

## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
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Filed: 12/15/04  
Subst. Issue: 1/12/05  
Staff: J Johnson SA  
Staff Report: 7/28/05  
Hearing Date: 8/10/05



### STAFF REPORT: DE NOVO REVIEW

**LOCAL GOVERNMENT:** County of Ventura

**DECISION:** Approval with Conditions

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

**APPLICANT:** Harry and Joan Saperstein

**AGENTS:** Michael Vignieri, Alan Block, Scott Strumwasser

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

**PROJECT DESCRIPTION:** Demolish single family dwelling and construct 2,780 sq. ft. single family dwelling with attached 776 sq. ft. garage.

**ASSESORS PARCEL NUMBER:** 206-233-170

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

#### SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission **Approve** the proposed project with Eight Special Conditions addressing: plans conforming to engineer's recommendations, shoreline protective devices, assumption of risk, waiver of liability and indemnity, construction responsibilities and debris/excavated material removal, landscape and erosion control plans, drainage and polluted runoff plan, sign restriction, and a generic deed restriction to bring the project into compliance with the certified Ventura County Local Coastal Program and the Coastal Act. On January 12, 2005, the Commission found that a substantial issue exists with respect to this project's conformance with the certified Ventura County Local Coastal Program (LCP) and accepted jurisdiction over the coastal development permit. The standard of review for this project is the Ventura County Local Coastal Program (LCP) and the Coastal Act Chapter 3 Public Access and Recreation Policies. The Commission also continued the de novo hearing to allow staff an opportunity to address these substantial issues with the applicants. The **motion and resolution** for action are found on **page 2**.

**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 Douda, Sheila & Frank McGinity on December 20, 2004; Coastal Permit No. A-4-VNT-02-151, Longwill.

## **I. STANDARD OF REVIEW**

After certification of a Local Coastal Program (LCP), Section 30603 of the Coastal Act provides for appeals to the Coastal Commission of a local government's actions on certain types of coastal development permits (including any new development which occurs between the first public road and the sea, such as the proposed project site). In this case, the proposed development was appealed to the Commission, which found during a public hearing on January 12, 2005, that a substantial issue was raised.

As a "de novo" application, the standard of review for the proposed development is, in part, the policies and provisions of the County of Ventura Local Coastal Program. In addition, pursuant to Section 30604(c) of the Coastal Act, all proposed development located between the first public road and the sea, including those areas where a certified LCP has been prepared, (such as the project site), must also be reviewed for consistency with the Chapter 3 policies of the Coastal Act with respect to public access and public recreation.

## **II. STAFF RECOMMENDATION**

**MOTION:** I move that the Commission approve Coastal Development Permit Number A-4-VNT-04-128 pursuant to the staff recommendation.

### **STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

### **RESOLUTION TO APPROVE THE PERMITS:**

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development, as conditioned, will be in conformity with the policies of the certified Local Coastal Program for the County of Ventura and the public access and public recreation policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or

alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

### III. STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### IV. SPECIAL CONDITIONS

#### 1: **Plans Conforming to Engineers' Recommendations**

By acceptance of this permit, the applicant agrees to comply with the recommendations contained in the Wave Uprush Study prepared by Pacific Engineering Group dated May 2, 2005. These recommendations shall be incorporated into all final design and construction plans including recommendations concerning: minimum floor levels, seismic induced liquefaction, foundation design, structural concrete specifications, structural steel specifications, timber specifications, and architectural and structural plan review. These plans must be reviewed and approved by the consulting engineer prior to commencement of development.

The final plans approved by the consultants shall be in substantial conformance with the plans approved by the Commission relative to construction, grading, and drainage. Any substantial changes in the proposed development approved by the Commission which may be required by the consultants shall require an amendment to the permit or a new coastal permit.

**2. No Future Shoreline Protective Devices**

A. By acceptance of this Permit, the applicants agree, on behalf of themselves and all successors and assigns, that no shoreline protective device(s) shall ever be constructed to protect the residence, foundation, decks, and stairs for the residence at 3329 Ocean Drive, Hollywood Beach, Ventura County, approved in Coastal Development Permit No. A-4-VNT-04-128, in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, sand retreat, or other natural hazards in the future. By acceptance of this Permit, the applicants hereby waive, on behalf of themselves and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235 or the local coastal plan.

B. By acceptance of this Permit, the applicants further agree, on behalf of themselves and all successors and assigns, that the landowner shall remove that portion of the development authorized by this Permit, including the residence, garage, foundations, decks, and stairs, if any government agency has ordered that the structures are not to be occupied due to any of the hazards identified above and are not repaired and allowed to be occupied within one year of the order. In the event that portions of the development fall to the beach before they are removed, the landowner shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit or other authorization pursuant to the Coastal Act or the applicable Local Coastal Program.

**3. ASSUMPTION OF RISK, WAIVER OF LIABILITY AND INDEMNITY**

By acceptance of this permit; the applicant acknowledges and agrees (i) That the site maybe subject to hazards from storm waves, surges, erosion, flooding, and seismically induced liquefaction; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commissions approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

**4. Construction Responsibilities and Debris/Excavated Material Removal**

The applicant shall, by accepting this permit, agree: a) that no stockpiling of dirt shall occur on the beach; b) that all grading shall be properly covered and sand bags and/or ditches shall be used to prevent runoff and siltation; and, c) that measures to control erosion must be implemented at the end of each day's work. In addition, no machinery

will be allowed in the intertidal zone at any time. The permittee shall remove from the beach any and all debris that result from the construction period.

## 5. Landscape and Erosion Control Plans

Prior to issuance of a coastal development permit, the applicant shall submit a landscaping plan, prepared by a licensed landscape architect or a qualified resource specialist, and an erosion control plan prepared by a licensed engineer for review and approval by the Executive Director. The landscaping plan shall identify all necessary irrigation improvements. The plans shall identify the species, extent, and general location of all plant materials and shall incorporate the following criteria:

### A) Landscaping Plan

- 1) All disturbed areas on the subject site shall be planted and maintained for erosion control purposes within (60) days of receipt of the certificate of occupancy for the residence. To minimize the need for irrigation all landscaping shall consist primarily of native/drought resistant plants for coastal areas such as those listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains, dated February 5, 1996 and shall be limited to native plants endemic to coastal sand dunes of the local area.. Invasive, non-indigenous plant species which tend to supplant native species shall not be used. Such planting shall be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed sand or soils not covered with impervious surfaces;
- 2) Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements;
- 3) The Permittee shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Coastal Commission - approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

### B) Interim Erosion Control Plan

- 1) The plan shall delineate the areas to be disturbed by construction activities and shall include any temporary access route, staging areas and stockpile areas.
- 2) The plan shall specify that should grading take place during the rainy season (November 1 – March 31) the applicant shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes and close and stabilize open trenches as soon as possible. These erosion

measures shall be required on the project site prior to or concurrent with the initial demolition operations and maintained through out the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.

- 3) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, disturbed sand/soil and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

**C) Monitoring**

Five years from the date of the receipt of the Certificate of Occupancy for the residence the applicant shall submit for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or a qualified Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

**6. DRAINAGE AND POLLUTED RUNOFF CONTROL PLAN**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for the review and approval of the Executive Director, final drainage and runoff control plans, including supporting calculations. The plan shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

- (a) Selected BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter stormwater from each runoff event, up to and including the 85<sup>th</sup> percentile, 24-

hour runoff event for volume-based BMPs, and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor, for flow-based BMPs.

- (b) Runoff shall be conveyed off site in a non-erosive manner.
- (c) Energy dissipating measures shall be installed at the terminus of outflow drains.
- (d) The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned and repaired when necessary prior to the onset of the storm season, no later than September 30<sup>th</sup> each year and (2) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

**7. Sign Restriction.**

No signs shall be posted on the property subject to this permit, except for the street address number and street or residents name on the landward side of the structure, unless they are authorized by a coastal development permit or an amendment to this coastal development permit.

**8. GENERIC DEED RESTRICTION**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

## **V. Procedural History**

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. These appeals contend 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.

The Commission scheduled a public hearing on January 12, 2005, when the Commission found that a substantial issue existed in terms of the project's conformance with the certified Ventura County LCP and accepted jurisdiction over the coastal development permit for the project. At that time, the Commission continued the de novo hearing to a later date. Staff has worked with the applicants to address these coastal issues raised in the appeals. The applicant has revised the proposed project in response to these issues.

## **VI. FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares:

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

#### **1. Project Description**

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. The appellants appealed the Board of Supervisor's decision to the Coastal Commission on December 15, 2004.



## **2. Project Location**

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. The nearest vertical public accessways to the beach are located approximately 200 feet to the south and 1450 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 Exhibits 6 and 7).

## **3. Applicant's Revised Project**

On July 20, 2005 staff met with the applicant's agents to discuss the proposed project. At this meeting, the applicant's agents submitted minor project revisions and a wave uprush study confirming that the wave uprush limit line was substantially seaward of the proposed structure. On July 26, 2005 the applicant provided further revised project plans and information that reduce the height of the structure (including the height of the proposed structure from 28 ft. in height to no more than 25 ft. in height), eliminate the perimeter retaining walls, eliminate all grading except for minor removal and recompaction that will not result in any landform alteration, and clarify that the proposed project will not involve the construction of any shoreline protective devices. The revised project is now to construct a 2,780 sq. ft. single family dwelling with attached 776 sq. ft. garage. The existing residence will be demolished (Exhibits 6 – 18).

The applicant proposes to construct the residence with a flat 25 foot high roof with maximum three foot high parapets (ranging in height from a few inches up to a maximum of 3 feet high) rather than the previously proposed 28 ft. high structure. The maximum height of the structure, with the parapets, is 28 foot above the assigned datum level which is 11.6 feet above mean sea level. The retaining walls and elevated walkways surrounding the structure have been eliminated so that the side and rear yards finished grade levels will be at the assigned datum level. A six foot high privacy fence has been added at the property boundaries along the side and rear (seaward side) yards with the original three foot high privacy walls and fence in the front yard setback. No perimeter wall is proposed for the rear or seaward side of the structure, and therefore there is no proposed structure that could be considered a shoreline protective device. No grading or landform alteration is proposed except for minor removal and recompaction that will not result in any landform alteration and is recommended by the applicant's civil engineer. An open unenclosed balcony is proposed for the first floor level located at six feet elevation above the datum level extending three feet into the six foot wide rear yard or seaward side setback.

#### 4. Appeals

The appeals filed with the Commission by Diana Quintana, Peter & Donna Poulson, Cameron Walker, Milos & Trisha Douda, 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.

#### B. NEW DEVELOPMENT HAZARDS AND SHORELINE PROCESSES

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)**

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.

Section 30253 of the Coastal Act and Ventura County LCP Hazard Policy 1 requires that new development minimize risk to life and property in areas of high geologic, flood and fire hazard and assure stability, structural integrity or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. In addition, Section 30235 of the Coastal Act and Ventura County LCP Beach Erosion Policy 1 also requires that revetments, seawalls and cliff retaining walls shall be permitted when required to protect existing structures in danger from erosion when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. The Commission has typically required new development to minimize risks to life and property in areas of high geologic, flood and fire hazard, assure stability while not requiring shoreline protective devices that substantially alter natural landform along bluffs. The Commission has also required that new development be set back from the wave uprush limit on a sandy beach and be constructed in a manner that will not require the construction of a shoreline protective device during the economic lifetime of the new development. The Commission does allow shoreline protective devices when required to protect existing structures in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. However, in this case new development is proposed, a new residence, which must be located inland from the wave uprush limit such that a shoreline protective device will never be needed.

The subject site is a relative flat sandy beach front lot that extends from Ocean Drive to the beach approximately ten feet above mean sea level. The site includes an existing residence proposed to be demolished.

The applicant submitted a Wave Uprush Study by Reg Browne, PE, Pacific Engineering Group. This Study states that the wave uprush limit line is approximately 347 feet seaward of Ocean Drive right-of-way line. This wave uprush limit line considers a

+ 0.75 foot storm surge and probable sea level rise of + 0.75 feet over a projected 100 years. The wave uprush limit line is located 274 feet seaward of the seaward property line of the subject property and therefore will not affect the proposed development.

This Wave Uprush Study reviewed the proposed development and suggested a number of recommendations addressing the design of the proposed project. These recommendations include: minimum floor levels, seismic induced liquefaction, foundation design, structural concrete specifications, structural steel specifications, timber specifications, and architectural and structural plan review. The report concludes that the owner should realize that there will always be certain risks associated with building or living on the beach and assume such risks. The report also advises the owner that a Licensed Geotechnical Engineer should be retained to address the potential for seismically induced liquefaction occurring on the subject property.

A review of the revised plans dated 7/26/05 submitted by the applicants indicate that the previously proposed perimeter concrete block wall surrounding the basement has been deleted. The previously proposed retaining walls and elevated walkways surrounding the structure have been eliminated so that the side and rear yards finished grade levels will be at the assigned datum level. The assigned datum level is at the 11.6 foot elevation above mean sea level or the 1.5 feet above the centerline of the street in front of the residence, whichever is greater. In this case the higher elevation is 11.6 feet above mean sea level. A six foot high privacy fence has been added at the property boundaries along the side yards and rear yard on ocean side. The original three foot high privacy walls and fence are proposed within the front yard setback. There is no shoreline protective device on the ocean or rear yard area. No grading or landform alteration is proposed except for remedial cut and fill grading recommended by the applicant's civil engineer.

As a result of the applicant's engineering consultant's review of the proposed project numerous recommendations were made to ensure the stability of the structure. **Special Condition No. 1** requires the applicant to agree with the recommendations contained in the Wave Uprush Study prepared by Pacific Engineering Group dated May 2, 2005 and incorporate these recommendations into all final design and construction plans.

Past storm occurrences have caused property damage resulting in public costs through emergency responses and damage to private properties. As an example, the El Nino storms recorded between 1982 and 1983 caused high tides of over seven feet, which combined with storm waves of up to 15 feet causing substantial damage to residences and other property. The severity of the 1982 to 1983 El Nino storm events are often used to illustrate the extreme storm event potential of the California and Ventura coast, in particular. The severe El Nino winter storms in 1998 also resulted in damage to residences and public facilities along the Ventura Coast.

Thus, ample evidence exists that all beachfront development in the Ventura area is subject to an unusually high degree of risk due to storm waves and surges, high surf conditions, erosion, seismically induced liquefaction, and flooding. The proposed development will continue to be subject to the high degree of risk posed by the hazards of oceanfront development in the future. The Ventura LCP and the Coastal Act recognizes that development, even as designed and constructed to incorporate all recommendations of the consulting coastal engineers, may still involve the taking of some risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use the subject property.

In addition, the Commission notes that Section 8175-5.12.1 of the LCP allows for the construction of a shoreline protective device when necessary to protect existing development or to protect a coastal dependent use. The Commission further notes that the approval of a shoreline protective device to protect new residential development, such as the proposed project, would not be required by Section 8175-5.12.1 of the LCP.

Shoreline protective devices individually and cumulatively affect coastal processes, shoreline sand supply, and public access by causing accelerated and increased erosion on the adjacent public beach. Adverse impacts resulting from shoreline protective devices may not become clear until such devices are constructed individually along a shoreline and they eventually affect the profile of an entire beach. Changes in the shoreline profile, particularly changes in the slope of the profile, caused by increased beach scour, erosion, and a reduced beach width, alters usable beach area under public ownership. A beach that rests either temporarily or permanently at a steeper angle than under natural conditions will have less horizontal distance between the mean low water and mean high water lines. This reduces the physical area of public property available for public beach use. Additionally, through the progressive loss of sand caused by increased scour and erosion, shore material is no longer available to nourish the beach and seasonal beach accretion occurs at a much slower rate. The Commission notes that if a seasonal eroded beach condition occurs with greater frequency due to the placement of a shoreline protective device on the subject site, then the subject beach would also accrete at a slower rate. As the natural process of beach accretion slows the beach fails to establish a sufficient beach width, which normally functions as a buffer area absorbing wave energy. The lack of an effective beach width can allow such high wave energy on the shoreline that beach material may be further eroded by wave action and lost far offshore where it is no longer available to nourish the beach. The effect of this on public access along the beach is again a loss of beach area between the mean high water line and the actual water.

