

# Item W 13a

## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
89 SOUTH CALIFORNIA ST., SUITE 200  
VENTURA, CA 93001  
(805) 585-1800

## RECORD PACKET COPY



**DATE:** December 16, 2004  
**TO:** Commissioners and Interested Persons  
**FROM:** Charles Damm, Senior Deputy Director  
Gary Timm, District Manager  
Jack Ainsworth, Supervisor, Planning and Regulation  
Barbara Carey, Coastal Program Analyst  
**SUBJECT:** City of Oxnard Local Coastal Program Amendment 1-04 (Oxnard Shores)  
for Public Hearing and Commission Action at the January 12, 2005,  
Commission Meeting in Long Beach.

### DESCRIPTION OF THE SUBMITTAL

The City of Oxnard is requesting an amendment to the Coastal Zoning Ordinance/Implementation Plan (CZO/IP) portion of its certified Local Coastal Program (LCP) to modify the zoning map to rezone a 1.23-acre parcel within the Oxnard Shores neighborhood from the "Resource Protection" (RP) zone to the "Single Family Beach" (R-B-1) zone. The parcel is located between Seahorse Lane and Harbor Boulevard, just south of Wooley Road.

The submittal was deemed complete and filed on May 20, 2004. At its July 2004 Commission meeting, the Commission extended the 60-day time limit to act on Local Coastal Program Amendment 1-04 for a period not to exceed one year.

### SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the amendment as submitted. The project site is located in the Oxnard Shores area of the city. This area was previously sand dunes that were subdivided and graded prior to 1972. The site is separated from the beach by existing development and separated from any existing dunes by a frontage road, wall, and Harbor Boulevard. The site does not contain dune landforms, or rare or endangered plant or animal species. The site does not meet the Coastal Act definition of Environmentally Sensitive Habitat Area. As such, the proposed rezoning will not result in significant adverse impacts to sensitive resources. The parcel is located in an area able to accommodate residential development, utilities are available, and the proposed density is consistent with the character of surrounding development.

### Substantive File Documents

City of Oxnard, City Council Ordinance No. 2634, dated October 21, 2003  
City of Oxnard, City Council Resolution No. 12,505, dated October 7, 2003  
Mitigated Negative Declaration No. 03-15, dated August 2003

**Additional Information:** Please contact Barbara Carey, California Coastal Commission, South Central Coast Area, 89 So. California St., Second Floor, Ventura, CA. (805) 585-1800.

---

## **A. PROCEDURAL ISSUES**

### **1. STANDARD OF REVIEW**

The Coastal Act provides that:

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

*The Commission may only reject ordinances, zoning district maps, or other implementing action on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. If the Commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection, specifying the provisions of the land use plan with which the rejected zoning ordinances do not conform, or which it finds will not be adequately carried out, together with its reasons for the action taken. (Section 30514)*

The standard of review for the proposed amendments to the Implementation Plan (Coastal Zoning Ordinance) of the certified Local Coastal Program, pursuant to Section 30513 and 30514 of the Coastal Act, is that the proposed amendment is in conformance with, and adequate to carry out, the provisions of the Land Use Plan (LUP) portion of the certified City of Oxnard Local Coastal Program.

### **2. PUBLIC PARTICIPATION**

Section 30503 of the Coastal Act requires public input in preparation, approval, certification and amendment of any LCP. The City held a series of public hearings (Planning Commission Hearing 9/4/03 and City Council Hearing 10/7/03) and received verbal and written comments regarding the project from concerned parties and members of the public. The hearings were noticed to the public consistent with Sections 13552 and 13551 of the California Code of Regulations. Notice of the subject amendment has been distributed to all known interested parties.

### **3. PROCEDURAL REQUIREMENTS**

Pursuant to Section 13551 (b) of the California Code of Regulations, the City may submit a Local Coastal Program Amendment that will either require formal local government adoption after the Commission approval, or is an amendment that will take effect automatically upon the Commission's approval pursuant to Public Resources Code Sections 30512, 30513, and 30519. In this case, City Council Resolution No. 12,505 states the amendment will take effect automatically upon Commission approval.

If the Commission approves the amendment as submitted, no further action will be necessary.

## **B. STAFF RECOMMENDATION, MOTION, AND RESOLUTION ON THE IMPLEMENTATION PLAN/COASTAL ZONING ORDINANCE (IP/CZO)**

Following public hearing, staff recommends the Commission adopt the following resolution and findings. The appropriate motion to introduce the resolution and a staff recommendation is provided just prior to the resolution.

### **1. APPROVAL AS SUBMITTED**

**MOTION:**        *I move that the Commission reject the City of Oxnard Implementation Program/Coastal Zoning Ordinance Amendment OXN-MAJ-1-04 as submitted.*

### **STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a **NO** vote. Failure of this motion will result in certification of the Implementation Program as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

### **RESOLUTION TO APPROVE CERTIFICATION OF THE IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:**

The Commission hereby certifies the City of Oxnard Implementation Program/Coastal Zoning Ordinance Amendment OXN-MAJ-1-04 as submitted and adopts the findings set forth below on grounds that the Implementation Program conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan, and certification of the Implementation Program will meet the requirements of the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program.

## **C. FINDINGS FOR APPROVAL AS SUBMITTED OF THE LOCAL COASTAL PROGRAM**

The following findings support the Commission's approval as submitted of the LCP amendment. The Commission hereby finds and declares as follows:

### **1. AMENDMENT DESCRIPTION**

The City of Oxnard is requesting an amendment to the Coastal Zoning Ordinance/Implementation Plan (CZO/IP) portion of its certified Local Coastal Program (LCP) to modify the zoning map to rezone a 1.23-acre parcel within the Oxnard Shores neighborhood from the "Resource Protection" (RP) zone to the "Single Family Beach" (R-B-1) zone. The parcel is located between Seahorse Lane and Harbor Boulevard, just south of Wooley Road. The parcel is shown on Exhibit 2. The subject site is designated "Existing Residential Area" on the certified Land Use Plan Map, so no amendment to the LUP is proposed or needed. The City Council Resolution is included as Exhibit 4 and the City Council Ordinance is Exhibit 5.

In conjunction with the subject LCP amendment, the City has considered a subdivision of the subject parcel into nine residential lots, and the development of nine single family residences ranging in size from 3,379 sq. ft. to 3,622 sq. ft. and the extension of Terramar Way to provide access to the nine lots. Although the ultimate project is not part of the subject LCP amendment request, the proposed lot configuration and building footprints are included for illustrative purposes on Exhibit 3.

