

CALIFORNIA COASTAL COMMISSION

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

Filed: 11/13/01
49th Day: 01/01/02
180th Day: 05/12/02
Staff: B. Luke
Staff Report: 11/16/01
Hearing Date: 12/11-14/01



RECORD PACKET COPY

STAFF REPORT: APPEAL SUBSTANTIAL ISSUE

LOCAL GOVERNMENT: County of Ventura

LOCAL DECISION: Approval with Conditions

APPEAL NO.: A-4-VNT-01-202

APPLICANT: Donald and Mary Cantrell

AGENT: Roy Milbrandt

APPELLANT: Richard Bertain; John and Nancy Guiboa

PROJECT LOCATION: 2421 Ocean Drive (Hollywood-by-the-Sea), Ventura County

PROJECT DESCRIPTION: Construction of a new 3,600 square foot single-family residence with basement and attached two-car garage.

SUBSTANTIVE FILE DOCUMENTS: County of Ventura Local Coastal Program, California Coastal Commission Regulations, and California Coastal Act of 1976.

SUMMARY OF STAFF RECOMMENDATION: SUBSTANTIAL ISSUE DOES NOT EXIST

Staff recommends that the Commission determine that **no substantial issue** exists with respect to the grounds on which the appeal has been filed. The **motion** and **resolution** for no substantial issue are found on **page 4**.

The appeal contends that the approved project is not consistent with policies and provisions of the certified Local Coastal Program with regard to environmental review for pending development, physical scale of development of the area, and visual resource protection.

I. Appeal Jurisdiction

The project site is located on a beachfront lot on the seaward side of Ocean Drive, in the community of Hollywood-by-the-Sea, Ventura County. The Post Local Coastal Program (LCP) Certification Permit and Appeal Jurisdiction map certified for the County of Ventura (adopted June 18, 1982) indicates that the subject site is within the appealable jurisdiction appeal as it is located both between the sea and the first public road, and within 300 feet of the inland extent of the adjacent beach (Exhibits 1-2). As such, the subject project site is located within the appeal jurisdiction of the Commission.

A. Appeal Procedure

The Coastal Act provides that after certification of an LCP, a local government's actions on Coastal Development Permits 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 its coastal permit actions. During a period of 10 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 Area

Development approved by local government may be appealed to the Commission if they are located within the mapped appealable areas, such as those located 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, pursuant to Section 30603(a) of the Coastal Act. Any development approved by a coastal 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 under Section 30603(a)(4) of the Coastal Act. Finally, development that constitutes major public works or major energy facilities may also be appealed to the Commission, as set forth in Section 30603(a)(5) of the Coastal Act.

2. Grounds for Appeal

The grounds for appeal of development approved by a local government and subject to appeal to the Commission shall be limited to an allegation that the development does not conform to the standards set forth in the certified LCP or the public access policies set forth under Division 20 of the Public Resources Code and pursuant to Section 30603(a)(4) of the Coastal Act.

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 a substantial issue exists with respect to the grounds of the appeal, substantial issue is deemed to exist unless three or more Commissioners wish to hear arguments and vote on substantial issue. If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three minutes per side to address whether the appeal raises a substantial issue. The only parties qualified to testify before the Commission at the substantial issue stage of the appeal process are the applicant, parties or their representatives who opposed the application before the local government, and the local government. Testimony from other persons must be submitted in writing. Further, it takes a majority of Commissioners present to find that substantial issue is raised by the appeal.

4. De Novo Permit Hearing

If a substantial issue is found to exist, the Commission will consider the application de novo. The de novo permit may be considered by the Commission at the same time as the substantial issue hearing or at a later time. The applicable standard of review for the Commission to apply in a de novo review of the project is whether the proposed development is in conformity with the certified LCP and the public access and public recreation policies of the Coastal Act. If a de novo hearing is held, testimony may be taken from all interested persons.

In this case, if the Commission finds that substantial issue exists, staff will prepare the de novo permit staff report for the Commission's February, 2002 meeting.

B. Local Government Action and Filing of Appeal

On June 10, 2001, the County of Ventura Planning Director approved a planned development permit (PD 1860) for the construction of a new 3,600 sq. ft, two-story, single-family residence, 28 ft. high, with a basement and attached two-car garage. The appellants, James and Nancy Guiboa, own the parcel on the opposite (east) side of Ocean Drive from the subject site (see Exhibit 2). Mr. James Guiboa appealed the Planning Director's decision to the Planning Commission in public hearing. The reasons for that appeal to the Planning Commission included concerns that the development would result in noise and traffic congestion, an uncomfortable environment for neighbors, and could cause a public safety hazard to children due to the narrowness of Ocean Drive and its use as a schoolbus route. The appeal (AP454) was denied. The permit was further appealed (AP455) by Mr. and Mrs. Guiboa to the Board of

Supervisors. The reasons for that appeal were expanded to include a loss of viewshed, negative emotional impact on the Guiboa's, and loss of property value. At the October 23, 2001, hearing, the Board of Supervisors unanimously denied the appeal and approved the project with conditions (see Exhibit 9). Commission staff received the Notice of Final Action from the County for the project on October 29, 2001 (see Exhibit 10). A 10 working day appeal period was set and notice provided beginning October 30, 2001 and extending to November 13, 2001.

An appeal of the County's action to the Commission was filed on October 13, 2001, by the appellants, James and Nancy Guiboa, and Richard Bertain, during the appropriate appeal period (see Exhibits 11-12). Commission staff determined that Mr. Bertain had standing in his request for an appeal due to the fact that he had spoken during public hearing at the County level concerning the project. Commission staff notified the County and the applicant of the appeal and requested that the County provide its administrative record for the permit. A portion of the administrative record from the County was received by Commission staff on October 29, 2001 with the Notice of Final Local Action. The remainder was delivered on November 19, 2001.

II. Staff Recommendation on Substantial Issue

MOTION: *I move that the Commission determine that Appeal No. A-4-VNT-01-202 raises NO substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act.*

STAFF RECOMMENDATION:

Staff recommends a **YES** vote. Passage of this motion will result in adoption of the following resolution and findings. Passage of this motion will result in a finding of no substantial issue and the local actions will become final and effective. Failure of this motion will result in a de novo hearing on the application. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

RESOLUTION TO FIND NO SUBSTANTIAL ISSUE:

The Commission hereby finds that Appeal No. A-4-VNT-01-202 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 Substantial Issue

The Commission hereby finds and declares:

A. Project Description and Background

As stated previously, on February 5, 2001, the County of Ventura Planning Director approved a planned development permit (Ventura County's coastal development permit) for the construction of an approximately 3,600 sq. ft., two-story single family residence with a 700 sq. ft. basement, and attached two-car garage on a 0.06 acre beachfront parcel (see Exhibits 2-7). The residence was approved with an overall height of 25 feet. The appellants, James and Nancy Guiboa, own the adjacent parcel to the east of the subject site. James Guiboa appealed the Planning Director's decision to the Planning Commission. The appeal was heard on July 27, 2001, at which the appeal was unanimously denied. Mr. Guiboa further appealed the decision to the Board of Supervisors. That appeal was heard at the October 23, 2001, Board of Supervisors' hearing, at which the appeal was unanimously denied and the project was approved with conditions. The appellants then appealed this decision to the Coastal Commission on November 13, 2001.

The subject site is a beachfront parcel located along Ocean Drive, a public road in the Hollywood-by-the-Sea community of Ventura County (Exhibits 1-2). The site is a 0.06 acre lot that is approximately 35 feet wide and 75 feet deep (Exhibit 3). The parcel, created in 1926 as part of a subdivision, is located on a vacant lot, and fronts Silver Strand Beach, a public beach. The parcel is bordered in the rear by a ten-foot wide beachfront pedestrian access easement. Additional public access to the beach is located approximately 35 ft. northwest of the site at the County's Silver Strand Beach Park (Exhibit 2).

In approving the proposed development, the County staff, Planning Commission, and Board of Supervisors found that the proposed development would have no impact on public access. County staff, Planning Commission, and Board of Supervisors additionally found that no impacts to beach erosion would occur and that the site would not require protection from a shoreline protective device.

