

## CALIFORNIA COASTAL COMMISSION

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

**Th13a**

Appeal Filed: 8/22/14  
49<sup>th</sup> Day: Waived  
Staff: J. Blaugrund  
Staff Report: 10/23/14  
Hearing Date: 11/13/14



**STAFF REPORT: APPEAL**  
**SUBSTANTIAL ISSUE**

**LOCAL GOVERNMENT:** City of Ventura

**LOCAL DECISION:** Approval with Conditions

**APPEAL NO.:** A-4-SBV-14-0043

**APPLICANT:** Maureen Kedes

**APPELLANTS:** H. Scott Dempster

**PROJECT LOCATION:** 1214 Cornwall Lane, Ventura, Ventura County

**PROJECT DESCRIPTION:** Demolition of existing 1,090 square foot, one-story single-family residence with attached one-car garage, construction of new 3,266 square foot, 2 ½-story single-family residence with attached two-car garage with an administrative variance to increase the lot coverage from 40% to 45%.

**Important Hearing Procedure Note:**

This is a substantial issue only hearing. Public testimony will be taken only on the question of whether the appeal raises a substantial issue. Generally and at the discretion of the Chair, testimony is limited to 3 minutes total per side. Please plan your testimony accordingly.

**SUMMARY OF STAFF RECOMMENDATION: NO SUBSTANTIAL ISSUE EXISTS**

Staff recommends that the Commission determine that **no substantial issue exists** with respect to the appellants' assertion that the project is not consistent with the policies of the City's certified LCP regarding scenic and visual resources, community character, and development standards required by the Local Implementation Plan relating to lot coverage. The development is relatively minor in scope, doesn't have a significant adverse effect on significant coastal resources, has little precedential value, and doesn't raise issues of regional or statewide significance. Therefore, the Commission finds that the appeal does not raise a substantial issue as to the City's application of the cited policies of the LCP. The motion and resolution for no substantial issue begin on **Page 4**.

## TABLE OF CONTENTS

<b>I. APPEAL JURISDICTION.....</b>	<b>3</b>
A. APPEAL PROCEDURES .....	3
1. <i>Appeal Areas</i> .....	3
2. <i>Grounds for Appeal</i> .....	3
3. <i>Substantial Issue Determination</i> .....	3
4. <i>De Novo Permit Hearing</i> .....	4
B. LOCAL GOVERNMENT ACTION AND FILING OF APPEAL .....	4
<b>II. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE .....</b>	<b>4</b>
<b>III. FINDINGS AND DECLARATIONS FOR NO SUBSTANTIAL ISSUE....</b>	<b>5</b>
A. PROJECT DESCRIPTION AND BACKGROUND .....	5
B. APPELLANTS’ CONTENTIONS .....	5
C. ANALYSIS OF SUBSTANTIAL ISSUE.....	6
1. <i>Scenic and Visual Resources</i> .....	7
2. <i>Community Character</i> .....	9
3. <i>Development Standards- Lot Coverage</i> .....	10
D. CONCLUSION.....	13

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## EXHIBITS

<b>Exhibit 1.</b>	Vicinity Map
<b>Exhibit 2.</b>	Aerial Photograph
<b>Exhibit 3.</b>	Post Certification Map
<b>Exhibit 4.</b>	Project Plans
<b>Exhibit 5.</b>	Administrative Permit Staff Analysis and Order
<b>Exhibit 6.</b>	City Council Resolution
<b>Exhibit 7.</b>	Appeal

## **I. APPEAL JURISDICTION**

The project site is located at 1214 Cornwall Lane in the Pierpont area of the City of Ventura (Exhibit 1). The Post LCP Certification Permit and Appeal Jurisdiction map (Exhibit 3) certified for the City of Ventura (Adopted January 9, 1985) indicates that the subject property is located between the sea and the first public road paralleling the sea. In this situation, the City's approval of the local Coastal Development Permit (CDP) is appealable to the Commission. The grounds of appeal are limited to allegations that the "appealable development" is not consistent with the standards in the certified LCP or the public access policies of the Coastal Act.

### **A. APPEAL PROCEDURES**

The Coastal Act provides that after certification of Local Coastal Programs (LCPs), a local government's actions on Coastal Development Permit applications for development in certain areas and for certain types of development may be appealed to the Coastal Commission. Local governments must provide notice to the Commission of their coastal development permit actions. During a period of ten working days following Commission receipt of a notice of local permit action for an appealable development, an appeal of the action may be filed with the Commission.

#### **1. Appeal Areas**

Approvals of CDPs by cities or counties may be appealed if the development authorized is to be located within the appealable areas, which include the areas between the sea and the first public road paralleling the sea, within 300 feet of the inland extent of any beach or of the mean high-tide line of the sea where there is no beach, whichever is greater, on state tidelands, or along or within 100 feet of natural watercourses and lands within 300 feet of the top of the seaward face of a coastal bluff. (Coastal Act Section 30603[a]). Any development approved by a County that is not designated as a principal permitted use within a zoning district may also be appealed to the Commission irrespective of its geographic location within the Coastal Zone. (Coastal Act Section 30603[a][4]). Finally, developments which constitute major public works or major energy facilities may be appealed to the Commission. (Coastal Act Section 30603[a][5]).

#### **2. Grounds for Appeal**

The grounds for appeal of a local government approval of development shall be limited to an allegation that the development does not conform to the standards set forth in the certified Local Coastal Program or the public access policies set forth in Division 20 of the Public Resources Code. (Coastal Act Section 30603[b][1])

#### **3. Substantial Issue Determination**

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue exists with respect to the grounds on which the appeal was filed. When Commission staff recommends that no substantial issue exists with respect to the grounds of the appeal, the Commission will hear arguments and vote on the "substantial issue" question. A majority vote of the members of the Commission is required to

determine that the Commission will not hear an appeal. If the Commission determines that no substantial issue exists, then the local government's coastal development permit action will be considered final.

#### **4. De Novo Permit Hearing**

Should the Commission determine that a substantial issue does exist, the Commission will consider the CDP application de novo. The applicable test for the Commission to consider in a de novo review of the project is whether the entire proposed development is in conformity with the certified Local Coastal Program. If a de novo hearing is held, testimony may be taken from all interested persons.

## **B. LOCAL GOVERNMENT ACTION AND FILING OF APPEAL**

On August 11, 2014, the City Council approved Coastal Development Permit No. CDP-8-13-17776 and Administrative Variance No. V-8-13-17775. The Notice of Final Action for the project was received by Commission staff on August 13, 2014. Notice was provided of the ten working day appeal period, which began August 14, 2014.

The subject appeal was filed during the appeal period, on August 22, 2014. Commission staff notified the City, the applicant, and all interested parties that were listed on the appeal and requested that the City provide its administrative record for the permit. The administrative record was received on September 4, 2014.

## **II. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE**

**MOTION:**        *I move that the Commission determine that Appeal No. A-4-SBV-14-0043 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

### **STAFF RECOMMENDATION:**

Staff recommends a **YES** vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds **No Substantial Issue**, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

### **RESOLUTION TO FIND NO SUBSTANTIAL ISSUE:**

The Commission hereby finds that Appeal No. A-4-SBV-14-0043 raises **No Substantial Issue** with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the Certified LCP and/or the public access and recreation policies of the Coastal Act.

### **III. FINDINGS AND DECLARATIONS FOR NO SUBSTANTIAL ISSUE**

The Commission hereby finds and declares:

#### **A. PROJECT DESCRIPTION AND BACKGROUND**

The project consists of the demolition of an existing 1,090 square foot, one-story single-family residence with attached one-car garage, and the construction of a new 3,266 square foot, single-family residence with attached two-car garage. The residence will be 3-stories, with the third story occupying only a portion of the full first and second floor footprints (City staff characterizes this design as 2.5 stories).

On January 7, 2014 an Administrative Hearing Officer approved Coastal Development Permit (CDP) No. CDP-8-13-17776 and Administrative Variance (variance) No. V-8-13-17775 for the demolition of a 1,090 square foot, one-story, single-family residence with attached one car garage, the construction of a 3,266 square foot, 2½-story, single family residence with attached two car garage, and approval of a variance to increase the lot coverage of the subject property from 40% to 45%. On January 17, 2014 the project was appealed by H. Scott Dempster and Jill Anne McCarthy.

On June 30, 2014 the Planning Commission denied the two appeals and sustained the Administrative Hearing Officer's decision to approve the subject CDP and variance. H. Scott Dempster then appealed the Planning Commission's decision on July 14, 2014. On August 11, 2014, the City Council adopted a resolution which denied the appeal of H. Scott Dempster, and sustained the Planning Commission's approval of the subject CDP and variance.

The project site is located in the Pierpont area of the City of Ventura, between Pierpont Boulevard and the Pacific Ocean. The surrounding area is developed with both single-family and multi-family residences. Specifically, the subject property is designated "Single Family Beach" (R-1-B) by the City of Ventura LCP.

#### **B. APPELLANTS' CONTENTIONS**

The City's action was appealed by H. Scott Dempster, and the appeal is attached as Exhibit 7. The contentions of the appeal relate to scenic and visual resources, community character, and development standards required by the Local Implementation Plan relating to lot coverage. Each issue area is discussed below.

##### **1. Scenic and Visual Resources**

The appellant cites a portion of Coastal Act Section 30251 and asserts that the approved project, including the approved variance, is not consistent with the variance findings required pursuant to Section 24.535.120 of the City of Ventura IP. The appeal states:

*Per the California Coastal Commission provision 30251, "The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public*

*importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.”*

*The construction with Administrative Variance for increased lot coverage was approved despite the fact that the project directly violated Ventura City’s LCP finding that “The proposed administrative variance would not be detrimental to or adversely impact adjacent properties,” “and would not adversely affect the privacy, air, lighting, and open space of adjacent properties.”*

## **2. Community Character**

The appellant cites a portion of Coastal Act Section 30251 and asserts that the proposed development is out of character with the setting. The appeal states:

*New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting. The proposed development is out of character with the setting.*

## **3. Development Standards- Lot Coverage**

The appellant claims that issuance of variances does not afford the citizens of Ventura any certainty or continuity to their neighborhoods. Additionally, the appellant asserts that the City of Ventura has not modified their development standards relating to lot coverage in the R-1-B zone due to the City’s concerns about processing a Local Coastal Program amendment. The appeal states:

*Zoning is zoning, unless you are in the coastal zone of Ventura where variances are the rule of the day. When asked by a City Council member why we don’t just apply to the Coastal Commission for new zoning rules, the Planner for the City of Ventura, Jared Rosengren, stated that the reason the City of Ventura does not appeal to the Coastal Commission to change the zoning requirements and instead prefers to continue to issue variances to the City’s current zoning laws, is due to the fact that, “the Coastal Commission would require the City to take into account matters such as sea level rise” and other possible requirements that City may not want to address.*

## **C. ANALYSIS OF SUBSTANTIAL ISSUE**

Pursuant to Sections 30603 and 30625 of the Coastal Act, the appropriate standard of review for the subject appeal is whether a substantial issue exists with respect to the grounds raised by the appellants relative to the locally-approved project’s conformity to the policies contained in the certified LCP or the public access policies of the Coastal Act. In this case, the appellant did not cite the public access policies of the Coastal Act as a ground for appeal or raise any public access-related issues. Thus, the only legitimate grounds for this appeal are allegations that the “appealable development” is not consistent with the standards in the certified LCP.

The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. The Commission's regulations indicate simply that the Commission will hear an appeal unless it "finds that the appeal raises no significant question." (Cal. Code Regs., Title 14, Section 13115(b).) In previous decisions on appeals, the Commission has been guided by the following factors:

- The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP and with the public access policies of the Coastal Act;
- The extent and scope of the development as approved or denied by the local government;
- The significance of the coastal resources affected by the decision;
- The precedential value of the local government's decision for future interpretations of its LCP; and
- Whether the appeal raises only local issues, or those of regional or statewide significance.

