

AMENDED AGENDA - TRANSMITTAL MEMOS ADDED TO ITEM F-1

CITY OF OXNARD PLANNING COMMISSION AGENDA

REGULAR MEETING
Council Chambers, 305 West Third Street
Thursday, October 19, 2023, 6:00 p.m.

The public may view the meeting from home on the City's website at Oxnard.org/city-meetings, Spectrum Channel 10, Frontier Channel 35, or YouTube at Youtube.com/oxnardnews. Video recordings are typically available online following the meeting at the City's website at <http://www.oxnard.org/city-meetings>

YOU MAY PARTICIPATE IN THE MEETING IN THE FOLLOWING WAYS:

1. ATTEND THE MEETING AT THE LOCATION LISTED ABOVE: Submit a speaker card.
2. EMAILING COMMENTS OR REQUESTS TO SPEAK BEFORE THE MEETING
 - a. Submit an email to Planning@oxnard.org no later than 3:00 p.m. on the day of the meeting (Please indicate the agenda item number in the subject line). All email correspondence will be forwarded to the Planning Commission prior to the start of the meeting and made part of the legislative record.
 - b. Submit a request to speak by no later than 3pm on the day of the meeting by using the form <https://forms.gle/tbP91wZpxjSE2pw7A>, emailing the Planning office at planning@oxnard.org, or calling (805) 385-7858.
3. PROVIDING PUBLIC COMMENTS DURING THE MEETING
 - a. Speakers shall have up to three minutes to speak.
 - b. If you wish to speak during public comments or a particular item on the agenda, please follow the below instructions:
 1. Dial phone number (888) 475-4499
 2. Enter the meeting ID: 886 6528 5619
 3. Enter the meeting passcode: 544739
 4. Wait in the Zoom waiting room. Once the Chair calls for public speakers, press *9 to raise your hand to inform the recording secretary you would like to speak.
 - c. Public comments on items not on the agenda shall be taken at the beginning of the meeting. If there are more speakers than can be accommodated during thirty minutes, additional speakers who will be given an opportunity to speak at the end of the meeting.
 - d. Public comments on items on the agenda shall be taken following the announcement of the item.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in a meeting, you should contact the office of the City Clerk at (805) 385-7803. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

Written materials relating to an item on this agenda that are distributed to the Planning Commission within 72 hours before the item is to be considered at its regularly scheduled meeting will be made available for public inspection at 214 South C Street, during customary business hours.

A. ROLL CALL**B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES****C. PUBLIC COMMENTS - On Items Not On The Agenda**

At this time, a person may address the Planning Commission on matters within the jurisdiction of the Planning Commission, including information/consent items and any item not appearing on the agenda. The Chair shall limit public comments to three (3) minutes. The Planning Commission cannot take action on any item presented during public comments that is not on the agenda and such item may only be referred to the Commission Secretary. Persons wishing to speak on public hearing items should do so at the time of the public hearing.

D. CONSENT AGENDA**E. EX PARTE DECLARATIONS FOR PUBLIC HEARING ITEMS****F. PUBLIC HEARING**

1. **Project Name: Appeal of 1215 Capri Way Amendment;** PLANNING AND ZONING PERMIT No. 23-400-01 (Coastal Development Permit); Located at 1215 Capri Way (APN 191-0-091-285; Lot 57 of Tract No. 4380). Appeal of the Community Development Director's decision to deny a request for a Coastal Development Permit (CDP) Amendment in order to remove the condition that prohibits a rooftop spa and allow for the placement of a spa on the existing roof deck of a beachfront single-family residence. The project site is a 5,284 square-foot beachfront home within the Oxnard Shores Neighborhood in the Beachfront Residential (R-BF) zoning district and the Coastal Zone. The proposed project is exempt from environmental review, pursuant to CEQA Guidelines Section 15270 ("Projects Which are Disapproved") of the California Environmental Quality Act. Filed by property owner Ben and Michelle Mandelbaum.

City Staff: Serena Gonzalez, Assistant Planner

Recommendation: That the Planning Commission:

- a. Find the Project to be Statutorily Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15270 ("Projects Which are Disapproved"); and
- b. Adopt a Resolution denying the Appeal and upholding the Community Development Director's Denial of Planning and Zoning Permit No. 23-400-01 (Coastal Development Permit).

Please click the following link to view the required Measure M pre-recorded presentation video : <https://youtu.be/xn6NsjSmnSQ>

G. STUDY SESSION/REPORTS

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in a meeting, you should contact the office of the City Clerk at (805) 385-7803. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

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H. PLANNING COMMISSION BUSINESS

I. COMMUNITY DEVELOPMENT STAFF UPDATES

J. ADJOURNMENT

FUTURE MEETINGS

Regular Meeting: Thursday, November 2, 2023, 6:00 p.m., Council Chambers

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in a meeting, you should contact the office of the City Clerk at (805) 385-7803. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

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<http://www.oxnard.org>

MEMORANDUM

Agenda Item No.: F.1

Date: October 18, 2023

To: Planning Commission

From: Serena Gonzalez, Assistant Planner
Joe Pearson II, Planning & Environmental Services Manager

Subject: Transmittal Memo No. 1 – Appeal of 1215 Capri Way Amendment: PLANNING AND ZONING PERMIT No. 23-400-01 (Coastal Development Permit); Located at 1215 Capri Way (APN 191-0-091-285; Lot 57 of Tract No. 4380). Appeal of the Community Development Director's decision to deny a request for a Coastal Development Permit (CDP) Amendment in order to remove the condition that prohibits a rooftop spa and allow for the placement of a spa on the existing roof deck of a beachfront single-family residence. The project site is a 5,284 square-foot beachfront home within the Oxnard Shores Neighborhood in the Beachfront Residential (R-BF) zoning district and the Coastal Zone. The proposed project is exempt from environmental review, pursuant to CEQA Guidelines Section 15270 ("Projects Which are Disapproved") of the California Environmental Quality Act. Filed by property owner Ben and Michelle Mandelbaum. The project consists of the following recommended actions:

- a. Find the Project to be Statutorily Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15270 ("Projects Which are Disapproved"); and
- b. Adopt a Resolution denying the Appeal and upholding the Community Development Director's Denial of Planning and Zoning Permit No. 23-400-01 (Coastal Development Permit).

The Project is located in the Oxnard Shores neighborhood at 1215 Capri Way (APN 191-0-091-285; Lot 57 of Tract No. 4380). The project application was filed by Ben and Michelle Mandelbaum, 1215 Capri Way, Oxnard, CA 93035.

Subsequent to the release of the Staff Report staff has received 27 communications from the public concerning the proposed project (attached).

Staff has reviewed the email and will provide a response as necessary.

Attachment

1. Letter from Nasatir received October 17, 2023
2. Letter from Walt Hagedohm received October 17, 2023
3. Letter from Diane Delaney received October 17, 2023
4. Email from Yevgeniy Ivanov received October 17, 2023
5. Email from Janis Huberman received October 17, 2023
6. Email from Janis and Morris Huberman received October 17, 2023
7. Email from Janis and Morris Huberman received October 17, 2023
8. Email from Jason Rosenblatt received October 17, 2023
9. Email from Eli Scharf received October 17, 2023
10. Email from Lila Eilat received October 17, 2023
11. Email from David Hullum received October 17, 2023
12. Email from Cassi Alter received October 17, 2023
13. Email from Ken Alter received October 17, 2023
14. Email from Dov Goldner received October 17, 2023
15. Email from Vera Goldner received October 17, 2023
16. Email from Sharon Hendrix received October 17, 2023
17. Email from Zhenya Goldner received October 17, 2023
18. Email from J Torres received October 17, 2023
19. Email from Jeff Weiss received October 17, 2023
20. Email from Katie McGhie received October 18, 2023
21. Email from Jeff Coffin received October 18, 2023
22. Email from Rick Covey received October 18, 2023
23. Email from Aliza Goldner received October 18, 2023
24. Email from Dan Lavigne received October 18, 2023
25. Email from Dan Voss received October 18, 2023
26. Email from Ernie Campagna received October 18, 2023
27. Email from Jacob Hauenstein received October 18, 2023
28. Email from Francisco Leon received October 18, 2023
29. Email from Peter Kelly received October 18, 2023
30. Letter from Rabbi Dov Muchnik October 18, 2023

Planning Commission
City of Oxnard
305 West Third Street
Oxnard, CA 93030

Subject: Support for Mandelbaum Family's Coastal Development Permit Application

Dear Planning Commissioners:

I am writing to voice my strong support for the Mandelbaum family's application for a new Coastal Development Permit that seeks to remove the condition prohibiting them from having a rooftop spa. This restriction appears to be inconsistent with the treatment of other homes in our neighborhood, as there are existing residences with street-side rooftop spas.

Moreover, it is worth noting that there are currently no zoning regulations against street-side rooftop spas because there have been no reported issues or adverse impacts associated with them in the past. This lack of precedent suggests that there is no compelling reason to continue restricting the Mandelbaum family from enjoying their home to the fullest extent.

I believe that by granting their Coastal Development Permit, we can ensure fairness and consistency in our neighborhood's zoning regulations while respecting the rights of homeowners to enhance and enjoy their properties as they see fit.

I respectfully urge the Planning Commission to rectify this situation and remove the unjust restriction placed upon the Mandelbaum family's property.

Sincerely,

Z. Nant (NASATIR)

5047 Coral Way
Oxnard CA 93035

To Members of the Oxnard Planning Commission

I am Walter Hagedohm, a licensed architect, Chair of the Oxnard Shores Neighborhood Council, and an Oxnard Shores resident. I am writing to you today as an Oxnard Shores resident concerned about the Coastal Development Permit for 1215 Capri Way and not as Chair of the Neighborhood Council.

The lawyer for the Mandelbaum's, the owners of the property, has suggested in his letter that there is no evidence to justify upholding the decision of the Community Development Director. I believe that is false. The unfortunate fact is that the staff report and the letters from the lawyer for the applicant do not accurately represent the history and the evidence in this case.

First, this is not an application for a permit to construct a spa on the roof of the property at 1215 Capri Way. It is a permit to remove a deed restriction that was imposed by the Coastal Development Permit issued for the building of the home. Second, it is stated that the current owners bought the home after it was built by the developers. That is not true. The owner bought the lot from the developer with the deed restrictions in place and part of their title report. The owners were aware of the restriction of not having the spa on the roof and they were part of the building process.

During the permit process started by Sanderfer, the developer, objections by neighbors to several aspects of the home were lodged with the city. One of those objections was the placement of the spa on a rear roof top deck facing Capri Way. At this time the developer Mr. Sanderfer sent an e-mail to Ms. Delaney requesting that if she remove her objections to the project, he would place the spa on the west facing balcony and agree that a rooftop spa would be forbidden. Ms. Delaney agreed and removed all objections to the project. This resulted in condition 65 which states that a rooftop spa would not be allowed but one could be built on the beach side of the property. As part of a Coastal Development Permit it is required that all conditions and restrictions are recorded with the county clerk and become part of the title of the property.

The house was then constructed for the Mandelbaum's who were aware of the restrictions placed on the property but went ahead and installed a rooftop spa anyway. Upon final inspection this violation of the permit was noted, and the spa had to be removed before a Certification of Occupancy would be granted. The spa was removed but after the COO was issued, the Mandelbaum's then returned the spa to the rooftop deck in violation of the permit. Subsequently, Code Enforcement asked them to remove it, but they instead said they would be submitting an application for a permit to make it legal and the city allowed the spa to remain.

The staff report and everything in the 171 pages that you read to prepare for this meeting did not mention that this is not a permit for a spa. It is a subterfuge for removing a deed restriction which is a legally binding contract that binds the homeowner.

This brings up a very interesting question. How can you do this through the permit process and does the city have the right to remove a deed restriction. It also brings up the question of why a new Coastal Development Permit needed to be applied for.

When this application was first posted outside the residence, this was called a modification to a Coastal Development Permit, and within the staff report it was called an amendment. These are very specific and different actions that are detailed within the Coastal Development Act, but when questioned about this at the Community Development Workshop the city planner told us that it was neither an

administrative modification nor an amendment but an application for a new Coastal Development Permit.

The sections quoted in the staff report as the authority for this Coastal Development Permit is a section usually reserved for new construction, and the nine requirements that are necessary to approve that development permit are specific to new construction. None of those requirements apply to removing a deed restriction or making any other amendment or modification to an existing permit. Applying this test in this case creates an undue burden on those who are in opposition. It also points out another flaw in this process. The reason that a Coastal Development Permit was requested is it is the only way that you could remove a deed restriction without coming out and requesting it. A new Coastal Development Permit once it is approved requires, as the previous one did, that it be recorded with the county clerk. This new Coastal Development Permit does only one thing, it removes condition 65 which was an agreement between parties that was memorialized and recorded in the previous Coastal Development Permit. Once approved and recorded with the county clerk, the new permit would make the other deed restriction null and void. This is not a fair process or a transparent one. This should have been an amendment to a Coastal Development Permit or an Administrative Modification. This an abuse of the system, and you're being asked to remove a legally binding restriction under the guise of issuing a permit for a spa.

The lawyer for the applicant has made many claims about violations of federal law including the abridgement of religious liberty, but his claims are not against the previous permit or the deed restrictions, because those were handled within the permit process in a fair, transparent and equitable way for all parties and signed by the Mandelbaum's. Instead, it is a warning to you that if you do not rule in their favor and undo the previous permit that you will be violating federal law. In the hearing before the community development director the city attorney made clear that these statutes did not apply in this case. The religious liberty argument should not apply as well.

This brings us to the decision by the Community Development Director. Although the video produced by the Mandelbaum's implies that the Director made her decision based on the position of spas in other homes in the neighborhood, here is her exact ruling:

"I think in the end Jeff Lambert got it right in how he approached a solution. Because he points out that he considered other options for the location of the spa. He indicated that the hot tub on the first floor deck would be architecturally acceptable. So, he tried to look at another location. There is no right to have a rooftop spa. I believe that the city would be correct to keep the conditions in place. I respectfully disagree with my colleagues (the staff) for that reason. I believe that we have preserved your right to have a spa, perhaps not in your top location or top choice. For that reason, I don't find a reason to approve this permit"

This is the decision that you are being asked to uphold. I believe that it was the correct decision because it acknowledged the correctness, the transparency and the good faith that was involved in the conditions that were placed in the first permit.

However, if you look at your packet you will not find a transcript of her ruling. In a hearing like this you are required to take all of the evidence and all of the findings into consideration not just those ones that were put in front of you in the staff report today.

So, let us review this situation. A new Coastal Development Permit was applied for because it would require recording a new "Notice of Conditions and Restriction" that would void the previous form and remove condition 65 without having to go through the removal of a deed restriction in the usual way.

The planning process for the first permit and the resulting CDP has not been challenged by their lawyers or anyone else. It was the product of negotiations between parties that had all the elements of a legally binding agreement. It was voluntary, there was consideration on both sides, it was memorialized within the permit, and it was recorded on the title report for owners and successors to acknowledge. No one disputes that and no one has challenged it. I believe that the Community Development Director recognized that and saw that there was no compelling reason to remove the condition by granting a new permit.

I believe that the Planning Commission should uphold that decision.

Sincerely,

Walter Hagedohm

Oxnard Shores Resident

Dear Planning Commissioners,

I am Diane Delaney, co-owner with my family of the home across Capri Way from the Mandelbaum home. I have worked in good faith with two previous owners of this property since 2018 to amicably and in good faith negotiate terms that would be fair to all parties. After the Coastal Development Permit was issued to the developer Sandefer, I was assured that the matter had been settled, but here we are again with owner number 3, the Mandelbaum's

Please carefully read the following as the Staff Report and the Mandelbaum attorney do not adequately represent the efforts, compromise and agreement that was memorialized in the Deed Restriction in question, and the intent of the previous Community Development Director to ensure this deed restriction was permanent and would not need to be revisited every time the property changed ownership.

The Mandelbaum's seek a new Coastal Development Permit to change a deed restriction. This is not the proper use of the CDP process. It does not set a good precedent when one party can unilaterally change the rules. There was negotiation and compromise by all parties, it was fair and just and done the way the system was made to work.

The Mandelbaum's have once again submitted a video with their attorney letter filled with falsehoods easily refuted herein with documentation.

Property History and Corrected Background Information:

On **October 26, 2017**, the subject, then vacant, beachfront lot located across from my family's home was purchased by **Buyer Lam** who submitted plans by **Architect Picciotti** to build a 4900 sq ft home with a rooftop jacuzzi. It came before a Community Workshop in **2018**. There were discussions between the Lam's, their **Architect Martha Picciotti** and me as to the nuisance that would be created which is later described in this document, and they voluntarily removed the jacuzzi from their plans. When I asked the Architect if she would want a rooftop jacuzzi located similarly across from her bedrooms, she said No, she would not. I was warned that if the Lam's changed their mind, they could later come back and request a permit for the jacuzzi if this was not conditioned as a deed restriction in their building plans, but we had a good relationship, and I did not want to cause any delay to their project. Unfortunately, a beachfront neighbor appealed their project and the Lam's sold to **buyer/builder Sandefer** on **January 21, 2019**, assuring me in an email that Sandefer was reputable and would follow and respect the plans without the rooftop jacuzzi **(*1. See attached email dated Feb 24, 2019)**. **Buyer Sandefer** then resubmitted plans adding another 360 square feet and returning the rooftop jacuzzi to the original location. This was approved at a CDD hearing **05/20/20**, bypassing the Community Workshop process.

