

W 14.5 b

CALIFORNIA COASTAL COMMISSION

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

Filed: 12/15/04

49th Day: 2/2/04

Staff: J Johnson-

Staff Report: 12/28/04

Hearing Date: 1/12/05



STAFF REPORT: APPEAL SUBSTANTIAL ISSUE

LOCAL GOVERNMENT: County of Ventura

RECORD PACKET COPY

DECISION: Approval with Conditions

APPEAL NUMBER: A-4-VNT-04-128

APPLICANT: Enclosure Architects, Scott Strumwasser

PROJECT LOCATION: 3329 Ocean Drive, Hollywood Beach, Ventura County

PROJECT DESCRIPTION: Demolish single family dwelling and construct 2,973 sq. ft. single family dwelling with attached 470 sq. ft. garage.

ASSESORS PARCEL NUMBER: 206-233-170

APPELLANTS: Diana Quintana, Peter & Donna Poulson, Cameron Walker, Milos & Trisha Douda, Sheila & Frank McGinity

STAFF RECOMMENDATION: SUBSTANTIAL ISSUE

Summary of Staff Recommendation: Substantial Issue Exists

Staff recommends that the Commission determine that ***substantial issue exists*** with respect to the grounds on which the appeal has been filed. The appeal contends that the approved project is not consistent with policies and provisions of the certified Local Coastal Program with regard to scenic and visual quality, minimizing the alteration of natural landforms, and coastal hazards.

Staff Note

This appeal was filed on December 15, 2004 on the same day as the request for a copy of the administrative record was sent to County of Ventura. The administrative record was received on 12/23/2004 which allowed for only a limited review.

SUBSTANTIVE FILE DOCUMENTS: County of Ventura Local Coastal Program; California Coastal Act; California Coastal Commission Code of Regulations; Administrative Record Ventura County # PD-2004; Appeals filed by Diana Quintana, Peter & Donna Poulson on December 15, 2004; by Cameron Walker on December 17, 2004, and by Milos & Trisha Doua, Sheila & Frank McGinity on December 20, 2004.

I. APPEAL JURISDICTION

The project site is located on a beachfront lot on the seaward side of Ocean Drive in the Hollywood Shores neighborhood, Ventura County. The Post Local Coastal Program (LCP) Certification Permit and Appeal Jurisdiction map certified for the County of Ventura (adopted November 20, 1985) indicates that the subject site is within the appealable jurisdiction 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. 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 a local government may be appealed to the Commission if it is 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 no 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 Commission meeting at a later date.

B. LOCAL GOVERNMENT ACTION AND FILING OF APPEAL

On November 23, 2004, the County of Ventura Board of Supervisors approved a coastal development permit (PD 2004) to demolish a single family dwelling and construct a new 2,973 sq. ft. single family dwelling with an attached 470 sq. ft. garage on a beachfront parcel located at 3329 Ocean Drive, Hollywood Beach. Commission staff received the Notice of Final Action from the County for the project on December 6, 2004. A 10 working day appeal period was established and notice provided beginning December 7, 2004 and extending through December 20, 2004.

Appeals were filed by Diana Quintana, Peter & Donna Poulson on December 15, 2004, by Cameron Walker on December 17, 2004, and by Milos & Trisha Douda, Sheila & Frank McGinity on December 20, 2004 (Exhibits 1 – 5). Commission staff notified the County and the applicant of the appeal and requested that the County provide its administrative record for the permit on December 15, 2004. The administrative record was received from the County on December 23, 2004.

II. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

MOTION: *I move that the Commission determine that Appeal No. A-4-VNT-04-128 raises NO substantial issue with respect to the grounds on which the appeals have been filed under Section 30603 of the Coastal Act.*

Staff Recommendation:

Staff recommends a **NO** vote. Failure of this motion will result in a de novo hearing on the proposed development and 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. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

Resolution to Find Substantial Issue:

The Commission hereby finds that Appeal A-4-VNT-04-128 presents a **substantial issue** with respect to the grounds on which the appeals have been filed under Section 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

IV. FINDINGS AND DECLARATIONS FOR SUBSTANTIAL ISSUE

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND BACKGROUND

As noted above, on November 23, 2004 the Board of Supervisors, County of Ventura approved a coastal development permit (PD 2004) to demolish a single family dwelling and construct a new 2,973 sq. ft. single family dwelling with an attached 470 sq. ft. garage on a beachfront parcel located at 3329 Ocean Drive, Hollywood Beach (Exhibits 6 – 16). The appellants appealed the Board of Supervisor's decision to the Coastal Commission on December 15, 2004.

The subject site is a beachfront parcel located along Ocean Drive, a public road in the Hollywood Beach neighborhood of Ventura County (Exhibits 6 and 7). The site is a residentially developed, 2,626 sq. ft. lot that is approximately 35 feet wide on the seaward (west) side and a maximum of about 75 feet deep extending out into the ocean. The subject site is an infill site within the existing residential beach community, and is bordered by one story single-family residences located to the north and of the subject lot (Exhibit 8). The nearest vertical public accessways to the beach are located approximately 200 feet to the south and 450 feet to the north of the subject site. Lateral public access along an expansive sandy beach is adjacent to the site to the west and large areas of public beach access and recreation exist to the north and south along this stretch of beach (see Exhibit 6).

B. APPELLANT'S CONTENTIONS

The appeals filed with the Commission by Diana Quintana, Peter & Donna Poulson, Cameron Walker, Milos & Trisha Doua, Sheila & Frank McGinity are attached as Exhibits 1 – 5.

The appeals raise a number of issues contending that the approved project is not consistent with the policies of the certified LCP and the Coastal Act with regard to visual resources minimizing the alteration of natural landforms and coastal hazards. The appellants contend that

the height of the residence (28 feet) is greater than the 25 feet allowed in the Coastal Zoning Ordinance, that the proposed (77 cubic yards) grading and fill is inconsistent with the Coastal Area Plan, that the concrete block walls and fencing along the side yards perimeter of the property (maximum 13.5 feet high above natural grade) are greater than the maximum 6 foot high allowed by the coastal zoning ordinance, and that the 6 - 9 foot high concrete retaining walls (basement perimeter walls) on the seaward side and side yard perimeters act as a seawall in consistent with the Coastal Act and the Coastal Zoning Ordinance. The appellants raise other concerns that are not substantial issues and will not be addressed in this report.

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.

Based on the findings presented below, the Commission finds that substantial issue exists with respect to the grounds on which the appeal has been filed. The approved project is inconsistent with policies of the Ventura County Certified Local Program for the specific reasons discussed below.

The Ventura County Certified Local Program includes a Preamble that explains the relationship among the County of Ventura's Coastal Area Plan, the County's General Plan and the County's Zoning Ordinance for the Coastal Zone as follows:

The relationship among the County of Ventura's Coastal Area Plan, the County's General Plan and the County's Zoning Ordinance for the Coastal Zone area as follows:

1. **Ventura County's Coastal Area Plan is intended to serve as the County's "land use plan" and "local coastal element" applicable to the incorporated portions of the Coastal Zone as required by the California Coastal Act of 1976, Public Resources Code Section 30000 et seq.**
2. The Coastal Area Plan is also an Area Plan for the unincorporated coastal portions of Ventura County and, as such, is part of the County's General Plan. The purpose of the County's General Plan is to meet the local government General Plan requirements of Division I of the Planning and Zoning Law, Government Code Section 65000 et seq.
3. **The purpose of the County's Zoning Ordinance for the Coastal Zone, Ventura County Ordinance Code Section 8171-1 et seq., is to implement the policies of the County's General Plan (as it applies to the Coastal Zone), and of the Coastal Area Plan. The Coastal Area Plan and the County's Zoning Ordinance for the Coastal Zone constitute the "Local Coastal Program" (LCP) required for the unincorporated portions of the Coastal Zone by the California Coastal Act of 1976.** The local coastal program specifically applies to development undertaken and proposed to be undertaken in the unincorporated portions of the Coastal Zone of Ventura County. **(Emphasis added)**

1. VISUAL RESOURCES

The County of Ventura Coastal LUP incorporates Section 30251 of the Coastal Act, which states that:

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. 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 Ventura County Coastal Area Plan includes a number of General Statements the provided the framework for the Coastal Area Plan. General Statements 18 and 19 under Grading Operations state:

18. **Grading plans shall minimize cut and full operations. If it is determined a project is feasible with less alteration of the natural terrain than proposed, that project shall be denied.**
19. **All development shall be designed to minimize impacts and alterations of physical features and processes of the site (i.e., geological, soil, hydrological, water percolation and runoff) to the maximum extent feasible.**

The Ventura County Coastal Zoning Ordinances includes the following sections addressing height regulations and grading. The maximum height in Residential Beach Harbor (R-B-H) zone is 25 feet high as defined by Section 8175-3.13 with certain exceptions identified in Sections 8175-4 and 8175-5. Section 8175-3.13 states:

Sec. 8175-3.13 - Height Regulations in the R-B and R-B-H Zones

- a. **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.**
- b. **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 described in the definition of building height, except for 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.**

Section 8175-4.8 addresses exceptions to height requirements for roof structures:

Section 8175-4.8- Roof Structures - 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 the roof as stated in Sec. 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 8172-1 provides for the application of definitions in this case the definition of building height:

Height – The vertical distance from the adjacent grade or other datum point to the highest point of that which is being measured.

Building Height – The height of any building is the vertical distance from the grade or other datum point to the highest point of the coping of a flat roof or mansard roof, or in the case of a pitched or hip roof, to the “average midpoint,” which is arrived at by the drawing of two imaginary lines between the finished main ridge line peak and the tops of the two exterior finished walls running parallel to the main ridge line, adding together the vertical heights of the midpoints of these two imaginary lines, and dividing the result by two. The height of an A-frame structure is the vertical distance from the grade or other datum point to the peak of the roof.

Section 8175-3.11 provides for the maximum height of walls, fences or hedges anywhere on the lot, as follows:

Sec. 8175-3.11 – Fences, Walls, and Hedges

b. A maximum six-foot-high wall, fence or hedge may be located anywhere on the lot except for traffic safety sight area or required setback adjacent to a street.

...

Section 8175-5 provides for standards and conditions for use to apply to all land uses. Section 8175-5.17 states that:

Sec. 8175-5.17 – Grading and Brush Removal – The following standards shall apply to all developments involving more than 50 cubic yards of grading or more than on-half acre of brush removal. Public Works Agency and Resource Management Agency staff shall review all proposals in the coastal zone for conformance with these standards.

Sec. 8175-5.17.1 - Grading plans shall minimize cut and fill operations. If it is determined that a project is feasible with less alteration of the natural terrain than is proposed, that project shall be denied.

The appellants raise issues with the maximum height of the structure, height of the perimeter concrete and fence walls and the alteration of the natural landforms proposed by this project.

Coastal Act Section 30251 requires that 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 be visually compatible with the character of the surrounding area. The project is located in the Residential Beach Harbor (R-B-H) zone with a proposed maximum roof elevation of 28 feet above the datum point established by the Ventura County Watershed Protection District (formerly County Flood Control). The maximum height of such structures is limited to 25 feet above this datum to the peak of the roof in this R-B-H zone according to Section 8175-4.8 of the zoning ordinance. The definition of building height provides a method to measure the height the proposed roof. Although the proposed roof design is essentially a portion of a semi-circle, such a specific design is not specifically listed as a roof type in Section 8172-1 under the definition of building height. However, the closest similar type of roof appears to be a pitched or hip roof where the measurement of height is the average of two vertical measurements to the "average midpoint" as noted in Exhibit 17, which is about 26 feet and 7.5 inches high. The proposed semi-circular or curved roof design is not a roof structure under Sec. 8175-3.13, such as a TV antenna, chimney, flagpole, weather vane or similar structure, that would allow such a roof structure to exceed the maximum building height of 25 feet and allow a maximum 28 foot high roof structure.

In carrying out Coastal Act Section 30251, Coastal Zoning Ordinance section 8175-3.11 b. requires that a maximum six foot high wall or fence may be located anywhere on the lot with certain exceptions. In this case portions of the perimeter basement wall and fence on top of it appears to range as high as nine to eleven and one half feet high as measured from the datum established by the Ventura County Watershed Protection District (formerly Flood Control Department). These walls and fences exceed the maximum six foot high wall or fence height limit required by Section 8175-3.11 b.

Coastal Act Section 30251 also requires that permitted development shall minimize the alteration of natural land forms. The Ventura County Coastal Area Plan includes two General Statements the provided the framework for the Coastal Area Plan. General Statements 18 and 19 under Grading Operations state that grading plans shall minimize cut and fill operations, all development shall be designed to minimize impacts to the maximum extent feasible, and that if a project is determined to feasible with less alteration of the natural terrain than is proposed that project shall be denied. The Coastal Zoning Ordinance Section 8175-5.17 and -5.17.1 states that all developments involving more than 50 cubic yards of grading shall be reviewed by County Public Works and Resource Management Agency staff and that the grading plans shall minimize cut and fill operations. The Ordinance continues that if it is determined that a project is feasible with less alteration of the natural terrain than is proposed, that project shall be denied.

The proposed project includes the grading of about 78 cubic yards of material according to the applicant's plans. No grading plans prepared and stamped by a registered civil engineer were submitted for County Public Works and Resource Management Agency review. It is unclear if the 78 cubic yards of grading includes the cut necessary to create what maybe a partially below grade "basement". The site section presented does not identify the finished floor or the elevation of the "basement" in Exhibit 18. Since the proposed grading is beyond the 50 cubic yard maximum, County Public Works and Resource Management Agency should have reviewed the grading plans to determine is there is a project that is feasible with less alteration on the natural terrain than is proposed. An alternative project without what appears to be a

partially excavated "basement" and the fill of up to about 9 feet along the side yards was not reviewed by the County to determine if there were feasible alternatives with less grading. The plans do not identify the height or finished floor of the "basement" in the schematic section (Exhibit 18). The basement plan identifies this "basement" area as a "crawl space" (Exhibit 9). Staff's measurement of the west elevation (Exhibit 15) indicates that the height of the basement is about 6 – 7 feet high depending upon the floor elevation. This "basement" area may actually be the first floor of this project as a three story structure.

Therefore, the proposed project exceeds the maximum building height limit, maximum wall and fence height limit, and does not minimize the alteration of natural land forms in a manner that is consistent with the policies of the Coastal Act and the Ventura County Local Coastal Program that address visual resources to be visually compatible with the character of surrounding area while minimizing the alteration of natural land forms. There appears to be feasible alternatives to the proposed project that can reduce the height of the structure, walls, fences, and require less grading and alteration of the natural terrain on this sandy beach to bring this project into consistency with the Coastal Act and the Ventura County LCP.

2. HAZARDS AND SEAWARD ENCROACHMENT

The County of Ventura Coastal Land Use Plan (LUP) incorporates Section 30253 of the Coastal Act, which states that new development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.**
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.**

The Ventura County Coastal Area Plan includes Policy 3 under Hazards addressing new development by stating:

- 1. New development shall be sited and designed to minimize risks to life and property in areas of high geologic, flood, and fire hazards.**

The Ventura County Coastal Area Plan includes Policy 1 under Beach Erosion addressing proposed shoreline protective devices by stating:

- 1. Proposed shoreline protective devices will only be approved and/or located in conformance with Coastal Act Sections 30235 and 30253.**

The Ventura County Coastal Zoning Ordinances includes the following sections addressing Shoreline Protective Devices:

Sec. 8175-5.12 – Shoreline Protective Devices

Sec. 8175-5.12.1 - The following standards shall apply to the construction or maintenance of shoreline protective devices such as seawalls, jetties, revetments, groins, or breakwaters:

- a. Proposed shoreline protective devices shall only be allowed when they are necessary to protect existing developments, coastal dependent land uses, and public beaches.**

Sec. 8175-5.12.2 – Prior to the construction of any shoreline protective device, the County may require the preparation of an engineering geology report at the applicant's expense. Such report shall include feasible mitigation measures which will be used, as well as the following applicable information to satisfy the standards of Sec. 8178-4.1, as well as other provisions of the ordinance and Land Use Policies:

- a. Description of the geology of the bluff or beach, and its susceptibility to wave attack and erosion.**
- b. Description of the recommended device(s), along with the design wave analysis.**
- c. Description of the anticipated wave attack and potential scouring in front of the structure.**
- d. Depth to bedrock for vertical seawall.**
- e. Hydrology of parcel, such as daylighting springs and effects of subsurface drainage on bluff erosion rates, as it relates to stability of the protective device.**
- f. Plan view maps and profiles of device(s), including detailed cross-section through the structure.**
- g. Type of keyway, location of tie backs or anchor devices, and depth of anchor devices.**
- h. Bedrock analysis.**
- i. Accessway for construction equipment.**
- j. Use and type of filter fabric.**
- k. Projected effect on adjacent properties.**
- l. Recommendations on maintenance of the device.**
- m. Use of wave deflection caps.**

Two of the appellants allege that the proposed basement perimeter wall ranging from 6 to 9 feet high creates or is reminiscent of a seawall surrounding the basement. A review of the plans indicated that this basement perimeter wall is setback between 3 to 6 feet from the basement structure and is located on the north, west and south property boundaries.

Section 30253 of the Coastal Act requires that development shall minimize risks to life and property in areas of high flood hazard. Section 30253 also requires that new development assure stability and structural integrity, or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

In this case the proposed basement perimeter wall surrounding the basement and constructed of concrete blocks between six to eleven and one half feet high would act as a shoreline protective device during high tide/storm wave periods. Exhibit 16 identifies this west facing retaining wall as an angled wall with a wave deflector (see circled area). Coastal Act Section 30253, Coastal Area Plan policies 1 and 3, and Coastal Zoning Ordinance section LUP section

8175-5.12.1 taken together all do not allow new development to be protected by a shoreline protective device in areas of flood or erosion hazards.

In this case the proposed residence with a basement structure and a perimeter basement wall will result in the structures being subjected to vigorous storm waves and associated beach erosion. This basement design and the perimeter wall exposes the development to potential damage from wave action. Siting new development on a beach that is subject to scour from storm waves does not minimize risks to property as is required pursuant to Section 30253 of the Coastal Act and the local coastal policies and ordinance sections of the Ventura County LCP.

In addition, sea level has been rising slightly for many years. The historic rate of sea level rise has been 1.8 mm/yr. or about 7 inches per century¹. Sea level rise is expected to increase by 8 to 12 inches in the 21st century². There is a growing body of evidence that there has been a slight increase in global temperature and that an accelerated rate of sea level rise can be expected to accompany this increase in temperature. Mean water level affects shoreline erosion in several ways and an increase in the average sea level will exacerbate shoreline erosion.

On the California coast the effect of a rise in sea level will be the landward migration of the intersection of the ocean with the shore. On a relatively flat beach, such as the subject beach, with a slope of 40:1, every inch of sea level rise will result in a 40-inch landward movement of the ocean/beach interface. For fixed structures on the shoreline, such as single family residences, bulkheads, revetments, seawalls, pilings, an increase in sea level will increase the extent and frequency of wave action and future inundation of the structure.

Accompanying this rise in sea level will be increased wave heights and wave energy. Along much of the California coast, ocean bottom depth controls nearshore wave heights, with bigger waves occurring in deeper water. Since wave energy increases with the square of the wave height, a small increase in wave height can cause a significant increase in wave energy and wave damage.³ So, combined with a physical increase in water elevation, a small rise in sea level can expose areas that are already exposed to wave attack to more frequent wave attack with higher wave forces.

Therefore, if new development along the shoreline is to be found consistent with the Ventura County LCP, the most landward location must be explored to minimize wave attack with higher wave forces as the level of the sea rises over time. Shoreline structures must also be located as far landward or at an elevation level above the wave uprush area as feasible to protect the structure and not require the construction of further shoreline protective devices in the future or additions to the basement perimeter wall. In this case, the applicant has not provided any information in an engineering geology report confirming that the basement structure is sited either as far landward or above the wave uprush areas as is feasible to minimize the risks from

¹ Hicks, Steacy D. and Leonard E. Hickman, Jr. (1988) United States Sea Level Variations Through 1986. Shore and Beach, Vol. 56, no. 3, 3 - 7.

² Field et. al., Union of Concerned Scientists and the Ecological Society of America (November 1999) Confronting Climate Change in California, www.ucsusa.org.

³ Dean, Robert G. and Robert Dalrymple (1984) Water Wave Mechanics for Engineers and Scientists, Prentice-Hall, Inc. New Jersey.

storm wave action and beach erosion as is required pursuant to Section 30253 of the Coastal Act and the Ventura County LCP. Therefore, for those reasons described, the proposed project does not conform to the hazards policies of the Coastal Act and the Ventura County LCP.

D. CONCLUSION

For the reasons discussed above, the Commission finds substantial issue with respect to the consistency of the approved development regarding scenic and visual quality, minimizing the alteration of natural landforms and coastal hazard policies of the Coastal Act and the Ventura County LCP. Therefore, the Commission finds that the appeals filed by Diana Quintana, Peter & Donna Poulson, Cameron Walker, Milos & Trisha Douda, Sheila & Frank McGinity, raise substantial issue as to the County's application of the policies of the LCP in approving the proposed development.

A4vnt04128enclosurearchitects s i report final

A-4-VNT-04-128

RECEIVED

STATE OF CALIFORNIA - THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST DISTRICT OFFICE
89 SOUTH CALIFORNIA STREET, SUITE 200
VENTURA, CA 93001-4508
VOICE (805) 585-1800 FAX (805) 641-1732

DEC 15 2004



CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

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

SECTION I. Appellant(s)

Name: Diana Quintana

Mailing Address: 3314 Ocean Drive

City: Oxnard, CA

Zip Code: 93035

Phone: 805) 984-0432

SECTION II. Decision Being Appealed

1. Name of local/port government: Ventura County Board of Supervisors

2. Brief description of development being appealed:

Demolition of a single-family dwelling and the construction of a new 2,973 sq. ft. single-family dwelling with an attached 470 sq. ft. garage.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

3329 Ocean Drive, Hollywood Beach (Ventura County)
APN: 206-233-170

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:	A-4-VNT-04-128
DATE FILED:	12/15/04
DISTRICT:	South Central

EXHIBIT NO. 1
APPLICATION NO. A-4-VNT-04-128
Quintana
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: 11-23-2004

7. Local government's file number (if any): PD-2004

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:

Enclosure Architects, Attn: Scott Strumwasser

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) see attached Interested parties

(2) Diana & David Quintana
3314 Ocean Dr.
Oxnard, CA

(3) Milos Bonde
3326 Ocean Dr.

(4) Camron Walker
3336 Ocean Dr.

(5) Sheila & Frank McQuinty
3321 Ocean Dr.