B. Appellant's Contentions

The appeals filed with the Commission by Richard Bertain, and James and Nancy Guiboa are attached as Exhibits 6 and 7. The appeals contend that the approved project is not consistent with the policies of the certified LCP, citing that the County improperly granted a California Environmental Quality Act (CEQA) exemption for the proposed development, that the physical scale of development is excessive in relation to the surrounding community, that the residence does not conform to flood control requirements, and that the development will impact views of the 'Captain's House', a purported historic residence located at 2424 Ocean Drive.

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 appellant relative to the 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. However, should the Commission find that a substantial issue exists based on the grounds that are cited, the public access policies of the Coastal Act could be addressed in the de novo review of the project.

Based on the findings presented below, however, the Commission finds that a substantial issue does not exist with respect to the grounds on which the appeal has been filed. The approved project is consistent with policies of the County of Ventura LCP for the specific reasons discussed below.

1. California Environmental Quality Act and Impacts on Coastal Resources and Environmentally Sensitive Habitat Area

The appellant argues that the County failed to consider potential environmental impacts of the proposed development in violation of the California Environmental Quality Act (CEQA). The appellant also argues that in granting a CEQA exemption, environmental impacts of the proposed development have not been fully examined.

An appeal to the Coastal Commission challenging a local agency's approval of a coastal development permit is limited to an allegation that the development does not conform to the standards set forth in a certified LCP (see Exhibit 7). As a result, the Coastal Commission is not the appropriate appeals forum for the appellant's argument that the County did not comply with CEQA requirements by issuing an exemption for the proposed development.

Therefore, the Commission finds that the County did adequately address the potential impacts on coastal resources that were raised by the appellant, and that this aspect of the appeal fails to raise a substantial issue with respect to the County's application of the LCP.

2. Community Character and Physical Scale of Development, Setbacks, and Public Visual Impact

The appellants also argue in their appeal that the proposed development and project site is "not compatible with the physical scale of the area" and "is oversized on such a small lot." The appellants assert that the County improperly applied County Ordinance

Section 8181-3.5 of the Coastal Zoning Ordinance in their approval of the residence at 3,600 sq. ft. This assertion is partially based upon the existence of a residence built in the 1920's which is located on the adjacent parcel to the south of the subject site. As a result, the appellant concludes that the County approved this development in violation of the applicable provisions of the LCP. The appellants also argue that as the property located across the street at 2424 Ocean Drive (Exhibit 2) is a "historical home" known as "The Captain's House", and that the proposed development "will block the views of this historical structure".

a. Community Character and Physical Scale of Development

As stated above, the appellants assert that the subject site, with the proposed development and previously approved development, would be out of scale with the surrounding development. Policy 1 of the County's Coastal Area Plan regarding Locating and Planning New Development in the Central Coast Region (page 103) addresses this issue and states:

The areas of Hollywood Beach, Silver Strand Beach and Hollywood-by-the-Sea will be the only areas where high density residential development will be allowed in the Central Coast.

The County's Coastal Area Plan further discusses the building intensities to which various zoning categories and areas within the coastal zone are subject. Regarding residential designations (page 11) it states:

High Intensity: The majority of residential development in the unincorporated Coastal Zone is within this intensity. Principal permitted uses are one- and two-family dwellings per parcel. The intensity is 6.1 to 36 dwelling units per acre.

The County staff report, in its analysis of the conformance of the proposed residence with the community character of the neighborhood states:

The surrounding parcels are all small 2,500+ square foot lots, most of which are developed with single family residences. As the proposed project is also a single-family residence it will be compatible with the surrounding development.

In addition, the County staff analyzed the proposed development in order to determine that it conforms with the requirements set forth under Section 8175-2 of the Zoning Ordinance of the LCP, listing specific development standards for the Residential Beach Harbor (R-B-H) zoning designation. The subject site is zoned as R-B-H, meaning that one single family residence may be permitted on a parcel with a minimum gross lot area of 1,750 square feet, and a two-family dwelling may be permitted on a parcel with a minimum gross lot area of 3,000 square feet. The R-B-H zone also has maximum height limit for the main structure of 25 feet as measured from the higher of the following: (1) the minimum elevation of the first floor as established by the Flood Control Division of Public Works, or (2) twelve inches above the highest point of the paved portion of the

road adjacent to the lot. The County found that the proposed development did not exceed 25 feet in height and conforms to those standards.

The residence also includes a 500 sq. foot roof deck surrounded by 3 foot high parapet. Section 8175-4.8 of the County Zoning Ordinance addresses roof structures as follows:

In all zones, roof structures may be erected above the height limits prescribed in this Chapter, provided that no additional floor space is thereby created. In the R-B and R-B-H zones, roof structures shall not exceed the height limit to the peak of a roof as stated in Section 8175-3.13, except for TV antennas, chimneys, flagpoles, weather vanes or similar structures, and except for structures or walls as required by the County for fire protection.

Section 8175-3.13(b) and (e) of the Ordinance state:

No portion of a pitched or hip roof may protrude beyond the imaginary lines connecting the main ridge line with the tops of the two exterior finished walls running parallel to the main ridge line, as describe in the definition of building height, except structures such as dormer windows which shall not exceed a finished height of 25 feet, and other permitted roof structures in accordance with Sec. 8175-4.8.

Except for A-frame structures, the highest point of a pitched or hip roof shall not exceed 28 feet in height.

The roof deck does not result in the creation of additional floor space as it is neither covered or habitable, and the 3-foot-high parapet surrounding the deck is consistent with Sections 8175-3.13 and 8175-4.8 as the addition of the parapet results in a maximum height not exceeding 28 feet. In addition, Commission staff also visited the site and confirmed that the surrounding area is developed with similarly sized single-family residences (Exhibit 8). As a result, the County did adequately address this issue raised in the appeal and there is no substantial issue raised, as the subject site's development is consistent with the scale and character of other residences in the Hollywood-by-the-Sea community, and with the policies outlined within the County's certified Local Coastal Program.

b. Flood Control Requirements

The certified Local Coastal Program for Ventura County recognizes that Ventura's Central Coast region, including the areas of Silver Strand and Hollywood-by-the-Sea, is prone to inundation by flood waters during heavy winter storms. The public works section of the General Area Plan (page 102) states:

During heavy winter storms there is a problem with wave run-up and ponding in residential areas.

For the R-B-H zone, the County's Coastal Zoning Ordinance Section 8175-3.13(a) specifies the following restriction concerning building height, which addresses the concerns for flood hazards in the area:

Notwithstanding any other provisions of this Chapter, building height shall be measured from the higher of the following: (1) the minimum elevation of the first floor as established by the Flood Control Division of Public Works, or (2) twelve inches above the highest point of the paved portion of the road adjacent to the lot.

The applicant has submitted evidence of the minimum finished floor elevation for the residence as determined by the County's Flood Control Department. The Ventura County Flood Control Department has established the minimum elevation of the finished floor of the residence to be 9.4 feet above the mean sea level, including the basement. The architect has confirmed that this measurement is the base height from which the project plans are based. The Ventura Flood Control Department also determined that the proposed structure was not subject to the flood Plain Management Ordinance by virtue of the project location. Therefore, the Commission finds that the County did adequately address the issue of flood control hazards and requirements for the new development, and no substantial issue is raised with regards to the project's conformance with flood control requirements as outlined in the County's certified Local Coastal Program.

c. Public Visual Impact

The appellants also argue that the County disregarded the potential impact the development would have on views of the "Captain's House" a "historic residence" located across the street at 2424 Ocean Drive from the subject property (Exhibit 2). The appellants state that in doing so, the County ignored possible impacts to the public viewshed from the proposed development. This residence is currently a privately owned residence. Commission staff could not find evidence regarding the status of said residence as a historic home within the County's records; however, the County's Coastal Land Use Plan, General Statement #6 states (page 7) the following:

No significant visual or scenic problems were identified in most of the unincorporated parts of the County during the issue identification phase of the LCP, thus no specific scenic or visual policies are included, except in the Santa Monica Mountains.

