

## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
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Staff: K. Kemmler  
Staff Report: 7/23/03  
Hearing Date: 8/6-8/03  
Previous Hearing Date: 6/13/03  
Commission Action: Approval  
w/Conditions (11-0)



## RECORD PACKET COPY

## STAFF REPORT: DE NOVO -- REVISED FINDINGS

**LOCAL GOVERNMENT:** City of Oxnard

**LOCAL DECISION:** Approval with conditions

**APPEAL NO.:** A-4-OXN-03-034

**APPLICANT:** Peter Fleming

**AGENT:** Roy Milbrandt, Architect

**PROJECT LOCATION:** 1041 Mandalay Beach Road (Oxnard Shores), Oxnard (Ventura Co.)

**COMMISSION ACTION:** Approval with Conditions

**DATE OF ACTION:** June 13, 2003 in Long Beach

**COMMISSIONERS ON PREVAILING SIDE:** Susskind, Desser, Hart, Iseman, Kruer, Curtis, Allgood, Potter, Wan, Woolley, Reilly

**PROCEDURAL NOTE:** Adoption of the revised findings requires a majority vote of the members from the prevailing side present at the June 13, 2003 hearing, with at least three of the prevailing members voting. Only those Commissioners on the prevailing side of the Commission's action are eligible to vote on the revised findings. The associated motion and resolution are located on Page 2 of this report.

**PROJECT DESCRIPTION:** Construction of a new three story, 4,200 square foot single family residence with an attached 1,038 sq. ft. garage and 411 sq. ft. deck on a 4,320 sq. ft. beachfront parcel.

**SUBSTANTIVE FILE DOCUMENTS:** City of Oxnard Local Coastal Program; California Coastal Act; California Coastal Commission Regulations; Oxnard City Code; City of Oxnard Staff Report PZ 02-40-1 dated June 5, 2002; City of Oxnard Notice of Final Decision CDP no. PZ 02-400-1 dated March 25, 2003; City of Oxnard Revision to Approved Plans permit no. 02-4068 approved April 23, 2003; City of Oxnard Revision to Approved Plans permit no. 02-4068 approved May 14, 2003; "Wave Impact Study," Skelly Engineering, February 2001.

### **Summary of Staff Recommendation**

On June 13, 2003, the Commission voted 11-0 to approve the coastal development permit with 2 additional conditions to address future shoreline protective devices. Therefore, Staff recommends that the Commission adopt the revised findings in support of its action to approve the proposed project with Three Special Conditions regarding (1) compliance with City of Oxnard's conditions, (2) no future shoreline protective device and (3) deed restriction.

## **I. STAFF RECOMMENDATION ON COASTAL DEVELOPMENT PERMIT**

Staff recommends a **YES** vote on the motion. Passage of this motion will result in the adoption of revised findings, as set forth in this staff report. The motion requires a majority vote of the members from the prevailing side present at the June 13, 2003, hearing, with at least three of the prevailing members voting. Only those Commissioners on the prevailing side of the Commission's action are eligible to vote on the revised findings.

**MOTION:** *I move that the Commission adopt the revised findings in support of the Commission's action on June 13, 2003 to approve Coastal Development Permit No. A-4-oxN-03-034 subject to the conditions below and that the Commission adopt the following resolution.*

### **RESOLUTION TO APPROVE THE PERMIT:**

The Commission hereby adopts the findings set forth below for approval of Coastal Development Permit No. A-4-oxN-03-034 on the ground that the findings support the Commission's decision made on June 13, 2003 and accurately reflect the reasons for that decision.

## **II. STANDARD CONDITIONS**

- 1. Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
- 2. Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
- 3. Interpretation.** Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.

4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### **III. SPECIAL CONDITIONS**

#### **1. City of Oxnard's Conditions**

The applicant shall comply with all of the City's conditions attached to the City of Oxnard approval of CDP no. PZ 02-40-1 as listed in Resolution No. 02-40-1 (Exhibit 1 of this staff report). Prior to the issuance of Coastal Development Permit A-4-OXN-03-034, the applicant shall submit evidence of such condition compliance for the review and approval of the Executive Director.

The Permittee shall undertake development in accordance with the final approved plans. Any proposed changes to the approved final plans as described in this staff report shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Coastal Commission approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

#### **2. No Future Shoreline Protective Device**

- A. By acceptance of the permit, the applicant agrees, on behalf of itself and all successors and assignees, that no shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit A-4-OXN-03-034 including, but not limited to, the construction of the residence, garage, driveway/patios and any other future improvements in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, landslides, or other natural hazards in the future. By acceptance of this permit, the applicant hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.
- B. By acceptance of this permit, the applicant further agrees, on behalf of itself and all successors and assigns, that the landowner shall remove the development authorized by this permit, including but not limited to, the residence, garage, driveway/patio areas, if any government agency has ordered that the structures are not to be occupied due to any of the hazards identified above. In the event that portions of the development fall to the beach before they are removed, the landowner shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

#### **3. Deed Restriction**

Prior to issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed

and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

#### **IV. PROCEDURAL HISTORY**

On June 5, 2002, the City Development Services Director approved a coastal development permit (PZ 02-40-1) with conditions. The City's notice of final action was received in the Commission's South Central Coast office on April 1, 2003. See Exhibit 1 for City's findings and conditions on the project.

The City did not send the required notice of final local action to the Coastal Commission immediately subsequent to City approval of the project. The City issued the coastal development and building permits to the applicant and the applicant began construction of the approved project. Commission staff was notified of the project by a neighbor and upon investigation, Staff was informed by the City that the notice of final local action had been overlooked. The City sent a notice of final local action to the Commission at that time and the project was subsequently appealed by various members of the community. The City notified the applicant that the permit had been suspended and that construction must cease until the permit appeal was resolved. The residence is partially constructed at this time.

The Commission's ten-working day appeal period for this action began on April 2, 2003 and concluded at 5:00 pm on April 15, 2003. Appeals from Daniel Wolfus, John Kendig, Barbara Nikelson, Ron & Kelly Blanchette and James Ghare were received during the appeal period and the appeals were filed on April 11 and 14, 2003 (Exhibits 12-16). These appeals contend that the approved project is not consistent with policies and provisions of the certified Local Coastal Program with regard to a stairway protruding into a 5 ft. side yard setback, which results in adverse impacts to public access to the beach and visual resources (see Section D. below for further discussion).

On May 9, 2003, the Commission found that a substantial issue existed in terms of the project's conformance with the certified City of Oxnard LCP and accepted jurisdiction over the coastal development permit for the project. Staff has met with the applicant, his representative and City staff to discuss the coastal issues raised in the appeals. Staff has also had multiple conversations with the appellants. The applicant has revised the City approved project design in response to the filed appeals, which is discussed further in Section C. below.

#### **V. FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares:

## **A. PROJECT DESCRIPTION & BACKGROUND**

### **CITY APPROVED PROJECT**

As stated previously, on June 5, 2002 the City of Oxnard Development Services Director approved a coastal development permit (PZ 02-40-1) for the construction of a new three story, 4,200 square foot single family residence with a 1,038 sq. ft. garage and 411 sq. ft. deck on a 4,320 sq. ft. beachfront parcel located at 1041 Mandalay Beach Road in the Oxnard Shores neighborhood. See Exhibit 1 for City approved plans.

### **APPLICANT'S REVISED PROJECT**

The applicant and the City submitted evidence that the applicant revised the proposed project plans subsequent to the City's approval in response to the appeals filed with the Coastal Commission. The project was revised on April 23, 2003 to delete the landing and staircase within the side yard setback area (Exhibit 2). The applicant further revised his plans in order to be sensitive to his neighbors' concerns, modifying the elevations to omit corbals and an overhang on the seaward face of the residence (Exhibit 3). See Exhibits 4-11 for proposed project plans.

### **PROJECT LOCATION**

The subject site is a beachfront parcel located along Mandalay Beach Road, a public road in the Oxnard Shores neighborhood within the City of Oxnard. The site is an undeveloped, 4,320 sq. ft. lot that is approximately 32 feet wide along the shoreline and 135 feet long toward the ocean. The subject site is an infill site within the existing residential beach community, and is bordered by single family residences of similar character located to the north and south. The nearest vertical public accessways to the beach are located approximately 232 feet to the north and 160 feet to the south of the subject site. There is existing lateral public access and recreation area seaward of the site that extends approx. 998 feet to the south along the beach and additional dedicated public access and recreation areas exist to the north and south along this stretch of beach.

### **BACKGROUND**

Commission staff prepared a request to open and continue the public hearing to determine whether a substantial issue exists with respect to the grounds on which the appeal has been filed for the May 9, 2003 hearing. However, the Commission is required pursuant to §30621 of the Coastal Act, to set a hearing on an appeal no later than 49 days after the date on which the appeal is filed with the Commission. An appeal of the subject decision was filed with the Commission on April 11, 2003. The only available Commission hearing within 49 days is the May 6-9, 2003 hearing. As such, the Commission found that a substantial issue exists in terms of the project's conformance with the certified City of Oxnard LCP and accepted jurisdiction over the coastal development permit for the project.

## **B. APPELANT'S CONTENTIONS**

The appeals filed with the Commission by Daniel Wolfus, John Kendig, Barbara Nikelson, Ron & Kelly Blanchette and James Ghery are attached as Exhibits 12-16. The appeals contend that

the approved project is not consistent with the policies of the certified LCP and the Coastal Act with regard to public access and visual resources. The appeals assert that the approved stairway on the side of the residence, which encroaches 4 ft. 8 in. into the 5 ft. side yard setback adversely impacts public access to the shoreline and public views from the road. Section 34-20 of the Oxnard City Code allows:

***Uncovered or enclosed porches, platforms or landing places, which do not extend above the level of the first floor of the building may extend into any required front, side or rear yard not more than six (6) feet; provided, however, that an openwork railing, not more than forty-two (42) inches in height may be installed or constructed on any such porch, platform or landing place.***

As noted above, the project has been revised to delete the approved stairway, thus, the proposed development does not involve an encroachment into the side yard setback area. As such, the appellants' contentions are no longer viable in relation to the stairway structure. Further, the impacts of the proposed development on public access and visual resources are addressed below.

### **C. CONSISTENCY WITH THE CITY OF OXNARD LOCAL COASTAL PROGRAM AND THE COASTAL ACT**

After certification of a Local Coastal Program (LCP), Section 30603 of the Coastal Act provides for appeals to the Coastal Commission of a local government's actions on certain types of coastal development permits (including any new development which occurs between the first public road and the sea, such as the proposed project site). In this case, the proposed development has been previously appealed to the Commission. The Commission found, during a public hearing on May 9, 2003, that there is a substantial issue with respect to the project's conformity to the policies contained in the certified LCP and the public access policies of the Coastal Act.

As a "de novo" application, the standard of review for the proposed development is, in part, the policies, standards, and provisions of the City of Oxnard Local Coastal Program (LCP). In addition, pursuant to Section 30604(c) of the Coastal Act, all proposed development located between the first public road and the sea, including those areas where a certified LCP has been prepared, such as the project site, must also be reviewed for consistency with the Chapter 3 policies of the Coastal Act regarding public access and recreation.

#### **1. PUBLIC ACCESS AND RECREATION**

The City of Oxnard Coastal Land Use Plan (LUP) incorporates Sections 30210 and 30211 of the Coastal Act concerning public access and recreation. 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 30211 states:

***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.***

The City's Coastal Zoning Ordinance (CZO) Policy 2 of Section 37-3.9.7 (Lateral Access) states that:

***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.***

The subject site is a beachfront parcel located in the Oxnard Shores neighborhood, which was the subject of litigation and a subsequent settlement agreement that created a redivision of property along this stretch of beach changing the configuration of most of the lots and dedication of large portions of the beach and several vertical accessways to the shoreline from the street to the State of California for the purpose of public access and recreation. The agreement allowed for development up to the seaward property boundary of the newly configured lots abutting public lands, as well as some modifications in development standards for narrow lots (less than 33 feet wide). As noted above, the nearest vertical public accessways to the beach are located approximately 232 feet to the north and 160 feet to the south of the subject site. In addition, there is a large lateral public access and recreation area seaward of the site that extends approx. 998 feet to the south along the beach and additional dedicated public access and recreation areas that exist to the north and south along this stretch of beach.

Therefore, the Commission finds that there is adequate vertical access nearby and lateral access exists directly seaward of the proposed development, thus, the proposed development will not adversely impact public access or recreation and is consistent with the coastal access and recreation policies of the City's LCP and the Coastal Act.

## **2. SHORELINE PROCESSES AND HAZARDS**

The City of Oxnard Coastal LUP incorporates Sections 30235 of the Coastal Act concerning shoreline protective structures. Section 30235 states:

***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 fish kills should be phased out or upgraded where feasible.***

The City of Oxnard Coastal LUP also incorporates Section 30251 of the Coastal Act, which states that:

***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. 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.**

In addition, Local Coastal Policy 13 states:

**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 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.**

Further, the LUP states:

**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.**

Additionally, Section 37-3.5.2 of the City's CZO states:

**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.**

Past Commission review of shoreline residential projects has shown that such development results in potential individual and cumulative adverse effects to coastal processes, shoreline sand supply, and public access. Shoreline development, if not properly designed to minimize such adverse effects, may result in encroachment on lands subject to the public trust (thus physically excluding the public); interference with the natural shoreline processes necessary to maintain publicly-owned tidelands and other public beach areas; overcrowding or congestion of such tideland or beach areas; and visual or psychological interference with the public's access to and the ability to use public tideland areas. The proposed development is located on a beachfront lot and will be subject to some inherent potential hazards.