In this case, for the reasons discussed further below, the Commission determines that the appeal raises no substantial issue with regard to the grounds on which the appeal has been filed, as discussed below.

## **1. Scenic and Visual Resources**

Community Design Goal One of the City of Ventura LUP states:

Maintain community identity that preserves the open space and natural views/capes/resources that surround and traverse the City so as to promote and sustain a livable environment for residents and visitors alike.

City of Ventura LUP Policy 1.10 of Objective One- City Identity states in relevant part:

Continue to review proposed projects on a project-specific basis and determine whether they could result in significant adverse visual impacts.

City of Ventura LUP Policy 2.1 of Objective Two- Site Design states:

Orientation of structures on a site should consider views, energy conservation, natural features and visual relationships with the surrounding areas, and functional planning of the site.

The City of Ventura Local Coastal Program (LCP) contains policies which require that community identity be maintained, and that visual impacts which may result from new development are considered. Furthermore, the LCP requires that structures are oriented in such a way to consider views.

Although the appeal cites Section 30251 of the Coastal Act, it does not allege that the project would adversely impact public views (staff would also note that the Chapter 3 policies of the Coastal Act are not incorporated into the certified LUP). The subject project site is located in the

Pierpont Beach neighborhood. Although located between the first public road and the sea, the project site is not beach-fronting. The Pierpont area is extensively developed with both single-family and multi-family residences. The proposed project includes demolition of an existing single-family residence, and construction of a new single-family residence. The proposed residence is in conformance with all applicable development standards the LCP, including height, with the exception of the lot coverage provision for which the subject variance was issued. The City staff reports conclude that the scale of the proposed residence is consistent with surrounding development, and its construction would not adversely impact public views. In order to ensure that the proposed project is constructed consistent with the subject development standards, the City approval includes Condition Three which requires that the location of all buildings and features be located and maintained as shown on the approved plans.

The first factor in evaluating the issue of whether the appeal raises a substantial issue is the degree of factual and legal support for the local government's decision that the development is consistent with the subject provisions of the certified LCP. The issue of adverse impacts to scenic and visual resources was addressed in the staff report and both the Planning Commission and City Council resolutions of approval. As discussed above, the approved project is consistent with the applicable policies and provisions of the LCP relating to scenic and visual resources. There is adequate factual evidence and legal support for the City's analysis and decision with regard to adverse impacts to scenic and visual resources.

The second factor in evaluating the issue of whether the appeal raises a substantial issue is the extent and scope of the development as approved. As described above, the subject project includes demolition of an existing single-family residence and construction of a new single-family residence on a small lot in a residentially developed area of the City. As such, the extent and scope of the development is not large.

The third factor in evaluating the issue of whether the appeal raises a substantial issue is the significance of coastal resources affected by the decision. In this case, there would be no significant coastal resources affected by the decision. As previously discussed, the project site is a small lot that was previously developed and that is located in an area that is developed with residential uses. Although the subject site is in a beach community, the parcel is not beach fronting. The residence will not have adverse impacts on public views of the coast or other visual resources.

The fourth factor in evaluating the issue of whether the appeal raises a substantial issue is the precedential value of the local government's decision for future interpretation of its LCP. In this case, the project approved is consistent with the policies and provisions of the LCP and will minimize impacts to scenic and visual resources. As such, the City's decision will have no adverse precedential value for future CDP decisions.

The final factor in evaluating the issue of whether the appeal raises a substantial issue is whether the appeal raises only local issues, or those of regional or statewide significance. The appeal raises issues with regard to scenic and visual resource issues that in the case of the subject project only relate to local issues, and does not have regional or statewide significance.

In conclusion, the Commission finds that the approved project conforms to the scenic and visual resource policies and provisions of the LCP, that the extent and scope of the subject project is minor, and that no significant coastal resources would be affected. The project approval will not be a precedent for future developments and the visual resource issues raised by the appeal relate only to local issues. Therefore, the Commission finds that the assertion of the appeal that the approved project does not conform to the above referenced LUP Policies does not raise a substantial issue.

## **2. Community Character**

City of Ventura LUP Community Design Goal One states:

Maintain community identity that preserves the open space and natural views/capes/resources that surround and traverse the City so as to promote and sustain a livable environment for residents and visitors alike.

City of Ventura LUP Policy 1.2 of Objective One- City Identity states:

Encourage design compatible with the positive characteristics of existing development.

The City of Ventura Local Coastal Program (LCP) contains policies which require that community identity be maintained, and that new development is compatible with the characteristics of existing development.

As mentioned above, the proposed project includes demolition of an existing single-family residence and construction of a new single-family residence on a small lot in an extensively developed area of the City. The Pierpont area is developed with both single-family and multi-family residences. There is a mix of one-story, two-story, and three-story residences. The size, height, and bulk of structures in this neighborhood are similar to the proposed new residence, and range in size from approximately 900 square feet to approximately 3,500 square feet (Exhibit 2). The City staff reports find that the proposed residence is compatible in scale and character with surrounding residences. Furthermore, as mentioned above the proposed residence is in conformance with all applicable development standards the LCP, including height, with the exception of the lot coverage provision for which the subject variance was issued.

The first factor in evaluating the issue of whether the appeal raises a substantial issue, is the degree of factual and legal support for the local government's decision that the development is consistent with the subject provisions of the certified LCP. The issue of community character was addressed in the staff reports and both the Planning Commission and City Council resolutions of approval. As discussed above, the approved project is consistent with the applicable policies and provisions of the LCP. There is adequate factual evidence and legal support for the City's analysis and decision with regard to community character.

The second factor in evaluating the issue of whether the appeal raises a substantial issue is the extent and scope of the development as approved. As described above, the subject project includes demolition of an existing single-family residence and construction of a new single-

family residence on a small lot in a residentially developed area of the City. As such, the extent and scope of the development is not large.

The third factor in evaluating the issue of whether the appeal raises a substantial issue is the significance of coastal resources affected by the decision. In this case, there would be no significant coastal resources affected by the decision. As previously discussed, the project site is a small lot that was previously developed and that is located in an area that is developed with residential uses of comparable size and character. As such, there are no significant coastal resources on the site that would be negatively affected by the project. The project will not adversely affect public views and will be compatible with the character of the surrounding area.

The fourth factor in evaluating the issue of whether the appeal raises a substantial issue is the precedential value of the local government's decision for future interpretation of its LCP. In this case, the project approved is consistent with the policies and provisions of the LCP and is compatible in scale and character with surrounding residences. As such, the City's decision will have no adverse precedential value for future CDP decisions.

The final factor in evaluating the issue of whether the appeal raises a substantial issue is whether the appeal raises only local issues, or those of regional or statewide significance. The appeal raises issues with regard to community character that in the case of the subject project only relate to local issues, and does not have regional or statewide significance.

In conclusion, the Commission finds that the approved project conforms to the policies and provisions of the LCP relating to community character, that the extent and scope of the subject project is minor, and that no significant coastal resources would be affected. The project approval will not be a precedent for future developments and the community character issues raised by the appeal relate only to local issues. Therefore, the Commission finds that the assertion of the appeal that the approved project does not conform to the above referenced LUP Policies does not raise a substantial issue.

### **3. Development Standards- Lot Coverage**

Part C of Section 24.121.060 of the City of Ventura LIP states:

The total building area of a lot in the R-1-B zone, including accessory structures, shall not occupy more than 40% of the lot area.

Section 24.535.010 of the City of Ventura LIP states in relevant part:

Chapter 24.535 establishes the variance procedure to provide a procedure for review and decisions regarding applications for variances from certain otherwise applicable standards or regulations where special circumstances related to development of a site might deprive property of privileges enjoyed by other properties in the vicinity.

Section 24.535.070 of the City of Ventura LIP states in relevant part:

The Director may approve administrative variances only to modify the following:

1. Height, setback, yard or lot coverage regulations, or required distances between buildings, or between buildings and accessory structures, in all zones other than the R-1-B and R-2-B zones, provided that:

...

- b. In the R-1-B zone, the Director may grant an administrative variance to authorize lot coverage greater than that allowed by subsection 24.212.060.C. but not to exceed 45 percent.

Section 24.535.120 of the City of Ventura LIP states:

In order for the decision-making authority to approve a variance, findings must be made by the decision making authority as follows:

1. For administrative variances, all the following findings set forth in this subsection 1. must be made:
  - a. The project authorized by the variance is consistent with the policies and provisions of the comprehensive plan and with the purposes and requirements of this zoning ordinance;
  - b. The project authorized by the variance is compatible with existing improvements and consistent with the scale and character of existing development in the same vicinity or zone;
  - c. The project authorized by the variance will not be detrimental to or adversely impact adjacent properties;
  - d. Approval of the variance does not grant a special privilege inconsistent with the limitations on other properties in the same vicinity or zone;
  - e. Approval of the variance is not based on economic hardship.

The City of Ventura LCP contains provisions which require that the total building area, or maximum lot coverage, for a lot within the R-1-B zone not exceed 40% of the total lot area. The LCP also contains provisions which describe that an administrative variance may be issued for a lot within the R-1-B zone to allow for a greater maximum lot coverage that cannot exceed 45%. Additionally, the provisions of the LCP describe the purpose of the variance procedure and outline the required findings that must be made for administrative variances.

The City approved CDP allows for the demolition of an existing single-family residence and construction of a new single-family residence, and the approved administrative variance allows for maximum lot coverage of 45%. In both the Planning Commission and City Council staff reports, the City makes the findings required by Section 24.535.120 of the IP for administrative variances. However, the findings made by the City rely on the fact that several similar lot coverage variances have been issued in the immediate vicinity of the subject property as evidence for approval of the subject variance. As described within Section 24.535.010 of the IP, the issuance of a variance can occur when special circumstances related to development of a site might deprive property of privileges enjoyed by other properties in the vicinity. In this case, the City made no findings that there are any special circumstances affecting the project site or project that would deprive the property of privileges enjoyed by other properties in the area. Staff can identify no special circumstances. So, it appears that the basis for approving the variance is

not fully consistent with the required basis. Nonetheless, the project meets all other standards required for an administrative variance. Specifically, the project authorized by the variance is consistent with all other policies and provisions; it is consistent with the scale and character of existing development in the same vicinity or zone; the project will not be detrimental to or adversely impact adjacent properties; approval of the variance does not grant a special privilege inconsistent with the limitations on other properties in the same vicinity or zone; and approval of the variance is not based on economic hardship. Further, in this case, the variance only allows the lot coverage standard to be increased from 40% to 45% of the total lot area, for an increase in 181 sq. ft. of building footprint. Even with the variance approval, the structure will be consistent with the scale and character of existing development in the same neighborhood.

The first factor in evaluating the issue of whether the appeal raises a substantial issue, is the degree of factual and legal support for the local government's decision that the development is consistent with the subject provisions of the certified LCP. The issue of lot coverage was addressed in the staff report and both the Planning Commission and City Council resolutions of approval. As discussed above, the City made the required findings for the approved administrative variance. While it does not appear that there are any special circumstances affecting the project site, the City did have substantial evidence to conclude that the variance granted complies with all other standards specified in the LIP.

The second factor in evaluating the issue of whether the appeal raises a substantial issue is the extent and scope of the development as approved. As described above, the subject project includes demolition of an existing single-family residence and construction of a new single-family residence on a small lot in a residentially developed area of the City. As such, the extent and scope of the development is not large.