On **June 3, 2020**, I filed for an appeal of that decision to the Planning Commission **(*2. please see my attached appeal – please note there was a beachfront appellant on other issues that was not me)**.

On **June 8, 2020**, **Buyer Sandefer** emailed me to negotiate a compromise asking if I would drop **all** counts of my appeal, he would agree to remove the rooftop jacuzzi and relocate it to the ocean front deck as I would hear no noise from there **(*3. see email thread with Sandefer dated June 08, 2020 – June 16, 2020)**. I agreed but only if the City would ensure this matter would be resolved for future ownership, and there were various conversations with the City who indicated that they also did not want to be revisiting this issue.

On **June 15, 2020**, I was assured by then **Community Development Director Jeff Lambert** that he had a way to 'memorialize this' **(*4. see attached email thread dated June 15, 2020)**. After that email there were a few phone calls and emails to find the right language to prevent this from happening again, **and owner/developer Sandefer, the City and I agreed** to the wording that is contained in items no. 65 and 66 of the Permit.

65. The proposed hot tub shall be located on the first-floor deck on the ocean side and shall be architecturally compatible with the deck. No spa or hot tub, subject to the requirement for Building Permits shall be constructed on the roof deck. All equipment shall be subject to the sound regulations provided in Article XI of the Oxnard City Code. Revised plans showing the relocation of the hot tub shall be provided prior to the issuance of Building Permits.

66. The material used to construct the deck and balcony railing on the front elevation facing Capri Way shall be an opaque material.

On **June 23, 2020**, I withdrew my appeal (*5. Email attached) and continued to check with Planning to ensure revised plans were submitted. Planning confirmed Sandefer had submitted revised plans in **October 2020**.

****Please Note the Mandelbaum video completely misrepresents what occurred.** Sandefer states that after ‘several months of pushback’ from me, he finally agreed to ‘forego’ the jacuzzi. The video moderator states I brought my concerns to the Coastal Commission and forced Sandefer into many workshops that both Sandefer and I had to attend putting a lengthy pause on his building plans on multiple occasions. **This is a complete lie.** There were never any meetings, workshops, delays or the other allegations they have made in this video. I never even met the man. My only communication ever with Sandefer is documented herein. Staff can verify that my appeal was promptly withdrawn, a ‘good faith’ agreement was made that resulted in Conditions 65 and 66. **What Sandefer put in writing in his attached email is exactly what resulted in Deed Restriction 65 and was resolved in a mere two weeks.**

On **October 7, 2020**, Buyer Sandefer listed the vacant lot describing in their listing remarks ‘large beach side deck space’. (*6. MLS printout attached).

On **November 5, 2020**, the Notice of Restrictions and Conditions along with the Hold Harmless Agreement was recorded with the Ventura Co Recorder’s Office and would become a part of the Mandelbaum’s preliminary title report.

On **December 1, 2020**, Buyer Mandelbaum purchased the vacant lot with the approved, corrected plans with **No Rooftop Jacuzzi** and recorded the sale **December 28, 2020**. (It was incorrectly stated by applicant’s attorney and staff that Mandelbaum’s purchased the property already built – it was a vacant lot (*7. Property Recording history attached). During the process of their sale, the Mandelbaum’s accepted the Notice of Restrictions and Conditions contained in their Title Report.

January of 2021, neighbors were notified by Sandefer that pilings would be going in.

Buyer Mandelbaum initiated the building project with the same architect Picciotti and builder Sandefer and at some point, developer/builder Voss who is related by marriage to developer/builder Sandefer was subbed in as the builder.

The Mandelbaum’s and their builder Sandefer/Voss disregarded the plans and installed the rooftop deck in violation of their building permit.

On **July 18, 2022**, at a site visit the owner was advised that the jacuzzi was a violation of their permit and that no hot tub would be allowed on the roof as specifically stated on the conditions of development. They removed the jacuzzi from the roof, but once they obtained their final permit, neighbors watched in astonishment as they brought back a crane and put the jacuzzi back on the roof in complete disdain for the rules, the city, their neighbors and in violation of their permit. On **October 25, 2022**, I emailed the planner that the jacuzzi was back on the roof. The planner made a code compliance complaint on **November 15, 2022**, and the owners received their First Violation on **November 19, 2022**. Follow-up by Code in **February 2023** shows the owner’s contractor would be seeking to **Modify** Conditions of Approval. (*8. Code Compliance Violation Record)

After receiving their finalized permit, the applicants also erected gates to block **public access** to the beach in violation of the Coastal Act – **again deliberately done after** they received their finalized permit. A beachfront neighbor whose home was built by one of these developers told me contractors often ignored the City and do what they want because according to the contractors the City won’t enforce anything after the fact.

Now they seek a new Coastal Development Permit to have their way and remove the Deed Restriction.

DEED RESTRICTIONS:

Deed restrictions are one of the most common types encumbrances in real estate. These restrictions outline how a property owner is expected to use a property. They usually dictate what can be built on a piece of land or what a property can and can’t be used for. They can either apply to *one specific property* or a subdivision of properties, regardless of who owns them at any point in time.

By signing a contract, the buyer agrees to abide by the rules guiding the use of the property. The buyer is expected to be aware of these restrictions before agreeing to them, and once the deed is recorded, these terms are legally binding on

the buyer. The Mandelbaum's are sophisticated people who run businesses and bought a 5 Million Dollar property as their second home, they understand contractual obligations.

The Mandelbaum's are aware they need to obtain consent from any person with a right to enforce the deed restrictions before they can attempt to remove the restrictions. For example, if your deed restriction applies to or benefits one or more of your neighbors, you will need that neighbor's permission before you can remove restrictions. In this instance the City has said they are not willing to remove the restriction. My family, the party benefitting by the restriction, is also unwilling to give permission to remove the restriction. To get around getting consent, the Mandelbaum's are trying to use the Coastal Development Process which was not made for that purpose.

PETITIONS AND SIGNATURES

I am a very active member of our community – my family has been in Oxnard for over 50 years. We have worked tirelessly on projects that benefited the community such as public access at Fisherman's Wharf, on a Short Term Rental ordinance to benefit our entire neighborhood and many environmental issues to protect our city. I have been a member of my neighborhood council for years and am currently the vice-chair. While I am happy to activate the neighborhood for a community cause, it does not feel right to me to involve my neighbors about something like this.

They submitted petition signatures, but what do any of those people know of the circumstances and legalities surrounding this issue – I 'm sure they weren't told there was an agreement and a deed restriction, and you can see most of the emails were form letters.

I did consult with one neighbor who was the Community Development Director for the City of Oxnard for many years, and asked his opinion - he emailed the following for the CDD's August 23, 2023 meeting:

"This Agenda item proposes to allow a Jacuzzi on the subject residential use. The City Building Permit for this property prohibits this use on the roof location requested. The property is located in the R-BF Beachfront Residential Sub-Zone.

Based on provisions of the Coastal Zoning Ordinance 64 Code Section 37-1.4.9(2) "This Chapter shall not interfere with, abrogate or annul any easement, covenant or other agreement now in effect." This provision applies when the permit provides greater restrictions than the Coastal zone ordinance.

The permit, as originally issued fully complies with the City's Coastal Zoning Ordinance and should remain as approved.

Thank you for considering this information. Sincerely, Richard J Maggio"

(*9. Richard Maggio Email Attached)

My continued opposition to the Rooftop Jacuzzi is as follows:

1. Hot Tub Is a Noise Nuisance

The noise nuisance of **an unenclosed hot tub located on top of a roof deck** directly across from sleeping rooms on adjacent properties particularly my family's which is directly across from their deck.

Oxnard Municipal Code Sec. 7-185 regulates exterior sound standards and limits residential noise to 55 decibels and 50 dBA nighttime. Common hot tubs operate well above this level, and when you consider how much louder a person needs to speak in order to be heard above the running noise of the motor, several jets and the bubbling water, the noise level can easily exceed the 55-decibel limit. In this instance the City has not taken into consideration that a **9 foot by 9-foot spa can seat 9 to 10 people (*10. see attached).**

In addition, having the hot tub *located at the top of the structure* allows the sound to travel greater distances and reverberate against the adjacent buildings creating a stadium effect and then compound that by the very powerful winds that occur at the beach. Hot tubs and Jacuzzis are some of the biggest causes of complaints among neighbors. Looking online, there are frequent complaints of the never-ending drone sound and vibration of motors and pumps

which run 24/7. Over time, the mechanical parts become noisier with moisture and rust in the outdoor environment. Noise pollution has been correlated with an increased risk of cardiovascular disease, impacts sleep and emotional well-being per Dr. Mathias Basner, a professor at the University of Pennsylvania's School of Medicine.

A document submitted by the applicant at the previous hearing admits that they do not have the means to adequately test spas. Additionally, spas were not tested outside, let alone from a roof top location, in the special conditions that occur at the beach which include very windy, sound carrying conditions.

Ironically, two separate instances of jacuzzi noise problems for others were presented to me in the last couple of months. One where I live at The Colony where the spas are in-ground surrounded by concrete fencing, trees, vegetation and at some distance from units. There were noise complaints to such a degree that the Board enacted additional rules, one being no cell phone usage at the spas – why, because while the spas are noisy, people speaking over typical spa sounds created a nuisance to nearby properties. Lucky for aggrieved neighbors there is an HOA that enforces noise nuisances. I am on the Oxnard Shores neighborhood council and received a call from a neighbor upset about a short-term rental that was loud at night - the biggest complaint was how loud they were when using the jacuzzi at night.

2. Neighborhood Design and Precedent

The subject property is located on a small, narrow street (**Capri Way which is very different than Mandalay Beach Rd and considered a fire lane is so narrow it no longer allows parking on other side of the street**) appx 22' wide *without* sidewalks. The beachfront properties sit in close proximity to the inland properties. **Unlike traditional subdivision design where lots run parallel to one another, inland properties in this area sit perpendicular to the back or garage side of the beachfront properties.** This results in bedrooms and living areas facing the garages or backs of the beachfront properties.

Here, this design irregularity creates a conflict between the existing houses and the 1215 Capri Way residence with the rooftop deck and hot tub facing the bedrooms of the Delaney residence. After reviewing the existing houses on this narrow road of Capri Way on the beachfront, there is not a single **property with a rear deck and hot tub** in such close proximity to adjacent bedrooms. Better designed properties have spas sited toward the middle or front (ocean side) of the deck and below the highest roof line creating a sound break and privacy. (*11 see attached)

The Mandelbaum's video skews the facts - consistent with their other misrepresentations. Out of appx 1,400 homes in Oxnard Shores, they claim 12 examples of rear decks with hot tubs. Their only example on the narrow street of Capri Way does NOT have a jacuzzi. There are a couple of examples given on Mandalay Beach Rd (MBR) with and without hot tubs, but MBR is a much wider street with sidewalks and parking on both sides of the street allowing for a very large distance between the beachfront and inland properties – probably twice the distance than on Capri Way. Then they use the inland streets which have a completely different orientation than the beachfront as stated above. The only clear case of a rear deck with a hot tub are two properties at 4129 and 4133 Ocean Drive located in Hollywood Beach – this is County, not City of Oxnard, and the orientation of those properties is unlike what is described above on Capri Way.

In other municipalities, there are regulations intended to protect the health, safety, welfare, and aesthetic quality and to ensure that roof top decks and similar features are located, designed, and screened in a manner that is compatible with the small scale, resort and residential character of those communities. That roof top decks are permitted if a lot is contiguous to visually prominent open spaces (i.e., hillside, beach, golf course, etc.) that are contiguous to the building site. That the roof deck area shall be oriented toward public rights of way that are adjacent to the building site – meant and in order to protect the privacy of adjacent property owners. There has been no true analysis that demonstrated the proposed deck and hot tub does not interfere with the privacy and quiet enjoyment of adjacent properties.

While this may not be specifically in the code, the intent of noise ordinances and good planning policies should prevent this condition from existing. Allowing the hot tub on top of the house in close proximity to adjacent neighbors sets a bad precedent and is an example of poor land use planning and compatibility. (*See example of Indian Wells planning ordinance [https://library.gcode.us/lib/indian_wells_ca/pub/municipal_code/item/title_21-chapter_21_20-21_20_230#:~:text=230\(d\),residential%20character%20of%20the%20community](https://library.gcode.us/lib/indian_wells_ca/pub/municipal_code/item/title_21-chapter_21_20-21_20_230#:~:text=230(d),residential%20character%20of%20the%20community)).

Regardless of their examples or lack thereof, please remember that a deed restriction can either apply to one specific property or a subdivision of properties, and in this case, the deed restriction was specific to this property for the all the

reasons given within this document. The deed restriction was Sandefer's idea, the relocation of the jacuzzi was Sandefer's suggestion resulting in Deed Restriction 65.

3. Privacy and Site Design

The previous Staff Report indicated that the spa is 42 inches tall which is screened from view by the 45-inch parapet from all sides. This does not take into consideration that those sitting in the jacuzzi will be shoulders and head up to two feet above the jacuzzi, so there will be no privacy for those in the immediate vicinity, but most importantly, there will be no barrier for the sound produced from those using the jacuzzi especially 8 to 10 people. Keep in mind this is a 5,500 square foot home with many sleeping areas besides the 5 or 6 bedrooms. One of my neighbors a few houses north of me and inland told me that they can clearly see people on the rooftop deck, so the privacy/modesty argument seems moot.

The Mandelbaum's have and had options. They could have redesigned the rooftop area to accommodate the spa to the front of the property, they could (and still can) have made the front deck more private, they could have bought another property that did not have this specific deed restriction. They have 5,500 square feet of living space on a 5,600 sq ft lot where they can place their spa on the west side of the property where it is already permitted. Our property is 2,200 square feet on a narrow 3400 sq ft lot. They have options, we do not. We cannot relocate our bedrooms.

LEGAL CONDITIONS IMPOSED BY THE CDP

This has been very intimidating and stressful with the lies and veiled threats from their high priced attorney and their builder Sandefer. With all the legal case quoting, it feels like the City is also being subtly threatened, and I would like to remind everyone of Condition 5 and 6 of the Resolution which state:

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. Developer agrees, as a condition of adoption of this resolution, **at Developer's own expense, to indemnify, defend and hold harmless The City** and its agents, officers and employees from and **against any claim, action or proceeding to attack, review, set aside, void or annul the approval of the resolution or any condition** attached thereto or any proceedings, acts or determinations taken, done or made prior to the approval of such resolution that were part of the approval process. (CA, G-6)

Summary:

My family and I acted in good faith and gave up other appealable rights to go to the Coastal Commission at the behest of then Owner Sandefer. The appeal process could have significantly reduced the buildable size of this property and taken time to resolve, but we negotiated promptly and in good faith with Sandefer and had a meeting of the minds that resulted in Deed Restriction 65 and 66. It appears Sandefer and Mandelbaum's never intended to act in good faith, and they should not be rewarded for that.

Three past Oxnard Community Development Directors have found that the decision to not allow a roof top jacuzzi and to relocate the jacuzzi to the front of the property was fair and just.

The compromise of the jacuzzi being permitted on the front ocean side deck was a good one and should continue to be memorialized as stated by the previous Community Development Director.

There is nothing that requires the City to approve the applicant's request and I respectfully request that the Planning Commission deny applicant's appeal.

Thank you,

Diane Delaney - 805-657-0760

From: donna lam <donnaflam@gmail.com>

Sent: Sunday, February 24, 2019 2:43 PM

To: Diane Delaney <dedelane@earthlink.net>

Subject: Re: Capri lot

Sorry we already sold it to a reputable builder who will follow the plans.

We couldn't take the contentious appeals by another neighbor and decided to sell the lot and buy a house already built,

The same plan will be built and you and your mother will be fine.

Sincerely . Donna Lam

Sent from my iPhone

On Feb 24, 2019, at 7:18 PM, Diane Delaney <dedelane@earthlink.net> wrote:

Hi Donna,

How are you?

We had been wondering about when you would begin construction, and yesterday I ran into a neighbor who thought you are now selling the lot in front of my mom's home. I'm sad to hear that as my family very much appreciated your efforts to reassure us about your plans.

If indeed you are selling, we may be interested in buying the lot from you if you would consider that. Would you please let me know, we could save all the realtor fees.

Thank you.

Diane

Diane Delaney

805-657-0760

dedelane@earthlink.net

1. Hot Tub Is a Noise Nuisance

The City has not taken into account the noise nuisance of an unenclosed hot tub located on top of a roof deck directly across from sleeping rooms on adjacent properties. Oxnard Municipal Code Sec. 7-185 regulates exterior sound standards and limits residential noise to 55 decibels. Common hot tubs operate well above this level, and when you consider how much louder a person needs to speak in order to be heard above the running noise of the motor and the bubbling water, the noise level can easily exceed the 55 decibel limit. In addition, having the hot tub located at the top of the structure allows the sound to travel greater distances and reverberate against the adjacent buildings creating a stadium effect. Hot tubs and Jacuzzis are some of the biggest causes of complaints among neighbors.