### **2. ESHA**

The Coastal Act requires the protection of environmentally sensitive habitat areas (ESHA) against any significant disruption of habitat values. No development may be permitted within ESHA, except for uses that are dependent on the resource. Section 30240 (incorporated by reference into the certified LUP) of the Coastal Act further requires that development adjacent to ESHA is sited and designed to prevent impacts that would significantly degrade ESHA and to be compatible with the continuance of the habitat areas. Section 20340 states that:

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

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

The certified LCP contains policies regarding the protection of ESHA resources, including restriction of uses, the requirement of biologic studies, and development siting and design measures, including buffers. The LUP contains a sensitive habitat map showing the known sensitive habitats (ESHA) within the coastal zone. The ESHAs identified in the LUP include wetlands, dunes, riparian, and marine habitats.

It seems clear that the western area of the City of Oxnard contained extensive dune fields stretching south from the Santa Clara River along the ocean. Most of these dunes have been disturbed, altered, and destroyed for development, as is the case across much of the state. Notwithstanding the destruction of dune habitat within the City, the LUP identifies five areas within the coastal zone that meet the definition of ESHA:

1. A 26-acre area at the intersection of Fifth Street and Harbor Boulevard
2. A portion of a 54-acre parcel located between Harbor Boulevard and the Edison Canal, south of Wooley Road.
3. An area at the northerly end of "The Colony" property adjacent to the Oxnard State Beach park site.
4. A chain of dunes paralleling the beach from the Santa Clara River mouth south to Fifth Street.
5. Ormond Beach dunes paralleling the beach.

The site that is the subject of LCPA 1-04 is not identified as ESHA by the LUP.

Staff reviewed aerial photographs of the project site. A 1972 photo (included in Exhibit 6) shows that the Oxnard Shores area, including the subject site, had been graded, and paved roads and other utilities had been installed prior to the effective date of the California Coastal Zone Conservation Act of 1972 (Proposition 20). The area was sparsely developed with residences at that time. A 1979 photo shows that many more, but not all of the parcels were developed with residences. The subject parcel remains vacant, flat, and sparsely vegetated in the 1979 photo.

By contrast, the dunes located across Harbor Boulevard (south of its intersection with Wooley Road), have maintained their dune geomorphology. Past photos of the area do indicate that these dunes were subject to disturbance, but it does not appear that the site was graded. The 1972 and 1979 photos show that some of the vegetation on this site had been disturbed or removed and tracks or trails made by vehicles are visible. Nonetheless, later photos show that this site maintained its dune landforms and that the site was recolonized with vegetation. In recognition of the dune landforms and habitat present, this site was designated as ESHA on the LUP Sensitive Habitats Map and the site was zoned Resource Protection.

In addition to the fact that the LUP does not designate the site as ESHA, the Land Use Plan Map depicts the site as "Existing Residential Area". The LUP states that Existing Residential Area: "Applied only to existing, partially developed neighborhood, this designation will allow the full buildout of these areas at existing densities". Nonetheless, the site is zoned "Resource Protection" (RP) by the Coastal Zoning Code, a designation

that has the intention of providing for the protection of ESHA. The City's staff report states that:

The subject property was zoned Resource Protection as an interim zoning designation by the City of Oxnard. As stated in the City's Coastal Zoning Regulations, undeveloped parcels of land designated with two or more zone categories shall be totally zoned RP on an interim basis until a specific development plan is approved which is consistent with both the Oxnard Coastal Land Use Plan and all applicable provisions of the City code.

It is not stated which two zones were previously applied to the property. Staff would note that there is such a provision in the "RP" zone development standards. However, there is no discussion of this provision or the specific properties that it had been applied to in the findings for the Commission's certification of the Coastal Zoning Ordinance.

So, although the subject site is not designated ESHA by the LUP, it is critical to evaluate whether the site should nonetheless be considered to contain habitat that is consistent with the definition of ESHA. The LUP includes the same definition of ESHA as Section 30107.5 of the Coastal Act:

Environmentally sensitive area means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

The City has provided a Biological Resources Analysis, dated 3/28/03, and a Focused Plant Survey, dated 6/4/03, both prepared by Dudek & Associates, Inc. that address the biological resources on the subject site. These reports were used by the City in determining if the site contained any habitats that meet the definition of ESHA. The City has also provided a Biological Resources and Analysis Report, dated 11/22/04, prepared by Impact Sciences.

The reports identified one soil type on the site (sand), and two vegetation types (disturbed southern foredune and annual grassland). The Biological Resources Analysis states that:

Disturbed southern foredune occupies the majority of the project site. Foredunes are generally located between actively shifting dunes on the shore and more stable dunes located further inland. Foredunes are stabilized by low, suffrutescent (somewhat shrubby) plant species which are able to survive out of the stronger winds buffeting the immediate shoreline. Dunes interior to foredunes (often known as backdunes) receive milder winds and are often vegetated by a larger proportion of shrub species than foredunes areas (Holland 1986)

The dunes onsite are classified as disturbed due to the dominance of hottentot-fig (*Carpobrotus edulis*), a non-native species, and the abundance of canid and human use of the site. Refuse such as litter, canid fecal waste, green waste from adjacent landowner's landscaping efforts, and occasional construction-related materials such as

chunks of concrete occupy the site. Hottentot-fig and other non-native species cover approximately 50% of the dune areas onsite. The remainder of the dune vegetation is composed of typical native foredune species, such as beach bur (*Ambrosia chamissonis*), sea rocket (*Cakile maritime*), pink sand verbena (*Abronia umbellata*), beach evening primrose (*Camissonia cheiranthifolia*), and deerweed (*Lotus scoparius*).

The biological reports identified no rare, endangered, or special status plant or animal species on the site. The Biological Resources and Analysis Report, dated 11/22/04 updates and confirms the findings of the earlier reports, although it identifies only one plant community (disturbed southern foredune) with annual grasses invading disturbed areas. This report also states that no special-status species were observed on the site.

Staff has also visited the site in September 2004. This visit confirmed that while the soils are primarily sand, there are no dune landforms present. The level of disturbance on the site was also very clear. It was apparent that vehicles have been driven onto and across the site, and that people and pets have walked across the site. Additionally, construction materials and other debris have been dumped on the site. There are individual plants sparsely distributed on the site, including several dune plant species, iceplant, and invasive, weedy plants. The site abuts existing single family residences on two sides (west and south). There is a block wall along the northern property line separating the site from a vacant commercial site (there is a real estate sales trailer on the site but it is unclear whether it is currently used). To the east, the site abuts a two-lane frontage road. East of the frontage road, there is a block wall and further east there is a four-lane road (Harbor Boulevard). Across Harbor Boulevard to the east, there is a large area of dune habitat. Photos of the site are included in Exhibit 7. The Commission's biologist, Dr. John Dixon, reviewed photos of the site, including aerial photos of the surrounding area, and the biological reports described above.