The third factor in evaluating the issue of whether the appeal raises a substantial issue is the significance of coastal resources affected by the decision. In this case, there would be no significant coastal resources affected by the decision. As previously discussed, the project site is a small lot that was previously developed and that is located in an area that is developed with residential uses. As such, there are no significant coastal resources on the site that would be negatively affected by the project. Further, the project will be compatible with the character of the surrounding area and will have no adverse impacts on visual resources.

The fourth factor in evaluating the issue of whether the appeal raises a substantial issue is the precedential value of the local government's decision for future interpretation of its LCP. In this case, the project approved for the project is consistent with the policies and provisions of the LCP. As such, the City's decision will have no adverse precedential value for future CDP decisions.

The final factor in evaluating the issue of whether the appeal raises a substantial issue is whether the appeal raises only local issues, or those of regional or statewide significance. The appeal raises issues with regard to lot coverage standards that in the case of the subject project only relate to local issues, and does not have regional or statewide significance.

In conclusion, the Commission finds that the extent and scope of the subject project is minor, and that no significant coastal resources would be affected. The project approval will not be a precedent for future residential developments and the lot coverage issues raised by the appeal relate only to local issues. Therefore, the Commission finds that the assertion of the appeal that the approved project does not conform to above referenced LIP sections does not raise a substantial issue.

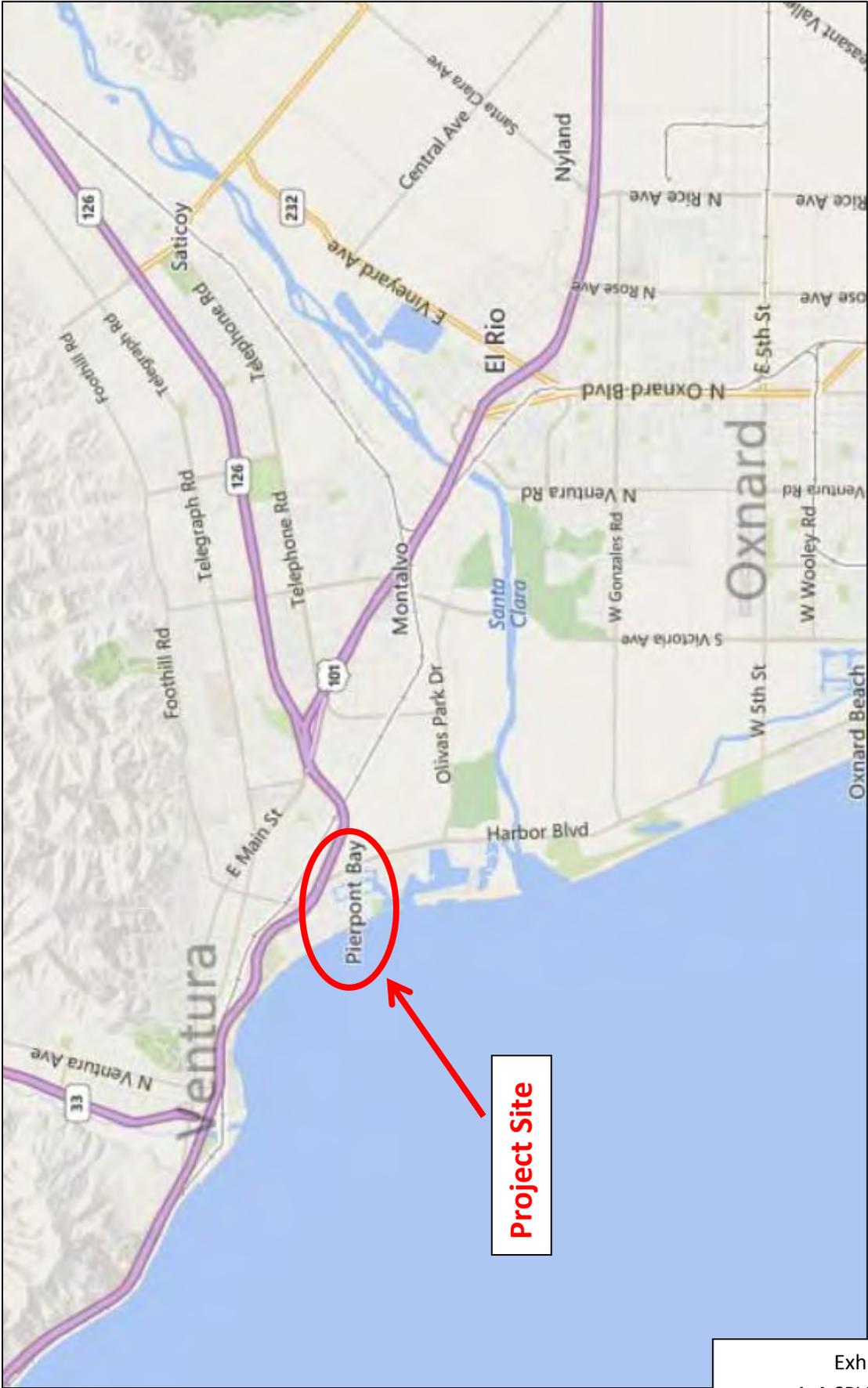
#### **D. CONCLUSION**

For the reasons discussed above, no substantial issue is raised with respect to the consistency of the approved development with the policies of the City's certified LCP regarding scenic and visual resources, community character, and development standards required by the Local Implementation Plan relating to lot coverage. Applying the five factors identified above, the Commission finds that although there are no special circumstances affecting the project site, the City did have substantial evidence to conclude that the variance granted complies with all other standards specified in the LIP, the development is relatively minor in scope, doesn't have a significant adverse effect on significant coastal resources, has little precedential value, and doesn't raise issues of regional or statewide significance. Therefore, the Commission finds that the appeal does not raise a substantial issue as to the City's application of the cited policies of the LCP.

## **APPENDIX 1**

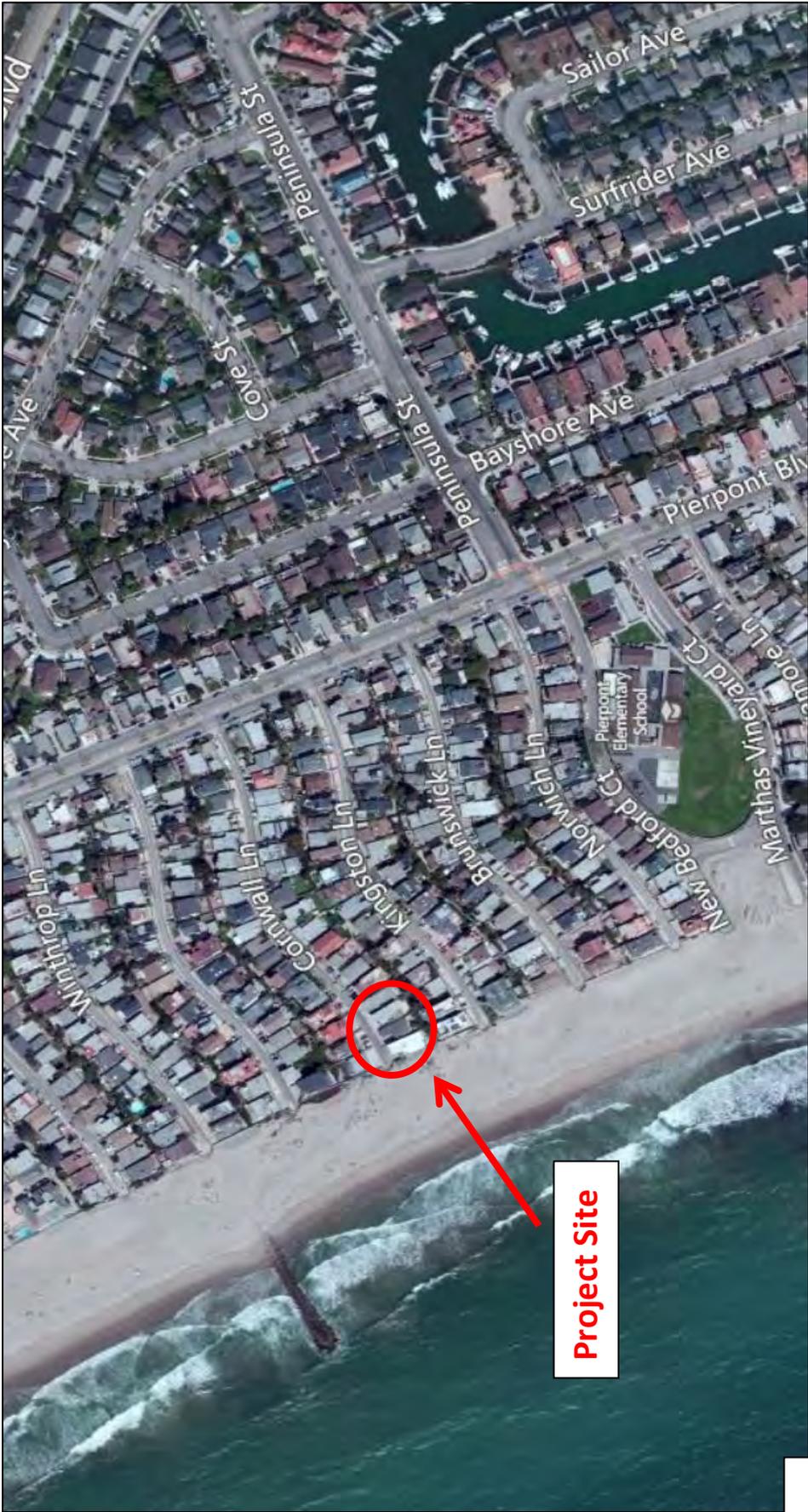
### **Substantive File Documents**

Staff Reports for City of Ventura Coastal Development Permit No. CDP-8-13-17776 and Administrative Variance No. V-8-13-17775; Planning Commission Resolution No. CD-2014-54; City Council Resolution No. 2104-050; Administrative Order Approving Administrative Variance Coastal Development Permit.



