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CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
89 SOUTH CALIFORNIA ST., SUITE 200  
VENTURA, CA 93001  
(805) 641-0142



Filed: 5/16/97  
49th Day: 7/4/97  
180th Day: N/A  
Staff: GT  
Staff Report: 6/24/97  
Hearing Date: 7/7-10/97  
Commission Action:

STAFF REPORT: APPEAL

SUBSTANTIAL ISSUE

LOCAL GOVERNMENT: City of Ventura

DECISION: Approve with Conditions

APPEAL NO.: A-4-SBV-97-100

APPLICANT: Carmco Ltd.; Carmel Whitman

PROJECT LOCATION: 1003 Woodstock Lane, City of Ventura, Ventura County

PROJECT DESCRIPTION: Coastal Development Permit and Variance allowing increase in maximum permitted lot coverage from 40% to 45% in order to add a second garage space and enlarge living area of existing two-story residence located in the single family residential beach zone (R-1-B).

APPELLANT: Mr. Leo Purvis

APPELLANT'S CONTENTION: The appellant contends that the City's approval of a variance allowing 45% lot coverage is not in conformance with the certified LCP.

SUBSTANTIVE FILE DOCUMENTS: City of San Buenaventura certified Local Coastal Program; City of Ventura staff report - Case No. AM-4184/CDP -374, April 15, 1997.

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission, after public hearing, determine that no substantial issue exists with respect to the grounds on which the appeal has been filed because the approved project is in conformity with the applicable provisions of the City's Local Coastal Program.

### I. Summary of Local Government and Commission Action

The City approved an Administrative Variance/Coastal Development Permit on February 18, 1997. The project, which would add a second garage space, interior floor space on the first and second stories and reconfigure a second story deck to a two-story single family residence located in the Pierpont/Keys Community, was approved by an Administrative Hearing Officer at a public hearing. The Hearing Officer also approved a Variance to increase the allowed maximum lot coverage from 40% to 45%. On April 28, 1997 the City of Ventura denied the appeal by Leo Purvis of the Administrative Variance/Coastal Development Permit approval for the increase in allowable lot coverage and the resulting addition to the residence. The Commission received the appeal of the City's final action on May 16, 1997 which was within 10 working days of receipt of the City's Notice of Final Action as required by the California Administrative Code. The Commission opened and continued the public hearing on Substantial Issue at its June 12, 1997 meeting in order to allow time for the City to forward all relevant documents and materials regarding the subject permit and appeal to staff in the South Central District office.

### II. Appellant's Contentions

The appellant contends that approval of the Variance allowing an increase in the permitted lot coverage from 40% to 45% is not in conformity with the City's certified Local Coastal Program Zoning Ordinance. Section 15.212.060(c) of the code states that the total building area of a lot in the R-1-B zone, including accessory structures, shall not occupy more than forty percent (40%) of the lot area and the contention is that a Variance to this code requirement should not be permitted under the LCP since approval would automatically change the maximum lot coverage to 45% in the LCP for this area.

### III. Appeal Procedures

The California Coastal Act provides for limited appeals after certification of Local Coastal Programs (LCPs) to the Coastal Commission of local government actions on Coastal Development Permits. Developments approved by cities or counties may be appealed if they are located within the mapped appealable areas, such as those located between the sea and the first public road paralleling the sea, state tide-lands, or along natural water courses.

For development approved by the local government and subject to appeal to the Commission, pursuant to PRC Section 30603 grounds 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.

The project is situated between the sea and the first public road paralleling the sea (Pierpont Blvd) and is therefore subject to appeal to the Commission, with the standard of review being the project's consistency with the applicable policies of the local jurisdiction's Local Coastal Program, and the public access policies of the California Coastal Act.

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue is raised by the appeal.

If the Staff recommends "substantial issue" and no Commissioner objects, the substantial issue question will be considered moot, and the Commission will proceed directly to a de novo public hearing on the merits of the project. If the staff recommends "no substantial issue" or the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have 3 minutes per side to address whether the appeal raises a substantial issue.

It takes a majority of Commissioners present to find that no substantial issue is raised. If substantial issue is found, the Commission will proceed to a full public hearing on the merits of the project. If the Commission conducts a de novo hearing on the merits on the permit application, the applicable test for the Commission to consider is only whether the proposed development is in conformity with the certified Local Coastal Program.

The only persons qualified to testify before the Commission at the substantial issue stage of the appeal process are the applicant, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing.

