

**CALIFORNIA COASTAL COMMISSION**

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



# ADDENDA ITEMS

## W 11F & 12A

April 8, 2008

TO: Commissioners and Interested Parties

FROM: SOUTH CENTRAL COAST DISTRICT OFFICE

RE: **Ventura County Local Coastal Program Amendment No. MAJ-1-07  
(Crown Pointe Estates) Item W 11f and  
Appeal No. A-4-VNT-07-009, Crown Point Estates Item W 12a**

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Eight letters addressing these items are attached. A letter received April 2, 2008 from Mark Sellers, Jackson, DeMarco, Tidus, Peterson, Peckenpaugh representing the appellant, Mrs. Eloise Hall, opposes both the Crown Point Estates project and the Ventura County LCPA. Ms. Hall, states that: 1) Ellice Street serves as a secondary fire ingress and egress route; 2) Ellice Street provided a safer route for left hand turns; 3) all public streets belong to the people of California; the gating of Ellice Street eliminates a safer parking area and access route to County Line Beach; 4) Replacing the zoning is an inappropriate increase in density; 5) 13 or more large estate houses will block views of the ocean; 6) the higher density zoning will allow for 26 new dwelling units on Tract 4483 and Tract 5457; 7) the Yerba Buena Water Company is the sole provider of water and is owned by the developer creating a conflict of interest; 7) the amendment eliminates remaining vacant visitor serving commercial opportunities; 8) residential development next to Neptune's Net restaurant without an adequate buffer mixes inconsistent and incompatible land uses; 9) no EIR or traffic studies have been prepared for Tract 4483, Tract 5457, or Ellice Street closure.

A letter received April 3, 2008 from Kim Rodriguez, Planning Director, Ventura County expresses supports for the staff recommendations in both the LCPA and Appeal reports noted above. A letter received April 4, 2008 from Susan McCabe, Crown Point Estate, expressing support for the proposed project and LCPA with an attached letter dated June 11, 2007 from Kim Rodriguez, Ventura County and an aerial photo dated 8-28-98. A letter received April 7, 2008 from Carole Lieberman is opposed to the project and the gating and night closure of Ellice Street, the ocean view from nearby public streets, and

pedestrian use of Ellice Street. A letter received April 7, 2008 from Richard Morris, Crown Point Estates, LLC, supports the project and addresses the issues raised by the appellant, Mrs. Eloise Hall. A letter received April 7, 2008 from Michelle Lee, Neptune's Net, supports the residential subdivision. A letter received April 1, 2008 from Debbie Vrungos in opposition to the proposed project. A letter received April 8, 2008 from Richard Morris, Crown Point Estates, LLC addresses the issues raised by Dr. Carole Lieberman. Lastly, a Disclosure of Ex Parte Communication is attached from Chair Patrick Kruer.

This Addendum revises these two Staff Reports to clarify minor errors as noted below and also addresses the letter received April 2, 2008 from Mark Sellers, Jackson, DeMarco, Tidus, Peterson, Peckenpaugh representing the appellant, Mrs. Eloise Hall, who opposes both the Crown Point Estates project and the Ventura County LCPA and the letter receive from Carole Lieberman who opposes the project.

This Addendum revises the Staff Report, by adding new language and ~~deletes existing language~~ as follows. Information regarding the revisions is identified with *Italics*.

## **Ventura County Local Coastal Program Amendment No. MAJ-1-07 (Crown Pointe Estates)**

*This change is a minor clarification.*

### ***Page 2, last paragraph***

The 6.38 acre lot is located in a relatively isolated and rural area of the coast. The surrounding area is developed with some residential development. The site itself is vacant with the exception of the existing "Neptune's Net" restaurant and its parking lot. The existing restaurant and parking facilities will be located in the 1.36 acre portion of the site that will remained zoned for "commercial" use and will not be adversely impacted by this amendment. However, the proposed amendment will result in the conversion of ~~3~~ 2.9 acres of vacant land currently designated for "commercial" use to "residential" use.

*This change is a minor clarification.*

### ***Page 10 and 11, Suggested Modification No. 4***

*Replace Suggested Modification No. 4 with the following language:*

- 4. Add Coastal Act Section 30214, to Ventura County Land Use Plan, Summary of Coastal Act policies, Shoreline Access (page 13,) as follows:**

**Section 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.**

*These changes address the appellant, Eloise Hall, issues.*

***Page 19, Add New Paragraphs above “Conclusion”:***

**The appellant, Eloise Hall, in a letter received April 2, 2008 raises the issue that the proposed amendment eliminates the remaining vacant and available “Commercial” zoning or visitor-serving commercial opportunities at this remote site and that residential development next to Neptune’s Net restaurant without an adequate buffer mixes inconsistent and incompatible land uses, creating pressure to close the restaurant.**

**Although the Coastal Act policies cited above express a general preference for commercial development over residential, they do not require that every site that has any possibility of being commercially developed must be so zoned. A**

reasonable balance of commercial and residential development is necessary. In this case, the 2007 Land Use Feasibility Study indicated that the subject site was not well suited for commercial development. Even so, as noted above in this section regarding Visitor Serving Facilities, in order to ensure that the proposed amendment will not result in the loss of visitor serving and recreational opportunities in the Coastal Zone, the Commission is requiring Suggested Modification No. 2, which would require the County to add a new Land Use Plan policy that requires a mitigation fee to mitigate for the loss of the Commercial designated land on Lot 10 of the subject site to provide for the construction of 11 cabins at Leo Carrillo State Beach Park. Therefore, adequate mitigation is provided to allow the conversion of priority Commercially designated land available for visitor serving uses to a lower priority residential land use designation.

In addition, the appellant, Eloise Hall, in a letter dated August 20, 2007 asserts that residential development is an incompatible use adjacent to the existing restaurant. As previously noted, the subject lot is already partially zoned for residential development and partially zoned for commercial development as a “split” zoned lot. Thus, this amendment would not create a new residential area adjoining a commercial area, as the existing boundary between the two types of land use is simply being moved from following a portion of a former dirt road to follow the area near the top of the existing bluff. Further, although the amount of residentially zoned land would increase, the Commission finds that the portion of the site designated for residential development in this location is not an incompatible land use adjacent to the existing restaurant. Further, the proposed residential building pads will be located between 120 feet to 400 feet from this existing restaurant structure and will provide for an adequate setback. The proposed building pads are also between about 32 to 52 feet in elevation above the pad of the existing restaurant. Therefore, the Commission finds that the proposed four residential building pads are located with an adequate horizontal and vertical buffer to ensure compatible land uses between residential and commercial development. Further, the operator of Neptune’s Net Restaurant has submitted a letter in support of Tentative Tract No. 5457 indicating that the operator believes the new residential development will be compatible with the continued operation of their restaurant.

*These changes address the appellant, Eloise Hall, issues.*

***Page 21 Replace 1<sup>st</sup> paragraph with new language as follows:***

**c. New Development**

**1. Land Use Plan Amendment**

The second component of the proposed amendment is a change to the Land Use Plan and Coastal Area Plan Map for 9 lots located to the southeast of Lot 10

between Pacific Coast Highway and Ellice Street from “Residential Rural” (1 Dwelling Unit/2 Acres) to “Residential Low” (1-2 DU/Acre). This change will eliminate an existing inconsistency with the certified Zoning ordinance, which designates the nine lots as “Coastal Rural” (1 acre minimum) (Exhibit 6). The redesignation of the land use for these 9 parcels to one to two residential units per acre is consistent with the current one-acre size of these 9 lots and existing one acre minimum zoning designation. Therefore this proposed land use designation change would not adversely impact coastal access along the coast and coastal resources. In addition, this amendment will also be consistent with an existing recorded subdivision for the site that was previously approved by the County pursuant to Tract 4483 in 1996 (Exhibits 3 and 5).

The appellant, Eloise Hall, in a letter received April 2, 2008, raises the issue of zoning density such that replacing the Residential Rural – 1 DU/2 Acre zoning with the higher density Residential Low – 1 to 2 DU/1 Acre zoning, considered an urban land use or zone, is an inappropriate increase in density to one of the last remaining more remote and undeveloped coastal bluffs in southern California. The appellant does not cite any specific Coastal Act Section to support this allegation.

First, the proposed LCP Amendment to the Land Use Plan addressing this issue is not a “zoning change” but rather a land use plan change. The existing zoning is currently “Coastal Rural – 1 acre minimum lot size”. The proposed Land Use Plan change is from “Residential Rural” to “Residential Low” to meet State Government Code Section 65860 which requires zoning to be consistent with General Plans and in effect Coastal Land Use Plans. Second, the appellant raises the issue that the potential Residential Low zoning with 2 dwelling units per acre would allow the potential for 26 new dwelling units on Tract 4483 and Tentative Tract 5357. Again, the proposed change is not a zoning change but rather a Land Use Plan change. A maximum of 13 residential lots within Tracts 4483 and 5457 are allowed by the existing one acre minimum zoning as a result of subdividing approximately 13 acres of land. The zoning designation for lots located within these two tracts remains Coastal Residential One Family Residential Zone with a 1 acre minimum. Third, the clustering and concentration of residential development is favored by Coastal Act Section 30250 which requires that new development be located contiguous with or in close proximity to existing developed areas able to accommodate it. Increased density of development in such areas can reduce urban or suburban sprawl in other areas while maximizing the protection of open space and environmentally sensitive undeveloped areas, and thus, protecting coastal resources. Therefore the proposed zoning designation is not proposed to be changed and the current zoning requires a 1 acre minimum lot size.

Thus, this second component of the LCP Amendment, as proposed, is consistent with the Chapter Three policies of the Coastal Act.

## **2. Water Availability**

The appellant, Eloise Hall, in a letter received April 2, 2008, raises the issue that the Yerba Buena Water Company, the sole provider of potable water to the County Line area, was sold by Skylark to the developer of Crown Point Estates on March 17, 2005. Ms. Hall argues that the ownership of both the water supply and the land proposed for development by the same party creates a conflict of interest where the developer issues "Water Availability Letters" and "Will Serve Permits." The appellant believes an adequate and reliable water supply and fire flow does not exist for the future residents, let along the existing community.

The County of Ventura addressed the water availability issue, finding, on October 10, 2006, that since the Yerba Buena Water Company had issued a Water Availability letter for the proposed project an adequate supply of potable water was available for new residential development. The common ownership, in and of itself, does not raise enough of a concern for the Commission to doubt the conclusion of both the water company and the County.

## **Appeal No. A-4-VNT-07-009, Crown Point Estates Staff Report**

*These changes are clarifications*

***Pages 9 & 10, Special Condition 5. Covenants, Conditions, and Restrictions (CC&R's)***

*Replace existing paragraph A with the following:*

**A. Prior to issuance of the coastal development permit, and prior to recordation of any covenants, conditions and restrictions (CC&R's) associated with the subdivision approved by this Permit, a proposed version of said CC&R's for the residential lots located within this subdivision shall be submitted to the Executive Director for review and approval. The Executive Director's review shall be for the purpose of insuring that the CC&Rs reflect, and require ongoing compliance with, the requirements of Special Conditions numbers 2, 3, and 4 of this coastal development permit. The CC&R's shall include the following:**

***Add new A.(3), and renumber A.(3) as A(4) accordingly:***

(3) The CC&R's for the proposed subdivision shall indicate that in order to minimize the need for irrigation, landscaping on each parcel shall consist primarily of native/drought resistant plants, as 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. All native plant species shall be of local genetic stock. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized or maintained within the property

*Replace existing paragraph B with the following:*

B. Prior to recordation of the Final Tract Map for the subject subdivision, the permittee shall record, and submit evidence demonstrating that any other owners of property within Tracts 5457, Tract 4483, and APN 700-0-260-140 have recorded, the CC&R's approved by the Executive Director pursuant to paragraph A of this condition

*These changes address the appellant, Eloise Hall, issues.*

*Page 21, replace 2<sup>nd</sup> paragraph as follows:*

The appellant, Eloise Hall, in a letter received April 2, 2008, raises the issue that the subdivision of Tract 5457 will negatively impact water quality of popular County Line public beach. The residential subdivision creating 4 new residential lots will require individual septic systems for sewage disposal. The applicant proposed an Individual Sewer Disposal System, which was reviewed in a memo dated September 13, 2004, from Melinda Talent, Ventura County Environmental Health Department, who confirmed that the proposed design complied with applicable regulations in the County Building Code and Sewer Policy with respect to the design and installation of septic systems. As a result of the County's Environmental Health Department's review, no negative water quality impacts will occur offsite at County Line Beach.

The subject property, Lot 10, is located on the inland side of Pacific Coast Highway in the Solromar area of Ventura's South Coast Community. The subject Lot 10 is bisected by a steep slope which cuts a curved contour into the site leaving Neptune's Net at an elevation of about 30 feet above sea level and the upper portion of the property on a mesa bluff located about 110 feet above sea level. In addition, the portion of Ellice Street proposed to be gated and vacated is a relatively flat mesa area on a coastal area of the Santa Monica Mountains.

Relative to vegetation, Lot 10 includes primarily non native grasses along the upper mesa area adjacent to the south side of Ellice Street, while a limited amount of southern coastal bluff sage exists along the southern bluff area. The southwest portion of Lot 10 includes an existing restaurant, Neptune's Net, and its associated paved parking lot. Due to the limited amount of coastal bluff sage and the fact it is not located within a continuous area of native vegetation, the site of the coastal sage is not considered an environmentally sensitive habitat area.

New development must minimize risks to life and property in areas of high fire hazards. The appellant, Eloise Hall, raises the issue that Ellice Street is an important secondary fire access and emergency escape route for nearby residents. This fire egress issue is initially a local government issue and it is adequately addressed by Ventura County in the County Condition Nos. 56 Access Entrance Gate, and 59 Fire Department Clearance, addressing the following issues. The County Fire Department has Gate Access standards intended to allow roadway gates but not compromise safety. This standard allows the residents of the gated community to leave even if they do not have a gate key or pass and provides a standard format for emergency fire crews to enter. The applicant, Crown Point Estates submitted to the Board of Supervisors at its October 10, 2006 meeting a Gate Plan for Tract # 5457, (attached as Exhibit 11) for the subject subdivision and previously approved Tract # 4483 (approved by the County in 1996). This Gate Plan provides for an overall conceptual design, emergency access by the County Fire Department thru the "Knox Box Rapid Entry System" (see attached Exhibit 12), telephone entry system and an Elite Gate Swing Operator Specifications. These provisions will allow County Fire responders to open these gates with a special key in the event of a fire emergency to allow the gated residents and nearby residents alike to evacuate the area. The County Fire Department has a new fire station under construction located within about 1400 feet east of the proposed eastern gate across Ellice Street. In addition, the Elite Gate System is equipped with a two way sensor that can allow for a certain amount of pressure against the gate in order to allow it to open. This is known as a "crash gate" where Fire, Police, or residents located within and outside the community can effectively open the gates by allowing their vehicle to apply pressure (bump the gate with their vehicle's bumper) on the gate so it will open for safe passage thru the gated area during emergencies

For the reasons set forth above, the Commission finds that, as conditioned by the County of Ventura and the Commission, the proposed project is consistent with Section 30253 of the Coastal Act as incorporated in the LCP and the relevant LCP policies.

*These changes address the appellant, Eloise Hall, issues.*



***Page 22, add new paragraph prior to first full paragraph as follows:***

The appellant, Eloise Hall, in a letter received April 2, 2008 raises the issue that adding 13 or more large estate houses, all lined up within minimal separation on this bluff, will have an adverse visual impact and will block view of the ocean. Coastal Act Section 30251 as incorporated into the County LCP requires the protection of public views. The appellant appears to raise the issue of protecting private views from certain streets and private development. These streets, East portion of Ellice Street, Tongareva Street and Tonga Street, located east of the subject portion of Ellice Street to be vacated are not considered heavily traveled arterial streets that connect this neighborhood to Pacific Coast Highway (PCH). As a result, these streets used nearly exclusively by the owners and their guests of existing residential development are not considered significant public vista points. Further, private views of the ocean from existing residential development is not protected under Coastal Act Section 30251.

However, the proposed amendment would not allow for 13 additional residences. The nine lots on the eastern portion of Ellice Street (Tract 4483) are existing. Thus, the proposed amendment would not increase the development potential on these sites. This amendment, however, will allow for the creation of four new residential lots on the western portion of Ellice Street. Given the location of the future 4 new residences that may be considered and approved by Ventura County with a separate Coastal Permit, all located in an area with existing vacant residential lots and existing residential development, the Commission finds that the proposed subdivision as a result of the proposed Land Use Plan and Zoning Ordinance changes will be visually compatible with the character of the surrounding area and will not result in any new adverse impacts to visual resources in the area.

Therefore, the proposed Land Use Plan and Zoning Ordinance changes are found by the Commission to be consistent with Coastal Act Section 30251.

*These changes address clarifications:*

***Page 24, Replace Section 30214 as follows:***

Section 30214 of the Coastal Act, as incorporated and amended in the LCP, states:

- (a) The public access policies in the Summary of Coastal Act Policies, Shoreline Access as identified in the Ventura County LCP 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 of this article, 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.

*These changes address clarifications:*

***Page 24, Add paragraph below General Policies 4 and 5.***

Once the associated LCP amendment (VNT-MAJ-1-07) is effectively certified, there will be two provisions that relate directly to this site. Policy 10 of the South Coast Section of the County LCP, as amended, will state:

*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.*

Similarly, the Implementation Plan will state. in part:

*... 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.**

***These changes address clarifications:***

***Page 26, Revise Last Paragraph as follows:.***

**In order for the project on appeal to be consistent with these provisions of the LCP, as amended, the project proponent must implement** ~~In addition,~~ Special Condition One (1) ~~which further~~ requires the applicant to deposit the entire mitigation fee in the Lower Cost Overnight Accommodations Fund account within 60 days after approval of the plan by the Executive Director, unless additional time is granted by the Executive Director for good cause. The purpose of the account shall be to construct 11 new cabin units at Leo Carrillo State Park in Los Angeles County or to establish new lower cost overnight visitor serving accommodations at another appropriate location within the Coastal Zone in Ventura County, Santa Monica Mountains (Los Angeles County) and the City of Malibu, as authorized by the Executive Director. The entire fee and any accrued interest shall be used for the above-stated purpose, in consultation with the Executive Director, within ten years of the fee being deposited into the account. Any portion of the fee that remains after ten years shall be donated to the California Department of Parks and Recreation, the Mountains Recreation and Conservation Authority (MRCA) or other organization acceptable to the Executive Director, for the purpose of 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

***These changes address the appellant, Eloise Hall, issues.***

***Page 29 Add the following paragraph above the Conclusion:***

**The appellant, Eloise Hall, raises the issue that the gating of Ellice Street eliminates a significant and safer parking area (off of the high speed PCH) and eliminates a safer public access route, both for vehicles and pedestrians to County Line public beach and Yerba Buena Road. As noted above in Section VII C, Special Condition No. 2 requires that the two proposed gates along Ellice Street be constructed and operated in a manner that provides that the gates will open automatically at sunrise and close at sunset and that adequate signage be installed at each gate informing the public of the availability of street parking and access to Ellice Street. Special Condition Nos. 3, 4, and 5, require a signage**

program, public access deed restriction, and covenants, conditions, and restrictions, respectfully to provide for adequate public access on Ellice Street. Therefore, as conditioned, the proposed project adequately addresses the appellant's concerns related to the Coastal Act.

*These changes address clarifications:*

***Page 29, Revise Third full paragraph as follows:***

In addition, **Special Condition No. Five (5)** requires that the recorded covenants, conditions and restrictions (CC&R's) for the proposed subdivision shall indicate that the common roadway, Ellice Street, within the subdivision shall be maintained by a common entity (e.g. master homeowner's association) in accordance with the special conditions of this permit, specifically including **Special Conditions Two (2), and Three (3), and Four (4)** of this permit and that Ellice Street shall be available for unrestricted use by the public for the purpose of automobile access and parking along the street shoulder and pedestrian and bicycle access during daylight hours from sunrise to sunset, 7 days per week. The CC&R's shall designate responsibility for the maintenance of the property (including all gates and signage) subject to **Special Conditions Two (2), and Three (3), and Four (4)** of this permit to the Homeowner's Association. prior to issuance of the coastal development permit, and prior to recordation of any covenants, conditions and restrictions (CC&R's) associated with the subdivision approved by this Permit, said CC&R's shall be submitted to the Executive Director for review and approval. The purpose of CC&Rs is to impose the terms and conditions of this permit as a restriction on the use and enjoyment of the property and provides any prospective purchaser of the lots created within the subject site with recorded notice that the restriction are imposed on the subject property.

*These changes address the appellant, Eloise Hall, issues.*

***Page 29 Add the following paragraph at the end of the Report:***

**E. Other Issues Raised by Appellant Eloise Hall in Letter Received April 2, 2008.**

The appellant raises the issue of safer street access by using Ellice Street as a safer route for left hand turns (via Tonga Street) onto the higher speed and heavier traveled Pacific Coast Highway than making such a turn from Yerba Buena Road at its visually limited intersection with PCH. This roadway safety and sight distance issue at these intersections is primarily a local government and Caltrans issue. In its approval of the coastal permit for the proposed project, the County found that the proposed subdivision and vacation of Ellice Street would have adequate ingress and egress and meet all applicable public safety requirements.

**The appellant raises the issue that all public streets belong to the people of California, not just future adjoining property owners of these estate lots. This ownership issue is not a Coastal Act or LCP issue.**

**The appellant raises the issue that no Environmental Impact Report or traffic studies have ever been prepared for Skylark/Crown Point Estate's Tract 4483 – 9 lots, the Tentative Tract 5457, or the Ellice Street closure. The County's approval of Tract 4483 in 1996 is not an issue in this Ventura County LCP Amendment No. 1-2007 or in the County's approval of Tract # 5457 within Appeal No. A-4-VNT-07-009. The County did approve and adopt a Mitigated Negative Declaration for the proposed LCP Amendment No. 1-2007, Tract # 5457, and the conceptual approval of the vacation of Ellice Street as provided under CEQA.**

Attachments: Appellant Hall letter received April 2, 2008  
Ventura County Staff Rodriguez Letter received April 3, 2008  
Applicant agent McCabe letter received April 4, 2008  
Lieberman letter with attached letter received April 7, 2008  
Applicant Morris letter with attachments received April 7, 2008  
Lee letter received April 7, 2008  
Vrungos letter with attachments received April 1, 2008  
Applicant Morris letter with attachment received April 8, 2008  
Exhibits 11 and 12

Vnt lcpa 1-2007 and appeal A-4-VNT-07-009 report addendums

**GATE PLAN**  
**TRACT #5457 & #4483**  
**CROWN POINTE ESTATES AT MALIBU, LLC**

In response to the Board of Supervisor's approval of Tract #5457 at its October 10, 2006 meeting, Crown Pointe Estates at Malibu, LLC (CPE) has prepared a Gate Plan to assist the Board and Staff in implementing the adoption of the Ellice Street privatization (vacation) between Yerba Buena Road and approximately 140 feet west of Tonga Street (Exhibit 2). The elements included within the Gate Plan are summarized below:

1. General Description
2. Overall Conceptual Design
  - a. Entry-Yerba Buena Road Plan View
  - b. Entry-Yerba Buena Road Elevations
  - c. Entry-East Gate Plan & Elevation
  - d. Tentative Map #5457
3. Ventura County Fire Department
  - a. Fire Prevention Standard 14.6.8-ACCESS GATES
  - b. Conditions of Approval, July 15, 2004
  - c. Conditions of Approval, March 16, 2005
4. Knox Box Rapid Entry System
5. Telephone Entry System
  - a. SENTEX Standard Features
  - b. SENTEX Frequently Asked Questions (\* Remote Access)
6. Elite Gate Swing Operator Brochure (CSW200U1HP w/DC200 Power Backup)
  - a. Elite Electrical Specifications
  - b. Architectural Specifications

**General Description**

The proposed pair of gate structures on Ellice Street, near Yerba Buena Road on the west and Tonga Street on the East, will meet all agency requirements having statutory authority to enforce federal, state, county, city or district laws, ordinances or standards. Ventura County Fire Department Fire Prevention Standard 14.6.8, which outlines the requirements for gates, will be implemented. (See Exhibit 3a.) The gates will provide for control of access by motor vehicles or pedestrians from the public roadway which (under the current approval) is not manned on a twenty-four hour, seven day per week basis. CPE is seeking to gain approval to allow for a 24-hour manned gate operation, in which case the gate operations will be enhanced.