**Project Site**

Exhibit 1  
A-4-SBV-14-0043  
Vicinity Map



**Project Site**

Exhibit 2  
A-4-SBV-14-0043  
Aerial Photograph

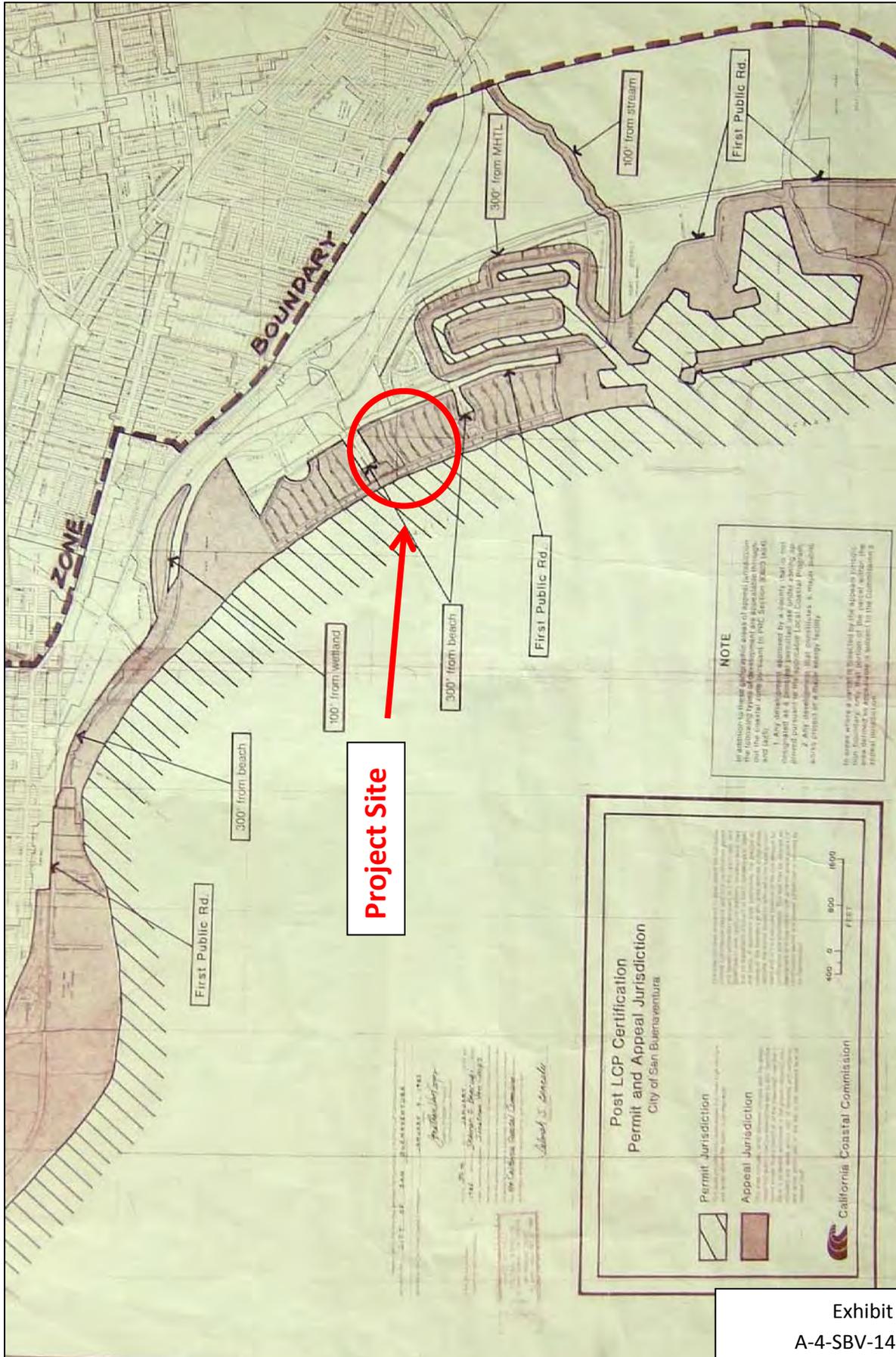


Exhibit 3  
 A-4-SBV-14-0043  
 Post Certification Map

**PROJECT INFORMATION**  
**PROJECT ADDRESS:**  
 1214 Cornwall Lane  
 Ventura, CA 93001  
 805-641-3221

**OWNER:**  
 Marlene Kedes  
 404 S. Catalina Lane  
 Ventura, CA 93001  
 805-641-3211  
 (805) 641-3211 Fax

**DESCRIPTION:**  
 New three story high family residence  
 with attached garage and deck.

**CONSTRUCTION:**  
 Type V residential.

**OCCUPANCE:**  
 R-3

**LOT SIZE:**  
 3,919 S.F.

**SQUARE FOOTAGE:**  
 Second Floor Finish 1,660 S.F.  
 Third Floor Finish 1,272 S.F.  
 Second Floor Deck 585 S.F.  
 Garage 585 S.F.

**LOT COVERAGE:** 146% S.F.  
 Second Floor Finish 41.5%  
 Third Floor Finish 32.2%  
 Total Area 1641 S.F. or 41%  
 5% have allowable lot coverage of 40%.

**HEIGHT:**  
 Maximum height of proposed residence is 40.75'.  
 Maximum allowable height is 37' above from property line.  
 Front property line is 15.75' from 0' to 40.75' maximum height.

**ARCHITECT & CONTACT PERSON:**  
 Martha Picciotti Architect  
 404 S. Catalina Lane  
 Ventura, CA 93001  
 (805) 641-3211 Phone  
 (805) 641-3211 Fax

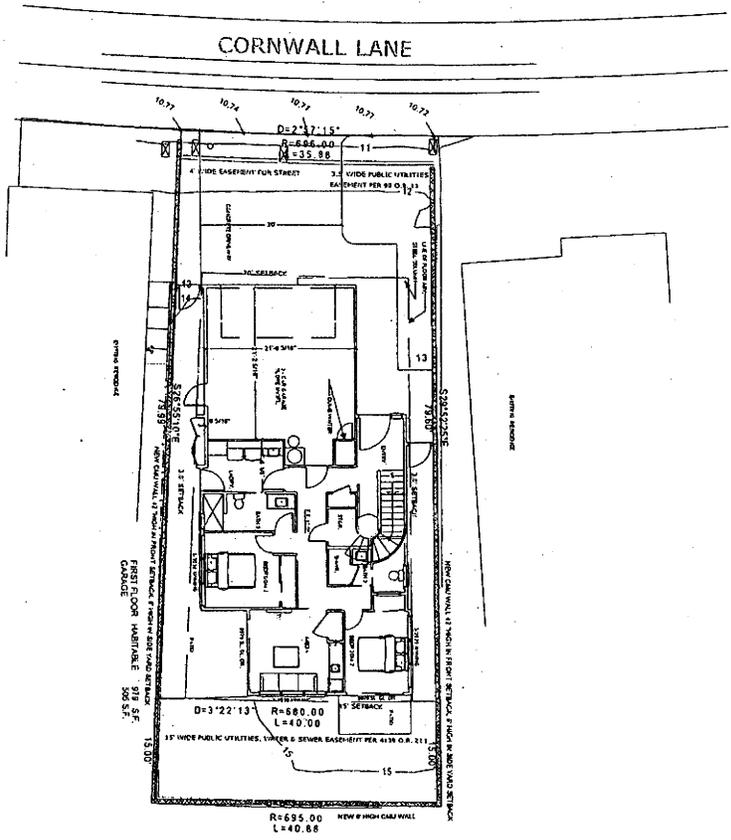
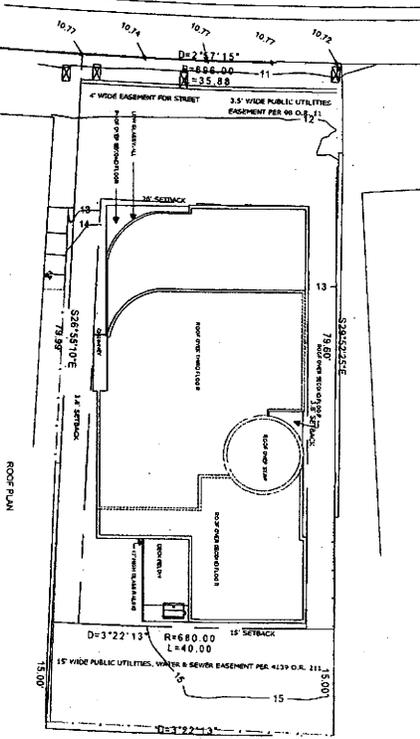


Exhibit 4  
 A-4-SBV-14-0043  
 Project Plans

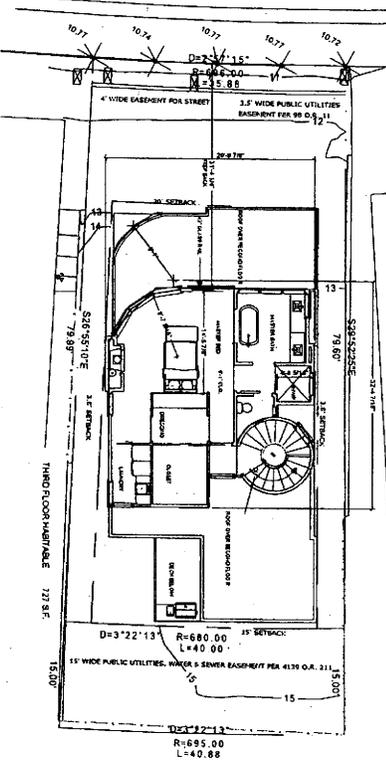
DRAWN BY DATE 1/28/11 JOB 11204-13 SHEET	SITE PLAN	KEDES RESIDENCE 1214 CORNWALL LANE VENTURA, CA 93001	PICCIOTTI  <b>MARTHA PICCIOTTI ARCHITECT</b> LICENSE # C18513 DESIGN 404 NORTH CATALINA STREET VENTURA, CA 93001 TEL (805) 641 - 3221	REVISIONS
				BY

CORNWALL LANE



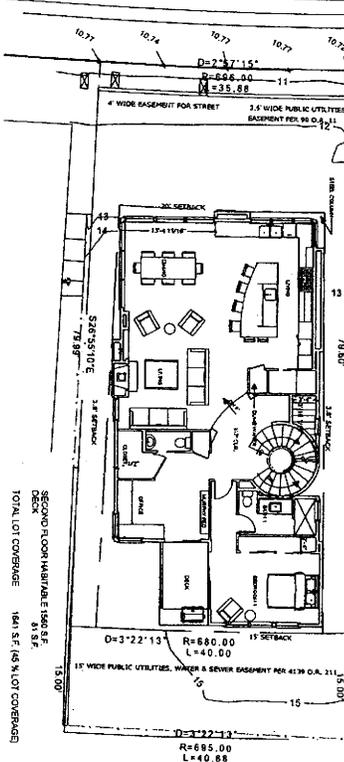
ROOF PLAN

CORNWALL LANE



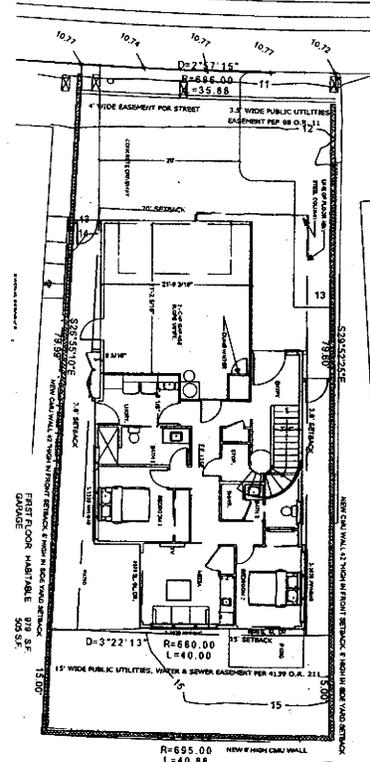
HARD FLOOR HABITABLE 773 SF

CORNWALL LANE



TOTAL LOT COVERAGE 1841 SF (68 % LOT COVERAGE)

CORNWALL LANE



FIRST FLOOR HABITABLE 879 SF GARAGE 508 SF

EXHIBIT

B

FLOOR PLANS

KEDES RESIDENCE  
1214 CORNWALL LANE  
VENTURA, CA 93001

PICCIOTTI



MARTHA PICCIOTTI ARCHITECT  
LICENSE # C18513

DESIGN

404 NORTH CATALINA STREET  
VENTURA, CA 93001

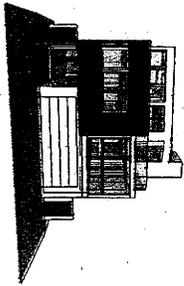
TEL (805) 641 - 3221

FAX (805) 641 - 3233

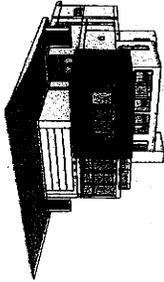
REVISIONS

BY

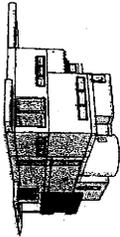
FRONT ELEVATION  
N.T.S.



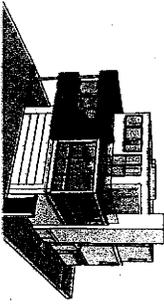
LEFT FRONT ELEVATION  
N.T.S.



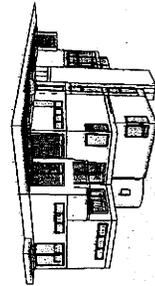
VIEW OF REAR FROM RIGHT  
N.T.S.