2. Neighborhood Design and Precedent

The subject property is located on a small, narrow street appx 22' wide without sidewalks. The beachfront properties sit in close proximity to the inland properties. Unlike traditional subdivision design where lots run parallel to one another, inland properties in this area sit perpendicular to the back or garage side of the beachfront properties. This results in bedrooms and living areas facing the garages or backs of the beachfront properties.

Here, this design irregularity creates a conflict between the existing houses and the proposed residence with the rooftop deck and hot tub facing each other. The vicinity and current design of clear glass panels used in screening the use, jeopardize each other's privacy and peace. After reviewing the existing houses on the beachfront, there is not a single property with a rear deck and hot tub.

In other municipalities, there are regulations intended to protect the health, safety, welfare and aesthetic quality and to ensure that roof top decks and similar features are located, designed and screened in a manner that is compatible with the small scale, resort and residential character of those communities. That roof top decks are permitted if a lot is contiguous to visually prominent open spaces (i.e., hillside, beach, golf course, etc.) that are contiguous to the building site. That the roof deck area shall be oriented toward public rights of way that are adjacent to the building site – meant and in order to protect the privacy of adjacent property owners. There was no analysis that demonstrated the proposed deck and hot tub does not interfere with the privacy and quiet enjoyment of adjacent properties.

While this may not be specifically in the code, the intent of noise ordinances and good planning principals should prevent this condition from existing. Allowing the hot tub on top of the house in such a close proximity to adjacent neighbors sets a bad precedent and is an example of poor land use planning and compatibility.

3. Failure to Do a New Community Workshop

The City should have done a Community Workshop considering that there were substantial changes to the project since it was last submitted and in which there had been compromises to the project. In the 2018 submittal, the applicant agreed to remove a controversial roof top spa which was seen as a

nuisance by neighbors and even by the applicant's architect who indicated she would not like to live next to that.

The project now came back with a new owner, and a larger property adding another 300 square feet, and adding back in the controversial roof top spa.

Additionally, since the previous appeal to the Planning Commission, the Coastal Commission ruling on a closely located property was issued regarding the string line, sea level rise, seawalls and coastal access.

The Community Workshop section of the Staff Report dated May 14, 2020 incorrectly states that there was no opposition to the project during the June 18, 2018 meeting, when members of the public, including myself, took issue with the proposal and the subsequent approval was even appealed to the Planning Commission.

A new Community Workshop would have allowed better engagement as to the past objections and appeals about the property and allow for further opportunities to engagement rather than having to go directly to another appeal regarding this property.

4. String Line, Coastal Access, Public Access, Seawall, Danger to Adjacent Properties

The development as proposed does not meet the policies of the Oxnard LCP when it comes to visual, public access and policies affecting beachfront development and erosion

The proposed development is located on a beachfront lot on Capri Way in Oxnard Shores, which is an area within Oxnard Shores that has a significant history of wave uprush and storm surge, and will be vulnerable to coastal hazards that will be exacerbated by future sea level rise. The seaward extent of the development approved by the Development Director was not the most landward feasible location and as such would not minimize the risks posed by the hazards affecting shoreline development, nor minimize impacts to public access and visual resources over the anticipated life of the development.

CCC staff has previously suggested on other beachfront lots that the project minimize seaward encroachment onto the sandy beach by siting the residence in a more landward location to ensure that the project is consistent with the LCP and relevant Coastal Act policies.

In CDP 17-400-04 for a residence on the beach on Capri Way the CCC which is a lot not subject to the settlement agreement the Coastal Commission determined that the extension to 140 ft would impact coastal erosion and allow the project to be vulnerable to coastal hazards. The Commission conditioned deleting all portions of the residence that extend beyond the 120ft. maximum seaward development line, except for a temporary deck that is easily removable will extend up to 10 ft. from the residential structure and that can be easily removed when it becomes threatened with damage or destruction from coastal hazards, or reinforcement, shoreline protective devices, or any other protective action is needed, so it will minimize hazard risks as well as avoid impacts to public access.

We ask that the subject property be also conditioned to not extend beyond the 120ft. maximum seaward development line. There are several older properties on Capri that will eventually be rebuilt, and it seems that the CCC has determined that 120ft is a reasonable line of development. While the City has not consistently applied a string line policy, it is a good idea, especially at this time with so much new knowledge about the potential for extreme sea level rise, to apply such a policy with the future of sea level rise, beach erosion, loss of sandy beach and the public's access to same or eventually there will not be a beach for the public to access in the future in the event that the mean high tide line continues to move further landward as it will.

In addition, the Commission required “that no future shoreline protective device will be constructed on site to protect the proposed development and to require the landowner to remove the development if a government agency orders that portions or all of the structures may not be occupied due to hazards or property ownership issues identified”.

We ask that such a condition be placed on the property that is that no future protective device may be constructed on the site.

5. Exceeds Maximum Height Limit

Sec. 17-25 allows lots wider than 33 feet, two stories, not to exceed 22 feet from the bottom of the lowest shore parallel horizontal structural member to the highest peak of roof. It goes on to state that in no case shall the top of the roof elevation exceed +47.0 feet NGVD.

The maximum height for this project should be 39 feet NGVD, not 42 feet. The maximum roof elevation of 47 feet NGVD does not apply to larger lots greater than 33 feet in width. Therefore, the height should be two stories of 22 feet in addition to the 17 feet NGVD.

Conclusion

We would request the following:

1. The hot tub removed from the roof and the project conditioned to restrict the installation in the future;
2. The project be conditioned not extend beyond the 120ft. maximum seaward development line; a condition of approval be added: “that no future shoreline protective device will be constructed on site to protect the proposed development and to require the landowner to remove the development if a government agency orders that portions or all of the structures may not be occupied due to hazards or property ownership issues identified”;
3. And the maximum height reduced to 39 feet NGVD.

On Jun 16, 2020, at 1:24 PM, Diane Delaney <dedelane@earthlink.net> wrote:

Hi Jim,

I am still dealing with a family emergency, but have communicated with Joe and Jeff. There are a couple of issues that I would like to speak with you about. Is it ok to call you maybe this afternoon or tomorrow afternoon.

Thank you, Diane Delaney 805-657-0760 dedelane@earthlink.net

From: Jim Sandefer [<mailto:sandefer@gmail.com>]

Sent: Monday, June 15, 2020 6:41 PM

To: Diane Delaney <dedelane@earthlink.net>

Subject: Re: 1215 Capri Way

Hi Diane, it's been over a week and we haven't heard back from you. Hope everything went well with your family emergency. Hope to hear from you soon. Sincerely, Jim

Sent from my iPhone

On Jun 9, 2020, at 10:41 AM, Diane Delaney <dedelane@earthlink.net> wrote:

Hi Jim and Dori,

Thank you for your email. I have a family emergency I am dealing with right now, but will get back to you in a day or two so that we may hopefully work things out. Diane

From: Jim & Dori Sandefer [<mailto:sandefer@gmail.com>]

Sent: Monday, June 08, 2020 5:49 PM

To: dedelane@earthlink.net

Subject: 1215 Capri Way

Diane, I'm in receipt of your appeal today from the City of Oxnard. We just want to start off by saying that we want to be good neighbors, and wanted to contact you personally to discuss this. When we obtained the lot and plans, we thought that the Spa location and roof deck were a nice feature, and with my severe arthritis (see attached prescription- just had my second hip replacement May 8th- knees are next) is a necessity for me. As per your comment on no other property has a rear deck and hot tub, our past house at 925 Mandalay Beach Rd., has one and the house at 905 MBR has one also. These units are self contained and are insulated to keep the heat in with all the equipment inside the module. I went to the Marquis Spa store in Camarillo to get info for sound output and they had no information for this and said they had never been asked for it before. I then asked for the factory number to call for sound info, they too had never been asked for this, and had no studies to give me. I can guarantee you that no noise could be heard at your house, even from the deck or open window. Besides the 80' to your house, the sound of the ocean is much louder.

As we said, we want to be good neighbors. As builders of many beach properties, we know that the building process can be a hardship to neighbors, we are aware of this and do our best to make this time as pleasant as possible. Since you feel so strongly about the possible noise of the spa on the rooftop deck, we will eliminate it. We would like to ask if you would have a problem if we put the spa on the ocean side deck? I think you would agree, that you would hear no noise from there.

We are asking you to pull your appeal with the city if we agree to take the spa off the street side deck. I feel bad that you had to pay approximately \$2600 to file this appeal, which shows you really do feel this will be a nuisance for you. I contacted Joe Pearson, the planner for our case, and he assured me that if the appeal is lifted by Tuesday afternoon, that the money paid would be refunded in full, as he has not started on it yet. Please call my cell at 805-207-4894 with any questions or comments you may have.

I hope this works out for both of us, Sincerely, James and Dori Sandefer

From: Lambert, Jeffrey <jeffrey.lambert@oxnard.org>

Sent: Monday, June 15, 2020 1:06 PM

To: Diane Delaney <dedelane@earthlink.net>

Cc: Pearson II, Joe <joe.pearson@oxnard.org>

Subject: Re: Appeal of Permit No. 20-400-01, 1215 Capri Way

Diane, I think we have a way of memorializing this; We'll get back to you shortly.

Jeff

On Mon, Jun 15, 2020 at 10:31 AM Diane Delaney <dedelane@earthlink.net> wrote:

Hi Joe and Jeff,

Mr. Sandefer has reached out to me wanting to come to a resolution regarding the hot tub, and I think we can make that work.

Would you please advise me as to the issue on the building height. The code I could find was 22' and your staff report says 25'.

Also, my understanding is that to make any resolution we come to a legal condition, we would still have to go to the Planning Commission – is that correct or is there another way to make that happen? I thought we had had the hot tub issue resolved with the last owner, so I don't want to have to go through this every time the property transfers title.

Thank you for your assistance on this – hope you are all healthy and safe and happily working back at the City.

Diane

Diane Delaney

805-657-0760

dedelane@earthlink.net

From: Pearson II, Joe <joe.pearson@oxnard.org>

Sent: Thursday, June 25, 2020 11:10 AM

To: Diane Delaney <dedelane@earthlink.net>

Cc: Lambert, Jeffrey <jeffrey.lambert@oxnard.org>; Scott Kolwitz <scott.kolwitz@oxnard.org>

Subject: Re: 1215 Capri Way - appeal

Hello Diane

Thank you for your confirmation. We have incorporated the changes into the approval. With regard to the refund, we will be retaining 10 percent of the appeal fee. The remaining portion of the appeal fee and noticing fees will be refunded back to you. Can you please confirm the address you would like the refund to be mailed to?

Please let me know if you have any questions.

Best,

Joe E. Pearson II

Senior Planner

On Tue, Jun 23, 2020 at 10:11 PM Diane Delaney <dedelane@earthlink.net> wrote:

Hi Joe and Jeff,

I am requesting a withdrawal of my appeal and return of my appeal fees subject to the below language in Joe's email of June 23, 2020, at 8:20am be formally included in the project approval.

Thank you for all your help and suggestions!!

Diane

Diane Delaney

Residential Closed
MLS# 00-20643452
DOM/CDOM: 55/55

1215 Capri Way, Oxnard, CA, 93035
County: Ventura

List Price: \$2,800,000
Close Price: \$2,800,000
Agent Detail Report

Beds:	5	Sub-Type:	Single Family Residence
Baths (FTHQ):	5 (5 0 0)	Lot Size Acres:	0.1286
Year Built:	2021	Lot Size Square Feet:	5,600
	Source:Builder	Lot Size Area:	5,600 Square Feet
Living Area:	5,500	Zoning:	RBF
Property Attached:	No	Parcel Number:	1910091285
New Construction:	No	MLS Area:	VC32 - Oxnard - PH Beaches
Stories Total:	2	Listing Agreement:	Exclusive Right To Sell
Fireplace:	Yes	Listing Service:	Full Service
Pool /Spa:	No / No		
View:	Yes		
HOA:	No		

Showing Contact Name:

Showing Instructions: Showing Instructions: Appointment with Listing Agent Rob Sandefer 310.889.8463 - Robert.Sandefer@TheAgencyRE.com
Showing Information: Call LA 1

Public Remarks: Land only purchase. Extraordinary opportunity to purchase a new construction beach front home as it is being built. Sophisticated contemporary design of over 5500 square feet with unobstructed ocean views on Oxnard Shores best streets, Capri Way. 5 bedroom, 5 baths, with open floorplan kitchen, living, and dining room as well as additional retreat room, and gym area. Large beach side deck space and oversized 3 car garage complete this one of a kind ocean front dream home.

Private Remarks: Land only purchase. Contact listing agent Rob Sandefer for more information 310.889.8463 - Robert.Sandefer@TheAgencyRE.com

Directions: Mandalay Beach Road to Capri Way.

Entry Date:	10/07/2020	Original List Price:	\$5,850,000	Status Change Date:	12/28/2020
Listing Date:	10/07/2020	Buyer Agency Comp:	2.5%	LP/SP:	1
Contract Date:	10/07/2020			LP/SP:	1
On Market Date:	12/01/2020				
Purchase Contract Date:	12/28/2020				
Close Date:					
Name	Office	Primary	Office	E-mail	
LA: Robert Sandefer (CLW-C124976) CalDRE#:01996491	The Agency (CLW-X7901305) 01904054	310-889-8463	424-325-5000	Robert.Sandefer@TheAgencyRE.com	
BA: Bob Jurik (V211500181) CalDRE#:00426457	RE/MAX Gold Coast-Beach Office (VC8216) 01220383	805-320-4781	805-832-4155	bobsbeachbuys@yahoo.com	

List Price/SqFt: \$509.09

Sold Price/SqFt: \$509.09

Sign on Property: Yes

Appliances: Appliances: Yes; Dishwasher; Microwave; Refrigerator

Architectural Style: Contemporary

Disclosures: Coastal Commission Restrictions

Fireplace Features: Living Room; Master Bedroom

Flooring: Wood

HOA Information: HOA: No

Heating: Heating: Yes; Central

Laundry: Laundry: Yes; Individual Room

Pool Features: None

Preferred Order of Contact: 1. Agent Mobile Ph , 3. Agent Email, 4. Co-Agent Mobile Ph , 6. Co-Agent Email

Parking Spaces/Information: Total Parking Spaces: 6

Parking: Parking: Yes; Garage - Three Door

Room Type: Master Bathroom

Special Listing Conditions: Standard

Spa Features: None

View: Coastline; Ocean

Information is deemed to be reliable, but is not guaranteed. © 2023 MLS and FBS. Prepared by Diane Delaney on Tuesday, October 17, 2023 11:54 AM. The information on this sheet has been made available by the MLS and may not be the listing of the provider.