Given the rarity of dune habitats across the state, the Commission has considered dunes, even those that are significantly degraded, to meet the definition of ESHA, if they retain some connection to the beach or other dune areas, or if they contain plants or animals that are rare, endangered, or have other special status. In this case, based on the available information, staff concludes that the subject site does not meet the definition of ESHA. As described above, there has been ongoing disturbance on the subject site since before 1972. The mass grading and development of the suburban-level subdivision that was carried out in the Oxnard Shores area prior to 1972 resulted in the loss of dune topography across this entire area, including the subject site. Most of the parcels created in this area have been developed with residential or commercial structures. The subject site has not been developed. No dune landforms have ever reformed on the site. This is apparently the result of the continuing disturbance of the site, as well as the fact that the site has been physically cut off from the beach and any other source of sand by the surrounding development. The site has been disturbed by vehicles, dumping of construction material and debris, and human intrusion. There is a larger, better developed, dune habitat area to the east, but the subject site is separated from it by two roads and a wall. While there is scattered vegetation, including several plant species associated with dune habitats, present on the site, there are no rare or endangered plants or animals.

Therefore, the proposed zoning map amendment from "Resource Protection" to "Single Family Beach" will not result in impacts to ESHA, consistent with the policies of the certified Land Use Plan.

### **3. NEW DEVELOPMENT.**

The Coastal Act requires that new development shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it. Additionally, new development must be located where it will not have significant adverse impacts on coastal resources. Section 30250 (incorporated by reference into the certified LUP) states, in relevant part, that:

***New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.***

The subject site is located within the Oxnard Shores neighborhood, an area between the beach and Harbor Boulevard that was subdivided prior to 1972 and is developed with single and multi-family residential structures. There is also one developed and one undeveloped commercial parcel on Wooley Road near the project site. As such, the site is in close proximity to urban public services such as water, sewer, electrical services and two major public roadways. Therefore, the site is located contiguous with and in close proximity to existing developed areas which are able to accommodate the new residential development as is required under Section 30250 of the Coastal Act.

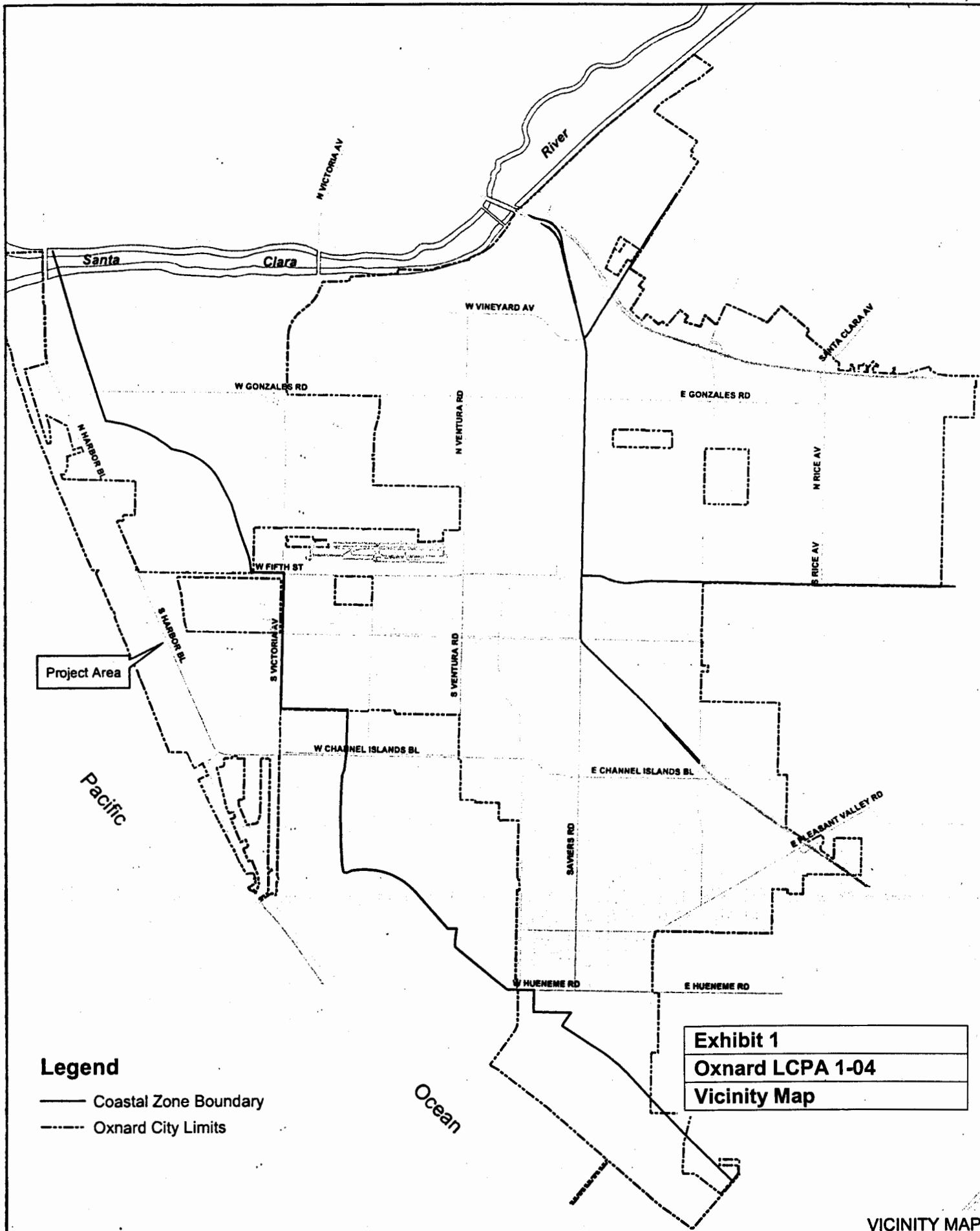
The LUP Map designates the subject site as "Existing Residential Area". The LUP states that Existing Residential Area: "Applied only to existing, partially developed neighborhood, this designation will allow the full buildout of these areas at existing densities". The City proposes to modify the Coastal Zoning Map to zone the site "Single Family Beach" (R-B-1). The R-B-1 zone allows the development of single family residences, with a minimum lot area of 4,000 sq. ft., subject several development standards. The residential development surrounding the subject site is also zoned R-B-1. The nine parcels and residences that the City has considered for development on the subject site will be consistent with the density, size, scale, and character of the existing development in the area. As described above, the proposed rezoning will not result in either individual or cumulative impacts on coastal resources. Therefore, the proposed zoning map amendment from "Resource Protection" to "Single Family Beach" is consistent with the policies of the certified Land Use Plan.



#### **4. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Pursuant to Section 21080.9 of the California Environmental Quality Act ("CEQA"), the Coastal Commission is the lead agency responsible for reviewing Local Coastal Programs for compliance with CEQA. The Secretary of Resources Agency has determined that the Commission's program of reviewing and certifying LCPs qualifies for certification under Section 21080.5 of CEQA. In addition to making the finding that the LCP amendment is in full compliance with CEQA, the Commission must make a finding that no less environmentally damaging feasible alternative exists. Section 21080.5(d)(2)(A) of CEQA and Section 13540(f) of the California Code of Regulations require that the Commission not approve or adopt a LCP, "...if there are feasible alternative or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment."

