

## DOCKETED

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## City of Oxnard Municipal Code: Chapter 7 (Nuisances)

### SEC. 7-151. NUISANCES; GENERAL.

Any person or entity owning, leasing, occupying, or having charge or possession of any real property maintained in such manner that any of the following conditions are found to exist thereon shall be guilty of creating a nuisance in violation of this code.

(A) Buildings or structures that are abandoned, partially destroyed, or left in an unreasonable state of partial construction, such as any unfinished building or structure that has been in the course of construction two years or more, and the appearance or other conditions of the unfinished building or structure substantially detracts from the appearance of the surrounding property or reduces property values of the surrounding property;

(B) Unpainted buildings or structures; buildings or structures having dry rot, warping, or termite infestation; or buildings or structures on which the condition of the paint or other exterior weather protection has become so deteriorated as to show excessive checking, cracking, peeling, chalking, or as to render the building or structure unsightly and in a state of disrepair;

(C) Buildings or structures with broken windows constituting hazardous conditions or inviting trespassers or malicious mischief;

(D) Buildings or structures with exteriors, walls, roofs, fences, driveways, sidewalks, or walkways that are in such a condition as to be defective, unsightly, or in such a condition of deterioration or disrepair as to cause depreciation of the values of surrounding property or as to be materially detrimental to surrounding property;

(E) The storage or accumulation of lumber, junk, trash, salvage materials or debris visible from a public street, public alley, or adjoining public or private property; (For the purpose of this subsection, the term "debris" shall include unused or discarded matter and material having no substantial market value, including (without limitation or exclusion by enumeration) such matter and material as: rubbish, refuse, and matter of any kind including but not limited to rubble, asphalt, concrete, plaster, tile, rocks, bricks, soil, building materials, crates, cartons, containers, boxes, machinery or parts thereof, scrap metal and other pieces of metal, ferrous or nonferrous, furniture or parts thereof, abandoned, wrecked, dismantled or inoperative vehicles, vehicle bodies or parts thereof, trimmings from plants or trees, cans, bottles, and barrels.)

(F) Abandoned, discarded, or unused furniture, stoves, sinks, toilets, cabinets, or other household fixtures or equipment that is visible from a public street, public alley, or adjoining public or private property;

(G) Construction equipment or machinery that is visible from a public street, public alley, or adjoining public or private property, except while city-authorized and permitted excavation, construction, or demolition operations are in progress on the subject property or an adjoining property;

(H) Property maintained so out of harmony or conformity with the standards of surrounding property as to cause substantial diminution of the enjoyment, use, or values of such surrounding property;

(I) Dead, decayed, diseased, or hazardous trees, weeds, or overgrown vegetation, cultivated or uncultivated, that are likely to harbor rats or vermin, constitute a fire hazard, or constitute an unsightly appearance that is detrimental to surrounding property values;

(J) Materials or items of any nature on a rooftop that are visible from a public street, public alley, or adjoining public or private property, except if permitted by code for location on such rooftop;

(K) Any condition that violates any use permit approved by the planning commission or city council that relates to the appearance or maintenance of real property;

(L) Use of a trailer or camper for living or sleeping purposes, except in a licensed mobile home park;

(M) Use of a boat for living or sleeping purposes, except on a waterway;

(N) Any off-street parking facility that is not maintained as required at the time of the original construction or development, unless subsequently modified by permit;

(O) Any property containing a motor vehicle that has not been registered for operation on a public highway within the preceding six months, unless such vehicle is fully enclosed within a building or structure and is not visible from a public street, public alley, or adjoining public or private property. This section shall not apply to any commercial business or operation that has received all city approvals, licenses, and permits to conduct motor vehicle sales, repairs, assembly/disassembly, or storage of such vehicles and is operating in compliance with all the conditions of such approvals, licenses, or permits;

(P) Property maintained in such condition as to be detrimental to the public health, safety, or general welfare or in such manner as to constitute a public nuisance as defined by Cal. Civil Code, Section 3480.