As a result, the protection of public views of the residence located at 2424 Ocean Drive is not within the purview of the County's Local Coastal Plan, and no substantial issue is raised by the argument made by the appellant. Therefore, the Commission finds that this portion of the appeal raises no substantial issue with regard to the consistency of the approved project with the community character, setback, or public visual resource provisions of the County's LCP.

D. Conclusion

For the reasons discussed above, no substantial issue is raised with respect to the consistency of the approved development regarding environmental review, the physical scale of development in relation to the surrounding community, or public visual resource policies of the County's certified LCP. Therefore, the Commission finds that the appeal filed by Richard Bertain, and James and Nancy Guiboa, does not raise a substantial issue as to the County's application of the policies of the LCP in approving the proposed development.



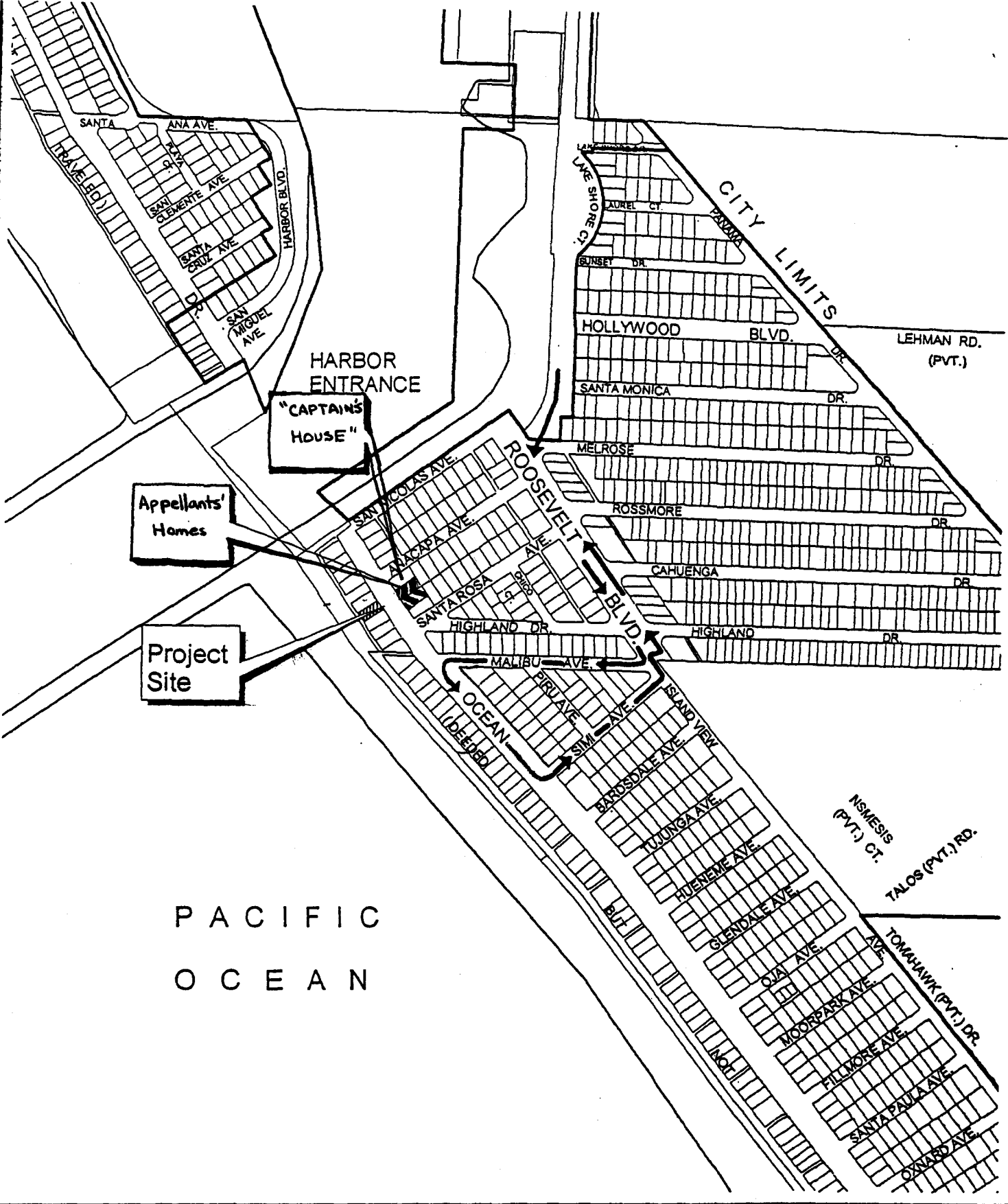
Project
Site

EXHIBIT NO. 1

APPLICATION NO.

A-4-VNT-01-202

VICINITY MAP

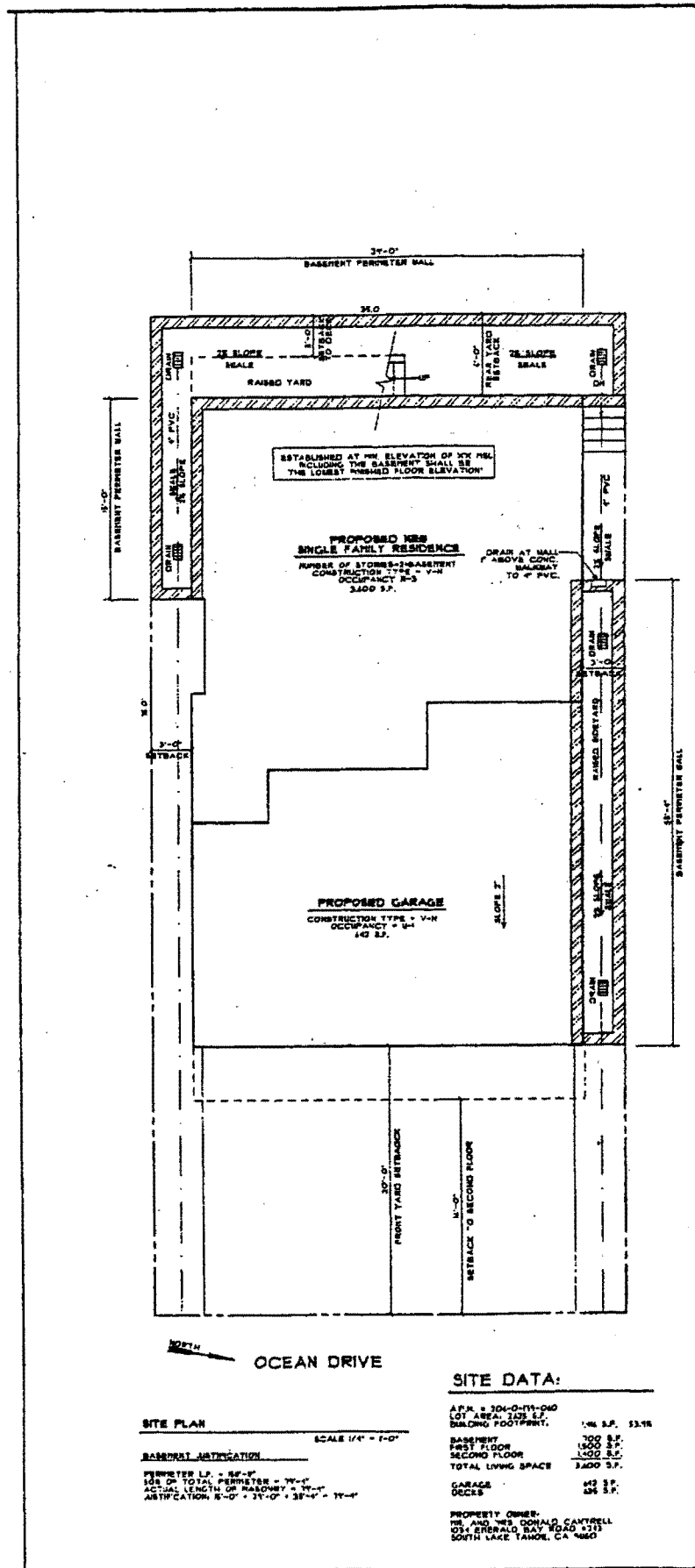


Ventura County California
Resource Management Agency
Planning Division

0 400 Feet

ALT ERNATIVE AREA SCHOOL BUS RUTE MAP

EXHIBIT NO.	2
APPLICATION NO.	
A-4-VNT-01-202	
PARCEL MAP	



REVISIONS	BY

SPECIFICATIONS 1 SITE PLAN

Cantrell Residence
2421 Ocean Drive
Oxnard, CA 93035

Ray M. Branch, Architect
1295 Mesa Verde Ave. Suite # 200
Venture, CA 93003
Phone (805) 639-0185

