following standards shall be used to evaluate all applications for the conversion of rental units in the coastal zone to condominiums, community apartments, stock cooperatives or other purchase plans.
 - a. The availability of rental units of similar size and price in the coastal zone shall be considered. The construction of an equal or greater number of new rental units in the coastal zone shall be required to allow any conversion of existing rental units. The new units shall be available at the time of conversion.
 - b. Tenants of the building being proposed for conversion shall be given at least 120 days notice of the proposed conversion. The right of first refusal to purchase a unit in the conversion shall be offered to all existing tenants, and shall run for at least 60 days.
 - c. The subdivider of the units shall assist tenants who decline to purchase a unit with finding suitable new housing.
 - d. Any unit to be converted must meet City requirements for off-street parking, handicapped accessibility and building codes.
90. The City shall support and encourage the construction of new rental units in the coastal zone.
91. The LCP represents the commitment of the City of Oxnard to provide continuous protection and enhancement of coastal resources. Certain areas of the coastal zone may require further public action to ensure their protection and enhancement. The City will work with the California Coastal Conservancy to meet these needs.
92. Consistent with the potential of private property rights, transfer of development may be permitted to provide an orderly procedure for relocation development that would otherwise adversely affect coastal access and recreation.
 - a. Sending areas are identified as a sensitive resource area which contain potential development hazards. All vacant lots located between the Pacific Ocean and the first public street and between Fifth Street and Amalfi Way in Oxnard Shores are designated as sending areas.

- b. Receiving areas are areas that are designated as appropriate for development beyond base density meeting the criteria for multi-family zoning through the City.
- c. Exchange rate is 1:1; the purchase of one transferable development right from a sending area entitles the owner of a receiving site to build one transfer unit. The maximum number of transfer units that can be added to any receiving area is six per acre.
- d. Development rights from the sending area lot shall be retired prior to development of the receiving area.

COASTAL LAND USE PLAN

CITY OF OXNARD
PLANNING AND ENVIRONMENTAL SERVICES
7/2000

COASTAL LAND USE PLAN

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OXNARD COASTAL PLAN

February 1982

This plan was prepared with financial assistance from the Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, under the provisions of the Federal Coastal Zone Management Act of 1972.

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CHAPTER 1
THE COASTAL ACT

1.1 INTRODUCTION

Prior to 1972, planning for the coastal areas of California was no different than for any other area of the State. The State Planning and Zoning Law required each local jurisdiction to prepare both a General Plan and implementing zoning. No special criteria or considerations were mandated for coastal resources.

In November 1972, the voters passed Proposition 20, the California Coastal Zone Conservation Act. The California Coastal Zone Conservation Commission and six regional commissions were created to regulate new development within the coastal zone, and to develop a statewide plan for the "orderly, long-range conservation and management of the coast." The Act was scheduled to "self-destruct" in four years, dissolving the commissions.

The required plan was submitted to the legislature on December 1, 1975. After lengthy consideration, the legislature enacted the California Coastal Act in the summer of 1976, retaining the State and regional commissions. The commissions continued to regulate coastal development and received a new mandate the management of the Local Coastal Programs to be prepared by each local coastal entity. The LCPs to be completed by January 1, 1981, and the State Coastal Commission have been established as the State's permanent coastal management program.

1.2 COASTAL ACT POLICIES

The heart of the Coastal Act, Chapter 3, contains the policies by which both the Local Coastal Programs and all new development projects are assessed. Policies address the issues of access, recreation, marine environment, land resources, new development, and industrial development.

Broadly, the policies mandate that an equal opportunity to enjoy coastal resources shall be provided through:

1. Maximum public access for all economic segments of society shall be provided;
2. Coastal areas suitable for recreational use should be preserved for that use;
3. Marine resources shall be maintained and enhanced, where feasible, and restored;
4. Sensitive habitats, prime agricultural land, and archaeological resources are to be preserved;
5. New residential and commercial development is to be concentrated in existing developed areas, and consistent with service capacities; and
6. Industrial developments, including coastal-dependent and energy facilities, are also to be concentrated and consolidated as much as possible.

When drafting the Act, the legislature recognized that conflicts between the policies would occur and so they included the directive that the most protective policy shall prevail.

Priorities are established for competing uses of coastal resources. Preservation of sensitive habitat areas and coastal resources and the provision of coastal access are the highest priority. Preservation of lands suitable for agriculture is also given a high priority. In areas that are determined to be neither sensitive areas nor suitable for agriculture, coastal-dependent uses, including public recreational uses, coastal-dependent industries and energy facilities receive the highest priority. Other private development is permitted on the areas not reserved for habitat preservation, agriculture, public recreation, or coastal-dependent uses. Within the areas for private development, visitor-serving commercial uses receive priority over private developments. These priorities are to be implemented by the Local Coastal Programs.

1.3 THE PROCESS

The Local Coastal Program planning process consists of these phases: assessment of the coastal resources preparation of a land use plan and map, and the development of the necessary implementation tools. Once the plan is prepared, it is reviewed and adopted by the local legislative body. It is then reviewed and certified by the State Coastal Commission. The commission must find that the plan is consistent with the policies of Chapter 3 of the Coastal Act. Implementation measures must also be reviewed and certified by the commission after receiving local approval.

Once the certification of the entire Local Coastal Program is complete, permit authority for the coastal zone is returned to the local entity. Local decisions on certain types of development, however, will continue to be appealable to the State Commission. Included are:

1. Developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.
2. Development approved by the local government not included within paragraph (1) of this section located on tidelands, submerged lands, public trust lands within 100 feet of any wetland, estuary, stream or within 300 feet of the top of the seaward face of any coastal bluff.
3. Any development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinances or zoning district map approved pursuant to Chapter 6 of the Coastal Act (commencing with Section 30500).
4. Any development which constitutes a major public works project or major energy facility.

Finally, the State Commission must certify any future amendments to the LCPs and review the local government progress in implementing the coastal act at least once every five years.

CHAPTER 2
THE LAND USE MAP

2.1 INTRODUCTION

The land use maps contain the land use designations for the coastal zone of the city. They have been incorporated into the existing General Plan, and are used as the basis for the zoning maps. The 1 inch to 400 feet scale provides parcel-specific detail and allows for a more precise survey of the area's resources.

The boundary of the coastal zone was established by the 1976 Coastal Act, and extended 1000 yards inland from the sea. In Oxnard, the "sea" was defined to include the Channel Islands Harbor, the Edison Canal and channels associated with the inland waterway development creating a significant inland bulge of the coastal zone boundary. Assembly Bill No. 462, adopted in 1979, changed the boundary to exclude the fully developed residential area of Victoria Avenue, and to include the remainder of several parcels already partially within the zone. The boundary changes were effective January 1, 1980, and are reflected in the Land Use Maps.

2.2 THE LAND USE MAP

The City's long coastal zone has been divided into four areas: McGrath-Mandalay Oxnard Shores Channel Islands and Ormond Beach (see Map I). Recreational uses are predominant in the McGrath-Mandalay area, urban residential uses are concentrated in the Oxnard Shores area. The Channel Islands area is made up of the Channel Islands Harbor. Finally, the Ormond Beach area is separated from the rest of the City's coastal zone by the City of Port Hueneme, and is an industrial area.

MAP NO. 1

McGrath-Mandalay

Recreation is the predominant use in the McGrath-Mandalay area of the City's coastal zone. Except for the Southern California Edison Mandalay Beach generating station (No. 2 on Map 2), the incorporated area north of Fifth Street, designated either Recreation or Resource Protection, is publicly owned.

Oxnard Shores

The area between Fifth Street and Channel Islands Boulevard is an area of the City's coastal zone suitable for new residential or visitor-serving commercial development.

The two existing neighborhoods are designated for infill development (Map 3, Nos. 4 and 8). New residential and visitor-serving commercial development, known as "The Colony," is located south of Amalfi Way (No. 5 on Map 3). The average net density for the entire site is designated as 9.5 dwelling units per acre. The remainder of the property has been designated for recreational use and has been developed as Oxnard State Beach Park.

The two dunes areas (Nos. 6 and 7 on Map 3) are designated to preserve the sensitive dune habitat and provide new visitor-serving and recreational opportunities. The adjacent Edison Canal offers the possibilities of a swimming lagoon, boat slips, and a waterfront park. The designations on the land use map meet both these needs. A pumping station for the oil-producing operations north of Fifth Street is located on a 4.29-acre parcel bordering the Edison Canal along the northern dunes area (No. 6, Map 3). Once the operations on this parcel are completed, it will convert to recreational park use.

The area south of Wooley Road, east of the Edison Canal and north of Hemlock Road (No. 9 on Map 3) is currently in agriculture use. Urban encroachment including trespass, vandalism, theft, and the impacts that agricultural operations, like crop spraying, have on residential neighborhoods nearby, has severely limited the agricultural land use. Water is currently available on the eastern portion of the property, but not on the separately owned western parcel. Although seawater intrusion has not reached this area, it appears that the entire basin may have pumping and drilling restrictions as part of the efforts to stop the encroaching seawater. Without private water sources, the agricultural operations could not function as they do today; city water is too expensive for profitable agricultural use.

The area has been designated for conversion to urban uses because of the existing impacts on agriculture, and because the area completes the Channel Islands Neighborhood (Southwest 5) as designated by the 1990 General Plan. The creation of a stable urban/rural boundary along Wooley Road and buffer land uses between the residential area to the south and agriculture to the north will protect the long-term viability of prime agriculture operations north of Wooley Road.

New overall residential densities in the area designated as planned development shall not exceed five dwelling units per acre. This number is the average net density for the entire neighborhood. The area also presents the unique opportunity for expansion of the Inland Waterway off the Edison Canal. This expansion of the canal will provide for a park, a small boat lagoon, boat slips, and other coastal recreational amenities. The ability to provide increased coastal recreational areas and the

high-quality new homes needed to balance the City's overall housing stock is a valuable asset to the entire City. When City needs are balanced with the Coastal Act, priorities for agricultural preservation and the provision of coastal-dependent recreation, the result is the designations on the Land Use Map.

Channel Islands Harbor

The land use designations in the Channel Islands Harbor area closely follow both the existing uses and the recent development of the "X-Y parcels" on the western edge of the Harbor (No. 13, Map 4, Exhibit "D"). This project completes the development in the Harbor, and provides a variety of uses, including recreation, visitor-serving commercial and harbor-related industry. Also, a high-density residential development across Harbor Boulevard from the "X-Y parcels" adjacent to the Hollywood Beach Elementary School has been completed and is consistent with the policies of this plan.

Ormond Beach

Historically, the Ormond Beach area has been designated for industrial and recreational uses. The land use map continues this, while protecting the wetlands and the beaches. Part of the area is designated specifically for energy facilities, while the remainder is designated for industry recreation. In this area, priority will be given to coastal-dependent, nonenergy-related, industries.

Land Use Categories

A variety of land use categories are used on the land use maps. Many of these categories are further defined by the policies in Chapter 3. They can be summarized briefly as:

Energy Facility: This designation will allow development of energy-related facilities, including essential and coastal-dependent uses, such as electrical generating station, marine fuel loading facilities, pipelines, and fuel processing plants.

Existing Residential Area: Applied only to existing, partially developed neighborhood, this designation will allow the full buildout of these areas at existing densities.

Industrial: This industrial designation will give a priority to coastal-dependent industrial, but will allow noncoastal-dependent uses by conditional use permit. In the harbor area only, industry must be harbor-related.

Mobile Home Park: Created to protect existing mobile home parks in the coastal zone, this designation has been applied to the two existing parks.

Public Facilities: This designation has been applied to existing public facilities.

Recreation: This designation has been applied to areas of existing recreation use, and areas planned for recreational development.

Residential Designations: Several residential designations have been used, indicating different densities. The planned development standards are defined in Policy 45.

Resource Protection: Applied only to sensitive habitat areas; this designation will preserve these resources.

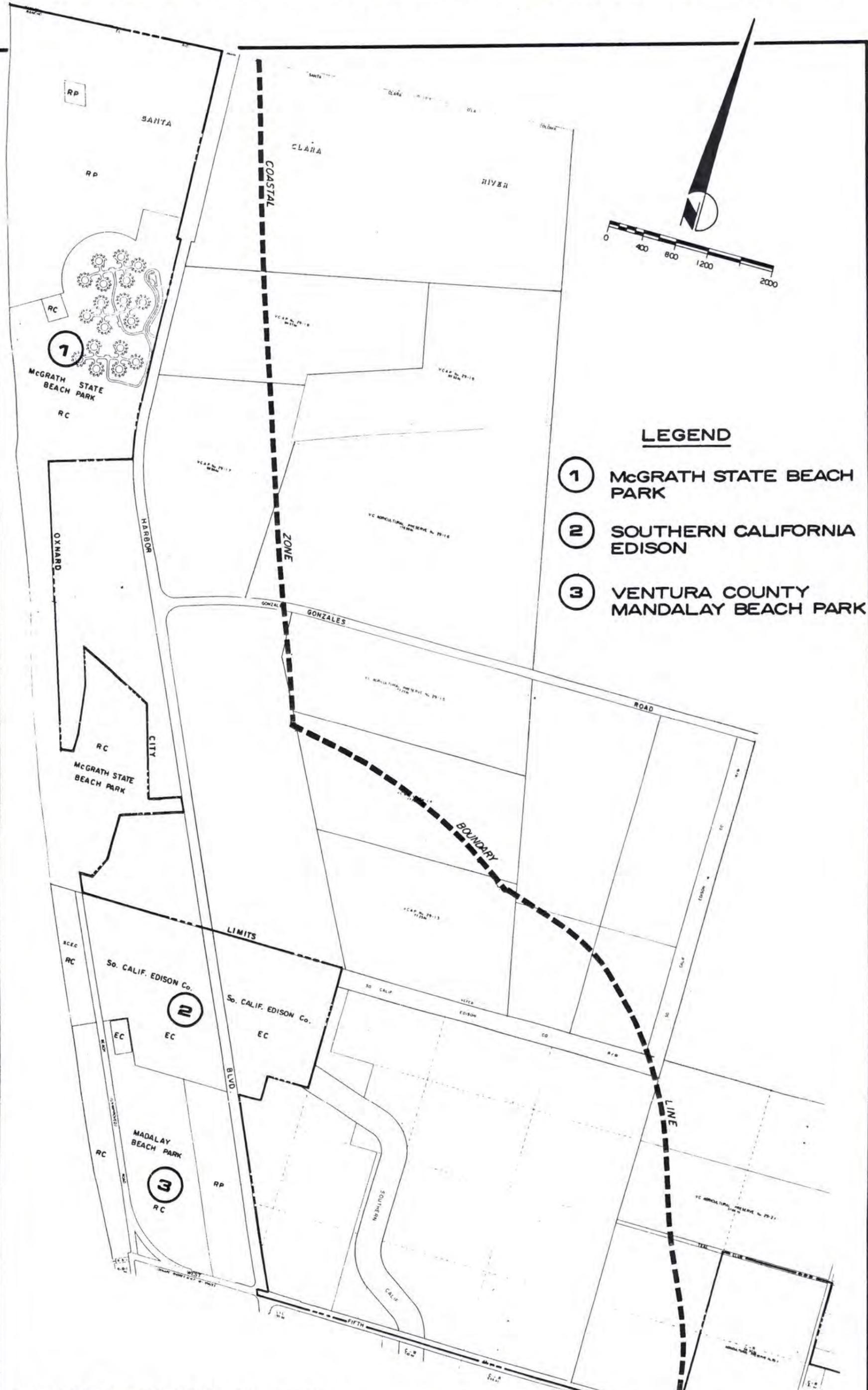
Visitor-serving Commercial: This is a new designation created to provide for the development of areas of commercial uses designed to serve visitors to the area. Permitted uses include hotels, motels, restaurants and specialty retail.

MAP NO. 2



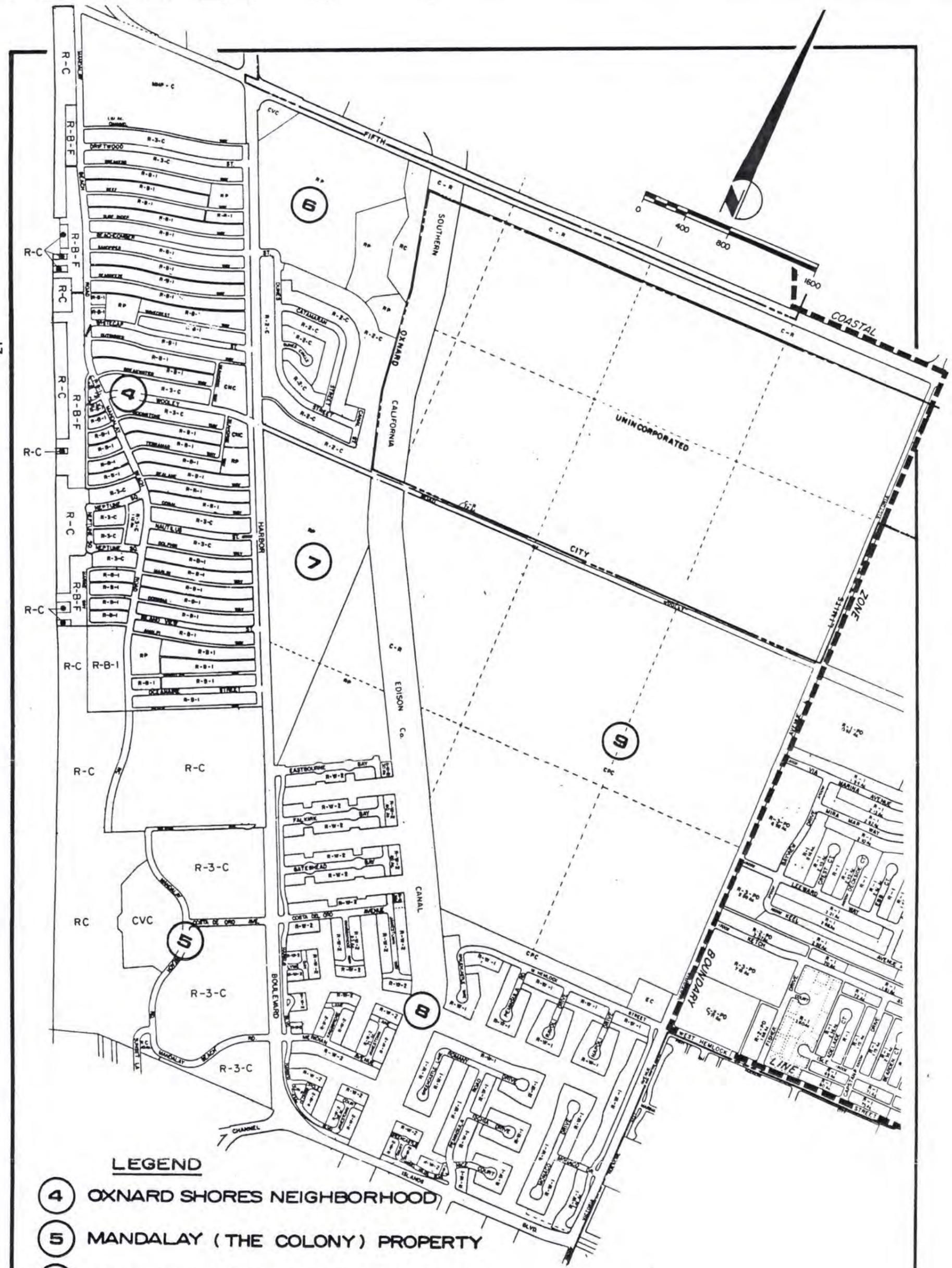
LEGEND

- ① McGRATH STATE BEACH PARK
- ② SOUTHERN CALIFORNIA EDISON
- ③ VENTURA COUNTY MANDALAY BEACH PARK



McGRATH / MANDALAY BEACH COASTAL ZONE AREA

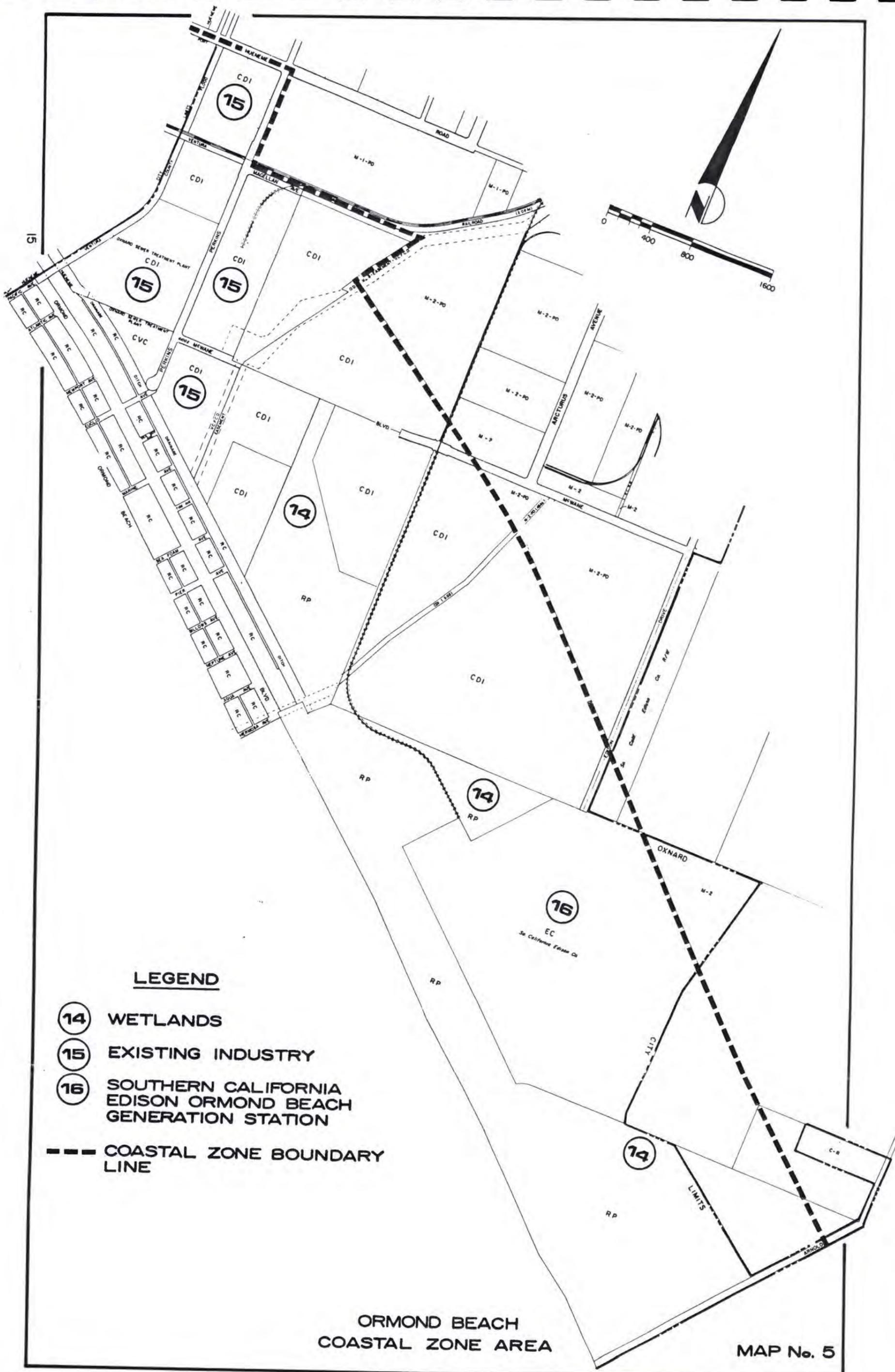
MAP No.2



LEGEND

- ④ OXNARD SHORES NEIGHBORHOOD
- ⑤ MANDALAY (THE COLONY) PROPERTY
- ⑥ NORTHERN DUNES AREA
- ⑦ SOUTHERN DUNES AREA
- ⑧ INLAND WATERWAY NEIGHBORHOOD
- ⑨ MANDALAY BAY PHASE IV SPECIFIC PLAN

**OXNARD SHORES
COASTAL ZONE AREA**



ORMOND BEACH
COASTAL ZONE AREA

MAP No. 5

3.1 INTRODUCTION

The policies established in this chapter, the heart of the City's LCP, are based on the 1976 Coastal Act. They will become the standards by which future projects in the coastal zone are evaluated.

This Chapter is divided into sections by major topic, with sections on Resource Policies (including Agriculture, Habitat Areas, Commercial Fishing, Sport Fishing and Recreational Boating, Diking, Dredging, Filling and Shoreline Structures and Visual Resources), Hazards, Service Inventories, Development, Industrial and Energy Development, and Coastal Access and Recreation (including Access, Recreation and Commercial Visitor-serving).

The policies of this plan have been adopted under the circumstances existing in 1980, and shall be reviewed every five years and revised as necessary to deal with changed physical, legal and financial circumstances, changed Coastal Act Policies, or other matters which affect the assumptions upon which the policies of this plan are based. Amendments to the plan shall be permitted in accordance with the Public Resources Code Sections 30514 and 30515. Nothing in this plan shall be deemed to commit the City to expend funds or take any other action beyond its then legal or financial ability as determined by the City Council.

Local Coastal Policies

1. If policies of this plan overlap or conflict, the most protective policy of coastal resources shall prevail.
2. If there are any conflicts between the policies or land use designations of the Coastal Plan and the existing General Plan, the Coastal Plan shall prevail.

3.2 RESOURCE POLICIES

Five major resource areas are relevant to the City's coastal zone: Agriculture; habitat areas; diking, dredging, filling and shoreline structures; commercial fishing; and visual resources. This section is divided into five parts to reflect these areas.

3.2.1 AGRICULTURE

Coastal Act Policies

30241: The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the area's agricultural and urban land uses through all of the following:

- a. By establishing boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.