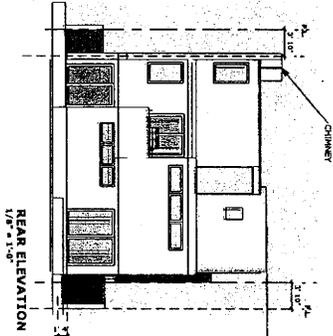
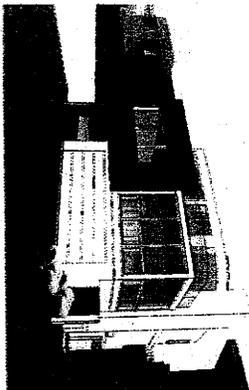
RIGHT FRONT ELEVATION  
N.T.S.



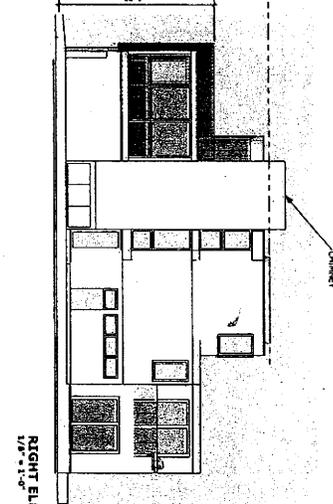
VIEW OF REAR FROM BEACH  
N.T.S.



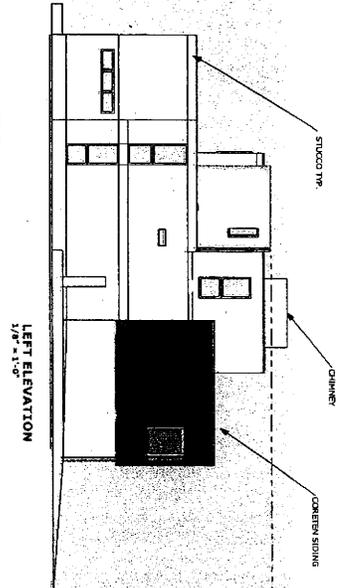
VIEW OF FRONT FROM BEACH  
N.T.S.



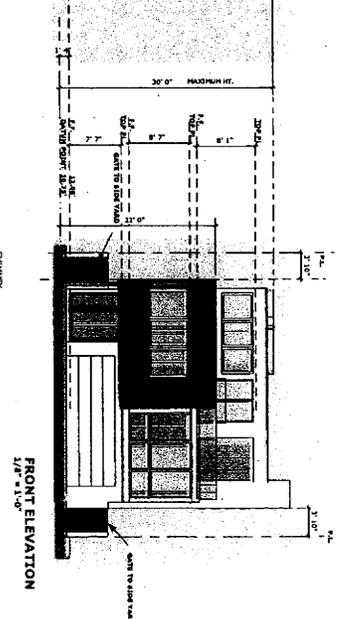
REAR ELEVATION  
1/8" = 1'-0"



RIGHT ELEVATION  
1/8" = 1'-0"



LEFT ELEVATION  
1/8" = 1'-0"



FRONT ELEVATION  
1/8" = 1'-0"

EXHIBIT C

ELEVATIONS	
DATE	11/20/13
SCALE	1/8" = 1'-0"
DRAWN BY	MP

**KEDES RESIDENCE**  
 1214 CORNWALL LANE  
 VENTURA, CA 93001

**PICCIOTTI**  
**MARTHA PICCIOTTI ARCHITECT**  
 LICENSE # C18513  
 DESIGN  
 404 NORTH CATALINA STREET  
 VENTURA, CA 93001  
 TEL 805-641-3221      mpdesign@charter.net

REVISIONS	

**ADMINISTRATIVE PERMIT  
STAFF ANALYSIS**

**APPLICANT:**

Maureen Kedes  
446 S. Camden Lane  
Beverly Hills, CA 90212

**CASE NO:**

V-8-13-17775  
CDP-8-13-17776

1. **LOCATION:** 1214 Cornwall Lane, Ventura (APN: 081-0-072-020)
2. **PROJECT NO:** 6494
3. **PROJECT SUMMARY AND APPROVALS REQUESTED:** The proposed project is a request for a Coastal Development Permit to construct a new, two and half story, single family residence with attached two-car garage and an Administrative Variance to increase the lot coverage from 40% to 45%.

The property includes a 1,090-square foot 1-story, residential building with an attached 1-space garage on a 3,610-square foot lot in the Single Family Residential Beach (R-1-B) zone district with a land use designation of Existing Urban.

The project site is recorded as Lot 626, and the Northwesterly one-half of Asbury Court bounded Northeasterly and Southwesterly by the Southeasterly prolongation of the Northeasterly and Southwesterly line of said Lot 626, Pierpont Bay No. 2, in the City of San Buenaventura, County of Ventura, State of California, as per Map recorded in Book 15, Page 26 of Maps, in the Office of the County Recorder of said County, and are also commonly referred to as Assessor Parcel Numbers 081-0-072-020.

The applicant proposes to demolish 1,090-square foot structure and related infrastructure. The applicant proposes to construct a new 3,266-square foot, 2.5-story residence, with 81 square feet of deck space off the 2nd level and 326 square feet of deck space off the third level. The proposed single-family dwelling is best described as a modern contemporary architectural style with corten siding and stucco materials. Access to the site is proposed from Cornwall Lane.

4. **LOT SIZE:** 3,610 square feet (0.080 acre)
5. **GENERAL PLAN/ZONING:** Existing Urban/Single Family Residential Beach (R-1-B)
6. **PREVIOUS CASES/NOS:** PROJ-6494, HRA-9-13-18175
7. **ADDITIONAL ACTIONS REQUIRED:** Plan Check/Building Permits
8. **DATE COMPLETE FOR FILING:** October 21, 2013

Exhibit 5 A-4-SBV-14-0043 Administrative Permit Staff Analysis and Administrative Order
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PROJ-6494  
AH/01/07/14/JR  
Page 1

**9. ENVIRONMENTAL DETERMINATION:** Staff has determined the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) under Section 15303 (Class 3, New Construction or Conversion of Small Structures) of the CEQA Guidelines since it consists of the demolition of a single-family residence and construction of a new single-family residence at the same location in a residential zone.

**STAFF ANALYSIS:** The project site is currently developed with a one-story, 1,090 square foot single-family residence and attached single-car garage. The proposed project would demolish all existing development on site, which was determined not be a historical resource by a Historical Resource Assessment prepared by Historic Resources Group, dated October 15, 2013 and approved by the Historic Preservation Committee on November 25, 2013. The proposed single-family residence would be two and half-stories, 3,266 square feet in size and includes an attached two-car garage at the front of the residential structure, which would be accessed directly from Cornwall Lane. Within 300 feet of the project site 20 other properties have received variances for lot coverages ranging from 36.9% to 60%. Specifically, 3 lot coverage variances were granted for 1-story projects that ranged from 37.86% to 52.1%, 4 lot coverage variances were granted for 2-story projects which ranged from 36.9% to 58.3%, and 13 lot coverage variances of were granted for 2.5-story projects which ranged from 40% to 60% (Attachment B).

The following table compares the proposed project with the applicable development standards for building within the Single Family Beach (R-1-B) zone:

R-1-B Standards	Required/ Allowed	Existing	Proposed Project
Front yard setback	20 feet	10 feet	20 feet
Side yard setback	10% of average lot width (3.8 feet) but not to exceed 5 feet.	3.8 feet	3.8 feet
Rear yard setback	15 feet	30 feet	15 feet
Lot Coverage	Total building area, including accessory structures, shall not occupy more than 40% of the lot area	24%	45% - request for a variance
Building height	30 feet	12 feet	30 feet
Height Stepbacks	Any portion of a building or other structure over 22 feet in height shall be set back at least an additional ten feet	N/A	20.5 Feet

	beyond the required front setback line.  Any story below a half-story shall not exceed a ceiling or roof height greater than 22 [feet] above the average natural grade feet		
<b>Stories</b>	2 1/2 maximum	1 Story	2 ½ story
<b>Half-story</b>	785 square feet maximum	N/A	727 square feet maximum
<b>Off-street parking: Single Family</b>	2 garage spaces	1 garage space	2 garage spaces
<b>Fence Height</b>	42" within front yard setback, 6 feet beyond front yard setback	42" within front yard setback, 6 feet beyond front yard setback	42" within front yard setback, 6 feet beyond front yard setback

Overall, the proposed two and half story, single family residence is compatible with the existing neighborhood characteristics, would not result in development that is substantially different or unique with regard to bulk, mass, and height than that which exists in the area and would not adversely impact the light, air, privacy and open areas of the adjacent residential development along Cornwall Lane.

**RECOMMENDATION:** Approve, subject to conditions

**CASE PLANNER:** Jared Rosengren, Associate Planner

**HEARING OFFICER:** Iain Holt, Senior Planner

**Attachments:**

- A. Project Site Information
- B. Variance Map
- C. Draft Administrative Order Approving a Coastal Development Permit and Administrative Variance

**CITY OF SAN BUENAVENTURA**

**ADMINISTRATIVE ORDER APPROVING  
AN ADMINISTRATIVE VARIANCE  
COASTAL DEVELOPMENT PERMIT**

**PROJ-6494**

**CASE NOS.: V-8-13-17775/CDP-8-13-17776**

**IT IS HEREBY ORDERED** by the Administrative Hearing Officer, designated by and acting on behalf of the Community Development Director of the City of San Buenaventura, as follows:

**SECTION 1:** An application has been filed by Maureen Kedes pursuant to the City of San Buenaventura Municipal Code, for an Coastal Development Permit to demolish an existing single-family home and construct a new 3,266-square foot, 2.5-story residence, with 81 square feet of deck space off the 2nd level and 326 square feet of deck space off the third level with an attached two-car garage and an Administrative Variance to increase the lot coverage from 40% to 45% at a property located at 1214 Cornwall Lane. The parcel is recorded as Lot 626 of Pierpont Bay No. 2, in the City of Ventura, County of Ventura, State of California, as recorded in Map Book 15, Page 26 of the Office of the County Recorder of said county and is also commonly identified as Assessor's Parcel Number 081-0-072-020.

**SECTION 2:** All proceedings having been duly taken as required by law, and upon review of the information provided in the staff report and consideration of the testimony given at the public hearing, as well as other pertinent information, the Administrative Hearing Officer hereby finds the following:

**ADMINISTRATIVE VARIANCE**

1. Required Finding: "The project authorized by the variance is consistent with the policies and provisions of the Comprehensive Plan and with the purposes and requirements of this zoning" as per Municipal Code Section 24.535.120(1)(a).

The development is in conformance with all applicable provisions of the Municipal Code and the Comprehensive Plan because the new two and half story single family residence with attached two car garage will provide privacy and ensure safety for the property owner and will be compatible with the existing neighborhood characteristics and scale, and would continue to provide a single-family residence as permitted in the R-1-B zone as intended by the Existing Urban land use designation. The proposed project will remain consistent with the Zoning Regulations' purpose since all findings required for obtaining an administrative variance can be made in this case.

2. Required Finding: "The project authorized by the variance is compatible with existing improvements and consistent with the scale and character of existing development in the same vicinity or zone" as per Municipal Code Section

PROJ-6494

AH/01/07/14/JR

Page 1

24.535.120(1)(b).

