

CALIFORNIA COASTAL COMMISSION

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



Th15a

A-4-OXN-18-0053 (JREJ Mandalay Properties, LLC)

March 7, 2019

Exhibits

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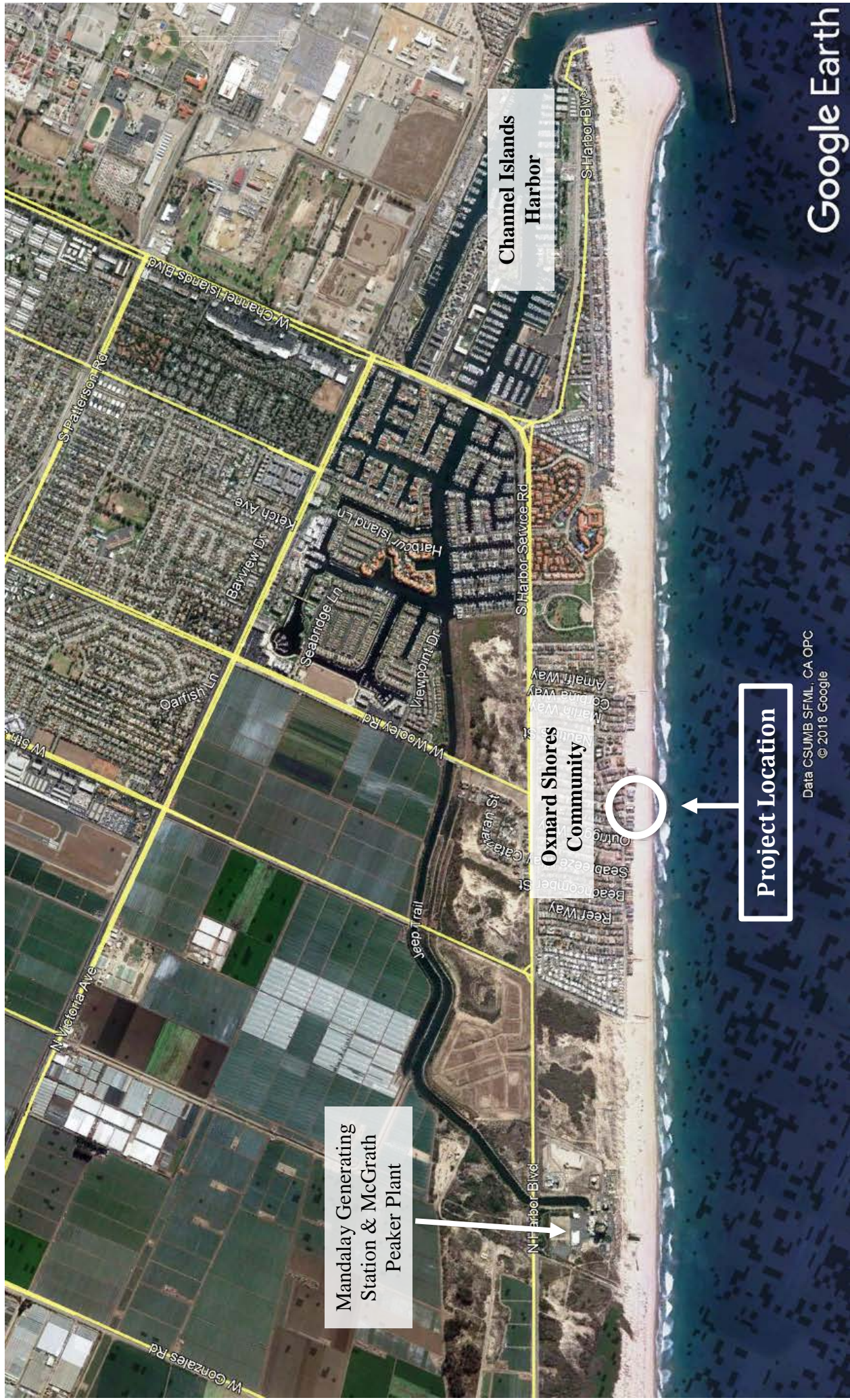
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Google Earth

Data CSUMB SFML, CA OPC
© 2018 Google

Mandalay Generating
Station & McGrath
Peaker Plant

Channel Islands
Harbor

Oxnard Shores
Community

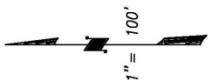
Project Location

Exhibit 1
Vicinity Map
Appeal No. A-4-OXN-18-0053

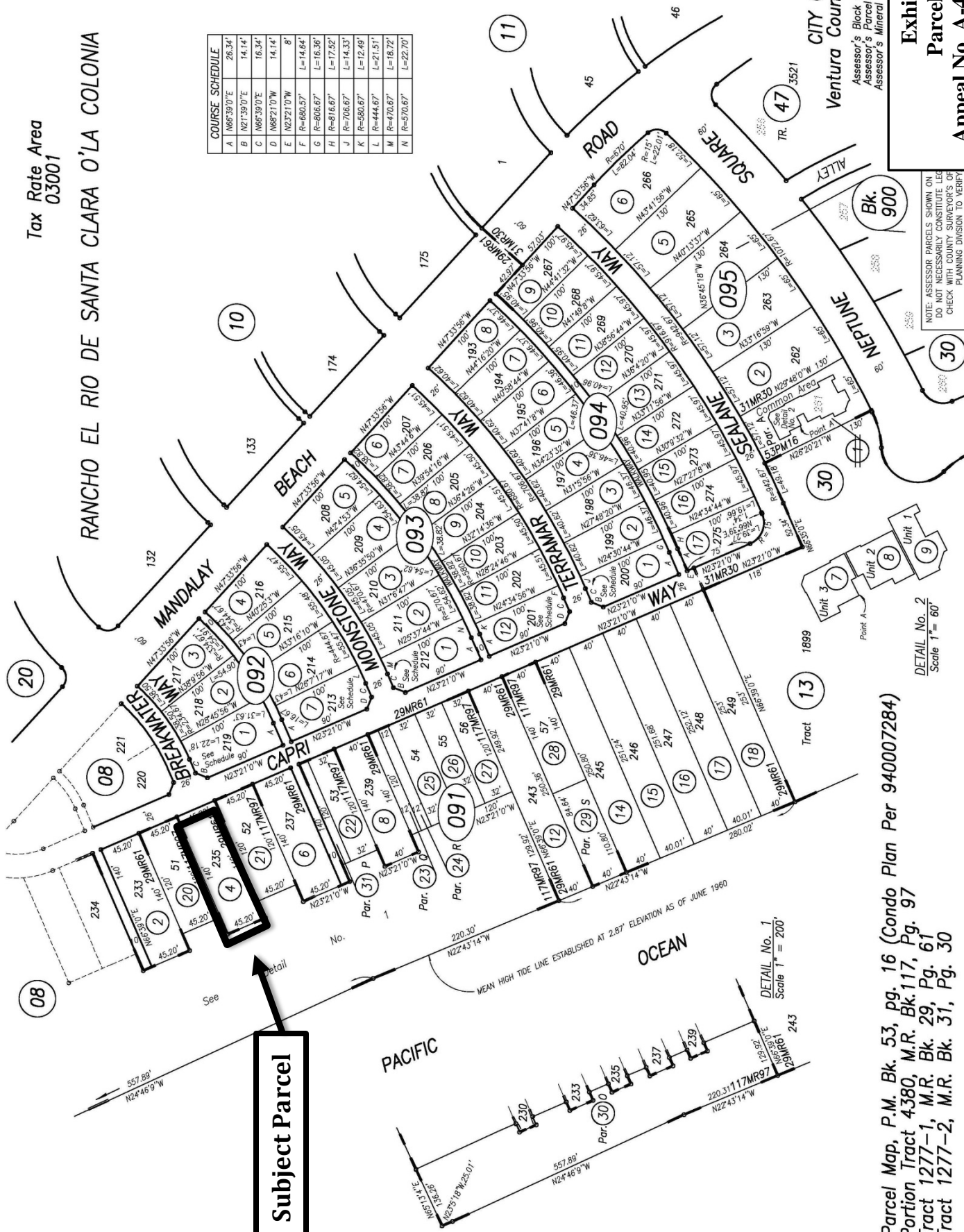
191-09

Tax Rate Area
03001

RANCHO EL RIO DE SANTA CLARA O'LA COLONIA



COURSE SCHEDULE	
A	N66°39'0"E 26.34'
B	N27°39'0"E 14.14'
C	N66°39'0"E 16.34'
D	N68°21'0"W 14.14'
E	N27°21'0"W 8'
F	R=680.57' L=14.64'
G	R=806.67' L=16.36'
H	R=816.67' L=17.32'
J	R=706.67' L=14.33'
K	R=580.67' L=12.49'
L	R=444.67' L=21.51'
M	R=70.67' L=18.72'
N	R=570.67' L=22.70'



Subject Parcel

CITY OF OXNARD
Ventura County Assessor's Map.

Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles.
Assessor's Mineral Numbers Shown in Squares.

Exhibit 2

Parcel Map

Appeal No. A-4-OXN-18-0053

NOTE: ASSESSOR PARCELS SHOWN ON
DO NOT NECESSARILY CONSTITUTE LEGAL
CHECK WITH COUNTY SURVEYOR'S OFFICE
PLANNING DIVISION TO VERIFY

DETAIL No. 2
Scale 1" = 60'

Parcel Map, P.M. Bk. 53, pg. 16 (Condo Plan Per 940007284)
Portion Tract 4380, M.R. Bk. 117, Pg. 97
Tract 1277-1, M.R. Bk. 29, Pg. 61
Tract 1277-2, M.R. Bk. 31, Pg. 30

Vacant Lot

1131 Capri
Way
(Appellants)

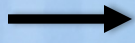
Subject Property
1125 Capri Way

Exhibit 3
Aerial Photo
Appeal No. A-4-OXN-18-0053

Google Earth

January 2019

1125 Capri Way
(Subject Property)



1131 Capri Way
(Appellants)

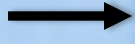
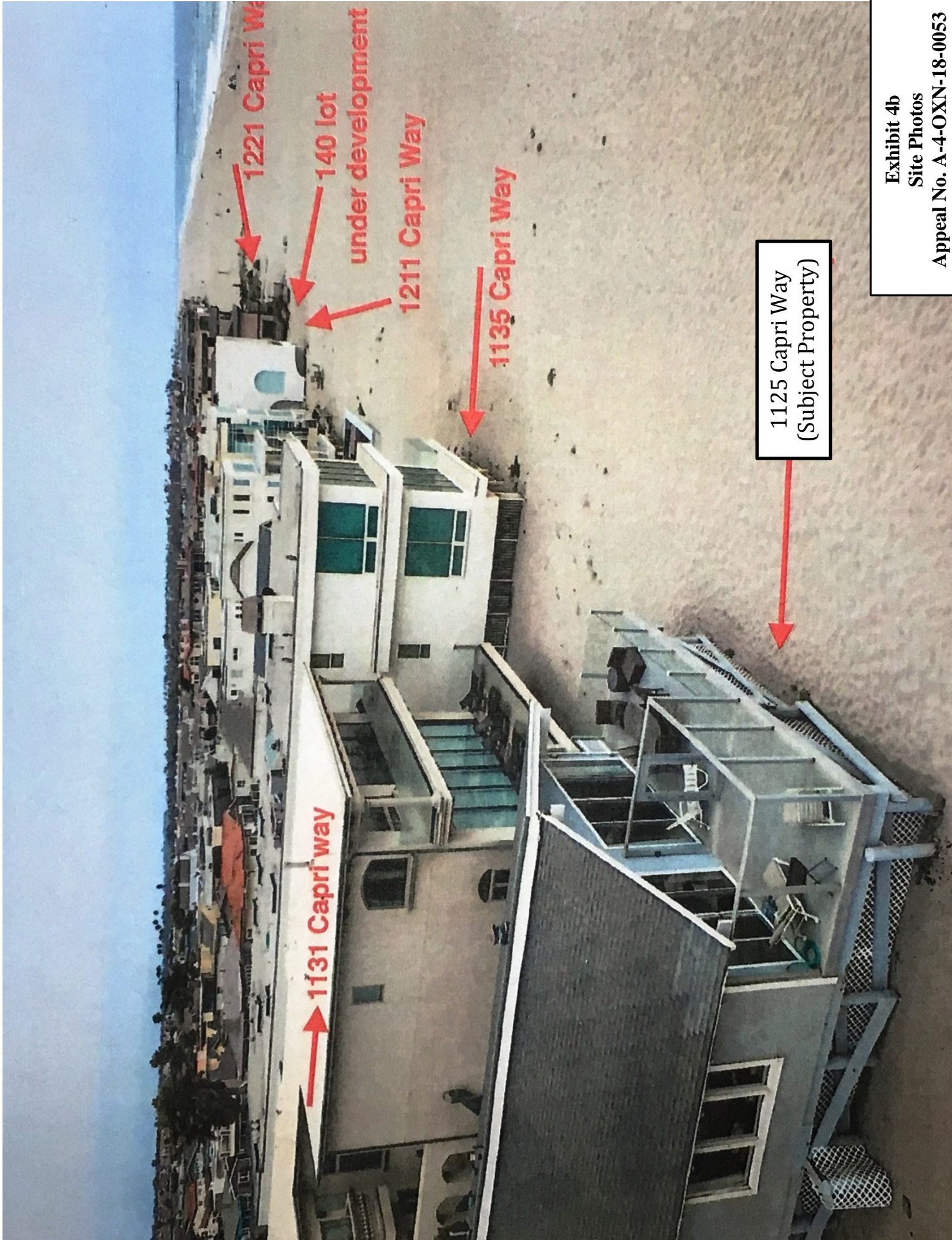
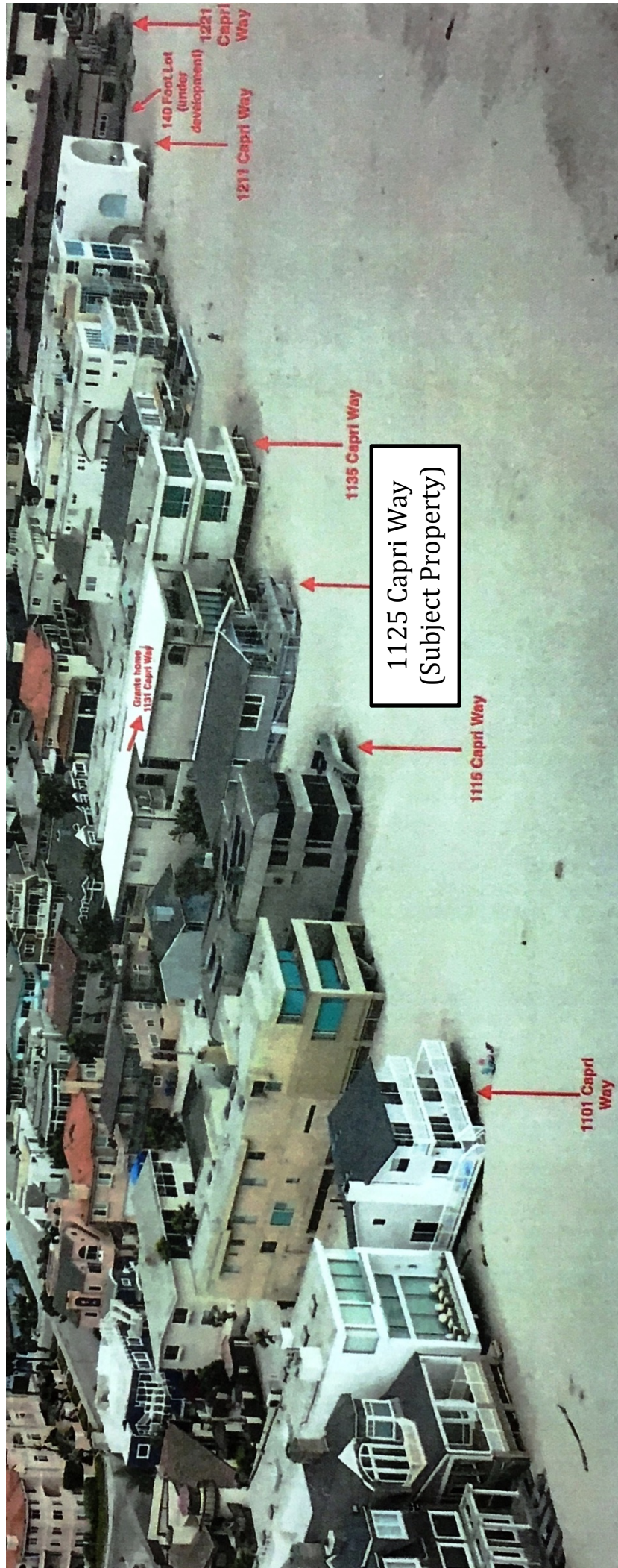


Exhibit 4a
Site Photos
Appeal No. A-4-OXN-18-0053





1125 Capri Way
(Subject Property)

An aerial photograph of a coastal town, likely in California, showing a grid of streets and numerous small, light-colored buildings. Harbor Boulevard runs vertically on the left side of the image. Capri Way runs horizontally across the middle. A subject parcel is located on the right side of the image, near the intersection of Capri Way and the coastline. The ocean is visible on the right side of the image, with waves breaking onto a sandy beach.