- b. By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with land uses, or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.
- c. By developing available lands not suited for agriculture prior to the conversion of the agricultural lands.
- d. By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.
- e. By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b) of this section, and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.

30242: All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

20343: The long term productivity of soils and timberlands shall be protected....

Local Issues

The City of Oxnard, located on the Oxnard Plain, is surrounded by prime agricultural lands. The City's historic growth and present-day economy are closely tied to the agricultural productivity of these lands. Fertile soils and a mild climate allow the harvesting of two to three crops a year. Row crops such as celery, cabbage, cauliflower, broccoli, peppers, lima beans, strawberries, lettuce and tomatoes predominate.

Most of the agricultural land within the city is outside the coastal zone; approximately 350 acres of the incorporated coastal area is farmed. In the Ormond Beach area, where 90 acres are farmed, other areas classified prime soil exist but are not suitable for farming because of drainage problems and a very high water table. Seawater intrusion into the water table in this area has limited the long-term viability of agriculture. Local farming operations are forced to import water from Fox Canyon, at costs significantly higher than local water.

The remainder of the agricultural lands in the city's coastal zone are in the Oxnard Shores area. The land west of Victoria Avenue, south of Wooley Road, north of Hemlock Road, and east of the Edison Canal is presently planted in row crops. Seawater intrusion has not yet directly affected this area but indirect effects threaten. In an effort to halt the progress of the seawater intrusion, regional restrictions will be needed. Possible measures include limitations on the drilling of new wells and restrictions on the pumping from existing wells. These actions will affect the cost of water, which

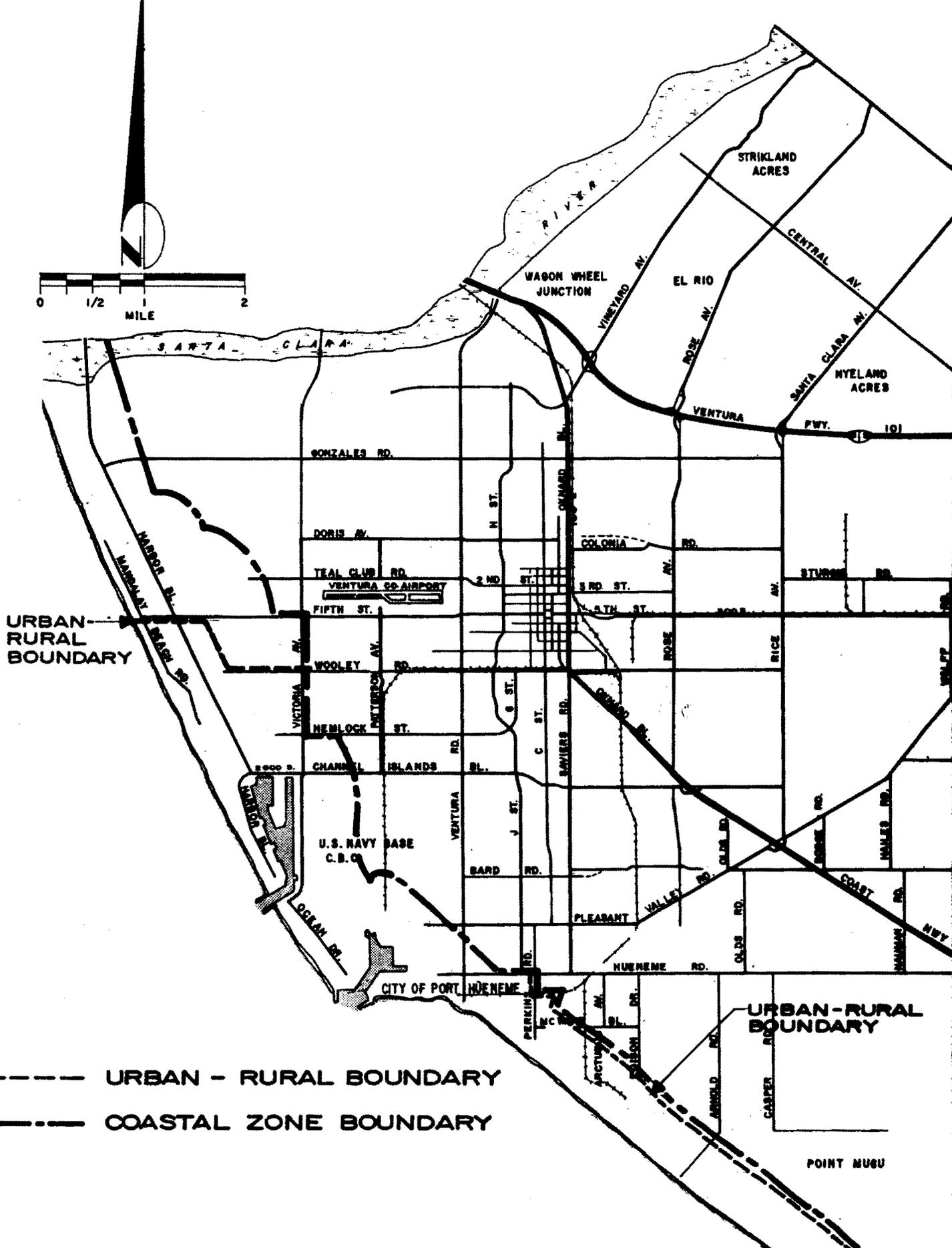
in turn affects the Oxnard Plain. Surrounding urban development has also affected agricultural operations. Residential uses, separated only by a street, neighbor the southern and western boundaries in the area. Vandalism, joggers, and motorcycles adversely impact the agricultural operations. Conversely, the dust, noise and spraying on the agricultural land impact the neighboring residents. No buffers to mitigate these impacts were provided at the time of development.

Establishing a stable urban-rural boundary is a high priority of the Coastal Plan. The area north of Wooley Road and east of the Edison Canal has been designated for permanent agriculture by the Ventura County LCP. Potential adverse impacts on this agriculture from planned urban development to the south must be minimized through a buffer system. The water-oriented park designated on the land use map south of Wooley Road can, with appropriate design, serve as buffer between the agricultural uses to the north and the residential uses to the south. Map 6 illustrates the urban-rural boundary. Chapter 2 includes discussion of the land use designations within the boundary.



MAP NO. 6





----- URBAN - RURAL BOUNDARY
 - · - · - COASTAL ZONE BOUNDARY

URBAN - RURAL BOUNDARY



Local Coastal Policies

3. All urban development shall be restricted to the area within the urban-rural boundary, as defined by Map 1 and the Land Use Map.
4. The agricultural lands bordering the urban-rural boundary will require buffer measures in addition to the designated adjacent buffer land uses in order to adequately protect their viability. Design features for the improvements required on Wooley Road as a result of urbanization to the south of Wooley Road shall include mitigation measures to buffer the urban uses from the agricultural lands. Possible design techniques which will provide the necessary mitigation measures include the following:
 - a. All widening shall occur on the south side of Wooley Road;
 - b. A grade difference shall be created between the road and the agricultural fields, with a drainage ditch located along the north side of the road;
 - c. There shall be no provision of turn-out areas or on-street parking, minimal shoulders and construction of a curb along the northern edge of the roadbed;
 - d. All sidewalks and bicycle paths shall be located only on the south side of Wooley Road; and
 - e. A hedge or tree row, combined with an eight-foot fence, shall be located on the crop side, on the north side of Wooley Road.
5. This policy shall apply only to that single specific 220-acre property located north of Hemlock Street, south of Wooley Road, east of the Edison Canal, and west of Victoria Avenue, commonly known as the Mandalay Bay project. The purpose of this condition is, in part, to assure that the long-term agricultural productivity in the Oxnard area is not reduced. As a condition of development of prime agricultural soils, a "prime agricultural land maintenance program" shall be undertaken to assure that the overall amount of prime agricultural land is not reduced by urbanization. Therefore, prior to issuing any authorization for a planned unit development ("PUD") on the subject parcel, the City shall make written findings that the applicant for the PUD has obtained rights to deposit on a like amount of nonprime agricultural land, the prime soils to be taken from the subject site. The conversion of the prime agricultural soil on the Mandalay Bay site to urban uses is conditioned upon the approval of a planned unit development which satisfies all requirements of Policy 45 of this land use plan.

Conditions of project approval shall, at a minimum, consist of the following actions and restrictions:

- a. The acreage of the recipient area shall equal or exceed the converted prime agricultural lands. If the recipient area consists of two or more parcels, each site shall contain a minimum of 40 contiguous acres to which the soil shall be applied. All acreage within the recipient sites shall consist of nonprime agricultural soils at the time of the approval and actual application of the soil transfer program.

- b. The recipient areas must be west of State Route 1 within that agricultural area directly influenced by coastal climatic conditions on the Oxnard Plain. Land to be upgraded located within the coastal zone must be identified for agricultural use within the Land Use Element of the applicable LCP. Land identified for upgrade status which is outside the coastal zone must be designated for agriculture in the applicable General Plan. The recipient area shall be restricted to exclusively agricultural use for a minimum of 25 years from the date of receipt of the transferred soil. This shall be accomplished by an agricultural easement in favor of the State of California or a deed restriction.
- c. The City shall require that the following procedures be used on all recipient sites of the prime agriculture soil transferred from the Mandalay Bay project donor site.
 - 1) Clear recipient site of all debris
 - 2) Level land to desired farming and irrigation grade which shall be the final elevation
 - 3) Uniformly overlay site with 12 inches below projected new surface
 - 4) Slip plow or deep disc to 28 inches below projected new surface
 - 5) Uniformly overlay site with 12 inches of imported soil
 - 6) Farmer to subsoil and landplane as desired for intended crop
 - 7) There shall be no stockpiling of transferred prime soils which shall be moved directly from the donor site to the recipient sites. Procedures shall be undertaken in such a way as to prohibit compacting of the newly deposited soils by heavy equipment and to otherwise protect their capabilities.
- d. Concurrent with the commencement of construction of each phase, the prime soils shall have been transferred to suitable recipient sites and returned to cultivation. As an alternative, a performance bond shall be posted to assure the transfer of soils and the restoration of the recipient sites.
- e. The applicant for the PUD permit shall establish a program for monitoring agricultural production on the recipient sites and reporting resulting data to the Coastal Commission and the U.S. Soil Conservation Service (SCS). The SCS shall be consulted in the design of the monitoring and reporting program. The program shall continue for at least 10 years from the date of transfer of the soils and shall be fully funded by the applicant. The program shall develop and monitor data on all soil characteristics, crop types and yields, irrigation requirements, and the agricultural productivity of each donor site.

3.2.2 HABITAT AREAS

Coastal Act Policies

- 30230: Marine resources shall be maintained, enhanced and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.
- 30231: The biological productivity and the quality of coastal waters, streams, wetlands, estuaries and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of wastewater discharges and entrainment, controlling runoff, preventing depletion of groundwater supplies and substantial interferences with surface overflow, encouraging wastewater reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.
- 30236: Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protection of existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.
- 30240: a. Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.
- b. Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

Local Issues

The City of Oxnard's coastal zone contains four examples of sensitive habitats and four endangered species. Map 7 illustrates the extend of the City's wetlands, sand dunes, riparian areas and McGrath Lake. Each of these habitats will be discussed separately.

Wetlands

The wetlands occurring in the city are located in the Ormond Beach area and a portion of the Santa Clara River mouth area covering approximately 131 acres. The Ormond Beach wetlands are largely degraded or disturbed. Nonetheless, they provide nesting and feeding areas for a variety of birds and mammals, including the endangered Belding's Savannah sparrow. Off-road vehicle

intrusion into the area accelerates the degradation of the wetlands and destroys nest sites. Although they are degraded, the Ormond Beach wetlands can be preserved, and possibly restored. Additional planning to determine the location and character of this restoration will need to be undertaken prior to any major redevelopment of the area.

A smaller wetland is located at the mouth of the Santa Clara River. The water levels are regulated in part by a flood control levee. As in the Ormond Beach area, this wetland provides nesting sites for the Belding's Savannah sparrow.

Dunes

Sand dunes are found in five areas of the coastal zone. A 26-acre area of dunes at the intersection of Fifth Street and Harbor Boulevard is an excellent example of this increasingly rare habitat. The dunes have been damaged by off-road vehicles, but the damage is not irreparable.

The second area of sand dunes is within the 54-acre parcel located between Harbor Boulevard and the Edison Canal, and south of Wooley Road. Part of this area has been seriously disrupted by off-road vehicles and grading for agricultural uses, but at least 17 acres have retained their significant habitat value.

A third area of sand dunes is located at the northerly end of "The Colony" property adjacent to the Oxnard State Beach park site. Low, previously disturbed dunes have re-formed in this area.

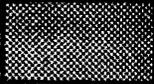
A chain of dunes parallel the beach from the Santa Clara River mouth south to Fifth Street. Most of these dunes are within either McGrath State Beach Park or the recently acquired, unimproved Mandalay Beach County Park. The endangered least tern has used the dunes near the river mouth for nesting sites.

The last area of dunes is located at Ormond Beach. Paralleling the beach beyond tidal action, the low dunes provide nesting sites for a number of species, including the least tern. Disruption caused by off-road vehicles is also a problem here.

MAP NO. 7





 SENSITIVE HABITATS

 COASTAL ZONE BOUNDARY LINE



Riparian Habitat

The largest riparian habitat in the coastal zone is the Santa Clara River mouth. The major part of the riparian shrubland is along the southern bank of the river between the main channel and the flood control levee. Dense growths of willows, giant reeds and grasses provide a habitat for a variety of birds and small mammals.

During periods of low river flow, the sand bar forms at the mouth of the river and blocks all direct flow to the sea, creating a lagoon between the river mouth and Harbor Boulevard. A large number of waterfowl and shore birds use the lagoon as a migratory stopover, and as a breeding ground. The lagoon is also recognized as one of three active nesting sites in Ventura County for the endangered least tern. Other endangered species sighted in the area include the brown pelican, the southern bald eagle, the peregrine falcon, and the whitetailed kite. The lagoon also provides a habitat for a number of fish species, including the threatened tidewater goby.

McGrath Lake

McGrath Lake is a freshwater lake unusually close to the ocean. The water level is fairly constant. During periods of heavy rainfall and surface runoff the sand dunes separating the lake from the beach are breached to prevent flooding. The lake provides a riparian habitat for perching birds, small mammals, and shore birds. It also provides a stopover for migratory water fowl.

The lake provides a riparian habitat for perching birds, small mammals and shore birds. It also provides a stopover for migratory water fowl.

Endangered Species

In addition to the endangered species already discussed, the unarmored three-spined stickleback is also found within the city's coastal zone. The drainage ditch at Ormond Beach provides a habitat for this rare fish; however, the poor quality water and risk of additional contamination from nearby industrial facilities threaten the long-term habitability of the ditch.

Marine Resources

The biological productivity of the near-shore portion of the ocean is dependent on the quality of the water. One local factor affecting ocean water quality is the Oxnard Wastewater Treatment plant's effluent outfall. Extending 6,000 feet offshore from Ormond Beach, the outfall is at a depth of 50 feet. At the present time, primarily treated effluent is dispersed by a series of diffusers.

Local Coastal Policies

6. As a part of the Phase III Implementation portion of the LCP process, a resource protection ordinance was created, defining the only uses permitted in areas designated on the land use map with the Resource Protection Zone. The ordinance incorporated the following policies which the City will implement to the extent of its legal and financial ability:
 - a. All nonauthorized motor vehicles shall be banned from sensitive areas.

- b. Scientific, educational and light recreational uses shall be conditionally permitted uses in all sensitive resource areas. Development shall be designed and sited to minimize impacts to the area. Permitted uses shall not be allowed to significantly disrupt habit values.
- c. In sand dune areas, foot traffic shall be minimized, and allowed only on established paths or boardwalks. Disturbance or destruction of any dune vegetation shall be prohibited unless no feasible alternative exists and then only when revegetation with native California plants is a condition of approval.
- d. New development adjacent to wetlands or resource protection areas shall be sited and designed to mitigate any adverse impacts to the wetlands or resource.

A buffer of 100 feet in width shall be provided adjacent to all resource protection areas. The buffer may be reduced to a minimum of 50 feet only if the applicant can demonstrate the large buffer is unnecessary to protect the resources of the habitat area. All proposed development shall demonstrate that the functional capacity of the resource protection area is maintained. The standards to determine the appropriate width of the buffer area are:

- 1) biological significance of the area
- 2) sensitivity of species to disruption
- 3) susceptibility to erosion
- 4) use of natural and topographic features to locate development
- 5) parcel configuration and location of existing development
- 6) type and scale of development proposed
- 7) use of existing cultural features to locate buffer zones

When a development is proposed within an environmentally sensitive habitat or a resource protection area, or within 100 feet of such areas, a biological report shall be prepared which includes applicable topographic, vegetative and soils information. The information shall include physical and biological features existing in the habitat areas. The report shall be prepared by a qualified biologist, and shall recommend mitigation measures to protect any impacted resources. All recommendations shall be made in cooperation with the State Department of Fish and Game. When applicable restoration of damaged habitats shall be a condition of approval.

- e. When a development is proposed within or near an environmentally sensitive habitat area, applicable topographic, vegetative and soils information shall be provided. The information shall include physical and biological features existing in the habitat areas.
- f. Western LNG conditions:

Prior to approval of a development permit for Parcel 1, Western LNG shall develop and assure implementation of a wetlands restoration and enhancement program which must be approved by the Executive Director of the Coastal Commission and the Department of Fish and Game. This program shall consist of the following elements and shall be completed in consultation with the Department of Fish and Game and local government.

- 1) Western LNG shall accept a deed restriction on Parcel 2, which is west and south of the 26.5-acre Parcel 1, limiting the future use of Parcel 2 to preservation as a wetland subject to Western LNG's continued right to access to the beach for purposes of construction and utilizing a trestle for any future LNG terminal;
 - 2) The restoration program shall include a cleanup program of existing trash deposited within Parcel 2.
 - 3) The restoration program shall include the construction of a 50-foot buffer barrier on Parcel 2 adjacent to the northeast border of Parcel 2 which shall consist of 2 drainage channels separated by a vegetated berm and a security fence at least 48 inches high on the northeastern side of the buffer. The channels shall be adequately designed and constructed to allow drainage from adjacent lands through one or two culverts to Parcel 2.
 - 4) The restoration program shall ensure that no harmful runoff of possible foreign liquid and solid materials will drain into Parcel 2 from Parcel 1.
 - 5) The restoration program shall assure that operations and activities of the present property owners immediately west of Parcel 2 do not intrude on Parcel 2.
 - 6) Western LNG or their lessee shall grade the elevation of specified portions of Parcel 2 down to a level sufficient to encourage restoration of healthy vegetation growth.
 - 7) The restoration program shall identify any available water supplies in the immediate vicinity, determine the existing drainage flow of such water supplies which might be of benefit to the wetlands, and provide passage of such water to Parcel 2 wherever feasible.
 - 8) Western LNG or their lessee shall restrict public access to Parcel 2 through the permitted utilization of those remaining lands on Western LNG's property, except under controlled conditions such as educational visits by supervised groups or established scholars observing the wetlands.
 - 9) The restoration program shall study and implement additional means of limiting public trespass on Parcel 2 if measures specified in Item 8 prove inadequate.
 - 10) The restoration program shall insure the maintenance and protection of the wetlands on Parcel 2.
 - 11) Western LNG or their lessee shall ensure access by the Department of Fish and Game which shall conduct wildlife surveys in the area and work in cooperation with Western LNG to assure the wetlands viability.
7. The City shall also investigate all means of public acquisition of the areas designated for Resource Protection. As funds for this purpose become available, the City shall acquire or shall request other public agencies acquire approximately 131 acres of wetlands in Ormond Beach and

approximately 43 acres of dunes as shown on the Land Use Map. Because of a lack of resale data, the market values of these properties are unknown.

8. Where the sensitive resource area comprises only a part of a parcel or parcels under contiguous ownership, the City may permit an increase in the allowable density of the nonresource areas in return for the preservation of the resource area. Density increases shall only apply for allowable uses as designed to mitigate any adverse impacts on the resource.
9. Wetlands shall be defined as:

Land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes. In certain types of wetlands, vegetation is lacking and soils are poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, waterflow, turbidity or high concentrations of salts or other substances in the water or substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during the year, and their location within, or adjacent to, vegetated wetlands or deep-water habitats.

10. The water quality of the City's coastal waters shall be maintained and, where feasible, restored by the following:
 - a. The effects of wastewater discharges which release toxic substances into coastal waters, streams, wetlands, estuaries and lakes shall be minimized, and where feasible toxic substances should be removed. Wastewater discharges which do not contain toxic substances and which are necessary to sustain the functional capacity of streams, wetlands, estuaries and lakes shall be maintained.
 - b. The entrainment of organisms (induction by subsurface cooling pipes and similar apparatus) shall be minimized.
 - c. The effects of increased amounts of runoff into coastal waters, streams, wetlands, estuaries and lakes due to development shall minimize through, among other means, grading and other site development controls, and buffer zones.
 - d. Surface water discharge from streams and rivers shall be maintained at levels necessary to sustain the functional capacity of coastal waters, streams, wetlands, estuaries and lakes.
 - e. Naturally occurring vegetation that protects riparian habitats shall be maintained and, where feasible, restored.
 - f. Alterations to natural streams shall be minimized to sustain the functional capacity of such areas.
 - g. Wastewater reclamation shall be encouraged through, among other means, using treated effluent to replenish groundwater supplies and providing freshwater for the restoration of streams, wetlands, estuaries and lakes.

3.2.3 DIKING, DREDGING, FILLING AND SHORELINE STRUCTURES

Coastal Act Policies

- 30233: a. The diking, filling, or dredging of open coastal waters, wetlands, estuaries and lakes shall be permitted in accordance with other applicable provisions of this division where there is no feasibly less environmentally damaging alternative and, where feasible, mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:
- 1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.
 - 2) Maintaining existing, or restoring previously dredged, depths in existing navigation channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.
 - 3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland, provided, however, that in no event shall the size of the wetland area used for such boating facility, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, be greater than 25 percent of the total wetland area to be restored.
 - 4) In open coastal waters, other than wetlands, including streams, estuaries and lakes new or expanded boating facilities.
 - 5) Incidental public service purposes, including, but not limited to, buying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.
 - 6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.
 - 7) Restoration purposes
 - 8) Nature study, aquaculture, or similar resource-dependent activities
- b. Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable longshore current systems.
- c. In addition to the other provisions of this section, wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal

wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California," shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division.

30235: Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fishkills should be phased out or upgraded where feasible.

30236: Channelizations, dams or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development or (3) developments where the primary function is the improvement of fish and wildlife habitat.

Local Issues

Diking, dredging, filling, and shoreline structures are important issues throughout the Oxnard coastal zone. In most areas the activities predate the Coastal Act but some have been brought up more recently.

Dikes surround the tank storage areas at the Mandalay Beach Electrical Generating Station to contain oil spills. These dikes create no planning issues.

Dredging is currently used to bypass an annual accumulation of approximately 1,000,000 cubic yards of sand around the mouths of the Channel Islands Harbor and the Port Hueneme Harbor. This not only prevents accelerated beach erosion southeast of Port Hueneme but has replaced the previous sand losses. The Edison Canal is periodically dredged to maintain water flows to Mandalay Beach Generating Station.

Accelerated beach erosion and storm wave run-up along Oxnard Shores has threatened the Mandalay Beach Road. As a result some of the homes have been elevated on "pilings," while rip rap seaways have been placed in front of other for protection.

Local Coastal Policies

11. New dikes or filling operations shall be permitted only when no other less environmentally damaging alternative exists, and shall be designed to mitigate adverse impacts. Dikes and filling shall not be permitted in wetland areas unless done as part of a restoration project.

Diking and filling shall be limited to the following uses:

- a. New or expanded port, energy, and coastal-dependent industrial facilities including commercial fishing facilities.
- b. Maintaining existing or restoring previously dredged depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat-launching ramps.
- c. In wetland areas only, entrance channels for new or expanded boating facilities, and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland provided, however, that in no event shall the size of the wetland area used for such boating facility, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, be greater than 25 percent of the total wetland area to be restored.
- d. In open coastal waters other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities.
- e. Incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.
- f. Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.
- g. Restoration purposes may include some fill for Visitor-serving Commercial uses if the wetlands are small extremely isolated and incapable of being restored to biologically productive systems. They may be filled and developed for Visitor-serving Commercial use only if such actions establish stable and logical boundaries between developed uses and wetland areas and if an approved restoration program is conducted in the same general region to grant the exception. The following criteria must be satisfied in order to grant the exception:
 - 1) The wetland to be filled is so small, isolated and not contiguous to a larger wetland that it is not capable of recovering and maintaining a high level of biological productivity without major restoration activities.
 - 2) The wetland does not provide significant habitat value to wetland fish and wildlife species, and must not be used by any species which is rare or endangered. (For example, a parcel that is partially or completely surrounded by commercial, residential or industrial development which are incompatible with the existence of the wetland as a significant habitat.)
 - 3) Restoration of another wetland to mitigate for fill on an acre-for-acre basis can most feasibly be achieved in conjunction with filling a small wetland.