Shoreline protection devices also directly interfere with public access to tidelands by impeding the ambulatory nature of the mean high tide line (the boundary between public and private lands) during high tide and severe storm events, and potentially throughout the entire winter season. The impact of a shoreline protective device on public access is most evident on a beach where wave run-up and the mean high tide

line are frequently observed in an extreme landward position during storm events and the winter season. As the shoreline retreats landward due to the natural process of erosion, the boundary between public and private land also retreats landward. Construction of rock revetments and seawalls to protect private property fixes a boundary on the beach and prevents any current or future migration of the shoreline and mean high tide line landward, thus eliminating the distance between the high water mark and low water mark. As the distance between the high water mark and low water mark becomes obsolete the seawall effectively eliminates lateral access opportunities along the beach as the entire area below the fixed high tideline is inundated. The ultimate result of a fixed tideline boundary which would normally migrate and retreat landward, while maintaining a passable distance between the high water mark and low water mark overtime, is a reallocation of tideland ownership from the public to the private property owner.

Furthermore, if not sited landward in a location that ensures that the seawall is only acted upon during severe storm events, beach scour during the winter season will be accelerated because there is less beach area to dissipate wave energy. The adverse effects of shoreline protective devices are greater the more frequently that they are subject to wave action. In order to minimize adverse effects from shoreline protective devices, when such devices are found to be necessary to protect existing development, the Commission has required applicants to locate such structures as far landward as is feasible.

#### Sea Level Rise

In addition, sea level has been rising slightly for many years. In the Santa Monica Bay area, the historic rate of sea level rise has been 1.8 mm/yr. or about 7 inches per century<sup>1</sup>. Sea level rise is expected to increase by 8 to 12 inches in the 21<sup>st</sup> century.<sup>2</sup> 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 all these conditions.

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, 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 a single family residence, pilings, or seawalls, an increase in sea level will increase the inundation of the structure. More of the structure will be inundated or underwater than are inundated now and the portions of the structure that are now underwater part of the time will be underwater more frequently.

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<sup>1</sup> Lyles, S.D., L.E. Hickman and H.A. Debaugh (1988) Sea Level Variations for the United States 1855 – 1986. Rockville, MD: National Ocean Service.

<sup>2</sup> Field et. al., Union of Concerned Scientists and the Ecological Society of America (November 1999) Confronting Climate Change in California, [www.ucsusa.org](http://www.ucsusa.org).

Accompanying this rise in sea level will be increased wave heights and wave energy. Along much of the California coast, the bottom depth controls the 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. Combined with the physical increase in water elevation, a small rise in sea level can expose previously protected back shore development to both inundation and wave attack, and those areas that are already exposed to wave attack will be exposed to more frequent wave attack with higher wave forces. Structures that are adequate for current storm conditions may not provide as much protection in the future.

A second concern with global warming and sea level rise is that the climatic changes could cause changes to the storm patterns and wave climate for the entire coast. As water elevations change, the transformation of waves from deep water will be altered and points of energy convergence and divergence could shift. The new locations of energy convergence would become the new erosion "hot spots" while the divergence points may experience accretion or stability. It is highly likely that portions of the coast will experience more frequent storms and the historic "100-year storm" may occur every 10 to 25 years. For most of California the 1982/83 El Niño event has been considered the "100-year storm." Certain areas may be exposed to storms comparable to the 1982/83 El Niño storms every few decades. In an attempt to ensure stability under such conditions, the Commission has required that all new shoreline structures be designed to withstand either a 100-year storm event, or a storm event comparable to the 1982/83 El Niño. Also, since it is possible that storm conditions may worsen in the future, the Commission has required that structures be inspected and maintained on a regular basis. The coast can be altered significantly during a major storm and coastal structures need to be inspected on a regular basis to make sure they continue to function as designed. If storm conditions worsen in future years, the structures may require changes or modifications to remain effective. In some rare situations, storm conditions may change so dramatically that existing protective structures may no longer be able to provide any significant protection, even with routine maintenance.

The location of new development on a beach that is subject to scour from storm waves must 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. 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 previous permit actions, the Commission has found that new development on beachfront parcels should be designed in a manner that will not require the construction or use of shoreline protective devices, such as the use of a caisson/grade beam foundation. Typically, a beachfront residence constructed on a slab on grade foundation would require the construction of a shoreline protective device to ensure structural integrity and reduce damage from wave action. However, in this case, the applicant has provided information in a wave-uprush report which finds that



the structure is sited well beyond the maximum wave uprush in a location that will not require the construction of a shoreline protective device regardless of the fact that it will not be constructed on a caisson/grade beam foundation. As described in detail above, shoreline protective devices constructed along the sandy beach at the project site have the potential to adversely impact shoreline processes and public access. Additionally, construction of a shoreline protective device to protect the proposed development would be inconsistent with Section 8175-5.12.1 of the LCP. Therefore, the Commission finds that it could not otherwise approve the project, as proposed to utilize a standard slab on grade foundation unless it can be ensured that no shoreline protective device will ever be built to protect the new proposed structure. Therefore, Special Condition No. 2 requires the applicant to waive the right to build a shoreline protective device to protect new development authorized by this coastal permit. This condition also requires the landowner to remove the development if a government agency orders that portions or all of the structures may not be occupied due to hazards identified in this report and that are not repaired and allowed to be occupied within one year of the order.

The Commission finds that due to the possibility of storm waves, surges, erosion, flooding, and seismically induced liquefaction, the applicant shall assume these risks as conditions of approval. Because this risk of harm cannot be completely eliminated, the Commission requires the applicant to waive any claim of liability against the Commission for damage to life or property which may occur as a result of the permitted development. The applicant's assumption of risk, as required by Special Condition No. 3, will show that the applicant is aware of and appreciates the nature of the hazards which exist on the site, and which may adversely affect the stability or safety of the proposed development.

The Commission notes that construction activity on a bluff or near a beach, such as the proposed project, will result in the potential generation of debris and or presence of equipment and materials that could be subject to tidal action. The presence of construction equipment, building materials, and excavated materials on the subject site could pose hazards to beachgoers or swimmers if construction site materials were discharged into the marine environment or left inappropriately or unsafely exposed on the project site. In addition, such discharge to the marine environment would result in adverse effects to offshore habitat from increased turbidity caused by erosion and siltation of coastal waters. Further, any excavated materials that are placed in stockpiles are subject to increased erosion. The Commission also notes that additional proposed fill material may result on erosion or sedimentation into the ocean or on the beach if not properly compacted on site.

To ensure that the potential for construction activities and landform alteration to adversely effect the marine environment are minimized, **Special Condition No. 4** requires the applicant to ensure that stockpiling of dirt or materials shall not occur on the beach area, that no machinery will be allowed in the intertidal zone at any time, all debris resulting from the construction period is promptly removed from the beach area, all grading shall be properly covered, and that sand bags and/or ditches shall be used to prevent runoff and siltation from the property.

The Commission finds that the minimizing site erosion will add to the stability of the site and minimize offsite sedimentation, particularly to the ocean. Erosion can best be minimized by requiring the applicants to landscape all disturbed and graded areas of the site with native plants compatible with the surrounding beach environment. In past permit actions, the Commission has found that invasive and non-native plant species are typically characterized as having a shallow root structure in comparison with their high surface/foilage weight and/or require a greater amount of irrigation and maintenance than native vegetation. The Commission notes that non-native and invasive plant species with high surface/foilage weight and shallow root structures do not serve to stabilize slopes, such as the slopes on the subject site, and that such vegetation results in potential adverse effects to the geologic stability of the project site. In comparison, the Commission finds that native plant species are typically characterized not only by a well developed and extensive root structure in comparison to their surface/foilage weight but also by their low irrigation and maintenance requirements. Therefore, in order to ensure the stability and geotechnical engineering safety of the site, **Special Condition No. 5** requires that all proposed disturbed areas on subject site are stabilized primarily with native vegetation.

Finally, **Special Condition No. 8** requires the applicant to record a generic deed restriction that imposes the terms and conditions of this permit as restrictions on use and enjoyment of the property and provides any prospective purchaser of the site with recorded notice that the restrictions are imposed on the subject property.

As a result of the revised project design and the applicant's wave uprush limit information, the applicant's engineer has shown that proposed residence will not require a shoreline protection device either now or in the future. Further, the proposed residence, as conditioned, will minimize risks to life and property in this area of high geologic, flood and fire hazard, and will 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 the Mussel Shoals bluff. Therefore, the Commission finds, for the reasons set forth above, that the proposed development, as conditioned, is consistent with Ventura County LCP including Sections 30235 and 30253 of the Coastal Act as incorporated in the LCP.

### C. 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 that provide the framework for the Coastal Area Plan. General Statements 18 and 19 under Grading Operations state:

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

Roof structures are defined in the County Code as:

Structures for the housing of elevators, stairways, tanks, ventilating fans and similar equipment required to operate and maintain the building; fir or parapet walls, skylights, towers ... and similar structures.

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.

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 25 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.

The applicant has revised the proposed design of the residence relative to the building height and the side and rear yard retaining walls, walkways and fences. The revised design eliminates the former 28 ft. high proposed roof covering the ventilation and ducting. The roof is now flat at the 25 foot high elevation level above the datum level. Two parapet walls are proposed for the west (oceanfront) and east (street side) areas which range in height from a few inches to a maximum of three feet about the roof top. The maximum height is now 28 feet including the maximum parapet height of three feet on top of the 25 foot high flat roof (Exhibits 12 -18). Although the proposed parapet will be approximately the same height as the previously approved roof, Section 8175-4.8 of the certified LCP allows for the use of parapets and other rooftop structures above the 25 ft. roof height limit. In addition, the construction of the parapets at the 28 ft. height elevation will not result in any impacts to public views from any public areas and will not block any public bluewater views that would not already be blocked by the construction of the residence itself. A portion of the roof is also a deck with a fireplace adjoining the chimney. An open work railing three feet high is proposed to surround this roof deck area as provided by Section 8174-4.4.

The applicant has redesigned the side yard walkways and removed the retaining walls and elevated walkways. The revised design provides for the side and rear yards located at finished grade levels at the assigned datum level. A six foot high privacy fence has been added at the property boundaries along the side yards and rear yard (seaward side) with the original three foot high privacy walls and fence in the front yard setback. No perimeter wall is proposed for the rear or seaward side of the structure, and therefore there is no proposed structure that could be considered a shoreline protective device. An open unenclosed balcony is proposed for the first floor level located at six feet elevation above the datum level extending three feet into the six foot wide rear yard or seaward side setback. These fences are within the maximum six foot high wall or fence height limit required by Section 8175-3.11 b.

Coastal Act Section 30251, as incorporated in the LCP, also requires that permitted development shall minimize the alteration of natural land forms. The Ventura County Coastal Area Plan includes two General Statements that 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 be 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. Although the project, as approved by the

County, included grading that would have resulted in significant landform alteration on the site, the revised project does not include any grading or landform alteration except for removal and recompaction grading recommended by the applicant's civil engineer for the foundation which will not alter landforms on site.

Therefore, the proposed project meets the maximum building height limit, maximum wall or fence height limit, and minimizes 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.

#### **D. COASTAL WATER QUALITY**

The proposed development is located on a beach front lot in the Hollywood Beach area of Ventura County which drains directly into the ocean. The Ventura County Local Coastal Plan, the Coastal Area Plan includes the following relevant coastal water quality and ESHA policies from the California Coastal Act of 1976.

The Ventura County LCP states:

**Sections of the Coastal Act, as amended from time to time by the State, immediately relevant to each of the issues are provided in the following pages. For purposes of this land use Plan, the definitions found in the Coastal Act will be utilized.**

**Section 30230 of the Coastal Act states that:**

**The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.**

**Section 30231 of the Coastal Act states that:**

**The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water**

reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, minimizing alteration of natural streams.

The Commission recognizes that new development in Ventura County coastal areas have the potential to adversely impact coastal water quality and beaches through the removal of native vegetation, increase of impervious surfaces, increase of runoff, erosion, and sedimentation, introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutant sources, as well as effluent from septic systems.

As described in detail above, the proposed project includes the demolition of an existing single family dwelling and the construction of a 2,780 sq. ft. single family dwelling with attached 776 sq. ft. garage.

The proposed project will result in an increase of impervious surfaces on the site to about 2,200 sq. ft. The site is considered a sandy beach front development with sand that is susceptible to erosion. An increase in the amount of impervious surfaces will increase the volume and velocity of runoff. The runoff from these impervious surfaces can include petroleum hydrocarbons including oil and grease from vehicles; heavy metals; synthetic organic chemicals including paint and household cleaners; soap and dirt from washing vehicles; dirt and vegetation from yard maintenance; litter; fertilizers, herbicides, and pesticides; and bacteria and pathogens from animal waste. The discharge of these pollutants to coastal waters can cause cumulative impacts such as eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity which both reduce the penetration of sunlight needed by aquatic vegetation which provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; and acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior. These impacts reduce the biological productivity and the quality of coastal waters and their functional capacity of coastal resources including the beach and reduce optimum populations of marine organisms and have adverse impacts on human health.

Therefore, in order to find the proposed development consistent with the water and marine resource policies of the Coastal Act, the Commission finds it necessary to require the incorporation of Best Management Practices designed to control volume, velocity and pollutant load of stormwater leaving the developed site. Critical to the successful function of post-construction structural BMPs in removing pollutants from stormwater to the Maximum Extent Practicable (MEP), is the application of appropriate design standards for sizing BMPs. The majority of runoff is generated from storms because most storms are small. Additionally, storm water runoff typically conveys a disproportionate amount of pollutants in the initial period that runoff occurs during a storm event. Designing BMPs for the small, more frequent storms and infrequent storms, results in improved BMP performance.

The Commission finds that sizing post-construction structural BMPs to accommodate (filter or treat) the runoff from the 85<sup>th</sup> percentile storm runoff event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e. the BMP capacity beyond which, insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs. Therefore, the Commission requires the selected post-construction structural BMPs be sized based on design criteria specified in **Special Condition No. 6**, and finds this will ensure the proposed development will be designed to minimize adverse impacts to coastal resources, in a manner consistent with the water and marine policies of the Coastal Act.

Furthermore, interim erosion control measure implemented during construction and post construction landscaping will serve to minimize the potential for adverse impacts to water quality resulting from drainage runoff during construction and in the post-development stage. Therefore, the Commission finds that **Special Condition No. 2** is necessary to ensure the proposed development will not adversely impact water quality or coastal resources.

Finally, **Special Condition No. 8** requires the applicant to record a generic deed restriction that imposes the terms and conditions of this permit as restrictions on use and enjoyment of the property and provides any prospective purchaser of the site with recorded notice that the restrictions are imposed on the subject property.

Therefore, the Commission finds that the proposed project, as conditioned to incorporate and maintain a drainage and polluted runoff control plan, landscape and erosion control plan, is consistent with Sections 30230 and 30231 of the Coastal Act and the Ventura County LCP.

### III. Public Access

The proposed development is located on a beachfront lot in the Hollywood Beach area Ventura County, an area where the public has a right to access the public tidelands and beach immediately seaward of the subject site as provided by the California Coastal Act and the California Coastal Act. The Hollywood Beach area is a popular beach recreational area. The Ventura County Local Coastal Plan, the Coastal Area Plan incorporates the following relevant access and recreation policies from the California Coastal Act of 1976.

Section 30210 of the Coastal Act states:

... carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property, and resource areas from overuse.



Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212(a) of the Coastal Act states:

Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

Section 30212(c) of the Coastal Act states:

Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.

Section 30220 of the Coastal Act states:

**Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such use.**

The Ventura County LUP states under the Recreation and Access section for North Coast the following:

***Recreation and Access Objective To provide direction to the State, and to local agencies as appropriate, for improving and increasing public recreational opportunities on the Central Coast consistent with public health and safety, and the protection of private rights.***

In addition, all projects approved by a local government with a coastal development permit must be reviewed for compliance with the public access and recreation provisions of Chapter 3 of the Coastal Act. Sections 30210 and 30211 of the Coastal Act mandate that maximum public access and recreational opportunities be provided and that development not interfere with the public's right to access the coast. Likewise, Section 30212 of the Coastal Act requires that adequate public access to and along the sea be provided with certain exceptions including areas with where fragile coastal resources need protection.

The proposed project site is located between two vertical public accessways, one located about 1500 feet to the north, the other located about 200 feet to the south along Ocean Drive. The beach area seaward of the project site is owned by Ventura County as Hollywood Beach.

In past permit actions, the Commission has limited the seaward encroachment of residential structures on a beach to ensure maximum public access and minimize wave hazards, as well as minimize adverse effects to coastal processes, shoreline sand supply, and public views. In the case of this project, the seaward most property line of the subject site is located landward of a "paper street" named "Shore Walk" which functions as the seaward most limit of all private development on Hollywood Beach. All proposed development will be located landward of this line. Therefore, the Commission finds that the proposed project will not result in the seaward encroachment of development on Hollywood Beach.