Emergency access will be provided to the Fire Department through a Knox Key Switch which overrides the system and opens the gate. (See Exhibit 4). The gate operator will be equipped with a battery pack in case there is a loss of power. (See Exhibit 6). In addition, the gates may be operated remotely through a telephone, computer or radio receiver from the Homeowner's Association Property Management Office in case of emergency. (See Exhibits 5a & 5b). Lastly, the Elite gate operators are equipped with a

Exhibit 11 A-4-VNT-07-009 Gate Plan Tract # 5457 & 4483
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two-way adjustable sensor that can allow for a certain amount of pressure against the gate in order to cause it to open. To some this is known as a "crash gate" where Fire or Police can effectively open the gates by allowing their vehicle to apply pressure to the gate.

The current improved public standard width of Ellice Street (36-feet from curb-to-curb) will be maintained and two 15' ingress and egress paths of travel required by the Fire Department will be implemented at each gate location. The entry gates will consist of two electronically operated double swing gates flanked by 8' tall masonry columns. Each set of gates will be comprised of two 7'-6" wide by 6'-6" high gates providing for the necessary 15'-0" wide access. The gates will be constructed of sandblasted, distressed and stained vertical wood planks supported by a steel frame and wrought iron ornamental hinges and bolts. The pedestrian gates will consist of one 4' wide by 6'-6" high wood gate of similar construction as the vehicular gates, to include a hydraulic closer and lock set. (See Exhibits 2b & 2c).

The vehicle gates will be accessed by residents utilizing a remote transmitter. The main entry gate will be located near Yerba Buena Road where all visitor, vendor, delivery, maintenance and other required access will occur. An telephone entry panel will be provided only at the Yerba Buena Road entry which will require all entrants, other than residents, to access the community at the Yerba Buena Road location. The entry panel unit supports a switch kit that integrates with a U.S. Postal Service Lock. (See Exhibit 5a). A sign will be posted at the East Gate (near Tonga) designating that entry must occur at the West Gate (near Yerba Buena Road). The entry panel will display the entire directory, which in turn the party seeking entry can contact the resident for access. If access is denied the prescribed VCFD turning radius area will be provided in front of the gates for vehicles to turnaround. (See Exhibits 2a & 2d).

## Is your gate locking out first responders?

### Fire Department Gate Access



The fire department needs immediate access to gated communities when calls for help are received. Walls, gates and fences do a great job of keeping people out but these physical barriers also delay help from first responders during an emergency.



There are several devices on the market for unlocking emergency access gates but there is only one system that 8,000 fire departments across the country prefer: the **KNOX-BOX® Rapid Entry System**. The system is a complete, UL listed emergency access system operated with a unique master key used only by your fire department. The System provides some very effective tools for rapid entry into condominium complexes, gated communities, apartment buildings and gated compounds.

### Provide Fire Department Access to Your Property

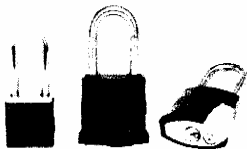
Contact your fire department and ask them about Knox® Key Switches, Padlocks and Residential Knox-Box key boxes. The fire department must authorize your purchase of these products because they are controlled and operated with the Knox Master Key used by the department.

### Provide Fire Department Access to Your Property



#### Knox® Key Switch

Knox electric override key switches are generally installed at the vehicle entrance to gated communities and apartment complexes. When the first fire engine arrives, a firefighter uses the Knox Master Key to turn the key switch and open the gate.



#### Knox® Padlock

The Knox Padlock is also operated with the Knox Master Key so it can be used for emergency access at any manual gate entrance. The padlock can also be daisy-chained with a property owner padlock providing access for both parties.



#### Residential Knox-Box®

A Residential Knox-Box is the most versatile rapid entry device for gated communities as well as single-family homes. The small, high security lock box holds 1 or 2 entrance keys and is operated with the Knox Master Key used only by your fire department. There are several options available depending on local requirements. Ask your fire department whether they prefer a Residential Knox-Box with a hinged door or with a lift-off door. The residential box also comes with an over-the-door bracket for emergency medical aid during short-term illness.

Exhibit 12  
A-4-VNT-07-009  
Knox Box System



page 1 of 2



## How can you help provide fast emergency access

Help provide your fire department with fast emergency access by installing the appropriate Knox® product at locked entry gates. Here are a few examples of where Knox Key Switches, Padlocks and Residential Knox-Box® key boxes can be the most help.



Vehicle Access



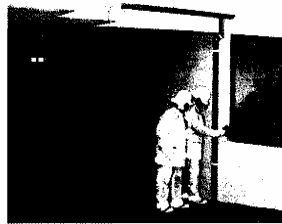
Pedestrian Access



Swimming Pool



Clubhouse



Apartment Building



Interior Fire Lane



Manual Security Gate



Community Entrance



College Campus



Community Entrance

Industrial Yard



1601 W. Deer Valley Road, Phoenix, AZ 85027 • 800-552-5669 • Fax 623-687-2299 • Web: [www.knoxbox.com](http://www.knoxbox.com) • E-mail: [info@knoxbox.com](mailto:info@knoxbox.com)

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page 2 of 2

Jackson|DeMarco|Tidus  
Petersen|Peckenpaugh

A LAW CORPORATION

RECEIVED  
APR 02 2008

March 27, 2008

Direct Dial: 805.418.1914  
Email: msellers@jdtplaw.com  
Reply to: Westlake Office  
File No: 5662-42683

**Via Certified Mail – Return Receipt Requested**

**To: COASTAL COMMISSIONERS**

Patrick Kruer, Chair  
The Monarch Group  
7727 Herschel Ave.  
La Jolla, CA 92037

Steve Blank  
Sara Wan  
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Board of Supervisors  
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Mike Reilly, Supervisor  
County of Sonoma  
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Santa Rosa, CA 95403

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District 5  
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Khatchik Achadjian  
Board of Supervisors  
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City of Rancho Palos Verdes  
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Rancho Palos Verdes, CA 90275

Ben Hueso  
City of Administration Bldg.  
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Michael Chrisman, Secretary  
or Karen Scarborough  
or Brian Baird  
Resources Agency  
1416 Ninth St., Room 1311  
Sacramento, CA 95814

Paul Thayer  
or Gail Newton  
State Lands Commission  
100 Howe Ave., Ste. 100 South  
Sacramento, CA 95825

Dale E. Bonner, Secretary  
or James Bourgart  
Business, Transportation and  
Housing Agency  
980 9th St., Ste. 2450  
Sacramento, CA 95814

Brooks Firestone  
(for Katchik Achadjian)  
3rd District Supervisor  
Santa Barbara County  
105 E. Anapamu Street  
Santa Barbara, CA 93101

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2030 Main Street, Suite 1200  
Irvine, California 92614  
t 949.752.8585 f 949.752.0597

Westlake Village Office  
2815 Townsgate Road, Suite 200  
Westlake Village, California 91361  
t 805.230.0023 f 805.230.0087

www.jdtplaw.com

California Coastal Commissioners  
March 27, 2008  
Page 2

Re: **The Coastal Commission's April 9, 2008 Meeting at  
Santa Barbara, California.**

**AGENDA ITEMS:**

**12 a: Mrs. Hall's Appeal of CUP No. LU04-0024 (Gating of Ellice Street,  
Applicant: Crown Pointe Estates at Malibu, LLC)**

**11 f: Ventura County Local Coastal Plan Amendment No. Maj-1-07  
(Developer/Applicant Crown Point Estates at Malibu, LLC, agent for  
Skylark Investments)**

Dear Coastal Commissioners:

This law firm represents Mrs. Eloise Hall who has lived for many years in an isolated area of the Malibu coast. More is at stake under Agenda Item 12a than the important question, is this permit consistent with the Coastal Acts and Commission's goals of increasing or encouraging public beach access by having safe parking near our public beach resources.<sup>1</sup> This area has recently suffered from some very damaging and extensive brush fires. Mrs. Eloise Hall's home is near the proposed gated estate development of Crown Pointe Estates at Malibu, LLC. Mrs. Hall is 80 years old, under doctor's care, and a diabetic. Obviously, due to that high fire danger and being in a remote area, having as many routes of escape or emergency access as possible is a benefit, and may even save lives. The Ellice Street route has been a historic pathway to the beach and roadway used by this local neighborhood for decades. It was used for escape from fires during the 1988 conflagrations. During the Trancas fire in 1993, they parked our cars on Ellice Street for any needed fast escape, if the fire reached County Line.

Therefore, she and her neighbors are very concerned and passionate about this closure issue. She has appealed to the Coastal Commission regarding this elimination of the lone secondary escape route, as well as the removal of a beach parking opportunity, both due to the proposed gating, privatization and vacation of the public County street called Ellice Street (authorized in Ventura County's approval of CUP No. LU04-0024).

She is also opposed to the proposed LCP Amendment, Agenda Item 11 f to eliminate the last remaining vacant "commercial" site for new visitor-serving opportunities at this remote site, to add 13 more large estate houses in Malibu, all lined up with minimal separation on this bluff.

To show this is not a solitary personal concern, enclosed is a signed statement of support from a number of her neighbors. We have provided the following Coastal Commission staff with copies of this correspondence:

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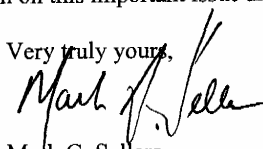
<sup>1</sup> Even the developer acknowledges that, after the street improvements were completed, Ellice Street "turned into a parking lot for surfers and restaurant people" and other beach goers.

California Coastal Commissioners  
March 27, 2008  
Page 3

California Coastal Commission  
South Central Coast District Office  
89 South California Street, Suite 200  
Ventura, CA 93001  
**Attention:** John Ainsworth, Deputy Director;  
Steve Hudson, District Manager;  
James Johnson, Coastal Program Analyst

Thank you for your time and attention on this important issue and need.

Very truly yours,

  
Mark G. Sellers

Enclosure

cc: Mrs. Eloise Hall (w/o encl.)

Jackson|DeMarco|Tidus  
Petersen|Peckenpaugh  
A LAW CORPORATION

APR 02 2008

August 20, 2007

Direct Dial: 805.418.1914  
Email: msellers@jdtplaw.com  
Reply to: Westlake Office  
File No: 5662/42683

To The California Coastal Commission

Re: PROPOSED VENTURA COUNTY LOCAL COASTAL PLAN  
AMENDMENT NO. MAJ-1-07 (DEVELOPER/APPLICANT  
CROWN POINT ESTATES AT MALIBU, LLC, AGENT FOR  
SKYLARK INVESTMENTS)

**ADJOINING PROPERTY OWNERS' OPPOSITION TO THE PENDING VENTURA  
COUNTY LOCAL COASTAL PROGRAM AMENDMENT**

The undersigned property owners oppose (1) the Local Coastal Program Amendment, and (2) the gating of Ellice Street filed by the County of Ventura (NO. MAJ-1-07), now being evaluated by the California Coastal Commission.

**NO REMOVAL OF A DEDICATED AND ACCEPTED PUBLIC STREET, ELLICE  
STREET, AS PART OF THE PROPOSED DEVELOPMENT OF TRACT 5457 AND AS  
AUTHORIZED BY COUNTY COASTAL DEVELOPMENT PERMIT (CUP NO. LU-04-  
0068), WHICH ARE ASSOCIATED WITH THIS VENTURA COUNTY LOCAL  
COASTAL PROGRAM AMENDMENT**

We are opposed to both of these precedent setting changes for various reasons; however, the gating of Ellice Street raises serious concern.

Background

- For decades the alignment for Ellice Street had been a historic vehicular and pedestrian pathway across this property to and from Yerba Buena Road, used by the area residents and the public in an open and unrestricted manner.
- Ellice Street was dedicated to the County of Ventura in 2001 by Skylark Investment and accepted by the Board of Supervisors as a development condition necessary for access to Skylark's adjacent Tract 4483 of "9" lots and the 4 future lots proposed in Tentative Tract 5457.
- Skylark Investment was to install all public street improvements under a County Subdivision Improvement Agreement, which work was commenced in the summer of 2002 but, contrary to that agreement, Ellice Street was purposely not fully improved to County public street standards.

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Westlake Village Office  
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To The California Coastal Commission  
August 23, 2007  
Page 2

- In 2004, Skylark Investments initiated a request for the vacation of Ellice Street by Ventura County to allow the Developer to still use that street for vehicular purposes, but now with gates, for the exclusive use by the future estate lot owners.
- Tract 4483 ("9" lots) was sold by Skylark to Crown Point Estates on October 29, 2004.
- Ellice Street is a 2,100 foot long through street that runs parallel and above Pacific Coast Highway along the bluffs, just above famous Ventura County Line public beach.
- Although dedicated to the public more than six years ago, Ellice Street vehicular access is presently blocked by the developer.

*Reasons for Opposition*

- Ellice Street serves as an important secondary fire access and emergency escape route for 37 residences in the immediate area.
- Ellice Street provides a much safer route for left hand turns (via Tonga Street) onto the higher speed and heavier traveled Pacific Coast Highway than making such a turn from Yerba Buena Road at its visually limited intersection with Pacific Coast Highway.
- All public streets belong to the *people* of the State of California, not just the future adjoining property owners of these estate lots.
- The gating of Ellice Street eliminates a significant and much safer parking area (off of the high speed Pacific Coast Highway), and eliminates a safer public access route, both for vehicles and pedestrians, to County Line public beach and Yerba Buena Road. Ellice Street is needed for the public's present and prospective use, and this gating is inconsistent with the California Coastal Act's goal to maximize the public's recreational opportunities.

We oppose the Ventura County Local Coastal Program Amendment for various reasons such as:

1. **ELIMINATING THE "RESIDENTIAL RURAL-1 DU/2 ACRE" MINIMUM LOT SIZE ZONING ON TENTATIVE TRACT 5457 AND TRACT 4483**
  - Replacing the Residential Rural - 1 DU/2 Acre zoning with the higher density Residential Low - 1 to 2 DU/1 Acre zoning, considered an urban land use or zone, is an inappropriate increase in density to one of the last remaining more remote and undeveloped coastal bluffs in southern California.
  - Adding 13 or more large estate houses, all lined up within minimal separation on this bluff, will have an adverse visual impact and will block views of the ocean, not to mention the negative impact on the water quality of popular County Line public beach.
  - If the current application does not come to fruition, the proposed higher density Residential Low zoning with 2 dwelling units per acre would allow the potential of 26 new dwelling units on Tract 4483 and Tentative Tract 5457.

**Ventura County**  
**Local Coastal Program Amendment 1-07& Appeal No. A-4-VNT-07-009**  
**Page 23**

To The California Coastal Commission  
August 23, 2007  
Page 3

- The Yerba Buena Water Company, the sole provider of potable water to our County Line area, was sold by Skylark to the developer of Crown Point Estates on March 17, 2005. The ownership of both the sole water supply and the land proposed for development creates a conflict of interest, with the developer/water company owner issuing itself "Water Availability Letters" and "Will Serve Permits". We feel an adequate and reliable water supply and fire flow does not exist for these added residents, let alone the existing community.

**2. ELIMINATE ANY FUTURE COMMERCIAL AND VISITOR SERVING OPPORTUNITIES AT VENTURA COUNTY LINE BEACH, MALIBU**

- The proposed amendment eliminates the remaining vacant and available "commercial" zoning or visitor-serving commercial opportunities at this remote site.
- Allowing more residential development and houses next to the popular Neptune's Net restaurant, without an adequate buffer, mixes inconsistent and incompatible land uses creating pressure for that popular visitor-serving operation to possibly close.
- To our knowledge, no Environmental Impact Report or traffic studies have ever been prepared for Skylark/Crown Point Estate's Tract 4483 - "9" lots, the Tentative Tract 5457, or the Ellice Street closure.

**WE THE UNDERSIGNED NEIGHBORING PROPERTY OWNERS (LIVING IN TRACT 1223) HAVE RESCINDED OR REFUSED TO SIGN THE DEVELOPER'S BUY-OUT AGREEMENT OFFERED IN EXCHANGE FOR THEIR NOT OPPOSING THIS CONTROVERSIAL PROJECT.**

<u>NAME</u>	<u>MALIBU ADDRESS</u>	<u>YEARS OF OWNERSHIP</u>
Eloise Hall	11462 Tongareva St. 90265	40 + yrs.
x Timothy Hall	11462 Tongareva St. 90265	40 + yrs.
x Carol Lieberman, MD	11446 Tongareva St. 90265	2 +
x Tiffany Towers	11446 Tongareva St. 90265	2 +
x Bruce Campbell	11408 Tongareva St. 90265	20 + yrs.
x Dwight J. Campbell	11408 TONGAREVA ST. 90265	20 +
x Jeff Campbell	11408 TONGAREVA ST. 90265	20 + yrs.

Ventura County  
Local Coastal Program Amendment 1-07& Appeal No. A-4-VNT-07-009  
Page 24

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To The California Coastal Commission  
August 23, 2007  
Page 4

<u>Carol A. Vells</u>	<u>11498 Longarcia Street</u>	<u>19 years</u>
<u>Adam Z. Me</u>	<u>11823 ELLICE STREET</u>	<u>2+</u>
<u>Tim Zym</u>	<u>11823 Ellice Street</u>	<u>2+</u>
<u>Charles Law</u>	<u>11487 Longarcia St</u>	<u>18+</u>

---



RESOURCE MANAGEMENT AGENCY

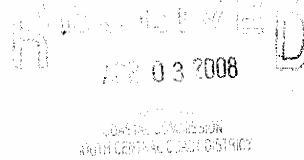
**county of ventura**

Planning Division

Kimberly L. Rodriguez  
Director

April 3, 2008

California Coastal Commission -  
South Central Coast District Office  
Attn. Jack Ainsworth, Deputy Director  
89 South California Street, Suite 200  
Ventura, CA 93001-2801



**SUBJECT:** COUNTY OF VENTURA LOCAL COASTAL PROGRAM AMENDMENT  
No. MAJ-1-07 AND APPEAL A-4-VNT-07-009 STAFF REPORT  
SUBSTANTIAL ISSUE DETERMINATION AND DE NOVO REVIEW

Dear Mr. Ainsworth:

Ventura County Staff supports the recommendations contained in the subject Staff Reports and appreciates the efforts of your Staff in bringing this important project to hearing for review and decision by the Coastal Commission.

Specifically, Ventura County Staff have reviewed the Suggested Modifications proposed by the Coastal Commission Staff concerning the County of Ventura's Local Coastal Program Amendment No. MAJ-1-07, and have no objections to the Suggested Modifications proposed in the Coastal Commission Staff's Report to the Commission.

Additionally, Ventura County Staff have reviewed the seven (7) supplemental Special Conditions proposed in the A-4VNT-07-009 Appeal Staff Report and agree to the imposition of said Special Conditions as proposed.

If you have any questions, please contact Keith Turner of the Ventura County Planning Division at (805) 654-2878 or via e-mail at [keith.turner@ventura.org](mailto:keith.turner@ventura.org).

Sincerely,

  
KIM RODRIGUEZ, AICP  
Planning Director

c: file

800 South Victoria Avenue, L# 1740, Ventura, CA 93009 (805) 654-2481 Fax (805) 654-2509



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**Ventura County**  
**Local Coastal Program Amendment 1-07& Appeal No. A-4-VNT-07-009**  
**Page 26**

**MCCABE & COMPANY**  
*Government Affairs Consulting*

P.O. Box 753  
HUNTINGTON BEACH, CA 92648  
CELL (310) 463-9888  
FAX (714) 374-7029

1121 L STREET, SUITE 100  
SACRAMENTO, CA 95814  
(916) 553-4088  
FAX (916) 553-4089

Patrick Kruer, Chair  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105

April 3, 2008

**SUBJECT:     Items W 11f and W 12a**  
**A-4-VNT-07-009 and Ventura County LCPA 1-07**  
**Crown Pointe Estates at Malibu, LLC ("Crown Pointe")**

Dear Chairman Kruer,

I am pleased to inform the Commission that the applicant, Crown Pointe, is in full agreement with the staff recommendations regarding Ventura County LCPA 1-07 and Appeal A-4-VNT-07-009.

We would like to take this opportunity to briefly describe the project, its associated benefits and the significant modifications to the project which the applicant has agreed to and which modifications we believe fully dispose of concerns (public access and potential loss of VSC) expressed in the Appeal regarding the County-approved project.

The 6.38 acre split-zoned (residential/commercial) subject site is located inland of Pacific Coast Highway (PCH) at Yerba Buena Road, just up-coast of the Los Angeles/Ventura County Line (Exhibit A). As described in the staff report, the site is in a relatively isolated and rural area of the coast. The site is adjacent to 9 fully approved one-acre residential lots owned by the applicant and is currently vacant, with the exception of the existing "Neptune's Net" restaurant and its parking lot occupying 1.01 acres of the site (Exhibit B).

The proposed LCP amendment involves two changes to the certified Local Coastal Program. First, the amendment changes the land use designation on the 6.38 acre lot from 4.26 acres of commercial and 2.12 acres of residential to 1.36 acres of commercial (expanding the Neptune's Net site by .35 acres) and 5.02 acres of residential (Exhibit C). Second, the amendment changes the land use designation for the 9 lots located to the southeast of the subject site from "Residential Rural" (1 DU/2 Acre) to "Residential Low" (1-2 DU/Acre) to correct an existing inconsistency between the LUP and the certified Zoning Ordinance (Exhibit D). (This amendment also makes the LUP consistent with an existing recorded subdivision for the site that was approved by the County in 1996 pursuant to Coastal Development Permit 4-VNT-96-022.)

The first component of the LCP amendment is project-driven and directly related to Crown Pointe's development project, which is the subject of a pending Commission appeal (A-4-VNT-07-009), which will also be considered by the Commission at its April 2008 hearing. The related coastal permit which was approved by the County and appealed to the Commission includes: 1) a subdivision of Lot 10 of Tract 4483 (the 6.38 acre lot noted above) into 5 lots, 4 residential and 1 commercial lot containing Neptune's Net Restaurant; and 2) the vacation (privatization) of the County's right-of-way along the newly-constructed western portion of Ellice Street between Yerba

Buena Road on the west and Tonga Street on the east (fronting the above 4 residential lots subject to this amendment and the referenced fully-approved 9 existing lots immediately to the east).