#### IV. Staff Recommendation on Substantial Issue

The staff recommends that the Commission determine that NO substantial issue exists with respect to the grounds on which the appeal was filed, pursuant to PRC Section 30603.

##### Motion

I move that the Commission determine that Appeal NO. A-4-SBV-97-100 raises NO substantial issue with respect to the grounds on which the appeal has been filed.

Staff recommends a YES vote on the motion.

A majority of the Commissioners present is required to pass the motion.

#### V. Findings and Declarations

##### A. Description of Appealed Development

The approved project consists of the addition of a second garage space, enclosed living space to the first and second stories, and reconfiguration of an existing second level deck to an existing two-story, single family residence located in the Pierpont Bay/Beach community. Approval was also granted for an Administrative Variance to permit an increase in allowable lot coverage from the allowed maximum of 40% (1545 sq. ft.) to 45% (1738 sq. ft.).

The Pierpont Beach area is an existing developed residential community which is zoned Single Family Residential - Beach (R-1-B) and is characterized by smaller lots than typical residential lots in the City. The allowable building area that can be developed within the lot coverage limitations is usually small and many existing properties were developed prior to the adoption of current standards and exceed the current lot coverage maximum of

40%. In addition, to allow some flexibility in recognition of the smaller sized lots, the certified Zoning Ordinance contains the provision for approval of a Variance to increase lot coverage to 45%.

In this case a second garage space of 258 sq. ft. would be added and part of an existing second-story deck that encroaches into the required front yard setback would be reconfigured so it meets the required setback. Approximately 350 sq. ft. of living area is being added to the first and second stories. The expansion of the garage to add a second space brings the development into conformance with current parking requirements and redesign of the deck makes it less non-conforming to the setback requirement. The difference between 40% and 45% lot coverage is 193 sq. ft.

#### B. Appellant's Contention and LCP Consistency Analysis

As previously stated, the appellant contends that approval of the Variance allowing an increase in lot coverage from 40% to 45% is not in conformance with the certified LCP. The appellant further contends that there have been no similar or comparable lot coverage Variances of 45% approved in this area of Pierpont Beach since the R-1-B Zoning Ordinance was certified in 1982 and that approval of the Variance would automatically change the maximum lot coverage permitted in the LCP from 40% to 45% without proper notification to all property owners in the Pierpont Beach area.

Regarding the Pierpont Bay and beach area, certified Land Use Plan policies for this community are intended to preserve the character of existing residential development in this area. The LUP states:

To preserve the unique character of the Pierpont Bay area, a special beach zone has been applied including an R-1-B Zone (single family beach zone) and an R-2-B Zone (two family beach zone). These beach-oriented zones reflect Coastal Commission and City development guidelines designed to preserve the single family and two family character of the area, and recognize small lot widths and areas and other problems.

The proposed development is a permitted use in the R-1-B Single Family Beach Zone (Chapter 15.212 of Zoning Ordinance) subject to standards relative to height, density, yards and setbacks, parking and others. Relative to lot coverage, Section 15.212.060(c) states:

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

Chapter 15.835 of the certified Zoning Ordinance establishes the Variance Procedure which applies to 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 15.835.080(c) states that when either the Planning Commission or City Council considers and takes action on a discretionary land use permit it may also approve Minor Variances from the standards and regulations referenced in Section 15.835.090 in conjunction with such action. Section 15.835.090 provides that Minor Variances may be granted in the R-1-B zone to authorize

lot coverage greater than that allowed by Section 15.212.060(c) but not to exceed 45% (emphasis added). (A Coastal Development Permit is required for a Minor Variance and a CDP was approved in conjunction with the Variance in two public hearings before an Administrative Hearing Officer and the City Council on appeal.)

In approving the Coastal Development Permit and Variance the City Council adopted numerous findings required to approve a Variance as well as findings relative to consistency with the certified LCP. Regarding the Variance, the City found that the project is consistent with the policies, provisions and requirements of the Zoning Ordinance and Comprehensive Plan; that the project is compatible with the scale and character of existing development in the area; that the project will not adversely impact adjacent properties; that approval does not grant a special privilege inconsistent with limitations on other properties in the same area; and that approval is not based on economic hardship.

Regarding approval of the Coastal Development Permit and consistency with the certified LCP the City additionally found that the development does not significantly obstruct public views of the coastline or views from any public road or recreation area; that the development is compatible with the established physical scale and character of the area; that the development is in conformance with the public access and recreation policies of the Land Use Plan; and that the proposed development is permitted within both the Land Use Plan designation and the Zoning Ordinance of the certified LCP.