The project authorized by the variance is compatible with existing improvements and is consistent with the scale and character of existing neighborhood development in the same vicinity or zone because the proposed two and half story single family residence would not result in development that is substantially different or unique with regard to bulk, mass, and height than that which exists in the area. 20 properties within a 300-foot radius have been granted similar lot coverage variances. Specifically, 3 lot coverage variances were granted for 1-story projects that ranged from 37.86% to 52.1%, 4 lot coverage variances were granted for 2-story projects which ranged from 36.9% to 58.3%, and 13 lot coverage variances of were granted for 2.5-story projects which ranged from 40% to 60%.

3. Required Finding: "The project authorized by the variance will not be detrimental to or adversely impact adjacent properties" as per Municipal Code Section 24.535.120(1)(c).

The project authorized by the variance will not be detrimental to or adversely impact adjacent properties because the project will have no adverse effect on the surrounding neighbor's access to light, air and will provided added privacy and security. The project abides by all of the other required zone district regulations. The adjacent property to the north will sit approximately 55 feet away from the proposed dwelling. The adjacent property to the south will site approximately 30 feet away from the proposed dwelling with a 6' privacy wall in between the two properties. The adjacent property to the east will face the east elevation of the proposed dwelling that is fenestrated with windows that are strategically placed to provide adequate privacy for both dwellings. The second-floor deck would not impact the privacy of adjacent properties as views would be limited to the first third of the property and areas open to the public street.

4. Required Finding: "Approval of the variance does not grant a special privilege inconsistent with the limitations on other properties in the same vicinity or zone" as per Municipal Code Section 24.535.120(1)(d).

Approval of the variance to increase the lot coverage from 40% to 45% would not grant a special privilege because the proposed two and half story residence is surrounded by 3 two and half story homes within the residential neighborhood. Within 300 feet of the project site 20 properties have received lot coverage variances ranging from 36.9% to 60%. Specifically, 20 other properties have received variances for lot coverages ranging from 36.9% to 60%. Specifically, 3 lot coverage variances were granted for 1-story projects that ranged from 37.86% to 52.1%, 4 lot coverage variances were granted for 2-story projects which ranged from 36.9% to 58.3%, and 13 lot coverage variances of were granted for 2.5-story projects which ranged from 40% to 60%.

5. Required Finding: "Approval of the variance is not based on economic hardship" as per Municipal Code Section 24.535.120(1)(e).

Approval of the variance is not based on economic hardship since it would require the applicant to make an economic investment in improving the overall value of the existing residence.

### **Administrative Coastal Development Permit**

6. *Required Finding: "The development does not significantly obstruct public views of the coastline, views from any public road or from a public recreation area" as per Municipal Code Section 24.515.070(C)(1).*

Cornwall Lane is a north-south public right-of-way, and the coastline is located to the south of the right-of-way. The proposed two and half story single family residence with attached two-car garage is located to the east of Cornwall Lane, does not significantly obstruct public views of the coastline, any public road or public recreation area because the project is located out of any public view shed.

7. *Required Finding: "The development is compatible with the established physical scale and character of the area" as per Municipal Code Section 24.515.070(C)(2).*

The proposed two and half story single family residence with attached two car garage is compatible with the established physical scale and character of the area because the new home is similar to existing dwellings in the surrounding neighborhood and is consistent with the mass and bulk of existing residences. In addition, the proposed residence meets all applicable zoning regulations with the exception of lot coverage; however, within 300 feet of the project site 20 properties have received lot coverage variances ranging from 36.9% to 60%. Specifically, 20 other properties have received variances for lot coverages ranging from 36.9% to 60%. Specifically, 3 lot coverage variances were granted for 1-story projects that ranged from 37.86% to 52.1%, 4 lot coverage variances were granted for 2-story projects which ranged from 36.9% to 58.3%, and 13 lot coverage variances of were granted for 2.5-story projects which ranged from 40% to 60%.

8. *Required Finding: "The development is in conformance with all applicable provisions of this Municipal Code and the Comprehensive Plan including, specifically, coastal public access and recreation policies" per Municipal Code Section 24.515.070(C)(3).*

The proposed Administrative Coastal Development Permit is in conformance with all applicable provisions of the Municipal Code and the Comprehensive Plan including, specifically, coastal bluff and coastal public access and recreation policies because the proposed two and half story residence meets all setbacks (both as approved and conditioned under Case No. CDP-8-13-1776), and height limit requirements for the subject zoning district and does not alter the single-family residential use.

9. *Required Finding: "The proposed development is of a kind permitted by the Comprehensive Plan and the zone in the area where the development is to be located" per Municipal Code Section 24.515.070(C)(4).*

The proposed rear addition is in conformance with the Comprehensive Plan and the Municipal Code because it is of a kind permitted within the Existing Urban (EU) Land Use Plan designation and the Single Family Residential Beach (R-1-B) Zone.

## **CALIFORNIA ENVIRONMENTAL QUALITY ACT**

1. The proposed project is Categorical Exempt from the California Environmental Quality Act (CEQA) under Section 15303 (Class 3, New Construction or Conversion of Small Structures) of the CEQA Guidelines since it consists of the demolition of a single-family residence and construction of a new single-family residence at the same location in a residential zone. The exceptions to the categorical exemptions pursuant to Section 15300.2 of the State CEQA Guidelines are:

- (a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -- a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

The project site is located within an existing urban community surrounded by residential in all directions. Therefore, the project will have no impact on an environmental resource of hazardous or critical concern.

- (b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

Single family dwellings additions are consistent with the General Plan and Municipal Code in the project area. Any dwellings requiring discretionary approval would be analyzed with the Comprehensive Plan and the Municipal Code for consistency and CEQA for any potential impacts. Therefore the project will have no significant cumulative impact.

- (c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

There are no unusual circumstances that would cause the project to have a significant effect on the environment. The property is currently developed as a typical single-family dwelling and the project will not alter the residential character of the property. Therefore, the project will not have a significant effect on the environment due to unusual circumstances.

- (d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements, which are required as mitigation by an adopted negative declaration or certified EIR.

The project is not located in or adjacent to a state designated scenic highway.

- (e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site, which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

The proposed project site is not included on any list compiled pursuant to Section 65962.5 of the Government Code.

- (f) Historical Resources. A categorical exemption shall not be used for a project, which may cause a substantial adverse change in the significance of a historical resource.

The single-family residence is an existing building that is not listed as an historic resource or potential historic resource on any survey. Additionally, the residence is not adjacent to a historic resource. Therefore, the proposed project will not cause a substantial adverse change in the significance of a historical resource.

**SECTION 3:** Based on the above findings, Administrative Variance Case No. V-8-13-17775 and CDP-8-13-17776 as described in Sections 1 and 2 above, is HEREBY APPROVED subject to the following conditions:

1. This permit is granted for the land or land use as described in the application and any attachments thereto, and as shown on the plot plan labeled Case No. V-8-13-17775 and CDP-8-13-17776, Exhibit "A" through "D" dated January 7, 2014, attached hereto and incorporated herein.
2. The location of all buildings, parking areas, and other facilities or features shall be located and maintained substantially as shown on the plans labeled Case No. V-8-13-17775 and CDP-8-13-17776, Exhibit "A" dated January 7, 2014, attached hereto and incorporated herein.

3. This Administrative Order shall be included in the initial plan check submittal that is submitted to Building and Safety. The Administrative Order and attached exhibits shall be copied directly onto a sheet of the plans that are submitted for plan check, shall remain a part of the plans throughout the plan check process and shall be part of the plans for which building permits are issued.
4. The Community Development Director or designee may approve minor changes to this Permit subject to Municipal Code Section 24.505. Any substantial change will require the filing of an amendment application.
5. This approval shall not become effective until or unless the applicable California Coastal Commission appeal period has expired with no appeals being filed. In the event an appeal is filed, the City's approval shall stay pending the outcome of such appeal.
6. Compliance with and execution of all conditions listed herein shall be necessary prior to obtaining final building inspection clearance and/or prior to obtaining any occupancy clearance, unless stated otherwise herein. Deviation from this requirement shall be permitted only by written consent of the Community Development Director or designee.
7. Within 60 days of the effective approval date of this permit, the applicant and property owner shall file with the Planning Division written acknowledgment of the conditions stated herein on forms provided by the Planning Division.
8. Unless construction is commenced not later than 12 months after this approval is granted and is diligently pursued thereafter, this approval will be subject to revocation pursuant to the City's Municipal Code. However, if the approved site plan, elevation plans, and adjacent areas are unchanged (except as allowed under Municipal Code Section 24.505), the Community Development Director or designee may grant one additional 12 month extension of time for start of construction, provided the initial 12 month period has not already expired. Start of construction is defined as:
  - a. All zoning and related approvals are effective; and
  - b. All required building and grading permits for the project have been issued; and
  - c. The "foundation inspection" and "concrete slab or under floor inspection" as defined in the Uniform Administrative Code, Section 305(e), have been made and received approval from the Building and Safety Division, i.e., all trenches must be excavated, forms erected, and all materials for the foundation delivered on the job and all in-slab or under floor building service equipment, conduit, piping accessories and other ancillary equipment items must be in place. The Uniform Administrative Code is the currently adopted edition commencing with Section 12.110.010 of the City of San Buenaventura Ordinance Code. Nothing in this definition shall be construed to alter the

applicable legal standards for determining when vested property rights to complete the project have arisen.

9. Approval is subject to the applicant paying all fees and assessments to the City of San Buenaventura, as required by the Municipal Code.
10. This approval does not constitute a building permit or authorization to begin any construction. An appropriate permit issued by Building and Safety must be obtained prior to constructing, enlarging, moving, converting, or demolishing any building or structure within the City.
11. Once permits have been issued to commence work on the improvements, it is the applicant/owner's responsibility to diligently pursue completion per all conditions and requirements and as represented on the approved plans. Reasonable progress shall occur on a continual basis until completion to the satisfaction of the Community Development Director. Work shall not be discontinued for a period exceeding 30 days, without acceptable cause, with the intent to have the project completed in a timely fashion so as to prevent a potential blight from partially completed construction.
12. All approvals are subject to and dependent upon the applicant complying with all applicable Ordinances, Codes, regulations, or adopted policies. In the event the City determines that it is necessary to take legal action to enforce any of the provisions of these conditions, and such legal action is taken, the applicant shall be required to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the City, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the City should otherwise agree with applicant to waive said fees or any part thereof. The foregoing shall not apply if the permittee prevails in the enforcement proceeding.
13. In accepting the benefits of the conditional approval of this discretionary permit and approvals issued in conjunction with this discretionary permit, and as a condition of approval of this permit, the applicant agrees to defend, indemnify, and hold harmless the City of Ventura and its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employees brought to attack, set aside, void, or annul, the approval of the permit by any advisory agency, appeal board, or legislative body of the City. This condition shall be construed to include, without limitation, applicant's agreement to pay any attorney's fees incurred by the City in its choice of defense counsel or awarded against the City or its agents, officers, or employees in any legal action to attack, set aside, void or annul, the approval of the application in which the petitioner or plaintiff in such action is the prevailing party and is awarded attorney's fees.
  - a. Applicant's obligations set forth in this condition are based on the mutual understanding of the City and the applicant that the City shall promptly notify the applicant of any such claim, action, or proceeding and cooperate fully in the defense, provided that the City's obligation to "cooperate fully" in such defense shall no include payment of any monies for or toward any

PROJ-6494

AH/01/07/14/JR

Page 7

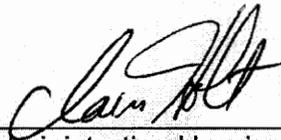
fees, costs, or expenses of such defense. If the City fails to promptly notify the applicant of any claim, action, or proceeding, or fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City. In any event, the applicant shall not be required to pay or perform any settlement of any such claim, action, or proceeding unless the settlement is approved by the applicant.

