

CALIFORNIA COASTAL COMMISSION

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



Th 28a

DATE: September 25, 2008

TO: Commissioners and Interested Parties

FROM: Peter Douglas, Executive Director
John Ainsworth, District Director

SUBJECT: County of Ventura LCP Amendment MAJ-1-07 (Crowne Point Estates): Executive Director's determination that the County's acknowledgement of receipt, acceptance, and agreement with the Commission's certification with suggested modifications is legally adequate. This determination will be reported to the Commission at the Thursday October 16, 2008 hearing in Ventura.

On April 9, 2008, the Commission approved Local Coastal Program Amendment No. MAJ-1-07 submitted by the County of Ventura with suggested modifications. This amendment modifies the Land Use Plan (LUP) and Coastal Zoning Ordinance (CZO) portions of the certified Local Coastal Program (LCP) for two components. The first component of the amendment is a change to the land use designation and zoning designation on a single lot to accommodate a specific proposed residential project. The second component of the amendment is a change to the LUP only to change the land use designation of nine other contiguous lots adjacent to the lot at issue in the first component to correct an existing inconsistency with the certified zoning designations for these same nine lots pursuant to the certified Coastal Zoning Ordinance. The lots that are subject to this amendment are located between Pacific Coast Highway and Ellice Street in Ventura County's South Coast Sub-area.

On September 16 and 23, 2008 the County Board of Supervisors adopted Resolution No. 222 (GPA06-1-A) and Ordinance No. 4391 (attached) acknowledging receipt of the Commission's certification of LCP Amendment No. MAJ-1-07 and accepting and agreeing to all modifications suggested by the Commission.

Pursuant to Section 13544 of the California Code of Regulations, Title 14, Division 5.5, the Executive Director must determine that the action taken by the County of Ventura acknowledging receipt and acceptance of, and agreement with the Commission's certification of the above referenced LCP amendment with suggested modifications is legally adequate and report that determination to the Commission. The certification shall become effective unless a majority of the Commissioners present object to the Executive Director's determination.

I have reviewed the County's acknowledgement and acceptance of, and agreement with the terms and suggested modifications of LCP Amendment MAJ-1-07, as certified by the Commission on April 9, 2008, as contained in the Resolution and Ordinance adopted on September 16 and 23, 2008, and find that the County's action and notification procedures for appealable development are legally adequate to satisfy the terms and requirements of the Commission's certification. I therefore recommend that the Commission concur in this determination.

**A RESOLUTION OF THE VENTURA COUNTY BOARD OF SUPERVISORS
REGARDING LCP AMENDMENT NO. 1-07 ACKNOWLEDGING, ACCEPTING, AND
AGREEING TO THE CALIFORNIA COASTAL COMMISSION SUGGESTED
MODIFICATIONS TO THE COUNTY OF VENTURA'S LOCAL COASTAL
PROGRAM AS APPROVED BY THE CALIFORNIA COASTAL
COMMISSION AT ITS APRIL 9, 2008 MEETING**

WHEREAS, on October 10, 2006, the Board of Supervisors adopted General Plan Amendment GPA 06-01 and Zone Change ZN04-0002 (Local Coastal Plan ["LCP"] Amendment 07-1) and approved other entitlements in connection with the Crown Pointe Estates at Malibu project, all of which were contingent on certification of LCP Amendment 07-1 by the California Coastal Commission

WHEREAS, by Resolution dated October 10, 2006, the Board of Supervisors of the County of Ventura submitted LCP Amendment 07-1 for consideration and certification to the California Coastal Commission; and

WHEREAS, on April 9, 2008, the Coastal Commission conditionally certified LCP 07-1 subject to the County acknowledging, agreeing and accepting the Coastal Commission's "Suggested Modifications" set forth in its letter dated April 22, 2008 (Ex. 1 to the September 16, 2008, Board letter).

WHEREAS, the Suggested Modifications required by the Coastal Commission include the County adopting amendments to the Coastal Area Plan as set forth below (GPA 06-01-A); and

WHEREAS, General Plan Amendment GPA 06-01, Zone Change ZN04-0002 (LCP Amendment 07-1), and GPA 06-01-A cannot become effective unless and until the Coastal Commission certifies the County has taken action consistent with the Suggested Modifications.