Section III. Identification of Other Interested Persons

Alan G. Seidner
3308 Ocean Drive
Oxnard, Ca. 93030

Carrie Forrest
3308 Ocean Drive
Oxnard, Ca. 93035

Diane Moffett
3301 Harbor Blvd.
Oxnard, Ca. 93035

Patrick Forrest
3317 Ocean Drive
Oxnard, Ca. 93035

Lawrence & Diana Mc Grail
3729 Ocean Drive
Oxnard, Ca. 93035

Jayne Ziv
3365 Ocean Drive
Oxnard, Ca. 93035

Lee O'Hearn
3401 Ocean Drive
Oxnard, Ca. 93035

Cindy Hanson Feltes
3321 Harbor Blvd.
Oxnard, Ca. 93035

Sandy Bardos
3541 Ocean Drive
Oxnard, Ca. 93035

Barbara Rogo
3305 Ocean Drive
Oxnard, Ca. 93035

Charles Brent
3421 Sunset Lane
Oxnard, Ca. 93035

Thomas Lee
3341 Ocean Drive
Oxnard, Ca. 93035

Margaret Stevenson
3865 Harbor
Oxnard, Ca. 93035

Carl V. Jablowski
3333 Ocean Drive
Oxnard, Ca. 93035

Jonathan & Barbara Larsen
3340 Ocean Drive
Oxnard, Ca. 93035

Mary Whiting
3441 Ocean Drive
Oxnard, Ca. 93035

ZoeAnne Williams
3508 Ocean Drive
Oxnard, Ca. 93035

Cassie Downs
3641 Ocean Drive
Oxnard, Ca. 93035

Erik Von Pwennies
109 Los Feliz Street
Oxnard, Ca. 93035

Robert & Linda Bulick
113 Los Feliz Street
Oxnard, Ca. 93035

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

SECTION IV: Reasons Supporting This Appeal

Re: Permit number PD-2004, 3329 Ocean Drive, Oxnard, CA.

1. Violation of and the incorrect application of codes sections 8172-1, 8175-2 and 8175-3.13 (b) and (c).
This project does not acknowledge or use the required roof calculation equation as provided in 8172-1. "Building Height" and shown in the chart of 8175-2 and restated again in 8175-3.13(b). This curved structure covers the top of the house and by definition is a roof. The R-B-H Ordinance as part of the LCP allows for two roof styles for home in the beach area. The first is the completely flat roof at 25' with deck and required railing for safety. Second is a sloping or pitched roof style of any kind, which requires the application of the building height mid point calculation to conform to the 25' average. It is not a 28 foot average. It is not an anything you want on the top of the building between 25 & 28 feet.
2. Preamble of the Ventura County Coastal Area Plan, page 3 and R-B-H code Section 8171-6.
"The goals, Policies and Programs of the Ventura County General Plan are cumulative and, as such, individual goals, policies and programs should be used and interpreted in context of other applicable goals, policies and programs. In the case of overlapping goals, policies and programs, the more restrictive shall govern."
3. In the LCP page 7 under the heading "Grading Operations" number 18.
Grading plans shall minimize cut and fill operations. If it is determined a project is feasible with less alteration of the natural terrain than is proposed, that project shall be denied. This is the beach, it is flat already, and this project can certainly be achieved without creating a false finished grade approximately 6-7.5 feet higher than the sand.

LAW OFFICE OF DAVID S. QUINTANA
300 ESPLANADE DRIVE, SUITE 1180
OXNARD, CALIFORNIA 93036
PH: (805) 485-5535 FAX: (805) 435-1766
DMSQLAW@AOL.COM

December 15, 2004

California Coastal Commission
South Central Coast District Office
89 California Street, Suite 200
Ventura, CA 93001-4508

SUBJECT: Ventura County permit PD-2004, located at 3329 Ocean Drive,
Hollywood Beach.

RECOMMENDATION:

1. **REJECT** the Planning Director's finding for the approval of PD 2004.
2. **DENY** the Planning Commission's decision approving PD 2004.
3. **DENY** the Ventura County Board of Supervisors decision approving PD 2004
4. **REMAND** this project application to the Planning Division for further consideration with the **INSTRUCTION** to conform PD-2004 to ALL applicable ordinances, specifically that the maximum average building height shall not exceed 25 feet, and the side and rear walls shall not exceed 6 feet in height.

INTRODUCTION:

The issues under appeal are relatively simple. The proposed PD-2004 project is for a single family dwelling. The proposed project was approved by the Planning Division despite the fact that it violates the Ventura County Coastal Zoning Ordinance and despite being inconsistent with the surrounding neighborhood. The Planning Commission's conditional approval after appeal also fails to remedy all of the violations. The applicant's amended proposal still fails to comply with the Coastal Zoning Ordinance in the following particulars.

1. PD-2004 exceeds the maximum average building height of 25 feet. Instead of being a maximum of 25 feet, the proposed structure has a roof that is 25 feet at the minimum, and to a

maximum of approximately 45% of the roof is 28 feet tall. The average roof height undisputedly exceeds 25 feet and therefore violates the clear provisions of the Zoning Ordinance.

2. PD-2004 seeks to create an 8-foot solid concrete retaining wall on the side and rear lot lines with its adjacent neighbors, and put a 3.5 foot railing on top of the wall for a total height of at least 11.5 feet. This is in clear violation of the 6-foot maximum height for walls or fences on the property lines, and is inconsistent with the neighborhood as no other property has such walls.

Moreover, in preparing for this appeal and hearing, it has been discovered that the Planning Division has, within the past four years, approved and allowed to be built several other houses that are not in compliance with the maximum roof height restrictions. This failure of the Planning Division has created a dangerous precedent and results in a failure to comply with the Ventura County Local Coastal Program overseen by the California Coastal Commission.

The Planning Director's Findings are fatally flawed and rather deceptive. The Planning Director correctly argues that the maximum height of the ridge beam of a pitched roof may reach 28 feet; BUT he fails to advise that the average height of the pitched roof shall not exceed 25 feet. By mathematical necessity, if the highest point of the pitched roof is 28 feet, the lowest points must be significantly less than 25 feet in order to achieve the average of 25 feet. Put another way, if 50% of the roof is over 25 feet in height, an equal 50% portion must be below 25 feet in height in order to achieve the average of 25 feet in height.

The Planning Director also deceptively argues that "there is no ceiling area above 25 feet" (page 2, last line on page). This is a non-sequitur, as there is nothing in the Coastal Zoning Ordinance that discussed ceiling height. The Coastal Zoning Ordinance measures building height to the top of the roof, not to the ceilings. This deceptive argument must be entirely disregarded.

I. THE MAXIMUM AVERAGE BUILDING HEIGHT IS 25 FEET

Hollywood Beach, and PD-2004, is in the RBH zone. The Coastal Zoning Ordinance, Section 8175-2 establishes the maximum building height in the RBH zone as 25 feet. See Exhibit 1 attached hereto. Note this carefully: 25 feet, not 28 feet.

Building height is carefully and specifically defined at Section 8172. See Exhibit 2. There are two types of roofs: flat roofs, and pitched roofs. With a flat roof, the maximum height of a flat roof is 25 feet. With a pitched roof, the building height is measured as the average of the midpoint of the slopes of the roof.

This sounds confusing, but fortunately there are pictures. Exhibit 3 is pictures of the roof types from the Ventura County Non-Coastal Zoning Ordinance. This clearly shows how to measure the average height of a pitched roof, using the average of the two midpoints.

Now, in 1988 the Coastal Ordinance was amended, to provide in Section 8175-3.13(e) that the highest point of a pitched roof shall not exceed 28 feet. See Exhibit 4. BUT, the average height of the pitched roof still cannot exceed 25 feet. If the peak of the roof is 28 feet, the edges of the roof have to be LESS than 25 feet, so that the average does not exceed 25 feet.

At Exhibit 5 is an actual roof height calculation for the Quintana residence at 3314 Ocean Drive. This shows how the planner measured the highest peak of the roof at 28 feet, one side at 25 feet, and one side at 18 feet. The planner applied the **average midpoint** methodology, and calculated that the **average roof height** did not exceed 25 feet.

So the two choices are: (a) a flat roof that is 25 feet at all points, or (b) a pitched roof that can be 28 feet at the peak, but the average roof height still does not exceed 25 feet.

II. PD-2004 EXCEEDS THE AVERAGE BUILDING HEIGHT

The amended PD-2004 elevation drawing is set forth in Exhibit 6 (and also as Exhibit 32 to the Planning Director's Recommendation). The drawing shows the 25 foot maximum height, and clearly shows that the entire roof is **higher than 25 feet**; mostly at 28 feet. **No portion of the roof is less than 25 feet.** THEREFORE, without even applying the formula, it is readily apparent that this roof exceeds 25 feet, and exceeds the maximum average roof height set forth in the Coastal Zoning Ordinance.

In the Planning Commission appeal hearings on June 24, 2004, the Planning Director acknowledged that, according to the notes of the planner who calculated the roof height, that PD-2004 did not exceed 25 feet because the portion that does exceed 25 feet was simply not counted. In other words, the 45% of the roof that exceeds 25 feet was simply excluded in determining that the roof complied with the 25 foot height requirement.

III. THE ROOF IS NOT A ROOF STRUCTURE

It is anticipated that the Planning Division or the project owner may make the incredible argument that the roof is not really a roof, but a "roof structure" or an "architectural structure". This argument is without merit and must be disregarded entirely. The roof is a roof, and common sense must prevail over these architectural tricks.

Fortunately, "roof structure" is specifically defined in the Coastal Zoning Ordinance at Section 8172. See Exhibit 7 attached. A "roof structure" is a structure for "the housing of elevators, stairways, tanks, ventilating fans and similar equipment....fire or parapet walls, skylights, towers, flagpoles, chimneys, smokestacks, wireless masts, TV antennas and similar structures."

In short, a "roof structure" is something that is on top of and attached to the roof. It is NOT the roof itself. The portion of PD-2004 that exceeds 25 feet is the roof; it keeps the rain out and is the top of the building. To quote Commissioner Nora Aidukas at the Planning Commission appeal, "you've got to stop with this architectural trickery versus common sense. It is trickery to say that wall is part of a roof structure; it is a wall". By the same common sense, the roof is a roof, and it is "architectural trickery" to describe it as anything else.

IV. THE PLANNING DIVISION'S ARGUMENTS ARE FLAWED

The Planning Division's findings are fatally flawed, and misrepresent what the roof height restrictions actually are. The Planning Division implies that the maximum roof height in the RBH zone is 28 feet, but in fact this is simply not true, and it is misleading to say so. In actual fact, the maximum building height in the RBH zone is 25 feet for flat roofs, and an average of 25 feet for pitched roofs (Section 8175-2). While it is true that the 1988 amendment allows the highest point of a pitched roof to reach 28 feet (Section 8175-3.13(e)), that is only so long as the **average height of a pitched roof does not exceed 25 feet.**

There is no ambiguity in the code sections. No interpretation is required. The plain meaning is clear. Yet, the Planning Division omits this important code section, and fails to advise the Supervisors and the public that the average height shall not exceed 25 feet. The project owner has been misled into thinking that its plan conforms when it clearly does not, and much time and money has been wasted in correcting this error.

Moreover, the Planning Division makes the new argument (not set forth in the prior appeal) that PD-2004 complies with code because the interior ceiling height does not exceed 25 feet. This is a classic red herring argument. Ceiling height is irrelevant. The code is very clear that the **average building height is measured to the top of the roof, not to the ceilings.** Ceilings are not mentioned in the code.

V. THE ARTIFICIALLY ELEVATED SIDE WALLS ARE INCONSISTENT WITH THE NEIGHBORHOOD

The Planning Division also justified the 8 foot retaining walls and rear deck as being permitted for a "basement home". But PD-2004 has no basement in the common meaning of the word. This argument is built on another piece of architectural trickery and manipulation of the language in the codes.

In the Planning Commission hearing on June 24, 2004, Mr. Tom Melugin appeared on behalf of the Building and Safety Department, and explained "basement homes". He said that in the 1970s and early 1980's architects and contractors dreamed up this artifice as a way to get around certain building codes. Architects learned that if they labeled the first floor as a "basement", even though it is above grade, they could call it a 2-story house "with basement", instead of a 3-story house, and thus not be subject to the 8-foot ceiling height on the first floor and certain other requirements of the building code. Mr. Melugin acknowledged that this defied common sense, since a basement should clearly be below grade. Thus, in Mr. Melugin's opinion, there was no purpose in continuing with these artificial "basement" home distinctions.

With PD-2004, the only reason to call the first floor a "basement" is to create the 8-foot retaining walls and the 8-foot rear deck, towering over the neighboring properties. The Planning Division and the project applicant argue that since it is a "basement" and not a first floor, they are entitled to create these towering walls. This is an artifice that no longer serves any justifiable purpose. The only purpose is to create retaining walls and decks that are inconsistent with the neighborhood and community. This perpetuates a precedent that is inconsistent with the neighborhood and community. Importantly, Planning Division argues that these 11.5 foot walls

are "consistent with the neighborhood", when in fact there are no other homes in Hollywood Beach that have walls and rear decks of this height or type.

VI. ROOF HEIGHTS NEED TO BE CALCULATED AS A MATTER OF POLICY

Why are there building restrictions at all? People will build as high as they possibly can. The Zoning Ordinance codes provide limits to construction. The public and the California Coastal Commission both depend on the Planning Division to enforce compliance with these limits and ensure compliance with the Local Coastal Program. Ventura County is not free to arbitrarily change these limits without CCC approval.

Yet the Planning Division has approved this PD-2004 which clearly violates those limits. Moreover, in investigating and preparing our appeal, we have discovered that, within the past 4 years, the Planning Division has approved and allowed to be built a handful of other houses in Hollywood Beach that exceed these limits and do not comply with the Zoning Ordinance. In our investigation, Planning Division personnel have admitted that the roof height calculation that was done on the Quintana plans is not being done at all today.

In a letter dated December 16, 2003 from the Planning Division to the PD-2004 architect and property owners. A copy of this letter is attached as Exhibit 8. In this letter Nancy Francis correctly states identifies that PD-2004 does not conform to the Zoning Ordinance because of an exterior wall that is 28 feet in height. Section 8175-3.13(c) states unequivocally that "no exterior wall shall exceed 25 feet". Yet a few months later the same plans are approved with the exterior wall still at 28 feet. Thus forcing the time and expense of this appeal.

I have attached a memorandum from the Planning Director dated July 14, 2004 as Exhibit 9. This memorandum is available at the public counter for all project applications. The memorandum states that the roof can go to a maximum of 28 feet, but pointedly fails to advise that the average roof height must still not exceed 25 feet.

CONCLUSION:

The Commissioners are urged, for the reasons stated herein, to DENY the Planning Director's findings and the Planning Commission's approval of PD-2004; DENY the Ventura County Board of Supervisors approval of PD-2004; UPHOLD the appeals No. AP04-0015-0019; and REMAND PD-2004 to the Planning Division for further review, with instructions to ensure compliance with ALL sections of the Coastal Zoning Ordinance, specifically that the average roof height shall not exceed 25 feet, and the side walls shall not exceed 6 feet.

Respectfully submitted,



David S. Quintana
Appellant, 3314 Ocean Drive

ARTICLE 5: DEVELOPMENT STANDARDS/CONDITIONS - USES

Sec. 8175-1 - Purpose

The purpose of this Article is to provide those development standards or conditions which are applicable to the use zones. This Article also delineates certain instances where exceptions to certain standards or conditions are allowable.

Sec. 8175-2 - Schedule of Specific Development Standards By Zone

The following table indicates the lot area, lot width, setback, height, and building coverage standards which apply to individual lots in the zones specified. See Articles 6 and 7 for other general standards and exceptions. (AM.ORD.4055-2/1/94)

Zone	Minimum Lot Area (a)	Maximum Percentage of Building Coverage	Minimum Lot Width	Required Minimum Setbacks (b)			Maximum Height (b)					
				Front	Side		Rear	Main Structure	Exceptions (Main Structure)	Accessory Structure		
					Interior & Corner Lots, Except Reverse Corner	Reverse Corner Lots: Street Side						
C-OS	10 Acres (c)	As Determined by the Coastal Plan	40'	20'	10'	20'	15'	25'	Height May Be Increased to 35' if Each Side Yard is at Least 15'	Same as Main Structure		
C-A	40 Acres (c)				5'	10'					15'	25'
C-R	One Acre											
C-A-E	20,000 Sq. Ft.			20' (d)	5'	10'	15'	25'				
C-R-1	7000 Sq. Ft.											
C-R-2	Sq. Ft.											
R-S	3,000 Sq. Ft. (e)		25'	10'	3'	5'	14' (f)	25' (l)	N/A	15'		
R-S-H	(g)			20' (h)	3' (q)	6' (r)						
C-R-PD	As Specified by Permit		As Specified by Permit	See Section 8177-1.3				25'	N/A	15'		
H-PD	By Permit			15'	(j)	10'	15'	35' (p)				
C-C	20,000 Sq. Ft.	(k)		(l)	(m)	35'						
C-M	10 Acres	40'	(n)			(o)						

(AM.ORD.3876-10/25/88)
(AM.ORD.4055-2/1/94)

EXHIBIT 1
Page 1 of 2

- (a) See Sections 8175-4.10 through 8175-4.12 for exceptions.
- (b) See Sections 8175-4 and 8175-5 for exceptions.
- (c) For all proposed land divisions in the C-O-S and C-A zones, the parent parcel shall be subject to the following slope/density formula for determining minimum lot area.

$$S = \frac{(100)(I)(L)}{A} \text{ Where:}$$

- S = average slope (%)
- I = contour interval (feet)
- L = total length of all contour lines (feet)
- A = total area of the lot (square feet)

Once the average slope has been computed, the following table shall be used to determine a minimum lot size for all proposed lots (numbers should be rounded to the nearest tenth):

C-O-S: 0% - 15% = 10 acres	C-A: 0% - 35% = 40 acres
15.1% - 20% = 20 acres	Over 35% = 100 acres
20.1% - 25% = 30 acres	
25.1% - 35% = 40 acres	
Over 35% = 100 acres	

Exception (C-A): Property with a land use designation of "Agriculture" in the Coastal Plan, which is not prime agricultural land, shall have a lot area not less than 200 acres, regardless of slope.

- (d) Dwellings constructed with carports or garages having a curved or "swing" driveway, with the entrances to the garages or carports facing the side property line, may have a minimum front setback of 15 feet.
- (e) Minimum 1500 sq. ft. of lot area per dwelling unit; maximum two dwelling units per lot.
- (f) If the front yard is not less than 20 feet, the rear yard may be not less than six feet.
- (g) 1,750 sq. ft. per single-family dwelling; 3,000 sq. ft. per two-family dwelling.
- (h) Where there is a two- or three-storied structure, such second or third stories may intrude not more than four feet into the required front yard. Eaves may extend a maximum of two feet beyond the outside walls of such second or third floor extension.
- (i) See Sec. 8175-3.13. (AM.ORD.3788-8/26/86)
- (j) Five feet for lots used for dwelling purposes, and five feet on any side abutting a residential zone (any zone with an "R" in the title); otherwise, as specified by permit.
- (k) Ten feet if the lot abuts a residential zone on the side; otherwise, as specified by permit. (AM.ORD.4055-2/1/94)
- (l) Five feet on any side abutting a residential zone. Also, when the rear of a corner lot abuts a residential zone, the side setback from the street shall be at least five feet; otherwise, as specified by permit.
- (m) Ten feet if the rear of the lot abuts a residential zone; otherwise, as specified by permit.

Hazardous Waste Facility - All contiguous land and structures, other appurtenances, and improvements on the land used for the treatment, transfer, storage, resource recovery disposal, or recycling of hazardous waste. A hazardous waste facility may consist of one or more treatment, transfer, storage, resource recovery, disposal, or recycling hazardous waste management units, or combinations of those units. (ADD.ORD. 3946- 7/10/90)

Height - The vertical distance from the adjacent grade or other datum point to the highest point of that which is being measured.

↘ Building Height - The height of any building is the vertical distance from the grade or other datum point to the highest point of the coping of a flat roof or mansard roof, or in the case of a pitched or hip roof, to the "averaged midpoint," which is arrived at by the drawing of two imaginary lines between the finished main ridge line peak and the tops of the two exterior finished walls running parallel to the main ridge line, adding together the vertical heights of the midpoints of these two imaginary lines, and dividing the result by two. The height of an A-frame structure is the vertical distance from the grade or other datum point to the peak of the roof. (AM.ORD.3788-8/26/86)

High Fire Hazard Areas - Certain areas in the unincorporated territory of the County classified by the County Fire Protection District and defined as any areas within 500 feet of uncultivated brush, grass, or forest-covered land wherein authorized representatives of said District deem a potential fire hazard to exist due to the presence of such flammable material.

Home Occupation - Any commercial occupation which is clearly incidental and secondary to the residential use of the dwelling, and does not change the character thereof.

Hostel - Overnight sleeping accommodations which provide supervised lodging for travelers, and which may provide kitchen and eating facilities. Occupancy is generally of a limited duration.

Hotel - A building with one main entrance, or a group of buildings, containing six or more guest rooms where lodging with or without meals is provided for compensation.

Inoperative Vehicle - A vehicle which is not fully capable of movement under its own power, or is not licensed or registered to operate legally on a public right-of-way.

Inundation - The state of temporary flooding of normally dry land area caused or precipitated by an overflow or accumulation of water on or under the ground, or the existence of unusual tidal conditions.

Kennel - Any lot or premises where five or more dogs or cats (or any combination thereof) of at least four months of age are kept, boarded or trained, whether in special buildings or runways or not.

Lateral Access - A recorded dedication or easement granting to the public the right to pass and repass over dedicator's real property generally parallel to, and up to 25 feet inland from, the mean high tide line, but in no case allowing the public the right to pass nearer than ten feet to any living unit on the property.

Littoral Drift - Longshore transportation of sediments by wave action.

Living Space - Any room other than a bathroom, closet, or stairwell.

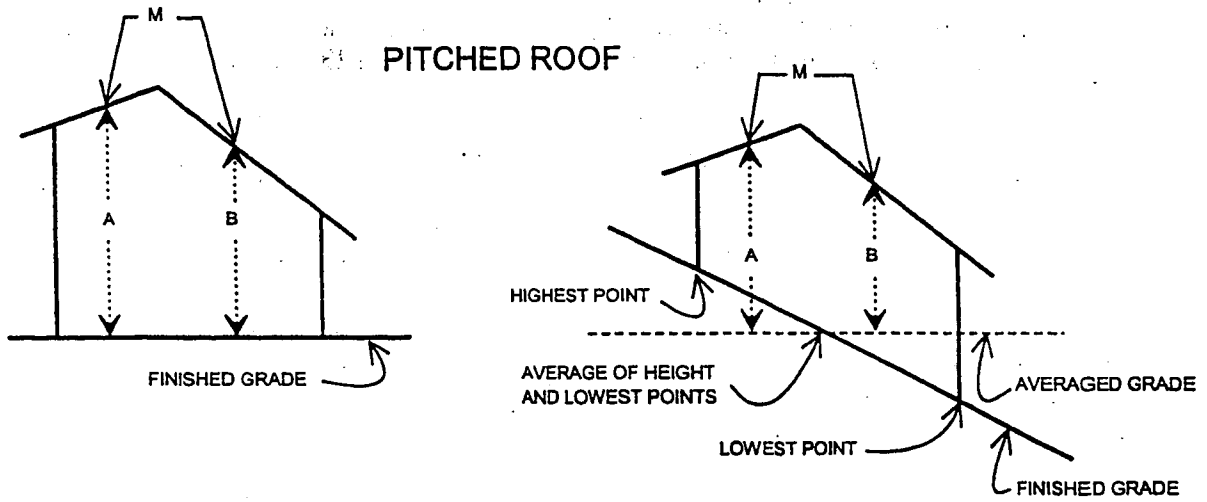
Local Coastal Program (LCP) - The County's certified Coastal Land Use Plan, zoning ordinances, and zoning district maps.