Approval of the LCPA and related CDP would allow an additional 2.86 acres of residential development on the inland-most, elevated portion of the 6.38 acre site, allowing that property to be developed with the adjacent 9 residential lots as one cohesive community, meeting the neighboring community's long sought goal of low density residential for this site. Further, approval of the LCPA and related CDP, would protect, expand and enhance the street level Neptune's Net commercial development located at the corner of PCH and Yerba Buena, which is the only portion of the subject site feasible for commercial development

Commercial development, and in particular visitor-serving commercial, was determined not feasible at the site for many reasons, including, lack of direct access to and from PCH, adverse traffic issues, County imposed septic and noise limitations, topographic and site constraints, incompatibility with surrounding uses and lack of adequate demand for such services. The feasibility of developing the site commercially was fully evaluated in a report prepared by Dyer Sheehan Group for the County of Ventura (Commercial Land Use Feasibility Study dated March 26, 2007). The report concluded that the site could not economically support any type of commercial use.

Although the site is not specifically designated for "visitor-serving" commercial use, staff has asserted that the loss of land available for new commercial development in the Coastal Zone would result in potential impacts to visitor serving uses, recreational resources and opportunities. In light of staff's concerns that the proposed amendment and land use change would result in potential impacts to visitor serving uses, recreational resources and opportunities, the applicant has worked with staff of both the Coastal Commission and the Department of Parks and Recreation to provide additional visitor serving commercial recreational opportunities in the immediate area. In furtherance thereof, the applicant has agreed to fund the establishment of overnight accommodations at a nearby State Park. Suggested Modification #1 memorializes this offer through the requirement for a payment of a fee by the applicant in the amount of \$557,084. The fee will be put toward the construction of eleven (11) new cabins at Leo Carrillo State Beach Park in order to provide low-cost, visitor-serving, overnight accommodations. Currently, Leo Carrillo State Beach is developed with existing tent-camping and recreational vehicle facilities only and does not provide for cabin camping facilities. State Parks staff has indicated that they expect that 11 new cabins would serve to substantially increase the public's recreational opportunities at Leo Carrillo State Beach Park. The construction of the new cabins would not result in the loss of any existing camping facilities. With the incorporation of this Suggested Modification, staff concludes that the LCPA, ***"is consistent with the public access and recreation policies of the Coastal Act, including Section 30213 of the Coastal Act, which requires lower cost visitor and recreational facilities be "protected, encouraged, and, where feasible, provided." In addition, the proposed amendment, as modified through the suggested modifications, would not have an adverse effect on "visitor-serving commercial recreational facilities".***

The project also involves the privatization of the portion of Ellice Street, which is bounded on both sides by property owned by Crown Pointe Estates. This portion of Ellice Street was recently constructed by the applicant entirely with its own funds for the sole purpose of accessing its lots along this portion of Ellice Street. This portion of Ellice Street has always been privately maintained, has not been adopted into the County public road system, and has not been opened to

the public (although the applicant has granted permissive right to the neighboring community to access it for vehicular, pedestrian and bicycle traffic).

Importantly, privatization of this portion of Ellice Street will not adversely affect public access at this site as the applicant has agreed to open it to public use during daylight hours. Specifically, as conditioned by the permit, ***"public access along Ellice Street will be available for unrestricted use by the public for the purpose of automobile access and parking along the street shoulder and pedestrian and bicycle access during daylight hours from sunrise to sunset, 7 days per week."*** Staff has concluded that, as conditioned, the project will ensure and protect public access at this location.

As a further project feature, if privatization of this portion of Ellice Street is approved, the applicant has agreed to extraordinary scenic and safety enhancements to the County Line area by agreeing to underground utilities along not only that portion of PCH fronting the subject site (approximately 900 linear feet), but along additional portions of PCH and on nearby streets.. Exhibit E illustrates areas of proposed power pole removal and provides before and after pictures. In total, 39 power poles will be removed and utilities undergrounded along 2,700 linear feet of PCH and an additional 2,600 linear feet along nearby streets (a total of over a mile), all at the applicant's expense, thereby restoring the pristine coastal views along this scenic corridor. Still further, if privatization of this portion of Ellice Street is approved, the applicant will be able to implement an environmentally sensitive drainage plan by removing curbs and directing the flow of street water into bioswales and infiltration systems which will improve the quality, and reduce the quantity, of storm water runoff, thereby preserving the quality of the ocean water and the beach at County Line. County road standards would not allow the applicant to make these improvements if the street is public.

Because of the environmental and community beneficial features of this project, community support of this project is overwhelming. Thirty-eight of the immediately adjacent 43 neighboring property owners strongly support this project and the applicant believes that its agreement to provide daylight public access to the private portion of Ellice Street, disposes of all reasonable concerns of the 5 other property owners who have objected on public access grounds. (In addition, although not a Coastal Act issue, appellant Eloise Hall's concern about using the private portion of Ellice Street as a secondary emergency escape route in the highly remote event that the primary and shortest escape route (Tonga Street) is blocked during a night time fire, has been resolved at the County level and is addressed by the applicant's gate plan which includes: equipping the gates with a Fire Department approved and operated Knox Key Switch entry system with back up battery (County Line's new fire station is located 500' from the gate); remote and other opening of the gates by the applicant and its property manager for secondary access in the event of fire; and equipping the gates with pressure sensors allowing a car's bumper to push the gates open in an emergency.)

With the applicant's project modifications, we believe that the concerns expressed in the Appeal about the County-approved project have been disposed of and we further believe that the project, as modified, together with the additional project features described above, represents a responsible and environmentally sensitive enhancement to the coastal resources and complies with the Ventura County LCP and all policies of the Coastal Act.

We respectfully ask that you support the staff recommendations regarding Ventura LCPA 1-07 and Appeal # A-4-VNT-07-009. Thank you for your consideration of this matter.

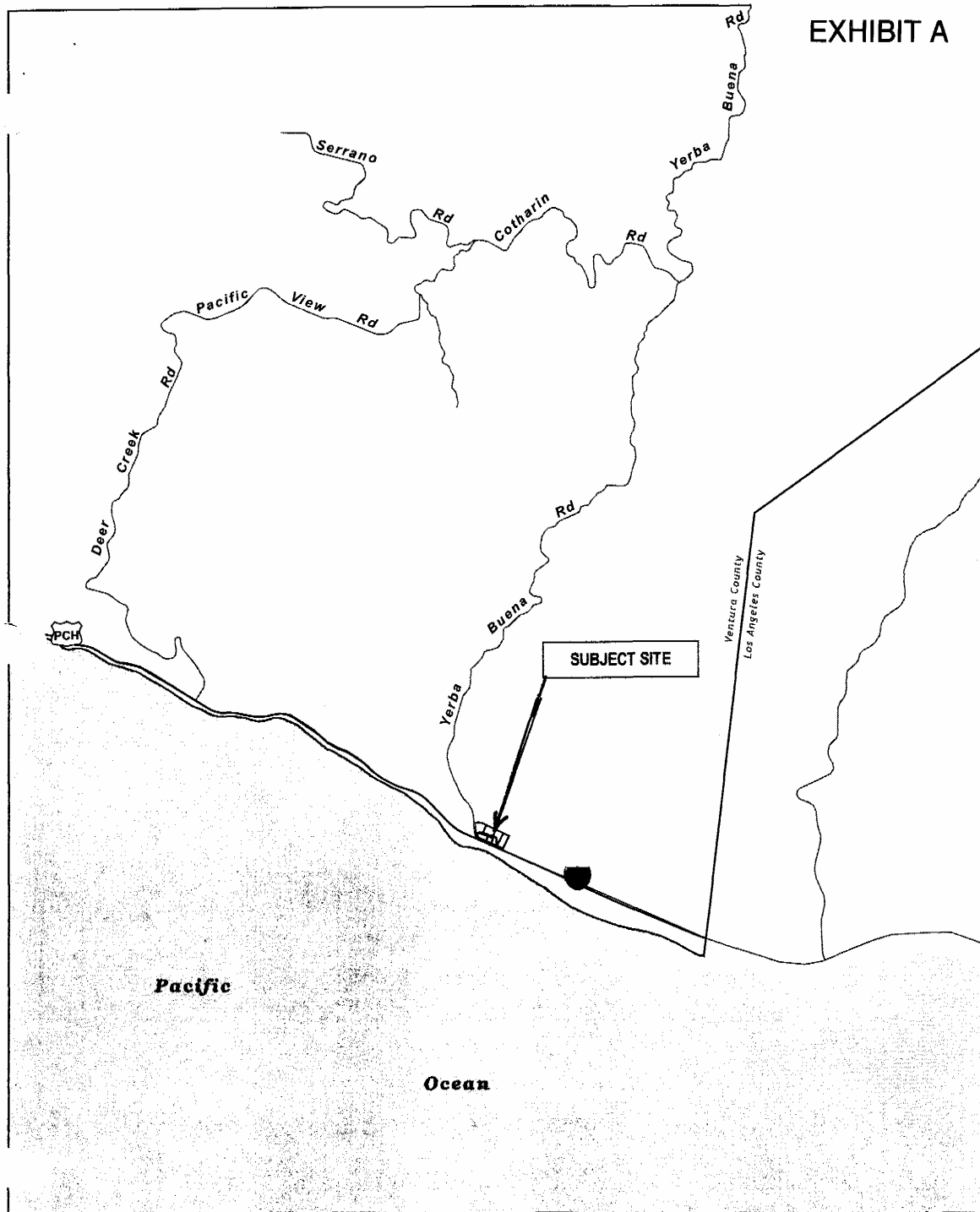
Sincerely,

  
Susan McCabe

*Attachments*

cc: Coastal Commissioners  
South Central Coast District Staff  
Ventura County staff  
Richard Morris, applicant  
Ronald Coleman, applicant

EXHIBIT A



Ventura County  
Resource Management Agency  
GIS Development & Mapping Services  
08/28/2006



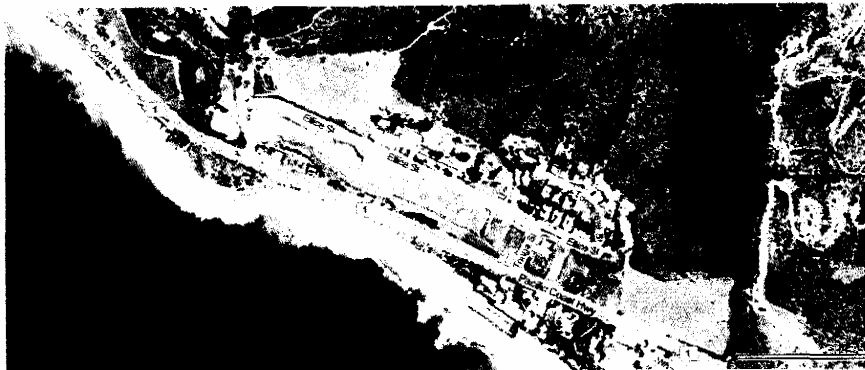
0 3,000 6,000 Feet

Disclaimer: this map was created by the Ventura County Resource Management Agency, Mapping Services - GIS, which is designed and operated solely for the convenience of the County and related public agencies. The County does not warrant the accuracy of this map and no decision involving a risk of economic loss or physical injury should be made in reliance therein.



EXHIBIT B

Aerial View



Corner of Yerba Buena Road and PCH looking inland (Neptune's Net on corner)



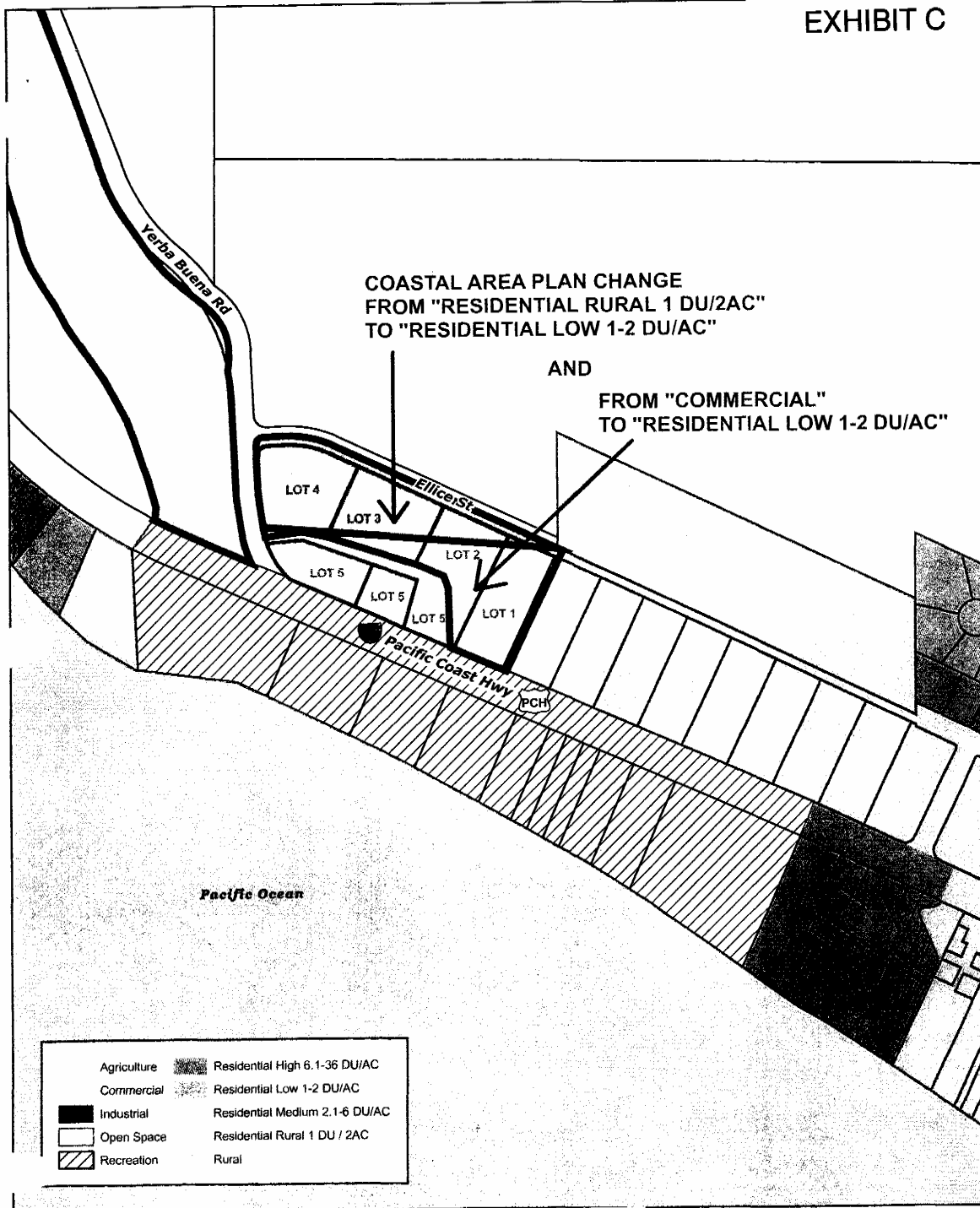
Oblique aerial looking upcoast



Items W 11f and W 12a (Crown Pointe Estates)

April 9, 2008

EXHIBIT C



Ventura County  
 Resource Management Agency  
 GIS Development & Mapping Services  
 08/28/2006



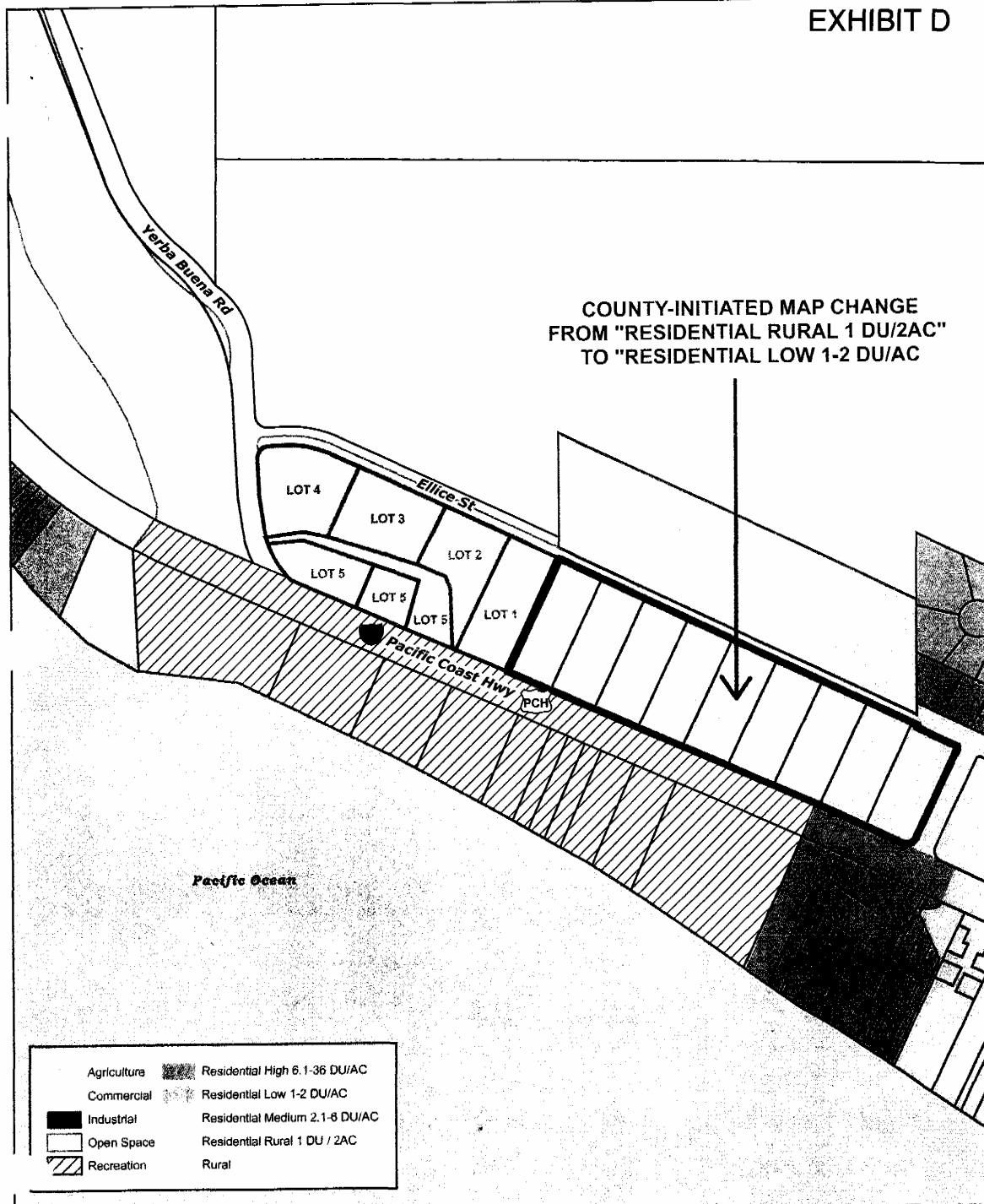
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Disclaimer: this map was created by the Ventura County Resource Management Agency, Mapping Services - GIS, which is designed and operated solely for the convenience of the County and related public agencies. The County does not warrant the accuracy of this map and no decision involving a risk of economic loss or physical injury should be made in reliance therein





EXHIBIT D



Ventura County  
Resource Management Agency  
GIS Development & Mapping Services  
08/28/2006



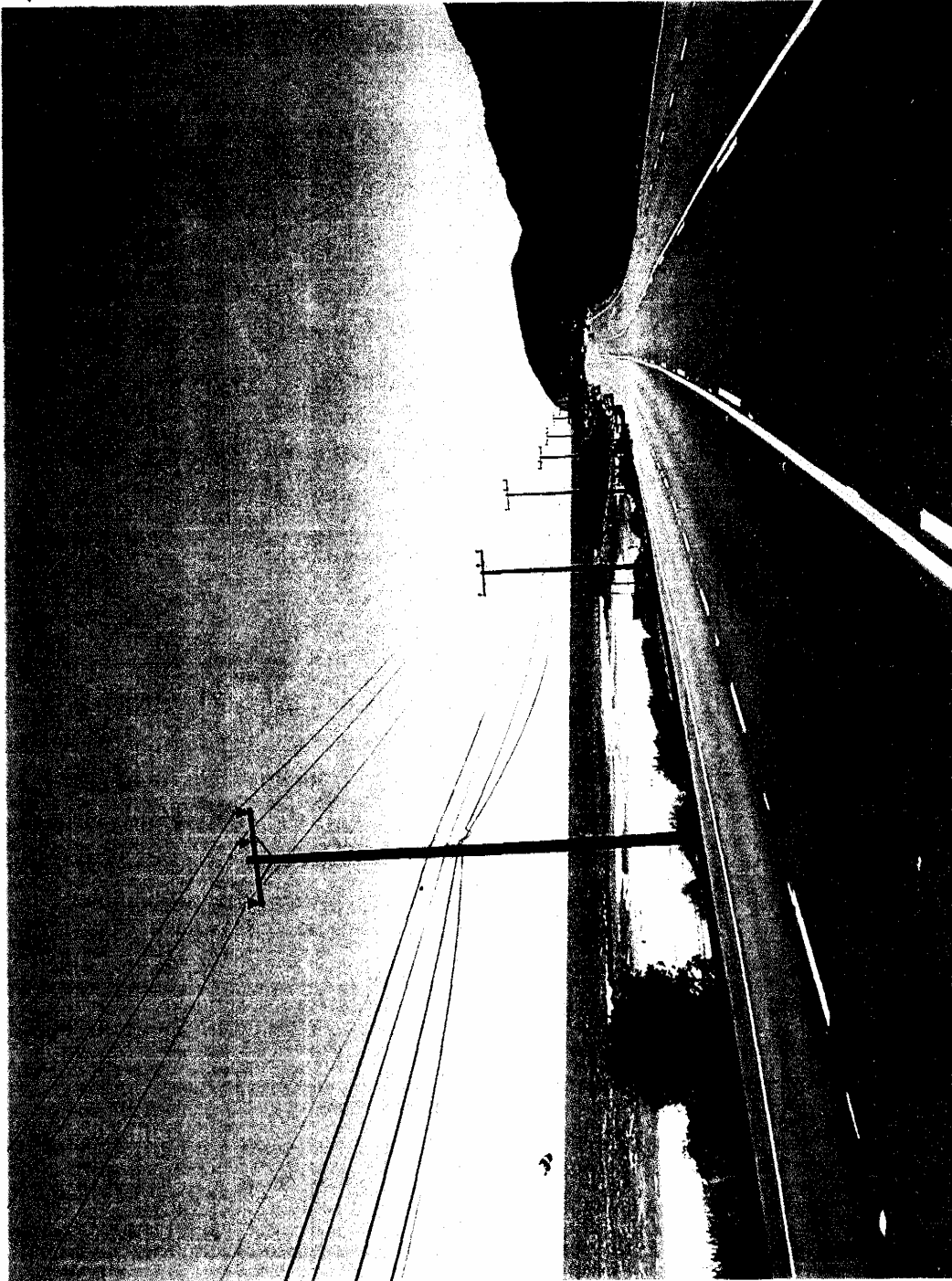
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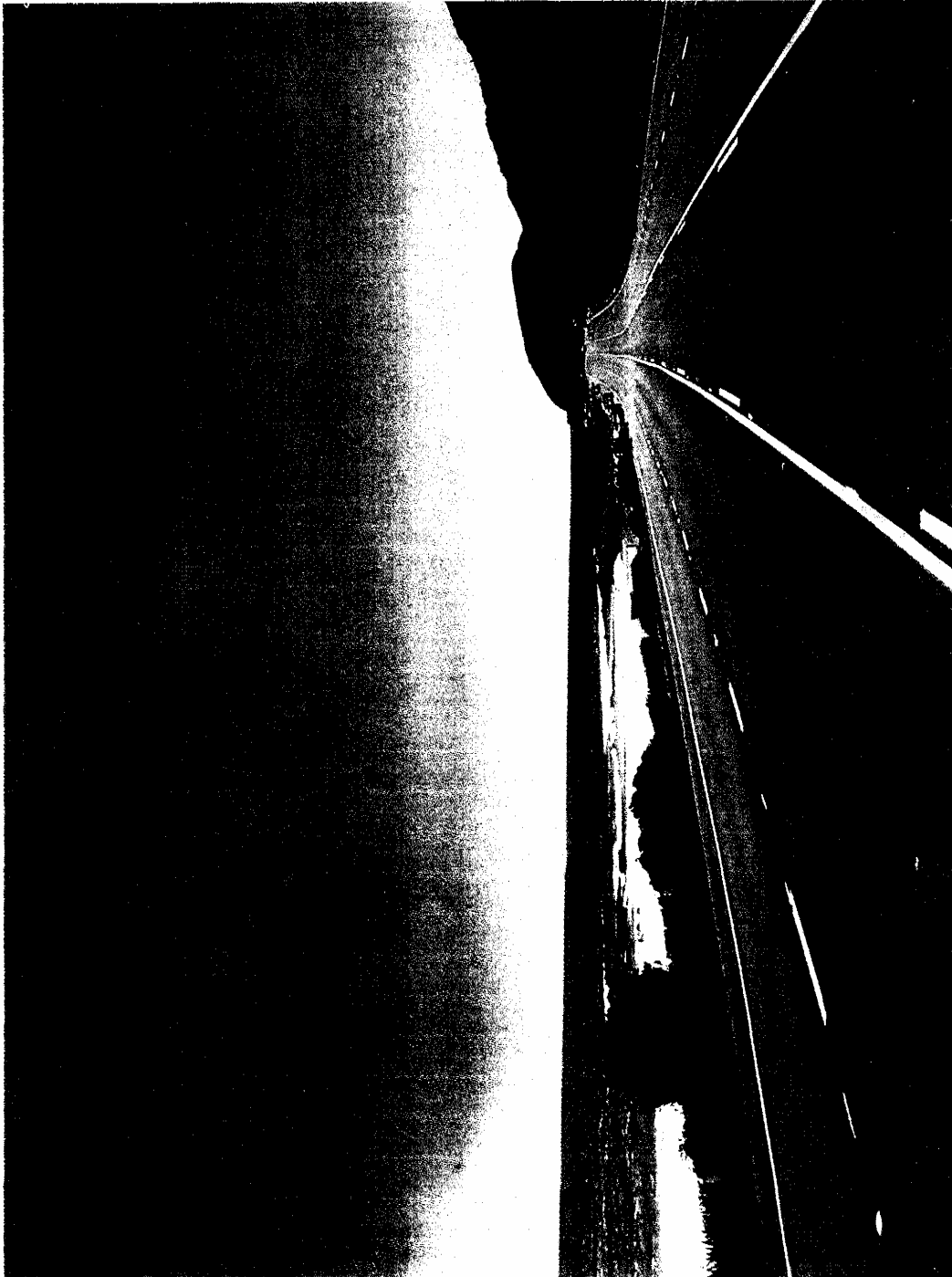
Disclaimer: this map was created by the Ventura County Resource Management Agency, Mapping Services - GIS, which is designed and operated solely for the convenience of the County and related public agencies. The County does not warrant the accuracy of this map and no decision involving a risk of economic loss or physical injury should be made in reliance therein.