NOW, THEREFORE, BE IT RESOLVED, ORDERED, AND DETERMINED THAT:

1. The County of Ventura Board of Supervisors acknowledges receipt of the Coastal Commission's Resolutions of Certification with Suggested Modifications and accepts and agrees to those Modifications through amendment of the Coastal Area Plan and Coastal Zoning Ordinance, together constituting the County of Ventura's Local Coastal Program, and further agrees to be the issuing authority for Coastal Development Permits for the total area included in the Certified Local Coastal Program; and

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Board of Supervisors
Resolution 222 (GPA06-1-A)
September 16, 2008
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2. The County of Ventura Board of Supervisors will submit this acknowledgement to the California Coastal Commission together with documentation of the action taken by the County to demonstrate satisfaction of the specific requirement of the Commission's Certification Order, pursuant to Section 13544(b) of the Commission's Administrative Regulations; and
3. The Chair of the Ventura County Board of Supervisors is hereby authorized and directed to sign and certify all documents and other materials in accordance with this Resolution to reflect the above mentioned action by the Board of Supervisors.

Upon motion of Supervisor PARKS, seconded by Supervisor LOW, duly carried, the foregoing Resolution was passed and adopted on this 16th day of September 2008.

Signature On File

Chair, Board of Supervisors

ATTEST: MARTY ROBINSON,
Clerk of the Board of Supervisors,
County of Ventura, State of California

Signature On File

Deputy County Clerk



**A RESOLUTION OF THE VENTURA COUNTY BOARD
OF SUPERVISORS ADOPTING GENERAL PLAN AMENDMENT
GPA 06-1-A PURSUANT TO THE "SUGGESTED MODIFICATIONS"
TO GENERAL PLAN AMENDMENT GPA 06-1 (GP04-0004) AND
LCP AMENDMENT 07-1 APPROVED BY THE CALIFORNIA
COASTAL COMMISSION ON APRIL 9, 2008**

WHEREAS, on October 10, 2006, the Board of Supervisors adopted General Plan Amendment GPA 06-01 and Zone Change ZN04-0002 (Local Coastal Plan ["LCP"] Amendment 07-1) and approved other entitlements in connection with the Crown Pointe Estates at Malibu project, all of which were contingent on certification of LCP Amendment 07-1 by the California Coastal Commission; and

WHEREAS, on April 9, 2008, the Coastal Commission conditionally certified LCP 07-1 subject to the County accepting, agreeing and adopting the Coastal Commission's "Suggested Modifications" set forth in its letter dated April 22, 2008 (Ex. 1 to the September 16, 2008, Board letter); and

WHEREAS, the Suggested Modifications required by the Coastal Commission include the County adopting amendments to the Coastal Area Plan as set forth below (GPA 06-01-A); and

WHEREAS, General Plan Amendment GPA 06-01, Zone Change ZN04-0002 (LCP Amendment 07-1), and GPA 06-01-A cannot become effective unless and until the Coastal Commission certifies the County has taken action consistent with the Suggested Modifications.

NOW, THEREFORE, BE IT RESOLVED, ORDERED, AND DETERMINED THAT this Board:

1. ADOPTS the proposed General Plan Amendment findings contained within the body of the Board Letter dated September 16, 2008, and ADOPTS a resolution APPROVING General Plan Amendment No. GPA-06-1-A, as set forth in Attachment A hereto pursuant to the "Suggested Modifications" required by the California Coastal Commission, subject to paragraph 2,
2. GPA-06-1-A shall not be become effective unless and until LCP Amendment No. 1-07 is certified by the California Coastal Commission

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Upon motion of Supervisor Parks, seconded by Supervisor LONG, duly carried, the foregoing Resolution was passed and adopted on this 16th day of September, 2008.

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Chair, Board of Supervisors

ATTEST: MARTY ROBINSON,
Clerk of the Board of Supervisors,
County of Ventura, State of California

Signature On File

Deputy County Clerk



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ATTACHMENT A

GPA 06-01-A
SEPTEMBER 16, 2008

AMENDMENTS TO THE COASTAL AREA PLAN

Coastal Area Plan:

1. Modify Text under section titled: INTRODUCTION, LAND USE PLAN DESIGNATIONS, Commercial (Page 10), as follows:

Commercial: Mainly used for neighborhood commercial uses, but because of certain locations close to beach or other recreational areas this land use designation may also serve visitor needs. Generally property under this designation contains small lots suitable only for small neighborhood-serving uses. Principal permitted uses are grocery stores, delicatessens, meat markets, bakeries, drug stores, fruit and vegetable stores, hardware stores, restaurants and cafes, shoe repair shops, and other uses normally considered as neighborhood serving. Also, dwelling units above the stores occupied only by the proprietor are permitted if the entire ground floor is retail business.