The City has reviewed and approved the project as currently proposed and the City as well as the applicant are aware of the risk associated with development on a sandy beach. The proposed residence will be constructed on a caisson/grade beam foundation and the applicant's coastal engineering consultant's recommendations do not include any shoreline protection devices to protect any portion of the proposed residence.

In the case of the proposed project, the applicant is not proposing the construction of any shoreline protective device to protect the proposed development. Though the proposed development will be located and designed such that it will not be subject to wave uprush or over-topping under normal tidal conditions, past winter storms, including the winter storm seasons of 1981 and 1983 resulted in severe erosion of the beach and caused damage to several residences located in the Oxnard Shores area. It is not possible to completely predict what conditions the proposed residence may be subject to in the future. The Commission notes that construction of a shoreline protective device on the project site to protect the proposed development would result in potential adverse effects to coastal processes, shoreline sand supply, and public access.



Shoreline protective devices individually and cumulatively affect coastal processes, shoreline sand supply, and public access by causing accelerated and increased erosion on the adjacent public beach. Adverse impacts resulting from shoreline protective devices may not become clear until such devices are constructed individually along a shoreline and they eventually affect the profile of an entire beach. Changes in the shoreline profile, particularly changes in the slope of the profile, caused by increased beach scour, erosion, and a reduced beach width, alters usable beach area under public ownership. A beach that rests either temporarily or permanently at a steeper angle than under natural conditions will have less horizontal distance between the mean low water and mean high water lines. This reduces the physical area of public property available for public beach use. Additionally, through the progressive loss of sand caused by increased scour and erosion, shore material is no longer available to nourish the beach and seasonal beach accretion occurs at a much slower rate. Oxnard Shores has been characterized as an oscillating beach. However, the Commission notes that if a seasonal eroded beach condition occurs with greater frequency due to the placement of a shoreline protective device on the subject site, then the subject beach would also accrete at a slower rate. As the natural process of beach accretion slows the beach fails to establish a sufficient beach width, which normally functions as a buffer area absorbing wave energy. The lack of an effective beach width can allow such high wave energy on the shoreline that beach material may be further eroded by wave action and lost far offshore where it is no longer available to nourish the beach. The effect of this on public access along the beach is again a loss of beach area between the mean high water line and the actual water.

In addition, sea level has been rising slightly for many years. The historic rate of sea level rise has been 1.8 mm/yr. or about 7 inches per century<sup>1</sup>. Sea level rise is expected to increase by 8 to 12 inches in the 21<sup>st</sup> century<sup>2</sup>. There is a growing body of evidence that there has been a slight increase in global temperature and that an accelerated rate of sea level rise can be expected to accompany this increase in temperature. Mean water level affects shoreline erosion in several ways and an increase in the average sea level will exacerbate shoreline erosion.

On the California coast the effect of a rise in sea level will be the landward migration of the intersection of the ocean with the shore. On a relatively flat beach, such as the subject beach, with a slope of 40:1, every inch of sea level rise will result in a 40-inch landward movement of the ocean/beach interface. For fixed structures on the shoreline, such as single family residences, bulkheads, revetments, seawalls, pilings, an increase in sea level will increase the extent and frequency of wave action and future inundation of the structure. More of the structure will be inundated or underwater than that which is inundated now and the portions of the structure that are now underwater part of the time will be underwater more frequently.

Accompanying this rise in sea level will be increased wave heights and wave energy. Along much of the California coast, ocean bottom depth controls nearshore wave heights, with bigger waves occurring in deeper water. Since wave energy increases with the square of the wave height, a small increase in wave height can cause a significant increase in wave energy and

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<sup>1</sup> Hicks, Steacy D. and Leonard E. Hickman, Jr. (1988) United States Sea Level Variations Through 1986. Shore and Beach, Vol. 56, no. 3, 3 - 7.

<sup>2</sup> Field et. al., Union of Concerned Scientists and the Ecological Society of America (November 1999) Confronting Climate Change in California, [www.ucsusa.org](http://www.ucsusa.org).

wave damage.<sup>3</sup> So, combined with a physical increase in water elevation, a small rise in sea level can expose areas that are already exposed to wave attack to more frequent wave attack with higher wave forces.

Shoreline protection devices also directly interfere with public access to tidelands by impeding the ambulatory nature of the mean high tide line (the boundary between public and private lands) during high tide and severe storm events, and potentially throughout the entire winter season. The impact of a shoreline protective device on public access is most evident on a beach where wave run-up and the mean high tide line are frequently observed in an extreme landward position during storm events and the winter season. As the shoreline retreats landward due to the natural process of erosion, the boundary between public and private land also retreats landward. Construction of rock revetments and seawalls to protect private property fixes a boundary on the beach and prevents any current or future migration of the shoreline and mean high tide line landward, thus eliminating the distance between the high water mark and low water mark. As the distance between the high water mark and low water mark becomes obsolete the seawall effectively eliminates lateral access opportunities along the beach as the entire area below the fixed high tideline is inundated. The ultimate result of a fixed tideline boundary which would normally migrate and retreat landward, while maintaining a passable distance between the high water mark and low water mark overtime, is a reallocation of tideland ownership from the public to the private property owner.

The Commission notes that Section 30235 of the Coastal Act allows for the construction of a shoreline protective device when necessary to protect existing development or to protect a coastal dependent use. The Commission further notes that the approval of a shoreline protective device to protect new residential development, such as the proposed project, would not be required by Section 30235 of the Coastal Act. Construction of a shoreline protective device to protect a new residential development would conflict with Section 30253 of the Coastal Act which states that new development shall neither create nor contribute to erosion or geologic instability of the project site or surrounding area. In addition, the construction of a shoreline protective device to protect new residential development would also conflict with Section 30251 of the Coastal Act which states that permitted development shall minimize the alteration of natural land forms, including sandy beach areas which would be subject to increased erosion from such a device.

As described in detail above, shoreline protective devices constructed along the sandy beach at the project site would have the potential to adversely impact shoreline processes and public access. Additionally, construction of a shoreline protective device to protect the proposed development would be inconsistent with Sections 30235 and 30251 of the Coastal Act and Section 37-3.5.2 of the City's CZO. Therefore, to ensure that the proposed project is consistent with those Sections, and to ensure that the proposed project does not result in future adverse effects to coastal processes and public access, **Special Condition No. Two (2)** prohibits the applicant, or future land owner, from constructing a shoreline protective device for the purpose of protecting any of the development proposed as part of this application including the residence, garage, driveway, etc.

Furthermore, **Special Condition No. Three (3)** requires the applicant to record a deed restriction that imposes the terms and conditions of this permit as restrictions on use and

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<sup>3</sup> Dean, Robert G. and Robert Dalrymple (1984) Water Wave Mechanics for Engineers and Scientists, Prentice-Hall, Inc. New Jersey.

enjoyment of the property and provides any prospective purchaser of the site with recorded notice that the restrictions are imposed on the subject property.

Therefore, the Commission finds that the project, as conditioned, is consistent with the hazard and shoreline processes policies of the City's LCP.

### 3. VISUAL RESOURCES

The City of Oxnard Coastal LUP incorporates Section 30251 of the Coastal Act, which states that:

*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. 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 Coastal Policy 37 states:

*All new development in the coastal zone shall be designed to minimize impacts on the visual resources of the area.*

As noted in the City staff report, the proposed development is consistent with the character of the surrounding area as illustrated in photos submitted by the City of numerous residences in the Oxnard Shores neighborhood. Additionally, the applicant subsequently revised the project description in response to the appeals filed with the Coastal Commission, which eliminated the structures that are purported to obstruct public views along the coast and from the public road. Thus, the Commission finds that the project as proposed is consistent with visual resource policies of the City's LCP.

### 4. CONCLUSION

For the reasons discussed above, the proposed development, as conditioned, is consistent with the LCP and the coastal access and recreation policies of the Coastal Act. **Special Condition No. One (1)** requires the applicant to comply with all of the special conditions imposed by the City attached to the City of Oxnard approval of CDP no. PZ 02-40-1 as listed in Resolution no. 02-40-1 and submit evidence of such compliance prior to the issuance of this coastal development permit. Further, to minimize impacts to shoreline processes and public access and recreation, **Special Condition No. Two (2)** prohibits any future shoreline protective device to be constructed to protect the development approved under this coastal development permit. Finally, **Special Condition No. Three (3)** requires the applicant to record a deed restriction that imposes the terms and conditions of this permit as restrictions on use and enjoyment of the property and provides any prospective purchaser of the site with recorded notice that the restrictions are imposed on the subject property. Therefore, the Commission finds that the proposed development, as conditioned, is consistent with the City of Oxnard's LCP and the Coastal Act.

## **D. CEQA**

Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The Commission finds that, the proposed project, as conditioned will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970 and is the preferred alternative. Therefore, the proposed project, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act.



*Planning and Environmental Services*

**DEVELOPMENT SERVICES DIRECTOR  
Staff Report**

**TO:** Matthew Winegar, Development Services Director  
**FROM:** Adam Denton, Associate Planner  
**DATE:** June 5, 2002  
**SUBJECT:** Planning and Zoning Permit No. 02-40-1  
(Coastal Development Permit) Filed by Roy Milbrandt

1. **Recommendation:** That the Development Services Director approve Planning and Zoning permit 02-40-1, a coastal development permit for the construction of an approximately 4,200 square foot, single family beachfront house, subject to the attached findings and conditions.
2. **Project Description and Applicant:** Planning and Zoning Permit No. 02-40-1 a Coastal Development Permit for the construction of a three story, 4,200 square foot single-family beachfront home in the R-B-F (Beachfront Residential) zone in the Oxnard Shores neighborhood, located at 1041 Mandalay Beach Road, at Whitecap Street, Tract No. 4380, Lot No. 36. Filed by Roy Milbrandt, 1695 Mesa Verde Ave. Suite 200, Ventura, CA 93003.
3. **Existing Land Use:** Vacant beachfront lot, zoned RBF (Beachfront Residential).
4. **General Plan Land Use Designation and Coastal Plan Policies Conformance:** The 2020 General Plan designation for the site is Low Medium Residential with 8-12 dwelling units per acre. The proposed use of the site is for single-family residence. The proposed development is consistent with the density indicated by the land use designation; therefore, the project is consistent with the City's 2020 General Plan. The project also complies with applicable Coastal Plan Policies.
5. **Environmental Determination:** The project is categorically exempt under Section 15303 of the California Environmental Quality Act Guidelines, "New Construction or Conversion of Small Structures". The project consists of a single-family residence, which is specifically included under this exemption. The proposal does not include any elements that would result in a significant impact on the environment.

## 6. Surrounding Zoning and Land Uses:

### Lot 10

Location	Zoning	Land Use
North	R-BF	Existing Beach House
South	R-BF	Vacant Beachfront Residential
East	RB-1	Single Family Residential
West	RC	Beach/Ocean

## 7. Analysis

- a. General Discussion: The proposed single-family residence is located on Lot No. 36 of Tract No. 4380, and is 32 feet wide by approximately 135 feet deep. The proposed development satisfies the standards of the R-B-F zoning designation (Residential Beachfront). Lots less than 33 feet wide are permitted to have dwellings up to three stories, not to exceed 30 feet. Building heights are measured from the lowest horizontal structural member parallel to the shore to the highest peak of the roof. Based on City Code, the top of pile shall be located between +14.0 NGVD (National Geodetic Vertical Datum) and +17.0 NGVD, unless additional height is required based on a wave run up study. In no case shall the building height exceed +47.0 feet above NGVD. The proposed structure has a zero lot line on the north and a five-foot side yard setback on the south side of the property. The adjacent house to the north has the same zero lot line configuration resulting in a five-foot separation between structures.
- b. Relevant Project and Property History, Related Permits: On April 5, 1988, the City Council approved the Oxnard Shores agreement for settlement of litigation. On April 12, 1988, the City Council approved the tentative subdivision map for Tract 4380 and related development agreements for the Oxnard Shores lots. On October 17, 1989, the City Council approved the final map for Tract 4380 establishing the current lot division. Currently, there are two types of beachfront lots, parcels created as a result of the Oxnard Shores settlement agreement and lots that were developed prior to the settlement agreement. Pre-settlement lots typically extend out further seaward and in some cases extend to the ocean.

The settlement agreement created a boundary line establishing "beach property" and "tidelands parcels". The final map for Tract 4380 divided the "beach property" into 73 private lots, 2 large public beach areas and 9 access areas. As part of the settlement agreement, the "tidelands parcels" remained in state ownership and were subsequently leased to the City in October of 1989. The pre-settlement lots require side yard setbacks of 5 feet and limit building heights to two stories. Post-settlement lots are narrower than pre-settlement lots and allow zero lot line development on one side property line and along the beach and building heights up to three stories. These development standards are outlined in the City of Oxnard Coastal Zoning Ordinance.