The Commission notes that unauthorized postings of signs illegally attempting to limit, or erroneously noticing restrictions on, public access have occurred on beachfront private properties in the Ventura County area. These signs have an adverse effect on the ability of the public to access public trust lands. The Commission has determined, therefore, that to ensure that the applicants clearly understand that such postings are not permitted without a separate coastal development permit, it is necessary to impose **Special Condition 7** to ensure that similar signs are not posted on or near the proposed project site. The Commission finds that if implemented, **Special Condition 7** will protect the public's right of access to the sandy beach seaward of the applicant's property.

For all of these reasons, therefore, the Commission finds that as conditioned, the proposed project is consistent with Sections 30210, 30211, 30212, and 30220 of the Coastal Act and the Ventura County LCP.

#### **F. California Environmental Quality Act (CEQA)**

Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The Commission finds that, the proposed project, as conditioned will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970 and is the preferred alternative. Therefore, the

proposed project, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act.

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A-4-VNT-04-128

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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  
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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) Cameron Walker  
3336 Ocean Dr.

(5) Sheila & Frank McGinty  
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.

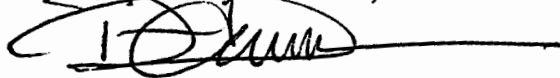
In a letter dated December 16, 2003 from the Planning Division to the PD-2004 architect and property owners. A copy of this letter is attached as Exhibit 8. In this letter Nancy Francis correctly states identifies that PD-2004 does not conform to the Zoning Ordinance because of an exterior wall that 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-O-S	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	
CA	40 Acres (c)				5'	10'					
CR	One Acre										
CR-E	20,000 Sq. Ft.			20' (d)	10'	15'					25' (f)
CR-1	7000 Sq. Ft.										
CR-2	3,000 Sq. Ft. (e)										
R-B	3,000 Sq. Ft. (e)		25'	10'	3'	5'	14' (f)	25' (f)	N/A	15'	
R-B-H	(g)			20' (h)	3' (q)	6' (r)					
CR-PD	As Specified by Permit		As Specified by Permit	See Section 8177-1.3				25'	35' (p)	N/A	
H-P-D	20,000 Sq. Ft.			15'	(j)	10'	15'				
CC	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.

EXHIBIT 1  
Para 2 of 2



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 dedicatory'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.

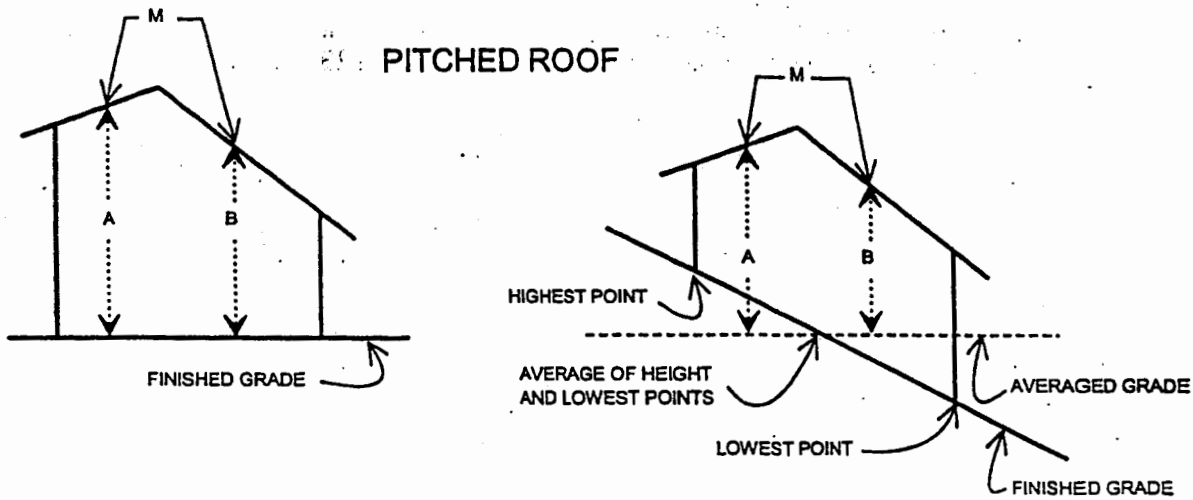
Local Coastal Program (LCP) - The County's certified Coastal Land Use Plan, zoning ordinances, and zoning district maps.

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.

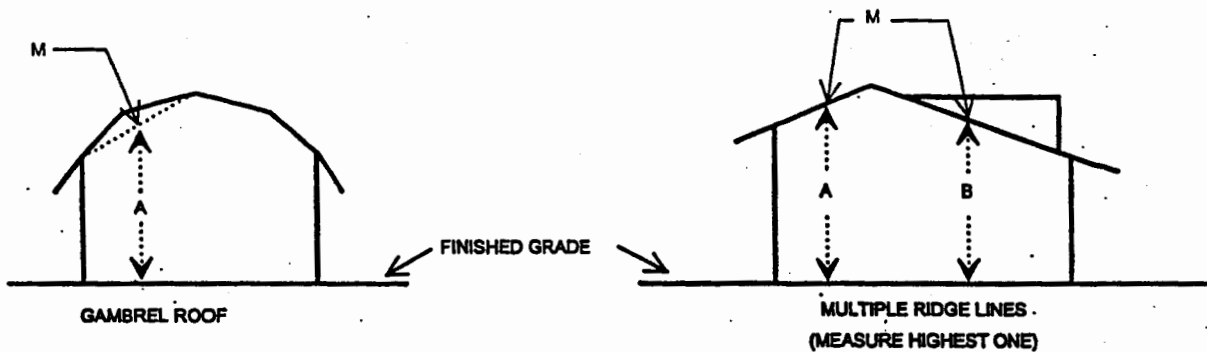
**FIGURE 1**  
(Sec. 8106-1.3)

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

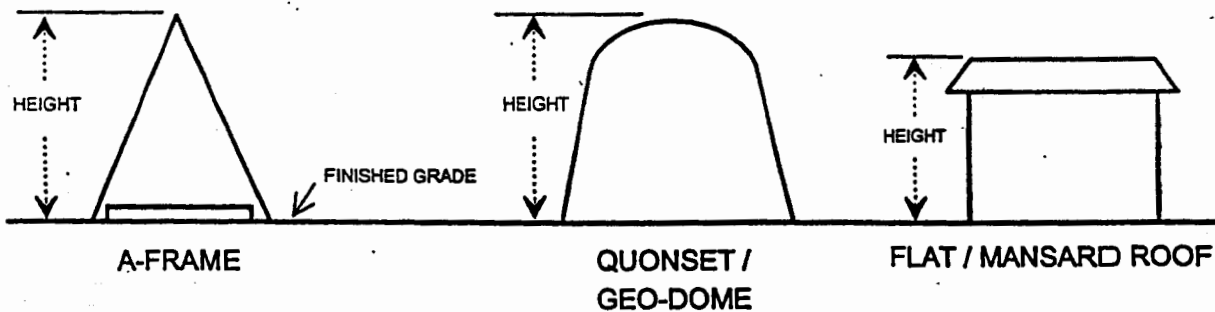


$$\text{AVERAGED MIDPOINT} = \frac{A + B}{2}$$

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.

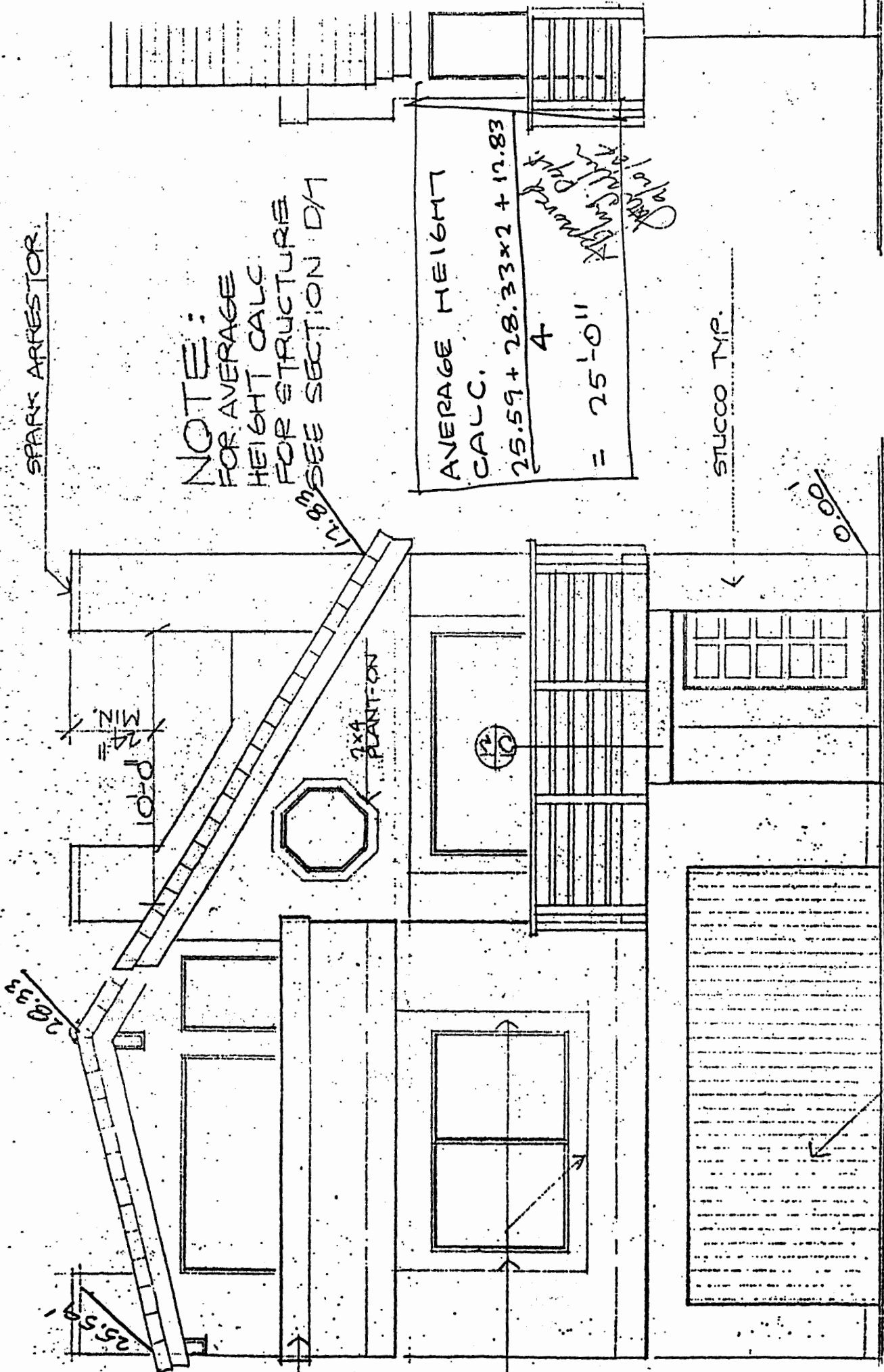
SPARK ARRESTOR

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  
by  
City of  
Portland*

STUCCO TYP.



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"



EXHIBIT 6  
Page 1 of 1

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.

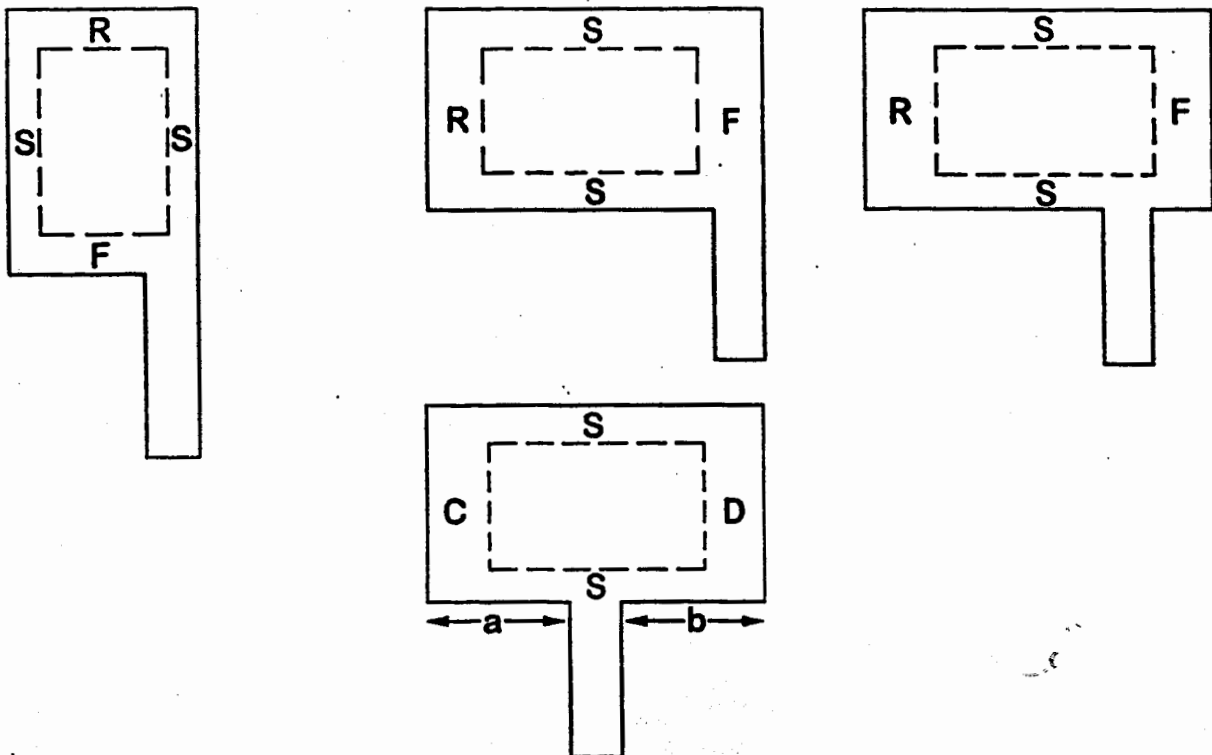
Rooming House - A dwelling unit with one family in permanent residence wherein two to five bedrooms, without meals, are offered for compensation.

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. 3<sup>rd</sup> 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 B**  
**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](mailto: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

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EXHIBIT 2

Page 2 of 3



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)

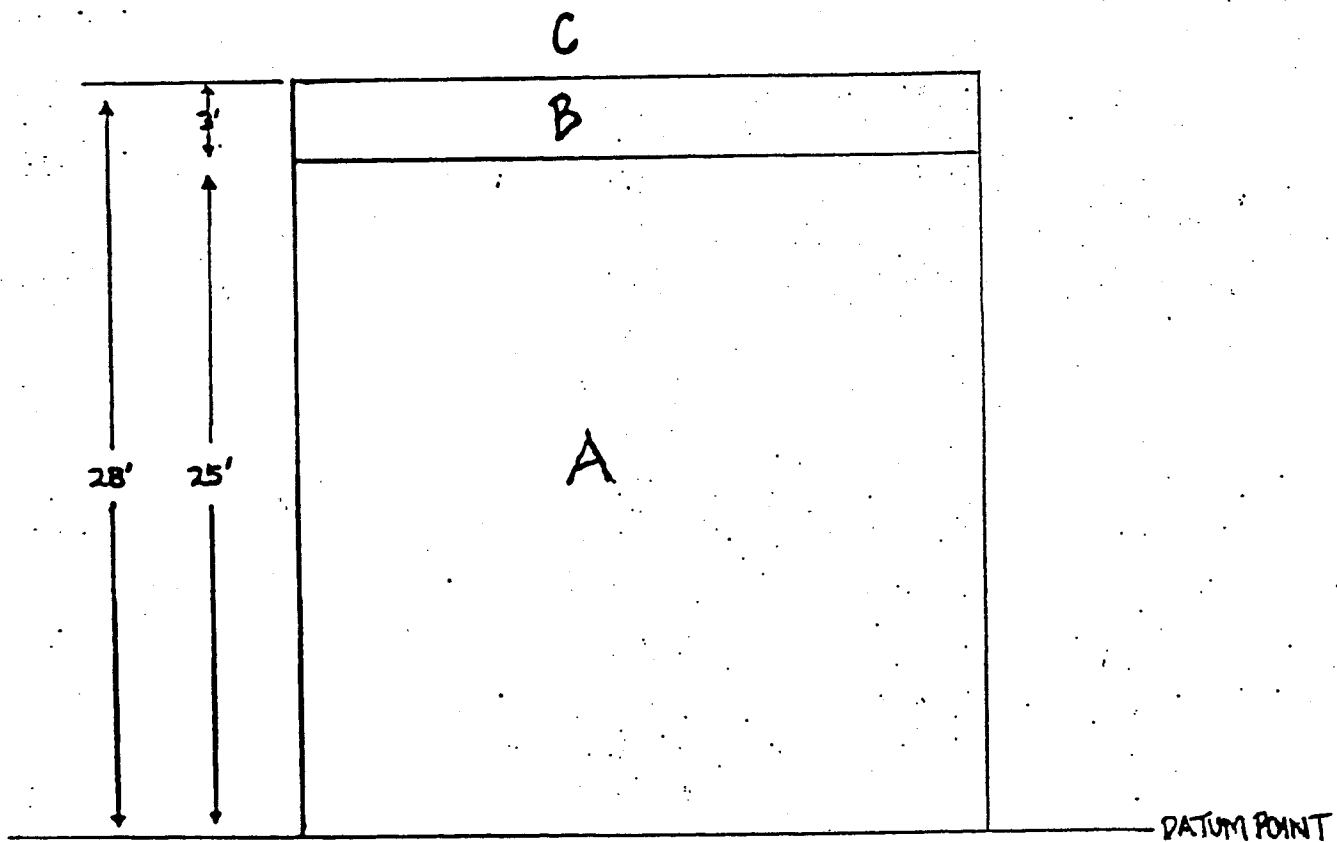
Given the above, the remaining question is "What structures are allowed above 25 feet but below 28 feet?" Here, there is less clarity within the Coastal Zoning Ordinance. However, when all of the language and intent of the regulations are taken together, the following has been determined:

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 CEILINGS 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](mailto: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. 3<sup>rd</sup> 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 HOLLWOOD-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. ?