- 4) Restoration of wetland on an acre-for-acre basis to mitigate for the fill will occur next to a larger contiguous wetland area at Ormond Beach. Additional plans identifying the location and character of the restoration area will be submitted to the Coastal Commission as an amendment of the LUP prior to the filling of any wetland pursuant to this policy.
 - 5) The Department of Fish and Game and the U.S. Fish and Wildlife Service have determined that the proposed restoration project can be successfully carried out.
- h. Nature study, aquaculture, or similar resource-dependent activities.
- i. If the project involves filling of wetlands, required mitigation measures shall include the following:
- 1) If an appropriate restoration site is available, restoration of any equivalent area of equal or greater biological productivity, and dedication of the land to the City of Oxnard or otherwise permanently restrict its uses for Open Space purposes. For the area to be of equal or greater biological productivity, it must provide at least equal surface area and equal or greater habitat values. The restoration plan shall be approved and initiated before the fill development may proceed.
 - 2) If no appropriate restoration sites are available, the applicant shall pay an in-lieu fee of sufficient value to the City of Oxnard for the purchase and restoration of an area of equivalent productive value or equivalent surface area. This option would be allowed only if the applicant is unable to find a willing seller of a potential restoration site.
 - 3) Plans for the restoration and management of the mitigation area shall be reviewed and approved by the City of Oxnard in conjunction with the Department of Fish and Game and the State Coastal Conservancy.
12. New dredging, other than existing maintenance operations, shall be designed to mitigate adverse impacts. Dredge spoils shall only be deposited in sites approved by the City Council and the appropriate local or state health agencies. The Council shall require test results from the Regional Water Quality Control Board that demonstrate the usability of the materials to be placed on a site. These tests shall include an analysis of the materials dredged and a comparison for compatibility with site materials.
13. The construction of shoreline structures such as, but not limited to, retaining walls, groins, revetments, and breakwaters shall not be permitted except where absolutely necessary to protect public safety, or to preserve existing public beaches, marinas or structures. All permitted structures shall be designed to minimize adverse impacts, including those on both lateral and vertical access. Bulkheads shall be permitted in areas dredged as inland canals.

3.2.4 COMMERCIAL FISHING, SPORT FISHING AND RECREATIONAL BOATING

Coastal Act Policies

- 30224: Increased recreational boating use of coastal waters shall be encouraged in accordance with this division by developing dry storage area, increasing public launching facilities, providing additional berthing space in existing harbors, limited nonwater-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.
- 30234: Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall where feasible be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.

Local Issues

The Channel Islands Harbor encompasses 310 acres, including approximately 200 acres of water area. The land portion of the harbor is within the city limits of Oxnard and is administered by the Ventura County Property Administration Agency (PAA) under a joint powers agreement between the two jurisdictions. The waterways of the Harbor are within the adopted Sphere of Influence of the City of Oxnard.

The harbor has developed during the past 20 years into an interesting small craft facility serving the needs of both the commercial and sport fishing industries, as well as recreational boating enthusiasts and the public in general. Currently there are 2,500 wet slips in the harbor, including 681 slips recently constructed as part of the final phase of development on the "X-Y parcels," the last remaining vacant land in the harbor.

In addition to 2,500 wet boat slips, the Harbor provides a boat launching complex immediately south of the Fisherman's Wharf Commercial Center along Victoria Avenue. This launching facility includes a 7-lane ramp and parking for approximately 340 vehicles and trailers. Also, the harbor operates three boat hoists which are available for recreational use. The harbor provides dry storage support for approximately 300 trailer-sized boats, which have access to ramp and hoist facilities.

There are approximately 25 commercial fishing vessels moored within the harbor. These vessels' operators fish or dive for halibut, rock fish, shark, swordfish, bonita, yellow tail tuna, urchins and abalone. Fishing activity based at the Harbor includes gill netters and set line fishermen. Development in the harbor's west channel will include 150 commercial fishing slips (60 permanent berths and 90 slips offered to fishermen on a first right of refusal), a net drying area, a vehicle loading and unloading area transient vessel dock, and fuel dock. A buying station, loading and unloading dock, and fish market are located adjacent to the harbor's east channel. These facilities provide important support to the area's commercial fishing industry.

The harbor also includes a variety of visitor-serving activities including waterside restaurants, marine and specialty shops, a resort hotel and three shoreline public parks. Finally, the harbor contains a large complex of apartments totaling approximately 725 units along Peninsula Road, occupied by a diverse group of residents.

The primary intent of this resubmittal is to clarify the important environmental, social, economic, and governmental relationships between the Channel Islands Harbor and the coastal zone of Oxnard. Moreover, the City of Oxnard supports the expansion of recreational boating opportunities in the harbor consistent with Section 30224 of the Coastal Act; however, it is important to note that the City is not proposing any Harbor development as part of this resubmittal, although there have been recent studies by the County for possible harbor expansion. For example, two recent studies have been completed for the future expansion of the Harbor. First, the "Ventura County Coastal Recreational Boating Feasibility Study" was prepared for the County of Ventura by McClelland Engineers Inc. in 1984. Although this study was a countywide effort, it highlighted the potential expansion of boating facilities in the Channel Islands Harbor as reflected in the plan to develop a 15-acre parcel presently used for boat launching and parking in order to expand the wet slip inventory by 250 to 350 slips, as referenced by the Army Corps of Engineers (Exhibit "E").

The second study regarding the future expansion of the harbor was prepared for the County of Ventura by the Army Corps of Engineers in 1985 and focuses on the possible expansion of the entrance to the Harbor (Exhibit "E"). According to this study, the expansion of the existing channel entrance from 300 to 400 feet in width would meet the "objectives" of alleviating present and future congestion within the channel, increase overall navigational safety, and enhance and restore the environmental quality of the harbor.

Finally, the Ventura County Property Administration Agency (PAA) is preparing the "Channel Islands Harbor Public Works Plan," pursuant to Section 30605 of the Coastal Act. The "draft" Public Works Plan document states (page 5):

With the completion of already approved projects along the west channel, the harbor will be completely built out.... The Property Administration Agency does not have plans for any major expansions or re-constructions of the harbor area. There will be, therefore, no previously undisclosed environmental impacts associated with implementation of this proposed Public Works Plan.

The principal objective of the Public Works Plan will be to identify land use designations and intensities within the Harbor and provide policies which provide, protect and maintain the public's access to, and use of, the recreational waters in and adjacent to the harbor; additionally, the plan will protect the and maintain commercial fishing policies and actions designed to accomplish these recreational and commercial fishing objectives.

It should be noted that in the case public review will be necessary for any future harbor expansion proposal in order to meet the requirements of Oxnard's coastal planning permit process.

The harbor has evolved into a well-balanced small craft facility, contributing significantly to the City's image as the "Gateway to the Channel Islands." The harbor maintains an important physical

and cultural relationship to the overall Coastal Zone of the City; therefore, the City provides the following coastal policies related to the Channel Islands Harbor.

Local Coastal Policies

14. The harbor is administered by Ventura County and within the city limits of Oxnard. The City shall encourage the protection and expansion of facilities for commercial fishing, sport fishing, recreational boating, and other harbor-related activities within the Channel Islands Harbor, by working cooperatively with the County to prepare and process a Public Works Plan, to review and comment on proposed amendments to the Public Works Plan and, where consistent with the policies of the City's LUP, to implement those provisions of the Public Works Plan applicable to the harbor segment, pursuant to Section 30605 of the Coastal Act.
15. Commercial fishing operations shall not be permitted within the Inland Waterway.
16. As existing commercially development harbor parcels recycle in terms of structures or uses, priority shall be given to commercial fishing support and recreational boating support facilities and services. As existing commercially development Commercial Visitor-serving parcels recycle or are redeveloped priority shall be given to Commercial Visitor-serving uses. Development in the harbor shall be limited so that no more than 30 percent of the harbor's land area is visitor-serving commercial uses not directly related to boating.
17. As existing industrially developed parcels in the harbor's industrial area recycle in terms of structures or uses new development shall be limited to Coastal-dependent and harbor-related Industrial Uses serving the harbor.
18. Existing facilities serving commercial fishing, sport fishing and recreational boating shall be maintained and expanded where appropriate.
19. Nonconforming uses shall be permitted to continue in their existing locations in conformance with the City Coastal Zoning Ordinance.
20. Fifty percent of the harbor's water surface area shall be restrained as open water channels, in order to assure the safe circulation of a variety of commercial and recreational boats.
21. Maximum access, which shall be conspicuously supported and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, right of private property owners and natural resource areas from overuse.
22. Development shall not interfere with the public's right of access to harbor waters where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky harbor beaches to the first public right-of-way.
23. New multi-family residential and planned unit residential development shall be limited to a density of no more than 18 units per acre.

24. Harbor areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.
25. Harborfront land suitable for recreational use shall be protected for recreational use and related development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided in the harbor area.
26. To ensure that lower cost recreational and visitor-serving harbor facilities are available to all income groups, picnic tables, public rest rooms, pedestrian and bicycle accessways, pedestrian furniture, bicycle storage racks, small boat sailing, renting and berthing areas shall be provided. In addition, the harbor public park areas, which provide a lower cost recreational activity, shall be preserved for general public recreational use.
27. Commercial fishing, sport fishing, and recreational boating facilities and areas shall be designed and situated so as not to interfere with each other or existing residential uses. Adequate parking at a ratio of 0.6 parking spaces per slip for recreational boats and two spaces per slip for commercial fishing boats shall be protected and provided in any new marina development. Parking required to serve recreational boating, sport fishing, or commercial fishing shall not be eliminated or reduced by new development.
28. Monitoring of existing and proposed harbor land and water uses must be continued between the County and City to ensure that no significant adverse accumulative impacts on adjacent coastal neighborhoods, resources or access occur.
29. The City shall coordinate with the South Coast Area Transit District (SCAT) to develop additional or expanded bus routes to the harbor area as demand and funding allow. Expansion of bus service may include special, seasonal or weekend routes and possible shuttle or mini-bus service.
30. Provide adequate public parking facilities in all new or modified harbor developments consistent with the City Land Use Plan and Zoning Ordinance.
31. Provide harbor shoreline pedestrian access by incorporating shoreline pedestrian walkways into all new shoreline development, including the expansion of existing uses. Where existing buildings are found to interfere with lateral shoreline access, walkways shall be located as adjacent to the water as possible. All walkways are to be linked with adjacent walkways to ensure uninterrupted pedestrian movement.
32. Provide a harbor bikeway system that incorporates access as part of the street system and, where feasible, along the shoreline.
33. Minimize conflicts between pedestrians, bicyclists and autos by separating pedestrian and bicycle lanes and providing bike paths in conjunction with the street system.
34. Provide maximum public access and/or protect harbor areas, for reasons of public safety or fragile resources, by conspicuously posting well-designed directional signs in conjunction with

new harbor development. Directional signs shall also be posted throughout the harbor to designate points of interest public view areas, the public beach areas parking, pedestrian and bicycle accessways. Said signing shall be compatible with the harbor's seaside theme consistent with the City Coastal Zoning Ordinance.

35. The visual quality of the harbor shall be maintained by protecting unimpeded views to the water area from the Victoria Avenue and Channel Islands and Harbor Boulevards by retaining view corridors between the first main road and the water line. View corridors shall be landscaped to screen and soften views across paved areas and to frame and accentuate the view. Development in the harbor shall not exceed two stories (25 feet in height) or at the corner of Victoria Avenue and Channel Islands Boulevard, 35 feet in height.
36. Offshore oil support facilities or activities within the harbor shall be limited to storage of oil spill containment facilities and other emergency response equipment, provided: (a) there is not less environmentally damaging feasible alternative location, (b) recreational boating, commercial fishing, or public recreation uses are not displaced or adversely affected, and (c) adverse impacts, if any, are mitigated to the maximum extent feasible.

3.2.5 VISUAL RESOURCES

Coastal Act Policies

30251: The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alternation of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas, such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government, shall be subordinate to the character of its setting.

Local Issues

Scenic ocean views can be found along the Oxnard coast. Mandalay Beach Road parallels the beach giving vistas of the ocean and on clear days the Channel Islands. Excellent views are also found from the Channel Islands Bridge, east of the intersection of Channel Islands Boulevard and Harbor Boulevard. Motorists and pedestrians have access along the bridge. Scattered small park areas and open parking areas provide opportunities to watch and participate in the activity at Channel Islands Harbor. The development planned for the remaining undeveloped area of the harbor will add to the existing opportunities by providing a promenade along the waterfront.

The ocean is generally not visible from Harbor Boulevard, limiting the visual resources north of Fifth Street. In the Ormond Beach area the ocean is only visible from Perkins Road and Arnold Road.

Other visual resources in the coastal zone include the tall sand dunes south of Fifth Street and south of Wooley Road, the lower dunes in the Mandalay Beach County Park north of Fifth Street, and the wetlands in the Ormond Beach area.

Local Coastal Policies

37. All new development in the coastal zone shall be designed to minimize impacts on the visual resources of the area. Particular care should be taken in areas of special quality, such as those identified in the LCP.

38. Height restrictions as defined by City Zoning Ordinance shall be used to avoid blocking views.

3.3 HAZARDS

Coastal Act Policies

30253: New development shall:

- 1) Minimize risks to life and property in areas of high geologic, flood and fire hazard.
- 2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability or destruction of the site or surrounding area in any way require the construction of protective devices that would substantially alter natural land forms along bluffs and cliffs.

Local Issues

There is a little evidence of any earthquake faults within the City's coastal zone, but the entire area is subject to groundshaking and liquefaction in the event of movement along a fault located elsewhere. Because of the high water table, the entire coastal zone is designated in the Seismic and Safety Element of the General Plan as having high liquefaction potential.

The coastal zone is also within the tsunami hazard area. The flat Oxnard Plain creates no obstacles to tsunami wave run-up.

Channel Islands Harbor and the Inland Waterway are vulnerable to a seiche. A major earthquake could set a seiche in motion. The extent of the threat is unknown, however, because of the lack of historic data on seiches in Ventura County.

Beach erosion storm wave run-up and flooding area problems within much of the City's coastal zone. Erosion and storm wave run-up threaten the 27 homes located west of Mandalay Beach Road in Oxnard Shores. Adjacent vacant parcels are also eroding. The parcels are within the 100-year flood line designated by the U.S. Department of Housing and Urban Development. Ormond Beach has suffered from erosion in the past, but that has been reversed as a result of the sand bypass operations at Channel Islands and Port Hueneme Harbors. The area is also within the 100-year flood zone as designated by HUD.

The Seismic and Safety Element has identified some of the coastal zone as having moderately expansive soils. With proper construction design, however, this is not a serious problem.

Portions of McGrath State Beach Park are within the 100-year flood plain of the Santa Clara River. However, because there is no development in this area, it poses no serious hazard.

Local Coastal Policies

39. All applications for grading and building permits and subdivisions shall be reviewed for threats from hazards such as seismic activity, liquefaction, tsunami run-up, seiche, beach erosion, flood, storm wave runup, and expansive soils. Geologic reports may be required in known hazard areas. Appropriate mitigation measures shall be applied to minimize threat from any hazards.

40. a. If new development is located within the 100-year flood and storm wave runup area as designated by the Department of Housing and Urban Development and on the land use map, it shall be designed and engineered to withstand the effects of the flooding and wave runup without the use of seaways or other protective structures. Particular care shall be given in protecting the necessary gas, electrical, sewer and water connections from breaking in the event of heavy wave runup. Any person developing property within the 100-year flood line shall agree to indemnify and hold the City harmless from any liability or damages resulting from the construction of his development.
- b. Any development located on the beach shall be designed to assure lateral beach access.
- c. Corrective measures to protect and restore the Oxnard Shores Beach may be needed. Specific measures shall be investigated in Phase III.

3.4 SERVICE INVENTORIES

Coastal Act Policies

30254: New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division provided, however, that it is the intent of the legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provisions of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal-dependent land use, essential public services and basic industries vital to the economic health of the region, state or nation, public recreation, commercial recreation and visitor-serving land uses shall not be precluded by other development.

Local Issues

Water

Water for municipal and industrial uses in the City of Oxnard comes from two sources, and is distributed by the City Department of Public Works. Imported water from the State Water Project is piped into the Springville Reservoir (nine million gallon capacity) through the Oxnard conduit by the Calleguas Municipal Water District (CMWD), then delivered to the City. The City's municipal water system then blends the waters at one of three blending stations. The current blend ratio is two parts imported water to one part local water.

The water supply is adequate for current demand, but will probably be a constraining factor for new development in the mid-1980s. The City has no specific entitlement with CMWD which in turn has no entitlement with its supplier, Metropolitan Water District. Currently, CMWD gets 60,000 acre feet per year (afy) from Metropolitan from which it supplies several customers including Oxnard. The policy of both Metropolitan and CMWD is to allocate available water on the basis of demand as it occurs. Limitation on the supply will result when in the mid-1980s the State of Arizona begins pumping Colorado River water cutting Metropolitan's supply from that source in half. Development of the State Water Project will also directly affect the supplies of Metropolitan CMWD and the City of Oxnard.

United Water Conservation District (UWCD) has a rated capacity of 13,000 afy from the Montalvo Basin of which Oxnard has a 43.5 percent entitlement (5,655 afy). Current use is approaching that entitlement. Because of the current overdraft conditions in both the Oxnard Plain aquifer and the Montalvo Basin there is no capability to increase local groundwater supplies. The City's policy is to meet future increases in needs with imported water. Total municipal use is presently 18,000 afy.

The coastal zone's existing water distribution system is adequate for both present and future needs. A 12-inch line runs as far north as McGrath State Park, and 16-inch and 12-inch lines run as far south as Ormond Beach and the city limits.

The northern agricultural lands in the Oxnard coastal zone (bounded on the north by Wooley Road, the east by Victoria Avenue, the south by Hemlock Street, and the west by Edison Canal) currently get their water from on-site wells. Although the water is hard (approximately 1,000 TDS), it is usable for both agricultural and domestic uses. Based on an average use of 2.7 afy per acre for vegetable crops in the Oxnard Plain, water use in this area is approximately 607.5 afy (225 ac x 2.7 afy). Supply is adequate to meet this demand.

Seawater intrusion has not reached this area; however, if pumping restrictions are imposed throughout the plain to control the intrusion, agricultural users may be forced to purchase water from other sources, raising costs substantially.

Agricultural lands in the Ormond Beach area are above the intruded basin and are forced to pump water from the Fox Canyon aquifer. The 90 acres in production use an average of 243 afy. Although Fox Canyon is not presently intruded, it is possible that continued unlimited extraction could lead to intrusion in the future.

Sanitary Systems

The Oxnard Wastewater Treatment Plant has a treatment capacity of 22.6 million gallons per day (mgd). At the present time, the plant is processing approximately 20 mgd. An expansion of the plant is scheduled for completion in early 1991 and will increase the plant's treatment capacity to 31.7 mgd.

Oxnard's remaining allocation of 1980 capacity (2.8 to 3.3 mgd) would be adequate to serve only that future development that occurs in the coastal zone, but it is not possible or practical to limit the allocation to just the coastal area. As a result of service limitations the Oxnard General Plan (1990 Land Use and Circulation Element) developed a phasing policy for future development. All of the coastal zone is included in Phase 1 which is defined as:

Areas designated in Phase 1 shall also be required as part of the continuation of the "round out" or "fill in" process. These areas shall be permitted to develop but will differ from Phase 1A in that where public utilities or facilities are lacking, the developer will be responsible for extending all improvements unless such improvements have been adopted in the Capital Improvements Budget.

The existing phasing policies are not specific enough to provide phasing priorities in the coastal zone. As a result these policies will be developed in the Prioritization Section of this paper.

All residential development within the coastal zone is served by the municipal sewer system. No lines run north of Fifth Street. The only lines in the Ormond Beach area run down Perkins Road to the Treatment Plant, and along Arcturus Road and part of McWane Boulevard. Developments not served by municipal lines, including the Mandalay Beach and Ormond Beach Electrical Generating Stations, are on septic systems.

Existing trunk lines and force mains in the coastal zone are adequate for both existing and projected 1990 developments. Two of the six pumping stations are inadequate for current demand and three of the six are inadequate for projected 1990 flows. Improvements and upgrading for all

five stations is proposed for the 1980 phase of implementation for the City Sewer Master Plan. When completed, the stations will all be adequate for the projected 1990 flows. A seventh pump station in the coastal zone, No. 27, was recently completed.

No new lines are proposed north of Oxnard Shores in the McGrath-Mandalay area. The 1990 implementation program (City Sewer Master Plan) does include Trunk Line BM-1 and Pump Station No. 31 in the Ormond Beach area. Construction of this project is subject to development needs in the area and is estimated to cost \$1,772,600 at the time of construction.

Local Coastal Policies

41. All new development in the coastal zone shall employ the most recent water conservation methods, including (but not limited to):
 - a. low-flow pipes and toilets;
 - b. flow restrictions on all shower heads;
 - c. underground drip irrigation systems; and
 - d. use of low-water use vegetation for landscaping.
42. Consideration of all proposed projects in the coastal zone shall include consideration of the remaining water and sewer capacities. This shall include a calculation of the proposed project's use of remaining capacity in percent. Projects shall be approved only when sufficient water and sewer services are available.
43. The City shall cooperate and coordinate with the 208 and 201 programs in designing and implementing a program to retard the seawater intrusion.
44. Based on Section 30254 of the Act and the limitation on service capacities, the following shall be the prioritization of service allocation within the coastal zone. If a use of a lower priority is approved, the finding must be made that approval does not restrict the availability of services for all higher priority uses designated on the land use plan but not yet constructed.

Priority 1

- a. Coastal-dependent industries and agriculture
- b. Essential public services
- c. Basic industries essential for the region, state, or nation

Priority II

- a. Visitor-serving commercial and recreational uses
- b. Commercial and recreational uses serving persons of low to moderate income
- c. Low to moderate cost housing

Priority III

- a. Private residential
- b. General industrial
- c. General commercial

3.5 DEVELOPMENT

Coastal Act Policies

- 30250: a. New development except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to existing developed 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 developed areas shall be permitted only where 50 percent of the usable parcels in the areas have been developed and the created parcels would be no smaller than the average size of surrounding parcels.
- b. Where feasible, new hazardous industrial development shall be located away from existing developed areas.
- c. Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated development or at selected points of attraction for visitors.
- 30252: The location and amount of new development should maintain and enhance public access to the coast by:
- a. Facilitating the provision or extension of transit service.
- b. Providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads.
- c. Providing nonautomobile circulation within the development.
- d. Providing adequate parking facilities or providing substitute means of serving the development with public transportation.
- e. Assuring the potential for public transit for high-intensity uses such as high-rise office buildings.
- f. Assuring that the recreational needs to new residents that will not overload nearby coastal recreation development areas by correlating the amount of development with local park acquisition and development plans with the provision of on-site recreational facilities to serve the new development.
- 30253: New development shall:
- a. Minimize risks to life and property in areas of high geologic, flood and fire hazard.

- b. 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 of protective devices that would substantially alter natural landforms along bluffs and cliffs.
- c. Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.
- d. Minimize energy consumption and vehicle miles traveled.
- e. Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

Local Issues

New residential and commercial development in the Oxnard coastal zone will be located in the Channel Islands Harbor and Oxnard Shores areas. Future development in the Ormond Beach area will be industrial or energy-related, as discussed in the Industrial Development section of this plan. Little new development is expected in the McGrath-Mandalay area. Expansion is planned for McGrath State Beach Park but the area will remain in recreational use.

The development of the X-Y parcels in the Channel Islands Harbor was planned in the Feasibility Study prepared by the County of Ventura, June 1977. The project includes approximately 750 berthing slips, 1,100 parking spaces, a restaurant, a community center, a yacht club, and a theme village, covering a combined area of 42.62 acres. This project completes the development of the harbor.

Existing development in the Oxnard Shores area of the city's coastal zone is predominately residential. Two neighborhoods make up this section: the Oxnard Shores Neighborhood west of Harbor Boulevard, and the Channel Islands Neighborhood, which includes the Inland Waterway. Both are presently partially developed and have room for infill development. In addition to the existing development, approximately 475 acres of the Oxnard Shores area are in large, undeveloped areas. Of these, 250 acres are presently in agricultural use.

It is possible to calculate full buildout for the coastal zone based on the existing and proposed densities. The Oxnard Shores section of the coastal zone, when fully developed, can include approximately 4,119 dwelling units. The majority of these units are either presently existing or will be built as infill development in the neighborhoods. The two large areas designated for planned development have the potential of approximately 1,000 units.

As discussed in Chapter 2, the Land Use Map designates uses for these areas. The policies in this section are designed to further define the designations.

Local Coastal Policies

45. The Mandalay Bay project site, a 220-acre property located north of Hemlock Street, south of Wooley Road, and between the Edison Canal and Victoria Avenue, has been designated Planned Development. The purpose of the designation is to ensure the well-planned development of this large area which is proposed for water-oriented development. The following policies apply specifically to this development area:

- a. The entire site shall be planned as a unit. A specific plan showing the ultimate development of the site shall be required prior to any project or subdivision approval.
- b. Overall densities shall not exceed those established in the land use plan. The site design shall include expansions of the existing Inland Water/Edison Canal system. Residences, both single-family or multiple units, shall be oriented to the waterway, and private docking facilities may be provided. Public vertical access to the waterway shall be required; the combined public vertical access frontage on the water shall not be less than 10 percent of the development's total linear waterfront footage, unless adequate access is provided nearby and shall be included in the specific plan. The lateral access requirement shall be a minimum of 50 percent of the total linear frontage and shall be dedicated and available for public access. Exceptions to continuous lateral public access shall be allowed only for limited single-family waterfront home development where adequate alternative access exists nearby. All public accessways and facilities shall be provided in accordance with Policy 72. Recreational areas shall be distributed throughout the project with pedestrian and bicycle linkages between pocket parks, play areas, overlooks and other small-scale public areas offering the public and residents of the project recreational opportunities. No project on this site shall be approved without concurrent approval of all components of the "prime agricultural land maintenance program."