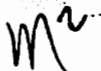
- b. Lot Location: The site is a beachfront lot located at the intersection of Whitecap Street and Mandalay Beach Road. The property is located within the Oxnard Shores community and is accessed from Mandalay Beach Road.
  - c. Site Design: The site design is consistent with the beachfront neighborhood character. The proposed building footprint occupies approximately 52.6% of the lot, except for a five-foot setback on the south side of the property and a 20 ft. deep driveway and pedestrian access. Landscaping has been proposed in the areas adjacent to the existing sidewalk and proposed driveway and pedestrian entry path. The landscaping is consistent with the style and plant material used throughout the area.
  - d. Architecture: The proposed building is "Spanish architecture" which uses arches with decks and architectural projections to add three-dimensional relief to the walls of the structure. The building has a stucco finish with varied textures, a stamped colored concrete entry walk, wood trimmed windows with brown color wood trim. The window treatments on the zero lot line are glass block construction to comply with building codes. The driveway is stamped concrete with terra cotta details. The garage door finish is wood with metal hardware to match the structure's window trim.
8. **Special Recommended Conditions**: Special conditions regarding building on pilings, breakaway panels, mailbox and driveway details, landscaping and compliance with the development agreement have been included in the conditions of approval.
9. **Attached Exhibits**:
- a. Location Map
  - b. Land Use Map
  - c. Zone Map
  - d. Site Plan
  - e. Floor Plans
  - f. Building Elevations
  - g. Resolution

Prepared by: \_\_\_\_\_



AD

Approved by: \_\_\_\_\_



MM

**RESOLUTION NO. PZ 02-40-1**

**COASTAL DEVELOPMENT PERMIT NO. PZ 02-40-1, TO CONSTRUCT A 4,200 SQUARE FOOT SINGLE-FAMILY RESIDENCE ON A R-B-F (BEACHFRONT RESIDENTIAL) ZONED LOT, LOCATED AT 1041 MANDALAY BEACH ROAD, TRACT NO. 4380, LOT 36. FILED BY ROY MILBRANDT, 1659 MESA VERDE AVE. SUITE 200, VENTURA, CA 93003.**

**The Development Services Director of the City of Oxnard has considered an application for a Coastal Development permit for a new 4,200 square foot single family residence filed by Roy Milbrandt, in accordance with Section 37-2.16.3 (1) of the Oxnard City Code,**

**The project is among the classes of projects listed in Article 19 (commencing with Section 15300) of Division 6 of Title 14 of the California Code of Regulations as categorically exempt from the requirements for the preparation of environmental documents imposed by the California Environmental Quality Act,**

**The Development Services Director finds, after due study, deliberation and public hearing, that the following circumstances exist:**

- 1. The proposed use is conditionally permitted within the subject sub-zone and complies with all of the applicable provisions of Chapter 37 of the Oxnard City Code.**
- 2. The proposed use would not impair the integrity and character of the sub-zone in which the proposed use is to be located.**
- 3. The subject site, in terms of location and intensity of use, would be physically suitable and would protect and maintain adjacent coastal resources for the land use being proposed.**
- 4. The proposed use would be compatible with the land uses presently on the subject property.**
- 5. The proposed use would be compatible with existing and future land uses within the sub-zone and the general area in which the proposed use would be located.**
- 6. There are adequate public services for the proposed use, including, but not limited to, fire and police protection, water, sanitation and public utilities and services to ensure 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.

The Development Services Director finds that the applicant agrees with the necessity of and accepts all elements, requirements, and conditions of this resolution as being a reasonable manner of preserving, protecting, providing for, and fostering the health, safety, and welfare of the citizenry in general and the persons who work, visit or live in this development in particular.

The decision of the Development Services Director is final unless appealed in accordance with the provisions of Section 37-5.4.9 of the Oxnard City Code.

This coastal development permit is approved subject to the following findings and conditions:

Note: The abbreviations listed below indicate which City group or program has responsibility to insure compliance with these conditions. The first agency listed has responsibility at plan check, the second at inspection and the third at final inspection, prior to certificate of occupancy, or at a later date, as specified in the condition.

**Agencies**

CA	City Attorney	PL	Planning
DS	Dev. Service/Eng Dev./Inspectors	TR	Traffic
PD	Police Department	B	Building Plan Checker
SC	Source Control	FD	Fire Prevention Bureau/Dept
PK	Parks Division	BI	Building Inspectors

If more than one agency is listed, the first department or division listed must check the plans or inspect the project before the second may approve compliance with the condition.

**PLANNING SPECIAL CONDITIONS**

1. Developer shall construct the improvements on driven pilings in accordance with Exhibit 6 of the settlement agreement in Oxnard Shores Oceanfront Lot Owners Association, et al. v. City of Oxnard, et al. (PL/DS)
2. Developer shall provide breakaway panels painted to match the building that cover approximately half the area between the first floor of the structure and the sand below. (PL)
3. Building heights shall be measured from the lowest shore parallel horizontal structural member to the highest peak of the roof. The minimum elevation of the bottom of the lowest structural member, with a shore parallel component greater than three feet in length, shall be +14.0 feet NGVD (National Geodetic Vertical Datum), or one foot above the calculated 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 feet NGVD, unless a coastal

engineering report substantiates the need for a higher elevation based on wave run-up and wave force rationale. (PL/BI)

4. Developer shall provide mailbox detail that is theme-coordinated with the architecture of the building, subject to approval by the Planning and Environmental Services Manager. (PL)
5. Developer shall provide a decorative driveway consisting of a minimum of two contrasting materials. At least one material shall be used as a border on all sides and for interior detail work on the driveway. Different textures or colors of the same material shall be considered as one material (ie. brush and salt finish concrete, or different colored concrete). The driveway finish plan shall be reviewed and approved by the Planning and Environmental Services Manager prior to the issuance of building permits. (PL)
6. Roof construction for a zero lot line condition shall meet all building code requirements and all roof drainage must be conducted on site. Eaves and gutters may not project beyond the property line. (PL)
7. All roof and building drainpipes and downspouts shall be installed inside the building elements. No downspouts shall be visible on any exterior building elevations. (PL/B)
8. Developer shall not obstruct automobiles and pedestrians on Mandalay Beach Road during construction and maintenance activities.
9. Developer shall be responsible for maintaining the construction site free of litter and the accumulation of construction debris.

#### **DEVELOPMENT SERVICES SPECIAL CONDITIONS**

10. Developer shall pay \$379.89 to the City as this parcel's portion of the cost for relocation of fire hydrants and utility poles as required by the subdivision known as Tract 4380. These fees shall be paid prior to the issuance of a building permit. (DS)
11. The Developer shall take sufficient precautions during construction to prevent ocean wave run-up from passing through the project site and into the street right-of-way. Failure to take adequate precautions will result in Developer being assessed street cleanup costs. (DS)
12. Developer shall repair and/or replace any existing broken or damaged sidewalk, curb gutter or asphalt paving adjacent to property as directed by the Construction Services Inspector. (DS)

13. Developer shall pay to the City \$1.1476 per square foot of floor area as payment for this project's share of the cost of placing utility lines in the Oxnard Shores Zone underground plus \$0.1726 per square foot of floor area as payment for the Citywide utility undergrounding. This fee shall be paid prior the issuance of a building permit. (PL/DS)
14. Driveway shall be designed and constructed in accordance with City Standard Plate No. 115 for "Streets" and plate 318 for "Ways". (DS)
15. The Developer's architect and engineer shall provide written certification that the structure complies with all FEMA requirements. This shall include the filing of a FEMA "elevation certificate." (DS)
16. Developer shall construct a level concrete pad for storage of two refuse containers out of view of the public street. Developer shall provide a paved path from the storage location to the street curb. All gates or doors along the path shall be constructed with a minimum of 36 inches of clear space to allow passage of the City issued containers. (DS)

#### **PARKS (LANDSCAPING) STANDARD CONDITIONS**

17. Before the City issues building permits or the proposed use is initiated, Developer shall submit two copies of landscape and irrigation plans, along with the appropriate permit application and fees, to the Development Services Division and obtain approval of such plans. (PK/DS)
18. Before City issues a certificate of occupancy, Developer shall install landscape and automatic irrigation systems that have been approved by the Parks and Facilities Superintendent. (PK)
19. Developer shall maintain landscape planting and all irrigation systems as required by the City Code and as specified by this permit. Failure of Developer to do so will result in the revocation of this permit and initiation of legal proceedings against Developer. (PK)
20. Before the City issues a certificate of occupancy, Developer shall provide a watering schedule to the building owner or manager and to Superintendent. The irrigation system shall include automatic rain shut-off devices, or instructions on how to override the irrigation system during rainy periods. (PK)
21. All trees planted or placed on the property by Developer shall be at least 24-inch-box size. All shrubs and vines shall be at least five-gallon size, except as otherwise specified by this permit. (PK)

### **PARKS SPECIAL CONDITIONS**

22. The irrigation system shall include rain shut-off sensor device as a water conservation measure. The device shall be a part of the irrigation plan submittal.

### **FIRE SAFETY STANDARD CONDITIONS**

23. All roof covering materials on the project property shall be of non-combustible or fire retardant materials approved by the Fire Chief and in compliance with the City Code. (FD, *F-2*)
24. All structures on the project property shall conform to the minimum standards prescribed in Title 19 of the California Code of Regulations. (FD, *F-5*)
25. The project shall meet the minimum requirements of the "Fire Protection Planning Guide" published by the Fire Department. (FD, *F-6*)
26. Developer shall provide automatic fire sprinklers as required by the City Code and shall contact the Fire Chief to ascertain the location of all connections. (FD, *F-12*)

### **PLANNING STANDARD CONDITIONS**

27. The permit is granted for the property as described in the application and shall not be transferable from one parcel to another. (PL)
28. This permit is granted for the plans dated May 16, 2002, ("the plans") on file with the Planning Division. The project shall conform to the plans, except as otherwise specified in these conditions, or unless a minor modification to the plans is approved by the Planning and Environmental Services Manager or a major modification to the plans is approved by the Planning Commission. A minor modification may be granted for minimal changes or increases in the extent of use or size of structures or of the design, materials or colors of structures or masonry walls. A major modification shall be required for substantial changes or increases in such items. (PL, *G-2*)
29. This permit shall become null and void within 24 months from the date of its issuance, unless the proposed development or use has been diligently pursued. The issuance of a grading, foundation, or building permit for structural construction shall be a minimum requirement for evidence of diligent pursuit. (PL)
30. All conditions of this permit including any off-site and on-site improvements, including building, paving, and landscape construction, shall be completed prior to

occupancy except as may be permitted by the Community Development Director in consultation with other affected departments. In the event early occupancy is permitted, Developer shall provide security or agreements to ensure full completion of the project. (DS)

31. The development or use by the Developer of any activity or structure authorized by this permit shall constitute acceptance of all of the conditions and obligations imposed by the City on this permit. The Developer by said acceptance waives any challenge as to the validity of these conditions. (CA)
32. Developer agrees, as a condition of approval of this resolution and at applicant/developer's own expense, to indemnify and defend the City and its agents, officers and employees from and against any claim, action or proceeding to attack, set aside, void or annul the approval of this resolution or any proceedings, acts or determinations taken, done or made prior to the approval of such resolution which were part of the approval process. (CA)
33. Developer's acceptance of this resolution or commencement of construction or operations under this resolution shall be deemed to be acceptance of all conditions thereof. (CA)
34. Any covenants, conditions, and restrictions (CC&R's) applicable to the subject property shall be consistent with the terms of this permit and the Oxnard City Code. Where a conflict exists between the CC&R's and City regulations, the City regulations shall prevail. (CA)
35. The Developer shall record with the Ventura County Recorder a "Notice of Land Use Restrictions and Conditions" in a form acceptable to the City Attorney's Office and Community Development Department. A copy of the recorded document shall be submitted to the Community Development Department prior to issuance of building permits or initiation of use. (PL)
36. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit. (PL/DS)
37. The location and elevations of all buildings and structures shall substantially conform to the plans submitted with the application unless amended specifically by a condition of this resolution, by a major modification, or a minor modification. (PL)
38. The final building plans submitted with the building permit application shall clearly indicate all building materials and colors to be used in construction. (PL/B)

39. Prior to the issuance of a building permit, a reproduction of all conditions of this permit approval as adopted by resolution of the Coastal Hearing Officer shall be part of, and incorporated into, all sets of the construction documents and specifications for this project. A reproduction of all conditions shall be included on each set of the job/construction documents. (PL)
40. Prior to issuance of building permits, Developer shall provide to the Planning Division for file exhibits color photographic reductions (8-1/2" by 11" size) of the full-size approved colored elevations and any other colored exhibit approved by the Planning Commission. The full-size colored elevations may be retained by the applicant after the reduced exhibits are submitted. (PL)
41. Developer shall provide to the Planning Division, prior to the issuance of building permits, a 100-foot scale site plan of the project and the project site plan on disk (in DXF format) as approved by the Planning Commission for the purposes of updating the City base maps. (PL)
42. Developer shall recess or screen roof heating and cooling systems and other exterior mechanical equipment from adjoining property and public streets, as required by this permit. Plumbing vents, ducts and other appurtenances protruding from the roof of structures shall be placed so that they will not be visible from the front of the property or other major public vantage points. Developer shall include a note on the construction plumbing drawings of exterior elevations to indicate to contractors that roof features shall be grouped and located in the described manner. Roof vents shall be shown on construction drawings and painted to match roof material color. (PL/B, PL-15)
43. All utility meter panels shall be recessed into the building and screened by decorative doors or other building elements, subject to approval of the Director of Development Services and the appropriate utility company. (PL)
44. Developer shall provide for dust control at all times during site preparation and construction activities at the direction of the Public Works Director or Building Inspector. (B, DS)
45. Because of water limitations placed upon the City by its water providers, approval of this permit does not guarantee that the City will issue building permits. Issuance of building permits may be delayed as a result of implementation of a water conservation or allocation plan. (PL, PL-25)
46. Automatic garage door openers shall be provided for all garages. (PL/B)