As discussed above, the City has the authority to review and approve a Variance to increase allowable lot coverage in the R-1-B zone from 40% to 45% pursuant to Sections 15.835.090 & 100 of the certified Zoning Ordinance in conjunction with approving a Coastal Development Permit. Therefore, the appellant's contention that approval of the Variance allowing 45% lot coverage is not consistent with the certified LCP is incorrect since the Zoning Ordinance is part of the Implementation Plan (IP) to the certified LCP. In approving the Variance, the City noted several factors. Many existing properties in the Pierpont area do not meet the current maximum lot coverage of 40% and lots in this area are smaller than typical single family lots. The building area permitted within the lot coverage limitations is usually small and to allow some flexibility for expansion to occur the Variance Procedure allowing increases up to 45% discussed above was included in the Zoning Ordinance. In addition, as noted above, the addition of a second garage space and reconfiguration of an existing deck which contributes to the additional lot coverage both serve to bring the development more into conformance with existing parking and setback code requirements. The City's approval also notes, contrary to the appellant's contention, that several other Variances to increase lot coverage above 40% have been granted in the Pierpont Community and three similar increases in the immediate area are cited in the City's staff report.

The appellant did not provide any other grounds for or allege any other inconsistencies with any other policies of the certified LCP. As noted above, in approving the CDP/Variance the City also found that the proposed development was consistent with the scale and character of the area and that it would have no adverse impacts on public views, recreation or access to the

coast consistent with the requirements of the certified LCP for development in this area. With respect to public access, although the project site is located between the nearest public road and the sea it is not ocean fronting and proposed additions will have no impact on the public's ability to access the coast.

C. Conclusion

For all the reasons set forth above, the Commission finds that the proposed project, as approved with conditions pursuant to the above discussed Coastal Development Permit/Variance by the City of Ventura, is consistent with all applicable policies of the City's certified LCP Land Use Plan and applicable policies of the certified LCP Zoning Ordinance referenced in the above discussion. Furthermore, for the reasons provided in the above findings, the Commission finds that Appeal No. A-4-SBV-97-100 raises no substantial issue with respect to the proposed project's conformance with the City of Ventura's certified Local Coastal Program.



# ADMINISTRATIVE REPORT

RECEIVED

JUN 11 1997

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

Date: April 15, 1997

Agenda Item No: ~~ADVANCE~~ 8

Council Action Date: April 28, 1997

To: DONNA LANDEROS, CITY MANAGER  
From: EVERETT MILLAIS, DIRECTOR OF COMMUNITY SERVICES  
Subject: APPEAL OF AN ADMINISTRATIVE VARIANCE/ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT APPROVAL FOR AN ADDITION TO A SINGLE FAMILY RESIDENCE AT 1003 WOODSTOCK LANE - APPELLANT: LEO PURVIS - CASE NO. AM-4184/ACDP-374

## RECOMMENDED ACTION

It is recommended that the City Council adopt the attached draft resolution sustaining the decision of the Administrative Hearing Officer and denying an appeal of an Administrative Variance/Coastal Development Permit requesting an increase to the maximum allowed lot coverage for property located at 1003 Woodstock Lane.

## SUMMARY

The project proposal is to enlarge an existing two-story residence at 1003 Woodstock Lane, adding a garage and living area on both the first and second floors. Approval was granted to permit an increase in the maximum allowed lot coverage for the proposal. An adjacent property owner appealed the decision within the prescribed 10-day appeal period, requesting that matter be referred to the Planning Commission, or that the decision be overruled and the request denied.

## ALTERNATIVES

- The appeal could be denied, sustaining the Administrative Variance/Administrative Coastal Development Permit approval. This is the recommended action.
- The matter could be referred to the Planning Commission for their review and action.
- The appeal could be approved, overruling the Administrative Variance/Administrative Coastal Development Permit decision, and denying the proposed project.
- The Council could modify the approval, requiring revision to the proposed project.

EXHIBIT NO. /

APPLICATION NO.

A-4-SBV-97-100

## **Administrative Report**

April 15, 1997

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### **BUDGET IMPACTS**

An addition to an existing single family dwelling would have minimal or no impacts on the City General Fund.