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  - 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?



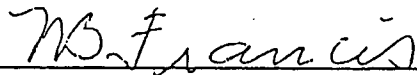
- 21. How much grading is anticipated for the project?
- 22. The maximum height the top floor's ceiling can be is 25'.]

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](mailto: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

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## 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. 3<sup>rd</sup> 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 10<sup>th</sup> 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."

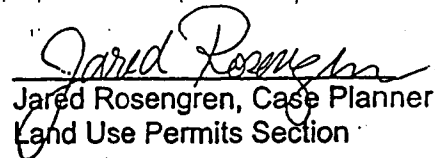
Within 5 days of project approval, a \$25.00 fee, payable to the Ventura County Clerk, is required from the applicant for the filing of the NOTICE OF DETERMINATION and CALIFORNIA DEPARTMENT OF FISH AND GAME, CERTIFICATE OF FEE EXEMPTION, DE MINIMIS IMPACT FINDING document (this project qualifies for 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:



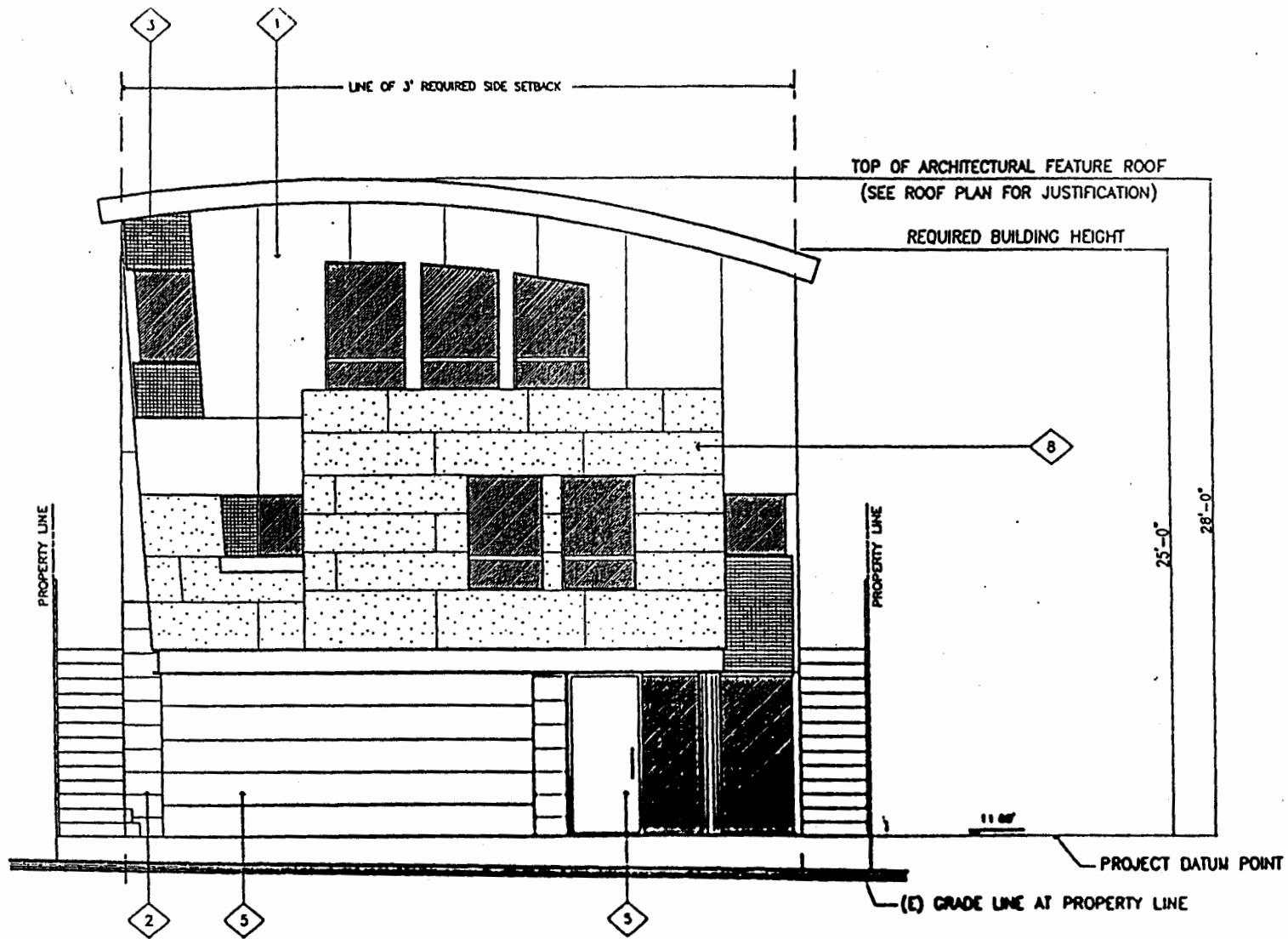
Nancy Butler Francis, Manager  
Land Use Permits Section  
Coastal Administrative Officer



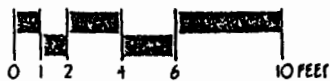
Jared Rosengren, Case Planner  
Land Use Permits Section

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**  
 8921 WEST THIRD STREET  
 LOS ANGELES, CA 90018  
 www.cadotomarch.com  
 cadotomarch.com  
 T 323.931.1851  
 F 323.931.0156

**REVISIONS**

△	01-15-04
△	-
△	-

SAPERSTEIN RESIDENCE  
**WEST ELEVATION**  
 Exhibit "8"

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

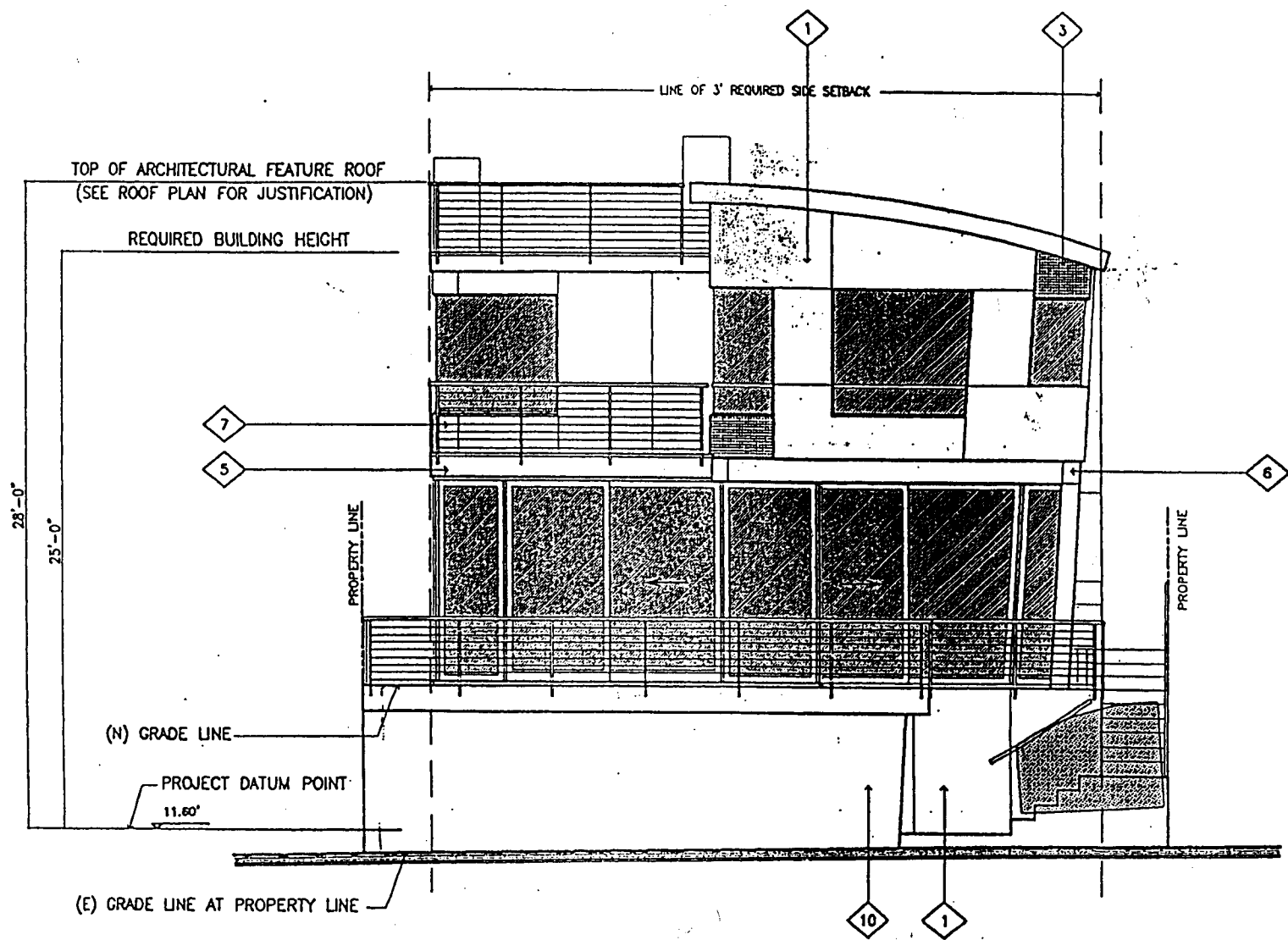
AR-6

REVISIONS	
△	01-15-04
△	-
△	-

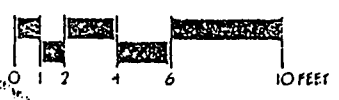
**SAPERSTEIN RESIDENCE**  
**WEST ELEVATION**

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

**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            |

EXHIBIT F

Planning Division

Keith A. Turner  
Director

RESOURCE MANAGEMENT AGENCY  
**county of ventura**

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. 8173-3.13 (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 (2) 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

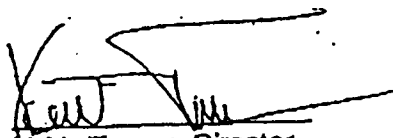
Roy Milbrandt  
July 2, 1992  
Page 2

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:

93055

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

EXHIBIT NO. 2
APPLICATION NO A-4-VNT-04-128
Poulson
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) Peter Poulson  
3312 Ocean Testified verbally  
Orland 93035

(2) Donna Poulson  
3312 Ocean Testified in writing  
Orland 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 Boulevard (a 93055)

- 1) Violation of Code section 8172-1-8175-2 8175.3(b) and (c)  
The project ignores the required root calculation as provided in 8172-1. The permit covered root structure is a root (not measured from ceiling height) and is part of "Building Height" as shown in 8175-2 and again in 8175.3a3b.
- 2) The Planning Director stated there was confusion as to how to apply and calculate "root heights". To the contrary 8171-13 and 81724 Application of Definitions Page 17 are quite specific. Heavily 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 and 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

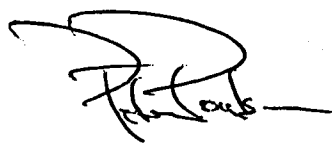
When in a sensitive area between mean tide line and first public street 6' walls are no longer a minor development, the public view of unique features of sand dunes and islands must be protected.

Section 8171-6 HCP

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.



**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**

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\_\_\_\_\_  
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: \_\_\_\_\_

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.

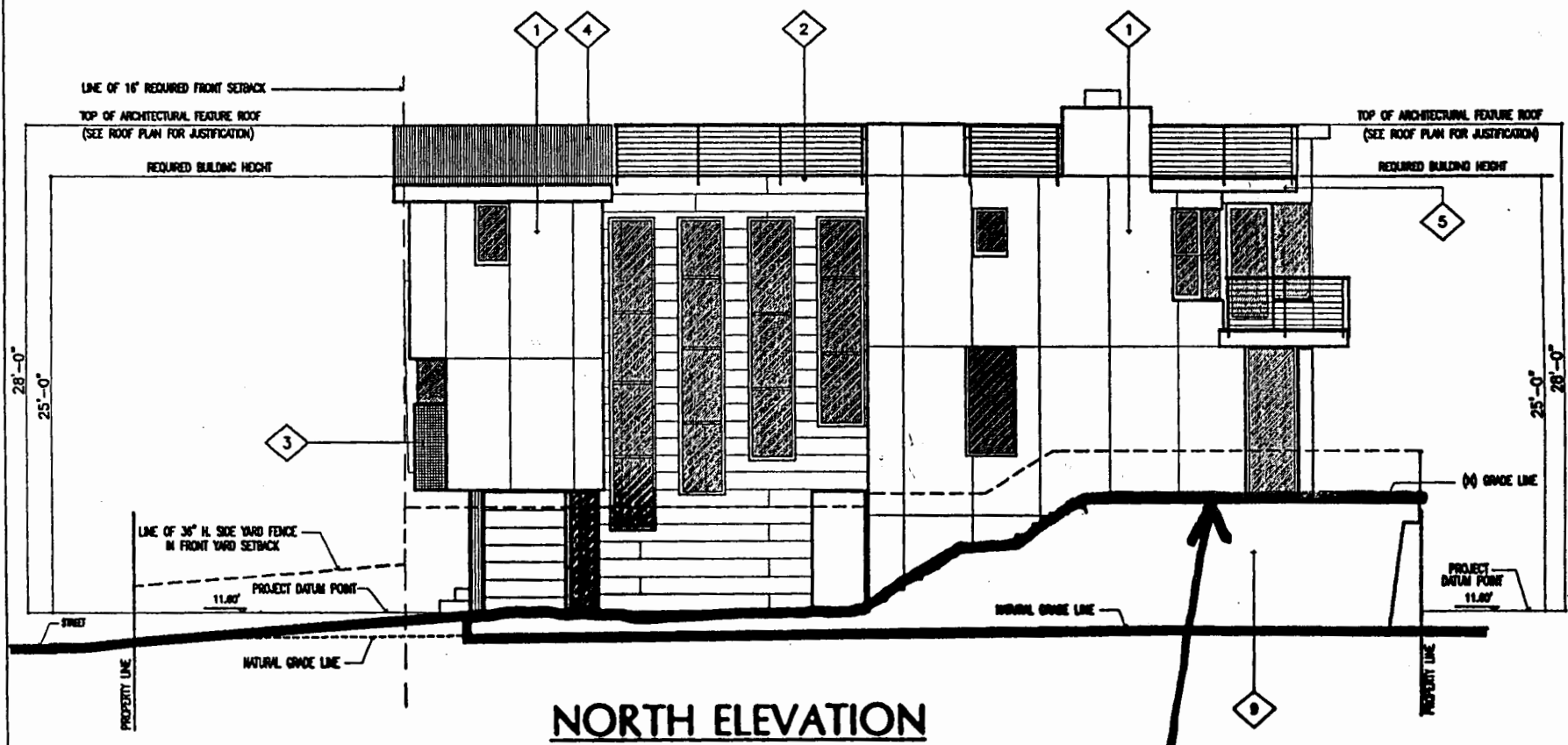
Sincerely,

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

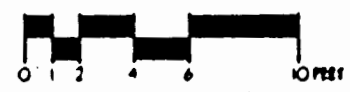
Cameron Walker

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 11.80' 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: 11.80'