LAST MARKET SALE & SALES HISTORY

Recording Date	12/30/2020	Deed Type	Grant Deed
Sale Date	Tax: 12/07/2020 MLS: 12/28/2020	Owner Name	Mandelbaum Bentzion
Sale Price	\$2,800,000	Owner Name 2	Mandelbaum M
Document Number	230480	Seller	Sandefer James P & Dori
Sale Type	Full		
Recording Date	12/30/2020		
Deed Type	Grant Deed		
Sale Date	Tax: 12/07/2020 MLS: 12/28/2020		
Owner Name	Mandelbaum Bentzion		
Sale Price	\$2,800,000		
Owner Name 2	Mandelbaum M		
Document Number	230480		
Seller	Sandefer James P & Dori		
Sale Type	Full		

Recording Date	12/30/2020	02/08/2019	01/08/2018	09/28/1994	06/16/1994
Sale Date	12/07/2020	01/21/2019	10/26/2017		
Sale Price	\$2,800,000	\$2,400,000	\$2,400,000	\$427,500	\$310,000
Buyer Name	Mandelbaum 1998 Family Trust	Sandefer James P & Dori	Lam Nathan H & Donna F Family	Spoto Russell C & Michele H Trustees	Danielson Trust Company Fbo J Steven Eme
Seller Name	Sandefer James P & Dori	Lam N H & D F F/Tr	1987 Russell C S & Michel	Danielson Trust Company Fbo J Steve	Mahon Beatrice Virginia Est
Document Number	230480	12371	1713	155620	102891
Document Type	Grant Deed	Grant Deed	Grant Deed	Grant Deed	Grant Deed

Recording Date	12/30/2020
Sale Date	12/07/2020
Sale Price	\$2,800,000
Buyer Name	Mandelbaum 1998 Family Trust
Seller Name	Sandefer James P & Dori
Document Number	230480
Document Type	Grant Deed

Recording Date	02/08/2019
Sale Date	01/21/2019
Sale Price	\$2,400,000
Buyer Name	Sandefer James P & Dori
Seller Name	Lam N H & D F F/Tr
Document Number	12371
Document Type	Grant Deed

Recording Date	01/08/2018
Sale Date	10/26/2017
Sale Price	\$2,400,000
Buyer Name	Lam Nathan H & Donna F Family

PARED 4/25/23, 12:09:58
GRAM CE200L
Y OF OXNARD

CASE HISTORY REPORT
CASE NUMBER 22-00001872

E TYPE	DATE ESTABLISHED	STATUS	STATUS
CEL NUMBER	INSPECTOR	TENANT NAME	TENANT NBR
- UNPERMITTED CONSTRUCTION	11/15/22	COMPLIED	3/15
-0-091-285	Andrew Dickson		
5 CAPRI WAY	CA 93035		
ARD	2/06/23	EMAIL/FAK SENT/RECEIVED	COMPLETED 2/06/23
		NARRATIVE: EMAIL FROM PROPERTY OWNERS CONTRACTOR VOSS SEEKING	2/06/23
		ASSISTANCE IN GETTING THE PERMIT PROCESS STRTD WITH THE	2/06/23
		PLANNING DEPT. EMAIL WAS FORWARDED TO JOE PEARSON.	2/06/23
			TOTAL TIME:

LATIONS:	DATE	DESCRIPTION	QTY	CODE	STATUS
	11/19/22	PMTS REQD - STR, EL, PL, MCH	1	14-2 OXO (105.1 CBC) *	COMPLIED
		LOCATION:			
		NARRATIVE: Our office has been advised that a hot tub has been			11/19/22
		installed on the roof top of this home. City of Oxnard			11/19/22
		Planning Department specifically stated on the conditions			11/19/22
		of development that no hot tub would be allowed on the			11/19/22
		roof. The builder, architect and owner were previously			11/19/22
		advised of this on violation during a site visit on July			11/19/22
		18, 2022. Please remove the hot tub and call my office for			11/19/22
		an inspection by the above compliance date. Thank you			11/19/22

PARED 4/25/23, 12:09:58
GRAM CE200L
Y OF OXNARD

CASE HISTORY REPORT
CASE NUMBER 22-00001872

PAGE 1

E TYPE	DATE ESTABLISHED	STATUS	STATUS DATE
CEL NUMBER	INSPECTOR	TENANT NAME	TENANT NBR
- UNPERMITTED CONSTRUCTION	11/15/22	COMPLIED	3/15/23
-0-091-285			
5 CAPRI WAY	Andrew Dickson		
ARD	CA 93035		

E DATA: RECEIVED BY/Entered by AAD
REPORTING PARTY NAME JOE PEARSON / PLANNING MGR
REPORTING PARTY ADDRESS
REPORTING PARTY PHONE NUMBER
DATE OF FUTURE INSPECTION
DATE OF INITIAL INSPECTION
DATE OF LAST INSPECTION
DATE OF LAST CORRESPONDENCE
OF DAYS TO COMPLY

RATIVE: Time Stamp: 11/15/2022 11:32 AM CDANDD ----- 11/15/22
EMAIL FROM JOE PEARSON ADVISING INSTALLATION OF A HOT TUB 11/15/22
ON THE ROOF IN VIOLATION OF APPROVED PLANS. 11/15/22

ICE NAMES: MANDELBAUM BENTZION-M TR OWNER
MANDELBAUM, BEN & MICHELLE TENANT

TORY:	SCHEDULED	ACTION	STATUS	RESULTED	INSPECTOR	TIME
	11/15/22	INITIAL CASE NOTIFICATION	COMPLETED	11/15/22	Andrew Dickson	
		RQST TEXT: EMAIL FROM PLANNING THAT A ROOF TOP HOT TUB WAS INSTALLED				11/15/22
		RSLT TEXT: Time Stamp: 11/15/2022 11:34 AM CDANDD -----				11/19/22
	11/19/22	FIRST VIOLATION LTR	ISSUED	11/19/22		
	Respond to:	A.Dickson	Date: 12/26/22			
	Send to:	OWNER				
	Mail tracking #:					
	Name/address:	MANDELBAUM BENTZION-M TR				

Telephone:
Fax:
EMail:

2/27/23	ADMINISTRATIVE ACTION	COMPLETED	3/15/23	Andrew Dickson
	RQST TEXT: HAS ANY PROGRESS BEEN MADE WITH PROPERTY OWNER AND PLANNING			2/06/23
	?			2/06/23
	RSLT TEXT: Time Stamp: 03/15/2023 01:04 PM CDANDD -----			3/15/23
	23 40000001			3/15/23
	CDP/MODIFY CONDITIONS OF APPROVAL			3/15/23
	JOE PEARSON IS HANDLING THE MOD.			3/15/23
2/06/23	EMAIL/FAX SENT/RECEIVED	COMPLETED	2/06/23	
	NARRATIVE: Time Stamp: 02/06/2023 10:48 AM CDANDD -----			2/06/23

From: Richard Maggio <richardjmaggio@msn.com>
Sent: Friday, June 16, 2023 3:09 PM
To: Planning@oxnard.org
Cc: serena.gonzalez@oxnard.org
Subject: CDP to legalize a Jacuzzi on 1215 Capri Way

This Agenda item proposes to allow a Jacuzzi on the subject residential use . The City Building Permit for this property prohibits this use on the roof location requested. The property is located in the R-BF Beachfront Residential Sub-Zone.

Based on provisions of the Coastal Zoning Ordinance 64 Code Section 37-1.4.9(2) "This Chapter shall not interfere with, abrogate or annul any easement, covenant or other agreement now in effect." This provision applies when the permit provides greater restrictions than the Coastal zone ordinance.

The permit, as originally issued fully complies with the City's Coastal Zoning Ordinance and should remain as approved.

Thank you for considering this information.

Sincerely,

Richard J Maggio,
5032 Island View St
Oxnard, CA 93035



The 9 to 10-Person Hot Tub:

Bullfrog Spas

10-Person Hot Tub Dimensions

A nine to ten-person spa falls into the large spa category. This matters because spas change significantly when they are intended to comfortably seat a large number of users. On average, the dimensions you're considering are going to be somewhere around **100 inches wide by 100 inches long.**

However, most [spas of this size](#) are rectangular rather than square, so in most cases you would need to subtract inches from one side and add to the other. For instance, 10 inches from the width makes the length 110 inches and the width 90 inches, and so on.



Fwd: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

Solis, Rogelio <rogelio.solis@oxnard.org>
To: Serena Gonzalez <serena.gonzalez@oxnard.org>

Tue, Oct 17, 2023 at 3:12 PM

Roy Solis | Assistant Planner

Community Development Department, Planning Division

214 S C Street | Oxnard, CA 93030

O: 805.385.7850

www.oxnard.org

The Community Development service counter has reopened to the public from 8:00 a.m. to 12:00 p.m., Monday through Thursday and 9:00 a.m. through 12:00 p.m. on alternating Fridays.

----- Forwarded message -----

From: **Yehudah Gene** <eivanov06@gmail.com>

Date: Tue, Oct 17, 2023 at 1:40 PM

Subject: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

To: <Planning@oxnard.org>

Dear Oxnard Planning Commission:

I am writing to convey my strong support for the Mandelbaum family's application for a new Coastal Development Permit, which seeks to remove the restriction prohibiting them from having a street-side rooftop spa. It is evident that this restriction is inconsistent with the treatment of other homes in our neighborhood, as there are existing residences with street-side rooftop spas.

It is crucial that homeowners, such as the Mandelbaums, are granted the liberty to enjoy their property without being burdened by an inequitable restriction that is not consistently applied to all residences in the vicinity.

There is no rhyme or reason why a spa is being restricted. If this is about noise, there are louder activities that take place on a rooftop patio such as grilling food or gathering around a fire pit. If this is about a neighbor's privacy, there are more intrusive activities that can take place such as standing next to the edge of the patio and looking out over the neighborhood. Should we ban these activities as well?

Where does this end?

I respectfully ask the Planning Commission to address this situation by removing the unfair restriction imposed on the Mandelbaum family's property and rectifying this situation before it gets out of hand.

Thank you for your consideration.

Yevgeniy Ivanov
[2970 Leeward Way](#)

Blessings for Success

Fwd: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

Solis, Rogelio <rogelio.solis@oxnard.org>
To: Serena Gonzalez <serena.gonzalez@oxnard.org>

Tue, Oct 17, 2023 at 4:29 PM

Roy Solis | Assistant Planner
Community Development Department, Planning Division
214 S C Street | Oxnard, CA 93030
O: 805.385.7850
www.oxnard.org

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From: **Janis Huberman** <jjdal2dal@gmail.com>
Date: Tue, Oct 17, 2023 at 4:22 PM
Subject: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01
To: <Planning@oxnard.org>

Dear Chair Arruejo and Commissioners:

I write this letter to express my support for the Mandelbaum family's application for a new Coastal Development Permit that removes the condition prohibiting them from having a rooftop spa. There are other homes in the neighborhood with street-side rooftop spas.

The Mandelbaum family should be able to enjoy their home without having an unfair restriction that doesn't apply to other homes in the neighborhood. It raises concerns that a single individual has the authority to dictate zoning restrictions regarding the placement of a spa within a neighbor's property.

There are currently no zoning rules against street-side rooftop spas because there have been no issues with them in the past.

I urge the Planning Commission to right this wrong for this one individual home.

Thanks.

Fwd: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

Solis, Rogelio <rogelio.solis@oxnard.org>
To: Serena Gonzalez <serena.gonzalez@oxnard.org>

Tue, Oct 17, 2023 at 4:48 PM

Roy Solis | Assistant Planner

Community Development Department, Planning Division

214 S C Street | Oxnard, CA 93030

O: 805.385.7850

www.oxnard.org

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From: **Janis Huberman** <jjdal2dal@gmail.com>

Date: Tue, Oct 17, 2023 at 4:44 PM

Subject: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

To: <Planning@oxnard.org>

Dear Chair Arruejo and Commissioners:

I write this letter to express my support for the Mandelbaum family's application for a new Coastal Development Permit that removes the condition prohibiting them from having a rooftop spa. There are other homes in the neighborhood with street-side rooftop spas.

The Mandelbaum family should be able to enjoy their home without having an unfair restriction that doesn't apply to other homes in the neighborhood. It raises concerns that a single individual has the authority to dictate zoning restrictions regarding the placement of a spa within a neighbor's property.

There are currently no zoning rules against street-side rooftop spas because there have been no issues with them in the past.

I urge the Planning Commission to right this wrong for this one individual home.

Thanks.

Janis and Morris Huberman

1430 Mandalay Beach Road

Oxnard, CA 93035

Fwd: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

Solis, Rogelio <rogelio.solis@oxnard.org>
To: Serena Gonzalez <serena.gonzalez@oxnard.org>

Tue, Oct 17, 2023 at 5:00 PM

Roy Solis | Assistant Planner

Community Development Department, Planning Division

214 S C Street | Oxnard, CA 93030

O: 805.385.7850

www.oxnard.org

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----- Forwarded message -----

From: **Janis Huberman** <jjdal2dal@gmail.com>

Date: Tue, Oct 17, 2023 at 4:59 PM

Subject: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

To: <Planning@oxnard.org>

Dear Oxnard Planning Commission,

I am writing this letter to express my support for the Mandelbaum family's application for a new Coastal Development Permit, specifically aiming to remove the restriction that prohibits them from having a rooftop spa. It has come to my attention that several other homes in our neighborhood already feature street-side rooftop spas.

The notion that the addition of a street-side spa will somehow alter the residential character of our neighborhood sounds rather implausible to those of us who reside here. In fact, the Mandelbaum spa is so discreet that it is practically invisible and inaudible to the surrounding neighbors. How could something that is neither seen nor heard be detrimental to the character of our neighborhood?

The Mandelbaum family, like any other homeowners in our community, should be able to enjoy their home without bearing an unfair restriction that does not apply to their neighbors. The prospect of a single individual wielding the authority to dictate zoning restrictions regarding a neighbor's property is a matter of concern.

Furthermore, it is worth noting that there are currently no established zoning regulations against street-side rooftop spas due to the absence of issues associated with them in the past.

I kindly urge the Planning Commission to rectify this situation for this one individual home. It is only fair and just to ensure that our neighborhood's zoning regulations are consistent and equitable for all residents.

Thank you for your attention to this matter.

Sincerely,

Janis and Morris Huberman

[1430 Mandalay Beach Road](#)

Fwd: [Ask Planning Action] ITEM F-1 Mandelbaum Family's CDP Application PZ 23-400-01

Solis, Rogelio <rogelio.solis@oxnard.org>
To: Serena Gonzalez <serena.gonzalez@oxnard.org>

Tue, Oct 17, 2023 at 1:07 PM

Roy Solis | Assistant Planner

Community Development Department, Planning Division

214 S C Street | Oxnard, CA 93030

O: 805.385.7850

www.oxnard.org

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From: **Jason Rosenblatt** <jr@jrcap.com>

Date: Tue, Oct 17, 2023 at 12:58 PM

Subject: [Ask Planning Action] ITEM F-1 Mandelbaum Family's CDP Application PZ 23-400-01

To: <Planning@oxnard.org>

Dear Planning Commissioners:

I am writing to voice my strong support for the Mandelbaum family's application for a new Coastal Development Permit that seeks to remove the condition prohibiting them from having a rooftop spa. This restriction appears to be inconsistent with the treatment of other homes in our neighborhood, as there are existing residences with street-side rooftop spas.

Moreover, it is worth noting that there are currently no zoning regulations against street-side rooftop spas because there have been no reported issues or adverse impacts associated with them in the past. This lack of precedent suggests that there is no compelling reason to continue restricting the Mandelbaum family from enjoying their home to the fullest extent.

I believe that by granting their Coastal Development Permit, we can ensure fairness and consistency in our neighborhood's zoning regulations while respecting the rights of homeowners to enhance and enjoy their properties as they see fit.

I respectfully urge the Planning Commission to rectify this situation and remove the unjust restriction placed upon the Mandelbaum family's property.

Jason Rosenblatt
3612 Ocean Drive

Fwd: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

Solis, Rogelio <rogelio.solis@oxnard.org>
To: Serena Gonzalez <serena.gonzalez@oxnard.org>

Tue, Oct 17, 2023 at 3:11 PM

Roy Solis | Assistant Planner

Community Development Department, Planning Division

214 S C Street | Oxnard, CA 93030

O: 805.385.7850

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From: **Eli Scharf** <elischarf@gmail.com>

Date: Tue, Oct 17, 2023 at 1:17 PM

Subject: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

To: <Planning@oxnard.org>

Oxnard Planning Commission:

I am writing to convey my strong support for the Mandelbaum family's application for a new Coastal Development Permit, which seeks to remove the restriction prohibiting them from having a street-side rooftop spa. It is evident that this restriction is inconsistent with the treatment of other homes in our neighborhood, as there are existing residences with street-side rooftop spas.

It is crucial that homeowners, such as the Mandelbaums, are granted the liberty to enjoy their property without being burdened by an inequitable restriction that is not consistently applied to all residences in the vicinity.

There is no rhyme or reason why a spa is being restricted. If this is about noise, there are louder activities that take place on a rooftop patio such as grilling food or gathering around a fire pit. If this is about a neighbor's privacy, there are more intrusive activities that can take place such as standing next to the edge of the patio and looking out over the neighborhood. Should we ban these activities as well?

Where does this end?

I respectfully ask the Planning Commission to address this situation by removing the unfair restriction imposed on the Mandelbaum family's property and rectifying this situation before it gets out of hand.

Thank you for your consideration.

Best regards,

Eli Scharf
1205 Capri way
Oxnard, CA 93035

Fwd: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

Solis, Rogelio <rogelio.solis@oxnard.org>
To: Serena Gonzalez <serena.gonzalez@oxnard.org>

Tue, Oct 17, 2023 at 3:12 PM

Roy Solis | Assistant Planner

Community Development Department, Planning Division

214 S C Street | Oxnard, CA 93030

O: 805.385.7850

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From: **Lila Eilat** <lila@elitmg.com>

Date: Tue, Oct 17, 2023 at 1:39 PM

Subject: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

To: <Planning@oxnard.org>

Oxnard Planning Commission:

I am writing to convey my strong support for the Mandelbaum family's application for a new Coastal Development Permit, which seeks to remove the restriction prohibiting them from having a street-side rooftop spa. It is evident that this restriction is inconsistent with the treatment of other homes in our neighborhood, as there are existing residences with street-side rooftop spas.

It is crucial that homeowners, such as the Mandelbaums, are granted the liberty to enjoy their property without being burdened by an inequitable restriction that is not consistently applied to all residences in the vicinity.

There is no rhyme or reason why a spa is being restricted. If this is about noise, there are louder activities that take place on a rooftop patio such as grilling food or gathering around a fire pit. If this is about a neighbor's privacy, there are more intrusive activities that can take place such as standing next to the edge of the patio and looking out over the neighborhood. Should we ban these activities as well?

Where does this end?

I respectfully ask the Planning Commission to address this situation by removing the unfair restriction imposed on the Mandelbaum family's property and rectifying this situation before it gets out of hand.

Thank you for your consideration.

Sent from my iPhone

Fwd: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

Solis, Rogelio <rogelio.solis@oxnard.org>
To: Serena Gonzalez <serena.gonzalez@oxnard.org>

Tue, Oct 17, 2023 at 5:57 PM

Roy Solis | Assistant Planner

Community Development Department, Planning Division

214 S C Street | Oxnard, CA 93030

O: 805.385.7850

www.oxnard.org

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From: **David Hullum** <davessurfn@gmail.com>

Date: Tue, Oct 17, 2023 at 5:40 PM

Subject: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

To: <Planning@oxnard.org>

Oxnard Planning Commission:

I am writing to convey my strong support for the Mandelbaum family's application for a new Coastal Development Permit, which seeks to remove the restriction prohibiting them from having a street-side rooftop spa. It is evident that this restriction is inconsistent with the treatment of other homes in our neighborhood, as there are many existing residences with street-side rooftop spas.