The proposed amendment is to the City of Oxnard's certified Local Coastal Program Implementation Ordinance (Coastal Zoning Ordinance). The Commission originally certified the City of Oxnard's Local Coastal Program Land Use Plan and Implementation Ordinance in 1982 and 1985, respectively. For the reasons discussed in this report, the LCP amendment, as submitted is consistent with the applicable policies of the Coastal Act, as incorporated by reference into the Land Use Plan, and the certified Land Use Plan and no feasible alternatives or mitigation are available which would lessen any significant adverse effect which the approval would have on the environment. Therefore, the Commission finds that the LCP amendment, as submitted, is consistent with CEQA and the Land Use Plan.



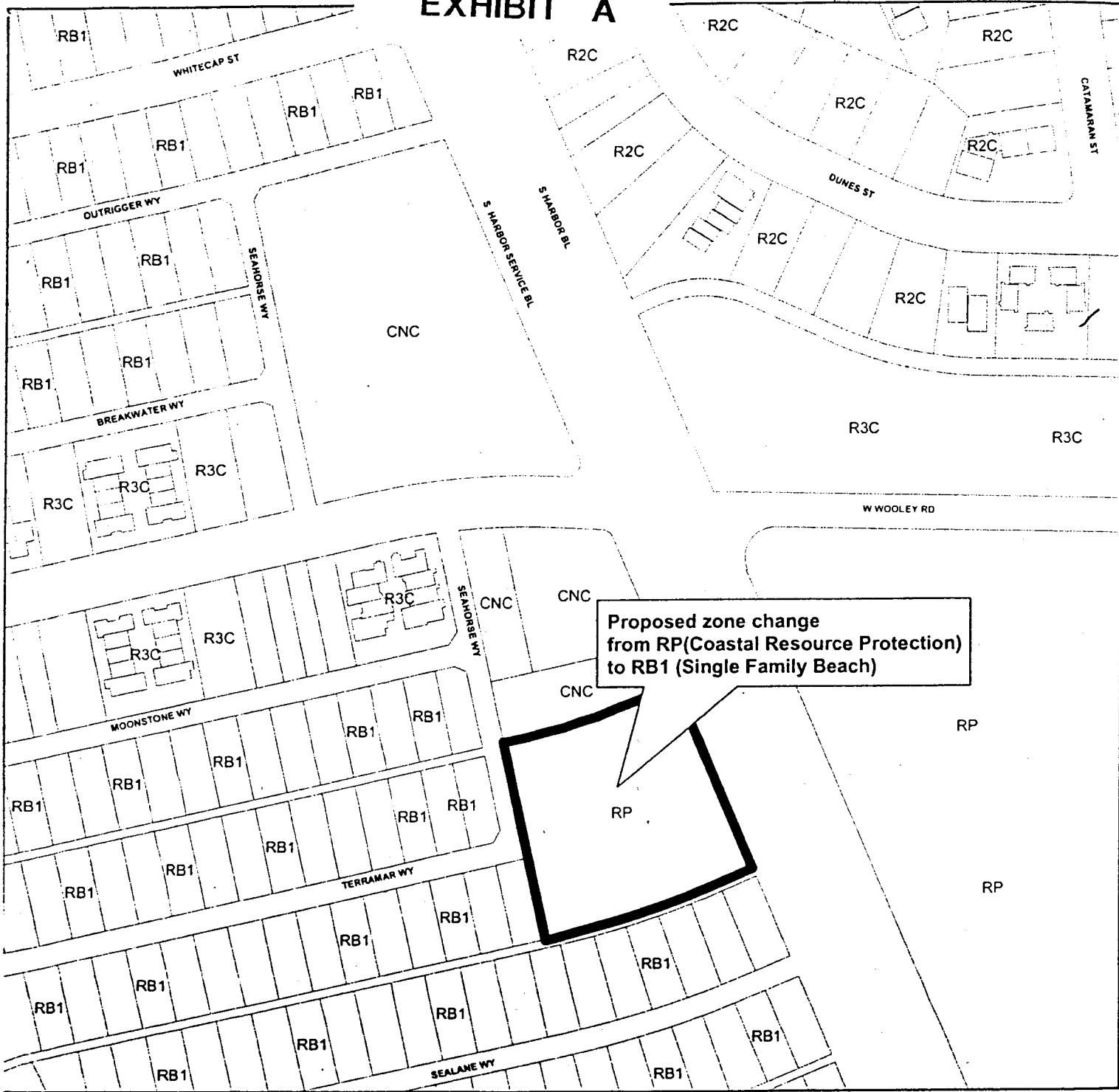
**Legend**

- Coastal Zone Boundary
- - - Oxnard City Limits

<b>Exhibit 1</b>
<b>Oxnard LCPA 1-04</b>
<b>Vicinity Map</b>



# EXHIBIT A

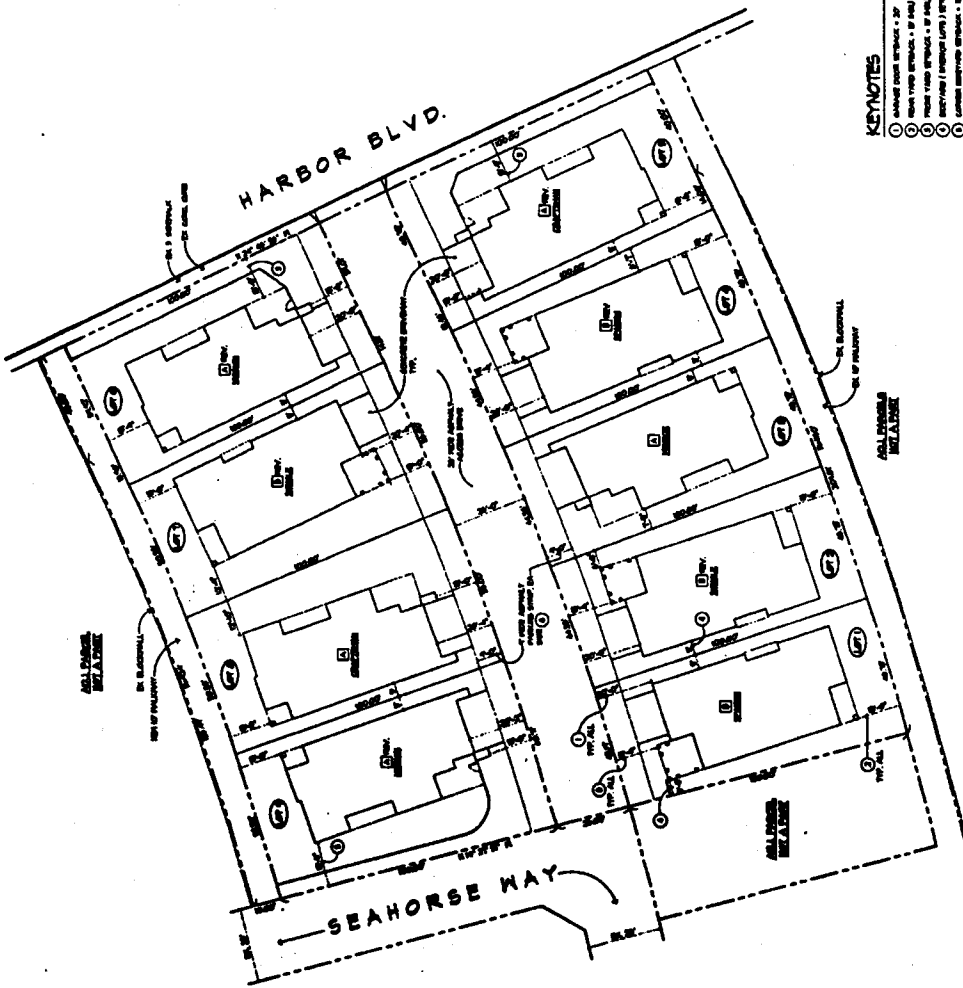


Proposed zone change  
from RP (Coastal Resource Protection)  
to RB1 (Single Family Beach)

**Exhibit 2**  
**Oxnard LCPA 1-04**  
**Zone Change Map**

0037





- KEYNOTES**
- 1 CHANGE EXIST. DRIVEWAY TO 20'
  - 2 NEW TRUCK DRIVEWAY - 30' WIDE
  - 3 NEW TRUCK DRIVEWAY - 30' WIDE
  - 4 IMPROVE (CONCRETE) DRIVEWAY - 8' WIDE
  - 5 CONCRETE DRIVEWAY DRIVEWAY - 8' WIDE
  - 6 LOT OF EXISTING DRIVEWAY DRIVEWAY



SCALE: 1/8" = 1'-0"

ARCHITECTURAL SITE PLAN

Exhibit 3
Oxnard LCPA 1-04
Proposed Subdivision

RECEIVED

CITY COUNCIL OF THE CITY OF OXNARD

JAN 16 2004

RESOLUTION NO. 12,505

CITY OF OXNARD  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING LOCAL COASTAL PLAN AMENDMENT NO. PZ 02-410-1 TO AMEND THE LOCAL COASTAL PLAN ZONE MAP DESIGNATION OF RP (RESOURCE PROTECTION) TO R-B-1 (SINGLE FAMILY BEACH) FOR PROPERTY IDENTIFIED AS ASSESSORS PARCEL NO 191-0-103-195 AND LOCATED ALONG SEAHORSE WAY SOUTH OF WOOLEY ROAD AND WEST OF HARBOR BOULEVARD, FILED BY FAULCONER AND CARAWAN, 394 E. MAIN STREET, SUITE C, VENTURA, CA 93003.

WHEREAS, in accordance with the California Environmental Quality Act, the Planning and Environmental Services Manager provided public notice of the intent of the City to adopt a mitigated negative declaration for this project, and the City Council has considered the proposed mitigated negative declaration together with any comments received during the public review process, finds on the basis of the initial study and any comments received that with the imposition of mitigation measures as conditions of approval there is no substantial evidence that the project will have a significant effect on the environment, further finds that the mitigated negative declaration reflects the independent judgment of the City, and approves the mitigated negative declaration; and