### **DISCUSSION**

This application involves an existing two-story, single family residence, in the Pierpont/Keys Community. The property has a street address of 1003 Woodstock Lane, is zoned Single Family Residential - Beach (R-1-B), and is in the City's Coastal Zone. On February 18, 1997, at a public hearing, an Administrative Hearing Officer reviewed a proposal that would add a second garage space and approximately 350 square feet of living area to the first floor. This added living area would include a bedroom and den at the back of the residence. Area would also be added to the second story, including an enlarged living room and replacement kitchen to the back of the house and an enlarged bedroom/closet on the front west side. An existing second level deck would also be reconfigured. Approval was granted for an Administrative Variance/Administrative Coastal Development Permit to increase lot coverage from the allowed maximum of 40% (1,545.6 square feet) to a maximum not exceeding 45% (1738.8 square feet) for the project.

The Application for Appeal filed by a neighbor at 987 Woodstock Lane states the appellant does not believe there are unique circumstances to justify the increased lot coverage; that the increase would adversely affect other properties in the vicinity; and granting the increase is a special privilege inconsistent with limitations placed on other properties. The request is to refer this project to the Planning Commission to determine the correct lot coverage, or deny the request.

An Administrative Hearing Officer can review and grant lot coverage increases between 40% and 45%; however, coverages that exceed 45% require Planning Commission evaluation. The request to refer the matter to the Planning Commission is based on the appellant's determination that lot coverage exceeds 45%. The plans submitted did calculate to a lot coverage greater than 45%. However, the applicant agreed to modify the plans, and a condition was included in the approval requiring that the plans be revised before applying for building permits to clearly show the maximum lot coverage would not exceed 45%. Thus, the action taken by the Administrative Hearing Officer is within the limits of authority set forth in the Zoning Ordinance and does not require Planning Commission action.

The reason for the two levels of review for lot coverage is based on several factors. Most of the development in this area was constructed under County jurisdiction before the area was annexed to the City or under previous Zoning Ordinance standards. The previous standards differ from those currently in effect. As such, many existing properties do not meet the current lot coverage maximum of 40%. Also, lots in the Pierpont area are smaller than typical single family lots, so the building area achieved within the lot coverage limitations is usually small. To allow some expansion without Planning Commission review, an Administrative Hearing Officer can authorize increases in lot coverage up to 45%.

In this case a garage space of 258 square feet would be added and part of an existing deck that encroaches into the required front setback would be reconfigured so it meets the

## Administrative Report

April 15, 1997

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required setback. The proposed garage brings the development into conformance with current parking requirements and changes to the deck makes the existing front setback less non-conforming. The proposed additions comply with setback, height, and parking standards. The difference between 40% and 45% lot coverage is 193 square feet.

Lot coverage increases have been granted throughout the Pierpont Community. While some increases were based on different Zoning Ordinance standards and would not be applicable today, several increases above the 40% standards have been granted. A review of lots surrounding this site identified approval for three similar increases in the immediate area since the current standard was adopted in 1982 (1004 Woodstock Lane, 1000 Woodstock Lane, and 1036 Waterbury Lane).

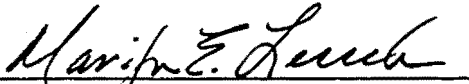
Since the requested increase in lot coverage provides for reasonable development of the lot, meets the majority of Zoning Ordinance standards, and is consistent with other lot coverages in the area, the Administrative Variance/Administrative Coastal Development Permit was approved. Also, since the additions conform to front and rear yard setback requirements, a reduction in lot coverage would not assure the appellant of a change in the location of the structure. It is the location of the structure that the appellant finds objectionable because he finds it would restrict the view that he now has from the back of his house. The appellant is aware that a fully conforming structure could have the same impact as this proposal, but believes that the loss of view that results by the granting of this waiver to the Zoning Ordinance is not justified.

Prepared by: Marion Thompson, Associate Planner  
for:



Everett Millais  
Director of Community Services

Reviewed as to Budget Impacts



Marilyn E. Leuck  
Director of Management Resources

**Administrative Report**

April 15, 1997

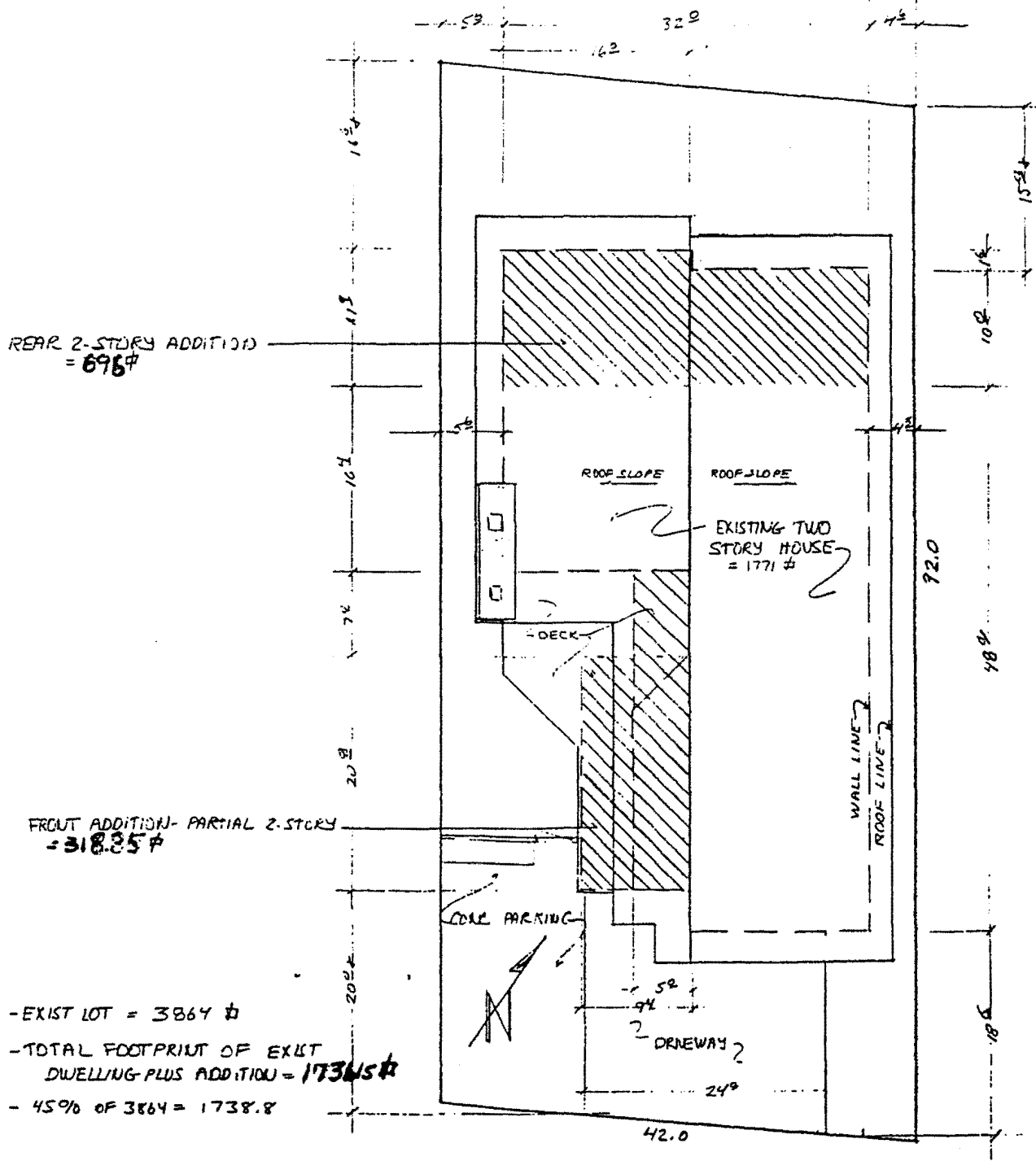
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FORWARDED TO THE CITY COUNCIL

  
Office of the City Manager 

**Attachments**

1. Draft Council Resolution denying the appeal.
2. Exhibits of the Proposed Project.
3. Administrative Variance/Administrative Coastal Development Permit approval.
4. The Application for Appeal.



CASE NO. AM-4184/CDP-374  
EXHIBIT "A"

2-STORY ADDITION @ FRONT AND REAR OF EXIST SINGLE FAMILY DWELLING

JOB ADDRESS; 1003 WOODSTOCK LN. VENTURA

OWNER; CARMCO LTD. 10721 BROOKVIEW DR. N.H. CA 91602

CONTRACTOR; M.L. SCHMIDT CONST. CORP. PH. 818 846-2880

859 N. HOLLYWOOD WAY #410 BURBANK CA. 91505

EXHIBIT NO. 2

APPLICATION NO.

A-4-PBV-97-100

DRAWN BY J.S.I.