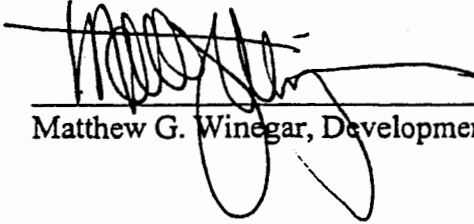
47. Storage areas for individual trash enclosures shall be provided within garage, patio, yard or storage area. (DS)
48. Garages closer than 23 feet to the front property line shall have sectional roll-up garage doors. (PL/B, PL-43)

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

49. Developer shall pay plan check and processing fees in effect at the time of construction plan submittal and shall pay development fees, encroachment permit fees, and other applicable fees in effect at the time the City issues building permits. (DS, DS-1)
50. Developer shall protect building pads from inundation during a 100-year storm. (DS, DS-5)
51. Developer shall remove and replace all improvements that are damaged during construction. (DS, DS-6)
52. Before connecting the project to existing sewer and water service laterals, Developer shall arrange for City staff to inspect such facilities. Developer shall make such repairs to such facilities as City staff determines to be necessary. Developer shall bring all existing water services into compliance with City standards. (DS, DS-7)
53. Curb cut widths and design shall conform to City ordinances, standards, and policies in effect at the time the City issues an encroachment permit. (DS, DS-9)
54. The conditions of this resolution shall prevail over all omissions, conflicting notations, specifications, dimensions, typical sections, and the like, that may or may not be shown on the improvement plans. (DS, DS-21)
55. Developer shall pay the cost of all inspections of on-site and off-site improvements. (DS, DS-22)
56. Before beginning construction, Developer shall designate in writing an authorized agent who shall have complete authority to represent and to act for Developer. The authorized agent shall be present at the work site whenever work is in progress. Developer or the authorized agent shall make arrangements acceptable to the City for any emergency work. When City gives orders to the authorized agent to do work required for the convenience and safety of the general public because of inclement weather or any other cause, and the orders are not immediately acted upon by the authorized agent, City may do or have such work done by others at Developer's expense. (DS, DS-24)
57. Developer shall comply with all applicable requirements and laws of the State of California and any other governmental entity with jurisdiction over the project. (DS, DS-25)

58. Developer shall dispose of sewage and solid waste from the project by the City's wastewater and solid waste systems. (DS, DS-38)
59. Before the City issues building permits, Developer shall present to the City Engineer a "Proof of Payment - Authorization for Building Permits" form issued by the Calleguas Municipal Water District. (DS, DS-44)
60. Developer shall submit a landscape irrigation plan prepared by a licensed professional, showing proper water meter size, backflow prevention devices, and cross-connection control. (DS, DS-59)
61. Developer shall be responsible for and bear the cost of the replacement of all existing survey monumentation (e.g., property corners) disturbed or destroyed during construction, and shall file appropriate records with the Ventura County Surveyor's Office. (DS, DS-64)
62. Developer shall provide a 105-gallon refuse container for each project property. Developer may not store refuse containers in the public right-of-way. (DS, DS-67)

PASSED AND ADOPTED by the Development Services Director of the City of Oxnard on this 5th day of June 2001.



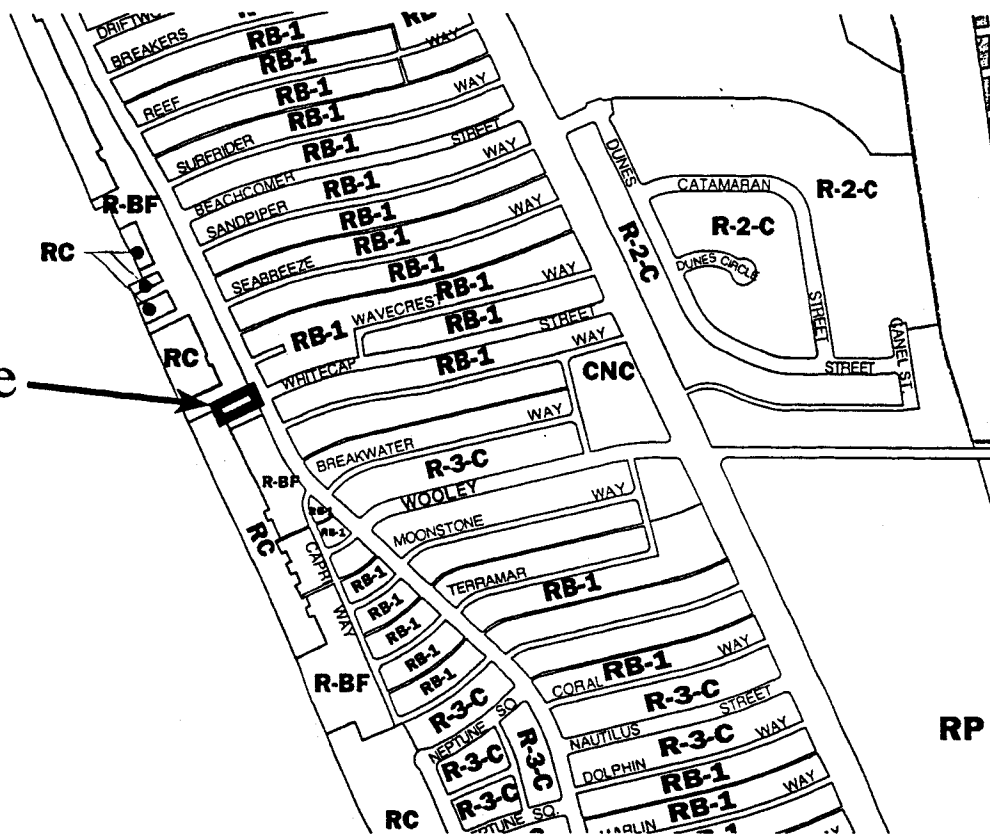
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Matthew G. Winegar, Development Services Director





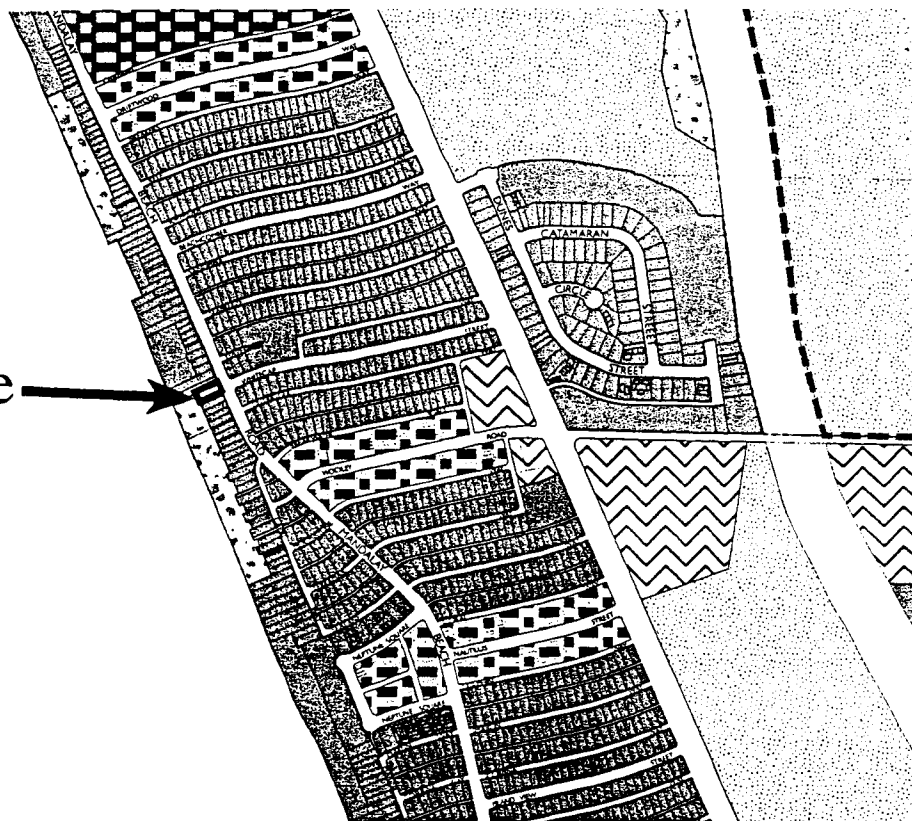
Project Site









Planning and Environmental Services

PZ 02-40-1  
May 20, 2002

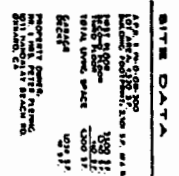
Project Site

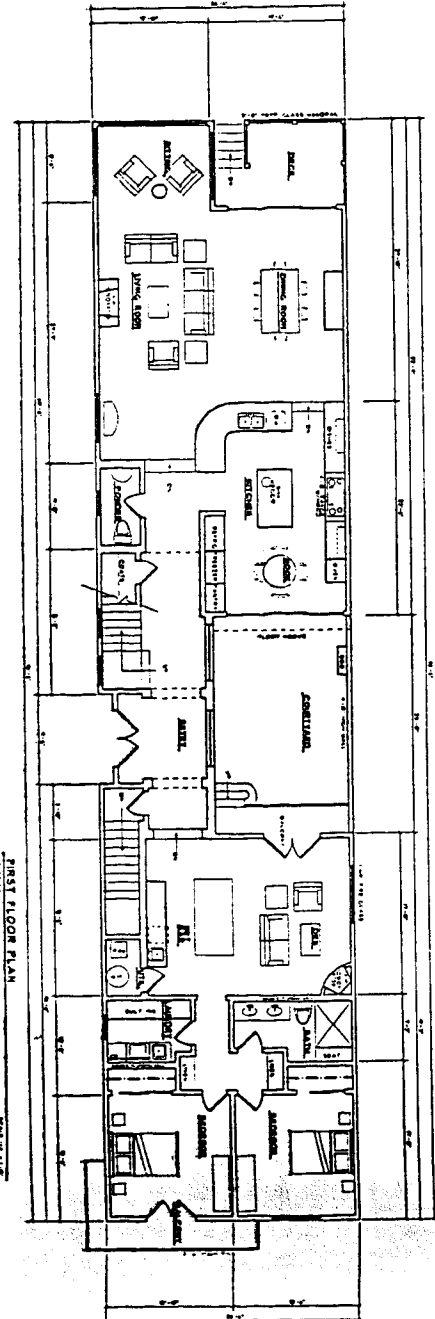
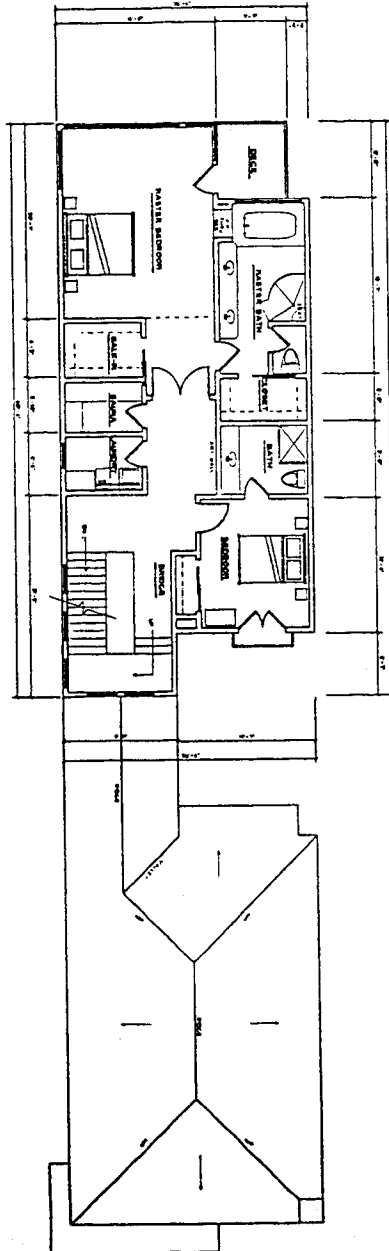
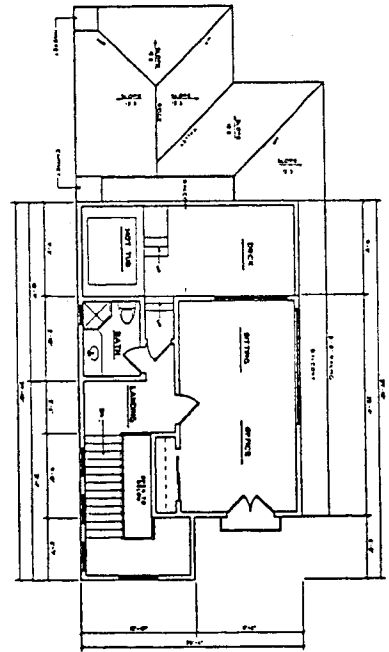


