

CALIFORNIA COASTAL COMMISSION

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December 16, 2003

To: Commissioners and Interested Parties

From: Charles Damm, Senior Deputy Director
Gary Timm, District Manager
James Johnson, Coastal Program AnalystRe: **County of Ventura LCP De-minimus Amendment No. 1-03 to the Implementation Plan** (Secondary Housing Units) to be reported at the January 14, 2004 Commission hearing at Montage Resort Hotel, 30801 South Coast Highway, Laguna Beach, CA 92651, (949) 715-6000.**Amendment Description**

The proposed amendment request is to amend the County's Implementation Plan, i.e. Coastal Zoning Ordinance. Specifically, the proposed amendment changes the permitting process for secondary housing units from an administrative public hearing to a ministerial process for all properties with a single family residential zoning classification pursuant to Assembly Bill 1866, adopted in 2002, which amended California Government Code Section 65852.2 and to require that the applicants of all second units be owner-occupants of the principal dwelling unit on the parcel.

Determination

Pursuant to Section 30514(d) of the Coastal Act, the Executive Director has determined on October 30, 2003 that the proposed amendment is "de-minimus" in nature. Section 30514 (d) (1) of the Coastal Act allows the Executive Director to determine that a proposed amendment is "de-minimus" if there are no impacts on coastal resources, either individually or cumulatively and is consistent with the policies of Chapter 3, in addition to meeting certain public notice and hearing criteria.

The proposed amendment will not change the kind, location, intensity, or density of use as designated in the zoning ordinance for the single family residential zoning classification. The County's approval of second housing units will still require County action on coastal development permits. All approved coastal development permits will continue to require the County to provide the Commission with Notices of Final Action to allow for potential appeals to the Commission. As a result, the County's coastal permit appeal procedure and the Commission's review of any appealed coastal permits for second housing units will not be changed by this Amendment. The proposed amendment will have no impacts on coastal resources, either individually or cumulatively and is consistent with the policies of Chapter 3. In addition, the County's processing of the proposed amendment meets all of the public notice and hearing criteria listed in Section 30514 (d) of the Coastal Act.

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Therefore, the proposed amendment to change the permitting process for secondary housing units from an administrative public hearing to a ministerial process for all properties with a single family residential zoning classification and to require that the applicants to all second units be owner-occupants of the principal dwelling unit on the parcel is considered "de-minimus" as defined by Section 30514(d) of the Coastal Act.

Procedures

The County of Ventura Board of Supervisors approved the proposed amendment on June 3, 2003. Public comments were received at the public hearings scheduled by the County of Ventura for this amendment. The Executive Director has determined on October 30, 2003 that this amendment is "de-minimus" and will be noticed on the agenda of the next regularly scheduled meeting of the Commission, in accordance with Section 11125 of the Government Code.

Section 30514 (3) (B) and (C) of the Coastal Act provides that if three members of the Commission object to the Executive Director's determination that the proposed amendment is determined to be "de-minimus", the proposed amendment shall be noticed in the agenda of the next regularly scheduled meeting of the Commission, in accordance with Section 11125 of the Government Code. If three or more members of the Commission do no object to the "de-minimus" determination, the "de-minimus" local coastal program amendment shall become part of the certified local coastal program ten days after the date of the Commission meeting.

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