REVISED

DRAWING NUMBER

PG 1 OF

**CITY COUNCIL RESOLUTION NO. 97- 27**

**DENYING AN APPEAL AND GRANTING AN  
A D M I N I S T R A T I V E  
VARIANCE/ADMINISTRATIVE COASTAL  
DEVELOPMENT PERMIT**

**CASE NO. AM-4184/CDP-374**

**BE IT RESOLVED** as follows:

**SECTION 1:** An appeal has been filed to overrule the approval of an Administrative Variance/Administrative Coastal Development Permit to increase allowed maximum lot coverage to construct additions to an existing single family dwelling unit, pursuant to the San Buenaventura Ordinance Code for property located in the Single Family Beach (R-1-B) Zone and more particularly described as Assessor's Parcel 076-0-222-200, 1003 Woodstock Lane.

**SECTION 2:** All proceedings having been duly taken as required by law, and upon review of the information provided, consideration of the testimony given at the public hearing, as well as other pertinent information, the City Council finds the following:

1. The project authorized by the Administrative Variance is consistent with the policies and provisions of the Comprehensive Plan and with the purposes and requirements of the Zoning Ordinance providing for reasonable single family development in an area so designated.
2. The project authorized by the Administrative Variance is compatible with existing improvements and consistent with the scale and character of existing development in the same vicinity or zone because the area is designated and developed with single family residential units.
3. The project authorized by the Administrative Variance will not be detrimental to or adversely impact adjacent properties because the lots provide for reasonable yard areas in relation to the size and type of dwelling.
4. Approval of the Administrative Variance does not grant a special privilege inconsistent with the limitations on other properties in the same vicinity or zone.
5. Approval of the Administrative Variance is not based on economic hardship.
6. The development, as conditioned, does not significantly obstruct public views of the coastline, views from any public road or from a public recreation consistent with the requirements for an Administrative Coastal Development Permit.

<b>EXHIBIT NO.</b> 3
<b>APPLICATION NO.</b>
A-4-PBV-97-100

7. The development, as conditioned, is compatible with the established physical scale and character of the area because the proposed remodeling to the existing dwelling is similar in size and character to others within the Pierpont/Keys Community consistent with the requirements for an Administrative Coastal Development Permit.
8. The development is in conformance with the public access and recreation policies of the Coastal Land Use Plan consistent with the requirements for an Administrative Coastal Development Permit.
9. The development is in conformance with all other applicable policies of the Coastal Land Use Plan and does not block public views or access of the coastline consistent with the requirements for an Administrative Coastal Development Permit.
10. The proposed development is of a kind permitted within both the Land Use Plan designation and the zone in the area consistent with the requirements for an Administrative Coastal Development Permit.
11. This proposed development is Categorically Exempt per Class 1 (remodel/addition to a single family dwelling) of the California Environmental Quality Act Guidelines.

**SECTION 3:** Based on the above findings, the appeal is hereby denied and an Administrative Variance/Administrative Coastal Development Permit approval is upheld subject to the conditions adopted on the 18th day of February, 1997.

**PASSED AND ADOPTED** this 28th day of April, 1997.

  
Mabi Plisky, Deputy City Clerk

STATE OF CALIFORNIA       )  
COUNTY OF VENTURA       )  
CITY OF SAN BUENAVENTURA)

I, MABI COVARRUBIAS PLISKY, Deputy City Clerk of the City of San Buenaventura, California, do hereby certify that the foregoing Resolution was passed and adopted by the San Buenaventura City Council at a regular meeting held on the 28th day of April 1997, by the following vote:

AYES:       Councilmembers Friedman, Tuttle, Di Guilio,  
              Bennett, Monahan, Measures, and Tingstrom.

NOES:       None.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Buenaventura this 29th day of April 1997.

Mabi Covarrubias Plisky  
Deputy City Clerk

## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
89 SOUTH CALIFORNIA ST., 2ND FLOOR  
VENTURA, CA 93001  
(805) 641-0142

APPEAL FROM COASTAL PERMIT  
DECISION OF LOCAL GOVERNMENT



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

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

Leo B. Purvis  
987 Woodstock Lane Ventura Ca  
93001 (805) 648-3722  
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: City of San Buenaventura

2. Brief description of development being appealed: Single Family Residence

3. Development's location (street address, assessor's parcel no., cross street, etc.): 1003 Woodstock Lane  
Ventura Ca 93001

4. Description of decision being appealed:

- a. Approval; no special conditions: \_\_\_\_\_
- b. Approval with special conditions: Lot coverage in excess of allowed per CLCP.
- c. 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: \_\_\_\_\_