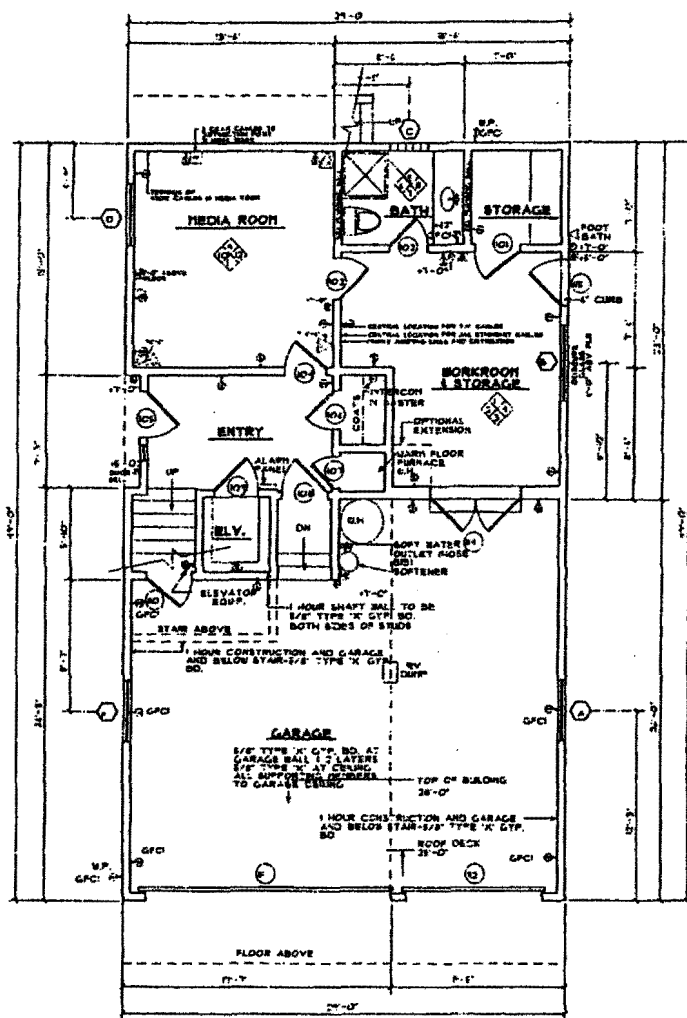
DATE	BY

EXHIBIT NO. 3

APPLICATION NO.

A-4-VNT-01-202

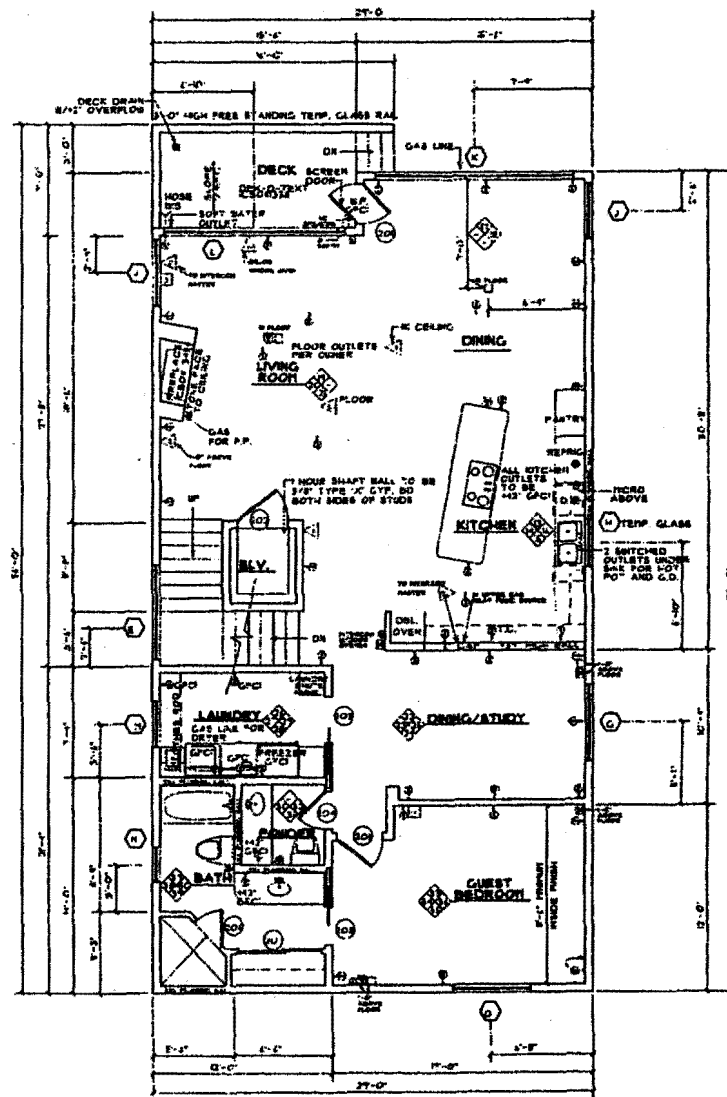
SITE PLAN



BASEMENT FLOOR PLAN

100 S.F.

SCALE 1/4" = 1'-0"



FIRST FLOOR PLAN

100 S.F.

SCALE 1/4" = 1'-0"

EXHIBIT NO. 4

APPLICATION NO.