( '64 Code, Sec. 19-62.2) (Ord. No. 2331)

**City of Oxnard Municipal Code: Chapter 16 (Zoning Code)**

**SEC. 16-512. COUNCIL MAY ORDER USE CHANGED OR STRUCTURE REMOVED.**

In all zones every nonconforming structure designed, used or intended for a use excluded from the zone may be ordered completely removed or altered and converted within a certain time in the manner provided for in connection with variances.

( '64 Code, Sec. 34-120) (Ord. No. 734)

**SEC. 16-513. COMPUTATION OF TIME FOR REMOVAL OF STRUCTURE.**

When setting a date by which a nonconforming structure shall be removed, the commission shall estimate the reasonable, unamortized value of the nonconforming structure and determine the time within which the owner of the building will realize the reasonable unamortized value.

( '64 Code, Sec. 34-121) (Ord. No. 734)

## City of Oxnard Municipal Code: Chapter 17 (Coastal Zoning)

### SEC. 17-5. GENERAL REQUIREMENTS.

(A) Erection of buildings and structures - Except as hereinafter otherwise provided, land or buildings may be used and structures may be erected or altered only in accordance with the following provisions:

(1) No building shall be erected and no existing building shall be moved, altered or enlarged, nor shall any land, building or premises be used, designed or intended to be used for any purpose or in any manner other than a use listed in this article or amendments thereto, as permitted in the sub-zone in which such land, building or premises is located.

(2) No building shall be erected nor shall any existing building be moved, reconstructed or structurally altered to exceed in height the limit established by this chapter for the sub-zone in which such building is located. Furthermore, all such buildings shall conform to the city building code.

(3) No building shall be erected nor shall any existing building be moved, altered, enlarged or rebuilt nor shall any open spaces surrounding any buildings be encroached upon or reduced in any manner, except in conformity with the building setback requirements established article II or amendments thereto for the sub-zone in which such building is located.

(4) No yard or open space provided adjacent to any buildings for the purpose of complying with the regulations of this chapter, shall be considered as providing a yard or open space for any other building or structure.

(`64 Code, Sec. 37-1.4.0)

(B) Conflicting permits and licenses to be voided - All departments, officials and employees vested with the duty and authority to issue permits or licenses shall act in conformance with the provisions of this article and shall issue no permits or licenses for uses, buildings or purposes in conflict with the provisions of this chapter. Any permit or license issued in conflict with this chapter shall be null and void.

(`64 Code, Sec. 37-1.4.1)

(C) Administrative authority - The director may authorize a representative to carry out any of the duties and responsibilities delegated to the director by this article.

(`64 Code, Sec. 37-1.4.2)

(D) Zoning clearance - Prior to issuance of a building permit, a zone clearance shall be issued by the development services department certifying that the permit or use complies with all provisions of this chapter. A zone clearance shall be required for all building permits other than for interior modifications.

(`64 Code, Sec. 37-1.4.3)

(E) Certificate of occupancy - No structure hereafter erected or altered subject to a building permit shall be occupied or used until a certificate of occupancy has been issued by the director of public works.

(`64 Code, Sec. 37-1.4.4)

(F) Change of business or use - In the event of a proposed change of use for commercial or industrial purposes on a parcel of land, or in a building or portion thereof, no new use shall

occupy or use any such parcel of land or building until a zone clearance has been issued for such use or tenancy. A zone clearance shall not be required for a change of residential occupancy except as otherwise required in this chapter.

(`64 Code, Sec. 37-1.4.5)

(G) Violations of ordinances - No certificate of occupancy shall be issued for any occupancy or use which is in violation of any city ordinance or State law.

(`64 Code, Sec. 37-1.4.6)

(H) Nonconforming uses - Zone clearances for nonconforming uses may be issued by the development services department and the certificate shall state that the use is a nonconforming use and does not conform with the provisions of this chapter.