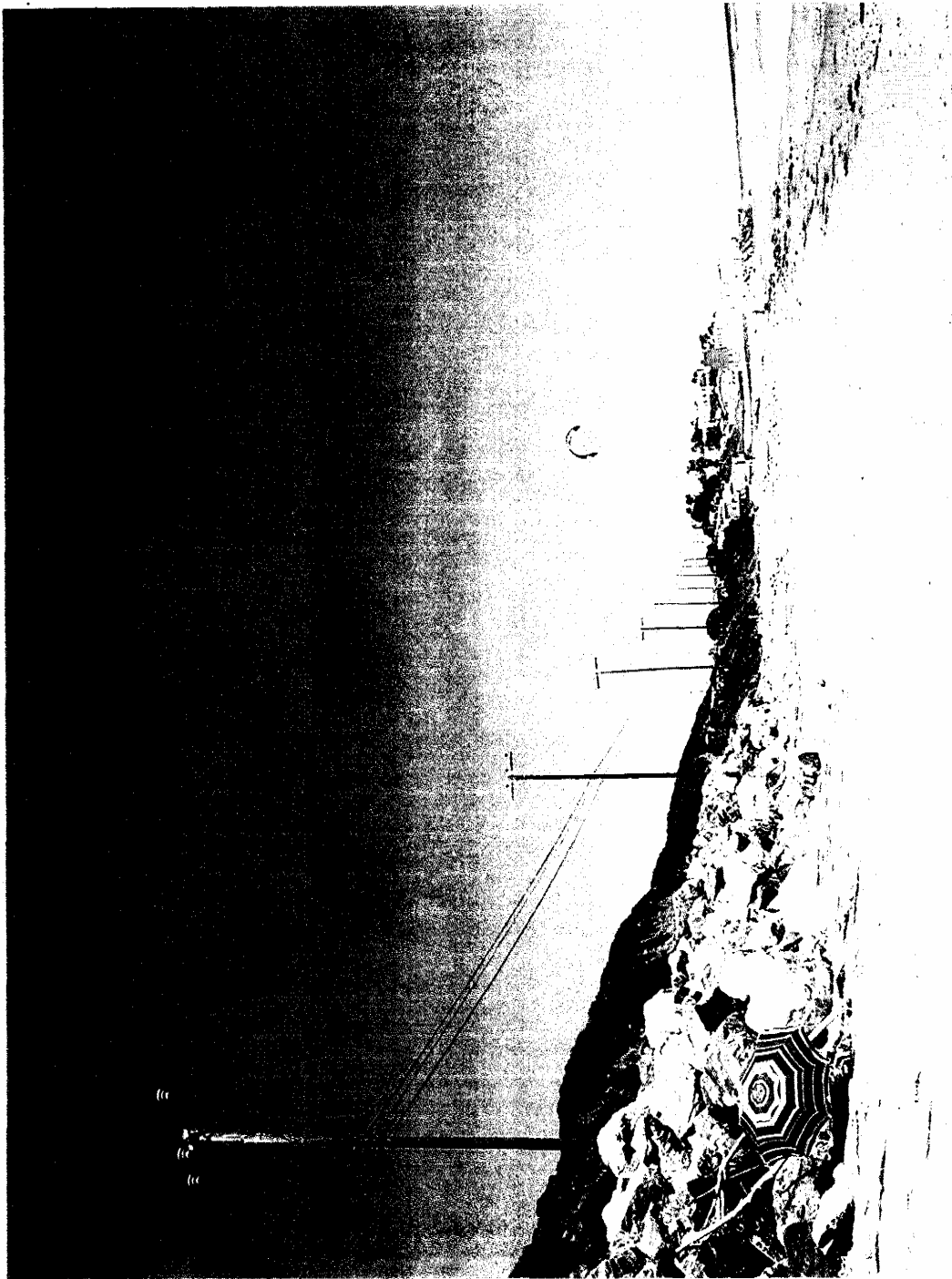


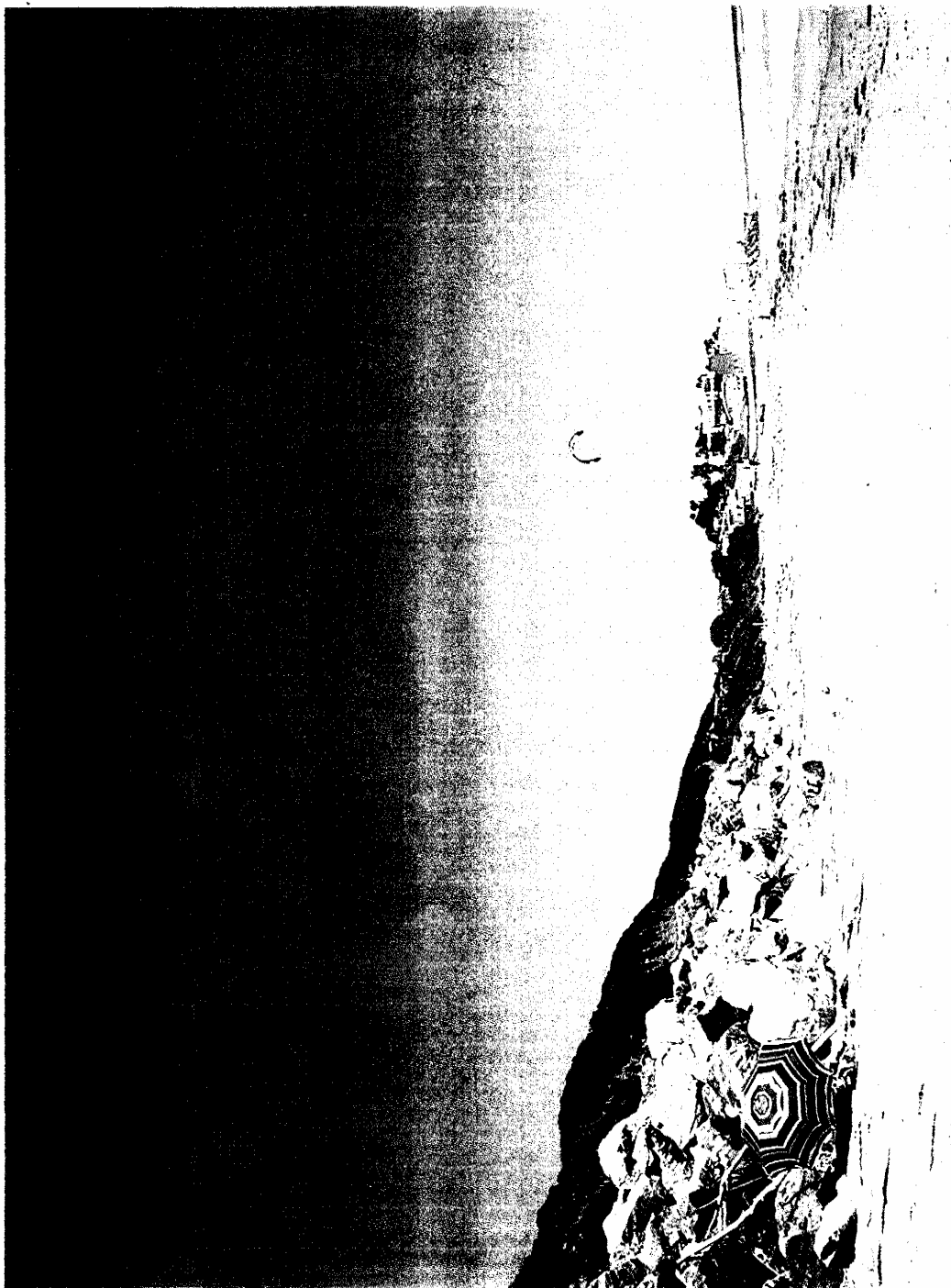
EXHIBIT E

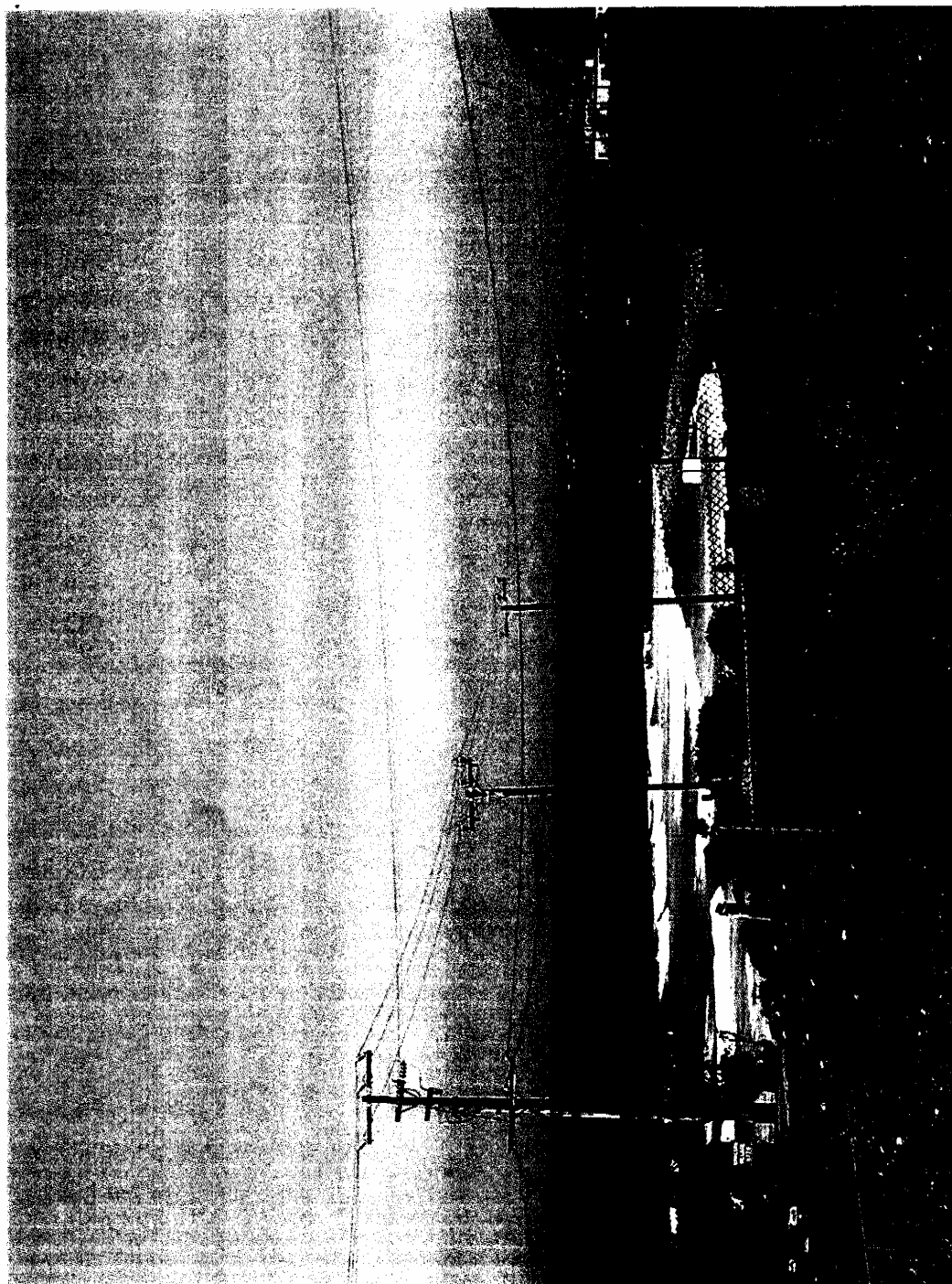






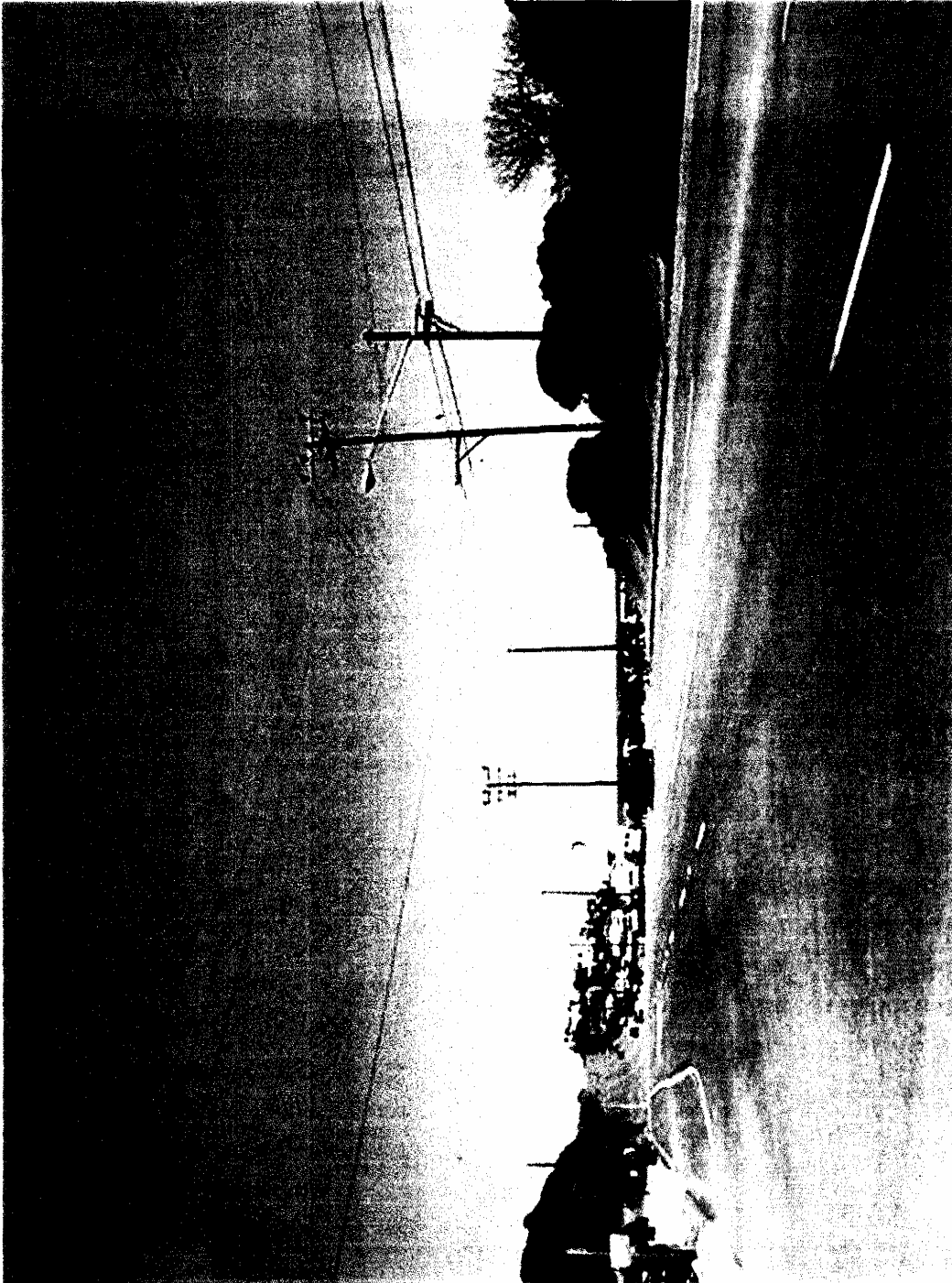














Page 1 April 9, 2008 Coastal Commission Meeting – Agenda Item #11F & 12A  
Carole Lieberman, M.D.

**CAROLE ILENE LIEBERMAN, M.D., M.P.H.**

A Professional Medical Corporation  
**PSYCHIATRIST/EXPERT WITNESS**

*Diplomate, American Board of Psychiatry & Neurology  
Clinical Faculty, UCLA Department of Psychiatry*  
204 South Beverly Drive Suite 108 Beverly Hills, CA 90212  
(310) 278-5433 (310) 457-5441

Patrick Kruer, Chair  
The Monarch Group  
7727 Herschel Avenue  
La Jolla, California 92037  
pkruer@monarchgroup.com

**RECEIVED**  
APR 07 2008

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

James Johnson  
89 South California Street  
Ventura, California 93101  
jjohnson@coastal.ca.gov

**Re: Crown Pointe Estates Development at County Line in Malibu**

Dear Coastal Commission,  
I am a resident of Tongareva Street in Malibu, who has long been concerned about the destructive influence Crown Pointe Estates has been having on my residence and my neighborhood.

I appreciate the recommendation of the Coastal Commission's staff report, in which the importance of keeping Ellice Street open as a public thoroughfare during the day has been recognized. And though this is helpful, it does not take into consideration the fact that there is a need for Ellice Street to be open – and not gated – at all times.

Fires do not respect the time of day and, as recent history has demonstrated, often begin at night or in the early morning hours, igniting locally, leaving only minutes for escape. During the fires of last fall, we had no cable to allow us to keep track of where the fires were headed, and no electricity. Our only source of information was battery-operated radios.

If Tonga Street is bottle-necked with other fleeing residents, fire trucks, fire itself, or earthquake damage, Ellice Street is the only way out for all of us. History has also demonstrated that because fire department resources are stretched thin when there are large or several fires going on at once, we cannot afford the time to wait for a fire department official to try to open the gate amidst the chaos, assuming that the gate will still open during fire or earthquake or other disaster.

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Page 2    April 9, 2008 Coastal Commission Meeting – Agenda Item #11F & 12A  
Carole Lieberman, M.D.

The main reason I purchased my home, 3 years ago, was for its whitewater ocean view, which will now be obliterated by the Crown Pointe Estates development, a fact that was never disclosed to me at the time of purchase. Though I understand that it is not the primary concern of the Coastal Commission to protect individual homeowners' views, I do believe that you are concerned about ocean views from public thoroughfares, such as Tongareva, Tonga and Ellice Street, whose ocean views will be impaired for people walking or driving on these streets.

Furthermore, when I purchased my home, the seller spoke persuasively of being able to take walks on Ellice Street, especially under the evening stars, as she and her husband reportedly enjoyed. Indeed, both day and night, I have walked to the beach, walked to Neptune's Net and walked my dog on Ellice. Why should coastal access be denied at any time of day for my family, my neighbors and any other California citizens who want to enjoy the coast, merely so that the Crown Pointe developers can line their pockets with a few more dollars by selling their homes to people who want to keep it all for themselves, not allowing anyone else to walk on what always was and should continue to be a public street!

Attached please find the statement I read to the Ventura County meeting on October 10, 2006, regarding Crown Pointe, to give you additional background.

Thank you for your thoughtful consideration of these important issues.

Sincerely,

Carole Lieberman, M.D.  
310/457-5441

---

Page 3    April 9, 2008 Coastal Commission Meeting – Agenda Item #11F & 12A  
Carole Lieberman, M.D.

**CAROLE LIEBERMAN, M.D., M.P.H.**  
**PSYCHIATRIST/EXPERT WITNESS**  
**Diplomate, American Board of Psychiatry & Neurology**  
**Clinical Faculty, UCLA Department of Psychiatry**  
204 South Beverly Drive  
Suite 108  
Beverly Hills, CA 90212  
(310) 278-5433  
(310) 457-5441

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CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

Oct. 10, 2006

Good morning ladies and gentlemen,  
My name is Dr. Carole Lieberman and I am a resident of Tongareva Street in Malibu. I would like to preface my remarks by saying that I hope you can appreciate the toll it is taking for those of us who oppose this project to be here today. Not only was it a frustrating experience to have spoken at the last hearing regarding Crown Pointe Estates, since protocol did not allow us to rebut their misleading rebuttal, but it is yet another day of missing work, taking time to prepare a statement, and risking the wrath of neighbors who feel differently than we do about this project.

Since my family and I just moved here one and a half years ago, I cannot speak in a detailed manner regarding the failed septic tests, the unpaid bills to Ventura County for street repair due to leaking water pipes, the insufficient fire-flow, and so on. However, I have seen these chilling documents - that have now been provided to you. They make one scratch one's head in bewilderment as to how it could be thought safe to add further development to an already strained environment. And I have heard true stories of narrow escape from fire that makes privatizing Ellice Street a game of Russian roulette, if not a suicide mission.

What I can speak to today is how, after spending a small fortune for my house, my dreams of this lovely rural open-spaced residence-by-the-sea have been shattered. First of all, it was never disclosed to me that the Crown Pointe development would have such an impact on my well-being-- not to mention my white-water ocean view. Secondly, the Crown Pointe developers' tactics for trying to get their permits have divided and destroyed the morale of my neighborhood.