- b. Nothing contained in this condition is intended to, or shall be construed to, prohibit the City from participating in the defense of any claim, action, or proceeding, provided that applicant shall remain obligated to pay any attorneys' fees incurred by City for in-house or outside counsel which may be chosen by City in the exercise of its sole discretion.
- c. In the event the City determines that it is necessary to take legal action to enforce any of the provisions of these conditions, and such legal action is taken, the applicant shall be required to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the City, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the City should otherwise agree with applicant to waive said fees or any part thereof. The foregoing shall not apply if the permittee prevails in the enforcement proceeding.

14. The size of the chimney shall be decreased to be consistent with Exhibit "E".

**SECTION 4:** This Administrative Variance and Administrative Coastal Development Permit shall be subject to revocation if the applicants fail to comply with the conditions listed herein at any time. If, at any time, the Community Development Director, Administrative Hearing Officer and/or Planning Commission determine that there has been, or may be a violation of the findings or conditions of this action, or of the Municipal Code, a public hearing may be held before the Planning Commission and/or Administrative Hearing Officer to review this Administrative Variance pursuant to Municipal Code Chapter 24.570. At said hearing, the Administrative Hearing Officer and/or Planning Commission may add conditions, may add conditions, or recommend enforcement actions, or revoke the Permit entirely, as necessary to ensure compliance with the Municipal Code, and to provide for the health, safety, and general welfare of the community.

**PASSED AND ADOPTED** this 7th day of January 2014.

  
\_\_\_\_\_  
Administrative Hearing Officer

**RESOLUTION NO. 2014- 050**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN BUENAVENTURA DENYING AN APPEAL AND SUSTAINING THE PLANNING COMMISSION APPROVAL OF A COASTAL DEVELOPMENT PERMIT AND AN ADMINISTRATIVE VARIANCE FOR 1214 CORNWALL LANE**

**PROJ-6494**

**CASE NOS. APL-1-14-19831, V-8-13-17775, AND CDP-8-13-17776**

**WHEREAS**, Maureen Kedes filed an application, pursuant to the City of San Buenaventura Municipal Code, for (1) a Coastal Development Permit to demolish an existing single-family home and construct a new 3,266-square foot, 2.5-story residence, with 81 square feet of deck space off the 2nd level and 326 square feet of deck space off the third level, and with an attached two-car garage, and (2) an Administrative Variance to increase the lot coverage from 40% to 45%, at a property located at 1214 Cornwall Lane. The parcel is recorded as Lot 626 of Pierpont Bay No. 2, in the City of Ventura, County of Ventura, State of California, as recorded in Map Book 15, Page 26 of the Office of the County Recorder of said county and is also commonly identified as Assessor's Parcel Number 081-0-072-020.

**WHEREAS**, on January 7, 2014 an Administrative Hearing Officer, designated and acting on behalf of the Community Development Director of the City of San Buenaventura, approved the requested (1) Coastal Development Permit Case No. CDP-8-13-17776 to demolish an existing single-family home and construct a new 3,266-square foot, 2.5-story residence, with 81 square feet of deck space off the 2nd level and 326 square feet of deck space off the third level, and with an attached two-car garage, and (2) Administrative Variance Case No. V-8-13-17775 to increase the lot coverage from 40% to 45%, and a condition of approval decreasing the size of a proposed chimney, at a property located at 1214 Cornwall Lane; and

**WHEREAS**, On January 17, 2014, H. Scott Dempster (Appellant No. 1) and Jill Anne McCarty (Appellant No. 2) filed appeals of the Administrative Officer's decision to approve V-8-13-17775 and CDP-8-13-17776; and

**WHEREAS**, on June 30, 2014, the Planning Commission held a de novo public hearing on the appeals, denied the appeals, and sustained the decision of the Administrative Hearing Officer approving Coastal Development Permit Case No. CDP-8-13-17776 and Administrative Variance Case No V-8-13-17775; and

**WHEREAS**, On July 14, 2014, H. Scott Dempster appealed the Planning Commission decision denying his appeal of the Administrative Officer's decision to approve V-8-13-17775 and CDP-8-13-17776 to the City Council.

**BE IT RESOLVED** by the City Council of the City of San Buenaventura as follows:

**SECTION 1:** City staff has provided adequate and timely public notice for all public hearings in the following manner consistent with the City Municipal Code regulations by mailing notice 10 days prior to the Administrative Public Hearing and Planning Commission Public Hearing to the owners of the affected property, the owners of the property within 300 feet of the exterior boundaries of the affected property, to residents within 1,000 feet of the affected property, and to the California Coastal Commission.

**SECTION 2:** The City Council has conducted a de novo hearing on the Applicant's permit application and Appellants' appeals and has considered all written and oral testimony presented prior to and at the public hearing. All proceedings having been duly taken as required by law, and upon review of the information provided in the staff report, consideration of the testimony given at the public hearing, as well as other pertinent information, **THE CITY COUNCIL HEREBY FINDS THE FOLLOWING:**

#### **ADMINISTRATIVE VARIANCE**

1. "The project authorized by the variance is consistent with the policies and provisions of the Comprehensive Plan and with the purposes and requirements of this zoning." San Buenaventura Municipal Code Section 24.535.120(1)(a).

The development is in conformance with all applicable provisions of the Municipal Code and the Comprehensive Plan because the new two-and-a-half-story single-family residence with attached two car garage will provide privacy and ensure safety for the property owner and will be compatible with the existing neighborhood characteristics and scale, and would continue to provide a single-family residence as permitted in the R-1-B zone as intended by the Existing Urban land use designation. The proposed project will remain consistent with the Zoning Ordinance purpose because all findings required for obtaining an administrative variance can be made in this case.

2. "The project authorized by the variance is compatible with existing improvements and consistent with the scale and character of existing development in the same vicinity or zone." San Buenaventura Municipal Code Section 24.535.120(1)(b).

The project authorized by the variance is compatible with existing improvements and is consistent with the scale and character of existing neighborhood development in the same vicinity or zone because the proposed two and half story single family residence would not result in development that is substantially different with regard to bulk, mass, and height than that which exists in the area. 23 properties within a 300-foot radius have been granted similar lot coverage

variances. Specifically, 1 lot coverage variance was granted for 43.6% to a 1.5 story project, 7 lot coverage variances that ranged from 36.9% to 58.3% were granted to 2-story projects, and 15 lot coverage variances that ranged from 40.3% to 60% were granted for 2.5-story projects. During project review by the Administrative Hearing Officer, the proposed chimney was further reduced in width to provide a better design scale and compatibility with the proposed architectural style of the building. Therefore the project, as conditioned, is compatible with existing improvements and consistent with the scale and character of existing development in the same vicinity or zone.

3. "The project authorized by the variance will not be detrimental to or adversely impact adjacent properties." San Buenaventura Municipal Code Section 24.535.120(1)(c).

The project authorized by the variance will not be detrimental to or adversely impact adjacent properties because the project will have no adverse effect on the surrounding neighbor's access to light or air and will provide added privacy and security. The project abides by all of the other required zone district regulations. The adjacent property to the north will sit approximately 55 feet away from the proposed dwelling. The adjacent property to the south will site approximately 30 feet away from the proposed dwelling with a new 6' privacy wall in between the two properties. The adjacent property to the east will face the east elevation of the proposed dwelling that would be fenestrated with new windows strategically placed to provide adequate privacy for both dwellings.

While the City only considers how a project will affect public viewsheds and not views afforded from private property, the project has been designed so the second-floor deck would not impact the privacy of adjacent properties because views would be limited to the first third of the property and areas open to the public street.

4. "Approval of the variance does not grant a special privilege inconsistent with the limitations on other properties in the same vicinity or zone." San Buenaventura Municipal Code Section 24.535.120(1)(d).

Approval of the variance to increase the lot coverage from 40% to 45% would not grant a special privilege because the proposed two and half story residence is surrounded by 3 two and half story homes within the residential neighborhood. Furthermore, 23 properties within a 300-foot radius have been granted similar lot coverage variances. Specifically, 1 lot coverage variance was granted for 43.6% to a 1.5 story project, 7 lot coverage variances that ranged from 36.9% to 58.3% were granted to 2-story projects, and 15 lot coverage variances that ranged from 40.3% to 60% were granted for 2.5-story projects.

5. "Approval of the variance is not based on economic hardship." San Buenaventura Municipal Code Section 24.535.120(1)(e).

Approval of the variance is not based on economic hardship because it would permit the construction of a residence in which the applicant would be making a significant economic investment that would improve the value of the property.

#### **ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT**

6. "The development does not significantly obstruct public views of the coastline, views from any public road or from a public recreation area." San Buenaventura Municipal Code Section 24.515.070(C)(1).

The proposed two-and-a-half-story single-family residence with attached two-car garage is located to the south of Cornwall Lane and does not significantly obstruct public views of the coastline from any public road or public recreation area because the project is located out of any public viewshed.

7. "The development is compatible with the established physical scale and character of the area." San Buenaventura Municipal Code Section 24.515.070(C)(2).

The proposed two and half story single family residence with attached two car garage is compatible with the established physical scale and character of the area because the new home is similar to existing residences in the surrounding neighborhood and is consistent with the mass and bulk of those existing residences. In addition, the proposed residence meets all applicable zoning regulations with the exception of lot coverage. As discussed above, the proposed structure with lot coverage variance is also compatible with the established physical scale and character of the area. Within 300 feet of the project site, 23 properties have been granted similar lot coverage variances. Specifically, 1 lot coverage variance was granted for 43.6% to a 1.5 story project, 7 lot coverage variances that ranged from 36.9% to 58.3% were granted to 2-story projects, and 15 lot coverage variances that ranged from 40.3% to 60% were granted for 2.5-story projects..

8. "The development is in conformance with all applicable provisions of this Municipal Code and the Comprehensive Plan including, specifically, coastal public access and recreation policies." San Buenaventura Municipal Code Section 24.515.070(C)(3).

The proposed project is in conformance with all applicable provisions of the Municipal Code and the Comprehensive Plan including, specifically, coastal public access and recreation policies, because the proposed two and half story residence meets all setbacks (both as approved and conditioned under Case No.

CDP-8-13-1776) and height limit requirements for the zoning district and does not alter the single-family residential use.

9. "The proposed development is of a kind permitted by the Comprehensive Plan and the zone in the area where the development is to be located." San Buenaventura Municipal Code Section 24.515.070(C)(4).

The proposed project is in conformance with the Comprehensive Plan and the Municipal Code because it is permitted within the Existing Urban (EU) Land Use Plan designation and the Single Family Residential Beach (R-1-B) Zone.

10. "For any proposed development in the Coastal Bluff area which would be based in whole or in part on subsection 24.315.030.C, the proposed development is necessary to prevent the loss or damage to life, health, property or essential services and will not result in the substantial alteration of natural landforms, as distinct from fill, along the bluff." San Buenaventura Municipal Code Section 24.515.070 (C)(5).

The project is not located within the Coastal Bluff area.

11. "For any proposed development in the Coastal Bluff area which will result in a setback of more than ten feet, but less than 25 feet, from the bluff edge, the proposed development is necessary to (a) protect an existing validly permitted or legally nonconforming dwelling unit, (b) allow a new, approved dwelling unit on a vacant lot, or (c) allow reconstruction of an existing dwelling unit in its existing footprint provided, however, that reconstruction in an existing footprint with an less than ten-foot setback will not be allowed unless the reconstruction is due to a less than 50 percent destruction of the structure, and will not result in the substantial alteration of natural landforms along the bluff." San Buenaventura Municipal Code Section 24.515.070 (C)(6).

The project is not located within the Coastal Bluff area.

12. "For any proposed development in the Coastal Bluff area which would have the potential to result in the alteration of existing filled areas, that the proposed development either (a) restores the natural contour, or (b) replaces an un engineered or unstable fill with an engineered fill with the same contours where necessary to prevent a loss as described in subsection 24.315.030.C." San Buenaventura Municipal Code Section 24.515.070 (C)(7).