Lot - An area of land.

Lot Area - The total area, measured in a horizontal plane, within the lot lines of a lot. For determining minimum lot size for subdivisions, the following areas shall be used: for lots 10 acres or larger, use gross area; for lots less than 10 acres, use net area.

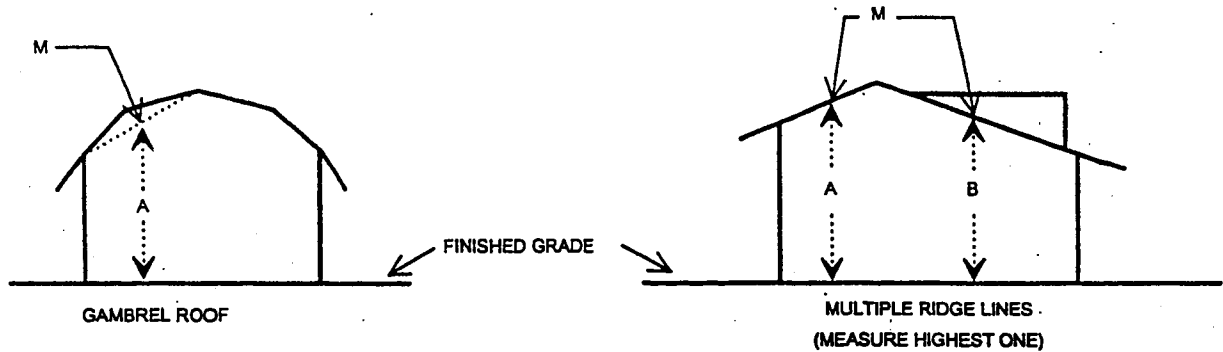
FIGURE 1
(Sec. 8106-1.3)

(ADD ORD. 4092 - 6/27/95; AM. ORD. 4123 - 9/17/96)

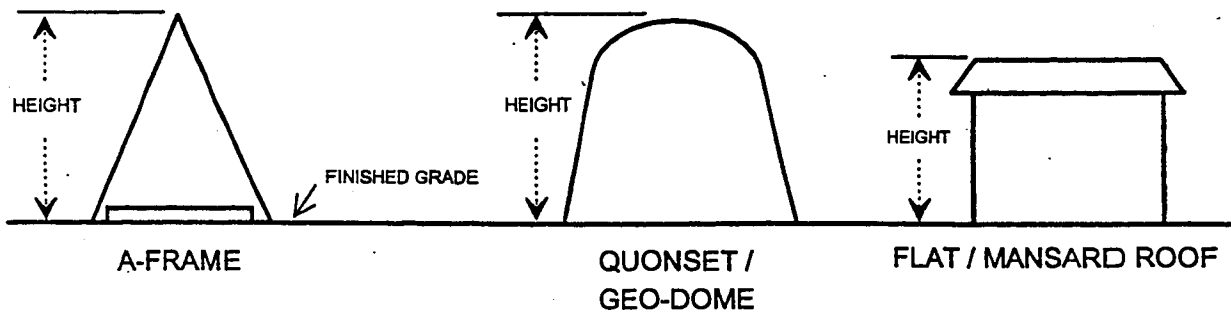


$$\text{AVERAGED MIDPOINT} = \frac{A + B}{2}$$

M = MIDPOINT OF ROOF LINE



OTHER ROOF TYPES



- f. The provisions of this Section shall not apply to a fence or wall necessary as required by any law or regulation of the State of California or any agency thereof.

Sec. 8175-3.12 - Garages and Carports

Except as otherwise provided in this Chapter, garages and carports shall be set back sufficiently from street from which they take access to provide for 20 linear feet of driveway apron, as measured along the centerline of the driveway from the property line to the garage or carport.

Sec. 8175-3.13 - Height Regulations in the R-B and R-B-H Zones

- a. 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.
- b. 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 described 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.
- c. In no case shall the finished height of an exterior wall running parallel to the main ridge line of a pitched or hip roof exceed a finished height of 25 feet.
- d. The height of an A-frame structure may be increased by five feet over the 25-foot height limit without increasing the side yard setbacks (see also the definition of building height in Article 2).

(ADD.ORD.3788-8/26/86)

- e. Except for A-frame structures, the highest point of a pitched or hip roof shall not exceed 28 feet in height. (ADD.ORD.3876-10/25/88)

Sec. 8175-3.14 - Recycling Areas

All commercial, industrial, institutional, or residential buildings having five or more living units, shall provide availability for, and access to, recycling storage areas in accordance with the County of Ventura's most recently adopted Space Allocation for Recycling and Refuse Collection Design Criteria and Specifications Guidelines in effect at the time of the development approval. (ADD.ORD.4055-2/1/94)

Sec. 8175-4 - Exceptions To Lot, Setback and Height Requirements

Sec. 8175-4.1 - Accessory Structures in Setback Areas

Detached accessory structures not used for human habitation may be constructed to within three feet of interior and rear lot lines, provided that:

- a. In no case shall any such structure exceed 15 feet in height.
- b. In no case shall any such structure(s) occupy more than 40 percent of the rear setback area which is measured by multiplying the required minimum rear setback by the particular lot width.
- c. Setbacks for the street side of the lot shall be maintained.

SPARK ARRESTOR

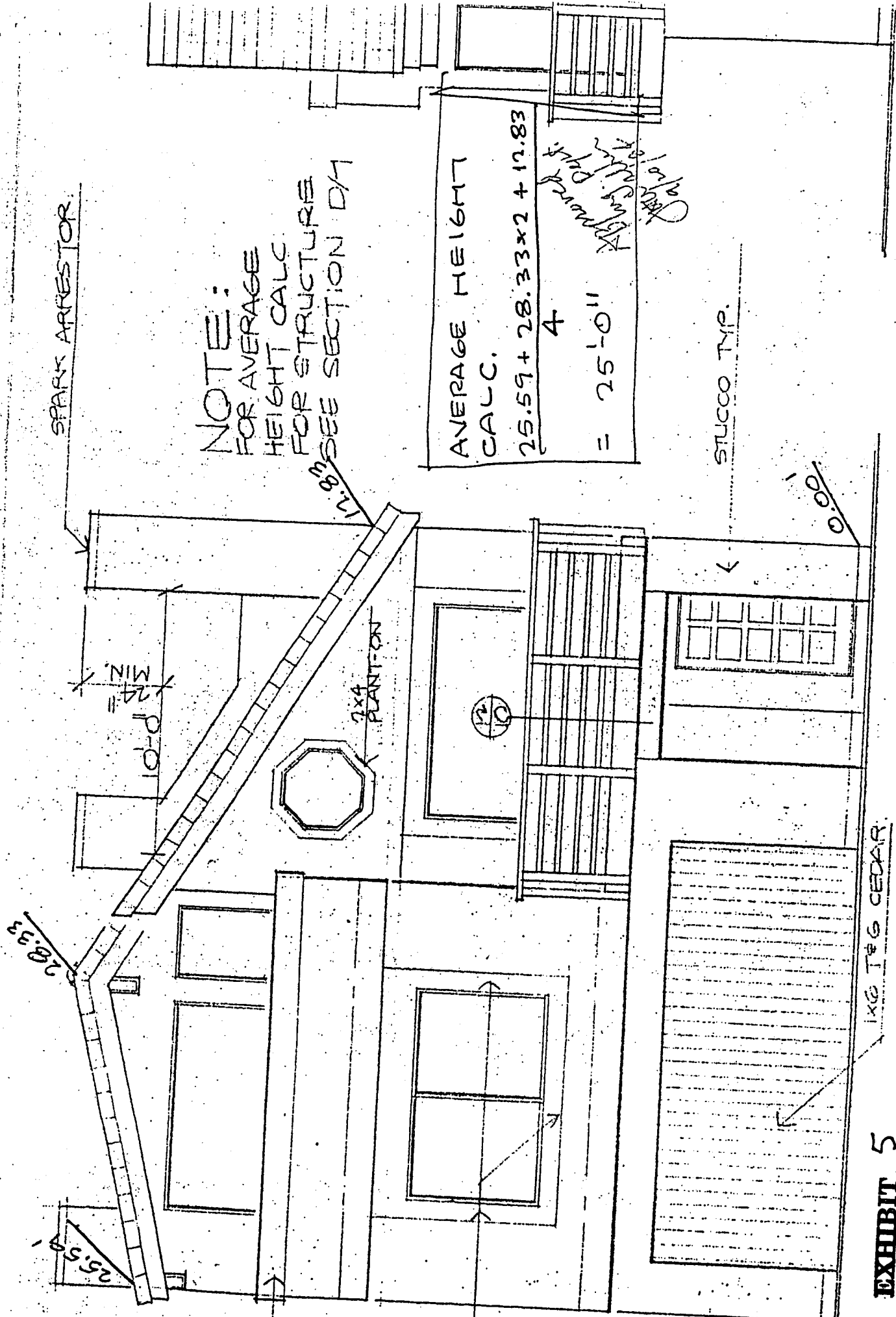
NOTE:
FOR AVERAGE
HEIGHT CALC.
FOR STRUCTURE
SEE SECTION D/H

AVERAGE HEIGHT
CALC.
 $25.59 + 28.33 \times 2 + 17.83$
 4
 $= 25'-0''$

*Approved
for
1/10/10
1/10/10*

STUCCO TYP.

1'-0"



REVISED PER CONDITION #3 OF VENTURA COUNTY PLANNING COMMISSION, RESOLUTION R-04-04, 6/24/04

SEP 24 2004

LINE OF FINISHED INTERIOR CEILING (TYPICAL)

LINE OF 28 FEET
(TOP OF ROOF)

LINE OF 25 FEET

LINE OF 25 FEET

(TOP OF WALL)

28'-0"
25'-0"

EXHIBIT "32"

23'-10"
25'-0"

DATUM POINT

DATUM POINT

11.60'

NOTE: PURSUANT TO CONDITION #2 OF VENTURA COUNTY PLANNING COMMISSION, RESOLUTION R-04-04, ONLY OPEN WORK RAILINGS ARE ALLOWED ON THE RETAINING WALLS AND ARE TO BE "OPEN RAILING AT 36" HIGH OR AS REQUIRED BY CODE WHICH EVER IS HIGHER" (TYPICAL).

3329 OCEAN DRIVE

SEP. 23, 2004

REVISED EAST ELEVATION

PD-2004

SCALE: 3/16"=1'-0"



Riparian Habitat - An area adjacent to a natural watercourse, such as a perennial or intermittent stream, lake or other body of fresh water, where related vegetation and associated animal species live or are located.



Roof Structures - Structures for the housing of elevators, stairways, tanks, ventilating fans and similar equipment required to operate and maintain the building; fire or parapet walls, skylights, towers, flagpoles, chimneys, smokestacks, wireless masts, T.V. antennas and similar structures.

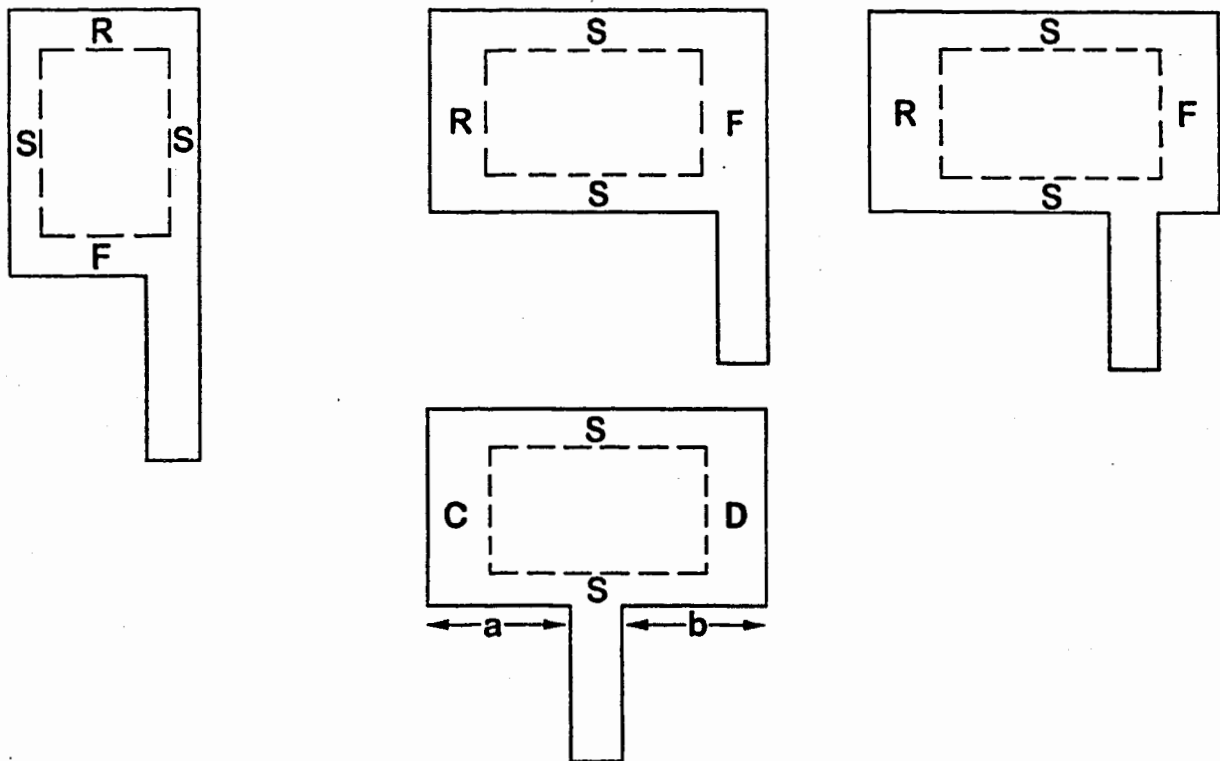
Rooming House - A dwelling unit with one family in permanent residence wherein two to five bedrooms, without meals, are offered for compensation.

Satellite Dish Antenna - An accessory structure, generally in the shape of a dish, which is designed or intended to receive electromagnetic signals from an orbiting satellite or ground transmitter.

Second Dwelling - A detached accessory structure having bathroom facilities, which is intended for human habitation; or any detached accessory structure or room addition having kitchen or cooking facilities. Structures referred to as guest houses, living quarters, granny flats and the like are considered to be intended for human habitation. A room addition having a bathroom and no means of internal access to the existing residence shall be considered a second dwelling.

Setback - The distance on an individual lot which is intended to provide an open yard area measured from a property line or other boundary line to a structure or use.

In the case of "flag" lots, the setbacks shall be measured from the applicable front, rear and sides of the lot as designated in the following diagram:



If $a = b$, applicant designates C or D as front.

EXHIBIT 7
Page 1 of 1

December 16, 2003

Scott Strumwasser
Enclosures Architects
5971 W. 3rd Street
Los Angeles, CA 90036

SUBJECT: DETERMINATION OF INCOMPLETENESS OF APPLICATION FOR PLANNED DEVELOPMENT NO. PD-2004 LOCATED AT 3329 OCEAN DRIVE IN THE COMMUNITY OF HOLLYWOOD-BY-THE-SEA, APN: 206-0-233-170

Dear Mr. Strumwasser:

Ventura County agencies have reviewed your application as submitted on November 17, 2003 and find that it is incomplete as of December 16, 2003.

In order to make the appropriate environmental determination and complete our project review we are requesting more information regarding the proposed dwelling. The parts of the permit application which are incomplete, and the information required to complete the application, are as follows:

**RESOURCE MANAGEMENT AGENCY, Planning Division:
Jared Rosengren, (805) 654-2493**

Site Plan

1. ~ Clarify if the location of the basement perimeter wall in relation to the west property line.
2. ~ Provide a legend indicating what is being represented. The unclear as to what is proposed. Label spaces and proposed structural elements.
3. ~ A fence should have a different symbol than the wall if it lies on top of it. Is the fence on top of the wall? What is the combined height?
4. ~ Clarify "Shore Walk, concrete deck". Remove reference to "concrete deck" as one cannot be part of your proposed plan and one does not appear to exist now.
5. ~ The maximum height of a wall in the front yard setback is 3'. The site plan shows a 6' high fence in this area.

EXHIBIT 8
Page 1 of 3



6. The first and second floors are encroaching into the side setback. Redraw plans to eliminate this intrusion. ?

Floor Plans

7. Where is the water heater proposed to go?
8. Just north of the entry way there is a space not defined. Please label?
9. Label the space west of basement storage and laundry.
10. Show the property lines on the roof plan.

Elevations

11. The west elevation shows the roof deck encroaching into the side setback.
12. The west elevation shows portion of the wall above 25' high. The maximum height of an exterior wall is 25' high.
13. On the west and east elevations, show the side setback lines from the ground to the maximum height of the structure. The house looks like it is leaning out over the setback, which is not allowed.
14. On all elevations show the existing and proposed grades.
15. On the north and south elevations show the front and rear property lines and street.
16. Show how you determined the datum point for measuring height. The code allows two ways.
 - a. A datum point set by the Watershed Protection District.
 - b. 12" above the highest point of the paved portion of the road adjacent to the lot.
17. Label the north elevation.
18. North elevation shows a 6' high fence in the front yard setback. The maximum height is 3' in the front yard setback.
19. Show height dimensions for the north elevation.
20. It appears the rear portion of the house is being raised. How is this being accomplished?

- 21. How much grading is anticipated for the project?
- 22. The maximum height the top floor's ceiling can be is 25'.]

Although not an incompleteness issue, Staff encourages you to notify the neighbors directly to the south and north regarding the survey results, specifically how the property lines do not conform to the existing side fences and walls.

If you have any questions regarding the deficiency of your application, please contact Jared Rosengren, the case planner, at (805) 654-2493 or e-mail at jared.rosengren@mail.co.ventura.ca.us.

When you have gathered all of the needed information and/or documents, please submit them to the case planner, Jared Rosengren. Submittal directly to another department or agency may not start the second 30-day review period resulting in processing delays for your permit.

Sincerely,



Nancy Butler Francis, Manager
Land Use Section

c: Drs. Joan & Harry Saperstein, 10271 Monte Mar Drive, Los Angeles, CA 90064
Case file PD 2004

g:\common\plant\winword\forms\lncpitr.doc



COUNTY OF VENTURA
RESOURCE MANAGEMENT AGENCY
PLANNING DIVISION

MEMORANDUM

DATE: July 14, 2004
TO: Planning Division Staff
FROM: Christopher Stephens, Planning Director
SUBJECT: Building Heights in the R-B and R-B-H Zones

Over the past several years we have had a number of new and varied designs for new homes proposed within the R-B and R-B-H zones. Because these new designs were not contemplated when the Coastal Zoning Ordinance was adopted, it has proven difficult to apply the building height standards of the Coastal Zoning Ordinance to some of these proposals. This memo is intended to provide some general guidance and clarity to staff as you consider proposed structures in the R-B and R-B-H zones.

The following are well-established practice and relatively clear within the Coastal Zoning Ordinance:

1. There are no standards or restrictions regarding the type of construction within 25 feet of the datum point as established by the Watershed Protection District. In other words, any part of the structure proposed at 25 feet or less is de facto consistent with the height regulations in the R-B and R-B-H zones. (Sec. 8175-2)
2. With the exception of A-frame structures, no part of a roof may exceed 28 feet. (Sec. 8175-3.13(e))
3. The only structures that may exceed 28 feet are TV antennas, chimneys, flagpoles, weather vanes or similar structures (including any structures required by the County for fire protection). (Sec 8175-4.8)

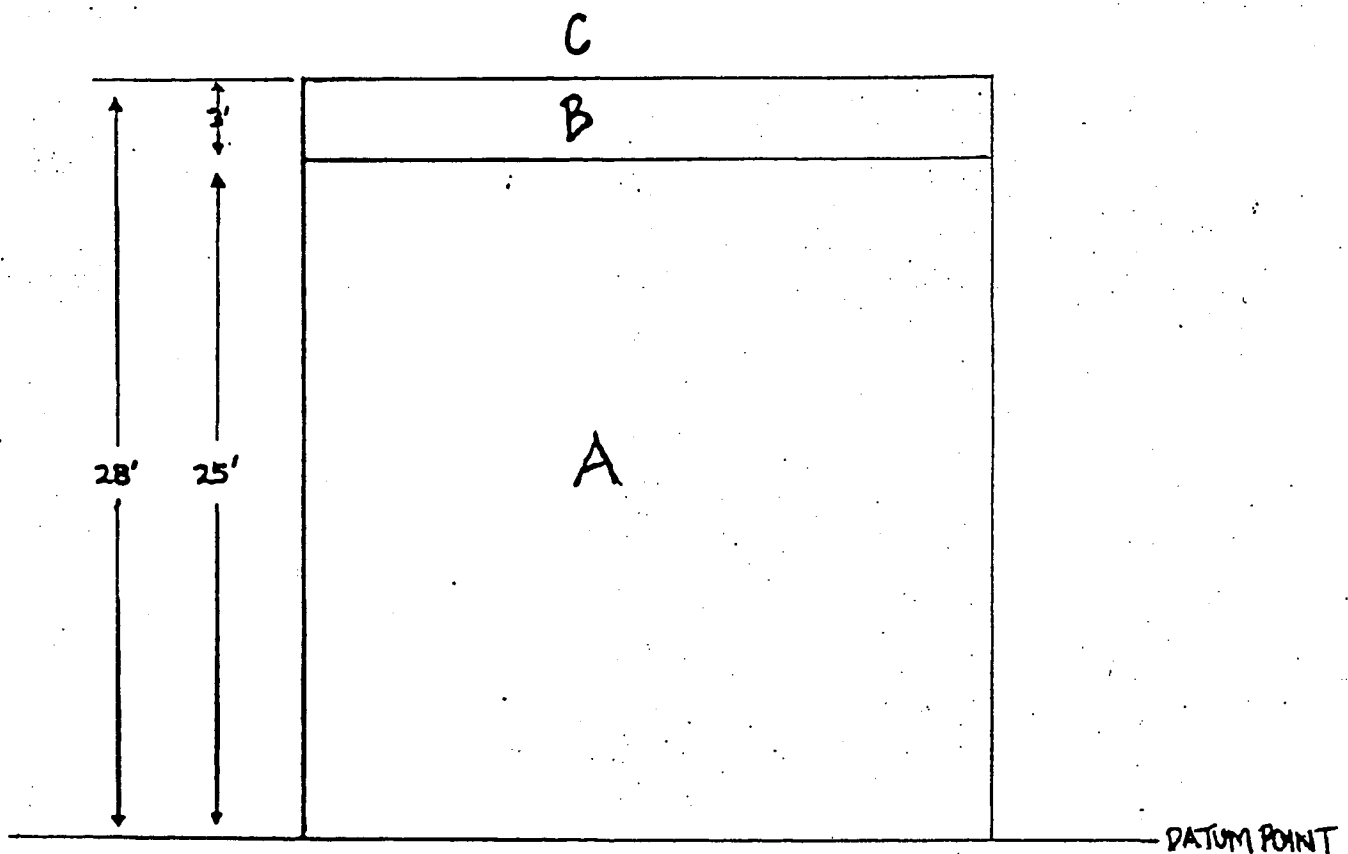
Given the above, the remaining question is "What structures are allowed above 25 feet but below 28 feet?" Here, there is less clarity within the Coastal Zoning Ordinance. However, when all of the language and intent of the regulations are taken together, the following has been determined:

4. The main ridge line of a pitched roof may be up to 28 feet in height. (Sec. 8175-3.1(e))
5. Walls perpendicular to the main ridge line of a pitched roof may be up to 28 feet in height. (Sec. 8175-3.13(c))
6. In addition to the roof structures noted in item 3 above, the following may also be up to 28 feet in height: elevator housings, stairways, tanks, ventilating fans, fire walls, parapet walls, skylights, and other equipment required to operate the building. (Sec. 8172-1)
7. Except in living areas directly below a pitched roof with a main ridge line, no interior ceilings may exceed 25 feet in height.