A-4-VNT-01-202

FLOOR PLAN I

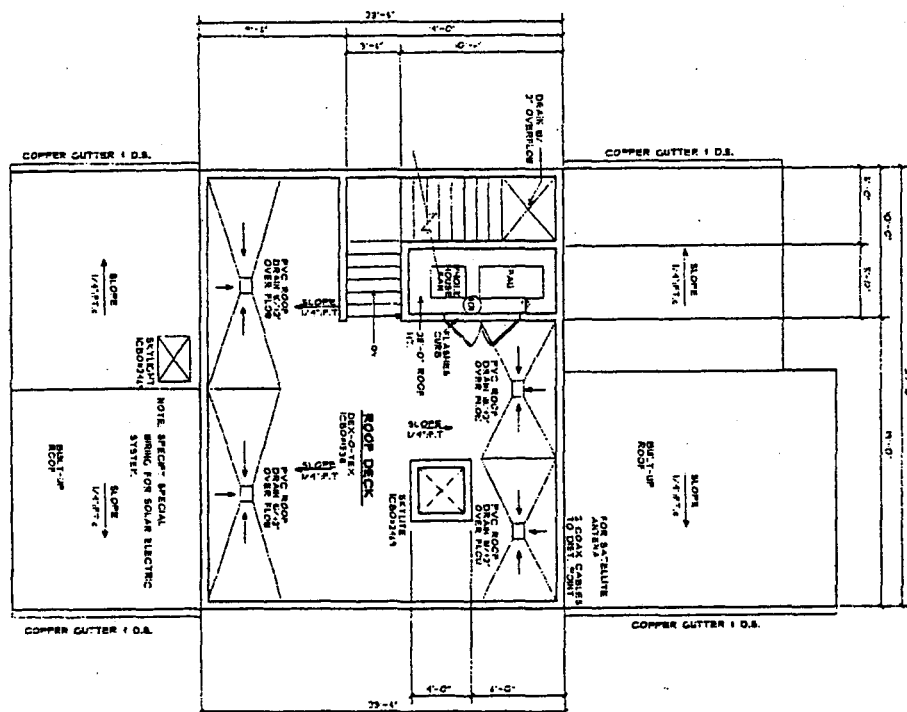
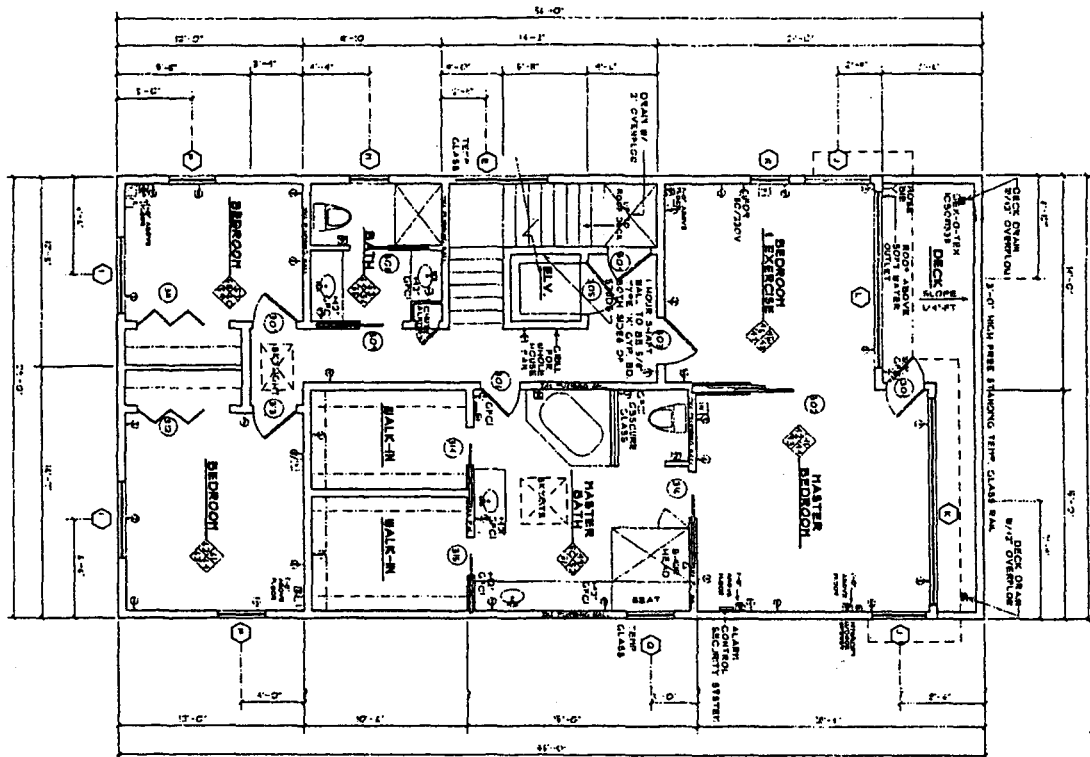
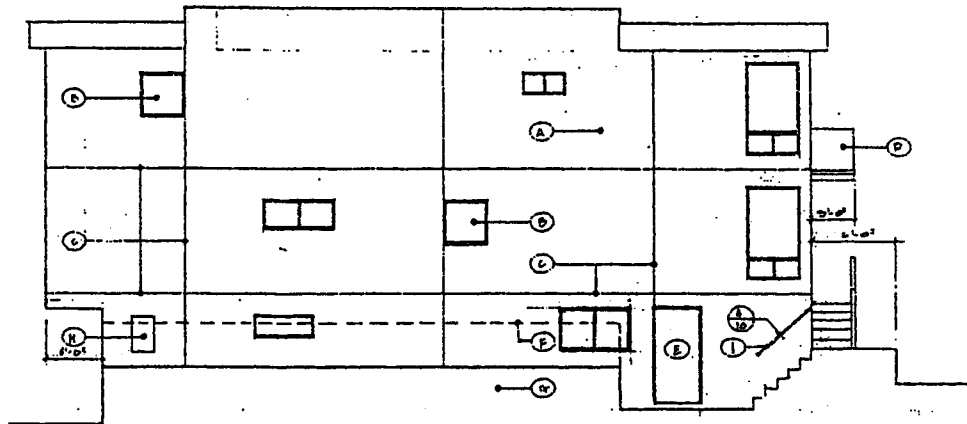
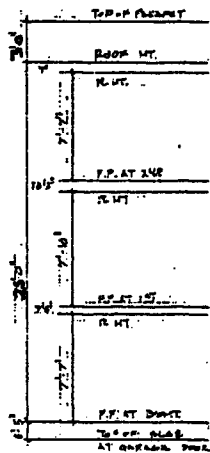


EXHIBIT NO. 5

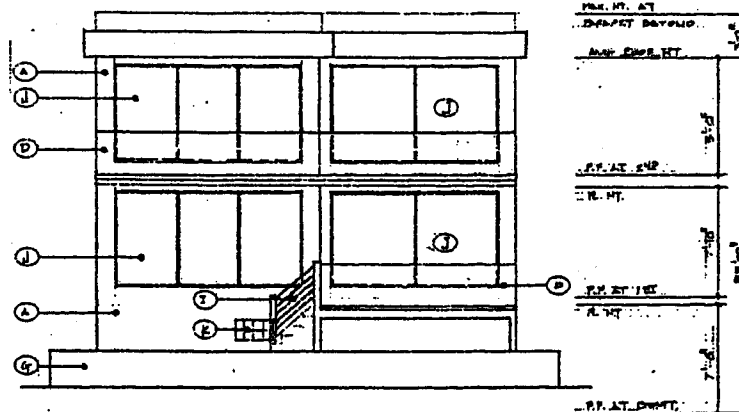
APPLICATION NO.

A-4-VNT-01-202

FLOOR PLAN II

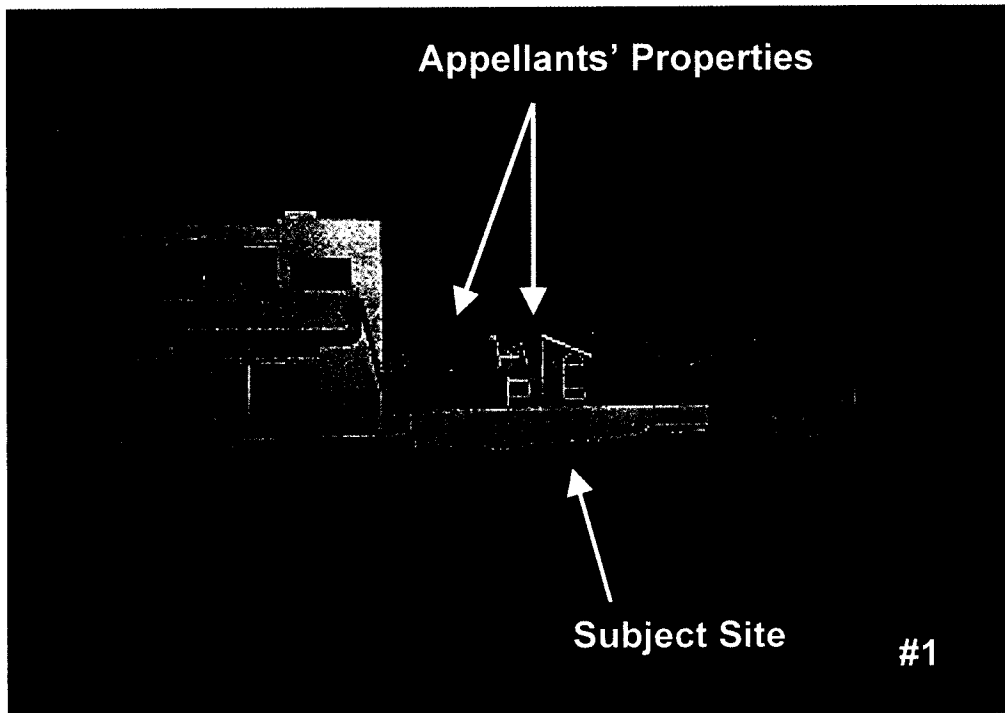


NORTH ELEVATION



WEST ELEVATION

EXHIBIT NO.	4
APPLICATION NO.	
A-4-VNT-01-202	
ELEVATIONS I	



#1 Photo

Shows view of subject site and surrounding properties as seen from Silver Strand Beach. Appellants' properties are visible in the background. Residence on left side is comparable in height and scope to the proposed residence.