When we first moved here, friendly and warm-hearted neighbors invited us to their social events. We then started having, what were loosely called, 'homeowner association' meetings to discuss the impact of development on our neighborhood. What started out as reasonable and thoughtful discussions, including contemplating hiring an attorney to represent our rights, gradually deteriorated into polarized non-productive discussions, as one by one neighbors were courted and wooed by these developers with dinners, repairs and upgrades on their homes, promises of private driveways, payments and other special

Page 4    April 9, 2008 Coastal Commission Meeting – Agenda Item #11F & 12A  
Carole Lieberman, M.D.

deals. It has made me extremely sad to see good people be seduced by patronizing developers who sought to divide and conquer by proffering underground telephone poles and these private arrangements by which support was bought one house at a time. Indeed, being here today to speak in support of the developers' proposals was a condition of getting these underground poles and other perks. As of today, there is no Tongareva Homeowners Association, though the developers would have you believe that it exists and is a cheering squad for their project. Now, instead of the warm conviviality that existed when I moved onto Tongareva Street it has become a war of the roses – and I don't mean those that grow on the street.

The developers may try to tell you, as they did at the last hearing, that they met with me and my daughter "several times" to discuss their plans. In fact, Mr. Coleman came once, and then he and Mr. Morris came back a second time, allegedly to take photographs so that they could see whether their planned homes would block my white-water view. But they never returned with their findings, since they already knew the answer. Instead, they now use these photos – without my permission - as part of their presentation to show how lovely the neighborhood would look without poles. It is this kind of deception that is reprehensible and very worrying.

As leaders of Ventura County, entrusted with the health, safety and welfare of your citizens, please step back and realize that any potential tax revenue from such development will be quickly depleted if the County has to pay for its liability – especially now that the County has been forewarned - should the fragile aging water system continue to leak and cause roads to fall apart and house foundations to erode, should the overwhelmed sewage system become a blatant health problem, or should a fire or other disaster cause some of us to be trapped by having no escape route through Ellice Street.

Therefore I would respectfully request that:

1. You do not endorse the privatization of Ellice Street. Before this street was 'temporarily' closed, I and my family walked our dog on it, walked to the beach and Neptune's Net on it, and slept better at night knowing that we could escape through it – without waiting for someone to open the 'nox-boxes' in case of disaster.
  2. You do not permit any re-zoning for additional housing unless and until there are updated independent studies of our water and sewage capacities, fire-flow, seismic retrofitting of the tanks, environmental impact and geology. Clearly, being a developer and the owner of the neighborhood's water system is a conflict of interest. Indeed, I would ask that you take a closer look at the self-serving studies that may have been the foundation for the original permits.
-

Page 5    April 9, 2008 Coastal Commission Meeting – Agenda Item #11F & 12A  
Carole Lieberman, M.D.

In today's increasingly out of control world it behooves each of us to listen a little harder to our conscience, to choose a meaningful life over money, and to love our neighbors as ourselves. I beseech you to do the right thing and I hope my neighbors will eventually love me for standing up for what I think is right – and saving our neighborhood from exploitation and disaster.  
Thank you.

Carole Lieberman, M.D.  
11446 Tongareva Street, Malibu, CA 90265  
310/457-5441

---

**Ventura County**  
**Local Coastal Program Amendment 1-07& Appeal No. A-4-VNT-07-009**  
**Page 48**

RICHARD C. MORRIS  
GENERAL MANAGER  
RCMORRIS@POLARISNET.NET

CROWN POINTE ESTATES AT MALIBU, LLC  
21800 OXNARD STREET, SUITE 1190  
WOODLAND HILLS, CALIFORNIA 91367

TELEPHONE  
(818) 716-2620  
DIRECT (818) 716-2624  
FAX (818) 716-2623

April 7, 2008

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APR 07 2008

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

**VIA EMAIL AND FIRST CLASS MAIL**

California Coastal Commission  
89 South California Street, Suite 200  
Ventura, California 93001  
Attn: Chairman Patrick Kruer  
Mr. James Johnson

**Re: Items W 11f and W 12a  
A-4-VNT-07-009 and Ventura County LCPA 1-07  
Crown Pointe Estates at Malibu, LLC ("Crown Pointe")**

Dear Chairman Kruer and Mr. Johnson:

Last Friday (April 4, 2008), in the late afternoon, James Johnson of the CCC Staff forwarded to me a copy of the attached March 27, 2008 letter from attorney Mark Sellers on behalf of appellant Eloise Hall in reference to the above matter. Mrs. Hall and her husband own one of the 43 residential properties in the neighborhood adjacent to our project. It is important to note that Mr. Sellers' letter was written before the distribution of the CCC Staff Report and before the project modifications which we have agreed to make were made public (i.e., our agreement to open the gates on the private portion of Ellice Street during daylight hours and our agreement to pay a mitigation fee for loss of VSC). I understand Mr. Johnson has prepared a response to that letter which is included with the Staff materials. As I understand it, all of the concerns addressed in Mr. Sellers' letter have been addressed to the Staff's satisfaction by our project modifications but I would like to make a few comments.

The March 27, 2008 letter attaches a letter of August 20, 2007 to the CCC. That letter has signatures of 11 persons on it. For clarification so that you understand the magnitude of the opposition, some of the signatories are family members of owners of the residences in our adjoining neighborhood; i.e., spouses, children, etc. In summary, six residences are represented by the group of 11 signatures. All remaining 37 property owners support our project.

While we believe that many of the concerns outlined in the referenced letters are rendered moot by the project modifications which the opponents were unaware of at the time the letters were sent, we wish to comment on certain of the claims and wish to correct some misstatements made in those letters.



California Coastal Commission  
April 7, 2008  
Page 2

The statements in the March 27, 2008 and August 20, 2007 letters that the private portion of Ellice Street was used historically as an escape route from fires is not true. The private portion of Ellice Street was not even graded until 2003-2004 and was private property, fenced and gated. Attached is a 1998 photo showing the project site, Mrs. Hall's neighborhood (the developed cul-de-sac on the upper right) and the private driveway behind Neptune's Net restaurant (lower left) to the Camp Joan Mier (center). The site was in this condition until 2003. Prior to 2003, no one ever traveled the private portion of Ellice Street as it did not exist and no one had a need to or did or could travel it by car in the event of a fire. In a fire, people in Mrs. Hall's neighborhood would take the short 300 foot exit down Tonga Street to PCH. Tonga Street is a wide, straight and safe exit to PCH. It is the primary escape route in the event of fire and, because it is quick and short, the County required no secondary escape route in the event of fire when that tract was developed.

Certain of the referenced opponents have represented that studies of the geology in the area disclose faults in the area and that an earthquake at a time of a fire could block Tonga requiring a secondary escape route. Geologic studies disclose no such threat (the Initial Studies/MND for both Tract 4483 and 5457 conclude: "no known active or potentially active faults project into or appear to cross through the property", thus concluding a fault rupture on the site is very low), but the discussion is academic since our gate plan will provide an emergency escape route over the private portion of Ellice Street in the event Tonga Street is blocked for any reason. That gate plan includes: equipping the gates with a Fire Department approved and operated Knox Key Switch entry system with back up battery (County Line's new fire station is located 500 feet from the gate); remote and other opening of the gates by our security personnel and property manager in the event of fire; and equipping the gates with pressure sensors allowing a car's bumper to push the gates open in an emergency. Thus, with the gates open during all daylight hours, and with the gate plan providing access in the event of a night time fire, a secondary fire escape route, never available in the past, will now be available to Mrs. Hall and others in her neighborhood.

As to the statements in the August 20, 2007 letter complaining about the residential zoning density on the 9 lots adjacent to the subject site, those lots are fully approved and when entitled in 1996 were precisely consistent with the LUP. It was only thereafter when the County made an error when changing the definition of "Rural" that the LUP became inconsistent with the present zoning, mandating this County initiated correction. See the Planning Director's (Kim Rodriguez's) letter to the CCC attached above written in response to Mr. Seller's misrepresentations to the CCC on this point and others.

Finally, as to these opponents' complaint in these letters about a zone change from Commercial (defined in the VCCAP as "mainly for neighborhood commercial uses") to residential on 2.86 acres of the subject site, no person, including these opponents, raised this

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California Coastal Commission  
April 7, 2008  
Page 3

concern on any level with the County and Mr. Sellers' statement in his March 27, 2007 letter that 13 more large estate houses can now be developed on the rezoned site, again misrepresents the facts. The zone change will permit 2 more homes on the subject site. As the Study by Dyer Sheehan Group, Inc. demonstrates, commercial development of the subject site is not feasible. In the circumstances, we believe our agreement to pay a significant mitigation fee to fund the Leo Carrillo cabin project provides excellent visitor serving opportunities in this area and adequately addresses this issue.

Very truly yours,

Crown Pointe Estates at Malibu, LLC,  
a California limited liability company

By: Rimroc Investments, LLC, a  
California limited liability company,  
Managing Member

By:   
Richard G. Morris, Managing Member

RGM/dhn  
Enclosures

cc: Ms. Susan McCabe  
Ms. Anne Blemker  
Mr. Ron Coleman

RESOURCE MANAGEMENT AGENCY

**county of ventura**

Planning Division

Kimberly L. Rodriguez  
Director

June 11, 2007

California Coastal Commission  
South Central Coast District Office  
Attn: James Johnson, Coastal Program Analyst  
89 South California Street, Suite 200  
Ventura, CA 93001-2801

RECEIVED  
APR 07 2008

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

**SUBJECT: COUNTY OF VENTURA LOCAL COASTAL PROGRAM  
AMENDMENT - FIVE (5) LOT SUBDIVISION (ONE  
COMMERCIAL, FOUR RESIDENTIAL) IN THE SOUTH COAST  
COMMUNITY OF VENTURA COUNTY AND A REZONING TO  
ACHIEVE CONSISTENCY (RESPONSE TO MARK SELLERS'  
LETTER DATED MAY 22, 2007)**

Dear Mr. Johnson:

This letter is in response to attorney Mark Sellers' letter dated May 22, 2007 addressed to the Coastal Commission and the County concerning the subject project. Mr. Sellers' letter is on behalf of a neighboring property owner, Ms. Eloise Hall and an unspecified number of other nearby residents. In this letter, Mr. Sellers objects to the proposed LCPA because he claims it increases the residential density of the subject site and because the proposal will eliminate commercial use on the site. We have no record of Mr. Sellers or any neighboring resident voicing these concerns during the MND process, or at the Planning Commission hearing or at the hearing before the County Board of Supervisors, attended by Mr. Sellers.

The purpose of this letter is to notify you that Mr. Sellers' letter contains a number of material misstatements of fact which are refuted by the County's Staff Report and other materials which the County previously delivered to you. You should not rely on these misstatements in evaluating the LCPA.

Summarizing the misstatements, first Mr. Sellers states, in the first paragraph of Point 1 of his letter, contrary to the facts and without providing any support, that the Applicant's proposal will "allow the re-designating of 5.02 acres from 'Commercial' to that 'Residential - Low' designation." In fact, the Applicant's proposal will redesignate 2.85 acres of Commercial to Residential.

More specifically, presently the 6.38 acre subject site consists of 2.17 acres of Residential and 4.21 acres of Commercial. Exhibit "6" of the County Staff Report



County of Ventura Local Coastal Program Amendment  
June 11, 2007  
Page 3 of 3

has been approved, as long as the applicant meets all conditions imposed, the Map may be recorded. The Applicant met those conditions and the Map was recorded in August, 2002. All grading required as a condition of the Map 4483, was pursuant to grading permits properly issued by the County.


Following the approval of Tract 4483, an inconsistency between the General Plan and the zoning arose as the result of an oversight on the County's part in December 1996 when a broad County land use policy was revised and definitional changes were made to the "Rural" land use category on a Countywide basis. The "Rural" category was redefined from 1 acre minimum parcels to 2 acre minimum parcels. Within the Coastal Area Plan, this change inadvertently affected the land use designation on this property.

The County should have redesignated the property to "Residential Low" (1-2 DU/Acre) to be consistent with the existing CR-1 zoning and the Tract Map which had already been approved. The amendment to the Coastal Area Plan implementing this change was approved by the Coastal Commission in April of 1997. Any resultant (unintentional) inconsistency which may have occurred from the "Rural" redefinition process happened well after the subdivision approval process for Tract 4483. The County-initiated LCPA is mandated by State law (Govt. Code Section 65860) and will rectify this inconsistency by bringing the General Plan and zoning into conformance with one another.

Finally, please refer to the previously delivered Commercial Land Use Feasibility Study prepared by Dyer Sheehan Group, Inc. in response to Mr. Sellers' discussion in Point 2 of his letter.

Should you have any questions, please contact Nancy Francis at [nancy.francis@ventura.org](mailto:nancy.francis@ventura.org) or (805) 654-2461.

Sincerely,

  
\_\_\_\_\_  
KIM RODRIGUEZ, AICP  
Planning Director

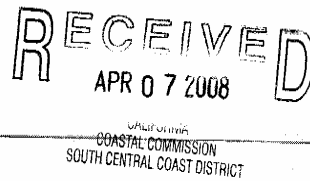
c: Applicant  
File

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APR 07 2008  
D

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT



April 7, 2008

California Coastal Commission  
89 South California Street, Suite 200  
Ventura, California 93001  
Attn: Mr. James Johnson

**Re: Crown Pointe Estates at Malibu, LLC  
Ventura County Local Coastal Program Amendment (LCPA)  
GPA-06-1 (Crown Pointe Estates at Malibu, LLC ("CPE"))  
(the "Amendment") and Related CDP  
TT5457**

To Mr. Johnson and the Coastal Commission

My husband and I are the operators of Neptune's Net restaurant at County Line. We would like to inform you that we have worked for several years with Mr. Morris and Mr. Coleman of Crown Pointe in connection with the rezoning and 5 lot subdivision of the six acre parcel of which our business is a part. We support completely Tentative Tract 5457 and look forward to its completion. This will enable us to take ownership of our parcel which is being expanded and improved and believe the residential subdivision behind us will be compatible with our business.

Thank you.

Michelle Lee

A handwritten signature in cursive script that reads "Michelle Lee".

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APR 01 2008

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

Mr. Peter Douglas, Executive Director  
California Coastal Commission  
45 Freemont Street #2000  
San Francisco, Calif. 94105

RE:NO.MAJ-1-07

(LCP (AMENDMENT/CROWN POINT ESTATES-GATING/PRIVATIZATION OF  
ELLICE STREET A PUBLIC STREET AND RIGHT OF WAY, VENTURA COUNTY  
LINE, MALIBU,CA.)

Dear Mr. Douglas,

My name is Debbie Vrungos and I am writing to you in regards to the Crown Point/Skylark Investments proposal to block off and privatize Ellice St. It is my understanding that there is some contention about the facts of the prior use of Ellice St..

My husband and I were condo owners at 11817 Ellice St. and lived there from 1988-2000. We received a special recognition Certificate of Appreciation from Camp Joan Mier now known as Ability First for our volunteer work at the camp. We created and maintained organic vegetable gardens for them for nine years. I was also a docent for Charmlee Park and used the knowledge I learned there to guide interpretive "walks" for the wheelchair bound campers on field trips to Sycamore Park.

Having some knowledge of the soil in that area I can't for the life of me understand why anyone would allow such density of development on the bluff because the soil doesn't perk worth a darn. You might want to make doubly sure that what you and the county are approving doesn't end up on the highway. God forbid it becomes another La Conchita.

As for Ellice St., in the 12 years we lived there everyone used the whole expanse of it all the way from Tonga to Yerba Buena as a thru street for jogging, bicycling, walking and general recreational enjoyment as those activities are extremely dangerous on the highway. If it had been gated off we would have felt very boxed in and would have taken quite a bit of enjoyment out of living in that tiny community. It was also used by delivery trucks, county vehicles, visitors, film crews, beach goers and emergency vehicles.

Ellice St. was also a crucial staging point for fire trucks in the 1989 fire and especially the 1993 fire when dozens of fire trucks from around the state and around the country came to help us. There were fire trucks all up and down Ellice and Tonga St. and every available space was utilized.

It was also used by the people of Yerba Buena as an emergency evacuation site where they off loaded their horses into the camps corral.(see pictures) If you privatize and shut off Ellice St. not only will you cut off an important second escape route for the community but the people up the hill on Yerba Buena will not have a way to get their horses to a safe place.

The other point of safety and Ellice St. is beach access parking and the drivers who used it to access the beach side only parking where you must park facing east

instead of attempting one of those crazy u-turns on PCH.

It just seems to me that if you shut Ellice St. off from the public, you are forever eliminating an important option for the neighborhood, the beach goes and for emergency situations.

It also saddens me to hear that no EIR's are being required since the area is so rich in artifacts. I brought Richard Angulo from the California Indian Council Foundation to the end of Ellice St. to show him a beautiful matate grinding stone I found along with a bone earring, scrapers, chert flakes and chert stones, fish vertebrae and ceremonial items, some of which Richard took with him for safekeeping at the California Indian Council Foundation headquarters. These items were laying right on the ground!

In fact, when Skylark first graded the bluff in 1997 the camp allowed them to dump some of the dirt on their land. Well, they must have dug up a huge shell mound because the huge pile of dirt literally glistened with shells after the first rain and fish vertebrae were all over the surface.

I would think an EIR would also assure you of the bluff stability and the people of the area that they won't run out of water especially in a fire situation as Tongareva's water was diminished to a trickle during the fires. I believe this won't be the last time you are asked to okay more development as Crown Point owns 64 more acres behind the bluff.

This company stands to make a lot of money from their properties and I'd think they would want to assure the safety and well being of the neighborhood they are building and the existing neighborhood. But when I heard that my own condo association signed what seems to be a gag order written up by Crown Point I was shocked. For money and favors it appears they given away their right to speak in opposition to any thing the company does and they must stand up for the company in a prompt manner any time the company requests it. I've heard they've even lost their valuable and beautiful white water views due to the huge build up of the natural bluff. Did they know this was going to happen? Are they free to tell you if they did not know?

All I can say is tactics like these make us very glad that we moved when we did and I urge you to be vigilant in your discovery of what is going on here and what you will be asked for in the future.

Sincerely,



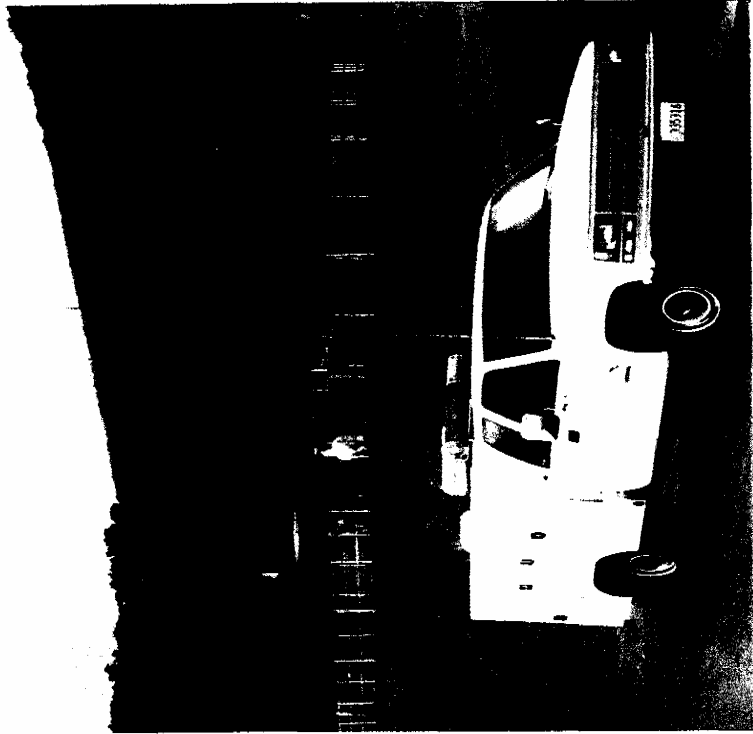
Debbie Vrungos  
700 Ellwood Drive  
Coupeville, Wa. 98239  
(360) 678-1048

cc  
James Johnson  
Sara Wan  
Patrick Kruer





10/29/93 THOUSAND OAKS FIRE - CAMP JEAN  
MR HORSE CORRAL EVACUATION



ANIMAL CONTROL VEHICLE - ELLICE & TONGA

HORSE TRAILERS LINE UP ON ELLICE STREET TO EXIT VIA TONGA STREET





1993  
PUL  
CLOSED  
USED AS  
STAGING  
AREA  
THOUSAND  
OAKS  
FIRE



THOUSAND OAKS  
FIRE 1993  
LANDING ON  
ELICE ST  
ABOVE NEPTUNE'S  
NET



1993  
THOUSAND  
OAKS  
FIRE  
SPREADING FROM  
WEST  
LESS  
HILLTOP  
FIRE

REIGNITION OF THOUSAND OAKS FIRE ON  
11/2/93 FIRES BURNING FROM THE EAST - BOTH SIDES OF PCH  
TO TONGVA STREET -

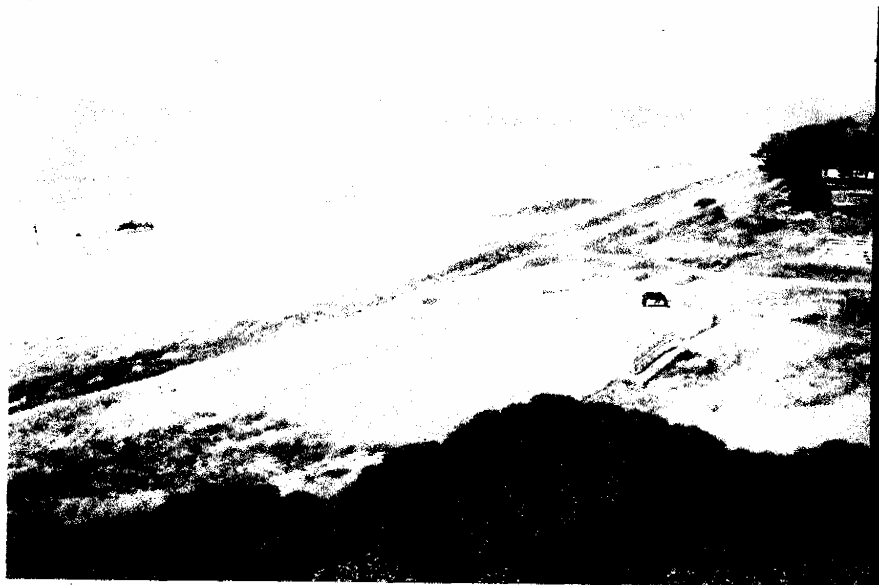




X  
CAMP  
SOAN  
MIER  
HORSE  
CORRAL

1989 POINT Mugu STATE PARK FIRE EVIDENCE  
FROM THE WEST-SHICE STREET IN FOREGROUND

ELICE STREET / CAMP JOAN MER HORSE CORRAL  
2000



ELICE STREET THROUGH TO TONGVA 2001

**Ventura County**  
**Local Coastal Program Amendment 1-07& Appeal No. A-4-VNT-07-009**  
**Page 63**

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CROWN POINTE ESTATES AT MALIBU, LLC  
21800 OXNARD STREET, SUITE 1190  
WOODLAND HILLS, CALIFORNIA 91367

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April 7, 2008

**RECEIVED**  
APR 08 2008

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

**VIA EMAIL AND FIRST CLASS MAIL**

California Coastal Commission  
89 South California Street, Suite 200  
Ventura, California 93001  
Attn: Chairman Patrick Kruer  
Mr. James Johnson

**Re: Items W 11f and W 12a  
A-4-VNT-07-009 and Ventura County LCPA 1-07  
Crown Pointe Estates at Malibu, LLC ("Crown Pointe")  
Crown Pointe Response to 4-7-08 Letter from Dr. Lieberman**

Dear Chairman Kruer and Commissioners:

I am attaching a copy of an April 7, 2008 letter I received today written by Dr. Carole Lieberman regarding our project and raising objections notwithstanding the project modifications detailed in the Staff Report.