(Please refer to Policy 5 of this Plan)

- c. Common (nonpublic) open space shall be required for all multiple-family or attached units and shall include, but is not limited to, recreational facilities intended for the residents' use, including swimming pools, tennis courts, playgrounds, community gardens, or common landscaped areas. Streets, driveways and parking lots shall not be considered as a common open space.
- d. Public open space shall include, but is not limited to, public parks other than identified neighborhood and community parks, beaches, parking lots for public use and access corridors, including pedestrian paths and bikeways. Streets, property for private use, sensitive habitat areas and other nonusable areas shall not be considered as public open space.
- e. At least 20 percent of the net area of the site shall be designated for common open space for multiple-family or attached-unit developments unless adequate facilities are provided nearby. Not less than 20 percent of the net area of the site for all areas designated Planned Development on the land use map shall be public open space, unless adequate open space is provided nearby. Areas designated by the LCP as neighborhood or community parks shall

not be included in the site area and may not be counted towards the required percentage of public open space. The area of the waterway may be included in the tabulations.

f. Land uses shall consist of a mix of visitor-serving commercial, residential and public recreational areas oriented to an expansion of the existing Inland Waterway. The visitor-serving commercial, public recreation and open water shall comprise at least 50 percent of the overall project area. At least 12.5 percent of the total project area shall be public recreation areas and at least 12.5 percent of the total project area shall be visitor-serving commercial. Water area shall comprise the remaining 50 percent of the visitor-serving commercial and public recreation area.

- Total Project Site: 220 acres (100 percent)
- Area required for visitor-serving commercial, public recreation and open water: 110 acres (50 percent)
- Area for residential development: 110 acres (50 percent)

BREAKDOWN OF PUBLIC AND VISITOR SERVING AREAS

<u>Element</u>	<u>Minimum Acreage</u>	<u>Percent Of Public Area</u>	<u>Percent of Total Project</u>
Visitor-serving Commercial Public Recreation and Open Water	110.0	100	50.0
a. Visitor-serving Commercial	27.5	25	12.5
b. Public Recreation	27.5*	25	12.5
c. Open Water**	55.0	50	25.0

g. The development of an open body of water shall be an integral part of this land use designation. The development of this water area, however, may only proceed consistent with the other policies of this plan. A public launching ramp and boat docks for day use will also be provided. Fifty percent of the docking facilities provided in the project other than those provided with single-family residences shall be available for use by people not residing within the project. Full and unimpaired public access to and use of all open water areas, consistent with security and safety requirements, shall be assured. The location of and design of all development shall provide for public access and use of the project's water and immediate shore area.

*Must all be on land

** Up to 10 percent of open water may be devoted to public marinas or boat slips available to the public

h. The project design shall also provide for significant buffer areas within the project, not including active public or visitor-serving uses, which will effectively protect all adjacent agricultural land uses from conflicts with urban uses and activities.

i. For all PUD project, the following requirements are imposed:

- 1) A program of signing shall be developed and implemented to inform and direct the public as to the access and recreational opportunities, and the public obligations and constraints. Public recreational areas shall be located and designed to provide for ready access and identification by the public.
- 2) All public areas shall be offered for dedication for public use prior to issuance of a permit for development.
- 3) Public improvements required of a development shall be developed concurrently and shall be completed prior to completion of the final project phase.

46. Areas designated for visitor-serving commercial uses shall be planned and designed to maximize aesthetics, have a common theme and blend with surrounding uses. Permitted uses include motels, hotels, restaurants and visitor-oriented retail commercial. Where designated, neighborhood convenience commercial may also be permitted, provided that the commercial uses remain predominantly visitor-oriented.

47. The Ventura County Air Quality Management Plan (AQMP) is incorporated into the LCP by reference. All new development located within the coastal zone shall occur in a manner consistent with the AQMP.

48. Avoidance is the preferred mitigation in all cases where a proposed project would intrude on the known location of a cultural resource. Therefore, proposed project areas should be surveyed by a qualified archaeologist and resulting findings taken into account prior to issuing discretionary entitlements.

Should any object of potential cultural significance be encountered during construction, a qualified cultural resources consultant shall be contacted to evaluate the find and recommend any further mitigation needed. All potential impacts shall be mitigated to the maximum extent feasible.

Any unavoidable buried sites discovered during construction shall be excavated by a qualified archaeologist with an acceptable research design. During such site excavation, a qualified representative of the local descendants of the Chumash Indians shall be employed to assist in the study, to ensure the proper handling of cultural materials and the proper curation or reburial of finds of religious importance or sacred meaning.

49. The Colony, a 115-acre planned development site located between Harbor Boulevard and the Pacific Ocean, north of Channel Islands Boulevard and south of Falkirk Avenue, is a recognizable residential and resort facility. Public access to the beach is provided by means of a promenade and bike path which extends along the entire length of the overall development.

The site consists of residential areas, hotel and public beach with public parking facilities provided.

- a. Retain a public beach of 36 acres along the westerly ocean frontage.
- b. Maintain the 45 acres of residential uses within the site having a net density of 9.5 to 11.1 dwelling units per acre.
- c. Retain the public linear pedestrian and bike path as located along the south property line for the length of the site at a width no less than 30 feet to provide public access and view to the ocean.
- d. Adequate public parking facilities have been provided and are to be maintained as such. Development shall not interfere with the public's right of access to these parking facilities.
- e. The Visitor-serving Commercial hotel facilities shall be maintained as a hotel facility and is not to be converted to permanent residential uses.
- f. The development is to remain consistent with the specific plan and coastal development permit as adopted.

3.6 INDUSTRIAL AND ENERGY DEVELOPMENT

Coastal Act Policies

30250(b): Where feasible, new hazardous industrial development shall be located away from existing developed areas.

30260: Coastal-dependent industrial facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth where consistent with this division; however, where new or expanded coastal-dependent industrial facilities cannot feasibly be accommodated consistent with other policies of this division, they may nonetheless be permitted in accordance with this section and Sections 30261 and 30262 if:

1. Alternative locations are infeasible or more environmentally damaging;
2. To do otherwise would adversely affect the public welfare; and
3. Adverse environmental effects are mitigated to the maximum extent feasible.

30261: (a) Multi-company use of existing and new tanker facilities shall be encouraged to the maximum extent feasible and legally permissible, except where to do so would result in increased tanker operations and associated onshore development incompatible with the land use and environmental goals for the area. New tanker terminals outside of existing terminal areas shall be situated as to avoid risk to environmentally sensitive areas and shall use a monobuoy system, unless an alternative type of system can be shown to be environmentally preferable for a specific site. Tanker facilities shall be designed to:

- (1) Minimize the total volume of oil spilled.
- (2) Minimize the risk of collision from the movement of other vessels.
- (3) Have ready access to the most effective feasible containment and recovery equipment for oil spills.
- (4) Have onshore deballasting facilities to receive any fouled ballast water from tankers where operationally or legally required.

30262: Oil and gas development shall be permitted in accordance with Section 30260, if the following conditions are met:

- a. The development is performed safely and consistent with the geologic conditions of the well site.
- b. New or expanded facilities related to such development are consolidated to the maximum extent feasible and legally permissible, unless consolidation will have

adverse environmental consequences and will not significantly reduce the number of producing wells, support facilities, or sites required to produce the reservoir economically and with minimal environmental impacts.

- c. Environmentally safe and feasible subsea completions are used when drilling platforms or islands would substantially degrade coastal visual qualities unless use of such structures will result in substantially less environmental risks.
- d. Platforms or islands will not be sited where a substantial hazard to vessel traffic might result from the facility or related operations, determined in consultation with the United States Coast Guard and the Army Corps of Engineers.
- e. Such development will not cause or contribute to subsidence hazards unless it is determined that adequate measures will be undertaken to prevent damage from such substance.
- f. With respect to new facilities, all oilfield brines are reinjected into oil-producing zones unless the Division of Oil and Gas of the Department of Conservation determines to do so would adversely affect production of the reservoirs and unless injection into other subsurface zones will reduce environmental risks. Exceptions to reinjections will be granted consistent with the Ocean Waters Discharge Plan of the State Water Resources Control Board and where adequate provision is made for the elimination of petroleum odors and water-quality problems.

Where appropriate, monitoring programs to record land surface and near-shore ocean floor movements shall be initiated in locations of new large-scale fluid extraction on land or near shore before operations being and shall continue until surface conditions have stabilized. Costs of monitoring and mitigation programs shall be borne by liquid and gas extraction operators.

- 30263: (A) New or expanded refineries or petrochemical facilities not otherwise consistent with the provisions of this division shall be permitted if:
- (1) Alternate locations are not feasible or are more environmentally damaging.
 - (2) Adverse environmental effects are mitigated to the maximum extent feasible.
 - (3) It is found that not permitting such development would adversely affect the public welfare.
 - (4) The facility is not located in a highly scenic or seismically hazardous area on any of the Channel Islands or within or contiguous to environmentally sensitive areas.

(5) The facility is sited so as to provide a sufficient buffer area to minimize adverse impacts on surrounding property.

(B) In addition to meeting all applicable air quality standards, new or expanded refineries or petrochemical facilities shall be permitted in areas designated as air quality maintenance areas by the State Air Resources Board and in areas where coastal resources would be adversely affected only if the negative impacts of the project upon air quality are offset by reductions in gaseous emissions in the area by the users of the fuels or, in the case of an expansion of an existing site, total site emission levels and site levels for each emission type for which national or state ambient air quality standards have been established do not increase.

(C) New or expanded refineries or petrochemical facilities shall minimize the need for once-through cooling air by using air cooling to the maximum extent feasible and by using treated wastewaters from inplant processes where feasible.

30264: Notwithstanding any other provision of this division, except subdivisions (b) and (c) of Section 30413, new or expanded thermal electric generating plants may be constructed in the coastal zone if the proposed coastal site has been determined by the State Energy Resources Conservation and Development Commission to have greater relative merit pursuant to the provisions of Section 25516.1 than available alternative sites and related facilities for an applicant's service area which have been determined to be acceptable pursuant to the provisions of Section 25516.

Local Issues

Industrial and energy development in the Oxnard Coastal Zone is concentrated in two areas: the Channel Islands Harbor and the Ormond Beach area. Approximately 115 acres south of McGrath State Beach are also zoned EC (Coastal Energy Facilities). The land is owned by Southern California Edison, and is the site for the Mandalay Beach Generating Station and accessory uses. It also includes the site of the Union Oil separating facility.

The industrial areas adjacent to the Channel Islands Harbor are zoned CDI (Coastal-dependent Industrial). Located on the east side of the Harbor, the uses are boat construction, repair, service and storage, and therefore, are coastal-dependent. Table 1 shows acreage by land use type.

TABLE 1: CHANNEL ISLANDS HARBOR LAND USES

<u>Use</u>	<u>Acres</u>
Boat Repair	7.04
Boat Storage	2.00
Launch Ramp	0.30
Maintenance Yard	0.66

The majority of the coastal zone at Ormond Beach is zoned CDI (Coastal-dependent Industrial). The General Plan Land Use Element designates all nonhabitat or beach areas east of the Halaco facility and south of McWane Boulevard as "Public Utility," a designation which is not yet defined by ordinance. The remainder of the area is designated for heavy industry, except for the Wastewater Treatment Plant, which is also designated Public Utility. Existing development is industrial. Undeveloped areas are used for agriculture, left vacant, or are unimproved wetlands. Table 2 gives the approximate total area of each type of use.

TABLE 2: ORMOND BEACH LAND USES

<u>Use</u>	<u>Approximate Acreage</u>
Industrial Development	336
Agriculture	90
Wetlands	131
Vacant	134

An undeveloped subdivision is located along the beach at Ormond Beach. This 70-acre subdivision was recorded in 1938, but before any development could take place, severe beach erosion put the subdivision under water. Recently, the beach sand has been replenished due to sand bypass and dredging of the Channel Islands Harbor and the area is now dry sandy beach.

Ten of the 70 acres (about 60 lots) remain in private ownership. The City owns 58 acres primarily either street rights-of-way or lots acquired through delinquent taxes. The State owns two acres (12 lots) also acquired through delinquent taxes. All of the lots are zoned RC (Coastal Recreation), and the General Plan designates the area for recreation.

Southern California Edison operates two electrical generating plants in the City of Oxnard's coastal zone, Mandalay Beach Generating Station and Ormond Beach Generating Station. Both facilities are conventional and oil-gas fuel plants, and supply electrical power to Ventura County and other surrounding counties.

The Mandalay station, the smaller of the two, is a two-unit and one-peaking unit facility, with a peaking capacity of 510 MW. Two units are oil-gas field, rated at 215 MW each and began operation in 1959. In 1969, the peaking unit was added. It has a rating of 110 MW, and uses distillate fuel. Fuel oil for the Mandalay station is supplied by tankers, which offload approximately 3,000 feet offshore. The monobuoy is connected to the facility by a 24-inch pipeline. This line's estimated annual throughput is 3.23 million barrels. On-site oil storage capacity is 315,000 barrels. There are no urban uses neighboring the Mandalay facility. The newly acquired but as yet undeveloped 90-acre City/County Park is located directly to the south, and McGrath State Beach Park is to the north. The ocean is to the west of the site, and on the east of Edison's property is agricultural land, under County jurisdiction.

The Ormond Beach Generating Station is a two-unit plant with a combined capacity of 1,500 MW. Although each unit has a capacity of 750 MW, No. 1 is restricted to 680 MW and No. 2 is restricted to 700 MW in order to meet APCD nitrous oxides emissions standards. Fuel supplies are

offloaded by marine tanker in Port Hueneme, then piped to the plant. Currently, three million barrels can be stored on-site. Like the Mandalay plant, there is no residential use near the Ormond plant; however, there are nearby, but not adjacent, industrial uses. Immediately surrounding the plant are wetlands to the east and west, agriculture to the north and the ocean to the south.

The only known oil and gas field in the Oxnard coastal zone is the West Montalvo Field. Located in the northernmost section of the coastal zone, only a portion of the field is within Oxnard's City boundaries. It also extends into lands under County jurisdiction and offshore. The northern section of the field (within County jurisdiction) includes a producing gas zone. Table 3 gives production of oil and gas in the Montalvo Field for the years 1976, 1977 and 1978. It is not possible to break the figures into City and County areas, so they reflect production from the entire field.

Map 8 shows the established oil and gas drilling districts and well sites. The two drill sites in McGrath State Park are unimproved. The other sites are improved as indicated on the map.

TABLE 3: OIL AND GAS PRODUCTION
WEST MONTALVO FIELD

<u>Year</u>	<u>Oil (bbl) Onshore</u>	<u>Net Gas (mcf) Onshore</u>	<u>Oil (bbl) Offshore</u>	<u>Net Gas (mcf) Offshore</u>	<u>Gas Zone: Net Gas (mcf)</u>
1976	507,490	1,204,915	87,387	0	1,263,498
1977*	452,000	1,160,000	48,800	14,000	1,250,000
1978*	236,000	779,000	39,000	0	936,000

*1977 and 1978 figures are from California Division of Oil and Gas Preliminary Reports and reflect estimates based on nine months of production data.

Union Oil has located a separating facility adjacent to the Mandalay Beach Generating Station in what is currently Mandalay Beach Park. As part of the EIR process, two other sites located in the City of Oxnard were evaluated; east of Harbor Boulevard at Mandalay, on property currently owned by the Edison Company, and at Ormond Beach. The least environmentally damaging site was identified by the EIR.

Local Coastal Policies

50. Coastal-dependent uses (as defined in Section 30101 of the Coastal Act) shall be a priority in all areas designated Industrial. Coastal-dependent industrial uses shall be permitted in all areas designated as Industrial. Because of the industrial area's proximity to populated areas, and the potential for heavy recreational use of the Channel Islands Harbor and the Ormond Beach areas, new or expanded hazardous industries, or industries producing toxic wastes, shall not be permitted.



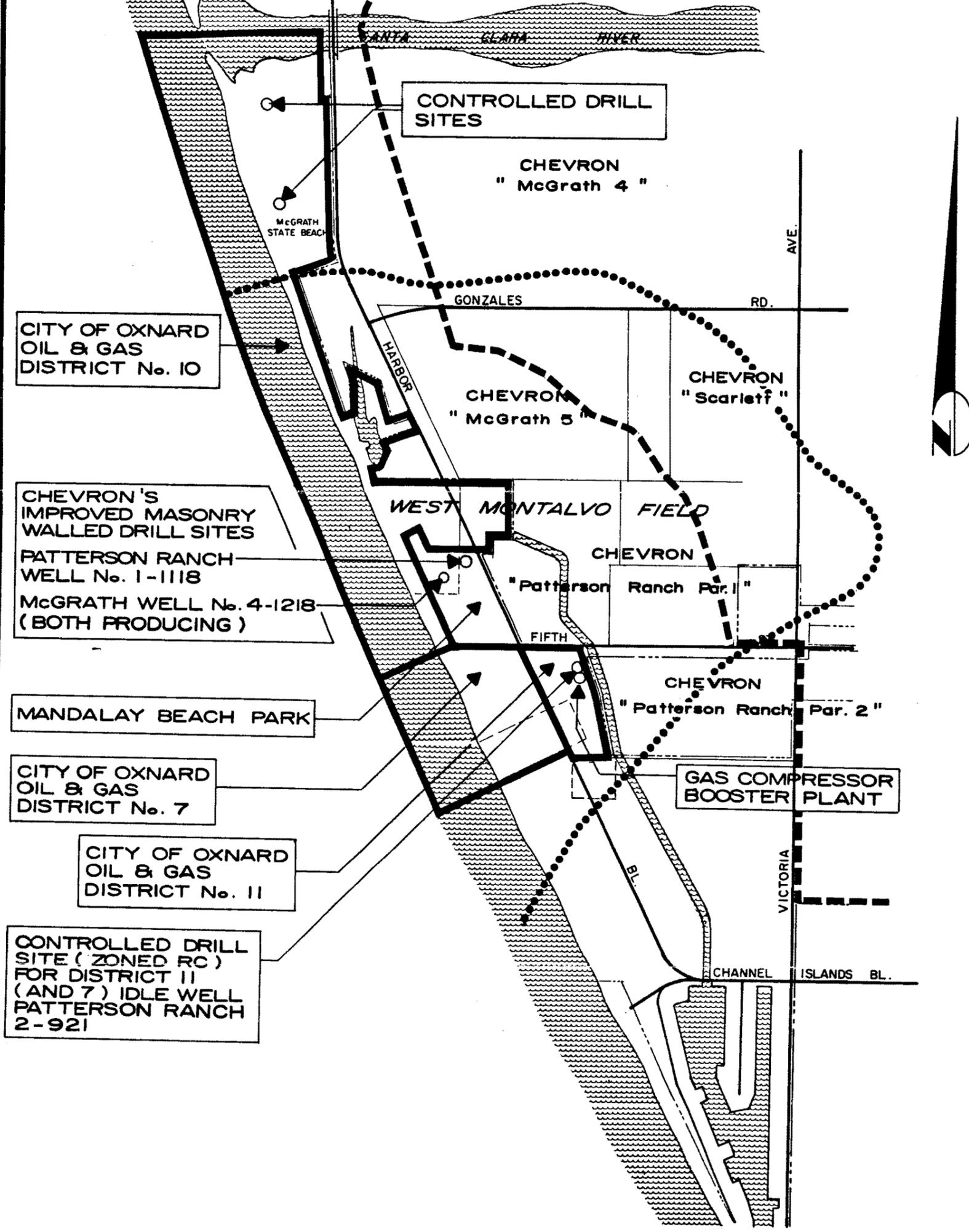
MAP NO. 8



- - - - COASTAL ZONE BOUNDARY
 ——— OIL LEASE BOUNDARY
 OIL FIELD BOUNDARY AS ESTABLISHED BY DIV. OF OIL & GAS, STATE OF CALIF.

FIGURE II - 3 .
COASTAL ONSHORE OIL AND GAS LEASES AND SEPARATION / TREATMENT FACILITIES

NOTE :
ALL DISTRICTS SHOWN HEREON ARE CHEVRON'S "DRILLING DISTRICTS."
ALL FACILITIES SHOWN ARE CHEVRON'S



CITY OF OXNARD OIL & GAS DISTRICT No. 10

CHEVRON'S IMPROVED MASONRY WALLED DRILL SITES
PATTERSON RANCH WELL No. 1-1118
McGRATH WELL No. 4-1218 (BOTH PRODUCING)

MANDALAY BEACH PARK

CITY OF OXNARD OIL & GAS DISTRICT No. 7

CITY OF OXNARD OIL & GAS DISTRICT No. 11

CONTROLLED DRILL SITE (ZONED RC) FOR DISTRICT 11 (AND 7) IDLE WELL PATTERSON RANCH 2-921

51. All new industrial and energy-related development shall conform to the air quality regulations set by the Ventura County Air Pollution Control District, the Air Quality Management Plan and New Source Review Rule 26.
52. Industrial and energy-related development shall not be located in coastal resource areas, including sensitive habitats, recreational areas and archaeological sites. All development adjacent to these resource areas or agricultural areas shall be designed to mitigate any adverse impacts. All new industrial development shall be designed and screened to minimize aesthetic impacts. Screening shall be primarily vegetative.
53. All industrial development located in the Channel Islands Harbor shall be related to either the harbor, boating, or commercial fishing.
54. All new industrial and energy-related development shall be located and designed to minimize adverse effects upon public access to the beach. Where appropriate, an access dedication shall be a condition of approval.
55. Residential and visitor-serving commercial uses shall not be considered compatible with industrial and energy facility zoning as neighboring uses or zoning designations.
56. No industrial or energy-related development shall be located seaward of the 100-year flood/wave run-up line as designated by the U.S. Department of Housing Insurance Program Administration and the Land Use Map.
57. If it is not possible to reroute pipelines around coastal resource areas, including habitat, recreational and archaeological areas, they shall be permitted to cross the areas with the following conditions:
 1. Pipeline segments shall, in case of a break, be isolated by automatic shut-off valves or with other safety techniques approved by the City. If the City determines it is necessary, the valves may be located at intervals less than the maximum required by the Department of Transportation.
 2. Any routing through resource areas shall be designed to minimize the impacts of a spill, should it occur, by considering spill volumes, durations and trajectories. Plans for appropriate measures for cleanup shall be submitted with permit applications for all pipeline project proposals.
 3. Except for pipelines exempted from coastal development permits under Sections 30610(c) and (e) of the Coastal Act as defined by the State Coastal Commission's Interpretive Guidelines, a survey shall be conducted along the route of any proposed new pipeline in the coastal zone to determine what, if any, coastal resources may be impacted by construction and operation of the proposed pipeline. The costs of this survey shall be borne by the applicant. This survey may be conducted as a part of environmental review if an EIR is required.

4. The survey shall be conducted by a consultant selected jointly by the applicant, the City and the Department of Fish and Game. If it is determined that the area to be disturbed will not revegetate naturally or sufficiently quickly to avoid erosion or other damage, the applicant shall submit a revegetation plan. The plan shall also include provisions for restoration of any habitats disturbed by construction or operation of the proposed pipeline.
 5. For projects where a revegetation plan and/or habitat restoration plan has been required, the area crossed by the pipeline shall be resurveyed one year after the completion of construction to determine the effectiveness of the plan. This survey shall continue on an annual basis to monitor progress in returning the site to preconstruction conditions until the City has determined that the vegetation restoration is complete.
 6. The City shall require the posting of a performance bond by the applicant to ensure compliance with these provisions.
 7. Herbicides shall not be used during pipeline construction. The sidecasting of soil may be restricted where the City deems necessary by removal of excess soil to an approved dumping site after the excavation has been backfilled and compacted. The City may require that the trenches be filled by replacing the soil horizons in sequence.
58. The Coastal Act's definition of "development" (Section 30106) shall be used to determine what operations will require a coastal development permit.
59. Oil and gas production activities shall be conditionally permitted uses in areas designated as an "Oil/Gas Drilling District." This designation shall only be applied to existing known fields, as designated by the California Division of Oil and Gas, and shall not be applied in residential or environmentally sensitive habitat areas.

In the event that oil and/or gas are believed to be present in an area not presently designated for oil and gas production activities, an amendment to the Land Use Plan and rezoning of the affected property will be required prior to commencing production activities.

60. Oil and gas production activities shall require a special use permit in areas designated for recreational use. Expansion of existing oil and gas production facilities in recreational areas shall also require a special use permit.
61. A plan prepared by the applicant for the specific lease area shall accompany all applications for a coastal permit for oil and gas wells. The plan shall be either an exploratory plan for an exploratory well or a development plan for development wells. Both types of plans shall address the same issues, but the exploratory plan can be less detailed. The following shall be included:
1. The location of existing and proposed facilities, including drilling and production sites, storage tanks, pipelines, access roads and other structures.
 2. The location of all natural features, including habitats, prime agricultural land, recreational areas, scenic resources, archaeological sites and geologic hazards within 1000 feet of the well(s).

3. Measures to eliminate or substantially mitigate all adverse impacts on the area's resources due to siting, construction or operation.
4. Grading plans.
5. Methods of disposal of all wastes.
6. Methods of transporting all produced oil and gas off-site.
7. A risk management plan, including oil spill prevention measures, contingency plans and fire protection plans.
8. A development time table.
9. Plans for the maximum feasible consolidation of facilities, both for a single operator and with other operators.

Upon completion of production, the oil and gas production facility area shall be returned, as much as is possible, to either its natural state or to be in conformance with the surrounding topography and uses by contouring, seeding and landscaping.

62. Although authority for new power plant siting rests with the California Energy Commission and the City has expressed opposition to a new power plant in the City, if a new plant is to be sited in the Ormond Beach area, the City shall encourage the use of the land immediately adjacent to the existing Ormond Beach station.
63. Except for oil and gas wells and accessory structures, all energy facilities proposed for the coastal zone shall be permitted uses only in the areas designated "Energy Development Areas" on the land use map. The concentration of these uses in the industrial development in the Ormond Beach area is in conformance with coastal policies requiring the concentration of development and facility consolidation (Sections 30260 and 30261).
64. It shall be a condition of approval that, wherever possible, wastewater from any industrial or energy-related facility be treated as necessary and put to reuse including, but not limited to, the following: the reinjection into the aquifer or groundwater recharge system, recycling for industrial use, agricultural use, or urban services.
65. All oil and gas processing and shipping facilities shall be consolidated to the maximum extent feasible, as determined by the City, by multi-company use or development of facilities.
66. Pipelines shall be used to transport all petroleum products produced in the City's coastal zone to other areas for further processing. Existing pipelines shall be used, including multi-company use, wherever possible.