Harbor Boulevard

Capri Way

Subject Parcel

Exhibit 5a
Historic 1972 Aerial Photo
Appeal No. A-4-0XN-18-0053

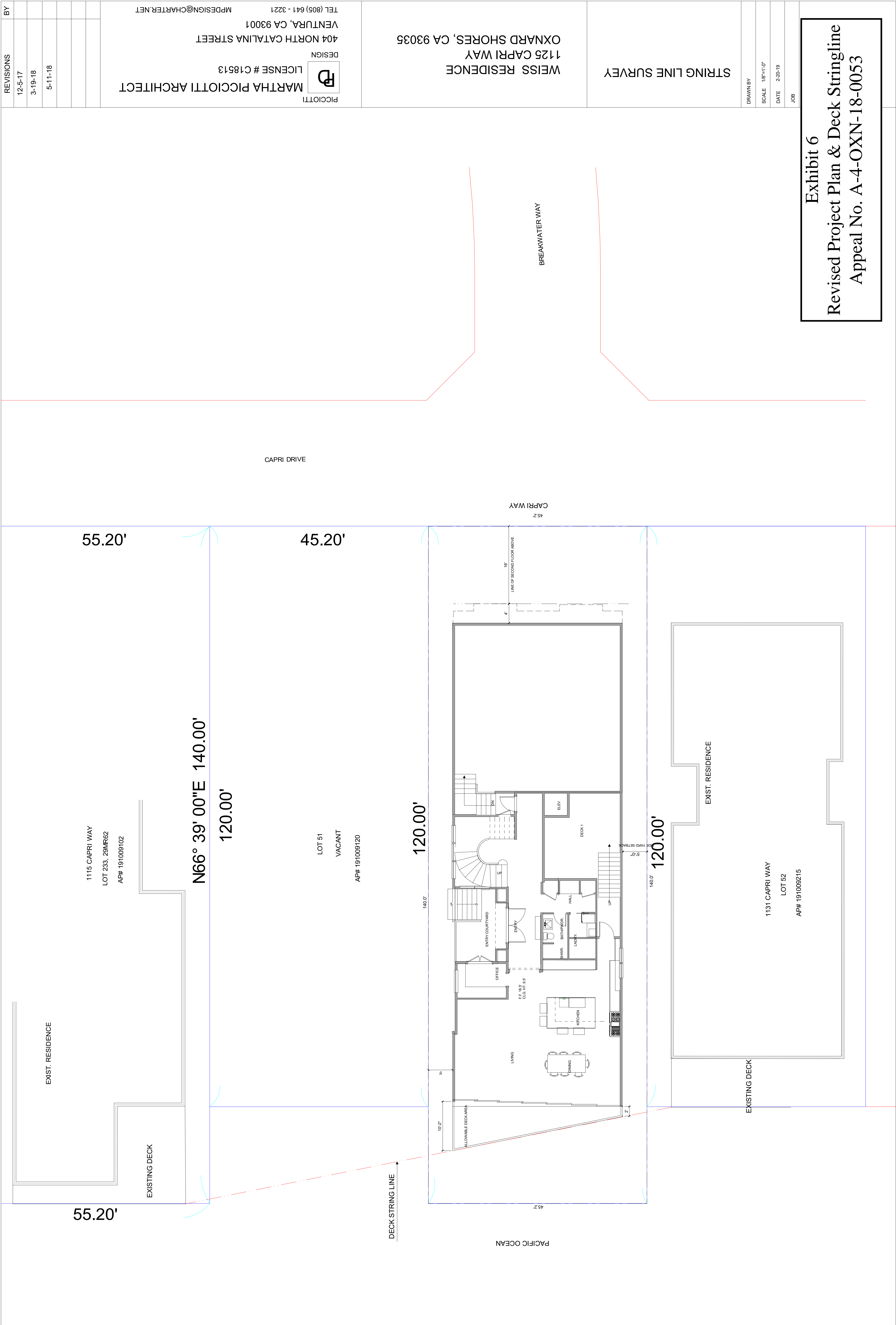


Harbor Boulevard

Capri Way

Subject Parcel

Exhibit 5b
Historic 1979 Aerial Photo
Appeal No. A-4-0XN-18-0053



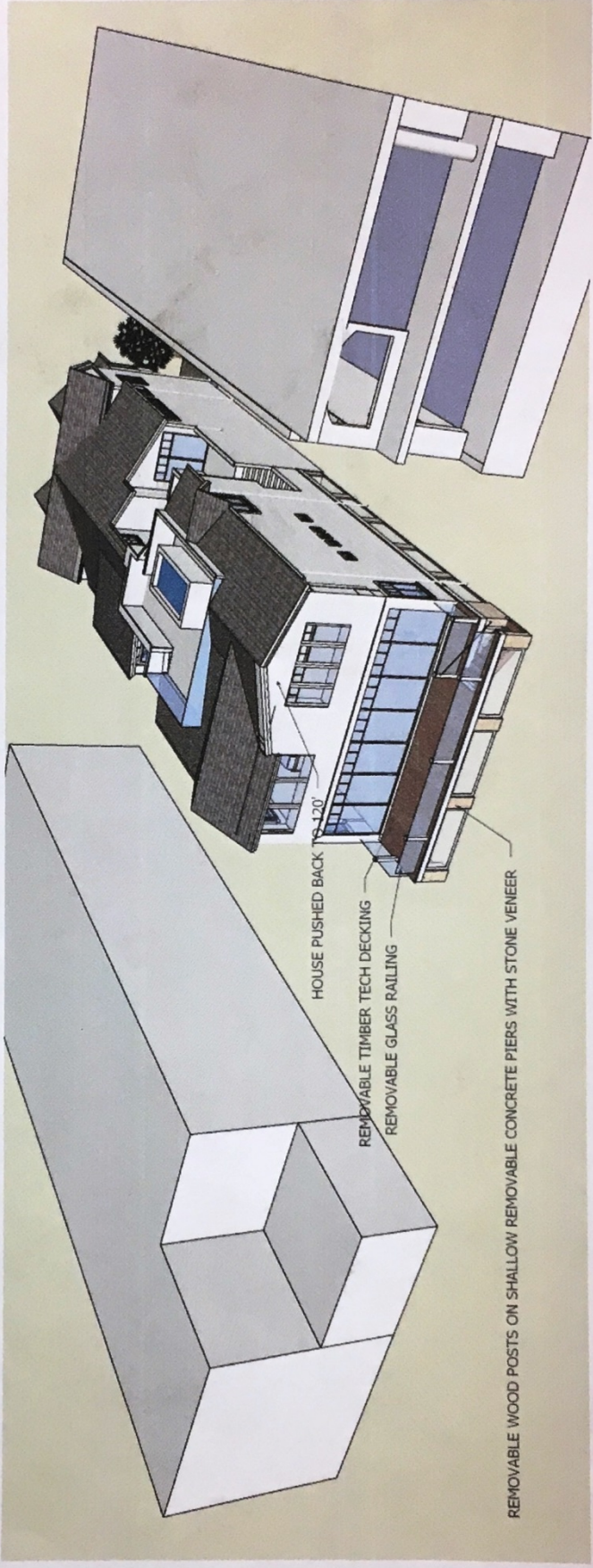
REVISIONS		BY
12-5-17		
3-19-18		
5-11-18		
MARTHA PICCIOTTI ARCHITECT		
LICENSE # C18513		
DESIGN		
404 NORTH CATALINA STREET		
VENTURA, CA 93001		
MPDESIGN@CHARTER.NET		
TEL (805) 641 - 3221		

WEISS RESIDENCE
1125 CAPRI WAY
OXNARD SHORES, CA 93035

STRING LINE SURVEY

DRAWN BY	
SCALE	1/8"=1'-0"
DATE	2-20-19
JOB	

Exhibit 6
Revised Project Plan & Deck Stringline
Appeal No. A-4-OXN-18-0053



4-0XN-18-0764

Development Services

Planning Division
214 South C Street
Oxnard, California 93030
(805) 385-7858
Fax (805) 385-7417



July 16, 2018

Received

District Director
California Coastal Commission
South Central Coast Area Office
89 South California Street, Suite 200
Ventura, CA 93001

JUL 16 2018

California Coastal Commission
South Central Coast District

RE: *Notice of Final Decision (Appealable Jurisdiction)*
Coastal Development Permit (CDP) No. 17-400-04
1125 Capri Way (APN: 191-0-091-045)