In response to Dr. Lieberman's letter, her concern about access to the private portion of Ellice Street as an emergency escape route in the event of a fire occurring while Tonga Street is blocked has been fully discussed in our response earlier today to you regarding Mr. Sellers' recent letter. Specifically, with the gates open during daylight hours, and with the gate plan (Knox Key Switch entry system operated by the nearby fire station; remote and other opening of the gates in the event of fire; and pressure sensitive gates allowing a car's bumper to push the gates open) providing access in the event of a night time fire if Tonga Street is blocked, a secondary fire escape route, never available in the past, will now be available to Dr. Lieberman and others in her neighborhood.

With regard to Dr. Lieberman's comments about her views (see attached photo) which she claims will be "obliterated" by our development, Dr. Lieberman cannot even see the subject site (TT 5457) from her residence. Her residence is on the north side of Tongareva Street with her coastal views substantially impacted by homes of other Tongareva residents on the south side of the street and the telephone poles and wires strung between. It is possible that some small portion of the home which we will construct on Lot 2 of fully-approved Tract 4483 may be visible from Dr. Lieberman's home through the corridor created by the 2 homes of her neighbors across the street on Tongareva, but that will have little impact on her view and in any event is

California Coastal Commission  
April 7, 2008  
Page 2

irrelevant to the approval of TT 5457. What will have a major and positive impact on Dr. Lieberman's views is the removal of the power poles which we will undertake on approval of this project.


Dr. Lieberman makes a number of other unsupported statements in her letters about our project, all of which are untrue, which she has raised with the County earlier and all of which have no merit. None of these claims raise Coastal Act issues.

Thank you for your consideration of this.

Very truly yours,

Crown Pointe Estates at Malibu, LLC,  
a California limited liability company

By: Rimroc Investments, LLC, a  
California limited liability company,  
Managing Member

By:   
Richard G. Morris, Managing Member

RGM/dhn  
Enclosures

cc: Ms. Susan McCabe  
Ms. Anne Blemker  
Mr. Ron Coleman





APR 7 2008 4:40PM

No. 3703 A. F.

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APR 07 2008

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

WILSON, KENNETH H. & ASSOCIATES

DISCLOSURE OF EX PARTE COMMUNICATIONS

Name or description of project:

Ventura County LCP Amendment for a zone change to reallocate residential and commercial zoning on a 6.38-acre site a county line and PCH, Ventura County Appeal No. A-4-VNT-07-009 (Crown Pointe Estates) 5-lot subdivision and vacation of a street inland of PCH

Date and time of receipt of communication:

April 7, 2008, 10:00 a.m.

Location of communication:

La Jolla

Type of communication:

Meeting

Person(s) in attendance at time of communication:

Susan McCabe

Person(s) receiving communication:

Patrick Kruer

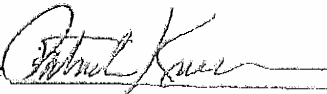
Detailed substantive description of the content of communication:

(Attach a copy of the complete text of any written material received.)

The applicants are in agreement with the staff recommendation of approval with conditions for a proposal to change the zoning on a 6.38-acre parcel of land located on PCH in Ventura County, creation of a 5-lot subdivision and the vacation of a public street on an inland street paralleling PCH. The applicants worked with coastal staff and State Parks and have agreed to fully fund the creation of 11 tent cabins at the nearby La Carrillo State Beach Park (\$557,000) to mitigate for any potential loss of visitor-servicing uses from the zone change on their property. In addition, as a result of the privatization of Ellice Street which was created several years ago to serve the adjacent residential development, the applicants will underground almost a mile of power poles on PCS and adjoining streets. Concerns over privatization of the street and the potential loss of public access have been addressed through conditions that require automatic gates open from dawn to dusk and submittal of a public signage plan.

Date: 4/7/08

Signature of Commissioner:



**DATE:** March 27, 2008

**TO:** Commissioners and Interested Persons

**FROM:** Jack Ainsworth, Deputy Director  
Steve Hudson, District Manager  
James Johnson, Coastal Program Analyst

**SUBJECT:** Ventura County Local Coastal Program Amendment No. MAJ-1-07 (Crown Pointe Estates) for Public Hearing and Commission Action at the April 9, 2008, Commission Meeting in Santa Barbara.

**DESCRIPTION OF THE SUBMITTAL**

Ventura County is requesting a two component amendment to the certified Local Coastal Program (LCP). The first component of the amendment is a change to the Land Use Plan (LUP) and Coastal Zoning Ordinance (CZO) to change the land use and zoning designation on a single lot to accommodate a specific proposed residential project (Crown Pointe Estates at Malibu, LLC). 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 sites that are subject to this amendment are located between Pacific Coast Highway and Ellice Street in Ventura County's South Coast Sub-area (Exhibits 1-3).

The first component of the amendment proposes to change the Land Use designations and Map of the Coastal Area Plan for one 6.38 acre lot (Lot 10, Exhibit 2) from 4.26 acres of "Commercial" use and 2.12 acres of "Residential – Rural 1 DU/2AC use to 1.36 acres of "Commercial" and 5.02 acres of "Residential Low" (1-2 Dwelling Units/acre) use (Exhibit 4). The amendment also proposes to change the Coastal Zoning Ordinance on portions of this same one 6.38 acre lot from "Coastal Commercial" to "Coastal Rural" (1 acre minimum) consistent with the above proposed changes to the LUP (Exhibit 5).

The second component of the amendment proposes to change the Land Use Plan and Coastal Area Plan Map for 9 contiguous lots located to the southeast of the above site between Pacific Coast Highway and Ellice Street from "Residential Rural" (1 DU/2 Acre) to "Residential Low" (1-2 DU/Acre) in order to correct an existing inconsistency that currently exists between the LUP and the certified Zoning Designation of "Coastal Rural" (1 acre minimum). This amendment will also make the LUP consistent with an existing recorded subdivision for the site that was previously approved by the County as Tract 4483 (Coastal Permit 4-VNT-96-022) in 1996 and not appealed to the Commission (Exhibit 6).

The County of Ventura first submitted Local Coastal Program Amendment 1-07 on November 30, 2006. On December 13, 2006, the amendment was deemed incomplete as the staff requested additional information. On April 13, 2007, Staff received additional information from the County intended to address the information requirements

identified in the December 13, 2006 letter. On April 26, Staff requested via a letter a clarification of the information submitted on April 13, 2007. On May 22, 2007, Staff received the requested clarification from the County. As a result, this Local Coastal Program Amendment was filed as complete on June 6, 2007. At its August 8, 2007 Commission meeting, the Commission extended the 90-day time limit to act on this Local Coastal Program Amendment for a period not to exceed one year. ***The Commission must therefore act upon the amendment by September 4, 2008 (one year and 90 days after June 6, 2007).***

### **SUMMARY OF STAFF RECOMMENDATION**

Staff is recommending that the Commission, after public hearing, **reject** the proposed amendment and **approve** it only if modified as suggested. The first component of this amendment is a Land Use Plan (LUP) and Coastal Zoning Ordinance (CZO) change related to a specific residential project (Crown Pointe Estates at Malibu, LLC). The second component of this amendment is a Land Use Plan designation change to correct an existing inconsistency with the certified Coastal Zoning Ordinance. The standard of review for the changes to the Land Use Plan is whether the amendment meets the requirements of and is consistent with the policies of Chapter 3 of the Coastal Act. The standard of review for the proposed changes to the Coastal Zoning Ordinance (CZO) is whether the proposed amendment conforms with and is adequate to carry out the provisions of the Land Use Plan (LUP) of the certified Ventura County Local Coastal Program.

The first component of this amendment proposes to change the Land Use Plan designations and Map of the certified Coastal Area Plan on one 6.38 acre lot (Lot 10, Exhibit 2) from 4.26 acres of "Commercial" use and 2.12 acres of "Residential – Rural 1 DU/2AC to 1.36 acres of "Commercial" use and 5.02 acres of "Residential Low" (1-2 DU/Acre) use (Exhibit 4). The amendment would also result in a change the Coastal Zoning Ordinance on portions of this same one 6.38 acre lot from "Coastal Commercial" to "Coastal Rural" (1 acre minimum) consistent with the above changes to the Land Use Plan (Exhibit 5).

The 6.38 acre lot is located in a relatively isolated and rural area of the coast. The surrounding area is developed with some residential development. The site itself is vacant with the exception of the existing "Neptune's Net" restaurant and its parking lot. The existing restaurant and parking facilities will be located in the 1.36 acre portion of the site that will remained zoned for "commercial" use and will not be adversely impacted by this amendment. However, the proposed amendment will result in the conversion of 3.9 acres of vacant land currently designated for "commercial" use to "residential" use. Although the site is not specifically designated for "visitor-serving" commercial use, the loss of land available for new commercial development in the Coastal Zone would result in potential impacts to visitor serving uses, recreational resources and opportunities. Therefore, in order to offset the loss of the potential for additional visitor serving and recreational resources in the Coastal Zone, Suggested Modification One (1) and the corresponding modification to the Coastal Zoning Ordinance (Implementation Plan) would require that any permit for residential

development of the newly-residentially-designated area include a requirement for a payment of a fee, by the project proponent, in the amount of \$557,084 for the construction of eleven (11) new cabins at Leo Carrillo State Beach Park in order to provide low-cost, visitor-serving, overnight accommodations to ensure the amendment is consistent with the Coastal Act's visitor serving commercial requirements. Currently, Leo Carrillo State Beach is developed with existing tent-camping and recreational vehicle facilities only and does not provide for cabin camping facilities. State Parks staff has indicated that they expect that 11 new cabins would serve to substantially increase the public's recreational opportunities at Leo Carrillo State Beach Park. The construction of the new cabins would not result in the loss of any existing camping facilities.

The second component of the amendment would change the Land Use Plan and Coastal Area Plan Map for 9 lots located to the southeast of the above site between Pacific Coast Highway and Ellice Street from "Residential Rural" (1 DU/2 Acre) to "Residential Low" (1-2 DU/Acre) to correct an existing inconsistency between the LUP and the certified Zoning Ordinance, which currently designates the 9 lots for "Coastal Rural" (1 acre minimum). In addition, this amendment will also make the LUP consistent with an existing recorded subdivision for the site that was previously approved by the County pursuant to Coastal Development Permit 4-VNT-96-022 (Exhibit 6).

The first component of this amendment is project-driven and directly related to the Crown Pointe Estates Project. The Crown Pointe Estates Project is the subject of a pending Commission appeal of the County of Ventura's Coastal Development Permit No. A-4-VNT-07-009 and will be considered by the Commission after action on this amendment to the Local Coastal Program. The related coastal permit which was approved by the County and appealed to the Commission includes: 1) a subdivision of Lot 10 of Tract 3383 (the 6.38 acre lot noted above) into 5 lots, 4 residential and 1 commercial lot containing Neptune's Net Restaurant; and the vacation (privatization) of the County's right-of-way along the western portion of Ellice Way between Yerba Buena Road on the west and Tonga Street on the east (fronting the above 4 residential lots subject to this amendment and an additional 9 existing lots on the seaward side of Ellice Way). The above referenced subdivision and the vacation of the County's right of way to the western portion of Ellice Way are not a part of this LCP amendment and will be addressed as part of the related appeal of Coastal Development Permit No. A-4-VNT-07-009.

The standard of review for the changes to the Land Use Plan is whether the amendment meets the requirements of and is consistent with the policies of Chapter 3 of the Coastal Act. The standard of review for the proposed changes to the Coastal Zoning Ordinance is whether the amendment conforms with and is adequate to carry out the provisions of the Land Use Plan (LUP) portion of the certified Ventura County Local Coastal Program.

## EXHIBITS

- Exhibit 1. Ventura County Board of Supervisors Resolution No. 222
  - Exhibit 2. Vicinity Map
  - Exhibit 3. Existing Tract 4483
  - Exhibit 4. LCPA Element One - Land Use Plan – Proposed Coastal Area Plan Changes
  - Exhibit 5. LCPA Element One - Proposed Coastal Zoning Ordinance Change
  - Exhibit 6. LCPA Element Two - Proposed Land Use Plan Change
  - Exhibit 7. Aerial Photograph 2002
  - Exhibit 8. Aerial Photograph 2007
- 

## SUBSTANTIVE FILE DOCUMENTS

Resolution No. 222, adopted by County of Ventura Board of Supervisors on October 10, 2006, *Regarding General Plan Amendment GPA 06-1 and Application for Local Coastal Program Amendment (Consisting of GPA 06-01, Zone Change ZN04-0002; County of Ventura Local Coastal Program submittal documents received June 11, 2007, April 13, 2007, and November 30, 2006; Tentative Tract Map 5457; and Coastal Development Permit [Conditional Use Permit] LU04-0068;* adopted by the Board of Supervisors October 10, 2006; Ventura County certified Local Coastal Program; Commercial Land Use Feasibility Study, by Dyer Sheehan Group, dated March 26, 2007.

**Additional Information:** Please contact James Johnson, California Coastal Commission, South Central Coast Area, 89 So. California St., Second Floor, Ventura, CA. (805) 585-1800.

## I. PROCEDURAL ISSUES

### A. STANDARD OF REVIEW

The Coastal Act provides:

***The commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200)... (Section 30513(c))***

The Coastal Act further provides:

***The local government shall submit to the Commission the zoning ordinances, zoning district maps, and, where necessary, other implementing actions that are required pursuant to this chapter...***

***...The Commission may only reject ordinances, zoning district maps, or other implementing action on the grounds that they do not conform with, or are***

***inadequate to carry out, the provisions of the certified land use plan. If the Commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection, specifying the provisions of the land use plan with which the rejected zoning ordinances do not conform, or which it finds will not be adequately carried out, together with its reasons for the action taken. (Section 30513)***

The proposed amendment affects the Land Use Plan (LUP) and Coastal Zoning Ordinance (CZO) components of the certified Ventura County LCP. The standard of review that the Commission uses in reviewing the adequacy of the land use plan is whether the land use plan meets the requirements of and is consistent with the policies of Chapter 3 of the Coastal Act. The standard of review for the proposed amendment to the Implementation Plan (CZO) of the certified Local Coastal Program, pursuant to Sections 30513 and 30514 of the Coastal Act, is whether the proposed amendment is in conformance with, and adequate to carry out, the provisions of the Land Use Plan (LUP) portion of the certified Ventura County Local Coastal Program.

## **B. PUBLIC PARTICIPATION**

Section 30503 of the Coastal Act requires public input in preparation, approval, certification and amendment of any LCP. The County held public hearings on September 28, 2006, and October 10, 2007, and received verbal and written comments regarding the project from concerned parties and members of the public. The hearings were noticed to the public consistent with Sections 13552 and 13551 of Title 14 of the California Code of Regulations. Notice of the subject amendment has been distributed to all known interested parties.

## **C. PROCEDURAL REQUIREMENTS**

Pursuant to Section 13551(b) of Title 14 of the California Code of Regulations, the County resolution for submittal may submit a Local Coastal Program Amendment that will either require formal local government adoption after the Commission's approval, or is an amendment that will take effect automatically upon the Commission's approval pursuant to Public Resources Code Sections 30512, 30513, and 30519 and California Code of Regulations, Title 14, section 13551. The County's Resolution No. 222 adopted by the Board of Supervisors on October 10, 2006, confirms that the local government determined that this LCP Amendment shall become effective on the date it is certified by the Commission. Approval of this amendment with modifications will require subsequent action by the County to act to accept the Commission's approval with modifications within six months from the date of Commission action in order for the amendment to become effective (Sections 13544, 13544.5, and 13537). Pursuant to Sections 13544 and 13544.5, the Executive Director shall determine whether the County's action is adequate to satisfy all requirements of the Commission's certification order and report on such adequacy to the Commission. If the Commission denies the LCP Amendment, as submitted, no further action is required by either the Commission or the County.

## II. STAFF MOTIONS, RESOLUTIONS, & RECOMMENDATIONS

Following public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation is provided just prior to each resolution.

### A. DENIAL OF THE LUP AMENDMENT AS SUBMITTED

**MOTION I:**        *I move that the Commission CERTIFY Amendment VNT-MAJ-1-07 to the County of Ventura Coastal Plan, as submitted by the County of Ventura.*

#### **STAFF RECOMMENDATION OF REJECTION:**

Staff recommends a **NO** vote. Failure of this motion will result in denial of the land use plan as submitted and adoption of the following resolution. The motion to certify as submitted passes only upon an affirmative vote of a majority of the appointed Commissioners.

#### **RESOLUTION TO DENY CERTIFICATION OF THE IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:**

The Commission hereby denies certification of Amendment VNT-MAJ-1-07 to the County of Ventura Coastal Plan and adopts the findings set forth below on grounds that the land use plan as submitted does not meet the requirements of and is not in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan would not meet the requirements of the California Environmental Quality Act, as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the land use plan as submitted.

### B. CERTIFICATION OF THE LUP AMENDMENT WITH SUGGESTED MODIFICATIONS

**MOTION II:**        *I move that the Commission CERTIFY Amendment VNT-MAJ-1-07 to the County of Ventura Coastal Plan, if modified as suggested in this staff report.*

#### **STAFF RECOMMENDATION TO CERTIFY IF MODIFIED:**

Staff recommends a **YES** vote. Passage of this motion will result in certification of the land use plan with suggested modifications and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of a majority of the appointed Commissioners.



**RESOLUTION TO CERTIFY THE LAND USE PLAN WITH SUGGESTED MODIFICATIONS:**

The Commission hereby certifies Amendment VNT-MAJ-1-07 to the County of Ventura Coastal Plan if modified as suggested and adopts the findings set forth below on grounds that the land use plan with the suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan if modified as suggested 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 plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the land use plan if modified.

**C. DENIAL OF THE IP AMENDMENT AS SUBMITTED**

**MOTION I:**        *I move that the Commission reject the County of Ventura Implementation Program/Coastal Zoning Ordinance Amendment VNT-MAJ-1-07 as submitted.*

**STAFF RECOMMENDATION OF REJECTION:**

Staff recommends a **YES** vote. Passage of this motion will result in rejection of Implementation Program Amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO DENY CERTIFICATION OF THE IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:**

The Commission hereby denies certification of the County of Ventura Implementation Program/Coastal Zoning Ordinance Amendment VNT-MAJ-1-07 and adopts the findings set forth below on grounds that the Implementation Program Amendment as submitted does not conform with, and is inadequate to carry out, the provisions of the certified Land Use Plan as amended. Certification of the Implementation Program Amendment would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Program Amendment as submitted.

**D. CERTIFICATION OF THE IP AMENDMENT WITH SUGGESTED MODIFICATIONS**

**MOTION II:**        *I move that the Commission certify County of Ventura Implementation Program/Coastal Zoning Ordinance*

***Amendment VNT-MAJ-1-07 if it is modified as suggested in this staff report.***

**STAFF RECOMMENDATION:**

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Implementation Program Amendment with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO CERTIFY THE IMPLEMENTATION PROGRAM AMENDMENT WITH SUGGESTED MODIFICATIONS:**

The Commission hereby certifies the County of Ventura Implementation Program/Coastal Zoning Ordinance Amendment VNT-MAJ-1-07 if modified as suggested and adopts the findings set forth below on grounds that the Implementation Program Amendment with the suggested modifications conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan as amended. Certification of the Implementation Program Amendment if modified as suggested 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 Implementation Program Amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

### **III. SUGGESTED MODIFICATIONS**

#### **A. LAND USE PLAN AMENDMENT**

The staff recommends the Commission certify the proposed LUP amendment with the modifications as shown below. The existing language of the certified LCP is shown in straight type. Language recommended by Commission staff to be deleted is shown in bold **~~line out~~**. Language proposed by Commission staff to be inserted is shown as bold **underlined**. Other suggested modifications that do not directly change LCP text (e.g., revisions to maps, figures, instructions) are shown in bold ***italics***.

**1. *Add Text to Coastal Area Plan, 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 ~~some existing this~~ **land uses 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 New Policy 10 within South Coast Section regarding Recreation and Access, following “Leo Carrillo State Beach” (page 110-111), as identified below. Existing Policies 10-13 under “Santa Monica Mountains National Recreation Area” shall be re-numbered accordingly.*

(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.)

#### Policy 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.

3. *Add Coastal Act Section 30213 to Ventura County Land Use Plan, Summary of Coastal Act policies, Recreation (page 14), as follows:*

Section 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 Coastal Act Section 30214, to Ventura County Land Use Plan, Summary of Coastal Act policies, Shoreline Access (page 13,) as follows:*

Section 30214. Implementation of public access policies; legislative intent.

(a) The public access policies of this article in the Summary of Coastal Act Policies, Shoreline Access identified in the Ventura County LCP 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 of this article, 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.

**5. Revised Land Use Plan and Zoning Ordinance Maps**

*The County shall provide revised LCP Land Use Plan text changes and full size Land Use Plan and Zoning Ordinance Maps within 60 days of the final Commission certification of this Amendment to the Commission Staff reflecting the approved changes.*

**B. SUGGESTED MODIFICATIONS ON THE  
IMPLEMENTATION PLAN/COASTAL ZONING  
ORDINANCE (IP/CZO)**

1. 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.

## **IV. FINDINGS FOR DENIAL OF CERTIFICATION OF THE COUNTY OF VENTURA LCP AMENDMENT, AS SUBMITTED, AND FINDINGS FOR APPROVAL IF MODIFIED AS SUGGESTED**

The following findings support the Commission's denial of the LCP Amendment as submitted and the approval of the LCP amendment if modified as suggested. The Commission hereby finds and declares as follows:

### **A. AMENDMENT DESCRIPTION**

Ventura County is requesting a two component amendment to the certified Local Coastal Program (LCP). The first component of the amendment is a change to the Land Use Plan (LUP) and Coastal Zoning Ordinance (CZO) to change the land use and zoning designation on a single lot to accommodate a specific proposed residential project (Crown Pointe Estates at Malibu, LLC). 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. These sites are located on land in southeast Ventura County adjacent to and inland of Pacific Coast Highway in the County's South Coast Sub-area (Exhibits 1-8).

The first component of the amendment proposes to change the Land Use designations and Map of the Coastal Area Plan for one 6.38 acre lot (Lot 10, Exhibit 3) from 4.26 acres of "Commercial" use and 2.12 acres of "Residential – Rural 1 DU/2AC use to 1.36 acres of "Commercial" and 5.02 acres of "Residential Low" (1-2 Dwelling Units/acre) use (Exhibit 4). The amendment also proposes to change the Coastal Zoning Ordinance on portions of this same one 6.38 acre lot from "Coastal Commercial" to "Coastal Rural" (1 acre minimum) consistent with the above proposed changes to the LUP (Exhibit 5).

The 6.38 acre lot is located in a relatively isolated and rural area of the coast. The surrounding area is developed with some residential development. The site itself is vacant with the exception of the existing "Neptune's Net" restaurant and parking lots. The existing restaurant and parking facilities will be located in the 1.36 acre portion of the site that will remained zoned for "commercial" use and will not be adversely impacted by this amendment.