(`64 Code, Sec. 37-1.4.7)

(I) Uses not specifically permitted in stated sub-zones - If a proposed use is not listed as permitted or conditionally permitted, such use shall be assumed to be prohibited unless the city council determines, following recommendations from the commission and a public hearing, that the proposed use is substantially the same as a listed use. (`64 Code, Sec. 37-1.4.8)

(J) Minimum requirements - In interpreting, analyzing and applying the provisions of this chapter unless otherwise stated, the provisions shall be held to be the minimum requirements for promotion of public health, safety, peace and general welfare.

(`64 Code, Sec. 37-1.4.9)

(K) Conflict with other provisions -

(1) Where conflicts occur between the provisions of this chapter, the coastal land use plan, the coastal act and the building code or other regulations in effect within the city, the more restrictive of any such provision shall apply, unless the more restrictive provision is inconsistent with the coastal act. Nothing contained in this chapter shall be deemed to repeal or amend any provision of the city requiring a permit or license or both, for any business, trade or occupation, nor shall anything in this chapter be deemed to repeal or amend the building code. If provisions of this chapter overlap or conflict, the provision more protective of coastal resources shall apply.

(2) This chapter shall not interfere with, abrogate or annul any easement, covenant or other agreement now in effect; provided however, that if this article imposes a greater restriction upon the use of the buildings or land or upon the height of buildings or requires larger open spaces than are imposed or required by other ordinances, rules or regulations or by easements, covenants or agreements, the provisions of this chapter shall apply.

(`64 Code, Sec. 37-1.4.10)

(L) Number of buildings on a residentially zoned lot - Except multiple-family sub-zones, not more than one principal residential building shall be situated on a single lot of record in any residential sub-zone.

(`64 Code, Sec. 37-1.4.11)

(M) Consistency with the general plan and the coastal land use plan - An application approved by any reviewing body must be found to be consistent with the objectives, policies, general land uses and programs of the city general plan and the coastal land use plan. If there are any conflicts between the provisions or land use designations of the coastal land use plan and the general plan, the coastal land use plan shall prevail.

(`64 Code, Sec. 37-1.4.12)

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

(`64 Code, Sec. 37-1.4.14) (Ord. No. 2034, 2716)

## City of Oxnard Municipal Code: Chapter 17 (Coastal Zoning)

### SEC. 17-20. EC, COASTAL ENERGY FACILITIES, SUB-ZONE.

(A) Purpose - The purpose of the EC sub-zone is to provide areas that allow for siting, construction, modification and maintenance of power generating facilities and electrical substations consistent with Policies 51, 52, 54, 55 and 56 of the Oxnard coastal land use plan. Additionally, the EC sub-zone is designed to provide a framework for coordinating the requirements and responsibilities of applicable city, State and federal regulatory agencies vested with the authority for reviewing energy facility development. To assure consistency with the Oxnard coastal land use plan, the following coastal act provisions and land use plan policies shall apply:

(1) Coastal dependent energy facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth, where consistent with this article. (Coastal Act, Section 30260)

(2) All new energy related development shall conform to the air quality regulations set forth by the Ventura County Air Pollution Control District, the air quality management plan and new source review rule 26. (Policy 29)

(3) Energy related development shall not be located in coastal resource areas including sensitive habitats, recreational areas and archeological sites. All development adjacent to these resource areas or agricultural areas shall be designed to mitigate any adverse impacts. (Policy 30)

(4) All new energy related development shall be located and designed to minimize adverse effects upon public access to the beach. (Policy 54)

(5) No energy related development shall be located seaward of the 100 year flood/wave run-up line as designated by the U.S. Department of Housing Insurance Program Administration and the land use map of the Oxnard coastal land use plan. (Policy 56)

(6) Wastewater from any energy related facilities shall be treated as necessary and put to reuse including, but not limited to the following:

- (a) Re-injection into the aquifer or ground water recharge system; and
- (b) Recycling for industrial, agricultural or urban use. (Policy 64)

(`64 Code, Sec. 37-2.11.1)

(B) Conditionally permitted uses - The following uses are permitted subject to the approval of a coastal development permit pursuant to the provisions of article V:

- (1) Off-street public parking facility;
- (2) Electrical power generating plant and accessory uses normally associated with said power generating facility;
- (3) Electrical substation; and
- (4) Natural gas pump and extraction facilities.