It is crucial that homeowners, such as the Mandelbaums, are granted the liberty to enjoy their property without being burdened by an inequitable restriction that is not consistently applied to all residences in the vicinity.

There is no rhyme or reason why a spa is being restricted. If this is about noise, there are louder activities that take place on a rooftop patio such as grilling food or gathering around a fire pit. If this is about a neighbor's privacy, there are more intrusive activities that can take place such as standing next to the edge of the patio and looking out over the neighborhood. Should we ban these activities as well?

Where does this end?

I respectfully ask the Planning Commission to address this situation by removing the unfair restriction imposed on the Mandelbaum family's property and rectifying this situation before it gets out of hand.

Thank you for your consideration.

David Hullum

2014 Mono

Fwd: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

Solis, Rogelio <rogelio.solis@oxnard.org>
To: Serena Gonzalez <serena.gonzalez@oxnard.org>

Wed, Oct 18, 2023 at 8:18 AM

Roy Solis | Assistant Planner

Community Development Department, Planning Division

214 S C Street | Oxnard, CA 93030

O: 805.385.7850

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From: **Cassi Alter** <cassialter@gmail.com>

Date: Tue, Oct 17, 2023 at 6:20 PM

Subject: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

To: <Planning@oxnard.org>

Dear Planning Commissioners:

I am writing to voice my strong support for the Mandelbaum family's application for a new Coastal Development Permit that seeks to remove the condition prohibiting them from having a rooftop spa. This restriction appears to be inconsistent with the treatment of other homes in our neighborhood, as there are existing residences with street-side rooftop spas.

Moreover, it is worth noting that there are currently no zoning regulations against street-side rooftop spas because there have been no reported issues or adverse impacts associated with them in the past. This lack of precedent suggests that there is no compelling reason to continue restricting the Mandelbaum family from enjoying their home to the fullest extent.

I believe that by granting their Coastal Development Permit, we can ensure fairness and consistency in our neighborhood's zoning regulations while respecting the rights of homeowners to enhance and enjoy their properties as they see fit.

I respectfully urge the Planning Commission to rectify this situation and remove the unjust restriction placed upon the Mandelbaum family's property.

Cassi Alter

Fwd: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

Solis, Rogelio <rogelio.solis@oxnard.org>
To: Serena Gonzalez <serena.gonzalez@oxnard.org>

Wed, Oct 18, 2023 at 8:19 AM

Roy Solis | Assistant Planner

Community Development Department, Planning Division

214 S C Street | Oxnard, CA 93030

O: 805.385.7850

www.oxnard.org

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From: **Ken Alter** <kenny.alter@gmail.com>

Date: Tue, Oct 17, 2023 at 9:43 PM

Subject: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

To: <Planning@oxnard.org>

Oxnard Planning Commission:

I am writing to convey my strong support for the Mandelbaum family's application for a new Coastal Development Permit, which seeks to remove the restriction prohibiting them from having a street-side rooftop spa. It is evident that this restriction is inconsistent with the treatment of other homes in our neighborhood, as there are existing residences with street-side rooftop spas.

It is crucial that homeowners, such as the Mandelbaums, are granted the liberty to enjoy their property without being burdened by an inequitable restriction that is not consistently applied to all residences in the vicinity.

There is no rhyme or reason why a spa is being restricted. If this is about noise, there are louder activities that take place on a rooftop patio such as grilling food or gathering around a fire pit. If this is about a neighbor's privacy, there are more intrusive activities that can take place such as standing next to the edge of the patio and looking out over the neighborhood. Should we ban these activities as well?

Where does this end?

I respectfully ask the Planning Commission to address this situation by removing the unfair restriction imposed on the Mandelbaum family's property and rectifying this situation before it gets out of hand.

Thank you for your consideration.

Fwd: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

Solis, Rogelio <rogelio.solis@oxnard.org>
To: Serena Gonzalez <serena.gonzalez@oxnard.org>

Tue, Oct 17, 2023 at 3:11 PM

Roy Solis | Assistant Planner

Community Development Department, Planning Division

214 S C Street | Oxnard, CA 93030

O: 805.385.7850

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From: **'Dov Goldner' via Planning** <planning@oxnard.org>

Date: Tue, Oct 17, 2023 at 1:36 PM

Subject: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

To: <Planning@oxnard.org>

Dear Oxnard Planning Commission:

I am writing to convey my strong support for the Mandelbaum family's application for a new Coastal Development Permit, which seeks to remove the restriction prohibiting them from having a street-side rooftop spa. It is evident that this restriction is inconsistent with the treatment of other homes in our neighborhood, as there are existing residences with street-side rooftop spas.

It is crucial that homeowners, such as the Mandelbaums, are granted the liberty to enjoy their property without being burdened by an inequitable restriction that is not consistently applied to all residences in the vicinity.

There is no rhyme or reason why a spa is being restricted. If this is about noise, there are louder activities that take place on a rooftop patio such as grilling food or gathering around a fire pit. If this is about a neighbor's privacy, there are more intrusive activities that can take place such as standing next to the edge of the patio and looking out over the neighborhood. Should we ban these activities as well?

Where does this end?

I respectfully ask the Planning Commission to address this situation by removing the unfair restriction imposed on the Mandelbaum family's property and rectifying this situation before it gets out of hand.

Thank you for your consideration.

Dov Goldner
[1205 Capri way](#)

Fwd: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

Solis, Rogelio <rogelio.solis@oxnard.org>
To: Serena Gonzalez <serena.gonzalez@oxnard.org>

Tue, Oct 17, 2023 at 3:12 PM

Roy Solis | Assistant Planner

Community Development Department, Planning Division

214 S C Street | Oxnard, CA 93030

O: 805.385.7850

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From: **'Vera Goldner' via Planning** <planning@oxnard.org>

Date: Tue, Oct 17, 2023 at 1:59 PM

Subject: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

To: <Planning@oxnard.org>

Dear Chair Arruejo and Commissioners:

I write this letter to express my support for the Mandelbaum family's application for a new Coastal Development Permit that removes the condition prohibiting them from having a rooftop spa. There are other homes in the neighborhood with street-side rooftop spas.

The Mandelbaum family should be able to enjoy their home without having an unfair restriction that doesn't apply to other homes in the neighborhood. It raises concerns that a single individual has the authority to dictate zoning restrictions regarding the placement of a spa within a neighbor's property.

There are currently no zoning rules against street-side rooftop spas because there have been no issues with them in the past.

I urge the Planning Commission to right this wrong for this one individual home.

Thanks.

Vera
[1205 Capri Way](#)
Oxnard CA

Fwd: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

Solis, Rogelio <rogelio.solis@oxnard.org>
To: Serena Gonzalez <serena.gonzalez@oxnard.org>

Wed, Oct 18, 2023 at 8:17 AM

Roy Solis | Assistant Planner

Community Development Department, Planning Division

214 S C Street | Oxnard, CA 93030

O: 805.385.7850

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From: **'Sharon Hendrix' via Planning** <planning@oxnard.org>

Date: Tue, Oct 17, 2023 at 6:18 PM

Subject: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

To: <Planning@oxnard.org>

Oxnard Planning Commission:

I am writing to convey my strong support for the Mandelbaum family's application for a new Coastal Development Permit, which seeks to remove the restriction prohibiting them from having a street-side rooftop spa. It is evident that this restriction is inconsistent with the treatment of other homes in our neighborhood, as there are existing residences with street-side rooftop spas.

It is crucial that homeowners, such as the Mandelbaums, are granted the liberty to enjoy their property without being burdened by an inequitable restriction that is not consistently applied to all residences in the vicinity.

There is no rhyme or reason why a spa is being restricted. If this is about noise, there are louder activities that take place on a rooftop patio such as grilling food or gathering around a fire pit. If this is about a neighbor's privacy, there are more intrusive activities that can take place such as standing next to the edge of the patio and looking out over the neighborhood. Should we ban these activities as well?

Where does this end?

I respectfully ask the Planning Commission to address this situation by removing the unfair restriction imposed on the Mandelbaum family's property and rectifying this situation before it gets out of hand.

Thank you for your consideration.
Sharon Hendrix

Fwd: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

Solis, Rogelio <rogelio.solis@oxnard.org>
To: Serena Gonzalez <serena.gonzalez@oxnard.org>

Wed, Oct 18, 2023 at 8:18 AM

Roy Solis | Assistant Planner

Community Development Department, Planning Division

214 S C Street | Oxnard, CA 93030

O: 805.385.7850

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From: **'Zhenya Goldner' via Planning** <planning@oxnard.org>

Date: Tue, Oct 17, 2023 at 6:53 PM

Subject: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

To: <Planning@oxnard.org>

Dear Chair Arruejo and Commissioners:

I write this letter to express my support for the Mandelbaum family's application for a new Coastal Development Permit that removes the condition prohibiting them from having a rooftop spa. There are other homes in the neighborhood with street-side rooftop spas.

The Mandelbaum family should be able to enjoy their home without having an unfair restriction that doesn't apply to other homes in the neighborhood. It raises concerns that a single individual has the authority to dictate zoning restrictions regarding the placement of a spa within a neighbor's property.

There are currently no zoning rules against street-side rooftop spas because there have been no issues with them in the past.

I urge the Planning Commission to right this wrong for this one individual home.

Thanks.

Zhenya Goldner
323.420.3613

Fwd: [Ask Planning Action] ITEM F-1 Mandelbaum Family's CDP Application PZ 23-400-01

Solis, Rogelio <rogelio.solis@oxnard.org>
To: Serena Gonzalez <serena.gonzalez@oxnard.org>

Tue, Oct 17, 2023 at 1:06 PM

Roy Solis | Assistant Planner

Community Development Department, Planning Division

214 S C Street | Oxnard, CA 93030

O: 805.385.7850

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From: **J Torres** <jtorres805@gmail.com>

Date: Tue, Oct 17, 2023 at 12:56 PM

Subject: [Ask Planning Action] ITEM F-1 Mandelbaum Family's CDP Application PZ 23-400-01

To: <Planning@oxnard.org>

Oxnard Planning Commission:

I am writing to convey my strong support for the Mandelbaum family's application for a new Coastal Development Permit, which seeks to remove the restriction prohibiting them from having a street-side rooftop spa. It is evident that this restriction is inconsistent with the treatment of other homes in our neighborhood, as there are existing residences with street-side rooftop spas.

It is crucial that homeowners, such as the Mandelbaums, are granted the liberty to enjoy their property without being burdened by an inequitable restriction that is not consistently applied to all residences in the vicinity.

There is no rhyme or reason why a spa is being restricted. If this is about noise, there are louder activities that take place on a rooftop patio such as grilling food or gathering around a fire pit. If this is about a neighbor's privacy, there are more intrusive activities that can take place such as standing next to the edge of the patio and looking out over the neighborhood. Should we ban these activities as well?

Where does this end?

I respectfully ask the Planning Commission to address this situation by removing the unfair restriction imposed on the Mandelbaum family's property and rectifying this situation before it gets out of hand.

Thank you for your consideration.

Fwd: [Ask Planning Action] Mandelbaum CDP Application PZ.23-400-01

Solis, Rogelio <rogelio.solis@oxnard.org>
To: Serena Gonzalez <serena.gonzalez@oxnard.org>

Tue, Oct 17, 2023 at 5:57 PM

Roy Solis | Assistant Planner

Community Development Department, Planning Division

214 S C Street | Oxnard, CA 93030

O: 805.385.7850

www.oxnard.org

The Community Development service counter has reopened to the public from 8:00 a.m. to 12:00 p.m., Monday through Thursday and 9:00 a.m. through 12:00 p.m. on alternating Fridays.

----- Forwarded message -----

From: **jeffrey weiss** <jeffweiss@sbcglobal.net>

Date: Tue, Oct 17, 2023 at 5:39 PM

Subject: [Ask Planning Action] Mandelbaum CDP Application PZ.23-400-01

To: <Planning@oxnard.org>

Dear Oxnard Planning Commision

As a neighbor who lives 5 houses away from the Mandelbaums on Capri Way. I feel motivated to express my emphatic support of the Mandelbaum Family's application for a new Coastal Development Permit (CDP). The CDP would remove the restriction from having a street side rooftop spa.

Living within a few doors of their house, I was unaware that they had a rooftop spa. I can't see it and have never heard any noise from it.

I understand that there are no zoning regulations preventing this.

I urge the Planning Commission to approve the Madelbaum Family's permit. So as to not set a precedent to restrict all street side rooftop spas.

The zoning requirements should be consistent and equitable to all applicants and without any discrimination.

Thank you for all the hard work you do in the community and for listening to my opinion.

Respectfully

Jeff Weiss

Sent from my iPad

Fwd: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

Solis, Rogelio <rogelio.solis@oxnard.org>
To: Serena Gonzalez <serena.gonzalez@oxnard.org>

Wed, Oct 18, 2023 at 12:12 PM

Email: katie.mcghie@gmail.com

Roy Solis | Assistant Planner

Community Development Department, Planning Division

214 S C Street | Oxnard, CA 93030

O: 805.385.7850

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----- Forwarded message -----

From: **Katie McGhie** <katie.mcghie@gmail.com>

Date: Wed, Oct 18, 2023 at 11:53 AM

Subject: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

To: <Planning@oxnard.org>

Oxnard Planning Commission:

I am writing to convey my strong support for the Mandelbaum family's application for a new Coastal Development Permit, which seeks to remove the restriction prohibiting them from having a street-side rooftop spa. It is evident that this restriction is inconsistent with the treatment of other homes in our neighborhood, as there are existing residences with street-side rooftop spas.

It is crucial that homeowners, such as the Mandelbaums, are granted the liberty to enjoy their property without being burdened by an inequitable restriction that is not consistently applied to all residences in the vicinity.

There is no rhyme or reason why a spa is being restricted. If this is about noise, there are louder activities that take place on a rooftop patio such as grilling food or gathering around a fire pit. If this is about a neighbor's privacy, there are more intrusive activities that can take place such as standing next to the edge of the patio and looking out over the neighborhood. Should we ban these activities as well?

Where does this end?

I respectfully ask the Planning Commission to address this situation by removing the unfair restriction imposed on the Mandelbaum family's property and rectifying this situation before it gets out of hand.

Thank you for your consideration.

Katie McGhie
11840 Riverside Dr. Apt. 21
Valley Village, CA 91607

Fwd: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

Solis, Rogelio <rogelio.solis@oxnard.org>
To: Serena Gonzalez <serena.gonzalez@oxnard.org>

Wed, Oct 18, 2023 at 12:13 PM

Email: framer31@gmail.com

Roy Solis | Assistant Planner

Community Development Department, Planning Division

214 S C Street | Oxnard, CA 93030

O: 805.385.7850

www.oxnard.org

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From: **Jeff Coffin** <framer31@gmail.com>

Date: Wed, Oct 18, 2023 at 11:55 AM

Subject: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

To: <Planning@oxnard.org>

Oxnard Planning Commission:

I am writing to convey my strong support for the Mandelbaum family's application for a new Coastal Development Permit, which seeks to remove the restriction prohibiting them from having a street-side rooftop spa. It is evident that this restriction is inconsistent with the treatment of other homes in our neighborhood, as there are existing residences with street-side rooftop spas.

It is crucial that homeowners, such as the Mandelbaums, are granted the liberty to enjoy their property without being burdened by an inequitable restriction that is not consistently applied to all residences in the vicinity.

There is no rhyme or reason why a spa is being restricted. If this is about noise, there are louder activities that take place on a rooftop patio such as grilling food or gathering around a fire pit. If this is about a neighbor's privacy, there are more intrusive activities that can take place such as standing next to the edge of the patio and looking out over the neighborhood. Should we ban these activities as well?

Where does this end?

I respectfully ask the Planning Commission to address this situation by removing the unfair restriction imposed on the Mandelbaum family's property and rectifying this situation before it gets out of hand.

Thank you for your consideration.

Jeff Coffin

3623 Belmont Lane
Oxnard CA 93036

Jeff Coffin
Jeff Coffin Construction Inc
8052071561
Framer31@gmail.com

Fwd: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

Solis, Rogelio <rogelio.solis@oxnard.org>
To: Serena Gonzalez <serena.gonzalez@oxnard.org>

Wed, Oct 18, 2023 at 10:45 AM

Email: rnrtilellc@gmail.com

Roy Solis | Assistant Planner

Community Development Department, Planning Division

214 S C Street | Oxnard, CA 93030

O: 805.385.7850

www.oxnard.org

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----- Forwarded message -----

From: **Rick Covey** <rnrtilellc@gmail.com>

Date: Wed, Oct 18, 2023 at 10:34 AM

Subject: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

To: <Planning@oxnard.org>

Oxnard Planning Commission:

I am writing to convey my strong support for the Mandelbaum family's application for a new Coastal Development Permit, which seeks to remove the restriction prohibiting them from having a street-side rooftop spa. It is evident that this restriction is inconsistent with the treatment of other homes in our neighborhood, as there are existing residences with street-side rooftop spas.