I hope this information clarifies the issue of building heights within the R-B and R-B-H zones. Attached is a drawing (rather crude I'll admit) which illustrates the issue. As this is an ever evolving issue given the multitude of building designs, please consider this something of a work in progress and subject to further and continued review. If you have any questions, please do not hesitate to contact me. Thanks

cc: Tom Berg, RMA
Jack Phillips, Building & Safety

MEASURING
BUILDING HEIGHT
IN THE
RB AND RBH ZONES



AREA A - NO LIMITATIONS

AREA B - LIMITED TO: MAIN RIDGE LINE OF PITCHED ROOF
WALLS PERPENDICULAR TO PITCHED ROOF
ALL ROOF STRUCTURES
VAULTED CEILING BELOW A MAIN RIDGE LINE

AREA C - LIMITED TO: TV ANTENNAS, CHIMNEYS, FLAGPOLES,
WEATHER VANES, ETC.

Diana L. Quintana
3314 Ocean Drive, Oxnard, CA 93035
(805) 984-0432 FAX (805) 984-6341
dmsqq@msn.com

December 15, 2004

California Coast Commission
South Central Coast District Office
89 South California Street, suite 200
Ventura, Ca. 93001-4508

Re: Permit number PD-2004, 3329 Ocean Drive Oxnard, CA

Dear Commissioners:

My name is Diana Quintana. I am a resident of the Hollywood Beach area of Ventura County, California. I am also an appellant on the above referenced permit number PD-2004.

In approving this project, the Planning Division has approved a plan that violates the Ventura County Coastal Zoning Ordinance in at least three instances. Most glaring is the fact that the roof height exceeds the maximum building height of 25 feet.

But what I am additionally and profoundly concerned by is that, in preparing this appeal and reviewing the Planning Division's procedures, it has become clear to me that the Planning Division is not following the code or even calculating the roof heights.

I have reviewed the Saperstein residence file as provided by the Ventura County Planning Division per the California Public Records Act. I requested to review all permits, exhibits, and staff working files. In the file I was presented for review there were no staff notes or conversation logs allowing me to follow the progression of this project through the approval process. There were no roof height calculations performed by the staff. In questioning the planner, Mr. Rosengren, he admitted that to his knowledge no roof height calculations were performed on this application or are being performed on any application. I did however find and copy a letter signed by Nancy Butler Francis, Manager Land Use Section dated December 16, 2003 and sent to Scott Strumwasser, architect and Drs. Joan & Harry Saperstein, property owners. A copy of this letter is attached as Attachment 1. In this letter titled **Determination of Incompleteness of Application for Planned Development No. PD-2004 located at 3329 Ocean Drive in the community of Hollywood-By-The-Sea, APN: 206-0-233-170**, Ms. Francis very precisely numbers and details deficiencies in the originally submitted plans.

- "The west elevation shows portion of the wall above 25' high. The maximum height of

an exterior wall is 25' high."

In other words, Ms. Francis identified that the project application violated the code by exceeding the roof height of 25 feet, and having an exterior wall exceeding 25 feet. HOWEVER, these deficiencies were not corrected, and, inexplicably, the application was approved in March 2004 even though it still exceeded 25 feet in roof height and had exterior walls exceeding 25 feet.(Attachment 2) Because the Planning Division failed to do its job, we citizens had to file an appeal, and the Planning Commission after hours of testimony, recognized that the exterior walls exceeding 25 feet violated the R-B-H building ordinance.

The next letter (Attachment 4) was used by the owner to establish the basis for the minimum elevation to use when starting the building heights calculation.

- Of note on page two of this letter in the next to the last paragraph is just how strict the County has been in the past with regard to the building codes and their application. Keith Turner in this paragraph explains that the 6 inch difference in the height of this application is not allowable. That is pretty strict.

In the process we are currently appealing today; I can't get anyone to help me solve a 3 FOOT problem. We are here today over this very issue. Many man hours on the part of all concerned have been expended.

Would we be here at all if the codes had been strictly followed to the letter as intended? I would like to quote a section of the Preamble of the Ventura County Coastal Area Plan.

It is page 3 titled Preamble. (Attachment 3)

- **"The goals, Policies and Programs of the Ventura County General Plan are cumulative and, as such, individual goals, policies and programs should be used and interpreted in context of other applicable goals, policies and programs. In the case of overlapping goals, policies and programs, the more restrictive shall govern."**

I think we are all before you because we have conflicting individual goals. Therefore, I would refer to the intent of the Ventura County Coastal Area Plan and suggest that "the more restrictive shall govern" here. Please refer this back to the Planning Department and require stricter adherence to all codes, as written.

Thank you for your time,

Sincerely,


Diana Quintana

December 16, 2003

Scott Strumwasser
Enclosures Architects
5971 W. 3rd Street
Los Angeles, CA 90036

SUBJECT: DETERMINATION OF INCOMPLETENESS OF APPLICATION FOR PLANNED DEVELOPMENT NO. PD-2004 LOCATED AT 3329 OCEAN DRIVE IN THE COMMUNITY OF HOLLYWOOD-BY-THE-SEA, APN: 206-0-233-170

Dear Mr. Strumwasser:

Ventura County agencies have reviewed your application as submitted on November 17, 2003 and find that it is incomplete as of December 16, 2003.

In order to make the appropriate environmental determination and complete our project review we are requesting more information regarding the proposed dwelling. The parts of the permit application which are incomplete, and the information required to complete the application, are as follows:

RESOURCE MANAGEMENT AGENCY, Planning Division:
Jared Rosengren, (805) 654-2493

Site Plan

1. ✓ Clarify if the location of the basement perimeter wall in relation to the west property line.
2. ✓ Provide a legend indicating what is being represented. The unclear as to what is proposed. Label spaces and proposed structural elements.
3. ✓ A fence should have a different symbol than the wall if it lies on top of it. Is the fence on top of the wall? What is the combined height?
4. ✓ Clarify "Shore Walk, concrete deck". Remove reference to "concrete deck" as one cannot be part of your proposed plan and one does not appear to exist now.
5. ✓ The maximum height of a wall in the front yard setback is 3'. The site plan shows a 6' high fence in this area.



6. The first and second floors are encroaching into the side setback. Redraw plans to eliminate this intrusion. ?

Floor Plans

7. Where is the water heater proposed to go?
8. Just north of the entry way there is a space not defined. Please label?
9. Label the space west of basement storage and laundry.
10. Show the property lines on the roof plan.

Elevations

11. ✓ The west elevation shows the roof deck encroaching into the side setback.
12. ? The west elevation shows portion of the wall above 25' high. The maximum height of an exterior wall is 25' high.
13. On the west and east elevations, show the side setback lines from the ground to the maximum height of the structure. The house looks like it is leaning out over the setback, which is not allowed.
14. On all elevations show the existing and proposed grades.
15. On the north and south elevations show the front and rear property lines and street.
16. Show how you determined the datum point for measuring height. The code allows two ways.
 - a. A datum point set by the Watershed Protection District.
 - b. 12" above the highest point of the paved portion of the road adjacent to the lot.
17. Label the north elevation.
18. North elevation shows a 6' high fence in the front yard setback. The maximum height is 3' in the front yard setback.
19. Show height dimensions for the north elevation.
20. It appears the rear portion of the house is being raised. How is this being accomplished?

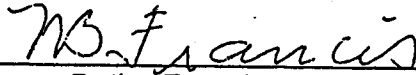
- 21. How much grading is anticipated for the project?
- 22. The maximum height the top floor's ceiling can be is 25'.]

Although not an incompleteness issue, Staff encourages you to notify the neighbors directly to the south and north regarding the survey results, specifically how the property lines do not conform to the existing side fences and walls.

If you have any questions regarding the deficiency of your application, please contact Jared Rosengren, the case planner, at (805) 654-2493 or e-mail at jared.rosengren@mail.co.ventura.ca.us.

When you have gathered all of the needed information and/or documents, please submit them to the case planner, Jared Rosengren. Submittal directly to another department or agency may not start the second 30-day review period resulting in processing delays for your permit.

Sincerely,



Nancy Butler Francis, Manager
Land Use Section

c: Drs. Joan & Harry Saperstein, 10271 Monte Mar Drive, Los Angeles, CA 90064
Case file PD 2004

g:\common\plan\winword\forms\incpltr.doc

APPROVAL LETTER

COASTAL PERMIT APPLICATION

HEARING AND DECISION: On March 11, 2004, the Planning Director, or the Planning Director's designee, conducted a Public Hearing for the Coastal Permit Application described below. All relevant testimony, information, and findings were considered. The decision of the Planning Director was made on March 18, 2004, to **APPROVE** the application, subject to the attached Conditions. The date this decision will become "final" is March 29, 2004 (i.e., the expiration of the 10 calendar day County appeal period)

PROJECT DESCRIPTION:

1. Coastal Entitlement: Planned Development Permit No. PD-2004
2. Applicant: Scott Strumwasser
Enclosures Architects
5971 W. 3rd Street
Los Angeles, CA 90036
3. Location: 3329 Ocean Drive, Hollywood-by-the-Sea
4. Assessor's Parcel No(s) 206-0-233-17
5. Coastal Plan Designation: Residential High Density
6. Existing Zoning: "RBH-1750 sq. ft." (Residential Beach Harbor)
7. Project Description: The demolition of an existing single-family dwelling and the construction of a new two-story, 3,556 square-foot (sq. ft.) single-family residence with an attached 775 sq. ft. basement garage on a 2,627 square foot lot.

FINDINGS:

COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT: The Planning Division has reviewed the project to ascertain if there will be a significant effect on the environment. Based upon this review, the Planning Director determined the proposed project is categorically exempt for CEQA review under section 15303, Class 3, New Construction of Small Structures. Findings were not made pursuant to Section 15091 of the State CEQA Guidelines.

COMPLIANCE WITH COASTAL ZONING ORDINANCE: Based upon the information and findings developed by staff, it has been determined that this application, with the attached conditions, meets the requirements of Ventura County Coastal Ordinance Code Section 8181-3.5 in that:



- a. The proposed development is consistent with the intent and provision of the County's Local Coastal Program (LCP);
- b. The proposed development is compatible with the character of surrounding development;
- c. The proposed development would not be obnoxious or harmful, or impair the utility of neighboring property or uses;
- d. The proposed development would not be detrimental to the public interest, health, safety, convenience, or welfare;

APPEALS: Within 10 calendar days after the permit has been approved, conditionally approved or denied (or on the following workday if the 10th day falls on a weekend or holiday), any aggrieved person may file an appeal of the decision with the Planning Division. The Division shall then set a hearing date before the Planning Commission to review the matter at the earliest convenient date. At the conclusion of the local appeal period, or following a final decision on an appeal, the County shall send a Notice of Final Decision to the Coastal Commission, who shall set another appeal period. You will receive a copy of the Notice when it is sent to the Coastal Commission. Following the expiration of the Coastal Commission's appeal period, if no appeals are filed, the decision will be considered "effective."


Within 5 days of project approval, a \$25.00 fee, payable to the Ventura County Clerk, is required from the applicant for the filing of the NOTICE OF DETERMINATION and CALIFORNIA DEPARTMENT OF FISH AND GAME, CERTIFICATE OF FEE EXEMPTION, DE MINIMIS IMPACT FINDING document (this project qualifies for the de minimis exemption as a Categorical Exemption). Failure to file these documents will result in an extended appeal period (from 35 days to 180 days) for legal challenges to project approval. Please contact the case planner to submit the fee.

ZONING CLEARANCE AND BUILDING PERMIT: Once the decision is "effective" and upon completion of the "prior to Zoning Clearance" conditions, a Zoning Clearance may be obtained from the Planning Division and a Building Permit may be applied for from the Division of Building and Safety.

AUTHORIZED SIGNATURE:

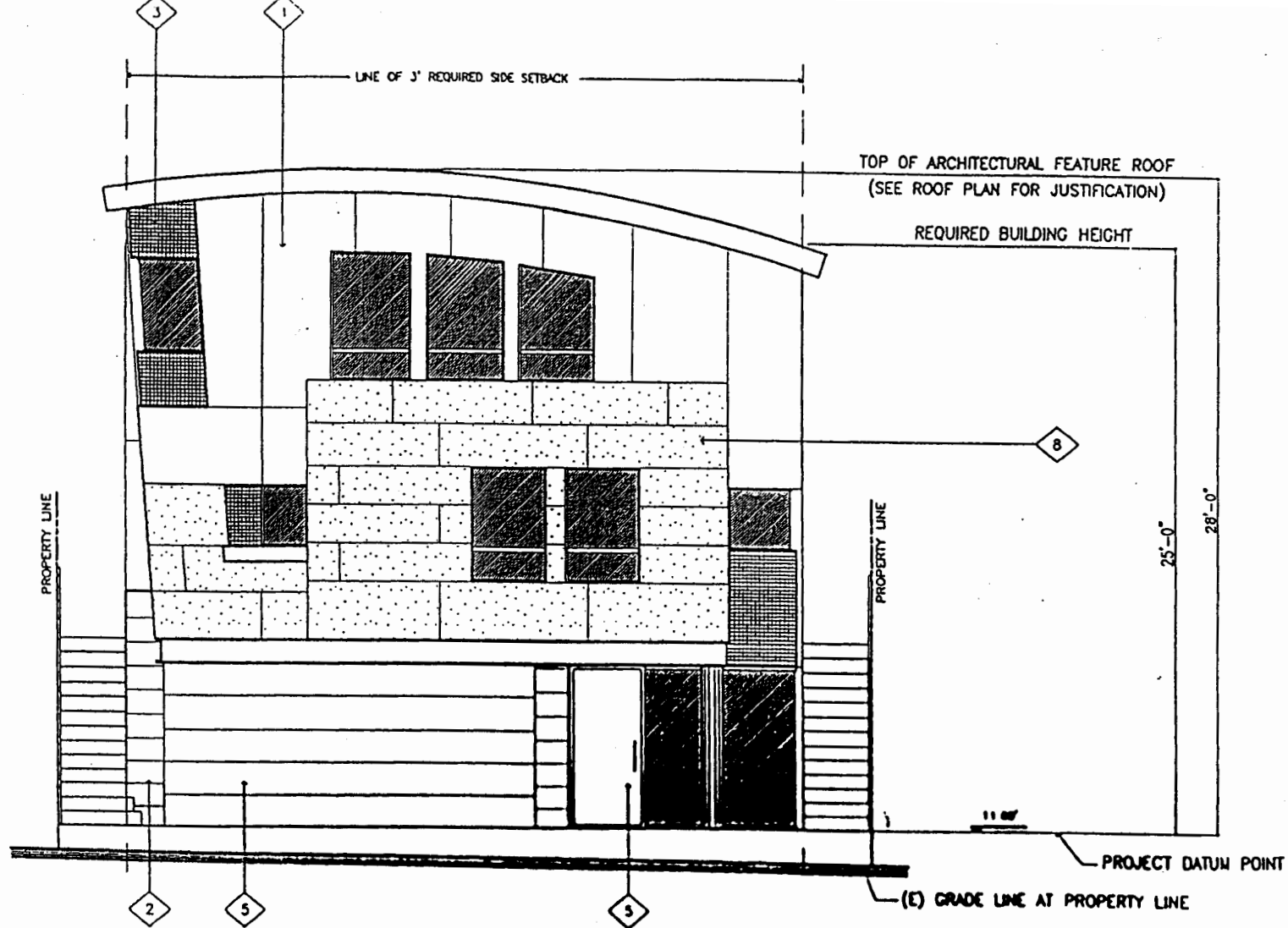


Nancy Butler Francis, Manager
Land Use Permits Section
Coastal Administrative Officer



Jared Rosengren, Case Planner
Land Use Permits Section

Attachments: Coastal Staff Report for PD-2004
c: Assessor's Office—Jim Dodd



EAST ELEVATION



JAN 26 2004

LEGEND:

- | | | | |
|---|--------------------------|----|--------------------------|
| 1 | CEMENT PANEL | 6 | EXPOSED STRUCTURAL STEEL |
| 2 | HORIZONTAL CEMENT PANELS | 7 | STAINLESS STEEL |
| 3 | MOSAIC | 8 | METAL SHEET |
| 4 | STANDING SEAM METAL ROOF | 9 | CONCRETE BLOCK |
| 5 | WOOD FACIA / DOOR | 10 | CONCRETE WALL |

ARCHITECTS
 1871 WEST THIRD STREET
 LOS ANGELES, CA 90018
 www.sapersteinarch.com
 cell: 323.931.0156
 T 323.931.1851
 F 323.931.0156

REVISIONS

1	01-15-04
2	-
3	-

SAPERSTEIN RESIDENCE

WEST ELEVATION Exhibit "8"

DATE: 11-14-03
 SCALE: AS SHOWN
 DRAWN: S. AZZI
 SKL f: -

AR-6



ARCHITECTS

5671 WEST Third STREET
LOS ANGELES, CA 90024
www.sapersteinarch.com
sot@peadocorsarch.com
T 323.931.1851
F 323.931.0156

REVISIONS

△	01-15-04
△	-
△	-

SAPERSTEIN RESIDENCE
WEST ELEVATION

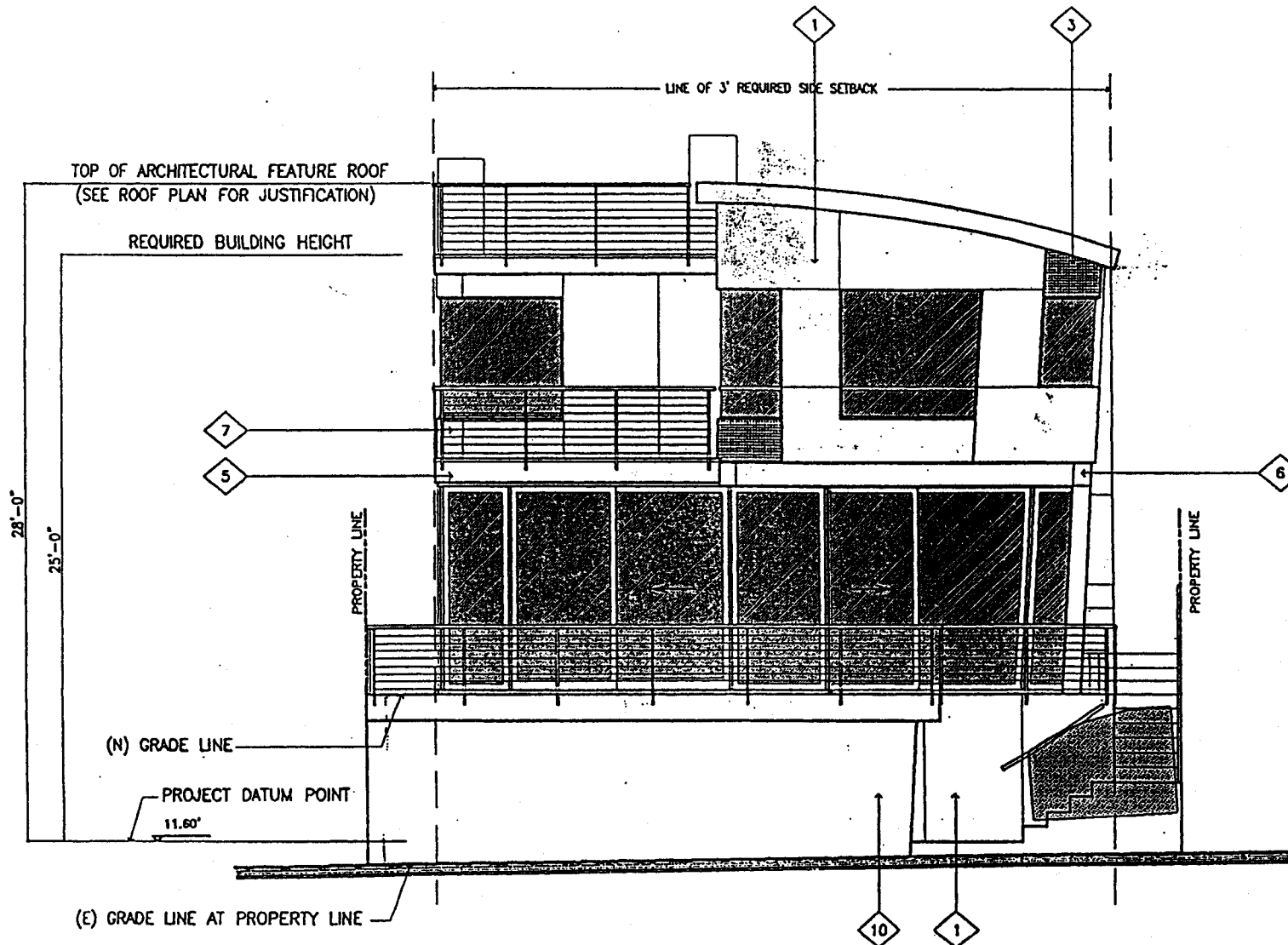
DATE: 11-14-03

SCALE: AS SHOWN

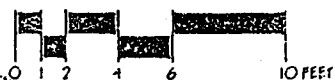
DRAWN: S. AZADI

SHT. F: -

AR-8



WEST ELEVATION



LEGEND:

- | | |
|------------------------------|------------------------------|
| ◇ 1 CEMENT PANEL | ◇ 6 EXPOSED STRUCTURAL STEEL |
| ◇ 2 HORIZONTAL CEMENT PANELS | ◇ 7 STAINLESS STEEL |
| ◇ 3 MOSAIC | ◇ 8 METAL SHEET |
| ◇ 4 STANDING SEAM METAL ROOF | ◇ 9 CONCRETE BLOCK |
| ◇ 5 WOOD FACIA / DOOR | ◇ 10 CONCRETE WALL |

RESOURCE MANAGEMENT AGENCY
county of ventura

EXHIBIT F

Planning Division

Keith A. Turner
Director

July 2, 1992

Roy Milbrandt, Architect
2225 Sperry Avenue #1600
Ventura, CA 93003

**SUBJECT: Height Measurement in the Coastal Zone
R-B-H Zoning Designation**

Dear Mr. Milbrandt:

In regard to your letter of June 22, 1992 requesting a "clarification" of the method of height measurement employed in the coastal zone, I offer the following from the County's Coastal Zoning Ordinance.