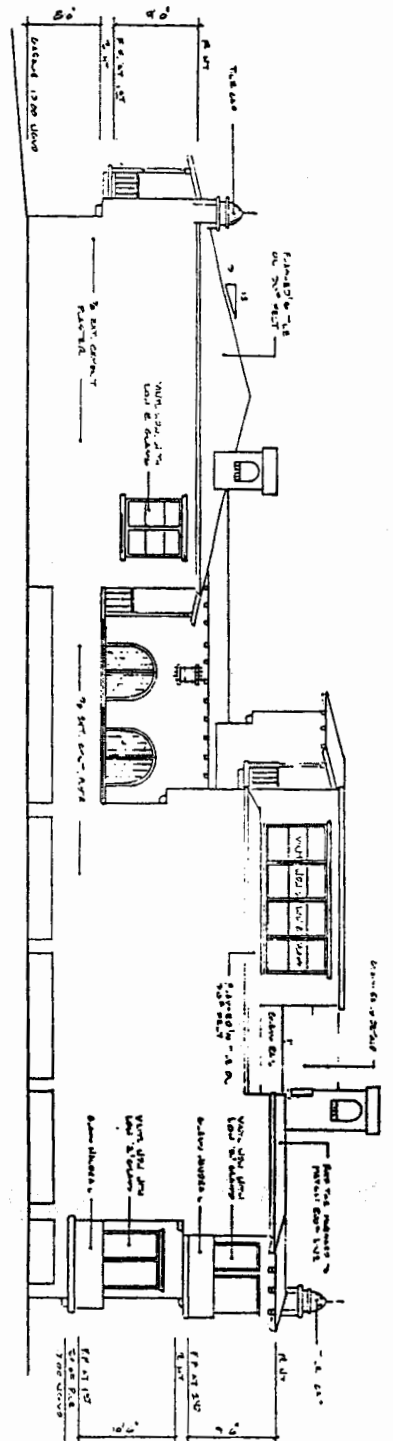
## 2020 General Plan Designations

-  Low Medium: 8-12 D.U. / Ac.
-  High: 19-30 D.U. / Ac.
-  Factory Built: 1-7 D.U. / Ac.
-  Visitor Serving
-  Miscellaneous Open Space
-  Parks

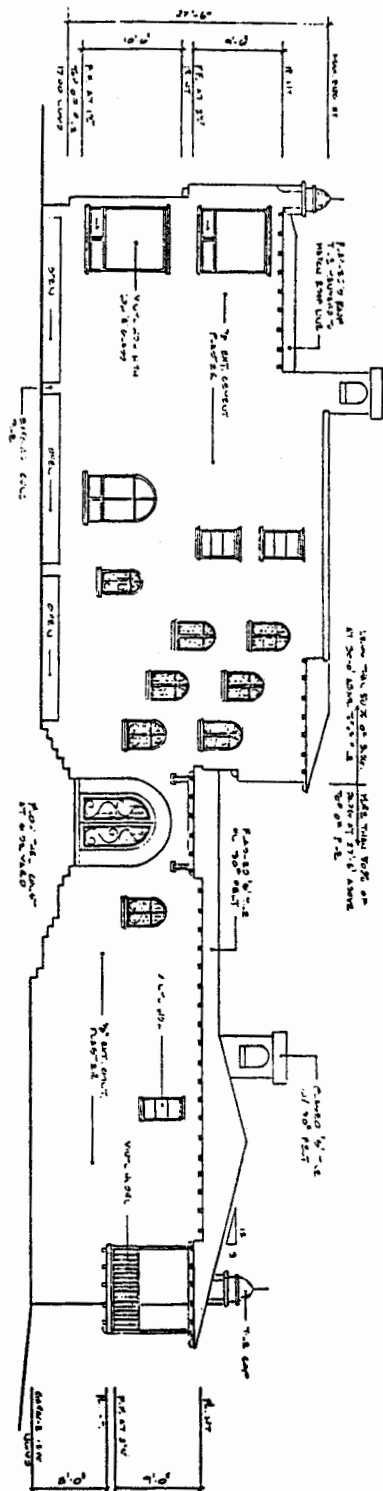




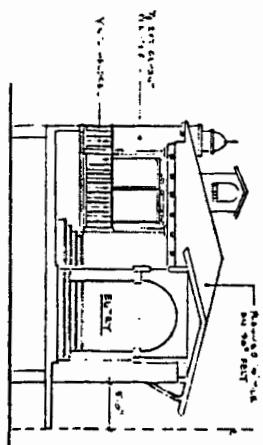




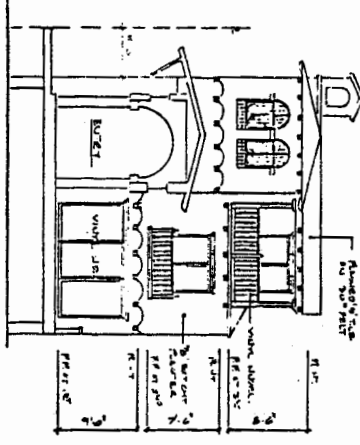
NORTH ELEVATION  
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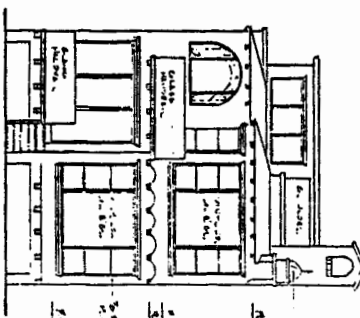
SOUTH ELEVATION  
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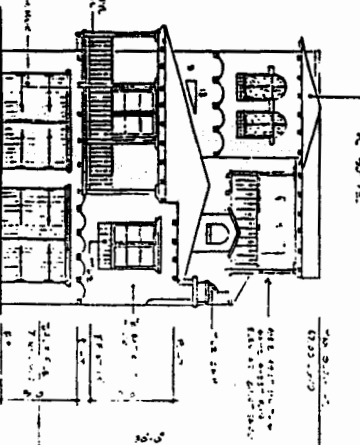
SECTION  
Scale 1/2" = 1'-0"



SECTION  
Scale 1/2" = 1'-0"



WEST ELEVATION  
Scale 1/2" = 1'-0"



EAST ELEVATION  
Scale 1/2" = 1'-0"

REVISIONS	DATE



# DEVELOPMENT SERVICES PROGRAM

PRIDE IN SERVICE

## REVISION TO APPROVED PLANS (CHANGES TO ACTIVE PERMITS ONLY)

Project Address

1041 Mandalay Beach Rd.

Contact Person

Peter Fleming

Date

4-22-03

Telephone Number

805 798-0917

### Please Note:

A.) Wet ink signature by the designer, architect, or engineer required on the revised set of plans.

B.) Revisions to be clearly designated on the revised set of plans. This can be accomplished best using the standard "CLOUDING", circling, or highlighting system.

Note: Revisions not listed on this sheet will not be considered as part of this approval.

Provide an itemized, accurate, and complete description of any and all revisions in the following space. Incomplete applications or descriptions will not be checked.

Reference active permit number:

02-4068

Remove Decks, Landing & staircase from side yard  
due to Coastal Commission appeals.

RECEIVED

MAY 6 2003

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT



Approved by:

Date: 4/23/03

305 WEST THIRD

EXHIBIT NO. 2  
APP. NO. A-4-oxn-03-034  
REVISION TO PROJECT PLANS  
APRIL 23, 2003

3030 (805) 385-7925



# DEVELOPMENT SERVICES PROGRAM

PRIDE IN SERVICE

## REVISION TO APPROVED PLANS (CHANGES TO ACTIVE PERMITS ONLY)

Project Address

1091 Mandalay Beach Rd

Contact Person

Date

Telephone Number

Peter Fleming

5-14-03

805 209-1111

### Please Note:

A.) Wet ink signature by the designer, architect, or engineer required on the revised set of plans.

B.) Revisions to be clearly designated on the revised set of plans. This can be accomplished best using the standard "CLOUDING", circling, or highlighting system.

Note: Revisions not listed on this sheet will not be considered as part of this approval.

Provide an itemized, accurate, and complete description of any and all revisions in the following space. Incomplete applications or descriptions will not be checked.

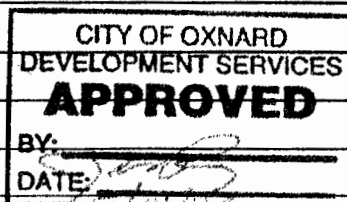
Reference active permit number:

02-426800

Revise elevation omit corbels at Beach end of house - 2 overhang omitted.

MAY 16 2003

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT



Approved by:

Date:

305 WEST THIRD

EXHIBIT NO. 3  
APP. NO. A-4-oxn-03-034  
REVISION TO PROJECT PLANS  
MAY 14, 2003

93030 (805) 385-7925



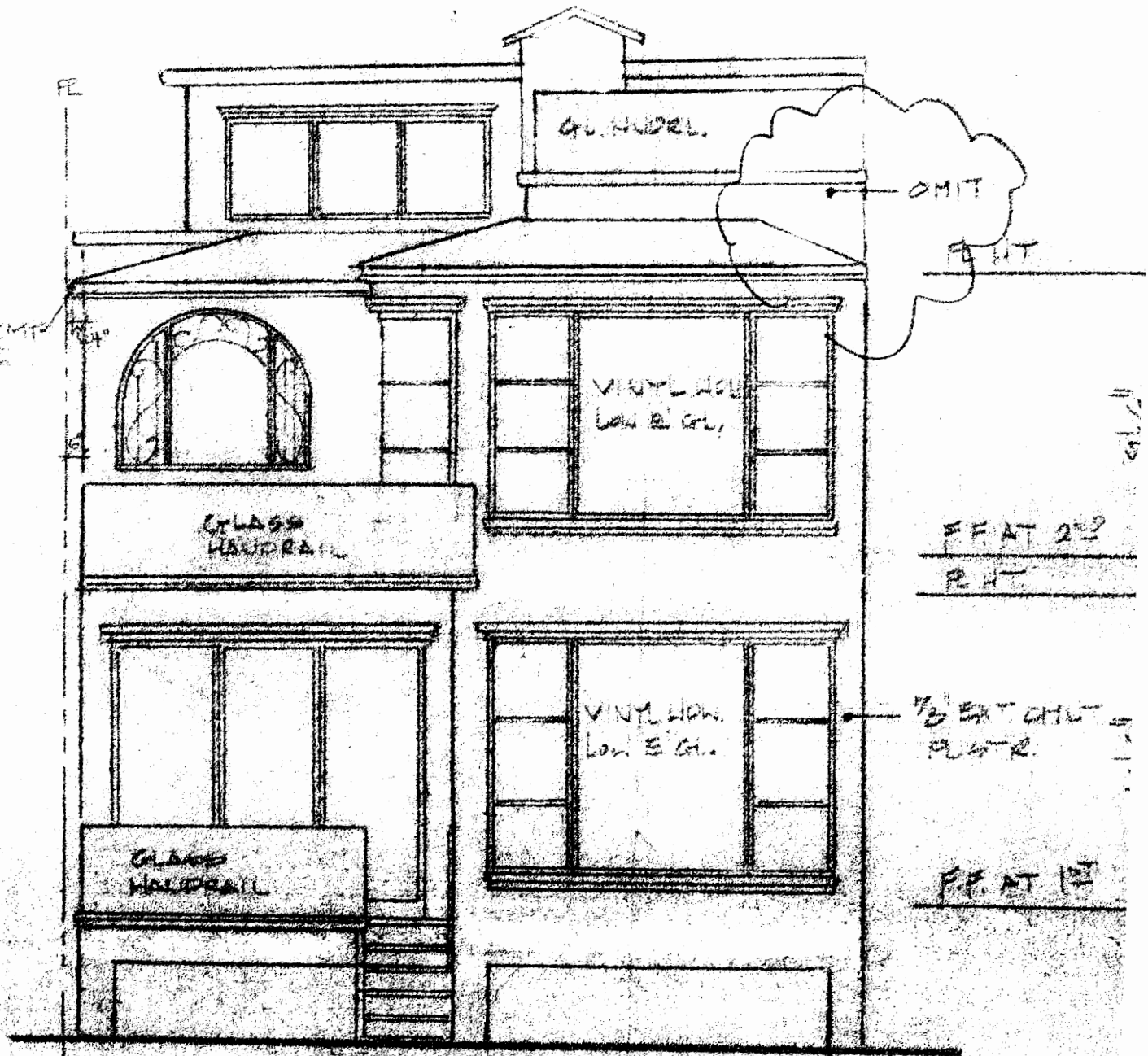








6-1-76 3/6-1-0



# WEST ELEVATION

EXHIBIT NO. 8  
APP. NO. A-4-OXN-03-034  
WEST ELEVATION

6-1-76 3/6-1-0



FLASHED G.T.E.  
ON 30" FELT

MAX. BLDG. HT.

47.00' LGND

SEE SECTION TO  
SAME SHEET FOR  
ELEV. AT COURTYARD

TILE CAP

R.H.T.