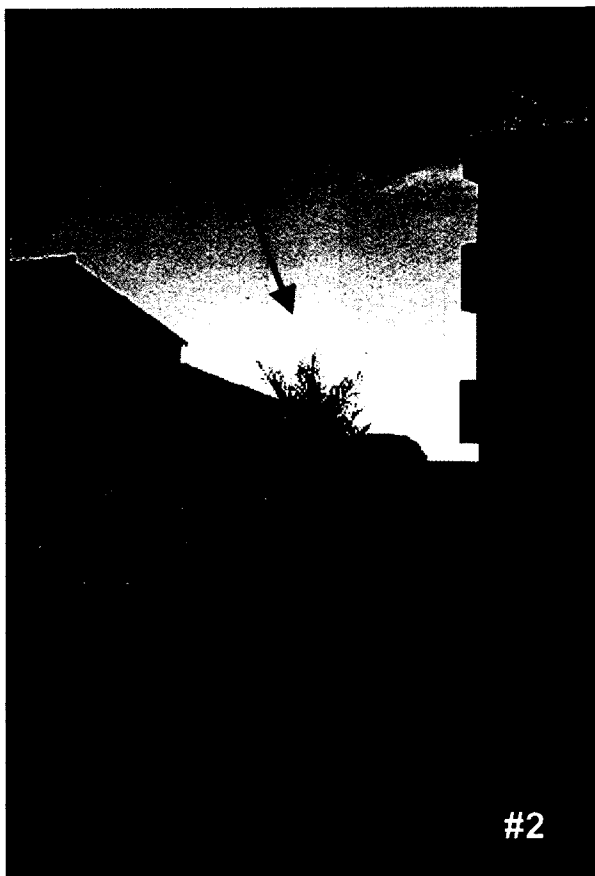


Photo #2

Shows view of subject site as seen from Ocean Drive looking west toward ocean.

**Exhibit 8
A-4-VNT-01-202
Cantrell
Views**

**BOARD MINUTES
BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF
CALIFORNIA**

**SUPERVISORS STEVE BENNETT, FRANK SCHILLO,
KATHY I. LONG, JUDY MIKELS AND JOHN K. FLYNN**

October 23, 2001 at 1:30 p.m.

222

Public Hearing on Appeal 455 regarding PD 1860 (Cantrell), in the Hollywood By The Sea, James and Nancy Guiboa.

- (X) All board members are present.
- (X) The following person(s) are heard: Terry Newman, Richard Burtain, James Guiboa, Roy Milbrandt and Donald Cantrell
- (X) The following document(s) are submitted to the Board for consideration:
 - (X) Response Letter from Donald Cantrell and Mary Cantrell, applicants for Planned Development Permit 1860
- (X) The Board holds a public hearing.
- (X) Upon motion of Supervisor Flynn, seconded by Supervisor Mikels, and duly carried, the Board hereby approves the attached staff recommendations to uphold the Planning Commission's decision to Approve PD No. 1860 and to Deny Appeal No. 455.

By: 
Deputy County Clerk

CLERK'S CERTIFICATE

I hereby certify that the annexed instrument is a true and correct copy of the document which is on file in this office.
RICHARD D. DEAN, County Clerk and ex-officio Clerk of the Board of Supervisors, County of Ventura, State of California.

Dated: _____

By: _____
Deputy County Clerk

DISTRIBUTION: Originating Agency, Auditor, File

Item #22
10/23/01

EXHIBIT NO. 9
APPLICATION NO.
A-4-VNT-01-202
COUNTY FINDINGS

October 23, 2001 (Agenda)

Board of Supervisors
County of Ventura
800 S. Victoria Avenue
Ventura, CA 93009

SUBJECT: Appeal 455 (AP455) filed by Mr. and Mrs. James Guiboa, appealing the Planning Commission's decision to uphold the Planning Director approval of Planned Development Permit No. 1860 and to deny AP455

RECOMMENDATIONS:

Recommended Action Based upon the Planning Commission's Action:

1. **UPHOLD** the decision of the Planning Director to **APPROVE** Planned Development Permit No. 1860; and deny Appeal No. 455 and **APPROVE** PD1860.
2. **ADOPT** the findings of the planning Director (Exhibit "4"), and **APPROVE** PD1860, subject to the Conditions of Approval (Exhibit "4").

FISCAL/MANDATES IMPACT: none.

DISCUSSION:

On July 10, 2001 the Planning Director after final review of the application to construct a 3600 square foot single-family beachside residence (Exhibit "3"), adopted the findings and made the decision to approve Planned Development Permit No. 1860 with staff recommended conditions (Exhibit "4"). On July 20, 2001 Mr. James Guiboa, resident of 2408 Ocean Drive which is located across the street from the subject site (top photo Exhibit "8"), filed appeal No. 454 to the Planning Commission in opposition to the project being approved. On September 27, 2001 a public hearing was held at which time the Commission voted 3-0 to deny the appeal and uphold the Planning Director's approval of PD-1860 (Exhibit "10", PC Resolution and Hearing Minutes). At that Hearing the Commission directed staff to amend project Condition #18, regarding Hours of Construction Activity, to be less restrictive.

On October 8, 2001, as provided for by provisions of Section 8181-9 of the Ventura County Coastal Zoning Ordinance, the appellant filed a subsequent appeal (AP455) to this Board, requesting that the Planning Commission's denial of their appeal be overturned (Exhibit "11"). That request is the subject of today's Hearing.

For the reason set forth in Exhibit "1", staff recommends that you deny the appeal and approve the Planned Development subject to the Planning Commission directed revision of condition #18, conditions of approval for Planned Development Permit #1860.

This item has been reviewed by the office of the Chief Executive Office and County Counsel. If you have any questions concerning this item please contact Patrick Richards, Manager, Land Use Permit Section, at Ext. 5192.



Christopher Stephens, Director
PLANNING DIVISION

Attachments: Exhibit "1" – Planning Commission Staff Report, Sept. 27, 2001
Exhibit "2" – Location Map
Exhibit "3" – Approved Site Plan and Floor Plan
Exhibit "4" – Approval Letter and Project Conditions
Exhibit "5" – Appeal Form, faxed July 20, 2001 (Appeal No. 454)
Exhibit "6" – Bus Route Maps(s)
Exhibit "7" – Aerial Photo
Exhibit "8" – Site Photos
Exhibit "9" – Letter from Mr. Guiboa, faxed Aug. 8, 2001
Exhibit "10" – PC Resolution and Hearing Minutes
Exhibit "11" – Appeal Form, faxed Oct. 8, 2001 (Appeal No. 455)
Exhibit "12" – Correspondence Received
Exhibit "13" – Tape of Planning Commission Hearing, on file
with clerk of the Planning Commission.

**VENTURA COUNTY PLANNING COMMISSION
STAFF REPORT AND RECOMMENDATIONS
Meeting of September 27, 2001**

SUBJECT:

Appeal No. 454 (A-454) regarding the decision of the Planning Director to approve Planned Development Permit No. 1860.

Appellant:

Mr. and Mrs. James Guiboa
2408 Ocean Drive
Hollywood By The Sea, CA 93

Permittee and Property Owner:

Donald and Mary Cantrell
1034 Emerald Bay Road, #243
South Lake Tahoe, CA 96150

REQUEST:

Mr. and Mrs. Guiboa are requesting that the Ventura County Planning Commission overturn the Planning Director's approval of Planned Development Permit No. 1860 for a new 3,600 square foot two story Single Family Dwelling (Exhibit "3"). This appeal is provided for under Ventura County Coastal Zoning Ordinance Section 8181-9.

STAFF TESTIMONY and PROPOSED FINDINGS:

A. Location, Assessors' Parcel Number, And Size:

The project site is located on Assessor's Parcel No. 206-0-179-06 with a street address of 2421 Ocean Drive, Hollywood By The Sea, CA. The size of this beach side parcel is 35 feet wide by 75 feet in depth, or 2,625 square feet in area (Exhibit "2").