WHEREAS, the City Council of the City of Oxnard has considered an application for a Local Coastal Plan Amendment (PZ 02-410-1), for property identified as assessor's parcel number 191-0-103-195 and located along Seahorse Way south of Wooley Road and west of Harbor Boulevard, filed by Faulconer and Carawan; and

WHEREAS, the City Council has carefully reviewed Planning Commission Resolution No. 2003-76, which recommends approval of the Local Coastal Plan Amendment; and

WHEREAS, after public hearing on October 7, 2003, the City Council of the City of Oxnard approved an amendment to the Local Coastal Program (PZ 02-410-1) in accordance with the provisions of Public Resources Code Section 30510(a) for submittal to the California Coastal Commission; and

WHEREAS, the amendment will take effect automatically upon Coastal Commission approval pursuant to section 13551(b) of Division 5.5 of Title 14 of the California Code of Regulations; and

WHEREAS, the City Council finds the proposed amendment to the zone map is consistent with the current certified Coastal Land Use Plan; and

WHEREAS, the amendment application has been processed consistent with required procedures of Sec. 37-5.4.0 (Hearings and appeals) of the Local Coastal Plan; and

Exhibit 4
Oxnard LCPA 1-04
City Council Resolution

WHEREAS, cumulative amendments or changes shall maintain or enhance the coastal resources as identified and protected in the originally certified Coastal Land Use Plan; and

WHEREAS, the proposed zone map designation would be appropriate in light of the established need for the requested amendment at the time and location anticipated by the said amendment; and

WHEREAS, the proposed amendment would not be detrimental to the public interest, health, safety, convenience or welfare; and

WHEREAS, the proposed amendment maintains or enhances the provisions for public access within the coastal zone; and

WHEREAS, Applicant agrees, as a condition of approval of this resolution and at Applicant's own expense, to indemnify and defend the City of Oxnard 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 determination taken, done or made before the approval of this resolution that were part of the approval process.

NOW, THEREFORE, the City Council of the City of Oxnard approves Local Coastal Plan Amendment No. PZ 02-410-1, as shown in Exhibit A, attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 7th day of October 2003, by the following vote:

AYES: Councilmembers Pinkard, Zaragoza, Herrera, Lopez and Maulhardt.

NOES: None.

ABSENT: None.