3.7 COASTAL ACCESS AND RECREATION

3.7.1 ACCESS AND RECREATION

Coastal Act Policies

30210: In carrying out the requirement of Section 2 of Article XV of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities, shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

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.

30212: Public access from the nearest public roadway to the shoreline and 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.

Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 2 of Article XV of the California Constitution.

30212.5: Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

30220: Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

30221: Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

30222: The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

30223: Upland areas necessary to support coastal recreational uses shall be reserved for such uses where feasible.

Local Issues

Oxnard's coastal zone includes substantial opportunities for public access to the ocean and related recreational uses. Broad sandy beaches, a harbor, the Inland Waterway and the Edison Canal provide the resources for a variety of coastal recreational activities.

Summary of Existing Access

Oxnard's beaches constitute a major undeveloped recreational resource of local and State-wide significance. Approximately 410 acres and 45,200 feet of shoreline have been identified as major beach or recreational areas. Of this total, 35,050 feet of shoreline and 300 acres are within the city's jurisdiction.

There are seven beach areas in the Oxnard coastal zone; five in the city and two in the county. Public use of these beaches is limited due to the present lack of access and parking.

TABLE 9
BEACHES

<u>Name</u>	<u>Beach Frontage (In Feet)</u>	<u>Dry Sandy Area (In Acres)</u>
McGrath State Park	10,800	60
Mandalay Beach Park	2,800	10
Oxnard Shores	5,400	10
Mandalay Beach	3,400	20
Hollywood Beach (County)	6,800	60
Silver Strand (County)	4,600	40
Ormond Beach	11,400	210

State-wide and regional access to the Oxnard area is presently provided by State Route 101 (Ventura Freeway) and State Route 1.

McGrath-Mandalay Area

There is substantial potential for public access available in the McGrath area of the City's coastal zone. All but 1,800 feet of beach frontage from the Santa Clara River southerly to Fifth Street are public lands in the McGrath State Park and the Mandalay Beach City/County Park. The Southern California Edison Mandalay Beach electrical generating plant occupies 1,800 feet of ocean frontage between McGrath State Park and Mandalay Beach City/County Park. The plant's ocean outfall is located in the middle of this frontage, which physically restricts lateral access. There is an existing 80-foot partially improved right-of-way for Mandalay Beach Road across the property. However,

no agreement has even been made concerning the exact nature of public rights to the beach. Substantial historic public use may indicate that public prescriptive rights exist for this beach.

The adopted Scenic Highways Element proposes a scenic route from Fifth Street to Gonzales Road, which would conflict with the State Parks Plan and the sensitive habitat surrounding McGrath Lake. While such a route would increase public access to the coastal resources, impacts on the surrounding environs may conflict with other issues identified in the Coastal Act.

Bicycle access in the McGrath area exists along Harbor Boulevard, which is seriously restricted by two narrow bridges crossing the Santa Clara River and Edison Canal. Bicycles now share a narrow two-lane roadway with cars and trucks traveling at 55 mph creating a dangerous condition to bicyclists.

The State Park Master Plan for the McGrath State Park area proposed a bike path along the ocean from Fifth Street to Gonzales Road and Harbor Boulevard, which will provide substantial beach access for bicyclists. Day-use facilities are currently limited in the area, but the expansion plans for McGrath State Beach Park and the improvement plans for Mandalay Beach Park include the provision of new day-use facilities and parking. McGrath State Beach Park provides the only overnight camping facilities now available in the Oxnard coastal zone. The park presently has 174 campsites and, during much of the summer, is at capacity. The proposed expansion at McGrath would add 68 overnight campsites, for a total of 242. In addition to the overnight camping, there is a temporary bicycle camp at McGrath. The park master plan includes a permanent, 10-unit bicycle/hiking campground to replace the temporary area. Camping facilities are also proposed for the currently unimproved Mandalay Beach City/County Park, located at Fifth Street and Harbor Boulevard.

Oxnard Shores

The majority of the oceanfront property in the Oxnard Shores Neighborhood is privately owned. Four lots, formerly owned by the Oxnard Shores Community Association, were dedicated to the City in 1978. Portions of the beachfront property are subject to periodic flooding. This flooding primarily occurs in response to major offshore storms, which would limit access at those times.

There are 124 subdivided oceanfront lots from Fifth Street south to Amalfi Way. Twenty-seven of these are developed, 26 with single-family units and one with a triplex. Most of the units are built on pilings or have heavy rock revetments for protection from wave run-up and beach erosion. Clearly, these few scattered dwellings do not block access to the beach. If full buildout of all 124 lots occurs, access would be restricted to the four dedicated 10-foot walkways to the beach. Lateral access along the beach is presently interrupted at high tides by the existing revetments. Future development requiring protective structures would further obstruct lateral access. All future beachfront residences are required to be constructed on pilings ensuring uninterrupted lateral access along the beachfront except for those locations where there are existing rock revetments.

Some of the 97 vacant beachfront lots are presently used for public access to the beach. From 1972 to 1974, some of these lots were posted "No Trespassing" and were patrolled by a guard. No one other than Oxnard Shores residents were permitted to use the beach at those posted lots.

Presently, these lots are not patrolled or fenced. Prescriptive rights prior to 1972 have not been established for the entire beachfront area by a court of law.

In 1985 development of an approximate 10-acre site between Amalfi Way and Beach Way west of Mandalay Beach Road was approved, which created 14 single-family R-B-1 (Residential Beach) zone lots and approximately 7.5 acres of beachfront open space for public use. Two 20-foot-wide public access/view corridors were also required.

The Mandalay Beach Associates property, known as "The Colony," a 115-acre planned development site located between Harbor Boulevard and the Pacific Ocean, north of Channel Islands Boulevard, and south of Falkirk Avenue, is a recognizable residential and resort facility. Public access to the 36-acre public beach is provided by means of a promenade and bike path which extends along the entire length of the overall development.

Parking is a constraint to visitor beach access in the Oxnard Shores Neighborhood. Inadequate off-street parking for area residents forces their use of on-street parking, which in turn limits the amount of on-street parking available to beach-goers. As the remaining undeveloped lots through the neighborhood are developed, the parking problem will worsen. The development proposal for the 115-acre parcel south of the Oxnard Shores Neighborhood includes plans for 300 public parking spaces to help alleviate this problem. The Parking Ordinance established in 1984 provides that all single-family dwellings must have a two-car garage. Multi-family dwellings with two or more bedrooms are also required to have two-car garages. There must be a minimum of 20 feet to the garage door which allows parking of additional vehicles within the driveway thereby reducing the need for on-street parking by residents which increases the number of on-street parking available to beach-goers. The Oxnard State Beach Park at Oxnard Shores was approved in 1986 and will accommodate approximately 563 public parking spaces which will further help improve parking conditions for visitor beach access.

Access into the Oxnard Shores area from the rest of the City is provided by four major thoroughfares: Harbor Boulevard, Fifth Street, Channel Islands Boulevard and Wooley Road. At the present time, Wooley Road stops at the eastern edge of the Edison Canal, but a linking bridge and street improvements to Harbor Boulevard are currently under construction.

Channel Islands Harbor

The Channel Islands Harbor is a major access point. Boat slips are available for rental, and small waterfront parks with a combined acreage of 4.46 provide harbor access and an opportunity for the public to enjoy the area. Development of the former "X-Y parcels," when completed, will provide additional opportunities for public access, including 681 boat slips, 1,100 automobile parking spaces, four public rest rooms, a promenade and bikeway, a yacht club, and a marine regional community center. With the completion of this project, the Harbor will be fully developed and will provide a variety of access opportunities.

Ormond Beach

Although the sandy area at Ormond Beach is wide and suitable for many recreational activities, it is not being fully utilized because of the lack of access and parking in the area.

Access to the beach is through either Perkins or Arnold Roads. Perkins Road is primarily an industrial road, serving the industries in the area. Limited off-street parking is provided for beach users at the terminus of both Perkins and Arnold Roads. Arnold Road, now used for agricultural access, dead-ends at the beach. During periods of wet weather, poor drainage causes substantial puddling at the end of Perkins Road.

A new scenic route is proposed for this area in the Scenic Highways Element of the General Plan, from Perkins Road to Arnold Road. This proposed route would increase access but would impact the area's habitats.

A subdivision along the shore at Ormond Beach was recorded in 1938. No development has ever occurred there due in part to beach erosion which put the subdivision under water. Recently, the beach has built up again and the subdivided property is now dry sandy beach.

Both the City and the State have acquired lots in this area through nonpayment of taxes. At the present time, 10 acres (60 lots) of a total of 70 acres remain in private ownership. The State owns two acres (12 lots) and the rest of the subdivision, including street rights-of-way, is owned by the City. All lots in the subdivision have been used equally by the public, and no attempt has been made to restrict use of this subdivision.

Transit Services

Public transit service in the City is provided by South Coast Area Transit (SCAT) a regional transit district. Service is provided on weekdays and, on some routes, on the weekend. There is no night service.

Only two existing routes approach the Oxnard coastal zone. Route 9, Pleasant Valley-Beach, provides service from the downtown area to Victoria Avenue via Hemlock serving the Harbor area. Route 10, Port Hueneme-Village, turns at the intersection of Perkins and Hueneme Roads. From there it is possible to walk down Perkins to the beach, although it is a fairly long walk.

Transit service had been provided to the Oxnard Shores and Hollywood by the Sea areas, but was cancelled due to low ridership.

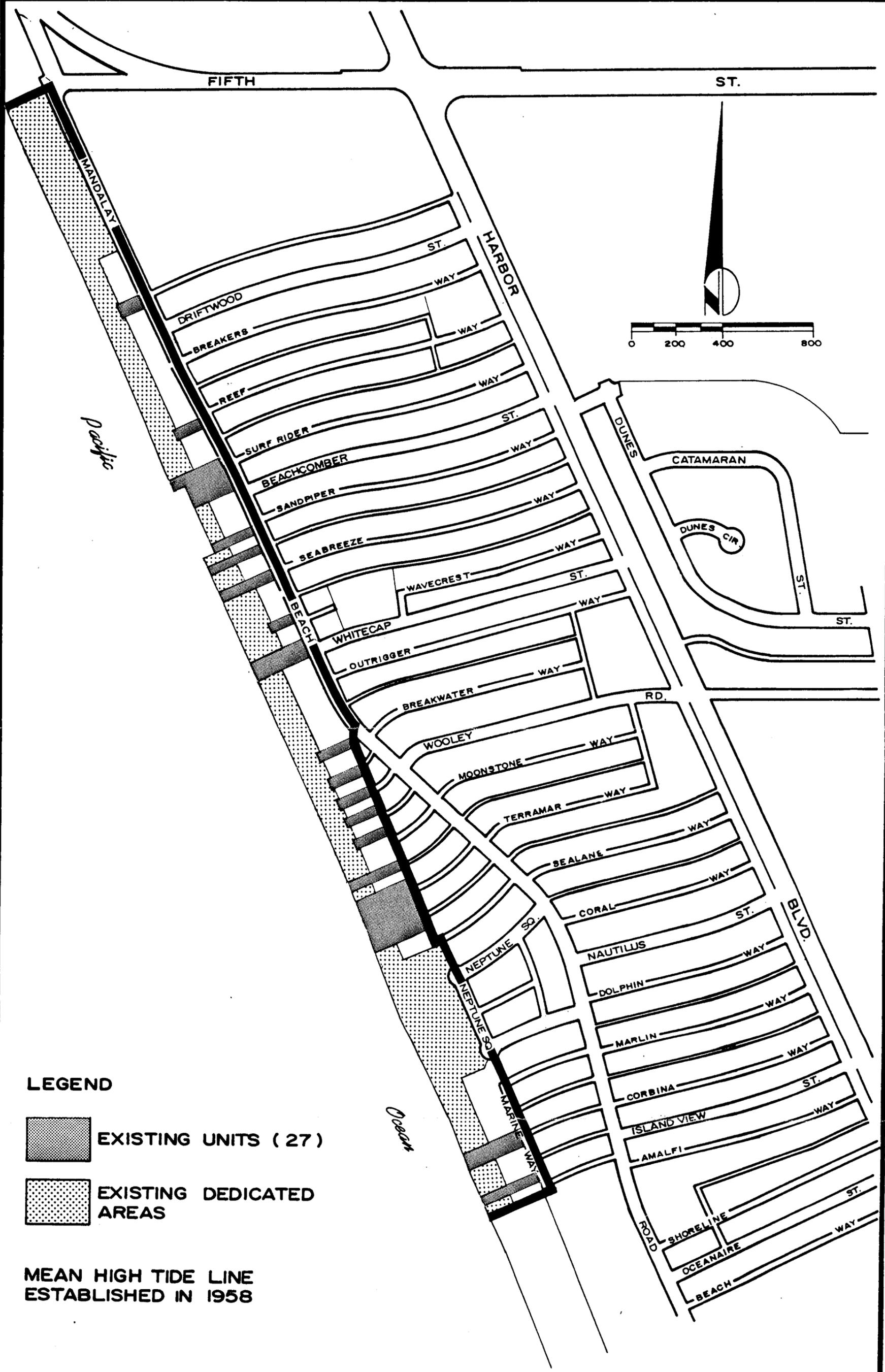
SCAT does not have any plans to either increase or decrease service on Routes 9 and 10 at this time. New routes, or expansions of existing routes, can be requested of SCAT by the City Council (possibly as a result of citizen demand). In requesting a new route, the City commits itself to subsidizing that route with Local Transportation Fund (LTF) money provided by the State. These funds, derived from the State sales tax, are allocated by the City to support both SCAT and road maintenance and construction. In Fiscal Year 1979-80, SCAT received 38 percent of the City's LTF money, or \$397,665.

The remainder of SCAT's budget comes from similar contributions from other local governments in the service area, a federal subsidy that matches the State's (the LTF funds are State money funneled through local government) and fares. As a result of recent State legislation, SCAT must meet 23 percent of its costs through fares. This requirement makes only well-used routes feasible.

MAP NO. 9

MAP NO. 10

III-51



LEGEND

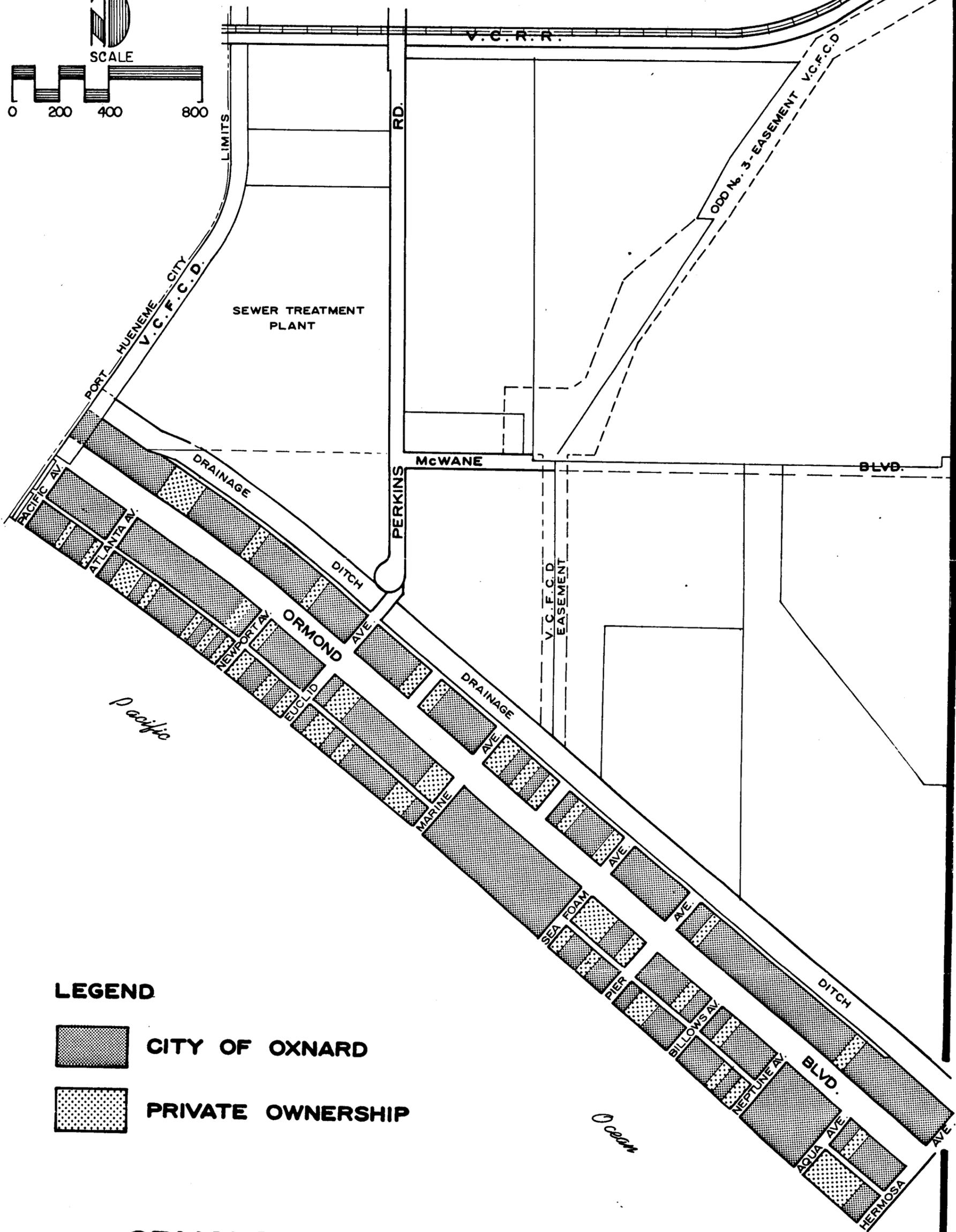
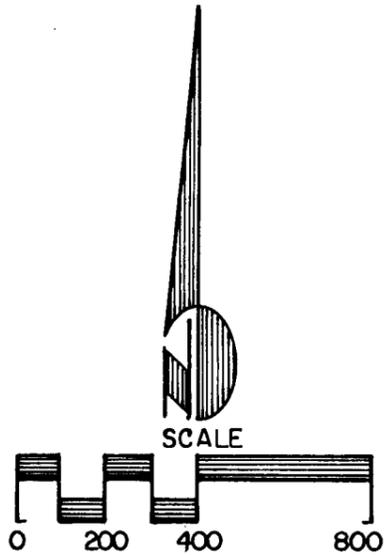
-  EXISTING UNITS (27)
-  EXISTING DEDICATED AREAS

MEAN HIGH TIDE LINE
ESTABLISHED IN 1958

OXNARD SHORES / SHORLINE ACCESS

MAP No. 9

MAY 1990



LEGEND

-  CITY OF OXNARD
-  PRIVATE OWNERSHIP

ORMOND BEACH LAND OWNERSHIP

MAP No. 10

MAY 1990

City Park Standards

The Oxnard Coastal Zone had a January 1978 population of 6,784, including the unincorporated areas of Hollywood by the Sea and Silver Strand.² The population for this same area is estimated to be 12,500 in 1990.³ Standards set in the City's 1990 General Plan provide for four acres of neighborhood and community park per 1000 population. Based on this factor, the Coastal Zone should presently have 27 acres of park, and 50 acres in 1990.

The total combined acreage of City-owned land for neighborhood or community park use is approximately 10.5 acres, including 4.5 acres in the Channel Islands Harbor and six unimproved acres in the Dunes area, well below the General Plan's recommendation of 27 acres. Development of the 40-acre Oxnard State Beach Park, between Harbor Boulevard and the Pacific Ocean, south of Beach Way and north of Falkirk Avenue, the linear park as required in the Mandalay Bay Phase IV Specific Plan south of Wooley Road between the Edison Canal and Victoria Avenue and the proposed recreational areas west of the Edison Canal adjacent to the Dunes areas, would meet the needs of coastal zone residents and provide coastal parks for the residents in the rest of the City.

Local Coastal Policies

67. a. Access facilities for the new City/County Park at Fifth Street and Harbor Boulevard shall include ample parking, an access road and day-use/group-use facilities. All facilities developed shall not be located within the sensitive habitats or sand dunes. Recreational uses shall include beach swimming, fishing and other related uses; day-use facilities such as picnic tables, fire pits, interpretive displays and limited children's play facilities. Other improvements should include parking and rest room facilities and boardwalk access trails across the sand dunes to the beach.
 - b. The Scenic Route designation for Mandalay Beach Road north of Fifth Street is deleted, and a north-south bike path shall be provided. The alignment shall avoid all sensitive habitat areas.
68. The City shall pursue entering into an agreement with Southern California Edison for a public access easement (pedestrian only) along Edison's 1,800 feet of beach frontage at the Ormond Beach Generating Station. These easements would permit public use of the beach, subject to limitations needed for the safe operation of the facilities. Such an agreement would also eliminate the need for a prescriptive rights determination for the properties.
 69. If an agreement cannot be negotiated, the City shall, in its permit process, ensure that evidence of prescriptive public use is protected according to Public Resources Code Section 30211. If prescriptive rights are determined not to exist, the property is recommended for acquisition by either the State, City or County.
 70. The City shall support and encourage the State's expansion plans for McGrath State Beach Park, including the new bicycle path, the provision of day-use facilities and a bicycle camp, restriction of access to the Santa Clara River mouth and the new entrance to the park.

71. On vacant oceanfront lots in the Oxnard Shores Neighborhood, the City shall, in its permit process, ensure that evidence of public use is protected according to PRC 30211. In the event prescriptive rights are not fully established by a court of law, funds shall be sought for acquisition of these lots through the Transfer of Development Rights program. As funds designated for beach acquisition become available, the City shall attempt to acquire these vacant lots for public beach purposes. Once acquisition of the vacant lots is complete, the city may complete the linear park by acquiring the developed lots and removing the structures.
72. Public access to and along the shoreline and the Inland Waterway shall be required as a condition of permit approval for all new developments between the shoreline and the first public roadway inland from the shore, except as provided below:
 1. Exceptions may be made when access would be inconsistent with public safety, military security, the protection of fragile coastal resources, or when agriculture would be adversely affected.
 2. Exceptions for vertical accessways may be made when adequate vertical access exists nearby (500 feet).
 3. For Mandalay Bay inland water development, exceptions to the requirement of continuous lateral public access may be made for single-family waterfront development, but in no case shall the total public lateral access be less than 50 percent of the total shoreline frontage of the project. All vertical access shall be located and designed to minimize impacts on surrounding residential areas (reference Policy No. 45).
 4. Offers to dedicate public accessways and public facilities shall be recorded prior to the issuance of the permit and they shall be developed concurrently with the project. However, public access facilities need not be open to the public until a public agency or private association agrees to accept the responsibility for maintenance and liability of the access. Recorded offers of dedication shall not be revocable for 20 years.
73. Adequate public parking shall be provided in all new development with dedicated public access areas, and shall be in addition to the parking required for the new development, unless adequate facilities are provided nearby. All facilities shall be located and designed to avoid impacts on surrounding residential areas.
74. Bicycle routes shall be required in new developments wherever appropriate.
75. A bus route from the downtown area out Fifth Street past the airport to the new City/County Park at Fifth and Harbor, and on to McGrath State Beach Park, would provide excellent low-cost access to a more remote section of the coast. Although not possible under SCAT's current funding structure, it would be possible if it were to be jointly subsidized by State Parks, Oxnard Airport, the City and the County, and run by SCAT. Unlike other SCAT routes, this recreational route would run most frequently on summer weekends. This option should be explored further by the City.

76. The City and SCAT shall attempt to provide regular transit service in the coastal zone, consistent with demand and feasibility. A demand-responsive transit system providing service from other parts of the City to the coastal areas and connecting visitor-serving commercial developments with recreational areas of the coast shall be explored by the City.
77. Improvement of Perkins and Arnold Roads is needed to improve access in the Ormond Beach area. The City shall pursue all funding options to provide parking along these streets. New parking shall not be located in a sensitive resource area.
78. Both of the proposed coastal scenic routes in the Scenic Routes Element of the General Plan (Mandalay Beach Road north of Fifth Street and the Ormond Beach route), shall be deleted from the element. Both routes endanger sensitive habitats and resource areas.
79. New day-use facilities should be included in both the improvements of the proposed park and the dedicated dry sandy beach on the Mandalay Associates property. No dune habitats shall be disturbed.
80. The proposed community park south of Wooley Road shall include day-use facilities and provide access to the Inland Waterway lagoon. Boating in the lagoon, and facilities including boat launch ramps, boat rentals, fishing and swimming shall also be provided.
81. Recreation-designated areas of the dunes parcels are also well-suited for water-oriented recreational development. Uses shall include a swim lagoon, small boat slips, fishing boat rental and a boat launch ramp. Picnic and barbecue areas shall also be appropriate in designated areas.
82. Adjacent to the dune preserve areas is an excellent location for an interpretive and educational center dealing with the dune habitat. A limited trail system around the dunes area, either on established trails or boardwalks, shall also be established if the dunes are acquired.

3.7.2 VISITOR-SERVING COMMERCIAL FACILITIES

Coastal Act Policies

- 30213: (Part) Lower cost visitor and recreational facilities...shall be protected, encouraged and, where feasible, provided. Developments providing public recreational opportunities are preferred.
- 30222: The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.
- 30250: (c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction of visitors.

Local Issues

Visitor-serving commercial facilities provide valuable coastal access to residents of other areas and, in many cases, are also used by City residents. They also help diversify the city's economic base and provide jobs. Although the City now provides some visitor-serving uses, there appears to be potential for expansion.