**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**



ARCHITECTS

971 WEST THIRD STREET  
LOS ANGELES, CA 90034  
www.enclousresearch.com  
encl@enclousresearch.com  
T 323.931.1851  
F 323.931.0156

REVISIONS

▲	01-15-04
▲	-
▲	-

SAPERSTEIN RESIDENCE

SOUTH ELEVATION Exhibit "9"

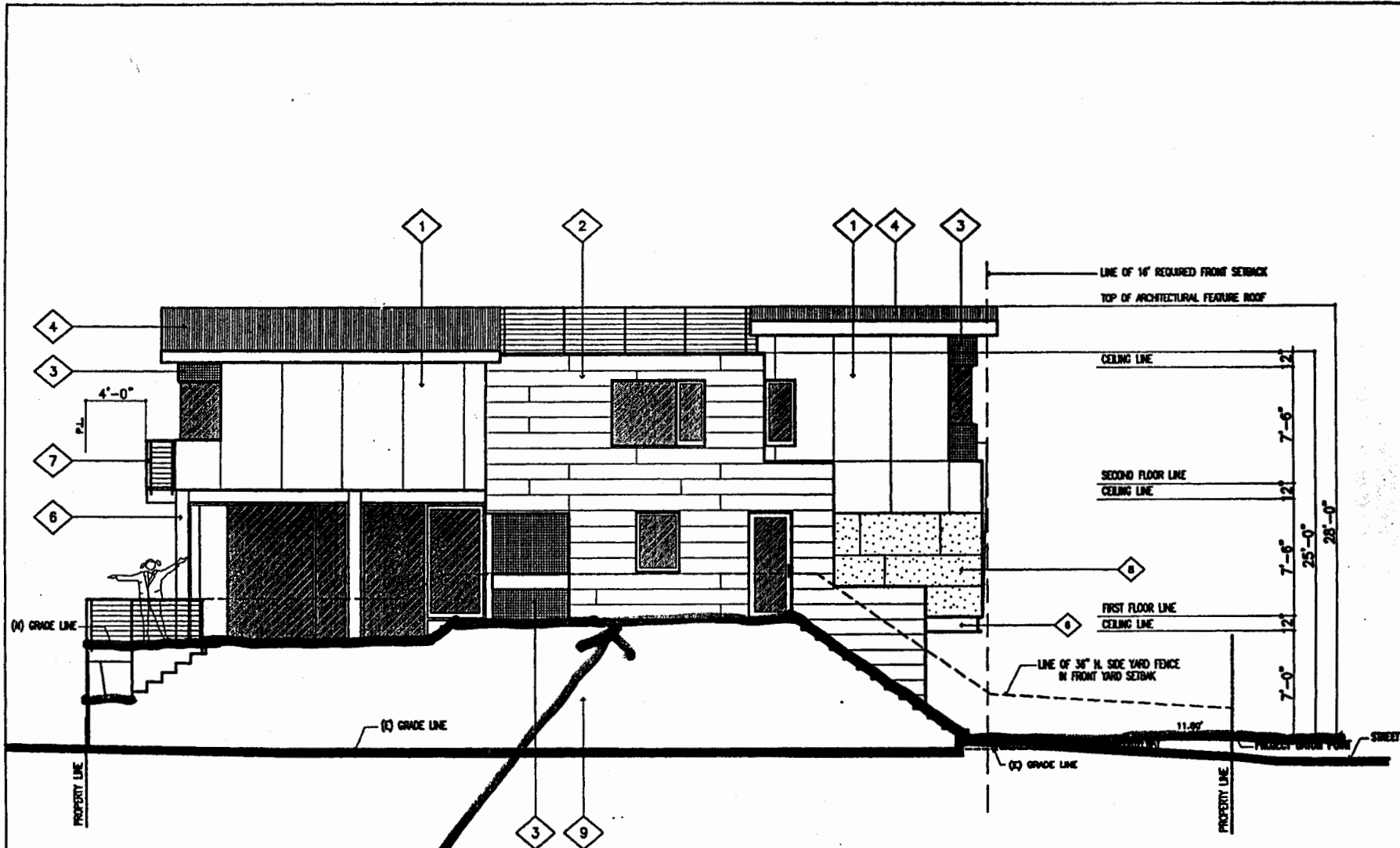
DATE: 11-14-03

SCALE: AS SHOWN

DRAWN: S. AZADI

SHEET: -

AR-7

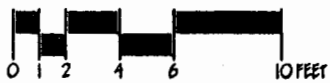


*Elevation of Level Lot Line*

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 25 2004



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

Phone: (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-VNT-04-128

DATE FILED: 12/20/04

DISTRICT: South Central

EXHIBIT NO. 4

APPLICATION NO. A-4-VNT-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:**

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**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  
29 SOUTH CALIFORNIA STREET, SUITE 200  
VENTURA, CA 93001-4508  
VOICE (805) 586-1900 FAX (805) 941-1732



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  
LOS ROBLES  
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-VNT-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-VNT-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) MILOS DOUDA  
3326 OCEAN DR  
OXNARD, CAL 93035
- (2) CAMERON WALKER  
3336 OCEAN DR  
OXNARD, CAL 93035
- (3) SHEILA + FRANK McGINITY  
3321 OCEAN DR.  
OXNARD, CAL 93035

5. PETER PAULSON  
3312 OCEAN DR  
OXNARD  
CAL 93035

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

(4) DIANA QUINTANIA  
3314 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*

[The remainder of the page is filled with extremely faint, illegible text, likely due to a very low quality scan or intentional redaction.]

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 “mansionsization” process so prevalent at Oxnard Shores and further down on Ocean Drive.

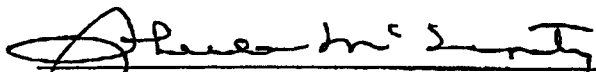
We also feel strongly about this neighbor INVADING OUR PRIVACY RIGHTS.. We do not wish to sit on the beach immediately in front of our property and be continuously under their eye because their view rights (especially from upper beach side balconies) were favored over ours. Much of our current mountain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

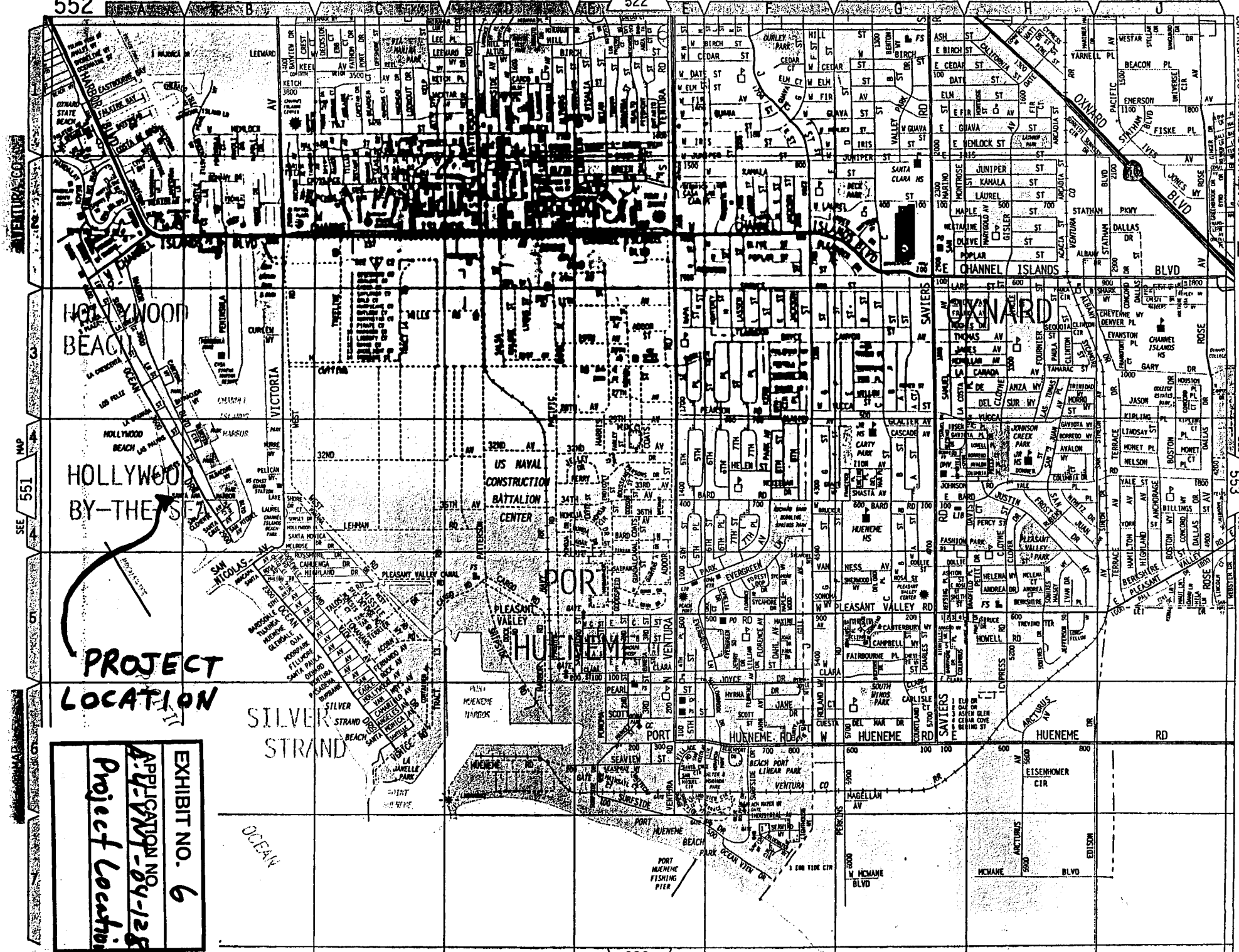
Note: If signed by agent, appellant(s) must also sign below.

**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**

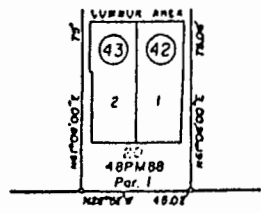
**EXHIBIT NO. 6**

**APPLICATION NO. 04-128**

**Project Location**

R  
O  
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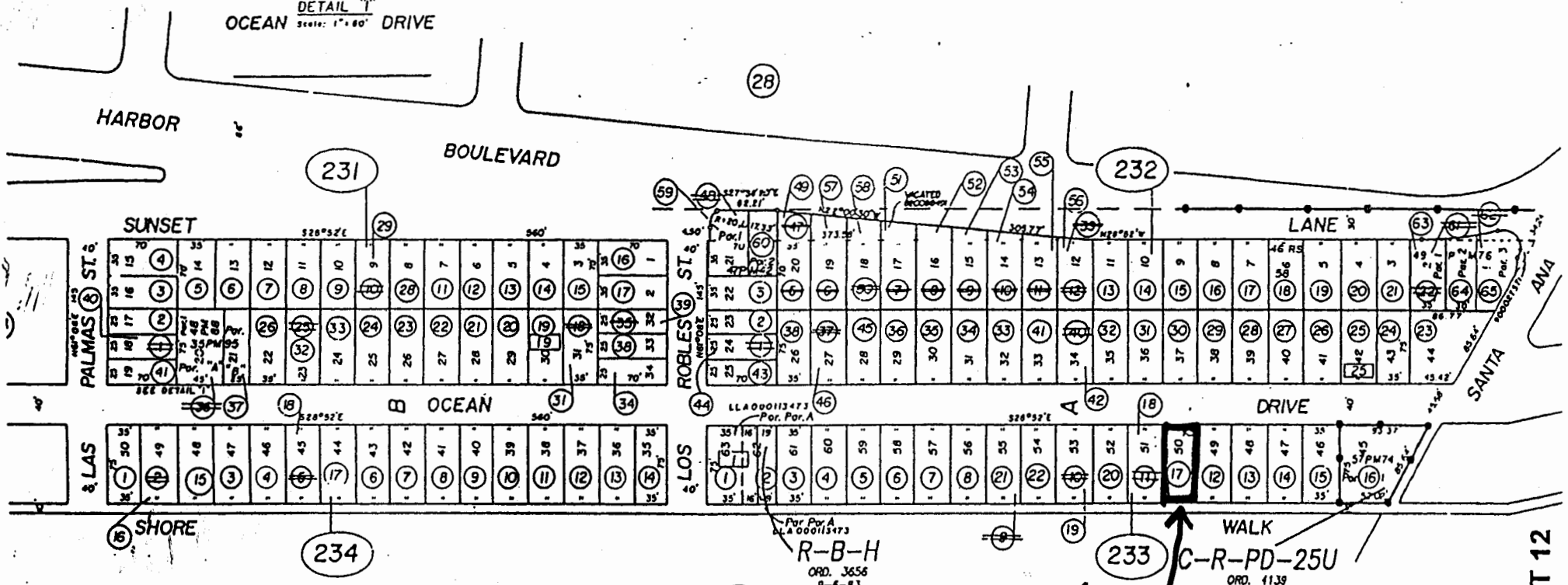
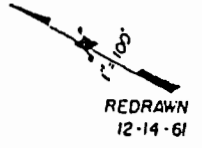
For further information re: this condominium, see C.C.B.M. per document 900136578.



RANCHO EL RIO DE SANTA CLARA O'LA COLONIA

Tax Rate Area 63012

206-



R-B-H  
ORD. 3656  
9-6-83

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

**Subject Parcel (35' x 75')**

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 Ellips  
 Assessor's Parcel Numbers Shown in Circ  
 Assessor's Mineral Numbers Shown in Squ

DRAWN	REVISED	3-2
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 SURVEYOR'S OFFICE OR PLANNING DIVISION TO VERIFY.

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

EXHIBIT NO. 7
APPLICATION NO. 89-128
Subject Parcel

EXHIBIT 12

**REVISED  
7/26/05**

# NEW RESIDENCE

## 3329 OCEAN DRIVE OXNARD, CA 93025

### DATUM POINT ESTABLISHMENT

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

THE MINIMUM FINISHED FLOOR ELEVATION, INCLUDING GARAGE, 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'

### CONSULTANTS

**ARCHITECT**

ENCLOSURES ARCHITECTS  
5871 W. 3RD STREET  
LOS ANGELES, CA 90038  
(323) 931-1851  
SCOTT STRUMWASSER A.I.A.



### INDEX OF DRAWINGS

- AR-1 PROJECT INFORMATION & SITE PLAN
- AR-2 GARAGE LEVEL 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
- AR-10 SCHEMATIC BUILDING SECTION

### PROJECT SUMMARY

PROJECT	NEW TWO STORY SINGLE FAMILY RESIDENCE OVER GARAGE AND CRAWL SPACE	JURISDICTION	VENTURA COUNTY
		BUILDING CODE	1997 UBC
		ZONING	R-8-H
PROJECT ADDRESS	3329 OCEAN DRIVE OXNARD, CA 93025	CONSTRUCTION TYPE	TYPE V-NON RATED
		ASSESSOR PARCEL NUMBER	206-0-233-170
LEGAL DESCRIPTION	TRACT: COUNTY OF VENTURA BLOCK: - LOT: 50 ARB: - MAP REF: -		

### LOT AREA:

LOT SIZE: 75.01' X 35.02' = 2,626.78 SQ.FT.

### REQUIRED SETBACK

FRONT	SIDES	REAR
20'-0"	3'-0"	8'-0"

### BUILDING HEIGHT

25'-0" FLAT ROOF WITH PARAPET NOT TO EXCEED 28'-0" PER VENTURA COUNTY COASTAL ZONING ORDINANCE SEC. 8175-4.8 AND SEC. 8175-3.13.