  
\_\_\_\_\_  
Dr. Manuel M. Lopez, Mayor

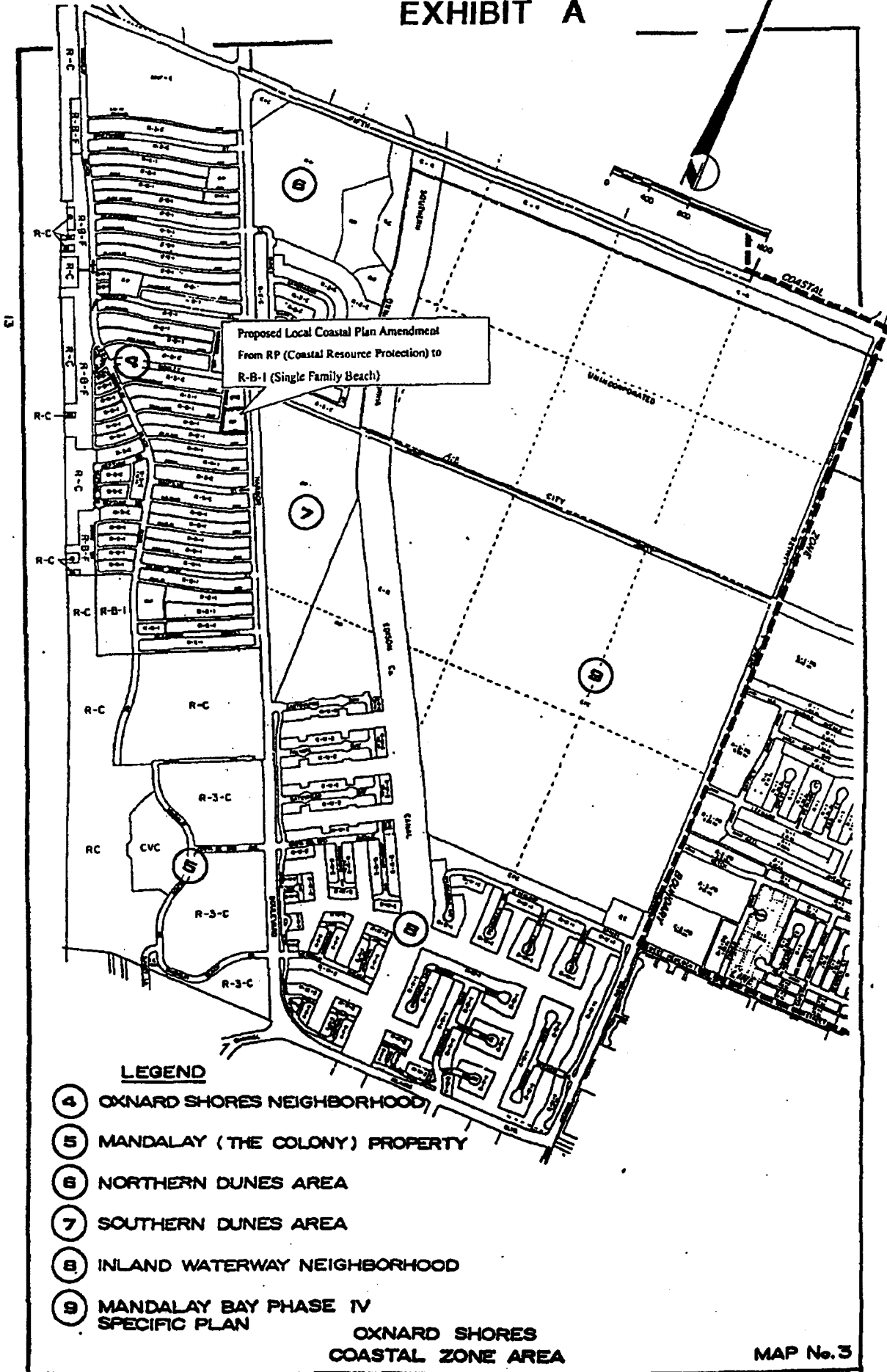
ATTEST:

  
\_\_\_\_\_  
Daniel Martinez, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Gary L. Gillig, City Attorney

# EXHIBIT A



CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO. 2634

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD, CALIFORNIA, APPROVING ZONE CHANGE NO. 02-570-5 FROM RP (RESOURCE PROTECTION) TO R-B-1 (SINGLE-FAMILY BEACH) FOR PROPERTY IDENTIFIED AS ASSESSORS PARCEL NUMBER 191-0-103-195 AND LOCATED ALONG SEAHORSE WAY SOUTH OF WOOLEY ROAD AND WEST OF HARBOR BOULEVARD. FILED BY FAULCONER AND CARAWAN, 394 EAST MAIN STREET, SUITE C, VENTURA, CA 93003.

WHEREAS, in accordance with the California Environmental Quality Act, the Planning and Environmental Services Manager provided public notice of the intent of the City to adopt a mitigated negative declaration for this project, and the City Council has considered the proposed mitigated negative declaration together with any comments received during the public review process, finds on the basis of the initial study and any comments received that with the imposition of mitigation measures as conditions of approval there is no substantial evidence that the project will have a significant effect on the environment, further finds that the mitigated negative declaration reflects the independent judgment of the City, and approves the mitigated negative declaration; and

WHEREAS, Applicant agrees, as a condition of approval of this ordinance and at applicant's own expense, to indemnify and defend the City of Oxnard and its agents, officers and employees from and against any claims, actions or proceedings to attack, set aside, void or annul the approval of this ordinance or any actions or proceedings, acts or determinations taken, done or made before the approval of this ordinance that were part of the approval process.

The City of Council of the City of Oxnard does ordain as follows:

Part 1. The City's Official Zoning Map shall be amended for property more particularly described as Assessor Parcel Number (APN) 191-0-103-195 from RP (Resource Protection) to R-B-1 (Single Family Beach) as shown in Exhibit "A" attached hereto and incorporated herein by reference.

Part 2. Pursuant to Government Code Section 65863.5, the City Clerk shall mail a copy of this ordinance to the Assessor of Ventura County within thirty (30) days from the adoption of this ordinance.

Part 3. Within fifteen (15) days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation within the City. Ordinance No. was first read on October 7, 2003 and finally adopted on October 21, 2003, to become effective thirty days thereafter.

Exhibit 5
Oxnard LCPA 1-04
City Council Ordinance

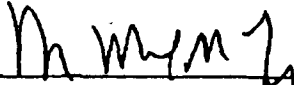


Ordinance No. 2634  
Page 2

AYES: Councilmembers Maulhardt, Pinkard, Zaragoza, Herrera and Lopez.

NOES: None.

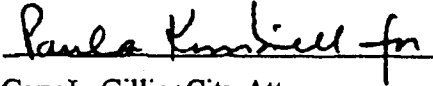
ABSENT: None.