The project referenced above is located within the City of Oxnard coastal zone. The City of Oxnard has taken the following action on the subject application:

Action:

<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

Approved

X

Approved with conditions (City Council Resolution No. 15,158-Attached)

Denied

File No: 17-400-04 (CDP)
Filing Date: September 11, 2017
Project Address: 1125 Capri Way Oxnard, California 93035
Planning Commission Action Date: May 17, 2018
City Council Action Date: July 10, 2018

Applicant Name: Martha Picciotti, Architect
Applicant's Address: 404 North Catalina Street Ventura, California 93001
Applicant's Contact Info: 805-641-3221 (mpdesign@charter.net)

Findings: In accordance with Section Nos. 15301 (Class 1) and 15303 (Class 3) of the State California Environmental Quality Act (CEQA) Guidelines, projects involving "existing facilities" and "new construction... of small structures" may be found to be exempt from the requirements of the CEQA. The demolition of a single-family residence is specifically exempt under Section 15301 (l) and the construction of one single-family residence is specifically exempt under section 15303(a) of CEQA. Therefore, staff has determined that there is no substantial evidence that the project will have a significant effect on the environment

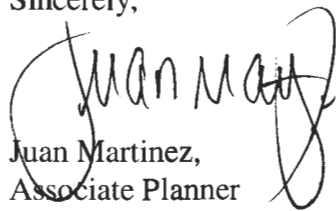
Exhibit 8
Final Local Action Notice
& City Resolutions
Appeal No. A-4-0XN-18-0053

On July 10, 2018, the City Council conducted a public hearing to consider an appeal of the Planning Commission's decision of May 17, 2018. The City Council adopted Resolution No. 15,158, upholding the Planning Commission's decision of May 17, 2018, approving the subject coastal development permit, subject to certain findings and conditions set forth in in Planning Commission Resolution No. 2018-11.

The City Council's decision is final. However, the City's decision is appealable to the Coastal Commission pursuant to Coastal Act Section 30603. An aggrieved person may appeal this decision to the Coastal Commission within 10 working days following Coastal Commission receipt of this notice. Applicants will be notified by the Coastal Commission as to the date the Commission's appeal period will conclude. Appeals must be in writing to the appropriate Coastal Commission district office.

If you have any questions about this letter, please feel free to contact me at (805) 385-7556

Sincerely,



Juan Martinez,
Associate Planner

Attachments:

- A. City Council Staff Report
- B. Planning Commission Staff Report
- C. PC Resolution No. 2018-11
- D. City Council Resolution No. 15,158
- C. Project mailing list

cc w/o attachments: - Ashley Golden, Development Services Director
- Kathleen Mallory, Planning and Environmental Services Manager
- Applicant (Attachments-Via email)
- Appellant (Attachments-via email)

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. 15,158

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD UPHOLDING PLANNING COMMISSION APPROVAL OF PLANNING AND ZONING PERMIT NO. 17-400-04 (COASTAL DEVELOPMENT PERMIT) TO DEMOLISH AN EXISTING 1,800 SQUARE FOOT, SINGLE-STORY BEACHFRONT RESIDENCE AND CONSTRUCT A TWO-STORY, 5,028 SQUARE FOOT SINGLE-FAMILY RESIDENCE WITH AN ATTACHED FOUR-CAR GARAGE ON A 6,328 SQUARE FOOT BEACHFRONT LOT LOCATED AT 1125 CAPRI WAY. THE SITE IS ZONED BEACHFRONT RESIDENTIAL (R-BF) AND IS LOCATED WITHIN THE OXNARD SHORES NEIGHBORHOOD. FILED BY MARTHA PICCIOTTI, ARCHITECT, ON BEHALF OF JREJ MANDALAY PROPERTIES, LLC, 404 N. CATALINA STREET, VENTURA, CALIFORNIA 93001.

WHEREAS, on May 17, 2018, the Planning Commission adopted Resolution No. 2018-11, approving Planning and Zoning Permit No. 17-400-04 (Coastal Development Permit), to demolish an existing single-story residence and construct a two-story, 5,028 square foot single-family residence on a 6,328 square foot beachfront lot, located at 1125 Capri Way (APN191-0-091-045) (the "Project"), filed by (the Applicant); and

WHEREAS, the City Council has considered the appeal of the Planning Commission's decision filed by David Grant, and carefully reviewed the decision of the Planning Commission; and

WHEREAS, the City Council has conducted a hearing and received evidence in favor of and in opposition to the application for a Planning and Zoning Permit No. 17-400-04 (Coastal Development Permit); and

WHEREAS, the City Council finds that the proposed site, and the design and improvement of the development requested are consistent with the 2030 General Plan; and

WHEREAS, in accordance with the California Environmental Quality Act, the Planning Commission completed a preliminary environmental assessment of the Project in accordance with the California Environmental Quality Act (CEQA) and determined that the Project is subject to a categorical exemption.

NOW, THEREFORE, the City Council of the City of Oxnard does hereby resolve to uphold Planning Commission Resolution No. 2018-11, including all the findings contained therein, and approves Planning and Zoning Permit No. 17-400-04 (Coastal Development Permit), subject to the conditions set forth in Planning Commission Resolution No. 2018-11.

Resolution No. 15,158
PZ 17-400-04 (CDP)
July 10, 2018
Page 2

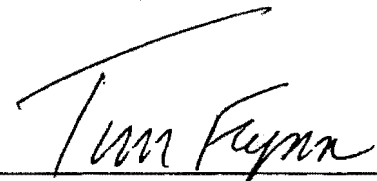
Resolution No. 15,158
PZ 17-400-04 (CDP)
July 10, 2018
Page 2

PASSED AND ADOPTED this 10th day of July 2018, by the following vote: **PASSED AND ADOPTED**

AYES: Councilmembers Flynn, Ramirez, MacDonald, Perello and Madrigal.

NOES: None.

ABSENT: None.



Tim Flynn, Mayor 7/10/18

ATTEST:

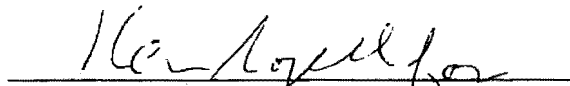
Received

JUL 16 2018

California Coastal Commission
South Central Coast District


Michelle Ascencion, City Clerk

APPROVED AS TO FORM:


Stephen M. Fischer, City Attorney

RESOLUTION NO. 2018-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 17-400-04 (COASTAL DEVELOPMENT PERMIT), A REQUEST TO DEMOLISH AN EXISTING 1,800 SQUARE FOOT, SINGLE-STORY BEACHFRONT HOUSE AND CONSTRUCT A TWO-STORY, 5,028 SQUARE FOOT SINGLE-FAMILY HOUSE WITH AN ATTACHED FOUR-CAR GARAGE ON A 6,328 SQUARE FOOT BEACHFRONT LOT LOCATED AT 1125 CAPRI WAY. THE SITE IS ZONED BEACHFRONT RESIDENTIAL (R-BF) AND IS LOCATED WITHIN THE OXNARD SHORES NEIGHBORHOOD. FILED BY MARTHA PICCIOTTI, ARCHITECT, ON BEHALF OF JREJ MANDALAY PROPERTIES, LLC, 404 N. CATALINA STREET, VENTURA, CALIFORNIA 93001.

WHEREAS, on September 11, 2017 designated agent Martha Picciotti, architect, on behalf of JREJ Mandalay Properties (the **"Applicant"** and/or **"Permittee"**) submitted a request for a Coastal Development Permit, pursuant to Oxnard City Code Section 17-57 through 17-58, to demolish an existing single-story house and construct a two-story, 5,028 square foot single-family house on a 6,328 square foot beachfront lot, located at 1125 Capri Way; and

WHEREAS, on May 17, 2018, the Planning Commission of the City of Oxnard (**"Planning Commission"**) conducted a duly noticed public hearing to consider Applicant's request to demolish an existing single-story house and construct a two-story, 5,028 square foot single-family house on a 6,328 square foot beachfront lot, located at 1125 Capri Way; and

WHEREAS, the Planning Division has completed a preliminary environmental assessment of the Project in accordance with the California Environmental Quality Act (CEQA) and determined that the Project is subject to a categorical exemption.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF OXNARD:

SECTION 1. Based on the entire record before the Planning Commission and all written and oral evidence presented, including the Planning Commission Staff Report and all attachments thereto, the Planning Commission finds:

- (1) **The proposed use is conditionally permitted within the subject sub-zone and complies with all applicable provisions of the Coastal Zoning Ordinance (Chapter 17).**

Pursuant to Section 17-25(C)(1) of the R-BF sub zone, the proposed single-family beachfront home is permitted with a Coastal Development Permit. The Project complies with all applicable provisions of Chapter 17 of the Oxnard Municipal Code.