(`64 Code, Sec. 37-2.11.2)

(C) Applicable provisions - All uses shall be subject to the applicable standards of this chapter, including standards contained in the following sections:

- (1) Section 17-5, General requirements;
- (2) Article III, Specific Coastal Development and Resources Standards;
- (3) Article IV, General Coastal Development and Resource Standards; and
- (4) Article V, Administration.

('64 Code, Sec. 37-2.11.3) (Ord. No. 2034, 2716)

## City of Oxnard Municipal Code: Chapter 17 (Coastal Zoning)

### SEC. 17-50. NONCONFORMING BUILDINGS AND USES.

(A) Purpose - The purpose of this section is to address nonconforming buildings and uses in the coastal zone in order to promote the public health, safety and general welfare, and to bring such buildings and uses into conformity with the goals and policies of the Oxnard coastal land use plan. This chapter is intended to prevent the expansion of nonconforming buildings and uses, establish the circumstances under which they may be continued, and provide for the removal, correction or change of such buildings and uses.

(`64 Code, Sec. 37-4.6.1)

(B) Nonconforming buildings - A legal nonconforming building is a structure which lawfully existed when constructed, but by reason of changes to the city code fails to conform to the present requirements of the subject zoning district.

(`64 Code, Sec. 37-4.6.2)

(C) General requirements –

(1) A nonconforming building which is damaged to the extent of one-half or more of its replacement cost immediately prior to such damage may be restored only if made to conform to all provisions of this chapter. The replacement cost shall be determined by the city building official, whose decision may be appealed to the city council.

(2) Changes to interior partitions, or other nonstructural improvements and repairs, may be made to a nonconforming building.

(3) Structural elements may be modified if the building official determines such modification is immediately necessary to protect the health and safety of the public or occupants of the nonconforming building or adjacent property.

(4) Exterior modifications or additions to nonconforming buildings used for residential, commercial or industrial purposes may be permitted providing the following conditions are met:

(a) The modification or addition does not increase the degree of nonconformity by extending horizontally or laterally any structural nonconformity.

(b) The modification or addition does not increase the requirement for off-street parking.

(5) A development review permit may be granted for additions or modifications to buildings that are used for commercial or industrial purposes and that are nonconforming due to setbacks or parking, provided that the addition or modification meets the parking and other standards of this chapter.

(`64 Code, Sec. 37-4.6.3)

(D) Nonconforming uses - A legal nonconforming use is a use that lawfully existed when instituted, but which the city code does not now permit or conditionally permit in the zone in which the use is located.

(`64 Code, Sec. 37-4.6.4)

(E) General requirements -

(1) Change of ownership, tenancy or management of a nonconforming use shall not affect the nonconforming status of a use.

(2) A nonconforming use may be continued, provided that a nonconforming use which ceases for a continuous period of six months shall lose its nonconforming status, and the premises on which the nonconforming use was located shall from then on be used for conforming uses only.

(3) A lot occupied by a nonconforming use may be further developed by the addition of conforming uses and structures pursuant to the granting of a modification permit.

(4) Any nonconforming use which is nonconforming only because of the absence of a city-approved permit shall be deemed a conforming use upon securing such permit.

(5) Any nonconforming use may be changed to a conforming use provided that all applicable permit requirements and standards of this chapter are satisfied. If a nonconforming use is converted to a conforming use, the nonconforming use may not be resumed.

('64 Code, Sec. 37-4.6.5)

(F) Nonconforming lots - Any lot, the area, dimension or location of which was lawful when created, but which does not conform to the present requirements of the zoning district, shall be considered buildable for the purposes of this chapter.

('64 Code, Sec. 37-4.6.6) (Ord. No. 2034, 2716)