  
\_\_\_\_\_  
Dr. Manuel M. Lopez, Mayor

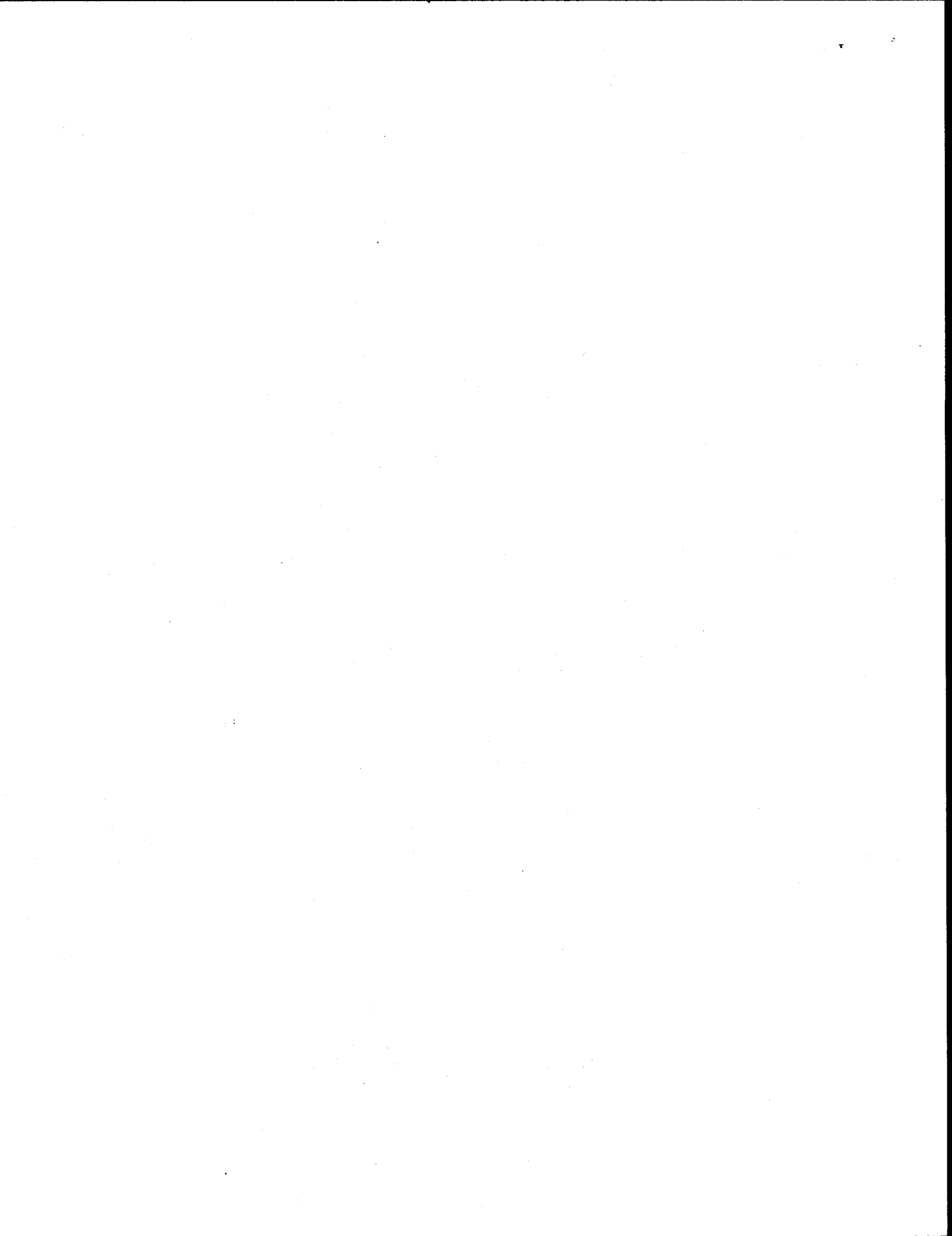
ATTEST:

  
\_\_\_\_\_  
Daniel Martinez, City Clerk

APPROVED AS TO FORM:

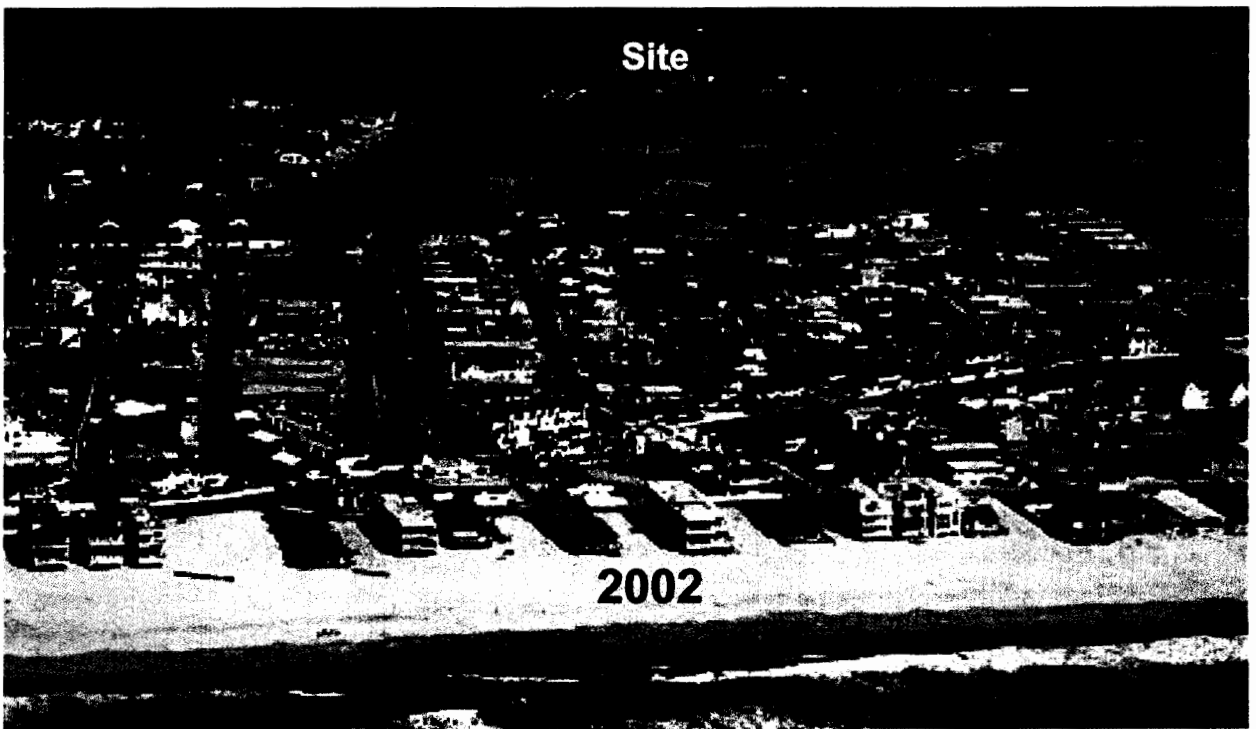
  
\_\_\_\_\_  
Gary L. Gillig, City Attorney

G:\PLNG\Heather\Heather\Discretionary Permits\Oxnard Shores\cczreso.doc



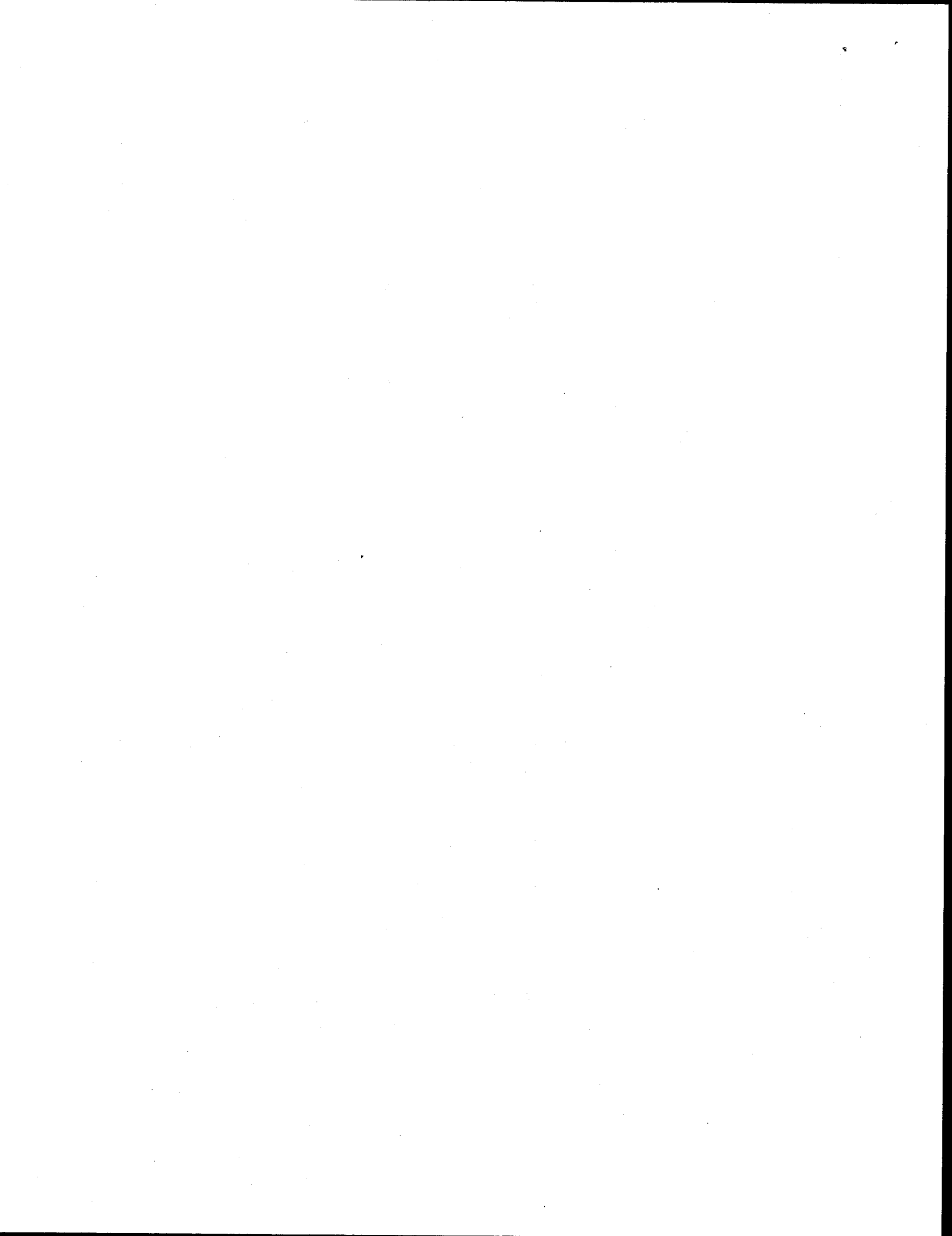


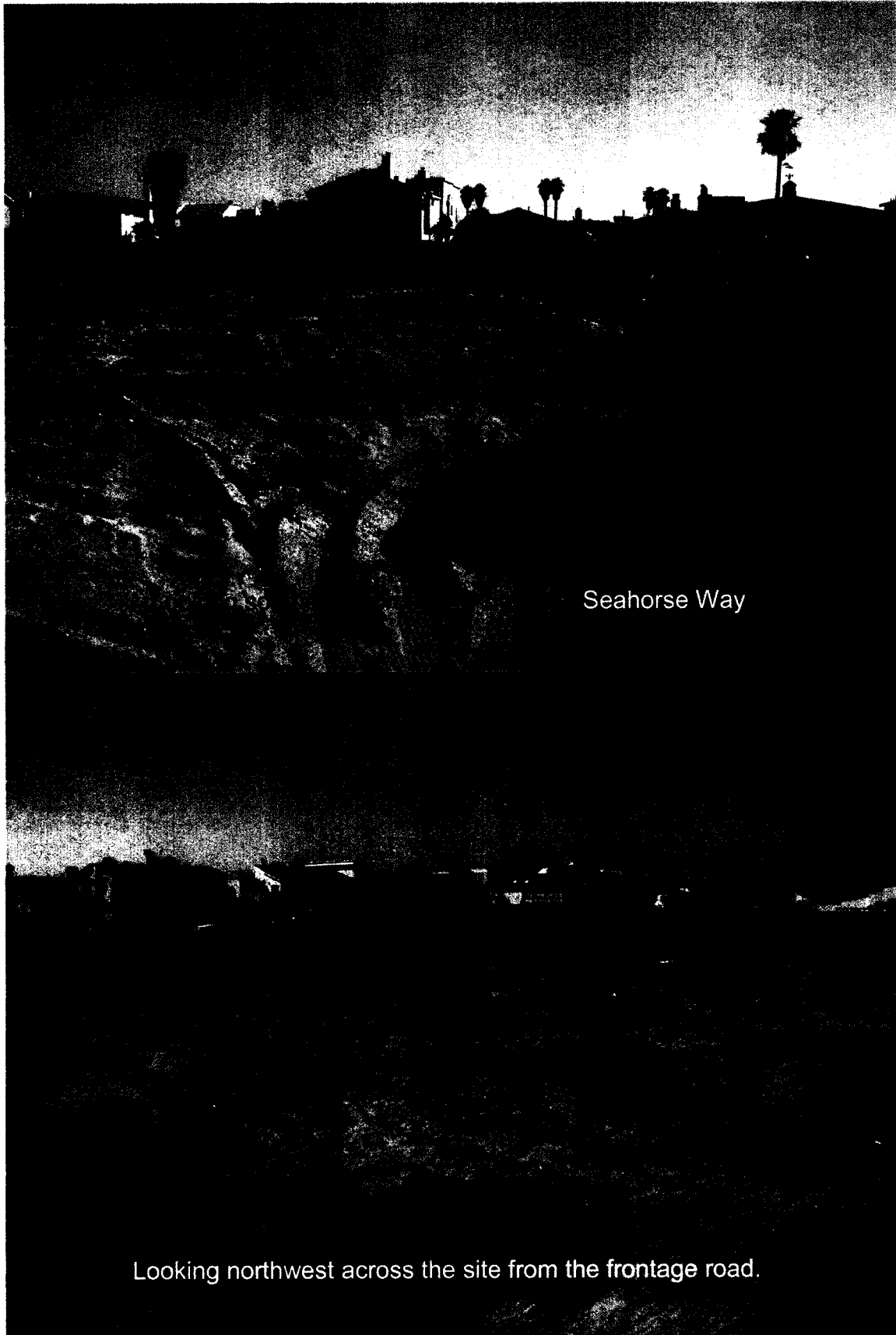
State Department of Boating and Waterways, 1972 (Provided by the California Coastal Records Project)



Provided by the California Coastal Records Project

<b>Exhibit 6</b>
<b>Oxnard LCPA 1-04</b>
<b>Aerial Photos</b>





Seahorse Way

Looking northwest across the site from the frontage road.

Exhibit 7
Oxnard LCPA 1-04
Site Photos