- (2) **The proposed use will not impair the integrity and character of the subject sub-zone.**

The subject R-BF sub-zone has specific design and development standards for single-family beachfront homes along the coastal shores. The Project will not impair the integrity and character of the R-BF sub-zone, since the proposed development will be compatible with existing single family beachfront homes in the surrounding area.

- (3) **The location and intensity of use of the subject site would be physically suitable and would protect and maintained adjacent coastal resources.**

The Project consists of an already developed lot within a beachfront community and the Project proposes to construct a new single-family house. The Project meets all development standards and the new proposed single family home will not affect public coastal resources.

SECTION 2. In accordance with Section 15301 (Class 1) and 15303 (Class 3) of the State California Environmental Quality Act (CEQA) Guidelines, projects involving "existing facilities" and "new construction... of small structures" may be found to be exempt from the requirements of the CEQA. The Planning Manager is hereby authorized and directed to file a Notice of Exemption with the Ventura County Clerk pursuant to Section 15602 of the State CEQA Guidelines within five (5) working days of passage, approval and adoption of this Resolution.

SECTION 3. Based on the findings set forth herein, the Planning Commission hereby approves Planning and Zoning Permit 17-400-04 (Coastal Development Permit), subject to the attached conditions of approval.

SECTION 4. The decision of the Planning Commission shall be final unless an appeal of the action is filed in accordance with the provisions of Section 17-58(H) of the Oxnard City Code.

SECTION 5. The Secretary shall certify the adoption of this Resolution.

[CONDITIONS ON FOLLOWING PAGE]

STANDARD CONDITIONS OF APPROVAL FOR LAND USE PERMITS

Note: The abbreviations below identify the City department or division responsible for determining compliance with these standard conditions. The first department or division listed has responsibility for compliance at plan check, the second during inspection and the third at final inspection, prior to issuance of a certificate of occupancy, or at a later date, as specified in the condition. If more than one department or division is listed, the first will check the plans or inspect the project before the second confirms compliance with the condition. The italicized code at the end of each condition provides internal information on the source of each condition: Some are standard permit conditions (e.g. *G-1*) while some are taken from environmental documents (e.g. *MND-S2*).

DEPARTMENTS AND DIVISIONS			
CA	City Attorney	PL	Planning Division
DS	Dev Services/Eng Dev/Inspectors	TR	Traffic Division
PD	Police Department	B	Building Plan Checker
SC	Source Control	FD	Fire Department
PK	Landscape Design	CE	Code Compliance

GENERAL PROJECT CONDITIONS

1. This permit is granted for the property described in the application on file with the Planning Division, and may not be transferred from one property to another. (PL, *G-1*).
2. This permit is granted for the plans dated May 17, 2018 ("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 ("Planning 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*).
3. This permit shall automatically become null and void 36 months from the date of its issuance, unless Developer has diligently developed the proposed project, as shown by the issuance of a grading, foundation, or building permit and the construction of substantial improvements. (PL, *G-3*).
4. All required off-site and on-site improvements for the project, including structures, paving, and landscaping, shall be completed prior to occupancy unless the Development Services Manager allows Developer to provide security or an executed agreement approved by the City Attorney to ensure completion of such improvements. (DS, *G-4*)

5. By commencing any activity related to the project or using any structure authorized by this permit, Developer accepts all of the conditions and obligations imposed by this permit and waives any challenge to the validity of the conditions and obligations stated therein. (CA, G-5)
6. Any covenants, conditions, and restrictions (CC&Rs) applicable to the project property shall be consistent with the terms of this permit and the City Code. If there is a conflict between the CC&Rs and the City Code or this permit, the City Code or this permit shall prevail. (CA, G-7)
7. Developer shall complete the "Notice of Land Use Restrictions and Conditions" form, using the form provided by the City, for recording with the Ventura County Recorder. Before the City issues building permits, Developer shall submit the original completed, signed and notarized document, together with the required fees to the Planning Manager. (PL, G-8)
8. Developer shall provide off-street parking for the project, including the number of spaces, stall size, paving, striping, location, and access, as required by the City Code. (PL/B, G-9)
9. Before placing or constructing any signs on the project property, Developer shall obtain a sign permit from the City. Except as provided in the sign permit, Developer may not change any signs on the project property. (PL/B, G-10)
10. Developer shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, G-11)
11. Developer shall not permit any combustible refuse or other flammable materials to be burned on the project property. (FD, G-12)
12. Developer shall not permit any materials classified as flammable, combustible, radioactive, carcinogenic or otherwise potentially hazardous to human health to be handled, stored or used on the project property, except as provided in a permit issued by the Fire Chief. (FD, G-13)
13. If Developer, owner or tenant fails to comply with any of the conditions of this permit, the Developer, owner or tenant shall be subject to a civil fine pursuant to the City Code. (CA, G-14)
14. Prior to issuance of building permits, Developer shall correct all violations of the City Code existing on the project property for which the Code Compliance Division has open cases. (PL, G-15).
15. Prior to issuance of building permits, Developer shall execute an agreement, in a form approved by the City Attorney, to hold harmless, indemnify and defend the City, its City Council, and each member thereof, and every officer, employee, representative or agent of

City, from any and all liability, claims, demands, actions, damages (whether in contract or tort, including personal injury, death at any time, or property damage), costs and financial loss, including all costs and expenses and fees of litigation or arbitration, that arise directly or indirectly from the City's approval of this permit or other permits; from construction of the project or any part thereof approved herein; and from land failure, erosion, inundation, or wave attacks on the subject property or on any property near or adjacent thereto, arising out of or resulting from or caused by work performed or authorized by Developer. (PL/CA, G-16)

16. The subject Coastal Development Permit shall not become effective until 20 working days have elapsed without appeal to the Coastal Commission following the proper receipt by the Coastal Commission's Executive Director of the notice of permit issuance pursuant to Section 13316 of the Coastal Commission Code of Regulations. Such notice to the Coastal Commission shall be given by Planning Division staff as described by Sections 17-58 H through J of the Oxnard City Code. (PL, G-17)

LANDSCAPE STANDARD CONDITIONS

17. Prior to issuance of building permits or the proposed use is initiated, whichever comes first, 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, PK-2)
18. Prior to issuance of a certificate of occupancy, Developer shall install landscape and automatic irrigation systems that have been approved by Parks and Facilities Superintendent. (PK, PK-3)
19. Developer shall properly 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 may result in the revocation of this permit and initiation of legal proceedings against Developer to ensure compliance (PK, PK-4)
20. 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, PK-6)
21. Developer shall install an irrigation system that includes a water sensor shut off device as a water conservation measure. (PK, PK-22)

FIRE DEPARTMENT STANDARD CONDITIONS

22. 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)

23. 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)
24. The project shall meet the minimum requirements of the "Fire Protection Planning Guide" published by the Fire Department. (FD, F-6)
25. 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)
26. Developer shall install a carbon monoxide detector on each level of the residence in accordance with the manufacturer's specifications. The detector shall be hardwired with a battery backup. (FD, F-17)

PLANNING DIVISION STANDARD CONDITIONS

27. Plans submitted by Developer with building permit applications shall show on the building elevation sheets all exterior building materials and colors, including product and finish manufacturer name, color name and number, and surface finish type (such as: stucco with sand finish, plaster with smooth finish) to be used in construction. (PL/B, PL-1)
28. Any application for a minor modification to the project shall be accompanied by four copies of plans reflecting the requested modification, together with applicable processing fees. (PL, PL-2)
29. Before the City issues building permits, Developer shall include a reproduction of all conditions of this permit as adopted by resolution of the Planning Commission and/or the City Council in all sets of construction documents and specifications for the project. (PL, PL-3)
30. Before the City issues building permits, Developer shall provide to the Planning Division Manager color photographic reductions (8 1/2" by 11") of full-size colored elevations and any other colored exhibit approved by the Planning Commission. Developer may retain the full-size colored elevations after the reductions are so provided. (PL, PL-4)
31. Developer may not modify any use approved by this permit unless the Planning Division Manager determines that Developer has provided the parking required by the City Code for the modified use. (PL, PL-7)
32. 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-15)