78' EXT. CHLT.  
FLSTR.

FF. AT 1ST

R.H.T.

BP OF FILE  
17.00' LGND

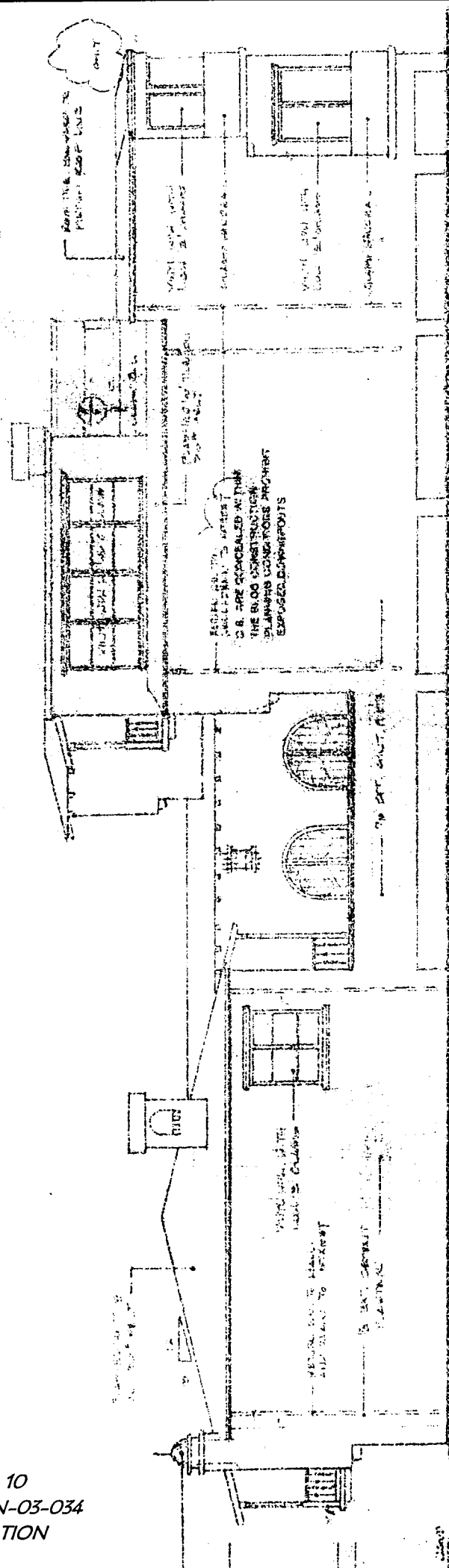
TOP OF CURB  
GARAGE

30'-0"

EAST ELE

EXHIBIT NO. 9  
APP. NO. A-4-0XN-03-034  
EAST ELEVATION

EXHIBIT NO. 10  
APP. NO. A-4-oxn-03-034  
NORTH ELEVATION



NORTH ELEVATION

[illegible]

**SOUTH ELEVATION**



A-4-0XN-03-034

RECEIVED

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
89 SOUTH CALIFORNIA ST., 2ND FLOOR  
VENTURA, CA 93001  
(805) 641-0142

APPEAL FROM COASTAL PERMIT  
DECISION OF LOCAL GOVERNMENT

APR 11 2003

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT



Please Review Attached Appeal Information Sheet Prior To Completing  
This Form.

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

DANIEL E. WOLFUS

10350 WILSHIRE AVE - UNIT 1604

LOS ANGELES, CA 90024 (213) 323-6300

Zip

Area Code

Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port  
government: CITY OF OXNARD (COMMUNITY DEVELOPMENT DEPT)

2. Brief description of development being  
appealed: SEE ATTACHMENT ONE

3. Development's location (street address, assessor's parcel  
no., cross street, etc.): 1041 HANALAY BEACH RD  
OXNARD, CA 93035

4. Description of decision being appealed: LOCAL PERMIT NO.

a. Approval; no special conditions: PZ-02-400-1

b. Approval with special conditions: \_\_\_\_\_

c. Denial: \_\_\_\_\_

Note: For jurisdictions with a total LCP, denial  
decisions by a local government cannot be appealed unless  
the development is a major energy or public works project.  
Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: 4-11-03

DATE FILED: \_\_\_\_\_

DISTRICT: \_\_\_\_\_

H5: 4/88

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- a. ☒ Planning Director/Zoning Administrator      c. ☐ Planning Commission  
b. ☐ City Council/Board of Supervisors      d. ☐ Other \_\_\_\_\_

6. Date of local government's decision: JANUARY 2003

7. Local government's file number (if any): PZ-02-400-1

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

ROY HILBRANDT  
1095 HESA VERDE AVE - SUITE 220  
VENTURA, CA 93103

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

- (1) JOHN KENDIG  
1059 HANDALAY BEACH RD  
OXNARD, CA 93035
- (2) JIM GHERE  
1031 HANDALAY BEACH RD  
OXNARD, CA 93035
- (3) BARBARA NICHOLSON  
1040 HANDALAY BEACH RD  
OXNARD, CA 93035
- (4) CHARLOTTE KENDIG  
1059 HANDALAY BEACH RD  
OXNARD, CA 93035

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

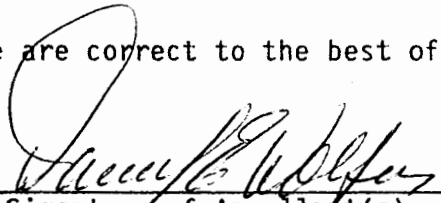
State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

SEE ATTACHMENT TWO

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

  
\_\_\_\_\_  
Signature of Appellant(s) or  
Authorized Agent

Date APRIL 10, 2003

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize \_\_\_\_\_ to act as my/our representative and to bind me/us in all matters concerning this appeal.

\_\_\_\_\_  
Signature of Appellant(s)

Date \_\_\_\_\_

## Attachment ONE

### Section II

2. Three story, 4,200 square foot single-family beachfront home within Oxnard Shores Neighborhood. The homes in this Neighborhood are raised several feet on posts to allow for tidal incursions. The lot is required to have a five-foot setback on one side; development is permitted to the lot line on the other side. The purpose of the setback is to enable beach access and beach views. The development as approved by the city has a ten-foot stairway obstructing four feet eight inches of the five-foot setback area, and blocking beach access and beach views. Other homes in the Neighborhood have their stairways inset into the building footprint in order to preserve the five-foot setback.

## Attachment TWO

### Section IV

Background information and reasons for City of Oxnard Permit Appeal on 1041 Mandalay Beach Road, Oxnard, CA 93035.

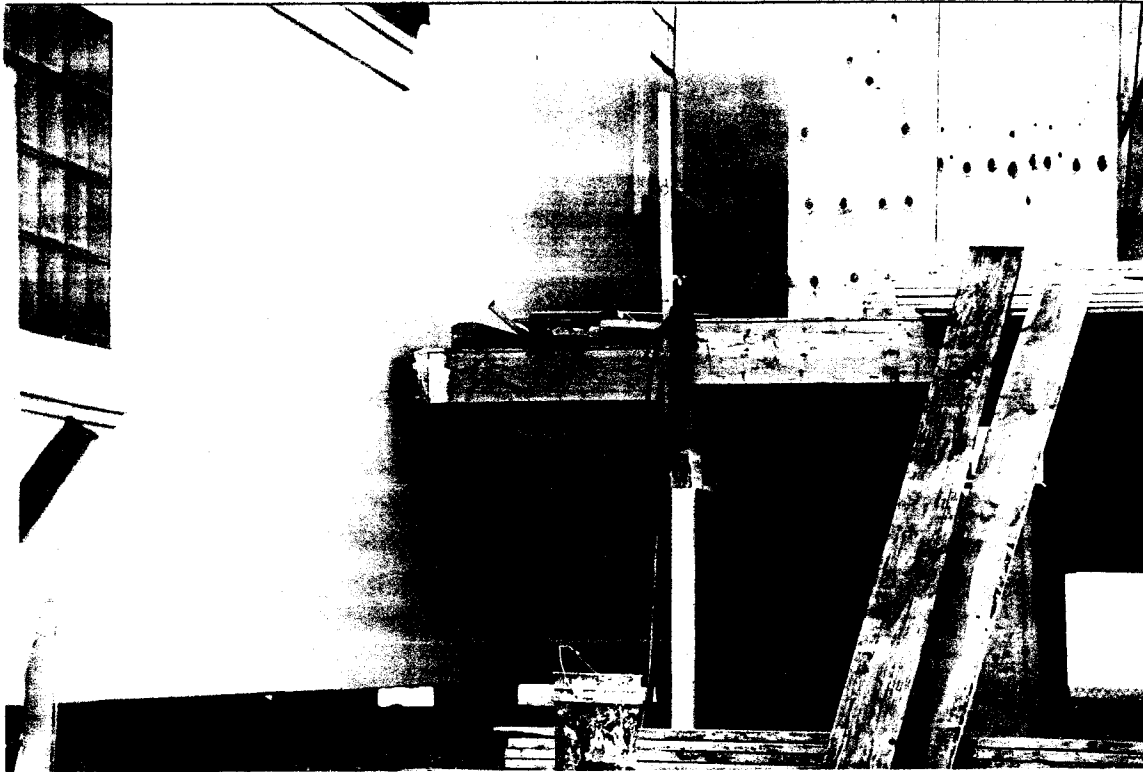
The owner/developer of 1041 Mandalay Beach Road is in the process of building a 4,200 sq. ft, three-story single family home on this property, a 32-foot lot located between the sea and the first public road paralleling the sea. This lot is zoned as a zero lot line lot with a five-foot setback on one side. The other 27 feet is the pad on which to build a house. The developer is in the process of building a landing structure on the five-foot setback portion, which would be used to enter the front door of the house. The structure is approximately eight feet to ten feet above the sand level and it appears that it will require ten or more steps to reach the top of the landing. The structure penetrates the setback by approximately four feet eight inches, and therefore is only 4 inches from the home next door (see enclosed pictures). Other homes in the Neighborhood have their stairways inset into the building footprint in order to preserve the five-foot setback.

I would like to appeal the development of the structure within the five-foot setback for the following reasons.

1. The structures fails to provide physical access to the shoreline since the public would have to climb at least ten steps up to the top of the landing and then descend approximately ten additional steps to get to the beach and shoreline.
2. The structure fails to protect views from the public road.

I spoke several times with the City of Oxnard Planning and Building departments, as well as with the City Attorney, and was told that the 1989 agreement with the property owners permitted the construction. This agreement, however, failed to address the setback issue. The City of Oxnard issued the building permit in January 2003 and filed with the Coastal Commission on April 1, 2003.

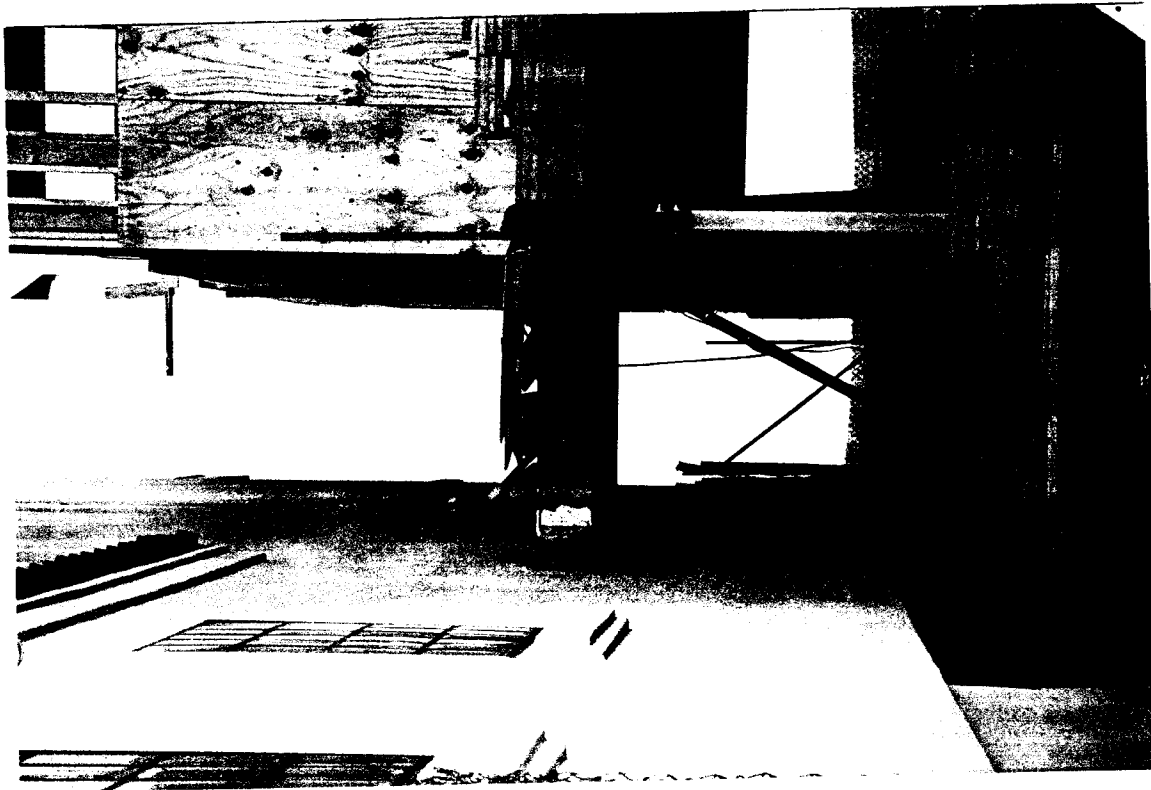
I strongly urge the Coastal Commission to review this appeal, as additional building permits requesting the same intrusions into the setback portions of the lot are being applied for. This a very bad precedent to set, as this type of intrusive structure will further prevent access to the beach and completely block the view of the shoreline from the street.