### BUILDING FOOTPRINT

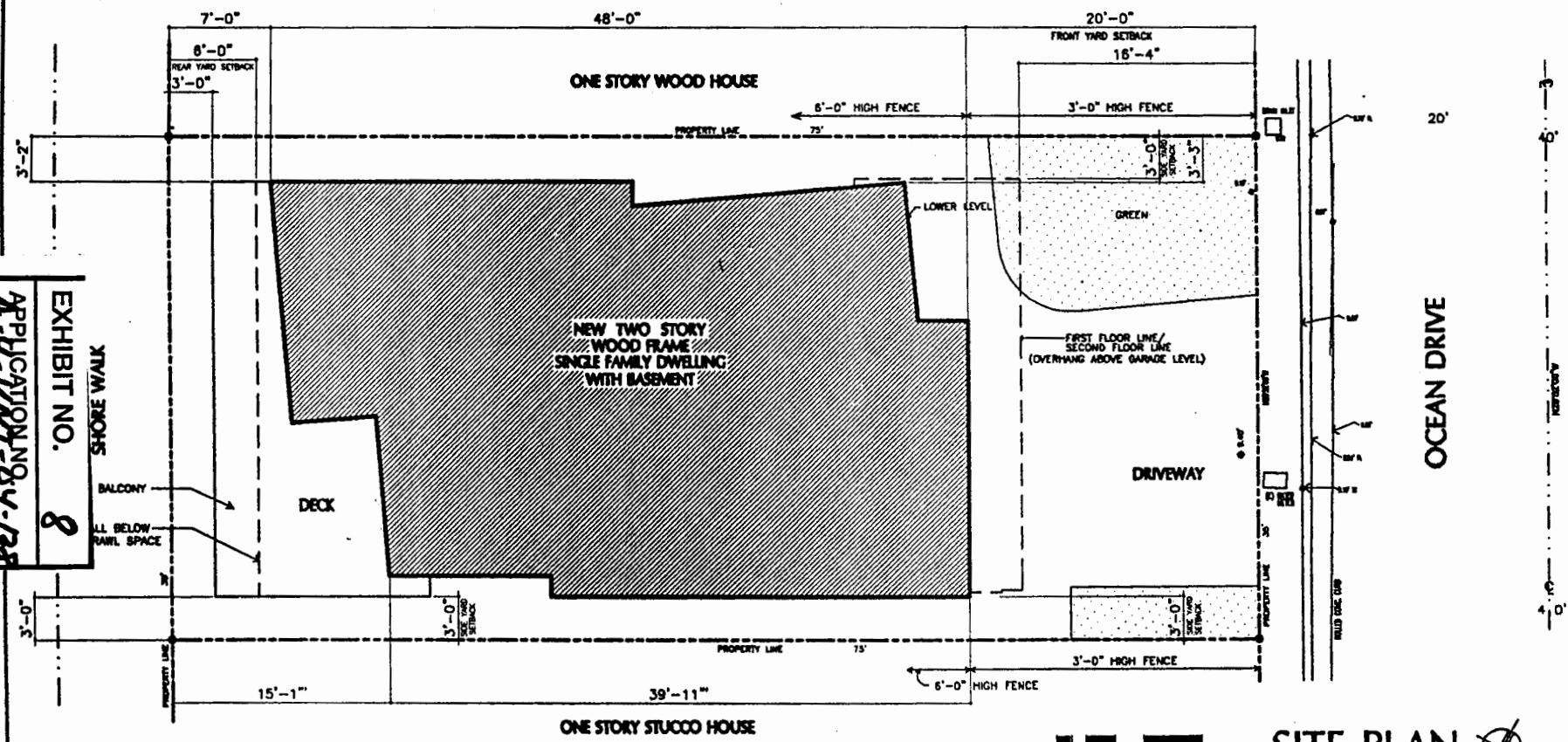
1,330.00 OR 50.84 %

### FLOOR AREA CALCULATION

GARAGE LEVEL	775.72
FIRST FLOOR	1,330.00
SECOND FLOOR	1,450.00
<b>TOTAL:</b>	<b>3,555.00</b>

### REVISIONS

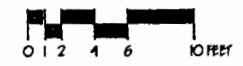
△	06-14-04
△	07-20-05
△	07-26-05



**EXHIBIT NO. 8**  
**APPLICATION NO. 08-4-128**  
**Site Plan**

**SAPERSTEIN RESIDENCE**  
**PROJECT INFO. & SITE PLAN**

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



**SITE PLAN**

**AR-1**

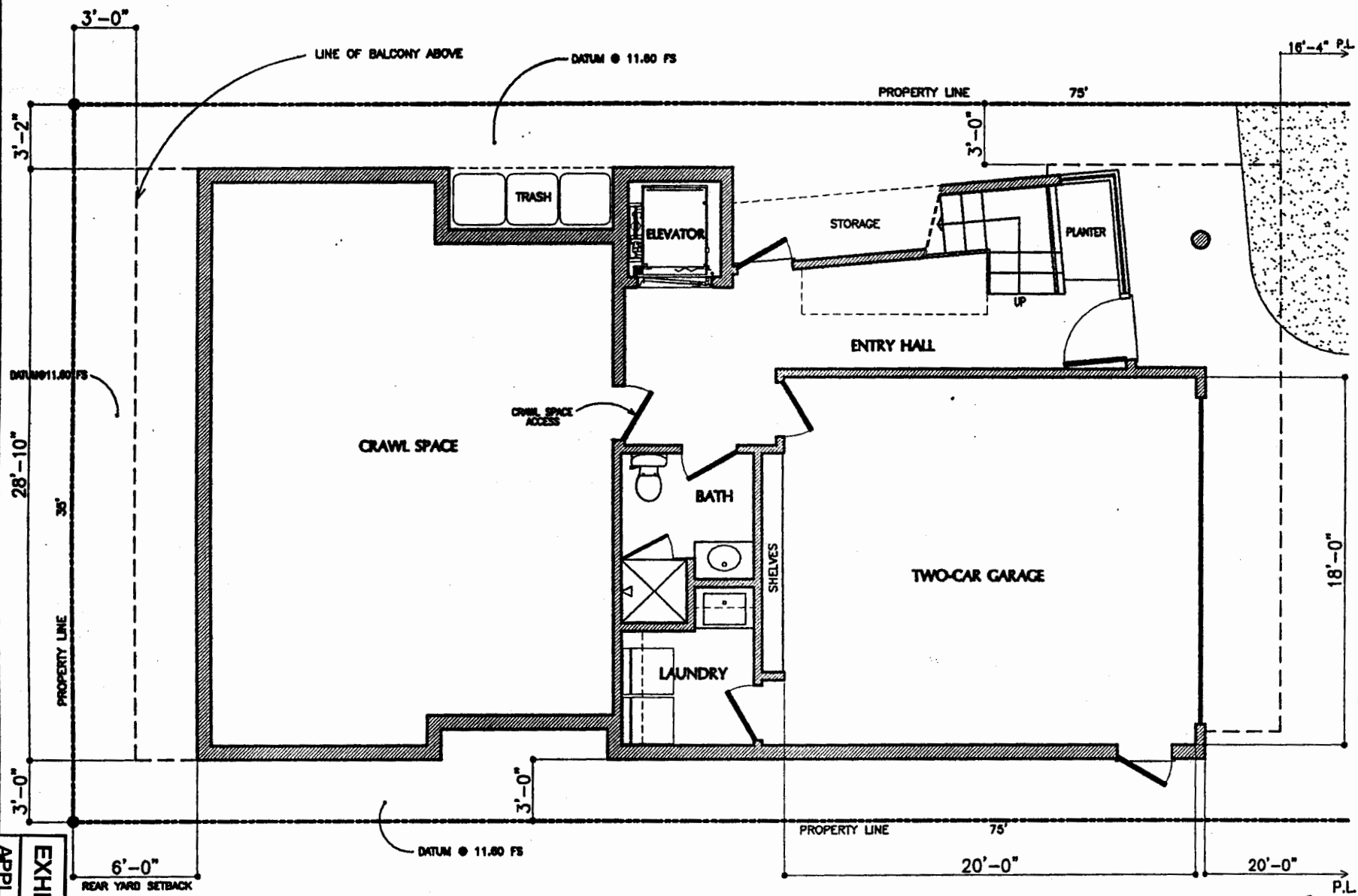
NOTE: 6'-0" HIGH FENCE AT SIDE AND REAR PROPERTY LINES TYPICAL UNLESS NOTED OTHER WISE.

REVISIONS	
△	06-15-04
△	07-20-05
△	07-26-05

SAPERSTEIN RESIDENCE  
**GARAGE LEVEL PLAN**

DATE	11-14-03
SCALE	AS SHOWN
DRWING	S. AZADI
SHT. #	-

AR-2



**GARAGE LEVEL PLAN** ~~⊗~~

**REVISED**  
**7/26/05**

Garage Level  
 APPLICATION NO. 09-128  
 EXHIBIT NO. 9





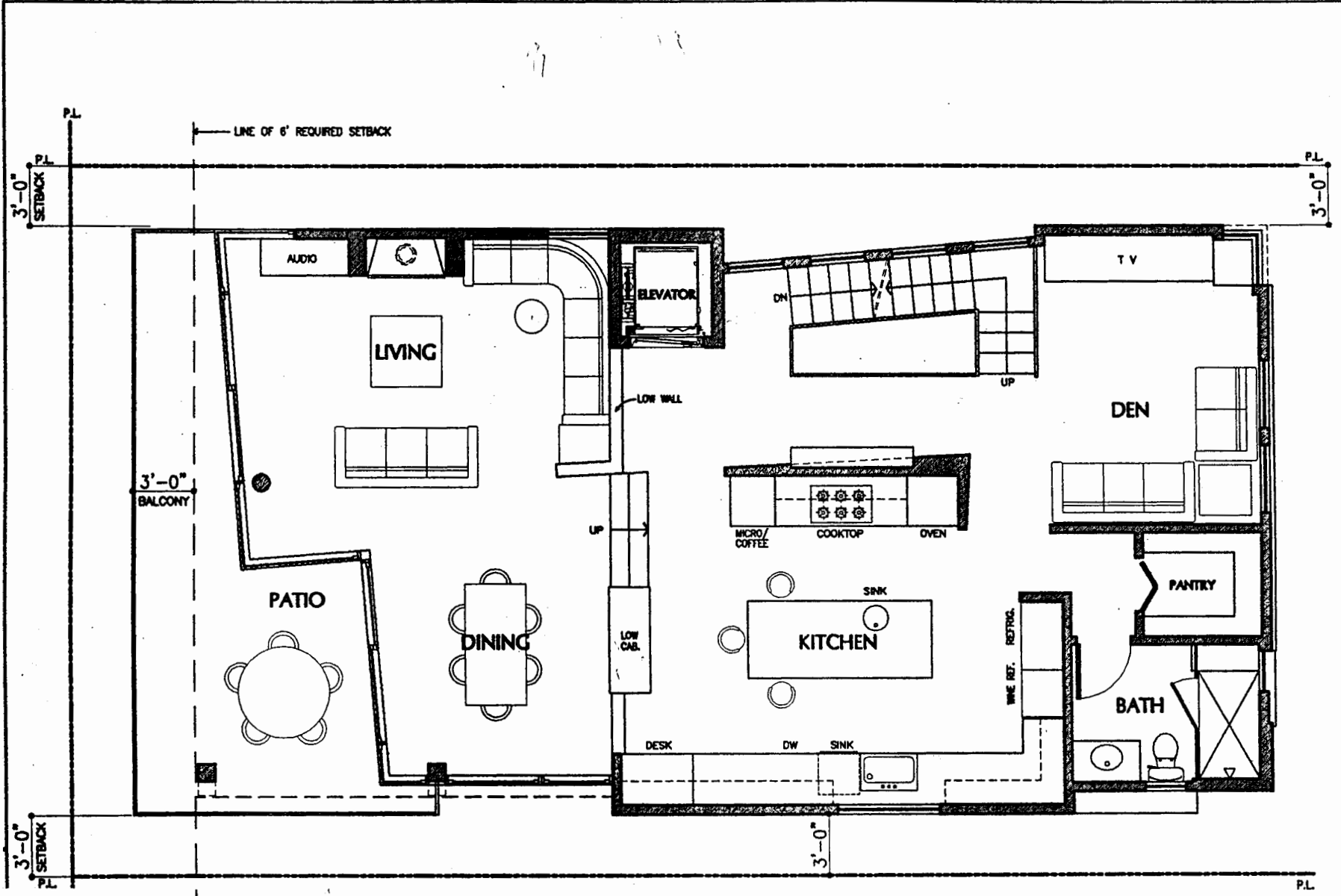
**ARCHITECTS**  
 5971 WEST THIRD STREET  
 LOS ANGELES, CA 90036  
 www.andosuresearch.com  
 curt@andosuresearch.com  
 T 323.931.1851  
 F 323.931.0156

REVISIONS	
△	06-15-04
△	07-20-05
△	07-28-05

**SAPERSTEIN RESIDENCE**  
**FIRST FLOOR PLAN**

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

**AR-3**



**FIRST FLOOR PLAN**



**REVISED**  
**7/26/05**

**EXHIBIT NO. 10**  
**APPLICATION NO. 24-PW-04-128**  
**First Flr Plan**



ARCHITECTS

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cett@endcoursesrch.com  
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REVISIONS

▲	06-18-04
▲	03-08-05
▲	07-28-05

SAPERSTEIN RESIDENCE

SECOND FLOOR PLAN

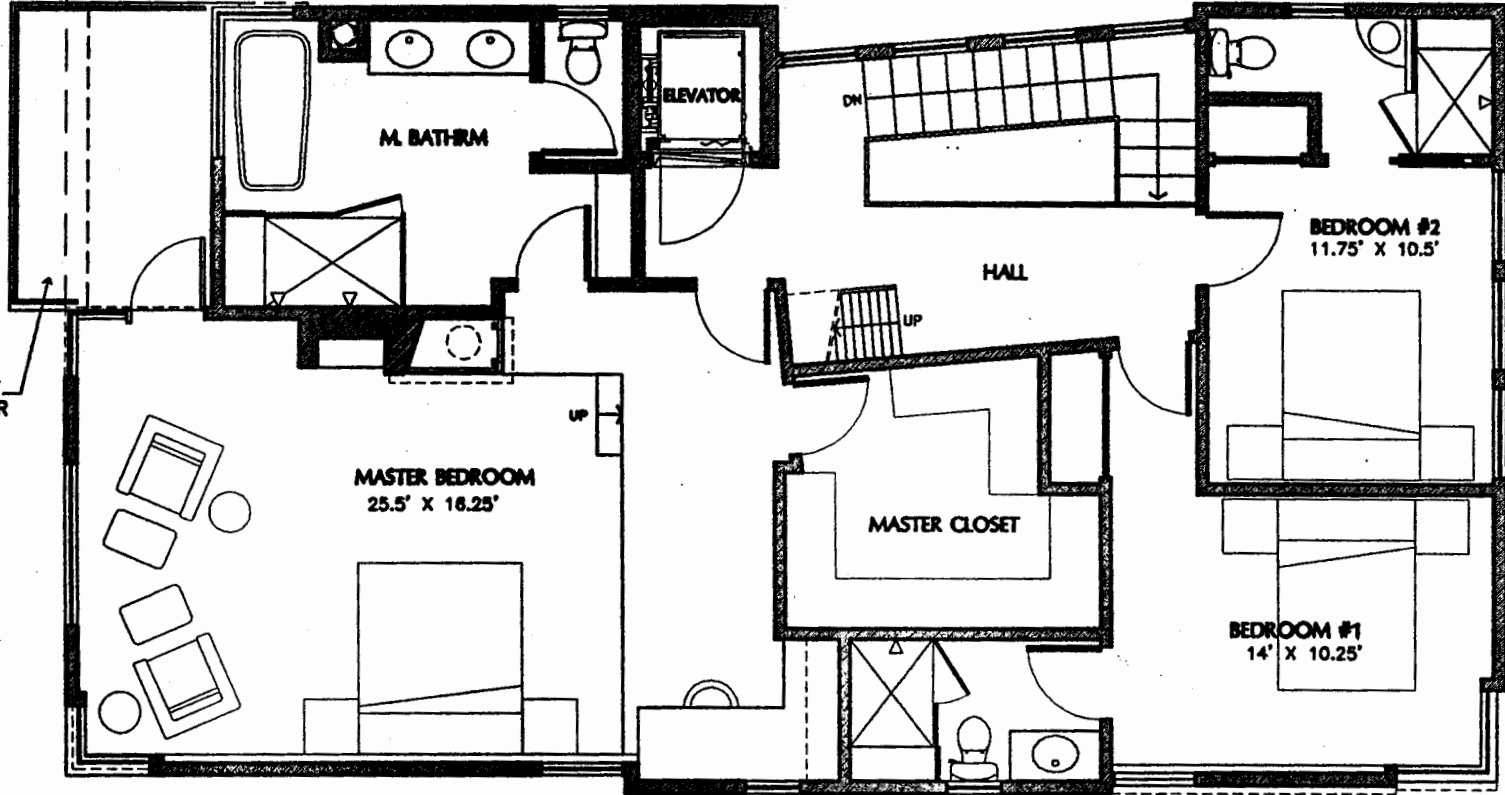
DATE:	11-14-03
SCALE:	AS SHOWN
DRAWN:	S. AZADI
SHT. #:	-