There are two existing motels in the Oxnard coastal zone. The Casa Sirena, located in Channel Islands Harbor, has 275 moderately priced rooms. The Embassy Suites has 250 rooms and is located east of the beachfront, west of Harbor Boulevard, north of Channel Islands Boulevard within "The Colony" development. Other lower cost accommodations are available in the City outside the coastal zone, but they do not serve the need of low to moderate income visitors to the coast.

An approximation of future demand for motel rooms in the City can be made by calculating past increases in demand and extrapolating them forward. The average increases in demand for City-wide motel accommodations from 1975 to 1979 has been 5.5 percent per year.⁴ It appears, however, that the demand for coastal accommodations has been increasing more rapidly. After an adjustment for inflation, revenues at Casa Sirena have increased 20 percent per year for the same period.⁵ The existing average occupancy is 70 percent at the Casa Sirena. If the 20 percent growth rate continues, both the Casa Sirena and the Embassy Suites hotel would be at 90 percent capacity by 1984.

There are six restaurants in the Oxnard Coastal Zone, providing a range of menu and prices from fast-food take-out to sit-down dinners.

The economic feasibility study prepared in 1977 for the development of X-Y parcels at Channel Islands Harbor indicates that the two dinner house restaurants planned for the Harbor will meet projected demand until 1985. At that time, the market should support two more dinner houses. Development of the X-Y parcels in the Channel Islands Harbor includes fisherman and boaters' convenience shopping, specialty retail, a fish-receiving dock and a yacht club.

Other visitor-serving commercial uses are located at Channel Islands Harbor. The Fisherman's Village area, located in the Harbor at Channel Islands Boulevard and Victoria Avenue, is a small specialty commercial center. New coastal visitor-serving retail uses, restaurants and a maritime museum have been approved for expansion of Fisherman's Village.

New visitor-serving facilities will be provided through redevelopment at Ormond Beach. A five-acre parcel west of Perkins Road at Ormond Beach has already been identified as suitable for visitor-serving development, but additional planning for the area is needed to develop standards for public access and recreation, and for site design prior to construction. These standards will be provided as part of additional planning for the overall redevelopment area and will be submitted as amendments to the LUP.

Local Coastal Policies

83. Uses permitted in area designated visitor-serving commercial shall be primarily visitor-serving in nature, including hotels, motels, restaurants and specialty retail. Neighborhood convenience uses may be conditionally permitted. Commercial areas shall be well-designed aesthetically. Possible techniques include innovative landscaping and theme architecture. Parking areas shall include bicycle parking facilities. It is the City's policy to encourage a mix of commercial visitor-serving uses to meet the needs of all economic groups. Thus, facilities that will be affordable to families of low and moderate income will be encouraged.
84. Visitor-serving facilities in the Inland Waterway shall be designed to include boat access.
85. Development of visitor-serving uses on a parcel at the terminus of Perkins Road in Ormond Beach will not be permitted until additional planning to establish standards for public access and recreation, guidelines for site design, and a wetland restoration plan have been completed for the overall Ormond Beach area.

3.7.3 AFFORDABLE HOUSING

Coastal Act Policies

30213: Lower cost visitor and recreational facilities and housing opportunities for persons of low and moderate income shall be protected, encouraged and, where feasible, provided.... New housing in the coastal zone shall be developed in conformity with the standards, policies and goals of local housing elements adopted in accordance with the requirements of Subdivision (c) of Section 65302 of the Government Code.

Definitions

The following definitions are from the Revised Local Coastal Plan Manual, Housing Section⁶

1. A very low income family is a family whose income does not exceed 50 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families.
2. A low income family is a family whose income does not exceed 80 percent of the median income for the area.
3. A moderate income family is a family whose income does not exceed 120 percent of the median income for the area.

Affordable rental housing is defined as units where the rents do not exceed 25 percent of the family's gross annual income. A general rule of thumb has been that affordable purchase housing is 2.5 times a family's gross annual income. Recently, however, lending institutions have been lending up to 3.5 times the gross annual income. Housing costs include the rent or mortgage payment, property taxes, insurance, heat and utilities, and maintenance and repairs.

In Ventura County, the median annual income for a family of four is \$19,100 (1979 figures). Using this median, the present levels of very low, low and moderate incomes can be calculated for the Ventura County area.

Very low income: not exceeding \$9,550 annually.

Low income: not exceeding \$15,280 annually.

Moderate income: not exceeding \$22,920 annually.

These income levels give affordable rental housing costs of:

Very low income: \$199 per month

Low income: \$318 per month

Moderate income: \$477 per month

Affordable purchase prices range from:

Very low income: \$23,875 to \$33,425

Low income: \$38,200 to \$53,480

Moderate income: \$57,300 to \$80,220

Local Issues

Housing opportunities within the coastal zone are concentrated in the Oxnard Shores Neighborhood, the Inland Waterway, Channel Islands Harbor, and the Mandalay Bay "Colony." Housing types include single-family homes, duplexes, condominiums, apartments and mobile homes.

The prices and rental rates of homes within the coastal zone vary widely. Rents for the 665 apartment units in Channel Islands Harbor range from \$200 per month for a studio to \$475 for a 2-bedroom unit.⁷ Although not designed for families, these units are within the low and moderate rental rates for a family of four. The smaller units are affordable to moderate income couples.

Harborwalk Condominiums are located adjacent to the Channel Islands Harbor. Of the 244 total units, the Harborwalk Homeowners Association estimates that one-third are available for rent.⁸ Unit sizes range from one-bedroom with a loft to three bedrooms. An average of the rental rates was estimated to be \$500 in November 1979,⁹ beyond the reach of low and moderate income families. The purchase price of these units is also beyond reach for low- and moderate-income families, starting at approximately \$85,000 for the smaller units and going as high as \$150,000.¹⁰

The Inland Waterway development includes townhouses and attached and detached single-family homes with private access to the waterway. Many of the homes have private boat docks and other amenities. Purchase prices range from \$165,000 for a townhouse to well over \$300,000 for a large single-family home with a private boat dock.¹¹

The Oxnard Shores Neighborhood includes apartments, condominiums, duplexes and single-family homes. Apartment rental rates range widely. Beachfront or oceanview properties are the highest, starting at about \$500 per month for a 2-bedroom apartment. Away from the beach, rental rates fall to \$250 and up for 2-bedroom units, and \$450 and up for 3-bedroom units.¹² Many of the available units away from the beachfront are affordable for both low and moderate income families.

Single-family homes are less expensive to purchase in Oxnard Shores than in the Inland Waterway, but they are still beyond the reach of low and moderate income buyers. Prices start at over \$100,000.¹³

There are also two mobile home parks within the coastal zone: Oxnard Shores Mobile Home Park and Channel Islands Marina Mobile Home Park. Oxnard Shores Park has 181 spaces for double-wide mobile homes, and Channel Islands Marina Park has 96 for single-wide mobile homes. Rental rates for the spaces are similar in both parks, ranging from \$175 to \$185 per month. Neither park has rental mobile homes; a prospective resident must have a mobile home. These homes are available for sale from approximately \$18,000 to \$65,000.¹⁴ Combining the monthly payments on purchase of a mobile home and space rental of \$185 per month, it is possible to live in a single-wide

mobile home on the beach for approximately \$400 per month.¹⁵ Double-wide mobile homes are more expensive to purchase, raising the monthly rates above the moderate-income limit.

Vacancy rates are difficult to quantify, but a survey of coastal zone apartment managers and rental agencies indicates a very low vacancy rate and, in some cases, waiting lists. Owner-occupied units turn over more slowly than rental units, reflecting other factors, including mortgage availability and interest rates. The very low overall vacancy rate for the coastal zone is a result of the desirability of the area, the recent limitations on development citywide due to the sewer moratoriums, and the comparatively low costs in Oxnard.

Most of the residential development in the coastal zone has been built in the last 20 years, and concentrated in the last 10 years, minimizing the need for rehabilitation in this area in the near future.

The conversion of existing rental units to units for purchase (as condominiums, community apartments or stock cooperatives) can, if not regulated, severely impact the supply of rental housing. Controlled conversion can, however, increase the supply of moderately priced housing for sale.

The existing supply of housing for people of low and moderate incomes in the Oxnard Coastal Zone is in the form of rental units. Maintenance of this housing option is essential to the goal of equal access to the coast.

Recognizing this, the Oxnard City Council enacted a moratorium on all conversions of apartments to condominiums in March 1978 to allow time for the preparation of an ordinance with standards for conversion. The moratorium was extended in July 1978, March 1979, May 1979, September 1979 and March 1980.

Issues Affecting New Housing

New industrial development has the potential to impact the housing stock in an area by attracting new residents to the area and increasing the demand for housing units.

New coastal industrial development will be concentrated in the Ormond Beach area. Of the 528 acres of land industrially designated on the land use map, approximately 308 acres (53 percent of the total) are presently developed. Approximately 112 acres of the remaining 220 acres are wetlands. This leaves approximately 108 acres of land suitable for future industrial development. The average number of employees per acre of industrial development in the city is 10.9, which indicates that approximately 1,177.2 new industrial jobs could be generated by full development of Ormond Beach.

It is very unlikely that these new jobs will cause any significant immigration. In 1978, 8.5 percent of the City's work force, or 3,400 people, was unemployed. The October 1979 County-wide average figures indicate the unemployment rate has fallen slightly to 7.9 percent. Even at this lower rate, over 3,000 City residents are out of work. The new jobs generated by development at Ormond Beach could be easily filled by presently unemployed City residents. This in turn minimized the demand for new housing as a result of the development.

Other Areas

Although the Hollywood by the Sea and Silver Strand communities are not part of the City of Oxnard, they are contiguous to the City and part of the same market area. Low and moderate income housing, particularly rental units, are also provided in these areas, supplementing the stock in the City. The County's proposed preservation and rehabilitation policies (Ventura County LCP Draft Working Paper "Housing in the Coastal Zone," September 1979) will protect these units, and add to the housing opportunities for low and moderate income people in the Oxnard Coastal Zone.

The City of Port Hueneme is also within the same general market area. A significant number of affordable units are provided within the city of Port Hueneme's Coastal Zone, including 130 new units. A rehabilitation program to preserve and upgrade existing units is also a part of Port Hueneme's housing program.

Local Coastal Policies

86. The City of Oxnard has traditionally provided housing for a substantial number of low and moderate income families. This has led to the City receiving a "Negative Fair Share" designation in the Southern California Association of Governments' (SCAG) Regional Housing Allocation Plan. As a result, the City is now striving to achieve a better overall balance of housing types by encouraging the construction of new, high-quality units in certain areas. Thus, the City's overall policy will be to protect existing affordable housing in the coastal zone, and to provide for improved access from other parts of the City to the coast.
87. Existing housing within the low to moderate income price range, either rental or owner-occupied, shall not be demolished unless it is a health and safety hazard and cannot be rehabilitated, or unless an equal or greater number of housing units for people of low to moderate income are built within the coastal zone to replace the demolished units.
88. Existing mobile home parks shall not be demolished or converted to another use, including purchase mobile home lots unless an equal or greater number of comparably priced housing units are built in the coastal zone to replace the demolished or converted units.
89. The following standards shall be used to evaluate all applications for the conversion of rental units in the coastal zone to condominiums, community apartments, stock cooperatives or other purchase plans.
 1. The availability of rental units of similar size and price in the coastal zone shall be considered. The construction of an equal or greater number of new rental units in the coastal zone shall be required to allow any conversion of existing rental units. The new units shall be available at the time of conversion.
 2. Tenants of the building being proposed for conversion shall be given at least 120 days notice of the proposed conversion. The right of first refusal to purchase a unit in the conversion shall be offered to all existing tenants, and shall run for at least 60 days.

3. The subdivider of the units shall assist tenants who decline to purchase a unit with finding suitable new housing.
 4. Any unit to be converted must meet City requirements for off-street parking, handicapped accessibility and building codes.
90. The City shall support and encourage the construction of new rental units in the coastal zone

3.8 ACQUISITIONS

In several sections of this plan, it is stated that the City shall attempt to acquire, or request other public agencies to acquire, areas of significant coastal resources for public use as funds become available. In recognition of the fact that funding sources for these acquisitions are often limited, a prioritization of acquisitions will be developed during the implementation phase of developing the City's Local Coastal Program.

Local Coastal Policies

91. The LCP represents the commitment of the City of Oxnard to provide continuous protection and enhancement of coastal resources. Certain areas of the coastal zone may require further public action to ensure their protection and enhancement. The City will work with the California Coastal Conservancy to meet these needs.
92. Consistent with the potential of private property rights, transfer of development may be permitted to provide an orderly procedure for relocation development that would otherwise adversely affect coastal access and recreation.
 1. Sending areas are identified as a sensitive resource area which contain potential development hazards. All vacant lots located between the Pacific Ocean and the first public street and between Fifth Street and Amalfi Way in Oxnard Shores are designated as sending areas.
 2. Receiving areas are areas that are designated as appropriate for development beyond base density meeting the criteria for multi-family zoning through the City.
 3. Exchange rate is 1:1; the purchase of one transferable development right from a sending area entitles the owner of a receiving site to build one transfer unit. The maximum number of transfer units that can be added to any receiving area is six per acre.
 4. Development rights from the sending area lot shall be retired prior to development of the receiving area.



APPENDIX



I. FOOTNOTES

1. County of Ventura, Agricultural Commissioner's Office, Ventura County Agricultural Crop Report, 1978; W. Earl McPhail, Agricultural Commissioner
2. Ventura County Population Bulletin, November 1978
3. Ibid
4. Casa Sirena Management, October 16, 1979
5. Based on information from the City of Oxnard Business Division
6. Local Coastal Plan Manual, Housing Section, Page II-10 to II-12, Rev. 4-21-78
7. Rental rates based on a November 7, 1979, phone survey of apartment management
8. Connie Humphrey, Harborwalk Owners Association, conversation survey November 7, 1979
9. Ibid
10. Purchase price estimates based on Multiple Listing Service Book (MLS), Volume 37, September 17, 1979
11. Ibid
12. Rental rates based on Income Property information in MLS Volume 37, September 17, 1979, and Rental Homes, Inc., Rental Multiple Listing, Volume 36, November 8, 1979
13. MLS, September 17, 1979
14. Mobile Home price information provided by Heritage Homes, November 6, 1979
15. Based on a purchase price of \$20,000, and a \$3,000 down payment, for monthly payments of \$220, and \$185 per month space rental
16. Environmental Impact Report No. 77-17, on the Draft Land Use of the General Plan, City of Oxnard, 1978, Pages III-188
17. Tony Caprito, State of California Employment Development Department, phone conversation, November 28, 1979
18. Ibid

e. Environmental pollution threatens the species' survival.

2. Fully Protected Status (Fish and Game Code)

3511: Fully protected birds or parts thereof may not be taken or possessed at any time and no provision of this code or any other law shall be construed to authorize the issuances of permits or licenses heretofore issued shall have any force or effect for any such purpose; except that the commission may authorize the collecting of such species for necessary scientific research.

3. Plants (California Native Plant Society)

A plant is rare if:

- a. It exists in only one or a very few restricted localities.
- b. It occurs in such small numbers that it is seldom seen or collected regardless of its total area.
- c. It exists only in a type of habitat that is likely to disappear or change for any reason.

A plant is endangered if:

- a. It is actively threatened with extinction and not likely to survive unless some protective measures are taken.

F. Harbor (Channel Islands)

This is a new designation created to protect and encourage recreational boating and commercial fishing facilities at the Channel Islands Harbor and limit nonwater-dependent uses that congest the Harbor or preclude boating support facilities. Permitted uses will include marinas, commercial fishing support facilities (other than canneries, fish processing, or industrial uses), and boating support and services developments. Visitor-serving commercial uses incidental to the Harbor may be allowed if they do not conflict with present or foreseeable recreational boating or commercial fishing uses.

1. "Harbor-related" means any use dependent on a development or use which requires a site on or adjacent to the Harbor to be able to function at all.

G. Hazards

1. The 100-year flood line used is derived from the US Department of Housing and Urban Development Federal Insurance Administration, and includes the coastal areas of 100-year flooding with velocity (wave action).

H. Industrial and Energy Development

1. 30107: "Energy facility" means any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy.

I. Service Systems

1. "Public works" means the following:
 - a. All production, storage, transmission, and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or by any utility, subject to the jurisdiction of the Public Utilities Commission except for energy facilities.
 - b. All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations, bridges, trolley wires, and other related facilities. For purposes of this division neither the Ports of Hueneme, Long Beach, Los Angeles, nor any of the developments within these ports shall be considered public works.
 - c. All publicly financed recreational facilities and any development by a special district.
 - d. All community college facilities.

III. ACCESS

Local Issues

Oxnard's coastal zone include substantial opportunities for public access to the ocean and related recreational uses. Broad sandy beaches, a harbor, the Inland Waterway and the Edison Canal provide the resources for a variety of coastal recreational activities.

Summary of Existing Access

Oxnard's beaches constitute a major undeveloped recreational resource of local and statewide significance. Approximately 410 acres and 45,200 feet of shoreline have been identified as major beach or recreational areas. Of this total, 35,050 feet of shoreline and 300 acres are within the City's jurisdiction.

There are seven beach areas in the Oxnard coastal zone; five in the City and two in the County. Public use of these beaches is limited due to the present lack of access and parking.

TABLE 9
BEACHES

<u>Name</u>	<u>Beach Frontage (In Feet)</u>	<u>Dry Sandy Area (In Acres)</u>
McGrath State Park	10,800	60
Mandalay Beach Park	2,800	10
Oxnard Shores	5,400	10
Mandalay Beach	3,400	20
Hollywood Beach (County)	6,800	60
Silver Strand (County)	4,600	40
Ormond Beach	11,400	210

Statewide and regional access to the Oxnard area is presently provided by State Route 101 (Ventura Freeway) and State Route 1.

McGrath-Mandalay Area

There is substantial potential for public access available in the McGrath area of the City's coastal zone. All but 1,800 feet of beach frontage from the Santa Clara River southerly to Fifth Street are public lands in the McGrath State Park and the Mandalay Beach City/County Park. The Southern California Edison Mandalay Beach electrical generating plant occupies 1,800 feet of ocean frontage between McGrath State Park and Mandalay Beach City/County Park. The plant's ocean outfall is located in the middle of this frontage which physically restricts lateral access. There is an existing 80-foot, partially improved right-of-way for Mandalay Beach Road across the property. However, no agreement has ever been made concerning the exact nature of public rights to the beach. Substantial historic public use may indicate that public prescriptive rights exist for this beach.

The adopted Scenic Highways Element proposes a scenic route from Fifth Street to Gonzales Road which would conflict with the State Parks Plan and the sensitive habitat surrounding McGrath Lake. While such a route would increase public access to the coastal resources, impacts on the surrounding environs may conflict with other issues identified in the Coastal Act.

Bicycle access in the McGrath area exists along Harbor Boulevard which is seriously restricted by two narrow bridges crossing the Santa Clara River and Edison Canal. Bicycles now share a narrow two-lane roadway with cars and trucks traveling at 55 mph creating a dangerous condition to bicyclists.

The State Park Master Plan for the McGrath State Park area proposes a bike path along the ocean from Fifth Street to Gonzales Road and Harbor Boulevard, which will provide substantial beach access for bicyclists. Day-use facilities are currently limited in the area, but the expansion plans for McGrath State Beach Park and the improvement plans for Mandalay Beach Park include the provision of new day-use facilities and parking. McGrath State Beach Park provides the only overnight camping facilities now available in the Oxnard coastal zone. The park presently has 174 campsites and during much of the summer is at capacity. The proposed expansion at McGrath would add 68 overnight campsites, for a total of 242. In addition to the overnight camping there is a temporary bicycle camp at McGrath. The Park Master Plan includes a permanent, 10-unit bicycle/hiking campground to replace the temporary area. Camping facilities are also proposed for the currently unimproved Mandalay Beach City/County Park located at Fifth Street and Harbor Boulevard.

Oxnard Shores

The majority of the oceanfront property in the Oxnard Shores Neighborhood is privately owned. Four lots, formerly owned by the Oxnard Shores Community Association, were dedicated to the City in 1978. Portions of the beachfront property are subject to periodic flooding. This flooding primarily occurs in response to major offshore storms, which limits access at those times.

There are 124 subdivided oceanfront lots from Fifth Street south to Amalfi Way. Twenty-seven of these are developed, 26 with single-family units and one with a triplex. Most of the units are built on pilings or have heavy rock revetments for protection from wave run-up and beach erosion. Clearly, these few scattered dwellings do not block access to the beach. If full buildout of all 124 lots occurs, access would be restricted to the four dedicated 10-foot walkways to the beach. Lateral access along the beach is presently interrupted at high tides by the existing revetments. Future development requiring protective structures would further obstruct lateral access. All future beachfront residences are required to be constructed on pilings ensuring uninterrupted lateral access along the beachfront except for those locations where there are existing rock revetments.

Some of the 97 vacant beachfront lots are presently used for public access to the beach. From 1972 to 1974, some of these lots were posted "No Trespassing," and were patrolled by a guard. No one other than Oxnard Shores residents were permitted to use the beach at those posted lots. Presently these lots are not patrolled or fenced. Prescriptive rights prior to 1972 have not been established for the entire beachfront area by a court of law.

In 1985, development of an approximate 10-acre site between Amalfi Way and Beach Way west of Mandalay Beach Road was approved, which created 14 single-family R-B-1 (Residential Beach) zone lots and approximately 7.5 acres of beachfront open space for public use. Two 20-foot wide public access/view corridors were also required. The Mandalay Beach Associates property, known as "The Colony," a 115-acre planned development site located between Harbor Boulevard and the Pacific Ocean, north of Channel Islands Boulevard, and south of Falkirk Avenue, is a recognizable residential and resort facility. Public access to the 36-acre public beach is provided by means of a promenade and bike path which extends along the entire length of the overall development.

Parking is a constraint to visitor beach access in the Oxnard Shores Neighborhood. Inadequate off-street parking for area residents forces their use of on-street parking which, in turn, limits the amount of on-street parking available to beach-goers. As the remaining undeveloped lots through the neighborhood are developed, the parking problem will worsen. The development proposal for the 115-acre parcel south of the Oxnard Shores Neighborhood includes plans for 300 public parking spaces to help alleviate this problem. The Parking Ordinance established in 1984 provides that all single-family dwellings must have a two-car garage. Multi-family dwellings with two or more bedrooms are also required to have two-car garages. There must be a minimum of 20 feet to the garage door which allows parking of additional vehicles within the driveway thereby reducing the number of on-street parking by residences which increases the number of on-street parking available to beach-goers. The Oxnard State Beach Park at Oxnard Shores was approved in 1986 and will accommodate approximately 563 public parking spaces which will further help improve parking conditions for visitor beach access.

Access into the Oxnard Shores area from the rest of the City is provided by four major thoroughfares: Harbor Boulevard, Fifth Street, Channel Islands Boulevard, and Wooley Road. At the present time, Wooley Road stops at the eastern edge of the Edison Canal, but a linking bridge is both designated in the 1990 General Plan and planned for construction.

Channel Islands Harbor

The Channel Islands Harbor is a major access point. Boat slips are available for rental, and small waterfront parks, with a combined acreage of 4.46, provide additional opportunities for public access, including 748 boat slips, 1,100 automobile parking spaces, four public rest rooms, a promenade and bikeway, a yacht club and a marine regional community center. With the completion of this project the Harbor will be fully developed, and will provide a variety of access opportunities.

Ormond Beach

Although the sandy area at Ormond Beach is wide and suitable for many recreational activities, it is not being fully utilized because of the lack of access and parking in the area.

Access to the beach is through either Perkins or Arnold Roads. Perkins Road is primarily an industrial road, serving the industries in the area. Limited off-street parking is provided for beach users at the terminus of Perkins and Arnold Roads. During periods of wet weather, poor drainage causes substantial puddling at the end of the road.

A new scenic route is proposed for this area in the Scenic Highways Element of the General Plan, from Perkins Road to Arnold Road. This proposed route would increase access but would impact the area's habitats.

A subdivision along the shore at Ormond Beach was recorded in 1938. No development has ever occurred there due in part to beach erosion which put the subdivision under water. Recently, the beach has built up again, and the subdivided property is now dry, sandy beach.

Both the City and the State have acquired lots in this area through nonpayment of taxes. At the present time, 10 acres (60 lots) of a total of 70 acres remain in private ownership. The State owns two acres (12 lots), and the rest of the subdivision, including street rights-of-way, is owned by the City. All lots in the subdivision have been used equally by the public and no attempt has been made to restrict use of this subdivision.

Transit Service

Public transit service in the City is provided by South Coast Area Transit (SCAT), a regional transit district. Service is provided on weekdays and, on some routes, on the weekend. There is no night service.

Only two existing routes approach the Oxnard coastal zone. Route 9, Pleasant Valley-Beach, provides service from the downtown area to Victoria Avenue via Hemlock, serving the Harbor area. Route 10, Port Hueneme-Village turns at the intersection of Perkins and Hueneme Roads. From there it is possible to walk down Perkins to the beach, although it is a fairly long walk.

Transit service had been provided to the Oxnard Shores and Hollywood by the Sea areas, but was cancelled due to low ridership.

SCAT does not have any plans to either increase or decrease service on Routes 9 and 10 at this time. New routes or expansions of existing routes can be requested of SCAT by the City Council (possibly as a result of citizen demand). In requesting a new route, the City commits itself to subsidizing that route with Local Transportation Fund (LTF) money provided by the State. These funds, derived from the State sales tax, are allocated by the City to support both SCAT and road maintenance and construction. In Fiscal Year 1979-80, SCAT received 38 percent of the City's LTF money, or \$397,665.

The remainder of SCAT's budget comes from similar contributions from other local governments in the service area, a federal subsidy that matches the State's (the LTF funds are State money funneled through local government), and fares. As a result of recent State legislation, SCAT must meet 23 percent of its costs through fares. This requirement makes only well-used routes feasible.