It is crucial that homeowners, such as the Mandelbaums, are granted the liberty to enjoy their property without being burdened by an inequitable restriction that is not consistently applied to all residences in the vicinity.

There is no rhyme or reason why a spa is being restricted. If this is about noise, there are louder activities that take place on a rooftop patio such as grilling food or gathering around a fire pit. If this is about a neighbor's privacy, there are more intrusive activities that can take place such as standing next to the edge of the patio and looking out over the neighborhood. Should we ban these activities as well?

Where does this end?

I respectfully ask the Planning Commission to address this situation by removing the unfair restriction imposed on the Mandelbaum family's property and rectifying this situation before it gets out of hand.

Thank you for your consideration.

Rick Covey. [4767 La Puma Ct Camarillo, Ca 92012](#)

Fwd: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

Solis, Rogelio <rogelio.solis@oxnard.org>
To: Serena Gonzalez <serena.gonzalez@oxnard.org>

Wed, Oct 18, 2023 at 10:45 AM

Email: alizagoldner@yahoo.com

Roy Solis | Assistant Planner

Community Development Department, Planning Division

214 S C Street | Oxnard, CA 93030

O: 805.385.7850

www.oxnard.org

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----- Forwarded message -----

From: **'Aliza Goldner' via Planning** <planning@oxnard.org>

Date: Wed, Oct 18, 2023 at 10:35 AM

Subject: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

To: <Planning@oxnard.org>

Dear Chair Arruejo and Commissioners:

I write this letter to express my support for the Mandelbaum family's application for a new Coastal Development Permit that removes the condition prohibiting them from having a rooftop spa. There are other homes in the neighborhood with street-side rooftop spas.

The Mandelbaum family should be able to enjoy their home without having an unfair restriction that doesn't apply to other homes in the neighborhood. It raises concerns that a single individual has the authority to dictate zoning restrictions regarding the placement of a spa within a neighbor's property.

There are currently no zoning rules against street-side rooftop spas because there have been no issues with them in the past.

I urge the Planning Commission to right this wrong for this one individual home.

Thanks.
Aliza Scharf

[1205 Capri way](#)

Oxnard California 93035

Sent from my iPhone

Appeal of 1215 Capri Way Amendment; PLANNING AND ZONING PERMIT No. 23-400-01 (Coastal Development Permit); Located at 1215 Capri Way (APN 191-0-091-285; Lot 57 of Tract No. 4380)

dan danlavigne.com <dan@danlavigne.com>

Wed, Oct 18, 2023 at 9:30 AM

To: "Gonzalez, Serena" <serena.gonzalez@oxnard.org>, "Planning@oxnard.org" <Planning@oxnard.org>

Do the Mandelbaums believe that anything has changed since the Community Development Director's Office denied their initial request to install a rooftop spa? Do those who would be impacted by their actions now wish only to accommodate their desires? Will the Community Development Director's Office now reconsider their request as though the applicants had not sought to deceive them by installing the spa on their roof in secret? Will repeated attempts to appeal the Planning Commission's decision somehow yield different results? The answer to all these questions should be a firm, no. This affair reflects how little regard these new arrivals have for The Planning Office, and our Shores Community as a whole. Their appeal should be rejected on principal.

Fwd: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

Solis, Rogelio <rogelio.solis@oxnard.org>
To: Serena Gonzalez <serena.gonzalez@oxnard.org>

Wed, Oct 18, 2023 at 12:10 PM

Email: danvossjr@gmail.com

Roy Solis | Assistant Planner

Community Development Department, Planning Division

214 S C Street | Oxnard, CA 93030

O: 805.385.7850

www.oxnard.org

The Community Development service counter has reopened to the public from 8:00 a.m. to 12:00 p.m., Monday through Thursday and 9:00 a.m. through 12:00 p.m. on alternating Fridays.

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From: **Dan Voss** <danvossjr@gmail.com>

Date: Wed, Oct 18, 2023 at 11:00 AM

Subject: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

To: <Planning@oxnard.org>

Oxnard Planning Commission:

I am writing to convey my strong support for the Mandelbaum family's application for a new Coastal Development Permit, which seeks to remove the restriction prohibiting them from having a street-side rooftop spa. It is evident that this restriction is inconsistent with the treatment of other homes in our neighborhood, as there are existing residences with street-side rooftop spas.

It is crucial that homeowners, such as the Mandelbaums, are granted the liberty to enjoy their property without being burdened by an inequitable restriction that is not consistently applied to all residences in the vicinity.

There is no rhyme or reason why a spa is being restricted. If this is about noise, there are louder activities that take place on a rooftop patio such as grilling food or gathering around a fire pit. If this is about a neighbor's privacy, there are more intrusive activities that can take place such as standing next to the edge of the patio and looking out over the neighborhood. Should we ban these activities as well?

Where does this end?

I respectfully ask the Planning Commission to address this situation by removing the unfair restriction imposed on the Mandelbaum family's property and rectifying this situation before it gets out of hand.

Thank you for your consideration.

Daniel Voss Jr [4490 Eastbourne Bay Oxnard Ca](#)

Fwd: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

Solis, Rogelio <rogelio.solis@oxnard.org>
To: Serena Gonzalez <serena.gonzalez@oxnard.org>

Wed, Oct 18, 2023 at 12:11 PM

Email: danvossjr@gmail.com

Roy Solis | Assistant Planner

Community Development Department, Planning Division

214 S C Street | Oxnard, CA 93030

O: 805.385.7850

www.oxnard.org

The Community Development service counter has reopened to the public from 8:00 a.m. to 12:00 p.m., Monday through Thursday and 9:00 a.m. through 12:00 p.m. on alternating Fridays.

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From: **Dan Voss** <danvossjr@gmail.com>

Date: Wed, Oct 18, 2023 at 11:36 AM

Subject: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

To: <Planning@oxnard.org>

Oxnard Planning Commission:

I am writing to convey my strong support for the Mandelbaum family's application for a new Coastal Development Permit, which seeks to remove the restriction prohibiting them from having a street-side rooftop spa. It is evident that this restriction is inconsistent with the treatment of other homes in our neighborhood, as there are existing residences with street-side rooftop spas.

It is crucial that homeowners, such as the Mandelbaums, are granted the liberty to enjoy their property without being burdened by an inequitable restriction that is not consistently applied to all residences in the vicinity.

There is no rhyme or reason why a spa is being restricted. If this is about noise, there are louder activities that take place on a rooftop patio such as grilling food or gathering around a fire pit. If this is about a neighbor's privacy, there are more intrusive activities that can take place such as standing next to the edge of the patio and looking out over the neighborhood. Should we ban these activities as well?

Where does this end?

I respectfully ask the Planning Commission to address this situation by removing the unfair restriction imposed on the Mandelbaum family's property and rectifying this situation before it gets out of hand.

Thank you for your consideration.

Ernie Campagna [10435 Lindley Ave 254 Northridge 91326](https://www.oxnard.org/10435/Lindley-Ave-254-Northridge-91326)

Fwd: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

Solis, Rogelio <rogelio.solis@oxnard.org>
To: Serena Gonzalez <serena.gonzalez@oxnard.org>

Wed, Oct 18, 2023 at 12:12 PM

Email: jacob@jacobhauenstein.com

Roy Solis | Assistant Planner
Community Development Department, Planning Division
[214 S C Street | Oxnard, CA 93030](#)
O: [805.385.7850](tel:805.385.7850)
www.oxnard.org

The Community Development service counter has reopened to the public from 8:00 a.m. to 12:00 p.m., Monday through Thursday and 9:00 a.m. through 12:00 p.m. on alternating Fridays.

----- Forwarded message -----

From: **Jacob Hauenstein** <jacob@jacobhauenstein.com>
Date: Wed, Oct 18, 2023 at 11:30 AM
Subject: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01
To: <Planning@oxnard.org>

Oxnard Planning Commission:

I am writing to convey my strong support for the Mandelbaum family's application for a new Coastal Development Permit, which seeks to remove the restriction prohibiting them from having a street-side rooftop spa. It is evident that this restriction is inconsistent with the treatment of other homes in our neighborhood, as there are existing residences with street-side rooftop spas.

It is crucial that homeowners, such as the Mandelbaums, are granted the liberty to enjoy their property without being burdened by an inequitable restriction that is not consistently applied to all residences in the vicinity.

There is no rhyme or reason why a spa is being restricted. If this is about noise, there are louder activities that take place on a rooftop patio such as grilling food or gathering around a fire pit. If this is about a neighbor's privacy, there are more intrusive activities that can take place such as standing next to the edge of the patio and looking out over the neighborhood. Should we ban these activities as well?

Where does this end?

I respectfully ask the Planning Commission to address this situation by removing the unfair restriction imposed on the Mandelbaum family's property and rectifying this situation before it gets out of hand.

Thank you for your consideration.

Jacob Hauenstein

4241 W Kling St, Burbank CA.

Fwd: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

Solis, Rogelio <rogelio.solis@oxnard.org>
To: Serena Gonzalez <serena.gonzalez@oxnard.org>

Wed, Oct 18, 2023 at 3:12 PM

Email: lionfrank49@gmail.com

Roy Solis | Assistant Planner

Community Development Department, Planning Division

214 S C Street | Oxnard, CA 93030

O: 805.385.7850

www.oxnard.org

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----- Forwarded message -----

From: **Frank Lion** <lionfrank49@gmail.com>

Date: Wed, Oct 18, 2023 at 1:20 PM

Subject: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

To: <Planning@oxnard.org>

Oxnard Planning Commission:

I am writing to convey my strong support for the Mandelbaum family's application for a new Coastal Development Permit, which seeks to remove the restriction prohibiting them from having a street-side rooftop spa. It is evident that this restriction is inconsistent with the treatment of other homes in our neighborhood, as there are existing residences with street-side rooftop spas.

It is crucial that homeowners, such as the Mandelbaums, are granted the liberty to enjoy their property without being burdened by an inequitable restriction that is not consistently applied to all residences in the vicinity.

There is no rhyme or reason why a spa is being restricted. If this is about noise, there are louder activities that take place on a rooftop patio such as grilling food or gathering around a fire pit. If this is about a neighbor's privacy, there are more intrusive activities that can take place such as standing next to the edge of the patio and looking out over the neighborhood. Should we ban these activities as well?

Where does this end?

I respectfully ask the Planning Commission to address this situation by removing the unfair restriction imposed on the Mandelbaum family's property and rectifying this situation before it gets out of hand.

Thank you for your consideration.

Francisco Leon

Fwd: [Ask Planning Action] Mandelbaum CDP Application PZ 23-400-01

Solis, Rogelio <rogelio.solis@oxnard.org>
To: Serena Gonzalez <serena.gonzalez@oxnard.org>

Wed, Oct 18, 2023 at 3:13 PM

Email: peterkelly1225@gmail.com
CC: ben@snp-rx.com

Roy Solis | Assistant Planner
Community Development Department, Planning Division
[214 S C Street | Oxnard, CA 93030](#)
O: [805.385.7850](tel:805.385.7850)
www.oxnard.org

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----- Forwarded message -----

From: **peter kelly** <peterkelly1225@gmail.com>
Date: Wed, Oct 18, 2023 at 1:59 PM
Subject: [Ask Planning Action] Mandelbaum CDP Application PZ 23-400-01
To: Planning@Oxnard.org <Planning@oxnard.org>
Cc: Ben Mandelbaum <ben@snp-rx.com>

Planning Commission
City of Oxnard
[305 West Third Street](#)
Oxnard, CA 93030

Re: Mandelbaum CDP Application PZ 23-400-01

Dear Oxnard Planning Commission,

As a resident of [1225 Capri Way](#) in the Oxnard Shores neighborhood and one house down from the Mandelbaums, I am compelled to write this letter to support the Mandelbaum family's application for a new Coastal Development Permit (CDP). Their new CDP would remove the restriction prohibiting them from having a street-side rooftop spa.

The Mandelbaums have a beautiful new and private home which shields their rooftop patio from the rest of their neighbors. Their spa cannot be seen from

the street or from the rooftop patios of other neighbors. It's worth highlighting that there are currently no established zoning regulations against street-side rooftop spas.

I urge the Planning Commission to approve the Mandelbaum family's permit and not set a precedent effectively banning all street side rooftop spas without proper input from the wider Oxnard Shores community. It is imperative that our neighborhood's zoning regulations be consistent, equitable, and devoid of arbitrary discrimination.

Thank you for your attention to this matter.

Sincerely,

Peter Kelly

[1225 Capri Way](#)

Oxnard, CA

Get [Outlook for iOS](#)

 **Item F-1 Mandelbaum CDP PZ 23-400-01.pdf**
413K



Chabad of Oxnard Jewish Center
2860 Harbor Blvd
Oxnard, CA 93035
805-382-4770
info@ChabadofOxnard.com
ChabadofOxnard.com

ב"ה

EXPERIENCE THE JOYS OF JUDAISM!

Monday, October 16, 2023

Dear Chair Arruejo and Honorable Planning Commissioners:

My name is Rabbi Dov Muchnik of the Chabad of Oxnard Jewish Center. My family and I live not too far from the Mandelbaum residence.

I wish to voice my support for their application for a new Coastal Development Permit (CDP). This CDP seeks to lift the restriction that currently prevents them from having a street-side rooftop spa.

The Mandelbaum family's home is a testament to thoughtful design, meticulously ensuring the privacy of their rooftop patio from neighboring residences. Of paramount importance, their spa is discreetly located to remain hidden from public view, including the street and neighboring rooftops, safeguarding their ability to practice their Jewish Orthodox faith with the necessary tranquility and reverence.

It is essential to consider the protection of religious liberties when discussing such matters, as our faith-based practices may require accommodations that are harmonious with the values of our community. I believe that granting this permit aligns with principles of fairness and equity, allowing the Mandelbaum family to enjoy their home while preserving the peaceful character of our neighborhood and their ability to practice their faith unimpeded.

With all the conflict happening around the world, this issue may seem frivolous - but it is not for the Mandelbaums. This is about being treated fairly and equitably so that they may be able to enjoy their religious freedoms.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dov Muchnik", is written over the word "Sincerely,".

Rabbi Dov Muchnik
Director

MEMORANDUM

Agenda Item No.: F.1

Date: October 19, 2023

To: Planning Commission

**From: Serena Gonzalez, Assistant Planner
Joe Pearson II, Planning & Environmental Services Manager**

Subject: Transmittal Memo No. 2 – Appeal of 1215 Capri Way Amendment: PLANNING AND ZONING PERMIT No. 23-400-01 (Coastal Development Permit); Located at 1215 Capri Way (APN 191-0-091-285; Lot 57 of Tract No. 4380). Appeal of the Community Development Director's decision to deny a request for a Coastal Development Permit (CDP) Amendment in order to remove the condition that prohibits a rooftop spa and allow for the placement of a spa on the existing roof deck of a beachfront single-family residence. The project site is a 5,284 square-foot beachfront home within the Oxnard Shores Neighborhood in the Beachfront Residential (R-BF) zoning district and the Coastal Zone. The proposed project is exempt from environmental review, pursuant to CEQA Guidelines Section 15270 ("Projects Which are Disapproved") of the California Environmental Quality Act. Filed by property owner Ben and Michelle Mandelbaum. The project consists of the following recommended actions:

- a. Find the Project to be Statutorily Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15270 ("Projects Which are Disapproved"); and
- b. Adopt a Resolution denying the Appeal and upholding the Community Development Director's Denial of Planning and Zoning Permit No. 23-400-01 (Coastal Development Permit).

The Project is located in the Oxnard Shores neighborhood at 1215 Capri Way (APN 191-0-091-285; Lot 57 of Tract No. 4380). The project application was filed by Ben and Michelle Mandelbaum, 1215 Capri Way, Oxnard, CA 93035.

Subsequent to the release of the Staff Report staff has received 27 communications from the public concerning the proposed project (attached).

Staff has reviewed the email and will provide a response as necessary.

COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
214 SOUTH C STREET
OXNARD, CALIFORNIA 93030



Attachment

1. Letter from Solomon Goldner October 18, 2023
2. Email from Seth Bienstock received October 18, 2023
3. Email from Laura Zachelmeyer received October 18, 2023
4. Email from Sol Majer received October 18, 2023
5. Email from Gary Rosen received October 18, 2023
6. Email from Barbara Bellfield received October 18, 2023
7. Email from Lea Baskas received October 19, 2023
8. Email from Elizabeth Trejo received October 19, 2023
9. Email from John Bellfield received October 19, 2023
10. Email from Phil MacPhail received October 19, 2023
11. Email from Tressa Cormier received October 19, 2023
12. Email from Christina Thomas received October 19, 2023
13. Email from April Hendrix Cervantes received October 19, 2023
14. Email from Fred Cervantes received October 19, 2023
15. Email from Jim Burdette received October 19, 2023
16. Email from Roger Burdette received October 19, 2023
17. Email from Curtis Pape received October 19, 2023
18. Letter from Tabitha Dror October 19, 2023
19. Letter from Brian Dror (as a private citizen) October 19, 2023
20. Letter from Brian Dror (as a business owner) October 19, 2023

**Solomon and Gabriella Goldner
1205 Capri Way
Oxnard, California 93035**

October 18, 2023

Planning Commission
City of Oxnard
305 West Third Street
Oxnard, CA 93030

RE: Item F-1 Mandelbaum CDP Application PZ 23-400-01

Dear Chair Arruejo and Commissioners:

I am writing this email to express my concern that the city's Planning Commission is about to set policy on an issue that affects those that have or plan to have a street-side spa. If the city's justification for denying a permit to the Mandelbaum's is that it will alter the character of the neighborhood, then that means that everybody in the subzone will be impacted by this policy.