33. Prior to issuance of building permits, Developer shall pay a document imaging fee for the planning files in an amount calculated by planning staff at the time of building permit review based on fees then in effect. (PL/B, *PL-16*).
34. Developer shall install all roof and building rain gutters and downspouts to integrate as closely as possible with building design elements, including matching adjacent building colors as closely as possible. Developer shall submit a plan and scheme for approval by the Planning Division Manager prior to issuance of building permits. (PL, *PL-18*)
35. Developer shall provide utility meters, mailboxes and address directories, placed in decorative cabinets and clustered for efficient access for residents and service persons. Developer shall coordinate placement and design of such items accordingly, with the Planning Division Manager, the appropriate utility service provider and the United States Postal Service, prior to issuance of building permits. (PL, *PL-19*)
36. Developer shall provide automatic garage door openers for all garages. (PL/B, *PL-20*)
37. Additions and patio covers shall conform to the requirements of the R-BF zone setbacks, or as otherwise approved by this permit, and match the materials and style of the residence. (PL/B, *PL-27*)
38. Developer shall participate in the City's Public Art Program by paying the Public Art fee prior to issuance of building permits, in accordance with City Council Resolution No. 14,124. (PL, *PL-50*)

PLANNING DIVISION SPECIAL CONDITIONS

39. Developer shall remove any and all graffiti from the project premises, including but not limited to graffiti within the building, such as in restrooms or fitting rooms, within 24 hours of its appearance. The surface of such affected areas shall be matched to blend in with the underlying colors and/or design, and shall not look like a paint patch. (PL)
40. The Permittee shall comply with the provisions of applicable VCAPCD Rules and Regulations, which include but are not limited to, Rule 50 (Opacity), Rule 51 (Nuisance), Rule 55 (Fugitive Dust), and Rule 55.1 (Removal of Visible Roadway Accumulations). (PL)
41. Prior to issuance of demolition permits for any structure on the site, Developer shall provide evidence of notifying the Air Pollution Control District of such demolition. Demolition and/or renovation activities shall be conducted in compliance with APDC regularities regarding Asbestos (Rule 63.7). (MND, C-8)

42. Plans submitted by Developer with building permit applications shall include mailbox design with details that incorporate architectural design features that complement the building, subject to approval by the Planning Manager. (PL)
43. Developer shall not obstruct automobiles and/or pedestrians on Capri Way or the associated sidewalk during construction and maintenance activities. (PL)
44. Developer shall be responsible for maintaining the construction site free of litter and the accumulation of construction debris. (PL)
45. Throughout construction, Developer shall sweep adjacent streets and roads at least once per day, preferably at the end of the day, so that any visible soil material and debris from the construction site is removed from the adjacent roadways. (PL)
46. Construction activities relating to permit for new single family beach house shall be prohibited from taking place on weekends. (PL)

ENVIRONMENTAL RESOURCES DIVISION

47. To ensure that solid waste generated by the project is diverted from the landfill and reduced, reused or recycled, Developer shall complete and submit a "City of Oxnard C&D Environmental Resources Management & Recycling Plan" ("Plan") to the City for review and approval. The Plan shall provide that at least 50% of the waste generated on the project be diverted from the landfill. The Plan shall include the entire project area, even if tenants are pursuing or will pursue independent programs. The Plan shall be submitted to and approved by the Environmental Resources Division prior to issuance of a building permit. The Plan shall include the following information: material type to be recycled, reused, salvaged or disposed; estimated quantities to be processed; management method used; destination of material including the hauler name and facility location. Developer shall use the Plan form.
48. Developer shall follow the approved "City of Oxnard C&D Environmental Resources Management & Recycling Plan" and provide for the collection, recycling, and/or reuse of materials (i.e., concrete, wood, metal, cardboard, green waste, etc.) and document results during construction and/or demolition of the proposed project. After completion of demolition and/or construction, Developer shall complete and submit the "City of Oxnard C&D Environmental Resources Management & Recycling Report For Work Completed" ("Work Completed Report") and provide legible copies of weight tickets, receipts, or invoices for materials sent to disposal or reuse/recycling facilities. For other discarded or salvaged materials, Developer shall provide documentation, on the disposal facility's letterhead, identifying where the materials were taken, type of materials, and tons or cubic yards disposed, recycled or reused, and the project generating the discarded materials. Developer shall submit

and obtain approval of the Work Completed Report prior to issuance of a certificate of occupancy.

49. Developer shall arrange for materials collection during construction, demolition, and occupancy with the City's Environmental Resources Division or Developer shall arrange for self-hauling. Regardless of hauling methods, all materials collected must be conveyed to the Del Norte Regional Recycling and Transfer Station.

DEVELOPMENT SERVICES DIVISION STANDARD CONDITIONS

50. 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 permit issuance. (DS-1)
51. Developer shall protect building pads from inundation during a 1% chance (100-year) storm. (DS-5)
52. Developer shall replace all broken, uplifted, or missing curb, gutter, or sidewalk along the street frontage(s) of the project. (DS-6)
53. Before connecting the project to existing sewer and water service laterals, Developer shall inspect (pothole or video) existing lateral(s) and arrange for City staff to view inspection results. Developer shall make repairs to such facilities as determined necessary by City staff. Developer shall bring all existing water services into compliance with current City standards including removal of unused water or sewer laterals by disconnection at the main. (DS-7)
54. Curb cut widths and design shall conform to City ordinances, standards, and policies in effect at the time City issues an encroachment permit. (DS-9)
55. 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-21)
56. Developer shall pay the cost of all inspections of on-site and off-site improvements. (DS-22)
57. Prior to 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 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-24)


58. Developer shall dispose of sewage and solid waste from the project by City's wastewater and solid waste systems in a manner approved by the City Engineer. (DS-38)
59. Prior to issuance of 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-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-59)
61. Developer shall be responsible for and bear the cost of 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-64)
62. Developer shall provide three City refuse containers for each lot or unit. An alternative number of containers may be approved by the Environmental Resources Division. (DS-67)

DEVELOPMENT SERVICES DIVISION SPECIAL CONDITIONS

63. 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)
64. Developer shall repair and/or replace any existing broken or damaged asphalt paving adjacent to property as directed by the Construction Services Inspector. (DS)
65. Developer is hereby notified that the Federal Emergency Management Agency ('FEMA') is currently processing a revised Federal Insurance Rate Map ('FIRM') that is likely to significantly raise the Coastal Base Flood Elevation applicable to this property. It is currently unknown when the revised FIRM will become effective but a draft version has been published by FEMA. Any rise in the Base Flood Elevation will affect the minimum allowed elevation of the finished floor for this structure. Revised minimum finished floor elevations will affect the ability of this structure to be constructed as approved by this permit when the revised FIRM becomes effective, unless the Developer has performed substantial work and incurred substantial liabilities in good faith reliance based upon the permit prior to the date that the revised FIRM becomes effective. (DS)

66. 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)
67. 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)

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Oxnard on this 17th day of May 2018.



Vincent Stewart, Chair

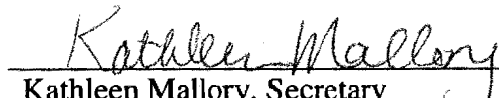
I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Oxnard at a meeting held this 17th day of May 2018, and carried by the following vote:

AYES: Commissioner(s): Frank, Huber, Sanchez, Dozier, Chua, Stewart

NOES: Commissioner(s): None

ABSENT: Commissioner(s): Fuhring

ABSTAIN: Commissioner(s): None



Kathleen Mallory, Secretary



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Refer To File #: 503211-0001

September 10, 2018

John Ainsworth, Executive Director
Steve Hudson, District Director
Denise Venegas, Coastal Program Analyst
California Coastal Commission
89 California Street, Suite 200
Ventura, CA 93001

Re: Weiss Residence (Oxnard Shores) -- Grant Appeal
Application No. 4-OXN-18-0764 (1125 Capri Way, Oxnard)

Dear Messrs. Ainsworth and Hudson and Ms. Venegas:

On July 27, 2018, our client, David Grant, filed the above appeal from the City of Oxnard's approval of a new oceanfront residence at 1125 Capri Way, in the Oxnard Shores neighborhood of the City of Oxnard. As explained in the appeal, the Applicant's property is bordered by a vacant sandy lot on the north (upcoast) side and the existing residence owned by the Grants on the south (downcoast) side. The property boundary of the Applicant's property extends further seaward than the properties on either side and other properties along Capri Way to the south. Specifically, the Applicant's lot extends 140 seaward of Capri Way, while the vacant lot to the north and the Grant's residence to the south each extend only 120 feet seaward of Capri Way pursuant to the 1988 Oxnard Shores Settlement Agreement. (See attached graphic.)