The second component of the amendment proposes to change the Land Use Plan and Coastal Area Plan Map for 9 contiguous lots located to the southeast of the above site between Pacific Coast Highway and Ellice Street from "Residential Rural" (1 DU/2 Acre) to "Residential Low" (1-2 DU/Acre) in order to correct an existing inconsistency that currently exists between the LUP and the certified Zoning Designation of "Coastal Rural" (1 acre minimum) (Exhibit 6). This amendment will also make the LUP consistent with an existing recorded subdivision for the site that was previously approved by the County

as Tract 4483 (Coastal Permit 4-VNT-96-022) in 1996 and not appealed to the Commission (Exhibit 5).

## **B. BACKGROUND**

### **1. Site History and Description**

The County's Coastal Plan was certified by the Coastal Commission in 1981. Since then, the Coastal Plan has been amended eight times with corresponding certifications by the Commission addressing various changes to land uses and adding regulations to the coastal area.

The previous property owner, Skylark Investments, owned the subject property, and land adjacent to the southeast, as well as property to the north (Exhibit 3). With the County approval of Tract 4483, pursuant to County-issued Coastal Development Permit 4-VNT-96-022, in November 1996, Skylark Investments subdivided this property into 11 lots, 10 of which exist between Ellice Street and Pacific Coast Highway and east of Yerba Buena Road in the South Coast Community of Ventura County. The County's approval of this coastal permit was not appealed to the Commission in 1996. Lots 1-9 are vacant, one-acre in size, single family lots located between the recently constructed western Ellice Street extension and Pacific Coast Highway. Lot 10 is a larger 6.38 acre property consisting of vacant graded land, a restaurant (Neptune's Net), a parking lot for the existing restaurant, and an unused commercial building associated with the restaurant. Lot 11 is a 57 acre piece north of Ellice Street and east of Yerba Buena Road including one single family residence located on the western portion of the lot along Yerba Buena Road. This subject LCPA addresses Lots 1-10 of this subdivision, Tract 4483.

Crown Pointe Estates first acquired Lots 1-9 of Tract 4483 from Skylark Investments in 2004 and Lot 10 in 2007. In 2007, Crown Pointe Estates received County approval (pursuant to the County's approval of a coastal permit which was subsequently appealed to the California Coastal Commission) to divide Lot 10 into 5 lots, 4 lots for residential use and 1 lot for commercial use (the subject of Coastal Permit Appeal A-4-VNT-07-009 and not the subject of this LCP Amendment) while intending to sell these 13 residential lots as a single cohesive development subject to the same Covenants, Conditions and Restrictions and common areas as a locked gate community within the privatized adjoining portion of Ellice Street. The County's proposed privatization of Ellice Street is not a component of this LCP Amendment, as it is the subject of Coastal Permit Appeal A-4-VNT-07-009. This appeal is scheduled for Commission action at the Commission's April 9-11, 2008 meeting. Crown Point Estates also owns Lot 11 (57 acres) of Tract 4483 (Exhibit 3) which is not a part of this LCP Amendment.

The first component of this amendment involves redesignation of the allowable land uses on Lot 10, which is located in the Solromar area of Ventura County's South Coast Community on the inland side of Pacific Coast Highway, immediately east of Yerba Buena Road. The site is near the boundary between Ventura and Los Angeles

Counties. Lot 10 is basically rectangular in shape bounded by Pacific Coast Highway on the south, Yerba Buena Road on the west, Ellice Street on the north, and existing subdivided residential lots on the east. The site is bisected by a steep slope which cuts a curved contour into the site. Neptune's Net Restaurant and its associated parking area is located on the southwestern portion of the site is at the same elevation as PCH about 30 feet above sea level. The northern and eastern portions of the site are a bluff with an elevation of about 110 feet above sea level at Ellice Street. Lot 10 currently has split land use and zoning designations with the dividing line running diagonally across the site along a former driveway to Camp Joan Mier located just above the steep slope area on the lot.

## **2. Past County and Commission Action on Subject Coastal Permit/Appeal**

Coastal Development Permit No. LU04-0024 was approved by the County on October 10, 2006, for the subdivision of existing Lot 10 of Tract 4483 into a total of 5 lots (1 commercial and 4 residential lots) and the vacation of the County's Right-of-Way for the western portion of Ellice Street. The County's approval of this coastal permit was subsequently appealed to the Commission on January 30, 2007 within 10 working days of receipt of the County's submittal of the Final Action Notice. The Appellants include Eloise Hall and Commissioners Sara Wan and Patrick Kruer. The County's approval of this coastal development permit was based on a determination of its consistency with the County's Local Coastal Program, only if amended pursuant to the pending LCP Amendment that is the subject of this staff report. This related appeal of CDP No. LU04-0024 is scheduled for Commission action at the Commission's April 9, 2008 meeting after the Commission acts on this pending LCP amendment request.

## **C. CONSISTENCY ANALYSIS**

### **1. Coastal Act Policies**

Coastal Act Section 30210 states:

***In 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 owners, and natural resource areas from overuse.***

Coastal Act Section 30211 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.***

Coastal Act Section 30212(a) 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 access 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.***

Coastal Act Section 30213 states:

***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.***

***The Commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.***

Coastal Act Section 30214 states:

***(a) The public access policies of this article 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) It is the intent of the Legislature that the public access policies of this article 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 of this article, the commission and any other responsible public agency 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.***

Section 30222 states:

***The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.***

Section 30250 (c) states:

***(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.***

***(c) Visitor-serving facilities that cannot feasibly be located in existing development areas shall be located in existing isolated developments or at selected points of attraction for visitors.***

## **2. Existing LCP Policies**

Coastal Act Sections 30210, 30211, 30212 (a), 30222 and 30250, as incorporated in the County's certified Local Coastal Program, specifically require that public access and recreational opportunities shall be provided to the maximum extent feasible. In addition, the Ventura County LCP also includes the following Land Use Designations for Commercial uses as follows:

***Commercial: Mainly used for neighborhood commercial uses, but because of certain locations close to beach or other recreational areas some existing use also serve visitor needs. (emphasis added) 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. (Land Use Plan Page 10)***

The Ventura County LCP includes Access Management Policies as follows:

**17. The County will coordinate and supervise programs with other private and public organizations to improve existing access, provide additional access, provide signing, parking, pedestrian and bicycling facilities, and the like. (Land Use Plan Page 7)**

The Ventura County LCP includes an Area Summary for The South Coast addressing Access as follows:

***Most of the coastal recreation areas along this sub-area are accessible from California Highway 1. Some of the inland areas can be reached via mountain roads. Figure 29 is an inventory of access on the South Coast.***

***Constraints to access are diverse. ...***

***The only area of the South Coast with significant development is the Solromar "Existing Community". The area has about 2,800 linear (sp) feet of shoreline, but it is not continuous frontage. The State has purchased two beach areas adjacent to , and within, the "Existing Community" area. These are the Leo Carrillo State Beach extension and the Yerba Buena Beach. Vertical access is not a major problem in this area, or anywhere along the South Coast, but lateral access should be sought between Leo Carrillo and Yerba Buena State Beaches.***

**Objective**

***To maximize access to the South Coast sub-area consistent with private property rights, natural resources and processes, and the Coastal Act; to maintain existing access, and seek new access as funds become available.***

**3. Introduction**

The subject amendment includes changes to both the Coastal Land Use Plan (LUP) and Coastal Zoning Ordinance/Implementation Plan (CZO/IP) portion of its certified Local Coastal Program (LCP), and therefore must be reviewed for consistency with the Chapter 3 policies of the Coastal Act as well as the LUP. The Coastal Act requires the protection of public access to and along the coast, the use of private lands suitable for visitor serving commercial recreation facilities shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry, and the location of visitor-serving facilities in existing isolated developments or at selected points of attraction for visitors for those facilities that cannot feasibly be located in existing development areas.

Additionally the certified LUP contain provisions for visitor serving commercial development and public access. In this case, the proposed amendment to the LCP raises the following consistency issues: public access & recreation, and provision for visitor serving facilities including lower cost visitor and recreational facilities that shall be protected, encouraged, and, where feasible, provided. In addition, developments providing public recreational opportunities are preferred. The proposed LCP

Amendment's consistency with the Coastal Act and existing LCP provisions is detailed below.

#### **4. Coastal Land Use Plan (LUP) Amendment**

##### **a. Visitor Serving Facilities**

The majority of the subject site is designated "Commercial" under the LCP, which allows for commercial uses that serve visitor needs in certain locations close to the beach and other recreation areas (such as the subject site). There are currently a total of 4.21 acres of land on site designated for "Commercial" use and 2.17 acres of land on site designated for "Residential" use on this one 6.38 acre lot, known as Lot 10, of Tract 4483. The proposed change from commercial land use which allows visitor serving land uses to a lower priority residential land use will have an adverse effect on priority visitor serving opportunities in the South Coast Area of Ventura County.

As proposed by the County, the existing Neptune's Net Restaurant (and its associated parking area) is located on 1.36 acres of the subject 6.38 acre lot and will retain the existing Commercial Land Use designation. Thus, the proposed amendment will not result in any change to the allowable uses on the portion of the site where the restaurant facility is located and will not result in any adverse impacts to the existing restaurant. The remaining 2.9 acres of land on site currently designated for "Commercial" use is vacant and will be re-designated to a Residential Land Use designation. This 2.9 acre portion of the subject Lot 10 is located on the landward side of Pacific Coast Highway bounded by Yerba Buena Road to the west and Ellice Street to the north. Neptune's Net is located inland of Pacific Coast Highway and bounded on the west by Yerba Buena Road and is also near County Line Beach, which is managed by the California Department of Parks and Recreation. County Line Beach is a popular active (surfing and wind surfing) and passive recreational sandy beach. Although relatively rural in character, this area is a highly visible, well traveled location that could potentially support some form of commercial and/or recreational development in the future on the subject site. The only other commercially designated land within the South Coast Area of Ventura County is located approximately a 1/2 mile further south on the inland side of Pacific Coast Highway which is now the site of a new Ventura County Fire Station. The re-designation of a 2.9 acre portion of the subject lot from "commercial" to "residential" use would result in only 1.36 acres of "commercial" designated land on site. The retention of Neptune's Net Restaurant protects and preserves the visitor serving component within the existing Commercial land use designation, although with the proposed LCP Amendment, 2.9 acres of existing Commercial land use with the potential to provide for visitor serving commercial and recreational uses would be lost to a lower priority use under the Coastal Act, residential land use.

The County has submitted a Commercial Land Use Feasibility Study dated March 26, 2007 by Dyer Sheehan Group, Inc. for the subject site information which asserts that it is not economically feasible to develop the 2.9 acre portion of the subject 6.38 acre lot with any form of viable commercial development. The report concludes that the site is located in a sparsely populated area in southeast Ventura County with numerous site

constraints, such as topography, regulatory restrictions, such as site access and sewage treatment, and potential environmental issues such as unacceptable levels of traffic and noise. The report further states that visitor-serving commercial and recreational needs of local residents and visitors are being adequately met by existing uses in the market area. The Coastal Act provides that visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential land uses. In this case, re-designation of this 2.9 acre portion of this 6.38 acre lot from “commercial” to “residential” use would result in the provision of a lower priority land use results and the loss of potential future visitor-serving commercial development such as a new or expanded restaurant, overnight accommodations, visitor serving retail and even lower cost visitor-serving uses; all are higher priority land uses, on the site.

Therefore, as submitted, the proposed LCP Amendment land use re-designation from Commercial to Residential is inconsistent with Sections 30210, 30211, 30212, 30213, 30214, 30222, and 30250 and must be denied, as submitted.

In order to find the proposed LCP Amendment consistent with these above sections of the Coastal Act, it must be appropriately mitigated since the proposed land use change would result in the loss of 2.9 acres of land currently designated for commercial use.

The proposed amendment is a project specific request. A corresponding coastal development permit is on appeal to the Commission (A-VNT-07-009, Crown Point Estates) for the subdivision of this existing Lot 10 of Tract 4483 into a total of 5 lots, 1 commercial lot for Neptune’s Net and 4 lots for residential use, and the Street Vacation of Ellice Street. Ideally, the loss of land designated for commercial and potential visitor serving land uses should be offset by re-designating other equivalent land within the County that is currently designated with a low priority land use to a visitor serving land use.

As an alternative, in consultation with Commission and State Parks staff, the applicant for the related Coastal Development Permit A-4-VNT-07-009 (Crown Point Estates) has agreed to provide funding for the construction of eleven (11) new cabins at the nearby Leo Carrillo State Beach Park in order to provide new lower cost visitor serving overnight accommodations and to mitigate for the loss of potential visitor serving uses on the subject site. State parks staff estimates the user fee for the cabins will be approximately \$60.00 per night.

Currently, Leo Carrillo State Beach is developed with existing tent-camping and recreational vehicle facilities only and does not provide for cabin camping facilities. State Parks staff has indicated that they expect that eleven (11) new cabins would serve to substantially increase the public’s recreational opportunities at Leo Carrillo State Beach Park. The construction of the new cabins would not result in the loss of any existing camping facilities. State Parks Staff has estimated the cost to construct the 11 new cabins to be \$557,084 in 2007 dollars. The property owner of Lot 10, Crown Point Estates, has agreed to provide these funds as mitigation through the Coastal Permit Appeal for the subdivision. Therefore, in order to ensure that the proposed amendment

will not result in the loss of visitor serving and recreational opportunities in the Coastal Zone, the Commission is requiring Suggested Modification No. 1 that would require the County to clarify the visitor serving land uses that may be allowed within the Commercial land use designations in areas near the beach or other recreational areas. Suggested Modification No. 2 would require the County to add a new Land Use Plan policy that requires a mitigation fee to mitigate for the loss of the Commercial designated land on Lot 10 of the subject site to provide for the construction of 11 cabins at Leo Carrillo State Beach Park.

Further, the Ventura County LCP does not include Coastal Act Section 30213. Coastal Act Section 30213 requires that lower cost visitor and recreational facilities be protected, encouraged, and where feasible provided. In order for this proposed LCP Amendment to be found consistent with the applicable Coastal Act Policy Sections, it is necessary to add Coastal Act Section 30213 to the Land Use Plan section which identifies the "Summary of Coastal Act Policies". Within this section the Coastal Act Policies listed under "Locating and Planning New Development" shall also include the language of Section 30213. As required by Modification No. 3, the inclusion of Coastal Act Section 30213 is necessary to find the proposed LCP Amendment consistent with the Coastal Act.

#### Conclusion

The proposed amendment, only as modified through the suggested modifications, is consistent with the public access and recreation policies of the Coastal Act, including Section 30213 of the Coastal Act, which requires lower cost visitor and recreational facilities be "*protected, encouraged, and, where feasible, provided.*" In addition, the proposed amendment, as modified through the suggested modifications, would not have an adverse effect on "*visitor-serving commercial recreational facilities*".

#### **b. Public Access/Recreation**

Ventura County's south coast in the vicinity of the subject site includes a State Beach known locally as County Line Beach which is directly accessed from Pacific Coast Highway. Residential land uses in this Solromar are located along the beach to the west and east of County Line State Beach and inland of Pacific Coast Highway along Tonga, Ellice, and Tongareva Streets (Exhibits 4, 7, 8). A new Ventura County Fire Station has been constructed recently east of Tonga Street on the landward side of Pacific Coast Highway. As noted above, Neptune's Net Restaurant, is located inland of Pacific Coast Highway and bounded on the west by Yerba Buena Road and is also opposite County Line Beach. County Line Beach is a popular active (surfing and wind surfing) and passive recreational sandy beach. Public parking is allowed on the seaward side of Pacific Coast Highway, Tonga Street, portions of Ellice Street and Tongareva Street. Ellice Street was extended as part of the subdivision of 11 lots in Tract 4483 approved by Ventura County in 1996 but has not been accepted by Ventura County Public Works Department as a public street, at this time.

There are numerous "No Parking" signs located along the inland side of Pacific Coast Highway opposite County Line State Beach; it is unclear if these signs prohibiting public

parking were installed with the benefit of a coastal permit. Leo Carrillo State Beach Park is located between one half and two miles to the east with about 3.5 square miles of area including 1.5 lineal miles of beach. Public recreational and access opportunities include: swimming, surfing, windsurfing, surf-fishing, picnicking, and beachcombing. On the inland side of Pacific Coast Highway, the Park includes campgrounds for families and groups with recreation vehicle, trailer, and bike campsites, hiking trails, visitor center, picnic areas, restrooms and showers, RV disposal station, summer time camp store, and even Wi-Fi service.

Crown Pointe Estates is the owner of the 11 lots in Tract 4483 proposing to subdivide Lot 10 into 4 residential lots and 1 commercial lot containing Neptune's Net. This subdivision is the subject of Coastal Permit Appeal No. A-VNT-07-009 tentatively scheduled for Commission action at the April 9-11, 2008 meeting. This subdivision is not the subject of this LCP Amendment. Crown Pointe Estates intends to market and sell the residential portions of the existing 9 residential lots and the 4 lots subject to the above appeal (currently Lot 10) as a single cohesive development subject to the same Covenants, Conditions and Restrictions, common areas, and locked gates on the west and east ends of Ellice Street on either side of these 13 residential lots. These lots are located between Yerba Buena Road on the west, Ellice Street on the north, Tonga Street on the east and Pacific Coast Highway on the south. The western extension of Ellice Street to Yerba Buena Road was constructed as part of the subdivision in Tract 4483 as a public street, however, the County has not nor intends to accept the street improvements as a public street. In fact, the County Board of Supervisors approved the vacation (privatization) of Ellice Street in concept on October 10, 2006 in Resolution No. 222 (Exhibit 1). However, the vacation of Ellice Street is not a part of this subject LCP Amendment.

Further, the Ventura County LCP does not include Coastal Act Section 30214. Coastal Act Section 30214 requires that the public access policies 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. In order for this proposed LCP Amendment to be found consistent with the applicable Coastal Act Policy Sections, it is necessary to add Coastal Act Section 30214 to the Land Use Plan section which identifies the "Summary of Coastal Act Policies". Within this section the Coastal Act Policies listed under "Shoreline Access" shall also include the current language of Section 30214. As required by Modification No. 4, the inclusion of Coastal Act Section 30214 is necessary to find the proposed LCP Amendment consistent with the Coastal Act.

**c. New Development**

The second component of the proposed amendment is a change the Land Use Plan and Coastal Area Plan Map for 9 lots located to the southeast of Lot 10 between Pacific Coast Highway and Ellice Street from "Residential Rural" (1 Dwelling Unit/2 Acres) to "Residential Low" (1-2 DU/Acre). This change is necessary to correct an existing inconsistency with the with the certified Zoning ordinance which designates the nine lots

as “Coastal Rural” (1 acre minimum) (Exhibit 6). The redesignation/rezoning of the these 9 parcels to one residential unit for 1 to 2 acres is consistent with the current one-acre size of these 9 lots and therefore would not adversely impact coastal access along the coast and coastal resources. In addition, this amendment will also be consistent with an existing recorded subdivision for the site that was previously approved by the County pursuant to Tract 4483 in 1996 (Exhibits 3 and 5). Thus, this second component of the LCP Amendment, as proposed, is consistent with the Chapter Three policies of the Coastal Act.

## **5. Ventura County Coastal Zoning Ordinance/Implementation Plan**

The Ventura County Coastal Zoning Ordinance (CZO) is the certified component of the County’s Local Coastal Program (LCP). The CZO includes standards for the Coastal Rural zone and the Coastal Commercial zone. The purpose of the Coastal Rural zone (Section 8173.3) is to provide for and maintain a rural residential setting where a variety of agricultural uses are permitted, while surrounding land uses are protected. The purpose of the Coastal Commercial zone (Section 8173-10) is to provide for development of retail and service commercial uses which are intended to be neighborhood-serving or visitor serving.

The first component of this amendment proposes to change the CZO for the 2.9 acre portion of the 6.38 acre Lot 10 from “Coastal Commercial Zone” to “Coastal Rural” (1 acre minimum) for the area outside of the Neptune’s Net Restaurant commercial use as consistent with the changes in the land use designations noted above in the Land Use Plan (Exhibit 5). The existing Neptune’s Net restaurant is located on the 1.36 acres of Lot 10 which will remain designated as a “Coastal Commercial” zone while the other 2.17 acres of Lot 10 will remain Coastal Rural zone (allowing residential development). In addition, the 9 lots adjoining to the southeast of the 5.02 acre portion of Lot 10 are currently designated as Coastal Rural zone and are already consistent with the changes to the LUP proposed as part of this amendment.

In order to find the proposed LCP Amendment consistent with these above sections of the Ventura County LCP as amended with the suggested modifications, it must be appropriately mitigated since the proposed land use change would result in the loss of 2.9 acres of land currently designated for commercial use.

The proposed amendment is a project specific request. A corresponding coastal development permit is on appeal to the Commission (A-VNT-07-009, Crown Point Estates) for the subdivision of this existing Lot 10 of Tract 4483 into a total of 5 lots, 1 commercial lot for Neptune’s Net and 4 lots for residential use, and the Street Vacation of Ellice Street. Ideally, the loss of land designated for commercial and potential visitor serving land uses should be offset by re-designating other equivalent land within the County that is currently designated with a low priority land use to a visitor serving land use.

As an alternative, in consultation with Commission and State Parks staff, the applicant for the related Coastal Development Permit A-4-VNT-07-009 (Crown Point Estates) has

agreed to provide funding for the construction of 11 new cabins at the nearby Leo Carrillo State Beach Park in order to provide new lower cost visitor serving overnight accommodations and to mitigate for the loss of potential visitor serving uses on the subject site. State parks staff estimates the user fee for the cabins will be approximately \$60.00 per night.

Currently, Leo Carrillo State Beach is developed with existing tent-camping and recreational vehicle facilities only and does not provide for cabin camping facilities. State Parks staff has indicated that they expect that eleven (11) new cabins would serve to substantially increase the public's recreational opportunities at Leo Carrillo State Beach Park. The construction of the new cabins would not result in the loss of any existing camping facilities. State Parks Staff has estimated the cost to construct the 11 new cabins to be \$557,084 in 2007 dollars. The property owner of Lot 10, Crown Point Estates, has agreed to provide these funds as mitigation through the Coastal Permit Appeal for the subdivision. Therefore, in order to ensure that the proposed amendment will not result in the loss of visitor serving and recreational opportunities in the Coastal Zone, the Commission is requiring a suggested modification that would implement this alternative in this Coastal Zoning Ordinance of the LCPA. Suggested CZO Modification No. 1 would require that the re-designation of a portion of land, not to exceed 2.9 acres in size, designated Coastal Commercial in the South Coast Area to a residential designation, a change to a lower priority land use designation, must be offset by the Coastal Area Plan (LUP) requirement of 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.

Lastly, in order to carry out the Land Use Plan and Coastal Zoning Ordinance changes noted above, the County must provide revised LCP Land Use Plan text changes and full size Land Use Plan and Zoning Ordinance Maps within 60 days of the final certification of this Amendment to the Commission Staff reflecting the approved changes as required by Land Use Plan Modification No. 5.

For the reasons above, the Commission finds that the proposed IP amendments as submitted are consistent with or adequate to carryout the provisions of LUP Policies with respect to implementation of the rezone in the Coastal Zoning Ordinance.