DATE FILED: 5/15/97 gm

DISTRICT: So. Central

H5: 4/88

EXHIBIT NO. <u>4</u>
APPLICATION NO.
<u>A-4-SBV-97-100</u>

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

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

- a. ☐ Planning Director/Zoning Administrator      c. ☐ Planning Commission  
b. ☒ City Council/Board of Supervisors      d. ☐ Other \_\_\_\_\_

6. Date of local government's decision: April 28, 1997

7. Local government's file number (if any): AM 4184/ACDP-374  
City Resolution 97-27

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:

Carmel M. Whitman Carmco Ltd.  
10765 Brookview Drive North Hollywood Ca 91602  
10721 Brookview Drive North Hollywood Ca 91602

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) Lauren Schmidt Comb Corp #410  
859 North Hollywood Way  
Burbank Ca 91505
- (2) Mitchell B Kahn c/o England Whitfield  
Schroeder and Freidway LLP  
300 Esplanade Drive Oxnard Ca 93030
- (3) City of San Buenaventura  
Office of the City Clerk  
501 Polite Street Ventura Ca 93002-0099
- (4) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SECTION IV. Reasons Supporting This Appeal

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, which continues on the next page.

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

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.)

Appeal Basis Section 30603 (H)(1)

The variance approval allowing 45% of  
lot coverage is not in conformity with the

Certified Local Coastal Program

Section 15.212.060(C) of the CLCP states as follows:

Lot Coverage. The total building area of a lot in the  
R-1-B zone, including accessory structures, shall not  
occupy more than forty percent (40%) of the lot area.  
addition

Note: The above description 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.

**SECTION V. Certification**

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

Ken E. Purvis  
Signature of Appellant(s) or  
Authorized Agent

Date May 15, 1997

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 \_\_\_\_\_

May 15, 1997

TO: California Coastal Commission  
FROM: Leo E. Purvis, Appellant  
APPEAL BASIS: Section 30603(b)(1)  
SUBJECT: City of San Buenaventura Resolution 97-27  
CASE NO: AM 4184/ACDP-374

Action Requested by Appellant

1. Deny the Administrative Variance/Administrative Coastal Development Permit.
2. Require the City of San Buenaventura to follow proper procedures necessary to increase the current maximum lot coverage of 40% in the RIB Zoning Ordinance to 45%.

General Discussion

The Pierpont Beach Area, since it was subdivided in the 1920s, has been under several differing zoning requirements.

The City, realizing there was a need for a clear and firm Zoning Ordinance to insure the proper future development of the Pierpont Beach Area, revised its Zoning Ordinance in 1982 from R-1 to R-1-B.

Included in the R-1-B Zoning Ordinance, in consideration of the smaller parcels and past construction improprieties, was an increase in the allowable maximum lot coverage from 35% to 40%.

The actual wording in R-1-B Single Family Beach Zone is as follows:

Section 15.212.060 (c)

Lot Coverage. The total building area of a lot in the R-1-B Zone, including accessory structures, shall not occupy more than forty percent (40%) of the lot area.

This R-1-B Zoning Ordinance was Certified by the California Coastal Commission in 1984, and the City assumed Coastal permit authority at that time.

## Variance Discussion

The Administrative Variance approved by the City Council Resolution No. 97-27 is based primarily on statements included in Section 2, paragraphs 2 and 7 as follows:

2. ..."consistent with the scale and character of existing development"...
7. ..."similar in size and character to others in the Pierpont/Keys Community"...

No doubt there are some lot coverages as high as 45% in the Pierpont Beach Area that were allowed prior to 1982, but current developments should not be guided by the improprieties of the past. They should be required to comply with the 40% maximum lot coverage contained in the current Certified Local Coastal Program.