Sec. 8175-3.13 (a) Height Regulations in the R-B and R-B-H Zones

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.

My interpretation of this section, in consultation with County Flood Control, is that the building height shall be measured from the (1) lowest point of the floor area (whether it is garage floor or habitable area) or 12 inches above the center line of the frontage road, whichever point is higher.

Even though some of the newer residences being built in the Channel Islands Community are designated as "basement homes," for purposes of Coastal Ordinance height measurement interpretation, "first floor" will be interpreted to mean the lowest floor of the structure.

Attachment 4



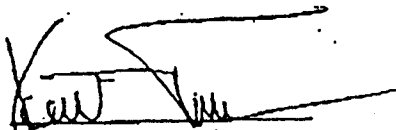
Roy Milbrandt
July 2, 1992
Page 2

This interpretation should serve to alleviate much of the recent confusion arising from a combination of the following factors: (1) basement home concept (actually three stories), (2) 8' ceilings on the "first floor" and (3) roof decks which require a 3' parapet above the 25' flat roof height.

In specific reference to your request concerning the six-inch step down for PD-1529, the step down elevation would be the lowest point of floor area and, therefore, the reference point for building height measurement. Because of the three factors previously mentioned, your overall building height from that reference point to the flat portion of the roof deck would be 25' 6" and thus not allowable. In addition, Section 8175-3.13(e) of the "R-B" zone states that no point of the roof shall be higher than 28 feet.

If you have any further questions, contact the appropriate case planner, if it is in regard to a PD-1529, contact Paul Merrett at 654-2878.

Sincerely,



Keith Turner, Director
Planning Division

cc: Jeff Walker
Nancy Francis
Paul Merrett

NBF:kt

ventura county general plan
area plan
for the
coastal zone



coastal
area plan

PREAMBLE

The relationship among the County of Ventura's Coastal Area Plan, the County's General Plan and the County's Zoning Ordinance for the Coastal Zone are as follows.

1. Ventura County's Coastal Area Plan is intended to serve as the County's "land use plan" and "local coastal element" applicable to the unincorporated portions of the Coastal Zone as required by the California Coastal Act of 1976, Public Resources Code Section 30000 et seq.
2. The Coastal Area Plan is also an Area Plan for the unincorporated coastal portions of Ventura County and, as such, is part of the County's General Plan. The purpose of the County's General Plan is to meet the local government General Plan requirements of Division I of the Planning and Zoning Law, Government Code Section 65000 et seq.
3. The purpose of the County's Zoning Ordinance for the Coastal Zone, Ventura County Ordinance Code Section 8171-1 et seq., is to implement the policies of the County's General Plan (as it applies to the Coastal Zone), and of the Coastal Area Plan. The Coastal Area Plan and the County's Zoning Ordinance for the Coastal Zone together constitute the "Local Coastal Program" (LCP) required for the unincorporated portions of the Coastal Zone by the California Coastal Act of 1976. The local coastal program specifically applies to development undertaken and proposed to be undertaken in the unincorporated portions of the Coastal Zone of Ventura County.

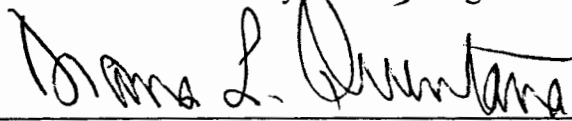
The *Goals, Policies and Programs* of the Ventura County General Plan are cumulative and, as such, individual goals, policies and programs should be used and interpreted in context of other applicable goals, policies and programs. In the case of overlapping goals, policies and programs, the more restrictive shall govern.

All components of the Ventura County General Plan (as they apply to the Coastal Zone), including the Coastal Area Plan, are intended to be consistent with the provisions of the California Coastal Act of 1976. Any ambiguities in the General Plan, as they apply to the Coastal Zone, including the Coastal Area Plan, shall be resolved in favor of the interpretation most likely to implement the mandated *goals, policies and programs* of the Coastal Act.

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: 12-15-04

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

Section VI. Agent Authorization

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



Signature of Appellant(s)

Date: 12-15-04

A-4-VNT-04-128

RECEIVED

STATE OF CALIFORNIA - THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST DISTRICT OFFICE
89 SOUTH CALIFORNIA STREET, SUITE 200
VENTURA, CA 93001-4508
VOICE (805) 585-1800 FAX (805) 641-1732

DEC 15 2004



CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

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

SECTION I. Appellant(s)

Name: Peter Poulson
Mailing Address: 332 Ocean Dr
City: Oxnard

Zip Code: 93035

Phone: 805-382-1821

SECTION II. Decision Being Appealed

1. Name of local/port government: Ventura County Board of Supervisors
2. Brief description of development being appealed:
Demolition of a single-family dwelling and the construction of a new 2,973 sq. ft. single-family dwelling with an attached 470 sq. ft. garage.
3. Development's location (street address, assessor's parcel no., cross street, etc.):
3329 Ocean Drive, Hollywood Beach (Ventura County)
APN: 206-233-170
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:	<u>A-4-VNT-04-128</u>
DATE FILED:	<u>12/15/04</u>
DISTRICT:	<u>South Central</u>

EXHIBIT NO. <u>2</u>
APPLICATION NO <u>A-4-VNT-04-128</u>
<u>Poulson</u>
<u>Appeal</u>

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: 11-23-2004

7. Local government's file number (if any): PD-2004

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:

Enclosure Architects, Attn: Scott Strumwasser

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) Peter Poulson
3312 Ocean Testified verbally
Ormond 93035
- (2) Donna Poulson
3312 Ocean Testified in writing
Ormond 93035
- (3)
- (4)

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

Section II Reasons for supporting this Appeal

Re Permit number PD-2004, 3329 Ocean Overlook (a 43055

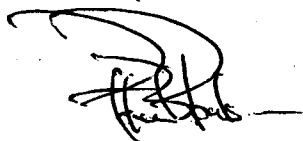
1.) Violation of Code section 8172-1 - 8175-2 8175.3(b) and (c)
The project ignores the required roof calculation as provided in 8172-1. The permanent curved roof structure is a roof (not measured from ceiling height) and is part of "Building Height" as shown in 8175-2 and again in 8175-3 & 3b.

2.) The Planning Director stated there was confusion as how to apply and calculate "roof heights". To the contrary 8171-13 and 8172-4 Application - Definitions Page 17 are quite specific. He basically said the "old code" was not used anymore. Where does the code state this?

3.) In the LCP page 7 under "grading operations" the basic premise is to do as little cut and fill as possible. Creating a false grade (cut or fill) by raising it 6-7 feet above the natural grade is in violation. It is a smokescreen to raise the height of the structure and surrounding wall. The grade is being manipulated.

P.R.C. Section 30603

The project does not protect public view from the street - specifically the 10 walls railing and deck.



Coastal Zone ordinance 8171-4.1

The building coverage including deck and stairs exceeds maximum allowable coverage.

Section 8174.6

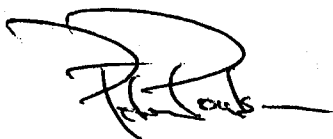
When in a sensitive area between mean tide line and first public street 6' walls are no longer a minor development, the public view of unique features of sand dunes and islands must be protected.

Section 8171-6 TCP

If there is a conflict between policy statements the most restrictive over rules. Thusly, building up grade to create a 10' wall instead of a 6' wall and thusly blocking public view shed should not be allowed.

General note for basement homes

Since the project already has an unobstructed ocean view, why can't the garage, crawl spaces etc be put below the datum point. If the whole structure was lowered 3-5', it would be in conformance with the current codes and the view shed would be protected.


The [unclear]

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: 12/12/04

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

Section VI. Agent Authorization

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



Signature of Appellant(s)

Date: 12/12/04

RECEIVED

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST DISTRICT OFFICE
89 SOUTH CALIFORNIA STREET, SUITE 200
VENTURA, CA 93001-4508
VOICE (805) 585-1800 FAX (805) 641-1732

DEC 17 2004



CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

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

SECTION I. Appellant(s)

Name: Cameron Walker
Mailing Address: 3326 Ocean Dr
City: Oxnard Zip Code: 93035 Phone: 805-815-3444

SECTION II. Decision Being Appealed

1. Name of local/port government: Ventura County
2. Brief description of development being appealed:
Single Family Structure
3. Development's location (street address, assessor's parcel no., cross street, etc.):
3329 Ocean Dr
Oxnard, CA 93035
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:	<u>A-4-VNT-04-128</u>
DATE FILED:	<u>12/17/04</u>
DISTRICT:	<u>South Central</u>

EXHIBIT NO. <u>3</u>
APPLICATION NO. <u>A-4-VNT-04-128</u>
<u>Walker</u>
<u>Appeal</u>

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: 11/23/04

7. Local government's file number (if any): PD-2004

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:

HARRY SAPERSTEIN
3329 OCEAN DR
OXFORD, CA 93035

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)

(2)

(3)

(4)

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

SECTION IV. Reasons Supporting This Appeal

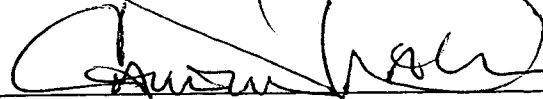
PLEASE NOTE:

- 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.

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: _____

12/17/04

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: _____

111

Cameron Walker
3336 Ocean Dr
Oxnard, CA 93035
805-815-3444

12-15-04

James Johnson, Coastal Program Analyst

California Coastal Commission
South Central Coast District
89 South California St, # 200
Ventura, CA 93001

RE: Application No 4-VNT-04-217

Dear Mr. Johnson,

I am writing to you to appeal the decision of the County Supervisor's regarding the approval of, PD-2004, dated November 23, 2004. They most defiantly overlooked several code violations in favor of development. Of these violations, the one that stands out the most to me and the one that will have the greatest impact on the public, is the height of the wall to be built around the structure.

Section 8175-3.11 of the building codes in coastal sections says,

Fences, Walls, and Hedges

b. A maximum six-foot-high wall, fence or hedge may be located anywhere on the lot except in the traffic safety sight area of required setback adjacent to a street.

e. When there is a difference in the ground level between two adjoining lots, the height of any wall or fence constructed along any property line may be determined by using the "lot level line" of the higher lot, as measured within five feet of the lot line separating such lots.

At the meeting of the Board of Supervisor's on November 23, 2004, under the Planning Commission Testimony, Findings and Decision, paragraph three,

Fence/wall height is measured from the property with the highest grade where there is difference in grade levels between properties. (Coastal Zoning Ordinance Section 8175-3.11) The Zoning Ordinance does not prohibit the elevation of yards beyond the grading required for construction of a single-family dwelling as long as the overall structure, measured from the

Watershed Protection Districts established datum point (the minimum height above mean sea level where the finished floor can begin), does not exceed the maximum allowed height of the applicable zone. Based on these provisions in the coastal zoning ordinance regarding grade level, homebuilders have developed "basement homes" consisting of elevated side yards since the 1970's and these "basement homes" have been an accepted and approved style of home design and construction by the County of Ventura Building and Safety Department since that time.

The Planning Commission clearly states that the elevation of an elevated yard cannot be used as a reference point for a height measurement, but this is exactly what this project is doing.

The south wall of this structure exceeds eight feet with a three foot high fence on top totaling eleven feet, the north side wall looks to be around six feet with a three foot high fence totaling nine feet. These are more reminiscent of "Seawalls" than anything else!

In Section 8174-6 L.C.P. Walls and fences of six feet or less in height are considered to be minor development except when opposed in any of the following sensitive areas: on or in a beach or on lots between the mean tide line and the first public road parallel to the sea.

There is only one other home on Ocean Drive that has a wall this high. To this date I have been unable to find any opposition in the records to its being built, and believe that the flawed notification of construction that Ventura County puts out is the only reason it was allowed to be built.

This structure sits in front of a very unique feature of the Southern California coastline, that being sand dunes covered with grass. Other areas in Ventura that have sand dunes on the beach have virtually no construction in front of them to block their views. In most cases these dunes can be seen, between the houses on the beach, from the street. In allowing these walls to be built you will establish a precedent for other structures to follow suit, forever eliminating the view.

All year round Ocean Drive is used as a walking, cycling, skating, driving, jogging and social gathering place for tourist and residents alike. In essence it is a boardwalk. It would be a shame to take away one of its great features by allowing one person to violate established codes.

Sincerely,

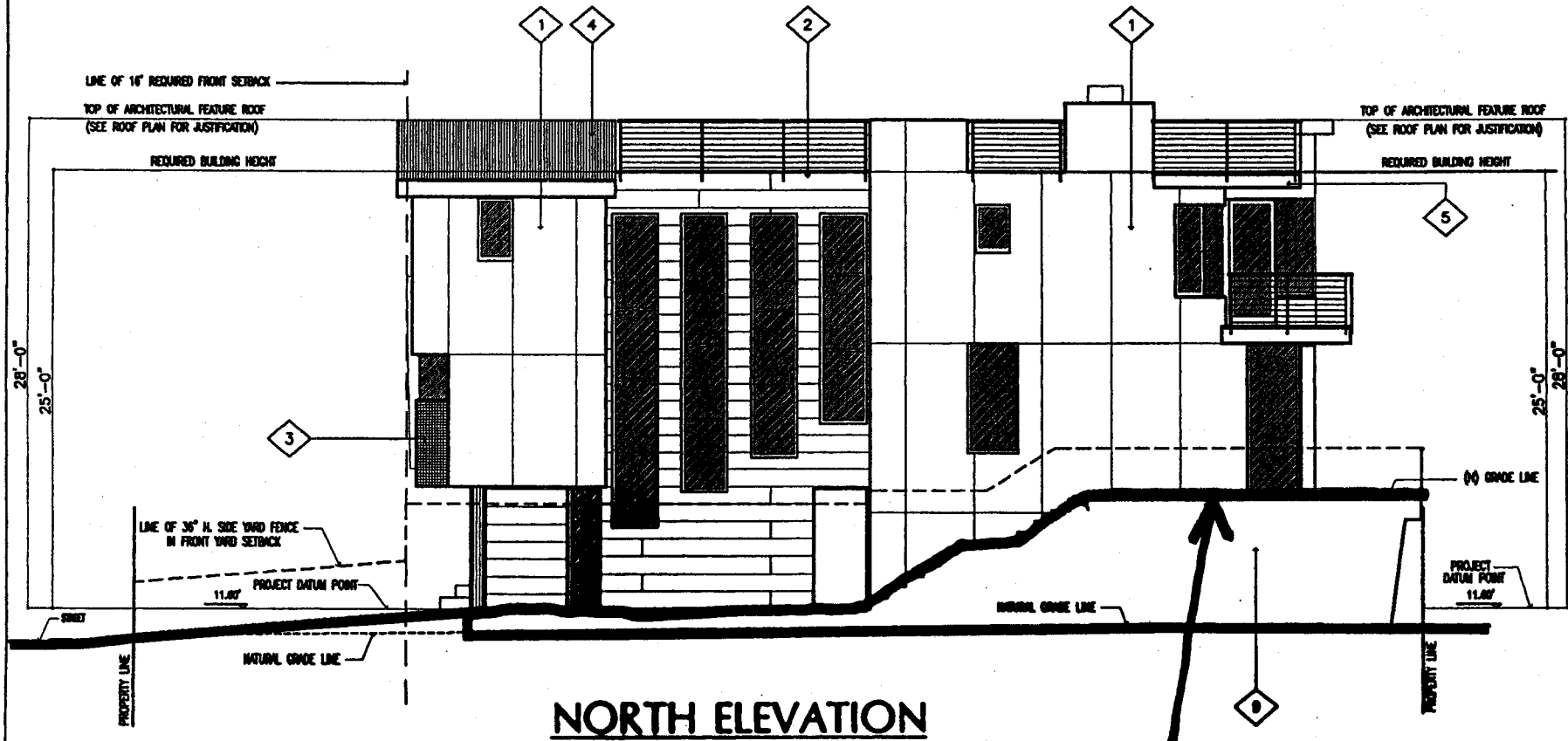
A handwritten signature in black ink, appearing to read "Cameron Walker", written over a horizontal line.

Cameron Walker

REVISIONS

▲	01-15-04
▲	-
▲	-

SAPERSTEIN RESIDENCE
NORTH ELEVATION
 Exhibit "11"



NORTH ELEVATION



Elevation of Level Lot Line

DATUM POINT ESTABLISHMENT

COUNTY OF VENTURA - PUBLIC WORKS AGENCY
 WATERSHED PROTECTION DISTRICT
 PLANNING & REGULATORY DIVISION:

THE MINIMUM FINISHED FLOOR ELEVATION, INCLUDING BASEMENT, SHALL BE 11.60' MSL OR 1.50' ABOVE THE CENTERLINE OF THE STREET IN FRONT OF THE DWELLING, WHICHEVER IS HIGHER.

9.59' (CENTERLINE OF THE STREET) + 1.50' = 11.09'
 11.09' < 11.60'
 DATUM POINT: 11.60'

JAN 25 2004

LEGEND:

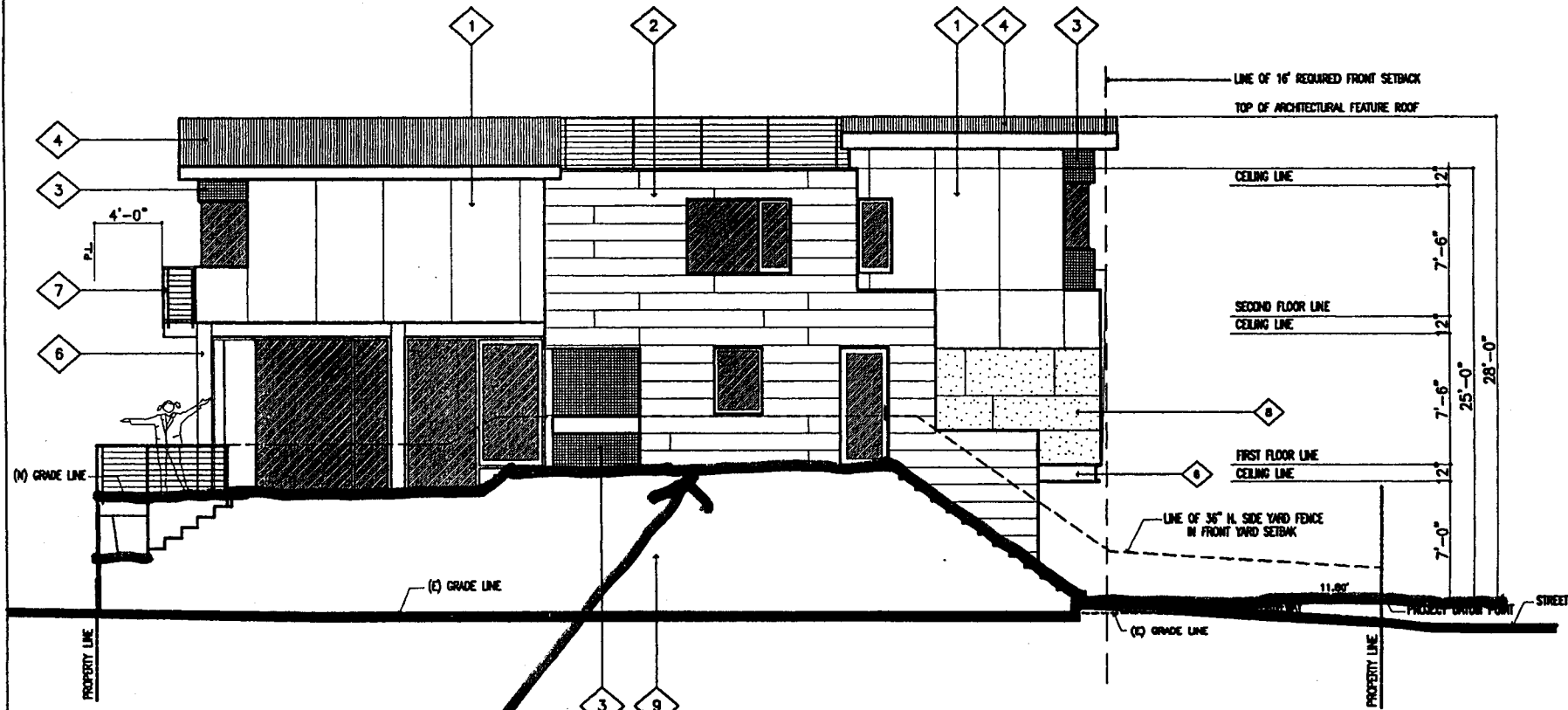
- | | |
|----------------------------|----------------------------|
| ① CEMENT PANEL | ⑥ EXPOSED STRUCTURAL STEEL |
| ② HORIZONTAL CEMENT PANELS | ⑦ STAINLESS STEEL |
| ③ MOSAIC | ⑧ METAL SHEET |
| ④ STANDING SEAM METAL ROOF | ⑨ CONCRETE BLOCK |
| ⑤ WOOD FACIA / DOOR | ⑩ CONCRETE WALL |

DATE: 11-14-03
 SCALE: AS SHOWN
 DRAWN: S. AZADI
 SH. #: -

AR-9

REVISIONS

▲	01-15-04
▲	-
▲	-



Elevation of Level Lot Line

LEGEND:

- | | |
|----------------------------|----------------------------|
| 1 CEMENT PANEL | 6 EXPOSED STRUCTURAL STEEL |
| 2 HORIZONTAL CEMENT PANELS | 7 STAINLESS STEEL |
| 3 MOSAIC | 8 METAL SHEET |
| 4 STANDING SEAM METAL ROOF | 9 CONCRETE BLOCK |
| 5 WOOD FACIA / DOOR | 10 CONCRETE WALL |

SOUTH ELEVATION



JAN 26 2004

SAPERSTEIN RESIDENCE

SOUTH ELEVATION Exhibit "9"

DATE: 11-14-03

SCALE: AS SHOWN

DRAWN: S. AZADI

SHT. #: -

AR-7

RECEIVED

DEC 20 2004

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST DISTRICT OFFICE
89 SOUTH CALIFORNIA STREET, SUITE 200
VENTURA, CA 93001-4508
VOICE (805) 585-1800 FAX (805) 641-1732

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

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

SECTION I. Appellant(s)

Name: Milos and Trisha Douda

Mailing Address: 3326 Ocean Ave

City: Oxnard

Zip Code: 93035

(818) 704-7707

Phone: (805) 985-1172

Cell (818) 601 5635

SECTION II. Decision Being Appealed

1. Name of local/port government:

2. Brief description of development being appealed:

Demolition of original home and construction of 4331 square foot home

3. Development's location (street address, assessor's parcel no., cross street, etc.):

3329 Ocean Dr.
Oxnard CA 93035

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:	A-4-VMT-04-128
DATE FILED:	12/20/04
DISTRICT:	South Central

EXHIBIT NO.	4
APPLICATION NO.	A-4-VMT-04-128
Douda	
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:

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

P.D. - 2004

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:

Drs. Joan and Harry Saperstein
10271 Monte Mar Drive
LOS Angeles, CA 90064

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)

(2)

(3)

(4)

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.