As a resident of Capri Way, the notion that the addition of a street-side spa could potentially alter the residential character of our neighborhood is, frankly, confounding. How could something that is neither seen from the street or from surrounding rooftops nor heard possibly be out of character in our neighborhood?

Furthermore, it's worth highlighting that there are currently no established zoning regulations against street-side rooftop spas, and this is largely due to the absence of any historical issues or concerns associated with them. If the Mandelbaum spa is deemed to be out of character with the neighborhood and their application is denied, the city is essentially, setting a new zoning ordinance regarding street-side spas with little to no input from the residents of Oxnard Shores.

I urge the Planning Commission to approve the Mandelbaum appeal and approve their permit.

Sincerely,



Solomon Goldner

Fwd: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

Solis, Rogelio <rogelio.solis@oxnard.org>
To: Serena Gonzalez <serena.gonzalez@oxnard.org>

Wed, Oct 18, 2023 at 5:45 PM

Email: pvvilla@yahoo.com

Roy Solis | Assistant Planner

Community Development Department, Planning Division

214 S C Street | Oxnard, CA 93030

O: 805.385.7850

www.oxnard.org

The Community Development service counter has reopened to the public from 8:00 a.m. to 12:00 p.m., Monday through Thursday and 9:00 a.m. through 12:00 p.m. on alternating Fridays.

----- Forwarded message -----

From: **'Seth Bienstock' via Planning** <planning@oxnard.org>

Date: Wed, Oct 18, 2023 at 5:36 PM

Subject: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

To: <Planning@oxnard.org>

Dear Oxnard Planning Commission,

I am writing this letter to express my support for the Mandelbaum family's application for a new Coastal Development Permit, specifically aiming to remove the restriction that prohibits them from having a rooftop spa. It has come to my attention that several other homes in our neighborhood already feature street-side rooftop spas.

The notion that the addition of a street-side spa will somehow alter the residential character of our neighborhood sounds rather implausible to those of us who reside here. In fact, the Mandelbaum spa is so discreet that it is practically invisible and inaudible to the surrounding neighbors. How could something that is neither seen nor heard be detrimental to the character of our neighborhood?

The Mandelbaum family, like any other homeowners in our community, should be able to enjoy their home without bearing an unfair restriction that does not apply to their neighbors. The prospect of a single individual wielding the authority to dictate zoning restrictions regarding a neighbor's property is a matter of concern.

Furthermore, it is worth noting that there are currently no established zoning regulations against street-side rooftop spas due to the absence of issues associated with them in the past.

I kindly urge the Planning Commission to rectify this situation for this one individual home. It is only fair and just to ensure that our neighborhood's zoning regulations are consistent and equitable for all residents.

Thank you for your attention to this matter.

Sincerely,

Seth Bienstock
3417 Ocean Dr
Oxnard

Fwd: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

Solis, Rogelio <rogelio.solis@oxnard.org>
To: Serena Gonzalez <serena.gonzalez@oxnard.org>

Thu, Oct 19, 2023 at 8:16 AM

Email: ljqtip@gmail.com

Roy Solis | Assistant Planner

Community Development Department, Planning Division

214 S C Street | Oxnard, CA 93030

O: 805.385.7850

www.oxnard.org

The Community Development service counter has reopened to the public from 8:00 a.m. to 12:00 p.m., Monday through Thursday and 9:00 a.m. through 12:00 p.m. on alternating Fridays.

----- Forwarded message -----

From: **Laura Zachelmeyer** <ljqtip@gmail.com>

Date: Wed, Oct 18, 2023 at 7:15 PM

Subject: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

To: <Planning@oxnard.org>

Oxnard Planning Commission:

I am writing to convey my strong support for the Mandelbaum family's application for a new Coastal Development Permit, which seeks to remove the restriction prohibiting them from having a street-side rooftop spa. It is evident that this restriction is inconsistent with the treatment of other homes in our neighborhood, as there are existing residences with street-side rooftop spas.

It is crucial that homeowners, such as the Mandelbaums, are granted the liberty to enjoy their property without being burdened by an inequitable restriction that is not consistently applied to all residences in the vicinity.

There is no rhyme or reason why a spa is being restricted. If this is about noise, there are louder activities that take place on a rooftop patio such as grilling food or gathering around a fire pit. If this is about a neighbor's privacy, there are more intrusive activities that can take place such as standing next to the edge of the patio and looking out over the neighborhood. Should we ban these activities as well?

Where does this end?

I respectfully ask the Planning Commission to address this situation by removing the unfair restriction imposed on the Mandelbaum family's property and rectifying this situation before it gets out of hand.

Thank you for your consideration.

Laura Zachelmeyer [2204 Jamestown Ln, Oxnard, CA 93035](https://www.oxnard.org/2204-Jamestown-Ln)

Fwd: [Ask Planning Action] Mandelbaum residence

Solis, Rogelio <rogelio.solis@oxnard.org>
To: Serena Gonzalez <serena.gonzalez@oxnard.org>

Thu, Oct 19, 2023 at 8:17 AM

Email: solmajer@aol.com

Roy Solis | Assistant Planner

Community Development Department, Planning Division

214 S C Street | Oxnard, CA 93030

O: 805.385.7850

www.oxnard.org

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----- Forwarded message -----

From: 'solmajer@aol.com' via **Planning** <planning@oxnard.org>

Date: Wed, Oct 18, 2023 at 7:23 PM

Subject: [Ask Planning Action] Mandelbaum residence

To: Planning <planning@oxnard.org>

Dear City Planning Commission,

I am a resident of Oxnard. I live at [4168 Ocean Dr](#). I am writing in support of the Mandelbaum permit application to allow a rooftop Jacuzzi at their new and beautiful home in Oxnard Shores. A rooftop jacuzzi at the Mandelbaum home will not be seen or heard from any neighboring property. It will have absolutely no negative impact on the community. A number of other homes in the same neighborhood have rooftop jacuzzis and there have been no complaints. It is hard to understand why the Mandelbaums have the only house in Oxnard where a rooftop jacuzzi has not been allowed.

I respectfully request that this reasonable request be approved.

Thank you,

Sol Majer
[4168 ocean Dr.](#)
[Oxnard, CA 93035](#)

Fwd: [Ask Planning Action] Mandelbaum CDP Application PZ 23-400-01

Solis, Rogelio <rogelio.solis@oxnard.org>
To: Serena Gonzalez <serena.gonzalez@oxnard.org>

Thu, Oct 19, 2023 at 8:18 AM

Email: gary.rosen@yahoo.com

Roy Solis | Assistant Planner

Community Development Department, Planning Division

[214 S C Street | Oxnard, CA 93030](#)

O: 805.385.7850

www.oxnard.org

The Community Development service counter has reopened to the public from 8:00 a.m. to 12:00 p.m., Monday through Thursday and 9:00 a.m. through 12:00 p.m. on alternating Fridays.

----- Forwarded message -----

From: **'Gary Rosen' via Planning** <planning@oxnard.org>

Date: Wed, Oct 18, 2023 at 8:24 PM

Subject: [Ask Planning Action] Mandelbaum CDP Application PZ 23-400-01

To: planning@oxnard.org <planning@oxnard.org>

Cc: Ben@snp-rx.com <Ben@snp-rx.com>

Planning Commission
City of Oxnard
[305 West Third Street](#)
Oxnard, CA 93030

RE: Item F-1 Mandelbaum CDP Application PZ 23-400-01

Dear Chair Arruejo and Commissioners:

I am writing this email to express my concern that the city's Planning Commission is about to set policy on an issue that affects those that have or plan to have a street-side spa. If the city's justification for denying a permit to the Mandelbaum's is that it will alter the character of the neighborhood, then that means that everybody in the subzone will be impacted by this policy.

As a resident of the Oxnard Shores Mandalay Bay community, the notion that the addition of a street-side spa could potentially alter the residential character of our neighborhood is, frankly, confounding. How could something that is neither seen from the street or from surrounding rooftops, nor heard by other neighbors possibly be out of character in

our neighborhood? If there is a lone voice that objects and claims unprovable harm that has never occurred, should that voice triumph over the majority of neighbors that make no such claim?

I urge the Planning Commission to approve the Mandelbaum family's permit and not set a precedent effectively banning all street side rooftop spas without proper input from the wider Oxnard Shores community. It is imperative that our neighborhood's zoning regulations be consistent, equitable, and devoid of arbitrary discrimination.

Furthermore, it's worth highlighting that there are currently no established zoning regulations against street-side rooftop spas, and this is largely due to the absence of any historical issues or concerns associated with them. If the Mandelbaum spa is deemed to be out of character with the neighborhood and their application is denied, the city is essentially, setting a new zoning ordinance regarding street-side spas with little to no input from the residents of Oxnard Shores.

I urge the Planning Commission to approve the Mandelbaum appeal and approve their permit.

Sincerely,

Gary Rosen

5244 Neptune Square

Oxnard, CA 93035

Fwd: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

Solis, Rogelio <rogelio.solis@oxnard.org>
To: Serena Gonzalez <serena.gonzalez@oxnard.org>

Thu, Oct 19, 2023 at 8:19 AM

Email: <blbellfield@gmail.com>

Roy Solis | Assistant Planner

Community Development Department, Planning Division

214 S C Street | Oxnard, CA 93030

O: 805.385.7850

www.oxnard.org

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----- Forwarded message -----

From: **Barbara Bellfield** <blbellfield@gmail.com>

Date: Thu, Oct 19, 2023 at 8:14 AM

Subject: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

To: <Planning@oxnard.org>

To City of Oxnard Planning Commission:

I am writing to express my unequivocal support for the Mandelbaum family's application for a new Coastal Development Permit, with the primary aim of removing the prohibition on their rooftop spa. The existence of this restriction, in comparison to other homes in our neighborhood with street-side rooftop spas, raises some rather perplexing questions about fairness.

It is equally noteworthy that there are no existing zoning regulations against street-side rooftop spas, primarily due to the complete absence of any documented issues or adverse consequences stemming from such installations in the past. This glaring lack of precedent strongly suggests that there is no justifiable basis to persist in restricting the Mandelbaum family from fully enjoying their property.

I firmly believe that by granting the Mandelbaum family their Coastal Development Permit, we can effectively uphold the principles of fairness and uniformity within our neighborhood's zoning regulations.

I respectfully ask the Planning Commission to address and correct this situation promptly and remove the unjust constraint currently placed upon the Mandelbaum family's property.

Thanks.

Barbara Bellfield

661 Lions Gate Drive

Oxnard, CA 93030

Sent from my iPhone

Fwd: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

Solis, Rogelio <rogelio.solis@oxnard.org>
To: Serena Gonzalez <serena.gonzalez@oxnard.org>

Thu, Oct 19, 2023 at 8:28 AM

Email: leabaskas@gmail.com

Roy Solis | Assistant Planner

Community Development Department, Planning Division

214 S C Street | Oxnard, CA 93030

O: 805.385.7850

www.oxnard.org

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----- Forwarded message -----

From: **Lea Baskas** <leabaskas@gmail.com>

Date: Thu, Oct 19, 2023 at 8:25 AM

Subject: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

To: <Planning@oxnard.org>

To City of Oxnard Planning Commission:

I am writing to express my unequivocal support for the Mandelbaum family's application for a new Coastal Development Permit, with the primary aim of removing the prohibition on their rooftop spa. The existence of this restriction, in comparison to other homes in our neighborhood with street-side rooftop spas, raises some rather perplexing questions about fairness.

It is equally noteworthy that there are no existing zoning regulations against street-side rooftop spas, primarily due to the complete absence of any documented issues or adverse consequences stemming from such installations in the past. This glaring lack of precedent strongly suggests that there is no justifiable basis to persist in restricting the Mandelbaum family from fully enjoying their property.

I firmly believe that by granting the Mandelbaum family their Coastal Development Permit, we can effectively uphold the principles of fairness and uniformity within our neighborhood's zoning regulations.

I respectfully ask the Planning Commission to address and correct this situation promptly and remove the unjust constraint currently placed upon the Mandelbaum family's property.

Thanks.

Lea Roman
[220 Bolero Lane](#)
Oxnard ca 93036

Fwd: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

Solis, Rogelio <rogelio.solis@oxnard.org>
To: Serena Gonzalez <serena.gonzalez@oxnard.org>

Thu, Oct 19, 2023 at 8:28 AM

Email: local_celebrity77@hotmail.com

Roy Solis | Assistant Planner

Community Development Department, Planning Division

214 S C Street | Oxnard, CA 93030

O: 805.385.7850

www.oxnard.org

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----- Forwarded message -----

From: **Local Celebrity** <local_celebrity77@hotmail.com>

Date: Thu, Oct 19, 2023 at 8:26 AM

Subject: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

To: Planning@oxnard.org <Planning@oxnard.org>

To City of Oxnard Planning Commission:

I am writing to express my unequivocal support for the Mandelbaum family's application for a new Coastal Development Permit, with the primary aim of removing the prohibition on their rooftop spa. The existence of this restriction, in comparison to other homes in our neighborhood with street-side rooftop spas, raises some rather perplexing questions about fairness.

It is equally noteworthy that there are no existing zoning regulations against street-side rooftop spas, primarily due to the complete absence of any documented issues or adverse consequences stemming from such installations in the past. This glaring lack of precedent strongly suggests that there is no justifiable basis to persist in restricting the Mandelbaum family from fully enjoying their property.

I firmly believe that by granting the Mandelbaum family their Coastal Development Permit, we can effectively uphold the principles of fairness and uniformity within our neighborhood's zoning regulations.

I respectfully ask the Planning Commission to address and correct this situation promptly and remove the unjust constraint currently placed upon the Mandelbaum family's property.

Thanks.

Elizabeth Tréjo
[220 Bolero Lane](#)
Oxnard Ca 93036

Fwd: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

Solis, Rogelio <rogelio.solis@oxnard.org>
To: Serena Gonzalez <serena.gonzalez@oxnard.org>

Thu, Oct 19, 2023 at 8:54 AM

Email: jbellfield@icloud.com

Roy Solis | Assistant Planner

Community Development Department, Planning Division

214 S C Street | Oxnard, CA 93030

O: 805.385.7850

www.oxnard.org

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----- Forwarded message -----

From: **'John Bellfield' via Planning** <planning@oxnard.org>

Date: Thu, Oct 19, 2023 at 8:34 AM

Subject: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

To: <Planning@oxnard.org>

Cc: John Bellfield <bellfield@msrc.org>

To City of Oxnard Planning Commission:

I am writing to express my unequivocal support for the Mandelbaum family's application for a new Coastal Development Permit, with the primary aim of removing the prohibition on their rooftop spa. The existence of this restriction, in comparison to other homes in our neighborhood with street-side rooftop spas, raises some rather perplexing questions about fairness.

It is equally noteworthy that there are no existing zoning regulations against street-side rooftop spas, primarily due to the complete absence of any documented issues or adverse consequences stemming from such installations in the past. This glaring lack of precedent strongly suggests that there is no justifiable basis to persist in restricting the Mandelbaum family from fully enjoying their property.

I firmly believe that by granting the Mandelbaum family their Coastal Development Permit, we can effectively uphold the principles of fairness and uniformity within our neighborhood's zoning regulations.

I respectfully ask the Planning Commission to address and correct this situation promptly and remove the unjust constraint currently placed upon the Mandelbaum family's property.

Thanks.

Sent from my iPhone

Fwd: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

Solis, Rogelio <rogelio.solis@oxnard.org>
To: Serena Gonzalez <serena.gonzalez@oxnard.org>

Thu, Oct 19, 2023 at 8:55 AM

Email: pmacphail@yahoo.com

Roy Solis | Assistant Planner

Community Development Department, Planning Division

214 S C Street | Oxnard, CA 93030

O: 805.385.7850

www.oxnard.org

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----- Forwarded message -----

From: **'Phillip MacPhail' via Planning** <planning@oxnard.org>

Date: Thu, Oct 19, 2023 at 8:35 AM

Subject: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

To: <Planning@oxnard.org>

To City of Oxnard Planning Commission:

I am writing to express my unequivocal support for the Mandelbaum family's application for a new Coastal Development Permit, with the primary aim of removing the prohibition on their rooftop spa. The existence of this restriction, in comparison to other homes in our neighborhood with street-side rooftop spas, raises some rather perplexing questions about fairness.

It is equally noteworthy that there are no existing zoning regulations against street-side rooftop spas, primarily due to the complete absence of any documented issues or adverse consequences stemming from such installations in the past. This glaring lack of precedent strongly suggests that there is no justifiable basis to persist in restricting the Mandelbaum family from fully enjoying their property.