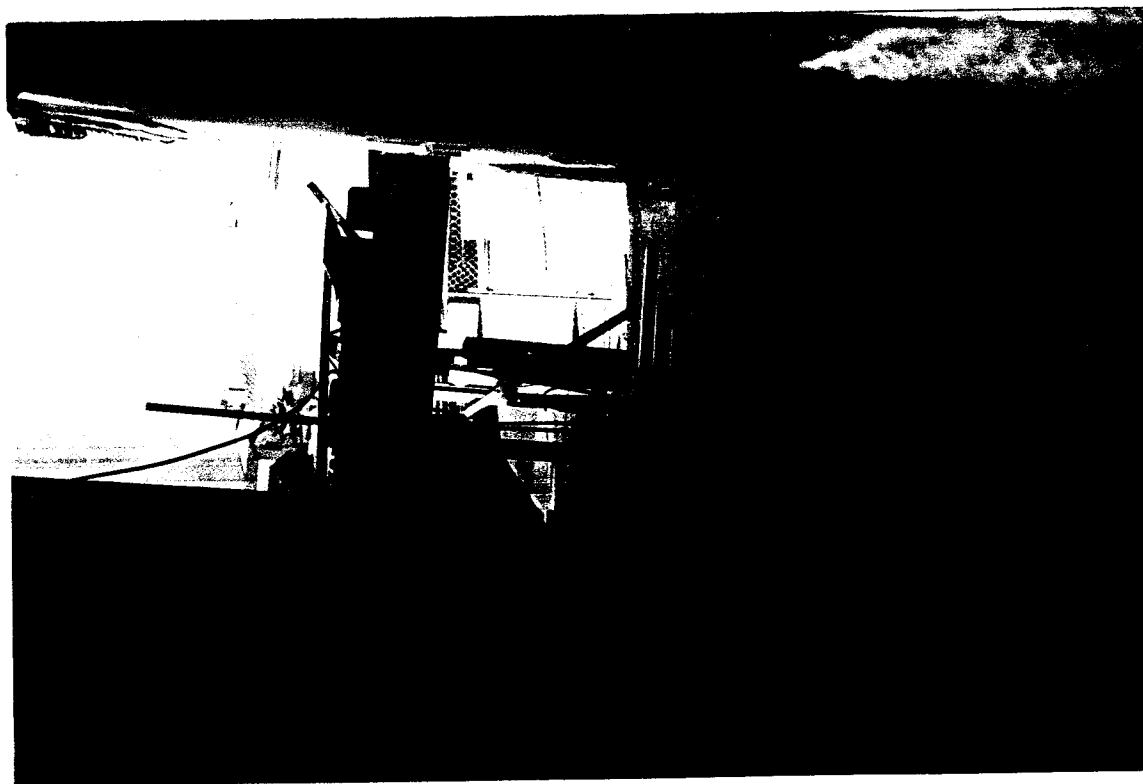
VIEW FROM PUBLIC SIDEWALK



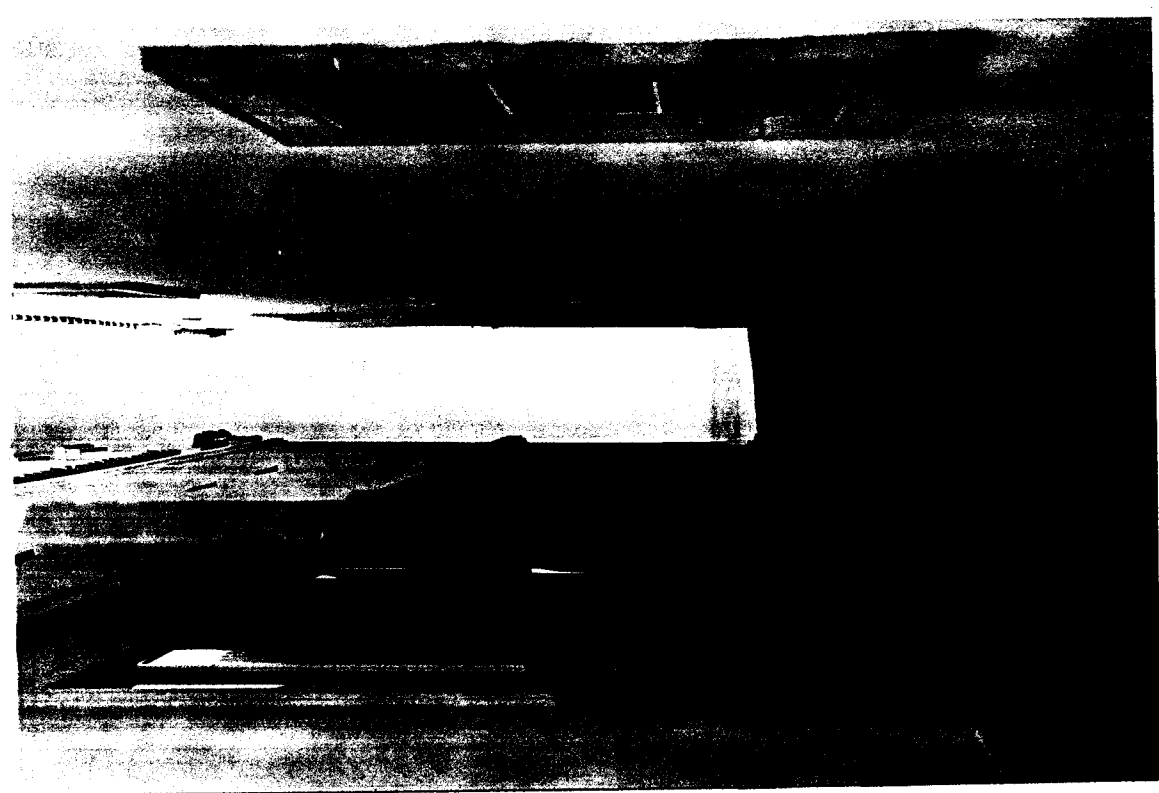
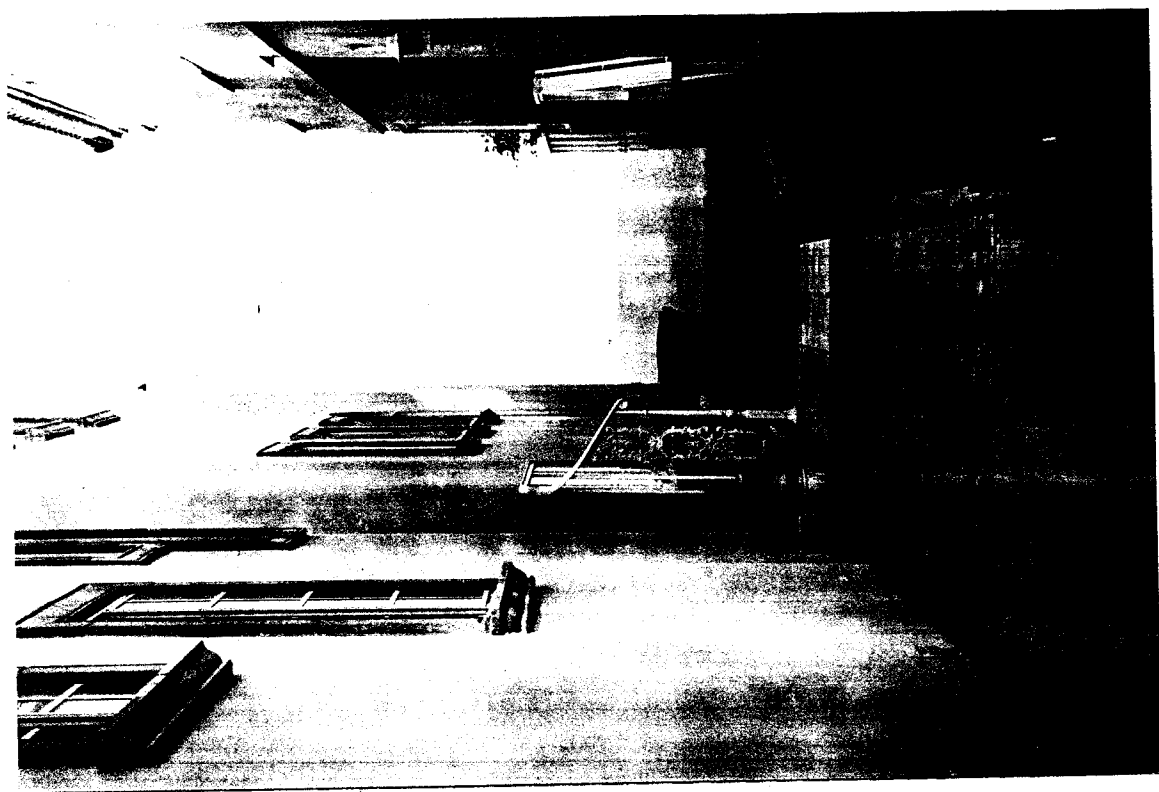
VIEW FROM PUBLIC SIDEWALK



VIEW FROM STREET



VIEW FROM BEACH



ENTRY  
TO  
HOME

VIEW FROM SIDEWALK ON NEIGHBORING HOMES  
STAIRWAYS ARE INSET INTO BUILDING FOOTPRINT



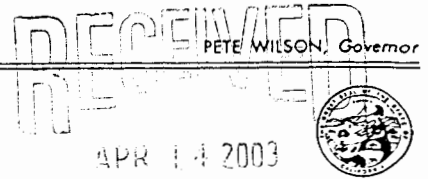
A-4-0XN-03-034

STATE OF CALIFORNIA—THE RESOURCES AGENCY

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
89 SOUTH CALIFORNIA ST., 2ND FLOOR  
VENTURA, CA 93001  
(805) 641-0142

APPEAL FROM COASTAL PERMIT  
DECISION OF LOCAL GOVERNMENT



CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST DISTRICT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

JOHN W. KENDIG  
1059 MANDALAY BEACH ROAD  
OXNARD, CA 93035 (805) 985-8174  
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: CITY OF OXNARD (COMMUNITY DEV. DEPT.)

2. Brief description of development being appealed: SEE ATTACHMENT I

3. Development's location (street address, assessor's parcel no., cross street, etc.): 1041 MANDALAY BEACH RD.  
OXNARD, CA 93035

4. Description of decision being appealed: LOCAL PERMIT NO. P2-02-400-1
- a. Approval; no special conditions: \_\_\_\_\_
- b. Approval with special conditions: \_\_\_\_\_
- c. Denial: \_\_\_\_\_

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: 4-14-03

DATE FILED: \_\_\_\_\_

DISTRICT: \_\_\_\_\_

H5: 4/88

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

a. ☒ Planning Director/Zoning Administrator

c. ☐ Planning Commission

b. ☐ City Council/Board of Supervisors

d. ☐ Other \_\_\_\_\_

6. Date of local government's decision:

JANUARY 2003

7. Local government's file number (if any):

P2-02-400-1

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

ROY MILBRANDT  
1695 MESA VERDE AVE. #220  
VENTURA, CA 93003

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) DANIEL WOLFUS  
1045 MANDALAY BEACH RD.  
OXNARD, CA 93035

(2) JAMES GITERE  
1031 MANDALAY BEACH ROAD  
OXNARD, CA 93035

(3) BARBARA NICKELSON  
1040 MANDALAY BEACH RD.  
OXNARD, CA 93035

(4) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

SEE ATTACHMENT II

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

  
Signature of Appellant(s) or  
Authorized Agent

Date

4/14/03

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize \_\_\_\_\_ to act as my/our representative and to bind me/us in all matters concerning this appeal.

\_\_\_\_\_  
Signature of Appellant(s)

Date \_\_\_\_\_

## Attachment I

### Section II

2. Three story, 4200 sq. ft. single-family beachfront home within Oxnard Shores Neighborhood. The homes in this neighborhood are raised several feet on pilings to allow for tidal incursions. The lot is required to have a five-foot setback on one side; development is permitted to the lot line on the other side. The purpose of the setback is to enable beach access and beach views. The development as approved by the city has a ten-foot stairway obstructing four feet, eight inches of the five foot setback area and blocking both beach access and beach views. Other homes in the neighborhood have their stairways inset into the building footprint in order to preserve the five foot setback.

## Attachment II

### Section IV

Reasons for my appeal on 1041 Mandalay Beach Road project:

1. The structure fails to provide physical access to the shoreline.
2. The structure fails to protect views from the public road.
3. The structure would interfere with possible tidal flow from the ocean.

I would like to urge the Costal Commission to review this appeal. Other building permits requesting the same intrusions are currently being sought. This is a bad precedent being set and will only serve to further block access to our beaches.