City Park Standards

The Oxnard coastal zone had a January 1978 population of 6,784 including the unincorporated areas of Hollywood by the Sea and Silver Strand.² The population for this same area is estimated to be 12,500 in 1990.³ Standards set in the City's 1990 General Plan provide for four acres of

neighborhood and community park per 1000 population. Based on this factor, the Coastal Zone should presently have 27 acres of park and 50 acres in 1990.

The total combined acreage of City-owned land for neighborhood or community park use is approximately 10.5 acres including 4.5 acres in the Channel Islands Harbor and 6 unimproved acres in the Dunes area, well below the General Plan's recommendation of 27 acres. Development of the 40-acre Oxnard State Beach Park between Harbor Boulevard and the Pacific Ocean, south of Beach Way and north of Falkirk Avenue, the linear park as required in the Mandalay Bay Phase IV Specific Plan, south of Wooley Road, between the Edison Canal and Victoria Avenue and the proposed recreational areas west of the Edison Canal adjacent to the Dunes areas would meet the needs of coastal zone residents and provide coastal parks for the residents in the rest of the City.

Land Use Policy

1. a. Access facilities for the new City/County Park at Fifth Street and Harbor Boulevard shall include ample parking, an access road, and day-use/group-use facilities. All facilities developed shall not be located within the sensitive habitats or sand dunes. Recreational uses shall include beach swimming, fishing and other related uses; day-use facilities such as picnic tables, fire pits, interpretive displays and limited children's play facilities. Other improvements should include parking and restroom facilities and boardwalk access trails across the sand dunes to the beach.
- b. The Scenic Route designation for Mandalay Beach Road north of Fifth Street is deleted, and a north-south bike path shall be provided. The alignment shall avoid all sensitive habitat areas.
2. The City shall pursue entering into agreement with Southern California Edison for a public access easement (pedestrian only) along Edison's 1,800 feet of beach frontage at the Ormond Beach Generating Station. These easements would permit public use of the beach, subject to limitations needed for the safe operation of the facilities. Such an agreement would also eliminate the need for a prescriptive rights determination of the properties.
3. If an agreement cannot be negotiated, the City shall, in its permit process, ensure that evidence of prescriptive public use is protected according to Public Resources Code Section 30211. If prescriptive rights are determined not to exist, the property is recommended for acquisition by either the State, City or County.
4. The City shall support and encourage the State's expansion plans for McGrath State Beach Park, including the new bicycle path, the provision of day-use facilities and a bicycle camp, restriction of access to the Santa Clara River mouth and the new entrance to the park.
5. On vacant oceanfront lots in the Oxnard Shores Neighborhood, the City shall, in its permit process, ensure that evidence of public use is protected according to PRC 30211. In the event prescriptive rights are not fully established by a court of law, funds shall be sought for acquisition of these lots through the Transfer of Development Rights program. As funds designated for beach acquisition become available, the City shall attempt to acquire these vacant lots for public beach purposes. Once acquisition of the vacant lots is complete, the

City may complete the linear park by acquiring the developed lots and removing the structures.

6. Public access to and along the shoreline and the Inland Waterway shall be required as a condition of permit approval for all new developments between the shoreline and the first public roadway inland from the shore, except as provided below:
 - a. Exceptions may be made when access would be inconsistent with public safety, military security, the protection of fragile coastal resources, or when agriculture would be adversely affected.
 - b. Exceptions for vertical accessways may be made when adequate vertical access exists nearby (500 feet).
 - c. For inland water developments exceptions to the requirement of continuous lateral public access may be made for single-family waterfront development, but in no case shall the total public lateral access be less than 50 percent of the total shoreline frontage of the property. All vertical access shall be located and designed to minimize impacts on surrounding residential areas.
 - d. Offers to dedicate public accessways and public facilities shall be provided prior to the issuance of the permit and they shall be developed concurrently with the project.
 - e. However, public access facilities need not be required to be open to the public until a public agency or private association agrees to accept the responsibility for maintenance and liability of the access (except for water-oriented planned development where all public areas shall be dedicated for public use prior to the issuance of a permit for development).
7. Adequate public parking shall be provided in all new development with dedicated public access areas, and shall be in addition to the parking required for the new development, unless adequate facilities are provided nearby. All facilities shall be located and designed to avoid impacts on surrounding residential areas.
8. Bicycle routes shall be required in new developments wherever appropriate.
9. A bus route from the downtown area out Fifth Street, past the airport to the new City/County Park at Fifth and Harbor and on to McGrath State Beach Park, would provide excellent low-cost access to a more remote section of the coast. Although not possible under SCAT's current funding structure, it would be possible if it were to be jointly subsidized by State Parks, Oxnard Airport, the City and the County, and run by SCAT. Unlike other SCAT routes, this recreational route would run most frequently on summer weekends. This option should be explored further by the City.
10. The City and SCAT shall attempt to provide regular transit service in the coastal zone, consistent with demand and feasibility. A demand-responsive transit system providing

service from other parts of the City to the coastal areas and connecting visitor-serving commercial developments with recreational areas of the coast shall be explored by the City.

11. Improvement of Perkins and Arnold Roads is needed to improve access in the Ormond Beach area. The City shall pursue all funding options to provide parking along these streets. New parking shall not be located in a sensitive resource area.
12. Both of the proposed coastal scenic routes in the Scenic Routes Element of the General Plan (Mandalay Beach Road north of Fifth Street and the Ormond Beach route) shall be deleted from the element. Both routes endanger sensitive habitats and resource areas.
13. New day-use facilities should be included in both the improvements of the proposed park and the dedicated dry sandy beach on the Mandalay Associates property. No dune habitats shall be disturbed.
14. The proposed community park south of Wooley Road shall include day-use facilities and provide access to the Inland Waterway lagoon. Boating in the lagoon and facilities including boat launch ramps, boat rentals, fishing and swimming shall also be provided.
15. Recreation-designated areas of the dunes parcels are also well-suited for water-oriented recreational development. Uses shall include a swim lagoon, small boat slips, fishing boat rental and a boat launch ramp. Picnic and barbecue areas shall also be appropriate in designated areas.
16. Adjacent to the dune preserve areas is an excellent location for an interpretive and educational center dealing with the dune habitat. A limited trail system around the dunes area, either on established trails or boardwalks, shall also be established if the dunes are acquired.
17. Uses permitted in areas designated visitor-serving commercial shall be primarily visitor-serving in nature, including hotels, motels, restaurants and specialty retail. Neighborhood convenience uses may be conditionally permitted. Commercial areas shall be well-designed aesthetically. Possible techniques include innovative landscaping and theme architecture. Parking areas shall include bicycle parking facilities. It is the City's policy to encourage a mix of commercial visitor-serving uses to meet the needs of all economic groups. Thus, facilities that will be affordable to families of low and moderate income will be encouraged.
18. Visitor-serving facilities in the Inland Waterway shall be designed to include boat access.
19. The City of Oxnard has traditionally provided housing for a substantial number of low and moderate income families. This has led to the City receiving a "Negative Fair Share" designation in the Southern California Association of Governments' (SCAG) Regional Housing Allocation Plan. As a result, the City is now striving to achieve a better overall balance of housing types by encouraging the construction of new high-quality units in certain areas. Thus, the City's overall policy will be to protect existing affordable housing in the coastal zone, and to provide for improved access from other parts of the City to the coast.

20. As a part of the Phase III Implementation portion of the LCP Process, a Resource Protection ordinance will be created, defining the only uses permitted in areas designated on the land use map with the Resource Protection zone. The ordinance will incorporate the following policies which the City will implement to the extent of its legal and financial ability:

- a. All nonauthorized motor vehicles shall be banned from sensitive areas.
- b. Scientific, educational, and light recreational uses shall be conditionally permitted uses in all sensitive resource areas. Development shall be designed and sited to minimize impacts to the area. Permitted uses shall not be allowed to significantly disrupt habit values.
- c. In sand dune areas, foot traffic shall be minimized, and allowed only on established paths or boardwalks. Disturbance or destruction of any dune vegetation shall be prohibited, unless no feasible alternative exists, and then only when revegetation with native California plants is a condition of approval.
- d. New development adjacent to wetlands or resource protection areas shall be sited and designed to mitigate any adverse impacts to the wetlands or resource.

A buffer of 100 feet in width shall be provided adjacent to all resource protection areas. The buffer may be reduced to a minimum of 50 feet only if the applicant can demonstrate the resources of the habitat area. All proposed development shall demonstrate that the functional capacity of the resource protection area is maintained. The standards to determine the appropriate width of the buffer area are:

- 1) biological significance of the area
- 2) sensitivity of species to disruption
- 3) susceptibility to erosion
- 4) use of natural and topographic features to locate development
- 5) parcel configuration and location of existing development
- 6) type and scale of development proposed
- 7) use of existing cultural features to locate buffer zones

When a development is proposed within an environmental sensitive habitat area or a resource protection area, or within 100 feet of such areas, a biological report shall be prepared which includes applicable topographic, vegetative and soils information. The information shall include physical and biological features existing in the habitat areas. The report shall be prepared by a qualified biologist, and shall recommend mitigation measures to protect any impacted resources. All recommendations shall be made in

cooperation with the State Department of Fish and Game. When applicable restoration of damaged habitats shall be a condition of approval.

- e. When a development is proposed within or near an environmentally sensitive habitat area, applicable topographic, vegetative and soils information shall be provided. The information shall include physical and biological features existing in the habitat areas.
- f. Western LNG conditions:

Prior to approval of a development permit for Parcel 1, Western LNG shall develop and assure implementation of a wetlands restoration and enhancement program which must be approved by the Executive Director of the Coastal Commission and the Department of Fish and Game. This program shall consist of the following elements and shall be completed in consultation with the Department of Fish and Game and local government.

- 1) Western LNG shall accept a deed restriction on Parcel 2, which is west and south of the 26.5-acre Parcel 1, limiting the future use of Parcel 2 to preservation as a wetland, subject to Western LNG's continued right of access to the beach for purposes of construction and utilizing a trestle for any future LNG terminal;
- 2) The restoration program shall include a cleanup program of existing trash deposited within Parcel 2.
- 3) The restoration program shall include the construction of a 50-foot buffer barrier on Parcel 1 adjacent to the northeast border of Parcel 2, which shall consist of 2 drainage channels separated by a vegetated berm and a security fence at least 48 inches high on the northeastern side of the buffer. The channels shall be adequately designed and constructed to allow drainage from adjacent lands through 1 or 2 culverts to Parcel 2.
- 4) The restoration program shall ensure that no harmful runoff of possible foreign liquid and solid materials will drain into Parcel 2 from Parcel 1.
- 5) The restoration program shall assure that operations and activities of the present property owners immediately west of Parcel 2 do not intrude on Parcel 2.
- 6) Western LNG or their lessee shall grade the elevation of specified portions of Parcel 2 down to a level sufficient to encourage restoration of healthy vegetative growth.
- 7) The restoration program shall identify any available water supplies in the immediate vicinity, determine the existing drainage flow of such water supplies which might be of benefit to the wetlands, and provide passage of such water to Parcel 2 wherever feasible.
- 8) Western LNG or their lessee shall restrict public access to Parcel 2 through the permitted utilization of those remaining lands on Western LNG's property, except

under controlled conditions such as educational visits by supervised groups or established scholars serving the wetlands.

- 9) The restoration program shall study and implement additional means of limiting public trespass on Parcel 2 if measures specified in Item 8 prove inadequate.
 - 10) The restoration program shall ensure the maintenance and protection of the wetlands on Parcel 2.
 - 11) Western LNG or their lessee shall ensure access by the Department of Fish and Game which shall conduct wildlife surveys in the area and work in cooperation with Western LNG to assure the wetlands viability.
21. The City shall also investigate all means of public acquisition of the areas designated for Resource Protection. As funds for this purpose become available, the City shall acquire, or shall request other public agencies acquire, approximately 131 acres of wetlands in Ormond Beach and approximately 43 acres of dunes as shown on the Land Use Map. Because of a lack of resale data, the market values of these properties are unknown.
22. The construction of shoreline structures such as, but not limited to, retaining walls, groins, revetments, and breakwaters shall not be permitted except where absolutely necessary to protect public safety, or to preserve existing public beaches, marinas, or structures. All permitted structures shall be designed to minimize adverse impacts, including those on both lateral and vertical access. Bulkheads shall be permitted in areas dredged as inland canals.
23. Any development located on the beach shall be designed to assure lateral beach access.
24. Several areas have been designated Planned Development. The purpose of this designation is to ensure the well-planned development of large areas of presently undeveloped land. The following policies apply specifically to these areas:
- a. The entire site shall be planned as a unit. A specific plan showing the ultimate development of the site shall be required prior to any project or subdivision approval. Permitted uses shall include single- and multiple-family residential either attached or detached recreational, and open space. In designated areas, neighborhood commercial or visitor-serving uses are also permitted.
 - b. Overall densities shall not exceed those established in the land use plan. In planned development areas designated for water-oriented uses, the site design shall include expansions of the existing Inland Water/Edison Canal system. Residences, both single-family and attached or multiple units shall be oriented to the waterway, and private docking facilities may be provided. Public vertical access to the waterway shall be required; the combined public vertical access frontage on the water shall not be less than 10 percent of the development's total linear waterfront footage unless adequate access is provided nearby and shall be included in the specific plan. The lateral access requirement shall be 50 percent of the total linear requirement frontage and shall be dedicated and available. Exceptions to continuous lateral public access shall be allowed

only for limited single-family waterfront home development where adequate alternative access exists nearby. Recreational areas shall be distributed throughout the project with pedestrian and bicycle linkages between pocket parks, play areas, overlooks and other small-scale public areas offering the public and residents of the project recreational opportunities. No project on this site shall be approved without concurrent approval of all components of the "prime agricultural land maintenance program."

- c. Common (nonpublic) open space shall be required for all multiple-family or attached units, and shall include, but is not limited to, recreational facilities intended for the residents' use, including swimming pools, tennis courts, playgrounds, community gardens, or common landscaped areas. Streets, driveways and parking lots shall not be considered as a common open space.
- d. Public open space shall include, but is not limited to, public parks other than identified neighborhood and community parks, beaches, parking lots for public use and access corridors, including pedestrian paths and bikeways. Streets, property for private use, sensitive habitat areas and other nonusable areas shall not be considered as public open space.
- e. At least 20 percent of the net area of the site shall be designated for common open space for multiple-family or attached-unit developments unless adequate facilities are provided nearby. Not less than 20 percent of the net area of the site for all areas designated planned development on the land use map shall be public open space, unless adequate open space is provided nearby. Areas designated by the LCP as neighborhood or community parks shall not be included in the site area, and may not be counted towards the required percentage of public open space. In areas also designated water-oriented, the area of the waterway may be included.
- f. Land uses shall consist of a mix of visitor-serving commercial, residential and public recreational areas oriented to an expansion of the existing Inland Waterway. The visitor-serving commercial, public recreation and open water shall comprise at least 50 percent of the overall project area. At least 12.5 percent of the total project area shall be public recreation areas, and at least 12.5 percent of the total project area shall be visitor-serving commercial. Water area shall comprise the remaining 50 percent of the visitor-serving commercial and public recreation area.
- g. The development of an open body of water shall be an integral part of this land use designation. The development of this water area, however, may only proceed consistent with the other policies of this plan.
- h. The project design shall also provide for significant buffer areas within the project, not including active public or visitor-serving uses, which will effectively protect all adjacent agricultural land uses from conflicts with urban uses and activities.

- i. For all PUD projects, the following requirements are imposed:
 - 1) A program of signing shall be developed and implemented to inform and direct the public as to the access and recreational opportunities, and the public obligations and constraints. Public recreational areas shall be located and designed to provide for ready access and identification by the public.
 - 2) All public areas shall be dedicated for public use prior to issuance of a permit for development.
 - 3) Public improvements required of a development shall be developed concurrently and shall be completed prior to completion of the final project phase.
25. Areas designated for visitor-serving commercial uses shall be planned and designed to maximize aesthetics, have a common theme and blend with surrounding uses. Permitted uses include motels, hotels, restaurants, and visitor-oriented retail commercial. Where designated, neighborhood convenience commercial may also be permitted, provided that the commercial uses remain predominantly visitor-oriented.
26. All new industrial and energy-related development shall be located and designed to minimize adverse effects upon public access to the beach. Where appropriate, an access dedication shall be a condition of approval.
27. The City will accept offers of dedication which will increase opportunities for public access and recreation consistent with the City's ability to assume liability and maintenance costs.
28. The City will actively encourage other private or public agents to accept offers of dedication, to assume liability and maintenance responsibilities, and initiate legal action to pursue beach access.
29. The City will continue to seek funding sources to improve existing access points.
30. The City will coordinate and supervise programs with other private and public organizations to improve existing access, provide additional access, provide signing, parking, pedestrian, and bicycle facilities, and the like.
31. Consistent with the availability of staff and funds, the City will initiate action to acquire easements to and along beaches and along access corridors for which potential prescriptive rights exist.

Existing Coastal Access

1. McGrath State Beach

This 295-acre state park located along Harbor Boulevard, south of the Santa Clara River, provides both vertical and lateral access to the ocean. Some access in the area of the Santa Clara River is limited due to sensitive habitat areas. Existing facilities include 174 camping spaces, nature trails, and bicycle camping facilities. Bike trails and improved bike camping areas are planned.

2. Mandalay Beach Park

This 104-acre park is located northwest of the intersection of Harbor Boulevard and Fifth Street. The park is jointly owned by the City of Oxnard and County of Ventura, and is presently undeveloped. Lateral and vertical access is available to pedestrians. Planned improvements will provide day-use facilities and group areas, and improved bicycle and pedestrian access. A portion of the property has a Resource Protection designation which may limit vertical access to marked trails. Pedestrian access along the Edison property to McGrath State Beach is planned.

3. Oxnard Shores

Vertical and horizontal access is provided at two public-owned beaches in this residential neighborhood. Vertical access is provided off Mandalay Beach Road, Capri Way, and Neptune Square. Lateral access is achieved along the length of the public beachfront.

4. Ormond Beach

Vertical access to the Ormond Beach area is provided by Perkins Road and Arnold Road. Perkins Road bisects an industrial area, and a new public parking lot has been constructed at the terminus. Arnold Road is a narrow rural road with little provision for parking at its terminus. The road is also subject to flooding during the rainy season. Vehicle and pedestrian access to parts of the Ormond Beach area will be restricted due to the resource and habitat significance, particularly in the wetland areas off Arnold Road.

5. Channel Islands Harbor

Harbor facilities include boat ramps, hoists, berths, fuel dock, and boat trailer parking. Channel Islands Harbor Park is along most of the inner perimeter of the harbor; features include grassy picnic areas, rest rooms with showers, and a beach area.

Approved or Proposed Coastal Access

6. Andrews Property/Mandalay Beach Associates Projects/Oxnard Beach Park

Approval of residential and visitor-serving development on the Andrews Tract No. 3929 and "The Colony" properties affords significantly improved lateral and vertical access in the area

south of the existing Oxnard Shores Neighborhood. Development of a 40-acre City park between Oxnard Shores and The Colony project provides a large area of vertical access as well as improved parking areas group facilities, a day-use beach, and interpretive areas.

7. Northern Dunes Area

This approximate 26-acre area of dunes is an excellent example of an increasingly rare dune habitat. Access to the area will be constrained due to the unique resource value. A raised trail system or similar method will provide pedestrian and bicycle access.

8. Southern Dunes Area

This 54-acre dunes area is also under a Resource Protection designation. Access in part will be controlled as in the northern dunes area. Areas may also be appropriate for more intense interpretive uses.

9. Mandalay Bay

Development of this large mixed-use project along the east side of the Edison Canal, south of Wooley Road, will provide many access opportunities. City parks will provide vertical access along many visitor-serving uses. Many water-oriented recreational activities such as swimming and sailing will be provided for in addition to the lateral access along the waterways.

IV. ORMOND BEACH WETLANDS AND MAPS

This report and accompanying maps were prepared by the Department of Fish and Game as part of the coastal wetlands inventory program. The information is also being made available to local governments for use in the preparation of their Local Coastal Programs.

The maps were prepared using aerial photographs (color and infrared) in conjunction with a ground survey. Because of the short time available to the preparer, there may be some minor discrepancies that will be changed in the future. For example, the sediment pile north of the settling ponds has been enlarged since the aerial photographs were taken.

Although definitive lines are used to delineate different habitats, it is very rare that divisions between habitats are distinct. Therefore, it should be noted that a zone of transition usually exists between different habitat types.

Approximately 16 acres of real property used by Halaco Engineering Company in the Ormond Beach areas was considered by the Department of Fish and Game to be nonpermitted fill of wetlands. As a result of the California Supreme Court decision in Halaco Engineering Company vs. South Central Coastal Regional Commission (July 1986) 42 Cal.3d 52, that property is now designated Industry: Priority to Coastal Dependent.

Definition

For mapping purposes at the Ormond Beach wetlands, the following definitions will apply.

Wetland

1. "Land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes. In certain types of wetlands, vegetation is lacking and soils are poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the water or substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep-water habitats." (From USFWS "Classification of Wetlands and Deep-water Habitats of the United States")
2. "Lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens." (From the Coastal Act 1976 Section 30121)

NOTE: The author believes that the two wetland definitions are equivalent.

Saltwater Marsh - Coastal Salt Marsh

Wetlands which are estuarine, of estuarine origin, or exhibit a water regime and salinity which maintain vegetation characteristic of an estuarine system. The saltwater marsh designation includes areas which are at least 30 percent covered by salt marsh indicator plant species (see attached list).

Flats (salt flats, mudflats, etc.)

Wetlands where vegetation is lacking (less than 35 percent coverage) and soils are poorly developed or absent as a result of frequent or drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salt or other substances in the water or substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within or adjacent or vegetated wetlands or deep-water habitats.

Brackish Water Marshes

Wetlands which are at least 30 percent covered by freshwater marsh indicator plant species, but no more than 40 percent covered by woody plants (see attached list). These areas are occasionally or regularly flooded by fresh water.

Open Water

Wetlands, usually nonvegetated (flats), which are covered by surface water throughout all or most of the dry seasons.

Upland/Fill

Former wetland areas that have been filled for road construction, reclamation, etc. Most of these areas are covered by upland vegetation while others are barren due to the type of use associated with them.

Nonpermitted Fill

Wetlands which have been filled with waste materials without required permits.

Wildlife Value

The Ormond Beach wetlands are used extensively by migratory waterfowl and other water associated birds. The Belding's Savannah sparrow, which is on the State's endangered species list, is also found here. A 1977 survey revealed that there were 17 pairs of Beldings' Savannah sparrows nesting in the Salicornia marshes (salt marshes) of Ormond Beach. Attached is a list of bird species which can be expected to utilize these wetlands.

REPRESENTATIVE PLANT SPECIES IN WETLANDS AND RIPARIAN HABITAT AREAS

This is a list of "representative" species that can be expected to be found in the various habitat areas indicated. Not all of them will be found in all areas of the State, and there are numerous others that could be included. However, this list should suffice for mapping purposes.