#### **D. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Local government activities and approvals necessary for the preparation and adoption of a local coastal program ("LCP") are not subject to the California Environmental Quality Act ("CEQA"), Cal. Pub. Res. Code §§ 21000 to 21177. CEQA provides an explicit exemption for such activities in PRC section 21080.9. That section goes on to state that the Commission's certification of the LCP is subject to CEQA, but it then concludes by noting that the Commission's LCP program is the sort of regulatory program that may be certified by the Secretary of Resources, pursuant to PRC section



21080.5, as being the functional equivalent to the EIR process. The Commission's LCP review and approval program has been so certified. Thus, under PRC Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

The proposed amendment is to the County of Ventura's certified Local Coastal Program Land Use Plan and Implementation Ordinance. The Commission originally certified the County of Ventura's Local Coastal Program Land Use Plan and Implementation Ordinance in 1981. For the reasons discussed in this report, the LCP amendment, as submitted is inconsistent with the intent of the applicable policies of the Coastal Act and the certified Land Use Plan. Nevertheless, the Commission is required, in approving an LCP submittal, or, as in this case, an LCP Amendment submittal, to find that the approval of the proposed LCP, as amended, does conform with relevant CEQA provisions, including the requirement in CEQA section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternative or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. 14 C.C.R. §§ 13542(a), 13540(f) and 13555(b). In this particular case, the proposed Amendment is being approved with the necessary suggested modification to ensure that there are no significant impacts to coastal resources if modified as suggested by the local government. Thus, there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse impact on the environment. Therefore, the Commission finds the subject LCP Amendment, modified as suggested, conforms with CEQA provisions.

<p style="text-align:center">Exhibit 1 LCPA 1-2007 Resolution No. 222 Page 1 of 3</p>
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**A RESOLUTION OF THE VENTURA COUNTY  
BOARD OF SUPERVISORS REGARDING  
GENERAL PLAN AMENDMENT GPA 06-1 AND APPLICATION FOR LOCAL  
COASTAL PROGRAM AMENDMENT (CONSISTING OF GPA 06-01, ZONE CHANGE  
ZN04-0002; TENTATIVE TRACT MAP 5457; AND COASTAL DEVELOPMENT  
PERMIT [CONDITIONAL USE PERMIT] LU04-0068)**

WHEREAS, a legally noticed public hearing on General Plan Amendment GPA 06-01, Zone Change ZN04-0002, Tentative Tract Map 5457, and Coastal Development Permit (Conditional Use Permit) LU04-0068 was held by the Planning Commission of Ventura County in Ventura, California, on September 28, 2006;

WHEREAS, the Planning Commission adopted a Resolution recommending the Board of Supervisors take certain actions, a copy of which is attached as Exhibit 25 to the letter to the Board of Supervisors dated October 10, 2006 (the "Board Letter").

WHEREAS, a legally noticed public hearing on this matter was held by the Board of Supervisors of Ventura County at Ventura, California, on October 10, 2006; and

WHEREAS, the Board of Supervisors ("Board") reviewed and considered all written and oral testimony and exhibits, including recommendations of County staff, the Planning Commission and the public on this matter.

WHEREAS, General Plan Amendment GPA 06-01, Zone Change ZN04-0002, Tentative Tract Map 5457, and Coastal Development Permit (Conditional Use Permit) LU04-0068 cannot become effective unless and until the Coastal Commission certifies an amendment to the Local Coastal Program approving General Plan Amendment GPA 06-01 and Zone Change ZN04-0002 ("LCP Amendment"), which must be applied for subsequent to the Board's action on these applications;

WHEREAS, by separate action, the Board adopted an ordinance to the Coastal Zoning Ordinance adopting Zone Change ZN04-0002 (Exhibit 7 to the Board Letter) effective only upon certification by the Coastal Commission of the LCP Amendment;

WHEREAS, by separate action, the Board approved Tentative Tract Map 5457 (Exhibits 8 and 22) subject to the Conditions of Approval set forth in Exhibit 18 to the Board Letter and subject to the certification by the Coastal Commission of the LCP Amendment.

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

1. CERTIFIES that it has read and considered the information contained in the Mitigated Negative Declaration prepared for this project, which is attached to the Board Letter as Exhibit 19 ("MND") and has considered the comments received during the public review process; and
  2. FINDS, on the basis of the of the entire record (including the Initial Study and any comments received), that if the mitigation measures recommended in
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Board of Supervisors  
Resolution 222 (GPA05-1)  
May 3, 2005  
Page 2 of 3

the MND and agreed to by the applicant are adopted, and if the Mitigation Monitoring Program provided in the Conditions of Approval for Tentative Tract Map No. 5457/Conditional Use Permit No. CUP-LU04-0068 is adopted, there is no substantial evidence that the project will have a significant effect on the environment; and

3. FINDS, on the basis of the of the entire record (including the Initial Study and any comments received), that the MND reflects the independent judgment and analysis of the County; and
4. APPROVES and ADOPTS the MND and the Mitigation Monitoring Program set forth in the Conditions 16, 17 and 19 of the Conditions of Approval (Exhibit "18" to the Board Letter); and
5. FINDS based on the evidence presented in the Planning Commission Staff Report (Exhibit 1 to the Board Letter), the Board Letter and the public hearings held on September 28, 2006 and October 10, 2006, that General Plan Amendment No. GPA-06-1 as set forth in Exhibits 5 and 6 to the Board Letter is deemed to be in the public interest and general welfare, and good planning practice as per section 65358 of the Government Code; and
6. ADOPTS General Plan Amendment No. GPA-06-1, subject to certification by the California Coastal Commission of the LCP Amendment; and
7. APPROVES, in concept, the vacation of Ellice St. in accordance with Exhibit "9" – Vacation Map contained in the Board Letter dated October 10, 2006; and
8. DESIGNATES the Planning Director and the Resource Management Agency (Hall of Administration, 800 South Victoria Avenue, Ventura, CA) as the custodian and location of the record of proceedings.
9. AUTHORIZES the filing of the required LCP Amendment, consistent with this Resolution, with the California Coastal Commission; and
10. DIRECTS Staff to carry out the LCP Amendment in accordance with the Coastal Act; and
11. DETERMINES that the LCP Amendment shall become effective on the date it is certified by the California Coastal Commission; and

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Board of Supervisors  
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Upon motion of Supervisor Hynn, seconded by Supervisor Mikels, duly carried, the foregoing Resolution was passed and adopted on this 10th day of October, 2006.

Linda Park  
Chair, Board of Supervisors

ATTEST: JOHN F. JOHNSTON,  
Clerk of the Board of Supervisors,  
County of Ventura, State of California

By Gene de La Torre  
Deputy County Clerk



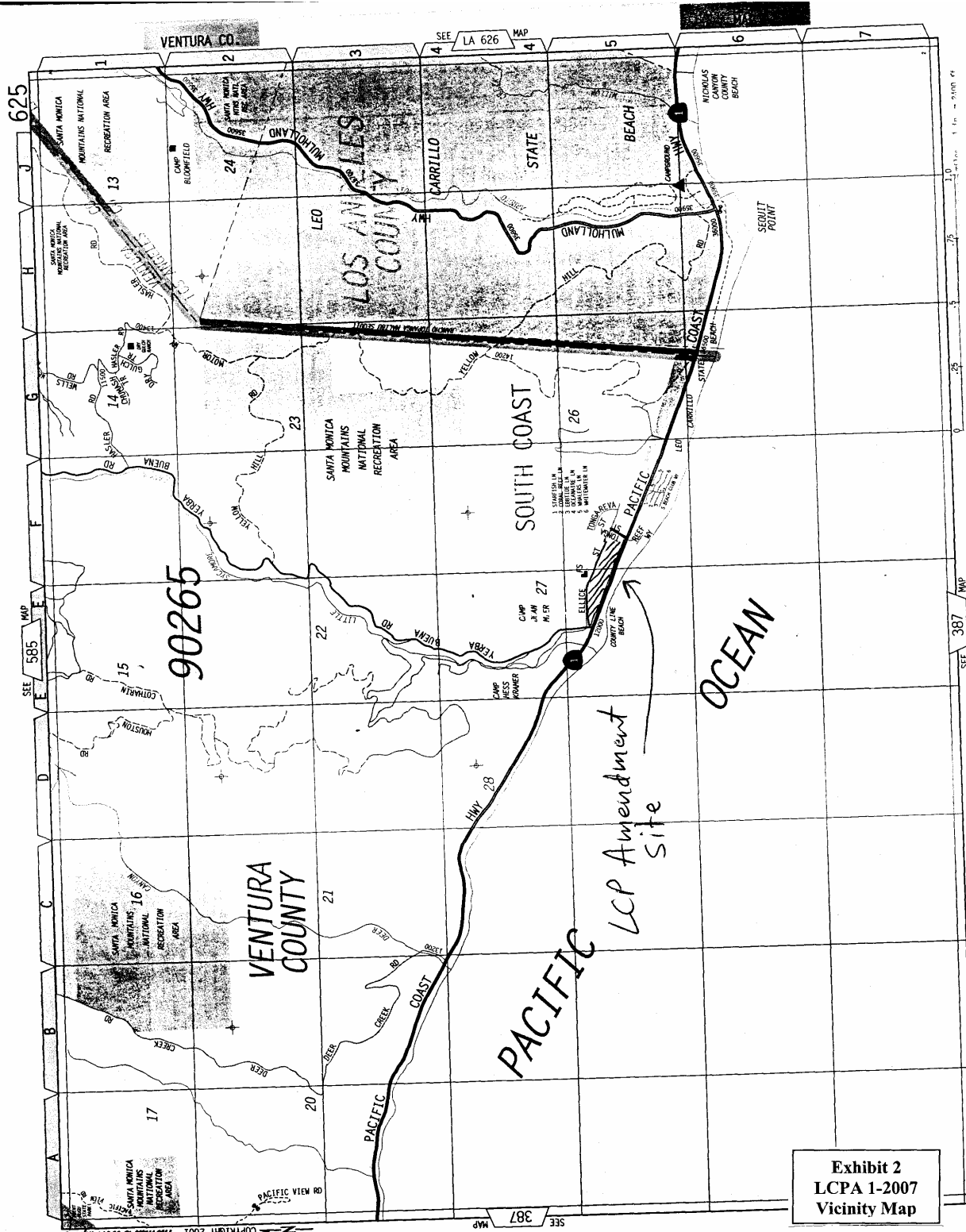
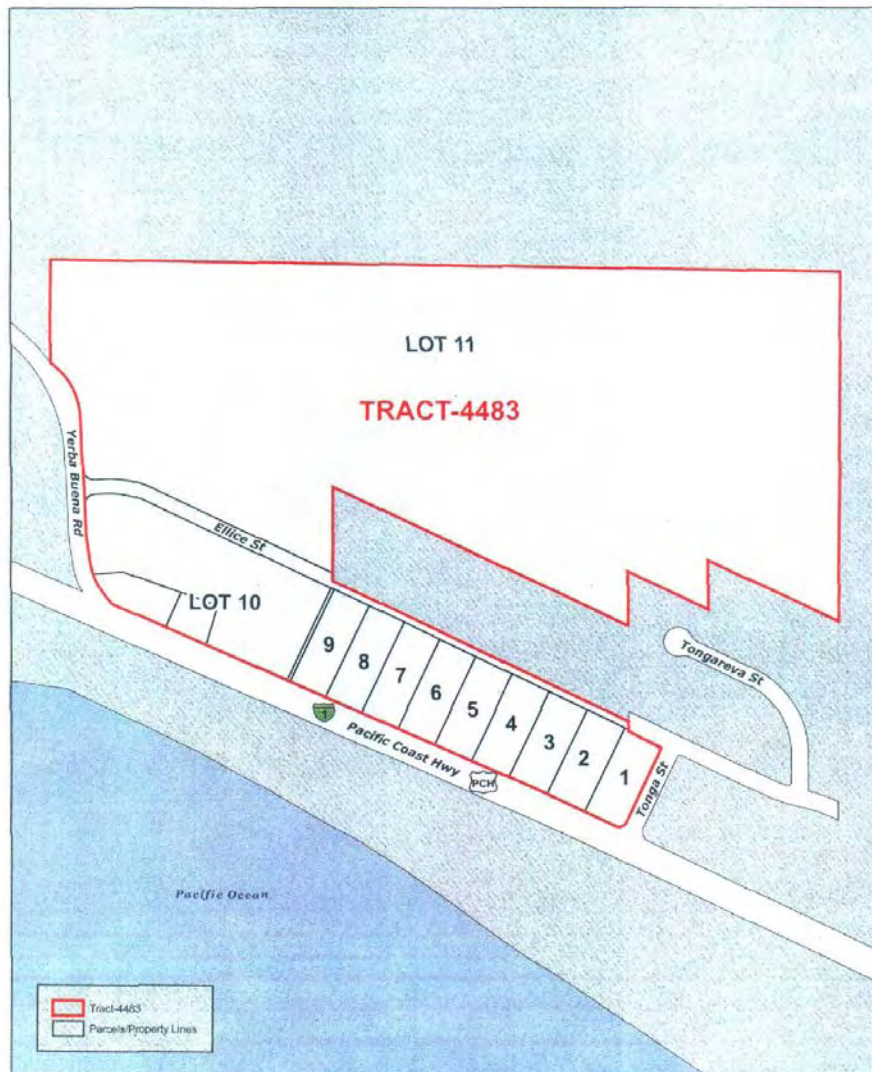


Exhibit 2  
 LCPA 1-2007  
 Vicinity Map



Ventura County  
Resource Management Agency  
GIS Development & Mapping Services  
10/20/2006



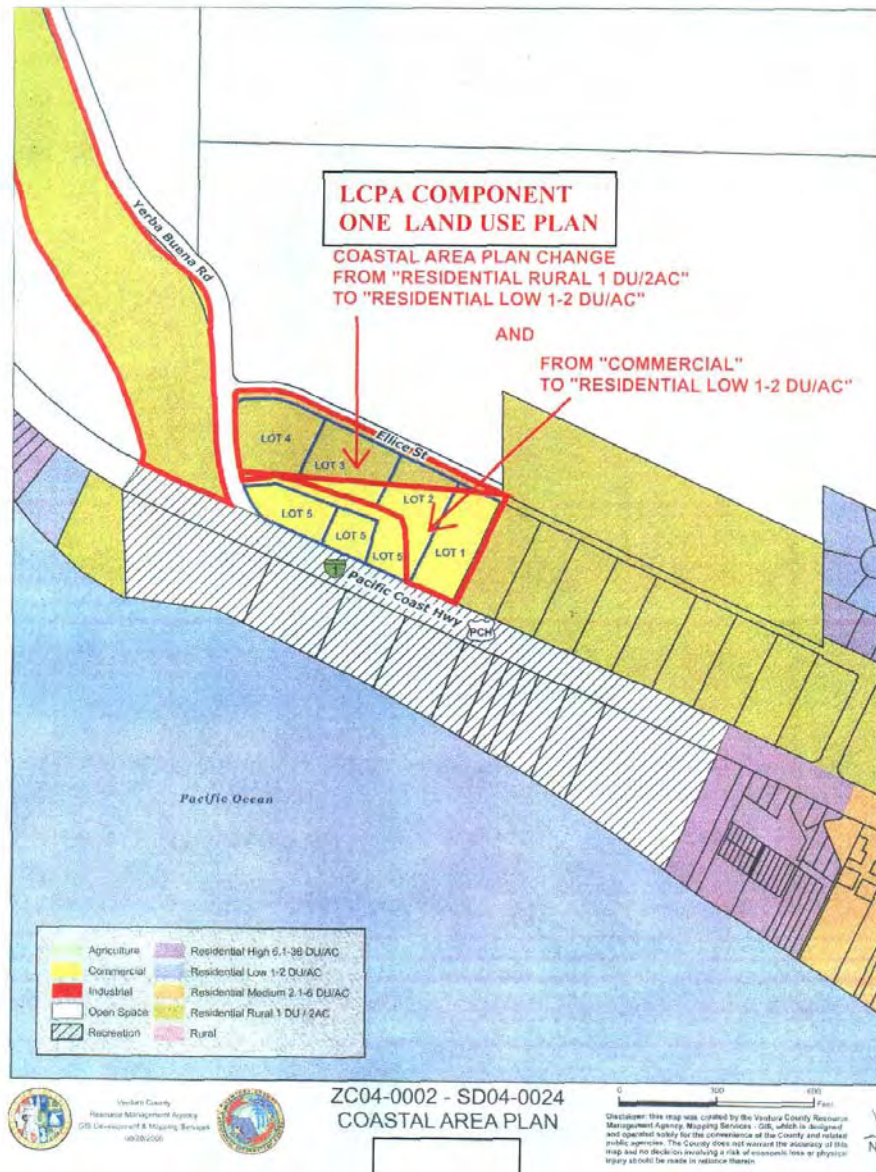
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TRACT-4483 & PARCELS

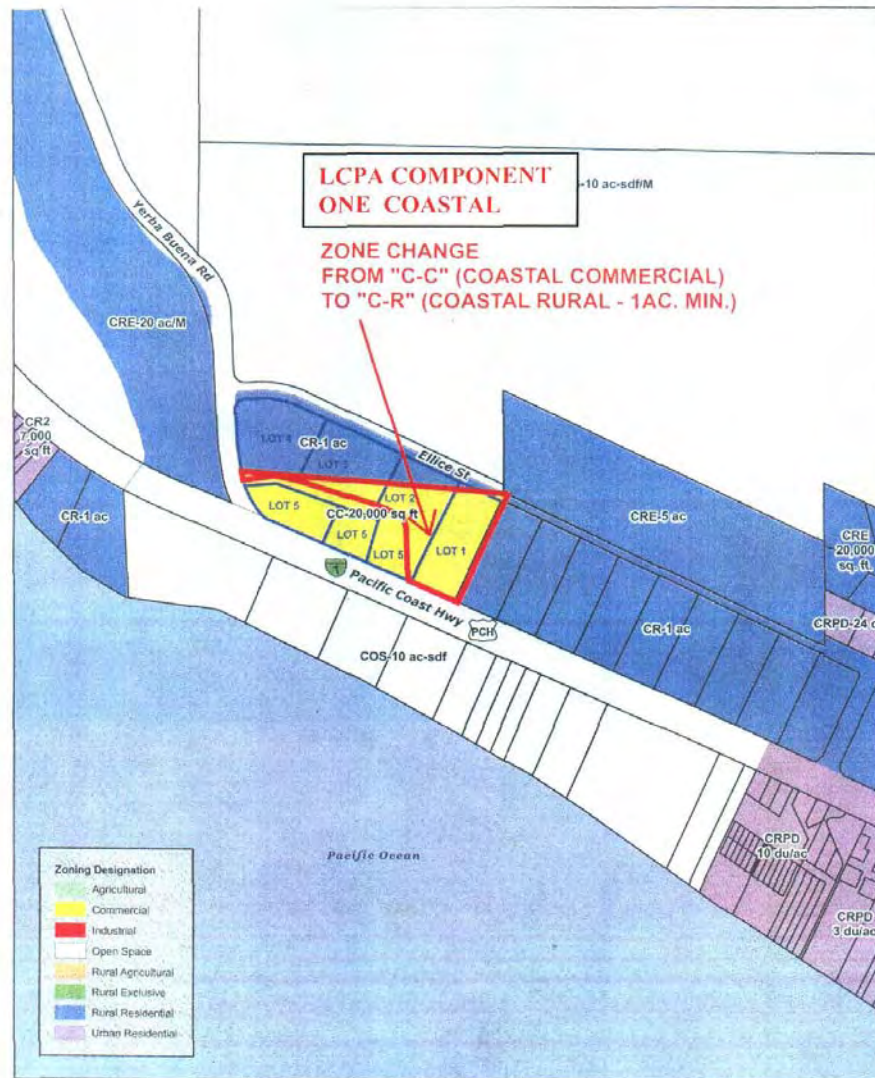
EXHIBIT 3

Disclaimer: This map was created by the Ventura County Resource Management Agency, Mapping Services - GIS, which is designed and operated solely for the convenience of the County and related public agencies. The County does not warrant the accuracy of this map and no decision involving a risk or economic loss or physical injury should be made in reliance thereon.

Exhibit 3  
LCPA 1-2007  
Existing  
Tract 4483







Ventura County  
 Board of Supervisors  
 3155 Emmons Avenue, Suite 100  
 Ventura, CA 93003



ZC04-0002 - SD04-0024  
**ZONING DESIGNATION**

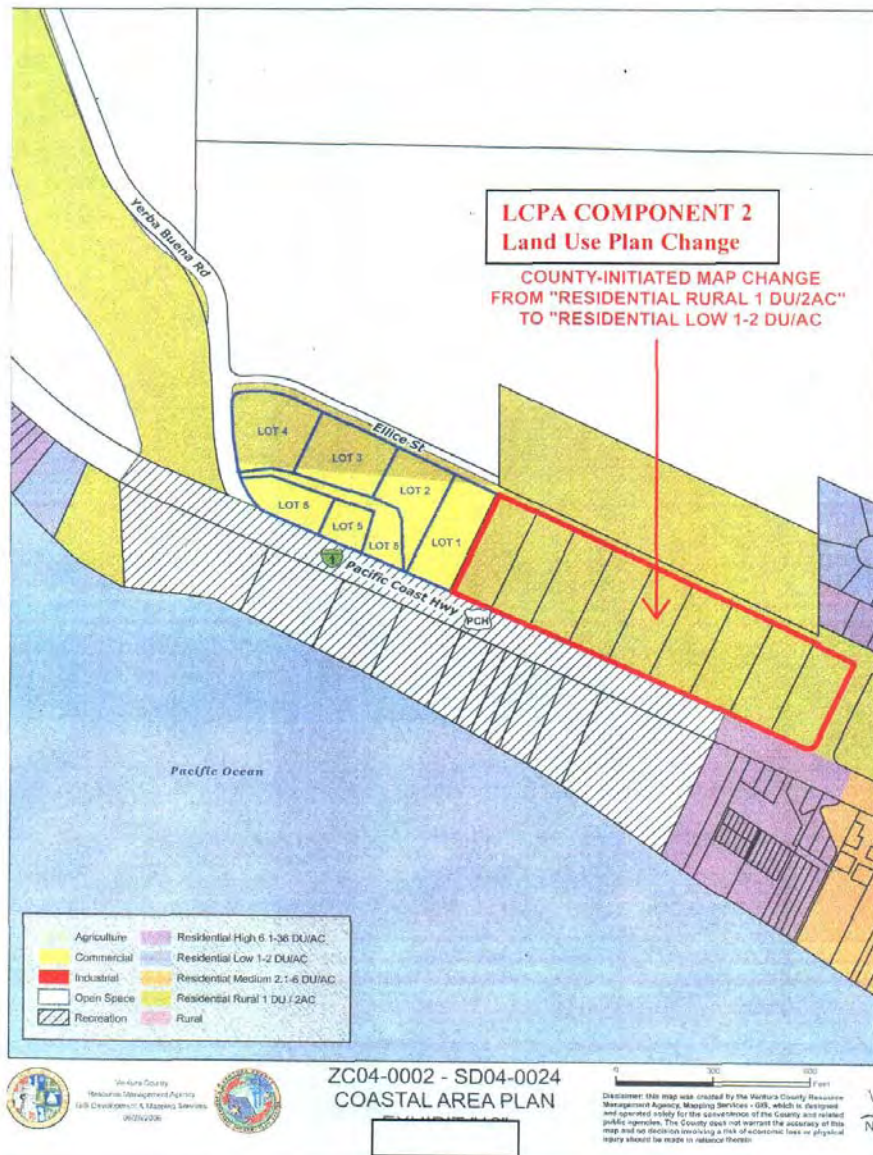


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**Exhibit 5**  
**LCPA 1-2007**  
**Coastal Zone**  
**Change**





**Exhibit 6**  
**LCPA 1-2007**  
**Land Use**  
**Plan Change**







Exhibit 8  
LCPA 1-2007  
Aerial 2007