The project is not located within the Coastal Bluff area.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT**

The proposed project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301

because the proposed project consists of demolition of a single-family residence, and Section 15303 because the project consists of construction of a new single-family residence at the same location in a residential zone. No exceptions apply to defeat the exemption.

**SECTION 3:** Based on the above findings, the City Council hereby **DENIES** the appeal of H. Scott Dempster and **SUSTAINS** the Planning Commission's decision denying his appeal and sustaining the Administrative Hearing Officer's approval of Coastal Development Permit Case No. CDP-8-13-17776 and Administrative Variance Case No V-8-13-17775.

**SECTION 4:** Based on the above findings, Administrative Variance Case No. V-8-13-17775 and Coastal Development Permit Case No. CDP-8-13-17776 **IS HEREBY APPROVED** subject to the following conditions:

1. This permit is granted for the land or land use as described in the application and any attachments thereto, and as shown on the plot plan labeled Case Nos. V-8-13-17775 and CDP-8-13-17776, Exhibits "A" through "D" dated August 4, 2014, attached hereto and incorporated herein.
2. The size of the chimney shall be decreased to be consistent with Exhibit "E". The applicant shall incorporate this design modification into the elevations plans as part of the building permit plans filed with the Building and Safety Division and zoning clearance provided by the Planning Division.
3. The location of all buildings, parking areas, and other facilities or features shall be located and maintained substantially as shown on the plans labeled Case Nos. V-8-13-17775 and CDP-8-13-17776, Exhibit "A" dated August 4, 2014, attached hereto and incorporated herein.
4. This resolution shall be included in the initial plan check submittal that is submitted to Building and Safety. The resolution and attached exhibits shall be copied directly onto a sheet of the plans that are submitted for plan check, shall remain a part of the plans throughout the plan check process and shall be part of the plans for which building permits are issued.
5. The Community Development Director or designee may approve minor changes to this Permit subject to Municipal Code Chapter 24.505. Any substantial change will require the filing of an amendment application.
6. This approval shall not become effective until or unless the applicable California Coastal Commission appeal period has expired with no appeals being filed. In the event an appeal is filed, the City's approval shall be stayed pending the outcome of such appeal.

7. Compliance with and execution of all conditions listed herein shall be necessary prior to obtaining final building inspection clearance and/or prior to obtaining any occupancy clearance, unless stated otherwise herein. Deviation from this requirement shall be permitted only by written consent of the Community Development Director or designee.
8. Within 60 days of the effective approval date of this permit, the applicant and property owner shall file with the Planning Division written acknowledgment of the conditions stated herein on forms provided by the Planning Division.
9. Unless construction is commenced not later than 12 months after this approval is granted and is diligently pursued thereafter, this approval will be subject to revocation pursuant to the City's Municipal Code. However, if the approved site plan, elevation plans, and adjacent areas are unchanged (except as allowed under Municipal Code Section 24.505), the Community Development Director or designee may grant one additional 12 month extension of time for start of construction, provided the initial 12 month period has not already expired.

Start of construction is defined as:

- a. All zoning and related approvals are effective; and
  - b. All required building and grading permits for the project have been issued; and
  - c. The "foundation inspection" and "concrete slab or under floor inspection" as defined in the Uniform Administrative Code, Section 305(e), have been made and received approval from the Building and Safety Division, i.e., all trenches must be excavated, forms erected, and all materials for the foundation delivered on the job and all in-slab or under floor building service equipment, conduit, piping accessories and other ancillary equipment items must be in place. The Uniform Administrative Code is the currently adopted edition commencing with Section 12.110.010 of the City of San Buenaventura Ordinance Code. Nothing in this definition shall be construed to alter the applicable legal standards for determining when vested property rights to complete the project have arisen.
10. Approval is subject to the applicant paying all fees and assessments to the City of San Buenaventura, as required by the Municipal Code.
  11. This approval does not constitute a building permit or authorization to begin any construction. An appropriate permit issued by Building and Safety must be obtained prior to constructing, enlarging, moving, converting, or demolishing any building or structure within the City.

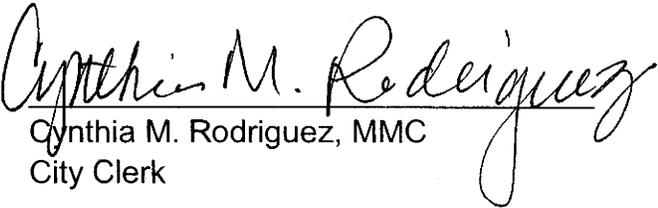
12. Once permits have been issued to commence work on the improvements, it is the applicant/owner's responsibility to diligently pursue completion per all conditions and requirements and as represented on the approved plans. Reasonable progress shall occur on a continual basis until completion to the satisfaction of the Community Development Director. Work shall not be discontinued for a period exceeding 30 days, without acceptable cause, with the intent to have the project completed in a timely fashion so as to prevent a potential blight from partially completed construction.
13. All approvals are subject to and dependent upon the applicant complying with all applicable Ordinances, Codes, regulations, and adopted policies. In the event the City determines that it is necessary to take legal action to enforce any of the provisions of these conditions, and such legal action is taken, the applicant shall be required to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the City, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the City should otherwise agree with applicant to waive said fees or any part thereof. The foregoing shall not apply if the permittee prevails in the enforcement proceeding.
14. In accepting the benefits of the conditional approval of this discretionary permit and approvals issued in conjunction with this discretionary permit, and as a condition of approval of this permit, the applicant agrees to defend, indemnify, and hold harmless the City of Ventura and its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employees brought to attack, set aside, void, or annul, the approval of the permit by any advisory agency, appeal board, or legislative body of the City. This condition shall be construed to include, without limitation, applicant's agreement to pay any attorney's fees incurred by the City in its choice of defense counsel or awarded against the City or its agents, officers, or employees in any legal action to attack, set aside, void or annul, the approval of the application in which the petitioner or plaintiff in such action is the prevailing party and is awarded attorney's fees.
  - a. Applicant's obligations set forth in this condition are based on the mutual understanding of the City and the applicant that the City shall promptly notify the applicant of any such claim, action, or proceeding and cooperate fully in the defense, provided that the City's obligation to "cooperate fully" in such defense shall no include payment of any monies for or toward any fees, costs, or expenses of such defense. If the City fails to promptly notify the applicant of any claim, action, or proceeding, or fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City. In any event, the applicant shall not

be required to pay or perform any settlement of any such claim, action, or proceeding unless the settlement is approved by the applicant.

- b. Nothing contained in this condition is intended to, or shall be construed to, prohibit the City from participating in the defense of any claim, action, or proceeding, provided that applicant shall remain obligated to pay any attorneys' fees incurred by City for in-house or outside counsel which may be chosen by City in the exercise of its sole discretion.
- c. In the event the City determines that it is necessary to take legal action to enforce any of the provisions of these conditions, and such legal action is taken, the applicant shall be required to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the City, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the City should otherwise agree with applicant to waive said fees or any part thereof. The foregoing shall not apply if the permittee prevails in the enforcement proceeding.

PASSED AND APPROVED this 11 day of August, 2014.

ATTEST:

  
Cynthia M. Rodriguez, MMC  
City Clerk

APPROVED AS TO FORM

Juli C. Scott  
Interim City Attorney

  
Keith Bauerle  
Assistant City Attorney

Attachments:       Exhibit A - Site Plan  
                          Exhibit B - Elevations  
                          Exhibit C - Floor Plans  
                          Exhibit D - Site Survey  
                          Exhibit E - Chimney Exhibit

**NIA COASTAL COMMISSION**

AUG 23 2014



SOUTH CENTRAL COAST DISTRICT OFFICE  
 89 SOUTH CALIFORNIA STREET, SUITE 200  
 VENTURA, CA 93001-4508  
 VOICE (805) 585-1801 FAX (805) 641-1732

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT**

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

**SECTION I. Appellant(s)**

Name: *H. Scott Dempster*  
 Mailing Address: *1210 Cornwall Lane*  
 City: *Ventura* Zip Code: *93001* Phone: *805-850-8135*

**SECTION II. Decision Being Appealed**

1. Name of local/port government: *City of San Buenaventura*
2. Brief description of development being appealed: *Construction of a new 2 1/2 story, single family residence with attached 2 car garage and an Administrative Variance to increase the lot coverage from 40 to 45% within the single family Beach (R-1-B) Zone.*
3. Development's location (street address, assessor's parcel no., cross street, etc.):  
*1214 Cornwall Lane, Ventura CA*
4. Description of decision being appealed (check one.):
  - Approval; no special conditions
  - Approval with special conditions:
  - Denial

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

TO BE COMPLETED BY COMMISSION:	
APPEAL NO:	<i>A-4-SBV-14-0043</i>
DATE FILED:	<i>8/22/14</i>
DISTRICT:	<i>So. Central Coast</i>

Exhibit 7  
 A-4-SBV-14-0043  
 Appeal

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

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

- Planning Director/Zoning Administrator  
 City Council/Board of Supervisors  
 Planning Commission  
 Other

6. Date of local government's decision: \_\_\_\_\_

8/11/2014

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

**SECTION III. Identification of Other Interested Persons**

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

a. Name and mailing address of permit applicant:

Maureen Kedes  
1214 Cornwall Lane  
Ventura CA 93001

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

(1) Marjorie Fuchs  
1213 Cornwall Lane  
Ventura CA 93001

(6) Trace Ornelaz  
1215 Cornwall Lane  
Ventura CA 93001

(2) Jillian McCarty  
1202 Cornwall Lane  
Ventura CA 93001

(7) Mark & Sandy McClure  
1141 Cornwall Lane  
Ventura CA 93001

(3) Kenneth King  
1192 Cornwall Lane  
Ventura CA 93001

(4) David & Liza Jacobs  
1185 Cornwall Lane  
Ventura CA 93001

(5) William Crowden  
2999 Bayshore Dr.  
Ventura CA 93001

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

**SECTION IV. Reasons Supporting This Appeal**

**PLEASE NOTE:**

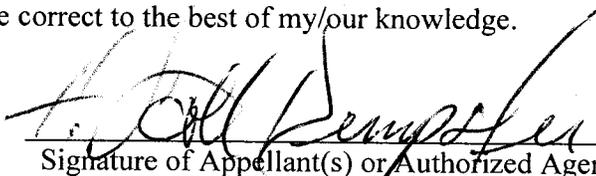
- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

*See Attached*

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)**

**SECTION V. Certification**

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

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

Date: 20 AUG 2014

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

**Section VI. Agent Authorization**

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

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

Date: \_\_\_\_\_

1. Per the California Coastal Commission provision Section 30251, "The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and where feasible, to restore and enhance visual quality in visually degraded areas".

The construction with Administrative Variance for increased lot coverage was approved despite the fact that the project directly violates Ventura City's LCP finding that "The proposed Administrative Variance would not be detrimental to or adversely impact adjacent properties", "and would not adversely effect the privacy, air, lighting and open space of adjacent properties."

2. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting. The proposed development is out of character with the setting.

3. Zoning is zoning, unless you are in the coastal zone of Ventura where variances are the rule of the day. When asked by a City Council member why we don't just apply to the Coastal Commission for new zoning rules, the Planner for the City of Ventura, Jared Rosengren, stated that the reason the City of Ventura does not appeal to the Coastal Commission to change zoning requirements and instead prefers to continue granting variances to the city's current zoning laws, is due to the fact that, "the Coastal Commission would require the city of Ventura to take into account matters such as sea level rise" and other possible requirements the city may not want to address.

This constant zoning by variance does not afford the citizens of Ventura any certainty or continuity to our neighborhoods.