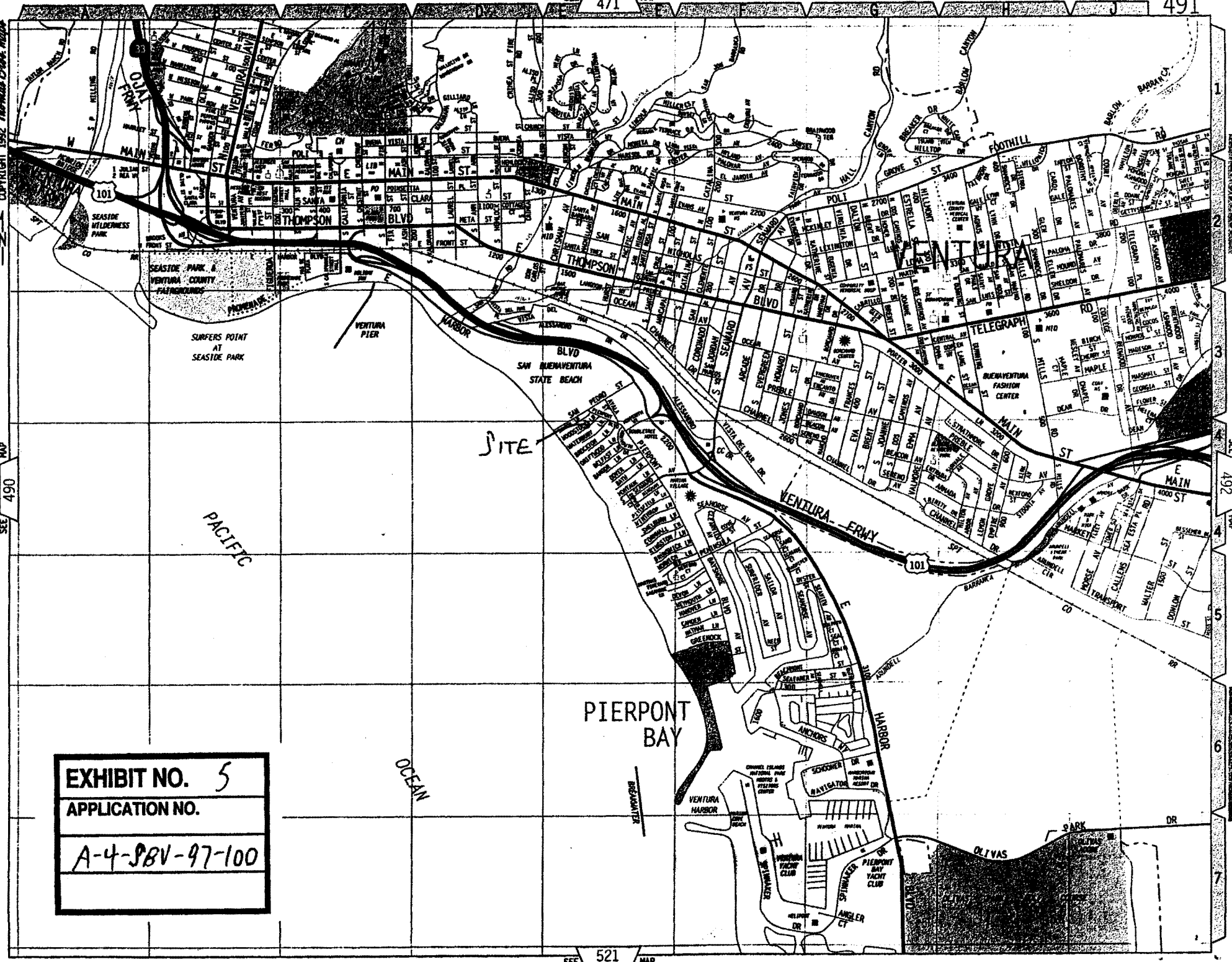
There are no similar or comparable lot coverage variances of 45% approved in this area of Pierpont Beach since the R-1-B Zoning Ordinance of 1982 was Certified.

Approval of this variance by the Administrative Hearing Officer, by the City council, and if, by the California Coastal Commission, would automatically change the maximum lot coverage in the Certified Local Coastal Program from 40% to 45% without proper notification to all property owners in this Pierpont Beach Area.

Even the notices mailed by the City to property owners within 300 feet of the parcel involved, after I filed my appeal with the City, did not state that the variance approved by the Administrative Hearing Officer was an increase in lot coverage from the maximum of 40% to 45%. I am sure that if the property owners in this limited area, which is no more than 10% of all property owners in the Pierpont Beach Area, were properly advised to the full extent of the variance, I would not be the lone objector.

If this variance is allowed to stand any and all remodeling or development in this R-1-B Zoning Ordinance area of Pierpont Beach could not be refused a 45% lot coverage.

If this variance is allowed to stand, and subsequent remodeling or development is denied a 45% lot coverage, then this variance becomes a special privilege awarded to the property owner.

**EXHIBIT NO.**

**APPLICATION NO.**

A-4-SBV-97-100