B. General Plan/Zoning Designation:

The subject parcel has a General Plan designation of "Existing Community" and an Area Plan designation of "Coastal Plan Residential High". The zoning designation on the subject site is Residential Beach Harbor (RBH).

C. Legal Lot Status:

The subject assessor's parcel constitutes a discrete, legal lot shown as Lot 5 of the subdivision entitled "Hollywood-By-The-Sea", recorded October, 1926, Book 18, Page 22 of Miscellaneous Records.

D. Site Information:

1. Access: This parcel is an interior beach front lot located at 2421 Ocean Drive, Hollywood By The Sea, Oxnard, in the central coast area of Ventura County. It is bordered in the rear by a ten-foot wide beachfront pedestrian access easement.
2. Existing Structures and Buildings: This is a level lot with no buildings or structures.

E. Background Information:

1. Planning Director Public Hearing:

An Administrative Public Hearing on an application for the proposed single family dwelling was publicly noticed in the Ventura County Star (May 21, 2001). A legal notice was also sent to all property owners within 300 feet of the site, and all residents within 100 feet of the site.

On June 7, 2001, at 11:00 a.m. the hearing was held in Room 311 of the County Administrative Building. Four persons attended the Planning Director Hearing. Two persons represented the property owner and two persons spoke in opposition to the project.

2. Planning Director's Approval of the Permit:

On July 10, 2001, the Planning Director, after final review of the application, the permit conditions, all exhibits, and public comments, adopted the findings and made the decision to approve the Planned Development Permit with staff recommended conditions (Exhibit "4").

F. APPELLANT'S GROUND'S OF APPEAL:

On July 20, 2001, Mr. James Guiboa, resident of 2408 Ocean Drive, Oxnard, filed Appeal 454, appealing the Planning Director's decision to approve Planned Development Permit No. 1860 to the Planning Commission. This appeal is provided for under Ventura County Coastal Zoning Ordinance Section 8181-9. For your Commission's reference, Mr. Guiboa is the owner of a property located across the street to the northeast of the project site (Exhibit "2").

The appellant has set forth his grounds for appeal in Exhibit "5". Staff will summarize the appellant's reasons for the appeal, to be followed by staff response.

G. CAUSE OF APPEAL- ISSUES OF TRAFFIC, NOISE AND SAFETY:

The appellant contends that the proposed project is located on a narrow street (60 feet wide) and its construction will require the encroachment of heavy equipment into the roadway. It would, therefore, be incompatible with the bus routes for the pick up and transport of school children, as well as disruptive to the normal neighborhood traffic. In addition, the appellant raises the issue that construction of this project will result in an "uncomfortable environment" (the appellant's reference) in the form of excessive noise, traffic congestion, and issues of safety for surrounding neighbors.

STAFF RESPONSE:

Planning staff has contacted the Port Hueneme School District to determine if the proposed project could affect the bus transport of children to and from school. We were informed that if a conflict should occur it would be limited to a 15-minute period in early morning and again in the afternoon. Coordination between the school transportation service and the project general contractor can assure that such a conflict will not occur (see Condition No. 19). The Planning Division has been informed by the School District that an alternate route is available should Ocean Drive be blocked for any period of time during construction (Exhibit "6").

While it is unknown to what extent this project will disrupt the normal neighborhood traffic patterns and generate construction noise for the term of the project development, Permit Condition No. 17 (regarding construction access) and Condition No. 18 (regarding hours of construction activity) is intended to address noise issues. It is also reasonable to assume that such disruption has been common to each house constructed in this subdivision since its creation in 1926. As the Coastal Zoning Ordinance provides for the development of this parcel in a manner consistent with residential development standards for the Residential Beach Harbor (RBH) zone, its development is a matter of right.

Staff Proposed Finding: Based on the above analysis, and with the imposition of all the Staff proposed permit conditions, the proposed use will be compatible with the character of the surrounding development.

H. COUNTY STAFF IMPOSED CONDITIONS:

The permittee has accepted all Conditions imposed on the permit (Exhibit "7").

I. PLANNING STAFF RECOMMENDED ACTIONS:

That the Commission find the Project would not be obnoxious or harmful, or impair the utility of the neighboring property uses, and, therefore, uphold the decision of the Planning Director to approve Planned Development Permit No. 1860, and to affirm the findings thereof, upon which it is based, subject to the Conditions of Approval, and to deny Appeal No. 454.

Prepared by:

Approved by:



Terry Newman, Case Planner
(805) 645-1364



Christopher Stephens, Director
Planning Division

F:\RMA\WPC\WINWORD\1h4-1.01.doc

Attachments:

- Exhibit "2" Location Map
- Exhibit "3" Approved Site Plan and Floor Plan
- Exhibit "4" Project Conditions
- Exhibit "5" Appeal Form
- Exhibit "6" Bus Route Map(s)
- Exhibit "7" Aerial Photo
- Exhibit "8" Site Photos
- Exhibit "9" Faxed August 8, 2001, letter from Mr. Guiboa

RESOURCE MANAGEMENT AGENCY

county of ventura

11-VNT-01-207 CCC appeal to begin
Oct 30, 2001 (10 days)

Planning Division
Christopher Stephens
Director

NOTICE OF FINAL DECISION

RECEIVED

OCT 29 2001

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Bonnie Luke
California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001

On June 10, 2001, the Planning Director approved Planned Development Permit 1860. On July 27, 2001 that decision was appealed to the Planning Commission in public hearing. The Appeal (AP454) was denied. The permit was further appealed to the Board of Supervisors. That Appeal (AP455) was also denied in public hearing on October 23, 2001. Therefore, the Planning Director's decision is now final and approval will be complete at the end of the Coastal Commission Appeal period if no Appeals are filed. The permit is described as follows:

Applicant Name and Address: **Mr. And Mrs. Donald Cantrell**
3600 S. Harbor Blvd., #313
Oxnard, Ca. 93035

Location: 2421 Ocean Drive, Hollywood By the Sea, Oxnard

Assessor Parcel No.: 206-0-179-06

Date Filed: February 8, 2001

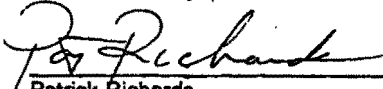
Description of Request: The construction of a new 3600 square foot single family dwelling and attached two car garage.

Findings and Conditions: See attached staff report for the findings and conditions that apply to the proposed project.

Appeals: After receipt of this Notice, the Coastal Commission will establish its Appeal period. At the conclusion of that Appeal period, if no Appeals are filed, this decision will be effective.

Any inquiries regarding this Notice of Final Decision should be directed to, Terry Newman Case Planner, at (805) 645-1364.

Date: October 24, 2001


Patrick Richards
Coastal Administrative Officer

Attachment: Coastal Staff Report
Board Appeal Packet with Exhibits

C: Applicant

EXHIBIT NO. 10

APPLICATION NO.

A-4-VNT-01-202

FINAL LOCAL ACTION
NOTICE

**VENTURA COUNTY
COASTAL ADMINISTRATIVE HEARING
STAFF REPORT AND RECOMMENDATIONS
Meeting of June 7, 2001**

SUBJECT:

Planned Development Permit No. PD-1860

APPLICANT:

Roy Milbrandt Architect
1695 Mesa Verde, Suite 200
Ventura, Ca 93003

PROPERTY OWNER:

Donald and Mary Cantrell
1034 Emerald Bay Road
South Lake Tahoe, Ca 96150

A. REQUEST:

The construction of a 3600 square foot single family residence with basement and attached garage on a vacant beach-side lot.

B. LOCATION AND PARCEL NUMBER:

The parcel is located at 2421 Ocean Drive, Hollywood-By-The-Sea-Beach, Oxnard in the central coast area of Ventura County. The Assessor's parcel number is 206-0-179-065, (see Exhibit "3").

C. BACKGROUND:

The present owners purchased the parcel in order to construct a two story single family residence with basement and attached two car garage.

D. GENERAL PLAN AND ZONING:

General Plan Land Use Map Designation: EXISTING COMMUNITY

Coastal Area Plan Land Use Map Designation: RESIDENTIAL HIGH (6.1-36 DU/AC.)