2. Add text to section titled: SUMMARY OF COASTAL ACT POLICIES, SHORELINE ACCESS (Page 13), as follows:

§ 30214 "Implementation of public access policies; legislative intent.

(a) The public access policies within this "Shoreline Access" section of the LCP in the Summary of Coastal Act Policies, shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

- (1) Topographic and geologic site characteristics.
- (2) The capacity of the site to sustain use and at what level of intensity.
- (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.
- (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

b) These public access policies shall be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.

(c) In carrying out the public access policies within this "Shoreline Access" section of the LCP, the County shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs."

3. Add text to section titled : SUMMARY OF COASTAL ACT POLICIES, RECREATION (Page 14), as follows:

§ 30213 "Lower cost visitor and recreational facilities; encouragement and provision; overnight room rentals

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred."

4. Add new Policy 10 to Page 111 and renumber existing policies 10 – 13 as follows:

10. The re-designation of Lot 10 Tract 4483 by the County in 2006, a portion of which was initially designated as commercial, to residential, a lower priority under the Coastal Act, to facilitate a specific project proposal, shall be offset by a requirement that the project proponent pay a fee in support of low cost, visitor-serving overnight accommodations in conjunction with the land use and zoning ordinance re-designation and the development of the subject property.

(Note: Policy 10, of this section, was certified as a result of LCP Amendment 1-2007, pursuant to a suggested modification by the California Coastal Commission.)

11. South Coast Area Transit, in conjunction with the National Park Service, should fully explore through long-range planning the possibilities of extending service to the area, including (but not limited to) Federal funds for extended service, particularly from lower income areas, park-and-ride from central points in Ventura County

using smaller, more cost-effective buses, service agreements with the Los Angeles County Rapid Transit District, and charter buses.

12. The National Park Service and State Parks should work together to determine the extent of impacts from additional visitation generated by new national parks in the County, particularly impacts on existing park facilities.
13. The County supports the work of the Santa Monica Mountains Recreational Transit Program to provide public transportation to the Santa Monica Mountains National Recreation Area.
14. The acquisition of the beach area around Deer Creek is encouraged by either the California Department of Parks and Recreation or the National Park Service.

ORDINANCE NO. 4391

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AMENDMENT TO VENTURA COUNTY COASTAL
ZONING ORDINANCE RELATING TO ADDED
TEXT DESCRIBING MITIGATION OFFSET
FOR A GENERAL PLAN AMENDMENT/ZONE CHANGE
IN THE SOUTH COAST AREA OF VENTURA COUNTY

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

The Board of Supervisors of the County of Ventura do ordain as follows:

Text is hereby added to Division 8, Chapter 1.1 of the Ventura County Ordinance Code (Coastal Zoning Ordinance) as follows:

Sec. 8184-6 – Partial Amendment History

LCP Amendment No. 1-2007 to the LCP changed a portion of land, not to exceed 2.9 acres in size, designated Coastal Commercial in the South Coast Area to a residential designation. To offset the change to a lower priority land use designation, the Coastal Area Plan (LUP) requires a payment of a fee by the project proponent. The mitigation fee shall be used for the provision of lower cost overnight visitor serving accommodations providing new lower cost overnight accommodations within the Coastal Zone of Ventura County, the Santa Monica Mountains (Ventura & Los Angeles Counties), or the City of Malibu. The mitigation fee shall be in the amount of \$557,084 (Five Hundred Fifty Seven Thousand Eighty Four United States Dollars) to offset the loss of the priority land use in the South Coast Area.

This Zoning Ordinance Text Amendment is effective thirty (30) days after adoption or upon Certification of the Local Coastal Program Amendment (LCP Amendment 07-1) by the California Coastal Commission, whichever is later

PASSED AND ADOPTED this 23rd day of September, 2008 by the following vote:

Ayes: Supervisors

BENNETT, PARKS, LONG, FOY AND FLYNN

Noes: Supervisors

NONE

Absent:

NAME
Signature On File

Peter F. Foy, Chair,
Board of Supervisors

ATTEST: MARTY ROBINSON,
Clerk of the Board of Supervisors,
County of Ventura, State of California
Signature On File



Deputy Clerk of the Board