AR-4

2'-0"

LINE OF 6' REQUIRED SETBACK

BALCONY  
2ND FLOOR



SECOND FLOOR PLAN



REVISED  
7/26/05

EXHIBIT NO. 11

APPLICATION NO. 084128

Second Flr Plan



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REVISIONS	
1	01-15-04
2	07-20-05
3	07-26-05

SAPERSTEIN RESIDENCE  
 ROOF PLAN

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

AR-5

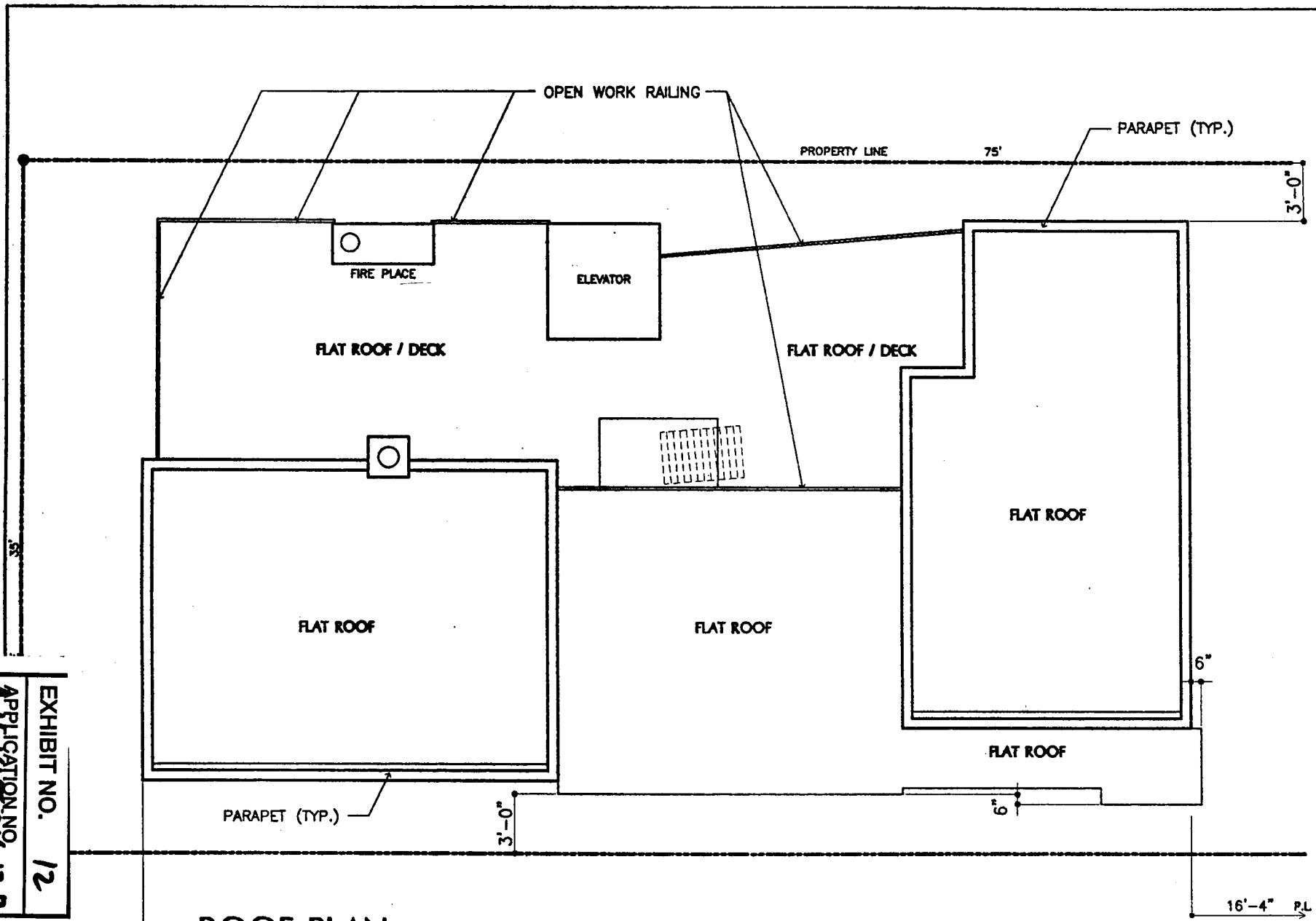
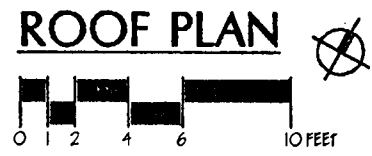


EXHIBIT NO. 12  
 APPLICATION NO. 04-128  
 Roof Plan



**NOTE:**  
 BUILDING HEIGHT 25'-0" FLAT ROOF WITH PARAPET NOT TO EXCEED 28'-0" PER VENTURA COUNTY COASTAL ZONING ORDINANCE SEC. 8175-4.8 AND SEC. 8175-3.13.

**REVISED**  
 7/26/05

12



ARCHITECTS

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cote@azadiarch.com  
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REVISIONS

△	06-15-04
△	07-20-05
△	07-28-05

SAPERSTEIN RESIDENCE  
EAST ELEVATION

DATE: 11-14-05

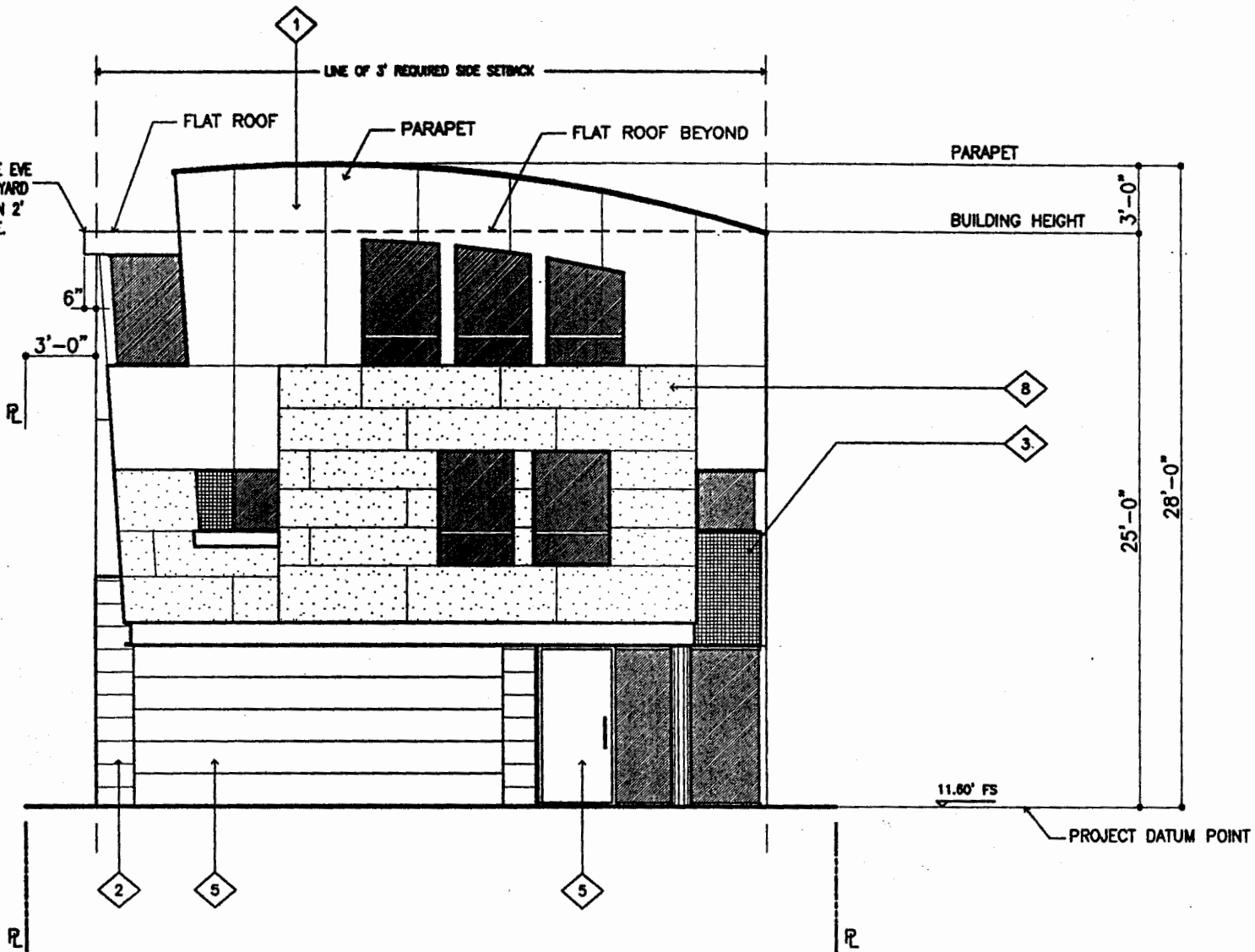
SCALE: AS SHOWN

DRAWN: S. AZADI

SHT. #:

AR-6

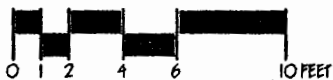
ARCHITECTURAL FEATURE EYE PROJECTION INTO SIDE YARD NOT TO BE CLOSER THAN 2' TO SIDE PROPERTY LINE. SEC. 8175-4.2.



LEGEND:

- 1 CEMENT PANEL
- 2 HORIZONTAL CEMENT PANELS
- 3 MOSAIC
- 4 -
- 5 WOOD FACIA / DOOR
- 6 EXPOSED STRUCTURAL STEEL
- 7 -
- 8 NON-REFLECTIVE BRUSHED METAL PANEL

EAST ELEVATION



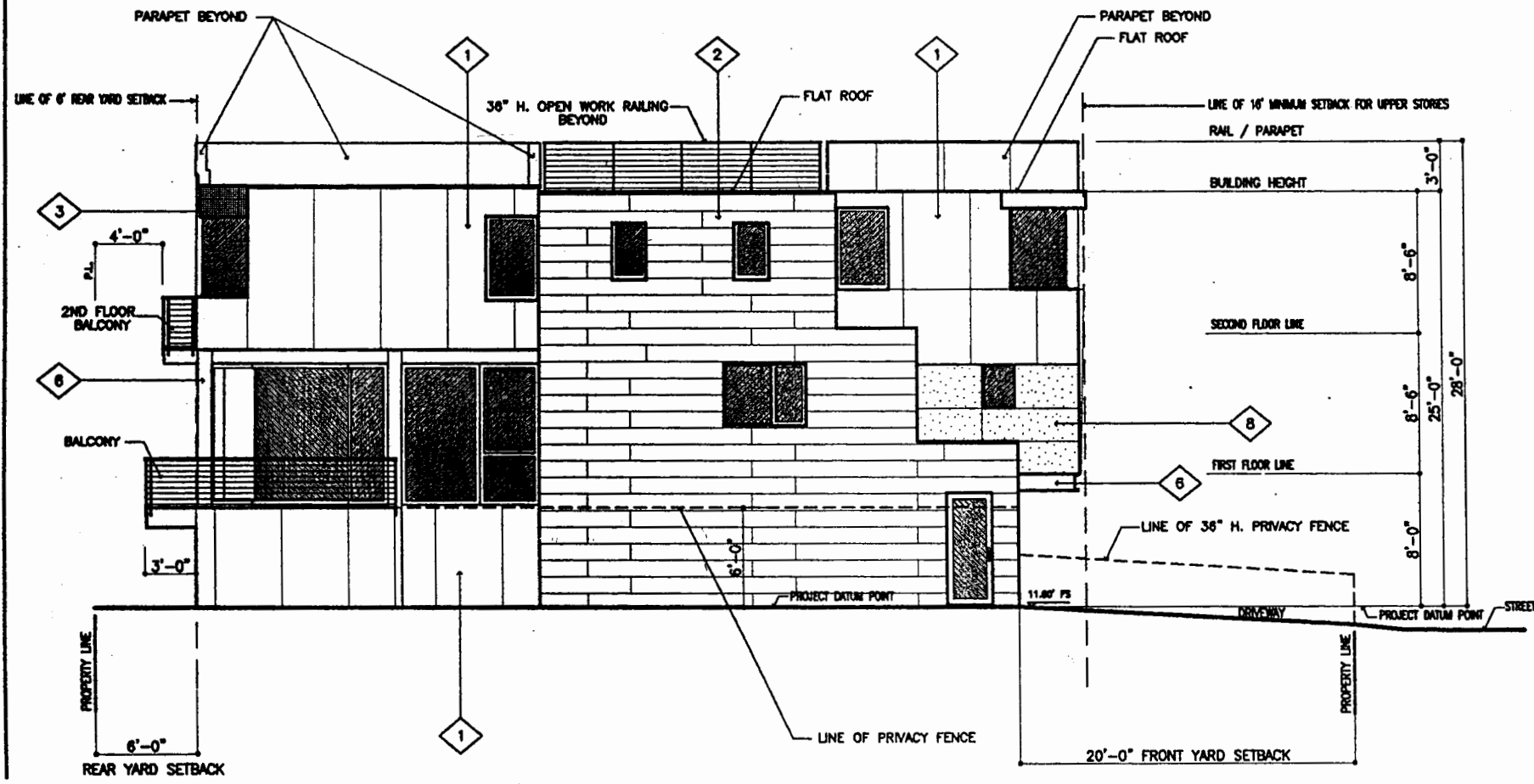
REVISED  
7/26/05

EXHIBIT NO. 13  
APPLICATION NO. 04-128  
East Elevation



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 5971 WEST THIRD STREET  
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 www.enclosurerearch.com  
 cotti@enclosurerearch.com  
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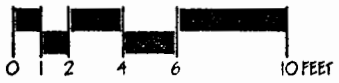
REVISIONS	
△	06-14-04
△	07-20-05
△	07-28-05



**SAPERSTEIN RESIDENCE**  
**SOUTH ELEVATION**

EXHIBIT NO. 14  
 APPLICATION NO. 84-128  
 South Elevation

**SOUTH ELEVATION**



**LEGEND:**

- |   |                          |   |                                    |
|---|--------------------------|---|------------------------------------|
| 1 | CEMENT PANEL             | 6 | EXPOSED STRUCTURAL STEEL           |
| 2 | HORIZONTAL CEMENT PANELS | 7 | -                                  |
| 3 | MOSAIC                   | 8 | NON-REFLECTIVE BRUSHED METAL PANEL |
| 4 | -                        |   |                                    |
| 5 | WOOD FACIA / DOOR        |   |                                    |