The primary issue raised by the appeal involves the "stringline." The new residence approved by the City extends too far seaward, and thus raises issues regarding coastal hazards, public access and recreation, scenic and visual qualities, which the appeal addresses at length. It also raises issues relating to the Commission's recent Sea Level Rise guidance, prejudice to the preparation of the City's LCP Update, which the Commission has funded and is underway, and the treatment of a non-conforming use which, as here, is replaced by new development.

This letter addresses the question common to all of these issues: What is the appropriate "stringline" for the Applicant's new residential development, consistent with the City's certified LCP and the public access and recreation policies of Chapter 3 of the Coastal Act? As discussed below, the "stringline," or maximum line of development, which makes the most sense for this new development and in this specific area is that established by the 1988 Oxnard Shores Settlement Agreement.

The Applicant's Project

The Applicant proposes to replace an existing aged non-conforming residence with a completely new residence. As noted, the Applicant's property extends 140 feet seaward from Capri Way. The Applicant's predecessor previously dedicated a public access easement along the first five feet of the westerly (seaward) property boundary. The City's decision approved a proposed new residential structure 15 feet seaward of the two adjoining lots, including the lot owned by the Grants. The first floor of the new residence extends 125 feet towards the ocean and a proposed first floor deck with support columns over four pilings to support a second floor deck will both extend an additional 10 feet seaward.

The Traditional "Stringline" – Why it is Not Appropriate Here

In the past, the Commission has employed the "stringline" as a means of achieving some sense of uniformity and control over the seaward encroachment of residences and decks on a beach in order to ensure maximum public access and minimize adverse effects to coastal processes, shoreline sand supply, and wave hazards. As applied to infill beachfront development, the typical stringline, formalized, for example, in the Malibu and Carpinteria LCPs, might apply separately to residential structures (a "residential stringline") and decks (a "deck stringline"), limiting the seaward extension of each to a line drawn between the nearest corner of the adjacent residences and first and second floor decks.

The typical stringline, however, does not neatly apply here. Unlike Malibu, where the stringline is typically applied when there are adjacent structures on either side of the new development proposed, here there is a vacant sandy lot to the north. Under the Oxnard Shores Settlement Agreement, both the Grants and the vacant lot may not extend further seaward than 120 feet from Capri Way. If one skips the vacant lot, the result cannot be a true stringline with the next residence to the north, which extends further seaward. By contrast, if the stringline were applied to the maximum seaward extension of the vacant lot – 120 feet, the residence and upper and lower decks of the Applicant's proposed residence would be set further back. Further problematic is that the next residence to the north does not have a typical deck. The first floor deck is an insert which extends no further seaward than the residence itself. The second floor deck, also relevant in terms of a second floor deck stringline, is recessed. (See attached photos.) Consequently, it is abundantly clear that applying a traditional stringline would produce a skewed result. It would result in a new residence and deck that extend measurably seaward of both the vacant lot and the Grant's residence.

By contrast, a structural and deck stringline which aligns the three residences would serve best to minimize wave hazard and sea level rise impacts, provide a more logical and enhanced public access and recreation area for the three residences, and produce scenic and visual consistency of these residential developments as viewed from the beach. This alignment, or stringline, would be consistent with, and conform to, the Oxnard Shores Settlement Agreement,

the Commission's recent Sea Level Rise Guidance, and would not prejudice the current LCP update effort underway at the City.

Oxnard Shores is Unique – The Oxnard Shores Settlement

The 1988 Oxnard Shores Settlement Agreement resulted from the settlement of litigation and established the seaward property lines for the parcels included in the settlement. Because the Applicant's property was already developed with an existing house, it was excluded from the Settlement. The then owners of the vacant lot to the north and the Grant's property to the south, however, did cooperate in the Settlement, which resulted in the shorter parcel length for both properties. The Settlement property owners also agreed to dedicate the land between the seaward boundaries of their property and the mean high tide line for public recreational uses. Through the Final Tract Map recorded (Tract Map no. 4380), the vacant lots were required to dedicate on average 40 feet of land on the seaward side of the lot, establishing public recreational uses and lateral beach access for the benefit of the public. Consequently, while the then owners of the Applicant's did not sign the Settlement Agreement and therefore were not subject to its requirements, the owners of the vacant lots to the north and the Grant's property – and all other owners of vacant lots along Capri Way – were set back in order to maximize hazard avoidance and to provide additional public access to the beach at Oxnard Shores. In the case of the Grants, their property boundary is 20 feet landward of the Applicant's existing property line and residence.

It made sense at the time that the Oxnard Shores Settlement Agreement excluded fully developed properties like that owned by the Applicant. But the current proposal approved by the City does not retain the existing development, nor does it involve a less than 50% remodel. The Applicant proposes a completely new development, and thus should be treated like those who actually did cooperate in the Settlement – namely, the owners of the adjacent vacant lot to the north and the Grant's predecessors. The appropriate residence and deck stringline should draw from the Settlement Agreement, and the development can and should be sited no more than 120 feet from Capri Way. Indeed, with a maximum development line at 120 feet, the Applicant's lot contains ample square footage for a substantial new residential development.

Ensuring Consistency With the Commission's "Residential Adaptation Policy Guidance" (March 2018 Revised)

In its April 16, 2018 letter to the City, commenting on the Applicant's project, the Commission's Staff explained:

"Oxnard Shores is a beach that has displayed significant oscillation and suffered severe beach erosion during the El Niño events in the 1970s and early 1980s, which resulted in wave uprush all the way up onto Capri Way at the eastern border of the subject site."

The letter noted that the proposed new residence “would continue to be vulnerable to coastal hazards, which will be exacerbated by future sea level rise” and that “the structure will be subject to wave action over its expected life.” The letter explained that development must “be located as far landward as feasible to protect public access along the beach,” and that “siting and design alternatives should include locating the residence further landward, reducing size and footprint, and other options that would minimize impacts and shoreline hazard risks.” Addressing the stringline as an effective policy tool to prevent further encroachment onto the sandy beach, the letter closed by explaining:

“Since the proposed redevelopment of the site is vulnerable to coastal hazards that will be exacerbated by future sea level rise we recommend that the project’s staff report include additional analysis and an evaluation of more landward siting and design alternatives in order to demonstrate conformance with the City of Oxnard’s Local Coastal Program (LCP) requirements regarding shoreline development.”

Staff’s letter was sent to the City just one month after the Commission approved and issued its “Residential Adaptation Policy Guidelines” (March 2018) providing “Interpretive Guidelines for Addressing Sea Level Rise in Local Coastal Programs.” Among other things, the Policy Guidance specifically addresses avoiding siting new development or perpetuating redevelopment in hazard areas. (Pages 59 and following.) With respect to a replacement structure or redevelopment, as here, the Guidance document states:

“When proposed development would involve redevelopment of an existing structure that is legally non-conforming due to a coastal resource protection standard, *the entire structure must be made to conform with all current coastal resource protection standards and policies of the LCP and, if applicable, the Coastal Act.*” (Page 63; italics added.)

This is consistent with the numerous decisions of the Commission that involve replacement structures or redevelopment which exceed the 50% threshold for a major remodel.

Consistency with the Sea Level Rise Guidance document is not achieved through application of a typical, variable stringline. For this beach, the best approach is one that requires siting new development landward to maximize avoidance of wave uprush and sea level rise but which at the same time is fair and equitable to the property owner. In this case, the maximum development line should conform with the Oxnard Shores Settlement Agreement.

Avoiding Prejudice to Preparation of the City’s LCP Update

The City of Oxnard’s LCP was certified in April 1985. The LCP has not been comprehensively updated since certification, but a comprehensive update is underway that will focus primarily on addressing climate change and sea level rise. The City initially received an LCP Update grant of \$150,000 (including an \$110,000 grant directly from the Commission and a

\$40,000 grant from OPC to be administered by the Commission) in June 2015. Due to additional funding made available from OPC, the City is receiving an additional \$25,000 to continue its LCP update and the City anticipates completing its grant project by early 2019 with submittal to the Commission of a locally-adopted LCP. (Memo, John Ainsworth, Executive Director, to the Coastal Commission and Interested parties, "LCP Program Status – Ventura County".) Presumably, that LCP submittal will then be reviewed by the Commission for consistency with the Chapter 3 policies of the Coastal Act. By its very nature, that LCP update should include new policies which address coastal hazards, sea level rise, public access and recreation.

Consistent with Staff's April 16, 2018 letter to the City, the City's current LCP explains:

"Beach erosion[,] storm wave run-up[, and] flooding area problems [occur] within much of the City's coastal zone. Erosion and storm wave run-up threaten the 27 homes located west of Mandalay Beach Road in Oxnard Shores. Adjacent vacant parcels are also eroding. The parcels are within the 100-year flood line designated by the U.S. Department of Housing and Urban Development." (Oxnard Coastal LUP, p. III-24.)