A. Salt Marsh

- * Alkali heath (Frankenia grandiflora)
- Arrow Grass (Triglochin maritima)
- Cordgrass (Spartina foliosa)
- * Glasswort (S. subterninalis)
- Gum plant (Grindelia stricta)
- * Jaumea (Jaumea carnosa)
- * Marsh rosemary (Limnium californicum var mexicanum)
- ** Pickleweed (Salicornia virginica)
- * Salt cedar (Monanthochloa littoralis)
- ** Saltgrass (Distichlis spicata)
- Salt Marsh fleabane (Pluchea purpurescens)
- Saltwort (Batis maritimum)
- Sea-blite (Suaeda californica var pubescens)

B. Freshwater Marsh

- Bulrushes (Scirpus spp.)
- Bur-reed (Sparganium eurycarpum)
- Buttercup (Ranunculus aquatilis)
- Cattails (Typha spp.)
- Naiads (Najas spp.)
- Pondweeds (Potamogeton spp.)
- Rushes (Juncus spp.)
- Sedges (Carex spp.)
- Smartweeds (Polygonum spp.)
- Spikerush (Heleocharis palustris)
- Watercress (Nasturtium officinale)
- Water lilies (Nuphar spp.)
- Water parsley (Vernanthe sarmentosa)

C. Brackish Marsh

- Alkali bulrush (Scirpus robustus)
- * Brass buttons (Cotula coronopifolia)
- Common reed (Phragmites communis)
- * Common tule (Scirpus acutus)
- * Fat-hen (Atriplex patula var hastata)
- Olney's bulrush (Scirpus olneyi)
- Rush (Juncus balticus)

- * Indicates plant species found at Ormond Beach wetlands
- ** Codominant plant species at Ormond Beach wetlands

Bird List

Common Name

Scientific Name

HERONS and BITTERNs:

American bittern	Botaurus lentiginosus
Black-crowned night heron	Nycticorax nycticorax
Cattle egret	Bubulcus ibis
Great blue heron	Ardesherodias
Great egret	Casmerodius albus
Green heron	Butorides virescens
Snowy egret	Egretta thula

SWANS, GEESE and DUCKS:

American widgeon	Anas americana
Blue-winged teal	Anas discors
Cinnamon teal	Anas cyanoptera
Gadwall	Anas strepera
Green-winged teal	Anas crecca carolinensis
Mallard	Anas platyrhynchos
Pintail	Anas acuta
Shoveler	Anas clypeata

VULTURES:

Turkey vulture	Cathartes aura
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KITES, HAWKS and HARRIERS

Marsh hawk	Circus cyaneus
Red-tailed hawk	Buteo jamaicensis
White-tailed kite	Elanus leucurus

FALCONS:

American kestrel	Falco sparverius
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RAILS, GALLINULES and COOTS:

American Coot	Fulica americana
Sora	Porzana carolina

PLOVERS:

Black-bellied plover	Flubialis spatarola
Killdeer	Charadrius vociferus
Semipalmated plover	Charadrius semipalmatus
Snowy plover	Charadrius alexandrinus

SANDPIPERS:

Commons snipe
Dunlin
Greater yellowlegs
Least sandpiper
Less yellowlegs
Long-billed curlew
Long-billed dowitcher
Marbled godwit
Ruddy turnstone
Sanderling
Short-billed dowitcher
Spotted sandpiper
Western sandpiper
Whimbrel
Willet

Capella gallinago
Calidris alpina
Tringa melanoleuca
Califris minutilea
Tring flavipes
Numenius americanus
Limnodomus scolopaceus
Limosa fedoa
Arenaria interpres
Calidris alba
Linmodromus griseus
Actitis macularia
Calidris mauri
Numenius phaeopus
Catoptrophorus semipalmatus

AVOCETS and STILTS:

American avocet
Black-necked stilt

Recurvirostra americana
Himantopus mexicanus

PHALAROPES:

Northern phalarope

Lobipes labatus

GULLS and TERNS:

Bonaparte's gull
California gull
Caspian tern
Forster's tern
Glaucous-winged gull
Heerman's gull
Herring gull
Least tern*
Ring-billed gull
Western gull

Larus philadelphia
Larus californicus
Hydroprogne caspia
Sterna forsteri
Larus glaucescens
Larus heermanni
Larus argentatus
Sterna albifrons
Larus delawarensis

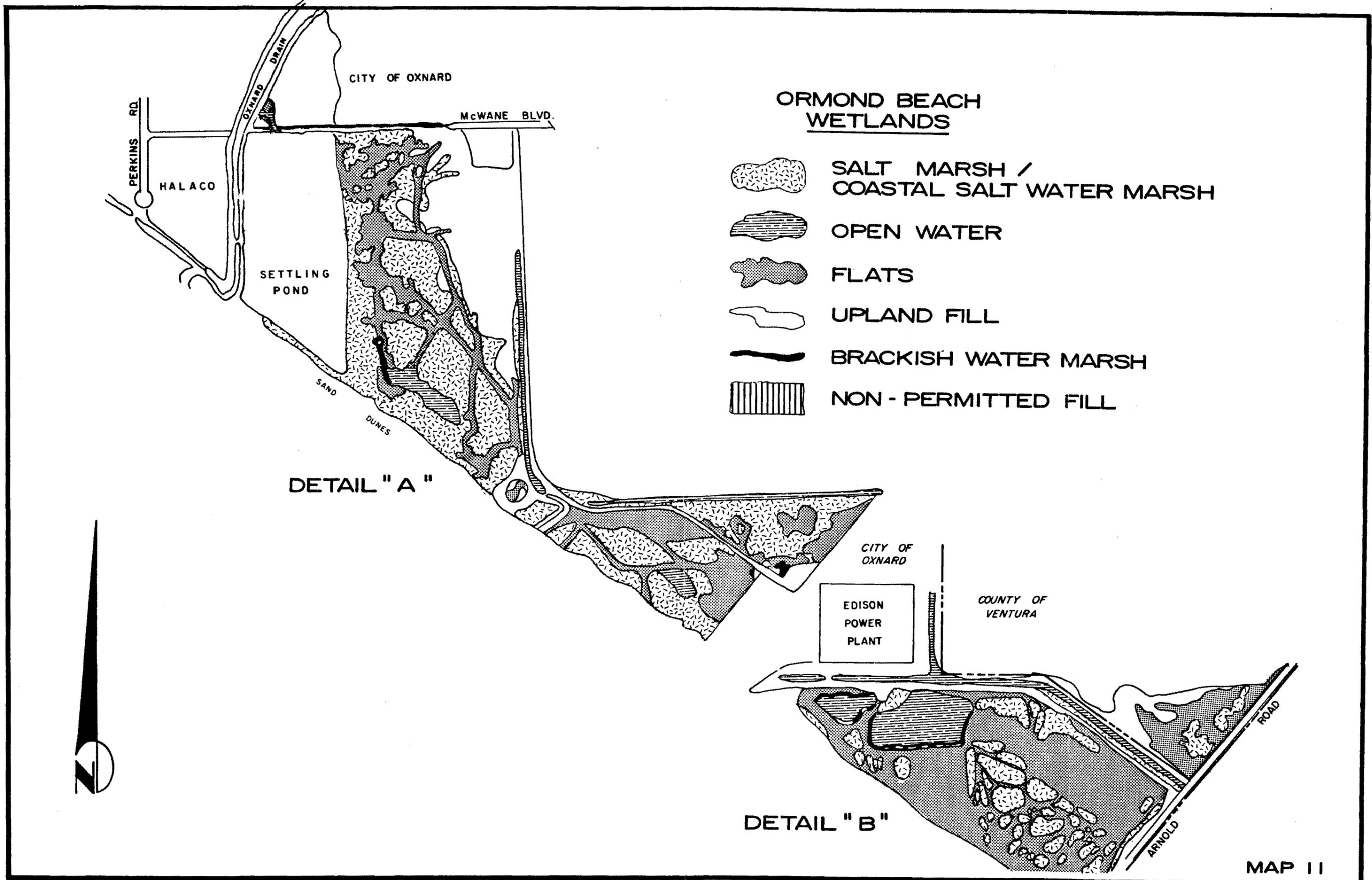
Larus occidentalis

OWLS:

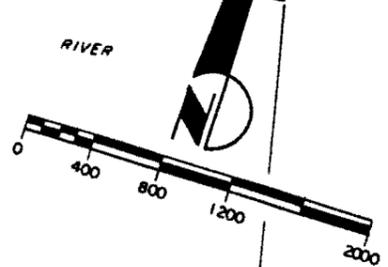
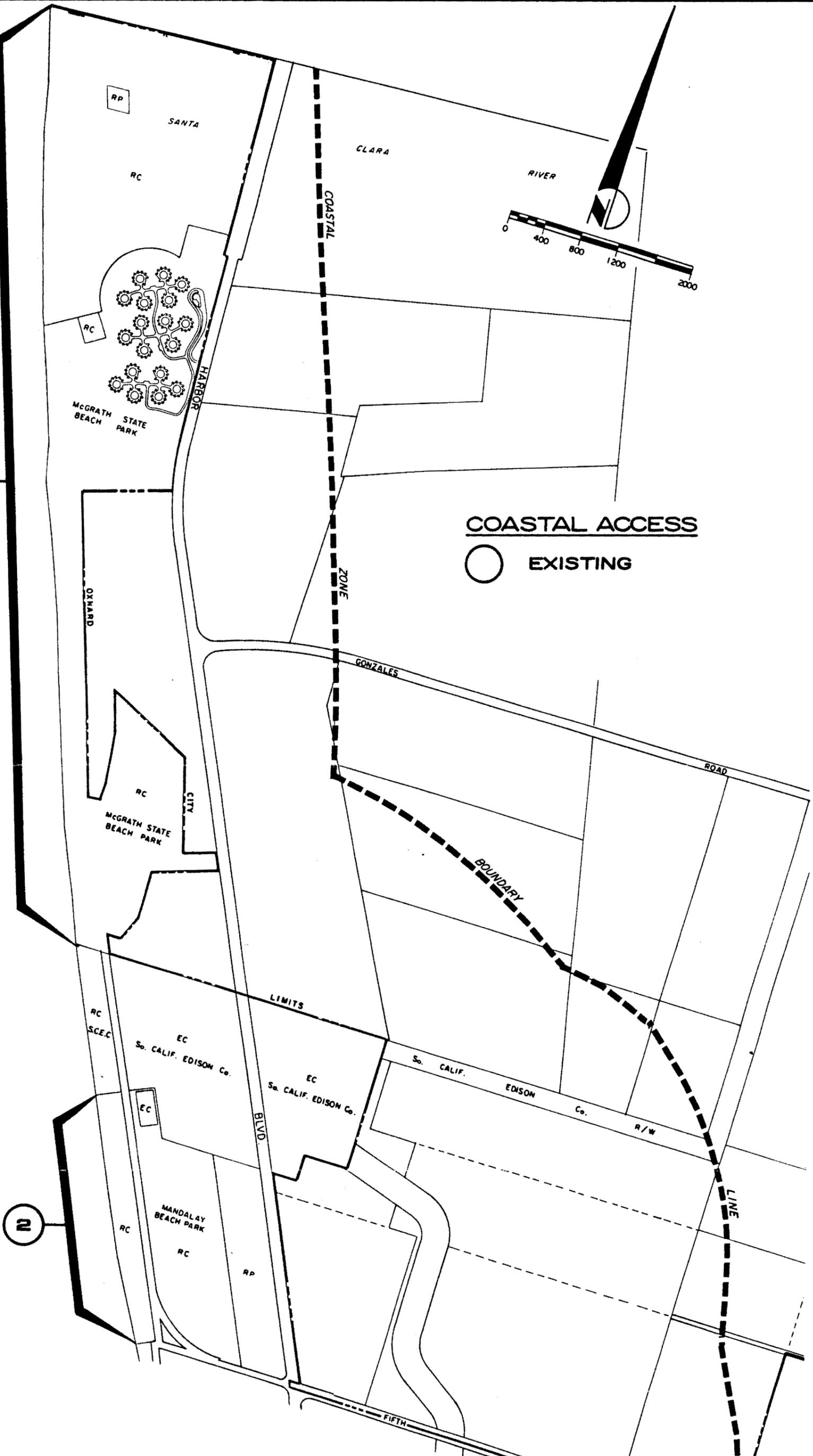
Barn owl
Burrowing owl
Short-eared owl

Typt alba
Speotyto cunicularia
Asio flammeus

*Endangered species

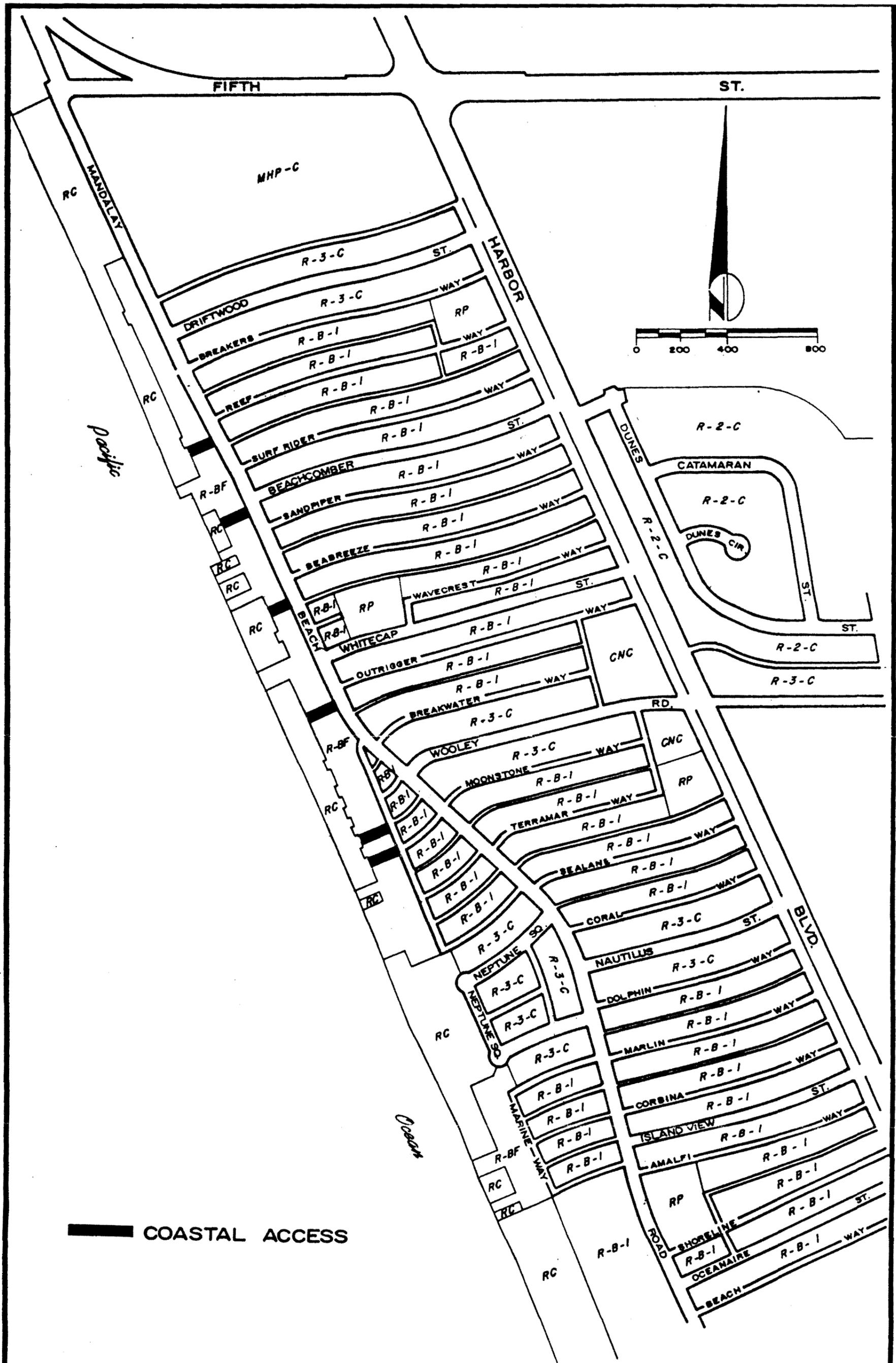


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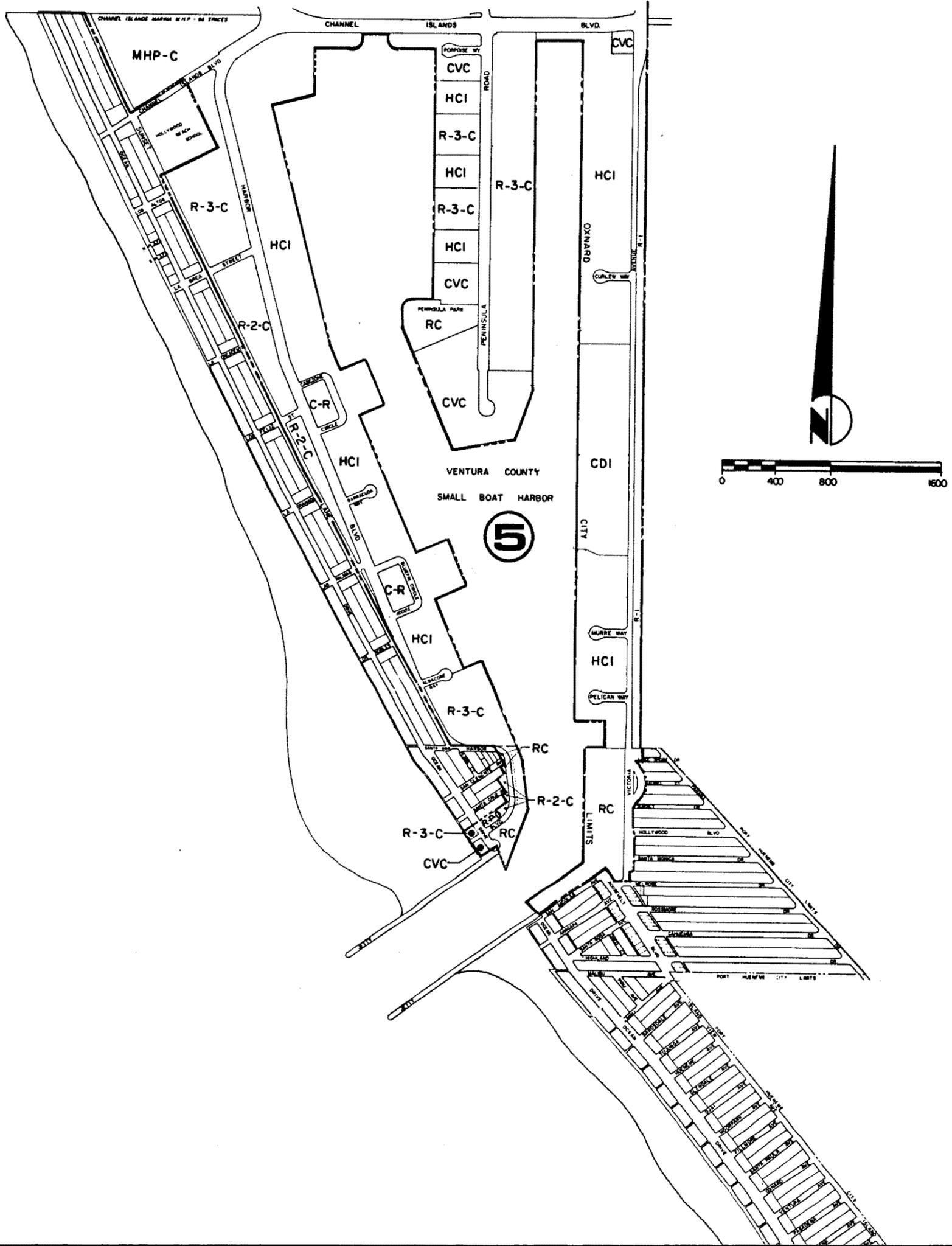
McGRATH / MANDALAY BEACH
 COASTAL ZONE AREA

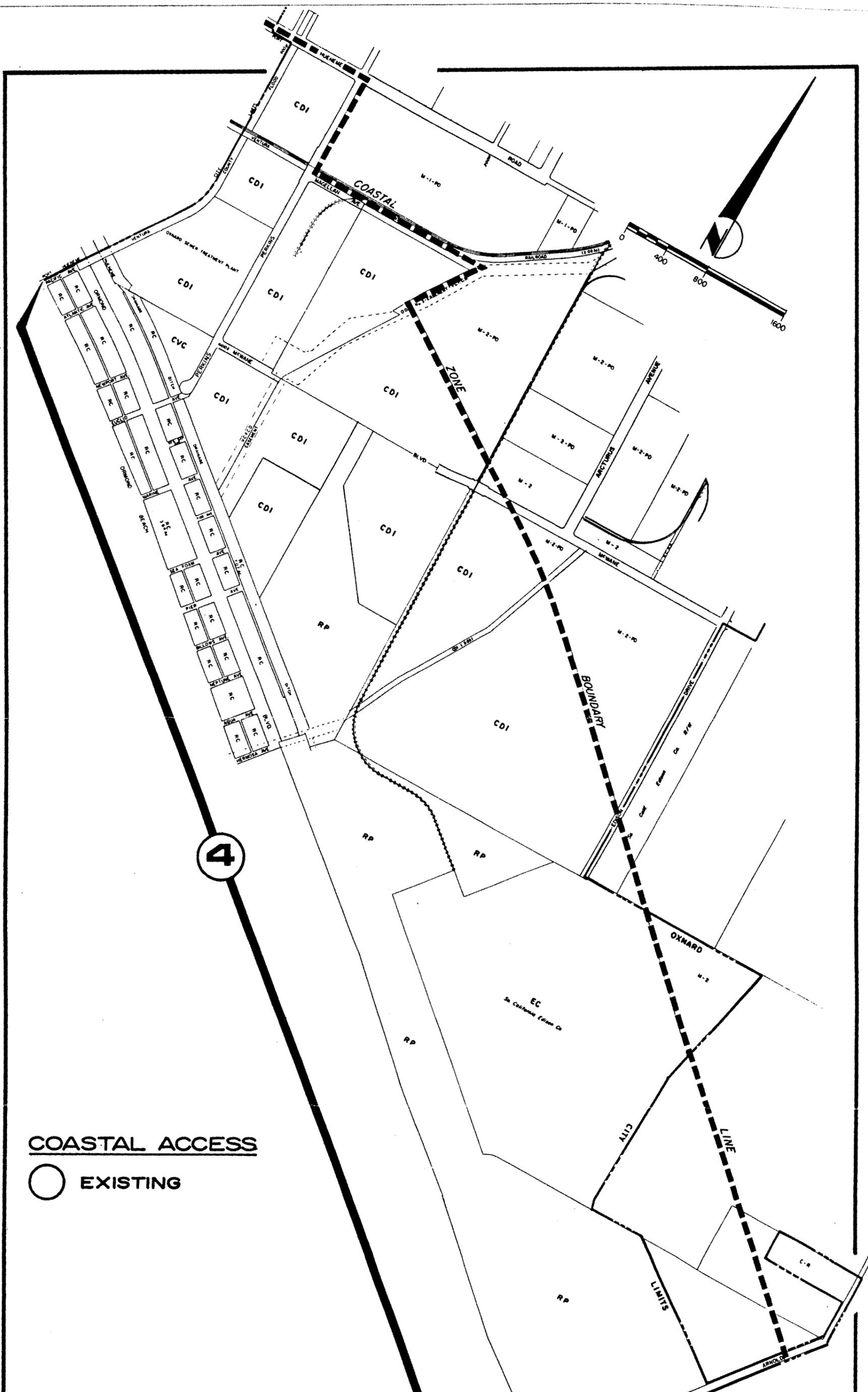


**OXNARD SHORES
COASTAL ZONE AREA**

MAP No. 13

MAY 1990



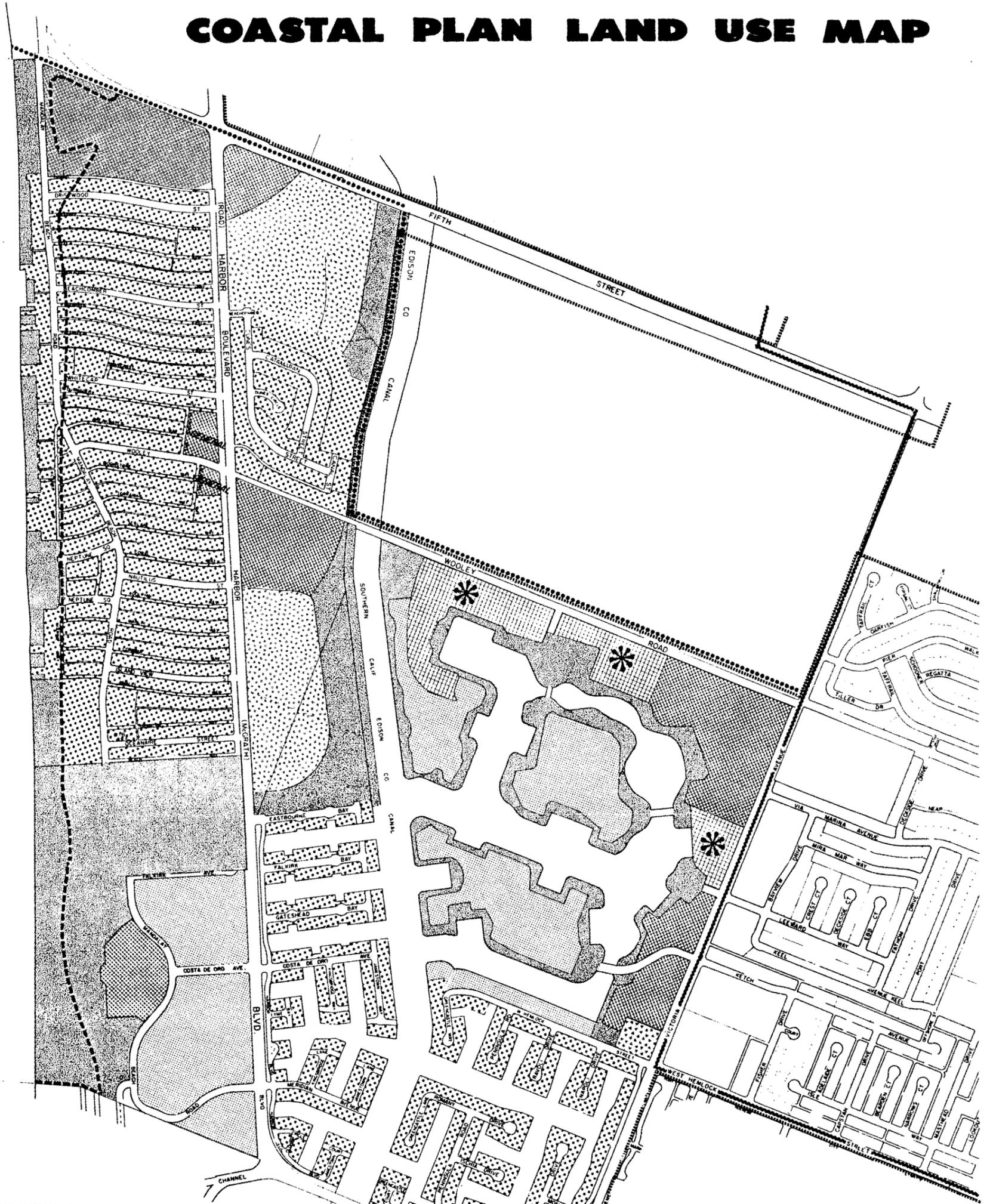


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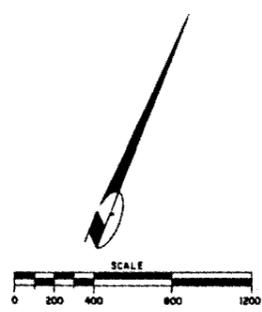
COASTAL PLAN LAND USE MAP

PACIFIC OCEAN



LEGEND

- EXISTING RESIDENTIAL AREAS
- PLANNED UNIT DEVELOPMENT RESIDENTIAL
- MOBILE HOME PARK
- VISITOR SERVING COMMERCIAL
- RECREATION AREA
- MIXED USE (COMMERCIAL / RESIDENTIAL)
- PUBLIC FACILITY
- RESOURCE PROTECTION AREA
- COASTAL ZONE BOUNDARY
- 100 YEAR FLOOD LINE (NATIONAL FLOOD INSURANCE)
- URBAN RURAL BOUNDARY
- OXNARD CITY LIMITS



OXNARD SHORES