**REVISED**  
**7/26/05**

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

**AR-7**



ARCHITECTS

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REVISIONS

△	06-15-04
△	07-20-05
△	07-25-05

SAPERSTEIN RESIDENCE  
WEST ELEVATION

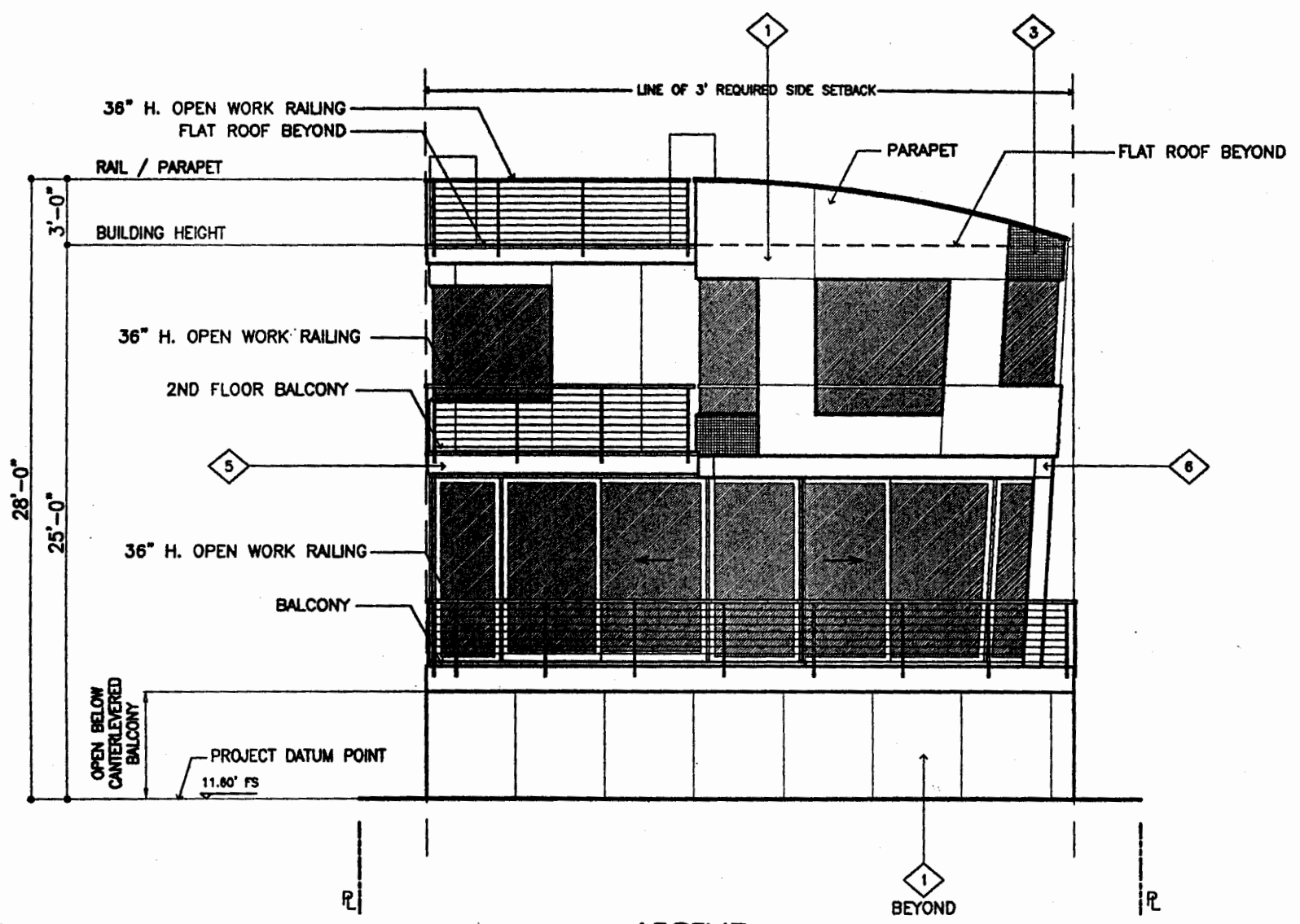
DATE: 11-14-03

SCALE: AS SHOWN

DRAWN: S. AZADI

SHT. #: -

AR-8



LEGEND:

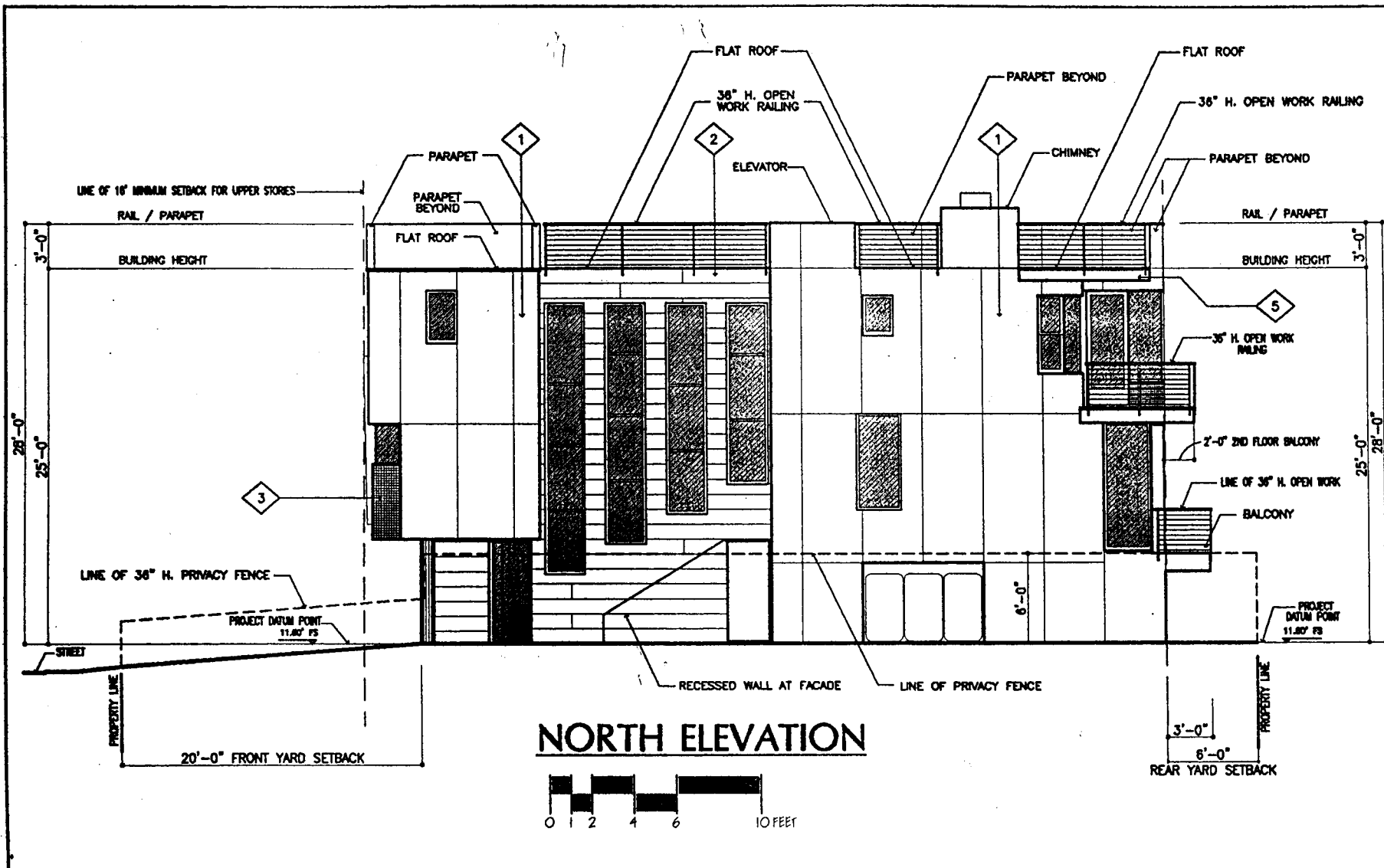
- 1 CEMENT PANEL
- 2 HORIZONTAL CEMENT PANELS
- 3 MOSAIC
- 4 -
- 5 WOOD FACIA / DOOR
- 6 EXPOSED STRUCTURAL STEEL
- 7 -
- 8 NON-REFLECTIVE BRUSHED METAL PANEL

WEST ELEVATION



REVISED  
7/26/05

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



# NORTH ELEVATION



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 cot@enclouresearch.com  
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 F 323.931.0156

REVISIONS	
2	06-14-04
3	07-20-05
4	07-28-05

**SAPERSTEIN RESIDENCE**  
**NORTH ELEVATION**

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

**AR-9**

## 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'

## LEGEND:

- 1 CEMENT PANEL
- 6 EXPOSED STRUCTURAL STEEL
- 2 HORIZONTAL CEMENT PANELS
- 7 -
- 3 MOSAIC
- 8 NON-REFLECTIVE BRUSHED METAL PANEL
- 4 -
- 5 WOOD FACIA / DOOR

**REVISED**  
**7/26/05**

APPLICATION 08-128  
 North Elevation  
 EXHIBIT NO. 16



ARCHITECTS

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REVISIONS

△	07-26-05
△	-
△	-

SAPERSTEIN RESIDENCE

SCHEMATIC SECTION

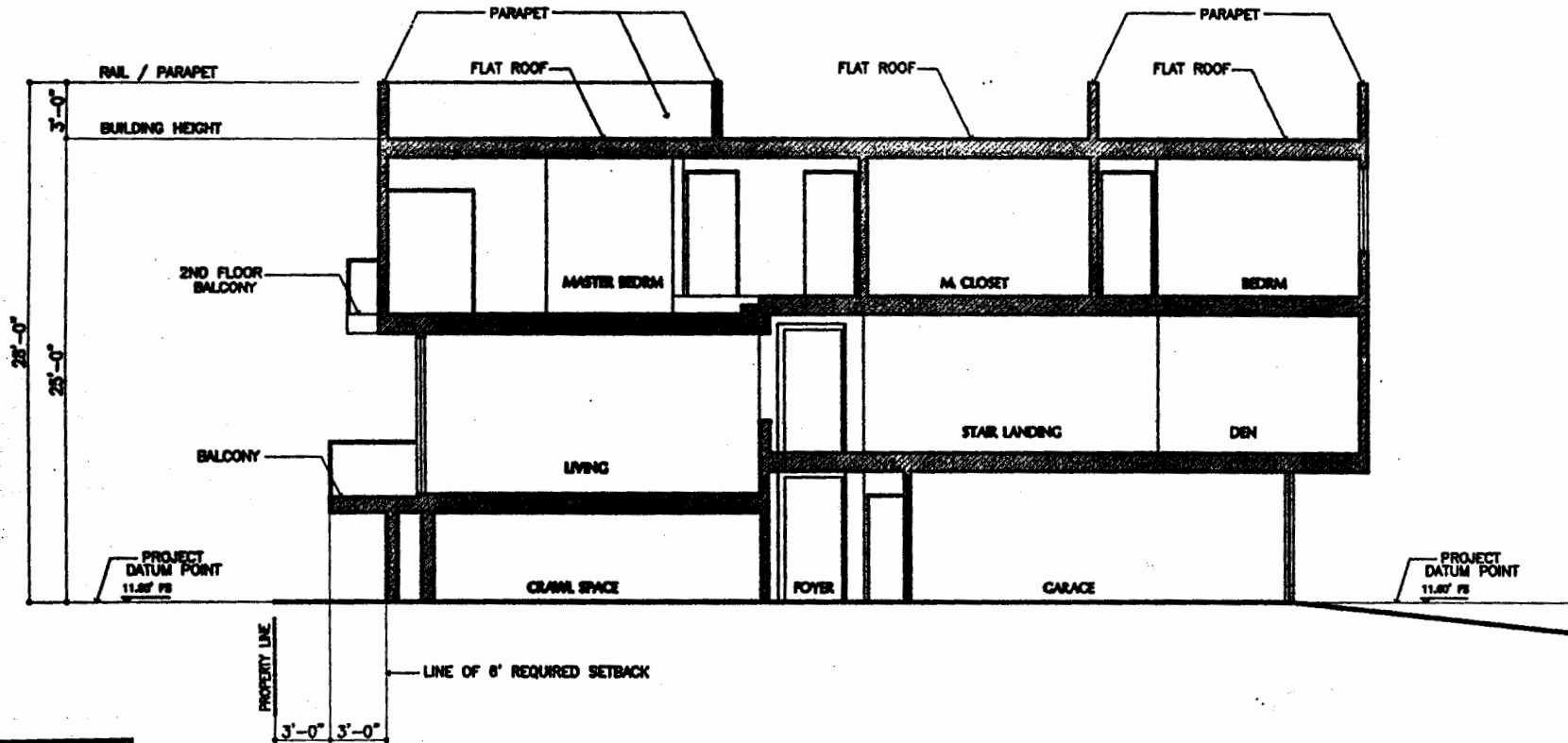
DATE: 07-20-05

SCALE: AS SHOWN

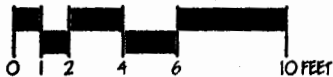
DRAWN: S. AZADI

SHT. #: -

AR-10



SCHEMATIC SECTION



REVISED  
7/26/05

EXHIBIT NO. 17

APPLICATION NO. A-9-079-07-128

Section



EXHIBIT NO.   8
APPLICATION NO. A-4-VNT-04-128
Revised Project
Letter 7/26/05

MICHAEL VIGNIERI & ASSOCIATES  
 12381 Wilshire Boulevard, Suite 201  
 Los Angeles, California 90025  
 tele (310) 442-0076 fax (310) 207-4444

RECEIVED

JUL 26 2005

CALIFORNIA  
 COASTAL COMMISSION  
 SOUTH CENTRAL COAST DISTRICT

July 26, 2005

Page 1 of 2

James Johnson, Coastal Program Analyst  
 CALIFORNIA COASTAL COMMISSION  
 South Central Coast District  
 89 South California Street, Suite 200  
 Ventura, CA 93001

Re: Application No. 4-VNT-04-217; Commission Appeal No. A-4-VNT-04-128.  
 PD 2004, 3329 Ocean Drive, Hollywood-By-The-Sea, APN: 206-0-233-170.

Dear Mr. Johnson,

Pursuant to our meeting (i.e. you, Steve Hudson, Alan Block, Scott Strumwasser and me) of July 20, 2005 we have made additional revisions to the project as a final resolution to the 12/28/04 Substantial Issue Staff Report for all items: (i.) height of structure; (ii.) height of perimeter retaining wall; (iii.) alteration of natural landforms as regards amount of grading; and, (iv.) shoreline protective devices – seawall. Please refer to the attached revised architectural plans (AR numbered sheets displaying a revision date of 7/26/05) herewith submitted and additionally, please note the following:

Height of Structure:

The project height has been redesigned to meet the letter of the LCP with a 25' high flat roof (as allowed under building height in the R-B-H Zone) with parapets (i.e. Roof Structures) allowed up to 3' in height above the 25' roof height but not exceeding 28' above the assigned datum point. Please note as follows:

- Code Section 8175-4.8 states that "In all zones, roof structures may be erected above the height limits prescribed in this Chapter, provided that no additional floor space is thereby created. In the R-B and R-B-H zones, roof structures shall not exceed the height limit to the peak of a roof as stated in Sec. 8175-3.13, except for TV antennas, chimneys.....and except for structures or walls as required by the County for fire protection."
- Code Section 8175-3.13 e. states "Except for A-frame structures, the highest point of a pitched or hip roof shall not exceed 28' in height."
- The Code defines "Roof Structures" (page 16, 11/20/01 edition) as "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, .....and similar structures."

Retaining Walls / Basement Eliminated:

The six foot high retaining walls with three foot high open work railings surrounding the subject design and creating a basement have all been eliminated so that there are no elevated lot level areas or retaining walls w/railings. This has resulted in all side and rear yard finished levels at the assigned datum elevation lot level line.

A six foot high privacy fence has been added at the property lines in accordance with the LCP allowances and regulations (Code Section 8175-3.11). The originally designed three foot high privacy walls / fence remain as allowed in the front yard set back areas.

No Grading or Land Form Alteration.

Since all retaining walls and elevated lot levels have been eliminated, there is no land form alteration or associated grading. All earth work is remedial (as identified and established by the stamped civil engineered plans previously submitted in the July 20 letter packet).

Seawall

The engineering wave uprush study (dated May 2, 2005, Reg K. Browne PE) confirmed that there is no issue regarding the previous rear retaining wall, but since such wall and elevated rear lot level has been eliminated, this is now a moot issue.

Rear Balcony

An open unenclosed balcony has been added at the rear yard on the first level above the datum point (i.e. kitchen and dining room level). The balcony extends three feet into the six foot rear setback line in accordance with the LCP. Please note the following:

Code Section 8175-4.3 "Open, unenclosed stairways or balconies not covered by roofs or canopies may extend into required rear setbacks not more than four feet (three feet in the R-B-H zone) and into required front setbacks not more than two and one-half feet (four feet in the R-B-H Zone)."

The revisions herewith now eliminate all issues determined to be substantial in your 12/28/04 staff report and establish and confirm beyond any doubt the project's compliance with all aspects of Chapter 3 Coastal Policies including Section 3063 of the Coastal Act and with all aspects of the County of Ventura's Coastal Zoning Ordinance (Code) and the Coastal Area Plan as certified under the Local Coastal Program.

The owners have willingly authorized the revisions so that there will be no question of meeting staff's interpretations of the Code and so that the seven month delay that they have endured since the appeal (due to staff shortages and work load) can come to an end with no further complications.

In consideration of the substantial revisions made to the project resulting in no further ambiguities or interpretations of the LCP (thereby further meeting the letter of the Code), we kindly request that the staff report be prepared to ensure our placement on the August Coastal Commission Hearing agenda. In the event that you require further information or if you believe that there are issues that have not been addressed, please contact me immediately so that we may have the opportunity to quickly address any such issues.

Very truly yours,

  
Michael D. Vignieri  
Representative for Drs. Joan & Harry Saperstein

MDV/ms

Encl

Cc Joan & Harry Saperstein, Scott Strumwasser  
Jack Ainsworth, South Central Coast Deputy Director  
Steve Hudson, Regulatory Supervisor  
Alan Block