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: 12-16-04

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: _____

REASONS SUPPORTING THIS APPEAL

Re: Permit number PD-2004, 3329 Ocean Drive, Oxnard, Ca.

1. P.R.C. Section 30603

Development fail to protect the public view shed from the road: 10' side walls plus railing, 9' high rear deck plus railing, height of residence 29.5' above center-line of street.

Development is not compatible with the established physical scale or character of the area. Even Commissioner Judy Mickels pointed this out at the Board of Supervisors meeting.

2. COASTAL ZONE ORDINANCE Section 8171-4.1

The total structure exceeds the maximum percentage of building coverage. The entire lot is 2627 square feet. The residence with garage is 4331 square feet, plus a 9' high rear deck requiring a grading permit for 80 cubic yards of cut/fill, plus concrete steps as high as 9' all the way to the property line (within the 3' set-back), plus a 13' high wall with railing along the property line.

COASTAL ZONE ORDINANCE Section 30253

RE: Rear deck

New development shall minimize risks in areas of high flood hazards. The rear deck on this residence creates a sea-wall that stands 9' above the natural grade plus a 3' railing making it 12' tall. There is no precedence of this kind along the entire beach. There is a 6' set back from rear property line, and all the in this neighbourhood oppose construction of any kind in the set back.

REASONS SUPPORTING THIS APPEAL

Re: Permit number PD-2004, 3329 Ocean Drive, Oxnard, ca.

Section 8174-6 L.C.P.

Re: fence, wall, railing, stairs

Walls and fences of 6' or less in height are considered to be minor development except in any of the following areas: on or in a beach, or any lots between the mean tide line and the first public road parallel to the sea.

This area of Hollywood Beach is a very unique part of the coastline in that it has the only remaining sand dunes as well as island views.

One of the main reasons that the California Coastal Commission was created was to protect public view shed. If the commission will not deny an applicant seeking a wall higher than 6', especially when opposed by all the neighbours, then what business does it have meddling in affairs four or five miles inland.

Section 8171-6 L.C.P.

Re: perimeter fence and walls

Where there is a conflict between policy statements, the most restrictive requirement must take precedence.

The local code states that perimeter fence heights must not exceed 6'. The applicant states that this code can be ignored, the grade elevation raised, then the fence height measured from that elevation. This however creates a wall and railing that is 12' to 13.5' above the natural grade of the neighbour. If this were allowed to happen, then thirty years from now one could walk along Ocean Dr. without the slightest clue one is at the beach.

Having owned The Fence Works for the past 21 years I can state with some confidence that I know of no case where a variance for a fence or wall height above 6' has been granted once a neighbour raises an objection. In this case all of the neighbourhood objects.

The 6' maximum fence/wall height would also limit the height of the concrete stairs in the 3' set back surrounding the residence: all stairs require a 36" to 42" minimum railing. Thus if the perimeter wall or wall/railing cannot be more than 6' high then the stairs cannot be more than 3' high, meaning a complete re-design of all perimeter walls, stairs, and deck.

REASONS SUPPORTING THIS APPEAL

Re: Permit number PD-2004, 3329 Ocean Drive, Oxnarn, Ca.

Re: Basement Homes

After talking to the people at Building and Safety, and Flood Control I have discovered that only habitable space needs to begin at Datum Point. Neither department had any issues with the structure starting at 3' or 4' below the datum point. This could be done by simply installing a French Drain at the entrance to the garage with three tons of gravel wrapped in filter fabric. The total cost would be only \$ 400.00 to \$ 500.00.

One of the main concerns regarding this structure has always been the roof height: 29.5' above center-line of street. When my home was built a 25' roof averaging model was enforced. Due to lack of enforcement over the past years many new homes along the northern part of Hollywood Beach have transformed that area into a concrete canyon.

By starting below the Datum Point it would both address the roof height issue as well as minimize the cut/fill: always a desired goal for the Commission.

This residence is being opposed by so many because there are five older single-story homes in the immediate area that will soon be re-built. If a structure of this magnitude is allowed to be built, then it will set an alarming precedence that will ultimately ruin the character of the southern part of Hollywood Beach.

In closing, my desire is that you demand from the applicant the following:

1. erect story poles at highest points of the side walls with railing, rear deck, and along the roof line.
2. refrain from using past violations as precedence especially when those were unknown and unopposed by the neighbours.
3. lower roof height to 25' or enforce the 25' roof average.
4. eliminate rear deck or lower to 1' or 2' above grade.
5. lower all perimeter walls and walls with railing so that no portion exceeds 6' above the grade.
6. lower side yard stairs to no more than 3' above grade.

The requests made here by all of the opponents of this applicant are merely those that were imposed on our homes and in many cases far less.

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST DISTRICT OFFICE
89 SOUTH CALIFORNIA STREET, SUITE 200
VENTURA, CA 93001-4508
VOICE (805) 586-1800 FAX (805) 641-1732

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: SHEILA and FRANK MCGINITY
Mailing Address: 801 RIVEN ROCK Rd
City: SANTA BARBARA CALIF. 93108 Zip Code: 93108 Phone: 805 9691360

SECTION II. Decision Being Appealed

- 1. Name of local/port government: Ventura County Board of Supervisors
- 2. Brief description of development being appealed:
Demolition of a single-family dwelling and the construction of a new 2,973 sq. ft. single-family dwelling with an attached 470 sq. ft. garage.

3. Development's location (street address, assessor's parcel no., cross street, etc.):
3329 Ocean Drive, Hollywood Beach (Ventura County) APN: 206-233-170
SANTA ANA or LOS ROB 206-0-233-170

4. Description of decision being appealed (check one):

- Approval; no special conditions
- Approval with special conditions:
- Denial - BOARD of SUPERVISORS (VENTURA COUNTY)

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: A-4-VMT-04-128

DATE FILED: 12/20/04

DISTRICT: South Central

RECEIVED

DEC 20 2004

CALIFORNIA COASTAL COMMISSION SOUTH CENTRAL COAST DISTRICT

EXHIBIT NO. 5

APPLICATION NO. A-4-VMT-04-128

McGinity 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: 11-23-2004

7. Local government's file number (if any): PD-2004

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:

Enclosure Architects, Attn: Scott Strumwasser

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.

APPELLANTS

(1) ① MILOS DOUDA
3326 OCEAN DR
OXNARD, CAL 93035

(2) ② CAMERON WALKER
3336 OCEAN DR
OXNARD, CAL 93035

(3) ③ SHEILA + FRANK McGINITY
3321 OCEAN DR.
OXNARD, CAL 93035

(4) * MAILING ADDRESS * IS 801 RIVER ROAD
SANTA BARBARA
CAL 93108

④ DIANA QUINTANIA
3314 OCEAN DR
OXNARD, CAL 93035

5. PETER
PAULSON
3312 OCEAN
DR

OXNARD
CAL 93035

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 **

December 20, 2004

✳ Attachment for Coastal Commission Appeal --- REASONS
SUPPORTING THIS APPEAL

From: Sheila and Frank McGinity

We have owned the property/home at 3321 Ocean Drive (two doors south of project property) for approximately 40 years.

We believe the Saperstein project at 3329 Ocean Drive is GREATLY OVERSIZED(side to side, front to back and top to bottom) FOR SIZE OF their LOT – with what seems to us to be special MANIPULATION OF HEIGHT, WALL and ROOF LINE RULES and REGULATIONS. We have asked and been denied two times (County Planning and Board of Supervisors) for “STOREY POLES” to be erected for the entire project. We feel strongly that OUR RIGHTS HAVE BEEN DENIED. We are happy to pay for a qualified and authorized surveyor to erect them for your visual use re your decision making process.

This particular “3300” block of the peninsula is UNIQUE. Nothing like this project is in existence here and, if allowed, will SET a great PRECEDENT for our neighborhood. We know that some developers are “waiting in the wings” to see what happens here so they too can begin the “mansionization” process so prevalent at Oxnard Shores and further down on Ocean Drive.

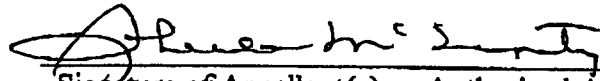
We also feel strongly about this neighbor INVADING OUR PRIVACY RIGHTS.. We do not wish to sit on the beach immediately in front of our property and be continuously under their eye because their view rights (especially from upper beach side balconies) were favored over ours. Much of our current mountain views to the north will also be heavily impacted.

We urge you and thank you for considering our appeal.

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: 12/20/04

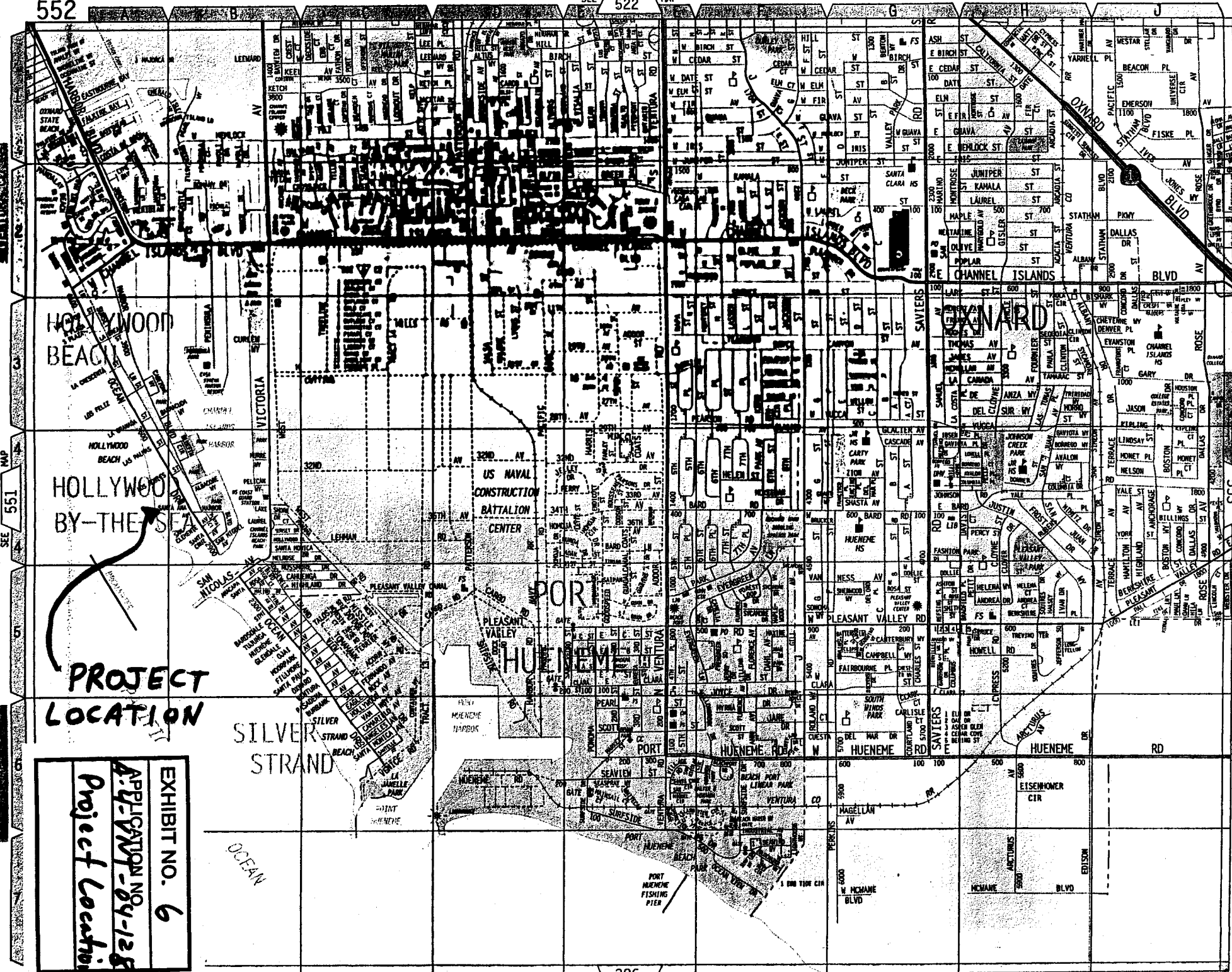
Note: If signed by agent, appellant(s) must also sign below.

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)

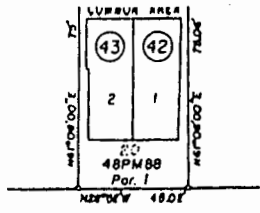
Date: _____



**PROJECT
LOCATION**

EXHIBIT NO. 6
 APPLICATION NO. 04-128
 Project Location

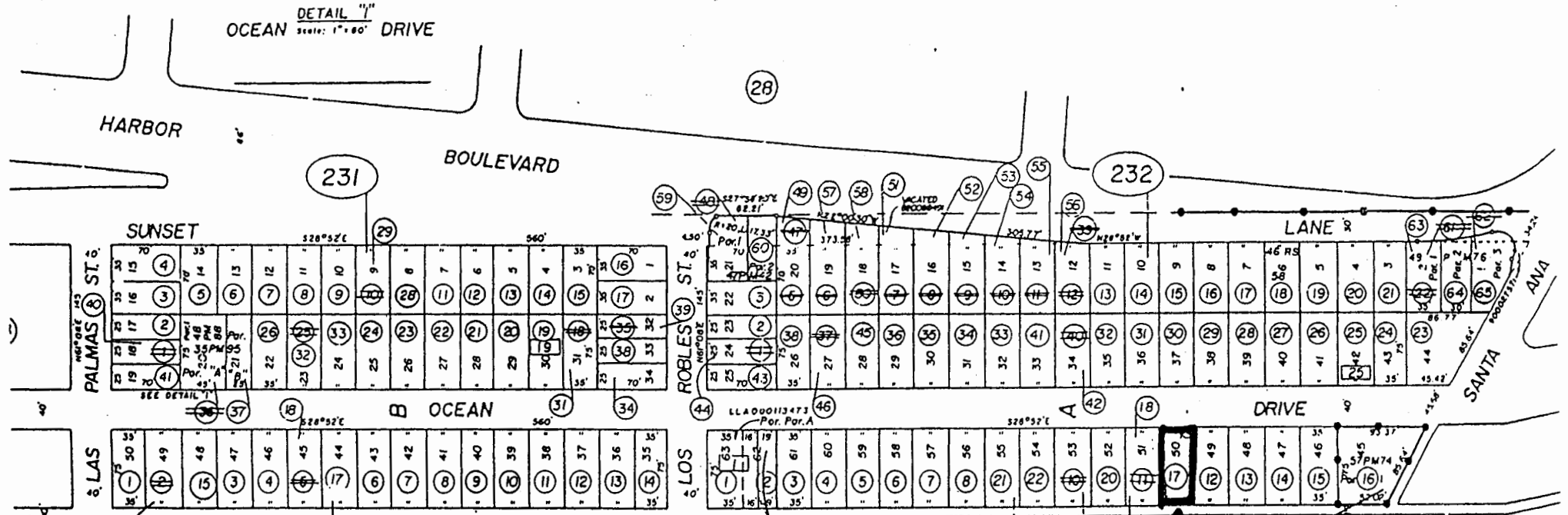
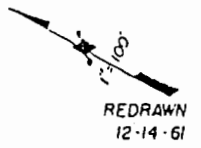
For further information regarding this condominium, see C.C.B.H. per document 900136578.



RANCHO EL RIO DE SANTA CLARA O'LA COLONIA

Tax Rate Area
63012

206-



Subject Parcel
(35' x 75')

233 C-R-PD-25U
ORD. 1139
7-1-97

VENTURA COUNTY PLANNING DEPARTMENT
ZONE BOUNDARY
ZONING MAP 206-23
BOARD OF SUPERVISORS COUNTY OF VENTURA
ORDINANCE 4139 ADOPTED 7-1-97
COUNTY CLERK RICHARD DEAN
By *Ray Hillard* Deputy

Ventura County Assessor's
Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles
Assessor's Mineral Numbers Shown in Squares

DRAWN	REVISED	J-2
REDRAWN	CREATED	
INKED	PLOTTED	EFFECTIVE
PREVIOUS Dk. 206, Portion Pg. 23		
Compiled By Ventura County Assessor's Office		

NOTE: ASSESSOR PARCELS SHOWN ON THIS PAGE DO NOT NECESSARILY CONSTITUTE LEGAL LOTS. CHECK WITH COUNTY SUPERVISOR'S OFFICE OR PLANNING DIVISION TO VERIFY.

M. Bk. 48, Pg. 88, (Condo Plan 900136577).
ct, M.R. Bk. 13, Pg. 2.

EXHIBIT NO. **7**
APPLICATION NO. **04-128**
Subject Parcel

EXHIBIT 12

NEW RESIDENCE

3329 OCEAN DRIVE

OXNARD, CA 93025

DATUM POINT ESTABLISHMENT

COUNTY OF VENTURA - PUBLIC WORKS AGENCY
 WATERPOWER PROTECTION DISTRICT
 PLANNING & REGULATORY DIVISION

THE UNFINISHED FLOOR ELEVATION, INCLUDING BASEMENT, SHALL BE 11.80' HIGHER OR 1.20' ABOVE THE CENTERLINE OF THE STREET - FROM THE BUILDING, WHICHEVER IS HIGHER.

11'0" COMPENSATE OF THE STREET + 11'0" = 11.80'
 11'0" + 0.80" = 11.80"
 SUPER ELEVATION 11.80'

CONSULTANTS

ARCHITECT
 ENCLOSURES ARCHITECTS
 5871 W. 3RD STREET
 LOS ANGELES, CA 90038
 (323) 831-1851
 SCOTT STRUWASSER A.I.A.



INDEX OF DRAWINGS

- AR-1 PROJECT INFORMATION & SITE PLAN
- AR-2 BASEMENT PLAN
- AR-3 FIRST FLOOR PLAN
- AR-4 SECOND FLOOR PLAN
- AR-5 ROOF PLAN
- AR-6 FRONT ELEVATION
- AR-7 SOUTH ELEVATION
- AR-8 REAR ELEVATION
- AR-9 NORTH ELEVATION

PROJECT SUMMARY

PROJECT: NEW TWO STORY SINGLE FAMILY RESIDENCE WITH BASEMENT LEVEL

PROJECT ADDRESS: 3329 OCEAN DRIVE OXNARD, CA 93025

LEGAL DESCRIPTION: TRACT 1007 SEC 10 T11N R11E S11W

APPROXIMATE: VENTURA COUNTY 1007 SEC 10 T11N R11E S11W

BUILDING CODE: 9-0-0

PERMITS: PERMITS 1-000-0000

DATE: 11-11-03

REVISIONS: 01-15-04

LOT AREA

LOT SIZE: 75.01' x 30.87' = 2,306.78 SQ.FT.

REQUIRED SETBACK

FRONT: 16'-0" SIDE: 3'-0" REAR: 3'-0"

BUILDING HEIGHT

PROPOSED: 25'-0" TO 27'-0"
 REQUIRED: 25'-0"

BUILDING FOOTPRINT

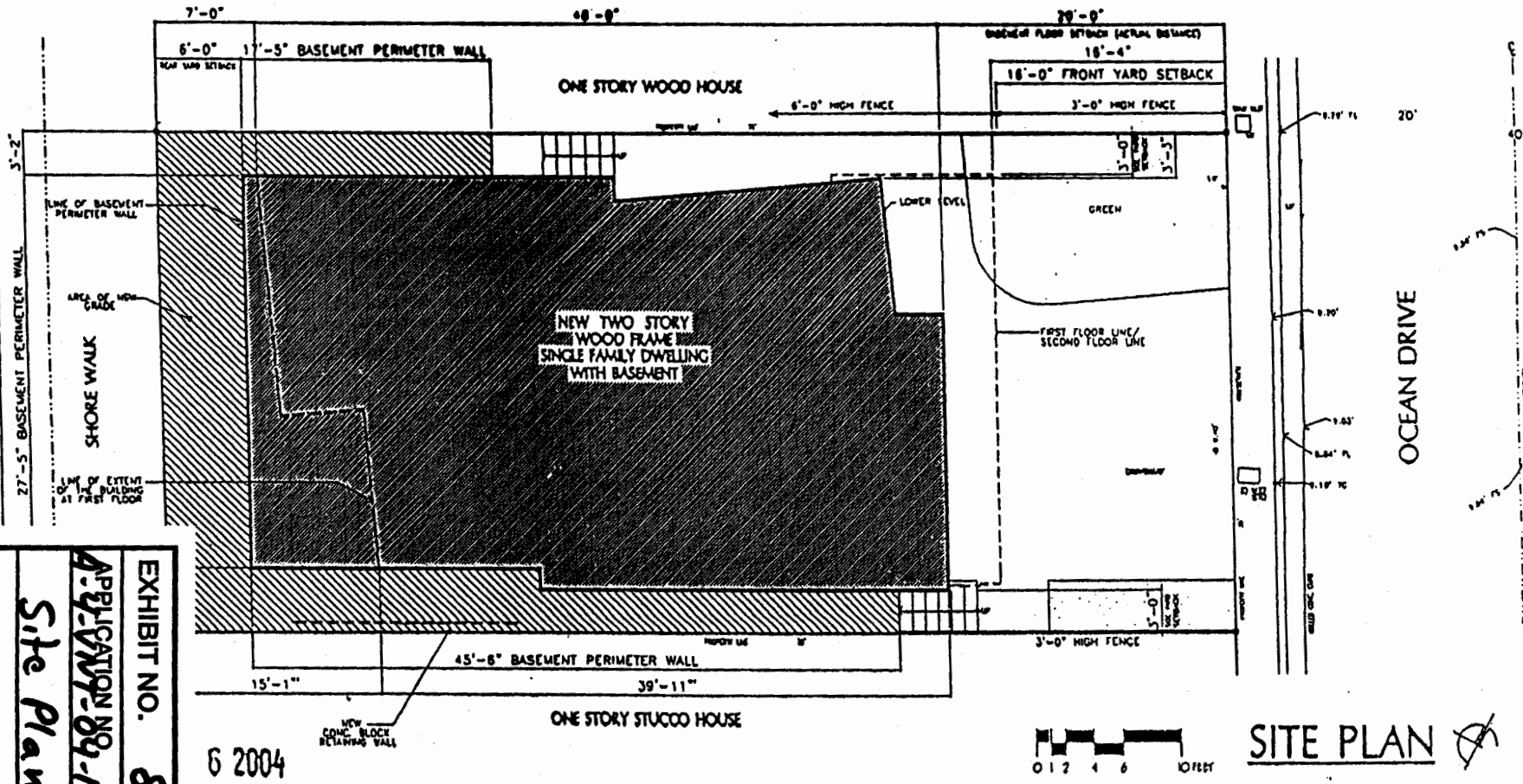
1,330.00 SQ. FT. ON 28.84 ±

FLOOR AREA CALCULATION

GARAGE LEVEL	775.72
FIRST FLOOR	1,330.00
SECOND FLOOR	1,450.00
TOTAL:	3,555.00

BASEMENT CALCULATION

FOOTPRINT TOTAL LT. 134'-2"
 SIDE YARD FOOTPRINT 77'-1"
 ACTUAL LENGTH OF THE WALKWAY WALL 45'-8" + 37'-8" + 17'-8" 10'-4"
 87'-4" + 77'-1" 2130 S.F.