RECEIVED

## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
89 SOUTH CALIFORNIA ST., 2ND FLOOR  
VENTURA, CA 93001  
(805) 641-0142

APPEAL FROM COASTAL PERMIT  
DECISION OF LOCAL GOVERNMENT

APR 14 2003

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT



Please Review Attached Appeal Information Sheet Prior To Completing  
This Form.

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

BARBARA R NICKELSON  
1041 MANDALAY BEACH RD, OXNARD, CA 93035  
93035 (805) 785-3921  
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port  
government: Community Development Dept (City of Oxnard)

2. Brief description of development being  
appealed: See attachment I

3. Development's location (street address, assessor's parcel  
no., cross street, etc.): 1041 Mandalay Beach Rd,  
Oxnard, CA 93035

4. Description of decision being appealed: LEGAL PERMIT # PZ-035 460-1

a. Approval; no special conditions: \_\_\_\_\_

b. Approval with special conditions: \_\_\_\_\_

c. Denial: \_\_\_\_\_

Note: For jurisdictions with a total LCP, denial  
decisions by a local government cannot be appealed unless  
the development is a major energy or public works project.  
Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: \_\_\_\_\_

DATE FILED: \_\_\_\_\_

DISTRICT: \_\_\_\_\_

H5: 4/88

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See attachment II

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.



Signature of Appellant(s) or  
Authorized Agent

Date April 10, 2003

NOTE: If signed by agent, appellant(s)  
must also sign below.

Section VI. Agent Authorization

I/We hereby authorize \_\_\_\_\_ to act as my/our representative and to bind me/us in all matters concerning this appeal.

\_\_\_\_\_  
Signature of Appellant(s)

Date \_\_\_\_\_

## ATTACHMENT ONE

### SECTION II

A THREE STORY SINGLE-FAMILY HOME WITH 4200 SQUARE FEET LOCATED ON THE BEACH FRONT IN MANDALAY SHORES. ALL THE BEACH FRONT HOUSES IN THIS AREA ARE RAISED ON PYLONS, IN CASE OF FLOODING THIS WOULD ALLOW THE WATER TO FLOW UNDER THE HOUSE , THROUGH THE GARAGE AND OUT INTO THE STREET. THERE IS A 5 FOOT SET-BACK ON ONE SIDE, AND THE OTHER SIDE IS PERMITTED TO THE LOT LINE. THIS IS TO ALLOW BEACH VIEWS AND ACCESS TO THE BEACH, THE BUILDER HAS CONSTRUCTED A 10 FOOT STAIRWAY IN THIS AREA USING 4FT 8INCHES OF THE SET-BACK, THEREBY BLOCKING ALL BEACH VIEWS AND MAKING IT IMPOSSIBLE FOR ANYONE THAT IS NOT EITHER VERY YOUNG, AGILE AND FIT TO GET TO THE BEACH BY THIS ACCESS. I PERSONALLY SINCE I AM A SENIOR CITIZEN COULD NOT CLIMB 10 FT IN ORDER TO GET TO THE BEACH. THIS WOULD ALSO MAKE IT IMPOSSIBLE FOR FAMILIES WITH CHILDREN TO GET TO THE BEACH. THIS IS SIMPLY A RUSE TO GAIN A STAIRWAY TO THE FRONT DOOR SINCE THIS IS AN EXTREMELY NARROW LOT. I FEEL THIS STAIRWAY SHOULD BE PROVIDED INSIDE THE BUILDING THEREBY LEAVING AN OPEN VIEW OF THE OCEAN AND A MEANS FOR THE GENERAL PUBLIC TO ACCESS THE BEACH.



## ATTACHMENT II

### SECTION IV

REASONS TO APPEAL THE CONSTRUCTION 1041 MANDALAY BEACH ROAD,  
MANDALAY SHORES, CA 93035

THIS IS A 32 FOOT LOT, WITH A 5 FT. SET BACK ON ONE SIDE AND A ZERO POINT LINE ON THE OTHER SIDE. THIS ALLOWS AN EXTREMELY NARROW PAD AND THE OWNER/BUILDER HAS CONSTRUCTED A 8-10 FT STAIR IN ORDER TO ACCESS THE FRONT DOOR, THIS IS AN INCURSION INTO THE SET-BACK OF 4 FT 8 INCHES, LEAVING ONLY FOUR INCHES BETWEEN THIS STRUCTURE AND THE HOUSE NEXT DOOR.

#### REASONS FOR APPEAL;

1. THIS STRUCTURE IMPEDES PHYSICAL ACCESS TO THE BEACH BY THE GENERAL PUBLIC, SINCE THE PUBLIC WOULD HAVE TO CLIMB 8-10 STAIRS ONTO A PRIVATE LANDING TO GET TO THE BEACH.
2. THIS STRUCTURE PREVENTS VIEWS TO THE GENERAL PUBLIC FROM A PUBLIC ROAD.

I FEEL VERY STRONGLY THAT IF THIS INCURSION INTO THE SET-BACK IS ALLOWED, THEREBY PREVENTING VISUAL AND PHYSICAL ACCESS TO THE BEACH, THAT A VERY BAD PRECEDENT WILL HAVE BEEN ESTABLISHED AND THAT FUTURE BUILDERS WOULD CERTAINLY BE QUICK TO TAKE ADVANTAGE OF THE SITUATION. I HOPE THE COASTAL COMMISSION WILL TAKE A HARD LOOK AT WHAT IS BEING ALLOWED TO HAPPEN WITH THIS PROPERTY. THE IMPACT ON THE GENERAL PUBLICS ABILITY TO VIEW THE SHORELINE AND ACCESS THE BEACH WILL HAVE BEEN GROSSLY IMPACTED AND LICENSE WILL HAVE BEEN GIVEN TO FUTURE CONSTRUCTIONS TO CONTINUE IN THIS MANNER IN ORDER TO USE THE EXTRA SPACE TO THEIR ADVANTAGE.

## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
89 SOUTH CALIFORNIA ST., 2ND FLOOR  
VENTURA, CA 93001  
(805) 641-0142

APPEAL FROM COASTAL PERMIT  
DECISION OF LOCAL GOVERNMENT

RECEIVED

APR 14 2003



CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

Please Review Attached Appeal Information Sheet Prior To Completing  
This Form.

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

RON AND KELLY BLANCHETTE  
26626 BROOKS CIRCLE  
STEVENSON RANCH, CA 91381 (661) 272-9370  
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: CITY OF OXNARD COMMUNITY DEVELOPMENT DEPT.

2. Brief description of development being appealed: PLEASE SEE ATTACHMENT #1

3. Development's location (street address, assessor's parcel no., cross street, etc.): 1041 MANDALAY BEACH RD.  
OXNARD, CA 93035

4. Description of decision being appealed: LOCAL PERMIT # P2-02-400-1

a. Approval; no special conditions: \_\_\_\_\_

b. Approval with special conditions: \_\_\_\_\_

c. Denial: \_\_\_\_\_

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: \_\_\_\_\_

DATE FILED: \_\_\_\_\_

DISTRICT: \_\_\_\_\_

H5: 4/88

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

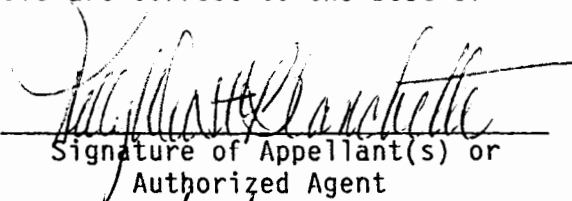
State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

PLEASE SEE ATTACHMENT #2

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

  
\_\_\_\_\_  
Signature of Appellant(s) or  
Authorized Agent

Date 4/12/03

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize \_\_\_\_\_ to act as my/our representative and to bind me/us in all matters concerning this appeal.

\_\_\_\_\_  
Signature of Appellant(s)

Date \_\_\_\_\_

4/ 12/ 03

RON AND KELLY BLANCHETTE  
26626 BROOKS CIRCLE  
STEVENSON RANCH, CA 91381  
OWNERS 5226 OUTRIGGER  
MANDALAY SHORES, CA 91381  
661-222-9370  
661-222-7508 FAX

ATTACHMENT # 1

THE DEVELOPMENT BEING APPEALED IS A 4200 SQUARE FOOT THREE STORY HOME AT THE CORNER OF WHITECAP AND MANDALAY BEACH ROAD. THIS HOUSE IS REQUIRED TO HAVE A FIVE FOOT EASEMENT ON ONE SIDE TO ALLOW FOR PUBLIC ACCESS TO THE BEACH. THE PLANS WE HAVE SEEN HAVE BEEN APPROVED WITH A STAIRWAY ENTRANCE TO THE HOME TAKING UP 4' 8" OF THE FIVE FOOT EASEMENT. THE PLANS SHOULD BE ADJUSTED TO INCORPORATE THE PROPOSED STAIRWAY IN A WAY THAT DOESN'T ENTER INTO THE FIVE FOOT EASEMENT.

## ATTACHMENT II

THE DEVELOPER OF THE PROPERTY LOCATED AT THE CORNER OF WHITECAP AND MANDALAY BEACH ROAD IS CURRENTLY BUILDING A THREE STORY, 4200 SQUARE FOOT HOME THAT IS REQUIRED TO HAVE A FIVE FOOT EASEMENT ON ONE SIDE TO ALLOW FOR BEACH ACCESS. THIS PLAN INCLUDES A STAIRWAY ENTRANCE THAT WILL EAT UP 4'8" OF THE REQUIRED FIVE FOOT EASEMENT.

WE ARE APPEALING BECAUSE THIS BUILDING PLAN SHOULD CALL FOR THE STAIRWAY ENTRANCE TO NOT INTERFERE WITH REQUIRED FIVE FOOT EASEMENT. THE BUILDING PLAN DOES NOT ALLOW FOR SAFE PUBLIC ACCESS TO THE BEACH, SINCE THE PUBLIC WOULD HAVE TO CLIMB AND DESCEND ON STEPS, AND THE STAIRWAY WOULD ALSO BE OBSTRUCTING THE VIEW.

## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
89 SOUTH CALIFORNIA ST., 2ND FLOOR  
VENTURA, CA 93001  
(805) 641-0142

APPEAL FROM COASTAL PERMIT  
DECISION OF LOCAL GOVERNMENT

APR 14 2003



RECEIVED  
SOUTH CENTRAL COAST AREA  
APR 14 2003

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

JAMES S. GHERE  
1031 MANDALAY BEACH RD.  
OXNARD, CA. 93035 (805) 382-2410  
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: CITY OF OXNARD (COMMUNITY DEVELOPMENT DEPT)

2. Brief description of development being appealed: PROPOSED 1041 MANDALAY BEACH RD. OXNARD, CA. 93035  
THE MAIN ENTRY OF HOUSE LANDING AND FRONT STEPS. ALLOWING BUILDER  
TO BUILD DECK (LANDING) WITHIN FOUR FEET OF HOUSE TO THE SOUTH

3. Development's location (street address, assessor's parcel no., cross street, etc.): 1041 MANDALAY BEACH RD  
OXNARD, CA. 93035

4. Description of decision being appealed: LOCAL PERMIT NO
- a. Approval; no special conditions: PZ-02-400-1
- b. Approval with special conditions: \_\_\_\_\_
- c. Denial: \_\_\_\_\_

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: \_\_\_\_\_

DATE FILED: \_\_\_\_\_

DISTRICT: \_\_\_\_\_

H5: 4/88

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- a. ☒ Planning Director/Zoning Administrator      c. ☐ Planning Commission  
b. ☐ City Council/Board of Supervisors      d. ☐ Other \_\_\_\_\_

6. Date of local government's decision: JAN. 2003

7. Local government's file number (if any): P2-02-400-1

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

ROY MILBRANDT  
1695 MESA VERDE AVE. - SUITE 220  
VENTURA, CA. 93003

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

- (1) JOHN KENDIG  
1059 MANDALAY BEACH RD  
OXNARD, CA- 93035
- (2) JIM GLERB  
1031 MANDALAY BEACH RD  
OXNARD CA- 93035
- (3) BARBARA NICKELSON  
1040 MANDALAY BEACH RD  
OXNARD, CA. 93035
- (4) CHARLOTE KENDIG  
1059 MANDALAY BEACH RD  
OXNARD CA- 93035

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

1. LOOKS - VARY TACKY
2. TOTALLY UNABLE FOR POLICE OR FIRE TO GO BETWEEN THE TWO HOMES
3. PLANS & BUILDING OF NEW HOME DON'T FOLLOW THE FLOW AND SAME DESIGN OF ALL OTHER HOMES THAT FACE THE BEACH. (CERTAIN <sup>RULES</sup> SEEM TO CHANGE WHENEVER PEOPLE IN OFFICE WANT. RULINGS WERE SET IN 1988-1989 NOT EACH MONTH

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

James S. Dher  
Signature of Appellant(s) or  
Authorized Agent

Date 4-10-03

NOTE: If signed by agent, appellant(s)  
must also sign below.

Section VI. Agent Authorization

I/We hereby authorize \_\_\_\_\_ to act as my/our representative and to bind me/us in all matters concerning this appeal.

\_\_\_\_\_  
Signature of Appellant(s)

Date \_\_\_\_\_