The current LCP includes hazard policies that require review for threats from hazards, such as beach erosion, flood, and storm wave runup, and require appropriate mitigation measures to minimize such threats. (Policy #39.) New development must be designed and engineered to withstand the effects of such hazards without the use of protective structures. (Policy #40.a.) Any new development located on the beach must be designed to assure lateral beach access. (Policy #40.b.) And, corrective measures to protect and restore the Oxnard Shores Beach may be needed. (Policy #40.c.) The City's Coastal Zoning Ordinance (CZO) similarly requires conformity with these policies. (CZO, §17-35) In addition, the CZO includes a chapter "intended to prevent the expansion of nonconforming buildings and uses, establish the circumstances under which they may be continued, and *provide for the removal, correction or change of such buildings and uses.*" (CZO, § 17.50; italics added.)

Undoubtedly, these LCP policies and provisions, and others developed by the City and/or Commission, will be addressed in the comprehensive update process. It is important, therefore, that the siting of the Applicant's residence, which directly implicates the issues to be resolved and updated, not prejudice the City's or the Commission's ability to prepare LCP amendments which further flesh out and update appropriate hazard policies and implementation provisions to guide future development and redevelopment at Oxnard Shores. The Oxnard Shores Settlement Agreement sets a baseline. Its purpose was to mark a line – a stringline – as to where homes could be built in a safe manner. Hazard protection policies have continued to evolve over time with the Commission taking the lead, and they have only become more stringent to better protect coastal residents while maximizing public access and recreation. Ensuring consistency with the Settlement would not prejudice the current planning effort, and requiring property owners to comply with the Settlement Agreement when they tear down a house and construct an entirely new development, as the Applicant does here, makes sense and is reasonable.

Towards a Coherent Policy at Oxnard Shores

Oxnard Shores is at a crossroads. As to the Applicant's project, the City argued that it presently has no formal stringline policy. Yet, just a casual review of a Google aerial demonstrates that the vast majority of the homes in Oxnard Shores line up. The result is a well-established "Settlement" stringline and equally important, and discussed further below, they create a line that maximizes both safety and beach access. As to access and recreation, for the most part the public knows where it can go. It makes little sense to create, or perpetuate, a hodge-podge of development along Capri Way, as would be the case if a typical stringline were applied rather than the maximum development line established in the Settlement Agreement. We can estimate from the aerials that there still are vacant lots to be developed (indeed one more lot has been acquired only recently on Capri Way with the intent of building further seaward), and perhaps 90% of the lots that have been developed are conforming. The existing homes that extend further seaward are generally older, like the Applicant's residence, and it is reasonable to assume that they, too, will be demolished and rebuilt in the next 20 to 30 years. Thus, now is the time for the Commission to make sure that there is, or can be, a solid plan to unify the beachfront homes for the benefit of everyone.

In arguing that it has no formal stringline policy, the City ignored recent Commission Sea Level Rise guidance and additionally past guidance from the Commission's staff which clearly has demonstrated an effort to establish a maximum development line that logically is more landward, not seaward. The City at one point created a map of Oxnard Shores that referred to the "string-line" setback line consistent with the Oxnard Shores Settlement Agreement. (See attached map, and lot #s 234 (vacant), 235 (Weiss), and Grant (236).) Indeed, the logical stringline established on that map would have limited the Applicant's proposed new residence to the 120 foot maximum development line. The most recent tear down and rebuild at Oxnard Shores, 935 Mandalay Beach Road, also is instructive. The record includes a letter from the Garcias, the owners of that property, who explained that they used the same architect as the Applicant here and that Commission Staff advised the architect that the Garcias could not build further out because "no one is allowed to poke their nose out." Pursuant to a "stringline" policy, the new residence was set back, including the second story deck, which was limited to four feet in width and cantilevered because no support pillars were permitted. That is also true as to the Grants, whose residence, as approved by the City, extends seaward 110 feet from Capri Way, with a 10 foot first floor deck and 4 foot cantilevered second floor deck.

Consequently, the Commission's decision on this application will be pivotal in terms of future new development at Oxnard Shores. While it may be said that lots are uniquely configured along this stretch of beach, we have reached the point with oceanfront development that a more logical maximum development line can and should be established. The typical stringline is not the answer. Taking into account hazards and sea level rise, public access and recreation, and the scenic and visual qualities of this beachfront neighborhood, the Applicant's new development should conform to the 120 foot limit line.

The Coastal Resource Benefits of Conformance with the Settlement Agreement

The appeal filed contends that the City's approval of the Applicant's project raises substantial issues with respect to coastal hazards, public access and recreation, the stringline, and the scenic and visual qualities of the Oxnard Shores coastal area. The Grants respectfully submit that adherence to a maximum development line (120 feet from Capri Way) would fairly address those issues.

As to coastal hazards, although the Skelly report prepared for this application suggests that the development, as proposed, will not be adversely affected by wave run-up or sea level rise, the Commission has previously found with respect to another development on Capri Way and the Skelly report in that matter:

"Ample evidence existing that all beachfront development in the Oxnard Shores area is subject to an unusually high degree of risk due to storm waves and surges, high surf conditions, erosion, and flooding. The proposed development will continue to be subject to the high degree of risk posed by the hazards of oceanfront development in the future. The Coastal Act recognizes that development, even as designed and constructed to incorporate all recommendations of the consulting coastal engineer, may still involve the taking of some risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use the subject property." (A-4-oxn-02-249 (Baruch).)

The Applicant's structure will be subject to wave hazard over its expected life, and thus should be set back further to the Settlement line, which still permits a substantial but safer residential development.

As to public access and recreation, the rather consistent line of development along Oxnard Shores encourages the full use of the beach. This is evident, for example, in a long string of houses along Mandalay Beach Road. Application of a typical stringline here and elsewhere at Oxnard Shores would do just the opposite. As noted, the Grant's property is 20 feet shorter than the Applicant's. The area 20 feet seaward of the Grant's residence is already dedicated public beach. Yet, that supposedly public access area would sit in the shadow of the existing residence to the south and the Applicant's proposed residence. While there is vertical access signage at various locations on Capri Way and Mandalay Beach Road, there is no lateral access signage in this area that would inform beach users where public access is permissible. The result is that the approval of a residence on Applicant's lot that extends further seaward would leave the Grant's public access area recessed and as though it is simply their front yard. Put another way, it would not invite the public's use of that area. The same is true with respect to the eventual development of the vacant lot on the upcoast side of the Applicant's property. As a consequence, approval of a new development that extends further seaward would diminish the

John Ainsworth, Executive Director
Steve Hudson, District Director
Denise Venegas, Coastal Program Analyst
California Coastal Commission
September 10, 2018
Page 8

availability and usability of the dedicated public access areas in front of both adjacent properties, and therefore would be inconsistent with the public access and recreation policies of the Coastal Act and LCP. The cumulative effect of like treatment along the rest of Capri Way would exacerbate the impacts to public access and recreation along this portion of Oxnard Shores Beach. The alignment of all three residences, however, would serve to eliminate or minimize this impact.

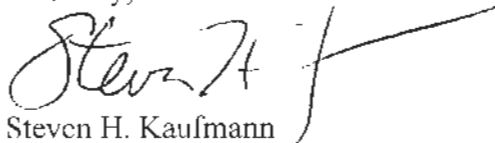
Lastly, the Applicant's project is located in a "designated scenic coastal area." (4/19/18, Planning Commission Staff Report, p. 3.) The seaward extent of development along Mandalay Road is relatively uniform, which is necessary to preserve the integrity and character of the R-BF subzone. The current lot pattern on Capri Way is not uniform but could be made more so. If build-out is permitted further seaward, which the Applicant currently proposes, the result would be to needlessly perpetuate a helter-skelter pattern of development with negative visual impacts and, again, the consequent deterrent to the usability of the public's beach.

Conclusion

For the foregoing reasons, the maximum line of development for the Applicant's replacement residence, incorrectly addressed at the local level, raises a substantial issue. The Grants respectfully request that in approving the project, the Commission establish a maximum development line for the new residence proposed of 120 feet from Capri Way to conform with the 1988 Oxnard Shores Settlement Agreement, the Commission's Sea Level Rise Guidance documents, the Commission's efforts to fund and achieve a comprehensive City LCP Update that address coastal hazards and sea level rise, the current City LCP, and the public access and recreation policies of the Coastal Act.

We would welcome the opportunity to discuss these issues further with you.

Sincerely,



Steven H. Kaufmann
Nossaman LLP

SHK:jpr

ccs: David and Faith Grant
Bonnie Neely, Nossaman LLP