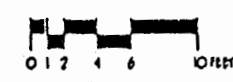


SAPERSTEIN RESIDENCE
 EXHIBIT 2 SITE PLAN

Exhibit 2

EXHIBIT NO. 8
 APPLICATION NO. 09-128
 Site Plan

6 2004



SITE PLAN

DATE: 11-11-03
 SCALE: AS SHOWN
 DRAWN: S. AZARI
 SH. P. -

AR-1



ARCHITECTS
 8471 WEST THIRD STREET
 LOS ANGELES, CA 90018
 www.enclosuresarch.com
 cait@enclosuresarch.com
 T 323.931.1851
 F 323.931.0156

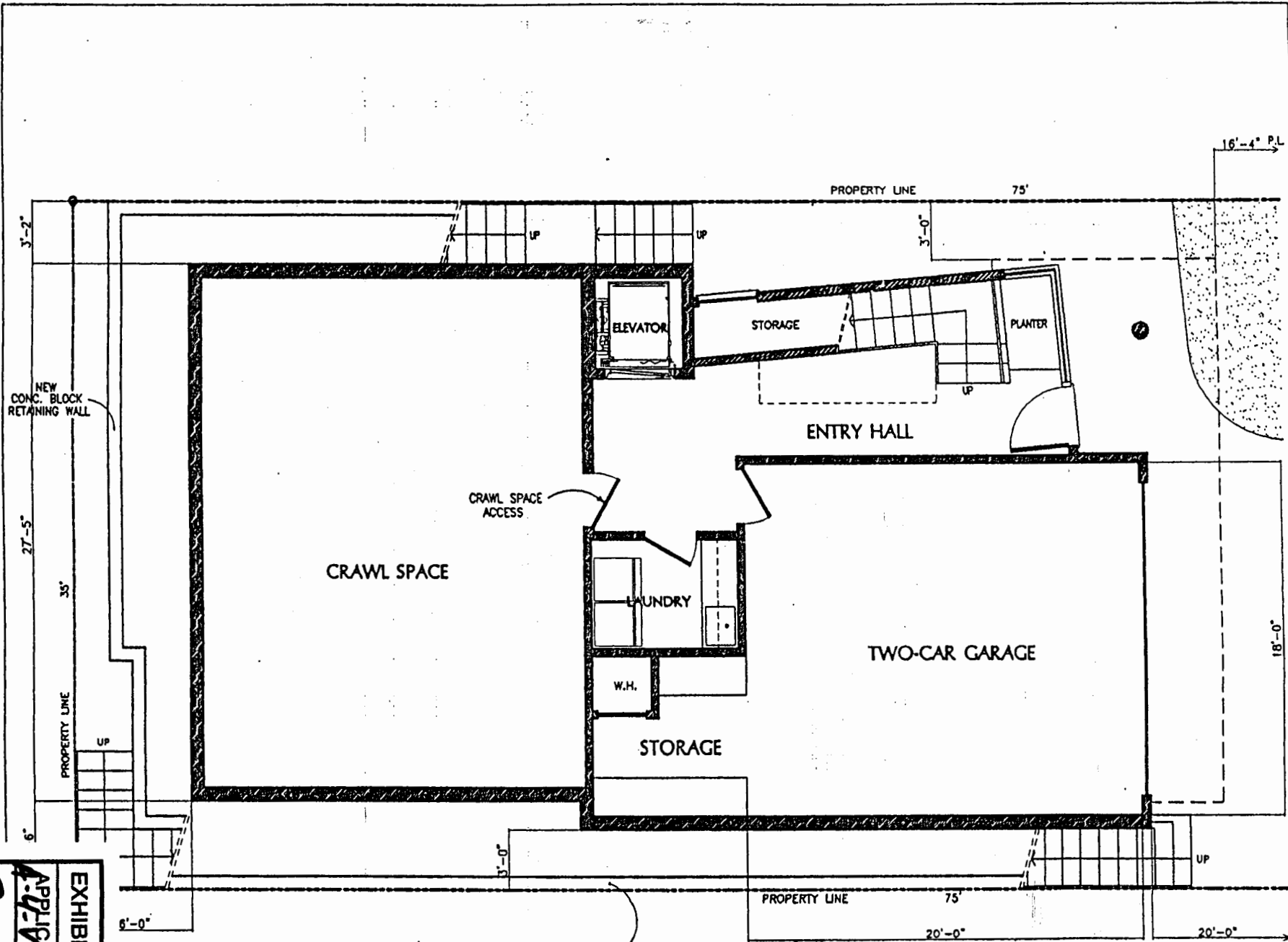
REVISIONS

△	01-15-04
△	-
△	-

SAPERSTEIN RESIDENCE
 EXHIBIT 4 BASEMENT PLAN Exhibit "4"

DATE: 11-14-03
 SCALE: AS SHOWN
 DRAWN: S. AZADI
 SH. f. -

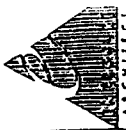
AR-2



BASEMENT PLAN



EXHIBIT NO. 9
 APPLICATION NO. 128
 4-4-VNT-09-128
 Basement Plan



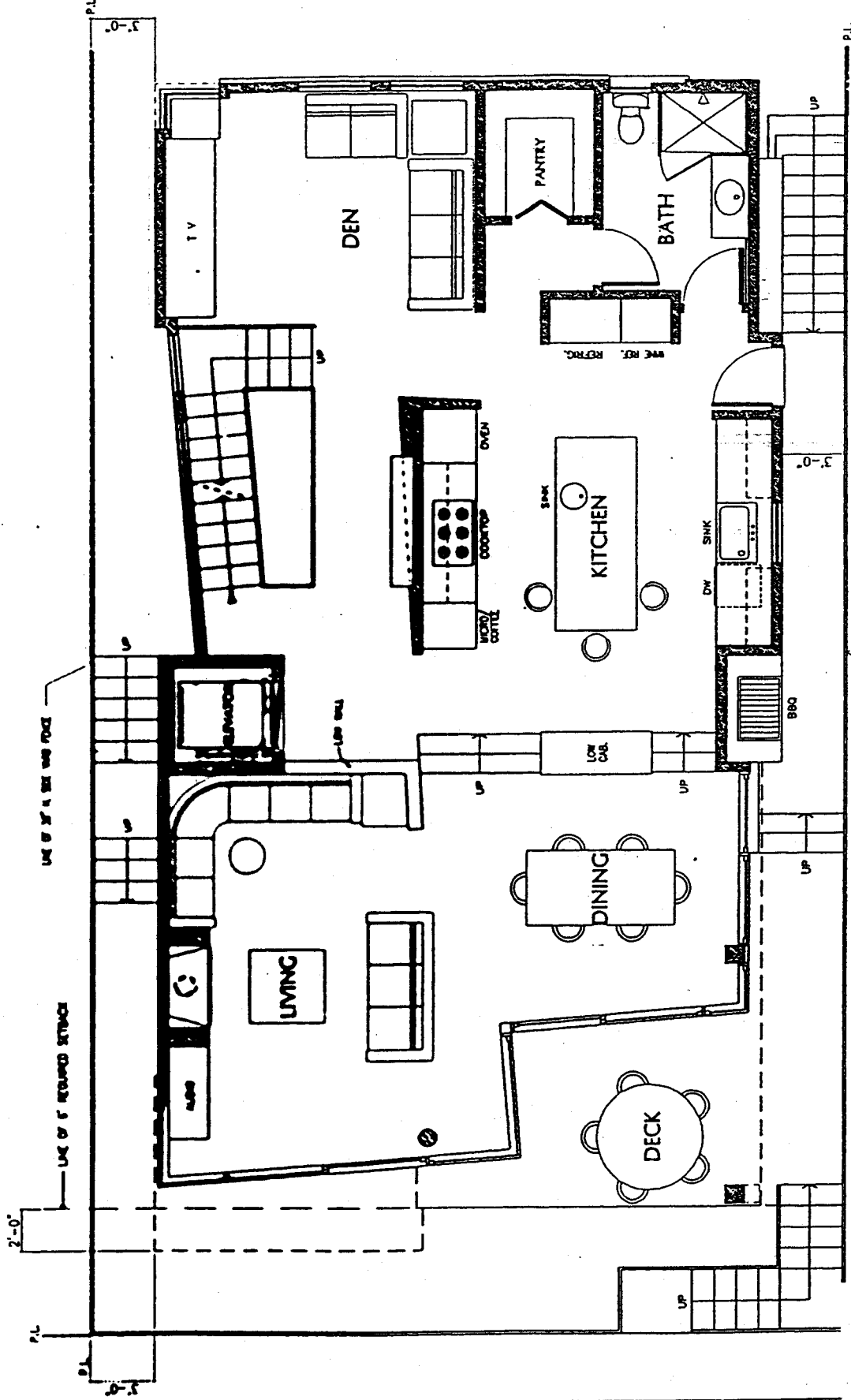
1971 WEST THIRD ST
 LOS ANGELES, CA
 (213) 481-1111
 T 323.911.851
 F 323.910.015

REVISIONS	
01-15-0	-
-	-

SAPERSTEIN RESIDENCE Exhibit "S"
 EXHIBIT 5 FIRST FLOOR PLAN

DATE:	11-16-0
SCALE:	AS SHOWN
DRAWN:	S. AZUD
SPT. F.:	-

AR-3



FIRST FLOOR PLAN



AN 2 5 2004

EXHIBIT NO.	10
APPLICATION NO.	A-4-VNT-04-128
First Floor Plan	



ARCHITECTS
 1071 WEST THIRD STREET
 LOS ANGELES, CA 90015
 www.ecoflexarch.com
 cp@ecoflexarch.com
 T 323.931.1851
 F 323.931.0156

REVISIONS

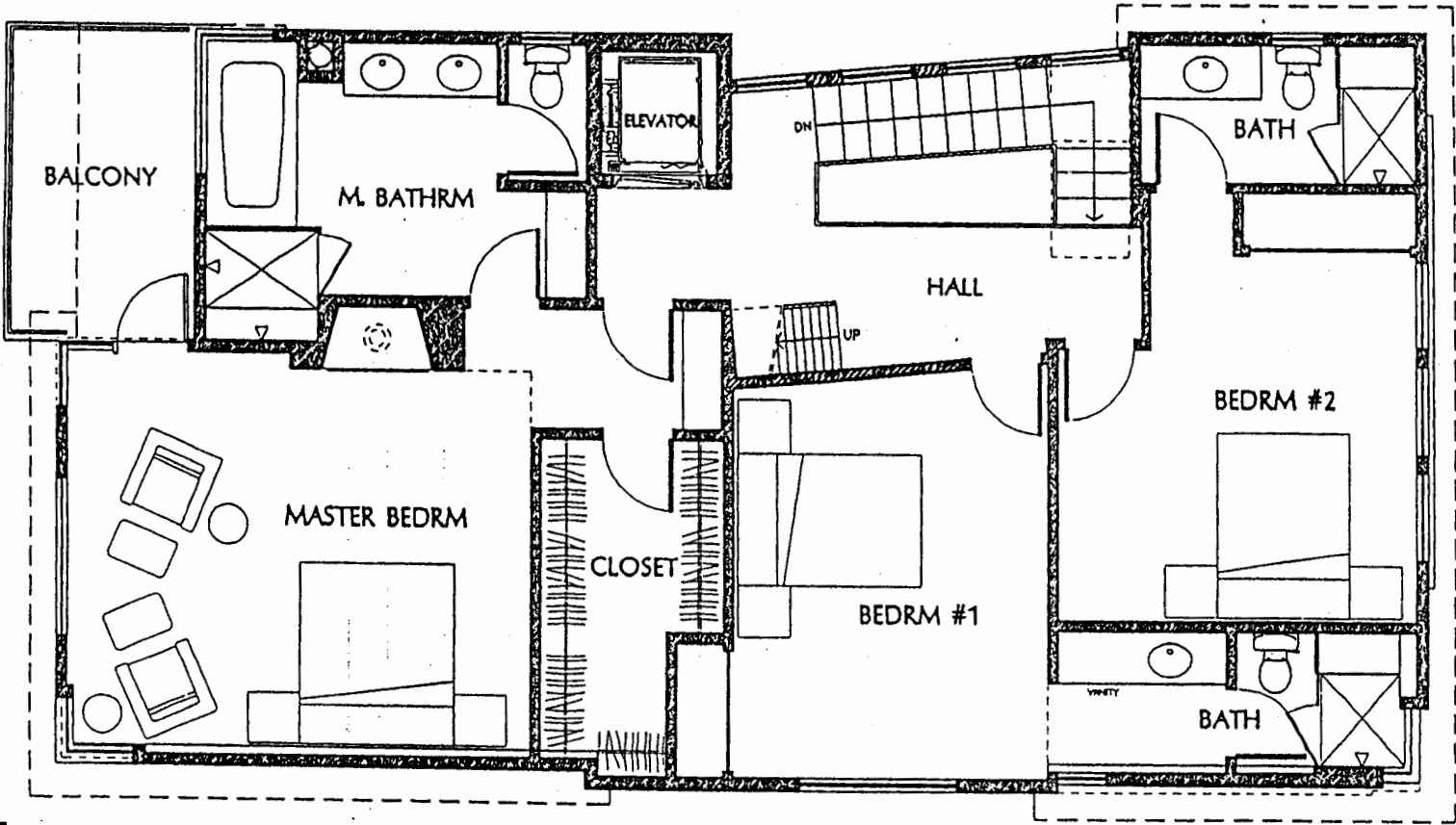
△	01-15-04
△	-
△	-

EXHIBIT 6
 SAPERSTEIN RESIDENCE
 SECOND FLOOR PLAN

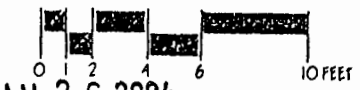
DATE: 11-14-03
 SCALE: AS SHOWN
 DRAWN: S. AZADI
 SH. /: -

AR-4

CALIFORNIA
 WITH BALL AND CHAIN
 CONTACT THE BUILDING DEPARTMENT
 IF YOU DO NOT RECEIVE A PERMIT WITHIN
 15 DAYS OF SUBMITTING YOUR APPLICATION



SECOND FLOOR PLAN



AN 26 2004

EXHIBIT NO. 11
 APPLICATION NO. AP-07-04-128
 Second Floor
 Plan



ARCHITECT:
 5321 WEST THIRD STREET
 LOS ANGELES, CA 900
 WWW.ANDREASARCH.COM
 T 323.931.1851
 F 323.931.0154

REVISIONS

△	01-15-0
△	-
△	-

SAPERSTEIN RESIDENCE
 ROOF PLAN
 Exhibit "7"

DATE:	11-14-0
SCALE:	AS SHOWN
DRAWN:	S. AZADI
SHT. f:	-

AR-5

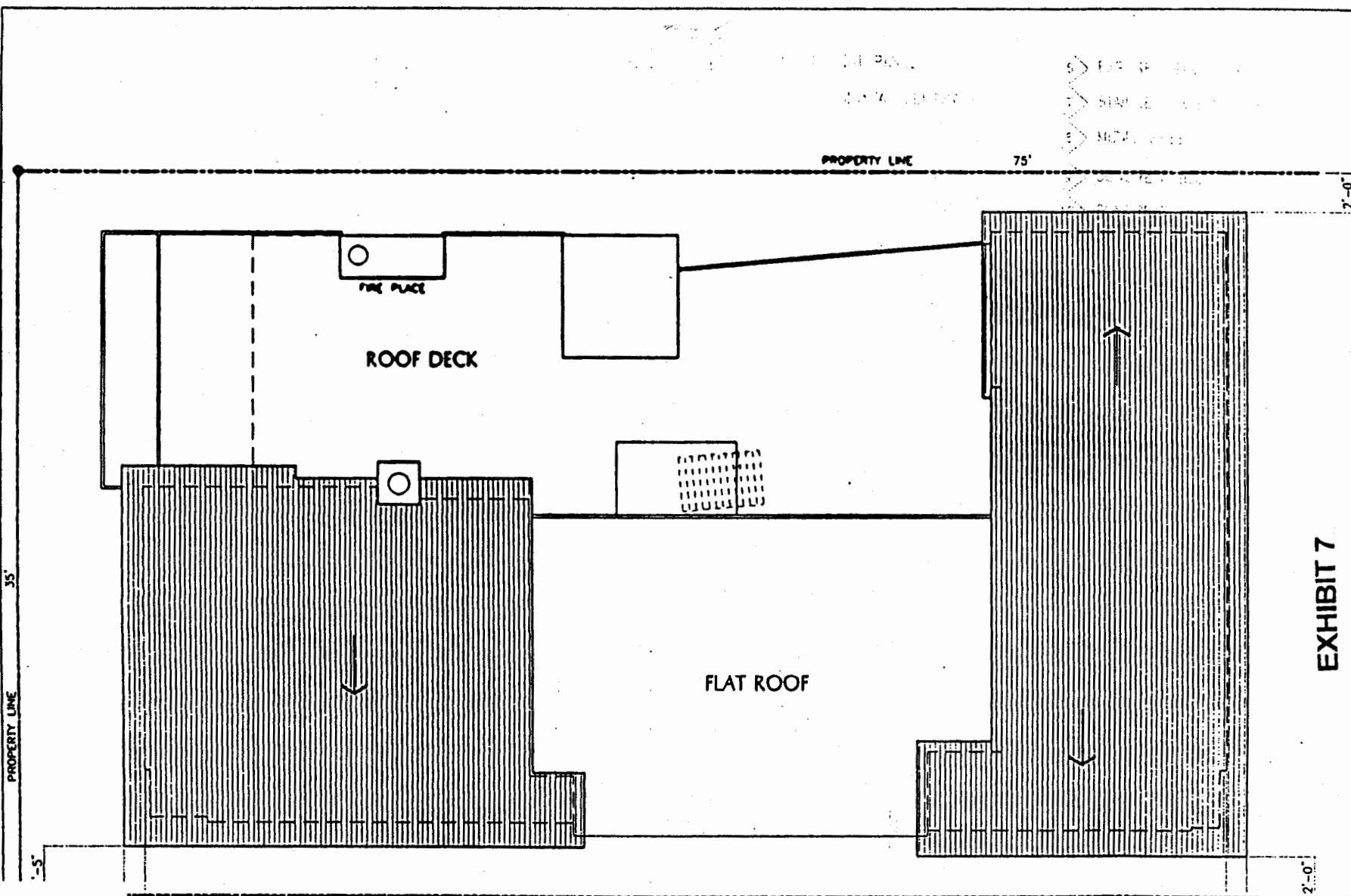


EXHIBIT NO. 12
 APPLICATION NO. 09-128
 Roof Plan



IAN 26 2004

ROOF HEIGHT CALCULATION

BUILDING HEIGHT WAS ESTABLISHED BASED ON ARTICLE, SECTION 8175-4 OF DEVELOPMENT STANDARDS. BY AVERAGING THE BUILDING HEIGHT FOR PROPOSED VAULTED STRUCTURE AND NEVER EXCEEDING THE 28' HEIGHT LIMIT INDICATED IN SECTION 8175-3.13E, WE HAVE DEMONSTRATED THE FOLLOWING:

AREA OF ROOF HEIGHT EXCEEDING 25'	753 SQUARE FEET
TOTAL ROOF AREA	1,591 SQUARE FEET
PERCENT OF ROOF HEIGHT ABOVE 25'	47%

REVISIONS	
▲	01-15-04
▲	-
▲	-

EXHIBIT 8
 SAPERSTEIN RESIDENCE
 EAST ELEVATION
 Exhibit "8"

DATE:	11-14-03
SCALE:	AS SHOWN
DRAWN:	S. AZAD
SHT. /:	-

AR-6

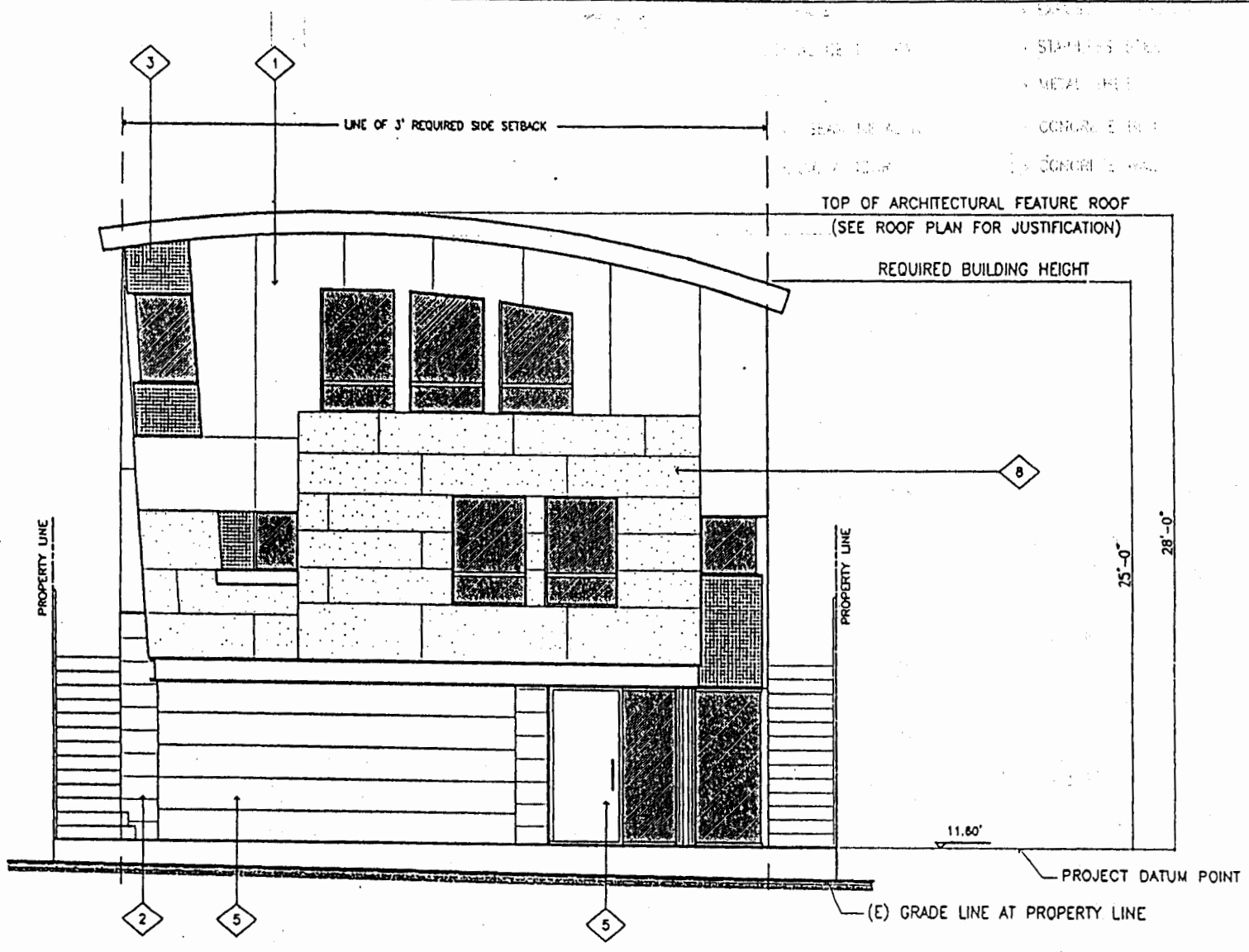


EXHIBIT NO. 13
 APPLICATION NO. A-07-VN-09-128
 East Elevation

EAST ELEVATION



IAN 26 2004

LEGEND:

- | | |
|----------------------------|----------------------------|
| 1 CEMENT PANEL | 6 EXPOSED STRUCTURAL STEEL |
| 2 HORIZONTAL CEMENT PANELS | 7 STAINLESS STEEL |
| 3 MOSAIC | 8 METAL SHEET |
| 4 STANDING SEAM METAL ROOF | 9 CONCRETE BLOCK |
| 5 WOOD FACIA / DOOR | 10 CONCRETE WALL |

REVISIONS

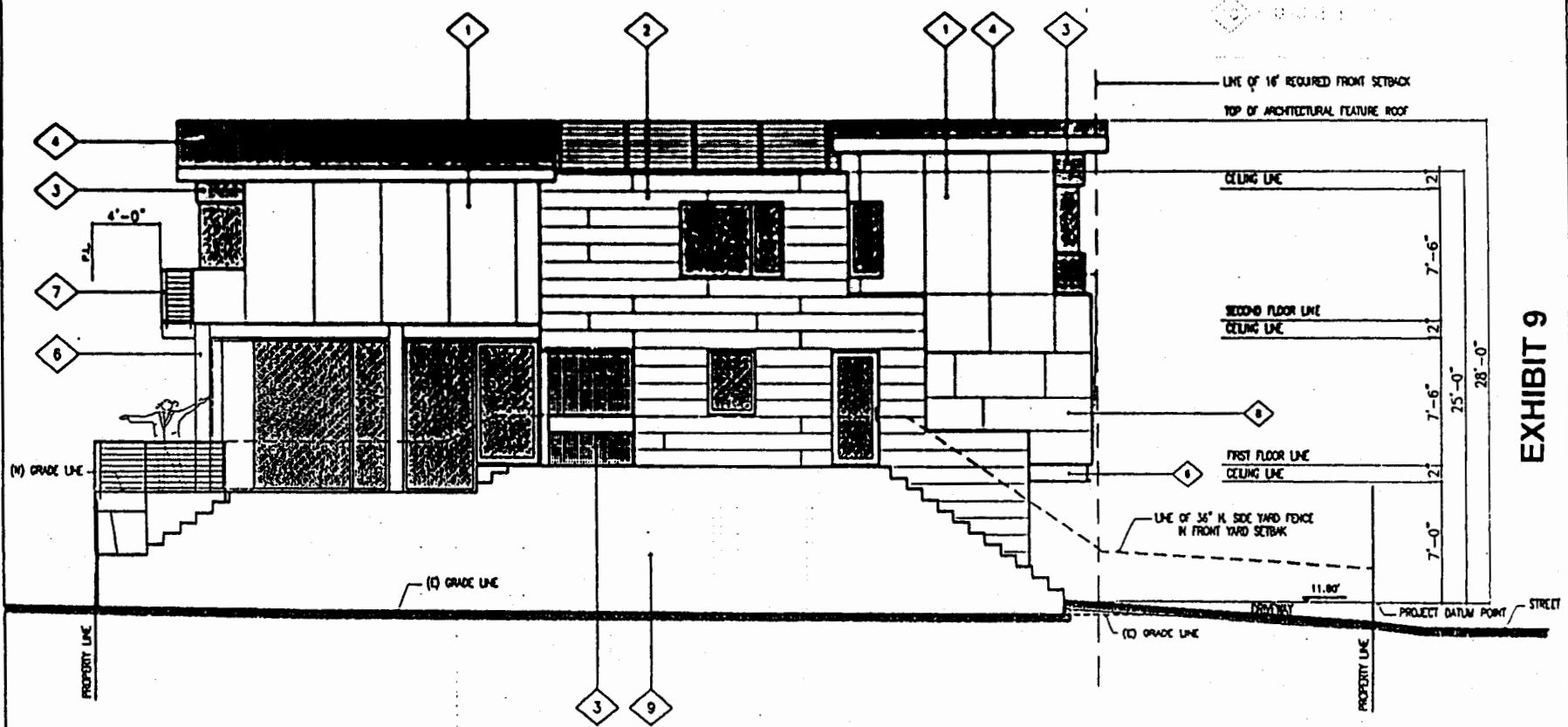
▲	01-15-C
▲	-
▲	-

EXHIBIT 9
 SAPERSTEIN RESIDENCE
 SOUTH ELEVATION Exhibit "9"

DATE:	11-14-C
SCALE:	AS SHOWN
DRAWN:	S. AZADI
SHT. #:	-

AR-7

- ⑤ WOOD FACIA / DOOR
- ⑥ EXPOSED STRUCTURAL STEEL
- ⑦ STAINLESS STEEL
- ⑧ METAL SHEET
- ⑨ CONCRETE BLOCK
- ⑩ CONCRETE WALL



LEGEND:

- | | |
|----------------------------|----------------------------|
| ① CEMENT PANEL | ⑥ EXPOSED STRUCTURAL STEEL |
| ② HORIZONTAL CEMENT PANELS | ⑦ STAINLESS STEEL |
| ③ MOSAIC | ⑧ METAL SHEET |
| ④ STANDING SEAM METAL ROOF | ⑨ CONCRETE BLOCK |
| ⑤ WOOD FACIA / DOOR | ⑩ CONCRETE WALL |

SOUTH ELEVATION



JAN 25 2004

EXHIBIT NO.	14
APPLICATION	89-128
South Elevation	



ARCHITECT
 3471 WEST THIRD ST
 LOS ANGELES, CA 900
 www.pndesigns.com
 T 323.931.185
 F 323.931.015

REVISIONS

1	01-15-0
2	-
3	-

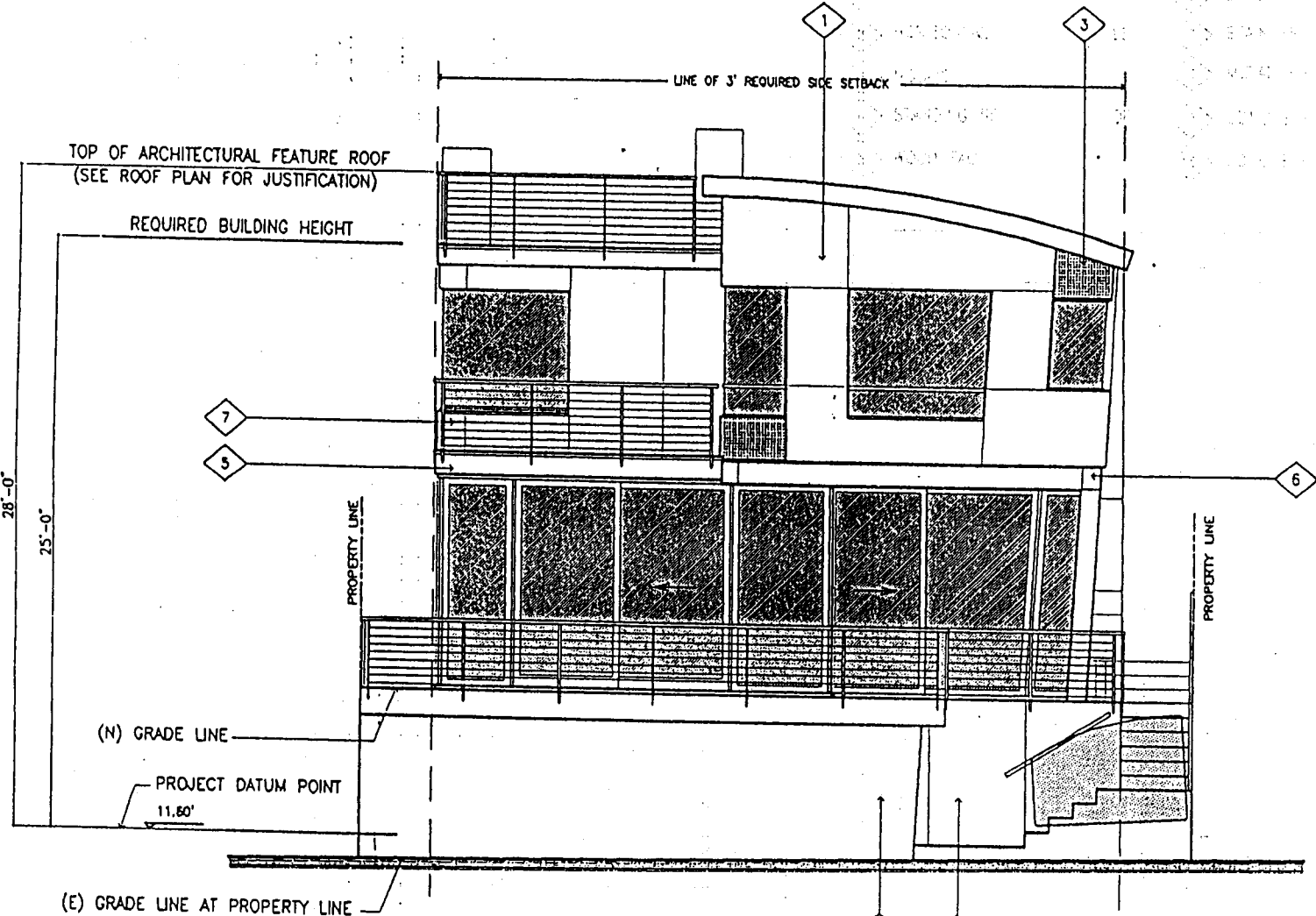
SAPERSTEIN RESIDENCE Exhibit "10"

EXHIBIT 10

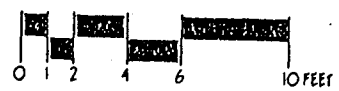
WEST ELEVATION

DATE	11-14-03
SCALE	AS SHOWN
DRAWN	S. AZID
SHT. #	-

AR-8



WEST ELEVATION



JAN 26 2004

LEGEND:

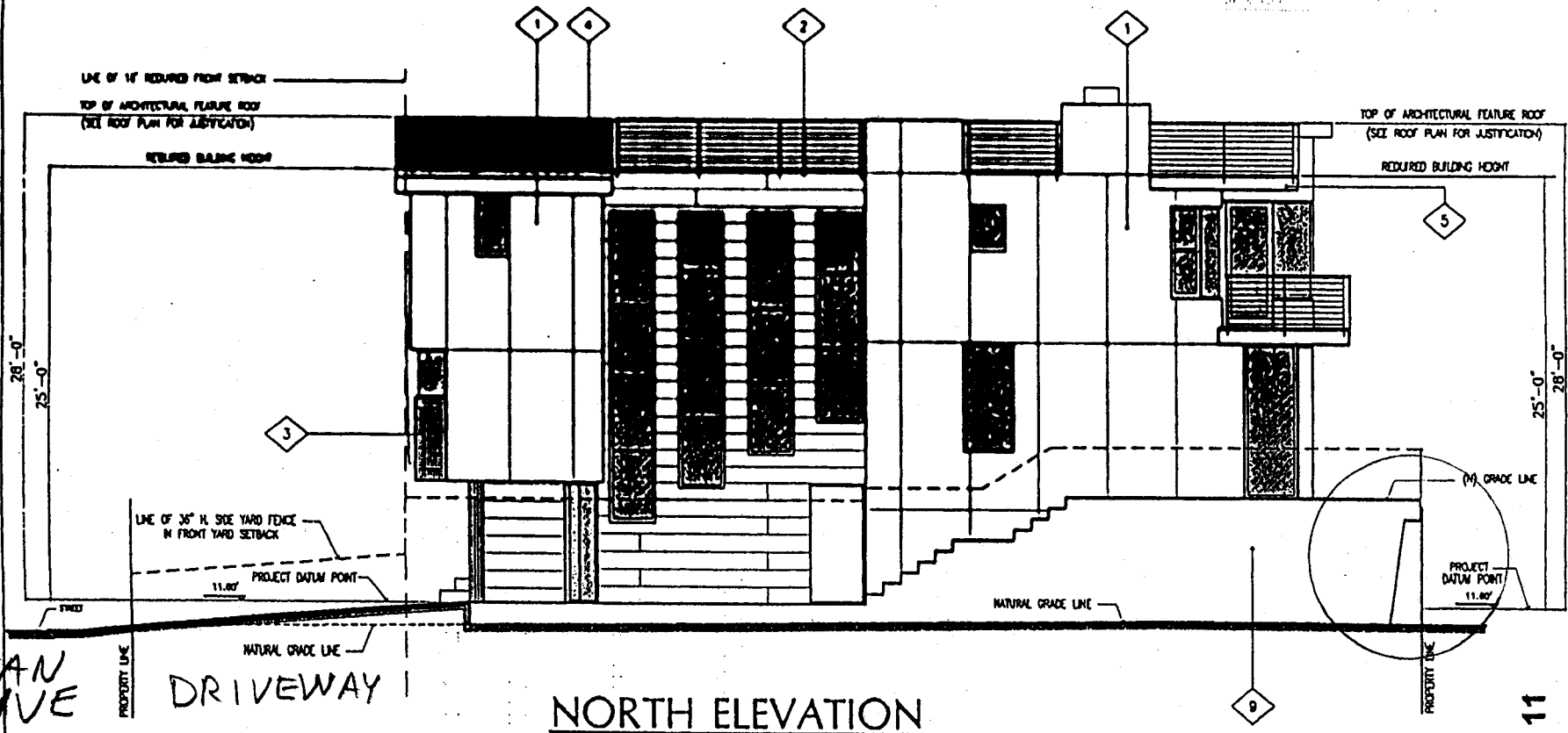
- 1 CEMENT PANEL
- 2 HORIZONTAL CEMENT PANELS
- 3 MOSAIC
- 4 STANDING SEAM METAL ROOF
- 5 WOOD FACIA / DOOR
- 6 EXPOSED STRUCTURAL STEEL
- 7 STAINLESS STEEL
- 8 METAL SHEET
- 9 CONCRETE BLOCK
- 10 CONCRETE WALL

EXHIBIT NO. 15
 APPLICATION NO. 04-128
 West Elevation

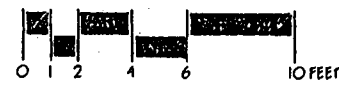
REVISIONS

△	01-15-C
△	-
△	-

SAPERSTEIN RESIDENCE
 NORTH ELEVATION Exhibit "11"



NORTH ELEVATION



OCEAN DRIVE

DRIVEWAY

EXHIBIT 11

DATUM POINT ESTABLISHMENT

CITY OF VENTURA - PUBLIC WORKS AGENCY
 ENGINEERING & REGULATORY DIVISION

MINIMUM FINISHED FLOOR ELEVATION, INCLUDING BASEMENT, SHALL BE 11.60' MSL OR 1.50' ABOVE THE CENTERLINE OF THE STREET IN FRONT OF THE DWELLING, WHICHEVER IS HIGHER.

3' (CENTERLINE OF THE STREET) + 1.50' = 11.09'
 09' < 11.60'
 UM POINT: 11.60'
 JAN 25 2004

LEGEND:

- | | |
|----------------------------|----------------------------|
| ① CEMENT PANEL | ⑥ EXPOSED STRUCTURAL STEEL |
| ② HORIZONTAL CEMENT PANELS | ⑦ STAINLESS STEEL |
| ③ MOSAIC | ⑧ METAL SHEET |
| ④ STANDING SEAM METAL ROOF | ⑨ CONCRETE BLOCK |
| ⑤ WOOD FACIA / DOOR | ⑩ CONCRETE WALL |

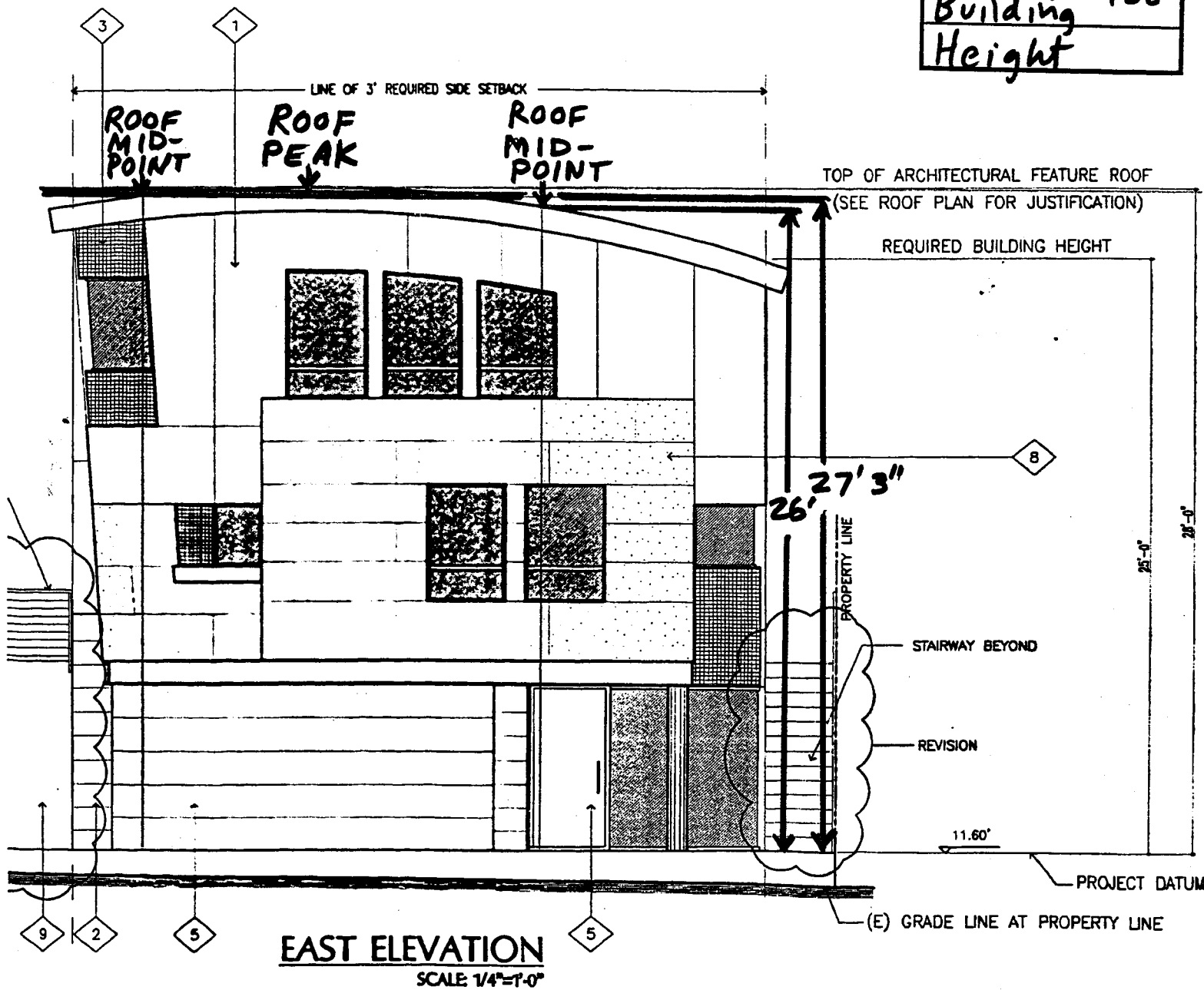
OCEAN →

Elevation	North	APPLICATION NO. 08-128	EXHIBIT NO. 16
-----------	-------	------------------------	----------------

DATE: 11-14-0
 SCALE: AS SHOWN
 DRAWN: S. AZAD
 SH. F. -

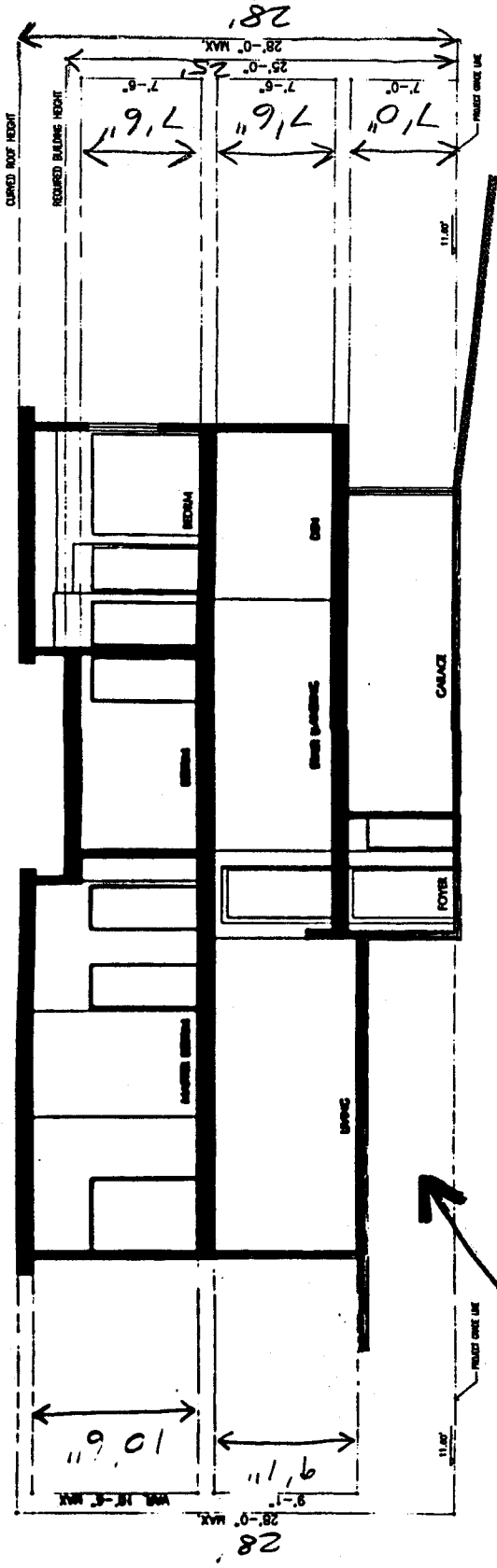
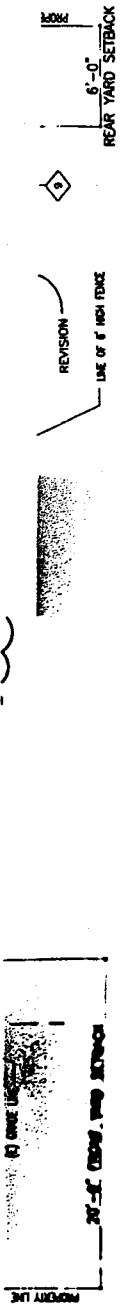
AR-9

EXHIBIT NO. 17
APPLICATION NO. A-4-VNT-04-
Building 128
Height



EAST ELEVATION
SCALE: 1/4"=1'-0"

Per Section 8172-1, Building Height is measured as:
 Averaged Midpoint = $\frac{26' + 27'3''}{2} = 26'7.5''$



SCHMATIC SECTION
SCALE 1/4"=1'-0"

Basement Section, floor,
and height NOT
Identified on
Schematic Section

EXHIBIT NO. 18
APPLICATION NO. A-4-VNT-04-128
Schematic Section