I firmly believe that by granting the Mandelbaum family their Coastal Development Permit, we can effectively uphold the principles of fairness and uniformity within our neighborhood's zoning regulations.

I respectfully ask the Planning Commission to address and correct this situation promptly and remove the unjust constraint currently placed upon the Mandelbaum family's property.

Thanks.

Thanks!

Phil MacPhail
[3853 Sunset Ln](#)

Oxnard CA
93035

Sent from my iPhone

Fwd: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

Solis, Rogelio <rogelio.solis@oxnard.org>
To: Serena Gonzalez <serena.gonzalez@oxnard.org>

Thu, Oct 19, 2023 at 8:57 AM

Email: trescormier13@gmail.com

Roy Solis | Assistant Planner

Community Development Department, Planning Division

214 S C Street | Oxnard, CA 93030

O: 805.385.7850

www.oxnard.org

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----- Forwarded message -----

From: **Tressa Cormier** <trescormier13@gmail.com>
Date: Thu, Oct 19, 2023 at 8:39 AM
Subject: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01
To: <Planning@oxnard.org>

To City of Oxnard Planning Commission:

I am writing to express my unequivocal support for the Mandelbaum family's application for a new Coastal Development Permit, with the primary aim of removing the prohibition on their rooftop spa. The existence of this restriction, in comparison to other homes in our neighborhood with street-side rooftop spas, raises some rather perplexing questions about fairness.

It is equally noteworthy that there are no existing zoning regulations against street-side rooftop spas, primarily due to the complete absence of any documented issues or adverse consequences stemming from such installations in the past. This glaring lack of precedent strongly suggests that there is no justifiable basis to persist in restricting the Mandelbaum family from fully enjoying their property.

I firmly believe that by granting the Mandelbaum family their Coastal Development Permit, we can effectively uphold the principles of fairness and uniformity within our neighborhood's zoning regulations.

I respectfully ask the Planning Commission to address and correct this situation promptly and remove the unjust constraint currently placed upon the Mandelbaum family's property.

Thanks.

Tressa Cormier
[1316 ostrich Hill Rd Oxnard, Ca 93036](https://www.oxnard.org/1316-ostrich-hill-rd-oxnard-ca-93036)

Fwd: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

Solis, Rogelio <rogelio.solis@oxnard.org>
To: Serena Gonzalez <serena.gonzalez@oxnard.org>

Thu, Oct 19, 2023 at 9:12 AM

Email: alpen.sea@yahoo.com

Roy Solis | Assistant Planner

Community Development Department, Planning Division

214 S C Street | Oxnard, CA 93030

O: 805.385.7850

www.oxnard.org

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----- Forwarded message -----

From: **'Christina Thomas' via Planning** <planning@oxnard.org>

Date: Thu, Oct 19, 2023 at 9:05 AM

Subject: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

To: <Planning@oxnard.org>

To City of Oxnard Planning Commission:

I am writing to express my unequivocal support for the Mandelbaum family's application for a new Coastal Development Permit, with the primary aim of removing the prohibition on their rooftop spa. The existence of this restriction, in comparison to other homes in our neighborhood with street-side rooftop spas, raises some rather perplexing questions about fairness.

It is equally noteworthy that there are no existing zoning regulations against street-side rooftop spas, primarily due to the complete absence of any documented issues or adverse consequences stemming from such installations in the past. This glaring lack of precedent strongly suggests that there is no justifiable basis to persist in restricting the Mandelbaum family from fully enjoying their property.

I firmly believe that by granting the Mandelbaum family their Coastal Development Permit, we can effectively uphold the principles of fairness and uniformity within our neighborhood's zoning regulations.

I respectfully ask the Planning Commission to address and correct this situation promptly and remove the unjust constraint currently placed upon the Mandelbaum family's property.

Sincerely,

Christina Thomas
[4911 Alexander Drive](#)
Oxnard, CA 93033

Fwd: [Ask Planning Action] Re: ITEM F-1 Mandelbaum CDP PZ 23-400-01

Solis, Rogelio <rogelio.solis@oxnard.org>
To: Serena Gonzalez <serena.gonzalez@oxnard.org>

Thu, Oct 19, 2023 at 10:14 AM

Email: lovelightah@gmail.com

Roy Solis | Assistant Planner

Community Development Department, Planning Division

214 S C Street | Oxnard, CA 93030

O: 805.385.7850

www.oxnard.org

The Community Development service counter has reopened to the public from 8:00 a.m. to 12:00 p.m., Monday through Thursday and 9:00 a.m. through 12:00 p.m. on alternating Fridays.

----- Forwarded message -----

From: **April Donne Hendrix** <lovelightah@gmail.com>

Date: Thu, Oct 19, 2023 at 9:17 AM

Subject: [Ask Planning Action] Re: ITEM F-1 Mandelbaum CDP PZ 23-400-01

To: <Planning@oxnard.org>

My address is:

1134 S. [J St](#)

Oxnard, CA 93033

All the best,
April Hendrix Cervantes

> On Oct 19, 2023, at 9:15 AM, April Donne Hendrix <lovelightah@gmail.com> wrote:

>

>

> Oxnard Planning Commission:

>

> I am writing to convey my strong support for the Mandelbaum family's application for a new Coastal Development Permit, which seeks to remove the restriction prohibiting them from having a street-side rooftop spa. It is evident that this restriction is inconsistent with the treatment of other homes in our neighborhood, as there are existing residences with street-side rooftop spas.

>

> It is crucial that homeowners, such as the Mandelbaums, are granted the liberty to enjoy their property without being burdened by an inequitable restriction that is not consistently applied to all residences in the vicinity.

>

> There is no rhyme or reason why a spa is being restricted. If this is about noise, there are louder activities that take place on a rooftop patio such as grilling food or gathering around a fire pit. If this is about a neighbor's privacy, there are more intrusive activities that can take place such as standing next to the edge of the patio and looking out over the neighborhood. Should we ban these activities as well?

>

> Where does this end?

>

> I respectfully ask the Planning Commission to address this situation by removing the unfair restriction imposed on the Mandelbaum family's property and rectifying this situation before it gets out of hand.

>

> Thank you for your consideration.

>

>

> All the best,

> April

Fwd: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

Solis, Rogelio <rogelio.solis@oxnard.org>
To: Serena Gonzalez <serena.gonzalez@oxnard.org>

Thu, Oct 19, 2023 at 10:15 AM

Email: frederickcervantes@gmail.com

Roy Solis | Assistant Planner

Community Development Department, Planning Division

214 S C Street | Oxnard, CA 93030

O: 805.385.7850

www.oxnard.org

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----- Forwarded message -----

From: **Frederick Cervantes** <frederickcervantes@gmail.com>

Date: Thu, Oct 19, 2023 at 9:19 AM

Subject: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

To: <Planning@oxnard.org>

Oxnard Planning Commission:

I am writing to convey my strong support for the Mandelbaum family's application for a new Coastal Development Permit, which seeks to remove the restriction prohibiting them from having a street-side rooftop spa. It is evident that this restriction is inconsistent with the treatment of other homes in our neighborhood, as there are existing residences with street-side rooftop spas.

It is crucial that homeowners, such as the Mandelbaums, are granted the liberty to enjoy their property without being burdened by an inequitable restriction that is not consistently applied to all residences in the vicinity.

There is no rhyme or reason why a spa is being restricted. If this is about noise, there are louder activities that take place on a rooftop patio such as grilling food or gathering around a fire pit. If this is about a neighbor's privacy, there are more intrusive activities that can take place such as standing next to the edge of the patio and looking out over the neighborhood. Should we ban these activities as well?

Where does this end?

I respectfully ask the Planning Commission to address this situation by removing the unfair restriction imposed on the Mandelbaum family's property and rectifying this situation before it gets out of hand.

Thank you for your consideration.

Fred Cervantes

1134 S. J St.
Oxnard, CA 93033

Sent from Fred's iPhone

Fwd: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

Solis, Rogelio <rogelio.solis@oxnard.org>
To: Serena Gonzalez <serena.gonzalez@oxnard.org>

Thu, Oct 19, 2023 at 10:36 AM

Email: thebeachcombervern@gmail.com

Roy Solis | Assistant Planner

Community Development Department, Planning Division

214 S C Street | Oxnard, CA 93030

O: 805.385.7850

www.oxnard.org

The Community Development service counter has reopened to the public from 8:00 a.m. to 12:00 p.m., Monday through Thursday and 9:00 a.m. through 12:00 p.m. on alternating Fridays.

----- Forwarded message -----

From: **Beachcomber Tavern** <thebeachcombervern@gmail.com>
Date: Thu, Oct 19, 2023 at 10:34 AM
Subject: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01
To: <Planning@oxnard.org>

To City of Oxnard Planning Commission:

I am writing to express my unequivocal support for the Mandelbaum family's application for a new Coastal Development Permit, with the primary aim of removing the prohibition on their rooftop spa. The existence of this restriction, in comparison to other homes in our neighborhood with street-side rooftop spas, raises some rather perplexing questions about fairness.

It is equally noteworthy that there are no existing zoning regulations against street-side rooftop spas, primarily due to the complete absence of any documented issues or adverse consequences stemming from such installations in the past. This glaring lack of precedent strongly suggests that there is no justifiable basis to persist in restricting the Mandelbaum family from fully enjoying their property.

I firmly believe that by granting the Mandelbaum family their Coastal Development Permit, we can effectively uphold the principles of fairness and uniformity within our neighborhood's zoning regulations.

I respectfully ask the Planning Commission to address and correct this situation promptly and remove the unjust constraint currently placed upon the Mandelbaum family's property.

Thanks.

Sincerely,
Jim Burdette
Spasso Cucina Italiana
502-553-3146

Fwd: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

Solis, Rogelio <rogelio.solis@oxnard.org>
To: Serena Gonzalez <serena.gonzalez@oxnard.org>

Thu, Oct 19, 2023 at 10:37 AM

Email: rogerburdette@live.com

Roy Solis | Assistant Planner

Community Development Department, Planning Division

214 S C Street | Oxnard, CA 93030

O: 805.385.7850

www.oxnard.org

The Community Development service counter has reopened to the public from 8:00 a.m. to 12:00 p.m., Monday through Thursday and 9:00 a.m. through 12:00 p.m. on alternating Fridays.

----- Forwarded message -----

From: **Roger Burdette** <rogerburdette@live.com>

Date: Thu, Oct 19, 2023 at 10:35 AM

Subject: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

To: Planning@oxnard.org <Planning@oxnard.org>

To City of Oxnard Planning Commission:

I am writing to express my unequivocal support for the Mandelbaum family's application for a new Coastal Development Permit, with the primary aim of removing the prohibition on their rooftop spa. The existence of this restriction, in comparison to other homes in our neighborhood with street-side rooftop spas, raises some rather perplexing questions about fairness.

It is equally noteworthy that there are no existing zoning regulations against street-side rooftop spas, primarily due to the complete absence of any documented issues or adverse consequences stemming from such installations in the past. This glaring lack of precedent strongly suggests that there is no justifiable basis to persist in restricting the Mandelbaum family from fully enjoying their property.

I firmly believe that by granting the Mandelbaum family their Coastal Development Permit, we can effectively uphold the principles of fairness and uniformity within our neighborhood's zoning regulations.

I respectfully ask the Planning Commission to address and correct this situation promptly and remove the unjust constraint currently placed upon the Mandelbaum family's property.

Thanks.

[5332 Sandpiper Way](#)
Oxnard, CA 93035

Fwd: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

Solis, Rogelio <rogelio.solis@oxnard.org>
To: Serena Gonzalez <serena.gonzalez@oxnard.org>

Thu, Oct 19, 2023 at 11:39 AM

Email: avs805@att.net

Roy Solis | Assistant Planner

Community Development Department, Planning Division

214 S C Street | Oxnard, CA 93030

O: 805.385.7850

www.oxnard.org

The Community Development service counter has reopened to the public from 8:00 a.m. to 12:00 p.m., Monday through Thursday and 9:00 a.m. through 12:00 p.m. on alternating Fridays.

----- Forwarded message -----

From: <avs805@att.net>

Date: Thu, Oct 19, 2023 at 11:38 AM

Subject: [Ask Planning Action] ITEM F-1 Mandelbaum CDP PZ 23-400-01

To: <Planning@oxnard.org>

Oxnard Planning Commission:

I am writing to convey my strong support for the Mandelbaum family's application for a new Coastal Development Permit, which seeks to remove the restriction prohibiting them from having a street-side rooftop spa. It is evident that this restriction is inconsistent with the treatment of other homes in our neighborhood, as there are existing residences with street-side rooftop spas.

It is crucial that homeowners, such as the Mandelbaums, are granted the liberty to enjoy their property without being burdened by an inequitable restriction that is not consistently applied to all residences in the vicinity.

There is no rhyme or reason why a spa is being restricted. If this is about noise, there are louder activities that take place on a rooftop patio such as grilling food or gathering around a fire pit. If this is about a neighbor's privacy, there are more intrusive activities that can take place such as standing next to the edge of the patio and looking out over the neighborhood. Should we ban these activities as well?

Where does this end?

I respectfully ask the Planning Commission to address this situation by removing the unfair restriction imposed on the Mandelbaum family's property and rectifying this situation before it gets out of hand.

Thank you for your consideration.

Curtis Pape

5330 Seabreeze way
Oxnard, CA 93035

Sent from my iPhone

Tabitha Dror
2211 Vina Del Mar
Oxnard, CA 93035

October 19, 2023

Planning Commission
City of Oxnard
305 West Third Street
Oxnard, CA 93030

Re: Item F-1 Mandelbaum CDP Application PZ 23-400-01

Dear Chair Arruejo and Commissioners,

I wanted to share my perspective as a Vina del Mar homeowner on the situation concerning the Mandelbaum Family's home in our neighborhood. Their new residence is a wonderful addition to our street and very discreet. It's worth noting that the spa in question is thoughtfully situated, setback toward the center of the property, and shrouded by frosted glass along the roofline. This makes it nearly imperceptible and inaudible to their surrounding neighbors.

Another noteworthy point is that when children play on their own rooftop patio, the noise level often reaches around 90 decibels. Should we be thinking about restricting the Mandelbaum kids from enjoying their own rooftop? It's clear that some aspects of this situation may not align with common sense.

If the project genuinely posed an issue in terms of compatibility with the neighborhood's character, there should be a specific violation or finding that points to this discrepancy. Yet the Mandelbaum home adheres to all local coastal and site design standards. There appears to be no substantiated basis for denying this appeal, especially when even the August 2023 staff report itself acknowledged that the project "will not alter the residential character of the neighborhood."

It's essential that we make decisions that align with the principles of our community while preserving harmony and common sense.

Sincerely,

DocuSigned by:

5B0CDC916D494FC...
Tabitha Dror

Brian Dror
2213 Vina Del Mar
Oxnard, CA 93035

October 19, 2023

Planning Commission
City of Oxnard
305 West Third Street
Oxnard, CA 93030

Re: Item F-1 Mandelbaum CDP Application PZ 23-400-01

Dear Chair Arruejo and Commissioners:

I am writing this email to express my concern that the city's Planning Commission is about to set policy on an issue that affects those that have or plan to have a street-side spa. If the city's justification for denying a permit to the Mandelbaums' is that it will alter the character of the neighborhood, then that means that everybody in the subzone will be impacted by this policy.

As a resident of Vina Del Mar, the notion that the addition of a street-side spa could potentially alter the residential character of our neighborhood is, frankly, confounding. How could something that is neither seen from the street or from surrounding rooftops nor heard possibly be out of character in our neighborhood?

Furthermore, it's worth highlighting that there are currently no established zoning regulations against street-side rooftop spas, and this is largely due to the absence of any historical issues or concerns associated with them. If their spa is deemed to be out of character with the neighborhood and their application is denied, the city is essentially setting a new zoning ordinance regarding street-side spas with little to no input from the residents.

I urge the Planning Commission to approve the Mandelbaums' appeal and approve their permit.

Sincerely,

DocuSigned by:

0C02C2430AC148F...
Brian Dror

105 Los Altos, LLC
105 Los Altos Street
Oxnard, CA 93035

October 19, 2023

Planning Commission
City of Oxnard
305 West Third Street
Oxnard, CA 93030

Re: Mandelbaum CDP Application PZ 23-400-01

Dear Oxnard Planning Commission,

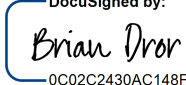
As a business owner in Oxnard, I felt compelled to write this letter to support the Mandelbaum family's application for a new Coastal Development Permit (CDP). Their new CDP would remove the restriction prohibiting them from having a street-side rooftop spa.

The Mandelbaums have a beautiful new and private home which shields their rooftop patio from the rest of their neighbors. Their spa cannot be seen from the street or from the rooftop patios of other neighbors. It's worth highlighting that there are currently no established zoning regulations against street-side rooftop spas.

I urge the Planning Commission to approve the Mandelbaum family's permit and not set a precedent effectively banning all street side rooftop spas without proper input from the wider Oxnard community. It is imperative that our neighborhood's zoning regulations be consistent, equitable, and devoid of arbitrary discrimination.

Thank you for your attention to this matter.

Sincerely,

DocuSigned by:

0C02C2430AC148F...
Brian Dror, Manager