Coastal Zoning Classification: R-B-H (RESIDENTIAL BEACH HARBOR)

E. EVIDENCE AND PROPOSED PERMIT FINDINGS:

Certain findings specified by Section 8181-3.5 of the County Coastal Zoning Ordinance must be made to determine that the proposed project is consistent with the Ordinance and with the Land Use Element of the Local Coastal Program. The proposed findings and the project information and evidence to either support or reject them are presented below:

1. **Proposed Finding:** The project is consistent with the intent and provisions of the County Local Coastal Program.

Evidence:

- (a) **General Plan and Zoning:** The proposed project is compatible with the current General Plan, Local Coastal Plan and Coastal Zoning Ordinance. Section 8175-5.1 of the Zoning Ordinance indicates that the construction

of a single family residence is allowed in the R-B-H zone with a Planning Director Approved-Planned Development Permit.

- (b) Protection of Environmentally Sensitive Habitats: The proposed project is on a vacant legal parcel in a developed residential community therefore, there will be no impacts to environmentally significant habitats as there are none on the project site.
 - (c) Protection of Archaeological and Paleontological Resources: The proposed project is on an undeveloped 2625 s.f. parcel in a developed residential community, with existing homes on either side. Therefore, no direct or indirect adverse impacts to archaeological or paleontological resources will occur as a result of the proposed project.
 - (d) Recreation and Access: Adequate vertical public access to the public beach is available some 35 feet northwest of the subject site. The proposed project will not block or hinder existing access to the public beach. Therefore, there will be no impact from the proposed project on recreation or access thereto.
 - (e) Preservation of Agricultural Lands: The proposed project site is not located on or near an agriculture preserve or prime soils area. The project will not have an impact on the preservation of agriculture lands or land use plan policies relating to agricultural uses.
 - (f) Protection of Public and Property from Naturally-Occurring and Human-Induced Hazards: The Public Works Agency has determined that there will be no adverse impacts relative to the proposed project from naturally-occurring and/or human-induced hazards as there are no known faults or landslides on the project site.
 - (g) Protection of Property from Beach Erosion: The project site is not located in an area of beach erosion. Therefore, the property does not require protection from beach erosion and no impacts are expected.
 - (h) Consistency with Public Works Policies: The proposed project will be required to meet all Public Works Agency requirements for development, prior to issuance of a building permit. In addition, no Public Works facilities will be affected by the proposed project.
2. **Proposed Finding:** The project is compatible with the character of surrounding development.
Evidence: The surrounding parcels are all small 2,500+ square foot lots, most of which are developed with single family residences. As the proposed project is also a single family residence it will be compatible with the surrounding development.
3. **Proposed Finding:** The project will not be obnoxious or harmful, or impair the utility of neighboring property or uses:
Evidence: The proposed single family residential development, will not be obnoxious or harmful, or impair the utility of neighboring property or uses. The construction of a new single family dwelling and attached garage, as conditioned,

will not create any significant traffic, noise, dust, or other such impacts on the surrounding residences.

4. **Proposed Finding:** The project will not be detrimental to the public interest, health, safety, convenience or welfare.

Evidence: The proposed project, a single family residence, has all necessary public services provided to the project site or has demonstrated to the appropriate agencies that all necessary utility requirements (i.e. water and septic) can be met. The project site also has an established access. Therefore, the proposed project will not be detrimental to the public interest, health, safety, convenience or welfare.

F. COUNTY ORDINANCE CODE COMPLIANCE:

Based upon the information and evidence presented above, this application with the attached conditions, meets the requirements of Section 8181-3.2 the County Coastal Zoning Ordinance and County Coastal Plan. The proposed project is consistent with the intent and provisions of the County's Local Coastal Program in that the development will not have an impact upon environmentally sensitive habitats, coastal recreation or access, nor have an impact upon neighboring property or uses. The design and style of the proposed development is consistent and compatible with other dwellings in the beach community and meets the development standards of the "R-B-H" zone.

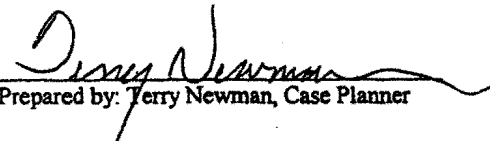
- G. CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE:** The proposed single family residence is determined to be exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15303 Class 3, "New Construction of Small Structures"(single family dwelling). A Notice of Exemption will be filed with the Clerk of the Board following action on this permit. Filing of the Notice establishes a 35-day statute of limitations on legal challenges to the decision that this project is exempt from CEQA.

- H. JURISDICTIONAL COMMENTS:** The project was distributed to the appropriate and concerned agencies, as of the date of this document no comments on the project have been received.

- I. PUBLIC COMMENTS:** All property owners within 300' of the proposed project parcel and all residents within 100' of the subject parcel were notified by U.S. Mail of the proposed project. In addition, the notice was published in the local newspaper. As of the date of this document, no comments have been received.

RECOMMENDED ACTION:

1. **Find** that the project is categorically exempt from CEQA, and **Direct** that a Notice of Exemption be prepared and filed in accordance with CEQA and the Guidelines issued thereunder;
2. Adopt the proposed findings and **Approve** Planned Development Permit No.1793, subject to the conditions in Exhibit "2".


Prepared by: Terry Newman, Case Planner

Attachments:


Exhibit "2" - Conditions of Approval

Exhibit "3" - Location Map (Assessor Parcel Map)

Exhibit "4" - Plot Plan/Site Plan

Exhibit "5" - Elevations and Floor Plans

Project and conditions ☒ approved or ☐ denied on (date) 7-10-01



Patrick Richards, Manager

Land Use Permits Section and

Coastal Administrative Officer

c:\msoffice\winword\debbie\document\coastal\pd1732csr.doc

TO:

THE CALIFORNIA COASTAL COMMISSION

Our reason for appealing this project PD-1860 is as follows:

We believe this development is not compatible with the physical scale of the area. To our knowledge there isn't any houses in the area that encompasses the square footage that this planned development does (3,600 sq. ft.). The lot is very small for this large 3 story house to be built on. There may be one other house that approaches the square footage of this house, but it was built on a DOUBLE LOT! In the nearby area most all the houses are approximately 1,100 to 1,800 sq. ft. with the exception of the house next door to the proposed development that is about 4 to 5 years old.

We are also concerned that this residence meets the criteria as a proposed "two story single family residence with a basement". We were under the impression that in a flood control zone such as this, that all floors had to be at ground level or above.

We believe that a trimmed down version of this planned development would be more compatible in this area. Other homes in this area are in the 2,400 or 2,500 sq. ft. area.

James Guibon 11-6-01
Dorey Guibon 11-06-01

EXHIBIT NO.	11
APPLICATION NO.	
A-4-VNT-01-202	
GUIBON APPEAL	

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.)

- 1) COUNTY FAILED TO REQUEST EIR. BASED ON "CATEGORICAL EXEMPTION" - THE PLANNED DEV. WILL CLEARLY HAVE A NEGATIVE ENVIRONMENTAL IMPACT. AN EIR SHOULD BE REQUESTED & EVALUATED
- 2) THE COUNTY STATES THAT PLANNED DEV. MEETS COUNTY ORDINANCE SECTION 8181-2.5 HOWEVER, THE PROPOSED DEV. IS NOT COMPATIBLE WITH THE CHARACTER OF THE SURROUNDING DEVELOPMENT. THE PROPERTY NEXT DOOR 2419 OCEAN IS A SPANISH STYLE HISTORIC HOME BUILT IN 1920'S THE PLANNED DEV. IS OVERSIZED @ 3600 SQ FT ON SUCH A SMALL LOT.
- 3) THE PROPERTY AT 2424 OCEAN IS ALSO KNOWN AS "THE CAPTAIN'S HOUSE" AND IS A HISTORICAL HOME. THE PLANNED DEV. WILL BLOCK THE VIEW OF THIS HISTORICAL STRUCTURE

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.

Richard Bertain

Signature of Appellant(s) or
Authorized Agent

Date November 9, 2001

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 _____

EXHIBIT NO. 12

APPLICATION NO.

A-4-VNT-01-202

BERTAIN APPEAL

